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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Thursday, January 21, 1971*

The 21st day of January being the day prescribed by Public Law No. 643, 91st Congress, second session, for the meeting of the first session of the 92d Congress, the Senate assembled in its Chamber at the Capitol.

The VICE PRESIDENT called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, we thank Thee for Thy providential care over us in times past. We rejoice in Thy truth which has instructed us, in Thy love which has enfolded us, and in Thy pervading spirit which has strengthened and inspired us.

O Lord, give Thy grace and wisdom to all who serve in the Government of this Nation. May the new Congress in this new year lay hold upon the fresh opportunities for generating constructive programs and for bringing to all the spirit of reconciliation and concord. Endow all who serve Thee in this place with nobility of character, a fervent patriotism, and the spirit of the servant. Be especially near to those who in this Chamber assume solemn vows to serve Thee and the people of this land that in days to come they may go from strength to strength.

And finally, Thou God of our fathers and our God, make this Nation not only a citadel of material strength and military might but a great bastion of moral and spiritual power for the welfare of all mankind.

In the Redeemer's name we pray. Amen.

ELECTION CERTIFICATES AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the credentials of 33 Senators elected for 6-year terms beginning January 3, 1971.

All certificates, the Chair is advised, are in the form suggested by the Senate, except the ones from Pennsylvania and Massachusetts which use the word "Commonwealth" instead of "State," and five others in various State forms.

If there be no objection, the reading of the 28 certificates in the form recommended by the Senate will be waived and they will be printed in full in the RECORD.

There being no objection, the certificates and credentials were ordered to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, 1970, J. Glenn Beall, Jr. was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3d day of January, 1971.

Witness: His Excellency our Governor, Marvin Mandel, and our seal hereto affixed at the City of Annapolis, this 1st day of December, in the Year of Our Lord, One Thousand, Nine Hundred and Seventy.

MARVIN MANDEL,
Governor.
BLAIR LEE III,
Secretary of State.

AUSTIN, TEX.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November, 1970 Lloyd Bentsen was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, nineteen hundred and seventy-one.

Witness: His excellency our Governor of Texas, and our seal hereto affixed at Austin, Texas, this the 20th day of November, in the year of our Lord nineteen hundred and seventy.

PRESTON SMITH,
Governor of Texas.

By the Governor:

MARTIN DIES, JR.,
Secretary of State.

NASHVILLE, TENN.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, 1970, William E. Brock, III, was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1970.

Witness: His excellency our governor, Buford Ellington, and our seal hereto affixed at Nashville, this 25th day of November, in the year of our Lord 1970.

BUFORD ELLINGTON,
Governor.
JOE C. CARR,
Secretary of State.

STATE OF NEW YORK,
Executive Chamber.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the third day of November, 1970, James L. Buckley was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1971.

Witness: His excellency our governor, Nelson A. Rockefeller, and our seal hereto affixed at Albany this twenty-eighth day of December, in the year of our Lord one thousand nine hundred and seventy.

By the Governor:

NELSON A. ROCKEFELLER,
Governor.
JOHN P. LOMENZO,
Secretary of State.

STATE OF NORTH DAKOTA,
Executive Office.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, 1970, the honorable Quentin N. Burdick was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

Witness: His excellency our Governor William L. Guy, and our seal hereto affixed at Bismarck this 17th day of November, in the year of our Lord 1970.

By the Governor:

WILLIAM L. GUY,
Governor.

Attest:

BEN MEIER,
Secretary of State.

STATE OF WEST VIRGINIA,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, 1970, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

Witness: His excellency our Governor Arch A. Moore, Jr., and our seal hereto affixed at Charleston, West Virginia, this 29th day of December, in the year of our Lord 1970.

By the governor:

ARCH A. MOORE, JR.,
Governor.
JOHN D. ROCKEFELLER IV,
Secretary of State.

COMMONWEALTH OF VIRGINIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November. nineteen hundred and seventy Harry F. Byrd, Jr. was duly chosen by the qualified electors of the State of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-one.

In testimony whereof the Governor of Virginia hath hereunto signed his name and affixed the Lesser Seal of the Commonwealth at Richmond this 23rd day of November in the year of our Lord one thousand nine hundred and seventy and in the one hundred and ninety-fifth year of the Commonwealth.

By the Governor:

Linwood Holton,
Governor.
——— ———,
Secretary of the Commonwealth.

Tallahassee, Fla.

To the President of the Senate of the United States:

This is to certify that on the third day of November, A.D., 1970, Lawton Chiles was duly chosen by the qualified electors of the State of Florida, a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, A.D., 1971.

Witness: His Excellency our Governor, Claude R. Kirk, Jr., and our Seal hereto affixed at Tallahassee, this twelfth day of November, A.D., 1970.

By the Governor:

Claude R. Kirk, Jr.,
Governor.
Tom Adams,
Secretary of State.

Honolulu, Hawaii.

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1970, Hiram L. Fong was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1971.

Witness: His excellency our Governor John A. Burns, and our seal hereto affixed at the State Capitol this fourth day of December, in the year of our Lord 1970.

By the Governor:

John A. Burns,
Governor.
Thomas P. Gill,
Lieutenant Governor.

State of Michigan,
Executive Office.

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1970, Philip A. Hart was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1971.

Witness: His excellency our Governor, William G. Milliken, and our seal hereto affixed at Lansing this tenth day of December, in the year of our Lord 1970.

By the Governor:

William G. Milliken,
Governor.
James M. Hare,
Secretary of State.

State of Nebraska.

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1970, Roman L. Hruska (R), was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1971.

Witness: His excellency our governor Norbert T. Tiemann, and our seal hereto affixed at Lincoln this 30th day of November in the year of our Lord, 1970.

Norbert T. Tiemann,
Governor.
Frank Marsh,
Secretary of State.

State of Minnesota,
Executive Department.

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1970, Hubert H. Humphrey was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1970.

Witness: His excellency our Governor Harold LeVander, and our seal hereto affixed at St. Paul, Minnesota, this 30th day of November, in the year of our Lord 1970.

By the Governor:

Harold LeVander,
Governor.
Joseph L. Donovan,
Secretary of State.

State of Washington,
Office of the Governor.

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and seventy, Henry M. Jackson was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, ninteen hundred and seventy-one.

In witness whereof, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this twenty-third day of December, A.D. nineteen hundred and seventy.

By the Governor:

Daniel J. Evans,
Governor.
A. Ludlow Kramer,
Secretary of State.

The Commonwealth of
Massachusetts.

To the President of the Senate of the United States:

This is to certify that on the third day of November, nineteen hundred and seventy, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-one.

Witness: His Honor the Lieutenant Governor Our Acting Governor, and our seal hereto affixed at Boston, this second day of December, in the year of Our Lord nineteen hundred and seventy.

By His Honor the Lieutenant Governor, Acting Governor:

Francis Dargent,
Lieutenant Governor.
John F. X. Davoren,
Secretary of the Commonwealth.

State of Montana,

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1970, Mike Mansfield was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1971.

Witness: His excellency our governor Forrest H. Anderson, and our seal hereto affixed at the Capital, Helena, Montana, this eighteenth day of November, in the year of our lord 1970.

By the governor:

Forrest H. Anderson,
Governor.
Frank Murray,
Secretary of State.

Cheyenne, Wyo.

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1970, Gale McGee was duly chosen by the qualified electors of the State of Wyoming a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

Witness: His excellency our governor Stanley K. Hathaway, and our seal hereto affixed at Cheyenne, Wyoming, this 3rd day of December, in the year of our Lord 1970.

Stanley K. Hathaway,
Governor.
Thysen Thomason,
Secretary of State.

Santa Fe, N. Mex.

To the President of the Senate of the United States:

This is to certify that on the 3d day of November, 1970, Joseph M. Montoya was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1971.

Witness: His excellency our governor David F. Cargo, and our seal hereto affixed at Santa Fe, N.M., this 18th day of Nov., in the year of our Lord 1970.

By the governor:

David F. Cargo,
Governor.
Ernestine D. Evans,
Secretary of State.

State of Utah,
Executive Department.

To the President of the Senate of the United States:

This is to certify that on the Third day of November, Nineteen Hundred and Seventy, Frank E. Moss was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Fourth day of January, 1971.

Witness: His excellency our governor, and our seal hereto affixed at Salt Lake City, Utah this First day of December, in the year of our Lord 1970.

Calvin L. Rampton,
Governor.
Clyde L. Miller,
Secretary of State.

State of Rhode Island and
Providence Plantations,
Executive Chamber, Providence.

To the President of the Senate of the United States:

This is to certify that on the third day of November, 1970, John O. Pastore was duly chosen by the qualified electors of the State of Rhode Island a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1971.

Witness: His excellency our governor, Frank Licht, and our seal hereto affixed at Providence this twelfth day of November, in the year of our Lord 1970.

By the governor:

Frank Licht,
Governor.

State of Vermont.

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November 1970 Winston L. Prouty was duly chosen by the qualified Electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1971.

Witness: His Excellency our Governor Deane C. Davis and our seal hereto affixed at

Montpelier, Vermont, this 17th day of November in the year of Our Lord 1970.

DEANE C. DAVIS,
Governor.

STATE OF WISCONSIN,

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the Third day of November, nineteen hundred and seventy, William Proxmire was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, commencing on the Third day of January, A.D., 1971.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol, in the City of Madison, this 23rd day of November, in the year of our Lord one thousand nine hundred and seventy.

JACK B. OLSON,
Acting Governor.

COMMONWEALTH OF PENNSYLVANIA,
Governor's Office.

To the PREDIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the third day of November 1970, Hugh Scott was duly chosen by the qualified electors of the Commonwealth of Pennsylvania a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1971.

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this twenty-fifth day of November, in the year of our Lord, one thousand nine hundred and seventy and of the Commonwealth the one hundred and ninety-fifth.

RAYMOND P. SHAFER,
Governor.

MISSISSIPPI EXECUTIVE DEPARTMENT,
Jackson.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, A.D., 1970, John C. Stennis was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1971.

Witness: His excellency our governor John Bell Williams, and our seal hereto affixed at Jackson, this 9th day of November, in the year of our Lord, 1970.

JOHN BELL WILLIAMS,
Governor.

STATE OF MISSOURI,
Executive Office.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the Third day of November, 1970, Stuart Symington was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d of January, 1971.

Witness: His excellency, our governor Warren E. Hearnes, and our seal hereto affixed at Jefferson City, Missouri, this Fifteenth day of December, in the year of our Lord 1970.

By the governor:

WARREN E. HEARNES,
Governor.

Attest:

JAMES C. KIRKPATRICK,
Secretary of State.

STATE OF OHIO.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the third day of November, 1970, Robert Taft, Jr. was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1971.

Witness: His Excellency our Governor James A. Rhodes, and our Seal hereto affixed at Columbus, Ohio, this Eleventh day of December, in the year of Our Lord nineteen hundred seventy.

By the Governor:

JAMES A. RHODES,
Governor.

TED W. BROWN,
Secretary of State.

STATE OF CALIFORNIA,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the third day of November, 1970, John V. Tunney was duly chosen by the qualified electors of the State of California as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

In Witness Whereof, I have set my hand and caused the Great Seal of the State of California to be affixed hereto this 22nd day of December, 1970.

RONALD REAGAN,
Governor.

Attest:

H. P. SULLIVAN,
Secretary of State.

STATE OF CONNECTICUT,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the third day of November, nineteen hundred and seventy, Lowell P. Weicker, Jr., was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and seventy-one.

Witness: His Excellency our Governor, John Dempsey, and our seal hereto affixed at Hartford, this twenty-fifth day of November, in the year of our Lord nineteen hundred and seventy.

JOHN DEMPSEY,
Governor.

ELLA T. GRASSO,
Secretary of the State.

STATE OF NEW JERSEY.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3rd day of November, 1970, Harrison A. Williams, Jr., was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

Witness: His Excellency our Governor William T. Cahill, and our Seal hereto affixed at Trenton, this 1st day of December, in the year of our Lord 1970.

By the Governor:

WILLIAM T. CAHILL,
Governor.

PAUL J. SHERWIN,
Secretary of State.

The VICE PRESIDENT. The Chair directs the clerk to read the five certificates in accordance with the forms of the States from which they came, for the information of the Senate.

The legislative clerk read the following five certificates:

STATE OF NEVADA,
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that at a general election held in the State of Nevada on Tuesday, the third day of November, nineteen hundred and seventy, Howard W. Cannon was duly elected by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the third day of January, nineteen hundred and seventy-one, having received the highest number of votes cast for said office at said election, as appears by the certificate of the duly constituted and qualified Board of Canvassers now on file in the office of the Secretary of State at Carson City, Nevada.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of State to be affixed at Carson City, this tenth day of December, in the year of our Lord one thousand nine hundred and seventy.

By the Governor:

PAUL LAXALT,
Governor.

JOHN KOONTZ,
Secretary of State.

STATE OF ARIZONA,
Office of the Secretary.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

I, Wesley Bolin, Secretary of State do hereby certify that on the 3rd day of November, 1970, Paul Fannin was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1971.

Witness: His Excellency our Governor.

JACK WILLIAMS.

In witness whereof I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at Phoenix, the capital, this 27th day of November A.D. 1970.

WESLEY BOLIND,
Secretary of State.

THE STATE OF INDIANA,
Office of the Governor.

To all who shall see these presents, Greetings:

Know ye, that R. Vance Hartke, having been duly elected to the office of United States Senator within and for the State of Indiana, I therefore in the name and by the authority of the State of Indiana do hereby commission him United States Senator, State of Indiana, and do authorize and empower him to execute and fulfill the duties of that office according to law. To have and to hold the said office with all the rights and emoluments thereto legally pertaining for his elective term and until his successor shall have been duly elected and qualified.

In testimony whereof, I hereto set my hand and cause to be affixed the Great Seal of State. Done at the City of Indianapolis, this 3rd day of December in the year of our Lord 1970 and of the Independence of the United States.

By the Governor:

EDGAR D. WHITCOMB,
LARRY CONRAD,
Secretary of State.

STATE OF MAINE.

To all who shall see these Presents, Greetings:

Know ye, that Edmund S. Muskie of Waterville, in the County of Kennebec, on the third day of November, in the year of our

Lord, One Thousand Nine Hundred and Seventy, was chosen by the electors of this State, a United States Senator to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, nineteen hundred and seventy-one.

In testimony whereof, I have caused the Seal of State to be hereunto affixed. Given under my hand at Augusta, the eighteenth day of November in the year of our Lord one thousand nine hundred and seventy, and in the one hundred and ninety-fifth year of the Independence of the United States of America.

By the Governor:

Joseph T. Edgar,
Secretary of State.

THE STATE OF DELAWARE.

To the President of the Senate of the United States:

Be it known, An election was held in the State of Delaware, on Tuesday, the third day of November, in the year of our Lord one thousand nine hundred and seventy that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States

Whereas, The official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found William V. Roth, Jr. to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and Seventy-One

I, Russell W. Peterson Governor, do, therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said William V. Roth, Jr. the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and seventy-one

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 27th day of November in the year of our Lord one thousand nine hundred and seventy and in the year of the Independence of the United States of America the one hundred and ninety-fifth

By the Governor:

Russell W. Peterson.
Eugene Bunting,
Secretary of State.

ADMINISTRATION OF OATHS

The VICE PRESIDENT. The Senators to be sworn in will present themselves at the desk in groups of four, as their names are called by the clerk in alphabetical order.

The clerk will call the names.

The legislative clerk called the names of Mr. Beall, Mr. Bentsen, Mr. Brock, and Mr. Buckley.

These Senators, escorted by Mr. Mathias, Mr. Tower, Mr. Baker, and Mr. Javits, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Burdick, Mr. Byrd of Virginia, Mr. Byrd of West Virginia, and Mr. Cannon.

These Senators, escorted by Mr. Young, of North Dakota, Mr. Spong, Mr. Randolph, and Mr. Bible, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Chiles, Mr. Fannin, Mr. Fong, and Mr. Hart.

These Senators, escorted by Mr. Gurney, Mr. Goldwater, Mr. Allott, and Mr. Griffin, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Hartke, Mr. Hruska, Mr. Humphrey, and Mr. Jackson.

Mr. CURTIS. Mr. President, I ask unanimous consent that the oath may be administered to Mr. Hartke, of Indiana, without prejudice to the outcome of an appeal pending in the Supreme Court of the United States, and without prejudice to the outcome of any recount that the Supreme Court might order; and I further ask unanimous consent that a letter setting forth the details be printed in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Indianapolis, Ind.,
January 15, 1971.

Re statement on status of Roudebush vs. Hartke contest for U.S. Senate in Indiana.

Senator Carl Curtis,
Senate Office Building,
Washington, D.C.

Dear Senator: Following the tabulation of votes cast for the United States Senate race on November 3, 1970, the unofficial tabulation indicated that out of more than 1.7 million votes, Senator Hartke was the leader by 4,283 votes.

Information obtained from various counties throughout the State of Indiana indicated that there may have been a large number of erroneous votes cast. Congressman Roudebush pursued the remedy set out by Indiana Statute (Burns Indiana Statutes 29–5401) and requested his right to a recount in eleven Indiana Counties. Senator Hartke filed motions to dismiss the Recount petitions in each of the eleven counties, on the premise that a recount is in violation of Article I, Section 5, of the United States Constitution.

Congressman Roudebush filed motions in opposition to the motions to dismiss. The first two courts to hear the motions to dismiss (a Republican Judge in Marion County and a Democrat Judge in Lake County) found in favor of Roudebush and ordered the recount to begin.

Senator Hartke then went to the Federal Courts (U.S. District Court, Southern District of Indiana, Cause No. IP 70–C–694) asking for injunctive relief. Judge S. Hugh Dillin granted an interlocutory injunction preventing the recount from proceeding. A three Judge panel was named (two Democrats–one Republican) and a hearing held on December 17, 1970. The Federal 3 Judge panel, by a 2 to 1 vote, issued a restraining order preventing the recount. The Attorney General of Indiana had also opposed the restraining order on behalf of the citizens of Indiana.

Both the Attorney General of Indiana and Congressman Roudebush petitioned the Supreme Court of the United States to stay the injunction pending appeal. Justice Thurgood Marshall refused both petitions. Senator Hartke's answer to the above petitions was that to stay the injunction would do him irreparable harm.

A full appeal has now been filed in the Supreme Court of the United States. The case is pending and waiting the filing of pleadings by Senator Hartke. It is our contention that the election is not over until we have a recount, or the Supreme Court tells us that we cannot have a recount. The other factor would be the unconditional seating of Senator Hartke.

I am enclosing a copy of the Jurisdictional statement filed with the Supreme Court. It sets out the Indiana Statute pertaining to recount. The Indiana Statute does not question the Senate's right to judge the qualifications of its members, nor is the Judiciary attempting to meddle in legislative affairs. A recount is a ministerial function only—to make sure the vote count is correct. It would be difficult for the Senate to judge the election returns, if a recount is not conducted.

For all of the above reasons, we are hopeful that if Senator Hartke is seated, it will be conditioned upon the outcome of the appeal pending in the Supreme Court of the United States, and the recount, should we be allowed to conduct it. It is our belief that Congressman Roudebush was elected on November 3, 1970, and that a recount will verify his election as U.S. Senator.

Thank you for all of your assistance in this matter. Should you have any further questions, please call me.

Sincerely,

Gordon K. Durnil,
Campaign Coordinator

These Senators, escorted by Mr. Bayh, Mr. Curtis, Mr. Mondale, and Mr. Inouye, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Kennedy, Mr. Mansfield, Mr. McGee, and Mr. Montoya.

These Senators, escorted by Mr. Brooke, Mr. Metcalf, Mr. Hansen, and Mr. Anderson, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Moss, Mr. Muskie, Mr. Pastore, and Mr. Prouty.

These Senators, escorted by Mr. Bennett, Mrs. Smith, Mr. Pell, and Mr. Aiken, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. Proxmire, Mr. Roth, Mr. Scott, and Mr. Stennis.

These Senators, escorted by Mr. NELSON, Mr. BOGGS, Mr. SCHWEIKER, and Mr. EASTLAND, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

The legislative clerk called the names of Mr. SYMINGTON, Mr. TAFT, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS.

These Senators, escorted by Mr. EAGLETON, Mr. SAXBE, Mr. CRANSTON, Mr. RIBICOFF, and Mr. CASE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the official oath book.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 1 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON) is necessarily absent.

I also announce that the Senator from Georgia (Mr. RUSSELL) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—John Sparkman and James B. Allen.

Alaska.—Ted Stevens and Mike Gravel.

Arizona.—Paul J. Fannin and Barry Goldwater.

Arkansas.—John L. McClellan and J. W. Fulbright.

California.—Alan Cranston and John V. Tunney.

Colorado.—Gordon Allott and Peter H. Dominick.

Connecticut.—Abraham Ribicoff and Lowell P. Weicker, Jr.

Delaware.—J. Caleb Boggs and William V. Roth, Jr.

Florida.—Edward J. Gurney and Lawton Chiles.

Georgia.—Richard B. Russell and Herman E. Talmadge.

Hawaii.—Hiram L. Fong and Daniel K. Inouye.

Idaho.—Frank Church and Len B. Jordan.

Illinois. —Charles H. Percy and Adlai E. Stevenson III.

Indiana.—Vance Hartke and Birch Bayh.

Iowa.—Jack Miller and Harold E. Hughes.

Kansas.—James B. Pearson and Robert Dole.

Kentucky.—John Sherman Cooper and Marlow W. Cook.

Louisiana.—Allen J. Ellender and Russel B. Long.

Maine.—Margaret Chase Smith and Edmund S. Muskie.

Maryland.—Charles McC. Mathias, Jr. and J. Glenn Beall, Jr.

Massachusetts.—Edward M. Kennedy and Edward W. Brooke.

Michigan.—Philip A. Hart and Robert P. Griffin.

Minnesota.—Walter F. Mondale and Hubert H. Humphrey.

Mississippi.—James O. Eastland and John C. Stennis.

Missouri.—Stuart Symington and Thomas F. Eagleton.

Montana.—Mike Mansfield and Lee Metcalf.

Nebraska.—Roman L. Hruska and Carl T. Curtis.

Nevada.—Alan Bible and Howard W. Cannon.

New Hampshire.—Norris Cotton and Thomas J. McIntyre.

New Jersey.—Clifford P. Case and Harrison A. Williams, Jr.

New Mexico.—Clinton P. Anderson and Joseph M. Montoya.

New York.—Jacob K. Javits and James L. Buckley.

North Carolina.—Sam J. Ervin, Jr. and B. Everett Jordan.

North Dakota.—Milton R. Young and Quentin N. Burdick.

Ohio.—William B. Saxbe and Robert Taft, Jr.

Oklahoma.—Fred R. Harris and Henry Bellmon.

Oregon.—Mark O. Hatfield and Robert W. Packwood.

Pennsylvania.—Hugh Scott and Richard S. Schweiker.

Rhode Island.—John O. Pastore and Claiborne Pell.

South Carolina.—Strom Thurmond and Ernest F. Hollings.

South Dakota.—Karl E. Mundt and George McGovern.

Tennessee.—Howard H. Baker, Jr. and Bill Brock.

Texas.—John G. Tower and Lloyd Bentsen.

Utah.—Wallace F. Bennett and Frank E. Moss.

Vermont.—George D. Aiken and Winston L. Prouty.

Virginia.—Harry F. Byrd, Jr. and William B. Spong, Jr.

Washington.—Warren G. Magnuson and Henry M. Jackson.

West Virginia.—Jennings Randolph and Robert C. Byrd.

Wisconsin.—William Proxmire and Gaylord Nelson.

Wyoming.—Gale W. McGee and Clifford P. Hansen.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD submitted the following resolution (S. Res. 1), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. In accordance with the resolution, the Chair appoints the majority leader, the Senator from Montana (Mr. MANSFIELD), and the minority leader, the Senator from Pennsylvania (Mr. SCOTT), as members of the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. SCOTT submitted the following resolution (S. Res. 2), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOUR OF DAILY MEETING

Mr. BYRD of West Virginia submitted the following resolution (S. Res. 3), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

THE ELECTION OF SENATOR HARTKE

(Subsequently, on January 22, 1971, Mr. BAYH made the following statement, which by unanimous consent was ordered to be printed in the RECORD at this point.)

Mr. BAYH. Mr. President, during the swearing-in ceremonies in this body yesterday, the able junior Senator from Nebraska (Mr. CURTIS) rose to ask that my distinguished friend and colleague, the senior Senator from Indiana (Mr. HARTKE) be sworn in "without prejudice" to a lawsuit pending in the U.S. Supreme Court. And Mr. CURTIS further asked that a letter, in his words "setting forth the details," be inserted in the RECORD.

As to Senator CURTIS' "without prejudice" request, let me point out that examination of the guiding precedents for such requests reveals unambiguously that they are without meaning or force of law. The plain fact is, all of us are sworn in without prejudice to any subsequent contest which any of our opponents might raise at any time during our term of office. There is no statute of limitations on the filing of a contest, and nothing in the taking of the oath precludes such filing subsequent thereto.

The writer of the letter which Senator Curtis placed in the Record does not understand this. He speaks of "conditional" as against "unconditional" oaths. But there is no such thing as a "conditional" oath of office for a U.S. Senator. There is one, and only one, oath, and we have all taken it in identical form, and it confers upon each of us identically the same privileges and prerogatives. The precedents I shall shortly quote make this point abundantly clear.

It is also worth noting, Mr. President, that Senator Hartke's opponent has failed to avail himself of the appropriate remedy for whatever complaint he might have concerning the election. Eighty days have elapsed since that election, but the Senate itself has yet to receive a petition of contest or even a request for a recount. Surely, that is a curious omission on the part of an aspirant to membership in this body.

In addition, the letter inserted in yesterday's Record is less than candid about other aspects of the legal contest to date—most notably in its failure to mention that the Chief Justice of the United States and not only Mr. Justice Marshall turned down a petition for an interlocutory decree to vacate the injunction granted by the U.S. district court. Similarly disingenous is the letterwriter's contention that a recount conducted by Indiana County courts is a ministerial function only. The opinion of the district court is highly instructive on this and many other points, and I ask unanimous consent that relevant excerpts from that opinion be printed in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAYH. Now, Mr. President, with reference to the request by the junior Senator from Nebraska (Mr. Curtis) that my distinguished colleague, the senior Senator from Indiana (Mr. Hartke), be sworn in without prejudice, I think it would be instructive for the Senate to take note of the guiding precedents for this sort of request. In the judgment of no less an authority than the late revered "Mr. Republican," former Senator Robert A. Taft of Ohio, the words "without prejudice" mean absolutely nothing; "it is," said Senator Taft, "wholly unnecessary to make such a statement."

The most recent precedent upon which that language is based occurred in 1953 involving the swearing in of Senators Chavez of New Mexico and Langer of North Dakota. The then majority leader, Senator Taft of Ohio, said:

> My own view is that these Senators should be permitted to take the oath and be seated. It is my further view that the oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest, and without prejudice to the right of anyone protesting or asking for expulsion from the Senate to proceed . . .
>
> Therefore, I ask that these Senators be allowed to take the oath as I have said, without prejudice. *I understand that such would be the case anyway, regardless of any statement which I might make.* (Emphasis added)

Thereafter the Vice President made the following comment:

> No statement on the part of any Senator is necessary. If a Senator elect takes the oath, he becomes a Senator and remains a Senator unless he is relieved of his duties by some action of the Senate.

Moments later the following colloquy took place:

> Mr. Johnson of Colorado. I should like to know the significance of the term "without prejudice." I should like to know the difference between a full oath and an oath which is taken without prejudice.
>
> Mr. Taft. My own opinion is that there is no difference.
>
> * * * * *
>
> Mr. Johnson of Colorado. I have been told that when the stipulation "without prejudice" is injected into the taking of the oath, at a later time, when a vote is taken upon the qualifications of the particular Senator, he may be ousted by majority vote, whereas if that stipulation is not entered at the time he takes the oath, a two-thirds vote is required to oust him, in a case involving any question of character or other qualifications. Is that correct?
>
> Mr. Taft. My own opinion, after consultation with the Parliamentarian, is that *nothing which I or any other Senator may say today in using the words "without prejudice" makes the slightest difference, unless the Senate takes some action. When a man takes the oath he becomes a Senator . . . So far as I know, it is wholly unnecessary to make such a statement. The law is the same anyway.* If a Senator takes the oath, I do not believe that that fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.[1]

The conclusion to be drawn from the foregoing is, clearly, that all Senators are seated "without prejudice" since, first, there is nothing in the law to prevent a challenge to the validity of any Senator's election at any time during his term of office; and, second, there is absolutely no distinction in law or custom between—in Senator Johnson's words—"a full oath and an oath which is taken without prejudice."

Exhibit 1

[U.S. District Court, Southern District of Indiana, Indianapolis Division, No. IP 70–C–694]

Opinion

(Vance Hartke, Plaintiff, vs. Richard L. Roudebush, Samuel J. Walker, John R. Hammond, Duge Butler, Defendants, Theodore Sendak, Attorney General of Indiana, Intervening Defendant)

This cause was heard before a three-judge District Court convened pursuant to 28 U.S.C. § 2284, on plaintiff's application for a preliminary injunction to enjoin the operation and enforcement of Chapter 54 of Title 29 of the Indiana Election Code, Burns Ind. Stat. Ann. § 29–5401 through § 29–5417, upon the ground that the application and operation of such statutes in respect to an election for the office of United States Senator is unconstitutional.

At the general election of November 3, 1970, the plaintiff, Vance Hartke, an incumbent United States Senator for Indiana, and the defendant Richard L. Roudebush were opposing candidates for Hartke's office. The canvass reflected that Hartke received the highest number of votes cast for such office, and on November 16, 1970, the Secretary of State certified him to the Governor of Indiana as duly elected and the Governor, on December 3, 1970, gave to said candidate a certificate of his election, in the form required by Burns Ind. Stat. Ann. § 29–5309.[1] The certificate has been filed with the Secretary of the United States Senate.

(Following are verbatim excerpts from the Court's opinion:)

"On November 17, 1970, defendant Roudebush filed in the Superior Court of Marion County, Indiana, a petition for a recount of the votes cast in selected precincts of Marion County, stating in said petition his desire to contest said election . . . The Superior Court of Marion County overruled a motion to dismiss the petition, and proceeded to appoint . . . a recount commission . . . . relying upon the Indiana recount statute, Burns Ind. Stat. Ann. 29–5401–29–5417. . . .

"On December 3, 1970, plaintiff Hartke brought this action to enjoin the defendant recount commission from proceeding with the recount in Marion County, and to enjoin the defendant Roudebush generally from taking further action to obtain a recount in the other counties in which his recount petitions were filed. . .

"Regardless of the position taken, all parties agree as to the supremacy of the Senate itself to make the final determination as to the winner of the recent election. . .

"The great weight of authority supports plaintiff's position that court proceedings for recount or contest with regard to an election . . . for United States Senator are unconstitutional, as in conflict with Article 1, Section 5, whether brought in state or federal court . . .

". . . the Supreme Court of Indiana has had occasion to speak three times in the past twenty years on the subject of legislative recounts, attempted under the statute here involved . . .

". . . and in each case the Supreme Court of Indiana issued a writ of prohibition restraining the court from proceeding with the recount on the ground that it was constitutionally impermissible in the light of Article 4, Section 10 (of the Indiana Constitution.)

"If, as cannot possibly be denied, it is unconstitutional under Indiana law for an Indiana Circuit or Superior Court to conduct a recount for the office of member of the General Assembly . . . , *a fortiori* it is manifestly repugnant to the Constitution of the United States for such a court to attempt to conduct a recount for the office of United States Senator . . .

"The question involved here is one of federal constitutional law, and the state statute involved is not of an uncertain nature. Neither is the state statute susceptible of limiting construction, because it has already been construed three times by the Supreme Court of Indiana and thrice held unconstitutional . . .

". . . It is essential to plaintiff's rights that the integrity of the ballots cast at such election be preserevd, i.e., that they be held in their original envelopes, with the seals intact, and that the integrity of the tally sheets, voting machines, and other paraphernalia of the election likewise be preserved until such time as they may be called for by the Senate, so that no question may arise as to the character of the evidence which the Senate will be called upon to judge. Plaintiff's rights will be irreparably harmed if such evidence is compromised, for which there can be no adequate remedy at law . . . Like Humpty Dumpty, the seals on the ballots cannot be put back together again, if once destroyed.

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[1] *Congressional Record,* 83d Congress, 1st session (1953), p. 7.

[1] Section 29-5309. "The secretary of state as soon as he shall receive such certified statements, shall compare and estimate the votes given for United States senator and for representative in congress, and certify to the governor the persons having the highest number of votes as duly elected; and the governer shall give to each of the persons returned to him as aforesaid a certificate of his election, sealed with the seal."

"The respective motions to dismiss the action are therefore each denied, and a preliminary injunction will issue forthwith, as prayed for by the plaintiff . . ."

NOTICE OF HEARING ON A NOMINATION

Mr. JACKSON. Mr. President, on next Monday, January 25, the Committee on Interior and Insular Affairs will hold an open public hearing on the President's nomination of the Honorable ROGERS C. B. MORTON to be the Secretary of the Interior. The hearing will begin at 10 a.m., in room 1202 of the New Senate Office Building. The public is invited to attend and any Member of the Senate wishing to participate is welcome to do so.

For the information of the Senate, I ask unanimous consent that a biographical sketch of Mr. MORTON be placed in the RECORD at this point in my remarks.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

ROGERS C. B. MORTON

Rogers Clark Ballard Morton, of Easton, Maryland; born September 19, 1914, Louisville, Kentucky; son of David C. and Mary B. Morton; attended public schools and Woodberry Forest School, Orange, Virginia; graduated from Yale University, B.A., 1937; Ballard and Ballard Company, 1939–1951, President, 1947–51; Vice President, the Pillsbury Company, 1953-Jan. 1971; elected to the United States House of Representatives, 88th Congress, in 1962, and re-elected to the 89th, 90th, 91st and 92nd Congresses; served on the Committee on Interior and Insular Affairs, 1963–68; Committee on Merchant Marine and Fisheries, 1963–68; Select Committee on Small Business, 1967–68; Committee on Ways and Means, 1969-present; Member of the Public Land Law Review Commission, 1965–66 and the President's Commission on the Status of Puerto Rico, 1965–66; Member of Board of Visitors, United States Naval Academy, 1966–1970; Chairman, Republican National Committee, 1969-Jan. 1971; Army veteran of World War II; Member, Advisory Board, Air Training Command, US. Air Force, 1958–63; married Anne Jones, 1939; one son, David, and one daughter, Mrs. Anne McCance.

PROGRAM

Mr. MANSFIELD. Mr. President, in accordance with the usual practice, the Senate concurring, no business will be transacted until after the President delivers his state of the Union message tomorrow evening.

DEFERRAL OF DEBATE ON RULES CHANGES UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that deliberation and debate on the question of amending the rules of the Senate be deferred until Monday next, and that this deferral shall not be prejudicial to the rights or the positions of any opponent or proponent of any rules change.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT UNTIL 8 P.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 8 p.m. tomorrow evening.

The motion was agreed to; and (at 12 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Friday, January 22, 1971, at 8 p.m.

HOUSE OF REPRESENTATIVES—*Thursday, January 21, 1971*

This being the day fixed by the 20th amendment of the Constitution and Public Law 91–643 of the 91st Congress for the annual meeting of the Congress of the United States, the Members-elect of the House of Representatives of the 92d Congress met in their Hall, and at 12 o'clock noon were called to order by the Clerk of the House of Representatives, Hon. W. Pat Jennings.

The Chaplain, Rev. Edward G. Latch, D.D., prefaced his prayer with these words of Scripture:

Blessed is the nation whose God is the Lord.—Psalms 33: 12.

O God and father of us all, whose glory is in all the world and whose goodness lives in every heart, at the beginning of the 92d Congress, we pause in Thy presence to lift our hearts unto Thee in prayer. Like our fathers we climb this holy hill of our national life and pray for clear minds, clean hands, and a creative faith as we face the grave responsibilities of this new year and accept the challenging tasks of this new Congress.

We commend our Nation unto Thee that leaders and people being led by Thy spirit may courageously live through these difficult days and come to an era of enduring peace, lasting prosperity, and true brotherhood.

Hear us as we reverently unite in offering unto Thee the prayer of our Lord:

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The CLERK. Representatives-elect to the 92d Congress, this is the day fixed by statute as prescribed by the 20th amendment of the Constitution for the meeting of the 92d Congress.

As the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Credentials for the 435 districts to be represented in the 92d Congress have been received and are now on file with the Clerk of the 91st Congress.

The names of those persons whose credentials show they were elected in accordance with the laws of the several States and of the United States will be called; and as the roll is called, following the alphabetical order of the States, beginning with the State of Alabama, Representatives-elect will answer to their names to determine whether or not a quorum is present.

The reading clerk will call the roll.

The Clerk called the roll by States and the following Representatives-elect answered to their names:

[Roll No. 1]

ALABAMA

Edwards, Jack
Dickinson
Andrews, George W.
Nichols
Flowers
Buchanan
Bevill
Jones, Robert E.

ALASKA

Begich (at large)

ARIZONA

Rhodes
Udall
Steiger, Sam

ARKANSAS

Alexander
Mills
Hammerschmidt
Pryor, David

CALIFORNIA

Clausen, Don H.
Johnson, Harold T.
Moss
Leggett
Burton, Phillip
Mailliard
Dellums
Miller, George P.
Edwards, Don
Gubser
McCloskey
Talcott
Teague, Charles M.
Waldie
McFall
Sisk
Anderson, Glenn M.
Mathias
Holifield
Smith, H. Allen
Hawkins
Corman
Clawson, Del
Rousselot
Wiggins
Rees
Goldwater
Bell
Danielson
Roybal
Wilson, Charles H.
Pettis
Hanna
Schmitz
Wilson, Bob
Van Deerlin
Veysey

COLORADO

McKevitt
Brotzman
Evans, Frank E.
Aspinall

CONNECTICUT

Cotter
Steele
Giaimo
McKinney
Monagan
Grasso

DELAWARE

duPont (at large)

FLORIDA

Sikes
Fuqua
Bennett
Chappell, Jr.
Frey
Gibbons
Haley
Young, C. W. Bill
Rogers, Paul G.
Burke
Pepper
Fascell

GEORGIA

Hagan
Mathis
Brinkley
Blackburn
Thompson, Fletcher
Flynt
Davis, John W.
Stuckey
Landrum
Stephens

HAWAII

Matsunaga
Mink

IDAHO

McClure
Hansen, Orval

ILLINOIS

Metcalfe
Mikva
Murphy, Morgan F.
Derwinski
Kluczynski
Collins, George W.
Annunzio
Rostenkowski
Yates
Collier
Pucinski
McClory
Crane
Erlenborn
Reid, Charlotte T.
Anderson, John B.
Arends
Michel
Railsback
Findley
Gray
Springer
Shipley
Price, Melvin

INDIANA

Madden
Landgrebe
Brademas
Roush
Hillis
Bray
Myers
Zion
Hamilton
Dennis
Jacobs

IOWA

Schwengel
Culver
Gross
Kyl
Smith, Neal
Mayne
Scherle

KANSAS

Sebelius
Roy
Winn
Shriver
Skubitz

KENTUCKY

Stubblefield
Natcher
Mazzoli
Snyder
Carter
Watts
Perkins

LOUISIANA

Hébert
Boggs
Caffery
Waggonner
Passman
Rarick
Edwards, Edwin W.
Long, Speedy O.

MAINE

Kyros
Hathaway

MARYLAND

Morton
Long, Clarence D.
Garmatz
Sarbanes
Hogan
Byron
Mitchell
Gude, Gilbert

MASSACHUSETTS

Conte
Boland
Drinan
Donohue
Morse
Harrington
Macdonald, Torbert H.
O'Neill
Hicks, L. D.
Heckler, M. M.
Burke
Keith

MICHIGAN

Conyers
Esch
Brown
Hutchinson
Ford, Gerald R.
Chamberlain
Riegle
Harvey
Vander Jagt
Cederberg
Ruppe
O'Hara
Diggs
Nedzi
Ford, William D.
Dingell
Griffiths
Broomfield
McDonald, Jack H.

MINNESOTA

Quie
Nelsen
Frenzel
Karth
Fraser
Zwach
Bergland
Blatnik

MISSISSIPPI

Abernethy
Whitten
Griffin
Montgomery
Colmer

MISSOURI

Clay
Symington
Sullivan
Randall
Bolling
Hull
Hall
Ichord
Hungate
Burlison

MONTANA

Shoup
Melcher

NEBRASKA

Thone
McCollister
Martin

NEVADA

Baring (at large)

NEW HAMPSHIRE

Wyman
Cleveland

NEW JERSEY

Hunt
Sandman
Howard
Thompson, Frank
Frelinghuysen
Forsythe
Widnall
Roe
Helstoski
Rodino
Minish
Dwyer
Gallagher
Daniels, Dominick V.
Patten

NEW MEXICO

Lujan
Runnels

NEW YORK

Pike
Grover
Wolff
Wydler
Lent, Norman F.
Halpern
Addabbo
Rosenthal
Delaney
Brasco
Chisholm
Podell
Rooney, John J.
Carey
Murphy, John M.
Koch
Rangel
Abzug
Ryan
Badillo
Scheuer
Bingham
Biaggi
Peyser
Reid, Ogden R.
Dow
Fish
Stratton
King
McEwen
Pirnie
Robison, Howard W.
Terry
Hanley
Horton
Conable
Hastings
Kemp
Smith, Henry P.
Dulski

NORTH CAROLINA

Jones, Walter B.
Fountain
Henderson
Galifianakis
Mizell
Preyer, Richardson
Lennon
Ruth
Jonas
Broyhill
Taylor

NORTH DAKOTA

Andrews, Mark
Link, Arthur A.

OHIO

Keating
Clancy
Whalen
Latta
Harsha
Brown
Betts
Ashley
Miller, Clarence E.
Stanton, J. William
Devine
Mosher
Seiberling
Wylie
Bow
Ashbrook
Hays
Carney
Stanton, James V.
Stokes
Vanik
Minshall
Powell

OKLAHOMA

Belcher
Edmondson
Albert
Steed
Jarman
Camp

OREGON

Wyatt
Ullman
Green, Edith
Dellenback

PENNSYLVANIA

Barrett
Nix
Byrne
Eilberg
Green, William J.
Yatron
Williams
Biester
Ware
McDade
Flood
Whalley
Coughlin
Moorhead
Rooney, Fred B.
Eshleman
Schneebeli
Corbett
Goodling
Gaydos
Dent
Saylor
Johnson, Albert W.
Vigorito
Clark
Morgan
Fulton, James G.

RHODE ISLAND

St Germain
Tiernan

SOUTH CAROLINA

Spence
Dorn
Mann
Gettys
McMillan

SOUTH DAKOTA

Denholm
Abourezk

TENNESSEE

Quillen
Duncan
Baker
Evins, Joe L.
Fulton, Richard
Anderson, William R.
Blanton
Jones
Kuykendall

TEXAS

Patman
Collins, James M.
Roberts
Cabell
Teague, Olin E.
Archer
Brooks
Pickle
Poage
Wright
Purcell
Young, John
de la Garza
White
Burleson
Price, Robert
Mahon
Gonzalez
Fisher
Casey
Kazen

UTAH

McKay
Lloyd

VERMONT

Stafford (at large)

VIRGINIA

Downing
Satterfield
Abbitt
Daniel, W. C.
Poff
Robinson, J. K.
Scott
Wampler
Broyhill

WASHINGTON

Pelly
Meeds
Hansen, Julia B.
McCormack
Foley
Hicks, Floyd V.
Adams

WEST VIRGINIA

Mollohan
Staggers
Slack
Hechler, Ken
Kee

WISCONSIN

Aspin
Kastenmeier
Thomson, V. W.
Zablocki
Reuss
Steiger, William A.
Obey
Byrnes
Davis, Glenn R.
O'Konski

WYOMING

Roncalio (at large)

The CLERK. Is there anyone present who failed to respond to his or her name?

The rollcall discloses that 428 Representatives-elect have answered to their names.

A quorum is present.

ANNOUNCEMENTS BY THE CLERK

The CLERK. The Clerk wishes to state that credentials are on file showing the election of the Honorable JORGE L CÓRDOVA as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1969.

The Clerk also regrets to announce that there is a vacancy in the First District of South Carolina occasioned by the recent death of the Honorable L. Mendel Rivers.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of a Speaker of the House of Representatives for the 92d Congress. Nominations are now in order.

Mr. TEAGUE of Texas. Mr. Clerk, as chairman of the Democratic caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 92d Congress the name of the Honorable CARL ALBERT, a Representative-elect from the State of Oklahoma.

Mr. ANDERSON of Illinois. Mr. Clerk, as chairman of the Republican conference and by authority, by direction, and by unanimous vote of the Republican conference, I nominate for Speaker of the House of Representatives the Honorable GERALD R. FORD, a Representative-elect from the State of Michigan.

The CLERK. The Honorable CARL ALBERT, a Representative-elect from the State of Oklahoma, and the Honorable GERALD R. FORD, a Representative-elect from the State of Michigan, have been placed in nomination.

Are there further nominations? (After a pause.) There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from Ohio (Mr. HAYS), the gentleman from Ohio (Mr. DEVINE), the gentlewoman from Missouri (Mrs. SULLIVAN), and the gentlewoman from Illinois (Mrs. REID).

Tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will call the roll.

The tellers having taken their places, the House proceeded to vote for Speaker.

The following is the result of the vote:

[Roll No. 2]

ALBERT

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Casey, Tex.

Chappell
Chisholm
Clark
Clay
Collins, Ill.
Colmer
Conyers
Corman
Cotter
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Landrum
Leggett
Lennon
Link
Long, La.
Long, Md.
McCormack
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills
Minish
Mink
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rarick
Rees
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Watts
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

FORD, GERALD R.

Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
duPont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshelman
Findley
Fish
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Hillis
Hogan
Horton
Hunt
Hutchinson
Johnson, Pa.
Jonas
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Morse
Morton
Mosher
Myers
Nelsen
O'Konski
Pelly
Pettis
Peyser
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robinson
Robison
Rousselot
Ruppe
Ruth
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

The CLERK. The tellers agree on their tallies. The total number of votes cast is 426, of which the Honorable CARL ALBERT, of Oklahoma, received 250 and the Honorable GERALD R. FORD received 176.

Therefore, the Honorable CARL ALBERT, of Oklahoma, is the duly elected Speaker of the House of Representatives for the 92d Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: the gentleman from Michigan (Mr. GERALD R. FORD), the gentleman from Louisiana (Mr. BOGGS), the gentleman from Illinois (Mr. ARENDS), the gentleman from Texas (Mr. TEAGUE), and the gentleman from Oklahoma (Mr. STEED).

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 92d Congress, who was escorted to the chair by the committee of escort.

Mr. GERALD R. FORD. Mr. Speaker, my colleagues of the 92d Congress, I am very glad to see so many of you again—and so soon.

It seems only yesterday that the 91st Congress adjourned. History may record this period as two Congresses connected by a long caucus.

Seriously, I think all of us here sensed, as the last session ground interminably to a close, that we were somehow witnessing the end of an era.

Today, we stand upon the threshold of a new era for the House of Representatives, which I love and our new Speaker loves and which I hope all of you will learn to love.

A new era not only for this House, but also for our country, which we love even more than we do this body and more than we do our respective political parties. I do not pass judgment on the past, of which I have been a part and in which I take some pride. But I look to the future, and to the job we have to do—all of us together—here in this historic Chamber and in our districts at home.

Thomas Jefferson said that government is strongest of which every man feels himself a part. The only place where this is possible in our federal system is here in "the people's House."

We know this. But increasing numbers of our fellow citizens doubt it, or just plain do not believe it. Let us remember, above all else, exactly what we are—Representatives. Not representatives of the Democratic Party or the Republican Party or of this or that faction but of the people who sent us here to represent them.

Millions of Americans must come to know, and to believe—better than they do now, that this is their House, that we are their strong advocates in the National Government, that this is their ready recourse for the redress of wrongs, their constant channel for constructive change, their entry into the so-called establishment.

To make this even more true, and much more evident, is the task to which the new leadership on both sides of the aisle must dedicate themselves from this day forward, and to which I pledge myself without reservation.

The mechanism by which the people's House operates, by which the raw power of numerical majorities is effectively harnessed for forward progress, is of course the two-party system. The Constitution says nothing about this. The two-party system has prevailed through most of our history because it has worked. We could have 10 or 12 parties in this body, as many parliaments have—and there are days when I imagine that we do.

I firmly believe in the two-party system, even though it has just insured my fourth defeat for the office of Speaker.

But again, it is not merely our duty to make this system work, but to convince the American people that it is the best way to serve their real needs, to make their voices heard. At this moment they are not wholly convinced.

This proposition must be proved here in the people's House. This is the primary challenge before the 92d Congress. As the leader of the minority party here, as the loyal friend of a President who is himself a product of the Congress and of the two-party crucible, and as the proven collaborator with our new Speaker in all that strengthens and sustains our country's essential interests, I pledge my best effort to this end.

Now let me say a few words about our new Speaker, with whom I have enjoyed the closest personal harmony on and off the floor of this House for the past 6 years and long before that.

It is curious that whenever we inaugurate a new President—and only 36 Americans have held this high office—we turn over the whole east front of the Capitol and we clear the length of Pennsylvania Avenue and we parade and dance and celebrate for several days. But when we elevate a new Speaker of the House of Representatives—and only 49 distinguished Americans have occupied this chair—the second most important place in our Government—we content ourselves with a few simple speeches and a round or two of applause.

I hope, Mr. Speaker, that this will suffice to tell you of our pride in your succession and our prayers for your success.

A powerful former Speaker once declared that the best system of government is to have one party govern and the other party watch.

Speaker Tom Reed may have been right, but the voters in their wisdom have decreed otherwise for the 92d Congress. And in any case he stopped short of the whole truth. We are going to be watching, Mr. Speaker; but we will also be working. We are going to work as hard as we can and win as many as we can.

There have been many great Speakers in our past, from Maine to Missouri, from Pennsylvania and Kentucky, from Texas and Tennessee, and of course from Massachusetts.

But until this hour there has never been a Speaker from Big Tussle, Okla.

I am here to say that I like and admire the gentleman from Oklahoma who has just defeated me—I like Oklahoma itself and I am especially fond of the wonderful songs everybody associates with Oklahoma from the musical comedy by Rogers and Hammerstein.

Why, only this morning while I was shaving I found myself singing:

> Oh what a beautiful morning,
> Oh what a beautiful day,
> With forty more votes in my pocket,
> Things would be going my way!

Well that is enough of my singing. I just wanted to make the point, Mr. Speaker, that any political office is temporary.

The only trouble is, when it comes to the speakership, I have learned that "It's a Long, Long Way to Temporary."

I cannot begin to enumerate all of our new Speaker's many achievements. We know he has been a champion debater since boyhood, a Rhodes scholar who turned out OK, a tireless and effective legislator and a formidable floor leader. It is really a relief to know he will now be preoccupied with parliamentary matters.

But I have read in the papers that the gentleman from Oklahoma is thinking about new ways to present the case for the Democrats during the next 2 years, perhaps teaming up on television with the majority leader of the other body in something like the "Carl and Mike Show."

To show how sincere I am in my pledge of cooperation, Mr. Speaker, I stand ready to offer you all my old files from the "Ev and Jerry Show."

Confidentially, you may be able to use some of this splendid material without changing a word.

Mr. Speaker, on behalf of all the minority Members of the House, I congratulate you and express our confidence that you will cherish the great traditions of the House and be the guardian of the rights of all its Members.

The speakership comes as a combination of the respect and friendship of your colleagues and the national fortunes of your party. I sincerely hope that the latter may last no longer than 22 months but that the former—which you have in abundant measure today—will endure as long as any of us remain here in the people's House.

To be Speaker is a great honor and privilege. Only silghtly less of an honor and privilege is mine today—to present to my colleagues of this 92d Congress a great American, a great son of Oklahoma and my great and good friend, the 49th Speaker of the House of Representatives, Hon. Carl Albert.

Mr. ALBERT. Mr. Minority Leader and my colleagues of the 92d Congress, thank you from the bottom of my heart for the high honor which your votes have just bestowed upon me.

I cannot proceed without thanking my good friend and colaborer of many years, Gerald R. Ford, the distinguished minority leader, for the kind accolades with which he has chosen to present me—and may I say to him that the radio stations of Oklahoma have been hooked up to carry these proceedings to every schoolhouse in my district, and I will not need the "Ev and Charlie" show after they hear this speech.

While Gerald R. Ford and I stand on opposite sides of the aisle—which I hope is always the center aisle only for political purposes and between two political parties—we stand together in the conviction that this House is the fundamental forum of American democracy.

We believe, as Speaker Randall said on a similar occasion nearly a century ago:

> The House, fresh from the people, brings with it their latest will.

My colleagues, I accept the high honor which you have given me with humility—humility tempered only by the immense responsibility which this office carries and which must engender in me a sense of determination such as I have never experienced in my lifetime before. It is my lot to follow two extraordinary men who held this high office longer than any of their predecessors. While serving as one of the lieutenants for both Sam Rayburn and John W. McCormack for many, many years, I was always aware that I was working in the shadow of greatness. These two men set standards which all who follow them will seek to emulate, but few can ever hope to attain.

As Congressman Gerald R. Ford indicated in his remarks, the Speaker—and we are talking about the Speaker as the chosen leader of the people's branch of the Government—occupies a position of preeminent national importance. I promise you as I take over the job that I will spare neither energy, time, nor effort to perform the responsibilities and to meet the responsibilities that you have given me in the traditions of those who have gone before. I can assure you that I will protect and defend the powers, the prerogatives and privileges of the House of Representatives at all times and in all places, and I pledge to you, as your new Speaker, with your help, to give this House of Representatives its rightful place, a preeminent place among the branches of the National Government.

In preparing my remarks for today, I was reminded of a line from Emerson:

> There is no History; only Biography.

The United States is 206 million people with varying aspirations, talents, and concerns. We are a people challenged now by choices undreamed of in more complacent times.

In this Chamber, as has been said so many times, the people govern. In the broadest and most evocative sense, we, the Representatives of the people, conduct the town meetings of the Nation. It is an awesome responsibility, and it works. Compassion, concern, and an individual desire to correct the deficiencies of our society are here 435-fold. Our decisions as lawmakers touch the lives of men, women, and children in every section of the country and in almost every nation of the world.

We are the trustees, you and I, of the great heritage which this House represents, and I say it is by definition the duty of a legislative body to legislate. If we are to perform that duty and meet the responsibilities that we owe to those who sent us here, to our Nation and to our generation, we must be about the job. We must not flounder. We must move cautiously, of course, but we must also move with dispatch in the disposition of the public business. There is too much to be done to delay in the performance of our duties. This is and must always remain a viable, working institution, as responsive to the needs of America in 1971 as it was when Frederick Muhlenberg first picked up the gavel in 1789. Unless it is, representative government as we know it in this Nation will no longer be valid. The Congress shares with the President a moral as well as a constitutional obligation for the evolvement of basic precepts for a healthy and dynamic state of the Union. Our predecessors well acquitted themselves in the discharge of that obligation. I neither anticipate nor shall I settle for anything less from the 92d Congress.

On tomorrow we will be honored by a visit by the President of the United States, who in this Chamber will deliver his state of the Union message. While we may not agree with all the recommendations made by the President of the United States, I hope we will never look upon presidential proposals through partisan eyes; that we will never oppose simply for the sake of opposing.

Democrats and Republicans alike could well heed the admonition of a great Speaker early in this century, Champ Clark, when he said:

> He serves his party best who serves his country best.

How do I view the future? In brief, I view it with sincere optimism, tempered by the concern to instill in our people the will and the spirit to meet and to master the massive problems which confront us.

We as a nation are going through a trying period, a period of sobering self-analysis. But such self-analysis has been the progenitor of success in our system before, and the problems before us are not insoluble. The genius of the collective will of the American people—from all walks of life, all races and national origins, and all religions—applied through the principles of representative democracy with proper inspiration from their leaders, can meet the challenges, large though they loom.

We, therefore, turn to our labors with confidence and determination. We cannot falter; we will not fail.

The biography of this Congress will shape the legislative destiny of the 1970's.

[Applause, Members rising.]

I am now ready to take the oath of office, and I have the honor of requesting the distinguished acting dean of the House of Representatives, the gentleman from Texas (Mr. PATMAN) to administer the oath of office.

Mr. PATMAN then administered the oath of office to Mr. ALBERT, of Oklahoma.

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect, other than the Resident Commissioner-elect, rose, and the Speaker administered the oath of office to them.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

MAJORITY LEADER

Mr. TEAGUE of Texas. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected unanimously as majority leader the gentleman from Louisiana, the Honorable HALE BOGGS.

MINORITY LEADER

Mr. ANDERSON of Illinois. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Michigan, the Honorable GERALD R. FORD, has been unanimously selected as the minority leader of the House.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER, POSTMASTER, AND CHAPLAIN

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1

Resolved, That W. Pat Jennings, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Zeake W. Johnson, Jr., of the State of Tennessee, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That William M. Miller, of the State of Mississippi, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That H. H. Morris, of the Commonwealth of Kentucky, be, and he is hereby, chosen Postmaster of the House of Representatives;

That Reverend Edward G. Latch, D.D., of the District of Columbia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Speaker, I have a substitute to offer to the resolution, but before offering the substitute I request that there be a division on the question on the resolution so that we may have a separate vote on the office of Chaplain.

The SPEAKER. The question is on agreeing to the portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a substitute amendment for the remainder of the resolution.

The Clerk read the substitute amendment, as follows:

Amendment offered by Mr. ANDERSON of Illinois as a substitute for the remainder of House Resolution 1:

"*Resolved,* That Joe Bartlett, of the State of Ohio, be, and he is hereby, chosen Clerk of the House of Representatives;

"That Robert T. Hartmann, of the State of Maryland, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

"That William R. Bonsell, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

"That Tommy Lee Winebrenner, of the State of Indiana, be, and he is hereby, chosen Postmaster of the House of Representatives."

The SPEAKER. The question is on the substitute amendment.

The substitute amendment was rejected.

The SPEAKER. The question is on the resolution offered by the gentleman from Texas (Mr. TEAGUE).

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the officers elected present themselves at the bar of the House and take the oath of office?

The officers-elect presented themselves at the bar of the House and took the oath of office.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. MILLS. Mr. Speaker, I offer a resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled; that Carl Albert, a Representative from the State of Oklahoma, has been elected Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the Ninety-second Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join the committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication he may be pleased to make, the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Michigan (Mr. GERALD R. FORD).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. MAHON. Mr. Speaker, I offer a resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Carl Albert, a Representative from the State of Oklahoma, Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the Ninety-second Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. COLMER. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

The SPEAKER. The Clerk will suspend the reading of the resolution.

The Chair recognizes the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, I am advised that an error was made in the haste here and that the wrong resolution was submitted. Therefore, I ask unanimous consent——

The SPEAKER. The gentleman from Mississippi can withdraw the resolution.

Mr. COLMER. Mr. Speaker, I withdraw the resolution.

Mr. GROSS. Mr. Speaker, reserving the right to object——

The SPEAKER. A reservation of objection is not in order.

Mr. GROSS. Mr. Speaker, did not the gentleman from Mississippi offer a resolution to the House?

The SPEAKER. Yes, he did; but he has withdrawn it; and he has that right to withdraw it.

The Chair recognizes the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I offer a resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the Ninety-first Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, and the Legislative Reorganization Act of 1970, be, and they are hereby adopted as the Rules of the House of Representatives of the Ninety-second Congress, with the following amendments as part thereof, to wit:

In Rule X, renumber clause 4 and 5 as 5 and 6, insert a new clause 3 as follows:

"3. The Select Committee on Small Business be a permanent select committee of the House without legislative jurisdiction except to make investigations and reports."

In Rule XI, strike out clause 24 and insert in lieu thereof the following:

"24. The Committee on Rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee. If such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Committee on Rules may call it up as a question of privilege and the Speaker shall recognize any member of the Committee on Rules seeking recognition for that purpose. If the Committee on Rules shall fail to report a resolution providing for an order of business for the consideration of the House of any public bill or joint resolution favorably reported by a committee of the House within 10 calendar days after the filing, by the chairman or a member acting at the direction of the committee, of a written request in the office of the Committee on Rules that such committee report a resolution providing for such order of business, and if thereafter a resolution is filed by the chairman or the designees of the committee which has filed a prior written request providing for such order of business, which resolution is not acted upon for 21 calendar days after reference to the Committee on Rules; or if the Committee on Rules shall adversely report any resolution providing for an order of business on any public bill or joint resolution, then on days when it is in order to call up motions to discharge committees, it may be in order as a matter of the highest privilege for the Speaker, in his discretion, to recognize the chairman or any member of the committee which reported such bill or joint resolution who has been so authorized by said committee to call up for consideration by the House any resolution which the Committee on Rules has so adversely reported or failed to report, and it shall be in order to move the adoption by the House of said resolution adversely reported, or not reported, notwithstanding the adverse report, or the failure to report, of the Committee on Rules. Pending the consideration of said resolution, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said resolution shall have been fully disposed of."

PARLIAMENTARY INQUIRIES

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, are copies of this resolution available to the Members of the House?

The SPEAKER. No; there are no copies available.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry: Does this not change the precedents and the rules of the House as well as the recently passed reorganization act?

The SPEAKER. It makes changes in both, the Chair will state.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I think this is of more than passing importance. The Members should hear this and, therefore, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

Barrett
Blanton
Blatnik
Byron
Camp
Celler
Clark
Daniels, N.J.
Davis, Ga.
Dow
Dowdy
Eckhardt
Edwards, La.
Fisher
Garmatz
Gibbons
Hastings
Hawkins
Heckler, Mass.
Hosmer
Hungate
Keith
Long, Md.
McCulloch
Mathias, Calif.
Metcalfe
Morton
Murphy, Ill.
Patman
Rangel
Roy
Sarbanes
Springer
Stuckey
Teague, Calif.
Tiernan
Whitehurst

The SPEAKER. On this roll call 395 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks announced that the Senate had passed a resolution of the following title:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The message also announced that the Senate had passed Senate Resolution 2:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

RULES OF THE HOUSE

The SPEAKER. The Clerk will proceed with the reading of the resolution.

The Clerk read as follows:

In Rule XI, strike out paragraph (a) of clause 27 and insert in lieu thereof the following:

"(a) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Committees shall adopt written rules not inconsistent with the Rules of the House and those rules shall be binding on each subcommittee of that committee. Each subcommittee of a committee is a part of that committee and is subject to the authority and direction of that committee."

In clause 27(f)(4) of Rule XI, insert the following new sentence at the end thereof:

"All committees shall provide in their rules of procedure for the application of the 5 minute rule in the interrogation of witnesses until such time as each Member of the committee who so desires has had an opportunity to question the witness."

In Rule XI, strike out clause 32(c) and insert in lieu thereof the following:

"(c) The minority party on any such standing committee is entitled to and shall receive fair consideration in the appointment of committee staff personnel pursuant to each such primary or additional expense resolution.",

Strike out Rule XII, and insert in lieu thereof the following:

"Rule XII

"Resident Commissioner from Puerto Rico and Delegate from the District of Columbia

"1. The Resident Commissioner to the United States from Puerto Rico shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other Members.

"2. The Delegate from the District of Columbia shall be elected to serve as a member of the Committee on the District of Columbia and shall be elected to serve on other standing committees of the House in the same manner as Members of the House and shall possess in all committees on which he serves the same powers and privileges as the other Members."

and make the following conforming and related changes in the following rules:

CALL OF THE HOUSE

Mr. CLEVELAND. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 4]

Ashley
Blanton
Boland
Byron
Celler
Clausen, Don H.
Cotter
Davis, Ga.
Dickinson
Dowdy
Drinan
Dulski
Eckhardt
Edwards, La.
Erlenborn
Esch
Gallagher
Garmatz
Gibbons
Griffiths
Heckler, Mass.
Hicks, Mass.
Hosmer
Jarman
Jones, Ala.
Kemp
Lent
Long, Md.
McCulloch
McMillan
Mathias, Calif.
Michel
Mitchell
Monagan
Montgomery
Morton
Murphy, Ill.
O'Neill
Peyser
Pirnie
Quie
Rangel
Schneebeli
Springer
Stafford
Stuckey
Teague, Calif.
Tiernan
Whitehurst
Wright

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RULES OF THE HOUSE

The SPEAKER. The Clerk will proceed with the reading of the resolution.

The Clerk read as follows:

(2) Clause 3 of Rule III of the Rules of the House of Representatives is amended—

(1) by striking out "and the Resident Commissioner" each place it occurs and inserting in lieu thereof, "the Delegate from the District of Columbia, and the Resident Commissioner";

Mr. COLMER (during the reading). Mr. Speaker, in view of the haste with which the resolution was assembled and the fact that the Members have not had an opportunity to read the resolution and copies have not been available, I ask unanimous consent that the resolution be considered as read, printed in the Record, and that it go over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, reserving the right to object, may I propound a parliamentary inquiry under my reservation?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, if this unanimous-consent request that it be considered as read and printed in the Record be granted, at what time would a point of order against consideration of the resolution be in order—at this time, immediately, or upon granting the unanimous-consent request or when it is called up tomorrow?

The SPEAKER. The Chair will state in response to the gentleman's parliamentary inquiry that a point of order could be made after it is considered as printed in the Record.

Mr. HALL. Would it be in order and would the Chair recognize one for a point of order when it is again called up on tomorrow or at a subsequent date?

The SPEAKER. The Chair will state to the gentleman from Missouri that if the gentleman reserves a point of order at this time the Chair will protect his rights on the point of order.

Mr. HALL. Mr. Speaker, under those circumstances I do reserve the right to make a point of order against this resolution.

The SPEAKER. Would the gentleman withhold that until we have disposed of the unanimous-consent request?

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RIEGLE. Mr. Speaker, I object.

Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and twenty-five Members are present, a quorum.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

(2) by inserting "the Delegate from the District of Columbia," immediately after "for the use of the Members,"; and

(3) by striking out "or the Resident Commissioner" each place it occurs and inserting by inserting ", the Delegate from the District of Columbia, or the Resident Commissioner".

(C) Clause 1 of Rule IV of the Rules of the House of Representatives is amended by inseritng ", the Delegate from the District of Columbia," immediately after "Members".

(D) Rule VI of the Rules of the House of Representatives is amended by inserting "the Delegate from the District of Columbia," immediately after "Representatives,".

(E) Clause 1 of Rule XXXII of the Rules of the House of Representatives is amended by inserting "the Delegate from the District of Columbia," immediately after "Puerto Rico,".

(F) Paragraph 8(a) of Rule XLIII of the Rules of the House of Representatives and clause (1) of the fourth undersigned paragraph under paragraph (2) of part B of Rule XLIV of the Rules of the House of Representatives are each amended by inserting "and the Delegate from the District of Columbia" immediately after "Puerto Rico".

The SPEAKER. Does the gentleman from Missouri still reserve his point of order?

Mr. HALL. Mr. Speaker, I reserve a point of order against the resolution.

The SPEAKER. The Chair will protect the gentleman from Missouri in his point of order.

MOTION OFFERED BY MR. COLMER

Mr. COLMER. Mr. Speaker, I move that further consideration of the resolution be put over until tomorrow, and that the resolution be printed in the Record.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 6

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, six minority employees authorized therein shall be the following-named persons, effective January 3, 1971, until otherwise ordered by the House, to wit: Joe Bartlett and Robert T. Hartmann, to receive gross compensation of $36,000.00 per annum, respectively; William R. Bonsell, to receive gross compensation of $32,090.58 per annum; Tommy Lee Winebrenner, to receive gross compensation of $27,732.60 per annum; Walter P. Kennedy (minority pair clerk), to receive gross compensation of $27,560.00 per annum; and John J. Williams (staff director to the minority), to receive gross compensation of $32,756.16 per annum.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HAYS. Mr. Speaker, I would like to know from someone on the minority side if this has changed the pay of the people who have just been read off from the last session of the Congress, because if it does then that throws the whole scale out of kilter and there will have to be adjustments presumably made all over the place.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, it is my understanding that it does not represent a change from the previous session.

Mr. HAYS. They are exactly the same as they were?

Mr. ANDERSON of Illinois. That is my understanding.

Mr. HAYS. Mr. Speaker, I thank the gentleman. I have no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. BOGGS. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make, has performed that duty. The President asked us to report that he will be pleased to deliver his message at 9 p.m., January 22, 1971, to a joint session of the two Houses.

HOUR OF MEETING OF HOUSE OF REPRESENTATIVES

Mr. COLMER. Mr. Speaker, I offer a resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 7

Resolved, That until otherwise ordered, the daily hour of meeting of the House of Representatives shall be at 12 o'clock meridian.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADMINISTRATION OF OATH OF OFFICE TO HON. WILLIAM M. McCULLOCH

Mr. BETTS. Mr. Speaker, I offer a resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 8

Whereas the Honorable William M. McCulloch, a Representative-elect from the State of Ohio, from the Fourth District thereof, has been unable from sickness to appear in person to be sworn as a Member of the House, and there being no contest or question as to his election: Therefore, be it

Resolved, That the Speaker, or deputy named by him, be, and he is hereby authorized to administer the oath of office to the Honorable William M. McCulloch.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the authority of House Resolution 8, 92d Congress, the Chair appoints the gentleman from Ohio, Mr. Betts, to administer the oath of office to the Honorable William M. McCulloch.

JOINT SESSION OF CONGRESS—STATE OF THE UNION MESSAGE

Mr. BOGGS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 1

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 22, 1971, at 9 o'clock p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO DECLARE RECESS TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time on tomorrow, January 22, 1971, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY SPEAKER ON PROCEDURE WITH REFERENCE TO INTRODUCTION AND REFERENCE OF BILLS

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills.

Heretofore on the opening day of a new Congress, several thousand bills have been introduced under adopted rules permitting their introduction by Members and reference by the Speaker. On those occasions, the Speaker announced his intention to examine and refer as many bills as possible, and he asked the indulgence of Members if he was unable to refer all introduced bills.

Since the rules of the 92d Congress have not yet been adopted, the right of Members to introduce bills, and the authority of the Speaker to refer them, is technically delayed. The Chair will state that bills dropped in the hopper will be held until the adoption of the rules, at which time they will be referred as expeditiously as possible to the appropriate committee. At that time, the bills which are not referred and do not appear in the Record as of that day will be included in the next day's Record and printed with a date as of the time the rules were adopted.

ANNOUNCEMENT BY SPEAKER OF PROCEDURES FOR JOINT SESSION JANUARY 22, 1971

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority leaders, and with their consent and approval, the Chair announces that on Friday, January 22, 1971, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

PROCEDURES IN RELATION TO THE PRODUCTION OF WITNESSES AND DOCUMENTS IN COURTS OF JUSTICE

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 9

Whereas, by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession except by its permission: Therefore be it

Resolved, That when it appears by the order of any court in the United States or a judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That during any recess or adjournment of the Ninety-second Congress, when a subpena or other order for the production or disclosure of information is by the due process of any court in the United States served upon any Member, officer, or employee of the House of Representatives, directing appearance as a witness before the said court at any time and the production of certain and sundry papers in the possession and under the control of the House of Representatives, that any such Member, officer, or employee of the House, be authorized to appear before said court at the place and time named in any such subpena or order, but no papers or documents in the possession or under the control of the House of Representatives shall be produced in response thereto; and be it further

Resolved, That when any said court determines upon the materiality and the relevancy of the papers or documents called for in the subpena or other order, then said court, through any of its officers or agents shall have full permission to attend with all proper parties to the proceedings before said court and at a place under the orders and control of the House of Representatives and take copies of the said documents or papers and the Clerk of the House is authorized to supply certified copies of such documents that the court has found to be material and relevant, except that under no circumstances shall any minutes or transcripts of executive sessions, or any evidence of witnesses in respect thereto, be disclosed or copied, nor shall the possession of said documents and papers by any Member, officer, or employee of the House be disturbed or removed from their place of file or custody under said Member, officer, or employee; and be it further

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to any of said courts whenever such writs of subpena or other orders are issued and served as aforesaid.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of 40 United States Code 175 and 176, the Chair appoints the gentleman from New York (Mr. Celler) and the gentleman from Ohio (Mr. Harsha) as members of the House Office Building Commission to serve with himself.

LEGISLATION ON BEHALF OF TUNA FISHERMEN, AND OTHER MATTERS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing five bills, all of which I believe merit early consideration in this Congress. Two of the measures would deal with drug abuse, one with electoral college reform, one with a vital flood control project for my district, and the final one with the recent rash of illegal seizures and fining of U.S. fishing boats by Ecuador.

I had not intended to reintroduce my bill calling for embargoes on fishery imports from nations that harass our fishing fleet, but recent events leave me no other option.

I was particularly shocked to learn that at least two vessels on loan from the United States—the *Guayaquil* and the *25th of July*—were used by Ecuador in making last week's seizures.

Unfortunately, existing law does not provide for the recall of smaller warships even when they are misused in this fashion. This is an absurd and ludicrous situation that allows our own ships to be sent on high seas forays against our own fishing vessels. I, of course, am aware of the security considerations involved here; naturally, we do not want other nations such as Russia or Cuba rushing in to fill a void created by the precipitate withdrawal of our own military assistance, patrol boats or whatever. But the present arangement is clearly in need of review and possible overhaul, and I am delighted that Chairman Garmatz of the Merchant Marine and Fisheries Committee is planning early hearings on assuring the rights of our fishermen to operate in international waters.

I feel my bill for cutting off fishery imports is needed more than ever now, in conjunction with other actions by Congress and the Executive to discourage the flagrant violations so casually perpetrated by Ecuador.

My drug control proposals provide for identifying markings on prescription drug tables and capsules, and impose quotas on the production of amphetamines and barbiturates.

As is well known, our busy drug manufacturers now produce enough "speed" to provide every man, woman, and child in the country with an annual supply of about 40 amphetamine pills—certainly an excessive quality for a substance with such limited legitimate medical applications.

The labeling requirement would, I believe, facilitate both the identification of contraband drugs, and the swift determination of effective antidotes in overdosage cases.

I have also introduced the proposed constitutional amendment for the direct popular election of the President in exactly the form in which it was approved by the House in September 1969. While it is most unlikely that such an amendment could now become effective in time for next year's national elections, the shortcomings of the electoral college method of choosing our Chief Executive are just as glaring as ever. No useful purpose will be served by further delays in carrying out this urgently needed reform.

Finally, I am, at the request of the State Department, offering a bill to increase the authorization for the Tia Juana River flood control project, in my district, from $12.6 to $21.5 million. This action is necessary because of the inflationary increase in construction costs since the original authorization was enacted more than 4 years ago. I hope that early hearings can be scheduled on this bill, to assist a project sanctioned not only by our Government but by Mexico as well.

TO AMEND THE SOCIAL SECURITY LAW TO PERMIT WOMEN WITH 30 YEARS COVERAGE TO RETIRE AT 62 WITH FULL BENEFITS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, in the last Congress, I introduced legislation to permit women with 30 years of social security coverage to retire at 62 years of age with full benefits. Almost 100 Members of the House cosponsored the measure. Encouraged by their support today I am reintroducing that bill.

The Nation now faces a crisis in unemployment; 4,974,000 people are out of work. That is more than the population of Connecticut; it is more than the population of Maryland. In fact, it is more than the population of 36 of our States. This is a very grave situation and predictions are that the unemployment level will not drop below 5 percent until 1973.

Enactment of the bill I am proposing will serve a dual purpose. It will reward those women who have worked so hard for so long with early retirement. It will also create new job openings for the millions of unemployed in this Nation.

There can be no doubt that women have had a profound effect upon our Nation's economic growth over the past generation. Their importance and representation in our labor force have increased enormously since the 1930's.

Today there are more than 30 million women employed in the United States. They comprise over 38 percent of our total work force. The contribution they are making to our economy is immense.

Recently our gross national product reached an annual rate of over a trillion dollars—10 times the figure of 30 years ago. Women have played a great part in that amazing rise in productivity. I consider the American working woman as one of the marvels of our society. Our economy would collapse without her competence, diligence, and responsible efforts in every segment of our business and professional worlds.

My bill would give some acknowledgment and a measure of recognition to the contribution of women to our Nation's economic and social development over the past generation.

Under present law, women receive 80 percent of their social security benefits if they retire at 62. My bill would entitle them to 100 percent.

To be perfectly honest, Mr. Speaker, I believe the day is fast approaching when everyone in our society will retire at an earlier age. Today, 65 is the commonly accepted figure, but it is certain to drop in the years ahead.

Many people would welcome the chance to retire earlier while their health is still strong and while they enjoy full vigor. But aside from that, there are indications that the employment situation in the future will lead our society to adopt earlier retirement patterns to open up job opportunities for younger persons. From projections by the Bureau of Labor Statistics, we can estimate that by 1990 less than 10 percent of our population will be able to produce 100 percent of our goods. The worklife of our people will have to be modified.

Why should women be allowed to retire at 62 with full benefits, and not men? Is not this clearcut discrimination? As I have suggested, I think the day will come when both men and women retire at 62. I favor it.

But such a proposal would not be realistic in this Congress. The Social Security Trust Fund could not afford it. But my proposal is not beyond our means. And its enactment will point toward a future goal—retirement for both men and women at 62.

Furthermore, giving this advantage to women now, will compensate in some small way for the discrimination in salaries, promotions, and in job opportunities which many women suffered in the past. Such compensation is perhaps especially owed to women who have been working for a long time, such as those with 30 years of social security coverage—as provided for in my bill.

It is my hope that this Congress will be receptive to the merits of this legislation and act favorably on it. Within the week I will invite my colleagues in the House to join me in this effort by cosponsoring the bill.

PROTECTION OF RAMPART RANGE

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, I have today introduced a bill which has as its purpose the protection of a most beautiful and famous section of this Nation's public domain.

The area, a segment of the front range of the Rocky Mountains of Central Colorado called the Rampart Range, runs north from Pikes Peak and forms the scenic backdrop for the U.S. Air Force Academy, the Garden of the Gods, and the famous resorts of Colorado Springs and Manitou Springs. This is one of the most heavily visited areas in the Rocky Mountains. These are the purple mountains whose majesty inspired Katherine Lee Bates to write "America, the Beautiful."

For a century and a half after the white man first looked upon these mountains the area became settled and populated and heavily used—with relatively little damage to its esthetic values.

But, in 1954, a concrete company located a mineral claim in the Pike National Forest on the face of the Rampart Range. It is a short distance north of Pikes Peak, upslope from the Garden of the Gods, and can be seen from almost any spot in Colorado Springs.

In the past decade and a half, this company gouged a grotesque monument to man's environmental recklessness on this beautiful mountain site. It has torn out thousands of tons of limestone and dolomite for use as aggregate—fancy gravel if you will—leaving a gaping wound which festers and grows before the troubled eyes of the residents of Colorado Springs and the visitors who come by the millions to see Colorado's mountains.

There is a feeling of outrage in Colorado that the laws of this Nation have permitted and even encouraged this ugly usage of our public lands.

I, and many others, have tried for years to find a remedy for this gross product of our mining laws. There seems to be none. This Government cannot stop the quarrying. It cannot make the company restore the trees and the wildflowers and the rock formation it has torn away.

But this Congress can say to others: Leave these mountains alone.

My bill calls for the withdrawal of 11,458 acres of the Pike National Forest from location and entry under the U.S. mining laws so that the scenic, esthetic, and environmental qualities of the Rampart Range can be protected.

There is, I believe, ample precedent for this action. These 11,458 acres bracket the Air Force Academy. In 1955, pursuant to Executive Order 10355, 8,858 acres of the Pike National Forest were withdrawn to protect the scenic backdrop of the Air Force Academy.

In 1967 the U.S. Forest Service asked that this same protecton be extended to the other residents and property holders along the Rampart Range. No action was taken.

For this reason, and because of the recommendation of the Public Land Law Review Commission that "large scale limited or single use withdrawals of a permanent or indefinite term should be accomplished only by act of Congress," I have introduced this bill.

It merits the special attention of the 92d Congress.

AN ALL-VOLUNTEER MILITARY

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, the traditional view of the draft as an alien institution in a genuinely free society must be preserved, and all attempts to make conscription a permanent, integral feature of American society must be firmly opposed. Given the values of a free society and, indeed, the history of the United States, a volunteer military is not merely the fairest system of military manpower recruitment, it is the only fully fair system. The principle of free men freely deciding on soldiery traditionally has been a value appreciated in the United States.

Entirely voluntary armies fought several wars and protected the Nation in between them. When a draft became necessary, in the massive land conflicts of the Civil War, World War I, and World War II, it was tolerated with the knowledge that it was an emergency measure, what James Madison spoke of as "the impulse of self-preservation," to be dismanteled after the war like other emergency measures that temporarily gave the state unusual control of a man's person and liberty.

After World War II, it also appeared necessary to extend the draft into peacetime for fear another large war could erupt at any time. Since the late 1950's, however, the situation has changed with the development of powerful and sophisticated weapons, the lessened likelihood of a massive land war and the unprecedented, skyrocketing growth of military-age manpower. Still the draft lingers on, an anachronism, lacking even the blessing of tradition.

Today, the draft has produced a crisis of the first degree in our society. Opposition to American involvement in the Indochina war has resulted in many young men seeking political refuge in foreign countries and others remaining here in open resistance to the draft law. Discontent with the draft, however, is more than Vietnam. Many who do not oppose American involvement in that war nevertheless oppose the draft. They point out that the draft is directly counter to American tradition, that it is undemocratic, and that without a declaration of war, it is unconstitutional. In May 1969, I held unofficial hearings on the subject of the draft in my congressional district. These hearings held in Madison, Wis., provided a forum through which citizens, in my district, from varying backgrounds and viewpoints could express their beliefs and attitudes toward the selective service law and its administration. I think it is fair to say that the degree of diversity which the participants contained was so great that the sole common factor among most of them was their opposition to the system through which this country currently conscripts its young men into the Armed Forces. Representatives from groups of as wide an ideological spread as the Young Americans for Freedom and the New Democratic Coalition joined in condemning the Selective Service System and the draft.

A free society must promote the maximum possible freedom and opportunity for self-development for its youth. A voluntary military would preserve the freedom of individuals to serve or not to serve. Or, put the other way, it would avoid the arbitrary power that now resides in the draft boards or a lottery bowl to decide how a young man shall spend several of the most important years of his life, let alone whether his life shall be risked in warfare.

A voluntary army would enhance the freedom of those who now do not serve. The ability of young men to emigrate or to travel abroad has been limited by the need to get the permission of a draft board if the young man is not to put himself in the position of inadvertently being a lawbreaker. Being conscripted or the threat of conscription has been blatantly used as a weapon to discourage freedom of speech, assembly, and protest. The volunteer military meets better than any other proposal the problem of how we can get rid of such coercion.

There are still many, especially among those directly involved in the military and defense leadership who say we cannot end the draft. They have presented a number of objections and reservations about what returning to volunteer service would mean. Many believe that the budgetary costs to the Government would be substantial. The need to raise pay to attract volunteers leads many to feel that a volunteer army would be expensive to maintain. The fact is that it would cost less to man the Armed Forces by volunteers than it now costs to man the military by compulsion, if cost is properly calculated. The cost listed in the Federal budget might be higher, though even that is not certain. But the real cost to the community would be far lower. The real cost of conscripting a soldier who would not voluntarily serve on present terms is not his pay and the cost of his keep. It is the amount of money for which he would be willing to serve. When he is forced to serve, as is presently the case, we are in effect imposing on him a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives. This implicit tax in kind must be added to the explicit taxes imposed on the rest of us to get the real cost of our Armed Forces. If this is done, it will be seen at once that abandoning conscription would almost surely reduce the real cost, because the Armed Forces would then be manned by men for whom soldiering was the best available career. There are some important offsets even on the level of budgetary costs. Volunteers would serve longer terms, a higher fraction would reenlist, and they would have a higher average level of skill. The armed services would waste fewer manhours in training and being trained. Because manpower is cheap to the military it now tends to waste it, using enlisted men for tasks badly suited to their capacities or for tasks that could be performed by civilians or machines or eliminated entirely. Better pay at the time to volunteers also might lessen the veterans' benefits that we now grant after the event. These now cost $6 billion a year or one-third as much as current annual payroll costs for the active Armed Forces, and they will doubtless continue to rise under present conditions.

Another criticism of the volunteer system is that the conversion to it would mean a loss of flexibility in moving from one size force to another. If we are speaking of the ability of the military to respond to a crisis, however, the answer is that we still do have a National Guard and a reserve system, whose essential function is to respond to any crisis and to provide some elasticity in force.

Still another objection to an all-volunteer military is that it is equated with a professional army which could conceivably develop into a potential threat to established political institutions. Such a threat, however, could be expected to come from the officer corps, rather than enlisted personnel, and officers currently are, and have always been, in this country, recruited voluntarily. Further, our proper tradition of civil control of the military has, thus far at least, always been sufficiently strong so that there has been no threat of military takeover. History seems to show, however, that such threats have come from conscript as well as volunteer armies.

There are those who feel a lottery or random selection process would solve the numerous inequities of the draft system. However, the lottery supporters miss the point because the lottery still perpetuates a system of compulsion which is, in itself, the denial of an essential freedom which should be jealously guarded except in times of genuine national emergency.

There also is serious danger in some of the proposals now being offered as alternatives to our present draft law. For example, the idea of national service for youth is an interesting one, but the notion that it should be compulsory or tied to conscription is totalitarian and must be opposed by all Democrats. Similary, the proposal to expand the scope of military induction to include unqualified youth, so that they may receive the educational benefits of the armed services, is highly reminiscent of the procedures of a garrison state. It is not a matter of pride that the best opportunities for self-improvement for underprivileged youth should be offered by the military. This situation is a measure of the default of the larger society, and the war on poverty is not going to be won by giving the military even more control over the lives of young men.

Our Nation's heritage has been one of individual rights, just, and democratic ideals. The volunteer principle has been central to the whole concept of our political development. Conscription, in any form, abridges freedom and erodes faith in the Government while, at the same time, frustrates the individual in his desire to participate freely in a free society. The doctrine of allowing people to choose voluntarily the direction of their lives is most compatible with our heritage, and we would be wise to return to the spirit of the founding of our Republic and end the draft with the hope of never having to resort to its use again.

Mr. Speaker, with this goal in mind, I am introducing legislation, today, to abolish the draft by December 31, 1971, and replace it with an all-volunteer military.

Mr. Speaker, I also am introducing another bill which would prohibit the use of draftees in undeclared wars without first obtaining their consent. Conscripts should not be forced to serve in any hostility in which Congress has not declared a state of war.

IMMEDIATE NEED FOR SOCIAL SECURITY INCREASE

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, as we start the first session of the 92d Congress, our first action should be the enactment of the social security increase which was stalled in the last Congress.

In the meanwhile, the inflationary impact continues without restraint as a critical burden on the elderly in retirement. The cost of living has skyrocketed since the last social security increase and further increases in the cost of living this year will continue to widen the gap between the social security benefits and the cost of living. A congressional committee in the other body has recently reported that over 25 percent of the elderly over 65 are living in poverty.

For these reasons, the increase in social security benefits should not be deferred until action is taken on the administration's broad-scale family welfare program which could delay increased benefits until September.

I hope that the House will very quickly enact across-the-board increases in social security of not less than 10 percent with an increase in the minimum payment to $100, and an increase in the retirement earnings test to $2,400.

These provisions should be made effective January 1, 1971.

THE ERA OF THE 1970'S

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES V. STANTON. Mr. Speaker, today's opening session of the 92d Congress marks the beginning of a new effort to meet the challenge of the social issues of the day.

It is my hope that the leadership of the Honorable Carl Albert of Oklahoma and the Honorable Hale Boggs of Louisiana will unite the country on these issues. Of immediate concern is the need for legislation covering national health insurance and Federal revenue sharing with the cities.

This session also marks the beginning of a new decade. I hope the era of the 1970's will see our country of ending poverty, controlling pollution, and making a lasting peace with the same determination that saw the United States land the first man on the moon in the 1960's.

DEATH OF MISS JUDY CELLER

(Mr. CAREY asked and was given permission to address the House for 1 minute.)

Mr. CAREY. Mr. Speaker, it is with deep regret I announce, as secretary of the New York delegation, that on last evening the daughter of our beloved dean, Emanuel Celler, Miss Judy Celler, passed away. Mr. Celler therefore is not with us today.

I know the New York delegation will have many Members of this body joining with us as we extend to our deeply beloved dean our deep sympathy on the passing of his beloved daughter.

JOHN W. McCORMACK

(Mr. COLLIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLIER. Mr. Speaker, although I voted for your distinguished opponent, the gentleman from Michigan, I offer my heartiest congratulations and best wishes as you assume the tremendous responsibilities of your new position as Speaker of the House. At the same time, I hope that you will be able to shed those burdens at the beginning of the 93d Congress.

While I have the floor, I want to pay tribute to the man whom you succeeded, the only Speaker who ever retired from that high office. While John W. McCormack occupied the Speaker's chair from January 10, 1962, to January 3, 1971, his congressional service covered a period of over 42 years. He served for three decades in positions of leadership.

Congressman McCormack first took the oath as a Representative from Massachusetts on November 6, 1928. He became majority leader less than 12 years later and served in that capacity from September 16, 1940, to January 3, 1947, from January 3, 1949, to January 3, 1953, and from January 3, 1955, to January 3, 1962. During the two intervals of one term each he was minority whip.

During his 42 years in the House of Representatives, John W. McCormack was always a loyal Democrat, but his loyalty to the United States of America transcended party loyalty. Whenever a matter involving the national security was before the Congress, partisanship was temporarily laid aside and John McCormack gave his wholehearted support to the President, regardless of whether a Republican or a Democrat occupied the Executive Mansion.

When Nikita Khrushchev visited the United States in 1959, John McCormack, then the majority leader, adamantly opposed the suggestion that the Soviet dictator be permitted to address a joint session of the Congress and the matter was dropped.

From November 22, 1963, when John F. Kennedy was assassinated, until January 20, 1965, when Lyndon B. Johnson became President as the result of election to that office, John W. McCormack stood next in the line of succession to the Presidency, inasmuch as there was no Vice President during that period of 14 months. For a brief time immediately after President Kennedy's death, it was rumored that Vice President Johnson had also been assassinated. Had the rumors proved true, John McCormack would have succeeded to the greatest office in the world.

During those rumor-filled hours on the afternoon of November 22, 1963, and during the months that followed between then and the next Inauguration Day, John McCormack conducted himself with dignity and attended strictly to his duties as a Member from Massachusetts and Speaker of the House, refusing to engage in discussions about what he would do if he suddenly became President.

When the suggestion was made by a Democratic President that the United States would never strike the first blow during a showdown with the Soviet Union, John McCormack was on record as favoring a first strike under certain circumstances.

During an afternoon when those who opposed our participation in the war in Vietnam occupied the floor, Speaker McCormack saw to it that their rights under the rules of the House were protected, but those who were present were aware that he had no sympathy with those who were giving oratorical aid and comfort to our Nation's enemies.

Several years ago, when striking District of Columbia schoolteachers visited the Speaker in his office, they not only received no sympathy from John W. McCormack, but were bluntly told that their place was with the pupils who had been entrusted to their care. The Irish in him was likewise aroused when he let demonstrators know that their crude methods were not the correct ones to use when petitioning the people's representatives for a redress of grievances.

It is my earnest wish, as I know it is that of all my colleagues on both sides of the aisle, that his years of retirement will be pleasant ones.

VISITORS ON THE FLOOR OF THE HOUSE

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute.)

Mr. CHARLES H. WILSON. Mr. Speaker, I take this time to make an inquiry.

Mr. Speaker, I was concerned during the voting ceremonies this afternoon by the number of wives who were sitting on the floor of the House. It appeared to me that this was against the rules of the House.

It seems to me, considering the evening scheduled for tomorrow, where we again will have a very large attendance on the floor of the House, we must instruct in some manner those who are in charge as to what the rules are, and as to who should be on the floor of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I certainly agree with the gentleman. There were far too many here who were unauthorized personnel. The Speaker has already announced, however, that tomorrow only persons authorized can be on the floor of the House.

Mr. CHARLES H. WILSON. I am sorry I missed that. I am happy to have that assurance.

INTRODUCTION OF "EXTRA-CARE" HEALTH PLAN

The SPEAKER pro tempore (Mr. ROONEY of New York). Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 10 minutes.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, not too many years ago, I stood at this same lectern and participated in spirited debate over legislation that eventually became known as medicare and medicaid. At that time I predicted that the projected costs for these plans were pathetically underestimated. Unhappily, that prediction proved to be true, yet those same kind of "planners" who led us down that economically irresponsible path have succeeded in throwing off their "mantel of mistakes" while transferring it to the shoulders of others, and are back again with a plethora of bills and ideas, designed to solve a so-called "health crisis" that has price tags running as high as $77 billion annually. Surely by now the Members of this body have learned that vast expenditures of money solve no problems. In fact, it creates even more.

Let me hastily add that I am not here today to bury national health care, but to raise it to a level that will enable all Americans, and I do mean all, to receive quality health care, yet leave intact the principles of the free marketplace that is after all the very heart of this Republic.

Today, I am once again introducing a new concept in health insurance, national in scope, which will guarantee that no American citizen, rich or poor, need ever go bankrupt as a result of a prolonged, or catastrophic type illness or injury.

Mr. Speaker, my bill will accomplish this, at a cost the taxpayers can afford, and the State Governors should embrace. It does the job that needs to be done and does not attempt to stake out new ground for the Federal Government that is better left to the private sector.

I have named the legislation "Extra-Care" for that is its concept, to provide the extra health care of highest quality, that the American people are unable to provide for themselves. No more, no less.

It is not a decision that I have arrived at hurriedly, but comes as a result of many years service in the field of medicine and additional tenure in the Congress. I have had frequent and enlightening consultations with members of the Committee on Ways and Means from both sides of the aisle, as well as many others deeply involved in the Nation's health problems.

The need for my legislation was pointed up in a recent Sylvia Porter column written for the Washington Star. Mrs. Porter, suggesting ways for individuals to cut medical costs while maintaining quality care, wrote:

> Concentrate your health insurance dollars on major medical insurance, covering catastrophic illness.

She continued:

> Examine your health insurance policies, group and individual, to see whether you're overloaded with "first dollar" coverage which may have limits of only $5,000 to $10,000.

Mr. Speaker, catastrophic illness is a specter that haunts most Americans. Few are so rich as to view, with financial equanimity, the prolonged illness requiring hospitalization, continuing medical care, and the mustering of these enormously sophisticated—but enormously expensive—resources of modern medical science.

Such cases are statistically rare—not that this is of any comfort to a bankrupt father, the son who must abandon college, the wife who must go back to work in order to help pay the bills. But rare as they are, either we know someone who has been the victim of a catastrophic illness; or we know someone who knows someone. And we say to ourselves: "There but for the grace of God go I."

The fear of catastrophic illness haunts the entire middle-income group of Americans, even those whom we could categorize as "prosperous."

My bill would lay that fear to rest forever. Let me explain it briefly, Mr. Speaker:

In essence, this measure would serve a twofold purpose. It would provide for those who are unable to provide for themselves. And it would assist those who can care for their own needs, yet run the risk of being wiped out, in the event of extensive and prolonged medical expenses.

Let us examine the first of those categories—those who are eligible for help under medicaid. We are talking now of some 10 to 12 million people. As of now, the program costs more than $4.5 billion a year, or somewhere in the neighborhood of $400 per person covered. Roughly 60 percent of that payout is Federal.

My bill would replace the present "title XIX" program—medicaid.

And under its provisions, those who are presently covered would be provided with a basic health insurance policy purchased for them by the Federal Government. This policy would be bought from the regular, established, private health insurance companies—Blue Cross, Blue Shield, or the commercial carriers. The Federal Government would pay the premiums. The policy would be required, by statute, to offer a basic package of benefits to be determined by the Committee on Ways and Means.

In order to preserve the Federal-State relationship—which is a right and proper one—the State would be asked to participate in the cost whenever a beneficiary used up the benefits of the federally purchased coverage. On the average that State's share would amount to about 15 percent of the total cost. Thus, the Federal share would be 85 percent, and we could budget and depend upon it. Based on the $400 average cost of medicaid each year for an individual, the States' share of the matching funds would be sharply reduced, enabling the States to take on the responsibility of paying for the financially devastating, but rarely encountered expenses of the so-called catastrophic cases.

I submit, Mr. Speaker, that the States would find this arrangement attractive for three reasons:

First. It would cost them far less than they are spending at present.

Second. It would enable them to plan, budget and appropriate much more easily, for there would be a more accurate basis upon which to plan and work.

Third. The States would continue to act in their traditional role of assuming responsibility for long-term care—just as they have assumed responsibility in decades past for the care of the chronic cases, such as the tubercular and the mentally ill.

As for the Federal Government, its cost under this phase of my bill would be increased by about $1.5 billion a year. On the other hand, it too would be able to plan, budget, and appropriate more intelligently with the elimination of sudden fluctuations, unpredictabilities, and immeasurables, stemming from a variety of other causes.

As for eligibility requirements, my bill provides for the flexibility which only State-set standards could provide. Clearly, eligibility requirements vary from area to area and are determined by economics, definitions, and cost-of-living figures. Where the cost of living is high—as in New York City, or Washington, D.C.—eligibility for this coverage might be set as high as $4,500 a year for a family of four. Where living is less expensive, the figure might be somewhere in the neighborhood of $2,600 a year.

The point is, Mr. Speaker, when the States set the standard individually, they are able to reflect these area differences. A national standard would be like a procrustean bed—too long for some, too short for others, requiring that legs be lopped off or stretched in the name of uniformity.

So much for how the bill proposes we handle catastrophic illnesses encountered by those who are presently covered by medicaid.

What of the others? What of the vast majority of Americans who are financially able to buy their own basic health protection, but who cannot cope with the burdens imposed by a catastrophic illness?

This bill proposes a solution to their problem, too.

Upon discussion with insurance company actuaries, I learn that the average health insurance policy provides protection against costs up to about $5,000. Such policies assure the beneficiary of basic, high-quality health care.

The problems arise when those benefits have been exhausted.

For like most of us, Mr. Speaker, nearly everyone who carries this protection becomes financially vulnerable from that exhaustion point, forward.

Here is what I propose we do to remedy matters:

First. The Secretary of Health, Education, and Welfare would establish a catastrophic health insurance program for every American with an income above the level of medical indigence.

Second. Those who contribute to social security would be required to pay an additional four-tenths of 1 percent on their taxable earnings, which would be matched by their employers.

Third. Those who are not in the social security framework would pay four-tenths of 1 percent of their taxable earnings, based on their income tax return, up to the maximum social security base, which is now $7,800 a year.

Fourth. All persons with gross nonearned income in excess of $2,000 would pay four-tenths of 1 percent on such earnings, on their income tax return. There would be the proviso that no one individual would pay more in total than four-tenths of 1 percent, times the maximum taxable earnings base under social security.

Fifth. According to the estimates I have received, the income from these tax sources would approximate $2.5 billion annually. It would be placed in a Federal health care trust fund.

Sixth. From this pool, the Social Security Administration would provide 90 percent reimbursement of the cost of health and medical expenses for the individual and his dependents, whichever exceeds the larger of two sums. The first of these is an expenditure of $5,000, whether or not it was derived from health insurance. The second would be 25 percent of the gross income of the individual and his dependents.

Those of our citizens who are 65 years of age or older are, of course, protected by title XVIII—medicare. For these people, my proposal would apply to medical expenses actually paid by the individual in excess of the larger of two sums: First, 25 percent of the gross income of the individual and his dependents; or, second, $1,000.

Mr. Speaker, these are the highlights of my proposal. Let me say that all Government efforts to date, have been directed at providing first-dollar coverage. Invariably, first-dollar coverage entails high administrative costs, for it requires that many small claims be processed. Thereby, the substance of the program is eroded. My aim is to protect the public from disastrously high costs, give meaningful relief to those hardest hit by extensive medical expenses, and at the same time, make the greatest use possible of the dollars available. "Extra care" will do just that. You will note that in recent months it is being copied by many. I am glad of this, and have often stated that herein is no pride in authorship. I hope many and all will study and then vigorously support this concept.

Mr. CORMAN. Mr. Speaker, will the gentleman yield to me?

Mr. HALL. I am glad to yield to the gentleman from California.

Mr. CORMAN. I may have missed something, but did I understand that the gentleman proposes to replace medicaid with a catastrophic illness insurance policy?

Mr. HALL. No; I am sure that when the gentleman reads the complete text of my abbreviated statement in the RECORD here he will understand it is not true.

Actually, what happens is that title 19 of the medicaid portion of the Medicare Act, as we know it, will be replaced by a trust fund established for free insurance, but only that portion of catastrophic need can be submitted by the States which will go for the catastrophic portion of this proposal. Medicaid itself will continue under the direction of the States and under the provisions which are being created and established by the distinguished Committee on Ways and Means. In other words, this is exactly the same proposal that I submitted to the distinguished gentleman's committee last year.

Mr. CORMAN. Mr. Speaker, if the gentleman will yield further, it may be that the gentleman and I will be on opposite sides on this question or issue when we start looking at the President's proposal and the gentleman's proposal and the one that Senator KENNEDY and I introduced today, but I think it is most important to note the high cost of health care and recognize it. In my opinion we do a disservice to the American people if we underestimate the cost of such care and I think the gentleman shares that view.

Mr. HALL. I not only share that view but I think the social do-gooders that insist upon spending money that we do not have have overlooked or misplaced the reasons for the high cost of medical care. I have reference to hospital care, nursing care, dental care, drug care, and doctor care and, in my opinion, they do a disservice to the Nation and to a plan which should be made to work. My only attempt is to make the existing plan better and make it work. I am not so sure that the gentleman and I will be on opposite sides of the question if he will just read and study the detail which I have worked out over the past 6 years after much research.

I have been a practicing physician and I am familiar with the operation of hospitals and have the legislative experience along with the gentleman from California as to the facts of life.

We are in a time of great technical breakthrough and more social needs. There is no question about that. In my opinion we will have come a long way under my submission of this well-researched recommendation in the form of a bill toward meeting the signs of the time, the technological breakthrough not only in transportation, communications, and other fields but in the medical field as well. I think, perhaps, the gentleman and I will agree or come close to agreeing on this subject by the time this bill comes out of the gentleman's committee to the floor of the House.

Mr. CORMAN. Mr. Speaker, if the gentleman will yield further, I know that the gentleman has a great concern for medical care based upon his vast experience and I do hope that we can do something along this line. I say again I share the view that we should not promise people something at a bargain basement level and then have them disappointed, because as I understand these provisions and those which have been considered by the Committee on Ways and Means, there is not all that much waste and skullduggery in the medical care field with people running down to the doctor because it is free but, rather, that many more people are ill and need care than we estimated and we ought to be realistic about it.

Mr. HALL. We in dealing with this question of providing care ought to be honest as to what it is going to cost and how it is to be financed.

I thank the gentleman for his contribution. I think we are in agreement when he says let us not only be honest as to what it will cost, but let us adopt and bring out of the committee a bill that we can afford to implement. Let us get the proper State-Federal relationship while at the same time preserving the quality of medical care with the personnel that we have and which will be available in the foreseeable future, while eliminating the possibility of family ruin with the vegetable cases, the severe traumatic accident cases that cannot be repaired, or the prolonged cost of tubercular care or severe mental illness. I commend this to the gentleman and I think we should consider the best possible approach to the solution of this problem.

I appreciate the gentleman's participation in this colloquy.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. As I understand the essentials of this proposal, it is to follow the principle of participating insurance and expand on that which has been approved with reference to the insurance policies and the hospital service plans and also to consider the free insurance aspect. Is this, in effect, what the gentleman says?

Mr. HALL. That is exactly correct. The gentleman has named it well, it not only is participating insurance, but it is preinsurance through existing agencies. It would do absolutely no damage to the hospitalization plan, and it would do absolutely no damage to the "Blues," whether they be Blue Cross or Blue Shield, or other private insurers who are doing such a good job as intermediaries under the medicare and medicaid plans.

This is designed for that purpose, and I will repeat, so as to maintain the quality of care while eliminating catastrophes from the families in the United States of America and assuring good care for all who need it.

Mr. DON H. CLAUSEN. If the gentleman will recall, the matter of medicare was debated, and a number of programs were presented initially. I have advanced some along these lines, and I am most pleased to see that the gentleman has followed through with his own individual expertise as a man of the medical profession to now bring this into the legislative process for consideration.

I look forward to working with the gentleman very closely on this matter, and I commend the gentleman for doing this.

Mr. HALL. Mr. Speaker, I thank the gentleman for his comments.

TO PROVIDE THAT THE FISCAL YEAR OF THE FEDERAL GOVERNMENT SHALL COINCIDE WITH THE CALENDAR YEAR

The SPEAKER pro tempore (Mr. ROONEY of New York). Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, we face a multitude of problems as we begin the 92d Congress, and one of the problems which requires our immediate attention and action is the Federal fiscal year system.

During the past four Congresses, only eight of 102 regular appropriations bills have become law before the beginning of the fiscal year to which they pertained. During the 91st Congress not one—I repeat—not one regular appropriation bill was enacted before the fiscal years beginning July 1, 1969, and July 1, 1970.

This situation is disruptive not only of the Federal budgetary procedure, but also of the management and planning of State and local budgets all over the country.

Under present conditions when it is almost impossible to send all appropriation measures to the White House before the first of July, uncertainty is the watchword in thousands of offices at all levels of government, in public institutions and private industry.

Officials of educational institutions do not know how much money will be available for construction of buildings, for popular ongoing programs, for scholarships or for salaries. Hospital administrators are in the dark, not knowing what Federal funds will be forthcoming for hospital construction or for research. Badly needed housing cannot be built unless those responsible for construction know how much money they can expect.

Federal agencies operate on continuing resolutions, spending at the prior year's level without knowing whether they are underspending or overspending. Naturally, some allotments to local governmental units are not committed since the agencies do not know whether or not they will have the funds.

The need for a change in the fiscal year system has become more critical as more activities are financed in part by the Federal Government in cooperation with local governmental units.

Having served in this body since 1957 and having been closely associated with its operations since 1949, I have seen the Federal budget grow from less than $41 billion annually to more than $200 billion.

As a member of the House Appropriations Committee, I have watched and waited while the 40 or so authorization bills were stalled in Congress, necessitating a rush of tardy appropriations during the legislative logjam that occurs near the end of a late-running session of Congress.

The situation has gone from bad to worse, and it is time we came to grips with at least those aspects of the problem which can be changed if we want badly enough to change them.

Today, 68 of my colleagues and I are introducing legislation which would contribute significantly to the alleviation of this problem.

We believe this 92d Congress should revamp the Federal financial system by making the Federal fiscal year coincide with the calendar year.

It would appear on the surface that the use of the calendar year instead of the present fiscal year would make little substantative difference in Federal budgetary and appropriation procedure. It would, in fact, make little difference in the actual physical operation of the Congress. The importance of this change, however, lies in the fact that it would push the start of the fiscal year 6 months into the future, providing more time for hearings, more time for calm deliberation, more time for debate on the floor and more time for oversight of Federal expenditures.

Most important, millions of Americans as individuals, groups, organizations and, above all, the 50 States would be far better off knowing in advance what the Federal budget for the next fiscal year will be. They would be able to plan to better advantage and they would be in a position to obtain the greatest return for each Federal dollar appropriated. The real significance of this change would be in giving the various instrumentalities of government, including State and local as well as Federal, time to budget their funds properly, spend their money wisely and make their dollars go further.

We do not present this proposal as a panacea, Mr. Speaker, for many problems would remain even if this change were made. We do feel, however, that our proposal represents a better way of doing business than under our present system.

In my remarks here this afternoon, I do not intend to lay the blame for the present situation at anyone's doorstep. A variety of factors is responsible for Congress inability to clear appropriation bills before the first of July each year. The fact remains, however, that we can help alleviate some of the problems we face by making this change in the fiscal year, and I urge my colleagues who have not already joined us in sponsoring this legislation to lend their support to our proposal and press for early action on it.

The text of the legislation follows:

A BILL TO PROVIDE THAT THE FISCAL YEAR OF THE UNITED STATES SHALL COINCIDE WITH THE CALENDAR YEAR

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Effective with the fourth calendar year which begins after the date of enactment of this Act, the fiscal year of all departments, agencies, and instrumentalities of the Federal Government and the government of the District of Columbia shall be the calendar year.

Section 2. The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the Federal Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new fiscal year prescribed by Section 1 of this Act. The Director shall prepare and submit to the Congress a draft or drafts of such additional legislation as be considered necessary to accomplish this objective.

INCREASE SOCIAL SECURITY BENEFITS IMMEDIATELY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, I can think of no more urgent legislation and no legislation that could pass this House more easily than a 10-percent increase in social security benefits. I realize that our good friend, the honorable chairman of the Committee on Ways and Means, has promised early action on social security and welfare legislation and I commend his action in introducing at the very first possible moment a bill which will be the basis for the committee consideration of this important piece of legislation. I do, however, feel compelled to temper my admiration for this prompt action with a few words of warning which I hope the House will note.

Mr. Speaker, our intentions are good, but we all know which road is paved with good intentions. In the 91st Congress, our intentions were good. We were faced with a number of social security and welfare problems and today we are still faced with the same problems. The legislation which we passed and sent to the other body late in the spring was considered there right up to the final hours of the Congress, and on the very last day of the year the Senate-passed bill was returned to this House with 295 numbered amendments. It would have taken the patience of a saint, the mind of a genius and the speed of our fastest computers to have digested such a vast number of changes in the time available. And, now we are in a new Congress with the same dreary passage before us. The differences which existed between the two bodies on New Year's Day are still with us. I see no prospect for an early resolution of these differences. Therefore, I urge that we move with all possible speed to do now what is possible now—pass a 10-percent benefit increase now.

Toward the end of the first session of the last Congress when we were faced with the same situation the Committee on Ways and Means recognized what was possible and what was not. Realizing that the problems related to welfare and to sociel security reform could not be resolved without prolonged debate, the committee—in the nature of an emergency measure—reported out the Social Security Amendments of 1969—a simple bill which did nothing more than provide some 25 million people with a 15-percent increase in their social security benefits. The Senate cooperated and without hearings attached the provisions of our social security benefit increase bill to the Tax

Reform Act then pending on the Senate floor. In this way, we were able to give people a badly needed benefit increase which the events which transpired later in the year proved would not have been possible otherwise.

Mr. Speaker, at the time we passed the 1969 benefit increase, we promised social security beneficiaries that that would not be the end of the matter. We gave them to understand that an additional benefit increase would be forthcoming sometime in 1970. In the House, we lived up to our understanding and late in the spring sent a bill which included, among other things, a 5-percent benefit increase which was to be effective for this month. In the Senate, the increase was doubled to 10 percent, also effective for this month. However, as much as these increases are needed, the millions of people—retired and their dependents, disabled people and their dependents, widows and orphans—who depend on social security as their main source of regular income are still waiting for their increase. Worse though, is the prospect that come next July 4 they will still be waiting. And, nothing in the evidence I have seen up to this point gives me any great hope that they would not be waiting then if we persist in tying social security benefit increases with welfare reform and other social security improvements.

We know what has to be done, what might be done and what we can do now. Specifically, we know that we can pass a 10-percent social security benefit increase, if not today, then before the end of the next week. We know that a comprehensive bill will take months and months to enact. We know that. We will not pass it today, or next week or next month if we count on using the political clout of a benefit increase to ride roughshod over the many objections to specific welfare and social security changes. The social security benefit increase is being held hostage for a number of other provisions to which a goodly number of the Members of both bodies object. To insist on keeping the benefit increase tied with all the other charges is political blackmail that I, for one, will not put up with. And, I urge all of the Members of this body to do the same. If we were to pass a 10-percent social security benefit increase without any other change, I am sure that we could then get all of the other social security changes and the welfare changes out in the open where in a free and open discussion the House, and in in its turn the Senate, could work its will on them without fear of harming the millions of people who depend on social security benefits for the food in their mouths and the roof over the heads.

Mr. Speaker, I serve notice on the House that this is not the last I will say on this matter. On each and every day that the House is in session I intend to take the floor and exhort the Chamber to do right until a benefit increase is sent to the Senate. I hope that I will have little opportunity to do this because the matter is too important for political argument. When the welfare of the Nation's elderly, disabled, widowed, and orphaned is at stake, politics should take a back seat. We know what is right. We know what we should do. We know what we can do. We should put politics aside. We should pass a 10-percent social security benefit increase now. The need is obvious. Even should we pass the increase today, the increased benefits cannot be paid for about 3 months. It will be May before the benefits can be paid no matter how fast we act. Let us do it now rather than put it off from month to month until we wake up someday to the fact that the increased benefits cannot possibly be paid until after Christmas.

LEGISLATION WHICH SHOULD HAVE PRIORITY

(Mr. PERKINS asked and was given permission to extend his remarks in the body of the Record at this point.)

Mr. PERKINS. Mr. Speaker, on this, the opening day of the 92d Congress, I am introducing a number of pieces of legislation which in previous Congresses would command considerable priority. In view of the hardship imposed by growing unemployment and the stagnation of economic activity these bills are critically important. In this Congress there is an urgent need for assigning them the highest priority to enable their prompt enactment.

In the closing days of the last Congress there was passed by both Houses the Comprehensive Manpower Act which for the first time included as a part of the manpower package a job-creating program of public service training and employment. It was vetoed by the President. I am today introducing a bill designed to provide authority for a public service employment and training program without any other provisions of the Comprehensive Manpower Act. The manpower legislation thus streamlined to enable the Congress to give it prompt study because of its reduced detail can be enacted into law at the earliest possible moment.

This bill will provide job and companion training opportunities for the unemployed and municipal and county governments performing essential public services in the fields of health, welfare, conservation, and government administration. At the same time, its training components can afford an opportunity for persons employed pursuant to its provisions to obtain and retain worthwhile employment.

Many programs under the various legislative enactments providing support for institutions of higher education and providing financial assistance to students to defray the mounting cost of attending college are due to expire in a short time. I am introducing a comprehensive bill designed to strengthen and extend provisions of the National Defense Education Act, the Higher Education Facilities Act of 1963, the International Education Act, and the Higher Education Act of 1965 so that the Federal commitment to excellence of offerings in higher education and broadened opportunities for young people to pursue careers in higher education can be fulfilled. This bill does not include several important areas of higher education which I will treat in subsequent introductions early in this session.

I am introducing bills to extend and improve elementary and secondary education programs and to authorize Federal funds for school construction. Such legislation is of vital importance if we are simply to maintain our present standards of quality in elementary and secondary schools which are confronted with increasing inability to finance schools solely out of property taxes. I am also introducing the Mobile Teachers Retirement Act. Shortly, I will introduce legislation to improve and extend vocational education programs.

I am also introducing today a bill to extend and authorize new funds for the Appalachian regional development program. In conjunction with the long-range problems with which this legislation deals, I am joining a number of my colleagues today in sponsoring comprehensive antirecession public works legislation.

One of the priority measures to be considered by this Congress is the Economic Opportunities Act which expires on June 30. I am today introducing legislation recommending a 5-year extension.

I am introducing a bill today to eliminate several inequities that have developed in the administration of the black lung benefit provisions of the Coal Mine Safety Act of 1969 and a bill to extend the black lung benefit authorizations. Principal among the inequities is one which arises by an administration of the black lung compensation provisions which treats the program as though it were workmen compensation programs when the Congress clearly said that it was not. This administrative determination results in denying benefits to many eligible sufferers of pneumoconiosis by reducing social security payments for the amount of black lung benefits paid.

I am also introducing legislation to encourage the States to improve their workmen's compensation laws to assure adequate coverage and benefits to employees injured in employment and legislation to compensate uranium miners suffering disability or death from lung cancer resulting from exposure to iodizing radiation in the mines.

The legislation that I am introducing today and that I have discussed above by no means are all inclusive nor do they complete the list of legislation which I will sponsor early in the 92d Congress, but the urgency of the matters dealt with in this legislation prompts me on the first day of this session to place them before my colleagues for their immediate analysis and study.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1971

The SPEAKER pro tempore (Mr. Rooney of New York). Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, today I have introduced a bill, the National Catastrophic Illness Protection Act of

1971, which I originally authored and introduced in the 91st Congress. This legislation, which I consider to be extremely important, received bipartisan support and sponsorship in both the House and the Senate at that time.

I am pleased to say this proposal is again receiving bipartisan support in the 92d Congress. Those Members joining me today in introducing this legislation are: Mark Andrews of North Dakota, James A. Byrne of Pennsylvania, Tim Lee Carter of Kentucky, Seymour Halpern of New York, James F. Hastings of New York, Augustus F. Hawkins of California, Peter N. Kyros of Maine, Roman C. Pucinski of Illinois, Robert A. Roe of New Jersey, William L. Scott of Virginia, and Lawrence G. Williams of Pennsylvania.

The National Catastrophic Illness Protection Act of 1971 would, if enacted, allow our Nation's families to protect them selves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a stepladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's diseaes, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care progam, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need to do is utilize a concept that has been tested successfully in other analogous areas.

A description and section-by-section analysis of the National Catastrophic Illness Protection Act of 1971 follows:

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

(Introduced by Representative Lawrence J. Hogan (Republican of Maryland) June 10, 1970)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act of 1970 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Title I contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Title II establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Title III contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under title II of the bill. Title IV of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with title II of the bill. Title V of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under titles II and IV of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 101—*Short Title*. Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1970."

Section 102—*Findings and Purpose*. Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 103—*Definitions*. Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance*, meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care*, include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers*, include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool*, meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses*, meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Title II—Establishment of program; State plans

Section 201—*Authority*. Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 202—*State Plans*. Provides that the program shall involve the creation of State-wide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the State-wide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Sec. 203, and at a cost which is reasonable, as defined in Sec. 204, subject only to deductibles authorized in Sec. 205.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the State-wide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 203—*Eligible Individuals*. In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 204—*Premium Setting*. Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 202 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 504 of the bill.

Section 205—*Deductibles*. Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 206—*All Industry Placement Facility*. A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 207—*Industry Cooperation*. Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 208—*Plan Evaluation*. Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Title III—Reinsurance coverage

Section 301—*Reinsurance of Losses under Extended Health Insurance Policies*. Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in title II.

Section 302—*Reinsurance Agreements and Premiums*. Authorizes the Secretary to make agreements with insurers and pools for reinsurance in consideration of payments of reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 503 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 303—*Conditions of Reinsurance*. Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 304—*Recovery of Premiums; Statute of Limitations*. Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Title IV—Government program with industry assistance

Section 401—*Federal Operation of Program in Noncooperating States*. Authorizes after certain determinations that, where a State-wide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 402—*Adjustment and Payment of*

Claims. If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Title V—Provisions of general applicability

Section 501—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 502—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 503—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 504—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 505—*Records, Annual Statement, and Audits.* Self-explanatory.

Section 506—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 507—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 508—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 509—*Taxation.* Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 510—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:	*Deductible*
$1,500	$0
$2,000	500
$2,500	1,000
$3,000	1,500
$3,500	2,000
$4,000	2,500
$4,500	3,000
$5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

In 1903 two Dayton, Ohio, dreamers despite public skepticism and lack of financial assistance, made man's conquest of the air come true. The determination and ingenuity of Orville and Wilbur Wright made aviation history and the world began to draw a little closer together.

SUGAR ACT REFORMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, the complaints I have today about some aspects of USDA personnel have nothing to do with personal integrity. They have, instead, to do with philosophy and direction. And they are confined to the highest reaches of the administrative pyramid, specifically, the 53 highest executive positions.

Note one very critical position, the office of general counsel. USDA is the only department in the entire executive branch where the same person serves as general counsel who served in that capacity in the Johnson administration.

To name another, USDA is one of only two departments where the assistant secretary for administration is a holdover from Johnson years. What makes this holdover particularly remarkable is the fact that the person involved, Joseph Robertson, was brought to this position from Orville Freedman's days as Minnesota Governor and had a major role in the prompt housecleaning of top executives effected by Mr. Freeman in 1961.

It would be strange indeed if Mr. Robertson worked hard for Mr. Hardin in cleaning out the key personnel he had worked so hard to install under Secretary Freeman. And he has not. Of the seven principal executives under Mr. Robertson, only one is a Republican.

Two years after the new administration took office with a mandate for change, only 26 of the top 53 executive positions in USDA are occupied by people with Republican credentials, and two of these were Democrats until 1968.

Seventeen of the 53—one-third of the total—are Democrats.

These 53 are the top policymakers. They stand between the cabinet officer and the lower-level professional personnel. They set the tone, direct the preparation of guidelines and regulations. They must be closely tuned to the spirit and philosophy of the administration if a change in direction is to be effected. And no one can doubt that the new administration came to office with a mandate for change.

To the extent that Secretary Hardin keeps the old team at the top he complicates the difficult task of effecting change. The old team helped to construct the old policies, and can hardly be enthusiastic about extensive remodeling of its own handiwork.

This is no reflection on the competence, skills, expertise, or integrity of these men. They have a built-in division of loyalty that no human being can be expected to shed. They naturally tend to justify and defend their record of yesterday, try as they may to adjust themselves to the new order.

Secretary Hardin's path would be easier if he would complete the long overdue housecleaning of his top command. This would help among other things to effect long-needed reform of the Sugar Act, the principal legislative item on the agenda of the 92d Congress in the agricultural field.

The Sugar Act is the worst outrage on the American taxpayers and consumers being perpetrated by the Federal Government, and that covers a lot of ground.

The Sugar Act hands undeserved bonanzas worth millions of dollars to certain foreign producers, and shuts out all other foreign producers. The Sugar Act keeps at an excessive level market prices paid to U.S. producers, and yet hands these same producers direct payments which last year added up to $90 million. All they must do to get the payments is produce sugar. Land diversion is not required. Overseas refiners are effectively barred from the U.S. market. With a couple of tiny exceptions, sugar can enter this country only in unrefined form.

Sugar is the commodity most tightly regulated by the Federal Government. So skillful is Government control of the production, import, and marketing of sugar that the price is kept almost constant from year to year. Consumers do not complain much because the price is constant—constantly high.

To be specific, Monday of this week the American homemaker in Washington, D.C., supermarkets paid $1.29 for a 10-pound bag of sugar that was selling the same day in Toronto, Canada, supermarkets for $1.09. That is a 20-percent premium. Sugar sells for still less in other countries. The premium we pay over Canadian prices alone adds up to a $52 million unjustified burden for U.S. users.

Sugar is the only commodity which is today supported by Government policy at 100 percent of parity. It is badly out of line with other commodity prices, and as all of you know, the parity index itself is an outdated and unreliable yardstick of farm prosperity.

A tariff of 0.625 cent per pound is charged all foreign sugar arriving in the United States in addition to the half-cent a pound excise tax we all pay at the store when we buy sugar. These revenues go to the Federal Treasury.

Because payments to domestic growers are lower than tax and tariff receipts from sugar, the sugar program is often said to be "self-financing." In a 1964 book, Don Paarlberg devastates that argument.

> It is not clear by what reasoning sugar producers feel entitled to federal revenues raised by taxes levied on their product. The automobile industry does not so reason, nor do the petroleum industry, the tobacco industry, or the liquor industry.

I agree with Mr. Paarlberg.

There are many places in the United States where the $90 million now spent annually for payments could be put to good use—places like improved water and sewer works for small cities and towns to help attract and keep people and job-producing industry.

These payments are equivalent to the funding of the Peace Corps, twice as much as we spend on environmental control, four times what we spend on the Foreign Agricultural Service, and eight times what the Federal Government has budgeted for juvenile delinquency control.

The act expires this year, and when successor legislation is considered, I will recommend these specific reforms:

First. A reduction to 6 cents a pound of the target price of raw sugar, New York, from its present level of 7 cents. This 1-cent per pound reduction would be welcome relief to U.S. consumers amounting to over $200 million annually.

Second. Elimination of the direct payment to domestic producers. The payment varies with the size of the farm, and averages about a half-cent a pound. Producers do nothing to justify the payments. They have no set-aside requirement. Among direct-payment recipients under various USDA programs they are unique in this respect. This change in the law would reduce program costs about $90 million a year.

Third. Recapture from foreign suppliers half of the difference between the world price and the U.S. price. This would take part of the bonanza from the program, without making the U.S. market unattractive. A precise estimate of the yield from this recapture feature is hard to fix. Even using the relatively high world price presently established and assuming the lower U.S. price I recommend, the differential would at least amount to over 2 cents a pound. Half of that would come to $96 million a year, a tidy sum for the U.S. Treasury.

These reforms would save the American people over $200 million as consumers, and an additional $196 million as taxpayers.

Even in this trillion-dollar era, the net gain of $396 million annually would be worth reaching for.

I do not suggest these reforms as the ideal. I would much prefer to see the entire program die, with a tariff used as the only device to provide a desired level of U.S. production. But I have had enough experience with the sugar lobby, and enough respect for its skill in influencing votes quickly on the House floor that I do not expect such far-reaching reform this year.

The reforms I have suggested, however, I believe are reachable as well as reasonable.

An alternative to my recapture proposal would be to dispense with foreign quotas entirely, and fill overseas requirements through competitive bidding.

The advantages to this latter proposal, as I see them:

First. It would end all discrimination among foreign sugar producers. Each nation would be given an equal fair chance at the U.S. sugar market.

Second. It would take Congress out of the business of allocating high-profit business among certain favored sugar-producing nations.

Third. It would put the foreign sugar lobby out of business. High-paid lobbyists would no longer be involved in backroom dealing which a high official of the USDA told me recently "is enough to make you sick." Neither the executive branch nor Congress would have favors to distribute.

Fourth. It would establish for the first time in years a meaningful world price for sugar. This would be useful to the Congress in considering the maximum prices U.S. consumers should be required to pay and the extent to which U.S. production of sugar can be justified.

It is high time we lay to rest the false notion so conveniently used by lobbyists that the sugar program is a delicately balanced mechanism much too complicated for ordinary people to understand and much too fragile to stand any kind of reform. They have been peddling this fiction to the Congress far too long.

Stripped to its bare essentials, the sugar program is nothing but Government control in all its dimensions. In fact, the Soviets, who have a longstanding reputation for the intensity with which they manage farm and consumer items, could learn a thing or two from our Sugar Act. I question whether the Communists have ever succeeded in bringing a consumer item under greater government control than our Federal Government has achieved in the Sugar Act.

It is high time for Congress to raise Cain about the price of cane—sugar, that is.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR MISSING IN ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 10 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am proud to join with my distinguished colleagues, the gentlemen from Indiana (Mr. Myers and Mr. Zion) and over 150 cosponsors in introducing a resolution to designate the week of March 21 to 27 as a "National Week of Concern for Prisoners of War/Missing in Action." Several concerned national groups have called upon us to set aside such a week for the purpose of focusing American and world attention on the plight of American prisoners in Southeast Asia. We have chosen the week of March 21 to 27 for an historically significant reason—it was on March 26, 1964, that an American Army adviser, Capt. Floyd J. Thompson, was captured in South Vietnam, thus becoming the first American POW in that conflict. That was 7 years ago. Today, Captain Thompson is listed along with over 1,500 other Americans as prisoners of war/missing in action.

We are deeply saddened at the tragic loss of thousands of lives in Vietnam and our hearts go out to all those who have lost loved ones in that conflict. But perhaps just as tragic is the fact that hundreds of families do not know whether their loved ones are alive or dead; many families have lived with this anxiety for over 6 years. The North Vietnamese are guilty of inhumane treatment not only against American POW's, but against their families for refusing to release a complete list of those being held captive, and for refusing to allow a free exchange of mail between the prisoners and their families. These inhumane practices also constitute a clear breach of international law. In 1957 the North Vietnamese ratified the 1949 Geneva Convention relative to the treatment of prisoners of war. And yet, they have refused to abide by those provisions in the treatment of American POW's. In addition to the violations I have already mentioned, they have also refused to release the sick and wounded, and have refused to permit impartial inspections of POW facilities.

Mr. Speaker, it is our hope that a National Week of Concern for Prisoners of War/Missing in Action, will spotlight the plight of American POW's frontstage in the arena of world opinion. It is our hope that by focusing American and world attention on this problem, pressure will be brought to bear on the North Vietnamese to abide by the Geneva Convention and the laws of human decency, and that they will begin to negotiate in earnest the question of prisoner repatriation.

Mr. Speaker, I would hope that the Judiciary Committee will give this resolution its early consideration due to the time frame involved. The fact that over 150 Members of this body have joined as cosponsors is a clear indication of the widespread support which exists for setting aside such a National Week of Concern for Prisoners of War/Missing in Action.

At this point in the Record I include a complete list of the cosponsors of this resolution along with the full text of the resolution:

Text of the House Joint Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to demonstrate our support and concern for the more than 1500 Americans listed as prisoners of war or missing in action in Southeast Asia, and to forcefully register our protest over the inhumane treatment these men are receiving at the hands of the North Vietnamese in violation of the Geneva Convention, the President is hereby authorized and requested to issue a proclamation designating the period beginning March 21, 1971, and ending March 27, 1971, as National Week of Concern for Prisoners of War/Missing in Action," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

National POW/MIA Week of Concern, March 21–27: List of House Cosponsors

Anderson (R—Ill.), Myers (R—Ind.), Zion (R—Ind.), Abbitt (D—Va.), Adams (D—Wash.), Addabbo (D—N.Y.), Anderson (D—Calif.), Andrews (R—N.D.), Archer (R—Tex.), Arends (R—Ill.).

Aspin (D—Wis.), Baker (R—Tenn.), Barrett (D—Pa.), Bell (R—Calif.), Bennett (D—Fla.), Biaggi (D—N.Y.), Biester (R—Pa.), Blackburn (R—Ga.), Blanton (D—Tenn.), Boland (D—Mass.).

Bolling (D—Mo.), Brasco (D—N.Y.), Bray (R—Ind.), Brinkley (D—Ga.), Broomfield (R—Mich.), Broyhill (R—N.C.), Broyhill (R—Va.), Buchanan (R—Ala.), Byrne (D—Pa.), Casey (D—Tex.).

Clausen (R—Calif.), Cleveland (R—N.H.), Collier (R—Ill.), Corbett (R—Pa.), Cordova (Puerto Rico), Cotter (D—Conn.), Coughlin (R—Pa.), Crane (R—Ill.), Daniel (D—Va.), Derwinski (R—Ill.).

Dennis (R—Ind.), Devine (R—Ohio), Dingell (D—Mich.), Donohue (D—Mass.), Downing (D—Va.), Duncan (R—Tenn.), du-Pont (R—Del.), Edwards (D—La.), Edwards (R—Ala.), Eilberg (D—Pa.).

Erlenborn (R—Ill.), Esch (R—Mich.), Evins (D—Tenn.), Fascell (D—Fla.), Findley (R—Ill.), Fisher (D—Tex.), Forsythe (R—N.J.), Frenzel (R—Minn.), Frey (R—Fla.), Fulton (D—Tenn.).

Fuqua (D—Fla.), Goldwater (R—Calif.), Goodling (R—Pa.), Green (D—Pa.), Griffin (D—Miss.), Gubser (R—Calif.), Gude (R—Md.), Halpern (R—N.Y.), Hanley (R—N.Y.).

Hansen (R—Idaho), Harrington (D—Mass.), Harsha (R—Ohio), Harvey (R—Mich.), Hastings (R—N.Y.), Hathaway (D—Maine), Hicks (D—Mass.), Horton (R—N.Y.), Hungate (D—Mo.), Hunt (R—N.J.).

Hutchinson (R—Mich.), Keating (R—Ohio), Kemp (R—N.Y.), King (R—N.Y.), Leggett (D—Calif.), Lent (R—N.Y.), Lloyd (R—Utah), Lujan (R—N. Mex.), Mailliard (R—Calif.), Mathias (R—Calif.).

Mathis (D—Ga.), Mayne (R—Iowa), Mazzoli (D—Ky.), McClory (R—Ill.), McClure (R—Idaho), McCollister (R—Nebr.), McKevitt (R—Colo.), McKinney (R—Conn.), Meeds (D—Wash.), Michel (R—Ill.).

Miller (R—Ohio), Minshall (R—Ohio), Montgomery (D—Miss.), Nichols (D—Ala.),

Price (R—Ill.), Price (R—Tex.), Pryor (R—N.Y.), Pirnie (R—N.Y.), Poage (R—Tex.), Poff (R—Va.).

Price (R—Ill.), Price (R—Tex.), Pryor (D—Ark.), Pucinski (D—Ill.), Reid (R—Ill.), Rhodes (R—Ariz.), Robison (R—N.Y.), Rodino (D—N.J.), Rogers (D—Fla.), Roncalio (D—Wyo.).

Sandman (R—N.J.), Satterfield (D—Va.), Schwengel (R—Iowa), Sebelius (R—Kans.), Shoup (R—Mont.), Shriver (R—Kans.), Skubitz (R—Kans.), Spence (R—S.C.).

Stanton (R—Ohio), Steele (R—Conn.), Stephens (D—Ga.), Stubblefield (D—Ky.), Teague (R—Calif.), Terry (R—N.Y.), Thompson (R—Wis.), Vander Jagt (R—Mich.).

Veysey (R—Calif.), Whalen (R—Ohio), Widnall (R—N.J.), Wilson, B. (R—Calif.), Winn (R—Kans.), Wright (D—Tex.), Wyatt (R—Oreg.), Wylie (R—Ohio).

Yatron (D—Pa.), Young (D—Fla.), Zablocki (D—Wis.), Hammerschmidt (R—Ark.), Hogan (R—Md.), Eshleman (R—Pa.), Frelinghuysen (R—N.J.), Brotzman (R—Colo.).

DEFENSE FACILITIES AND INDUSTRIAL SECURITY ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Price) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, before I was chosen by the voters in the 18th Congressional District of Texas to be their elected Representative in Congress I was, as a private citizen, quite concerned about the menace international communism poses to our way of life. And when I took office in 1966 I vowed then to do whatever I could as a U.S. Congressman to help preserve and protect our great heritage.

It is in this vein that I have in previous Congresses introduced legislation prohibiting Communists and other subversives from working in defense plants and security installations. In the last Congress, the House Internal Security Committee took my basic proposition; namely, that those dedicated to the overthrow of this country should be denied employment in defense and other security oriented facilities, and expanded it into a comprehensive set of proposals entitled the Defense Facilities and Industrial Security Act of 1970. This act passed the House early in the first session, but fell into a legislative morass in the Senate and died a natural death when the 91st Congress adjourned.

In an effort to give new impetus to this vital issue, I am today introducing legislation similar to the act that passed the House last year. I urge my colleagues to expedite this proposal and transmit it to the other body. Hopefully, in the last 18 months or so the difficulties which frustrated its progress then will have been overcome, and productive action will be forthcoming.

Mr. Speaker, I believe we must act quickly on this issue. With each passing week the dangers to our defense and security installations become more acute, and in the absence of congressional action, they will continue to be attractive and accessible targets for subversives.

If those of us who are concerned about the dangers that Communists and other subversives pose to our Nation can affect passage of this legislation, I believe it will be a giant step toward thwarting the efforts of those who would hope to undermine and overthrow the Government of the United States.

REVENUE SHARING WITH A DIFFERENCE: THE STATE AND LOCAL GOVERNMENT MODERNIZATION ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I am introducing today for myself and for the gentleman from New York (Mr. Addabbo), the gentleman from Ohio (Mr. Carney), the gentleman from South Dakota (Mr. Denholm), the gentleman from New York (Mr. Dulski), the gentleman from California (Mr. Edwards), the gentleman from Pennsylvania (Mr. Eilberg), the gentleman from Massachusetts (Mr. Harrington), the gentleman from Indiana (Mr. Hamilton), the gentleman from California (Mr. Hawkins), the gentleman from Illinois (Mr. Mikva), the gentleman from Michigan (Mr. Nedzi), the gentleman from Wisconsin (Mr. Obey), the gentleman from New York (Mr. Podell), the gentleman from Rhode Island (Mr. Tiernan), and the gentleman from Pennsylvania (Mr. Yatron), H.R. ——, a bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government. The bill will shortly be introduced in the other body by the junior Senator from Minnesota, Mr. Humphrey.

Mr. Speaker, the administration approach to revenue sharing gives no incentive to State and local governments to streamline so they can function more efficiently. What we need is a revitalized federal system, not perpetuation of the status quo, H.R. —— would relieve the fiscal crisis of States and localities by sharing revenues over and above what the Federal Government at present distributes in categorical grants; it would use revenue sharing to encourage State and local governments to modernize their structures so the shared funds can be spent with greatest effect.

The bill has these principal features:

FUNDING

The bill would provide revenue sharing of $3 billion for fiscal 1972, $5 billion for fiscal 1973, $7 billion for fiscal 1974, and $9 billion for fiscal 1975.

If the administration will take steps to put our country on a full-employment-without-inflation course, and to reorder our priorities, enlarged revenues will permit the Federal Government to perform its necessay functions, balance its budget, and still have adequate revenues left over for revenue sharing. Any administration revenue-sharing proposal which is funded by cutting back present Federal grant programs and vetoing essential increases in these programs will be unacceptable to the States, the counties, and the cities, and unacceptable to this Democratic Congress.

QUALIFICATIONS

The administration approach to revenue sharing omits any incentive to States to get on with the job of updating and streamlining local government in this country. The heart of H.R. —— is a requirement that States qualify for revenue sharing, in the second and subsequent years of the program, by preparing a master plan and timetable for modernizing State-local government. What is needed is a catalyst to bring about State-local governmental reform, not a crutch to allow the States to hobble along as they have. The bill contains a "check list" of illustrative reforms. The beneficiaries of revenue sharing would not be subject to any strings on the type of plan presented, on how they spend their funds, or even on progress made in fulfilling the plans.

STATE INCOME TAX INCENTIVE

The bill gives double weighting to the income tax efforts of the States after July 1, 1974, in the formula used to apportion funds among the States. States lacking income taxes thus have an incentive to adopt them and have time to take the necessary legislative steps to enact them. At present, nine States—Connecticut, Florida, Nevada, Ohio, Pennsylvania, South Dakota, Texas, Washington, Wyoming—have no income tax at all, and compete unfairly for industry with the States which have such a tax.

Four States have narrowly based income taxes—New Hampshire, New Jersey, Rhode Island, and Tennessee—and five States—Illinois, Indiana, Massachusetts, Michigan, Mississippi—have income taxes with the same rate for both rich and poor.

The administration approach to revenue sharing omits any State income tax incentive.

ALLOCATION TO LOCALITIES

The bill incorporates allocation procedures recently worked out by the national organizations of cities, mayors, Governors, and counties.

First. A State will get a 10-percent bonus in its portion of the Federal revenue-sharing pot if it sits down and negotiates an agreement with a representative number of county and city governments determining the State-local split pass-through and the local distribution of these funds. The agreement must be enacted as State law and approved by a majority decision of all county governments, representing at least half of all counties by population; and by a majority decision of all governments of cities with 2,500 or more population, representing at least half of all such cities by population.

Second. If a State does not negotiate, it must pass through to its localities an amount that will average over 50 percent nationwide. According to the formula set out in the bill, the local share will range from about 30 to 65 percent State by State, far more than the average 30 percent provided in the 1969 administration bill. Distribution of the local share would be determined by State law.

I applaud the agreement worked out by the national State-county-city organizations, particularly the "negotiations option." I anticipate that intrastate apportionment negotiations will at the same time provide a forum for consultation and agreement on a modernization plan.

The bill further avoids a major flaw in the administration's revenue-sharing approach: Mandatory distribution to all 63,000 local governments, whether rich or poor, archaic or efficient. Instead we leave distribution among localities to State law or to intrastate negotiation, thus providing the flexibility needed to encourage consolidation of inefficient units, and to take account of relative fiscal need and other differences State by State.

If the "negotiations option" is not exercised, the "local share" State by State under H.R. —— will be approximately that set out in the following table, prepared on the basis of 1966–67 data:

[In percent]

	Local share
Alabama	39.22
Alaska	31.45
Arizona	44.58
Arkansas	35.84
California	57.94
Colorado	50.59
Connecticut	51.57
Delaware	28.20
District of Columbia	-----
Florida	53.43
Georgia	43.83
Hawaii	28.09
Idaho	42.08
Illinois	57.38
Indiana	48.07
Iowa	52.53
Kansas	52.55
Kentucky	36.95
Louisiana	30.77
Maine	44.79
Maryland	47.72
Massachusetts	53.14
Michigan	46.94
Minnesota	49.25
Mississippi	40.15
Missouri	52.52
Montana	54.48
Nebraska	65.05
Nevada	54.39
New Hampshire	58.54
New Jersey	61.65
New Mexico	27.79
New York	53.48
North Carolina	31.86
North Dakota	43.25
Ohio	58.09
Oklahoma	38.64
Oregon	49.75
Pennsylvania	48.50
Rhode Island	45.13
South Carolina	29.36
South Dakota	54.44
Tennessee	45.29
Texas	49.68
Utah	41.08
Vermont	39.14
Virginia	42.09
Washington	38.29
West Virginia	34.07
Wisconsin	41.91
Wyoming	49.10

The text of H.R. —— follows:

A bill to improve inter-governmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State and Local Government Modernization Act of 1971".

FEDERAL BLOCK GRANTS

SEC. 2. (a) AUTHORIZATION OF APPROPRIATIONS.—There is herewith authorized to be appropriated for the fiscal year beginning July 1, 1971, $3 billion; for the fiscal year beginning July 1, 1972, $5 billion; for the fiscal year beginning July 1, 1973, $7 billion; for the fiscal year beginning July 1, 1974, $9 billion; to be paid by the President to all States (and location within such States) which qualify for Federal block grants.

(b) DETERMINATION OF "OVERALL STATE-LOCAL SHARE."—Subject to the provisions of subsection (d)(2) of this section, the President shall quarterly make a payment to each State (and to eligible local governments in that State pursuant to subsection (c) or (d) of this section) which is qualified under section 3 of this Act for a Federal block grant of an amount to be known as the "overall State-local share," which shall bear the same ratio to the amount appropriated for that year under subsection (a) of this section as the product of—

(1) the State's "revenue-effort ratio" (as

(2) the State's "revenue-effort ratio" (as determined below),

bears to the sum of the corresponding products for all the States which are qualified for a revenue-sharing payment in that year. The "revenue-effort ratio" for a State shall be the ratio between the sum of all revenues collected in the State by the State and its political subdivisions, and the total personal income for the State. After July 1, 1974, double weight shall be given to income tax revenue. Population, revenue, and income data shall be based on the most recent data available from the Department of Commerce. The term "State" shall include the District of Columbia.

(c) APPORTIONMENT OF "OVERALL STATE-LOCAL SHARE": GENERAL RULE.—

(1) APPORTIONMENT BETWEEN STATES AND LOCAL GOVERNMENTS.—The "overall State-local share" shall be apportioned between the State government ("State share") and all eligible general purpose local governments in that State ("local government share") in the same ratio as the revenues of the State government bear to the revenues of all units of local government in the State, including school districts and special districts.

(2) APPORTIONMENT AMONG LOCAL GOVERNMENTS.—The "local government share" shall be apportioned among such units of general purpose local government, and according to such a distribution formula, as the State shall by law provide. Such inclusion or exclusion of local governments, and such distribution formula, shall be fair and equitable departing from a per capita or a revenue basis only for the purpose of favoring localities that are relatively more populous, contain relatively more low-income families, or have high local tax burdens in relation to individual income. The chief executive of each State shall keep the President currently informed of the amounts payable to local governments under such State law.

(d) APPORTIONMENT OF "OVERALL STATE-LOCAL SHARE": BONUS FOR NEGOTIATION.—(1) Any State may obtain a 10 percent bonus in its "overall State-local share" if it enacts an apportionment between the State and its localities, and among its localities, agreed to (A) by a majority decision of all county governments, representing at least half of all counties by population; and (B) by a majority decision of all governments of municipalities with two thousand and five hundred or more population, representing at least half of all such municipalities by population.

(2) In each fiscal year for which funds for Federal block grants are appropriated pursuant to this Act, the President shall reserve for a specified period prior to the first quarterly payment to qualifying States an amount sufficient to provide a 10 percent bonus for all States. At the expiration of this period, the unclaimed portion of the amount reserved shall become available for distribution to all qualifying States pursuant to subsection (b) of this section and, either subsection (c) of this section or paragraph (1) of this subsection.

(3) The President shall issue regulations to ensure equity to States, which by reason of their local governmental structure, are not able to meet the requirements of paragraph (1) of this subsection.

SEC. 3. QUALIFICATIONS FOR BLOCK GRANTS.—In order to qualify for block grants in the first, and subsequent fiscal years, each State shall, within a specified period prior to the first quarterly payment each year, do one of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c)(2) of this Act; *or* (b) enact and file with the President a state-local apportionment agreement (which may from time to time be amended) pursuant to section 2(d)(1) of this Act. In order to qualify in the second, and subsequent fiscal years, a State's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative checklist:

(1) INTERSTATE.—Proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) STATE DIRECT ACTION.—Proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) STATE ACTION AFFECTING LOCALITIES.—Proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including

(A) Changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating local governments too small to provide efficient administration, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policy-makers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinate at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multicounty and regional bodies.

(B) Changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas, to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side area-wide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) Changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

SEC. 4. REPORTS AND RECOMMENDATIONS.—The President shall report to the Congress at the end of each fiscal year in which Federal block grants are paid on the progress made by each participating State in carrying out its modern governments program, and, prior to the end of the fourth fiscal year, shall make recommendations to the Congress concerning the future of the Federal block grant program.

PANAMA SEA-LEVEL PROJECT: DANGER OF POISONOUS PACIFIC SEA SNAKES INFESTING THE ATLANTIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, as all who have seriously studied the interoceanic canal problem know, this subject is a highly complicated one involving economics, engineering, diplomatic relationships, defense, and a host of other questions. The most recent development in these connections is that of the Pacific sea snakes and the danger of their infesting the Atlantic.

In an illuminating address on December 21, 1970, on sea snakes and their venoms at the National Science Foundation in Washington, Dr. Anthony T. Tu, professor of biochemistry at Colorado State University, Fort Collins, Colo., summarized the highlights of his investigations and studies. One of the interesting features of his presentation was the exhibit of three specimens from his collection of more than 9,000 sea snakes of different species that he had caught in the Philippines and in Indochina.

The following are the principal nontechnical highlights of Dr. Tu's address:

First. That sea snakes abound in the Indian and Pacific Oceans, including the east coast of Africa and the coastal waters of Baja California, and the west coasts of Mexico, Central America, Panama, and South America.

Second. That about 60 species are found in the Far East and Southwest Pacific but only one in the Eastern Pacific.

Third. That sea snakes, which are related to the cobra and far more numerous than land snakes, are more deadly than rattlesnakes and that a bite can cause death within hours.

Fourth. That sea snakes cannot survive cold water and probably choose to avoid low-salinity estuarine waters.

Fifth. That the Atlantic Ocean is protected against the sea snake infestation by low temperature barriers in the vicinity of Cape Horn and the Cape of Good Hope and the fresh-water barrier of Gatun Lake in the Panama Canal.

Sixth. That in addition to the hazards to human swimming at our beaches, a sea snake invasion of the Atlantic might upset the ecological balance with unknown consequences.

The final report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88-609 was filed with the President on December 1, 1970. The recommendation of this report is for the construction of a second canal of so-called sea level design about 10 miles west of the existing canal. Such canal, Dr. Tu warns, would open the way for poisonous sea snakes to infest the Caribbean and from there the Atlantic.

While it is true that the previously indicated canal study panel, which was not an independent commission as its name implies but merely a Presidential consulting board, did include consideration of sea snakes and other biotic hazards in its final report, it dismisses them as acceptable risks. This action, Mr. Speaker, is in direct conflict with much independent expert opinion illustrated by the findings of Dr. Tu and others of equal eminence. Moreover, it is pertinent to comment that the indicated commission, in the preparation of its findings and conclusions, was obviously more concerned with the justification of its predetermined sea level objective as provided by the authorizing statute, which I strongly opposed, than in developing a valid solution of the problems of interoceanic transit.

In contrast, Dr. Tu and other marine biological authorities whom I have consulted, have been independent investigators not bound by endeavors to support preconceived conclusions.

At this point, Mr. Speaker, I would stress that pending legislation in both the House and Senate provides for the major modernization of the existing Panama Canal through the adaptation of the authorized Third Locks project to include the principles of the Terminal Lake plan. This project on which more than $171,000,000 has been expended, in addition to its economic, engineering, operational, and judicial superiority to the sea level proposal, would retain the fresh water barrier provided by Gatun Lake and continue to protect the Caribbean Sea and Atlantic from poisonous sea snake infestation.

Dr. Tu's studies of sea snakes, it should be noted, have been supported by the Office of Naval Research of the Navy Department and that the subject is far from exhausted.

In volume 3 of the book, "Poisonous and Venomous Marine Animals of the World—Vertebrates," edited by Dr. Bruce W. Halstead and published in 1970 by the U.S. Government Printing Office, pages 885–903, there is a section on "Sea Snakes From Southeast Asia and Far East and Their Venoms" by Anthony T. Tu and Tsuchih Tu, the latter of the Department of Pharmacology, University of Alberta, Edmonton, Canada.

To make the information presented in the December 21 seminar at the National Science Foundation and that in the previously mentioned article available to the Congress, cognizant officials of the executive branch of our Government and the Nation at large, I quote an abstract of Dr. Tu's December 21 address and the indicated article, preceded by a biographical sketch of Dr. Anthony T. Tu, as part of my remarks, as follows:

Tu, Dr. Anthony T, b. Taipel, Formosa, Aug. 12, 30; U.S. citizen; m. 57; c. 5. Biochemistry. B.S., National Taiwan Univ., Taiwan, 53 M.S, Notre Dame, 56 Ph. D. (biochem), Stanford, 60. Res. asst. Biochem, Yale, 61–62 asst. prof. Utah State, 62–67 Assoc. Prof, Colorado State, 67–70; Prof, Colorado State, 70– SEATO summer res. fel, 66. Am. Chem. Soc; Int. Soc. Toxinology; Am. Soc. Biol. Chem; Soc. for Exptl. & Med. Snake venom toxine and enzymes; hemepeptides; netal-nucleotide interaction. NIH Career Development Award 1969–73. Sea Snake Collection in Southeast Asia and Far East in 1967 and 1969. Address: Dept. of Biochemistry, Colorado State University, Ft. Collins, Colo. 80521.

SEA SNAKES AND THEIR VENOMS, ADDRESS AT THE NATIONAL SCIENCE FOUNDATION, WASHINGTON, D.C., DECEMBER 21, 1970

(By Dr. Anthony T. Tu)

Sea snakes are among the most feared creatures that fishermen in many parts of the world frequently encounter. More deadly than the rattler, and more numerous, it's not uncommon in tropical and subtropical regions bordering the Indian and Pacific Oceans for several hundreds of the reptiles to spill on deck with a fish catch each time a net is hauled on board. Yet a single bite of their fangs can bring death within hours by the action of their toxin on the neuromuscular junction of the victim.

Recent analyses of sea snake venom toxins reveal that they are proteins that bear a remarkably close resemblance in their chemical makeup among different species of the snake from different areas. Significant, too, finds Dr. Anthony T. Tu, biochemistry professor at Colorado State University in Fort Collins, is that a simple chemical modification of the single tryptophan residue in the purified toxin detoxifies it without affecting its antigenicity. An important practical outcome of the work which, to date, has been carried out under contract for the Office of Naval Research is that modified toxin should make possible more rapid production of antivenom serum of high potency, he told the annual meeting of the American Association for the Advancement of Science in Chicago, last week.

All told, Dr. Tu has collected some more than 9000 sea snakes of different species that he caught in the Philippines and in Indochina. "I have sufficient quantity of venom on hand to provide work for several Ph.D.'s in the years ahead," he remarked recently to a visitor to his office which is dominated by a fearsome-looking (stuffed) King Cobra. "What I lack now is funding for the research."

For his study of the lethal toxin of *Laticauda semifasciata*, he extracted venom from the glands of some 600 of the snakes.

Using water to dissolve the venom from the pulverized venom glands, he and coworkers, Dr. Bor-shyue Hong and Paul M. Toom, removed the insoluble tissue debris and lyophilized the crude venom extract.

Column chromatography of the sample dissolved in buffer solution yields five fractions, only one of which is toxic when injected intravenously into mice. Twice as lethal as the impure material, a mere microgram of it kills a 20-gram animal. This fraction comprises two active molecules which he refers to as toxin a and toxin b. They differ only slightly from each other in the relative abundance of their amino acid content. Both have a molecular weight of about 6,800. Electrophoresis, isoelectric focusing, and crystallization of the two toxin functions, as well as evidence from sedimentation velocity and equilibrium rates, point to the individual purity of toxin a and b, notes Dr. Tu, who directs an active program of snake venom studies on the CSU campus.

Amino acid analyses show the two toxins to be almost identical. Toxin a consists of 62 amino acid residues, toxin b, 61. In both, arginine is the N-terminal amino acid, either aspartic acid or asparagine to the C-terminal one. Both have internal disulfide bridges at four locations along the chain.

Presence of the four S–S bonds points to the molecular configuration being tightly held in place, Dr. Tu surmises. Bolstering this contention is the unusually high degree of physical stability of the toxin molecule. Solutions of the toxins, for example, can withstand heating at 100°C for 30 minutes and exposure to pH extremes of 1 to 11 without undergoing any loss of toxicity.

The single tryptophan residue in toxins a and b—which seemingly is a common feature of sea snake toxins—is vital for the physiological activity of the molecules.

Interaction with N-bromosuccinimide, for instance, completely detoxifies the protein. This is further borne out by the fact that Dr. Tu and his coworkers note a progressive decrease in toxicity level accompanies addition of NBS to solutions of the toxins until all of the available tryptophan residues are modified. At that point, the solution is nonlethal.

A similar detoxifying effect accompanies treatment with 2-nitrophenylsulfenyl chloride and 2-hydroxy-5-nitrobenzl bromide, both of which, like NBS, interact with tryptophan's indole group. On the other hand, modification of the argenine residues with 1,2-cyclohexanedione, or of lysine residues with O-methylisourea, brings about no change in toxicity level. Dr. Tu plans to study the effect, if any, of modifying some of the other amino acid residues. He also is working on the amino acid sequencing of the protein.

While the tryptophan residue is essential for toxicity, it isn't essential for antigenicity of the molecule, Dr. Tu finds. For example, immunodiffusion of the tryptophan-modified and -unmodified toxins yields a single fused precipitin band, strong evidence that no change in antigenicity accompanies the chemical modification, he says.

This fact suggests to Dr. Tu that tryptophan-modified toxin should prove superior to untreated venom for inducing the production of antivenom in horses, the usual commercial method of making serum used in counteracting snakebites. Because of the sea snake venom's extreme degree of toxicity, antivenom production now is a slow process. Small quantities of the venom are injected into the horses over a period of about a year to avoid risk of killing the horses. The process could be speeded up, he suggests, by using nontoxic tryptophan-modified venom.

Dr. Tu and his associates already have examined the toxins of two other sea snakes, *Enhydrina schistosa* collected in the Straits of Malacca off the Malayan coast, and *Lapemis hardwiccki* from the Gulf of Thailand. Amino acid profiles of toxin from these reptiles closely resemble those of toxins a and b of *L. semifasciate*. Too, NBC-modification of the single tryptophan residues completely neutralizes toxicity of the venom proteins.

Sea snakes abound in the coastal waters of Baja California, Mexico, Central and South America, Southeast Asian countries and along the east coast of Africa. In fact, coldness of the waters at the southern tip of Africa and South America has prevented the reptiles from migrating into the Atlantic Ocean, Dr. Tu explains. But he foresees a grave danger ahead should a sea level canal in Panama, a project now being seriously considered, is built. Such a canal, he warns, would open the way for poisonous sea snakes to infest the Carribean and from there move into the Atlantic Ocean.

SEA SNAKES FROM SOUTHEAST ASIA AND FAR EAST [1] AND THEIR VENOMS

(By Anthony T. Tu [2] and Tsuchih Tu [3])

(From *Poisonous and Venomous Marine Animals of the World*, vol. III. Ed. by B. W. Halstead, U.S. Government Printing Office, Washington, D.C. (1970))

INTRODUCTION

Sea snakes (Hydrophiidae), characterized by their oarlike flattened tail, are quite common in Southeast Asia and the Far East. Their venoms contain potent neurotoxins and are extremely poisonous. The members of this family prefer the relatively shallow waters along the coast and often infest the vicinity of river mouths. *Pelamis platurus*, however, is considered a pelagic sea snake.

In Southeast Asia, snakebite due to sea snakes is common among fishermen who are in daily contact with the sea. Sea snakes are often caught in the nets along with the fish. Fishermen fear sea snakes and remove them from the fish net with long bamboo sticks.

Unlike fish, sea snakes do not have gills; therefore, they must come to the surface of the water for air. When sea snakes are caught with the fish in trawling nets, they frequently die before the net is brought up because they cannot breathe while being trawled.

The feeding habits of sea snakes have not been investigated to any great extent. In captivity some sea snakes refuse to take fish. However, in the sea it is believed that they feed on small fish. During the 1967 sea snake collection, it was observed that many sea snakes had small fish or squid in their mouths half-swallowed. On some occasions the snake's abdominal cavity was swollen due to swallowed fish.

DISTRIBUTION

A remarkably large concentration of sea snakes has been reported in various Pacific areas by a number of workers. Herre (1942) reported that a large group of sea snakes was present in uninhabitated coral or rocky islands in the Philippines. Hundreds of thousands of sea snakes, *Laticaudia semifasciata* and *L. coubrina*, were observed by Tu while he was collecting snake specimens at Botel Island, 49 miles east of Formosa. Parme (1963) reported that sea snakes are numerous along the coast of Vietnam.

Specifically, he observed that in Phan Thiet, South Vietnam, one haul of a fisherman's net rarely brings in more than two snakes during the dry season, but during the rainy season (July to November) several hundred are often caught in one throw of the net.

On Amami Islands, Japan, 50,000 sea snakes are sold each year for their skins. Most of the snakes are *L. semifasciata* and are captured in the vicinity of the Amami Islands and Ryukyu Islands. In northern Cebu, Philippines, every year 100,000 sea snakes are captured and the skins exported to Formosa.

The distribution of sea snakes in Southeast Asia and the Far East is briefly described.

THAILAND AND VIETNAM

The sea snakes in the Gulf of Thailand were systematically investigated by Taylor (1965) and the following snakes were found: [4] *Laticauda colubrina, L. laticaudata, Aipysurus eydouxi, Kerilia jerdoni, K. jerdoni siamensis, Astrotia stokesi, Kolpophis an-*

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[1] This work was supported by Office of Naval Research, Contract No. N00014–67–A–0299–0005.

[2] Department of Biochemistry, Colorado State University, Fort Collins, Colo.

[3] Department of Pharmacology, University of Alberta, Edmonton, Canada.

[4] The sea snake names as given in this report are according to Smith's (1926) monograph.

nandalei, Thalassophina viperina, Enhydrina schistosa, Pelamis platurus, Lapemis hardwicki, Hydrophis cyanocinctus, H. ornatus, H. caerulescens, H. torquatus, H. torquatus diadema, H. klossi, H. fasciatus, H. brooki, and *H. mamillaris.*

Taylor reported that *Laticauda colubrina* is very rare in Thailand waters, and he believes that a single specimen in the Hamburg Museum from "Siam" is the only one recorded.

During the sea snake collection at the estuary in the vicinity of Bangkok, no snakes of the genus *Laticauda* were observed. *L. laticaudata* is also very rare in Thailand.

Taylor reported that intensive collection at Songkhla yielded no specimens of *Aipysurus eydouxi.* However, the author found this snake was the most common in his collection in Nakorn Srithamaraja which is not far from Songkhla. From these two observations, it seems that this snake migrates from place to place, possibly depending on the season.

Kerilia jerdoni is known only at Pattani and Songkhla, and *Astrotia stokesi* has been found near Amg Hin, Chonburi, and the Bay of Patani, the Gulf of Thailand.

Enhydrina schistosa, readily identified by the characteristic split in the lower lip, is widely distributed. The abundance of this species was reported by Taylor, the Royal Thai Navy and observed by the author. It is reported that this species is also common in Vietnam especially in the Mekong Delta area. In Thailand, the snake is most commonly found in estuaries and shallow, muddy, coastal areas. The conditions in the estuaries and the Gulf of Thailand are most suitable for this snake. In general, the ocean floor of the Gulf of Thailand is muddy and shallow (according to the Royal Thai Navy, the general depth is about 200 meters).

The presence of *Acalyptophis peroni* in Thailand waters was first reported by Taylor.

Thalassophis anomalus is found in the northern part of the Gulf of Thailand and along the coast of southeastern Thailand and Cambodia.

Microcephalophis gracilis is commonly found in the Gulf of Thailand. The snake has a characteristic morphology, different from other snakes. The neck is narrow and the size of body becomes progressively larger towards the tail.

Pelamis platurus is not very common in the Gulf of Thailand. In July 1967, of the 600 sea snakes collected, there was only one of this species. Taylor (1965) reported that he had collected only a single coastal specimen along the shore. However, this species is widely distributed elsewhere, even in Central and South American (Taylor, 1953) and in South Africa (FitzSimons, 1962).

Lapemis hardwicki is very common in the Gulf of Thailand. There were 78 of this specimen captured out of 600 snakes in Nakorn Srithameraj, the eastern part of Kula Peninsula.

Hydrophis cyanocinctus is quite common in the Gulf of Thailand but not *H. ornatus ornatus. H. caerulescens* is found in the Gulf of Thailand as well as in the Bay of Bengal (Taylor, 1965). According to Taylor, *H. klossi* is known along the eastern coast of peninsular Thailand as far south as Pattani. *H. fasciatus* is present along the coastline of Thailand. *H. brooki* is found in the Gulf of Thailand as well as in the Bay of Bengal.

The following sea snakes were reported to be found in Thailand by the Royal Thai Navy: *Lapemis hardwicki, L. curtus, Enhydrina schistosa, Thalassophina viperina, Astrotia stokesi, Microcephalophis gracilis, Kerilia jerdoni, Pelamis platurus, Laticauda laticaudata affinis, L. colubrina, L. semifasciata, Emydocephalus ijimae, Hydrophis spiralis, H. cyanocinctus, H. ornatus, H. melanocephalus* and *Lapemis hardwicki.*

The most common sea snake in the estuary in central Thailand is *Enhydrina schistosa,* which moves upstream with the tidal influx of sea water. In Thailand this snake is most abundant during the dry season (December to April), when sea water penetration is greatest due to the low-water level of the rivers. In the Bangkok area the sea water can reach to Phra Pra Dang, which is 3 miles south of Bangkok, or about 10 miles from the river mouth. Fishermen there have reported catches of about 1,000 sea snakes per night during the dry season. An attempt was made to collect sea snakes in the same spot in June but only two *E. schistosa* and three *Acrochordus granulatus* (false sea snake) were caught in one day.

The situation in the open sea is quite different from that in the estuary. The most abundant genus is *Hydrophis* which includes about 20 different species. Thus, identification of individual species becomes very difficult. In July 1967, sea snakes were collected in southern Thailand along the coast of the Gulf of Thailand. These included *Aipysurus eydouxi, Lapemis hardwicki, Enhydrina schistosa, Hydrophis spiralis, H. klossi, Kerilia jerdoni, Microcephalophis gracilis,* and *Pelamis platurus.* No snakes of the genus *Laticauda,* which are abundant in Japan, Formosa, and Philippines, were captured.

Sea snakes present in Vietnam waters were reported by Barme (1963). They are: *Lapemis hardwicki, Enhydrina schistosa, Hydrophis cyanocinctus, H. fasciatus, H. ornatus, Microcephalophis gracilis, Kolpophis annandalei, Aipysurus eydouxi, Thalassophina viperina, Pelamis platurus,* and *Kerilia jerdoni.* He reported that *L. hardwicki* was most abundant and represented 75 percent of the snakes captured in South Vietnam. In central Vietnam, *H. fasciatus* was more frequently taken by fishermen.

FORMOSA

Sea snakes present in the Formosan waters were recorded by Maki in his "Monograph of the Snakes in Japan" (1931). He indicated that *Laticauda laticaudata affinis, L. colubrina, L. semifasciata, Emydocephalus ijimae, Hydrophis spiralis, H. melanocephalus, H. ornatus, Lapemis hardwicki,* and *Pelamis platurus* were all present in Formosan waters.

Sea snakes in Botel-Tobago Island, 49 miles east of Formosa, have been investigated in considerable detail. In all, seven species have been reported on this island.

Year, investigator (reference), and species found

1895: Stejneger (1898); *Emydocephalus ijimae* (Stejneger).

1930: Kano (1932); *Laticauda semifasciata* (Reinwardt).

1934: Takahashi (1935); *Laticauda colubrina* (Schneider), *Hydrophis melanocephalus* (Gray), *H. ornatus* (Gray), *Pelamis platurus* (Linnaeus).

1956: Wang (1962); *Laticauda laticaudata* (Linnaeus).

Takahashi (1935) reported that *Laticauda semifasciata* and *L. colubrina* are the most common sea snakes in Botel-Tobago Island and *H. ornatus* and *Emydocephaus ijimae* are less common, and *H. melanocephalus* is very rare. This observation was confirmed by Tu. *L. semifasciata* and *L. colubrina* are most abundant from May to August as they lay eggs on the coral reef. The time of spawning is mainly at night and the spawning grounds are in the shallow sea. During the daytime, these snakes inhabit the sea at a depth of 7 to 8 feet. In contrast to the genus *Laticauda, Pelamis platurus* can be found in all seasons.

Maki (1931) reported that *Pelamis platurus* inhabits a sea warmer than 12° C while *Laticauda semifasciata* prefers a temperature above 16° *C. P. platurus* has a wide distribution outside of Formosa.

PHILIPPINES

According to Taylor (1922), the following sea snakes are present in the sea of Philippines: *Aipysurus eydouxi, Laticauda laticaudata, Laticauda colubrina, L. semifasciata Hydrophis fasciatus, H. ornatus, H. cynocinctus, H. inornatus, Lapemis hardwicki,* and *Pelamis platurus.*

Laticauda laticaudata does not attain as large a size as *L. colubrina* and is usually found along rocky seacoasts. They feed largely on small eels. *L. laticaudata* is present around Mindanao, Sulu, Samar, and northern Mindoro. The species is also widely distributed outside the Philippines ranging from Amami Oshima, Okinawa, Formosa, western and southern Pacific, East Indian Archipelago, to the Indian Ocean.

Laticauda colubrina is abundant along the rocky coasts of the Philippines especially on small rocky islands, in cracks on cliffs, and under rocks. The specimen is found in Samar, southern Luzon, Bantayan, Palawan, Neros, Dipolod, Tulian, Bubuan, and the Sulu Archipelago.

According to Taylor, *Hydrophis fasciatus* (*Disteira cincinnatii*) has been found in Manila Bay but is rarely taken in fishing nets due to its small size. *H. ornatus* is found in Manila Bay and Palawan and also in southeastern Asia through the Malay Archipelago, *H. cynocinctus* is also common Manila Bay. The snake has been captured in fresh water. Taylor (1922) reported that the snake enters Lake Taal, a freshwater lake connected with the sea by a river only a few kilometers long.

Lapemis hardwicki snakes are numerous in Manila Bay. Taylor had captured this species at Himigaran on Negros. It probably occurs with some frequency on the coasts of all the islands. Outside of the Philippines it occurs from the Bay of Bengal to New Guinea.

According to Taylor (1922), *Aipysurus eydouxi* is rare in the Philippines; however, the species has been captured in Luzon.

In July 1967, a large number of sea snakes were found on rocky Gato Island. The predominant species was *Laticauda semifasciata* which is very large, reaching 2 meters. Every year 100,000 sea snakes are captured around this island and the skins exported to Formosa. Sea snakes are especially abundant in the months of September and October due to breeding. *L. colubrina* was also found on this island.

Several specimens of sea snakes were observed in the marine section of the National Museum, Manila. They are: *Hydrophis fasciatus* (captured in Guimaras Strait), *H. spiralis* (captured in the sea 24 miles north of Iolo Island), *Pelamis platurus* (captured in latitude 7°42′ N., longitude 121°50′ E.), and *Lapemis hardwicki* (captured in Bagae Bay, West Batan peninsula).

Sea snakes have been collected by Alabang Serum and Vaccine Laboratories since 1963. As of 1966, 12 trips had been made for snake collections in San Miguel Bay. There were 72 snakes collected in seven trips, and on five other trips, no sea snakes were caught. Thus, it indicated that there is a seasonal migration of the sea snakes. Only three species of sea snakes were identified: *Lapemis hardwicki, Hydrophis cyanocinctus,* and *Hydrophis fasciatus atriceps.*

HONG KONG

The following sea snakes are found within or near Hong Kong territorial waters (Romer, 1961, 1965): *Hydrophis cyanocinctus, H. ornatus ornatus, Microcephalophis gracilis, Pelamis platurus,* and *Thalassophina viperina.* Among them *H. cyanocinctus* is by far the most common snake. This species accounts for 70 percent of all the sea snakes captured by fishermen in Hong Kong.

In the collection of July 1967, *Hydrophis cyanocinctus, H. ornatus, Pelamis platurus, Microcephalophis gracilis, Lapemis hard-*

wicki, and one unknown species were captured.

BORNEO (SARAWAK, BRUNEI, AND SABAH)

There are 50 species of venomous snakes in Borneo belonging to 24 genera in four families. Among them 10 genera and 17 species of sea snakes are found in Sarawak (Haile, 1958); these are: *Laticauda laticaudata, L. colubrina, Aipysurus eydouxi, Kerilia jerdoni, Thalassophina viperina, Enhydrina schistosa, Hydrophis brooki, H. fasciatus, H. caerulescens, H. cyanocinctus, H. spiralis, H. melanosoma, H. torquatus, Thalassophis anomalus, Lapemis hardwicki, Microcephalophis gracilis*, and *Pelamis platurus*.

In Sarawak Museum, specimens of *Laticauda colubrina, L. semifasciata, Hydrophis cyanocinctus*, and other unknown species were observed.

In Borneo, drift nets are used for fishing, and the snakes go through the nets. However, when a trawling net is used, sea snakes are often caught with the fish. Since they drag the net for 1 to 2 hours, many of the sea snakes are killed or weakened as they can not come to the surface for air. The distribution of different species of sea snakes is not known because of the lack of experts in this region no systematic scientific investigation has been made by qualified scientists.

In the Fisheries Department at Sabah, specimens of *Hydrophis spiralis, H. brooki, Enhydrina schistosa*, and *Lapemis hardwicki* were observed.

JAPAN

Most of the sea snakes in Japan are found in the southwestern part, especially in the Ryukyu Islands, Amami Islands, and coast of Kagoshima.

Eight species were reported from Amami Islands (Mishima, 1965). They are *Laticauda laticaudata, L. semifasciata, L. hardwicki, L. colubrina, Emydocephalus ijimae, Hydrophis melanocephalus, H. cyanocinctus*, and *Pelamis platurus*.

Maki (1931) reported the presence of *Hydrophis melanocephalus* near Amami Islands.

The presence of *H. ornatus* was reported by Okonogi (1967). Maki (1931) stated that *Emydocephalus ijimae* was also found in Yaeyama Islands and Kwashoto. *L. semifasciata* can be found in Ryukyu, Kagoshima, and Tokara Island (Homma, 1965). *L. semifasciata* frequently comes to the beach and prefers a rocky island. The most common species in the Amami Islands are *L. semifasciata* and *L. laticaudata. L. colubrina* is frequently found in Formosa but it is rare in Amami Islands. *H. cyanocinctus* is most feared by fishermen of Amami because of its lethality and aggressive nature. Mishima (1965) reported that fishermen frequently met a colony of *H. cyanocinctus* in the ocean in the vicinity of Amami Island.

TOXICOLOGY

It is generally recognized that sea snake venoms are more toxic than those of terrestrial snakes. Early work on toxicities was expressed in minimum lethal dosage, while more recent work has been expressed in LD_{50} values.

In 1904, Fraser and Elliot reported that lethal doses of the venom of *Enhydrina (valakadien) schistosa* were 0.09 mg in rats, 0.06 mg in rabbits, and 0.02 mg in cats per kilogram body weight, respectively. In 1929, Nauck showed that the venom of *Pelamis (bicolor) platurus*, of the Pacific Ocean had a marked neurotoxic action, and 0.5 mg of the venom was sufficient to kill a guinea pig of 500 g within 2 hours, producing asphyxia and paralysis of the respiratory system. In 1931, Smith and Hindle reported that the minimum lethal dose of *Laticauda colubrina* venom was 0.113 mg per kilogram body weight in mice.

Barme (1963) investigated the toxicity of sea snake venom of Vietnam origin. The results expressed as minimum lethal doses on 20 g mice are summarized here:

Lapemis hardwicki ($_{\mu}$g)	4.0
Enhydrina schistosa	2.5
Hydrophis cyanocinctus	7.0
Kolpophis annadalei	11.0
Microcephalophis gracilis	2.5
Hydrophis fasciatus	3.5
Thalassophina viperina	7.0
Pelamis platurus	10.0

The toxicity of *Laticauda semifasciata* captured in Botel-Tobago Island near Formosa has been thoroughly studied by Tu (1957, 1958, 1959*a*, *b*, 1961). These results are summarized here:

	Subcutaneously	Intravenously
LD:		
Mice	0.338 ±0.013 (mg/ikg)	0.211 ±0.012 (mg/kg)
Guinea pig	0.0897±0.0028	0.0631±0.0023
Rabbits	0.0495±0.0027	0.0486±0.0025
MLD: Frogs	10–30	

Toxicity of *Laticauda colubrina* was also studied by Tu (1962), and the LD_{50} value was 0.415 mg per kilogram mouse.

Arai *et al.* (1964) tested the toxicity of *Laticauda semifasciata* and *L. laticaudata* captured in Amami Island and found the minimum lethal dosages to be 0.50 and 0.30 mg per kilogram mouse, respectively. Tu (1963, 1967) also investigated the toxicity of *L. laticaudata* of Formosan origin and found that the LD_{50} was 0.179 mg/kg mouse (0.153–0.241 mg).

Carey and Wright (1960*a*, *b*) reported that the LD_{50} of *Enhydrina schistosa* for mice and rabbits was between 0.05 to 0.12 cj per kilogram.

Cheymol *et al.* (1967) studied the LD_{50} values of venom of three sea snakes captured along the Vietnam coast. They were:

	Mg/kg mouse
Lapemis hardwicki	0.440
Enhydrina schistosa	0.350
Hydrophis cyanocinctus	0.665

It is of interest to compare these results with the toxicities of sea snake venoms collected by the author in Southeast Asia in 1967.

From the data, it is clear that sea snake venoms are more toxic than those of land snakes. However, the quantity of venom that can be obtained from sea snakes is much smaller than the amount obtained from land snakes. Barme (1963) reported the yields to vary from 0.5 to 30 mg dry weight per snake.

Venoms and origin	LD_{50} *(mg/kg mouse)*
Laticauda semifasciata, Philippines	0.30
Lapemis hardwicki, Thailand	0.71
Hydrophis cyanocinctus:	
Hong Kong	0.70
Malaya	0.35
Pelamis platurus, Formosa	0.18
Enhydrina schistosa:	
Thailand	0.14
Malaya	0.09

T. Tu (1967) milked the venom of *Laticauda laticaudata affinis* and obtained 2.5 mg venom from 14 snakes yielding 0.18 mg per snake. Tamiya *et al.* (1966) obtained 5 g from 350 *L. laticaudata* by extracting venom from isolated venom glands. The yield by this method was therefore 14.3 mg per snake.

Rogers (1903) reported that the average yield of *Enhydrina schistosa* venom per bite was 9.4 mg. However, Reid (1956) found that the average for the initial bite of *E. schistosa* in captivity was 15 mg with a range of 0–55 mg.

Venoms were extracted from the dissected venomous glands (Fig. 10). The yields of venoms from sea snakes collected in 1967 are summarized here.

Snakes and origin	Yield (mg venom/snake)
Laticauda semifasciata, Japan	17.0
Enhydrina schistosa, Thailand	8.1
Pelamis platurus, Formosa	2.0
Hydrophis cyanocinctus, Hong Kong	2.1
Lapemis hardwicki, Thailand	5.2
Aipysurus eydouxi, Thailand	0.6
Laticauda semifasciata, Philippines	16.0

Tu (1957, 1958, 1959*a*, *b*, 1961) reported that *Laticauda semifasciata* venom produced a marked inhibition of respiration and caused an initial rise followed by a fall in blood pressure. The venom also produced a stimulation action on isolated frog heart and a slight stimulation on rabbit hearts. The coronary out-flow of the rabbit heart sometimes showed a slight increase. For small doses, the venom caused dilation in frog leg vessels, but constricted after a transient dilation at high doses. It constricted the ear vessels of rabbits after a transient dilation. It caused a constriction of the visceral blood vessels and vena abdominalis of frogs. The isolated smooth muscle of the rabbit intestine was stimulated, then inhibited in large doses. Isolated smooth muscle of the rabbit uterus, the isolated earthworm muscle, and the isolated stomach and intestine of frogs were stimulated by the venom. The venom showed a curare-like action and a direct paralytic action on the isolated frog gastrocnemius muscle. The venom raised the blood sugar level of rabbits and produced hemolysis of rabbit erythrocytes.

The contraction of an isolated frog sciatic-nerve-sartorius-muscle preparation by electrical stimulation through the nerve ceased in 20 to 25 minutes. However, when isolated *Laticauda semifasciata* toxin was added to the medium the contraction by direct electrical stimulation of the muscle was not affected (Tamiya, 1966). The contraction of the rectus abdominis muscle of a frog by acetylcholine was inhibited by the isolated toxin. The inhibition was not removed by washing the muscle with Ringer solution. In contrast, the contraction of the muscle by KCl was not affected by the toxin.

The toxicological properties of *Laticauda laticaudata* venom was somewhat similar to that of *L. semifasciata* (Tu, 1963, 1967). Tu (1963, 1967) reported that the venom inhibited the contraction of the isolated *recus abdominis* muscle of the frog induced by acetylcholine. The venom had no effect on the isolated gastrocnemius mucle of the frog, but showed an inhibitory effect on the neuromuscular junction.

Carey and Wright (1961) reported that *Enhydrina schistosa* venom had a neuromuscular blocking action when tested on the isolated rat phrenic nerve-diaphragm preparation. Chan and Geh (1967) found that *E. schistosa* venom caused muscle weakness and respiratory paralysis in the intact guinea pig; there was, however, no histological evidence of muscle necrosis. Evidence obtained from the isolated phrenic nerve diaphragm and the sciatic nerve gastrocnemius preparation of the rat suggested a neuromuscular blocking action. They also observed that the venom did not have any atropine-like or cholinesterase activity.

In contrast to the case of experimental animals, a necrotic lesion of muscle tissue was observed on a human victim of sea snake bite (Reid, 1956; Marsden and Reid, 1961). Myoglobinuria was also a typical symptom of sea snake poisoning in a human subject (Reid, 1961). However, no histological lesions were observed in nerve tissue although sea snake venom was neurotoxic.

Cheymol *et al.* (1967) studied the neuromuscular blocking action of three sea snake venoms, *Enhydrina schistosa, Hydrophis cyanocinctus, Lapemis hardwicki* from Vietnam. Actions of these three venoms were very similar and possessed the following characteristics:

1. The paralysis was a peripheral one.
2. Muscular fibers were not directly blocked.
3. Venoms did not affect nerve fibers.
4. Specific receptors of the postsynaptic membrance were blocked almost irreversibly.

Barme *et al.* (1962) prepared horse antivenin for *Lapemis hardwicki*. One milliliter of this serum neutralized 400 ug of homologous venum, 150 ug of *Enhydrina schistosa* venom, and 250 ug of *Hydrophis cyanocinctus venom*. Effectiveness of the antivenin in actual clinical treatment was observed by Barme (1963).

Okonogi *et al.* (1967) prepared rabbit antivenin for *Laticauda semifasciata* using formalin (10 percent) treated venom. The antivenin was effective against homologous venom and also against *Hydrophis cyanocinctus* venom.

BIOCHEMISTRY

As compared to the venoms of land snakes, sea snake venoms contain fewer enzymes. Uwatoko *et al.* 1966*a*, *b*) reported that *Laticauda semifasciata* venom contains neither protease nor cholinesterase activities. Phospholipase A activities were detected but it was not in the main toxic fraction.

Absence of typical endopeptidase was also reported by Tu *et al.* (1966). When synthetic substrates for trypsin such as *p*-toluene-sulfonyl-L-arginine methyl ester and N-benzoyl-L-arginine ethyl ester, were used, venoms of *Laticauda colubrina* and *L. semifasciata* did not hydrolyze these substrates. This was quite similar to Elapidae venoms which also did not hydrolyze these substrates. This was quite similar to Elapidae venoms which also did not hydrolyze these substrates. In contrast to sea snake (Hydrophiidae) and Elapidae venoms, Crotalidae and Viperidae venom hydrolyzed these substrates. Specific substrates for chymotrypsin such as N-acetyl-L-tryosime ethyl ester and N-benzoyl-L-tyrosine ethyl ester were not hydrolyzed by venoms of any terrestial snakes or by sea snake venoms. Although the venom of *L. colubrina* coagulated fibrinogen to fibrin-like material, *L. semifasciata* venom had fibrinolytic action.

A specific substrate for leucineaminopeptidase, L-leucyl-β-naphthylamide, was employed in determining the hydrolyzing ability of a number of species from each family of venomous snakes by Tu and Toom (1967). Although there were considerable species specific variations in the ability to hydrolyze this substrate, all the venoms investigated including sea snake venoms hydrolyzed this substrate. Three sea snakes were used: *Laticauda laticaudata* from Amami Island, *Enhydrina schistosa* and *Hydrophis cyanocinctus* from the Straits of Malacca.

Fractionation of sea snake venom of *Laticauda semifasciata* was made by Uwatoko *et al.* (1966). They obtained two major toxic fractions and three minor toxic fractions using carboxymethyl cellulose resin. Crystallized major toxins were named "Crystal Laticatoxin III" and "Crystal Laticatoxin IV," respectively. Both ultraviolet and infrared absorption spectra of the two toxic fractions showed typical protein spectra. Tamiya and Arai (1966) also fractionated the same venom with CMC and obtained four toxic fractions of which two were characterized. Direct comparison of chromatograms obtained from two research laboratories indicates that so-called Erabu toxin *a* and *b* correspond to Crystal Laticatoxin III and IV. the amino acid composition of these two toxins was very similar. Okonogi (1966 personal communication) expressed doubt that these two toxins might be due to contamination by two species or subspecies of snake venoms.

Immunological properties of sea snake venoms were investigated by Carey and Wright (1960a). Venoms of *Enhydrina schistosa, Hydrophis cyanocinctus,* and *H. spiralis* had no cross reactions with anti-*E. schistosa* venom. However, no such cross immunity reactions were observed for cobra (*Naja naja*) of either Thailand or Malayan origin. Carey and Wright (1960) also isolated neurotoxic fraction of *E. schistosa* with CMC ion-exchange resin. They observed that 90 percent of the toxicity passed through a cellophane membrance, but 90 percent of lecithinase activity was retained in the dialysis bag. This strongly suggests that the toxicity of sea snake venom is not due to lecithinase present in the venom.

Thermostability of sea snake venoms *Laticauda semifasciata, L. laticaudata,* and *Hydrophis cyanocinctus,* was reported by Homma *et al.* (1964). They also reported high stability of toxicity against a wide range of pH (pH 1.4 to 9.6). This evidence seems to indicate that sea snake venom is a relatively small protein molecule with high stability.

Carey and Wright (1961) found that only the fraction of *Enhydrina schistosa* venom containing phosphatidase is toxic to the central nervous system.

Taub and Elliot (1964) observed that *Enhydrina schistosa* venom caused a marked swelling of rat liver mitochondria. Some release of cytochromec from the mitochondria to the solution and an 80-percent decrease in oxygen uptake accompanied the swelling. Sea snake venom as well as Elapidae snake venoms inhibited succinate oxidation by mitochondria.

Ziegler *et al.* (1967) showed that *Enhydrina schistosa* venom as well as other land snake venom caused uncoupling and reverse acceptor control to develop in rat liver mitochondrial preparation.

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ESTABLISHING A SELECT HOUSE COMMITTEE TO INVESTIGATE U.S. ENERGY RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, the United States today faces more than a temporary fuel crisis. We face the distinct possibility of a sustained power fuel shortage over a number of years.

This possibility will become a probability unless we take immediate steps to alleviate the imbalances which exist between our current and projected power fuel requirements on the one hand, as opposed to our diminishing ability to meet these needs.

Though the problem is very complex, it can be rather simply stated: demand for power fuel of all types, both domestically and abroad, is growing at a rate beyond earlier expectations and projections, while production is not keeping up with the demand.

The complexities of the problem enter the picture when an ironic overlay is applied: domestic fuel reserves are adequate to meet expected needs for years to come.

Coal reserves are estimated at 800 billion to 1 trillion tons, enough to last for a thousand years at current production rates.

Proven natural gas reserves of about 275 trillion cubic feet would meet present demand levels for almost 14 years even if no new wells were opened and, additionally, geologists estimate that an additional 900 trillion cubic feet of gas are yet to be discovered. But existing gas reserves are becoming dangerously low.

There are more than adequate oil reserves, while the potential of future production of power from nuclear fusion and even nuclear fission offers the prospect of almost unlimited new energy sources.

Despite the vast reservoirs of power fuel, the United States finds itself in a critical situation today regarding its energy and a potentially dangerous situation in immediate future years.

The Office of Emergency Preparedness estimated that the demand for U.S. coal in 1970 would be about 583 million tons. Production was expected to reach only 571 million tons, leaving a shortfall of 12 million tons which would have to be made up from existing coal stockpiles that, as the recent experience of the Tennessee Valley Authority has demonstrated, are seriously depleted.

Oil and gas demands are also exceeding production.

Utilities are producing 75 percent more electricity today than they did in 1960, but power reserves have dwindled from 30 percent of their capacity in 1960 to 16 percent in 1970. The Federal Power Commission considered a 20-percent reserve level adequate.

Current thinking is that meeting the power requirements of tomorow, even if we overcome our critical situation today, will be difficult even under ideal circumstances.

It is estimated that peak demands on electric utility systems will rise to 1,051 million kilowatts by 1990. This is equivalent to a peak demand more than five times that experienced in 1965, the year of the great east coast "blackout."

Annual electric energy requirements in 1990 will exceed 5.8 trillion kilowatt hours, in comparison with 1.06 trillion kilowatt hours required in 1965. This is an increase of 284 percent.

During most of the intervening years between now and 1990, the United States will have to rely primarily on the energy fuel sources which are currently employed; coal, gas, and oil.

A glance at the following table drawn by the Federal Power Commission gives a clear picture of power fuel requirements, percentage of contribution, and expected demand in the production of electricity over the next two decades.

PROJECTED FUEL USE BY ELECTRIC UTILITIES [1]

(Amounts in million of tons)

	1970		1980		1990	
	Amount	Percent	Amount	Percent	Amount	Percent
Coal	304.6	56.7	472.0	42.5	613.6	28.8
Gas	145.9	27.2	195.9	17.2	245.9	11.6
Oil	59.5	11.1	86.8	7.8	91.8	4.3
Nuclear	27.2	5.0	356.5	32.1	1,176.1	55.3
Total	537.2	100.0	1,111.2	100.0	2,127.4	100.0

[1] Figures may not add to totals due to rounding.

Source: Federal Power Commission.

It is apparent that nuclear power production which, in the late fifties and early sixties, appeared to be a prime power fuel source in the 1970's, but will not reach its hoped-for capacity until the mid or late 1980's.

In the mid-sixties, large electronics manufacturers, encouraged by the Atomic Energy Commission and supported by Government research money, convinced almost all the major electric utilities that they should rely on nuclear power for future expansion of their generating capacities.

Nuclear energy was touted as being less expensive and less of an environmental threat than the fossil fuels; coal, oil, and gas.

However, by last summer it was evident that the nuclear age in power production was not going to arrive as soon as forecasted.

Technological problems beset the 17 nuclear plants then in service. During 1968 there were 11 operational nuclear plants and each was shut down for a period of time for minor repairs. One plant never did reopen, unless it has done so recently, while five others remained closed for 27 months. During 1969 and the first half of 1970, 11 major breakdowns accounted for a total of 39 months disruption in service.

In the meantime, the power consumer is becoming painfully aware of one fact: his utility bills are going up.

It is costing him more and more to heat his home in winter, cool it in summer, prepare his food and operate his appliances.

He may not understand why it is happening, but he is painfully aware that it is happening, that his costs are increasing, adding to the inflationary price spiral and reducing his purchasing power.

The first place the consumer is likely to look to cast blame is at the power fuel industry.

It is documented that there is an increasing concentration in fuel ownership and it is charged that this is a significant contributor to the fuel crisis. The National Economic Research Association, a private research organization, found that the 25 largest American oil companies owned holdings in natural gas. Of these, 18 held holdings in oil shale, 18 in uranium, 11 in coal and seven in tar sands. These companies, the study reported, accounted for 20 percent of the present coal output and one of them, Kerr-McGee Corp., accounted for 23 percent of total uranium milling capacity directly and 4 percent through half ownership.

The oil industry maintains, however, that fuel supplies would be just as low and prices just as high if the industry held no holdings in another fuel source.

On September 11, 1970, the National Coal Association testified before the Senate Interior Committee that most of the oil industry's coal holdings were in undeveloped reserves that could not be readily exploited. It asserted that the oil industry had purchased reserves not to run up coal prices, but in anticipation of converting coal to synthetic gases and other products in the future.

In addition, the gas and oil industry argues that public policy does not provide enough incentive to explore and develop new wells. This can of course be argued, but the fact remains that in 1956, a record year, there were 57,390 new gas and oil wells drilled. In 1968 new wells totaled only 30,495.

Over the past 2 years, gas consumption has exceeded the amount discovered, while the Nation's proven gas reserves have fallen to 14 trillion cubic feet. John Emerson, an economist for the Chase Manhattan Bank, estimates that by 1980 the daily domestic requirement for gas will be 93 billion cubic feet against a supply of 63 billion cubic feet.

Coal has had its particular problems. The history of the coal industry in the United States has been one of feast or famine. Perhaps no other power fuel industry has suffered more from cyclical fluctuations in the economy. In the past, coal has generally been the victim every time a new energy source became available. Whenever a new product comes on the scene, be it gas, oil or nuclear power, it is coal that suffers. Today, when coal is more difficult and expensive to mine, new safety requirements have added further to its cost of production. And yet, even today, the demand for coal is as great or greater than at any time in history and this product remains a bulwark of our national power fuel reserve.

Recently we have recognized, though we have long been warned, that every one of our power fuels, pose a growing threat to our environment and may endanger, ultimately, man as a species.

Today, when our Nation needs more and more power-producing capacity, our new concern over the environment and its potential polluters have made powerplants unwelcome neighbors.

It is estimated that fossile-fueled generating plants contribute 50 percent of the sulfur oxides and about 25 percent of the particles which pollute our air.

Electric power generation requires a tremendous amount of water for cooling purposes, about 80 percent of the water used by all industry for this purpose.

This water is returned to the rivers and streams from which it was taken, but at a temperature considerably higher, sometimes 25 times higher than it was removed, creating thermal pollution leading to environmental dangers to plant and animal life.

In 1967 the Congress enacted the Federal Air Quality Act and since that time many municipal authorities have adopted regulations imposing restrictions on fuels with a sulfur content of more than 1 percent. It is estimated, however, that only 10 percent of all U.S. coal deposits can meet these low-sulfur requirements.

As a result, many firms have shifted to oil or gas, causing a further strain on existing supplies and pressure on prices.

The technology required to remove sulfur emissions from utility stack gasses is still being tested and it is estimated that it will not be available for several years.

The availability of transport facilities for power fuel from source to producer continues to be a nagging problem.

This Nation seemingly suffers a continuous shortage of coal cars for rail transport. This situation has become particularly acute over the past year and a half because of our growing coal exports. These exports, mostly high-grade metallurgical coal which is not suitable for domestic power production, increased 12 percent to 56 million tons in 1969 and, during the first 4 months of 1970, accounted for 9 percent of U.S. production. While this coal may not be usable for power production, it does require transportation to port facilities and this has contributed measurably to the coal car shortage.

At a time when Middle Eastern oil is in short supply because of a rupture in the trans-Arabian pipeline—which Lybian authorities refuse to repair—and a desire by supplier nation governments to increase their royalties, there has developed a severe oil tanker shortage which has sent transportation costs skyrocketing.

Oil from the ruptured pipeline must now be shipped from the Persian Gulf around Africa. The tankerage required by these lengthened trips is estimated to be about six times what it was before the pipeline was ruptured.

In late 1970 it cost nearly $2.60 to ship a barrel of oil from the Persian Gulf to Rotterdam, about double the price of 2 years earlier. In late 1970 low sulfur residual oil bought on the east coast spot market cost $4.10 a barrel, compared to an average price of $2.20 just a year earlier.

These are just some of the problems which beset the power fuel producers of America. Each, in itself, is a major problem. But, as of today, very little is actually being done by the Government to alleviate these problems or protect the consumer from further increases in power fuel costs.

One of the reasons the Government has not been able to fulfill any meaningful role in dealing with the problem is that it is just not set up to do so.

We have no national fuel policy, no overall instrument for carrying out such a policy if it existed and those instruments available to the Government have been criticized as being myopic, of narrow interest, and too fragmented. We really have no single Federal agency to gather information on what our needs may be or to plan for meeting these needs. Instead we have a variety of policy-setting agencies:

The Federal Power Commission, responsible for regulating natural gas and electricity sold in interstate commerce.

Atomic Energy Commission, authority for licensing nuclear power and plants.

Interstate Commerce Commission, jurisdiction over interstate gas pipelines and railroad transportation.

Treasury Department, tax matters that affect exploration and development for oil and natural gas.

Justice Department, enforcement of antitrust policy affecting competition and monopoly in fuel industry.

National Air Pollution Control Administration, within the Department of Health, Education and Welfare, together with the Federal Water Pollution Control Administration, deals with antipollution standards.

Interior Department agencies: Bureau of Land Management and Bureau of Indian Affairs, authority over mineral extraction from Federal and Indian land holdings; U.S. Geological Survey, authority over drilling on offshore sites leased from the Federal Government.

Oil Import Administration, another Interior Department Agency, and the independent Foreign Trade Zones Board, authority over oil imports.

In addition, we have, within the Congress, various committees with interest in and authority over various aspects of our power fuel resources and their concerns.

Finally, Federal research into the development of new sources of energy has been drastically curtailed. In recent years, when such support was available, too much of it appears to have been concentrated in one area, nuclear power.

In the fiscal year of 1970, it has been estimated that 84 percent of all Federal research funds had been allocated to the AEC. Meanwhile, the National Coal Association states that it had to halt promising work on converting coal into a pollution-free boiler fuel for electric utilities in 1968 for the lack of about $5 million in research money.

All this adds up to a picture of mismanagement of natural fuel resources, shortsightedness in public policy, and the specter of continuing shortages and higher power prices over the decade to come.

It thus becomes apparent that there is an urgent need for a complete study and investigation of the ills which afflict our ability to meet this Nation's power needs today and in the future.

There is no single problem. There are many complicated and complex problems which, woven and entangled, weave a fabric of which threatens to strangle our national growth.

It is necessary to unravel this problem, to isolate and inspect the various strands, and to recommend solutions and policies which will insulate us from future shortages and the recurring fuel crises from which we suffer today.

For these reasons, I am offering legislation to establish a select House commitee to study the energy crisis in America from all possible aspects.

The purpose of the study is not to find fault unnecessarily or level a divisive finger of blame. Rather it is to protect the American power consumer and his pocketbook while supporting, reinforcing, and encouraging the viability of our power fuel producers.

It is my current belief that the work of this committee should not require an extended amount of time. It should be able to complete its study, evaluate its findings, and report to the House within the lifetime of the 92d Congress.

I believe, finally, that the House of Representatives is the appropriate body to undertake this work because its membership is closer to the people of America and can better evaluate their needs and act in their best interests.

Within the House, several of our excellent committees and their subcommittees have jurisdiction in this matter and some have given the problem special attention.

However, the scope of the problem is so broad and its ramifications so complex, numerous, and varied that I believe a select committee should be given the task of thoroughly studying the problem and returning its findings and recommendations to the House of Representatives.

This task should not require a great deal of time and expense. It is my view and my hope that the committee could complete its study, evaluate its findings, and offer its report and recommendations within the lifetime of the 92d Congress.

I wish to commend the various standing committees for the attention they have given this problem to date and the light they have shed. It would be my hope that the Speaker would draw from the membership of these committees in making his appointments to the committee established by this resolution.

Finally, the Nation requires and deserves a solution as rapidly as possible. The northeast power shortages, blackouts and brownouts of today will spread throughout the Nation unless a solution is found. The establishment of this committee will provide the most expeditious method of seeking and coming to grips with the problem and recommending feasible solutions.

WATER POLLUTION ABATEMENT LOAN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Harrington) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, Congressman Morse and I today are introducing a bill to provide $800 million low-cost loans to marginal industries for water pollution abatement. We have been joined by 23 other Congressmen.

At the present time no Federal program exists to help private industries build waste treatment plants. Many firms cannot afford the additional expense of treatment plants and would have to pass the cost on to the consumer or go out of business. The Federal Government obviously must aid these firms if water pollution is to be successfully curtailed.

Ten billion dollars are needed for industrial waste treatment facilities throughout the country. Yet, this legislation introduced today is the first effort to provide a specific Federal program of aid to industry for the gigantic undertaking of cleaning up industrial pollution.

The Industrial Water Pollution Abatement Loan Act of 1970 would make loans available through the Office of Water Quality, part of the Environmental Protection Agency.

The bill sets two criteria for loans. The business first must show that it cannot operate competitively if it is required to pay the entire cost of waste treatment construction. The firm secondly must demonstrate that other financing is not reasonably available.

However, low-cost loans are not enough. The effort to abate water pollution must involve all segments of the country. The Federal, State, and municipal governments will have to work together with industry. And it is the responsibility of every citizen to participate in focusing national attention on this need.

This country has the resources to make abatement possible. The question is one of priorities and of will.

Following are the cosponsors: Mr. Harrington, Mr. Morse, Mr. Adams, Mr. Burton, Mr. Carney, Mr. Corman, Mr. Coughlin, Mr. Duncan, Mr. Edwards of California, Mr. Esch, Mr. Fraser, Mr. Halpern, Mr. Hamilton, Mr. Hansen of Idaho, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Koch, Mr. Leggett, Mr. Pirnie, Mr. Podell, Mr. Rees, Mr. Schwengel, Mr. Steele, and Mr. Symington.

BILL TO PROHIBIT HARMFUL OCEAN DUMPING

Mr. Speaker, the papers are full of news about the contamination of fish and other marine life by mercury, DDT and NTA, and the waters of the New York Bight have been almost totally destroyed by sludge dumping. These are well-known examples of the dangers of dumping substances into our oceans without knowing the consequences of our actions. No standards to regulate the dumping of waste products in our coastal waters have ever been established, nor has the person wishing to dump ever been required to demonstrate that the material would be harmless. Legislation is obviously required. That is why I am introducing this bill today.

Pollution has become the end product of our society. But pollution need not have been inevitable. It can still be stopped. One of our greatest resources is our oceans, but the waters of the New York Bight are dead, the waters off the Boston Light Ship are dying, and fish along all of our coasts are being contaminated. In a message to the Congress on waste disposal on April 15, 1970, President Nixon stated:

> About 48 million tons of dredging, sludge, and other materials are annually dumped off the coastlands of the United States.

We are hearing more and more about the incredible value of our oceans. We hear that our food supply may eventually come in greater proportion from the ocean than from the land. Untapped mineral resources are within these waters. As a source of oxygen and through its interaction with the terrestrial ecosystems, a healthy ocean may well have critical importance for the survival of the human species.

The coastline of the United States is 88,633 miles long—99,613 if you include the Great Lakes. Seventy-five percent of our population lives in the 30 States that comprise the coastal zone. Forty-five percent of our urban population lives in coastal counties. Twenty-five percent of our entire population lives within 50 miles of the coast. As you can see, the pollution of our oceans directly affects more than 150,000,000 people in this country.

It has been estimated that 90 percent of the ocean produces a negligible fraction of the present fish catch and has little potential for yielding more in the future. The coastal waters produce almost the entire shellfish crop and nearly half the total fish crop. Recreational values, oil and mineral resources, and mineral waste disposal areas are concentrated almost entirely in the coastal regions of the ocean. The Marine Science Council estimates that 8 percent of the Nation's shellfish, representing 1.2 million acres of shellfish grounds, have been declared unsafe for human consumption. Dumping of wastes accounts in large measure for this destruction.

The National Commission on Marine Science, Engineering, and Resources has reported—

> In the past 20 years, dredging and filling have destroyed 7% (more than a half million acres) of the Nation's important fish and wildlife estuarine habitats.

We obviously need legislation to stop this devastation. Our new technology has created new kinds and larger amounts of material which must be disposed of. The disposal of domestic wastes into our coastal waters has introduced toxic, heavy metals, and organics into these waters. The result has been to lower the available oxygen content of the bottom water. We have a clear example of this in the New York Bight. It has been found that in the bight area all of the typical forms of bottom life which normally inhabit similar areas have been eliminated from the damaged areas. The pollutants may be transported by water, or by moving sediments and may affect the life in a far greater area.

During the past 30 years, we have disposed of many synthetic chemicals heretofore unknown. These chemicals are foreign to organisms and natural pathways of biodegradation are lacking or inefficient. Thus many chemicals now dumped into our coastal waters enter the marine food chain and increase in density as they move through the chain until they become harmful to both marine and human life. Dr. Max Blumer, senior scientist at the Woods Hole Oceanographic Institute in Massachusetts, has stated:

> The marine food web is so involved and the biochemical processes necessary for the survival of every species are so complex that it is virtually impossible to foresee which species might be damaged by a certain persistent chemical. The award of the Nobel Prize to the discoverer of the insecticide DDT illustrates our ignorance in this area. Lacking sufficient foresight we need to be much more cautious in the use of persistent chemicals lest we disrupt inadvertently processes in the sea on which our survival may depend.

Our oceans will take far longer to recover from pollution than a river or lake. A small lake may be restored in a few years. Lake Erie may possibly be restored within 50 years—but an ocean will remain irreversibly damaged for many generations.

Dr. B. H. Ketchum of Woods Hole has pointed out "that nature has a tremendous capacity to recover from abuses of pollution, so long as the rate of addition does not exceed the rate of recovery of the environment. When this limit is exceeded, however, the deterioration of the environment is rapid and irreversible." I am afraid that our present rate and manner of dumping may exceed that limit now. If it is allowed to continue, irreversible damage is inevitable.

Mr. Speaker, we need a nationwide program to prevent the pollution of our oceans and Great Lakes, and we particularly need to revitalize those areas where dumping has already caused grievous harm. We must have standards now. That is why I have introduced my bill. Members of the House have joined with me in filing this legislation.

At the present time there are no adequate Federal standards which prohibit granting permits to dump into the coastal waters of the United States if such refuse material would harm the environment. The Corps of Engineers was authorized by the Rivers and Harbors Act of 1899—the Refuse Act—to issue permits for all construction and dumping into the navigable waters. In the early years of issuing permits under this authority, the guidelines were solely on the basis of the effect of the proposed work on navigation.

The Corps of Engineers, in a letter to me dated April 29, 1970 stated:

> By the Coordination Act of 1958, and subsequent amendments, the Corps was directed to coordinate this (dumping permit) activity with the Department of the Interior, and to consider their views on the effect of the proposed work on fish and wildlife and the ecology. The guidelines on issuance of permits have been broadened considerably over the past few years, and now consider the effect of the proposed work on fish and wildlife, conservation, pollution, and other factors affecting the general public interest, in addition to the effect on navigation.

I have quoted this passage because it so clearly exemplifies the problem we face. The fact is that the corps has not taken ecological factors into consideration. In the same letter, the corps included a list of waste products which, under a permit which they issued, have been dumped into the coastal waters off Massachusetts—in fact, into the coastal waters off Gloucester and Rockport in my district. Included in the list is "mercury contaminated wastes." In fact, for several years 35 pounds of mercury wastes were dumped 9.3 miles northeast of the Boston Light Ship. And that is not all, 750 pounds of beryllium, 1,000 gallons of sulphuric acid and hundreds of gallons of other chemicals were dumped into these waters until the State insisted that the permit be suspended last February. The corps has issued hundreds of permits over the years which allow for the dumping of industrial wastes and for dredging.

It is clear that the Army Corps of Engineers cannot possibly be taking ecological matters seriously when until only 6 months ago they issued permits to dump anything from mercury to beryllium. I need not go into the details of mercury poisoning. The papers have told the story many times recently. But I do believe that the problems of mercury poisoning points up the necessity for standards governing dumping into our navigable waters.

Section 5B(b) of my bill would require the Administration of the Environmental Protection Agency, acting through the U.S. Fish and Wildlife Service and in consultation with the Army Chief of Engineers to establish standards "which apply to the deposit or discharges into the ocean, coastal, and other waters of the United States of all industrial wastes, sludge, spoil, and all other materials that might be harmful to the wildlife or wildlife resources or to the ecology of these waters." The purpose of these standards is to insure that no damage to the natural environment or ecology of these waters will occur as a result of this activity.

Section 5B(a) defines "ocean, coastal, and other waters" as "oceans, gulfs, bays, saltwater lagoons, saltwater harbors, other coastal waters where the tide ebbs and flows, the Great Lakes, and all waters in a zone contiguous to the United States extending to a line 12 nautical miles seaward from the baseline of the territorial sea as provided in article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

Section 5B(a) also requires that the person wishing to dump sustain the the "burden of proof" that the materials that are dumped will not endanger the natural environment of these waters and will meet any additional requirements as the Administrator of the EPA deems necessary for the orderly regulation of such activity. Burden of proof does not require the person wishing to dump to prove beyond a shadow of a doubt that the materials will be harmless. Rather, burden of proof requires a "preponderance of evidence" which demonstrates that the dumper can abide by the standards. I feel that placing the burden of proof on the dumper is an important factor in this legislation. It is time that those who wish to dispose of refuse material be required to assume the ecological consequences of their actions. I do not believe that the U.S. Government should be responsible for the expense of subsidizing the ocean dumping of private interests.

In addition, this legislation takes into account the fact that in some locations materials can be dumped without harm to the ecology of the waters, whereas the same materials would be harmful to other areas. I have always felt that a unilateral prohibition against dumping was both unjust and unrealistic. Ocean currents in some areas will disperse most refuse material to the point where it does no harm. In other locations, however, the material may stagnate.

The legislation also provides that different amounts of the same type of refuse may be dumped in different locations. Each dumping site and material has its own particular characteristics and these must be taken into account, as they will have to be by the person wishing to dump. There are, of course, certain materials such as mercury which would not be dumped at all. The standards set by the Administration of the EPA and the burden of proof required of the dumper would effectively prohibit any dumping of such materials. Therefore, this section provides a flexible approach to the problem of dumping into the coastal waters.

Section 5B(c) provides that the standards established by the Administrator of the EPA shall be adopted and applied to all Federal and State authorities which have the right to issue authorizations to discharge or deposit material into these waters.

Section 5B(d) requires that the standards apply to all parts of the Federal and State governments and all persons who have authorization from the State or its agency to deposit or discharge such materials into these waters.

Section 5B(e) permits the States to establish and enforce standards covering these activities within their jurisdiction only on the condition that the State standards are stricter than the Federal standards and that the States provide "adequate procedures for enforcement." I believe this section is important because, as we have seen in the case of automobile pollution, many States have wished to enact stricter regulations than the Federal ones but have been unable to do so because Federal law requires that the Federal standards apply. There is presently a bill before the Massachusetts Legislature to provide for the regulation of ocean dumping off the Massachusetts coast area. There may be similar bills before other State legislatures. Therefore, a provision such as the one in this section is necessary to permit State regulation under controlled circumstances.

Section 5B(f) provides that every State and Federal instrumentality and every person applying for authorization to discharge or otherwise dispose of any material into these waters maintain records, make reports and provide whatever additional information the Administrator of the EPA needs to determine that the standards are being complied with. The Administrator may also, upon request, have access to these records.

Section 5B(g) provides that the district courts of the United States have jurisdiction to restrain violations of this act. The courts have subpena power and failure to obey the subpena may be punishable by a charge of contempt of court.

Section 5B(h) provides that each violation of these standards shall be punishable by a fine of not more than $10,000 nor less than $5,000. This means that each time refuse is dumped in violation of the standards, the violator is liable for this fine. In many cases, several dumpings or discharges occur per day and each instance is a violation punishable by the fine.

Section 5B(i) terminates any existing authorizations for dumping issued by the United States under any other provision of law as of the enactment of this bill into law.

Mr. Speaker, if we continue this dumping into our coastal waters, not only will we seriously endanger our own lives, but we will have to spend billions more to clean up the mess. We may even go beyond the point of being able to correct our mistakes. Since, as Dr. Blumer has stated, we cannot know the effects of some of the material we are dumping into our coastal waters, it is time we reassessed our values. We should be cautious in our actions. We must have standards. We must enforce those standards. And we must make private industry as well as the Federal and State Governments responsible for maintaining the quality of our environment.

Mr. Speaker, we have all heard the outcries about the dangers of ocean dumping. My bill is one approach to the problem—an approach that would have an immediate nationwide effect. I hope that swift action will be taken on the legislation to establish standards now to limit the dumping of hazardous materials into our coastal waters. The need is clear and time is running out.

Following, Mr. Speaker, are the cosponsors of this bill: Mr. ADDABBO, Mr. ASHLEY, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BLACKBURN, Mr. BOLAND, Mr. BRASCO, Mr. BROOMFIELD, Mr. BURKE of Massachusetts, Mr. CARTER, Mrs. CHISHOLM, Mr. COLLIER, Mr. CONTE, Mr. COUGHLIN, Mr. DERWINSKI, Mr. EDWARDS of California, Mr. EDWARDS of Louisiana, Mr. FRASER, Mr. FULTON of Pennsylvania, Mr. FUQUA, Mr. GIAIMO, Mr. GIBBONS, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HAYS, Mr. HELSTOSKI, Mr. KEITH, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LENT, Mr. MANN, Mr. MCKINNEY, Mr. MAZZOLI, Mrs. MINK, Mr. MITCHELL, Mr. MORSE, Mr. MOSS, Mr. NEDZI, Mr. OBEY, Mr. O'NEILL of Massachusetts, Mr. PEPPER, Mr. PUCINSKI, Mr. REES, Mr. REID of New York, Mr. RHODES, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SYMINGTON, Mr. TIERNAN, Mr. WALDIE, Mr. CHARLES WILSON, Mr. WOLFF, and Mr. WRIGHT.

HOME BUILDER ASSOCIATION HOISTED ON OWN PETARD

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, Congress still faces a serious responsibility in straightening out and cleaning up the practices whereby voluntary industrial standards are developed in our economic society. Within the genus "voluntary industrial standards" are included building, electrical, plumbing, and similar codes, and also certifications and product approvals of building materials and building methods by nongovernmental bodies. The matter is of concern to the Congress because these actions are truly governmental in nature. They find their way without amendment into public laws and regulations. They involve the public health and safety, consumer protection, and environmental protection, not to mention billions of dollars worth of economic activity in industries affecting interstate and foreign commerce.

The Small Business Subcommittee, of which I am chairman, has had these matters under study during the past two Congresses, and frankly, I have been appalled at certain lobbying practices that go on within the private standards-making and code-writing organizations. It was, therefore, most refreshing to read, in an Associated Press story published earlier this year, a frank and forthright criticism of these activities by an official in the National Bureau of Standards, U.S. Department of Commerce. The story appeared, for example, in the real estate section of the Washington Evening Star for March 20, 1970. I include the relevant portion of that article at this point in the RECORD:

HOUSING PINCH: REDTAPE BOOSTS PRICES OF HOMES

(By Dick Barnes)

PRODUCT APPROVAL

A critic of this product approval system is Gene A. Howland of the U.S. Bureau of Standards, who as executive director of the National Conference of States on Building Codes and Standards has spearheaded an effort for states to reassume control over building codes.

Rowland mentioned the fees charged by each code group for approvals, and said: "The gypsum association, for example, pays thousands of dollars for approvals each year. And manufacturers have to go to each city to see how they're doing. All this costs money—but it shouldn't cost money to get approved in a government process. The costs ultimately go to the consumer."

He contended, too, that "to get approvals, you must be a friend to the building inspector. You show up at his meetings or you provide him an airplane ride to meetings, or your association has big hospitality suites at code meetings."

Milton W. Smithman, an assistant staff vice president of the National Association of Home Builders, also said manufacturers of housing and industry supplies are very active in code lobbying. "The materials groups have staff people all over the country in constant contact with building officials," he said.

One does not necessarily have to agree with Mr. Rowland's main thesis—that States should reassume control over building codes—to note that he has accurately described in great part what goes on behind the scenes in the private code bodies.

Shortly after appearance of the story, Mr. Rowland was attacked in the March 27, 1970, issue of Building Code Action, a newsletter of the Associated Home Builders of the Greater Eastbay, Inc., Berkeley, Calif. The news note, attributed to a certain Thomas I. Murphy, project director, reads as follows:

MODEL CODES DEFENDED

In one of a five-part series of Associated Press articles dealing with the high cost of housing, etc., appeared this quote, attributed to Gene A. Rowland, Chief, Codes and Standards Section of the National Bureau of Standards: ". . . to get approvals you must be a friend to the building inspector. You show up at his meetings or you provide him an airplane ride to meetings or your association has a big hospitality suite at code meetings."

The Associated Home Builders of the Greater Eastbay fired back a blistering rebuttal suggesting that Mr. Rowland was obviously unaware of the various committee actions that were necessary in new product and method approval. It was also pointed out that irresponsible statements of this nature cause much damage in that they confuse the public as to the real issues.

I do not know what Murphy may have had in mind when he accused Rowland of confusing the public as to the "real issues." Rowland spoke of cost to the consumer, and I would regard consumer protection in all its aspects to be a very real and very major issue.

Perhaps Murphy can explain what he understands by the "real issue" in more recent events. At this point, Mr. Speaker, I would like to have included in the text of my remarks a news item which appeared in the October 2, 1970, issue of the Hayward, Calif., Daily Review:

PLASTIC PIPE INSPECTION: HOMEBUILDERS UNIT PROVIDES TOUR

HAYWARD.—Three city councilmen accepted an invitation from the Associated Homebuilders of the Greater East Bay and Hew to Los Angeles today for a guided tour of apartment construction and plastic pipe manufacturing.

Four city councilmen, including Mayor Leo Howell, declined the invitation.

A city building code advisory committee turned thumbs down on the use of plastic pipe in new residential construction in Hayward two months ago, after hearing renewed arguments from the Plastic Pipe Institute that it be sanctioned. The Associated Homebuilders has appealed the committee's decision, sending the matter to the city council for final resolution.

Councilman George Oakes, who extended invitations to the full council on behalf of the association to join the tour, said the group would be shown a large plastic pipe manufacturing plant in the Los Angeles area today and new multi-family construction in the Hollywood area tomorrow. Officials of other cities were not invited, according to Oakes who was accompanied by Councilmen Tom Neveau and Charlie Santana.

Oakes was asked of he felt the trip might produce criticism, in view of the pending hearing on plastic pipe before the city council.

"I certainly would expect no criticism," he replied. "You've got to acquaint yourself with all the sources of information, with all the facts."

One of the East Bay's major homebuilders, Oakes supports the use of plastic pipe in residential construction and considers city policy against its use unrealistic.

The tour of new apartment construction, Oakes said, should give councilmen a look at the latest techniques and methods of construction. He said councilmen should be able to apply what they see when they review new construction in Hayward, particularly in the Hayward hills.

"We are looking for new products, new concepts, new designs, and new layouts," he explained.

Oakes said a representative of the Associated Homebuilders would accompany the group. The tab for the trip, he said, will be paid by the association.

A subsequent story, on October 12, related that the mayor made the trip, so that four out of seven members of the Hayward City Council had been flown from that city to Los Angeles for a look at a plastic pipe manufacturing facility.

Mr. Speaker, the "real issue" appears to be that approval of plastic pipe for drain-waste-vent systems was, and is, pending before the Hayward City Council. And who sponsored the flight? Some plastic pipe manufacturer or trade association? Wrong. According to the news articles, the tab was picked up by the Associated Home Builders of the Greater Eastbay, Inc. This is the sort of thing Rowland was talking about. The Eastbay Home Builders Association has hoisted itself on its own petard.

Mr. Speaker, this is not the first time that this sort of thing has occurred. During the course of my Small Business Subcommittee's hearings, there was much controversy over some free airplane tickets to Hawaii accepted by voting delegates involed in certain product approvals. It is not my intention to take any position—for or against—in any specific fight between competing materials. I do feel, however, that until and unless performance standards are adopted by the FHA and by industry that the sort of conduct present here will continue to erode public confidence in the integrity in the entire standards system—particularly within the field of building codes.

I am amazed by the zeal in this instance of a homebuilders association to promote, not the building of homes or the sale of homes, but a product approval for plastic pipe. This instance does not stand in isolation. It is typical of plastic pipe and other product approval fights all over the country where time and again the campaign is spearheaded by the local homebuilders' association. I do not wish to prejudice the case for or against the approval of this material in Hayward or in any other code jurisdiction. My only observation is that the number one argument in favor of approval is said to be cost saving to the consumer. But what consumer? The home buyer? Lobbying campaigns cost money. Four round trip tickets by air from Hayward to Los Angeles cost money. Have homebuilder organizations mounted such an intense campaign for this product approval so that they can pass a material cost saving on to the home buyer? At least in the case of speculative homebuilders, who are the volume homebuilders, I think the answer is more likely a loud "No."

LOWER VOTING AGE IN STATE AND LOCAL ELECTIONS TO 18

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KASTENMEIER. Mr. Speaker, although the Supreme Court has made clear that the reduction of the voting age 18 in State and local elections will have to be accomplished by constitutional amendment, its decision of December 21, 1970, upholding the right to vote by 18-year-olds in all Federal elections gives us strong incentive to act immediately to eliminate the present confusion over varying age requirements between local, State, and Federal election laws. Thus, today, I am introducing a proposed constitutional amendment to provide for the franchise for 18-year-old citizens in State and local elections.

I have long advocated that 18-year-olds be allowed to vote. Young people, today, are better informed than ever before and are more interested and concerned with public issues. At a time when much of our young people's frustration can be traced to a feeling of futility in influencing decisions, which affect them directly, made by Federal, State, and local governments, I feel it is imperative that we extend the franchise to enable our 18-, 19-, and 20-year-old citizens to vote in all elections.

Mr. Speaker, by allowing these young citizens the right to vote in election contests at all levels of government, we will be providing a powerful inducement for greater political involvement and hope for reform, thus restoring the faith of young people in the American political system.

DIRECT, POPULAR ELECTION OF THE PRESIDENT

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KASTENMEIER. Mr. Speaker, on September 18, 1969, the House, by a vote of 339 to 70, passed a proposed constitutional amendment providing for the direct election of the President and Vice President. The overwhelming approval given to this essential reform of our electoral process was due in large part to the initiative and able leadership of our distinguished chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER). Unfortunately, the Senate failed to take any action on this proposed amendment during the 91st Congress.

However, the need for this significant change in the manner by which we elect our President still exists. The electoral college is outdated. It was devised for a 19-century union of divisive, competing States. The factors of voting franchise and population which also contributed to its adoption have long since disappeared from our society. The electoral college also is undemocratic in that it allows that the popular will of the people can be thwarted under this system by the distinct possibility of a popular vote loser entering the White House.

Mr. Speaker, the most realistic and most democratic manner of electing the President and Vice President, and also enhancing participatory democracy, is through the direct, popular vote. The direct, popular vote puts the choice of the President squarely where it ought to be, directly in the hands of the people. Today, I am introducing a proposed constitutional amendment calling for the direct election of the President and Vice President, and I am confident that we can again move this proposed amendment successfully through the House, and I am optimistic that the Senate will also concur.

INTERIOR'S DECISION ON "TAPS" REFLECTS INFLUENCE OF "BIG OIL"—ALASKA IN PERIL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am sure you remember one of the first big issues to face the 91st Congress—the oil spill off the Santa Barbara, Calif., coast. Here we go again. To start the 92d Congress, the Interior Department has virtually assured Members that we face major oil spills in the State of Alaska as a result of their recommendation to construct the trans-Alaskan oil pipeline.

On January 13, the Interior Department issued its tentative report on the subject of building the 800-mile pipeline across the frozen wilderness of our 49th State. The report, taking note of those of us concerned with environment, ecology, natural resources, conservation, and so forth, spells out the potential damaging ecological consequences when the pipeline is built. In spite of this, the Department recommends full speed ahead with approval of a project to benefit the fattest, most arrogant segment of the American industrial complex—the oil industry.

Not satisfied with bloated profits partially derived at the expense of the public through the oil depletion allowance; not satisfied to choke the air we breathe with automobile products; and not satisfied with their inordinate amount of protection from foreign competition, the barons of oil are now seeking another profit bonanza at the expense of the public.

The oil barons have—who knows how—convinced the bureaucrats in the White House and in the Department of the Interior that, by despoiling, polluting, and wrecking the wilderness which is Alaska, the national security will be preserved.

It is inconceivable for me to understand how a public agency, chartered to guard the public weal, can, in one breath admit the disastrous effects of a potential decision and in the next breath, recommend an action to implement just such a decision. If you cut away the window-dressing langauge of the report, you discover that the bureaucrats who have sworn to protect the public have encouraged a policy to gouge the public. The blatant audacity of the recommendation is stupendous.

It is a measure of the influence of the

oil industry in the decisionmaking councils of the Federal Government. On this point, I recommend your attention to an article which appeared in the January 17 Washington Post entitled "The Oilmen and Politics" by Murray Seeger of the Los Angeles Times. The Department's recommendation is also a measure of the ineffectiveness—to date—of the public to gain control over the unholy alliance between the industry and the Federal Government's decisionmakers.

If there is any doubt about the effect of the pipeline on the fragile ecology of Alaska, I strongly recommend each Member's close attention to the full report. The Interior Department openly admits various degrees of environmental degradation should be expected from the project; it is little comfort to know the Department has spelled out its potential mistakes before committing them.

The potential for making environmental mistakes with a project as big as TAPS is unestimable. Caution would seem to be the watchword of the officials charged with protecting the interests of the public.

It is the watchword for our Canadian neighbors.

Reporting on a similar, but not as extensive, environmental problem in Canada, the Evening Star of January 13 ran an article side-by-side with the one on the departmental report on Alaska. The juxtaposition of the story is poetic justice if nothing else. A UPI story out of Ottawa reports that the Canadian Government banned all oil and gas exploration in the Strait of Georgia off the British Columbia mainland to prevent any possible pollution. The Canadian Government appears—in this instance—to be working in the interests of saving its environment while the highest councils of our Government are recommending a crash program of environmental destruction.

The reaction to the Interior Department's recommendation has not been fierce—yet. Contemplating that some of the conservation nuts—as I have been labeled on occasion—would object to the Department's report, a fancy and expensive public relations advertising campaign has been started by the oil companies.

You probably saw the results of the oil industry's first move. On January 18, a full-page advertisement appeared in major papers from the Alyeska Pipeline Service Co. The thrust of that advertisement is designed to lay to rest the environmental concern with projected pipeline construction. Compare the following statement from the ad with the Interior Department's report:

> What we have learned about the Arctic leads us to believe that there is nothing inherently dangerous to the environment providing the line is designed, built and operated in a manner that is considerate of and responsible to the environment. In truth, what's good for the environment is also very good for the safety and security of the pipeline. On this you have our pledge: The environmental disturbances will be avoided where possible, held to a minimum where unavoidable and restored to the fullest practicable extent.

The company did not promise to protect the environment, rather, it promises to repair it. It takes an unprecedented—even for the oil industry—amount of gall to make such a statement and expect the public to swallow it without question. To argue with every point in the advertisement would take too long, but I will mention just one issue: the advertisement talks about "avoiding" environmental disturbances. Based on my trips to Alaska and having flown over and driven along the Alaskan construction sites, I can assure you that the oil companies do not practice what they preach. Oil exploration and development creates an environmental disaster area. But again, all of this is admitted in the departmental report and yet the go signal is given.

But Alaska is a long way from your morning newspaper. One must assume the Alyeska Pipeline Service Co. figured that one picture of a heard of caribou is worth a thousand words describing the crimes that have been committed against nature by the oil companies in Alaska. I agree that the public relations impact of the ad may be just that; however, I sincerely hope that our colleagues in the House will not be lulled into thinking that that picture is an honest description of the environmental facts of life.

In a traditionally understated editorial, the Christian Science Monitor of January 18 questions the appropriateness of the Interior Department's recommendations. The editorial states in conclusion:

> Perhaps the Alaska pipeline decision will be made intuitively by Americans, for arguable immediate reasons. If so, the likely eventual judgment on building the pipeline would be that it was wrong. For the progressive line of thought in the country is toward less, not greater impairment of nature for industrial advantage.

Those words echo the sentiments expressed not long ago by the former Secretary of the Interior, Walter Hickel, himself an Alaskan. I thought these comments from our former Secretary would be appropriate to close this speech on the future of Alaska as threatened by the trans-Alaskan pipeline project:

> The Secretary-General (of the UN) then underscored a point I have often made: Concerted preventive action now is far less costly than to repair the damage after it has occurred. Having failed to apply the ounce of prevention in past years, we're now faced with applying pounds of cure. . . .
>
> We must follow new principles in living and working together as a Nation:
>
> The right to produce is not the right to pollute.
>
> We must not inject new things into our surroundings until we have studied fully their possible impact.

Mr. Speaker, I fully intended to end my remarks with those stirring words of Walter Hickel but lo and behold, just 2 days ago, the President stepped into another great conservation/environment battle and provided me with an even better statement on protecting our environment. In blocking further construction of the Cross-Florida Canal, an action with which I wholeheartedly agree, the President said:

> The project could endanger the unique wildlife of the area and destroy this region of unusual and unique natural beauty.

He could have been talking about Alaska. He then continued:

> The step I have taken today will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage, we prevent it.

I cannot commend the President enough for this beautiful statement. It succinctly captures the essence of the problem with respect to the trans-Alaskan oil pipeline. I fervently hope the conservationists of the country use it as a rallying cry against the Interior Department's go ahead construction recommendation. I hope the President follows through with a similar statement blocking the oil barons' campaign to profit at the public's expense in Alaska. And I trust the Federal bureaucracy takes heed of the President's line of reasoning regarding the preventive protection of our Nation's environment.

I can think of no better way to end this speech than to repeat, what I hope will become, one of the President's most famous sentences:

> But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage, we prevent it.

HORTON BILL HONORS FRANCIS BELLAMY

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, I feel it appropriate on this first day of the 92d Congress to introduce a bill giving proper recognition to the man who wrote the words with which we honor our flag.

Francis Bellamy, who was a graduate of the University of Rochester in 1876 and the Rochester Theological Seminary in 1879, served as chairman for a national school committee for the first observance of Columbus Day in 1892.

The pledge to our flag was first used in that ceremony. And it is fitting and proper for us to give the same honor to Francis Bellamy as we do to the other heroes of our national heritage.

Mr. Speaker, I would also like to share with the Members of this House a column I distributed to the news media in my district:

ALLEGIANCE PLEDGE: A STATEMENT OF NATIONAL GOALS

> "I pledge Allegiance to the Flag . . ." (Francis Bellamy, Columbus Day 1892.)
>
> These words were first used in public schools throughout the country on Columbus Day 1892 to mark the 400th anniversary of the founding of the New World.
>
> Since then the words have been melded into our national heritage and stand with our flag as a symbol of this country.
>
> Francis Bellamy was a native of Mount Morris, New York. He was graduated from the University of Rochester in 1876 and the Rochester Theological Seminary in 1879.

In 1892 he served as chairman of a committee for a national school program for the first observance of Columbus Day in this country. The pledge to the flag was used as a part of that celebration.

This week I introduced legislation to give proper recognition to Francis Bellamy and permanently establish his role as one of our national figures.

His words are recited daily in our nation's school. They serve to build respect for the flag and all it symbolizes for all Americans.

The story of the American flag is the story of this nation. When the Stars and Stripes were first adopted on June 14, 1777, it was one of the country's darkest days.

Within 96 days the members of the Continental Congress were fugitives. The Capitol in Philadelphia had been invaded and occupied by British troops and the fate of the nation weighed in the balance.

George Washington gave a vivid description of the new flag when it was first flown by the Continental Army.

"We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty," Washington said.

Our flag was born in the heat of battle and given its baptism under fire. It survived as has the nation.

Over the years the United States had grown into the greatest civilization known to man. It has filled its natural boundaries and assumed the leadership of the free world.

Patriotism is a thing to be nourished and cherished. However, there is a difference between the true patriot and the fanatic.

It is the true patriot who can see the real meaning of Francis Bellamy's pledge to the ideals of ". . . One nation under God, indivisible, with liberty and justice for all."

He sees the real meaning of these national goals and undertakes to accomplish them through constructive criticism and suggestions for national betterment.

HORTON SAYS THE BILL WOULD CHANGE FISCAL YEAR TO CALENDAR YEAR

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, I am introducing today a bill which will greatly improve the functioning of Congress as well as the entire Federal Government. This bill would establish the calendar year as the fiscal year of the U.S. Government.

As it now stands, Congress receives the President's budget late in January and is expected to take final legislative action by the beginning of the fiscal year, less than 6 months later, on July 1. This deadline is almost never met, since deliberation on the details of a $200-billion-plus budget invariably requires longer than 6 months.

In recent years, final approval of these measures has been reached later and later. Under my proposal, Congress would have the balance of the year to complete discussion and action on vital appropriation matters since the new fiscal year would not begin until the following January 1.

By giving appropriations approval prior to January 1, Congress would be assisting the fiscal planning of State legislatures and local governments, as well as improve the functioning of Federal agencies.

Mr. Speaker, I would like to share with my distinguished colleagues a column I wrote for the news media in October of last year, which discusses this problem in further detail:

CONGRESS MUST REVISE PROCEDURES TO FIGHT INFLATION AND PREVENT WASTE

(By Congressman FRANK HORTON)

The people of America have a right to expect Congress to watch over the purse-strings of government, to set Federal spending priorities and to achieve balance in the budget without waste. Of all branches of government, Congress is closest to the people and it should be equipped to respond to demands for more efficient use of tax dollars and an end to inflation.

At the present time, more and more of the responsibility for government fiscal policy has fallen into the hands of the Executive Branch by default. The procedures Congress follows to make spending and budgeting decisions are far too disorganized and "stop-gap" to enable it to effectively plan and carry out a business-like plan for the government's $200 billion a year budget.

As years have passed and Congress has failed to update its appropriations procedures, more and more of the task of setting budgets straight and of setting spending priorities has shifted to the Budget Bureau, or what is now called the Office of Management and Budgeting. This is not where the responsibility belongs. Congress must adopt tax laws, set spending priorities and adopt appropriating legislation for every function of government.

Where has Congress failed in its fiscal responsibility and what steps can be taken to place these powers back into the hands of responsible representatives of the people?

First of all, Congress has failed to recognize that national problems have grown so diverse and the Federal budget has grown so large that it is impossible for Congress to complete action on appropriations for the coming fiscal year between the months of February and June. Each year, the President submits his budget to Congress near the end of January—the budget which will go into effect in the fiscal year beginning July 1st of the same year. This means that Congress must sift through each spending item in hearings and prepare and pass through both the House and Senate about 14 massive appropriations bills—all before the 30th of June. If Congress could accomplish this, then all Federal agencies and states and localities would know exactly how much is to be spent for each Federal function and program at the start of the fiscal year. This would permit a planned and well-organized implementation of the budget.

However, it has been many years since Congress has completed its appropriations work by the June 30 deadline. Unlike the earlier days of smaller budgets and six or seven month sessions of Congress, we now find ourselves considering legislation ten, eleven or twelve months a year. Frequently, less than half of the appropriations are acted upon before the beginning of the fiscal year—leaving Federal agencies and the taxpayer with stop-gap "continuing resolution" which enable programs to operate at the same level of the past year, until final action is taken on the spending legislation.

Recognizing that this yearly appropriations lag made it impossible for Federal, state and local government to plan efficiently any of their programs which involve Federal funds, I proposed a change in the Federal fiscal year to the calendar year. Beginning the fiscal year on January 1st instead of July 1st would give Congress and the Executive more time for budget planning and for reviewing appropriations and spending priorities.

Spending bills enacted between the President's budget message in January and the adjournment of Congress in the fall would not take effect until the first of the following year. There would be no need for stop-gap resolutions now needed to keep agencies' programs and payrolls going on a month-to-month basis.

I first made this proposal in the 90th Congress—over three years ago. And each year since the performance of Congress in completing action on appropriations has been slower, less organized, and less suitable to the task of accomplishing efficiency without inflation.

While a change in the Federal fiscal year would give Congress the time it needs to make the fiscal decisions required in the 1970's it is not the only reform that is needed. What is even more essential is a new procedure which will force Congress to make fiscal responsibility and budget balancing a priority, along with the priorities we set for spending on particular programs.

Present appropriations procedures place fiscal responsibility last on the priority list. In acting on individual spending bills, each house of Congress makes separate decisions as to whether more or less money should be allocated for each program than was budgeted by the Administration. Through this procedure, we may add funds to a housing bill or subtract funds for a defense project or leave both as they were when approved in Committee or by the Executive.

But there is no mechanism which forces Congress to look at the entire budget picture at once, to determine if its spending priority decisions can be accommodated within a balanced budget.

With the time pressure currently placed on Congress by the July fiscal year, the time is never taken to look back over all of the spending decisions on individual programs to see if they are in line with the year's expected tax receipts, or even to see if they are in line with the spending ceilings Congress itself adopted earlier in the budgeting process.

The result has been that Congress is rapidly losing its power over spending priorities—because it has not exercised them in an organized or businesslike way. Congress places higher priority on one or more important areas too often without regard for the overall spending result.

My personal practice has been to balance "yes votes" for additional funds for high priority programs with "no votes" for spending on low priority items—thus seeking a balanced budget. But the actions of Congress as a whole often do not reach a balanced result. More funds are added than subtracted from the Administration budget.

This leaves the Administration with the job of holding up spending on programs which it determines should be cut back or it results in residential vetoes which place the President's priorities in opposition to those of Congress.

Again, this is an example of where Congress, by failing to adopt better fiscal procedures, has ceded powers to the Executive by default—in this case, the powers over spending priorities.

I have prepared a proposal which would help to put both the budget and the powers of Congress back into balance. The proposal is a simple one, and it will be adopted if Congress is serious about retaining some say over how citizens' tax dollars are spent.

After all appropriations bills for the next fiscal year are passed and acted on in conference committees, both Houses of Congress should measure the total amount appropriated against the total budget ceiling agreed upon by the House and Senate. Where the appropriations exceed the budget ceiling by a certain percentage—say two per cent—then amendments to the individual spending bills should be prepared and enacted, reducing the total appropriation for each program by two per cent—the same percentage. This is the only way the budget ceiling can have any meaning—if Congress stays within it during the appropriation process. This is the only way that Congress can retain power over spending priorities, without having to remove funds, through veto or budget hold-backs, from program areas which Congress feels are of very high priority.

To me the choice is clear. Either we adopt these reforms in the next Congress, and thus enable our system to function effectively under the Constitution, with Congress controlling the purse strings. Or, without such reforms, we will continue an era of budget waste, inflation and stop-gap measures, with Congress fumbling its fiscal powers away—along with the tax dollars of our citizens.

HORTON SEEKS AMENDMENT FOR WOMEN'S RIGHTS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, I am introducing today a bill which will correct a problem that has been ignored for many years; namely, achieving full legal opportunity for women. The discrimination which presently exists in many parts of our economy—in responsibility, in salary, in esteem—cannot be justified by any reasonable standard. My bill would eliminate such violations of women's rights and make accessible to the ladies the opportunities and responsibilities they deserve.

Mr. Speaker, I would like to share with my colleagues an article I prepared for the news media in July 1970, which I feel further explains the needs for this legislation.

While portions of this article pertain to actions of the 91st Congress, I feel they are still valid in view of the Senate's failure to follow our lead in adopting this important legislation last year.

The article follows:

Women Ask Freedom To Develop Their Own Potential: Horton Says Equal Rights Amendment Would Afford Women Full Equal Opportunity

"You've come a long way, baby," says a popular commercial referring to the status of women. Fifty years ago, women were not able to vote, most of the jobs they held were in sweat shops, and they had no legal rights.

Today, a lot has changed. However, the achievements of equal rights for women in all fields is still far from complete. There is undoubtedly discrimination against women in our enlightened age—50 years after Susan B. Anthony of Rochester led the fight for women's suffrage.

Women must be allowed to develop their individual potential. To help protect this right, I have joined with 245 other sponsors of the Equal Rights Amendment, H.J. Res. 264, which would guarantee men and women equal rights under the Constitution of the United States.

This amendment would eliminate impediments to women's rights and afford women the opportunity to share equally with men the responsibilities of our modern society.

Unfortunately, this amendment has been pending before the Judiciary Committee for 47 years since 1923. It is certainly time for action. Several weeks ago, I signed a petition to discharge the House Judiciary Committee from further consideration of this amendment and bring it to the floor of the House for consideration.

I have been working for women's rights in several areas. In the near future, I will introduce a measure to end discrimination against female veterans. My bill would allow a woman veteran who is taking advantage of the G.I. Bill to claim her husband as a dependent, just as a male veteran is able to claim his wife as a dependent in computing education benefits.

The need for this bill is illustrated by a constituent who is now attending Monroe Community College under the G.I. Bill. She served two years in the WAVES and receives less G.I. benefits than a married male veteran. After service to her country, she certainly deserves the same consideration.

At the 50th Anniversary Conference of the Women's Bureau in June, Mrs. Elizabeth Duncan Koontz, Director of the Women's Bureau of the Department of Labor, emphasized the desirability of enabling women to develop their potential.

"If anyone were to ask me now in what direction I think American women should move." Mrs. Koontz said, "I would answer that their goal should be toward the fullest development of their own potential as individuals and toward full participation in American life."

Motherhood and childbearing are tremendously important roles for women, but as Mrs. Koontz said, "It is ridiculous to conclude that this is the only role they should ever have in life, and that the first part of their lives must be spent in preparation for it and the last part in recollection of it."

In our own area, Mrs. Marcia Ellington, wife of Dr. Mark Ellington, president emeritus of R.I.T., organized and initiated "Woman Power" which has taken several steps toward ending discrimination and emphasizing the vital and necessary role of women in society. "Women Power" has spoken out on many controversial national issues where women previously had not voiced concern.

My predecessor, Congresswoman Jessica Weis of Rochester, took full advantage of the opportunities open to her to become a national leader. On July 8th, Judy Weis Day, the "Susan B's" of Rochester honored her memory by pointing out the tremendous influence of such a woman on society. A leader in the effort to honor Mrs. Weis was New York State Regent Helen Power, and other area women, who along with the late Representative Weis, Rochester School Board President Dorothy Philips, and former State Assemblywoman, Mildred Taylor of Wayne County, have achieved positions of public leadership.

In her May 7 testimony before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, Virginia R. Allan, Chairman of the President's Task Force on Women's Rights and Responsibilities, said ratification of the Equal Rights Amendment would have a widespread effect on education.

She told of women students in colleges being counseled not to pursue graduate study, having stiffer entrance requirements, the difference in job expectations and salaries, and women's position in universities and colleges.

"Where are women college presidents?" she asked. "If it were not for the Catholic women's colleges we could number them on one hand."

Mrs. Jacqueline G. Gutwillig, Chairman of the Citizens' Advisory Council on the Status of Women, also testified in favor of the Equal Rights Amendment. She said young women volunteering for military service must have high school diplomas and must achieve higher scores on the education tests than the regular scores for men who are drafted.

She also cited inequities in some states where women criminals serve longer prison sentences than men for the same crime.

Mrs. Gutwillig emphasized that knowledge on the part of men would eradicate some inequities.

Men generally are not anti-women and may not consciously discriminate," she said, "but also may not be mindful of the effects on women of outmoded attitudes and pressures. The biggest obstacle to improvement in the status of women is lack of knowledge."

While I am working for the elimination of discrimination against women, in reality, I am working for the end of all discrimination.

The opposite of prejudice is openness and opportunity. When people take a fresh look and abolish their preconceived and stereotyped ideas of one group, they will be able to apply this perception to other groups.

HORTON BILL REMOVES PENALTIES FOR SPORTS CHAMPIONS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, this year when the winners of the Nobel Prizes are announced, these cash awards and other prizes for high achievement in science, art, music, literature, and civic affairs will be excludable from gross income under section 74(b) of the Internal Revenue Code.

However, in a Nation which places great importance on physical fitness, teamwork, and sportsmanlike competition, awards for athletic achievement are taxed as ordinary income. This is true even when the award, unlike the cash Nobel Prize, has no utilitarian value.

Today, I am proposing a measure to add sports to the categories of awards excludable under section 74(b) of the Internal Revenue Code. This will include athletic awards given for overall sports achievement, not the cash awards and trophies given for victory in a particular contest or series of contests.

This inequity in our Internal Revenue Code was brought to my attention by a tax court decision on the suit brought by Mr. Maurice Wills against the Commissioner of Internal Revenue after a deficiency claim had been asserted against him for the 1963 tax year.

This claim was asserted, Mr. Speaker, because Mr. Wills did not include in his taxable income several awards which he had been given as a result of outstanding performance as a baseball player with the Los Angeles Dodgers in 1963.

Among these awards was the S. Rae Hickok belt, a jewel-studded belt which is presented each year to the national outstanding professional athlete.

This coveted award is given in recognition of overall excellence in athletic performance and achievement. Its value is primarily symbolic, recognizing the recipient as a champion among champions. Although the Hickok belt cost $10,000 to manufacture, it provides no direct financial gain to the recipient.

Nevertheless, the tax court ruled that the recipient of the S. Rae Hickok belt was liable for tax on the value of the components of the belt.

The effect of this decision, Mr. Speaker, created a serious uncertainty about the taxability of all other amateur and professional sports awards.

Even though the tax court decision correctly interpreted the law as it is presently written, I do not feel that our tax laws ever intended that athletic achievement is to be discriminated from achievement in other fields or that it was to penalize champion athletes through tax liability for nonutilitarian awards.

When the purpose of the trophy is honorary and decorative, the payment of a tax on its component value imposes a serious financial burden upon its recipient.

The bill I am introducing today would amend section 74(b) of the Internal Revenue Code to include within its coverage certain awards and prizes received by athletes.

Section 74(b) already excludes from gross income the value of certain prizes and awards granted in recognition of achievements in the fields of art, music, literature, religion, charity, science, and civic achievement.

In addition, section 74(b) of the Internal Revenue Code requires that the recipient must not be required to render substantial future service as a condition precedent to receiving the award, or have entered into competition for the award.

Mr. Speaker, my bill would extend this category to include sports awards with the same limitations and conditions. When an American athlete has lived up to the finest traditions of American sports and sportsmanship and excelled in his particular sport, he is an inspiration to millions of young, aspiring athletes.

On February 1, the Hickok Manufacturing Co., in Rochester, N.Y., is awarding this year's S. Rae Hickok Belt. To require the winning athlete whoever he will be, to pay for the privilege of retaining his trophy is, in effect, discrimination in our tax laws.

I feel this first day of the 92d Congress is a particularly fitting occasion to ask my colleagues to join with me in support of this bill to extend to our outstanding athletes the same privileges, honors, and tax benefits, that we extend to those who achieve national recognition in the arts and sciences.

HORTON CALLS FOR BLOCK-GRANT AID TO EDUCATION, AS PART OF ACTION ON REVENUE SHARING

(Mr. HORTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, there has been much talk about reordering our national priorities, but little progress has been made in that direction. There has also been a great deal of publicity about revenue sharing in recent years, but, again, real progress in this direction has not been forthcoming.

On this opening day of the 92d Congress, I am introducing a bill, the Federal-State Education Act of 1971, which serves both purposes.

This legislation serves to assist and strengthen educational programs at all levels, providing school systems funds to improve both the quality and the diversity of their educational programs.

My bill provides for bloc grants to the States, increasing each year to 1975. These grants would be distributed based on a formula, which was drafted by the State Education Department in Albany, and which takes into account population and each State's level of educational effort prior to the grant program. The States would be free to spend this money for any educational purpose, except that they are required by law to spend a minimum percentage, 20 percent, on programs for the disadvantaged youngster.

The national cost of education is almost 25 times today what it was 40 years ago. The need is imperative and Congress must acknowledge its responsibility in this vital area. I urge my colleagues to support this legislation, so that we might truly begin to serve our domestic needs.

MINORITY STAFFING

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the act of the Democratic caucus binding Democratic Representatives to vote for repeal of the minority staffing provision which we enacted into law last fall is a shocking breach of faith, and in disregard of elementary fairness. It is difficult for me to find the words to adequately express my feelings of outrage, disbelief, and regret at this unbelievable demonstration of raw political power at its worst.

It is certainly understandable that important and respected members of the Democratic Party disagree with the minority staffing provisions. But it is incredible to me that they should invoke a unit rule which binds all of their members to vote slavishly their wishes. Last fall the House leadership took a few limited steps to lift the shroud of secrecy surrounding House activities. Now they are back to their old tricks. They have gone into the secrecy of a smoke-filled room to reassert their power.

The times cry out for reform. Indeed, it was in answer to this loud, clear call that we enacted the Legislative Reorganization Act of 1970 by a House vote of 326 to 19. Now, even before the provisions of that admitted "one small step" have gone into effect, the power structure of the Democratic Party has begun dismantling one of the bill's more meaningful provisions. One can only wonder, what next?

It is perfectly true that the will of the majority rules in this great land of ours, as indeed it should. However, it is equally true, and it is a cornerstone of our greatness, that the rights of the minority must be jealously guarded and fearlessly protected. To strip the minority party in the House of the protections of elementary fairness and assured staffing is like taking from the defendent in a court of law his right to counsel. It is to destroy the workings of a meaningful two-party system. Without the assurances of adequate staff, the minority party is shackled in its efforts to perform an effective and constructive role in these complicated and challenging times.

Mr. Speaker, for the benefit of new Members and to refresh the memories of returning Members, I will include at the conclusion of my remarks the two days of debate devoted to the subject of minority staffing last July 15 and 16. I realize that to do this is a somewhat forlorn and pitiful gesture, because under the rules of the Democratic caucus, as they have been explained to me, all Members of the Democratic Party are bound to vote to repeal the minority staffing provisions. Debate cannot change their votes. Neither can their consciences nor senses of fairness change their votes.

One can only wonder how many members of the Democratic caucus were honest enough to inform their constituents that they would consent to cast their votes in accordance with the wish of the majority and against their better judgment, their conscience, or the desires of their constituents. If unit voting will be used to oppress the minority on this issue, what else will it be used for?

These Halls will be haunted for a long time by this almost incredible breach of democratic principles, and those of elementary fairness. I find it particularly painful that an event like this should follow so closely the deeply impressive remarks of our leaders earlier in the procedures today. Their moving statements in praise of this House are in sharp and dismal contrast to the shocking action taken by the Democratic caucus which has unfolded during the proceedings today.

The debate on this matter which I alluded to previously follows:

[From the Congressional Record, July 15, 1970]

Amendment Offered By Mr. Thompson of New Jersey

Mr. Thompson of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment offered by Mr. Thompson of New Jersey; on page 23, line 15, strike out the words "and shall receive fair consideration in", and insert in lieu thereof the following: "if they so request not less than one-third of the funds provided for."

"And make the appropriate and necessary technical changes in the bill."

(Mr. Thompson of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. Thompson of New Jersey. Mr. Chairman, I also have an amendment to page 73 of the bill which I ask unanimous consent to be considered at this time, since the first amendment I offered relates to granting to the minority certain professional staff, and the other relates to the granting to the minority of a certain percentage of the investigative staff.

The Chairman. Is there objection to the request of the gentleman from New Jersey?

Mr. Sisk. Mr. Chairman, based upon the problems involved here inasmuch as the one amendment pertains to financing and the other has to do with staffing, I would necessarily have to object.

The Chairman. Objection is heard.

The gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. Thompson of New Jersey. Mr. Chairman, this is a bipartisan amendment worked on principally by the gentleman from New Hampshire (Mr. Cleveland), myself, and some others.

Very simply, this first amendment to page 23, line 15, strikes out the words, "shall receive fair consideration in" for the minority, and inserts "if they so request not less than one-third of the funds provided for."

Now, in essence the effect is simple. The language, "shall receive fair consideration" is susceptible of a different interpretation in each and every committee because what might be considered fair in one committee might not be so considered in another committee. Therefore the minority could possibly, under the existing language which I hope to amend, be deprived of what I consider to be a very necessary right, the right to have a reasonable share of the staff.

I might point out that the Committee on Education and Labor, which in my judgment has the most forward-looking rules of any committee in the House, has so provided for the minority over a period of years. It has worked out extremely well. It is conducive to a close working relationship between the majority and the minority.

The minority is guaranteed under such provision the staff help that is necessary to prepare its work.

It has been my experience on that committee and on the subcommittees as well that this arrangement has brought about an extremely harmonious relationship between the majority and minority members. The preparation of the legislative work, the reports and the amendments and all of the work incident to the legislative process is much more efficient because of the fact of the minority having the staff and the cooperation between the minority and the majority.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. SCHWENGEL. I am very interested in this amendment and have pursued this problem for some years as the gentleman from New Jersey knows.

The minority cannot be an effective minority unless they have the wherewithal. One of the things we have not had is adequate staffing—and we have not had adequate staffing because we have not had adequate funds.

Mr. THOMPSON of New Jersey. In other words, the gentleman from Iowa supports the amendment?

Mr. SCHWENGEL. Yes, I do. I have some questions, if I may.

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. SCHWENGEL. Your amendment reads, "at least one-third," is that what I understand?

Mr. THOMPSON of New Jersey. No, it reads "not less than one-third." There is a very distinct difference.

Mr. SCHWENGEL. This says "not less than one-third," and as I would interpret it, it could mean more than one-third?

Mr. THOMPSON of New Jersey. Obviously.

Mr. SCHWENGEL. That is what I wanted to have clear for the record because I had an idea about this and my bill would provide up to 40 percent, at the request of the minority. But this is a step in that direction.

Mr. THOMPSON of New Jersey. This says "not less than one-third" which is going to be an awful lot better than an attempt to enlarge it in the statutory language.

Mr. SCHWENGEL. If the gentleman will yield further, I want to commend the gentleman and I support him. I think we are making a very fine forward step here in improving the legislative process. I join him in his effort to get the amendment passed.

Now—one further question. This comes at the request of the minority, so that it does not interfere with a committee that has a completely bipartisan arrangement.

Mr. THOMPSON of New Jersey. That is quite so.

Mr. SCHWENGEL. I just want to clear those two points.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the distinguished gentleman from New York (Mr. CELLER).

But first, Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 additional minutes.

Mr. CELLER. Suppose we have a House—and I am not going to mention parties—but suppose we have a House where one party has let us say 300 Members and there are 135 Members of the other party. Would the proportion be the same—one-third to the minority and two-thirds to the majority despite that disproportion of the numbers?

Mr. THOMPSON of New Jersey. Yes.

Mr. CELLER. Why would that be so?

Mr. THOMPSON of New Jersey. In circumstances like that, I should think the minority would need even additional protection.

Mr. CELLER. Additional protection?

Mr. THOMPSON of New Jersey. Yes.

Mr. CELLER. Who is going to be in control?

Mr. THOMPSON of New Jersey. The majority, under the rules of the House, and assuming that there is some degree of party discipline always in control in that situation if there is a majority of one or more than one. I think it will be greater in the next Congress.

Mr. CELLER. I am not speaking in any partisan manner, but certainly if one particular party has a preponderant number of the Members, how can that party be properly served if they are going to have a miniscule number of the staff?

Mr. THOMPSON of New Jersey. If the distinguished gentleman from New York will look carefully, as I see this thing, we are talking about the one-third, and not any of the statutory employees at this point—but not less than one-third of the investigating employees.

Mr. CELLER. I understand but I do not think you have to have a situation as inflexible as you indicate. Of course, we all speak from our own experience. In my own committee, we have not the slightest bit of trouble and I am very generous in parceling out the number of clerks, investigative staff and so forth.

Mr. THOMPSON of New Jersey. I am sure the gentleman always is.

Mr. CELLER. Would it not be better to leave the discretion with the chairmen themselves?

Mr. THOMPSON of New Jersey. No, I do not think so, and had I obtained unanimous consent to discuss the amendment relating to the committee professional staff which really ties in with this, I would explain that this would do the same thing for the minority, and we are going to take another look at the language before we get to page 73. But the purport of these two amendments is essentially to guarantee to the minority party certain staff people, and under the amendments a majority of the majority on a committee will hire their employees and the majority of the minority will hire the minority employees.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I have not consulted with my good friend and colleague from Missouri, but I wonder if the amendment would do anything for the minority of the minority.

Mr. THOMPSON of New Jersey. It could not hurt. After all, you are in pretty bad shape now, and any remote possibility might help you and your distinguished personal physician, the gentleman from Missouri (Mr. HALL).

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment. I guess we are getting down to the meat of the coconut, as I mentioned yesterday. The amendment which is now pending before us is of considerable importance if we are really interested in passing legislation, if we are interested in making progress in connection with procedures of the House, and I think Members have been. I think that the debate has gone very well, and personally I was most impressed with the attendance on the floor yesterday and the interest shown by Members, the tone of the debate, and the discussion. Yesterday some amendments were adopted; some were defeated. Again, I think that was an excellent demonstration of the House working its will.

But we we are now coming to some issues that, if I may be permitted to say so, are pretty important issues, and basically depending on how we handle these issues the ultimate status or fate of this legislation could very well be determined.

The whole question of minority staffing, of the rights and privileges of the minority under the Rules of the House was discussed at great length by your subcommittee. I frankly admit that we do not possess all wisdom, and I am sure none of the members of the subcommittee or of the Rules Committee itself would claim that we did. We were dealing with a very difficult subject. Very frankly, whatever we did would be too much for members of one party, in all probability; in all probability whatever we did would be not enough for members of the other party.

I made a remark on one occasion that I understood that the party in the minority today was making quite an effort to win control of the House. Therefore, I assume that sometime in the future they expected to be the majority party, and therefore, keeping that in mind, I think that this amendment and possibly some others along this line should be of just as much concern to the members of the Republican Party as such amendments are to the Democratic Party. The mere fact that the situation for the past 16 years has been one in which the Democratic Party has been in control and the Republican Party has been the minority may or may not continue. That, again, is up to the will of the people.

Of course, I suppose that if any change should occur this next January, those of us on our side would be most happy to have an amendment of this kind, because apparently it is unlimited. In essence, according to the statements made by the distinguished gentleman offering the amendment, the amount could go up to almost any amount which would be set aside specifically and completely for the use of the minority. In no event could it be less than one-third.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I thank the gentleman from California for yielding.

Of course, this is a subject on which there has been a great deal of discussion in recent years. If I recall correctly, the 1946 reorganization act undertook to set up a nonpartisan committee for the staffs. That action was first implemented by the 80th Congress, which was under Republican control. I cannot speak for all the committees, but I can for some of the committees. Most of the top people that were selected were selected by the Republican chairman and usually with the advice and agreement of the ranking Democratic Members. Many of those who were selected were outstanding men and women and are still serving their committees after all these years, and I have not heard any complaint about them.

I know we ought to protect the rights of the minority, but I just wonder if—and the gentleman and his fine committee in their work have gone into this question—the time has come when we should depart from the principle of a professional as against a partisan type staff and go into one where staffs might be divided into opposing camps.

Mr. SISK. Let me say, Mr. Chairman, I deeply appreciate the comments of our majority leader.

I wish to say that if I have said something in my earlier remarks that may sound partisan, I did not mean them in that way, because I firmly and frankly believe this is a matter we should all deal with in as bipartisan an approach as possible.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. WAGGONNER, and by unanimous consent, Mr. SISK was allowed to proceed for 5 additional minutes.)

Mr. SISK. Mr. Chairman, I recall very well I came to the Congress 16 years ago when the Democratic Party became the majority party, after the preceding 83d Congress under the control of the Republican Party, and the committee on which I requested assignment and was fortunate enough to be assigned on that occasion had a very excellent professional staff selected under what I understand was the intent of the 1946 Reorganization Act. It was a professional staff. It was bipartisan. I might say there was not one single member of that professional staff changed during the first or even the second year of Democratic control of that particular committee. Again it seems to me it was being carried on in the spirit of the 1946 act.

I would hope and trust, although the committee has gone a little way here in working with our good friend and my distinguished colleague, the gentleman from California (Mr. SMITH) and others in recognizing certain concerns in connection with the minority problems and the minority needs, that we do not run away here and sink the ship, because really what this does—and this, in my opinion, goes back to the old era of political hacks, and that is exactly what we had in connection with most committee staffs before 1946. If that is what we wish to return to of course, we could go down that road, but I do not believe the Members, either Republicans or Democrats, desire to do that.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding.

This subject, like all others in this reorganization proposal, is a coin with two sides. I think through the years, sitting on the House Committee on Administration Subcommittee on Accounts, where the committee chairmen, majority and minority, come for their investigative money and investigative funds for the year, we have found that there is a great deal of discrepancy or variation from committee to committee. We also have found a great deal of divisiveness between the committees, because their practices are so different. I have been the No. 1 defender on the committee of what we are doing in allocating staff members but I have some doubts as to the pending amendment.

We are coming to the point, it seems to me, when something must be done to protect the minority and to provide for some staff members. Something is going to have to be done but I am not convinced that this is the way to go.

I have mixed feelings about this proposal. As a committee member of the Subcommittee on Accounts, we have heard a diversity of opinion from committee to committee, to believe that we are going to have to take some positive action to protect the minority.

It was amusing when the gentleman from New Jersey spoke a minute ago, as to the example given of a House which had 300 Members of one party and 135 Members of the other party, that perhaps under those circumstances they needed more protection and more assistance than under any other.

This is not an argument without two sides. I personally believe every staff member should assist any Member any time and under any circumstances, but it just does not seem we are moving in that direction.

Mr. SISK. I appreciate the comments of my good friend from Louisiana.

Of course, I have not had these experiences. I have served, I believe, on eight or nine different legislative committees and procedural committees, including the committee on which I am a member now, and I have enjoyed the services of good professional staff, of people dedicated to the job, of people who work for Republicans or work for Democrats as the case might be.

As I say, it was my understanding that was the spirit and intent of the 1946 act. I would hope that we do not here take a position to totally reverse that stiuation. Certainly to me, if we are going to divide the funds, that is exactly what we are going to do.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment.

This amendment is one of the bipartisan amendments referred to on several occasions here, as shown in the extension of remarks in the CONGRESSIONAL RECORD, volume 116, part 18, page 24009. The RECORD shows a copy of the amendment, with the principal sponsors besides myself and Congressmen THOMPSON of New Jersey, SCHWENGEL, and WAGGONNER. There is a group of other Members who also sponsored this amendment. They are: Messrs. COUGHLIN, CRANE, DELLENBACK, DENNIS, ERLENBORN, HOGAN, KEITH, KUYKENDALL, LUKENS, MACGREGOR, MAYNE, MORSE, RIEGLE, ROTH, STEIGER of Wisconsin, WINN, and WYDLER.

The amendment, which was printed in the RECORD at that time, failed to include the words I suggested to the gentleman from New Jersey (Mr. THOMPSON). He has included them. Those words are, "if they so request."

I want to make very clear that I also serve with the gentleman from Louisiana (Mr. WAGGONNER), on the Committee on House Administration. It is not always that the minority party will request more than one or two staff members. There are some committees where there is no difference between the two parties insofar as staff members are concerned.

The majority leader made a remark about, suggesting we may be getting away from a totally professional staff? The answer is, in some committees no, but in other committees yes.

In my own Committee on Public Works we have been desperately trying to get needed additional staff, which we would certainly make available to the majority, but we in the minority feel we need them. An example, you ask? I will give an example. The Public Works Committee now deals with Appalachia and deals with economic development. We are in fields where we need the services of economists and we need the services of statisticians, and we do not have them. We are traditionally a dam building, public works type of committee, but now we have gotten into other fields and we need new expertise and we are not getting it.

We have to consider water pollution, which is a hot ticket, as Members know, but we have been able to get only one real expert in that field.

There is a desperate need for the minority to be more adequately staffed, if they request it.

Mr. Chairman, I could discuss the need for increased minority staffing at some length.

In the general debate on Monday, I discussed the book: "We Propose: A Modern Congress," with selected proposals by the House Republican Task Force on Congressional Reform and Minority Staffing, of which I was chairman. My own chapter in that book details the case for increased minority staffing. In that chapter I offered support for the proposition that came from many political scientists and distinguished members of the majority party of this body, such as Representative JOHN S. MONAGAN and Representative David S. King.

Time does not permit me to present the entire case here, but I submit that the case is a strong one which has won wide and well deserved support.

It is difficult for me to conceive of any congressional reform bill worthy of the name that does not absolutely assure to the minority a reasonably adequate staff.

I want to make clear that in some committees the majority is already being very generous, and there is no need for this mandate written into the rules of the House.

However, as the Senator from Louisiana (Mr. WAGGONNER) pointed out, unfortunately, in some of the other committees sad experience has shown that without this type of relief you are stripping the minority of what should be a very important right.

Let me point out something else here. The gentleman from California (Mr. SISK), the very distinguished chairman of the committee, expressed a little surprise yesterday about what happened in connection with proxy voting. Now, if you go back and do your homework on the Legislative Reorganization Act of 1967, you will find that there are not too many surprises coming along. Many of these things were carefully considered by that Joint Committee on Reorganization of the Congress. Minority staffing was carefully considered by the joint committee. Two years of hearings and thousands of pages of testimony, with political scientists from every shade of the spectrum, from all over the country, testified before that joint committee. Many members testified. The record will show that that committee came up with a very strong, solid recommendation in this area of guaranteeing to the minority certain staffing privileges. It is the guts of the two-party system and the guts of the legislative system. If you will turn to page 22 of the report of that joint committee, you will find it right there in writing. We should do great harm if we turn our back on the hard work done by that joint committee, and an extension of that work is what I understand is being done here. You have told me publicly, Mr. SISK, that your committee was building on the findings of that committee and not going over the whole area all over again.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. Certainly. I yield to the gentleman.

Mr. SISK. I think, yes, that statement is still true. We did use a lot of that material. But to get it straight, the gentleman is not saying that S. 355 had language such as here proposed in connection with the division of committee funds?

Mr. CLEVELAND. I am sorry. I did not get the gentleman's point.

Mr. SISK. The gentleman is not saying that S. 355 proposed a division of the funds such as is proposed here in the amendment we are now considering. We recognize minority staffing, of course.

Mr. CLEVELAND. This amendment does go just one step further, because it pertains to investigatory staffing for committees which come before the Committee on House Administration, but in the professional committees it guaranteed one-third of it to the minority. All this does is—

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CLEVELAND was allowed to proceed for 3 additional minutes.)

Mr. CLEVELAND. Mr. Chairman, I want to inquire of the gentleman from California (Mr. SISK), if I have been responsive to his question.

Mr. SISK. I appreciate the gentleman yielding.

Let me say that nowhere in S. 355 do I find any language with reference to a division of funds as provided here where actually the minority party could get 50 percent or, I suppose, 75 percent of the funds, at least, if some committee chose to give it to them. In other words, there is a floor of one-third and an unlimited amount above that. Nothing in this bill has anything like that. It is recognizing minority staffing as your subcommittee recognized it in the findings that it proposed.

Mr. CLEVELAND. There is a difference here because this amendment offered by Mr. THOMPSON and myself and others has to do with the so-called investigatory staff of committees. But listen to what the report says on the standing staff. Here it is. This is page 21 from that report of the Joint Committee on the Organization of the Congress:

"The language of section 202 with respect to the appointment of professional staff without regard to political affiliations shall be retained and emphasized. However, at least two of the authorized professional staff positions—"

And there were six authorized, so that is two out of the six or one-third—

"and one clerical position shall be appointed and assigned to the minority on request."

Mr. SISK. All right. Is that not exactly or just about what we are providing in our bill?

Mr. CLEVELAND. That is correct except that we are extending it to the investigatory staff, which is just as important.

Mr. SISK. Yes. And, of course, as the gentleman knows, there was a request to combine this amendment with the other matter pertaining to professional staff. I recognize here we are talking about funds for investigating staffs, but they were also attempting to connect it to the other. We do require and provide in this legislation—and I hope we will continue it under any set of circumstances—whatever we give would certainly provide that a majority shall control that staff in the final analysis.

Mr. CLEVELAND. That, excuse me, is a departure from the Reorganization Act of 1967 and insofar as you have taken that position you have retreated from the Legislative Reorganization Act of 1967 and I think that is wrong.

Mr. SISK. If the gentleman will yield further, of course there is no Reorganization Act of 1967. There was some proposed legislation.

Mr. CLEVELAND. It passed the Senate by a vote of 75 to 9.

Mr. SISK. As the gentleman knows it never cleared the committee on this side and I might say that some of the things that were contained therein, as my good friend knows, affected its clearing the House of Representatives. I appreciate my friend's concern and I am sympathetic with his position. However, we have gone down the road with you in this bill and I think we have gone further than some people realize.

Mr. FRAZER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FRAZER asked and was given permission to revise and extend his remarks.)

Mr. FRAZER. Mr. Chairman, it seems to me that as we consider an amendment of this kind, we face a trade off that is inevitable in all of the amendments we are considering. There is no amendment to any of these bills that does not tend to tip the balance one way or the other, to gain something and lose something. But I would make the observation, based upon my relatively short time in the House of Representatives, that what is proposed through the adoption of this amendment has not been the practice in the House. I know that "professionalism" is sometimes interpreted to be inconsistent with partisanship. I think that is an erroneous point of view. On the committees on which I serve, contrasting points of view on the part of the staff are very important if not vital in making our committee work more effective. I would judge it important that the minority have the right to have professional staffs who may have points of view different from the professional staff that may be retained by the majority. In no case does this amendment deprive the minority and the majority from working together in developing the kind of staff to best fill the needs of the committee. This is designed to provide a minimum protection from the minority point of view. I would hope that the Democratic side would never be forced to rely upon that protection as a minority. However, I think it is well to establish that principle.

I think, on balance, this is a wise and judicious amendment which I hope will have the support of the committee.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FRAZER. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding and I wish to commend the gentleman upon the statement which he has made, along with the remarks of the gentleman from New Jersey (Mr. THOMPSON).

May I ask the gentleman from Minnesota for clarification on the statement made by the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT). These funds for which this amendment is intended are not the funds provided under the 1946 Reorganization Act; that is, the so-called professional staff?

Mr. FRASER. This amendment does not affect that staff. We will come to that later. All this affects are the funds adopted by the Committee on House Administration for investigative professionals.

Mr. STEIGER of Wisconsin. The Committee on Education and Labor, for example, has a breakdown of about 60–40 and I see no reason why the minority should have 75 percent of the funds. I am sure the majority would not allow that to happen. I would hope, however, that the record is clear that this amendment does not go to the 1946 Reorganization Act professional staff.

Mr. FRASER. I used the term "professional" in the general sense and not in the technical sense. I agree that we are dealing with investigative staffing but I think, in fact, that often these funds are used for our professional people and they are retained for assistance to the committee members.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Of course, what the gentleman has said is technically correct. I was talking about the spirit and intent of the act. I think that was intended with respect to all staffs. That is my recollection of it. But, beyond that I think the statement which has been made by the distinguished gentleman from Minnesota (Mr. FRASER) is very good.

And he has viewpoints that are very fine and sound. That is one of the things that bothers me about this, but I think this is primarily the function of the Members, and I think the professional—and I use it in a broad sense—is primarily to function as a staff.

Mr. FRASER. I thank the majority leader. I can only say in my own experience that a good staff person who holds strong points of view and is well qualified, can be of enormous assistance to Members in suggesting questions and presenting viewpoints, so that I think diversity is of help to the committee.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

As one who has received requests of individual Members and chairmen for a number of years, I would like to put this whole thing in a little different context. To me this is not a partisan matter, it is not a matter of representation of one party or the other. It is a matter of getting adequate staffing for a committee.

In case No. 1 you have a committee which does not have an adequate staff to perform its functions for either the majority or the minority. We have had chairmen who have simply refused to add additional staff members. We have had those committees in which the chairman—and I am speaking from experience here, and not from fancy—we have had other chairmen who have had a staff which was unavailable to either majority or minority members. We have had extra staffing situations in which a chairman has as many as 32 consultants doing work for that chairman of the committee, committee work and legitimate committee work, about which only the chairman knew, and not even the majority members knew, only the chairman knew what they were working for on the committee.

I view this as an opportunity to get adequate staffing for all members of the committee, regardless on which side of the aisle they sit. And to the extent that we provide that adequate staff, I think this is an excellent amendment, and I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I view this pretty much in the same sense as the previous speaker did. Out of the 22-year term that I have served, at one time, I served 18 of them as a minority leader, and the first 12 years of that period we operated somewhat like the loose screws we operate here insofar as staffing for the minority is concerned.

I finally convinced the majority they ought to set up some kind of a staffing procedure for the minority.

This House would be surprised if they knew how much easier the work became between the minority and the majority leaderships when the staffs were given to the minority on the committees, as well as a staff provided for the minority leadership.

Even today I personally believe that we have on the Committee on Education and Labor, and any of its autonomous committees, better understanding, and I do not believe that they would contradict what I say in that the work of the subcommittees and the work of the full committee is oftentimes expedited because the minority is given a significant, self-appointed staff membership of their own based on somewhere near the percentages the gentleman from New Jersey (Mr. THOMPSON), has in this particular amendment.

The function of being a legislator demands certain knowledge that you cannot get if it is going to be a question of always having to rely on a person who is not in some way allied to your viewpoint. If we did not have different viewpoints there would be no difference between our political parties. The Republicans have to have a philosophy somewhat different than ours, and Democrats of course have a philosophy of their own. So there is no reason why their staff members should not be in the committee meetings, and in the markup meetings and everything else, as they are for those in the majority, and give the viewpoints that they know and that they are able to give, based upon the philosophical differences in legislative enactments.

I would say that it would be a big mistake if this House today did not take advantage of an opportunity of establishing a sound principle in this legislative body of giving the minority a staff to work with that understands the minority viewpoint.

I might say very frankly to you that the minority staff of my own subcommittee that I can speak for, and I believe for the others, is very helpful in the work done when we get down to the nitty gritty parts of really writing the legislation and what is going to be presented to this House. Many times these staff people work way into the night trying to get the language that meets the desire of the minority as well as the majority needs and desires.

I would beg of you to give very serious consideration to this and not try to hide the issue by saying it will be partisan.

I do not believe the minority members of our Committee on Education and Labor are any more partisan than any of the other committees' minorities are, or majorities are, whether they get the staff or they do not get the staff. Partisanship is what causes elections to have to happen and you cannot wipe away partisanships by denying proper staffing to a committee.

Mr. HARVEY. Mr. Chairman, I move to strike out the last word.

(Mr. HARVEY asked and was given permission to revise and extend his remarks.)

Mr. HARVEY. Mr. Chairman, I have expressed many times since I have been in here in the House the hope that if, and when, my own party takes control of this House that this would be the first act that they would perform—that is to be generous and allot a specific standard insofar as allowance of staffing is concerned.

Today we have an opportunity to do that while the party in which I belong is still in the minority. The spirit of fairness demands it.

I have heard many references here at this time by our more senior members and some in the leadership to the Republican controlled 80th Congress and to that time many years ago when the reorganization bill was passed. But the facts of the matter are very simple, Mr. Chairman. The facts of the matter are that within the last 40 years the Republicans have only controlled the Congress in 4 of those years, or in two Congresses.

The facts of the matter are that in most staffs, I would say in all of the legislative staffs, the investigatory members are not bipartisan. Those who are hired to investigate know who control the pursestrings. They know who has the power to hire and fire. The minority cannot do its job unless it is allotted a specific number of persons. The standard of one third is fair and reasonable.

In my years in the Congress, I have concluded that this subject is widely misunderstood by the people back home. They seem to think that the person they elect and send down here regardless of his party or regardless of whether he serves in the minority or the majority can perform equally as well as any other person they send down here.

I hate to confess to my people that this is not true. We, in the minority party have not over the years, and do not now have adequate staff and the necessary staff to do this in many cases.

I heard it mentioned by the chairman of a committee, for whom I have the greatest regard, that my party might possibly get as much as 75 percent under the words that are used in the bill. I would say to him with all respect, I think this is a joke. In all the years I have been here, I have never seen anything even approaching such an award, nor in the time I have served on the Committee on House Administration have I seen any such figure approaching such an award. I cannot conceive of it.

Mr. SISK. Mr. Chairman, will the gentleman yield

Mr. HARVEY. I am glad to yield to the gentleman.

Mr. SISK. I would agree with the gentleman on that and I would doubt seriously that it would happen anyway, and the language that is here before the House would preclude that, as the gentleman would very frankly admit; would he not?

Mr. HARVEY. I would admit it but the gentleman would agree with me, I am sure, that there is nothing in the language which would assure the minority of getting 5 or 10 percent. It would depend on what the gentleman's spirit of fairness might construe it to mean.

Mr. SISK. Will the gentleman yield further?

Mr. HARVEY. I yield to the gentleman.

Mr. SISK. It is my understanding that it guarantees one-third—not less than one-third?

Mr. HARVEY. This is what we are specifically asking for—the investigative personnel. That is what I am talking about.

Mr. SISK. If the gentleman will yield further for the purpose of making a correction—and I am sure the gentleman did not mean to leave the wrong impression—but a little while ago I understood he referred to what the joint committee did. The joint committee made no recommendation in connection with the investigative staff, in connection with minority hiring or minority rights. They did discuss the subject in connection with professional staffing, as we have in this bill, but I think we should keep that matter in perspective.

Mr. HARVEY. I am sure the gentleman will have ample time to answer that statement. I just want to close by saying I believe a spirit of fairness should compel adoption of the amendment. I want to applaud those on the other side of the aisle, some of whom I have had the pleasure of serving with on the House Administration Committee, and the others as well who have spoken for this particular amendment.

During my time in Congress I have served on four committees: The Committee on Public Works, the Committee on Banking and Currency, the Committee on Interstate and Foreign Commerce, and the Committee on House Administration. Those committees cover a variety of subjects. I have seen the allotment of staff abused over and over again, and I have often considered how our work could have been that much better if the staff had been available. I hope the House will see fit to adopt the amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, we are faced here today with a very practical question. The question is, Who has the responsibility for the legislative program of the House? The people of this country make their choice when they choose as President a member of one political party for service in the executive branch. He has the responsibility for the program of the executive branch. Only recently the President asked for and received, under Reorganization Plan No. 2, 90 political appointees in the Office of the President for the express purpose of studying programs and setting priorities on those programs for funding and implementation, programs which the Congress has authorized.

In the legislative branch the majority party, whichever it may be, has the responsibility for producing the legislative program which their party stands for and their party platform stands for. In order to do that, they have traditionally been given, whether it was a Republican administration in power or a Democratic administration, they have been given the privilege of appointing the staffs of the different committees.

Speaking from my own personal experience as Chairman for 6 years of the Joint Committee on Atomic Energy, there is no Republican member of that committee who can rise and accuse me of partisanship in the setting of staff. The staff have the explicit order from me as Chairman to respond to every inquiry and to give every assistance to the minority members that they have given to the majority.

In my Subcommittee on Military Operations of the House Committee on Government Operations the same identical direction is given to the staff. I have never had a member of the minority party come to me and say that the staff did not respond to their request and did not try to serve them.

Frequently I have consulted with the minority and got their approval of different members who were put on the staff, but I could not tell you today if I was requested, the political affiliation of the members of my staff. I have never asked them. I do not hire them on that basis. They are hired on the basis of professional competence, and I expect them to serve the committee and to serve the majority program of the majority party in putting the emphasis on the legislation which is being developed. But this task of majority program implementation does not preclude them from giving reasonable professional service to the minority.

The amendment that has been offered by Mr. THOMPSON would actually give exclusive staff to the minority in addition to the general staff which is provided for under the Reorganization Act of 1946.

I assume that the minority staff would serve the minority members only.

If that be the case, would the minority members cease requesting service from the general professional staff and the two-thirds "investigative" and "clerical" staff hired by the chairman and assigned to the various subcommittees?

Would a sharply divided staff responsible to the minority party and its different political philosophy, result in staff division and staff dissension?

Frankly, I do not know what the result would be. But I do know that it would make the majority party's task of discharging their responsibility more difficult.

I was here in the 80th Congress, and I was here in the 83d Congress, and I lived under the rules of that time when the House was controlled by the Republicans and I made no protest.

I say that the responsibility in the executive branch belongs to the President, and he has the right to fire every political nonclassified employee that he wants to—and there have been many of them who have walked the plank voluntarily or by request. I go along with that.

In the legislative branch the majority has the legislative responsibility. The legislative game is not a croquet game or a pink tea tennis game. This is a game where we are legislatively carrying out the mandate of the people in the respective branches of Government, whether it be the executive or the legislative, and there is bound to be some conflict between the philosophies on both sides of the aisle. I say when the majority is Republication, they should control the tools to put the program which the people have approved by electing them into effect, and I say when the Democrats are in power that they have to program legislation on the basis of their platform pledges, their programs, and their policies, and they should have the right to have the control of the tools to put their philosophy into effective legislative form.

With due regard to fairness and with due regard to the rights of the minority, I believe this can be obtained under the present situation, and I ask that the Thompson amendment be defeated.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DELLENBACK asked and was given permission to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Chairman, may I say

just a few word in response to the gentleman who preceded me in the well. Without any doubt, it is the responsibility of the majority party in the Congress to take the leadership so far as the pushing of a legislative program is concerned. But more than half of this body has received at least a portion of its professional training in the law. And any of us who has served in the law and has participated in trial work is aware of the fact that with the goal being justice, the advocacy system calls for the best possible presentation of both sides of the issues which come before the court. With the goal being justice, justice is better achieved if there be the best possible presentation of the case for the plaintiff as well as the case for the defendant. There is no intention that, in our system of justice, merely because of the fact that one side has a certain responsibility, the other side should be deprived of the tools that are necessary to make the best possible presentation in opposition to that which is presented by the one side.

Nobody is suggesting that the chairmanships be divided. Nobody is suggesting that the responsibility should be divided so that in some instances the minority shall be pushing and shall be in charge of the mechanics of the legislative process.

All we are requesting is that with the goal on both sides of the political aisle being the best possible legislation, the minority—whichever party it may be Republican or Democrat—have the chance to go into committee deliberations with staff doing investigative work so that the best possible case can be made in opposition to the program of the majority party.

The votes are still in the majority. If after the best possible case has been made by both the majority and the minority, the majority are unpersuaded that the legislation would be any better as advocated by the minority, then the votes are in the hands of the majority to pass the final legislative product.

But this amendment which is here proposed and which has been advocated by Members on both sides of the political aisle merely says we are all better served if in the committee's deliberation it has had the chance to have brought before it the best possible evidence, some dug out by staff for the majority and some dug out by staff for the minority.

With the full facts laid out before the committee, the decision will be made by the majority, so long as it remains unpersuaded of the case which the minority makes.

We do not ask for going beyond that, but we feel justice and better legislation will be forthcoming with the adoption of the amendment here proposed.

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. DINGELL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New Jersey (Mr. THOMPSON).

The Clerk read as follows:

"Amendment offered by Mr. DINGELL to the amendment offered by Mr. THOMPSON of New Jersey: Add a new paragraph as follows:

"'(d) The majority party on any such standing committee shall receive not less than one-third of the funds provided for the appointment of committee staff personnel pursuant to each such primary or additional expense resolution.'

"Renumber succeeding paragraphs accordingly."

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this amendment is not offered in the spirit of partisanship. Frankly, I have always thought that the minority needed and deserved staff. I have always felt it was appropriate that every Member of this body should have committee staff. But I believe it is time this body recognized that the amendment offered by my good friend from New Jersey is a remarkable change of direction and orientation from that which we have seen during my 16 years of service in this body.

It effectively says we are going to have a committee staff and says we are going to have a minority staff.

As I have indicated, I believe it is desirable that the minority should have a staff. I believe it is also desirable that we should have a staff for the majority if we are to have a staff for the minority, because, if the amendment offered by my good friend from New Jersey carries in the form in which it is written, we will have a committee staff.

Under the rules of every committee I have served on—and I have served on four; the Committee on Public Works, Interstate and Foreign Commerce, Small Business and Merchant Marine and Fisheries—every member of the committee, regardless of his position and regardless of his partisan position in the House or in the Congress, is entitled to call in full upon the staff of the committee and to achieve equal treatment in terms of receiving service from that staff. That is how I believe it should be.

During my years in this Congress I have never heard a Member on either side of the aisle complain about the quality or kind of service given by members of the staff.

As to each of these committees, I have no way of knowing what the partisan designation or political philosophy of the members of the professional staff happens to be. However, each of them does have a minority staff which is available only to the members of the minority. This is something about which I do not complain.

I will say that if this amendment goes through as offered by my good friend from New Jersey (Mr. THOMPSON), we will have a highly preferential set of circumstances where members of the minority will achieve a highly preferential treatment in terms of services of the staff. They will be able to call in the future as they have in the past, upon the services of the committee staff and receive equal treatment therein. The members of the majority, whoever they might be, whether my party or the other political party, will continue to have the right to call only on the committee staff. But the minority will also have the special minority staff designated for their particular service.

I believe a student of political science or the House of Representatives or the Congress of the United States can recognize with some clarity that this is a set of circumstances which does not work to further the very desirable goal of majority rule, and does not give the majority party in this body an opportunity to achieve an ability to work its will and to function effectively.

During my years in the Congress I cannot recall a single instance when the staff behaved in a partisan fashion on any of the committees on which I have served.

I would point out something else. During my years of service in this body I can recall no instance when the staff functioned as a majority or minority staff, or when it failed to give due recognition and due dignity to requests by members of the minority.

As a matter of fact, I believe it would be uniformly agreed to by the members of the committee on which I serve that the committee staff has provided equal and equally valuable and equally dignified service in response to the requests of members of both the majority and the minority. So, if we are going to take this rather extraordinary departure from the practices and the rules and the way in which this body has behaved over the years and increase the staffs here, I believe it becomes very plain that we should do one thing more, namely, see to it that the majority has a staff upon which they may call so that we may have a professional staff for the committee and a staff for the minority, which I think is desirable, but also that we should have a staff for the members of the majority so that they might have somebody to whom they might look at any given time on any project on which they have embarked which would be in the unique position of being a staff that reflects a viewpoint. While I discuss this quetsion of viewpoint I believe it would be worthwhile to make it very plain that during my years of service here I have never permitted staff on any committee on which I served to exercise a policymaking function. I believe this to be hopelessly undesirable, but if we are going to do so, then I would urge we make it available to the members of the majority.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday the Clerk had read through section 110, ending on page 24, line 12, of the bill, and there was pending the amendment offered by the gentleman from New Jersey (Mr. THOMPSON) and an amendment to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Without objection, the Clerk will again report the amendment offered by the gentleman from New Jersey (Mr. THOMPSON) and the amendment to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

There was no objection.

AMENDMENT OFFERED BY MR. THOMPSON OF NEW JERSEY

The Clerk read as follows:

"Amendment offered by Mr. THOMPSON of New Jersey; on page 23, line 15, strike out the words 'and shall receive fair consideration in', and insert in lieu thereof the following: 'if they so request not less than one-third of the funds provided for'.

"And make the appropriate and necessary technical changes in the bill".

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT OFFERED BY MR. THOMPSON OF NEW JERSEY

The Clerk read as follows:

"Amendment offered by Mr. DINGELL to the amendment offered by Mr. THOMPSON of New Jersey: Add a new paragraph as follows:

"'(d) The majority party on any such standing committee shall receive not less than one-third of the funds provided for the appointment of committee staff personnel pursuant to each such primary or additional expense resolution.'

"Renumber succeeding paragraphs accordingly."

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. DINGELL) to the amendment offered by the gentleman from New Jersey (Mr. THOMPSON) because I believe the amendment brings very clearly into focus basic problems which attach to the amendment offered by the gentleman from New

Jersey to provide that one-third of the investigative staff would be controlled by the minority.

I have for 16 years chaired investigative subcommittees of committees of this House, and on all of those subcommittees—and there have been quite a number of them—the investigative staff has done the work of the committee. It has not done my work. It has not done the work of the majority. It has done the work for the committee, and has been as available to the minority as to the majority.

As a matter of fact, I had inquiry made of the staff of my Subcommittee on Foreign Operations and Government Information, and find that they respond to more requests from the minority than they do requests from the majority.

Now, I think we would have to look at the structuring of these investigative staffs. The responsibility of legislating and investigating and conducting the affairs of this Congress rests with the majority of the Congress, the majority party of the Congress, and that has long been a tradition. If we are now to change that pattern as it relates to staff and if it is going to be segmented, then let us do it fairly, let us give one-third of the staff to the majority and say "you use this for whatever partisan purposes you want," give one-third of the staff to the minority and say "you use this for whatever partisan purposes you might have in mind," and then have one-third to do the work of the Congress and carry on the responsibilities of the committee.

I believe that is fair, it is even-handed, but I do not believe it will represent good Government, good investigation, or good legislative procedures to do it. But if it is going to be segmented by partisan designations, then do it that way.

At this moment I could not tell you the party affiliation of a number of the members who serve on the staff of my subcommittee, either on Government Operations, or the Committee on Interstate and Foreign Commerce.

Then, of course, there is the very interesting question. How do you finally divide one-third of one? In some of these subcommittees, you end up with one investigator. How do we give one-third of one investigator to anybody? The problem becomes mighty complicated—or you could require that we cut him up into three—or maybe we can divide it on the basis of time rather than in dollars. I think it is a ridiculous proposal.

Mr. Cleveland. Mr. Chairman, will the gentleman yield?

Mr. Moss. I am very happy to yield to the gentleman.

Mr. Cleveland. It is not ridiculous at all because the language is very clear and precise and addresses itself to one-third of the funds. It says nothing about one-third of the people. It says one-third of the funds.

Mr. Moss. Mr. Chairman, I decline to yield further to the gentleman.

It says one-third of the funds—and the funds employ people. Now you are going to have to have a staff director normally for a committee or a subcommittee. Who is going to pay for the funds that go to the staff director? Are you going to have two staff directors? If you are going to have two, then why not have three?

Mr. Holifield. Mr. Chairman, will the gentleman yield?

Mr. Moss. I am very happy to yield to the gentleman.

The Chairman. The time of the gentleman from California (Mr. Moss) has expired.

(Mr. Moss asked and was given permission to proceed for 3 additional minutes.)

Mr. Holifield. Another interesting question is brought up by the Thompson amendment—Will the minority members have access to the two-thirds that are left that they have at the present time? In other words, are we really guaranteed two-thirds of the staff to the majority and one-third to the minority. Is that the purpose both in the professional and the clerical, because there is another section in the bill where they get to the clerical and the professional staff and the Thompson amendment, I understand, applies to the investigative staff.

So the intent apparently is to have one-third exclusive to the minority staff and then have full access to the balance of the staff, which they now have.

Mr. Moss. That is the way I would read it. That is why I support the amendment offered by the gentleman from Michigan, because that clarifies it.

Mr. Holifield. That is right. The amendment offered by the gentleman from Michigan says that there shall be one-third for the minority and one-third for the majority and then the other one-third, we will fight over who gets to appoint them.

Mr. Moss. It is probably available to both.

Mr. Holifield. What did the gentleman say?

Mr. Moss. It is probably available to both, and I would hope so, as the present professional staff is available to both sides.

I will concede it would create greater confusion than to attempt to intermix the staff in the manner that is proposed here.

Mr. Hays. Mr. Chairman, will the gentleman yield?

Mr. Moss. I am pleased to yield to the gentleman from Ohio.

Mr. Hays. I do not know how it would work on all committees, but if it works the way it does on one committee I am on, it will not create any confusion because the professional staff that we had before are doing all the work and the one-third that has been added on are political employees and are out playing politics. They really do not interfere with anybody on the staff and they are never there and do not know what is going on.

Mr. Moss. Mr. Chairman, I yield back the balance of my time.

Mr. Smith of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey (Mr. Thompson) and in opposition to the amendment to the amendment offered by the gentleman from Michigan (Mr. Dingell).

Mr. Chairman, these amendments give me considerable concern. In fact, it frightens me. I am unable to ascertain from the debate, which I listened to very attentively, just what the real purpose of offering this amendment is.

Later on in the bill, as I said when I made my first remarks in presentation, I submit that the majority party was very fair to the minority in writing into the rules that we would have two of the six professional staff members and we would have one of the six clerical members.

I well realize, Mr. Chairman, that there are more than six staff members on a committee, and that more than one would not be 30 percent of the clerical staff on many committees, but that would at least give the minority some assurance that they will have two staff and one clerk. To go ahead now and start dividing up money on investigative staffs, in my opinion, would simply cause confusion.

There may be one or two committees in the House—if so, I have never served on them—where there is some dissention among the investigative staff of the committee. But I have served on the Veterans' Affairs Committee and I never had any problems with the staff of that committee. I have never had any problems with the committee staffs. They are just as courteous, kind, and efficient to me as if I had a third of the money and attempted to pick up my own staff. I think we are going to start a backward step and end up with two competing investigative staffs.

As mentioned by the gentleman from California (Mr. Moss)—and I am not quite clear how he meant it—but assume the Committee on Internal Security or the Committee on Standards of Official Conduct wanted to hire a former investigator to go out and investigate a specific complaint. Are we then going to have three staff members so that the minority can have one as its staff member, one investigative member, so that he can go one way and the other two go the other way? I do not think we should have two investigative staffs competing with one another.

I do not have any such problem on the Rules Committee. In fact, if I were ever fortunate enough to be chairman of the Committee on Rules I would hope that the three clerical staff girls would stay with the committee and the two able professional staff members would, also.

I have never had a problem with the gentleman from New York on the Judiciary Committee. He was eminently fair in selecting able people to conduct appropriate investigations.

If you want to start killing this bill, if you want it killed with kindness, start with amendments like these that have been offered.

There are many points of value to the minority in the committee bill. I will not take the time to read them all. At least we will have 1 day for witnesses and 3 days, excluding Saturdays, Sundays, and holidays, to file our minority reports, which will have to be printed. We will have half the time on conference reports. I think the majority is being very fair to the minority, and the majority party has the responsibility of running the House of Representatives. If we ever get to be the majority party it will then be our responsibility, and I hope that we will do a good job and we will be the ones who will be responsible for doing these things.

In my opinion, this is a bad amendment. I think it is wrong to proceed in this manner and clutter up this bill with this investigative staff proportion of the committees. I oppose the amendment and the amendment to the amendment.

Mr. Colmer. Mr. Chairman, will the gentleman yield?

Mr. Smith of California. I am pleased to yield to my distinguished chairman.

Mr. Colmer. This is a classical example of what happens when we try to rewrite the rules of the House on the floor of the House without ample and sufficient background, No. 1. No. 2, Mr. Chairman, it also exemplifies the high character, the objectiveness, and the statesmanship of the gentleman from California (Mr. Smith) in approaching these matters without partisanship, and I just want to pay my compliments to him.

Mr. Smith of California. Mr. Chairman, I will mention for the benefit of the Members various measures in which consideration for the minority has previously been considered:

It was recommended by the Joint Committee on the Organization of the Congress in its final report of July 28, 1966, page 21. It was in S. 355 as introduced by Senator Monroney on January 16, 1967.

It was in H.R. 2594, introduced by the gentleman from Indiana (Mr. Madden) on January 17, 1967.

It was in H.R. 2595, introduced by former Member Mr. Curtis from Missouri, on January 17, 1967.

It was in S. 355, and it was passed by the Senate.

It appeared in the same form in every legislative organization bill in this Congress by Republicans and Democrats, including 11 bills that have been introduced and given fair consideration. It seems to me that if all those people agreed with it, about 110 Members, the language in the bill is the best approach.

Mr. Chairman, I urge the defeat of the

amendment and the amendment thereto be defeated.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

(Mr. CELLER asked and was given permission to revise and extend his remarks.)

(By unanimous consent, Mr. CELLER was allowed to proceed for 3 additional minutes.)

Mr. CELLER. Mr. Chairman, I respectfully oppose the amendment offered by the gentleman from New Jersey. When threshed out, we will find it is full of mischief. Its paramount deficiency lies in its rigidity. It leaves no room for flexible personal policy.

When the committee's budget is submitted to the Committee on House Administration, the proposed expenditures on salaries is at best only an estimate. The number of persons employed on the investigatory staff expands and contracts as the needs of the committee demand. One month the staff may number 15, and the following month 12. Thus, if the amendment prevails, the committee will find itself involved in constant bookkeeping operations. As the size of the staff changes, does the allocation in dollars and cents change? Remember, too, the salaries very, so a rigid percentage would in no way guarantee adequate staff for the minority, depending upon which staff members were necessary to discharge and what was the rate of pay.

I remind the Members I am not talking in self-interest as the chairman of a committee, the Committee on the Judiciary. The staff of the minority on the investigatory payroll of my committee now receives more than 40 percent of the payroll expenditures. We go way beyond what the amendment even suggests.

I believe that the application of a rigid formula will do much mischief. By applying the formula which says "so much is yours," and "so much is mine," we risk a sharper polarization of staff. We encourage a greater emphasis on political affiliation rather than on technical competence.

I have long hoped that the committee staff would serve the Members, not only along ideological bipartisan lines, but along the lines of skilled professionals and craftsmen.

For example, in employing personnel for our investigation into conglomerate corporation mergers, as well as in all the other investigations we have conducted—and we have conducted many of them—in those we have undertaken I did not once ask the political affiliation of any applicant to the staff. This approach is reflected in the total staff. Many of the employees who now are considered majority employees came to my committee when the House was organized by the minority party. Consequently, there is a continuity of staff expertise. We kept them on, because they were competent, because they were dedicated, and not because they were Republicans or because they were Democrats, and not because they belonged to the minority or to the majority, but because they were worthwhile.

This rigid formula on salary allocations based on political affiliation and choice was always prohibited so far as I was concerned, and so far as my counterpart on the Republican side of my committee was concerned, the gentleman from Ohio (Mr. McCULLOCH).

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I thank the gentleman for yielding.

The Chairman has spoken several times about the rigidity that the amendment offered by the gentleman from New Jersey (Mr. THOMPSON) might impose. I want to be sure the Chairman realizes that the amendment specifically says that they will have not less than one-third if they request it.

Mr. CELLER. I am aware of it, but there is the other word "one-third," and that is the word that is going to count most, not the least. The demand is always going to be with more emphasis on one-third, and that is what I object to.

This should not be a matter of arithmetic. This appointment of staff members ought to be a point of competence.

The use of a fixed formula in no way guarantees an equitable solution. Much depends upon the nature, the duration, and the objective of the committee. The situation should dictate staffing needs.

I believe that the proposal as is presently in the bill will work in the best interests of both the majority and minority parties.

Members should keep this in mind: That the majority staff of my Judiciary Committee and all other committee staffs serve all the members of the committee. Certainly the clerical staff who man the telephones, who keep the committee calendars, who mail the agenda, who distribute the mail, and so forth, are all charged to the so-called majority payroll but they serve all the members. Are they to be subtracted, added to, divided, and subdivided according to this formula? We see how absurd and inane this proposal becomes.

Now, as to the amendment by the gentleman from Michigan (Mr. DINGELL) to create two separate staffs, one for the majority and one for the minority, that will completely polarize the two factions. It would create greater and unnecessary dissension. Both sides would be weakened.

The greater responsibility lies with the majority. It has more members. It has to file the reports. It floor manages the bill. It leads in conference. It assumes the greater responsibility. Thus there was never meant to be any equality between the majority and the minority in that regard, and the Dingell amendment flies in the face of that theory.

I wonder, how otherwise could the majority, the majority of the people, properly discharge their responsibility?

Finally, the development should be toward a professional corps rather than a partisan or ideological division. The ideology should be controlled by the members, but the technique of the committee should be controlled by the staff. That should be the lodestar that governs and guides all committees.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I will not bicker with the dean of the House with respect to his views relating to my amendment, but I should like to comment on the amendment to my amendment by the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

Mr. CELLER. Mr. Chairman, I do not wish more time.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, I should like to reiterate what has been said before, that there is a great deal of flexibility involved. The amendment is not inflexible as others believe.

The gentleman from New York has indicated it is inflexible. The amendment does not say it must be one-third, but it says it should be at least one-third. If there is an arrangement in the Judiciary Committee where the minority needs 40 percent, there is nothing to prevent it. However, it does insure for the minority, if they request it, that there would be at least one-third of the funds—not one-third of the staff, but one-third of the funds.

If the committee operates so that there is no ideological difference at all, undoubtedly the majority and the minority will work together on the staff and all the staff will serve all the members.

However, in many of the committees there is a philosophical difference which seems to fall along party lines. Some seem to worry that this would cause greater partisanship. I have had experience since 1959 on the Committee on Education and Labor. If any committee has had partisanship, this one has certainly had it. But back some years ago, when we had very little funds for the minority, I recall one year when the majority had 50 staff members and we had four. The chairman then fired two of our minority staff members, which really put us in an embarrassing position. If you wanted to say there was partisanship, we certainly had it that year.

We had it until we were able to secure about a third of the money for the minority. We worked much better since that time. The reason is this: Instead of resorting to partisanship, we have been able to develop the facts and come up with the kind of dialog in debate that has meaning to it.

We can use the example of the coal mine safety bill which passed this Congress. I recall in previous Congresses the coal mine safety bill legislation was fraught with complete partisanship and there was little logic to the debate. At least in this Congress, though, the House Members on both sides of the political aisle had done a very thorough study on their amendments. I think they came up with better educated arguments than had ever been pursued before.

For that reason I think this amendment makes good sense. While those of you who are now on the majority side have been on that side for most of your own careers here in the Congress, you may be on the minority side some day.

I commend the gentleman from New Jersey (Mr. THOMPSON) for the kind of forthright stand he has taken, being in the majority and sticking up for the rights of the minority, because without that kind of support we would be lost over here.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I really honestly believe that the minority should have some help, but I do not want any construction put on my amendment that in any way I anticipate or desire to be in the minority.

Mr. QUIE. I recognize the gentleman neither anticipates nor desires that. I am also enough of a realist to know that it would be just about a miracle, I guess, next fall if we had the election turn out where we would be in the majority afterward. Most of the reason for that is the fact that you do have a pretty sizable majority now and we have developed a means whereby an incumbent can reach his constituents better than ever before, so it is easier for him to stay in office than ever before, as the last few elections have indicated.

I should also point out, while it is a help to the minority, this Member of Congress does not anticipate staying in the minority forever. I hope you will be able to benefit from this amendment some day in the future.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. FRASER. I want to say to the gentleman that we both served in the State Senate of Minnesota. One of the reasons why I support this amendment is I found in all the years that I served in that legislature I was a member of the minority group in the State senate. I fought hard to get minority rights. I find it impossible now that I am in the majority suddenly to decide that I was wrong all those 8 years. It seems to me minimum protections for the minority strengthen the legislative process. That is why I think the amendment is a good one and I intend to support it.

Mr. QUIE. The gentleman from Minnesota learned what it was like to be in the minority while he was in the minority in the State senate, and I learned how important it is to have minority rights while serving in the Congress, but both of us recognize what some of the minorities go through, and when the majority say, "Well, we will give you what you need," it is not always sensitive to the needs of the minority.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Dingell amendment is disposed of, I want to serve notice that I am going to offer an amendment to the Thompson amendment which will strike out the period and insert a comma and the following words:

"*Provided further*, That this amendment shall become effective upon notification from the President that the Executive Branch of the Government will assign to the opposition party the appointment of one-third of the nonclassified personnel appointments in the Executive Departments and agencies of the Government."

Now, Mr. Chairman, if this is such a good thing, we ought to spread it around. If that amendment should fail—and I do not think it will because I am going to make the point of order and get the reformers over here; you know there are a lot of reformers around here and there are a good many of them on our side but I do not see many of them here; they want to reform but they do not want to be here when we reform. I made a speech last night in Columbus on behalf of the Democratic candidate for Attorney General in Ohio—if he lives until November he will be elected in view of what is going on out there with the Republicans trying to cut each other up—and I told them that there are certain areas in Washington where words and slogans become popular. We had the New Deal, the Fair Deal, the Square Deal, the Bull Moose, and right now it is reform. I told them last night, publicly, I said if you wanted to pass a bill to legalize prostitution, you call it a reform bill and you can get it through the House in 30 minutes.

Mr. Chairman, there is not any reform about this. I know something about professional staffs and have dealt with them over the years. We have a staff on the Foreign Affairs Committee that I can honestly tell you does a job for both sides and I have no idea as to the politics of any of them insofar as that is concerned.

And, Mr. Chairman, another thing. Why 35 percent? If I can read the political signs right and if the Nixon depression continues, we may only have 25 percent Republicans in Congress but over there, if this passes they are going to have 35 percent of the jobs. What kind of arithmetic is that?

We have made provision in the House Administration Committee to see to it that the minority—and I supported it and voted for it and as chairman of the Subcommittee on Accounts I have said that if they get money—and we have asked every chairman and every ranking minority member who came before the Subcommittee on Accounts, "Are you satisfied with the staff arrangements? Are you getting your share? Are you agreed that you have professional people on the minority? Is the committee in agreement on how much money you want"? And not until they said they were have we given the committee chairmen any money. That is a rather recent development, but that is the fact of the matter.

Now, Mr. Chairman, all I can say is that this amendment would, if it passes, as the distinguished dean of the House said, further polarize the staffs of the committees until you get them so busy working against each other that they cannot work for the Members. I think that is what is going to happen if this amendment passes.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman from Illinois.

Mr. ARENDS. I join with the gentleman in his regret that those who so badly desire reform do not happen to be here this afternoon I feel we possibly ought to, send letters out to all of them, advising that if this reform bill passes and there is adopted the public teller amendment, each and every Member is going to have to be on the floor of the House for every amendment on every bill or be listed as absent in the RECORD.

Mr. HAYS. I think the gentleman from Illinois makes a fair statement and I do not think that amendment is going to pass, because I have a substitute for that which will make the vote public but which will do it in an orderly and definite way so that you will not have some clerk back there and be wondering whether he is writing down the right name or the wrong name.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I would not think the distinguished minority whip would want to send that letter until he got the postal reform bill through.

Mr. HAYS. May I say to the distinguished gentleman from Iowa that if we have this bill around for another week or so—and I do not know what my distinguished friend from California is going to do—but if this thing keeps on the way it is going, I can tell you what I would do in his place. I would move that the Committee rise some evening and then I would forget to ever move that they go back into the Committee of the Whole.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Chairman, I was not able to be present on Monday, and therefore I could not extend my congratulations to the distinguished gentleman from California (Mr. SMITH) and the distinguished gentleman from California (Mr. SISK) for the fine work that they have done in bringing to the floor this particular bill.

However, I find myself with the same feeling as my colleague on the committee, the gentleman from Missouri (Mr. BOLLING) that as good and effective a piece of legislation as I think this is, I believe it can be improved and, where it should be, we owe an obligation to offer those amendments that would improve it.

I want to express my appreciation to the gentleman from New Jersey (Mr. THOMPSON) who has offered this amendment in good faith on minority staffing.

I have the feeling that there has been an effort on the part of some to ridicule this as an unworkable and completely impossible idea and yet, if I had the time, and I do not in the brief 5 minutes that are allotted to me, I could point out that, for example, as long ago as in March 1963, we had a very distinguished group of political scientists testify before a subcommittee of our House Republican conference, and they made a statement at that time that I think is worth quoting now:

"Some have argued that an increase in minority staffing of congressional committees would jeopardize the recent 'professionalization' of these staffs. We do not believe that is true. There is no reason why such 'professionalization' cannot take place in a bipartisan framework. What is needed are professional staff members separately responsible to the majority and the minority. The demand that a substantially larger portion of the professional staff be responsible to the minority members is wholly reasonable and within the best democratic traditions."

And I listened with great interest to the distinguished dean of the House when he said a few moments ago that the matter of staffing is not a matter of arithmetic; it is a matter of competence—and I agree. There is nothing in the amendment offered by the gentleman from New Jersey (Mr. THOMPSON) that is in the least inconsistent with that idea. I wonder why it is that the suggestion has been made this afternoon that when the majority controls all of these funds, and has the responsibility for the hiring, that they are in every instance going to hire competent, professional, nonpartisan people, but that if the minority is granted control over one-third of the committee funds, that somehow or other they are then going to resort to partisan chicanery, and they are going to hire political hacks, they are going to hire incompetents who are there only for the purpose of stirring up partisan controversy.

I think, as the gentleman from Minnesota (Mr. FRASER) said yesterday, that the whole intent is, within the best traditions of the democratic process, to bring out those differing responses, those differing ideas that can be used on the anvil of debate so that we hammer out the very best possible legislation that we can within the committee room, and then here on the floor of the House.

So to suggest that we are going to resort to partisanship if we are given responsibilities for one-third of the funds allotted on the investigative staff of the committees, completely distorts what the gentleman from New Jersey (Mr. THOMPSON) is trying to do.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, in view of this interesting debate on this amendment, I hurriedly did a little checking, and I note that the Committee on Government Operations has 75—I repeat—75 employees, out of which three are minority and one a clerk. That is something to chew on.

Mr. ANDERSON of Illinois. I thank the gentleman from Illinois, because it illustrates the very next point that I want to make. It is not that we in the minority feel that these people on the majority staff are going to be unwilling to help, but it is that we do do not feel that they are responsive to us—you do not feel the same freedom and the same ease that I think the Members on the majority side feel when they go to a member of the staff and say, "I would like to have you research this particular point." It is very interesting to sit here, as I have done for the last day or two now, and hear people who have served in the House, as has the gentleman from California (Mr. MOSS), for 16 years, and say, I have never known an instance where a member of the committee staff has refused any member of the minority every cooperation."

Well, for one thing I do not suppose he has gone around, like Hawkshaw, with a spyglass, looking for any of those instances where maybe the minority has not always been able to get all the information that it felt it needed to research a particular point.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I mentioned the gentleman's name, and of course, I will be glad to yield to the gentleman.

Mr. MOSS. I only observed that the distinguished minority whip did a thorough job in checking, and who they are assigned to and their political affiliations. If he continued that, he might have learned that there are a great many more of his party working within the committee than three.

Mr. Anderson of Illinois. Let me close by saying that in the final report of the Joint Committee on the Organization of Congress, which was issued back in July of 1966, they said this:

"It is fundamental to our legislative system that the opposition have adequate resources to prepare informed dissent or alternative courses of action. All sides of an issue need to be forcefully presented."

That is all, Mr. Chairman, that this amendment on minority staffing is designed to do.

Mr. Thompson of New Jersey. Mr. Chairman, I move to strike out the last word.

(Mr. Thompson of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. Thompson of New Jersey. Mr. Chairman, I address myself to the amendment offered by the gentleman from Michigan to my amendment, and in the course of doing so I would like to make this comment—there are a great many distinguished committees of this body and each and every one of them has a jurisdiction differing from the other; although there is some overlapping.

But every one of them is composed of different Members with different experiences, with relation to staff.

I did not intend in the slightest, as the dean of the House implied, for this to be mischievous. I simply remember, and perhaps too well, my days in my State legislature as the minority leader when we had absolutely nothing. When my party came into the majority I persuaded them that the minority should have some staffing. Since then they share, as about this amendment would do, and everything works well.

I might point out, on the Committee on Education and Labor, I am chairman of the Special Committee on Labor. The distinguished member, my good friend, the gentleman from Ohio (Mr. Ashbrook), is the ranking member. I defy anyone to find two more divergent political philosophies or political voting records than the philosophy and voting record of my friend the gentleman from Ohio (Mr. Ashbrook) and myself.

We have had nothing but complete and total cooperation, notwithstanding our partisan differences.

Perhaps I am not so confident, as a great many of my friends on this side of the aisle; that we can always remain in the majority? Then, if we are in the minority, that we should have nothing—that we should trust no one appointed by the other side of the aisle? I do not believe this. Certainly, I expect partisanship. Certainly, I would like, however, to see more sophisticated minority views and more thoroughly discussed issues in the committees and a better rapport in the national interest between the majority and the minority, without taking in the slightest away from the responsibility, in which I do believe in the right of the majority to rule. Because, as the gentleman from New York (Mr. Celler) said, that is the way the people want it.

I am willing to take my chances, and the Lord only knows that I cannot stand in this well and claim to be nonpartisan—because I am not.

The gentleman from Michigan has what I characterize as a cute idea—one-third of the minority, one-third for the majority, and the last third to fall to the Chair.

Mr. Moss. Mr. Chairman, will the gentleman yield?

Mr. Thompson of New Jersey. I am very glad to yield to the gentleman.

Mr. Moss. If it is so cute perhaps the gentleman could tell us how the remaining two-thirds is to be directed?

Mr. Thompson of New Jersey. Is it not obvious to my friend from California that if one-third goes to the minority, if you are in control, the other two-thirds goes to the majority? Are you afraid of that?

Mr. Moss. It is not obvious to me, no more than it would be——

Mr. Thompson of New Jersey. I will not yield any further.

Mr. Chairman, I am not really much of a mathematician, but I think I can understand this. I do not say the gentleman from California, the gentleman from New York, the gentleman, my friend, from Ohio, who has done precisely on the Committee on Accounts what he says he has done, I do not say that their ideas are invalid, nor do I put them down. I simply say that we have a difference of opinion on this subject. I certainly respect their point of view. They disagree with mine thoroughly and articulately, and are so entitled. But that does not mean that they are impugning my motives.

I think the amendment of the gentleman from Michigan is in fact and in effect frivolous and should be defeated. That will reduce the question to my amendment. Those who agree with it, please vote for it. Those who disagree with it, please vote against it and let the House work its will.

Mr. Schwengel. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey.

The Chairman. The gentleman from Iowa is recognized.

Mr. Schwengel. Mr. Chairman, I wish to speak for the amendment offered by the gentleman from New Jersey (Mr. Thompson) and against any amendment to the amendment. The gentleman from New Jersey has made crystal clear the objective of his amendment. I am totally in sympathy with his approach to a solution of a legislative problem.

I have said many times that I respect this Congress because there is in it more capability and capacity in the sense of dedication on both sides of the aisle than in any Congress before in history. But it has not had a chance to come through, and one of the reasons it has not had a chance to come through and function at its best is because the minority has not had a chance. What the gentleman's amendment proposes will give us a fighting chance.

I salute the gentleman from New Jersey for his statesmanship here in this House. As I have spoken in the well of statesmanship, and many Members of the House have done so, also, I have praised the leadership on our side for having continued to study the minority staffing problem. Under the leadership of the gentleman from New Hampshire (Mr. Cleveland) with whom I served as a member of the Public Works Committee, we had a real and genuine staffing problem, and also on the House Administration Committee. I recognize his capability and his fairness. He has done a study of this matter. He has written an article and has a chapter in a book entitle "We Propose" on the need for increased minority staffing.

Mr. Chairman, I ask unanimous consent to have it inserted in the Record at this point so it can be read by all Members of the Congress.

The Chairman. Is the statement that the gentleman is requesting to be printed in the Record his own statement?

Mr. Schwengel. Yes.

The Chairman. Without objection, it is so ordered.

Mr. Hays. Mr. Chairman, a parliamentary inquiry.

The Chairman. The gentleman from Ohio will state his parliamentary inquiry.

Mr. Hays. I thought the gentleman said that it was the statement of somebody else.

Mr. Schwengel. It is.

The Chairman. The Chair inquired of the gentleman, if it was his own statement. Is it the statement of the gentleman in the well?

Mr. Schwengel. It is not.

The Chairman. Then the gentleman from Iowa will have to request permission for that statement to be printed in the Record when we go back in the House.

Mr. Schwengel. At the proper time I will make that request.

Mr. Hays. Mr. Chairman, will the gentleman yield?

Mr. Schwengel. I yield to the gentleman from Ohio.

Mr. Hays. The gentleman made a very interesting statement. He said that he thought the amendment, which would give the minority one-third of the employees would give them a fighting chance. What percentage does the gentleman think he would have to have to give them a chance?

Mr. Schwengel. Well, my proposal is—and it is in bill form before the Congress and it is the result of rather thorough study—it would be at least 40 percent, but I am willing to buy this. I think it is a significant step forward.

If we want to make this the kind of effective Congress that it can be and should be, I think we ought to take the amendment without amendment. It sets a wonderful precedent for the House.

It aids and abets also and is central also to what I call the adversary system that we are used to in America. Better opposition—and I think this is true and political scientists agree on it—produces better legislation in the finality. If the opposition has adequate staff to propose good legislation, this forces the majority to produce a superior product, and then we will have to choose the better of two ideas or propositions which are presented.

So I think if we want to improve the Congress and its opportunity to function at its best, we have got to give the minority a chance. This amendment is sound, because it does not interfere in situations such as the gentleman from New York referred to in his committee, where they have recognized the minority rights and given the minority an opportunity to function properly, and out of his committee has come some pretty significant and meaningful legislation through the years, and I think it is an example that it works.

So, Mr. Chairman, I sincerely hope we will give sincere consideration to the amendment, and that we will vote against the amendment to the amendment.

Mr. Podell. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am opposed to the amendment to the amendment offered by the gentleman from Michigan for precisely the same reason that I have opposed the amendment offered by the gentleman from New Jersey. It strikes me we are embarking upon a day or a week or perhaps weeks of legislative reorganization and we hope legislative reform, and it is truly a great day for our House. But to bog down the debate on true legislative reform with an argument over the patronage system to me seems to be completely inconsistent.

The notion that by adding more Republican Members to the committees, we will have a more representative type of government representing the people of our country is, inconsistent both in fact and in ideology. I think we should look forward to having a type of legislative in which the staff of our committees will be hired on merit and ability of men to serve rather than on their political party. Certainly we will be departing from what I consider to be legislative reform to go back to a system in which party application is more important than merit.

I had served 14 years in the State legislature, 12 of them under Republican control. We were lucky to be given a seat in the House at that time. I think that was unfair. What we should do is strike from our rules any question of political party insofar as employees or staff are concerned.

Mr. Hays. Mr. Chairman, will the gentleman yield?

Mr. Podell. I yield to the gentleman from Ohio.

Mr. Hays. Mr. Chairman, the gentleman knows, being a member of the House Committee on Administration, that we have in effect for all intents and purposes a rule that requires the majority and the minority to get together and negotiate out the status of the staff. It does not tie it to any hard and fast percentage. The gentleman is also aware that we do not give them any money until they both come in and say they are satisfied and that the negotiations have been successfully concluded.

So I am agreed in principle with what the gentleman is saying. I merely made a speech about this proposed amendment, because I wanted to show how consistent the minority would be when it came to truly dividing up the jobs. They want a third of them here, but they do not want us to have any of them downtown. I do not say all of them, because the distinguished gentleman from California, I think, made a very brilliant presentation.

I agree with him. He is one exception, but I would say those who vote for this amendment on the minority side ought to, if they really believe it, then vote for my amendment, and I simply offer it in the spirit of finding out who is consistent and who is being political.

Mr. Podell. Mr. Chairman, I thank the gentleman.

Finally we must give additional credence to the possibility of having the Republican Party, should this amendment prevail, having filled its one-third complement, and then a man appearing before the committee with all the expertise the committee absolutely requires, and being denied the opportunity to serve merely because the Republican complement has now been completed.

For these reasons we should go back to the business of reforming our legislature without reference to the patronage system.

Therefore, I oppose both amendments.

Mr. Rivers. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, this amendment should be defeated.

We have the Armed Services Committee. We do not even have a minority committee room in our committee. I do not have any idea of the political feelings of the staff. I do not know which party they belong to. I understand the chief counsel is a Republican.

What we are interested in is security. How in the name of goodness could we segregate our staff and find out what their beliefs are and then go out and get security clearance on a lot of people? What we want are people who are dedicated to America.

We never discuss that. If anybody raises the question of politics in our committee he gets shouted down. It has seldom happened—perhaps once since the committee was formed.

We could not do a thing like this. This is ridiculous. It is absurd to go out here with 30 percent this and 30 percent that. It just could not happen.

Mr. Anderson of Illinois. Mr. Chairman will the gentleman yield?

Mr. Rivers. Of course, I yield to the distinguished gentleman from Illinois.

Mr. Anderson of Illinois. I appreciate the complete sincerity of the gentleman now in the well, and I am sure he is stating the absolute fact when he says he is not aware of the political affiliation of those employed on the staff of the Armed Services Committee. That is the way it should be.

I wonder why it is that the gentleman, as so many others on this side of the aisle this afternoon, has jumped to the conclusion that if the minority have the responsibility of one-third of the funds for the investigative staff they would be more inclined to regard partisanship as the main consideration in hiring somebody? I believe the gentlemen ought to give us credit for having the same desire as they have to maintain a nonpartisan staff on a committee concerned with national security.

Mr. Rivers. I am delighted the gentleman asked that. We have an investigative committee, and we are interested in getting the job done. We do not ask the employees what their political persuasions are.

To get out here and say, "I will take one-third of you, and I will take one-third of you, and I will take one-third of you" is the most ridiculous thing I have ever heard of.

Never having been exposed to it, I do not know what you are talking about.

Mr. Anderson of Illinois. Mr. Chairman, will be gentleman yield further?

Mr. Rivers. Of course I yield further.

Mr. Anderson of Illinois. It is not a question, as I tried to point out earlier, of partisanship. It is a question of having the minority secure in the feeling that they have a portion of the staff who are responsible to them.

Mr. Rivers. We do not have a minority on our committee. I do not know what this talk is all about. We have a group of dedicated Americans who are trying to keep this country free. We could not live under this amendment.

Ask the distinguished minority whip. I do not know what this talk is all about.

Mr. Arends. Mr. Chairman, will the gentleman yield?

Mr. Rivers. I yield to the distinguished gentleman from Illinois.

Mr. Arends. What the gentleman from South Carolina says about our committee staff is absolutely true. I myself, the same as the gentleman, do not know whether they are Republicans or Democrats. I have never bothered to ask, because we have one concern on that committee, and that is what is best for the United States from the standpoint of our military posture.

Mr. Rivers. I have observed one thing. We adopt our rules and we live by them. Whenever anything comes up, I follow the rules of the House. I go and talk with the gentleman from Illinois (Mr. Arends) who represents the minority, and then we decide what we are going to do in the committee. We have never heard any more about the minority. We could not live under a silly thing like this. It just could not be done.

Mr. Blackburn. Mr. Chairman, will the gentleman yield?

Mr. Rivers. Of course I yield to the gentleman from Georgia.

Mr. Blackburn. I appreciate the gentleman's yielding. I must say I admire the way in which the gentleman's committee operates. Unfortunately, all the committees of the House do not have that same commonality of purpose and method as the gentleman's committee.

Mr. Rivers. Let me answer by saying:

"And while the lamp holds out to burn,
"The vilest sinner may return."

We may be prophets without honor.

Mr. Blackburn. If the gentleman will yield further, I would say that on our committee we have very fine staff people on both sides, the minority as well as the majority. I can assure the gentleman that on the Committee on Banking and Currency everything in the committee becomes a partisan issue to a very distressing degree. If every committee operated like that of the gentleman in the well, this amendment would not be necessary, but unfortunately I find that they do not, and therefore I support this amendment.

The Chairman. The time of the gentleman has expired.

By unanimous consent, Mr. Rivers was allowed to proceed for 1 additional minute.

Mr. Rivers. Of course, I do not question the gentleman, but I just never sat on a committee like that, and if it is as you say, then go ahead and pass it. We will have trouble living under it, but if it will change some of the things that you say exist, go ahead and pass it. I cannot live under it, but go ahead and pass it. We do not need it. I thought this bill here was for the purpose of expediting the business of the House. If there ever came a bill before this House that will foul it up in more ways than a country boy can go to town, I have not found it. I do not know when we have had one like this.

Let me tell you something else. Take the $20 billion authorization bill that we reported out of our committee. It would take us so long to get that bill out of committee that I think I could retire on that one bill in our committee if you followed out some of the things that are being adopted here. The thing to do as the gentleman from Ohio (Mr. Hays) said, is to give this thing a respectful burial and forget it.

Mr. Sisk. Mr. Chairman, I move to strike the last word.

I will not take the 5 minutes. I rise to see just where we stand. I have had a number of compliments from Members that we have not attempted to cut off time, and I am not here attempting to cut off time, but we have been on this amendment now for quite some time yesterday afternoon and today. All I am seeking to do here is to determine how many speakers we have left and see if we can get unanimous consent for a time certain for a vote this afternoon, because there are Members, I am sure, who would like to attend to other business over the weekend. How many Members desire to speak, so we can have an idea of what is possible?

Mr. Gibbons. Mr. Chairman, will the gentleman yield?

Mr. Sisk. I yield to the gentleman.

Mr. Gibbons. All I want is 2 minutes. I will not ask for 5.

Mr. Sisk. Mr. Chairman, I ask unanimous consent that we vote at 4:20 with a reservation of 5 minutes for the gentleman from Missouri.

The Chairman. Is there objection to the request of the gentleman from California?

Mr. Anderson of Illinois. Mr. Chairman, reserving the right to object, I did not hear the time.

The Chairman. The gentleman will state the time again.

Mr. Sisk. Mr. Chairman, the unanimous consent request was that we vote at 20 minutes after 4, with 5 minutes reserved for the gentleman from Missouri who would like to speak on it.

The Chairman. On the pending amendment before the Committee of the Whole and all amendments thereto?

Mr. Sisk. That is correct.

The Chairman. Is there objection to the request of the gentleman from California?

There was no objection.

The Chairman. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

(Mr. Jacobs asked and was given permission to revise and extend his remarks.)

Mr. Jacobs. Mr. Chairman, I take this time to address myself to the remarks of the gentleman from Illinois because he seemed somewhat puzzled by the response from the previous speaker in the well.

The system that is advanced here by the previous speaker in the well is known as the "angel system of government." Those who are above politics do not need rules. Laws are not needed in a society of angels. But maybe, just maybe, Congress does not consist of angels. Therefore, I urge rule by law here, rather than "rule by man"—even "the Man." That is why I support the amendment by the gentleman from New Jersey. Goodwill is a fine thing. But just in case we are dealing with men and women here, and not angels, let us put fair play in writing. That way we will be sure not to forget. I think committee chairmen would find they could live with it, perhaps not live it up so much. But do not shed a tear. Life can go on—maybe even be beautiful—for more people.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this discussion appears to be getting cast in terms of partisanship. I do not think it is partisan at all. Our goal here is to have a workable set of rules under which this body may operate. The fragmenting of any staff is extremely bad. I think every member of every committee should be able to call to the fullest extent upon members of the committee staff. I recognize the need for minority staffing.

Mr. Chairman, I would call the members of the Committee's attention to the committee language which appears on page 75 of the bill and which sets out what we should have in the way of committee staff. It says:

"(3) The professional staff members of each standing committee—

"(A) Shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions;"

That is what the committee staff should be, whether it be professional or investigative, and any language which would change that fundamental concept would usurp and would inject a partisan viewpoint and any partisan viewpoint in the hands of the staff would be bad.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Chairman, before we go further, let me read. The Thompson amendment is on page 23, line 14, and reads as follows:

"The minority party of any such standing committee is entitled to, upon request, not less than one-third of the funds provided for the operation of that committee."

That means in a case where you operate largely on a bipartisan basis, where you operate with a chairman who is able to perform in that manner, you do not have to divide the funds and the minority, perhaps, would not ask for them.

Mr. Chairman, I serve on the Subcommittee on Accounts of the House Administration Committee and there are committees where there is no problem like this. But, there is definitely a problem here and in my opinion the long debate which we have had on this subject has pointed it out.

Mr. Chairman, I would urge and remind my fellow colleagues on the majority side that the tables can always turn but I hope they will not turn. However, I think it would be a good idea to set a constructive precedent now. I urge the adoption of the Thompson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

(Mr. LOWENSTEIN asked and was given permission to revise and extend his remarks.)

[Mr. LOWENSTEIN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the amendment without amendment. The minority staffing provisions of the bill be stricter in order that the spirit of the new rule cannot be violated. I assure the members of the Rules Committee which reported this bill that I appreciate their work on this aspect, but I and several of my colleagues of both parties have discovered a loophole in the proposed rules which we believe must be plugged.

The minority party has been severely hampered in past years, particularly with the increase in the workload and the complexity of our problems, because of inadequate staff on the committees. As a group of distinguished political scientists has said:

"To deny the Minority in Congress access to adequate representation on Committee staff eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration."

The minority party has been forced to act with a lack of adequate data and evaluation in several subject areas, and has, as a result, often been unable to offer complete and complex alternatives to legislation.

The members of the Rules Committee have evidently seen the need for an active and competent loyal opposition in order to improve our alternatives, and they have seen fit to take a step in the direction of solving the problem in the current bill. As the chairman of a Republican conference subcommittee which studied the problem of minority staffing, I have become quite well acquainted with the subject, and I and several of my colleagues, particularly my fellow Republican Mr. CLEVELAND and two of our Democrat counterparts, Mr. THOMPSON and Mr. WAGGONNER have discovered some cracks in the wall, and we are working to fill them with this amendment.

Though it is true that there are no minority staffing problems on many committees, there are some which have proved unacceptable. Specifically, the problem is that the staff hired by the minority is subject to the veto of the entire committee, which gives the majority party the power to deny competent personnel to the minority. This flaw is unacceptable, as, I am sure, the majority party would agree if the minority were to have a veto over its staff. I would hasten to add that the present majority party may not always enjoy such status.

Our amendment provides for the separate hiring by either party of the allotted number of staff personnel. Neither party will have a say in whom the other shall appoint to its professional or clerical positions. This provision would be extremely helpful in the minority's attempt at fulfilling the role of a loyal opposition, thereby contributing to the upgrading of the legislation which would result from an improved and more dynamic adversary system.

This change is relatively minor, particularly in view of the enormous benefits which would accrue. The current situation, in which the majority has a veto power, distresses me, and I ask your support in changing the bill to permit the minority sole hiring and firing power over the minority staff. This amendment stems from a bipartisan effort and is supported by a broad spectrum of the Members. I ask you to join us in this effort.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. I rise in opposition to both the Thompson and Dingell amendments. I think this idea of allocating at least one-third of the staff of each committee to the minority is a dangerous precedent, regardless of which party might now or hereafter be in control of the Congress or either of its branches.

If there are committees where the minority is inadequately staffed to assist it in carrying out its responsibilities to the people, then we should do something about the situation on those particular committees. But let us not saddle all of the legislative committees in the Congress with two separate and distinct staffs. Where any minority, whether they be representatives of a political party or within a political party, needs staff help to enable them to get their job done, they should have it, and on the vast majority of the committees in the Congress, I am told that they do have it.

I happen to have the privilege and responsibility of chairing an investigative subcommittee of the Committee on Government Operations. Fortunately, under present circumstances, with the splendid minority membership we have on that subcommittee, I would have no fears of their unwise use of any additional staff they may need. We have wonderful cooperation on that committee, and a nonpartisan experienced professional staff. The gentlewoman from New Jersey (Mrs. DWYER) is the ranking minority member of our subcommittee and of the full Committee on Government Operations. We also have among the minority the gentleman from Ohio (Mr. BROWN) and the gentleman from Michigan (Mr. VANDER JAGT). They are not only among our most able and competent members, but they have been nonpartisan in their labors. Ours has been a nonpartisan committee.

It has not mattered which administration has been in power. We have endeavored to exercise our surveillance responsibilities over the agencies under our jurisdiction without regard to the political affiliation of their heads, or of the party in power. I think this has been substantially true with every other subcommittee of the Committee on Government Operations.

Let me emphasize—ours is an investigative committee which requires experienced nonpartisan professional people whose concern is objectivity and whose dedication is to honest and efficient government service. Our investigations are the responsibility of the majority of the members of that committee, and especially the members of the majority political party. For one subcommittee or a committee to have two separate investigative staffs which may feel obligated to oppose or check on each other and make separate investigations could result in an extremely costly and unwieldly situation.

Whether the professional staff members be Republicans or Democrats, no committee can do an adequate job unless the members of a staff work together. This has been the case on our subcommittee and the staff have been accessible to all members of the subcommittee—Democrats and Republicans alike. In addition, there is the minority staff which has limited responsibilities—primarily to assist the minority members. And if a particular committee has not provided adequate staff for the minority for that purpose then we should do something about that particular situation.

On the Government Operations Committee, for example, I feel sure that the gentleman from California (Mr. HOLIFIELD), who will be permanent chairman of that committee during the next Congress, if our party is still in power—and other members of the majority party, will cooperate with the minority members to the end that they have adequate staffs. The distinguished minority leader of our committee, the gentlewoman from New Jersey (Mrs. DWYER) will have no problem in this respect. I am sure she would treat us the same way. The House Administration Committee has helped this situation and will, I am sure, continue to do so where there are justified complaints. If inequities exist and are not corrected by the committee themselves, then the House can act.

I am satisfied that no member of the minority of the subcommittee which I happen to chair, will contend that he or she has not had full access to the professional staff of our subcommittee in addition to their own minority staff, and all of the records and facts uncovered by the full committee staff. While we have had wonderful relations with the splendid members of the minority party now serving on the Government Operations Committee, I am fearful that an increase in personnel in excess of the actual needs of a minority of whichever party, regardless of which political party may be in control of the Congress, could well lead to a lot of unnecessary trouble, confusion, and even embarrassment to the minority members, as well as to the Full Committee. You see the majority members have no special staff. The staff are actually supervised by committee chairmen on behalf of the full committees. So in a way, the minority already have an advantage over the other members.

I think all of us who have had chairmanship responsibilities on investigative committees, can well appreciate the inherent dangers of opening the door of opportunity to partisanship among staff members. It took us on the Government Operative Committee years to get this kind of staff. They are hard to keep. They are dedicated to the Congress and to the members of the committees on which they serve. I can not speak as strongly about legislative committees as I can about the Investigative Committee on Government Operations; but on that committee, I am satisfied there should be—in fact effective action requires—cooperative understanding not just among all committee members, but between the staff seeing the full committee and the limited staff selected to serve just the minority. It is an erroneous impression to conclude that because one political party is in power, the staff selected by the majority party serves only the majority. They serve all of the members, while those selected primarily to assist the minority serve the minority. That is as it should be.

Let me emphasize again that I strongly support an adequate staff primarily for the minority members on a committee to assist them in research, in the preparation of their own views, and so forth, but not the right to "at least a third" of the entire staff on a committee or such a large staff that it could well become a stumbling block to the efficient and effective assumption by the full committee or subcommittee of their responsibilities to both the Congress and the American people.

Again, if there are inequities or injustices, let us eliminate them. If the full committees do not do it, let us do it here in the House, but let us not saddle all the committees of the Congress, and this Congress with a new staff quota system which we may live to regret. The rules we are about to adopt may well be the rules of this House for many years to come. Let us be careful not to adopt an expensive and unworkable patronage staffing system. We have already had enough unhappy experiences with some of the antiquated rules we now have.

Although all of us are elected to the Congress as members of a particular political party, once we get here and are assigned to committees, as members of those committees, we have a responsibility to the entire Congress and to all of the American people.

I therefore urge my colleagues to vote against these amendments and wherever there are inequities, let us deal with them individually, without imposing upon every committee an expensive and rigid staffing system which is neither wise nor necessary.

(Mr. Fountain asked and was given permission to revise and extend his remarks.)

The Chairman. The Chair recognizes the gentleman from Ohio (Mr. Miller).

Mr. Miller of Ohio. Mr. Chairman, during yesterday afternoon, and also today, we have heard a great deal of debate and discussion about a particular amendment. It seems that we have gone down the road quite a distance, and we are only on page 23.

If we are interested in really reforming and improving the operation of the legislative branch of the Federal Government we should get on with the business, because if we become bogged down with every amendment like we are today we undoubtedly will take the rest of the year just trying to unravel what we are entangling so quickly.

The Chairman. The Chair recognizes the gentleman from California (Mr. Smith).

(By unanimous consent, Mr. Smith of California yielded his time to Mr. Bolling).

The Chairman. The Chair recognizes the gentleman from Missouri (Mr. Bolling).

Mr. Bolling. Mr. Chairman, the subcommittee that dealt with this matter for 15 months anticipated this debate, and it has heard nothing new, and there have been no surprises. We heard all of the same things said, almost, either in the open hearings or in statements presented to us in public and private and other fashion.

It is very clear that there is a very considerable division in the House, and an honest division, as to the way in which we should staff our committees.

Now, it is important to clarify a few things. I am sure more by accident than otherwise, a Member or two misrepresented the final report of the Joint Committee on Organization. The Joint Committee on Organization consistently held to the view which is expressed in its final report on page 22:

"In seeking to provide protection for the minority, it would be an error to divide the entire staff of each committee along partisan lines, or to require a staff allocation for the minority proportionate to its representation on the committee . . ."

The evidence, the testimony of those who have studied this the longest, and who are completely objective in their approach in that they are outside the institution, is that it is a mistake to go to a partisan staff.

It is a mistake in two ways.

First, it tends to exacerbate the natural divisions that exist in a basically two-party legislative body.

Curiously enough, to all of us who are partisan, the fact of the matter is that the public interest is not necessarily the sum of the reconciliation of the differences between the two parties. It may be something less—it may be something more.

But those of us on the subcommittee and the full committee recognize the validity of the point made, that the minority should be "protected."

It is ridiculous to talk of a committee staff as the only resources available to the majority or the minority. We all know that we have all kinds of resources other than those that reside here on the Hill. I, for example, can call on any economist in the United States, because I have been for 20 years a member of the Joint Economic Committee, and he will be delighted even to come to Washington to discuss a serious problem.

I have had that experience recently as chairman of the subcommittee of the Joint Economic Committee, I took a trip last fall to look at regional planning and housing. The best qualified staff member of the joint committee available to me was a Republican. We had a fine trip and we made a useful report.

I think we have lost our approach. As soon as you provide one-third for the minority, then you inevitably respond with two-thirds to the majority. This particular amendment goes to a particular kind of staffing. It is the kind of staffing that is taken care of not by law but by resolution, which is then implemented through a resolution of the Committee on House Administration. It is the special staff over and above the standard staff, and it is clear that the Committee on House Administration in a flexible fashion is taking care of the problem.

On the permanent staff the committee has a proposition which has the virtues of protecting the minority and yet leaves in the hands of the majority, which is responsible for the organization of the Congress and the organization of the committee, the final say.

In that language it is absolutely clear to any fairminded person that the standing regular professional staff of six shall include the minority chosen members. The only reservation is that they perform on good behavior—not only a policy question—but that they be people of good character and of proven qualifications.

This was the conclusion that was arrived at unanimously by the only group of people who heard any Member of the Congress who desired to be heard. We had open hearings and not as many showed up there as we had hoped—any more than there as many people on this floor as we had hoped.

It was a unanimous decision on a bipartisan basis. We are completely convinced that we came to a solution, as proposed by the Joint Committee on Organization, which will best serve the Congress and the Nation.

The Chairman. The question is on the amendment offered by the gentleman from Michigan (Mr. Dingell) to the amendment offered by the gentleman from New Jersey (Mr. Thompson).

The amendment to the amendment was rejected.

The Chairman. The question is on the amendment offered by the gentleman from New Jersey (Mr. Thompson).

The question was taken; and on a division (demanded by Mr. Sisk) there were—ayes 78, noes 53.

Mr. Sisk. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Thompson of New Jersey and Mr. Sisk.

The Committee again divided, and the tellers reported that there were ayes 105, noes 63.

Mr. Schwengel. Mr. Chairman, I herewith call to the attention of my colleagues and others a dissertation on minroity staffing authored by a distinguished Member of Congress Mr. James Cleveland of New Hampshire, with discussion on congressional reform. They are pertinent and valuable for all who are interested in a more effective Congress.

[From "We Propose: A Modern Congress"]

THE NEED FOR INCREASED MINORITY STAFFING

(By James C. Cleveland, M.C.) *

INTRODUCTORY NOTE

The adequacy of congressional staffing in a broader sense involves the continuing efficacy of Congress *vis-à-vis* the President. the survival of representative government is directly at stake.

In many areas of the world during recent years, we have witnessed a decline in the power of established parliaments and a shift of that power to the executive. The subordination of the power of newly established parliaments to the executive in the emerging nations of Africa and Asia underscores that trend. One of the most notorious instances of a decline in the power of an established parliament occurred recently in France, where the French people, with apparent willingness, accepted the transfer of important powers from the legislature to the executive.

It should be pointed out to those who can watch a drift away from representative government with equanimity, that it was such a trend which paved the way for the ascendency of Hitler. Lack of representative government is also a characteristic of the Communist-dominated countries of today.

The need for establishing new rules in Congress to insure the minority party an adequate supply of professional staff on committees is of overriding importance. It must be met promptly if Congress is to fulfill its constitutionally assigned functions as a co-equal branch of government.

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*Mr. Cleveland represents the 2nd Congressional District of New Hampshire. Before his election to Congress in 1962, he served 12 years in the New Hampshire State Senate where he was a Majority Floor Leader for four years, Chairman of the Judiciary Committee and, at various times, a member of eight additional committees. In Congress he is a member of the House Public Works Committee and was recently named to the Joint Committee on the Organization of Congress succeeding former Rep. Griffin, now a U.S. Senator. Mr. Cleveland's wife, Hilary, teaches Government and History at Colby Junior College for Women in New London, N.H., the Cleveland's home.

This is a problem that has engaged and troubled many minds, inside Congress and out, in partisan and nonpartisan context, for many years. The work of this chapter is founded on much preceding labor by many hands as well as on my own experience and observations.

While it would be impossible for me to acknowledge everyone who has contributed to the development of this issue, I do wish particularly to acknowledge the work of the Honorable Fred Schwengel of Iowa, who was Chairman of the old House Republican Conference Subcommittee on Increased Minority Staffing, the predecessor to the present Task Force. I also wish to acknowledge the invaluable work of Miss Mary McInnis, staff assistant to the present Task Force.

The serious threat to an effective Congress, and therefore to representative government itself, which is posed by the lack of adequate staff for the minority has not been fully understood, even by some members of the minority. Interest and concern is growing, however, and the time is not far off when, I believe, the majority of both parties in Congress will realize what adequate minority staffing would really mean for them in terms of increasing their effectiveness—and that of representative government.

One of the best statements of the issue was published on March 15, 1963, by the Schwengel Subcommittee and signed by the following political scientists: Dr. Robert J. Huckshorn, Bethesda, Maryland; Dr. Howard Penniman, Chairman, Department of Government, Georgetown University; Dr. Franklin Burdette, Bethesda, Maryland; Dr. Brownlee S. Corrin, Goucher College, Baltimore, Maryland; Dr. George Carey, Georgetown University; and Dr. Russell Ross, University of Iowa. I quote it here in full:

"POLITICAL SCIENTISTS' STATEMENT ON MINORITY STAFFING

"The committee staff function at the congressional level is not being fulfilled. And a failure to do so is not only unfair, but it is a threat to the tradition of representative government. Responsibility for this condition falls upon the Democratic Party leadership in Congress.

"To deny the Minority in Congress access to adequate representation on Committee staffs eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration. Congressmen in this difficult and complex period of our history, requires access to data and evaluation in those subject areas to which they are given responsibility as Committee members. It is obvious that this work cannot be placed regularly with their own office staffs, which have functions very different from those of a Commmittee. It is obvious, in light of policy formulation patterns at all levels of government, that the adversarial technique of law and politics in this country requires a personal relationship in which a congressman can develop confidence with the professional staff members. This is why, of course, the President has a high degree of control over his White House staff, as well as at many policy-making levels in the Executive Departments.

"Some have argued that an increase in minority staffing of congressional committees would jeopardize the recent 'professionalization' of these staffs. We do not believe that this is true. There is no reason why such 'professionalization' cannot take place in a bipartisan framework. What is needed are professional staff members separately responsible to the majority and the minority. The demand that a substantially larger portion of the professional staff be responsible to the minority members is wholly reasonable and within the best democratic traditions.

"Congressional committee staff members are not intended to serve the same function as staff members in the Legislative Reference Service. Nor should they. The Committee staff must possess high levels of competence. It is equally important, however, that there exists mutual confidence between the congressmen and the staff members. This confidence is not possible when a minority party, be it Democrat or Republican (and there is always the possibility of reversal of role), does not have access to adequate and qualified professional staff members of its own selection.

"The existing position is more than unfortunate; it is a subtle denial of freedom of effective speech, of which Congress as a body purports to be justly proud. It hinders reasoned debate that alone can lead to just solution of legislative problems. It prevents the minority from carrying out its major democratic function of knowledgeable criticism.

"The country cannot afford gamesmanship or petty, cheap politics at the congressional level. Yet, we are witnessing an outstanding example of partisan pettiness in the denial to the minority in Congress the right to exercise its legislative function by refusing to grant it necessary staff support."

The issue has also engaged the earnest attention of thoughtful members of the present majority party. In his testimony before the Joint Committee on the Organization of Congress, Rep. John S. Monagan (D., Conn.), stated:

"The capacity of the minority to examine and criticize should not be abridged, but should be preserved as a basic strength of our system." [1]

In the course of these same hearings, Rep. David S. King (D., Utah), expanded this line of thought: ". . . a formula must be found for balancing the personnel of the committee staffs more equitably between the majority and minority parties. . . . In my opinion, the balance of personnel between the two parties on the committee staffs should more nearly approximate the division of party strength in the House itself. . . ." [2]

One more quotation will help set forth the urgency of the issue, Dr. James A. Robinson, professor of political science at the University of Ohio, writes:

"It is not fairness, however, that constitutes the most compelling argument for providing minorities with a staff almost equal in number with that of the majority. The best argument is that the improved performance of the minority members helps to strengthen the legislative way of life. If the majority party becomes increasingly aligned with the executive branch . . . then we must look to the minority to check the majority and in so doing to provide the necessary counterbalance to executive power. Hence, generous allocations of minority staffing are essential to the normative theory of Congress." [3]

The present situation is deplorable. Although precise figures on majority-minority divisions among committee staffs in the House have proven impossible to obtain, research into committee payrolls, conducted both by the old Schwengel Subcommittee and my own Task Force, establish a general ratio of about 10 to 1 in favor of the majority.

Some committees—*e.g.,* Armed Services, House Administration, and the Un-American Activities Committee—list no personnel as responsible to the minority.

One rough measure of the discrepancy in staffing is that counsel assigned to the minority often do not receive as much pay as majority counsel. Naturally, this creates difficult recruitment problems for the minority. There has never been any suggestion that minority members of Congress should be paid less than Congressmen belonging to the majority party, and the principle is precisely the same in the case of staff. It makes no more sense to pay minority staff personnel less for equal work than majority staffers than it would to pay less to minority Congressmen themselves.

In fairness, however, it must be conceded that minority leaders on committees do not aways press as hard as they should to obtain salary equity for minority counsel. This condition, however, merely reinforces the need to establish the equal pay principle by legislation.

Even in the cases of committees which do list staff members as assigned specifically to assist the minority, those employees are ultimately responsible to the committee chairman, who is always a member of the majority party. By that I mean that they cannot be hired without the chairman's approval; their salaries are subject to the approval of the majority, and often their physical location is determined by the majority. *Thus, nowhere in the House does the minority party have guaranteed to it an unobstructed conduit to information vital to the success of its adversary role under our two-party system.*

We Republicans, currently in the minority, are often accused of mere obstructionism and are charged with failure to come up with constructive alternatives. Under the extremely hampering conditions in which we must operate, it is remarkable that we have done as well as we have. When the majority party not only controls all committee personnel but, as is the case at present, has exclusive access to the vast resources of advice, information, and power in all the federal agencies, the minority party is at a terrible disadvantage. This is very bad for representative government, because it chokes off responsible criticism and seriously cramps the capacity of the public to find out what is going on so it can form independent judgments. The ability to reach sound policy decisions for the nation, both in foreign and domestic affairs, is critically hobbled in these circumstances.

In spite of its handicaps, the Republican Party is doing a creditable job in its present minority status in the House. This is reflected in the increase in the number of Minority Views and Supplemental Views by Republicans appearing in committee reports on various bills. These minority views perform a vital function under the adversary system and represent a valuable distillation of opposition views. Often they form the basis of future legislation or corrections to existing programs.

In my own Committee on Public Works, I use this vehicle quite frequently even when I am in accord with the general purposes of the particular legislation. They are the best means of establishing for the permanent record an assessment of flaws in generally acceptable legislation and, of course, they serve to expound detailed arguments in opposition to legislation deemed unacceptable.

They can be used quite dramatically to capture attention for minority positions that otherwise tend to be overlooked by the news media, which tend to concentrate on the activities of the majority party. I put into verse my supplemental views opposing the legislation authorizing an official mansion for the Vice-President.[4] This poetic device had never been used before in an official congressional report on a bill and that fact was what got the most attention. At the same time, however, my reasons for opposing the bill also received wide publicity that we couldn't afford it at this time and that it was singularly inappropriate to build a luxurious mansion for the Vice-President while the country was at war and our servicemen are badly housed in many parts of the country. After the bill was approved, the

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President ordered an indefinite halt to the project, using much the same reasoning.

Minority views have frequently influenced the course of legislation. Notable examples include the Manpower Development and Training Act, which was almost completely rewritten on the basis of Republican proposals before it was passed; the Civil Rights Act of 1964; and Medicare, among many others. Minority views on the anti-poverty program and the Participation Sales Act have had great impact in the country and will almost certainly lead to future reforms, if not in this Congress, then hopefully in the next.

The Legislative Reorganization Act

The Legislative Reorganization Act of 1946 streamlined committee jurisdictions and reduced the number of standing committees of the House from 48 to 19. As a result of the Act, provisions for more uniform procedure were written into the standing Rules of the House, including the provision that each committee, other than the Committee on Appropriations "is authorized to appoint by majority vote of the committee not more than four professional staff members on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office."

Rule XI further provides that:

"Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them."

In actual practice, both the spirit and letter of the law have been violated. (One of the most flagrant examples of such a violation occurred in my own Committee on Public Works when it was under control of the previous chairman, former Representative Charles Buckley of New York. We discovered that the committee payroll contained the names of nine persons who were never known to have done any work for the committee or had never even been seen in Washington. They were assigned to work for the chairman in his own Congressional District in the Bronx. I condemned the situation publicly and this exposé perhaps was a contribution to the chairman's defeat in a party primary.[5] With this defeat, the problem ended. Under its new administration the Public Works Committee is operating fairly once again and is one of the committees which gives reasonable, though not adequate, consideration to the minority membership in the matter of staff. Eight employees are assigned to the minority out of a staff of around 40. However the chairman insists upon paying minority staff members substantially less than majority personnel performing similar duties.)

I question the wisdom of ever incorporating into the standing rules governing any legislative body such specific language as that contained in Rule XI, which, to repeat, provides that each committee may appoint "not more than four professional staff members." Twenty years ago the authors of the Reorganization Act could not even foresee the need for a standing committee on Science and Astronautics (which was added in 1958. Today this committee, which must oversee one of the largest Government agencies, the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion, operates with one of the smallest staffs in the House. Other committees have augmented their staffs through extra authorizations by the House Administration Committee for "investigative" or additional professional personnel. The Science and Astronautics Committee, however, continues to function with only four professional staff employees. In the words of one of the Committee's members:

"Anyone who has served on this committee and participated in the markup of the NASA authorization bill knows that, while the desire is there and the intentions good, there are instances when many members must inevitably conclude on a given item that they just don't know with assurance whether or not it is reasonable.[6]

But this is not the whole story. The Committee on Appropriations was carefully exempted from any ceiling on the hiring of employees; yet some of its members suffer from a shortage of expert assistance! The entire federal budget, program by program and agency by agency, goes through this committee—which assigns only one professional staff person to each of its subcommittees with the exception of the Subcommittee on Defense and Independent Offices.

"How does a member know that the post office needs so many trucks, or so many mailbags? How does a member know that a Coast Guard station is obsolete and should be discontinued? We have in the past had to use our common sense and rely on the people who have made a request. But if someone were to come to them and say: 'Do you know, or does the committee know, this or that for a fact?' the only honest answer we can give is, 'Well, this is how the executive branch justified their request.' "[7]

Without competent and adequate committee staffing, Congress is at a distinct disadvantage *vis-a-vis* the executive branch. Without such staff assistance, the overwhelming task of checking on the operation of government becomes impossible. And without checking the myriad details, Congress can only pay lip service to its constitutional duty of control over government expenditures.

By law, each of the standing committees is required to report the names, positions and salaries of all of its employees every six months. These lists are duly printed in the *Congressional Record*. Simple enough? Try ferreting out the physical location of all of these people!

"The student of committees," wrote former British M.P. Kenneth Wheare, "has to make a choice. Either he can try to hack his way through the jungle on foot, or he can try to get a bird's eye view of the terrain from the air. If he chooses the first alternative, the most he can hope for is to clear a portion of his territory; if he chooses the second, the most he can hope for is to produce a rough sketch-map of the whole area."[8] How true this is. Our Task Force has tried both approaches.

The push for reform of the minority staffing question is, and has been, hampered by two major underlying fundamental conditions, which must be reported.

First, there is an absence of any consensus among the members of either party as to the proper role of Congress in the 1960's. Should Congress concede its loss of initiative in policy-making and bill-drafting to the executive and become more of an agency for oversight of the administration? Or should Congress attempt to regain some of its initiative in the legislative process and be content with a general overseeing function? The question does not have to be answered to bolster the case for increaesd committee staffing, because either direction calls for expert assistance and independent sources of information to serve Congress. (Clearly, a national debate over the role of Congress in the twentieth century is in order. The Administration, the academic community, the press, and interested citizens throughout the country should join. This book is an attempt by House Republicans to get the dialogue moving in a meaningful and constructive manner.)

The second condition we found in the committee staffing situation is the prevalent abuse of committee staff people by individual members of both parties. To reiterate the injunction of Standing Rule XI:

"Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them."

Candor compels me to admit this rule is sometimes violated. Professional staff employees are sometimes commandeered to write speeches or do other chores for individual Members that are not directly connected with the business of the committee, to handle constituent mail on matters of no relevance to the committee, and even to engage in activities directly concerned with the re-election of a Member. We turned up a distressing number of instances in which committee employees were physically quartered, not in the committee staff room, but in the personal offices of committee members. (Part of this situation is undoubtedly due to space limitations, however. A staffer may be assigned to a Member's personal office in some instances because there is simply not room for him in the limited committee quarters. Another reason may be that, because of his committee responsibilities, the individual Member may wish to have his staff adviser readily accessible. This would be particularly true where the Congressman's office was located inconveniently far from the committee offices.)

There is also the fact that Members of the minority party have failed to prosecute actively the case for increased staffing. In an extensive survey of Republican Members' attitudes with respect to the work and staffing of their committees, we found roughly two-thirds dissatisfied with the performance of their committee in the exercise of oversight of the Administration. Yet, we are able to document a grand total of only eleven instances in which minority Members were denied requests for additional committee staff help! (One reason, undoubtedly, is that minority Members know from painful experience that it is pointless to make such requests because they have invariably been turned down.) This does not, of course, negate the case for better staffing for the minority; it *does* point up the educational job we have to do on our own side of the aisle as well as generally.

It is hoped that this chapter will form part of this educational process.

THE ADVERSARY SYSTEM

This writer, in common with most responsible political observers, believes firmly in the two-party system. The system has evolved naturally from the early days of our Republic as the best means for organizing disagreement in a diverse society.

The importance of the two-party system goes, indeed, far deeper than simply the "firm belief" of this author or of any other observer. The two-party system is the vital ingredient that has made possible the success of our government. Throughout our history, the interplay between two broadly based, widely inclusive national political parties has enabled the country to overcome, in large measure, those regional differences and conflicts between social and economic interests that, in many other democracies, result in the formation of numerous, specialized parties, none able to speak for the whole nation, or worse, to dictatorship.

The capacity of our two-party system to resist the divisive formation of effective third parties has been the salvation of America. Freed from the worst excesses of enervating factionalism, our country has been able to develop in freedom her enormous natural resources and to achieve fulfillment, in great measure, of the individual rights guaranteed by our Constitution. That document alone could not have provided this result without the proper instruments to carry in into effect. The impotence of mere documents is nowhere better to be seen, for example, than in the Soviet Union, where maximum tyranny reigns under the ægis of one of the world's most liberal written constitution. In our case, the most effective political instrument

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for the fulfillment of our Constitution's promise is the two-party system.

The evolution of the system followed logically from our Anglo-Saxon tradition of jurisprudence, which is the root of all American legal institutions.

It is based on the adversary system. The right to counsel and the right to be judged on the facts pertaining to the issue are rights that are stamped indelibly on the minds and hearts of the American people. Through the adversary system we get more information on which to base our judgments. Under ideal conditions, each side has complete freedom to develop relevant information and present its arguments. The end result is the production of the greatest possible amount of information, and therefore, the greatest possible understanding for those who must render decisions.

Much the same adversary technique is seen in business competition as well. Competition in business leads to better products at lower costs and to improved public understanding of the products themselves as well as the nature of business. Competition is the economic strength of the nation, and in the marketplace of ideas the principle is of equal importance.

This tradition is as applicable to a legislative body as it is to a court of law. Under free government, each party is permitted to present its views fully. Most important, the system protects the rights of minorities while allowing the will of the majority to prevail.

The success of the adversary system depends on the quality of the debate. To assure the highest possible quality, each side must have equal opportunity to marshal evidence in support of its positions. In a legislative body, it is just as essential that the minority party have sufficient staff assistance as it is for either party in a court of law to have proper counsel.

The present situation in Congress, as the staffing ratio proves, is deplorable with respect to counsel for the minority. When both Senate and House and the Presidency are controlled by the same party, the situation is at the point of maximum danger to representative government. When the minority in Congress is reduced to capitalizing on such mistakes as are made by the Administration (if it can find out about them), effective opposition (if there is any) must come from the ranks of the majority party itself. This is the present trend and it is a very unreliable state of affairs. The business of the Republic demands that the effective expression of minority views not be allowed to rest on the capricious, internal strains within the party that is charged with the responsibility of governing.

In this connection, I wish to mention a Republican-sponsored proposal to give to the minority party control of an investigative committee of the House whenever the majority party controls both houses of Congress and the executive branch. Sponsors of the bill are headed by Minority Leader Gerald Ford of Michigan, and include Congressman Robert H. Michel of Illinois, whose chapter in this book is devoted solely to a detailed explanation of the proposal.

Here I merely want to point out that the adoption of the Republican proposal would ease considerably some of the problems of a minority party seeking to fulfill its functions under the present state of affairs. It would help insure against whitewashes of wrongdoing and gross errors on the part of government officials.

While outsiders and members of the majority party may be forgiven a feeling of suspicion at Republican motives in making the proposal, in refutation of these I point out that there is good Republican precedent for the idea.

In 1923, when both the executive branch and both houses of Congress were controlled by the Republican Party, rumors of improprieties surrounding the leasing of the Teapot Dome oil reserve whirled through the Capital. As they grew to a point requiring formal investigation, Republicans prevailed upon Democratic Senator Thomas J. Walsh of Montana to take charge of the investigation. This is a dramatic example of a case in which Republicans gave to the Democrats control of an investigation into a major scandal involving high-ranking members of a Republican Administration. The results were salutary and of great benefit to the whole country. There should be formal provisions enacted so that this would always be the case.

(It should also be noted that the British House of Commons has a Committee of Public Accounts whose chairman is by tradition a leading member of the Opposition, usually a person who has been Financial Secretary of the Treasury. The committee is charged with responsibility for insuring that all public money is spent in the manner intended by Parliament. It promotes economy and efficiency and helps to maintain high standards of morality in all public financial matters.)

In this day and age, more is expected of a minority party than mere criticism, a political platform, and legislative debate. A responsible party must be one in which people have confidence and one to which they will entrust their destiny. It must be prepared to present, in reasonable detail, at least some practical alternatives to the hundreds and hundreds of complicated and technical issues confronting the country. Offering meaningful alternatives is no simple task. The development of such alternatives requires the services of specialists and technicians, men and women who have devoted their lives to concentrated study of a particular problem.

By the very nature of a Congressman's job, it is very difficult for most Members to become as expert as the problems require. They must be concerned with too wide a range of subjects to permit specialization. Many Members of Congress face still another problem. Most Congressmen feel that they simply do not have the time to study all legislative matters and administrative policies. Just to keep up with individual problems of constituents is a hugh task. Consider the following examples: A shortage of heating coal, fraud by mail, eligibility for a pension, the impact of a new law, a missing person, a family tragedy, a suspected crime, a missing pension check, harsh treatment at the hands of a government agency, the need for a job, a visa, citizenship for a relative or friend, the impact of a drought, a rate increase, a public transportation problem, a tariff ruling, informations concerning the workings of an obscure government agency, a man's draft status, taxes, naming a mountain, a hardship discharge, a promotion, a pay increase—the list is endless.

Besides answering a large volume of mail, greeting constituents visiting the Capitol, attending to the needs of their districts and their party obligations, Congressmen are called upon to exercise leadership and concern in almost every matter involving the federal government. Although some of these areas are beyond the immediate control of Congress, a Congressman frequently must act to rally public opinion or file strong protests on behalf of his constituency. He has an important role in reminding the often smugly insulated federal agencies that they are meant to be the servants and not the masters of the people.

Congressmen have personal staffs to help with some of their tasks, but some responsibilities cannot be delegated. Some commentators have suggested that it would be helpful to the legislative process to remove certain of these tasks from the Congressman's workload by establishing an Ombudsman-type office. This writer is strongly opposed to any such proposal. Dealing with constituent and district problems is the raw material of the legislative process. The Congressman, through the power conferred by his constituent's vote and acting, in a sense, as a trustee, can cut through red tape and keep our government responsive. Even more important is the fact that as he performs this function the Congressman becomes aware of problems which need legislative action.

Above all, however, a Congressman is a legislator. This most important function begins with his committee work. Although Congressmen are responsible for final judgments in the legislative product of their committee work, their acts are influenced in many ways by the work of the committee staffs. No significant legislation is produced without the aid of experts. The staff supplies the expertise necessary to reduce the extensive time which few Members of Congress can afford to devote to legislative duties. Under the direction and supervision of committee members, the staff suggests investigations, prepares their preliminary groundwork, and often influences their scope and direction. The staff selects witnesses and prepares lines of questioning. The staff collects mountains of data, checks facts, organizes and digests them into manageable proportions. The staff may generate or prepare special studies. Staff people often draft reports upon which the most pivotal committee decisions are based. In short, the staff does that essential spade and leg work few Congressmen have the time to perform.

The demands on a Congressman's time highlight the importance of good staff work. Implicit in this situation is the recognition that many Congressmen cannot devote as much time as they would like to supervising the work of their committee staffs. If this is so, it suggests yet another reason for adequate minority staffing: mindful of human nature, it is conceivable that improperly supervised staffs could exercise undue influence over the work of their committees. A good check on this, obviously, would be an alert minority staff.

Infrequently, the minority is blessed with offers of outside assistance. One memorable example occurred when a task force under the chairmanship of Representative Frank Bow (R., Ohio) and composed of Republican members of the House Appropriations Committee undertook a thorough analysis of the proposed budget for fiscal 1964. Maurice Stans, Directors of the Bureau of the Budget under President Eisenhower, and some half dozen former members of that agency, provided valuable assistance to the project. The economy drive which this effort spearheaded resulted in savings of $6.3 billion in the taxpayers of this country. It also permitted economy-minded Congressmen to vote for the tax cut.

It is interesting to note that when Congressman Bow first announced that he thought his task force could recommend substantial cuts in the budget, without damage to necessary programs, he was challenged immediately to itemize the proposed cuts. Congressman Bow refused because he feared that by thus forewarning agencies their public relations sections could man the ramparts and stave off a threatened economy drive by whipping up public opinion as only battle-tested bureaucrats can. I mention this here because it shows how important secrecy is in connection with legislative strategy. Obviously, a minority which relies entirely on a staff responsible to the majority, with lines of communication to the executive departments and agencies, is either naive or lazy or worse.

It should be noted here that where the minority is deprived of its own staff and where members are not as fortunate as Congressman Bow in receiving aid, there is always a temptation to turn to private interests for help. Without discussing the advantages and disadvantages of consulting special interests in regard to legislation which affects them, I shall simply contend that any situation which forces minority Congressmen to turn to special interests for staff work is not in the best interest of sound representative government.

All Members do, of course, have access to the assistance of the Senate and House Legislative Counsel for bill-drafting, and to the Legislative Reference Service of the Library of Congress for research. The primary functions of the Senate and House Legislative Counsel involve the highly technical and specialized task of drafting legislation. The staffs of both offices are composed of qualified and dedicated personnel. The Legislative Reference Service operates exclusively as a nonpartisan research and reference service for Members of Congress. Its staff has grown steadily and in all probability will continue to grow with the increasing need of Congress for specialized research assistance with which to deal with the technologically induced changes in our society and economy. Assuming that Congress maintains a reasonable balance between the legitimate demands for staff assistance from these auxiliary sources and the actual capacity of the staffs to provide such help, it is the committee staff system itself on which Congress must principally rely. While organizations like the Legislative Reference Service greatly assist individual Members in their particular areas, they cannot substitute commitee staffs.

But the needs of congressional committees go beyond the question of sheer size of a staff and reach to the problem of making possible an effective distinction between majority and minority positions in order to facilitate meaningful floor debate and responsible problem-solving. As long as Congress is organized on the basis of a differentiation between majority and minority roles, even at the committee level, it is not realistic to expect adequate legislation to evolve from a "nonpartisan" staff arrangement.

The nonpartisanship of the 1946 Reorganization Act has not, as I have suggested, been a success. Some committee staffs in the House of Representatives are truly nonpartisan, not only in terms of party affiliation but in terms of serving members of both parties equally. On other committees, the principle of appointment and control of tenure by a majority of the committee has led to control of the staff by the Chairman and almost exclusive use of its time by the majority party. Even on the few committees which try to give equal service to members of both parties, it is evident that whoever appoints the staff also controls it. Today, the overwhelming majority of committee staff members are hired, supervised, promoted, and assigned duties by the chairman of the committees. When the workload of these committees is heavy, the staff naturally feels obliged to give preference to the needs of the majority members on whom they rely for their jobs. Consequently, one can understand why members of the minority party cannot always confide in or depend upon staff members responsible to the opposing party.

CONCLUSION

The case for increasing the staff available to the minority is overwhelming, in my opinion. It has been brought to the attention of the Joint Committee on the Organization of Congress, which is preparing its report and recommendations as this book goes to press. Very likely the Committee's report will have been issued before this paper is published. However, because many Members addressed themselves to this problem in the course of the Committee's extensive hearings and because our Task Force has worked closely with the Committee's staff, it is expected that the report will contain strong recommendations for immediate action to correct the partisan imbalance in committee staffing.

In discussing what should be done, I do not believe it is necessary to get into a numbers game and try to set up any specific ratios that will meet the problem. The work of every committee is different; accordingly, its personnel requirements are different. Moreover, staffing needs must change in response to new developments.

I strongly believe, however, that the minority on every committee should have the right to hire and fire its own staff personnel, set their salary scales, and locate them without prior approval of the majority.

Last year, minority members of the Public Works Committee asked permission to hire an economist to assist them in consideration of the extremely involved implications of the Appalachian Development Act and the Public Works and Economic Development Act then pending before the Committee. These programs involved many social and economic factors not normally within the purview of the Public Works Committee. We needed to have competent outside advice and counsel. The majority turned us down, and we had no recourse but to swallow this decision and get along as best we could. This is wrong. We should have been able to make our own decision on this point and hire the expert we wanted. While I have no illusion that the final passage of some bills would have been changed, greated public knowledge would have resulted from clearer delineations of portions of them, and it is likely that improvements in the legislation could have been made during the drafting of the bills in committee.

(Another example drawn from the Committee on Public Works is the fact that as of this writing more than eight months have elapsed since a new subcommittee was authorized for the purpose of supervising, overseeing, and investigating the new Appalachian Redevelopment Program and the Public Works and Economic Development Act. Committee members of both parties unanimously adopted the Resolution creating the new subcommittee. This failure to activate the subcommittee, while not directly applicable to the minority staffing question, is further illustration of the need for the minority to have an investigative arm of its own. In this particular situation, even the majority seems powerless to enforce its own formally approved decision. The minority has no chance at all.) (The subcommittee finally was activated July 13, 1966.—Ed.)

Frankly, I wish to state that this concern on my part does not stem entirely from the fact that I am a member of the current minority party. Although it is true we feel the brunt of this staff deprivation at the moment, I expect to feel no differently when my party is in the majority. Effective criticism from the loyal opposition is essential to good government, regardless of which party is in control. As far as I am concerned, the Republican Party has a commitment when it becomes a majority to see that the minority is provided adequate staffing.

FOOTNOTES

[1] Hearings, Joint Committee on the Organization of Congress, 89th Cong., 1st Sess., Part 1, p. 74.

[2] *Ibid.*, Part 4, p. 527.

[3] Robinson, James A., *Congress, The First Branch of Government*, American Enterprise Institute, 1965, Library of Congress Catalog No. 66–14193, p. 273.

[4] From Supplemental Views of Rep. James C. Cleveland on S. 2394, 89th Congress, 2nd Session:

"But over the hill and horizon
A light is beginning to burn;
Dissent is getting respectful again,
Thinking is taking a turn. . . .

"So courage my lonely colleagues,
Be of good heart and of cheer;
Minority views are sometimes read
And the public's beginning to hear."

[5] I had prepared an article for the *George Washington University Law Review*, which was not published due to the insistence of the faculty adviser that I omit a footnote naming the nine persons and monies received.

[6] Rumsfeld, Rep. Donald, (R., Ill.), JCOC Hearings, Part 4, p. 538 (1965).

[7] Conte., Rep. Silvio (R., Mass.), JCOC Hearings, Part 2, p. 278.

[8] Wheare, K. C., *Government by Committee: An Essay on the British Constitution*, Oxford University Press, 1955.

CREATING A MARINE RESOURCES CONSERVATION ZONE

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, on this opening of the first legislative day of the 92d Congress, I am introducing two bills which have as their purpose, the creation of a marine resources and fish conservation zone along the coast of the United States.

Representing a coastal region in northern California, I am acutely aware of the need for the type of legislation which I also introduced in the 91st Congress that will provide the kind of protection and management of our marine resources that is absolutely essential for the future.

Of equal concern, is the more immediate problem posed by the systematic intrusion into and plundering of our territorial fishing grounds off the coast of the continental United States by foreign fishing fleets. Whether, in the final analysis, we are successful in establishing a 50- or a 200-mile fishery conservation zone contiguous to our territorial waters will decide the ultimate livelihood of the American fisherman and the economic security of our communities.

Each year, the threat of our fishery is intensified by foreign interests and each year, the limits of our fishermen's tolerance rises closer to the boiling point. Nineteen hundred and seventy, on the north coast of California, was a particularly crucial year with the threat of a direct confrontation between American and foreign fishermen a point of genuine concern.

The problems with foreign fishing interests being encountered now in connection with the current salmon run off our east coast, once again point up the need for this legislation.

Mr. Speaker, in light of these escalating depredations of and intrusions into our off-coast fishing grounds, I believe it is imperative that we, in the Congress, move forward this year to establish a basic marine resources conservation zone to protect the American fisherman and preserve these vital resources for future generations to come.

I urge early hearings on this legislation in the 92d Congress and am hopeful that this matter can be resolved once and for all before a confrontation of major proportions takes place between our country and some foreign nation.

THE 18-YEAR-OLD VOTE AMENDMENT

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, today I am joining with colleagues on both sides of the aisle in introducing a joint resolution calling for a constitutional amendment enabling 18-year-olds to vote in State and local elections.

As we are all aware, the Supreme Court, by a 5-to-4 decision last December 21, upheld those portions of the Voting Rights Act of 1970 which lowered the voting age to 18 in presidential and congressional elections. At the same time, the Court ruled unconstitutional such a change in State and local elections as embodied in the act.

As is obvious, this confusing combination of decisions is expected to play havoc with the voting procedures of the 47 States which do not allow 18-year-olds to vote. Either these States must quickly enact their own constitutional amendments to allow these young voters to participate in State and local elections, or some form of dual voting methods will have to be designed. If, as is probable, each State adopts different methods of dual voting, future elections in our highly mobile society could be strangled by a jungle of procedural redtape. This truly was not the intent of Congress.

In including the 18-year-old voting provision in the Voting Rights Act, Congress intended to extend the franchise to the 11.5 million 18- to 20-year-old citizens by means of legislation rather than the more difficult route of amending the Constitution. There were many, including myself, who disagreed with this method on constitutional grounds. There was considerable disagreement in the Supreme Court itself on this point, judging from the 5-to-4 decision and the five separate opinions comprising 184 pages.

Last year, during consideration of this measure I stated that I felt strongly that only States have the authority to determine voting qualifications, and that the only constitutional manner in which the Federal Government can take this responsibility is through an amendment to the Constitution. Article 1, section 2, of the Constitution states:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors (voters) of each State shall have the qualifications requisite for electors (voters) for the most numerous branch of the State legislatures.

Since even the Court now agrees that the States are responsible for determining the qualifications of voters for the State legislatures, how can they not be deemed to be responsible for determining the qualifications of voters for U.S. House of Representatives elections?

At any rate, the Supreme Court has ruled, and the decision, however confusing and difficult to implement, must be carried out. In taking the stand I took last year, it was my opinion that my constituents should be given the opportunity to be heard on this issue through the only procedure under which they would be allowed to do so. That is, through the submission to them of a constitutional amendment. This is the procedure which was used for previous franchise extensions, specifically the 15th amendment, which gave voting rights regardless of race, color or previous condition of servitude, and the 19th amendment, which gave women the right to vote.

It is for these two reasons—to correct an unworkable electoral snarl and to allow the people to be heard on this issue—that I join in introducing this joint resolution. Our new, young voters, who have been granted half-a-franchise, should not be discouraged from utilizing this privilege because of confusing balloting requirements. At the same time, our State legislatures should be given a clearer picture of what is required in regard to these voters.

We have not accomplished the goal of enfranchising our well-informed, concerned youth with the method passed hurriedly last year. Thus, we must not go back and do it the way we should have in the beginning: a constitutional amendment. I urge prompt passage of this joint resolution by both houses, so that it might be submitted to the States without delay.

HOUSE JOINT RESOLUTION DESIGNATING THE WEEK OF MARCH 21–27 AS A "NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION"

(Mr. SHRIVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SHRIVER. Mr. Speaker, I am proud to join over 100 of my colleagues in the bipartisan introduction of a House joint resolution which calls for the designation of the week of March 21–27 as a "National Week of Concern for Prisoners of War/Missing in Action." It is our hope that by setting aside this week to enable the American people to express their concern and support for the more than 1,600 prisoners of war and missing in action in Vietnam and their anxious families here at home, the resulting pressure of world opinion might encourage North Vietnam to comply with the Geneva Convention.

There is no question that the provisions of the Geneva Convention Relative to the Treatment of Prisoners of War of 1949 apply to the current situation in Vietnam. North Vietnam, South Vietnam, and the United States have all ratified or assented to the convention, and the international committee of the Red Cross has declared that the Vietcong are bound by the agreements of North and South Vietnam.

Article 2 of the convention states that the provisions "shall apply to all cases conflict which may arise between two or more of the 'high contracting parties,' of declared war or of any other armed even if the state of war is not recognized by one of them." This certainly would apply to the conflict in Vietnam, and the United States and South Vietnam have agreed to the convention's full applicability and to honor its provisions.

For many of the families of these 1,600 prisoners of war and missing-in-action personnel, the most aggravating aspect of this tragic situation is simply not knowing whether their loved ones are living or dead. Article 70 of the convention provides that immediately upon capture, or not more than 1 week after arrival at a camp, every prisoner shall be allowed to write to his family and to an international prisoner of war agency, such as the Red Cross, informing them of his capture, his address in captivity, and his state of health.

The North Vietnamese Government has refused to allow this simple notification of capture. Many of the other articles are similarly violated. Articles 71 and 76 authorize the sending of at least two letters and four postcards a month by each prisoner. Obviously, this is not being allowed. The record concerning packages sent to these men by their families has also been discouraging.

Article 126 authorizes the neutral inspection of prison facilities. North Vietnam has not allowed the international committee of the Red Cross to enter for this purpose. Articles 109 and 110 require that the seriously sick and wounded prisoners be repatriated as soon as they are able to travel. This has not been done. Article 26 requires that food be sufficient in quantity and quality to maintain health and prevent weight loss or nutritional deficiencies. Even the propaganda pictures which have been released by North Vietnam show clearly that the food is not adequate.

Mr. Speaker, the treatment these prisoners are receiving is in violation of article 13 of the convention, which states:

> Prisoners of war must at all times be humanely treated.

The only tragic precedent in civilized times for the actions of North Vietnam occurred during the Korean war when of the 7,000 Americans believed captured by North Korea, only 4,428 survived captivity.

The weight of world opinion, which has shown some success recently in the Soviet Union and in Spain regarding civilian prisoners, must be brought to bear now on North Vietnam. Our Government has given top priority to this problem at the Paris peace talks. The United Nations General Assembly adopted a resolution last month calling upon all parties to comply with the provisions of the 1949 Convention. Secretary of Defense Laird has stated that:

> Until the prisoners are released there will be no total and complete withdrawal of the American presence in Vietnam.

Congress itself has passed several resolutions expressing its deep concern for these men and its outrage over North Vietnam's barbarian treatment of them and their families. On September 22 of last year, there was an unprecedented joint session of Congress devoted to this problem. A year earlier the House held a special order session dedicated to these men, and the proceedings filled more than 70 pages in the Record.

This joint resolution will enable the American people to properly demonstrate to the world and especially to North Vietnam that we are a united nation in our support for our prisoners of war and missing in action.

In recent weeks, there has been a slight improvement in the flow of mail from North Vietnam to the families, and more parcels have been allowed into the prison camps. There is some unofficial indication that the North Vietnamese might be more willing to notify the families of these men as to their status. I submit that these slight improvements are direct results of growing public interest and concern about these men. This resolution will allow this public interest to continue, hopefully with increasingly positive results.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Edmondson, on account of official business in Oklahoma on January 22, 1971.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dow, for 1 hour, January 28, 1971, and to revise and extend his remarks and include extraneous matter.

Mr. Hall, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Michel, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include extraneous material:)

Mr. Hogan, for 30 minutes, today.

Mr. Schwengel, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Findley, for 10 minutes, today.

Mr. Anderson of Illinois, for 10 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

(The following Members (at the request of Mr. Teague of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Pryor of Arkansas, for 60 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Flood, for 20 minutes, today.

Mr. Fulton of Tennessee, for 20 minutes, today.

Mr. Harrington, for 10 minutes, today.

Mr. Montgomery, for 60 minutes, January 27.

Mr. Mikva, for 60 minutes, January 28.

Mr. Flood, for 60 minutes, January 28.

Mr. Adams, for 60 minutes, January 26.

Mr. Adams, for 60 minutes, January 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boland in two instances and to include extraneous matter.

Mr. Fascell in three instances and to include extraneous matter.

Mr. Miller of California in five instances and to include extraneous matter.

Mr. Zablocki, and to include extraneous matter.

(The following Members (at the request of Mr. Kyl) and to include extraneous material:)

Mr. Riegle.

Mr. Scherle in 10 instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Conte.

Mr. Pettis.

Mr. Broomfield in three instances.

Mr. Horton in six instances.

Mr. Baker.

Mr. McDonald of Michigan.

Mr. Broyhill of Virginia in two instances.

Mr. Hunt.

Mr. Lujan.

Mr. Railsback in two instances.

Mr. Schmitz.

Mr. Morse.

Mr. McClure.

Mr. Mizell in two instances.

Mr. Collins of Texas in five instances.

Mr. Zwach in two instances.

Mr. Derwinski in three instances.

Mr. Gubser.

Mr. Wyman in two instances.

Mr. Miller of Ohio in two instances.

Mr. Brotzman.

Mr. Fulton of Pennsylvania in five instances.

Mrs. Heckler of Massachusetts.

Mr. Sandman.

Mr. Widnall.

Mr. Keith.

Mr. Price of Texas in 10 instances.

Mr. Collier in four instances.

Mr. Chamberlain.

Mr. Pelly in three instances.

(The following Members (at the request of Mr. Teague of Texas) and to include extraneous material:)

Mr. Dent in four instances.

Mr. Bolling.

Mr. Hamilton in 10 instances.

Mr. Teague of Texas in six instances.

Mr. Mahon in two instances.

Mr. Delaney.

Mr. O'Neill in six instances.

Mr. Harrington in two instances.

Mr. Patten in three instances.

Mr. Karth.

Mr. Bingham.

Mr. Fascell in three instances.

Mr. Kastenmeier in three instances.

Mr. Green of Pennsylvania in four instances.

Mr. Pucinski in six instances.

Mr. Downing in two instances.

Mr. Mollohan in three instances.

Mr. Rarick in five instances.

Mr. Galifianakis in two instances.

Mr. Roncalio in two instances.

Mr. Giaimo in 10 instances.

Mr. Anderson of California in two instances.

Mr. Mikva in eight instances.

Mr. Bevill.

Mr. Koch in six instances.

Mr. Gallagher in three instances.

Mr. Johnson of California in three instances.

Mr. Wolff in three instances.

Mr. Hungate in two instances.

ADJOURNMENT

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Friday, January 22, 1971, at 12 o'clock noon.

EXTENSIONS OF REMARKS

REPORT TO NINTH DISTRICT CONSTITUENTS, JANUARY 18, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following commentary on the 92d Congress:

Washington Report, January 18, 1971

(By Congressman Lee H. Hamilton)

Although the 91st Congress compiled a substantial legislative record, it was overshadowed, to a great extent, by the bickering and tumult which brought the session to a close.

Each Congress, to a great extent, sets the mood and direction of the upcoming Congress. The legacy of the 91st, I believe, is a growing realization that reforms in the way Congress operates are needed. The 11th-hour dilemma of the 91st Congress demonstrated graphically its inability to handle quickly and effectively the growing and complex problems of the Nation.

It is becoming painfully apparent that better housekeeping is in order. Any institution that is unable to approve its budget until 6 or 7 months after the fiscal year already has begun needs radical surgery. Part of the problem is due to the increased size and complexity of government. But it is also due to the obsolete procedures, and a leadership weakened by the requirements of seniority and the privileges of incumbency.

The overriding aim in any reform of the Congress must be to improve the quality of legislation, not necessarily the quantity. The 91st Congress set the stage for the 92nd Congress to take positive steps to make the institution of Congress more responsive to the majority of its members, to insure better deliberation of the issues, and to favor the elected leadership of the Congress, not leadership automatically achieved on the basis of length of service.

The 91st Congress left a lengthy agenda of unfinished business for the upcoming Congress, which goes to work January 21. Among the first items to be considered will be increases in Social Security benefits and automatic adjustments tied to cost-of-living increases—a measure which passed both Houses but perished when it became snarled in a massive bill dealing with welfare reform, trade and health insurance.

Major battles already are shaping up over proposed improvements in the Nation's health delivery and insurance systems. A revenue-sharing plan, to return a portion of Federal revenue to State and local governments on a no-strings-attached basis, was widely discussed by the 91st Congress, but no action taken. This legislation is certain to be among the major considerations of the 92nd Congress.

Congress will continue its efforts to reassert its role in foreign policy through a tough scrutiny of funds for the Safeguard anti-ballistic missile system, military spending, and military assistance programs. The Congress will continue to press for limitations on American involvements and commitments to foreign countries.

A trade bill, which imposed quotas on imports of textiles and shoes, provided relief to American companies suffering from imports, and granted the President authority to reduce tariffs, passed the House in the 91st, but died in the Senate. That measure is likely to be back for consideration.

Also certain to be brought back for consideration is legislation establishing a consumer protection agency and to allow consumer class actions in our courts, both of which floundered in the last session of Congress. A bill to impose ceilings on election campaign spending was passed by the 91st Congress, but vetoed by the President. It is obvious that some kind of legislation in this area also will be considered in 1971.

The Administration's request for $290 million for the development of a supersonic transport (SST) was granted a three-month reprieve with a reduced appropriation. The SST will be back with us, along with measures to meet the increasing problems of transportation in the Nation.

In the labor field, there is growing dissatisfaction about the inadequacies of the laws in labor disputes which endanger the National interests and the Congress almost certainly will be asked to act.

In the areas of crime and anti-pollution legislation, the emphasis will be on the implementation and funding of legislation already on the books.

THE BUSINESSMAN AND THE LAW IN THE URBAN AGE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BAKER. Mr. Speaker, on January 7, I had the privilege of attending the 94th annual meeting of the Chattanooga Chamber of Commerce. The speaker on this occasion was U.S. District Judge Frank W. Wilson. Judge Wilson told us where we have been over the past 30 years and some of the guidelines we should use in meeting challenges of the future. As he sees it, there can be no stability, no progress no business and most of all, no freedom unless, and foremost, the rule of law is maintained in the city, State, and Nation.

Judge Wilson's remarks were oriented toward the businessman but what he had to say applies to the activities and goals of all of us as we conclude this last third of the 20th century. I commend this excellent address to the attention of my colleagues. I am sure they will find it a source of inspiration and sound advice.

The text of Judge Wilson's address to the annual meeting of the Chattanooga Chamber of Commerce follows:

The Businessman and the Law in the Urban Age

As we enter upon this new year and upon the beginning of the last generation of the Twentieth Century, I want to talk with you for a short while this evening about some of the common concerns which we in the law and you as members of the business and commercial life of this community and of this Nation should share. I want to talk with you about some of the reasonable expectations that each of us should have of the other and so I have selected as my topic, "The Businessman and the Law in the Urban Age." As a basis for looking forward to the next generation—the generation which President Nixon has hopefully called "The Generation of Peace"—let me turn your minds backward for a moment.

It is difficult for us to realize that only a few years ago the following conditions prevailed in America. The death rate exceeded the birth rate. Pneumonia killed more people than cancer. The average wage in manufacturing was 63 cents an hour and the average weekly wage was $23.86. The average earning of a doctor was $4229.00 and of a lawyer was $4391.00, and each paid an average income tax of only $25.00 a year. Wage earners paid no income tax. In fact, only one American in 33 was subject to the payment of any income tax. No one paid any sales tax, for the sales tax hadn't been discovered. A new Ford sedan could be purchased for $685.00 and the stock market suffered a severe setback when the President proposed a $10,000,000,000 budget. The gross national product was less than $100 billion dollars. There were no transistors, no radar, no jet planes, no atomic energy, no atom bombs, no rockets, no interstate highways, no frozen food, no penicillin, no data processing, no computers, and no television. The bleak, sparce, quaint, and faraway conditions that I have described existed in the United States of America when many of you commenced your business careers and when I commenced mine in the law. For the year I have described was just 30 years ago—1940.

In 1940 a census official predicted that the American population would grow to 136,000,000 and then by 1980 level off at about 126,000,000. When many of us here tonight were born the population of the United States was less than 100,000,000 people. Already that population has more than doubled. Not only that, but when many of us were born the population of the world was about one and one-half billion. Today more than 3,000 million people in the world must be fed each day. At the present time the population of the world is increasing by 50,000,000 each year. If present population trends continue, in another 30 years the population of the United States will be in excess of 300 million and it will be necessary to find food for 5,000 to 6,000 million people who will then populate the world. Today automobiles are multiplying in the United States three times faster than the population and five times faster than the roads necessary to accommodate them. Highways even now cover with concrete an area equal to all of New England, excluding the State of Maine. When most of population live in rural areas and more than 50% of the American population still lived in rural areas. Today less than 25% of our population live in rural areas and more than 75% live in urban areas. The flight from the farm to the city and the suburb has been one of the most marked national trends in the past 30 years.

What I am attempting to say as a basis for my further remarks on the role of the law and its relation to the business community is that population increase, the urbanization of society, and technological change are three immense social forces drawing both this Nation and the world ahead at an accelerated pace into a turbulent and uncertain future.

It is not too surprising then that one feels the tremor of anxiety through the whole of society, feels it in the city riots, in the war, in the accelerating crime rate, in the widespread unrest, unease, disaffection, and tendency of youth to drop out, turn on, or "take a trip." These are times of rapid change. These are times of great risk. They are also times of great challenge and great opportunity.

THE LAW MUST PROVIDE STABILITY

In the first place, I would suggest that if businessmen are to remain in business and if mankind is to avoid disaster, the law must provide stability. Businessmen are entitled to expect and should demand no less than this, for there can be no progress amidst anarchy. There can be no freedom but ordered freedom. Men cannot shout, shove, burn, nor brawl their way either to dignity or to freedom. In short, there can be no stability; there can be no progress; there can be no business; and there can be no freedom unless first and foremost the rule of law is maintained in this City, this State, and this Nation.

For the rule of the law is the single greatest achievement of mankind's centuries long struggle for freedom. If there is to be a future worthy of its promise, there must be a recommitment here and now to the following propositions: first, that all citizens in a democracy are equal under the law, regardless of race, class, sex, or religion or any other circumstances; second, that all citizens in a democracy are equally bound by the laws duly adopted by the orderly processes of representative government, even those laws with which they may personally disagree; and, finally, that each citizen in a democracy is committed to use only orderly and lawful processes to change the laws and rules by which that society is run. These are the fundamentals of the rule of the law. They may be forgotten or trampled upon only at the risk of losing all that makes freedom possible and all that makes life meaningful and worthwhile.

Going one step further, it should be apparent to all that if the rule of the law is to be maintained and if we are to secure a stability that will permit progress, we must meet the challenge of crime and criminal behavior in America. For the fact is that we are losing that struggle today and have been losing it for a number of years. The fact is that the rate of commission of serious crimes in America for a number of years has increased almost 10 times faster than the growth of our population. The fact is that even if there is no further increase in that rate, three out of every 100 young people now between the ages of 10 and 17 will be adjudged a delinquent before they reach their majority. The fact is that from two to three out of every 100 persons here tonight will be the victim of a serious crime within the year 1971, assuming that the law of averages applies to this audience.

The solution to the explosion in crime and criminal behavior in America is of course most complex. And yet the American people in matters of public affairs all too often want simple answers to complex questions.

Even amidst the complexity of the problem, however, two or three things stand out. One such thing is that crime detection has not progressed at anything like the rate of crime commission. This is abundantly shown by the fact that no solution is ever made in more than 75% of all serious crimes. No arrest is ever made in three out of every four serious crimes. If the war on crime is to have any chance of succeeding, the American people are going to have to be willing to provide the manpower, the skill, and the money to do the job of crime detection.

Another obvious matter in this connection is that in our effort to achieve perfection in criminal procedure, we must not so prolong that procedure until the judicial process itself exceeds the life expectancy of the accused. There was a time when after trial and conviction and exhaustion of appellate remedies a judgment of conviction was considered final. Authorities charged with rehabilitation of the criminal could then set about attempting to accomplish their job. There is little public appreciation, however, of the enormous expansion in recent years of post-conviction proceedings. When I came upon the bench ten years ago, state court prisoners were filing less than 1,000 petitions a year in the federal courts seeking post-conviction relief. Last year more than 16,000 such lawsuits were filed, constituting almost one-sixth of the entire caseload in the federal courts. It is not inaccurate to say that death and acquittal now provide the only sure terminal facilities to criminal litigation.

You must demand that your courts bear in mind their obligations to provide a system of justice that considers both the rights of the accused not to be unjustly convicted and the rights of society not to be victimized by crime—a system that renders justice within a reasonable time of the offense and a system in which society isn't injured more by the expense of the trial than by the offense being tried.

Finally, it should be apparent that we are doing an inordinately poor job in the field of criminal rehabilitation. It is no exaggeration to say that in the matter of criminal rehabilitation we stand today where mental hospitals stood a century ago in the care and treatment of mental illness, when the word "bedlam" came into our vocabulary as descriptive of the mental asylum. Even in the best of our institutions, the program is inadequate. Moreover, a great majority of inmates are always in local jails and workhouses and none of these make any pretense at rehabilitation. Here in Hamilton County we do not even provide secure detention, much less decent housing or programs for rehabilitation.

THE LAW MUST PROVIDE FOR CHANGE

What should the businessman expect of the law in the latter third of the Twentieth Century? In the second place, I would suggest that not only are you entitled to expect the law to provide society with stability, but you must also expect the law to provide for social change. This seeming paradox in the law was never better stated than by Roscoe Pound, former Dean of the Harvard Law School, when he said: "The law must be stable, and yet it cannot stand still."

Upon reflection, the statement is not so much a paradox as at first it seems. Stability does not necessarily mean the absence of change. A child is not considered unstable because he passes from infancy to adulthood. In a world where change is inevitable, orderly change has as much of the quality of stability as does the absence of change. Stability includes orderly and anticipated change. If it did not, there could be no stability in the world, for the one certainty in life is change.

Accordingly, if the law is to provide you with stability, it must provide for change. Not only that, it must anticpate change. A rather dramatic illustration of this capacity of the law to anticipate and provide for change has been the development of the law of product liability within the past ten years. For generations now, yes, since the time of the Romans, business law has operated on the principle of "let the buyer beware." In the past ten years that principle has been reversed and now it is the manufacturer who must beware. Caviat emptor, or "let the buyer beware," may have been a proper placement of the risk of loss in an age of handicrafts and small business enterprise. Caviat fabricator, or "let the manufacturer beware," is now considered a more suitable placement of the risk of loss in the impersonal age of large business enterprise and national markets.

In the future the law must both accomodate and anticipate changes in many areas of life if it is not itself to become an anachronism, contributing to the creation of more problems than it solves.

Two areas of social conflict readily come to mind which mankind has not yet been ingenious enough to subject to the rule of the law. One is the field of industrial relations. The other is the field of international relations. In the former considerable progress has been made within the past 30 years, but as yet we have been unable to fully substitute an orderly and civilized procedure in lieu of duress, force, and even violence as a means of settling disputes and assuring justice in the labor-management field. Moreover, some of our worst monopolistic practices are sometimes committed in the name of collective bargaining.

In the field of international relations we have made some progress in recent years, with negotiations, treaties, regional agreements, the United Nations, and even a World Court more often than not serving as substitutes for force and violence in the settlement of international disputes. Unfortunately, it would appear that our progress here may have been relatively in reverse, for with only modest progress in extending the rule of law to international relations, advancements in the techniques of settlement of international disputes by force and violence have progressed at a truly prodigious rate. But we must not despair. The rule of the law in international relations will not likely come all at once. It would be wonderful if it could. Instead, it is more likely to be built piecemeal, like the common law.

If the future is to be dynamic and if the law is to accommodate the inevitableness of change, your legislators and your courts must, with all of the skill, patience, and foresight of the scientist, devote themselves to the tasks of formulating a new body of law adequate to assure that mankind in the future will be the master of his fate and the author of his destiny. For this is what freedom means. This is the only security worth having. Otherwise, things will be in the saddle and systems, governments, and social forces, which man does not understand must less control, will surely dominate life in the latter part of the Twentieth Century.

SELF-DISCIPLINE

So far I have been talking about what the businessman is entitled to expect of the law. Before closing let me say a few words about what the law may expect of the businessman. In the first place, you can be expected to recognize the shortcomings of the law as well as its strengths. You can be expected to recognize the danger of excessive resort to the law as a means of governing our society. The law can stifle and destroy human freedom as well as nurture and protect human freedom and excessive reliance upon the law can as surely destroy individual freedom and democratic institutions as excessive watering of a plant can lead to the death of that plant. I fear that we are witnessing the beginning of just such excessive reliance on the law. Each year the number and complexity of laws and regulations are increasing at a truly amazing rate. That a more populous, more urban, more technologically advanced society requires more laws and more regulations cannot be doubted, but should all industry become as regulated, for example, as the railroad industry, where the process of decision making has become so complex that by the time a solution is applied the problem has changed, then economic democracy and freedom of business enterprise will largely have disappeared from the American scene. But who can doubt that the trends are in this direction? When the law grows to such dimensions and such complexity that even the computer cannot keep up, the law will have lost its certainty and will be honored more in its breach than in its obedience. We are witnessing that very process in the field of taxation. If we do not soon learn that a dollar is a dollar and rewrite and simplify our state and federal tax laws accordingly, tax evasion is going to become the rule instead of the exception.

Few things concern me more than the rush to pass another law or to impose another regulation to correct every ill or fancied ill in our society and then upon its passage to have a feeling of assurance that the problem is now solved. Each generation of Americans must relearn one of life's most important lessons if freedom is to survive, and that is that a man can only be truly free when he has learned self-discipline. When self-discipline disappears, no amount of law can assure justice and no amount of law can restore freedom. No policeman can ever replace a disciplined conscience.

In the second place, it has been my observation for 20 years as a lawyer and for ten years as a judge that businessmen fall into three categories. There are those who do what they think they can get away with and not be caught; there are those who do only what they are required by the law to do; and there are those who not only do what the law requires but also do what a disciplined conscience tells any good man to do. Fortunately for this City and for this Nation, most businessmen belong to the latter group, but it takes only a few in the first and second categories to create situations where another law is passed that further regulates the lives of all, and freedom is diminished to that extent. Last year six banks failed in the United States. There appeared some connection between their failure and the transfer of ownership interests in the bank, so a new law was imposed regulating stock transfers in all banks in the Nation.

It is a matter of historical fact that one of the reasons why we have big government today is because some businessmen never learn the first lesson of free enterprise, namely that freedom stays only where self-discipline prevails. Every sharp practice, every dishonest act, every false or misleading representation, every compromise with principle weakens the free enterprise system and weakens democracy itself. If ever Russia buries America and our free enterprise system, as she has threatened to do, it will be in a coffin built by Americans who drove the nails in one at a time by refusing to discipline themselves. The encouragement of a disciplined business conscience is the highest function any chamber of commerce could perform.

Finally, as one who knows the threat to freedom that excessive reliance upon government and the law can bring, I would urge the businessmen, individually and through their chambers of commerce, to continue to exercise greater sensitivity to their social responsibilities.

For the businessman whose life is bounded by the boat on the lake and the golf club on the mountain, complacency is still possible, but few such isolated businessmen still exist. Caught in an era of a protracted war, urban crises, a decaying environment, a youth rebellion, a generation whose hero is Ralph Nader, a rising crescendo of crime, violence, drugs and assorted obscenities, the time will not long tolerate business neutrality on the most urgent issues of the day.

Business has come a long way from the "public be damned" days of the 90's, or the "give them any color they want as long as it is black" of the Model T era. I can understand, too, how some might argue that it is the responsibility of business simply to mind the store and leave to the government and the law the problems of society, but in an era when consumerism is the rallying cry of the day, in an age when black Americans are demanding the right to share in the American dream, in an age when the quantity of production has run headon into the quality of life. Earnings per share will never again be the measure of all things good.

If the businessmen of Chattanooga could solve the problems of pollution with the maximum of self-discipline and a minimum of law, free enterprise would be better served. If the businessmen of Chattanooga could make it possible for large numbers of our black citizens to move up into the great American middle class, all of us would be much the better for the move.

It is the role of business enterprise to act, to manage, to innovate and to bring about social change. Business is a means to an end—not an end in itself. Human life is the end. The humane, creative, successful, self-disciplined business organization can be one of the highest forms of human enterprise.

CONCLUSION

If the law can provide a stable society and yet not stand still, if businessmen can recognize the absolute necessity of self-discipline unless the law is to grow into stifling dimensions, then together we can make our contribution to the freedom, welfare, and happiness of mankind during the remaining 30 years of this century. Hopefully, this will be the generation of peace. Hopefully, also, it will be a generation of continued freedom in America.

One thing is certain, businessmen and the Chamber of Commerce have a major role to play in the preservation of that freedom.

Winston Churchill, in his History of the English Speaking People, after recounting the few known facts and referring to the many surviving legends of King Arthur, has this to say of that noble character in British antiquity:

"It is all true, or it ought to be; and more and better besides. And whenever men are fighting against barbarism, tyranny, and massacre for freedom, law and honor, let them remember that the fame of their deeds, even though they themselves be exterminated, may perhaps be celebrated so long as the world rolls around. Let us then declare that King Arthur and his noble knights, guarding the sacred flame of Christianity and the theme of world order, sustained by valor, physical strength and good horses and armour, slaughtered innumerable hosts of vile barbarians and set decent folk an example for all time."

While this Nation can never expect the businessmen of America alone to turn back a new tide of barbarism, if that is what we face, it is not too much for the nation to expect that you should "set decent folk an example for all time."

THE PROMISE OF NEW IDEAS AND FRESH APPROACHES—THE 18-YEAR-OLD VOTE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROOMFIELD. Mr. Speaker, amidst mounting controversy and lengthy debate the last Congress approved the 1970 Voting Rights Amendments, which gave 18-year-olds the right to vote in local, State, and Federal elections. Oddly enough, the chief source of the controversy was not the substance of the measure, but the opinion of many Members that it could not be enacted by an ordinary statute. That the bill was passed in spite of these important reservations is proof of the profound support in the Congress for extending the franchise to our young citizens.

I believe that support is justified. Our young are better educated and better informed than any previous generation. They have taken a deep interest in the policies of our Government. They have fought our war. We can no longer deny them the privilege of participating in the democratic process; we can no longer deny ourselves the promise of new ideas and fresh approaches.

A large number of my colleagues, however, disagreed wtih the means used to extend the franchise, feeling that such a matter required a constitutional amendment, not merely a Federal statute. I myself shared some of these feelings, and I voted for the 1970 amendments with serious reservations. At that time, however, I felt that the Supreme Court would resolve whatever constitutional questions eventually arose.

On December 21, 1970 the Court did just that—in a way which proved neither side of the controversy correct. It was the Court's opinion that the Congress remained within the limits of the Constitution when it extended voting privileges for Federal elections, but that it could not do so for State and local elections. Consequently, 18-year-olds will be able to vote for President and for Congress, but not for their Governors, mayors, or State legislators.

While I am no expert, I believe the Court's decision was a good one. Unfortunately, it leaves us with an almost unworkable set of voting laws—at least, as they relate to 18-year-olds. Most States will be forced to set up dual balloting and registration procedures at substantial cost to themselves. We cannot begin to estimate the confusion a system like this will cause among the voters.

Even more important is the fact that, if 18-year-olds are felt by the Congress and the Court to be responsible enough to vote for Federal offices, then certainly they are responsible enough to vote at the State and local levels. A dual system would be unjust as well as unworkable.

For these reasons, Mr. Speaker, I am supporting the House joint resolution proposing a constitutional amendment to give 18-year-olds the right to vote in all elections. Ratification by the States will necessarily be a long, drawn-out process. Accordingly I urge immediate passage of this resolution, so that the States may complete the amendment process quickly, hopefully in time for the 1972 elections.

JOINT COMMITTEE ON THE ENVIRONMENT

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. GALIFIANAKIS. Mr. Speaker, today I have introduced a joint resolution to create a Joint Committee on the Environment.

One of my keenest disappointments of the last session was the failure of this resolution to win final passage. As you know, the resolution passed both the House and the Senate by overwhelming margins, but the minor differences between the two versions were never resolved in conference committee.

Needless to say, I hope that these differences can be resolved and that a version of this bill will become law early this year.

Without repeating the arguments of last year, let me only say that I think a Joint Committee on the Environment is essential if the Congress is to coordinate its efforts against pollution.

There must be one committee which has the authority to oversee and investigate all areas of the Federal pollution effort. I think this committee, first proposed by the then distinguished majority leader (Mr. ALBERT), is the best idea yet advanced in that field.

Again, I hope this bill is swiftly reported to the floor and that final action can be taken this spring.

CARLUCCI CONFIRMATION BLOCKED BY POLITICS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, syndicated columnist Charles Bartlett has written a perceptive analysis of the Senate hearings held late last session on the nomination of Frank Carlucci as Director of Office of Economic Opportunity.

Mr. Bartlett's column is instructive because it explains how a Member of the House or Senate, by using an improper method to defend a program, can easily endanger a program that merits support.

Bartlett observes that Mr. Carlucci emerged from the Senate hearings in December "with considerably more credit than his harassers."

Mr. Bartlett writes:

> He professed eloquently his enthusiasm for having his agency perform as the cutting edge of social change. In the crunch he declined the compromise propositions . . . he showed himself to be a man of principle and spirit.

Mr. Carlucci is proving to be a statesman. That alone gives hope to supporters of the OEO legal services program that the improper pressures placed on him during the hearings will not do damage to the legal services program.

Mr. Speaker, for the information of my colleagues I include the text of the Charles Bartlett column that appeared in U.S. newspapers the week of January 12, 1971, at this point:

ROUGH TREATMENT BY THE SENATE

(By Charles Bartlett)

WASHINGTON.—Of all the barbarians perpetrated in the awkward exit of the 91st Congress, none was more political and counter-productive than the handling of Frank Carlucci's nomination to be Director of OEO.

It was one of those unhappy situations in which the political game became more important than the public interest. To help California Sen. Alan Cranston score points against Gov. Ronald Reagan, the Senate Democrats allowed him to block Carlucci's confirmation and thus to leave the man and his agency uncomfortably vulnerable at a critical moment.

The future of the poverty agency is up in the air as President Nixon sets his course for 1971. One alternative before him is the "big package," a sweeping reorganization of the executive branch which will tidy up the overlapping functions of the departments and agencies by a process of consolidation. If the President makes this move, secretly urged on him by the Ash Council, he will stir the vested interests, in and out of Congress, into an uproar.

A transportation of the poverty agency would be part of this reshuffle. OEO will not be eliminated because the White House has come to understand that the symbolism of an agency committed to the concerns of poverty is essential. As a tender of good faith to the poor, it is certain to be preserved in one form or another.

But in a shake-up of federal functions, the identity and nature of the OEO would change. Community action might be merged with model cities; VISTA might become part of a new alignment of volunteer programs; legal services could become a separate entity. These are all possibilities and it will be important to resolve them wisely in the joint interest of efficiency and the poor.

A confirmed director, particularly one with Carlucci's sensitivity to the problems, could obviously have played a stronger hand in these maneuverings. An agency with leadership already accepted by Congress would obviously stand more stoutly against the uncertainties.

Cranston did additional damage to the specific cause of the California poor by putting Carlucci in a position in which it will be awkward for him to reverse Reagan's veto of the legal services program until he has been confirmed by the Senate. This could mean there will be no final disposition of the issue until March.

Cranston could have sensibly gambled that the new director of OEO would uphold the old director, Donald Rumsfeld, against Reagan's veto. The California program was closely studied before Rumsfeld funded it in August. The Nixon-Reagan relationship has worn very thin and the Governor has moved so far to the right that it is prudent for the White House to take him on.

But by this crude device of making the rejection of Reagan's veto a pre-condition to Carlucci's confirmation, Cranston made the next step difficult. The Senator's blackmail has been so blatant that if Carlucci reverses Reagan before he is confirmed, he will seem to have capitulated to a proposition which is in fact illegal.

In the debate on New Year's eve in the Senate, Sen. Edward Kennedy tried to ease Cranston out of his bind by turning the attack more personally on Carlucci. Kennedy and Walter Mondale (D-Minn.) had pressed hard in the hearings to make Carlucci predict the President's decisions on next year's program. Noting that such predictions cannot be made with grace by a new appointee, Carlucci declined. He was in turn assailed by the two Senators on the floor as "unresponsive" and "unimpressive."

Actually he emerged from this contretemps with considerably more credit than his harassers. In the hearings he professed eloquently his enthusiasm for having his agency perform as "the cutting edge of social change." In the crunch he declined the compromise propositions which Cranston put to him. In a series of taut moments he showed himself to be a man of principle and spirit.

One depressing aspect of the case is that the Senate would never have considered the Carlucci nomination before adjournment if the California case had not arisen. The Democrats have been extremely casual about the OEO's appropriations and nominations during the past two years. In fact it can be argued that the Nixon administration has been treating the poverty agency better than Congress has.

NATIONAL ECONOMIC CONVERSION ACT OF 1971

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. ANDERSON of California. Mr. Speaker, over the years I have noticed an area which I feel our Government has needlessly neglected. The Government has a plan for health, for housing, for education, for security in old age, for urban areas, for transportation, for war and defense—and countless others. Yet, we have neglected a plan for peace. The question has been unanswered as to how we plan for peace.

We are winding down the war in Vietnam, but are we going to have a so-called peace dividend from the funds that were plowed into our effort in Southeast Asia? In fiscal year 1971, $66.6 billion was appropriated for the Department of Defense; for fiscal year 1972, the administration's defense budget will be even greater—the Washington Post has reported that the President will request approximately $75 billion for the purpose of defense.

Therefore, those who anticipate a reduced expenditure for defense to coincide with our reduced efforts in Vietnam will be disappointed.

Mr. Speaker, if we are to solve our domestic problems and respond adequately to human needs, we must be prepared to plan for peace as energetically as we have planned for war.

I do not advocate dismantling the Department of Defense—far from it—for, I am convinced that our defense capability must be the very best. Yet, I do advocate that we initiate plans and programs to cushion the human and economic impact of ending the war, withdrawing the troops, and cutting back on military production.

The need for a conversion plan is obvious when one looks at the unemployment rolls. From the beginning of 1969 to mid-1970, about 500,000 defense-related jobs disappeared. From June 1970 to June 1971, another half million are scheduled to vanish. And things are getting worse. Robert C. Moot, the Pentagon budget director, has predicted that defense-related employment will fall from 3.4 million workers in January 1969, to about 2.4 million workers by this summer.

Mr. Speaker, defense industries have been a great blessing to this country and they have contributed greatly to our success as a nation. We must keep this great resource of talent together by guiding them toward fields such as pollution control, housing, mass transit, oceanography, and recreation—fields which presently are receiving a higher priority in Government spending.

In order to minimize disruption in the lives of people—whether physicists or electricians, whether engineers or welders—and in communities where the transition from war to peace can have painful consequences, I am today introducing a bill which would create a National Economic Conversion Commission. The Commission would be authorized to conduct research and educational programs to prepare the country for conversion from defense to civilian-oriented research activities.

Specifically, the bill authorizes $450 million to be spent, over a 3-year period, for programs of education, research, and assistance to small business firms in order to convert a portion of their resources to civilian research and development. The bill also authorizes the Commission to develop retraining programs for scientists, engineers, and technicians. In addition, the Small Business Administration is authorized to assist small business firms in achieving conversion by providing technical grants, loan guarantees, and interest assistance payments.

Mr. Speaker, I feel that the National Economic Conversion Commission can provide the guidance and the leadership in converting our Nation from war to peace. Because this transition is of such a top priority, I take pride in introducing this bill on the first day of the 92d Congress. I am hopeful that the 92d Congress will consider and approve this necessary legislation.

ON-JOB TRAINING EXPANDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. TEAGUE of Texas. Mr. Speaker, in this era of emphasis on college education, many people usually think of the veterans' training program as one primarily designed to attract veterans to pursue university and college courses. This, of course, is an erroneous belief.

In this time of the downward slide in the economy and consequent rise in unemployment, it is highly significant that, after a slow start, more veterans are becoming interested in developing their talents in the trade and industrial fields through apprentice and other on-the-job training.

During the past 18 months, a total of 160,000 veterans have taken on-job training. The in-training figure has jumped from 57,000 6 months ago to 85,000 at the end of November or a 33-percent increase.

The heaviest enrollment is in apprenticeship training in a variety of structural work occupations. About 47,000 are training for electrical workers, carpenters, plumbers, steam fitters, and related objectives. There are approximately 23,000 veterans training in the machines trades occupations of which 10,000 are learning to be machinists and toolmakers.

It is especially noteworthy that in the field of service occupations a total of over 15,000 veterans have completed training or are now enrolled for policemen, firemen, and detectives.

This record supports the conclusion that although job opportunities may not be plentiful many business firms do realize that training a veteran while he works is a good investment to meet immediate and future needs.

I also invite attention to a bricklayer training program under Project Transition. The National Association of Home Builders, under a grant of funds by the Department of Health, Education, and Welfare, in cooperation with the Department of Defense, is conducting a bricklayer transition program at five military installations. The project will provide training for 1,000 servicemen.

The training classes are 6 weeks in duration at 40 hours per week. The project started July 1, 1970, and will continue for 18 months.

Each training site will train 200 men in 10 classes of 20 men per class. Placement of the trainees will be upon separation from active military service wherever possible in the city of their choice.

During the period of training the trainee will have received 240 hours of intensive training in the bricklayer trade. The course of study covers method, use of hand tools, mathematics, blueprint reading, and practical experience in the trade. The trainee will possess the basic skills of the craft. Entering the service with little or no civilian-related job skills, he will be both better equipped to make a sound readjustment to the economic life of his community, and able to help to fill the need for skilled labor.

A NEW YEAR'S RESOLUTION FOR THE MEDIA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. WYMAN. Mr. Speaker, if the media would resolve to accentuate the positive instead of the negative in American life, it would be a most meaningful contribution to our national goals for 1971. There has been far too much emphasis on the conduct and speech of a small violent minority bent on anarchy and revolution within this country. Most people are trying to be good citizens.

Those responsible policymakers of the press, radio, and television would take a great step forward for America if they would determine to emphasize those things in American life that are the strength of America—that bring us together, that hold us together, that make us thankful and grateful to be Americans as well as determined to make this country an even better place in which to live.

The next time the hate mongers or rabble rousers throw rocks at policemen or Molotov cocktails into businesses or homes, if they would leave it off of page 1 and even page 8, it will help America.

In this connection I commend the following comments of the Warner & Swasey Co., of Cleveland, Ohio, appearing in a recent issue of U.S. News & World Report, to the thoughtful attention of the media:

> MOST OF THE NEWS THAT IS FIT TO PRINT NEVER GETS PRINTED
>
> More than 250,000 college students in this country operate, without pay, 1,000 programs for mentally retarded children, others conduct classes in hospitals and jails, still others tutor ghetto children to enable them to keep up with children from more fortunate homes.
>
> More than 200 American corporations donate tools and money to 140 schools in Latin America training 150,000 students to earn a self-supporting, self-respecting future more friendly to the United States.
>
> In California a lone college student stood off for hours a mob bent on desecrating the flag he proudly said "stands for what enables me to go to college."
>
> In 160 American cities 18,800 businessmen act as Big Brothers to young boys who lack and desperately need that sort of counsel, friendliness, help.
>
> In Michigan a small group of students donated and collected money to pay merchants for windows broken by student rioters.
>
> Marines in Vietnam, out of their own pockets, have built and maintain three hospitals for natives; regularly provide toys for hundreds of children who never had any; encouraged and helped an American town, from which one Marine had come, to give a Christmas to the entire Vietnam town in defense of which he had been killed.
>
> Large corporations have set up and maintain in Harlem a very special school for drop-outs to fit them for college. There have been no drop-outs from that school.
>
> So be of good cheer . . . it's still America—and it's wonderful.

ELIMINATING MULTIPLE TAXATION BY STATES OR SUBDIVISIONS OF INDIVIDUAL INCOMES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HUNT. Mr. Speaker, many Members will recall that the Interstate Taxation Act, as it was passed by the House of Representatives in both the 90th and 91st Congresses, included an amendment intended to prevent several States from requiring individuals to pay income taxes upon the same income. It would do this by first, prohibiting a State or political subdivision from levying an income tax upon an individual who was not domiciled in the State during the year, except with respect to income earned or derived within the State, and second, requiring that, in the case of an individual domiciled within the State who may be taxed on his entire income, the State must allow a credit for the taxes he was required to pay in the State in which the income was earned.

Because of the very considerable importance of the Interstate Taxation Act to businesses and individuals whose incomes may be subject to taxation in several States, I trust the House will again give early and favorable consideration to this measure in order to encourage comparable action in the other body. While the amendment referred to above, dealing only with individual incomes, constitutes an excellent start toward eliminating double taxation by States and their subdivisions, it still contains a number of unresolved problems which the proposal I am introducing today attempts to meet.

First, the amendment as written in the past unnecessarily prevents the States from taxing the out-of-State income of a person who is a resident but who is not legally domiciled in the State. It is essential, in order to prevent a serious weakening of our State income tax systems, that this situation be corrected to permit the State of residence—even though not the State of domicile—to tax the out-of-State income. My proposal achieves this objective.

By eliminating this undesirable weakening of the State and local income tax systems, however, a related problem arises. This problem concerns the rather small but significant group of individuals whose employment requires that they reside away from, and yet who cannot give up, their States of domicile. This group consists of Members of Congress, their staff assistants from the home State, and presidential appointees serving at the pleasure of the President. At the present time, many Members of Congress, their staff assistants, and presidential appointees find themselves in the most difficult position of paying income taxes on their governmental salaries both in their home States, and in a State of residence in the Washington area. My proposal provides that, for the named group of officials and individuals who are not in a position to move their domiciles to the State in which they are resident because of their employment, the State of residence which is not also the State of domicile would not be permitted to tax the individual's out-of-State income. Thus, double taxation would be avoided in these special cases. The District of Columbia law already provides that this same group of individuals is not subject to the District of Columbia income tax even though resident in the city.

The third major problem, uncured by the former amendment, is that by according the State of employment the right to a full tax on a nonresident's earnings, it is often inequitable to the individual's State of residence. That State, if it has an income tax system, would have to allow him a full credit for the tax paid where he works and thus would suffer a reduction in its own revenues.

On the other hand, if the State of residence has no income tax system, then the individual—rather than his State of residence—is disadvantaged since his home State will allow him no reduction in his taxes. Such an individual will find himself paying a full tax—not in terms of income taxes alone, but also in terms of real estate taxes or other major revenue sources in the absence of an income tax—both where he works and where he resides or is domiciled. This is an inequity which I have long resisted because it strikes close to home and affects many

New Jersey residents, as well as residents of other States. Thus, by way of example, a New Jersey resident who pays an exorbitant real estate tax in lieu of an income tax must shoulder the additional burden of a 3-percent tax on gross earned income imposed by the city of Philadelphia where he works. This gross inequity on the level of State income taxes is illustrated in the case of a New Jersey resident who is subject to a 2- to 14-percent withholding tax on his taxable income derived from sources within New York State.

A logical and equitable way of correcting this situation would be to require the State of employment to recognize that the nonresident individual is benefitting only fractionally from the governmental services of that State. This is being implemented, as a matter of policy, by agreements between two income tax States to refrain from taxing the income earned in those States by residents of the other. It is also being achieved under local, as distinct from State, income tax systems by providing a reduced tax rate for nonresidents.

It makes sense that State and local income tax systems recognize the fact that the nonresident does not enjoy full services. My proposal, therefore, while perhaps not a foolproof solution to this problem, does move in that direction. As to States which have tax systems, my proposal would simply require that an appropriate adjustment be made for nonresidents of such State who only earn their income in that State. There is no fixed formula as it is contemplated that the States would negotiate agreements with respect to the tax treatment of nonresident income or accomplish this objective in whatever other manner they deem appropriate.

In the case of an income tax imposed by a subdivision of a State, this recognition would also be required. While the subdivision, in cooperation with the State, could make an appropriate adjustment in any manner it desires, my proposal would also allow for the operation of conclusive presumptions. Thus, a rate reduction—50 percent for employees working in Federal areas and 33⅓ percent for others—for nonresidents of the State would be conclusively presumed to be appropriate. Many local subdivisions already make similar provisions in their income tax systems. My proposal would merely require that this be done in the few instances where the system does not already make such allowance for a nonresident.

A BILL TO TERMINATE CERTAIN TAX PREFERENCES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HUNGATE. Mr. Speaker, the public interest in providing decent housing for all its citizens is easily recognized. However, it is difficult to discern the public interest in guaranteeing loans and subsidizing interest rates in transactions where speculators may receive tax-free income.

Therefore, I have reintroduced my bill, previously introduced September 22, 1970, which would amend the Internal Revenue Code of 1954 to terminate certain tax preferences which seem to me unfair.

Two abuses of the tax laws are in the field of low-income housing rehabilitation and the so-called rollover provision exempting the seller of certain low-income housing from income tax on the sale.

Under the housing rehabilitation subsidized loan program, a wealthy person could borrow at 3-percent interest but a poor person would have to pay 7 or 8 percent. That is the effect of the 5-year amortization of rehabilitation expenditures contained in the Tax Reform Act. HUD, itself, has recognized that inequities exist in some of these programs.

Under the roll-over provision, a builder might construct a housing project such as that proposed at Black Jack, Mo., and sell it with a gain of $500,000. If he reinvests the proceeds of the sale in another "Black Jack-type" project within 1 year, his $500,000 profit on the first sale is not taxed.

I urge my colleagues to join me in passage of legislation to end unfair tax loopholes and stop subsidizing speculators.

CALIFORNIA'S NEVADA COUNTY'S PUBLIC GUARDIAN RETIRES

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. JOHNSON of California. Mr. Speaker, during the recess between the 91st Congress and the 92d, I read in the Union, Grass Valley-Nevada City's newspaper, of the retirement of Nellie Kammerer after 11 years of formal service as public guardian of Nevada County.

Mrs. Kammerer has worked for over 22 years, 11 years without any compensation, helping families and people in need. She used a section of the county barn to store furniture, utensils, food, bedding, medication, and other essential emergency items so that people could be helped in a matter of hours. She did not worry about qualifications of a person for this help, she felt questions could be asked later.

After she became the official public guardian she was named honorary lifetime president of the California Association of Public Guardians and in 1958 the Nevada City Soroptimist Club awarded her an honorary membership in the form of a résumé of "This Is Your Life."

Mrs. Kammerer has been a dedicated public guardian to Nevada County for 22 years and therefore I insert at this point in the RECORD an article about her, entitled "Nellie Kammerer Retires Thursday as Guardian," from the Union, Grass Valley-Nevada City, Calif.

NELLIE KAMMERER RETIRES THURSDAY AS GUARDIAN

(By Margaret Trivelpiece)

Nellie Kammerer, Nevada County's "dedicated" public guardian will retire Thursday after 11 years of formal service to the county.

Mrs. Kammerer was the first person to hold the post in Nevada county, and supervisors decided to put public guardianship under the Social Services Department when her retirement is effective.

The board ordered that a resolution of appreciation be directed to Mrs. Kammerer, and that "something be put in about her many years of devoted care to people in need."

However, there are some facts that the resolution will not convey because they were history before Nellie received any pay for her interest in people and their troubles.

There are those who collect stamps or fossilized bones as a hobby, but Mrs. Kammerer collected troubles and hardships and solved them many years before she was appointed to her post.

Lacking an official title, she was designated as western Nevada County's "welfare director without portfolio" before she received a paid appointment.

Over a span of 22 years before that time, Mrs. Kammerer obtained food, funds, clothing, furniture, bedding, gasoline, or medication for nearly 8,000 people.

Hundreds of firemen, police officers, social workers, civic leaders and clubwomen who came upon families in need had one stock comment:

"We'd better get in touch with Nellie right away."

Often it was 3 a.m., but Nellie arose cheerfully and went into action quickly and efficiently.

Mrs. Kammerer hastened to explain that her work never overlapped or conflicted with the functions of regular agencies—in fact she worked closely with them.

Her welfare formula prior to the day she became guardian (and afterwards) deviated slightly from the policies of some agencies. It was simple. Cold and hungry people, especially children should be fed and clothed immediately. Questions concerning qualifications could be asked later.

Before she became public guardian, she arranged with an earlier board of supervisors for use of a section of the county barn for storage of stoves, chairs, beds, bedding, tables, utensils, dishes, refrigerators and other emergency essentials.

"If a destitute family was burned out of its home, we could have obtained shelter and furnished a house in a matter of a few hours," Mrs. Kammerer recalls.

When there was need for cash, she had a small drawing fund collected by the Nevada City Benevolent Society.

Nellie's by-word is and was speed. Official agencies often are restricted by red tape requiring days or even months for processing cases. When she was "guardian without portfolio" she had food on the table and new shoes on the children while other agencies were examining the family's qualifications.

Mrs. Kammerer recalls that one of her proudest moments was after she discovered a woman blinded by cataracts did not qualify for one reason or another for surgical aid. By a series of manipulations and exerting pressure at the right places, she had the woman transferred to a Sacramento institution. The cataracts were removed, and the woman regained 20–20 vision.

In another case involving a Polish refugee with four children whose discouraged husband had committed suicide, the woman was established in a modest home which eventually she owned.

One important source of strength for Mrs. Kammerer's earlier work came from anonymous donations. The gifts carried simple messages like "carry on," Mrs. Kammerer recalled.

The unidentified but liberal doners knew Mrs. Kammerer's "unofficial welfare agency" had no salaries, mileage, office rent, or heat and light costs. They knew that "the Nellie administered welfare dollar went 100% for welfare."

After she became the public guardian, Mrs. Kammerer was named honorary lifetime president of the California Association of Public Guardians.

The statewide honor was awarded to her during a convention of the California Association of Public Guardians, Coroners and Administrators in Santa Cruz some years ago. Mrs. Kammerer was the first president of the state association and for many years was the only woman guardian.

The Nevada City Soroptimist Club in 1958 awarded her an honorary membership based on her "countless acts of kindness and help to others."

This award was made in the form of a resume of "This is Your Life," and was narrated by Elsie Nile.

Mrs. Nile told of a "woman born in England who moved to Canada at the age of 12 and to the United States at the age of 18."

As Mrs. Nile continued she noted the "good works" of a woman who had helped more than 8,000 people during her 22 years as "guardian without portfolio."

Sheriff Wayne Brown, Attorney William Cassettari (then with the district attorney's office), and representatives of the Nevada City Chamber of Commerce Auxiliary, and the Nevada City Women's Civic Club and the press were present the day the Soroptimists honored Mrs. Kammerer, according to a report from The Union of Jan. 16, 1958.

SAFEGUARDING THE PENSIONS OF OUR CITIZENS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DENT. Mr. Speaker, the subject matter of private pensions has been under considerable study by the labor subcommittee I am honored to chair. We have already conducted nearly 6 months of public hearings on various proposals to modify our present inadequate pension protection law, and the subcommittee staff has undertaken a research effort of massive proportions.

Hopefully, the net effect will be the enactment of meaningful legislation, safeguarding the pensions of our citizens.

The problem we will attempt to resolve is aptly described in the following two articles I am including in the RECORD. The first, "Are You Sure of Your Retirement Pension," was printed in the December, 1970, issue of the American Legion magazine. The second appeared in the Wall Street Journal of November 4, 1970. The articles follow:

ARE YOU SURE OF YOUR RETIREMENT PENSION?

(By Henry Lee)

When you retire, do you expect to get a pension from your employer or union which, when added to Social Security and any private means of your own, will assure that you can more than make ends meet?

A lot of people who may think they are going to get a private pension based on their life's work are not going to get it.

Today, about 30 million people are working under 50,000 different private pension plans, if past experience is a guide, no more than 6 million of them, and perhaps as few as 3 million, will ever draw a penny. So if you say that about 25 million of 30 million who work under private pension plans will get nothing from them, you are on fairly safe grounds.

This prediction is based on projections of government experts and other students of private pension plans. Among them, the U.S. Department of Labor and some Congressional committees—as well as a special committee appointed by President Kennedy that reported in 1965—have dug deeply into the subject and know what they're talking about.

Of course, the scope of the problem of workers who end up not getting pensions under their company or union plans is hardly as great as the 25 million figure might make it seem. That includes the parade of stenographers and secretaries who go to work for corporations, only to marry within a year or two and never work again—many of whom never had any intention of sticking around for retirement benefits.

Beyond that, it includes people who work all their lives, but change jobs so frequently that they never establish any pension rights.

For some of these, their failure to qualify for a pension is a serious problem—sometimes of their own making, and sometimes not. In general, corporations consider that their pension plans are a reward to those who give their loyalty and their best years to the company. They don't think they are running a social welfare program to compete with Social Security for employees who come and go.

Many unions, too, set a high value on long membership, and have little to offer in the way of union pensions to those with short service, or who change unions.

In any event, it's a wise worker who looks into his own company or union pension plan in detail before he counts on getting something from it some day.

If you look at all the private pension plans that run smoothly and pay off just as they are supposed to, there's a wide diversity in how much you get; how long you have to work to qualify; how much *right* you have to your pension (i.e.: whether the management can arbitrarily abolish the plan or alter its terms to your detriment); how much you can get, if anything, if you retire or are fired before the most usual stipulated retirement age of 65; how *young* you have to be when first hired in order to come under the plan—and so on.

With 50,000 different plans it isn't surprising that they vary enormously in these and other details.

If the accepted overall figures on those already retired are correct, there are about 3 million retired people in the country today who are drawing about $3.5 billion a year in private pensions. This averages out to slightly under $100 a month. That isn't much today, but is nice to have on top of Social Security. Of course, the average is made up of some every handsome payoffs that are considerably more than $100 a month, balanced against others that are only token retirement pensions.

Very broadly, then, private retirement pensions offer a mixture of excellent and meagre retirement incomes, paid under a variety of conditions. Whether one's own plan is average, better than most, or skimpy, almost any employee who inquires can find out what retirement provisions are presently in force where he works—and perhaps plan accordingly.

But, for a variety of reasons, present information isn't necessarily reliable. There is a trend to improve many private pensions. This allows the rosy possibility that if you still have quite a few years to go you may retire on more than you can now expect, even taking rising living costs into account.

On the other hand, private pensions are loaded with elements of real or potential insecurity.

Here is a catalog of risks that come true in some cases.

The company fails, and with it goes its pension plan. The longer an employee has worked there, the worse the blow.

An employee is discharged after years of service, but before retirement age. He may get nothing, or his own contribution back (if any), or a pittance based on early retirement.

The company arbitrarily reduces or abolishes its pension plan, and it turns out that it always had the power to do so. The employees may have had no stake in it and are entitled to nothing, or have contributed to it themselves and can only get back their own contribution.

The company is bought out by or merges with another. The new management abolishes the old pension plan, or dismisses employees *en masse* who have put in many years but still have time to go to be eligible for a partial or full pension.

The pension fund, be it a company fund or a union fund, disappears under crooked management.

The pension fund disappears or is seriously reduced under honest but incompetent management, through bad investments, excessive costs, bad planning, etc.

A worker under a union pension plan changes his livelihood, for personal or unavoidable reasons, after many years in his first trade. He has to start on his pension rights all over when he joins a new union, and there may not be enough time in a long life for him to qualify for retirement in his new union.

An employee who loses his job after years of service under any of the above circumstances may find that he's too old to be admitted to the company pension plan of a new employer.

Case histories and statistics have been compiled on these various forms of "you don't get it after all" by the Labor Department, by Congressional committee hearings, by special committee studies and by private studies. They have led to various laws being enacted in the past, especially laws to close in on pension fund fraud.

Further, they have led in recent years to more far-reaching pending bills, notably two different but similar bills originally introduced in the Senate by Senators Jacob Javits (N.Y.) and Ralph Yarborough (Tex.).

Some features of these bills are highly controversial.

One is "portability"—a proposal to require by law that one could transfer his private pension credits from job to job. Though this is an attractive idea to every worker, it seems on examination to be somewhat like turning private pensions into a federally regulated second Social Security program on top of the existing one.

It raises all sorts of questions that aren't easily answered. Perhaps the greatest danger is that such a law would drive many of these voluntary plans out of existence by killing the management and union motives behind them to reward long service and loyalty.

The legislators' motive behind the "portability" proposal seems commendable, wheth er it is workable or not.

Today, if one works from age 25 to age 35 for one firm with a pension plan, then moves on, he has accrued no pension rights for his ten years' service in 90% of existing plans.

Far worse is the situation of a 55-year-old worker with 25 years' service for one firm. In 45% of existing plans he loses any claims to a pension for that service if he now changes employers. And what happen if he gets another job?

Most plans require at least 15 years service, and the vast majority 20 years or more, while they require retirement at age 65. Thus, this particular 55-year-old has little hope of qualifying for a pension on the next job he moves to before he is compulsorily retired. Somewhere, between the case of the young man who switches jobs after ten years and can requalify under his new employer, and the case of the older man who switches after 25 years and can no longer qualify, there is an area of hardship that isn't easily justified.

Case histories that were read into 1968 hearings of the Senate Subcommittee on Labor include the following examples of people whose pensions were hung up in various ways simply under the rules of their plans. In the first one, loss of accrued pension rights occurred because the employee was promoted!

1. "My company has two pension plans. One, for hourly employees, pays $3.50 for each year of service upon retiring at age 65. The plan is paid wholly by the company. The other is for salaried employees, who pay 3% of earnings and the company contributes an equal amount, which yields a better pension. I worked for 19 years as an hourly employee, then was transferred to a salaried job. At the time of my transfer, I was not aware and was not notified that I would lose my 19 years of pension rights. I am still with the same company and in the same plant. When I spoke to management about the unfairness of this, I was told that it 'was just an unfortunate situation'. . . ."

2. "I entered the employ of ——— Co. of Chicago in December, 1940 . . . I served in the positions of analytical chemist, research chemist, field sales and service man, and district manager. After 26 years, at age 58 I was dismissed from the company and any pension that I had earned was erased from my credit. This amounted to $180 per month at age 65, assuming that I kept up my current level of income . . . The removal of the pension has left me at now almost 60 with my savings quite depleted, and nothing but Social Security in the future. I have found out how unemployable a man is when he reaches this age, even if he is a trained man in his field. . . ."

3. "I joined the union in 1918 and was a member until 1950 when I left Chicago and came to live in California for health reasons. Unable to obtain a position in my regular field, the men's garment industry, I had to get one in ladies' cloaks. I relinquished my membership in the men's garment union and joined the ladies' cloaks union, where I have been a member for the past 16 years. I am now 71 years old and cannot get a pension for another four years, when I will have been with the present union 20 years. I feel that under the circumstances, I should not have to wait, but should be able to get some benefit from at least one of them so I can retire. . . ."

The following cases resulted from closings or mergers:

1. "I worked for 20 years for a factory and was a member of the union. The factory closed down. Then I worked for another factory for two years and joined their union. This factory also closed down. I am now working for the ——— Co. and am a member of the ——— union. I am 61 years old and have been a member of this union for 11 years. I would like to retire at 65, but according to the rules of the union, a person has to have 20 years membership in order to be eligible for a pension. This means that I would have to work until I was 70 years old to qualify for a pension. I have worked all these years, paying union dues faithfully, and I don't consider it fair that I have to retire at 65 with no union pension. There are many others in this same situation. . . ."

2. "I worked for ——— Co. from 1926 until they shut the factory down here at Charleston, W. Va., on September 30, 1962. At the time I had 36 years with them, including 3 years in the armed services . . . I was 53 years old and, having a sick wife, could not leave her and go to any other factory. After a brief period of time I was terminated. I am now 58 years old. I got nothing from them whatsoever except 6 months severance pay, too young to get a pension and too old to get a job. Now, if I should live to retirement age, according to their retirement plan, I can never receive anything from the company. . . ."

Hardly any firms voluntarily set up a pension plan without retaining it in their power to change it. Not only do many of them improve and undate their plans, but by the same prerogative some of them later abolish their plans.

According to the Bureau of Labor Statistics about 500 pension plans are abolished each year by management, which is about 1% of all plans. On the average, it is the smaller firms whose pension plans vanish. While one plan in a 100 is terminated each year, one worker in about 1,200 is affected.

Sometimes there is no payoff to anyone when a plan ends. Sometimes the existing fund, or part of it, is paid off at a reduced rate. Where employees have contributed directly to the fund, they always have a legal right to recapture their own investment.

In one of the cases of an abolished pension plan heard by the Senate in 1968, the workers who had lost their benefits complained that they had a right to it because it had been offered instead of other benefits, and was not simply a voluntary extra. Said a witness:

"In December 1963, X Co. sold or transferred their dairy interests to the Y Co. of Evansville, Ind. As a result, our group was left at the mercy of Y Co. without any of the earned pension rights attained while in the employ of X Co. On termination of our employment, our group went to work with Y Co., and with the exception of a few are still employed there, without our previous earned pension rights. It is our feeling that we are entitled to continued coverage or at least a monetary settlement by our former employer, since that pension plan was initiated in lieu of increases in our hourly rates of pay and other benefits. The longevity of this group runs from 12 to 27 years of tenure. Our ages are 35 to 52 years. Most of us are too old to start again. . . ."

A second proposal in pending legislation, that is not as revolutionary as compulsory "portability," is to guarantee private pension payments through some sort of government insurance program. The Federal Deposit Insurance Corporation already guarantees bank deposits against bank failure, and pending bills propose to create similar insurance against pension losses due to company or union failure, fraud, mismanagement, etc.

The Studebaker and Packard stories are classic examples of pension loss due to company failure.

When Studebaker suddenly closed its South Bend, Ind., plant in 1964, it left behind a retirement fund with assets insufficient to make good on promised benefits. From statements made by Senator Javits and Vance Hartke (Ind.), it appears that one 59-year-old employee with 43 years of service had to settle for 15% of his pension. Twenty other employees with more than 40 years service were in a similar fix. Employees between the ages of 40 and 59, many with over 30 years of service, received 10% of their earned benefits. Those under the age of 40, despite 20 years of service and an acknowledged right to something under the plan, received nothing.

In a sense, this was history repeating itself. In 1954, Studebaker and financially-ailing Packard merged. At the time, Packard employed about 10,000 people. Packard's pension plan, as renegotiated with the United Automobile Workers, provided for voluntary retirement at 65, compulsory retirement at 68, early retirement with reduced benefits for those aged 60 with ten years or more of credited service, and a deferred pension credit for separated employees aged 40 or more with ten years of service. As business failed to improve, Studebaker-Packard cut back operations and employment in its Detroit plant until by 1956 only 625 employees were left. By 1957, operations all but ceased.

With no money coming into the pension plan's fund, the corporation announced it could no longer pay full benefits to the 1,930 already-retired employees, much less meet its commitments to any of the others, and terminated the plan. After a suit by the UAW, Studebaker-Packard agreed to continue the pensions at $50 a month instead of the previous $59, and to make a lump sum settlement equivalent to about a year and a half's benefits to 435 employees who were over 60 and eligible for early retirement. About 3,300 other employees below the age of 60, who were qualified to get something, got nothing because there was nothing left to give.

Mismanagement and fraud hit only a few of the private pension funds, but where they hit, they hurt.

Thomas R. Donahue, then Assistant Secretary of Labor, told a Senate subcommittee in 1968: "Most plans in this country are managed wisely by persons who follow the strictest code of fair dealing. However, the characteristics of many plans and their extremely rapid growth have thrown temptation into the path of the unscrupulous."

Donahue told the Senate that in some cases company and union officials had milked pension funds for private profit. In others, company officers had risked the tax-exempt pension funds in investments for company profit, jeopardizing the interests of the workers in such funds. He went on to say, "There have been capital losses in trust funds due to lack of prudence in their investments and transactions, and as a result of self-dealing."

Cited at hearings was a case of corporate officials investing pension funds in their company's own stock. This boosted the price, the officials sold out their own holdings, then the price dropped leaving the pension fund in the bag to the tune of $4.5 million dollars in loss of value.

Another firm was cited which borrowed 90% of a pension fund's assets to invest in its own operations, and then went bankrupt.

A fund was cited that was jointly operated by the contributing employees and the local union, whose president dominated the fund management. He padded the trust expenses with such things as putting his girl friend on its payroll, and enough more so that administrative costs rose from $12.70 per worker in 1961 to $431.50 in 1962! That was more than each employee's contribution in one year.

Five officers of a company who were also its pension trustees had $460,000 of a $686,000 pension fund tied up at one time in loans to themselves, and to the company to finance new risk ventures.

Five officers of another firm who were trustees of 16 pension and profit-sharing plans created a separate corporation, with themselves as officers, to manage the funds. It charged $130,000 in one year in fees, while the five trustees took an additional $300,000 in trustees' fees. Donahue testified that a bank trust department would have charged about $50,000 for the same services.

One of the most notorious cases of pension fund manipulation was the international network of union fund structures in which

George Barasch and the Allied Trades Council of New York, plus New York Teamsters Local 815, were the main cast—though Barasch and his associates created all sorts of other legal and financial entities in the course of their operations.

The story of these fantastic dealings covering nearly 30 years fills 39 pages of a 1966 report of the Senate Subcommittee on Investigations. It involved the diversion of more than $4 million. In the end, the Senate investigators did not report anything illegal in a web of manipulation that is almost indescribable. In the course of the exposure, authorities persuaded the principals to return most of the money, leaving the public to guess what more was never revealed.

Similar exposure had by then already resulted in new laws in 1958 and 1959 governing the disclosure of how pension funds are managed. The hearings involving Barasch, and the Kennedy committee report of 1965 helped prompt keen interest in looking at all aspects of pensions and pension funds.

Yet it is hard to see how federal regulation can go a long way beyond policing dishonest dealings in any efforts to regulate the whole field of private pensions.

There are two enormous hurdles that such regulations face, both arising from the fact that private pensions *are* private and to varying degrees voluntary.

(1) It may be simply impossible to write any workable broad regulations to govern 50,000 plans. They are so varied in detail that no two may be identical. They are also so varied in circumstance that no one set of rules to govern them could possibly work out for all of them.

(2) Across-the-board regulation in detail would seem to be self defeating. It is the declared aim of the proposed broad laws to see that more entitled workers actually get their pensions and that more workers become entitled. Such requirements can only be effective if they cost employers and unions more.

On this basis alone, such laws could well serve to drive many of the plans out of existence—or to reduce the benefits of long-time employees in order to meet legal requirements to pay benefits to people who worked for a shorter time.

There would be few other options available to any firm or union which felt that it could not afford increased total payments that might otherwise be required by law. It could drop out, or spread what it has more thinly, neither of which seems to be the aim of the legislative proposals. It seems a dead certainty that if 500 pension plans are abolished each year at present, any compulsory increase in costs will see more of them disappear purely on an "inability-to-pay" basis.

Meanwhile, many private pension plans are motivated solely or chiefly to attract good workers and keep them and their loyalty for the balance of their working lives. The "portability" proposal, especially, could destroy the desire of many a management to maintain a pension plan at all.

So long as any employer has an option not to have a pension plan, it's hard to see how such broad proposals could be made to work without doing harm with good.

To accomplish such sweeping aims it would seem necessary to require every employer to have a pension plan on some simple basis that could be applied to all. In short, legislate away their private nature. And when that was done, if it were done, and you took a look at what remained, you would see that it was nothing but an increase in, or duplicating of, the existing Social Security system accomplished by destroying systems that now exist in addition to it.

It's enough to make one dizzy to look at the complexity of existing private pension plans and try to figure how any sort of blanket legislation could achieve what the more sweeping proposals are trying to achieve.

One type of pension, which embraces more than a half-million people under 700 different plans, is pay-as-you-go. In its purest form, a pay-as-you-go plan has no pension fund. As a worker reaches retirement age the company goes into its current assets and buys him an annuity from an insurance company.

Among plans which lay a nest egg aside before the day comes to pay it out, there are several types and numerous variations of each. Two basic kinds are insured plans and trusteed plans.

In insured plans, premiums are regularly paid to an insurance company, which then pays out in annuities to workers when they retire.

Trusteed plans accumulate a going pension fund under control of trustees, who may b ecompany officials, union officials, a combination of the two, or outside trustees. Some trusteed plans must be used to buy pensions. Others may be dissolved and returned to the management.

There is growing resentment today against the pension plans that are revocable by management, especially since some conglomerate "raids" have taken over a company then revoked the pensions simply to capture the fund as an asset.

A pension fund that seems adequate today may become inadequate tomorrow for raesons that nobody can foresee.

The best of all possible plans would be "fully funded" for the future. "Full funding" means that there is enough now on hand or being surely accumulated to pay off all expected demands when they come due.

Most of the better plans today are only fully funded on a current basis. That is, enough is set aside each year to cover future pension rights earned by employes during that year.

But when a plan is improved, either voluntarily or as a result of a union contract, the fund may for years remain short of enough to cover the new liabilities that the improvements obligated it to pay off for past services. And when a plan is first started it may take a long time, and require hope as one of the ingredients, to set aside enough to cover employees' services for the years before the plan started.

By the same token, the method of building the fund may fall apart, as in the case of the United Mine Workers. Back in 1946, the UMW got an agreement that so much would go into the union welfare and pension fund for each ton of coal produced. It started at 5 cents a ton then, to be built up to 40 cents a ton by 1952 and thereafter. It looked like a perfectly good plan at the time.

But coal production fell off drastically at the same time that more and more miners became eligible for pensions. By 1966, benefit payouts were taking about 80 percent of the fund's income, while there wasn't enough in it to cover the next year's payments. As a result, benefits had to be cut drastically.

To the most militant reform advocates, all private pensions are *earned* rights to which the worker is entitled. This is undeniable for all pensions that were actually negotiated as fringe benefits. It is morally true if an employee were told of a pension as an inducement to sign him up, and kept on in the belief he'd get his pension. As these two circumstances cover almost all plans, it isn't hard to see the motive behind legislative efforts to make sure that actual payment doesn't fall through a sieve.

Congress is in a strong position to regulate pensions that are the result of a contract, and it is in just as strong a position to regulate "voluntary" plans to which management has gotten a tax exemption for its contribution to its pension fund. Many voluntary plans exist for *all* employees only because the firm's contribution is not tax-exempt if it only covers the officers.

We will probably get tighter laws to secure the *integrity* and *funding* of pension funds and their management. Congress and the Administration seem together on that.

Meanwhile, of all the proposals for more detailed regulation of pension *rights*, the best hope for employees lies in growing pressure for earlier and surer "vesting."

"Vesting" is a key word for the employee who hopes to get a pension. If you are "vested" you have *some* pension coming at 65. Suppose you are "vested" after ten years. Even if you are then only 45, and move to another firm, when you are 65 you will have at least a small pension coming from your former employer. Employees who move about frequently, could, if vested early, accumulate a group of small pensions from several former employers that could add up to a full pension.

Time and again, the cruelest examples of pension failure have sprung from harsh vesting features of both management and unions—as in several cases we've cited.

In both the original Javits and Yarborough bills, vesting after ten years was stipulated, while there are those today who are seeking vesting from the first day of employment.

It seems unlikely that "portability" will become law. But improved "vesting" is actually a form of "portability." Instead of making a mess by trying to create a common fund out of 50,000 different plans, as some "portability" schemes propose, improved vesting would serve the same purpose without commingling assets from all the different plans. Each fund could pay according to its own scheme to vested former employees, exactly as it pays to those who retire from it directly.

It is entirely *possible* for Congress to require some reasonable standard of vesting in all negotiated contracts that provide employee pensions, and to withdraw tax exemption from voluntary funds that don't.

But if one may make a guess, the technical problems that arise in spelling out such laws so that they will work, plus the resistance of both management and unions, will prevent the enactment of any far-reaching vesting or portability laws. Instead, by the pressure of open hearings and by the *threat* of drastic laws backed up by the enactment of some milder ones, we will see more protection of pension rights brought on by heat than by law.

OUT IN THE COLD: INCREASING LAYOFFS ROB MANY OF THEIR PENSIONS AS WELL AS THEIR JOBS

ELIGIBILITY RULES OFTEN BAR WORKERS; UNIONS PRESSING FOR MORE LIBERAL PROGRAMS—A WHITE COLLAR IS NO SHIELD

(By Jim Hyatt)

AVON LAKE, Ohio.—At first glance 33-year-old Edward Herrera didn't fare too badly last April when he was laid off here by Fruehauf Corp. He eventually found a job paying $50 a week more at a nearby Ford Motor Co. plant.

Despite the higher pay, however, Mr. Herrera is still bitter about losing his old job. "I put in 11 years for nothing," he says. Because he was laid off well before age 40, when he would have become eligible for an eventual pension, Mr. Herrera took nothing with him when he left Fruehauf but his final paycheck.

As layoffs reach the highest levels in six years, and as corporations tighten their belts by closing plants, many workers like Mr. Herrera are learning that they're losing more than just their current jobs. Years of potential eligibility toward pensions are also evaporating. As far as earning a pension is concerned, many workers are, in fact, having to start their working careers over.

Private pension plans hold well over $100 billion in assets. About 17,000 such plants covering about 21 million workers are on file with the Labor Department, and several million workers are thought to be in plans not reported to the department. Pension plan coverage has become increasingly generous over the years—yet Congressional committees and others looking into pensions are discovering that because of high industry turnover even in good times, stringent eligibility requirements and today's widespread layoffs many workers "covered" by such plans will never be eligible to collect a penny.

HIGH CASUALTY RATE

Just how many workers lose out is a hotly debated question and no exact figures are available. "My very rough estimate is that it is quite possible that over one-third of all workers in pension plans will never get anything from them," says Michael S. Gordon, special minority counsel for pensions for a Senate subcommittee. "In some industries the ratio will be much higher."

Union officials estimate that Fruehauf laid off more than 1,000 workers in the final year of manufacturing at the plant here and say that at least 350 of them were let go short of pension eligibility requirements—age 40 and 10 years on the job.

Companies often try to save pension rights by liberal recall provisions or by offering workers jobs at other plants. But those choices often create a variety of problems. A Dallas man in his 30s was laid off recently by Texas Instruments Inc., where pension eligibility begins at 50. But he says it has been difficult finding another job because prospective employers fear he'll go back to TI if a recall occurs.

Other workers say alternate jobs are seldom offered on the best of terms. John Voss, a 38-year-old engineering aide, is two years short of pension eligibility at a General Dynamics Corp. division in Rochester, N.Y., and stands to lose perhaps $100 a month in potential pension when he is laid off late this year under a previously announced schedule. He says he might be able to get on with a nearby General Dynamics plant, "but I'd have to take a lot less pay." He also complains that "there's no telling when the other plant will lay off, too."

SMALL COMFORT

Industry-wide "portable" pension plans often keep pension rights intact for workers who move to similar jobs, but in the current economy such plans are little comfort to many so covered. Evelyn W., a 40-year-old Cleveland woman lost a job last January as a packer at a sausage plant. Because of the business slowdown, "a lot of the other plants wouldn't even take an application," she says. She is 10 years short of being old enough to establish a pension right and figures she has lost a pension worth $70 a month at retirement. Currently, she's taking accounting and secretarial courses at a junior college.

Layoffs hit especially hard at older workers who are dismissed short of retirement age. Jesse Stockton, 53, laid off after 23 years at Fruehauf, figures he'll never be eligible for another pension. At 65, he'll draw about $50 a month but working to 65 could have added another $36 a month to his check, union officials say.

Plant closings often take an even harsher toll on pensions already earned. An unexpected and sudden closing can leave a pension fund that doesn't even cover the built-up obligations already due workers. A classic instance: The 1963 closing of Studebaker Corp.'s South Bend, Ind., operations, in which several thousand workers with earned pension rights received only a small portion of the money they had expected.

Today's wave of plant closings is creating thousands of similar cases. Metals Forming Co., a unit of Gulf & Western Industries, is in the process of closing a plant in Ecorse, Mich., that employs about 175 workers. United Auto Workers officials say that because of the unexpected shutdown, only the most senior employes will get a pension.

WASHED OUT

In a letter to Congress last July, Leonard Woodcock, UAW president, asserted that "among the victims of that closing are a man and a woman, both 52 years old, each with 37 years of service. Their entire 37 years with the company were washed out as far as pension benefits are concerned."

A Gulf & Western spokesman says only that the company "intends to honor all provisions of its contract" and adds that "employes will receive the benefits to which they are entitled." That's true enough, the union says. The problem is that what they're "entitled to" is precious little.

The United Steelworkers of America says it recently talked one company into forking over an extra $35 million to bring a subsidiary's pension fund into balance after the subsidiary folded. Such instances are not isolated. Melvin Glasser, director of the UAW's social security department, says in one recent week alone the union had "four requests to terminate pension plans from employers going out of business." Some benefits will almost certainly be lost, he adds.

Some workers find, unhappily, that their employer's pension plans are so restricted that virtually no benefits are available. Olga Jensen worked about 18 years for a San Francisco marine transportation company that suddenly was liquidated a couple of years ago. She was 47 at the time and expected that she would receive some settlement from a pension fund for her years of service.

To her surprise, Miss Jensen found that the fund only paid a pension to employes working to the age of 65 and that when the plan terminated, her expected Social Security benefits were deducted before any pension was calculated. As a result, she got nothing. "It was more than shabby," she says. She worked for a time at another company but decided the risks of losing another pension were too great. Taking a pay cut, she moved to the U.S. Customs Office, where the pension provisions were more liberal.

Lower-level workers aren't the only employes encountering pension problems. "The loss of pension credits is spreading into new sectors," says Merton C. Bernstein, an Ohio State University law professor. "Manufacturers are laying off white-collar managerial people."

A 49-year-old middle-management official at Texas Instruments is less than a year away from meeting the age 50 pension eligibility requirement, but he figures his chances are "less than 50–50" of making it in the face of major layoffs by the Dallas company. "It's like being in an artillery barrage when they have you zeroed in," he says.

WIPED OUT

One 58-year-old bank executive in the Midwest was recently fired just 18 months short of having 10 years on the job, a requirement for a pension. Bitter about the treatment, he calls such requirements "archaic and obsolete." He adds: "A place like this constantly reminds you that maybe you don't get much pay but a big percentage of your overall compensation is in various benefits, including the pension plan. When they forfeit the pension they fatten their own purse."

A 44-year-old Cleveland banker, fired after seven and a half years, frets that "I'm half way through my working career and I'm starting over again on another potential pension. If you change jobs every 10 years or so, you're not a job skipper in any sense of the word. Yet two or three moves and you can effectively end up without anything at all."

Such problems are especially widespread among professional and technical people out of work due to defense spending cutbacks. "We're getting some pretty pathetic letters," says one California job retraining specialist. "Because of the ups and downs of our business, they suddenly find themselves near retirement, laid off, with no pensions." One study found the average engineer spends less than six years at any single job, far short of most pension eligibility requirements.

TAKING REMEDIAL ACTION

In boom times, of course, high-salaried engineers didn't worry about pensions. "I've been buying a little real estate and thought I wouldn't worry about pensions very much," says John R. Goodwin, 49, an aeronautical engineer who has had 11 employers in his career but has never qualified for a private pension. He lost his last job, which paid $17,500 a year, just three months short of qualifying for a plan.

With hundreds of his colleagues out of work, however, he finds his real estate holdings, including his own $45,000 home in a Los Angeles suburb, impossible to sell. He has taken some temporary $3-an-hour drafting jobs and hopes to do some consulting work, but he figures he has lost any chance of ever earning a pension. "As far as I'm personally concerned," he says, "I think the game is up."

Alarmed at such developments, unions are taking increasingly tough stances in negotiations, seeking to improve pensions even at the sacrifice of current wages. "Unions are saying it is senseless to stick money in the pay envelope just to let Uncle Sam get it," says Robert F. Rainey, supervisor of pensions and trusts for H. K. Porter Co., Pittsburgh, an industrial equipment concern. He figures his company's pension costs have almost doubled in two years.

The United Rubber Workers Union this year boosted pension benefits to $7.75 a month per year of service, almost 50% higher than the previous level. In October Owens-Illinois Inc., Toledo, signed a new three-year contract with the Glass Bottle Blowers Association that will boost pension benefits in 1973 to $7 a month from $4 a month currently for each year of service. The union represents most of the company's 20,000 employees in 18 glass container plants.

But fatter pensions alone don't protect workers from layoffs, so unions are also seeking more liberal eligibility requirements. A major issue in the current strike against General Motors is a UAW demand for a full pension of $500 a month after 30 years. GM has offered such terms for workers at age 58. "'Thirty and out' could double pension costs," says one corporate official.

Pension disillusionment has led to considerable pressure in Congress for tighter Federal controls and looser eligibility requirements. One measure sponsored by Sen. Jacob Javits of New York would set up a reinsurance fund to pay benefits that employers couldn't cover in the event they are forced to go out of business. It would also create an independent pension commission, similar to the Securities and Exchange Commission, to handle pension regulatory matters.

Moreover, a number of unions and employees are seeking fully "portable" pensions. Such a system, already used by some unions with industry-wide contracts, permits workers to simply change jobs and carry their accrued pension benefits with them. White-collar workers caught in the economic downturn are particularly interested in such a plan. The American Chemical Society is exploring portability for its members, and an official of the American Institute of Aeronautics and Astronautics says: "I know of four companies that six months ago would have shot you if you stood on their property and uttered the words 'portable pensions.' These companies are now investigating it. The climate is changing."

WOMEN'S EQUALITY ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MIKVA. Mr. Speaker, today I am introducing, along with my colleagues Mrs. CHISHOLM, of New York; Mrs. GRIFFITHS, of Michigan; Mr. HALPERN, of New York; Mrs. HANSEN of Washington; Mr. HARRINGTON, of Massachusetts; Mr. HECHLER of West Virginia; Mr. JACOBS, of Indiana; Mr. KOCH, of New York; Mr. MCCLOSKEY, of California; Mr. MATSUNAGA, of Hawaii; Mrs. MINK, of Hawaii; Mr. NICHOLS, of Alabama; Mr. O'HARA, of Michigan; Mr. PEPPER, of Florida; Mr. PODELL, of New York; Mr. ROSENTHAL, of New York; Mr. ROYBAL, of California; Mr. RYAN, of New York; Mrs. SULLIVAN, of Missouri; Mr. SYMINGTON, of Missouri; and Mr. DINGELL, of Michigan, the Women's Equality Act of 1971, a bill to carry out the legislative recommendations of the Presidential Task Force on Women's Rights and Responsibilities.

The bill would eliminate sex discrimination in all federally assisted programs, in State and Federal employment, in employment in educational institutions, and in the payment of wages for professional, executive, and administrative jobs. The bill actually goes beyond the recommendations by the President's Task Force by also banning sex discrimination in housing practices, just as racial discrimination is prohibited under the Federal Fair Housing Act.

The Women's Equality Act authorizes matching grants through the Department of Health, Education, and Welfare to finance State advisory commissions to study the status of women. It requires the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of women under the Social Security Act, the Internal Revenue Code, and the Family Assistance Act, and extends the jurisdiction of the Civil Rights Commission to include sex discrimination. It provides the Equal Employment Opportunity Commission with cease and desist powers, authorizes the Attorney General to initiate suits in cases of sex discrimination in public facilities and public education and confers jurisdiction upon the district courts to provide injunctive relief against discrimination in public accommodations.

This legislation asks for no special privileges. Adult women make up over one-third of the working population of the United States and they want to enjoy the full benefits of citizenship. The Women's Equality Act amends existing civil rights law to extend the coverage to women. Actually, it goes beyond the President's Task Force recommendations by extending the Federal Fair Housing Act to prohibit sex discrimination.

Let me give you examples of the most blatant forms of sex discrimination. Although women make up 37 percent of the total work force in this country, they suffer inequalities in employment opportunities, and wage payments. Title VII of the Civil Rights Act of 1964 has brought some progress in industrial hiring practices, but it exempts educational institutions and State and local governments from its coverage. As a result women who make up 90 percent of public school elementary school teachers can be discriminated against in public school systems. In 1966, for example, 75 percent of elementary school principals were men out of a teaching force made up of about 10 percent men. The bill I propose today will amend title VII, removing the exemption clause to oblige State and local governments to hire and promote women on their merit. Furthermore, in its present form, title VII places the main burden of enforcement on the aggrieved individual. This enforcement provision is inadequate and will be amended in line with the Task Force recommendations to give the Equal Employment Opportunity Commission authority to enforce the law in all cases of discriminatory hiring practices.

Women suffer gross injustices in wage payments as well as employment practices. The Equal Pay Act of 1963 guarantees equal pay to all, including women. But the 1963 act contains an exemption for professional, executive, and administrative employees. Although title VII of the 1964 Civil Rights Act protects women in professional, administrative, and executive positions, it does not permit a complainant to withhold his identity as he can under the Fair Labor Standards Act. Many women who achieve high positions after years of struggle fear jeopardizing them and silently suffer the discrimination of a double pay standard. The Women's Equality Act amends the Fair Labor Standards Act so that women in those high status positions have a right to pay for equal work.

Sex discrimination in education is one of the most serious injustices borne by women. Many State and local laws deny them equal educational opportunity which results in unequal abilities and unequal employment opportunities. Statistics show that the percentage of women employed in a particular occupation goes down as the job qualifications go up. Women, for instance, make up only 3 percent of the lawyers in this country. Until the State of Virginia took legal action, the University of Virginia College of Arts and Sciences refused to admit women. In a similar case on a local level, Stuyvesant High School, a specialized public high school in the sciences, was forced to admit girls because of legal action taken against the New York City Board of Education. In addition to this form of discrimination in high schools and colleges, there is another form of unequal educational opportunity on the professional level. Only 6 percent of our law students and 8 percent of our medical students are women although, according to the Office of Education, statistics show that women tend to do better on admission tests. My amendment to titles IV and IX of the 1964 Civil Rights Act authorizes the Attorney General to bring suits in behalf of persons denied equal protection of laws by public school officials and requires the Commissioner of Education to conduct a survey on the extent of discrimination because of sex, not only in practices with respect to students, but also in employment of faculty and administration. In doing so, the bill merely secures the rights of women which probably already exist under the 14th amendment.

Discrimination against women in public facilities—restaurants, for instance—is less severe but in principle just as damaging. By amending title II of the Civil Rights Act of 1964, the Women's Equality Act authorizes the Attorney General to initiate suits in cases of such discrimination and confers jurisdiction upon the district courts to provide for injunctive relief against sex discrimination in public accommodations.

Perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge. The Civil Rights Commission authorized by the Civil Rights Act of 1957, collects, studies and distributes information on civil rights laws and policies. At present, the Commission's mandate does not include responsibility for women. The bill I am introducing amends the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of rights based on sex discrimination. Thus, State laws punishing women with longer prison sentences for the same offense, practices which exclude women from State universities, and other laws and policies which deny equal protection of the laws to women will be studied and recommendations made to change them.

Mr. Speaker, I could go on with an unending catalog of the injustices women presently suffer in this country. It is surprising and inexcusable that the quality of life Americans have sought for nearly 200 years is in many ways denied female Americans by law. At a time when our commitment to the democratic ideal is being questioned both at home and abroad, it is imperative that the Nation utilize the potential of all its citizens. Studies show that we are lagging behind some newly emerging countries in the role ascribed to women. This is an ironic oversight on our part. With nearly 40 percent of our labor force women we must amend the existing laws. Of that female working force, 64 percent are married. Because of the rising cost of living, family illness, or widowhood, many women today must work to support families. I urge the attention of my colleagues to this important bill which will actualize enforcement of already existing rights, which will eliminate second-class citizenship in this country, and which will open up an untapped source of productivity. I hope that the Judiciary Committee will take immediate action on this bill to make sex, like race, an anachronism under the law as a basis for measuring people's rights or worth.

SPEECH OF GEN. WILLIAM C. WESTMORELAND ON OUR DEFENSE POSTURE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DOWNING. Mr. Speaker, the distinguished Chief of Staff of the U.S.

Army, Gen. William C. Westmoreland, delivered a magnificent address on our defense posture when he appeared in my district last week. I am happy to include it in the RECORD because I feel that it is important enough to be read and studied by all of my colleagues:

ADDRESS BY GEN. W. C. WESTMORELAND, CHIEF OF STAFF, U.S. ARMY

To be with you this evening and take part in your annual meeting is a personal pleasure. To join you in a tribute to our country's Armed Forces and the Defense Installations in this area is reassuring . . . especially at a time when the military is under attack at home as well as on the battlefield.

But to be here in the Williamsburg-James City County area . . .

Where the first permanent English speaking community suffered and survived,

Where the philosophy and ideals for our independence and the nation that followed were conceived and expressed by the enlightened patriots of Virginia,

Where the battle was fought and won that ended our long struggle for independence . . . to be here among the monuments of our heritage from the past is truly an inspiration for all, who cherish the freedom we enjoy today.

Yet we live in an age when some in our society assert that the past offers little light for the future, when time honored tradition and custom are in some sectors rejected, and when reason is frequently drowned in a clamor of emotion and hysteria.

In spite of those who refuse to be guided by the lessons of the past, I continue to agree with a great patriot from this state who later became its first governor. Patrick Henry said almost 200 years ago that—I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging of the future but by the past.

The American Army today traces its roots to our colonial forebears who shouldered arms in our war for independence. Yet force of arms was used almost two hundred years before. Within a few weeks after landing at Jamestown, the 120 colonists repelled an attack by 200 Indians that threatened the colony. Later, in 1622, the colony . . . having been lulled into a false sense of security by the marriage of John Rolfe to Pocahontas . . . neglected its defenses. As a result, a secret Indian onslaught killed almost one-third of its inhabitants.

Weathering privation and hardship . . . and a rebellion in 1676, the colonists endured. But the difficult life prompted William Fitzhugh to write in 1687 that Virginia was no place for a gentleman to raise a family. He stated that "Good education of children is almost impossible, and better be never born than ill bred." And I might add, this concern for proper upbringing has continued among Virginia gentlemen to the present.

Not only did the colony survive, but it later flourished as a center of enlightenment. With the founding of the College of William and Mary in 1963 and movement of the Capital from Jamestown to here, the birth of the American ideal had started. The Alumni of William and Mary and our forebears who gave life to old Williamsburg are a panorama of American history. Their names are well-know to all. Jefferson; Monroe; Wythe; Peyton; Edward and John Randolph; John Marshall; Patrick Henry and George Washington.

It was this last individual who, 168 years after the founding of Jamestown, was appointed Commander in Chief the day after the Second Continental Congress resolved on June 14, 1775.

. . . that six companies of expert riflemen be immediately raised in Pennsylvania, two in Maryland, and two in Virginia. . . .

On taking command, Washington found a fearless group of patriots but hardly a match for the well-trained professionals they would later confront. He noted in a letter his assessment: "A mixed multitude of people here. . . They are under very little discipline, order, or government."

Not until over a year later . . . on July 4, 1776 . . . did this dedicated group of citizens under arms receive their mission that was to change the course of history. And it was six long years after Lexington and Concord that the last battle was fought and won near here at Yorktown.

In 1783 came the formal acknowledgment of independence and our Revolutionary War was over. The Continental Army—an Army organized by the people to serve the people—had accomplished its mission.

The American military leaders in our Revolutionary War were in large part without appreciable military experience, but they commanded and fought with skill equal to that of professionals. When independence was won, these same men shed their uniforms for civilian pursuits. From their ranks came many of the leaders of our young Nation whose gifted enlightenment helped mold our governmental institutions.

Our Army today is deeply rooted in this country's early formative years . . . and the tradition of subordination of the military to civilian leadership is a foremost fundamental. Suspicious of large standing armies that owed their allegiance to European kings and knowledgeable of examples of military leaders seizing political power, the members of the Continental Congress closely regulated the size and composition of the Continental Army . . . chose its generals . . . and governed its supply and administration.

Those who framed our Constitution built into this document civil control of the military. To underscore this fundamental precept, all soldiers—officers and enlisted men alike—continue to take essentially the same oath that Washington took on April 30, 1789 . . . an oath to support and defend the Constitution of the United States against all enemies foreign and domestic. This oath is unique . . . its charge is not for the defense of any man, nor any partisan cause. Explicit in this oath is a solemn affirmation to defend the foundation and expression of the highest ideals of freedom for man. Implicit in the oath is obedience to the Commander in Chief—the President of the United States.

Your Army has never compromised this sacred oath. As an organization, its undivided loyalty to our government is without equal.

This undivided loyalty is a part of the philosophy of the American soldier . . . a philosophy born in his oath of allegiance, lived in his performance of duty, proved by his spirit of personal sacrifice, guarded by his acceptance of discipline, and inspired by the knowledge that he has the support of the American people.

This guiding ethic of the United States Army has served our Nation well for nearly two centuries. Just as we find strength in the past, we also must face the challenges of the present and anticipate the problems of the future. Where the Army is and where it is headed raise issues that challenge all of us as we look ahead.

The Army is now experiencing one of the most critical and turbulent periods in its history. We are adjusting to the new realities of the Nixon Doctrine . . . which means a reduced U.S. presence overseas and smaller military forces. We are redeploying forces from Vietnam and substantially reducing our strength to come within reduced budgets. We are also changing our internal structure as we examine the composition of our forces . . . test recent developments from our continuing research . . . and apply lessons learned in Vietnam—with needed adaptation, of course, to our forces elsewhere in the world.

Unfortunately, the Army continues to be the principal target of a disturbing antimilitary campaign. This has undoubtedly resulted from our central role in the Vietnam War and reliance on the draft to help fill our ranks.

Those who attack the Armed Forces are motivated by differing reasons. We value and welcome constructive criticism . . . realizing that any large organization does make mistakes . . . particularly one that has suffered the stresses and strains that the Army has.

We also recognize and appreciate the need for the give-and-take of debate in an open society. But it is one thing to criticize our governmental policies . . . and quite another to wave the flag of an enemy that has killed over 40,000 Americans.

The rhetoric of the "so-called" antiwar movement is especially harsh to servicemen who are the staunchest antiwar advocates.

Anyone who has known the cruelty of war firsthand would never be its advocate. Those who have experienced prolonged family separation, who have suffered the agony of the battlefield, and who have lost comrades know better than any that war is the most abhorrent of human endeavors.

The American people must not let short-run frustrations and misrepresentations of a vocal minority blind them to the long-range imperatives of national security.

The importance of strong national security forces was appreciated early in our history as a nation. The Father of our Country . . . the foremost American of the eighteenth century—George Washington—cautioned that:

"To be prepared for war is one of the most effectual means of preserving peace."

As part of our efforts to improve the fighting capability of the Army, we have established at Fort Hood, Texas an organization to devise and test a new battlefield control and intelligence system. We call this test organization Project Masster. Its purpose is to take the latest advances in technology that have been proved in Vietnam, integrate them into a unified system responsive to the commander, and adapt them for use in other areas of the world.

We have achieved excellent results with sensors, night vision devices, improved communications and firepower, and automatic data processing. Our radars, infrared searchlights, and starlight scopes allow our soldiers to see at night and during other periods of poor visibility without themselves being seen. We have had remarkable success with sensors . . . small acoustic or seismic devices that virtually defy enmy detection yet signal the presence of human movement in their more . . . and firepower and communica- vicinity. Computers are now being used tions have never been as responsive. Our objective is to incorporate these devices that have enhanced our fighting capability in Vietnam into our Army of the 1970's.

We are also embarking upon another program which will involve far-reaching changes. We are committing every effort in moving toward a zero draft, volunteer force.

Our task will not be easy. In the Active Army alone, we must more than double enlistments and re-enlistments. And while we seek quantity, we also seek quality.

Our assigned goal is to reach a volunteer force by the summer of 1973. In moving toward that objective, continuation of Selective Service beyond its expiration date of June 30, 1971 is essential to guarantee our Nation's defenses. But, most important, even if a zero draft is achieved, we believe that Selective Service legislation should remain in force as national insurance.

As you know, I have already announced several new policies as part of our efforts to improve Service attractiveness. Also, I have instructed the Army's senior commanders and my own staff to take a hard look at other areas . . . where policy changes might remove unnecessary irritants and practices detrimental to morale and achievement of a more professional, volunteer force.

Our formula for success consists of three elements:

Enhanced professionalism . . .

A better Service life . . .

And improved public esteem for the Army.

We seek an Army in which service is personally satisfying, individually rewarding, and professionally stimulating. We are reviewing all our practices. We are willing to part with past practices where these no longer serve a productive and useful end. Nothing is considered sacrosanct except where military order and discipline are jeopardized. In this we will not yield. We will continue to hold to those principles that have insured success on the battlefield and a loyal, responsive Army for our Nation. Anything else would be unthinkable and a danger to the very Nation the Army is sworn to defend. Certainly our citizens must realize this simple truth.

We in the Army realize that responsibility for the first element in our formula—enhancing the professional climate of the Army—rests squarely on our leadership.

I continue to believe that most young men in our society are looking for responsibility, respectability, challenge, fulfillment, job satisfaction and adventure. And, I believe they are searching for purpose and direction as well. The Army can and will satisfy these aspirations. We can make Service life more attractive . . . without lowering our standards.

Our responsibility is to "practice the time-tested principles of leadership that we have always preached."

The second element in our formula is to improve life in the Army. We are working hard to come up with ideas. Limited resources restrict us in certain areas. Using civilians for KP is high on our list . . . but this will cost about $104 million a year. Installing barracks partitions is also top priority . . . and will cost about $50 million.

Nevertheless, we can do many things that involve changes in policies or attitudes and cost little or nothing. For example, we are eliminating "make work" practices and unnecessary formations. And, we are altering our policies to insure that soldiers are treated as responsible individuals. But our efforts alone are not enough. We must have resources . . . and I mean adequate funding.

The third element in our formula is to increase public esteem for the Army . . . and appreciation for those who serve. To attract and retain the quality people in the numbers required, we must have the full support of the American people and their leaders in the Congress, business, industry, the church, the community, education and the news media.

We cannot expect to achieve our goal of a zero draft, volunteer force when the Army is maligned by some, directly attacked by others and half-heartedly supported by many.

Unfortunately . . . our critics are helped along by aberrations in the system. These exceptions to the rule . . . unrepresentative as they are . . . eclipse the greater good that has been achieved. Yet, this is hardly a new phenomenon, for throughout history the sensational has always overshadowed the routine.

The Army by itself cannot rally public support. Neither can it argue in the public forum the wisdom of national policy. Yet the vitality of the Army is dependent on support, understanding and encouragement from the American people.

I know of no better way to achieve this . . . to insure that our fellow citizens know the facts . . . than through community leaders such as you in this audience this evening.

Your Army's performance need not be defended. It speaks for itself. The Army has done what it was ordered to do . . . and done it well . . . in Vietnam and elsewhere. The record is a proud one . . . and hardly deserving of the disparagement that comes from certain quarters.

If the military continues to receive widespread abuse . . . if it is not provided adequate resources . . . and if it is not presented as a necessary, highly respectable profession, we can hardly expect to attract volunteers in the numbers required.

The public cannot have it both ways. Public support must be visible, audible and tangible.

I solicit your support and best efforts as we strive to insure the Nation a strong, ready and responsive, quality Army. How well we do depends not only upon the professionalism of those on active duty and the actions we take to better Service life . . . but also on the assistance and encouragement of our civilian friends as well.

The dedication of the soldier to serve his Nation and the confidence of the public in its Armed Forces constitute a national strength that must never be diminished. As the Army prepares for the future, we continue to agree with America's great statesman and one of our foremost humanists, Thomas Jefferson, who said that "Eternal vigilance is the price of liberty."

UKRAINIAN INDEPENDENCE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROOMFIELD. Mr. Speaker, January 22, 1917, is a memorial day in the minds and hearts of freedom-loving Ukrainians.

For a very brief period of time in modern history the Nation of the Ukraine achieved its independence from the foreign powers on that historic day. The opportunity for national independence arrived and was carried through with the overthrow of czarist Russia and the dissolution of the Austro-Hungarian Empire. This resulted in a new nation being created which ended 300 years of Russian domination.

In less than 3 years the newly created Communist Russia invaded Ukraine and conquered its people once again. Many of the Ukrainian leaders were assassinated; national religions were persecuted and destroyed. There were 600,000 people who perished in famines organized by the Kremlin to force the acceptance of collective farming; language and culture were Russified and the economic viability of the once proud nation was destroyed.

Many decades have passed since this terrible tragedy occurred, but the people of the Ukraine have resisted spiritual domination and a flame of hope still burns in their hearts that one day they will again be free.

It is an honor for me to join with the Ukrainian Americans in commemorating this coming anniversary. I fervently hope that freedom will be forthcoming soon to the brave and courageous Ukrainians behind the Iron Curtain.

UPGRADING OUR PHYSICAL ENVIRONMENT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROTZMAN. Mr. Speaker, it is a singular privilege to introduce today seven resolutions bearing a total of 16 names of sponsoring Members, which—when adopted—will bring this body into the forefront of the crusade to upgrade our physical environment.

For many years I have contended that Congress should be innovative, and that it should not merely react in the fight to preserve the integrity of our earth, its waters, and its atmosphere.

And I believe that so long as we treat the complex and interrelated environmental degradation problems piecemeal, through committees whose primary responsibilities lie elsewhere, we are destined to only react. We are destined to be behind the problems instead of ahead of them. In the past, we could get away with reaction. Nature has been forgiving, in terms of healing the wounds inflicted upon her ecological balances by man and his technology.

In the past the axiom that time heals all wounds has been, in the main, quite true. However, we are now in an era when time—or, if you prefer, nature—simply cannot heal all of the wounds.

We are discovering, through tragic degradations in our environment, that nature does not have an infinite ability to support human societies and their excesses.

Time definitely is not on mankind's side, and accordingly the very highest of priorities must be assigned to environmental quality by the Federal Government; and particularly the Congress.

No; reaction by this body simply is not enough. But how do we become innovative? How do we assume the leadership in the environmental quality crusade?

I submit that the most forceful vehicle would be the creation of a single, action-oriented standing Committee on the Environment.

My resolution would amend the rules of the House of Representatives to establish just such a committee. It would have jurisdiction over such matters as air quality, water quality, solid waste disposal, noise pollution, and herbicide and pesticide abuse.

In advocating such a reorganization of our committee structure, Mr. Speaker, I recognize the fact that this body does not often so act. As a matter of fact, only about once in a decade does a major regrouping of committee jurisdictions occur. The last such action was in 1967 when the Committee on Standards of Official Conduct was created. The Committee on Science and Astronautics was established in 1958 and all of our other standing committees date from the Legislative Reorganization Act of 1946 and earlier.

The time for change has come. I believe the American people are presenting us with a mandate for change. I believe the concept of a standing Committee on the Environment is an idea whose time has come.

This is not, I should point out, a new idea. I first proposed the formation of such a committee in a speech before the 91st Congress on April 28, 1969, and in the year and a half which followed I was joined by more than one-third of the Members of Congress—168 to be specific—in sponsoring enabling resolutions.

The need for additional congressional attention to the problems of the environment was underlined by passage of a House resolution which would have established a Joint Committee of the House and Senate on Environment and Technology. I cosponsored that resolution, Mr Speaker, because I felt it would serve as a positive step forward in the environment quality crusade.

Frankly, I considered it to be only a half step, however, because the Joint Committee would have possessed few actual powers. It would not have been a primary committee assignment for its members. Instead, it would have been an additional chore to be added to the already busy schedules of senior Members. And, it would not have possessed the power to draft and report bills to the floors of the House and Senate. Its function would have been primarily that of another advisory body to the standing committees.

As it turned out, the Joint Committee was not to be. An unresolved difference between the House and Senate resolutions caused the proposal to die in conference.

Today, Mr. Speaker, we have an opportunity to take a quantum leap forward. We can create a standing Committee on the Environment and—hopefully—the other body will create a parallel committee. Then, and only then, will Congress be prepared to shift into high gear in asserting the creative leadership which the Nation and the world so desperately need.

We will be in a position to fulfill an obligation which I believe transcends all others: leaving the earth, its atmosphere and waters in better condition than we found them. No generation in the history of civilized man has been able to do this.

Mr. Speaker, I am intensely proud of the broad base of support which is reflected in the list of my cosponsors today. Both political parties in the House are represented in substantial numbers, and all aspects of the philosophical spectrum are evident.

The cosponsors come from 43 States of the Union. And each of the 21 current standing committees is represented, with four probable chairmen and 11 probable ranking minority Members included.

The full list of sponsors follows:

LIST OF SPONSORS

ALABAMA

Mr. Bevill, Mr. Buchanan, Mr. Dickinson, and Mr. Flowers.

ALASKA

Mr. Begich.

CALIFORNIA

Mr. Don Clausen, Mr. Edwards, Mr. Goldwater, Mr. Gubser, Mr. McCloskey, Mr. Mathias; Mr. Moss, Mr. Rees, Mr. Talcott, Mr. Teague, Mr. Van Deerlin, Mr. Veysey, Mr. Wiggins, and Mr. Wilson.

COLORADO

Mr. Brotzman and Mr. McKevitt.

CONNECTICUT

Mr. McKinney.

DELAWARE

Mr. duPont.

FLORIDA

Mr. Bennett, Mr. Chappell, Mr. Fascell, Mr. Gibbons, Mr. Sikes, and Mr. Young.

GEORGIA

Mr. Blackburn.

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Mr. Matsunaga.

IDAHO

Mr. Hansen.

ILLINOIS

Mr. Anderson, Mr. Arends, Mr. Crane, Mr. Derwinski, Mr. McClory, Mr. Michel, Mr. Mikva, Mr. Price, Mr. Railsback, Mrs. Reid, Mr. Springer and Mr. Yates.

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Mr. Sebelius, Mr. Shriver, Mr. Skubitz, and Mr. Winn.

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MARYLAND

Mr. Hogan.

MASSACHUSETTS

Mr. Boland, Mr. Burke, Mr. Conte, Mr. Donohue, Mr. Drinan, Mr. Harrington, Mrs. Heckler, Mr. Keith, Mr. Morse, and Mr. O'Neill.

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Mr. Broomfield, Mr. Dingell, Mr. Esch, Mr. Harvey, and Mr. Riegle.

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Mr. Karth, Mr. Nelsen, Mr. Quie, and Mr. Zwach.

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Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mrs. Chisholm, Mr. Dulski, Mr. Fish, Mr. Halpern, Mr. Hastings, Mr. Horton, Mr. Kemp, Mr. King, Mr. Peyser, Mr. Pike, Mr. Pirnie, Mr. Reid, Mr. Scheuer, Mr. Smith, Mr. Stratton, Mr. Terry, and Mr. Grover.

NORTH CAROLINA

Mr. Broyhill.

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Mr. Brown, Mr. Devine, Mr. Hays, Mr. Miller, Mr. J. Wm. Stanton, Mr. Stokes, and Mr. Vanik.

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Mr. Camp.

OREGON

Mr. Dellenback and Mr. Wyatt.

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Mr. Biester, Mr. Corbett, Mr. Coughlin, Mr. Dent, Mr. Eilberg, Mr. Fulton, Mr. Gaydos, Mr. Goodling, Mr. Green, Mr. McDade, Mr. Rooney, Mr. Schneebeli, Mr. Williams, and Mr. Yatron.

RHODE ISLAND

Mr. St Germain and Mr. Tiernan.

SOUTH CAROLINA

Mr. Mann.

SOUTH DAKOTA

Mr. Abourezk.

TENNESSEE

Mr. Duncan and Mr. Kuykendall.

TEXAS

Mr. Wright.

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Mr. Lloyd.

VERMONT

Mr. Stafford.

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Mr. Daniel, Mr. Poff, Mr. Robison, Mr. Scott, and Mr. Whitehurst.

WASHINGTON

Mrs. Hansen and Mr. Pelly.

WEST VIRGINIA

Mr. Hechler.

WISCONSIN

Mr. Aspin, Mr. Byrnes, Mr. Steiger, and Mr. Thomson.

THE 91ST CONGRESS ESTABLISHED A RECORD FOR INNOVATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. JOHNSON of California. Mr. Speaker, since the final adjournment of the 91st Congress earlier this month, it has been popular for many pundits and other commentators to criticize the work of the 91st Congress. This is a position that I did not accept as was indicated in the remarks I made in these Chambers on the final day of the 91st Congress. At that time I expressed the conviction that the 91st Congress did indeed have a productive record. On the same day one of the fine newspapers which serves the 20 counties comprising the Second Congressional District of California, Redding Record-Searchlight, carried a story by Tom Foley, the Washington correspondent of the Los Angeles Times, with the headline "The 91st Congress established a record for innovation."

Mr. Foley is an independent congressional observer who is highly respected for his congressional reporting. I think that Mr. Foley in his article puts some of the critics in their proper prospective. Therefore, I insert at this point in the RECORD, the article entitled "The 91st Congress Established a Record for Innovation" published from the Redding Record-Searchlight:

THE 91ST CONGRESS ESTABLISHED A RECORD FOR INNOVATION

(By Thomas J. Foley)

It's a popular time for bad-mouthing the 91st Congress—with its interminable debates, it contentious arguments and what seem like its best causes.

Republican leaders point a finger at the Democrats, and the Democrats say the Republicans are to blame. But all of this is political posturing. For beneath the rhetoric lies a record indicating that the 91st has been one of the more innovative in history, establishing a record of reform, challenge and badly needed modernization.

While some of its accomplishments are plainly visible now, others will become manifest in the 92nd and succeeding congresses when the legislative reforms enacted this fall take effect.

Furthermore, these reforms—the first in 24 years—had a sort of self-generative quality to them, particularly in the highly structured and slow-moving House. Members found that it didn't hurt. The fresh air felt good.

Now more changes are being planned, and the House appears to be bringing itself into the last third of the 20th century with a minimum of kicking and screaming.

Although significant, procedural reform has only an indirect effect on the citizenry, and there is plenty in that record that directly relates to the nation's needs.

Nothing is so direct as the environment. And congressional treatment of the subject illustrates clearly one of the underlying reasons for the success of the 91st Congress—the political rivalry between its Democratic majority and the Republican President and administration. Each tried to out-do the other on at least some popular issues.

President Nixon proposed an interagency committee to develop a government environmental policy. But Congress, at the urging of Sen. Henry M. Jackson, D-Wash., created a three-man Council on Environmental Quality similar to the President's Council of Economic Advisers. The legislation required that any federal program with nay effect on the environment had to be cleared with the council.

Then Congress followed up with amendments to the 1965 Clean Air Act which establish tough new federal standards for air quality and which requires development of a virtually pollution-free automobile by 1975.

The President also proposed a 10-year $10 billion federal-state program for waste treatment facilities.

The first year allotment called for spending about $400 million on these facilities. Congress ignored the long-term program but boosted federal outlays for the current year to $1 billion.

Another example was tax reform. House Ways and Means Chairman Wilbur Mills, D-Ark., had been talking about it for 15 years and the common assumption was that it was too vast and complicated a subject to clear the legislative process in the two-year span of one Congress.

But early in 1969, there were hints that President Nixon was going to propose a tax reform program, and Mills promptly began working on his own. Largely through his efforts, the bill, a relatively comprehensive one, became law within nine months.

To win acceptance of changes that hurt certain special interests, such as the oil industry, Mills "sweetened" the bill by cutting both individual and corporate taxes.

After years of ignoring the sensitive but critical issue of trying to control the population explosion, Congress finally acted, partially in response to administration initiative.

The lawmakers authorized a commission to study and recommend steps for control and later enacted a three-year $285 million program to provide help in family planning to local communities.

Postal reform was another subject that had been proposed several times by Democratic administrations but got nowhere until the competitive political juices began flowing under a Republican regime. Aided partly by a postal strike, Congress finally turned over the postal system to a public corporation which hopefully will be able to modernize and de-politicize mail delivery.

The novel public corporation concept was employed in trying to solve two other national problems—maintaining a viable railroad passenger system and protecting stockholders from brokers who go broke.

A SPEECH THAT ENDURES: THE INAUGURAL ADDRESS OF PRESIDENT JOHN F. KENNEDY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PATTEN. Mr. Speaker, 10 years ago yesterday, John Fitzgerald Kennedy was inaugurated our Nation's 35th President.

On that cold day, the hearts of Americans were warmed by one of the most eloquent and inspiring inaugural addresses in our history. The speech lasted only 20 minutes, but its contents and prose were praised throughout the world by many liberal and conservative publications and by many Republicans, as well as Democrats.

Time magazine wrote that the new President's address "stirred the heart," and compared passages of the speech with one of the best in history, Franklin D. Roosevelt's first inaugural.

Many other publications lauded the speech. The Washington Post pointed out that "Mr. Kennedy set a high standard of content and oratorical performance." The Pittsburgh Press declared that "We have, certainly, a new President of eloquence."

A leading west coast newspaper, the Los Angeles Times, claimed that "The testament of the inaugural address is about as a good a start as a President could make."

From the New Orleans States-Item: "An expert job, eloquent, brief, and inspiring—just the right expression for the occasion."

The Christian Science Monitor reported to its readers, "Mr. Kennedy's address had a marked ring of history."

The highly respected columnist, Walter Lippmann, wrote that it was "efficient and ardent" and noted that the address was received with "so much hope and anticipation everywhere."

And Arthur Krock, chief of the New York Times Washington Bureau, wrote: "The excellence of the prose seemed to me to match Woodrow Wilson's."

The New Leader magazine called the speech "splendid" and several foreign newspapers shared the enthusiasm and praise:

Augusto Guerriero, in Corriere Della Sera, of Milan, believed that, "for a long time no such virile language had been heard on the far shore of the Atlantic."

And the Allgemeine Zeitung, of Frankfurt, proclaimed: "It promises strength and leadership."

Mr. Speaker, I hope that all Americans especially remember the section that exhorted us to make our Nation truly great:

My fellow Americans, ask not what your country can do for you: Ask what you can do for your country.

My fellow citizens of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Because of President Kennedy's leadership, the true greatness of America and "the freedom of man" came closer to realization.

Those who admired and loved President Kennedy will always grieve, and there is little solace. Yet, there is this to say: America lost a President with the promise of greatness, but the world found an inspiration.

Even before he was elected President, he spoke of the urgent need of providing "moral, as well as political leadership" and during his Presidency, that is the kind of leadership he gave to America—and to the world. This was only one of the reasons he appealed to the young, for he had many other distinguished qualities. He was brilliant, he was brave, he was a strong and respected leader, John Fitzgerald Kennedy was unforgettable.

Mr. Speaker, when people in this country and the world think of hope, they often remember the words of President Kennedy's inaugural address.

In observance of the 10th anniversary of his magnificent inaugural address, I insert that sterling document in the CONGRESSIONAL RECORD to help remind us of the great hope he expressed for mankind on that cold, but beautiful day. It was a day that millions of Americans will never forget and one that history will remember, for a new hope was born on that day and it will always live and inspire.

JOHN F. KENNEDY INAUGURAL ADDRESS, JANUARY 20, 1961

Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, reverend clergy, fellow citizens, we observe today not a victory of party, but a celebration of freedom—symbolizing an end, as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago.

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

This much we pledge—and more.

To those old allies whose cultural and

spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

To those new States whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. *Let us never negotiate out of fear. But let us never fear to negotiate.*

Let both sides explore what problems unite us instead of laboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to "undo the heavy burdens and to let the oppressed go free."

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved.

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are; but a call to bear the burden of a long twilight struggle, year in, and year out, "rejoicing in hope, patient in tribulation"—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country.

My fellow citizens of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

INVESTMENT TAX CREDIT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. ZWACH. Mr. Speaker, during the 91st Congress, we enacted a tax reform law which did provide some needed reforms. But, as we all remember, there were many provisions which were questionable and a concerted effort should be made in this Congress to make further corrections.

Included in the tax law was the removal of the investment tax credit for small businesses and farmers. At a time when we face continued inflation, high interest, and tight credit, our small businessmen and farmers need this tax credit restored for the coming year.

The administration has also just proposed economic help to big business and it is only fair that help be passed on to our small businesses. I am today introducing legislation which would reinstate the 7 percent investment tax credit, with a $20,000 limitation, and I hope my colleagues will join with me in working to restore this necessary incentive.

CAMPAIGN SPENDING CURBS CONSIDERED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. ZWACH. Mr. Speaker, we all know that the electorate is very concerned about campaign spending. They are thinking that only the rich, or those with rich backers, can aspire to public office. They are demanding that something be done.

Typical of this line of thought is an editorial written by Gordon E. Duenow in the Little Falls Daily Transcript on January 14.

Mr. Speaker, with your permission and to inform my colleagues, I insert Mr. Duenow's editorial in the CONGRESSIONAL RECORD:

CAMPAIGN SPENDING CURBS CONSIDERED

"Spending in the last national political campaign reached such proportions that I believe everyone will agree that the time has come to do something about it," wrote Cong. John Zwach in a recent newsletter to constituents.

He reported that he had introduced two measures in the last session which were side-tracked. One of the bills would have abolished District of Columbia campaign committees and the other would have set a limit on the amount of money a candidate could spend in an election.

"Our election system should not be such that only the rich can aspire to public office," he stated.

A law was passed during the last session of Congress limiting campaign spending for federal office but it was vetoed by President Nixon.

Without question, we need some regulations governing campaign expenditures. Today we do find that in many instances only the rich can aspire to public office. This has been going on for a long time and will certainly get worse if something isn't done.

Evidently it doesn't help to protest too much. Just this week a news report indicated that a Vermonter who wants to close loopholes in election campaign expenditure reporting laws got into trouble. The House committee charged with investigating campaign expenditure violations sent his name to the Justice Department, which could prosecute him for violating the laws he thinks should be toughened.

Dennis J. Morrisseau, an unsuccessful third party candidate for Vermont's single House seat last fall, said he spent less than $4,700 but announced he had refused to fill out "meaningless" forms with the House clerk as a protest against loose reporting laws.

Two years ago 107 cases were turned over to the Justice Department, which took no action. The department has announced, however, it will take a close look at possible violations this year.

Morrisseau contended that present laws are so loose that only a fraction of actual expenditures are required to be reported.

Possibly this is one reason why the Justice Department in the past has seen fit to ignore previous cases. It might be impossible to secure a conviction. On top of that, it also might be possible that action by the Justice Department could prompt someone to take a closer look at campaign spending which could be embarassing for many a public office holder.

THE EFFORT TO FREE OUR FELLOW AMERICANS FROM FORCED CAPTIVITY BY THE NORTH VIETNAMESE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROOMFIELD. Mr. Speaker, as we enter the 8th year in which American servicemen have been held prisoner by North Vietnam, I think it necessary that we analyze the motives behind our enemy's continued intransigence. In this way, perhaps, we may find a clearer understanding of our own roles in the effort to free our fellow Americans from forced captivity.

It should be clear by now that the prime purpose behind the North's strategy is to frustrate our plans to Vietnamize the war. They realize that the Nixon administration will never withdraw from Vietnam as long as American servicemen are held captive. But they realize as well that this withdrawal has been promised by the President to the American people. It is their hope that public opinion here, impatient with our inability to get out, will force a change in our official stance at the Paris negotiations: one which would allow the President to fulfill his promise, but also one which would seriously weaken the government of the South and nullify all our past efforts to guarantee the Vietnamese a free choice of leadership. At the very least, they hope that, in exchange for the prisoners, we will set a specific date for the complete withdrawal of American forces.

But to announce such a timetable runs directly counter to our past position. We would, in effect, be encouraging North Vietnam to ignore the Paris talks and to wait simply until our withdrawal has taken place before launching a major attack upon the South Vietnamese nation.

Clearly, we can make no such concession—even in exchange for the prisoners. Yet, until those prisoners are released, we cannot leave Southeast Asia.

Of course, the North Vietnamese do not want to delay our withdrawal any more than they have to: the sooner we are out the better. This fact, in itself, would seem to make their strategy a contradiction, for by holding the prisoners they force us to stay even longer than we want to stay. They seem to be acting against their own best interests.

In their own minds, however, this is apparently not the case. So sure are they of the will of the American people to withdraw from Vietnam, so sure are they of our impatience with an unwinnable war, that they believe the United States will withdraw whether or not the prisoners are released. In other words, they are taking a calculated chance: if we make the desired concessions, then their situation is all the better; if we do not, they are gambling that we will leave anyway, so great is the pressure on the President to order our departure.

This calculated risk is at the heart of their strategy. As long as they believe the gamble will work, our prisoners will be used as barter at the Paris talks. We must convince them that it cannot work, that we will never forget our servicemen held captive in Vietnam. Only in this way can the misguided strategy of the north be discredited.

Therefore, we must continually strengthen and reaffirm our commitment to these brave soldiers and their families. The north must realize that the concern of the American people for these men will never subside, that we will not allow them to be manipulated like inanimate pieces in an insane chess game, and that, as long as these men are prisoners, the American public will not accept a total withdrawal of our forces from Vietnam.

Mr. Speaker, with this resolution we dedicate ourselves again to the struggle of our prisoners of war. Let all the world know that we will not sacrifice their lives to our own impatience and that the American people will not abandon them to their cynical and malicious oppressors.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MIKVA. Mr. Speaker, our society and our political system are at a critical stage of intensive scrutiny by critics and supporters alike. We cannot afford the luxury of maintaining laws and policies which are contrary to the basic premises of an open democracy. For that reason, I have today introduced legislation to lift the ban on political activity which the Hatch Act currently imposes on all Federal civil service employees. At a time when we are trying to convince the American citizenry that the electoral process is responsive to the will of the people and that change is possible within the political system, how can we in the same breath exclude millions of citizens from active political participation because they devote their working lives to helping the Government function?

The existing law was first passed in 1939, when there were less than a million Federal civil servants. It was intended to control improper political activities, but it did so by a classic example of legislative overkill. Rather than prohibiting only corrupt political activity or misuse of official influence, it imposed a blanket prohibition on all electoral participation.

The bill I have introduced will restore full political rights to civil servants while retaining the necessary protection against misuse of official influence and providing protection for civil servants against political pressure from their superiors. The central provision of the bill, which does not repeal but rather amends the present law, removes the sweeping prohibition against political activity by Federal employees. In addition, it gives the Civil Service Commission authority to take action against officials, including those appointed by the President—not presently subject to Civil Service Commission jurisdiction—who are guilty of unlawful coercion. Finally, the Commission will be given a functional interrelationship with the Justice Department by referring violations for criminal prosecution. Actions are now initiated by Justice, which has only rarely pursued prosecution in the past. Greater feedback between the Attorney General and the Congress is also provided.

Let us retain and enforce those prohibitions which effectively guard against corruption of our political system, but let us also return the franchise to the people who run the daily affairs of our Government.

TAXPAYERS NAILED AGAIN

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HARRINGTON. Mr. Speaker, one encounters so many small outrages in the Federal City that the senses are numbed to some of the minor atrocities which occur.

But this morning's Washington Post recounts one such incident which cannot go unnoticed.

At the behest of the White House, the Smithsonian Institution—the repository of all that is supposed to represent the best in this Nation's cultural and scientific heritage—hung 50 photographs of the President and his family.

According to the article, the White House was "so anxious to get this bit of instant history on the walls that instead of hanging the pictures in the standard manner, nails were driven directly into the $50-a-yard Italian silk covering the wall where the pictures were hung."

The total cost was $7,000.

And so, the Ship of State sails on.

PICTURES OF THE PRESIDENT, NAILS IN THE SILK

(By Sally Quinn)

Mrs. Richard Nixon spent 30 minutes Tuesday night at the Museum of History and Technology looking at 50 photographs of her husband and family.

Although Mrs. Nixon seemed pleased with the exhibition, there were those at the Smithsonian Institution who were not so enthusiastic, mainly because the exhibit cost the Institution $7,000 in Italian silk.

A long-time Nixon friend, Justice Department official and member of the Nixon Foundation, Dick Moore, had gotten the idea to have "the first photographic exhibit to be shown of an incumbent President."

So they took the pictures that members of the President's four personal White House Staff photographers had shot of President Nixon over the last two years, chose 50 of them, and prepared the exhibition.

They contacted the Smithsonian about two weeks ago and arranged to show the photographs there to the public from Jan. 20 (the anniversary of Nixon's inauguration two years ago) through Feb. 21, with a press preview Jan. 19.

Unfortunately for the Museum of History and Technology, the White House was so anxious to get the exhibit hung in time for the anniversary that they couldn't wait to have it hung properly. So, according to one Smithsonian Institution official, they didn't.

Rather than use the normal procedure of placing a border at the ceiling above the $50 a yard Italian silk and hanging the pictures from wires, the museum officials were forced to hammer nails through the plush silk. "That was the most expensive wall in the entire museum," said one official. "This project had ended up costing $7,000. That's four times what a normal project of this type would cost."

'The First Two Years: A Photographic impression of the Presidency" was put together because, as the brochure states, "The President of the United States leads not only our great country, but provides leadership to the free world. His decisions provoke worldwide interest both in the office of the presidency and in the man who holds it."

Chief White House Photographer, Ollie Atkins, who gave Mrs. Nixon the tour of the exhibition explained that it would be available to "responsible people" after it closes at the Smithsonian.

"It will go where it's invited," said Atkins, "as long as people are capable of supervising it and not stealing or mutilating the photographs."

Mrs. Nixon had seen all but two of the 50 pictures. However she doubted that the President would come and look at them himself.

"He doesn't like to see pictures of himself or watch himself on television," she said.

"He never watches himself on TV. He speaks from the heart and he's afraid that he will get self-conscious if he sees himself."

Mrs. Nixon's favorite photograph was of the President sitting on the steps with David Lupi, the Hearing and Speech Poster Child. "That's adorable," she said. "They look like they're enjoying each other."

Another favorite was the White House at Christmas time. "What I like about it is Old Glory up there," she said pointing to the flag on top of the White House, "just flying and waving away."

After Mrs. Nixon left, Secretary of Agriculture and Mrs. Clifford Hardin who came in with her, departed too. But Secretary of the Smithsonian Institution and Mrs. Dillon Ripley and White House Director of Communications and Mrs. Herb Klein stayed on with some 80 others to enjoy the drinks and the buffet that the White House had provided.

ESTABLISHING A SELECT COMMITTEE ON AGING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, I take great pride in joining my good friend, the distinguished gentleman from Arkansas (Mr. PRYOR) and other concerned Members in sponsoring legislation to establish a Select House Committee on Aging. The unceasing efforts of the gentleman to provide a touchstone for House consideration of the problems associated with aging are an inspiration to all of us who are striving to make the institutions of Government more responsive to the needs of the people it serves.

In the past few years, what I think is a disproportionate amount of public concern has been focused on the problems of youth. I say disproportionate because in the process, it seems that our national concern for the problems of aging have been forced to take a back seat to the problems of youth. This is a thinly veiled criticism of the press and the media, as well as a thinly veiled criticism of the instrumentalities of Government charged with responsibilities relating to our senior citizens. This preoccupation must be terminated; a proper perspective and a proper mix of attention and action must be restored.

That segment of the U.S. population which falls in the 65-and-over age group is very significant both in terms of its number and its caliber. There are over 19 million persons in this age group; this is more than 9 percent of our total population and more than 16 percent of our adult population. Among its members are some of our most able lawmakers and some of our wisest judges; yet, paradoxically, we are willing to entrust the aged with decisionmaking responsibilities in areas vital to our national and personal well-being while we arbitrarily exclude them from job opportunities and the economic mainstream.

As a result of this almost schizophrenic view, many of those 65 and older discover that they are living in their "sunshine years" in name only. They discover that the thing they share most with their peers are serious and continuing problems in such areas as personal fulfillment, housing, medical care, education, transportation, and income. On this last point, it has been estimated that one-third of the elderly live in poverty or near poverty. Of those over 65 who live alone, 66 percent have annual incomes of less than $2,000.

I ask my colleagues, Mr. Speaker, are the things I have just described desirable fruits of the American dream? We all would cry they should not be, but the facts bear out the tragic fact that they comprise the reality in which far too many older Americans spend their last years.

Among highly civilized peoples, one measure commonly used to evaluate the humaneness of a particular society is in what fashion and to what extent does that society take care of its elders. To primitive man, the aged members of the tribe or kin group were a burden that had to be discarded by virtue of economic necessity. This was commonly accepted as an individual's destiny. In more advanced societies, as the demands of subsistence were surmounted halting efforts were made to maintain and protect the aged. They began to assume a revered societal position by virtue of the wisdom and experience they had accumulated over their lifetime. These qualities proved vital to early man as he strived to construct what we today know as the beginnings of Western civilization.

I would dare say that if the story of this Nation were written and concluded today, future historians would not judge us too kindly with regard to cur attitudes and our actions as they relate to the aged.

Mr. Speaker, in my view, we owe it to this Nation, and more fundamentally we owe it to our 19 million elderly to change our perspective. We must focus in a deliberate and consistent way upon the problems and the concerns of the elderly. We must bring the creative energies of our society to bear and remedy the tragedies presently commonly associated with aging.

To accomplish this goal will engage the best efforts of us all. We in the legislative branch carry a special burden because it is our job to frame the laws within which the aged will order their existence.

By establishing a Select Committee on Aging, the House of Representatives will be able to draw together the various strands of legislative responsibility that are presently scattered, on a part-time basis, among some 10 House committees. Focusing committee action in one special committee will permit problems of aging and alternative solutions to be comprehensively considered. It will provide a forum for the creation of innovative legislation.

I urge those of my colleagues who have not fully considered the problems of the aged and who have not fully assessed the responsibilities of Congress in this area, to take time out from their busy schedules and give the Select Committee on Aging proposal their undivided attention. The quality of life for 19 million people may well rest in part upon whether the House chooses to address itself directly to the problems of aging by the establishment of a Select Committee on Aging. The other body has an analogous committee; why should only one branch of Congress be the guardian of the elderly?

CAMPUS UNREST

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. LUJAN. Mr. Speaker, the following are two letters I have received from a constituent of mine, Ronald Standler, and I believe they should be included in the RECORD. Mr. Standler, a student at the University of Denver, has written an excellent report on the problem of campus unrest and I think that his suggestions are valuable. I recommend them to my colleagues as valid approaches to a sensitive and complex issue facing all of us today.

The letters follow:

DEAR MR. LUJAN: The modern era of student protest demonstrations began at the University of California Berkeley Campus in October 1964, just six years ago. Campus disorders are important to understand because the present and future leaders of our country are going to be influenced by the past and present turmoil. Even more important, violent protest threatens the physical existence of the universities; and political reaction to violent protest threatens to induce a new era of repression throughout our nation.

In preparing this paper I carefully read a stack of material over nine inches high and selected a number of points which I thought were correct. I have omitted chronicling the events at any university; I have not listed ideas with which I disagreed; I mentioned only what appeared to me to be useful techniques for maintaining the proper functions of universities.

I have not yet received the report of the President's Commission on Campus Disorders, so in a sense this paper is an independent look at the same material. I want to thank you for sending the prepared statements of forty witnesses before the Commission; those statements were the best material on campus disorders that I have seen.

In my textual footnotes I enclose in parentheses an abbreviation which refers to a title of a book listed in the bibliography, followed by the page number of the work cited.

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DOE–X.—Designates reference to material from a prepared statement delivered before the President's Commission on Campus Unrest 15 July to 5 August 1970. "Doe" is the author and "X" is the page number of his testimony.

PURPOSE OF A UNIVERSITY

Before we examine student violence and how to control it, I think it is good to reflect a moment on the purpose of a university. John Platt, speaking before the Midwest Conference of College Administrators in 1968, stated five principal activities: (*Science*, 15 Aug 69, editorial page).

1. "Scholarship—the knowledge of everything that a man has done or written or thought."
2. "Teaching—the transmission of knowledge to the next generation."
3. "Creativity—generation or discovery of new insights or new knowledge."
4. "Public service—the application of all this knowledge in writing and consulting and inventing for its value to industry and government and the public."
5. "Innovation"—both ideas and material gadgets "that enlarges the achievements of man and transforms societies."

These purposes include the critical examination and continuous appraisal of existing knowledge. The university, particularly its library facilities, serves to preserve the thoughts which constitute our intellectual heritage. Some critics of modern universities have suggested that research not be conducted in a university; that the purpose of the university was to teach. But if a university does no more than teach it will be merely a super high school; moreover, as Professor Robert C. Amme has stated, "One purpose of a university is to create knowledge, not merely regurgitate it." (R. Standler, "Physics Major Counters Attacks on Denver Research Institute," *University of Denver Clarion*, 11 May 1970, page five). The university faculty, by engaging in a blend of teaching and research, can present to its students modern knowledge with enthusiasm rather than that of a stale teacher whose last contact with a practicing scientist (or other innovator) was in his own college days.

These purposes are good if the university is a community of scholars, but the modern university with its gargantuan undergraduate enrollment contains many students who are not serious about obtaining an education. A discussion of this point will lead us to one of the reasons for student unrest.

Let me quote Professor Andrew Hacker (BB, 208–9): "The millions of teen-agers filling up our colleges and universities are there for career purposes. They know, better than their parents, that a degree is absolutely necessary for financial and social success; and they are willing to spend four not-too-arduous years to become properly accredited. Most undergraduates have enrolled for eminently practical majors—business and engineering for the boys and education for the girls. Those doing liberal arts subjects are the minority, and very few of these have any illusions that they are engaged in learning for its own sake.

"Most of today's students are not intellectuals, nor are they capable of becoming so. They do not object to large, anonymous classes. They have no ideas of their own to put forward and they want to be told what they have to know. Eight out of ten students discover that they have nothing to say at such times as they *do* meet with a real professor at close range."

Others have expressed similar opinions. Indeed, Dr. John W. Gardner wrote a small book on this subject (*Excellence: Can We be Equal and Excellent too?*, Harper & Row, 1961).

Dr. S. I. Hayakawa emphasized parental and societal pressures on young people to attend college: "From about the age of 15 onward, young men and women, whether or not they have a bent for the intellectual life, are pushed and prodded by parents and teachers—and even more by community expectation—to get into, if not a "good" college, any college. Campus disorders come not from those who are in school because they want to be, but from those who are trapped there. . . ." (Hayakawa, 1)

Dr. William McGill has characterized the modern university as a "storage area for bored young people who have no particular interest or drive toward learning, but who feel that a college degree is essential to their future welfare." (McGill, 7)

The universities could, in theory, unilaterally end this state of affairs by disowning their colleges of business administration, schools of hotel and restaurant management, physical education and home economics departments, and other programs of dubious academic merit. Requiring letters of recommendation from high school teachers of prospective incoming freshmen and a statement of purpose of each undergraduate applicant would allow the university to restrict its admissions to those who were serious about desiring advanced training. But these drastic changes would bring down upon the state universities the wrath of taxpayers and, hence, the legislature.

The large group of "students" on campus who are not sincerely committed to academic endeavors are excellent material with which to build student protest demonstrations. As Russel Kirk put it, these people who are "present on the campus only . . . for the prospect of a snob-degree, or for certification as potential employees . . . could not care less what happens to the higher learning; and they will venture nothing in defense of the Academy." (YAF, II–4)

Since many of the issues in campus protest demonstrations are national issues, as we shall see presently, one must ask: why are the univerities the focus of dissent?

The chief of police for the University of California Berkeley Campus, Mr. William P. Beall, Jr., stated, "I do not believe that the choice of the campus or the [Berkeley] community [as a base for revolutionary action] was accidental. The University [of California at Berkeley] campus is a large one and presents a high degree of anonymity for the person who wishes to use its many facilities. It has a great heritage of free inquiry, trust, and mutual confidence. It presents many opportunities for parttime employment which provides a means to live while leaving a great deal of time open for other pursuits. It has within its premises a large concentration of impressionable and volatile young people." (Beall, 7)

One can elaborate on the "impressionable and volatile young people" idea. California State College at Los Angeles has been free of major disruptions. Some of the reasons for this lack of violent demonstrations put forth by S. Cooley were:

The median age of the students was 26; 80% were over 21. Stability was imposed on the student body by marriage (42% of the students were married; 29% had children) and by employment (52% worked at least 20 hours/week, 20% worked 40 hours/week). Mr. Cooley concluded, "married, working, goal-oriented students preclude mass political or philosophical movement of students." (Cooley, 1–2)

A young college student just out of high school has probably never held a steady job and is still dependent upon his parents for financial support. These students are likely to regard themselves neither as children nor adult members of society. That is, they are isolated from society. Since they do not feel that they are a part of established society, it is easier for them to shout revolutionary slogans.

ISSUES IN CAMPUS PROTEST

Probably the most difficult task in writing this paper is to produce a section on the issues of campus unrest. I am *not* claiming that this section is representative of the views of any particular student or group of students. But the list of issues and comments may give a general indication of some concerns. I should also like to make clear that in presenting this section I have chosen material which I think illustrates some important attitudes and opinions of protesting students. I myself do not necessarily support the issues and opinions expressed here.

The principal issue is the War in Vietnam. Most students that I know who express concern over various social and political issues also oppose our military activity in Vietnam. It seems that if one is concerned about anything, one also opposes escalation of the war and any prolonged commitment of our forces in Vietnam.

Related to the marked dissatisfaction of students with the Vietnam war is protest against all aspects of the "military-industrial-complex." Recruiters for Dow Chemicals (manufacturers of napalm) and our military services have been picketed, obstructed, and abused by students. Many students (and faculty) have demanded an end to ROTC programs on campus. Mr. J. Edgar Hoover has stated that 16% of the demonstrations on college campuses during the 1969–70 school year focused on ROTC. (Hoover, 1, 4) There has been a reappraisal of all scientific research which has received financial support from the Department of Defense.

However, it is quite clear that if tomorrow our government were to pull all of our men, material, and money out of Southeast Asia, campus protests would continue. (Sponberg, 7; Fleming, 1, 11)

Even so, President Fleming of the University of Michigan noted that an end to the war would reduce campus tensions more than any other single achievement. (Fleming, 1–2, 11)

Dr. Fleming has, I think, stated the best explanation for the strong student reaction to our invasion of Cambodia: "Prior to Cambodia I believe the majority of the students were reluctantly, and with some grumbling about the timetable, accepting our government's intention to withdraw from Vietnam. Cambodia, which from the military point of view may very well have had to be a surprise, hit them like a thunderbolt. With no advance preparation students saw what appeared to be a complete reversal of the government's policy and a broadening of the war in Asia. No amount of explanation could possibly placate them in that period of high emotion." (Fleming, 2)

Another issue is what students view as unfair laws. As you know it is a federal crime to use, possess, or sell marijuana. Apparently, the use of marijuana is no worse than that of alcohol or tobacco. (The damaging effects of alcohol or tobacco on the body are well documented and saying that marijuana is no worse is *not* saying that marijuana is safe or beneficial.) It seems to be most unfair to permit adults to enjoy alcohol and tobacco while denying a similar pleasure to students who choose to smoke marijuana. The anti-marijuana law is a good example of our elders not liking students to have fun in ways which the elders do not approve. This kind of law did not work in the case of Prohibition, and I don't think it is going to be any more successful with marijuana. The existence of this law also forces the police to create substantial ill will among the students when the dormitories are raided for marijuana.

As a result of the marked contrast between statements in chauvinistic history and civics textbooks and reality, the contrast between the idealism of the statements that "all men are created equal" and the 15th amendment to our Constitution, and the racism not only of Mississippi but also of the Northern states, youth has a right to be disillusioned.

The "patriots" who wrote and selected the history books in public elementary and high schools seem remarkably gifted in ignoring or rationalizing our rich legacy of blunders. J. Otis Cochran, a black law student, characterized campus unrest as "a rebellion against hypocrisy." (Cochran 5)

According to J. Edgar Hoover, 13% of the demonstrations on college campuses during the 1969–70 school year had "marked racial overtones." (Hoover, 1, 6) Racism is perhaps the best example of where our nation has failed to meet its own standards.

A large number of people have mentioned that youth does not place as much value on material achievements as their elders do. (Flacks, 5; Hayes, 15; BB, xvi, 221–2) In the opinion of some students the industrial revolution, science, and engineering have only given us pollution, ghettos, built in obsolescence, materialism, and urban blight. The result of this view, as Chancellor McGill neatly stated is that, "We are witnessing a youth revolution against technology." (McGill, 10)

Also among the issues of campus unrest there are various local issues. These will range from protest over the punishment given to students in the last demonstration, protest over a new rule from the university administration, police brutality, poor food in the school cafeteria, etc. But I agree with Dr. Heyns (RCCD 4901) that national problems are more important to students than local campus issues.

While it may be in vogue to condemn all student protest, one must realize that student protests influenced the Government's decision to begin civil rights programs and withdraw from Vietnam. (RCCD 4945; opinion of Dr. Heyns and Senators Percy and Ribicoff) The issues of student protest are certainly not the unique concern of young people. The high degree of morality and idealism of protesting students have been discussed by Dr. Keniston. Most protesters who were surveyed at Berkeley and San Francisco State College defined morality as a matter of social contract "created by each community to promote the public welfare," or in terms of idealistic principles (e.g. Golden Rule, sanctity of human life). In the case of the social contract the rules could be changed if they "proved unworkable or destructive." This group composed what Dr. Keniston called "post-conventional level of moral reasoning", and it is the most advanced form of morality. The usual form of morality, held by a minority of protesting students and by a majority of non-protesters, defined morality as what one could do without being punished or condemned by society. From this study Dr. Keniston concluded "student activism has a genuine moral basis." (Keniston, 5–6)

The preceding reasons most often given for campus unrest are valid points of concern among young people. Many students are sincerely concerned about these issues. And yet some of the students will join protest demonstrations to be with their friends, to escape from homework and lectures on a nice autumn or spring day, or just to do something different from routine college activities.

Probably most participants are motivated by a mixture of genuine concern about the issues and the excitement provided by the protest demonstration. The exact proportion of concern and fun is probably impossible to determine. Among those motivated primarily by serious concern, I suspect that many believe that physical protest is the only method of protest to which the Establishment will respond. Many student protesters have never written their Congressman a letter, and even fewer have read a published volume of testimony delivered before a Congressional committee. They seem to have neither the patience, knowledge, nor stamina to work within the system.

WHY VIOLENCE?

Professor Flacks has suggested that the "basic source of desperation on campus" comes from the fact that the students, after having examined our society and government, "cannot identify any elements of established political leadership that offer authentically promising alternatives" to a continuation of war, racism, pollution, etc. (Flacks, 2) When non-violent protest did not produce results, violent protest became more common. Professor Flacks observed, ". . . it is clear that the war itself served as a moral justification for disruptive or destructive action." (Flacks, 7) I think some students do use this justification, but it is a flimsy one containing an obvious hypocrisy: the students accept as good the violence they perpetrate while condemning violence of our government in Vietnam (and incidentally, police brutality incurred while suppressing violent protest).

In the last section I mentioned that some young people have rejected material fulfillment as a goal. This may make destruction of property more acceptable to them since they do not respect the value others attach to their property.

Students really are frustrated by the failure of the Establishment to do as the students wish or demand. ". . . they say, 'the System' fails to respond to their cries. What does this strident-sounding phrase, 'the System didn't work,' mean in practice? Stripped of the rhetoric, this simply means that students did not succeed in building a democratic majority movement for their ideas. Campus violence has its origin in the despairs of young people at the possibility of convincing a majority of the American people to support changes which they wish to see take place. The politics of confrontation and violence are alternatives—coercive alternatives—to building a majority movement for change." (Kelman, 2)

A similar analysis was presented by Mr. David A. Keene, who phrased student discontent this way: "they are confusing the right to speak with the right to be obeyed." (Keene, 5 also in YAF, II–30)

A prognosis was presented by Mr. Steven Kelman: "Campus violence will continue as long as students, concerned with the problems of our society, continue to regard the American people not as potential allies in solving these problems, but as an enemy to be confronted." (Kelman, 4)

Apart from the well-known destructiveness of Molotov cocktails, firearms, and throwing rocks, there is another form of campus violence that deserves explicit mention. When a speaker, usually a conservative or a member of the Establishment, speaks before a campus audience, the radicals may interfere with his speech by yelling obscenities or chanting slogans. Al Capp, a cartoonist and a frequent speaker before campus groups, stated that "in [his] opinion, beating a man into silence with filth is as brutal as beating him into silence with a club." (RCCD 4518) I am not in complete agreement with him—I would prefer to be yelled at than clobbered—but the point is clear: radicals can prevent free speech just as effectively by yelling as they can by assault and battery. Yelling is not an intellectual process, it is really a form of physical assault What is upsetting to me is that the radicals are incapable of understanding that freedom of speech also applies to people with whom they disagree. I am unable to explain this blindness on their part.

The severity of campus violence is indicated by J. Edgar Hoover's figures that during the 1969–70 school year alone there occurred eight deaths, 462 injuries, and 9.5 million dollars of damage due to protest demonstrations on college campuses. (Hoover, 1–2) A survey of local and state police departments by the Alcohol, Tobacco, and Firearms Division of the Department of the Treasury concluded that 20% of the bombings in the United States from 1 Jan. 69 to 15 April 1970 have been attributed to campus disturbances. Campus disturbances account for the majority of bombings of known purpose. (RCCD, 5339–42, 5348–9)

AVOIDING VIOLENT PROTEST

Perhaps one of the best ways to avoid student protest is to have an administration that is actively seeking to improve the college. By looking for things that need changing and changing them, the administration, takes the initiative from the radicals on the local issues. The school administration should also make an active effort to justify its policies to the students, to convince the students that the policies are reasonable. (Dearing, 8; Keene, 8, also YAF, II–32)

Once a protest demonstration is in progress it may be possible to keep it peaceful *and* even constructive by using the faculty as a moderating influence. "At a time when most authority figures are suspect, including specifically campus administrative officers, teaching faculty appear to retain a considerable measure of moral authority. The mere presence of such faculty members in a developing confrontation, a building occupation or other potentially highly disruptive campus manifestation, can do much to retain or introduce a tone of reason, of friendly good humor, and individual self-awareness. Thus a highly charged atmosphere which could turn to a concerned gathering into an unruly mob can be effectively grounded by a small number of faculty members willing to talk, listen, and respond as members of the same academic community as the students. However, their [faculty] interest must be genuine, neither faculty nor students will submit to manipulation, and both are quick to sense or to suspect a mere administrative maneuver." (Dearing, 3) The attitude here, naturally, is to listen to the students first and not to "straighten [them] out on all [their] goofy ideas." (Lundborg, 16)

City police and National Guard should never come on campus except when requested by the college administration. The university should maintain its own security force, preferably unarmed, to enforce routine rules (e.g., parking violation). When a college is plagued with violent disruption, it has no reasonable choice but to call for external law enforcement personnel. I should like to suggest some considerations in the tactical deployment and methods of city police and National Guard on campus.

When campus violence is thought imminent by college officials, it may be well to place a contingent of National Guard or city police on reserve several blocks away from the campus. I think it would be wise to avoid having armed, uniformed police in riot gear or troops in combat uniform standing at parade rest in full view of a non-violent student protest demonstration. The students will view this as a repressive, totalitarian tactic designed to infringe on their freedom of assembly and freedom of speech. Tensions will rise and a violent confrontation with police will be more likely than if the police were not visible to the demonstrators.

If there is a definite purpose for the presence of the police on campus, e.g. to clear a building which contains a sit-in, the police should assemble off campus in sufficient strength and then quickly move to the site of the action. Every effort should be made to make arrests quickly and efficiently with a minimum of force. Faculty and student marshalls should accompany the police to urge nonviolence among the protesters and to be able to dispel possible future rumors of police brutality. (Hook, 8; RCCD, 4611) As soon as the activity is complete, the police should withdraw from the campus. In all matters, advance planning is essential: campus security, the school administration, local police, National Guard, faculty and student marshals should meet *before* any protest demonstration occurs.

If the administration concludes that a demonstration must be terminated, there are certain considerations that may prevent unnecessary casualties. The use of a court injunction rather than laws (e.g. trespass, illegal interference with an educational institution, unlawful assembly, etc.) as the legal authority to end a demonstration has been suggested. (Maier, 12–14; Wilson, 2) This method has the purported advantage of placing students in defiance of a court rather than police. Student marshals between the troops and demonstrators may be able to prevent student violence. Adequate warning over loudspeakers should be given to demonstrators before gas is fired, troops advance, arrests are made, etc. Troops should move slowly so that the demonstrators have time to respond. When attempting to disperse a demonstration with advancing troops, or troops using tear gas or water, the commander should be certain that unblocked escape routes are available to the crowd. These routes should be identified to the protesters over loudspeakers. (FM19–15, sections 1–9, 7–4b(3d), F–9)

The use of tear gas is repugnant to most people; I would suggest the use of something less esoteric and less severe—namely water. Used on a high trajectory, water will be a considerable nuisance; but it will not cause any more trauma than rainfall. As an Army manual notes, it is "highly effective during cold weather." (FM–19–15, section 7–4b (3a)) A stronger application of force is to direct a high pressure stream along a flat trajectory, however this should be reserved for use when the high trajectory mode has proved unsatisfactory.

The usual picture of the National Guard advancing with bayonets fixed and unsheathed on their rifles is an effective one. However, I am not certain that this is always the best idea; indeed an Army manual states that "the use of unsheathed bayonets against the rioters at close range may be considered an unfair advantage and be looked upon as excessive force. This may well negate the desired psychological effect." (FM19–15, section 7–4e) The less aggressive posture of having bayonets fixed but covered with the scabbard may be useful. (FM19–15, sections 7–4f, F–7c)

There are also a number of very commendable rules on the firing of rifles and shotguns by troops which I shall not list here. (FM19–15 section 7–4b(5–6), 7–4e(2–3), 7–11b, F–7b–g)

A very effective technique for exposing the radicals' claims to speak for all students and for putting campus unrest into perspective is to hold a referendum. (Maier, 3–8; Steiger, 5) Each student should present his registration certificate when he votes, which can be marked to prevent his voting more than once. This requirement disenfranchises outside agitators and others who congregate on campus during a major disturbance.

It is a fact that most of the injuries and all of the deaths resulting from campus disorders have been associated with the efforts of the police and National Guard. (Flacks, 7; Keniston, 1; Kennedy, 4) One calls to mind the two students murdered by racist police at Jackson State College in Mississippi and the four murdered by the National Guard at Kent State in Ohio. Senate hearings revealed that the National Guard broke open 80% of the dormitory rooms in Scott and Cooper Halls at North Carolina Agricultural and Technical State University during a search for snipers even though the staff issued pass keys to the troops. (RCCD 4850) This official violence is even more serious when one realizes that many non-protesting students who learn of this over-reaction by the police and National Guard will be radicalized. (Steiger, 4) A large number of students are apathetic or not motivated to participate in protest demonstrations over the war in Southeast Asia. However, not too many students can avoid being concerned when their fellow students are shot, beaten, and abused by police and National Guard.

The very nature of a university requires that it be open to the public. High school students and other citizens need to use the university library; professional people need to attend seminars and advanced classes; people may wish to view art exhibits, listen to recitals, and look through the university's telescope. And many of the faculty, students, and staff live outside the university perimeter. There is no way that the university can be secluded from the community in which it exists.

But the fact remains that a large number, often a majority, of people arrested during campus protest demonstrations are not students at that university. During the first half of 1970 only 13% of the arrests by the University of California at Berkeley (UCB) campus police involved UCB students. Only 14% of those arrested in the 14 July 69 "People's Park" disturbance were UCB students. Dr. Roger W. Heyns, UCB chancellor, stated, "You can be sure that the more violent it [the demonstration] becomes, . . . the higher proportion there is of outsiders, of nonstudents. This is a general observation. In many of these instances the majority of them are not students." (RCCD 4946) During the trouble at San Francisco State College from November 1968 to March 1969, 48% of the arrests involved people not students at SF State. (ESNL, 93)

A number of youthful sympathizers are attracted by news media reports of the demonstration. Another problem was related by the city manager of Berkeley, Mr. William C. Hanley. "[During the Telegraph Avenue disturbance of 30 June 68] it became obvious that a tremendous concentration of vehicular traffic was clogging all the streets in the area—making it impossible for emergency vehicles to respond to calls for assistance or to reach the scene . . . [of] criminal actions. Sightseers, anxious to 'make the scene', were continuing to pour in from all directions. . . ." (RCCD 4989–90)

As tragic as the loss of life is, a university should not be closed to avoid possible deaths among students, faculty, and police. To close the school is a cowardly act by the administration which pleases only the radicals whose goal was to shut down the college.

Some instructors have cancelled classes, with or without approval from their department chairman and the dean. Other instructors have met with their classes to discuss current events rather than the proper course syllabus. This is unethical practice. The teaching staff is paid to meet with their class and present the regular class material and they have an ethical as well as a contractual obligation to fulfill. There will always be, I hope, a few students who want to study what the course title and catalogue description promised. These students must not be disappointed. If a student has any rights at all, he has the right to expect to see his instructor presenting the proper subject material during scheduled class hours. Even a majority vote of the students can not alter this right.

PUNISHMENT OF STUDENTS WHO PARTICIPATE IN VIOLENCE

A violent demonstration may prevent serious students from attending class, using the library, or studying in a calm, peaceful campus environment. The university exists (or should exist) for the benefit of serious students and faculty. Those people who interfere with the rights of scholars to study should be punished.

Any student who, as an individual or as a member of a group, participates in the following should be punished:

(1) Physically hindering entrance to or egress from any part of a university building after being told to leave by a uniformed police officer or recognized school official.

(2) Creating a noise level (particularly with reference to electronic sound amplification) which interferes with activities conducted in a university building after being told to cease by a recognized university official.

(3) Disrupting a speech or lecture presented in a university building by heckling the speaker.

(4) "Taking over of a building, or part of a building, by exclusive occupation, or by the denial of the freedom of movement of persons having a right to be there." (Sullivan, cited in YAF, I–15)

(5) Vandalism, theft, and/or arson of library, professor's office, classroom, research facilities, or other university property.

(6) Carrying a firearm, long knife, bomb, or other deadly weapon onto the campus without permission of the administration.

(7) "No group may be admitted into a private office unless invited, and then not in excess of the number designated or invited by the occupant. Passage throughout reception areas leading to private offices must not be obstructed." (Columbia University Interim Rules, RCCD, 5275)

(8) Assault and battery on campus.

In addition to sentence pronounced in a court of law, any student arrested by police on campus during violation of any of the above rules shall automatically "be suspended from the university ["for one year from the beginning of the semester in which the suspension was initially imposed"] in seven days unless, prior to that time, he obtains a ruling from . . . the disciplinary tribunal . . . that he was not a participant in an unlawful demonstration. If a student testifies or presents other evidence denying his participation in [a violation of the rules] . . ., he shall be exonerated unless a clear preponderance of the evidence establishes a violation." (Columbia Rules, RCCD, 5279–80)

There is no reason why the university should tolerate the continued presence of a student who has participated in campus violence. I would not suggest that students be punished for verbal acts except where the noise level interferes with a speaker's freedom of speech or university functions. In these instances the student's speech becomes a physical assault. Otherwise, students are free to advocate violence and say anything else they please.

Suspension of a student denies him permission to enroll during the period of suspension, and it denies credit to the student for all classes in which he is enrolled when suspended. I think a student is not entitled to receive degrees or other honors that were scheduled to be awarded during the time of his suspension. After a period of suspension the student may make application to the university for admission, and he would probably be considered on the basis of his academic record without regard to past disciplinary actions which had been taken against him. A more severe penalty is dismissal—it forbids the student to re-enter the university except "only on specific approval of the Chancellor. Expulsion: permanent termination of student status without possibility of readmission to any campus of the University." (RCCD 4898) Expulsion is very rarely used. (RCCD 4922)

In the past demonstrators have demanded amnesty from college disciplinary proceedings and the colleges have often granted it. This was a deplorable state of affairs; fortunately the trend now seems to be to impose reasonable penalties on disruptive students. Amnesty should never be granted. If a person is innocent, or if he is guilty under exonerating circumstances, then, of course, he should not be punished. But an individual should never be relieved of responsibility for his actions.

DANGER OF REPRESSION

Dr. Robben W. Fleming, President of the University of Michigan, put it nicely: "Students . . . either ignore or refuse to face up to the fact that their education is heavily subsidized and that they cannot totally alienate their benefactors without suffering a withdrawal of their support. The public, on the other hand, cannot understand some of the antics of young people and therefore wants to punish all of them.

The problem is exacerbated on every large campus by the presence of a small but violently radical group. They may be students, or non-students or both. They are utterly totalitarian, and totally beyond reason. A number of them have severe psychiatric problems. Suspension or expulsion from school does not solve the problem of their presence since they manage to find it possible to remain in the community. They not only do not care that they alienate the public which must support the university, this is their fervent desire. They will actively work to provoke police actions in the hope that relatively innocent participants or bystanders will be hurt and that student opinion will then swing against the police and against the university.

"At the other extreme are those members of the public who believe that the only way to deal with the problem is by force, including, if necessary, live ammunition. Such an approach inevitably throws large numbers of students into the arms of the radicals, and creates a bitterness on campus which only the years can mend. * * *

"One should not leave this subject without mentioning the great damage which some elements of the press and broadcast media have done to campuses. It may be true that their publics are more interested in the sensational than the constructive, but there are countless examples of almost total irresponsibility by both the press and television with respect to campus disorders.

* * * * *

The way in which some students can turn-on before the television cameras would be amusing if it were not so devastating in communicating an innaccurate view to the public." (Fleming, 7–9)

The chairman of the board of the Bank of America, Mr. Louis B. Lundborg, stated "I am not afraid the left-wing radicals will win. I am only afraid of how they will be defeated. The natural sequel to left-wing radical rebellion is right wing reaction and repression. History shows only too plainly that repression doesn't repress only the bad guys; it ends by controlling and repressing everyone —particularly everyone who disagrees with the party in power. The line of reasoning underlying this point of view might go something as follows, and I quote:

" 'The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes, danger from within and without. We need law and order.'

"The words, gentlemen, are attributed to Adolph Hitler in the year 1932. The quote has recently come under a cloud of suspicion as to its authenticity; but to anyone familiar with the Germany of 1932, there is no doubt that this sentiment was part and parcel of the Hitler platform and of the Hitler appeal. (Lundborg, 6–7)

Dr. Roger W. Heyns, Chancellor of the University of California at Berkeley, stated: "It is a fact of our life that the range of alternatives available to us is progressively narrowing as a result of two factors: The intransigent determination of radicals to make extreme demands to provoke conformation. * * * The other set of forces is more complex. It consists of public opinion informally stated and manifested in the position of their representatives. The range of solutions they can accept is more and more limited as public anxiety grows and as the obvious need for the protection of the community grows." (RCCD, 4966)

ACADEMIC FREEDOM

J. Edgar Hoover has said that radical students "have raised a clear danger of repressive legislation aimed at controlling campus violence which could threaten the very essence of academic freedom." (Hoover, 10)

Academic freedom is a very difficult concept to define. A brief definition by Lovejoy and Dewey which was cited by the conservative philosopher, Professor Sidney Hook, as being one of the best is as follows:

"Academic freedom is the freedom of the teacher or research worker in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publications or the instruction of students, without interference from political or ecclesiastical authority, or from the administrative officials of the institution in which he is employed, unless his methods are found by qualified bodies of his own profession to be clearly incompetent or contrary to professional ethics." (BB, 68)

Professors have the same civil liberties as any other citizen. This includes the freedom to speak on current political issues. But unless the class is studying current political events, such remarks should not be made during class time; and, of course, the student must not be required to agree with the professor's opinions. (AF, 116, 126–7, 175) The American Association of University Professors 1940 Statement on Academic Freedom and Tenure, the authoritative American document on the subject, states that in public utterances a professor "should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.' (RF 214, also page 385 Autumn 1968 AAUP Bulletin)

The last point is particularly important. A large number of students, and some faculty and administrators, have suggested involving the university in political causes. I think this would destroy academic freedom. If the university itself is to become a political force, it certainly should be subject to regulations appropriate to a political party or lobby. One immediate consequence is that universities engaged in political activity should not be supported by public tax money.

Dr. Edward Teller has been adamant in his criticism of 33 university presidents who wrote an open letter to President Nixon on Cambodia. (*Albuquerque Tribune* 25 May 70; testimony before the President's Commission on Campus Unrest page 14) "Those 33 presidents had, of course, the right as individual citizens to criticize our administration. They are men of great reputation whose views would have been heard had they chosen to speak up without using the names of their academic institutions. That they found it necessary nevertheless to band together and speak as presidents of their great schools cannot be excused." (*Tribune* article cited above)

I think matters of selection and tenure of faculty, curriculum, and various academic regulations should be the exclusive concern of the faculty and academic deans (not the entire administration). (Sponberg, 14) If one permits trustees, regents, or other non-academic personnel to meddle with these matters, one runs the risk of grave damage to the academic freedom of the university. (AF, 115, 135, 207, 221–8) A faculty member certainly ought to enjoy the same political and religious freedoms as any other citizen. I see no objection to having Communists, atheists, or other "undersirables" on the faculty. I feel very strongly that a professor should never be required to take a loyalty oath.

Political advocacy is one of the issues in academic freedom. Many politicians have complained that the instruction given in the schools and certainly the attitude of youth seems to emphasize what is *wrong* with our country. Professor Richfield made an interesting point on this matter when he said: "Students know that stressing our strengths is no less political advocacy than harping on our weaknesses. Students have shown much contempt for a patriotism which emphasizes strengths and shuns a free and open discussion of weaknesses. They see only too clearly that to make such an emphasis is to take a stand. And that such a stand is one which inhibits change." (Richfield, 2–3)

The last point I want to make about campus unrest and academic freedom concerns the rights of the scholars I mentioned in the section on punishment. Professor Hook has stated, "... an obvious consequence of the politicalization of the university is the erosion of academic freedom—of the right to teach and the right to learn—of faculty and students. Once the university as a corporate body takes a political stand, members of the faculty who disagree with that stand are harrassed. When classes are suspended for purposes of political demonstration or colleges are closed down by strikes, the teacher's freedom to teach has been abridged and the right of students freely to attend their classes destroyed." (Hook, 5)

ROLE OF POLITICIANS

There are a handful of nationally prominent politicians who have profited from the schism between the "Silent Majority" and the college students. I am thinking specifically of Vice-President Agnew, Secretary Mitchell and his wife, and Governor Reagan of California. Every time they find a new disparaging name to apply to students or faculty, they increase the bitterness students feel toward the government. Many statements before the President's Commission on Campus Unrest included among their recommendations that "violent political rhetoric" cease immediately. (Stalcup, 4, 11; Senator Hugh Scott, 1; Flacks, 8, 11; Cochran, 2) It might not be a bad idea if politicians tried to live up to the American Association of University Professors restrictions on public utterances, with the exception that politicans do, naturally, represent their constituents and are spokesmen for official government policy. In this sense the obligation that goes with holding high public office precludes (or should preclude) making intemperate expressions of personal feelings lest they be misinterpreted as official government statements. (cf. the President's remarks on the guilt of Charles Manson before his trial was completed) Also, too many "law and order" statements sound very similar to the purported statement of Hitler quoted a few pages back.

For too long participants in protest demonstrations have been branded as disloyal, traitors, and Communists. Protest demonstrations, particularly non-violent ones, have been used to call attention to some of our nation's more glaring injustices and problems. There is nothing treasonable about trying to improve one's country.

Please forgive me for the length of this paper but the issues are complex, and, moreover, I am very concerned about this subject.

Respectfully yours,

RONALD B. STANDLER.

DEAR MR. LUJAN: I have received and read the *Report* of the President's Commission on Campus Unrest. I am very impressed with the thoroughness of the report and would recommend it to everyone who is interested in campus disorder. I am particularly pleased to see that much of the material in my paper, including some of my personal opinions, were also stressed in the report.

I have several more observations. If tear gas is used, micropulverized CS should be dispensed from a helicopter and the rotor wash used to direct the powdered CS toward the crowd. This prevents the crowd from playing the game of throwing gas grenades back at the troops. (cf. *Report* 258, 267, 288–9)

At Kent State two units, Troop G and Company A, were the only units that fired their weapons. (Report, 277) There is strong evidence that both units were fatigued. The day of the shootings was the sixth consecutive day the guard units were on duty and the third day they were on campus. (Report, 239, 250) Company A was on duty all night; after less than 1½ hours of sleep they were ordered to return to duty. (Report, 259) After one more hour of duty they shot the students without receiving an order to fire. (Report, 273) Similar (but less violent) problems with police fatigue have been noted in Berkeley. (RCCD, 4991, 4993–4) One cannot expect tired, overworked people to be alert and courteous; however this surely does not excuse the National Guard gunfire at Kent.

In addition to fatigue, there was another reason why the Guard opened fire without receiving an order. At all times the Ohio National Guard carried a fully loaded rifle, including a round in the chamber. (Report, 263, 283) FM19–15 lists this posture as the final step in a list of graded applications of force. (FM19–15 sections 7–4f, F–7–c) The shooting was in clear violation of accepted military practice. (FM19–15 sections 7–4b (5–6), 7–4e(3), 7–26, 7–28, F–7d–h) (also Report, 178, 279–280) The fusillade of 61 shots produced thirteen casualties at ranges up to 250 yards, all of whom were students in good standing. (Report 233, 273–4) One of the fatalities was on her way to class when she was murdered; she was never identified as a participant in the non-violent assembly which the National Guard dispersed. (Report 275, 267, 288)

The special reports on Kent State and Jackson State are among the most disturbing material I have ever read. The Commission had full access to the lengthy FBI reports and conducted hearings at both schools. There was no justification for the murder of the six students and wounding of twenty-one by the police and National Guard at the two schools.

Respectfully yours,

RONALD B. STANDLER.

DADE COUNTY RESPONDS TO APPEAL FROM SERVICEMAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. FASCELL. Mr. Speaker, I am anxious to share with our colleagues a very heartwarming story which has been unfolding in my district. It concerns many of my constituents now, but it started with a letter from a serviceman to his family.

WO Steven Woods of the 571st Medical Detachment at Quang Tri, South Vietnam, wrote to his parents on October 20, 1970:

> Lately I've been doing a lot of work with the Children's Hospital. The kids come here from all over with many different things wrong with them. They are the ones who are hurt most by war. So many of them don't have any parents or family. It's a real shame because many of them are just infants. If you have any old baby clothes, maybe you could send them over. They sure would be appreciated by a lot of people.

From this simple humanitarian request grew a project which offered many Floridians the chance to extend the spirit of Christmas halfway around the world.

But the story is more eloquently told in a letter I received from Warrant Officer Woods' mother, Mrs. James O. Woods of 8305 Southwest 119 Street, Miami, Fla. I commend the attention of our colleagues to that letter and to an article by Charles Whited, a Miami Herald columnist. Together they paint a very warm picture of human kindness and brotherhood in an era noted more for its darker hues of violence and war.

The letter and article follow:

MIAMI, FLA.,
December 31, 1970.

DEAR CONGRESSMAN: I will try and tell you as briefly as possible a lovely, lovely story about thousands of good people!

It all started last October when our son, Steve, wrote home from Vietnam that he was doing volunteer work in the Children's Hospital and found very desperate, unfortunate children. After treating their patients, the medical teams have nothing material to give their patients other than the love and affection they need so much. He phoned home to tell us not to send him any more personal items—just clothing for the war-torn kids in these wards—that's all he wanted for Christmas. I was so concerned that I phoned the high schools in Dade County and asked if they would like to help—the results were tremendous. Mayor Clark is issuing a proclamation to these young people because they truly have been great Americans! Mayor Clark has really been wonderful to help by having his publicity man, Raymond Lang, work with me to promote public interest. Everyone has been so concerned!

I just phoned Charles Whited to ask about why I hadn't seen Steve's name on the list for Christmas cards to service men in Vietnam; we ended up talking about Steve, and Charles, too, became very concerned! Charles wrote two articles—Dec. 8, and Dec. 22; as a result, people became very aware this situation really existed—our fellow Americans were concerned about the Vietnamese people they would never see.

This clothing drive has given us the opportunity to let our fighting forces in Vietnam know that we are with them all the way—100%. They risk their lives to save these people at a very great expense—so let's go all the way and give them something to give these people to start their lives again. My son writes home that he is needed and that the Vietnamese people are human beings.

Yes, there are organizations in South Vietnam to help rehabilitate the victims of war. There is not a direct mailing clothing drive—from the people—for the people! By sending this clothing through the U.S. Mails, we know the clothing will get to where it is intended. I'm sure our medical teams in the combat zones would really appreciate the opportunity to help complete their job of helping get these people back on their feet. We all realize that this should have been started sooner, but I feel as long as we have one service man in Vietnam, we should stick behind him 100%.

This is not just a dream because it has worked already; we have sent clothing to Steve and he has gotten them into the right hands. This is most important!

I only wish you could be here to share each moment with us as we see an entirely different picture unfolding before us—not a world of protest, defiance, and violence, but a world of compassion, feeling, and love of all mankind. Let's give the young people a break! The day the children brought the clothing over was one of the greatest experiences of my entire life. Kids that had never seen each other were having fellowship with one another you cannot describe! They formed a brigade from their cars and station wagons to pass the clothing into the house. They were the greatest! Afterwards we took out the guitars and sang together. now, tell me—Isn't this better than protest!!!?

There are so many people who have helped and who have offered to help—I fear I would let some one out if I made a list. Jim Ashlock at Eastern Air Lines gave us 100 percent support, National Brewing donated well over 200 shipping boxes, Palmetto Hardware gave us wrapping material, the Miami Herald, the T.V. Stations (Channels 10, 4, and 7), young and old alike; we just had a 94 year old woman from the Church of Jesus Christ of Latter Day Saints helping pack boxes. We have set up a post office box and an account at Dixie National Bank–, "Thank You to Dust Off," with the money donated by our fellow Americans. Yes, this is a beautiful world we live in, and the people in it are beautiful too!

This brief note has grown into a book, but I cannot say enough for the citizens of the greater Miami area and of the great country in which we live, and I'm very thankful for being an American. My fondest dream is that we don't have to stand up and shout, "I am a good American!", but everyone on the face of this earth will realize this because of our very deeds to mankind.

I hope you find time in your busy schedule to give us any type of support you have to offer. My prayers go with this message and May God Bless our great country and the people in it.

Sincerely,

FLORENCE WOODS.

[From The Miami Herald, Dec. 22, 1970]

TONS OF CLOTHES FOR WAR WAIFS

(By Charles Whited)

Two tons of children's clothing were spread Monday across the living room of the Woods family home, and Florence Woods and her mother, Mrs. Delora Roberts, had been busy sorting.

"This is fantastic," Mrs. Woods was saying. "I can't believe it."

The Woods family is devoting its Christmas this year to the wounded, orphaned, ragged children of South Vietnam; and what began as a modest effort by Mrs. Woods is ballooning beyond anything she imagined it would be.

As I wrote in a recent column, it all started when their eldest son, Steve, pilot of a medical evacuation helicopter in Vietnam, notified his parents in Dade County that all he wanted for Christmas was clothing for the children.

And he explained how kids caught up in the fury of war often wind up in military field hospitals, sick and injured and almost naked. The hospitals have no clothing for them.

So Florence Woods, mother of five, started scrounging. In the process, she spread the word among high school service clubs.

The results were astonishing.

BOXES, ARMLOADS

Clothes began pouring in the Woods home at 8305 SW 119th St.

They were rounded up by such clubs as the Elites and Les Jeunes Filles of Palmetto High, Anchor clubs from Coral Park and Miami Springs, Anchor and Senior Power from Hialeah, the Valkyries of Miami-Norland, and groups from Jackson and Killian.

The clothing was carted in by the boxes and armloads: shoes, sweaters, underwear, coats, pants, shirts, dresses—some of it brand-new, with store tags attached.

"These kids," said Mrs. Woods, "they're wonderful."

But then new problems developed. How to get it all to Vietnam? For weeks, the Woodses had been mailing boxes (40 of them in all) at enormous expense. There had to be a better way.

Florence Woods talked to officials of three airlines, and got tentative commitments to fly the clothing to Saigon. But military transport, she figured, would be better. She wired the White House. An aide to President Nixon called her. They would see what could be done.

Mrs. Woods and her husband, James, an Eastern Air Lines mechanic, are hopeful that the first shipment will be flown to Vietnam next week.

There, arrangements must be made to get it into the hands of the medical evacuation men—called "Dust Off" pilots—for distribution to all military hospitals having children.

To make packing and shipping easier, a beer company has offered to donate standard-size beer boxes, large enough to hold five complete outfits, including shoes.

CHOPPERS SHOT UP

While all this was going on, word came from Vietnam that Warrant Officer Woods had flown into enemy territory to rescue two downed American fliers from almost certain capture by the Viet Cong.

In his first attempt to pick up the men, his helicopter was shot up so badly he had to fly back and get another chopper to complete this mission.

Mrs. Woods sorted clothing. To get through the living room, she had made paths between the piles. And her mind was on the kids who would one day wear them—youngsters she would never see.

"These children have nothing. They are the forgotten kids of the world. But they are making this Christmas the most meaningful of our lives."

PUBLIC EXPRESSION OF FAITH DURING SPACE FLIGHTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, on Christmas Eve 1968, the men of Apollo 8 gave the world its first prayer from space. Their message is as appropriate now as it was then and I think it would do all of us well to consider their words as we here embark upon our own particular journey which is the 92d Congress. The Astronaut's prayer reads as follows:

> Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith to trust the goodness in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts, and show us what each one of us can do to set forward the coming of the day of universal peace. Amen.

Regrettably at the time, some of these noble words apparently fell on deaf ears because certain individuals subsequently instituted court action aimed at prohibiting astronauts from conducting any religious activities while in space. Upon learning of this ill-conceived plan I sponsored a concurrent resolution expressing the sense of Congress that exercises of faith as practiced by astronauts engaged in space flight are compatible with the rights of freedom of speech and religion which are guaranteed by the Constitution of the United States.

Today I am reintroducing this resolution. I believe that Astronauts Alan B. Shephard, Stuart A. Roosa, and Edgar D. Mitchell who will be manning Apollo 14 when it lifts off on the last day of this month may want to express their religious faith or make comments of a religious nature during their journey through space. I want these courageous individuals to know that the Congress of the United States supports their right to spiritual comfort. I want them to know it is their constitutional right as well as their birthright.

I hope, Mr. Speaker, that the men of Apollo 14 will not leave the surface of the earth unsure of their rights on this issue. Congress can take action now and explicitly proclaim that astronauts have the legal right to publicly express their religious faith during the course of space flight.

SOVIET PROTESTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DERWINSKI. Mr. Speaker, an extremely penetrating analysis of Communist moves to mistreat Americans in the Soviet Union was carried on January 16 by WBBM Radio—Chicago. I believe this particular editorial really "hits the nail on the head" and is, in fact, very thoughtful commentary that I wish to share with the Members:

SOVIET PROTESTS

Soviet Russia has started a program of deliberate mistreatment of Americans in Russia. It has done this in an effort to make Americans stop anti-Soviet protests.

Anti-Soviet protests in this country are not something that is new. We've had them a long time and for a wide range of reasons. Most of the protests have been peaceful. Only a few cases have involved damage or injury. We deplore those particular instances—even though we appreciate the anger of the protesters over Soviet treatment of minority groups in Russia.

What the Russians do not understand is that protest in this nation is tolerated if it is peaceful. We do not object to protests as long as they are orderly and do not cause harm.

But in the Soviet Union, no one protests unless it is with official backing of the government. Because of this, the Russians naturally assume that it is the same in this country.

As Americans, we should not be surprised that some of our citizens are being stopped on the streets of Moscow and threatened with bodily harm. Nor should we become too upset over damage to American property. What we must understand is that the Soviet Union simply assumes all other governments are responsible for such actions, just because the Soviet government controls these incidents in Russia. Nevertheless, we should hold Moscow accountable for the safety of every American now inside Soviet borders.

CONGRESSIONAL HANDLING OF BUDGET FAULTED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HAMILTON. Mr. Speaker, James Reston, in a January 17, 1971, editorial, presents a constructive criticism of the manner in which Congress treats the Federal budget.

The awesome size and complexity of this budget require major alterations in the way Congress handles it. A single forum must be given the task of an annual, comprehensive review of the entire range of fiscal and monetary issues presented by the President's budget. There are difficulties in this proposal in deciding what the forum will be—whether a joint committee, a combination of present committees, or a new committee. Nonetheless, it is imperative that the difficulties be resolved, and the committee established.

The editorial follows:

THE 187TH STATE OF THE UNION

(By James Reston)

WASHINGTON, January 16.—Within the next few days, President Nixon will deliver the 187th State of the Union address in person to the members of the House and Senate, and a few days later he will publish his budget. Then an odd and unfortunate thing will happen.

Very quickly the President's broad sweep and overview of the condition of the nation, and his definition of priorities in the budget will tend to get lost in debate, not on the total picture and priorities of the President, but on bits and pieces of it, each torn out of the larger concept.

This would not happen in a parliamentary democracy and need not happen under the Congressional system, but it does. In the House of Commons, for example, several days could be set aside for general debate on the state of the nation. The leader of the Opposition would make a considered response to the Prime Minister's speech. Other members for and against the Prime Minister, would then debate the address, and at the end there would be a summing up by the leaders of both parties.

This procedure has two advantages: first, it keeps the great and fundamental questions before the people long enough so that attentive minds can get some coherent vision of where the nation stands and where it is going; and second, it enables the members to see the problems of, say, defense and social reconstruction in relation to one another before they begin dealing in committee with their special parts of the whole.

The Congress of the United States doesn't debate the State of the Union message and the budget so much as it dismembers them. After some desultory observations for the press, often quite partisan in nature, the Congress will divide up the President's program and refer it to the various committees. There is no over-all committee of the Congress that examines the President's total program or seeks outside testimony on how others see the state of the nation or the priorities of the budget.

Nor is there any committee of the Congress that can keep the House and Senate within a spending limit and make the separate committees choose their priorities and relate their expenditures to a total the nation can afford. The result is that the United States is the only major nation in the world today whose Cabinet cannot conduct a rational and predictable fiscal policy.

The problem is not that the members of the Armed Services Committees fail to scrutinize the defense budget—though they often tend to become salesmen for the Pentagon's request—but that they do not scrutinize defense expenditures in relation to health or welfare expenditures.

As the National Urban Coalition said in its report on national priorities the other day, budget allocations are often determined through what might be called the "let's-see-what-we-gave-them-last-year-and-give-them-a-little-more-this-year" approach, the budget is prepared without any prior public scrutiny; and "at no time does any one body in Congress consciously and deliberately scrutinize the budget as a whole, with an eye toward setting over-all priorities."

One reason for this, of course, is that the chairman of the various committees would not welcome any overall legislative committee setting a total budget ceiling that might limit their freedom of decision.

The result of this is that the Congress of the United States, like many other American institutions today, tends to be dominated by specialists who know a great deal about their separate subjects but very little about the whole. Each is managing a little bit of the machine, but is often unacquainted or ill informed about its related parts and sometimes is remarkably vague about where it's going or whether it's on course.

The Founding Fathers were clear about the duty of the President to keep the great questions for decision before the Congress and the people. They said in the Constitution that "he shall from time to time give to the Congress information on the state of the union," and except for William Henry Harrison, who died one month after taking office, and James A. Garfield, who was assassinated, the tradition has been maintained.

What the founders could not possibly have foreseen was that public questions in America could become so complicated, and private distractions so numerous. But, anyway, they provided a simple remedy: that the President should call the clan together once in a while and sort out the big things from the little things, which is the original dilemma of the human race.

This, at least, is what the State of the Union message is all about. It is an attempt to reduce diversity to identity. It's the President's map of the year. His staff has been working on the budget since the last daffodils, and he has been working on his speech for weeks.

There is a lot of talk around here about Congressional reform in the 92d Congress—getting rid of the seniority system letting people vote privately to banish obvious dubs, and other sensible things—but nothing dramatic is going to be done on all this.

Still, the Congress has moved a little in the last session. It has challenged Presidential power to make war without a fuss and even threatened to cut off funds from ridiculous adventures, which is not much, but something.

So maybe there could be a debate about the State of the Union message and the budget before the Congress loiters down into the annual argument over the Senate rules. It could give us a clue about where we are all going, and some of the passengers might like to know.

TAX EQUITY FOR UNMARRIED INDIVIDUALS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KOCH. Mr. Speaker, I am introducing today a bill to give all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. My bill is a revision of a measure first introduced during the last session of Congress by our late colleague, William St. Onge.

The current discrimination against single taxpayers is the result of an historical quirk. In the 1940's many States adopted community property laws which provided that one-half of a couple's income had been earned by the spouse, whether or not the spouse was working. Congress then changed the Federal tax laws to conform to this situation, thereby lowering the Federal tax burden on married people in all States, but neglecting to take into account the economic punishment inflicted upon the unmarried.

This bill would not discriminate against married persons filing joint returns, but would simply remove the unfair and inequitable rates now paid by single taxpayers. The Tax Reform Act of 1969 attempted to mitigate the discrimination against the single taxpayer, but unfortunately it did not go far enough. A single taxpayer can still pay as much as 20 percent more in taxes than the married taxpayer. Approximately 25 million taxpayers would be affected by this legislation.

In order to take into account the fact that married couples have additional expenditures not incurred by singles, I also urge a continuing review of the personal exemption allowances, and deductions for such items as child care expenses. I have previously proposed raising the personal exemption to $1,200 per dependent.

I am hopeful that one of the first items of business in this 92d session of Congress shall be to amend the Internal Revenue Code to provide that single persons shall not be taxed at a rate greater than the rate paid by a married couple earning the same income.

I would like to insert in the CONGRESSIONAL RECORD at this time the text of the bill and a list of its cosponsors:

H.R. ——

A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) Section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as (b); and

(3) by striking out so much of subsection (a) as precedes the table therein and inserting in lieu thereof the following:

"(a) GENERAL RULE.—There is hereby imposed on the taxable income of every individual, other than an individual to whom subsection (b) applies, a tax determined in accordance with the following table:".

(b) Section 2 of such Code (relating to definitions and special rules) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), (c), respectively.

(c) Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

(d) Section 6015(a)(1) of such Code is amended to read as follows:

"(1) the gross income for the taxable year can reasonably be expected to exceed $10,000 ($5,000, in the case of an individual subject to the tax imposed by section 1(b) for the taxable year); or".

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1970.

SEC. 2. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this Act which shall apply, in lieu of the tables set forth in section 3402(a) of the Internal Revenue Code of 1954 (relating to percentage methods of withholding), with respect to wages paid on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act.

LIST OF COSPONSORS

Joseph Addabbo, Democrat of New York.
Les Aspin, Democrat of Wisconsin.
Walter S. Baring, Democrat of Nevada.
Nick Begich, Democrat of Alaska.
Frank Brasco, Democrat of New York.
Hugh Carey, Democrat of New York.
Charles Carney, Democrat of Ohio.
Shirley Chisholm, Democrat of New York.
John Dent, Democrat of Pennsylvania.
Harold Donahue, Democrat of Massachusetts.
Robert Drinan, Democrat of Massachusetts.
Thaddeus Dulski, Democrat of New York.
Don Edwards, Democrat of California.
Marvin Esch, Republican of Michigan.
Walter A. Flowers, Democrat of Alabama.
Donald Fraser, Democrat of Minnesota.
Edward A. Garmatz, Democrat of Maryland.
Barry Goldwater, Jr., Republican of California.
Seymour Halpern, Republican of New York.
Lee Hamilton, Democrat of Indiana.
Orval Hansen, Republican of Idaho.
Michael Harrington Democrat of Massachusetts.
James Hastings, Republican of New York.
Margaret Heckler, Republican of Massachusetts.
Lawrence Hogan, Republican of Maryland.
William Hungate, Democrat of Missouri.
Walter Jones, Democrat of North Carolina.

Carlton King, Republican of New York.
Edward I. Koch, Democrat of New York.
Norman Lent, Republican of New York.
Mike McCormack, Democrat of Washington.
Jack McDonald, Republican of Michigan.
Stewart McKinney, Republican of Connecticut.
Abner Mikva, Democrat of Illinois.
Joseph Minish, Democrat of New Jersey.
Parren Mitchell, Democrat of Maryland.
Robert Nix, Democrat of Pennsylvania.
Thomas O'Neill, Democrat of Massachusetts.
Bertram Podell, Democrat of New York.
Roman Pucinski, Democrat of Illinois.
Graham Purcell, Democrat of Texas.
Charles Rangel, Democrat of New York.
Howard Robison, Republican of New York.
Benjamin Rosenthal, Democrat of New York.
Edward Roybal, Democrat of California.
John Saylor, Republican of Pennsylvania.
Fred Schwengel, Republican of Iowa.
Robert Tiernan, Democrat of Rhode Island.
Jerome Waldie, Democrat of California.
William Widnall, Republican of New Jersey.
Bob Wilson, Republican of California.
Wendall Wyatt, Republican of Oregon.
Sidney Yates, Democrat of Illinois.
Gus Yatron, Democrat of Pennsylvania.
William F. Ryan, Democrat of New York.
Ella T. Grasso, Democrat of Connecticut.

TERROR IN SOUTH VIETNAM: THE PULPING OF A PEOPLE—IV

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. SCHMITZ. Mr. Speaker, today my office was invaded by a group of women who call themselves the Women's Strike for Peace. These people seem to feel that we should abandon the people of South Vietnam—and the rest of the people of Southeast Asia.

While they are working in the United States, their allies in Vietnam continue their carnage against the civilian population of South Vietnam. The following roundup of terrorist activties is just one small chapter in the continuing chronicle of Communist violence directed against people who want only to live in peace.

In order to alert my colleagues to the suffering of the South Vietnamese people, the deliberate policy of vicious atrocities against them, and the true nature of communism in general, I will continue to insert this roundup as compiled by the national police of South Vietnam, in the CONGRESSIONAL RECORD on a regular basis.

I do not expect this account, "telling it like is," to alter the course of groups like the Women's Strike for Peace as they push forward with their efforts which, if successful, would bring on a widespread massacre in South Vietnam. The facts probably have little influence on people of this ilk, who feel compelled to play with innocent human lives for emotional reasons of their own. However, I do think it is necessary that my colleagues, men of judgment and reason, be aware of this information which does not seem to make its way into the general mass media coverage of the conflict in Southeast Asia.

It is also necessary that we understand that, as the Representatives of the people of the United States, we have the power to bring this graduated massacre to a halt. For this purpose I have again introduced a House joint resolution which gives the North Vietnamese Government 30 days in which to withdraw its armies from the territory of its neighbors and release all American prisoners of war or find themselves officially at war with the United States of America.

This, in my opinion, is the road to a just and honorable peace—a peace entirely different from surrender—peace that will bring with it security for the helpless civilians of South Vietnam, rather than slaughter.

The daily terrorist roundup follows:

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 21, 1970

At 0540 this morning (Monday), approximately 1 kilo of TNT exploded in a warehouse of the Vietnamese train company in Saigon's 3rd precinct. The charge was hidden in the warehouse. There were no injuries, but an early estimate places the damage to the building at 30%.

In the Provinces, National Police report 7 incidents of enemy terrorism in which 2 Vietnamese civilians were killed, 11 wounded and 1 kidnapped. Details follow:

December 19: One civilian was wounded by a mortar which landed near the An Nong bridge, Phu Loc dist., Thua Thien Prov.

December 18: A 31-year-old woman was killed when she stepped on a mine. The victim was gathering fire wood near Trach Huu hamlet. Hung Dien dist., Thua Thien Prov.

December 17: A civilian threw a grenade in Thanh Quy hamlet, Dien Ban dist., Quang Nam Prov. One civilian was wounded.

December 16: A civilian was assassinated in An Hoa hamlet, Mo Cay dist., Kien Hoa Prov.

December 15: Also in Kien Hoa, the enemy kidnapped a PSDF leader from Binh Nguyen Hai hamlet, Truc Gian dist.

In Bac Lieu Prov., 2 civilians, 1 PSDF and a deputy hamlet chief were wounded in a skirmish with VC.

December 11: Five civilians were wounded in a clash with an enemy platoon in Ha Thanh resettlement camp, Gio Lien dist., Quang Tri Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 23, 1970

In 19 acts of enemy terrorism, eight Vietnamese civilians were killed, 40 wounded and six kidnapped. Details follow:

December 20: One RD cadre was wounded in a VC mortar attack on My Thinh hamlet, Duc Long dist., Chuong Thien Prov.

In Darlac Prov., one civilian was killed and five wounded when the enemy fired four 82mm rounds into Ko Sier hamlet, Ban Me Thuot dist.

Four civilians were wounded by enemy mortar fired into the Mo Duc dist. town, Quang Ngai Prov.

One PSDF was ambushed and killed near Xuan Phuoc hamlet, Dien Ban dist., Quang Nam Prov.

December 19: Five civilians were wounded as the result of a VC attack on Nghia Trung hamlet, Dai Loc dist., Quang Nam Prov.

Also in Quang Nam, two VC, dressed in ARVN uniforms, entered a civilian restaurant and assassinated the owner. They also wounded two civilians.

One woman was kidnapped from Son Cong hamlet, Huong Tra dist., Thua Thien Prov.

Again in Thua Thien, six civilians were wounded when the enemy shelled and attacked An Nuong hamlet, Phu Loc dist.

Six VC kidnapped the hamlet chief of Dong Loi hamlet, Phung Hiep dist., Phong Dinh Prov.

December 18: One platoon of VC attempted to enter Trang Su hamlet, Phuoc Ninh dist., Tay Ninh Prov. However, they were driven off by the local defense forces. One woman was killed during the engagement. Enemy casualties are unknown.

Six civilians were wounded when the enemy shelled Loc Hai village, Phu Loc dist., Thua Thien Prov.

One PSDF was killed and two others wounded in an engagement with the enemy near Tan Loc hamlet, Thuan Nhon dist., Phong Dinh Prov.

December 17: A VC unit assassinated the hamlet chief of Trung Thanh hamlet. Thuan Trung dist., Phong Dinh Prov.

A woman was killed when she stepped on an enemy mine near Cao Doi hamlet, Phu Loc dist., Thua Thien Prov.

The hamlet chief, a PSDF member and six civilians were wounded when a VC command-detonated mine exploded near Phuoc Dien hamlet, Duc Pho dist., Quang Ngai Prov.

A woman was wounded when she detonated an enemy booby trap mine near Chanh Luu hamlet, Ben Cat dist., Binh Duong Prov.

Also in Binh Duong, one man was kidnapped from My Phuoc village, Ben Cat dist. The victim was the father-in-law of a local hamlet chief.

December 15: One woman was assassinated in Ngoc Lam hamlet, Dien Ban dist., Quang Nam Prov.

December 14: Three young men were kidnapped from Bao Dieu hamlet, Cu Chi dist., Hau Nghia Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 28, 1970

Latest reports reaching National Police Headquarters describe 17 incidents of enemy terrorism. In these attacks, 12 Vietnamese civilians were killed, 32 wounded and seven kidnapped. Details follow:

December 23: An enemy unit attacked the An Hoa Hamlet office, Quang Xuyen Dist., Gia Dinh Prov. One member of the PSDF was killed and the office damaged.

In Tuyen Duc Prov., a Catholic priest was killed when he stepped on a VC mine while walking in the church garden in Du Sinh Hamlet, Dalat City.

One civilian was kidnapped from Cam Pho Hamlet, Hieu Nhon Dist., Quang Nam Prov.

December 22: 20 VC attacked Phuoc Thanh Village, Dat Do Dist., Phuoc Tuy Prov. One PSDF was killed and nine wounded, including the Village Chief and the Police Chief. Five VC were killed.

In Quang Nam Prov., one civilian was kidnapped from Dong Hoa Hamlet, Dien Ban Dist.

A VIS employee was assassinated in Quang Quy Hamlet, Vung Liem Dist., Vinh Long Prov. The attack also wounded one child.

One civilian was wounded in an attack on Chau Thanh Hamlet, Long My Dist., Chuong Thieu Prov.

December 21: One enemy company attacked Long Chau Hamlet, Hieu Thien Dist., Tay Ninh Prov. Two civilians and two PSDF members were wounded.

Also in Tay Ninh, an enemy platoon attacked Long Cong Hamlet, Khien Hanh Dist. One civilian was killed. The Hamlet Chief, three PSDF and two civilians were wounded. Enemy casualties are unknown.

Two woodcutters, working in the Ham Tan Dist. Binh Tuy Prov., were kidnapped by a small VC unit.

Three 15-year old boys were kidnapped from My Hoa Hamlet, Thanh Hai Dist., Ninh Thuan Prov.

December 21: A VC booby trap mine with a timing device exploded in the market place in Chanh Phu Village, Ben Cat Dist., Binh Duong Prov. Four children were killed. Two RD cadre and one PSDF were wounded.

December 19: A VC platoon attacked Thuy Lap Hamlet, Tien Phuoc Dist., Quang Tin Prov. One village official was killed and five PSDF wounded.

December 17: The enemy assassinated the Deputy Hamlet Chief of Nhat Le Hamlet, Dong Ha Dist., Quang Tri Prov.

December 15: Two civilians were wounded when they stepped on a VC booby trap grenade near Trung Hai Hamlet, Ke Sach Dist., Ba Xuyen Prov.

Also in Ba Xuyen, the Hamlet Chief of Tan Qui Hamlet, Hoa Tu Dist. was killed in an enemy attack.

In a third Ba Xuyen incident, one civilian was wounded in an enemy attack near Trung Hai Hamlet, Ke Sach Dist.

Roundup of Terrorist Activities, January 2, 1971

Twenty incidents of enemy have been reported in which 26 Vietnamese civilians were killed, 38 wounded and 12 kidnapped. Details follow:

December 30: Six terrorists entered Van Xa Trung hamlet, Huong Tra dist., Thua Thien Prov. and kidnapped two men.

December 29: A village official was killed when terrorists fired on a boat in Dinh Thuy village, Mo Cay dist., Kien Hoa Prov.

A Hoi Chanh was assassinated in Phu Thuan hamlet, Phu Hoa dist., Binh Duong Prov.

One civilian was kidnapped from Tuong Hoa village, Phong Dien dist., Thu Thien Prov.

December 28: A Hoi Chanh was kidnapped from Phu An hamlet, Phu Hoa dist., Binh Duong Prov.

The VC attacked Dak Yp hamlet, 10 kms north of Kontum city, Kontum Prov., wounding 10 civilians. Hamlet defense forces killed nine of the enemy attackers.

Two civilians were assassinated near Tam Hap hamlet, Phuoc Ninh dist., Tay Ninh Prov.

A terrorist sniper shot and seriously wounded the hamlet chief of Binh An Xuan hamlet, Giong Trom dist., Kien Hoa Prov.

Two civilians were kidnapped from Phuoc Tho hamlet, Phuoc Noi village, Binh Tuy Prov.

The VC fired four 82mm mortar rounds into Phu Tan hamlet, Tuy An dist. Phu Yen Prov. Three civilians were wounded.

December 27: One policeman was killed in an enemy attack on My Tuong hamlet, Giao Duc dist., Dinh Tuong Prov.

One member of the PSDF was killed when a VC squad attacked Thang Dong hamlet. Que Son dist., Quang Nam Prov.

A three-wheeled bus, carrying 17 people, ran over a mine near Mo Cong hamlet, Phuoc Dinh dist., Tay Ninh Prov. 12 of the passengers were killed and five wounded.

A PSDF team, patrolling in the area of An Quoi hamlet, Trang Bang dist., Hau Nghia Prov., stepped on a series of grenade booby traps. The explosions killed two civilians and wounded eight PSDF.

December 27: Two civilians were kidnapped from Phu Son hamlet, Tuy An dist., Phu Yen Prov.

The hamlet chief and one civilian were killed and six civilians wounded when terrorists detonated an explosive charge in a private home in An Hanh hamlet, Phu Cat dist., Binh Dinh Prov.

One adult and two children were killed and five children wounded by terrorist set explosives in Kieu An hamlet, Phu Cat dist., Binh Dinh Prov.

December 26: Three PSDF members were kidnapped from Phu Phong hamlet, Tuy Hoa dist., Phu Yen Prov.

December 25: The hamlet chief was killed in a VC attack on Tan Oc hamlet, Phu My dist., Binh Dinh Prov.

December 23: One man was kidnapped from Thanh Trung hamlet, Phuoc Ninh dist., Tay Ninh Prov.

Roundup of Terrorist Activities, January 5, 1971

Five enemy terrorist incidents have been reported by the National Police. In these incidents, three Vietnamese civilians were killed, five wounded and six kidnapped. Details follow:

December 30: Approximately 25 VC sappers attacked the National Police district headquarters in the Chong Thanh dist., Binh Long Prov., using satchel charges and grenades. Two policemen were wounded. One VC was killed and the enemy was seen carrying away at least eight other casualties, some of whom may have been killed.

Three children were wounded when they stepped on a mine in the Ham Thuan dist. of Binh Thuan Prov.

December 29: The VC assassinated one civilian in Tan Hao village, Giong Trom dist., Kien Hoa Prov. Four civilians were kidnapped as the enemy left the scene.

December 26: An acting hamlet chief was assassinated in the An Loc dist., Binh Long Prov.

December 24: One woman was assassinated in Tan Hoa Hiep hamlet, Tan Chau dist., Chau Doc Prov. Two other women in the hamlet were kidnapped.

Roundup of Terrorist Activities, January 6, 1971

Three Vietnamese civilians were killed, four wounded and two kidnapped in six terrorist incidents reported. Details follow:

December 30: One civilian was kidnapped from An Trach Tay hamlet, Thanh Toi village, Kien Hoa Prov.

A 55-year old man was assassinated with a knife in Dinh Thanh village, Tri Tam dist., Binh Duong Prov. The VC left a "death sentence" note on the body, accusing the victim of being a "spy for the GVN".

December 29: A deputy hamlet chief was killed in an enemy attack on Lac Binh hamlet, Don Duong dist., Tuyen Duc Prov.

In another section of Tuyen Duc's Don Duong dist., the VC fired a B–40 at a hamlet defense platoon on patrol, killing a national policeman.

December 28: Four civilians were wounded when a VC unit fired eight 82mm mortar rounds into Phu Tan hamlet, Tuy An dist., Phu Yen Prov.

One civilian was kidnapped from Chi Duc hamlet, Tuy An dist., Phu Yen Prov.

Roundup of Terrorist Activities, January 7, 1971

Fourteen incidents of enemy terrorism have been reported in which 19 Vietnamese civilians were killed, 17 wounded and 3 kidnapped. Details follow:

January 5: Six mortar rounds were fired into an area surrounding the Hien Thien dist. compound, Tay Ninh Prov. One round struck a home, killing three children.

January 4: A VC sapper attack was launched against the Phuoc Ninh dist. compound, Tay Ninh Prov. The sappers were able to enter the compounds from the southwest and inflict considerable damage to property and equipment. Casualties included one district officer killed and eight other persons wounded, including the district chief.

January 3: The VC assassinated a deputy hamlet chief at Go Phu hamlet, Tu Nghia dist., Quang Ngai Prov.

January 2: A VC unit attacked the resettlement camp in My Quang hamlet, Son Tinh dist., Quang Ngai Prov. Two PSDF were killed and four PSDF and one PF wounded.

Terrorists killed a man while he was on his way to work in the fields near Duc Hung village, Pleiku Prov.

One RD cadre was killed and two wounded in an engagement with the enemy near An Thoi hamlet, Phong Thuan dist., Phong Dinh Prov.

December 30: In Piei Ring De hamlet, Pleiku Prov., the enemy assassinated the deputy hamlet chief and wounded the deputy village chief.

One woman was kidnapped from Nam Phuoc hamlet, Phu Loc dist., Thua Thien Prov.

Also in Thua Thien, a woman was kidnapped from Thuy Tu hamlet, Huong Thuy dist.

December 29: Four civilians were killed in an attack on Plei Hoby hamlet, Pleiku Prov.

Also in Pleiku, mortar fire killed four civilians in Plei Tot Tau hamlet.

December 27: One civilian was kidnapped from Hoa An hamlet, Phong Thuan dist., Phong Dinh Prov.

December 26: Two women were wounded when they stepped on a booby trap mine near Dang Nam hamlet, Cho Gao dist., Dinh Tuong Prov.

December 22: Terrorists assassinated a woman in Dong hamlet, Sam Giang dist., Dinh Tuong Prov.

Roundup of Terrorist Activities, January 8, 1971

Seventeen incidents of terrorism have been reported in which 13 Vietnamese civilians were killed, 15 wounded and 28 kidnapped. Details follow:

January 6: One civilian was killed and six wounded when a VC squad fired B–40 rockets into a house in the Huong Thuy dist., Thua Thien Prov.

January 5: An unknown size enemy force kidnapped 11 villagers from an area five kms. northeast of Kontum city, Kontum Prov. These prisoners were released within seven hours.

A VC unit penetrated Cai Trau hamlet, Thanh Tri dist., Ba Xuyen Prov. and kidnapped four PSDF members.

One civilian and one National Policeman were ambushed and killed while walking on National Route 4 in Song Phu village, Binh Minh dist., Vinh Long Prov.

A deputy hamlet chief of Phu Cuong hamlet, Phu Loc dist., Thua Thien Prov. was assassinated.

Also in Thua Thien, 10 VC entered Van Xa hamlet, Huong Tra dist., assassinating one civilian and kidnapping another.

Two civilians were killed and two wounded when an enemy explosive device detonated in the Chieu Hoi office in An Xuyen hamlet, An Tuc dist., Binh Dinh Prov.

January 4: Three PSDF were killed and three wounded in an engagement with an enemy unit near My Thanh hamlet, Ke Sach dist., Ba Xuyen Prov. Enemy casualties included four killed.

Six civilians were kidnapped in the Hoai Duc dist., Binh Tuy Prov. One RD cadre was killed and one member of the Vietnamese Information Service wounded when they stepped on a booby trap mine near Bong Trang hamlet, Ben Cat dist., Binh Duong Prov.

January 3: Four PSDF were kidnapped from Trung Xuan hamlet, Phu My dist., Binh Dinh Prov.

A National Police applicant was assassinated in Cai Trau hamlet, Thanh Tri dist., Ba Xuyen Prov.

One PSDF was wounded in an engagement with the enemy in Thanh Qui hamlet, An Son dist., Binh Duong Prov.

Also in Binh Duong, two PSDF were wounded when they stepped on a booby trap near Ben Cui hamlet, Ben Cat dist.

January 2: One man was kidnapped from Phu Lac hamlet, Binh Khe dist., Binh Dinh Prov.

December 30: An enemy unit kidnapped one civilian from the Cam Hai refugee camp, Cam Hai village, Hieu Nhon dist., Quang Nam Prov.

December 24: One civilian was taken from his hamlet and assassinated. The incident took place near Tan Thanh hamlet, Tan Chau dist., Chau Doc Prov.

Roundup of Terrorist Activities, January 9, 1971

Three terrorist attacks have been reported in which one Vietnamese civilian was killed, three wounded and seven kidnapped. Details follow:

January 4: One man was assassinated in Dac Hanh hamlet, Hoai Duc dist., Binh Tuy Prov.

January 2: Seven PSDF were kidnapped from Tan An hamlet, Tan Quan dist., Binh Dinh Prov.

January 1: The VC fired four rocket rounds into Cuoi Cut hamlet, Cu Chi dist., Hau Nghia Prov. Three civilians were wounded.

Roundup of Terrorist Activities, January 11, 1971

Ten reports of terrorism have been reported in which 12 Vietnamese civilian were killed, 14 wounded and one kidnapped. Details follow:

January 7: One woman and a child were killed when the VC fired three 60mm mortars rounds into Da Quy hamlet, Lac Duong dist., Tuyen Duc Prov.

In Binh Dinh Prov., an An Ngai hamlet official was assassinated. The hamlet is in the An Nhon dist.

January 5: One PSDF group leader was assassinated in Chinh Ngha hamlet, Tuy Hoa dist., Phu Yen Prov.

January 4: One civilian was killed when he stepped on a booby trap in Phu Huu village, Nhon Trach dist., Bien Hoa Prov.

Another mine explosion killed two civilians in Trang Bom village, Duc Tu dist., Bien Hoa Prov.

One child was killed and seven civilians wounded in an enemy attack on Mach Trau hamlet, Son Hoa dist., Phu Yen Prov. As the VC departed, they also kidnapped one PSDF member.

Also in Phu Yen, one PSDF member was wounded in an attack on Tan Vinh hamlet, Son Hoa dist.

In a third Phu Yen incident on this date, one child was killed and six civilians wounded when a VC platoon mortared and attacked Thanh Hoi hamlet, Son Hoa dist.

January 3: One civilian was assassinated in Duc Hanh hamlet, Hoai Duc dist., Binh Tuy Prov.

An enemy unit stopped a motorbike in Vinh Cong village, Binh Phuoc dist., Long An Prov. The VC assassinated the driver and his passenger, both males.

Roundup of Terrorist Activities, January 12, 1971

Twelve reports of enemy terrorism have been made in which 14 Vietnamese civilians were killed, 9 wounded and 7 kidnapped. Details follow:

January 9: A sampan was ambushed by terrorists in Chu Thien village, Thuan Nhon dist., Phong Dinh Prov. The village chief and a civilian were killed. An RD cadre aboard the sampan was wounded.

Two PSDF members were wounded in an enemy attack against Tan Phu Thanh village, Chau Thanh dist., Phong Dinh Prov.

January 8: A civilian truck hit a mine in the Loc Ninh dist., Binh Long Prov. One civilian was killed and one wounded.

In Phong Dinh Prov., two PSDF members were kidnapped from Nhon Ninh hamlet, Thuan Nhon dist.

A civilian was killed when he stepped on a mine in Rang Bom village, Duc Tu dist., Bien Hoa Prov.

January 7: One civilian was killed and three others wounded when they stepped on a mine near Phong Phu hamlet, Tuy An dist., Phu Yen Prov.

An enemy unit attacked the village administrative office in Xuan Hoa village, Phong Thuan dist., Phong Dinh Prov. One RD cadre was killed and two others wounded.

January 6: A VC platoon entered Ben Vang hamlet, Khiem Hanh dist., Tay Ninh Prov. and assassinated two men. Upon leaving the hamlet, they kidnapped a Hoi Chanh.

January 5: In Quang Duc Prov., an enemy platoon stopped a bus on the road between Ban Me Thuot and Gia Nghia. The VC kidnapped four women, whom they claimed were the wives of National Policemen or ARVN soldiers.

One man was assassinated in Giong Dua hamlet, Duc Hoa dist., Hau Nghia Prov.

Two PSDF, one member of the VIS and one civilian were killed in an attack on Nghia Phuoc village, Ngha Hanh dist., Quang Ngai Prov.

January 4: The wife of the hamlet chief was assassinated in Long Thanh hamlet, Sam Giang dist., Dinh Tuong Prov.

COMMITTEES ON THE ENVIRONMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, with the establishment of the Environmental Protection Agency and the naming of William D. Ruckelshaus as its first Administrator, the Nixon administration has graphically demonstrated both its concern for preserving our natural heritage and its willingness to come to grips with the problems of pollution in a comprehensive fashion.

In my mind, Congress also has a vital role to play in this area, a role which it cannot fulfill due to structural difficulties in the very organization of the legislative branch. What I mean by this is that the House, for example, cannot even focus committee responsibility for framing a comprehensive approach to the problems of the environment. As responsibilities for environmental legislation are presently fragmented among the Committees on the Interior, Public Works, Merchant Marine and Fisheries, Government Operations, and Science and Astronautics, there is small wonder that the congressional attack on pollution is in such a state of disarray. Moreover, while legislative procedures in the other body are somewhat more organized, they also could stand restructuring and reform.

In an effort to provide focus and coherence to the legislative branch's war on pollution I am introducing two different bills: one would establish a new joint committee on the environment, the other would establish a new House Committee on the Environment.

I personally think that the more effective degree of congressional involvement would be obtained if a joint committee on the environment were established. At the present time joint committees exist in the areas of Atomic Energy, Defense Production, the Library, the Economy, Federal Taxation, the Library, Government Printing, and Reduction of Federal Expenditures. Surely the pollution problem ranks in importance with these subjects. Surely the problems of conserving our precious environmental resources are of sufficient weight to require joint consideration by both bodies of Congress.

If, however, the other body proves, as it did on the crime issue, unwilling to work jointly with the House toward solving environmental problems, then the establishment of a House Committee on the Environment would at least enable this body to focus its attack on these concerns more directly than it has been able to do in the past.

Mr. Speaker, I urge my colleagues to expedite action on both these proposals. For while the joint committee approach is more desirable, we must be prepared to move in the direction which offers the best and more immediate chance for the legislative branch to join the executive branch as a more fully functioning partner in this Nation's efforts to stop the continuing deterioration of the environment.

THE HANDGUN CONTROL ACT OF 1971

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MIKVA. Mr. Speaker, today I reintroduce the Handgun Control Act, along with my colleagues Mr. BINGHAM, Mr. BOLLING, Mr. BRASCO, Mrs. CHISHOLM, Mr. CONYERS, Mr. CÓRDOVA, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MORSE, Mr. REES, Mr. PUCINSKI, Mr. REID of New York, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. YATES. Another session of Congress has gone by and still nothing has been done to deal with the approximately 24 million handguns in private hands around the country. If we are to deal with the problems of crime in our society, we must go beyond rhetorical exhortations about law and order, and beyond dangerous, ineffective gimmicks. The legislation my colleagues and I are introducing today goes to the heart of the problem of crime by striking out against the chief weapon of violent crime: the handgun.

According to the National Violence Commission, handguns are used in 96 percent of all armed robberies, 86 percent of all aggravated assaults, and 76 percent of all gun homicides. What is worse, these percentages are increasing despite enactment of strict handgun licensing laws in many cities of the country. Of police officers killed in the line of duty nationwide during 1960–65, 80 percent were killed with handguns. Truly, the handgun is the criminal's favorite weapon.

I realize that gun control of any variety is still a controversial issue in America. But if we in Congress are serious about stemming the tide of violent crime in our cities' streets, the one action which would contribute more than any other to that goal is reducing the availability of handguns. In 1968, 2½ million new handguns were manufactured or imported for sale in the United States. There are now at least 24 million handguns in private hands in our country, about 80 percent possessed by persons in cities, towns, and suburbs.

THE HANDGUN CONTROL ACT OF 1971

The Handgun Control Act of 1971 prohibits the importation, manufacture, transfer, and transportation within the United States of any handgun, except by law enforcement officers, military personnel, or certain persons licensed by the Secretary of the Treasury. Among those designated as potential licensees are importers and manufacturers qualified under the 1968 Gun Control Act who might engage in the importation or manufacture of pistols for law enforcement authorities, the military, or other licensees. The only kinds of nongovernmental groups which can qualify for handgun licenses are sporting and recreational pistol clubs approved by the Secretary. To be approved, these pistol clubs must have no members who are themselves disqualified from handgun ownership under Federal or State law, and must have facilities and procedures for storing the club's handguns when they are not being used for sporting or recreational purposes. All of the operations of licensed clubs must be conducted in conformity with Treasury regulations.

The bill does not specifically ban the possession or make illegal ownership of handguns. It does, however, prevent such weapons from being imported, made, transferred to another, or transported, with the exceptions noted above. Under these circumstances, it is possible that many present owners of handguns will not wish to retain them. There is, therefore, a procedure for voluntary turnin of privately owned handguns of Federal, State, or local law enforcement officials, who are authorized to reimburse the owner for the value of the weapon, or $25, whichever is more. The cost of these reimbursements will ultimately be paid by the Federal Government. It is likely that some citizens will turn in their weapons voluntarily without desiring reimbursement, as happened when Chicago instituted its comprehensive licensing requirements.

The bill is not intended to preempt further regulation of handguns by the States, and there are provisions explicitly leaving to the States the right to further regulate the possession of handguns.

The jurisdictional basis for this congressional action would be the constitutional grant of power to regulate interstate and foreign commerce. A set of findings emphasize that the serious and worsening handgun situation in America, and the criminal and other violence which result from it, are a burden on interstate and foreign commerce. The bill is intended to relieve that burden by the fullest exercise of congressional power possible under the Constitution.

TO END HANDGUN CRIMES AND VIOLENCE

Mr. Speaker, I believe that if Congress were to enact this bill, we would within several years see a marked decline in the rate of violent crime in America. The experience of other countries seems to bear this out, although comparisons of cultures is admittedly difficult. Nevertheless, comparisons may prove useful and provide a target at which to aim. In Japan with rare exceptions only police officers carry pistols. In 1966, firearms of all types figures in only 99 crimes during the entire year. In addition, Japan's homicide rate is one-third that of the United States and, as one would expect, the rate of firearms accidents is much lower than here.

Perhaps a more useful comparison may be made with Great Britain, a country from which our own legal traditions come and a stanch defender of individual rights over the centuries. The rate—not the number but the rate—for homicide is one-eighth that of the United States; for robbery is one-tenth; for aggravated assault is one-seventeenth. During the year 1963 when 5,126 Americans were being murdered by firearms, only 24 Britons died of the same cause.

I use these examples not because I intend to imply that the situations in the United States and other countries are exactly comparable, but to show that other countries, whatever their own problems, have been able to lick the problem of firearms violence. I believe that we in this country owe a better effort than we have yet made against handgun violence to our law enforcement officers who are on the front lines in the war against crime, to our children who deserve a world less violent than we have known, and to ourselves.

This bill says nothing about long guns. It would not confiscate any handgun now legally owned by a private citizen. But it would help to dry up the incredibly huge supply of the criminal's favorite weapon which has made effective State and local regulation of handguns impossible.

The people who deal with violent crime on a daily basis—our law enforcement officials—recognize the importance of controlling the supply of handguns in the hands of private citizens. The bill I have introduced has the support of James Conlisk, superintendent of police in Chicago; New York Police Commissioner Murphy; the Chicago Bar Association; and Mr. Quinn Tamm, executive director of the International Association of Chiefs of Police.

It is my firm hope that hearings on this bill will take place in the near future, at which time I expect that the full threat handguns represent to us all will be vividly portrayed by the testimony of law enforcement officials, criminologists, and others. Perhaps this is the year that Congress will accept its responsibility in this area. It is already too late for the thousands of innocent people, including policemen, who have been maimed or killed by handguns. Let us wait no longer.

ALINSKY VIEWS THE PANTHERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DERWINSKI. Mr. Speaker, an interesting editorial commentary in the Chicago Daily News Monday, January 11, caught my eye. I believe it is quite pertinent and logical. May I add, Mr. Speaker, that I rarely see the day when I can agree with Saul Alinsky but in the confines of this editorial I do believe he makes a proper point:

> ALINSKY VIEWS THE PANTHERS
>
> An old pro in the dissident business—Chicago's Saul D. Alinsky—took a hard look at the Black Panthers the other day, and sized them up in this manner:
>
> "When the Panthers began I found myself quite sympathetic. But what's wrong or right about them is academic now. The moment Huey Newton glorified the shooting in Marin County courthouse they blew it. I think the Panthers are asking for it. They've never been as strong as indicated, and there's a suicidal obsession now.
>
> "A guy has to be a political idiot to say all power comes out of the barrel of a gun when the other side has the guns. A lot of their rhetoric has become a bore. You start saying 'whitefascistracistpig' and people turn off.
>
> "Here's Newton saying he can't get justice in an American court and all the time he's saying that he's out on reversal by a superior court. The Panthers will still get a bubble of publicity, but their days are numbered."
>
> We've had our differences with Saul Alinsky, but in this case both his expertise and his logic seem beyond challenge.

CHARLES C. CAIN, JR.

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I have noted with sorrow the death on January 8 of Charles C. Cain, Jr., retired editor and publisher of the Attleboro Sun, one of the great newspapers of the 10th Congressional District of Massachusetts which I represent. Charles Cain was an outstanding newsman for more than half a century. But I think he may be remembered best as a man who truly loved his community, and who felt it his obligation both as a newspaperman and an individual to work for the good of his community.

I believe that dedication to his community is the mark of a great newspaperman. Charles Cain measured up to that ideal. An editorial in his newspaper paid high tribute to Mr. Cain's "determination to make the Sun a servant of the communities which it served." It added:

> He realized early in his career that a newspaper must be a part of the community in which it lives; that it must support and contribute to that community; that they both will decline or prosper together.

It is a fitting tribute. I am pleased to insert in the RECORD the editorial and an article from the Sun about his career.

Charles Cain, who retired in 1957, joined the Attleboro Sun in 1904. He became editor in 1906 when he was less than 20 years old. As editor, he contributed to the paper's growth and the formation of an outstanding staff. He was a leader in the adoption of the Attleboro city charter. He built a notable record in support of civic and charitable causes, which is described in the following article. He became publisher in 1929. He was active with numerous fraternal and community organizations. He took an active interest in politics, as well, and held appointive positions resulting from his friendships with several Massachusetts Governors.

He will also be remembered in the city of Taunton because, in fact, he served two major communities with equal devotion. Mr. Cain's boyhood was spent in Taunton, and he lived there while editing the Attleboro newspaper. He served on the Taunton municipal council, including several years as president, and took part in that city's community life. He began his newspaper career with the Taunton Herald-News.

I extend my deepest sympathy to those members of his family who survive him, his sister, and his four children and grandchildren, and to his former colleagues. His passing will be mourned by many whose own lives were enriched through his.

The text of the editorial and article from the Attleboro Sun read as follows:

Charles C. Cain, Jr., Dies; Headed Sun

Charles C. Cain, Jr., retired editor and publisher of The Attleboro Sun, died today at Sturdy Memorial Hospital after a long illness. Mr. Cain, of 46 Payson St., was 84. He had been hospitalized less than a week.

Funeral arrangements are being completed by the Patrick J. Duffy Funeral Home.

Mr. Cain was born in Medford, June 9, 1886, the son of Charles C. and Mary (Wood) Cain. His father was an expert machinist with the Hinckley Company in Medford and later went to Taunton to handle the expansion joint department for the Taunton Locomotive Works.

Charles, Jr., spent his boyhood in Taunton, being graduated from Taunton High School in 1904. He was awarded a scholarship at Brown but instead of accepting he continued on the staff of the Taunton Herald-News, then edited by Dudley M. Holman with James L. Lincoln as city editor. While still in high school, young Cain covered the aldermanic meetings at city hall and reported the New England league and other baseball. He was also a correspondent for Boston and New York papers and was a district man for the Boston American when it started in 1904.

JOINS STAFF

His work as correspondent for the Attleboro Sun led Virgil Blackinton, then publisher, to offer him a place on the Sun staff and he came here in 1904. In 1906, the Sun was reorganized under John H. Vallette as publisher and Mr. Cain became editor though less than 20 years old. In 1916 he became vice president of the Sun and, in 1929 on the death of Mr. Vallette, became publisher after completing 25 years on the paper.

When the Sun was sold in 1957 the new owners requested Mr. Cain to remain as publisher for several months. After that he was consultant to the Attleboro Development and Industrial Commission.

STRONG PAPER

Under his direction as editor, the Sun became firmly established and, when he became publisher, this growth continued because of the excellence of the staff the Sun gathered and trained. Mr. Cain took an active interest in civic affairs through many years and led the agitation for a change from town government because no hall was big enough for the town meetings. A series of editorials he began in 1909 and which he wrote culminated in 1913 with his detailed plan for an Attleboro city charter. It was the joint work of him and Atty. J. J. Coady and it led to the adoption of the charter in 1914. Though he steadfastly refused to hold city or district office, Mr. Cain was thoroughly conversant with politics and gave his aid in many a campaign.

CIVIC PROJECTS

Meanwhile the 1906 inauguration of toy collections with the firemen aiding needy children, the securing of the first zoo for Capron Park, the establishment of the jewelry school with U.S. aid, the return of the war clock to Georgia and the Confederate visit here, the 1944 plan and the exposition that heralded it were only some of the many projects that the Sun sponsored. Various relief funds, starting with the San Francisco earthquake fund in 1907 and including several that aided children and fire victims, made Attleboro generosity famous.

SERVES CITY

Up to the time he was publisher, Mr. Cain continued to live in Taunton and on his first try there he was elected to the municipal council as an at-large member and served eight years, during several of which he was council president. He was a member of the Taunton library board for 12 years and a member of the Taunton municipal light board for three years.

In politics he was a Republican and served on the city Republican committee but that did not prevent Gov. David I. Walsh from appointing him a trustee of Taunton State Hospital in 1914. Other governors, Republican and Democratic, reappointed him and he served 35 years, being chairman for nearly 25 years and resigning in 1949.

FRIEND OF COOLIDGE

He served three years in the Mass. State Guard from 1917 to 1920 after vainly attempting to join the Army and, as a second lieutenant in the guard, was on duty nearly three months during the Boston police strike. Gov. Calvin Coolidge named him to the governor's military staff and the friendship between him and Mr. Cain was reflected in the choice of Mr. Cain as a presidential elector in 1924 when Mr. Coolidge was elected president.

Mr. Cain was a member of the Elks, serving Taunton lodge as Exalted Ruler and afterwards being made a life member of Attleboro lodge. He was a member and an officer of Taunton council, K. of C. and later transferred to St. John's Council here. He was a past president of Attleboro Lions and appeared in the cast of nearly all their plays, a noteworthy feat being his starting role as Sheridan Whitside in "The Man Who Came to Dinner".

He was one of the founders and long the vice president of the G.A.R. Dining Club and was formerly a member of the Lincoln Group of Boston and the Abraham Lincoln Association of Springfield, Ill. During the four years the Sun owned the Norwood Messenger, he was a member of the Rotary Club and Historical Society there. He was a member of the executive committee and chairman of the protection division of the civilian defense here and was also a regional director during the war. He also belonged to several newspaper associations.

Mr. Cain was married in 1910 to Anna L. Linnane of Woods Hole. She died a few years ago. He is survived by four children and several grand-children, as well as a sister, Mrs. William H. S. Rogers of Attleboro. The children are Charles III, who is with the Associated Press in Detroit; Mrs. Leon Fremault, Mrs. William Cronin of this city and Mrs. Chester VanderPyl of Warwick, R.I. Among the Detroit grandchildren is Charles IV.

Charles C. Cain, Jr.

Charles C. Cain, Jr., former editor and publisher of the Attleboro Sun, in a long career, established many fast friendships with community leaders and citizens, and had an insight into much that happened here for many years.

Through his early endeavors as a reporter, he became acquainted with his adopted city and its people intimately and devoted himself with all his ability to seeking improvements in the affairs of the whole population. He treated with kindness those who had occasion to contact him during his various capacities at the newspaper, and he was ever ready to render assistance to those in trouble.

As a newspaperman, Mr. Cain appreciated the responsibilities of the profession and contributed to its colorful history in Attleboro by his devotion to high principles. These were best exemplified by his determination to make the Sun a servant of the communities which it served. He realized early in his career that a newspaper must be a part of the community in which it lives; that it must support and contribute to that community; that they both will decline or prosper together.

This policy has never changed at the Sun and it will continue as a fitting memorial to this man whose dedication to the responsibilities of his profession guided him throughout his lifetime.

AIR WAR IN CAMBODIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BINGHAM. Mr. Speaker, the air war now being carried on by the United States in Cambodia clearly violates the intent of the Congress in adopting the substance of the Cooper-Church amendment as a part of Public Law 91–652, the Special Foreign Assistance Act of 1971. It also violates President Nixon's own statement of June 30, 1970, that:

> There will be no U.S. air or logistic support (for South Vietnamese military operations in Cambodia).

Accordingly, I am today introducing, with the support of 64 of my House colleagues, an amendment to the Cooper-Church provision of the Special Foreign Assistance Act so as to make clear that the prohibition contained in that act must apply to all American combat operations and all American operations in support of combat operations.

The text of our clarified version of the Cooper-Church provision follows, along with a list of the House Members who have joined me in this effort:

Revision of Compromise Cooper-Church

Section 7(a) of the Special Foreign Assistance Act of 1971 (PL 91–652) is amended to read as follows:

"Section 7(a). In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, to provide United States advisers to or for Cambodian military forces in Cambodia, *OR TO PROVIDE UNITED STATES AIR OR SEA COMBAT SUPPORT FOR ANY MILITARY OPERATIONS IN CAMBODIA.*"

List of House Members Who Joined in Effort

James Abourezk, Bella S. Abzug, Joseph P. Addabbo, Glenn M. Anderson, William R. Anderson, Herman Badillo, Bob Bergland, John A. Blatnik;

Edward P. Boland, John Brademas, Phillip Burton, Shirley Chisholm, William Clay, John Conyers, Jr., Charles C. Diggs, Jr., John G. Dow;

Robert F. Drinan, Don Edwards, Joshua Eilberg, William D. Ford, Donald N. Fraser, Robert N. Giaimo, Ella T. Grasso, Edith Green;

William J. Green, Augustus F. Hawkins, Ken Hechler, Henry Helstoski, Robert W. Kastenmeier, Edward I. Koch, Robert L. Leggett, Torbert H. Macdonald;

Spark M. Matsunaga, Romano L. Mazzoli, Abner J. Mikva, Parren J. Mitchell, William S. Moorhead, John E. Moss, David R. Obey, James G. O'Hara;

Bertram L. Podell, David Pryor, Charles B. Rangel, Thomas M. Rees, Henry S. Reuss, Teno Roncalio, Benjamin S. Rosenthal, J. Edward Roush;

Edward R. Roybal, William F. Ryan, Fernand St Germain, Paul S. Sarbanes, James H. Scheuer, John F. Seiberling, Louis Stokes, James W. Symington;

Frank Thompson, Jr., Robert O. Tiernan, Morris K. Udall, Charles A. Vanik, Jerome R. Waldie, Lester L. Wolff, Sidney R. Yates, and Thomas P. O'Neill, Jr.

JASPER, ALA., PAYS TRIBUTE TO GEORGE "GOOBER" LINDSEY

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BEVILL. Mr. Speaker, Friday, January 29 is George "Goober" Lindsey Day in Jasper, Ala. The entire day has been set aside to honor Goober, one of Walker County's outstanding native sons.

We are all proud of Goober. He is currently appearing in the weekly television series "Mayberry RFD." He has appeared in several movies and made guest appearances on numerous other television shows. His warmth and spontaneous humor has made Goober a Hollywood favorite. And wherever Goober's busy schedule takes him, he never fails to put in a plug for his hometown and State. He is often referred to as Jasper's one man chamber of commerce.

I am pleased to have the opportunity of extending my very best wishes to George "Goober" Lindsey as Jasper honors him with this special recognition.

Under unanimous consent, Mr. Speaker, I am enclosing, along with my remarks, a newspaper article taken from the Daily Mountain Eagle, of Jasper, which describes the activities planned to honor Goober and lists some of the accomplishments and achievements he has earned during his illustrious career.

LINDSEY'S A BUSY MAN: GOOBER'S NO PLAIN GEORGE

Friday, January 29th, is "George 'Goober' Lindsey Day" in Jasper!

The Jasper Area Chamber of Commerce has named it so . . . the Jasper City Commission and Mayor has proclaimed it so . . . but the versatile, warm, TV, movie and recording star, who will be honored on that day, has made it so by being a "one man chamber of commerce" for his beloved Jasper and Walker county, Alabama.

A full day of activities and honors has been planned by the Jasper Area Chamber of Commerce for the day. It includes school, college and plant visitations, motorcades, bands, representations, courthouse step ceremonies and entertainment.

The day will be culminated with a "Favorite Son Award" at the 24th annual membership meeting and banquet of the Chamber to be held at Walker College at 7:00 p.m. with George Lindsey as guest of honor. Tickets for the event are now on sale for chamber members and will be available to the general public after January 12 at the Jasper Chamber office. Who is George Lindsey?

As "Goober", the co-star of CBS TV's "Mayberry RFD," Jasper's George Lindsey portrays a downhome. goofy, happy-go-lucky character that has become one of the most popular in all of television.

Every Monday night he's just plain "Goober," but the rest of the time he's George Lindsey, a busy and happy man who never misses an opportunity to put in a plug for "Jasper, Alabama."

And those opportunities are many. His recognition as a humorist has made him the demand of such talk shows as "The Merv Griffin Show," "The Johnny Carson Show," "The Mike Douglas Show," "The Joey Bishop Show," and "The Steve Allen Show." As a popular country singer and humorist, George has guest starred on "The Jonathan Winters Show," "Kraft Music Hall," "Laugh-In," "Love, American Style," and numerous visits as special guest star on "The Glen Campbell Show."

He has just finished guest starring on a "Johnny Cash Show." which will be shown in early February, in which he does a 13-minute segment about Jasper.

George made his television debut on "The Jack Paar Show" in 1961. The same year he made his Broadway debut, as the comedy lead in the musical "All American" at the Winter Garden Theatre. From this, George received his first movie role in "Ensign Pulver," directed by Joshua Logan who had directed "All American."

Last year, George returned to Disney Studios as the voice of the leading characters in "The Aristocats," a two-hour animated movie now showing at the Alabama Theatre in Birmingham with an attempt being made to book it at the Jasper Theatre on "George 'Goober' Lindsey Day", January 29th.

Versatility is a definitive part of George Lindsey. He has appeared as almost any conceivable character on more than 40 major television shows including "Gunsmoke," "The Alfred Hitchcock Hour," "Voyage To The Bottom Of The Sea," Twilight Zone," and Disney's "Wonderful World Of Color." Than came "Goober" on "The Andy Griffith Show," and his co-starring role as "Goober" on "Mayberry RFD."

As a recording star, his first Capitol album "Goober Sings." was so successful that the recording company rushed his second one, "96 Miles To Bakersfield" into immediate release.

George has served as a judge on the "Miss Universe Contest", makes a yearly guest appearance on "The Gran Ole Opry," the annual Country Festival of Music and tours on the midwest rodeo circuit.

Humorist, singer, performer, a star among stars, George's biggest pride is his family: his wife Joy, and two children, George Jr., and Camden Jo, with whom he lives in San Fernando Valley, California . . . but he still reserves a warm spot in his heart for classmates and friends of Walker College, Walker County High and Jasper Elementary school days.

This is the man whom we will acclaim on Friday, January 29th . . . this is the man who claims us every day of the year. This is George Smith Lindsey!

Jasper, Alabama yields only to "Mayberry RFD" for 30 minutes each Monday night. The rest of the time he's Jasper's "Favorite Son."

SWAN SONG

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BOLLING. Mr. Speaker, Kenneth Crawford is at his best in the following column in Newsweek of December 28 in which he philosophizes about some of the events he has covered since he arrived in Washington in the 1920's. It is his last column before his retirement His observances on the Washington political scene will be missed:

SWAN SONG

(By Kenneth Crawford)

Anyone who has lived as an adult through the last half century aware of what was going on has seen more history in the making than anyone who ever lived before him. There has been more change, more cataclysm, more invention, more progress in some areas and more deterioration in others than ever happened in any previous 50 years.

Anyone who has been a professional observer of public affairs through this period, most of the time here in Washington, as I have, has never had a chance to be bored. Neither has he had much of a chance to cogitate about the whither of events or to acquire any special wisdom. Anyway, journalists aren't paid to be wise, only to be agile enough to describe what's happening while it happens. It is left to wiser men in think tanks to add it all up. They try, but no two tanks get quite the same answers.

Some thinkers believe that man will commit suicide with the nuclear weapons his ingenuity has provided. Others are convinced that he will destroy his environment to satisfy his cupidity. Still others expect him to breed himself out of living space. A few feel that his ingenuity, cupidity and self-perpetuating urge, the very qualities that threaten him, will also save him, that he will come to see that none of his ambitions can be realized without exercise of restraint. The next 50 years will be crucial.

RESILIENT SPECIES

This being my last column before retirement, I wish I had the prescience to predict the outcome. All I have is a hunch, derived from witness of the past, that man—notably American man—has a future. He is a tough and resilient species. In my time he has been through two world wars and several lesser wars, a Great Depression and uncounted economic recessions; he has survived Prohibition, flood, hurricane, riot and his own follies. He is not easy to stamp out.

When I arrived in Washington in the 1920s the world was at peace. Coolidge slept in the White House and established Washington correspondents wore spats, carried canes and gave themselves airs. Had there been cooling apparatus, a later development, this Capital would have been as comfortable as it was smug. H.L. Mencken jabbed at complacency from one side and Norman Thomas from the other but nobody so much as said "ouch." Hoover would soon be projecting two cars for every garage.

When Hoover failed to deliver, the laissez-faire bubble burst, materializing Roosevelt and the New Deal. Washington has never been the same since. Neither has the country, nor, indeed, the world. At last it was being recognized that a society run out of frontiers, sustained by an increasingly complex and interdependent economy, had to submit to more government direction and control than it liked if it was to avoid periodic paralysis and chronic chaos.

FAIR PLAY

The second world war interrupted, but did not stop, the Roosevelt revolution. Europe had to be saved from Hitler and was. Few foresaw that Stalin would replace Hitler as a world menace once the war was won. But Stalin did and hot war passed into the cold war that is still going on, much as its ongoing is denied by those determined to see no evil. Meanwhile, the struggle continues to achieve a workable mixed economy, privately run but government manipulated, and a welfare state capable of giving practical expression to the nation's compassion and sense of fair play, much as these sentiments are denied by those determined to see no good.

To some of us who have lived with this struggle over the years, the young and their journalistic spokesmen, who think they invented compassion and sensitivity to public morals, are a little hard to take. Even their ultimate example of immorality, the war in Vietnam, was in its genesis highly, if mistakenly, moral—an undertaking to protect a weak but potentially free nation from a strong but regimented neighbor. We would perhaps be more tolerant of the young if we occasionally paused to remember how we bedeviled the "merchants of death" of the first world war and the national leadership in the Coolidge and Hoover Administrations.

As for myself I am hopeful that my grandchildren will have a decent world to live in and that the nation will muddle through, as it always has. And I am grateful that when I left the campus, a certified B.A. but with no immediately useful equipment except ability to write a declarative sentence, I could think of no way to earn a living except in journalism.

REFORMING FOREIGN MEAT LABELING PRACTICES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce legislation requiring imported meat and meat products to be labeled "imported" at all stages of the food distribution chain.

Under present laws and regulations, foreign meat imported for manufacturing or processing purposes is normally shipped frozen and in 50- to 60-pound containers. While these containers specify countries of origin, no further special identification is made after the meat itself is processed by U.S. concerns. As a matter of commercial practice, a significant amount of this imported meat is thawed, ground, blended with fat trimmings from domestic beef and then sold over the counter as hamburger. As a consequence of this, when a housewife purchases a package of hamburger at her corner grocery store, she has absolutely no way of determining the kind of meat she is getting for her money.

While on its face this seems innocuous enough, a moment's reflection reveals that the current state of the law does present some undue health hazards for the American consumer. Most obvious is the fact that since the imported meat is normally frozen before entering this country, then thawed for processing, a subsequent refreezing by the ultimate consumer raises potential problems. The very real danger of this is attested to by U.S. Department of Agriculture bulletins which state:

> Cook thawed meat immediately or keep for only a short time in a refrigerator. Avoid refreezing thawed meat.

Yet, despite this knowledge of the hazards of refreezing meat, we stand idly by while housewives across the country run that very same risk by refreezing, through their ignorance, packages of hamburger containing previously thawed imported meats.

I am simply appalled, Mr. Speaker, that this condition has been allowed to persist. The public interest has been completely ignored in favor of certain special interests. I say enough is enough. The rights of the American consumer to know what they are purchasing are more important than continuing the privileges of a few to profit from legal loopholes.

I urge my colleagues to expedite approval of this proposal; this is a nonpartisan and nonpolitical matter. It should be a major concern to all those interested in maintaining high standards and high quality in the American diet.

THE COORS PROGRAM

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RONCALIO. Mr. Speaker, few American industries have done more to respond to the need for environmental improvement than has the Adolph Coors Co. of Golden, Colo. It should be good news to all in Washington working on environmental problems to know that Coors will soon be providing salvage and recycling of all containers, glass or aluminum, this year. In fact, this company contemplates by the end of 1971 there may be a recycling of everything the Coors Co. uses, not only aluminum and glass, but also wood, paper, and the rest.

I believe this letter explaining their program is of interest to readers of the CONGRESSIONAL RECORD and I include it at this point:

ADOLPH COORS CO.,
Golden, Colo., January 12, 1971.

HON. TENO RONCALIO,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RONCALIO: A year ago I wrote all legislators in Adolph Coors Company's 11-state marketing area to advise that our company was embarking upon a cash-for-cans aluminum recovery program. We did that because this company and its distributors are solemnly committed to fight litter and solid waste in order to help keep America the kind of place we all want it to be. In light of that commitment, I believe you will be interested to know these things:

Public response to the cash-for-cans program has vastly exceeded our expectations. During the first 11 months of 1970, our 166 distributors received 5,218,463 pounds of aluminum or more than 120-million cans. We paid the organizations and individuals who picked up that aluminum $521,846 for doing so. The program is not restricted to Coors cans . . . we pay for all aluminum containers, of whatever brand. Literally hundreds if not thousands of youth, civic and service organizations are cooperating with this program; they use the dime-a-pound proceeds for worthwhile community causes of all kinds.

As you can imagine, our cash-for-cans program did not always meet with immediate public enthusiasm in our various marketing areas. Getting people concerned and involved has been the major Adolph Coors Company management effort during 1970, and in some cases it has been a long, uphill fight. In areas where the community has gotten behind the effort, we are showing returns of over 60% of our cans. Since our studies indicate that not more than one percent of our cans actually end up as litter and that fully 99% of the users of our product dispose of the empty can properly, a 60% return not only all but eliminates the litter but makes an appreciable dent in the solids waste aspects as well.

Litter has been defined as the visible portion of the solids waste iceberg. Although unsightly and repugnant, litter is but a small fraction of the real, long-range environmental problem of solids waste disposal. We are confident that in the long run recycling of aluminum containers will be a more satisfactory answer than returnable glass bottles in minimizing solids waste. For example, both Pepsi Cola and Coca Cola report that they only average 90% return on returnable soft-drink bottles which are sold for home consumption. In densely populated urban areas, the rate of return drops as low as 75%. One thousand returnable bottles weigh about 750 pounds. At 90% return, each 1,000 bottles sold adds 75 pounds of glass to litter and solids wastes. One thousand aluminum cans weigh only 40 pounds. With no salvage at all the aluminum cans would comprise only about half the weight of solids waste that returnable bottles do. Yet we are confident of reaching a minimum 75% recycle level given the time to do so.

Although we regard litter as the pressing and immediate problem and our initial efforts with the cash-for-cans program have mainly been directed at correcting litter, we view the impending and ominous matter of solids waste and its disposal as the real and serious long-range environmental challenge. Thus, we regard aluminum can salvage and recycle as a permanent part of our overall operation. Of all of our management objectives it has the top priority. Our hope is that we will be allowed sufficient time to make it work. Our success to date exceeds our fondest hopes although we regard it as just a start.

Adolph Coors Company and its distributors will intensify their efforts to make the cash-for-cans program even more successful in 1971. We anticipate that far more aluminum will be recovered for recycling. More and more companies are turning to aluminum packaging because they realize its environmental value. Further, in 1971 our company will discontinue use of the tall tinplate can replacing it with an aluminum can of our own manufacture. When that changeover is complete, *all* canned beer marketed by Coors will be in aluminum cans.

A new and important program at Adolph Coors Company will provide for the salvage and reuse or recycle of our convenience bottles which have heretofore been nonreturnable. All such bottles will soon have a redemption value of one cent each. The majority of these will be suitable for reuse. Those that are not will be returned as cullet to a glass factory located a few miles from our brewery in Golden and melted up to be made into new bottles—that is—recycled. Glass like aluminum can be infinitely recycled.

Thus with the completion of our 1971 changeover on the tall can from tinplate to aluminum and the immediate adoption of a complete system of returnable bottles, every Coors can and bottle will have a cash return value. Both plans will be in effect throughout our entire marketing area . . . Arizona, California, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Texas, Utah and Wyoming.

One other thing. A top management committee at our company now is meeting regularly to determine how we can *recycle everything that Adolph Coors Company uses . . .* not only aluminum and glass, but also wood, paper and the rest. We have found some answers; we are seeking a total answer. This effort also has top management priority.

Our company is totally dedicated to the business of keeping this nation clean and inviting. We share and appreciate your concern with this vital problem. You have my personal pledge that Adolph Coors Company will be an outstanding leader in the preservation of a quality environment for America.

Sincerely,

William K. Coors,
Chairman of the Board.

ON BUDDING BASQUE UNITY

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. McCLURE. Mr. Speaker, the recent trial in Burgos, Spain, of the 16 Basque nationalists, turbulent as it was, made the Nation much more deeply aware of the extensive Basque community which resides in the western United States. Those of us who come from Idaho have long known of the contributions Basques have made to the West. Among our finest citizens, we are proud to have them. The Oinkara Dancers have identified the Basques and Idaho in the minds of many, and we take pride in their wide reputation.

I believe that some of America's greatest strengths have their foundations in the diversity of our citizens. With that thought in mind, I would like to share with you an article on our Basque community which recently appeared in the Christian Science Moniter:

On Budding Basque Unity

(By Jack Waugh)

Boise, Idaho.—They take pleasure in simple things—a flock of sheep in a silent meadow, the quiet cathedral of a mountain draw.

They tap strength from the individual self-reliance of a life alone. Even when they collect at festivals at Elko, Nev., or Boise, Idaho, what makes them shout and sing, dance and laugh are the events of the single skill: Who can lift the heaviest stone or the biggest weight, who can wield the quickest ax, or who can play the most poker-faced game of muz, the Basque country cousin to draw poker?

Which couple can dance most furiously to the throb of the stringed instruments? Which girl can whirl the fastest and smile the widest, which boy can kick the highest and shout the lustiest, which wooden hoop slapped against a partners rings the loudest?

TRIAL PRODUCED AGONY

The Basques are that kind of people. And when 16 Basque nationalists laid their lives on the line in the dramatic court-martial in Burgos, Spain, last month it was an individual agony for every American-migrated Basque from Elko to Meridian, Idaho.

The Basques came to America in ghostly ways and disappeared back up into the mountains with their flocks of sheep, where their presence was felt but rarely seen.

Now 50,000 to 100,000 Basques live in the American West. It is hard to pinpoint it any closer because Basque is not in the vocabulary of the census taker. To him second-generation Basques are just plain Americans. And the first generation that migrated from the Basque country astraddle the Pyrenees are simply entered as French or Spanish.

Two and a half million Basques still live in Basque country along the spine of the Pyrénées, most of them in four provinces of Spain and three provinces of France. But 2 million more live in enclaves big and little around the world, the biggest—250,000—in Argentina.

They began to leave the Iberian slope because by Basque tradition only one son inherits all of a father's land. Since the Basques are predominantly Roman Catholic and run to big families, this often left half a dozen other sons as prime candidates for migration.

GOLD RUSH BECKONED

Some were drawn to the United States in the fever of the Gold Rush in the middle of the 1800's. When the Gold Rush lost its glitter they began to push back up into the Rockies to herd sheep, and Boise became the United States to most Basques from the Old World.

They excelled with the shepherd's staff. It was a glove fit for their innate patience—which is like the cattle on a thousand hills—and for their seamless dependability.

The big sheep owners of the West did—and still do—draw heavily on Basques, not hesitating to entrust whole herds to their keeping, never fearing that at shearing or selling time 1 in 100 lambs will be lost.

Many Basques have long since splintered from the shepherd's staff. Paul Laxalt, a full-blooded Basque, descended from the French side, has just ended a term as governor of Nevada. Pete Cenarrusa, of the Spanish side, is Idaho's Secretary of State and one of its most successful politicians.

The Basques, with their language full of k's, x's, and z's and related to no other, and with their democratic form of self-government that goes back at least 10 centuries, which the Constitution drafters at Philadelphia drew on to shape American political forms, have never had a nation of their own.

They have existed in states of semi-autonomy within Spain and France, maintaining their uniqueness of speech and custom and their self-reliant style of the life alone.

KINSHIP REKINDLED

At one time they sought a separate state carved out of Spain and France. But there was no hope for that. Now, under the restrictive lacing of the Franco political fabric, some young Basques have become outgoing nationalists, separatists, and revolutionaries. And when the 16 went on trial in Burgos a worldwide Basque kinship was rekindled.

Their self-reliant life has kept Basques scattered and disunited. In the United States 15 Basque clubs, mostly in the West, have held a loose tie for some. And a Basque-studies program at the University of Nevada has tried to keep the thread of mutual tradition and history intact.

Now partly because of the trial in Burgos, a pan-Basque countercurrent to the scattering on a thousand hills is stirring. It has been, halfheartedly, for 30 years. But suddenly a new Basque yearning for ties of kinship is in flower. A new source of strength is being reached for. And from Burgos to Buenos Aires to Boise a new unity is quietly knitting Basque to Basque.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

COMMENTARY BY PRESIDENT OF POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DERWINSKI. Mr. Speaker, in his annual New Year's speech on January 3, 1971, addressed to members of the Polish Government in Exile and representatives of Polish organizations and of the Polish community in Great Britain, His Excellency August Zaleski, President of the Republic of Poland, gave a very effective and penetrating commentary on the situation in Poland and the world. His message follows:

New Year's Speech by the President of the Republic of Poland—London, January 3, 1971

His Excellency August Zaleski, President of the Republic of Poland, addressed members of the Polish Government in Exile and representatives of Polish organizations and of the Polish community in Great Britain on January 3d 1971, as follows:

"Mr. Prime Minister, General, Mr. Vice-Chairman of the Council of the Republic, Ladies and Gentlemen:

I wish to thank you most heartily for the good wishes which you have conveyed to me for the Republic and for me personally. For my part I ask you to accept my best wishes for 1971.

These wishes do not concern only your personal lives, but refer in the first place to the situation of our Fatherland. For we, Poles, cannot be really happy even with the greatest possible successes in our personal lives as long as the Republic has not regained her freedom and independence.

The tragic events which took place in Poland towards the end of the year present a forceful illustration of the present state of the Republic. The Government which Russia has imposed upon Poland has decreed a substantial rise in food prices and at the same time raised the level of its exports by Russian ships. No wonder that this decree provoked a great wave of popular discontent and public demonstrations. In dealing with the demonstrators the regime brought in not only the police but even armoured might. There were hundreds of killed and wounded.

But also in the wider international field it can be said without exaggeration that in almost all cases of human conflict in the world a degree of Russian influence can be detected. Apart from the trouble spots in the Middle and Far East, in recent times Russia has undertaken an intensive activity in the Mediterranean. She has acquired naval bases on the coast of North Africa which enable her to extend considerably her activities throughout Southern Europe.

It must be remembered, however, that we have had difficulties also with our Western neighbour. Now at last the German Government, by signing the non-aggression treaty with the regime in Warsaw, has recognised *de facto* the frontier on the Oder and Neisse line. But it must be borne in mind that the Warsaw regime signed this treaty in the wake of a similar treaty between Bonn and Moscow. This in itself is an indication to what extent this regime is dependent on Moscow. For Moscow is deeply interested in the maintenance of the *status quo* in East Central Europe which has been achieved by her in defiance of the stipulations of the Atlantic Charter.

It is of the utmost importance that the West should realise that Russia is, in fact, the only state in the world whose chief aim is domination over other nations by imposition of the Communist system, just as in Tsarist times Russia tried to impose her power in the name of Eastern Orthodoxy and the unity of the Slavs.

We can be sure, however, that Russia will fail to destroy the national consciousness of the Poles, just as Tsarist Russia has failed in this respect. To maintain this national self-consciousness is our common task. I am confident that in this task God will be with us.

It is especially important, Mr. Speaker, that we emphasize the continued existence and moral vitality of the Polish Government in Exile at a time when the Communist dictatorship in Warsaw is increasingly subservient to Moscow. Special mention must obviously be made of the recent changes in the Communist command which were caused by the increasingly unrest among the Polish people who for 25 years suffered under Communist misrule.

CAMPAIGN FINANCING AND REPORTING: THE URGENT NEED FOR REFORM

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RIEGLE. Mr. Speaker, there has been growing evidence that existing laws and practices regarding campaign financing and reporting are not only ineffective, but are severely undermining the public interest. Common Cause, a citizens' lobby group under the leadership of John Gardner, has filed suit against the Republican and Democratic National Committees for violating the Federal Corrupt Practices Act. And, before the 91st Congress adjourned, several days of hearings were held on this subject by the House Committee on Standards of Official Conduct under the chairmanship of our colleague, Congressman MELVIN PRICE.

Because I feel these issues must be addressed squarely and boldly in the public forum, I insert in the RECORD a copy of my testimony before the Committee on Standards of Official Conduct. Urgent and major overhaul to laws and practices relating to campaign financing are, I believe, one of the five or six changes we must make if we are to have a workable political system and society that functions equitably for all citizens.

In addition, I would like to draw the attention of my colleagues to the experiences of the Poole Broadcasting Co. in Flint. Poole, a privately operated TV station, has been vigorously pioneering to find more economical and fair ways that TV can help candidates communicate with the electorate. Following my testimony is a copy of the statement of the president of the Poole Broadcasting Co., Mr. Albert J. Gillen:

CAMPAIGN FINANCING AND REPORTING: THE URGENT NEED FOR REFORM

I. CAMPAIGN FINANCING—THE LARGER PERSPECTIVE

Domestic and international issues which we face today are so complex and so tough that it is not easy to see our way through to good solutions in the near future. However, the processes of politics and government are the environment in which men and women in public service work to deal with the issues which confront our country. While we may not find easy answers to our problems, we can, nevertheless, reform and re-tool the conditions which affect who is elected, how they are elected, and the way they do their job after they are elected.

Today, the problem of campaign reporting and financing seriously cripples candidates and, to some extent, elected officials and undermines the performance of our entire governmental system. Financial obstacles, pressures, and disproportionate influences keep many good people from running for office and create an unhealthy potential for affecting the job performance of those who do run and those who are elected. If we understand the urgency, and if we resolve to make crucial and long overdue reforms in this area, we can upgrade and greatly broaden the number and quality of people who participate in elective politics, the quality of their performance, and, in turn, the faith and confidence of the electorate. As a result, this single set of reforms may do more to increase our capacity to deal with today's issues than anything else we can do.

The purpose of this statement is to express the urgent need for such reform, the obstacles to reform, the objectives and principles which should guide reform, and to outline specific areas and recommendations where reforms can be made.

II. THE NEED FOR REFORM

The problems created by outdated and almost totally ineffective laws governing campaign financing and reporting are legion. Among them are:

1. Of the estimated $150 to $250 million spent on campaigns in a major election year in the United States, only a small fraction—10–20% at the most—is reported.

2. Unrealistic and unenforced laws have led to a condition where evasion, manipulation and outright disregard for the law are the norm, not the exception. For all practical purposes, political financial contributions and expenditures are virtually uncontrolled.

3. The tacit acceptance of this sham and hypocrisy in high prices—both public and private—breeds a disrespect for the law, an insidious double-standard, and a deepening public cynicism about our political processes which, taken together, undermine public leadership and the "consent of the governed" on which our democracy depends.

4. That information which is reported is so incomplete and so after-the-fact that there is little basis for effective enforcement, for understanding the unhealthy influence of special interests on our political system, or for having the data available on which to base intelligent decisions for reform.

5. The costs of campaigning—both for nominations and for general elections—and in some cases doing the job and communicating with the constituency after election—have skyrocketed at an ever-increasing rate. The upward pressures include the costs of TV and other media techniques—even something as basic as postage; the costs of travel; communicating about more complex issues while competing with all the other bits of information which bombard the average citizen every day; and the cost of professional information research and management techniques which are necessary to allocate and use campaign resources effectively. At the same time, the necessary funds for waging campaigns have not begun to increase at a proportional rate. The result is an ever-widening gap between the cost and the sources of income associated with competing in public service. The consequences are serious:

(a) Many good men and women are unable to run for office because they are in effect priced out of the competition.

(b) Politics is fast becoming a rich man's game.

(c) Those who do run for office are forced to find ways to make up this deficit and, all too often, must seek and accept large contributions from special individual or group interests.

This gap is further accentuated by the very real advantages that an incumbent office holder often holds over a challenger. Thus, there is an increasing potential for the "public interest" to be compromised or distorted through the sometimes subtle and often not so subtle pressures of disproportionate financial obligations.

6. Only a small fraction of the electorate participates financially in the costs of running for office—with the largest estimates being between 10–15%. This means:

(a) a small number of people can potentially exert an influence far beyond their numbers and

(b) more important, over 85% of our citizens do not have a sense of investment—either personal or financial—in the system. The danger here is that they—like one who is not a stockholder—are less likely to share an interest in, or a high expectation of performance from, an enterprise in which they do not participate. The dual consequences are that they may do less themselves and demand less of their elected officials.

7. The current chaotic patchwork of laws in this area at the local, state and federal levels are so confusing and riddled with loopholes that they actually encourage violations of the law. For the most part, they were formed decades ago when conditions and times were vastly different than today. The most blatant example of an unrealistic statute is that which prohibits the expenditures on a congressional campaign from exceeding $5,000 and a senatorial campaign from exceeding $25,000. This has led to the unbridled proliferation of campaign committees—allowing virtually unlimited amounts of contributions to a campaign, thus making a wholesale mockery of an existing, but outdated, statute. The by-product of violating these unrealistic ceilings opens the door on the one hand to excessive contributions and spending, and on the other, fragmenting, and thus obscuring the precise source of, cumulative large donations and contributors. And so, the public, and sometimes even candidates themselves, have no way of pinpointing the source and the magnitude of excessive special interest participation and disproportionate financial obligations. Large donors can further obscure their contribution and influence by giving through relatives, nominal "front" groups and by other devious means.

III. OBSTACLES TO REFORM

1. Disclosure and reporting is so fragmented and decentralized at local and state levels that there is virtually no way the public can have the facts they need in order to initiate intelligent, systematic and effective reform.

2. The complexity of the law and the lack of uniformity among the 50 states and the 1000's of local jurisdictions makes it exceedingly difficult to create a simple and universal pattern which will govern local, state and federal campaign financing and reporting.

3. The hypocrisy of existing laws and the consequent absence of any attempts to prosecute the violators has prevented the dramatic focusing of the crisis.

4. Incumbents at all levels of government have a vested interest in the system within

which they have been elected and are notoriously reluctant to change the rules of the game in which they now feel relatively safe. Thus, there is a lack of bold public leadership on the issue.

5. Special interests—whether large individual or group contributors—also have a vested interest in the existing inadequate system and enjoy the relative security of their present relationships with their potential for continued influence. And so, there is a lack of bold private leadership.

IV. THE STRATEGY FOR REFORM—OBJECTIVES AND GUIDING PRINCIPLES

Through campaign finances and reporting is indeed approaching a crisis situation, the outlook need not be altogether gloomy. One asset we can begin with is a growing body of expertise in the area. Among the excellent studies are:

Financing a Better Election System by the Committee for Economic Development

Regulation of Political Finance by the Institute for Governmental Studies at the University of California, Berkeley

Congress and the Public Trust by the New York Bar Assn.

The Costs of Democracy by Alexander Heard, University of North Carolina Press

Electing Congress, the Financial Dilemma by the 20th Century Fund

An analysis of these kinds of studies makes it clear that lack of bold and sophisticated recommendations are not one of the obstacles to reform. There are, in fact, many sensible and practical reforms that can be made now, and there are still others that can be made now, and there are still others that we can make after we have collected more information and have done some testing.

What follows will be a strategy for reform which evolves from my own experience in politics, combined with the expertise of others who have studied this need. This strategy will be derived from the previous understanding of the need for reform and will proceed with the major ideas which should shape an effective strategy—and will conclude with specific recommendations, some which can be implemented now and some which suggest areas for more sophisticated refinements in the future.

One thing is clear, this is not an ideal world and one set of reforms, however, well thought out, cannot possibly resolve all the problems. There are many alternatives which can be considered and it is the job of public leadership and citizens at large to decide which reforms will encourage the best performance for our political system in the public interest—while at the same time incurring the least compromise to our freedoms and to our American sense of initiative and competition. It is further clear that conditions are changing more rapidly than ever before, and that real reforms cannot be a static gesture, but rather must provide for systematic ongoing revisions which keep pace with change in the future.

A. The objective of reform

A political system that functions truly in the public interest must be openly accessible to fair competition among the best men and ideas, at any given level and at any given time in the country. It is equally important that there be an informed electorate with a maximum of public participation in the political process. For this to happen there needs to be the highest degree of respect and confidence in the system and in its leadership, with the "consent of the governed" being freely and positively expressed.

B. Principles for achieving this objective

1. Meaningful reform should ensure maximum competition and fully open access to potential candidates and positions by reducing the financial obstacles to running for office and by cultivating sufficient no-strings-attached resources to adequately and vigorously inform the public on the issues and candidacies of every election contest. While searching for realistic ways to hold down campaign expenditures, it is equally important to concurrently provide legitimate sources of income which can remove the pressure of anyone having to accept disproportionate donations from individuals and special interests.

2. Meaningful reform must be comprehensive, dealing with all aspects of finances and disclosure, rather than simply being negative and regulatory, or affecting just one or two campaign costs, e.g. T.V. broadcasting. The election process, and its necessary financing should be viewed as a positive and indispensable process of informing the electorate. As such, the issue is not one of simple restriction and regulation, but rather how to nourish this process, how to give it integrity and how to make it healthy and respectable from all aspects.

3. Meaningful reform must consider various means of providing new sources of income, including the possibilities of public subsidies, but should leave to the candidates and political parties, the responsibility for raising a substantial amount of the necessary funds. The ability to attract and raise substantial campaign resources, should be one of the tests which a candidate should be required to meet in his effort to earn public support.

In an ideal world, the concepts of participatory democracy suggest that every citizen should share proportionately in the financial requirements as well as the other dimensions of the political process—and this implies some form of either public subsidy by taxation or by vastly broadened voluntary financial participation.

4. Meaningful reform should seek to broaden the present small base of citizen financial participation on the theory that the more people who have a sense of personal investment in making the system work, the greater the corresponding force of the public interest that candidates and incumbents will have to respond to.

5. Meaningful reform should eliminate gross financial excesses which undermine fair competition. This is one of the most important priorities and a more easily administered task than imposing arbitrary or unrealistic limitations designed to force down the ceiling of even average levels of campaign expenditures.

6. Meaningful reform should shift the burden of certain campaign costs away from the candidate to the public treasury if they concern activities which affect all candidates equally and do not differentiate one candidate or campaign against another—e.g. voter registration, voter identification, etc.

7. Meaningful reform should place the highest importance in public disclosure and scrutiny as the method for spot-lighting and controlling financial excesses and improper influence. The purpose is to cultivate respect for the system and confidence if an informed electorate, rather than to impose arbitrary restrictions which risk forcing candidates and contributors to go around the law.

8. Meaningful reform should work toward eliminating the confusion, the inconsistency and the lack of pattern among local, state and federal jurisdictions. Simplicity, consistency, uniformity, and visibility and accountability should be the goals.

9. Meaningful reform should ensure that special interest groups, whether business, labor, religious, professional, educational or any other—(a) cannot exert influence beyond the number of their individual citizen participants and (b) are treated absolutely equal under the law so that any one interest group does not enjoy leverage greater than another.

10. Meaningful reform should provide for vigorous involvement of the two major parties, but in no way inhibit the involvement of independent candidacies or additional party movements through inequities in financing and regulations.

11. Meaningful reform should not be a one-shot deal—but rather a bold first step with a permanent on-going mechanism for testing and implementing reforms as conditions continue to change.

V. SPECIFIC AREAS AND RECOMMENDATIONS FOR REFORM

A. Drastically tighten reporting and disclosure requirements

1. *There should be a required designation of one official consolidated committee for each candidacy for financial purposes—both income and expense.* To avoid proliferation of committees, each candidate should be required to submit one consolidated committee financial statement regardless of how many groups may be working on his behalf and whether or not his candidacy is officially declared. The candidate and the chairman of each of these groups should be legally responsible for meeting this provision.

2. *There should be regular reports by all official committees.* Every committee including the official consolidated committee for each candidacy, should make annual and quarterly reports as well as a report 20 and 10 days before each primary and general election—and finally submit a complete record of income and expense within 30 days after election. The purpose here is to ensure that no income or expense is left unreported because they occurred before a candidacy was officially declared or after election day. Secondly, that certain reports are made prior to election day so as to provide the public with "before the fact" information upon which to judge the financial integrity of each candidate.

3. *We must plug loopholes in financial reports.* Reporting should include—in addition to cash accounting—further accounting for goods, services, loans, pledges or any other transaction which has a convertible financial value—even if it must be approximated.

4. *We must eliminate any artificial distinction between the on-the-job finances of an incumbent which are used politically and his actual political campaign finances.* Each incumbent should report any income and expense for the year not only for his campaign, but for executing his job over and above his statutory allowances. An incumbent could draw the line wherever he wished between on-the-job and campaign expenses. The public could then judge the entire picture—not just part of it.

5. *We should eliminate any artificial distinction between candidate's personal and candidate's campaign finances.* The official consolidated committee report for each candidacy should include that campaign-related income and expense which involves the personal income or expenses of the candidate himself.

6. *We should require CPA audits for all candidacies, parties, committees, conventions, testimonials, etc.* Just as a corporation or most legal enterprises are required to submit a financial audit by a CPA, this should be a requirement of all candidacies and other political enterprises as listed above. This audit should include sources and uses of funds, as well as assets and liabilities and should be required as an automatic part of every mandated report.

7. *All candidates, parties, interest groups, and other political enterprises should be required to list the names and addresses of all contributors who, in the aggregate, have given over $100.*

8. *All reports should be available to the public within two days after filing.* One central reporting respository should be designated in each state and one should be designated for the federal government. The pub-

lic should have access at the designated repository to any report filed and should be notified as to which reports have not been filed. The designation of one repository in a state would eliminate the problem in a state like Michigan where many reports are required only at the county level, thus failing to provide a centralized, consolidated financial picture of a statewide or federal campaign anywhere in the state.

9. *The state and federal governments should assume the responsibility and cost of printing a public edition of all post-campaign final reports within 90 days after election.* This limited edition should be sent to all major newspapers and broadcast media.

10. *We should require reporting of campaign contributions by large contributors, individuals or groups.* In addition to requiring reports from those who accept contributions, we should also require reports from those who make them. Major contributors—as defined by any individual or group that contributes over $1,000 in a calendar year to all political parties or candidates—should file one consolidated report listing the recipients, amounts, and dates of such contributions. This should be filed with the appropriate state and federal registry and certify that the donor is giving only his own money and not giving any other money through another person or group.

11. *Political parties should be subject to the same reporting requirements as interest groups and candidates.* Presently, political parties can abide by much less exacting reporting requirements than individual and interest groups and thereby can be a vehicle for loopholes.

B. Provide reasonable and equitable access to communications media

1. *We should repeal Section 315 of the Federal Communications Act requiring broadcasters to provide equal time to any and all major and minor candidates at any level of office.* The practical result of this act has been to discourage broadcasters from offering free time and coverage. Instead, Congress and the FCC should outline a policy which encourages broadcasters to exercise initiative in providing free time and coverage on an equitable and reasonable basis—leaving flexibility to the broadcaster to judge which candidates are so marginal as to not merit proportional coverage.

2. *All legitimate candidates should be assured fair, equal and adequate access to paid broadcast time.* This is a minimum condition.

3. *We should reduce the cost of broadcasting time through tax incentives or other methods of communication subsidy.* Increasing costs, especially TV, must not stand in the way of adequately informing the public about a legitimate candidacy or issues. Many methods have been proposed. One practical combination would be for broadcasters to sell time at the lowest commercial rate or some fraction thereof—for example, 50% of the lowest commercial rate. The cost to the broadcaster of this discount would be defrayed by allowing him a tax deduction equivalent to the amount of discount from the commercial rate. The provision of some basic amount of free broadcast time should be considered carefully. One big issue is who should bear the cost of free broadcast time—the broadcaster or the government (the public). Since there are many problems with either method, further study should be made as to how to best provide the incentives or the subsidies for some minimum amount of free time.

4. *We should recognize the extreme differences in broadcasting costs and coverage in different geographical and market areas.* This is the biggest problem in the way of formulating a consistent policy involving political candidates and the broadcast media, for example, the difference between large metropolitan areas and small communities. A radio or TV station in a large metropolitan area may cover many constituencies and reach into several states. Whereas in a small community, a radio or TV station may only cover a fraction of one constituency. This problem of broadcast markets and their inconsistent relation to political constituencies must be studied further before a practical policy can be developed which will apply to all elections.

5. *We should make the U.S. mail accessible to all federal candidates—challengers as well as incumbents.* By providing what is the equivalent of a postal subsidy to each federal candidate, each could be allowed at least one piece of free (franked) mail to every resident of his constituency. The lopsided advantage of the incumbent will be somewhat reduced and fair competition to inform the voters will be enhanced.

6. *We should consider government subsidized political information brochures at the state and federal levels.* It would be possible for a state to provide equal space to federal and certain top level state candidates in political mailing to be sent to every household. Equal space could be offered to each candidate to be designed and utilized as he saw fit.

7. *We should explore the potential of public TV, educational TV and cable TV as media which in the future may offer vast opportunity for systematic and cost effective communication to localized political constituencies.*

C. Develop workable limits to curb excessive financial contributing and spending

1. *We should not impose arbitrary limits at the present time on total overall campaign expenditures.* The consensus among most experts on this subject is that overall limits are difficult to administer and may well be unenforceable. Or, they may result in driving certain campaign expenditures underground. These difficulties are compounded by extreme variations in the cost of campaigns in different types of districts. In addition, conditions are changing rapidly in different ways and at different rates throughout the country. Also campaign costs are going steadily up. We should be careful not to hastily set limits tied to some over simplified index which could not possibly apply equitably to all areas and elections. Instead Congress should commission a group to recommend a realistic and enforceable approach for limiting campaign expenses 2 to 4 years from now. These judgments must be based on more complete and sophisticated information than is available.

2. *We should repeal existing campaign expenditure limits for the House and Senate.* As previously mentioned, these anachronistic limits are at the heart of today's hypocrisy.

3. *We must strengthen public reporting and disclosure requirements.* Full disclosure and public scrutiny offer the best means of preventing and controlling excesses and abuses—at least until such time as workable limits can be developed. Even then, full disclosure should be the number one priority.

4. *Do not impose arbitrary limits on the broadcast media for similar reasons.* Attempts to limit one channel of communication may result in campaigns committing abuses and excesses through another channel, e.g. mail, billboards, telephones, etc. However, we should explore the feasibility of limiting the candidate who would use television so excessively as to pre-empt the capacity of another candidate to communicate on television. In our desire to curb excesses on television, we should be careful not to dilute the extra-ordinarily positive potential that television offers as a media for informing the modern electorate.

5. *Develop realistic limits for contributions.* There is considerably more agreement between experts that the limits on contributions can be enforced, if at the same time other sources of income and methods of defraying campaign expenses are instituted. The degree of limitation is less important than the capacity to administer this limit and to live within it. There are various proposals for limits to individuals and groups contributing, e.g. $2,000 to federal and statewide races, $5,000 to the Presidential race and $15,000 total to all elections within one calendar year.

6. *We should tighten the curbs on special interest groups.* Consideration should be given to either (a) the outright prohibition of any political contributions by any special interest group, or (b) requiring that every special interest group be subject to the same ground rules. Corporations, labor unions and all other special interest groups should be treated alike with respect to campaign contributions and involvement. Here again, the guiding principles should be that it is better to have a controlled and publicly visible participant, than it is to have an unrealistic prohibition that creates underground activity. To the extent that "political education affiliates" are a feasible alternative to outright prohibition from political participation then their membership, organization, financial participation, goods-service-manpower participation, should be entirely voluntary and independent from membership in the primary group. Every political action group should be subject to the full and stringent letter of revised reporting and disclosure laws. Present loopholes such as that allowing business partnerships to make political contributions, or that allowing testimonial dinners to escape the most stringent reporting requirements should be eliminated.

7. *Limit the personal funds that a candidate may contribute to his own campaign.* Set a realistic limit, such as $25,000—or perhaps even considerably more—to prevent an extremely wealthy man from personally financing his campaign—allowing him an unfair advantage over an opponent who does not have such unique economic leverage.

D. Broaden the base of financial support

1. *Explore the feasibility of public subsidy as one part of the campaign financing mix.* Though most experts would agree that public subsidy is not practical or acceptable at this time, there is a growing interest in the potential of this method of financing in the future. The 2 biggest arguments in its favor are (a) it takes the pressure off private and special interest group influence and (b) it recognizes the political process as part of the general welfare which should be shared in by all citizens. The disadvantages to public subsidy are (a) the difficulty in equitably distributing and administering the subsidy (b) it's politically inacceptable at this time and (c) it is perceived by some as undermining the traditional American value of volunteerism and personal participation. In any case, the disadvantages seem to outweigh the advantages at this time. But if campaign costs continue their rapid rise, we will have to be prepared to think in terms of some partial method of subsidy at state and federal levels.

2. *Provide tax incentives for expanding citizen financial contributions—especially*

among the small givers. For example, allow a 50% tax credit on donations up to $50. ($25 maximum credit). A tax credit would be preferable over a tax deduction as the credit is more of an advantage to the low and moderate income givers while the deduction works more to the advantage of the upper income large donor. The purpose would be to greatly encourage direct, personal participation among as much expended part of the electorate so as to take the pressure off seeking and accepting large contributions. One method of administering this tax credit, while still keeping the involvement at the local level, has been suggested by many experts—it would involve the individual purchasing of political money orders through the local post office thus assuring records for the recipient, the contributor, and the government.

3. *Articulate governmental policy at the state and national level which would encourage non-political organizations of all kinds to engage in bipartisan political fundraising programs.* The cost of these programs could be a tax deductible expense. It is essential that individual participation in these original programs be entirely voluntary.

4. *Consider the possibility of a cash grant for legitimate major candidates in the election for President.* Although a grant of several million dollars to the campaigns of major presidential candidates would only partially subsidize their great expense, it would relieve the pressure on local fund-raising efforts and allow more of the money to be used in state and congressional campaigns where it is originally contributed.

E. Shift certain expenses from the candidates to Government

1. There are a range of costs in an election which result from activities which do not differentiate one candidate from another—for example, comprehensive voter registration; providing voter identification data to candidates and parties; the costs of disclosure, reporting, and auditing; the costs of providing basic information brochures on the candidates and issues. *Financial pressure on candidates could be reduced if all noncompetitive expenses could be assumed by governments just as they now assume the costs of voting machines and certain election day activities.*

VI. ORGANIZING AND ENFORCING REFORM

We will not improve the current situation with good ideas alone. We need to organize and coordinate reform at local, state and federal levels and set up a mechanism for administering and enforcing these reforms without exception. We should take the following steps.

1. *Establish an independent, non-partisan, Federal Election Commission with full powers to administer and enforce campaign financing and reporting requirements and to organize an on-going process for evaluating, testing and recommending further reforms to the Congress.*

2. *Define policies, procedures and penalties for enforcement precisely, pinpointing responsibility for review, publication of abuses and violations, and enforcement.*

3. *Institute a management information systems task force under the Federal Election Commission to develop formats for reporting and disclosure—utilizing top experts in government, business and education.* These formats would be utilized by all candidates and reporting groups so that their data could be submitted in a form which is immediately useful for enforcement. for public understanding and for intelligently evaluating the need for additional reforms. These formats should be as simple and as consistent as possible so that the data can be consolidated quickly within a given state and around the country, and so that disclosure can be made before the fact. . . .

4. *The Federal Elections Commission and the Congress should take whatever steps necessary to cause the 50 states to undertake reforms at the earliest possible time leading to a uniform and consistent pattern of election financing and reporting laws among federal, state and local jurisdictions.* Also, the Congress and the Federal Election Commission should recommend a model to the states which would create a much more uniform pattern of voter registration, voter identification, schedule of primaries and conventions and perhaps even the shortening of campaigns and reduction of the number of elected officials where appropriate. These reforms could vastly simplify and therefore help to reduce some of the expenses associated with campaigns. Federal subsidies and incentives should be available to those states which move in accord with an urgent and specified timetable.

VII. CONCLUSION

The need for reform has reached crisis proportions. There is no lack of good and effective approaches to reform. The missing ingredient is leadership. Congress must assume the leadership and in doing so has the opportunity to help renew our political system and to make it far more effective and responsive than it is now. At a time when our political institutions seem to be wallowing in ineffectiveness and when public confidence in the mechanism and men of government is at an all time low, Congress has no more urgent business than to face up to these reforms itself and to provide the national leadership for the 50 states to make concurrent reforms. There is no reason why this crucial act cannot begin right now and be boldly underway within a few months.

APPENDIX

Finally, I wish to include in the public record for committee consideration, a summary of the experience of Poole Broadcasting Company which is located in my Congressional district.

Poole, a privately operated station, has been vigorously pioneering to find economical ways that TV can help to bring candidates and the electorate into closer and better informed contact. Their experience, gained at their own initiative, should be shared with anyone considering the role of TV in elections, especially in campaign financing.

STATEMENT REGARDING POLITICAL CAMPAIGNS BY ALBERT J. GILLEN, PRESIDENT, POOLE BROADCASTING CO.

As operators of two VHF television stations in two cities—Flint, Michigan and Providence, Rhode Island—the Poole Broadcasting Company obviously is very concerned about meeting its responsibilities in presenting political candidates to its television audiences in both cities. It is and has been for some time the position of Poole Broadcasting that the public good would be best served through the following general procedures:

(1) There should be full public disclosure of the source of all political campaign funds to all politicians, both those who are successful in getting elected and those who are unsuccessful candidates.

(2) It is to the best interest of the public that political candidates should be best possible qualified candidates for any office, regardless of race, sex, creed, color, religious affiliation or financial resources, and some equitable formula should be developed to assure that elected officials do not consist of just wealthy individuals.

(3) Since limitations on expenditures will necessitate regulations concerning where these expenditures are made, such regulations should apply to all advertising media or avenues of promotion and publicity, without exception. It is ridiculous to think in terms of the public interest being served to restrict political advertising in radio and television and find our newspapers, magazines and highways saturated with political advertising.

Over the past four election years the Poole Broadcasting Company has experimented with a number of ideas with the purpose of attempting to provide the public with additional information and exposure to those candidates running for political office.

(a) As a result of conversations with political parties, members of the general public and the League of Women Voters, in both its cities of license, Poole Broadcasting was convinced that an experiment should be attempted in offering a special political discount to those running for office. Over a period of a number of years, expressions from politicians indicated that they felt they were handicapped because they could not take advantage of large quantity discounts such as were available to large product advertisers and since campaigns were so short, political candidates could not take advantage of long term discount structures. Therefore, in the election year 1970, Poole Broadcasting Company instituted a special 25% discount applicable to political candidates only.

While it is difficult to report any long range results of this experiment, our conclusion is that as a result of the 25% discount, those political candidates who had already decided to advertise with specific budgets did so and, as a result, obtained more advertising time than they would have without the discount. Therefore, there was more exposure of the candidates to the public; hopefully, resulting in a more informed electorate. It is difficult to conclude whether or not there were political candidates who utilized television because of the discount who would not have used it without the discount.

(b) In the survey of community needs and interests in the Spring of 1970, done by WJRT–TV, Flint, there was feeling on the part of a number of community leaders surveyed that one of the community problems was the need for better people in the elected posts of county and city government.

In response to this need, WJRT–TV elected to make available to a large number of candidates television time and production facilities for the candidates to present their views on the issues to the voters. The specifics of this endeavor are as follows:

PRIMARY CAMPAIGN

An offer of *five* minutes of free time and production facilities to film the *five* minutes was extended to 149 candidates in a variety of races including Flint City Commissioners, Genesee County Commissioners, State Legislators in the Flint-Saginaw-Bay City area, U.S. Congressional candidates, U.S. Senate candidates and gubernatorial candidates. 112 candidates accepted our offer and their statements were aired during the 3-week period prior to the primary election. All candidates were asked to respond to questions drafted by the League of Women Voters. Each candidate was required to appear in his own behalf and if our free production facilities were used, was required to adhere to a set of procedures designed to facilitate ease of production and uniformity of opportunity. The offer was extended to all candidates in a race even though there may have been a primary contest in only one party.

GENERAL ELECTION

For the general election we made the same offer to a slightly expanded list of contests and, as you would expect, a slightly contracted list of candidates. Specifically, 121 candidates were offered free time. 96 accepted and were aired. In the general election, prepared questions were not sent to the candidates; thus giving them more latitude in their use of the five minutes.

CONCLUSIONS

Playback received from candidates, political parties and the public in general, were all generally favorable. Lessons learned in the primary which caused revisions in the general election were minor, specifically, that the umbrella show in which the candidates 5-minute statements were presented, "Meet the Candidate," was limited to a maximum of one hour in length and was most frequently held to one-half hour, most of which ran in prime time. Secondly, all candidates for a given elective office were grouped together.

The political parties and the League of Women Voters were most helpful in encouraging candidates to accept the offer and take advantage of the free time. The League was of continued assistance in participating with the station in a variety of fairness judgments, such as which candidates should air in which time period and which candidates in a race should air in what order. These details were handled by lottery, with the station and the League jointly doing the drawing. The station, at no time during the primary or the general election, became aware of anyone feeling that they were treated less than fairly.

Indication is for the future that this program series was a needed public service and will be continued in future elections and probably extended to such events as off-time city elections in other cities covered by the station and possibly even as far as school board elections. This type of public service, although considerably more expensive in time, material and labor than other forms of public service, is well worth the cost.

(c) At its Providence station, Poole Broadcasting has attempted to set up debate situations so the public can actually see the political candidates in a face-to-face meeting, discussing the issues of the campaign. In 1970, WPRI–TV, Providence, offered seven one-half hour time periods and one one-hour time period to candidates for debates, with the time and production facilities being offered free by the station as a public service.

While this concept would appear to be an ideal format to best serve the public interest by providing the public with the best possible information about its political candidates the concept is fraught with many problems. In many cases it is impossible to get political candidates to agree to join in a debate. Evidently, there are numerous reasons why political candidates refuse to participate in debates and it is obvious that a television station is not in position of being able to do anything but cancel such a program when it finds itself without the full range of participants. It may perhaps be that sometime in the future the live debate will become an accepted vehicle by all political candidates and, if so, it is the opinion of Poole Broadcasting that this could well be the best possible manner in which to inform the public of the issues.

YOUTH—FULL PARTNERS IN A BETTER TOMORROW

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PETTIS. Mr. Speaker, a young man from Hesperia, Calif., wrote a memorable speech for an oratorical contest at the Optimist Club in which he was victorious. This fine young man, Scott Zalaha, is class president, editor of the school paper, a letterman in the major sports, and a member of the honor roll. I commend this speech to you not only as testimony to the fact that a majority of our youth are upstanding individuals, but for the perceptiveness and genuine intuitiveness that it displays.

I have spoken with Scott and been moved by his sincere desire to see that the generations strive to work together for a better America. With individuals such as he aspiring to leadership in the future, our country shall have nothing to fear.

The speech follows:

YOUTH—FULL PARTNERS IN A BETTER TOMORROW

(By Scott Zalaha)

The big question in my mind is, will there be a tomorrow for any partnerships? If the adults of today cannot or will not exercise their wisdom and influence over the youth as our forefathers have since the time of our inception—even since the time of Noah—I fear for the possibility of any future. The parents of today must start in the home to teach their children that there can be no partnerships without values and responsibility.

I, like any normal young person, would like to consider myself a partner in this society; but until I have attained some wisdom and experience, I can only expect to be a junior partner. When I have attained the best education possible to me and I have put into practice some of the wisdom and experience I have learned from my parents and other adults around me, I would like to think I have earned the right to be a full partner and then possibly a leader among men.

I do not feel our tomorrow is very secure as long as the adults, school administrators, government officials and the leaders of our communities, not only allow what appears to be total destruction of our learning institutions, moral standards and our system, but also seem to conform to the whims and desires of a small segment of the youth of today. In my opinion, the adults should set the examples for the youth to follow, instead of the adults following the fads and modes of that small segment of the youth of today. I find this is very true today and if this continues, what will be the distinction between the adults and youth?

In the years I have been in school, I've read and studied a limited amount of the history of our heritage—not only from history books but also from the basis of all heritages, the Bible. I have found our system based on parental guidance, respect for adults, teachers and law and order, very secure and satisfying. My appeal to the adults of our great nation is, please, don't let the youth become the senior partners but return to the role of advisor, example and even disciplinarian when necessary. Our country and the world is constantly in a rotation of leadership. That is why it is absolutely necessary for the young people of today to plan for a better tomorrow, right now. It will soon be today's young people the eyes of the world will be turning to for answers and help. This is why it is also necessary to work as full partners. It will help make the paths brighter and the burdens just a little lighter. The reward of this is a decent and valuable society. Even a greater reward is a promise for a future in which to form new partnerships with the youth of another tomorrow.

One last thought which I have learned from a very dear, and I think wise, lady—my mother. At any time I begin to feel like a "know-it-all," she sits me down and explains to me that no matter how smart I become or how smart I think I am, she will always be wiser because she has lived some thirty years longer than I.

I think that I speak for the majority of the youth when I say simply this to the adult. Don't forget you are wiser than your children, you are wiser than the boy or girl next door, wiser than that student considering taking that drug, and even the real smart ones who burn down beautiful towns, banks and destroy our campuses. Recently the largest bank in America, the Bank of America, ran an ad in newspapers across the nation. I would like to quote a statement from this ad entitled "Violence in America," and I quote: "But all Americans, young and old, liberal and conservative, lose by violence."

All we ask is, please, preserve our todays so we can be assured the opportunity to join you in a better tomorrow.

In I Timothy 4:12 it states, and I quote: "Let no man despise thy youth, but be thou an example."

PRISONERS OF WAR—INHUMANITY OF HANOI GOVERNMENT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, there has been furnished me by Gov. Maurice H. Thatcher—Canal Zone—and former Member of the House of Representatives, a timely, well-reasoned, and just editorial appearing in the Star & Herald of Panama on the 8th of December 1970 with respect to U.S. Prisoners of war held in Hanoi. The base, inhumane, and merciless treatment of our soldiers captured by the Vietcong armies in the Vietnam war is without parallel in civilized warfare.

The Star & Herald, established in 1849, has had a long and distinguished career. It was originally published in English and Spanish then, during the French effort to build the Panama Canal, was published in English, Spanish and French; and after the French quit the isthmus and the United States took over the building of the canal, it has been ever since published in English and Spanish.

The indicated editorial is as follows:

PRISONERS OF WAR

In his exchange of letters with Ho Chi Minh, shortly before the North Vietnamese leader's death, President Nixon remarked on how difficult it is "to communicate meaningfully across the gulf of four years of war." Nothing proves the point more tragically than the inability of anyone to convey to the leadership in Hanoi the depth of the concern of people all over the world—and first of all in the United States—about the fate of prisoners of war in North Vietnamese hands.

This is a distinct issue that could easily be separated from the admittedly complex problems of military and political settlement of the war. The way to resolve it is plain and immediately at hand in President Nixon's call for an unconditional exchange of all prisoners on both sides. The numbers involved—some 35,000 North Vietnamese and Viet Cong held in the South, against some 5,000 Allied prisoners of war in communist hands—would even work to the advantage of Hanoi.

Yet North Vietnam has refused to yield an inch in this matter—even to the extent of refusing to publish an official list of the names of the men it holds and those it knows to be dead. This cruelty to the families of the prisoners is as pointless as it is heartless. Hanoi has likewise refused to abide by the Geneva conventions, to which it is a signatory, calling for inspection of prison camps—inspections that are made regularly by the International Committee of the Red Cross at camps in South Vietnam. And it has flatly rejected repeated appeals for mutual repatriations.

If Hanoi simply does not care what people think about their handling of the prisoner issue, there is good reason to suppose they are not so unconcerned about their reputation in other quarters. Now adoption of a resolution in the United Nations calling for compliance with the Geneva convention concerning POWs has served warning that their stubbornness and callousness is costing them support and respect in many countries.

So far, however, there is still no evidence that either humanitarian concern or diplomatic disadvantage is likely to move Hanoi. The question remains: Why? The answer would seem to be that the North Vietnamese leaders think they can use American concern over the prisoners to blackmail the United States into ending the war on Hanoi's terms. If this is the case, then Hanoi better heed the United States' warning that efforts to use the prisoner of war issue in this way are "totally unacceptable".

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the November 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of November was 2,880,346 as compared with 2,875,602 in the preceding month of October. This was a net increase of 4,744.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of November totaled 2,843,411. This was a net increase of 4,747 as compared with employment reported in the preceding month of October. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Executive branch	Increase	Decrease
July 1970	1, 942, 517		−1, 595
August	2, 901, 856		−40, 661
September	2, 851, 875		−49, 981
October	2, 838, 664		−13, 211
November	2, 843, 411	+4, 747	

Total employment in civilian agencies of the Executive Branch for the month of November was 1,681,353, an increase of 7,862 as compared with the October total of 1,673,491. Total civilian employment in the military agencies in November was 1,162,058, a decrease of 3,115 as compared with 1,165,173 in October.

The civilian agency of the Executive Branch reporting the largest increase during November was Post Office with 7,701 due to seasonal employment. Commerce Department reported the largest decrease with 1,309 due to the completion of a special census.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 3,339 and the Navy with 888. The largest increase was reported by the Air Force with 1,458.

Total Executive Branch employment inside the United States in November was 2,629,934, an increase of 5,586 as compared with October. Total employment outside the United States in November was 213,477, a decrease of 839 as compared with October.

The total of 2,843,411 civilian employees of the Executive Branch reported for the month of November 190 includes 2,527,176 full time employees in permanent positions. This represents an increase of 800 in such employment from the preceding month of October. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,843,411 includes some foreign nationals employed abroad, but in addition there were 101,916 foreign nationals working for U.S. agencies overseas during November who were not counted in the usual personnel reports. The number in October was 102,037.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of November totaled 29,959, a decrease of 53 as compared with the preceding month of October. Employment in the Judicial Branch in the month of November totaled 6,976, an increase of 50 as compared with October.

DISADVANTAGED PERSONS

The total of 2,880, 346 reported by the Committee for October includes 18,629 disadvantaged persons employed under federal opportunity programs, an increase of 1,121 over the preceding month of October. (See Table 4 of the accompanying report.)

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during November 1970, showing comparisons with June 1969 and the budget estimates for June 1971:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	November 1970	Estimated June 30, 1971[1]
Agriculture	83, 425	82, 779	85, 300
Commerce	25, 364	27, 564	26, 700
Defense:			
Civil functions	31, 214	29, 747	31, 000
Military functions	1, 225, 877	1, 095, 968	1, 110, 100
Health, Education, and Welfare	102, 941	104, 893	105, 100
Housing and Urban Development	14, 307	14, 838	16, 000
Interior	58, 156	58, 073	61, 100
Justice	35, 106	39, 140	39, 100
Labor	9, 723	10, 378	10, 800
Post Office	562, 381	567, 309	585, 000
State	24, 658	23, 312	23, 400
Agency for International Development	15, 753	14, 030	14, 400
Transportation	60, 386	65, 922	70, 300
Treasury	79, 982	86, 827	93, 500
Atomic Energy Commission	7, 047	6, 932	6, 900
Civil Service Commission	4, 970	5, 214	5, 500
General Services Administration	36, 176	36, 335	36, 800
National Aeronautics and Space Administration	31, 733	29, 673	30, 600
Office of Economic Opportunity	2, 856	2, 361	2, 500
Panama Canal	14, 731	14, 473	14, 900
Selective Service System	6, 584	6, 699	6, 500
Small Business Administration	4, 099	3, 952	4, 100
Tennessee Valley Authority	11, 987	13, 114	13, 300
U.S. Information Agency	10, 500	9, 890	10, 100
Veterans' Administration	147, 606	149, 862	150, 200
All other agencies	26, 200	27, 702	28, 900
Contingencies			15, 000
Subtotal	2, 633, 762	2, 526, 987	2, 597, 200
Public service careers program		189	
Total	2, 633, 762	2, 527, 176	2, 597, 200

[1] Source: As projected in 1971 budget document; figures rounded to nearest hundred.

ERNEST PETINAUD

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. O'NEILL. Mr. Speaker, one rarely enters the House Restaurant without being warmly greeted by Ernest Petinaud, maitre d' of the House Restaurant and friend to all in Congress.

Yesterday was his 66th birthday and now is the perfect opportunity to express thanks to Ernest for 34 years of superb service and the touch of elegance he has contributed to the House. He has, over these years, made life more enjoyable, not only for thousands of Members of Congress, but also many friends and visitors to the Capitol. He performs his duties with dignity and charm, constantly striving to maintain perfection. More valuable than his amazing ability to graciously host the dining room is his friendship which he so generously offers to many legislators. Often, it is a soothing word from Ernest that can calm or cheer a weary Congressman.

It has been my personal pleasure to

have known Ernest for 18 years. These have been 18 years in which nothing but consideration has been shown to me. I owe many happy moments to Ernest and I know that all in the House join with me in wishing Ernest Petinaud a very happy birthday.

CONGRESSIONAL RULES MUST BE CHANGED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the 92d Congress has opened amid great and understandable concern about the need for the reform of a number of rules and practices governing the conduct of the Nation's legislative machinery. Already both parties have agreed to revise their rules so that seniority will not be the sole criterion for determining committee chairmen.

As one who supported this change I noted with great interest an editorial which appeared in the Jackson Citizen Patriot, Jackson, Mich., on Tuesday, January 19, 1971, entitled, "Congressional Rules Must be Changed" and I take the occasion on the first day of the new Congress to commend it to the attention of my colleagues so that these views may have the broader circulation that they deserve:

CONGRESSIONAL RULES MUST BE CHANGED

Reformation of Congress with a view to ending or modifying the seniority system and to make it more responsive to the will of the people and the needs of the times now is getting more than usual attention.

This is natural as the time is drawing near for the 92nd Congress to organize itself and go into its first session. This point is where the interest in revamping Congress reaches its peak and where action, if any, logically will be taken.

The subject is not new. Demands for reform, and particularly for junking the seniority system of electing committee chairmen and limiting the filibuster in the Senate have been recorded in history. The most noteworthy of these was a revolt against the unlimited power of the speaker of the House. Republican Speaker Joseph G. Cannon had so abused his power to control legislation and to name committee chairmen that a coalition of Democrats and liberal Republicans changed the rules in 1910.

The anti-Cannon revolt was a demonstration of the inherent strength of the system in that it showed a rebellion against a concentration of power in one man is possible.

A new rebellion may be in the works because many members of Congress feel that the seniority system makes the Congress a body not truly representative of the people who elect its members. The target is not one man, as in the case of the anti-Cannon move, but the seniority system, itself, and a few committee chairmen who seem to be abusing their individual powers.

The situation is unusual this year in that both parties have made studies of the seniority system and their committees will make recommendations to the party caucuses which will meet prior to the convening of Congress Jan. 21 and will take up the suggested reforms.

The study groups of both parties suggest that committee chairmen be selected by the caucuses and not necessarily on the basis of seniority. (In the case of the Republicans, the elections would be for "ranking member" of each committee inasmuch as the chairmanships automatically are held by the Democrats who control both houses of Congress.)

Thus the burden of making significant changes in the seniority system and getting rid of chairmen who have abused their position falls on the Democrats in Congress.

The changes will be resisted by powerful figures in both parties who see reform as a threat to their ability to influence Congress.

The rebels, if they may be called that, have a great deal going for them. They can point to horrible examples of committee chairmen who are not effective, who are senile, or are just plain arbitrary. Moreover, the public is more aware than ever of the weaknesses in the system.

The people, for example, are conscious of the domination of congressional committees in the House by representatives from rural districts, many of them in the South.

It is ironic, for example, that in this period when the plight of the cities is a matter of national concern, only six House chairmanships are held by representatives from urban districts, as compared with four from suburban areas and 11 from rural districts.

In the Senate, 10 of the 16 major chairmanships are held by southerners. Four come from the West, none from the Midwest and only two from the East.

This imbalance in the leadership of the Congress is due directly to the seniority system under which power naturally gravitates to members from "safe" districts, largely from one-party states.

The South may have lost the Civil War but it eventually won the Congress.

States which give life and meaning to popular government by the competition inherent in a strong two-party system pay a penalty for doing so by losing the right to a proper voice on congressional committees.

The need for reform becomes all the more acute in periods of stress and turmoil such as the United States is experiencing today.

The recipe for unrest, or even revolution, begins with a government which is unresponsive to the wants and needs of the people.

This is a time in which the cities, with their masses of people and pressing problems, and the new phenomenon which is Suburbia, with its growing pains, need to have a proper voice in the affairs of the Congress. At the very least, they need representation in positions of power in proportion to the numbers of people they serve. To put it another way, the "one man, one vote" principle is taking its worst beating in the organization of the United States Congress.

A few encouraging signs appear as parties approach the showdown on the seniority system. Liberal Democrats, including Michigan's Rep. John Conyers Jr. of Detroit, are speaking out boldly against what they call the "southern dictators." They are gaining attention by focusing their efforts on removal of three committee chairmen who are particularly bad examples of the system. They also are fighting to remove seniority rights from Mississippi representatives who did not run as regular Democrats but who expect to enjoy all the privileges of membership in the majority party.

This approach may be effective because it hits the system in its weakest points and dramatizes for the people the inequities which have endured through the years simply because the Congress did not choose to do what it must if it is to function properly and keep the respect of the people.

A $25 TAX DEDUCTION FOR BLOOD DONATIONS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KOCH. Mr. Speaker, today I am reintroducing my bill to give a $25 tax deduction for blood donations. The bill is designed to provide the public with an added incentive to donate blood to nonprofit blood collecting organizations. I am pleased that 22 of my colleagues are cosponsoring the bill.

This winter the American Red Cross has experienced the greatest shortage of whole blood in its 22 year history of blood collection. One of the consequences of the shortage of voluntary donors is the proliferation of commercial blood banks providing on-the-spot cash to their suppliers. The money has attracted persons who do not meet minimal health standards, many being dope addicts and derelicts. Today the chances of contracting hepatitis from a transfusion of commercial blood is 10 times that of donated blood.

Blood has become a form of medicine, that is particularly important to the most sick patients in our hospitals. But patients in need of blood transfusions now face two dangers: the inavailability of blood and the infusion into hospital blood banks of hepatitis-contaminated blood.

My bill would improve both the quantity and quality of blood available to patients. Presently only 3 percent of the public donates blood through nonprofit organizations such as the Red Cross. If we can just increase this by 1 percent, the blood shortage problem will be eliminated. I believe that my bill, providing up to $125 in deductions for an individual per year, for a maximum of 5 pints of blood would provide the necessary incentive to add the needed number of donors to the rolls. Most important, the incentive is directed at the blue and white collar workers who can benefit from a tax deduction at the end of the year and not to the derelict attracted to the commercial blood banks for a quick buck.

While most people view donating blood as a "charitable contribution" the Internal Revenue Service recognizes blood donations as a "service," which is not deductible, rather than "property" which is. While someone can take a tax deduction for a $25 monetary contribution to the American Red Cross—perhaps the money he gained from selling his blood to a commercial blood bank—he cannot take a deduction for the pint of blood he gives to the American Red Cross. But I ask my colleagues, what greater personal property could a person give than his blood to save the life of another. For someone who is dying, a pint of blood is much more important than $25 in cash donated to the American Red Cross.

The purpose of the charitable deduction provision in our tax code is to encourage contributions to nonprofit organizations serving the public's interest. Certainly donating blood contributes to the public welfare and is a practice that needs to be encouraged. There is no adequate synthetic substitute for blood. In addition to the transfusion of whole blood, a single pint of blood can be broken down so as to provide red cells for anemia or post surgery, white cells for leukemia victims, platelats for purpora sufferers, factor VII for hemophiliacs and plasma for burns and accident victims.

Mr. Speaker, I commend this legislation to my colleagues, and I hope the Departments of HEW and Treasury will give this favorable consideration. At this time I would like to insert for printing in the RECORD a copy of the bill and a list of its cosponsors:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts) is amended by redesignating subsection (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) BLOOD DONATIONS.—

"(1) IN GENERAL.—For purposes of this section, a donation by an individual of his own blood to an organization described in subsection (c) shall be considered to be a 'charitable contribution' of such individual in an amount equal to $25 for each pint donated.

"(2) LIMITATION.—The aggregate amount of any individual's charitable contributions described in paragraph (1) which may be taken into account in determining the deduction allowed a taxpayer under this section for any taxable year shall not exceed $125."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income in the case of an individual) is amended by adding after paragraph (9) the following new paragraph:

"(10) the deduction allowed by section 170, to the extent attributable to charitable contributions of the type described in subsection (i) thereof."

SEC. 3. The amendments made by this Act shall apply only with respect to blood donated on or after the date of the enactment of this Act.

LIST OF COSPONSORS

Les Aspin, Democrat, of Wisconsin.
Jonathan B. Bingham, Democrat, of New York.
Frank J. Brasco, Democrat, of New York.
Jorge L. Córdova, Republican, of Puerto Rico.
Shirley Chisholm, Democrat, of New York.
Don Edwards, Democrat, of California.
Hamilton Fish, Jr., Republican, of New York.
Seymour Halpern, Republican, of New York.
Julia B. Hansen, Democrat, of Washington.
Michael Harrington, Democrat, of Massachusetts.
Henry Helstoski, Democrat, of New Jersey.
William L. Hungate, Democrat, of Missouri.
Edward I. Koch, Democrat, of New York.
Norman F. Lent, Republican, of New York.
Abner J. Mikva, Democrat, of Illinois.
James D. O'Hara, Democrat, of Michigan.
Claude Pepper, Democrat, of Florida.
Otis G. Pike, Democrat, of New York.
Charles B. Rangel, Democrat, of New York.
Benjamin S. Rosenthal, Democrat, of New York.
James H. Scheuer, Democrat, of New York.
B. F. Sisk, Democrat, of California.
Jim Wright, Democrat, of Texas.

LEGISLATION TO END INDISCRIMINATE OCEAN DUMPING

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. SANDMAN. Mr. Speaker, it is altogether fitting, on this opening day of a new session of Congress, that we issue a loud and clear call to and on behalf of our countrymen to clean up and strive to protect forever our precious environment.

The wide variety of environmental bills introduced today by Members of the House indicates the growing national concern about pollution in all forms and is evidence of the determination of this body to meet this decade's most pressing problem.

I am particularly concerned with the increasing use of the oceans, gulf, Great Lakes, and other waters as the receptacle for chemicals, sewage, and garbage wastes along with other forms of pollution.

More than 70 percent of the earth's surface is covered by the oceans, using the term generally to include all major bodies of water. This vast area of water—some 140 million square miles—is critical in maintaining the world's environmental balance. The oceans affect our climate, the oxygen-carbon dioxide content of the atmosphere and they are of immense economic value to us as a source of minerals and food.

Pollutants are carried to the oceans through our waterways by vessels of all descriptions. They arrive by way of complex networks of pipelines. They are carried in the air only to filter or be washed down into the sea. And agricultural pollutants such as pesticides, animal wastes, and fertilizers also eventually reach the oceans.

There is accidental spillage of oil, sewage from vessels, and other forms of ocean pollution. However, the form of pollution that concerns us most is premeditated ocean dumping by industry and municipalities.

SCOPE OF THE PROBLEM

According to the President's Council on Environmental Quality, about 48 million tons of wastes were dumped at sea in 1968. These wastes included dredge spoils, industrial wastes, sewage sludge, construction and demolition debris, solid waste, explosives, chemical munitions, radioactive, and miscellaneous materials.

There are now at least 250 known official and unofficial disposal sites off U.S. coasts. Inforced sources say that number may well have doubled since most recent inventories. Half of the ocean dumping grounds are located off the Atlantic coast while the other half is divided almost evenly between the gulf and Pacific coasts.

That there is a clear trend toward increased use of the oceans as dumping grounds is undeniable. The volume of ocean dumpings is increasing rapidly. And this trend will undoubtedly accelerate as existing land-based disposal facilities and sites become more scarce and overburdened.

THE OBVIOUS DANGERS

I do not presume to be an authority on marine biology, though I am an avid student of this science. However, I do know that ocean pollution has already severely damaged the environment and will continue to do so at an increasing rate unless it is controlled now and eventually eliminated.

Pollution has already closed nearly one-fourth of the Nation's commercial shellfish beds; coastal swimming and other forms of recreation are already threatened—banned in some areas; thousands of square miles of ocean have been reduced to lifelessness by pollution and sport and commercial fishing is threatened.

There is no question that ocean dumping contributes to this serious problem and there is no question that something must be done now to stop it.

ALTERNATIVES TO OCEAN DUMPING

Naturally, to eliminate ocean dumping, there must be an alternative means and alternative places where waste materials can be disposed. And there are.

The mere fact that at present, less than 1 percent of our wastes are disposed of in the oceans, is proof that there are reasonable alternatives.

Let us face the truth. In this time of increasing consciousness by all Americans on the condition and appearance of our environment, the single main appeal of ocean dumping is that the United States currently has no jurisdiction to control it beyond the 3-mile limit. Those who advocate ocean dumping, for the most part, are those who would continue to sweep dirt under their carpet instead of applying their misguided ingenuity to use existing means of disposing of their wastes properly.

THE JURISDICTIONAL PROBLEM

Current regulatory activities and authorities are not sufficient to control ocean dumping. Though there are some controls over dumping within the 3-mile territorial sea, the most serious problem area is outside the jurisdictional limits of the States where there are no effective restraints or controls.

A number of bills on ocean dumping have been before the Members of the House. To my knowledge, none of them have offered an effective solution to the jurisdictional problem. Thus, no ocean dumping bill has been reported from the House Merchant Marine and Fisheries Committee.

The administration is on record as being opposed to ocean dumping as a long-range solution to the Nation's disposal problems. I am encouraged by reports that the President may support legislation aimed at curbing and eventually eliminating ocean pollution.

OCEAN DUMPING LEGISLATION

I am pleased to submit legislation today to control ocean dumping. This bill comes to grips with the jurisdictional problem without tampering with the distance of the limits of our jurisdictional boundaries.

My measure establishes controls where we now have jurisdiction: Specifically at the loading docks and ports. To load any vessel with waste material intended for ocean dumping—a permit must first be obtained from the Administrator of the Environmental Protection Agency, which shall be charged with the responsibility of determining that each application for a permit considers the ecology of the marine environment.

This legislation also authorizes the Administrator to prohibit the loading, transporting or dumping of specific materials deemed damaging to the marine environment and it also empowers the Administrator to designate safe sites.

My legislation directs the Coast Guard to conduct surveillance and other enforcement activities and the bill provides stiff penalties for any violations. The text of my bill follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no owner or master of a vessel may load, or permit the loading of, any waste on such vessel while such vessel is in any port of the United States, if such waste is to be discharged in ocean waters, unless such owner or master first—

(1) obtains a permit from the Administrator of the Environmental Protection Agency (hereafter referred to in this Act as the "Administrator") which authorizes the loading of such waste; and

(2) notifies the Coast Guard of such loading as prescribed in Section 3.

SEC. 2. (a) The Administrator shall issue to any owner or master of a vessel a permit authorizing the loading of waste on such vessel if the Administrator finds that the discharge of such waste in any ocean waters will not damage the ecology of the marine environment. In making any such finding, the Administrator shall consider the effect of such discharge on human health and welfare (including possible adverse effects on economic, recreational and aesthetic values) and on the marine ecosystem, taking into account the proposed location of such discharge and the concentration and volume of the waste to be discharged.

(b) In no event shall any permit be issued for the discharge of any waste whatever between the continental shelf and the coast of the United States.

(c) The Administrator shall have the authority to ban the loading, transporting and damaging to the marine environment or to human health and welfare.

(d) The Administrator shall have the authority to designate ocean dumping sites.

(e) Each permit issued under subsection (a) shall specify—

(1) the amount and type of waste authorized to be loaded and discharged;

(2) the exact coordinates of the location at which such discharge is permitted and a statement of the route to that location;

(3) such provisions as the Administrator deems necessary to insure that such waste will be transported to the discharge site without accidental spillage or leakage; and

(4) such other provisions as the Administrator deems necessary to carry out the purposes of this Act.

SEC. 3. (a) Any owner or master of a vessel who is issued a permit under section 2 must notify the Coast Guard and the Army Corps of Engineers of the exact location where the waste covered by such permit is to be discharged. Such notification must be given to the Coast Guard and the Army Corps of Engineers in such manner as the Administrator of the department in which the Coast Guard is operating shall prescribe and not later than four hours before the departure of the vessel.

(b) The Administrator of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent violations of this Act.

SEC. 4. (a) Any owner or master of a vessel who violates the first section of this Act or who violates any provision of a permit issued under section 2 of this Act shall be liable to a civil penalty of not more than $50,000 for the first violation, and not more than $100,000 for each subsequent violation. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a public hearing on such charge. Upon failure of an offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) A vessel, other than a vessel owned or bargeboat chartered by the United States, or other property used in a violation shall be liable in rem for any civil penalty assessed under this section and may be proceeded against in any district court of the United States having jurisdiction thereof.

SEC. 5. As used in this Act—

(1) The term "discharge" means to place, release, discharge, or by any means whatsoever to dispose, of waste in ocean waters.

(2) The term "master" includes any person acting in the capacity of a master.

(3) The term "ocean waters" means any estuarine area, coastal waters, Great Lakes, territorial waters, and the high seas adjacent to the territorial waters.

(4) The term "owner" includes any private individual or corporate owner and any public owner, whether a department, agency, or instrumentality of a State or a political subdivision thereof, of an interstate governmental entity, or of the Federal Government.

(5) The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and American Samoa.

(6) The term "vessel" includes any vessel scow, or boat, whether or not documented under the laws of the United States, capable of being used to transport waste in ocean waters.

(7) The term "waste" means matter of any kind or description, including, but not limited to, dredge spoil, spoil waste, garbage. sewage sludge, munitions, chemical, biological and radiological warfare agents, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial wastes.

SEC. 6. This Act shall take effect immediately upon final passage as provided by law.

SEC. 7. On and after the effective date of this Act, any license, permit, or authorization issued by any officer or employee of the United States under the authority of any other provision of law shall be terminated and be of no effect whatsoever to the extent that such license, permit, or authorization authorizes any activity to which this Act applies.

I am inviting all Members of the House to join me in sponsoring this legislation.

I am also calling upon the Governors, the attorneys general, and the legislatures of all of the States bordering on the Atlantic Ocean, the Pacific Ocean, the Gulf of Mexico, and all tributaries leading thereto to enact this legislation adjusted to their jurisdiction as a matter of State law so that there will be a heavy surveilance over the loading, transporting, and dumping of any kind of polluting material that may pollute the rivers, bays, and harbors of the United States and all of the waters surrounding the Nation.

JOB MATCHING BY COMPUTERS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the increasing numbers of job seekers and job opportunities in our Nation pose the complex task of efficiently matching applicants and jobs.

The U.S. Department of Labor's Manpower Administration has developed four computerized job matching systems which are in operation in several cities. These programs, however, are still developmental with many unsolved problems.

For the information of my colleagues, I am including the following article from the November 1970 issue of Manpower. It comprehensively discusses the state of this art as well as future plans for job matching by computer:

COMPUTER JOB MATCHING HOW AND HOW WELL

(By George P. Huber and Joseph C. Ullman)

The 1970 Manpower Report of the President notes that improved labor market information, by facilitating faster and better matches between jobs and workers, can reduce unemployment. The implications of the continuing efforts of the U.S. Department of Labor's Manpower Administration to modernize job placement through the use of automatic data processing techniques, however, go far beyond unemployment statistics. Computerized job matching, whatever final form it takes will have a substantial impact on employers and jobseekers—particularly the disadvantaged—as well as on the operations of the various State employment services.

To develop a national computer-aided job-matching network, the Manpower Administration undertook two major tasks. The first was the rapid and widespread deployment of a system of job banks. Job banks are not very sophisticated technologically, which made them particularly attractive as a means for making a start on job-matching systems.

BALTIMORE STARTS JOB BANK

The second task was to develop and implement several types of fully computerized matching systems so actual operating experience would be available to help determine the nature of the eventual nationwide system. Since the fully computerized system will be very sophisticated, and quite expensive, this task was envisioned as more long-range in nature.

The job bank concept was developed by the Maryland Department of Employment Security early in 1968, and the Baltimore Job Bank became operational in May of that year. The Job bank does not use the computer to match people with jobs or training slots. Rather, it uses the computer to record and store brief descriptions of all job openings known to the employment service in the area.

Each evening filled jobs are deleted, new openings received are added, and the updated list is printed out in the form of a job bank book, copied, and distributed early the following morning to all counselors and placement interviewers in the employment service and cooperating community agencies. To avoid referring more applicants for a job than are desired by the employer and to keep from sending applicants to recently filled jobs, a central telephone order control unit is included in the job bank system.

As developed in Maryland, the job bank involved a farily drastic reorganization of employment service placement operations. Previously, placement interviewers both received and filled orders and usually specialized in particular occupations or industries. Now, almost all job orders are taken by a central unit whose members do not specialize in any way or make referrals. Referrals are made by placement interviewers who also do not specialize and who do not take job orders. Further, the Maryland Employment Service did not prevously share job openings with other employment-oriented nonprofit community agencies. Now, all employment service job orders are made available to these agencies by means of the job bank book.

MANY VARIATIONS PROPOSED

A third change in employment service organization usually associated with implementation of a job bank is the stationing of more placement interviewers in disadvantaged neighborhoods. Outstationing of interviewers is much more feasible now because the job bank book gives them up-to-date data on all jobs listed in the system, something that was not possible before.

Several advantages are claimed for the Baltimore Job Bank. Some of these, such as the potential for better management control associated with automatic data processing systems are inarguable. Others, such as an increase in job orders and in placement of disadvantaged persons, definitely occurred in Baltimore, but may or may not be attributable primarily to the job bank. Detailed before-and-after studies are being conducted in all cities where there are or will be job banks to determine whether their results are similar to Baltimore's.

The Labor Department plans to install job banks in 76 of the Nation's largest cities by December 31, 1970, and as of September 1 of this year 46 were operating.

In negotiating with the Department of Labor over the specific form for their job banks, the individual State employment security agencies have proposed many variations on the Baltimore model. Some of these variations are mechanical—for example, publishing job orders on mircofilm and using viewers rather than printing the orders in book form. Others are organizational—such as retaining some specialization of placement interviewers, rather than using the every-man-a-generalist approach taken in Baltimore.

Generally, the Labor Department has encouraged local variations, although three conditions have been required in the earlier group of job banks. First, order taking and placement interviewing cannot be done by the same individual. The purpose of this caveat is to prevent "pocketing" by the tervirwers, that is, keeping a personal inventory of openings.

Second, all job banks must provide for participation of community agencies. This coordinates community efforts to develop jobs for the disadvantaged and relieves employers of making mutliple contacts with agencies serving the same applicant population.

Third, each State agency must create a manpower-data processing systems team in connection with its job bank. This is to assure that each agency will acquire the staff needed for subsequent development and implementation of a fully computerized matching system.

In the initial stage, all of the present job banks were urban and local in scope. However, some subsequently have expanded geographically, and others have plans for expansion. The Baltimore Job Bank now includes Westminster, Annapolis, Bel Air, and Elkton, extending to the Pennsylvania and Delaware borders. Connecticut and Rhode Island are implementing statewide job banks, as will several other States.

INTERSTATE LISTINGS USED

In addition, despite the traditional insularity of State employment security agencies, several interstate job banks are already established. The Washington, D.C. Job Bank includes local offices of the Virginia, Maryland, and District of Columbia agencies, and the St. Louis Job Bank includes Missouri and Illinois offices, which are in different Manpower Administration regions as well as in different States.

It is probable that the computers of most job banks eventually will be able to communicate with each other, although the mode of communication has not yet been determined. In professional, technical, and managerial occupations at least, in which the job market is national, it would be desirable to provide quick exposure of openings throughout a large geographic area without significant delay for search within the local area. In all occupations and cities, it would on occasion be desirable to obtain prompt information about jobs outside the area. Much experimentation needs to be done to exploit the full potential interarea dissemination of job bank openings.

Job banks do not make full use of the capabilities of the modern computer. One key capability not exploited is the computer's ability to process information at tremendous speed and consequently to consider many more possible matches than an interviewer can in a manual or job bank system. Fully computerized systems enable the interviewer rapidly and reliably to retrieve all job orders or applications which possess any desired combination of characteristics.

FOUR SYSTEMS BEING TESTED

If an interviewer in a large city had only a job bank at his disposal, it would be impractical for him to identify, for example, all of the $2.00-per-hour night-shift job openings not requiring a high school education and located within a certain area, because he would manually have to page through a thick book. With fully computerized system, such customized searches of the entire order or applicant file can be conducted in milliseconds.

The Manpower Administration has underway or in the development stage four fully computerized experimental matching systems. Each is in a different State, and each is technologically and operationally different from the others. Before describing the various systems, it would be useful to discuss briefly some of the significant technological and operational alternatives being examined.

In the conventional manual employment service operation, both workers and jobs are classified by occupation with the six- or nine-digit numerical codes contained in the Department of Labor's Dictionary of Occupational Titles (DOT). Such a classification has been necessary in a manual operation, and to lesser degree in job bank system, for interviewers to retrieve applications and job orders efficiently. The disadvantage of classification is that information is lost because no two workers or jobs are identical, even though they might be identically classified.

Because computers can rapidly conduct searches for alternatives with unique combinations of characteristics, it is possible simply to describe workers and jobs with appropriate words (called descriptors), and to have the computer identify those worker-job pairs in which the worker descriptors match the descriptors of the job. This approach avoids classification and its associated information loss.

The above argument suggests that descriptor systems are to be preferred to classification systems. However, this is not necessarily the case. Classification systems require less computer storage and processing time and facilitate the retrieval and reporting of management and labor mrket information.

The choice facing the Manpower Administration is much more complex than the simple decision to use a classification or a descriptor approach. There are many possible classification approaches and a variety of descriptor vocabularies, as well as numerous possible combinations of the two systems. Further, there are various methods of measuring how well worker and job are matched, whatever basic approach is used. The problem of choosing among the various possibilities is complicated by the fact that the employment service must serve workers and jobs covering the entire occupational spectrum.

Another difference among matching systems is the time it takes for the employment service to respond to the initial contact by a worker or employer. In the manual operation, response time usually is a matter of minutes, although the search conducted by the interviewer going through his part of the local office orders is not as wide-ranging as that done by a computer with access to all orders in a State. Thus, in the manual operation, clients receive essentially "real-time" service, although often it is only one-time service because repeated searches are not conducted automatically.

Through so-called "batch processing," a computerized matching system can compare applicants and openings every night, after newly received applications and job orders have been added, and print out the results the next morning for use by the interviewers. This technique broadens the search over that of the manual approach, and assures repeated, continuous service. However, batch processing means delayed service, which may be relatively unimportant to some workers or employers but a serious matter to others.

An alternative approach would be to give order takers and placement interviewers direct access to the computer, and permit them to enter applications and job orders in the system immediately and to conduct immediate searches. This "on-line" processing approach requires a great many communications terminals, and operating costs in a medium-sized State easily could be $500,000 a year more than a manual system and, in terms of hardware, perhaps double the cost of a batch-processing system. In addition, there are difficulties in maintaining the files of such a system.

Again, the alternatives facing the Manpower Administration are much more complex than the simple choice between batch and on-line processing. There are many possible approaches to both types of processing as well as combinations of the two. And it is unlikely that any one approach will be best in every area because, to some extent, the choice is a function of population, industrial structure, and other variable factors.

TEST SYSTEMS DESCRIBED

The technological and operational questions discussed above only illustrate the many problems to be considered in designing a national computer-aided job-matching network. An exhaustive analysis of the many issues and alternatives is beyond the scope of this article. However, other relatively important issues include: (1) Weighing the relative importance of the various stipulated requirements of employers or applicants; (2) disseminating information in a more direct manner, such as mailing lists of matches or pairings directly to employers or workers; (3) developing better classification or descriptor systems for matching workers without occupational skills with appropriate job openings or training programs; and (4) using high ratios of interviews to search terminals versus using low ratios.

The four fully computerized matching systems now being tested in California, Utah, Wisconsin, and New York serve a dual role: Providing operating experience which will allow the Manpower Administration to make better decisions about the nature of the national network, and serving workers and employers in their respective States.

Work on the California Labor Inventory Communications System began in 1962. The initial work involved using the DOT classification system, and an uncontrolled descriptor vocabulary (any word may be used as a descriptor). Since the summer of 1966, California has focused on developing and gradually implementing a batch-processing, descriptor-based system with a controlled vocabulary (only specified words may be used as descriptors). There are no real-time referrals, and batch-processing results are available within 8 working hours. Since January 1970 the system has been the exclusive mechanism for making placements in the San Francisco Professional Office, and since February 1970 it has been used to make over a third of the placements in the Los Angeles Professional Office.

Development of the Utah system began in the summer of 1966, and it was implemented statewide in January 1969. Both on-line and batch processing is used, and searches are based primarily on the traditional DOT classification system. The system has a high ratio of interviewers to communications terminals, and while searches are conducted in real-time, job orders and applications are entered on the computer memory in batch form.

Development of the Wisconsin system began in 1966. It was implemented for one occupational class in one local office in March 1970 and by August was serving the entire occupational spectrum in the Madison local offices. Orders and applications are entered, and searches conducted, on-line. The system attempts to obtain the advantages of both classification and descriptor approaches. It relies primarily on a classification scheme different from that in New York and Utah, but supplements this with descriptors from an uncontrolled vocabulary. It has a low ratio of interviewers to communications terminals.

Since the fall of 1967, New York has been developing an on-line processing, applicant-oriented matching system. The first phase of the system is classification-based, although descriptors will be added at a later date. Now operating in four New York City local offices, the system is specifically designed to serve disadvantaged applicants; it does not conduct searches on behalf of job orders, and it uses elaborate weighting and cross-indexing techniques to enhance the ability of classification schemes to make useful matches.

The choice of design and the pace at which fully computerized systems are implemented are important issues. Rapid implementation based on present knowledge may be extremely wasteful, because such systems would be quite inferior to those available a few years hence. On the other hand, it is possible that systems based on present knowledge may speed the placement of workers and improve the quality of placements. Thus, delayed implementation may be wasteful in the sense of lost opportunity.

ACCESS TO MORE OPENINGS

Present plans call for continued evaluation and development in a phased progression from the Baltimore-type job bank to more fully computerized systems. These plans represent a considered compromise between the most rapid possible implementation and a desire to install the most efficient systems.

It is not now possible to assess completely the effects of computer-aided matching systems on the employment service and its clients. However, some inferences can be drawn concerning the probable effects of these programs by considering the impact of present and planned systems on job market information.

A major advantage of the job bank to the worker is the greatly increased number of openings to which he has access. A related advantage to the employer is the increased number of workers to which his opening is exposed. The increase over the conventional manual operation in the number of jobs listed and the exposure they receive was a major factor in the decision to expand rapidly the job bank program. However, the usefulness and impact of this increase is open to some argument, and a variety of evidence must be gathered before any firm conclusions can be drawn. As noted earlier, such evidence is being obtained.

One argument which suggests that the increase is limited in its usefulness is that in the manual employment service operation all job market information of a particular kind is handled within one office. For example, all accountant applications and openings are routed through the Professional and Commercial Office. A local job bank is unlikely to improve significantly the number or exposure of accountant listings, because the type of job openings or workers known to offices other than the Professional Office are unlikely to be of interest to accountants or their employers.

DATA POTENTIAL UNREALIZED

Another argument suggests that increases in the number and exposure of openings is of limited use at the lower end of the occupational spectrum. In a loose job market, an employer with openings in relatively unskilled occupations usually can fill them by having them exposed through a single employment service office, so listing in a job bank book may not be particularly advantageous. Conversely, in a very tight job market, an applicant searching for a relatively unskilled job may not need any more information than that which is available in a single local office.

Finally, in markets in which the employment service does not have good penetration, the total number of openings available to applicants may not be very large, regardless of how widely the listings are disseminated.

Job banks do not directly affect the amount of detail included in local job market information available through the employment service. Information about openings contained in job bank descriptions is essentially the same as the information on a conventional job order.

In practice, workers and placement interviewers now get less detailed information from job banks than they do under the conventional arrangement in which interviewers both take job orders and make referrals in particular occupations or industries. The order taker-placement interviewer who specializes often has detailed information about the requirements of a job or employer that is not contained on the job order. Thus, he may be better able to match workers and openings than the job bank placement interviewer with his less detailed information.

Considering both the number of openings listed and the amount of data available on them, it appears that, on balance, local job banks improve the job market information to most workers. For the least skilled, especially, the loss of detailed information associated with the job bank probably is not of great importance when weighed against the large increase in the number of openings. However, for the skilled worker or for the employer, a local job bank offers little or no improvement in job market information.

Job banks appear to have the potential to make much greater improvements in job market information than they have so far. First, lack of detail of job bank data can be mitigated in several ways. The simplest approach is to add data to the job order. Beyond this, master job orders and master employer records could be developed to provide additional information to placement interviewers. (Master job orders are detailed reference copies of orders placed repeatedly by particular employers. Master employer records contain information concerning specific firms that is useful for an interviewer in making referrals or in job development.) Further, it is possible to retain some degree of specilization of order takers and interviewers without destroying the basic job bank idea.

Second, intercity job banks will increase the number and exposure of listings in highly skilled occupations, as local job banks have in less-skilled jobs. Because of the tight labor markets typical in skilled occupations, employers as well as workers will benefit from this broader dissemination of information.

Third, job bank books could be useful in providing up-to-date information about job markets to persons far removed from the job bank cities. For example, students in rural high schools could make much better decisions concerning migration, and would waste less time searching randomly, if they had access to current job bank books from nearby cities. The possible use of job bank data to influence migration flows is an intriguing area for study.

Finally, job banks have the ability to provide job market information quickly in response to ad hoc needs. Some innovative uses of this capability have already been tried. A high school counselor has a job bank book printed out by educational requirements of the jobs, and uses the book to show students the difference in job opportunities available to graduates and dropouts.

Fully computerized systems will be able to provide more data than is available in any present job market information system. They have two major advantages over job banks in regard to job market information. First, worker data as well as job opening data are included. Second, information collected for use in these systems must be very detailed, compared to a system in which the interviewer provides part of the placement-related information. Thus, detailed information about large numbers of applicants and jobs will be carried in the computer, and can be quickly retrieved.

MAJOR GAINS STILL AHEAD

Although the discussion in this article has focused on the matching of workers and jobs, fully computerized systems also will enhance other aspects of employment service operations. Computer technology can be used to speed and improve the assessment of workers and jobs. And better assessment will have payoffs in counseling as well as in placement. It also is planned to use computers to help develop jobs and training opportunities for persons for whom no openings exist in the files. For example, plans are being made to create a computerized "job opportunities bank" which will contain job leads rather than openings. Applicants will be matched against these leads for job development purposes.

All of the fully computerized systems are still developmental, and many design problems remain to be solved before they can significantly affect employment service operations. The continuing development of such systems will help the employment service move toward a national job-matching network. The number and magnitude of unresolved problems suggest, however, that the major gains from computerization still lie in the future.

AEROSPACE AND THE COMMON GOOD

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Charles M. Kearns, Jr., vice president for research, United Aircraft Corp., in a recent speech before the Hartford, Conn., Rotary Club, discussed the importance of science and technology in the aerospace industry and its important contributions to the quality of life. Because of the importance of Mr. Kearn's discussion I am including in the RECORD an excerpt of that speech which appeared in the Aviation Week & Space Technology on January 18, 1971. As the Congress considers the fiscal year 1972 NASA authorization it seems important to keep in mind Mr. Kearn's comments since much of our future progress in technology depends on the continuing contributions of our aerospace industry in a strong national space program. The article follows:

Aerospace and the Common Good

Critics of our current way of life level two broad charges against science and technology. The first implies that some unholy alliance loosely decried as the military-industrial complex exists which diverts the energies of the country to its defense at the expense of the common good.

The second charge is that the very prosperity of the country depends upon a technologically based system of industry and agriculture which by its nature deteriorates the environment. Further, they say, any attempt to change this situation will have serious social and economic consequences.

I am principally interested in the second of these two charges today. But before going on to it, I must state my own conviction clearly and unequivocally with regard to technology and defense.

History has shown repeatedly and, in fact, inevitably that the nation which permits itself to become weak has been overrun and swallowed by those competitive groups which have seen to their defensive capabilities, which have kept their armor polished and their weapons modernized.

Whether we like it or not, defense and technology are inexorably related. In the Second World War, the Polish cavalry—dedicated, daring and heroic though it was—was no match for the German Panzer.

We are confronted in the world today with conflicting ideologies. Unless we keep ourselves strong, they will replace our values with theirs.

In our country, thanks to the vision of our leaders, the support of our citizenry, and the dedication of our industrialists, scientists, engineers, technicians and craftsmen, we have created a body of technological expertise and teams of well-trained specialists which together make us able to defend our way of life against any outside aggressor. And, the aerospace industry is the single largest bank of engineers and scientists in the country.

Let me return to the second charge—that advancing technology and an improving quality of life are mutually exclusive.

Certainly, the pollution of our atmosphere, our water and our landscape cannot be permitted to persist. Obviously, something must be done about the congestion of our roadways and every effort must be made to reduce the noise level which surrounds us.

If we stand back and observe these problems we can see they arise from increasing population density and affluence as much as anything else. As Walt Kelly's cartoon strip character, Pogo, says, "We have met the enemy and he is us."

There is a major question, though, as to which way to go. Increasingly there are voices being heard which say: Let's suppress technology and let's suppress those people who create new technology. The internationally famous city planner Constantinos Doxiadis was asked: Can we not save the situation by stopping the growth of human settlement? To which he answered: "First we must close all of our research institutes and universities and in addition kill our trained engineers, because if we let them survive, they will create new institutes, go ahead with research and develop new technology." Today, we are aware of social and other human problems, and we can solve these problems in a better way now than in the past. There is no reason, as Doxiadis says, that a great City of Man should not have all of the good qualities which we have learned since.

Consider, if you will, that the single most important characteristic which has brought man to his unique position among animals has been his ability to use the natural resources around him to his own advantage. The history of technology traces the gradual evolution of this capability, which has found its most fruitful flowering in the United States.

Although it has only 6% of the world's population, the United States generates and consumes over one third of the inanimate energy working for man's benefit. In spite of the sneers of some, we all bathe generously in the benefits—benefits which are the envy, and the ultimate objective, of the rest of the world.

I won't stand here today and claim that I have the solutions to our many problems or that these solutions will all come from the aerospace industry. What I would like to do, however, is to suggest that our aerospace industry has been a significant contributor to the quality of our life, and that it can make even greater contributions in the times ahead.

A better quality of life is desirable through abundant energy, better and more abundant food, more adequate medical care, better education for more people, better transportation, better housing for more people. There can be no argument of that. Just as technology has enabled us to make great strides towards these objectives, so it can also be applied to control, minimize and eliminate undesirable byproducts.

A NEW PLEDGE OF ALLEGIANCE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RAILSBACK. Mr. Speaker, after reading a recent magazine article, Mrs. Jane Mercure's eighth-grade English class at Woodrow Wilson Junior High School in Moline, Ill., prepared their original rewritten Pledge of Allegiance. It is a heartwarming expression of their bright love for our country and a wonderful example of what young people really feel for this Nation. In order that I might share it with my colleagues, I am including it as follows:

Our Pledge of Allegiance

We pledge our trust in God for the peace and tranquility of our country, that we may defend our nation from enemies within and without, and do what is needed to keep our country as our forefathers made it. For God gave us this land free; let us keep it free.

BONN-MOSCOW TREATY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. GUBSER. Mr. Speaker, on December 18, Dr. Dennis Bark, of the Hoover Institution on War, Revolution, and Peace, delivered an outstanding address to the Commonwealth Club of California regarding the treaty between Bonn and Moscow of August 1970.

This speech is especially important because Dr. Bark is one of the outstanding Berlin scholars of the country. He received his doctorate at the Free University of Berlin and shortly will have the honor of having a book, based upon his doctoral dissertation, published by Berlin's Historical Commission.

It is interesting to note that Dr. Bark was the first person, to my knowledge, to publicly point out the weaknesses of this much-publicized treaty of August 1970. The address follows:

Changing East-West Relations in Europe—The Bonn-Moscow Treaty of August 1970

(By Dennis L. Bark, research fellow, Hoover Institution)

Thank you very much Mr. Dalton for your kind introduction. I am also very grateful for the kindnesses of my good friends Mr. Garfield Merner and Prof. Edgar E. Robinson, and other members of the Commonwealth Club of California, all of whom have given me a very warm welcome to San Francisco after four years in Berlin.

Mr. Busterud and gentlemen: I am very pleased and honored to have been invited to address your luncheon on the subject of changing East-West relations in Europe, as they arise from the Bonn-Moscow treaty.

Both fantasy and fact are involved in the general reaction to this extraordinary pact. To some it seems a longed-for dream come true, that is to say a reconciliation with the Soviet Union. To others, for various reasons, the treaty appears to be a source of concern and even alarm. This difference of opinion is certainly in no way surprising. Many men of good will in the West have high hopes and ideals, and with respect to this crucial problem between the West and the Soviet Union, they have clung to these hopes and ideals for a very long time. This matter of time is a substantial part of the reason, I believe, why some have not greeted this treaty with unmixed jubiliation. Perhaps they are wary of the claims made by the treaty's proponents that détente has now so suddenly been achieved on such vexing and long standing problems.

Why this should be so is the subject of my remarks this afternoon. The questions really are: Have the problems been solved? Or have they merely been discounted? If they have been solved, to whose satisfaction? The question is not *whether* to negotiate with the Soviet Union, but *how* to negotiate with the Soviet Union.

The Bonn-Moscow treaty was concluded on August 12, 1970. And even though the treaty has not yet been ratified by the West German parliament, is being written and spoken about as existing in fact. Indeed, there is every likelihood that the treaty will be ratified, if only because the pressure of world opinion would make its defeat appear as a cold war tactic of the West.

It is said that since the conclusion of the Bonn-Moscow treaty, the political mood in Europe has changed. We are told that the Age of cold war has been replaced with the

Age of détente. The coalition government in Bonn, under the Socialist Chancellor Willy Brandt, claims to be conducting a policy of "understanding" with the Soviet Union; a policy based on the mutual recognition of the existing realities in Europe. The political and economic realities in Europe *are now*, at long last, being recognized, or so it is said. The curtain of ideology is being raised, and peaceful coexistence has finally scored a victory.

I am not at all sure that all the realities existing in Europe today are being recognized, either in Bonn or in Moscow. Experience teaches us that West Germany has concluded a treaty with the Soviet Union, which (1) will be honored by Moscow only as long as the treaty is compatible with the short, and long term goals of Soviet policy; (2) which aims at consolidating the Soviet power position in Eastern Europe; and (3) which has given West Germany not a single concession on any major European problem. This is a strong statement, but I believe it is justified on the basis of the record.

The five articles of the treaty itself are relatively simple: The two parties affirm their desire "to maintain international peace and achieve détente." They agree to further "normalisation" in Europe, in accordance with "the actual situation existing" on the continent. Both parties resolve "to refrain from the threat or use of force," in all matters affecting international or European security, as well as in their mutual relations. They pledge "to respect without restriction, the territorial integrity of all states in Europe within their present frontiers," which are declared to be inviolable. Two borders are, however, specified by name and I must recur to them later. Both sides agree to promote economic relations as well as scientific, technological and cultural contacts.

Both Bonn and Moscow have solemnly voiced their conviction that the treaty will (1) contribute to European security, (2) contribute to the solution of existing problems on the continent, and (3) work toward peaceful cooperation between all European states. This sounds fine! But it reminds us of the scores of bilateral treaties with Czechoslovakia, for example, or with Poland, or with Hungary, that the Soviet Union has violated unilaterally. And it calls up the image of hands across the walls of a divided city. Amid the clamor that West Germany has chosen a path of normalization, the perspective is becoming blurred. Indeed, the easiest way to misinterpret a political document, is to confine the analysis to its text. It would be wise to look not only at the text, but at the motives behind this widely acclaimed détente. All the realities involved must be considered, not just those leading to a specific interpretation. It is the equivocalists who make analyses of political events interesting—and sometimes dangerous. But in the Christmas rush to buy political facts on a selective basis, the realities of the New Year are likely to be distorted.

The West does have a legitimate interest in coming to various agreements with the Soviet Union, as reflected in the SALT negotiations. But it must also be recognized that just as the SALT talks are not a sign of détente, but reflect a mutual interest in strategic weapons competition, so do the Soviet negotiations with West Germany reflect the Soviet concern with consolidating the status quo and with persuading West Germany to bail Russia out of her economic difficulties. These negotiations do not reflect a Soviet desire to see genuine peaceful accommodation with the West. A claim of that kind would be, in the words of a former Soviet Premier on his way to negotiate with Western leaders, "a huckster's approach". And the Premier added, "We do not have any concessions to make, because our proposals have not been made for bartering".

The Soviet Union is seeking to strengthen her role in Eastern Europe and at the same time to persuade the West to approve it. Russia wishes to receive western technology, but in return has offered only visions of détente and mutual trust. The Soviet Union advocates a European Security Conference, which has received West German support, but which aims at a division of the West. In turn, a disunited Europe could gradually become estranged from the United States. If the United States should remain passive without providing a clear-cut sense of direction or definition of goal, Western European countries would become more susceptible to the chimerical assurances of Soviet communism.

The Bonn government proclaims with assurance, that the Soviet Union recognizes the realities of the situation as it exists in Europe today. I believe that is beyond question. Russia recognizes the realities as they are understood in Moscow. But can so much be said of the Brandt government itself? One should note that in June of this year, two months before the signing of the Moscow-Bonn treaty, an editorial in *Pravda* stressed the significance of the communique released in Moscow in June, 1969, during the first International Meeting of 75 Communist and Workers' Parties in nine years. Communist goals in Western Europe were defined as follows: First on the list, was a break-up of NATO and the convocation of an All-European Security Conference. Second, was the imperative of securing "the inviolability of existing frontiers in Europe, in particular the frontier along the Oder-Neisse and the frontier" between East and West Germany. This goal was attained almost verbatim in Article III of the Bonn-Moscow treaty. Third, the Moscow communique of 1969 called for West German recognition of East Germany. In the Moscow-Bonn treaty, Bonn accordingly has given de facto recognition. Further, the Moscow document called for Bonn's renunciation of her "claim to represent the whole of Germany". Chancellor Brandt's government has renounced the claim to represent the whole of Germany, thus rejecting the mandate given him by free elections. And finally, the Moscow document demanded the recognition of West Berlin as "a separate political entity". West Berlin is not a separate political entity, but the Soviet Union made this claim again only two weeks ago, and there are indications that there are some in West Germany who would be willing to compromise on this issue.

Descriptions in Moscow and Bonn of these concessions are deceptively hailed as having created an atmosphere of accord and "understanding," but in reality they are directed toward the world public. The Soviet Union knows well that the justification for alliance, in spirit and in fact, is the conviction that there exists a potential threat. Create the impression that a threat is non-existent, and a gradual crumbling of the alliance will follow. How clear this is when we observe that men yearning for the sweet music of promised friendship and cooperation tend to forget with uncommon speed the atmosphere of alliance against a common foe, generated by such actions as the invasion of Czechoslovakia. Many people appear to have no memory at all when told that the alternative in dealing with the Soviet Union are between friendship or a continuation of the cold war.

Western optimists have reminded us repeatedly that Chancellor Brandt's Eastern policies rely for their success on a stable, healthy association with the West. In principle this is no doubt true. But the concessions made to the Soviet Union far outnumber the advantages gained by West Germany and, hence, by the West as a whole—to the extent that any gains at all can be ascertained at the present time. The real significance of the mutual renunciation of force, for example, is highly questionable. The Federal Republic is not, has never been, and is not likely to be in a position to attack the Soviet Union. The Brandt government, indeed, signed the Nuclear Non-proliferation Treaty in 1969. The military policies and capabilities of the Soviet Union, however, are well known. Chancellor Brandt's trip to Moscow to assure the Soviet Government that the Federal Republic would not attack Russia would, thus, seem to be a matter of taking owls to Athens.

Although both Russia and West Germany agreed in the treaty to refrain from the use of force according to Article 2 of the United Nations Charter, the two important articles of that Charter, Articles 53 and 107, are not mentioned. In these two Articles the Allied powers who fought against the Axis in World War II, in effect against Germany, retain the right of intervention. In short, the Federal Republic has renounced the use of force in settling international disputes. But the Soviet Union retains its right of intervention.

Although the "borders of all states in Europe" were declared inviolable in the treaty, there were two strange cases that were, as mentioned, singled out for special attention. The Bonn government found it necessary to acknowledge by name the inviolability of two specific and disputed borders: the Oder-Neisse line with Poland and the border between East and West Germany. This recognition of the status quo in Europe is therefore not simply an acknowledgement of reality as the Soviet Union sees it. It is also a tacit acceptance by Bonn of the Brezhnev doctrine of the limited sovereignty of Eastern European countries. Moreover, whereas the Soviet Union has exacted Bonn's recognition of the reality of the division of Germany, it is not prepared to concede to West Germany the right of reunification by peaceful means. No mention of this vital matter is made in the text of the treaty itself.

Now, what of the changes in Soviet-West German economic and technical relations? It may be an exaggeration to say that the Soviet Union needs a new crop of German scientists and technicians, but it is undeniable that Russia faces serious economic difficulties. From West Germany it has sought and received the kind of economic assistance designed for underdeveloped countries, which might pay dividends later. Berthold Beitz, the chairman of the Krupp concern, has pointed out that one of the primary reasons for Moscow's support of the treaty is her need for German capital goods and technical know-how. And he has forecast that the present East European and Soviet share of West German foreign trade, currently at about 5% may rise to 15 to 20% in the next few years.

It is illuminating to observe the speed with which Chancellor Brandt sent his Minister of Economics, Karl Schiller, and his Minister of Science and Education, Hans Leussink, to Moscow after the treaty was concluded. During Mr. Leussink's visit, a German-Soviet Science-Exchange Pact was signed on September 28. The pact foresees cooperation in the fields of physics, chemistry, astronomy, biology, medicine, ecology, oceanography, data processing and educational development. The first exchange visit has begun. Three weeks ago two groups of German physicists left for Moscow. A group of Russian scientists is scheduled to visit the Federal Republic at the beginning of the year. In addition, Daimler-Benz is likely to announce soon the construction of a one billion dollar plant in central Russia for the annual production of 150,000 ten-to twenty-ton trucks. Such a plant would be the largest of its kind in the world, and it may be partially financed by the West German government. Some critics, recalling how Warsaw Pact troops were trucked into Czechoslovakia in 1968, hardly consider this a measure to limit the mobility of the Soviet army. The sole Soviet contribution to the West German economy thus far has been an agreement to deliver natural gas.

And the trade offensive is not limited to the Soviet Union. This fall negotiations have been completed, or are in the process of being concluded, with Poland, Hungary, Rumania, Bulgaria and Czechoslovakia, all aimed in one way or another at the trade Bonn can offer these countries.

Much has been said of the fact that Chancellor Brandt has made submission of the treaty for ratification to the Bundestag dependent on an acceptable solution of the Berlin problem. A solution would be very simple. It would be Soviet recognition of the reality of West Berlin's political, economic and legal ties with Bonn. It would also mean guarantees providing unrestricted access to and from Berlin. And it would require that West Berliners be permitted to visit their friends and relatives in East Berlin and East Germany. To compromise these realities would be inviting disaster. According to spokesmen in Bonn and Moscow, as I remarked earlier, the treaty is based on a mutual recognition of the realities in Europe as they exist today. The Soviet Union's position on Berlin this month is as clear as ever—all political, economic and legal ties between Berlin and Bonn must be eliminated, and the Soviet Union must be given the right to censor the West Berlin press, radio and television. This position is far from a recognition of the realities of West German and Berlin problems.

How does this all add up? More than four months after the conclusion in August of the treaty of détente between Moscow and Bonn, West Germany has given much to Russia, but not one change has been registered on the Berlin problem. New harassments have been the order of the day in the air corridors and on the interzonal highways. The realities of the Berlin wall, of the division of Germany, of the occupation of Czechoslovakia, of the consolidation of Soviet control of Eastern Europe, of continued interference with traffic to and from Berlin, all remain! Since 1950 Moscow has sought recognition of the Oder-Neisse line. Now this has suddenly been achieved. For 21 years Russia has sought West German surrender of its claim to represent all the German people. This too has now become a reality. For 21 years the Soviet Union has sought recognition of its East German regime. Chancellor Brandt has provided de facto recognition. The West, for 25 years, has sought a solution of the Berlin problem. It does not have it. Since 1949 Bonn has sought an improvement of relations with East Germany. Relations have not improved. Treaty is not détente. And just two months ago, in October, *Pravda* again published an enlightening article. Peaceful coexistence was defined as ". . . a form of the class struggle between Socialism and Capitalism." "The decisive factor of peaceful coexistence" was declared to be "the economic and military strength of Socialism."

The only predictable element in international relations is change. But it should never be influenced by the political euphoria induced by attractive promises. As Chancellor Brandt recently observed, West Germany needs both "cooperation and consultation" with the West and also, "understanding" with the East. But Bonn's need for "understanding" does not excuse equivocation on the definition of realities. Only the recognition of all the realities can result in a clear-sighted assessment of any political, economic or military situation.

The cold war continues as it has for the last 25 years under its various cloaks of propaganda and polemic. The mine fields still divide Germany. The wall still cuts across Berlin, dividing families and serving as an altar for the death of refugees. The political borders dividing Europe remain. Soviet goals have not changed. Peaceful coexistence has not become détente. It is obviously folly to predict the future course of history. But it is dangerous error to ignore the lessons of the past. As we look toward the East, it is also well, as Aeschylus wrote some 2.400 years ago, to observe the flight of crook-taloned birds, marking which are of the right by nature, and which are of the left, how they consort together, and the enmities and affections that are between them.

East-West relations in Europe are changing. But sometimes the more things change, the more they remain the same, as *News Deutschland*, the Communist party organ of East Germany, recently observed in reference to this treaty. The following citation demonstrates a reality that should be as clear as the difference between détente and cold war. I quote: "The imperialist wolf appears to some as a generous grandmother. But in reality it is here as in fairy tales. Wolf remains wolf!"

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise as a cosponsor of the House joint resolution designating the week of March 21–27 as a National Week of Concern for Prisoners of War/Missing in Action.

In recent months both official and public concern over the prisoners of war and missing in action issue has assumed momentous proportions. The causes of this are varied. When President Nixon took office he directed Secretary Laird to bring this issue to the forefront and to fully acquaint the American people to the indignities and inhumane treatment that valiant American servicemen were receiving at the hands of their Communist captors. Congress has passed a resolution which I was proud to play a part in condemning the North Vietnamese for their treatment of American captives and calling for the humane treatment and early release of all American POW's. Finally, interested citizens and organizations have made a definite contribution by calling public attention in a variety of ways to the plight of our captured countrymen.

In my mind, setting aside the week of March 21–27 as a national week of concern for POW–MIA would help focus public and political concern within this country on this issue. Once focused this concern may provide the impetus needed to force the Communists to come to terms on this vital issue. Through the observances of appropriate ceremonies, the enemy can be made fully aware of the fact that this is one issue upon which the American people are united. For the POW issue is not a political issue, it is first and foremost a humane issue which must be resolved by resorting to humanistic rather than political concerns.

I urge my colleagues to join together in a nonpartisan spirit and speedily approve this most worthy proposal.

KEYNOTE ADDRESS BEFORE THE SECOND AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS SOUNDING ROCKET VEHICLE TECHNOLOGY SPECIALIST CONFERENCE AT WILLIAMSBURG, VA., BY THE HONORABLE THOMAS N. DOWNING

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KARTH. Mr. Speaker, an esteemed colleague on the Science and Astronautics Committee, Representative THOMAS DOWNING, recently delivered a speech on the future of the space program that deserves wide attention. Speaking before the second American Institute of Aeronautics and Astronautics Sounding Rocket Vehicle Technology Specialist Conference at Williamsburg, Va., Representative DOWNING has touched upon some of the problems plaguing our space program. In addition, he has commented on the great value of a too-often neglected aspect of the space program: Sounding rockets. In a time of national reordering of priorities and a reassessment of our space program, I believe Representative DOWNING has offered some valuable suggestions:

REMARKS OF CONGRESSMAN THOMAS N. DOWNING

I am especially pleased to have been invited to keynote the second conference on sounding rocket technology here at Williamsburg. The NASA sounding rocket program has always been of particular interest to me; the subcommittee on which I have served for almost a decade has legislative jurisdiction over that program.

Moreover, as a Virginian, the Wallops Island station has a special place in my heart. Since its founding in 1945, Wallops has been in the forefront of small rocket operations over the years. And their performance of complex technical tasks has been a source of great pride for me. I doubt that any NASA installation gets more for its money, and I know of no place that operates on a smaller budget.

More than 7,000 sounding rockets have been launched from Wallops station with remarkable results. For example, take the Solar Eclipse program of last March. Imagine 30 rockets being launched in one day—17 within a twenty-minute period—and not a single launch failure!

Among other things, Wallops has also contributed substantially to international good will by opening its doors to technical personnel from foreign countries. They have shared their expertise with our friends from abroad by helping to train them in rocket technology and launch operations.

Sounding rockets have a long and distinguished history. We tend to think of the beginning of the space age as 1957 with the launching of Sputnik I. Surely, that event stimulated the rapid expansion of space activities in the United States. But sounding rockets were really the beginning, and their use dates back to a time when the exploration of space was a serious subject for only a few American scientists. I think it's fair to say that Dr. Robert H. Goddard developed and launched the first sounding rocket, or at least something that looked very much like one. In any event, his experimental device was clearly a precursor to what we know as sounding rockets today. The V–2 rocket launches by the military after World

War II, were, of course, the first noteworthy effort to carry experiments aloft.

There is no doubt that sounding rockets have contributed enormously to major scientific discoveries in the quarter century they have been in practical use, especially in physics and astronomy. They have proven to be powerful tools, and they constitute an essential ingredient of the space program. In recent years, hundreds have been launched annually. And the end of their usefulness is not in sight.

Much more research remains to be done between the maximum altitude that balloons are capable of achieving, and the minimum perigee of satellites. For these purposes, the sounding rocket is the only available tool for pursuing such investigations.

For other purposes, sounding rockets are, and will continue to be, the most economical method of operation. A good illustration is their traditional role of testing prototype equipment prior to its use in satellites. Moreover, the need for small rockets for gathering meteorological data in the indefinite future, taking direct vertical profiles of the atmosphere, seems assured.

Sounding rockets have many other advantages, but it hardly seems necessary for me to give any further details to an audience of experts such as those gathered here today. The truth is, what I have said thus far was not really designed to inform you, but rather to indicate that the value of these research tools is not lost on members of Congress.

There is one additional point I would like to make, however, before leaving the subject. In my opinion, one of the most important contributions of the sounding rocket program has been that which is made to education. Sounding rockets have been used extensively by university space science departments on the graduate level to provide our talented youth with opportunities to conduct genuine research in space and in the upper atmosphere using these relatively inexpensive devices. Actual participation in the space program is not generally available to our young people because of the high costs involved. It seems to me that sounding rocket experiments constitute the major exception to the rule, and therefore they have a special place in my set of values.

I am pleased to be able to say that the Science and Astronautics Committee has always supported the sounding rocket program. All members understand the value of the research and development made possible by small rockets, and I am confident of their continued support.

Some may wonder how bright the future of sounding rocket activities appears to be in the light of five years of declining NASA budgets. As you know, so far, the sounding rocket program has been maintained at approximately the same level of effort, despite substantial decreases in other NASA activities, and in the space program as a whole. This must be viewed as a real tribute to the merits of the sounding rocket program.

While the space science board of the National Academy of Science has strongly recommended expansion of the sounding rocket program, and although I personally would prefer to see a gradual increase in the program, I hesitate to predict any such increase in the next two or three years. Frankly, it doesn't seem realistic to expect increases. We're all aware that the Government is struggling to control inflation, partly by holding down Federal expenditures, at the very time that there are unprecedented demands of the Nation's resources for such worthy goals as improved housing and education, control of pollution and crime, to name only a few. Achieving the proper balance among the many and varied needs of the country is, of course, extremely difficult.

Nevertheless, an aggressive space program seems to me so important to the health and vigor of the Nation that I fervently hope we have seen the last of declining NASA budgets. And if I may turn to a somewhat more general discussion of the space program as a whole, I'd like to make a few observations.

Many good things can be said about the accomplishments of the space program: From teflon frying pans, to a better understanding of solar physics; from world-wide communications by satellite; to advances in the science of astronomy that could not be achieved in any other way. The major impact of NASA's work is that it presses forward the state of science and technology on many fronts; and in a technological society such as ours, continued advancement is the key to the Nation's well-being. Our investment in space has already paid huge dividends, and promises to pay even greater ones in the future.

It seems to me, however, that the most important contribution of the space program is that it has furnished challenges and opportunities to some of our most talented people. After all, it is the people of a nation who make it great, and their spirit and the quality of their work that make it possible for a nation to achieve a position of leadership in the world.

Perhaps, if we were not faced with such vigorous competition by another nation, our principal rival, we could safely take a more leisurely pace in science and technology. But in the situation we find ourselves, I think we are running the risk of being second best in the world if we don't take the race seriously. And second best could be a precarious position for the United States.

The Soviet Union has shown no signs of reducing its efforts in space exploration; on the contrary, they appear to be quickening the pace. Yet, the United States has had five successive years of declining NASA budgets. In terms of percentage of gross national product, they are investing more than twice the amount in their space efforts as we are in ours. The contrast between the numerous space launches by the Russians during the past year, and the much lower level of American launch activity during the same period, is striking. Thus far during calendar year 1970, there have been 74 Soviet space shots compared to 31 for the United States.

There are other signs of the times, as well. Not long ago, Dr. John Foster, Director of Defense Research and Engineering stated that Soviet expenditures for military research and development are currently running forty-to-fifty percent larger than ours. If each country continues along these same lines, superiority of Soviet military weaponry is inevitable within a few years, according to Dr. Foster.

A major result of the cuts in U.S. space and defense expenditures is that one of America's major manufacturing industries, the areospace industry, is now in a state of distress. Since the peak year of 1968, Aerospace employment is down approximately 300,000 jobs, almost twenty percent.

Some 45,000 of our scientists and engineers are presently unemployed, and an even larger number are underemployed. In addition to the plight of the individuals involved, which surely amounts to a terrible toll in human terms, we are witnessing a progressive deterioration of an important national resource—our pool of highly skilled manpower. How ironic that the United States should move from a shortage of scientific and engineering manpower to a surplus in just three years! Even more ironic is the fact that this decline in employment in the aerospace industry comes after a decade of the greatest successes in the history of science and engineering.

It is also noteworthy that the Soviets are graduating about twice as many scientists and engineers per year as we are. While our competition appears to be gaining momentum, we are losing ours, and this Nation's leadership in science and technology is truly threatened.

If the current situation is bad, the future could be even worse. There is evidence that the reduction in aerospace employment and in government research and development expenditures are, in large part, responsible for reduced enrollment in science and engineering in our universities. Our young people are not unaware of the depressed job market for technical school graduates, and many are reordering their career objectives as they watch career opportunities in aerospace disappear. It doesn't take a very good crystal ball to forecast the future: The Nation's scientific and technical capability just a few years hence is in genuine danger of being depleted bcause so many of our most talented youth may have entered other fields.

I noticed an article in the press recently to the effect that a former president of the American Chemical Society, Dr. Wallace Brode, has recommended a new Federal "WPA" for the present generation of American scientists and engineers. His suggestion was not put forth frivolously. Unless the country puts these specialists to work, he warned, many will be "lost" for they will be driven into other fields in order to make a living. Then, when we need these people three or four years from now, they won't be available.

How much would such a scientific and engineering "WPA" cost the country? Dr. Brode estimates that it would approximate the sum by which defense and space research and development funds have been cut.

Whether or not a "WPA" for scientists and engineers sounds realistic, the message is clear. The United States is a technological society, and our very survival may depend upon the full utilization, and continued development, of one of the nation's most important resources—scientific and technical brainpower.

In closing, let me summarize the current situation as I see it. The space program finds itself competing for scarce resources at a time when the American people seem preoccupied with other pressing problems. While this may be understandable, it is important to recognize that a vigorous space program sets the pace for the nation's technological advancement. As such, it represents an investment in the future. More specifically, it is an investment in the training and development of the people on whom will depend the technological strength of the United States in the years ahead.

In the dangerous world in which we live, our country simply must retain its preeminent technological position. I believe a revitalized space program can provide at least a partial answer.

THE CONSTITUTIONAL AMENDMENT GUARANTEEING THE RIGHT TO VOTE FOR 18-YEAR-OLDS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MIKVA. Mr. Speaker, last session the Congress passed the Voting Rights Act Amendment of 1970, which included a provision to extend the franchise to all citizens 18 years old and above. It was debated at length and approved by a majority of the peoples' representatives.

Subsequently the Supreme Court ruled that while Congress could grant the right to vote to 18-, 19-, and 20-year-olds in Federal elections, it did not have the power to change the minimum voting age for State and local elections. Thus we are now faced with the absurd result that in most States those citizens between the ages of 18 and 21 will be entitled to vote in presidential, senatorial, and congressional elections, but not to participate in State and local races.

In addition to the patent injustice of such a partial disenfranchisement, it will require a costly dual procedure for registration and balloting in most States. There will have to be separate registration rolls for voters above 21 and those between 18 and 21, and separate balloting for Federal and for State or local races. Several State legislatures, in immediate response to this spectre, have already passed laws extending the vote to 18-year-olds in State and local elections.

In the interest of uniformity and of a constitutionally proper reassertion of Congress original intent, I have today introduced along with Representatives RAILSBACK, HARRINGTON, RIEGLE, and more than 60 additional cosponsors, a joint resolution proposing a constitutional amendment guaranteeing the vote to all citizens 18 years of age and above in all State and local as well as Federal elections. The list of cosponsors follows:

LIST OF COSPONSORS OF JOINT RESOLUTION

Mr. Railsback, Mr. Harrington, Mr. Riegle, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Begich, Mr. Burke, Mr. Córdova, Mr. Duncan, Mr. Edwards of California, Mr. Gerald Ford, Mr. Halpern, Mr. Kemp, Mr. McCormack, Mr. Meeds, Mr. Nix, Mr. Podell, Mr. Steiger;

Mr. Whalen, Mrs. Abzug, Mr. Badillo, Mr. Biaggi, Mr. Brademas, Mr. Brasco, Mr. Broyhill of Virginia, Mr. Clay, Mr. Cleveland, Mr. Dow, Mr. Keating, Mr. Kyros, Mr. Lloyd, Mr. Morse, Mr. Rees, Mr. Roybal, Mr. Symington, Mr. Bergland, Mr. Conte, Mr. Conyers, Mr. Drinan, Mrs. Hansen;

Mr. Hathaway, Mr. Hechler, Mr. Mitchell, Mr. Nedzi, Mr. Obey, Mr. Pepper, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Yates, Mr. Aspin, Mr. Bennett, Mr. Bolling;

Mrs. Chisholm, Mr. Cotter, Mr. Fraser, Mr. Frenzel, Mr. Green, Mr. Horton, Mr. Koch, Mr. Leggett, Mrs. Mink, Mr. Peyser, Mr. Reid, Mr. Robison, and Mr. Shriver.

SOUTH AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RARICK. Mr. Speaker, in our Nation we have experts on every facet of life, including the internal affairs of many foreign nations. Some of these experts have never even been to the countries on which they consider themselves authorities. Taking their anti-apartheid changes in South Africa, for example, they only show that they have failed to heed the miserable record of their race reforms here in the United States.

South Africa continues as the target of the extremists of the left, the ultra liberals, and their do-gooder tag-alongs who react from myth and distorted facts and refuse to face reality.

Having been to South Africa myself, I can attest that their government and customs differ from those of the United States. However, with the racial experiments in our country being proven daily as disastrous, I would not in good conscience even suggest to the South Africans that we in the United States have answers to their race problems when we have been unable to solve our own. In fact, our situation continues to deteriorate.

Mr. Bill Kennedy of the Donrey News Bureau, here in Washington, has been in Africa and has written numerous first-hand accounts of his experiences and findings which have appeared in many dailies throughout the United States.

So that our many colleagues may have the benefit of Mr. Kennedy's assessment of South Africa, I insert several of his articles at this point:

SOUTH AFRICA—A BUSY COUNTRY

(By Bill Kennedy)

WASHINGTON.—For the next three weeks this column and other news stories will come to you from various points in the Republic of South Africa. I hope to give readers some insight into that country's political, economic and social life.

Since I have not been in South Africa, what I say now was gleaned from reading, acquaintances from there, and from friends who have spent time in the country.

The Afrikaners, as they are called, have a fierce national pride and are unreservedly anti-Communist. Yet, their manners, mode of life and even their meals are quite similar to those of the Dutch, German, English and French from which they sprang.

South Africa is a big country—bigger than the six major countries of Western Europe together. Or roughly the size of Texas, Oklahoma and New Mexico combined. Bringing it closer to home—larger than California, Arkansas, Hawaii, Nevada, Missouri and Washington combined.

South Africa is a land of sunshine, and it'll be like our June when I'm there. While along the eastern belt it is hot and humid in summer, but because most of the country averages 4,000 feet above sea level, summers are generally cool. Winter temperatures often drop below zero in the highlands, and frost is common. But snow is the exception.

The climate is well suited to many forms of outdoor recreation—from rugby to mountain-climbing, to hunting, to deep-sea fishing. South Africans are sporting people and have won international acclaim in many fields.

Returning visitors tell me that South Africa is the most tranquil country on the Dark Continent—that in some respects it resembles America of an earlier age. Yet, it is known as the "industrial giant" of Africa and has been enjoying an economic boom for some 10 years.

Johannesburg, the "Golden City," is the country's largest metropolitan center— population 1,294,800. It is followed by Durban on the East Coast which has 662,894 people, then by Cape Town with a population of 625,040. There are nine other cities with populations of more than 100,000.

South Africa produces more than 81 per cent of the Free World's gold, and has more gem diamonds than any other country. Other important ores and minerals produced in quantity include coal, copper, iron ore, platinum, manganese and chrome.

The country is often said to be a "pair" nation—that is, having two of most things. It has two national languages—English and Afrikaans, both compulsory in the schools. There are two national capitals—Pretoria, seat of the administrative government, and Cape Town, seat of the legislative (Parliament) government.

But what has brought more notice from other nations is the fact that South Africa has two separate societies—one for the whites and one for blacks. The word is "apartheid," meaning separate and parallel development of whites and blacks. Whites rule the country, put provinces within the country are being developed for and by the blacks where it is said they will eventually have independence.

Many countries, including the U.S. have condemned apartheid. America, along with Britain and other countries, has applied economic sanctions, political boycotts, and an embargo on the sale of arms to the country.

But while South Africa reaches out for the friendship of other nations, her leaders make it clear they will not tolerate interference in her domestic affairs. Her leaders say that South Africa is free of violence because of the policy of separate development—aimed at guaranteeing each group its own identity.

Visitors with whom I have talked say there is little friction between the races, that the whites are uplifting the blacks economically and culturally. It's a fact that the nearly 15 million blacks of South Africa own more automobiles than 200 million people in Russia, and there are more educated blacks there than in all the other countries of the continent.

South Africa's high standard of living for her people is the envy of most Western European countries. And this is attested to by the fact that more than 3,000 persons a month immigrate there—mostly from England, The Netherlands, West Germany, Belgium, Austria, Switzerland, Italy and Portugal.

SOUTH AFRICAN CITIES LOOK AMERICAN

(By Bill Kennedy)

PRETORIA, SOUTH AFRICA.—The visitor coming to this part of South Africa expecting to find any remnants of the "Me Tarzan, you Jane" cliche will be disappointed. For all in all, the two cities I have visited so far are not so different from American cities.

We put down at the Johannesburg airport about 1 p.m. Tuesday, after nearly 20 hours in the air from New York—with but a brief stop at Rio de Janeiro.

From the air, Johannesburg, the country's largest city, looked much like an American city. The countryside is green, it's spring or early summer here and the temperature is generally in the upper 50's.

The countryside around Johannesburg and this capital city of Pretoria 35 miles away is lush and green—many farms and we saw a lot of young corn. The terrain, vegetation and features of the land could pass for most any of the plains areas of the U.S.—say parts of Texas and western Oklahoma.

But what has impressed me most during my brief time here is the bustling industry—particularly the building going on. There's home-building, office-building, road-building, industrial-plant building.

There are several airport buildings going up, and a Holiday Inn nearing completion at the airport. Driving along the streets of Johannesburg, you can hear the bang of metal against metal, the fall of timbers, and see steel-helmeted men on the scaffolds.

The streets of both Johannesburg and Pretoria are alive with commuters and shoppers, and the stores are crowded. In most countries where my limited travels have taken me, the U.S. dollar has always been of higher value than the native equivalent.

In Mexico, for instance, the dollar is worth 12.5 pesos. But here, the dollar comes out second best. It's worth only 70 cents in South African money.

But even so, prices are more favorable here than in America. You can see that by comparing the prices of shoes, suits, other articles. And hotel and restaurant food is considerably less than in the U.S., particularly around the Washington, D.C. area where inflation reigns supreme.

The Boulevard Hotel where I'm temporarily quartered is a good hotel, with a definite European atmosphere. A dinner here which you would pay six or seven dollars for in the U.S. costs little over two dollars. And a breakfast of ham and eggs, toast and coffee and cereal goes for one dollar.

The hotel help—waiters, bellboys, room maids—are Bantus, although of which tribe I have no idea. There are eight different tribes of Bantus in South Africa and they each speak a different language, have a different culture, and are often, I'm told, at odds with each other.

But the Bantus here at the hotel speak English, as well as Afrikaans and their own native language. They are generally smiling and cheerful, and move with a purpose.

These are merely first impressions of a stranger in a strange land. During the coming three weeks, I am to visit and talk with Bantu chiefs and administrative leaders, government officials, industrial leaders, our own Ambassador John Hurd with whom I was acquainted before he was nominated to this post, and others.

I hope to be reporting to you daily, or almost daily, as circumstances permit. These reports will come from various points around the country—including the Bantu homelands, Cape Town, East London and other areas.

BLACK ELECTORATE SPLIT ON SEPARATION

(By Bill Kennedy)

PRETORIA, SOUTH AFRICA.—For years now, controversy has swirled around the separate development policy of the South African government whereby the races are segregated.

During my 15 days here to date, I have tried to gather opinions not only from black and white leaders, but also from blacks who differ from other blacks and whites who oppose other whites regarding this development policy for the races.

Today, I interviewed two cabinet ministers, and one black South African who is an official in the government.

Henry Moleko is a Bantu (black South African) who is chief information assistant in charge of putting out regular publications in all the seven Bantu languages.

He told me that he personally likes the separate development policy of the government, and also that the vast majority of the black population subscribes to it.

"It is my opinion that the black South Africans want this policy because it is to their advantage," Moleko said. "It gives them opportunity to advance educationally and economically, something that was not always true in this country."

A number of foreign reporters have come to South Africa and branded such men as Moleko an "Uncle Tom." He shrugs this off with a smile and says, "Don't take my word. Go into the homelands, talk to the Bantu leaders from the various tribes and see what they say."

Dr. C. P. Mulder, 45, is minister of Information, Welfare and Pensions, and often spoken of as possibly the next prime minister to succeed John Voster.

He explained to me the basic tenets behind the government's separate development policy. It advocates no "superiority or inferiority" of any race, he said. It emphasizes differences, and desires of races for their own identity.

He outlined the program of development for the Bantu peoples which is costing the white taxpayer millions upon millions of dollars—a program to educate and uplift the black South African.

I asked him how the black African himself accepts separate development. Dr. Mulder pointed to the election in the Transkei, a Bantu homeland, where the black electorate was split on separate development and integration.

"Mr. Kaiser Mantanzimo was the candidate advocating separate development, and his opponent was a man dedicated to the concept of integration," Dr. Mulder said.

"Mr. Mantanzima won a substantial majority and today is the chief minister in the Transkei," he added. "This view of separate development vs. integration was the major point of difference. One might assume from this that the Bantu wants separate development."

I talked with the leader of the opposition, Knowledge Guzana, in the Transkei. He is for integration of sorts, but does oppose social mixing of the races.

"You must remember," he said, "that the Bantu is a proud people. They do not want mixing on the social level and marriage with the whites. In fact, they don't even want to mix with the various tribes within this country."

Mr. C. Botha is minister of Bantu Administration. He told me that in the past 25 years, the Bantu is making great gains in education, and being assimilated into the employment field—from the trades to the professions.

In the old days, he said, prior to 1948, the Bantu was segregated from the white society as he is today. But the difference is, today he has a progressive program, whereas in the past he was left to shift for himself and invariably wound up in the servant class.

NEITHER BLACKS NOR WHITES MAY CLAIM AFRICAN COUNTRY

(By Bill Kennedy)

CAPETOWN, SOUTH AFRICA.—Not long ago in Washington, a colleague of mine remarked of the whites of South Africa, "Why don't they just get out and give the country back to the blacks?"

Of course this colleague knew nothing about the country, for it never belonged to the blacks—at least not those here now—any more than it did to the whites.

The only indigenous people with whom the first whites came into contact were the Bushmen and Hottentots. The former were in the process of being ruthlessly exterminated by the less primitive Hottentots. The Bushmen were not entirely wiped out because of the intervention of the white man.

There are still small clans of both races living in remote areas, but over the years most have joined with other races to help create the Colored people of today—a distinctive community.

Western civilization came to South Africa in 1652, when the Dutch East India Co. established a station here at Cape Town to provide fresh food and vegetables for the fleets on voyages between the Netherlands and the East Indies.

Later, in 1688, the French came, followed by the British in 1820, and the German immigrants in 1859. Mainly from these four streams has grown the white South African nation of today—a nation in its own right, speaking two official languages—English and Afrikaans.

As the whites moved inland and northward, they met and fought with the Bantu tribes (forefathers of present blacks) who were migrating southward. This was in the latter part of the 17th century.

Both the whites and Bantu may, therefore, be said to be immigrants. Neither has a superior claim to be the first residents of what is now South Africa. After the British frontier wars of the late 18th and 19th century had ended, the whites and the Bantu each kept the territories in which they had settled, and which became their respective homelands.

The Indians came to Natal as indentured laborers on the sugar plantations. Today, prosperous merchants, brokers, lawyers, doctors, builders and industrialists are numbered among the ranks of Indian South Africans.

For nearly a century, a state-aided plan has been in effect to repatriate Indian South Africans to the mother country, India. Few have taken the offer.

South Africa became a republic in May, 1961, after having been a Union under the British Empire since 1910. The country has the Parliamentary form of government.

Basic to South Africa's politics is the policy of apartheid, or separate development for the races. The plan is to have a number of Bantu nations within the country which will eventually have nearly complete independence.

Spokesmen for the government, and others, tell me that separate development recognizes the long established nationhood of the white people, and at the same time recognizes the right of self-determination of each of the separate Bantu peoples, and provides for full self-government.

The focal points of their political development are their homelands which they originally settled and which are still theirs today.

Separate development does, in fact, mean that the Bantu peoples will as far as possible provide their own politicians, administrators, doctors, teachers, civil servants, police and businessmen.

Implementation of the separate development policy reached a milestone in 1963 when 3.5 million Xhosas, whose homeland was the Transkei, were granted internal self-government. It now has its own parliament.

This same plan is in effect and in varying degrees of completion in some seven other homelands.

So that the Bantu peoples will not have to rely on a completely agricultural economy or leave their homes for long periods to work in the cities, the government has established a number of industrial complexes adjacent to the homelands, and is now in process of setting up industry within the homelands.

COLOUREDS, NOT BANTUS SEEM TO CAUSE MOST PRESSING PROBLEMS

(By Bill Kennedy)

STELLENBOSCH, SOUTH AFRICA.—Although the country has a number of colleges and universities, the University of Stellenbosch is considered THE university—the Oxford of England and the distinction that Harvard once claimed in a bygone era in America.

Situated just a few miles east of bustling Cape Town, Stellenbosch is nestled into a valley of lush vineyards and green sloping hillsides.

Stellenbosch is as different from Cape Town as Fort Smith, Ark., is from San Francisco. The city is quiet, with oak-lined streets—almost pastoral in appearance, dotted by low, thatched roofed, stucco-type buildings of Dutch architecture.

The university is right in the middle of town, and has students from all over the globe. It claims the distinction of having graduated all but one of South Africa's prime ministers.

Out of town to the east a few miles, an old winery has been converted into a hotel, called Lanzerac. And it was here that I lunched with Prof. J. P. Jansen, head of the Department of Africa Studies at the university.

Prof. Jansen is a warm, friendly man, about 50, who recently returned after teaching a year at Washington State University at Pullman. He probably knows as much about Africa as a whole as anyone—politically, socially and culturally—and is an expert on the evolution and development of his own country.

We talked about South Africa's relations with her African neighbors, her role in the scheme of world affairs and her internal problems.

And as invariably happens in most every conversation, the subject turned to South Africa's race problems and the government policy of separate development.

"Problems of race are much more complicated here than in America," Prof. Jansen told me. "While you do have the Indian and the Spanish-speaking people, your problem is mostly one of white-black."

"Here in South Africa, we have the white-black problem as concerns the Bantu," he continued. "Also, the white-coloured, the black-coloured, and problems among the eight different tribes of the Bantu among themselves."

"What is the major difference between the black and coloured population of your country?" I asked.

"The coloured is more comparable to your situation in the United States where you have the Negro who is in the minority," he said. "The coloured here numbers less than the whites, and for that reason we haven't got separate development areas for the coloureds as we have for the Bantu who comprise the vast majority."

"We are educating the coloured as fast as possible," he went on. "Some of them have good educations and good positions, and I think we are moving in the direction of integration for the coloureds."

How are the coloureds and blacks treated differently in the South African society?

"The Bantu are a proud people, very proud of their heritage and regard themselves as a separate identity from both the coloureds and whites," Prof. Jansen said.

"The coloureds on the other hand have no such identity since they are of mixed blood," he added. "They live among the whites, especially here in the Western Cape Province, but within their own segregated living areas. They don't have their own home lands as do the Bantu."

I asked the professor what he thought would be the final solution to the coloured problem.

"We have only two possible solutions," he said. "One would be the development of separate homelands for the coloureds as the Bantu have, and the government has indicated it has no intention of doing this. The other solution is ultimate integration. This will take time, perhaps a generation or two, but I think this is the solution to which we ultimately will come."

After lunch we drove back into Stellenbosch, around the outskirts of the town and arrived at the university.

Prof. Jansen pointed out the coloured homes along the way, not too different from sections of numerous American cities. Closer in the homes became better and resembled middle-class American homes.

I pointed to one particularly attractive home and asked about it. Prof. Jansen said it probably belonged to a coloured doctor, teacher, or perhaps a lawyer.

I gathered from this conversation, as I had in others, that it is the coloured and not the Bantu that is presenting the most pressing problem to the South African government.

The Bantu seems to prefer to live in the homelands that have been set aside for them, to retain their pure blood, administer their own affairs, with economic and educational help from the white government.

In fact, I am told, the various Bantu tribes prefer not to even mingle with the other tribes, that they disdain the coloureds, and have no desire to mix socially with whites.

The coloureds, on the other hand, have little or nothing in common with the Bantu. Their experience has been and is with the white community.

In the Cape Province, for instance, where most of the country's 2 million coloured live, they are the backbone of the area's industry and are quickly being assimilated into the professions.

While various programs—education housing, job training, welfare—are being pushed by the government, most with whom I have talked say the final solution to the coloured problem has not yet been devised by the government.

One government official told me that some within the ruling party want to integrate the coloured into the mainstream of South African life but "we have grave reservations because of the dire and devastating problems we observe in your America and in England."

TRANSKEI LEADERS DIFFER ON RACIAL ISSUE

(By Bill Kennedy)

UMTATA, SOUTH AFRICA.—Today I interviewed two black South Africa leaders here in the Transkei who have opposing views on how this country should handle its racial problems.

They are George Matanzima, a cabinet member in the Transkei government, and K. Guzana, a member of the Transkei Parliament and leader of the opposition party.

Matanzima is minister of justice and brother of Kizer Matanzima, chief administrative officer of the Transkei, the large area set aside for the Xhosa-speaking peoples.

Matanzima told me the blacks and whites are living together in peace under the separate development policy for the races, that there is no oppression of the black man.

"The races have always been separated in South Africa," Matanzima said. "I accept this as a good policy that is helping us solve our racial problems."

This is why many Bantu leaders are surprised to hear the "hue and cry" made outside South Africa in regards to the separate development policy, he added.

Asked the reaction of Bantu leaders regarding criticisms of the South Africa policy coming out of the United Nations, Matanzima said:

"These outbursts from Afro-Asian nations are interesting because we don't believe they are concerned with the welfare of non-white South Africans. Instead, they have ulterior motives. With their large populations, especially in the east, they have designs on this rich and large country."

Matanzima said Ghana is becoming a "more sane country" in asking for dialogue with South Africa. Of Prime Minister Kounda of Zambia he said, "That man is power-drunk. They are now discriminating against the Indians in that country."

The Minister of Justice said that under the separate development policy there has been "more peace and tranquillity" than ever before.

"Formerly, the tribes lived in fear of each other," he said. "That is no longer true. Even the chiefs, of which I am one now visit each other."

Economically, the Transkei is progressing, but all agree the progress is too slow. Mantanzima said, however, economic progress had been greater in the last seven years under the National Party's policy of separate development than during the previous 53 years.

The minister said the Transkei still is not ready for full independence. More help is needed in the areas of economy, civil service, and technology, he added.

But the independence the Transkei already enjoys is genuine, Matanzima said. He pointed to several acts the Transkei Parliament had passed contrary to the wishes of the white government "which in all instances nevertheless, were approved and put into effect."

Guzana, the opposition party leader, did not contradict any of these things—except to disagree on the separate development policy.

He would do away with the Transkei and other Bantu homelands as separate nations. He does not advocate intermarriage or socialization between the races.

"These things will take care of themselves naturally," Guzana said. "People will segregate themselves by custom, or birds of a feather naturally flock together."

Guzana believes official separation will gradually end, that South Africa will become multi-racial country. It is, he added, an evolutionary process and will take a very long time.

SEPARATE DEVELOPMENT PLAYS ROLE IN AFRICAN SCHOOLS

(By Bill Kennedy)

PETERBURG, SOUTH AFRICA.—The last few days, my studies and travels have been concerned with education—particularly, education provided the black African by the white government.

A few miles from this city of some 30,000, there is the University of the North, a school exclusively for the Bantu. It started with 80 students 10 years ago and today, it has more than 800.

This area is known as the northern Transvaal, one of the four provinces in South Africa. It isn't too far from here to Rhodesia. The Bantu students at University of the North are made up of some 300 Sotho, over 200 Tswana, over 100 South Sotho, nearly 100 Tsonga, and more than 50 Venda. There are also some foreign students.

The teaching medium is, of course, English and Afrikaans, but these tribal languages are used to some extent also. Courses are offered in liberal arts, science, economics, education and theology. The bachelors degree, masters and doctorate are offered.

The physical facilities are modern and functional, and compare favorably with America's best in the smaller or junior college field. Academic standards were set and supervised by the University of South Africa, until this year, so that the quality of education was the same as offered elsewhere. Now the university has won its spurs, and sets its own standards.

I had a lengthy and private conversation with E. P. Lekhela, a professor in the History of Education who only this year received his doctor's degree. He is 57, a grandfather, and has been in education most of his adult life. He comes from the Tswana Tribe.

Dr. Lekhela's married daughter is a social welfare worker, his son is a school teacher, and his younger daughter is a university student here. After we had discussed his background, the university, and his four-month stay in America a few years back, I asked him:

"Dr. Lekhela, would you give me your personal opinion on the separate development policy of South Africa, particularly in the education field?"

He smiled and said, "I know you Americans find it difficult to understand, and I got many questions just like this when I was in America. But I agree with the policy, possibly from a selfish point of view because I see it is best for my own people."

"It is a fact," he continued, "that the African is not as highly developed as his European counterpart. In any work situation where there is competition, the black African always suffers."

"Separate development gives the African a sphere for his own development in competition he can cope with. He depends on himself, and doesn't have to have artificial concessions made to him. He has great verticale mobility under the system."

Dr. Lekhela said that outsiders had such a "misconception" of what the separate development policy meant.

"You all seem to see it in the narrow context of segregation," he said to me. "So many of you, and Europeans too, fail to take the time to know the very positive steps of progress that are being taken by the government."

A few years ago (in the 1950's) the country had only one black university with an enrollment of about 300, he said. Today, there are three Bantu universities with an enrollment of some 3,000.

"The black man of South Africa is better able to judge the merits of separate development than are people from outside," Dr. Lekhela said. "We know what it was like before, and we don't want to go back. We also want to preserve our heritage, our languages and our cultures here in Africa."

Dr. Lekhela was born in the diamond capital of Kimberly, received his early education there in missionary schools. He has been teaching since 1933, and just this year received his PhD in History of Education.

Afterward, I talked to Dr. Johannas Voshoff, the rector of the university, equivalent to America's university president. He is of French descent, age about 60.

University of the North has 26 white lecturers and four Africans, he told me, adding, "But each year the number of white teachers gets less and the black teachers increase. Eventually, it will be an entirely black teaching staff."

Dr. Voshoff's views coincided with those of Dr. Lekhela.

"I'm quite positive the circumstances under which they study here, the Bantu gets more individual attention than he would at the white university," the rector said.

Dr. Voshoff said that previously when some blacks were enrolled at white universities "the records show that relatively few of them ever made the grade, for culturally they were out of their depth."

Dr. Voshoff placed much emphasis on "group identity." It's important, he said, not only in education but in almost every facet of life. "We can't achieve anything without recognizing this," he commented.

"This is a starting point, for you can't divorce the university from the community it serves," he added. "Here, we are giving the Bantu something that fits their community, their needs, yet we are not sacrificing quality in education. In fact, we are so aware of this that I sometimes think we are more rigid than the nation in education standards."

Dr. Voshoff said South Africa is experiencing an education explosion, adding, "The Bantu is eager for education." I, myself, found this to be true in the classes I visited.

One big problem, according to Dr. Voshoff, is that while the whites want the Bantu to serve his community and his people after graduation, he too often leaves for the big cities for more financial reward.

"Sometimes you outside journalists brand us a despotic regime here in South Africa," the rector said. "But our case is entirely different from despotic regimes. Here, we believe we can solve our problems best through an educated Bantu. It is to our own interest to educate the Bantu, and we can do that only with the help of the educated Bantu."

Dr. Veshoff said one of the greatest problems of education is to convince the educated Bantu that it is also his responsibility to help uplift and educate those less developed.

Dr. Voshoff said he had "no doubt whatever," that someday Europe and America would concede that South Africa has the best solution for peace and harmony between the races. At this moment, I have found nothing to contradict him.

SOUTH AFRICAN EMPHASIZES BANTU DEVELOPMENT

(By Bill Kennedy)

JOHANNESBURG, SOUTH AFRICA.—Professor Mike Louw is head of the International Affairs Department at the University of Witwatererand here and is considered one of the most politically knowledgeable men in South Africa.

He is a warm man with a mop of gray hair and many of the attributes of the teacher. He delights when you ask him what he considers "good" questions, and his pleasure in answering them is easily read in his twinkling eyes.

We talked in his office for more than two hours—hitting on just two subjects—South Africa's political and economic role in world affairs, and his own feelings and interpretations of the country's separate development policy for the races.

In world politics, South Africa is not a great power, Professor Louw said.

"But from the economic point, the country is very important," he added. "It is the most industrialized and the most powerful country on the African continent."

The professor noted that South Africa has no military alliances, that the country is not committed to any other nation.

Is the role of South Africa being strengthened or weakened in international affairs?

"There is, of course, efforts to isolate South Africa from the rest of the western world," he said. "But they are not proving too successful."

He mentioned the enemies of the country are certain African nations and some countries in Europe.

"The reason these efforts are failing is because there is such a great internal movement in South Africa in the economic and technological field," Professor Louw said. "We have the gold and it is still a good financial leverage in the world."

He noted that South Africa has one of the best financial institutional credibilities in the world.

"Another reason these efforts are failing is because of the tenacity of the South African government not to be isolated," the professor said.

He noted that South Africa signed a loan agreement with Madagascar, has offered to sign a non-aggression pact with other African nations, and has good relations with a number of neighboring countries. He said all these efforts were beneficial and were apt to snowball.

What has brought much criticism to South Africa is the government's separate development policy. This consists mainly of developing eight homelands within the country for the black Bantu peoples.

When government officials defend the system, one might be apt to think they have an axe to grind. But Professor Louw has no connection with the government, except that he is often consulted on political and international matters.

"The separate development policy is not really an ideology, but an idea," the professor said. "It is an attempt by a white society which finds itself in a sea of non-white to resolve a great problem in terms of a humanist tradition of the west."

"The attempt is tinged with authoritarianism inherited from Europe," he added. "The government is authoritarian here, to both the black and the white."

He noted that the government was quite open and honest about the policy, and also humanist.

I asked Professor Louw what the alternatives were to the policy.

"'One might say there are two—the idea of complete integration being tried in the United States, and the system followed by Brazil, of miscengenation or deliberate race-mixing," the professor commented.

"But because of South Africa's unique problem, neither of these can be considered a real alternative," he added. "With 15 million blacks and less than four million whites, one doesn't have to stretch his imagination far to see what would happen."

The professor said the US. attempts at solving its racial problems were "simplistic," the use of busing to achieve balance, etc., adding, "We don't see integration to be any solution."

The aim of the separate development policy, he said, is to give the Bantu more justice than he has ever known in Africa, to give him the territory which he will have developed, and the right of self-determination.

Professor Louw said he criticizes some of the system, that he believes development of the homelands for the Bantu is not going fast enough, adding, "I criticize the territorial base of some of the homelands."

"Some of the homelands are not economically self-supporting but neither is Rumania, Costa Rica and many other countries," he commented.

"But by giving the Bantu the chance to develop on their own with outside aid, it will prevent social violence, the professor said. "I see no other way. You have not solved the problem in America, and neither has England.

He said the black people of South Africa were the best on the continent, adding, "They fled here from the north, and those that stayed behind became slaves of the Arabs."

The professor said the Bantu is much more enterprising, learns more easily and adapts more readily than others in Africa.

"The underdeveloped peoples today need paternal guidance," Professor Louw said, "I know this sounds old-fashioned, but there is no getting around the fact that some peoples are more developed than others. But this does not mean the underdeveloped should be left to the exploitation of others. We are, after all, our brothers' keepers."

From a humane standpoint, he added, more developed peoples have a responsibility for the less developed.

"Many other nations in Africa are being subjugated violently," he added. "Hundreds of thousands are systematically killed and the United Nations never raises a finger."

Professor Louw said the South African government recognizes and accepts the fact that self-determination for the Bantu might lead to secession from the nation by the homelands.

"Many black nations of Africa which recently gained independence are held together artifically by ruthless leaders," the professor said. "Our system has a higher moral position."

The professor said he personally opposes "petty apartheid," whereby people are segregated in restaurants, buses, etc., and that he believed it would die out in time.

He favors giving the Bantu, and also the colored, a voice in Parliament, but not on the "one man, one vote" idea. It would be, he said, on the idea of the U.S. Senate whereby area or territory is represented.

Any degree of integration would have to come from the upper level, Professor Louw said. Black and white leaders would lead the way.

But the professor said he did not believe there could be actual social mixing of the races—that there must be parallel development.

"Perhaps we might have the solution to the racial problem," he said. "At least it is an alternative to the solutions being tried and which are failing elsewhere."

DIAMONDS, GOLD NOT ONLY MINERALS SOUTH AFRICA HAS

(By Bill Kennedy)

JOHANNESBURG, SOUTH AFRICA.—Most Americans probably think of diamonds and gold when they think of South Africa, but the country also has vast hordes of other precious minerals.

This morning I interviewed Dr. Thomas Muller, director of general mining, who told me South Africa is the leading mine country in the world and hopes to remain so for years to come.

The first mineral to attract the attention of early European settlers in the Cape Town area was not gold or diamonds, but copper—discovered in 1685.

In the 1830's, white settlers in the Cape began their pioneering trek into the interior, which paved the way for the discovery of the vast mineral deposits which lie in the north regions of South Africa.

The first major discovery was made in 1866, when a young boy found a 21-carat diamond in the northern Cape Province. Three years later an African shepherd picked up an 83-carat diamond in the same region—and this stone became known as the "Star of South Africa." It launched the diamond rush, bringing people from all parts of the world to the new Kimberley diamond fields.

The second phase in the country's mineral development came in 1886 when a prospector by chance discovered the rich gold-bearing Main Reef of the Witwatersrand.

"For several decades, gold and diamonds continued to dominate the South African mining scene," Dr. Muller said. "The only other mineral mined extensively was coal, which was first sought to provide power needed to run the gold mines."

Today, South Africa supplies about 81 per cent of the free world's gold. It produces about 20 per cent of the diamonds in the world—second only to the Congo. However, about 40 per cent of South African production is of gem quality, and only 3 per cent has that quality in the Congo. The combined gemstone production of South Africa and South West Africa accounts for two-thirds of the world total.

There is still some gold production in the United States, mostly in the west—Nevada and California. Probably the only thing that remotely resembles the South African diamond mines is the small diamond field in Pike County, Ark.

"Copper is second only to gold in production value here. Copper production value has risen by more than 500 per cent over the past 10 years," Dr. Muller commented.

He added that in 1969, exports of copper totaled more than 72 per cent of the production. No great increase is expected during the next few years, he added.

Copper-mining in South Africa is carried on by quite different methods than in the U.S.—those in the vast copper pits of Ely, Nev., for instance.

Dr. Muller said that copper here is found much deeper than in the U.S. and consequently there is no open-pit mining.

South Africa is known throughout the world for its gold production. Not many realize however, that the country's platinum reserves—the largest in the world—are valued at 60 per cent more than the gold reserves.

"The Rustenburg platinum mines alone supplied two-thirds of the free world's demands in 1969," Dr. Muller said. "Chrome production is becoming ever important here, too, and 85 per cent is exported."

Uranium production began in South Africa in 1952 and reached a peak in 1959 with an output of about 5,800 tons a year. Uranium deposits are found mainly with gold, and it is produced as a byproduct of gold.

"South Africa may have the west's largest manganese deposits and is the world's second biggest producer," Dr. Muller noted.

Most coal production is consumed within the country, and is produced cheaply. Iron ore is another important mineral here.

"Over many years the country has won recognition as a world leader in the field of mining," Dr. Muller said. "This has led a number of countries to call in South African experts on problems ranging from shaft-sinking to tunnelling."

South Africa is becoming increasingly independent as far as foreign capital is concerned. It still welcomes foreign investment, but majority control remains with South Africans.

BANTU HANDICAPPED RECEIVE ASSISTANCE

(By Bill Kennedy)

LETUBA, SOUTH AFRICA.—Not too many years ago the black South Africans, in their tribal societies, would refuse to care for and would abandon their ill, their lame and those born with mental and physical handicaps.

It was, in sense, much like the custom of some Eskimos and some American Indians in years past of abandoning their elderly, leaving them to die alone when they could no longer pull their own weight—one of the tenets of the law of the jungle and survival of the fittest.

This is no longer true in South Africa. Credit for the breaking of this tradition must first go to the white missionaries, and now to the white government which is carrying on.

I visited the Letuba school which has 212 inmates—ranging from the very young to middleage adults. All are afflicted with some type of mental, physical or emotional handicap.

No one, not even the director of the school, Max H. Lemmer, cantender, contends that this school and a similar one are nearly enough. But in my own opinion, what is being done—compared to what was done a few years ago—is highly commendable.

I was touched by a class of nine young Bantu, ages from about eight to 12, that I visited. Unashamed of their physical deformities and proud of the progress they are making, they lined up and sang for me.

It was a religious song, sung in their native language. It, no doubt, had come down from the missionaries, for the song told of "the light" that came into their lives since discovering the Savior.

One little chap, not more than seven, had no hands—only what appeared to be loose masses of flesh where hands should be.

Yet, he held a pencil with both, and proceeded to write some English words, and the figures 1 through 10.

I visited the handicrafts section and saw youngsters and adults busy weaving baskets, bags, and other items, and also some quite beautiful ceramic work. There are a number of barracks and dormitories, all clean and designed especially to fit the various handicaps.

You have only to talk to Director Lemmer a few minutes until you can see his genuine dedication and know he is a man devoted to his work.

He is rightly proud of the work he is doing and hopeful that he and others here can do more.

Lemmer pointed out to me the various handicaps—cerebral palsy victims, a lad who had had both legs severed in a train accident, polio victims, meningitis victims, hydro-cephalic and micro-cephalic cases.

He has, of course, those who have only physical handicaps and are capable of being educated and becoming somewhere near self-supporting.

Then there are, the uneducable, and the best that can be hoped for them is that some will be able—some day—to care for their personal needs, such as dressing, going to the bathroom, and feeding themselves.

In addition to this school, South Africa has one other in the west Transval in operation, a third being readied for opening in the Province of Natal, and a fourth on the planning boards at East London.

This school has a waiting list of 33, and within a year, plans call for extending the capacity for a total of 280.

It is quite easy to criticize South Africans from a distance of eight or 10,000 miles. But this criticism does not come so quickly once one has had opportunity to see first hand what is being done in the humane category, and what is planned for the future.

No, South Africa no longer abandons its sick and lame and the less fortunate. The burden is heavy indeed, but progress is being made.

CASE MADE FOR PROGRESS IN SOUTH AFRICA—MOST BANTU PREFER SEPARATE DEVELOPMENT

(By Bill Kennedy)

JOHANNESBURG, SOUTH AFRICA.—For three weeks now I have knocked around this country talking to government officials, school leaders, black leaders, visiting factories, farms, auto plants and numerous other places.

Now, I'm sitting alone in my hotel room trying to sum up my impressions of this country, trying to clarify my own thoughts about the many problems. This is my last day in the country.

Of course, the big problem—at least as far as the outside world goes—is the official government policy of separate development for the races.

In this land of 14.9 million Bantu, 3.8 million whites, 2 million coloureds (mixed) and more than a half-million Asians, there is only one thing I'm sure of at the moment: there are no easy solutions.

When one considers these problems, he must not make the mistake of comparing the incomparable—the Bantu and the American Negro, nor must he even compare them with the white settler vs. the Indian in early-day America.

One must remember that neither the white nor Bantu have any prior territorial claims in South Africa—for both arrived at about the same time.

It was not a case as found in America—where the white settlers found the Indians already there, and proceeded to encroach upon their land and drive them out.

It must be further remembered that the nine Bantu tribes in South Africa are vastly different, still hostile to each other and in most instances can't even speak the other's language.

Although there are now many educated Bantu and the rate of education is accelerating quickly, these are a people who less than 100 years ago had not even discovered the wheel—perhaps because they had no use for the wheel, or thought they hadn't.

I am convinced after even a short time here that the whites must of necessity look after the welfare of the Bantu. It is to their own advantage to make life better for the Bantu.

And as one college professor recently told me, "We believe it is wiser to deal with the educated Bantu than with the ignorant."

Even though it is a big financial burden on white wage earners and salaried persons, the whites are breaking their backs to uplift the Bantu—in education, housing, hospitalization. They did not ask for this burden, but are doing quite well considering the enormity of the problem.

What also must be remembered about South Africa is too often the "separateness" of the races, with little or no emphasis on the "development" phase of the entire program.

What also must be remembered is the fact that the great majority of the Bantu prefer separate development, that they want to preserve their heritage and culture and language. This has been proven in elections where the candidate standing for separate development has swamped the candidate advocating integration.

Being realistic, one could not argue that the Black South African has the standard of living comparable to the white. But again, the comparison is unfair.

A much fairer comparison would be the Bantu and the black man in other African countries—Kenya, Tanzania, Nigeria, the Congo.

I talked about this to a Bantu, a lawyer, and he said he would not like to live in any other African country, adding, "In fact, I would not like to be a black in America today."

So what the Bantu has is a job, improving education, land in certain areas—something most other black Africans cannot claim. What he lacks are certain civil and political rights, and even these are encompassed in the long-range program.

Western democracy, of course, emphasizes the humane and tries to de-emphasize group, racial and even individual differences.

Noble, perhaps, but it does not solve or even explain current problems. Practicality is emphasized here in South Africa—what is practical for the white AND black community.

As one man aptly put it, himself a black African, "If you do not have a practical political system, all the humaneness you can muster will not begin to solve your problems."

It must be remembered, too, that when the whites and the blacks came into this country in the 1600's, it was the whites who settled the communities, built the cities, developed the industries.

It is a foregone conclusion that the "one man, one vote" principle is no solution to South Africa's problem. It would mean giving over the country to a people to whom it never belonged. It would mean chaos and disintegration, and the end of western civilization in South Africa.

The educated Bantu tell you this, frankly admitting they are not yet ready to govern themselves even in their own homelands, much less a multi-tribal society.

I have become convinced that this is the reason that outside agitators and terrorists have met with such little success in attempts to rouse the Bantu to rebellion.

Separate development is not synonymous with denied privilege and opportunity. On the contrary, it is the working toward identical rights and privileges—only they are separate for the races, each enjoying same in his own racial community.

Naturally, there is not perfection in South Africa. In numerous instances, I have had government officials admit shortcomings. As one minister said to me, "We are experimenting toward solution to a grave problem. If some other country has an answer to the racial problem, I wish they would tell us and perhaps we would try it."

In fact it gives pleasure to some government officials here, both black and white, to ask about race problems in America. "Ah, ha," they say. "Neither do you have the answer."

U.S. Envoy Says Relations With South Africa "Good"

(By Bill Kennedy)

(Editor's Note.—This is the 20th of a series of articles by Bill Kennedy of The Tribune-Herald's Washington Bureau on his trip to South Africa.)

Pretoria, South Africa.—American Ambassador John Hurd said the United States and South Africa have "very good" diplomatic relations and that both countries were desirous of continuing them.

This reporter interviewed Hurd, of Laredo, Tex., at the American Embassy here. Hurd took up his post here only in September.

The ambassador said South Africa, like other countries, has "points of diversion" within its policy, both internal and external from those of the U.S. government.

Hurd said there are numerous visits of officials between the two countries which all "make for better understanding" in regard to "points of difference."

Scrupulously avoiding discussion on South Africa's policy of separate development for the races, Hurd commented:

"I wouldn't pinpoint any particular point (of disagreement); I think these are as well known in the press and by the people in our country as they are in South Africa."

Hurd said he found South Africa "an exceedingly interesting assignment." He first went to Cape Town where the Parliament was in session. He said there were some cold and dreary days, matched only by "the hot debate" within Parliament.

In October, Hurd and his family moved to the American Embassy home in Pretoria, seat of the administrative government of South Africa.

"This is an extremely viable economy with strong economic processes in the throes of evolution in many cases," Hurd said. "The country is rich in mineral ores and in people in the possibilities of the future."

The ambassador said that basically, his job was to carry out the policies of the U.S. government, to help formulate some policies and to let South Africa know what American policies are.

Hurd said one definite policy of the U.S. that applies to South Africa as well as other countries is to keep "hands off" regarding internal problems.

"We don't interfere, or even wish to appear to interfere with internal policies of a country," he remarked.

Hurd said he has not been embarrassed by any U.S. government official coming to this country and "sounding off." He intimated, however, this had occurred with non-official persons, but did not elaborate.

While South Africans are relatively unware of the American holiday, Thanksgiving, Hurd said he and his family, and staff observed the holiday with a turkey dinner "just like at home," and also attended Congregational Church services.

Speaking of staff, the ambassador said about 75 Americans are employed by the embassy. They have some 150 dependents, and in addition there are a number of South Africans working there.

Ambassador and Mrs. Hurd are the parents of three daughters and a son, only one—the youngest daughter, Victoria, is living with them. She is 18, and will enter University of Cape Town in February.

The son is a lawyer in Houston, one daughter lives in Mineral Wells, Tex., and one in Delaware. All three are married.

Hurd won Senate confirmation for the ambassadorship last summer, having been rejected for the same post to Venezuela because of his American oil interests.

POW NATIONAL WEEK

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. WOLFF. Mr. Speaker, I am delighted to join today with the gentleman from Illinois (Mr. Anderson), the gentlemen from Indiana (Mr. Myers and Mr. Zion), and 153 other Members of the House in introducing a House joint resolution designating the week of March 21–27 as a National Week of Concern for Prisoners of War/Missing in Action.

It is certainly appropriate that we should demonstrate our support and concern for the 1,500 Americans now listed as prisoners of war or missing in action in Southeast Asia. I hope that all Americans will join us in setting aside the week of March 21 to register our protest over the treatment these men are receiving at the hands of the North Vietnamese, and that the American people will observe the week with appropriate ceremonies and activities.

However, we must not set aside 1 week to express concern over the fate of our prisoners of war and forget about them the other 51 weeks of the year. Rather, we must take advantage of every opportunity to focus world attention on the plight of the POW's—the refusal of the North Vietnamese to release a complete list of the Americans being held captive, their refusal to release the seriously sick and injured, their refusal to permit the impartial inspections of all POW facilities, and their failure to permit the free exchange of mail.

American servicemen who are now being held prisoner or are missing in action in Southeast Asia have paid a high price for our involvement in that part of the world. While it is appropriate to devote 1 week to concentrated activities in support of their release, this action must not lead to suspension of efforts in their behalf during the rest of the year.

As I have said on a number of previous occasions, we must work for immediate withdrawal of all our servicemen—including our prisoners of war—from Southeast Asia.

U.S. PUBLIC UTILITIES MUST STOP BUYING FOREIGN HEAVY POWER TRANSFORMERS BEING DUMPED ON U.S. MARKETS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. CONTE. Mr. Speaker, during the past session on two occasions I called attention to the serious problem of unlawful price discrimination in the sale of heavy power transformers—Record, September 28, 1970, at page 33908; and Record, December 30, 1970, at page 44198. On the latter occasion, I pointed out that 95 percent of the purchases of these products by Government-owned utilities such as TVA have in the last 3 years been made abroad.

I and 18 of my House colleagues have called for an immediate moratorium on such buying in order to preserve thousands of jobs and the health of an industry vital to our national security. We ask this not to protest against honest competition, but to prevent great harm being caused by what is known as dumping, the unlawful selling in this country of foreign products at prices far below those charged in their country of origin.

While I have expressd confidence that the pending antidumping case will ultimately succeed in ending this practice this complex case is months away from completion, despite an intensive effort on the part of the administration to expedite it.

For this reason we have called for a number of immediate alternative steps including the moratorium I have mentioned.

Mr. Speaker, for the information of my colleagues I include at the close of these remarks a copy of a recent legal memorandum which makes it clear that there is ample authority for such a moratorium. It was prepared by an able attorney who has had extensive experience in this subject, Theodore F. T. Crolius. I commend it to your attention.

In the near future I and many of my colleagues will be seeking broader support within this Chamber to urge decisive action on this matter. For, regardless of our views on the need to restrain imports of one kind or another, there can be no question that we must put an end to what is clearly unlawful price discrimination.

The memorandum referred to follows:

JANUARY 6, 1971.

To: Representative Silvio O. Conte.
From: Theodore F. T. Crolius.
Re Government-owned Electric Utilities: Authority to Cease or Limit Procurement of Power Transmission Equipment from Foreign Suppliers.

On October 14, 1970, Mr. Conte and 18 other House members wrote President Nixon to urge his support of a moratorium by U.S. government-owned electric utilities on purchase of foreign-made heavy power transmission equipment until fair international trade in such equipment can be established. The letter stated, in part:

"We believe our government-owned utilities, such as the Tennessee Valley Authority, Bonneville Power Administration and the Bureau of Reclamation, which in the last three years purchased 95 percent of their power transformers from foreign sources, should cease such buying at once, pending elimination of the inequities of foreign trade in these products. We understand that the agencies have authority for such action either in the exercise of discretion under their respective enabling legislation or under the Buy American Act."

This memorandum is submitted in support of the above statement that there is statutory and Executive authority for the three cited government power agencies to adopt a moratorium on procurement of power transmission equipment from foreign suppliers.

1. *Tennessee Valley Authority:* Section 9(b) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831h(b)) provides, in part:

"Subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the Treasurer or other accountable officer or employee of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of said chapter."

Such statutory language confers on the Corporation broad authority to determine that it is "necessary," i.e., that it is in the best interests of the Corporation, to cease or otherwise limit procurement of certain classes of electrical equipment, such as extra-high voltage (EHV) transmission equipment, to U.S.-made equipment. The grounds for such determination would be either or both (a) the Corporation's direct and immediate interest that the U.S. technology base in this equipment should be sustained and encouraged, and (b) the Corporation's interest that unfair and discriminatory foreign competition in electrical equipment should be eliminated or otherwise deterred.

In addition to the foregoing authority under TVA's enabling legislation, the Chairman of the Board of Directors of the Corporation can invoke the Buy American Act (41 U.S.C. 10a–10d) to fix the margin of preference for goods of domestic origin at a differential sufficiently high to eliminate or deter sourcing from foreign suppliers. Executive Order No. 10582, as amended by Executive Order No. 11051 (17 F.R. 9683), provides that generally the margin of domestic preference shall be six percent (Sec. 2(c) (1)). But Section 3(a) of the Order provides:

"Sec. 3. Nothing in this order shall affect the authority or responsibility of an executive agency:

(a) To reject any bid or offer for reasons of the national interest not described or referred to in this order;"

And Section 5 of the Order provides, in part:

"Sec. 5. This order shall apply only to contracts entered into after the date hereof. In any case in which the head of an executive agency proposing to purchase domestic materials determines that a greater differential than that provided in this order between the cost of such materials of domestic origin and materials of foreign origin is not unreasonable or that the purchase of materials of domestic origin is not inconsistent with the public interest, this order shall not apply."

The Chairman of the Board of the Corporation, therefore, has the authority to determine that it is either in the "national interest" (Sec. 3) or "not inconsistent with the public interest" (Sec. 5) to fix the margin of domestic preference for power transmission equipment at a rate which will ensure sufficient procurement from U.S. suppliers to sustain and encourage the domestic technology base and/or eliminate or otherwise deter unfair and discriminatory foreign competition.

2. *Bonneville Power Administration:* Section 2(c) of the Bonneville Project Act of 1937, as amended (16 U.S.C. 832a(c)), provides:

"(c) The Administrator is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation, or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as the administrator finds necessary or appropriate to carry out the purposes of this chapter. Title to all property and property rights acquired by the administrator shall be taken in the name of the United States."

Section 2(c) has been construed by the Administrator of BPA, the Department of the Interior, and the Comptroller General to confer broad discretionary authority on the Administrator in the statutory exercise of his responsibilities for "program operations" procurement, i.e., purchases for non-administrative and non-housekeeping purposes.

Standing by itself Section 2(c) is probably sufficient authority for the Administrator of BPA to cease or otherwise limit procurement of power transmission equipment from foreign suppliers. But there is no need to test this proposition because, in previous opinions of the Solicitor of the Department of the Interior and the Comptroller General, Section 2(c) has been read in the light of and joined with other provisions of law which, in their entirety, conclusively establish the Administrator's discretionary procurement authority.

There is a 1966 decision of the Comptroller General, involving EHV transmission equipment, which is so squarely in point and which so precisely defines and disposes of the procedural issues involved herein that it is excerpted below in considerable detail:

"The subject invitation, issued May 24, 1966, solicited bids for furnishing thirteen 500-kv. circuit breakers. By letters dated May 26, 1966, the Chief of Supply, BPA, advised Cogenel, Inc., and Merlin & Gerin [French manufacturers] that BPA has 39 500-kv. circuit breakers on order and one in service and that of the 39, Cogenel has contracted to furnish 18 and Merlin & Gerin 21. The letters stated further that, under the authority of 16 U.S.C. 832a(c) of the Bonneville Project Act, it was decided that award of a contract at this time to either firm or its licensees for additional 500-kv. breakers was not appropriate for the best interests of the BPA system and its customers. The letters also stated the basis for the conclusion. They explained that the 500-kv. breakers constitute a critical part of the power network and that their reliability is essential to BPA's power commitments; that BPA does not consider that the 500-kv. breakers of any manufacturer have been in service for a sufficient period of time to assure that a particular design is free from defects; and that, therefore, sound engineering judgment dictates spreading the 500-kv. breaker purchases among a number of manufacturers so that if a particular design has some serious defects, the whole system will not be faced with what could amount to catastrophic consequences.

"The question, as we see it, is whether the Administrator is authorized by the Bonneville Project Act, 16 U.S.C. 832, *et seq.*, to preclude, for the reasons stated, certain manufacturers from offering equipment which would otherwise meet the BPA performance specifications.

"Subsection (b) of section 832a of the act provides:

In order to encourage the widest possible use of all electric energy that can be generated and marketed and to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups, the administrator is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as he finds necessary, desirable, or appropriate for the purpose of transmitting electric energy, available for sale, from the Bonneville project to existing and potential markets, and, for the purpose of interchange of electric energy, to interconnect the Bonneville project with other Federal projects and publicly owned power systems constructed on or after August 20, 1937.

"Subsection (c) of section 832a provides in pertinent part as follows:

The administrator is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation, or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as the administrator finds necessary or appropriate to carry out the purposes of this chapter.

"Subsection (f) of section 832a provides:

Subject only to the provisions of this chapter, the Administrator is authorized to enter into such contracts, agreements, and arrangements, including the amendment, modification, adjustment, or cancellation thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary.

"Section 832g provides as follows with respect to purchases of supplies and services:

Notwithstanding any other provision of law, all purchases and contracts made by the administrator or the Secretary of the Army for supplies or for services except for personal services, shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the administrator or Secretary of the Army, as the case may be, shall determine to be adequate to insure notice and opportunity for competition. Such advertisement shall not be required, however, when (1) an emergency requires immediate delivery of the supplies or performance of the services; or (2) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (3) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $500; in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the administrator or the Secretary of the Army, as the case may be, may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

"We observe first that section 832a (b) of the act authorizes and directs the Administrator, among other things, to do what he finds is 'necessary, desirable, or appropriate' to 'improve' the power transmitting facilities. From what has been reported above, we believe it is self-evident that the BPA considers that diversification is desirable because it results in an improved system since the risk of failure is not concentrated, but spread out over the products of several manufacturers. Subsection (b) indicates the purpose of the act and what the Administrator is to accomplish. Therefore, the modes of accomplishment provided by the act should be read preclude, for the reasons against that background. Since the Administrator is authorized to do what he believes is desirable to improve the power system, section 832g of the act which provides the manner in which supplies are to be purchased should be construed with that authority in mind. In that connection, it should be observed that section 832g was not intended to be limited by any other advertising statute in that at the outset it indicates that it is not controlled by any other provision of law. The section does provide for an 'opportunity for competition,' but such competition, obviously in view of the authority in section 832a(b), can be limited by what the Administrator seeks to accomplish. In this case, since there were three bidders other than Cogen who could and did bid upon the procurement, the 'opportunity for competition' was met.

"We observe further that section 832a(c), which authorizes the Administrator to acquire property, is also tied into the 'purposes of this chapter,' which as previously noted can be found in section 832a(b).

"We observe too that in a report from the Department of the Interior on H.R. 2690 and H.R. 2693, duplicate bills to amend the Bonneville Project Act, contained at page 13 of S. Rept. No. 469, 79th Cong., 1st sess., the Secretary made the following comments:

> Furthermore, the Bonneville Power Administration is not engaged in a governmental regulatory program. It operates a business enterprise from which the Government derives a return of no small proportions. Government procedure was not designed for such an agency, and in many instances it has hindered the operations of the Administrator to an unwarranted extent. The bills under consideration recognize these characteristics of the Bonneville Power Administration and will facilitate its operations as a regional and business agency.

"The purpose of the bill which amended section 832a(f) of the Bonneville Project Act, as stated on page 4 of S. Rept. No. 469 is—

> * * * to permit the Bonneville Power Administrator to use better methods of administration in carrying out his present functions. It would not extend his authority in the power field and is concerned chiefly with the relationships of the Administrator with his employees and with other Federal agencies. They would enable the Administrator to employ business principles and methods in the operation of a business enterprise and would eliminate some hampering procedures designed primarily for agencies conducting governmental regulatory programs.

"Moreover, our Office in B-105397, September 21, 1951, made the following observation concerning the impact of section 832a(f):

> The legislative history of the foregoing provision of law indicates that its purpose was to free the Administration from the requirements and restrictions ordinarily applicable to the conduct of Government business and to enable the Administrator to conduct the business of the project with a freedom similar to that which has been conferred on public corporations carrying on similar or comparable activities. * * *

"The Bonneville Project Act contains powers broader than those customarily vested in Government agencies, and these powers were preserved when Congress enacted Public Law 89-343 (act of November 8, 1965, 79 Stat. 1303, 41 U.S.C. 252) extending the mandatory character of the Federal Property and Administrative Services Act. The public law specifically preserved from impairment the authority of the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act. This recent amendment to the Federal Property and Administrative Services Act recognizes the special and exceptional procurement authority over these matters which has hitherto been conferred by law. In that regard, comments found in H. Rept. No. 1166, 89th Cong., 1st sess., state that the amendment will provide the Administrator "sufficient authority to enable the agency to operate in business matters as a public utility with powers and effectiveness similar to those of a corporate entity." It is understood that administrative and housekeeping items are excluded from the term "program operations" and that, to the extent that these procurement programs would not be impaired by compliance with the Administrator's regulations, such regulations will be observed, as heretofore contemplated by the Congress and the President. (H. Rept. No. 670, 81st Cong., 1st sess., 28; Presidential Directive of July 1, 1949, 14 F.R. 3699).

"Our consideration of the Bonneville Project Act as a whole leads us to the conclusion that the Administrator was authorized in the circumstances of the case to preclude Cogenel and Merlin & Gerin equipment from the immediate procurement. While reliance on the act is sufficient to arrive at this conclusion, the legislative history, discussed above, supports this view." . . .

Comptroller General Opinion B-159458, October 21, 1966.

In addition to the foregoing procurement authority vested in the Administrator under the Bonneville enabling legislation, the Buy American Act is applicable to BPA procurement. Pursuant to Reorganization Plan No. 3 of 1950 (15 F.R. 3174) the Secretary of the Interior, acting on behalf of BPA, may invoke the provisions of Executive Order No. 10582 which implements the Buy American statute (discussed above in connection with the Tennessee Valley Authority). Accordingly, the Secretary of the Interior (either himself or by delegation to the Administrator) has the same authority as the Chairman of the Board of Directors of TVA to determine that it is either in the "national interest" (Sec. 3 of the Executive Order) or "not inconsistent with the public interest" (Sec. 5) to fix the margin of domestic preference for power transmission equipment at a rate which will ensure sufficient procurement from U.S. suppliers to sustain and encourage the domestic technology base and/or eliminate or otherwise deter unfair and discriminatory foreign competition.

3. *Bureau of Reclamation*: The Bureau of Reclamation does not have the broad procurement discretion that TVA and BPA possess by virtue of their enabling legislation. As an organic part of the Department of the Interior the Bureau is subject to the general, and less discretionary, procurement regulations of the Department.

Nevertheless, the Secretary of the Interior can resort to the Buy-American Act and invoke Section 3 or Section 5 of Executive Order No. 10582 on behalf of Bureau of Reclamation procurement, thereby effectively preventing foreign sources for EHV power transmission equipment.

In fact, there is Bureau precedent for such action. In 1967 the Bureau of Reclamation had a requirement for hydro-turbines and generators for the third power plant at Grand Coulee Dam. The equipment required was the largest and most technologically advanced of its kind ever designed for installation in the U.S. The Department of the Interior, with the approval of the Bureau of the Budget, determined that national security considerations and public policy generally were so clearly involved in this procurement that it should be limited to domestic suppliers.

The same reasoning, it is submitted, can and should be applied to Bureau procurement of high technology EHV power transmission equipment.

THE 92D CONGRESS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MIZELL. Mr. Speaker, it is a great honor for me to return to this distinguished body for a second time as Representative of the people of the Fifth District of North Carolina. They have given me a mandate to serve in this Chamber as a voice of reason and pragmatism, and as the present instrument of their will. I pledge myself and my best efforts to the fulfillment of that mandate.

It is appropriate for me, at this time, to congratulate you, Mr. Speaker, upon your ascension to the high office to which you have recently been elected. At the outset of your tenure, I am confident that you will distinguish yourself as a man of fairness, ingenuity, and vision.

I would also like to extend my congratulations to the new majority leader, Mr. BOGGS, whose long service in this Chamber has been a credit to the people he represents, and to the Nation at large.

And I wish, of course, to again offer congratulations to our distinguished minority leader, Mr. FORD, whose dedication and wise counsel have been constant sources of inspiration for me. I am sure he will continue to serve in the best interests of our party and the Nation. I pledge to him my strong support and my assistance in whatever area it may be needed or desired.

As we begin a new Congress today, I believe we should all dedicate ourselves to those same high principles which characterize our present leadership. I hope that we shall conduct the business of this House in a new spirit of unity, welcoming the expression of divergent opinions, but realizing that if our work is to be truly successful, we must be of one accord in our efforts to strengthen the Union and improve the quality of our national life.

The people of my district have made it clear that their major concern at this time is the restoration of reason in formulating policies that affect our local educational systems.

In my campaign for reelection last fall, I stressed the need and the importance of developing fair, enforceable, and understandable guidelines to help implement the desegregation of our schools.

Much of my effort in the 91st Congress was directed toward finding a solution to the chaos that characterizes school districts across the country.

In the last Congress, I introduced legislation to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend schools in their own neighborhoods.

No action was taken on this legislation during the course of the 91st Congress, and no improvement in our local school situation has been made.

The Supreme Court has taken under advisement the case of Swann against Charlotte-Mecklenburg Board of Education, which deals specifically with the issue of forced busing to overcome racial imbalance.

The High Court has not as yet made a ruling on this case, and their decision may not be forthcoming for many months. But still the matter persists, and the people of my district have asked for action from this House.

In accordance with that mandate, I am today reintroducing my nondiscriminatory education bill, in the hope that the measure will be actively considered in this Congress, and swiftly approved.

The vaguely drawn forced busing edicts issued by our courts have proven, in almost every instance, to be accompanied by incredibly complex administrative burdens and exceedingly high costs.

The remedying of this condition will receive my highest priority in this Congress, and I call upon my colleagues, old and new, to join with me in arriving at an equitable solution to this problem.

The text of the bill is as follows:

H.R. —

A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nondiscriminatory Education Act".

TITLE I—GENERAL PROVISIONS

Sec. 101. The right of elementary and secondary education students to attend their neighborhood schools shall not be abridged by any Federal authority based upon the race, creed, color, religion, or national origin of the students.

Sec. 102. Each local nondiscriminatory system shall have the right to determine their own attendance zones without interference from Federal authority as long as they are reasonably drawn as to serve the needs of the community and no effort is made by drawing such attendance zones to force a student to attend a particular school because of his race, color, creed, religion, or national origin.

Sec. 103. Each local nondiscriminatory system shall have the right to determine the placement of any new school or school facility without interference from Federal authority so long as the new school or facility is placed so as to reasonably serve the needs of the community and no effort is made through its placement to discriminate against any student or group of students based upon race, creed, color, religion, or national origin.

Sec. 104. Each local nondiscriminatory system shall have the right to determine the placement of faculty and administrative personnel without interference from Federal authority as long as such placement reasonably serves the needs of the school system and no effort is made through its placement to discriminate against any faculty or administrative member on the basis of race, creed, color, religion, or national origin.

TITLE II—DEFINITIONS

Sec. 201. The term "nondiscriminatory system" whenever applied to any school system receiving public support means a school system wherein all schools comprising the system function as a part of an overall single administrative unit and in which there is no force or discrimination present, based on race, creed, color, religion, or national origin, in establishing the makeup of the student body, faculty or in the allocation of funds, books and facilities to the respective schools.

Sec. 202. The term "pairing"' whenever applied to any school or school system receiving public support means any act required by any Federal authority or person or board acting pursuant to such authority to cause the merger of schools or the alteration of the grade structure for the purpose of altering the race or ethnic makeup of the student body.

TITLE III—ILLEGAL ACTS

Sec. 301. (a) The operation of any school system receiving public support other than non-discriminatory-school system shall be illegal.

(b) The forced closing of any school for the purpose of forcing any student or group of students into a different school for the purpose of altering the racial or ethnic makeup of the student body shall be illegal.

(c) The pairing of schools shall be illegal.

(d) Forcing a child to leave his neighborhood school to attend another more distant because of his race, color, creed, religion, or national origin shall be illegal.

RESOLUTION ON PRISONERS OF WAR BY THE VILLAGE OF VICTORIA, ILL.

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RAILSBACK. Mr. Speaker, a resolution was passed in early December 1970, by the Village Board of Victoria, Ill., in Knox County. The resolution is the unanimous product of the mayor, the clerk, and the six trustees. It expresses the sincere concern of the Board of Trustees and of the citizens of Victoria over the treatment of prisoners of war by the North Vietnamese. In order that my colleagues might take note of the request by the Village of Victoria, I am including the resolution as follows:

Resolution by the Village of Victoria, Board of Trustees

Whereas the government of North Vietnam refuses to abide by the rules of Geneva Convention concerning the treatment of the prisoners of war;

Whereas it has repeatedly refused the inspection of their prisoners of war camps by International Red Cross representatives, as required by Geneva Convention;

Whereas North Vietnam government has reportedly mishandled and tortured the prisoners of war at their mercy; and

Whereas it has therewith committed the same crimes for which war criminals have been tried immediately following World War II, found guilty and executed;

Therefore it be resolved by the Victoria Village Trustees, acting in behalf of the citizens of Victoria Village, that we demand that such inhuman treatment of the prisoners of war by North Vietnamese government would be stopped and, if North Vietnamese government shall refuse to abide by the provisions of Geneva Convention, it's members shall be branded as the criminals against the humanity;

Furthermore it be resolved that we ask the President of the United States, the United States Congress, and all officials at all levels of government, domestic and foreign, as well as all the citizens of all the civilized nations, to demand from the North Vietnamese government strict observance of the Geneva Convention rules concerning treatment of the prisoners of war.

Unanimously passed by Victoria Village Trustees, this 7th day of December, the year 1970.

FEDERAL PRIVACY ACT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KOCH. Mr. Speaker, in recent weeks there have been several reports of Army surveillance over political figures and the public at large. What is perhaps most alarming about these revelations is that most probably only the tip of the iceberg is being exposed. Hidden is the growing accumulation of information on individuals that is being stored in thousands of interconnecting Government computers for quick retrieval and cross-referencing.

This collection of data cannot help but pose a threat to personal privacy and individual liberty. It is time that the Congress act decisively in developing some safeguards to countervail the intrusion of computer technology into our private lives.

It is in this regard that I am reintroducing my Federal privacy bill with 20 cosponsors. This bill would require all Federal agencies to notify persons of any personal files maintained on them. Furthermore, the agencies would have to provide a person with the opportunity to inspect his files and add, at his own expense, statements pointing out errors, if any, or providing explanations where necessary. Exception to this disclosure rule would be made for records whose secrecy is required in the interest of national security and for records being retained for cases involving criminal prosecutions.

I believe it is imperative that the Congress immediately investigate the dimensions of the Army's surveillance activities, as well as the entire Government's policies for collecting information on individuals. Today, the average citizen has no recourse and the reputations of countless numbers of decent citizens are being threatened or destroyed by malicious and false information appearing in the millions of dossiers held by Government agencies. The individual must be given some means for protecting himself against misinformation. The bill I am introducing today would provide this protection.

Mr. Speaker, the distinguished Chairman of the Government Operations Committee, Mr. Holifield, should be commended for the initiative he has taken in instructing his staff to assemble background materials by way of a preliminary investigation into the allegations of military surveillance of political activities. Chairman Holifield has informed me that he also is working on this matter with the distinguished senior Senator from North Carolina (Mr. Ervin). Next month the Senator's judiciary subcommittee will be holding hearings on the subject of "computers, data banks, and the Bill of Rights;" the military's intelligence activities will be included in the committee's consideration.

The following Members of this body have joined in cosponsoring the Federal Privacy Act with me:

List of Cosponsors

James Abourezk, Bella S. Abzug, Les Aspin, Nick Begich, Mario Biaggi, Jonathan Bingham, Shirley Chisholm, Don Edwards, Seymour Halpern, Michael Harrington.

Robert L. Leggett, Norman F. Lent, Stewart B. McKinney, Parren J. Mitchell, Thomas P. O'Neill, Jr., Bertram L. Podell, Ogden Reid, William F. Ryan, Fred Schwengel, Olin E. Teague.

PRISONERS' FAMILIES APPROVE RESCUE EFFORTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. COLLIER. Mr. Speaker, early last month, by a vote of 347 to 15, this body agreed to House Resolution 1282, in support for efforts to rescue American prisoners of war incarcerated in North Vietnam. The overwhelming majority ignored the bleats of the surrender cult and served notice to North Vietnam that the American people, speaking through their chosen representatives, approve of the recent attempt to free the prisoners.

What made the lopsided vote even more impressive is the fact that seven of the 15 "nay" votes were cast by Members from Greater New York. Two of the seven from that metropolis who opposed the resolution were emitting the dying squawks of lame ducks.

That the vote was an accurate barometer of public opinion has been eloquently verified by a survey conducted by the Opinion Research Corp. of Princeton, N.J. This poll showed that 81 percent of the next-of-kin of the prisoners of war approve of the attempt to rescue American prisoners from Son Tay prison. Only 10 percent had unfavorable reactions. Another rescue attempt would have the approval of 84 percent of the next-of-kin, according to the survey.

Mr. Speaker, let us quit paying serious attention to such humbug as world opinion and listen for a change to what our fellow Americans have to say. After all, they are the ones who chose us to represent them in this, the popular branch of the Congress of the United States.

PROPOSED LEGISLATION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KEITH. Mr. Speaker, I was gratified during the last Congress to see a large number of the bills I had either sponsored or cosponsored enacted into law, or incorporated into more comprehensive legislation. Among them were bills to make Monomoy Island, in my district, a wilderness area. Another increased the authorization for land purchases at the Cape Cod National Seashore. Additionally, the 91st Congress saw enactment of bills I cosponsored which created the Council on Environmental Quality, a Commission on Population Growth, and a Commission on Marihuana. Perhaps most importantly, I was proud to be a cosponsor of the legislation to establish a Securities Investor Protection Corporation, a new semipublic agency which should promote investor confidence in our securities markets for the years ahead.

Regrettably, a number of bills which I consider particularly worthy and which I had sponsored, were not passed in the 91st Congress. Today, then, I am reintroducing these and hope that full consideration will be given them in both committee and on the floor of Congress. Of course, these do not include all of the legislative initiative I intend to undertake in this Congress. For example, I expect in the next few days to file several bills for consideration by the Merchant Marine and Fisheries Committee. At this point, however, I would like simply to outline the provisions of the bills I am now introducing.

Mr. Speaker, Vietnam remains one of the most pressing and perplexing problems facing our Nation. Its rapid conclusion can only expedite reconciliation and help in the restoration of prosperity at home. To this end, I am reintroducing a resolution calling for United Nations involvement in the pursuit of peace in Indochina. Specifically this measure proposes the establishment of a U.N. peacekeeping force to police a cease fire, phased withdrawal of all foreign troops during that cease fire and a final settlement of outstanding political questions at an international conference.

On the domestic scene, I believe that one of our top priorities in the 92d Congress should be the enactment of a campaign reform act aimed at regulating the size and nature of campaign expenditures. Accordingly, I am refiling such legislation today. This bill, whose principal author is our distinguished colleague, John Anderson of Illinois, should serve as an admirable basis for comprehensive campaign reform in the 92d Congress.

Last year the House made history in passing the amendment to the Constitution providing equal rights for men and women under the law. Regrettably this commendable measure died in the other body. Thus, to lend my support to early hearings and action in the House this year, I am refiling the women's equal rights amendment.

When the House passed the Social Security Amendments of 1970, it also adopted a motion to recommit with instructions to add on a feature guaranteeing automatic cost of living increases, a proposal I had filed earlier in the form of a separate bill. This legislation, as we know, also died in the closing days of the 91st Congress. The cost of living feature, I believe, is of vital importance to those on social security and so today I am introducing legislation containing such a Means Committee, as it proceeds to consideration of the Social Security Amendments of 1971 will adopt this legislation.

Another bill in the jurisdiction of the Ways and Means Committee which I am refiling is the administration's revenue-sharing proposal. Interest in this legislation is rapidly growing at the state and local level. I hope that the widespread sponsorship of revenue sharing in the House will expedite Ways and Means consideration of this legislation.

With a view toward promoting international cooperation and conciliation, I am also refiling resolutions calling for a joint space exploration venture with technologically advanced nations and for an Atlantic Union Delegation to explore the possibility of establishing a transatlantic federal union.

Finally, Mr. Speaker, I am refiling several other pieces of legislation under the principal sponsorship of other Members. I am joining Mr. Morse of Massachusetts in reintroducing a bill to establish an Economic Conversion Commission whose chief mission would be to facilitate an orderly transformation of our economy from wartime to peacetime production. The proposed Economic Conversion Commission could be especially useful in an area like Massachusetts where technological expertise and manpower left idle as a result of decreased space and defense spending might be channeled into combatting pollution and other critical problems of modern American society.

And, in concert with our distinguished colleague John McFall, I am again cosponsoring the Public Works Acceleration Act. If this legislation is enacted, such economically hard-hit areas as New Bedford in my district will be eligible for large Federal grants-in-aid to decrease unemployment and build needed community facilities.

Finally, Mr. Speaker, together with the able member of the Appropriations Committee, Mr. Michel, I am cosponsoring legislation to base the Government's finances on the calendar, rather than fiscal, year. Since Congress generally does not complete appropriations for most agencies until well after the fiscal year has commenced, this legislation should bring the fiscal year into line with the realities of the appropriations process.

Mr. Speaker, as I have noted, I believe that each of these bills is particularly meritorious. It is my strong hope that the appropriate committees will give full consideration to these measures as quickly as possible.

$100 FOR EACH SCHOOLCHILD

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. DELANEY. Mr. Speaker, today I am again introducing my tuition voucher proposal, known as the Schoolchildren's Assistance Act, and often called the GI bill for junior.

This measure authorizes an annual financial grant to each child attending school—whether public or nonpublic. It prohibits Federal interference in the operation or administration of any school system. It returns to parents a share of their own tax money to assist them in directly controlling the education of their children in the schools of their choice.

We can no longer continue to ignore the consequences of declining enrollment in nonpublic elementary and secondary schools. This system educates close to 6 million children. However, in the last 3 years some 1,000 of these institutions have closed.

In the last 2 years, according to an article in the New York Daily News on January 18, nearly 500,000 pupils from Catholic schools across the Nation have been forced to enroll in public schools, because of high costs and advancing tuitions at these nonpublic schools. This situation has forced a massive increase in school taxes in a number of States.

In New York State, an estimated 872,000 children are enrolled in independent schools. If these children were forced into the public school system—at today's costs—it would put an estimated additional burden of $1.139 billion annually on the taxpayers of New York, based on a cost of $1,306 per pupil.

If all nonpublic elementary and secondary schools in the Nation closed tomorrow, it would force upon the American taxpayers an additional $4.7 billion annually to absorb these children into public schools, based on estimates by the U.S. Office of Education.

My bill would encourage these schools to continue operation, and result in a substantial saving to the taxpayers of the Nation.

I want to emphasize that this bill is not limited to children in religious oriented schools. It offers a real opportunity for diversity in educational opportunity for all school children—regardless of race, religion, color, or geographical location.

Nine years have passed since I first introduced this legislation. When first proposed, a grant of $20 per child was recommended on the basis of the Federal involvement in education at that time. Since then the cost of education has soared, and I am now recommending an expenditure of $100 for every child enrolled in elementary and secondary schools in the Nation.

After this approach was first advanced, considerable dialog and discourse have taken place. The public has now become more vitally aware of the need to protect one of the most fundamental rights of man in a free society—the paramount right of the parent to control the education of his children, without being penalized.

This concept has been endorsed by the Chamber of Commerce of the United States, as well as many distinguished educational authorities. It is being considered as the basis for a pilot project by the U.S. Office of Economic Opportunity as an innovation to improve the educational opportunities of the disadvantaged. Earlier this week, a special panel appointed by Governor Mandel of Maryland endorsed this approach to educational equity.

Today there is a crisis of confidence in our educational system. Old solutions are not the answer to new problems.

Taxpayers are revolting against constantly increasing school costs. They do not like being forced to support a monolithic State school system, to the detriment of competing educational institutions.

Time after time, the American people have expressed their strong opposition to the high cost of taxes by voting down requests for school funds.

My bill would give the hard-working taxpayers an opportunity to choose exactly how their educational tax money will be spent. At the same time it offers the best opportunity to provide equality in the exercise of the civil rights for all school children.

It offers an appropriate response to the challenge of the times.

LEAA AND THE NATIONAL POLICE FORCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RARICK. Mr. Speaker, in the last Congress I voted against H.R. 17825 to amend the Omnibus Crime Control and Safe Streets Act by providing Federal funds for State and local police. At that time, I explained that my objection was based on the fear that Federal funds would again be used to destroy local control and bring about Federal supervision of State and local police departments.

Not even a year has passed and already we are advised that a branch of the Justice Department is requiring State police, that have accepted Federal funds, to comply with Federal regulations and standards under the threat of a cutoff of funds or court action.

Since the announced intent of the spending of tax payer's money by the Law Enforcement Assistance Administration—LEAA—was to upgrade local and State police forces, one can but conclude that integration of police forces has a greater priority than controlling crime or making the streets safe.

I include a newspaper clipping and a copy of the Dan Smoot Report of January 27, 1970, which follows:

[From the Washington Star, Jan. 12, 1971]

UNITED STATES ACTS TO INTEGRATE STATE HIGHWAY PATROLS

(By Fred Barnes)

A new effort by a branch of the Justice Department to eliminate job discrimination in law enforcement agencies across the country may force state highway patrols, particularly in such Southern border states as Virginia and Maryland to recruit black patrolmen actively.

A set of regulations issued Dec. 31 attaches a proviso to the hundreds of millions of dollars passed out annually to state and local police, prisons and courts by the Law Enforcement Assistance Administration.

Recipients of LEAA funds now must submit reports showing that they comply with federal regulations against job bias. If the reports indicate they don't meet federal standards, the agencies will face a cutoff of LEAA funds or court action against their discriminatory practices.

LIKE SCHOOLS RULES

The regulations are similar to guidelines set by the U.S. Office of Education, which has threatened to cut off federal funds—and in some cases has actually stopped aid—to school districts which failed to integrate sufficiently.

A spokesman for LEAA said most state highway patrols receive grants from LEAA, either through bloc grants, according to population, or "discretionary grants" for specific anti-crime projects.

A recent survey by the Race Relations Information Center in Nashville, Tenn., showed that 98 or 99 percent of state highway patrolmen are white. In Virginia only one member of the 912-man force is black and in Maryland there are 13 blacks among 1,150 patrolmen.

By itself, however, the small percentage of black patrolmen in the two states would not impel LEAA to cut off any grant. That would occur only if LEAA felt that the small percentage of blacks was the result of discrimination.

The state patrols, which in the South were often used in the early 1960s to rout civil rights demonstrators, could evade the new federal guidelines by simply not accepting LEAA funds.

LEAA has the power to seek court action against job bias in law enforcement agencies only if they are recipients of grants.

In its survey, the Race Relations Information Center obtained racial breakdowns for 42 of the 49 state highway patrols. Ten states, two of them in the South, reported that none of their patrolmen is black.

CALIFORNIA HAS MOST

These states are Alabama, Idaho, Iowa, Massachusetts, Mississippi, Nebraska, North Dakota, South Dakota, Vermont and Wyoming. Ten other states said they have one black patrolman: Delaware, Florida, Georgia, Minnesota, Oregon, Rhode Island, Utah, Virginia, West Virginia and Wisconsin.

The state with the most blacks on its highway patrol is California, with 80. It has 174 other non whites on the force. New York has eight blacks among 3,275 state patrolmen and Illinois has 23 of 1,698.

In some Southern and border states, blacks have complained that they are systematically denied an opportunity to join state patrols. The complaint also has been made, less frequently, in other states.

Under the new LEAA rules, bias in employment along racial, religious or ethnic lines is prohibited in areas such as recruiting, transfer and promotion. States are ordered to file reports giving racial breakdowns in their law enforcement agencies.

"As soon as proper staffing of a civil rights investigative team is completed—probably within six months—LEAA plans to begin making on-site inspections of agencies receiving funds to review their employment practices and policies," a Justice Department press release stated.

[From the Dan Smoot Report, Dallas, Tex., July 27, 1970]

NATIONAL POLICE FORCE

The Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) in the Justice Department, to channel tax money from the federal government to states for state and local law enforcement. Congress appropriated $63 million for LEAA in 1969, $268 million in 1970. The Nixon administration requested $480 million for fiscal 1971.

Congressman William M. McCulloch (Ohio Republican) introduced a bill to authorize $650 million for LEAA in fiscal 1971. Congressman Emanuel Celler (New York Democrat) introduced a bill to authorize $750 million. Congressman Claude Pepper (Florida Democrat) proposed $1 billion for LEAA in 1971.

On June 30, 1970, the House, by a roll-call vote of 342-2, passed HR 17825, authorizing $650 million for LEAA in fiscal 1971, $1 billion for fiscal 1972, $1.5 billion for fiscal 1973. The two Congressmen who voted against it were Maston O'Neal (Georgia Democrat) and John R. Rarick (Louisiana Democrat). Rarick was the only Member of the House who voiced opposition. He said:

"The crime situation in the United States has reached such crisis proportions that the members of Congress are hearing from the folks at home with demands that something be done. The political impulse seems to be to do something, even if it is wrong.

"We are being asked to ignore the cause of the problem—the many crime-favoring Supreme Court laws. We are being urged to hoodwink our people into thinking that by massive expenditures of Federal money, by so-called upgrading our local and state police officers, and modernizing our correctional facilities, we can deter the criminal threat.

"The crime problem in the United States is not the fault of Congress—nor the police officers, nor the taxpayers. Congress is hiding its head in the sand if it thinks it can fool the people into believing that by giving away more of their money, they will be any safer from the criminal element which roams our streets and highways like some sacred cow.

"We already have enough laws on the books.

"The . . . problem is that as we continue to talk about reducing crime, our law enforcement agencies are denied the freedom to enforce the laws. This bill offers no solution. It but provides for $3.2 billion to be doled out over 3 years for grants to local and State police who agree to comply with various edicts and guidelines laid down by the Attorney General of the United States and enforced by the administrator of . . . LEAA. Except for this purported financial assistance, the measure offers only false promises of help to the police of America in their efforts to stop crime.

"Those of us who live in the South are familiar with Federal funding programs based upon compliance. The funded State or local organization loses all semblance of representing its local people and becomes completely subservient to the funding agency. In this instance, any law enforcement agency accepting Federal funds, which does not toe the line of compliance, can expect to be threatened with loss of funds and if not whipped into line, have its funds cut off.

"We of the South have witnessed firsthand what has happened to our State and local governmental agencies that accepted Federal funds. We need only point to the wholesale destruction of our public schools and public education system which are in many areas either abandoned by a large segment of our people or made wholly inadequate to educate the youth.

"With Federal funds necessarily comes Federal control. It is utterly ridiculous for any rationally informed person to believe that we can buy personal safety or freedom from crime. It is equally ridiculous to believe that we can hand out Federal money and not end up with Federal control and domination over our local police.

"Up to now, the sociological pseudointellectuals have sought to justify throwing away billions of tax dollars with their theories that we can buy off criminals with massive Federal programs and funds. While they still refuse to acknowledge the utter futility of their upside-down thinking, some of the same spokesmen, that is, Ramsey Clark, the National Governors' Conference, the League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, and representatives of do-gooder organizations now support this bill and ask Congress to buy the police away from the people and put them under the control of an appointed Fed.

"The police power under the Constitution of the United States, with rare exception caused by judicial fiat, has historically been reserved to the States. Now, after 190 years of constitutional government with the police being under the State and local control, we are told that the Constitution must be warped if it says what it does not say.

"If it is a national police force that the Federal bureaucrats want, they have the Army, Navy, and Marines. I, for one, oppose every effort to destroy local police forces, or to even chance the 'foot-in-the-door' power building which is constantly sought by the socialist bureaucrats in their craze for domination of every facet of local and State government.

"This is bad legislation—spurred on by emotion and frustration—more laws by the democracy phobia of the mob—demands without regard or consideration for the further erosion and destruction of constitutional government.

"I intend to abide by my oath of office by casting my peoples' vote against this bill. I will continue to support my local police in upholding their responsibilities to maintain law and order to their people, unbridled by additional unnecessary Federal controls and redtape."

Of course, Congressman Rarick is correct. Federal aid to local law enforcement is unconstitutional. It will lead to federal domination of police (just as federal aid to education has led to federal domination of schools). At first, federal influence will be felt (is already being felt in some areas) in the *quality* of men recruited for police work and selected for promotion to key positions. Under pressure and guidance of federal bureaucrats who dispense tax money from Washington, local and state law enforcement agencies will emphasize the hiring and promoting of college graduates trained in sociology. A college degree, instead of experience in the field, will become the stepping stone to advancement in police work.

But the kind of indoctrination imparted by departments of sociology in many universities will unsuit, rather than improve, a man for effective police work. The thin blue line of police officers who correctly look upon themselves as defenders of society—and who presently constitute the only real defense of our civilization against barbarism and anarchy—will gradually vanish. Law enforcement leadership will begin to reflect the permissive attitude generally prevalent in the federal courts and federal bureaucracy: the attitude that "society" and not the criminal is responsible for crime—that it is not society but the criminal who needs protection.

This permissive attitude of the federal courts is one cause of the breakdown in law enforcement. As federal influence brings the attitude into local law enforcement, enforcement will become less effective. Indeed, I anticipate that law enforcement effectiveness will decrease as federal aid to local law enforcement increases.

Something must be done will become a universal cry; and the chief criers will be the people responsible for the deteriorating situation: those who led the drive for federal aid to local law enforcement. They will not acknowledge that they have erred. They will not recommend a change in direction. They will fight the fire by throwing more fuel on it. That is, they will demand more federal aid.

As federal aid increases, federal influence on local law enforcement will evolve into federal control. At the end of that road is the instrument for total control that all dictatorships require: a national police force.

Then, the character of American law enforcement will undergo another, and this time a rather abrupt, change. When a national police force becomes a recognized, accepted, operating reality, it will no longer be ineffective and permissive. It will be ruthlessly efficient and repressive. Its mission, however, will not be to protect the public, but to protect entrenched political power against the public.

Then, Congressman John Rarick's June 30, 1970, speech in the House (if not purged from the record) will be an important historical document: it will reveal the identity of the one man out of 535 Members of the federal Congress who had the acumen to perceive the truth, the political courage to tell it, and the integrity to act upon it.

One of Mr. Rarick's points should be particularly re-emphasized and remembered: the argument for expenditure of federal tax money to curb crime by improving local law enforcement, insinuates that crime is the fault of law enforcement, which is inferior and needs improving; that Congress is responsible, because it has not heretofore appropriated enough money to improve local law enforcement; and that the taxpayers are responsible, because they have discouraged the spending of tax money for law enforcement. This puts no blame on criminals for committing crimes; on courts for helping criminals and hampering law enforcement; or on liberal politicians and bureaucrats who, by supporting governmental programs that violate the fundamental law of the land (the Constitution) set an example of lawlessness.

In reference to the argument that federal aid will improve local law enforcement, we should note that the trend I anticipate—the effectiveness of law enforcement will *decline* as federal aid *rises*—has already begun to set in. The first appropriation to curb crime by giving comprehensive federal aid to local law enforcement was for 1969; and the crime rate in 1969 was higher than the crime rate in 1968. The second appropriation for federal aid to law enforcement was for 1970; and the crime rate in 1970 is higher than the crime rate in 1969.

The Crime Control and Safe Streets Act is presently awaiting action in the Senate, where it will doubtless pass. The only opposition is from those who want the federal aid given directly to cities, instead of being given to state governments for reallocation to law agencies in the state.

This bill is only one of several of President Nixon's crime-control proposals. Other major bills awaiting final action by Congress:

The Preventive Detention Act, aimed at the problem of indicted hard-core criminals being given pre-trial release and allowed to remain free to commit other crimes while awaiting trial;

The Drug Control Act, whose most controversial feature is the "no-knock" provision authorizing search warrants which would permit law officers to enter a premise without first knocking or announcing their intention;

The Organized Crime Control Act, aimed at underworld criminal syndicates.

The primary thrust of these three crime-control bills is toward giving law enforcement a little more leeway than it now has in handling the worst kinds of criminals: hard-core habitual criminals to whom release-on-bail is encouragement to commit more crimes; the traffickers in dangerous drugs; the denizens of the powerful, organized criminal underworld. And the tenor of these three bills is to put the blame for crime on criminals.

It is interesting to note that Members of Congress who are most aggressive in supporting the federal-aid-to-law-enforcement bill (which insinuates that poor law enforcement is the cause of crime) are most aggressive in opposing these crime-control bills which rest on the assumption that it is the criminal who is responsible for crime. They find nothing unconstitutional in a bill that provides federal aid for local law enforcement, although the Constitution does not authorize the federal government to subsidize local police. These same Members of Congress, however, consider as unconstitutional legislation which would, in some degree, restore to police certain powers that were traditionally and constitutionally theirs until taken away by act of Congress and court decisions in recent years.

HORTON URGES JUSTICE FOR SOVIET JEWS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HORTON. Mr. Speaker, last month two Soviet Jews were sentenced to death for allegedly plotting to hijack a Soviet airliner. Nine other persons, seven of them Jews, received heavy prison terms.

These sentences were handed down not for hijacking, nor attempted hijacking, but for the crime of plotting to hijack a Soviet airliner, and many news accounts have suggested the possible entrapment by the Soviets of the Leningrad Eleven.

The Soviet Union has said the defendants were sentenced to death in order to uphold "the spirit" of a new international convention against airline piracy.

The real purpose of the trial and the subsequent sentencing, however, was to terrorize the thousands of Jews who wish to leave the Soviet Union for Israel. It is known that most of the Leningrad Eleven had asked as long as 3 years ago for this permission.

Such unjust and inhumane treatment of Soviet citizens cannot be allowed to continue. First, we must do all that is possible to insure that future Soviet trials are open to the light of international observation. The Eleven were sentenced in closed trials. No foreign observers or newsmen were permitted to attend. Such trial procedure can only arouse suspicion.

In our country, trials are not conducted in secret. We do not feel that our system of jurisprudence is so harmful that it should be hidden from the eyes of mankind. Only in an open system of justice are the constitutional rights of citizens protected and an accused presumed innocent until found guilty beyond a reasonable doubt by a jury of his peers.

To offer some hope to future Soviet Jews who may be tried, I asked the Secretary of State to seek permission for a small delegation of Americans to attend and observe future trials of Soviet Jews and to make arrangements to allow interested Soviet citizens the opportunity to attend trials of their choice in the United States.

In response to my suggestion and that of others, Secretary Rogers has extended an invitation to the Soviet Union to send a delegation of observers to the trial of Angela Davis in Marin County, Calif.

Hopefully, this will lead to an exchange of Soviet-American trial observers and to an assurance that any future judicial proceedings against Jews in the Soviet Union will be more just.

Secondly, I urge the Soviet Union to grant the free migration of all its citizens, Jewish, and non-Jewish. Soviet Jews who want to emigrate to Israel should be allowed to do so—without the specter of a political trial before them. I urge the Soviet Union to abide by article 13 of the Universal Declaration of Human Rights of the U.N. Commission on Human Rights which grants the right of everyone to emigrate freely to other countries.

As much as I abhor the recent trials and their results and the cruel treatment to which Soviet Jews are subjected, I also abhor the protest against them in the United States that has surprised legitimate bounds. It should be evident to those of us in the United States concerned about the fate of Soviet Jews that violent protest against Soviet diplomats is pointless.

It should be remembered that the peaceful protest which followed the sentencing of the Leningrad Eleven helped win the commutation of the two death sentences.

Acts of violence such as the recent bombing of the Soviet cultural center and residence in Washington, D.C. and Soviet facilities in New York and elsewhere are deplorable and only serve to hurt the 3.5 million Jews in the Soviet Union, and to diminish the effectiveness of our efforts in their behalf.

Also it is imperative that the Soviet Union recognize that nothing can be gained by terrorism and intimidation, but rather that freedom of worship, of movement and of life itself should be the inalienable rights of everyone.

GREEK "ALLY" DISCUSSED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a pair of articles from the Christian Science Monitor of January 8 and 14, 1971, discussing internal developments in Greece.

The articles follow:

GREECE: U.S. PLEA FOR REFORM SCORNED

(By Saville R. Davis)

WASHINGTON.—In announcing its plans for 1971, the Greek military regime has again rejected the plea of the United States to end martial law and return promptly toward democratic government.

It also appears to have violated, or disavowed, an understanding which the American Ambassador in Athens thought he had negotiated at the highest level. The understanding called for significant steps toward political freedom for the Greek people in late 1970 or 1971.

The sequel, according to reports reaching Washington from reliable sources, was a "stormy confrontation" in which U.S. Ambassador Henry Tasca and Vice-Premier Stylianos Pattakos reached an impasse on this question.

SECRET MEETINGS

Mr. Tasca is said to have asked why Premier George Papadopoulis, in a year-end speech took such a hard line against constitutional advance—and what the Ambassador could report to Washington which believed that commitments had been made to advance democracy in 1971.

In reply, Mr. Pattakos is reported to have asked whether anyone in the governing junta had made such promises.

Ambassador Tasca, who had held a series of secret dinner meetings with Premier Papadopoulos last summer, during which U.S. Greek policy was largely formulated, said he had gained this impression. But now he realized it was wrong, he added.

The Vice-Premier is said to have answered: If you feel you were wrong, perhaps you ought to apply for transfer to a new post.

PORTS, BASES OFFERED

By the time the two men met, the Greek regime already had gained what it most wanted from the United States Government: the resumption of full-scale military aid. This had been announced Sept. 22, and included heavy weapons which had been banned by Washington for political reasons since the Greed military junta seized power in a coup d'ètat.

The United States had also achieved at least part of what it wanted: Just before the Jordanian crisis last fall—although the Papadopoulos regime had earlier said in public that it would not aid any big power intervening in the Mediterranean—the junta secretly offered the use of Greek ports and air bases to U.S. forces in case they undertook an operation in Jordan. The offer was made while U.S. Assistant Defense Secretary C. Warren Nutter was visiting Greece.

The American decision to resume shipment of heavy weapons was given political as well as military importance in Greece and elsewhere. It was interpreted and publicized by the Greek military leaders as a belated political endorsement of their regime by the United States.

During the summer's secret dinner meetings, which dealt with both political and military relations between the two countries, Ambassador Tasca had put three requests to Premier Papadopoulos and his government. On behalf of the United States he had asked for:

1. An end to martial law soon.
2. The return of King Constantine, who is in exile but remains the legal head of the Greek state.
3. Elections to be held in 1971.

Mr. Tasca asked that at least one of these be implemented before arms aid was resumed.

Premier Papadopoulos is reported to have given Mr. Tasca to understand that these measures would be carried out soon, except that elections would probably be held in 1972 rather than 1971.

A State Department spokesman in Washington said, when announcing the resumption of full-scale military aid last September, "In Greece the trend toward a constitutional order is established. . . ."

WARNINGS TO GREEKS

Three months later, announcing plans for the coming year, Premier Papadopoulos indicated that there would not be any significant constitutional advance in 1971. He also said, "I will not permit any return to normal political life until I consider this possible."

In New Year's speeches, Mr. Papadopoulos also repeated severe warnings to Greeks not to take advice from outside Greece. These were interpreted as being directed against Western, including American, interference.

Thereupon, Regent General George Zoitakis made an indirect criticism of the new situation. He publicly praised the Greek revolution of 1821 against the Turks by saying that it put into effect, in Greece, the principles of the French Revolution which still, he said, "apply today in Greece," especially the declaration of human rights of August, 1798.

The conservative newspaper Vradyani, which is presently the only newspaper criticizing the junta in this manner, commented ironically on Jan. 3 that the regent's speech meant that from now on, Greeks need no longer worry about arbitrary arrest or other violations of human rights since they are protected by the principles of the French Revolution.

ANTI-AMERICAN ACTIONS

Reports from Athens say that anti-American feeling is rising rapidly there; that most acts by resistance groups now are directed against American presence.

Politicians and journalists in Greece are quoted as blaming the United States for continuing arrests and political repressions following the well-publicized Christmas release of some political prisoners. They blame the "gullibility of Tasca" and "the Pentagon's obsessive concern for using Greece as a base to counter the Soviet presence in Egypt and the Mediterranean."

Some of these critics argue that the Americans could use the Greek bases without giving the political support which they feel is going increasingly to the person of Premier Papadopoulos, rather than to the junta or revolutionary council as a whole.

In Washington, the State Department has repeatedly said that its view on the "trend toward a constitutional order" was not a determining reason for resuming full-scale military aid to Greece last September.

In a letter to a Greek newspaperman and resistance leader in Washington, Elias P. Demetracopoulos (who sent to President Nixon a letter of protest against the resumed shipment of heavy arms to Greece, signed by himself and 24 Greek publishers and journalists living outside Greece), a State Department spokesman said the decision "was based entirely on considerations which concern the security of the United States."

"COMPELLING CONSIDERATIONS"

In a letter to Sen. Frank E. Moss (D) of Utah, another department spokesman, referring to the department's statement that "a trend toward a constitutional order is established," said:

"That is our judgment. It was not, however, the reason given for the decision. . . . The announcement clearly identified compelling security considerations as the sole rationale for the resumption of full military aid shipments."

Meanwhile, Ambassador Tasca has come under criticism in Washington on another account. Members of the Senate who had sought a safe passage on humanitarian grounds for Mr. Demetracopoulos to visit his ailing father in Athens—which was not granted under circumstances that are under dispute between the senators and the White House—have criticized Mr. Tasca for his handling of the matter. There now may be a demand for a congressional investigation of the Demetracopoulos affair.

A State Department source in Washington made the following comment on the above material in this dispatch:

"Much of the information in the article is highly speculative and bears little resemblance to the facts as we know them."

POLITICAL UNDERTAKINGS

In addition to the understanding that Ambassador Tasca thought he had with Premier Papadopoulos, there are other specific political undertakings, in writing, which the Greek regime has broken.

One of these is a note from the late Greek Foreign Minister, Panayotis Pipinellis, to the Council of Europe, dated Aug. 25, 1969. This document was recently published in an official Greek Government white book. It stated that Articles 10, 111, and 112 of the junta's 1968 Constitution would be in force by September of 1970. These articles would provide protection against arbitrary trial and would suppress military courts except for cases involving actual security of the armed forces.

Article 10 of that Constitution, which was to have been strictly observed since April, 1970, provides protection against arrest without warrant. Such arrests, however, are continuing up to the present time.

Also 14 laws governing miscellaneous matters such as prohibition of mail censorship and the status of magistrates and associations were to have been implemented and in effect by December, 1970.

These promises were repeated by Mr. Pipinellis in a letter to Jean Rey, president of the European Economic Community. At the end of 1969, the Foreign Minister said the 14 laws would be published in the official gazette at the rate of three each month. The Undersecretary for Information repeated three months ago that all of these laws would be published and in force by the beginning of 1971.

News dispatches from Athens report that the law governing mail censorship, one of the 14 laws, was put into effect this week.

Another of these laws, on the right of public assembly, now in force.

There is no indication whether any other of the 14 laws has yet been implemented.

First of two articles. Next: Greek criticism of growing one-man rule by Premier Papadopoulos.

GREEK ONE-MAN RULE CRACKS JUNTA

(By Saville R. Davis)

WASHINGTON.—The assertion of one-man, personal leadership of the Greek Government by Prime Minister George Papadopoulos, in his year-end political statements, has intensified a division within the ruling military junta.

There now is an open debate in Athens between several right-wing newspapers expressing the viewpoints of the different factions.

The main issue is one-man rule vs. the so-called collective leadership originally espoused by the small group of colonels who seized power in a military coup nearly four years ago.

This information has reached Washington from Athens by many different channels since Dec. 19, when Mr. Papadopoulos first said that he alone, under the junta's partially applied "constitution," would decide when martial law in Greece was to be modified.

One well-informed source reports that "many Greeks, after watching the Papadopoulos Christmas and New Year speeches on television, have concluded that he is a highly intelligent but conspiratorial fanatic with strong egocentric tendencies; that he is now determined to exercise the type of personal rule that he earlier specifically rejected; and that collective leadership has now been thrown to the winds."

The issue has important implications for American foreign policy. The decision of the Nixon administration to resume heavy-weapons aid to the Greek Government, announced last September, was explicitly based on "considerations of national security"—the need to firm up the Mediterranean flank of the NATO alliance in Greece and Turkey in view of the incursion of Soviet naval and air strength into the Middle East and the Mediterranean.

But when the military-aid decision was announced, carrying the implication of American political support for the junta, the Nixon administration had been seeking to reassure both the public and some critical senators that this did not mean support for a repressive dictatorship.

An example of this reassurance is a statement by the Department of Defense read in a Senate speech last June by Sen. Strom Thurmond (R) of South Carolina:

"The Greek Government announced that in accordance with a specific timetable, to which it has thus far adhered, the institutional structure of a democracy prerequisite to elections will be in place by the end of this year [1970].

"This timetable is a public commitment on the part of the Greek Government. It seems to be a reasonable time element, i.e., the end of this year. A yardstick has now been established to measure the Greek regime's performance. . . ."

A State Department spokesman took a similar line.

The lifting of martial law has since been postponed to the indefinite future by the year-end statements of Mr. Papadopoulos.

Among the objections raised by various Greek groups—including, it is understood, disaffected members of the ruling junta—is what is described as repeated personal and political favoritism on the part of Mr. Papadopoulos for shipping magnate Aristotle Onassis.

This criticism is applied both to a $600 million contract between the government and Mr. Onassis, and to what are called "lavish expenditures" for mutual hospitality, for an expensive wardrobe for Mr. Papadopoulos' present wife Despina, and for the latter's social activities in the Onassis "jet set."

The Onassis part of the story is told as follows in a report available here, from normally dependable sources:

"Hard-line officers in the junta, led by military-police commander Dimitrios Iohannides, are indignant over Mr. Papadopoulos' favoritism toward Mr. Onassis in the matter of a contract signed last March for a $600 million investment in a new oil refinery, an aluminum plant, power stations, and petrochemical projects.

"This was signed by Assistant Minister of Coordination Emmanouil Fthenakis, who was appointed by Mr. Papadopoulos when his predecessor, John Rodinos-Orlandos, showed disinclination to favor Onassis over Stavros Niarchos and other competitors.

LEGAL MOVE MADE

"Later, when Mr. Onassis saw he was going to have difficulty getting a bank guarantee to cover the $600 million, he made a legal move which would have delayed the posting of a $7 million sum required by the contract on Dec. 12.

"He applied to the Greek Council of State, Greece's highest judicial institution, for cancellation of the contract, and sought a contract renewal to take account of the rise of the Mideast oil price since the contract was signed. He reportedly also made overtures to the Soviet Government, which is now increasingly involved in Mediterranean oil deals, for help in financing.

"At a Cabinet meeting last Nov. 10, Premier Papadopoulos demanded that the Greek Government find some way to arrange the $600 million bank guarantee for Mr. Onassis. Coordination Minister Nikolas Makarezos objected, pointing out that a commission of economists named by Mr. Papadopoulos himself had rejected the idea as unsound and dangerous. Mr. Makarezos said that Greece's entire foreign-currency reserves amounted to only a little over $400 million.

"Premier Papadopoulos replied, 'We must find a way somehow because the government must meet its promises to foreign investors.'

"Mr. Makarezos reminded the Premier that the junta's 'revolution,' as it is officially called, had come to power in order to clean up the country and give it a new economic deal. He said that Mr. Papadopoulos might be the head of the government but that he had no right to 'monopolize the revolution.'

"Later the matter was apparently adjusted. Mr. Fthenakis warned Mr. Onassis shortly before the December deadline that if he did not post the required $7 million, the contract would be given to others. Mr. Onassis thereupon posted the money."

A broadly confirming story about the difficulties over the contract has been published by the German newspaper Der Spiegel.

REPORT CONTINUES

The report on the question of "personal favoritism" continues:

"Meanwhile, during last summer the Premier and his wife Despina used a summer villa presented to Jacqueline Onassis by her husband. At that time Mrs. Papadopoulos made shopping trips to Paris and London during which she was entertained by friends and associates of Mr. Onassis.

"It also is reported that in the Premier's desire to make his wife Despina, formerly a hairdresser and wife of a policeman, socially acceptable in the Onassis jet set, he ordered some 40 outfits averaging $1,000 each from a leading Athenian dressmaker, whom Mr. Papadapoulos later rebuked for failing to live up to top standard.

"This added to the disaffection of dissenters in the junta who had formerly assumed that Mr. Papadopoulos believed his own slogans about austerity, cleaning up corruption, and simple Spartan living.

"It is rumored in Athens but not confirmed that Colonel Iohanides assailed the brother of the Premier and director of his office for accepting favors for whatever purpose from Mr. Onassis. It is likewise reported that Col. Michael Roufogalis, deputy director of the Greek Central Intelligence Agency, KYP, conducted a search of the files of the Papadopoulos office, presumably seeking documentary information of any dealings between people in Mr. Papadopoulos' office and Mr. Onassis."

VIEWPOINTS DISCUSSED

This report cannot be documented in full by independent sources. But it comes though competent channels, deals with matters which in fact are being discussed in Athens and therefore have political significance, and deals with the question of democracy vs. dictatorship in Greece which is a matter of importance to American foreign policy.

The divisions within the governing junta are reflected publicly in sometimes guarded, sometimes quite open discussion in newspaper expressing the various viewpoints.

The Athens newspaper Vradyni, on Jan. 4, reported at length on the move away from collective leadership in the government toward one-man rule. It listed a number of official documents and statements from the government on the constitutional question, then continued:

"From these announcements, it appears that the government has not kept its promises to the people, first with respect to applying all the institutional laws by January, 1971, second with respect to implementing Articles 111 and 112 of the Constitution [of September, 1968] which would have had as a direct consequence . . . the lifting of martial law. . . .

"Instead of this," Vradyni continued, "very suddenly was heard the Premier's speech of 19 December with respect to no [constitutional] change in 1971."

CONCLUSION OF ARTICLE

Vradyni concluded its article as follows: "We have proved without our own comments, and only from official documents and announcements, that the Premier had designated the '70–71 period for action toward constitutional evolution, which today he prohibits as premature."

This statement was explicitly answered on Jan. 5 in the Athens newspaper Acropolis by a former director general of the Papadopoulos press office, Byron Stamatopoulos. He wrote:

". . . Even the right of the Premier to decide . . . on the implementation of the Constitution in its entirety, even on the conduct of elections, on the regulation of the position of the King, belongs to the Premier as one of his constitutional rights. Those responsible along with him in the government of the land, who possibly may be in opposition to the occasional decisions of the Premier on basic issues, should either resign, if this is their attitude, or be dismissed, according to the circumstances."

Meanwhile, information received here from Athens confirms that at least five former ministers in earlier Greek governments have been called in by the police since full-scale American weapons aid was resumed last September, and have been given stern warnings of possible measures against them.

Letters from two of these indicate that when the American Embassy inquired into the subject, at the request of the State Department, it did not contact the men involved and apparently got its information from the Greek Government. The State Department then played the matter down by saying merely that there had been "contacts between officials of the Greek military police and a number of former politicians."

Most such political figures now are shadowed by the police.

AFL–CIO PRESIDENT GEORGE MEANY SPEAKS ON ENVIRONMENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. ZABLOCKI. Mr. Speaker, it was my pleasure yesterday to hear an address by AFL–CIO President George Meany at a luncheon reception of the National Coordinating Committee of the Beverage Industry. In his address Mr. Meany spoke of the problem of solid waste disposal and its effect not only on the beverage industry but also on our entire Nation.

The problem of disposing of our solid waste materials—bottles, cans, combustible and noncombustible trash—is one which looms as a major challenge to the preservation of our environment. As Mr. Meany pointed out, 30 billion nonreturnable glass bottles, 60 billion cans, 4.3 billion tons of solid waste and 250 million tons of waste from homes, commercial enterprises, and institutions cannot be easily put aside or overlooked. The dimension of this problem is so vast that its solution can only be reached by the sacrifice and the cooperative effort of industry, labor, Government, and the individual. And because the consequences of inaction are so dangerous to the environment—and thus to you and me—the initiative must start now.

Recycling, rechanneling, reuse, research, and experimentation are beginnings in the right direction. Stricter laws, and personal commitment to abide by them, are other essential steps on the road toward solution. Again, as Mr. Meany noted, "Littering is not only unsightly, it is illegal. And it should be treated as such."

Mr. Speaker, I feel Mr. Meany's address was enlightening and I therefore wish to share it with my colleagues in the House:

AFL–CIO PRESIDENT GEORGE MEANY SPEAKS ON ENVIRONMENT

It is a pleasure to meet here today with the National Coordinating Committee of the Beverage Industry.

You set a fine example for all of industry. Your efforts—both of labor and management—to work together to solve mutual problems is sound, constructive and for the benefit of all.

The coordinating committee recognizes that a collective bargaining relationship does not stop when a contract is signed. It is an expression of concern by labor and management—concern about the welfare of the industry and a commitment to do more than to insure its continued prosperity.

You are to be commended. This is the American way—pulling together to solve mutual problems.

And there are problems—problems which may affect the jobs of many workers and the welfare of your industry.

We in the trade union movement are very concerned about the problem of disposing of waste, trash, litter, or whatever you want to call it.

We are concerned because it affects the land in which we all live.

We are concerned because quick, easy solutions may not be solutions at all.

It is easy to point the finger . . . to call for banning returnable bottles. It is easy to point to a beer can cast thoughtlessly beside the road by a lawbreaker and say: "If we ban that can, there'll be no more litter."

It is easy, but not right.

It is not right, because that's a program for banning jobs, not eliminatiing litter.

We must not be deceived into confusing attention with action. The hard work lies ahead.

The dimensions of the problem are fantastic:

—4.3 billion tons of solid waste is produced in a year.

—250 million tons from homes, commercial enterprises and institutions.

—30 billion glass bottles and 60 billion cans, many of which are of the nonreturnable variety.

What do we do with all this?

We in labor answer: Why not use it to the best advantage of society.

That is one of the reasons Congress passed the Resource Recovery Act of 1970. The Department of Health, Education and Welfare is authorized to spend more than $440 million to study new ways of using what formerly has been thrown away.

This is a positive step. It is vital that all authorized funds be appropriated and put to good use.

Several approaches hold promise.

Recycling glass bottles and cans to other uses is a new and growing field. Bottles can be crushed and made into paving materials. Cans may be melted down and reused, thus conserving vital natural resources.

Some experiments are underway using compacted refuse as a source of electrical power. Burning refuse in this manner contributes little to air pollution since low amounts of sulfur dioxide are produced.

But these are largely experimental ideas. More research must be undertaken.

Bottles and cans are only a small part of the entire waste problem.

But the beverage industry is not ducking the questions by denying that a problem exists. It is working to help find solutions.

Collection of reusable items and delivery to recycling plants are problems that must be faced. We cannot always rely on civic-minded groups to collect nonreturnable bottles and cans. And the cost of delivering the bottles and cans must not make reuse impractical.

While necessary research is being undertaken, there is one thing we must do. Strict laws, enforced to the highest degree possible, do have an effect on litter. They stop it.

Littering is not only unsightly, it is illegal. And it should be treated as such.

For everyone in America, it will require a willingness to pay the price of extra care not to defile the countryside. It will also require tax dollars to correct present pollution. These tax dollars will, in the long run, pay a handsome return if the squandering of natural resources is truly stopped.

America must be committed to solving the entire problem of waste disposal.

As part of labor's commitment, I have established a special committee of international union presidents to present their recommendations on this problem to the AFL-CIO Executive Council meeting next month.

In addition, we will continue all our little efforts—such as the Union Label Department's program to distribute litter bags. Keeping litter in cars and off highways seems like a small effort. But small efforts, individual actions, labor and management cooperation, expanded government enforcement—the sum of all these will mark the success of our efforts to preserve the environment.

And I don't think there is anything more important to this nation than preserving the environment.

THE TAB FOR CONSULATE PROTECTION AND LOSS IN REVENUE SHOULD BE BORNE BY THE FEDERAL GOVERNMENT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. KOCH. Mr. Speaker, on January 16 the Secret Service sent an estimated 75 to 100 members of its Executive Protection Service to New York City to provide foreign missions and consulates with police protection during the wildcat strike of the city's policemen.

Today, I am reintroducing my bill to give the Executive Protection Service permanent responsibility for guarding foreign missions throughout the country, thus relieving local police of this duty. The Executive Protection Service was established last year as an adjunct to the White House Secret Service to protect foreign missions in the District of Columbia.

New York City has been particularly hard hit by the demands on its police department for the protection of foreign missions. The drain on the city is felt both in the police manpower not available to patrol the streets and in the nearly $2 million a year the city pays for this guard service. Crime in the 19th Precinct, where most of the consulates are located, has spiraled so that the area is now first in Manhattan in auto theft and second in burglary. Stores keep their doors locked and many businesses and residents have had to hire their own private security guards.

Mr. Speaker, I am also reintroducing my bill providing for Federal reimbursement to cities for the real estate revenues lost because of the United Nations and consulates' tax exempt status and for expenses incurred in providing special police protection for visiting foreign dignitaries. New York alone loses about $5 million a year in real estate tax revenue, while spending an estimated $2 million to $3 million in protecting visiting officials.

New York City is not the only city that will receive relief from both of these bills. They also will assist other major metropolitan areas such as Boston, Chicago, Baltimore, Philadelphia, Detroit, Los Angeles, San Franciso, St. Louis, Richmond, New Orleans, Denver, and Kansas City. Each of these cities has a number of consulates located within it.

Mr. Speaker, is it simply not fair that we place this burden of revenue loss and the protection of foreign missions on the cities which already are facing enormous financial crises? The United Nations and foreign consulates do not serve just the particular city they are located in, but the entire country. It is only appropriate that the Federal Government provide the consulates with the guard service they require and absorb the full loss of the tax revenues and the cost of special police protection.

I hope that my bills will receive the favorable consideration of the Congress.

ACCURACY IN MEDIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, may I call the attention of my colleagues to an organization in my congressional district, known as "Accuracy in Media" which is performing a needed service for the American viewing public in pointing out inaccuracies in many documentary television programs being presented by major networks today. As I am particularly impressed with this organization's charges of inaccuracy with regard to a CBS television program on Cuba aired on September 25, 1970, and agree with their contention that CBS in responding to their charges failed to answer satisfactorily nine of their 10 original criticisms, I insert the text of AIM's memorandum of January 4, 1971, where the original charges are listed, the CBS responses are likewise listed, and the AIM final conclusions are reached:

ACCURACY IN MEDIA

JANUARY 4, 1971.

To: Congressman JOEL T. BROYHILL.
From: Benjamin Ginzburg, Executive Secretary.
Subject: AIM charge of inaccuracies in CBS Television program on Cuba of September 29, 1970.

On October 25, 1970, AIM wrote to Mr. Richard S. Salant, President of CBS News, calling his attention to what we believed were ten serious inaccuracies in a CBS program on Castro's Cuba that was broadcast on September 29, 1970. The statements AIM criticized are listed and discussed below.

1. CBS: "Here's what we found: The Cuban poor man doesn't want to leave. For Cuba's poor, things are a good deal better than they used to be."

AIM cited the cases of specific refugees from the lower economic classes in Cuba who had risked their lives to get out of the country. Statements made by these refugees were cited as evidence that living conditions for these people had seriously deteriorated. For example, a negro bricklayer who was one of a group of 150 working-class people who attempted a dramatic escape to the Guantanamo Base on January 1, 1969, was quoted in the New York Times as saying: "Not only is there not enough to eat, but they make you spend extra hours in the fields after a 54-hour work week."

2. CBS: "The peasant in Cuba is better off than the peasant in most Latin American countries. No one is in rags. No one starves. The children go to school, and a little thing like an electric light bulb, free electric light bulb, free electricity, has made the Cuban peasant a warm supporter of Fidel."

AIM cited the testimony of Rene Dumont, a French agricultural expert who has made several trips to Cuba to advise Castro on agricultural matters, to show that this statement is dubious. In his recent book, "Cuba: Est-Il Socialiste?," Dumont states that in Cuba today one sees children dressed in odds and ends of old sacks and "young girls are ashamed of their rags." He points out that food is very scarce, that rations are meager and the ration tickets are often not honored. He points out that farm workers are moved about constantly, live in barracks and "cannot organize any kind of family life." Farm work, he says, is "too little esteemed and too badly paid." AIM also pointed out that in pre-Castro Havana, the average family spent about 46.5 per cent of its income on food and drink, but that evidence suggests that Cuban families today must devote a far higher percentage of their income to the basic necessity of food. Rice, for example, cost $2 a lb. on the blackmarket in 1968. Paul Bethel, an expert on Cuba, states that the farmers in Cuba now provide the core of the anti-Castro rebels.

3. CBS: "It is for this man, (the poor), his family and millions like them, black and white, that the Cuban revolution was undertaken. Under Batista they were either exploited or ignored. Under Fidel Castro, they are convinced their government cares about them."

AIM pointed out that Castro had based his criticism of Batista on political, not economic grounds, saying that economic goals should not prevail at the expense of political goals. "Otherwise," he said, before he came to power, "we should be satisfied with Batista." Castro's emphasis was on the restoration of civil liberties, but actually he has taken away even more of these liberties than did Batista. AIM said that it was an absurdity to suggest that you could greatly reduce overall economic productivity, as has been done in Cuba under Castro, and at the same time raise the standard of living of the mass of the population.

4. CBS: "Nurses make regular rounds of the Bohios of the rural Cubans who had virtually no medical care at all before Castro."

AIM pointed out that every Cuban was entitled to free medical care at the 69 state hospitals that dotted the island before Castro. There were also 168 private cooperative clinics that provided a wide range of medical services for a modest monthly fee. As a result, Cuba had the lowest infant mortality rate in Latin America in 1958. It had one of the highest ratios of doctors to population.

AIM cited letters from Cuba that complained of the deterioration in the quality of medical care because of the inexperience of the doctors and the shortage of medicine and adequate nutrition. There has been a heavy exodus of doctors from Castro's Cuba, and AIM asked about the impact that this had had on the quality of medical care.

5. CBS: "Castro hopes to create a complete moneyless society, and everyone would get not just the necessities of life, but the extras too."

AIM agreed that Castro might have such hopes, but he himself has had to admit that the Cuban economy is in a terrible mess. It would appear that little progress has been made toward the society in which everyone gets the necessities and the extras without money.

6. CBS: "Many Cubans have a new sense of pride, of identity with their country's revolutionary effort. These are volunteers harvesting coffee on a summer weekend, after the sugar harvest was over. Their only reward, volunteer work certificates."

AIM quoted Rene Dumont as follows: "Today, in their majority, the Cuban people are no longer convinced, as they were in 1959 and 1960. They are disenchanted, and they have many reasons for being so. In October 1969, for the first time Fidel was booed in a working-class neighborhood." It also quoted John Clytus, an American negro who had spent some time in Cuba as a defector, on the subject of the compulsion involved in the so-called "voluntary" labor. Clytus said that those who did not volunteer would be looked upon as unfriendly to the revolution and might lose their jobs.

7. CBS: "There is a quiet equality of the races now in Cuba. They told us that in their country, black is not beautiful, it's just not a matter of concern any more."

AIM quoted Erneido Oliva, an Afro-Cuban who was one of the first men appointed to a high government post by Fidel Castro, as follows: "Even under Dictator Batista, whom we rejoiced to see go, Negroes were judges, senators and high officials. In Cuba today, there is only one black man in an important office—Juan Almeida. Almeida is Deputy Commander-in-Chief of the Cuban Army, but he is right under Fidel's brother, Raul, and is nothing but Castro's black showpiece. He has never had and never will have any real power at all. No other black man has or ever will have under Castro." John Clytus found the climate in Cuba racially oppressive, and another American negro who defected to Cuba for five years, William Nelson, returned in 1968 saying that he would rather live in an American jail than remain in Cuba.

8. CBS: "But schools are free; every child must go."

AIM pointed out that on January 5, 1969, Castro had admitted that 400,000 school-age children were not attending school. He also noted that out of 1.4 million elementary school students, 621,000 failed to pass to the next grade, and more than half of the secondary school students failed to pass.

9. CBS: "The Cuban revolution has not failed."

AIM pointed out that Castro had promised to give the Cubans liberty, but he had made the island into a prison. Castro himself admits to his massive economic failures. Rene Dumont says that so far success can be measured in the satisfaction of the appetite for power of Castro and his henchmen.

10. CBS: "(Children) get what their elders cannot, unrationed clothing, milk, eggs and meat."

AIM pointed out that it was false to say that these items were not rationed for children. The ration for some articles, such as milk, is slightly larger for children than for adults.

CBS REPLIES TO AIM

Mr. Richard S. Salant replied to the AIM criticisms of the Cuba program in a letter dated December 15, 1970. Mr. Salant said: "I find nothing to alter my opinion that the broadcast was accurate in all essential respects." The following is a summary of his reply to our specific criticisms.

1. "There is no doubt that some poor have left Cuba. This does not dispute what we determined from our trip—that the Cuban poor man, in a generic sense, doesn't want to leave. The State Department reports that the smallest percentage of refugees—less than two percent—are categorized as farmers or fishermen." Mr. Salant quotes from Congressional testimony on the occupational breakdown of the Cuban refugees by Mr. Howard H. Palmatier, Director of the Cuban Refugee Program of HEW (who he incorrectly identifies as Deputy Assistant Secretary of State for Inter-American Affairs). Mr. Salant did not comment on statements of refugees cited by AIM attesting to the sharp decline in real income, the shortages of food and the forced unpaid work, which, together with the deprivation of freedom made poor people willing to recklessly risk their lives to flee from Cuba. Nor did he comment on the testimony of Rene Dumont about the shortage of food and the growing unpopularity of Castro among the working people. He stated that the CBS News team had spent more than a month in Cuba, talking to all kinds of people, but he did not cite or quote any interviews that would support the contention that the team was able to divine the fact that the poor man, in the generic sense, was contented and did not want to leave.

2. Mr. Salant does not comment on Rene Dumont's statements about the serious shortage of food in Cuba and the inadequacy of clothing. Nor does he comment on the evidence that the percentage of family income that has to be spent on food is sharply up. He has nothing to say about the significance of rice being priced in the black-market at $2 per lb.

3. Mr. Salant says: "We did not report that Castro justified his revolution on economic grounds. We did say . . . the Cuban Revolution was undertaken by Castro on behalf of Cuba's 'small' man. However, Castro did say on October 10, 1958: "The problems concerning land, the problem of industrialization, the problem of education, the problem of the health of the people: these are the six problems we would take immediate steps to resolve, together with the restoration of public liberties and political democracy." (Source not indicated.)

4. While CBS had originally suggested that rural Cubans "had virtually no medical care at all before Castro," Mr. Salant does not provide any documentation to support this assertion. He does quote from *Twentieth Century Cuba* by Wyatt Macgaffey and Clifford R. Barnett which states that "educational and welfare services and the general health of the population during the first half of the century compared favorably with those of other Caribbean countries" but that the statistical averages were deceptive because urban and rural conditions "differed considerably and a still wider gap was apparent between the standards applying to the upper and lower classes."

AIM had pointed out that Cuba had the lowest infant mortality rate in Latin America before Castro and that the rate had risen under Castro. CBS did not comment on this. Nor did it comment on the sharp increase in the incidence of gastroenteritis, which we had cited. This is an indicator of deterioration in public health measures. Nor did CBS comment on complaints from Cubans of deterioration in the quality of medical care and the scarcity of medicines. CBS did quote from an article in the Congressional Quarterly which cited reported increases in hospitals, hospital beds, clinics and dispensaries. It also cited declines in the incidence of malaria from 1962 and 1966 and a decline in mortality from gastritis and related diseases in the same period.

5. In response to AIM's criticism of the statement that Castro hopes to create a moneyless society where everyone will get an ample supply of both necessities and luxuries, CBS quoted Rene Dumont to the effect that money was becoming less important because housing, water, schooling and health services are free. CBS also cited the Congressional Quarterly as saying that Cubans now received free meals on the job, a "banquet" for wedding guests, local telephone service, day nursery care, tickets to sporting events and a funeral free.

6. CBS did not comment on the evidence cited by AIM to indicate that the "voluntary" labor that had been given as evidence of Cuban enthusiasm for the revolution was inspired more by fear of retribution for not volunteering than by enthusiasm. Similarly, Dumont's statement that the Cubans are now disenchanted with Castro and with good reason was ignored. CBS cited only a single statement from a book by Oscar Lewis published in 1968, in which he describes the new spirit noted in a Cuban slum that he visited "after the Castro revolution." This clearly does not describe the mood of the Cuban people in 1969, the year of Dumont's last visit.

7. On the issue of racial discrimination, CBS does not try to defend its statement that there is equality of races in Castro's Cuba and that race is not a matter of concern any more. Rather, it quotes from *Twentieth Century Cuba* to show that there was attitudinal discrimination against negroes in pre-Castro Cuba.

8. CBS does not comment on the Castro admission that 400,000 school-age children do not go to school, a fact cited by AIM to refute the CBS statement that every Cuban child must go to school. Nor did CBS comment on the significance of the high rate of failure in the schools. Instead, CBS cited statistics from articles published in the *Saturday Review* which showed dramatic increases in the number of students and teachers at all levels of education under the Castro regime. No comment was made on the quality of the education being provided.

9. CBS makes no comment on AIM's criticism of the statement that the Cuban Revolution has not failed.

10. CBS points out that AIM did not quote in full the statement on children receiving unrationed food and clothing. The full statement is "Day care or fulltime child care centers take charge while their mothers work and they get what their elders cannot, unrationed clothing, milk, eggs and meat. They also receive large doses of political indoctrination." CBS does not explain this statement, but we infer that what was meant was that children at day-care centers are fed these foods without deductions being made from their rations. However, the statement remains misleading, since meals served to adults at their places of work are also outside the ration system. This would not seem to be a significant difference between the treatment of children and adults.

Mr. Salant, in, concluding his letter to AIM, noted that both the Council of the Americas and the Department of State had commended the CBS report on Cuba as "balanced and accurate."

AIM'S COMMENTS AND CONCLUSIONS

1. AIM does not believe that CBS has succeeded in substantiating the statement that the Cuban poor man does not want to leave and that for Cuba's poor things are a great deal better than they used to be.

Ultimately the test of whether or not anyone wants to leave Cuba is to permit those who want to leave to do so freely. Given the very strong barriers that Castro has erected to make exit difficult, the presumption is that a great many people who want to leave Cuba are being prevented from doing so. It is highly presumptuous of CBS or anyone else to predict how the Cuban people would behave if all barriers to exist were eliminated. No one can take a public opinion poll in Cuba today to make this determination. A CBS news team visiting Cuba for one month could hardly be expected to arrive at any valid estimate, if for no other reason than that Cubans still under Castro's heel would hardly be likely to speak freely to CBS newsmen. Those who know the temper of the people and who are most likely to speak frankly on this subject are those Cubans who have managed to get out in recent years. They, of course, are the disaffected, but their explanations of the causes of their disaffection deserve to be heard and weighed. If food shortages, forced labor and the denial of freedom have made life in Cuba intolerable for them, one may presume that many others like them share their disconent. The fact that the others cannot escape does not prove that they are not discontented. There is no evidence that CBS has collected or evaluated the testimony of poor refugees from Cuba in arriving at its judgment that the poor man, in a generic sense, does not want to leave.

CBS is, of course, aware of this evidence. In addition to the cases cited by AIM in its letter to Mr. Salant, we know that CBS examined the Hearings on Cuba and the Caribbean before the Sub-committee on Inter-American Affairs of the House Committee on Foriegn Affairs, released August 20, 1970. CBS cited testimony from these hearings in its reply to AIM. Included in these hearings was testimony by Manolo Reyes, Director of Latin American news at Station WTVJ in Miami. Congressman Fascell asked Mr. Reyes if he believed the Cuban people were better off or happier under Castro. His reply was: "Never. They are worse than ever." I interviewed one farmer recently, and I asked him, a farmer from inside the island, if the Cuban people were with the Castro regime. . . . He said: "Mr. Reyes, if they put a bridge between Havana and Key West, Cuba would be empty. Don't put the bridge, just the water to our neck and we will come to the United States walking."

The use CBS makes of the HEW statistics on the occupational background of the Cuban refugees is completely unjustified. CBS would have us believe that because less than 2 per cent of the refugees who have come via the airlift are farmers and fishermen this is proof that poor people do not want to leave Cuba. There are three important points to make with respect to these figures.

1. CBS is wrong in implying that Cuban poor are limited to farmers and fishermen. Other low income groups included in the HEW occupational breakdown are service occupations, semi-skilled and unskilled labor and clerical and sales personnel.

2. The occupational table of HEW includes a category, "Children, students and housewives," which accounts for 64 per cent of the refugees. This means that if a poor fisherman escapes with his wife and five children, the HEW table will show this as one fisherman and 5 children, students and housewives. If we want to get a proper idea of the economic status of the refugees, we must assume that the wives and children are not a separate economic category. In the absence of a breakdown of their economic status, the best we can do is distribute them proportionally among the occupational categories in the HEW table. When we do this, we find that the percentage distribution of refugees by occupational grouping during the first 11 months of 1970 was as follows:

	Per cent
Professional, semi-professional and managerial	12.2
Clerical and sales	30.2
Skilled workers	25.4
Semi-skilled and unskilled workers	15.8
Service occupations	9.5
Farm-fishing	6.9

In 1970, about one-third of the refugees have been in the farm-fishing, service occupations and semi-skilled and unskilled worker categories. No doubt a high percentage of the clerical and sales personnel and even the skilled workers are in the low income categories. No doubt a high percentage of the clercial and sales personnel and even the skilled workers are in the low income category. It would not be unreasonable to say that two-thirds of the refugees in 1970 were from low income groups.

3. The airlift refugees are for the most part those who registered to leave Cuba between December 1965 and May 1966. No one has been able to get on the list since Castro shut off registration. Those who did not make up their minds in the brief period that the books were open and who have since found life intolerable in Cuba have had to find other more dangerous means of escape. Moreover, registration involved terrible hardship and it was not open to all. Because of this, the distribution of the registrants is unlikely to be an accurate indicator of what Cubans would choose to flee the island if all barriers to exit were now removed.

AIM concludes that the statistical evidence, imperfect as it is, clearly shows that a high percentage of refugees from Cuba are low income families, demonstrating that CBS has not accurately interpreted the attitude of the poor man toward the Castro regime.

2. The silence on AIM's criticism No. 2 is interpreted as meaning that CBS is unable to substantiate its claim that the peasant in Cuba is better off than his counterpart in most Latin American countries and that no one is in rags.

3. AIM does not believe that CBS has substantiated its statement that Castro's revolution was originally presented as a class matter. Castro was supported by all economic classes at the beginning, and his main appeal was based on the claims that he would re-establish constitutional government and complete civil liberty, which he has, of course, not done.

4. CBS does not try to defend the statement that there was virtually no medical care for rural citizens of Cuba before Castro.

5. In response to the AIM criticism of the statement that Cuba is heading for a moneyless economy in abundance, CBS has shown that a number of services are now provided free in Cuba, indicating progress toward a reduction in the role of money. AIM's criticism, however, was aimed mainly at the notion that Cuba is making progress toward providing the kind of material abundance for all that monetary accounting will be unnecessary. CBS does not try to show that material abundance is increasing in the face of Castro's own admissions that they have suffered monumental economic failures.

6. AIM does not consider that the observations of Oscar Lewis on an early visit to Castro's Cuba constitute any answer to the observations of Rene Dumont in 1969 that Cubans were disenchanted with Castro and his revolution. Dumont's observations confirm the testimony of many recent refugees from Cuba, as well as statements by returning American defectors such as John Clytus.

7. CBS does not try to dispute the testimony of Erneido Oliva, John Clytus and other blacks that racial discrimination exists in Castro's Cuba. It apparently would not defend the statement that race is not a matter of concern anymore in Cuba.

8. CBS does not defend the earlier statement that every child must attend school in the face of Castro's admission that some 400,000 do not attend. CBS cites figures on the dramatic increase in the quantity of education, but it does not discuss the question of quality, even though it cites in another connection an article in U.S. News and World Report of Sept. 21, 1970, which points out that the quality of education has dropped, with many teachers as young as 15 or 16.

9. CBS does not defend its statement that the Cuban Revolution has not failed. Since it has patently failed to restore freedom to the Cuban people, as Castro promised, this would seem to be a major failure. Now that Castro has admitted economic failure as well, the CBS judgment of non-failure seems clearly wrong.

10. AIM concedes that the statement on unrationed food for children at day-care centers is correct if it is understood to mean that the food is provided at the center and not that children in general are exempt from ration restrictions.

IN CONCLUSION, AIM believes that nine of the ten original criticisms of inaccuracy in the CBS report on Cuba of September 29, 1970 are valid and have not been satisfactorily answered by CBS. We cannot accept Mr. Salant's judgment that the broadcast was accurate in all essential respects. We believe that CBS has an obligation to its viewers to present a program on Cuba that corrects the misleading impression created by the serious inaccuracies in the earlier broadcast.

BIRTHDAY OF GEN. STONEWALL JACKSON

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. MOLLOHAN. Mr. Speaker, 147 years ago today, General Stonewall Jackson was born at Clarksburg in what is now the State of West Virginia.

In remembering the birthday of Thomas Jonathan Jackson, we celebrate one of the great chapters of heroism in American life and history. The legend and the reality of Stonewall Jackson have become a part of the heritage shared by all our people and a source of continuing inspiration in these troubled times.

Of him, a distinguished historian has written "The most striking figure of the Civil War on the Southern side—whose career—has the fascination of the character of romance." That fascination is as alive today as ever, as witness the continuing appearance of books, of tribute, and of studies concerned with various aspects of his public and private life. Elected to the Hall of Fame in 1955, two of his sayings adorn his bust in bronze, sayings which epitomize his dauntless spirit: "You may be whatever you resolve to be," and "Never take counsel of your fears."

One may doubt if in all history there can be found a more impressive and moving death than Jackson's, thoroughly in keeping with the classical spirit which he seemed to embody: his dying words are enshrined in the folklore of this country: "Let us cross over the river, and rest under the shade of the trees," words placed on the beautiful Jackson Memorial window in Washington's National Cathedral. In death as in life he manifested that profound religious faith which represents his most enduring legacy to our day, even as it reveals the secret source of his strength and purpose. He has sustained in all things by a deep sense of the presence of God in human affairs.

Significantly, one of the finest and most perceptive appreciations of Stonewall Jackson comes to us from Robert E. Lee, who wrote, "He is true, honest, and brave; has a single eye to the good of the service, and spares no exertion to accomplish his object." An eminent British historian has written discerningly of Jackson's stature:

> Nor has that story a message for America alone. The hero who lies buried at Lexington, in the Valley of Virginia, belongs to a race that is not confined to a single continent; and to those who speak the same tongue, and in whose veins the same blood flows, his words come home like an echo of all that is noblest in this history: What is life without honor? Degradation is worse than death. We must think of the living and of those who are to come after us, and see that by God's blessing we transmit to them the freedom we have ourselves inherited.

Another authority, appraising Jackson as a commander—his brilliant strategy, his bold tactics, his personal bravery, speaks of "his rock-life confidence—which impelled—him to convert and discipline his men in a manner other than military, and thus to create a noble fighting corps led by a southern Cromwell. Yet Jackson was more than a Cromwell. It would be fairer to call him an American Napoleon." Certainly such masterly use of cavalry had not been seen since the days of Napoleon—and yet the comparison is misleading. For, unlike Napoleon, Jackson was moved by a faith which, then as now, set him apart—a faith in God and in the authority of conscience, the voice of God in the soul. It is this which speaks most powerfully to us today over a century after his death at Chancellorsville in 1863. In his own words, we, too, "must see that by God's blessing we transmit" to the living and to the generations yet unborn "the freedom we ourselves have inherited."

POLAROID—SOUTH AFRICA AND EMPLOYEE RELATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. RARICK. Mr. Speaker, apparently the Polaroid Corp., in its efforts to achieve good employee relations, has now embarked as a full participant in the international revolutionary movement.

In December of 1970, the Polaroid Corp., was blackmailed into a $20,000 contribution supposedly earmarked for Boston's United Black Appeal for assistance to low-income and unemployed blacks. The $20,000 booty did not reach the poor blacks, but rather ended up in Cairo, Ill., subsidizing a group of black revolutionaries and to South Africa, bankrolling an aggressive militant black front warring against the responsible governments in that area.

The diversion of funds by the United Front was purportedly in support of a small group of Polaroid employees demanding that Polaroid cease its trade with South Africa—which most assuredly any corporation has the right to do at any time.

However, following the December incident, the Polaroid people while not cutting off trade, ran full-page ads attacking the Government of South Africa, the South African people, and their way of life. It was further announced that they would use the small income from their operation in that nation to bring about internal changes which are blatantly in violation of the law of that nation. This the Polaroid people announced as an experimental program.

I have written to the president of the Polaroid Corp., but I have received no answer. Is the U.S. State Department now using private industry to condition the American people to accept unpalatable foreign policy?

The announced program by Polaroid not only serves to smooth its employee relations, it serves the double purpose of achieving the aforementioned foreign policy objectives.

Polaroid is getting a distorted picture —its camera must be out of focus.

I include several newspaper clippings and a copy of my letter to Polaroid in the RECORD:

[From the Evening Star, December 1970]

POLAROID SHOCKED

CAMBRIDGE, MASS.—Polaroid Corp. expressed shock that its $20,000 contribution to Boston's United Black Appeal had been divided between a black group in Cairo, Ill., and organizations working for black liberation in South Africa, instead of for blacks in Boston.

The United Front Foundation, which disburses the funds, announced last Thursday it had decided not to give the money to any organizations in Boston's black community, for whom the appeal was organized this fall.

The United Front said the decision was based on a vote at a general community meeting and was intended to demonstrate support for demands by a group of Polaroid employees that the firm cease all trade with South Africa.

[From The Washington Post, Jan. 13, 1971]

AN EXPERIMENT IN SOUTH AFRICA

Polaroid sells its products in South Africa as do several hundred other American companies. Our sales there are small, less than one half of one percent of our worldwide business.

Recently a group has begun to demand that American business stop selling in South Africa. They say that by its presence it is supporting the government of the country and its policies of racial separation and subjugation of the Blacks. Polaroid, in spite of its small stake in the country, has received the first attention of this group.

We did not respond to their demands. But we did react to the question. We asked ourselves, "Is it right or wrong to do business in South Africa?" We have been studying the question for about ten weeks.

The committee of Polaroid employees who undertook this study included fourteen members—both black and white—from all over the company. The first conclusion was arrived at quickly and unanimously. We abhor *apartheid*, the national policy of South Africa.

The *apartheid* laws separate the races and restrict the rights, the opportunities and the movement of non-white Africans. This policy is contrary to the principles on which Polaroid was built and run. We believe in individuals. Not in "labor units" as Blacks are sometimes referred to in South Africa. We decided whatever our course should be it should oppose the course of *apartheid*.

The committee talked to more than fifty prominent South Africans both black and white, as well as many South African experts. They heard from officials in Washington. They read books, papers, testimony, documents, opinion, interpretation, statistics. They heard tapes and saw films.

They addressed themselves to a single question. What should Polaroid do in South Africa? Should we register our disapproval of *apartheid* by cutting off all contact with the country? Should we try to influence the system from within? We rejected the suggestion that we ignore the whole question and maintain the status quo.

Some of the black members of the study group expressed themselves strongly at the outset. They did not want to impose on the black people of another country a course of action merely because *we* might feel it was correct. They felt this paternalistic attitude had prevailed too often in America when things are done "for" black people without consulting black people.

It was decided to send four of the committee members to South Africa. Since this group was to include two black and two white members, it was widely assumed they would not be granted visas. They were.

It was assumed if they ever got to South Africa they would be given a government tour. They were not.

It was assumed they would not be allowed to see the actual conditions under which many Blacks live and would be prevented from talking to any of them in private. They did see those conditions in Soweto and elsewhere. And with or without permission they met and talked to and listened to more than a hundred black people of South Africa. Factory workers, office workers, domestic servants, teachers, political leaders, people in many walks of life. They also talked to a broad spectrum of whites including members of all the major parties.

Their prime purpose in going to South Africa was to ask Africans what they thought American business should do in their country. We decided that answer that is best for the black people of South Africa would be the best answer for us.

Can you learn about a country in ten days? No. Nor in ten weeks. But our group learned one thing. What we had read and heard about *apartheid* was not exaggerated. It is every bit as repugnant as we had been led to believe.

The group returned with a unanimous recommendation.

In response to this recommendation and to the reports of the larger study committee, Polaroid will undertake an experimental program in relation to its business activities in South Africa.

For the time being we will continue our business relationships there (except for sales to the South African government, which our distributor is discontinuing), but on a new basis which Blacks there with whom we talked see as supportive to their hopes and plans for the future. In a year we will look closely to see if our experiment has had any effects.

First, we will take a number of steps with our distributor, as well as his suppliers, to improve dramatically the salaries and other benefits of their non-white employees. We have had indications that these companies will be willing to cooperate in this plan.

Our business associates in South Africa will also be obliged (as a condition of maintaining their relationship with Polaroid) to initiate a well-defined program to train non-white employees for important jobs within their companies.

We believe education for the Blacks, in combination with the opportunities now being afforded by the expanding economy, is a key to change in South Africa. We will commit a portion of our profits earned there to encourage black education. One avenue will be to provide funds for the permanent staff and office of the black-run Association for Education and Cultural Advancement (ASECA). A second method will be to make a gift to a foundation to underwrite educational expenses for about 500 black students at various levels of study from elementary school through university. Grants to assist teachers will also be made from this gift. In addition we will support two exchange fellowships for Blacks under the U.S.-South African Leader Exchange Program.

Polaroid has no investments in South Africa and we do not intend to change this policy at present. We are, however, investigating the possibilities of creating a black-managed company in one or more of the free black African nations.

Why have we undertaken this program? To satisfy a revolutionary group? No. They will find it far from satisfactory. They feel we should close the door on South Africa, not to try to push it further open.

What can we hope to accomplish there without a factory, without a company of our own, without the economic leverage of large sales? Aren't we wasting time and money trying to have an effect on a massive problem 10,000 miles from home? The answer, our answer, is that since we are doing business in South Africa and since we have looked closely at that troubled country, we feel we can continue only by opposing the *apartheid* system. Black people there have advised us to do this by providing an opportunity for increased use of black talent, increased recognition of black dignity. Polaroid is a small economic force in South Africa, but we are well known and, because of our committee's visit there, highly visible. We hope other American companies will join us in this program. Even a small beginning of cooperative effort among American businesses can have a large effect in South Africa.

How can we presume to concern ourselves with the problems of another country? Whatever the practices elsewhere, South Africa alone articulates a policy exactly contrary to everything we feel our company stands for. We cannot participate passively in such a political system. Nor can we ignore it. That is why we have undertaken this experimental program.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 13, 1971.

MR. EDWIN H. LAND,
President, Polaroid Corp.,
Cambridge, Mass.

DEAR MR. LAND: Having shared your newspaper advertisement from today's *Washington Post*, "An Experiment in South Africa," with my morning coffee, I felt that I should drop you a line to express my disgust, or rather sympathy, at your naivete.

South Africa is a long way from Cambridge, Massachusetts, and from the United States. So it must be easy to make peace with your blackmailers by joining in their guerrilla warfare against another peaceful ally of the free world.

If it is to now be the policy of the Polaroid Corporation to embarrass the American people further in our international relations for your self-serving employee relations, when are you going to run ads expressing your company's abhorrence for the national policies and customs of other nations?

Is Polaroid going to employ some Arabs to investigate apartheid in Israel so you can denounce that country?

What about India with its caste system, where the untouchables are not to be seen in public even in the street by the higher caste. Of course, under your researchers' type racist examination, you must hire the lower caste to help formulate your policies.

Then we have the many African nations such as Liberia, Congo, Ethiopia, which still practice slavery. Most certainly you will want to alienate these nations as well as Zambia, which persecutes Jehovahs Witnesses, Indians, and all Moslems.

Finally, I notice nothing in your public relations propaganda which indicated that your company is cutting camera trade with Russia or its Communist satellites, which practice apartheid not only against the Zionist Jew, but other religious and ethnic minorities as well.

If you think life is so bad in South Africa, why is it that there are no lines of refugees or escapees fleeing that country? On the other hand, people fleeing from Communist countries at the risk of losing their lives and all of their belongings is a daily occurrence. I dare suggest, that for a successful industrial organization, you people have been taken.

Yes, South Africa is a far piece from the United States, and as your article confesses, you have little if any business there anyway so what do you have to lose in South Africa? Perhaps you are unaware that there are many Americans who are sick and tired of the Black Panthers and these revolutionaries being pampered and bank rolled by organizations such as yours.

It has hardly been a month since your $20,000 contribution to Boston's black appeal was sent to Cairo, Illinois to help destroy race relations in that community—the remainder was sent to Communist affiliated revolutionary troops in Africa, dedicated to kill white people and overthrow responsible governments.

I think that you will find that the people of South Africa have far more friends in the U.S. than your colored advisors have led you to believe. As for me, neither myself nor any member of my family will ever consider buying a Polaroid product, or using same. Until the day when South Africa manufactures her own camera, I will confine my photography to the Zeiss of Germany, and Yashica. These companies are still interested in increasing sales and friendships—not alienating them.

Sincerely,

JOHN R. RARICK,
Member of Congress.

P.S.—Incidentally, I am writing the Internal Revenue Service to inquire for an opinion as to whether corporations which are forbidden by law from making political donations can write off full page newspaper advertisements such as this as operating expenses.

REFORMING THE FEDERAL STUDENT LOAN PROGRAM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PRICE of Texas. Mr. Speaker, it is with great pleasure that I join with the distinguished gentleman from Illinois (Mr. ERLENBORN) and his colleagues on the Education and Labor Committee's Special Subcommittee on Education in sponsoring legislation establishing the Student Loan Marketing Association. The gentleman is to be commended for the most significant role he has played in the creation of this proposal.

Establishing Sally Mae, as the Student Loan Marketing Association is called, would provide a firm underpinning to the guaranteed student loan program established 5 years ago as part of the Higher Education Act of 1965. Since that time, the guaranteed loan program has enabled tens of thousands of college students, and individuals enrolled in postsecondary vocational, technical, and business schools to continue their education in fields of their choosing. In so doing, it has focused on middle-grade students from middle-income families.

At the present time, however, this guaranteed loan program is in grave danger of drying up. Private lenders, such as banks, are reluctant to participate due to current economic conditions, despite the fact that defaults on student loans amount to less than 1 percent of the outstanding obligations. In addition, the costs of advanced studies are mounting rapidly. As a result, students are caught between rapidly dwindling sources of loan funds on the one hand, and rapidly increasing costs of education on the other.

On the basis of the facts the guaranteed student loan program cannot, as it is presently constituted, bridge this widening gap. Sally Mae can, though; that is its very reason for existence.

Sally Mae establishes a student loan program which would operate in much the same fashion as Fannie Mae, the Federal National Mortgage Association, does in the home mortgage field. This means that Federal tax dollars would not be used to maintain its operations. Sally Mae would function as a Government corporation having the authority to hold pools of student loans and to issue its own securities. The loans could be acquired from primary lenders, such as banks, or subsequent holders of student loan paper. By this process, although the original lender would continue to process the loans as he presently does, student loan accounts would be divested of administrative burdens, at least as far as the private money lender is concerned. This would make them far more attractive loans than they currently are. Moreover, with Federal backing, Sally Mae loans would also present more attractive investment opportunities for institutional investors, and the like.

Mr. Speaker, in sum, Sally Mae would establish a sound foundation for the guaranteed student loan program. It would provide a new method of financing student loans, a method geared to the economic realities of today's money markets. As such, it would insure the continued success of what is virtually the only federally aided assistance available to the children of middle-class families, the families that bear most of the tax burdens for the public education system of the Nation. And, in addition, it would constitute a most appropriate means of providing interested Americans with increased educational and vocational training opportunities.

HOUSE OF REPRESENTATIVES—*Friday, January 22, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord give thee understanding in all things.—II Timothy 2: 7.

Almighty God, we give Thee humble and hearty thanks for this good land we call the United States of America and for the glory of a people who live in liberty. Keep us ever mindful of the responsibilities which are ours and which we must accept if we are to continue to have a good land and to live as a free people. Grant that as we go forward we may ever be obedient to the leading of Thy holy spirit.

Bless Thou our President, our newly elected and beloved, Speaker, these Representatives of our people and all who work with them that they may be given wisdom to know Thy will, courage to do it, and strength to walk in Thy way that together we may make and keep our Nation great in goodness and good in greatness.

Comfort the family of our Senate colleague in their sorrow and receive him into Thy heavenly kingdom. We pray in the spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. RIEGLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CHARLES H. WILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 5]

Abbitt
Ashley
Baring
Betts
Burleson, Tex.
Byrne, Pa.
Byron
Camp
Cederberg
Clark
Davis, Ga.
Edmondson
Edwards, La.
Ford, William D.
Frey
Fulton, Tenn.
Fuqua
Griffiths
Hagan
Harsha
Harvey
Jarman
Jonas
Kazen
King
Kluczynski
Leggett
Lent
McMillan
Martin
Mathias, Calif.
Mills
Montgomery
Moorhead
Morton
Murphy, N.Y.
Nix
Pelly
Purcell
Rees
Reuss
Scheuer
Smith, Iowa
Smith, N.Y.
Steed
Talcott
Teague, Calif.
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley
Wyatt
Zion

The SPEAKER. On this rollcall 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Mr. CLEVELAND. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. A quorum has just been established. There has been no business transacted.

The Clerk will proceed with the reading of the Journal.

The Clerk concluded the reading of the Journal.

The Journal of the proceedings of yesterday was approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make an announcement at this time. The Chair is going to recognize the gentleman from Georgia (Mr. Landrum) at this time. This is for the purpose of announcing the death of a great Member of Congress.

The Chair will take requests to correct the Record, but until we have adopted the rules of the House, the Chair will appreciate the indulgence of Members on other personal requests.

The Chair now recognizes the gentleman from Georgia.

THE LATE HONORABLE RICHARD BREVARD RUSSELL

Mr. LANDRUM. Mr. Speaker, it is with profound sadness and deep regret that I announce to the House of Representatives the death yesterday at 2:20 p.m. of the senior Senator from the State of Georgia, the Honorable Richard Brevard Russell, Jr.

Mr. Speaker, the stature of this gentleman, the late distinguished public servant from Georgia, is of such nature that I know all the Members of this House who had the privilege of serving with him in the Congress and who knew him personally, will want to have a time when they may express officially their feelings about the late Senator.

Therefore, Mr. Speaker, with this announcement, I ask unanimous consent that on Monday next I be permitted to address the House for 1 hour at which time all Members, if they so desire, may join in this eulogy to the late Senator from Georgia.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE LATE HONORABLE RICHARD B. RUSSELL

Mr. LANDRUM. Mr. Speaker, I offer a resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 10

***Resolved,* That the House has heard with profound sorrow of the death of the Honorable Richard B. Russell, a Senator of the United States from the State of Georgia.**

***Resolved,* That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.**

***Resolved,* That a committee of seventeen Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.**

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. Landrum, Mr. Boggs, Mr. Gerald R. Ford, Mr. Flynt, Mr. Davis of Georgia, Mr. Hagan, Mr. Stephens, Mr. Blackburn, Mr. Brinkley, Mr. Stuckey, Mr. Thompson of Georgia, Mr. Mathis, Mr. Colmer, Mr. Hébert, Mr. Holifield, Mr. Sikes, and Mr. Price of Illinois.

APPOINTMENT OF MR. O'NEILL OF MASSACHUSETTS AS DEMOCRATIC WHIP AND MR. McFALL AND MR. BRADEMAS AS FLOOR WHIPS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I have requested this time in order to make an announcement.

Mr. Speaker, it is my pleasure to announce that we have named the distinguished gentleman from Massachusetts (Mr. O'Neill) as the majority whip of the Democratic Party.

Mr. Speaker, I would like to conclude the announcement by saying that in consultation with the distinguished Speaker, the position of deputy whip has been abolished and in place thereof we have created the position of two floor whips which will be held by the gentleman from California (Mr. McFall), who will fill one spot, and the gentleman from Indiana (Mr. Brademas), who will fill the other spot.

APPOINTMENT OF REPRESENTATIVE ARENDS AS REPUBLICAN WHIP

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it is my privilege to announce for the benefit of the membership as a whole the election of the Honorable Leslie Arends, of Illinois, to be the Republican whip for the ninth consecutive Congress.

RULES OF THE HOUSE

The SPEAKER. The unfinished business of the House is the further consideration of House Resolution 5 on which the gentleman from Missouri reserved a point of order. If the gentleman from Missouri desires to make a point of order the Chair will now recognize him for that purpose.

Mr. HALL. Mr. Speaker, I do desire to make a point of order against consideration of Resolution 5, inasmuch as it is against the law of the land.

The SPEAKER. The gentleman will state his point of order.

Mr. HALL. Mr. Speaker, the Legislative Reorganization Act of 1970 is in fact now the law of the land, Public Law No. 91–510, and section 601(6) thereof states that the effective date of the act is January 1, 1971.

For your information this legislation was signed into law by the President on October 26, 1970.

Now, Mr. Speaker, the gentleman from Missouri full well realizes the precedents of the House, the fact that we operate until such time as rules are adopted, under "general parliamentary procedure," and that that is subject to wide interpretation.

On the other hand, Mr. Speaker, my point of order is lodged on the fact that the law of the land, first, says that any committee report or legislation, resolution, must be available to Members for 3 calendar days prior to consideration—section 108 (b) (4); and, second that any minority has 3 calendar days to file views with the clerk of any subcommittee—section 107(b). It is my understanding that the minority member here at the desk only learned at 2:28 p.m. yesterday that there was such a resolution, and then saw it for the first time.

Members will recall, and the CONGRESSIONAL RECORD will indicate that I queried the distinguished gentleman from Mississippi as to whether or not the resolution was available for the Members. This was after an erroneous resolution had been presented and read in part by the Clerk before we finally homed in on the true Resolution 5 that has now been called back up, after a forced but agreed to delay of 24 hours.

I appreciate the attitude of the House, and their forbearance in putting over and printing the resolution in the CONGRESSIONAL RECORD, which was on our desks as early as 7 o'clock this morning, House Resolution 5.

I have read it in detail, Mr. Speaker, but there is still a question as to what committee, if any, reported out this resolution. Indeed, is there a Committee on Rules at this stage? If so, have the members other than holdovers been named? If so, who has been elected as the chairman under this same Legislative Reorganization Act of 1970 that I quoted or for that matter, under general parliamentary procedure? Were there any hearings? Did the committee follow the procedure in section 102(b) of the Legislative Reorganization Act, now the law of the land, first, as to the adoption of a written rule on a regular meeting day and, second, did the chairman and three members of the standing committee file written requests to consider such written resolution? Did it by a majority vote go into executive session, per section 103(b)?

Mr. Speaker, it should be apparent to all by now, that after having spent some 5 years considering the Legislative Reorganization Act of 1970, first through the action of the other body, finally through the revision of our own Committee on Rules, and the action of this House, when this law became effective on January 1, 1971, by its own definition, that we spent weeks in actual debate on the former, and Members will recall the debate on record of the 91st Congress, that it was dropped, and then that it was revived and that we brought it up again after a recess, and that there were some 118 amendments, all of which had due process, on all of which the House worked its will, and now we are not going by the law of the land, but by rules on which no notice was given, on which the ranking minority Member saw for the first time at 2:28 p.m. yesterday afternoon, no copies were available, the Members were dispersed—that is not the way to legislate, to use the most gentle and kindly rhetoric.

It is against the law of the land, it is against the Legislative Reorganization Act of 1970, in particular, and I pray that, based on the precedents, based on Jefferson's Rules of Procedure, which a former Speaker has ruled are indeed the greater bulk of existing parliamentary procedure, that we do not go forward with consideration of this resolution at this time until we have had due process, the Members have had the resolution in their hands for the minimum of 3 days, that minority reports have had an opportunity for preparation and distribution, and so that true compliance with the law of the land be accomplished.

The SPEAKER. Does the gentleman from Mississippi (Mr. COLMER) desire to be heard?

Mr. COLMER. Yes, Mr. Speaker.

Mr. Speaker, the gentleman from Mississippi has just learned what the contents of the point of order consist of and has not had an opportunity to study it and to discuss the matter intelligently.

Therefore, the gentleman from Mississippi is perfectly willing to leave the matter to the decision of the Chair.

Mr. Speaker, if I may make this additional statement—I am sure that whatever merit there may be to the point of order that has been made by the gentleman from Missouri (Mr. HALL) that he certainly must have considered the fact that if his point of order were to be sustained, we would just have to adjourn this Congress to comply fully with his point of order, and I am sure he does not want to do that.

The SPEAKER. Does the gentleman from Missouri (Mr. BOLLING) desire to be heard on the point of order?

Mr. BOLLING. Yes; Mr. Speaker, and very briefly.

Mr. Speaker, as the gentleman from Missouri (Mr. HALL) pointed out in the beginning, his point of order does not lie for the reasons that he stated, because we are now operating under the general parliamentary law rather than under rules of the House in the 92d Congress.

The SPEAKER. The Chair is ready to rule.

The Chair would point out to the gentleman from Missouri (Mr. HALL) that at the present time, as the gentleman from Missouri (Mr. BOLLING) has just stated, the House is operating under the general parliamentary law. No rules have yet been adopted. The provisions of the legislative reorganization act, while enacted into law in the 91st Congress, cannot restrict the authority of this present House, in this 92d Congress, to adopt its own rules.

The Constitution is, of course, superior to any public statute and the Constitution in article I, section 5, gives each House the authority to determine the rules of its proceedings, and it has been repeatedly held that the power of each new House to make its own rules may not be impaired or controlled by the rules or actions of a preceding House.

These principles are, in fact, recognized and enunciated in Public Law 91–510, the Legislative Reorganization Act. Section 101 of that act states in part that the rules changes recommended therein are enacted "as an exercise of the rulemaking power of the House, subject to and with full recognition of the power of the House to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings."

The Chair overrules the point of order.

The gentleman from Mississippi (Mr. COLMER) is recognized.

PARLIAMENTARY INQUIRY

Mr. COLMER. Mr. Speaker, may I submit a parliamentary inquiry?

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. COLMER. Mr. Speaker, for how long am I recognized?

The SPEAKER. The gentleman will be recognized for 1 hour.

Mr. COLMER. I thank the Speaker.

Mr. Speaker, I shall try to be reasonably brief, but there are some things that I think I should say, though they may sound a bit repetitious to some of those who have heard me discuss one particular phase of this matter.

Mr. Speaker, you have granted me time, I assume, as a matter of custom, because, as has been pointed out, we have not adopted the Rules of the House. And as of now I have not been named Chairman of the Rules Committee. But in order to follow custom and be perfectly fair, I am going to yield the usual 30 minutes to the minority, the gentleman from California (Mr. SMITH) for purposes of discussing this matter. I hope that he will not find it necessary to use all of his time, and I hope that I may not.

I am presenting this resolution by direction of the Democratic caucus. In general, I am in sympathy with and approve of the resolution. But one phase of the resolution disturbs me greatly, as I am sure it must disturb every Member of this Congress. That is the language of the resolution that provides for what I consider the liquidation of the Rules Committee. Recognizing that for many years the Rules Committee has been the whipping boy for certain people of a certain philosophy and by the ultra-liberal press, I should like, particularly for the benefit of the new Members of the House, to point out that there is nothing new about the proposed rule, basically. This amendment would abolish the Rules Committee. That is, of course, my statement and not exactly verbatim of what the rule provides.

This proposal has been before the Congress on several occasions, and specifically on two recent occasions. Under the leadership of the great former Speaker of this House, Mr. Rayburn, on January 3, 1949, the House adopted the 21-day rule. Two years later when the next Congress met, to wit, on January 3, 1951, that rule was repealed by the House under the leadership of the same Speaker. Mr. Rayburn was a strong and influential Speaker, but he found that it would not work.

We went along, then, to 1965. On January 4, 1965, the House reinstated the 21-day rule.

On January 11, 1951, 2 years later, the House repealed the 21-day rule. Apparently there was a reason for that. It just would not work.

Let me point out before I go any further that this rule provision in the resolution now is the old 21-day with two exceptions. One is it provides for a so-called 10 days of grace in which the chairman of a legislative committee cannot file his resolution; he would have to wait 10 days. So it becomes a 31-day resolution rather than a 21-day resolution. The other difference is that it was mandatory under those rules for the Speaker to recognize the chairman or someone designated to call up the rule.

First I want to discuss the question of the need for this and the power that would be placed in the Speaker—a power that I do not think the Speaker should have, nor one that he should seek. I am not so sure that the great Speaker we just elected on yesterday craves this power. I am not so sure that this great but humble man would want to have the additional onus of having to take this responsibility as one man, to say what legislation should be considered and what should not be considered.

If we adopt this provision in the rules of the House let me point out again that we would be turning the clock back. I want my liberal friends—those who designate themselves as "liberals" and some of whom, at least, are sponsoring this matter—to have this brought to their attention. I call to their attention the fact that this would be turning the clock back 60 years, because the Speaker of the House 60 years ago, known then as "Czar" Cannon had this power. He was the Rules Committee. He appointed a couple of people, of course of his own selection, and he carried the rules around in his pocket that he did not want considered.

If my liberal friends will listen, the true liberals of that day were headed by a Member of Speaker Cannon's own party, the late great George Norris of Nebraska, who headed a revolution in this House that took that power away from Speaker Cannon.

The Committee on Rules, largely as it now exists, was set up to act as the agency for the programing of the legislation of this House.

Let me say that our great and beloved Speaker is a humble man and does not particularly crave this power. Who knows when there will be a Speaker here, possibly in this Congress—God forbid, but he is human like the rest of us—that would exercise this authority and discretion in an arbitrary manner.

Now, what is the Committee on Rules' function? First, I would say that it should, to the best of its ability, cooperate with the leadership of the House. Second, I would say that the Committee on Rules serves the purpose of giving a kind of a cooling off period where hastily and ill-advised reported legislation can be studied so that the country knows what is involved. Third, I would say that the Committee on Rules serves as a buffer for the Speaker, the leadership, and the membership of this House as well as the republic.

Oh, how many times, how many times have I been implored and other members of this Committee on Rules been implored: "Please, for God's sake, do not report that controversial bill out; it would defeat me for reelection." So it serves as a buffer.

Now let us see what all of the fuss is about. Let us take up the first thing that the Rules Committee does. It cooperates with the leadership. Now, I do not want to be personal, but I think I owe it to the members of my committee to point out that the Committee on Rules has cooperated. In the past two Congresses—and I hope this may not be misconstrued—as chairman of that committee I have made every effort I could to cooperate with the leadership of this House. Again I am sure you have heard the Speaker and the leaders praise the cooperation that they have received from this committee. If this committee were a czar, it might be a different thing.

Let us look at the record. Do not take my word for it. I cannot go into too much detail about this. There were nearly 500 applications for rules from legislative committees requested in the past 4 years. To be exact, there were 493 applications. Let us see what happened to those requests.

Four hundred and ten of those were reported. Now, follow me. Two were withdrawn, that is, officially, and some of them were withdrawn otherwise. Twenty-two, because there was some change of heart and for insufficient interest. Forty-five of the discrepancies between the 410 and the 493 were disposed on the floor of the House under the general rules of the House such as the Consent Calendar, suspension of the rules, Calendar Wednesday, and so on. Those are all provisions that you have available to you to bypass the committee, not to mention the fact that any time the Rules Committee is opposed to the will of this Congress, all they have got to do is to file a petition on this desk to discharge the committee. And if a majority of the Members of the House sign the petition, it is automatically considered. Ten of these were hangovers that came in at a later date before the Congress adjourned, for consideration. Now, get this: Four of that 493 were considered by the committee and a rule was refused, four out of nearly 500.

So, Mr. Speaker, has this committee acted arbitrarily? I say it has not.

Now, this final thought on that question. If this is what the House wants to do, then I strongly recommend that the rules be amended and that the committee as it exists be abolished. Why should 15 Members of this House sit up there day after day serving merely as rubber-stamps because they are assured that if they do not take action under the 21-day rule, the bill would come up anyway.

If I may say, modestly, paraphrasing the greatest statesman of our time, Winston Churchill, I did not take the post of chairman to preside over the liquidation of the Rules Committee.

You have the power any time you want to exercise it to liquidate the Rules Committee. You have the power to do this.

Now, as I said in the beginning, I am reporting these proposed rules by direction of the caucus. I am not satisfied, as you have, I hope, observed with a provision of that rule. I am opposed to this provision amending the power of the Rules Committee.

So at the time that the previous question is offered I think with good conscience I can vote and will against the previous question, at which time the gentleman from California (Mr. Sisk) if the previous question is voted down, will offer an amendment to delete this provision from the test of the proposed rule.

I hope it will be adopted.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. COLMER. If my friend, the gentleman from Missouri, will permit me to carry out my first commitment, then I will yield.

I now yield 5 minutes to the gentleman from California.

Mr. BOLLING. Mr. Speaker, if my chairman will so permit, I would like to ask my chairman to yield so that I can have the gentleman clarify a statement that I believe he made inadvertently whereby I believe he leaves an impression that he does not care to.

So will my chairman yield to me for a question?

Mr. COLMER. The gentleman from Missouri knows that I never try to be arbitrary, I try to cooperate. However, I had pledged myself to the gentleman from California (Mr. Sisk) to recognize him, and if I have his approval I would yield to the gentleman from Missouri for a question.

Mr. SISK. Mr. Speaker, if the gentleman will yield, the gentleman, the chairman of the committee, certainly has my approval to yield to the gentleman from Missouri for such a question.

Mr. COLMER. I now yield to the gentleman from Missouri for a question.

Mr. BOLLING. Mr. Speaker, my question requires a very brief preliminary.

The gentleman from Mississippi, the chairman of the Committee on Rules, in his comments indicated that he did not believe that the Speaker of the House of Representatives craved this power. I agree with the gentleman from Mississippi.

The Speaker of the House of Representatives craves no power, he is not subject to cravings. But the gentleman from

Oklahoma, the Speaker of the House of Representatives, clearly means what he says, and that is that the Speaker of the House of Representatives and the Democratic caucus favored the adoption of the 21-day rule. And I believe that means, and I know that that means that he favors the adoption of the 21-day rule. And I cannot believe that my distinguished chairman, who has cooperated in every way, and been fair in every way, would want to leave the impression other than the fact that the Speaker of the House of Representatives favored the adoption of the 21-day rule.

Mr. COLMER. Permit me to say to my distinguished and able colleague, who contributes much to the consideration of matters in the Committee on Rules, that I said, if I recall, that in my judgment I did not think that, to use the gentleman's term, he craved this power. I expressed my opinion. The gentleman has expressed his.

Mr. Speaker, I now yield 5 minutes to the gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Speaker, I appreciate very much the distinguished gentleman from Mississippi yielding to me.

I will try not to take 5 minutes at this point, Mr. Speaker, but I simply would like to outline what our procedure will be, or at least what procedure we will attempt to carry out.

When the gentleman from Mississippi, the chairman of the Committee on Rules, moves the previous question, I will seek a vote upon that question and I will, of course, and am now urging that the previous question be voted down.

Therefore, I am asking for a "no" vote on the previous question at that point.

If the previous question is voted down, I shall seek recognition from the Chair to offer an amendment—one amendment—which will be very simply an amendment to strike out the 21-day rule provision as now encompassed in the proposed resolution.

I will not yield for any other amendment, and I would hope that after some brief discussion, because I think the situation is quite thoroughly understood, and I think every Member of the House well understands the implications of the 21-day rule—so after some fairly short discussion on the merits or demerits, I will then move the previous question on that matter. Of course, then a vote will occur on the amendment which I shall offer and upon the resolution.

Mr. Speaker, I think this clearly delineates the procedure and unless there are questions with reference to the procedure, I will now yield back the balance of my time.

Mr. COLMER. Mr. Speaker, I would, if I may, yield to the gentleman from Pennsylvania (Mr. Dent) 2 minutes.

Mr. DENT. Mr. Speaker, I would just note for the information of the House that if you pass this rule as it came from our caucus recommendation, what you are doing is taking away from the House the only method and means that we have to get a bill before this House when it is locked up in the Rules Committee.

I am talking of a rule by the Committee on Rules which can no longer be obtained by a petition for discharge with 218 names because we are automatically discharging the Rules Committee of consideration after 21 days if anyone questions the Rules Committee holding the bill over 21 days.

The discharge petition means nothing any more in relation to the Rules Committee. You cannot discharge the Speaker of this House from consideration and no piece of legislation once taken away from the Rules Committee and given to the Speaker, can get to the floor, if a Speaker is capricious, and refuses to recognize a Member for this purpose, and I do not charge this Speaker with being capricious or dictatorial, nor do I believe he fully understands the power that he is taking into his own hands. Anytime the Rules Committee wants to kill a bill and feels they have an association with the Speaker, they will discharge themselves of the bill after 21 days and it goes into the hands of the Speaker, and there is no means or method in any of the rules of this House where that bill can ever come before this House. The Speaker in his wisdom or his good will, or both can immediately put the bill before the House. There is absolutely no way that this House can get a bill or rule on a bill for consideration without the Speaker's consent and his good will once he has been given the bill by the Rules Committee. There is no other way of doing it. I submit to the House for their information.

Mr. COLMER. Mr. Speaker, I would prefer that the gentleman from California use some of his time.

CALL OF THE HOUSE

Mr. CLEVELAND. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 6]

Abbitt
Ashley
Baring
Betts
Burleson, Tex.
Byrne, Pa.
Camp
Cederberg
Clay
Davis, Ga.
Diggs
Edmondson
Edwards, La.
Ford,
  William D.
Frey
Fulton, Tenn.
Griffiths
Halpern
Harsha
Harvey
Hawkins
Jarman
Jonas
Karth
King
Kluczynski
Long, Md.
McMillan
Martin
Mathias, Calif.
Mills
Montgomery
Morton
Murphy, N.Y.
Nix
Reuss
Rooney, Pa.
O'Hara
O'Neill
Purcell
Rees
Smith, Iowa
Smith, N.Y.
Steed
Stuckey
Talcott
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley
Wilson,
  Charles H.

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RULES OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from California (Mr. Smith) for 30 minutes.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, first, I would like to express my sincere thanks to the distinguished chairman of the Rules Committee for his courtesy in yielding 30 minutes to me which, of course, he did not have to do. In view of the fact that his time was used up quite rapidly, I hope to be able to yield 2 minutes to the gentleman from Texas (Mr. Young) and a like period, 2 minutes, to the gentleman from Florida (Mr. Pepper).

Mr. Speaker, I am deeply disappointed that on the first day of the convening of the 92d Congress we start out with an effort to change our rules in the manner in which the pending resolution calls change. I have the greatest respect for you, Mr. Speaker. I personally intend to cooperate with you in every way that I possibly can, and as the ranking minority member of the Rules Committee, I will certainly urge my colleagues on my side to do likewise.

Mr. Speaker, I would feel very much better if we had an opportunity to function for a month or two or three, and if at that particular time you would tell me that you had to have some change in the rules to get bills out, that the Rules Committee was bottlenecking them and that we were not being fair to you in your tenure of office, I can assure you, Mr. Speaker, that I would attempt to help write a type of rule through which bills could be brought to the floor if we were deliberately bottlenecking them.

But, as indicated by the distinguished chairman, of all the bills referred to our committee in the last session, only four were held up, and of the rules which we granted, at least five of them stayed on the calendar and were never brought up by the Speaker after we had granted rules on those bills.

It seems to me, in all fairness, we ought to have a little chance to function. Actually, with the makeup of the House Rules Committee, the rules can be changed at any time. If we do not do a satisfactory, cooperative job, an appropriate resolution can be introduced in the Rules Committee, and the votes are there to get it on the floor of the House without any trouble whatsoever.

Another thing that concerns me, Mr. Speaker, is the overall language of this measure that gives such a tremendous amount of discretion to you which I do not believe you need. I think you will find that this will be a very cooperative Congress, and that you will have a very good term of office. I do not believe you need that discretion nor should this responsibility be placed upon you. I think you may well find yourself in an extremely difficult position if at some time a bad resolution is brought out in the way proposed.

For example, say it is 31 days instead of the 21 days proposed. The length of time is longer; that is true. But we will have the Lincoln Day recess, I presume. And let us assume that a committee reports out a bill which might need correction. Suppose it would need some changes. Perhaps a substitute for the bill would be proposed but the substitute was not in, or some other problem arose. We would then go on a 10-day vacation and we would have no chance to hear the bill. The bill could then be brought up under the 21-day provision, or a resolution could be introduced at that time, and then 21 days later, on the discharge day, it could be called up, and any member of the committee could be recognized.

I believe that it is the wrong approach at this particular time, Mr. Speaker, to start out the opening day doing this.

I am certainly going to support the vote against the previous question, in order that we can proceed in an effort to offer some amendments to House Resolution 5. Probably there will be other amendments certain Members are interested in. I will take as an example one which has to do with subsection (c) of clause 32 of rule XI, which would amend the so-called Thompson-Schwengel amendment, I believe, which provides one-third of the funds on request to go to the minority.

I want to be certain I make this clear. This change does not in any way change the language in the bill where two of the professional staff and one of the clerical staff are given to the minority. That language is still there.

In reviewing other parts of House Resolution 5, I believe most of them are more or less conforming amendments with the exception of possibly one or two. The only two I know of are the 21-day rule change and the part I just mentioned on subsection (c), clause 32 of rule XI.

If the previous question is voted down—and that is the only way we can approach the matter—then some Member will be recognized by the Speaker for the purpose of offering an amendment to House Resolution 5. When that amendment is offered, that individual will have time for debate, and a vote will then come on ordering the previous question in regard to that particular measure.

Mr. Speaker, I believe that sets forth the parliamentary part of this particular measure. I might take an example. We had under consideration last year the occupational health and safety bill. A number of the Members objected strenuously to that particular bill. We gave them some time on it. The sponsor wanted the bill on the floor of the House. We held that bill up not at our request but at the request of some of the Members, so that they could have time to try to clear up the difficulties and to make up a substitute bill and we could make the substitute bill in order when we came to the floor.

If we do not have some kind of rules of the game, this resolution can be written as a closed rule, with whatever hours of debate one wishes to have, or placing information in the bill which may be legislation in an appropriation bill. I do not believe that would happen, but I simply mention some of the problems that could possibly arise.

So, Mr. Speaker, I would certainly urge the Members to support the vote against the previous question. I want to be certain there is no doubt that to get at this matter we have to vote down the previous question when it is brought up for a vote.

Mr. LENNON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from North Carolina.

Mr. LENNON. In spite of what I heard in the Democratic caucus and in spite of what I have heard here today I find it difficult to believe that the distinguished Speaker either wants this additional power and authority or believes that it is needed. I can understand why some individual Members of Congress, and I can certainly understand why some groups, would prefer for the Speaker to have this authority, because pressure can always be put more on one individual than it can be put on the majority of the members of a committee.

When the Democratic caucus convened here on Tuesday morning of this week and stayed in session Tuesday and Wednesday and up until noon yesterday—and the Republican policy committee met—one of the objectives was to show a new image to the American people.

Now what do we find? We are putting back into a single individual power and authority that he did not have before the 92d Congress convened. To me it would be an image that would react violently against the Members of this Congress, if they did not vote down the previous question and then vote to delete this provision from this offered resolution.

Mr. SMITH of California. May I say further, Mr. Speaker, with respect to the 21-day rule that was repealed January 10, 4 years ago, our previous distinguished Speaker, on many occasions in the past 4 years told me he had no complaints as to the manner in which the Committee on Rules was being handled and was not complaining in any way as to bills being held up in the committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield to me?

Mr. SMITH of California. I yield to the gentleman briefly.

Mr. GROSS. I thank the gentleman for yielding.

There is another provision of this resolution that gives me serious concern, that is, the conferring of certain voting powers upon the nonvoting delegates from the District of Columbia. What are we here establishing in the House of Representatives—two or three categories of Representatives? If the individual who is elected as a nonvoting delegate is to be given voting powers of other Representatives it ought to give concern to every Member of the House. Serious constitutional consideration ought to be given before conferring any voting rights upon this individual.

Mr. SMITH of California. Mr. Speaker, in yielding time I am doing this only for the purpose of debate, and I am certain all of the Members know that.

Mr. SISK. Mr. Speaker, will the gentleman yield to me briefly?

Mr. SMITH of California. I yield to the gentleman briefly.

Mr. SISK. I appreciate the gentleman yielding.

I would like to make this comment to my good friend from Iowa. I well understand his concern, but the gentleman will recall the debate last summer at the time the matter was discussed in connection with the Resident Commissioner of Puerto Rico. There was no question in the mind of the subcommittee that there was a constitutional question involved at that time. This House then adopted an amendment that provided for voting rights in the case of the Resident Commissioner of Puerto Rico. Of course, what has been proposed here is a like provision in connection with the delegate from the District of Columbia. I, too, agree that I think both are unconstitutional. I think at the point at which some bill passes or some bill fails because of a vote on the part of either of these gentlemen there will be a challenge and I would certainly challenge it and we will have to have a Supreme Court settlement of this issue. It is based on the information given to our subcommittee that I believe there is a grave constitutional question. The point I want to make is that if it is fair for one, it would be fair for both of them.

Mr. SMITH of California. Mr. Speaker, I now yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman from California yielding me this time.

Mr. Speaker, there are two questions involved here and not just one. The distinguished gentleman from Mississippi, the chairman of the Committee on Rules, correctly spent his time talking about the so-called 21- or 31-day rule as contained in House Resolution No. 5 offered by the Democratic caucus. I think, to be fair to the House, we ought to go beyond that and talk about what the Democratic caucus did in tearing down the work of the bipartisan group that worked to put together what became known as the Thompson-Schwengel amendment on minority staffing. I, for one, intend to vote against the previous question at the time it is ordered by the gentleman from Mississippi so that we can take up the so-called Sisk amendment. I agree that the present system has worked fairly well. However, I also intend to vote against the previous question on that at the time the gentleman from California (Mr. SISK) offers it in order to make some effort to bring to the House an amendment which would reinstate under rule XI, clause 32(c) the provision which provides for one-third minority staffing. I cannot state too strongly, Mr. Speaker, my own very real disappointment and dismay at the actions of the Democratic caucus in having gone through the back door and having taken away that which was adopted on a teller vote here in the House by a vote of 105 to 63, and on which no separate rollcall vote was taken. That provided for one-third of the staff upon request being available to the minority. This is a slap not just at the Republican Party or even at any party which happens to be in the minority in this session but is a slap at the entire system that we use in the House. If we expect to have the House perform its legislative duties, we must provide staffing for both minority and majority. To have imposed a binding rule, as the

Democratic caucus did on this issue, is an absolute slap at the rights and privileges of every Member of this House to vote his own conscience or to vote for his own constituency. I, for one, simply want to make clear my own very deep dismay at the actions of the Democratic caucus and at the actions of not only taking away the rights of the minority granted in the Legislative Reorganization Act but for having done so in an undemocratic manner. There can be no excuse and no backing down.

The vote has to be, in my judgment, a vote against the previous question on the first one so we can take up the Sisk amendment and then vote against the previous question at the time the gentleman from California moves it so that the gentleman from New Hampshire or the gentleman from California (Mr. SMITH) or someone on our side of the aisle can be recognized for the purpose of offering an amendment in order to let the House work its will.

Mr. Speaker, I want to take a moment to pay tribute to the distinguished gentleman from New Jersey (Mr. THOMPSON) for what he has done and his efforts to uphold the commitment to be sure that we have adequate consideration of minority staffing.

Many on the Democratic Party side and many of us on this side owe a great debt of gratitude for the work which the gentleman has done.

Mr. Speaker, the House is only as strong as both parties are strong. The actions of the majority caucus weakens the House and for that reason need to be overturned.

Mr. Speaker, at the present time, standing and special committees of the House are served by a total of 771 staff employees. A total of 408 employees hold positions which are completely outside the influence of the amendment. Only 363 staff positions are within the jurisdiction of the amendment, requiring one-third control by the minority. Of these 363 staff positions, 51 are already held by minority staff members. The following table summarizes this information:

	Staff positions	Salary, dollars
Not affected by the amendment	408	8,271,000
Affected by the amendment	363	5,376,000
Total staff on House committees	771	13,647,000

The important thing to notice from the above table is that considerably more than half the money for salaries and considerably more than half the staff positions are completely unaffected by the amendment. In fact, the $8.27 million in salaries not affected by the amendment represent about 61 percent of the total funds for salaries; and the 408 staff positions which are not affected by the amendment represent about 53 percent of the total staff positions. The committee chairmen who control these positions and these funds have no cause to be upset by the amendment, since their control will not be altered by the amendment.

As indicated by the above table, about $5.37 million and 363 staff positions will be covered by the amendment. Already the minority controls about 51 of these staff positions and the associated $0.755 million of salaries. The impact of the amendment will be least on these committees which already have a significant number of minority staff. However, those committees which have large investigative staffs without significant minority representation will feel the impact of the amendment the most.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Speaker, for the benefit of the Members I had printed in yesterday's RECORD at page 44 some remarks on minority staffing, together with the 2 days of debate which this House had on minority staffing on last July 15 and 16 of that month.

Mr. Speaker, I concur with the remarks which have been made by the gentleman from Wisconsin (Mr. STEIGER). I feel very strongly about this matter. I think the action of the Democratic caucus in voting to take away this minority staffing was perhaps understandable. I can understand that if a majority of the Democratic caucus wanted to take away this minority staffing that we had gained last year, that was their business.

But I think the most shocking and shameful part of it was that the unit rule was invoked. This means Members of the Democratic Party who would probably give support to this laudable proposition to assure adequate staff for the minority now find themselves in the position where they cannot do so. They cannot vote against the action of the caucus because of the unit rule which was invoked by the Democratic Party.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I have no time to yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield just briefly?

Mr. CLEVELAND. I do not have the time.

The SPEAKER. The gentleman declines to yield.

Mr. CLEVELAND. I regretfully decline to yield to the gentleman from New Jersey whose position, I know, is a difficult one.

As I said, Mr. Speaker, the full history of the adoption of the minority staffing provision that we are repealing with this resolution is set forth at page 44 of yesterday's RECORD.

I can only hope and pray that the Members will read those remarks carefully. The case for minority staffing has been supported by Democrats and by Republicans, by political scientists, and by experts of government at all levels of government. In order to function effectively, the minority has got to have staffing. To deprive the minority of staff is like depriving an accused person in a court of law the right to counsel.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding.

I want to associate myself with the remarks of the gentleman from New Hampshire (Mr. CLEVELAND) and the gentleman from Wisconsin (Mr. STEIGER).

Mr. Speaker, it is sad, indeed, that one of the principal subjects of the Reorganization Act of 1970 is to be junked by the exercise of raw power by the majority Members of this Chamber.

After laboring long on the subject of reforming the rules and procedures of the House of Representatives to reflect both fairness and efficiency in our operations, the decision in the Democratic caucus to deprive the minority Members of this House of adequate staff personnel to prepare and express our views on legislation is most unfortunate.

Some 6 years ago I worked with my colleague from the State of Iowa (Mr. SCHWENGEL) and others to increase the minority staffs in order that the Members of the minority party of this House might better fulfill their obligations to the people who they represent. Most of the major subjects of legislation do, indeed, involve divergent points of view. It is essential that these should be presented on the basis of adequate research.

Mr. Speaker, at the time of my original service on the minority staffing task force I was a minority member of the House Committee on Government Operations. It is my distinct recollection that of the 55 staff personnel of this committee of oversight some 53 staff members were appointed by the majority party and two staff personnel were allocated to the minority—Republican Party members. After some agitation the minority staff personnel was increased to three.

It seemed essential at that time that at least one-third of the staff should have been allocated to the minority for the purposes of protecting against abuses in the executive branch—then controlled by the majority party. It would seem equally essential now that the minority party in this Chamber should control up to one-third of the committee staff in order to fully and fairly defend or clarify its party position. Indeed, it would seem well that the minority party should have such a right even though it also desired to be critical of actions occurring in its own party's ranks.

Mr. Speaker, as a Member of the House Judiciary Committee, I have gained a profound respect for the majority on professional staff which serve both the Republican and Democratic Members. Nevertheless, I feel that opportunities for enhanced service on this committee would be afforded if the Republican Members were able to increase the number of staff personnel available to them.

The enlightened views which prevailed during the last Congress resulting in the adoption of revised rule XI according to the minority party, on request, the equivalent of one-third of the committee staff personnel was consistent with a modernization of the House of Representatives. The American public hailed this change as part of the restructuring of the rules governing this great body.

Mr. Speaker, the partisan and narrow position taken by the Democratic Members assembled in caucus is an affront to the very principle of minority representation and strikes at the very foundation of the rights of all minorities in our society. This regressive action is most reprehensible and, in my opinion, will be scorned by the American voters and the American public.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Young).

Mr. YOUNG of Texas. Mr. Speaker, I did not request the time, but since the gentleman from California has been so generous I will use part of it.

Mr. SMITH of California. I had the gentleman listed as having requested time.

Mr. YOUNG of Texas. Mr. Speaker, just as I know that everyone in the House is proud of the committees on which they serve, so am I. I do take advantage of this time, too, as one who has, I think, in the past been consistent in support of the leadership in the Committee on Rules, to say that I am proud of that record, and I expect to continue to do so, no matter how this resolution comes out.

I would like to say about my distinguished chairman, with whom my record of voting accord is not nearly as consistent, that he is a great gentleman and a wonderfully fair chairman, and one of whom we are very proud.

I want to say further, Mr. Speaker, in comparison with the other chairmen whom we have heard referred to in the last few days, our chairman, although he may not look like it, is a walking angel.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. Ruppe).

Mr. RUPPE. Mr. Speaker, I wish to associate myself with the speakers on this side of the aisle who have spoken on this particular matter.

Mr. Speaker, the American people have demanded that we, the Congress of the United States, reform our procedures so that we will be—or perhaps become for the first time—a truly responsive institution. Last year in the 91st Congress we made substantial progress in that direction with the passage of the Legislative Reorganization Act of 1970.

A critical facet of that act was a provision over espionage, and all the anti-House of Representatives must be allocated a full one-third of all committee investigatory funds. This meant that it would no longer be possible for committee chairmen, at their discretion, to exercise dictatorial control over 100 percent of the staff appointments and, thus, the content, as well the flow of legislation.

For the first time it would be possible for the minority party in the House, be it Republican or Democrat, to initiate and develop intelligent alternatives and to constructively evaluate legislation offered by the majority party.

Mr. Speaker, this reform goes to the very heart of the democratic process.

I was appalled to hear that the Democratic Party caucus has made a decision to delete the key minority staffing provision from the rules of the House. This is a step backward and represents a total breach of trust to the American people. I ask the gentlemen of the opposition: Are you for real congressional reform or pseudo reform that stops at the boundaries of petty partisanship?

It will be interesting to note which Members of the majority party—who have previously introduced reform legislation and who were eloquent spokesmen for that reform—will now take the first step toward dismantling the Legislative Reorganization Act of 1970.

Mr. SMITH of California. Mr. Speaker, I yield 8 minutes to the gentleman from Michigan (Mr. Gerald R. Ford) the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think it is most interesting that we have an issue on the floor of the House the first day of regular business that is extremely fundamental in three particular instances. It is also interesting that the first real struggle, parliamentary-wise, on the floor of the House of the 92d Congress, is one that is not really partisan in nature.

I believe the vote that we will take today, the first one—and I hope the second one—will be approached not from a partisan point of view, but from what is good for the House of Representatives.

Mr. Speaker, I strongly feel that we should vote down the previous question in the first instance, and I share the views expressed by the gentleman from Wisconsin (Mr. Steiger) that we should also vote down the previous question when it is moved by the gentleman from California (Mr. Sisk).

The first issue is whether we shall have a meaningful Committee on Rules. We did have a strong and meaningful Committee on Rules in the last two Congresses, and it operated effectively and fairly without the imposition of this new proposal in the proposition before us.

I can remember the very first vote I cast in this Chamber on January 3, 1949, when we were faced with whether or not we should have a 21-day rule. I must confess that I voted for the 21-day rule, thinking that would be the answer to all the problems of good, sound legislative procedure. However, I learned quickly, over a period of 24 months, that it was wrong, and I have been proud to vote against any efforts in subsequent Congresses to reimpose the 21-day rule.

May I say at this point that the 21- or 31-day rule is worse than the one I voted for on January 3, 1949.

Therefore, for two good reasons—one, the good record of the Committee on Rules and, two, the bad effect of this new proposal—we ought to have unanimity on our side and a strong, strong vote on this side of the aisle against the first and, hopefully, the second previous question.

Second, I have never served under a Speaker who wanted dictatorial or autocratic power—and we are not serving under a Speaker today who wants that kind of power. Therefore, I do not think we should impose it on him, because the Committee on Rules and the leadership on that side, with the regular consultation with us in our role as the minority, will bring legislation to the floor of the House in the proper way.

The second issue. In 1970, we were all dedicated to legislative reform. We spent hours and days working on legislative reorganization legislation and we finally passed a good bill on July 15 and on July 16. An amendment was offered and adopted involving the allocation of a proper portion of funds to the minority. The gentleman from New Jersey was a sponsor of that amendment. Speech after speech after speech was made on this side of the aisle and on that side. The distinguished gentleman from Minnesota (Mr. Fraser) made an outstanding speech as to why that amendment should be approved. The gentleman from Florida (Mr. Gibbons) did so. The gentleman from Pennsylvania (Mr. Dent) made a good speech. We passed it and it is the law of the land.

Now that the reform year of 1970 is over, do we want to backtrack—do we want to go back to something that we thought was wrong in 1970? I hope not. Republicans do not. Democrats should not. The American people, if we do, will be shocked.

Therefore, I hope we vote down the first previous question and then vote down the second previous question so that we can restore what the Congress did in 1970 as to the proper allocation of funds for the minority committee staffs in the House of Representatives.

The third point—every one of us takes an oath of office. We did it yesterday and by that action we took an oath to vote our conscience and our convictions. This body, of all bodies, ought to represent the principle of one-man, one-vote. All issues that are voted on ought to be predicated on the idea that it is our conviction and our decision, not the dictation of our political party.

I share the dismay of the gentleman from Wisconsin when he said that he could not comprehend really how a majority of the Members on the Democratic side of the aisle would bind those who might have deep convictions that they would want to vote differently.

The imposition of a unit rule forces the abrogation of our individual responsibilities. I am sure that Members like the gentleman from New Jersey (Mr. Thomp-

SON) and the gentleman from Minnesota (Mr. FRASER) and the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Florida (Mr. GIBBONS) must feel badly because they cannot state here their views on this occasion, in 1971, and today vote their convictions. I am saddened because they so ably expressed them back in July of 1970 and in addition voted for legislative reform.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I thank the distinguished minority leader.

I have some points that I would like to clarify.

First of all, I do not agree with the gentleman on the 21-day rule—and I support it.

With respect to the one-third rule, I must confess my dismay and my disappointment. I must reassert my conviction of the principle in support of the principle of a reasonable share of the staff to the minority and I pledge myself at any future opportunity, I will support it.

We do not have, however, I might say to the gentleman from Michigan a unit rule, as the gentleman from New Hampshire characterized it. The rules of our caucus are such that those who find it constitutionally abhorrent—those who campaigned in favor of the proposition and those who are instructed by their nominating authority are not bound. There are several.

In my particular case, not having made this an issue in my campaign, I am bound by the rule.

I shall vote "present." I will not vote for nor will I vote against. There are others in the same situation.

Not everyone is bound—and they have expressed themselves.

Mr. GERALD R. FORD. May I say to the gentleman from New Jersey I appreciate the clarification he has made? I still think it is most unfortunate and I am sure that deep in his own heart he knows it is not right for him not to be able today to vote as he did on July 16, 1970. His conviction is just as dedicated today as it was then. I think it is tragic and unfortunate that he and others on that side of the aisle find themselves, because of the unit rule decision of a portion of the Democratic Party, precluded from doing in conscience what they want on this issue of legislative reform.

Mr. THOMPSON of New Jersey. There was no record vote. It was a teller vote.

Mr. BLATNIK. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman from Minnesota (Mr. BLATNIK) for a unanimous request.

Mr. BLATNIK. Mr. Speaker, I thank the gentleman. I am opposed to the provision of the rule which would transfer one-third of the funds to the minority. I am for adequate personnel for the minority, but this rigid, inflexible, arbitrary across-the-board ruling would impose needless divisiveness and controversy into committees which already have an agreeable and workable allotment of minority staff, as is the case in our Public Works and by far most of our standing Public Works Committees. Instead of improving the effectiveness of the workings of Congress through its major committees, this rule will, clearly, on the contrary, create more problem areas and solve few, if any.

It is clear to us all that today we face a real challenge to our system of Government. Simply stated, the next few years will tell whether our system of checks and balances can effectively confront the terribly important problems of our times.

Many of our critics, both within and out of Government, are saying that Congress as it is constituted and organized is obsolete. We have been accused of causing a "deadlock of democracy." It is said that the very existence of our country is threatened unless Congress can establish the means of taking action when needed to face up to such current problems as the ever increasing pollution of our total environment, and the need to establish programs whereby all of our citizens can live closely together with respect and dignity in all parts of our country.

We must admit that the end of the last session of Congress left much to be desired. For a variety of reasons, the Congress failed to provide the leadership that was needed.

But one thing is becoming crystal clear. Congress, and this House, must have the most modern organizational structure and machinery that will permit it to do a professional job in considering the many programs, issues, and legislative proposals that come up on its agenda. And nothing is more basic to this need than the acquisition and use of the best talent and professional staffs to serve our committees where we all know the vital work of the House must take place.

The executive branch has grown and developed into a vast bureaucracy of professionalism. Its strength over the years has been directly proportional to the caliber of people it has attracted to the Government on a career basis under a dynamic merit system. We in Congress have insisted that the public's business is too important to permit the unbridled use of Government employment as a happy hunting ground for partisan spoils regardless of the party in control of the White House. Ironically, while we used the wise principles of the merit system approach to bring professional program and career continuity to the executive branch, we have neglected our own house. In fact, we recently took a long step backward.

We all have believed that one of the key objectives of the 1946 Reorganization Act—the establishment of professional committee staffs without regard to partisan considerations—was the foundation upon which the modernization of the House would rest. The Congress, in taking this step, recognized that if we were to remain independent of executive branch domination we needed the professional staff work that would permit us to consider on our own important legislative proposals without being engulfed by the executive branch. Congress recognized that good staff work is nonpartisan. It recognized that great public issues must be considered on the basis of facts and not solely as a result of partisan emotions. War, poverty, pollution, urban crises, and racial prolification transcend party. In fact, our partisan method of establishing public policy can only come to its highest fruition when it has the means of permitting statesmanlike consideration of vital national issues.

And yet, just last year, the House adopted the most potentially divisive and counterproductive approach to staffing our committees that one could devise. Apparently opportunity for party patronage loomed more important than the ability of the House to stand up to its awesome responsibilities. The House adopted the rule that professional staff on each committee must be two-thirds Democratic and one-third Republican.

I submit that this is retrogression of the highest degree. Once again staff appointments will depend on party activities and favors done for Members of Congress rather than the real ability a person can bring to his job. Once again both parties will look to staff appointments for patronage purposes. Instead of reaping the benefit of a true career system that I thought we were developing among our professional staffs, we will be taking on all the headaches of a spoils system. Inevitably, this will lead to a further worsening of the House's ability to confront the major problems facing us. The short time winner will be the executive branch which will not be encumbered by the spoils system in its key jobs; the ultimate losers will be the American people that look to our form of government—a coequal legislative branch alongside the executive—to be truly representative of its needs.

I strongly urge that the House rescind this devastating approach to efficient program and management actions, and return to a situation in which committees can build true career professional staffs based on merit and ability. I cannot stress strongly enough the urgency that requires our immediate action to overturn this spoils approach to staffing. It takes many years to build effective staffs. A spoils system approach, such as that adopted by the House, can tear down a staff overnight. We must avoid this at all costs. The need is great—our work is too important in this House.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Iowa (Mr. SCHWENGEL) for a unanimous-consent request.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman from California for his kindness in yielding 2 minutes to me. I would like to repeat the quotation from Sir Winston Churchill which our distinguished chairman I think referred to awhile ago, that democracy is the worst form of government ever tried, except every other form of government ever tried. That applies to the Rules Committee today.

I want to support today those who have advocated the elimination of this 21-day rule, not on any ideological principle, because if this were a liberal versus conservative fight, I think I have the right to have some credentials counted on the liberal side, but purely on the basis of what the House by long experience has found to be the best method of bringing bills to the floor of the House, and that the present method we have is the better one we have tried. Today 218 Members can discharge the Rules Committee. That is 37 less than the number of Democrats in the House not to speak of the Members of the minority party who might join in. How could the Rules Committee, therefore, defy the will of the House in view of that sheer power to discharge the Rules Committee from the consideration of a resolution?

The Rules Committee is composed of 15 members, always 10 from the majority party, and primarily appointed by the Speaker, and five from the minority party. I made the statement at the Democratic caucus yesterday, and I venture to repeat it now, that in the history of the Rules Committee there has never been the close cooperation between the Rules Committee and the leadership of the House that there is today with the present personnel of the Rules Committee.

We have tried procedures with the Speaker having absolute power to bring up bills under Speaker Cannon. In the 81st Congress we tried imposing upon the Speaker the mandatory duty to recognize any committee chairman to bring up any bill from his committee not reported out in 21 days by the Rules Committee. In the 89th Congress we tried giving the Speaker discretionary power to recognize any committee chairman to call up any bill from his committee not reported out in 21 days by the Rules Committee. All those procedures failed. We have found that the present rule is the best method yet devised and we should preserve it until something better can be found.

Mr. SCHWENGEL. Mr. Speaker, the efforts being made by means of the pending motion constitute one of the most unconscionable breaches of faith I have ever witnessed. It was only a few short weeks ago that several prominent Members of the majority spoke eloquently about the need for adequate minority staffing. Many on the majority give the minority a fighting chance to be effective legislators. Among the comments, most eloquent are those of the gentleman from New Jersey (Mr. THOMPSON) who said:

> Now, in essence the effect is simple. The language, "shall receive fair consideration" is susceptible of a different interpretation in every committee because what might be not be so considered in another committee. Therefore the minority could possibly, under the existing language which I hope to amend, be deprived of what I consider to be a very necessary right, the right to have a reasonable share of the staff.
>
> I might point out that the Committee on Education and Labor, which in my judgment has the most forward-looking rules of any committee in the House, has so provided for the minority over a period of years. It has worked out extremely well. It is conducive to a close working relationship between the majority and the minority.
>
> The minority is guaranteed under such provision the staff help that is necessary to prepare its work.
>
> It has been my experience on that committee and on the subcommittees as well that this arrangement has brought about an extremely harmonious relationship between the majority and minority members. The preparation of the legislative work, the reports and the amendments and all of the work incident to the legislative process is much more efficient because of the fact of the minority having the staff and the cooperation between the minority and the majority.

Mr. Speaker, these words and subsequent action are the marks of statesmanship at its best.

The gentleman from Minnesota (Mr. FRASER) said at the same time:

> I want to say to the gentleman that we both served in the State Senate of Minnesota. One of the reasons why I support this amendment is I found in all the years that I served in that legislature I was a member of the minority group in the State senate. I fought hard to get minority rights. I find it impossible now that I am in the majority suddenly to decide that I was wrong all those 8 years. It seems to me minimum protections for the minority strengthen the legislative process. That is why I think the amendment is a good one and I intend to support it.

These comments together with those made on behalf of the minority, were apparently persuasive enough to convince a sufficient number of Members of the rightness of our position. To now retreat on those commitments is disgraceful, if not even unethical.

My very strong feelings on this subject stem from my extensive research into the problem. As early as 1962, I began my study of the problem. From the beginning of my study it was apparent that not only did the minority suffer from this handicap but the people of the United States suffered as well from poorly conceived legislation. During 1963–64, I served as chairman of the House Republican Conference Committee on Increased Minority Staffing. As early as 1962, I introduced legislation calling for more adequate minority staffing. In fact, President Nixon took note of the problem. He commented on my 1962 resolution as follows:

> And I certainly want to commend you for taking the lead—by means of H. Res. 570—in rectifying a situation that is as dangerous to responsible democratic government as it is a roadblock to effective Party representation. . . . the overriding consideration, all political preferences aside, is simply that democratic governmental proceses demand an informed and responsible opposition. Your Resolution surely works toward that goal—and thus it ought to be vigorously supported by every thoughtful member of Congress.

The minority party has been severely hampered in past years, particularly with the increase in the workload and the complexity of our problems, because of inadequate staff on the committees. As a group of distinguished political scientists has said:

> To deny the Minority in Congress access to adequate representation on Committee staff eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration.

The minority party has been forced to act with a lack of adequate data and evaluation in several subject areas, and has, as a result, often been unable to offer complete and complex alternatives to legislation.

The Members of the House evidently saw the need for an active and competent loyal opposition in order to improve our alternatives and they saw fit to take a step in the direction of solving the problem in the Legislative Reorganization Act of 1970. As the chairman of a Republican conference subcommittee which studied the problem of minority staffing, I have become quite well acquainted with the subject, and I and several of my colleagues, particularly my fellow Republican, Mr. CLEVELAND and two of our Democrat counterparts, Mr. THOMPSON of New Jersey and Mr. WAGGONER have discovered some cracks in the wall, and attempted to fill them with the provisions for minority staffing contained in the act.

Though it is true that there are no minority staffing problems on many committees, there are some which proved unacceptable. Specifically, the problem was that the staff hired by the minority was subject to the veto of the entire committee, which gave the majority party the power to deny competent personnel to the minority. This flaw was unacceptable, as, I am sure, the majority party would not be happy if the minority were to have a veto over its staff. I would hasten to add that the present majority party may not always enjoy such status.

The act provides for the separate hiring by either party of the allotted number of staff personnel. Neither party will have a say in whom the other shall appoint to its professional or clerical positions. This provision will be extremely helpful in the minority's attempt at fulfilling the role of a loyal opposition, thereby contributing to the upgrading of the legislation which would result from an improved and more dynamic adversary system.

The change was relatively minor, particularly in view of the enormous benefits which would accrue. The price situation, in which the majority had a veto power, distressed me, and I ask your support in retaining the minority staffing provisions to permit the minority sole hiring and firing power over the minority staff. This provision stemmed from a bipartisan effort and was supported by a broad spectrum of the Members. I ask you to join us in this effort and I add a side of the aisle to ignore the arbitrary special appeal to my friends on the other and capricious efforts to bind your vote on this subject. The question is far too important to have it decided solely on the basis of raw, misguided partisan politics.

Mr. Speaker, I shall continue the fight for minority staffing not only for investigatory committees but for all committees. The problem is still with us and the country deserves the best that Congress can give them. They have not gotten the best and will not even approach adequacy until Congress uses its full potential.

Mr. COLMER. Mr. Speaker, I wish to make one final comment on the point that was brought up here at the last moment about who is bound and who is not bound. I make the positive statement that nobody, as a result of that caucus yesterday, is bound except upon one issue here, and that is the question of the division of funds for committee staffing. I make that upon the highest authority. A moment ago I saw the author of that proposal here on the floor, and I think he would bear me out in that statement.

Mr. Speaker, I move the previous question on the resolution, as I am bound to do by the caucus.

The SPEAKER. The question is on ordering the previous question.

Mr. SISK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 254, not voting 46, as follows:

[Roll No. 7]

YEAS—134

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Carey
Carney
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.

Fascell
Flood
Ford, William D.
Fraser
Gallagher
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hungate
Karth
Kastenmeier
Kee
Koch
Kyros
Leggett
Link
McCormack
McFall
McKay
Madden
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead

Morgan
Moss
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Neill
Patten
Perkins
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Staggers
Stanton, James V.
Stokes
Stratton
Sullivan
Symington
Udall
Van Deerlin
Vanik
Vigorito
Wolff
Yates
Yatron
Zablocki

NAYS—254

Abernethy
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Cabell
Caffery
Carter
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corbett
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
duPont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton, Pa.
Fuqua

Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Hastings
Hays
Hébert
Heckler, Mass.
Henderson
Hillis
Hogan
Horton
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mizell
Morse
Mosher
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pepper

Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalen
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NOT VOTING—46

Abbitt
Baring
Burleson, Tex.
Byrne, Pa.
Camp
Cederberg
Davis, Ga.
Edmondson
Edwards, La.
Frey
Fulton, Tenn.
Griffiths
Hanna

Harsha
Harvey
Jonas
King
Kluczynski
McMillan
Martin
Mathias, Calif.
Mills
Montgomery
Morton
Murphy, N.Y.
Nix

Pryor, Ark.
Purcell
Rees
Reuss
Smith, Iowa
Smith, N.Y.
Steed
Talcott
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley

NOT SWORN

Celler
Dowdy

Eckhardt
Hosmer

McCulloch
Whitehurst

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Montgomery against.

Mr. Byrne of Pennsylvania for, with Mr. Abbitt against.

Mr. Edmondson for, with Mr. Mills against.

Mr. Fulton of Tennessee for, with Mr. McMillan against.

Mr. Waldie for, with Mr. Cederberg against.

Mr. Tiernan for, with Mr. Burleson of Texas against.

Mr. Kluczynski for, with Mr. Martin against.

Mr. Nix for, with Mr. Harvey against.

Mr. Rees for, with Mr. Jonas against.

Until further notice:

Mr. Watts with Mr. Whalley.

Mr. Steed with Mr. Camp.

Mr. Smith of Iowa with Mr. Smith of New York.

Mr. Reuss with Mr. Harsha.

Mr. Purcell with Mr. Frey.

Mrs. Griffiths with Mr. King.

Mr. Edwards of Louisiana with Mr. Mathias of California.

Mr. Pryor of Arkansas with Mr. Thompson of Georgia.

Mr. Davis of Georgia with Mr. Morton.

Mr. Baring with Mr. Talcott.

Mr. ASPIN changed his vote from "nay" to "yea."

Mr. LONG of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SISK).

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 2, strike out lines 1 through 25, and on page 3, strike out lines 1 through 18.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I will take only a very brief time to explain that the striking of the language here designated will strike from the resolution all the language in connection with the 21-day rule adopted in the Democratic caucus. This will restore the Committee on Rules to its present status.

Mr. Speaker, I believe the discussion we have already held here and the discussions which have previously gone on, certainly in our caucuses and I am sure as well in the caucuses of our Republican friends, have made this situation very clear.

It would seem to me that the House is ready to express its will on this matter. I should like to say at this time, in view of the discussions I have had already with interested people, I believe we can wrap this matter up in a very few minutes and go to the final vote on the previous question, which I will move shortly.

At this time I yield 5 minutes to the gentleman from California (Mr. SMITH) for debate only.

Mr. SMITH of California. Mr. Speaker,

I believe we have covered the entire situation in quite some detail during the hour of the previous debate. However, just for the purposes of clarity, a number of Members on my side of the aisle object very strenuously to the language which is being stricken in Rule XI; namely, lines 11 through 16 of page 4 of the resolution, which says:

> In Rule XI, strike out clause 32(c) and insert in lieu thereof the following:
>
> "(c) The minority party on any such standing committee is entitled to and shall receive fair consideration in the appointment of committee staff personnel pursuant to each such primary or additional expense resolution."

That relates to the language which is in the rules at the present time, in rule XI. That language is in the so-called Thompson-Schwengel amendment, which was agreed to on the floor of the House by the minority party, that says that any such standing committee is entitled to request and receive not less than one-third of the funds provided for committee staff personnel. In this case, if the previous question, when it is moved by the gentleman from California (Mr. SISK) is again voted down, then someone will be recognized to offer an amendment which amendment will contain the same language as that in the amendment of the gentleman from California (Mr. SISK), namely:

> On page 2, strike out lines 1 through 25, and on page 3, strike out lines 1 through 18.

And in addition, new language to strike out lines 11 through 16, inclusive on page 4.

I want to explain that, Mr. Speaker, so that the Members will know what our procedure is and decide what they wish to do.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield to me for several questions?

Mr. SMITH of California. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. As I understand it, if the next previous question is defeated, it would be the intention of the gentleman from California (Mr. SMITH) if recognized by the Chair, to offer an amendment that would in effect restore subsection (c) of rule XI of the Legislative Reorganization Act of 1970. Is that correct?

Mr. SMITH of California. The gentleman is absolutely correct as to what it would include. Now, whether or not the gentleman from California (Mr. SMITH) is going to offer this I do not know. There are other gentlemen over here who were instrumental in working on the floor on that and speaking on it in caucus, and I am inclined to think that they might prefer to offer it themselves. However, somebody will offer it.

Mr. GERALD R. FORD. Be that as it may, there will be somebody from this side of the aisle who will seek to restore that provision that was included in the Legislative Reorganization Act of 1970?

Mr. SMITH of California. That is the intention as I understand it.

Mr. GERALD R. FORD. In order to achieve that result, it is necessary to vote down the previous question that the gentleman from California (Mr. SISK) will shortly move on?

Mr. SMITH of California. The gentleman is correct.

Mr. SISK. Mr. Speaker, I yield 8 minutes to the gentleman from Missouri (Mr. BOLLING) for debate only.

Mr. BOLLING. Mr. Speaker, I know that the House and its Members are impatient to vote on this matter, but it seems to me important for not only the Democrats who dealt with this in their caucus yesterday to be aware of the realities and of the significance of the vote—and I am sure the Democrats already are, but it is important for our Republican friends to know.

I cannot argue with my friends on the Republican side with regard to the provision with which they are concerned with regard to staff. Thus I do not even seek to persuade them to vote for the previous question when requested to do so by the gentleman from California. To protect their interest they must vote the other way.

However, I wish to address myself to the substance of the 21-day rule. I am one of the very few members of the Committee on Rules who support the proposed current 21-day rule. I do so because I know the history of the Rules Committee.

It was a very great Speaker, perhaps the greatest one of them all—Speaker Thomas Bracket Reed, Republican of Maine, who as chairman of the Rules Committee caucused his other two majority members and then called a meeting of the committee and said to the two minority members, "The majority is about to perpetrate an following outrage on the minority."

Mr. Speaker, the Rules Committee is, should be, and has been, except for a relatively brief period of time, an arm of the majority leadership. It has been such as recently as 1953 and 1954 when the Republicans were in the majority. It was such also in the Republican 80th Congress. Our Republican friends have never allowed the committee to be other than that. It is the way by which the majority party schedules its legislative program.

An accident of history in 1937 threw the Rules Committee into the hands of a coalition of interest that crossed party lines, a perfectly honorable coalition, a coalition of conservative Republicans and conservative Democrats alike.

In 1937 they took control of the Rules Committee and from that day until 1961 the Rules Committee was often the death chamber of the majority party's legislative proposals. It, often, was a device by which Republicans could say that a Democratic Congress killed a bill. It was the technique by which the American people were deluded into believing that a party which only nominally controlled the House and its machinery was wholly responsible for certain legislative acts.

The reason for this 21-day rule is to assure to the party responsible for the organization of this institution, the House of Representatives, the Democratic Party the right to bring its program to be considered and voted on—not necessarily to be passed, but to be considered by the whole membership. The first 21-day rule that was adopted was flawed. It gave the power to bypass the Rules Committee to committees and committee chairmen. That was the one adopted in 1949 and repealed in the next Congress. It was a bad proposition.

The second one that was adopted was not flawed. In 1965 we adopted a 21-day rule which gave the final say to the chief officer of the House, who is also the chief leader of the majority party, the Speaker.

Why is it that the American people should be kidded? Why should not the majority party have the right to exercise its responsibility to bring to the floor of the House and have debated and voted up or down the legislation it favors? That is all this 21-day rule will assure. In fact, since the packing—and I use its opponents' phrase—of the Rules Committee in 1961 and since the defeat in 1964 of Judge Smith, the Rules Committee has been generally responsive to the majority party leadership.

What you vote for when you vote against the 21-day rule is for obstruction by an entity that is not really visible to the American people. It cannot be that either party desires to have the real exercise of power hidden from the American people. I believe everybody, Republican and Democrat alike, conservative and liberal alike, wants the American people to know who is really responsible for what the House does. That will be very clear only if the 21-day rule is adopted.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. COLMER).

Mr. COLMER. Mr. Speaker, we have gotten down here now to a situation in which I think we should just as well recognize the facts of life. This House has demonstrated by an overwhelming majority that it does not want to repeal the right of the Committee on Rules to act in an orderly manner, which it has been doing for all these years—in fact for 60 years.

Now, there are some, I am sure, who are prompted to vote against the previous question on the idea that they might get something else into the bill that they are interested in. Now, we just might as well face it. We are either going to vote for the previous question on this, or both those who want something else, and others who are opposed to eliminating the 21-day rule are going to wind up getting nothing. You will lose both issues if you vote down the previous question.

The question now is plain and simple. Are you going to defeat this proposition of taking away the power of the Committee on Rules and place it in the hands of the Speaker? Talk about democracy. This is nothing else but Cannonism, you are going back 60 years if you do that.

What I am trying to say to you now—and I do not want to be blunt about this thing, but I think we must face it—you are either going to get this Sisk amendment or you are going to get nothing. You open this thing up, if you vote down the previous question, and if——

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi.

Mr. COLMER. We are either going with this thing and adopt the rules, or you open it up for a field day here, indefinitely, a Pandora's box.

Now, I am going to be a little more blunt, and I hope I may have the attention of these other people, those who are particularly interested in some particular matter, for those of my friends who want to get their matter in, vote against the previous question, and then if my friends over here who do not want the Sisk amendment, when you open it all up you get nothing.

Let me say to you in just so many words, let me say to my friends over here on the Republican side, that you cannot win—I know that is pretty blunt—on the thing that you are interested in. The caucus, the Democratic caucus, bound the Members, wisely or unwisely, on one issue and one issue alone, and that was the Holifield amendment on the money question.

Now if my friends on the one side here who do not way my friends on the other side to have what they want—if they vote down the previous question, then they will just be opening it up to permit my friends here to attempt to get what they want—and they cannot get it. So those who are opposed to hamstringing the Rules Committee had better vote for the previous question. Otherwise, they will be like the dog in Aesop's Fables who dropped the bone he had, to get a larger one, so he lost them both.

Mr. Speaker, I hope I made the situation clear to my colleagues.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HOLIFIELD) for purposes of debate only.

Mr. HOLIFIELD. Mr. Speaker and my Democratic colleagues, you are down to the place where the gut cutting occurs. You are going to be practical and take what you can get, or you are going to open up a Pandora's box—and you do not know what you are going to get.

This House has spoken of their attitude toward the 21-day rule. Let us not be a bunch of damn fools again and do the thing less than two-fifths of the House Members did in the reform bill. Let us vote for the Democratic Party and the control of the Democratic Party and its staff to inaugurate and to enact the legislation we pledged ourselves to in our platform—the Democratic Party platform of the majority party. The people placed on us the responsibilities of leadership. Do not take away the tools. Vote "yea" on the previous question or you will be like the dog in Aesop's Fables who looked down into the water and saw his own reflection of a big bone in his own mouth. He opened up his jaws to grab for it and he lost the bone in his mouth.

So vote "yea" on the previous question.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, it would seem to me, I think, that everyone here thoroughly understands the situation. Unless, as the gentleman from California says, we want to open up a Pandora's box, you will vote "yea" on the previous question.

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER. The question is on ordering the previous question on the amendment and on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 174, not voting 46, as follows:

[Roll No. 8]

YEAS—213

Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byron
Cabell
Caffery
Carey
Carney
Casey
Chappell
Clark
Clay
Collins, Ill.
Colmer
Conyers
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fountain
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Hagan
Haley
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Leggett
Lennon
Link
Long, La.
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Preyer, N.C.
Price, Ill.
Pucinski
Randall
Rangel
Rarick
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Staggers
Stanton, James V.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Tex.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NAYS—174

Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Carter
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Coughlin
Crane
Culver
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
duPont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Gibbons
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Idaho
Hastings
Heckler, Mass.
Hillis
Hogan
Horton
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mailliard
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Morse
Mosher
Myers
Nelsen
O'Konski
Pelly
Pettis
Peyser
Pirnie
Podell
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rousselot
Ruppe
Ruth
Ryan
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Snyder
Spence
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Widnall
Wiggins
Williams
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—46

Abbitt
Baring
Burleson, Tex.
Byrne, Pa.
Camp
Cederberg
Davis, Ga.
Edmondson
Edwards, La.
Frey
Fulton, Tenn.
Griffiths
Hanna
Harsha
Harvey
Jonas
Kluczynski
Landrum
McMillan
Martin
Mathias, Calif.
Mills
Montgomery
Morton
Murphy, N.Y.
Nix
Pryor, Ark.
Purcell
Rees
Reuss
Smith, Iowa
Smith, N.Y.
Steed
Talcott
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley
Wilson, Bob

NOT SWORN

Celler
Dowdy
Eckhardt
Hosmer
McCulloch
Whitehurst

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Cederberg against.

Mr. Byrne of Pennsylvania for, with Mr. Martin against.

Mr. Edmondson for, with Mr. Harvey against.

Mr. Fulton of Tennessee for, with Mr. Jonas against.

Mr. Hanna for, with Mr. Camp against.

Mr. Burleson of Texas for, with Mr. Frey against.

Mr. Kluczynski for, with Mr. Mathias against.

Mr. Tiernan for, with Mr. Bob Wilson against.

Mr. Nix for, with Mr. Smith of New York against.

Mr. Edwards of Louisiana for, with Mr. Morton against.

Mr. Montgomery for, with Mr. Harsha against.

Mr. Waldie for, with Mr. Talcott against.

Mr. Rees for, with Mr. Thompson of Georgia against.

Until further notice:

Mr. Abbitt with Mr. Baring.
Mr. Davis of Georgia with Mr. Landrum.
Mr. Mills with Mr. Pryor of Arkansas.
Mr. Steed with Mr. Smith of Iowa.
Mr. Purcell with Mrs. Griffiths.
Mr. Watts with Mr. Reuss.

Mr. PODELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. SISK).

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, is the next vote on the substance of the Sisk amendment?

The SPEAKER. It is on the Sisk amendment.

Mr. GERALD R. FORD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. A "yea" vote will be a vote for the Sisk amendment, which would delete from the proposed rules the 21- or 31-day amendment?

The SPEAKER. The gentleman is correct.

The question is on the amendment offered by the gentleman from California.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 162, noes 109.

Mr. BOLLING. Mr. Speaker, on that vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 234, nays 153, not voting 46 as follows:

[Roll No. 9]

YEAS—234

Abernethy
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Blanton
Blatnik
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Cabell
Caffery
Carter
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Corbett
Crane
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
duPont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fuqua
Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hastings
Hays
Hébert
Henderson
Hillis
Hogan
Holifield
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McCloskey
McClure
McCollister
McEwen
McKevitt
McKinney
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mayne
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mizell
Mollohan
Moss
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pepper
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Springer
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Ullman
Veysey
Waggonner
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NAYS—153

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashbrook
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Broomfield
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Carey
Carney
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flood
Foley
Ford, William D.
Fraser
Fulton, Pa.
Gallagher
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Kee
Koch
Kyros
Leggett
Link
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Nedzi
Obey
O'Hara
O'Neill
Patten
Perkins
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Reid, N.Y.
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Stafford
Staggers
Stanton, James V.
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Whalen
Wolff
Yates
Yatron
Zablocki

NOT VOTING—46

Abbitt
Baring
Burleson, Tex.
Byrne, Pa.
Camp
Cederberg
Davis, Ga.
Edmondson
Edwards, La.
Frey
Fulton, Tenn.
Griffiths
Hanna
Harsha
Harvey
Jonas
Kluczynski
Long, Md.
McCormack
McMillan
Martin
Mathias, Calif.
Mills
Montgomery
Morton
Murphy, N.Y.
Nix
Pryor, Ark.
Rees
Reuss
Smith, Iowa
Smith, N.Y.
Steed
Talcott
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley
Widnall

NOT SWORN

Celler
Dowdy
Eckhardt
Hosmer
McCulloch
Whitehurst

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montgomery for, with Mr. Byrne of Pennsylvania against.

Mr. Burleson of Texas for, with Mr. Kluczynski against.

Mr. McMillan for, with Mr. Nix against.

Mr. Abbitt for, with Mr. Edmondson against.

Mr. Mills for, with Mr. Fulton of Tennessee against.

Mr. Camp for, with Mr. Hanna against.

Mr. Jonas for, with Mr. Murphy of New York against.

Mr. Thompson of Georgia for, with Mr. Rees against.

Mr. Cederberg for, with Mr. Tiernan against.

Mr. Martin for, with Mr. Waldie against.

Mr. Widnall for, with Mr. Reuss against.

Until further notice:

Mr. Watts with Mr. Harsha.

Mr. Davis of Georgia with Mr. Smith of New York.

Mr. Edwards of Louisiana with Mr. Talcott.

Mrs. Griffiths with Mr. Mathias of California.

Mr. Smith of Iowa with Mr. Morton.

Mr. Steed with Mr. Harvey.

Mr. Pryor of Arkansas with Mr. Whalley.

Mr. Baring with Mr. Long of Maryland.

Messrs. BURKE of Massachusetts, LEGGETT, ROONEY of New York, McDADE, and PERKINS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution, as amended.

Mr. STEIGER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 226, nays 156, answered "present" 1, not voting 50, as follows:

[Roll No. 10]

YEAS—226

Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carey
Carney
Casey
Chappell
Chisholm
Clark
Clay
Collins, Ill.
Colmer
Conyers
Corman
Cotter
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan

Dulski
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, William D.
Fountain
Fraser
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Hagan
Haley
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Kyros
Landrum
Latta
Leggett
Lennon
Link
Long, La.
Long, Md.
McCormack
McFall
McKay
Madden
Mahon
Mailliard
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quillen
Randall
Rangel
Rarick
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Spence
Staggers
Stanton, James V.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
White
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NAYS—156

Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bell
Betts
Biester
Blackburn
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Carter
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Coughlin
Culver
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
duPont
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Morse
Mosher
Myers
Nelsen
O'Konski
Pelly
Pettis
Peyser
Pirnie
Poff
Powell
Fulton, Pa.
Goldwater
Goodling
Gross
Gubser
Gude
Hall
Halpern
Hamilton
Hansen, Idaho
Hastings
Heckler, Mass.
Hillis
Hogan
Horton
Hutchinson
Jacobs
Johnson, Pa.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Lent
Lloyd
Lujan
McClory
McCloskey
McClure
Price, Tex.
Quie
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rooney, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Skubitz
Snyder
Springer
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Wampler
Ware
Whalen
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

ANSWERED "PRESENT"—1

Thompson, N.J.

NOT VOTING—50

Abbitt
Alexander
Baring
Brown, Ohio
Burleson, Tex.
Byrne, Pa.
Camp
Cederberg
Crane
Edmondson
Edwards, La.
Fish
Frey
Fulton, Tenn.
Griffiths
Grover
Hanna
Harsha
Harvey
Henderson
Hunt
Jonas
Kluczynski
McMillan
Macdonald, Mass.
Martin
Mathias, Calif.
Mills
Montgomery
Morton
Murphy, N.Y.
Nix
Pryor, Ark.
Rees
Reuss
Smith, Iowa
Smith, N.Y.
Steed
Talcott
Thompson, Ga.
Tiernan
Waldie
Watts
Whalley

NOT SWORN

Celler
Dowdy
Eckhardt
Hosmer
McCulloch
Whitehurst

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Byrne of Pennsylvania for, with Mr. Cederberg against.

Mr. Kluczynski for, with Mr. Harvey against.

Mr. Nix for, with Mr. Harsha against.

Mr. Edmondson for, with Mr. Smith of New York against.

Mr. Fulton of Tennessee for, with Mr. Frey against.

Mr. Murphy of New York for, with Mr. Jonas against.

Mr. Martin for, with Mr. Brown of Ohio against.

Mr. Waldie for, with Mr. Thompson of Georgia against.

Mr. Tiernan for, with Mr. Fish against.

Mr. Henderson for, with Mr. Crane against.

Mr. Burleson of Texas for, with Mr. Grover against.

Mr. Rees for, with Mr. Talcott against.

Mr. Hanna for, with Mr. Mathias of California against.

Mr. Montgomery for, with Mr. Hunt against.

Mr. Macdonald of Massachusetts for, with Mr. Camp against.

Until further notice:

Mr. Alexander with Mr. Watts.

Mr. Mills with Mr. McMillan.

Mr. Edwards of Louisiana with Mr. Pryor of Arkansas.

Mr. Steed with Mr. Smith of Iowa.

Mrs. Griffiths with Mr. Abbitt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COLMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the resolution prior to the vote.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AUTHORIZING ADMINISTRATION OF OATH OF OFFICE TO HON. JOHN DOWDY

Mr. PICKLE. Mr. Speaker, on behalf of the entire Texas Democratic Wednesday luncheon, I offer a resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 11

Whereas the Honorable John Dowdy, Representative-elect from the State of Texas, from the Second District thereof, has been unable from sickness to appear in person to be sworn as a Member of the House, and there being no contest or question as to his election: Therefore, be it

Resolved, That the Speaker, or deputy named by him, be, and he is hereby authorized to administer the oath of office to the Honorable John Dowdy.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the authority of House Resolution 11, 92d Congress, the Chair appoints the Honorable Winston Reagan of Athens, Henderson County, Tex., to administer the oath of office to the Honorable John Dowdy.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MATSUNAGA. Now that the House rules have been adopted, the next quorum call, if any, will be under the new rules, would it not?

The SPEAKER. The gentleman is correct. The 92d Congress is now operating under the new rules.

Mr. MATSUNAGA. What would that procedure be, Mr. Speaker?

The SPEAKER. It is outlined in the Legislative Reorganization Act.

Mr. MATSUNAGA. I believe Members need to be reminded that they have 15 minutes to come to the well to sign up to be recorded as being present.

The SPEAKER. That depends on the rules which we are operating under.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 12

Resolved, That the following-named Members be, and they are hereby, elected members of the standing committee of the House of Representatives on Ways and Means: Wilbur D. Mills, Arkansas (chairman); Hale Boggs, Louisiana; John C. Watts, Kentucky; Al Ullman, Oregon; James A. Burke, Massachusetts; Martha W. Griffiths, Michigan; Dan Rostenkowski, Illinois; Phil Landrum, Georgia; Charles A. Vanik, Ohio; Richard H. Fulton, Tennessee; Omar Burleson, Texas; James C. Corman, California; William J. Green, Pennsylvania; Sam M. Gibbons, Florida; and Hugh L. Carey, New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. GERALD R. FORD. Mr. Speaker, I offer a resolution (H. Res. 13) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Committee on Ways and Means: John W. Byrnes, Wisconsin; Jackson E. Betts, Ohio; Herman T. Schneebeli, Pennsylvania; Harold R. Collier, Illinois; Joel T. Broyhill, Virginia; Barber B. Conable, Jr., New York; Rogers C. B. Morton, Maryland; Charles E. Chamberlain, Michigan; Jerry L. Pettis, California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 14) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 14

Resolved, That the following-named Members be, and they are hereby, elected to the standing committee of the House of Representatives on House Administration: Wayne L. Hays (chairman), Ohio; Frank Thompson, Jr., New Jersey; Watkins M. Abbitt, Virginia; Joe D. Waggonner, Jr., Louisiana; John H. Dent, Pennsylvania; Lucien N. Nedzi, Michigan; John Brademas, Indiana; John W. Davis, Georgia; Kenneth J. Gray, Illinois; Augustus F. Hawkins, California; Tom S. Gettys, South Carolina; Jonathan B. Bingham, New York; Bertam L. Podell, New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. GERALD R. FORD. Mr. Speaker, I offer a resolution (H. Res. 15) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 15

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Committee on House Administration: Samuel L. Devine, Ohio; William L. Dickinson, Alabama; James C. Cleveland, New Hampshire; John Kyl, Iowa; Fred Schwengel, Iowa; Robert C. McEwen, New York; James Harvey, Michigan; Orval Hansen, Idaho; Philip M. Crane, Illinois; John G. Schmitz, California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADMINISTRATION OF OATH OF OFFICE TO REPRESENTATIVE-ELECT WILLIAM M. McCULLOCH, FOURTH DISTRICT OF OHIO

Mr. BETTS. Mr. Speaker, in accordance with your designation of me, pursuant to House Resolution 8, 92d Congress, adopted by the House of Representatives, to administer the oath of office to Representative-elect WILLIAM M. McCULLOCH, of the Fourth District of Ohio, I have the honor to report that on January 22, 1971, at Johns Hopkins Hospital, Baltimore, Md., I administered the oath of office to Mr. McCULLOCH, form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mr. McCULLOCH subscribed.

OATH OF OFFICE ADMINISTERED TO HON. WILLIAM M. McCULLOCH

Mr. BETTS. Mr. Speaker, I offer a resolution (H. Res. 16) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 16

Whereas William M. McCulloch, a Representative from the State of Ohio, from the Fourth District thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Honorable Jackson E. Betts who was authorized by resolution of this House to administer the oath, and

Whereas the said oath of office has been presented to the House and there being no contest or question as to his election: Therefore, be it

Resolved, That the said oath be accepted and received by the House as the oath of office of the said Honorable William M. McCulloch as a Member of this House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS), the program for the remainder of the day and for next week if he can so advise us under the present circumstances.

Mr. BOGGS. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. I would be very happy to inform the distinguished minority leader as to the program

It is our intention to recess very shortly. It is my understanding that the plan is to reconvene at 8:30.

There is no business scheduled for next week, except there are certain privileged resolutions which will come out of the Committee on House Administration.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

RESOLUTION ALLOWING COMMITTEES TO CONTINUE WITH SAME MONEY FOR NEXT 90 DAYS

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, I have asked for this time merely for the purpose of announcing to the House that I am hopeful of bringing out a continuing resolution next week which will be a privileged resolution to allow committees for the next 90 days to continue with the same amount of money pro rata that they had for the past year in order to give the accounts subcommittee a chance to hold hearings on the amount they will have for the year, but in the meantime to allow employees to be paid while those hearings are going on because otherwise they could not be paid at the end of this month.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. GROSS. Would this be the only legislation that you would bring to the House?

Mr. HAYS. This is the only legislation that I know of that will come before the House Committee on Administration.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NO ONE ALLOWED ON FLOOR WHO DOES NOT HAVE PRIVILEGES OF THE FLOOR OF THE HOUSE

The SPEAKER. The Chair desires to make an announcement.

On yesterday, the Chair stated that during the joint session to receive the President of the United States, no one would be allowed on the floor of the House who does not have the privileges of the floor of the House.

The Chair would like to reiterate that restriction. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

FARM SUBSIDY PAYMENTS BEING PAID TO UNQUALIFIED RECIPIENTS

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, since 1962, a nudist colony has been receiving annual farm subsidy payments, although none of its land has been farmed.

In 1969, $2,000 was paid to another program participant whose acres are within a private ordnance proving ground where "ordnance devices from small caliber ammunition to bomblets, grenades, and land mines" are tested.

In other cases subsidies have gone to garbage dumps, housing developments, and gravel pits.

These and other shocking items are contained in a recent report of the Comptroller General as part of a study that, mind you, was limited only to the feed grain program as it has operated in a few counties in only six States. Even so, the GAO report found "questionable" payments of $618,000 going to 938 participants in 1969. And a closer study convinced them that 215 recipients have unlawfully collected $116,000 for not planting on land which has no conceivable agricultural purpose.

While the areas studies were not selected at random and may therefore not be typical, the report itself notes that similar mispayments obviously must have occured in other areas and programs as well.

Mr. Speaker, I want to point out that the Agriculture Department has readily agreed that such payments are improper, and in a response to a draft of this report has indicated some steps have already been taken to recover these funds and correct practices which have permitted this abuse. A copy of the Department letter will be inserted at the close of my remarks following a summary of the GAO report. Nevertheless, I have written Secretary Hardin requesting a full report on the scope of these abuses and the corrective action taken. A copy of the Hardin letter also follows.

As I noted in my letter to Secretary Hardin it is especially important that clear policy guidelines be established from Washington and conveyed to the field, not only to prevent this kind of abuse, but also for a more important reason. Last year, for the first time, the Congress enacted a farm subsidy limitation—a reform I have long fought for. I am proud that this is the first administration to have supported such a ceiling, although the ceiling level—$55,000—is still too high, and must be lowered.

But the subsidy ceiling has yet to be truly tested in operation, and the possibilities for evasion through farm-splitting are obvious. An extensive and serious effort will be required to make sure that all State and local officials are given clear directions to ferret out and reject all unlawful efforts at evasion.

Perhaps we may learn a lesson from this sorry incident that will enable us not only to correct these past abuses, but also to move toward a new era that will see the restoration of public confidence in a more limited and more efficiently run farm program.

The materials referred to follow:

Objectives of the Feed Grain Program Not Attained Because of Inclusion of Nonagricultural Land

WHY THE REVIEW WAS MADE

The objectives of the Feed Grain Program are to maintain farm income; stabilize prices of the grains used primarily for feeding farm animals; and ensure adequate, but not excessive, supplies of the feed grains—barley, corn, and grain sorghum—included in the program. The program is administered by the Agricultural Stabilization and Conservation Service for the Commodity Credit Corporation.

Program objectives remain unchanged under the recently enacted Agricultural Act of 1970. Changes in the Feed Grain Program made by that act do not materially affect the findings and recommendations contained in this report. (See p. 8.)

An important element of the program is the diversion of land from the growing of feed grains to an approved conservation use. This includes the planting of grass or other cover crops or allowing the land to lie fallow. The purpose of the diversion is twofold: controlling feed grain production and conserving land for future agricultural or related uses.

Participation in the Feed Grain Program is voluntary. A producer who elects to participate must divert a portion of his land from production to an approved conserving use. In return, he becomes eligible for price-support payments and loans on the balance of his feed grain crop. In addition, he may earn diversion payments by diverting additional land above the required minimum. (See p. 6.)

The General Accounting Office (GAO) made a review in 14 counties in six States of the types of land being diverted from production under the Feed Grain Program to see if the diversions were aiding in the accomplishment of program objectives. Most of the 14 counties were undergoing urbanization and therefore were areas in which the changing status of land could likely result in nonagricultural land's being enrolled in the program. GAO's findings therefore should not be considered typical of the entire program.

FINDINGS AND CONCLUSIONS

Substantial payments were being made for the diversion from production of land that was being used, or was designated for use, for other than agricultural purposes.

In the 1969 crop year, questionable diversion payments totaling about $618,000 were made to 938 farm owners or operators in the 14 counties. Payments of about $189,000 made to 215 individuals or organizations from that group were selected for detailed review. (See p. 10.)

Of these payments, 136 totaling about $116,000 were made for land used, or designated for use, for such purposes as housing and commercial development, recreation, country estates, sod nurseries, garbage dumps, and gravel pits. About $87,000 was paid for the diversion of certain of these tracts in prior years. (See p. 10.)

Since the current or intended use of the land ruled out the growing of feed grain or was inconsistent with crop production, the diversion payments did not contribute to the control of production—the principal objective of the diversion portion of the Feed Grain Program. Most of the payments were to recipients engaged in businesses or occupations other than agriculture and thus were inconsistent with the program objective of maintaining farm income.

Further, the making of diversion payments for land being used, or intended to be used, for nonagricultural purposes does not aid in attaining the secondary program objective of conserving land for future agricultural or related uses. (See p. 11.)

Examples of nonagricultural land enrolled in the program follow.

In 1969, a payment of $1,484 was made for the diversion of 25 acres which were being developed as part of a residential community. In early 1970, a substantial amount of construction had been completed and constructive activity had made much of the land unsuitable for cultivation. (See p. 12.)

In 1968–69, diversion payments totaling $1,400 were made to a garbage disposal company. An inspection of diverted acreage disclosed that the owner was selling the topsoil and was planning to use the excavated area as a garbage dump. (See p. 28.)

In 1969, a payment of $2,000 was made to a participant for the diversion of leased land within a privately owned ordnance proving ground. The ordnance manufacturer described the land—which is not readily accessible, because of fences and padlocked gates—as a completely equipped facility for the loading and testing of ordnance devices ranging from small-caliber ammunition to bomblets, grenades, land mines, and fuses of all types. (See p. 32.)

During GAO's review, it became evident that Agricultural Stabilization and Conservation Service regulations governing the eligibility of land for diversion payments were being subjected to various interpretations by its county offices and county committees, both of which have responsibilities for the local administration of the program. Also, national and State offices were not providing the guidance to the county offices and committees necessary to ensure uniform interpretation of the regulations. (See pp. 36 and 38.)

GAO recognizes that the Feed Grain Program is difficult to administer because of the dispersal of program operations and because of rapid changes in land use resulting from urban development. Those difficulties underscore the need for (1) revised regulations to ensure that only eligible land is enrolled in the Feed Grain Program and (2) procedures requiring the Agricultural Stabilization and Conservation Service's national and State offices to make periodic reviews of county operations to ensure that regulations are being applied consistently and in furtherance of program objectives. (See p. 39.)

RECOMMENDATIONS OR SUGGESTIONS

The Administrator of the Agricultural Stabilization and Conservation Service should—

Revise regulations or exclude from the program all land devoted to, or designated for, nonagricultural uses.

Establish review procedures at the national and State levels to provide assurance that adequate surveillance is maintained over the land being enrolled in the program and that regulations are being uniformly and consistently applied. (See p. 39.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Administrator agreed with GAO's conclusions and reported that all State offices were instructed in August 1970 to direct county committees to review all cases of the type described in the GAO report and to take action to recover any overpayments or unearned payments, where appropriate.

The Administrator pointed out that the Congress was then considering new agricultural legislation which would provide for a diversion program for feed grains, wheat, and cotton for the crop years 1971–73. The Administrator stated that, if this new legislation was enacted—and it was on November 30, 1970—he would take immediate action to:

Review regulations with the aim of more clearly defining farms ineligible for the diversion programs.

Strengthen administrative controls at national and State levels to provide assurance that (1) regulations are uniformly applied in determining land eligibility and (2) county committees maintain adequate surveillance of land to promptly identify those tracts shifting from agricultural to nonagricultural uses.

The actions proposed by the Administrator are responsive to GAO's recommendations. Since the changes made by the new agricultural legislation do not materially affect GAO's findings and recommendations, GAO plans to evaluate the adequacy of specific actions taken to ensure that diversion payments are not made for the diversion of ineligible land. (See p. 40.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report should be of particular interest to the Congress because of the significant amount of nonagricultural land that has been placed in the Feed Grain Program in disregard of congressionally established program objectives.

U.S. Department of Agriculture,
Washington, D.C., September 23, 1970.

To: Victor L. Lowe, Associate Director, GAO.
Subject: GAO Draft of Report to the Congress on Feed Grain Program Payments Made for Diversion of Nonagricultural Land.

We concur with the conclusion of the subject audit that the primary objectives of the feed grain program—to control production, strengthen prices and maintain or improve farm income—are not being met with regard to payments made for the diversion from feed grain production of land devoted to or designated for nonagricultural uses. It is not the intent of this agency to provide administrative regulations which would allow payments for diversion of land which is or will be devoted to nonagricultural uses.

In compliance with one of the major objectives of the feed grain program—to assure adequate but not excessive supplies of feed grains—we have developed administrative regulations which we believed would give adequate guidance and authority to ASC county committees to enable them to exclude from the diversion program those tracts of land which would be devoted to nonagricultural uses. Following are the pertinent guidelines which we have issued in regulations and administrative handbook instructions to accomplish the objective of excluding nonagricultural land from participating in the program:

1. Diverted acreage must be land which was cropland in the preceding year and is currently classified as cropland which, under normal conditions, could reasonably be expected to produce a crop.

2. The following are not eligible for designation as diverted acreage:

(a) Land which the county committee determines the producer reasonably could not expect to use in the absence of the program for the production of the crop being diverted because of the physical condition of the land or any other reason.

(b) Land which at the time the diverted acreage is designated is expected to be utilized in the current year for industrial development, housing, highway construction, or other nonfarm use.

(c) Land devoted to nonagricultural uses on or before September 30 of the current year.

(d) Land intended to be used for a specific nonfarm use in a later year, which would not be devoted in the current year to an agricultural use. All public land leased or intended for the production of crops is in this category, unless the owner (State, county and local government) establishes to the satisfaction of the county that adequate equipment is readily available for the successful production of row crops and small grain and the production of such crops is a normal practice.

Based upon our review of the cases set forth in the subject audit, it would appear that the above cited administrative regulations are not sufficiently adequate to insure uniform county committee application of the provisions which were designed to exclude nonagricultural land from program payments. This audit would also seem to indicate that the administrative control through national and State offices has not been sufficiently strong to provide uniform application of the administrative regulations.

We have already taken action to comply with one of the recommendations set forth in the subject audit. The problem discussed in this audit report has been brought to the attention of the State offices in all States in which a feed grain program is in effect. Following is the content of a wire notice which was issued to the chairman of all of the feed grain States on August 25:

"Several cases have come to our attention where land has been bought for housing developments or other nonagricultural uses and acreage thereon has been diverted under the wheat or feed grain program. In some cases no farming operations were carried out. In other cases the base or allotment was too large because a part of the cropland used for establishing the base or allotment has already been used for nonagricultural purposes. Other cases around urban areas were reported where no farming operations were carried out but the land was signed up as diverted under the program and payments were made. You are instructed to direct county committees to carefully review all cases of this kind and to take action to recover any overpayments or unearned payments. The only exception is where a producer acted in good faith on misinformation furnished by a representative of the county committee. Further instructions will follow."

The wheat and feed grain diversion programs terminate with the 1970 crop year. Congress is currently considering legislation which would provide for a diversion program for wheat, feed grains and cotton for the 1971 through 1973 crops. If this legislation is enacted, we would plan to take immediate action to review our administrative regulations with the objective of more clearly defining those farms which would be ineligible to participate in the feed grain, wheat and cotton programs because they are currently devoted to or designated for nonagricultural uses. We would also plan to strengthen our administrative controls at the national and State levels to assure that there be a uniform application of the regulations with regard to land falling into the nonagricultural category and to assure that county ASC committees and office personnel maintain adequate surveillance of land in their respective counties to immediately identify those tracts which have shifted from agricultural to nonagricultural uses.

We have some reservation with regard to the suggestion contained in the recommendations of the audit report which would exclude all land in predominantly nonagricultural areas from the feed grain program, except where the program applicant can prove, to the satisfaction of the county committee, that he is actively engaged in an ongoing farming operation. Although we do not disagree with this suggestion in principle, we question whether in the absence of congressional or legislative direction that we could enforce a regulation of this nature. However, we will study this suggestion further to determine its feasibility.

KENNETH E. FRICK,
Administrator.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 22, 1970.
Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I was deeply disturbed to learn from a recent Report to the Congress by the Comptroller General (B–114824, January 12, 1971) that the objectives of the feed grain program have been subverted because of a number of payments for diversion from production which have actually gone to owners of land devoted to or designated for nonagricultural uses.

Although I was pleased to note that your Department has already taken steps to eliminate these abuses, I am writing to request a detailed report on both the extent of such abuses and the corrective measures which have and will be taken to prevent their reoccurrence.

As your Department's initial reply to this report indicates, there is every reason to assume that these abuses have occurred in the wheat and cotton programs, and in many other areas of the nation not covered in this report.

I am sure you are aware of the growing lack of public confidence in the farm program in recent years. As part of the effort to help restore that confidence, I have long fought to place a limitation on farm subsidy payments. I am proud that this administration was the first to support such an effort—support which was critical to the enactment of the first payment ceiling.

As you know, I and many others have been concerned about the likelihood that many program participants will seek to evade the effects of this payment limitation. A vigorous administrative effort at the highest level will be required to prevent unlawful evasions.

This incident reveals a disturbing lack of policy direction over the Department's field operations. Unless this deficiency is corrected promptly I am concerned that confidence in the farm program will diminish further.

I would like to take this opportunity also to request a report on the effort that has been made to date to prevent evasion of the payment ceiling.

Thank you for your consideration of these requests. I look forward to receiving these two reports as soon as conveniently possible, and want to assure you that I will continue to do what I can to support your efforts to develop a more efficient and properly administrated farm program.

With best wishes, I am,
Cordially yours,
SILVIO O. CONTE,
Member of Congress.

REGULAR BIENNIAL MEETING OF THE U.S. GROUP OF THE INTERPARLIAMENTARY UNION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute.)

Mr. DERWINSKI. Mr. Speaker, the regular biennial meeting of the U.S. Group of the Interparliamentary Union will be held in room S207, on the Senate side of the Capitol, at 4 p.m. Tuesday, January 26. All interested Members are invited to attend.

PRESIDENT ANNOUNCES PROGRAM OF LIBERALIZED DEPRECIATION WHICH WILL COST THE TREASURY AN ESTIMATED $3.5 BILLION PER YEAR

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, last week, in the face of continued inflation and the heated pressure on the national debt ceiling, the President announced a program of liberalized depreciation which will cost the Treasury an estimated $3½ billion per year. This tax giveaway is the equivalent of a 10-percent reduction in corporate tax rates. By a single stroke of the President's pen, all of the Treasury gains in the Tax Reform Act of 1969 were washed down the drain.

COOPER-CHURCH AMENDMENT

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am rather perplexed by the complaints of some of the instant military experts in this House and in the other body, who opened the new 92d Congress yesterday with loud complaints that President Nixon, in authorizing air and helicopter operations in support of hard-pressed Cambodian troops, is somehow violating the "spirit" of the so-called Cooper-Church amendment.

Where do they get all this talk about the "spirit" anyway? This amendment was never really passed by Congress in the normal course: it was slipped through in the closing days of the last Congress in a conference committee as, frankly, a ransom to the Senate for getting their approval of the supplemental foreign aid appropriations for Cambodia. The House never really debated Cooper-Church. We never explored the full implications of it, let alone the "spirit" of it. And the only time the House actually voted on Cooper-Church, last spring, we voted against it. Last December's acceptance was a strictly shotgun wedding, and so we are committed only to the actual letter of that amendment, and not to any broad implications which somebody might think are involved but which never became any part of the legislative history.

And the letter of Cooper-Church is very simple: no American ground troops or military advisers in Cambodia. And that provision is being scrupulously adhered to.

Just what else would these instant experts have us do? They want the war over, do they not? Well, it is getting over. The troops are coming home. All American ground combat forces will be out of action in Vietnam by this summer. Already the casualties are only a tenth of what they were a couple of years ago. In fact more GIs are killed in accidents in Vietnam today than are killed in combat.

So what more do these instant experts really want? Do they want us to sit idly by and allow the situation in Cambodia to deteriorate to such point that the safety of the 200,000 noncombat American forces still remaining in Vietnam after next summer will be in peril? Is that their wish?

Well, if it is then it is clearly contrary to the letter of another legal action we took in the closing days last December when we made it clear that American funds could be used in "support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." We so legislated in the Defense Appropriations Act.

This is precisely what our helicopter and air actions are doing. They are covering the safe and scheduled withdrawal of American combat troops from South Vietnam. And they are protecting the lives of those American noncombat troops who will still be stationed in South Vietnam next fall.

What is so wrong with that? Indeed, that is exactly what we in Congress told the President to do. So let us let the President carry out that assignment we gave him, with a maximum of support and with a minimum of harrassment and second-guessing.

THE PENTAGON VERSUS CESAR CHAVEZ

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Department of Defense is again confronting the United Farm Workers Organizing Committee, led by Cesar Chavez. In past years, when the Farm Workers were engaged in a nationwide boycott of California table grapes, the Department of Defense grossly increased its purchase of grapes. This year, the United Farm Workers are fighting for justice for the workers on the lettuce farms in Arizona and California. Again the Defense Department has used its purchasing power to combat the lettuce boycott which Cesar Chavez and the union have organized.

Recent figures indicate that, since the strike and boycott began against Bud Antle, Inc., a major California lettuce grower, the Defense Department has increased Antle's share from less than 10 percent to more than 30 percent. At the same time, Inter Harvest, which has signed a contract with UFWOC, has suffered a sharp drop in military sales.

The Defense Department claims that it has a policy of complete impartiality in labor disputes. Its own rules require that "military departments shall remain impartial in, and refrain from taking a position on the merits of any labor dispute." Yet its grape-buying practices in the past gave the lie to that contention. And its lettuce-buying activities now do the same. It seems that the Defense Department's so-called position is observed only in the breach.

Defense Department procurement policy must not be used to undermine efforts to organize the lettuce workers.

In order to remedy this situation, 16 Members of the House have joined me in introducing legislation to limit procurement of lettuce by the Defense Department, so that no grower would have a proportionately greater share of military sales in fiscal year 1971 than it did in fiscal year 1970. It would enforce the required impartiality by preventing any increase in purchasing from one grower at the expense of another grower.

This bill would help to insure justice for the farm workers—justice which has been denied too long but which must prevail.

The following Members of the House are cosponsors: Mr. RYAN, Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mrs. CHISHOLM, Mr. CONYERS, Mr. CÓRDOVA, Mr. EDWARDS of California, Mr. WILLIAM D. FORD, Mr. HALPERN, Mr. HARRINGTON, Mr. KOCH, Mr. MITCHELL, Mr. NIX, Mr. O'NEILL of Massachusetts, Mr. ROSENTHAL, and Mr. SCHEUER.

I enclose at this point in the RECORD the text of my bill:

H.R. —

A bill relating to the conditions of labor involving certain employees engaged in the growing of lettuce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until such time as the Congress shall prescribe, and notwithstanding any other provision of law, no part of any appropriation shall be expended by the Department of Defense, or by any department or agency thereof in Fiscal Year 1971, for the procurement of California and Arizona lettuce crops from any person, corporation, or institution in excess of the amount procured from such person, corporation, or institution in Fiscal Year 1970, except that the Department of Defense, or any department or agency thereof, may increase its procurement from such person, corporation, or institution to an amount which bears the same ratio to the total amount being procured for Fiscal Year 1971 as the amount procured from such person,, corporation, or institution bore to the total amount procured in Fiscal Year 1970.

BLACK LUNG BENEFIT DATA

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, as the author of the black lung benefit provision of the Coal Mine Health and Safety Act, I am proud to call attention to preliminary data reflecting the first years experience.

Significant as the figures may be, it is still little enough recompense for the men who suffer from this dread disease and for their widows and children.

The figures for the first year black lung benefit data follows:

BLACK LUNG BENEFIT DATA (AS OF JAN. 4, 1971)[1]

	National	Pennsylvania	West Virginia	Kentucky
1. Total claims filed	247,000			
2. Total claims completed	150,000			
3. Claims paid:				
Number	91,000	48,000	15,000	6,000
Total beneficiaries	151,000	73,000	24,000	12,000
Monthly rate of payment	$17,000,000	$8,000,000	$2,750,000	$1,100,000
Total cumulative payment since enactment [1]	[1] $151,000,000	$74,000,000	$28,000,000	$10,750,000
4. Total claims in process	97,000			
5. Total estimated claims receipts:				
As of June 30, 1971	292,000			
As of June 30, 1972	329,000			

[1] 1st full-year black lung benefits.

INAUGURATION ADDRESS OF GOV. GEORGE C. WALLACE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, on Monday, I was privleged to be in Montgomery, Ala. for the inauguration of Gov. George C. Wallace. In his inaugural address, the Governor called for the use of "people power" in our State and throughout the Nation. At this time, I would like to submit Governor Wallace's remarks for study by my colleagues:

INAUGURAL ADDRESS

Fellow Alabamians: Honoring us today with their presence are the wives, mothers and families of our prisoners of war and of those men missing in action in Southeast Asia. Will these families please stand!

I know that the people of Alabama, and those present with us here today, join me in praying that you will soon be united once again with your loved ones.

My fellow Alabamians: Today, I am both honored and humbled to stand before you and in your presence and that of our almighty creator to take the solemn oath of office as your Governor.

I am honored that you allow me once again to serve you as your Governor. I am truly humbled by the trust and responsibility you have entrusted to me as we continue along the paths we have so long trod together.

While many are with us here today, there are many more who cannot honor us with their presence for they are busy in the fields and factories of our State earning through honest toil a livelihood for their families, while creating and producing those material goods upon which the wealth and economy of this State so largely depends.

These are the honest, hard working, God fearing, freedom loving men and women of our State who through the sweat of their brow, the toil of their bodies and the strength and courage of their convictions form the muscle, bone and sinew of that great and good land that we know as Alabama.

To you I say that we are conscious of your pride, your courage, your fierce independence and your deep devotion to those principles that make Alabama the great and glorious State that it is and I hope, and dare to believe, that you are here with us in spirit today—may God bless you as we salute you from afar.

We are grateful that you permitted us to take part in the advances attained during our previous periods of service. We point with humility, but with justifiable pride, to our unwavering support of education, highlighted by tremendous increase in appropriations for operations and capital outlay—a system of trade schools and junior colleges situated throughout the State that are both admired and envied by all our sister States—record-breaking progress in industrial expansion and development—an unprecedented highway construction program—the health and hope that was provided the less fortunate and the mentally ill and retarded.

In all that we did, our sole purpose was to provide a better life for all our people—with your help we believe that this was accomplished.

Yet much remains to be done—together we must press on toward a more productive and more responsive State government designed to meet the needs of the people we serve—all of whom must feel that they have a voice in their destiny and fate.

This can only be accomplished in an atmosphere of freedom from unwarranted, unwise and unwanted intrusion and oppression by the Federal Government—a man must be free and unfettered by Federal encroachments in his employment—his home—his community—his domestic institutions, including his schools and in his associations with his fellow man.

Each individual citizen is an important link in the chain of government. No individual should be above or below the law, for ours is a government of laws. But a law, simply because it is a law, is not necessarily a good law. However, our system provides for means and methods of change. The mob destroying a bank, school or business is not the American way for change. Violence is never the result of reason, but blind passion. Violence is dangerous because it is regressive and destructive. Violence must cease, for it breeds more violence.

We should return to basic principles, and these basic principles are plain and self evident, and were set out in our constitution, and especially our bill of rights. While we are on the subject of rights, with every right there is a corresponding duty. No duty is more important than the duty of an individual citizen to voice his opinion, make his thoughts heard in a peaceful manner, and stand up for what he believes in.

All of us know and realize we cannot have justice without law and order, nor law and order without justice. Justice, among and for the people, is a primary duty of government for we all know that our government was created to help—not destroy. Too often the power of government is used to ride roughshod over the individual's rights rather than to preserve the individual's rights. No government is administered according to the objective and intent of the founding fathers and all lovers of liberty, unless it is administered for the weak, the poor and the humble as well as for the powerful. Government must be a friend of the people—not a tyrant.

Congress should rescue our schools from the willful acts of malicious men. Our schools are being destroyed because the south and other sections of the country who believe in government by law and not by bureaucrats, failed to unite against despotic tyranny of a federal government—a government that looks upon the people not as people, but as so many units of votes to be gained by pleasing certain selfish politicians and sociologists at the expense of the children of America, both black and white.

Even a basic and fundamental principle such as "freedom of choice" has been denied the parents and children of the south and certain other sections of the nation by the federal government. Today, the school children of the south and many parts of the nation are mere pawns in the hands of powerful politicians who, for sociological reasons, seek to destroy local self-government and deny the people a choice as to how their own children should be educated. What is the answer?

The answer is: "People power."

What is people power? People power is the strong voice and political action of the people expressed within the law.

The people of the South and those who think like the South, represent the majority viewpoint within our constitutional democracy, but they are not organized and do not speak with a loud voice. Until the day arrives when the voice of the people of the South and those who think like us is, within the law, thrust into the face of the bureaucrats, only then can the "people's power" express itself legally and ethically and get results. Rome fell and countless other civilizations have ceased to exist, not always from outside sources, but from weakness within. To long, oh, too long, has the voice of the people been silenced by their own disruptive government—by governmental bribery in the quasi-governmental handouts such as H.E.W. and others that exist in America today! An aroused people can save this Nation from those evil forces who seek our destruction. The choice is yours. The hour is growing late!

If the descendants of those who founded this Nation, together with those who came here one and two generations ago fleeing despotic government, will wake up and realize the importance of each individual standing up now for what one thinks and believes in, then, and then only, will the politicians answer the voice of the people. Remember! It is the people who create the politicians and it is the politicians who administer the government (bad or good government) and without a mass movement of the people, the present trends of despotic and centralized government can and will destroy America.

We in Alabama still cherish our independence and stand firm in our belief that we should be allowed to chart our own destiny—

We are proud of the youth of Alabama and thrill with them as they prepare to participate in the Democratic processes of government—we welcome, seek and solicit their aid, assistance and encouragement.

We have sought to manifest our faith in our youth by selecting for major roles in our administration young men and women of vigor and imagination who understand the aims and desires of the fine young people of our State. We will rely heavily on them.

Yes, we are proud of the young people of Alabama and our purpose will be to develop their abilities, to protect them during their formative years, and to involve them in the operation of government at all levels.

Being concerned for the future of our young people, we are mindful of a frightening evil now stalking this land, preying on young and old alike, but wreaking particular havoc on the young. I refer to the illegal traffic in drugs and to drug abuse.

This is something that must be stopped—forcefully, fully and immediately. To this end I commit myself and all the forces at my command, and I especially call upon the fine youth of Alabama to join me in this effort.

We will not cease until the drug peddlers, pushers and their slimy companies are driven from our midst.

As we reaffirm our commitments of the past campaign, we again pledge our best efforts towards reducing the daily cost of living for all Alabamians, especially the working men and women of our State and their families. We will work to reduce utility rates and basic insurance costs. We will examine and evaluate our structure of State government and we will streamline and modernize where necessary in the interest of economy and efficiency.

We renew our vow to work toward more adequate medical services for all our people, for this medical attention presently is beyond the economic reach of many. They simply cannot afford proper medical care even if they are fortunate enough to find a doctor. Any Alabamian who is sick enough to need a doctor or a hospital bed should be able to get one, regardless of financial condition or where they happen to live.

We will work toward a voluntary health insurance program which will put adequate medical attention within the financial reach of every family in Alabama. We will build and staff the necessary facilities to educate enough doctors, nurses and allied medical technicians to properly care for our sick, whether they live on a farm or in the heart of a city.

We will continue our struggle for equalization of the tax burden so that our working men and women of average and low income will not continue to bear a disproportionate share of the tax load. We must revamp and revise a system which allows multi-billion dollar foundations, of at least questionable purposes, and multi-millionaire property holders to escape taxation while the low and middle level wage-earner pays and pays and pays. We have raised this issue before and will raise it again, again and again until we are afforded some relief—only then will I be silent—and I believe you would have it this way.

Alabamians and Americans generally have had their fill of excessive and ill apportioned taxation and we propose to join in the fight to right these conditions. I issue a call to my fellow governors, to the members of Congress and to all Americans to join in this effort to the end that the average Alabamian and American be saved from tax destruction.

We allude again to the political power of the people, "people power," if you will.

Let me remind you that any government that ignores the rights of individuals will not long endure, nor will a government that offers no redress from exorbitant and unjustly apportioned taxation. No government that rides rough-shod over the mind and body of its youth can be representative of the people under the law.

However, the place to get the desired change is within the law and not by destruction of the system. The street is not a proper place to change America, but the ballot box through "people power"—this is the method and forum. Every American can participate in government by voicing his or her thoughts within the law at every level of government.

And we must have faith and pride in ourselves as individuals, in our communities—in our state—our region and our nation—we must remember that we and those who bore us stand among the greatest patriots of all times—men and women who then and who today continue to resist in the face of oppressions from external sources and whose perseverance and desire for freedom and self expression is exceeded by none under these heavens.

To borrow from the words of a renowned author—"to have common glories in the past; a common wish in the present; to have done great things together; to wish to do greater; these are the essential conditions that make up a people."

One hundred years ago, the spirit of the South became passive as this spirit was subdued by violent means—yet remained undimmed. For the flame of our passion burned within us as an arc of our covenant—a covenant of our heritage of liberty under law with no surrender to those who would destroy us.

Today, twin evils face the American people. Communism on one hand and an illegal abuse of Federal governmental power on the other. Either, if not curtailed, will destroy us. What can you do? You are more powerful than you think, provided you make yourself heard—for the politician will listen—but if you remain silent, there is nothing for the politician to hear but the yelping from those who seek to destroy us. We must not be a silent majority, but an alert, active voice within the law. Then we can help our State and our Nation.

This administration is not going to be one of favoritism to any special interest, individual or friend. It will be a peoples administration with the goal that honesty is the best and only policy. Special privilege has no place in government. Too long in Alabama's history have certain greedy interests blocked needed progress. Nearly every advance in humanity's long march toward human betterment and progress of the many has been delayed by the willful few. Greed has no place in the creed of government. A government that helps the few and injures the many is not good government. My administration may not achieve all its goals, try as we may, but rest assured, should corruption raise its filthy head, it will be promptly dealt with regardless from whence it comes.

I am old enough to know that the people are tired of promises and demand action. I am young enough to be an active governor. Our action will move Alabama forward on all fronts.

Today, the government is too costly and taxes are a constant burden to the people. Any waste of the peoples' money is a crime against the people. Government has become stagnated with its burdensome bigness. The Federal government has too long thrust its sometimes greedy hands into the pockets of the people. If the Federal government continues to dominate education, it could result in control over the minds of our children—leading, by natural tendency, to control over the body, thus destroying the freedom of all of us. You have a right to expect an Alabama moving forward on all fronts—better Alabama schools—health facilities—human welfare—anti-pollution, etc. For we hold the temporary power of Government—hold it in trust for the people under the law.

The people have the right to know what goes on in its state government. We are going to operate with an "open door—open book" policy. Our state government is for all—so let us join together, for Alabama belongs to all of us—black and white, young and old, rich and poor alike.

And if there be those who wonder why I stand here today—curious as to what force and inspiration brings me to this point in our state's history. Let me answer them through the words of a great poet, Robert Frost, who, perhaps, captured my feeling better than I could express when he wrote:

> "But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep."

With God's help I will make you a good governor!

WAGERING TAX

The SPEAKER. Under previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, Attorney General Mitchell has submitted to the Congress, and I am pleased to introduce, a draft bill, the Wagering Tax Amendments of 1971. With the sole exception of the substitution of the year "1971" for "1970," the draft bill is identical to my bill, H.R. 322, which came very close to passage by the 91st Congress. My colleagues will recall that the bill was reported unanimously, with acceptable amendments, by the Committee on Ways and Means on December 16, 1970, and was passed by this body on December 22, 1970. It was promptly considered by the Finance Committee of the Senate and approved by that Committee on December 29, 1970. Unfortunately, in the rush to adjournment of the 91st Congress over the New Year's holiday period, H.R. 322 was not acted upon by the other body, but died on the Senate Calendar.

As I advised the House during its consideration of H.R. 322, the bill was one of 10 in a package of anticrime legislation introduced on the very first day of the 91st Congress. The substance of most of that legislation has long since been enacted into law as parts of other bills, such as the Organized Crime Control Act of 1970. H.R. 322 was a tax measure, and thus was considered separately from the other bills. H.R. 322 was endorsed by President Nixon in his message to the Congress on organized crime of April 23, 1969. Indeed, this bill is the only legislative proposal mentioned by the President in that message which has not yet been enacted into law.

The wagering tax statute was first enacted by the Congress in 1951. It imposed a $50 occupational tax on persons who accepted bets and wagers or operated various forms of lotteries, and a 10-percent excise tax on gross wagers received. Certain forms of gambling, such as parimutuels, slot machines, State-operated lotteries, charitable drawings, and casino and social-type gambling were exempt. Basically, the tax covered sports, books and numbers-type lotteries. In addition, only two categories of persons involved in a gambling business were covered: "principals"—those whose money is ultimately at stake against the betting public, and their agents—those who receive wagers for their principals by dealing with the betting public. Other employees of the gambling businesses were not covered.

A final feature of the original law was one which disclosed its true purpose of penalizing illegal gambling, and which ultimately led to its downfall in the courts. The law placed an affirmative duty on the Internal Revenue Service to make information provided to it by taxpaying gamblers available to local officials for possible prosecutive use.

On January 29, 1968, the U.S. Supreme Court ruled that persons accused of failure to comply with the requirements of the wagering tax law could invoke their fifth amendment privilege against self-incrimination. *Marchetti* v. *United States,* 390 U.S. 1968) (occupational tax); *Grosso* v. *United States,* 390 U.S. 63 (1968) (excise tax).

As a result of the decisions, the present wagering tax law is of no force and effect. Those who engage in the business of accepting wagers will not voluntarily pay the tax. Thus, the immense profits derived from illegal gambling remain tax free and, more important, continue as the principal source of revenue of organized crime.

The draft bill is designed to reinstate the wagering tax law by removing the constitutional infirmity. It would prohibit the Internal Revenue Service from disclosing to outside sources any information submitted by the taxpaying gambler. This, as the Justice Department has said, is the "price of constitutionality."

The bill would also improve the wagering tax law as a revenue measure by substantially increasing—to $1,000—the occupational tax for principals and agents, and by providing a new occupational tax of $100 for certain employees.

The bill also provides for a tax credit for State and local taxes paid under similar provisions in State law, and for increased sanctions for violations of the wagering tax law. These provisions were added to the 91st Congress bill by the Committee on Ways and Means, and have the administration's and my full support.

Mr. Speaker, the Wagering Tax Amendments have been endorsed by the American Bar Association, have the support of the Justice and Treasury Departments, were approved following hearings before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, and were approved by the House Committee on Ways and Means and the Senate Committee on Finance of the 91st Congress as well as by the House of Representatives in the 91st Congress. I urge my colleagues to act promptly and favorably on this important legislation.

POSTMASTER GENERAL'S MEMO IS PIECE OF FASCIST NONSENSE

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, my initial reaction to Postmaster General Blount's January 12, memorandum was simply, "Seig Heil!" I will not reveal my second reaction. Can you believe that any official of the U.S. Government would issue the following:

> It is mandatory that postal employees immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service.

And later, lay down a rule which states:

> In the event that a direct contact with a Congressional office becomes necessary, it is to be coordinated in advance with the (new) Congressional Liaison Office.

That, honorable Members of the U.S. Congress, is the heart of the Postmaster General's way of cutting the ties between postal employees and their representatives in this House. Mr. Blount has, by executive order, abridged a fundamental right of American citizens and I say such a policy cannot be tolerated. I will go one step further, the official who issued such an order should be summarily fired.

The Postmaster General will have a devil of a time enforcing his edict, but that is not the question at hand. The question is one of responsibility. Who is ultimately responsible for allowing such a person to hold a position of trust in the U.S. Government? Without a doubt, the President is responsible. But should he fail to act, who then is responsible? We are. The Members of the House of Representatives. And the Constitution, in article I, section 2, clause 5, provides us with the means of removing such an official from his position.

Can you imagine anything as dictatorial as telling a citizen that he cannot talk to his Congressman just because he works for this sanctimonious new Postal Corporation? I fully understand why the Postal Unions are up in arms. They have every right to be. In fact, every citizen should be concerned when a Government official takes an action which is alien to our democratic form of Government.

For the good of the country, the postal service and the postal employee, I hope Mr. Blount rescinds his ill-advised memo before a full-scale citizen revolt develops. It would seem the prudent course of action in light of his expected announcement to raise postal rates, reduce employment, and curtail services.

Unfortunately, if "the past is prolog" I expect Mr. Blount will continue on an obstinate course thereby creating another postal crisis.

Mr. Speaker, in order that our colleagues are fully conversant with the facts of the matter I am appending to my remarks, copies of the Postmaster General's press release of January 12, 1971, his "Memorandum to Postmasters and Regional Officials" of the same date, and his "Congressional Procedures for the U.S. Postal Service—Background." I have also added two newspaper stories by John Cramer of the Washington Daily News which deal with Mr. Blount's edict:

MEMORANDUM TO POSTMASTERS AND REGIONAL OFFICIALS

Postmaster General Winton M. Blount today announced three major new actions designed to assure complete removal of political considerations from the Postal Service's decision-making process.

They include:

Providing public announcements of Postal Service activities simultaneously to the news media and to congressional offices, on a nonpartisan basis, rather than giving Members of Congress 24 hours advance notice.

Ending the traditional formal dedication of new postal facilities in favor of informal, open-house ceremonies only for mail customers and the families of postal employees.

Appointment of the Congressional Liaison Office to be the "sole voice of the Postal Service in communicating with the Congress." This office will answer all congressional calls or letters received by employees of the Postal Service.

Mr. Blount outlined the news procedures in a memorandum to postmasters and regional officials.

"I shall expect the personal commitment of every postal manager in removing political considerations, of any type, from the Postal Service," Mr. Blount said.

Mr. Blount said it is critical that the Postal Service speak "with only one voice" to avoid the possibility of incorrect information being given to Congress.

Although their direct contacts with congressional offices are to end, postmasters and postal managers will continue to provide "candid, forthright and fully responsive" answers to congressional inquiries through the Congressional Liaison Office.

All open-house ceremonies at new postal facilities are to be coordinated by the Office of Community Programs, with participation in ribbon-cutting activities limited to full-time postal employees.

The purpose of this change, Mr. Blount said, is to highlight the role of postal employees in serving the residents of their community.

Press releases or other public announcements will be given by the Congressional Liaison Office to congressional offices at the same time they are distributed to the news media.

Mr. Blount said the traditional practice of providing congressional offices with announcements 24 hours in advance of press distribution "is responsible for conveying the erroneous impression that political considerations play a role in every postal decision."

THE POSTMASTER GENERAL,
Washington, D.C., January 12, 1971.

Memorandum to Postmasters and Regional Officials:

Enactment of the Postal Reorganization Act last August provided the mandate for the Postal Service to completely remove itself from the political process. This legislative mandate applies with equal force to postal employees at all levels.

While the Postal Reorganization Act has removed Congress from operational decision-making in the Postal Service, we will remain a public service institution whose actions will be subject to a continuing review by both Houses of Congress. In order to avoid the possibility for incorrect information and misinterpretation, it is critical that the Postal Service speak to the Congress with only one voice.

Accordingly, I am directing that the Congressional Liaison Office be the sole voice of the Postal Service in communicating with the Congress.

Yours is a vital role in achieving this transition. For this reason, I have attached detailed procedures which clarify our future relationships with the Congress. I suggest that you apprise your staff and employees of these new procedures at an early date.

I shall expect the personal commitment of every postal manager in removing political considerations, of any type, from the Postal Service.

WINTON M. BLOUNT.

CONGRESSIONAL PROCEDURES FOR THE U.S. POSTAL SERVICE

BACKGROUND

Postal managers at all levels can share credit for the great progress that has been made to date in our goal to remove political considerations from the Postal Service's decision-making process.

For postal managers and employees, this transition will provide expanded career and promotional opportunities that are based upon individual merit and work performance. For the many dedicated persons throughout the Postal Service, this transition will offer challenging opportunities for revitalizing and improving the services that we provide to our "customers"—the people of the United States.

Under the postal reorganization concept, it will be the responsibility of those of us who manage the Postal Service to encourage our "customers" to come directly to us for solutions to their mailing problems. In the past, the field offices of many Representatives and Senators have referred the day-to-day problems of their constituents directly to local postmasters and their staffs for solution.

Also in the past, there has been a hesitancy to even begin trying to find a workable solution to the legitimate problems of our "customers" until a Congressional office had intervened on behalf of their constituent.

The need for this type of reliance on the Congress must now be eliminated by prompt and strong management attention, especially by our local managers, to the legitimate needs of our "customers".

It is mandatory that postal employees immediately cease and direct or indirect contacts with Congressional officers on matters involving the Postal Service. At stake is the public credibility of our goal and commitment to completely remove political factors from the decision-making process of the Postal Service.

PROCEDURES

In order to achieve these objectives, I am directing that the following procedures, which are applicable to all postal employees, be immediately placed in effect:

1. *Congressional Contacts*

Direct contacts with Members of Congress, their staffs and Congressional Committees, on all matters involving the Postal Service, will be the exclusive responsibility of the Congressional Liaison Office.

In implementing these new procedures, Congressmen and Senators will be encouraged to send their postal communications directly to the Congressional Liaison Office. Undoubtedly, there may be an occasion when a Congressional request, such as a letter, a telegram, a telephone call, or even a personal conversation is addressed directly to you or to one of your employees.

In accordance with the intent of this new procedure, the recipient is to forward, within 72 hours of its receipt (Sundays and holidays excluded), the draft of a candid, forthright, and fully responsive reply on a top priority basis, along with the incoming communication, directly to: Congressional Liaison Office, U.S. Postal Service, Room 3408, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20260.

Postmasters are encouraged to assist any of their employees who may receive a direct Congressional communication in meeting this time schedule.

This centralization of all direct contacts, by the Postal Service, with Congressional offices will make it unnecessary for individual postal employees to have direct contacts with Congressional offices, including field offices which may be located within a Post Office building.

In the event that a direct contact with a Congressional office becomes necessary, it is to be coordinated in advance with the Congressional Liaison Office.

2. *New Postal Facilities*

The Postal Service will no longer hold the traditional formal dedication ceremony upon completion of a new postal facility.

Instead, local postmasters will be authorized to hold an informal open-house ceremony and tour of the new facility for our "customers" and the families of our postal employees. The highly successful open-house ceremony in Santa Ana, California, which was featured in the November-December issue of *Postal Life*, can serve as a model for this type of ceremony.

All open-house ceremonies will be coordinated from Headquarters by the Office of

Community Programs. When a new postal facility is ready for occupancy, the Office of Community Programs will automatically provide the local postmaster with a kit of information relating to the open-house ceremony.

In the future, postmasters will be allowed a small fund to defray some of the incidental costs of activities related to the open-house of a new postal facility.

The purpose of this highly visible change will be to highlight the role of our own postal employees in serving the residents of their community. *For this reason, participation in any informal ribbon-cutting ceremonies will be limited to full-time employees of the U.S. Postal Service. Non-postal participation on any informal program will not be authorized.*

3. *Public Announcements*

Public announcements of Postal Service activities will be made concurrently to the news media and to Congressional offices, in a non-partisan manner.

The traditional practice of providing Congressional offices with a 24-hour advance notice of Postal Service activities is responsible for conveying the erroneous impression that political considerations play a role in every postal decision.

To eliminate the possibility for such an inference in the future, the Congressional Liaison Office will furnish Congressional offices with a copy of the Postal Service's public announcements concurrently with their release to the news media. Under this policy, Congressional notifications will be made in a non-partisan manner.

Under these procedures, Congressional matters will be the direct concern of the Congressional Liaison Office and the Postmaster General, who, through the Board of Governors, will be accountable to the Congress for the activities of the Postal Service.

In implementing these new procedures, I want you to know that they do not affect the right of any employee to petition, as a private citizen, his U.S. Representative or Senators on his own behalf.

The leadership of individual postal managers in insuring that the intent of these procedures is fully implemented will be vital to the goal of removing political considerations from the Postal Service.

WINTON M. BLOUNT.

JANUARY 12, 1971.

[From the Washington Daily News, Jan. 18, 1971]

LATE BLOUNT MOVE OPENS BIG NEW GAP

(By John Cramer)

You don't have to be a postoffice employe to be puzzled, disturbed, or even downright angry about the latest move of Postmaster General Winton Blount—his attempt to impose a gag rule on postal workers.

At one and the same time, it is both ham-handed and devious, certain to create for Mr. Blount a credibility gap he never may lose.

He justified his action in the name of taking critics out of the Postal Service.

If he wanted to antagonize Congress, he is certain to have succeeded admirably.

If he wanted to convince the 700,000 postal employes that his work rules are devious double talk—saying one thing, meaning another—he has done that, too, and probably irrevocably.

Rarely has this capital city seen such a left-footed maneuver.

WHAT HE DID

What Mr. Blount did was this:

Last Tuesday, he had his underlings issue at a press conference, something called General Release No. 4, his address of welcome to the newly-nominated board of governors for the Postal Service. Release time: 12 noon Tuesday.

After reporters left, the same minions distributed General Release No. 5—same release time—disclosing a sanitized version of his gag rule.

Good old No. 5 announced the creation of a liaison office as "the sole voice of the Postal Service in communicating with Congress."

It also included a disclaimer, saying the directive does "not affect the right of any employe to petition, as a private citizen, his U.S. Representative or Senators on his own behalf."

The same disclaimer was included in Mr. Blount's official "procedures" for implementing the new directive.

But an official "background" for the procedures told an entirely different story.

It said:

"It is mandatory that postal employes immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service."

So which Mr. Blount do you believe? The Mr. Blount of the press release and the procedures? Or the Mr. Blount of the "background" memo?

Some would say it's difficult to believe either.

That's precisely what postal union officials say. Speaking thru their Council of American Postal Employes, they called the Blount action a violation of their constitutional rights: They used angry words like "dismayed" . . . "disgusted" . . . "outraged" . . . "shocked".

The Constitution clearly guarantees the right of all citizens to petition Congress. But it took a 1903 "gag rule" by Teddy Roosevelt followed by the 1912 Lloyd-LaFollette Act to spell out, once and for all, that the guarantee also applies to Federal employees, including postal employes.

That Act enshrines the right of Government workers to petition Congress individually or collectively. And courts have construed "petition" in broadest terms.

The 1970 Postal Reform Act specifically re-affirmed that postal workers are covered by L–F Act language.

How then does Mr. Blount propose to defend the legality of his gag rule? By pointing out that his "procedures" say one thing while his "background" says another?

It just won't wash, Mr. Postmaster General. It just won't wash. You kid no one; offend everyone sensitive to citizens' rights as against bureaucratic rights.

But I have an offer for you, Mr. Blount. If you have an answer to the above, I offer equal space in this pulpit at your convenience. Moreover, if your answer convinces I've done you wrong, I'm just non-dishonest enough to say so.

On the other hand, if you prefer to remain silent, it will be construed as silence should be.

Fair enough, Mr. Blount?

No gag rules here!

National Institutes of Health went all-out Friday, and invited all of its employes to attend showings of the 3-hour memorial movie, "King, from Montgomery to Memphis", in its Building 10.

A scheduled showing went thru as planned. But a 1:30 p.m. showing had to be cancelled when the Montgomery County Community Council from which the film had been borrowed, had to recall it to keep other commitments.

NIH compensated ingeniously by conducting the morning showing in TWO Building 10 auditoriums, almost simultaneously. As soon as one reel had been run the larger auditorium, seating 500, it was rushed to a smaller one for 250, both filled.

So things worked out well after all.

[From the Washington Daily News, Jan. 20, 1971]

BLOUNT DOES ABOUT FACE ON GAG RULE

(By John Cramer)

Postmaster General Winton Blount's attempt to gag his 700,000 postal employees—by cutting off their constitutional right to contact members of Congress—becomes all the more incomprehensible in the light of his own testimony to Congress in 1969.

That was when Mr. Blount was first displaying the remarkable persistence which eventually won approval for the 1970 Postal Reform Act, converting the Post Office Department into a corporation-type U.S. Postal Service.

I have checked the record of hearings before the House Civil Service Committee. They show that Mr. Blount then was very positive, indeed, in his assurances that he had absolutely no intent to deny postal workers access to Congress.

REVERSES

But last week, Mr. Blount did the very thing he promised not to do in 1969. Moreover, he did it in apparent violation of Lloyd-LaFollette Act, the Magna Carta of Federal employe rights, whose language was written intact in to the Postal Reform Act.

Last week, Mr. Blount created a new liaison office to be "the sole voice of the postal service in communicating with Congress."

A press release announcing the office, and an accompanying document, detailing "procedures" for its operation, both carried a pious disclaimer.

It said the new order did "not affect the right of any employe to petition, as a private citizen, his U.S. Representative or Senators on his own behalf."

Even that language leaves much to be desired.

But the true intent of the Blount directive came thru in something called a "background" to the "procedures", which said "Cease . . . Contacts".

"It is mandatory that postal employes immediately cease any direct or indirect contacts with Congressional offices on matters involving the Postal Service."

It hardly need be pointed out that "matters involving the Postal Service" can be very important, indeed, to a postal employe . . . important in terms of jobs, pay, working conditions and many other matters on which the law, including the Postal Reform Act, guarantees him every right to contact members of Congress.

Both "as a private citizen," and thru his union.

June 3, 1969—testifying before the House Civil Service Committee, Mr. Blount assured Rep. H. R. Gross, R-Ia., that there was no intent to exclude Lloyd-LaFollette Act language from the postal reform bill.

Also, June 3—Rep. Robert N. C. Nix, D-Pa., wanted to know whether postal unions would be cut off from their right to petition Congress. Mr. Blount: "The right to petition a member of Congress is not excluded by our bill. As a matter of fact, it is precisely included."

June 4, 1969—David Nelson, general counsel of the Post Office Department, told the committee: "It is our intention to provide that federal employes shall have the right to petition Congress."

Rep. Gross said he questioned whether the language of the Lloyd-LaFollette Act so provided. Mr. Blount: "I might say that that is our intention" to provide the right to petition.

June 10, 1969—Rep. Jerome Waldie said he saw nothing in the bill which changed the rights of postal employes in relation to Congress. Mr. Blount: "There, of course, is nothing in this bill to prevent the employes from coming to the members of Congress in the same manner they have always had."

As finally enacted, the bill carried, with no change whatever, the precise language which had prompted Mr. Blount to assure Congress employes would have the same rights "They always had."

And now we come to:

Tuesday, Jan. 12, 1971—Mr. Blount: "It is mandatory that employes immediately cease any direct or indirect contacts with Congressional office . . . .”

POSTAL CUTBACK?

Headquarters Postal Service employes here have been alerted they may be facing layoffs, transfers, or reductions in grade by reason of a current manpower study.

The study is expected to lead to considerable reorganization. Employes have been assured all necessary personnel actions will be handled in accordance with Civil Service rules.

OIL IMPORT QUOTA SYSTEM

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am today reintroducing legislation to end the mandatory oil import quota system. I believe this action is long overdue; the quota system has outgrown its usefulness and its validity. The existing protectionist quota system, in fact, has led to exorbitant fuel oil price increases. It is imposing a harsh and unnecessary burden of skyrocketing fuel oil costs on the long-suffering American consumer, and this is occurring at a time when our energies must be directed to curbing the grim inflation we have seen. I think this is clearly the time when we must take decisive action.

While our energy crisis is a national concern, the severe effect of the oil import quota system on the economy is felt most seriously by the Northeastern States. I trust that we have not forgotten the recommendation of the administration's own Cabinet Task Force on Oil Import Controls which said the quota system should be abolished. The Cabinet task force a year ago said that quotas were costing consumers an additional and unwarranted $5 billion a year. That figure would have to be revised upward today in view of the continued trend of fuel oil price increases. The past year has seen a worsening of the problems of oil shortages and rising prices which have plagued New England for several years—and, I regret to say, it has seen a repetition of the policy of reacting to each crisis rather than planning to prevent it.

With no indigenous oil supply available New England must import its supplies; it relies more heavily on imported oil than other regions of the Nation. Adequate supplies have been made available this year to New England—but accompanied by unconscionable price increases.

The recent inflation alert of the Council of Economic Advisers pointed to nationwide fuel oil price increases of up to 25 percent within a period of only 3 months. Even worse, the increases occurred at the start of winter when heating contracts were being negotiated.

I think this was cause for alarm—indeed, the alarm was sounded. The Office of Emergency Preparedness began an investigation of recent price increases. The President relaxed certain import quotas in seeking to rollback prices. I think this is good, but still not enough.

For 35 years the domestic oil industry has been subsidized by the Federal Government and insulated from outside competition. The oil import quota system was established in 1959 to limit low-cost foreign oil imports, on the theory that U.S. national security dictated that the Nation should not become excessively dependent on foreign oil. But I think that the myth that the oil industry still requires such protection was effectively exploded in the Cabinet Task Force report.

To the contrary, the task force said that the quota system does not reflect national security needs—present or future. It said that the security question could best be resolved in terms of free-world security—through arrangements, for example, with Europe and Japan to increase their storage capacities for emergency oil supplies. It said that the lowering of domestic fuel oil prices would inure to the benefit of the national economy by redirecting labor and capital to more efficient uses, including greater efficiency in domestic oil industry operations. The potential for this industry today is awesome; I think we can cite the efforts to extract oil from shale, which holds great promise for increasing our supplies, and the existence of that great and still-unexplored oilfield of Alaska's North Slope. Where is the need today for protection from foreign imports?

The recent inflationary and unrealistic oil price increases indicate the futility of the policy we have followed.

The bill I am introducing has long been pending before Congress. It would phase out the import quota system by gradually increasing the amount of imported oil allowed into this country over a 10-year period. Sometime during that period a natural balance between domestic and imported oil should occur. The quotas system would end by 1981.

I believe that the American consumer is entitled to the benefits of our traditional economic system of free and open competition, from which the oil industry should not be expected. I urge support for this bill.

NO CONSCRIPTS FOR UNDECLARED WARS

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, I first introduced a bill to prohibit the use of draftees in undeclared wars without their consent in September 1968, and today I wish to reintroduce this bill because of the favorable reaction from my constituents as well as those who live in the shadow of being conscripted to serve in our "nonwar."

The Selective Service Act was passed as a temporary emergency measure on September 16, 1940 and has been in effect ever since. Since the adverse debate during the 1940's, I was the first to bring forth the issue once again. Specifically, I have felt keenly about the fundamental inappropriateness of conscripting citizens to fight in undeclared wars, ever since Korea. This unaddressed issue was the principle reason why I was one of nine who voted against the extension of the draft in 1968.

I feel very strongly that the use of draftees in Vietnam is a prime constitutional question that must be eventually confronted by the American people and the Congress. In my view, and in that of others, executive fiat thas displaced the constitutional prerogative placing the responsibility for the declaration of war on Congress.

I have asked time and time again, How can we send out reluctant warriors to a large-scale foreign war on which there has been no declaration of war as required by the Constitution? The framers of our Constitution intended that only Congress should initiate wars, after formally debating the threat of aggression to our national security, after weighing the national interest in war and after assessing the burdens of war upon our people. I believe that this requirement is still the wisest course.

I believe that enactment of my bill, requiring the consent of the draftee to be used during an undeclared war, would prevent future fiascos by providing a national debate on the single question of whether to engage in an armed conflict large enough to require draftees. And enactment of this proposal would help restore to Congress its constitutional mandate to declare war.

Economist Milton Friedman on December 30, 1968, argued in a Newsweek article that it is feasible as well as desirable to stop sending draftees to Vietnam at our present level of involvement under two main conditions: First, if combat pay for Vietnam duty was raised by $1,000 a year, at an estimated cost of half a billion dollars, thereby attracting more volunteers. And second, if the tour of duty in Vietnam were lengthened, in effect providing more manpower. Mr. Friedman's proposal, however, would be dependent on Executive action; whereas my proposal would provide a more lasting solution to the constitutional issue which the use of draftees in Vietnam has raised. Mr. Friedman's article, though, clearly demonstrated the feasibility of actually stopping the flow of unwilling draftees into Vietnam. I include the article herewith:

NO DRAFTEES TO VIETNAM

President-elect Nixon is committed to ending military conscription and establishing an all volunteer armed force as soon as manpower needs in Vietnam decline substantially. That is a consummation devoutly to be desired. But, in the interim, the new Administration could reduce enormously the bitterness, dissention and division arising from the Vietnam conflict by taking a major first step toward an all-volunteer army: sending no more draftees to Vietnam.

This proposal raises two basic questions: Is it desirable? Is it feasible?

The first question hardly needs discussion. Men who agree on little else about Vietnam would agree on the desirability of not using conscripts to fight the war.

The key question is, therefore, whether it is feasible to man the Vietnam war with volunteers. I believe the answer is, Yes. Will it be easy to do so? The answer is clearly, No. But that is hardly decisive. The aim of national policy should not be to make life easy for government officials, whether civilian or military.

THE FACTS

Here are the base facts. Currently, about 540,000 men are in Vietnam: 360,000 in the Army, the remaining 180,000 in the Marine Corps, Air Force and Navy. The Air Force and the Navy use no conscripts; the Marines, a negligible number. Hence, only the Army raises a problem.

The strength of the Army worldwide is about 1.5 million. Only about 600,000 are conscripts; the other 900,000 are volunteers.

On a purely arithmetic basis, it seems clearly feasible to provide 360,000 men in Vietnam out of the 900,000 volunteers plus any conscripts who might waive their exemptions. But this is misleading. The problem is harder than these numbers suggest.

1. The adoption of the new policy, if nothing else were done, might well reduce the number of "reluctant volunteers"—those who volunteer mostly under the threat of conscription. To offset this reduction, it would be highly desirable to raise substantially the pay of men who serve in Vietnam—a step that is called for in any event on grounds of equity.

Even substantial increases in combat pay are clearly feasible on budgetary grounds. A rise of $1,000 a year for all men in Vietnam would cost around a half billion dollars. Yet this rise, even if flat and across the board, would raise the pay of enlisted men by something like 40 per cent. And the rise should not be across the board. It could be concentrated on the positions for which volunteers are fewest.

2. Currently, the term of service of enlisted men in Vietnam is limited to twelve months. Disregard officers, and suppose that all of the nearly 900,000 volunteers in the Army enlisted for a single term of three years. Then each could spend only one-third of his service in Vietnam, so that a maximum of 300,000 men could on the average be in service in Vietnam.

The policy of limiting the term of service in Vietnam to twelve months has been strongly criticized on strictly military grounds as highly unsatisfactory and inefficient. It takes several months for men to learn their jobs; their last several months are homeward-looking; at most, six out of the twelve months are useful service. In addition, the perpetual rotation makes it impossible to establish those informal lines of communication that are at least as important in every large administrative structure as the formal channels. Lengthening the normal term and service would cut sharply the number of men needed in Vietnam and thus doubly facilitate a policy of no draftees to Vietnam.

3. A third possible difficulty is that the Army needs units rather than individual men in Vietnam and it is undesirable to segregate all Army recruits from the outset into conscript and non-conscript units. However, this difficulty is not relevant. Initially, units as a whole were sent to Vietnam but currently men rather than units as a whole are sent as replacements.

THE CHALLENGE

The difficulties are real. But they are far from insuperable. They offer a challenge to the men who run the armed forces, not a reason for rejecting a policy that often so many advantages. President Nixon and Secretary of Defense Laird should set a definite and near date after which no more draftees will be assigned to Vietnam—unless they volunteer for that duty. There is no other measure that they can take that will do more to unify the country and at the same time increase the effectiveness of our military forces in Vietnam.

The number of colleagues in the Congress concerned with this issue is constantly growing. About a year ago Congressman EDWARD KOCH, Democrat of New York, received a few letters in response to his visit to Canada to learn more about the 50,000 young Americans who have emigrated to that country primarily to avoid the draft and military service. I believe that the reasons given in these communications reaffirms the necessity for enacting my proposal. These young men did not feel that the national interests were being protected in Vietnam, and the inequities of the draft, among other reasons. With the lack of our citizens' national commitment being made known through their elected Representatives in the Congress, I can well see why our young men are frustrated. I insert at this point one of the letters written by one of our boys in Canada:

DEAR CONGRESSMAN: On the 26th of June 1969 I deserted from the United States Army and subsequently began a new life in Canada. The purpose of this statement is to document the reasons for this act and certain experiences prior to it.

Prior to being drafted I was an Architect qualified to practice in Pennsylvania. I designed and supervised construction of a medical auditorium and parking garage, both now complete. I was deeply involved in urban planning work with a Philadelphia planning office. I received public praise from Dr. Mark Shedd, Superintendent of Schools, Philadelphia, for a research project on ghetto education, and received two design awards from Drexel Institute of Technology. I say all of this only to combat the public image of a deserter as one who is a misfit and unable to adjust to modern society. The times have changed and rational, intelligent people are doing what was previously "unthinkable" after being forced into a choice between few morally acceptable alternatives. In the military itself I was able to cope with many brutal, dehumanizing situations. I was sent to an Army NCO training program in which I was named "Honor Graduate" and promoted to the rank of Staff Sergent. In my case as with many others I have met, the idea of a deserter as one who is unable to accept discipline and the rigors of military life is not true, though I certainly do not believe that any human being should be forced to undergo such treatment.

The whole period of time that I spent in the military was a time of conflict within myself, a time of sorting out of values, and a time of determining what I really was. Even before being drafted I had firm beliefs that the Vietnam War was not morally justified regardless of the merits (if any) of the stated goals of the United States. I found no justification sufficiently valid to support the destruction of a people through war. The reasons for my conflict were rather concerned with the role and responsibilities of an individual when ordered by his country to commit acts which to him are morally unacceptable. Towards the end of this period I knew that the ultimate responsibility for one's actions does indeed lie with the individual, and that social forces must be secondary to this. I was left with two choices: refusing orders to Vietnam with a resultant period in military prison, and desertion to a foreign country. Both alternatives were extremely difficult to contemplate. The final decision to come to Canada was based on the grounds that this period of my life should be constructive rather than wasted. Since coming I have become a counselor to new arrivals for a Canadian counseling group and believe that this usefulness is far more valuable than the unnoticed act of martydom implied by choosing prison.

Prior to leaving I felt that I should try all legal opportunities open to me, however futile. For the first time I realized that I was a Conscientious Objector in the legal sense of that term.

I made application for this status in Oakland, California. Army regulations provide seven days for preparation of the application. On the fifth or sixth day (depending on interpretation), while I was typing the final draft, I was placed under guard with the intention of being shipped to Vietnam. The officers in charge refused to accept the application. A Writ was obtained from Federal Court in San Francisco by my lawyer and was effectively served on the Post Commander preventing my shipment. My application was subsequently received, expedited to Washington and back, denied, in three days. The reason given for denial was that my objection was based on a "personal moral code and not sincere religious training and belief". That these events did in fact occur can be verified with my lawyer, Mr. Steven Arian, 345 Franklin Street, San Francisco, and in the records of the Federal Court.

As a counsel I have talked to many of the new refugees from the United States. Their reasons for coming are many and varied: opposition to the very idea of a draft system, escape from exceptional brutality in the military, refusal to participate in the Vietnam War. The common factor is that they are individuals reacting to a situation sufficiently intolerable to make them forfeit their rights to life in the country of their birth. Few are politically motivated. The overall picture becomes a sad statement of what America is offering its young people. I personally feel little bitterness; only a profound grief that this is what has happened to the country that I loved.

I strongly solicit the Congress support for the proposal which I am reintroducing today. It would seem that enactment of this bill would seem most appropriate particularly in view of the present administration's vows for "Vietnamization" and supposedly the lesser need for the use of our draftees. Now is the time to take a stand and restore our constitutional duty.

OPERATION LIFETIME

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 10 minutes.

Mr. MCFALL. Mr. Speaker, as reported in the news media yesterday, I introduced H.R. 100 designed to stem the tide of chronic unemployment in areas of the Nation that desperately need a helping hand from the Federal Government. This antirecession measure is designed to provide immediate and measurable relief through the use of the accelerated public works concept that proved so highly successful in the early 1960's when the unemployment climate was much the same as we find it today.

This proposal could serve as a lifetime to trigger quick relief and demonstrate that the Congress cares. This is not a new concept, but a proven method of assistance. In drafting the amendment to the Accelerated Public Works Act, I was cognizant of some weaknesses in the original act and made every effort to strengthen the bill to best meet today's needs for communities, both large and small. This proposal does not conflict with the recently vetoed manpower bill but complements this approach to the problem by reaching the unemployed labor market in the pick-and-shovel category. Laborers, carpenters, bricklayers, and others in the building trades would receive immediate assistance.

These workers—among the 5 million unemployed—do not need training. They have willing hands and know-how. They are proud. They look not to welfare, but look for an opportunity to ply their trade. They look for the chance to earn an honest wage to permit them to care adequately for their loved ones.

Mr. Speaker, my proposal is not touted as a long-range cure for the inordinately high rate of unemployment. It would be of limited duration. Meantime, it may "prime the pump," help communities make permanent public facility improvements, stimulate local industrial development and make these areas better places to live and work.

There are those who may classify the proposal as "old medicine for an old malady." It is my judgment that until new remedies are discovered—and proven—we must rely on the old prescriptions.

Simply stated, the measure calls for 80 percent grants-in-aid to assist communities that: (a) have a firm plan for badly needed permanent public facility, (b) are able to finance the local share of construction, (c) can guarantee that a high percentage of the construction cost will be labor. The goal is to make local areas more attractive to industry by building such facilities as sewer plants and municipal buildings without overburdening the local tax rate.

Mr. Speaker, the large number of my colleagues on both sides of the aisle who have cosponsored this bill is certainly an expression—to some degree—of the sense of the Congress to pursue this approach to combating the present intolerable rate of unemployment reaching levels that proclaim a full-scale recession. We, here in the Congress, have the responsibility to act. Each of us must shoulder a fair share of the burden of responsibility in supporting reasonable solutions to one of the Nation's leading economic ills. Five million unemployed are looking to us for leadership in these trying times.

THE STATE OF A UNION IN A DEEP RECESSION

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, tonight the Congress will assemble to hear President Nixon describe the state of the Union.

I am hopeful that the President will speak candidly to the Congress and the American people about the problems which face all of us. I hope that there is no attempt to put a "good face" on the economic events that have pulled the country down into a severe recession.

The President speaks about the state of a nation in which 5 million people stand idle in the unemployment lines.

The President will be speaking about the state of a nation which saw its gross national product take the sharpest plunge in 11 years during the last quarter of 1970.

The President will be speaking about the state of a nation which recorded another sharp increase in prices—5.7 percent—in the last quarter of 1970.

The President will be speaking about the state of a nation which expects to meet only slightly more than two-thirds of its housing goal for 1971.

Mr. Speaker, the President needs to come up with hard decisions to reverse the trend of our lagging economy. The people are tired of gimmicks and halfway solutions; they expect and are willing to accept hard decisions to set the Nation right again.

There has been much skillful public relations concerning the President's message and some broad hints about the contents have filtered out in the press. There has been, for example, much talk about revenue sharing.

Certainly the Congress must give the President's proposals for revenue sharing a full hearing. But I hope that this is not the beginning and the end of President Nixon's concept of a solution to the Nation's problems.

We cannot gain ground by simply reshuffling existing money and tax resources. We must have bold and imaginative programs which will bring new sources of funds to bear on the problems of housing, pollution, and the multitude of development needs of our cities and rural areas.

While we must await the full details of the President's revenue-sharing plan, I am convinced that a majority of the Congress—and local officials—do not want a plan which would destroy or cripple badly needed Federal programs. For example, I think it would be foolhardy to take funds away from housing programs of the Department of Housing and Urban Development and the Farmers Home Administration in order to send money to cities which are in desperate need of new housing construction. This would be robbing Peter to pay Paul, and it would accomplish nothing but shuffling of existing moneys.

Mr. Speaker, we need a new source of credit for the various development and employment needs around the Nation. Later in this session, I plan to introduce legislation which will provide for a national development bank which will be eligible to purchase the bonds of local and State governments voted for necessary projects such as pollution control, water and sewer plants, schools, and similar facilities. In addition, this development bank would be eligible to finance development projects in areas of substantial unemployment in both the rural communities and the cities. It could also be utilized to help spur the construction of housing.

A national development bank would be a "bank of last resort" and would provide an important new source of funds for areas of the economy now starved for credit. The bank could be capitalized for $1 billion with the power to lend up to 20 times its capitalization. In short, it would be a $20 billion source of new funds.

I hope that President Nixon tonight will give some indication of support for a national development bank or similar entity.

Mr. Speaker, it is also my hope that the President will mention the need to overhaul our creaking monetary system which is unwilling and unable—under its present structure—to meet the basic credit needs of the Nation. Throughout the world, central banks—unlike our own—Federal Reserve System—allocate credit to needy sectors of the economy such as low and moderate income housing. These other central banks—unlike our own Federal Reserve System—are mechanisms to promote and implement national economic and social goals.

Our enormous resources have allowed this country to move forward despite our archaic monetary system, but today the needs are too great to allow the Federal Reserve System to act only as a heavy anchor on the economy. Our credit resources must be utilized wisely and widely to meet the tremendous needs in housing, to provide answers to the overwhelming problems of the cities, and to give the rural areas development opportunities. Throughout this Nation, we have a tremendous backlog of unmet economic and social needs. And much of this can be traced directly to the doorsteps of an outdated monetary system which allocates credit only at the top of the basis of the "trickle down" theory. I hope President Nixon will address himself to this problem for without a correction in the monetary system there can be no lasting solution to our economic and social problems.

Mr. Speaker, I hope the President will spell out his economic policies in clear terms tonight. Over the past 2 years it has often been difficult for the Congress to know what the President wanted in the way of economic legislation. The Banking and Currency Committee made several attempts during the 91st Congress to get definite statements from the administration and on most occasions we received only vague generalities.

During most of the 91st Congress, the President kept telling us that he was opposed to "jawboning" and now in recent days we have seen the Chief Executive adopt this means of controlling price increases. I hope that the President will make his policy in this area clear tonight.

The Banking and Currency Committee of course passed legislation to give the President standby authority over wages, prices, salaries, and rents. It also gave the President standby authority to allocate credit and to control interest rates and other aspects of credit transactions.

In both cases, the administration denounced the efforts of the Congress in this area but without providing any alternative courses of action. I gather that the President, because of the experience he has gained, is now closer to the thinking of the Congress in these areas. Once again I hope that we can get a clearer idea of the President's thinking on these standby powers.

As the President knows, the Banking and Currency Committee and the entire Congress stood ready throughout the last 2 years to pass legislation which the President thought would be helpful in correcting the shortcomings of the economy. I am sure that this will again be the case in the 92d Congress. It is essential that the President spell out any ideas he has for legislation and that the drafts of these bills reach the Congress early in this first session.

The Congress stands ready to help the President, but we cannot afford to allow the economy to continue to drift and for the unemployment lines to grow. If the President does not act, the Congress must take the initiative.

CONSUMER AGENCY BILL

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 10 minutes.

Mr. ROSENTHAL. Mr. Speaker, I think most Members of the House would agree that the record of the 91st Congress, in the area of consumer protection, was largely undistinguished.

I believe all our constituents would like the 92d Congress to dramatically improve that record.

Consumer rights are of equal importance to all Americans, whatever their political or regional affiliation:

When Federal regulatory agencies approve billions of dollars in rate increases to railroads, airlines, or the telephone company, without full consumer representation before those agencies, the rich and poor, liberal and conservative, northerner and southerner, all lose.

When the Government's leading consumer protection agency against unwholesome food products takes action on mercury contamination of our fish only because a lone university chemist sounds the alarm—all Americans lose.

It is for this reason, and with strong bipartisan support, that the bill to create an independent consumer protection agency and a White House consumer office, is being reintroduced in the 92d Congress.

I am optimistic that this bill can be enacted early in this session. This bill, which has the unanimous support of leading consumer spokesmen throughout the country, and which was developed after many days of hearings, many months of negotiation, and many years of thoughtful analysis, needs and deserves your support.

DR. MARTIN LUTHER KING'S BIRTHDAY, JANUARY 15, A PERMANENT NATIONAL HOLIDAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the late Reverend Dr. Martin Luther King, Jr., was a man of all races; a leader who fought for dignity and an equal chance for both black and white; a critic who never doubted that American society could be redeemed.

The inspirational leadership he provided the civil rights movement in both the South and the North helped make possible the enactment of the landmark Civil Rights Acts of 1964 and 1968, and the Voting Rights Act of 1965. The poor people's campaign, his final great effort, eloquently demonstrated the plight of millions of Americans who, without a voice and without much hope, suffer from pervasive poverty and lack a fair share in our country's abundance.

As we who survived Martin Luther King stand and face the uncertain future, we must be sustained by this enduring legacy—the striving for justice, compassion, and human dignity.

Surely there can be no question of the magnitude of Dr. King's contribution to this country. The goals and aspirations which he championed are the goals for which every American must continue to struggle until the dream that he had becomes a visible and substantive reality.

The permanent celebration of Martin Luther King, Jr.'s birthday as a national holiday would honor a truly great American and remind future generations of his great contribution and the need to carry on his work.

On January 15, the birthdate of Dr. King, the Reverend Ralph David Abernathy, president of the Southern Christian Leadership Conference, led a mule pulling a wagon—symbolic of the poor people's campaign—to the steps of the Capitol of the United States. This wagon contained petitions bearing 3 million signatures—signatures of concerned Americans across this country who believe, as I do, that there must be a national day of remembrance for Martin Luther King, Jr. There at the steps of the Capitol Dr. Abernathy presented the 3 million signatures to several Members of the Senate and House: Senators Birch Bayh and Adlai E. Stevenson III; Congressmen Don Edwards of California, Andrew Jacobs, Abner Mikva, Parren Mitchell, and William F. Ryan.

Mr. Speaker, I believe that no Member could fail to be impressed by this massive show of support for a national Martin Luther King Day. Therefore, on behalf of the millions of Americans who signed these petitions, Mr. Conyers, Mr. Edwards of California, Mr. Jacobs, Mr. Mikva, Mr. Mitchell, and I have filed these petitions containing 3 million signatures with the House to insure that the Congress of the United States is fully aware of the deep sentiment across this Nation in favor of a legal holiday honoring Martin Luther King.

I hope that this Congress will heed the sentiments expressed by millions of Americans and enact legislation, which I will again join Congressman Conyers in introducing to establish January 15, the birthday of the Reverend Dr. Martin Luther King, Jr., as a national legal holiday.

I include in the Record an editorial from the Amsterdam News of January 16—an editorial which I encourage all my colleagues to read:

Dr. King's Birthday

> The observance of the birthday, Friday, January 15 of Dr. Martin Luther King Jr. is becoming more and more a national occasion, and we hope, before long, Congress will set aside this great man's birthday as a national holiday.
>
> Dr. King means something big to most American Blacks. He was a symbol, the biggest in this decade.
>
> Dr. King symbolized two things in our mind.
>
> 1. He gave Blacks courage.
> 2. He encouraged their loss of fear.
>
> To our way of thinking, none of the militants of today would have the courage or lack of fear in their endeavors, had it not been for the early non-violent movement as symbolized by Dr. King.
>
> It was he who gave Blacks, otherwise complacent or servile, the courage, or nerve, if you will, to stand up and be counted in the simple struggle for equality and equal rights. And by their stand they shamed America's establishment into seeing how racist many of its institutions were and, unfortunately, still are.
>
> Dr. King's death, like that of John F. Kennedy and Robert Kennedy and Abraham Lincoln was a tragedy, not only for America's Blacks, but for America too.
>
> It is only fitting that we stop on Friday and pay tribute to Dr. King and to his memory and to what he stood for.

RESOLUTION TO END THE WAR

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the war in Southeast Asia remains the supreme issue for America. More than 50,000 Americans have died in Southeast Asia. More than 130,000 South Vietnamese soldiers have died. Civilian casualties number in the hundreds of thousands.

That is the cost of a war which the President has said was not an issue at the polls last November.

More than $100 billion has been diverted from urgent domestic needs. Our cities decay. Our environment declines. Unemployment expands; and poverty spreads.

That is the cost of a war which the President has said was not an issue at the polls last November.

The fabric of American society is torn. Alienation, frustration, and discouragement afflict all elements of our society.

That is the cost of a war which the President has said was not an issue at the polls last November.

The war must end. The death, the destruction, the divisiveness which it creates cannot continue.

Yet, while the President discounts the war as an issue, the theatre of war expands—all of Southeast Asia is involved. It is almost incredible that after the months of debate in the Congress, after the enactment into law of the Church-Cooper amendment, after the very words of the President last June 30, when he said that "there will be no U.S. air or logistic support—for South Vietnamese military operations in Cambodia," new contortions are now offered to justify an expansion of the war. Secretary of Defense Laird said on January 20 that the expanded American air activity in Cambodia was justified by the implications of the so-called Nixon doctrine and by the lack of a specific preclusion by Congress.

I always understood the Constitution to provide that Congress declares war, not that Congress' silence sanctions it.

The time is long, long past due. The Pentagon and the administration simply cannot be allowed to continue their course. The war must end, and Congress must end it.

This week marks the beginning of a new Congress, on the first day of which 13 of us introduced a concurrent resolution calling for an immediate halt to all U.S. offensive actions in Southeast Asia and setting a deadline of June 30, 1971, for withdrawal of all American forces.

The 13 are Philip Burton, of California; John Conyers, of Michigan; John Dow, of New York; Bob Eckhardt, of Texas; Don Edwards, of California; Don Fraser, of Minnesota; Michael Harrington, of Massachusetts; Henry Helstoski, of New Jersey; Robert Kastenmeier, of Wisconsin; Edward Koch, of New York; Abner Mikva, of Illinois; Benjamin Rosenthal, of New York; and William F. Ryan, of New York.

We will continue to oppose this war. We will continue to address the most important issue for all Americans—the war. We will press for passage of our concurrent resolution. We will support the efforts of our colleagues who share our determination.

The full text of the concurrent resolution follows:

HOUSE CONCURRENT RESOLUTION —

Expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all United States forces be completed by June 30, 1971

Whereas the war in Southeast Asia has resulted in the loss of more than 50,000 American lives, and in more than 250,000 American casualties, and in more than 450 American prisoners of war, and in more than 1000 American servicemen missing in action; and in the loss of more than 130,000 South Vietnamese lives in combat, and in more than 1 million South Vietnamese military and civilian casualties;

Whereas the war in Southeast Asia has resulted in the destruction of thousands of villages and in the creation of more than 8 million refugees since 1964 in Southeast Asia;

Whereas the war in Southeast Asia has diverted more than $100 billion of American funds from urgent domestic needs and fostered deep divisions in American society;

Whereas so long as the prosecution of the war in Southeast Asia continues with any American troops, reduced in numbers as they may be, the safe return of American prisoners of war is at stake;

Whereas the loss of American lives can be halted only by establishing a clear timetable for terminating American combat operations in Southeast Asia and disengaging all American troops;

Whereas the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its Constitutional authority to "raise and support armies" and to "declare war";

Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress: That all offensive actions by the United States in Southeast Asia be immediately halted; that all United States ground, air, and sea forces be withdrawn from Southeast Asia, the pace of withdrawal to be limited only by steps to ensure the safety of American forces, and to assure the asylum in friendly countries for Southeast Asian citizens who might be endangered by the United States' withdrawal; and that this withdrawal of all United States forces be completed by June 30, 1971.

HEART-SAVER SQUAD

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, today I wish to begin a major attack on the Nation's No. 1 killer—heart disease—by introducing legislation that could help reduce, perhaps by as much as 60 percent, the 400,000 deaths that annually occur due to coronary artery disease. This dreaded killer is unique in its swiftness and random nature. Most of those who die from coronary problems do so very quickly, within the first hour after the appearance of acute symptoms.

Yet, those precious first 60 minutes that literally mean the difference between life and death are usually wasted in bringing a patient to adequate medical facilities to be diagnosed and treated. As a result, it is estimated that more than 250,000 heart attack victims die before receiving any of our Nation's sophisticated treatment for heart failure.

This bill is designed to expedite the application of care directly to the patient in an attempt to save a large portion of those lives lost during the "first 60 minutes." Already in Belfast, Ireland, in an area of New York City and, locally, in Montgomery County, Md., an experiment has proven that help can come to a patient in half the time. Instead of transporting him to a medical facility before giving emergency treatment, equipment and personnel in the form of a "heart-saver squad" are dispatched to the victim. In an ambulance specially equipped with a portable electrocardiograph and defibrillator, the patient's condition may be assessed and treated in a fraction of the time it now takes. The damage to the heart can be determined immediately by a person trained to interpret the electrocardiagram and, if necessary, the heart can be reactivated with the defibrillator. Many physicians feel that under former circumstances, half the patients would have died without mobile care.

The original intent of title IX of the Public Health Service Act, establishing the regional medical programs, was to encourage local initiative in the application of new knowledge and techniques. By amending title IX, my proposed bill would provide Federal assistance and encourage local initiative to demonstrate the effectiveness of such emergency care for heart attack victims by sending to the patient specially trained persons in specially equipped ambulances.

Not only would it encourage the application of this unique health care measure, through demonstrations of its effectiveness, but my bill would also help provide funds needed to equip ambulances with necessary portable instruments required for cardiac emergencies.

Since the success of any new program is directly dependent upon the availability of trained manpower, my bill would help provide additional funds to supplement the training of specialized personnel in the use of equipment and emergency care techniques.

Equally important, this legislation specifically provides for the dissemination of information about the new service to potential users, police, physicians, and the general public, so that full advantage may be taken of the demonstration project.

One of the most important byproducts of this project could be the education of a suspect cardiac victim. Many of those who are potentially prey to coronary problems are unaware of warning symptoms, which if noticed in time, could prevent any stoppage of the heart's functioning by further care and monitoring of the heart's rhythm. This is crucial, since help is needed before the heart stops its regular pattern. If this vital organ is not working properly for more than five minutes, serious brain damage will result.

Three types of malfunctioning are responsible for most of the 575,000 coronary disease deaths: clotting, collapse of the circulatory system around the heart, and an absence of the strong, rhythmic heart beats necessary to pump blood. Most often death occurs from an abnormal chaotic rhythm of the heart or an actual arrest of heart contractions. The National Heart Institute reports that cardiac defibrillators, external electric pacemaking and driving devices which return the heart's rhythm to normal have already proven lifesaving instruments.

Shock, or complete collapse of the peripheral circulatory system, can often be controlled by drug therapy. Regardless of whether mechanical or drug treatment is necessary, one factor is always important: time. The immediacy of diagnosis and treatment is most important to the successful recovery of the patient after a heart attack.

According to the National Center for Health Statistics, 359,740 persons will die in 1971 from acute myocardial infarctions—clotting of blood vessels. Yet, great strides are being made today in research toward saving heart attack victims through the use of anticoagulant drugs which minimize heart damage from blood clots or occlusions of the blood vessels. In most clinical research studies, reports the National Heart Institute, these drugs, used during the acute phase of heart attacks, have increased survival anywhere from 30 percent up to more than 50 percent provided they are administered on time.

One of the most serious complications of heart attacks that are often the immediate cause of death are disturbances or the absence of normal heart rhythm called arrythmias. If detected promptly, this can be controlled by drugs, such as digitalis. More serious conditions can be corrected by precisely timed shocks delivered by defibrillation equipment.

In recent years, especially in 1968, scientists and physicians have made significant advancements in heart transplants and other surgical techniques, as well as the development of artificial devices to provide temporary or permanent circulatory assistance to damaged or failing hearts. There are many medical promises available to a heart attack victim if only he can survive the acute stages of his attack.

We cannot hold back this chance for life from 400,000 potential victims in the coming year and for future years. The Nation's No. 1 killer must be our No. 1 target.

YOUTH CAMP SAFETY ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I rise today to introduce legislation dealing with our most precious commodity—the lives of our children. Each year parents send nearly 8 million youngsters to summer camps across this country with the belief that their children will be constantly protected by trained counselors and live in sanitary and healthful surroundings. Unfortunately, this is not the case in too many of our summer camps and our other outdoor recreational facilities. The legislation I am sponsoring today, the Youth Camp Safety Act, aims to bring to an end the tragic waste of young lives occurring each summer because of the dearth of safety and health standards in youth camps.

Each summer we read the appalling newspaper accounts of camping accidents: "A Flatbed Truck Carrying 70 Campers and Counselors Flips Over on a New Jersey Freeway, Killing Five Persons and Injuring the Rest"; "140 Persons at a Vermont Camp Come Down With Acute Stomach Disorders Because the Camp's Septic Tank System Drains Into the Unchlorinated Water Supply"; "A Snowslide in Summer Heat Sends Seven Campers Plunging to Their Deaths in the Rockies While Their Counselor, Who Had Sent the Boys on Ahead, Watches From Below"; "Two Canoers on One of Maine's Treacherous White-Water Rivers Overturn and One Boy Drowns."

These are only a few of the horror stories which have been brought to my attention as a result of hearings I have conducted in both the 90th and 91st Congresses. The American Camping Association has reported that only 26 States have regulated the sanitation of youth camps; only 15 States have any form of safety legislation; Only three or four States have set qualifications regarding personnel; and 24 or nearly half of the States have relatively little or no regulations in the way of camp legislation.

The American Camping Association carries out an inspection program of camps requesting membership in its organization, but only 3,400, or less than 30 percent of the 11,000 youth camps, are actually accredited by their organization.

Mr. Speaker, it is often financially and physically impossible for parents to personally visit the sites of youth camps to which they are sending their children, and they must rely on brochures which are misrepresentatives and misleading. There is no way for parents to be certain that the camp is safe, the counselors are actually qualified to care for and instruct their children, adequate sanitary facilities are provided, or that vehicles used by the camp are in good condition and drivers are experienced and cautious. There are many latent dangers, which to the untrained eye of parents, are impossible to identify on a trip to a camp prior to the opening of the summer season. And visiting days during the season hardly give parents the opportunity to thoroughly investigate any possible hazards to their youngsters.

Specifically, the bill provides that the Secretary of Health, Education, and Welfare shall promulgate youth camp safety standards after public hearings and consultation with an advisory council. Standards shall be effective in those States which do not submit plans meeting with the requirements established by the bill.

States who wish to administer their own plans must designate an agency responsible for the plan and develop and enforce standards at least as effective as Federal minimum standards. In order to assist the States with development and operation of their plans, grants are provided to the States for up to 90 percent of their costs.

In the closing days of the 91st Congress, the distinguished Members of this body passed a historic Occupational Safety and Health Act. Under its provisions, working conditions at youth camps for the camp counselors must be safe and healthful. Therefore, while the Congress has legislated that counselors must be employed under sanguine conditions, it has failed to enact legislation to protect the health and well-being of our youngsters in those very summer camps, day camps, or public recreational facilities. I hope that my colleagues will support the Youth Camp Safety Act and end this tragic anomaly.

CIVIL SERVICE RETIREMENT AMENDMENTS OF 1970

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the enactment of Public Law 91–658, approved on January 8, 1971, will correct several longstanding, inequitable provisions of the civil service retirement law, and thus alleviate the economic uncertainties and financial difficulties encountered by thousands of Federal retirees and their surviving spouses.

In an effort to be responsive to the widespread interest in the new amendments to the law, I herewith offer a summary of, and a series of pertinent questions and answers about, the changes made in the civil service retirement system by Public Law 91–658:

SUMMARY

I. Permits a retiree who was unmarried at the time of retirement to provide a survivor annuity for a spouse whom he married after retirement.

II. Provides a survivor annuity for the "second" spouse of a retiree who elected a survivor annuity when he retired.

III. Makes requirements for survivor annuity for the "second" spouse of a retiree who elected a survivor annuity when he retired.

IV. Permits a reemployed annuitant to use his supplemental annuity to increase his survivor's benefit.

V. Provides service credit for certain periods of separation during which employees received Federal Employees' Compensation benefits.

I. SURVIVOR ANNUITY TO SPOUSE OF RETIREE WHO WAS UNMARRIED AT TIME OF RETIREMENT

Q. I was unmarried when I retired and am now married. How does the new law affect me?

A. It depends on whether you retired before or after April 1, 1948.

Q. How does it affect me if I retired before April 1, 1948?

A. The new law permits a survivor annuity to be paid automatically to your wife (or husband). You need do nothing now to provide this financial protection for your wife (or husband) and there is no reduction in your annuity.

Q. How does the new law affect me if I retired on or after April 1, 1948?

A. If you retired under a provision of the retirement law which permitted the election of a survivor annuity, the new law now gives you the chance to elect a reduced annuity for yourself with a survivor benefit to your wife (or husband).

Q. How do I know if I retired under a provision of the retirement law which permitted the election of a survivor annuity?

A. You did retire under such a provision unless—

(1) you retired on a deferred annuity (an annuity that began more than 1 month after you left the Federal service) based on a separation that occurred before October 1, 1956, or

(2) You are a woman who retired between April 1, 1948, and September 29, 1949.

Q. When I retired I was unmarried but I elected a reduced annuity with a survivor benefit to a named person having an insurable interest. I am now married. Does the opportunity to elect a survivor benefit for my wife (or husband) apply to me?

A. Yes. You may now elect to cancel your "insurable interest" election and elect a reduced annuity with a survivor benefit to your wife (or husband). Survivor annuity will then be payable to your wife (or husband).

Q. Is there any time limit on when I can make the election to name as a survivor annuitant my wife (or husband) whom I married after I retired?

A. Yes. If you married her (or him) before January 8, 1971, you must make the election no later than January 7, 1972.

Q. I am not married now but may marry in the future. Can I elect the survivor annuity after I marry?

A. Yes. If you marry on or after January 8, 1971, your election must be made within 1 year after the date of your marriage.

Q. Can I change the survivor annuity election after I make it?

A. No. The election of a survivor annuity cannot be changed after it has been accepted by the Civil Service Commission.

Q. Does my wife (or husband) whom I married after retirement have to meet any requirements to be paid the new survivor annuity benefit?

A. Yes. She (or he) must have been married to you for at least 2 years immediately before your death or, if married less than 2 years, be the parent of a child born of the marriage. Also if she (or he) is entitled to any other survivor annuity from the Government (not including Social Security), she (or he) must elect one of them; she (or he) cannot receive both.

Q. I understand if I retired on or after April 1, 1948, and now elect a survivor annuity, that my own annuity will be reduced. By how much will my annuity be reduced if I elect the survivor annuity?

A. Your current annuity will be reduced by 2½% of the first $3,600 plus 10% of any annuity in excess of $3,600. However, you may designate an amount which is less than your full annuity to be used as the base for computing your wife's (or husband's) survivor annuity and the reduction in your annuity will be based on the amount you designate.

Q. Can you give examples of how to compute the reduction in my annuity?

A. Yes. Here are 4 examples:

(1) If annuity is $3,000;

(2) If annuity is $5,000;

(3) If annuity is $5,000 but only half ($2,500) is designated as a base for the survivor annuity.

(4) If annuity is $4,800 but only $3,600 is designated as a base for the survivor annuity.

Amount of yearly annuity	Designated am ount for survivor annuity base	2½ percent of designated annuity up to $3,600	10 percent of amount of designated annuity in excess of $3,600	Total reduction in yearly annuity	Amount of reduced annual annuity [1]
(1) $3,000	All	$75 (2½ percent times $3,000)	None	$75.00	$2,928 ($244 per month).
(2) $5,000	All	$90 (2½ percent times $3,600)	$140 (10 percent times $1,400)	230.00	$4,776 ($398 per month).
(3) $5,000	$2,500	$62.50 (2½ percent times $2,500)	None	62.50	$3,432 ($286 per month).
(4) $4,800	$3,600	$90 (2½ percent times $3,600)	None	90.00	$4,710 ($393 per month).

[1] Rounded to nearest dollar of monthly annuity.

Q. When does this reduction in my annuity begin?

A. The first of the month after your election of the survivor annuity is received in the Civil Service Commission.

Q. How much annuity will my wife (or husband) whom I married after retirement receive if she (or he) survives me?

A. That depends on many factors such as when you retired and how much annuity you are receiving and whether you want all of it to be used as the base for this survivor annuity. In general, your survivor's annuity will be in the same amount as though you had been married at the time you retired. Survivor benefits of up to 55% of the retiree's full benefit may be payable.

Q. Will unmarried employees who retire in the future be able to elect a survivor annuity if they marry after retirement?

A. Yes.

Q. May the widow or widower of a deceased retiree who married after he retired but who died before January 8, 1971, qualify for a survivor annuity?

A. No.

II. SURVIVER ANNUITY TO "SECOND" SPOUSE OF RETIREE WHO WAS MARRIED AT TIME OF RETIREMENT

Q. I was married when I retired and my wife (or husband) is still living. Does the new law affect me in any way?

A. No, with one possible exception: Your wife (or husband) is now entitled to a survivor annuity and if your marriage ends because of death or divorce and you later remarry, your new wife (or husband) could be paid the survivor annuity.

Q. I was married when I retired. The marriage ended and I later remarried. Is my new wife (or husband) entitled to a survivor annuity?

A. The new wife (or husband) could be paid survivor annuity if you retired before April 1, 1948, or, if you retired on or after that date and at the time of retirement you elected a reduced annuity with survivor benefit.

Q. Does my wife (or husband) whom I married after retirement have to meet any requirements to be paid the survivor annuity?

A. Yes. Your new wife (or husband) must have been married to you for at least 2 years immediately before your death or, if married less than 2 years, be the parent of a child born of the marriage. Also, if she (or he) is entitled to any other survivor annuity from the Government (not including Social Security), she (or he) must elect one of them; she (or he) cannot receive both.

Q. Do I have to file any election with the Civil Service Commission to be sure that my new wife (or husband) is paid a survivor annuity?

A. No. If she (or he) survives you and meets the requirements explained in the answer to question 3, she (or he) will automatically be paid the annuity.

Q. How much annuity will my wife (or husband), whom I married after I retired, receive?

A. The same amount as the wife (or husband) to whom you were married when you retired would have received if she (or he) had outlived you.

Q. When I retired, I elected a reduced annuity with survivor benefit. If my wife (or husband) dies before me and I do not remarry, is the reduction in my annuity restored?

A. No.

Q. When I retired I was married but elected a single life annuity payable only during my lifetime and without a survivor benefit. Can I change this election now?

A. No. The new law does not authorize a change in the type of annuity you elected for the purpose of now providing a survivor benefit either for your wife (or husband) to whom you were married at the time of your retirement or for one you may have married after retirement.

Q. I married my wife (or husband) after she retired. He (or she) did not elect a survivor annuity. He (or she) died before January 8, 1971. Am I now entitled to a survivor annuity?

A. No. The rights of widowers (or widows) of retirees who died before January 8, 1971, are not changed by the new law.

III. WIDOWERS OF WOMEN EMPLOYEES

Q. What change does the new law make concerning widowers of women employees?

A. It permits payment of a survivor annuity to the widower of a woman employee on the same basis as to the widow of a male employee by eliminating the requirements that a widower has to be incapable of self-support and must have received more than half-support from his deceased wife.

Q. What are the requirements that must now be met to qualify a widower (or widow) for a survivor annuity?

A. The employee must have—

(1) completed at least 18 months of Federal civilian service, and

(2) died while employed subject to the Civil Service Retirement System.

The widower (or widow) must—

(1) have been married to the employee for at least 2 years immediately preceding her (or his) death, or

(2) be the father (or mother) of a child born of the marriage with the employee.

Q. Does this change affect widowers of employees who died before January 8, 1971?

A. No. It applies only to widowers of employees who die on or after January 8, 1971.

IV. USE OF SUPPLEMENTAL ANNUITY TO INCREASE SURVIVOR BENEFIT

Q. What is a supplemental annuity?

A. This is an annuity earned by certain retirees who are reemployed in the Government for at least 1 year after they retire.

Q. How does a supplemental annuity increase the survivor benefit?

A. Formerly, upon termination of the reemployment, the supplemental annuity was a single life annuity The change in the law permits the supplemental annuity to be used as a base for additional survivor annuity if the employee had elected a reduced annuity with survivor benefit when he initially retired.

Q. Does a reemployed annuitant have to apply for the additional survivor annuity?

A. No. The additional survivor annuity will automatically be granted when the supplemental annuity is granted unless the retiree requests otherwise.

Q. Is there a reduction in supplemental annuity if additional survivor annuity is payable?

A. Yes. The supplemental annuity is reduced by 10%.

Q. How much additional survivor annuity is payable?

A. The additional survivor annuity amounts to 55% of the full supplemental annuity (before the 10% reduction).

Q. Does this change apply to an annuitant whose reemployment ended before January 8, 1971

A. No. It applies only to an annuitant whose reemployment terminates on or after that date.

V. CREDIT FOR PERIODS OF SEPARATION DURING WHICH FEDERAL EMPLOYEES' COMPENSATION BENEFITS WERE RECEIVED

Q. What change has been made in the retirement law concerning credit for periods of separation during which Federal employees' compensation benefits were received?

A. An employee (or former employee) who returns to Federal employment after he has been separated is now deemed to have been on leave without pay for any part of the period of separation during which he received Federal employees' compensation as a result of illness or injury related to his Government job.

Q. What is the effect of this change?

A. It permits full credit toward retirement for all or a portion of a separation period during which the employee was receiving employees' compensation.

Q. Is this change retroactive?

A. This change applies to qualifying periods of separation occurring before as well as on or after January 8, 1971.

Q. How can an employee who retired before January 8, 1971, obtain this retirement credit?

A. Since there is no practicable way in which the Government can identify already-retired persons with periods of separation which could be counted, the new law requires that such periods be counted only upon application by the retiree.

Q. I am already retired and have a period of separation during which I received employees' compensation. How can I apply to have this period credited toward my annuity?

A. Simply write a letter to the Civil Service Commission, Bureau of Retirement, Insurance, and Occupational Health, 1900 E. St., N.W., Washington, D.C. 20415. Please be sure to give full identifying information, including your name, date of birth, and CSA claim number.

Q. Will the increase in my annuity that results from crediting the period of separation be retroactive?

A. No, the increased annuity is payable only for the months after January 1971.

Q. My husband (or wife) died before January 8, 1971, and I am the survivor annuitant. Can I apply for additional credit for a period of separation during which he received employees' compensation?

A. No. Only the retiree can apply for and receive the additional credit.

Q. Can a survivor-annuitant receive the additional credit?

A. Yes. The survivor of an employee who dies on or after January 8, 1971, will automatically be credited with the period of separation. Also, the survivor of an annuitant who has been allowed credit for the period of separation will receive credit for it.

FIFTH ANNIVERSARY OF CUBAN EXILES' DECLARATION OF FREEDOM

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, 5 years ago today a dedicated band of Cuban exiles reaffirmed their faith in the principles of liberty and justice with a historic Declaration of Freedom.

On that day 1,500 proud Cubans gathered in the city of Key West, Fla., at the historic Club San Carlos. It was from the balcony of this club that in 1892 the Cuban patriot, Jose Marti, proclaimed Cuba's independence from Spain.

The same spirit which moved Jose Marti and his brave followers three-quarters of a century ago pervaded the meeting of the 1,500 modern Cuban patriots 5 years ago today.

The actions of both groups recalls our own historical experience in 1776 at Independence Hall, where our forefathers met to declare themselves free.

The modern counterparts of our Founding Fathers have committed themselves to fight constantly until their homeland is once again free from the oppressive yoke of Castro's communism.

I know the spirit expressed in the declaration is one to which we can all subscribe, and one which deserves the support of the American people.

Mr. Speaker, on this fifth anniversary, I would once again like to bring the attention of our colleagues to the Declaration of Freedom:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st. 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors. who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, tradition, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

FASCELL COSPONSORS BILL TO ESTABLISH FLORIDA FRONTIER RIVERS NATIONAL PARK

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am pleased to join my colleagues in the Florida delegation in sponsoring legislation to authorize the establishment of the Florida Frontier Rivers National Cultural Park.

The unique cultural and historical heritage associated with the Nassau River estuary in northeastern Florida is truly worthy of preservation in the national park system. That heritage spans four centuries and reflects the important role of the area in our Nation's development.

Our colleague CHARLIE BENNETT, a distinguished student of Florida history and the prime sponsor of this legislation, deserves our congratulations and thanks for his efforts to preserve the Nassau River estuary for the education and enjoyment of our citizens.

STANDING COMMITTEE ON THE ENVIRONMENT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Congress has responded in the past to changes in the realities of our world by adjusting itself to deal more effectively with the issues raised by those changes. Such was the case, for example, with the comparatively recent advent of atomic energy and space exploration.

Never before have we faced a reality with greater inherent danger than the deterioration of our environment. We were slow at first to recognize the perilous implications of environmental pollution, but we can be proud of our recent legislative actions to preserve the quality of our air and water and to conserve precious natural resources.

We must continue to be vigorous and alert sentinels in the fields of environmental quality.

For that reason, I am joining well over 100 of our colleagues on both sides of the aisle in proposing that a Standing Committee on the Environment be established in the U.S. House of Representatives. Such a committee would have full legislative authority to meet the myriad challenges of preserving our environment. No single change that we might make in the 92d Congress could have greater impact on the No. 1 problem facing our Nation and world today.

Mr. Speaker, I urge our colleagues to support this proposal. Let us give the Congress a chance to deal effectively with the problem by providing the necessary legislative machinery.

CONGRESSIONAL CONCERN FOR PRISONERS OF WAR

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the mose encouraging aspects of the groundswell of concern for our prisoners of war and those missing in action is the universality of the appeal for their release. It knows no gaps of generation or credibility. It is simply a genuine and humane plea for the welfare of 1,500 men whose families must live in the gray world of half-truth and hesitant hope.

Appreciating the degree of heartache experienced by the families of these POW's is difficult enough. Imagining the inhumane and miserable conditions which these brave young men have endured—many of them for years—is beyond our ability as we go about our daily lives in comfort and security.

We must constantly remind ourselves of the plight of 1,500 men who wanted only to live peacefully with their families. Instead they have become the unfortunate and unwilling pawns of a foreign nation.

So that we may express our outrage over the cruel treatment these men are receiving, in blatant violation of the Geneva Convention, I am joining many of our colleagues in sponsoring a joint resolution designating the week of March 21–27 as a "National Week of Concern for Prisoners of War/Missing in Action."

DECLARATION OF FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Declaration of Freedom adopted on January 23, 1966, by 1,500 Cubans in exile, meeting in Key West, Fla., is intended to be a statement of principles of liberty, freedom, and democracy, embodied in our own Declaration of Independence.

On January 23, 1969, I introduced House Joint Resolution 294, commending the Cuban Declaration of Freedom. A government espousing those lofty principles shall some day soon govern the great Republic of Cuba when Castroism and the influences of communism are expelled from that beautiful isle of the Caribbean.

I commend these eternal principles to all those who seek restoration of a free Cuba. I commend these principles to the executive branch of our Government, to the Congress, and to my fellow countrymen.

Let us, together, as Americans, pledge determination to secure for the great people of Cuba the liberty and independence of their homeland.

SENATOR RUSSELL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Nation and certainly Florida, in the passing of Senator Russell, have lost a great and good man, a patriot, and a man of profound love for his country, who towered in the councils of the Senate for many, many years.

Mrs. Pepper and I had a long and close friendship with Senator Russell and we are personally deeply saddened by his passing. Our hearts go out to his family in their great loss and to the people of Georgia whom he served with such devotion for more than four decades.

Senator Russell's extraordinary intellectual capacity combined with great personal charm to make him one of the most influential American political leaders of this century. His passing is a great loss to the Nation and to all who knew him and who respected his dedication to America and to the South which he so dearly loved.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Over 200,000 black Americans served in the Union Army during the Civil War and 38,000 gave their lives for the cause of freedom. Twenty-two received the Nation's highest award, the Medal of Honor. During World War I, 367,000 black Americans served in the Armed Forces of the United States. The all-black Illinois regiment received more combat citations than any other American regiment in France and the all-black 369th Regiment was the first Allied combat unit to cross the Rhine.

CONGRESSMAN ANNUNZIO URGES REVISION OF IMMIGRATION LABOR RESTRICTIONS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I reintroduced a bill to amend the Immigration and Nationality Act in order to undo the harm done by the 1965 immigration amendments regarding the labor certification requirement. Prior to December 1, 1965, an alien seeking to enter the U.S. labor market could be excluded if the Secretary of Labor certified that workers in this country were available to perform the job he was seeking, or if employment of the alien would adversely affect the working conditions of resident workers. The labor certification in the present legislation—section 212(a)(14)—excludes:

> Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that, first, there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to preform such skilled or unskilled labor, and second, the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed.

In other words, under the current law, it rests with the alien to prove that his addition to the labor force will not be harmful to the U.S. economy. This is expensive and time consuming for the alien, and it is also unnecessary and unjustified. In the legislation before its amendment in 1965, the burden of proof rested, as it should with the Secretary of Labor. Under both laws, no alien would be admitted if his addition to the labor force would adversely affect wages or other working conditions.

However, the current law, under which every application for alien employment is carefully scrutinized, has resulted in a form of discrimination as insidious in its own way as was the old national origins quota system which the 1965 amendments repealed. We are saying to the young man who would do anything for an opportunity to come to this country and make his fortune that the golden gate is closed. He must, in effect, make something of himself before he comes here, or we do not want him. This flies directly in the face of our traditional immigration policy, under which this Nation was formed, and it makes a mockery of the famous words engraved on the base of the Statue of Liberty.

It also most directly and unfortunately effects the nations which have contributed so much to the formation of our country. I have in mind, for instance, Ireland, and Germany. Immigrants from these countries, as well as from others, traditionally have come here with the hope for a better life. Further, they have tended to come alone—seeking to begin a new life here—and thus the family reunification preference categories, which do not require labor certification, are seldom applicable. According to the State Department's Visa Office, the Irish immigration rate has fallen from 5,378 in 1965, when the old law was discontinued, to 1,178 in 1970, which is a 78-percent drop in immigration. The German immigration rate has fallen from 25,171 in 1965 to 8,408 in 1970, which is a 66-percent drop in immigration. It is obvious from these figures that the labor certification requirement in the 1965 immigration amendments has drastically curtailed immigration from those countries which depend heavily on labor preference, rather than preference for U.S. relatives, for immigration.

Our country's greatness has been built on the contribution of its immigrants. Continued reduction of labor immigrants can only result in restricting the growth and prosperity of our Nation. This flaw in the new immigration law must be eliminated. The provision of the old law, which I ask to be reinstated, has survived the test of time. It has worked—and worked well—and only by returning to it can we further strengthen our new immigration law.

CONGRESSMAN ANNUNZIO PROPOSES ILLINOIS AND CHICAGO TO ACT AS OFFICIAL HOST FOR THE 500TH ANNIVERSARY CELEBRATION OF AMERICA'S DISCOVERY BY CHRISTOPHER COLUMBUS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I reintroduced in the Congress a concurrent resolution designating the State of Illinois and the city of Chicago as the host for the official celebration of the 500th anniversary of America's discovery by Christopher Columbus.

In proposing the selection of my State and my city for such an honor, I do so in keeping with a grand tradition. For when the country rallied as one man, in 1892, to hail our national discovery and the accomplishments of Christopher Columbus, the outstanding attraction of the year was the first World's Fair—the Columbian Exposition—and the site of the event was Chicago, Ill.

One hundred years ago the Columbian exhibition exalted, for the first time, the cultural accomplishments of all Americans, of all races, and, even more dramatically, of both sexes—declaring that they rivaled, in fact, those of any other people anywhere on earth.

The great Chicago novelist, Henry B. Fuller, wrote of this occasion:

> For the first time cosmopolitanism visited the western world, for the first time woman publicly came into her own, for the first time on a grand scale, art was made vitally manifest to the American consciousness. Congresses on social reform, women's progress, science and philosophy, literature, education, and commerce, were held.

Theodore Dreiser declared:

> All at once and out of nothing, in this city of six or seven hundred thousand which but a few years before had been a wilderness of wet grass and mud flats, and by this lake which but a hundred years before was a lone silent waste, had been reared this vast and harmonious collection of perfectly constructed and shadowy buildings, containing in their delightful interiors, the artistic, mechanical and scientific achievements of the world.

For many years the Columbian exposition was to have its effect upon the country, influencing the art, the architecture, and the literature of our entire society. It was indeed a grand event, and was for several decades treated with the greatest respect by cultural historians the world over. Only the coming of the world wars and the nuclear age has dimmed its recollection, but the fact of its cultural importance remains unchallenged.

As the site of the Columbian exposition the city of Chicago and the State of Illinois merit first consideration in the process of selecting a host for the official quincentennial celebration, fast approaching. Nor is there any lack of local interest in the matter. At the recent meeting of the Sixth Illinois Constitutional Convention, a resolution was unanimously adopted, encouraging the general assembly to make appropriate plans for the 500th anniversary celebration of American discovery, and further encouraging the Congress to recognize the State of Illinois as host to the official celebration.

Mr. Speaker, the great State of Illinois and Chicago, the "Hub of America," would be the ideal choice for hosting this celebration. First of all, Chicago is centrally located in relation to all portions of the country, and additionally, is the approximate center of our Nation's population. Twenty-eight railroads operate into Chicago, while 25 airlines, including 11 international flights, service Chicago, flying into Midway Airport and the world-famous O'Hare International Airport. These facilities provide easy access not only to Chicago but to the entire State as well, and thus a greater potential exists for drawing together visitors from all parts of the Nation as well as from abroad.

Furthermore, Illinois during recent years has developed an interstate and intrastate highway system that is unexcelled and provide modern, rapid access to the city of Chicago and to Illinois via automobiles and buses.

Additionally, I want to point out that hotel, motel, and restaurant facilities in Chicago are among the most outstanding in our country. Chicago has long been recognized as the convention city and as such has established a fine record of meeting the needs of countless visitors to the heartland of America.

By selecting Illinois as the official host for this celebration, Americans residing on the east and west coasts would be given the opportunity to become better acquainted with the marvelous development of America's great Midwest area. The tremendous growth of commercial, industrial, and cultural activities in the hub of America I feel best typifies the progress of civilization that has been made in the New World, the discovery of which the proposed quincentennial celebration is to commemorate.

For these reasons, Mr. Speaker, and for countless others too numerous to list, Illinois, and the city of Chicago, would be the ideal choice to act as official host for the quincentennial celebration. I urge, therefore, that my colleagues join together to insure the early enactment of my resolution recognizing Illinois and Chicago as the official host for the 500th anniversary celebration of America's discovery by the great Italian navigator—Christopher Columbus—who, incidentally, is being honored for the first time this year by the designation of the second Monday in October as a national legal holiday.

We are a land of great progress, Mr. Speaker, but a land of tradition, as well. In the drive to economic progress, we have torn away the basis of a thousand traditions and forgotten, in our haste, a thousand more. Let this one tradition stand. Let the glory of the Columbian exposition flourish once again, in 1992, as it did a century before, to the marvel and delight of all America and the world at large.

PARENTS OF LAWFUL RESIDENT ALIENS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I reintroduced a bill to amend the Immigration and Nationality Act to provide that parents of lawful resident aliens will be eligible for second preference immigrant visas.

As you will recall, a major purpose of the 1965 immigration amendments was to promote reunification of families. With this end in mind, for instance, the parents of adult U.S. citizens are granted immediate relative status, and thus bound by no preference-category limitations. I would agree with Charles Gordon, who testified before the House Judiciary immigration subcommittee last year in his capacity as General Counsel of the Department of Justice's Immigration and Naturalization Service:

> We favor inclusion of the parents of a permanent resident alien in the second preference, if the resident alien child is at least 21 years of age. The present statute grants immediate relative status to the parents of adult United States citizens. We believe the principle of family unity also supports the granting of second preference status to the parents of permanent resident aliens.

Under the present law, 20 percent of the 170,000 immigrant visas available annually for the Eastern Hemisphere are allotted to the spouses and unmarried children of permanent resident aliens. Parents must either meet the labor certification requirement and enter under the sixth preference or, as is more frequently the case, establish that they will not be entering the labor market, and wait for a nonpreference slot. Unlike the second preference category, both the sixth preference and particularly the nonpreference category are heavily oversubscribed for most countries and involve long waits.

The provision of this bill was included in two major omnibus immigration bills introduced during the 91st Congress, one by the then-Subcommittee Chairman Michael Feighan, and in H.R. 18923, introduced in August 1970 for the Nixon administration. I do not doubt that interest in immigration will continue to mount during this Congress, and that similar bills, again embodying this provision, will be introduced. However, rather than enacting it at the end of a long and necessary process of hearings, consideration, and debate on major immigration reform, I would urge enactment of the bill I am introducing in this chamber today. This provision in itself is neither complex nor controversial, nor will it involve many people.

However, to the people who are involved—the parents wishing to come here and their children—it is a matter of utmost importance. We are talking here, remember, about the parents of children who are over 21. They are not young, and there is no reason to prolong their separation from their children while we debate major immigration reform. I urge that this legislation be enacted as quickly as possible.

CONGRESSMAN ANNUNZIO INTRODUCES LEGISLATION TO FACILITATE THE ENTRY OF FOREIGN TOURISTS

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I reintroduced a bill to amend the Immigration and Nationality Act in order to facilitate the entry of foreign tourists into the United States. The latest estimates indicated that in 1970, Americans traveling abroad spent about $2 billion more than foreign tourists spent here. An estimated 22 million Americans traveled abroad in 1970, an increase from 20,100,000 in 1969, and 18 million in 1968. In contrast, approximately 13 million tourists came here in 1970 from all over the world, 12,370,000 came in 1969, and 10,885,000 in 1968. In other words, while 4 million more Americans have gone traveling abroad, foreigners coming here have increased by less than 3 million.

The $2 billion "tourist gap" accounts for just about half of our imbalance in international payments. Further, in its report to the President in 1968, the Industry-Government Special Task Force on Travel estimated that should the current trend continue, our annual travel deficit could reach as high as $5 billion.

There have been numerous suggestions for closing the tourist gap, and the bill I am introducing today represents another one, which I feel merits favorable consideration. While encouraging Americans to see America first, we are neglecting the other side of the coin: Encouraging Europeans to see America, too. I believe that the antiquated and cumbersome requirements that would-be tourists to this country must meet to be granted the necessary nonimmigrant visas is in more cases than we know a positive deterrent to tourism.

Under the Immigration and Nationality Act, the burden of proof rests with aliens wishing to visit this country to establish to the satisfaction of the American consul at the point of application: that they have a residence in a foreign country which they have no intention of abandoning; that they are interested in visiting the United States temporarily for business or for pleasure; and that they meet approximately 30 requirements, regarding their physical, mental, moral, philosophical, and political states and beliefs. These requirements are equally applicable to those seeking to enter as permanent residents and to those merely wishing to come as tourists.

My bill, which would apply only to tourists, or to quote from the bill—"aliens who are seeking to enter the United States as temporary visitors for business or pleasure for a period of not more than ninety days"—would exempt them from all but the most serious of these 30-plus requirements. Further, this legislation would apply only to nationals of foreign countries designated by the Secretary of State on the basis of reciprocity or on the basis of a determination that such a designation would promote the foreign policy of the United States. It is relevant here that approximately 35 nations do not even require visas from American tourists; we require them from nationals of all countries except Canada and Mexico.

I want also to emphasize that the purpose of this bill is exactly what it says—to facilitate the entry of foreign tourists into the United States. Aliens entering under this program would have no option either to extend their 90-day time limit or to adjust their status. They would be required to possess a valid passport and a nonrefundable round-trip ticket. Any alien who willfully remained beyond the 90-day period would be penalized by a delay of 2 years in his priority date for issuance of an immigrant visa. My bill does not repeal our current nonimmigrant visa program; it is an attempt to establish an alternative, less time-consuming and cumbersome program for the ordinary tourist.

This legislation would in no way endanger the security of our country. Those who threaten potential danger to our people would continue to be totally excluded—the confirmed criminal, the insane, those afflicted with contagious diseases, anarchists, and violators of our narcotics laws, to give examples. However, I believe we should differentiate between those whom we will not allow in this country under any circumstances, and those whom we will admit as tourists. Further, and very importantly, I believe that many potential visitors to this country simply do not apply for visas because they know they will be asked if they are alcoholics, if they are mentally retarded, and a variety of similar questions.

The battery of questions asked potential tourists to this country is viewed, of course, by many as a joke. Others see it as an affront to their dignity and inhospitable in the extreme, and refuse to subject themselves to it. We are not an inhospitable country, and I believe to prove this to those who know us primarily through our immigration law, we need to do some fence-mending at our American consulates abroad.

As I begin my seventh year of service as Congressman of the Seventh Congressional District of Illinois, I want to say that I have received thousands of letters from anguished relatives in all ethnic groups—Italian Americans, Polish Americans, Lithuanian Americans, Lebanese Americans, and so many others—who have been thwarted in their desire to have a loved one—a niece or nephew, brother or sister, cousin, aunt, or uncle—visit them briefly in the United States.

My bill would simplify the procedure for securing a visitor's visa, without jeopardizing the security of our country, and would permit these long-separated relatives the pleasure of an occasional reunion and a brief visit with each other.

An exchange of visitors enlarges our horizons, it renews our faith in each other, and encourages the friendship of other countries we as a Nation have always sought. I urge, therefore, as a positive step in this direction, that the Congress take speedy action in enacting my bill—the Nonimmigrant Visa Act of 1971.

ANNUNZIO INTRODUCES LEGISLATION TO ABOLISH THE HOUSE COMMITTEE ON INTERNAL SECURITY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I introduced legislation to abolish the House Internal Security Committee.

This is a committee which already in its brief period of operation has directly assaulted the most precious rights of speech and association. It has done so just as the Un-American Activities Committee did before.

Two years ago, Mr. Speaker, when the House was debating the resolution to change the name and mandate of the Un-American Activities Committee, I urged Members to consider that a committee with a new name and differently worded mandate would continue to violate first amendment liberties.

The liberties of speech and assembly guaranteed by the first amendment are absolutely beyond the legislative jurisdiction of Congress—"Congress shall make no law" limiting these rights. And if Congress cannot make any law limiting speech and peaceful assembly, neither does it have any business investigating the exercise of these rights.

And yet the very mandate of the Internal Security Committee directs it to go after the ideas which people express and the ideas which motivate them in their group activities. In accordance with its mandate, the committee aims its investigations at "the extent, character, objectives, and activities" of organizations or groups. How could the committee more directly violate first amendment rights than by putting to a test the "character" and "objectives" of groups. The objectives or purposes of a group constitute the motivating ideas of its members; the first amendment protects both the expression of these ideas and the association of individuals to promote these ideas from interference by Congress.

Two recent reports of the committee demonstrate how it invades the realm of first amendment rights.

One of these is its "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities." This is the notorious report which Federal Judge Gerhard A. Gesell forbade the GPO to publish because it was an attempt by Congress to suppress freedom of speech. In publishing the list of radical speakers and the colleges and universities at which they spoke, the committee said in its report:

> The Committee believes the limited sampling is sufficient to alert the Congress, college and university administrators, faculty, alumni, students, and parents to the probable extent of campus guest oratory in promoting the radical, revolutionary movement.

And Judge Gesell, in his final order of October 28, said of the committee's aim in publishing the list of speakers:

> The Committee listed speakers in the report apparently with the hope and expectation that college officials, alumni and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion.

Here we have on the part of the Committee the deliberate and expressed aim of preventing persons from speaking and of preventing others from hearing them speak. The Framers of the Constitution expressly forbade Congress to do any such thing. And Judge Gesell said that—

> These are times of stress when our most cherished institutions are threatened by extremists of many different persuasions. It is in these circumstances that the right of free speech and assembly must be jealously safeguarded by all branches of government to the end that the interchange of ideas and discussion, not violence, shall fashion the future of this democracy. There are undoubtedly in-

> dividuals who would destroy our institutions and form of government. If any of them are listed in this Report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained. It is alien to any legitimate congressional function, as well as contrary to our most established traditions, for any Committee of the Congress to disseminate lists designed to suppress speech.

Another report which exemplifies the committee's assault on first amendment rights is entitled "The Black Panther Party; Its Origin and Development as Reflected in Its Official Weekly Newspaper the Black Panther, Black Community News Service." This report consists of an extensive survey and analysis of articles which have appeared in the Black Panther Party weekly newspaper. Part I is a report on publication and subscription data and on the editorial staff. The analyses of articles include many quoted statements by party spokesman on such topics as Marxism-Leninism, relations between the Panthers and other groups, and the Panther platform and program.

I should like to ask how it can be the business of the committee to inquire into the publishing of a newspaper and to put to a test the ideas expressed in that newspaper when the first amendment forbids congressional interference with the press.

Moreover, a committee of this kind, whether it is called the Un-American Activities Committee or the Internal Security Committee, inevitably violates the fifth amendment right not to be deprived of liberty and property without due process of law as well as the constitutional right not to be subjected to legislative punishment. The predecessor of the present committee—and are they not really the same committee?—caused many individuals to suffer deprivation of liberty and property by causing them to suffer opprobrium in the eyes of the majority of the community and loss of jobs by consequence of proceedings in which the committee acted as prosecutor, judge, and jury.

It is no business of Congress to inquire into radical ideas in order to decide whether they should be permitted expression. It is certainly the business of Congress to protect the United States from overt acts aimed at the violent overthrow of our Government. With regard to overt acts such as espionage and sabotage it is the Judiciary Committee which has jurisdiction, not the Internal Security Committee. The mandate of the Judiciary Committee already includes jurisdiction over espionage, and all the antibombing legislation introduced in the 91st Congress was referred to the Judiciary Committee.

Let us remove Congress from the area of first amendment liberties and let us at the same time make it clear that the Judiciary Committee has entire jurisdiction over the field of internal security. In short, let us abolish the Internal Security Committee.

ANNUNZIO BILL TO ALLOW AN INCOME TAX DEDUCTION FOR THE EXPENSES OF HIGHER EDUCATION

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today I introduced a bill to amend the Internal Revenue Code of 1954 to allow a deduction, for income tax purposes, based on expenses incurred by the taxpayer for the higher education of his children. I sponsored an identical bill in the 91st Congress, and the need for its passage today is even more urgent than it was then because of the rapidly escalating costs of higher education. In fact, if this Congress does not act to relieve the intolerable burden that financing a college education is imposing on the American family, many of our children are going to be deprived of the advanced education that they need and deserve.

The costs of a higher education have doubled over the last 10 years. According to estimates by the U.S. Office of Education the average charges for tuition, fees, and room and board for a full-time resident, undergraduate student in a public 4-year university for the 1970–71 school year will total $1,313. For other public 4-year institutions the cost for the year is estimated to total $1,067. In private institutions the average charges for the year are estimated to total $2,857 for a university and $2,341 for other 4-year colleges. These figures do not include incidentals such as travel, recreation, laundry, and clothing.

Present programs of the Federal Government to provide financial assistance to students in the form of loans and grants are simply not doing the job, especially for the middle-income family. The family in the $7,500 to $10,000 income group is not likely to get Federal assistance and is already caught in the bitter squeeze of inflation and taxes. The value of their savings has diminished, and their children have been unable to help themselves, in many cases, because of the tight summer job market.

The provisions of my bill would provide substantial assistance to families supporting college students. It would allow an income tax deduction of an amount equal to one-half of amounts paid by the taxpayer during the year for educational expenses incurred in connection with education at an institution of higher learning. These expenses include tuition, fees, books, room, and board for students not living at home, transportation to and from college and other items which are required to pursue effectively an education at the institution involved.

Of course, enactment of this legislation would result in some revenue loss to the Federal Government. But in my view these losses will be more than repaid in increased tax payments by these college educated individuals in later life. In a recent article Sylvia Porter points out the dramatic financial effects of education and training indicated by new Census Bureau figures. The average yearly income per household today is $9,544. For the head of a household with less than 8 years of schooling, the average is only $5,494. In contrast, with 4 or more years of college education the average income is tripled to $15,452. The lifetime economic difference today between a college degree and a high school education is $245,205.

So, on a purely economic basis then, it is just plain good sense to expand financial assistance to those families whose children want to go to college. In noneconomic terms, the rewards of higher education cannot be measured. I urge my colleagues to assist me in enacting this legislation.

UKRAINIAN INDEPENDENCE DAY

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am proud to join my colleagues in commemorating the 53d anniversary of the proclamation of a free Ukraine. It was on January 22, 1918, that the first independent Ukrainian State was proclaimed. Tragically, it was overwhelmed by superior Soviet Communist military forces in November 1920.

Today there are no free people in the Ukraine, but even under totalitarian tyranny, freedom-seeking people cannot be silenced. The Ukraine has many times shown its hatred of Soviet domination. This is one factor that has caused the Soviet Government to disperse millions of Ukrainians throughout the Soviet Union.

This day holds a special meaning for over 1½ million of our citizens who trace their origin to the nation of Ukraine. Well over a century ago Ukrainian immigrants began arriving on our shores, seeking a new freedom. Today we find them and their descendants in all walks of American life making a tremendous contribution to our country.

The State of Illinois is especially privileged in having a large number of Ukrainian-Americans among her citizens, and many of the Ukrainian organizations are headquartered in the Seventh Congressional District of Illinois which I have the honor to represent. These include: Ukrainian-American Civic Center, Inc., 845 North Western Avenue; Ukrainian-American Club, 2234 West Chicago Avenue; Ukrainian-American Publishing and Printing Co., 2315 West Chicago Avenue; Ukrainian-American Social Club of UNA, 2345 West Chicago Avenue; Ukrainian Congress Committee of America, 841 North Western Avenue; Ukrainian National Association-Lions 2353 West Chicago Avenue; Ukrainian Youth Camping Organization, Inc., 2116 West Chicago Avenue; Ukrainian Book Store, 2315 West Chicago Avenue; and Ukrainian National Museum, 2453 West Chicago Avenue.

Self-determination and individual liberty are among the most cherished ideals of mankind. It is the hope and prayer of all freedom-loving people that the Ukraine may again be free. I therefore join my colleagues in commemorating the 53d anniversary of Ukrainian independence in the hope that one day her people may again be able to enjoy that freedom.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MURPHY of New York (at the request of Mr. RYAN), for Thursday, January 22, 1971, on account of official business.

Mr. Baring, for January 22, 1971, on account of official business.

Mr. Frey (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Hosmer (at the request of Mr. Gerald R. Ford), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Landrum, for 60 minutes, on Monday, January 25, to revise and extend his remarks and include extraneous matter.

Mr. Ryan, for 1 hour on Thursday, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Kyl) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Poff, for 10 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes today.

(The following Members (at the request of Mr. Bergland), to revise and extend their remarks and to include extraneous matter to:)

Mr. Gonzalez, today, for 15 minutes.

Mr. McFall, today, for 10 minutes.

Mr. Patman, today, for 20 minutes.

Mr. Rosenthal, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hagan in four instances and to include extraneous matter.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mr. Pettis.

Mr. Wyatt.

Mr. McClory.

Mr. Wyman in two instances.

Mr. Archer in five instances.

Mr. Schwengel in two instances.

Mr. Schneebeli.

Mr. Conable.

Mr. Hall.

Mr. Quillen in four instances.

Mr. Morse.

Mr. Gubser.

Mr. Hogan in five instances.

Mr. Schmitz in two instances.

Mr. Crane in five instances.

Mr. Andrews of North Dakota.

Mr. Ruppe.

Mr. Springer.

(The following Members (at the request of Mr. Bergland), and to include extraneous matter.)

Mr. Rooney of New York.

Mr. Rosenthal in five instances.

Mr. Eilberg in two instances.

Mr. Pickle in five instances.

Mr. Garmatz.

Mr. Harrington.

Mr. Burlison of Missouri.

Mr. Fisher in three instances.

Mr. Cotter in five instances.

Mr. Gonzalez in two instances.

Mr. Rodino in two instances.

Mr. Pepper.

Mr. Preyer of North Carolina in two stances.

Mr. Wolff.

Mr. Ryan in three instances.

Mr. Koch.

Mr. Mann in six instances.

Mr. Moorhead in two instances.

RECESS

The SPEAKER. The Chair is now going to declare a recess until this evening when the two Houses will meet in joint session to hear an address by the President of the United States.

The House will now stand in recess until approximately 8:30 p.m. The bells will be rung at 8:20 p.m.

Accordingly (at 5 o'clock and 31 minutes p.m.), under its previous order, the House stood in recess until 8:30 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 46 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 1. Concurrent resolution providing for a joint session of the House and Senate on Friday, January 22, 1971 to receive the President of the United States.

The message also announced that the Senate had passed resolutions of the following titles:

S. Res. 6

Resolved, That the House of Representatives be notified of the election of Hon. Allen J. Ellender, a Senator from the State of Louisiana, as President of the Senate pro tempore.

S. Res. 7

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Richard B. Russell, late President pro tempore of the Senate and late a Senator from the State of Georgia.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate stands adjourned at the close of the Joint Session.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 1 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Louisiana (Mr. Boggs), the gentleman from Massachusetts (Mr. O'Neill), the gentleman from Texas (Mr. Teague), the gentleman from Michigan (Mr. Gerald R. Ford), and the gentleman from Illinois (Mr. Arends).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators to escort the President of the United States into the House Chamber: Allen J. Ellender, of Louisiana; Mike Mansfield, of Montana; Robert C. Byrd, of West Virginia; Frank E. Moss, of Utah; John McClellan, of Arkansas; Hugh Scott, of Pennsylvania; Robert P. Griffin, of Michigan; Margaret Chase Smith, of Maine; Gordon Allott, of Colorado; and George D. Aiken, of Vermont.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock p.m. the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–1)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests, my fellow Americans:

As this 92d Congress begins its session, America has lost a great Senator, and all of us who had the privilege to know him have lost a loyal friend. I had the privilege of visiting Senator Russell in the hospital just a few days before he died. He never spoke about himself. He only spoke eloquently about the need for a strong national defense.

In tribute to one of the most magnificent Americans of all time, I respectfully ask that all those here rise in silent prayer for Senator Russell.

[All present rose in silent prayer.]

Thank you.

Mr. Speaker, before I begin my formal address, I want to use this opportunity to congratulate all of those who were winners in the rather spirited contest for leadership positions in the House and the Senate, and also to express my condolences to the losers. I know how both of you feel. I particularly want to join with all the Members of the House and the Senate as well in congratulating the new Speaker of the United States Congress. And to those new Members of this House who may have some doubts about the possibilities for advancement in the years ahead, I would remind you that the Speaker and I met just twenty-four years ago in this chamber as freshmen Members of the 80th Congress. As you see, we have both come up in the world a bit since that time.

This 92nd Congress has a chance to be recorded as the greatest Congress in America's history.

In these troubled years just past, America has been going through a long nightmare of war and division, of crime and inflation. Even more deeply, we have gone through a long, dark night of the American spirit. But now that night is ending. Now we must let our spirits soar again. Now we are ready for the lift of a driving dream.

The people of this nation are eager to get on with the quest for new greatness. They see challenges, and they are prepared to meet those challenges. It is for us here to open the doors that will set free again the real greatness of this nation—the genius of the American people.

How shall we meet this challenge? How can we truly open the doors, and set free the full genius of our people?

The way in which the 92nd Congress answers these questions will determine its place in history. But more importantly, it can determine this nation's place in history as we enter the third century or our independence.

Tonight, I shall present to the Congress six great goals. I shall ask not simply for more new programs in the old framework, but to change the framework itself—to reform the entire structure of American government so we can make it again fully responsive to the needs and the wishes of the American people.

If we act boldly—if we seize this moment and achieve these goals—we can close the gap between promise and performance in American government, and bring together the resources of the nation and the spirit of the people.

In discussing these great goals, I am dealing tonight only with matters on the domestic side of the nation's agenda. I shall make a separate report to the Congress and the nation next month on developments in our foreign policy.

The first of these six great goals is already before the Congress.

I urge that the unfinished business of the 91st Congress be made the first priority business of the 92nd.

Over the next two weeks, I will call upon Congress to take action on more than 35 pieces of proposed legislation on which action was not completed last year.

The most important is welfare reform.

The present welfare system has become a monstrous, consuming outrage—an outrage against the community, against the taxpayer, and particularly against the children it is supposed to help.

We may honestly disagree, as we do, on what to do about it. But we can all agree that we must meet the challenge not by pouring more money into a bad program, but by abolishing the present welfare system and adopting a new one.

So let us place a floor under the income of every family with children in America—and without those demeaning, soul-stifling affronts to human dignity that so blight the lives of welfare children today. But let us also establish an effective work incentive and an effective work requirement.

Let us provide the means by which more can help themselves. This shall be our goal. Let us generously help those who are not able to help themselves. But let us stop helping those who are able to help themselves but refuse to do so.

The second great goal is to achieve what Americans have not enjoyed since 1957—full prosperity in peacetime.

The tide of inflation has turned. The rise in the cost of living, which had been gathering dangerous momentum in the late Sixties, was reduced last year. Inflation will be further reduced this year.

But as we have moved from runaway inflation toward reasonable price stability, and at the same time as we have been moving from a wartime economy to a peacetime economy, we have paid a price in increased unemployment.

We should take no comfort from the fact that the level of unemployment in this transition from a wartime to a peacetime economy is lower than in any peacetime year of the 1960s.

This is not good enough for the man who is unemployed in the Seventies. We must do better for workers in peacetime and we will do better.

To achieve this, I will submit an expansionary budget this year—one that will help stimulate the economy and thereby open up new job opportunities for millions of Americans.

It will be a full employment budget, a budget designed to be in balance if the economy were operating at its peak potential. By spending as if we were at full employment, we will help to bring about full employment.

I ask the Congress to accept these expansionary policies—to accept the concept of the full employment budget.

At the same time, I ask the Congress to cooperate in resisting expenditures that go beyond the limits of the full employment budget. For as we wage a campaign to bring about a widely shared prosperity, we must not re-ignite the fires of inflation and so undermine that prosperity.

With the stimulus and the discipline of a full employment budget; with the commitment of the independent Federal Reserve System to provide fully for the monetary needs of a growing economy; and with a much greater effort on the part of labor and management to make their wage and price decisions in the light of the national interest and their own long-run best interests—then for the worker, the farmer, the consumer, and for Americans everywhere we shall gain the goal of a new prosperity; more jobs, more income and more profits, without inflation and without war.

This is a great goal, and one that we can achieve together.

The third great goal is to continue the effort so dramatically begun last year: to restore and enhance our natural environment.

Building on the foundation laid in the 37-point program I submitted to Congress last year, I will propose a strong new set of initiatives to clean up our air and water, to combat noise, and to preserve and restore our surroundings.

I will propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America.

And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas and open spaces in a way that truly brings parks to the people, where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy.

As a fourth great goal, I will offer a far-reaching set of proposals for improving America's health care and making it available more fairly to more people.

I will propose:

—A program to insure that no American family will be prevented from obtaining basic medical care by inability to pay.

—A major increase in and redirection of aid to medical schools, to greatly increase the number of doctors and other health personnel.

—Incentives to improve the delivery of health services, to get more medical care resources into those areas that have not been adequately served, to make greater use of medical assistants and to slow the alarming rise in the costs of medical care.

—New programs to encourage better preventive medicine, by attacking the causes of disease and injury, and by providing incentives to doctors to keep people well rather than just to treat them when they are sick.

I will also ask for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal.

America has long been the wealthiest nation in the world. Now it is time we became the healthiest nation in the world.

The fifth great goal is to strengthen and to renew our State and local governments.

As we approach our 200th anniversary in 1976, we remember that this Nation launched itself as a loose confederation of separate States, without a workable central government. At that time, the mark of its leaders' vision was that they quickly saw the need to balance the separate powers of the States with a government of central powers.

And so they gave us a Constitution of balanced powers, of unity with diversity—and so clear was their vision that it survives today as the oldest written Constitution still in force in the world today.

For almost two centuries since—and dramatically in the 1930s—at those great turning points when the question has been between the States and the Federal Government, that question has been resolved in favor of a stronger central and Federal Government.

During this time the Nation grew and the Nation prospered. But one thing history tells us is that no great movement goes in the same direction forever. Nations change, they adapt, or they slowly die.

The time has now come in America to reverse the flow of power and resources from the States and communities to Washington, and start power and resources flowing back from Washington to the States and communities and, more important, to the people, all across America.

The time has come for a new partnership between the Federal Government and the States and localities—a partnership in which we entrust the States and localities with a larger share of the Nation's responsibilities, and in which we share our Federal revenues with them so they can meet those responsibilities.

To achieve this goal, I propose to the Congress tonight that we enact a plan of revenue sharing, historic in scope, and bold in concept.

All across America today, States and cities are confronted with a financial crisis. Some already have been cutting back on essential services—for example, just recently San Diego and Cleveland cut back on trash collections. Most are caught between the prospects of bankruptcy on the one hand and adding to an already crushing tax burden on the other.

As one indication of the rising costs of local government, I discovered the other day that my hometown of Whittier, California, which has a population of only 67,000, has a larger budget for 1971 than the entire Federal budget was in 1791.

Now the time has come to take a new direction, and once again to introduce a new and more creative balance in our approach to government.

So let us put the money where the needs are. And let us put the power to spend it where the people are.

I propose that the Congress make a $16 billion investment in renewing State and local government. $5 billion of this will be in new and unrestricted funds, to be used as the States and localities see fit. The other $11 billion will be provided by allocating $1 billion of new funds and converting one-third of the money going to the present narrow-purpose aid programs into Federal revenue sharing funds for six broad purposes—for urban development, rural development, education, transportation, job training and law enforcement—but with the States and localities making their own local decisions on how it should be spent within each category.

For the next fiscal year, this would increase total Federal aid to the States and localities by more than 25 percent over the present level.

The revenue sharing proposals I send to the Congress will include the safeguards against discrimination that accompany all other Federal funds allocated to the States. Neither the President nor the Congress nor the conscience of the Nation can permit money which comes from all the people to be used in a way which discriminates against some of the people.

The Federal Government will still have a large and vital role to play in achieving our national purposes. Established functions that are clearly and essentially Federal in nature will still be performed by the Federal Government. New functions that need to be sponsored or performed by the Federal Government—such as those I have urged tonight in welfare and health—will be added to the Federal agenda. Whenever it makes the best sense for us to act as a whole nation, the Federal Government should and will lead the way. But where State or local governments can better do what needs to be done, let us see that they have the resources to do it there.

Under this plan, the Federal Government will provide the States and localities with more money and less interference—and by cutting down the interference the same amount of money will go a lot further.

Let us share our resources:

Let us share them to rescue the States and localities from the brink of financial crisis. Let us share them to give homeowners and wage earners a chance to escape from ever-higher property taxes and sales taxes.

Let us share our resources for two other reasons as well.

The first of these reasons has to do with government itself, and the second has to do with each of us, with the individual.

Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance in Government.

The fact is that we have made the Federal Government so strong it grows muscle-bound and the States and localities so weak they approach impotence.

If we put more power in more places, we can make government more creative in more places. That way we multiply the number of people with the ability to make things happen—and we can open the way to a new burst of creative energy throughout America.

The final reason I urge this historic shift is much more personal, for each and for every one of us.

As everything seems to have grown bigger, and more complex in America; as the forces that shape our lives seem to have grown more distant and more impersonal a great feeling of frustration has crept across this land.

Whether it is the working man who feels neglected, the black man who feels oppressed or the mother concerned about her children, there has been a growing feeling that "things are in the saddle, and ride mankind."

Millions of frustrated young Americans today are crying out—asking not what will government do for me, but what can I do, how can I contribute, how can I matter?

So let us answer them. Let us say to them and let us say to all Americans: "We hear you and we will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—a chance to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your whole community."

The further away government is from people, the stronger government becomes and the weaker people become. And a nation with a strong government and a weak people is an empty shell.

I reject the patronizing idea that government in Washington, D.C. is inevitably more wise, more honest and more efficient than government at the local or State level. The honesty and efficiency of government depends on people. Government at all levels has good people and bad people. And the way to get more good people into government is to give them more opportunity to do good things.

The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local government is really a contention that you cannot trust people to govern themselves. This notion is completely foreign to the American experience. Local government is the government closest to the people and it is most responsive to the individual person; it is people's government in a far more intimate way than the government in Washington can ever be.

People came to America because they wanted to determine their own future rather than to live in a country where others determined their future for them.

What this change means is that once again in America we are placing our trust in people.

I have faith in people. I trust the judgment of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

The sixth great goal is a complete reform of the Federal Government itself.

Based on a long and intensive study with the aid of the best advice obtainable, I have concluded that a sweeping reorganization of the Executive Branch is needed if the government is to keep up with the times and with the needs of the people.

I propose therefore that we reduce the present twelve Cabinet Departments to eight.

I propose that the Departments of State, Treasury, Defense and Justice remain, but that all the other departments be consolidated into four: Human Resources, Community Development, Natural Resources, and Economic Development.

Let us look at what these would be:

—First, a department dealing with the concerns of people—as individuals, as members of a family—a department focused on human needs.

—Second, a department concerned with the community—rural communities and urban—and with all that it takes to make a community function as a community.

—Third, a department concerned with our physical environment, and with the preservation and balanced use of those great natural resources on which our nation depends.

—And fourth, a department concerned with our prosperity—with our jobs, our businesses, and those many activities that keep our economy running smoothly and well.

Under this plan, rather than dividing up our departments by narrow subjects, we would organize them around the great purposes of government. Rather than scattering responsibility by adding new levels of bureaucracy, we would focus and concentrate the responsibility for getting problems solved.

With these four departments, when we have a problem we will know where to go—and the department will have the authority and the resources to do something about it.

Over the years we have added departments and created agencies at the Federal level, each to serve a new constituency or to handle a particular task—and these have grown and multiplied in what has become a hopeless confusion of form and function.

The time has come to match our structure to our purposes—to look with a fresh eye, and to organize the government by conscious, comprehensive design to meet the new needs of a new era.

One hundred years ago, Abraham Lincoln stood on a battlefield and spoke of a government of the people, by the people, and for the people. Too often since then, we have become a nation of the Government, by the Government, and for the Government.

By enacting these reforms, we can renew that principle that Lincoln stated so simply and so well.

By giving everyone's voice a chance to be heard, we will have government that truly is of the people.

By creating more centers of meaningful power, more places where decisions that really count can be made, by giving more people a chance to do something, we can have government that truly is by the people.

And by setting up a completely modern, functional system of government at the national level, we in Washington will at last be able to provide government that truly is for the people.

I realize that what I am asking is that not only the Executive Branch in Washington but even this Congress will have to change by giving up some of its power.

Change is hard. But without change there can be no progress. And for each of us the question then becomes, not "Will change cause me inconvenience?" but "Will change bring the country progress for America?"

Giving up power is hard. But I would urge all of you, as leaders of this country, to remember that the truly revered leaders in world history are those who gave power to people, not those who took it away.

As we consider these reforms we will be acting, not for the next two years or for the next ten years, but for the next hundred years.

So let us approach these six great goals with a sense, not only of this moment in history, but also of history itself.

Let us act with the willingness to work together and the vision and the boldness and the courage of those great Americans who met in Philadelphia almost 190 years ago to write a Constitution.

Let us leave a heritage as they did—not just for our children but for millions yet unborn—of a nation where every American will have a chance not only to live in peace and to enjoy prosperity and opportunity, but to participate in a system of government where he knows not only his votes but his ideas count—a system of government which will provide the means for America to reach heights of achievement undreamed of before.

Those men who met in Philadelphia left a great heritage because they had a vision—not only of what the nation was, but of what it could become.

As I think of that vision, I recall that America was founded as the land of the open door—as a haven for the oppressed, a land of opportunity, a place of refuge and of hope.

When the first settlers opened the door of America three and a half centuries ago, they came to escape persecution and to find opportunity—and they left wide the door of welcome for others to follow.

When the thirteen colonies declared their independence almost two centuries ago, they opened the door to a new vision of liberty and of human fulfillment—not just for an elite, but for all.

To the generations that followed, America's was the open door that beckoned millions from the old world to the new in search of a better life, a freer life, a fuller life, in which by their own decisions they could shape their own destinies.

For the black American, the Indian, the Mexican-American, and for those others in our land who have not had an equal chance, the nation at last has begun to confront the need to press open the door of full and equal opportunity, and of human dignity.

For all Americans, with these changes I have proposed tonight we can open the door to a new era of opportunity. We can open the door in full and effective participation in the decisions that affect their lives. We can open the door to a new partnership among governments at all levels, and between those governments and the people themselves. And by so doing, we can open wide the doors of human fulfillment for millions of people here in America now and in the years to come.

In the next few weeks I will spell out in greater detail the way I propose that we achieve these six great goals. I ask this Congress to be responsive. If it is, then the 92nd Congress—your Congress our Congress—at the end of its term, will be able to look back on a record more splendid than any in our history.

This can be the Congress that helped us end the longest war in the nation's history, and end it in a way that will give us at last a genuine chance to enjoy what we have not had in this century—a full generation of peace.

This can be the Congress that helped achieve an expanding economy, with full employment and without inflation—and without the deadly stimulus of war.

This can be the Congress that reformed a welfare system that has robbed recipients of their dignity while it robbed States and cities of their resources.

This can be the Congress that pressed forward the rescue of our environment, and established for the next generation an enduring legacy of parks for the people.

This can be the Congress that launched a new era in American medicine, in which the quality of medical care was enhanced while the costs were made less burdensome.

But above all, what this Congress can be remembered for is opening the way to a New American Revolution—a peaceful revolution in which power was turned back to the people—in which government at all levels was refreshed and renewed, and made truly responsive. This can be a revolution as profound, as far-reaching, as exciting, as that first revolution almost 200 years ago—and it can mean that just five years from now America will enter its third century as a young nation new in spirit, with all the vigor and freshness with which it began it first century.

My colleagues in the Congress, these are great goals, and they can make the sessions of this Congress a great moment for America. So let us pledge together to go forward together—by achieving these goals to give America the foundation today for a new greatness tomorrow and in all the years to come—and in so doing to make this the greatest Congress in the history of this great and good country.

[Applause, the Members rising.]

At 9 o'clock and 38 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly (at 9 o'clock and 42 minutes p.m.), the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. BOGGS. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, as a further mark of respect for the deceased Senator from Georgia, the Honorable RICHARD B. RUSSELL, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, January 25, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Clerk, U.S. House of Representatives, transmitting a list of the reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House of Representatives (H. Doc. 92–21) to the Committee on House Administration and ordered to be printed.

2. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements signed providing for the use of foreign currencies during November and December 1970, pursuant to Public Law 85–128; to the Committee on Agriculture.

3. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President; transmitting a report that the appropriation to the Post Office Department for "Transportation" for fiscal year 1971, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

4. A letter from the Administrator of General Services, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665) which occurred in the Auburn, Wash. (Region 10), office of the General Services Administration; to the Committee on Appropriations.

5. A letter from the Secretary of the Air Force, transmitting a report on the progress of the Reserve Officer Training Corps flight training program for calendar year 1970, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

6. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

7. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

8. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of facilities projects proposed to be undertaken for the Navy and Marine Corps Reserves, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

9. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment for the quarter ended December 31, 1970, pursuant to section 201(4) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

10. A letter from the Commandant, U.S. Coast Guard, transmitting a report of the number of officers above the grade of lieutenant commander entitled to receive pay for flight duty, and the average monthly incentive pay authorized by law paid to such officers during the period July 1 through December 31, 1970; to the Committee on Armed Services.

11. A letter from the Secretary of Commerce, transmitting the 93d quarterly report on export control, covering the third quarter of 1970, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

12. A letter from the Vice Chairman, Board of Governors, Federal Reserve System, transmitting the second annual report of the Board of Governors on truth in lending, covering 1970, pursuant to section 114 of the Truth in Lending Act; to the Committee on Banking and Currency.

13. A letter from the attorneys for the Georgetown Barge, Dock, Elevator & Railway Co., Washington, D.C., transmitting the annual report of the company for the year ending December 31, 1970, pursuant to section 5 of the act of September 26, 1888; to the Committee on the District of Columbia.

14. A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting the annual report of the company for 1970; to the Committee on the District of Columbia.

15. A letter from the Acting Deputy Assistant Secretary of Defense for Inter-American Affairs, transmitting a report on the implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

16. A letter from the president, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 42d annual report of the work and operations of the Gorgas Memorial Laboratory, covering fiscal year 1970, pursuant to 45 Stat. 491 and 22 U.S.C. 278a, together with a financial report for the same period (H. Doc. 92–10); to the Committee on Foreign Affairs and ordered to be printed.

17. A letter from the Secretary of the Treasury, transmitting the combined statement or receipts, expenditures and balances of the U.S. Government for fiscal year 1970, pursuant to section 15 of the act of July 31, 1894 (31 U.S.C. 1964 ed., Supp. II sec. 1029) and section 114 of the act of September 12, 1950 (31 U.S.C. 66b); to the Committee on Government Operations.

18. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting a report on the application and disbursement of the sums drawn by him pursuant to 2 U.S.C. 78 and 80, and the balances of those sums remaining, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

19. A letter from the Public Printer, transmitting the annual report of the Government Printing Office for fiscal year 1970; to the Committee on House Administration.

20. A letter from the Assistant Secretary of the Interior transmitting the annual report of the Colorado River Basin project, for fiscal year 1970, pursuant to 82 Stat. 885; to the Committee on Interior and Insular Affairs.

21. A letter from the Assistant Secretary of the Interior, transmitting a biennial report on continuing studies of the quality of water of the Colorado River Basin, pursuant to 70 Stat. 105, 76 Stat. 96, 76 Stat. 102; to the Committee on Interior and Insular Affairs.

22. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final conclusion of judicial proceedings with respect to docket No. 316–A, *The Kickapoo Tribe of Kansas, The Kickapoo Tribe of Oklahoma, et al., Plaintiffs* v. *The United States of America, Defendant*, pursuant to 60 Stat. 1055; to the Committee on Interior and Insular Affairs.

23. A letter from the Attorney General, transmitting a report of proceedings instituted before the Subversive Activities Control Board during 1970, pursuant to the Subversive Activities Control Act of 1950, as amended; to the Committee on Internal Security.

24. A letter from the Chairman, Subversive Activities Control Board, transmitting a report on progress made by the Board in conducting hearings under the Subversive Activities Control Act, covering calendar year 1970, pursuant to section 12(i) of the act, as amended; to the Committee on Internal Security.

25. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1970, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

26. A letter from the Secretary of Transportation, transmitting the 25th annual report of the operations of the Federal Aviation Administration under the Federal Airport Act, as amended, covering fiscal year 1970, pursuant to section 18 of the act; to the Committee on Interstate and Foreign Commerce.

27. A letter from the Secretary of Transportation, transmitting a report on the extent, causes and means of prevention of agricultural tractor accidents on both public roads and farms, pursuant to section 8 of Public Law 91–265; to the Committee on Interstate and Foreign Commerce.

28. A letter from the Administrator, Environmental Protection Agency, transmitting a report on estimates of governmental and private expenditures for the prevention and control of air pollution, entitled "The Economics of Clean Air," pursuant to section 312(a) of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

29. A letter from the Executive Director,

Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of November 30, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

30. A letter from the Chairman, Federal Trade Commission, transmitting a report on the effectiveness of cigarette labeling, current practices and methods of cigarette advertising and promotion, and recommendations for legislation deemed appropriate, pursuant to section 8(b) of the Public Health Cigarette Smoking Act; to the Committee on Interstate and Foreign Commerce.

31. A letter from the Chairman, Interstate Commerce Commission, transmitting the 84th annual report of the Commission; to the Committee on Interstate and Foreign Commerce.

32. A letter from the General Counsel and Congressional Liaison, U.S. Information Agency, transmitting two drafts of proposed legislation for the relief of Robert F. Franklin; to the Committee on the Judiciary.

33. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ended December 31, 1970, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

34. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

35. A letter from the Commission, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

36. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved. pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

37. A letter from the Acting Chief Commissioner, U.S. Court of Claims, transmitting copies of the opinion and findings of fact in the case of *Faith M. Lewis Kochendorfer, et al.* v. *The United States* (Cong. Ref. No. 4–68) pursuant to sections 1492 and 2509 of title 28 of the U.S. Code and House Resolution 1177, 90th Congress; to the Committee on the Judiciary.

38. A letter from the clerk, U.S. Court of Claims, transmitting a report of all the judgments rendered by the court during the year ended September 30, 1970, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

39. A letter from the Chairman, National Commission on Reform of Federal Criminal Laws, transmitting the final report of the commission, pursuant to section 8 of Public Law 89–801, as amended; to the Committee on the Judiciary.

40. A letter from the secretary-treasurer, Congressional Medal of Honor Society, U.S.A., transmitting the annual financial report of the Society for calendar year 1970, pursuant to Public Law 88–584; to the Committee on the Judiciary.

41. A letter from the chairman, board of directors, Future Farmers of America, transmitting the audit report of the organization for the fiscal year ended June 30, 1970, pursuant to sections 2 and 3 of Public Law 88–504; to the Committee on the Judiciary.

42. A letter from the national adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the proceedings of the organization's 1970 national convention, pursuant to Public Law 88–105, together with its annual report and a report of receipts and expenditures for the year ended September 30, 1970, pursuant to section 15 of Public Law 85–530 (H. Doc. 92–23); to the Committee on the Judiciary and ordered to be printed with illustrations.

43. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions established in the Library of Congress, covering calendar year 1970, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

44. A letter from the Director of Personnel, U.S. Department of Commerce, transmitting a report of scientific and professional positions established in the Department of Commerce, covering calendar year 1970, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

45. A letter from the Assistant Attorney General for Administration, transmitting a report on positions in grades GS–16, GS–17, and GS–18 in the Department of Justice during calendar year 1970, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

46. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report of positions in grades GS–16, 17, and 18 under the jurisdiction of the Commissioner during 1970, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

47. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report on scientific and professional positions authorized for establishment in the Agency during calendar year 1970, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

48. A letter from the Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1970, pursuant to 80 Stat. 1590; to the Committee on Ways and Means.

49. A letter from the Secretary of Commerce, transmitting the annual report of the Foreign Trade Zones Board for fiscal year 1970, together with the reports for the same period of Foreign-Trade Zones 1, 2, 3, 5, 7, 8, and 9, pursuant to section 16 of the Foreign Trade Zones Act, as amended; to the Committee on Ways and Means.

50. A letter from the Chairman, Renegotiation Board, transmitting the 15th annual report of the Board, pursuant to section 114 of Public Law 870, 84th Congress; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

51. A letter from the Comptroller General of the United States, transmitting the 1969 annual report on the status, progress, and problems in Federal agency accounting systems (H. Doc. 92–32); to the Committee on Government Operations and ordered to be printed.

52. A letter from the Comptroller General of the United States, transmitting a report on the audit of financial statements of the Veterans Canteen Service for fiscal year 1970, Veterans' Administration; to the Committee on Government Operations.

53. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for improving results of tire-rebuilding programs in Europe, Department of Defense; to the Committee on Government Operations.

54. A letter from the Comptroller General of the United States, transmitting a report that objectives of the feed grain program are not attained because of the inclusion of nonagricultural land, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Department of Agriculture; to the Committee on Government Operations.

55. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Crop Insurance Corporation, fiscal year 1970, Department of Agriculture (H. Doc. 92–33); to the Committee on Government Operations and ordered to be printed.

56. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Commodity Credit Corporation, fiscal year 1970, Department of Agriculture (H. Doc. 92–34); to the Committee on Government Operations and ordered to be printed.

57. A letter from the Comptroller General of the United States, transmitting a report that an airport safety inspection program is needed to improve flight safety of civil aircraft, Federal Aviation Administration, Department of Transportation; to the Committee on Government Operations.

58. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of Federal Prison Industries, Inc., fiscal year 1970, Department of Justice (H. Doc. 92–35); to the Committee on Government Operations and ordered to be printed.

59. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to reduce costs and improve aircraft through prompt processing of engineering change proposals, Department of Defense; to the Committee on Government Operations.

60. A letter from the Comptroller General of the United States, transmitting a report on tighter control needed on occupancy of Federally subsidized housing, Department of Housing and Urban Development; to the Committee on Government Operations.

61. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to reduce medicare costs by consolidating claims-processing activities of the Department of Health, Education, and Welfare and the Railroad Retirement Board; to the Committee on Government Operations.

62. A letter from the Comptroller General of the United States, transmitting a report that Farmers Home Administration (Department of Agriculture) procedures and policies on the use of independent auditors should be strengthened; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 1. A bill to amend the Social Security Act to provide increases in benefits, improve computation methods, and raise the earnings base under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to authorize a family assistance plan providing basic benefits to low-income families with children with incentives for employment and training to improve the capacity for employment of members of such families, to achieve more uniform treatment of recipients under the Federal-State public assistance programs and otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. HÉBERT:

H.R. 2. A bill to establish a Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

By Mr. ZABLOCKI:

H.R. 3. A bill to amend title II of the Social Security Act to provide that benefits (when based upon the attainment of retirement age) will be payable to both men and women at age 60, subject to the existing actuarial reduction, and that women with 30 years' coverage may retire at age 62 with full benefits; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 4. A bill to amend title II of the Social Security Act to make disability insurance benefits and the disability freeze more readily available to coal miners and other individuals suffering from pneumoconiosis, and to amend titles II and XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 5. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 6. A bill to authorize the Secretary of the Interior to establish the Lincoln Homestead National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. POAGE:

H.R. 7. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes: to the Committee on Agriculture.

By Mr. MILLER of California:

H.R. 8. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

By Mr. PUCINSKI:

H.R. 9. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

By Mr. LEGGETT (for himself, Mr. Hogan, and Mr. Hungate):

H.R. 10. A bill to promote fair competition among prime contractors and subcontractors and to prevent bid peddling on public works contracts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 11. A bill to make the Federal Reserve System responsive to the best interests of the people of the United States, to improve the coordination of monetary, fiscal, and economic policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania:

H.R. 12. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 13. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to reduce from 25 to 20 per centum of the tenant's income the maximum rent which may be charged for a dwelling unit in a section 236 project or a dwelling unit qualifying for assistance under the rent supplement program; to the Committee on Banking and Currency.

By Mr. ROSENTHAL:

H.R. 14. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mrs. DWYER:

H.R. 15. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. HOLIFIELD:

H.R. 16. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 17. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

H.R. 18. A bill to extend for an additional year the existing program for payment of black lung benefits; to the Committee on Education and Labor.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Byrne of Pennsylvania, Mr. Grover, Mr. Annunzio, Mr. Griffin, Mr. Keith, and Mr. Anderson of California):

H.R. 19. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS (for himself, Mr. Byrnes of Wisconsin, Mr. Landrum, Mr. Dorn, and Mr. Flynt):

H.R. 20. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 21. A bill to amend title 5, United States Code, to facilitate the operation of the Federal employees group life and health insurance programs by the exemption of such programs from certain taxes by States and political subdivisions, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Blatnik, Mr. Bolling, Mr. Celler, Mr. Conyers, Mr. Dulski, Mr. Edwards of California, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Hathaway, Mr. Hawkins, Mr. Holifield, Mr. Miller of California, Mr. Madden, Mr. O'Hara, Mr. Pepper, Mr. Perkins, Mr. Roybal, Mr. Sisk, Mr. Thompson of New Jersey, Mr. Udall, and Mr. Van Deerlin):

H.R. 22. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Annunzio, Mr. Bingham, Mrs. Chisholm, Mr. Clay, Mr. Eckhardt, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Howard, Mr. Koch, Mr. Meeds, Mr. Mikva, Mr. Ryan, Mr. Stokes, Mrs. Sullivan, and Mr. Reuss):

H.R. 23. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HUNT:

H.R. 24. A bill to alleviate multiple state or local income taxation of an individual and to reduce income tax imposed by states or subdivisions on nonresidents of such States; to the Committee on the Judiciary.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 25. A bill to simplify the Internal Revenue Code of 1954 by repealing provisions which are obsolete or are unimportant and rarely used; to the Committee on Ways and Means.

By Mr. POAGE:

H.R. 26. A bill to amend the Federal Insecticide, Fungicide, Rodenticide Act, as amended, (7 U.S.C. 135–135k), to prohibit the importation of certain agricultural commodities to which economic poisons have been applied, and for other purposes; to the Committee on Agriculture.

By Mr. ROONEY of New York:

H.R. 27. A bill to enable the mothers and widows of deceased members of the Armed Forces now interred in cemeteries outside the continental limits of the United States to make a pilgrimage to such cemeteries; to the Committee on Armed Services.

By Mr. MILLS:

H.R. 28. A bill to provide for amortization of railroad grading and tunnel bores, and for other purposes; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 29. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. FOUNTAIN (for himself, Mrs. Dwyer, Mr. Rosenthal, Mr. Brown of Ohio, Mr. Vander Jagt, Mr. Widnall, Mr. Fascell, Mr. Reuss, Mr. Lennon, Mr. Quie, Mr. Robison, Mr. Derwinski, Mr. Giaimo, Mr. Halpern, Mr. Ichord, Mr. Morse, Mr. Fraser, Mr. Matsunaga, Mr. Pepper, Mrs. Reid of Illinois, Mr. Duncan, Mr. Erlenborn, Mr. Hamilton, Mr. Rees, and Mr. Scheuer):

H.R. 30. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

By Mr. FOUNTAIN (for himself, Mr. Byrnes of Wisconsin, Mr. Michel, Mr. Schwengel, Mr. Blackburn, Mr. Esch, Mr. Kyros, Mr. McCloskey, Mr. McDonald of Michigan, Mr. Miller of Ohio, Mr. Steiger of Wisconsin, Mr. Whalen, Mr. Williams, Mr. Mann, and Mr. Córdova):

H.R. 31. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 32. A bill to amend and extend the Higher Education Act of 1965 and other Acts dealing with higher education; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Reid of New York, Mr. Perkins, and Mr. Quie):

H.R. 33. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO (for himself and Mr. Davis of Georgia):

H.R. 34. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MATSUNAGA:

H.R. 35. A bill to authorize and direct the Librarian of Congress to establish and maintain a library of television and radio news programs, and for other purposes; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 36. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

H.R. 37. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WATTS:

H.R. 38. A bill to impose an additional duty on the importation of articles of any foreign country if such country nationalizes or otherwise seizes property owned by citizens of the United States; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 39. A bill to amend the Social Security Act to increase OASDI benefits by 15 percent (with a $100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to increase widows' and widowers' benefits, to pay wife's benefits without regard to age in disability cases, and to liberalize eligibility for disability benefits; to make disabled beneficiaries eligible for medicare without regard to age, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 40. A bill authorizing the appropriation of funds to carry on programs under the Economic Opportunity Act of 1964 for 5 additional years; to the Committee on Education and Labor.

H.R. 41. A bill to extend for five additional years the authorization for programs under the Elementary and Secondary Education Act of 1965, and related programs; to the Committee on Education and Labor.

H.R. 42. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits of orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

H.R. 43. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 with respect to the amounts of black lung benefits in certain cases; to the Committee on Education and Labor.

H.R. 44. A bill to increase educational opportunities throughout the Nation by providing grants for the construction of elementary and secondary schools and supplemental educational centers, and for other purposes; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Buchanan, Mr. Burton, Mr. Byrnes of Wisconsin, Mr. Cederberg, Mr. Clay, Mr. Collins of Texas, Mr. Conte, Mr. Corbett, Mr. Corman, Mr. Dellenback, Mr. Dent, Mr. Edwards of California, Mr. Erlenborn, Mr. Esch, Mr. Findley, Mr. Fish, Mr. Frelinghuysen, and Mr. Fulton of Tennessee):

H.R. 45. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Howard, Mr. Hungate, Mr. Kuykendall, Mr. McCloskey, Mr. McDade, Mr. McDonald of Michigan, Mr. Madden, Mr. Mann, Mr. Matsunaga, Mr. Michel, Mr. Moss, Mr. Myers, Mr. Podell, Mr. Price of Illinois, Mr. Quie, Mr. Rees, Mr. Rodino, Mr. Schneebeli, and Mr. Smith of New York):

H.R. 46. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. BIESTER (for himself, Mr. Steiger of Wisconsin, Mr. Symington, Mr. Thompson of Georgia, Mr. Tiernan, Mr. Vander Jagt, Mr. Wiggins, Mr. Charles H. Wilson, Mr. Wright, Mr. Wyatt, Mr. Yates, Mr. Biaggi, and Mr. Sandman):

H.R. 47. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 48. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Moss, Mr. Reuss, Mr. Waldie, Mr. Mikva, Mr. McCloskey, Mr. Conte, and Mr. Nedzi):

H.R. 49. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. KEITH:

H.R. 50. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 51. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 52. A bill to amend section 236(1) of the National Housing Act; to the Committee on Banking and Currency.

H.R. 53. A bill to amend section 236 of the National Housing Act; to the Committee on Banking and Currency.

H.R. 54. A bill to authorize increases in FHA mortgage ceilings under subsidized multifamily housing programs to meet construction costs; to the Committee on Banking and Currency.

H.R. 55. A bill to permit a State to elect to use funds from highway trust fund for purposes of urban mass transportation; to the Committee on Public Works.

By Mr. DINGELL (for himself, Mr. Blatnik, Mr. Karth, Mr. McCloskey, Mr. Moss, Mr. Nedzi, Mr. Pelly, Mr. Reuss, Mr. Rogers of Florida, Mr. Saylor, Mr. Conte, and Mr. Vanik):

H.R. 56. A bill to amend the National Environmental Policy Act of 1969, to provide for a national environmental data system; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON:

H.R. 57. A bill to amend the Social Security Act to established a national system of minimum retirement payments for all aged, blind, and disabled individuals; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 58. A bill to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 59. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 60. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUCHANAN:

H.R. 61. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. ST GERMAIN:

H.R. 62. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 63. A bill relating to the policy with respect to the application of certain provisions of Federal law; to the Committee on Education and Labor.

H.R. 64. A bill to repeal the Civil Rights Act of 1964; to the Committee on the Judiciary.

H.R. 65. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

H.R. 66. A bill proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

H.R. 67. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 68. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to certain schools; to the Committee on Ways and Means.

H.R. 69. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 70. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 71. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 72. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

By Mr. ABERNETHY:

H.R. 73. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

H.R. 74. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 75. A bill to restore an appropriate separation of powers within the Federal Government in the area of equal employment opportunities and to preclude encroachment upon the legislative powers and functions of the Congress in this area; to the Committee on the Judiciary.

H.R. 76. A bill to amend title 18 of the United States Code to promote civil responsibilities, insure domestic tranquility, and foster the general welfare by making unlawful certain acts which foment domestic disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 77. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 78. A bill to protect the safety and welfare of American workers by providing for a uniform system of identification for all receptacles containing compressed gas; to the Committee on Interstate and Foreign Commerce.

H.R. 79. A bill to guarantee that every employee of the Federal Government shall have the right to refrain from union activity; to the Committee on Post Office and Civil Service.

H.R. 80. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 81. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 82. A bill to provide direct aid to the States and territories for educational purposes only for the benefit of the taxpayers and local governments; to the Committee on Ways and Means.

H.R. 83. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education, and an additional credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

H.R. 84. A bill to amend the Internal Revenue Code of 1954 to increase from $650 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 85. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 86. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 87. A bill proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

H.R. 88. A bill to amend title II of the Social Security Act to provide that a woman otherwise qualified may become entitled to receive widow's insurance benefits, specially reduced, at age 35 (while retaining her right to receive regular widow's insurance benefits upon attaining the age presently required therefor); to the Committee on Ways and Means.

H.R. 89. A bill to amend title II of the Social Security Act to provide successive annual increases in all benefits payable to individuals age 70 or over (leading to a maximum primary benefit of $200 a month and maximum derivative benefits in correspondingly increased amounts), and to liberalize the retirement test; to the Committee on Ways and Means.

H.R. 90. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 91. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 92. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more; to the Committee on Ways and Means.

H.R. 93. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishment in areas having high proportions of persons with low incomes, and for other purposes; to the Committee on Ways and Means.

H.R. 94. A bill to impose, under certain conditions, import limitations on metal ores or metals during labor disputes affecting domestic production of such articles; to the Committee on Ways and Means.

By Mr. BEVILL (for himself, Mr. Nichols, Mr. Andrews of Alabama, Mr. Edwards of Alabama, Mr. Dickinson, and Mr. Flowers):

H.R. 95. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 96. A bill to amend title 10 of the United States Code to require that accurate medical records be kept with respect to each member of the Armed Forces; to the Committee on Armed Services.

H.R. 97. A bill to provide for the establishment of the Connecticut River National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 98. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

H.R. 99. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to permit airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, as well as the advertising related thereto, to show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 100. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Patman, Mr. Staggers, Mr. Perkins, Mr. Johnson of California, Mr. Don H. Clausen, Mr. Pelly, Mr. Adams, Mr. Dulski, Mr. Miller of California, Mr. Garmatz, Mr. Kluczynski, Mr. Gray, Mr. Clark, Mr. Kee, Mr. Anderson of California, Mr. Duncan, Mr. Miller of Ohio, Mr. Hammerschmidt, Mr. Price of Illinois, and Mr. Leggett):

H.R. 101. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Boland, Mr. Sikes, Mr. Flood, Mr. Slack, Mrs. Hansen of Washington, Mr. Hull, Mr. Pryor of Arkansas, Mr. Conte, Mr. Shriver, Mr. Talcott, Mr. Wyatt, Mr. Madden, Mr. Sisk, Mr. Pepper, Mr. Matsunaga, Mr. Roybal, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Fulton of Tennessee, and Mr. Corman):

H.R. 102. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mrs. Mink, Mr. Mollohan, Mr. Morse, Mr. O'Konski, Mr. Pirnie, Mr. Rarick, Mr. Rodino, Mr. St Germain, Mr. Stokes, Mr. Stubblefield, and Mrs. Sullivan):

H.R. 103. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Waldie, and Mr. Moss):

H.R. 104. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Diggs, Mr. Hicks of Washington, Mr. Hosmer, Mr. Keith, Mr. King, Mr. Lujan, Mr. McKay, Mr. Meeds, and Mr. Mikva:

H.R. 105. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. Alexander, Mr. Annunzio, Mr. Brademas, Mr. Burton, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Dingell, Mr. Edwards, of California, and Mr. Foley):

H.R. 106. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McFALL (for himself, Mr. Blatnik, Mr. William D. Ford, Mr. Fulton of Pennsylvania, Mr. Fuqua, Mrs. Grasso, Mr. Gonzalez, Mr. Gubser, Mr. Harvey, Mr. Hathaway, Mr. Hawkins, and Mr. Hechler of West Virginia):

H.R. 107. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. BOLAND (for himself and Mr. Conte):

H.R. 108. A bill to authorize the establishment of the Springfield Armory National Historic Site, Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 109. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide that the rates of compensation of the officers and members of the Federal fire departments of Washington National Airport and Dulles International Airport shall be fixed in accordance with such act, and for other purposes; to the Committee on the District of Columbia.

H.R. 110. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in monthly benefits thereunder; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. Burton, Mr. Dellums, Mr. Gubser, Mr. Leggett, Mr. McCloskey, Mr. Moss, and Mr. Waldie):

H.R. 111. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL of Virginia:

H.R. 112. A bill to amend the Internal Revnue Code of 1954 to provide for correction of inequities respecting losses of retired pay sustained by certain individuals who retired from the Armed Forces before June 1, 1958; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia (for himself and Mr. Hogan):

H.R. 113. A bill to provide certain medical and surgical services to officers and members of the fire department of the District of Columbia and of police forces in the District of Columbia retired under the Policemen and Firemen's Retirement and Disability Act for total disabilities; to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

H.R. 114. A bill to prohibit payments, under programs administered by the Department of Agriculture, in excess of $10,000 to any one producer in any one year; to the Committee on Agriculture.

H.R. 115. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 116. A bill to amend the Internal Revenue Code of 1954 to provide a deduction up to $100 for political contributions; to the Committee on Ways and Means.

H.R. 117. A bill to amend the Internal Revenue Code of 1954 to provide that all transportation furnished to members of the Armed Forces traveling in uniform on official leave, furlough, or pass shall be exempt from the tax on transportation of persons by air; to the Committee on Ways and means.

H.R. 118. A bill to amend the Internal Revenue Code of 1954 to provide for a liberalized child-care deduction as a trade or business expense; to the Committee on Ways and Means.

By Mr. CLANCY (for himself and Mr. Keating):

H.R. 119. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Cotter, Mr. Fraser, Mr. Giaimo, Mrs. Grasso, Mr. McKinney, and Mr. Symington):

H.R. 120. A bill to amend section 103 of the Social Security Amendments of 1965 to provide hospital insurance benefits (under title XVII of the Social Security Act) for certain uninsured individuals who are not otherwise eligible for such benefits; to the Committee on Ways and Means.

By Mr. de la GARZA:

H.R. 121. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 122. A bill to provide for the establishment of a veterans' hospital in south Texas; to the Committee on Veterans' Affairs.

H.R. 123. A bill to amend title XVIII of the Social Security Act to simplify, in the case of small hospitals and small nursing homes, the procedure for reimbursement of costs incurred by providers of services under the medicare program; to the Committee on Ways and Means.

H.R. 124. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 125. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 126. A bill to amend the Social Security Act; to the Committee on Ways and Means.

H.R. 127. A bill to amend the Social Security Act to require States to disregard proceeds of insurance in determining eligibility for public assistance where the insured died in the active military or naval service; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 128. A bill to authorize a 2-year program of financial assistance for all elementary and secondary school children in all of the States; to the Committee on Education and Labor.

H.R. 129. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

H.R. 130. A bill to amend the Public Health Service Act to prohibit the discharge of elemental mercury and its compounds into any waters of the United States which directly affect the public health; to the Committee on Interstate and Foreign Commerce.

H.R. 131. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

H.R. 132. A bill to protect the public health and safety, to provide new means for the control of the depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING (for himself, Mr. Garmatz, Mr. Lennon, Mr. Dingell, Mr. Anderson of California, Mr. Goodling, Mr. Byrne of Pennsylvania, and Mr. Keith):

H.R. 133. A bill to authorize a program of exploratory fishing for the purpose of assisting in the development and utilization of species of fish suitable for industrial uses, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI (for himself and Mr. Corbett):

H.R. 134. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308; to the Committee on Post Office and Civil Service.

By Mr. DULSKI (for himself, Mr. Corbett, Mr. Nix, and Mr. Derwinski):

H.R. 135. A bill to provide for periodic pro rata distributions among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Alabama:

H.R. 136. A bill to amend title 28 of the United States Code to provide that any judge or Justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 137. A bill to provide assistance to local educational agencies in constructing needed school facilities; to the Committee on Education and Labor.

By Mr. ESCH:

H.R. 138. A bill—Voluntary Military Manpower Procurement Act of 1971; to the Committee on Armed Services.

By Mr. FUQUA (for himself, Mr. Blatnik, Mr. Nelsen, Mr. McMillan, Mr. Broyhill of Virginia, and Mr. Conte):

H.R. 139. A bill to implement certain provisions in the act of September 7, 1957 (71 Stat. 619), as amended, relating to the construction, maintenance, and operation of a stadium in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. GARMATZ:

H.R. 140. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 141. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the servicemen; to the Committee on the Judiciary.

H.R. 142. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 143. A bill to amend Public Law 91–514; to the Committee on Merchant Marine and Fisheries.

By Mr. GROSS:

H.R. 144. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

By Mr. STEELE (for himself and Mr. McKinney):

H.R. 145. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 146. A bill to name a certain ship channel the "Fallon Channel"; to the Committee on Public Works.

H.R. 147. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

H.R. 148. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

H.R. 149. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 150. A bill to amend the Social Security Act to provide that a State's medical assistance program under title XIX of such act may include benefits in the form of institutional services in intermediate care facilities; to the Committee on Ways and Means.

H.R. 151. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself, Mr. Dingell, Mr. Lennon, Mr. Downing, Mr. Goodling, Mr. McCloskey, Mr. Murphy of New York, Mr. Byrne of Pennsylvania, Mr. Anderson of California, and Mr. Keith):

H.R. 152. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Dingell, Mr. Dellenback, Mr. Downing, Mr. Goodling, Mr. Rogers, Mr. Hanna, Mr. Leggett, Mr. Annunzio, Mr. Anderson of California, Mr. Byrne of Pennsylvania, Mr. Biaggi, and Mr. Keith):

H.R. 153. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Pelly, Mrs. Sullivan, Mr. Clark, Mr. Dingell, Mr. Lennon, Mr. Downing, Mr. Byrne of Pennsylvania, Mr. Rogers, Mr. Stubblefield, Mr. Murphy of New York, Mr. Jones of North Carolina, Mr. Goodling, Mr. Anderson of California, Mr. Hanna, Mr. Annunzio, Mr. Biaggi, Mr. Long of Louisiana, and Mr. Keith):

H.R. 154. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Byrne of Pennsylvania, Mr. Anderson of California, and Mr. Keith):

H.R. 155. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN:

H.R. 156. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

H.R. 157. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

H.R. 158. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 159. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 160. A bill to authorize the Secretary of Agriculture to establish a program to enable individuals to enter into, and engage in, the production and marketing of farm-raised fish through the extension of credit, technical assistance, marketing assistance and research, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 161. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

H.R. 162. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 163. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption with respect to certain children; to the Committee on Ways and Means.

H.R. 164. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Bow, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carey of New York, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dent, Mr. Donohue, Mr. Dow, Mr. Fulton of Pennsylvania, Mr. Gallagher, Mr. Green of Pennsylvania, Mr. Grover, Mr. Halpern, Mr. Helstoski, Mrs. Hicks of Massachusetts, and Mr. Koch):

H.R. 165. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. Kluczynski, Mr. Long of Maryland, Mr. Madden, Mr. Macdonald of Massachusetts, Mr. McKinney, Mr. Minish, Mr. Monagan, Mr. Murphy of New York, Mr. Nix, Mr. O'Neill, Mr. Patten, Mr. Pike, Mr. Podell, Mr. Pucinski, Mr. Reid of New York, Mr. Rosenthal, Mr. St Germain, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vigorito, Mr. Whalen, Mr. Wolff, Mr. Wydler, and Mr. Yatron):

H.R. 166. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. Frelinghuysen, Mr. Gonzalez, Mrs. Heckler of Massachusetts, Mr. McDade, Mr. Sandman, and Mr. J. William Stanton):

H.R. 167. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 168. A bill to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; to the Committee on Armed Services.

H.R. 169. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 170. A bill to establish a permanent Commission on Organization of the Executive Branch of the Government; to the Committee on Government Operations.

H.R. 171. A bill to establish a Federal commission to formulate and revise from time to time recommended goals requiring attention by the Federal Government, and for other purposes; to the Committee on Government Operations.

H.R. 172. A bill to amend title 39, United States Code, to provide for the regulation of mailing list dealers, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 173. A bill to amend the Internal Revenue Code of 1954 to provide that the Secretary of the Treasury or his delegate shall be bound by decisions of certain Federal courts; to the Committee on Ways and Means.

H.R. 174. A bill to amend the Internal Revenue Code of 1954 with respect to the use of tax-free alcohol by pathological laboratories; to the Committee on Ways and Means.

H.R. 175. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurrd for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 176. A bill to amend the Internal Revenue Code of 1954 to eliminate the 3-percent and 1-percent floors on deductible medical expenses in the case of individuals who have attained age 65 and are not covered for hospital insurance benefits under the Social Security Act; to the Committee on Ways and Means.

By Mr. HALL (for himself, Mr. Collier, Mr. Davis of Georgia, Mr. Derwinski, Mr. Andrews of North Dakota, Mr. Camp, Mr. Hull, Mr. Carter, Mr. Esch, Mr. Dorn, Mr. Cleveland, Mr. Edwards of Alabama, Mr. King, Mr. Findley, Mr. Gubser, Mr. Hunt, Mr. McClory, and Mr. Kuykendall):

H.R. 177. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. HALL (for himself, Mr. Wylie, Mr. Ichord, Mr. Conable, Mr. Poage, Mr. Myers, Mr. Ruth, Mr. Stafford, Mr. Williams, Mr. Jones of North Carolina, Mr. Michel, Mr. O'Konski, Mrs. Reid of Illinois, Mr. Randall, Mr. Rhodes, Mr. Saylor, Mr. Shriver, Mr. Skubitz, Mr. Talcott, Mr. Teague of California, and Mr. Bob Wilson):

H.R. 178. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 179. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 180. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 181. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 182. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HUNGATE (for himself, Mr. Findley, Mr. Matsunaga, Mr. Moorhead, Mr. Randall, Mr. Thomson of Wisconsin, and Mr. Roybal):

H.R. 183. A bill to amend the Internal Revenue Code of 1954 to terminate certain tax preferences for builders and dealers in low- and moderate-income housing; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 184. A bill to provide comprehensive preschool education programs in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 185. A bill to provide Federal financial assistance to opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 186. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

H.R. 187. A bill to amend the act of July 16, 1914, to limit the number of chauffeur-driven passenger motor vehicles provided officers of the Federal Government, and for other purposes; to the Committee on Government Operations.

H.R. 188. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

H.R. 189. A bill to amend section 601 of the Federal Aviation Act of 1958 to require the Administrator of the Federal Aviation Administration to prescribe rules and regulations providing for the mandatory installation of transponder equipment aboard all aircraft; to the Committee on Interstate and Foreign Commerce.

H.R. 190. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 191. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

H.R. 192. A bill to provide for the mailing of letters and parcels at no cost to the sender to members of the U.S. Armed Forces in combat areas overseas, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 193. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 194. A bill to amend title 18 of the United States Code to provide Secret Service protection to any person within the United States who is the subject of national controversy of sufficient intensity to pose a danger to such person's life; to the Committee on the Judiciary.

H.R. 195. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 196. A bill to transfer certain functions to the Administrator of General Services; to the Committee on Public Works.

H.R. 197. A bill to designate the Veterans' Administration hospital at 1481 West 10th Street, Indianapolis, Ind., as the "Kennedy Memorial Hospital"; to the Committee on Veterans' Affairs.

H.R. 198. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 199. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of an individual's wages, salary, or other income shall be exempt from levy to enforce the payment of Federal taxes; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 200. A bill to amend the Fish and Wildlife Coordination Act, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. JACOBS:

H.R. 201. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for expenses of trash and garbage collection; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 202. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Allen Camp unit, Pit River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLOSKEY:

H.R. 203. A bill to amend the Internal Revenue Code of 1954 to limit the number of personal exemptions allowable for children of a taxpayer who are born after 1973; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 204. A bill to provide that poultry and meat products prepared from diseased animals shall be deemed adulterated; to the Committee on Agriculture.

H.R. 205. A bill to amend the act to establish Federal agricultural services to Guam; to the Committee on Agriculture.

H.R. 206. A bill to authorize the Secretary of the Navy to provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

H.R. 207. A bill to prohibit federally insured financial institutions from engaging in certain promotional practices; to the Committee on Banking and Currency.

H.R. 208. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

H.R. 209. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to issue regulations providing for a program for the disinsection of aircraft arriving in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 210. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 211. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 212. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 213. A bill to repeal the "cooly trade" laws; to the Committee on the Judiciary.

H.R. 214. A bill to provide for the consideration and disposition of certain applications for adjustment of status filed with the Attorney General under section 245 of the Immigration and Nationality Act before December 1, 1965; to the Committee on the Judiciary.

H.R. 215. A bill to amend section 212(b) of the Immigration and Nationality Act to exempt from the literacy requirement of section 212(a)(25) certain additional relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

H.R. 216. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

H.R. 217. A bill to establish an Academy of Criminal Justice and to provide for the establishment of such other Academies of Criminal Justice as the Congress may hereafter authorize; to the Committee on the Judiciary.

H.R. 218. A bill to provide for the establishment of seven regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

H.R. 219. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

H.R. 220. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide for the mailing of absentee voting matter free of postage; to the Committee on Post Office and Civil Service.

H.R. 221. A bill to amend the Annual and Sick Leave Act of 1951 to prevent loss of annual leave by employees in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 222. A bill to modify the decrease in Federal group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 223. A bill to amend title 5, United States Code, to provide for the immediate retirement of Federal civilian personnel on oceangoing vessels upon separation from the service after attaining 50 years of age and completing 20 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 224. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 225. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of Regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

H.R. 226. A bill to provide increases in annuities paid under the Civil Service Retirement Act, matching wage and salary increases paid to employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 227. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 228. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 229. A bill to amend title 5, United States Code, with respect to the concurrent payment of foreign post pay differentials and nonforeign post cost-of-living allowances, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 230. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 231. A bill to amend section 8332, title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 232. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

H.R. 233. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. HOLIFIELD, Mr. KASTENMEIER, and Mr. MIKVA):

H.R. 234. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 235. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS:

H.R. 236. A bill to amend title 10, United States Code, to equalize the retirment pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY of New York

H.R. 237. A bill to amend title 10 of the United States Code to prohibit contracting for the construction of vessels for U.S. Navy at places outside of the United States; to the Committee on Armed Services.

H.R. 238. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

H.R. 239. A bill to amend the Military Selective Service Act of 1957 to provide for more equitable deferment procedures, to provide for a random system for selecting individuals for induction into the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 240. A bill to amend title 10 of the United States Code in order to prohibit the use of Armed Forces members and equipment in the making of certain motion pictures; to the Committee on Armed Services.

H.R. 241. A bill authorizing the admission of two citizens and subjects of the Republic of Korea to the U.S. Military Academy, the U.S. Naval Academy, and the Air Force Academy; to the Committee on Armed Services.

H.R. 242. A bill to amend title 10 of the United States Code to prohibit contracting for the construction of vessels for U.S. Navy at places outside of the United States; to the Committee on Armed Services.

H.R. 243. A bill to amend the Truth in Lending Act to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 244. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

H.R. 245. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 246. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

H.R. 247. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

H.R. 248. A bill to amend the act of September 2, 1958, to further strengthen scientific accomplishment in our Nation; to the Committee on Education and Labor.

H.R. 249. A bill to amend the Foreign Assistance Act of 1961 so as to provide for reductions in aid to countries in which property of the United States is damaged or destroyed by mob action; to the Committee on Foreign Affairs.

H.R. 250. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York (for himself and Mr. MAILLIARD):

H.R. 251. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the assignment of surplus real property to executive agencies for disposal, and for other purposes; to the Committee on Government Operations.

H.R. 252. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

By Mr. MURPHY of New York:

H.R. 253. A bill to provide for the conveyance of certain lands of the United States to the city of New York, N.Y.; to the Committee on Government Operations.

H.R. 254. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; and Health, Education, and Welfare; and other agencies; and for other purposes; to the Committee on Government Operations.

H.R. 255. A bill to provide for the disclosure of certain information relating to certain public opinion polls; to the Committee on House Administration.

H.R. 256. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 257. A bill to amend the Federal Power Act with respect to the jurisdiction of the Federal Power Commission over streams and other bodies of water the navigable portions of which lie within a single State; to the Committee on Interstate and Foreign Commerce.

H.R. 258. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 259, A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed thirty years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 260. A bill to protect consumers against unreasonable risk of injury from hazardous products and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 261. A bill to authorize the Federal Trade Commission to set standards to guarantee comprehensive warranty protection to the purchasers of merchandise shipped in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 262. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that Act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 263. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

H.R. 264. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to include the design of motor vehicles within such Act, to authorize increased governmental inspection, to authorize certain testing facilities, and to require Federal licensing for certain purposes of automobile dealers; to the Committee on Interstate and Foreign Commerce.

H.R. 265. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

H.R. 266. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 267. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 268. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 269. A bill to establish a registration system with respect to donors of blood, and to provide funds for research to detect serum hepatitis prior to transfusion and transmission of the disease; to the Committee on Interstate and Foreign Commerce.

H.R. 270. A bill to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 271. A bill to establish the Vincent Thomas Lombardi National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 272. A bill to amend the Community Mental Health Centers Act to provide for the control of the amount of Methadone that may be prescribed for administration to any individual in any 48-hour period: to the Committee on Interstate and Foreign Commerce.

H.R. 273. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and total programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 274. A bill to authorize the Federal Bureau of Investigation to exchange fingerprint information with registered national security exchanges and related agencies; to the Committee on the Judiciary.

H.R. 275. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 276. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 277. A bill relating to the appointment and promotion of deputy U.S. marshals; to the Committee on the Judiciary.

H.R. 278. A bill to incorporate College Benefit System of America; to the Committee on the Judiciary.

H.R. 279. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

H.R. 280. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 281. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

H.R. 282. A bill to prohibit assaults on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 283. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

H.R. 284. A bill to amend title III of the Narcotic Addict Rehabilitation Act of 1966 to permit anyone who believes a person to be a narcotic addict to file a petition to have such person admitted to a Public Health Service hospital for treatment of his addiction; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. BINGHAM, and Mr. CASEY of Texas):

H.R. 285. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York:

H.R. 286. A bill to provide for advance notice to the U.S. Fish and Wildlife Service and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 287. A bill to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 288. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 289. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 290. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 291. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

H.R. 292. A bill to amend title V of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 293. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 294. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

H.R. 295. A bill to prohibit the furnishing of mailing lists and other lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 296. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

H.R. 297. A bill to require the Secretary of the Army to remove Shooters' Island from lower Newark Bay to improve navigation; to the Committee on Public Works.

H.R. 298. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

H.R. 299. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

H.R. 300. A bill to create a rebuttable presumption that a disability of a veteran of any war or certain other military service is service-connected under certain circumstances; to the Committee on Veterans' Affairs.

H.R. 301. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 302. A bill to amend title IV of the Social Security Act to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

H.R. 303. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

H.R. 304. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

H.R. 305. A bill to amend title XVIII of the Social Security Act to provide for the earlier determination of an individual's eligibility for posthospital extended care services, and to prevent the retroactive denial of such eligibility after the individual has received such services for a specified period; to the Committee on Ways and Means.

H.R. 306. A bill to provide for a national educational campaign to combat the lack of consciousness of the public as to the danger of improper uses of motor vehicles on the highways, and to impose an additional tax of one-tenth of a cent per gallon on gasoline and other motor fuels to pay for the costs of such campaign; to the Committee on Ways and Means.

H.R. 307. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses of higher education; to the Committee on Ways and Means.

H.R. 308. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 309. A bill to amend the Internal Revenue Code of 1954 to treat a portion of tuition paid to certain educational institutions as a charitable contribution; to the Committee on Ways and Means.

H.R. 310. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood to nonprofit blood banks and other nonprofit organizations; to the Committee on Ways and Means.

H.R. 311. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 312. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 313. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 314. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 315. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 316. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 317. A bill to amend the National Labor Relations Act to secure to physically handicapped workers employed in sheltered workshops the right to organize and bargain collectively, and for other purposes; to the Committee on Education and Labor.

H.R. 318. A bill to extend unemployment insurance coverage to employers of agricultural workers on the same basis as other workers; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 319. A bill to extend the Appalachian Regional Development Act of 1965, as amended, and to authorize funds to carry out the purposes of said act; to the Committee on Public Works.

By Mr. PETTIS:

H.R. 320. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

H.R. 321. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 322. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 323. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 324. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 325. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

H.R. 326. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 327. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 328. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 329. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the San Bernardino National Forest, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 330. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 331. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 332. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting of any advertising of alcoholic beverages between certain hours; to the Committee on Interstate and Foreign Commerce.

H.R. 333. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 334. A bill to designate the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

H.R. 335. A bill to designate the third Sunday in October of each year, as "Foster Family Day", and for other purposes; to the Committee on the Judiciary.

H.R. 336. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 337. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 338. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 339. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

H.R. 340. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 341. A bill to permit certain individuals who are forced to retire at age 60 under Federal law or regulation to continue to pay social security taxes, and receive appropriate benefit credit therefor, until they reach age 65; to the Committee on Ways and Means.

H.R. 342. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 343. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 344. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 345. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 346. A bill to assure an opportunity for employment to every American who sincerely seeks work and to make available the education and training needed by any person who is willing to help himself to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK:

H.R. 347. A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes; to the Committee on Agriculture.

H.R. 348. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

H.R. 349. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 350. A bill to repeal the Credit Control Act; to the Committee on Banking and Currency.

H.R. 351. A bill to vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the 12 Federal Reserve banks; to the Committee on Banking and Currency.

H.R. 352. A bill to prohibit the redemption in gold of any obligations of the United States for, and to prohibit the sale of any gold of the United States to, any nation which is indebted to the United States; to the Committee on Banking and Currency.

H.R. 353. A bill to permit American citizens to hold gold in the event of the removal of the requirement that gold reserves be held against currency in circulation, and for other purposes; to the Committee on Banking and Currency.

H.R. 354. A bill to amend the Export Administration Act of 1969 to provide that a provision relating to the disclosure of confidential information shall not apply to Communist-dominated nations; to the Committee on Banking and Currency.

H.R. 355. A bill to retrocede a portion of the District of Columbia to the State of Maryland; to the Committee on District of Columbia.

H.R. 356. A bill to require that the uniform of officers and members of the uniformed police forces in the District of Columbia shall bear a distinctive patch showing the flag of the United States; to the Committee on the District of Columbia.

H.R. 357. A bill to amend the Economic Opportunity Act of 1964 to prohibit use of Federal funds in programs utilizing the services of persons who engage in certain disloyal, disrespectful, or antireligious conduct; to the Committee on Education and Labor.

H.R. 358. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor

H.R. 359. A bill to require the suspension of Federal financial assistance to colleges and universities failing to take appropriate corrective measures forthwith when experiencing campus disorders; and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 360. A bill to repeal the United Nations Participation Act of 1945; to the Committee on Foreign Affairs.

H.R. 361. A bill to amend section 5 of the United Nations Participation Act of 1945 to require approval by the Congress of orders, rules, and regulations issued by the President to implement certain decisions of the Security Council of the United Nations; to the Committee on Foreign Affairs.

H.R. 362. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus real and personal property to State and local juvenile correctional and rehabilitative agencies; to the Committee on Government Operations.

H.R. 363. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

H.R. 364. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 365. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 366. A bill to amend the Communications Act of 1934 to establish a statutory policy governing the broadcasting of views on issues of public importance; to the Committee on Interstate and Foreign Commerce.

H.R. 367. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 368. A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies; to the Committee on Interstate and Foreign Commerce.

H.R. 369. A bill to prohibit the import and export of articles to countries selling or furnishing material to North Vietnam; to the Committee on Interstate and Foreign Commerce.

H.R. 370. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

H.R. 371. A bill to amend the Office of Education Appropriations Act, 1971, to make the assistance of U.S. marshals available to local authorities for the maintenance of order where plans of segregation are carried out in public elementary and secondary schools; to the Committee on the Judiciary.

H.R. 372. A bill to require judges of courts of the United States to file confidential financial statements with the Comptroller General of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 373. A bill to amend title 28, United States Code, relating to the power of the Supreme Court to pass on the constitutionality of provisions of State and Federal statutes and of State constitutions; to the Committee on the Judiciary.

By Mr. RARICK (for himself, Mr. Edwards of Louisiana, Mr. Long of Louisiana, Mr. Hébert, Mr. Waggonner, Mr. Caffery, and Mr. Passman):

H.R. 374. A bill to amend the Civil Rights Act of 1964 by adding a new title which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 375. A bill to amend sections 1505 and 3486 of title 18 of the United States Code relating to congressional investigations; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 376. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 377. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 378. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 379. A bill to provide criminal penalties for certain travel under a U.S. passport in violation of certain passport restrictions; to the Committee on the Judiciary.

H.R. 380. A bill to prohibit any State from levying income taxes on nonresidents of the State; to the Committee on the Judiciary.

H.R. 381. A bill to further define the jurisdiction of U.S. courts in certain cases; to the Committee on the Judiciary.

H.R. 382. A bill to further define the jurisdiction of Federal courts in certain cases; to the Committee on the Judiciary.

H.R. 383. A bill to repeal the Civil Rights Act of 1964; to the Committee on the Judiciary.

H.R. 384. A bill to repeal the Civil Rights Act of 1968; to the Committee on the Judiciary.

H.R. 385. A bill to repeal the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 386. A bill to amend section 4(c) of the Voting Rights Act of 1965 with respect to the definition of the phrase "test or device"; to the Committee on the Judiciary.

H.R. 387. A bill to amend and clarify section 4(b) of the Voting Rights Act of 1965 with respect to review of certain determinations and certifications thereunder, and for other purposes; to the Committee on the Judiciary.

H.R. 388. A bill to amend and clarify section 4(a) of the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 389. A bill to amend sections 1331 and 1332, title 28, chapter 85, United States Code, dealing in part with the jurisdiction of district courts of the United States; to the Committee on the Judiciary.

H.R. 390. A bill to impose certain restrictions upon the appellate jurisdiction of the Supreme Court; to the Committee on the Judiciary.

H.R. 391. A bill to amend section 242 of title 18, United States Code, to prohibit deprivation of rights under color of any statute, treaty, order, rule, or regulation implementing decisions of the United Nations; to the Committee on the Judiciary.

H.R. 392. A bill relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act; to the Committee on the Judiciary.

H.R. 393. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 394. A bill to amend title 14, United States Code, to require the marking of certain underwater structures for the protection of the commercial fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 395. A bill to promote and foster the development of a modern merchant marine by encouraging the orderly replacement and modernization of merchant vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 396. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 397. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 398. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

H.R. 399. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 400. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 401. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 402. A bill to amend title 39, United States Code, to provide for the mailing of mail matter by relatives to members of the Armed Forces overseas at no cost to such relatives; to the Committee on Post Office and Civil Service.

H.R. 403. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

H.R. 404. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 405. A bill to amend the Internal Revenue Code of 1954 to require each tax-exempt organization to file an annual information return showing each source (including governmental sources) of its income and other receipts, and to provide for a loss of tax exemption in the case of willful failure to file, or fraudulent statements made in connection with such return; to the Committee on Ways and Means.

H.R. 406. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 407. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 408. A bill to provide for the issuance of a commemorative postage stamp in honor of the brave men who served on the U.S.S. *Liberty* and the U.S.S. *Pueblo;* to the Committee on Post Office and Civil Service.

H.R. 409. A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 410. A bill to cause a study to be made on the advisability of connecting Lake Pontchartrain, La., with the Gulf of Mexico; to the Committee on Public Works.

H.R. 411. A bill to amend title 38 of the United States Code, so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

H.R. 412. A bill to amend title 38 of the United States Code, so as to provide that hospital and medical care shall be provided under such title to any veteran of any war; to the Committee on Veterans' Affairs.

H.R. 413. A bill to amend title 38 of the United States Code, to provide, in certain instances, up to 18 months of additional educational assistance for graduate or professional study; to the Committee on Veterans' Affairs.

H.R. 414. A bill to amend title 38 of the United States Code, so as to provide that monthly social security benefit payments shall not be included as income for the purpose of determining eligibility for a pension under that title; to the Committee on Veterans' Affairs.

H.R. 415. A bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress, and to provide for systematic reduction of the public debt; to the Committee on Ways and Means.

H.R. 416. A bill to amend title II of the Social Security Act to provide that a woman may become entitled to full old-age insurance benefits at age 62 (or to reduced benefits at age 60); to the Committee on Ways and Means.

H.R. 417. A bill to provide that disabled individuals entitled to monthly cash benefits under section 223 of the Social Security Act, and individuals retired for disability under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age, and to reduce from $50 to $25 the annual deductible imposed under the supplementary medical insurance program; to the Committee on Ways and Means.

H.R. 418. A bill to amend title II of the Social Security Act to provide that farmers may drop out an additional 2 years of low earnings in the computation of their benefits under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 419. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

H.R. 420. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for physicians' charges under the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved, and to amend title XIX of such act to permit payment to a recipient of assistance for physicians' charges under the medical assistance program; to the Committee on Ways and Means.

H.R. 421. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 422. A bill to amend the Internal Revenue Code of 1954, to add social security benefits to the annuity and pension payments which are exempt from levy thereunder; to the Committee on Ways and Means.

H.R. 423. A bill to give farmers an additional month in which to meet the requirement of filing a declaration of estimated tax by filing an income tax return for the taxable year for which the declaration is required; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 424. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 425. A bill to amend the Internal Revenue Code of 1954, to provide that tax-exempt organizations which voluntarily engage in litigation for the benefit of third parties, or commit other prohibited acts, shall lose their exemption from tax; to the Committee on Ways and Means.

H.R. 426. A bill to amend the Internal Revenue Code of 1954, to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

H.R. 427. A bill to amend the Internal Revenue Code of 1954, to allow a credit against income tax to individuals for tuition expenses incurred in providing elementary and secondary education; to the Committee on Ways and Means.

H.R. 428. A bill to amend the Internal Revenue Code of 1954, to allow an income tax deduction for social security taxes paid by employees and by the self-employed; to the Committee on Ways and Means.

H.R. 429. A bill to amend the Internal Revenue Code of 1954, to exempt wages of certain seasonal employees from withholding; to the Committee on Ways and Means.

H.R. 430. A bill to amend the Internal Revenue Code of 1954, to provide for deduction of certain education expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

H.R. 431. A bill to amend the Internal Revenue Code of 1954, with respect to the treatment of certain uncompensated services of attorneys and physicians; to the Committee on Ways and Means.

H.R. 432. A bill to amend the Internal Revenue Code of 1954, to increase from $600 to $1,800 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 433. A bill to amend the Internal Revenue Code of 1954, to exempt from income tax retirement benefits received under a public retirement system; to the Committee on Ways and Means.

H.R. 434. A bill to impose import limitations on fresh, prepared, or preserved strawberries; to the Committee on Ways and Means.

H.R. 435. A bill to amend the Tariff Schedules of the United States with respect to the rates of duty on fresh, prepared, or preserved strawberries; to the Committee on Ways and Means.

H.R. 436. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 437. A bill to improve and implement programs to assure that U.S. residents have adequate quantities of safe drinking water by protecting them from chemical, biological, and physical contaminants in public water systems which may adversely affect their health; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of New York:

H.R. 438. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 439. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

H.R. 440. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for additional personnel engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. RUPPE:

H.R. 441. A bill to provide for certain minimum payments to States from receipts derived from national forests located within such States; to the Committee on Agriculture.

By Mr. RUTH:

H.R. 442. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 443. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 444. A bill to authorize the Secretary of the Interior to designate within the Department of the Interior an officer to establish, coordinate, and administer programs authorized by this act, for the reclamation, acquisition, and conservation of lands and water adversely affected by coal-mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 445. A bill to amend section 236 of the National Housing Act and section 101 of the Housing and Urban Development Act of 1965 to authorize assistance thereunder with respect to certain rental and cooperative housing projects financed under State or local programs even though construction or rehabilitation was completed prior to approval for such assistance; to the Committee on Banking and Currency.

H.R. 446. A bill to provide for the establishment and coordination of programs to make needed housing available for the elderly; to the Committee on Banking and Currency.

H.R. 447. A bill to amend the U.S. Housing Act of 1937, to provide for grants to local public housing agencies to assist in financing security arrangements designed to prevent crimes and otherwise insure the safety and well-being of low-rent housing tenants; to the Committee on Banking and Currency.

H.R. 448. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 449. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism by providing for the development of specialized curriculums, the training of educational personnel, and research and demonstration projects; to the Committee on Education and Labor.

H.R. 450. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 451. A bill to remove certain restrictions of Federal law from lotteries conducted by States for the support of public education; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 452. A bill to reduce the pay of Senators and Representatives in Congress; to the Committee on Post Office and Civil Service.

H.R. 453. A bill to establish a commission to study the effects of highway safety and expense of changing the existing limitations on the weight and dimensions of motor vehicles using the highways of this Nation; to the Committee on Public Works.

H.R. 454. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits; to the Committee on Ways and Means.

H.R. 455. A bill to provide for a more equitable distribution of the costs of highway programs, and to provide additional revenues for the highway trust fund and for other purposes; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 456. A bill to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States; to the Committee on the District of Columbia.

By Mr. SPRINGER:

H.R. 457. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 458. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to provide medical and hospital care to the widows and children of persons who died of service-connected disabilities and to wives and children of persons who have service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

H.R. 459. A bill to amend title 38 of the United States Code in order to clarify the duties of the Administrator of Veterans' Affairs with respect to the training of health service personnel; to the Committee on Veterans' Affairs.

H.R. 460. A bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States; to the Committee on Veterans' Affairs.

H.R. 461. A bill to amend section 4001 of title 38, United States Code, to prescribe qualifications for members of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 462. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

H.R. 463. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

H.R. 464. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

H.R. 465. A bill to make uniform the eligibility requirements for telephone service for medical officers in the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 466. A bill to transfer control of Pershing Hall to the Administrator of Veterans Affairs in order that such building may be preserved as a memorial to General of the Armies of the United States John J. Pershing while being utilized in the best interests of the United States; to the Committee on Veterans' Affairs.

H.R. 467. A bill to transfer control of Pershing Hall to the Secretary of State; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 468. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuance of special health care coverage for retarded or handicapped dependents of certain members of the Armed Forces after the retirement of such members; to the Committee on Armed Services.

H.R. 469. A bill to amend title 38 of the United States Code, so as to make certain widows of veterans of periods of war and certain children of such veterans who are deceased eligible for care in Veterans' Administration hospitals; to the Committee on Veterans' Affairs.

H.R. 470. A bill to amend title 38 of the United States Code, to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to construction, acquisition, or alteration of veterans' hospitals and the closing of such hospitals; to the Committee on Veterans' Affairs.

H.R. 471. A bill to amend section 4107(c) of title 38 of the United States Code, with respect to the minimum rate of salary payable to directors of Veterans' Administration hospitals, domiciliaries, and who are not physicians; to the Committee on Veterans' Affairs.

H.R. 472. A bill to amend title 38 of the United States Code, to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 473. A bill to amend title 38 of the United States Code, in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Veterans' Affairs.

H.R. 474. A bill to authorize hospital and medical care for widows and children of certain service-connected veterans; to the Committee on Veterans' Affairs.

H.R. 475. A bill to amend title 38, United States Code, in order to credit physicians and dentists with 20 or more years of service in the Veterans' Administration with certain service for retirement purposes; to the Committee on Veterans' Affairs.

H.R. 476. A bill to amend title 38 of the United States Code, to provide that pensioners may be furnished necessary medical services in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

H.R. 477. A bill to amend chapter 73 of title 38, United States Code, to make a career in the Department of Medicine and Surgery more attractive; to the Committee on Veterans' Affairs.

H.R. 478. A bill to amend 38 United States Code 5001(a)(3) so as to increase to 6,000 the number of beds in Veterans' Administration facilities for the provision of nursing home care to eligible veterans; to the Committee on Veterans' Affairs.

H.R. 479. A bill to amend title 38 of the United States Code, to provide for a pension of $100 per month for unremarried widows of men awarded a Medal of Honor posthumously; to the Committee on Veterans' Affairs.

H.R. 480. A bill to amend section 3101 of title 38, United States Code, to prevent consideration of proceeds of, or transfer of proceeds of, U.S. Government life insurance, and national service life insurance for Federal estate tax purposes; to the Committee on Veterans' Affairs.

H.R. 481. A bill to provide for the adjustment by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; to the Committee on Veterans' Affairs.

H.R. 482. A bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 483. A bill to amend section 620 of title 38, United States Code, to authorize an extension of the 6-month limitation on the furnishing of nursing home care in the case of veterans who pay a part of the cost of such care; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 484. A bill to consolidate the administration of grants and loans for basic public water and sewer facilities and waste treatment works; to the Committee on Banking and Currency.

H.R. 485. A bill to amend the code enforcement grant provisions of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

H.R. 486. A bill to provide for the establishment of the Oregon Trail National Historic Site in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 487. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the Upper John Day project, on the John Day River; to the Committee on Interior and Insular Affairs.

H.R. 488. A bill to authorize the Secretary of the Interior to establish the John Day Fossil Beds National Monument in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 489. A bill to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon; to the Committee on Interior and Insular Affairs.

H.R. 490. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 491. A bill to suspend for a temporary period the import duty on tungsten ore and other materials in chief value of tungsten; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 492. A bill to aid in the control of drug abuse by establishing a code for the identification of prescription drugs, to be printed on individual tablets or capsules; to the Committee on Interstate and Foreign Commerce.

H.R. 493. A bill to authorize the President of the United States to place an embargo on certain fish and fish products; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 494. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 495. A bill to amend title 10 of the United States Code, to provide that members of the Army who have been wounded a certain number of times in Vietnam may not be involuntarily reassigned to combat in Vietnam for a certain period; to the Committee on Armed Services.

H.R. 496. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State agencies for use by volunteer firefighting organizations; to the Committee on Government Operations.

H.R. 497. A bill to amend the Public

Health Service Act to provide for the establishment of a National Kidney Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

H.R. 498. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 499. A bill to protect a person's right of privacy by providing for the designation of obscene or offensive mail matter by the sender and the return of such matter at the expense of the sender; to the Committee on Post Office and Civil Service.

H.R. 500. A bill to provide that amounts in the highway trust fund may be used only for highway purposes; to the Committee on Public Works.

H.R. 501. A bill to provide that each State which has a toll road included in the National System of Interstate and Defense Highways either be given additional equivalent mileage on the Interstate System or be paid the Federal share of the construction costs of the toll road; to the Committee on Public Works.

H.R. 502. A bill to require the Secretary of Commerce either to give the State of Pennsylvania alternative mileage on the Interstate System or to pay the Federal share of the Pennsylvania Turnpike; to the Committee on Public Works.

H.R. 503. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 504. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 505. A bill to amend the Internal Revenue Code of 1954, to allow a taxpayer a deduction from gross income for tuition and other educational expenses paid by him, whether for his own education or for the education of his spouse or a dependent or any other individual; to the Committee on Ways and Means.

H.R. 506. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

H.R. 507. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 508. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 509. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 510. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 511. A bill authorizing the President to proclaim the week including the Fourth of July as "God Bless America Week"; to the Committee on the Judiciary.

H.R. 512. A bill to amend the Civil Service Retirement Act to allow retirement credit for service performed for the University of California, Division of War Research, in World War II; to the Committee on Post Office and Civil Service.

H.R. 513. A bill to amend title 38, United States Code, to make certain veterans' survivors eligible for dependency and indemnity compensation even though premiums on certain Government life insurance policies were waived; to the Committee on Veterans' Affairs.

H.R. 514. A bill to amend title 38 of the United States Code, to provide for automatic cost-of-living increases in dependency and indemnity compensation payable thereunder, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 515. A bill to amend section 901 of title 38 of the United States Code, to require the Administrator of Veterans' Affairs to provide two sizes of flags for burial purposes and to permit next of kin of deceased veterans to select the size desired; to the Committee on Veterans' Affairs.

H.R. 516. A bill to amend title 38 of the United States Code, to provide an alternative method for computing dependency and indemnity compensation in order to insure that in certain instances the survivors of deceased veterans receive an amount of compensation equal to that to which they would have been entitled if such veterans had been civil service employees killed while performing job-related functions; to the Committee on Veterans' Affairs.

H.R. 517. A bill to amend the Internal Revenue Code of 1954, to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

H.R. 518. A bill to amend the Internal Revenue Code of 1954, to provide for correction of inequities respecting losses of retired pay sustained by certain individuals who retired from the Armed Forces before June 1, 1958; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 519. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to the sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ABBITT:

H.R. 520. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide for the return of certain separately addressed, identical pieces of bulk mail to, and at the expense of, the sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.R. 521. A bill to remove members of the military from poverty and to provide pay increases in the pay grades E–1 (recruit) through E–7; to the Committee on Armed Services.

H.R. 522. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 523. A bill to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

H.R. 524. A bill to amend title 10, United States Code, relating to the grade in which members of the Armed Forces are discharged or retired, and for other purposes; to the Committee on Armed Services.

H.R. 525. A bill to provide for the construction of naval vessels in the United States, and for other purposes; to the Committee on Armed Services.

H.R. 526. A bill to improve and expand the military family housing construction program; to the Committee on Armed Services.

H.R. 527. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 528. A bill to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped; to the Committee on Education and Labor.

H.R. 529. A bill to exclude from the mails certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and to limit court review of criminal actions involving obscenity, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 530. A bill to authorize the Administrator of General Services to construct, operate, and maintain a parking facility and cafeteria for Federal employees in Jacksonville, Fla.; to the Committee on Public Works.

H.R. 531. A bill to provide for a Veterans' Administration general medical and surgical hospital for 500 beds at Jacksonville, Fla.; to the Committee on Veterans' Affairs.

H.R. 532. A bill to authorize certain persons to accept gifts of money for the purpose of acquiring objects to be placed in the Capitol; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. COLMER, and Mr. KYROS):

H.R. 533. A bill to incorporate the Navy Wives Clubs of America, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 534. A bill to amend section 1072(2) (F) of title 10, United States Code, to include other than natural parents and parents-in-law within the category of dependents eligible for medical care; to the Committee on Armed Services.

H.R. 535. A bill to authorize the Secretary of the Interior to establish and operate a national museum and repository of Negro history and culture at or near Wilberforce, Ohio; to the Committee on Education and Labor.

H.R. 536. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of North Carolina:

H.R. 537. A bill to amend the Consolidated Farmers Home Administration Act of 1961, to authorize loans for rural community centers and fire and rescue facilities, and for other purposes; to the Committee on Agriculture.

H.R. 538. A bill to direct the Secretary of Commerce to conduct a comprehensive study and investigation of the allocation of frequencies for telecommunications for the purpose of formulating an allocation system to achieve the maximum use of the frequencies for such communications; to the Committee on Interstate and Foreign Commerce.

H.R. 539. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 540. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 541. A bill to amend title 13, United States Code, with respect to charges for certain census records, compilations, and surveys, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 542. A bill to amend the Internal Revenue Code of 1954, and title II of the Social Security Act, to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act and an equivalent reduction in the self-employment taxes, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 543. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 544. A bill to require the Department of Defense to determine disposal dates and methods for disposing of certain military material; to the Committee on Armed Services.

H.R. 545. A bill to amend the Legislative Reorganization Act of 1946, to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 546. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

H.R. 547. A bill to amend the Public Health Service Act, to provide for the establishment of a National Institute of Marine Medicine and Pharmacology; to the Committee on Interstate and Foreign Commerce.

H.R. 548. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 549. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 550. A bill to amend the National Environmental Policy Act of 1969, to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 551. A bill to amend title 5, United States Code, to authorize election of health benefits coverage by employees and annuitants for themselves and their spouses at a special rate based on coverage of two persons, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 552. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

H.R. 553. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 554. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 555. A bill to amend section 401(c) of the Internal Revenue Code of 1954, with respect to certain service performed by ministers; to the Committee on Ways and Means.

H.R. 556. A bill to amend the Internal Revenue Code of 1954, to exclude from gross income, for purposes of the individual income tax, certain monetary awards made by Federal agencies; to the Committee on Ways and Means.

H.R. 557. A bill to amend the Internal Revenue Code of 1954, to provide a tax credit for employers who employ members of the hardcore unemployed; to the Committee on Ways and Means.

H.R. 558. A bill to amend the Internal Revenue Code of 1954, to provide the same exclusion from gross income for Federal civilian employees as is provided for commissioned officers in the Armed Forces of the United States; to the Committee on Ways and Means.

H.R. 559. A bill to amend the Internal Revenue Code of 1954, to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. DULSKI (for himself and Mr. Horton):

H.R. 560. A bill to prescribe standards for congressional redistricting, and for other purposes to the Committee on the Judiciary.

By Mr. ABBITT:

H.R. 561. A bill to amend title 38, United States Code, to permit for 1 year the granting of national service life insurance to certain veterans to carry up to $15,000 of such insurance; to the Committee on Veterans' Affairs.

H.R. 562. A bill to amend the Internal Revenue Code of 1954, to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H.R. 563. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 564. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public works.

H.R. 565. A bill to amend title II of the Social Security Act, to provide a 10-percent across-the-board benefit increase, with subsequent benefit increases based on the cost of living, and to raise the amount of outside earnings a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 566. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

H.R. 567. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959, with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

H.R. 568. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

H.R. 569. A bill to amend section 203(a)(2) of the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas; to the Committee on the Judiciary.

H.R. 570. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 571. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 572. A bill to amend the Internal Revenue Code of 1954, to allow a deduction, for income tax purposes, based on expenses incurred by the taxpayer for the higher education of his children; to the Committee on Ways and Means.

H.R. 573. A bill to amend title XVIII of the Social Security Act to provide payments for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 574. A bill to strengthen the internal security of the United States; to the Committee on Internal Security.

H.R. 575. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

H.R. 576. A bill to assure to all Americans adequate protection against the costs of health care, through Federal-State programs covering all costs incurred by those who are unable to provide such protection for themselves and a Federal program covering catastrophic costs incurred by those who are normally able to provide such protection; to the Committee on Ways and Means.

H.R. 577. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 578. A bill to provide for the establishment of a U.S. Armed Forces Medical School, to establish an Armed Forces health professions scholarship program, and for other purposes; to the Committee on Armed Services.

H.R. 579. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

H.R. 580. A bill to amend chapter 73, Retired Serviceman's Family Protection Plan, title 10, United States Code; to the Committee on Armed Services.

H.R. 581. A bill to amend title 10 of the United States Code, to provide a more adequate survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 582. A bill to amend title 10 of the United States Code, so as to provide that the retired or retirement pay of retired officers of the uniformed services not be reduced because of certain other employment, and for other purposes; to the Committee on Armed Services.

H.R. 583. A bill to amend the Bank Holding Company Act of 1956, to eliminate the existing exemption for labor, agricultural, and horticultural organizations; to the Committee on Banking and Currency.

H.R. 584. A bill to eliminate hunger in the United States; to the Committee on Education and Labor.

H.R. 585. A bill to establish the U.S. Agency for World Peace within the Department of State; to the Committee on Foreign Affairs.

By Mr. BENNETT (for himself, Mr. Sikes, Mr. Haley, Mr. Fascell, Mr. Rogers, Mr. Fuqua, Mr. Pepper, Mr. Gibbons, Mr. Burke of Florida, Mr. Chappell, Mr. Frey, and Mr. Young of Florida):

H.R. 586. A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 587. A bill to amend the Internal Security Act of 1950; to the Committee on Internal Security.

H.R. 588. A bill to provide a code of ethics for Federal judges, including Supreme Court Justices, by amending chapter 11 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 589. A bill to amend title 5, United States Code, to provide for continuance of civil service retirement disability annuity in all cases in which the annuitant is not 100 percent recovered from his disability, irrespective of the earning capacity or income of the annuitants; to the Committee on Post Office and Civil Service.

H.R. 590. A bill to revise eligibility requirements for burial in national cemeteries; to provide for cremation sites at such cemeteries; and to assure that adequate gravesites are available for certain veterans in Arlington National Cemetery; to the Committee on Veterans' Affairs.

H.R. 591. A bill to amend title 38 of the United States Code, to prohibit the award of contracts by the United States to certain persons, to assist in the provision of housing for veterans, and to permit the release from liability to the United States arising out of loans guaranteed, insured, or made under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 592. A bill to provide for a national cemetery in Duval County, Fla.; to the Committee on Veterans' Affairs.

H.R. 593. A bill to amend the Internal Revenue Code of 1954, to provide a tax credit for employers who employ members of the hardcore unemployed; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 594. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 595. A bill to amend section 2385 of title 18 of the United States Code, to prohibit any citizen of the United States from advocating the violent overthrow of the Government of the United States while traveling abroad under a valid U.S. passport; to the Committee on the Judiciary.

H.R. 596. A bill to amend the Immigration and Nationality Act to prohibit travel under a U.S. passport in violation of certain passport restrictions; to the Committee on the Judiciary.

H.R. 597. A bill to provide for orderly trade in textile articles and for other purposes; to the Committee on Ways and Means.

H.R. 598. A bill to amend the Federal Water Pollution Control Act relating to area acid and other mine water pollution control demonstrations; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 599. A bill to provide for the protection of consumers by insuring fair and responsive billing practices on credit card accounts; to the Committee on Banking and Currency.

H.R. 600. A bill to amend the Sugar Act of 1948, to terminate the quota for South Africa, and to redistribute said quota among certain developing African nations; to the Committee on Agriculture.

H.R. 601. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

H.R. 602. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

H.R. 603. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 604. A bill to amend the Fair Packaging and Labeling Act, to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 605. A bill to amend the Federal Power Act, to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 606. A bill to impose excess profits tax on the income of corporations during the present emergency, in order to establish a fund to provide for the improvement of residential housing in the United States; to the Committee on Ways and Means.

H.R. 607. A bill to further amend the Internal Revenue Code of 1954 (as amended) so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations and certain specialized agencies and associated international organizations and programs established by the General Assembly thereof, to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 608. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. BLANTON:

H.R. 609. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954, as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 610. A bill, Voluntary Military Service Act; to the Committee on Rules.

By Mr. BRADEMAS:

H.R. 611. A bill to assure an opportunity for employment to every American seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 612. A bill to amend title 10 of the United States Code, to permit actions against the United States for damage to the good name and reputation of members of the Armed Forces charged with committing certain crimes against civilians in combat zones if such members are cleared of such charges, and for other purposes; to the Committee on Armed Services.

H.R. 613. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 614. A bill to amend title 38 of the United States Code, to shorten the World War I service requirement for the purposes of establishing eligibility for pension under such title; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia (for himself, and Mr. Scott):

H.R. 615. A bill to amend the District of Columbia Public Space Utilization Act to provide for the proper disposition of a certain portion of land located along the Potomac River shore; to the Committee on the District of Columbia.

By Mr. BURLESON of Texas:

H.R. 616. A bill to amend the Natural Gas Act to provide that, in fixing rates for the transportation of natural gas in interstate commerce or for the sale in interstate commerce of natural gas for resale, the Federal Power Commission shall reflect changes in the purchasing power of the dollar after December 31, 1968, in determining the utility plant and related reserve for depreciation components of rate base for natural gas pipeline companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON of Texas (for himself, and Mr. Corman):

H.R. 617. A bill to amend section 403(b) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 618. A bill to amend the Internal Revenue Code of 1954, to permit taxpayers in qualified States to claim a credit against Federal income tax for 40 percent of the net cost of State income taxes and State general sales taxes, to transfer to the several States the responsibility for certain Federal education and welfare programs, and for other purposes; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 619. A bill to establish a diversion program for burley tobacco, and for other purposes; to the Committee on Agriculture.

H.R. 620. A bill to exempt a member of the Armed Forces from service in a combat zone when such member is the only son of a family, and for other purposes; to the Committee on Armed Services.

H.R. 621. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

H.R. 622. A bill to amend the Internal Revenue Code of 1954, to provide an exemption from the income tax for any amounts received under a State or local retirement system; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN (for himself, Mr. Gerald R. Ford, Mr. Cederberg, Mr. Broomfield, Mr. Harvey, Mr. Hutchinson, Mr. Vander Jagt, Mr. Brown of Michigan, Mr. Esch, Mr. McDonald of Michigan, Mr. Riegle, and Mr. Ruppe):

H.R. 623. A bill to amend the Federal Aviation Act of 1958, to require that any air carrier proposing to discontinue any air transportation to or from any point named in its certificate must give notice thereof at least 60 days in advance of the proposed discontinuance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.R. 624. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 625. A bill to require the licensing by the States or the Federal Government of operators of certain vessels on navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 626. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 627. A bill to establish fishing zones of the United States beyond its territorial seas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 628. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLIER:

H.R. 629. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 630. A bill to make it a Federal offense to willfully obstruct the military recruiting or enlistment service during time of war, military conflict, or national emergency; to the Committee on the Judiciary.

H.R. 631. A bill for the relief of the village of River Forest, Ill.; to the Committee on the Judiciary.

H.R. 632. A bill for the relief of the village of River Forest, Ill.; to the Committee on the Judiciary.

H.R. 633. A bill to amend chapter 15 of

title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 634. A bill to amend the Internal Revenue Code of 1954, to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 635. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

H.R. 636. A bill to amend title 38 of the United States Code, in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 637. A bill to provide for the establishment of a national cemetery at Westfield, Mass.; to the Committee on Veterans' Affairs.

H.R. 638. A bill to terminate the oil import control program; to the Committee on Ways and Means.

H.R. 639. A bill to amend section 167 of the Internal Revenue Code of 1954, to encourage landlords to meet minimal housing standards by disallowing the depreciation deduction to a landlord who has been convicted of violating a housing code; to the Committee on Ways and Means.

H.R. 640. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty; to the Committee on Ways and Means.

H.R. 641. A bill to amend title I of the Social Security Act to provide a 10-percent, across-the-board benefit increase, with a $100 minimum primary benefit and subsequent benefit increases based on the cost of living, and to raise the amount of outside earnings a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 642. A bill to amend the Railroad Retirement Act of 1937, to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 643. A bill to amend the Railroad Retirement Act of 1937, to provide for equal treatment of men and women with respect to eligibility for annuities on the basis of age 60 and 30 years of service; to the Committee on Interstate and Foreign Commerce.

H.R. 644. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. de la GARZA:

H.R. 645. A bill authorizing the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture.

H.R. 646. A bill to amend section 115 of the Housing Act of 1949 to increase, on a graduated basis according to family size, the present $3,000 income limit on eligibility for a rehabilitation grant thereunder; to the Committee on Banking and Currency.

H.R. 647. A bill to amend title V of the Higher Education Act of 1965 (relating to education professions development) to authorize training programs for teachers in order that they may teach other grades or subjects in which there is a teacher shortage; to the Committee on Education and Labor.

H.R. 648. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 649. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. DICKINSON (for himself, Mr. Flowers, Mr. Frey, Mr. Edwards of Alabama, Mr. Griffin, Mr. Buchanan, and Mr. Sikes):

H.R. 650. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 651. A bill to amend the Small Business Act, to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

H.R. 652. A bill to establish a Department of Environmental Quality, and for other purposes; to the Committee on Government Operations.

H.R. 653. A bill to establish a Department of Natural Resources and to transfer certain agencies to and from such Department; to the Committee on Government Operations.

H.R. 654. A bill to consolidate water quality management and pollution control authorities and functions in the Environmental Protection Agency; to the Committee on Government Operations.

H.R. 655. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 656. A bill to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress; to the Committee on Government Operations.

H.R. 657. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 658. A bill to provide for the protection and conservation of certain areas within the boundaries of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 659. A bill to provide for the compilation by the Secretary of the Interior of a national and water inventory, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 660. A bill to amend the Communications Act of 1934, to provide for regulation of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 661. A bill to transfer to the Secretary of Commerce all the functions, powers, and duties of the Federal Communications Commission relating to the allocation of frequencies for telecommunications; to the Committee on Interstate and Foreign Commerce.

H.R. 662. A bill to abolish the Federal Communications Commission and transfer its functions to a new Federal Broadcasting Commission, Telecommunications Common Carrier Commission, and Telecommunications Resources Authority, and to the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 663. A bill to direct the Secretary of Commerce to conduct a comprehensive study and investigation of the allocation of frequencies for telecommunications for the purpose of formulating an allocation system to achieve the maximum use of the frequencies for such communications; to the Committee on Interstate and Foreign Commerce.

H.R. 664. A bill to require disclosure of the specifications of gasoline sold at retail; to the Committee on Interstate and Foreign Commerce.

H.R. 665. A bill to amend the Solid Waste Disposal Act to require an investigation and study of the decomposability and destructibility of materials; to the Committee on Interstate and Foreign Commerce.

H.R. 666. A bill to require that any recording of any song or other verbal material set to music which is sold in interstate commerce be accompanied by a printed copy of the words thereto; to the Committee on Interstate and Foreign Commerce.

H.R. 667. A bill to amend the Federal Trade Commission Act by providing for temporary injunctions or restraining orders for certain violations of that act; to the Committee on Interstate and Foreign Commerce.

H.R. 668. A bill to restore the independence of Federal regulatory agencies; to the Committee on Interstate and Foreign Commerce.

H.R. 669. A bill to amend the Communications Act of 1934, so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

H.R. 670. A bill to amend the Communications Act of 1934, so as to provide for the regulation of subscription television broadcasting in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 671. A bill to establish an independent agency to be known as the U.S. Office of Consumers' Counsel to represent the interests of the consumers of the Nation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 672. A bill to make it a Federal crime to kill or assault a fireman or law-enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purposes; to the Committee on the Judiciary.

H.R. 673. A bill to abolish the position of Commissioner of Fish and Wildlife; to the Committee on Merchant Marine and Fisheries.

H.R. 674. A bill to amend the Federal Water Pollution Control Act, to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 675. A bill to establish a clean water trust fund, in which Federal water use fees shall be deposited and from which shall be expended all amounts for Federal water pollution control programs; to the Committee on Public Works.

H.R. 676. A bill to amend the Federal Water Pollution Control Act, to require persons operating sewage treatment works be licensed; to the Committee on Public Works.

H.R. 677. A bill to amend section 8(c) of the Federal Water Pollution Control Act, to provide a new formula for the allocation of construction grant funds for the fiscal years beginning on or after July 1, 1971; to the Committee on Public Works.

H.R. 678. A bill to amend section 8(c) of the Federal Water Pollution Control Act, relating to reapportionment of unobligated funds; to the Committee on Public Works.

H.R. 679. A bill to amend section 138 of title 23 of the United States Code, to require certification relating to air and water pollution; to the Committee on Public Works.

H.R. 680. A bill to amend section 12 of the Federal Water Pollution Control Act, relating to the control of hazardous polluting substances; to the Committee on Public Works.

H.R. 681. A bill to amend the Federal Water Pollution Control Act, to authorize certain grants for assisting in improved operation of waste treatment plants; to the Committee on Public Works.

H.R. 682. A bill to amend section 7275 of the Internal Revenue Code of 1954, to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

H.R. 683. A bill to impose a minimum income tax on certain individuals and corporations with substantial incomes; to the Committee on Ways and Means.

H.R. 684. A bill to amend section 252 of the Trade Expansion Act of 1962, to provide that the President shall impose reciprocal import restrictions whenever such action is necessary or appropriate to obtain the removal of foreign nonduty trade restrictions which are substantially curtailing U.S. exports; to the Committee on Ways and Means.

H.R. 685. A bill to amend the Internal Revenue Code of 1954, to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

H.R. 686. A bill to amend the Internal Revenue Code of 1954, and the Social Security Act, to assist in providing means for portability of credits under certain private pension plans, and for other purposes; to the Committee on Ways and Means.

H.R. 687. A bill to amend the Internal Revenue Code of 1954, to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. Nedzi, Mr. Moss, and Mr. Pelly):

H.R. 688. A bill to amend the Fish and Wildlife Coordination Act, to provide for more effective protection of fish and wildlife resources from the effects of projects licensed by Federal agencies, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 689. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 690. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 691. A bill to amend the act of June 15, 1935, to provide for the disposition of moneys in the migratory bird conservation fund, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (or himself, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. Nedzi, and Mr. Moss):

H.R. 692. A bill to amend the Fish and Wildlife Act of 1956, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 693. A bill to amend the Fish and Wildlife Coordination Act, to require certain permits for exploring or mining oil and gas underlying the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 694. A bill to require a Federal permit for the taking of any migratory game birds other than migratory waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 695. A bill to provide protection for the fish resources of the United States including the fresh water and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 696. A bill to amend the Fish and Wildlife Act of 1956, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 697. A bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 698. A bill to amend the Fish and Wildlife Coordination Act, to prohibit the issuance of Federal permits authorizing water resource development by non-Federal public and private agencies until such agencies reimburse the U.S. Fish and Wildlife Service for related investigations required by such act; to the Committee on Merchant Marine and Fisheries.

H.R. 699. A bill to amend the Fish and Wildlife Coordination Act, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 700. A bill to provide for comprehensive surveys with respect to the adequacy of game and other animals and game birds and other birds and fish, and their habitat, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 701. A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Rogers, Mr. Downing, Mr. Hanna, Mr. Annunzio, Mr. McCloskey, Mr. Karth, Mr. Conte, Mr. Nedzi, and Mr. Moss):

H.R. 702. A bill to amend the National Environmental Policy Act of 1969, to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING:

H.R. 703. A bill to amend the public Health Service Act, to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 704. A bill to remove the defense of limitation of liability as one of the defenses of the United States in the court proceedings arising out of the collision of the U.S.S. *Yancey* with the Chesapeake Bay Bridge-Tunnel; to the Committee on the Judiciary.

H.R. 705. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

H.R. 706. A bill to amend title 14 of the United States Code, to authorize the Secretary to control movement of vessels in navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 707. A bill to provide for a coordinated national safety program to reduce boating accidents, and deaths and injuries resulting therefrom; to the Committee on Merchant Marine and Fisheries.

H.R. 708. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned, nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 709. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. Quie, Mr. Thompson of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Esch, Mr. Pucinski, Mr. Steiger of Wisconsin, Mr. Daniels of New Jersey, Mr. Landgrebe, Mr. William D. Ford, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Collins of Texas, Mr. Gaydos, Mr. Don H. Clausen, Mr. Scherle, and Mr. Price of Texas):

H.R. 710. A bill to amend title IV of the Higher Education Act of 1965, to establish a student loan marketing association; to the Committee on Education and Labor.

By Mr. FISHER:

H.R. 711. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 712. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FLOWERS:

H.R. 713. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 714. A bill to extend benefits under section 8191 of title 5, United States Code, to law-enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 715. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969, to extend those benefits to miners who incur silicosis in iron mines and surface coal mines; to the Committee on Education and Labor.

H.R. 716. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 717. A bill to amend the Civil Rights Act of 1964, by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the rights to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 718. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. FLYNT:

H.R. 719. A bill to permit injured Federal employees to receive the benefits of the Federal employees compensation program notwithstanding they are in receipt of military retired pay, and for other purposes; to the Committee on Education and Labor.

H.R. 720. A bill to limit the jurisdiction of Federal courts in cases brought by a Representative or Senator against the House of Representatives or the Senate of the United States and any of its officials; to the Committee on the Judiciary.

H.R. 721. A bill to amend title 42, United States Code; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 722. A bill to enable the Secretary of Agriculture to develop the resources of the national forests, and for other purposes; to the Committee on Agriculture.

H.R. 723. A bill to amend the Agricultural Adjustment Act of 1938, to authorize the sale of tobacco acreage allotments under certain conditions; to the Committee on Agriculture.

H.R. 724. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 725. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 726. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; to the Committee on the District of Columbia.

H.R. 727. A bill to amend the Higher Education Act of 1965, to increase the funds available to commercial lenders who make insured student loans under such act; to the Committee on Education and Labor.

H.R. 728. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 729. A bill to amend the Fair Labor Standards Act of 1966, to clarify the exemption accorded mechanics in certain nonmanufacturing establishments; to the Committee on Education and Labor.

H.R. 730. A bill to amend the National Defense Education Act of 1958, to permit a reduction in institution contributions to student loan funds on account of expenditures in administering the program; to the Committee on Education and Labor.

H.R. 731. A bill to amend the Federal Property and Administrative Services Act of 1949, to permit donations of surplus property to volunteer firefighting organizations and volunteer rescue squads, and for other purposes; to the Committee on Government Operations.

H.R. 732. A bill to amend the Federal Property and Administrative Services Act of 1949, to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 733. A bill to amend the Legislative Reorganization Act of 1946, to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 734. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 735. A bill to amend the act of June 27, 1960 (74 Stat. 220) relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 736. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 737. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 738. A bill to amend title 18 of the United States Code, to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 739. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

H.R. 740. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 741. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 742. A bill to amend section 4356 of title 39, United States Code, relating to certain mailings of State departments of agriculture; to the Committee on Post Office and Civil Service.

H.R. 743. A bill to amend title 5, United States Code, to include as creditable service for purposes of the Civil Service retirement system certain periods of service performed in Federal-State cooperative programs, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 744. A bill to amend the River and Harbor Act of 1958, with respect to control and eradication of obnoxious aquatic plants; to the Committee on Public Works.

H.R. 745. A bill to amend the River and Harbor Act of 1958, with respect to control and eradication of obnoxious aquatic plants; to the Committee on Public Works.

H.R. 746. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

H.R. 747. A bill to amend the Tariff Act of 1930, to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

H.R. 748. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

H.R. 749. A bill to amend the Internal Revenue Code of 1954, to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

H.R. 750. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

H.R. 751. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

H.R. 752. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 753. A bill to amend title II of the Social Security Act, to increase from $1,200 to $2,400 (or $3,600 in the case of a widow with minor children) the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 754. A bill to amend the Internal Revenue Code of 1954, to encourage the construction and installation of facilities to abate water and air pollution by allowing a tax credit for certain expenditures incurred in constructing and installing such facilities; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 755. A bill to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Don H. Clausen, Mr. Byrne of Pennsylvania, Mr. Keith, and Mr. Anderson of California):

H.R. 756. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Byrne of Pennsylvania, Mr. Anderson of California, and Mr. Keith):

H.R. 757. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Lennon, Mr. Grover, Mr. Byrne of Pennsylvania, Mr. Griffin, Mr. Keith, and Mr. Anderson of California):

H.R. 758. A bill to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 759. A bill to revise and improve the laws relating to the documentation of seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Mailliard, Mr. Clark, Mr. Pelly, Mr. Lennon, Mr. Byrne of Pennsylvania, Mr. Grover, Mr. Griffin, Mr. Keith, and Mr. Anderson of California):

H.R. 760. A bill to revise and improve the laws relating to the documentation of vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. GOODLING (for himself, Mr. Dingell, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. Nedzi, and Mr. Moss):

H.R. 761. A bill to provide additional funds for certain wildlife restoration projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GREEN of Oregon:

H.R. 762. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

H.R. 763. A bill to provide a tax deduction on Federal income tax returns for time contributed in nonsalaried volunteer social or charitable work; to the Committee on Ways and Means.

H.R. 764. A bill to provide a tax credit for campaign contributions; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 765. A bill to amend title VII of the Housing and Urban Development Act of 1965, to authorize financial assistance for the provision of street lighting facilities in aid of the prevention or reduction of crime; to the Committee on Banking and Currency.

H.R. 766. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 767. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 768. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968;

to the Committee on the Judiciary.

H.R. 769. A bill to amend title 13, United States Code, to provide for a middecade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 770. A bill to amend the Internal Revenue Code of 1954, to include certain joint hospital laundry ventures among the cooperative hospital service organizations entitled to tax exemption thereunder; to the Committee on Ways and Means.

H.R. 771. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

H.R. 772. A bill to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 773. A bill to provide for the termination of programs of price support for agricultural commodities by December 31, 1977; to the Committee on Agriculture.

H.R. 774. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 775. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 776. A bill to equalize the retired or retainer pay of members and former members of the Armed Forces now or hereafter placed on the retired lists; to the Committee on Armed Services.

H.R. 777. A bill to provide standby authority for price, wage, and rent controls; to the Committee on Banking and Currency.

H.R. 778. A bill to direct the District of Columbia Council to prescribe regulations relating to the newspaper advertising of apartments in the District of Columbia as air conditioned; to the Committee on the District of Columbia.

H.R. 779. A bill to establish a commission to encourage, process, and make awards with respect to citizens' suggestions for the improvement of Government operations, and for other purposes; to the Committee on Government Operations.

H.R. 780. A bill to authorize the Secretary of the Interior to designate the Skyline National Parkway in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 781. A bill to provide for the erection of a monument on Alcatraz Island to serve as a western counterpart to the Statue of Liberty and commemorate the achievement of American independence; to the Committee on Interior and Insular Affairs.

H.R. 782. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

H.R. 783. A bill to amend the Federal Aviation Act of 1958, so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

H.R. 784. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 785. A bill to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors; to the Committee on the Judiciary.

H.R. 786. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 787. A bill to amend title 5, United States Code, to permit retired officers of the uniformed services employed in civilian positions under the Federal Government or the government of the District of Columbia to receive the full amounts of their retired or retirement pay in addition to the pay of their civilian positions; to the Committee on Post Office and Civil Service.

H.R. 788. A bill to establish a national college of ecological and environmental studies; to the Committee on Science and Astronautics.

H.R. 789. A bill to amend title 38, United States Code, to extend certain benefits presently provided to veterans who are blind as a result of service-connected disability to veterans who are blind as a result of nonservice-connected disability but who have other service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

H.R. 790. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Veterans' Affairs.

H.R. 791. A bill to permit one-half of the budget surplus for any fiscal year to be applied against the public debt and to provide that one-half of such surplus shall be applied as tax credits against individual income taxes; to the Committee on Ways and Means.

H.R. 792. A bill to amend section 5042 of the Internal Revenue Code of 1954, to provide an exemption from tax for certain wine produced for personal use; to the Committee on Ways and Means.

H.R. 793. A bill to permit an individual to obtain coverage under title II of the Social Security Act on the basis of service which was not covered employment at the time it was performed, if service of that type has since become covered employment and such individual makes payment of the applicable social security taxes; to the Committee on Ways and Means.

H.R. 794. A bill to amend the Internal Revenue Code of 1954, to allow an unemployed individual a deduction from gross income for expenses paid or incurred in seeking employment; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 795. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HALEY:

H.R. 796. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 797. A bill to provide for the establishment of a national cemetery in each State of the Union, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 798. A bill to amend chapter 23 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to provide, under certain circumstances, a casket or urn for the burial of certain eligible veterans; to the Committee on Veterans' Affairs.

H.R. 799. A bill to provide for the establishment of a national cemetery in the State of Florida, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 800. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for a non-service-connected disability to any war veteran who has a disability rated at 50 percent or more resulting from a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 801. A bill to amend section 620 of title 38, United States Code, to authorize direct admission to community nursing homes of those veterans needing such care for a service-connected condition; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 802. A bill to amend the Internal Revenue Code of 1954, to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 803. A bill to amend title 10 of the United States Code, to provide a more equitable standard for awarding the gold star lapel button; to the Committee on Armed Services.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 804. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets numbered 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. Addabbo, Mr. Ashley, Mr. Badillo, Mr. Begich, Mr. Bingham, Mr. Blackburn, Mr. Boland, Mr. Brasco, Mr. Broomfield, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Collier, Mr. Conte, Mr. Coughlin, Mr. Derwinski, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Fraser, and Mr. Fulton of Pennsylvania):

H.R. 805. A bill to amend the Fish and Wildlife Coordination Act, to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. Morse, Mr. Adams, Mr. Burton, Mr. Carney, Mr. Carter, Mr. Corman, Mr. Coughlin, Mr. Duncan, Mr. Edwards of California, Mr. Esch, Mr. Fraser, Mr. Halpern, Mr. Hamilton, and Mr. Hansen of Idaho):

H.R. 806. A bill to provide financial assistance for a water pollution abatement program for industrial wastes; to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. Fuqua, Mr. Giaimo, Mr. Gibbons, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hathaway, Mr. Hays, Mr. Helstoski, Mr. Keith, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lent, Mr. McKinney, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell, and Mr. Morse):

H.R. 807. A bill to amend the Fish and Wildlife Coordination Act, to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. Mann, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. O'Neill, Mr. Pepper, Mr. Pucinski, Mr. Rees, Mr. Reid of New York, Mr. Rhodes, Mr.

Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Symington, Mr. Tiernan, Mr. Waldie, Mr. Charles H. Wilson, Mr. Wolff, and Mr. Wright):

H.R. 808. A bill to amend the Fish and Wildlife Coordination Act, to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. Morse, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Koch, Mr. Leggett, Mr. Pirnie, Mr. Podell, Mr. Rees, Mr. Roe, Mr. Schwengel, Mr. Steele, and Mr. Symington):

H.R. 809. A bill to provide financial assistance for a water pollution abatement program for industrial wastes; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 810. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 811. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 812. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 25 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 813. A bill to amend title 38 of the United States Code to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday, or overtime duty and to authorize payment for standby or oncall time, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 814. A bill to exclude from gross income the first $750 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

H.R. 815. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 816. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. HOGAN (for himself, Mr. Andrews of North Dakota, Mr. Byrne of Pennsylvania, Mr. Carter, Mr. Halpern, Mr. Hastings, Mr. Hawkins, Mr. Kyros, Mr. Pucinski, Mr. Roe, Mr. Scott and Mr. Williams):

H.R. 817. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 818. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ICHORD (for himself, Mr. Quillen, Mr. Bennett, Mr. Fisher, Mr. Fuqua, Mr. Waggonner, Mr. Preyer of North Carolina, Mr. Edwards of Louisiana, Mr. Ashbrook, and Mr. Scherle):

H.R. 819. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Ashbrook, and Mr. Scherle):

H.R. 820. A bill to amend the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. JACOBS:

H.R. 821. A bill to establish a national usury law; to the Committee on Banking and Currency.

H.R. 822. A bill to amend the Federal Aviation Act of 1958 to require that every civil aircraft be equipped with a crash locator beacon; that certain commercial aircraft be equipped with devices designed to maintain a continuous listening watch on the aeronautical international emergency frequency; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 823. A bill to provide for the issuance of a special postage stamp in honor of the late Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. KEITH:

H.R. 824. A bill to revise and supersede the Federal Corrupt Practices Act, and for other purposes; to the Committee on Ways and Means.

By Mr. KING:

H.R. 825. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 826. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 827. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

H.R. 828. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

H.R. 829. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 830. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and certain transportation expenses paid by him in connection with the education of himself, his spouse, or any of his dependents at an institution of higher education; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 831. A bill to amend the Military Selective Service Act of 1967 clarifying the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war; to the Committee on Armed Services.

H.R. 832. A bill to amend the Military Selective Service Act of 1967 clarifying the definition of conscientious objector so as to specifically include conscientious opposition to military service in a particular war; and providing certain individuals the opportunity to claim exemption from military service as selective conscientious objectors irrespective of their existing selective service status; to the Committee on Armed Services.

H.R. 833. A bill to authorize the Secretary of State to reimburse municipalities within the United States for certain revenue losses incurred by them as a result of the ownership of property by tax-exempt foreign governments or international organizations, and for other purposes; to the Committee on Foreign Affairs.

H.R. 834. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 835. A bill to amend section 201 of title 18, United States Code, to provide that the bribery of State and local officials shall be a Federal crime; to the Committee on the Judiciary.

H.R. 836. A bill to improve law enforcement in cities through a temporary Federal grant program for the purposes of increasing the compensation of policemen and creating additional positions on local police forces; to the Committee on the Judiciary.

H.R. 837. A bill Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

H.R. 838. A bill to provide a program of pollution control in selected river basins and waterways of the United States through comprehensive planning and financial assistance to municipalities and regional management associations for the construction of waste treatment facilities; to the Committee on Public Works.

H.R. 839. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

H.R. 840. A bill to authorize the Administrator of General Services to transfer certain airspace for use for housing purposes; to the Committee on Public Works.

H.R. 841. A bill to amend title 2, United States Code, to provide that individuals be apprised of records concerning them which are maintained by the Committee on Internal Security of the House of Representatives; to the Committee on Rules.

H.R. 842. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 843. A bill relating to the tax treatment of transfers of rights to copyrights and literary, musical, and artistic compositions; to the Commtitee on Ways and Means.

H.R. 844. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

H.R. 845. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

H.R. 846. A bill to provide for the sharing with qualified local governmental institutions of a portion of the tax revenues received by the United States; to the Committee on Ways and Means.

H.R. 847. A bill to amend the Internal Revenue Code of 1954 in relation to a credit for State and local income taxes; to the Committee on Ways and Means.

H.R. 848 A bill to amend the Internal Revenue Code of 1954 in relation to a credit for local income taxes; to the Committee on Ways and Means.

H.R. 849. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr KOCH (for himself, Mr. Garmatz, Mr. Schwengel, Mr. Baring, Mr. Flowers, Mr. Dent, Mr. Mikva, Mr. Nix, Mr Hastings, Mr. Brasco, Mr. Wyatt Mr. Robison, Mr. Jones of North Carolina, Mr. Purcell, Mr. O'Neill, Mr. Rosenthal, Mr. Edwards of California, Mr. Tiernan, Mr. Hungate, Mr. Addabbo, Mr. Hansen of Idaho, Mr. Harrington, Mr. King, Mr. Begich, and Mr. Drinan):

H.R. 850. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr KOCH (for himself, Mr. Yatron, Mr. McCormack, Mr. Saylor, Mr. Lent, Mr. Hogan, Mr. Esch, Mr. Roybal, Mr. Pucinski, Mr. McDonald of Michigan, Mr. Goldwater, Mr. Halpern, Mr Fraser, Mr. McKinney, Mr. Carney, Mr Runnels, Mr. Widnall, Mr. Minish, Mrs. Chisholm, Mr. Aspin, Mr. Dulski, Mr. Rangel, Mr. Waldie, Mr. Donohue, and Mr. Hamilton):

H.R. 851. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr KOCH (for himself, Mr. Mitchell. Mr. Podell, Mr. Carey, Mr. Yates Mr. Bob Wilson, Mr. Ryan, and Mrs. Grasso):

H.R. 852. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Bingham, Mr. Brasco, Mr. Córdova, Mrs. Chisholm, Mr. Edwards of California, Mr. Fish, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Helstoski, Mr. Hungate, Mr. Lent, Mr. Mikva, Mr. O'Hara, Mr. Pepper, Mr. Pike, Mr. Rangel, Mr. Rosenthal, Mr. Scheuer, Mr. Sisk, and Mr. Wright):

H.R. 853. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Ryan, Mr. Harrington, Mr. Bingham, Mr. Halpern, Mr. Teague of Texas, Mr. Begich, Mr. Lent, Mr. McKinney, Mr. Edwards of California, Mr. Reid, of New York, Mr. Podell, Mr. Leggett, Mr. Aspin, Mr. Mitchell, Mr. Abourezk, Mrs. Abzug, Mr. Biaggi, Mr. Schwengel, Mr. O'Neill, and Mrs. Chisholm):

H.R. 854. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KYL:

H.R. 855. A bill to amend the Agricultural Act of 1949 as amended; to the Committee on Agriculture.

H.R. 856. A bill to provide for small farm participation in the feed grain program; to the Committee on Agriculture.

H.R. 857. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 858. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 859. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 860. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 861. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 862. A bill to authorize the Administrator of Veterans' Affairs to lease to the city of Knoxville, Iowa, a nine-hole golf course on land located at the Veterans Administration facility, Knoxville, Iowa; to the Committee on Veterans' Affairs.

By Mr. KYL (for himself, Mr. Gross, Mr. Schwengel, and Mr. Mayne):

H.R. 863. A bill to amend the Internal Revenue Code of 1954 to limit losses allowable with respect to farming operations which are incurred by taxpayers whose principal business activity is not farming; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 864. A bill for the relief of the Casa Angelica mental retardation facility of Albuquerque, N. Mex.; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H.R. 865. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MAILLIARD (for himself, Mr. Don H. Clausen, Mr. Gubser, Mr. McCloskey, Mr. Miller of California, and Mr. Talcott):

H.R. 866. A bill to establish the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAILLIARD (for himself, and Mr. Pelly, Mr. Keith, and Mr. Don H. Clausen):

H.R. 867. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTIN:

H.R. 868. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill Unit, Missouri River Basin project, Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 869. A bill to reauthorize construction by the Secretary of the Interior of the North Loup Division, Nebraska, of the Missouri River Basin project; to the Committee on Interior and Insular Affairs.

H.R. 870. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 per centum to 100 per centum; and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 871. A bill to amend section 405 of title 37, United States Code, relating to the payment of a per diem with respect to the dependents of certain members of the uniformed services while on duty outside of the United States; to the Committee on Armed Services.

H.R. 872. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 873. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

H.R. 874. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for the office of Poet Laureate of the United States; to the Committee on Education and Labor.

By Mr. MATSUNAGA (for himself and Mr. Pettis):

H.R. 875. A bill to amend title 5, United States Code, with respect to the relocation expenses of employees transferred or reemployed; to the Committee on Government Operations.

By Mr. MATSUNAGA:

H.R. 876. A bill to authorize the Secretary of the Interior to make a loan and grant to the State of Hawaii for the construction of the Kokee water project, Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 877. A bill to provide that the Secretary of Transportation and the Interstate Commerce Commission require common carriers under their jurisdiction to prohibit smoking aboard aircraft, railroads, buses, and vessels carrying passengers, except in areas designated for that purpose; to the Committee on Interstate and Foreign Commerce.

H.R. 878. A bill to amend section 27 of the Merchant Marine Act, 1920, to exempt, under certain conditions, from the effect of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii; to the Committee on Merchant Marine and Fisheries.

H.R. 879. A bill to amend title 38 of the United States Code to provide for cost-of-living adjustments to disability compensation rates payable to veterans residing outside the contiguous United States; to the Committee on Veterans' Affairs.

H.R. 880. A bill to direct the Secretary of the Army to provide memorial plots in national cemeteries for certain former members of the Armed Forces and to permit the adjacent burial of certain family members of such former members; to the Committee on Veterans' Affairs.

H.R. 881. A bill to amend title 38 of the United States Code to provide, under certain circumstances, for the payment of travel expenses for home visits by veterans undergoing extended treatment in Veterans' Administration medical facilities, and for visits to such veterans by certain relatives if home visits cannot be made by the veterans due to medical reasons; to the Committee on Veterans' Affairs.

H.R. 882. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 883. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to contract with the military departments for the furnishing of certain medical care to veterans in nursing homes; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA (for himself and Mr. Carey of New York):

H.R. 884. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

H.R. 885. A bill to provide that veterans be provided employment opportunities after discharge at certain minimum salary rates; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 886. A bill to amend title II of the Social Security Act to increase the amount of outside earnings allowed a beneficiary each year without any deductions from benefits thereunder, and to limit on a graduated basis the deductions made from benefits on account of his earnings in excess of that amount; to the Committee on Ways and Means.

H.R. 887. A bill to amend title II of the Social Security Act to provide for automatic annual cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 888. A bill to amend the Social Security Act to exempt increases in social security benefits from consideration in determining a person's need for public assistance under the programs of aid to the aged, the blind, and the disabled or the program of aid to families with dependent children; to the Committee on Ways and Means.

H.R. 889. A bill to amend the Internal Revenue Code of 1954 to provide that limited retail dealers may sell distilled spirits and to provide that their special tax shall be $4.50 a month for each calendar month in which they sell distilled spirits; to the Committee on Ways and Means.

H.R. 890. A bill to amend the Internal Revenue Code of 1954 to permit a parent who supports a handicapped child to take a personal exemption for that child even though the child earns more than $650; to the Committee on Ways and Means.

H.R. 891. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 892. A bill to exclude from gross income the first $750 of interest received on deposits in certain financial institutions; to the Committee on Ways and Means.

H.R. 893. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 894. A bill to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes; to the Committee on Agriculture.

H.R. 895. A bill to insure that participants in the feed grain program will receive a preliminary payment of 32 cents for corn; to the Committee on Agriculture.

H.R. 896. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

H.R. 897. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 898. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 899. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

H.R. 900. A bill to amend the Public Health Service Act so as to add to such Act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 901. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 902. A bill to designate the Washington National Airport as the "Dwight David Eisenhower National Airport"; to the Committee on Interstate and Foreign Commerce.

H.R. 903. A bill to develop business and employment opportunities in smaller cities by providing certain preferences for prospective Government contractors in such cities and areas; to the Committee on the Judiciary.

H.R. 904. A bill to develop business and employment opportunities in smaller cities by providing certain preferences for prospective Government contractors in such cities and areas; to the Committee on the Judiciary.

H.R. 905. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 906. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 907. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 908. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 909. A bill to designate the Interstate System as the "Eisenhower Interstate Highway System"; to the Committee on Public Works.

H.R. 910. A bill to require all Members of Congress to disclose all income; to the Committee on Standards of Official Conduct.

H.R. 911. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

H.R. 912. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 913. A bill to amend the Rail Passenger Service Act of 1970 to provide that all passenger train discontinuances must be in accordance with the provisions of section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 914. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MIKVA (for himself, Mr. Bingham, Mr. Bolling, Mr. Brasco, Mrs. Chisholm, Mr. Conyers, Mr. Córdova, Mr. Halpern, Mr. Harrington, Mr. Koch, Mr. Matsunaga, Mr. Mitchell, Mr. Morse, Mr. Rees, Mr. Reid of New York, Mr. Rosenthal, Mr. Scheuer, Mr. Yates, and Mr. Pucinski):

H.R. 915. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mrs. Chisholm, Mrs. Griffiths, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Jacobs, Mr. Koch, Mr. McCloskey, Mr. Matsunaga, Mrs. Mink, Mr. Nichols, Mr. O'Hara, Mr. Pepper, Mr. Podell, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mrs. Sullivan, Mr. Symington, and Mr. Dingell):

H.R. 916. A bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Daniels of New Jersey, Mr. William D. Ford, Mr. Hawkins, and Mr. Scheuer):

H.R. 917. A bill to amend Public Law 874 of the 81st Congress to create within the Department of Health, Education, and Welfare a National Overseas Education Board having responsibility for the elementary and secondary education of certain overseas dependents; to the Committee on Education and Labor.

By Mrs. MINK (for herself, Mr. Biaggi, Mr. Bingham, Mr. Broyhill of North Carolina, Mr. Corman, Mr. Dent, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hogan, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. Murphy of New York, Mr. Pepper, Mr. Podell, Mr. Ryan, and Mr. Scheuer):

H.R. 918. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. Burke of Massachusetts, Mr. Conte, Mr. Corman, Mr. Halpern, Mr. Hathaway, Mr. Johnson of California, Mr. Koch, Mr. Leggett, Mr. Meeds, Mr. Moorhead, Mr. Perkins, Mr. Rooney of Pennsylvania, and Mr. Wolff):

H.R. 919. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. MINSHALL:

H.R. 920. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures within a reasonable time and to require the termination of Federal financial assistance to teachers, instructors, and lecturers guilty of violation of any law in connection with such disorders; to the Committee on Education and Labor.

H.R. 921. A bill to prohibit the leasing of submerged lands in Lake Erie for exploration, development, and removal of minerals, and to rescind all such existing mineral leases; to the Committee on Interior and Insular Affairs.

H.R. 922. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

H.R. 923. A bill to be known as the "Noise Pollution Abatement Act" and to establish an Office of Noise Abatement Control within the Department of Health, Education, and Welfare; to the Committee on Interstate and Foreign Commerce.

H.R. 924. A bill providing for the Secretary of Health, Education, and Welfare, after consultation with the Surgeon General, to report annually to the Congress concerning the health consequences of using marihuana; to the Committee on Interstate and Foreign Commerce.

H.R. 925. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 926. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 927. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 928. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 929. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 930. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 931. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

H.R. 932. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 933. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 934. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 935. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 936. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

H.R. 937. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities or equipment for the control of water or air pollution or for processing of solid waste, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

H.R. 938. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

H.R. 939. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 940. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. MIZELL (for himself, Mr. BUCHANAN, Mr. COLLINS of Texas, Mr. CRANE, Mr. DERWINSKI, Mr. DICKINSON, Mr. FLOWERS, Mr. RHODES, and Mr. SCOTT):

H.R. 941. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MONTGOMERY:

H.R. 942. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 943. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. MORSE:

H.R. 944. A bill; Voluntary Military Manpower Procurement Act of 1971; to the Committee on Armed Services.

H.R. 945. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

H.R. 946. A bill to authorize the Secretary of Housing and Urban Development to make loans for the provision of urgently needed nursing homes; to the Committee on Banking and Currency.

H.R. 947. A bill to further promote equal employment opportunities of American workers; to the Committee on Education and Labor.

H.R. 948. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

H.R. 949. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 950. A bill to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; to the Committee on Veterans' Affairs.

H.R. 951. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 952. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

H.R. 953. A bill to provide social security coverage as self-employed individuals for State and local public officers not otherwise covered under Federal-State agreement, who are paid on a fee basis by persons other than the State or local government; to the Committee on Ways and Means.

H.R. 954. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 955. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 956. A bill to amend titles 39 and 18, United States Code, to prevent a seller or publisher from mailing goods, materials, or publications (or a bill therefor) to any individual pursuant to a purchase order or subscription bearing such individual's name without first confirming that such individual in fact sent the order or subscription; to the Committee on the Judiciary.

By Mr. MYERS:

H.R. 957. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 958. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 959. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 960. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

H.R. 961. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

H.R. 962. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next of kin of the serviceman; to the Committee on the Judiciary.

H.R. 963. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 964. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 965. A bill to amend the Federal Water Pollution Control Act, as amended to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

H.R. 966. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 967. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

H.R. 968. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 969. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 8,500 pounds; to the Committee on Ways and Means.

H.R. 970. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 971. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. MYERS (for himself, Mr. Wydler, Mr. Thompson of Georgia, Mr. Corbett, Mr. Camp, Mr. Belcher, Mr. Frelinghuysen, Mr. Hastings, Mr. Nichols, Mr. Kuykendall, Mr. Whalley, Mr. Buchanan, and Mr. Wiggins):

H.R. 972. A bill to designate the Washington National Arport as the "Dwight David Eisenhower National Airport"; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 973. A bill to provide a pool of general service railroad freight cars for the benefit of shippers during times of regional car shortages, to amend the Interstate Commerce Act to promote acquisition of general service rolling stock by common carriers by railroad, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PASSMAN:

H.R. 974. A bill to amend title II of the Social Security Act so as to remove all limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 975. A bill to amend the Fisheries Protection Act; to the Committee on Merchant Marine and Fisheries.

H.R. 976. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use; to the Committee on Public Works.

H.R. 977. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. PELLY (for himself and Mr. Bob Wilson):

H.R. 978. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protection Act) to strengthen the provisions therein relating to the protection of U.S. vessels on the high seas; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER (for himself and Mr. Dingell):

H.R. 979. A bill to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetics Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 980. A bill to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. PERKINS:

H.R. 981. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 982. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 983. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PIKE (for himself, Mr. Gubser, Mr. Hébert, Mr. Arends, Mr. Leggett, Mr. Stafford, Mr. Hicks of Washington, Mr. White, Mr. Whitehurst, Mr. Brinkley, and Mr. Daniel of Virginia):

H.R. 984. A bill to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. PIRNIE:

H.R. 985. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; to the Committee on Armed Services.

By Mr. PODELL:

H.R. 986. A bill to amend chapter 137, title 10, United States Code, to limit, and to provide more effective control over, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other agencies, and for other purposes; to the Committee on Armed Services.

H.R. 987. A bill to amend the Urban Mass Transportation Act of 1964 to provide priority in the allocation of funds thereunder to those cities and other public agencies which will permit persons who are at least 65 years of age to use the facilities at specially reduced fares, and for other purposes; to the Committee on Banking and Currency.

H.R. 988. A bill to provide for payments to New York City in lieu of taxes on property of the United States, the United Nations, and of certain foreign governments; to the Committee on Foreign Affairs.

H.R. 989. A bill to authorize the Federal Trade Commission to set standards to guarantee comprehensive warranty protection to the purchasers of merchandise shipped in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 990. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 991. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 992. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of such title; to the Committee on Ways and Means.

H.R. 993. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 994. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

H.R. 995. A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder; to the Committee on Ways and Means.

H.R. 996. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

H.R. 997. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. PODELL (for himself, Mr. Symington, Mr. Donohue, Mr. O'Neill, Mr. Buchanan, and Mr. Whalen):

H.R. 998. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. PODELL (for himself, Mr. Udall, Mr. Mikva, Mr. Rees, and Mr. Clark):

H.R. 999. A bill to amend the Community Mental Health Centers Act to authorize assistance for States and public and nonprofit private agencies for the establishment of narcotic addict rehabilitation, research, and maintenance centers in community mental health centers and other licensed facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. Adams, Mrs. Chisholm, Mr. Dingell, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Hays, Mr. Leggett, Mr. Meeds, Mr. Podell, Mr. Thompson of New Jersey, and Mr. Tiernan):

H.R. 1000. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. POFF:

H.R. 1001. A bill to amend the Railroad Retirement Act of 1937; to the Committee on Interstate and Foreign Commerce.

H.R. 1002. A bill to amend the Railroad Retirement Act of 1937 to provide that men who have attained the age of 62 may retire on a full annuity thereunder upon completion of 30 years of service; to the Committee on Interstate and Foreign Commerce.

H.R. 1003. A bill to amend the Railroad Retirement Act of 1937 to permit an annuitant to receive his annuity even though he renders compensated service for the outside employer by whom he was last employed before his annuity began to accrue; to the Committee on Interstate and Foreign Commerce.

H.R. 1004. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot; to the Committee on the Judiciary.

H.R. 1005. A bill to restore balance in the Federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

H.R. 1006. A bill to amend the Internal Revenue Code of 1954 to provide interest on certain amounts withheld from wages and certain estimated payments of tax for purposes of the Federal income tax; to the Committee on Ways and Means.

H.R. 1007. A bill to provide a tax incentive for the employment of older workers; to the Committee on Ways and Means.

H.R. 1008. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Ways and Means.

H.R. 1009. A bill concerning a Federal Tax Fairness Act; to the Committee on Ways and Means.

H.R. 1010. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.R. 1011. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

By Mr. PRICE of Illinois (for himself, Mr. Arends, Mr. Bray, Mr. Hall, Mr. Bennett, Mr. Stafford, Mr. Nedzi, and Mr. McClory):

H.R. 1012. A bill to establish the geographical areas of the Continental United States Armies and for other purposes; to the Committee on Armed Services.

By Mr. PRICE of Illinois:

H.R. 1013. A bill to provide additional dental care for dependents of members of the uniformed services; to the Committee on Armed Services.

H.R. 1014. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 1015. A bill to establish a Department of Consumer Affairs in order to secure within the Federal Government effective representation of the interests of consumers; to coordinate the administration of consumer services by transferring to such Department certain functions of the Departments of Commerce; Labor; Agriculture; and Health, Education, and Welfare; and other agencies; and for other purposes; to the Committee on Government Operations.

H.R. 1016. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 1017. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1018. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 1019. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 1020. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 1021. A bill to amend the Public Health Service Act so as to add to such Act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 1022. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1023. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

H.R. 1024. A bill Poverty Area Amendment; to the Committee on Public Works.

H.R. 1025. A bill to authorize the National Aeronautics and Space Administration to make grants for the construction and operation of a World Resources Simulation Center to make available to Federal, State, and local agencies and to private persons, organizations, and institutions information useful in planning and decisionmaking; to the Committee on Science and Astronautics.

H.R. 1026. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1027. A bill to amend title II of the Social Security Act to permit States under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

H.R. 1028. A bill to amend title II of the Social Security Act to eliminate the reduction in disability benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 1029. A bill to provide that disabled individuals entitled to disability insurance benefits under section 223 of the Social Security Act or to child's or widow's insurance benefits on the basis of disability under section 202 of such Act, and individuals in the corresponding categories under the Railroad Retirement Act of 1937, shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age; to the Committee on Ways and Means.

H.R. 1030. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 1031. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 1032. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. PUCINSKI:

H.R. 1033. A bill to provide relief from Dutch elm disease by amending the Forest Pest Control Act; to the Committee on Agriculture.

H.R. 1034. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the armed forces in Vietnam; to the Committee on Armed Services.

H.R. 1035. A bill to amend title 10 of the United States Code to provide that military procurement contracts shall not be negotiated with, or awarded to, contractor applicants until disclosure is made with respect to the military service of their employees; to the Committee on Armed Services.

H.R. 1036. A bill to amend the Urban Mass Transportation Act of 1964 to provide a priority in the allocation of funds thereunder to those cities which will permit senior citizens to use the facilities involved at specially reduced fares during nonrush hours; to the Committee on Banking and Currency.

H.R. 1037. A bill Impact Aid Reform Act of 1971; to the Committee on Education and Labor.

H.R. 1038. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 1039. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

H.R. 1040. A bill to amend title IX of the National Defense Education Act of 1958 to provide for establishment of a National Science Research Data Processing and Information Retrieval System; to the Committee on Education and Labor.

H.R. 1041. A bill to amend section 4(e) of the Fair Labor Standards Act of 1938 to require the Secretary of Labor to investigate the effect of foreign competition on domestic employment when a complaint is filed by an employer or labor organization; to the Committee on Education and Labor.

H.R. 1042. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

H.R. 1043. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; to the Committee on Education and Labor.

H.R. 1044. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 1045. A bill to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 1046. A bill to amend section 610 of the Federal Aviation Act of 1958 so as to establish minimum standards for operation of civil supersonic aircraft through the navigable airspace of the United States; to the

Committee on Interstate and Foreign Commerce.

H.R. 1047. A bill to amend title XI of the Federal Aviation Act of 1958 to establish liability on the part of the United States for the taking of easements in the navigable airspace of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 1048. A bill to amend title 18, United States Code, to prohibit the sale of mailing lists used to disseminate through the mails materials harmful to persons under the age of 19 years; to the Committee on the Judiciary.

H.R. 1049. A bill to amend section 214(b) of the Immigration and Nationality Act to provide that certain aliens who apply for a visa to visit the United States temporarily for pleasure or temporarily for business shall not be denied nonimmigrant visitor status by any consular officer or immigration officer; to the Committee on the Judiciary.

H.R. 1050. A bill to provide that any alien in the United States in whose behalf a petition for sixth preference is filed under the Immigration and Nationality Act shall be permitted to remain in the United States until a sixth preference immigrant visa becomes available to such alien; to the Committee on the Judiciary.

H.R. 1051. A bill to make it a Federal offense to loot interstate facilities during a riot; to the Committee on the Judiciary.

H.R. 1052. A bill to direct the Attorney General to establish six centers to provide facilities for conducting research into the motivations and behavioral patterns of persons who have been convicted of crimes of violence; to the Committee on the Judiciary.

H.R. 1053. A bill to amend title 28, United States Code, to permit the Attorney General of the United States and State attorneys general to obtain orders from U.S. district courts placing reasonable limitations on the conduct of certain public mass demonstrations; to the Committee on the Judiciary.

H.R. 1054. A bill to establish a sonic boom damage fund to provide for the payment of damages caused by sonic booms; to the Committee on the Judiciary.

H.R. 1055. A bill to provide for the transportation of parcels at no cost to the sender from the United States to combat areas overseas as designated by the President, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1056. A bill to provide for the establishment of a mint of the United States in the State of Illinois; to the Committee on Public Works.

H.R. 1057. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

H.R. 1058. A bill to amend section 4 of the act of March 3, 1905, to prohibit the dumping of certain spoil into the Great Lakes; to the Committee on Public Works.

H.R. 1059. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 1060. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for noise abatement devices; to the Committee on Ways and Means.

H.R. 1061. A bill to provide for nationally uniform minimum standards and eligibility requirements for public assistance, to provide for a supplemental family allowance program, and to provide that the cost of public assistance under the Social Security Act shall be fully borne by the Federal Government; to the Committee on Ways and Means.

H.R. 1062. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1063. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Ways and Means.

H.R. 1064. A bill to amend the Internal Revenue Code of 1954 to allow percentage depletion at a 22-percent rate for low-sulfur coal; to the Committee on Ways and Means.

H.R. 1065. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction for expenses incurred in making repairs and improvements to his residence; to the Committee on Ways and Means.

H.R. 1066. A bill to amend the Internal Revenue Code of 1954 to allow an investment credit to retailers with respect to their advertising and other ordinary and necessary expenses for increasing their retail sales; to the Committee on Ways and Means.

H.R. 1067. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and certain other educational expenses paid by him for the education of a dependent at a private nonprofit elementary or secondary school; to the Committee on Ways and Means.

H.R. 1068. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 1069. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

H.R. 1070. A bill to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions; to the Committee on Ways and Means.

H.R. 1071. A bill to amend the Trade Expansion Act of 1962 to provide judicial review of certain determinations of the Tariff Commission, and for other purposes; to the Committee on Ways and Means.

H.R. 1072. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 1073. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 1074. A bill to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN (for himself and Mr. WAMPLER):

H.R. 1075. A bill to authorize and direct the Secretary of Agriculture to convey certain lands in Sullivan County, Tennessee, to the city of Bristol; to the Committee on Agriculture.

By Mr. RANDALL:

H.R. 1076. A bill to protect the users of the United States Postal Service by reserving to the Congress supervision over the function of the Postal Rate Commission; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 1077. A bill to prohibit the sale and shipment of certain economic poisons, and for other purposes; to the Committee on Agriculture.

H.R. 1078. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that Act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 1079. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1080. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

H.R. 1081. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1082. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1083. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1084. A bill Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

H.R. 1085. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1086. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

H.R. 1087. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 1088. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 1089. A bill to amend chapter 1 (Federal-Aid Highways) of title 23, United States Code, as amended, to establish local highway planning review commissions to consider conservation problems in connection with the construction of federally aided highways; to the Committee on Public Works.

H.R. 1090. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Port Chester; to the Committee on Public Works.

By Mr. REUSS (for himself, Mr. Addabbo, Mr. Carney, Mr. Dulski, Mr. Denholm, Mr. Eilberg, Mr. Harrington, Mr. Hamilton, Mr. Hawkins, Mr. Mikva, Mr. Nedzi, Mr. Obey, Mr. Podell, Mr. Tiernan, and Mr. Yatron):

H.R. 1091. A bill to improve inter-governmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government; to the Committee on Government Operations.

By Mr. REUSS (for himself, Mr. Carney, Mr. Podell, Mr. Eilberg, Mr. Hawkins, Mr. Mikva, Mr. Addabbo, Mr. Dulski, Mr. Denholm, Mr. Nedzi, Mr. Tiernan, Mr. Edwards of California, Mr. Harrington, Mr. Hamilton, Mr. Obey, and Mr. Yatron):

H.R. 1092. A bill to improve inter-governmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government; to the Committee on Government Operations.

By Mr. ROGERS (for himself, Mr. Jarman, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 1093. A bill to amend the Public Health Service Act to provide the public with an adequate quantity of safe water for drinking, recreation, and other human uses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 1094. A bill to amend the Public Health Service Act to prohibit the discharge of elemental mercury and its compounds into the navigable waters of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Dingell, Mr. Karth, Mr. Conte, Mr. Nedzi, Mr. Moss, and Mr. McCloskey):

H.R. 1095. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged land areas where the depositing of certain waste materials is prohibited, to require the establishment of standards with respect to such deposits in all other areas, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS (for himself, Mr. Dingell, Mr. Downing, Mr. Hanna, Mr. Annunzio, Mr. McCloskey, Mr. Karth, Mr. Conte, Mr. Nedzi, and Mr. Moss):

H.R. 1096. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RUPPE:

H.R. 1097. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 1098. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 1099. A bill to authorize the acquisition of certain lands for addition to Isle Royale National Park and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1100. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket No. 40–K, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1101. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 1102. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 1103. A bill to amend the Uniform Time Act of 1966 to permit a State situated in more than one time zone to observe standard time in one zone and daylight saving time in another zone; to the Committee on Interstate and Foreign Commerce.

H.R. 1104. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1105. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

H.R. 1106. A bill to provide for the designation of the Mackinac Bridge as part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

H.R. 1107. A bill to require the Secretary of the Army to make a survey of Saint Marys River, Sault Sainte Marie, Mich.; to the Committee on Public Works.

H.R. 1108. A bill to provide for the designation of two highways in the States of Michigan, Wisconsin, and Minnesota as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

H.R. 1109. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 1110. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1111. A bill to amend the Tariff Schedules of the United States to increase the rate of duty on mink fur skins; to the Committee on Ways and Means.

H.R. 1112. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 1113. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

H.R. 1114. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 1115. A bill to provide supplemental appropriations and increased contract authority to fully fund the urban renewal, model cities, and rent supplement programs, and the low-income homeownership and rental housing programs, for the fiscal year 1971; to the Committee on Appropriations.

H.R. 1116. A bill to amend the Small Business Act to authorize certifications of a small business concern's competency in lieu of bonding in connection with certain Federal construction contracts, and to establish a National Construction Task Force to assist in broadening small business participation in the construction industry; to the Committee on Banking and Currency.

H.R. 1117. A bill to amend the Urban Mass Transportation Act of 1964 to remove the existing percentage limits on the amount of regular grant assistance which may be provided thereunder for projects in any one State; to the Committee on Banking and Currency.

H.R. 1118. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 1119. A bill to amend title II of the National Housing Act to provide Federal Housing Administration mortgage insurance for individuals purchasing dwelling units in cooperative housing projects in the same way that such insurance is provided for individuals purchasing other single-family residences; to the Committee on Banking and Currency.

H.R. 1120. A bill to amend the act of September 11, 1964, establishing the Fire Island National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 1121. A bill to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1122. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of establishing a park system within the Atlantic Urban Region, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1123. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

H.R. 1124. A bill to amend the Atomic Energy Act of 1954 to provide that hearings on applications for construction permits for certain facilities must be held at or near the places where such facilities are to be located; to the Joint Committee on Atomic Energy.

By Mr. RYAN (for himself, and Mr. Wolff):

H.R. 1125. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans to be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, and Mr. Dingell):

H.R. 1126. A bill to amend the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 1127. A bill to establish the Gates of the Arctic National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1128. A bill to provide for the addition of certain lands to the Mount McKinley National Park in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1129. A bill to establish the Missouri Breaks Scenic River in the State of Montana; to the Committee on Interior and Insular Affairs.

H.R. 1130. A bill to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

H.R. 1131. A bill to provide for the establishment of a lifetime fee for persons 65 years of age or over for admission to outdoor recreation areas administered by certain agencies of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1132. A bill to provide for the extension of the reclamation acts, as amended, to all of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself and Mr. SKUBITZ):

H.R. 1133. A bill to revise the boundaries of the North Cascades National Park in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 1134. A bill to provide for the establishment of the Potomac Basin National Riverways; to the Committee on Interior and Insular Affairs.

H.R. 1135. A bill to provide for the addition of certain lands to the Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1136. A bill to amend title 5, United States Code, to provide for the mandatory separation from Government service of all officers and employees thereof at the age of seventy years; to the Committee on Post Office and Civil Service.

H.R. 1137. A bill to amend title 38 of the United States Code to provide a special pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

H.R. 1138. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

By Mr. SAYLOR (for himself and Mr. SKUBITZ):

H.R. 1139. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHERLE:

H.R. 1140. A bill to provide that preliminary payments shall not be less than 32 cents per bushel, for corn; to the Committee on Agriculture.

H.R. 1141. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1142. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 1143. A bill to provide for the payment of a transportation allowance to permit a member of the immediate family of a serviceman hospitalized in the United States from a combat wound or illness to visit such serviceman, and for other purposes; to the Committee on Armed Services.

H.R. 1144. A bill to provide for specific employment policies in order to promote maximum employment, to reduce unemployment to its minimum acceptable levels, to promote an adequate rate of economic growth, and to preserve reasonable price stability; to the Committee on Government Operations.

H.R. 1145. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1146. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 1147. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 1148. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

H.R. 1149. A bill to help prevent pollution which is caused by litter composed of soft drink, beer, and alcohol containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter, by imposing a tax on such containers (subject to refund in certain cases) when they are filled and sold on a no-deposit, no-return basis; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 1150. A bill to amend the Internal Revenue Code of 1954, to provide a 25-percent maximum capital gains tax on the disposition of an interest in a closely held business held for at least 20 years; to the Committee on Ways and Means.

By Mr. SCHNEEBELI (for himself, and Mr. CORMAN):

H.R. 1151. A bill to amend the Internal Revenue Code of 1954, to provide refunds in the case of certain uses of tread rubber; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 1152. A bill to allow the Comptroller General of the United States to settle and pay certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans., on January 16, 1965; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 1153. A bill relating to the policy with respect to the application of certain provisions of Federal law; to the Committee on Education and Labor.

H.R. 1154. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 1155. A bill for the relief of the living descendants of the Creek Nation of 1814; to the Committee on Interior and Insular Affairs.

H.R. 1156. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 1157. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

H.R. 1158. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

H.R. 1159. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 1160. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 1161. A bill to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act; to the Committee on Agriculture.

H.R. 1162. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the initial phase of the east side division, Central Valley project, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 1163. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, and Mr. FOLEY):

H.R. 1164. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit slaughter of livestock under certain conditions which reduce the bargaining power of livestock producers generally and interfere with a free market, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Iowa:

H.R. 1165. A bill to amend title 37 of the United States Code, in order to provide certain enlisted members and commissioned officers of the Armed Forces with transportation to and from the homes of their next of kin; to the Committee on Armed Services.

H.R. 1166. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin:

H.R. 1167. A bill to amend the Internal Revenue Code of 1954, to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 1168. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1169. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1170. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1171. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

H.R. 1172. A bill to amend the Internal Revenue Code of 1954, to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

H.R. 1173. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 1174. A bill to amend the Internal Revenue Code of 1954, to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 1175. A bill to amend the Public Health Service Act, to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1176. A bill to amend the Internal Revenue Code of 1954, to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

H.R. 1177. A bill to amend the Internal Revenue Code of 1954, to authorize a tax credit for certain educational expenses; to the Committee on Ways and Means.

H.R. 1178. A bill to amend section 5042(a) (2) of the Internal Revenue Code of 1954, to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 1179. A bill to amend title XVIII of the Social Security Act, to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. TEAGUE of California (for himself and Mr. TALCOTT):

H.R. 1180. A bill to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands; to the Committee on Interior and Insular Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 1181. A bill to amend the Truth in Lending Act, to exempt certain regulated lenders; to the Committee on Banking and Currency.

H.R. 1182. A bill to amend the Public Health Service Act, to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1183. A bill to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 1184. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

H.R. 1185. A bill to amend the Internal Revenue Code of 1954, to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

H.R. 1186. A bill to amend title II of the Social Security Act, to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 1187. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 1188. A bill to establish the Hells Canyon Recreation Area, in the States of Idaho and Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1189. A bill to amend the act authorizing the establishment of the Nez Perce National Historical Park in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHALLEY:

H.R. 1190. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. WHITE:

H.R. 1191. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF:

H.R. 1192. A bill to amend the Consumer Credit Protection Act to safeguard consumers in connection with trading stamp practices; to the Committee on Banking and Currency.

H.R. 1193. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

H.R. 1194. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 1195. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Port Chester; to the Committee on Public Works.

H.R. 1196. A bill to amend the Internal Revenue Code of 1954, to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

H.R. 1197. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. YOUNG of Florida:

H.R. 1198. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 1199. A bill to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan; to the Committee on Armed Services.

H.R. 1200. A bill to amend the Railroad Retirement Act of 1937, to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 1201. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1202. A bill to provide for national cemeteries in the central west coast area of the State of Florida; to the Committee on Veterans' Affairs.

By Mr. ZABLOCKI:

H.R. 1203. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

H.R. 1204. A bill to promote private United States participation in international organizations and movements, to provide for the establishment of an Institute of International Affairs, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1205. A bill to open U.S. Information Agency materials distributed abroad to public inspection; to the Committee on Foreign Affairs.

H.R. 1206. A bill to amend the act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 1207. A bill to amend the Internal Revenue Code of 1954, to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 1208. A bill to incorporate the National River Academy of the United States of America; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 1209. A bill to establish a National Economic Conversion Commission which is authorized to conduct research and educational programs to prepare the country for conversion from defense to civilian, oriented research and development activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.R. 1210. A bill to authorize the District of Columbia to compensate holders of class A retailers' licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; to the Committee on the District of Columbia.

H.R. 1211. A bill proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.R. 1212. A bill to provide for the establishment of a mint of the United States at Chicago, Ill.; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 1213. A bill to establish the Federal Campaign Disclosure Act to limit and control spending by Federal candidates; to the Committee on House Administration.

H.R. 1214. A bill to establish the Environmental Protection Act of 1971; to the Committee on Public Works.

H.R. 1215. A bill to provide for public disclosure by Members of the House of Representatives and by candidates for such office and to give the House Committee on Standards of Official Conduct appropriate jurisdiction; to the Committee on Standards of Official Conduct.

H.R. 1216. A bill to provide for disclosures designed to elicit a balance of expression to the Congress with respect to legislative measures, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. BINGHAM:

H.R. 1217. A bill to provide for the election of President and Vice President as required by the article of amendment to the Constitution proposed by House Joint Resolution 9 of the 92d Congress; to the Committee on House Administration.

By Mr. BLANTON:

H.R. 1218. A bill to prohibit the dissemination through interstate commerce of the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 1219. A bill to amend the Internal Revenue Code of 1954 to impose additional limitations on tax-exempt foundations and charitable trusts; to the Committee on Ways and Means.

H.R. 1220. A bill to provide for orderly trade in bicycles; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 1221. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 1222. A bill to provide for computation of disability retirement pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. BUCHANAN:

H.R. 1223. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 1224. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 1225. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

H.R. 1226. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

H.R. 1227. A bill to assist students who, to attend college, are relying on their own wage-earning capacity rather than depending on others; to the Committee on Education and Labor.

H.R. 1228. A bill to provide for the establishment of a program under which tickets to professional, semiprofessional, and amateur baseball, football, basketball, hockey, and soccer games will be furnished at no cost by local police officers and firemen to individuals under the age of 19, particularly such individuals who are economically underprivileged; to the Committee on Interior and Insular Affairs.

H.R. 1229. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts; to the Committee on Interior and Insular Affairs.

H.R. 1230. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 1231. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 1232. A bill to clarify and strengthen the cargo-preference laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1233. A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

H.R. 1234. A bill to investigate, study, and construct a project for flood protection at Quincy, Mass.; to the Committe on Public Works.

By Mrs. SULLIVAN:

H.R. 1235. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 1236. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of any annuity received under the Civil Service Retirement Act shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 1237. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 1238. A bill to amend the Internal Revenue Code of 1954 with respect to expenses of plastic surgery and hypertrichology; to the Committee on Ways and Means.

H.R. 1239. A bill to amend title II of the Social Security Act to provide a 50-percent across-the-board increase in benefits thereunder, and to raise the amount of outside earnings which a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

H.R. 1240. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1241. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 1242. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, and Mr. Corman):

H.R. 1243. A bill to amend title IV of the Social Security Act to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 1244. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 1245. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 1246. A bill to amend sec. 1071 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. Celler, Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mrs. Chisholm, Mr. Halpern, Mr. Koch, Mr. Murphy of New York, Mr. Podell, Mr. Ryan, Mr. Rosenthal, and Mr. Scheuer):

H.R. 1247. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; to the Committee on Ways and Means.

By Mr. CAREY of New York (for himself, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Bennett, Mr. Bingham, Mr. Brasco, Mr. Byrne of Pennsylvania, Mr. Celler, Mr. Clark, Mr. Conyers, Mr. Dent, Mr. Eilberg, Mr. Fulton of Tennessee, Mr. Flood, Mr. Garmatz, Mr. Gonzalez, Mr. Hathaway, Mr. Hawkins, Mr. Matsunaga, Mr. Mikva, Mr. Murphy of New York, Mr. Nix, Mr. Podell, and Mr. Ryan):

H.R. 1248. A bill to assist in the provision of Housing for veterans; to the Committee on Veterans' Affairs.

By Mr. CARNEY:

H.R. 1249. A bill to amend title II of the Social Security Act to provide a 15-percent increase in benefits thereunder with subsequent cost-of-living increases, to liberalize the earnings test, and to increase the lump-sum death payment; and to amend title XVIII of such act to provide medicare coverage for chiropractic services and extend medicare benefits to disability beneficiaries without regard to age; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 1250. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 1251. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CASEY of Texas (for himself and Mr. Pepper):

H.R. 1252. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. COLMER:

H.R. 1253. A bill to provide for computation of disability retirement pay for members of the uniformed services; to the Committee on Armed Services.

H.R. 1254. A bill to establish rules of interpretation governing questions of the effect of acts of Congress on State laws; to the Committee on the Judiciary.

H.R. 1255. A bill to establish rules of interpretation of the effect of acts of Congress on State laws; to limit the appellate jurisdiction of the Supreme Court in certain cases; and to provide that confessions and other evidence shall be admissible in U.S. courts; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 1256. A bill to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government; to the Committee on Post Office and Civil Service.

H.R. 1257. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction, or amortization over a period of 1 to 5 years, of such expenditures, to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 1258. A bill to permit American citizens to hold gold; to the Committee on Banking and Currency.

H.R. 1259. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 so as to prohibit the use for political purposes of certain funds collected by labor organizations from their members, and for other purposes; to the Committee on Education and Labor.

H.R. 1260. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1261. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

H.R. 1262. A bill to amend the Internal Revenue Code of 1954 to increase to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for dependents, and the additional exemptions for old age and blindness) with further increases in the future to reflect rises in the cost of living; to the Committee on Ways and Means.

H.R. 1263. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for trees destroyed by Dutch elm disease; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 1264. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 1265. A bill to increase the contribution by the Federal Government to the costs of employees' group life and health benefits insurance; to the Committee on Post Office and Civil Service.

H.R. 1266. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H.R. 1267. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. DELLENBACK:

H.R. 1268. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Olalla division of the Umpqua project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENT:

H.R. 1269. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. EVANS of Colorado:

H.R. 1270. A bill to withdraw certain lands within the Pike National Forest in Colorado from location and entry under the U.S. mining laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FISHER:

H.R. 1271. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 1272. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 1273. A bill to limit and prevent certain concerted activities by labor organizations which interfere with or obstruct or impede the free production of goods for commerce or the free flow thereof in commerce, and for other purposes; to the Committee on Education and Labor.

H.R. 1274. A bill to amend the National Labor Relations Act to provide that employers shall not be required to bargain with labor organizations whose representative status has not been established by a secret ballot election; to the Committee on Education and Labor.

H.R. 1275. A bill to establish the Armistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

H.R. 1276. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 1277. A bill to amend title 28 of the United States Code, "Judiciary and Judicial Procedure," and incorporate therein provisions relating to the U.S. Labor Court, and for other purposes; to the Committee on the Judiciary.

H.R. 1278. A bill to amend title 28 of the United States Code to provide that any judge or justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

H.R. 1279. A bill to amend title 28 of the United States Code with respect to United States district court courtroom facilities in the western district of Texas; to the Committee on the Judiciary.

H.R. 1280. A bill to prohibit the involuntary busing of schoolchildren and to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

H.R. 1281. A bill to amend title 18 of the United States Code to make it a Federal crime to transport stolen sheep or goats in interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

H.R. 1282. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1283. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

H.R. 1284. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 1285. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

H.R. 1286. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

H.R. 1287. A bill to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such code (relating to tax on the use of certain vehicles); to the Committee on Ways and Means.

By Mr. FISHER (for himself, Mr. DON H. CLAUSEN, Mr. HANSEN of Idaho, Mr. JOHNSON of California, Mr. LEGGETT, Mr. LLOYD, Mr. MCCLURE, Mr. BURLESON of Texas, Mr. PRICE of Texas, Mr. PURCELL, Mr. WHITE, and Mr. LUJAN):

H.R. 1288. A bill to impose a quota on imported fresh, chilled, or frozen lamb meat and certain prepared or preserved lamb meat; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 1289. A bill to authorize the Secretary of Agriculture to cooperate with and furnish financial and other assistance to States and other public bodies and organizations in establishing a system for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture.

H.R. 1290. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 1291. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

H.R. 1292. A bill to amend title 44, United States Code, to provide for 98 copies of the daily edition of the Congressional Record to be furnished to each Representative, Delegate, and Resident Commissioner in Congress; to the Committee on House Administration.

H.R. 1293. A bill to amend the Uniform Time Act; to the Committee on Interstate and Foreign Commerce.

H.R. 1294. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1295. A bill to define the application and effective date of court orders effecting desegregation of faculty and students in public school systems; to the Committee on the Judiciary.

H.R. 1296. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 1297. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 1298. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

H.R. 1299. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 1300. A bill to amend title 38 of the United States Code with respect to the payment of certain benefits under that title; to the Committee on Veterans' Affairs.

H.R. 1301. A bill to amend title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 1302. A bill to amend the Internal Revenue Code of 1954 to allow percentage depletion on certain clays at the same rate as allowed on calcium carbonates and limestone used in the manufacture of cement; to the Committee on Ways and Means.

H.R. 1303. A bill to amend the Social Security Act to provide that delayed birth certificates and similar documents issued under State law shall constitute prima facie evidence of age for purposes of establishing eligibility for benefits or assistance under that act; to the Committee on Ways and Means.

H.R. 1304. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

H.R. 1305. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 1306. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

H.R. 1307. A bill to provide for import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 1308. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 1309. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. FUQUA:

H.R. 1310. A bill directing the Secretary of the Interior to convey certain mineral interests in property located in Alachua County, Fla.; to the Committee on Interior and Insular Affairs.

H.R. 1311. A bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 1312. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

H.R. 1313. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 1314. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

H.R. 1315. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide a 1-cent postage rate for postal cards and post cards; to the Committee on Post Office and Civil Service.

By Mr. GROSS:

H.R. 1316. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 1317. A bill to prohibit travel at Government expense outside of the United States by defeated or retiring Members of Congress, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1318. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mr. GROSS (for himself and Mr. HALL):

H.R. 1319. A bill to require judges of courts of the United States to file confidential financial statements with the Comptroller General of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GROSS:

H.R. 1320. A bill to amend section 1905 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 1321. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1322. A bill prohibiting lithographing or engraving on envelopes sold by the United States Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1323. A bill to provide for the appointment of persons to grades GS-16, GS-17, and GS-18 in the competitive civil services based solely on merit and competitive civil service standards; to the Committee on Post Office and Civil Service.

By Mr. HALEY:

H.R. 1324. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 1325. A bill to amend the Budget and Accounting Act, 1921, to provide for the retirement of the public debt by setting aside the first 5 percent of the budget receipts of the United States for each fiscal year for the sole purpose of retirement of obligations counted as part of the public debt; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 1326. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 1327. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 1328. A bill to amend the Special Foreign Assistance Act of 1971 (Public Law 91–652); to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. DRINAN, and Mr. YATES):

H.R. 1329. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. MORSE, and Mr. DRINAN):

H.R. 1330. A bill to provide financial assistance for a water pollution abatement program for industrial wastes; to the Committee on Public Works.

By Mr. HASTINGS:

H.R. 1331. A bill to amend the Social Security Act to establish a national program of income maintenance payments to needy individuals who are aged, blind, or disabled and Federal-State programs of public assistance to all other needy individuals and families, to provide grants to States for services to all needy individuals and families, to strengthen Federal support of the State medical assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 1332. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 1333. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 1334. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

H.R. 1335. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1336. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practices in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1337. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 1338. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1339. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1340. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. HELSTOSKI (by request):

H.R. 1341. A bill to amend title 38, United States Code, to extend servicemen's group life insurance protection from 120 to 240 days after discharge; to the Committee on Veterans' Affairs.

H.R. 1342. A bill to authorize the issuance of national service life insurance to service disabled veterans at any time during their lives at no increase in premiums on account of any service-connected disability; to the Committee on Veterans' Affairs.

By Mr. HOGAN:

H.R. 1343. A bill to provide for the awarding of a Medal of Honor for Policemen and a Medal of Honor for Firemen; to the Committee on Banking and Currency.

H.R. 1344. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 1345. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot; to the Committee on the Judiciary.

H.R. 1346. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

H.R. 1347. A bill to provide a code of ethics for Federal judges, including Supreme Court Justices, by amending chapter 11 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 1348. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, to restrict the exhibition of movies or other presentations harmful to such persons, and for other purposes; to the Committee on the Judiciary.

H.R. 1349. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

H.R. 1350. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

H.R. 1351. A bill to amend section 8331 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1352. A bill to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1353. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 1354. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

H.R. 1355. A bill to authorize voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol; to the Committee on Ways and Means.

H.R. 1356. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 1357. A bill, Federal-State Education Act of 1971; to the Committee on Education and Labor.

H.R. 1358. A bill to establish the calendar year as the fiscal year of the U.S. Government; to the Committee on Government Operations.

H.R. 1359. A bill to amend the joint resolution designating June 14 of each year as Flag Day (37 U.S.C. 157) to provide appropriate recognition of the "Pledge of Allegiance to the Flag," and its author, Francis Bellamy; to the Committee on the Judiciary.

H.R. 1360. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 1361. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

H.R. 1362. A bill to permit actions against the United States for damage to the good name and reputation of members of the Armed Forces wrongfully charged with committing certain crimes against civilians in combat zones, and for other purposes; to the Committee on Armed Services.

H.R. 1363. A bill to amend title 10, United States Code to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 1364. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

H.R. 1365. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

H.R. 1366. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

H.R. 1367. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1368. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

H.R. 1369. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 1370. A bill to establish the Sandy Hook National Seashore in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1371. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1372. A bill to require that durable consumer products be labeled as to durability and performance life; to the Committee on Interstate and Foreign Commerce.

H.R. 1373. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 1374. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1375. A bill to require that certain short shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 1376. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1377. A bill to provide for the establishment of a Metropolitan Drug Addiction Commission to coordinate and make more effective in the New York metropolitan area the various Federal, State, and local programs for the control, treatment, and prevention of drug addiction; to the Committee on Interstate and Foreign Commerce.

H.R. 1378. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 1379. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

H.R. 1380. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

H.R. 1381. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 1382. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 1383. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 1384. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

H.R. 1385. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 1386. A bill to create the Office of Water Disposal Research and Development in the Department of the Interior; to the Committee on Public Works.

H.R. 1387. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 1388. A bill to provide for the construction of a new Veterans' Administration hospital in southern New Jersey; to the Committee on Veterans' Affairs.

H.R. 1389. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

H.R. 1390. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 1391. A bill to amend section 883 of the Internal Revenue Code of 1954 with respect to exemption from taxation of earnings of ships under foreign flag; to the Committee on Ways and Means.

H.R. 1392. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 1393. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 1394. A bill to amend title XVIII of the Social Security Act so as to include, among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 1395. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 1396. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1397. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 1398. A bill to provide for the establishment and administration of a national wildfire disaster control fund; to the Committee on Agriculture.

H.R. 1399. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

H.R. 1400. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1401. A bill to provide for the disposition of community areas established for reclamation purposes on withdrawn or acquired lands of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1402. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cosumnes River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1403. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. KEE (for himself and Mr. Saylor):

H.R. 1404. A bill to amend title II of the Social Security Act to make disability insurance benefits and the disability freeze more readily available to coal miners and other individuals suffering from pneumoconiosis, and to amend titles II and XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 1405. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. LANDGREBE (for himself, Mr. Buchanan, Mr. Hansen of Idaho, Mr. Thone, Mr. Duncan, Mr. Lent, Mr. Collier, Mr. Halpern, Mr. Scherle, Mr. Jones of North Carolina, Mr. Pepper, Mr. Flowers, Mr. Fisher, Mr. Dent, Mr. Henderson, Mr. Thomson of Wisconsin, Mr. Dennis, Mr. Pucinski, Mr. Shoup, Mr. Sandman, Mr. Kuykendall, Mr. Randall, Mr. Rarick, Mr. Bray, and Mr. Carter):

H.R. 1406. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. LANDGREBE (for himself, Mr. Evans of Colorado, Mr. Railsback, Mr. Nichols, Mr. McClure, and Mr. Tiernan):

H.R. 1407. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. LEGGETT:

H.R. 1408. A bill to amend chapter 55 of title 10 to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 1409. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program; to the Committee on Armed Services.

H.R. 1410. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 1411. A bill to amend the act of September 26, 1950, to enlarge the service area of the Sacramento canals unit of the Central Valley project to include Yolo and Solano Counties, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 1412. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Paskenta-Newville unit, Sacramento River division, Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1413. A bill to impose on newspapers of general circulation an obligation to afford certain members of the public an opportunity to publish editorial advertisements and to reply to editorial comment; to the Committee on Interstate and Foreign Commerce.

H.R. 1414. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

H.R. 1415. A bill to encourage the States to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 1416. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 1417. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 1418. A bill to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons; to the Committee on Banking and Currency.

H.R. 1419. A bill to provide a consolidated, comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 1420. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 1421. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1422. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 1423. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1424. A bill to prohibit assaults and other crimes on State law enforcement officers, firemen, and judicial officers; to the Committee on the Judiciary.

H.R. 1425. A bill to establish an environmental financing authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 1426. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 1427. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 1428. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 1429. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligiblity for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 1430. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

H.R. 1431. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 1432. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 1433. A bill to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States; to the Committee on Ways and Means.

H.R. 1434. A bill to provide appropriations for sharing of Federal revenues with States and certain cities and urban counties; to the Committee on Ways and Means.

H.R. 1435. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

H.R. 1436. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. McDADE (for himself and Mr. Corbett):

H.R. 1437. A bill to amend the act of August 31, 1954, relating to the control and extinguishment of outcrop and underground fires in coal formations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAILLIARD (for himself, Mr. Don H. Clausen, Mr. Gubser, Mr. Hawkins, Mr. Moss, Mr. Smith of California, and Mr. Rees):

H.R. 1438. A bill to amend title III of the National Housing Act to authorize the Government National Mortgage Association to guarantee obligations issued by State agencies to finance low- and moderate-income housing; to the Committee on Banking and Currency.

By Mr. MAILLIARD (for himself and Mr. Don H. Clausen):

H.R. 1439. A bill to authorize the acquisition of additional lands at Muir Woods National Monument in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 1440. A bill to provide for better regulation of the Federal elective process, and for other purposes; to the Committee on Ways and Means.

H.R. 1441. A bill to provide a means of financing presidential and congressional election campaigns; to the Committee on House Administration.

H.R. 1442. A bill to provide relief for certain claimants against the vested assets of Japanese banks; to the Committee on Interstate and Foreign Commerce.

H.R. 1443. A bill to provide relief for certain prewar Japanese bank claimants; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.R. 1444. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skyomish Tribes in Indian Claims Commission docket No. 93, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1445. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 1446. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

H.R. 1447. A bill to provide that the majority of the membership (including the chairman) of the Committee on Government Operations of the Senate and House of Representatives, respectively, shall be composed of members of a major political party other than the political party of which the President of the United States is a member; to the Committee on Rules.

H.R. 1448. A bill to break down hindrances and remove obstacles to the employment of partially disabled persons honorably discharged from our Armed Forces following service in war by making an equitable adjustment of the liability under the workmen's compensation laws which an employer must assume in hiring disabled veterans; to the Committee on Veterans' Affairs.

H.R. 1449. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the first $1,000 of interest on deposits of individuals in savings and loan and mutual savings institutions; to the Committee on Ways and Means.

H.R. 1450. A bill to amend the Internal Revenue Code of 1954 to provide for an investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

H.R. 1451. A bill to amend the Internal Revenue Code of 1954 to treat adoption fees in the same manner as medical expenses for income tax purposes; to the Committee on Ways and Means.

H.R. 1452. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 1453. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 1454. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of treatment works to control water pollution by permitting the deduction of expenditures for the construction, erection, installation, or acquisition of such treatment works; to the Committee on Ways and Means.

H.R. 1455. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

H.R. 1456. A bill to amend title II of the Social Security Act to provide that child's insurance benefits shall in all cases be payable to children upon the death of their mother without regard to the mother's insured status; to the Committee on Ways and Means.

H.R. 1457. A bill to amend section 218 of the Social Security Act to provide that a policeman or fireman who has social security coverage pursuant to State agreement as an individual employee and not as a member of a State or local retirement system may elect to terminate such coverage if he is subsequently required to become a member of such retirement system; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Arends, Mr. Badillo, Mr. Bevill, Mr. Blackburn, Mr. Broomfield, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Carter, Mr. Collier, Mr. Conte, Mr. Cleveland, Mr. Crane, Mr. Daniel of Virginia, Mr. Dennis, Mr. Derwinski, Mr. Dingell, Mr. Donohue, Mr. Duncan, and Mr. Edwards of Alabama):

H.R. 1458. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Erlenborn, Mr. Esch, Mr. Findley, Mr. Fulton of Pennsylvania, Mr. Goldwater, Mr. Gubser, Mr. Halpern, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hosmer, Mr. Hutchinson, Mr. Keating, Mr. Keith, Mr. Kyl, Mr. Kuykendall, Mr. McClory, Mr. McKinney, Mr. Mailliard, Mr. Mikva, Mr. Morse, Mr. Moss, Mr. Murphy of New York, and Mr. Myers):

H.R. 1459. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Pirnie, Mr. Pucinski, Mr. Quie, Mr. Railsback, Mr. Riegle, Mr. Robison, Mr. Scherle, Mr. Scheuer, Mr. Schneebeli, Mr. Scott, Mr. Sebelius, Mr. Seiberling, Mr. Shriver, Mr. Skubitz, Mr. Stratton, Mr. Talcott, Mr. Thone, Mr. Williams, Mr. Yates, and Mr. Conable):

H.R. 1460. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MINISH:

H.R. 1461. A bill to provide for Federal tax sharing; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 1462. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1463. A bill to authorize the Secretary of the Interior to make a loan and grant to the State of Hawaii for the construction of the Kokee water project, Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1464. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and paint products containing toxic solvents; to the Committee on Interstate and Foreign Commerce.

H.R. 1465. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

H.R. 1466. A bill to amend the Immigration and Nationality Act to allow the issuance of visas to brothers and sisters of citizens of the United States as immediate relatives, and for other purposes; to the Committee on the Judiciary.

H.R. 1467. A bill to amend section 152(b)(3) of the Internal Revenue Code of 1954 for the purpose of including nationals of the United States within the definition of the term "dependent" in connection with deductions for personal exemptions; to the Committee on Ways and Means.

H.R. 1468. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1469. A bill to amend title XVIII of the Social Security Act to remove the present limit on the number of days for which benefits may be paid thereunder to an individual on account of posthospital extended care services; to the Committee on Ways and Means.

H.R. 1470. A bill to amend the Tariff Schedules of the United States to accord to the Trust Territory of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 1471. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1472. A bill to amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce, with unlawful or fraudulent intent, or counterfeit, fictitious, altered, lost, stolen, wrongfully appropriated, unauthorized, revoked, or canceled credit cards; to the Committee on the Judiciary.

H.R. 1473. A bill to amend section 1257 of title 28, United States Code, to provide that the Supreme Court shall not have jurisdiction to review a State court final judgment or decree that an act or publication is obscene; to the Committee on the Judiciary.

H.R. 1474. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1475. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Works.

H.R. 1476. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education, or the education of any of his dependents, at an institution of higher learning; to the Committee on Ways and Means.

H.R. 1477. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 1478. A bill to amend the Internal Revenue Cod of 1954 to increase from 13 to 16 the maximum age of a dependent child with respect to whom the deduction for child-care expenses may be allowed; to the Committee on Ways and Means.

H.R. 1479. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 1480. A bill to establish a pilot program under which the Administrator of Veterans' Affairs shall make direct housing loans available to certain veterans residing abroad; to the Committee on Veterans' Affairs.

By Mr. MORSE:

H.R. 1481. A bill to promote the mobilization and participation of U.S. private capital and skills to assist the peoples in the developing countries of the world to achieve the goal of decent housing and homeownership; to the Committee on Foreign Affairs.

H.R. 1482. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. MOSS:

H.R. 1483. A bill to create a comprehensive federal system for determining the ownership of and amount of compensation to be paid for inventions and proposals for technical improvement made by employed persons; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 1484. A bill to provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country; to the Committee on Education and Labor.

H.R. 1485. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation; to the Committee on Interstate and Foreign Commerce.

H.R. 1486. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

H.R. 1487. A bill to prohibit any State from levying income taxes on nonresidents of the State; to the Committee on Judiciary.

H.R. 1488. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

H.R. 1489. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 1490. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 1491. A bill to provide Federal assistance to States for improving elementary and secondary teachers' salaries, for meeting the urgent needs of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 1492. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 1493. A bill to encourage the States to improve their workmen's compensation laws to assure adequate coverage and benefits to employees injured in employment, and for other purposes; to the Committee on Education and Labor.

H.R. 1494. A bill to authorize the Secretary of Labor to provide supplementary compensation for permanent total disability or death from lung cancer resulting from exposure to ionizing radiation in uranium mines; to provide grants to States for research and planning with respect to ionizing radiation injuries in uranium mines; and for other purposes; to the Committee on Education and Labor.

By Mr. PREYER of North Carolina:

H.R. 1495. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to treat certain capital expenditures incurred in making buildings accessible to handicapped persons as expenses not chargeable to capital account; to the Committee on Ways and Means.

Mr. PRICE of Illinois:

H.R. 1496. A bill to establish a national cancer authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 1497. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1498. A bill to require that certain short shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI (for himself, Mr. Dent, Mr. Hawkins, Mr. Brademas, Mr. Scheuer, Mr. Gaydos, Mr. Clay, Mr. Price of Illinois, Mr. Derwinski, Mr. Annunzio, Mr. Matsunaga, Mrs. Heckler of Massachusetts, Mr. Eilberg, Mr. Moorhead, Mr. Roybal, and Mr. Collins of Illinois):

H.R. 1499. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 1500. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 1501. A bill to require State programs for controlling disruptive campus violence by students, staff, and other employees as a prerequisite for receiving Federal assistance under the Higher Education Act and other acts of Congress; to the Committee on Education and Labor.

H.R. 1502. A bill to establish the Federal Cancer Research Coordination Committee to coordinate and otherwise improve federally assisted cancer research activities; to the Committee on Interstate and Foreign Commerce.

H.R. 1503. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1504. A bill to amend the Uniform Time Act of 1966 in order to change the period during which daylight saving time shall be in effect in the United States to the period from Memorial Day to Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 1505. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1506. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone No. 911 available throughout the United States; to the Committee on the Judiciary.

H.R. 1507. A bill to make the armed robbery of gasoline stations a Federal offense; to the Committee on the Judiciary.

H.R. 1508. A bill to amend title 39, United States Code, to exclude from the U.S. mails unsolicited offers to sell, loan, or rent certain obscene materials, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1509. A bill to amend section 225 of the Federal Salary Act of 1967 to extend to 180 days the period of time in which the Congress has the opportunity to take action on the recommendations of the President under such section with respect to Federal executive, legislative, and judicial salaries, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1510. A bill to encourage and aid the revitalization of rural America; to the Committee on Ways and Means.

H.R. 1511. A bill to amend the Internal Revenue Code of 1954 to exempt from the termination of the investment tax credit certain property used for farming purposes; to the Committee on Ways and Means.

H.R. 1512. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age 62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

H.R. 1513. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 1514. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

H.R. 1515. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 1516. A bill to protect American footwear, apparel, and textile industries from market disruptions arising from excessive imports; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 1517. A bill to provide for the garnishment of the wages of Federal employees; to the Committee on the Judiciary.

H.R. 1518. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1519. A bill to amend section 138 of the Legislative Reorganization Act of 1946 so as to provide for the reduction of the public debt by at least 10 percent of the estimated overall Federal receipts for each fiscal year; to the Committee on Rules.

By Mr. REID of New York:

H.R. 1520. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa, and to redistribute said quota among certain developing African nations; to the Committee on Agriculture.

H.R. 1521. A bill to establish a domestic development bank to assist in the development of employment and business opportunities in certain urban and rural areas; to the Committee on Banking and Currency.

H.R. 1522. A bill to improve education in the United States; to the Committee on Education and Labor.

H.R. 1523. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 1524. A bill to establish a congressional center for the study of domestic and international policy; to the Committee on House Administration.

H.R. 1525. A bill to amend title 18, United

States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 1526. A bill to provide for the elimination, over a 10-year period, of the mandatory oil import control program; to the Committee on Ways and Means.

H.R. 1527. A bill to require the disclosure of gifts, income, certain financial interests, and clerk hire; to the Committee on Standards of Official Conduct.

By Mr. ROBERTS:

H.R. 1528. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 1529. A bill to amend title 28 of the United States Code so as to provide for the appointment of one additional district judge for the eastern district of Texas, and one additional judge for the northern district of Texas; to the Committee on the Judiciary.

H.R. 1530. A bill to create a public works program for the purpose of reducing unemployment; to the Committee on Public Works.

H.R. 1531. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 1532. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 1533. A bill to provide for the redistribution of unused quotas numbers; to the Committee on the Judiciary.

H.R. 1534. A bill to amend sections 320 and 321 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 1535. A bill to amend section 312 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 1536. A bill to amend section 319 of the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 1537. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States under contracts of employment, and for other purposes; to the Committee on the Judiciary.

H.R. 1538. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

H.R. 1539. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1540. A bill to provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes; to the Committee on the Judiciary.

H.R. 1541. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board benefit increase, with a minimum primary benefit of $100, and to raise the amount of outside earnings permitted a beneficiary each year without loss of benefits; to the Committee on Ways and Means.

H.R. 1542. A bill to assist in the provisions of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 1543. A bill, to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Education and Labor.

H.R. 1544. A bill to amend the Tariff Schedules of the United States to provide that turtle meat, offal, and substances may be imported free of duty; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, Mr. HASTINGS, and Mr. BROWN of Ohio):

H.R. 1545. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 1546. A bill to amend the Higher Education Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

H.R. 1547. A bill: Impact Aid Reform Act of 1970; to the Committee on Education and Labor.

H.R. 1548. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to donable surplus property, and for other purposes; to the Committee on Government Operations.

H.R. 1549. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

H.R. 1550. A bill authorizing the Secretary of the Interior to convey interest in certain water rights to the State of Wyoming; to the Committee on Interior and Insular Affairs.

H.R. 1551. A bill to designate certain lands in the State of Wyoming as Wilderness; to the Committee on Interior and Insular Affairs.

H.R. 1552. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1553. A bill to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1554. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Missouri River Basin project, Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1555. A bill to provide for the application of certain credits toward annual installments due under the repayment contract between the United States and the Deaver Irrigation District, Frannie division, Shoshone project, Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1556. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to the Committee on Interior and Insular Affairs.

H.R. 1557. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

H.R. 1558. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act; to the Committee on Interior and Insular Affairs.

H.R. 1559. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

H.R. 1560. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

H.R. 1561. A bill to amend title II of the Social Security Act to increase the amount of outside earnings which a beneficiary may have each year without any deductions from his benefits thereunder, so as to insure that the beneficiary and his family, taking into account both their benefits and their earnings, will be able to maintain a reasonable minimum standard of living; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 1562. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 1563. A bill to amend the act of August 1, 1958, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN:

H.R. 1564. A bill to amend the Military Selective Service Act of 1967 to prohibit the assignment of any person inducted under such act to active duty in Vietnam unless he consents to such assignment; to the Committee on Armed Services.

H.R. 1565. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the armed forces in Vietnam; to the Committee on Armed Services.

H.R. 1566. A bill to amend titles 10 and 37 of the United States Code to permit members of the armed forces to provide for their dependents in certain circumstances; to the Committee on Armed Services.

H.R. 1567. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

H.R. 1568. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to ensure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings; to the Committee on the Judiciary.

H.R. 1569. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1570. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards relating to power-operated windows; to the Committee on Interstate and Foreign Commerce.

H.R. 1571. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food; to the Committee on Interstate and Foreign Commerce.

H.R. 1572. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1573. A bill to provide Federal assistance to enable tenants of multifamily housing in low- and moderate-income urban areas, organized as cooperatives, to acquire and rehabilitate such housing; to the Committee on Banking and Currency.

H.R. 1574. A bill to establish a new program of loans to be made from a revolving fund by the Secretary of Housing and Urban Development to assist in the provision and rehabilitation of housing for middle-income families; to the Committee on Banking and Currency.

H.R. 1575. A bill to amend section 101 of the Housing and Urban Development Act of 1965 to provide increased rent supplement payments in the case of tenants with larger families; to the Committee on Banking and Currency.

H.R. 1576. A bill to amend the U.S. Housing Act of 1937 to remove the existing 15 per centum limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State; to the Committee on Banking and Currency.

H.R. 1577. A bill to amend the U.S. Housing Act of 1937 to remove the existing dollar limit on the amount of annual contributions which may be contracted for to assist low-rent public housing; to the Committee on Banking and Currency.

H.R. 1578. A bill to amend the United States Housing Act of 1937 to increase the amount of the annual contributions which may be paid thereunder with respect to low-rent housing projects by establishing a more realistic subsidy formula; to the Committee on Banking and Currency.

H.R. 1579. A bill to amend the United States Housing Act of 1937 to provide additional opportunities for occupants of dwelling units in low-rent housing projects to purchase such units; to the Committee on Banking and Currency.

H.R. 1580. A bill to amend the United States Housing Act of 1937 to provide that a tenant in a low-rent public housing project may not be evicted therefrom without a public hearing; to the Committee on Banking and Currency.

H.R. 1581. A bill to amend the Housing Act of 1949 to remove the 12.5 percentage limit on the amount of grant assistance which may be provided thereunder for urban renewal in any one State; to the Committee on Banking and Currency.

H.R. 1582. A bill to amend title I of the Housing Act of 1949 to prohibit the construction of luxury housing in the redevelopment of urban renewal areas; to the Committee on Banking and Currency.

H.R. 1583. A bill to amend title I of the Housing Act of 1949 to require the establishment of more effective procedures for the relocation of individuals, families, and business concerns from the area of urban renewal projects; to the Committee on Banking and Currency.

H.R. 1584. A bill to amend title I of the Housing Act of 1949 to provide that individuals, families, and business concerns displaced by an urban renewal project shall have a priority of opportunity to relocate in the project area after its redevelopment; to the Committee on Banking and Currency.

H.R. 1585. A bill to amend title I of the Housing Act of 1949 to provide more adequate relocation payments for individuals, families, and business concerns displaced from urban renewal areas; to the Committee on Banking and Currency.

H.R. 1586. A bill to amend title 38, United States Code, to guarantee veterans loans to purchase dwellings in multifamily structures which are owned cooperatively; to the Committee on Veterans' Affairs.

H.R. 1587. A bill to amend the Internal Revenue Code of 1954 to require the owner of an apartment building or other multifamily structure to establish and utilize a repair, replacement, and maintenance reserve as a condition of the allowance of a depreciation deduction with respect to such structure; to the Committee on Ways and Means.

H.R. 1588. A bill to amend the act of August 24, 1935 (formerly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirement of such act, and for other purposes; to the Committee on the Judiciary.

H.R. 1589. A bill to provide a supplemental appropriation to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1971; to the Committee on Appropriations.

H.R. 1590. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Education and Labor.

H.R. 1591. A bill to amend the Education Professions Development Act to permit training of school board members; to the Committee on Education and Labor.

H.R. 1592. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Education and Labor.

H.R. 1593. A bill to amend the Higher Education Facilities Act of 1963 to provide relocation payments for persons displaced from their places of residence or business as a result of construction financed thereunder; to the Committee on Education and Labor.

H.R. 1594. A bill to provide that the Secretary of Health, Education, and Welfare shall not approve any grant to assist a construction project under the Public Health Service Act, the Developmental Disabilities Services and Facilities Construction Act, or the Community Mental Health Centers Act unless he has obtained adequate and enforceable assurances that the recipient of the grant will provide relocation assistance for persons displaced as a result of such project; to the Committee on Interstate and Foreign Commerce.

H.R. 1595. A bill to repeal section 14(b) of the National Labor Relations Act so as to protect the rights of employees and employers, in industries affecting commerce, to enter into union shop agreements; to the Committee on Education and Labor.

H.R. 1596. A bill to amend section 2(2) of the National Labor Relations Act to provide that the definition of "employer" therein shall include certain corporations or associations operating a hospital; to the Committee on Education and Labor.

H.R. 1597. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 1598. A bill to provide for the establishment of a Council to be known as the National Advisory Council on Migratory Labor; to the Committee on Education and Labor.

H.R. 1599. A bill to provide reimbursement for New York City for the portion of the costs of its police department attributable to providing protection to the United Nations and delegates thereto; to the Committee on Foreign Affairs.

H.R. 1600. A bill to amend the Central Intelligence Agency Act of 1949 to prohibit the Agency from contributing funds to domestic organizations; to the Committee on Armed Services.

H.R. 1601. A bill to provide for the establishment of an American Council on International Exchange to give open support to the overseas activities of private American voluntary associations, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1602. A bill to study the advisability of establishing an International Development Corps; to the Committee on Foreign Affairs.

H.R. 1603. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

H.R. 1604. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 1605. A bill to amend the act of August 12, 1968, to insure that facilities constructed with assistance under the Urban Mass Transportation Act of 1964 are designed and constructed to be accessible to the elderly and the handicapped; to the Committee on Public Works.

H.R. 1606. A bill to amend the Clean Air Act to repeal the State expenditure limitation on grant funds; to the Committee on Interstate and Foreign Commerce.

H.R. 1607. A bill to ban the manufacture and importation of leaded gasoline; to the Committee on Interstate and Foreign Commerce.

H.R. 1608. A bill to amend the Clean Air Act to provide for more stringent emission standards for light-duty vehicles and engines for model years 1972 1973, and 1974; to the Committee on Interstate and Foreign Commerce.

H.R. 1609. A bill to provide for regular determinations of the extent of air and water pollution throughout the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 1610. A bill to amend section 8 of the Federal Water Pollution Control Act as it relates to the reallotment of construction grant funds; to the Committee on Public Works.

H.R. 1611. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, to the Committee on Merchant Marine and Fisheries.

H.R. 1612. A bill to establish a Federal Water Commission to provide for the development, utilization, and control of the water resources of the United States for beneficial uses and for their protection in the interest of the public health, safety, and welfare, and for other purposes; to the Committee on Public Works.

H.R. 1613. A bill to amend the Civil Rights Act of 1957 to increase the power of the Commission on Civil Rights relating to nondiscrimination in employment; to the Committee on the Judiciary.

H.R. 1614. A bill to protect the constitutional rights of individuals irrespective of race, creed, color, or national origin, and for other purposes; to the Committee on the Judiciary.

H.R. 1615. A bill to assure the fair selection of jurors and enforce the equal right to jury service, and for other purposes; to the Committee on the Judiciary.

H.R. 1616. A bill to protect against violence and intimidation in the exercise of civil rights; to the Committee on the Judiciary.

H.R. 1617. A bill to provide protection against lynchings; to the Committee on the Judiciary.

H.R. 1618. A bill to amend the Communications Act of 1934 to prohibit discrimination in employment practices by broadcast station licensees; to the Committee on Interstate and Foreign Commerce.

H.R. 1619. A bill to amend the Economic Opportunity Act of 1964 to permit the use of funds, services, and personnel in connection with programs assisted thereunder for voter registration activities; to the Committee on Education and Labor.

H.R. 1620. A bill to authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns where such action will further the purposes of the Economic Opportunity Act of 1964; to the Committee on Banking and Currency.

H.R. 1621. A bill to amend section 104 of the Revised Statutes of the United States relating to proceedings against certain witnesses; to the Committee on the Judiciary.

H.R. 1622. A bill to curb monopolistic control of professional boxing, to establish within the Department of Justice the Office of the National Boxing Commissioner, and for other purposes; to the Committee on the Judiciary.

H.R. 1623. A bill to disarm lawless persons and assist State and Federal enforcement agencies in preventing and solving gun crimes by requiring registration of all firearms and licenses for purchase and possession of firearms and ammunition; and to encourage responsible State firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 1624. A bill to amend section 4544 of the Revised Statutes of the United States to remove the 60-day restriction with respect to the distribution of the effects of a deceased seaman; to the Committee on Merchant Marine and Fisheries.

H.R. 1625. A bill to require certain uniform lighting of taxicabs for hire in the District of Columbia; to the Committee on the District of Columbia.

H.R. 1626. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments and annuity and pension payments under the Railroad Retirement Act of 1937 shall not be included as income for the purpose of determining eligibility for a veteran's or widow's pension; to the Committee on Veterans' Affairs.

H.R. 1627. A bill to amend title 38 of the United States Code in order to increase the amount of the spouse's income which may be excluded in determining a veteran's annual income for determining his eligibility for pension; to the Committee on Veterans' Affairs.

H.R. 1628. A bill to provide educational assistance under chapter 35 of title 38, United States Code, to children of civilian employees of the United States killed abroad as a result of armed hostilities or civil disorder; to the Committee on Veterans' Affairs.

H.R. 1629. A bill to amend the Internal Revenue Code of 1954 to increase to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 1630. A bill to amend the Internal Revenue Code of 1954 to remove all limitations upon the amount of the deduction allowed a taxpayer for medical, dental, and related expenses; to the Committee on Ways and Means.

H.R. 1631. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself; to the Committee on Ways and Means.

H.R. 1632. A bill to amend the Internal Revenue Code of 1954 to require each tax-exempt organization to file an annual information return showing each source (including governmental sources) of its income and other receipts, and to provide for a loss of tax exemption in the case of willful failure to file, or fraudulent statements made in connection with, such return; to the Committee on Ways and Means.

H.R. 1633. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood or body organs to nonprofit organizations or institutions; to the Committee on Ways and Means.

H.R. 1634. A bill to provide for a comprehensive income maintenance program; to the Committee on Ways and Means.

H.R. 1635. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 1636. A bill to amend section 203 of the Social Security Act to provide that the amount of an individual's medical, dental, and related expenses shall be subtracted from his outside earnings before determining under such section the amount of any reduction in his benefits by reason of such earnings; to the Committee on Ways and Means.

H.R. 1637. A bill to amend the public assistance provisions of the Social Security Act to assure all recipients of such assistance (in conjunction with recent social security benefit increases) an average increase of $7.50 in the total amount of their income from such assistance and other sources; to the Committee on Ways and Means.

H.R. 1638. A bill to amend the Social Security Amendments of 1965 to eliminate the provisions which deny hospital insurance benefits to uninsured individuals who are members of certain organizations or have been convicted of certain offenses, and to eliminate the provisions which deny supplementary medical insurance benefits to persons who have been convicted of certain offenses; to the Committee on Ways and Means.

H.R. 1639. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for certain dependent parents of individuals entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

H.R. 1640. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent relatives of certain insured individuals; to the Committee on Ways and Means.

H.R. 1641. A bill to amend the public assistance provisions of the Social Security Act to prohibit the imposition of any durational residence requirement as a condition of eligibility for aid or assistance thereunder; to the Committee on Ways and Means.

H.R. 1642. A bill to eliminate certain restrictions and limitations relating to aid to families with dependent children under title IV of the Social Security Act and medical assistance under title XIX of that Act; to the Committee on Ways and Means.

H.R. 1643. A bill to amend title II of the Social Security Act to remove certain limitations on the payment of benefits to aliens; to the Committee on Ways and Means.

H.R. 1644. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1645. A bill to provide coverage under the Federal old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 1646. A bill to repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens; to the Committee on the Judiciary.

H.R. 1647. A bill to facilitate the entry into the United States of aliens who are brothers or sisters of U.S. citizens, and for other purposes; to the Committee on the Judiciary.

H.R. 1648. A bill to amend section 212(a) (14) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 1649. A bill to amend section 204(a) of the Immigration and Nationality Act to eliminate the offer of employment required with respect to any alien desiring to be classified as a preference immigrant under section 203(a) (6); to the Committee on the Judiciary.

H.R. 1650. A bill to amend the Public Health Service Act to make aliens admitted for permanent residence eligible for appointment as commissioned officers in the Service; to the Committee on Interstate and Foreign Commerce.

H.R. 1651. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

H.R. 1652. A bill to amend section 203(a) (7) of the Immigration and Nationality Act to authorize the issuance of conditional entries to refugees from Northern Ireland; to the Committee on the Judiciary.

By Mr. RYAN (for himself and Mr. Badillo):

H.R. 1653. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

H.R. 1654. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mrs. Chisholm, Mr. Cleveland, Mr. Conyers, Mr. Dingell, Mr. Edwards of California, Mr. Esch, Mr. William D. Ford, Mr. Gude, Mr. Harrington, and Mr. Koch):

H.R. 1655. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. Leggett, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Nix, Mr. Pepper, Mr. Pike, Mr. Roncalio, Mr. Rosenthal, Mr. Scheuer, Mr. St Germain, Mr. Tiernan, and Mr. Wright):

H.R. 1656. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mrs. Chisholm, Mr. Cleveland, Mr. Conyers, Mr. Dingell, Mr. Edwards of California, Mr. Esch, Mr. William D. Ford, Mr. Gude, Mr. Harrington, and Mr. Hathaway):

H.R. 1657. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. Koch, Mr. Leggett, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Nix, Mr. Pepper, Mr. Roncalio, Mr. Rosenthal, Mr. Scheuer, Mr. St Germain, Mr. Tiernan, and Mr. Wright):

H.R. 1658. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mrs. Abzug, Mr. Aspin, Mr. Badillo, Mrs. Chisholm, Mr. Conyers, Mr. Córdova, Mr. Edwards of California, Mr. William D. Ford, Mr. Halpern, Mr. Harrington, Mr. Koch, Mr. Mitchell, Mr. Nix, Mr. O'Neill, Mr. Rosenthal, and Mr. Scheuer):

H.R. 1659. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

By Mr. RYAN (for himself, and Mr. WOLFF):

H.R. 1660. A bill to amend the Truth in Lending Act to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. SANDMAN:

H.R. 1661. A bill to regulate the discharge of wastes in territorial and international waters; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHEUER:

H.R. 1662. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

H.R. 1663. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to improve the judicial administration of State criminal courts, and for other purposes; to the Committee on the Judiciary.

H.R. 1664. A bill to amend title 38, United States Code, to permit for 1 year, the granting of national service life insurance to certain veterans heretofore eligible for such insurance; to the Committee on Veterans' Affairs.

H.R. 1665. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 1666. A bill to amend title 10, United State Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 1667. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 1668. A bill to deny Federal grants and contracts to institutions of higher education which refuse to undertake research important to the national security; to the Committee on Education and Labor.

H.R. 1669. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 1670. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

H.R. 1671. A bill to amend the Library Services and Construction Act, and for other purposes; to the Committee on Education and Labor.

H.R. 1672. A bill to amend title 28 of the United States Code to provide that any judge or justice of the United States appointed to hold office during good behavior shall retire from regular active service upon attaining the age of 70 years; to the Committee on the Judiciary.

H.R. 1673. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 1674. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 1675. A bill to amend the act of October 14, 1966, to extend the fisheries zone of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 1676. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

H.R. 1677. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 1678. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

H.R. 1679. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 1680. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk; to the Committee on Ways and Means.

H.R. 1681. A bill to suspend for a 3-year period the import duty on certain raw silk and certain yarns wholly of noncontinuous silk fibers; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 1682. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEELE:

H.R. 1683. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 1684. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 1685. A bill to amend title 5, United States Code, to provide special annuities for certain employees separated from the service as a result of reduction in force actions, closing or transfer of bases and other organizational units, and abolishment of positions, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1686. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1687. A bill to provide for orderly trade in textile articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 1688. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 1689. A bill; the Consumer Agricultural Food Protection Act of 1971; to the Committee on Education and Labor.

H.R. 1690. A bill to prohibit the payment of subsidies and similar benefits to producers in States which have failed to enact adequate farm labor laws; to the Committee on Agriculture.

H.R. 1691. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

H.R. 1692. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 1693. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 1694. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

H.R. 1695. A bill to amend title I of the Housing Act of 1949 to provide that no urban renewal project in a city of less than 1 million population shall receive Federal financial assistance thereunder unless it is approved in a referendum by the residents of the city, if 5 percent or more of the voters in such city have requested such a referendum; to the Committee on Banking and Currency.

H.R. 1696. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

H.R. 1697. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1698. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1699. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 1700. A bill to amend subsection (c) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 to aid law enforcement officers taking courses through correspondence schools; to the Committee on the Judiciary.

H.R. 1701. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing Monterey Bay, the coastal areas of Santa Cruz, Monterey, and San Luis Obispo Counties, Calif., certain portions of the tidelands, Outer Continental Shelf, and seaward areas of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 1702. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1703. A bill to authorize and direct the Corps of Engineers to engage in public works for waste water purifiction and reuse; to the Committee on Public Works.

H.R. 1704. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

H.R. 1705. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 1706. A bill to amend the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

H.R. 1707. A bill to amend the Internal

Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 1708. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 1709. A bill to impose import limitations on prepared or preserved strawberries; to the Committee on Ways and Means.

H.R. 1710. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 1711. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in benefits payable thereunder; to the Committee on Ways and Means.

H.R. 1712. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 1713. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 1714. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. TALCOTT (for himself, and Mr. Gubser):

H.R. 1715. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 1716. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 1717. A bill to amend the act of October 10, 1966, to increase the amount authorized to be appropriated for the construction of that portion of the international flood control project for the Tia Juana River assigned to the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 1718. A bill to amend the Controlled Substances Act to require production quotas for depressant and stimulant substances controlled under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 1719. A bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. WHALEN (for himself, Mr. Brown of Ohio, Mr. Clancy, Mr. Keating, Mr. McCulloch, and Mr. Powell):

H.R. 1720. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs; to the Committee on Public Works.

By Mr. WHALLEY:

H.R. 1721. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 1722. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, so as to prohibit the distribution, sale, or offer for sale of the element mercury, or chemical compounds containing mercury, for use of insecticides, fungicides, and rodenticides; to the Committee on Agriculture.

H.R. 1723. A bill to provide for the establishment of the U.S. Academy of Foreign Affairs; to the Committee on Foreign Affairs.

H.R. 1724. A bill to authorize the county of Presidio, Tex., to construct, maintain, and operate a toll bridge across the Rio Grande near Presidio, Tex.; to the Committee on Foreign Affairs.

H.R. 1725. A bill to authorize the Secretary of the Interior to provide for rehabilitation of the distribution system, Red Bluff project, Teaxs; to the Committee on Interior and Insular Affairs.

H.R. 1726. A bill to provide for the establishment of a national historic park on the island of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1727. A bill to provide for control of the use of the element mercury or its compounds, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1728. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

H.R. 1729. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

H.R. 1730. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

H.R. 1731. A bill to permit public school teachers (and other public school employees) who do not have coverage pursuant to State agreement under the Federal old-age, survivors, and disability insurance system to elect coverage under such system as self-employed individuals; to the Committee on Ways and Means.

H.R. 1732. A bill to provide for the construction and maintenance of a fence near the international boundary between the United States and Mexico in the city of El Paso, Tex.; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 1733. A bill to place economic sanctions on countries which harbor U.S. citizens who hijack American aircrafts; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 1734. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board benefit increase, to provide benefits for certain disabled widows without regard to their age, to increase the outside earnings permitted without loss of benefits, to provide for cost-of-living increases in benefits, and to pay benefits despite marriage or remarriage if it occurs after attainment of age 55; and to amend the Internal Revenue Code of 1954 to restore the provision permitting the deduction without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 1735. A bill to amend the Internal Revenue Code of 1954 to increase to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 1736. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Bergland, Mr. Boland, Mr. Brademas, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Dow, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, Mrs. Grasso, Mrs. Green of Oregon, Mr. Green of Pennsylvania, and Mr. Hawkins):

H.R. 1737. A bill relative to the air war in Cambodia; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Macdonald of Massachusetts, Mr. Matsunaga, Mr. Mazzoli, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Moss, Mr. Obey, Mr. Podell, Mr. Pryor of Arkansas, Mr. Rangel, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Roush, Mr. Roybal, Mr. Ryan, Mr. Scheuer, and Mr. Seiberling):

H.R. 1738. A bill relative to the air war in Cambodia; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself, Mr. Stokes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Udall, Mr. Vanik, Mr. Waldie, Mr. Wolff, Mr. Yates, Mr. Blatnik, Mr. O'Hara, Mr. Sarbanes, Mr. Abourezk, Mr. Roncalio, Mr. St Germain, and Mr. O'Neill):

H.R. 1739. A bill relative to the air war in Cambodia; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H.R. 1740. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 1741. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 1742. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

H.R. 1743. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. BINGHAM (for himself, Mr. Adams, Mrs. Chisholm, Mr. Clay, Mr. Edwards of California, Mr. Fraser, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Podell, Mr. Rosenthal, Mr. Ryan, Mr. Symington, and Mr. Udall):

H.R. 1744. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE (for himself, Mr. Dellenback, Mr. Esch, Mr. Halpern, Mr. Horton, Mr. Keith, Mr. McCloskey, Mr. Schneebeli, Mr. Schwengel, and Mr. Whalen):

H.R. 1745. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS (for himself, Mr. Reid of New York, Mr. Bingham, Mrs. Chisholm, Mr. Clay, Mr. Collins of Illinois, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Dent, Mr. Diggs, Mr. Metcalfe, Mrs. Mink, Mr. Mitchell, Mr. Nix, Mr. Rangel, and Mr. Stokes):

H.R. 1746. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. REID of New York (for himself, Mr. Hawkins, Mr. Burton, Mr. Carey, Mr. Edwards of California, Mr. Halpern, Mr. Hathaway, Mr. Kastenmeier, Mr. O'Hara, Mr. Roybal, Mr. Scheuer, and Mr. Van Deerlin):

H.R. 1747. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. RYAN (for himself, Mr. Halpern, Mrs. Abzug, Mr. Biaggi, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Clay, Mr. Cleveland, Mrs. Chisholm, Mr. Conte, Mr. Conyers, Mr. Dow, Mr. Edwards of California, Mr. Eilberg, Mr. Fulton of Pennsylvania, Mr. Gibbons, Mr. Harrington, Mr. Horton, and Mr. Koch):

H.R. 1748. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year 1971; to the Committee on Appropriations.

By Mr. HALPERN (for himself, Mr. Ryan, Mr. Kyros, Mr. Leggett, Mr. Lent, Mr. McKinney, Mr. Mikva, Mrs. Mink, Mr. Morse, Mr. Moorhead, Mr. Nix, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Symington, and Mr. Tiernan):

H.R. 1749. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. Delaney, Mr. Helstoski, and Mr. Wolff):

H.R. 1750. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year 1971; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. Halpern, Mrs. Abzug, Mr. Biaggi, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Clay, Mr. Cleveland, Mrs. Chisholm, Mr. Conte, Mr. Conyers, Mr. Dow, Mr. Edwards of California, Mr. Eilberg, Mr. Fulton of Pennsylvania, Mr. Gibbons, Mr. Harrington, Mr. Horton, and Mr. Koch):

H.R. 1751. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

By Mr. HALPERN (for himself, Mr. Ryan, Mr. Kyros, Mr. Leggett, Mr. Lent, Mr. McKinney, Mr. Mikva, Mrs. Mink, Mr. Morse, Mr. Moorhead, Mr. Nix, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Symington, and Mr. Tiernan):

H.R. 1752. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. Delaney, Mr. Helstoski, and Mr. Wolff):

H.R. 1753. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

By Mr. CORMAN:

H.R. 1954. A bill to promote the integration of education in the Nation's public elementary and secondary schools; to the Committee on Education and Labor.

By Mr. ZABLOCKI (for himself, Mr. Hays, Mr. Nix, Mr. Fountain, Mr. Fraser, Mr. Thomson of Wisconsin, Mr. Broomfield, Mr. Findley, Mr. Fulton of Pennsylvania, Mr. Fascell, Mr. Gibbons, Mr. Hathaway, Mr. Holifield, Mr. Miller of California and Mr. Pepper):

H.J. Res. 1. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Affairs.

By Mr. ROONEY of New York:

H.J. Res. 2. Joint resolution designating July 25 of each year as "Puerto Rican Day in the United States of America;" to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. Gerald R. Ford, Mr. Aspinall, Mr. Blatnik, Mr. Dulski, Mr. Evins of Tennessee, Mr. Garmatz, Mr. Holifield, Mr. Miller of California, Mr. Patman, Mr. Pepper, Mr. Perkins, Mr. Poage, Mr. Price of Illinois, Mr. Staggers, Mr. Belcher, Mrs. Dwyer, Mr. Fulton of Pennsylvania, Mr. Mailliard, Mr. Pelly, Mr. Saylor, Mr. Widnall, Mr. Dingell, Mr. Moss, and Mr. Reuss):

H.J. Res. 3. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Ashley, Mr. Baring, Mr. Bennett, Mr. Bevill, Mr. Bingham, Mr. Brademas, Mr. Brasco, Mr. Broyhill of Virginia, Mr. Burton, Mr. Camp, Mr. Casey of Texas, Mr. Chappell, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dellenback, Mr. Diggs Mr. Donohue, and Mr. Duncan):

H.J. Res. 4. Joint Resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Fascell, Mr. Flood, Mr. Flowers, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Gibbons, Mr. Gray, Mr. Haley, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Hanna, Mr. Harrington, Mr. Hathaway, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Hogan, Mr. Howard, Mr. Hungate, Mr. Jacobs, Mr. Johnson of California, and Mr. Kee):

H.J. Res. 5. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Koch, Mr. Kyros, Mr. Latta, Mr. Leggett, Mr. Lennon, Mr. Lujan, Mr. Matsunaga, Mr. McFall, Mr. Melcher, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Murphy of New York, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. Pickle, Mr. Pike, Mr. Podell, Mr. Pucinski, and Mr. Randall):

H.J. Res. 6. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. DINGELL (for himself, Mr. Roberts, Mr. Rodino, Mr. Roe, Mr. Rogers, Mr. Rooney of Pennsylvania, Mr. Rostenkowski, Mr. Roybal, Mr. Scheuer, Mr. Stokes, Mr. Stratton, Mrs. Sullivan, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Ullman, Mr. Vanik, Mr. Vigorito, Mr. Waldie, Mr. Wright, Mr. Wyatt, Mr. Wydler, Mr. Yates, Mr. Galifianakis, and Mr. Conte):

H.J. Res. 7. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. BOLAND:

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States respecting the right of persons who have attained the age of 18 to vote in State and local elections; to the Committee on the Judiciary.

By Mr. ABERNETHY:

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of Congress unless such person, when elected or appointed, possesses the qualifications of electors of the most numerous branch of the legislature of the State from which he is chosen, and has been an inhabitant for at least 5 years of such State; to the Committee on the Judiciary.

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States providing that the offering of prayers or any other recognition of God shall be permitted in public schools and other public places; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Boland, Mr. Sandman, Mr. Edwards of Louisiana, Mr. Wyatt, Mr. Broyhill of North Carolina, Mr. Rogers, Mr. Shriver, Mr. Pelly, Mr. Cleveland, Mr. Young of Florida, Mr. Corbett, Mr. Yatron, Mr. Michel, Mr. Price of Illinois, Mr. Mazzoli, Mr. Keating, Mr. Steele, Mr. McKevitt, Mr. Nichols, Mr. Edwards of Alabama, Mr. Don H. Clausen, and Mr. Hanley):

H.J. Res. 16. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Poff, Mr. Baker, Mr. Fulton of Tennessee, Mr. Stephens, Mr. Mathis of Georgia, Mr. Cotter, Mr. Shoup, Mr. Zablocki, Mr. McCollister, Mr. Broomfield, Mr. Mathias of California, Mr. Barrett, Mr. Leggett, Mr. Roncalio, Mr. Price of Texas, Mr. Mayne, Mr. Peyser, Mr. Aspin, Mr. Montgomery, Mr. Addabbo, Mr. Wylie, and Mr. Crane):

H.J. Res. 17. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Meeds, Mr. Bolling, Mr. McKinney, Mrs. Hicks of Massachusetts, Mr. Donohue, Mr. Collier, Mr. Broyhill of Virginia, Mr. Green of Pennsylvania, Mr. Archer, Mr. Hungate, Mr. Pepper, Mr. Kemp, Mr. Erlenborn, Mr. Derwinski, Mr. Teague of California, Mr. Robison of New York, Mr. Widnall, Mr. Blackburn, Mr. Forsythe, Mr. Spence, Mr. Dingell, and Mr. Arends):

H.J. Res. 18. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Sebelius, Mr. Goodling, Mr. Hansen of Idaho, Mr. Poage, Mr. McClory, Mr. Griffin, Mr. Daniel of Virginia, Mr. Evins of Tennessee, Mr. Blanton, Mr. Fascell, Mr. Pryor of Arkansas, Mr. Fisher, Mr. Thomson of Wisconsin, Mr. Halpern, Mr. Miller of Ohio, Mr. Buchanan, Mr. Gubser, Mr. Satterfield, Mr. Wright, Mr. Biester, Mr. Lujan, and Mr. Mailliard):

H.J. Res. 19. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missiing in Action"; to the Committee on the Judiciary.

Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Frey, Mr. Vander Jagt, Mr. Skubitz, Mr. Duncan, Mr. Eilberg, Mr. Fuqua, Mr. McClure, Mr. Harrington, Mr. Pucinski, Mrs. Reid of Illinois, Mr. Minshall, Mr. Goldwater, Mr. Winn, Mr. Esch, Mr. Veysey, Mr. Córdova, Mr. Bennett, Mr. Rhodes, Mr. Pirnie, Mr. Morse, Mr. Mizell, and Mr. Hutchinson):

H.J. Res. 20. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. Harsha, Mr. Downing, Mr. Rodino, Mr. Harvey, Mr. Andrews of North Dakota, Mr. J. William Stanton, Mr. Hastings, Mr. Findley, Mr. Frenzel, Mr. Adams, Mr. Horton, Mr. Bell, Mr. Bob Wilson, Mr. Hathaway, Mr. Hunt, Mr. Whalen, Mr. Brasco, Mr Schwengel, Mr. Coughlin, Mr. Lent, Mr. Anderson of California, and Mr Bray):

H.J. Res. 21. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Myers, Mr. Zion, Mr. duPont, Mr. Casey of Texas, Mr. Lloyd, Mr. Stubblefield, Mr. Biaggi, Mr. Brinkley, Mr. Devine, Mr. Abbitt, Mr. Gude, Mr. King, Mr. Byrne of Pennsylvania, Mr. Terry, Mr. Dennis, Mr. Hogan, Mr. Hammerschmidt, Mr. Eshleman, Mr. Freylinghuysen, Mr. Brotzman, Mr. Wolff, Mr. Mann, Mr. Carter, and Mr. Quie):

H.J. Res. 22. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. RARICK (for himself, Mr. Schmitz, and Mr. Rousselot):

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.J. Res. 24. Joint resolution recognizing the State of Illinois and the city of Chicago as host in 1992 of the official quincentennial celebration of the discovery of America; to the Committee on the Judiciary.

H.J. Res. 25. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.J. Res. 26. Joint resolution to adopt a specific version of The Star-Spangled Banner as the national anthem of the United States of America; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States relating to the authority of the President to dispatch the Armed Forces of the United States outside of the United States; to the Committee on the Judiciary.

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President and to authorize Congress to establish procedures relating to the nomination of presidential and vice presidential candidates; to the Committee on the Judiciary.

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of 70 years; to the Committee on the Judiciary.

H.J. Res. 32. Joint resolution to establish a Court of Ethics to hear complaints of unethical conduct in Government service; to the Committee on the Judiciary.

H.J. Res. 33. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. BENNETT (for himself, Mr. Colmer, and Mr. Kyros):

H.J. Res. 34. Joint resolution to provide for the designation of June 3 as "National Navy Wives Clubs of America Day"; to the Committee on the Judiciary.

By Mr. BEVILL:

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the use of the U.S. mails for the transmission of communications hostile to the Constitution, laws, and form of Government of the United States or any State; to the Committee on the Judiciary.

H.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

H.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States to provide for the mandatory retirement of Judges of the Supreme Court at the age of 70; to the Committee on the Judiciary.

H.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States relating to the employment of subversives in the public schools; to the Committee on the Judiciary.

H.J. Res. 41. Joint resolution proposing an amendment to the Constitution of the United States relating to employment of subversives in defense facilities; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States relating to the date of assembly of Congress and the terms of Senators and Representatives; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.J. Res. 45. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.J. Res. 46. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.J. Res. 47. Joint resolution to provide for the creation of a captive nations freedom series of postage stamps in honor of national heroes of freedom, commencing with a Taras Schevchenko freedom stamp; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.J. Res. 48. Joint resolution proposing an amendment to the Constitution of the United States relating to appropriations; to the Committee on the Judiciary.

H.J. Res. 49. Joint resolution to amend the Constitution to enable the Congress to function effectively in time of emergency or disaster; to the Committee on the Judiciary.

By Mr. CARTER:

H.J. Res. 50. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in nondenominational prayer in public schools; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 51. Joint resolution to amend the pledge of allegiance to the flag of the United States of America; to the Committee on the Judiciary.

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution relating to terms of Judges of the Supreme Court of the United States; to the Committee on the Judiciary.

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 54. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. COLMER:

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy; to the Committee on House Administration.

H.J. Res. 56. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.J. Res. 58. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 60. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. DULSKI:

H.J. Res. 61. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res. 62. Joint resolution reciprocity in U.S. territorial waters; to the Committee on Foreign Affairs.

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide for the popular election of the Judges of the Supreme Court, the circuit courts of appeals and the Federal district courts; to the Committee on the Judiciary.

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States wtih respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. EILBERG:

H.J. Res. 65. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.J. Res. 66. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 67. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. FISH:

H.J. Res. 68. Joint resolution authorizing the President to proclaim Saturday, May 22, 1971, as "Vietnam Veterans Day"; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.J. Res. 69. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 70. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.J. Res. 71. Joint resolution providing for a formal declaration of war against the Government of the Democratic Peoples Republic of Vietnam (North Vietnam) unless certain conditions are met, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FLYNT:

H.J. Res. 72. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on the Judiciary

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. FREY:

H.J. Res. 74. Joint resolution proposing an amendment to the Constitution to provide the right of persons lawfully assembled to participate in nondenominational prayer; to the Committee on the Judiciary.

H.J. Res. 75. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

H.J. Res. 76. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy to Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. FUQUA:

H.J. Res. 77. Joint resolution in opposition to vesting title to the ocean floor in the United Nations; to the Committee on Foreign Affairs.

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution preserving the rights of the States with respect to public schools; to the Committee on the Judiciary.

H.J. Res. 79. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

H.J. Res. 84. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

H.J. Res. 85. Joint resolution to authorize the President to proclaim the 22d day of April of each year as Queen Isabella Day; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.J. Res. 86. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. GARMATZ:

H.J. Res. 87. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 88. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 90. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Begich, Mr. Brademas, Mr. Bingham, Mr. Broomfield, Mr. Burke of Massachusetts, Mr. Carney, Mrs. Chisholm, Mr. Cleveland, Mr. Drinan, Mr. William D. Ford, Mr. Forsythe, Mr. Fraser, Mr. Halpern, Mr. Hamilton, Mr. Jones of North Carolina, Mr. Karth, Mr. Leggett, Mr. Mikva, Mr. Moorhead, Mr. Moss, and Mr. Jacobs):

H.J. Res. 91. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania (for himself, Mr. McCloskey, Mr. Rees, Mr. Rosenthal, Mr. Rooney of Pennsylvania, Mr. Roush, Mr. Sisk, Mr. Thone, Mr. Udall, Mr. Van Deerlin, and Mr. Yatron):

H.J. Res. 92. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. GRIFFIN:

H.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States to prevent interference with, and to eliminate limitations upon, the power of the States to regulate health, morals, education, domestic relations, all property rights, transportation wholly within their borders, the election laws, with the limitations contained in this proposed amendment, and good order therein; to the Committee on the Judiciary.

H.J. Res. 94. Joint resolution proposing an amendment to the Constitution of the United States with respect to the establishment of public schools; to the Committee on the Judiciary.

H.J. Res. 95. Joint resolution proposing an amendment to the Constitution relative to qualifications of members of the Supreme Court; to the Committee on the Judiciary.

H.J. Res. 96. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 97. Joint resolution making continuing appropriations for educational programs and for other purposes; to the Committee on Appropriations.

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of each year as "Teacher's Day"; to the Committee on the Judiciary.

By Mr. HALEY:

H.J. Res. 99. Joint resolution expressing a declaration of war against the 98 Communist parties constituting the international Communist conspiracy; to the Committee on Foregin Affairs.

By Mr. HALPERN:

H.J. Res. 100. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HANLEY:

H.J. Res. 101. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.J. Res. 102. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HASTINGS (for himself and Mr. Terry):

H.J. Res. 103. Joint resolution authorizing the President to proclaim National Collegiate Press Week in conjunction with National Newspaper Week from April 25, 1971, to April 30, 1971; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 104. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 105. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. HOGAN:

H.J. Res. 106. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mr. Broyhill of Virginia):

H.J. Res. 107. Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority; to the Committtee on the District of Columbia.

By Mr. HORTON:

H.J. Res. 108. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 109. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 110. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

H.J. Res. 111. Joint resolution to amend the Constitution as to the length of terms of Representatives in the U.S. House of Representatives; to the Committee on the Judiciary.

H.J. Res. 112. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

H.J. Res. 113. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. HUTCHINSON:

H.J. Res. 114. Joint resolution proposing an amendment to the Constitution relating to terms of Judges of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 115. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 116. Joint resolution proposing an amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 118. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court and with respect to the right of a defendant in a criminal case to be informed of the evidence against him; to the Committee on the Judiciary.

H.J. Res. 119. Joint resolution authorizing the President to proclaim annually the week including February 14 (the birthday of Frederick Douglass) as "Afro-American History Week"; to the Committee on the Judiciary.

By Mr. KEITH:

H.J. Res. 120. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. KING:

H.J. Res. 121. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools; to the Committee on the Judiciary.

By Mr. KOCH:

H.J. Res. 122. Joint resolution to establish a Joint Commission of the United States, the Republic of South Vietnam and the International Commission for Supervision and Control in Vietnam to study the ecological effects of chemical warfare in Vietnam; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL (for himself, Mr. Broyhill of Virginia, Mr. Blackburn, Mr. Buchanan, Mr. Archer, Mr. Erlenborn, Mr. Goldwater, Mr. McClure, Mr. Montgomery, Mr. Shoup, Mr. Veysey, and Mr. Whitten):

H.J. Res. 123. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. KYL:

H.J. Res. 124. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. McCLOSKEY:

H.J. Res. 125. Joint resolution to designate the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By MR. MATSUNAGA:

H.J. Res. 126. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

By Mr. MOSS:

H.J. Res. 127. Joint resolution authorizing the President to proclaim the period February 7 through February 13, 1971, as "Active 20–30 Week"; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.J. Res. 128. Joint resolution to authorize and direct the Franklin Delano Roosevelt Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

H.J. Res. 129. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 130. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

H.J. Res. 131. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week"; to the Committee on the Judiciary.

H.J. Res. 132. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

H.J. Res. 133. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Amerigo Vespucci; to the Committee on Post Office and Civil Service.

By Mr. MYERS:

H.J. Res. 134. Joint resolution designating the third Wednesday of April of each year as "Earth Day"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. Landgrebe, Mr. Scott, Mr. Crane, Mr. Montgomery, Mr. Derwinski, Mr. Yatron, Mr. Nichols, Mr. Buchanan, Mr. Horton, Mr. Erlenborn, Mr. Rhodes, Mr. Hunt, and Mr. Talcott):

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. NATCHER:

H.J. Res. 136. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. O'HARA:

H.J. Res. 137. Joint resolution proposing amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 138. Joint resolution commending the Cuban "Declaration of Freedom"; to the Committee on Foreign Affairs.

By Mr. PETTIS:

H.J. Res. 139. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER:

H.J. Res. 140. Joint resolution to establish a Joint Committee on Senior Citizens; to the Committee on Rules.

By Mr. PODELL:

H.J. Res. 141. Joint resolution to authorize the President to designate June 1, 1971, as Medical Library Association Day; to the Committee on the Judiciary.

H.J. Res. 142. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.J. Res. 143. Joint resolution to establish a Joint Committee on Environment; to the Committee on Rules.

By Mr. PUCINSKI:

H.J. Res. 144. Joint resolution of a national education policy; to the Committee on Education and Labor.

H.J. Res. 145. Joint resolution proposing an amendment to the Constitution of the United Sates relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 146. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

H.J. Res. 147. Joint resolution to rename the U.S. Coast Guard cutter *Vigilant* the Simas Kudirka; to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL:

H.J. Res. 148. Joint resolution proposing an amendment to the Constitution relating to split decisions by the Supreme Court of the United States; to the Committee on the Judiciary.

H.J. Res. 149. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of Justices of the Supreme Court; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 150. Joint resolution proposing an amendment to the Constitution of the United States relating to powers not delegated to the United States; to the Committee on the Judiciary.

H.J. Res. 151. Joint resolution proposing an amendment to the Constitution of the United States providing that treaties, international agreements, executive agreements, and Executive orders must be made in pursuance of the Constitution; to the Committee on the Judiciary.

H.J. Res. 152. Joint resolution proposing an amendment to the Constitution of the United States relating to the approval of Justices of the Supreme Court; to the Committee on the Judiciary.

H.J. Res. 153. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of judges to the Supreme Court and judges to all other Federal courts, as established under section 1 of article III, be reconfirmed every 6 years by the Senate and to require 5 years' prior judicial experience as a qualification for appointment to said offices; to the Committee on the Judiciary.

H.J. Res. 154. Joint resolution proposing an amendment to the Constitution to add the words, "so help me God" to the President's oath of office; to the Committee on the Judiciary.

H.J. Res. 155. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.

H.J. Res. 156. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 157. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 158. Joint resolution proposing an amendment to the Constitution of the United States relating to subversive activities; to the Committee on the Judiciary.

H.J. Res. 159. Joint resolution proposing an amendment to the Constitution of the United States relating to employment of subversives in defense facilities; to the Committee on the Judiciary.

H.J. Res. 160. Joint resolution to prevent the subervision of the United States and the American Continents as proposed by the Communist government of Cuba, under Castro, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 161. Joint resolution authorizing the President to proclaim the period February 8 through February 14, 1971, as "National P.O.W.–M.I.A. Week"; to the Committee on the Judiciary.

H.J. Res. 162. Joint resolution amending title 39, United States Code, to provide for the addition to the uniform of letter carriers in the postal field service of a special insignia constituting an exact reproduction of the flag of the United States of America, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RARICK (for himself, Mr. LONG of Louisiana, Mr. HÉBERT, Mr. CAFFERY, Mr. PASSMAN, and Mr. WAGGONNER):

H.J. Res. 163. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. REID of New York:

H.J. Res. 164. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.J. Res. 165. Joint resolution proposing an amendment to the Constitution of the United States with respect to the service of Judges on the Supreme Court; to the Committee on the Judiciary.

H.J. Res. 166. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. RYAN:

H.J. Res. 167. Joint resolution to establish a Joint Committee on Foreign Information and Intelligence; to the Committee on Rules.

By Mr. SCHEUER:

H.J. Res. 168. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.J. Res. 169. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes; to the Committee on House Administration.

H.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 171. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

H.J. Res. 172. Joint resolution to provide for the resumption of trade with Rhodesia; to the Committee on Foreign Affairs.

H.J. Res. 173. Joint resolution to provide for a memorial in honor and commemoration of the Seabees of the U.S. Navy; to the Committee on House Administration.

H.J. Res. 174. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 175. Joint resolution proposing an amendment to the Constitution of the United States to permit the offering of prayer in public schools; to the Committee on the Judiciary.

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of Supreme Court and other Federal judges be required to be reconfirmed every 6 years, to require 5 years' prior judicial experience as a qualification for appointment to the Supreme Court, and to require retirement of Federal judges at the age of 70 years; to the Committee on the Judiciary.

H.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States providing that the Supreme Court may not render an opinion or decision in cases in which less than a certain number of Justices concur; to the Committee on the Judiciary.

H.J. Res. 178. Joint resolution proposing an amendment to the Constitution preserving the rights of the States with respect to public schools; to the Committee on the Judiciary.

H.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice in attending public schools; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 180. Joint resolution to authorize participation by the United States in parliamentary conferences with the Republic of Ireland; to the Committee on Foreign Affairs.

H.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States relating to the right to vote of citizens who have attained the age of 18 years; to the Committee on the Judiciary.

H.J. Res. 182. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.J. Res. 183. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution of the United States pertaining to the offering of prayers in public schools and other public places in the United States; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 185. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

H.J. Res. 186. Joint resolution proposing an amendment to the Constitution relating to the terms of office of Judges of the Supreme Court of the United States and inferior courts; to the Committee on the Judiciary.

H.J. Res. 187. Joint resolution to establish a commission to investigate the increase in riots and law violations, including loss of life and property, damage to or threat of damage to or destruction of the economy of States, counties, municipalities, or other political subdivisions, the causes thereof, and to recommend legislation that would grant States, counties, municipalities, or other political subdivisions additional rights to obtain injunctive and other relief to the end that the public welfare be protected; to the Committee on the Judiciary.

H.J. Res. 188. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 189. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 190. Joint resolution designating February of each year as "American History Month"; to the Committee on the Judiciary.

By Mr. WYLIE:

H.J. Res. 191. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. WYMAN:

H.J. Res. 192. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 193. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.J. Res. 194. Joint resolution regarding the status of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA (for himself, Mr. RAILSBACK, Mr. HARRINGTON, Mr. RIEGLE, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. BEGICH, Mr. BURKE of Massachusetts, Mr. CORDOVA, Mr. DUNCAN, Mr. EDWARDS of California, Mr. GERALD R. FORD, Mr. HALPERN, Mr. KEMP, Mr. MCCORMACK, Mr. MEEDS, Mr. NIX, Mr. PODELL, Mr. STEIGER of Wisconsin, and Mr. WHALEN):

H.J. Res. 195. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. RIEGLE, Mr. MIKVA, Mr. RAILSBACK, Mr. BERGLAND, Mr. CONTE, Mr. CONYERS, Mr. DRINAN, Mrs. HANSEN of Washington, Mr. HANSEN of Idaho, Mr. HATHAWAY, Mr. HECHLER of West Virginia, Mr. MITCHELL, Mr. NEDZI, Mr. OBEY, Mr. PEPPER, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, and Mr. YATES):

H.J. Res. 196. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. MIKVA, Mr. RAILSBACK, Mr. HARRINGTON, Mrs. ABZUG, Mr. BADILLO, Mr. BIAGGI, Mr. BRADEMAS, Mr. BRASCO, Mr. BROYHILL of Virginia, Mr. CLAY, Mr. CLEVELAND, Mr. DOW, Mr. KEATING, Mr. KYROS, Mr. LLOYD, Mr. MORSE, Mr. REES, Mr. ROYBAL, Mr. SYMINGTON, Mr. MATSUNAGA, and Mr. WOLFF):

H.J. Res. 197. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. RAILSBACK (for himself, Mr. HARRINGTON, Mr. RIEGLE, Mr. MIKVA, Mr. ASPIN, Mr. BENNETT, Mr. BOLLING, Mrs. CHISHOLM, Mr. COTTER, Mr. FRASER, Mr. FRENZEL, Mr. GREEN of Pennsylvania, Mr. HORTON, Mr. KOCH, Mr. LEGGETT, Mrs. MINK, Mr. PEYSER, Mr. REID of New York, Mr. ROBISON, and Mr. SHRIVER):

H.J. Res. 198. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. RAILSBACK, Mr. HARRINGTON, Mr. RIEGLE, Mr. GIAIMO, Mrs. GRASSO, and Mr. MONAGAN):

H.J. Res. 199. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade; to the Committee on Interstate and Foreign Commerce.

By Mr. ZABLOCKI:

H. Con. Res. 3. Concurrent resolution to establish a Joint Committee on Central Intelligence; to the Committee on Rules.

By Mr. ABERNETHY:

H. Con. Res. 4. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

H. Con. Res. 5. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress with respect to the incorporation of Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

H. Con. Res. 8. Concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO (for himself, Mr. CARNEY, Mr. CÓRDOVA, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SHIPLEY, Mr. STRATTON, Mr. STUCKEY, Mr. TIERNAN, and Mr. VIGORITO):

H. Con. Res. 9. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H. Con. Res. 10. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Con. Res. 11. Concurrent resolution state of the Federal judiciary address; to the Committee on the Judiciary.

By Mr. COLMER:

H. Con. Res. 12. Concurrent resolution expressing the sense of the Congress with respect to the United Nations sanctions against Rhodesia; to the Committee on Foreign Affairs.

By Mr. CONTE:

H. Con. Res. 13. Concurrent resolution creating the Joint Select Committee on Government Program Analysis and Evaluation; to the Committee on Rules.

By Mr. DOWNING:

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress that certain leases of vessels and equipment to Peru should be revoked; to the Committee on Armed Services.

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress concerning the return from the Government of Peru of the U.S. destroyer *Isherwood*; to the Committee on Armed Services.

H. Con. Res. 16. Concurrent resolution expressing the sense of Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress with respect to reducing the balance-of-payments deficit by encouraging American industry and the American public to ship and travel on American ships; to the Committee on Merchant Marine and Fisheries.

H. Con. Res. 18. Concurrent resolution to establish a joint committee to investigate the treatment of prisoners of war in Vietnam; to the Committee on Rules.

By Mr. DULSKI:

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. FLYNT:

H. Con. Res. 20. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

H. Con. Res. 21. Concurrent resolution expressing the sense of the Congress with respect to sanctions against Rhodesia; to the Committee on Foreign Affairs.

H. Con. Res. 22. Concurrent resolution expressing the sense of Congress that the Federal-aid highway program should continue without interruption; to the Committee on Public Works.

By Mr. FUQUA:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress with respect to the settlement of the indebtedness of the French Republic to the United States made by the World War Foreign Debt Commission and approved by the President; to the Committee on Ways and Means.

By Mr. GALLAGHER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Badillo, Mr. Baring, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Buchanan, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Chappell, Mrs. Chisholm, Mr. Clark, Mr. Don H. Clausen, Mr. Clay, Mr. Cleveland, and Mr. Collier):

H. Con. Res. 25. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Córdova, Mr. Daniels of New Jersey, Mr. Davis of Georgia, Mr. Dingell, Mr. Donohue, Mr. Drinan, Mr. Dulski, Mr. Duncan, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Fraser, Mr. Fulton of Pennsylvania, Mr. Fulton of Tennessee, Mr. Fuqua, Mr. Gettys, Mr. Giaimo, Mrs. Grasso, Mr. Gray, Mrs. Green of Oregon, Mr. Halpern, Mr. Hamilton, Mr. Hanley, and Mr. Hansen of Idaho):

H. Con. Res. 26. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Harvey, Mr. Hathaway, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks of Washington, Mr. Hogan, Mr. Horton, Mr. Howard, Mr. Jacobs, Mr. Johnson of California, Mr. Leggett, Mr. Lloyd, Mr. Lujan, Mr. McCloskey, Mr. McCormack, Mr. McDonald of Michigan, Mr. McKinney, Mr. Matsunaga, Mr. Melcher, Mr. Mikva, Mr. Minish, Mr. Mitchell, Mr. Murphy of New York):

H. Con. Res. 27. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Nix, Mr. O'Konski, Mr. O'Neill, Mr. Patten, Mr. Pelly, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Preyer of North Carolina, Mr. Price of Illinois, Mr. Pryor of Arkansas, Mr. Rees, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Sarbanes, Mr. Scheuer, Mr. Stokes, Mr. Thone, Mr. Tiernan, and Mr. Charles H. Wilson):

H. Con. Res. 28. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Wright, Mr. Wyatt, Mr. Yates, Mr. Yatron, Mr. J. William Stanton, Mr. Dent, and Mr. Williams):

H. Con. Res. 29. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Sisk, Mr. Nichols, Mr. Harrington, Mr. Zablocki, Mr. Hays, Mr. Rostenkowski, Mr. Riegle, Mr. Hull, and Mr. Frey):

H. Con. Res. 30. Concurrent resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. GUBSER:

H. Con. Res. 32. Concurrent resolution, support of gerontology centers; to the Committee on Education and Labor.

By Mr. HOWARD:

H. Con. Res. 33. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Con. Res. 34. Concurrent resolution expressing the sense of Congress with respect to the New York City commuter tax; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. Forsythe, and Mr. Horton):

H. Con. Res. 35. Concurrent resolution expressing the sense of the Congress with respect to an international conference on the creation of an International Environmental Agency; to the Committeee on Foreign Affairs.

By Mr. JACOBS (for himself, Mr. Gude, Mr. Diggs, Mr. Adams, Mr. Kyros, and Mr. Horton):

H. Con. Res. 36. Concurrent resolution to improve the care of homeless children in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KEITH:

H. Con. Res. 37. Concurrent resolution relating to an Atlantic Union delegation; to the Committee on Foreign Affairs.

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress with respect to the future exploration of space frontiers jointly by the United States and other technologically advanced nations of the world; to the Committee on Foreign Affairs.

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a ceasefire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. KING:

H. Con. Res. 40. Concurrent resolution expressing the sense of the Congress that aid to and trade with any country which extends any aid or assistance to North Vietnam shall be prohibited; to the Committee on Foreign Affairs.

H. Con. Res. 41. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

H. Con. Res. 43. Concurrent resolution proposing the recognition of the village of Whitehall, Washington County, N.Y., as the birthplace of the U.S. Navy; to the Committee on the Judiciary.

By Mr. McDADE:

H. Con. Res. 44. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Con. Res. 45. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

H. Con. Res. 46. Concurrent resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

By Mr. MAYNE:

H. Con. Res. 47. Concurrent resolution providing that the Chief Justice of the United States be invited to address a joint session of Congress on the state of the judiciary; to the Committee on Rules.

By Mr. MINISH:

H. Con. Res. 48. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. MINSHALL:

H. Con. Res. 49. Concurrent resolution to instruct the U.S. Ambassador to the United Nations to insist on fulfillment of charter provisions based on self-determination of all peoples and that the Soviet Union be asked to abide by its United Nations membership obligations concerning colonialism and interference with the sovereignty of other nations; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Burton, Mr. Conyers, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Kastenmeier, Mr. Koch, Mr. Mikva, and Mr. Rosenthal):

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress that all offensive actions by the United States in Southeast Asia be immediately halted and that total withdrawal of all U.S. forces be completed by June 30, 1971; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, or religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H. Con. Res. 52. Concurrent resolution regarding persecution of Jews in Russia: to the Committee on Foreign Affairs.

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

H. Con. Res. 55. Concurrent resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

H. Con. Res. 56. Concurrent resolution to require France to pay its World War I debt; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H. Con. Res. 57. Concurrent resolution to preserve the prerogative of astronauts to pray during space flight; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H. Con. Res. 58. Concurrent resolution expressing the sense of the Congress with respect to an international convention on aircraft hijacking; to the Committee on Foreign Affairs.

H. Con. Res. 59. Concurrent resolution regarding persecution of Jews in Russia; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights, including genocide, in the Soviet-occupied Lithuania on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

H. Con. Res. 62. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Byelorussia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

H. Con. Res. 64. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights in Cuba, on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

H. Con. Res. 66. Concurrent resolution to express the sense of Congress that no further troop withdrawals should take place until an agreement has been reached by the United States with representatives of the North Vietnamese and the Vietcong regarding the release of all American prisoners; to the Committee on Foreign Affairs.

H. Con. Res. 67. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

H. Con. Res. 69. Concurrent resolution to require France to pay its World War I debt; to the Committee on Ways and Means.

By Mr. REID of New York:

H. Con. Res. 70. Concurrent resolution to establish a joint committee to investigate the treatment of prisoners of war in Vietnam; to the Committee on Rules.

By Mr. RODINO:

H. Con. Res. 71. Concurrent resolution expressing the sense of the Congress with respect to U.S. policy toward political refugees; to the Committee on the Judiciary.

By Mr. RUPPE:

H. Con. Res. 72. Concurrent resolution to express the sense of the Congress with respect to an international agreement among major dairy product producing countries providing for orderly and equitable disposal of surplus dairy products; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Con. Res. 73. Concurrent resolution reaffirming the support of the Congress for United Nations peacekeeping and peacemaking operations, and for other purposes; to the Committee on Foreign Affairs.

H. Con. Res. 74. Concurrent resolution creating a Joint Congressional Committee on the Environment; to the Committee on Rules.

H. Con. Res. 75. Concurrent resolution to establish a joint congressional committee on urban affairs; to the Committee on Rules.

By Mr. RYAN (for himself, Mr. Edwards of California, Mr. Halpern, Mr. Leggett, and Mr. Matsunaga):

H. Con. Res. 76. Concurrent resolution to establish a joint congressional committee on foreign policy; to the Committee on Rules.

By Mr. RYAN (for himself, Mr. Halpern, Mr. Hanley, Mr. Horton, Mr. Hosmer, Mr. Koch, Mr. Kyros, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Obey, Mr. Rosenthal, Mr. St Germain, Mr. Symington, Mr. Vigorito, Mr. Waldie, Mr. Whitehurst, and Mr. Wolff):

H. Con Res. 77. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:

H. Con. Res. 78. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. SIKES:

H. Con. Res. 79. Concurrent resolution expressing the sense of Congress with respect to the protection that should be provided ships and planes of the Armed Forces of the United States sent on intelligence-gathering missions; to the Committee on Armed Services.

H. Con. Res. 80. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs

H. Con. Res. 81. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

H. Con. Res. 82. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

H. Con. Res. 83. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

H. Con. Res. 84. Concurrent resolution expressing the sense of the Congress with respect to the repayment by France of amounts owed to the United States; to the Committee on Ways and Means.

By Mr. WHALLEY:

H. Con. Res. 85. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

H. Con. Res. 86. Concurrent resolution expressing the sense of Congress that a portion of U.S. Route 220 should be designated as part of the Interstate System; to the Committee on Public Works.

By Mr. ZABLOCKI:

H. Con. Res. 87. Concurrent resolution expressing the sense of the Congress with respect to international policy on satellite broadcasting; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Gray, Mr. Halpern, Mr. Hanley, Mr. Hays, Mr. Hicks of Washington, Mr. Holifield, Mr. Howard, Mr. Kluczynski, Mr. Kyros, Mr. Leggett, Mr. McClory, Mr. McDade, Mr. Mazzoli, Mr. Miller of California, Mr. Minish, Mr. Murphy of New York, Mr. Nedzi, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Pike, Mr. Price of Illinois, Mr. Pucinski, and Mr. Rooney of Pennsylvania):

H. Con. Res. 88. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Blanton, Mr. Bolling, Mr. Brasco, Mr. Byrne of Pennsylvania, Mr. Collier, Mr. Collins of Illinois, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Delaney, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Fascell, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mr. Giaimo, and Mrs. Grasso):

H. Con. Res. 89. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H. Res. 17. Resolution authorizing payment of salaries of certain committee employees; to the Committee on House Administration.

By Mr. ASPINALL:

H. Res. 18. Resolution to authorize the Committee on Interior and Insular Affairs to make investigations into any matter within its jurisdiction, and for other purposes; to the Committee on Rules.

By Mr. EVINS of Tennessee:

H. Res. 19. Resolution creating a permanent Select Committee on Small Business to conduct studies and investigations of the problems of small business; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H. Res. 20. Resolution to authorize the Committee on Veterans' Affairs to conduct an investigation and study with respect to certain matters within its jurisdiction; to the Committee on Rules.

By Mr. GARMATZ:

H. Res. 21. Resolution authorizing the Committee on Merchant Marine and Fisheries to conduct certain studies and investigation; to the Committee on Rules.

By Mr. POAGE:

H. Res. 22. Resolution to authorize investigations by the Committee on Agriculture; to the Committee on Rules.

By Mrs. GRIFFITHS:

H. Res. 23. Resolution relating to the creation of a select committee in the House of Representatives; to the Committee on Rules.

By Mr. SISK:

H. Res. 24. Resolution to create a select committee to regulate parking on the House side of the Capitol; to the Committee on Rules.

By Mr. WRIGHT:

H. Res. 25. Resolution authorizing payment of compensation for certain committee employees; to the Committee on House Administration.

H. Res. 26. Resolution providing for the payment out of the contingent fund of the

House of Representatives for a limited period of the salaries of certain House committee personnel newly appointed in the 92nd Congress; to the Committee on House Administration.

By Mr. McMILLAN:

H. Res. 27. A resolution to authorize the Committee on the District of Columbia to conduct an investigation and study of the organization, management, operation, and administration of departments and agencies of the government of the District of Columbia; to the Committee on Rules.

H. Res. 28. Resolution providing funds for the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. WYMAN (for himself, Mr. Scott, Mr. Waggonner, and Mr. Sikes):

H. Res. 29. Resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

By Mr. WYMAN (for himself, Mr. Scott, Mr. Waggonner, Mr. Sikes, Mr. Hunt, Mr. Abbitt, Mr. Abernethy, Mr. Michel, Mr. Blackburn, Mr. Hébert, Mr. Chappell, Mr. Gross, Mr. Dickinson, Mr. Edwards of Alabama, Mr. Flowers, Mr. Flynt, Mr. Griffin, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Landgrebe, Mr. Mizell, Mr. Montgomery, Mr. Myers, Mr. Nichols, and Mr. Williams):

H. Res. 30. Resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 31. Resolution providing for investigation of National Labor Relations Board; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 32. Resolution creating a select committee to conduct a full and complete investigation and study of transportation problems in the United States; to the Committee on Rules.

By Mr. BUCHANAN:

H. Res. 33. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. BURTON:

H. Res. 34. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. CHAMBERLAIN:

H. Res. 35. Resolution amending the Rules of the House of Representatives to prohibit the election of a Member of the House as chairman of any standing committee if he has attained the age of 65 years; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 36. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

H. Res. 37. Resolution to provide for the creation of a Select Committee on Aging; to the Committee on Rules.

By Mr. MITCHELL:

H. Res. 38. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. PRICE of Texas:

H. Res. 39. Resolution to establish House Committee on the Environment; to the Committee on Rules.

By Mr. RARICK:

H. Res. 40. Resolution relative to the commitment of U.S. Armed Forces; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 41. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. RODINO (for himself and Mr. Forsythe):

H. Res. 42. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. RYAN:

H. Res. 43. Resolution condemning the persecution of any persons because of their religion in the Soviet Union; urging the Soviet Union to permit the free exercise of religion and pursuit of culture by Jews and all other citizens; and urging that the Soviet Union allow the emigration of its citizens who wish to emigrate; to the Committee on Foreign Affairs.

H. Res. 44. Resolution expressing the sense of the House of Representatives with respect to U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

H. Res. 45. Resolution concerning Rhodesia; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. Conyers, Mr. Kastenmeier and Mr. Mikva):

H. Res. 46. Resolution expressing the sense of the House of Representatives with respect to the impairment of first amendment freedoms; to the Committee on Judiciary.

By Mr. RYAN (for himself, Mr. Edwards of California, Mrs. Hansen of Washington, and Mr. Whalen):

H. Res. 47. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. RYAN (for himself, Mr. Edwards of California, Mr. Fraser, Mr. Mikva, and Mr. Rosenthal):

H. Res. 48. Resolution to express the sense of the House of Representatives on the use of U.S. Armed Forces, and paramilitary or auxiliary forces, in Laos; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H. Res. 49. Resolution to amend the Rules of the House of Representatives to abolish the Committee on Un-American Activities and to enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. SISK:

H. Res. 50. Resolution relating to the clerk hire allowance of Members of the House of Representatives; to the Committee on House Administration.

By Mr. TEAGUE of California:

H. Res. 51. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. WHITTEN:

H. Res. 52. Resolution to amend the Rules of the House of Representatives to create a standing Committee on the Constitution; to the Committee on Rules.

By Mrs. ABZUG:

H. Res. 53. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mrs. ABZUG (for herself, Mr. Abourezk, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Halpern):

H. Res. 54. Resolution to express the sense of the House that the President set the date for withdrawal from Vietnam, Cambodia and Laos; to the Committee on Foreign Affairs.

By Mrs. ABZUG (for herself, Mr. Hechler of West Virginia, Mr. Jacobs, Mr. Kastenmeier, Mr. Koch, Mr. McCloskey, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, and Mr. Waldie):

H. Res. 55. Resolution to express the sense of the House that the President set the date for withdrawal from Vietnam, Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Res. 56. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

H. Res. 57. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Arends, Mr. Nelsen, Mr. McKevitt, Mr. Cleveland, Mr. Reid of New York, Mr. Stratton, Mr. Hansen of Idaho, Mr. Don H. Clausen, Mr. Rodino, Mr. Thomson of Wisconsin, Mr. Hastings, Mr. Goldwater, Mr. McDade, Mr. Bennett, Mr. Carter, Mr. King, Mr. Hechler of West Virginia, Mr. Zwach, Mr. McClory, Mr. Kyros, Mr. Sikes, Mr. Dent, Mr. Scheuer, and Mr. Gibbons):

H. Res. 58. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Anderson of Illinois, Mr. Widnall, Mr. Quie, Mr. Thone, Mr. Crane Mr. Hays, Mr. Dingell, Mr. Yates, Mr. Daniels of New Jersey, Mr. Price of Illinois, Mr. Young of Florida, Mr. Broyhill of North Carolina, Mr. McKinney, Mrs. Heckler of Massachusetts, Mr. Boland, Mr. Kemp, Mr. Shoup, Mr. Miller of Ohio, Mr. McCollister, Mr. Skubitz, Mr. Eilberg, Mr. Fascell, Mr. Duncan, and Mr. Broomfield):

H. Res. 59. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Byrnes of Wisconsin, Mr. Fulton of Pennsylvania, Mr. Wiggins, Mr. Stokes, Mr. Rooney of Pennsylvania, Mr. St Germain, Mr. Howard, Mr. Roe, Mr. Blackburn, Mr. Camp, Mr. Kuykendall, Mr. Gubser, Mr. Shriver, Mr. Vanik, Mr. Smith of New York, Mr. Buchanan, Mr. Conte Mr. Goodling, Mr. Michel, Mr. Esch, Mr. Minish, Mr. Forsythe, Mr. Drinan, and Mr. Daniel of Virginia);

H. Res. 60. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Dulski, Mr. Matsunaga, Mr. Wright, Mr. Mayne, Mr. Karth, Mr. Derwinski, Mr. Williams, Mr. Railsback, Mr. Frelinghuysen, Mr. Whitehurst, Mr. Donohue, Mr. Talcott, Mr. Scott, Mr. Biester, Mr. McCloskey, Mr. Harrington, Mr. Wyman, Mrs. Hansen of Washington, Mr. Riegle, Mr. Addabbo, Mr. Horton, Mr. Poff, Mr. Sandman, and Mr. Rees):

H. Res. 61. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Pelly, Mr. Ichord, Mr. Bevill, Mr. Abourezk, Mrs. Reid of Illinois, Mr. duPont, Mr. Dennis, Mr. Hillis, Mr. Chappell, Mr. Brown of Ohio, Mr. Dellenback, Mr. Madden, Mr. J. William Stanton, Mr. Randall, Mr. Grover, and Mr. Stafford):

H. Res. 62. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Springer, Mr. Devine, Mr. Steiger of Wisconsin, Mr. Yatron, Mr. Schneebeli, Mr. Sebelius, Mr. Mathias, Mr. Mann, Mr. Harvey, Mr. Gaydos, Mr. Mikva, Mr. Flowers, Mr. Moss, Mr. Pike, Mr. Halpern, Mr. Coughlin, Mr. Tiernan, Mr. Hogan, Mr. Lloyd, Mr. Bray, Mr. Winn, Mr. O'Neill, Mr. Keith, and Mr. Edwards of California):

H. Res. 63. Resolution to amend the rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Bob Wilson, Mr. Corbett, Mr. Morse, Mr. Teague of California, Mr. Veysey, Mr. Burke of Massachusetts, Mr. Pirnie, Mr. Andrews of North Dakota, Mr. Peyser, Mrs. Chisholm, Mrs. Abzug, Mr. Van Deerlin, Mr. Aspin, Mr. Badillo, Mr. Symington, Mr. Green of Pennsylvania, Mr. Biaggi, Mr. Schwengel, Mr. Robinson, Mr. Dickinson, Mr. Begich, Mr. Wyatt, Mr. Terry, and Mr. Fish):

H. Res. 64. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROWN of Ohio:

H. Res. 65. Resolution to amend the rules to provide for timely appropriations; to the Committee on Rules.

By Mr. BURKE of Massachusetts:

H. Res. 66. Resolution condemning discrimination, prejudice, and violence against the Catholic minority in Northern Ireland, and requesting the President of the United States to seek a meeting of the United Nations Security Council; to the Committee on Foreign Affairs.

H. Res. 67. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. COLMER:

H. Res. 68. Resolution amending the Rules of the House of Representatives relating to germaneness; to the Committee on Rules.

By Mr. CONTE:

H. Res. 69. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. DERWINSKI (for himself, Mr. Dulski, Mr. Flood, Mr. Minshall, Mr. Rousselot, Mr. Buchanan, and Mr. Kemp):

H. Res. 70. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. DIGGS:

H. Res. 71. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. DOW:

H. Res. 72. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. DOWNING:

H. Res. 73. Resolution of Select Committee To Investigate Effect of Federal Laws on the Quality of Education in the United States; to the Committee on Rules.

By Mr. FLYNT:

H. Res. 74. Resolution to expres sthe sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 75. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

H. Res. 76. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 77. Resolution to provide for a select committee to investigate oil and pipeline operations in Alaska; to the Committee on Rules.

By Mr. WILLIAM D. FORD:

H. Res. 78. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. FUQUA:

H. Res. 79. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 80. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. GREEN of Pennsylvania:

H. Res. 81. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GRIFFIN:

H. Res. 82. Resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the United States Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

By Mr. GROSS:

H. Res. 83. Resolution to amend clause 6 of Rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

H. Res. 84. Resolution creating a standing Committee on Small Business in the House of Representatives; to the Committee on Rules.

By Mr. HARRINGTON:

H. Res. 85. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HAWKINS:

H. Res. 86. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HELSTOSKI:

H. Res. 87. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

H. Res. 88. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. HORTON:

H. Res. 89. Resolution establishing a Special Committee on Self-Determination; to the Committee on Rules.

By Mr. HOWARD:

H. Res. 90. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

H. Res. 91. Resolution; U.S. aid for Iraqi Jews; to the Committee on Foreign Affairs.

H. Res. 92. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H. Res. 93. Resolution on Earth Day; to the Committee on the Judiciary.

H. Res. 94. Resolution consistency; to the Committee on Public Works.

By Mr. KOCH:

H. Res. 95. Resolution urging the President to resubmit to the Senate for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

H. Res. 96. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. McDADE:

H. Res. 97. Resolution expressing the support of the House of Representatives with respect to the strategic arms limitation talks, and for other purposes; to the Committee on Foreign Affairs.

H. Res. 98. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

H. Res. 99. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

H. Res. 100. Resolution to provide for a select committee to investigate oil and pipeline operations in Alaska; to the Committee on Rules.

By Mr. MAYNE:

H. Res. 101. Resolution to establish a Committee on the Environment; to the Committee on Rules.

By Mr. MINSHALL:

H. Res. 102. Resolution expressing the sense of the House of Representatives with respect to establishing an all-volunteer military force; to the Committee on Armed Services.

H. Res. 103. Resolution to provide an annual appropriation for cancer research; to the Committee on Interstate and Foreign Commerce.

H. Res. 104. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

H. Res. 105. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

H. Res. 106. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

H. Res. 107. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. MIKVA:

H. Res. 108. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. MORGAN:

H. Res. 109. Resolution authorizing the Committee on Foreign Affairs to conduct a full and complete investigation of matters relating to the laws, regulations, directives, and policies including personnel pertaining to the Department of State and such other departments and agencies engaged in the implementation of U.S. foreign policy and the oversea operations, personnel, and facilities of departments and agencies of the United

States which participate in the development and execution of such policy; to the Committee on Rules.

By Mr. MORSE:

H. Res. 110. Resolution creating a select committee to conduct an investigation and study of the problems of urban areas; to the Committee on Rules.

H. Res. 111. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. MURPHY of New York:

H. Res. 112. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H. Res. 113. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

By Mr. PATMAN:

H. Res. 114. Resolution authorizing the Committee on Banking and Currency to conduct full and complete investigations and studies of all matters within its jurisdiction under the rules of the House or the laws of the United States; to the Committee on Rules.

By Mr. PEPPER (for himself and Mr. Wiggins):

H. Res. 115. Resolution creating a select committee to conduct an investigation and study of all aspects of crime affecting the United States; to the Committee on Rules.

By Mr. PODELL:

H. Res. 116. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. PODELL (for himself, Mr. Udall, Mr. Mikva, Mr. Rees, and Mr. Clark):

H. Res. 117. Resolution expressing the sense of the House of Representatives with respect to the establishment of an international consortium under the auspices of the United Nations for the purpose of controlling illicit traffic in certain drugs and limiting the market supply of such drugs; to the Committee on Foreign Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. Abourezk, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Baker, Mr. Baring, Mr. Barrett, Mr. Begich, Mr. Bell, Mr. Bennett, Mr. Bergland, Mr. Bevill, Mr. Biaggi, Mr. Biester, Mr. Bingham, and Mr. Blackburn):

H. Res. 118. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Blanton, Mr. Brasco, Mr. Brinkley, Mr. Broomfield, Mr. Burke of Massachusetts, Mr. Burlison of Missouri, Mr. Burton, Mr. Caffery, Mr. Carney, Mr. Carter, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Clay, Mr. Cleveland, Mr. Conte, Mr. Corbett, Mr. Corman, Mr. Cotter, Mr. Coughlin, Mr. Daniel of Virginia, Mr. Davis of Georgia, Mr. Derwinski, Mr. Dickinson, and Mr. Diggs):

H. Res. 119. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Dingell, Mr. Donohue, Mr. Dorn, Mr. Dow, Mr. Drinan, Mr. Duncan, Mr. duPont, Mr. Eckhardt, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Edwards of Alabama, Mr. Eilberg, Mr. Esch, Mr. Foley, Mr. William D. Ford, Mr. Forsythe, Mr. Fraser, Mr. Frenzel, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Fuqua, Mr. Galifianakis, Mr. Gallagher, and Mr. Gaydos):

H. Res. 120. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Giaimo, Mr. Gibbons, Mr. Goldwater, Mr. Gonzalez, Mrs. Grasso, Mr. Gray, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Gubser, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hammerschmidt, Mr. Hanley, Mr. Hanna, Mr. Harrington, Mr. Hathaway, Mr. Hawkins, Mr. Hays, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Henderson, Mr. Hillis, and Mr. Horton):

H. Res. 121. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Howard, Mr. Hungate, Mr. Jacobs, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Keating, Mr. Kluczynski, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lennon, Mr. Lent, Mr. Link, Mr. Lujan, Mr. McCloskey, Mr. McCormack, Mr. McDade, Mr. McDonald of Michigan, Mr. McFall, Mr. McKinney, Mr. Mann, Mr. Mathis of Georgia, Mr. Matsunaga, and Mr. Mayne):

H. Res. 122. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Meeds, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Mollohan, Mr. Moorhead, Mr. Morse, Mr. Murphy of New York, Mr. Nedzi, Mr. Nichols, Mr. Nix, Mr. Obey, Mr. O'Neill, Mr. Pepper, Mr. Pettis, Mr. Podell, Mr. Preyer of North Carolina, Mr. Price of Illinois, Mr. Price of Texas, Mr. Pucinski, Mr. Railsback, Mr. Randall, Mr. Rangel, and Mr. Rees):

H. Res. 123. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Reuss, Mr. Rhodes, Mr. Riegle, Mr. Robison, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Sarbanes, Mr. Scheuer Mr. Schwengel, Mr. Scott, Mr. Sebelius, Mr. Seiberling, Mr. Shipley. Mr. Shoup, Mr. Shriver, Mr. Skubitz, Mr. J. William Stanton, and Mr. Steiger of Wisconsin):

H. Res. 124. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Symington, Mr. Talcott, Mr. Taylor, Mr. Teague of California, Mr. Terry, Mr. Thomson of Wisconsin, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Veysey, Mr. Waldie, Mr. Whalen, Mr. Widnall, Mr. Winn, Mr. Wolff, Mr. Wright, Mr. Wyman, Mr. Yates, Mr. Yatron, Mr. Young of Florida, Mr. Zablocki, and Mr. Culver):

H. Res. 125. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PUCINSKI:

H. Res. 126. Resolution; World habeas corpus; to the Committee on Foreign Affairs.

H. Res. 127. Resolution to include drum and bugle corps under the Mutual Educational and Cultural Exchange Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PURCELL:

H. Res. 128. Resolution to create a select committee on the utilization and development of rural America; to the Committee on Rules.

By Mr. REID of New York (for himself and Mr. Halpern):

H. Res. 129. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. RONCALIO:

H. Res. 130. Resolution expressing the sense of the House of Representatives with respect to establishment of at least one standard metropolitan statistical area in each State; to the Committee on Government Operations.

By Mr. RUPPE:

H. Res. 131. Resolution expressing the sense of the House of Representatives with respect to establishing an all-volunteer military force; to the Committee on Armed Servives.

By Mr. RYAN:

H. Res. 132. Resolution creating a select committee of urban affairs in the House of Representatives; to the Committee on Rules.

H. Res. 133. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. SCHWENGEL:

H. Res. 134. Resolution to change House rules relating to election of committee chairmen; to the Committee on Rules.

By Mr. SIKES:

H. Res. 135. Resolution expressing the sense of the House with respect to an early resolution by the Supreme Court of the problems involved in desegregating the Nation's public schools; to the Committee on the Judiciary.

By Mr. STRATTON:

H. Res. 136. Resolution expressing the sense of the House of Representatives that the people of all Ireland should have an opportunity to express their will for union by an election under the auspices of a United Nations commission; to the Committee on Foreign Affairs.

H. Res. 137. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H. Res. 138. Resolution conferring jurisdiction over the food stamp program upon the Committee on Banking and Currency; to the Committee on Rules.

By Mr. SYMINGTON (for himself, Mr. Bolling, Mr. Buchanan, Mr. Burlison of Missouri, Mrs. Chisolm, Mr. Fish, Mr. Frelinghuysen, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Leggett, Mr. Mikva, Mr. Morse, Mr. Moss, Mr. Preyer of North Carolina, Mr. Scheuer, Mr. Charles H. Wilson, Mr. Harrington, Mr. Ichord, and Mr. Derwinski):

H. Res. 139. Resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

By Mr. TALCOTT (for himself, Mr. Camp, Mr. Gubser, Mr. Kyros, Mr. Hogan, and Mr. Reid of New York):

H. Res. 140. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. WYMAN (for himself, Mr. Scott, Mr. Waggonner, Mr. Sikes, Mr. Robinson, Mr. Satterfield, Mr. Schmitz, Mr. Thompson of Georgia, Mr. DANIEL of Virginia, Mr. BUCHANAN, Mr. CAMP, Mr. HALEY, Mr. RARICK, Mr. RANDALL, Mr. WHITTEN, Mr. CLARK, Mr. SCHERLE, Mr. STUCKEY, Mr. ANDREWS of Alabama, Mr. FISHER, Mr. HALL, Mr. HANSEN of Idaho, Mr. KING, Mr. CRANE, and Mr. ROBERTS):

H. Res. 141. Resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: A memorial of the senate of the Commonwealth of Massachusetts, relative to the unemployment crisis in the Commonwealth; to the Committee on Education and Labor.

2. Also, a memorial of the senate of the Commonwealth of Massachusetts, relative to the treatment of Jews in Russia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 1754. A bill for the relief of L. C. Benedict; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 1755. A bill for the relief of Tomasa Rivera; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 1756. A bill for the relief of Michele Anastasi; to the Committee on the Judiciary.

H.R. 1757. A bill for the relief of Bernardo Maria Foto; to the Committee on the Judiciary.

H.R. 1758. A bill for the relief of Armando Gigante; to the Committee on the Judiciary.

H.R. 1759. A bill for the relief of Domenico Lo Brano; to the Committee on the Judiciary.

H.R. 1760. A bill for the relief of Benny Ove Nielsen; to the Committee on the Judiciary.

H.R. 1761. A bill for the relief of Giuseppe Noto; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 1762. A bill for the relief of the West Fargo Pioneer; to the Committee on the Judiciary.

H.R. 1763. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; to the Committee on Interior and Insular Affairs.

By Mr. ANNUNZIO:

H.R. 1764. A bill for the relief of Vincenzo Angelilli; to the Committee on the Judiciary.

H.R. 1765. A bill for the relief of Elisabetta Baglione; to the Committee on the Judiciary.

H.R. 1766. A bill for the relief of Silvia Boaro; to the Committee on the Judiciary.

H.R. 1767. A bill for the relief of Francesco Branca; to the Committee on the Judiciary.

H.R. 1768. A bill for the relief of Guiseppe Cerin and Mafalda Cerin; to the Committee on the Judiciary.

H.R. 1769. A bill for the relief of Teresa De Benedetto; to the Committee on the Judiciary.

H.R. 1770. A bill for the relief of Loredano De La Feld; to the Committee on the Judiciary.

H.R. 1771. A bill for the relief of Leopoldo DiTrapani; to the Committee on the Judiciary.

H.R. 1772. A bill for the relief of Stella Fenesia; to the Committee on the Judiciary.

H.R. 1773. A bill for the relief of Salvatore Gagliardo; to the Committee on the Judiciary.

H.R. 1774. A bill for the relief of Elena Giacometti; to the Committee on the Judiciary.

H.R. 1775. A bill for the relief of Virginia M. Gozas; to the Committee on the Judiciary.

H.R. 1776. A bill for the relief of John Claude Hienemann; to the Committee on the Judiciary.

H.R. 1777. A bill for the relief of Anka Kosanovic; to the Committee on the Judiciary.

H.R. 1778. A bill for the relief of Giacomo La Bianca; to the Committee on the Judiciary.

H.R. 1779. A bill for the relief of Pasquale Lombardi, Angela Lombardi, Maria Carmela Lombardi, and Stella Francisca Lombardi; to the Committee on the Judiciary.

H.R. 1780. A bill for the relief of Ranulfo Marquez; to the Committee on the Judiciary.

H.R. 1781. A bill for the relief of Antonio Moretti; to the Committee on the Judiciary.

H.R. 1782. A bill for the relief of Giuseppina Morosi; to the Committee on the Judiciary.

H.R. 1783. A bill for the relief of Mrs. Bianca Panozza; to the Committee on the Judiciary.

H.R. 1784. A bill for the relief of Rosaria Prunotto and Roberto Prunotto; to the Committee on the Judiciary.

H.R. 1785. A bill for the relief of Antonietta Rossi; to the Committee on the Judiciary.

H.R. 1786. A bill for the relief of Oriono Rossi and Anna Rossi; to the Committee on the Judiciary.

H.R. 1787 A bill for the relief of Norman Edward Smith; to the Committee on the Judiciary.

H.R. 1788. A bill for the relief of Rozalia Szuster; to the Committee on the Judiciary.

H.R. 1789. A bill for the relief of Henryk Tereszcenko; to the Committee on the Judiciary.

H.R. 1790. A bill for the relief of Mrs. Waclawa Tosta; to the Committee on the Judiciary.

H.R. 1791. A bill for the relief of Ireen E. Vickers; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 1792. A bill for the relief of Clyde Bruce Aitchison, Jr.; to the Committee on the Judiciary.

H.R. 1793. A bill for the relief of Mr. and Mrs. Francisco de Paula Baptista and Joao Baptista; to the Committee on the Judiciary.

H.R. 1794. A bill for the relief of Miss Nguyen Thi Bong; to the Committee on the Judiciary.

H.R. 1795. A bill for the relief of Leonard Alfred Brownrigg; to the Committee on the Judiciary.

H.R. 1796. A bill for the relief of Eufemio Dacanay Felix; to the Committee on the Judiciary.

H.R. 1797. A bill for the relief of Agustina Felipe Fiesta; to the Committee on the Judiciary.

H.R. 1798. A bill for the relief of Felix Kimpo Gonzales; to the Committee on the Judiciary.

H.R. 1799. A bill for the relief of Janie Caro Gregorio and Helen Ilan Gregorio; to the Committee on the Judiciary.

H.R. 1800. A bill for the relief of Claricia B. Joven; to the Committee on the Judiciary.

H.R. 1801. A bill for the relief of Vilis Lapenieks; to the Committee on the Judiciary.

H.R. 1802. A bill for the relief of Rogelio V. Lapuz; to the Committee on the Judiciary.

H.R. 1803. A bill for the relief of Houston Lee; to the Committee on the Judiciary.

H.R. 1804. A bill for the relief of Sang In Lee; to the Committee on the Judiciary.

H.R. 1805. A bill for the relief of Mr. and Mrs. Dimitrios Likomitros and Panagiotis Likomitros; to the Committee on the Judiciary.

H.R. 1806. A bill for the relief of Mr. and Mrs. Joseph R. McGarry; to the Committee on the Judiciary.

H.R. 1807. A bill for the relief of Laura Massaglia and certain other persons; to the Committee on the Judiciary.

H.R. 1808. A bill for the relief of Mie Matsushima; to the Committee on the Judiciary.

H.R. 1809. A bill for the relief of Gabriel Munoz-Amezquita (also known as Tony Ruiz Castro); to the Committee on the Judiciary.

H.R. 1810. A bill for the relief of Miss Eleni Spanopulo; to the Committee on the Judiciary.

H.R. 1811. A bill for the relief of Mr. and Mrs. Nicolae I. Spuza, Ana Spuza, Diana Spuza, Decebal Spuza, and Maria Spuza; to the Committee on the Judiciary.

H.R. 1812. A bill for the relief of Mrs. Hatsue Taniguchi; to the Committee on the Judiciary.

H.R. 1813. A bill for the relief of David Man-Kwang Tseng; to the Committee on the Judiciary.

H.R. 1814. A bill for the relief of Ricardo P. Villaro; to the Committee on the Judiciary.

H.R. 1815. A bill for the relief of Patrick Hua-Pu Wang; to the Committee on the Judiciary.

H.R. 1816. A bill to authorize the Comptroller General of the United States to settle and adjust the claim of the L. R. Daniel Co., Inc.; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.R. 1817. A bill to authorize Benjamin S. Persons to accept appointment as Vice Consul (honorary) of the Republic of El Salvador in Atlanta, Ga.; to the Committee on Foreign Affairs.

By Mr. BRINKLEY:

H.R. 1818. A bill for the relief of Modesto Marcial Ferrer; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 1819. A bill for the relief of Giuseppa Alessandrini (nee Belacchi); to the Committee on the Judiciary.

H.R. 1820. A bill for the relief of Guido Aquilini; to the Committee on the Judiciary.

H.R. 1821. A bill for the relief of Wilfried K. Byl; to the Committee on the Judiciary.

H.R. 1822. A bill for the relief of Rogelio Gutierrez; to the Committee on the Judiciary.

H.R. 1823. A bill for the relief of Sung Hyum Hong; to the Committee on the Judiciary.

H.R. 1824. A bill for the relief of Clinton M. Hoose; to the Committee on the Judiciary.

H.R. 1825. A bill for the relief of Pasqualino La Penna; to the Committee on the Judiciary.

H.R. 1826. A bill for the relief of Yuksel Sagirlioglu; to the Committee on the Judiciary.

H.R. 1827. A bill for the relief of Lilia C. Sanjur; to the Committee on the Judiciary.

H.R. 1828. A bill for the relief of Lourdes Barbosa Santana; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 1829. A bill for the relief of Asuncion V. Anonuevo; to the Committee on the Judiciary.

H.R. 1830. A bill for the relief of Atanacia E. Bondoc; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 1831. A bill for the relief of Louis Gena; to the Committee on the Judiciary.

H.R. 1832. A bill for the relief of Adela Deidad La Riva; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 1833. A bill for the relief of Shin Cha Bek Grider; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 1834. A bill for the relief of Antonio Gulino; to the Committee on the Judiciary.

H.R. 1835. A bill for the relief of Carl C. Strauss and Mary Ann Strauss; to the Committee on the Judiciary.

H.R. 1836. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer; to the Committee on the Judiciary.

H.R. 1837. A bill for the relief of Shukri Abed Zazou; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 1838. A bill for the relief of Marija Jurisic; to the Committee on the Judiciary.

H.R. 1839. A bill for the relief of Carolina Rizzo; to the Committee on the Judiciary.

H.R. 1840. A bill for the relief of Laszlo Toth and his wife, Maria Toth; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 1841. A bill for the relief of Louis Korchek; to the Committee on the Judicary.

H.R. 1842. A bill for the relief of Takio Nozu; to the Committee on the Judiciary.

H.R. 1843. A bill for the relief of Mrs. Rosenda Herminia Nieto and her minor son, Fernand Javier Nieto Rodriguez; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 1844. A bill for the relief of Giuseppe D'Acquisto; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 1845. A bill for the relief of Mary P. Cain; to the Committee on the Judiciary.

H.R. 1846. A bill for the relief of Mrs. Rosita I. Ines; to the Committee on the Judiciary.

H.R. 1847. A bill for the relief of Fernando Jesus Ontiveros; to the Committee on the Judiciary.

H.R. 1848. A bill for the relief of Mrs. Esther Sevilla de Soto and her children, Manuel Ricardo Sevilla and Silvia Esther Sevilla; to the Committee on the Judiciary.

H.R. 1849. A bill for the relief of Jacques Urbach; to the Committee on the Judiciary.

H.R. 1850. A bill for the relief of Meyer Weinger and Fay Weinger; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 1851. A bill for the relief of Patrick J. O'Connor; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 1852. A bill for the relief of Teresita Gorostica Reyes; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 1853. A bill for the relief of Aspacia Aspoulis; to the Committee on the Judiciary.

H.R. 1854. A bill for the relief of Miss Helena Bilhart; to the Committee on the Judiciary.

H.R. 1855. A bill for the relief of Jean Paul Erepmoc; to the Committee on the Judiciary.

H.R. 1856. A bill for the relief of Julian Castano Garcia; to the Committee on the Judiciary.

H.R. 1857. A bill for the relief of Stanislaw and Helene Jaros; to the Committee on the Judiciary.

H.R. 1858. A bill for the relief of Millicent Russel; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 1859. A bill for the relief of Robah N. Browder; to the Committee on the Judiciary.

H.R. 1860. A bill for the relief of David Capps, formerly a corporal in the U.S. Marine Corps; to the Committee on the Judiciary.

H.R. 1861. A bill for the relief of Kenneth L. MacLeod; to the Committee on Armed Services.

H.R. 1862. A bill for the relief of Frank J. McCabe; to the Committee on the Judiciary.

H.R. 1863. A bill for the relief of Noel S. Marston; to the Committee on the Judiciary.

H.R. 1864. A bill for the relief of A. Hughlett Mason; to the Committee on the Judiciary.

H.R. 1865. A bill to permit the vessel *Pious Puffin* to be documented for use in the coastwise trade; to the Committee on Merchane Marine and Fisheries.

H.R. 1866. A bill to authorize the President to award the Medal for Merit to Oskar J. W. Hansen in recognition of his extraordinary artistic achievement in the execution of the sculpture "Liberty" at Yorktown; to the Committee on Armed Services.

By Mr. DULSKI:

H.R. 1867. A bill for the relief of Han Choon Hee; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 1868. A bill for the relief of Haydee Olga Casado Ravenet; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 1869. A bill for the relief of Richard W. Hoffman; to the Committee on the Judiciary.

H.R. 1870. A bill for the relief of Paz Hachero Jabonillo; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 1871. A bill for the relief of Sabastiano Bella and Elena Bella; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 1872. A bill for the relief of William H. Brady; to the Committee on the Judiciary.

H.R. 1873. A bill for the relief of Col. and Mrs. Harvey H. Hewitt; to the Committee on the Judiciary.

H.R. 1874. A bill for the relief of Maurice R. Seaquist, Lt. Col. U.S. Air Force; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 1875. A bill for the relief of Sanatolo Beneduce; to the Committee on the Judiciary.

H.R. 1876. A bill for the relief of Guy Glaser; to the Committee on the Judiciary.

H.R. 1877. A bill for the relief of Anna Leonetti; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 1878. A bill for the relief of Cesare Tambellini; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 1879. A bill for the relief of Myrtle H. Davis; to the Committee on the Judiciary.

H.R. 1880. A bill for the relief of Mrs. Fong Chao Sin Hwa; to the Committee on the Judiciary.

H.R. 1881. A bill for the relief of Harry A. Murray; to the Committee on the Judiciary.

H.R. 1882. A bill for the relief of Clarencia Sherburn; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 1883. A bill for the relief of Roberto Cerbone; to the Committee on the Judiciary.

H.R. 1884. A bill for the relief of Mr. and Mrs. Anselm C. Griffith and children; to the Committee on the Judiciary.

H.R. 1885. A bill for the relief of Gennaro Orlando; to the Committee on the Judiciary.

H.R. 1886 A bill for the relief of Joseph Perrone; to the Committee on the Judiciary.

H.R. 1887 A bill for the relief of Caterina Elisabetta Polera; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 1888. A bill for the relief of Renato Arrighi; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 1889. A bill for the relief of Clovis M. Baker, commander, U.S. Navy; to the Committee on the Judiciary.

H.R. 1890. A bill for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler; to the Committee on the Judiciary.

H.R. 1891. A bill for the relief of John W. Watson, a minor; to the Committee on the Judiciary.

H.R. 1892. A bill for the relief of Stephen C. Yednock; to the Committee on the Judiciary.

H.R. 1893. A bill for the relief of certain civilian personnel employed by the Navy Department, for expenses incurred incident to temporary duty performed at the Navy Yard, Philadelphia, Pa., in 1942; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 1894. A bill for the relief of Mrs. Soon Wol Yang (also known as Mary Yang); to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 1895. A bill for the relief of Helena Janina Kuropatwa; to the Committee on the Judiciary.

H.R. 1896. A bill for the relief of Guiseppe Polcino and Almerinda Miletta Polcino, his wife; to the Committee on the Judiciary.

H.R. 1897. A bill for the relief of Bernard Joseph Marie Sweens; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 1898. A bill for the relief of Pablo Gregorich; to the Committee on the Judiciary.

H.R. 1899. A bill for the relief of Mrs. Maria G. Orsini (nee Mari); to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 1900. A bill for the relief of Jesus Cruz-Figueroa; to the Committee on the Judiciary.

H.R. 1901. A bill for the relief of Caroline Elizabeth Adora Rebitt and Doris Elenore Davey; to the Committee on the Judiciary.

H.R. 1902. A bill for the relief of Hans Joaquin Felsch; to the Committee on the Judiciary.

H.R. 1903. A bill for the relief of Col. Harold B. McCullough, U.S. Air Force (retired); to the Committee on the Judiciary.

H.R. 1904. A bill for the relief of Michael R. Marino; to the Committee on the Judiciary.

H.R. 1905. A bill for the relief of Dionisio Sabio Radoc and Espirita Cuntapay Radoc; to the Committee on the Judiciary.

H.R. 1906. A bill for the relief of Hernan Saavedra; to the Committee on the Judiciary.

H.R. 1907. A bill for the relief of Arnold D. Smith; to the Committee on the Judiciary.

H.R. 1908. A bill for the relief of Royal Canadian Legion Pipe Band of San Jose, Calif.; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 1909. A bill for the relief of Luciano Di Salvo; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 1910. A bill for the relief of Marianito D. Alaan; to the Committee on the Judiciary.

H.R. 1911. A bill for the relief of Gaetano Di Marco, Benedetta Di Marco, and Gustavo Di Marco, husband, wife, and minor child; to the Committee on the Judiciary.

H.R. 1912. A bill for the relief of Vincenzo Narducci; to the Committee on the Judiciary.

H.R. 1913. A bill for the relief of Lorenzo Vittore; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 1914. A bill for the relief of Harry Harmon; to the Committee on the Judiciary.

H.R. 1915. A bill to provide for the conveyance of certain real property of the United States; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 1916. A bill for the relief of Vera Antunes; to the Committee on the Judiciary.

H.R. 1917. A bill for the relief of Mrs. Maria De Simone; to the Committee on the Judiciary.

H.R. 1918. A bill for the relief of Manuel Correia de Quadros; to the Committee on the Judiciary.

H.R. 1919. A bill for the relief of Antonio Guarino; to the Committee on the Judiciary.

H.R. 1920. A bill for the relief of Sister Innocenza (Natalina Zerlotin); to the Committee on the Judiciary.

H.R. 1921. A bill for the relief of Giovanni Mastrangelo; to the Committee on the Judiciary.

H.R. 1922. A bill for the relief of Giovanni Sanfilippo; to the Committee on the Judiciary.

H.R. 1923. A bill for the relief of Maria LoCicero Shone; to the Committee on the Judiciary.

H.R. 1924. A bill for the relief of Guiseppe and Francesco Siragusa; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 1925. A bill for the relief of Mrs. Thomas S. Crofford; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 1926. A bill for the relief of Dale William Swain; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 1927. A bill for the relief of Antonino Iacoucci; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 1928. A bill for the relief of Tadeusz M. Krystyniak; to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 1929. A bill for the relief of Edgar Harold Bradley; to the Committee on the Judiciary.

H.R. 1930. A bill for the relief of Walter O. Ivey, sergeant, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 1931. A bill for the relief of Jesus Manual Cabral; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 1932. A bill for the relief of Giuseppi Fiorica; to the Committee on the Judiciary.

H.R. 1933. A bill for the relief of Mr. and Mrs. Laszlo Fulop and daughters, Eva and Alice Fulop; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 1934. A bill for the relief of Sylva G. Brazzale and her infant son, David R. Brand; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 1935. A bill for the relief of George F. Mills; to the Committee on the Judiciary.

H.R. 1936. A bill to authorize the Secretary of the Interior to rectify a public land transaction; to the Committee on the Judiciary.

H.R. 1937. A bill to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes; to the Commitee on Interior and Insular Affairs.

By Mr. KARTH:

H.R. 1938. A bill for the relief of Anna Gambino; to the Committee on the Judiciary.

H.R. 1939. A bill for the relief of Mohamed Habeeb Haniff; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 1940. A bill for the relief of Frank Travers; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 1941. A bill for the relief of Mrs. Wallace S. Anderson; to the Committee on the Judiciary.

H.R. 1942. A bill for the relief of Sheng Ming Cheng; to the Committee on the Judiciary.

H.R. 1943. A bill for the relief of Ralph Rocco D'Alessandro; to the Committee on the Judiciary.

H.R. 1944. A bill for the relief of Eva Ezri; to the Committee on the Judiciary.

H.R. 1945. A bill for the relief of Mrs. Maya Jabbour Grigg; to the Committee on the Judiciary.

H.R. 1946. A bill for the relief of Mostafa Mirhashemi; to the Committee on the Judiciary.

H.R. 1947. A bill for the relief of Weenicezie Joan Sharma; to the Committee on the Judiciary.

H.R. 1948. A bill for the relief of Branka Mardessich and Sonia S. Silvani; to the Committee on the Judiciary.

H.R. 1949. A bill for the relief of Miss Nguyen Thoa; to the Committee on the Judiciary.

H.R. 1950. A bill for the relief of Israel Wald; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 1951. A bill for the relief of Robert G. Campardon; to the Committee on the Judiciary.

H.R. 1952. A bill for the relief of Angelo Panari and Pierina Panari; to the Committee on the Judiciary.

H. R. 1953. A bill for the relief of Irene Ivy Shaw; to the Committee on the Judiciary.

H.R. 1955. A bill for the relief of Gloria R. Talinao; to the Committee on the Judiciary.

H.R. 1956. A bill to authorize the Secretary of the Interior to convey certain real property in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Maryland:

H.R. 1957. A bill for the relief of Halina Jefimik; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 1958. A bill for the relief of Marjorie C. Grantham; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 1959. A bill for the relief of American Manufacturers Mutual Insurance Co.; to the Committee on the Judiciary.

H.R. 1960. A bill for the relief of Nazar Hayat Khan Tiwana; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 1961. A bill for the relief of Menna Powell Jones; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 1962. A bill for the relief of Dah Mi Kim; to the Committee on the Judiciary.

H.R. 1963. A bill for the relief of Andrea Montano; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 1964. A bill for the relief of Domenico Rocco Tropepi; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 1965. A bill for the relief of Antonio Aiello; to the Committee on the Judiciary.

H.R. 1966. A bill for the relief of Helen Rose Botto; to the Committee on the Judiciary.

H.R. 1967. A bill for the relief of Roberto Manlig; to the Committee on the Judiciary.

H.R. 1968. A bill for the relief of Mrs. Kathryn S. Ports; to the Committee on the Judiciary.

H.R. 1969. A bill for the relief of Aparicia Santiago; to the Committee on the Judiciary.

H.R. 1970. A bill for the relief of Mrs. Andree Simone Van Moppes and her children, Alain Van Moppes and Didier Van Moppes; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 1971. A bill for the relief of Pedro Espiloy Alviar; to the Committee on the Judiciary.

H.R. 1972. A bill for the relief of Rosa Barbero; to the Committee on the Judiciary.

H.R. 1973. A bill for the relief of Mrs. Ruth Falk; to the Committee on the Judiciary.

H.R. 1974. A bill for the relief of Mrs. Gloria Vazquez Herrera; to the Committee on the Judiciary.

H.R. 1975. A bill for the relief of Miguel Maria Irigoyen; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 1976. A bill for the relief of Robert Cheng; to the Committee on the Judiciary.

H.R. 1977. A bill for the relief of Celia G. Debs; to the Committee on the Judiciary.

H.R. 1978. A bill for the relief of Mose Fenika Fa'anana; to the Committee on the Judiciary.

H.R. 1979. A bill for the relief of Julita Funtanilla and her minor children, Wilhelmina Funtanilla, Sylvia Funtanilla, and Josephine Funtanilla; to the Committee on the Judiciary.

H.R. 1980. A bill for the relief of Hiroyuki Furukawa; to the Committee on the Judiciary.

H.R. 1981. A bill for the relief of Mrs. Teresita Gutierrez Irish; to the Committee on the Judiciary.

H.R. 1982. A bill for the relief of Tony S. Kinoshita; to the Committee on the Judiciary.

H.R. 1983. A bill for the relief of Lai Hin Lee, Lai Sun Lee, and Yuk See Lee; to the Committee on the Judiciary.

H.R. 1984. A bill for the relief of Yoichiro Matsumura; to the Committee on the Judiciary.

H.R. 1985. A bill for the relief of Mrs. Goze Nakama; to the Committee on the Judiciary.

H.R. 1986. A bill for the relief of Concepcion Aldover Nipaz; to the Committee on the Judiciary.

H.R. 1987. A bill for the relief of Keitaro Nomura, his wife, Iyoko Nomura, and their minor sons, Chiyotaka Nomura and Koji Nomura; to the Committee on the Judiciary.

H.R. 1988. A bill for the relief of Young Hoon Park, his wife, Eurnhi Park, their minor daughters, Myong Ok Park and Nam Ok Park, and their minor son, Soo Jin Park; to the Committee on the Judiciary.

H.R. 1989. A bill for the relief of Fukumatsu Sato; to the Committee on the Judiciary.

H.R. 1990. A bill for the relief of Ryoichi Sawai; to the Committee on the Judiciary.

H.R. 1991. A bill for the relief of the estate of Junichi Taketa; to the Committee on the Judiciary.

H.R. 1992. A bill for the relief of Matsu Tengan and his wife, Kama Tengan; to the Committee on the Judiciary.

H.R. 1993. A bill for the relief of Miss Akenese Vaima'a; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 1994. A bill for the relief of Donald L. Bulmer; to the Committee on the Judiciary.

H.R. 1995. A bill for the relief of Miss Margaret Gale; to the Committee on the Judiciary.

H.R. 1996. A bill for the relief of Mrs. Anita Lingho Tong; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 1997. A bill for the relief of Joseph F. Sullivan; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 1998. A bill for the relief of James L. Gerard, James W. Summers, and William D. Cissel; to the Committee on the Judiciary.

H.R. 1999. A bill for the relief of Barbara A. Dalkiran; to the Committee on the Judiciary.

H.R. 2000. A bill for the relief of Servillano C. Espi; to the Committee on the Judiciary.

H.R. 2001. A bill for the relief of Bruce I. Gilbert; to the Committee on the Judiciary.

H.R. 2002. A bill for the relief of Louis Teipoonui Gooding; to the Committee on the Judiciary.

H.R. 2003. A bill for the relief of James H. Kane; to the Committee on the Judiciary.

H.R. 2004. A bill for the relief of Mrs. Andrea Pasion and her minor daughter, Benedicta Pasion; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 2005. A bill for the relief of Aristide Roberto Ricci; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 2006. A bill for the relief of Jesus Agner; to the Committee on the Judiciary.

H.R. 2007. A bill for the relief of Antonia Campo; to the Committee on the Judiciary.

H.R. 2008. A bill for the relief of Giuseppe Cantacesso; to the Committee on the Judiciary.

H.R. 2009. A bill for the relief of Maria Di Mascio Cantacesso; to the Committee on the Judiciary.

H.R. 2010. A bill for the relief of Maria A. Ferrara; to the Committee on the Judiciary.

H.R. 2011. A bill for the relief of Philip C. Riley and Donald F. Lane; to the Committee on the Judiciary.

H.R. 2012. A bill for the relief of Rosaria Meo; to the Committee on the Judiciary.

H.R. 2013. A bill for the relief of Felice Orlandella; to the Committee on the Judiciary.

H.R. 2014. A bill for the relief of Anna Ruzzo; to the Committee on the Judiciary.

H.R. 2015. A bill for the relief of Guiseppe Signorello; to the Committee on the Judiciary.

H.R. 2016. A bill for the relief of Maria Signorello; to the Committee on the Judiciary.

H.R. 2017. A bill for the relief of George Talissee; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 2018. A bill for the relief of Maria Deolinda and Joao da Conceicao Albano; to the Committee on the Judiciary.

H.R. 2019. A bill for the relief of Manuel Andrade; to the Committee on the Judiciary.

H.R. 2020. A bill for the relief of Vedat Fahreddin Arkay and Mohaddes Arkay; to the Committee on the Judiciary.

H.R. 2021. A bill for the relief of Antonio Azzaro; to the Committee on the Judiciary.

H.R. 2022. A bill for the relief of Assuntina Buonapane; to the Committee on the Judiciary.

H.R. 2023. A bill for the relief of Mario DeNicola; to the Committee on the Judiciary.

H.R. 2024. A bill for the relief of Rafaelle De Padova; to the Committee on the Judiciary.

H.R. 2025. A bill for the relief of Oll-Gario Lobo Depina; to the Committee on the Judiciary.

H.R. 2026. A bill for the relief of Jose M. Monteiro Fontes; to the Committee on the Judiciary.

H.R. 2027. A bill for the relief of Goon Mee Heung; to the Committee on the Judiciary.

H.R. 2028. A bill for the relief of Spyridon Kavadas; to the Committee on the Judiciary.

H.R. 2029. A bill for the relief of Gaetano La Bella; to the Committee on the Judiciary.

H.R. 2030. A bill for the relief of Giovanni, Malfada, Cinzia, and Lucio Paolini; to the Committee on the Judiciary.

H.R. 2031. A bill for the relief of Eugenio and Renata Sanacore; to the Committee on the Judiciary.

H.R. 2032. A bill for the relief of Chan Yun Tai; to the Committee on the Judiciary.

H.R. 2033. A bill for the relief of Goon Wing Wah; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 2034. A bill to authorize the Secretary of Commerce to sell the MV Chestatee; to the Committee on Merchant Marine and Fisheries.

By Mr. PETTIS:

H.R. 2035. A bill for the relief of William R. Karsteter; to the Committee on the Judiciary.

H.R. 2036. A bill for the relief of Miss Linda Ortega; to the Committee on the Judiciary.

H.R. 2037. A bill for the relief of Carlos Priego Reyes; to the Committee on the Judiciary.

H.R. 2038. A bill for the relief of Luisa Celis de Reyes, Carlos Crispin Reyes, and Luisa Maria Reyes; to the Committee on the Judiciary.

H.R. 2039. A bill for the relief of Mrs. Violeta Q. Sipus; to the Committee on the Judiciary.

H.R. 2040. A bill for the relief of Wah Fat Won (also known as Suey Hong Won); to the Committee on the Judiciary.

H.R. 2041. A bill for the relief of Hong Quing Lee (also known as Ngun Cheong Wong); to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 2042. A bill for the relief of Mrs. Gregoria Grande Bermudes; to the Committee on the Judiciary.

H.R. 2043. A bill for the relief of Lapaz Mercado Ibea; to the Committee on the Judiciary.

H.R. 2044. A bill for the relief of Amy Estelle Sebro; to the Committee on the Judiciary.

H.R. 2045. A bill for the relief of Aurora Sulpizi; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 2046. A bill for the relief of Mabel Alice Bennett; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 2047. A bill for the relief of Marion Owen; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 2048. A bill for the relief of Vladimiro Canulla family (Vladimiro, Romana Bardella, Marco Valerio, and Paolo); to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 2049. A bill for the relief of Michael Burton; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 2050. A bill for the relief of Luigi Avallone; to the Committee on the Judiciary.

H.R. 2051. A bill for the relief of Mrs. Leo R. McArdle; to the Committee on the Judiciary.

H.R. 2052. A bill for the relief of Luz Maria Cruz Aleman Phillips; to the Committee on the Judiciary.

By Mr. REES:

H.R. 2053. A bill for the relief of Vicente C. Capacite; to the Committee on the Judiciary.

H.R. 2054. A bill for the relief of Mr. Alfonso Cediel; to the Committee on the Judiciary.

H.R. 2055. A bill for the relief of Lourdes De Leon; to the Committee on the Judiciary.

H.R. 2056. A bill for the relief of Nikola Filipidis; to the Committee on the Judiciary.

H.R. 2057. A bill for the relief of Katharina Gaertner; to the Committee on the Judiciary.

H.R. 2058. A bill for the relief of Harvey Hart; to the Committee on the Judiciary.

H.R. 2059. A bill for the relief of Miss Jenny Jo; to the Committee on the Judiciary.

H.R. 2060. A bill for the relief of Miss Hiroko Kurokawa; to the Committee on the Judiciary.

H.R. 2061. A bill for the relief of Mrs. Gianna Groves Lord; to the Committee on the Judiciary.

H.R. 2062. A bill for the relief of Mrs. Agueda C. Monserrat; to the Committee on the Judiciary.

H.R. 2063. A bill for the relief of Mohammed Aslam A. R. Munjee; to the Committee on the Judiciary.

H.R. 2064. A bill for the relief of Rosswood Enterprises; to the Committee on the Judiciary.

H.R. 2065. A bill for the relief of Mrs. Prima C. Ruivivar and her minor son, Francisco C. Ruivivar; to the Committee on the Judiciary.

H.R. 2066. A bill for the relief of Visitacion V. Hernandez Tecson; to the Committee on the Judiciary.

H.R. 2067. A bill for the relief of Mrs. Rose Thomas; to the Committee on the Judiciary.

H.R. 2068. A bill for the relief of Benita Valderama; to the Committee on the Judiciary.

H.R. 2069. A bill for the relief of Byung Yuk Yu and Myoung Ja Yu; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 2070. A bill for the relief of Maria Luigia Di Giorgio; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 2071. A bill for the relief of Angelina Cappa Cardamone; to the Committee on the Judiciary.

H.R. 2072. A bill for the relief of Vincenzo Casale; to the Committee on the Judiciary.

H.R. 2073. A bill for the relief of Rose and Giulio Ciccone; to the Committee on the Judiciary.

H.R. 2074. A bill for the relief of Rosina Parisi, Donato Parisi, and Gerardo Parisi; to the Committee on the Judiciary.

H.R. 2075. A bill for the relief of Enzo Piombetti; to the Committee on the Judiciary.

H.R. 2076. A bill for the relef of Vladimir Rodriguez LaHera; to the Committee on the Judiciary.

H.R. 2077. A bill for the relief of Mario Sarni; to the Committee on the Judiciary.

H.R. 2078. A bill for the relief of Daniel Sriqui; to the Committee on the Judiciary.

H.R. 2079. A bill for the relief of Dimitrios P. Tassios; to the Committee on the Judiciary.

H.R. 2080. A bill for the relief of Sister Josephine Di Guida, Sister Louise Gargione, Sister Angelina Mele, and Sister Rose Ricciardelli; to the Committee on the Judiciary.

H.R. 2081. A bill for the relief of Heather Doreen Warner; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 2082. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; to the Committee on Interior and Insular Affairs.

By Mr. ROONEY of New York:

H.R. 2083. A bill for the relief of Nicolo Avvocato; to the Committee on the Judiciary.

H.R. 2084. A bill for the relief of Mr. and Mrs. Mario Buraglia and son, Giuseppe Buraglia; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 2085. A bill for the relief of Rosina Cervini; to the Committee on the Judiciary.

H.R. 2086. A bill for the relief of Carmelo G. Garofalo; to the Committee on the Judiciary.

H.R. 2087. A bill for the relief of Park Ok Soo, and Noh Mi Ok; to the Committee on the Judiciary.

H.R. 2088. A bill for the relief of Agostino Vazzana, and their children, Renata and Natale Vazzana; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2089. A bill for the relief of Miss Corazon Chu Cea; to the Committee on the Judiciary.

H.R. 2090. A bill for the relief of Norma Esther Sturiza and her daughter, Andrea Claudia Coltellini; to the Committee on the Judiciary.

H.R. 2091. A bill for the relief of Mrs. Jilma Venegas de Westbrook; to the Committee on the Judiciary.

H.R. 2092. A bill for the relief of Rafael Hernandez-Rangel; to the Committee on the Judiciary.

H.R. 2093. A bill for the relief of Estela Aguilar Hurtado; to the Committee on the Judiciary.

H.R. 2094. A bill for the relief of Primitivo Manalo Santos; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 2095. A bill authorizing the President of the United States to present a gold medal to the widow of Martin Luther King, Jr.; to the Committee on Banking and Currency.

By Mr. SANDMAN:

H.R. 2096. A bill for the relief of Anna Del Baglivo; to the Committee on the Judiciary.

H.R. 2097. A bill for the relief of Francesco Costanzo; to the Committee on the Judiciary.

H.R. 2098. A bill for the relief of Antonio Filippo D'Agostino; to the Committee on the Judiciary.

H.R. 2099. A bill for the relief of Mario Errera; to the Committee on the Judiciary.

H.R. 2100. A bill for the relief of Eugene P. Horton, Remilda Horton, and James Horton; to the Committee on the Judiciary.

H.R. 2101. A bill for the relief of Cecilia Pelaez; to the Committee on the Judiciary.

H.R. 2102. A bill for the relief of Giuseppe Trimarchi; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 2103. A bill for the relief of Jesse Pursell and Sam Corbino; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 2104. A bill to provide for the conveyance of certain real property of the United States situated in the State of Pennsylvania; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 2105. A bill for the relief of Sung-Won Ko; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 2106. A bill for the relief of Carmela Toschi; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 2107. A bill for the relief of Jose Bettencourt de Simas; to the Committee on the Judiciary.

H.R. 2108. A bill for the relief of Nemesio Gomez-Sanchez; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 2109. A bill for the relief of Giuseppe Andreano; to the Committee on the Judiciary.

H.R. 2110. A bill for the relief of the estate of Julius L. Goeppinger; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 2111. A bill for the relief of Sofio and Cesaria Salemi; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 2112. A bill for the relief of Cindeline Dawn Dillon; to the Committee on the Judiciary.

H.R. 2113. A bill for the relief of Jan Pawelczak; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 2114. A bill for the relief of Nelita Duazo; to the Committee on the Judiciary.

H.R. 2115. A bill for the relief of Dr. Raymond W. Ferrier; to the Committee on the Judiciary.

H.R. 2116. A bill for the relief of Dr. Delfina M. Ibalio; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 2117. A bill for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, A13707–473D/3); to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 2118. A bill for the relief of Amos E. Norby; to the Committee on the Judiciary.

By Mr. VANIK:

H.R. 2119. A bill for the relief of Ruben P. Red; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 2120. A bill for the relief of Lorenzo Bichi; to the Committee on the Judiciary.

H.R. 2121. A bill for the relief of Rafael Cisneros-Calderon; to the Committee on the Judiciary.

H.R. 2122. A bill for the relief of Lt. Col. Harold E. Gladstone and Elsie Gladstone; to the Committee on the Judiciary.

H.R. 2123. A bill for the relief of Edith L. Lynch; to the Committee on the Judiciary.

H.R. 2124. A bill for the relief of Provvidenza Piscitello; to the Committee on the Judiciary.

H.R. 2125. A bill for the relief of Douglas F. Scott; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 2126. A bill for the relief of Sofia Papadimou Dimitroff; to the Committee on the Judiciary.

H.R. 2127. A bill for the relief of the estate of Charles Zonars, deceased; to the Committee on the Judiciary.

H.R. 2128. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of California to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. WHALLEY:

H.R. 2129. A bill for the relief of Rosa Marigliano; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 2130. A bill for the relief of Michiko Unoki Gonzalez; to the Committee on the Judiciary.

H.R. 2131. A bill for the relief of The Howrey Lumber Company; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 2132. A bill for the relief of Commander Albert G. Berry, Junior; to the Committee on the Judiciary.

H.R. 2133. A bill for the relief of Mr. Hayden A. Moore; to the Committee on the Judiciary.

H.R. 2134. A bill for the relief of Joseph Pacholek; to the Committee on the Judiciary.

H.R. 2135. A bill for the relief of Ruben Platte; to the Committee on the Judiciary.

H.R. 2136. A bill for the relief of Nguyet thi Tran and Dzung thi kim Tran; to the Committee on the Judiciary.

H.R. 2137. A bill for the relief of Katsu Asage Whetstine; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 2138. A bill for the relief of Amino Brothers Company, Inc.; to the Committee on the Judiciary.

H.R. 2139. A bill for the relief of Usto E. Schulz; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 2140. A bill for the relief of John S. Frim; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 2141. A bill for the relief of Miss Ljiljana Nikodinovic; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 2142. A bill for the relief of Pietro Commodaro and his wife, Vittorio Commodaro; to the Committee on the Judiciary.

By Mr. SAYLOR:

H. Con. Res. 90. Concurrent resolution recognizing the golf course of the Foxburg Country Club of Foxburg, Pa., as the oldest golf course in continuous use in the United States; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By Mr. BRINKLEY: Petition of Mrs. Ben Purcell, Mrs. John R. Hill, Mr. Bernard Bull, Mrs. W. Howard Parham, Mrs. Floyd Adams, Mrs. John Stivarius, Mrs. R. W. Burgamy, Mrs. Robert G. Levy, Mrs. Shirley Hirsch Minkow, Mrs. Marie E. Frankiewicy, Mrs. John E. Watts, and Mrs. Cecelia B. McCravey of Columbus, Ga., et al., urging the Congress of the United States to work for the immediate release of our American servicemen held in captivity in Southeast Asia prisons; to the committee on Foreign Affairs.

2. By Mr. MITCHELL: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the committee on the Judiciary.

3. By Mr. MIKVA: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

4. By Mr. JACOBS: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

5. By Mr. EDWARDS of California: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

6. By Mr. CONYERS: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on Judiciary.

7. By Mr. RYAN: Petition of Dr. Ralph David Abernathy, president, Southern Christian Leadership Conference, containing 500,000 of the 3 million signatures which were presented by him at the U.S. Capitol on January 15, 1971, calling upon the Congress and the President of the United States to declare that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

8. By the SPEAKER: Petition of the Okinawa Mayor's Association, Naha, Okinawa, relative to the removal of poison-gas weapons from Okinawa; to the Committee on Armed Services.

9. Also, petition of Robert Osborne Limster, Statesville, N.C., relative to the establishment of a National Money Commission; to the Committee on Banking and Currency.

10. Also, petition of Priests' Senate, Archdiocese of Boston, Mass., relative to political asylum; to the Committee on Foreign Affairs.

11. Also, petition of Tau Epsilon Rho Law Fraternity, relative to the treatment of Jews in Russia; to the Committee on Foreign Affairs.

12. Also, petition of the Common Council, Buffalo, N.Y., relative to lead standards for gasoline; to the Committee on Interstate and Foreign Commerce.

13. Also, petition of National Conference of State Legislative Leaders, Milwaukee, Wis., relative to revenue sharing; to the Committee on the Judiciary.

14. Also, petition of William Martin Cavaney, Alhambra, Calif., relative to redress of grievances; to the Committee on Judiciary.

15. Also, petition of William Martin Cavaney, Alhambra, Calif., relative to redress of grievances; to the Committee on the Judiciary.

16. Also, petition of the Board of Chosen Freeholders, Middlesex County, N.J., relative to revenue sharing; to the Committee on Ways and Means.

17. Also, petition of Henry Stoner, York, Pa., relative to Federal income taxes; to the Committee on Ways and Means.

SENATE—*Friday, January 22, 1971*

The Senate met at 8 p.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and move and have our being, we thank Thee for all the sacred memories and hallowed recollections which cluster about the life of Thy servant, Richard Russell. We thank Thee this moment for the nobility of his character, for his gracious manners and courtly bearing, for his parliamentary skills, for his wise statesmanship and for his service to this Nation. Comfort those who mourn. Inspire and strengthen all who remain to serve Thee here.

O Lord, open our minds to Thy truth, our hearts to Thy grace, our beings to Thy love. Give wisdom and clarity to the President who speaks, understanding to all who listen, and a new dedication of all the people to the making of a better nation in a world at peace.

In the Master's name we pray. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that a quorum of the House has assembled; that CARL ALBERT, a Representative from the State of Oklahoma, has been elected Speaker; and W. Pat Jennings, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives of the 92d Congress.

The message announced that the House had agreed to a concurrent resolution (H. Con. Res. 1) providing for a joint session of the House and Senate on Friday, January 22, 1971, to receive the President of the United States, in which it requested the concurrence of the Senate.

REPORT OF PRESIDENTIAL NOTIFICATION COMMITTEE

Mr. MANSFIELD. Mr. President, the committee appointed to join a similar committee of the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House had assembled and was ready to receive any communication he may be pleased to make, reports that they have performed that duty, and that the President has advised that he would be pleased to address the two Houses in joint session tonight.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 21, 1971, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JANUARY 25, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns this evening, it stand in adjournment until 12 o'clock noon on Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. MANSFIELD. Mr. President, after discussing this matter with the distinguished minority leader, and in the interest of the continuity of government, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 4) as follows:

S. RES. 4

Resolved, That Honorable Allen J. Ellender, a Senator from the State of Louisiana, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with the resolution of the Senate adopted on the 12th day of March 1890 on the subject.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT. Mr. President, I submit an amendment to the resolution and send it to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

Strike the name of ALLEN J. ELLENDER of Louisiana and insert in lieu thereof, GEORGE D. AIKEN of Vermont.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 4) was agreed to.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I send another resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 5

Resolved, That the President of the United States be notified of the election of Hon. Allen J. Ellender, a Senator from the State of Louisiana, as President of the Senate pro tempore.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 5) was considered and agreed to.

NOTIFICATION TO THE HOUSE

Mr. MANSFIELD. Mr. President, I send to the desk a third resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. RES. 6

Resolved, That the House of Representatives be notified of the election of Hon. Allen J. Ellender, a Senator from the State of Louisiana, as President of the Senate pro tempore.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Res. 6) was considered and agreed to.

ADMINISTRATION OF OATH

The VICE PRESIDENT. The Senator from Louisiana (Mr. ELLENDER) will approach the desk and the oath will be administered to him.

The Honorable ALLEN J. ELLENDER, escorted by Mr. MANSFIELD, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President.

[Applause, Senators rising.]

ORDER FOR JOINT SESSION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution No. 1.

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 1, which was read as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 22, 1971, at 9 o'clock p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of this resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the resolution (H. Con. Res. 1) was considered and agreed to.

DEATH OF SENATOR RICHARD BREVARD RUSSELL, OF GEORGIA

Mr. TALMADGE. Mr. President, it is my sad duty to advise the Senate of the passing of the senior Senator from Georgia.

The State of Georgia leads the Nation in mourning the death of RICHARD BREVARD RUSSELL—one of the greatest U.S. Senators of all times, a distinguished statesman without peer, and a fine man beloved and respected by all of us in the Senate today, and all those who served with him during his 38 years in this Chamber.

A great leader and a great statesman has fallen. I know of no other Member of the U.S. Senate throughout all the history of America who served his Nation with greater distinction. A legend in his own time, Senator RUSSELL will be enshrined in history, along with giants of the U.S. Senate such as Webster, Calhoun, and Clay, and other Americans of great stature.

For more than 50 years, Senator RUSSELL served Georgia and the Nation as State legislator, speaker of the Georgia House of Representatives, and Governor of the State. He served for 38 years in the Senate.

As President pro tempore, he was third in line for succession to the Presidency. In modern history, Senator RUSSELL was without peer in the Senate. No other Member of the Senate was more beloved and respected. Senator RUSSELL was a Senator's Senator.

He was friend and counsel to Presidents, and there is no doubt in my mind that he would have been President himself, except for the fact that he was from the South. Georgia, the Nation, the free world, mourn his passing. I have lost a devoted friend, colleague, and confidant. I am grieved by his passing.

Mrs. Talmadge joins me in extending to the members of the Russell family our deepest heartfelt sympathy.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield.

Mr. MANSFIELD. I have discussed this matter with the distinguished minority leader and we feel it only appropriate that remarks covering the passing of our late beloved colleague, the distinguished Senator from Georgia (Mr. RUSSELL), be delivered tonight only by his own colleague from that great State.

I do wish to take this moment, though, to announce that, at the conclusion of morning business on Monday next, the remainder of that day will be devoted to eulogizing our late colleague.

I wish to join with the distinguished Senator in the remarks he has just made.

Mr. TALMADGE. Mr. President, I thank the able and distinguished majority leader.

Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 7

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Richard B. Russell, late President pro tempore of the Senate and late a Senator from the State of Georgia.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate stands adjourned at the close of the joint session.

The VICE PRESIDENT. Without objection, the resolution is considered and unanimously agreed to.

Under the second resolving clause the Chair appoints the entire membership of the Senate as the committee on the part of the Senate to attend the funeral of the late Senator RICHARD B. RUSSELL, of Georgia.

PAYMENT OF CERTAIN COMMITTEE EXPENSES

Mr. TALMADGE. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 8

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Richard B. Russell, late a Senator from the State of Georgia, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

The VICE PRESIDENT. Without objection, the resolution (S. Res. 8) is considered and agreed to.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS—JOINT SESSION OF THE TWO HOUSES

The VICE PRESIDENT. Without objection, the Senate will stand in recess to attend the joint session.

Thereupon, at 8:38 p.m., the Senate took a recess to attend a joint session of the two Houses.

The Senate, preceded by the Secretary of the Senate (Francis R. Valeo), the Deputy Sergeant at Arms (William H. Wannall), the President pro tempore (Mr. ELLENDER), and the Vice President, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States on the State of the Union.

(The address by the President of the United States delivered by him today appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT TO MONDAY, JANUARY 25, 1971

At the conclusion of the joint session of the two Houses, the Senate, in accordance with the order previously entered and, pursuant to Senate Resolution 7, as a further mark of respect to the memory of the late Senator RICHARD B. RUSSELL, at 9 o'clock and 44 minutes p.m. adjourned until Monday, January 25, 1971, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

TUNNARD: A SOUTHERN RECORD

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. HALL. Mr. Speaker, on August 10, 1861, the Battle of Wilson's Creek, the second major engagement of the Civil War, took place.

The site, located southwest of Springfield, Mo., was recently designated a national battlefield by President Nixon.

Willie H. Tunnard, a member of the 3d Louisiana Infantry, was a participant in that battle and, later, when the war ended, wrote a book about the action. That book has now been reissued with a new preface and an additional 200 pages of notes along with a roster of the 2,200 names and service records of the members of the 3d Louisiana Infantry. I have one of the numbered copies and have read it with absorbing personal interest.

The book is entitled "Tunnard: A Southern Record," and is published by the Morningside Bookshop in Dayton, Ohio. The additional 200 pages and the roster have been edited by Edwin C. and Margie Bearss. Mr. Bearss is an employee of the National Park Service.

A review of the work was recently printed in the Springfield, Mo., News and Leader newspaper by its former managing editor—now retired—and my personal friend.

To those who are interested in writings about the Civil War, I offer the following review:

THE BOOK CORNER

(Edited by C. W. Johnson)

SOUTHERN VIEW OF WILSON'S CREEK

(A Southern Record, by Edwin C. Bearss and Willie H. Tunnard; Morningside Bookshop, Dayton, Ohio, 582 pages, $12.50 ($15 after Jan. 1))

The battle of Wilson's Creek, second major engagement of the Civil War, fought over the rolling hills southwest of Springfield during the morning hours of Aug. 10, 1861, should, according to the protocol of warfare, be called the Battle of Oak Hills—the title given it by the Confederates.

History records it as a Confederate victory, although crediting the Union forces comes a reissue of a Civil War history that the South was unable to press its advantage by pursuing the withdrawing Northerners as they pulled back to Springfield and thence on to the northeast toward St. Louis.

All the accounts written of the battle appear to be in general agreement, but now comes a reissue of a Civil War history that was written immediately after the close of the war that offers several major differences from previously accepted accounts.

This is an account of Willie H. Tunnard's participation in the campaign in which the 3rd Louisiana Infantry figured, first the thrust into Missouri, to be followed by scattered action in northern and western Arkansas, then diversion across the Mississippi to take a hand in the prolonged defense of Vicksburg.

Tunnard, born in New Jersey in 1837 but taken by his parents within a few years to Louisiana, attended and graduated from Kenyon College in Ohio and, with some early experience in journalism, wrote this book immediately upon the close of the war. It was published in a limited edition and in consequence has long been out of print; now, with Edwin C. Bearss as editor it has been expanded by some 200 pages by the inclusion of pertinent notes relating to the war, and the addition of the roster of 2200 names and service records of the members of the Louisiana regiment.

But Tunnard's account of the Battle of Wilson's Creek is at some disagreement with details generally accepted from other historians. Tunnard writes, for example, that the forces commanded by Gen. Ben McCulloch had been in pursuit of Union General Lyon from Cassville toward Springfield, and that some contact with Union forces had been made prior to the battle that began before dawn Aug. 10.

Tunnard's story, too, relates that the Confederates continued pursuit of the Union army all the way to Springfield, whereas historians generally accept the fact that the South suffered such crippling losses during the battle that pursuit was impossible.

Tunnard quotes official accounts to show that the Confederates had 5300 troops in the battle, of whom 156 were killed and 517 wounded. More recent accounts indicate that the South had 11,600 men in the battle against the North's 5400, that the South sustained 257 deaths, 900 wounded and 27 missing as against the North's 233 killed, 721 wounded and 291 missing.

"Gen. Lyon was killed about half-past one o'clock, while bravely leading his men," the Tunnard account says, "his uniform was cut up into small pieces and carried away as relics. His horse, a magnificent gray stallion, imported from England, was also killed, and the boys cut all the hair from his mane and tail and distributed it."

This, too, as a reprint of a book originally published in 1866, is of a limited edition of 1000 copies. An important addition to the history of the Civil War, it is available from Morningside Bookshop, Box 336, Forest Park Station, Dayton, Ohio, 45405, at the price of $12.50 through Dec. 31 and thereafter at $15.

REPORT OF 235 ACTIVITY IN NORTH CAROLINA

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. PREYER of North Carolina. Mr. Speaker, recent revelations about housing assistance for lower income families in some areas of the country have tended to leave the impression of a nationwide scandal. I do not know what the situation may be in other areas of our Nation but I am impressed with the integrity of the program in North Carolina. Recently I met with the FHA director in my State, Mr. R. B. Barnwell, and with others associated with the program. They are good men doing a good job. The information they provided about section 235 activities in my State impressed me, and I am entering it in the RECORD as an example of responsible administration of this program:

REPORT OF 235 ACTIVITY IN NORTH CAROLINA

The Housing and Urban Development Act of 1968 establishes a new Section 235 of the National Housing Act to assist lower income families in acquiring homeownership or membership in a cooperative.

Assistance is in the form of monthly payments by HUD to the mortgagee to reduce interest costs on a market rate home mortgage insured by FHA to as low as 1 percent if the homeowner cannot afford the mortgage payment with 20 percent of his income.

The amount of subsidy will vary according to the income of each homeowner and the total amount of the mortgage payment at the market rate of interest. Family income and mortgage limits are established for eligibility in each locality.

Assistance under Section 235 will generally be limited to new or substantially rehabilitated units. However, within specified limits, existing dwellings can be sold to the families who are eligible for assistance.

When the 235 program, Interest Subsidy for Low Income Families, was instigated as a result of the Housing and Urban Development Act of 1968, this office was allocated funds for 994 units. Activity in this program was light in the beginning and during 1969 due to the newness of the program and the availability of money for other FHA programs and conventional financing. Most builders were slow getting on the bandwagon. As money became less available, the 235 program provided practically the only means of obtaining construction and permanent financing, interest in the 235 program increased sharply.

The first appropriation was 25 million and the appropriation for fiscal year 1970, 30 million, therefore, allocation of contract authority to this State has been small. As a result, obligation of 235 funds has been carefully limited to builders known by FHA and who could produce and evenly distribute production all over the State.

Interest has been altogether divided between proposed and existing construction. No interest has been shown in Rehabilitation.

The following gives complete data on the 235 activity in North Carolina:

1. Contract authority allocated to cover 5,439 units since the 235 inception.

2. 4,500 commitments have been issued under the 235 program.

3. The average sales price of properties sold under the 235 program has been approximately $17,500 for 3 bedroom and $19,500 for 4 bedroom homes.

4. Properties built under 235 have been located evenly throughout the State with a greater concentration in cities of 30,000 population or more.

5. 2,455 units (including those processed by the Farmers Home Administration) have been insured since the inception of the program.

6. 235 complaints received in the last six months where original inspection was made by (a) FHA, 18; (b) VA (referred to VA for handling), 15.

7. 235 complaints resolved in last six months involving original FHA compliance inspections, 10.

8. Total complaints received (all home programs) for last six months (new and reopened), 111.

9. Total complaints resolved or closed (all home programs) for last six months, 105.

10. Fourteen (14) 235 properties have been foreclosed since the inception of this program.

EDUCATING OUR PRESCHOOL CHILDREN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHWENGEL. Mr. Speaker, in my hometown of Davenport, Iowa, we have a unique organization devoted to providing educational facilities for preschool children. The following guest editorial from the Davenport Times-Democrat explains more fully the work of the Quad-City Montessori Association:

A LIFE OF CREATIVE LEARNING

(NOTE.—The guest article today is by A. Fred Berger Jr. on the work of Maria Montessori and of the school opened recently by the Quad-City Montessori Association. Berger is president of the association, first assistant county attorney in Scott County, and a member of the law firm of Dircks, Berger and Saylor. He received a doctor of jurisprudence degree at the University of Iowa in 1957. He, his wife and three children live at 822 W. Rusholme St., Davenport.)

Maria Montessori (1870–1952) was Italy's first woman physician. She devoted her life to children's liberation. Her many books and articles, all published many years ago but as fresh as classics, should be read by anyone who knows a child. In them she summarizes her careful observations of children and presents her revolutionary thoughts on their educational needs.

In "The Absorbent Mind" Dr. Montessori wrote, "The most important period of life is not the age of university studies, but the first one, the period from birth to age six. For that is the time when man's intelligence itself, his greatest implement, is being formed. But not only his intelligence; the full totality of his psychic powers . . . At no other age has the child greater need of an intelligent help, and any obstacle that impedes his creative work will lessen the chance he has of achieving perfection."

Dr. Montessori believed that no individual is educated by another person. He must do it himself or it will never be done. A truly educated person continues learning long after the hours and years he spends in the classroom because he is motivated from within by natural curiosity and love for knowledge. She felt, therefore, that the goal of early childhood education should not be to fill the child with facts, but rather to cultivate his own natural desire to learn.

Children, she observed, have periods of intense fascination for learning a particular skill such as counting. It is easier for the child to learn that particular skill during the sensitive period than at any other time in his life. She also observed that in order to learn there must be concentration and the best way a child can concentrate is by fixing his attention on some task he is performing with his hands—the hand being the chief teacher of the child.

From these theories and observations, Montessori developed the "Casas dei Bambini" or children's houses. The Montessori school consists of a pleasant, carefully prepared environment where children feel comfortable and at home. All equipment and materials are scaled to the child's size. Each child is free to select activities which correspond to his own periods of interest and readiness thus allowing him to experience the excitement of learning by his own choice rather than being forced. All equipment in the classroom allows the child to reinforce his casual impressions by inviting him to use his hands for learning. In addition, the classroom materials are self-correcting, allowing the child to do a task by himself. The adults in the classroom are there to help the child help himself rather than to teach in the conventional sense. The classroom materials give specific information to the child and at the same time perfect all his natural tools for learning, so that his ability will be at a maximum in future learning situations.

The Quad-City Montessori Association opened its school in Davenport last September. Formed by a group of parents concerned about the education of their pre-school children, the association is a non-profit corporation dedicated to the task of maintaining a Montessori school locally. It has 31 enrollees 3–5 years of age. Classes meet in St. Andrew Presbyterian Church. Mrs. Neil Chrisman of Geneseo, Ill., serves as the directress and is assisted by Mrs. Tom Tyree and Mrs. Marvin Bryce, both of Davenport.

Montessorians throughout the world are observing the centennial of Maria Montessori's birth. The Quad-City group is proud to be a part of this centenary year. Their motto is "building the foundation for a lifetime of creative learning" which summarizes Maria Montessori's goal for all children.

THE CAMBODIANS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHMITZ. Mr. Speaker, Kipling wrote:

> But there is neither East nor West, Border, nor Breed, nor Birth, When two strong men stand face to face, tho' they come from the ends of the earth!

The spirit exhibited by the Cambodian people as they bravely fight to hold back the North Vietnamese Communist armies has been likened to that shown by the people of Great Britain during the early part of World War II. What Winston Churchhill said about the English people during the Battle of Britain can be said today of the Cambodians:

> This was their finest hour.

The small nation of Cambodia moved into the forefront of the anti-Communist struggle in Southeast Asia last March when the National Assembly voted no confidence in the long-time head of state, Prince Sihanouk. Sihanouk had allowed the Communists to tranship goods across Cambodia from the port of Komponk Som to their sanctuaries in eastern Cambodia since the early 1960's. He had also made agreements with the Communists in violation of the Cambodian neutrality law of 1957 and the Geneva Accords of 1954 which pledged Cambodia to maintain a neutral position.

Upon learning of his ouster as chief of state in favor of nationalist anti-Communist forces, Sihanouk rushed from Moscow where, interestingly enough, he was at the time, to Red China, where he set up his present shadow government. He threw his support behind the North Vietnamese Communist effort to conquer his own country, proving that treason can reach the top level of government.

Portions of the North Vietnamese armies immediately began marching westward toward the Cambodian capital of Phnom Penh. By April 20 the town of Saagn, only 20 miles from the capital, was seized by the enemy forces. Lon Nol, the current leader of Cambodia, had appealed fruitlessly to both the cochairmen of the commission set up by the 1954 Geneva Accords, which had guaranteed Cambodian neutrality, and also to the United Nations, which, as usual, was not interested in doing anything about aggression by Communists. On April 21 he appealed directly to the United States for arms and ammunition to repel the aggressors. Although a few captured AK-47 Czech and Red Chinese made rifles were forthcoming, he was advised to look elsewhere for ammunition. Just where he was supposed to look is a real question.

Then on April 30, a combined United States-South Vietnamese force slashed into the Communist rear areas in eastern Cambodia. This effort, so soundly condemned by some Americans who seem to have become most interested in the success of the North Vietnamese war effort, temporarily saved Cambodia from falling to the enemy. The Cambodians knew this well. To them, the charges that this operation was aggression on the part of the United States toward Cambodia are ridiculous. They diplomatically refrain from calling these assertions malicious.

Today, the Communist forces control half of Cambodia proper, and the situation is tenuous. The Cambodians have, however, risen to the occasion in defense of their homeland. Two examples of the fine spirit of total national resistance and opposition to communism stand out from among many. The first is the fact that the Cambodian Army has increased in numbers from 35,000 in March of this year, when Sihanouk was constitutionally deposed, to a current strength of over 150,000. This has been done without conscription. Here is a real people's war, with tens of thousands of Cambodians flocking to the banner of what is known as the "Salvation Government" to fight for their nation against an increasingly vicious aggressor.

The second fact illustrating the spirit of the Cambodian people is less well known. For years individual Cambodians have been traveling to South Vietnam to join an organization known as the Khmer Serai—Free Cambodians. This group has been one of the main elements of the special forces efforts in many areas of South Vietnam. The Khmer Serai has proved itself to be one of the toughest and most reliable anti-Communist fighting groups in South Vietnam. Many of the Khmer Serai fighters have now returned to their own land as it pursues its new course in the fight for freedom.

While many American students have demonstrated in favor of Communist war aims, practically the entire student and teacher population of Cambodia have marched off to war against the North Vietnamese invaders. They understand perfectly the difference between liberation and aggression and have dedicated themselves to the fight for national independence, rather than against it.

The U.S. Congress, while voting weapons and other material to aid the Cambodian people, has voted against allowing American troops to go directly to their aid. It will be interesting to see whether the spirit of the "Flying Tigers" will revive, with Americans individually volunteering to go and help the Cambodians. Under a 1967 Supreme Court decision Afroyim against Rusk, an American cannot lose his citizenship for an action of this type.

The spirit of determined total resistance to aggression pervades the Cambodian people. They deserve to win, and, with our help, they can and will win.

W. C. HANDY: THE LEGEND OF BEALE STREET

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. QUILLEN. Mr. Speaker, Col. George W. Lee, a good friend of mine and an outstanding figure in this country, is one of the most magnificent and eloquent speakers of our time.

Recently, and understandably so, he was selected to deliver the main address at the dedication of the W. C. Handy Museum in Florence, Ala.

W. C. Handy wrote the widely known song "Memphis Blues" and from this original art score came similar blues music—"The St. Louis Blues," and "The Beale Street Blues."

To give you some background on Colonel Lee, I want you to know that he has enjoyed one of the most successful careers of any man I have ever known.

Colonel Lee is a great American and has served as an inspiration to all of those who know him. He is a man of high principles and has led a life which has brought to him many rewards as a soldier, author, lecturer, civic leader, and successful businessman.

Colonel Lee's phraseology and his oratorical style are matched by few and the speech he delivered in Alabama certainly brought forth these rare talents.

I have read a copy of the dialect and I feel readers of the RECORD also are entitled to read it.

The address follows:

W. C. HANDY: THE LEGEND OF BEALE STREET

Master of ceremonies, ladies and gentlemen, I wish I could express my gratitude for your invitation to share with you the glory of this hour, but my heart sinks into a sea of gratitude and language takes its flight. Perhaps my feeling can be expressed best by the line in Handy's "Beale Street Blues," "I would rather be here than any place I know." Nowhere has the dream of the Founding Fatners been more beautifully expressed than in what you are doing here today. You have risen above race and tradition to glorify the achievement of a great American who happened to be a black man. Thus, in Governor Wallace's land, you are demonstrating that geography has nothing to do with the appreciation of genius.

The true test of the genius of an artist is how long his creations can remain in full bloom in the memory of man. How long will they be followed by mankind with admiration and devotion? How long the dream of the artist, expressed on canvas, in prose, in music, or in song, can remain above the runways to oblivion and not be forgotten or buried beneath the tongueless silence of the dreamless dust? A million songs have flown with the drift of the wind; a million landscapes have been etched; a million sunsets over the Rockies have been painted; a million faces of heroes have tiptoed out of the fantastic imagination of the poet and dreamer, but only a few have stood the test of time; have withstood the whips and scorns of time and remained sweeter and brighter as the years flowed by.

Hundreds of years have passed since Pygmalion fashioned a Galatea out of rare and nameless marble, so life-like that he bowed down and prayed to it to come into being, and the Galatea is still cherished. Hundreds of years have passed since Michelangelo decorated the Sistine Chapel with paintings of the disciples, prophets, saints, teachers, and apostles of Christendom that saved civilization when Rome was sacked by vandals. The paintings in the Sistine still prime the wells of enthusiasm and stir the pride of a people strikingly devoted to Christianity and its great history. Hundreds of years have passed since Mendelssohn wrote his overture to "A Midsummer Night's Dream," and Goethe finished his "Faust." Hundreds of years have passed since Mozart smote the lyre of the Scottish plowman and stayed the life of the German priest, but they still remain as distinctive gifts to the world's treasure house of art and music.

Standing here today, at the birthplace of the immortal William Christopher Handy, I have no need to build up the value of his creations out of Pierian Spring Water and Sweet Lemonade, but I can use the same yardstick that has been used to measure the creations of other great artists who have starred their age and time. More than a half century ago Handy wrote the "Memphis Blues." It was then, and is now, so far as I know, the first and only original art score ever produced in American music. Its mood and melody inspired the "St. Louis Blues", the "Beale Street Blues", the "Memphis Blues", and a thousand other blues songs that have flown with the drift of the wind to Paris, London, Singapore, and then back to a shotgun shack in the mud flats of East Street. A half century ago Handy wrote the "St. Louis Blues." It still holds its place today in the minds of music lovers as one of the 12 great songs in the Treasure House of American Music. When other hectic modernisms have lived their swift and furious lives and have faded out in this country that "St. Louis Woman, With Her Diamonds Rings", will be swinging down the corridors of time to the echoes of the blues, rising like winged music through eternity.

The vehicle for Handy's first great song was Mr. Crump, who ran for mayor back in 1909, on a ticket to reform Memphis, which at that time, was a hell-roaring river town. Handy, whose band was employed in the campaign, wrote a song for the occasion which ran: "Mr. Crump Don't 'Low No Easy Riders Here." The easy riders sang back: "I Don't Care What Mr. Crump Don't 'Low; I'm Gonna Bar'l-House Anyhow." And they did just that, but in the end Mr. Crump had his way and the easy riders faded into memory. But the campaign itself was God's gift to W. C. Handy. The melody of the "Memphis Blues" has, for more than a half century, caused bands to go to town on its red-hot syncopation, and a million juke boxes to swell up loud in a million hog-nose restaurants and chitterling cafes, and in a million ballrooms where kings and princesses over the earth shook wicked shoulders. It inspired jazz, rock and roll from which soul music come.

It was Handy's great sense of value that caused him to discover the nationalistic element in the folk songs of black people in the back country; songs that flowed in quick tears and laughter from their unhappy hearts; songs of burly roustabouts rolling cotton bales down the jumpy gangplank of the Robert E. Lee; songs of John Henrys tapping up railroad tires, and from field hands in the sweltering river bottoms and the tall corn fields; songs that the heart couldn't tell in its own futile terms, but borrowed from travesty and fervent plaint the wails from which Handy drew his own great songs. The wailing that Handy heard among the roustabouts, field hands, and workers on the levy took root in his mind and he felt in his soul the apathy and despair of these downtrodden people which he later expressed so admirably in his music. He was determined to do something to emphasize the nationalistic elements of these songs, set them to music, and make the world sing them. This was not the determination of black people, however, who rejected the blues, but Handy thought differently. He knew that until the black man found his heritage he would never find his pride. He would always be doomed to live a life of subjugation. He knew the teaching of history and that the strength of the people was in its heritage. He had the guts to hold up that heritage in our folk songs and give them everlasting voice with his golden trumpet, pressed to hot lips and with his pen pressed to music paper.

Vincent Lopez, in his first jazz concert at the Metropolitan Opera, proclaimed the "Memphis Blues" the only original art score in American music. Then George Gershwin came along and admitted his dependence on Handy's music for his "Rhapsody in Blue", and America gradually woke up to the idea that Handy's music, the blues, might someday constitute the rough foundation of a new American culture. So Handy's place in history is secure. Around his fortunes, about his hopes, and amid his anxious tears gathered the best minds, both black and white, rich and poor, to enjoy the festival of his music called the blues. Sometimes in taverns, and drawing rooms and hotel lobbys, they gathered to listen to his stories that prompted his sad sweet songs.

The Milwaukee Journal, in 1949, named him as one of the 20 grand old men of the world, along with George Bernard Shaw, Toscanini, Lionel Barrymore, Connie Mack, Bernard Baruch, Cordell Hull, and others. He was born here in Florence, but he was not of the south. He was not of the north. He was of the universe and all human kind was his brethren. His life is the tale of three streets, Beale Street in Memphis, Market Street in St. Louis, and Broadway in New York, but from the dust of Beale Street rose the legend of a man. He pressed his trumpet to hot lips and a song came forth. "I hate to see that evening sun go down." His music spans the barriers of race and establish communication; builds bridges of communication from man to man; from heart to heart such as a sick world is in such dire need of today because the slaughter of human beings will not stop and man will not reach the millennium until the Iron Curtains have been torn down in Russia, and the Bamboo Curtains have been torn down in China, and the curtains of racism have been removed from every American heart.

Later in life Handy became more conscious of a mission. It is revealed in his Afro-American hymn. It is revealed in his turn from writing blues to gospel songs which reflected a feeling of concern about race and religious feelings that were tearing at the soul of the Nation. He gave endless days to writing such songs that might breathe reality into the American dream so that an inspiring democracy would constitute the divine fire that would illuminate our presently fearful future. Nevertheless, the "Beale Street Blues," the "Memphis Blues," and the "St. Louis Blues" holds fast to something deep down inside of one. They are more than songs. They are loving, shining symbols that only the soul of man can understand. So, when the last sun goes down on the judgment day it will reveal three bright musical mansions in the sky. The one on the right for George Gershwin, built out of "Rhapsody in Blue." The one on the left for Stephen Foster, built out of "My Old Kentucky Home." Then a shaft of musical lightning will thwart the inky skies and reveal in the center a shiny bright mansion for William Christopher Handy, built out of the "Memphis Blues," the "St. Louis Blues," the "Beale Street Blues," with the solid foundation that those who "sow in tears shall reap in joy." In my mind's eye I see St. Peter standing in the doorway to this blissful land where the wicked cease from troubling and the weary is at rest. He extends his hand in fellowship to W. C. Handy. As Handy approaches I think I can hear St. Peter say, "You captured the attention of art and music and entrusted her charms to your joyous care. Your magic genius opened the closed door. Your achievements under the stars and stripes engaged the wonder of civilized man."

ENCYCLOPAEDIA BRITANNICA ENDORSES NEW CONSUMER PROTECTION PROPOSALS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. McCLORY. Mr. Speaker, the new proposed rule announced last September by the Federal Trade Commission would provide a 3-day cooling off period—during which merchandise marketed door to door would be subject to cancellation by the purchaser. At a recent hearing on this proposed FTC rule, Mr. Charles E. Swanson, president of Encyclopaedia Britannica, presented testimony in support of the FTC proposal. This endorsement by Encyclopaedia Britannica is most significant—and has been described in a statement from the public relations division of Encyclopaedia Britannica on Friday, January 8, 1971. I congratulate the officials of Encyclopaedia Britannica for their enlightened position on this subject. Britannica's endorsement is set forth as follows:

ENCYCLOPAEDIA BRITANNICA ENDORSES NEW CONSUMER PROTECTION PROPOSALS

Encyclopaedia Britannica, Inc., one of the nation's leading publishers of educational materials, today announced its endorsement of the newly proposed Federal Trade Commission trade regulation rule designed to protect consumers from unfair and deceptive sales practices.

The new trade regulation rule being proposed by the FTC was announced last September and hearings are scheduled to begin here January 19.

Charles E. Swanson, Britannica's president, commenting on testimony prepared for the FTC, said "we are pleased to give unqualified support to the FTC 'cooling off' proposals," which concern sales practices, although, he added, as the FTC records show, the most common complaints voiced by consumers regarding direct distribution companies involve billing procedures and problems associated with the delivery of goods purchased.

We favor, Swanson said, this step toward greater consumer protection. Business and industry can and must do more in this entire field.

"If this rule is finally adopted for the entire home selling industry, we believe consumers will have increased confidence that their rights in the home have full and adequate protection.

"Home selling, an American tradition, accounts for a significant portion of all goods and services sold in the United States. This segment of the economy is important to jobs, production and the economy in general. However, it must be healthy to continue to grow."

Heart of the new FTC rule is a mandatory three-day "cooling off" period which allows buyers three days before a sale of consumer goods or services is final. Swanson said that in response to consumer interests and varying state regulations, Britannica voluntarily introduced a four-day "cooling off" period in 1968 which goes beyond that currently being sought by the FTC.

Another important provision of the proposed trade regulation rule calls for the seller to protect the purchaser from misrepresentation on the part of sales representatives.

"Britannica, recognizing its historical position of leadership within the industry, is proud to take this strong consumer stance and to be the first company to endorse the proposed FTC regulation," he said.

Encyclopaedia Britannica, Inc., American-owned since the early 1900's, has since become a highly diversified international publishing organization. In addition to the 203-year-old Encyclopaedia Britannica, the oldest continuously published reference work in the English language, the company produces a wide variety of other educational materials both here and abroad.

THE 53D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. ANDREWS of North Dakota. Mr. Speaker, today marks the 53d anniversary since the proclamation of independence of the Ukrainian National Republic and the anniversary of the Act of Union, whereby all Ukrainian territory was united into one independent and sovereign state of Ukraine. The independence of Ukraine was proclaimed in Kiev, the capital of Ukraine on January 22, 1918, and the Act of Union took place a year later.

The Ukrainian National Republic was recognized by foreign governments including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years the Ukrainian people waged a gallant struggle in defense of their country but it was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During World War II the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army—UPA—which fought not only against the Soviets but the Nazi regime as well.

The Brezhnev and Kosygin leadership is bent on keeping the Soviet-Russian empire intact by persecution of Ukrainian intellectuals, professors, poets, writers, scientists, and commentators. The international press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle East, Africa, and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the Western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measures against liberal movement in Czechslovakia. Since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the U.S.S.R. by enacting the "Captive Nations Week Resolution" in July 1959.

I insert in the RECORD an article from the New Star, Chicago, Ill., entitled "Genocide Against Christians in Ukraine":

GENOCIDE AGAINST CHRISTIANS IN UKRAINE

WASHINGTON, D.C.—"The Ukrainian Catholic Church must be protected," said Patrick Cardinal O'Boyle, Archbishop of Washington, on the occasion of the inaugural lecture of the Roman Smal-Stocki Lecture Series sponsored by the Ukrainian Catholic Studies Foundation presented on December 11, 1970 at the St. Josaphat Seminary in Washington, D.C. by Archbishop Ambrose Senyshyn, OSBM, Metropolitan for the Ukrainian Catholics in the United States. The thesis presented was, "Christianity in Soviet Ukraine," in which the Archbishop charged the Soviet Union with practicing genocide against Christianity in Ukraine.

The Archbishop made 21 charges of genocide and crimes perpetrated by the Soviet Union against the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches in Soviet Ukraine.

In a lecture delivered by the Archbishop at St. Josaphat's Ukrainian Catholic Seminary in Washington (Dec. 11, 1970), he stated that the Soviet Union systematically planned the complete destruction of the Byzantine-Ukrainian Catholic and Ukrainian Autocephalus Orthodox Churches, notwithstanding its so-called constitutional guarantees of religious freedom and its demonstration of tolerance of religion to foreigners by allowing a few "show" churches to remain open.

Archbishop Senyshyn charged the Soviet Union with the following deliberately planned official acts of genocide and crime against Christians and Christianity in Soviet Ukraine:

1. The Soviet Union caused to be killed or die in prison many thousands of bishops, priests, nuns, vergers, professors of theology and prominent faithful of both the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches in Ukraine.

2. The Soviet Union destroyed or confiscated historical churches, monasteries, seminaries, schools, icons, chalices and other church property belonging to the Byzantine-Ukrainian Catholic or the Ukrainian Autocephalus Orthodox Churches or the Christian faithful.

3. The Soviet Union deliberately sent hoodlums into the churches to disrupt services and to physically attack priests and the faithful.

4. The Soviet Union arrested falsely thousands of clergy and faithful merely for practicing their right to religious freedom.

5. The Soviet Union abolished Sunday as a holiday and eliminated all other church holidays as a measure against the practice of religion.

6. The Soviet Union deliberately set exorbitantly high fees for the use of the churches they confiscated so that the priests would have no place to conduct services.

7. The Soviet Union declared priests, nuns, professors of theology and other churchmen "non-working elements thus denying them certain civil rights available to other members of the Soviet society.

8. The Soviet Union used numerous terroristic measures to dissuade priests from hearing confessions, celebrating Mass and caring for the faithful and used similar methods of terror on the faithful.

9. The Soviet Union imposed exorbitantly high taxes against priests and church property so as to preclude the exercise of religious freedom.

10. The Soviet Union dressed atheists in priest's vestments, who with cross in hand held wild masquerades in the streets and ridiculed God, religious faith, the Church and the priesthood as to discredit the dignity of belief in God.

11. The Soviet Union organized the "Union of Atheists" run by the communist party and supplied them with various propagandist means at the expense of the state while denying the same to those who would encourage the practice of religion.

12. The Soviet Union organized the population to take part in anti-religious demonstrations under duress of arrest for not participating.

13. The Soviet Union deprived the children of the clergy the right to get an education and denied them entitlement to work for normal wages unless the children severed all connection their parents.

14. The Soviet Union closed down all seminaries and church schools in order to deny the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches development of future priests.

15. The Soviet Union denied the religious press the freedom to propagate the faith by closing down all publishing facilities used by the Byzantine-Ukrainian Catholic and Ukrainian Autocephalus Orthodox Churches.

16. The Soviet Union destroyed Christian cemeteries and monuments and converted the stone into building blocks for roads and sidewalks, thus attempting to eliminate all traces of Christian tradition of the Ukrainian people.

17. The Soviet Union forbade priests from visiting the sick and dying thus denying them the last sacraments.

18. The Soviet Union prohibited the clergy from engaging in any charitable and social work on behalf of the needy, thus denying the priests from carrying out their religious duty.

19. The Soviet Union made false accusations against the bishops, priests and other churchmen by charging them with collab-

oration with the Nazis, a crime of "high treason" against the Soviet Union.

20. The Soviet Union denied the imprisoned clergy and faithful the right of legal counseling or fair trial and further denied them humane treatment.

21. The Soviet Union applied extreme pressures and tortures to the Byzantine-Ukrainian Catholic clergy in order to force them to renounce their Catholic faith and to sever all ties with the Vatican.

In reply to the question of "what is the status of the Ukrainian Catholic Church in Soviet Ukraine today?" Archbishop Senyshyn said, "The Catholic Church of the Byzantine Rite is outlawed in Ukraine. The faithful, however, worship in secret. There exists an underground Ukrainian Catholic Church in Soviet Ukraine. The Holy Mass is held in secret and marriages are performed in secret."

Finally, the Archbishop said, "Nonetheless, if we are to view the future of the Church from the perspective of faith, then we have every reason to hope for a happy resolution to every problem and difficulty. The Fathers of the Church have always taught that the blood of martyrs is the seed of the Church. The Ukrainian Catholic Church, has not ceased shedding her blood, and because of this alone, coupled with an ardent faith in God's Divine Providence, we can expect a glorious future for the Catholic Church not only in Ukraine, but in every country where faithful Ukrainian Catholics have made their home."

THE POSSIBILITY OF RENEWAL

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. BURLISON of Missouri. Mr. Speaker, my very good and personal friend, the Reverend Robert L. Burke, who is pastor of the Wyatt and Bertrand United Methodist Churches of Mississippi County in my district, recently delivered a New Year's message for 1971 which I feel is quite extraordinary. It is my desire to share his remarks with the Members of the Congress:

THE POSSIBILITY OF RENEWAL

No simple action is more fraught with possibility for opening new vistas than the tearing off of the last sheet of the old calendar. It's not as if it were any other month ended. It's the end of a line; it's returning to the head after having served the entire route.

Revelation 21: I heard a loud voice speaking from the throne: "Now God's home is with men! He will live with them, and they shall be his people. God himself will be with them, and he will be their God . . . The old things have disappeared". And the one who sits on the throne said, "And now I make all things new."

New Year's celebrations in our society give testimony to the desire to leave our "low-vaulted past." A favorite theme of literature has sounded the note of putting off the old, putting on the new:

(By Alfred Tennyson)

Ring out, wild bells, to the wild sky,
The flying cloud, the frosty light;
The year is dying in the night;
Ring out, wild bells, and let him die.

Ring out the old, ring in the new,
Ring, happy bells, across the snow;
The year is going, let him go;
Ring out the false, ring in the true.

"Behold! I make all things new". Before us like the calm ocean depicted by James Russell Lowell lies a full calendar of unused days. In readings of astrology and plottings of horoscopes no one escapes the personal pinch "What will the New Year bring for me?" The prospect of the future is always a prime concern even though occupation with the business of the now is sufficient for the business of today. Renewal is always a great longing of man. Alladin was taken in by the offer of "swapping" his old lamp for a new.

The last book of the New Testament is addressed to this very thought—"Behold I make all things new" is a startling assertion. And the Book of the Revelation will forever be a mystery until it be understood as it was understood by the recorder of its insights and revelations, not an easy task for our day. John wrote deliberately in pictures and symbols while he was caught up in the spiritual ecstasy of one who spent his whole time in communion with God—alone, in exile, lost in contemplation. John on Patmos was peculiarly in tune with God—he heard clearly because he listened intently. His book continues to "bug" people who find in it descriptions wholly alien to today's living—descriptions of events to be brought to fulfillment. Efforts to give twentieth century handles to the picturesque, figurative symbolism can end only in further confusion. We here have John's vision of the future in wild, extravagant colors "splashed on a ten league canvas with brushes of camel's hair"—his vision of a new heaven and a new earth.

We may wonder how one on a lonely sand island could imagine that God was making all things new. Christians were savagely persecuted, Rome was well on her way to decline, Greek culture was almost forgotten. It seems to me that John could make such a tremendous assertion only because he himself had been made new. He and a relatively small group had experienced the reality of God. The same bodies—the same passions, imperfections, but they had a new outlook, a new attitude toward all people, a new spirit, a new incentive, new priorities, new values.

Do you suppose its possible for our lives to be made new? Common sense dictates "For me, I'm too old to change—too set in my ways. And I'm not sure I want to change." And I agree that there are times in our lives when the possibility of renewal seems remote if not impossible. Let me suggest.

1. If we begin with the conviction that there is no hope for you or your world then there will be none. Not that our lives are all vile and base and mean, dirty and godless but that there's enough of that in them of selfish pride and greed and unconcern that every one needs to cry with St. Paul "Wretched man that I am, who will deliver me?" If Miss Sullivan had given up in hopelessness Helen Keller would never have lived. Had Gandhi said, "There's no possibility of freedom in a country so vast and so illiterate," India would never have known the freedom of Gandhi's India.

Renewal is a possibility only if we believe it. If it happened to Jon (and James and Peter and Paul and ——————) it can happen to me.

2. If you think you can do it by yourself, you're lost. If you have no will, no desire to change, you won't. If you think you can do it on your own, you can't. Paradoxical? Yes. The alcoholic is helped when he admits he needs help. Come O Christ, and make me new and whole.

No one man drove back the dark of the Middle Ages and brought the light of the Renaissance. It was the coming of the dawn that brought men to light. Like the life in the flower bulb, we can grow, can be renewed, no matter how old, how stuffy, how battered by life—we can have a new spirit when something comes to us to which we respond. Like the life in the bulb, we cannot do it ourselves. It is done to us. We must will it, be acceptable, keep the door open. Unrealities must be discarded. Welcome every breath that comes from the "new world". Be on the lookout for the coming near of the spirit—borne by persons, in places, under circumstances. And we must not be timid or fearful of the price tag. Renewal, urban or rural, political or social, is never cheap. Above all spiritual renewal is never a bargain basement item. Sacrifice, discipline, humility, love are dear. The stakes are high. Since man was first endowed with imagination, since the struggle upward toward light began, man has never been content with self-containment. His spirit's only rest is in God—only then can he know all things made new. Put up the new calendar—a whole new year, unused, lies ahead. God is making all things new. And for you and your world, always an available possibility.

THE PENTAGON VERSUS CESAR CHAVEZ

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. RYAN. Mr. Speaker, earlier today I addressed the House, describing legislation which I have introduced, along with 16 cosponsors, to prohibit the Department of Defense from using its procurement policy to combat the lettuce boycott organized by Cesar Chavez and the United Farm Workers Organizing Committee. As it did in the case of the grape boycott, the Pentagon has increased sharply its purchases of boycotted lettuce, thus violating its own rule requiring impartiality in a labor dispute.

A column by Frank Mankiewicz and Tom Braden, entitled "Pentagon Versus Chavez," which appeared in the January 5, 1971, edition of the New York Post, describes the activities of the Defense Department in undermining the efforts of Cesar Chavez to organize the lettuce workers. I urge my colleagues to read it and support my legislation.

I also include in the RECORD an editorial from the January 8, 1971, issue of the New York Post, entitled "The Pentagon Versus Cesar Chavez"; and an editorial broadcast on January 18–19, 1971, by radio station WMCA, in New York City, entitled "Lettuce and the Pentagon." The items follow:

PENTAGON VERSUS CHAVEZ

(By Frank Mankiewicz and Tom Braden)

WASHINGTON.—As if Defense Secretary Laird didn't have enough trouble, some of his subordinates are now using the Defense Dept. to break the most honest union in the nation.

In the valleys of California, from Salinas to Coachella, where migrant farm workers pick lettuce at this season of the year and try to scratch a little dignity from an average annual income of $1,900 and a system which gives them none of the legal protection other workers have enjoyed for 35 years, the Pentagon has assumed, once again, the role of strike breaker.

"Once again," because in the years before Cesar Chavez' United Farm Workers Organizing Committee used the strike and a national consumer boycott to get a contract from the grape growers the Pentagon buyers went into the market and more than tripled its purchase of grapes, in an obvious attempt to use taxpayers' money to break the strike and the union.

Now, when the commodity in question is lettuce, the Defense Dept. is at it again. First-quarter figures show that since the major strike and boycott began against Bud Antle Inc., a major California lettuce grower affiliated with Dow Chemical, the Defense Dept. has increased Antle's share of the lettuce market from less than 10 per cent to nearly 30 per cent.

The Antle figures are instructive and show clearly that Antle has become the chosen instrument of some Pentagon officials in breaking the strikes. In the three months ending Sept. 30, 1970 (later figures are not yet available), Pentagon buyers paid $750,000 to Antle for lettuce, more than in the previous 12 months.

What is more, Antle is receiving—from presumably sharp-eyed military buyers—a price not only above the market price, but also above what the Pentagon is paying other lettuce producers. The price leverage is more than welcome to Antle, which is dumping its boycotted lettuce—as the boycott begins to work—elsewhere at lower prices.

The muscle in this military buying becomes even more apparent when one compares lettuce sales of Inter Harvest, a United Fruit Co. affiliate which has signed a contract with the Farm Workers' Union. Inter Harvest has experienced a sharp drop in military sales, even as Antle has been soaring.

In Denver, for example, Pentagon produce buyers now buy exclusively from Mile-High Produce, the only wholesaler in the area which handles Antle lettuce.

These apparently calculated efforts within the Defense Dept., began almost as soon as the strike began. As soon as the grape growers signed a contract with the union, Chavez turned toward the lettuce field.

Within a few days, many of the lettuce growers had signed "sweetheart" contracts with—of all people—the Teamsters Union, in most cases without any request from the Teamsters and in all cases without any consultation or votes by the farm workers. Thus thousands of lettuce pickers found themselves tied to a Teamster contract, complete with dues checked off, in some cases at the old rate and in no event at more than a 5-cent an hour raise.

The response of the workers was to strike; the response of Cezar Chavez was to call for a boycott of those lettuce growers who would not respect the wishes of the workers; and the response of the growers, led by Antle, was to get an injunction. They found a local judge who would order Chavez to jail until he publicly called off the boycott—since reversed by the California Supreme Court.

The same judge as a law enforcement official 30 years ago had deputized every white adult male to arrest the participants in an earlier organizing drive.

The scene was graphically described by John Steinbeck in his novel "In Dubious Battle": "A Communist, mister, is any son-of-a-bitch who wants 35 cents an hour when I'm paying a quarter." In today's more civilized times, Melvin Laird ought to find out why the Defense Dept. is carrying on the tradition.

The Pentagon Versus Cesar Chavez

Interdepartmental competition is not uncommon in Washington, but a newly reported example invites special attention. It suggests that the Dept. of Defense is vying with the Dept. of Agriculture in furnishing lavish subsidies to opulent farm interests.

The detailed specifications are listed in a suit filed in federal court in Los Angeles by the United Farm Workers Organizing Committee (AFL–CIO) against the Pentagon and a major California lettuce grower. According to UFWOC, headed by Cesar Chavez, the nationwide boycott aimed at organizing lettuce workers is being undercut by the government.

For one thing, it is charged that the military has doubled purchases of lettuce from the grower—whose field workers were once "organized" by the Teamsters. For another, the union alleges that growers who have signed contracts with it have suddenly lost substantial business with the Dept. of Defense. Since it was only a year ago last summer that the Pentagon was making huge purchases of table grapes amid another boycott led by Chavez, the situation is strongly suspicious. Does the government have any plausible explanation?

Lettuce and the Pentagon

A couple of years ago, when Cesar Chavez and his farm workers organized a boycott of table grapes, the Pentagon suddenly decided it needed more grapes to send to the troops in Vietnam. Eventually the exploited workers' boycott was successful. It might have been successful a lot sooner if the Pentagon hadn't been helping the other side.

Now history seems to be repeating itself. This time the boycott is against lettuce—especially lettuce grown by a subsidiary of Dow Chemical. The Pentagon admits this grower's share of defense purchases has nearly doubled over the last year. It also admits it paid more for lettuce from this grower than from others.

The Defense Department says it has a policy of complete impartiality in labor disputes. Maybe that's not such a bad policy in theory. But it is a bad policy if it means in practice that when Cesar Chavez strikes a produce grower, that grower gets a bigger share of the defense market. And that's certainly how it looks in this case, isn't it?

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHWENGEL. Mr. Speaker, yesterday, I took the floor to discuss the need for immediate action to increase social security benefits by 10 percent. As I indicated yesterday, I intend to take the floor daily until the increase is enacted into law.

The enclosed letter which I recently received from a former employee, certainly puts the need for an increase in social security benefits in perspective:

PHOENIX, ARIZ.
January 7, 1971.

Hello. The Schwengel Family:

Hope you had a nice Xmas and enjoyable holiday season.

In todays paper, that is, the eve. Phoenix Gazette, under the title letters to the Editor is the following Quote":

"When the 91st Congress adjourns Sen. Gaylord Nelson's parting remarks was:—"Our position (on SST) very likely will be much stronger in March than it is now."

As a Social Security recipient, I only hope that the other people on Social Security (26 million of them) will have a clear mind and a good memory in November 1972 and be ready to clean out the stubborn knotheads (self-centered knotheads) who have intrenched thereselves on "Smoky Hill". It took only 20 minutes to vote a 40% increase in pay for themselves on "Smokey Hill" and the other day they voted a $255 million "loan"? to Cambodia. What kind of a bank or lending firm would make a "loan" with the kind of collateral the Cambodians have?

Also, they voted (or set aside) $39 million for a study of the "drinking problem" of people who drink too much—alcoholics.

Twenty-six million people on Social Security have "eating problems". But in Washington they shove Social Security legislation to the very bottom and leave it there.

Come Nov. 1972 Social Security recipients could use a ballot as a broom to sweep the halls of Congress clean.

Today in the Valley of the Sun the early morning temp. was 19°—almost a record. However, I learned that back in 1913 it went down to 13°.

I am sending copies of this article to my Ariz. Congressmen.

A GIANT SCIENTIFIC STEP FOR MANKIND

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Fanfare, a house organ of Fansteel, Inc., recently outlined the important gains to our Nation contributed by our national space program over the past decade. Mr. Robert H. Ford, president of Fansteel, Inc., forwarded me a copy of this article. It cites the many contributions of the space program to all walks of American life, and points out that adequate support for our national space program is essential if our Nation is to continue to improve its standard of living. Because of the significance of this article, I am including it in the RECORD and commend it to my colleagues and the public:

A Giant Scientific Step for Mankind

A transducer is being used in the fitting of artificial limbs. It is smaller than a dime and weighs less than an ounce. A patient has an EKG taken while in an ambulance through the use of a spray-on electrode and transmitted by radio-telemetry direct to the physician who will handle the case. A sensor smaller than the head of a pin is inserted into a patient's vein to measure blood pressure. An Atlantic hurricane is forming hundreds of miles from the Florida coast, but the citizens are warned in time and, while there is property damage, there is no loss of life. The Olympics in Tokyo, Japan are shown live on TV as they happen. What do all these events have in common? They are all developments resulting from our American space program.

And these are only a few of the technological spin-offs from NASA's Apollo and other space programs. The new jumbo jets that will soon be the mainstay of passenger transportation in the world are the result of "know-how" developed from space program projects by Boeing, McDonnell-Douglas and Lockheed. In another area not related to aerospace, the Chrysler Corporation in order to meet new Clean Air Act criteria, reworked their automobile ignition systems, designing distributors to operate within much closer limits. To assist in this they called on their own personnel who had developed the automated checkout and launch sequence equipment for the Saturn launch vehicle.

Space astronomy has been another development. Satellites provide the means for making observations in the radio, infrared, ultraviolet, x-ray, and gamma-ray wave lengths that cannot penetrate the earth's atmosphere to the ground. And space photography enables us to view the entire earth as never before, permitting study of its atmosphere in detail, to search for new resources, to monitor water resources, agricultural activity and forest growth, to explore the oceans and assist in large scale civil engineering.

Space geodesy has shown us the true shape of our planet—where it flattens and how much it bulges. As a result we are better able to map the earth and navigate. And we know now that the atmopshere of the earth has an upper boundary and that the earth's magnetic field in space is not like that of a simple bar magnet extending indefinitely outward, but is instead very complicated.

Some of the benefits of space science have come from associated or preparatory work done in the laboratory. C. B. Cone, Jr., when studying radiation effects on cells in order to understand possible space radiation effects on astronauts, made discoveries in the electrical voltage across the surface membrane of a normal cell that controls cell division. This new cell division information has opened up a new avenue for possible chemical control of cancer.

Dr. Fernandex-Moran, working on cell structure for NASA, needed an electron microscope with requirements beyond the range of commercially available electron microscopes. He therefore proceeded to build the world's most powerful instrument of its class capable of magnifying objects 20 million times. To prepare specimens to the same scale, a diamond knife was invented by Dr. Fernandez-Moran that can dissect away portions of a molecule or cut a hair into 10,000 length-wise strips.

In the field of meteorology, the contributions of the space program have been tremendous. They include: sounding rockets to take vertical profiles of the atmosphere from surface to space; satellites to provide contინous watch of the earth's moving cloud cover; solar observation satellites to monitor the sun's cycle of activities; satellites to track storms, measure winds, record the temperature at different heights, and report on the moisture content of the atmosphere; ground and airborne radar and lasers to probe weather conditions from below; computer systems, mathematical models and software programs that can receive and analyze vast amounts of global data from many sources to make possible more accurate forecasting, and data transmission systems to link together the various parts into one global meteorological network.

Since 1966, U.S. weather satellites have watched every major storm threatening the nation. In 1969, for example, 12 Atlantic hurricanes, 10 eastern Pacific hurricanes, and 17 western Pacific typhoons were identified and tracked by satellites. And it is estimated that 50,000 lives were saved in hurricane Camille because of advance warning from weather satellites.

The fantastic growth of the telecommunications industry in the last decade from $22 billion per year in 1960 to over $47 billion in 1970 owes a good part of its expansion to the communications satellite—a space program development. We are in the midst of a global communications explosion. The communications satellite can supplement cable, radio, or microwave links where they exist, can provide their equivalent where they do not, and can literally interconnect every part of the world.

The list of technological fallout from the space program could go on and on; it includes new testing techniques, new metals, heat sensors, reflective superinsulation, new machining devices, digital image processing, new plastic, fireproof material and safety devices for automobiles.

And in addition to all the technical developments, another important kind of achievement from the space program is the demonstrated national capacity to organize and manage very large, long-term, global technical enterprises and meeting difficult performance goals on schedule and within budget. We said we would put a man on the moon in 8 years, and we did. We said it would cost $20 billion and it looks like it will cost $24 billion, which, allowing for inflation, is more "on target" than 99% of all other government programs.

Our space effort over the decade has cost this country less than one-half of one percent of our gross national product, and in return it has made a major contribution to the growth of our GNP from $440 billion in 1958 to $900 billion in 1969.

World War II resulted in major scientific and technological breakthroughs—radar and electronics to mention two major areas—but with the tragedy of millions of lives lost and destruction of cities and billions of dollars of property. The scientific fall-out of the space program has been equally productive at a fraction of the dollar cost and without the loss of life. *The space program is, therefore, a moral substitute for war and international competition—that works!*

PHILADELPHIA'S ACCOMPLISHMENTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. EILBERG. Mr. Speaker, despite a continuing financial crisis, Philadelphia in 1970 gained nationwide recognition for numerous public service improvements and was rated "first" in a number of fields. Mayor James H. J. Tate declared:

> The financial problems of Philadelphia and the other cities is a reflection of the total inflation problem throughout America, and most cities are now going through the same experience as we are.
>
> I have discussed this at length with the mayors of other cities and this has been a matter of much consideration at meetings of the United States Conference of Mayors and the National League of Cities.

In spite of this handicap, however, Philadelphia's list of accomplishments in 1970 was "impressive," Mayor Tate said. Among them:

Traffic safety: Statistics compiled by the National Safety Council show that Philadelphia has reduced traffic fatalities by as much as 30 or 35 percent and has the lowest traffic fatality rate of all major cities.

Fire protection: For the 13th year, Philadelphia was selected by the National Fire Protection Association as the leading city in advancing the protection of lives and property from fire.

Safety in the streets: Statistics compiled by the Federal Bureau of Investigation show that Philadelphia again had the lowest crime rate of the Nation's 10 largest cities and the highest rate of crime clearances by arrest.

Air pollution: Significant progress was made in 1970 in meaningful enforcement of Philadelphia's air management code, and the city installed the most modern air monitoring system in the Nation to provide an instantaneous check on air pollution conditions.

Water pollution: Philadelphia mapped a comprehensive program which will commit the spending of more than $80 million over the next 6 years to combat pollution of lakes, waters, and streams. Oil spillages into the Schuylkill River above Philadelphia did not contaminate Philadelphia's water but emphasized the need for the city to remain constantly alert.

Rat control: With the aid of Federal funds, Philadelphia made real inroads into its rat problem in the second year of operations and was recognized by the U.S. Public Health Service as the No. 1 city in this field. Some 200 workers made 165,000 treatments of rat-infested premises.

Public health: A mayor's committee on hospital services recommended a radical shift in provision of health care, and detailed studies were initiated. District health centers in two heavily populated areas began operating as comprehensive family care centers, and 140,000 children received free german measles inoculations.

Clean streets: At a cost of $3.5 million, the city replaced half of its 500 trash collection vehicles in a move toward more effective street-cleaning operations. Philadelphia also won the Trigg Trophy, awarded by the National Clean Up, Paint Up, Fix Up Bureau, for the third time.

Abandoned cars: The police tow squad removed approximately 25,000 derelict vehicles from the streets of Philadelphia, roughly 2 percent over the 1969 total.

Transportation: Continued success of the Lindenwold line, bringing south Jersey suburbs within 22 minutes of Philadelphia, emphasized the need for new concepts to solve the area's mass transit problem. Construction of the South Broad Street subway extension progressed but insufficient funds necessitated deferment of the northeast extension.

Philadelphia International Airport: The Delaware Valley's major aviation center began to take concrete form with completion of the first phase of the city's biggest public works project, involving the investment of hundreds of millions of dollars. New passenger, vehicle, and cargo facilities will transform the airport into a facility serving the entire eastern seaboard.

Ports of Philadelphia: Expansion of the Packer Avenue Marine Terminal, and inauguration of the Tioga Marine Terminal, made possible the rapid shipment of goods by modern cargo-handling methods to help Philadelphia retain its position as the Nation's foremost center for international trade.

Highways: Firm decisions were made to replace the Crosstown Expressway with an alternate route and eliminate the cover over a portion of the Delaware Expressway, thus clearing the way for completion of this segment of I-95 by 1976. The Pennsylvania Department of Transportation began widening important sections of the Schuylkill Expressway.

Bicentennial: After years of planning, Philadelphia was officially designated the focal point for the Nation's bicentennial in 1976. The city began taking a new look at initial proposals and a steering committee was given the task of reorganizing the Bicentennial Corporation, hopefully putting the city in a position to commence construction in 18 months.

New construction: Construction began of two major projects, the 1500 Market Street office buildings and an apartment at 1500 Locust Street, completing a record year in which some $300 million of building permits was issued. New construction on practically every corner of center city completely altered the city's traditional skyline. At year's end a further boost came with announcement of plans for a $40 million hotel and apartment development facing Logan Circle.

Urban renewal: Vigorous efforts were being maintained to get further Federal help for urban development in the city's neighborhoods, with specific results anticipated.

Looking ahead into 1971, Mayor Tate concluded—

> Finally, we can look forward to inaugurating the finest multi-purpose stadium in the entire country when the Phillies take the field in their opening game of the 1971 season early in April.

THE NATION'S ECONOMY

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. CONABLE. Mr. Speaker, many alarms continue to be sounded about our national economy, but Dr. Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, believes the alarms are being rung too long. He contends there are many indications of sound recovery and improvement which deserves recognition.

In a recent address he examined the importance of passing the trillion dollar rate in gross national product and of the spreading impact of the administration's aggregate economic policies which are changing the entire economic environment for prices and wages, production and markets. Dr. Passer reminds those who remain eager to criticize the economic results of the last year that the slowdown was the product of two major battles—to gain control of inflation and to wind down the influence of Vietnam war production in the economy. The coming year should be a period of renewal, Dr. Passer maintains: of renewed economic growth and strength and renewed faith in our economic future.

I insert Dr. Passer's remarks in the RECORD so that all my colleagues may consider them:

THE U.S. ECONOMY—WHERE WE ARE AND WHERE WE ARE HEADED

This may be one of those times when it is safe to forecast a dramatic, immediate improvement in the Nation's economic performance. We are in a recovery period from an automobile strike, and other conditions seem ripe for strong growth and diminishing inflation.

I am tempted to dwell on how much Gross National Product is likely to increase in the first quarter because a strong gain is almost a certainty, but I am also reminded of a statement by Presidential Counselor Daniel Moynihan in his farewell speech to the Cabinet and Sub-Cabinet in December. He said that we should resist the temptation to seek simplistic solutions in a complex world, and that we should not hesitate to become complexifiers.

Thus, the real question is not the simple one of whether we will see substantial economic growth during a strike-recovery period, but whether growth will continue through the year. There are some very strong underlying forces in the economy, and I'm optimistic about economic prospects for 1971. In a few moments, I'd like to give you some reasons for my optimism.

There were two major economic transitions in the past year: the removal of the war in Vietnam as a predominant influence on the economy, and the reduction of the pressures which had been generating inflation in the late 1960's. Both of these transitions involved increased unemployment. That is the unfortunate but necessary temporary cost of achieving our basic goals of a lasting peace and a sound prosperity.

The prime goal of economic policy in 1970 was to break the stranglehold of severe inflation without bringing on a serious recession. In general, this goal was met, although a prolonged automobile strike put a crimp in production in the last half of the year and caused the economy to fall short of our hopes and expectations.

During 1970 business activity declined and unemployment increased, but for the year as a whole, unemployment averaged less than in the peacetime years of the 1960's. The average for 1970 was 4.9 percent compared to a range of 5.2 to 6.7 percent for the years 1961 through 1964.

As a result of the economic slowdown, excessive demand was eliminated and the fundamental source of inflationary pressure was eliminated from the economy. A modest but significant start was made in slowing the rate of price advance. Inflation has not yet been curbed, but progress in that direction has been achieved and efforts are continuing.

GNP IN 1970: IMPACT OF AUTO STRIKE

Preliminary data on Gross National Products in 1970 will be released by the Office of Business Economics of the Department of Commerce within a few days. These data will indicate a GNP for 1970 of between $975 and $980 billion, measured in current dollars, and a GNP in real terms that is slightly less than in 1969. In short, GNP in 1970 increased slightly *less* than 5 percent in current dollars, but the GNP deflator increased slightly *more* than 5 percent so that Real GNP declined slightly.

These data will also indicate that the auto strike had a significant impact on GNP in the fourth quarter of 1970. The fourth quarter decline was enough to drag down Real GNP for the entire year so that it showed the first year-to-year decline since 1958. Except for the auto strike, Real GNP in 1970 would have shown a slight increase instead of a slight decline. Fundamentally—with or without an auto strike—real output in 1970 was unchanged for the year as a whole.

As we noted earlier, the economic slowdown of 1970 was the joint product of the battle against inflation and the transition toward a peacetime economy. It is also interesting to note that if defense expenditures are excluded, Real GNP increased in 1970.

Had there been no auto strike, GNP in the third quarter would have been $2 billion higher ($987.5 billion instead of $985.5 billion) and GNP in the fourth quarter would have been well over the trillion-dollar mark for the fourth quarter as a whole—probably in the neighborhood of $1,005 billion. This would have meant a GNP for the year of $980 billion, a figure within the range which was forecast last February by the Council of Economic Advisers.

GNP AS AN INSTANTANEOUS RATE

As most of you know, we celebrated the crossing of the trillion-dollar mark at the Department of Commerce on December 15, and we have been asked why we chose this date for the ceremony when GNP for the quarter is below a trillion dollars. My answer may be put in the class with the complexifiers, but I believe that it can be understood by those who will take a moment to think about it. The difference between the two numbers is somewhat like the difference between the *average* rate of speed of an automobile on a long trip and the *peak* rate of speed of the same automobile.

Economists usually think of GNP as a rate of production, but it is almost always expressed as the amount of production per year just as the speed of a car is expressed as miles per hour. Thus, the rate of GNP at any given time indicates how much could be produced if the rate were sustained for a year.

The Office of Business Economics regularly publishes GNP for an entire year and for quarters at an annual rate. Sometime in 1971 OBE will begin publishing GNP on a monthly basis at an annual rate.

We can also think of GNP as a daily, hourly or instantaneous rate of production, all expressed in terms of annual rates. Looked at this way, GNP for a year is the average of the instantaneous rates of production during the year. Or GNP for a quarter of the average of the instantaneous rates of production during the quarter.

Had there been no auto strike, GNP in the third quarter would have been about $997.5 billion. That was the mid-quarter rate. As a result of the strike, GNP suddenly dropped on September 15 and remained depressed until the end of November when the strikers began to return to work. For two or three weeks, as General Motors returned to full production, the instantaneous rate of GNP increased rapidly.

According to our calculation, GNP passed through the trillion-dollar mark on December 15 and has continued to increase since then. For the fourth quarter as a whole, however, GNP was below $1 trillion because it was below the trillion-dollar rate for two and one-half months of the quarter and above that rate for only half a month. The first time GNP will be above $1 trillion for a full quarter will be the current quarter. On an annual basis, the first year to be above $1 trillion will be the current year.

THE GNP CLOCK

Thus, you must use the instantaneous rate of GNP if you want to find the approximate day on which the economy reached $1 trillion. On December 15 we unveiled a new GNP Clock, which shows the instantaneous rate of GNP, and President Nixon, Secretary Stans and Chairman Paul McCracken of the Council of Economic Advisers participated in the ceremony.

We certainly accomplished our objective of calling attention to this Nation's productive power. The Clock has stimulated a considerable amount of commentary in the press. I would like to mention very briefly some of the points that have been raised.

Some observers have wondered why we had our ceremony on December 15, just before the issuance of strike-depressed data relating to November and also shortly before release of such data as Real GNP for the fourth quarter and for the year 1970, all of which have or will show declines.

I have already discussed why the ceremony was held on December 15: our calculations indicated that December 15 was the day the economy reached the trillion-dollar mark. It was not dictated by political considerations; I don't know what possible political advantage could be garnered by holding the ceremony on December 15 rather than on some other day.

The main point is that in the ceremony we were talking about the instantaneous rate of GNP on December 15 whereas all other data being reported at that time, such as industrial production, referred of necessity to earlier time intervals. The trillion-dollar figure shown on our GNP Clock was an indicator of business activity after General Motors had returned to full production (or nearly so). Data for November reflect the auto strike and even December data are not quite normal because during the first half of the month, the strike effects were still dominant.

There were also questions raised about the influence of inflation on the GNP numbers. The answer to these questions are to be found in the speeches that day by President Nixon and Secretary Stans. Both stressed that we were marking a long-term accomplishment—that is, the cumulative achievement of decades—even centuries—of effort to increase economic output and our economic well-being. It was a true milestone that we attained and the comparison was not with last month or last quarter or even last year, but with decades or centuries ago.

With 10 percent of the population of the Free World, the United States produces about 45 percent of the Free World's output of goods and services. Data on the Communist countries are not complete enough to include them in this comparison, but it is significant that at the very time that we celebrated the trillion-dollar economy here in the U.S., workers in Poland were rioting because of food shortages.

In this talk at the GNP Clock ceremony, President Nixon also emphasized that the tremendous productive power of the American economy, as indicated by a GNP of a trillion dollars, is what will make it possible for us to solve problems that face us in education, housing, health, and other areas. As he said, laws merely set minimum standards in these areas and are of little or no value unless the economy has the productive power to meet them—which ours has.

THE GNP CLOCK AS AN EDUCATION DEVICE

It is unfortunate that the publicity about the trillion-dollar economy has glossed over the value of the Clock as an educational device. Part of the machine is called the "Econo-Quiz."

As you know, for some years a Census Clock has been in the Commerce Lobby. This shows the total population as resulting from the interaction of the birth rate, the death rate, and the rates of immigration and emigration. A visitor who studies the Census Clock, as many do, thus learns something about how our population grows.

Similarly, we have provided material for study at the GNP Clock. One part of the display lists 50 questions about the economy, including sensitive questions like, "Do we increase pollution as we increase GNP?" and "Don't higher prices inflate GNP?" The answers to all of the questions can be obtained by setting a dial and pushing a button. The answer is then displayed on a screen directly above the question panel.

Thus, the GNP Clock is intended to serve the general public, not professional economists. It is a serious attempt to show the approximate instantaneous rate of GNP and to increase understanding of the American economy. The reading on the Clock is not in any sense official nor a forecast of what OBE will later publish. The GNP Clock is intended to indicate only in an approximate way the current level of GNP and is not intended to display in those lighted numbers the exact and official level of GNP, which cannot be known until sometime after the close of a year or quarter.

OBJECTIVITY IN ECONOMIC DATA

Before I leave the subject of official statistics, I should like to emphasize that the economic and demographic statistics issued by the Federal Government are prepared by career civil servants and are released by civil servants (not political appointees) according to pre-announced schedules. Neither the data nor their times of release are subject to any manipulation or political influence whatsoever.

As you may recall, one of President Nixon's goals on taking office was to restore the credibility of the American people in their national government. He, therefore, issued a directive in his first weeks in office, on February 8, 1969, which required the non-political handling of statistics.

There is a clear-cut distinction between the issuance of economic data on a monthly or quarterly basis by professional economists and statisticians who are career civil servants, and the economic interpretations issued by Presidential appointees and other representatives of the Administration.

Let's use housing statistics as an example. Last spring, the Bureau of the Census issued statistics on housing starts and permits in the same way that it has issued them for a number of years—on a regular, monthly basis and without comment on the likely trend in the future. I concluded, however, that housing had passed its low point and that the homebuilding industry was headed for a resurgence of activity. I issued a public statement to this effect, and I can happily report that my interpretation proved to be correct; in fact, housing activity increased throughout 1970 and seems to be headed in 1971 for its best year since 1950.

In case you think that I am immodest, I should also mention that I foresaw a strong upturn in the economy in the last half of 1970—and, of course, the auto strike punctured that forecast.

My point is that economists of all political persuasions are free to comment on Government economic data—but the preparation of those data and their release according to pre-announced schedules has quite properly been left to career civil servants.

CHRISTMAS SALES IN 1970

During his speech at the trillion-dollar ceremony, President Nixon made a passing reference to the Christmas selling season and expressed the hope that it would be the biggest ever. Later, he asked Secretary Stans to check with leading retailers on how well Christmas sales were going.

Two days afterward, Secretary Stans reported to President Nixon that Christmas sales were running at a brisk pace, would finish strong, and would set a new record. This report was somewhat contrary to the "Blue Christmas" expectations so common at that time.

We now have the weekly retail sales data for the Christmas season, as issued by the Bureau of the Census. These data show that retail sales, excluding automobiles, were 8 percent over a year ago in the four-week period ending with Christmas week.

If we allow for the fact that prices of goods at retail are about 4 percent higher than a year ago, the real gain in Christmas sales was about 4 percent. This was a marked improvement over 1969, when the real volume of Christmas sales was approximately unchanged from the previous year. The 1970 gain was about equal to 1968 which was considered to be a strong year for Christmas sales.

Although the Bureau of the Census will later have more complete and more final data on the Christmas season, these preliminary data indicate that President Nixon's hopes and Secretary Stans' predictions were realized. It is also significant that, because retailers in general were cautious in their buying for the Christmas season, their post-Christmas inventories are on the low side. This suggests that they will be reordering in good volume in the months ahead, thus giving support to the currently rising trend of business activity.

GOAL FOR 1971: REDUCE UNEMPLOYMENT

Although 1970 finished strongly, with record Christmas sales, I think that there is general agreement that there was too much unemployment and too much inflation and that we need progress in these two areas in 1971.

To reduce unemployment, we must, of course, have a rising economy in 1971. I am convinced that the business slowdown ended about mid-1970 and that economic growth got underway again in the third quarter. Both fiscal and monetary policy turned stimulative early last year, and the results were first felt in the summer months. The auto strike, however, stalled the economy for nearly three months. With that episode behind us, we can expect the effects of the 1970 monetary and fiscal policy changes to be reflected in the economy in 1971.

After the November election, there was extensive discussion of whether the Administration's economic policies would change and if so, how much and in what direction. I should like to emphasize that the "game plan" all along has called for stimulative economic policies to bring about a rising economy after mid-1970. The exact nature of these stimulative policies is subject to mid-course corrections, but the basic plan is unchanged.

It is important to understand this aspect of the "game plan", because some observers have incorrectly concluded that because aggregate economic policies are now expansionary, the battle against inflation has been abandoned. The fact is, however, that even though the direction of the economy is now upward, further progress will be achieved in the battle against inflation because of the existing slack in the economy. This slack is the result of opening a gap between actual and potential output. The *level* of economic activity relative to potential output is more important in the fight against inflation than the *direction* of economic activity.

INCOMES POLICY

Also unchanged is another aspect of the strategy, one that has generated more than the usual amount of speculation and controversy. I speak, of course, of "incomes policy."

Chairman Arthur Burns, of the Federal Reserve Board, spoke on this point in Los Angeles on December 7. His remarks have rightfully received much attention for they represented a significant statement. What has been generally overlooked in his remarks is the following passage:

"The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce pressures on costs and prices."

By this definition of incomes policy, the Nixon Administration has been following an incomes policy from the beginning. In the spring of 1969, a few months after taking office, President Nixon ordered a special investigation of the soaring price of lumber, which was exerting a strong inflationary force on the key housing sector. Steps were taken to increase the supply of lumber, steps that coincided with the easing of demand pressures as housing starts began declining due to tighter money. As a result, the price of lumber stopped rising and began falling.

Copper and construction were the subjects of similar investigations. In copper, the price began declining shortly after the report appeared, in response to a better balance between supply and demand in world markets. In construction, some Government projects were postponed, steps to reduce seasonality were initiated, and a number of steps were taken to increase the supply of trained labor and to study improvements in the structure of collective bargaining. President Nixon's reference to possible reform of the collective bargaining structure in construction in his December 4 speech was based on those studies.

Incomes policy is sometimes interpreted to mean informal or formal pressures on businessmen or union leaders to follow certain guidelines. The difficulty with this approach can be simply stated: It doesn't work. Anyone who doubts this should examine the Canadian experience, where guidelines were tried for a year but then abandoned, or the experience of many other countries, including our own in the mid-sixties. It is clear, for example, that President Johnson abandoned guidelines not because he didn't believe in them but because they were swept away by inflation. It is also interesting to note that the November inflation report of the staff of the Organization for Economic Cooperation and Development did not call for such guidelines as past reports had done. The reason undoubtedly is that they have been proved unworkable.

From the beginning, the Nixon Administration has battled inflation with aggregate economic policies, which are intended to change the economic environment in which price and wage decision are made. Because this approach relies heavily on the market mechanism, we can be expected to be concerned anytime that a market does not work properly and to take action to improve its operation.

This does not mean that every market that is not operating with textbook perfection will be entered and restructured by the Federal Government. But it does mean that markets that show themselves to be seriously and persistently out of joint will be subject to investigation and appropriate action.

As President Nixon said in his December 4 speech and as was said in the Second Inflation Alert, the evidence is now overwhelming that the labor market and collective bargaining structure in construction are working very badly. Wage increases have been twice the rate of increase in manufacturing, despite a rate of unemployment in construction that has climbed to almost twice the national average. Very long strikes —up to six months and more—have shut down construction in one metropolitan area after another. This situation of skyrocketing wage rates, rising unemployment, and severe strike losses is in need of corrective action which, as President Nixon said, may be taken by the Federal Government unless labor and management can work together and adjust to the economic realities.

OUTLOOK FOR 1971

Unquestionably, 1971 will be a better year than 1970 and will see progress on the inflation and unemployment fronts. I am confident, as are most economists, government and private, that at year-end 1971 the rate of inflation and the rate of unemployment will be less than at year-end 1970.

The short-term outlook for renewed economic growth is reinforced by the carryover impact of the automobile strike. Now that the auto industry is back in production and operating at full tilt to rebuild depleted inventories, the major measures of economic activity, which have been depressed by the strike, will soon point sharply upward. An added lift to the economy will be provided by the build-up of steel inventories in anticipation of a possible strike in that key industry on August 1. These temporary boosts to the economy will not reflect the underlying trend of business during 1971—any more than the strike-related decline in activity reflected the underlying trend in the fourth quarter—but they will serve to dispel the gloomy tone of business that has developed in the past month or two.

Business expansion in 1971 will develop out of the fundamental growth tendencies that are always present in the United States economy—a growing labor force and continuing advances in productivity—plus the stimulative policies that President Nixon has promised. These forces are leading to a rising volume of residential construction, a faster growth in State and local government expenditures and, most important, a significant advance in consumer spending during the year ahead. Business investment and Federal Government spending will increase, but to a lesser extent. On balance, inventories are expected to increase in line with sales; the pattern through the year, however, will be dominated by the special situations in autos and steel, where inventory building will be concentrated in the first half.

As Secretary Stans said in his year-end statement, the brighter prospects in sight for the coming year suggest that 1971 will be known as the year of renewal. Renewed growth in economic activity is already underway, and a slower rate of inflation will renew the faith of all Americans that their economy can and will move toward an essentially noninflationary growth path.

DMSO

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. WYATT. Mr. Speaker, in 1963 DMSO—dimethyl sulfoxide—burst onto the medical scene following experiments by two Oregon physicians with the wood derivative. It was promptly hailed as a wonder drug capable of a host of medical uses.

Perhaps the case for DMSO was overstated, perhaps not. We may never know if the Food and Drug Administration continues its arbitrary and highhanded policy in banning even the limited clinical testing of the drug. The official reason, I believe, is because of some eye changes observed in animals from massive topical application of the solution.

I plan to introduce legislation to remove the responsibility for the testing and evaluation of new drugs from this agency in the very near future. But the purpose of my remarks today is to have inserted in the RECORD a letter to me from Dr. Edward E. Rosenbaum, of the University of Oregon Medical School. Dr. Rosenbaum, along with his colleague, Dr. Stanley Jacob, successfully experimented with DMSO, which previously had been used as a powerful commercial solvent in the timber manufacturing industry.

Dr. Rosenbaum is commenting on a white paper issued by the FDA that details its reasoning in banning the testing of DMSO. I find it an excellent and comprehensive analysis, one that points out the many inconsistencies of this agency in its policy toward the drug. I commend it to my colleagues for their careful perusal:

UNIVERSITY OF OREGON
MEDICAL SCHOOL,
January 5, 1971.

Representatives WENDELL WYATT,
Cannon Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WYATT: I wanted to give you my opinion on the "White Paper" issued by the Food and Drug Administration. The paper is headed "Chronology of Dimethyl Sulfoxide".

On the first page under *preclinical evaluation for safety*, the impression is given that the Food and Drug Administration did not feel that DMSO was safe for clinical testing. This was, of course, not a fact. The Food and Drug Administration did permit clinical testing with DMSO when applied to the skin. They did preclude the use of DMSO by other routes such as intravenous, oral or direct instillation into the bladder. So the verbage is unclear and it is obviously confusing to the lay reader. What they are saying in that paragraph is that they did approve it for application to the skin and that topical application at that time was perfectly legal.

On page 2 in the first paragraph, the White Paper goes into a great deal of discussion concerning animal toxicity. This paragraph contains several errors. In the last sentence the statement is made that in all animals corneal and lenticular changes in the eyes were observed. Actually, no corneal changes have been observed and the lenticular changes have *not* been shown to occur in all species studied. The point concerning proximity to human dosage is misleading. The fact is that the lowest dosage in which the change has been recorded in the most sensitive animal is approximately 10 times the average human dose. Completely omitted from this paragraph is the fact that numerous studies show these changes do not occur in man.

In discussing toxicity the White Paper fails to point out that frequently toxicity in lower animals results with large dosages and unusual methods of administration. This is part of the conventional toxicity study of any drug. A drug is given until toxicity is produced to determine the margin of safety. This is unclear to the average lay reader who reads this White Paper.

To me, however, the most important thing is that this so called "scientific" agency and its White Paper declared that the drug was unsafe for human use and yet we find on page 9 they are able to conclude seven years later that the drug *is safe* when used in human beings in a dosage range of 1 gm/kg of body weight. This would mean that at least 70 ml could be applied safely to the average human being—far greater than the ordinary human dosage which ranges from 4 to 12 ml per day. To apply 70 ml to a human would necessitate almost total body application.

In the second paragraph on page 2 beginning with "concurrently the results of DMSO in testing in human beings were evaluated" the FDA makes the point that because of publicity in the lay press it was difficult to control clinical investigation and over 100,000 patients were treated during 1964 and 1965. This is an amazing statement. In a democracy all government officials and all government agencies are subject to review by the public. At a time in our society when every move of even the President of the United States in time of war is subject to immediate reporting and analysis in the lay press, it is surprising that a government agency would consider that the public does not have a right to know. This amounts to censorship in its worst form. Completely ignored was the fact that among the 100,000 patients tested clinically no serious toxicity was documented.

In the second paragraph on page 3, the point is made that the adverse effect of DMSO on the eyes of animals treated by cutaneous application was observed in September of 1964, but was not reported immediately to the Food and Drug Administration. Our information from Dr. Richard Brobyn, Director of the Merck DMSO study is that the FDA was notified of these toxic changes by Merck in the spring of 1965. Nevertheless, FDA waited six months until November of 1965 to discontinue testing. I would suggest you check this information with Dr. Brobyn. We have in our possession a report prepared by Merck, Sharp and Dohme marked NDA which was in the hands of clinical investigators from Merck in September of 1965. It is inconceivable that Merck had not submitted this report to the Food and Drug Administration before submitting it to investigators. If these eye problems were so serious why did the FDA wait so long?

On page 3, the FDA speaks of reactions observed in clinical testing of DMSO before and after November 25, 1965. It is important to point out that none of these so called reactions were in the truly severe category and are not at all unusual in new drug testing. FDA also makes the statement that DMSO was discontinued by voluntary agreement of all the sponsoring pharmaceutical firms. Syntex was not even present at the meeting. It may very well be that you could receive verification of this from Dr. Gerhard Boost of Syntex. Our information is that the so called "voluntary agreement" was more arm twisting by FDA.

The Food and Drug Administration states it discontinued all testing because of "eye toxicity" although 100,000 patients were under treatment at that time. It is interesting to note that in 1970 they now admit that the drug is apparently safe for clinical use in short term therapy. One may reasonably ask why it took a scientific group five years to determine this responsibility towards patients. Dr. Brobyn has told us that Merck offered to do an eye study on prisoners at this point, but that the FDA refused to permit it. It would have also been a relatively simple procedure in 1965 to immediately discontinue widespread clinical testing except in patients with serious diseases for which no other treatment was available and to periodically examine the eyes of patients already treated. Here we had a built in clinical test, but the FDA refused to take any steps to prove or disprove a very important point.

On page 4, FDA states that DMSO testing was discontinued on November 25, 1965, but they subsequently permitted resumption of clinical testing in patients who had diseases untreatable by other methods. The important point here is, how long did it take after discontinuation before they published this notice of resumption. Our information is that it was December of 1966 or one year later before seriously ill patients were again permitted to be treated with DMSO. A possible exception to this is that Dr. Scherbel might have been given permission on his scleroderma group, but certainly no notice was published by FDA before December of 1966.

At this point in time, we find that FDA has turned down the Squibb application, (see point 3, page 9) on the basis that efficacy still has not been proved. In the letter accompanying the White Paper they admit that they have approved it as a prescription drug in veterinary medicine for use on horses. Why do they say that efficacy has not been proved when they themselves approved it. They certainly are not loath to use toxicity data from other species in man.

This is a "scientific" agency staffed presumably by competent physicians. It would be easy for them to prove efficacy of DMSO in less than 72 hours. A physician from FDA could work in an emergency room in any large metropolitan hospital, treat acute trauma and satisfy himself of efficacy. Even a lay person could satisfy himself of efficacy by observing the immediate lessening of swelling, the disappearance of bruises, and the lessening of pain. Why is it so difficult for competent physicians such as the FDA claims they have to see it? Also, as to their contention that efficacy has not been proved, they themselves state that 100,000 patients were treated. Hundreds of physicians were involved in treating these patients. Even if we grant that the vast bulk of these physicians were totally incompetent and, therefore, their work was not valid from the scientific point of view, were all of these physicians incompetent? Could not the Food and Drug Administration have called in 1, 2, 3 or 4 of these men whom they trusted and respected and discussed with them whether or not the drug was efficacious? It is my personal opinion that the reason FDA halted studies was the point that they made concerning lay publicity, and difficulty in controlling investigation once the public was aware of the drug. Perhaps they wanted to make an example of DMSO. This of course strengthens the contention that the agency is more like a police body than a scientific one and that no agency in government should be permitted to be policeman, judge and jury.

Sincerely,

Edward E. Rosenbaum, M.D.,
Associate Clinical Professor Medicine, Acting Director, Department of Rheumatology.

SPINAL COLUMN

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. McDONALD of Michigan. Mr. Speaker, Christmas has come and gone, but a recent article in the Publishers' Auxiliary brought to my attention all over again the depth of appreciation one human gets from helping another human being.

The Spinal Column, a tabloid published in my district which serves several communities in Oakland County, Mich., was featured in the Auxiliary for its special Christmas issue.

The paper was not honored for some specific topographical achievement, or for its investigative reporting. It was singled out as an example of public service by the Fourth Estate.

The Spinal Column printed a special Christmas edition, with features and stories about the holiday, and made them available at no charge to the Goodfellow organizations in Commerce, Highland, Milford, Waterford, West Bloomfield, and White Lake Townships as well as the Tri-City Fire Department.

Proceeds from the charitable sale then went to fill Christmas baskets for the underprivileged.

This newspaper proved itself more than adequate in meeting its public service responsibilities by making it possible for more than 500 families to have a pleasant holiday season.

I am justifiably proud of the Spinal Column, and of its publisher, James W. Fancy. It is hard hitting, and hard working, and the mark it is leaving on its readers is an example other papers would strive to achieve.

For printing in the Record, I am enclosing a copy of the article in the Publishers' Auxiliary.

The Spinal Column

The Spinal Column, the 25,000 circulation west Oakland County, Mich., weekly, produced a "first edition" for the annual Goodfellows newspaper sale. Proceeds from the sale fill Christmas baskets for the underprivileged.

The newspaper staff produced the eight-page tabloid edition specifically for the Goodfellows in the six townships and two cities in which the Spinal Column is circulated.

It marked the first time the charity groups had received a special edition of its own from any area newspaper. There was no charge to the groups.

With orders for 11,000 of the supplements, the Spinal Column provided Goodfellow organizations in Commerce, Highland, Milford, Waterford, West Bloomfield and White Lake Townships as well as the Tri-City Fire Department with free copies of the paper for sale.

The supplement carried no advertising. It was devoted totally to Christmas feature material including special displays at Greenfield Village and Oakland County's historic Moses Wisner Home as well as recipes, a list of charitable organizations selling Christmas cards and special features on the traditions of Christmas.

"Reaction from the local Goodfellow groups was unanimously positive," publisher James W. Fancy indicated. "Every group exceeded its determined goal. Giving the Goodfellows a special edition provides them with a product more people are inclined to buy and read rather than two- or three-day-old overruns of other newspapers that are usually ignored," he added.

Regular Wednesday editions of the Spinal Column publicized the "first edition" through a picture story of the Goodfellow edition make-up.

The newspaper will produce an expanded version of the special edition next Christmas, hoping to make it an annual event.

More than 500 underprivileged west Oakland County families received food baskets, canned goods and toys, largely as a result of the Goodfellow sale.

A FEW KIND WORDS FOR THE COAST GUARD

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GARMATZ. Mr. Speaker, recently a resident of Coral Gables, Fla., Mr. Oscar F. Miller, wrote of Capt. J. Carrington Gramling, Jr., U.S. Coast Guard Reserve, retired, in Miami, defending the actions of the Coast Guard officers in the defection of the Lithuanian seaman who boarded the Coast Guard cutter *Vigilant*.

Mr. Miller's views were brought to my attention and I think they will be of interest to all Members, many of whom, I am sure, received much mail on this matter.

Therefore, I am inserting his statement in the Record for your perusal:

Miami, Florida,
December 28, 1970.

Hon. J. Carrington Gramling, Jr.,
Captain, U.S. Coast Guard Reserve, Ret.
Biscayne Building,
Miami, Fla.

Dear Judge Gramling: I have been grievously concerned by the manner in which the recent incident between the Coast Guard Cutter "Vigilant" and the Russian seaman has been handled, both by our news media and others.

My thoughts on the subject are set forth in the attached.

Sincerely,

Oscar F. Miller.

A Few Kind Words for the Coast Guard

Now that the mass hysteria created by the American Press over the Russian Coast Guard affair has begun to subside, perhaps it is now time to soberly and sanely analyze some of the facts and circumstances of this sea-going incident.

Instead of threatening Rear Admiral Ellis and Captain Fletcher Brown with a court martial, and "permitting" them to retire as a result of the part they played in this melodrama, I think both of these able and experienced men should have been promoted.

Before alerting the F.B.I. and the C.I.A. to investigate the writer for making such an audacious statement, perhaps it would appear appropriate at this point to say I am a seventh generation native-born American citizen, who has never been in Russia, and—to my knowledge—has never known a Russian citizen or peasant—whatever they may call their regimented sheep. I challenge anyone to question my loyalty. Further, I believe any person who refuses to swear allegiance and take a loyalty oath to uphold the Constitution of the United States, should not be permitted to work for the United States Government or any political sub-division within its boundaries.

Having been trained in the law, I have a propensity for analyzing facts.

All of the newspaper articles and editorials I have read on this celebrated affair, refer to a "Lithuanian" who sought shelter and freedom aboard a U.S. vessel. I detect a clever ruse to create an emotional appeal by constantly calling him a Lithuanian—never a Russian! According to my current geographical knowledge, this man is a Russian—whether he likes it or not.

If you are unable to accept this as a fact, then call me a "Rebel" because my grandfather was a Captain in the Confederate Army in the war between the States, struggling to defend Atlanta against that uninvited tourist known as General William T. ("War is Hell") Sherman. Ambrose Bierce defined a cannon as "an instrument used for the rectification of International Boundaries." One cannot deny its effectiveness. Consequently, neither the "Lithanian" nor any of us, descendants of folks south of the Mason and Dixon line can question the authority of the Country within which we live.

I have as much feeling and sympathy as anyone for those unhappy persons seeking to escape from the tyrannical life imposed upon them within the Iron Curtain. The greatest error Franklin D. Roosevelt made was diplomatically recognizing these communistic descendants of the Czars. They have caused nothing but headaches ever since. Furthermore, I fully subscribe to the policies of our government in giving asylum to any and all defectors who successfully run the gauntlet, and primarily or ultimately reach our shores.

But, when carefully scrutinizing this episode involving a U.S. Coast Guard ship and a Russian ship, we are confronted with a series of maritime rules and customs that cannot be violated or ignored, notwithstanding our passions or feelings in this matter.

This man was a member of a ship's crew at sea, subject to the orders and directions of his Captain. He sought to "jump ship" in violation of the Captain's orders and long-recognized maritime laws. Further, the man was not an ordinary seaman, but held the vital and indispensable post of radio operator.

If the Commander of our Coast Guard vessel had refused to surrender this crewman when ordered to do so by the Captain of this foreign ship, the reverberations from this violation of maritime rules and customs would have been heard around the world. Jumping a ship is a far cry from jumping a fence—it isn't the same, and you better believe it!

The failure of America to recognize this fact precipitated the War of 1812. You should know what happened to the White House!

A more recent precedent was the San Jacinto affair in 1861, when U.S. Navy Captain Charles Wilkes removed James Mason and John Slidell from the British mail steamer "Trent".

A number of thoughts come to mind when reflecting on this sadly blundered and badly reported incident.

I think our American Press owe a greater obligation to their readers to avoid hysteria and rabble-rousing. True, the principal components of a newspaper consists of people—but, with the powers and prerogatives they exercise, they, like Caesar's wife, should be above reproach.

A little knowledge is a dangerous thing, but ignorance of history can be catastrophic!

VOTING AGE CHAOS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHMITZ. Mr. Speaker, article I, section 2, Constitution of the United States, says:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

In its decision last month on the constitutionality of the bill passed by Congress earlier in the year, setting the voting age at 18 in every State, the Supreme Court of the United States ruled directly, explicitly, and diametrically opposite to the section of the Constitution just quoted. Under its decision, persons 18 to 21 in every State must be allowed to vote for Members of Congress and for the President, but need not be allowed to vote for members of their State legislature.

Rarely, if ever, even in its fantastic history since Earl Warren became Chief Justice, has the Supreme Court so blatantly contradicted a provision in the Constitution. In the past it has ignored, twisted, and distorted; now it has moved to outright repudiation of what any child could see that the Constitution means.

The result—vividly demonstrating the consequences of abandoning the fundamental charter of our Government—is virtual chaos, which will satisfy neither the supporters nor the opponents of the 18-year-old vote.

All indications are that in most States the opponents are in the majority. In the past year alone, five States—Connecticut, Florida, Hawaii, Illinois, and Michigan—have conducted referendums in which lowering of the voting age to 18 was rejected. The Supreme Court having evidently lost all sight of its duty, it is the duty of the Congress to see that the rights of the people of these and other States to decide upon the qualifications of their electorate are not abridged.

For this reason, I introduced legislation December 21—and will reintroduce it in the new Congress which convenes at the end of this month—to repeal the Federal statute requiring reduction of the voting age to 18. There is no reason whatever to assume that we must resolve the present chaos by a constitutional amendment compelling the States to reject the will of their own people and lower the voting age for State as well as Federal legislators. Why not leave this matter where the Constitution put it and the people obviously want it, in the hands of the electorate of each State? That is what my bill does.

Personally, I have always been and continue to be opposed to lowering the voting age below 21. This is the age at which, in our society, most young people first become fully self-supporting, since it is the usual age for graduation from college. Personal experience with the problems and responsibilities of financial self-support is highly desirable in these times when the burden of taxation is so heavy and those who do not have to support themselves are so easily tempted to vote away other people's money.

At whatever age the line is drawn, there will always be some people below the limit who would make more responsible voters than some people above it—and vice versa. But the line must be drawn somewhere, and I believe the usual age of beginning self-support is the best place to draw it.

It is interesting to note that, where it has already gone into effect, the 18-year-old vote has proved no panacea for the problems arising from angry dissent among our young people. The percentage taking advantage of their new right to vote is small, and even fewer become directly active in politics despite well-publicized attempts to get them involved.

WHAT IS THE TRUTH ABOUT CALIFORNIA FARMWORKING CONDITIONS?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GUBSER. Mr. Speaker, whenever something occurs on California farms which places farm employers in a bad light it always makes the headlines. However, a recent release by the California Department of Agriculture, which reflects another side of the story, has received little notice in the press.

Because I believe California farmers have done an outstanding job of improving farmworking conditions and, in fact, lead the Nation in this effort, I think the following press release should be printed in the CONGRESSIONAL RECORD. I hope it will convince some who have had a field day in harassing California agriculture that it might be wise to direct their efforts elsewhere. How long can California farmers compete with those in other States who do not assume their social responsibilities as our farmers have?

The press release follows:

CALIFORNIA DEPARTMENT OF AGRICULTURE PRESS RELEASE

Little-known facts about California's farm working conditions were brought out today by the State Department of Agriculture, following a survey of farm wage rates by the Department's Crop Reporting Service.

The survey, conducted during 1970, showed an average wage rate for all hired workers on California farms of $2.09 per hour. The range of pay was from a low of $1.86 per hour for those paid by the hour and receiving cash wages only, to a high of $2.42 per hour representing piece rate pay for harvesting work, and $3.13 for supervisors.

These were higher rates than were paid during 1970 in any other state, with the possible exception of Washington, which is at about the same farm wage level as California, Department officials said.

The total hired farm labor force in California during 1970 ranged from a low of 163,000 in February to a high of 280,000 in September. These figures have been fairly constant over the past few years.

Besides having the highest farm wages in the nation, California has far more protective laws and benefits for farm workers than any other state, as shown by a report from the U.S. Department of Labor.

Of ten protective laws recommended to the states by the federal government, California has nine in effect. No other state has more than six.

California is the only state which provides temporary disability insurance to its farm workers. Under this program, a worker who becomes ill or is injured off the job is entitled to cash benefits ranging from $25 to $87 per week while he is disabled, plus an additional $12 a day in hospital benefits, if he is hospitalized.

In addition, farm workers, like all other workers, are covered by workmen's compensation if they are injured or become ill on the job.

They are also covered by child labor laws, a minimum wage law, and wage payment and wage collection laws. The law also strictly regulates farm labor camps and farm labor contractors, and requires that farm workers be transported in safe vehicles.

The State Department of Agriculture is developing a new list of waiting periods which must be observed by growers before farm workers may enter a field or orchard following pesticide application. California has taken the lead in developing this type of worker safety program.

Director of Agriculture Jerry W. Fielder last year called on special county agricultural committees to exercise leadership in getting uniform compliance for adequate sanitary facilities, with handwashing and drinking water for field workers. Improvement in the provision of such worker facilities in fields and orchards have been reported in some 39 counties so far.

Legal actions have been taken against several aerial pesticide applicators and pilots for applying pesticides under conditions which endangered farm workers.

Much is done in California to help the migrant worker and his family. The State Department of Education reaches some 46,000 migrant children each year with a supplementary program through local school districts. Special bilingual teachers work with migrant children, helping them to adjust to school, and assisting them with problems of language, reading and mathematics. Special lunches are provided for these children to assure they are getting adequate nutrition.

The number of migrant workers in California has steadily declined over the past 20 years with the increased mechanization in agriculture. At the peak of farm work in September 1970, around one out of every four hired workers in California was a migrant.

This is partly the result of improved worker housing, leading to families living the year round in one residence, and commuting to different farming activities within a radius of their homes.

During the past five years, more than 2,000 new housing units have been constructed for farm workers in California, according to the State Department of Housing and Community Development. These have been built throughout the state from Gridley in the Sacramento Valley to Indio in the South. During the past three years, these units have been constructed under a joint government-industry arrangement financed by federal government funds. Machinery is furnished by industry to manufacture prefabricated houses, with unemployed migrant workers trained to manufacture and assemble modern living units.

Commenting on working conditons on California farms, Director Fielder said, "Farmers would like to pay wages comparable to those paid in many other industries, but there is just not that kind of income in farming today.

"The farmer is caught in a severe cost-price squeeze which is driving more and more people off the farm. There is no way in which a farmer today can pay higher wages to his workers and add the cost on to his product, as is done in industrial wage raises.

"In comparison with other states, however, California is outstanding in its programs to provide proper working and living conditions for its farm workers, whether resident or migrant," he concluded.

A LAY PERSON TAKES A LOOK AT OUR JUDICIAL SYSTEM

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. PETTIS. Mr. Speaker, in a time when our judicial process seems bogged down in unnecessary delays and faces a crisis of confidence, I am impressed by a speech given recently by Ruben S. Ayala, chairman of the San Bernardino County Board of Supervisors. He declares, as a layman, that he is genuinely perplexed over some recent Supreme Court decisions, and contends that the general public similarly cannot comprehend the results. Hopefully, this address will be as refreshing to my colleagues, a great many of whom are eminent members of the bar, as it was to me. Perhaps it will give us a little hint as to how we should begin to solve some of the problems that face our august judicial system.

The speech follows:

A LAY PERSON TAKES A LOOK AT OUR JUDICIAL SYSTEM

I come here today as a lay person to speak to you as professionals. This, I believe, under the circumstances, to be healthy and I sincerely hope beneficial to all concerned. I was particularly delighted and pleased with your invitation because, frankly, it provides me with what I consider to be a very valuable and excellent opportunity to discuss with you, members of the Bar Association, a situation which should be of deep concern not only to those who deal on a daily basis with the judiciary, but should be of equal concern to every American who sustains and cherishes the American way of life. And that, gentlemen, is the survival of the judicial system as we know it today. I firmly believe that unless some immediate dramatic changes are implemented, and it is inconceivable, that justice could break down in the United States of America, but that could very well be the case. Let me state right here and now that I couldn't agree more with former Supreme Court Justice Tom C. Clark when he makes the observation that more money in the form of more judges is not necessarily the answer to this dilemma.

I have always had, and I have been very careful to teach my sons to have, great respect for our constitution and the rights it insures. This extraordinary document is indeed the cornerstone of our democratic way of life. And, certainly, I place immense value in the protection of my rights as an individual as much, and perhaps more so, than anyone else in this room.

But while so much emphasis is being given to the rights of the accused . . . what about the rights of the victims? It appears to me that if anyone's rights have been violated it is certainly the rights of those individuals who have been murdered . . . who have been kidnapped . . . who have been raped, robbed or innocently fallen prey to any of the other insidious activities of those whose rights the courts have been so concerned about. Let me emphasize once again that I am in no way questioning the wisdom of the authors of our Constitution or the Bill of Rights. In fact, I strongly suspect that the current tendency to be overly protective of the rights of the accused would, and using a cliche, cause these great men to turn over in their graves. Certainly as time passes and social conditions change, varying interpretations may be given to their writings. But I hardly think that the fathers of our democratic system intended that confessed murderers should be set free because no one told them to remain silent . . . and, if in this day and age, we truly concern ourselves with respect for our Nation's founders, I do not believe we could cast a more damaging blow at their memory . . . than to interpret their work in this permissive manner.

If, as I suggested, we are to consider changing conditions in interpreting the Constitution, I must point out that one of the greatest areas of public concern in recent years has been law and order versus crime in the streets. Yet, when we look at the direction in which we have been moving . . . it appears to me that it is decidely a case of law enforcement versus the courts. Gentlemen, you know far better than I that these two elements were designed to cooperate and that for our laws to be effective they must work without hostility. I do not wish to be misunderstood. I am not advocating convictions . . . I am advocating justice. A man is considered innocent until proven guilty. And this concept has proven itself over the years, but when proven guilty, justice must be carried out. If there is a procedural error or if some technicality has been overlooked, perhaps the officers involved should be disciplined. But, it does not excuse the crime . . . two wrongs don't make a right whether the Constitution is involved or not.

There are any number of cases that we lay people across this great land of ours are confused about and we do not understand . . . many of these cases I am certain you gentlemen are familiar with and in my humble opinion substantiates what I have been alluding to.

For example, we lay people do not understand why some fourteen years ago in *Mallory* v. *United States* the defendant's confession was ruled invalid because the arresting officer failed to bring the suspect before a judge without unreasonable delay. We do not understand when four years later in *Mapp* v.

Ohio evidence was ruled inadmissible because it was obtained in what was termed illegal search and seizure. We may agree or disagree with these two decisions, but it is evident that such cases provided the foundation for the well known Escobedo and Miranda fiascos.

We do not understand that in 1964, in the case of *Escobedo* v. *Illinois*, the Supreme Court ruled out the confession because the suspect was not advised of his right to remain silent. Obviously, our Supreme Court felt that this omission by the arresting authority nullified the confession and automatically made the suspect free of any sin or wrong doing.

We do not understand when, 2 years later, the Supreme Court expanded its Miranda decision by reversing the conviction of confessed, and I wish to emphasize the word "confessed," kidnapper-rapist Ernesto Miranda, who was not advised of his rights before he confessed in Phoenix.

It occurs to me that society has a right to expect its citizens to have at least a basic knowledge of the law. When we consider offenses ranging all the way from minor traffic violations to premeditated murder—we lay people do not accept ignorance of the law a valid excuse for breaking it. . . .

We do not understand that nonetheless, the Supreme Court did not stop with Miranda . . . they went one step further in the case of Reyes Arias Orozco. But, before we go on to that—I want to remind you that in Miranda, the Court had attempted to justify its decision by explaining that if not fully informed of his rights, any criminal suspect is at an enormous disadvantage in which it termed the inherently coercive atmosphere of a station house. . . . Orozco, however, confessed in his own boardinghouse room where he was not in isolation or in unfamiliar surroundings as cited in Miranda.

Police investigating a shooting outside a Dallas bar found that Orozco had been in a quarrel earlier that evening in that very same bar. When questioned, he admitted being at the scene and furthermore produced the gun which later proved to be the murder weapon. . . . We do not understand that in 1969 the conviction was reversed as Justice Black said, a man is, in effect, under arrest from the moment he is asked his name. This is Miranda carried to a new and unwarranted extreme in the opinion of we lay people. But there is more . . . "Don't thank me. Thank the U.S. Supreme Court," responded irate Justice Michael Kern in 1967 . . . "You killed the child and you ought to go to jail." He was talking to a young mother who admitted taping her 4-year-old son's mouth and wrists and beating him to death with a rubber hose and broom handle. . . . This confessed child-beater and murderess was set free because she was not completely and instantly advised of her rights to counsel and silence. . . . We do not understand . . . Arthur Lee Davis wasn't even suspected of murder when Ohio authorities arrested him on suspicion of burglary. But he managed to confess to killing before being told about the Constitution. Davis confessed to having decided to kill a man he heard make a derogatory comment about his late mother. He carried out his intention a whole week later. His gun was examined by deputies and found to have fired the shell found near the victim's body . . . in this case of obvious premeditation, not only the confession was ruled out, but the resulting evidence was also banned.

Charles Kenny was arrested with several accomplices on charges of killing a service station attendant. He was advised of his right to an attorney and to remain silent. And at first, he denied the charge. But when his partners confessed, Kenny admitted the crime. He was, however, later released because although he was told he could have an attorney, no one let him know that a free public defender could be made available. . . . We don't understand. . . .

Decisions like these seem endless. But I believe my point in this area is clear. . . . I do think it's important, however, to take a brief look at where the 1961 case of Mapp vs. Ohio has led regarding search and seizure. . . .

In 1965 an 86-year-old Massachusetts woman was the victim of rape. In reporting the crime to police she could only identify her attacker as a young Negro. In the next ten days police questioned 75 young Negroes. Most were fingerprinted, questioned and released. The fingerprints of John Davis, however, matched those on a windowsill in the victim's home and led to his conviction. But in 1969 the Supreme Court reversed that conviction because it said the fingerprints were illegally obtained without a warrant and were therefore inadmissible as evidence. . . . We just can't understand. . . . This decision not only freed a *guilty man*, but put a damper on the dragnet as a police method.

Now we are being told that even the practice of frisking a suspect is of doubtful legality despite the fact that one out of every ten frisks produced a concealed weapon and that the officer's life may be endangered. Apparently law enforcement officer's lives are expendable. . . .

Again, I could go on almost endlessly. . . . *Confessed* and *convicted* criminals are being set free. . . . Not because evidence cannot be obtained, but because of technicalities in obtaining it.

I *strongly* believe that this active situation is largely responsible for the loss of prestige suffered by the court system which produced the chaotic situations experienced recently in Chicago and New York, to mention only two.

In Chicago in the trial of those charged with inciting a riot during the 1968 Democratic convention . . . defendants referred to Judge Julius J. Hoffman as . . . Julie, Hitler, fascist pig, liar, sadist and executioner they screamed obscenities, brought a Viet Cong flag into the courtroom and ridiculed the court by wearing judicial robes. The defendants packed the courtroom with unruly spectators who laughed and chanted "oink" when the judge was called a pig.

When Black Panthers were tried in New York for bombing two police stations, attempted murder, possession of bombs, pistols, and guns without licenses, and for conspiracy to bomb department stores, justice John Murtagh, was forced to suspend proceedings in the pre-trial hearing. The defendants created much the same situation that occurred in Chicago except that they threatened: "If the courtroom doesn't give us justice, Mr. Murtagh, we are going to tear this raggedy, filthy injustice pig pen out, every single day" . . . and on two separate occasions defendants caused a melee in which they threw tables and chairs around the room. They heckled and fought court attendants and hospitalized three policemen . . . gentlemen . . . we just don't understand . . . order must be restored. When the court is able to act swiftly and directly in prosecuting criminals . . . unhampered by procedural red tape. Justice can be carried out and carried out in a dignified manner.

John A. McClellan, chairman of the Senate Subcommittee on Criminal Laws and Procedures recently remarked, "I believe that the broad, sweeping advantages which have been given to criminals in many supreme court decisions have certainly militated against . . . and . . . done a great injury to the rights of society." The truth of this statement is unquestionable . . . regardless of . . . to what degree you concur. . . . You must agree that justice is being threatened.

And when justice is threatened. . . . Every American is threatened.

And gentlemen . . . across this great land of ours . . . are confused and we do not understand.

I strongly believe that interpretation by the courts of my rights under the constitution must be tempered with common sense.

SPECIFIC RECOMMENDATIONS

1. Article that appeared in the Los Angeles Daily Journal dated 12–17–70 re:

A. Reorganization of California trial courts—proposal is designed to eliminate the distinction between Superior, Municipal, and Justice Courts in this State.

B. Estimated the approximately $100 million in local property tax relief would result from the shifting of Court administration from the local level to the State.

C. Introduction of this bill aimed at massive reorganization of our Courts is scheduled for sometime in March.

2. Municipal Courts a 40,000 population.

3. Reduction in size of juries. 12 members to 6 (misdemeanors). Reduces trial time. Smaller civil cases.

4. Permit majority verdict in criminal cases in order to reduce number of mistrials due to hung juries.

5. Unwarranted Court continuances.

6. Unnecessary overly concern over technicalities.

7. Greater use of referees and Commissioners for routine type matters:

(A) Small Claims.

(B) Traffic Citations.

8. Greater use of circuit Judges bring our courts to the people rather than vice versa.

9. More use of specialty Judges where feasible.

10. More use of pre-trials as was introduced in the West End by Judge Garner. Saves the time of Judges—D.A.s, P.D.s, Deputies, Sheriffs and jurors.

11. In order to promote respect for our judicial system, Judges as well as Attorneys should devote time to explain controversial decisions to the press and the general public.

12. Judges and attorneys' should make a greater effort to get involved in the problems and the nuts and bolts operations of their respective communities.

(A) Drug prevention programs.

(B) Volunteer time.

(C) City councils.

(D) School Bds.

(E) Legal aid to the poor.

13. There has to be a much greater degree of cooperation between Judges and elected officials—we do have the tools to comprehend.

STATEMENT BY THE REPUBLICAN GOVERNORS' ASSOCIATION ON REVENUE SHARING

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHNEEBELI. Mr. Speaker, our former Governor of the Commonwealth of Pennsylvania, the Honorable Raymond P. Shafer, has called to my attention a statement unanimously approved by the Winter Republican Governors' Conference in Sun Valley. Following is the text of this statement on revenue sharing:

STATEMENT BY THE REPUBLICAN GOVERNORS' ASSOCIATION ON REVENUE SHARING

The Federal system of shared responsibility between the Federal, State and local governments has worked for the people because it has had the support of the people.

The Federal system, however, has endangered itself because it is growing increasingly less responsive to the changing conditions and the new needs of the people by whom it was created and to whom it is responsible.

The people, now as always, determine the existence of governmental structure and the structure itself in turn depends on the confident support of the people.

The structure of government, the federal system, has now reached a critical point because State and local governments can no longer raise the money necessary to provide adequately for essential services to their people.

The resulting deterioration of services at the local level and particularly in urban areas is undermining confidence in representative government.

The Federal government collects 65 percent of all tax revenues and 91 percent of the fastest growth tax, the income tax, and yet returns only 18 percent to the total cost of state and local government.

Despite the fact that five years ago the National Governors' Conference first adopted a resolution urging federal revenue sharing and the President has submitted a revenue sharing proposal to the Congress, nothing has happened.

The Republican Governors' Association recognizes an impending collapse of confidence in State and local government, particularly in urban areas, and concludes that nothing less than a Federal revenue sharing program of at least $10 billion annually, starting July 1, 1971, can save this situation.

The Republican Governors' Association petitions the President of the United States for a meeting at which this proposal and the crucial nature of this problem can be presented before the President completes his State of the Union Message.

INVOLVEMENT A WAY OF LIFE FOR DISC EMPLOYEE; 3 MONTHS WITH NO PAY TO HELP YOUTH IN TROUBLE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. EILBERG. Mr. Speaker, Elmer Hunter of 707 Carpenter Lane in Germantown, Pa., is a man involved. Involved in his community, his Nation, and his people. And probably more so than most, since he is a man who took a 3-month leave from his civil service job without pay this summer in order to establish a much needed chaplaincy program, also without pay, at an overcrowded youth detention center in Philadelphia.

To hundreds of military supply requisitioners all over the world, he is known as Mr. Hunter of the DISC Emergency Supply Operations Center, ESOC, responsible for receiving and transmitting vitally urgent supply requirements from bases around the globe.

To hundreds of Philadelphia youngsters who have had a brush with the law, he is known as Reverend Hunter, chaplain of the Philadelphia Youth Study Center, responsible for advising, counseling and spiritually helping the young people detained at the center.

A career Federal civil servant, Mr. Hunter spends a full work week during the late evening shift at the Defense Industrial Supply Center in Northeast Philadelphia. DISC, as the center is known, is a field activity of the Defense Supply Agency and buys industrial type items for use in major weapons systems by all U.S. military services all over the world. He has been a Government employee for over 15 years.

Throughout his career, he has made involvement a vital way of life, especially involving himself with the problems and concerns of youth in contemporary society. Thus, at the end of a full, 8 hour night at DISC, Hunter considers his workday only just begun, as he assumes the role of chaplain, friend, and confidant to the young boys and girls at the Youth Study Center.

Hunter was born 34 years ago in the Frankford section of Philadelphia. He attended Philadelphia public schools, graduating from Overbrook High School in 1954. He enlisted in the U.S. Air Force in November of that same year. After serving in France for nearly 3 years, he returned to Philadelphia to enter Temple University and the Philadelphia College of Bible.

He has served on the chaplaincy staff of the Mercy-Douglass Hospital, as well as in field work with the American Bible Society, the American Tract Society, and Scripture Press.

Appointed recently to the Council of Chaplaincy Ministries in Institutions, Hunter served on the Graterford prison committee. His position with this council, coupled with his abiding interest in youth, led him to his current ministry at the Youth Study Center.

Prior to his involvement with the center this year, the institution because of a severely limited public budget, had no formal chaplaincy program, according to Hunter. Setting up a workable plan required a full-time effort by a dedicated volunteer who would be willing to work almost around the clock, and with no compensation. Without such a volunteer, no realistic program would succeed.

Hunter saw the need, and immediately worked toward filling the requirement. A married man with three young children himself, he applied for a 3-month leave of absence from his position as inventory manager at DISC, in order to devote his entire summer to the youngsters at the youth center.

Word of Hunter's dedication quickly reached Brig. Gen. Paul E. Smith, U.S. Army, Commander of DISC, himself an avid proponent of active involvement with young people.

In response to Chaplain Hunter's offer to visit and tour the youth center, General Smith expressed a desire to meet with and talk to the young people of the center and to assist the work of the center in any way possible.

During the visit, General Smith was very impressed with the program at the center, but concerned about the limited budget to continue the program Chaplain Hunter had begun.

Upon his return to DISC, Hunter became coordinating chaplain of the youth center continuing with a part-time involvement with the youth of the center, but this time with the help of his co-workers at DISC.

Magazines, books, games, and puzzles are now collected by volunteer DISC employees for delivery to the detained youngsters. A weekly delivery from DISC to the center is now greatly assisting in the continuing chaplaincy program, says Hunter.

He explains:

> To see these youngsters dive into the magazines and games from DISC is a heartwarming experience indeed. We will continue the program, and its better than ever!

Hunter is back to the requisitions at DISC as well as his continuing work with Philadelphia youth. But this time he is not alone. His dedicated zeal is now supported by Brigadier General Smith and the over 2,000 employees of the Defense Industrial Supply Center.

Hunter sums up quietly:

> I am grateful to God for my relationship with General Smith and the wonderful people of DISC.

ANTIRECESSION PUBLIC WORKS LEGISLATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GONZALEZ. Mr. Speaker, I am joining my colleagues, Congressman John J. McFall, Democrat of California, and Senator Jennings Randolph, Democrat of West Virginia, along with approximately 100 other Members, in introducing comprehensive antirecession public works legislation.

I believe it is highly appropriate for us to introduce the accelerated public works bill on the opening day of the 92d Congress to reiterate our goal to combat the high rate of unemployment that has plagued our economy for too long now—a condition which is becoming more acute rather than diminishing.

The proposal would make Federal funds available—80 percent grants-in-aid—to assist local communities in building permanent public facilities. Specifically, the assistance would go to economic development areas and major labor market areas with exceptionally high unemployment rates, if the communities first, have a firm plan for badly needed permanent public facility, second, are able to finance the local share of construction, third, are ready to begin almost immediate construction, and fourth, can guarantee that a high percentage of the construction cost will be labor.

The goal is to make local areas more attractive to industry by building such facilities as sewer plants and municipal buildings without overburdening the local tax rate. It is estimated that $950 million will be needed to initiate the program. Similar legislation proved highly successful in the early 1960's, and I am sure will again be beneficial in providing the necessary impetus to reverse the current trends choking our economy. Certainly the present rate of unemployment of approximately 6 percent nationwide, with some "pockets of poverty" reaching close to 9 percent, warrants this beneficial legislation once again.

Congress can no longer sit idly by with the hope that prosperity is around the next bend, especially in view of the administration's refusal to use the anti-inflation tools that would not cause unemployment increases—authority to control wages, prices, and interest rates—and the President's equal resistance to a comprehensive manpower act, vetoed in the 91st Congress.

I represent a congressional district that qualifies for the concentrated employment program because of the high rate of unemployment in certain parts of San Antonio, and we would more than welcome the assistance that this legislative proposal would provide.

I would urge that the Congress provide some tangible evidence to these hard-hit communities that it cares for their general welfare. Hopefully we shall be able to schedule early hearings, and move soon toward enacting this badly needed legislation.

IS BEING ON THE DOLE A CIVIL RIGHT?

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. MANN. Mr. Speaker, it is my belief that many of my colleagues, on both sides of the aisle, would take a keen interest in the following editorial from the January 16, 1971, issue of the Columbia, (S.C.) State. The article provocatively poses the unstated question, whether being on the dole has in fact ceased to be a governmentally sponsored, ironclad "civil right." Fortunately, the question, in this instance, is answered in the negative by the U.S. Supreme Court.

Mr. Speaker, this is a very signal event. The years of the Warren Court were breezy, activist, and some even thought meddlesome, years. Hopefully, they are now over. The present Court—wisely and judiciously, to my mind—appears to have begun to insist upon an at least even-handed treatment of rights as against responsibility to the great public at large.

The article follows:

WELFARE EDICT SUGGESTS END FOR BREEZY RULINGS

In what may have been a tell-tale decision, the U.S. Supreme Court ruled this week that welfare recipients, if they are to qualify for continued public support, must submit to reasonable investigations by public agencies. The vote was 6 to 3, with Justices Douglas, Brennan, and Marshall on the losing side.

The suit was brought in behalf of Barbara James, a welfare mother in New York who refused to allow a case worker into her apartment without a search warrant. She offered to provide whatever information the case-worker needed, but she agreed to do so only if a meeting were held outside her home.

New York officials stopped her welfare payments, reasoning that welfare regulations already provided sufficient protection against unreasonable intrusions into the home. Mrs. James had been notified in writing well in advance of the visiting date, in addition to which New York regulations prohibit nighttime visits, forcible entry, and "snooping" once entry is gained.

In a well-reasoned opinion by Justice Harry A. Blackmun, his first majority opinion, the court upheld the action by New York officials. What Mrs. James evidently expects from the public agency that furnishes her family with the necessities of life, Justice Blackmun wrote, is the right to receive those necessities on her own terms, with no thought to the public's legitimate interest. The public interest in her case, the court concluded, must take precedence.

As for the insistence on search warrants, the court saw no justification for it. The visiting system, it observed, is a "gentle means" to a proper end and cannot be compared to a search for evidence of crime. If Mrs. James valued her privacy more highly than welfare payments, said the court, she had the alternative of giving up welfare. It is scarcely reasonable, the court added, to expect welfare agencies to humor the preferences of their clients when such preferences hamper necessary checks on how public funds are being spent.

Frequently, New York officials had advised the court, visits to the home uncover physical abuse of children, the safeguarding of whose welfare is among the purposes of public assistance. Meeting welfare mothers outside the home, in short, is an unsatisfactory substitute.

In the face of this logic, the three dissenters could mount no effective retort. Justice Douglas sputtered something about one rule for the poor and another rule for "prominent, affluent cotton or wheat farmers," but the ruse carried no conviction. If abuses occur among cotton and wheat farmers, the majority seemed to understand, the solution is to put a tighter rein on agricultural subsidies, not to do away with whatever protections now exists.

It was a sensible ruling the court handed down, and it holds a certain interest over and above the case of Mrs. James and her locked apartment. The vote was six for common sense and reason, and only three against. It is only one straw in the wind, but it is significant nonetheless. It suggests that the gale-force wind that whistled through the law during the Warren years and laid the Constitution flat may have been subdued at last.

DR. BEN SHEPPARD "CITIZEN OF THE YEAR"

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. FASCELL. Mr. Speaker, on January 30, 1971, a testimonial and fund-raising dinner will be held in Miami, Fla., in honor of Dr. Ben Sheppard, who was recently named "Citizen of the Year" by the South Miami Elks Lodge No. 1888.

But this is more than an honorific event. Proceeds from the dinner will be turned over to Dr. Sheppard's clinic, St. Luke's Center, to aid in the treatment of drug addicts.

Dr. Sheppard is being cited for his outstanding contributions to the south Florida community and to mankind. As one of the few persons in the United States who hold degrees in both medicine and law, Dr. Sheppard is a member of a select group.

Dr. Sheppard graduated from medical school in 1932. He specialized in child and adolescent problems in clinics in New York City, and then in child psychiatry at Vanderbilt Clinic. He received his LL.B at the University of Miami in 1952, and his J.D. in 1966. Dr. Sheppard taught medical jurisprudence at the university for 7 years.

He has served on the boards of Children's Center for the Emotionally Disturbed, Dade County Association for Mentally Retarded, and Big Brothers.

From 1960–67 Dr. Sheppard was senior judge, juvenile and domestic relations court, in and for Dade County.

Dr. Sheppard's clinic is just one of the many projects undertaken by the South Miami Elks, and Leo Leonardi, exalted ruler of the lodge, hopes to keep this project as an annual affair. The members of Lodge No. 1888 devote many hours to the aid and assistance of those in distress. They work with Boy Scout groups, give money and food to area families in need, spend time with those in veterans' hospitals, and contribute to the Harry-Anna Hospital for Crippled Children in Umatilla, Fla.

Mr. Speaker, it is a pleasure to be able to honor such an outstanding man as Dr. Ben Sheppard. I know our colleagues join me in wishing Dr. Sheppard and the South Miami Elks continued success in their humanitarian endeavors.

GALLAGHER INTRODUCES EXPANDED RESOLUTION TO CURE AND CONTROL CANCER

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GALLAGHER. Mr. Speaker, I rise today in the first week of the new Congress to speak of what I believe should be the first priority of the new Congress. We can, indeed, we must cure and control cancer and the resolution which I introduce today can do exactly that.

We must clearly focus on human needs by declaring it to be the sense of Congress that new and massive funding be provided for cancer research. Every cancer specialist in the Nation feels that the only obstacle to ridding the Nation of this scourge is inadequate funding for research. We stand on the brink of obliterating this dread disease—only money stands in our way.

Mr. Speaker. I recognize the slightly mundane ring in that last paragraph, for all too often we in the Congress have hailed expenditures of taxpayer's funds as the final answer to social ills, only to discover that the problem will not yield to money. But in the case of cancer, we are so near to the final solution. I attach at the end of my remarks today a list of over 600 cancer experts who signed a public statement endorsing my resolution from the 91st Congress, saying:

> We further express our conviction that with the level of funding and the magnitude of commitment authorized under the Gallagher resolution, cancer can be cured and controlled.

I believe this to be extraordinarily significant, for physical scientists and men of medicine are more reluctant to speak in absolute terms than are their colleagues in the social sciences. These men speak with a unified voice to the Congress; I say that in the name of humanity we must listen.

CANCER: A COMMON ENEMY

Cancer has touched every home in the Nation. Everyone has had a member of his family, a close friend, or a public figure who he deeply respected, brought down at the height of his powers by cancer's current killing pace. I think especially of the late Vince Lombardi, for if ever a man was killed in the prime of life, it was that inspirational American. I can think of some of our great colleagues who were cut down in the prime of their lives as well.

And so, Mr. Speaker, I can find no reason why many more than the current 100 cosponsors of my resolution today should not join with me in speaking with a clear and unmistakable voice. We can show our concern about the deeply human issues by endorsing and passing my resolution; we can, perhaps, even make a forthright rebuttal to those who say the Congress is incapable of reflecting the will of the people. I can think of no better way to begin what I am sure will be a constructive 92d Congress than by recognizing a major priority in every home.

A SENSE OF PRIORITIES

I do not intend to berate again the jet propelled "white elephant," the SST, or point to the massive defense budget, or the funds we have poured into the seemingly endless Vietnam conflict to justify the fact that my resolution calls for at least $650 million to be spent each year. If we have not learned by this time that alleviating human agony, as well as expanding human values, is our major job here in the Congress, no speech of mine today can instill compassion in the House.

I would, however, point out that one of the great reasons for the skyrocketing costs of medical care nationally, and a very persistent reason for destroying the life savings of a family, is the expense of terminal care for cancer patients for whom there is no hope. So if we terminate the specter of cancer, if we can give hope to the forlorn and destitute, we can realize sizable economic benefits for our Nation and bring some sense of financial security to American homes.

SOLID FINANCIAL BENEFITS TO THE UNITED STATES

Let me expand just a bit on the cost to our Nation. Assuming a median income of $10,000 for married taxpayers filing joint Federal income tax returns; and given the fact that at least 1,000,000 Americans are currently afflicted with cancer, then the United States lost at least $1,820,000,000 in taxes during 1969.

Surely, $650 million is a piddling sum.

It has been widely estimated that the total cost of cancer to the United States in 1969 from lost taxes, reduced earnings, medical assistance, and insurance premiums came to over $12 billion.

Surely $650 million each year for 10 years is a piddling sum.

A NASA TO MAKE LIFE ON EARTH BETTER

My resolution also calls for the establishment of a National Cancer Authority which will be able to stimulate valid research and which will have the necessary visibility on the Washington scene to focus our energies. I believe that the National Cancer Institute which now exists is doing a splendid job with their limited funds and in the face of cutbacks in research funding. But I believe that the struggle should be wrenched out of the hundreds of similar agencies within the Department of Health, Education, and Welfare. A fresh, new, vital, and visible agency is needed to capture public attention, and public funds, especially now that the experts in the field say we can cure cancer.

If I may digress just a bit, Mr. Speaker, I am not so naive as to think that the expertise and success of our space probes can automatically be transferred into other sectors. One of the more distressing cliches today is, "The Nation that send a man to the moon can certainly * * *." Complete that with your favorite project. One could say, I suppose, with equal validity that the nation which built the pyramids could certainly solve the problem of slave labor.

But I do realize that in the Federal establishment, institutions create policy, organization is movement. Thus, I think that a new Federal Cancer Authority could assist us in stamping out cancer in an analogous manner to the way NASA put a human footstep on the moon.

CONCLUSION

Mr. Speaker, I am very proud that 100 of my fellow Members of the House of Representatives are joining with me today in introducing the cancer cure-and-control resolution. I find it especially significant that so many freshman Members see this as a way to alter priorities, as a way to insist that the needs of our constitutents are met.

Interestingly, late last year Premier Kosygin of the Soviet Union responded to a letter I had sent to him, which urged international cooperation between us in this struggle. He agreed with me that it was foolish for the two great superpowers to spend their treasure on ways to destroy each other while ignoring ways to make human beings more secure. I intend to continue my efforts in the international field, for we need to find more ways to bring us together than to drive us apart.

I believe it would be significant, for this reason, if the House of Representatives were to declare itself loudly and clearly. My call was heard in the Kremlin; perhaps it might also be heard in the White House.

Today, I thank my colleagues who have joined me and I urge every Member of the House to ask himself whether he would not like to be remembered as a participant in the Congress which eliminated the specter of cancer from the American people. To repeat: Every expert now says the only thing stopping a complete cure of cancer is money.

Mr. Speaker, I include the text of my concurrent resolution, a list of the cosponsors, and the list of the cancer experts who endorsed my concept:

H. Con. Res. —

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the best interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas the Nation's success in space was largely due to centralized direction of expenditures under the National and Aeronautics and Space Administration; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research progrma;

(2) no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations; and

(3) the funds thus appropriated be controlled and directed by a National Cancer Authority which would have the same absolute direction of the cure and control of cancer that the National Aeronautics and Space Administration has over our conquest of space.

List of Cosponsors of Gallagher Resolution

Bella S. Abzug, Democrat, of New York.
Joseph P. Addabbo, Democrat, of New York.
Glenn M. Anderson, Democrat, of California.
George W. Andrews, Democrat, of Alabama.
Mark Andrews, Republican, of North Dakota.
Herman Badillo, Democrat, of New York.
Walter S. Baring, Democrat, of Nevada.
William A. Barrett, Democrat, of Pennsylvania.
Mario Biaggi, Democrat, of New York.
Jonathan B. Bingham, Democrat, of New York.
Edward P. Boland, Democrat, of Massachusetts.
John Brademas, Democrat, of Indiana.
Frank J. Brasco, Democrat, of New York.
John Buchanan, Republican, of Alabama.
Philip Burton, Democrat, of California.
James A. Byrne, Democrat, of Pennsylvania.
Charles A. Carney, Democrat, of Ohio.
Bill Chappell, Democrat, of Florida.
Shirley Chisholm, Democrat, of New York.
Frank M. Clark, Democrat, of Pennsylvania.
Don H. Clausen, Republican, of California.
William Clay, Democrat, of Missouri.
James C. Cleveland, Republican, of New Hampshire.
Harold R. Collier, Republican, of Illinois.
Jorge L. Cordova, Democrat, of Puerto Rico.
Dominick V. Daniels, Democrat, of New Jersey.
John W. Davis, Democrat, of Georgia.
John D. Dingell, Democrat, of Michigan.
Harold D. Donohue, Democrat, of Massachusetts.

Robert F. Drinan, Democrat, of Massachusetts.

Thaddeus J. Dulski, Democrat, of New York.

John J. Duncan, Republican, of Tennessee.

Don Edwards, Democrat, of California.

Joshua Eilberg, Democrat, of Pennsylvania.

Dante Fascell, Democrat, of Florida.

William D. Ford, Democrat, of Michigan.

Donald M. Fraser, Democrat, of Minnesota.

James G. Fulton, Republican, of Pennsylvania.

Richard Fulton, Democrat, of Tennessee.

Don Fuqua, Democrat, of Florida.

Nick Galifianakis, Democrat, of North Carolina.

Tom S. Gettys, Democrat, of South Carolina.

Robert N. Giaimo, Democrat, of Connecticut.

Ella T. Grasso, Democrat, of Connecticut.

Kenneth J. Gray, Democrat, of Illinois.

Edith Green, Democrat, of Oregon.

Seymour Halpern, Republican, of New York.

Lee H. Hamilton, Democrat, of Indiana.

James M. Hanley, Democrat, of New York.

Orval Hansen, Republican, of Idaho.

James Harvey, Republican, of Michigan.

William D. Hathaway, Democrat, of Maine.

Augustus F. Hawkins, Democrat, of California.

Ken Hechler, Democrat, of West Virginia.

Henry Helstoski, Democrat, of New Jersey.

Floyd V. Hicks, Democrat, of Washington.

Louise Day Hicks, Democrat, of Massachusetts.

Lawrence J. Hogan, Republican, of Maryland.

Frank Horton, Republican, of New York.

James J. Howard, Democrat, of New Jersey.

Andrew Jacobs, Jr., Democrat, of Indiana.

Harold T. Johnson, Democrat, of California.

Robert L. Leggett, Democrat, of California.

Sherman P. Lloyd, Republican, of Utah.

Manuel Lujan, Jr., Republican, of New Mexico.

Paul N. McCloskey, Jr., Republican, of California.

Mike McCormack, Democrat, of Washington.

Jack H. McDonald, Republican of Michigan.

Stewart B. McKinney, Republican, of Connecticut.

Spark M. Matsunaga, Democrat, of Hawaii.

John Melcher, Democrat, of Montana.

Abner J. Mikva, Democrat, of Illinois.

Joseph G. Minish, Democrat, of New Jersey.

Parren J. Mitchell, Democrat, of Maryland.

John M. Murphy, Democrat, of New York.

Robert N. C. Nix, Democrat, of Pennsylvania.

Dante B. Fascell, Democrat, of Florida.

Alvin E. O'Konski, Republcian, of Wisconsin.

Thomas P. O'Neill, Democrat, of Massachusetts.

Edward J. Patten, Democrat, of New Jersey.

Thomas M. Pelly, Republican, of Washington.

Claude Pepper, Democrat, of Florida.

Otis G. Pike, Democrat, of New York.

Bertram L. Podell, Democrat, of New York.

Richardson Preyer, Democrat, of North Carolina.

Melvin Price, Democrat, of Illinois.

David Pryor, Democrat, of Arkansas.

Thomas M. Rees, Democrat, of California.

Robert A. Roe, Democrat, of New Jersey.

Fred B. Rooney, Democrat, of Pennsylvania.

Benjamin S. Rosenthal, Democrat, of New York.

William F. Ryan, Democrat, of New York.

Fernand J. St Germain, Democrat, of Rhode Island.

Charles W. Sandman, Jr., Republican, of New Jersey.

Paul S. Sarbanes, Democrat, of Maryland.

James H. Scheuer, Democrat, of New York.

Louis Stokes, Democrat, of Ohio.

Charles Thones, Republican, of Nebraska.

Robert O. Tiernan, Democrat, of Rhode Island.

Charles H. Wilson, Democrat, of California.

Jim Wright, Democrat, of Texas.

Wendell Wyatt, Republican, of Oregon.

Sidney R. Yates, Democrat, of Illinois.

Gus Yatron, Democrat, of Pennsylvania.

Lawrence G. Williams, Republican, of Pennsylvania.

John H. Dent, Democrat, of Pennsylvania.

J. William Stanton, Republican, of Ohio.

B. F. Sisk, Democrat, of California.

Bill Nichols, Democrat, of Alabama.

Michael Harrington, Democrat, of Massachusetts.

Clement J. Zablocki, Democrat, of Wisconsin.

Wayne L. Hays, Democrat, of Ohio.

Dan Rostenkowski, Demccrat, of Illinois.

W. R. Hull, Jr., Democrat, of Missouri.

Donald W. Riegle, Republican, of Michigan.

Louis Frey, Jr., Republican, of Florida.

STATEMENT OF SUPPORT FOR GALLAGHER RESOLUTION

We the undersigned members of the medical and scientific communities express our strong support for the resolution sponsored by Congressman Cornelius E. Gallagher (H. Res. 906) calling for a firm national commitment to cure and control cancer within this decade.

We further express our conviction that with the level of funding and the magnitude of commitment authorized under the Gallagher resolution, cancer can be cured and controlled.

We believe, along with those who have joined in support of H. Res. 906, that there is no excuse for permitting cancer to continue its killing pace with the great resources available for the fight. It is high time to use these resources and conquer this tragic disease.

We who have been working for years against this common enemy of mankind urge our colleagues and our fellow citizens to endorse H. Res. 906 and help us win this battle.

SIGNATORIES

Mr. Sawson N. Abdelhady, Research Associte, Department of Biochemistry, Oklahoma State University.

D. J. Aberhart, Staff Scientist, The Worcester Foundation for Experimental Biology, Inc.

Dr. George Acs, Department of Enzymology, Institute for Muscle Disease.

Mrs. Claire Adamo, Waldemar Medical Research Foundation, Inc.

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Mr. Mariano Adzuan, University of Hawaii, Department of Pathology, School of Medicine.

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Mr. Kohki Egawa, Dept. of Pharmacology, Baylor College of Medicine, Texas Medical Center.

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Dr. Arvid L. Erlandson, Marquette School of Medicine, Inc.

Audrey E. Evans, M.D., Children's Hospital of Philadelphia.

Dr. Edwin H. Eylar, The Salk Institute, University of California.

Dr. Emmanuel Farber, Dept. of Pathology, University of Pittsburgh.

Mr. Donald A. Ferguson, Jr., Syracuse University.

Dr. Philip R. Ferguson, Dept. of Chemistry, Florida Presbyterian College.

Silvio Fiala, M.D., Veterans Administration Hospital.

Dr. K. F. Finger, Ph. D., Dean, College of Pharmacy, University of Florida.

Professor T. Lloyd Fletcher, Dept. of Surgery, University of Washington.

Maurice Fleysher, Roswell Park Memorial Institute.

Professor Thomas P. Fondy, Dept. of Zoology, Syracuse University.

Dr. Harry S. Fong, Dept. of Pharmacognosy, University of Pittsburgh.

Mr. Harry Force, Head of Biology Department, Missouri Western.

Dr. Joseph F. Foster, Professor and Head, Dept. of Chemistry, Purdue University.

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REPLACE U.S. SENATE WITH A HOUSE OF LORDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. CRANE. Mr. Speaker, I would like at this time to direct the attention of my colleagues to a proposal which reached my office only last week. This unique piece of legislation was the suggestion of my good friend and colleague, Congressman Clarence Brown, of Ohio. The bill calls for a constitutional amendment abolishing the U.S. Senate and replacing it with a House of Lords. I commend this measure to the attention of my colleagues and ask that its text be included in the Record:

H.J. Res. —

Joint resolution proposing an amendment to the Constitution of the United States with respect to the abolishment of the U.S. Senate and its replacement by a House of Lords

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. The Senate of the United States is hereby abolished and in its place there is established the House of Lords.

"Sec. 2. The House of Lords shall initially consist of one hundred members to be selected by a committee made up of United States television and radio network newscasters and newspaper columnists syndicated in no less than 100 newspapers in the United States. All ties for such designation shall be resolved by the senior editors of the United States News & World Report, Time and Newsweek with each newsmagazine casting one vote. Preference for selection to membership in the House of Lords shall be given to millionaires, former stars of the motion picture and professional sports industry, persons with mellifluous voices, poets, women from Maine and men from Massachusetts. All members of the House of Lords must be citizens of the United States of America, whether foreign or native born, and have attained the age of 35 years or some other proof of adolescent maturity. To qualify, each member must swear or affirm publicly that he is a sincere candidate for the Presidency of the United States and that he and at least three other friends or relatives consider him to be so qualified.

Sec. 3. Following initial selection, which shall be made without reference to state of residence or nativity because members of the House of Lords should think more broadly than the interests of the people of their home state, members of the House of Lords may select a state of the United States from which to run and one-third of the House of Lords shall seek office each even-numbered year and he designated for a term of six years. No limit shall be set upon the amount of money which can be spent by a candidate seeking office as a member of the House of Lords because such campaigns are good for the economy. Members of the House of Lords may "finney" or establish their personal right to the state in which they are to seek office on the basis of their net wealth as certified by the Internal Revenue Service. Members shall not be designated by states, however, but by the issue which they have adopted as a personal platform for seeking the Presidency, such as, pollution, starvation, youth, electoral reform, alcoholic reform, postal reform or personal reform. For purposes of recall, states may "finney" members of the House of Lords on the basis of their seniority in that body (counting previous service in the late United States Senate) and hold a public vote on whether or not a member of the House of Lords should be retired to private life. No state may so designate more than two members during any six year period and no member may be thus threatened with retirement more often than once per quarter. Members may serve in the House of Lords until the age of 91 or death, whichever occurs first, and can be legally certified and no other limitations shall be placed on their competence to serve.

"SEC. 4. The House of Lords shall not initiate any legislation having any force or effect, shall not advise or consent to appointments by the President or foreign affairs of the nation. All such matters of legislation, advice and consent are hereinafter reserved to the House of Representatives. It may, however, authorize resolutions viewing with alarm or pointing with pride. And of course it shall have no right to appropriate public funds or levy taxes. Legislation passed by the House of Representatives shall be referred to the House of Lords for debate purposes only and shall repose in the House of Lords following passage and prior to Presidential approval or disapproval for no more than three months. Nothing in this section will limit the right of the House of Lords to debate or filibuster against such legislation except that no debate or filibuster by the House of Lords shall delay such measures from becoming law.

"SEC. 5. A full record of the proceedings of the House of Lords shall be recorded for the benefit of members of the House of Lords and shall be retained in public records should anyone else be interested. But no distribution shall be made of copies of such debate since much more than adequate coverage is already afforded such debate by the public information media.

"SEC. 6. The House of Lords may organize itself and elect such officers as it wishes every two years within three months after each biennial election of one-third of its membership. Should the House of Lords fail to organize itself within two years following a biennial election, it shall be considered adjourned and that numerical designation for its session shall be skipped. Nothing in this section shall be construed as impeding the House of Representatives from convening, organizing or adjourning without reference to the action of the House of Lords.

"SEC. 7. The one-hundredth member of the House of Lords left over when the membership divides itself into thirds shall be designated as liaison with the President of the United States for whatever it is worth."

A JOINT RESOLUTION ALLOWING 18-YEAR-OLD CITIZENS TO VOTE IN LOCAL AND STATE ELECTIONS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. COTTER. Mr. Speaker, today with a number of my colleagues, I am introducing a joint resolution that will enfranchise our 18-year-old citizens for local and State elections.

I am aware that reasonable men have honest differences over the advisability of allowing our younger citizens to vote. The Congress in the last session passed a bill which was upheld by the Supreme Court that enfranchised our young citizens for Federal and State elections.

The Supreme Court taking a narrow view of the Constitution limitations struck down the provision of that part of the act that enfranchised the young voters for State and local elections. I do not question the authority of the High Court to strike down this section of the Voting Rights Act, but I do feel that the Congress has the obligation to place this crucial subject before the American people again. This time, the means will be a constitutional amendment.

The State and local governmental units are the most readily accessible to our citizens. It seems to be contradictory to allow these young citizens to vote for national elections and deny them the ballot for State and local elections. A responsible Government must have the participation of all the citizens.

By 1972, it is estimated that 11.5 million citizens will be between 18 and 21. This is 8 percent of the voting population. The influx of young voters has been treated by some people as a plague that must be stopped. I disagree.

The concept of participatory democracy—which has served us so well for almost 200 years—will be strengthened by the addition of young voters. My contact with young people has convinced me that on balance their idealism and concern will be beneficial to the myriad of problems that now confront our local governmental institutions.

THE EMPLOYEE BENEFIT SECURITY ACT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. DENT. Mr. Speaker, as chairman of the General Subcommittee on Labor of the Committee on Education and Labor, I am today introducing the Employee Benefit Security Act. This legislation was originally proposed during the Johnson administration and was first introduced in the 90th Congress. It was the result of years of study and was designed to meet needs which are even more acute today than they were at that time. The legislation will, for the first time, establish uniform Federal standards of fiduciary conduct and establish procedures for their civil and criminal enforcement. In addition, it establishes stricter requirements for reporting a plan's financial dealings.

Even more importantly, however, this legislation establishes minimum standards of vesting and funding and a system of vested benefit insurance. I consider vesting and funding requirements the most crucially needed part of this legislation. By this, I do not mean to imply that the establishment of fiduciary standards and fuller disclosure requirements are unimportant. Far from it. The 40 million participants in private plans have a right to be fully protected from irresponsible trustees and administrators, but losses caused by fiduciary abuses seldom affect the retirement security of the individual participant while unduly long vesting requirements and the lack of adequate funding frequently wreak havoc with the individual's dream of retirement security. When vesting provisions are harsh and funding inadequate, the private pension promise in which millions of American workers have placed their trust turns out to be a cruel hoax.

The very nature of our modern economy makes an employee's ability to fulfill plan eligibility requirements contingent on forces usually beyond his control, a fact made even more evident by our current economic recession. In all too many cases, the pension promise is nothing more than this: If you remain in good health and stay with the same company until you are 65, and if the company is still in business, and if your department has not been abolished, and if your job has not been made technologically obsolete, and if you have not been laid off for too long a time, and if there is sufficient money in the fund, you will get a pension. Secretary Shultz, when he testified before my Labor Subcommittee, estimated that one out of three participants never receives a benefit. From what we have seen at the hearings, I would say that figure is much too conservative. In low-paying, high-turnover industries, experts have pointed out that only 1 in 10 ever receives a pension.

The funding standard which my bill provides will be extremely helpful in assuring that the pension promise will be fulfilled, but no funding standard can be expected to provide complete protection for all plans immediately. Thus, benefit insurance is essential to meet the problem of plan terminaiton before a plan has fully funded its vested liabilities.

Pension plans are so widespread and are so depended upon to supplement the acknowledgedly inadequate Social Security System that their protection must be accepted as an essential public policy. The catastrophe to the worker who sees the security which his pension rights represent to him swept away by the failure of an employer is just as great as that of the depositor who loses his lifetime savings in a bank failure. Both deserve protection.

At this point I am submitting a summary of the major provisions of my bill:

SUMMARY OF THE MAJOR PROVISIONS OF THE PROPOSED EMPLOYEE BENEFIT SECURITY ACT

PURPOSES

The purposes of the proposed Employee Benefit Security Act are:

(1.) to establish minimum standards of fiduciary conduct for plan trustees and administrators, to provide for their enforcement through civil and criminal means, and to require expanded reporting of the details of a plan's administrative and financial affairs; and

(2.) to improve the equitable character

and soundness of private pension plans by requiring them to: (a.) make irrevocable (or vest) the accrued benefits of employees with significant periods of service with an employer; (b.) meet minimum standards of funding; and (c.) protect the vested rights of participants against losses due to essentially involuntary plan terminations.

TITLE I. FIDUCIARY RESPONSIBILITY AND DISCLOSURE

Coverage

Sec. 101—Title I of the Act would apply to any employee welfare or pension benefit plan which covers eight or more participants including State, County and municipal plans. It would not apply to plans established by the Federal Government or any of its agencies.

Duty of disclosure and reporting

Sec. 102—The administrator of an employee benefit fund would be required to publish to each participant or beneficiary a description of the plan. The report would include the information required by sections 103 and 104 of title I in such form and detail as the Secretary shall prescribe by regulation. Whenever a plan terminates, special reports would also be required. The Secretary may provide by regulation for exemption from all or part of the reporting and disclosure requirements of any class or type of plan, if he finds that the application of such requirements to them is not required in order to effectuate the purposes of Title I.

Description of the plan

Sec. 103—Plan descriptions would be required to be published within ninety days after the establishment of a plan or within ninety days after a plan becomes subject to this title, whichever is later. Descriptions would be required to be republished every five years after initial publication. The description would have to be comprehensive and written in a manner calculated to be understood by the average plan participant. Among other things it would have to include: the name and address of the administrator; the schedule of benefits; a description of the plan's vesting provisions; the source of the plan's financing; and the procedures to be followed in presenting claims for benefits as well as those for appealing claims which are denied.

Annual reports

Sec. 104—An annual financial report would be required by this section. Information required in the report would include:

The amount contributed by each employer;

The amount of benefits paid;

The number of employees covered;

A detailed statement of the salaries, fees and commissions charged to the plan, to whom paid and for what purpose;

The name and address of each fiduciary, his official position with respect to the plan, and his relationship to any party in interest;

A schedule of all loans made from the fund;

A schedule showing the aggregate amount of purchases, sales, redemptions and exchanges of all investments, by categories, made during the year.

Supplementing this information would be schedules designed to highlight party in interest transactions and schedules highlighting investments of over $100,000 or 3% of the fund.

If some or all of the plan's assets are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report also would have to include a statement of assets and liabilities.

If some or all of the benefits under the plan are provided by an insurance carrier or other organization such report would also have to include: the premium rate or subscription charge and the total premium or subscription charges paid to each carrier and the approximate number of persons covered by each class of benefits; the total premiums received, the approximate number of persons covered by each class of benefits, and the total claims paid by such carriers; or, if separate experience ratings are not kept, a statement as to the basis of a carrier's premium rate or a copy of the financial report of the carrier.

In addition to the required financial information, each plan would have to provide a copy of its most recent actuarial report. It would also submit a statement showing the number of participants who terminated with vested benefits.

PUBLICATION

Sec. 105—The Secretary would be required to prescribe forms for the plan descriptions, annual reports, and actuarial reports required by the previous section.

A copy of the plan description and each annual report would have to be filed with the Secretary of Labor who would make them available for inspection in the public document room of the Department of Labor. The administrator would be required to make copies of the annual report and plan description as well as the bargaining agreement, and trust instrument creating the plan available for examination by any plan participant or beneficiary in the administrator's principal office, in the local office of the employee organization representing the plan's participants, and in such other places as the Secretary may by regulation prescribe.

While a full copy of the annual report would not have to be provided to each participant, the administrator would be required to furnish participants with a fair summary of the latest annual reports. If a written request is made for a full copy of the annual report or any other document relating to the trust, the administrator would be permitted to make a reasonable charge to cover the cost of complying with the request.

The administrator of each pension plan would be required to furnish to any plan participant or beneficiary, at least once each year, a statement indicating: (1) whether such person has a vested right to pension benefits; (2) the vested benefits, if any, which have accrued or the earliest date on which benefits will become vested.

Whenever a participant terminates employment with vested benefits, the plan administrator would be required to furnish him with a statement of rights and privileges under the plan.

Enforcement

Sec. 106.—Any person who wilfully violates the disclosure provisions of this act would be subject to a fine of up to $1,000 and/or up to one year imprisonment. Violation of the provisions dealing with the retention of records subjects a person to a fine of up to $5,000 and/or imprisonment of up to two years. Violations of the provisions of Sec. 111(b)(2) (dealing with prohibited transactions) would subject a person to a fine of up to $10,000 or up to five years imprisonment, or both.

This section would give the Secretary of Labor authority to investigate any plan. He would be given authority to demand sufficient information as he may deem necessary to enable him to conduct his investigations.

Plan participants, beneficiaries, or the Secretary of Labor on behalf of the participants, beneficiaries would be allowed to bring civil actions to redress breaches of a fiduciary's responsibilty or to remove a fiduciary who has failed to carry out this duties. The Secretary would also be empowered to bring an action to enjoin any act or practice which appears to him to violate the title. Civil actions brought by a participant or beneficiary may be brought in either a State or Federal Court. However, the Secretary would have the right to intervene in a case and remove it to a Federal District Court. In any action by a participant or beneficiary, the court could, at its discretion, allow reasonable attorneys fees and costs. No action would be allowed to be brought, however, except upon leave of the court after a showing of cause.

Bonding

Sec. 110. Every person subject to the fiduciary provisions of the act would have to be bonded.

Fiduciary responsibility

Sec. 111. This section would deem every employee benefit fund to be a trust held for the exclusive purpose of providing benefits to participants and their beneficiaries as well as defraying reasonable administrative expenses. Each plan would have to be in writing. No plan amendments could be made until thirty days after proposed amendments are published to all participants or beneficiaries. Funds would never be permitted to return to the employer.

Fiduciaries are defined in the Act as anyone who exercises any power of control, management or disposition with regard to a fund's assets or who has authority to do so or who has authority or responsibility in the plan's administration. Fiduciaries would be required to discharge their duties with respect to the fund: "solely in the interests of the participants and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims."

A fiduciary would be specifically prohibited from making the following transactions:

Leasing or selling property of the fund to any persons known to be a party in interest (defined to be the employer, employee organization, trustees, fiduciaries, relatives of the above or joint ventures);

Leasing or buying on behalf of the fund any property known to be owned by a party in interest;

Dealing with a fund for his own account;

Representing any other party dealing with the fund or act on behalf of a party adverse to the fund or the interests of its participants;

Receiving any consideration from a party dealing with the fund in connection with a transaction involving the fund;

Loaning money to any person known to be a party in interest;

Benefiting personally, directly, or indirectly, from any transaction involving property of the fund.

Fiduciaries would be free to purchase securities of an employer provided that no purchase is for more than adequate consideration. However, after the effective date of this act, no fiduciary would be permitted to invest more than 10 percent of the fund's assets in the securities of an employer. Investments in the securities of an employer would be subject to all fiduciary standards imposed by this section.

TITLE II. VESTING

Sec. 201. This title will apply to any pension plan to which an employer makes contributions as well as to profit sharing plans which provide benefits after retirement. This title will not apply to plans administered by any Federal government agency nor will it apply to pension plans to which only employees contribute.

Eligibility requirements

Sec. 202. No plan, after the effective date of this title, will be allowed to require as a condition for eligibility to participate in it a period of service longer than 3 years or an age higher than age 25 whichever is later. Existing plans will be permitted to retain their eligibility requirements for 10 years or until they are amended to provide increased benefits, whichever is sooner.

Nonforfeitable benefits

Sec. 203. Every pension plan subject to title II will be required to vest rights to regular retirement benefits when the plan has been in effect for 5 years or more.

Sec. 203 (a). Plans in existence before the date of enactment of this title must vest accrued benefits by one of the following alternatives: (1) vest in full, after a period of service not exceeding 10 years, the accrued portion of the regular retirement benefits (including benefits provided under amendment) which is attributable to periods after the effective date of this title; or (2) vest, after a period of service not exceeding 10 years, 10 percent of the entire accrued portion of the regular retirement benefits (including benefits provided under amendment) which percentage shall be increased thereafter no less than 10 percent per year until 100 percent of the accrued portion of the regular retirement benefits is vested; or (3) vest, after a period of service not exceeding 20 years, the entire accrued portion of the regular retirement benefits (including benefits provided under amendment), the period of service required for vesting then being reduced at least 1 year for each year the plan has been in effect after the effective date of this title until the required period of service does not exceed 10 years; (4) vest in accordance with such other provisions as the Secretary of Labor might hold consistent with the purposes of this title.

Sec. 203 (b). Plans created on or after the date of enactment of this title must vest benefits by one of the following alternatives: (1) vest in the sixth year of the plan's operation, after a period of service not exceeding 15 years, the entire accrued portion of the regular retirement benefits, the period of service required for vesting thereafter being reduced at least 1 year for each subsequent year of the plan's operation until the required period of service does not exceed 10 years; or (2) vest in the sixth year of the plan's operation after a period of service not exceeding 10 years, 50 percent of the entire accrued portion of the regular retirement benefits, the percentage vested thereafter increasing in each of the succeeding years of the plan's operation by at least 10 percent until the entire accrued portion of the regular retirement benefits is vested.

Period of service

Sec. 203 (d). In computing the period of service under a plan, an employee's entire service with the employer contributing to or maintaining the plan shall be considered. However, service prior to age 25, service during which the employee declined to contribute to a plan requiring employee contributions, service with a predecessor of the employer contributing to or maintaining the plan (except where the plan has been continued in effect by the successor employer), and service broken by periods of suspension of employment (provided the rules governing such breaks in service are not unreasonable or arbitrary) may be disregarded.

Distribution of vested benefits

Sec. 204. Vested benefits must be distributed at regular retirement age. In no case shall that age be later than age 65.

Sec. 205. The effective date of this title would be two years after enactment.

TITLE III. FUNDING

Funding

Sec. 302. Every pension plan subject to title II must provide for contributions to the plan in amounts necessary to meet the normal costs of the plan plus interest on any unfunded past service costs. Vested liabilities are to be funded according to a prescribed schedule which will fund those costs in 25 years. Special transitional provisions are included for plans already in existence.

Plan amendments

Provisions are made to adjust a plan's funding schedule in the event of an amendment, however, if the amendment results in a 25 percent or greater increase in vested liabilities, the amendment may be regarded as a new plan and subject to the same funding requirements as new plans.

Reports of funding status

Sec. 303. A report must be filed each year with the Secretary of Labor indicating a fund's assets and vested liabilities.

Enforcement of funding standards

SEC. 304. When the contribution to a pension plan falls below the amount necessary to meet the plans' funding schedule, the Secretary of Labor may prevent the plan from increasing by amendment its vested liabilities until the funding schedule is met. When a pension plan fails to meet its schedule for five years, the Secretary may require by order, after notice and opportunity for hearing, that the fund suspend further accumulation of vested liabilities until the funding deficiency has been removed. At any time when a pension plan is in suspended status, the Secretary may require, after notice and opportunity for hearing, that the plan terminate and wind up its affairs in accordance with the provisions of title III and procedures established by the Pension Benefit Insurance Corp. if he determines such action necessary to protect the interest of participants.

SEC. 305. The effective date of this title would be two years after enactment.

TITLE VI. BENEFIT INSURANCE

Insurance coverage

SEC. 401. Every pension plan required to meet a funding schedule in accordance with title III would be required to obtain insurance covering unfunded vested benefits which might arise from an essentially involuntary termination of the plan. The amount to be insured would be the plan's vested liabilities less the greater of: (1) 90 percent of the assets needed to meet the funding schedule required under the act, or (2) 90 percent of the plan's actual assets.

The Pension Benefit Insurance Corp. (established in title IV) will be the insurer.

The Pension Benefit Insurance Corp. would not insure: (1) any unfunded vested liabilities created by a plan amendment which took effect within 3 years immediately preceding termination of a plan, or (2) any unfunded vested liabilities resulting from the participation in the plan by a participant owning 10 percent or more of the voting stock of the employer contributing to the plan or by any participant owning a 10 percent or more interest in a partnership contributing to the plan.

Premiums

SEC. 402. Each plan would pay a premium for insurance at rates prescribed by the Pension Benefit Insurance Corp., based upon the amount of unfunded vested liabilities which is to be insured and upon such other factors as the Corporation determines to be appropriate. The premium for the initial 3-year period will not exceed 0.6 percent of the amount (0.2 percent per year).

Claims procedure

SEC. 403. A claim must be filed with the Pension Benefit Insurance Corp. in the event a plan is terminated for reasons of financial difficulty or bankruptcy, plant closing, by order of the Secretary, or such other reasons as the Corporation may specify as reflecting as essentially involuntary plan termination. The Corporation is given authority to investigate and pay claims.

Uninsured plans

SEC. 405. It would be unlawful to operate a pension plan without insurance.

TITLE V. PENSION BENEFIT INSURANCE CORPORATION

SEC. 501–511. This title establishes the Pension Benefit Insurance Corp. and provides initial capital from the Treasury on a loan basis.

TITLE VI. MISCELLANEOUS

Variations

SEC. 601. The Secretary of Labor may on his own initiative, after having received the petition of an administrator, prescribe an alternative method for satisfying the requirements of title II or III. Variations may be granted as is necessary or appropriate to carry out the purposes of the act and provide adequate protection to the participants and beneficiaries in the plan whenever the Secretary finds that the application of title II or III would: (1) increase the costs of the parties to the plan to such an extent that there would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of employers' pension benefits levels, or (2) impose unreasonable administrative burdens with respect to the operation of the plan. Such variations are intended to be temporary only.

Denials of variations could be appealed to a Variations Appeals Board which would consist of the Secretary of Labor or his delegate, the Secretary of Commerce, or his delegate, and a person selected jointly by the Secretaries of Labor and Commerce.

Investigations

SEC. 602. The Secretary of Labor will be given authority to investigate violations of the provisions of titles II, III and VI, or other rules or regulations issued thereunder.

Civil enforcement

SEC. 603. The Secretary may seek to enjoin violations of the provisions of titles II, III and VI, or any rule or regulation issued thereunder.

SEC. 605. The Secretary is authorized and directed to undertake research studies relating to pension plans, including methods of encouraging future development of pension plans.

Penalties

SEC. 607. Any person who willfully violates any provision of titles II through VI or any rule, regulation, variation, or order issued thereunder, or forges, counterfeits, destroys, or falsifies records or statements necessary to the operation of this act will be subject to criminal penalties.

Rules and regulations

SEC. 608. The Secretary of Labor is given authority to prescribe the rules which he may find necessary or appropriate to carry out the provisions of titles II, III, and IV. These rules and regulations may define accounting, technical, and trade terms used in such provisions; may prescribe the form and detail of all reports required to be made under such provisions; and may provide for the keeping of books and records as well as for the inspection of such books and records.

A CURIOUSER CALENDAR

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. HARRINGTON. Mr. Speaker, even during my brief tenure in this body, I have become accustomed to being drowned in a furiously surging flood of paper as the sessions draw to a close.

I found it strange, however, that the torrent began on the opening day of the 92d Session.

The Government Printing Office produced at what I am sure is a mind-boggling cost a 40-page calendar which, with the exception of the standard headings, was blank—absolutely devoid of mentally nutritious material.

I realize the rules call for a calendar to be printed each legislative day. I realize that this is not the only point on which the rules and commonsense are divergent.

I apologize for the space this comment takes in the RECORD, but I wish to point out that I have resisted the urge to have yesterday's calendar inserted as an exhibit at this point in the RECORD.

AMERICAN STEEL ASKS FAIR AND FREE TRADE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. COLLINS of Texas. Mr. Speaker, last week when I was in Texas, I discussed steel developments with George Wilson. George is president of Lone Star Steel Co., with the home office in Dallas and the plant in east Texas. It is a small company but has the same operational problems as the industry.

I was concerned with full production and full employment. I asked George how we could encourage industry from up here in Washington. He told me of their handicaps in competing domestically and in the foreign market. It is such a confusing situation that I asked George to write me a letter and summarize the facts. I do not understand it, and am asking the State Department to explain it to me. Here is the letter from George Wilson of Lone Star Steel concerning plain steel pipe:

Here is the example that I mentioned in support of my conviction that prevailing international trade policies of our own government place our domestic industry at a hopeless disadvantage with our foreign counterparts.

A French manufacturer who developed a sale for 100′ of 2″ plain steel pipe to a customer in Texas would have to pay a total import charge of less than $2.00 (tariff and all other governmental charges); conversely, if we developed an identical sale to a customer in France, the foreign governmental charges (tariff, licenses and assorted transaction fees applicable only to importation of the same 100′ of pipe into France) would be in excess of $20.00! In addition, the French manufacturer would be permitted by his government to *exclude* from his taxable income all profit attributable to the sale of the pipe to the buyer in Texas! If this is "Fair Trade" I simply do not understand the English language.

I do understand and am deeply envious of the extent to which the governments of other industrialized nations *assist* their nationals to compete in foreign trade. I equally deplore the policy of our government that diligently protects foreign industry and simultaneously subjects its own tax-paying industry to harassment and patent disadvantage as a competitor. If our government had even a little sense of self-preservation it would at least apply the same treatment to our foreign competitors doing business here as we receive in the corresponding foreign countries. That would be the start of true "Free Trade."

MILTON FRIEDMAN ON IMITATING FAILURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. CRANE. Mr. Speaker, the noted economist Milton Friedman has finally laid to rest the myth of wage and price controls in a very effective and concise manner.

With the hope that the article will receive the serious consideration of all of my colleagues, I am pleased to insert it in the CONGRESSIONAL RECORD at this point:

MILTON FRIEDMAN ON IMITATING FAILURE

The Johnson Administration tried wage-price guidelines. The guidelines failed and were abandoned. The British tried a wage-price board. It failed and has just been abolished. The Canadians tried voluntary wage-price controls. Their Prices and Incomes Commission recently announced the program was unworkable and would be abandoned Jan. 1.

Yet, in the U.S., the Committee for Economic Development, an influential organization of businessmen, issues a report recommending (though with some vigorous dissents) a wage-price board on British lines and voluntary wage-price controls on Canadian lines. Arthur F. Burns, chairman of the Federal Reserve Board, supports the recommendation for a wage-price board. The Council of Economic Advisers' second "inflation alert" uses stronger adjectives than the first to describe price developments. Mr. Nixon, in a speech to the National Association of Manufacturers, tried mild jawboning, calling on labor and business to exercise restraint in the national interest.

Surely, this must mean that the experience of the Johnson Administration, of Britain and of Canada is the exception, that there are other examples of the successful use of incomes policy to slow inflation. Not at all. I do not know a single successful example and the current proponents of an incomes policy do not claim that they do. The refrain is rather, "despite the limited success of these measures elsewhere, they offer promise."

SOFT PROMISE

If the promise is not based on direct experience, it is based on economic analysis? Hardly. Economic analysis largely reinforces experience. It suggests that voluntary wage and price controls are likely to be honored in the breach—because those who observe them will suffer at the expense of those who do not—and that compulsory wage and price controls simply repress rather than eliminate inflationary pressure. The only analytical case for wage-price control is to shorten the delayed impact of an inflationary episode after excess demand has been eliminated, not temporarily, but for good (see my Newsweek column, June 15, 1970). That case is indeed cited by proponents of incomes policy, but it is a weak reed, since most of them regard the incomes policy as a *substitute* for demand restraint, not a supplement. The policy is based on neither experience nor analysis but simply on the "For God's sake, let's do something" syndrome.

The talk about incomes policy reflects a general tendency: the belief that there is a sugar-coated pill for every economic and social ill, and that only malice and ill will prevent its use. Time and again, I have had anguished letters from sincere readers to the effect, "Since you acknowledge that there is a real problem, it is irresponsible of you to criticize a proposed solution unless you offer an alternative. What is your solution?"

Suppose an expert on cancer criticized a proposed cure. Would any of my correspondents regard him as irresponsible because he did not offer an alternative cure? Why is economics different? In economics, as in medicine, we have imperfect knowledge. Some ills we cannot cure at all, and some only with undesirable side effects. In economics, as in medicine, our knowledge will improve further but there will always remain unsolved problems of both kinds.

HARD FACT

We know very well how to cure inflation: by restricting the growth of money demand through monetary and fiscal policy. At present, we know no other way to do it. We know also that this cure has the unpleasant side effect of a recession and of temporarily higher unemployment. We do not know how to avoid this side effect. There have been many inflations in history. I know of none that has ever been stopped in any other way or that has been stopped without temporary economic difficulties.

In the present episode, monetary and fiscal restraint have been working as they always do. The rate of inflation is slowing down and will continue to do so if restraint is maintained. As always, a side effect has been a recession. So far, it has been mild, milder indeed than past experience gave us any reason to expect. We have been attacking the severest U.S. inflation on record except in time of major war; yet we have experienced one of the mildest recessions in our history.

But standards of performance have been driven so unrealistically high that an extremely successful policy, as judged by past experience, is widely regarded as a major failure. What a triumph of rhetoric over reality.

FAMILY FILMS ALIVE AND WELL THANKS TO M-G-M

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I enclose with these brief remarks an editorial published in the Friday, December 25, 1970, issue of the Brooklyn Record:

FAMILY FILMS ALIVE AND WELL THANKS TO M-G-M

The family film is alive and well thanks to those wonderful people at Metro-Goldwyn-Mayer Inc who have made exciting classics of the screen once again available for showing on week-end matinees at your favorite local theatre where they belong.

There now can be a family togetherness at Children's Matinees where all the neighborhood can mingle once again in a happy, happy atmosphere so long absent from community life. People need people and there is no better place to gather than at the neighborhood theatre and for those fellowships to be further cemented over an ice cream soda or hot chocolate at the usually adjacent drug store.

M-G-M has released such inspiring and classic films of wonder as "The Wizard of Oz," "Jumbo," "Adventures of Huckleberry

Finn" and "Flipper" to name a few. Thus it brings hours of enjoyment to the childhood-school time years which should be the time to build character and spark the curiosity which will make our young ones productive citizens in their world—tomorrow's society.

Too much of society's efforts have been pressuring the youngsters and turning them onto drugs and harmful ways of life as means of escape. The film world brings them excitement and mind-opening direction to prepare them for the challenges of the 'morrow.

With the lowering of the voting age to 18, those childhood years are all the more few and more and more priceless. Thanks to M-G-M kids will be able to live a happy make believe world inspired by great classic films. Nothing is more precious than a child's happiness and laughter. They move the world.

PROTECT THE JOBS OF SHOEWORKERS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. WYMAN. Mr. Speaker, the first 11 months of 1970 saw the continuation of the dangerous erosion of America's shoe industry. Figures recently reported by the American Footwear Manufacturers Association show a startling 27-percent increase in the amount of nonrubber footwear imports over the comparable 11-month period in 1969. Since the beginning of the new year, at least two more New England shoe factories have closed their doors due to the flooding of the domestic market by foreign shoe imports—leaving another several hundred workers jobless.

During the 91st Congress the House passed the first revision of the Nation's trade laws since 1962. The Trade Act of 1970, by establishing reasonable quotas, would have provided an equitable portion of the American market for both domestic and foreign manufacturers. Unfortunately, congressional action in the other body was not completed prior to adjournment. The U.S. Tariff Commission recently had the problem under consideration and in a split decision succeeded only in putting the problem in the President's lap.

No matter how you slice it—quotas or tariffs—the U.S. shoe industry is way past the peril point. The jobs of hundreds of thousands of Americans, and the livelihood of their families, depends on resolving the question of reasonable protection for this critically affected U.S. industry. I respectfully urge such action as a matter of domestic priority.

American Footwear Manufacturers Association report and U.S. Tariff Commission release follow:

IMPORTS—JANUARY-NOVEMBER 1970

With 16,347,200 pairs of nonrubber footwear imported into this country in November, the first eleven months of the year showed a staggering total of 215,850,800 pairs—a 20% increase over the same period in 1969. The f.o.b. value of this footwear amounted to $500,171,800 for the eleven months, representing a 27% increase over the comparable period last year.

AFMA's early estimates and constant warnings concerning the bombardment of imports during 1970 have been sadly realized. Imports of nonrubber footwear for 1970:

(1) will total 235,000,000 pairs.

(2) will be worth $550,000,000 at the f.o.b. level.

(3) will be worth $891,000,000 at the wholesale level.

(4) will be worth $1,782,000,000 at the retail level.

Following is a summary of imported nonrubber footwear by major types and by principal sources for eleven months 1970:

Type of footwear	Percent change 11 months 1970–69 (pairs)	Average dollar value per pair	Estimated retail dollar value
Men's, boys' leather	+14.1	$4.52	$14.64
Men's, boys' vinyl	+68.0	1.31	4.24
Women's, misses' leather	+25.7	3.32	10.76
Women's, misses' vinyl	+9.4	.95	3.08
Children's, infants' leather	+28.3	1.50	4.86
Children's, infants' vinyl	+4.2	.83	2.69

Major sources	Pairs (thousands)	Value f.o.b. (thousands)	Average dollar value per pair
Italy	73,053	$238,421	$3.26
Japan	54,249	55,155	1.02
Taiwan	36,198	25,011	.69
Spain	18,948	69,746	3.68
Hong Kong	4,140	3,377	.81

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Thousand of pairs]

Type of footwear	November 1970 (pairs)	Percent change, 1970/1969	11 months, 1970			Percent change, 1970/1969	
			Pairs	Value (in thousands)	Average value per pair	Pairs	Dollars value
Leather and vinyl, total	15,262.9	+24.5	204,579.5	$483,794.9	$2.36	+18.6	+25.6
Leather, excluding slippers	8,743.3	+28.8	108,927.1	388,030.3	3.56	+22.2	+22.7
Men's, youths', boys'	2,418.0	+27.1	30,496.6	137,875.4	4.52	+14.1	+18.5
Women's, misses'	5,414.1	+24.9	69,154.7	229,325.0	3.32	+25.7	+27.8
Children's, infants'	623.4	+90.3	6,101.7	9,143.2	1.50	+28.3	+22.2
Moccasins	39.5	−9.2	497.5	570.8	1.15	−15.6	−20.0
Other leather (including work and athletic)	248.3	+38.3	2,676.6	11,115.9	4.15	+33.9	−9.8
Slippers	43.3	+13.1	278.5	720.8	2.59	−18.3	−1.3
Vinyl supported uppers	6,476.3	+19.3	95,373.9	95,043.8	1.00	+14.9	+39.3
Men's and boys'	1,264.0	+88.8	14,933.9	19,685.1	1.31	+68.0	+81.5
Women's and misses'	4,734.9	+14.1	71,178.9	67,883.3	.95	+9.4	+32.4
Children's and infants'	401.2	−18.0	7,750.0	6,417.9	.83	+4.2	+22.2
Soft soles	76.2	−35.4	1,511.1	1,057.5	.70	−8.0	+23.5
Other nonrubber types, total	1,084.3	+28.6	11,271.3	16,376.9	1.45	+52.4	+97.1
Wood	200.6	−16.2	3,687.8	9,467.8	2.57	+206.3	+218.9
Fabric uppers	790.0	+44.1	6,649.7	5,573.0	.84	+24.0	+31.6
Other (not elsewhere specified)	93.7	+69.7	933.8	1,336.1	1.43	+12.3	+21.1
Nonrubber footwear, total	16,347.2	+24.8	215,850.8	500,171.8	2.32	+20.0	+27.1
Rubber-soled fabric uppers	3,529.9	+30.5	45,230.8	40,876.0	.90	+9.8	+33.1
Grand total, all types	19.887,1	+25.8	261,081.6	541,047.8	2.07	+18.1	+27.5

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data.

TARIFF COMMISSION REPORTS TO THE PRESIDENT ON NONRUBBER FOOTWEAR

VOTE OF COMMISSION DIVIDED IN INVESTIGATION UNDER THE TRADE EXPANSION ACT OF 1962

The U.S. Tariff Commission today reported to the President the results of its investigation of the effect of imports of nonrubber footwear on the domestic industry producing like or directly competitive products, which it had made under section 301(b)(1) of the Trade Expansion Act of 1962. The investigation had been requested by the President on July 15, 1970.

In the investigation (TEA–I–18), the Commission was to determine whether nonrubber footwear is, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

The vote of the Commission was divided. Commissioner Young did not participate in the investigation.

Commissioners Clubb and Moore found that nonrubber footwear for men, youths, and boys and for women and misses (except for work and athletic footwear, and slippers), is, as a result in major part of concessions granted under trade agreements, being imported in such increased quantities as to threaten to cause serious injury to the domestic industries producing men's and women's leather footwear. They further found that, in order to prevent serious injury, the rates of duty on the types of footwear described above and provided for in TSUS items 700.30, 700.43, 700.45, and 700.55 must be increased as follows: 700.35 to 10 percent and the other three items to the 1969 rates. They concluded that adjustment of the industry to the import competition depended on the grant of adjustment assistance to the firms and workers concerned. Commissioners Clubb and Moore also determined that work and athletic footwear and slippers for men, youths, and boys, and women and misses are not, as a result in major part of trade-agreement concessions, being imported in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles.

Commissioners Sutton and Leonard found in the negative.

Under the law, the President may consider the findings of either group of Commissioners as the findings of the Commission. If the President agrees with the affirmative finding of Commissioners Club and Moore, he may provide tariff adjustment or adjustment assistance or both.

Copies of the Commission's report (TC Publication 359), which contains statements of the reasons for the Commissioner's findings, are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Sts., N.W., Washington, D.C. 20436.

CATASTROPHIES OF SHELTON COLLEGE AND NEWARK, N.J.

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. RARICK. Mr. Speaker, we hear tragic reports from the State of New Jersey.

The mayor of Newark, N.J., testifying before a congressional committee, has reportedly denounced his own city as being first in crime, first in veneral disease, first in infant deaths, and predicts it will be the first city likely to go under, because of its own moral decay.

Yet, at the same time, we learn that the board of higher education of New Jersey has decreed that Shelton College, a Christian institution at Cape May, N.J., must be shut down for failing to meet State standards.

Apparently, its new immigrant citizens, congregated by promises of a new Utopia through welfare, have lost the faith in plantation life in Newark.

On the other hand, there is academic freedom the Nation over except for Dr. McIntire's Sheldon College, which in New Jersey doesn't even have the right to have an academy.

It would appear that what New Jersey needs most is less faith in the "bread and wine" promises of the Washington money changers and more trust in the type of fundamental teachings of Christian colleges like Shelton, at Cape May. New Jersey should serve as a clear reminder to all, that when God is dead, his people suffer.

I include several newspaper clippings:

[From the Washington Daily News, Jan. 22, 1971]

CRIME, VD, AND INFANT DEATHS: NEWARK LEADS THE WORST LIST

The mayor of Newark today described his city as first in crime, first in venereal disease, first in infant deaths and the first—but not the last—city likely to go under because of its own decay.

Mayor Kenneth Gibson gave strong support to the revenue sharing plan President Nixon will call for tonight in his State of the Union address.

Mayor Gibson testified before a House-Senate economic committee looking into the state of the nation's economy. Also scheduled to be heard were Mayor John Lindsay of New York and Gov. Milton Shapp of Pennsylvania.

Mayor Gibson presented an awesome picture of a city in trouble in outlining the problems of his community of 400,000, of whom 29 per cent are white. He said:

30 per cent of its people live on welfare, the cost of which has more than doubled in four years.

One quarter of its pupils drop out of schools, and half the schools are 60 years old or older.

41,000 housing units—nearly one in three—are in such bad shape they can't be repaired. So many property owners are abandoning their buildings that the city, taking them over when taxes go unpaid, is fast becoming the biggest landlord in the city.

Mayor Gibson urged Congress to assume all welfare costs with higher payments and to enact revenue sharing without cutting back on other forms of aid.

"The cry from Newark," he said, "is becoming the all-too-familiar appeal for national solutions to urban problems.

"I caution you: Do not misunderstand the complications of urban decay and collapse. As I have said many times before, wherever America's cities are going, Newark will get there first.

"We are not only talking about saving the Newarks of America, we are talking about saving America itself."

[From the Philadelphia (Pa.) Inquirer, Jan. 16, 1971]

MCINTIRE'S SCHOOL MUST CLOSE, RULES N.J. BOARD OF EDUCATION

(By Stephen M. Pogust)

The New Jersey Board of Higher Education voted unanimously Friday to shut down the Rev. Carl McIntire's Fundamentalist Shelton College in Cape May.

The decision was heard by more than 100 of Shelton's students, Mr. McIntire and several faculty members who were jammed into the board's small conference room in Trenton.

The ruling revokes the college's license at the end of the spring semester for failing to meet minimum state standards for granting baccalaureate degrees. Mr. McIntire called the decision a "liberal frameup."

The board found that Shelton, a four-year liberal arts college with 71 faculty members, had demonstrated "substantial academic deficiencies coupled with a lack of institutional integrity and administrative competence." It also found "lack of candor in dealing with the public, students and the state."

The board supported 12 of 19 charges by the chancellor of higher education, Ralph Dungan. They included listing of courses in the catalogue that are not actually taught and employment of an inadequate faculty.

Mr. McIntire announced that the decision would be appealed immediately and that he would try to get a court order to keep the decision from being enforced.

As the board meeting ended, some of the students began crying. Others, led by Samuel Shropshire of Cape May, shouted, "We want Shelton."

Another group sang hymns, among which were "Onward Christian Soldiers." The demonstration was brief and orderly.

Mr. McIntire, internationally known for his "20th Century Reformation" movement, radio broadcasts and Vietnam victory rallies in Washington, led the students to the nearby State Museum auditorium.

In a talk there, he branded the board's action as "calculated, premeditated murder."

In addition to the court appeal, he said he would sue the state for $1 million in damages.

[From the Christian Beacon, Jan. 21, 1971]

NEW JERSEY MOVES TO KILL SHELTON

A Word From the President of Shelton College:

The decision of the Board of Higher Education of the State of New Jersey to close Shelton College as of the end of May is not a surprise. It was expected. All that has happened is that the liberal leftist ruling party which controls the Board of Higher Education has decided to eliminate the one and only fundamental Christian college in the state which is "Training Christian Warriors" for the Twentieth Century Reformation.

Here we have liberal intolerance and bureaucratic tyranny which we hear so much about today. The bureau makes the law, administers the law, and judges the offender of the law. It is frightening to see it in operation.

Shelton College has been in the State of New Jersey 16 years. It has been approved year after year by the state. When I became president of Shelton the state approved of my being president. The real trouble started in 1965 when Shelton was forced to move out of Ringwood in northern New Jersey and come to Cape May. It had shown signs of real growth. The liberals cracked down suddenly, but this was defeated.

Then in 1967 Dr. Ralph Dungan came from Chile, where he was called the "pink ambassador," and became chancelor of higher education of the State of New Jersey. It is clear now from the very beginning that he laid the groundwork for the destruction of Shelton College. He issued a new set of standards. To read them today in the light of the action of the state in ordering the College closed makes one think that they were designed specifically to "get" Shelton. Over and over again these standards, without being specific, use the word "adequate"—"adequate" preparation for teachers, "adequate" library space, "adequate" laboratory facilities. Never has the word been defined and spelled out or any ratio between the size of the student body and the varying degrees of adequacy spelled out. Moreover, this new set of standards was never presented by Dr. Dugan to me on the various occasions when he saw me, nor did he even so much as suggest that new standards had been erected from the older ones of 1955. It was not until January 20, 1969, that the standards were actually sent to us.

Dr. Dugan then sent an examining committee to the college in April, 1969, made up of National Council of Churches supporters, from Upsala College, a Lutheran school, and from Drew, a Methodist university. They reported, under the "adequate" provisions, that Shelton was inadequate and in violation of the standards. This, however, was never told to Shelton, and the state never gave to Shelton a copy of the report. Shelton received it only during the hearing which was called after threatening to go to court to force the release of the report.

Nineteen charges were filed against the College on May 16, 1969, charging violation of the standards, and this only four months after Shelton had ever seen the new standards. Of these 19 charges, after nine months of delay, the Board had to drop seven of the charges because they were so absurd.

For the first time in the decision it was learned that the Board objected to the listing of honorary degrees alongside of the faculty members' names. This has always been done, and the previous catalogs were approved.

The most serious aspect of the entire attack was against the faculty of the College. Charge number seven condemned the entire faculty as not having adequate preparation in the fields of their instruction. Of this the College was declared to be guilty. The effect of this on the radio, the press, and on television has damaged every member of the faculty, with their Ph. D.'s and masters degrees, all of whom are teaching in the fields in which they have been prepared by their studies and experience.

The state ruled that the College did not have financial resources sufficient to maintain itself, but the fact is that the College had maintained itself. The state refuses to recognize the way in which the fundamental Christians and churches by their gifts, and the backing of the 20th Century Reformation Hour itself, give support to Shelton. The state simply will not permit a school to exist which depends upon the tithes and offerings of Christian people. This, to the state, is too insecure. A big point was made of the low salaries, and the school was declared incompetent because of this. The right of teachers to contribute part of their services as unto the Lord with the faculty accepting adequate salaries, as they considered adequate, was simply rejected by the state. These various matters, as they related to specifics, had never previously been spelled out for the College.

The state also took the position that it had to approve the majors—all majors. This, too, was something new and a denial of the independence of the religious institution. The Association of Independent Colleges in the state has vigorously opposed this new demand of Dr. Dungan.

Repeatedly the charges against the College, as they were upheld, were said to involve the integrity of the president and of the administrative offices under him. The entire document was contrived to make things sound as bad as possible and to discredit the degrees which the College has given.

The reaction has been vigorous and emotional. The students of the College wept and resolved to fight. They have just collected $200 and placed a full-page ad in the Cape May *Star and Wave* appealing to the public to help them save the College which has just moved into a brand new, one-million-dollar three-building complex—the James E. Bennet Library, the Clyde J. Kennedy Administration Building, and the J. Gordon Holdcroft Academic Building.

The significant thing about the whole affair is that had the Board of Higher Education simply told the administration, as was repeatedly requested, what these specifics were, they could and would have been corrected. None of them or all of them were sufficient to destroy a Christian college. The action was arbitrary, and can be explained only on the basis that the liberal leftist powers were determined to eliminate a college which is "Training Christian Warriors"—the motto of Shelton. The action is arbitrary and can be explained only as coming from the liberals with their determination to destroy their opposition. This is what all America must see. There will no longer be any place for militant colleges that are fundamental. Christian high schools will go, and the liberals will contrive a way to destroy the many elementary schools that are arising. Shelton symbolizes all that is involved in this fight. Never was it truer: "Freedom is everybody's business."

Now for the defense. An appeal is being taken to civil courts. A stay of execution will be secured. The faculty and students are resolved to stay and fight. Second, well-justified damage suits are going to be filed against the State of New Jersey, each faculty member filing a separate suit, and I will also file one because this has already been used all over the world to destroy my character and to hurt the International Council of Christian Churches. This is so clearly Satanic and one of the signs of the end times. For the Apostle Paul said: "perilous times shall come," which would include "false accusers."

We are asking everyone to go to the throne of grace in prayer and appeal to the promises of Scripture. Live close to the Word of God for the days are evil. Letters should now be sent directly to the Governor, the honorable William T. Cahill, Trenton, N.J. Everyone who reads this report, I request, please, to write the Governor, send a copy to the President of the United States and a copy to the 20th Century Reformation Hour. The Governor, who is a liberal and a Roman Catholic, just as Dr. Dungan is a liberal and a Roman Catholic, will realize that there is strong public reaction. The Governor could himself direct that another examining team look over Shelton. A team of qualified experts visited Shelton at Shelton's expense and reported to Dr. Dungan that the College's accreditation should be continued.

The March 20 March for Victory in New Jersey will also carry the emphasis of Victory for Shelton College. Already this matter has become a subject for talk shows and letters to the editors. The more the better. The same element which sought to have WXUR put off the air was represented in the New Jersey Board of Higher Education. Everywhere it is opposition, abuse, and suppression for those who would fight apostasy and Communism. Let no one fail to read the true meaning of this disgraceful action. But Shelton, with its many friends and its approximately 1000 graduates will now arise to fight for all, and will use the opportunity to be genuine "Christian Warriors."

Let everyone help, and let us watch what God will do in His providence.

If this had been a Jewish college the cry would be "anti-Semitism!" or a Negro college, the cry would be racism!" or a Roman Catholic college, the cry would be "bigotry!" The fundamental Christian must stand up against what is in truth anti-Christian. Let us use the occasion to let everyone know that what is called Christianity of the apostasy is the very thing that Shelton stands against. Do not the fundamental Christians have a right to have a school to which they can send their youth and their gifts? The state has now offered to help Shelton students transfer to another college . . . but what college? This is like rubbing salt in the wounds.

Christian people must now conserve their means. We are going to have to give and sacrifice, but we must use every lawful and proper means to defend our rights to freedom. I am writing a complete rebuttal to the decision paragraph by paragraph, and it is being offered to the radio audience free upon request. Do not worry, my friend; the Lord said it would be this way. Don't forget that there will be something the Devil will do tomorrow, but our formula of victory is, "Resist the devil, and he will flee from you" (Jas. 4:7). A weak, soft fundamentalism that won't fight except to fight those who believe in fighting the devil should now recognize that those of us who are fighting the battle are actually preserving their freedom to worship and even to counsel their compromise. There must be no compromise and no surrender! Let this cry ring in the camp of the fundamentalists throughout the whole Christian world.

Yours for Victory,

CARL MCINTIRE,
President, Shelton College.

BIBLE PRESBYTERIAN CHURCH,
Cape May, N.J., January 17, 1971.

Hon. WILLIAM CAHILL,
State Capitol,
Trenton, N.J.

DEAR GOVERNOR CAHILL: We, the Congregation of the Bible Presbyterian Church of Cape May, deplore the decision of the State Board of Higher Education in removing the accreditation of Shelton College.

As members of this community, we have found the young people to be of the highest calibre and a credit to our local youth. The college has made its facilities open to the general public and has actively recruited area youth to attend, thus affording them the opportunity to become better citizens. Senior Citizens were given special invitations to the Artist Series sponsored by the college. A teenage youth center meets each week in the gym, directed by students from the college.

Young people need a college like Shelton. Its stand for the Bible as the Word of God, and its teachings of the American way of life are the very voices that are being silenced throughout our land. Yet it is this philosophy of education that has made our Republic the great nation that it is.

We ask you, as our Governor, to take all necessary action to restore the degree granting authority to Shelton College. We are puzzled when we read about a shortage of colleges in our State and then see the action taken by the Board of Higher Education to stop a liberal arts college that asks nothing from the State, but contributes everything to its well being.

Sincerely yours,

JEROME DAVENPORT, *Clerk.*

Approved unanimously, without absention, at the morning worship service, January 17, 1971.

SENATOR RICHARD BREVARD RUSSELL

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GIAIMO. Mr. Speaker, on rare occasions leaders rise to speak for their beliefs and grow beyond the confines of region or philosophy. RICHARD BREVARD RUSSELL did that, but now he is gone. A great public servant, national statesman, and patriot has passed on. A man of strong convictions and honor, he fought hard to defend the right as he saw it. He worked hard to defend the national honor as he perceived it. A conservative by nature and inclination, he was not stamped from a rigid mold, but he did have that rare quality—fundamental honesty. With cautious good judgment, he warned Presidents Eisenhower and Kennedy against involvement in the war now raging in Southeast Asia. Once in, he became a staunch defender of hitting hard and expediting withdrawal. He was no "Monday morning quarterback." He taught many another public servant more "liberal" than he by example. He was a legislator's legislator.

Mr. Speaker, I had not the opportunity

to know the late Senator Richard B. Russell, of Georgia, well, but it was my privilege to have witnessed his leadership firsthand. Watching him from my context—that of a northeastern constituency and from the House of Representatives—we often disagreed. Yet, to quote Senator Russell's own tribute to the late President John F. Kennedy:

> Among his other admirable attributes, he was a man of tolerance and understanding. He fought hard for those things in which he believed, but he well knew that all men would not see the same issue in the same light. He would have been the last to have expected anyone to stultify conviction merely to conform to his opinions.

May we learn from his example greater tolerance for those with whom we disagree, and may we resume a meaningful national dialog on crucial issues. May he rest in peace.

REFUSE RECYCLING

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. HOGAN. Mr. Speaker, one of the things which most impressed me during my visit to Southeast Asia in 1969 was the imaginative uses to which Asians put their recycled metals. For example, one often sees traffic signs which carry the imprint of old beer cans or other recycled metals on the back. I also understand that the Japanese use compressed blocks of solid waste material as a construction material. Recycling of solid waste disposal must be given much attention in the United States as one of the methods for not only disposing of our refuse, but also deriving some benefit from it.

I was pleased to read recently that the U.S. Bureau of Mines Metallurgy Research Center at the University of Maryland is currently operating an experimental recycling plant in Edmonston, Md., in my congressional district.

Mr. Speaker, I ask that the magazine article describing this process and the Edmonston plant be inserted in the Record at this point for the perusal of our colleagues who might be interested in this form of environmental control:

Can We Use Max Spendlove's Trash Machine?

(Our refuse need not be a mountainous liability. It can be disposed of profitably, says the director of an experimental recycling plant in Maryland)

(By John Morton)

A quart jar of pickles brings together in one convenient package 16 pickles, a cup of brine, an ounce of metal in the cap, a bit of paper label and 12 ounces of glass. All of these facts do not fill the housewife's mind as she cruises the supermarket aisles. It's the pickles she wants, and that's what her family gets. The rest is thrown away.

A lot of everything else she buys is thrown away, too, after the edible contents are unwrapped from paper, squirted from aerosols, squeezed from tubes and poured from thousands of cans and nonreturnable glass bottles. Truly it is a disposable feast.

Americans throw away 150 million tons of household refuse annually, and the total goes up each year. The cost to collect and dispose of it is staggering—close to $4 billion annually. Some of the junk is burned, some is buried, some is dumped at sea, and a lot of it just blows across the land.

The harvest of refuse is a major headache for cities, which everywhere are plagued by a lack of new dumping sites and the high cost of building and running refuse incinerators. Yet this effluent of our hardsell, super-packaged marketing system itself offers the answer to the problem of its existence. For if properly treated, all of this junk is worth money.

A federal research project quietly underway in Edmondston, Md., in Prince Georges County, has developed a recycling plant that takes refuse at one end and produces commercially valuable products at the other end—at a profit. The reason a profit can be made is simple: Household refuse is rich in all the materials that were thrown into it—aluminum, iron, copper, brass, tin, glass, paper and plastic. Indeed, for some of these materials, household refuse is a resource richer than ore that is profitably mined and processed in a mill.

A visit to the Edmondston recycling plant is a surprising experience for anyone accustomed to the dirt and obnoxious smell usually found in ordinary refuse-disposal plants. There is plenty of noise—the huge machines used in the recycling process chops, tumble, crush and shake the junk fed into them with an awesome racket. But the refuse is carefully contained along the chain of connected machinery, and water sprays in the machines to wash out fine particles keep down the dust. The floor is spotless.

The man in charge is Max Spendlove, research director at the U.S. Bureau of Mines' Metallurgy Research Center at the University of Maryland. Spendlove, a serious-faced, orderly man in his 50s who looks as if he might be a high school physics teacher, has a matter-of-fact way of speaking that often harbors wit. Giving directions to his office on the University of Maryland campus, he advised: "Follow Campus Drive until you pass the Student Union Building—that's the one with all the trash out in front—and I'm in the next building on your left."

Spendlove's career as a government metallurgist devoted to getting something valuable out of what appears to be worthless goes back to 1940, long before the disposable explosion in American merchandising began overwhelming municipal trash systems.

His first job with the Bureau of Mines was to figure out a way to extract the valuable metal in the smoke and gases belched out by copper smelters near Salt Lake City, Utah. After World War II he was in College Park, developing techniques for reclaiming aluminum from thousands of scrapped military planes. When Congress enacted the Solid Waste Disposal Act of 1965 with the idea of combating pollution and reclaiming lost resources. Spendlove was appointed to direct the bureau's research under the act, This led to the development of the Edmondston recycling plant, which first started processing refuse on an experimental basis in May, 1969.

So Spendlove is used to looking at the worthless, the discarded objects of America, in a different light. Thus he speaks of household trash with admiration, even a bit of affection, and with an absolutely straight face. To Spendlove, it's not trash, but "urban ore," and he likes to talk about how coat hangers and tin cans are "high" in iron, that broken toys and alarm clocks produce a lot of brass and aluminum, and that all of those throw-away bottles give off a nice quality of marketable glass, if handled right.

He even sounds a little protective of the qualities of his urban ore at the mention of banning throw-away bottles by municipal ordinance, a step recently taken by Bowie, Md.

"What good does it do to ban throw-away pop and beer bottles and not ban them for pickles, vegetables, ketchup, olives and everything else that comes in a throw-away container?" he asks. "What about the shoe box and all the other containers we throw away? Besides, the consuming public will always resist this. They'll just go buy them somewhere else."

Let the people buy and throw away, says Spendlove. Human nature is not easily changed but recycling plants that make money can be easily built, and the profits can be spent on doing a better job of collecting refuse.

Trash disposal in the United States, for the most part, relies on the same basic processes used centuries ago—burn and bury. Nothing better was ever developed because, until fairly recently, land was cheap enough and plentiful enough to make burn-and-bury a sensible disposal system.

But suburban sprawl, the population explosion and the boom in throw-away packaging have combined to overwhelm existing municipal dumps and make sites for new ones hard to find. Fairfax County in Virginia, for example, is nervously seeking a new dumping site; in about a year, the county's landfill operation west of Fairfax City will have taken about all it can hold.

Similarly in Maryland, Montgomery County should have closed its overstuffed landfill near Rockville a year ago, county officials acknowledge. But land close in is expensive, and few communities farther out are eager to become somebody else's dumping ground. Alternatives being considered by some local governments include baling trash and shipping it elsewhere by rail. The District of Columbia may send its trash on barges 20 miles down the Potomac to Cherry Hill, Va., when its dumping site at Oxon Cove, Md., is filled up.

One method of reducing the sheer volume of refuse is to burn it in an incinerator, which removes the paper, plastic, wood, food, and anything else that will burn. There are now about 400 incinerators in use in the United States, and scores more will be built in coming years. The District has had at least one incinerator since the 1930s, and is planning to build its fifth soon. And there are several others in metropolitan Washington. But incinerators still leave an unburnable residue of metal and glass that must be buried in a landfill somewhere.

The Edmonston recycling plant developed under Spendlove's direction was designed to process this incinerator residue—extract the valuable materials in pure enough form to make them commercially valuable. Using residue collected from incinerators in suburban Maryland, Virginia, the District of Columbia, Baltimore, Atlanta and New Orleans, Spendlove and his fellow researchers experimented with machines that chopped, chewed and separated incinerator residue. By November, 1969, six months after they had perfected the process.

Perfecting the process achieved these financial results: The cost in labor, equipment and building to process incinerator residue is $3.52 a ton. The end products—commercial grade metals and glass—are worth $12 a ton. This means that cities with incinerators are burning and burying $77 million worth of resources a year—the recycled value of the 22 million tons of refuse fed to incinerators each year in the United States.

Attracted by reports in technical journals, representatives from the iron, aluminum and glass industries have visited the Edmonston project to see for themselves that the recycling plant can produce valuable material. Other visitors have included officials from several major cities in the United States and abroad.

If money can be made from household

trash, and the Bureau of Mines has a plant that proves it, why aren't mayors and city councils all over the country plunging into engineering reports and making feverish plans to build their own recycling plants? Part of the answer is that the Bureau of Mines experiment was so recently completed that word of its successes has not spread out to municipal public works departments. Even in metropolitan Washington, which would seem to have the edge on the rest of the country because of proximity, checks with public works departments failed to turn up any officials who had actually visited the Edmonston project, although there were varying degrees of awareness of it.

Moreover, the public works officials tended to view the whole concept of recycling as something too experimental and far off to be of much use to them in their day-to-day struggles with collection, burning and burying. Says Norman Jackson, director of the District's Department of Sanitary Engineering: "Recycling is a very fundamental principle that we must observe in the future, but I think a lot of work remains to be done on it."

Others apparently were not acquainted with Spendlove's recycling techniques. Both Nicholas Stoliaroff, urban engineer with Prince Georges County, and Frederick Doe, Arlington County's utilities director, asserted that household trash is such a complex mixture of materials that sorting it out never would be profitable. "You can't tell from looking at a can whether it's aluminum or tin," says Doe. The Edmonston plant, however, does not rely on visual identification; it shreds all incoming materials and separates them with mechanical, magnetic and chemical methods.

Doe also refused to accept that tin cans and glass bottles could produce raw materials that would bring a profit, regardless of the cost-profit studies done by the Bureau of Mines. "For example, tin cans have fallen in value considerably because the tin coating on the iron contaminates the new types of steel furnaces being used," he says.

Spendlove acknowledges that the tin contamination problem remains to be solved, along with problems caused by solder from the seams of cans and copper that somehow attaches itself to tin cans during incineration. But the profit figures he cites for his recycling process are based on receiving the low prices that tin-contaminater iron brings on the market. "When we solve the contamination problem, the iron will be good enough to make steel, and then we can make more than $12 a ton profit on incinerator residue," he says.

Spendlove believes there will be two major barriers to overcome before very many communities will be able to put to work the recycling processes developed in Edmonston. "In many cities, just getting out from under the refuse-disposal problems that they have right now will put them off," he says. "And I am assuming that, whenever a recycling plant is built, it will be a combined effort—a combination of city and state or federal governments and perhaps even some private interest. None of these relationships has been determined, and it will take time. But I'll be surprised if some serious proposals don't start coming in."

As for the recycling process itself, Spendlove emphasizes that no esoteric machinery or unusual new processes are involved. "All the machinery we use is conventional," he says. "We just use the basic minerals-processing techniques, but we've brought all the techniques together to work on urban ore."

There are three basic operations: 1. Shredding and grinding the incinerator residue into small particles. 2. Separating out different materials with magnets and screens of different sizes. 3. Washing to remove dust particles.

The first machine in the recycling chain is a trommel—a large, rotating cylinder full of 1¼-inch holes that normally is used to sort out gravel. The incinerator residue brought in at the unloading dock is dumped onto a conveyor, which carries it to the trommel; small particles drop through the trommel's holes as it rotates and feeds larger pieces to a shredding machine. In later stages, magnets pull out magnetic metals, and grinding mills crush glass into tiny particles and flatten pieces of nonmagnetic metals so they can be screened out of the glass.

Traditional refining techniques, such as acid leaches and filtration, further separate metals into aluminum, copper, zinc and brass. The glass particles can be used as is to make building bricks and glass wool, but more money can be made from glass that is separated by color, which is done both by magnetic means (color in glass is created by iron and chromium) and with an optical sorter.

The cost and profit figures cited above are based on a recycling plant serving a city of 250,000. A larger plant, say for a city of a million, would use the machinery more efficiently, reducing processing costs to $1.83 a ton. How much to build a plant for a city of a million? About $2.2 million, certainly not unmanageable, especially in view of the profit potential.

OFFICIALS TEND TO VIEW THE CONCEPT OF RECYCLING AS TOO EXPERIMENTAL

"Now that we know how to process incinerator residue and make money at it," says Spendlove, "we're setting up another plant to take refuse straight from the garbage can—no incinerator—because the paper and plastic refuse is valuable, too, and we hate to see it burned up." He expects to spend about a year perfecting the process for raw refuse. "We already know how we hope to do it, but there are always unexpected kinks to work out."

Processing raw refuse both eliminates and raises some problems. It would eliminate the need for an incinerator, which costs about $23 million to build for a city of a million. But it poses expensive difficulties in reclaiming paper and plastics and fabrics. To be separated from other trash, these lightweight articles must be put through what is called air classification.

Essentially, air classification is a stream of air into which the refuse is dribbled. The air blast blows out the paper, cardboard, plastic and other light materials, and an additional air stream can further separate the lightweight materials into distinct grades.

Adding air classification to a recycling plant (the heavier materials would continue to be processed just like incinerator residue) would raise the cost of a plant for a city of a million to about $7.2 million.

This more sophisticated, raw-refuse process is yet to be perfected, however. But Max Spendlove says it's just a question of time. Working on the mechanical problems involved is simple, compared to the obstacles in other phases of waste management—for example, taking almost invisible pollutants out of air and water. "Solid waste is easy to work on," says Spendlove. "You can put your hands on it. You can do almost anything you want with it."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE 18-YEAR-OLD VOTE

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, on December 21, 1970, the Supreme Court, in United States against State of Arizona, announced that part of the Voting Rights Amendments of 1970 enfranchising 18-year-old voters in State and local elections was unconstitutional.

The Court argued that while Congress has the power to supervise congressional elections, and also to set qualifications of voters for presidential and vice-presidential elections, the essential separateness and independent existence of the States is traced to "the power of the States and their governments to determine within the limits of the Constitution the qualifications of their own voters for State, county, and municipal offices and the nature of their own machinery for filling local public offices."

The Court further stated:

> It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in State and local elections except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States.

Regardless of the sound legal reasoning employed by the Court, some serious and practical difficulties are raised by this decision.

First, there is the whole thrust of the consciousness of a generation. Eighteen-year-olds today are better educated, more aware of their world, more positive in their thinking, and more solicitous of other human beings than any previous generation. I believe that the majority of them have the soundness of judgment to analyze critical State and local issues and to take meaningful intelligent positions on them.

Second, to limit the suffrage of 18-year-olds to only Federal elections is nonsensical. Eighteen-year-olds have as much at stake in the elections of Governors and mayors as they do in electing Congressmen and Senators.

Third, this split in suffrage will play havoc with State and local registration systems. Officially will be required to keep two sets of listings—a separate one for voters eligible for national elections and a list of eligible voters for State and local elections.

Local government officials are already overburdened with Federal redtape. In addition, registration bookkeeping will be costly and extremely impractical to administer.

For these reasons, I, and 34 of my colleagues, are introducing a House joint resolution proposing a constitutional amendment that will provide for the full enfranchisement of the 18-year-old voter. This amendment will prohibit the States from abridging the rights of citizens of the United States who are 18 years of age or older from voting in State and local elections.

I believe that this amendment is needed. I believe that it deserves prompt consideration by both Houses of Congress, and I believe that our State legislatures should ratify it with as much speed as possible.

The following Members are cosponsors of the resolution:

List of Cosponsors

Joseph Addabbo, New York.
Glenn Anderson, California.
Thomas Ashley, Ohio.
Nick Begich, Alaska.
John Brademas, Indiana.
Jonathan Bingham, New York.
William Broomfield, Michigan.
James Burke, Massachusetts.
Charles Carney, Ohio.
Shirley Chisholm, New York.
James Cleveland, New Hampshire.
Robert Drinan, Massachusetts.
William Ford, Michigan.
Edwin Forsythe, New Jersey.
Don Fraser, Minnesota.
Seymour Halpern, New York.
Lee Hamilton, Indiana.
Walter Jones, North Carolina.
Joseph Karth, Minnesota.
Robert Leggett, California.
Abner Mikva, Illinois.
William Moorhead, Pennsylvania.
John Moss, California.
Andrew Jacobs, Indiana.
Paul McCloskey, California.
Thomas Rees, California.
Benjamin Rosenthal, New York.
Fred Rooney, Pennsylvania.
J. Edward Roush, Indiana.
B. F. Sisk, California.
Charles Thone, Nebraska.
Morris Udall, Arizona.
Lionel Van Deerlin, California.
Gus Yatron, Pennsylvania.

PENNY POSTCARD

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. GONZALEZ. Mr. Speaker, during the 91st Congress I first introduced legislation which would reestablish the penny postcard.

There were some who were amazed that I would make such a proposal in this time of increasing high cost. Some might scoof that the Post Office will never break even at that rate.

However, from others—literally worldwide—there was instant and gratifying praise. At last someone had thought of the common man, they said.

It is my way, Mr. Speaker, to provide at least one way—at least one avenue of communication—for the poor pensioner and the poorest of the poor of our land.

With the rate of first-class mail as high as it is, with the telephone and telegraph rates out of sight for countless numbers, there is nothing left for the common man without the 1-cent postcard.

Consequently, I have introduced legislation today on this first day of the 92d Congress which amends the Postal Reorganization Act to provide for 1-cent postal cards and postcards.

MAYOR OF NEWARK TESTIFIES BEFORE THE JOINT ECONOMIC COMMITTEE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. RODINO. Mr. Speaker, this morning I had the privilege along wtth Congressman Joseph Minish of introducing the mayor of Newark, the Honorable Kenneth Gibson, to Chairman Proxmire and the members of the Joint Economic Committee.

Mayor Gibson was the leadoff witness before the committee as it begins to explore the question of changing national economic conditions and their effect upon the major urban centers of our Nation. Mayor Gibson's testimony was not only eloquent and convincing, but also shocking in its factual description of the degree of deterioration and the lack of financial resources to meet physical deterioration and impending fiscal crises.

During this first 7 months of Mayor Gibson's tenure, he has resolutely and courageously faced critical problems that have been building up for years. He speaks for all Newark when he outlines not only the reasons for urban decay, but the hope and the optimism that are necessary to overcome our dire circumstances.

I speak not only as a Representative of the city of Newark, along with my colleague Joe Minish, but also as a lifetime resident of Newark. I have seen many changes in the city and I know how strongly the people of Newark feel. I know on a firsthand basis the pride they feel about their homes and their neighborhoods, even in the face of seemingly insurmountable problems. The city of Newark must not die. If it does, it will serve as the deathknell to similar urban centers throughout our Nation.

The problems of Newark, as Mayor Gibson so effectively points out, represent in a large measure the problems of all American cities. When we speak of the necessity for acting quickly and when we speak of the urgency of Newark's problems, we are also speaking of the urgency of urban problems everywhere in America.

I sincerely hope that my colleagues in the House will hear the message that Mayor Gibson delivered to the Joint Economic Committee and that the 92d Congress will be responsive to the needs of Newark and the cities of America.

The testimony follows:

Statement of the Honorable Kenneth A. Gibson

Mr. Chairman and members of the committee:

I wish to thank you for inviting me here today to testify on the changing economic conditions in our nation and its impact on our city, Newark, New Jersey. You have asked me to address myself to four questions, the first of which deals with the financial problems faced by my city. To briefly summarize the detailed statement which I have filed with you, Newark is faced with a budget crisis that threatens to bankrupt the city. Upon taking office in July of 1970, I found an estimated deficit for 1971 of over 70 million dollars, or over 40% of the budget ($160 million). The budget crisis was brought on by a 10% decrease in city revenues and an increase of $50 million in expenditures. The additional $50 million, largely the result of mandated appropriations for essential municipal services, raised the city's total expenses for 1971 to $210 million. To fill this gap through increased property taxes, we would have had to raise the present rate, already one of the highest in the nation, by 50 percent (from $8.44 to $13.00 per $100 assessed valuation). After months of study and consultation, we finally opted for a series of taxes on Newark's businesses and consumers, in the form of occupancy, payroll, and sales taxes. We are aware that these are highly discriminatory and regressive taxes, and that they will further inhibit the economic growth potential of our city, but we had no alternative.

Our deficit may run even larger than estimated. The teachers' union has presented demands which we estimate would more than double the already skyrocketing school budget of 90 million dollars. Police and firemen are also demanding more in contract negotiations. We must also pay about 30% of county expenses, and the county has budget requests for 1971 which amount to a one-third increase over 1970. We must deal with these problems despite a depression level unemployment rate of over 11%, brought on in part by current fiscal policies, and a business community which has curtailed capital expansion due to an uncertain economic future facing the city.

If we meet our deficit needs, we will only be providing for the most basic of city services—schools, public safety, health, welfare, and sanitation. Even if we succeed in filling the budget gap we will still be left with the problems of arresting physical deterioration and strengthening our people's faith in the ability of our institutions to respond in hours of greatest need. Our $210 million city budget doesn't begin to solve the problems of the 40% of our labor force which is unemployed or underemployed, or the 30% on welfare. Neither does it rebuild the 30% of Newark's housing stock which is sub-standard or the 50% of Newark's schools which were built over 60 years ago.

These are the facts. It is said that facts don't lie. But all too often facts don't compel one to action. Yet action is what is needed. When all the witnesses before this distinguished committee have concluded their testimony, you will not have heard anything that you have not heard many times before. All of the major areas of concern have been endlessly studied. I have before me copies of our Model Cities proposals, copies of our Community Renewal Program, copies of the Report of the President's Commission on Civil Disorders, copies of the Governor's Commission on Civil Disorders, and literally hundreds of other studies and official commission reports which fully document Newark's problems and suggest immediate and long-range solutions. Information and knowledge of conditions and problems are not what is needed. The information has been available for years, yet the decline of America's urban centers has continued at a relentless pace. What is needed now is the will to do something about it.

In 1968, for instance, Congress set a 10-year goal of 26 million new and rehabilitated dwelling units. Two years later, we find ourselves already 650,000 units short (or 15%), and talk is spreading of holding back $200 million in previously committed Urban Renewal funds. Efficient and balanced urban mass transportation which would stimulate desirable economic and social trends was another lofty goal, and yet of $7.7 billion which the Administration requested for federal aid to transportation in 1971, only 2% (0.15 billion) was devoted to urban mass transit.

The list of goals and the score-card on performance is a shocking indictment of this nation's failure to respond to the urgency of the crisis. What is lacking is the resolution of the House, the Senate, the President, the state legislatures, the governors, local officials and private industry to act before it is too late.

I am not anxious to make this the first of many annual appearances before Congressional committees to ask for money handouts or to appeal for a recognition of the crisis of urban America. It grieves me to lay bare before the nation and the world the ills of our city; the city for whose health and welfare I am responsible. The only reason I come here today is to petition you again, as so many others have done in the past, to recognize the obligation of the Federal Government to meet the needs of the people of this country, the majority of whom now live in urban areas. If this testimony helps to convey the needed sense of urgency concerning the crisis of our city, in fact all cities, then this trip has been worthwhile—provided that sense of urgency is quickly followed by appropriate action.

The areas of action are clear. They include revenue sharing, federal assumption of welfare in the form of an adequate family maintenance program, expediting the construction of housing, providing increased aid for education, passage of a bold manpower bill, and other well-known programs.

Lost in the national debate on welfare reform and revenue sharing is this needed sense of urgency—of aggressive and affirmative national commitment. Lost in the rhetoric of debate is the simple truth that cities across the nation are fighting just to stay alive—to pay the police, the firemen, the teachers, and the basic service employees. America's priorities must reflect a commitment to urban America. They must reflect the simple truth that human resources are America's greatest asset, and that our greatest hope lies in the healthy development of all our people.

The scope of urban problems has been well documented. I have before me countless reports which analyze the problems of our urban centers—crime, infant mortality, substandard housing, unemployment, welfare, miseducation. These thousands of pages of expert study and evaulation of the deterioration of our cities indicate a national recognition of the crisis. One need not be an expert, however, to realize that all the studies in the world will not give one child the proper education, one unemployed man a decent job, or one welfare family safe housing and a hope for the future. Without the commitment of massive public and private resources dedicated to the physical and human revitalization of our cities, millions of Americans will continue to live in despair and poverty.

America's greatness has been its ability not only to recognize problems and accept challenges, but to commit the American will and the vast American resources to achieve a common goal. When America made a commitment to be the first nation to land a man on the moon, we devoted $25 billion to reaching the objective. To begin to realistically confront the urban challenge, we as a nation must be prepared to expend the tens of billions of dollars necessary to do the job. The urgency of the problems demand action now; the magnitude of the problems demand vast reallocation of resources.

I caution you, distinguished Congressmen and Senators. Do not misunderstand the implications of urban decay and collapse. As I have said many times before, "Wherever America's cities are going, Newark will get there first."

We are not talking only of saving the Newarks of America; we are talking of saving America itself.

Prepared Testimony of the Honorable Kenneth A. Gibson, Mayor of Newark, New Jersey, Before the Hearings of the Joint Economic Committee of the 92d Congress of the United States

NEWARK, N.J.: A STATISTICAL PROFILE

1. The largest city in the nation's most urban state
2. Population: 400,000 (approximately)
3. Population distribution: 60% black, 11% Spanish-speaking, 29% white (largely ethnic)
4. 80,000 school children: 85% black and Spanish-speaking
5. Land: 24 square miles (Newark Airport occupies nearly 8 sq. miles). 60% of land area is tax-exempt
6. Unemployment: 11.1% (January 1971)
7. Public Assistance Recipients: 114,000 (January 1971) 30% of Newark's population
8. Highest crime rate in the nation
9. Highest per capita incidence of venereal disease and infant mortality in the nation.
10. Annual budget: $161,000,000. (1970)
11. Real estate tax rate: $8.44 per $100 of assessed valuation (among the highest in the nation).
12. Anticipated deficit: $70 million (1971), 43% of the operating budget.

These are just a few of the important statistics which comprise Newark's two-dimensional profile. These are a few of the facts which suggest that the commercial, industrial, social and cultural hub of the State of New Jersey may also be the most decayed and financially crippled city in the nation.

To fully comprehend the reasons for Newark's present state of decay, one must first examine Newark's past. Newark was a central point of development in one of the oldest and most highly urbanized areas in the country. The City began as a sub-region of the New York metro-trade region. In the nineteenth century it rose as a manufacturing center, specializing within the region in certain industries. In the first half of the twentieth century it became a white collar office center again specializing in certain activities, primarily the insurance business, government and non-profit industries.

Newark is a sub-regional center with a weak "pull" on its hinterland. Newark suburbs are close to the center of the city and they are highly developed. The City, however, never established a sufficient concentration of skilled labor or a monopoly on professional and business services, retail sales, or employment in any sector to give it dominance in the sub-region or allow it to exert any strong centralizing influence. Consequently, we now find that people and industry show no reluctance to move out of the city. In 1968 the outlying areas led Newark in rate of industrial growth not only in the manufacturing sector (a typical urban growth phenomenon), but also in all other sectors except transportation. Whereas New York City and other large cities have established sufficient regional dominance to survive decentralizing trends, Newark apparently has not. This situation tends to make national economic downturns especially hard-felt in terms of the city's competitive economic position and absolute economic standing.

Throughout the post-war period, Newark, like most other large cities in the Northeast, has functioned as a processing and service center for the economically deprived. While population has remained relatively constant, the affluent and middle classes have moved out of Newark in large numbers. They have been replaced by migrants with lower level employment skills who require additional social services which strain the city's financial resources. Those who acquire skills and become absorbed into the economy of the area often move out of the city, only to be replaced by others, less skilled, who quickly begin, once again, the struggle for economic status and self-sufficiency. The process of continual turn-over in the semi-skilled and unskilled, highly transient population results in constant transfer of properties and further compounds the problems of urban deterioration.

The City of Newark has been able to provide fewer and fewer employment opportunities for its residents. The manufacturing industry, long the source of training for the unskilled and semi-skilled, has declined almost 25% in the past twenty years and is now at a point where it can no longer provide an adequate pool of employment. The only appreciable increase in employment has been in the service sector, but even in this area Newark's growth rate is only one-half that of the other cities in the region. It is important to note that whatever the increase in this sector, it has had little effect on the total employment picture in Newark since little effort has been made to train the unskilled and semi-skilled for employment in this field.

National economic policies, particularly credit stringency and the high cost of borrowing, have seriously impaired the city's ability to reverse or even stabilize this declining trend. *Newark has now reached a critical point in terms of maintaining its position as an industrial and commercial center.* Non-residential construction starts in the city during 1970 were 30% lower than they were in 1969, as compared to a national decrease of only 4%. To further illustrate this decline, according to a recent Chamber of Commerce study, 41% of the businesses in Newark found it necessary to curtail expansion of capital facilities during 1970. Finally, and perhaps most significant of all, of the businesses included in the Chamber's study, only 38% showed an increase in profit during the past year. The national economic downturn, which comes at a time when many of the city's businesses are at a marginal profit level, when capital expansion is at a dangerously low rate, and when the city's employment growth rate is considerably lower than that of the surrounding area, seriously threatens the possibility of any future economic recovery.

The employment picture in Newark is equally dismal. Traditionally, city residents have found the greatest employment opportunities in the manufacturing industry. Yet manufacturing has steadily declined in Newark. The service field, on the other hand, has grown over the past two decades. The new positions in this sector, however, require a degree of skill found mostly among the suburbanites. Consequently, although employment within the city has remained relatively constant, an ever increasing percentage of those employed in Newark are commuters. Current statistics reveal that 15,000 people, or over 11% of the resident labor force, are presently unemployed. Another 35,000 people are employed either full-time or part-time at a rate of under $3000 per annum. Still another 17,000 are being underutilized. Hard statistics reflects a human tragedy: *One out* *of every two people in Newark interested in jobs cannot find adequate employment.* It is difficult to conceive of a more drastic situation that what has just been described, yet it should be pointed out that youths aged 16–22 make up 30% of those without adequate employment. Further, unemployment for youths of that age is at an alarming 34%. The future of Newark and every other city is in their hands!

Newark's financial difficulties extend beyond the private sector into the public sector. The present budget crisis, which threatens to bankrupt the city, was brought on by a 10% decrease in city revenues coupled with an increase of $50 million in expenditures, bringing the total deficit to $70 million. The additional $50 million in expenditures, largely mandated appropriations for essential municipal services, raised the city's total expenses for 1970 to $211 million. Tragically, even this sum will not begin to slow the physical decay of the city, or measurably improve the quality of life of the city's residents.

Upon taking office, I was faced with three alternatives to solve our financial dilemma. The first alternative was to raise Newark's property tax by 50%. I rejected this possibility for many reasons, primarily because Newark's property tax is presently among the highest in the nation, and considered confiscatory by experts. Property owners are already abandoning property in such large numbers that the city can only collect 88% of what it levies (compared to 97% for New York City). When the city takes over property and attempts to sell it for taxes, no one wants to buy it. (A recent sale of 400 properties had buyers for less than a dozen.) As a result, the city is forced to collect rents on abandoned properties to cover taxes, and is fast becoming the biggest landlord in the city.

The second alternative was to enact an earnings tax which would have required suburbanites who work in Newark to share in its financial burdens. I considered this alternative the most equitable because Newark provides employment for more nonresidents, giving the city one of the highest commuting rates in the country. This influx results in an overtaxing of the city's physical facilities—roads, police, hospitals, and fire departments—which is extremely difficult to finance with our meager tax base. Unfortunately, this proposal was summarily rejected by the suburban-dominated New Jersey legislature.

The third alternative was a self-help program whereby the city of Newark would impose a series of taxes on payroll, occupancy, and sales. We realized that these temporary measures were regressive and discriminatory and would further inhibit the economic growth potential of the city, but they were preferable to the destruction of Newark through increases in the confiscatory property taxes or municipal bankruptcy. If we were to adopt these measures, we would still face a $35 million deficit. And this deficit, to repeat, merely reflects mandated increases in services and decline in revenues, and does not reflect any new or innovative programs or any significant improvement in the living conditions within our city.

Our deficit for 1971 may be even larger than estimated. The teachers union has presented demands which we have estimated would more than double the already skyrocketing school budget of $90 million. Police and firemen are also demanding more in contract negotiations. (Contracts with municipal unions were recently required by state law.) Furthermore, we must pay about 30% of county expenses and the county has budget requests for 1971 of $120 million, a one-third increase over 1970. More importantly and to place this discussion in its proper framework, let me point out that even if we succeed in filling this budget gap, we will still be left with the problems of arresting the physical deterioration of our city and strengthening our people's faith in the ability of our institutions to provide essential services. That we have thus far failed to fulfill our obligation to the citizenry of Newark is evident in every aspect of urban life.

For instance, in education, which I have personally declared my number one priority item, we are saddled with an ancient physical plant and an inadequate per pupil municipal expenditure. In an area where it is generally agreed the need for compensatory and innovative programs for the inner-city resident is most badly needed, Newark has not been able to match suburban areas in per pupil average expenditures; we spend less than $650 in educating each pupil, as compared to an average expenditure of over $800 in suburban Jersey districts. Our physical structures were allowed to deteriorate for many years—between 1930 and 1955, for instance, only three new elementary schools were constructed. Of Newark's eighty-four schools, almost half were built over sixty years ago. And while there is no direct correlation between drop-out rates and new school buildings, it seems clear to me that a city with one of the highest high school drop-out rates in the country (24%) must be able to utilize enormous resources for physical rehabilitation and innovative programs if the classroom is to become once again a meaningful and productive learning environment for all our inner-city children.

In housing, Newark's needs appear even more staggering. Nearly eighty per cent of our dwelling units are at least forty years old (and the great majority of these are wooden frame dwellings). As of 1967, thirty per cent of the city's housing supply, or about 41,000 units, were clearly substandard; that is, they could not be rehabilitated and had to be totally replaced. And while the process of physical deterioration continues largely unabated, and while the demand for shelter increases sharply, substantial resources have not yet been harnessed to make an impact on the problem. A dramatic illustriation is that residential construction in Newark declined from $3,982,000 in 1969 to only $165,000 in 1970.

The unemployment crises which has plagued Newark has had a marked effect on welfare programs. Presently over 114,000 of Newark's 400,000 residents, fully 30% of its population, is receiving some form of public assistance. Both the percentage and the absolute numbers are increasing. Welfare costs in the city have risen from $42 million in 1966 to $87 million in 1970.

The list of problems, the areas which are in desperate need of new money, runs the full spectrum of city services and basic urban institutions. In recreation, Newark has less acreage per 1,000 population than any other "old" city within the New York region. The streets and sidewalks of Newark are in desperate need of renovation. 54% of Newark's sewers are 75 to 100 years old. Effective law enforcement may be impaired without considerable expansion of the city's 1400-man department, and the Fire Department is handicapped by deficient maintenance and the lack of a fire training center. Finally, in the all-important fight against pollution, Newark has been forced into the role of spectator.

What began in Newark 25 years ago as an almost imperceptible decline of its educational facilities and other essential services has resulted in a physical, social and financial atrophy unmatched in the post depression era. The resources with which to provide safe, efficient new schools, to assure every citizen an adequate, sound dwelling unit, and to support all our people at adequate maintenance levels, are simply not to be found within the confines of the City of Newark.

The cry from Newark is becoming the all too familiar appeal for national solutions to urban problems. The cry can only be answered by the Congress, the Senate, the President, the State Legislatures, the Governors, local officials, and private industry—and the answer must be a bold, affirmative commitment to act before it is too late.

I caution you: do not misunderstand the implications of urban decay and collapse. As I have said many times before, "Wherever America's cities are going, Newark will get there first." We are not only talking about saving the Newarks of America. we are talking of saving America itself.

RECOMMENDATIONS

To remedy the ills which afflict Newark and the other urban centers of our country, I propose the following:

A. Employment

1. The present system of unemployment compensation should be modified so as to provide higher benefits and a longer period of eligibility during inflationary and high unemployment periods and/or in areas of high unemployment.

2. The Comprehensive Manpower Training Act of 1970 should be enacted so as to provide the needed employment and training for many disadvantaged city dwellers.

B. Welfare reform

1. The Federal Government should assume the full cost of all public assistance programs, thus insuring equal treatment throughout the country.

2. The present proposed minimum support levels should be dramatically raised so as to recognize the increased cost of providing a decent and adequate standard of living.

3. Welfare reform should be coupled with a universally-available network of day care centers.

C. Housing

1. Congress should declare "Housing Disaster Areas" for various sections of the country, specifically in urban areas. This would include massive infusion of monies for land acquisition and assembly, housing development, mortgage subsidies, employment training, etc.

2. All future federally funded housing should be available for sale, not rental. This would eliminate absentee landlord problems and instill a sense of "pride in ownership" which is now totally lacking.

3. All federal housing programs should strive to recreate the neighborhood concept, once indigenous to the nation's urban centers.

D. Revenue sharing

1. The Congress should enact immediately a revenue sharing program. This should not replace existing categorical programs but should be "new" money with a committee of Congressmen and Senators appointed to oversee the expenditure of funds.

E. Health

1. A national health insurance plan should be enacted as soon as possible.

F. Private industry

1. Congress should enact legislation whereby businesses are encouraged, through tax incentives, to locate in the urban centers. This will allow the cities to restore their tax bases and encourage industry to take a more energetic role in the revitalization of our cities.

TABLE I.—EMPLOYMENT OF NEWARK RESIDENTS (A 5-YEAR COMPARISON)

	1967	1968	1969	1970	1971 (projected)
City of Newark:					
Adequately employed	76,071	73,621	71,171	67,270	63,420
Underemployed	16,700	16,900	17,100	17,350	17,700
Low income employed	34,000	34,250	34,500	35,000	36,000
Unemployed	15,000	14,500	14,000	15,000	16,000
Not in the labor force but 16 years of age or older	106,862	106,862	106,862	106,862	106,865
Under 16 years of age	139,435	139,935	140,435	140,935	141,435
Total population	388,068	386.068	384,068	382,417	381,417
Unemployment rate	10.6	10.4	10.2	11.1	12.0

TABLE II.—NEWARK'S REAL ESTATE TAXES (A 5-YEAR COMPARISON)

	1966	1967	1968	1969	1970
Land	$313,000,000	$289,000,000	$285,000,000	$283,000,000	$277,000,000
Improvements on land	954,000,000	958,000,000	941,000,000	936,000,000	890,000,000
Taxable base	1,267,000,000	1,247,000,000	1,226,000,000	1,219,000,000	1,167,000,000
Rate	5.97	7.76	7.90	8.30	8.44
Tax imposed	74,000,000	97,000,000	97,000,000	101,000,000	98,000,000
Tax collected	65,000,000	84,000,000	85,000,000	87,000,000	86,000,000

TABLE III.—PUBLIC ASSISTANCE IN NEWARK (A 5-YEAR COMPARISON)

	1966	1967	1968	1969	1970
Dollars expended in Newark	$42,400,000	$52,100,000	$60,000,000	$78,400,000	$87,000,000
Number of people receiving benefits	47,000	58,000	67,000	89,000	114,000
Cost to Newark	$5,800,000	$7,900,000	$9,100,000	$7,400,000	$7,000,000

EFFORT MADE TO END DRAFT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. MORSE. Mr. Speaker, the growing public interest in the concept of an all-volunteer army is nowhere better exemplified than in the efforts of a young ROTC cadet, Paul P. Christopher, who comes from Wakefield, Mass. He plans a career in the armed services. In 1967, concerned with the effects that the antiwar protests were having on the morale of our fighting men in Vietnam, he organized a rally in Wakefield for the purpose of demonstrating America's appreciation of their service, their courage, and their sacrifice.

He is now organizing a letter-writing campaign designed to end the draft and to replace it with an all-volunteer army.

Paul is an outstanding young man, immensely concerned with the quality of life in America and the future of this Nation. He is atune to the problems and anxieties of youth, and has been working hard to provide a channel by which they can express their views and make their influence felt in the policymaking process.

As one who sees in Paul's efforts the kind of constructive, responsible, and thoughtful action by which our youth can develop the leadership capabilities they will need for the future, and as one who concurs with the need for an all-volunteer army, I am delighted to call to the attention of my colleagues in the House the following article which appeared in the Boston Record on January 2 of this year:

YOUTH STARTS ANTIDRAFT DRIVE

(By Dave O'Brian)

A 22-year-old junior at Norwich University in Vermont has started a letter-writing campaign designed to end the draft and replace it with an all-volunteer army.

Paul P. Christopher of Wakefield, who is attending school on a full ROTC scholarship and plans a career in the armed services, has formed a campus group called the ROTC Action Committee.

Composed of Christopher and two other Norwich juniors, the group is sending anti-draft literature to senior ROTC cadets and class presidents at all 347 schools across the country that have ROTC units.

Christopher is asking that all 109,900 ROTC cadets in the country write their congressmen demanding an all-volunteer army.

Organizing crusades is nothing new to Paul Christopher. In October of 1967 he organized a Wakefield rally in support of servicemen in Vietnam which was attended by 50,000 persons. At the time, he was a high school student.

Now a business administration major, Christopher wants to be a career officer and admits he would be better off financially in a volunteer army with higher benefits.

But he has other motives. "The draft is antiquated," he said. "It is both unfair and unnecessary."

Also, Christopher believes that a volunteer army would "upgrade the quality of the armed services" and "improve the prestige of the soldier."

The letter-writing campaign began only a week and a half ago, but already, Christopher says, he has received 30 letters in response and all are favorable.

The other members of the group are John W. Walsh of Burlington and Joseph Donnelly of Troy, N.Y., both juniors.

MRS. KNIGHT'S YULE MESSAGE

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. SPRINGER. Mr. Speaker, through the years, as many of us know from experience, Frances Knight has done a marvelous job as head of the U.S. State Department's passport section. In fact, it is difficult to know how anyone could have improved on her job.

In many instances, the press has been critical of bureaucracy in the Washington style. Frances Knight has been one who has received almost universal acclaim from the press for her efficiency, integrity, and perseverance—sometimes under the most difficult circumstances.

A few days ago, the Champaign-Urbana News Gazette did write an editorial regarding Frances Knight, and I append it herewith. I am sure that my colleagues will be happy to know that again, from the press, she has received an accolade to which she is entitled:

MRS. KNIGHT'S YULE MESSAGE

Frances G. Knight, head of the United States State Department's passport section, is a rarity among bureaucrats. She is outspoken, fearless in her determination to improve her section—which incidentally is one of the few offices in government which pay for themselves—and doesn't mind criticizing anyone who stands in her way.

Last Christmas Mrs. Knight sent out a letter, which was widely circulated, in which she warned that passports would take two weeks to process unless her section was granted additional funds. This Christmas she sent out another explaining delays were now as much as a month, and would get worse.

That's typical bureaucratic progress, but untypical honesty.

HON. WILLIAM MURPHY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is indeed a privilege to join my colleagues in paying tribute to my good friend Congressman WILLIAM MURPHY of Illinois who is retiring after 12 years of dedicated service in the House. It has been an honor to benefit not only from his views and knowledge but from his friendship as well.

BILL's reputation as a hard worker is well deserved. His service on the Foreign Affairs Committee and particularly his Chairmanship of the Subcommittee on Asian and Pacific Affairs reflects his concern with the betterment of U.S. relations overseas. Yet his wisdom and concern with issues of national importance have by no means affected his devotion to his constituents. BILL is an outstanding example of the Congressman who effectively serves both the national interest and the interests of his local constituency. His service on the Chicago City Council and in other important posts in that great city have provided him with an insight on urban politics and problems that is greatly needed among public servants today. Chicago and his constituents have been most fortunate to be represented by such a man. They, as well as the House, will surely miss BILL.

Mr. Speaker, I congratulate BILL MURPHY on his exemplary career in public service and particularly upon his years as a Member of the House of Representatives. I warmly wish him the best of success in the years ahead.

SENATE—*Monday, January 25, 1971*

The Senate met at 12 o'clock meridian
dent pro tempore (Mr. ELLENDER).
The Chaplain, the Reverend Edward
and was called to order by the Presi-
Messages in writing from the President
L. R. Elson, D.D., offered the following
prayer:

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer.

Make us to know and to cherish our heritage that we may more fitly serve Thee. Live in us and work through us Thy purposes for the people of this Nation. Set our vision upon the highest goals, and give us the clean hands, the pure hearts, the worthy motives, and the wise minds for achieving them.

As this day we pay tribute to a fallen comrade, may we renew our dedication to Thee in the same spirit of selfless service which was his.

In the Master's name we pray. Amen.

MESSAGES FROM THE PRESIDENT

of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON GOVERNMENT EMPLOYEES PARTICIPATING IN TRAINING IN NON-GOVERNMENT FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was ordered to be printed in the RECORD:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1970, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *January 25, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore (Mr. ELLENDER) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. RICHARD B. RUSSELL, late a Senator from the State of Georgia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 22, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes during the transaction of routine morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEFERRAL OF DEBATE ON THE QUESTION OF AMENDING THE RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that deliberation and debate on the question of amending the rules of the Senate be deferred until tomorrow and that this deferral shall not be prejudicial to the rights or positions of any opponent or proponent of any rule changes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore (Mr. ELLENDER) laid before the Senate the following letters, which were referred as indicated:

REPORT OF TITLE I AGREEMENTS UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of title I agreements under the Agricultural Trade Development and Assistance Act of 1954, as amended, for the months of November and December 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator, General Services Administration, reporting, pursuant to law, an overobligation of its appropriation for operating expenses, property management, and disposal services in the amount of $2,590; to the Committee on Appropriations.

REPORT OF UNITED STATES COURT OF CLAIMS (S. DOC. NO. 92–2)

A letter from the Clerk, U.S. Court of Claims, transmitting, pursuant to law, a report setting forth all the judgments rendered by the court for the year ended September 30, 1970 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FINAL CONCLUSION OF JUDICIAL PROCEEDINGS REGARDING CERTAIN INDIAN TRIBES

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, et al, against the United States of America (with an accompanying report and papers); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF THE AIR FORCE ON THE PROGRESS ON THE FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Air Force, transmitting pursuant to law, a report on the progress of the Reserve Officer Training Corps flight training program for the calendar year 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED AIR FORCE RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of seven facilities projects proposed to be undertaken for the Air Force Reserve in six States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED ARMY RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of 14 facilities projects proposed to be undertaken for the Army Reserve in 12 States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED NAVY AND MARINE CORPS RESERVE FACILITIES PROJECTS

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of five facilities projects proposed to be undertaken for the Navy and Marine Corps Reserves in three States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ended December 31, 1970; to the Committee on Armed Services.

REPORT ON REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of the Department of Defense, as of 30 June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control covering the third quarter of 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency, the Administrator of National Banks, transmitting, pursuant to law, a report of the Comptroller of the Currency for 1969 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON TRUTH IN LENDING

A letter from the Vice Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report on truth in lending for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report on the Fair Packaging and Labeling Act

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report regarding the administration of the Fair Packaging and Labeling Act by the Food and Drug Administration during fiscal year 1970 (with an accompanying report); to the Committee on Commerce.

Report of the Interstate Commerce Commission

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, the 84th annual report of the Commission, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

Report on Enforcement of Title I, Consumer Credit Protection Act of 1968

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on the enforcement of Title I of the Consumer Credit Protection Act of 1968 for the calendar year 1970 (with an accompanying report); to the Committee on Commerce.

Report on Public Health Cigarette Smoking Act

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning (a) the effectiveness of cigarette labeling, (b) current practices and methods of cigarette advertising and promotion, and (c) recommendations for legislation deemed appropriate, dated December 31, 1970 (with an accompanying report); to the Committee on Commerce.

Coast Guard Report on Incentive Pay for Flight Duty

A letter from the Commandant, U.S. Coast Guard, reporting, pursuant to law, the number of officers above the grade of lieutenant commander, or equivalent, entitled to receive incentive pay for flight duty during the 6-month period ended December 31, 1970; to the Committee on Commerce.

Report of Operations Under the Federal Airport Act

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the operations under the Federal Airport Act, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

Report of the Chesapeake and Potomac Telephone Co.

A letter from the Vice President and General Manager, The Chesapeake and Potomac Telephone Co., transmitting, pursuant to law, a report of the Company for the year 1970 (with an accompanying report); to the Committee on the District of Columbia.

Reports of the Secretary of the Treasury

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the combined statement of receipts, expenditures and balances of the U.S. Government for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Finance.

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the statement of liabilities and other financial commitments of the U.S. Government as of June 30, 1970 (with an accompanying report); to the Committee on Finance.

Report on the Foreign-Trade Zones Board

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1970, together with the reports covering the activities during the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, and 9, located respectively at New York, New Orleans, San Francisco, Seattle, Mayaguez, Toledo, and Honolulu (with accompanying reports); to the Committee on Finance.

Report of Board of Foreign Scholarships

A letter from the Chairman, The Board of Foreign Scholarships, transmitting, pursuant to law, a copy of the Eighth Annual Report, Board of Foreign Scholarships (with an accompanying report); to the Committee on Foreign Relations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the adverse effects of producing Drone Anti-Submarine Helicopters before completion of development and tests by the Department of the Navy (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce costs and improve aircraft through prompt processing of engineering change proposals by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report, covering calendar year 1969, summarizing progress being made by federal agencies in developing and improving their accounting systems in accordance with the overall mandates of the Congress and the related principles, standards and requirements prescribed by the Comptroller General (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on objectives of the feed-grain program not attained because of inclusion of nonagricultural land, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Department of Agriculture (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for an airport safety inspection program to improve flight safety of civil aircraft by the Federal Aviation Administration, Department of Transportation (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Commodity Credit Corporation, Department of Agriculture, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the financial statements of the Veterans' Canteen Service, Veterans' Administration, for fiscal year 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for improving results of tire-rebuilding programs in Europe by the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for tighter control on occupancy of federally subsidized housing provided under programs administered by the Department of Housing and Urban Development (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the results of the examination by the General Accounting Office of the financial statements of the Federal Prison Industries, Inc., Department of Justice, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Crop Insurance Corporation, Department of Agriculture, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce medicare costs by consolidating claims-processing activities of the Department of Health, Education, and Welfare and the Railroad Retirement Board (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report pointing out that Farmers Home Administration, Department of Agriculture, procedures and policies on the use of independent auditors should be strengthened (with an accompanying report); to the Committee on Government Operations.

Report on Quality of Water, Colorado River Basin

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a progress report on the quality of water of the Colorado River Basin, dated January 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report of the Colorado River Basin Project

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Colorado River Basin Project, for the year ended June 30, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report of the National Commission on Reform of Federal Criminal Laws

A letter from the Chairman, the National Commission on Reform of Federal Criminal Laws, transmitting, pursuant to law, the final report of the Commission, dated January 7, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of the Subversive Activities Control Board

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, a report of the Board dated January 8, 1971 (with an accompanying report); to the Committee on the Judiciary.

Report of the Attorney General With Respect to Activities Before the Subversive Activities Control Board

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report with respect to proceedings instituted before the Subversive Activities Control Board during the period January 1, 1970 through December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

Report of the Georgetown Barge, Dock, Elevator, and Railway Co.

A letter from Steptoe & Johnson, attorneys at law, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator, and Railway Co. for the year ended December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

Audit Report of the Future Farmers of America

A letter from the chairman of the board of directors, Future Farmers of America, transmitting, pursuant to law, an audit report of the Future Farmers of America for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Third Preference and Sixth Preference Classifications for Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of Aliens Who Conditionally Entered the United States

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, in regard to aliens who conditionally entered the United States during the 6-month period ending December 31, 1970; to the Committee on the Judiciary.

Report of Scientific and Professional Positions, Department of Commerce

A letter from the Director of Personnel, Office of the Secretary, U.S. Department of Commerce, transmitting, pursuant to law, a report of scientific and professional positions established in the Department of Commerce (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Grades GS–16, 17, and 18 Positions, Immigration and Naturalization Service

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, reporting, pursuant to law, on positions in grades GS–16, 17, and 18 which are under the jurisdiction of the Commissioner of Immigration and Naturalization during the calendar year 1970 (with an accompanying paper); to the Committee on Post Office and Civil Service.

Report of U.S. Arms Control and Disarmament Agency on Scientific or Professional Positions

A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, a report on scientific or professional positions authorized for the Agency for calendar year 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Grades GS–16, 17, and 18 Positions Authorized for the Attorney General, Department of Justice

A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting, pursuant to law, a report on positions in grades GS–16, 17, and 18 authorized for use by the Attorney General during the calendar year 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Scientific and Professional Positions, Department of the Interior

A letter from the Deputy Assistant Secretary for Administration, Department of the Interior, reporting, pursuant to law, with respect to scientific and professional positions in this department during the calendar year 1970; to the Committee on Post Office and Civil Service.

Report Entitled "The Economics of Clean Air"

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Economics of Clean Air", dated December 1970 (with an accompanying report); to the Committee on Public Works.

Report of the Tennessee Valley Authority

A letter from the Board of Directors, Tennessee Valley Authority, transmitting, pursuant to law, the 37th annual report of the Authority, for the fiscal year ended June 30, 1970; to the Committee on Public Works.

Report of the Economic Development Administration

A letter from the Assistant Secretary for Economic Development, notifying the Senate that the report from the Administration due on January 3 will not be ready for delivery until the end of February; to the Committee on Public Works.

Report of the Public Printer

A letter from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the report of the Printing Office for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS—TREATMENT OF JEWS IN THE SOVIET UNION

Mr. BROOKE. Mr. President, the people of the Commonwealth of Massachusetts have long been justifiably concerned over the conditions imposed upon Jews in the Soviet Union. The incidents of harassment, the denial of basic rights, the refusal to permit religious practice, and most illogical of all, the refusal to permit emigration of Jewish citizens, have imposed an intolerable burden upon Soviet Jews.

The recent Leningrad trials have brought to the fore the worldwide distress over the plight of these captive peoples. The matters of deepest concern have been clearly enunciated in a resolution adopted by the Senate of the Commonwealth of Massachusetts. I ask unanimous consent that the text of this be printed at this point in the Record.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Resolutions Urging the President of the United States To Request Clemency for the Defendants in the Recent Leningrad Hijacking Trial and Protest the General Treatment of Jews in the Soviet Union

Whereas, The unusually harsh sentences imposed recently by a Russian court upon eleven persons, nine of whom are Jewish, convicted of planning to hijack a Soviet plane, has appalled the world community; and

Whereas, The imposition of long prison camp sentences, some at hard labor, are contrary to all human considerations and to the best interests of the Soviet government; and

Whereas, It appears that the action of the convicted hijackers was motivated by their desire to emigrate from the Soviet Union to the state of Israel because Jews in the Soviet Union are prohibited from practicing and supporting religious and cultural institutions which normally are an integral part of Jewish community life; and

Whereas, The long continuing repression and brutal treatment of Soviet Jews by the Russian government should be condemned in the name of humanity and decency by the leaders of this great nation; now therefore be it

Resolved, That the Massachusetts Senate respectfully urges the President of the United States to instruct the Secretary of State to lodge a formal protest with the government of the Soviet Union condemning the persecution of Jews in the U.S.S.R. and to request clemency for the defendants in the recent Leningrad hijacking trial; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Secretary of State, to the presiding officer of each branch of the Congress, and to each member thereof from the commonwealth.

THE UNEMPLOYMENT CRISIS

Mr. BROOKE. Mr. President, as the 92d Congress opens, this Nation faces its highest unemployment rate in many years. The jobless rate has reached a level of 6 percent, and many experts believe it may rise even higher. My own State of Massachusetts has been hit especially hard. Besides the protracted unemployment caused by the closing of textile and shoe plants, the Commonwealth is also beset by major layoffs in aerospace and defense related industries.

Traditionally, much unemployment has been caused by increased mechanization and advancing technology. The necessity of lower costs and increased efficiency too often means the replacement of workers by machines. Now it appears that our technological advancement may have boomeranged. The Federal Government, long the principal customer of many of our most specialized and scientifically advanced industries, has drastically cut its purchases leaving these firms to face diminished markets and major layoffs. Technological unemployment accounts for an increasing portion of those out of work.

If we are to aid our depressed areas and stimulate our economy, we must find a way to decisively reduce unemployment. This Congress must give priority consideration to programs that will assist the unemployed and aid in conversion of our afflicted industries. There are many alternatives open to us, and the following resolution of the Massachusetts Senate offers but one. I hope that the Senate will have an early and complete opportunity to deal with the complex problems of this Nation's high unemployment.

I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was referred to the Committee on Public Works and ordered to be printed in the Record, as follows:

Resolutions on the Unemployment Crisis in the Commonwealth

Whereas, There is an unemployment crisis in this Commonwealth; and

Whereas, There is grave danger of the consequences that might follow if work is not provide; and

Whereas, There is presently over 15,000 people unemployed in these stricken areas; and

Whereas, The Congress of the United States must provide federal aid to help those caught in these stricken depressed areas; now therefore be it

Resolved, That the President of the United States prepare a special message to the United States Congress to enact such legislation for a period sufficient to enable the federal government to develop effective alternative methods of aiding the stricken depressed areas which would stimulate business and the economy by providing government work; and be it further

Reolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the Secretary of Commerce, to the presiding officers of each branch of the Congress, and to the members thereof from the Commonwealth of Massachusetts.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL (for himself, Mr. Pearson, Mr. Moss, Mr. Muskie, Mr. Packwood, Mr. Mansfield, Mr. Brooke, Mr. Javits, Mr. Randolph, Mr. Spong, and Mr. Symington):

S. 1. A bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes; to the Committee on Rules and Administration.

(The remarks of Mr. Gravel when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS:

S. 2. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Disclosure Act, and for other purposes; to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. Javits when he introduced the bill apear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. Cooper, Mr. Saxbe, Mr. Bayh, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Randolph, Mr. Stevenson, and Mr. Tunney):

S. 3. A bill to create a national system of health security; to the Committee on Finance.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. THURMOND (for himself, Mr. Cotton, Mr. Talmadge, Mr. Brock, Mr. Ervin, Mr. Allen, Mr. Sparkman, Mr. Baker, Mr. Stennis, Mr. Beall, Mr. Hollings, and Mrs. Smith of Maine):

S. 4. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Thurmond when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE (for himself, Mr. Javits, Mr. Anderson, Mr. Cranston, Mr. Fong, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. Montoya, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr Randolph, Mr. Stevenson, and Mr. Williams):

S. 5. A bill to promote the public welfare; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Mondale when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 6. A bill to amend the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906; to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (for himself and Mr. McClellan):

S. 7. A bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Fulbright when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 8. A bill to amend the Atomic Energy Community Act of 1955, as amended, to authorize the transfer of certain property at Los Alamos, N. Mex.; to the Joint Committee on Atomic Energy.

By Mr. GRAVEL (for himself and Mr. Randolph):

S. 9. A bill to provide a means of financing presidential and congressional election campaigns; to the Committee on Rules and Administration.

By Mr. McCLELLAN (for himself, Mr. Byrd of Virginia, Mr. Cannon, Mr. Jackson, Mr. Ribicoff, Mr. Humphrey, Mr. Mansfield, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Curtis, Mr. McGee, Mr. McGovern, Mr. Miller, Mr. Montoya, Mr. Pearson, Mr. Scott, Mr. Randolph, Mr. Sparkman, Mr. Stevens, Mr. Talmadge and Mr. Young):

S. 10. A bill to establish a national policy relative to the revitalization of rural and other economically-distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes; to the Committee on Government Operations.

By Mr. McCLELLAN (for himself and Mr. Hruska):

S. 11. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 12. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 13. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

S. 14. A bill to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

S. 15. A bill to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; and

S. 16. A bill to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bills appear below under the appropriate heading.)

By Mr. TOWER:

S. 17. A bill for the relief of Colonel Glover Johns, U.S. Army, retired; to the Committee on the Judiciary.

By Mr. CASE:

S. 18. A bill to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; to the Committee on Foreign Relations.

(The remarks of Mr. Case when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 19. A bill to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade to the United States to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. Mondale when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 20. A bill for the relief of Miss Christina Flores; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 21. A bill for the relief of Casa Angelica mental retardation facility of Alberquerque, N. Mex.; and

S. 22. A bill for the relief of Saint John's College at Santa Fe, N. Mex.; to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 23. A bill to provide a program to improve the opportunity for the study of cultural heritages of all ethnic groups in the Nation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Schweiker when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 24. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 25. A bill to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, and for other purposes;

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah;

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the above bills appear below under the appropriate heading.)

By Mr. MOSS (for himself, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Goldwater, Mr. Hatfield, Mr. Jordan of Idaho, Mr. McGee, Mr. McGovern, and Mr. Packwood):

S. 28. A bill to clarify the relationship of interests of the United States and of the States in the use of waters of certain streams; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah; and

S. 30. A bill to establish the Arches National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON (for himself, Mr. Javits, Mr. Byrd of West Virginia, Mr. Cranston, Mr. Eagleton, Mr. Hughes, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Stevenson, Mr. Williams, Mr. Schweiker, Mr. Bayh, Mr. Bellmon, Mr. Brooke, Mr. Case, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Jackson, Mr. Magnuson, Mr. Mathias, Mr. McGovern, Mr. Montoya, Mr. Muskie, Mr. Pearson, Mr. Percy, Mr. Scott, and Mr. Tunney):

S. 31. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Nelson when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. Anderson, Mr. Cranston, Mr. Gravel, Mr. Hollings, Mr. Mondale, Mr. Moss, Mr. Randolph, Mr. Stevens, and Mr. Tunney):

S. 32. A bill to authorize the National Science Foundation to conduct research, education and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY:

S. 33. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself and Mr. Javits):

S. 34. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. JACKSON (for himself, Mr. Gravel and Mr. Stevens):

S. 35. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear below under the appropriate heading.)

By Mr. RIBICOFF:

S. 36. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Ribicoff when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. McIntyre):

S. 37. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Byrd of West Virginia, when he introduced the bill for Mr. McIntyre, appear below under the appropriate heading.)

By Mr. CURTIS:

S. 38. A bill to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas; to the Committee on Public Works.

S. 39. A bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder; to the Committee on Finance.

By Mr. ANDERSON:

S. 40. A bill to amend the Indian Long-Term Act; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 41. A bill to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 42. A bill for the relief of Dr. Won Pal Chung; to the Committee on the Judiciary.

S. 43. A bill to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment; to the Committee on Finance.

S. 44. A bill to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities; to the Committee on Commerce.

S. 45. A bill to forgive a portion of some Small Business Administration loans granted as a result of the Good Friday earthquake of 1964; to the Committee on Banking and Urban Affairs.

S. 46. A bill to amend the act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966; to the Committee on Commerce.

S. 47. A bill for the relief of Flore Lekanof; and

S. 48. A bill for the relief of Zacarias Q. Montero; to the Committee on the Judiciary.

(The remarks of Mr. Stevens when he introduced S. 43, S. 44, S. 45 and S. 46 appear below under the appropriate heading.)

By Mr. COOK:

S. 49. A bill for the relief of Capt. Walker B. Moore, Jr., U.S. Air Force Reserve; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. Montoya):

S. 50. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 51. A bill for the relief of Elizabeth Cheng;

S. 52. A bill for the relief of Aslaug K. Kristoffersen;

S. 53. A bill for the relief of Christine Hadow;

S. 54. A bill for the relief of Milenka Vuksanovich;

S. 55. A bill for the relief of Bridget Hanna;

S. 56. A bill for the relief of Guilhermina Garcia;

S. 57. A bill for the relief of Luciano Guillermo Harms;

S. 58. A bill for the relief of Joyce Cerita Bent;

S. 59. A bill for the relief of Ng Kwok Kwen;

S. 60. A bill for the relief of Foo Ying Yee; and

S. 61. A bill for the relief of Agness Modano; to the Committee on the Judiciary.

By Mr. TAFT:

S. 62. A bill to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time enforcement officers and firemen employed by State and local governmental instrumentalities; to the Committee on Finance.

(The remarks of Mr. Taft when he introduced the bill appear below under the appropriate heading.)

By Mr. CURTIS:

S. 63. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. HOLLINGS:

S. 64. A bill to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax; to the Committee on Finance.

(The remarks of Mr. Hollings when he introduced the bill appear below under the appropriate heading.)

By Mr. HOLLINGS:

S. 65. A bill for the relief of Dennis Yiantos;

S. 66. A bill for the relief of Alberto Mattiolo; and

S. 67. A bill for the relief of Francisco Marpuri, D. M., and his wife, Angelita Marshall Marpuri; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Talmadge, and Mr. Thurmond):

S. 68. A bill to establish quotas on certain textile and footwear articles; to the Committee on Finance.

(The remarks of Mr. Hollings when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE:

S. 69. A bill to authorize the Secretary of Agriculture to conduct a pilot Federal-State cooperative program for the prevention, control, and suppression of fires in rural areas, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE (for himself and Mr. Talmadge):

S. 70. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. DOLE:

S. 71. A bill to amend the Small Business Act to increase the availability of management counseling to small business concerns; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. YOUNG:

S. 72. A bill to amend the Watershed Protection and Flood Prevention Act as amended, so as to permit Federal cost sharing for certain uses of water stored in reservoir structures constructed or modified under such act; to the Committee on Agriculture and Forestry.

S. 73. A bill to authorize the Secretary of the Army to convey certain lands in the State of North Dakota to the Montrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Armed Services.

S. 74. A bill to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota; to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 75. A bill to amend the Federal Water Pollution Control Act to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

S. 76. A bill to amend sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act, as amended, relating to food additives; to the Committee on Labor and Public Welfare.

S. 77. A bill to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip mined areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NELSON (for himself and Mr. CRANSTON):

S. 78. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Commerce.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 79. A bill for the relief of the Glover Packing Co.; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 80. A bill for the relief of Gerges Vergivadis; and

S. 81. A bill for the relief of Marjorie Grantham; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 82. A bill for the relief of Mrs. Wanda Martens;

S. 83. A bill for the relief of William A. Gallagher;

S. 84. A bill for the relief of Avelina Ong Patascil;

S. 85. A bill for the relief of Basile Christopoulos;

S. 86. A bill for the relief of Margaret Deme and her daughters, Clara Deme and Susie Deme;

S. 87. A bill for the relief of James Fletcher McAndrew;

S. 88. A bill for the relief of Cedomir Capic;

S. 89. A bill for the relief of Liliana Grasseschi Baroni;

S. 90. A bill for the relief of Ebony V. Herza;

S. 91. A bill for the relief of Gregoris (Gregory) Andreas Gountanis;

S. 92. A bill for the relief of Roberto De Lamonica;

S. 93. A bill for the relief of Mario di Rienzo;

S. 94. A bill for the relief of Emile Georges Cochand and Marjorie Almo Cochand;

S. 95. A bill for the relief of Norad Electric Company;

S. 96. A bill for the relief of Shan W. Wofford;

S. 97. A bill for the relief of Lai Wai (Waiming);

S. 98. A bill for the relief of Anthony E. Keane; and

S. 99. A bill for the relief of Josefina Gonzales Batoon; to the Committee on the Judiciary.

By Mr. PROUTY:

S. 100. A bill for the relief of Yosef Pincu; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 101. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG:

S. 102. A bill for the relief of Maria Josefina Granara Castillo;

S. 103. A bill for the relief of Olav Nomeland;

S. 104. A bill for the relief of Michele Del'oso;

S. 105. A bill for the relief of Luciano Trencio;

S. 106. A bill for the relief of Modesto G. Guerrero, Jr.;

S. 107. A bill for the relief of Dr. Amada G. Chanco, Jr.;

S. 108. A bill for the relief of Kyung Jo Min and Kyung Sook Min;

S. 109. A bill for the relief of Maximo Tang-Sie;

S. 110. A bill for the relief of Susanna Barbara Schmitt;

S. 111. A bill for the relief of Joy Isabel Pateman;

S. 112. A bill for the relief of Filyne Villareul;

S. 113. A bill for the relief of certain individuals and organizations; and

S. 114. A bill for the relief of Sarvar Houshyar; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 115. A bill for the relief of Donald William McIntyre;

S. 116. A bill for the relief of Jerry J. McCutcheon of Anchorage, Alaska; and

S. 117. A bill for the relief of Angelina R. Reyes; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 118. A bill to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

By Mr. BYRD of West Virginia (for Mr. CRANSTON):

S. 119. A bill for the relief of Manuela C. Bonito; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 120. A bill to prohibit assaults on State law enforcement officers, firemen and judicial officers; to the Committee on the Judiciary.

(The remarks of Mr. SCHWEIKER when he introduced the bill appear below under the appropriate heading.)

By Mr. HANSEN:

S. 121. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 122. A bill to amend the Natural Gas Act of 1938;

S. 123. A bill to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyo., for fishery conservation; to the Committee on Commerce.

S. 124. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Missouri River Basin project, Wyo., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 125. A bill to authorize the sale of certain lands under the jurisdiction of the Department of Agriculture; to the Committee on Agriculture and Forestry.

S. 126. A bill for the relief of Oclides Gonzales Barrero; to the Committee on the Judiciary.

S. 127. A bill to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming; to the Committee on Interior and Insular Affairs.

S. 128. A bill to authorize issuance of a special postage stamp for the 100th anniversary of the establishment of Yellowstone National Park in 1972; to the Committee on Post Office and Civil Service.

(The remarks of Mr. HANSEN when he introduced S. 127 appear below under the appropriate heading.)

By Mr. McGEE:

S. 129. A bill to authorize certain conveyances of land; to the Committee on Interior and Insular Affairs.

S. 130. A bill for the relief of Reva J. Cullen; to the Committee on the Judiciary.

S. 131. A bill to provide for the conveyance to the County of Washakie, State of Wyoming, of certain real property of the United States; to the Committee on Interior and Insular Affairs.

S. 132. A bill for the relief of Nedja Budisavljvich; and

S. 133. A bill for the relief of Miss Teruko Sasaki; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. HANSEN):

S. 134. A bill to provide for the establishment of a national cemetery in the State of Wyoming; to the Committee on Veterans Affairs.

S. 135. A bill to establish the Women's Hall of Fame Study Commission; to the Committee on the Judiciary.

S. 136. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act;

S. 137. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land; and

S. 138. A bill to authorize the Secretary of the Interior to convey certain water rights to the State of Wyoming; to the Committee on Interior and Insular Affairs.

S. 139. A bill for the relief of Anka Zdunic; and

S. 140. A bill for the relief of Robert L. Miller and Mildred M. Miller; to the Committee on the Judiciary.

S. 141. A bill to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGEE when he introduced S. 141 appear below under the appropriate heading.)

By Mr. McGEE (for himself and Mr. MANSFIELD):

S. 142. A bill to amend the Gun Control Act of 1968 to permit the Interstate transportation and shipment of firearms used for sporting purposes and in target competitions; to the Committee on the Judiciary.

By Mr. McGEE (for himself, Mr. Moss, and Mr. HANSEN):

S. 143. A bill to amend section 315b of title 43, United States Code, to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands; to the Committee on Interior and Insular Affairs.

By Mr. McGEE (for himself, Mr. ALLEN, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. DOMINICK, Mr. EASTLAND, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. MANSFIELD, Mr. METCALF, Mr. MOSS, Mr. PEARSON, Mr. PROUTY, Mr. PROXMIRE, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. TOWER, Mr. YOUNG, and Mr. HOLLINGS):

S. 144. A bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements; to the Committee on Finance.

(The remarks of Mr. McGee when he introduced the bill appear below under the appropriate heading.)

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 145. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. FONG:

S. 146. A bill for the relief of Ruby Y. K. Kum;

S. 147. A bill for the relief of Radegundis J. Agsalud;

S. 148. A bill for the relief of Erminia Ancheta Mandac;

S. 149. A bill for the relief of Antonio G. Punzalan;

S. 150. A bill for the relief of Valerio B. Bonilla, Agapito B. Bonilla, and Mariano B. Bonilla;

S. 151. A bill for the relief of Pedro C. Carag;

S. 152. A bill for the relief of Hoon Kyubyuk Kiem, his wife, Uesuk Peark Kiem, and their two daughters, Jin-A Kiem and Jin In Kiem; and

S. 153. A bill for the relief of Fred Domingo, Aquilina B. Domingo, Froilan Domingo, Azucena Mae Domingo, and Wilmina Domingo; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 154. A bill to provide for a connecting road between three units of the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 155. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Finance.

S. 156. A bill to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes; to the Committee on Interior and Insular Affairs.

S. 157. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

S. 158. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Finance.

S. 159. A bill to authorize the establishment of the Fort Buford unit of the Fort Union Trading Post National Historic Site in the State of North Dakota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 160. A bill to modify the comprehensive plan for the Missouri River Basin to provide for certain road construction; to the Committee on Public Works.

S. 161. A bill for the relief of the West Fargo Pioneer; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 162. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the north side pumping division extension, Minidoka project; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 163. A bill to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress; to the Committee on Government Operations.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. HANSEN:

S. 164. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

S. 165. A bill to authorize the Secretary of the Interior to make disposition of federally owned mineral rights, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN (for himself and Mr. McGee):

S. 166. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Hansen when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. INOUYE:

S. 167. A bill for the relief of Lenisi Mataele;

S. 168. A bill for the relief of Mrs. Carolina M. Lacsamana;

S. 169. A bill for the relief of Miss Filomena Cabot;

S. 170. A bill for the relief of Mrs. Julia B. Briones;

S. 171. A bill for the relief of Silvano Scandale;

S. 172. A bill for the relief of Miss Alma Carrillo Custodio;

S. 173. A bill for the relief of Naoyo Campbell;

S. 174. A bill for the relief of Shui Lun Young (Wah Yuk Lau);

S. 175. A bill for the relief of Mitsuhiro Nakakoji, Keiko Nakakoji, and Yukiko Nakakoji;

S. 176. A bill for the relief of Soledad Cabagay;

S. 177. A bill for the relief of Violetta Bravo;

S. 178. A bill for the relief of Claude Leruitte;

S. 179. A bill for the relief of Mrs. Kong Sook Lee;

S. 180. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 181. A bill for the relief of Leonardo Galvizo Eder;

S. 182. A bill for the relief of Amado V. Rivera, Junior;

S. 183. A bill for the relief of Helen O. McKinney; and

S. 184. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve; to the Committee of the Judiciary.

By Mr. MANSFIELD (for Mr. Bayh, for himself and Mr. Baker, Mr. Bellmon, Mr. Burdick, Mr. Church, Mr. Cranston, Mr. Gravel, Mr. Griffin, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. Mondale, Mr. Montoya, Mr. Packwood, Mr. Pell, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, and Mr. Williams):

S.J. Res. 1. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; and

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

(The remarks of Mr. Ervin when he introduced the joint resolutions appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Cranston, Mr. Pell, and Mr. Prouty):

S.J. Res. 4. Joint resolution to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week"; to the Committee on the Judiciary.

(The remarks of Mr. Javits when he introduced the bill appear below under the appropriate heading.)

By Mr. BROOKE:

S.J. Res. 5. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

(The remarks of Mr. Brooke when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. Bayh, Mr. Mathias, Mr. Brooke, Mr. Cook, Mr. Cranston, Mr. Eagleton, Mr. Harris, Mr Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Stevenson, and Mr. Tunney):

S.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Aiken, Mr Allen, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr Javits, Mr. Jordan of Idaho. Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McClellan, Mr McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young):

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

(The remarks of Mr. Randolph when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. MANSFIELD (for Mr. Bayh, for himself and Mr. Beall, Mr. Bible, Mr. Case, Mr. Church, Mr. Cook, Mr. Gravel, Mr. Gurney, Mr. Harris, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jordan of North Carolina, Mr. Mathias, Mr. McClellan, Mr. McGovern, Mr. McIntyre, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mrs. Smith, Mr. Stevens, Mr. Stevenson, Mr. Taft, Mr. Thurmond, Mr. Tunney, Mr. Williams, and Mr. Young):

S.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the

United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. Bayh, Mr. Harris, Mr. Hughes, Mr. Williams, Mr. Gravel, Mr. Taft, Mr. Randolph, Mr. Thurmond, Mr. Inouye, Mr. McIntyre, Mr. Moss, Mr. Pell, Mr. Tunney, Mr. Montoya, Mr. Ribicoff, Mr. McGovern, Mr. Church, Mr. Jordan of North Carolina, Mr. Stevenson, Mr. Beall, Mr. Young, Mr. Hatfield, Mr. McClellan, Mr. Proxmire, Mr. Schweiker, Mr. Gurney, Mr. Case, Mr. Stevens, and Mr. Bible):

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

(The remarks of Mr. Cook when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. BROCK (for himself, Mr. Baker, Mr. Tower, Mr. Dominick, Mr. Scott, Mr. Gurney, Mr. Fong, Mr. Cotton, Mr. Buckley, Mr. Dole, Mr. Goldwater, Mr. Percy, Mr. Taft, Mr. Allen, Mr. Chiles, Mr. McIntyre, Mr. Hollings, Mr. McClellan, Mr. Talmadge, Mr. Moss, Mr. Eagleton, Mr. Bayh, Mr. Ervin, Mr. Spong, Mr. Pastore, Mr. Randolph, Mr. Miller, Mr. Griffin, and Mr. Beall):

S.J. Res. 10. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War Missing in Action"; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Cannon, Mr. Fong, Mr. Gurney, Mr. Harris, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Prouty, Mr. Stevens, Mr. Taft, Mr. Thurmond, Mr. Tunney, Mr. Williams, and Mr. Young):

S.J. Res. 11. Joint resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse"; to the Committee on the Judiciary.

(The remarks of Mr. Hatfield when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. CURTIS (for Mr. Mundt):

S.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ANDERSON:

S.J. Res. 13. Joint resolution to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops; to the Committee on Agriculture and Forestry.

By Mr. NELSON:

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States declaring that every person has an inalienable right to a decent environment; and

S.J. Res. 15. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

S. 1—INTRODUCTION OF A BILL TO STRENGTHEN CONFIDENCE IN THE POLITICAL PROCESS

Mr. GRAVEL. Mr. President, the financing of political campaigns is the Achilles heel of the American governmental system.

Although it is an Achilles heel of long standing, the dramatic technological developments of recent years are threatening to transform a point of vulnerability into a galloping cancer which will eat away at the very vitals of our democratic political processes.

The elections just concluded were only the most recent manifestations of all the evils of campaign funding, the abuse of media and the consequent disenchantment of voters.

This may be a moment of great promise to deal with the problem. Winners and losers alike must have a king-size hangover not only from the rigors of campaigning but from the more gruesome exercise of fund raising and the recording of innumerable spots with the equivalent of the breathless message "vote for Dan, the man with the plan."

We witness the bizarre ritual of the filing of campaign expenditure reports. Many of these reports swear to zero spending.

After the 1968 elections, 182 candidates for Congress filed reports stating that they had personally spent nothing on their campaigns and knew of no committee expenditures that needed to be reported at the Federal level.

Also in 1968, congressional campaign expenditures reported under Federal statutes amounted to only \$8½ million, although the best estimates are that actual spending was well over \$50 million.

It is still anybody's guess whether the 1970 reporting spectacle will surpass that of 1968 in its "Alice in Wonderland" quality. Since the offices of House Clerk and Senate Secretary, which are under current law the repositories of this information, are not charged with the duty of compiling and publishing these figures, it will be spring before they will be available. That we will have them even then is due only to the efforts of private citizens who are concerned enough to come here to the Capitol and spend many drudging hours handcopying the reports.

Clearly the present provisions for reporting campaign expenditures only encourage evasion and penalize the conscientious. But the lack of full and meaningful disclosure is only part of the problem.

Skyrocketing costs of campaigning in this electronic era have increasingly made elective politics the special preserve of the wealthy or of those who have access to the funds of well-healed special interests.

The dimensions of the problem are growing, but it has been with us a long time. It was Abraham Lincoln, dispirited on the night of his election to the Presidency who commented to his campaign committee—

> They have gambled me all around, bought and sold me a hundred times. I cannot begin to fill the pledges made in my name.

Comparing the relative simplicity of Lincoln's presidential campaign to the electronic circus of many congressional campaigns, one begins to get a feeling for the pervasive dimensions of the problem.

There is a profound irony in the fact that most voters view the electronic revolution in politics as both a nuisance and a threat. Here we have in the technology of television the potential renaissance of the Athenean forum where the public gathers, political contenders debate the issues and enlightened citizen decisions are formed.

The analogy is tempting but faulty. True, the Greeks allowed the merchant to sell his wares on the common, but it was taken for granted that when the public forum was needed for serious public business he had to roll his carts and merchandise off the square.

The airwaves of America belong to the people of America, no less than the town square of Athens belonged to the people of Athens. Yet, on the very eve of the last election one of our two major political parties did not have the necessary funds to lease the public's own airwaves from the private concessioners.

We are at the crossroads. We can either seize the unprecedented opportunity of revitalizing the political process in the United States, or we can consciously allow the dangerous trend of the alienation of citizens from our political system to gain added momentum with every election.

The growing disaffection with the electoral process is directly traceable to our present methods of campaign funding and the widespread misuse of the media.

There are few things which Congress could do that would more effectively strengthen our political processes and build respect for our political institutions than to enact comprehensive legislation to make elections more fair and electoral campaigns more informative.

Many distinguished Members of this body deserve great credit for their efforts over the course of years in strengthening and purifying elections in this country. The time is perhaps opportune to mount a comprehensive effort dealing with all the salient evils of the existing system.

FUNDING

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. This obviously is not the case at present.

One of the most serious consequences of the present pattern of campaign funding is the loss to the American public of many talented men and women who are repelled from seeking public office since they are unprepared to go through the demeaning exercise of raising campaign funds as a preliminary to entering public office.

In relative terms campaign costs have almost doubled in recent years, rising from \$140 million in 1952 to over one-quarter billion dollars in 1968.

Today a competitive campaign for a House seat can cost each side several hundred thousand dollars, while a Senate contest can cost each campaigner a minimum of \$250,000 even in a relatively small State, and as much as several million dollars in larger States.

The ideal campaign finance system is one based on relatively small voluntary contributions from large numbers of citizens.

The most effective way to achieve this is to adopt a tax incentive system. Each individual taxpayer should be allowed a tax credit equal to one-half of all his political contributions, up to a total credit of $50. This would mean that any political contributor who gives as much as $50 could deduct $25 from his final income tax bill.

As an alternative to the tax credit an individual should be able to choose to take a $100 tax deduction. Either the credit or the deduction should be given on a contribution to any candidate for any public office, whether Federal, State, or local, in any general, special, or primary election.

In 1907 President Theodore Roosevelt, responding to the controversy over the influence of corporate contributions, recommended that political campaigns be paid for by public rather than by private funds. His proposal was rejected in favor of the limitation and disclosure approach.

A special Senate committee that investigated campaign expenditures in the 1936 elections also recommended that private contributions to Federal campaigns be barred completely and that campaigns be financed by the Government, but no action was taken.

In 1966 the presidential election campaign fund was enacted—title III of Public Law 89–809—but was then voted inoperative in May 1967. This law would have allowed each taxpayer, by checking a box on his return, to have one dollar of his taxes paid into a special fund to pay for presidential elections. The funds were to be used to reimburse major and minor parties for legitimate campaign expenses. The act would have given equal funds to major parties for legitimate campaign expenses.

In my view, Government expenditure is the most effective and most direct method of solving the vast financial problems entailed in all Federal campaigns.

For this reason I plan to introduce legislation in addition to the tax incentive feature which would fundamentally change how candidates for public office are financed and elected. This second bill would create by direct appropriation both a presidential and a congressional election campaign fund.

Candidates of both major and minor parties would be paid from the funds 20 cents times the number of votes received by their own party for the office in question during the preceding election. This amount would then be increased at the 20-cents-per-vote rate for any additional votes the party received in the current election. New parties would be paid 20 cents per vote entirely on their showing in the current election.

This approach to campaign funding will bring to an end the present method of financing, through either personal fortunes or from massive contributions from one or another special interest group.

MEDIA

There is no doubt in my mind that, increasingly, television will be the key medium in political campaigns. Television's impact is profound and increasingly campaigns are planned around the use of television.

Before long, presidential campaigning will be done almost entirely by television and radio. This possibility was obvious over a decade ago to Adlai Stevenson, who had this to say:

> To hear the candidate discuss the great issues of an earlier America, people rode all day by buggy or wagon; they waited for hours for the candidate's train; they stood in the sun and rain and listened. They wanted to know about the issues and where the candidate stood. Today's citizens seem to have less time and taste for political controversy, but certainly the need for enlightenment and considered participation is no less. And they are entitled to demand: Who is this man? How does he look? What does he believe? What is his idea of America's future and its place in the world? How will he use the power of the office he seeks and for what ends? Does he deal in facts, and discuss issues frankly, or does he prefer generalities and platitudes? He may declare for education but is he for better schools; for health, but does he favor medical insurance; for free enterprise, but will he seek to restrain monopoly; for prosperity, but has he a program to restore depressed areas; for peace, but will he press for negotiated settlement of differences? How deep are his convictions? How considered his views? How honest his attitudes?

Stevenson continued in testimony before the Commerce Committee of the Senate:

> We have the means, through television, to bring the candidates for President and Vice President face to face with virtually all Americans for the first time. They can sit down with 40 million families often enough and for long enough periods to discuss the questions which are critical to our survival and our leadership in the world. But only the Congress can make that possible. The political parties, the Congress, and the television industry share responsibility, I suppose, for the fact that television has contributed far less than it could to the people's understanding of the issues or knowledge of the candidate's position.
>
> The party with the largest campaign fund will provide its candidate more time on television than his opponent. He is seen and heard more times by more people. He gains an advantage, and democracy suffers from the unequal contest.
>
> The cost of television also produces a frantic determination to squeeze the maximum number of votes from the investment. The almost unbelievable complexity of television scheduling has long since made necessary the services of the professional advertising agency in national campaigns. Drawing on their broad experience and unquestioned success in selling soap, cereal, and deodorants, it isn't surprising that the advertising agencies recommend the jingle, the spot announcement, and the animated cartoon".

It is preposterous that ability to pay determines access to television, and that the political television fare of the American public is commercial-like campaign spots rather than rational and informative political discussion. I recommend, therefore, that each major presidential candidate and his running mate be given broadcast time, simultaneously on all television and radio stations in the United States. This provision is aptly referred tc as "voters' time."

It belongs truly neither to the candidate nor to the political party, but to the American voter who has the right to the use of his own airwaves in making his crucial decisions among candidates. Voters' time must guarantee to all significant presidential and vice-presidential candidates access to the great television audience.

Unlike other media operations, broadcast licensees are charged with operating in the service of the public interest, convenience, and necessity.

Voters' time will provide the electorate with an opportunity to appraise the candidates' personality, ability, and character. Not only are a man's views on the issues important; so is the man. How the public feels about a man may vitally affect his ability to exercise leadership.

To implement voters' time, section 315 (a) of the Communications Act of 1934 must be suspended for the presidential race.

I also believe that Congress should direct the FCC to develop regulations requiring broadcasters to grant free air time to candidates for public office—Federal, State, and where practicable, local—on a fair and equitable basis, as a condition to obtaining the right to use the public airwaves.

Realism compels one to conclude that no enforceable limits can be placed on overall campaign spending. The existing policy of spending ceilings has been counterproductive and resulted both in evasion and in growing disrespect for law.

I recommend, therefore, that overall campaign spending limits be eliminated. At the same time, effective and enforceable spending limits must be instituted where they are possible; namely, in the areas of broadcasting, billboards, newspapers, and magazines.

I propose that a candidate be allowed to spend on these media in behalf of his candidacy 10 cents times the number of persons registered to vote for the office he seeks, or $40,000, if this is greater. This same amount should also be allowed to be spent for primaries, for the contest is not always in the general election.

This formula would limit total media spending by presidential and vice presidential candidates in 1972 to approximately $8.5 million per party. In point of fact, according to the FCC, the Nixon-Agnew ticket spent $12.6 million on television and radio appearances alone in 1968, while the Humphrey-Muskie ticket spent $6.1 million.

Another major area demanding reform is campaign contributions. First of all, the word itself must be redefined to include a transfer of funds between one political committee and another. Even more importantly, the loopholes which now permit contributions made to committees operating in only one State or in the District of Columbia to go unreported must be closed. It is practices such as these which now make a farce of the law, and allow candidates to report no spending whatsoever when they have in fact spent millions.

I also recommend that current prohibitions against corporate, union, and Government contractor contributions to Federal campaigns be continued and vigorously enforced. When a corporation, union, or contractor is prosecuted for making illegal contributions to Federal campaigns the names of candidates who receive such contributions should be released to the public.

The amount that any person or group may contribute to a candidate's campaign should not be so great as to compromise that candidate's independence from special interests. I am therefore recommending a $5,000 limitation on single source contributions, and suggest that this regulation apply to committees as well as individuals.

In addition, no individual should be allowed to spend more than $25,000 of his own or his family's funds on his campaign. It is not fair that a rich candidate starts the race ahead of his competitors simply because of his family wealth.

The chief responsibility for reporting campaign contributions must rest with campaign organizations and candidates. Yet, large contributors who spend money independently of candidates and committees should also be required to submit reports. I recommend a base figure of $100 for this purpose.

DISCLOSURE

A sine qua non of election reform is the creation of Federal statutes providing for complete and meaningful disclosure of all campaign receipts and expenditures. Information about campaign financing should be available to the public in easily understandable form during the campaign.

At present, the Federal statute specifically excludes primary elections from reporting requirements. In many areas primaries are more important than general elections. I recommend that every political organization and committee that spends money or other resources to influence a primary or general election for Federal office be required to register and to keep orderly and open records of its activities.

Any such organization or committee that raises or spends $100 or more in any year should be required to file a report—with a Federal elections commission—quarterly and 15 and 5 days prior to a primary or general election.

Reports should be clear, simple, and easy for the public to understand. They should provide complete information about the source of all contributions, pledges, and new or outstanding loans; and about the recipient and purpose of all expenditures.

I recommend that firm and realistic penalties be established and enforced to deter late, inaccurate, or incomplete reports. Candidates and their authorized agents should be held responsible for the accuracy and completeness of reports filed by their campaign committees.

A common way for candidates and their managers to avoid the current limitations on spending and reporting is to establish many committees to finance and organize a single campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns.

I believe that the elimination of contributing and spending limits removes any possible justification for the establishment of multiple committees. All candidates for Federal office should be required to designate one official campaign committee. All subsidiary and specialized committees should be responsible to the official campaign committee which shall file all required income and spending reports for the entire campaign. Individuals should be prohibited from making contributions to more than one committee specifically to support the same candidate.

In preparing the comprehensive reform legislation just set out, I researched the many proposals that had gone before and tried to discover just where each had foundered. The subject of election campaign financing and reform has a long and involved history. Now, however, because of the President's veto of last October and the ensuing national attention the subject has received, I believe the time is ripe for the kind of basic reform we are proposing.

I also believe that the reason more has not actually been accomplished in the past in this field is not because Congress or the President has been capricious or difficult, but because the whole question is a complicated one which involves some crucial assumptions about which intelligent and well-meaning men differ. The bill I am introducing today is the best combination of provisions we could devise to meet the broad elements that make up the problems of election financing and campaign behavior.

Mr. President, on behalf of myself and Senators PEARSON, MUSKIE, PACKWOOD, MANSFIELD, BROOKE, JAVITS, and RANDOLPH, I introduce a bill to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1) to provide for better regulation of the Federal elective process, to provide a means of encouraging broad voter participation in the financing of Federal election campaigns, and for other purposes, introduced by Mr. GRAVEL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 2—INTRODUCTION OF PENSION AND EMPLOYEE BENEFIT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill to establish a SEC-style agency to protect the rights of the 27 million employees covered by private pension plans with reserve assets of more than $125 billion—predicted to grow to over $200 billion by 1980—the largest aggregate of virtually unregulated money in the Nation.

The new agency, the U.S. Pension and Employee Benefit Commission, would administer the provisions of the bill, which are designed to insure that the reasonable expectations of employees to receive pension benefits will be met and to curb fraud in the handling of corporate and labor-union pension plans. The bill would protect against the denial or substantial reduction of benefits to employees because of job transfer, lack of tenure, or plant shutdown.

For years, interest has been building in this problem, and I have every reason to believe that this year—or at least this Congress—will finally see comprehensive action in this field, and I fully expect it to be along the lines of this bill.

There are now well over $125 billion in private pension plans, yet there is almost no Federal regulation of the operation of these plans, no minimum standards governing their establishment, and, far too often, no practical means by which a beneficiary can secure his rights. I am committed to preserving, fostering, and improving the private pension plan system. I join those who also want to improve social security, but I have no illusions that social security will or ought to replace private pension plans. For private plans serve a dual purpose of supplementing the limited benefits payable under social security while at the same time providing substantial funds for investment, thereby fostering the growth of this Nation's economy.

The most fundamental need in this field is to eliminate the possibility that a worker can be forced to lose all his pension benefits just because he is laid off or quits one day before all his benefits are scheduled to vest.

This bill, entitled the Pension and Employee Benefit Act, includes provisions which would:

First, require minimum vesting standards for pension plans, to assure that no plan would set its eligibility standards so high as to deny rights to all but a few employees. The standard would be that an employee after 6 years would have a nonforfeitable right to at least 10 percent of any pension benefits he had earned up to that time. Each year thereafter an additional 10 percent of his benefits would vest, so that after 15 years all benefits would be fully vested and no forfeiture could occur;

Second, require minimum funding standards to assure that pensions will operate on a sound and solvent basis and will deliver all benefits promised;

Third, establish a Federal insurance program for pension plans to guarantee that benefits will be paid even if an employer goes out of business before the plan is fully funded;

Fourth, establish a central fund which employees could join on a voluntary basis to enable their pension plans to operate on a central clearinghouse basis for individuals who transfer from one employer to another without any loss of pension benefits;

Fifth, establish rules of conduct covering conflicts of interest and other unethical practices to prevent graft and mishandling of funds;

Sixth, consolidate in the newly established Pension and Employee Benefit Plan Commission existing regulatory standards dealing with pension and welfare plans that now rest in other Federal agencies, and

Seventh, provide for effective judicial enforcement of the bill's requirements, and for recovery of pension benefits.

Even as I introduce this latest pension bill, my staff and I have already begun to explore additional problems, such as:

First, the need to extend survivors' benefits in the private pension system;

Second, the need to provide employees with a greater voice in the administration of their plans;

Third, the need to find effective means for channeling investment of pension funds into socially useful areas without destroying the flexibility of private pension investment policy or causing ultimate detriment to the retirement expectations of beneficiaries; and

Fourth, the need to provide even more effective mechanisms to protect the highly mobile employee and extend coverage of private pensions.

The bill I introduced today represents the distillation of years of inquiry and thought by my staff and myself on this problem. It is, in my judgment, the most advanced proposal yet developed in this field, built upon proposals advanced by me in earlier Congresses, elements of proposals of the current and previous administrations, many suggestions developed in recent months as the Senate Labor Committee's pension investigation has probed deeper into this field than ever before. I do not, however, claim that this bill represents the only way of dealing with problems in the pension field; there are other approaches which can and should be explored. It is my hope that this bill will serve as a focal point for the pension debate and that out of subsequent discussion of it and other proposals which have and will be made, will emerge specific legislation designed to cope with the problems which exist in the pension field.

Mr. President, I ask unanimous consent that the bill be printed in the Record and I ask unanimous consent, as I did in 1969 when I introduced a similar bill, that it be refered to the Committee on Labor and Public Welfare.

The PRESIDENT pro tempore. The bill will be received and referred to the Committee on Labor and Public Welfare; and, without objection, the bill will be printed in the Record.

The bill (S. 2) to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, by unanimous consent, and ordered to be printed in the Record, as follows:

S. 2

To provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a United States Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes

Be it enacted by the Senate and House of *Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Pension and Employee Benefit Act."

DEFINITIONS

Sec. 2. (a) As used in this Act—

(1) The term "Commission" means the United States Pension and Employee Benefit Plan Commission established under section 3.

(2) The term "employee" means any person employed by an employer, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis.

(3) The term "employees' benefit plan" means any plan providing for the payment of any of the benefits specified in section 2(4).

(4) The term "employees' benefit fund" means any fund, whether established pursuant to a collective bargaining agreement or unilaterally by an employer or by a labor organization, which is available for the payment either from principal or income, or both, to persons who are employed in an industry affecting commerce or who are members of a labor organization representing employees in an industry affecting commerce, or to members of the families, dependents, or beneficiaries of such persons, of one or more of the following benefits: Medical or hospital care, pension on retirement or death of employees, benefits under a profit-sharing-retirement plan, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness benefits, or accident benefits, or pooled vacation, holiday, severance or similar benefits, or defraying the costs of apprenticeship training programs, or, in the case of a fund subject to the restrictions of section 302(c) of the Labor-Management Relations Act, providing any other benefit which may be permitted by subsections 302(c)(5) or 302(c)(6) of that Act: *Provided,* That any fund to which contributions are made solely to provide workmen's compensation benefits, disability benefits, or other benefits required by State or local law to be provided to employees (including supplemental workmen's compensation or supplemental disability benefits permitted but not required by State or local law) shall not be deemed to be an employees' benefit fund. To the extent that benefits under an employees' benefit plan are provided through the medium of an insurance contract under which benefits are guaranteed by the insurance company to the extent that insurance premiums are paid, and under which neither the employer nor any labor organization retains the power to instruct the insurance carrier with respect to entitlement to receipt of benefits, disposition of assets or any other matter relating to the moneys received by the insurance carrier pursuant to the plan, such plan shall not be deemed to involve an employees' benefit fund subject to the provisions of title IV.

(5) The term "employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a pension plan or employee's benefit fund, and includes a group or association of employers acting for an employer in such capacity

(6) The term "person" means an individual, partnership, corporation, mutual company, joint stock company, trust, unincorporated organization, association, or employee organization.

(7) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act.

(8) The term "commerce" means trade, commerce, transportation, or communication, among the several States, or between any foreign country and any State, or between any State and any place outside thereof.

(9) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(10) The term "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person.

(11) The term "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in no event later than age seventy.

(12) The term "pension benefit" means the aggregate annual, monthly, or other amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of such employee's death.

(13) The term "pension plan" means a pension fund or plan, other than a profit-sharing-retirement plan, organized and administered to provide pension benefits for employees or their beneficiaries, and includes, without limiting the generality of the foregoing:

(A) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service.

(B) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee, and

(C) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount.

(14) The terms "registered pension plan" and "registered profit-sharing-retirement plan" mean, respectively, a pension plan or profit-sharing-retirement plan registered with and certified by the Commission as a plan organized and administered in accordance with title I.

(15) The term "reinsured pension plan" means a registered pension plan which has been reinsured under title II and which has been in operation for at least five years and, for each of such years, has met the registration requirements of title I: *Provided,* That any addition to or amendment of a reinsured pension plan shall, if such addition or amendment involves a significant increase, as determined by the Commission, in the initial unfunded liability of such pension plan, be regarded as a new and distinct pension plan which may become a "reinsured pension plan" only after meeting the five-year operation requirements of this paragraph and section 202(c) and the registration requirements of title I.

(16) The term "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan.

(17) The term "voluntary additional contribution" means an additional contribution by an employee to or under a pension or profit-sharing-retirement plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make concurrent additional contribution to or under the plan.

(18) The term "experience deficiency" with respect to a pension plan means any actuarial deficit, determined at the time of a review of the plan, that is attributable to factors other than (i) the existence of an initial unfunded liability, or (ii) the failure of the employer to make any payment as required by the terms of the plan or by the provisions of title I, other than as required by section 108(b)(3).

(19) The term "fully funded" with respect to any pension plan means that such plan at any particular time has assets actuarily determined by a person authorized under section 108(e) to be sufficient to provide for the payment of all pension and other benefits to all employees and former employees then entitled to an immediate or deferred benefit under the terms of the plan.

(20) The term "unfunded liability" means the amount, on the date when such liability is computed, by which the assets are actuarily required to be augmented to insure that the plan is and will remain fully funded.

(21) The term "initial unfunded liability" means the amount, on the effective date of this Act, or the effective date of a pension plan or any amendment thereto, whichever is later, by which the assets are actuarily required to be augmented to insure that the plan is and will remain fully funded.

(22) The term "special payment" means a payment made to or under a pension plan for the purpose of liquidating an initial unfunded liability or experience deficiency.

(23) The term "fund" shall mean a trust fund, but shall also include a contractual right pursuant to an agreement with an insurance company.

(24) The term "funding" shall mean payment or transfer of assets into a fund, but shall also include payment to an insurance company to secure a contractual right from such company.

(25) The term "profit-sharing-retirement plan" means a plan established and maintained by an employer to provide for the participation in his profits by his employees in accordance with a definite predetermined formula for allocating the contributions made to the plan among the participants and for distributing the funds accumulated under the plan upon retirement or death. Such plan may include provisions permitting the withdrawal or distribution of the funds accumulated upon contingencies other than, and in addition to, retirement and death.

(26) The term "interest in a profit-sharing-retirement plan" means the amount allocated to the account of a participant in a profit-sharing-retirement plan.

(27) The term "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment, and shall include equivalent aggregate service as provided in section 107(f).

(28) The term "Administrator" means the person defined in Section 2(b)(3) of this Act.

(b) As used in titles IV and V of this Act, and in the Welfare and Pension Plans Disclosure Act:

(1) The term "party in interest" means any administrator, officer, trustee, custodian, counsel, or employee of any employee benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer or such person, or an employee organization having members covered by such plan, or an officer or employee or agent of such an employee organization, or a relative, partner or joint venturer of any of the above persons.

(2) The term "relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

(3) The term "administrator" means—

(A) the person specifically so designated by the terms of the plan, collective bargaining agreement, trust agreement, contract, or other instrument, under which the plan is operated; or

(B) in the absence of such designation (i) the employer in the case of an employee benefit plan established or maintained by a single employer, (ii) the employee organization in the case of a plan established or maintained by an employee organization, or (iii) the association, committee, joint board of trustees, or other similar group of representatives of the parties who established or maintain the plan, in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

(4) The term "adequate consideration" means either (1) at the price of the security prevailing on a national securities exchange which is registered with the Securities and Exchange Commission, or (2) if the security is not traded on such a national securities exchange, at a price not less favorable to the fund than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer.

(5) The term "security" has the same meaning as in the Securities Act of 1933 (15 U.S.C. 77(a) et seq.).

(6) The term "fiduciary" means any person who exercises any power of control, management, or disposition with respect to any moneys or other property of an employee benefit fund, or has authority or responsibility to do so.

(7) The term "market value" or "value" when used in this Act means fair market value where available, and otherwise the fair value as determined in good faith by the administrator.

ESTABLISHMENT OF PENSION AND EMPLOYEE BENEFIT PLAN COMMISSION

SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the "United States Pension and Employee Benefit Plan Commission". The Commission shall be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall serve for terms of six years, except that (i) of the members first appointed two shall be appointed for a term of two years, two shall be appointed for a term of four years, and one shall be appointed for a term of six years, and (ii) members appointed to fill vacancies occurring by reason of death or resignation shall be appointed for the unexpired terms of their predecessors. Not more than three members of the Commission shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No member of the Commission shall engage in any business, vocation, or employment other than that as serving as a member, nor shall any member participate, directly or indirectly (except as a beneficiary) in the management of any plan or fund subject to regulation under this Act. One of the members shall be designated by the President as Chairman of the Commission. Three members shall constitute a quorum of the Commission.

(b)(1) Section 5314 of title 5, United States Code (which lists positions in level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(46) Chairman, United States Pension Commission."

(2) Section 5315 of such title (which lists positions in level IV of the Executive Schedule) is amended by adding at the end thereof the following:

"(78) Members, United States Pension Commission."

(c) The Commission is authorized to appoint and fix the compensation of such officers and employees, and to incur such expenses, as may be necessary to enable it to carry out its functions.

POWERS AND DUTIES OF COMMISSION

SEC. 4. (a) It shall be the duty of the Commission—

(1) to promote the establishment, extension, and improvement of pension, profit-sharing-retirement and other employee benefit plans;

(2) to accept for registration all pension and profit-sharing-retirement plans required and qualified to be registered with the Commission under title I, and to reject any pension or profit-sharing-retirement plan that does not qualify for registration;

(3) to cancel certificates of registration of pension and profit-sharing-retirement plans registered under such title which cease to be qualified for such registration;

(4) to direct and administer the pension reinsurance program established by title II;

(5) to direct and administer the pension portability program established by title III;

(6) to enforce the provisions of title IV; and

(7) to perform such other functions as may be necessary to administer the provisions of this Act.

(b) The Commission or its duly authorized representatives shall have power, at any reasonable time—

(1) to inspect the books, files, documents, and other records respecting pension and profit-sharing-retirement plans kept by an administrator, employer, insurer, trustee, or other person in relation to such plans: *Provided*, That the Commission may delegate its powers under this subsection (b) to the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation in cases involving books, files, documents, or other records held by a bank or trust company, subject to their respective supervisory power, and

(2) to require any such administrator, employer, insurer, trustee, or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and regulations of the Commission hereunder have been or are being complied with.

(c) The Commission is authorized by regulation to prescribe minimum standards and qualifications for persons performing services required by the provisions of this Act to be performed by actuaries and, upon application of any person to determine whether such person meets the standards and qualifications so prescribed. The Commission shall issue certificates of qualification to applicants determined by the Commission after such examination, investigation, or other procedure as it may deem necessary, to meet such standards and qualifications.

(d) The Commission is authorized by regulation to prescribe reasonable fees for the registration of pension and profit-sharing-retirement plans and other services to be performed by it in connection with such plans under this Act, and to make and enforce such other regulations as may be necessary to enable it to carry out its functions and duties under this Act. All fees collected by the Commission shall be paid into the general fund of the Treasury.

(e) The Commission shall transmit to the Congress annually a report of its activities under this Act during the preceding fiscal year together with the results of such studies as may be directed by this Act or, from time to time, by other Acts of Congress. In its first such report, the Commission shall include information, research findings and recommendations for such further legislation as may be advisable, including but not limited to additional coverage under this Act.

(f) In accordance with the Administrative Procedure Act, the Commission may prescribe such rules and regulations as may be necessary or appropriate to carry out the purposes of this Act. Among other things, such rules and regulations may define actuarial accounting, technical, and trade terms; may prescribe reasonable limitations or actuarial assumptions as to interest rates, mortality, turnover rates, and other matters; may prescribe the form and detail of all reports required to be made under this Act; and may provide for the keeping of books and records and the inspection of such books and records. Prior to promulgating rules or regulations, the Commission shall consult with other Federal departments or agencies which have jurisdiction over employee benefit plans with a view to avoiding unnecessary conflict, duplication or inconsistency in the rules and regulations which are applicable to such plans under other laws of the United States.

APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to enable the Commission to carry out its functions and duties.

ADMINISTRATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 6. (a) The functions of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plan Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

TITLE I—BENEFIT STANDARDS

PLANS TO WHICH TITLE APPLIES

SEC. 101. (a) Except as provided by subsection (b), this title applies to any pension plan and, to the extent hereinafter provided, to any profit-sharing-retirement plan established by an employer engaged in commerce or in any industry or activity affecting commerce or by any employee organization or organizations representing employees engaged in commerce or in an industry or activity affecting commerce or by both.

(b) This title shall not apply to a pension or profit-sharing-retirement plan if—

(1) such plan is administered by the Federal Government or the government of a State or subdivision thereof, or by an agency or instrumentality thereof;

(2) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of the Internal Revenue Code of 1954 or by an organization described in section 501(c) (3) or (4) of such Code: *Provided*, That the provisions of this paragraph shall not exempt any plan administered by a fraternal benefit society or organization which represents its members for purposes of collective bargaining;

(3) such plan is established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employers exclusively for his or their benefit or for the benefit of his or their survivors;

(4) such plan covers not more than twenty-five participants;

(5) such plan is established and maintained outside the United States by an employer primarily for the benefit of employees who are not citizens of the United States; or

(6) such plan is unfunded and is established by an employer primarily for the purpose of providing deferred compensation for a select group of management employees and is declared by the employer as not intended to meet the requirements of section 401 (a) of the Internal Revenue Code.

REGISTRATION OF PLANS

SEC. 102. (a) Every administrator of a pension or profit-sharing-retirement plan to which this title applies shall file with the Commission an application for registration of such plan. Such application shall be in such form as shall be prescribed by regulation of the Commission, and shall be accompanied by a copy of the plan, a copy of the trust deed, insurance contract, by law, or other document under which the plan is constituted. Thereafter, while such plan is in force, the administrator shall maintain its qualification for registration under this title.

(b) In the case of plans established on or after the effective date of this Act, the filing required by subsection (a) shall be made within six months after such plan is established. In the case of plans established prior to the effective date of this Act, such filing shall be made within six months after such effective date.

(c) If, after examination of a pension or profit-sharing-retirement plan filed under this section, the Commission is satisfied that such plan is qualified for registration under this title the Commission shall issue a certificate of registration with respect to such plan. If the Commission is not so satisfied it shall notify the administrator.

(d) If at any time subsequent to the issuance of a certificate under subsection (c) with respect to any plan, the Commission determines that such plan is no longer qualified for registration under this title, it shall notify the administrator.

(e) A notification under subsection (c) or (d) shall set forth the deficiency or deficiencies in the plan or in its administration by reason of which the notification is given, and shall give the administrator, the employer of the employees covered by the plan, and the labor organization, if any, representing such employees a reasonable time within which to remove such deficiency or deficiencies. If the Commission thereafter determines that the deficiency or deficiencies have been removed it shall issue or continue in effect the certificate, as the case may be. If it determines that the deficiency or deficiencies have not been removed it shall enter an order denying or canceling the certificate of registration.

ANNUAL REPORTS ON REGISTERED PLANS

SEC. 103. The Commission may, by regulations promulgated pursuant to the Administrative Procedures Act, provide for the filing of single reports satisfying the reporting requirements of this Act, the Welfare and Pension Plans Disclosure Act and such other Acts as are administered or enforced by the Commission.

AMENDMENTS OF REGISTERED PLANS

SEC. 104. When a pension or profit-sharing-retirement plan filed for registration under this title is amended subsequent to such filing, the administrator shall within six months after the effective date or the date of adoption of such amendment, whichever is later, within sixty days after the effective date of such amendment file with the Commission a copy of the amendment and such additional information and reports as the Commission by regulation requires to determine the amount of any initial unfunded liability created by the amendment and the special payments required to liquidate such liability.

QUALIFICATION OF PLAN FOR REGISTRATION

SEC. 105. A pension or profit-sharing-retirement plan shall be deemed to be qualified for registration under section 102 if it conforms to, and is administered in accordance with, the standards and requirements set forth in section 102 and sections 106 to 110, inclusive.

GENERAL REQUIREMENTS

SEC. 106. (a) Every pension plan and, to the extent required by regulations issued by the Commission, every profit-sharing-retirement plan shall define the benefits provided by such plan, the method of determination and payment of benefits, conditions for qualification for membership in the plan and the financial arrangements made to insure provisional or full funding of benefits under the plan. Each such plan shall provide for the furnishing of a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be required by regulations of the Commission.

(b) The Commission shall, by regulation, require each plan to furnish each participant, upon termination of service with a vested right to a deferred life annuity, pension, or other vested interest, with a certificate setting forth the benefits to which he is entitled, including but not limited to the name and location of the entity responsible for payment, the amount of benefits, and the date when payment shall begin, as such regulations shall specify. A copy of each such certificate shall be filed with the Commission. In any proceeding arising under this Act, such certificate shall be deemed prima facie evidence of the facts and rights set forth in such certificate.

(c) A pension or profit-sharing-retirement plan filed for registration under this title, and any trust forming a part of such plan, shall meet all the requirements set forth in section 401 of the Internal Revenue Code of 1954, as determined by the Commission, except to the extent such requirements are inconsistent with the provisions of subsection (a) of this section or of sections 107 to 110, inclusive.

VESTING OF BENEFITS

SEC. 107. (a) A pension or profit-sharing-retirement plan filed for registration under this title shall provide, under the terms of the plan in respect of service on or after the effective date of this Act, or by amendment to the terms of the plan or by the creation of a new plan on or after such date in respect of service on or after the effective date of such amendment or new plan, that—

(1) a member of the plan who has been in the service of the employer, or has been a member of the plan, for a continuous period of six years is entitled upon termination of his employment or membership in the plan prior to attaining retirement age (i) in the case of a pension plan to a deferred life annuity commencing at his normal retirement age, and (ii) in the case of a profit-sharing-retirement plan to a nonforfeitable right to his interest in such plan, equal to 10 per centum of full pension benefits as provided by the plan in respect of such service or of such interest, respectively, and such entitlement shall increase by at least 10 per centum per year of continuous service thereafter until the completion of fifteen years of continuous service, after which such member shall be entitled upon termination of employment or membership in the plan prior to attaining retirement age to a deferred life annuity commencing at his normal retirement age equal to the full pension benefits as provided by the plan in respect to such service, or to the full amount of such interest in the profit-sharing-retirement plan, respectively;

(2) the pension benefits provided under the terms of a pension plan, the deferred life annuity referred to in paragraph (1), and an interest in a profit-sharing-retirement plan referred to in paragraph (1) shall not be capable of assignment or alienation and shall not confer upon an employee, personal representative, or dependent, or any other person, any right or interest in such pension benefits, deferred life annuity, or profit-sharing-retirement plan, capable of being assigned or otherwise alienated: *Provided*, That the Commission may by regulation provide for the final disposition of plan assets when beneficiaries cannot be located or ascertained within a reasonable time.

(3) An "employee" shall be deemed a "member" of a pension plan beginning on the day when contributions are first made to the plan or its fund with respect to the employee's service to the employer, but in no event shall any pension plan subject to this Act provide, as a condition of membership or eligibility to participate in such plan, a period of service longer than 6 months.

(b) Anything in subsection (a) to the contrary notwithstanding, a pension or profit-sharing-retirement plan may provide for vesting upon service or membership in the plan for a lesser period than is provided in such subsection.

(c) Anything in subsection (a) to the contrary notwithstanding, when a plan so provides, an employee may receive in discharge of his rights thereunder upon termination of employment prior to attaining normal retirement age as defined in the plan, or upon attaining such retirement age, a lump sum amount equal to the commuted value of the annuity prescribed by the plan, or, in the case of a profit-sharing-retirement plan, the value of his interest in such plan.

(d) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection (a) may, before the commencement of payment of such life annuity, elect to receive, partly or wholly in lieu of the deferred life annuity described by subsection (a)—

(1) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death, and

(2) a payment or series of payments by reason of a mental or physical disability as prescribed by regulations of the Commission.

(e) For the purposes of subsections (b) (2) and (c), the commuted value of a deferred life annuity shall be computed on the basis of such interest rate and mortality tables and in such manner as may be approved by the Commission.

AGGREGATE SERVICE

(f) In any case in which an employee has been a member of the plan for an aggregate number of days equivalent to the period of time required for a non-forfeitable right under section 107(a)(1), such employee shall be deemed to have satisfied the continuous service requirement to which his aggregate days of service are equivalent, on the basis of 240 working days being equivalent to one working year and 20 working days being equivalent to one working month, but in no event shall an employee's time worked in any period in which he is credited for a period of service under the plan be credited under this paragraph to any other period of time.

FUNDING OF PLANS

SEC. 108. (a) A pension plan filed for registration under this title shall provide for funding, in accordance with this title, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan.

(b) Provisions for funding shall set forth the obligation of the employer to contribute both in respect of the current service cost of the plan and in respect of any initial unfunded liability and experience deficiency. The contribution of the employer, including any contributions made by employees, shall consist of the payment currently into the plan or fund of—

(1) all current service costs;

(2) where the plan has an initial unfunded liability, special payments consisting of equal annual amounts sufficient to liquidate such initial unfunded liability over a term not exceeding,

(A) in the case of an initial unfunded liability existing on the effective date of this Act, in any plan established before that date, forty years from that date, and

(B) in the case of an initial unfunded liability resulting from an amendment to a pension plan made on or after the effective date of this Act, or resulting from the establishment of a pension plan on or after the effective date of this Act, thirty years from the date of such amendment or establishment; and

(3) where the plan has an experience deficiency, special payments consisting of equal annual amounts sufficient to liquidate such experience deficiency over a term not exceeding five years from the date on which the experience deficiency was determined: *Provided*, That the Commission may suspend the special payments requirements or extend the five-year period provided in this subparagraph (3) in cases involving business necessity or substantial risk to the continuation of the employing enterprise.

Notwithstanding the provisions of this subsection, (i) the liquidation of initial unfunded liabilities or experience deficiencies may be accelerated at any time, and (ii) where an insured pension plan established before the effective date of this Act is funded by level annual premiums to retirement age for each individual member and benefits are guaranteed by the insurance company to the extent that premiums have been paid, it shall be deemed to meet the requirement of paragraph (2)(A) of this subsection.

(c) One year after the effective date of this Act, in the case of pension plans registered on or before that date, or within six months after the date of establishment of the plan in other cases, the Administrator shall submit a report of the person authorized by subsection (e) certifying—

(1) the estimated cost of benefits in respect of service in the first year during which such plan is required to register and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the initial unfunded liability, if any, for benefits under the pension plan as of the date on which the plan is required to be registered; and

(3) the special payments required to liquidate such initial unfunded liability in accordance with subsection (b).

Where an insured pension plan is funded by level annual premiums extending not beyond the retirement age for each individual member and benefits are guaranteed by the insurance company to the extent that premiums have been paid, the report required by this subsection may certify the adequacy of the premiums to provide for the payment of all benefits under the plan in lieu of the matters required to be certified under clauses (1), (2), and (3).

(d) The Administrator in respect of a registered pension plan shall cause the plan to be reviewed by a person authorized by subsection (e) not more than three years after registration and at intervals of not more than three years thereafter and the person reviewing the plan shall prepare a report certifying—

(1) the estimated cost of benefits in respect of service in the next succeeding year and the rule for computing such cost in subsequent years up to the date of the next report;

(2) the surplus or the experience deficiency in the pension plan after making allowance for the present value of all special payments required to be made in the future by the employer as determined by previous reports; and

(3) the special payments which will liquidate any such experience deficiency over a term not exceeding five years.

If any such report discloses a surplus in a pension plan, the amount of any future payments required to be made to the fund or plan may be reduced by the amount of such surplus. A report under this subsection shall be filed with the Commission by the Administrator upon its receipt.

(e) The reports and certificates referred to in subsections (c) and (d) shall be made by an actuary certified by the Commission under section 4(c): *Provided*, That the Commission may exempt any plan, in whole or in part, from the requirement that such reports and certificates be filed where the Commission finds such filing to be unnecessary.

(f) Anything in this section 108 to the contrary notwithstanding, if evidence satisfactory to the Commission shall be filed on behalf of a pension plan in connection with an application for registration under this title demonstrating that (i) such pension plan is a multiemployer plan in which at least 25 per centum of the employees in the industry covered by the plan, either nationally or in a particular region in which a substantial number of employees in such industry is employed, participate, and (ii) no single employer employs more than 20 per centum of the employees covered by the plan, and (iii) the history and present business condition of the industry make it improbable that there will be a substantial decrease in employment in the industry within the foreseeable future—

(I) the Commission may register such plan without regard to the funding requirements of section 108 if such plan meets the following alternative funding requirements:

(1) annual payment into the fund of all current service costs;

(2) annual payment into the fund of an amount equal to the interest, at such rate of interest as the Commission shall prescribe, but not more than 6 per centum per annum, on the unfunded liability of such fund at the date each such payment is made;

(3) annual payment into the fund of an amount equal to the insurance premium for such year required to be paid on behalf of such fund by section 203 of title II of this Act; and

(4) in computing unfunded liability under this subsection (f), the Commission may permit a multiemployer plan to compute such liability solely on the basis of information obtained from participants pursuant to a requirement of the plan under which each such participant, upon reaching the age of forty and completing ten years of continuous service, is required to file with the Administrator of the plan notification of his status under the plan.

(II) the Commission may regulation approve alternative requirements for payments into the fund other than those specified in subparagraph I of this subsection (f) when, in the opinion of the Commission, such standards will provide reasonable assurance of sufficient assets in the fund of the multiemployer plan to provide for payment of anticipated benefits.

(g) Each pension plan shall, as a condition of registration under this title, apply for reinsurance and pay the reinsurance premiums provided in title II.

(h) For the purpose of this section, a

profit-sharing-retirement plan, within the meaning of section 2(26) of this Act which meets the requirements of title I insofar as they are made specifically applicable to such a plan by section 105, and any money purchase plan within the meaning of Section 2(13(B), shall be deemed fully funded.

DISCONTINUANCE OF PLANS

SEC. 109. (a) Upon complete termination, or substantial termination as determined by the Commission, of a pension plan—

(1) All contributions by an employer, a labor organization, an employee or other person made after January 1, 1968, in respect of the deferred life annuity prescribed in section 107(a) shall be applied under the terms of the plan—

(A) first, in the case of persons who have already retired and begun to draw benefits under the plan, or who, on the date of such termination, had the right to retire and begin to draw such benefits immediately, to provide the life annuities to which such persons were entitled at the date of termination of their employment;

(B) second, in the case of persons who have vested rights under the plan but have not reached retirement age and begun to draw benefits, to provide the deferred life annuities to which they were entitled at the date of such termination of the plan;

(C) third, in the case of any other participants in the plan, to provide deferred life annuities to which they are entitled under the plan pursuant to the requirements of section 401(a)(7) of the Internal Revenue Code of 1954, as amended; and

(D) in any case, the Commission may approve payment of survivor benefits with priorities equal to those of the employees or former employees on whose service such benefits are based.

(2) The employer, and the employees if the plan so provided, shall be liable to pay all amounts that would otherwise have been required to be paid to meet the tests of solvency prescribed by section 108, up to the date of such termination, to the insurer, trustee, or administrator of the plan.

(3) No part of the assets of the plan shall revert to the employer until provision has been made for all pensions and other benefits vested or otherwise payable under section 109 according to the plan in respect of age and service up to the date of the discontinuance to members of the plan and for all benefits to pensioners, and their pension beneficiaries in accordance with the terms of the plan.

(b) Upon complete termination, or substantial termination as determined by the Commission, of a profit-sharing-retirement plan, the interests of all participants in such plan shall fully vest.

PAYMENTS TO SURVIVORS

SEC. 110. (a) Where in accordance with the terms of a pension or profit-sharing-retirement plan an employee or former employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death—

(1) the employer's liability to provide the benefit shall be discharged upon payment to such person or persons of the amount of the benefit; and

(2) such person or persons may upon death of the employee or former employee enforce payment of the benefit, but the employer shall be entitled to set up any defense that he could have set up against the employee or former employee. As used in this subsection, the term "employer" includes a trustee or insurer under a pension or profit-sharing-retirement plan.

(b) An employee or former employee may from time to time alter or revoke a designation made under a pension or profit-sharing-retirement plan, but any such alteration or revocation may be made only in the manner set forth in the plan.

AMENDMENT TO INTERNAL REVENUE CODE

SEC. 111. (a) Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, etc., plans) is amended by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(j) PENSION AND PROFIT-SHARING-RETIREMENT PLANS TO WHICH THE PENSION AND WELFARE BENEFITS ACT OF 1969 APPLIES.—For purposes of this part, any pension or profit-sharing-retirement plan to which title I of this Act applies, and any trust forming a part of such plan—

"(1) shall be treated as meeting the requirements of this section during any period for which a certificate of registration with respect to such plan issued by the United States Pension Commission under such title is in effect or an application therefor is pending before the Commission, and

"(2) shall be treated as not meeting the requirements of this section during any period for which such application has not been timely filed or such certificate has been denied or cancelled by such Commission."

(b) The amendment made by subsection (a) shall apply with respect to periods after the effective date of this Act, except that with respect to any pension plan established before the effective date of this Act, such amendment shall not apply to any period before the date specified by the Commission under section 102(b).

MINIMUM WAGE QUALIFICATION

SEC. 112. Contributions by an employer to a registered pension or profit-sharing-retirement plan shall not be deemed to be part of or to affect the "regular rate" as that term is used in section 7 of the Fair Labor Standards Act.

DELEGATION OF OTHER REGULATORY AUTHORITY

SEC. 113. The President, as may be necessary or appropriate to establish and maintain a uniform, consistent, and simplified system of law applicable to employee benefit plans, may by Executive order delegate to the Commission authority to administer and enforce any other provisions of the laws of the United States insofar as such provisions regulate or affect employee benefit plans.

DELAY IN THE APPLICATION OF TITLE I

SEC. 114. If the Commission finds that the application of this title to any employee benefit plan would increase the costs of the parties to the plan to such an extent that there would result a substantial risk to the voluntary continuation of the plan or a substantial curtailment of pension benefit levels or the levels of employees' compensation it may grant to such plan a delay, not to exceed five years, in satisfying the requirements of this title, under such conditions as it may prescribe as necessary or appropriate to effectuate the policies of this Act.

TITLE II—PENSION REINSURANCE

ESTABLISHMENT OF PROGRAM

SEC. 201. There is hereby established a program to be known as the Federal pension reinsurance program (hereinafter referred to as the "program"). The program shall be administered by, or under the direction and control of, the Commission.

CONTINGENCY INSURED AGAINST UNDER PROGRAM

SEC. 202. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of a reinsured pension plan against loss of non-forfeitable benefits to which they are entitled under such pension plan arising from substantial cessation of one or more of the operations carried on by the contributing employer in one or more facilities of such employer before such plan has been fully funded.

(b) The rights of beneficiaries of a reinsured pension plan shall be insured under the program only to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of the average monthly wage he received from the contributing employer in the five-year period after the registration date of the plan for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump sum survivor benefit on account of the death of an employee, an amount found by the Commission to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefits shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

(c) If a registered pension plan has not been registered under title I for each of at least the five years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured: *Provided*, That the Commission may, in its discretion, credit against the five year requirement of section 202(c) one or more years prior to the effective date of this Act for any pension plan which, during such prior years, would have satisfied the registration requirements of title I had this Act been in effect.

PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 203. (a) Each registered pension plan shall pay an annual premium for reinsurance under the program upon payment of such annual premium as may be established by the Commission. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded liability for non-forfeitable benefits of each insured pension fund. The premium rates may be changed from year to year by the Commission, when the Commission determines changes to be necessary or desirable to give effect to the purposes of this title; but in no event shall the premium rate exceed 1 per centum for each dollar of such unfunded liability. Premiums under this title shall be payable as of the effective date of this Act, or for plans adopted after that date, as of the effective date of such plans.

(b) If the Commission determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of reinsured pension plans, then the Commission shall insure the rights of beneficiaries in accordance with the following order of priorities—

First: Individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension plan, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension plan;

Second: Individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension plan; or, if the pension plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension plan, are eligible for benefits upon retirement;

Third: In addition to individuals described in the above priorities, such other individuals as the Commission shall prescribe.

(c) Participation in the program by a pension plan shall be terminated by the Commission upon failure, after such reasonable period as the Commission shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

REVOLVING FUND

SEC. 204. (a) In carrying out its duties under this title, the Commission shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities under the program shall be paid.

(b) The Commission is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Commission from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

TITLE III—PENSION PORTABILITY PROGRAM

ACCEPTANCE OF DEPOSITS

SEC. 301. (a) It is declared to be the policy of the Congress that a system of pension portability should be established by the Federal Government to facilitate the voluntary transfer of credits between registered pension or profit-sharing-retirement plans having similar benefit features and actuarial assumptions. Nothing in this title nor in the regulations issued by the Commission hereunder shall be construed to require participation in such portability system by a plan as a condition of registration under this Act.

(b) The Commission is authorized and directed, in accordance with regulations prescribed by it, to receive amounts which are transferred to it from a registered pension or profit-sharing-retirement plan and which are in settlement of an individual's rights under the plan when such individual is separated from employment covered by the plan before the time prescribed for payments under the plan to such individual or to his beneficiaries.

SPECIAL FUND

SEC. 302. Amounts received by the Commission pursuant to section 301 shall be deposited in a special fund which shall be established by it for the purposes of this title. The amounts in the funds which are not needed to meet current withdrawals shall be invested as provided under regulations prescribed by the Commission.

INDIVIDUAL ACCOUNTS

SEC. 303. There shall be established and maintained in accordance with regulations prescribed by the Commission, an account for each individual with respect to whom the Commission receives amounts under this title. The amount credited to each such account shall be adjusted at the times and in the manner provided by such regulations to reflect earnings of the special fund and transfers from the special fund for costs of administration.

PAYMENTS FROM INDIVIDUAL ACCOUNTS

SEC. 304. Amounts credited to the account of any individual under this title may, in accordance with regulations prescribed by the Commission, be paid by the Commission—

(1) to a registered plan, if such individual becomes an employee covered by such plan and if such plan has benefit features and actuarial assumptions similar to those of the plan from which such amount was originally transferred, or

(2) to such individual or his beneficiaries, if he dies or reaches the age of sixty-five. Payments under this section shall be made at such times, in such manner, and in such amounts in a lump sum or otherwise as may be determined under such regulations. The amount of any periodic payments shall be determined on an actuarial basis.

COST OF ADMINISTRATION

SEC. 305. There are authorized to be made available out of the special fund established pursuant to section 302 such amounts as the Congress may deem appropriate to pay the costs of administration of this title.

EFFECTIVE DATE

SEC. 306. No amount may be transferred to the Commission pursuant to section 301 of this title before the first day of the twelfth month following the month in which this Act is enacted.

TECHNICAL ASSISTANCE

SEC. 307. The Commission and the Secretary of Labor are authorized to provide technical assistance to employers, trade unions, and administrators of pension and profit-sharing-retirement plans in their efforts to provide greater retirement protection for individuals who are separated from employment covered under such plans. Such assistance may include, but is not limited to (1) the development of reciprocity arrangements between plans in the same industry or area, and (2) the development of special arrangements for portability of credits within a particular industry or area.

TITLE IV—DISCLOSURE AND FIDUCIARY STANDARDS

PART A—AMENDMENTS TO, AND ADMINISTRATION OF, THE WELFARE AND PENSION PLANS DISCLOSURE ACT

SEC. 401. (a) The functions and powers of the Secretary of Labor and the Department of Labor under the Welfare and Pension Plans Disclosure Act, as amended, are hereby transferred to and shall be administered by the Commission. Such powers provided in the Welfare and Pension Plans Disclosure Act shall be available to the Commission in the enforcement of the provisions of this Act. Wherever the term "Secretary" appears in the Welfare and Pension Plans Disclosure Act, the term "Commission" (as defined in this Act) is hereby substituted.

(b) All personnel, property, records, and unexpended balances of appropriations, which the Director of the Bureau of the Budget determines are used or intended for use by the Secretary of Labor or the Department of Labor primarily in the administration of functions transferred under the provision of this section, are transferred to the Commission.

(c) In addition to the filing requirements of the Welfare and Pension Plans Disclosure Act, it shall be a condition of compliance with section 7 of such Act that each annual report hereinafter filed under that section shall be accompanied by a certificate or certificates in the name of and on behalf of the plan, the administrator, and any employer or labor organization participating in the establishment of the plan, designating the Commission as agent for service of process on the persons and entities executing such certificate or certificates in any action arising under the Welfare and Pension Plans Disclosure Act or this Act.

(d) Section 6 of the Welfare and Pension Plans Disclosure Act is amended to read as follows:

"(a) A description of any employee benefit plan shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this Act.

"(b) The description of the plan shall be comprehensive and shall include the name and type of administration of the plan; the name and address of the administrator; the schedule of benefits; a description of the provisions providing for nonforfeitable pension benefits (if the plan so provides) written in a manner calculated to be understood by the average participant, and if the plan does not provide such benefits, a statement to this effect; the source of the financing of the plan and the identity of any organization through which benefits are provided; whether records of the plan are kept on a calendar year basis, or on a policy or other fiscal year basis, and if on the latter basis, the date of the end of such policy or fiscal year; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part. Amendments to the plan reflecting changes in the data and information included in the original plan, other than data and information also required to be included in annual reports under section 7, shall be included in the description on and after the effective date of such amendments. Any change in the information required by this subsection shall be reported in accordance with regulations prescribed by the Commission."

(c) Subsection (a) of section 7 of such Act is amended by adding the number "(1)" after the letter "(a)", and by striking out that part of the first sentence which precedes the word "if" the first time it appears and inserting in lieu thereof the words "An annual report shall be published with respect to any employee benefit plan if the plan provides for an employee benefit fund subject to section 14 of this Act or".

(d) Section 7(a)(1) of such Act is further amended by striking out the word "investigation" and inserting in lieu thereof the words "notice and opportunity to be heard", by striking out the words "year or if" and inserting in lieu thereof the words "policy or fiscal year on which", adding a period after the word "kept", and striking out all the words following the word "kept."

(e) Section 7(a) of such Act is further amended by adding the following paragraphs:

"(2) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, such reasonable information determined by the Commission to be necessary to enable such administrator to comply with the requirements of this Act.

"(3) The administrator of an employee benefit plan shall cause an audit to be made annually of the employee benefit fund established in connection with or pursuant to the provisions of the plan. Such audit shall be conducted in accordance with accepted standards of auditing by an independent certified or licensed public accountant, but nothing herein shall be construed to require such an audit of the books or records of any bank, insurance company, or other institution providing an insurance, investment, or related function for the plan, if such books or records are subject to periodic examination by an agency of the Federal Government or the government of any State. The auditor's opinion and comments with respect to the financial information required to be furnished in the annual report by the plan administrator shall form a part of such report."

(f) Sections 7 (b) and (c) of such Act are amended to read as follows:

"(b) A report under this section shall include:

"(1) the amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets, liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes; the name and address of each fiduciary, his official position with respect to the plan, his relationship to the employer of the employees covered by the plan, or the employee organization, and any other office, position or employment he holds with any party in interest;

"(2) a schedule of all investments of the fund showing as of the end of the fiscal year:

"(A) the aggregate cost and aggregate value of each security, by insurer;

"(B) the aggregate cost and aggregate value, by type or category, of all other investments, and separately identifying (i) each investment the value of which exceeds $100,000 or 3 per centum of the value of the fund and (ii) each investment in securities or properties of any person known to be a party in interest.

"(3) a schedule showing the aggregate amount, by type of security, of all purchases, sales, redemptions, and exchanges of securities made during the reporting period; a list of the issuers of such securities; and in addition, a schedule showing, as to each separate transaction with or with respect to securities issued by any person known to be a party in interest, the issuer, the type and class of security, the quantity involved in the transaction, the gross purchase price, and in the case of a sale, redemption, or exchange, the gross and net proceeds (including a description and the value of any consideration other than money) and the net gain or loss;

"(4) a schedule of purchases, sales, or exchanges during the year covered by the report of investment assets other than securities—

"(A) by type or category of asset the aggregate amount of purchases, sales, and exchanges; the aggregate expenses incurred in connection therewith; and the aggregate net gain (or loss) on sales, and

"(B) for each transaction involving a person known to be a party in interest and for each transaction involving over $100,000 or 3 per centum of the fund, an indication of each asset purchased, sold, or exchanged (and, in the case of fixed assets such as land, buildings, and leasehold, the location of the asset); the purchase or selling price; expenses incurred in connection with the purchase, sale, or exchange; the cost of the asset and the net gain (or loss) on each sale; the identity of the seller in the case of a purchase, or the identity of the purchaser in the case of a sale, and his relationship to the plan, the employer, or any employee organization;

"(5) a schedule of all loans made from the fund during the reporting year or outstanding at the end of the year, and a schedule of principal and interest payments received by the fund during the reporting year, aggregated in each case by type of loan, and in addition a separate schedule showing as to each loan which—

"(A) was made to a party in interest, or

"(B) was in default, or

"(C) was written off during the year as uncollectible, or

"(D) exceeded $100,000 or 3 per centum of the value of the fund,

the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and as to loans written off as uncollectable an explanation thereof;

"(6) a list of all leases with—

"(A) persons other than parties in interest who are in default, and

"(B) any party in interest,

including information as to the type of property leased (and, in the case of fixed assets such as land, buildings, leaseholds, etc., the location of the property), the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees, if any, to the plan, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repairs, expenses, and renewal options; if property is leased from persons described in (B) the amount of rental and other expenses paid during the reporting year; and if property is leased to persons described in (A) or (B), the date the leased property was purchased and its cost, date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, and with respect to any such leases in default, their identity, the amounts in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default;

"(7) a detailed list of purchases, sales, exchanges, or any other transactions with any party in interest made during the year, including information as to the asset involved, the price, any expenses connected with the transaction, the cost of the asset, the proceeds, the net gain or loss, the identity of the other party to the transaction and his relationship to the plan;

"(8) if some or all of the assets of a plan or plans are held in a common or collective trust maintained by a bank or similar institution or in a separate account maintained by an insurance carrier, the report shall include a statement of assets and liabilities and a statement of receipts and disbursements of such common or collective trust or separate account and such of the information required under section 7(b) (2), (3), (4), (5), (6), and (7) with respect to such common or collective trust or separate account as the Commission may determine appropriate by regulation. In such case the bank or similar institution or insurance carrier shall certify to the administrator of such plan or plans, within one hundred and twenty days after the end of each calendar, policy, or other fiscal year, as the case may be, the information determined by the Commission to be necessary to enable the plan administrator to comply with the requirements of this Act; and

"(9) in addition to reporting the information called for by this subsection 7(b), the administrator may elect to furnish other information as to investment or reinvestment of the fund as additional disclosures to the Commission.

"(c) If the only assets from which claims against an employee benefit plan may be paid are the general assets of the employer or the employee organization, the report shall include (for each of the past five years) the benefits paid and the average number of employees eligible for participation."

(g) Section 7(d) of such Act is amended by striking out the capital "T" in the word "The" the first time it appears in paragraphs (1) and (2) and inserting in lieu thereof a lower case "t".

(h) Section 7(e) of such Act is amended to read as follows:

"(e) Every employee pension benefit plan shall include with its annual report (to the extent applicable) the following information:

"(1) the type and basis of funding,

"(2) the number of participants, both retired and nonretired, covered by the plan,

"(3) the amount of all reserves or net assets accumulated under the plan,

"(4) the present value of all liabilities for all nonforfeitable pension benefits and the present value of all other accrued liabilities.

"(5) the ratios of the market value of the reserves and assets described in (3) above to the liabilities described in (4) above.

"(6) a copy of the most recent actuarial report, and

"(A) (i) the actuarial asumptions used in computing the contributions to a trust or payments under an insurance contract, (ii) the actuarial assumptions used in determining the level of benefits, and (iii) the actuarial assumptions used in connection with the other information required to be furnished under this section 7(e), insofar as any such actuarial assumptions are not included in the most recent actuarial report,

"(B) (i) if there is no such report, or (ii) if any of the actuarial assumptions employed in the annual report differ from those in the most recent actuarial report, or (iii) if different actuarial assumptions are used for computing contributions or payments than are used for any other purpose, a statement explaining same,

"(7) a statement showing the number of participants who terminated service under the plan during the year, whether or not they retain any nonforfeitable rights, their length of service by category, the present value of the total accrued benefits of said participants and the present value of such benefits forfeited, and,

"(8) such other information pertinent to disclosure under this section 7(e) as the Commission may by regulation prescribe."

(i) Section 7 of such Act is further amended by striking out in their entirety subsections (f), (g), and (h).

(j) Section 8 of such Act is amended by striking out subsections (a) and (b) in their entirety and by redesignating subsection (c) as subsection (a). The subsection redesignated as subsection (a) is further amended by striking out the words "of plans'" after the word "descriptions", striking out the word "the" before the word "annual" and adding the word "plan" before the word "descriptions".

(k) Section 8 of such Act is further amended by adding subsections (b), (c), (d), and (e), to read as follows:

"(b) The administrator of any employee benefit plan subject to this Act shall file with the Commission a copy of the plan description and each annual report. The Commission shall make copies of such descriptions and annual reports available for public inspection.

"(c) Publication of the plan descriptions and annual reports required by this Act shall be made to participants and beneficiaries of the particular plan as follows:

"(1) the administrator shall make copies of the plan description (including all amendments or modifications thereto) and the latest annual report and the bargaining agreement, trust agreement, contract, or other instrument under which the plan was established and is operated available for examination by any plan participant or beneficiary in the principal office of the administrator;

"(2) the administrator shall furnish to any plan participant or beneficiary so requested in writing a fair summary of the latest annual report;

"(3) the administrator shall furnish to any plan participant or beneficiary so requesting in writing a complete copy of the plan description (including all amendments or modifications thereto) or a complete copy of the latest annual report, or both. He shall in the same way furnish a complete copy of the bargaining agreement, trust agreement, contract, or other instrument under which the plan is established and operated. In accordance with regulations of the Commission, an administrator may make a reasonable charge to cover the cost of furnishing such complete copies.

PART B.—FIDUCIARY STANDARDS

SEC. 402. (a) Every employees' benefit fund established to provide for the payment of benefits under an employee's benefit plan shall be established pursuant to a duly executed trust agreement which shall set forth the purpose or purposes for which such fund is established and the detailed basis on which payments are to be made into and out of such fund. Such fund shall be deemed to be a trust and shall be held for the exclusive purpose of (1) providing benefits to participants in the plan and their beneficiaries and (2) defraying reasonable expenses of administering the plan.

(b) (1) A fiduciary shall discharge his duties with respect to the fund—

(A) solely in the interests of the participants and their beneficiaries;

(B) with the care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and

(C) in accordance with the documents and instruments governing the fund insofar as is consistent with this Act: *Provided*, That, any assets of the fund remaining upon dissolution or termination of the fund shall, after complete satisfaction of the rights of all beneficiaries to benefits accrued to the date of dissolution or termination, be distributed ratably to the beneficiaries thereof or, if the trust agreement so provides, to the contributors thereto: *Provided further*, That in the case of a registered pension or profit-sharing-retirement plan, such distribution shall be subject to the requirements of the previous titles of this Act.

(2) Except as permitted hereunder, a fiduciary shall not—

(A) lease or sell property of the fund to any person known to be a party in interest;

(B) lease or purchase on behalf of the fund any property known to be property of any party in interest;

(C) deal with such fund in his own interest or for his own account;

(D) represent any other party with such fund, or in any way act on behalf of a party adverse to the fund or to the interests of its participants or beneficiaries;

(E) receive any consideration from any party dealing with such fund in connection with a transaction involving the fund;

(F) loan money or other assets of the fund to any person known to be a party in interest;

(G) furnish goods, service, or facilities to any person known to be a party in interest;

(H) permit the transfer of any property of the fund to, or its use by, or for the benefit of any person known to be a party in interest; or

(I) permit any of the assets of the fund to be held, deposited or invested outside the United States unless the indicia of ownership remain within the jurisdiction of a United States district court, except as authorized by the Commission by rule or regulation. The Commission may by rule or regulation provide for the exemption of any fiduciary or transaction from all or part of the proscriptions contained in this subsection 402(b) (2), when the Commission finds that to do so is consistent with the purposes of this Act and in the interest of the fund and its participants and beneficiaries; *Provided, however*, That any such exemption shall not relieve a fiduciary from any other applicable provisions of this Act.

(c) Nothing in this section shall be construed to prohibit any fiduciary from—

(1) receiving any benefit to which he may be entitled as a participant or beneficiary in the plan under which the fund was established;

(2) receiving any reasonable compensation for services rendered, or for the reimbursement of expenses properly and actually incurred, in the performance of his duties with the fund: *Provided*, That no person so serving who already receives full-time pay from an employer or an association of employers whose employees are participants in the plan under which the fund was established, or from an employee organization whose members are participants in such plan shall receive compensation from such fund, except for reimbursement of expenses properly and actually incurred and not otherwise reimbursed;

(3) serving in such position in addition to being an officer, employee, agent, or other representative of a party in interest;

(4) engaging in the following transactions:

(A) purchasing on behalf of the fund any society which has been issued by an employer whose employees are participants in the plan under which the fund was established or a corporation controlling, controlled by, or under common control with such employer: *Provided*, That the purchase of any security is for no more than adequate consideration in money or money's worth: *Provided further*, That if an employee benefit fund is one which provides primarily for benefits of a stated amount, or an amount determined by an employee's compensation, an employee's period of service, or a combination of both, or money purchase type benefits based on fixed contributions which are not geared to the employer's profits, no investment shall be made subsequent to the enactment of this amendment by a fiduciary of such a fund in securities of such an employer or of a corporation controlling, controlled by, or under common control with such employer, if such investment, when added to such securities already held, exceeds 10 per centum of the fair market value of the assets of the fund. Notwithstanding the foregoing, such 10 per centum limitation shall not apply to profit-sharing plans, nor to stock bonus, thrift, and savings or other similar plans which have the requirement that some or all of the plan funds shall be invested in securities of such employer;

(B) purchasing on behalf of the fund any security other than one described in (A) immediately above, or selling on behalf of the fund any security which is acquired or held by the fund, to a party in interest: *Provided*, (i) That the security is listed and traded on an exchange subject to regulation by the Securities and Exchange Commission, (ii) that no brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with such transaction, and (iii) that adequate consideration is paid;

(5) making any loan to participants or beneficiaries of the plan under which the fund was established where such loans are available to all participants or beneficiaries on a nondiscriminatory basis and are made in accordance with specific provisions regarding such loans set forth in the plan;

(6) contracting or making reasonable arrangements with a party in interest for office space and other services necessary for the operation of the plan and paying reasonable compensation therefor;

(7) following the direction in the trust instrument or other document governing the fund insofar as consistent with the specific prohibitions listed in subsection 402(b) (2);

(8) taking action pursuant to an authorization in the trust instrument or other document governing the fund, provided such action is consistent with the provisions of subsection 402(b).

(d) Any fiduciary who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this Act shall be personally liable to make good to such fund any losses to the fund resulting from such breach, and to restore to such fund any profits of such fiduciary which have been made through use of assets of the fund by the fiduciary.

(e) When two or more fiduciaries undertake jointly the performance of a duty or the exercise of a power or where two or more fiduciaries are required by any instrument governing the fund to undertake jointly the performance of a duty or the exercise of a power, but not otherwise, each of such fiduciaries shall have the duty to prevent any other such cofiduciary from committing a breach of a responsibility, obligation, or duty of a fiduciary or to compel such other cofiduciary to redress such a breach: *Provided*, That no fiduciary shall be liable for any consequence of any act or failure to act of a cofiduciary who is undertaking or is required to undertake jointly any duty or power if he shall object in writing to the specific action and promptly file a copy of his objection with the Commission.

(f) No fiduciary may be relieved from any responsibility, obligation, or duty under this Act by agreement or otherwise. Nothing herein shall preclude any agreement allocating specific duties or responsibilities among fiduciaries, or bar any agreement of insurance coverage or indemnification affecting fiduciaries, but no such agreement shall restrict the obligations of any fiduciary to a plan or to any participant or beneficiary without prior approval of the Commission.

(g) A fiduciary shall not be liable for a violation of this Act committed before he became a fiduciary or after he ceased to be a fiduciary.

(h) No person who has been convicted of, or has been imprisoned as a result of his conviction of: robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, kidnaping, perjury, assault with intent to kill, assault which inflicts grievous bodily injury, any crime described in section 9(a) (1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a) (1)), or a violation of any provision of this Act, or a violation of section 302 of the Labor-Management Relations Act of 1947 (61 Stat. 157, as amended; 29 U.S.C. 186), or a violation of chapter 63 of title 18, United States Code, or a violation of section 874, 1027, 1503, 1505, 1506, 1510, 1951, or 1954 of title 18, United States Code, or a violation of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519, as amended; 29 U.S.C. 401), or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve—

"(1) as an administrator, officer, trustee, custodian, counsel, agent, employee (other than as an employee performing exclusively clerical or janitorial duties) or other fiduciary position of any employee benefit plan; or

"(2) as a consultant to any employee benefit plan, during or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his ciitzenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Commission determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. No person shall knowingly permit any other person to serve in any capacity referred to in clause (1) or (2) in violation of this subsection. Any person who willfully violates this subsection (h) shall be fined not more than $10,000 or imprisoned for not more than one year, or both. For the purposes of this subsection (h), any person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this section. For the purposes of this subsection (h), the term 'consultant' means any person who, for compensation, advises or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan."

(i) No person who is a party in interest shall receive or accept, directly or indirectly, whether through a corporation or other entity owned or controlled in any substantial degree by such person or otherwise, any payment, loan, pledge, hypothecation, assignment, or other transfer out of the assets of such fund (other than benefits to which such person is entitled as an employee), except that if such person is an officer or employee of such fund, reasonable fees or expenses of attending meetings in connection with the business thereof may be paid from the fund to any such officer or employee attending such meetings in an official capacity. Nothing herein contained shall prohibit the purchase by a profit-sharing-retirement plan or other profit-sharing plan, in the ordinary course of business, of the securities or indebtedness of any corporation or other business entity employing directly or through a subsidiary or parent entity a substantial number of the beneficiaries of such fund.

(j) All investments and deposits of the funds of an employees' benefit fund and all loans made out of any such fund shall be made in the name of the fund or its nominee, and no officer or employee of the fund, no trustee or administrator or officer or employee thereof, no employer or officer or employee thereof, and no labor organization, or officer or employee thereof shall either directly or indirectly accept or be the beneficiary of any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale payment or exchange made by or on behalf of the fund.

TITLE V—ENFORCEMENT

SEC. 501. Whenever the Commission—

(1) determines, in the case of a pension or profit-sharing-retirement plan required to be registered under title I, that no application for registration has been filed in accordance with section 102(a), or

(2) issues an order under section 102(e) denying or canceling the certificate of registration of a pension or profit-sharing-retirement plan,

the Commission may petition any district court of the United States having jurisdiction of the parties, or the United States District Court for the District of Columbia, for an order requiring the employer or other person responsible for the administration of such plan to comply with such requirements of title I as will qualify such plan for registration under title I.

SEC. 502. Whenever the Commission has reasonable cause to believe that an employees' benefit fund is being or has been administered in violation of the requirements of Part B of title IV, the Commission may petition any district court of the United States having jurisdiction of the parties or the United States District Court for the District of Columbia for an order (1) requiring return to such fund of assets transferred from such fund in violation of the requirements of such title, (2) requiring payment of benefits denied to any beneficiary in violation of the requirements of such title, and (3) restraining any conduct in violation of the requirements of Part B of such title, and granting such other relief as may be appropriate to effectuate the purposes of this Act.

SEC. 503. Upon the filing of any petition pursuant to section 501 or 502, the district court may, in its discretion, (a) appoint a receiver to take possession of the assets of the plan or fund which is the subject of the petition and to administer them until such time as the violations of law alleged in such petition no longer exist, and (b) remove a fiduciary who has failed to carry out his duties or is serving in violation of the provisions of this Act.

SEC. 504. Suits by persons entitled, or who may become entitled, to benefits from employees' benefit funds or plans may be brought in any court of competent jurisdiction, State or Federal, or the United States District Court for the District of Columbia, without respect to the amount in controversy and without regard to the citizenship of the parties (1) against any such fund or plan to recover benefits required to be paid from an employees' benefit fund or plan pursuant to the terms of the agreement pursuant to which such fund or plan is established or other constituent instrument; or (2) on behalf of and in the name of an employees' benefit fund against any person who shall have transferred or received any of the assets of such fund in violation of any such agreement or of the requirements of Part B of title IV. Where such action is brought in a district court of the United tSates, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found. In any such action the court in its discretion may—

"(A) allow a reasonable attorney's fee and costs of the action to any party;

"(B) require the plaintiff to post security for payment of costs of the action and reasonable attorney's fees.

A copy of the complaint in any such action by shall be served upon the Commission by certified mail who shall have the right, in its discretion, to intervene in the action.

SEC. 505. The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115) shall not be applicable with respect to suits brought under this title.

SEC. 506. Suits by an administrator or fiduciary of a pension plan, a profit-sharing-retirement plan, or an employees' benefit fund, to review any final order of the Commission, to restrain the Commission from taking any action contrary to the provisions of this Act, or to compel action required under this Act, may be brought in the name of the plan or fund in the district court of the United States for the district where the fund has its principal office, or in the United States District Court for the District of Columbia.

SEC. 507. It is hereby declared to be the express intent of Congress that the provisions of this Act shall supersede any and all laws of the States and of political subdivisions thereof insofar as they may now or hereafter relate to the subject matters regulated by this Act: *Provided*, That nothing herein shall be construed to exempt or relieve any person from any law of any State which regulates insurance, banking, or securities or to prohibit a State from requiring that there be filed with a State agency copies of reports required by this Act to be filed with the Secretary. Nothing herein shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States (other than the Welfare and Pension Plans Disclosure Act of 1958 as amended (92 Stat. 994)) or any rule or regulation issued under any such law."

SEC. 508. Any action, suit or proceeding based upon a violation of this Act or the Welfare and Pension Plans Disclosure Act shall be commenced within 5 years after the plaintiff has notice of the acts or events forming the basis of the claim: *Provided*, That truthful disclosure of a fact in any form or other document required to be filed with the Commission shall be deemed such notice.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of major changes in the bill from its previous version—S. 2167 in the 91st Congress.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR CHANGES

This bill has been modified and differs in certain important respects from the proposals advanced by me in earlier Congresses. The following is a summary of some of the more important differences:

(1) Two important changes have been made to the vesting provisions of Section 107. In order to preclude plans from establishing unfair eligibility requirements which would frustrate the benefits intended to flow from the required vesting provisions, it is specified that membership in the pension plan shall commence on the day when contributions are first made to the plan or fund on behalf of the employee and that in other cases no initial period before membership in the plan shall be set at more than 6 months of service with the employer. It is also provided that for purposes of meeting the service requirements which are prerequisite to attaining a vested status under the bill, the employee's "aggregate" service, which is equivalent to the period of time required to qualify for a vested right, be treated as if the service were "continuous". This provision is necessary in order to prevent the divestment of employees' benefit rights by reason of unfairly restrictive rules pertaining to "breaks in service."

(2) Technical changes have been made to the definitions applicable to the funding section in order to insure that there is systematic funding of past service liabilities, irrespective of the extent to which such unfunded past service liabilities represent nonforfeitable benefits.

(3) The pension reinsurance program provided by Title II is revised to clarify the provision that the title insures only against loss of non-forfeitable benefits owing to premature plan termination. In addition, the premium rate structure is revised to make clear that it is based on the unfunded liability for nonforfeitable benefits.

(4) A new provision is added authorizing the Commission to conduct research and studies and make recommendations for such further legislation as may be advisable. The Commission is directed to study the issue of expanding coverage under the act and the intent is that the Commission will look into the problem of benefit protection in pension plans covering State and municipal employees.

(5) In order to relieve plan administrators and trustees from the unnecessary burden of complying with numerous and potentially conflicting state laws, the Act provides that State law shall be preempted with respect to the matters regulated by it, except with respect to those laws which regulate insurance, banking or securities.

(6) The bill expands the enforcement provisions provided to the Commission, transferring their investigative authority of the Secretary of Labor under the Welfare and Pension Plans Disclosure Act, and making it applicable to all matters regulated by the Act, and by making available to the Commission the full range of remedies inherent in a court of equity.

(7) The bill combines some of the major elements of the Administration's fiduciary proposal in the prior Congress (S. 3589) with fiduciary provisions of my own previous bill (S. 2167), so that title IV of the new bill includes:

(a) greater specificity of disclosure, particularly with respect to investments in and transactions with "parties in interest" (which is more broadly defined);

(b) explicit imposition of the "prudent man" rule for all employee benefit fund administrators and the imposition of an obligation on co-fiduciaries with joint responsibility to prevent and redress breaches of such responsibility by each other;

(c) the prohibition of a wider range of conflict of interest transactions between the fund and "parties in interest"; and

(d) the prohibition for 5 years of persons convicted of certain crimes serving in fiduciary positions on employee benefit funds.

S. 3—INTRODUCTION OF A BILL TO CREATE A NATIONAL SYSTEM OF HEALTH SECURITY

Mr. KENNEDY. Mr. President, on behalf of Senator COOPER, Senator SAXBE, and myself, together with Senators BAYH, CASE, CRANSTON, GRAVEL, HARRIS, HART, HUGHES, HUMPHREY, INOUYE, JAVITS, MAGNUSON, MCGEE, MCGOVERN, METCALF, MONDALE, MOSS, MUSKIE, PASTORE, PELL, RANDOLPH, STEVENSON, and TUNNEY, I introduce for appropriate reference S. 3, The Health Security Act of 1971.

The bill is a legislative proposal to establish a Health Security program for all Americans. Through the mechanism of comprehensive national health insurance, it will bring health security to our people and end our current health crisis by improving each of the three basic aspects of our health care system—the organization, delivery, and financing of personal health services. We commend this legislation to our colleagues in the Senate for their favorable consideration and early action.

I believe that in America today, health care is a right for all, not just a privilege for the few. The basic goal of the Health Security program is to make that right a continuing reality, not just the empty promise it is today. Just as the Social Security program of the decade of the 1930's brought hope and new faith to a nation mired in the social crisis of the great depression, so I believe the Health Security program in the decade of the 1970's can guarantee high quality health care to our people and lead us out of the current crisis of confidence in our health system.

We know from recent experience that changes in the organization and delivery of health care in the United States will come only by an excruciating national effort. Throughout our society today, there is perhaps no institution more resistant to change than the organized medical profession. Indeed, because the crisis is so serious in the organization and delivery of health care, there are many who argue that we must make improvements in the organization and delivery system first, before we can safely embark on changing the financing system through national health insurance.

I believe the opposite is true. We must use the financing mechanism to create strong new incentives for the reorganization and delivery of health care. Thomas Paine declared at the founding of our American Republic, echoing the words of the ancient Greeks, "Give us a lever and we shall move the world." I say, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed.

The fact that the time has come for national health insurance makes it all the more urgent to pour new resources into remaking our present system. The existing organization and delivery of health care are so obviously inadequate to meet our current health crisis that only the catalyst of national health insurance will be able to produce the sort of basic changes that are needed if we are to escape the twin evils of a national health disaster or the total federalization of health care in the 1970's.

The use of the phrase "national health disaster" is not too strong. That the danger is great and imminent is a point on which both President Nixon and I agree. In July of 1969, President Nixon told a news conference that the Nation faced a massive crisis in health care, and that unless action was taken both administratively and legislatively to meet the crisis within the next 2 or 3 years, we would have a breakdown of our medical care system.

Our view of the problem is the same, but—on the basis of the information available about the administration's health program—we differ profoundly on the solution to be proposed. The central issue is how we can begin to move the health care system from where we are today to where we want to be tomorrow and in the years ahead. Neither the Health Security program nor the administration's program seeks revolutionary change in health care. The change that comes must be evolutionary change, but it must also be change that is capable of reaching the goals we share.

In essence, our difference is over the question whether the existing health care system needs a major overhaul or simply a minor tuneup. The question is whether a coordinated and comprehensive new approach is needed, or simply the sort of patchwork approach we have been using for too long. To be sure, we do need health insurance for the poor, catastrophic illness insurance for middle America, more assistance for medical schools, a moonshot against cancer and a manhattan project against sickle-cell anemia, incentives for health maintenance, and all the other items likely to be unveiled in the administration's arsenal. But we cannot afford to take these steps alone. Such divided and categorical approaches have been tried under Government or private sponsorship in the past, and they have met with uniform frustration and defeat.

We propose that the Nation cannot afford to repeat the mistakes of the past. We must begin now to develop a more coherent health care system which provides for the efficient use of existing health services and resources, which encourages better services and resources for the future, and which offers a comprehensive, balanced and proportioned approach to the health care system as a whole. This is the goal of the Health Security program.

The experience of medicare and medicaid has demonstrated that money alone and health insurance alone are no longer adequate to deal with the health needs of the Nation. So long as the resources are insufficient and the organizational arrangements are inadequate, money alone will only make the problem worse. National health insurance is necessary, but it must now and for the years ahead be part of a broader program of Health Security.

To those who say that the Health Security program will not work unless we first have an enormous increase in health manpower, health facilities and our ability to deliver health care, I reply that until we begin moving toward such a Health Security program, neither Congress nor the medical profession will ever take the basic steps that are essential to improve the system. Without something like the Health Security program to galvanize us into action, I fear that we will simply continue to patch the present system beyond any reasonable hope of survival.

If we are to reach our goal of bringing adequate health care to all our citizens, we must have full and generous cooperation between Congress, the administration, and all the health professions. I believe that we shall have this cooperation. We know the dedication of the health professions, the heroic efforts of hospitals and other institutions, the conscientious efforts of Federal, State, and local government agencies and their health personnel. We know their strong desire to end the limitations under which they struggle today to meet the growing national need for better health care. We share a common goal, and I am confident that we shall prevail.

It is highly appropriate that we in the Senate launch this new debate over health care on this, our first day of legislative business in the 92d Congress. At last, the debate over health care has shifted from the halls of the universities to the hearing rooms of Congress. The anguished pleas of millions of our people are being heard.

In the weeks and months to come, a great national debate will take place. As the new chairman of the Senate Health Subcommittee, I intend to take this issue to the people in all parts of the country, and to make every effort to insure that the promise of good health care becomes a reality for every citizen.

Although the debate will be nationwide, the primary focus will be on Congress and the response we make to the challenge that so clearly exists. More and more, in recent years, Congress has shown itself capable of meeting great challenges with great responses, and I am confident that the 92d Congress will do no less. Indeed, there could be no finer tribute to the 92d Congress than to be recorded as the Congress that at last ended the crisis of health care in America and brought health security to all our people.

THE CURRENT CRISIS

If one thing is clear in the United States of 1971, it is that health care is the fastest-growing failing business in the Nation—a $70 billion industry that fails to meet the urgent needs of our people. Today, more than ever before, we are spending more on health care and enjoying it less.

In spite of our vaunted research and technology, unequaled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people.

Almost every family knows the cruel burden of worry, frustration, and disappointment that mark our search for better health care. The average American lives in dread of illness and disability. He lives with the uncertainty of not knowing whether to seek medical care, or when to seek it, or where to find it, or how to pay for it.

For millions of our citizens, health care of any sort is simply not available at any price. For millions more, the quality of care available is so poor that it may be fairly said that the citizen will be worse off because of his contact with the system.

There is not a person in the Nation who has not felt the heavy burden of the soaring cost of medical care. There is not a family in the Nation that does not live in fear of sickness and ill health, and the very real prospect of financial ruin and worse because of accident or serious illness.

Our current health crisis cuts across all political, social, economic and geographic lines. It affects rich and poor, black and white, old and young, urban and rural alike. Of all the pressing domestic problems we face, none is more pervasive or more difficult to resolve than the deterioration of our once proud system of health care. Never have so many different elements in our population been so united in their demand for action.

COMPARISONS WITH OTHER NATIONS

We know very well the dismal health record of the United States compared to the other major industrial nations of the world. Our rates of sickness and mortality lag far behind the potential of modern health care in America, or the reality of such care in many foreign nations. Year after year, the statistics tell us how little progress we have been making in health care in recent decades compared to other nations. Our record is getting no better. Unless we stop the slide, the crisis will get worse, and the result will be disaster.

The comparisons are shocking:

In infant mortality, among the major industrial nations of the world, the United States today trails behind 12 other countries, including all the Scandinavian nations, most of the British Commonwealth, Japan, and East Germany. Half of these nations were behind us in the early 1950's.

We trail six other nations in the percentage of mothers who die in childbirth. In the early 1950's, we had the lowest rate of any industrial nation.

Tragically, the infant mortality rate for nonwhites in the United States is nearly twice the rate for whites. And nearly five times as many nonwhite mothers die in childbirth as whites—shameful evidence of the ineffective prenatal and postnatal care our minority groups receive.

The story told by other health indicators is equally dismal. The United States trails 17 other nations in life expectancy for males, 10 other nations in life expectancy for females, and 15 other nations in the death rate for middle-aged males.

THE ROLE OF PRIVATE HEALTH INSURANCE

The comparison with other nations, reveals one other very important point. The United States today is the only major industrial nation in the world without a system of national health insurance or a national health service. Instead, we have placed our prime reliance on private enterprise and private health insurance to meet the need.

I believe that the private health insurance industry has failed us. It fails to control costs. It fails to control quality. It provides partial benefits, not comprehensive benefits; acute care, not preventive care. It ignores the poor and the medically indigent.

Despite the fact that private health insurance is a giant $12 billion industry, despite more than three decades of enormous growth, despite massive sales of health insurance by thousands of private companies competing with each other for the health dollar of millions of citizens, health insurance benefits today pay only one-third of the total cost of private health care, leaving two-thirds to be paid out of pocket by the patient at the time of illness or as a debt thereafter, at the very time when he can least afford it.

Nearly all private health insurance is partial and limited. For most citizens, their health insurance coverage is more loophole than protection. In 1968, of the 180 million Americans under 65:

Twenty percent, or 36 million, had no hospital insurance;

Twenty-two percent, or 39 million, had no surgical insurance;

Thirty-four percent, or 61 million, had no in-patient medical insurance;

Fifty percent, or 89 million, had no outpatient X-ray and laboratory insurance;

Fifty-seven percent, or 102 million, had no insurance for doctors' office visits or home visits;

Sixty-one percent, or 108 million, had no insurance for prescription drugs;

Ninety-seven percent, or 173 million, had no dental insurance.

As a result, it is fair to say that private health insurance today is a major part of our current crisis in health care. Commercial carriers syphon off the young and healthy, leaving the old and ill to Blue Cross, vulnerable to escalating rates they cannot possibly afford.

Too often, private carriers pay only the cost of hospital care. They force doctors and patients alike to resort to wasteful and inefficient use of hospital facilities, thereby giving further impetus to the already soaring cost of hospital care and unnecessary strains on health manpower.

Valuable hospital beds are used for routine tests and examinations which, under any rational health care system, would be conducted on an out-patient basis.

Unnecessary hospitalization and unnecessarily extended hospital care are encouraged for patients for whom any rational system would provide treatment in other, less elaborate facilities.

Unnecessary surgery is encouraged. We know that far more surgery takes place in the United States than in other nations with far better health records. We know that under the Federal Employees Health Benefits program, more than twice as much surgery takes place on Federal employees enrolled in the indemnity reimbursement plan as on those enrolled in prepaid group practice plans in the Federal program. The figures are especially striking for female surgery and for surgical procedures like appendectomy and tonsillectomy.

This, then, is where we stand today. Private health insurance has done no more than this to provide health security for American families.

THE SOURCE OF OUR HEALTH CRISIS

Our system of health care is in crisis today largely because our knowledge of health care has evolved at a much greater rate than our ability to deliver health care. We are the richest nation in the world in Nobel Prizes for medicine, yet we are among the poorest nations of the world in our ability to translate the triumphs of medical research into the reality of better health care. Our success in the laboratory is hollow indeed, in light of the cruel truth that good health care is simply not available to millions of our people.

In large part, our health care system has been buried under our magnificent advances of medical research. We have allowed ourselves to become so preoccupied with developing techniques to treat disease that we have ignored the delivery of health care. To be sure, the delivery system has evolved, but it has evolved more by neglect than design, to the point where it can no longer be called a system in a meaningful sense. We have severe shortages of family doctors and dentists, and a surfeit of surgeons. Rural practitioners retire, and hundreds of counties and thousands of small communities in America find themselves without access to a physician. Patients everywhere face a bewildering array of health personnel who know more and more about one disease or organ, but less and less about the whole patient.

It is important to understand how our present health crisis came about. At the turn of the present century, medical care in the United States began to take firm root in the emerging modern science. Soon after 1910, medical education itself became a university undertaking with a solid foundation in science.

The explosion of scientific knowledge made vast new resources available to medicine. The science and art of medical care developed at an unprecedented rate. As a result, specialization in medicine became necessary, and a number of specialties began to develop in medical schools and in the practice of medicine. The family physician began to disappear, replaced by an increasing variety of specialists, according to ages of life, categories of disease, organs of the body, and medical techniques.

Medical care became increasingly fractionated. No adequate resources were developed to take the place of the disappearing family physician, to provide primary medical care, or to coordinate services of the emerging specialties. The quality and effectiveness of medical care became increasingly uneven.

The specialization of physicians was accompanied by an increasing variety and number of allied practitioners. And, inevitably, along with the increasing complexity in the function of physicians, a similar complexity developed in the services provided by hospitals—the essential workshops of most of the new specialists.

As a consequence of these developments, the cost of medical care began to rise, progressively pricing more and more medical care beyond the reach of more and more people.

At the same time, the system of medical practice in the Nation—which had developed over the centuries when medical care was simple and uncomplicated—became increasingly rigid and unchanging, and began to impede the availability of medical care for more and more people. It began to interfere with the development of the personnel, facilities, and organizations needed to make medical care actually available to the people.

In turn, the stagnation of the health care system had two further unfortunate developments—an increasing unavailability of medical care despite increasing public expectation and demand for better medical care; and steeply increasing costs. The system resisted the development of needed resources for the delivery of medical care, and it resisted organizational improvements to moderate the steep rise in costs.

These developments and progressions were not peculiar to the United States. They were also taking place in all developed countries of the world. As one nation after another faced the problem, it acted to deal with the situation. Some countries developed national health insurance programs. Others developed national health services. They met their problems as best they could, according to their own needs and resources.

The United States alone stood apart from these worldwide developments. We preserved our faith in the private sector. Although government did become involved in the effort to upgrade health care, the effort was always limited, categorical, and inadequate. We chose to leave basic planning and development of health care to professional leadership and to the play of the marketplace.

The crisis today reflects the fact that professional leadership alone was not capable of meeting the national needs, and that the demands and needs of medical care do not lend themselves to satisfaction solely through the forces and the dynamics of the marketplace.

THE DEVELOPMENT OF THE HEALTH SECURITY PROGRAM

Recently, an important new chapter began in the long history of American health needs and social policy. Walter Reuther, the late president of the United Auto Workers, was among the first to see that financing programs like medicare and medicaid or extensions of private health insurance could not resolve the crisis of disorganization and the spiraling cost of health care. Walter Reuther understood that the Nation needed to take a bold step forward. In November 1968, he announced the formation of the Committee of One Hundred for National Health Insurance. As he said, in establishing the mandate of the committee:

> I do not propose that we borrow a national health insurance system from any other nation. No nation has a system that will meet the peculiar needs of America. I am confident that we have in America the ingenuity and the social inventiveness needed to create a system of national health insurance that will be uniquely American—one that will harmonize and make compatible the best features of the present system, with maximum freedom of choice, within the economic framework and social structure of a national health insurance system.

Joining Walter Reuther on that committee were Dr. Michael E. deBakey, president of Baylor College of Medicine; Mrs. Mary Lasker, president of the Albert and Mary Lasker Foundation; Mr. Whitney M. Young, Jr., executive director of the National Urban League; and other outstanding citizens from the fields of medicine, public health, industry, agriculture, labor, education, the social services, youth, civil rights, religious organizations, and consumer groups. I have had the honor of serving on that committee, along with my Senate colleagues, JOHN SHERMAN COOPER and WILLIAM SAXBE, and my former colleague, Ralph Yarborough.

In its efforts over the past 2 years, the committee has worked to develop a sound program for improving the organization, financing and delivery of health services to the American people. The committee's deliberations were based upon the premise that progress toward a more rational health system should be orderly and evolutionary. The members of the committee felt that a better system of health care for America should rest upon the positive motivations and interests of both consumers and providers of health services. They believed that no system could succeed if it were imposed by fiat through rigid legislation and administrative regulations.

Throughout its deliberations, the committee has been guided by the work of its distinguished technical subcommittee, chaired by Dr. I. S. Falk, professor emeritus of public health of Yale University and the most eminent authority in the field of health economics in the Nation. The committee consulted extensively with representatives of professional associations, consumer organizations, labor unions, business groups, and many other interested organizations. The Health Security program is the result of these efforts, and it gives careful consideration to the recommendations of all of these groups.

Last August, Senators COOPER, SAXBE, YARBOROUGH, and I, together with 11 other Senators, introduced the original version of the Health Security program as S. 4297 in the 91st Congress. In September, the Senate Committee on Labor and Public Welfare held 2 days of hearings on the legislation, the first hearings to be held in Congress on comprehensive national health insurance since the critical problems of health care in America first became paramount 20 years ago. With the exception of the administration, testimony from a broad spectrum of witnesses was immensely favorable to the bill, and generated increased momentum for introduction of the bill in the 92d Congress.

At the time the bill was originally introduced last year, Congresswoman MARTHA GRIFFITHS of Michigan had already introduced legislation in the House of Representatives to create a national health insurance program similar in overall concept to the Health Security program, and her bill had received the strong endorsement of the AFL–CIO, under the leadership of President George Meany.

Before the 91st Congress adjourned last year, we had decided to pool our efforts and introduce a common bill in the 92d Congress. Hundreds of detailed differences between the two previous bills have been resolved, and the debate over the preparation of the new bill has led to the stronger Health Security program we introduce today.

As these and other developments make clear, we are now seeing the uniting of major American institutions to support the goal of Health Security. It is an issue destined to grow and remain before the American public until the goal of adequate health care for all is finally achieved.

MAJOR PROVISIONS OF THE HEALTH SECURITY PROGRAM

The Health Security program is intended to be comprehensive and extensive. At the conclusion of my remarks in the CONGRESSIONAL RECORD, I will include a section-by-section analysis of the bill and the text of the bill itself, so that the details of its provisions may be widely available to all. At this time, however, I would like to call attention to its main provisions:

Basic principle—The basic principle of the Health Security program is twofold: to establish a system of comprehensive national health insurance for the United States, capable of bringing the same high quality health care to every resident; and, to use the program to bring about major improvements in the organization and delivery of health care in the Nation.

The Health Security program does not envisage a national health service, in which Government owns the facilities, employs the personnel, and manages all the finances of the health care system. On the contrary, the program proposes a working partnership between the public and private sectors. There will be Government financing and administrative management, accompanied by private provision of personal health services through private practitioners, institutions, and other providers of health care.

Persons eligible for benefits—Every individual residing in the United States will be eligible to receive benefits. There will be no requirement of past individual contributions, as in Social Security, or a means test, as in Medicaid.

Starting date for benefits—July 1, 1973. The 2-year tooling-up period prior to that date will be used to prepare the health care system for the program.

Covered benefits—With certain modest limitations, the program will provide comprehensive health benefits for every eligible person. The benefits available under the program will cover the entire range of personal health care services, including the prevention and early detection of disease, the care and treatment of illness, and medical rehabilitation. There are no cutoff dates, no coinsurance, no deductibles, and no waiting periods.

For example, the program provides full coverage for physicians' services, inpatient and outpatient hospital services, and home health services. It also provides full coverage for other professional and supporting services, such as optometry services, podiatry services, devices, and appliances, and certain other services under specified conditions.

The four limitations in the otherwise unlimited scope of benefits are dictated by inadequacies in existing health resources or in management potentials. They deal with nursing home care, psychiatric care, dental care, and prescription drugs, as follows:

Skilled nursing home care is limited to 120 days per benefit period. The period may be extended, however, if the nursing home is owned or managed by a hospital, and payment for care is made through the hospital's budget.

Psychiatric hospitalization is limited to 45 consecutive days of active treatment during a benefit period, and psychiatric consultations are limited to 20 visits during a benefit period. These limits do not apply, however, when benefits are provided through comprehensive health care organizations or comprehensive mental health care organizations.

Dental care is restricted to children through age 15 at the outset, with the covered age group increasing annually until persons through age 25 are covered. Persons eligible for coverage through age 25 will remain eligible for coverage throughout their lives.

Prescribed drugs are limited to those provided through hospital in-patient or out-patient departments, or through organized patient care programs. For other patients, coverage extends only to drugs required for the treatment of chronic or long-term illness.

Inevitably, simply stating these four limitations gives them a prominence they do not deserve. In all other respects, covered health services will be available without limit, in accordance with medical need.

Administration—The administration of the Health Security program will be carried out by a five-member full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the Board will serve 5-year terms, and will be under the authority of the Secretary of Health, Education, and Welfare.

A statutory National Advisory Council will assist the Board in the development of general policy, the formulation of regulations, and the allocation of funds. Members of the Council will include representatives of both providers and consumers of health care.

Field administration of the program will be carried out through the 10 existing HEW regions, as well as through the approximately 100 health subareas that now exist as natural medical marketplaces in the Nation. Advisory councils on matters of administration will be established at each of these levels. However, the Board will guide the overall performance of the program. It will coordinate its functions with State and regional planning agencies, and it will account for its activities to Congress.

Financing the program—The program will be financed through a Health Security Trust Fund, similar to the Social Security Trust Fund. Income to the Fund will derive from four sources:

Fifty percent from general Federal tax revenues;

Thirty-six percent from a tax of 3.5 percent on employers' payrolls;

Twelve percent from a tax of 1 percent on employees' wages and unearned income up to $15,000 a year;

Two percent from a tax of 2.5 percent on self-employment income up to $15,000 a year.

Employers may pay all or part of their employees' health security taxes, in accord with arrangements established under collective-bargaining agreements.

Payment mechanism—The essence of the payment mechanism and the central cost control feature of the program is that the health care system as a whole will be anchored to a budget established in advance. A given amount of money will be made available for the program each year, based on the available estimates of the needs to be met and the services to be provided, with due regard for the resources of the system. As in every area of our economic life, the health care system will be obliged to live within its budget. In this way we can end the unacceptable escalation of costs within our present system. In this way we can end the long financial binge in which health care has had a signed blank check on the whole economy of the Nation.

Each year, the Health Security Board will make an advance estimate of the total amount needed for expenditure from the Trust Fund to pay for health care services in the program. The Board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health subareas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to subareas will be guided initially by the available data on current levels of expenditure. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the Nation.

Compensation of doctors, hospitals, and other providers—Providers of health services will be compensated directly by the Health Security program. Individuals will not be charged for covered services.

Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists, and optometrists, may be paid by various methods which they may elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of such methods. Comprehensive health service organizations may be paid by capitation, or by a combination of capitation and methods applicable to payments to hospitals and other institutional providers. Other independent providers, such as pathology laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

Foundations, sponsored by medical or dental societies or other specified nonprofit organizations, are specifically recognized as a class of providers with which the Board may contract for services. Foundations would be required to have an enrolled population and to permit participation by all qualified physicians in the area. Foundations would be reimbursed by the same formula used for prepaid group practice plans.

In addition, drug addiction and alcoholic treatment centers are specifically included as eligible providers of services under the program.

Resources Development Fund—An essential feature of the program is the Resources Development Fund, which will come into operation 2 years before benefits begin. In the first year of this "tooling up" period, $200 million will be appropriated for the fund; in the second year, $400 million will be made available. Once the program benefits begin, up to 5 percent of the Trust Fund—about $2 billion a year—will be set aside for resources development. These funds will be used to support innovative health programs, particularly in areas like manpower, education, training, group practice development, and other means to improve the delivery of health care. The principal attribute of the Fund is that it can be used to channel far more money into areas like education and training than is possible under the existing system of congressional authorization and appropriation for ongoing programs.

Quality Control—The Health Security program includes various provisions designed to safeguard the quality of health care. The program will establish national standards more exacting than medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible for participation if they meet national standards, and if they establish utilization review and affiliation arrangements.

In addition, the Health Security Board is authorized to require prior consultation with an appropriately qualified specialist before the performance of designated nonemergency surgery, in order to allow administrative monitoring of surgical procedures that are frequently abused.

Incentives—Financial, professional and other incentives are built into the program to move the health care delivery system toward organized arrangements for patient care, and to encourage preventive care and the early diagnosis of disease.

In the area of health manpower, the program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations, encourage the efficient use of personnel in short supply, and stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of increased health personnel in urban and rural poverty areas.

Relation to existing programs—Various Federal health programs will be superseded, in whole or in part, by the Health Security program. Since persons of age 65 or over will be covered by the program, medicare under the social security system will be terminated. Federal aid to the States for medicaid and other Federal programs will also be terminated, except to the extent that benefits under such programs are broader than under the Health Security program. However, the bill does not affect the current provisions for personal health services under the Veterans Administration, temporary disability, or workmen's compensation programs.

Cost of the program and Federal revenue sharing—On the basis of data available for the fiscal year 1970, a total of $41 billion was expended for health care benefits that would have been covered by the Health Security program had the program been in effect for that year. In other words, if the Health Security program had been in effect in 1970, the cost of the program would have been $41 billion.

The $41 billion figure represents approximately 70 percent of the total actual expenditures for personal health care in the United States for that year. These expenditures consist of $30 billion in private health insurance payments and private out-of-pocket payments, $8 billion in payments by the Federal Government, and $3 billion in payments by State and local governments.

The cost of the health security program has been the source of enormous confusion and misunderstanding since the original version of the Health Security Act was introduced last year in the 91st Congress. The crucial point is that in no sense does the hypothetical $41 billion price tag for the Health Security program in 1970 represent new money. Rather, this is what Americans are already paying for personal health care under the existing system.

Thus, the Health Security program is not a new layer of Federal expenditures on top of existing public and private spending for health care. Instead, the Health Security program simply redistributes the health expenditures that are already being made. Although, of course, *Federal* expenditures in 1970 would have risen from $8 billion under the existing system to $41 billion if the Health Security program had been in effect, individuals and organizations throughout the Nation would have been relieved of $30 billion of *private* health insurance expenses and out-of-pocket payments for health care, and State and local governments would have been relieved of $3 billion, representing costs incurred largely in medicaid and other public assistance programs, and in city and county medical programs.

In a very real sense, therefore, the Health Security program is a direct form of Federal revenue sharing. It offers $3 billion in substantial and immediate Federal financial relief to State and local governments, thereby freeing scarce State and local funds for other urgently needed purposes.

Over the long run, by revitalizing the existing health care system and ending the excessive inflation in the cost of health care, the Health Security program will be far less expensive than the amount we will spend if we simply allow the present system to continue.

Even at the beginning, moreover, the Health Security program will provide more and better services without increasing the cost, since the initial savings achieved by the program will be sufficient to offset the cost of the increased services. In other words, from the day the Health Security program begins, we will guarantee our citizens better value for their health dollar, and achieve a substantial moderation of the current exorbitant inflation in health costs. Even in the first year of the Health Security program, the comprehensive health services provided will be available for the same cost we would have paid for the partial and inefficient services of the existing system.

In 1970, for example, spending for health exceeded $70 billion. For the first time in our history, expenditures for health rose above 7 percent of our gross national product. If we continue to do nothing, the annual cost will exceed $100 billion in only 3 years.

CONCLUSION

In sum, the Health Security Act we submit to the Senate and to the people of the United States differs from all previous proposals for health care or national health insurance. It is not just another financing mechanism. It is not just another design for pouring more purchasing power into our already overstrained and overburdened nonsystem for the delivery of health care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective use.

Ours is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good health care for generations ahead. At the same time, these funds will be building new capacity to bring adequate, efficient and reliable health care to all families and individuals in the Nation.

I invite all Members of the Senate to study this proposed legislation and to join with us in seeking early enactment of the Health Security program.

Mr. President, in order that the details of this legislation may be widely available to all, I ask unanimous consent that the bill may be printed at this point in the RECORD, together with a section-by-section analysis of the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3) to create a national system of health security, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Health Security Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the health of the Nation's people is the foundation of their wellbeing and of our Nation's strength, productivity, and wealth;

(2) adequate health care for all of our people must now be recognized as a right; and

(3) a national system of Health Security is the means to implement that right.

(b) The purpose of this Act is—

(1) to create a national system of health security benefits which, through national health insurance, will make comprehensive health services available to all residents of the United States, and

(2) through the operation of the system, to effect modifications in the organization and methods of delivery of health services which will increase the availability and continuity of care, will enhance its quality, will emphasize the maintenance of health as well as the treatment of illness and, by improving the efficiency and the utilization of services and by strengthening professional and financial controls, will restrain the mounting cost of care while providing fair and reasonable compensation to those who furnish it.

INITIATION OF HEALTH SECURITY PROGRAM

SEC. 3. Health Security taxes will become effective on January 1, and health services will become available on July 1, of the second calendar year after the year in which this Act is enacted. Except for the benefit and related fiscal provisions, title I of this Act is effective upon enactment. Certain federally financed or supported health programs will be terminated or curtailed when health benefits under this Act become available. Effective dates of the several provisions of this Act are set forth in sections 142, 204, 214, 301, 302, and 303.

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PART A—ELIGIBILITY FOR BENEFITS

BASIC ELIGIBILITY

SEC. 11. Every resident of the United States and every nonresident citizen thereof is eligible, while within the United States, to receive health services under this Act; except that an alien employee (as defined in regulations) of a foreign government, of an instrumentality of a foreign government exempt from the tax imposed by section 3111(b) of the Internal Revenue Code of 1954, or of an international organization (as defined in the International Organizations Immunity Act) is eligible only in accordance with an agreement under section 12. An alien admitted as a permanent resident and living within the United States, or an alien admitted for employment and employed within the United States, is for the purposes of this title a resident of the United States.

AGREEMENTS FOR ELIGIBILITY OF OTHER PERSONS

SEC. 12. The Health Security Board (hereafter referred to as the "Board"), with the approval of the Secretary of Health, Education, and Welfare and the Secretary of State, is authorized to enter into agreements with foreign governments, international organizations, or other entities to extend the benefits of this title to persons within the United States not otherwise eligible therefor, in consideration of payment to the United States of the estimated cost of furnishing the benefits to such persons, or of an undertaking to furnish in a foreign country similar benefits to citizens of the United States, or of a combination of payment and such an undertaking.

PART B—NATURE AND SCOPE OF BENEFITS; COVERED SERVICES

ENTITLEMENT TO HAVE PAYMENT MADE FOR SERVICES

SEC. 21. Every eligible person is entitled to have payment made by the Board for any covered service furnished within the United States by a participating provider if the service is necessary or appropriate for the maintenance of health or for the diagnosis or treatment of, or rehabilitation following, injury, disability, or disease. Covered services are the services described in this part (subject to the exclusions stated in section 28); participating providers are providers described in part C.

PHYSICIAN SERVICES

SEC. 22. (a) Professional services of physicians, furnished in their offices or elsewhere, are covered services except to the extent otherwise provided in this section and section 28. Covered physicians' services include services and supplies of kinds which are commonly furnished in a physician's office, without separate charge, as an incident to his professional services.

(b) Covered physicians' services consist of (1) primary medical services, which are the services (as defined in regulations, but including preventive services) ordinarily furnished by physicians, whether general practitioners or specialists, engaged (as determined in accordance with standards for such practice prescribed in regulations) in general or family practice for adults or for children or for both, and (2) specialized services. Major surgery and other specialized services designated in regulations are covered services only if they are furnished by an appropriately qualified specialist and, to the extent specified in regulations, on referral by a physician engaged in general or family practice, or if they are emergency services.

(c) Psychiatric (mental health) service to an outpatient is a covered service (1) only if it constitutes an active preventive, diagnostic, therapeutic, or rehabilitative service with respect to emotional or mental disorders, and (2) only (A) if the service is furnished by a comprehensive health service organization, by a hospital, or by a community mental health center or other mental health clinic which furnishes comprehensive mental health services, or (B) if the service is furnished to a patient of a day care service approved by the Board for this purpose, or (C) to the extent of twenty consultations during a benefit period (as defined in regulations), if the service is furnished otherwise than in accordance with clause (A) or (B). In any community in which the available psychiatric services furnished otherwise than in accordance with clause (A) or (B) are found by the Board to be insufficient to meet the needs of the community, the Board may limit the coverage of such services by prescribing referral or other nonfinancial conditions in order to give priority of access to the services to those persons most in need of them.

DENTAL SERVICES

SEC. 23(a) Professional services (described in subsection (c)) of a dentist, furnished in his office or elsewhere, are (subject to the provisions of section 28) covered services if they are furnished to a person who, at the time when the services are furnished, is entitled to such services in accordance with subsection (b). Covered services include services, materials, and supplies which are commonly furnished in a dentist's office, without separate charge, as an incident to his professional services.

(b) Persons who on the effective date of health benefits are less than 15 years of age are entitled to covered dental services, and will remain so entitled throughout their lives. On July 1 of each of the five years immediately succeeding the year in which the effective date occurs, the following persons will become (and thereafter remain) entitled to such services: on July 1 of the first succeeding year, persons who are then less than 17 years of age; on July 1 of the second succeeding year, persons who are then less than 19 years of age; on July 1 of the third succeeding year, persons who are then less than 21 years of age; on July 1 of the fourth succeeding year, persons who are then less than 23 years of age; and on July 1 of the fifth succeeding year, persons who are then less than 25 years of age.

(c) Covered dental services are preventive services (including personal dental health education), diagnostic services, therapeutic services (exclusive of orthodontic services other than for handicapping malocclusion), and services required for rehabilitation following injury, disability, or disease.

(d) It is the intention of the Congress that the coverage of dental services under this title be extended to persons more than 15 years of age on the effective date, as rapidly as the availability of funds and of facilities and personnel makes possible, and the Board, in its annual reports to the Congress on the administration of this title, shall review the operation of this section and recommend extension of the entitlement specified in this section as rapidly as the Board deems feasible. Not later than seven years after the effective date, the Board shall submit its recommendation with respect to the scope and conditions of availability of covered dental services to all persons not already entitled thereto.

INSTITUTIONAL SERVICES

SEC. 24. (a) Inpatient and outpatient services of a psychiatric or other hospital, skilled nursing home services, and the services of home health service agencies, which are ordinarily furnished by the institution to patients for the purposes stated in section 21, are covered services except to the extent otherwise provided in this section and section 28. Covered services include services furnished generally to the patients served by an institution, including pathology and radiology services and all other necessary services, whether they are furnished by the institution or by others under arrangement with the institution. To the extent provided in regulations, inpatient services of a Christian Science Sanatorium are covered services.

(b) Covered services do not include personal comfort items or, unless required for medical reasons, the additional cost of accommodations more expensive than semi-private accommodations; and do not include domiciliary or custodial care, or institutional care of a person while he is not receiving active medical treatment.

(c) Covered services do not include care in a skilled nursing home for more than one hundred and twenty days during a benefit period (as defined in regulations); except that the Board may, on such conditions as it finds appropriate to assure effective control of utilization, extend the duration of covered services, either for a stated number of days in a benefit period or indefinitely—

(1) in all skilled nursing homes for which consolidated budgets with hospitals have been approved under section 83(f), or

(2) in all participating skilled nursing homes having in effect affiliation agreements under section 52(b), if the Board finds that adequate funds and resources are available therefor and that such action will not lead to excessive utilization of nursing home services.

(d) Covered services do not include institutional care of a person as a psychiatric patient while the patient is not receiving active treatment for an emotional or mental disorder; and do not include care of a person as a psychiatric patient for more than forty-five consecutive inpatient days in either a psychiatric or another hospital during a benefit period (as defined in regulations).

(e) Covered services do not include institutional care of an inpatient unless a physician has certified to the medical necessity of the patient's admission to the institution, and do not include such care (during a continuous stay in the institution) after such period (if any) as may be specified in regulations unless a physician has certified to the continued medical necessity of such care. Regulations may specify the classes of cases in which certification of continued necessity is required, may specify different periods for different classes of cases, and may permit retroactive certification under such circumstances and to such extent as the Board deems appropriate.

(f) Covered services do not include the services of a psychiatric or other hospital or a skilled nursing home, during a benefit period (as defined in regulations), after the third day following receipt by the institution and the patient of notice of a finding by a utilization review committee pursuant to section 51(e) that further stay in the hospital or further stay in the nursing home, as the case may be, is not medically necessary.

DRUGS

SEC. 25. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) (1) a list of drugs for use in participating institutions and comprehensive health service organizations, and (2) a list (for use outside such institutions and organizations) of diseases and conditions for the treatment of which drugs may be furnished as a covered service, and a specification of the drugs that may be so furnished for each disease or condition listed. Subject to the provisions of subsections (b) and (c) and of section 28, the furnishing of a drug to an eligible person is a covered service if it is furnished by or on prescription of a participating physician or dentist, or by or on prescription of a physician or dentist acting on behalf of a participating institutional or other provider.

(b) The list of drugs referred to in subsection (a)(1) shall be designed to provide physicians and dentists with an armamentarium necessary and sufficient for rational drug therapy incident to comprehensive medical services or incident to covered dental services. The furnishing of a drug on this list is a covered service if it is furnished to a person who is enrolled in a participating comprehensive health service organization, or is administered within a participating hospital to an inpatient or an outpatient, or is administered to an inpatient of a participating skilled nursing home operated by a participating hospital or having in effect an affiliation agreement in accordance with section 52(b).

(c) The list of diseases and conditions referred to in subsection (a)(2) shall include those chronic diseases and conditions for which drug therapy, because of its duration and cost, commonly imposes substantial financial hardship; and may include other diseases and conditions for which the Board finds costly drug therapy so be commonly required and effective. To assure proper utilization of drugs for specific diseases or conditions, the Board may require that the physician or dentist furnishing or prescribing a listed drug be a specialist qualified to diagnose and treat that disease or condition. The furnishing of a drug (although not to a person or under circumstances described in subsection (b)) is a covered service if (1) the physician or dentist furnishing or prescribing it identifies the disease or condition for which it is furnished or prescribed, and the disease or condition is one appearing on the Board's list, (2) the physician or dentist meets specialist qualifications, if any, required by the Board, and (3) the drug is specified on the Board's list as one available for treatment of the disease or condition identified by the physician or dentist.

(d) The Board shall not list a drug under this section unless (1) the Secretary has found that it is safe and efficacious for the purposes for which it is recommended and (on the list established under subsection (c)) for the treatment of each disease or condition for which it is specified on the list, and (2) the Board finds that it is available at a reasonable cost (considering, among other factors, the existence or absence of competition in the production, distribution, and sale of the drug). Drugs shall be listed by their established names (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) and also, to the extent the Board deems appropriate, by trade names.

(e) In reviewing and revising lists established under this section the Board shall take into consideration (1) current information about the safety and efficacy of listed drugs, and about their cost, (2) the results of review of drug utilization under this title, (3) experience bearing on the determination of what diseases and conditions meet the criteria stated in subsection (c), and (4) such other factors as the Board deems pertinent. Drugs shall be added to or eliminated from the lists as the Board finds best calculated to effectuate the purposes of this section.

DEVICES, APPLIANCES, AND EQUIPMENT

SEC. 26. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) lists of the therapeutic devices, appliances, and equipment (including eyeglasses, hearing aids, and prosthetic appliances), or classes thereof, which it finds are important for the maintenance or restoration of health or of employability or self-management. The Board shall take into consideration the efficacy, reliability, and cost of each item listed, and shall attach to any item such conditions as it deems appropriate with respect to the circumstances under which or the frequency with which the item may be prescribed. In establishing and revising lists under this section the Board shall seek to avoid a rate of expenditure for the furnishing of devices, appliances, and equipment in excess of 2 per centum of the rate of expenditure for all covered services.

(b) The furnishing of a device, appliance, or equipment prescribed by a participating physician or dentist, or by a physician or dentist on behalf of a participating institutional or other provider, is (subject to the provisions of section 28) a covered service if the item appears on a current list of essential items and the prescription falls within any conditions attached to the prescribing of that item on the list. The furnishing of any other device, appliance, or equipment so prescribed is also a covered service if, in accordance with regulations, the furnishing of it has been approved in advance by the Board. Regulations under this section may list items or classes of items which, because of lack of efficacy or reliability or because of cost, the Board has determined may not be furnished as covered services.

OTHER PROFESSIONAL AND SUPPORTING SERVICES

SEC. 27. (a) To the extent provided in regulations (but subject to the provisions of section 28) the following are covered services:

(1) the professional service of optometrists;

(2) the professional services of podiatrists;

(3) the diagnostic services of independent pathology laboratories, and diagnostic and therapeutic radiology furnished by independent radiology services;

(4) the care of a patient in a mental health day care service (A) for not more than sixty full days (or its equivalent) during or following a benefit period (as defined in regulations), when furnished by a hospital or a service affiliated with a hospital, or (B) if furnished by a comprehensive health service organization or by a community mental health center or other mental health center which furnishes comprehensive mental health services; and

(5) ambulance and other emergency transportation services, and such nonemergency transportation services as the Board finds essential to overcome special difficulty of access to covered services.

(b) Supporting services (such as psychological, physio-therapy, nutrition, social work, or health education services) are covered services when they are a part of institutional services or when, with the approval of the board, they are furnished by a comprehensive health service organization meeting the requirements of section 47(a), or by an organization, agency, or center with which the Board has entered into an agreement pursuant to section 49(a) (1), (2), or (3).

EXCLUSIONS FROM COVERED SERVICES

SEC. 28. (a) Health services furnished or paid for under a workmen's compensation law of the United States or a State, or legally required to be so furnished or paid for, are not covered services. Such services, if furnished by a participating provider, shall nevertheless be treated as covered services in accordance with this part unless and until a determination has been made pursuant to the workmen's compensation law that the services are covered by that law, and any resulting overpayment under this title shall, when payment is made under the workmen's compensation law, be recouped in the same manner as other overpayments.

(b) Health services furnished in a primary or secondary school are covered services only to such extent and on such conditions as may be specified in regulations.

(c) Surgery performed solely for cosmetic purposes (as defined in regulations), and hospital or other services incident thereto, are not covered services.

(d) The furnishing of a drug otherwise than in accordance with section 25 is not a covered service. The furnishing of a device, appliance, or equipment otherwise than in accordance with section 26 is not a covered service unless it is furnished, in accordance with section 22(a) or section 23(a), as an incident to professional services.

(e) The Board may by regulation exclude from covered services medical or surgical procedures (and services incident thereto) which it finds are essentially experimental in character and which, because of cost or because of shortage of qualified personnel or facilities, it finds cannot practicably be furnished on a nationwide basis.

(f) Except as provided in regulations, services are not covered services if (1) they are furnished by another provider to a person enrolled in a participating comprehensive health service organization, a participating professional foundation, or an organization described in section 49(a)(5), and are within the range of services which the organization or foundation has undertaken to furnish, or (2) they are primary physicians' services or covered dental services and are furnished by another provider to a person on the list of a physician or a dentist who has elected to be paid by the capitation method.

(g) The services of a professional practitioner are not covered services if they are furnished in a hospital which is not a participating provider, or are furnished to a psychiatric inpatient of an institution at a time when the institutional services to the patient are, by reason of section 24(d), not covered services.

(h) The Board may by regulation exclude from covered services specified surgical procedures, when not required by life-threatening or other acute emergencies, which have not been preceded by consultation with, and recommendation of surgery by, such appropriately qualified specialists as may be required by the regulations. Hospital and other services incident to surgery excluded by regulations under this subsection are not covered services.

PART C—PARTICIPATING PROVIDERS OF SERVICES

IN GENERAL: AGREEMENTS WITH THE BOARD

SEC. 41. (a) A person, corporation, or other entity furnishing any covered service is a participating provider if he or it (1) meets such qualifications and conditions as are established by or pursuant to this part for providers of that service, (2) furnishes the service as an independent provider and not (as employee or otherwise) on behalf of another provider entitled under part E to payment for the service, and (3) has filed with the Board an agreement (A) that services to eligible persons will be furnished without discrimination on the ground of race, color, or national origin, (B) that no charge will be made for any covered service other than for payment authorized by this title, and (C) that the provider will furnish such information as may be reasonably required by the Board for utilization review by professional peers, for the making of payments under this title, and for statistical or other studies of the operation of the title, and will permit such examination of records as may be necessary for verification of information on which payments are based. Participation of a provider may, however, be suspended or terminated pursuant to section 132 or section 134.

(b) With respect to the performance of a surgical procedure specified in regulations under section 28(h) (including an emergency case) the Board may, for the purposes of subsection (a)(3)(C) of this section, require the furnishing of a pathology report on tissue removed and a clinical abstract or discharge report of the case.

PROFESSIONAL PRACTITIONERS

SEC. 42. (a) Subject to the provisions of subsections (c) and (d), a physician, dentist, optometrist, or podiatrist, legally authorized on the effective date of health security benefits to practice his profession in a State, is a qualified provider of covered services within the State. A practitioner first so authorized by a State after the effective date is a qualified provider if, in addition, he meets national standards established by the Board (taking into consideration the criteria applied by any recognized national testing organization) for the practitioner's profession. A practitioner who is a qualified provider in one State, if he meets the national standards, is also in any other State (in accordance with the provisions of section 56(a)(1)) a qualified provider of services which (1) are covered services to persons entitled thereto under this title, and (2) are of a kind which such other State authorizes to be furnished by practitioners of his profession.

(b) For the purposes of this title—

(1) A doctor of osteopathy legally authorized to practice medicine and surgery in a State is a physician.

(2) A dentist qualified in accordance with subsection (a) is a physician when performing oral surgery or other procedures which, in accordance with generally accepted professional standards, may be performed by either a physician or a dentist.

(c) Not later than two years after the effective date, the Board shall establish for physicians, dentists, optometrists, and podiatrists such requirements of continuing education (taking into consideration standards approved by appropriate professional organizations) as it finds reasonable and necessary to maintain and enhance the quality of professional services to eligible persons. A professional practitioner who fails to meet a requirement established under this subsection shall, if the deficiency persists after notice and a reasonable opportunity to correct it, cease to be a qualified provider. A hospital or other provider on whose behalf a physician, dentist, optometrist, or podiatrist furnishes covered services shall (after like notice and opportunity for correction) cease to be a qualified provider if the practitioner fails to meet such a requirement.

(d) A physician qualified in accordance with subsection (a) is not qualified to perform major surgery as a covered service, or to furnish as covered services other specialized services designated in regulations, unless he holds a certificate from the appropriate national specialty board or possesses the qualifications requisite to such certification; except that a physician may be found qualified to furnish any specialized services as covered services if (1) prior to the effective date he has engaged in furnishing such services as a specialist or as a substantial part of his medical practice, (2) he meets standards established by the Board, and (3) where appropriate, a finding that he is so qualified is recommended by a participating hospital in which he has engaged substantially in furnishing such services.

HOSPITALS (OTHER THAN PSYCHIATRIC HOSPITALS)

SEC. 43. Subject to the provisions of section 53, a hospital (other than a psychiatric hospital) is a qualified provider if it is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) diagnostic, therapeutic, and rehabilitation services, furnished by or under the supervision of physicians, for medical diagnosis, treatment, care, and rehabilitation of injured, disabled, or sick persons;

(b) maintains adequate clinical records on all patients;

(c) has bylaws in effect with respect to its staff of physicians, and has filed with the Board an agreement that in granting or maintaining medical staff privileges it will not discriminate on any ground unrelated to professional qualification;

(d) has a requirement that every patient must be under the care of a physician;

(e) provides twenty-four-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(f) has a pharmacy and drug therapeutics committee which establishes policies for the selection, acquisition, and utilization of drugs;

(g) has in effect a hospital utilization review plan which meets the requirements of section 51;

(h) meets all applicable requirements of the law of the State in which it is situated; and

(i) meets the requirements of section 42 (c) and such other requirements as the Board finds necessary in the interest of the quality of the care and the safety of patients in the institution.

PSYCHIATRIC HOSPITALS

SEC. 44. Subject to the provisions of section 53, a hospital which is primarily engaged in furnishing psychiatric services to inpatients who are mentally ill is a qualified provider if it (or a distinct part of it) is an institution—

(a) in which diagnostic, therapeutic, and rehabilitative services with respect to mental illness are furnished by or under the supervision of physicians;

(b) which satisfies the requirements of subsections (b) through (i) of section 43;

(c) which, on the basis of staffing and other factors it deems pertinent, the Board finds is qualified to furnish active treatment;

(d) which maintains such records as the Board finds necessary to determine the degree and intensity of the treatment furnished; and

(e) which is accredited by the Joint Commission on the Accreditation of Hospitals.

SKILLED NURSING HOMES

SEC. 45. Subject to the provisions of sections 52 and 53, a skilled nursing home is a qualified provider if it (or a distinct part of it) is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) skilled nursing care and related services for patients who require medical and nursing services;

(b) has written policies, which are developed (and reviewed from time to time) with the advice of a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the services it provides;

(c) has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies;

(d) unless it is operated by a participating hospital, operates under the supervision of an administrator licensed by the State in which the institution is situated;

(e) has a requirement that the health care of every patient be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of emergency;

(f) maintains adequate clinical records on all patients;

(g) provides twenty-four-hour nursing service sufficient to meet nursing needs in accordance with the policies developed as provided in subsection (b), and has at least one registered professional nurse employed full time;

(h) provides appropriate methods and procedures for the dispensing and administering of drugs;

(i) has in effect a utilization review plan which meets the requirements of section 51;

(j) meets all applicable requirements of the law of the State in which it is situated and, unless the Board finds that such law provides equivalent protection, meets the provisions of the Life Safety Code of the National Fire Protection Association (other than any provision of the Code authorizing waiver of its requirements) applicable to nursing homes; and

(k) meets any applicable requirements of section 42(c) and such other requirements, including requirements relating to the physical facilities, as the Board may find necessary in the interest of the quality of care and the safety of patients in the institution.

HOME HEALTH SERVICE AGENCIES

SEC. 46. Subject to the provisions of section 52, a home health service agency is a qualified provider if it is a public agency or a nonprofit private organization, or a subdivision of such an agency or organization, which—

(a) is primarily engaged in furnishing, on an intermittent and visiting basis in patients' homes, skilled nursing and other therapeutic services to patients (other than mentally ill persons) who are under the care of physicians;

(b) has written policies developed (and reviewed from time to time) by a group of professional personnel associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services which it furnishes, and provides for supervision of such services by a physician or registered professional nurse;

(c) maintains adequate clinical records on all patients;

(d) meets all applicable requirements of the law of the State in which it furnishes services;

(e) has written policies and procedures, which provide for a systematic evaluation of its total program at appropriate intervals in order to assure the appropriate utilization of services; and

(f) meets any applicable requirements of section 42(c) and such other requirements as the Board may find necessary in the interest of the quality of care and the safety of patients of the agency or organization.

COMPREHENSIVE HEALTH SERVICE ORGANIZATION

SEC. 47(a). A comprehensive health service organization is a qualified provider of covered services if—

(1) the organization furnishes health services to an identified population, living in or near a specified service area and enrolled in the organization, through arrangements which embody prepaid group practice (as defined in regulations) or other definitive arrangements which the Board finds will so far as practicable provide to enrollees the benefits of prepaid group practice;

(2) the furnishing of services is assured through a contract between the Board and a nonprofit provider of all the services to be furnished by the organization, or through a contract between the Board and a nonprofit provider of some of the services and subcontracts or other arrangements between such provider and providers (profitmaking or nonprofit) of the other services;

(3) the organization furnishes, as a minimum, all covered services described in part B (including such supporting services as the Board may have approved under section 27(b), other than institutional services, mental health services, or dental services: and with the approval of the Board it may furnish covered services which it is not required by this subsection to furnish, and may furnish health services not covered by this title;

(4) the organization furnishes services in such manner as to provide continuity of care and (when services are furnished by different providers) ready referral of patients to such services and at such times as may be medically appropriate, and to the maximum extent feasible makes all services readily accessible to enrollees who live in the specified service area;

(5) all eligible persons living in or near the specified service area are eligible to enroll in the organization, except that (A) the number of enrollees may be limited to avoid overtaxing the resources of the organization, and (B) such restrictions upon enrollment may be imposed as are approved by the Board as necessary to prevent undue adverse selection;

(6) the organization provides for periodic consultation with representatives of its enrollees regarding the policies and operation of the organization;

(7) the organization encourages health education of its enrollees and the development and use of preventive health services, and provides that a committee or committees of physicians associated with the organization promulgate medical standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the utilization and quality of all health services (including drugs);

(8) the organization, to the extent practicable and consistent with good medical practice, employs allied health personnel and subprofessional and lay persons in the furnishing of services;

(9) premiums or other charges by the organization for any services not paid for under this title are reasonable;

(10) the organization undertakes, to the extent required by regulations with respect to services of the kinds which it has undertaken to furnish, to arrange for reciprocal out-of-area services by other comprehensive health service organizations, or to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or outside the specified service area of the organization; and

(11) the organization meets the requirements of section 42(c) and such other requirements as the Board finds necessary or appropriate in the interest of the quality of care and the safety of eligible persons, or for other reasons.

(b) A comprehensive health service organization, or with its approval a professional practitioner who furnishes services on its behalf, may furnish services to persons who are not enrolled in the organization. Payment for such services, if they are covered services to eligible persons, shall be made by one of the methods provided in part E for payment to independent practitioners, and shall be made to the organization unless the organization requests that it be made to the practitioner who furnishes the services.

PROFESSIONAL FOUNDATIONS

SEC. 48. A professional foundation which is sponsored by a city, county, or State medical or dental society, and is approved by the Board for this purpose, is a qualified provider of such services as may be specified in an agreement with the Board, if the foundation—

(a) is a nonprofit organization, the general policies of which are developed (and reviewed from time to time) by the sponsoring society, or by a group of physicians or dentists (as the case may be) selected by the society or by its governing board;

(b) subject to any limitations which may be approved by the Board, undertakes, if sponsored by a medical society, to furnish all covered physician services (described in section 22), or if sponsored by a dental society, to furnish all covered dental services (described in section 23); at the option of the foundation but subject to approval by the Board, undertakes to furnish other covered services or services not covered by this title or both; and undertakes that the quality and utilization of all services will be reviewed regularly by a professional group composed in a manner approved by the Board;

(c) undertakes to furnish services to all eligible persons who (1) are residents of the area (city, county, or State) of the sponsoring society, (2) in the case of dental services, are entitled to such services under section 23, and (3) have, by enrolling in the foundation, chosen to receive from it all covered services of the kinds which it has undertaken to furnish; except that (A) the number of enrollees may be limited to avoid overtaxing the resources of the foundation, and (B) such restrictions upon enrollment may be imposed as are approved by the Board as necessary to prevent undue adverse selection;

(d) undertakes, without discrimination on any ground unrelated to professional qualifications, (1) to permit any physician or dentist (as the case may be) practicing in the area (city, county, or State), whether or not a member of the sponsoring society, to participate in furnishing, on behalf of the foundation, covered services of a kind which he is qualified to furnish and which the foundation has undertaken to furnish, and (2) to compensate, directly or through a fiscal agent, professional practitioners and other providers furnishing services on its behalf;

(e) undertakes, to the extent required by regulations with respect to services of the kind which the foundation has undertaken to furnish, to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or without the area (city, county, or State) of the sponsoring society;

(f) undertakes that premiums or other charges by the foundation for any services not paid for under this title will be reasonable; and

(g) meets the requirements of section 42(c) and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons, or necessary to improve the efficiency with which covered services are delivered, or necessary to assure the continuing education of nurses, medical technicians, and other paramedical personnel in the health sciences.

OTHER HEALTH SERVICE ORGANIZATIONS

SEC. 49. (a) Pursuant to an agreement with the Board in accordance with subsection (b), any of the following is a qualified provider of such services as are specified in the agreement—

(1) a public or other nonprofit agency or organization (including a hospital) which

furnishes health services not less comprehensive than those required by section 47 (a)(3), but does not meet all other requirements of section 47(a);

(2) a public or other nonprofit center (including a satellite center established by a hospital) which (A) furnishes as a minimum, the services of two or more physicians engaged in general or family practice, the services of nurses and supporting personnel, and basic laboratory services, which the Board finds sufficient for the primary medical care of a substantial population living in the vicinity of the center, and (B) has arrangements with other providers of services which the Board finds assure to the population served by the center, on a coordinated basis, all components of health services not less comprehensive than those required by section 47(a)(3);

(3) a public or other nonprofit mental health center or mental health day care service;

(4) a State or local public health agency furnishing preventive or diagnostic services, or a public agency furnishing covered health services in a primary or secondary school in accordance with section 28(b);

(5) a nonprofit health prepayment or insurance organization which (A) furnishes health services, not less comprehensive than those required by section 47(a)(3), to an identified population living in or near a specified service area and enrolled in the organization, and (B) meets requirements established by the Board as nearly equivalent as practicable to those set forth in section 48, other than the requirement of sponsorship by a medical or dental society; or

(6) a medical or dental group practice or clinic, a center for the treatment and rehabilitation of alcoholic or drug addicts, or another organization or agency furnishing health services to ambulatory patients.

(b) an agreement under this section shall be made on such terms and conditions as the Board deems proper, and shall include any applicable requirements of section 42(c) and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons, and in such cases as the Board finds appropriate may include other requirements referred to in section 48(g).

(c) An agreement under section 48 or this section shall not, except to the extent that it specifically so provides, preclude a professional practitioner who furnishes services on behalf of the provider from furnishing also, either on behalf of the provider or as an independent practitioner, services which are of a kind not within the scope of the agreement or are furnished to persons not within its scope. Unless the agreement provides that payment for covered services furnished to eligible persons shall be made to the provider who has entered into the agreement, payment shall be made to the practitioner by one of the methods provided in part E for payment to independent practitioners.

OTHER PROVIDERS

SEC. 50. (a) an independent pathology laboratory (as defined in regulations) is a qualified provider of diagnostic pathology services if it meets the requirements of section 42(c) and (whether or not it is engaged in transactions in interstate commerce) the requirements established by or pursuant to section 353 of the Public Health Service Act. An independent radiology service (as defined in regulations) is a qualified provider of diagnostic and therapeutic radiology services if it meets the requirements of section 42(c) and all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(b) A provider of drugs, devices, appliances or equipment is a qualified provider if he meets all applicable requirements established by or pursuant to the Federal Food, Drug, and Cosmetic Act, all requirements of the law of the State in which the provider is situated, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(c) A provider of ambulance or other covered transportation services is a qualified provider if he meets all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(d) A Christian Science Sanatorium is a qualified provider of services specified in regulations prescribed under Section 24(a) if it is operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

UTILIZATION REVIEW

SEC. 51. A utilization review plan of a psychiatric or other hospital or a skilled nursing home shall be considered sufficient if it provides—

(a) for the periodic review on a sample or other basis (and the maintenance of adequate records of such review) of admissions to the institution, the duration of stays, and the professional services (including drugs) furnished, (1) with respect to the medical necessity of the services, and (2) for the purpose of promoting the most efficient use of available health facilities and services; and provides for periodic reports, to the institution and the medical staff (and, when requested, to the Board), of statistical summaries of the review;

(b) in the case of a psychiatric or other hospital, for such review to be made either (1) by a staff committee of the hospital composed of two or more physicians (consulting, with respect to drug utilization, with the pharmacy and drug therapeutics committee), with or without participation of other professional personnel, or (2) by a group outside the hospital which is similarly composed and which, if practicable, is established by the local medical society and hospitals in the locality, or is established in such other manner as may be approved by the Board; but clause (1) of this subsection shall be inapplicable to any hospital where, because of its small size or for such other reason as may be specified in regulations, it is impracticable for the hospital to have a properly functioning staff committee for the purposes of this section;

(c) in the case of a skilled nursing home, for such review to be made by a committee, composed and established as provided in subsection (b), or by a committee so composed which is established by the State or local public health agency pursuant to a contract with the Board, or by the Board; except that if a consolidated budget has been approved for the nursing home and a hospital, under section 83(f), the review shall be made by the utilization review committee of the hospital;

(d) for such review, in each case of inpatient hospital services or skilled nursing home services furnished to a patient during a continuous period of extended duration, as of such days of such period (which may differ for different classes of cases) as may be specified in regulations, with such review to be made as promptly as possible after each day so specified, and in no event later than one week following such day; and

(e) for prompt notification to the institution, the patient, and his attending physician of any finding (made after opportunity for consultation afforded to such attending physician) by the physician members of such committee or group that any admission, further stay, or furnishing of particular services in the institution is not medically necessary.

TRANSFER AND AFFILIATION AGREEMENTS

SEC. 52. (a) A skilled nursing home is a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) a transfer agreement with at least one participating hospital, providing for the transfer of patients and of medical and other information between the institutions as medically appropriate.

(b) After two years following the effective date of health benefits, a skilled nursing home or a home health service agency will be a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) an affiliation agreement with a participating hospital or a participating comprehensive health service organization, under which the medical staff of the hospital or organization (or a committee thereof) will furnish, or will assume responsibility for, the professional services in the skilled nursing home, or the professional services furnished by the home health agency, as the case may be.

(c) The requirement of a transfer agreement under subsection (a), or of an affiliation agreement under subsection (b), shall not be applicable in any case if there is in effect a finding by the Board that the lack of a suitable hospital or organization within a reasonable distance makes such an agreement impracticable, and that the services of the skilled nursing home or the home health agency are essential to the furnishing of adequate services to eligible persons. Such a finding shall be reviewed periodically, and shall be revoked whenever the Board finds it practicable to do so.

NEWLY CONSTRUCTED FACILITIES

SEC. 53. A psychiatric or other hospital or a skilled nursing home the construction or substantial enlargement of which (whether or not in replacement of another institution) was undertaken (as defined in regulations) after December 31 of the year in which this title is enacted is not a participating provider unless the construction or enlargement has been found by a State Agency designated by the Governor of the State for this purpose, or has been found by the Board, to be needed for the furnishing of adequate services to persons residing in the area to be served by the institution.

CONSIDERATION OF PROFESSIONAL ASSOCIATION STANDARDS

SEC. 54. In establishing requirements under this part to assure the quality of care and the safety of eligible persons, the Board—

(a) shall take into consideration standards or criteria established or recommended by any appropriate professional or other association or organization; and

(b) may require the revision of a provider's staffing patterns, or its standards for the selection or retention of professional or other personnel, which fail to meet standards or criteria established or recommended by such an association or organization.

EXCLUSION: FEDERAL PROVIDERS OF SERVICES

SEC. 55. No institution of the Department of Defense, no institution of the Veterans' Administration, no institution of the Department of Health, Education, and Welfare engaged in the provision of services to merchant seamen or to Indians or Alaskan natives, and no employee of any of the foregoing acting as employee, is a participating provider. The Board shall, however, reimburse the proper appropriation for any covered services furnished by any such institution or employee to an eligible person who is not, under any Act other than this Act, eligible to receive the service from the institution or employee. The Board shall also reimburse the proper appropriation for any covered services furnished to eligible persons pursuant to section 329 of the Public Health Service Act (added by Public Law

91-623), such reimbursement to be in lieu of payments required by section 329(b).

Sec. 56. (a) In the furnishing of covered services to eligible persons (any law of a State or political subdivision to the contrary notwithstanding)—

(1) A physician, dentist, optometrist, or podiatrist who is legally authorized by a State to practice his profession and who meets national standards established by the Board pursuant to section 42(a) is hereby authorized to furnish in any other State, either as an independent participating provider or on behalf of an institutional or other participating provider, the services which such other State authorizes to be furnished by practitioners of his profession.

(2) A professional nurse, or a practitioner of another health profession or occupation designated in regulations, who meets national standards established by the Board for his profession or occupation is hereby authorized to furnish in any State, on behalf of participating providers of services, the services which that State authorizes or permits to be furnished by practitioners of his profession or occupation. National standards applicable to professional nursing, or to any other profession or occupation the practice of which is subject in all States to licensure or similar authorization, shall contain a requirement of licensure or authorization by at least one State.

(3) In a participating public or other nonprofit hospital or a participating comprehensive health service organization, a practitioner of any health profession other than medicine or dentistry or of any nonprofessional health occupation who meets national standards established by the Board for his profession or occupation, and meets any additional qualifications established by the Board for the performance of particular acts or procedures, is hereby authorized to perform, under the supervision and responsibility of a physician or dentist, such of the acts which might lawfully be performed by the physician or dentist as are specified in regulations.

(4) A participating public or other nonprofit hospital or a participating comprehensive health service organization is hereby authorized (whether or not the arrangement may be deemed to constitute corporate practice of a profession) to employ physicians, dentists, or other professional practitioners, or to obtain and compensate their services in any other manner, and the practitioners are authorized to serve such a hospital or organization as employees or in any other manner; but only if the employment or other arrangement is not of a kind which the Board finds is likely to cause lay interference with professional acts or professional judgments.

(b) If the Board finds that a proposed corporation will meet the requirements of section 47 for participation as a comprehensive health service organization (or as the principal contractor for such an organization), but that it cannot be incorporated in the State in which it proposes to furnish services because the State law requires that a medical society approve the incorporation of such an organization, or requires that physicians constitute all or a majority of its governing board, or requires that all physicians in the locality be permitted to participate in the services of the organization, or makes any other requirement which the Board finds incompatible with the purposes of this title, the Board may issue a certificate of incorporation to the organization, and it shall thereupon become a body corporate. The powers of the corporation shall be limited to the furnishing of services under this title, and the doing of things reasonably necessary or incident thereto. So far as the Board finds to be compatible with the purposes of this title, the certificate of incorporation shall accord with, and the corporation shall be subject to, provisions of the State law which are applicable to nonprofit corporations generally.

Part D—Trust Fund; Allocation of Funds for Services

HEALTH SECURITY TRUST FUND

Sec. 61. (a) Section 1817 of the Social Security Act (creating the Federal Hospital Insurance Trust Fund and appropriating to the fund the proceeds of the hospital insurance payroll taxes and the hospital insurance self-employment tax) is amended—

(1) by striking out the section heading, and the name of the trust fund appearing in subsection (a), and in each case inserting in lieu thereof: "Health Security Trust Fund";

(2) by striking out paragraph (2) of subsection (a) (appropriating to the trust fund the proceeds of the self-employment tax for hospital insurance) and inserting in lieu thereof:

"(2) the taxes imposed by section 1401(b) of the Internal Revenue Code of 1954 with respect to self-employment income, and by section 1403 of the Code with respect to unearned income, reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code."

(3) by striking out subsections (g), (h), and (i) and inserting in lieu thereof:

"(g) On the effective date of benefits under title I of the Health Security Act, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund. The Health Security Trust Fund shall remain subject to the liabilities of the Federal Hospital Insurance Trust Fund existing immediately prior to such effective date.

"(h) In addition to the sums appropriated by subsection (a), there are authorized to be appropriated to the Trust Fund from time to time, out of any moneys in the Treasury not otherwise appropriated, a Government contribution equal to 100 percent of the sums appropriated by subsection (a). There shall be deposited in the Trust Fund all recoveries of overpayments, and all receipts under loans or other agreements entered into, under title I of the Health Security Act.

"(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Health Security Board certifies are necessary to make payments provided for by title I of the Health Security Act, and the payments with respect to administrative expenses in accordance with section 201(g)."

(b) Section 201(g) of the Social Security Act (providing for annual authorization by the Congress of payment, from the respective trust funds, of the cost of administering the several national systems of social insurance) is amended—

(1) by striking out in paragraph (1)(A) "the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof: "the Health Security Trust Fund";

(2) by striking out the words "title XVIII" wherever they appear in the subsection and inserting in lieu thereof: "title I of the Health Security Act".

ANNUAL DETERMINATION OF FUND AVAILABILITY

Sec. 62. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, fix the maximum amount which may (except as provided in subsection (c)) be obligated during the fiscal year for expenditure from the Trust Fund. The amount so fixed—

(1) shall not exceed 200 percent of the expected net receipts during the fiscal year (as estimated by the Secretary of the Treasury) from the taxes imposed by sections 1401(b), 1403, 3101(b) and 3111(b) of the Internal Revenue Code of 1954, and

(2) for any fiscal year except the fiscal year beginning on the effective date of health benefits, shall not exceed the aggregate obligations, as estimated by the Board, incurred and to be incurred by the Trust Fund during the fiscal year current at the time when the determination is made, adjusted to reflect (A) any estimated change expected in the prices of goods and services which enter into the cost of living, (B) the expected change in the number of eligible persons, (C) any expected change (to the extent that the Board finds it not otherwise adequately reflected) in the number of participating professional providers, or in the number or capacity for the provision of services of institutional or other participating providers, and (D) any change in the cost of administration of this Act indicated in the President's budget estimates pursuant to section 201(g) of the Social Security Act.

(b) In fixing the amount to be available for obligation during a fiscal year, pursuant to subsection (a)—

(1) if and to the extent that (A) the Board estimates that the amount in the Trust Fund at the beginning of the fiscal year will be less than one-quarter of the obligations incurred and to be incurred during the fiscal year current at the time when the determination is made, and (B) the Board finds that restriction of the amount to be available for obligation will not materially impair the adequacy or quality of services to eligible persons, the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (1) of that subsection; and

(2) if and to the extent that the Board finds that improvement in the organization and delivery of services or in the control of their utilization has lessened their aggregate cost (or has lessened an increase in their aggregate cost), the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (2) of that subsection.

(c) The amount to be available for obligation during a fiscal year, fixed pursuant to subsection (a), may be modified before or during the fiscal year if the Secretary of the Treasury finds that the tax receipts referred to in subsection (a)(1) will differ from the estimate by 1 percent or more, or if the Board finds that any of the factors of expected change referred to in subsection (a)(2), or action on the budget estimate for the cost of administration, will differ from the estimate by 5 percent or more; or if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds. If the amount fixed pursuant to subsection (a) is increased, the Board, through the Secretary, shall promptly report its action to the Congress with a statement of the reasons therefor.

HEALTH SERVICES ACCOUNT, HEALTH RESOURCES DEVELOPMENT ACCOUNT, ADMINISTRATION ACCOUNT, AND GENERAL ACCOUNT

Sec. 63. (a) There shall be established in the Trust Fund a Health Services Account, a Health Resources Development Account, an Administration Account, and a General Account (consisting of all moneys in the Trust Fund which have not been transferred to another account).

(b) For each fiscal year there shall from time to time be transferred from the General Account to the Health Resources Development Account the following percentage of the amount to be available for obligation during that year (as determined pursuant to section 62(a) and (b)): for the fiscal year beginning on the effective date of health benefits, and for the next succeeding fiscal year, 2 percent; for each of the next two succeeding fiscal years, 3 percent; for each of the next two succeeding fiscal years, 4 percent; and for each fiscal year thereafter, 5 percent. Funds in the Health Resources Development Account shall be used exclusively for the purposes of part F, and shall remain available for such uses until expended.

(c) The remainder of the amount to be available for obligation during a fiscal year, after deducting the amount of the President's budget estimates for the cost of administering this Act, shall from time to time be transferred from the General Account to the Health Services Account. Funds in the Health Services Account shall be used exclusively for making payments for covered services in accordance with part E, and shall remain available for such payments until expended.

(d) As amounts available for a fiscal year (or for portions of the year) for the administration of this Act are determined by the Congress, the amount available for the administration of this title shall be transferred from the General Account to the Administration Account. From time to time any necessary adjustments shall be made in the amount transferred to the Health Services Account and in allocations previously made from that account.

REGIONAL ALLOCATIONS FROM HEALTH SERVICES ACCOUNT

SEC. 64. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, make allocations to the regions of the Department from the funds to be available for the fiscal year in the Health Services Account. The allocation to each region shall be equal to the estimated aggregate expenditures in the region for services, described in part B as covered services, in the most recent twelve-month period for which reliable data are available, adjusted to reflect the factors of change referred to in clauses (A), (B), and (C), of section 62(a)(2), and further adjusted in accordance with subsections (b) and (c) of this section.

(b) It shall be the objective of the Board to reduce gradually, and ultimately to eliminate substantially, existing differences among the regions of the Department in the average per capita cost of health services, except as such differences reflect estimates of differences in the prices of goods and services which enter into the cost of living for people in the several regions. To this end the Board shall modify the allocations for each fiscal year determined under subsection (a) in order (1) to reduce, or to lessen any increase in, the cost of covered services in regions in which the average per capita cost is higher (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost, to such extent as the Board finds practicable without impairing materially the adequacy or quality of services to eligible persons, and (2) to stimulate, to such extent as the Board finds practicable and desirable, increases in the availability and utilization of covered services in regions in which the average per capita cost is lower (to an extent greater than the difference in the estimated weighted average cost of goods and services) than the national average per capita cost. In modifying allocations to the regions, the Board shall take account of regional differences in the composition of population, in the prevalence and incidence of morbidity indicating need for covered services, in the available and needed resources in personnel or facilities for provision of covered services, in the costs of providing covered services, and in such other factors as the Board may deem pertinent, to the extent that such regional differences are not reflected in allocations under subsection (a) and have not already been taken into account, under this subsection, in modifying those allocations.

(c) The Board shall withhold from allocation to the regions a reserve for contingencies, in an amount not more than 5 percent of the funds to be available for the fiscal year in the Health Services Account. If the remaining amount to be available for the fiscal year in the account is less than the sum of the regional allocations determined pursuant to subsections (a) and (b), the allocations shall be reduced proportionately.

(d) Allocations under this section may be modified before or during a fiscal year if the amount to be available for obligation is modified pursuant to section 62(c). The contingency reserve shall be available to increase one or more regional allocations, as the Board may find necessary. From the contingency reserve, or from additional funds in the General Account made available for obligation, one or more allocations may also be increased if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds.

DIVISION OF REGIONAL FUNDS BY CLASSES OF SERVICES

SEC. 65. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, divide the allocation to each region into funds to be available, respectively, to pay the cost within the region of the following classes of services: (1) institutional services, (2) physician services, (3) dental services, (4) the furnishing of drugs, (5) the furnishing of devices, appliances, and equipment, and (6) other professional and miscellaneous services.

(b) The content, for purposes of the division of funds, of each class of services shall be defined in regulations. Within the funds to be available for miscellaneous services, the regulations shall establish subfunds, respectively, for the making of incentive payments not otherwise provided for, for supporting services described in section 27(b), for payments to optometrists, for payments to podiatrists, for payments to independent pathology laboratories, for payments to independent radiology services, and for such other purposes as the Board may determine.

(c) The amounts assigned to the several funds and subfunds in each region shall be determined in accordance with regulations, which shall take into account, in addition to the factors considered in making the regional allocations, trends in utilization of the several services and, to the extent the Board finds it practicable, the creation of incentives for the improved utilization thereof.

FUNDS FOR HEALTH SERVICE AREAS

SEC. 66. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, allot among the health service areas established in each region under section 124(a), each of the funds established for the region pursuant to section 65 for a class of services. If an interstate health service area lies partly in each of two or more regions, appropriate allotments of funds from each region shall be made to it.

(b) The amount allotted to each health service area from each regional fund shall be equal to the aggregate expenditures in the area for services of the class for which the fund is to be available, as determined (or, if necessary, estimated) by the Board for such twelve-month period as may be specified in regulations; modified to take account of the factors considered in making regional allocations and in dividing such allocations by classes of services (including modifications designed to further the objective of equalization within each region, in the manner set forth in section 64(b) with respect to interregional equalization).

(c) Payment for services, in accordance with part E, shall be made to participating providers in each health service area by such officer of the Board as it may designate for the purpose. There shall be established for each area such accounts as the Board may find convenient for making payment to providers of more than one class of services (such as an account for payment to hospitals, or an account for payment to comprehensive health service organizations), in which shall be deposited the appropriate portions of the funds for the several classes of services to be furnished by such providers.

MODIFICATION OF FUND ALLOTMENTS

SEC. 67. Before or during a fiscal year the division of funds by classes of services pursuant to section 65, or the allotment of funds to health service areas pursuant to section 66, may be modified if the regional allocations are modified, or if the Board finds that modification is required by events occurring or information acquired after the division and allotment were made.

PART E—PAYMENT TO PROVIDERS OF SERVICES IN GENERAL

SEC. 81. Payment shall be made to participating providers, in accordance with this part, for covered services furnished to eligible persons (or, in the case of dental services, furnished to persons entitled thereto under section 23). Payments shall be made from the amounts allocated from the Health Services Account in the Trust Fund, in accordance with part D, for the respective areas and purposes.

METHODS AND AMOUNT OF PAYMENT TO PROFESSIONAL PRACTITIONERS

SEC. 82. (a) Every independent professional practitioner shall be entitled, at his election, to be paid by the fee-for-service method, consisting of the payment of a fee for each separate covered service.

(b) Every physician engaged as an independent practitioner in the general or family practice of medicine (as determined in accordance with regulations under sec. 22(b)(1)), and every dentist engaged as an independent practitioner in the furnishing of covered dental services, shall be entitled, at his election, to be paid by the capitation method if he had filed with the Board an agreement (1) to furnish all necessary and appropriate primary medical services (as defined in such regulations) or covered dental services, as the case may be, to persons on a list of persons who have chosen to receive all such services from the practitioner, (2) to maintain arrangements for referral of patients to specialists, institutions, and other providers of covered services, and (3) to maintain such records and make such reports of services furnished as may be required by regulations for purposes of medical audit. A practitioner electing the capitation method is entitled to be paid by the fee-for-service method for services furnished to eligible persons who are not on his list, but not (except as provided in regulations) for specialized services furnished to persons who are on his list.

(c) When the Board deems it necessary in order to assure the availability of services or for other reasons, the Board (1) may pay an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to the foregoing methods of compensation, and it may reimburse a practitioner for special costs of continuing professional education and of maintaining linkages with other providers of services (such as costs of communication and of attendance at meetings or consultations), and (2) may pay for specialized medical services (including services referred to in section 42(b)(2)) a stated amount per session or per case or may utilize a combination of the methods authorized by this section.

(d) The capitation method of payment for a specified kind and scope of covered services consists of the payment, to a provider of such services, of an annual capitation amount (determined for a health service area) for each person resident in that area who has chosen to receive all such services from the provider.

(e) The amounts allotted for a fiscal year pursuant to part D for each health service area for physician services, for dental services, for optometrist services, and for podiatrist services, respectively, shall each be used (1) to provide for payments for professional services (made either directly to practitioners or as reimbursement to hospitals or other providers for the compensation of practitioners) to be made by the Board on a budget or stipend basis or any basis other than capitation, fee-for-service, or per case, and (2) from the remainder, to make available (for each kind of professional services) an equal per capita amount for each person resident in the area who is entitled to such services. In any area in which the Board finds that a substantial volume of services is furnished to nonresidents, it may reduce the per capita amount to such extent as it finds necessary to effect an equitable distribution of funds.

(f) The per capita amount shall constitute the annual capitation amount for purposes of payment to any organization, professional foundation, or other provider furnishing all covered services (described in part B) of the kind for which the allotment is available. Lesser capitation amounts shall be fixed, on the basis of the relative cost of the services, for primary medical services, and, as may be required, for any scope of services (less than comprehensive) which is furnished by any institutional or other provider. If the Board finds that the population served by a provider requires on the average, because of age distribution or other factor, a volume of services significantly greater or smaller than the average requirement of the population of the local health service area, the Board may, after consultation with the provider, make an appropriate adjustment in the capitation amount payable to him. The aggregate of capitation payments under this subsection to any organization, professional foundation, or other provider may be used by it for the compensation of professional practitioners furnishing services on its behalf, by whatever method (including salary, capitation, fee-for-service, or any other method) may be agreed upon between the provider and the practitioners.

(g) For the compensation of professional practitioners who are to be paid by the Board (directly or through a delegation under this subsection) on a fee-for-service or per case basis, there shall be available—

(1) the per capita amount determined under subsection (e), multiplied by the number of residents of the health service area for whom no capitation payment (for services of the kind for which the allotment is available) is to be made under subsection (f),

(2) increased to reflect any excess resulting from a lowering of the per capita amount under subsection (e) on account of services furnished to nonresidents, or from the fixing of lesser capitation amounts under subsection (f) for services less than comprehensive, and

(3) increased or reduced to reflect adjustments under subsection (f), on the ground of age distribution or other factor, in capitation amounts payable to other providers.

The amount of payments under this subsection shall be determined in accordance with relative value scales prescribed by the Board after consultation with representatives of the respective professions in the region, State, or area, and in accordance with unit values prescribed by the Board from time to time. The Board may, on such terms as it deems appropriate, delegate to a professional society or to an agency designated by representatives of a profession in the region, State, or area the payment of fees and per session amounts under this subsection.

(h) The Board may, on an experimental or demonstration basis, enter into an agreement with a statewide or local professional society or other organization representative of independent professional practitioners to substitute another method of compensation for those set forth in this section (either for all such practitioners, for all who have elected the fee-for-service method of payment, or for all who have elected another method), if the Board is satisfied that the substitute method will not increase the cost of services and will not encourage overutilization or underutilization of covered services. The Board shall review from time to time the operation of such an agreement, and shall, after reasonable notice, terminate it if the Board finds it to have led to increased cost or to overutilization or underutilization of covered services.

PAYMENT TO HOSPITALS (OTHER THAN PSYCHIATRIC HOSPITALS)

SEC. 83. (a) A participating hospital (other than a psychiatric hospital) shall be paid its approved operating costs, determined in accordance with regulations, in the furnishing of covered services to eligible persons, as such approved costs for a fiscal year are set forth in a prospective budget approved by the Board. Regulations under this section shall specify the method or methods to be used, and the items to be included, in determining costs, and shall prescribe a nationally uniform system of cost accounting.

(b) The costs recognized in each hospital budget shall be those, determined in accordance with subsection (a), of furnishing the covered services ordinarily furnished by the hospital to inpatients or outpatients, and of performing any other function ordinarily performed by the hospital and ordinarily financed from payments by or on behalf of patients, except as the scope of services or of other functions may be modified by agreement of the Board and the hospital or by direction of the Board pursuant to section 134. The budget shall recognize any increase or decrease of cost resulting from a modification of the scope of services or of other functions, or resulting from compliance with any other direction issued pursuant to section 134.

(c) The costs recognized in the budget shall include the cost of reasonable compensation to (and other costs incident to the services of) pathologists, radiologists, and other physicians and other professional or nonprofessional personnel whose services are held out as generally available to patients of the hospital or to classes of its patients, whatever the method of compensation of such physicians and other personnel, and whether or not they are employees of the hospital.

(d) The Board shall review, through such of its officers or employees or through such boards, and in such manner, as may be provided in regulations, proposed budgets prepared and submitted to it by hospitals, and may provide for participation in such review by representatives of the hospitals in the region or health service area in which the hospital is situated. Each officer of the Board charged with final action on hospital budgets shall receive and consider written justifications of budget proposals, and may provide oral hearings thereon.

(e) A hospital budget approved under this section for a fiscal year may, in such manner as is provided in regulations, be amended before, during, or after the fiscal year if there is a substantial change in any of the factors relevant to budget approval.

(f) If a hospital (other than a psychiatric hospital) operates or has an affiliation agreement (described in section 52(b)) with a participating skilled nursing home, and also operates or has such an agreement with a participating home health service agency, the Board may, on request of the institution or institutions and in accordance with regulations designed to reflect the cost of a combined operation, approve a consolidated budget and make all payments thereunder to the hospital.

PAYMENT TO PSYCHIATRIC HOSPITALS

SEC. 84. A participating psychiatric hospital which is primarily engaged in furnishing covered services shall be paid in the same manner as other hospitals. Any other participating psychiatric hospital shall be paid an amount determined in accordance with regulations for each patient day of covered services to an eligible person. Such regulations shall take into account, with respect to any distinct part of the hospital which meets the requirements of section 44, the factors to be considered in the approval of the budgets of hospitals other than psychiatric hospitals, but with such adjustments as are neecssary to provide equitable compensation to the psychiatric hospital.

PAYMENT TO SKILLED NURSING HOMES AND TO HOME HEALTH SERVICE AGENCIES

SEC. 85 (a) A participating skilled nursing home or home health service agency shall be paid in the same manner as a hospital (other than a psychiatric hospital), except as provided in subsection (b) of this section, its approved operating costs in the furnishing to eligible persons of skilled nursing home services or home health services, as the case may be.

(b) Regulations under this section shall, for skilled nursing homes and for home health service agencies, respectively, specify the method or methods to be used, and the items to be inculded, in determining costs; may, to the extent the Board deems desirable, specify nationally uniform systems of cost accounting; and, taking into account the prevailing practices of such homes or such agencies, may specify services which will be recognized in budgets and services which will not be so recognized.

PAYMENT FOR DRUGS

SEC. 86. (a) For each drug appearing on either of the lists established pursuant to section 25, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this title as the cost of the drug to a provider thereof. Product prices shall be so fixed as to encourage the acquisition of drugs in substantial quantities, and differing product prices for a single drug may be established only to reflect regional differences in cost or other factors not related to the quantity purchased.

(b) Payment for a drug furnished by an independent pharmacy shall consist of its cost to the pharmacy (not in excess of the applicable product price) plus a dispensing fee. The Board, after consultation with representatives of the pharmaceutical profession, shall establish (and from time to time review and revise) schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of drugs dispensed, differences in services provided, and other factors which the Board finds relevant.

PAYMENT TO COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS AND PROFESSIONAL FOUNDATIONS

SEC. 87. (a) Payment to a comprehensive health service organization or to a professional foundation for covered services to its eligible enrollees, other than for hospital or skilled nursing home services, shall consist of basic capitation payments plus additional payments (if any) determined in accordance with subsection (d).

(b) The basic capitation payment shall consist of a basic capitation amount multiplied by the number of eligible persons enrolled in the organization or foundation. The basic capitation amount shall be the sum of the appropriate capitation amount or amounts for professional services (determined under section 82(f)) and a capitation amount fixed by the Board, on the basis of the average reasonable and necessary cost per enrollee, for each other service or class of services (exclusive of hospital and skilled nursing home services) to be furnished by the organization or foundation in accordance with section 47(a)(3) or 48(b).

(c) If the organization or foundation furnishes hospital or skilled nursing home services through one or more institutions operated by it, payment for these services shall (subject to the provisions of subsection (e)) be made in accordance with section 83, 84, or 85. If with the approval of the Board the organization or foundation furnishes such services to enrollees through arrangements with other providers to which the organization or foundation undertakes to make payment for the services, the Board may reimburse the organization or foundation for such payments on the basis of patient-days of service utilized by eligible persons enrolled in the organization or foundation.

(d) If it appears to the satisfaction of the Board (1) that the average utilization of hospital and skilled nursing home services by eligible persons enrolled in the organization or foundation (whether or not such services are furnished by the organization or foundation, either directly or through other providers) has, during a fiscal year, been less than the average utilization of such services under comparable circumstances by comparable population groups not enrolled either in comprehensive health service organizations or in professional foundations, and (2) that the services of the organization or foundation have been of high quality and adequate to the needs of its enrollees, the Board shall (subject to the provisions of subsection (e)) make an additional payment to the organization or foundation equal to 75 percent of the amount which the Board finds has been saved by such lesser utilization of hospital and skilled nursing home services.

(e) In lieu of payments under subsections (c) and (d), the Board may pay the comprehensive health service organization or the foundation on a capitation basis for hospital services, skilled nursing home services, or both. The capitation amount for such services shall be their average reasonable and necessary cost per enrollee; except that, if the conditions stated in subsection (d) are met, the capitation amount shall be determined by the Board on the basis of the average cost of such services under comparable circumstances to comparable population groups not enrolled in comprehensive health service organizations or in professional foundations, reduced by such amount as the Board finds (on the basis of past experience of the organization or foundation) is calculated to yield to the trust fund 25 per centum of the saving referred to in subsection (d).

(f) The amount of any additional payment under subsection (d), or the excess of aggregate payments under subsection (e) over the cost of furnishing hospital services, skilled nursing home services, or both, to eligible persons enrolled in the organization or foundation, may be used by the organization or foundation for any of its purposes, including the application of such amounts to the cost of services not covered by this title.

PAYMENT TO OTHER PROVIDERS

SEC. 88. (a) An agency, organization, or other entity with which the Board has entered into an agreement under section 49(a) shall be paid by such method (other than the fee-for-service method) as, in accordance with regulations, may be set forth in the agreement.

(b) An independent pathology laboratory or an independent radiology service shall be paid on the basis of a budget approved by the Board, or on such other basis as may be specified in regulations.

(c) Payment for devices, appliances, and equipment, payment for ambulance or other transportation services, and payment for the services of a Christian Science sanatorium shall be made on such basis as may be specified in regulations.

METHODS AND TIME OF PAYMENT

SEC. 89. The Board shall periodically determine the amount which should be paid under this part to each participating provider of services, and the provider shall be paid, from the Health Services Account in the Trust Fund, at such time or times as the Board finds appropriate (but not less often than monthly) and prior to audit or settlement by the General Accounting Office, the amounts so determined, with adjustments on account of underpayments or overpayments previously made (including appropriate retrospective adjustments following amendment of approved institutional budgets). Payment may be made in advance in such cases and to such extent as the Board finds necessary to supply providers with working funds, on such terms as it finds sufficient to protect the interests of the United States.

PART F—PLANNING: FUNDS TO IMPROVE SERVICES AND ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

PURPOSE OF PART F—AVAILABILITY OF FUNDS

SEC. 101. (a) The purpose of this part is—

(1) prior to the effective date of health security benefits, to inaugurate a program of strengthening the Nation's resources of health personnel and facilities and its system of delivery of health services, in order to enable the providers of health services better to meet the demands on them when benefits under this title become available, and to that end (A) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet the demands of the Health Security program under this title, and (B) to provide financial and other assistance (i) in alleviating shortages and maldistributions of health personnel and facilities in order to increase the supply of services, and (ii) in improving the organization of health services in order to increase their accessibility and effective delivery; and

(2) after the effective date, to reinforce the operation of the Health Security program under this title as a mechanism for the continuing improvement of the supply and ties and the organization of health services, distribution of health personnel and facili- and to that end (A) to coordinate the health planning process throughout the United States with a view to the continuing development of plans for maximizing capabilities for the effective delivery of covered services, and (B) to assist in meeting those costs of improvement of personnel, facilities, and organization that are not met either through the normal operation of the Health Security program under this title or from other sources of public or private assistance.

(b) For the purposes of subsection (a)(1), there are hereby authorized to be appropriated $200,000,000 for the fiscal year beginning on July 1 of the calendar year in which this title is enacted, and $400,000,000 for the next succeeding fiscal year. Funds appropriated under this subsection shall remain available until expended.

(c) For the purposes of subsection (a)(2), the Board is authorized to make expenditures from the Health Resources Development Account in the Trust Fund, established pursuant to section 63.

PLANNING

SEC. 102. (a) In consultation with State comprehensive health planning agencies approved under section 314 (a) of the Public Health Service Act, and with regional medical programs and other health planning agencies, the Secretary shall promote and support, and as necessary shall conduct within the Department of Health, Education, and Welfare, a continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services. Except for planning with respect to the national supply of professional health personnel, the planning shall proceed primarily on a State-by-State basis but without excluding more particularized planning for portions of States, for metropolitan or interstate areas, or with respect to health facilities, health manpower development, or other particular aspects of health care. If a State comprehensive health planning agency does not undertake and carry out the responsibility for utilizing and coordinating all health planning activities within the State (including coordination with planning for interstate areas), and for coordinating health planning with planning in related fields, the Secretary shall assume the responsibility for co-ordinating such planning activities within the States.

(b) Prior to the effective date of health benefits, the planning process shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the organization for delivery of covered services, and to means for the speedy alleviation of these shortcomings. Thereafter, it shall be directed to the continuing development of plans for maximizing capabilities for the effective delivery of covered services.

(c)(1) Section 314(a) of the Public Health Service Act (authorizing grants for comprehensive State health planning) is amended—

(A) by striking out "June 30, 1973" in the first sentence of paragraph (1) and inserting "June 30, 1978" in lieu thereof, and by striking out "and" after "June 30, 1972," in the second sentence of the paragraph and inserting before the period at the end of the paragraph: "and for each of the five succeeding fiscal years, so much as may be necessary"; and

(B) by redesignating paragraphs (D) through (K) of subsection (a)(2) as paragraphs (E) through (L), respectively, and by inserting immediately after paragraph (C) a new paragraph:

"(D) provide that the State agency will place emphasis on the achievement, in consultation with the Secretary, of the purposes set forth in section 102 of the Health Security Act, and will utilize and coordinate all local or particularized health planning activities within the State (including coordination with planning for interstate areas), and coordinate health planning with planning in related fields;"

(2) Paragraph (1)(A) of section 314(b) of the Public Health Service Act (authorizing project grants for areawide health planning) is amended—

(A) by striking out "June 30, 1973" in the first sentence and inserting "June 30, 1978" in lieu thereof;

(B) by inserting immediately before the last sentence, "In approving grants under this subsection the Secretary shall take into consideration the extent to which the agency or organization will supplement or otherwise contribute to the effectiveness of the planning conducted by the State agency pursuant to paragraph (D) of subsection (a)(2);" and

(C) by striking out "and" after "June 30, 1972," in the last sentence, and inserting before the period at the end of the paragraph: "and for each of the succeeding five fiscal years, so much as may be necessary".

GENERAL POLICIES AND PRIORITIES

SEC. 103. (a) In providing assistance under this part, the Board shall give priority to improving and expanding the available resources for, and assuring the accessibility of, services to ambulatory patients which are furnished as part of coordinated systems of comprehensive care. To this end the Board shall encourage and assist (1) the development or expansion of comprehensive health service organizations meeting the requirements of section 47(a), (2) the development or expansion of agencies, organizations and centers described in section 49(a) (1) or (2) to furnish services to persons in urban or rural areas who lack ready access to such services, (3) the recruitment and training of professional personnel to staff such organizations, agencies, and centers, (4) the recruitment and training of subprofessional and nonprofessional personnel (including the development and testing of new kinds of health personnel) to assist in the furnishing of such services, to engage in education for personal health maintenance, and to furnish liaison between such organizations, agencies, or centers and the people they serve, and (5) the strengthening of coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds, in order to improve the continuity of care and the assurance that patients will be referred to such services and at such times as may be medically appropriate, and (6) the strengthening of coordination and cooperation between hospital medical staffs and hospital administrators.

(b) In administering financial assistance under this part the Board shall be guided so far as possible by findings and recommendations of appropriate health planning agencies.

(c) Funds available to carry out this part shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of the Health Security program under this title (such as the training of physicians or medical students for the general or family practice of medicine). In administering other programs of Federal financial assistance the Secretary and other officers of the Executive Branch, on recommendation of the Board, shall to the extent possible utilize those programs to further the objectives of this part. To this end the Board, on such terms as it finds appropriate, may lend to an applicant or grantee not more than 90 per centum of the non-Federal funds required as a condition of assistance under any such program, and may pay all or part of the interest in excess of 3 percent per annum on any loan made, guaranteed, or insured under any such program.

ORGANIZATIONS FOR THE CARE OF AMBULATORY PATIENTS

SEC. 104. (a) The Board is authorized to assist, in accordance with this section, the establishment, expansion, and operation of (1) comprehensive health service organizations which meet or will meet the requirements of section 47(a), and (2) public or other nonprofit agencies, organizations, and centers described in section 49(a)(1) and (2), which furnish or will furnish care to ambulatory patients.

(b) The Board is authorized to make grants (1) to any public or nonprofit agency or organization (whether or not it is a provider of health services), for not more than 90 percent of the cost (excluding costs of construction) of planning, developing, and establishing an organization or agency described in subsection (a) of this section; or (2) to an existing organization or agency described in subsection (a), for not more than 80 percent of the cost (excluding costs of construction) of planning and developing an enlargement of the scope of its services or an expansion of its resources to enable it to serve more enrollees or a larger clientele. In addition to grants under this subsection, or in lieu of such grants, the Board is authorized to provide technical assistance for the foregoing purposes.

(c) The Board is authorized to make loans to organizations and agencies described in subsection (a) of this section to assist in meeting the cost of construction (or otherwise acquiring, or improving or equipping) facilities which the Board finds will be essential to the effective and economical delivery, or to the ready accessibility, of covered services to eligible persons. No loan to a newly established agency or organization shall exceed 90 percent and no loan to any other agency or organization shall exceed 80 percent of such cost, or of the non-Federal share if other Federal financial assistance in meeting such cost is available.

(d) The Board is authorized to contract with an organization or agency which is described in subsection (a) of this section and which has been either newly established or substantially enlarged, to pay all or a part of any operating deficits, for not more than five years in the case of an organization described in subsection (a)(1), and until not later than the effective date of health security benefits in the case of an agency or organization described in subsection (a)(2). Any such contract shall condition payments upon the contractor's making all reasonable effort to avoid or minimize operating deficits and (if such deficits exist) making reasonable progress toward becoming self-supporting.

RECRUITMENT, EDUCATION, AND TRAINING OF PERSONNEL

SEC. 105. (a) In consultation with State comprehensive health planning agencies, and with Regional Medical Programs, the Board shall promptly establish (and from time to time review and, if necessary, revise) schedules of priority for the recruitment, education, and training of personnel to meet the most urgent needs of the Health Security program. The schedules may differ for different parts of the United States.

(b) The Board is authorized to provide, to physicians and medical students, training for the general or family practice of medicine and training in any other medical specialty in which the Board finds that there is, for the purposes of this title, a critical shortage of qualified practitioners.

(c) The Board shall provide education or training for those classes of health personnel (professional, subprofessional, or nonprofessional) for whom it finds the greatest need, if other Federal financial assistance is not available for such education or training; and if other assistance is available but the Board deems it inadequate to meet the increased need attributable to the Health Security program, it may, with the approval of the Secretary, provide such education or training pending action by the Congress on a recommendation promptly made by the Secretary to increase the authorization of appropriations (or, if the authorization is deemed adequate, to increase the appropriations) for such other assistance.

(d) The training of personnel authorized by this section includes the development of new kinds of health personnel to assist in the furnishing of comprehensive health services, and also includes the training of persons to provide education for personal health maintenance, to provide liaison between the residents of an area and health organizations and personnel serving them, and to act as consumer representatives and as members of advisory bodies in relation to the operation of this title in the areas in which they reside. The Board may make grants to public or other nonprofit health agencies, institutions, or organizations (1) to pay a part or all of the cost of testing the utility of new kinds of health personnel, and (2) until the effective date of health security benefits, to pay a part of the cost of employing persons trained under this subsection who cannot otherwise readily find employment utilizing the skills imparted by such training.

(e) Education and training under this section shall be provided by the Board through contracts with appropirate educational institutions or such other institutions, agencies, or organizations as it finds qualified for this purpose. The Board may provide directly, or through the contractor, for the payment of stipends to students or trainees in amounts not exceeding the stipends payable under comparable Federal education or training programs.

(f) The Board shall undertake to recruit and train professional practitioners who will agree to practice, in urban or rural areas of acute shortage, in comprehensive health service organizations referred to in section 47 (a) or in agencies, organizations, or centers referred to in section 48 (a) (1) or (2). A practitioner who agrees to engage in such practice for at least five years and who enters upon practice in the area before the effective date of health benefits, may until that date be paid a stipend to supplement his professional earnings, and in an appropriate case the Board may make a commitment to compensate the practitioner after that date in accordance with section 82(c).

(g) The Board shall undertake to recruit physicians to serve hospitals as their medical directors and to train such physicians (among other matters) in advising on and managing the development and implementation of medical policies and procedures and their coordination with planning and operational functions of the hospital, with its financing, and with its program of utilization review.

(h) In administering this section the Board shall seek to encourage the education and training, for the health professions and other health occupations, of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities. To this end the Board may, through contracts in accordance with subsection (e), provide to such persons remedial or supplementary education preparatory to or concurrent with education or training for the health professions or occupations, and may (directly or through such contracts) provide to such persons stipends adequate to enable them to avail themselves of such education or training.

SPECIAL IMPROVEMENT GRANTS

SEC. 106. (a) The Board is authorized to make grants to public or other nonprofit health agencies, institutions, and organizations to pay part or all of the cost of establishing improved coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds.

(b) The Board is authorized to make grants to organizations, agencies, and centers described in section 104(a) to pay part or all of the cost of installation of improved utilization review, budget, statistical, or records and information retrieval systems, including the acquisition of equipment therefor, or to pay part or all of the cost of acquisition and installation of diagnostic or therapeutic equipment.

LOANS UNDER PART F

SEC. 107. (a) Loans authorized under this part shall be repayable in not more than twenty years, shall bear interest at the rate of 3 per centum per annum, and (subject to the provisions of subsection (b)) shall be made on such other terms and conditions as the Board deems appropriate. Amounts paid as interest on any such loan or as repayment of principal shall, if the loan was made from funds appropriated pursuant to section 101(b), be covered into the Treasury as miscellaneous receipts, and if the loan was made from funds in the Health Resources Development Account, be deposited in the Trust Fund to the credit of that account.

(b) No loan for the construction or improvement of a facility shall be made under this part unless the borrower undertakes that all laborers and mechanics employed by contractors or subcontractors in the performance of construction or improvement on the project will be paid wages not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix 133z–15) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

RELATIONS OF PARTS E AND F

SEC. 108. Payments under this part pursuant to any grant or loan to, or any contract with, a participating provider of services shall be made in addition to, and not in substitution for, payments to which the provider is entitled under part E.

PART G—ADMINISTRATION

ESTABLISHMENT OF THE HEALTH SECURITY BOARD

SEC. 121. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Security Board to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than three members of the Board shall be members of the same political party.

(b) Each member of the Board shall hold office for a term of five years, except that (1) a member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of their appointment, at the end of one, two, three, four, and five years, respectively, after the date of enactment of this Act. A member who has served for two consecutive five-year terms shall not be eligible for reappointment until two years after he has ceased to serve.

(c) The President shall designate one of the members of the Board to serve, at the will of the President, as Chairman of the Board.

DUTIES OF THE SECRETARY AND THE BOARD

SEC. 122. (a) The Secretary of Health, Education, and Welfare, and the Board under the supervision and direction of the Secretary, shall perform the duties imposed upon them, respectively, by this title. Regulations authorized by this title shall be issued by the Board with the approval of the Secretary, in accordance with the provisions of section 553 of title 5, United States Code (relating to the publication of, and opportunity to comment on, proposed regulations).

(b) The Board shall have the duty of continuous study of the operation of this Act and of the most effective methods of providing comprehensive personal health services to all persons within the United States and to United States citizens elsewhere, and of making, with the approval of the Secretary, recommendations on legislation and matters of administrative policy with respect thereto. The Board shall make, through the Secretary, an annual report to the Congress on the administration of the functions with which it is charged. The report shall include, for periods prior to the effective date of health benefits, an evaluation by the Board of progress in preparing for the initiation of benefits under this title, and for periods thereafter, an evaluation of the operation of the title, of the adequacy and quality of services furnished under it, and of the costs of the services and the effectiveness of measures to restrain the costs.

(c) In performing his functions with respect to health manpower, education and training, health research, environmental health, disability insurance, vocational rehabilitation, the regulation of food and drugs, and all other matters pertaining to health, as well as in supervising and directing the administration of this title by the Board, the Secretary shall direct all activities of the Department toward mutually complementary contributions to the health of the people. He shall include in his annual report to the Congress a report on his discharge of this responsibility.

(d) The Secretary shall make available to the Board all information available to him, from sources within the Department or from other sources, pertaining to the functions of the Board.

(e) The Civil Service Commission, in consultation with the Board, shall to the greatest extent practicable facilitate recruitment, for employment by the Board in the competitive service, of qualified persons experienced in the administration or operation of private health insurance and health prepayment plans, or experienced in other fields pertinent to the administration of this title.

EXECUTIVE DIRECTOR: DELEGATION OF AUTHORITY

SEC. 123. (a) There is hereby established the position of Executive Director of the Health Security Board. The Executive Director shall be appointed by the Board with the approval of the Secretary, and shall serve as secretary to the Board and perform such duties in the administration of this title as the Board may assign to him.

(b) The Board is authorized to delegate to the Executive Director or to any other officer or employee of the Board or, with the approval of the Secretary (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department, any of its functions or duties under this title other than (1) the issuance of regulations, or (2) the determination of the availability of funds and their allocation, under sections 62, 63, or 64.

REGIONS AND HEALTH SERVICE AREAS

SEC. 124. (a) This title shall be administered by the Board through the regions of the Department (as they may be established from time to time) and, within each region, through such health service areas as the Board may establish. Each health service area shall consist of a State or a part of a State, except as the Board finds that patterns of the organization of health services and of the flow of patients make an interstate area a more practical unit of administration.

(b) The Board shall establish in each local health service area a local health security office and such branch offices as the Board may find necessary. The local offices and branch offices, in addition to such informational and other administrative duties as the Board may assign them, shall have the function of receiving and investigating complaints by eligible persons and by providers of services concerning the administration of this title and of taking or recommending appropriate corrective action.

NATIONAL HEALTH SECURITY ADVISORY COUNCIL

SEC. 125. (a) There is hereby established a National Health Security Advisory Council, which shall consist of the Chairman of the Board, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary on recommendation of the Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute a majority of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year after the date of enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Advisory Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions. The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Advisory Council (1) to advise the Board on matters of general policy in the administration of this title, in the formulation of regulations, and in the performance of the Board's functions under part D, and (2) to study the operation of this title and the utilization of health services under it, with a view to recommending any changes in the administration of the title or in its provisions which may appear desirable. The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto, and the Board, through the Secretary, shall promptly transmit the report to the Congress, together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Advisory Council and members of technical or professional committees, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Board, but not exceeding $100 per day; and shall be entitled to receive actual and necessary traveling expenses and per diem in lieu of subsistence while so serving away from their places of residence.

REGIONAL AND LOCAL ADVISORY COUNCILS

SEC. 126. (a) The Board shall appoint for each of the regions of the Department and for each health service area a regional or local advisory council, consisting of the regional or local representative of the Board as chairman and (in such numbers as the Board may determine) representatives of providers of health services and representatives (who shall constitute a majority of the members of each council) of consumers of such services. It shall be the function of each such council to advise the regional or local representative of the Board, as the case may be, on all matters directly relating to the administration of this title in the region or area, including methods and procedures followed in the handling of complaints.

(b) The provisions of section 125(d) shall be applicable to the members of councils appointed under this section.

PROFESSIONAL AND TECHNICAL ADVISORY COMMITTEES

SEC. 127. (a) The Board shall appoint such standing professional and technical committees as it deems necessary to advise it on the administration of this title with respect to the several classes of covered services described in part B. Each such committee shall consist of experts (in such number as the Board may determine) drawn from the health professions, from medical schools or other health educational institutions, from providers of services, or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnishing and utilization of, the payment for, and the evaluation of, a class of covered services designated by the Board, and with respect to the relationship of that class of services to other covered services.

(b) The Board is authorized to appoint such temporary professional and technical committees as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under subsection (a), or to supplement the advice of standing committees.

(c) Committees appointed under this section shall report from time to time to the Board, and copies of their reports shall be transmitted by the Board to the National Advisory Council.

(d) The provisions of section 125(d) shall be applicable to the members of committees appointed under this section.

PARTICIPATION BY STATE AGENCIES

SEC. 128. (a) The Board shall (in addition to the consultation with State planning agencies required by section 102) consult from time to time with State health agencies or other appropriate State agencies in preparing for and in administering health security benefits, with a view to coordinating the administration of this title with State and local activities in the fields of environmental health, licensure and inspection, education for the health professions and other health careers, and other fields relating to health. Insofar as practicable, the Board shall conduct such consultation through the regional offices of the Department.

(b) The Board shall make an agreement with any State which is able and willing to do so under which the State health agency or other appropriate State agency will be utilized by the Board in determining whether providers of services meet or continue to meet the qualifications and conditions established by or pursuant to part C. Such an agreement shall fix the frequency of inspection of the several classes of providers, other than professional practitioners, and shall establish the qualifications required of persons making the inspections. Determinations by State agencies based upon inspections made in accordance wtih such agreements, and determinations with respect to professional practitioners, may be given by the Board the same effect as determinations by the Board.

(c) An agreement under subsection (b) may provide that a State agency, either directly or through local public agencies, will undertake activities specified in the agreement, directed to the health education of the residents of the State, the maintenance and improvement of the quality of covered services furnished in the State, the maintenance of effective utilization review, or the better coordination of services of different kinds.

(d) The Board shall pay to a State, in advance or otherwise as specified in the agreement, the reasonable cost of services and activities pursuant to an agreement under subsection (b) or (c); and may pay a part or all of the cost of training (or may train) State personnel to enable them to meet the qualifications established by the Board for inspectors.

TECHNICAL ASSISTANCE TO SKILLED NURSING HOMES AND HOME HEALTH SERVICE AGENCIES

SEC. 129. The Board is authorized, either directly or through agreements with State agencies under Section 128, to provide technical assistance to skilled nursing homes and home health service agencies to supplement, in regard to social services, dietetics, and other matters, the skills of the groups referred to in section 45(b) and 46(b).

DISSEMINATION OF INFORMATION; STUDIES AND EVALUATIONS; SYSTEMS DEVELOPMENT

SEC. 130. (a) The Board shall disseminate, to providers of services and to the public, information concerning the provisions of this title, the persons eligible to receive the benefits of the title, and the nature, scope, and availability of covered services; and to providers of services, information concerning the conditions of participation, methods and amounts of compensation to providers, and other matters relating to their participation. With the approval of the Secretary, the Board may furnish to all professional practitioners information concerning the safety and efficacy of drugs appearing on either of the lists established under section 25, the indications for their use, and contraindications.

(b) The Board shall make, on a continuing basis after the effective date of health security benefits, a study and evaluation of the operations of this title in all its aspects, including study and evaluation of the adequacy and quality of services furnished under the title, analysis of the cost of each kind of services, and evaluation of the effectiveness of measures to restrain the costs.

(c) The Board is authorized, either directly or by contract—

(1) to make statistical and other studies, on a nationwide, regional, State, or local basis, of any aspect of the operation of this title, including studies of the effect of the title upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(2) to develop and test methods of providing, through payment for services or otherwise, additional incentives for adherence by providers to standards of adequacy and quality; methods of peer review and peer control of the utilization of drugs, of laboratory services, and of other services not subject to utilization review under section 51; and methods of peer review of the quality of services;

(3) to develop and test, for use by the Board, records and information retrieval systems and budget systems for health services administration, and develop and test model systems for use by providers of services;

(4) to develop and test, for use by providers of services, records and information retrieval systems useful in the furnishing of health services, and equipment (such as equipment for the monitoring of patients' functions, or for multiphasic screening) useful in the furnishing of preventive or diagnostic services;

(5) to develop, in collaboration with the pharmaceutical profession, and test, improved administrative practices or improved methods for the reimbursement of independent pharmacies for the cost of furnishing drugs as a covered service; and

(6) to make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this title.

EXPERIMENTS AND DEMONSTRATIONS

SEC. 131. The Board is authorized, pursuant to agreement with providers of services, to undertake experiments for the purpose of developing and testing alternative methods of compensating providers (in lieu of the methods otherwise prescribed by this title) which offer promise, through financial incentives or otherwise, of improving the coordination of services, improving their quality or their accessibility, or decreasing their cost; and to undertake demonstrations of the results of such experiments. Any such experiment or demonstration with respect to independent professional practitioners shall be undertaken only in the manner specified in section 82(h).

DETERMINATIONS; SUSPENSION OR TERMINATION OF PARTICIPATION

SEC. 132. (a) Determinations of entitlement to benefits under this title, determinations of who are participating providers of services, determinations whether services are covered services, and determinations of amounts to be paid by the Board to participating providers, shall be made by the Board in accordance with regulations. A provider or other person aggrieved by a determination under this subsection shall, in such cases and on such conditions as are specified in regulations, be entitled to an administrative appeal from it.

(b) If the Board finds that a participating provider of services no longer meets the qualifications established by or pursuant to part C for services of the kinds furnished by him, or for some classes of such services, or that he has intentionally violated the provisions of this title or of regulations, or that he has failed substantially to carry out the agreement filed by him pursuant to section 41(c), the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the provider, or suspending or terminating it with respect to particular classes of services.

(c) If the Board has reason to believe that a participating professional practitioner, or a professional practitioner furnishing covered services on behalf of an institutional or other participating provider, has in a substantial number of cases—

(1) furnished professional services, or caused the furnishing of institutional or other services, which were not medically necessary but for which payment was claimed under this title;

(2) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care; or

(3) neglected to furnish necessary services to eligible persons who were his patients, under circumstances such that the neglect constituted a breach of his professional obligation;

or has reason to believe that a participating provider other than a professional practitioner has in a substantial number of cases—

(4) furnished services, for which payment was claimed under this title, known to the provider not to have been medically necessary; or

(5) furnished to eligible persons covered services which were not of a quality meeting professionally recognized standards of care;

the Board shall submit the evidence in its possession either to an appropriate professional organization or to a committee constituted by the Board after consultation with such an organization (which committee may, when the Board deems it proper, include nonprofessional persons). The Board shall request the organization or committee, with or without further investigation, to recommend what action, if any, should be taken by the Board. Taking into consideration any recommendation so made to it, the Board may issue an order suspending or terminating (absolutely or on such conditions as the Board finds appropriate) the participation of the practitioner or other provider or, in the case of a practitioner furnishing services on behalf of another provider, requiring the other provider, as a condition of continued participation, to suspend or discontinue (absolutely or on conditions) the furnishing of covered services by the practitioner.

(d) The Board shall, either in advance or by way of reimbursement, pay to an organization or committee making a recommendation under subsection (c) its reasonable cost incurred in so doing.

(e) No determination under subsection (a) that a person, previously determined to be eligible for benefits, is not eligible therefor, and (unless the Board finds that eligible persons are endangered) no order under subsection (b) or (c), shall be effective until after the person or provider has been afforded a hearing under section 133 or an opportunity therefor.

HEARINGS: JUDICIAL REVIEW

SEC. 133. (a) A provider of services or other person who is dissatisfied with a determination made or an order issued under section 132 shall, upon request therefor filed in accordance with regulations, be entitled to a hearing before a hearing officer or a hearing panel of the Board. The hearing shall be held as promptly as possible and at a place convenient to the provider or other person requesting the hearing. For the purpose of reviewing the determinations of hearing officers or panels, the Board shall establish a national appeals tribunal and may establish regional or other intermediate appeals tribunals, and shall by regulation prescribe the jurisdiction of such tribunal or tribunals. Decisions of hearing officers or hearing panels shall, subject to appeals under this subsection, constitute final decisions of the Board.

(b) In any case in which the Board finds (on the basis of the request for hearing and the records of the Board) that a substantial issue of professional practice or conduct, in a health profession specified for this purpose in regulations, will be involved in the hearing, the hearing shall be held either before a person who is qualified in an appropriate health profession or before a panel which includes a person or persons so qualified, and an appeal in such a case shall be heard before an appellate tribunal (or a panel thereof) which includes a person or persons so qualified. In any case in which a single person qualified as a health professional, or a panel composed entirely of persons so qualified, conducts a hearing or hears an appeal, the Board shall assign an attorney to assist in the conduct of the hearing or the appeal and to advise upon the decision of issues of law.

(c)(1) Any provider of services or other person, after any final decision of the Board made after a hearing to which he was a party irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Board may allow. Such action shall be brought in the district court of the United States, for the judicial district in which the plaintiff resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. As part of its answer the Board shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decisions complained of are based.

(2) The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Board, with or without remanding the cause for a rehearing. The findings of the Board as to any fact, if supported by substantial evidence, shall be conclusive.

(3) Where a claim has been denied by the Board, or a decision is rendered which is adverse to a provider or other person who was a party to the hearing before the Board, because of failure of the claimant or such provider or other person to submit proof in conformity with any regulation prescribed by the Board, the court shall review only the question of conformity with the regulation and the validity of the regulation. The court shall not review a finding by the Board under subsection (b), or a refusal to find, that a substantial issue of professional practice or conduct will be involved in a hearing.

(4) The court shall, on motion of the Board made before it files its answer, remand the case to the Board for further action by the Board, and may, at any time on good cause shown, order additional evidence to be taken before the Board. The Board shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm its findings of fact or its decision, or both, and shall file with the court any such additional and modified findings of fact and decision and a transcript of the additional record and testimony. Such additional or modified findings of fact and decision shall be reviewable only to the same extent as the original findings of fact and decision.

(5) The judgment of the court shall be final except that it shall be subject to review in the same manner as judgments in other civil actions.

DIRECTIONS BY THE BOARD FOR THE BETTER ORGANIZATION AND COORDINATION OF SERVICES

SEC. 134.(a) The Board is authorized, in accordance with this section, to issue to any participating provider of services (other than an individual professional provider) a direction that the provider shall—

(1) discontinue (for purposes of payment under part E) one or more services which the provider is currently furnishing;

(2) initiate one or more covered services which the provider is not currently furnishing;

(3) initiate the furnishing of one or more covered services at a place where the provider is not currently furnishing the services; or

(4) enter into arrangements with one or more other providers of services (A) for the transfer of patients and medical records as may be medically appropriate, (B) for making available to one provider the professional and technical skills of another, or (C) for such other coordination or linkage of covered services as the Board finds will best serve the purposes of this title.

A direction under this subsection shall specify a future date on which, if the direction has not been complied with, the provider to whom it is addressed shall cease to be a participating provider.

(b) If the Board finds (1) that the services furnished by a provider of services (other than an individual professional provider) are not necessary to the availability of adequate services under this title and that their continuance as covered services is unreasonably costly, or (2) that the services are furnished inefficiently and at unreasonable cost, that efforts at correction have proved unavailing, and that necessary services can be more efficiently furnished by other providers, the Board may issue a direction that on a specified future date the provider shall cease to be a participating provider.

(c) No direction shall be issued under this section except on the recommendation of, or after consultation with, the State health planning agency (referred to in section 102(a)) of the State in which the direction will be operative. No direction shall be issued under subsection (a) unless the Board finds that it can practicably be carried out by the provider to whom it is addressed.

(d) (1) No direction shall be issued under this section until the Board has published notice, in the service area of the provider or providers affected, describing in general terms the proposed action, giving a brief statement of the reasons therefor, and inviting written comment thereon. The notice shall be published in at least one newspaper circulating in the area, and the Board shall use such other means as it finds calculated to inform residents of the area of the proposed action.

(2) If objection to the proposal is made by any interested provider of services (other than an individual professional practitioner) or by an interested health planning agency or by a substantial number of interested professional practitioners or of residents of the area, the Board shall call a public hearing before a hearing officer or hearing panel meeting the requirements of section 133 (b). At the hearing the Board shall present evidence in support of the proposal, and any interested provider of services or health planning agency or any other interested person shall be entitled to participate in the hearing and to present evidence or argument or both. On the basis of evidence presented at the hearing the hearing officer or hearing panel shall make recommended findings of fact and a recommended determination either to issue the proposed direction, to modify and issue it, or to withdraw the proposal. The final determination shall be made by the Board or by a special panel designed by it for the purpose, and shall be subject to judicial review in accordance with section 133 (c).

DEPUTY SECRETARY OF HEALTH, EDUCATION, AND WELFARE; UNDER SECRETARY FOR HEALTH AND SCIENCE; SALARY LEVELS

SEC. 135. (a) There shall be in the Department of Health, Education, and Welfare in addition to the Assistant Secretaries now provided for by law, a Deputy Secretary of Health, Education, and Welfare and an Under Secretary for Health and Science each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health and science in the case of such Under Secretary) as the Secretary may prescribe. The provisions of the second sentence of section 2 of Reorganization Plan Numbered 1 of 1953 shall be applicable to such Deputy Secretary to the same extent as they are applicable to the Under Secretary of Health, Education, and Welfare and shall be applicable to the Under Secretary for Health and Science to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b)(1) Section 5313, title 5, United States Code (relating to executive pay rates for positions at level II) is amended by inserting after clause (19) the following new clause:

"(20) Deputy Secretary of Health, Education, and Welfare."

(2) Section 5314, title 5, United States Code (relating to executive pay rates for positions at level III), is amended by striking out clause (7) and inserting in lieu thereof:

"(7) Under Secretary for Health and Science, Department of Health, Education, and Welfare,";

and by adding at the end thereof the following new clause:

"(54) Chairman, Health Security Board, Department of Health, Education, and Welfare."

(3) Section 5315, title 5, United States Code (relating to executive pay rates for positions at level IV), is amended by adding at the end thereof the following new clause:

"(94) Members (other than the Chairman), Health Security Board, Department of Health, Education, and Welfare."

(4) Section 5316, Title 5, U.S. Code (relating to executive pay rates for positions at level V) is amended by adding at the end thereof the following clause:

"(130) Executive Director, Health Security Board, Department of Health, Education, and Welfare."

(c)(1) The office of Under Secretary of Health, Education, and Welfare, created by section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(2) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Under Secretary of Health, Education, and Welfare to act as Deputy Secretary of Health, Education, and Welfare until that office is filled by appointment in the manner provided by subsection (a) of this section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for the Deputy Secretary of Health, Education, and Welfare.

PART H—MISCELLANEOUS PROVISIONS

DEFINITIONS

Sec. 141. When used in this title—

(a) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) The term "United States" when used in a geographical sense means the States, as defined in subsection (a).

(c) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(d) The term "Department", except when the context otherwise requires, means the Department of Health, Education, and Welfare.

(e) The term "Board" means the Health Security Board established by section 121.

EFFECTIVE DATES OF TITLE I

Sec. 142. The effective date of health benefits under this title shall be July 1 of the second calendar year after the year in which this title is enacted, and no service or item furnished prior to that date shall constitute a covered service. Part D shall be effective with respect to fiscal years beginning on or after the effective date, except that action pursuant to section 201(g) and section 1817 (h) of the Social Security Act, as amended by section 61 of this Act, to make funds available on and after the effective date, is authorized to be taken by the Congress prior to that date. In all other respects this title is effective upon enactment.

EXISTING EMPLOYER-EMPLOYEE HEALTH BENEFIT PLANS UNAFFECTED

Sec. 143. (a) No provision of this Act, and no amendment of the Internal Revenue Code of 1954 made by this Act, shall affect or alter any contractual or other nonstatutory obligation of an employer to provide health services to his present and former employees and their dependents, or to any of such persons, or the amount of any obligation for payment (including any amount payable by an employer for insurance premiums or into a fund to provide for any such payment) toward all or any part of the cost of such services.

(b) If notwithstanding subsection (a) the availability, on or after the effective date, of benefits under this title shall result in a diminution in the cost to an employer of his aggregate obligations (including his liability for taxes imposed by section 3111(b) of the Internal Revenue Code of 1954, as well as any contractual or other undertaking to pay the taxes imposed on his employees by section 3101(b) of the Code) to provide or pay for health services to persons referred to in subsection (a), it is the sense of the Congress that, at least to the extent of such diminution in costs, and at least for the duration of any nonstatutory obligation to provide or pay for health services subsisting immediately prior to the effective date, equity and fair dealing require the employer to undertake an equivalent cost, either by paying without deduction from their remuneration part or all of the taxes imposed by section 3101(b) of the Code on his employees, or by increasing their remuneration, or by providing other benefits to them, or by a combination of these methods, as may be agreed between the employer and his employees or their representatives.

TITLE II—HEALTH SECURITY TAXES

PART A—PAYROLL TAXES

RATES AND COVERAGE

Sec. 201. (a) Section 3101(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on employees) is amended to read as follows:

"(b) Health Security Tax.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 1 percent of the wages (as defined in section 3121(r)) received by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(b) Section 3111(b) of such Code (imposing a hospital insurance tax on employers) is amended to read as follows:

"(b) Health Security Tax.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 3.5 percent of the wages (as defined in section 3121(r)) paid by him on or after the effective date of health security taxes (as defined in section 3121(u)) with respect to employment (as defined in section 3121(s))."

(c) Section 3121 of such Code (containing definitions applicable to social security payroll taxes) is amended by adding at the end thereof the following subsections:

(r) Wage Base for Purposes of Health Security Taxes.—For the purpose of section 3101(b), the term "wages" shall have the meaning set forth in subsection (a) of this section except that in applying paragraph (1) of that subsection the term "health security contribution base (as defined in subsection (t))" shall be substituted for the figure "$7,800" each place it appears therein. For the purpose of section 31111(b), "wages" shall have the meaning set forth in subsection (a) of this section except that paragraph (1) of that subsection shall not be applied.

"(s) Employment for Purposes of Health Security Taxes.—For the purposes of sections 3101(b) and 3111(b), the term 'employment' shall have the meaning set forth in subsection (b) of this section except that—

"(1) the exclusions contained in the following paragraphs of subsection (b) shall not be applied: paragraph (1) (relating to foreign agricultural workers), paragraphs (5) and (6) (relating to employment by the United States or its instrumentalities) other than paragraph (6)(C)(i) (relating to the President, the Vice President, and Members of Congress) and paragraph (6)(C)(iii) through (v) (relating to certain minor employments), paragraph (8) (relating to employment by charitable and similar organizations), paragraph (9) (relating to employment covered by the railroad retirement system), and paragraph (17) (relating to employment by subversive organizations),

"(2) subsection (m) of this section (including services by members of the uniformed services in the term 'employment') shall not be applied, and

"(3) for the purposes of section 3101(b), the exclusion contained in paragraph (7) of subsection (b) of this section (relating to employment by States and their political subdivisions and instrumentalities) shall not be applied, other than paragraph (7)(C)(i) through (iv) (relating to certain minor employments by the District of Columbia).

"(t) Health Security Contribution Base.—

"(1) For each calendar year the term 'health security contribution base' means $15,000, unless for that year the Secretary has determined and published a contribution base pursuant to this subsection.

"(2) On or before November 1 of the second year after the calendar year in which occurs the effective date of health security taxes (as defined in subsection (u)), and at two-year intervals thereafter, the Secretary shall determine and publish in the Federal Register the health security contribution base for the first two calendar years following the year in which the determination is made.

"(3) The health security contribution base for a particular calendar year shall be whichever of the following is the larger:

"(A) the product of $15,000 and the ratio of (i) the average of the wages, taxable under section 3101(b), of all persons for whom such wages were reported to the Secretary for the first quarter of the calendar year in which a determination under paragraph (2) is made, to (ii) the average of the wages, taxable under that section, of all persons for whom wages were reported to the Secretary for the calendar quarter commencing on the effective date of health security taxes, but with such product (if it is not a multiple of $600) being rounded to the nearest multiple of $600 (or, if it is a multiple of $300 but not of $600, to the next higher multiple of $600); or

"(B) the health security contribution base for the calendar year immediately preceding such particular calendar year."

"(u) Effective Date of Health Security Taxes.—The term 'effective date of health security taxes' means January 1 of the second calendar year after the year in which the Health Security Act is enacted."

CONFORMING AND TECHNICAL AMENDMENTS

Sec. 202. (a) Section 3121(1) of the Internal Revenue Code of 1954 (relating to coverage of services performed in the employ of foreign subsidiaries of domestic corporations) is amended by striking out "sections 3101 and 3111" in paragraph (1)(A) and inserting in lieu thereof "sections 3101(a) and 3111(a)", and by inserting at the end of the subsection the following paragraph:

"(11) Notwithstanding the provision of any agreement entered into under this subsection, no domestic corporation shall be under any obligation to pay to the Secretary, with respect to services covered under the agreement and performed on or after the effective date of health security taxes (as defined in subsection (u) of this section) amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) if such services constituted employment as defined in subsection (b)."

(b) Sections 3122 and 3125 of such Code are amended by striking out "section 3111" wherever it appears and inserting in lieu thereof "section 3111(a)".

(c)(1) Section 3201 (relating to tax on railroad employees) and section 3211 (relating to tax employee representatives) of such Code are each amended by striking out "plus the rate imposed by section 3101(b)".

(2) Section 3221(b) of such Code (relating to tax on railroad employers) is amended by striking out "plus the rate imposed by section 3111(b)".

(d)(1) Section 6413(c)(1)(D) of such Code is amended by inserting "(i)" immediately after "(D)", by striking out "section 3101" and inserting "section 3101(a)" in lieu thereof, and by inserting immediately before the period at the end thereof: "; and (ii) during any calendar year beginning on or after the effective date of health security taxes (as defined in section 3121(u)) the wages received by him during such year exceed the health security contribution base (as defined in section 3121(t)) for that year, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to an amount of such wages received in such calendar year equal to the health security contribution base for such year."

(2) Section 6413(c)(2)(A) of such Code is amended by inserting immediately after "any calendar year after 1967," the following: "or (with respect to the tax imposed by section 3101(b)) the health security contribution base for any calendar year beginning on or after the effective date of health security taxes,".

(e) Section 218 of the Social Security Act (relating to agreements for the coverage of services performed in the employ of States and their political subdivisions and instrumentalities) is amended—

(1)(A) by striking out, in subsection (e)(1)(A), "sections 3101 and 3111" and "section 3121" and inserting in lieu thereof, "sections 3101(a) and 3111(a)" and "section 3121(b)", respectively;

(B) by striking out, in subsection (e)(2)(B), "section 3111" and inserting in lieu thereof, "section 3111 (a)"; and

(C) by adding at the end of subsection (e) the following paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section, no State shall be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed on or after the effective date of health security taxes (as defined in section 3121(u) of the Internal Revenue Code of 1954), amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) of such code if such service constituted employment as defined in section 3121 of such code."; and

(2) by striking out in subsection (h)(1), "and the Federal Hospital Insurance Trust Fund", and striking out in such subsection "subsection (a)(3) of section 201, subsection (b)(1) of such section, and subsection (a)(1) of section 1817, respectively" and inserting in lieu thereof "subsections (a)(3) and (b)(1) of section 201".

EXCLUSION FROM GROSS INCOME

SEC. 203. (a) Section 106 of the Internal Revenue Code of 1954 (excluding from gross income employer contributions to accident and health plans for their employees) is amended by inserting immediately before the period at the end thereof: ", and payments by the employer (without deduction from the remuneration of the employees) of the tax imposed upon his employees by section 3101(b)".

(b) The heading of section 106, and the line referring to that section in the table of contents in subtitle A, chapter 1, subchapter B, part III of such code, are each amended by adding at the end: "and employer payment of health security taxes".

EFFECTIVE DATES OF PART A

SEC. 204. The amendments made by section 201 of this Act, and the amendments made by subsections (b) and (d) of section 202, shall be effective only with respect to remuneration received, and remuneration paid, on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act), and section 3121(s) of such Code shall be applicable only with respect to remuneration for services performed on or after that date. The amendments made by subsections (a), (c), and (e) of section 202 shall be effective only with respect to remuneration for services performed on or after such effective date. The amendments made by section 203 shall apply to taxable years beginning on or after such effective date.

PART B—TAXES ON SELF-EMPLOYMENT INCOME AND UNEARNED INCOME

TAX ON SELF-EMPLOYMENT INCOME

SEC. 211. (a) Section 1401(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on self-employed individuals) is amended to read as follows:

"(b) HEALTH SECURITY TAX.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 2.5 percent of the self-employment income for such taxable year."

(b) Section 1402(b) of such Code (defining self-employment income) is amended—

(1) by striking out "except that such term shall not include—" and inserting in lieu thereof "except that—", and by amending so much of clause (1) as precedes paragraph (A) to read as follows:

"(1) for the purposes of section 1401(a), such term shall not include that part of the net earnings from self-employment which is in excess of —";

(2) by striking out "or" at the end of clause (1) and inserting "and" in lieu thereof, and by striking out clause (2) and inserting in lieu thereof the following:

"(2) for the purposes of section 1401(b), such term shall not include that part of the net earnings from self-employment which is in excess of (A) the amount of the health security contribution base (as defined in section 3121(t)) for the calendar year in which the taxable year begins, minus (B) the amount of wages paid to such individual during the taxable year; and

"(3) for the purposes of both section 1401(a) and section 1401(b), such term shall not include any net earnings from self-employment if such net earnings for the taxable year are less than $400.";

(3) by striking out "For purposes of clause (1), the term 'wage' (A) includes" and inserting in lieu thereof: "For purposes of clause (1), the term 'wages' means wages as defined in section 3121(a), except that it includes"; and

(4) by changing the comma following the term "section 3121(b)" to a period and striking out the remainder of the sentence in which such term appears, and inserting immediately after that sentence the following sentence: "For purposes of clause (2), the term 'wages' means wages as defined in section 3121(r) with respect to section 3101(b)."

(c) Section 1402(d) of the Code is amended by striking out "and the term 'wages'" and inserting in lieu thereof, "and (except as otherwise provided in subsection (b) of this section) the term 'wages'".

TAX ON HEALTH SECURITY UNEARNED INCOME

SEC. 212. Section 1403 of the Internal Revenue Code of 1954 is redesignated as section 1404, and the following new section is inserted immediately after section 1402:

"SEC. 1403. TAX ON HEALTH SECURITY UNEARNED INCOME

"(a) IMPOSITION OF TAX.—In addition to other taxes, there shall be imposed for each taxable year beginning on or after the effective date of health security taxes (as defined in section 3121(u)), on the income of every individual residing in the United States whose health security unearned income (as defined in subsection (b) of this section) for the taxable year is $400 or more, a tax equal to 1 percent of the amount of such health security unearned income for such taxable year.

"(b) DEFINITION OF HEALTH SECURITY UNEARNED INCOME.—The term 'health security unearned income' means an amount determined by deducting from the adjusted gross income of an individual for the taxable year any part of such income (whether from wages or any other source) in excess of the amount of the health security contribution base (as defined in section 3121(t)) for the calendar year in which such taxable year begins, and deducting from the remainder any part of the adjusted gross income which—

"(1) consists of wages taxable under section 3101 (b), or

"(2) consists of self-employment income taxable under section 1404 (b), or

"(3) consists of remuneration for services performed in the employ of the United States as President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress, or as a member of a uniformed service on active duty, or

"(4) consists of remuneration (not taxable under section 3101 (b)) for service performed by an alien in the employ of a foreign government, an instrumentality of a foreign government, or an international organization, or

"(5) consists of payments excluded by section 3121 (a) (6) from wages taxable under section 3101 (b)."

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 213. (a) The heading and table of contents of chapter 2 of subtitle A of the Internal Revenue Code of 1954 are amended to read as follows:

"Chapter 2—TAXES ON SELF-EMPLOYMENT INCOME AND HEALTH SECURITY UNEARNED INCOME

"Sec. 1401. Rates of tax on self-employment income.
"Sec. 1402. Definitions relating to self-employment income.
"Sec. 1403. Tax on health security unearned income.
"Sec. 1404. Miscellaneous provisions."

(b) Section 1401 of the Code, as amended by section 211 (a) of this Act, is further amended by striking out the heading of the section and inserting in lieu thereof,

"SEC. 1401. RATES OF TAX ON SELF-EMPLOYMENT INCOME."

(c) Section 1404 of the Code (as redesignated by section 212 of this Act) is amended by striking out "'Self-Employment Contributions Act of 1954'" and inserting in lieu thereof, "'Self-Employment and Health Security Contributions Act'".

(d) Section 6015 of the Code (relating to declarations of estimated income by individuals) is amended by striking out in subsection (c)(2) "the amount of the self-employment tax imposed by chapter 2" and inserting in lieu thereof "the amount of the taxes imposed by chapter 2".

(e) Section 6017 of the Code is amended—

(1) by striking out the heading of the section and inserting in lieu thereof,

"SEC. 6017. SELF-EMPLOYMENT AND HEALTH SECURITY TAX RETURNS.";

(2) by inserting, immediately after the first sentence of the section, the following sentence: "Every individual residing in the United States and having health security unearned income of $400 or more for the taxable year shall make a return with respect to the health security unearned income tax imposed by chapter 2."; and

(3) by striking out "the tax" in the sentence immediately following the insertion made by paragraph (2), and inserting in lieu thereof, "the taxes", and by inserting immediately before the period at the end of that sentence, ", or on the separate health security unearned income of each spouse, as the case may be".

EFFECTIVE DATES OF PART B

SEC. 214. The amendments made by section 211, 212, and section 213 (d) and (e) (other than section 213(e)(1)) shall be effective with respect to taxable years beginning on or after the effective date of health security taxes (as defined by section 3121(u) of the Internal Revenue Code of 1954, added by section 201(c) of this Act.) The amendments made by section 213(a), (b), (c) and (e)(1) shall be effective on such effective date.

TITLE III—REPEAL OR AMENDMENT OF OTHER ACTS, REPEAL OF MEDICARE AND FEDERAL EMPLOYEE HEALTH BENEFIT STATUTES

SEC. 301. (a) Effective on the effective date of health security benefits (set forth in section 142)—

(1) Title XVIII of the Social Security Act, except section 1817 thereof, is repealed.

(2) The Act of September 28, 1959 (5 U.S.C., ch. 89) and Public Law 86–724 are repealed.

(b) Subsection (a) shall not affect any right or obligation arising out of any matter occurring before the effective date of health security benefits or any administrative or judicial proceeding (whether or not initiated before that date for the adjudication or enforcement of any such right or obligation.

MEDICAID STATUTE

SEC. 302. After the effective date of health security benefits no State (as defined in section 1101(a)(1) of the Social Security Act) shall be required, as a condition of approval of its State plan under title XIX of that Act, to furnish any service which constitutes a covered service under title I of this Act, and any amount expended for the furnishing of any such service to a person eligible for services under title I of this Act shall be disregarded in determining the amount of any payment to a State under such title XIX. The Secretary of Health, Education, and Welfare shall by regulation prescribe the minimum scope of services required (in lieu of the requirements of section 1902(a)(13) of the Social Security Act) as a condition of approval, after the effective date of health security benefits, of a State plan under such title XIX. Such minimum scope of services shall, to the extent the Secretary finds practicable, be designed to supplement the benefits available under title I of this Act, with respect to the duration of skilled nursing home services during a benefit period and with respect to the furnishing of dental services and of drugs (appearing on the list established under section 25(b) of this Act) to persons not entitled to such services, or not entitled to such drugs, under title I of this Act.

VOCATIONAL REHABILITATION ACT; MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

SEC. 303. Funds made available under the Vocational Rehabilitation Act or under title V of the Social Security Act shall not be used, after the effective date of health security benefits, to pay for personal health services available under title I of this Act; but they may, in accordance with regulations of the Secretary of Health, Education, and Welfare, be used (a) to pay for institutional services which are either more extensive or more intensive than the services recognized in institutional budgets approved under title I of this Act, or (b) to pay for special medical or other procedures peculiar to vocational rehabilitation, or peculiar to the correction or amelioration of defects or chronic conditions of crippled children, as the case may be.

TITLE IV—STUDIES RELATED TO HEALTH SECURITY

STUDY OF THE PROVISION OF HEALTH SECURITY BENEFITS TO UNITED STATES CITIZENS IN OTHER COUNTRIES

SEC. 401. The Secretary of Health, Education, and Welfare in consultation with the Secretary of State and the Secretary of the Treasury, shall study (a) the practicability and the means of making prepaid health services (or prepaid indemnification for the cost of health services) available, more widely than can be done under section 12 of this Act, to citizens of the United States who are resident in other countries or are temporarily visiting such countries, by supplementing the authority for reciprocal arrangements under section 12 with authority for payments from the Health Security Trust Fund, and (b) means of equitably financing such services (or indemnification) through the extension of health security taxes; and not later than five years after the enactment of this Act shall report to the Congress his findings and recommendations.

STUDY OF NEED FOR LONG-TERM CARE

SEC. 402. (a) The Congress finds that—

(1) there exists a serious shortage of appropriate services and facilities for the long-term care of persons who, because of age or chronic illness or other cause, are unable to live in their own homes without assistance, but who do not need services as extensive as those of hospitals or skilled nursing homes;

(2) the shortage is due in substantial part to the inadequacy of assistance from public sources in meeting developmental costs, capital costs, or operating costs of facilities providing such care, and to the inability of such persons to pay the cost of the services they need;

(3) public programs for assistance to such persons are divided among medical facilities construction programs, housing programs, public assistance programs, programs specifically for the aged, and other programs, each addressed to a facet of the problem but without sufficient coordination with respect to the differing kinds and levels of care required by different persons or the relative need for services and facilities of the several kinds; and

(4) the shortage of appropriate services and facilities results both in severe hardship to many of the elderly and the disabled and their families, and in much improper and wasteful use of hospitals and skilled nursing homes.

(b) The Secretary of Health, Education, and Welfare shall conduct a study of (1) the need for additional social, homemaker and other services to enable persons referred to in subsection (a) to live in their own homes, (2) the most effective method of providing such services by public agencies and encouraging their provision by private agencies, and (3) the most equitable and appropriate means of financing such services.

(c) The Secretary of Health, Education, and Welfare and the Secretary of Housing and Urban Development shall conduct a joint study of the extent of the need for additional facilities of various kinds for the care of persons referred to in subsection (a), and of the most appropriate and equitable means of meeting both the capital cost and the operating cost of such additional facilities.

(d) Not later than two years after the enactment of this Act, the Secretaries shall transmit to the Congress reports of their studies under subsections (b) and (c), together with recommendations of legislation to meet the needs for services and facilities, including the coordination of existing programs and any expansion of such programs or the initiation of any new programs which may be deemed appropriate.

STUDY OF COORDINATION WITH OTHER FEDERAL HEALTH BENEFIT PROGRAMS

SEC. 403. (a) The Secretary of Health, Education, and Welfare shall conduct studies of the most satisfactory means of coordinating the program for the health care of merchant seamen, the program for the health care of Indians and Alaskan natives, or both, with the system of health security benefits created by this Act; the Administrator of Veterans' Affairs and the Secretary shall conduct a joint study of the most satisfactory means of coordinating with that system some or all of the programs for the health care of veterans. Reports of these studies, and legislative recommendations to achieve improved coordination, shall be submitted to the Congress not later than three years after the enactment of this Act.

(b) In conducting the studies required by this section, the Secretary and the Administrator, as appropriate, shall consult with representatives of the respective beneficiary groups, and shall include in their reports to the Congress summaries of the views of such representatives.

STUDY OF MALPRACTICE LIABILITY

SEC. 404. (a) The Congress finds that—

(1) with the increasing complexity and sophistication of diagnostic and therapeutic health care procedures, determination whether a patient has been injured by malpractice or other fault has become increasingly difficult and the existing method of making this determination through the judicial process has become increasingly costly, inefficient, and unsatisfactory;

(2) the cost of insurance against malpractice liability has become a substantial element in the cost of health services, and there is growing evidence that the risk of such liability, together with the limited availability of insurance, may be inhibiting the proper and desirable use of certain diagnostic or therapeutic procedures as well as the effective use of health manpower and health care facilities; and

(3) the risk of harm arising out of medical treatment can be reduced but cannot be eliminated from the delivery of health services, and it is essential to develop more precise, efficient, and equitable methods of determining whether harm to patients has been caused by negligence or other factors and of determining and paying fair compensation to persons entitled thereto.

(b) The Secretary of Health, Education, and Welfare shall conduct a comprehensive study of all relevant aspects of the malpractice problem with particular emphasis on the methods used for compensating patients for harm suffered as a result of malpractice or other causes arising out of or in the course of the provision of health services to them. The study shall include, but shall not be limited to—

(1) the collection of information (A) concerning the existing methods of determining liability and paying compensation for harm caused by malpractice or other fault, including information bearing on the costs and effectiveness of those methods, the reasonableness and timeliness of such payments, and the significance of the cost of liability insurance and the cost of processing malpractice claims to conclusion as an element in the cost of health care; and (B) concerning the cost, availability, and adequacy of liability insurance as a means of providing funds for such compensation and protecting providers of health services against undue financial risks;

(2) an examination of the feasibility, costs, and desirability (A) of substitute or alternative methods of determining entitlement to, and the amount of, compensation for harm suffered, in lieu of determination of these issues through the judicial process; (B) of substituting other tests of entitlement to such compensation, in lieu of tests based on negligence or fault on the part of providers of services; and (C) of establishing statutory criteria to govern the determination of the amount of such compensation;

(3) an examination of the relationship of malpractice claims and litigation to the delivery of health services, including an analysis of the professional and economic impact of actual or threatened claims on health care diagnostic and therapeutic practices, the use of health manpower, and the use of health care facilities; and

(4) an examination of existing methods and potential alternative methods of meeting the cost of such compensation, while affording reasonable protection to the providers of health services.

(c) The Secretary shall make to the Congress an interim report of his studies under this section not later than one year after the enactment of this Act, and a final report, and such recommendations of legislation as he deems appropriate, not later than two years after such enactment.

GENERAL PROVISIONS

SEC. 405. (a) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the studies authorized by this title.

(b) In conducting such studies the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Administrator of Veterans' Affairs are each authorized (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to appoint such consultants (and fix their compensation at not more than $100 a day), and to create such advisory committees, as they may find useful; and (2) to enter into contracts with public or private agencies or organizations for the collection of information, the conduct of research, or other purposes relating to the respective studies.

The material furnished by Mr. KENNEDY is as follows:

SECTION-BY-SECTION ANALYSIS OF THE HEALTH SECURITY ACT

TITLE I

Part A—Eligibility for benefits

(Sections 11–12.) Every resident of the U.S. (and every non-resident citizen when in the U.S.) will be eligible for covered services. Reciprocal and "buy-in" agreements will permit the coverage of groups of non-resident aliens, and in some cases benefits to U.S. residents when visiting in other countries.

Part B—Nature and scope of benefits: Covered services

(Section 21.) Every eligible person is entitled to have payments made by the Board for covered services provided within the United States by a participating provider.

(Section 22.) All necessary professional services of physicians, wherever furnished, are covered, including preventive care, with two important restrictions:

(1) Major surgery, and other specialist services designated in regulations, are covered only when performed by a qualified specialist—except in emergency situations—and generally only on referral from a primary physician. This is intended to protect the public from inadequately trained practitioners and to restore the primary or family practitioner to the role of the manager of health services.

(2) Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic or rehabilitative service with respect to mental illness. If the patient seeks care in the organized setting of a comprehensive health service organization, or a hospital out-patient clinic, or other comprehensive mental health clinic, there is no limit on the number of consultations. In these kinds of organized settings, peer review and budgetary controls can be expected to curtail unnecessary utilization. If the patient is consulting a solo practitioner, there is a limit of 20 consultations per benefit period. In communities where psychiatric services are in especially short supply the Board may prescribe referral or other non-financial conditions to give persons most in need of services a priority of access to solo practitioners.

(Section 23.) Comprehensive dental services (exclusive of most orthodontia) are covered for children under age 15, with the covered age group increasing by two years each year until all those under age 25 are covered. This benefit is limited initially because, even with full use of dental auxiliaries, there is insufficient manpower to provide dental benefits for the entire population. Persons once covered for dental services remain covered throughout their lives, and it is the declared intention to extend dental benefits to persons initially excluded, as rapidly as this becomes feasible.

(Section 24.) Inpatient and outpatient hospital services and services of a home health agency are covered without arbitrary limitation. Pathology and radiology services are specifically included as parts of institutional services, thus reversing the practice of Medicare. Domiciliary or custodial care is specifically excluded in any institution, thus necessitating the two important restrictions on payments for institutional care:

(1) Payment for skilled nursing home care is limited to 120 days per benefit period except that this limit may be increased when the nursing home is owned or managed by a hospital and payment for care is made through the hospital's budget. It is not practical to assume that the majority of nursing homes and extended care facilities in the country will be able to implement effective utilization review and control plans in the first years of Health Security. The demand for essentially domiciliary or custodial care in nursing homes is so overwhelming that an initial arbitrary limit on days of coverage is necessary. Extension of the benefit is authorized when this becomes feasible.

(2) Many state hospitals do not provide optimal active treatment to their psychiatric patients but rather maintain them in a maintenance or custodial setting. If Health Security provided unlimited coverage for patients in these hospitals, it might tend to freeze the level of care instead of stimulating these institutions to upgrade their medical-care performance. Therefore the psychiatric hospital benefit is limited to 45 consecutive days of *active treatment* during a benefit period.

(Section 25.) The bill provides coverage for two categories of drug use: prescribed medicines administered to inpatients or outpatients within participating hospitals, or to enrollees of comprehensive health service organizations, and drugs necessary for the treatment of specified chronic illnesses or conditions requiring long or expensive drug therapy. This will provide coverage of most drug costs for individuals who require costly drug therapy.

The bill requires the Board and the Secretary of HEW to establish two lists of approved drugs, taking into account the safety, efficacy and cost of each drug. There will be a broad list of approved medicines available for use in institutions and by comprehensive health service organizations and a more restricted list which is available for use outside such organized settings. The restricted list shall stipulate which drugs on it shall be available for treatment of each of the specified chronic diseases. No such restrictions shall be placed upon drug therapy within an institutional setting.

Use of the restricted list will meet the most costly needs for drug therapy while restraining unnecessary utilization. The benefit is more liberal where adequate control mechanisms exist.

(Section 26.) The appliances benefit is similar in concept and operation to the drug benefit, subject to a limitation on aggregate cost. The Board shall prepare lists of approved devices, appliances or equipment which it finds are important for the maintenance or restoration of health, employability or self-management (taking into consideration the reliability and cost of each item). The Board will also specify the circumstances or the frequency with which the item may be prescribed at the cost of the Health Security program.

(Section 27.) The professional services of optometrists and podiatrists are covered, subject to regulations, as are diagnostic or therapeutic services. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days (day care benefits are unlimited if furnished by a comprehensive health service organization or by a community mental health center). Ambulance and other emergency transportation services are covered, as well as non-emergency services where (as in some sparsely settled areas) transportation is essential to overcome special difficulty of access to covered services.

Supporting services such as psychological, physiotherapy, nutrition, social work and health education are covered if they are part of institutional services or are furnished by a comprehensive health service organization. This establishes the important principle that these and other supporting services should be provided as part of a coordinated program of health maintenance and care. Psychologists, physical therapists, social workers, etc. will not be permitted to establish independent practices and bill the program on a fee-for-service basis. This is intended to assure that whenever services of this nature are provided they are under appropriate medical supervision and are germane to the over-all care of the patient.

(Section 28.) Health services furnished or paid for under a workmen's compensation law are not covered. Reimbursement for loss of earnings is so closely interlocked with the health services aspects of workmen's compensation that absorption of the health services portion of workmen's compensation by Health Security could have the effect of delaying findings of eligibility for income payments.

School health services are covered only to the extent provided in regulations.

The Board may exclude from coverage medical or surgical procedures which are essentially experimental in nature. The Board may exclude coverage of specified non-emergency surgical procedures unless an appropriately qualified specialist has been consulted and has recommended surgery. Individuals who enroll in a comprehensive health service organization or enroll themselves with a primary practitioner accepting capitation payments are not entitled to seek covered services from other providers of services (except as specified in regulations). Surgery primarily for cosmetic purposes is excluded from coverage.

The services of a professional practitioner are not covered if they are furnished in a hospital which is not a participating provider. This is intended to discourage physicians from admitting patients to hospitals which cannot or will not meet standards for participation in the program.

Part C—Participating providers of services

(Section 41.) Participating providers are required by subsection (a) to meet standards established in this title or by the Board. In addition, they must agree to provide services without discrimination, to make no charge to the patient for any covered service, and to furnish data necessary for utilization review by professional peers, statistical studies by the Board, and verification of information for payments.

Under subsection (b) the Board may, for those surgical procedures for which advance consultation is required under section 28, require pathology reports on tissue removed and clinical abstracts or discharge reports of the cases.

(Section 42(a).) Professional practitioners licensed when the program begins are eligible to practice in the State where they are licensed. All newly licensed applicants for participation must meet national standards established by the Board in addition to those required by their State. While stopping short of creating a Federal licensure system for health professionals, this will guarantee minimum national standards. A state-licensed practitioner who meets national standards will be qualified to provide Health Security covered services in any other state. (See also Section 56(a)(1)).

(b) For purposes of this title a doctor of osteopathy is a physician, as is a dentist when performing procedures which, in generally accepted medical practice, may be performed by either a physician or a dentist.

(c) Participating professional providers shall be required to meet continuing education requirements established by the Board (in consultation with appropriate professional organizations).

(d) Major surgery and certain other specialty services shall be covered only when provided by a board certified or board eligible physician (except in emergency circumstances). Physicians who do not meet these standards but who are providing such services as a substantial part of their practice when the program begins may be found qualified if they meet standards established by the Board and, where appropriate, if recommended by a participating hospital.

(Section 43.) This section establishes conditions of participation for general hospitals similar to those required by Medicare. Two requirements not found in the Medicare program are: (1) that the hospital must not discriminate in granting staff privileges on any grounds unrelated to professional qualifications; (2) that the hospital establish a pharmacy and drug therapeutics committee for supervision of hospital drug therapy. Medicare allows any hospital accredited by the Joint Commission on the Accreditation of Hospitals (if it provides utilization review) to participate in the program, thus in effect delegating to the Commission the determination whether the standards are met. This title requires all participating hospitals to meet standards established by the Board.

(Section 44.) Psychiatric hospitals will be eligible to participate only if the Board finds that the hospital (or a distinct part of the hospital) is engaged in furnishing *active* diagnostic, therapeutic and rehabilitative services to mentally ill patients. Psychiatric hospitals are required to meet the same standards as those prescribed for general hospitals in Section 43, and such other conditions as the Board finds necessary to demonstrate that the institution is providing active treatment to its patients. These standards will exclude costs incurred by state mental institutions to the extent they serve domiciliary or custodial functions. In addition, psychiatric hospitals must be accredited by the Joint Commission on the Accreditation of Hospitals. (As in Medicare, accreditation is an *additional* requirement in the case of psychiatric hospitals, as further assurance that they meet the requirements of an active treatment program.)

(Sections 45 and 46.) Section 45 establishes conditions of participation for skilled nursing homes similar to those established for extended care facilities under Medicare. Important differences, however, are the requirement for affiliation with a participating hospital or comprehensive health service organization (see Section 52(b), and changes in the requirements for utilization review (see Section 51). Under section 46 participation by home health agencies will be limited to public agencies and non-profit private organizations—proprietary home health agencies are specifically excluded.

(Section 47.) Subsection (a) describes a comprehensive health service organization which undertakes to provide an enrolled population either with complete health care or, at the least, with complete Health Security services (other than institutional services, mental health or dental services) for the maintenance of health and the care of ambulatory patients. The bill, in its aim to improve the methods of delivery of health services, places much emphasis on the development of new organizations of this kind and the enlargement of old ones.

The section is designed to accommodate forms of organization typical of existing prepaid group practice plans, but also to be flexible enough to permit experimentation with somewhat different forms. In some urban or rural areas, for example, it may be impracticable to bring all of the various services together in one place, and the section has been designed to encompass what has been described as "comprehensive group practice without walls"; the basic essential is the assumption of responsibility for a reasonably comprehensive range of services (including health maintenance) on a continuing and coordinated basis to a group of persons who have chosen to receive all or nearly all their health care from the organization.

Other requirements are spelled out in this section: The organization must furnish services through the prepaid group practice of medicine, or as near an approximation to prepaid group practice as is feasible. It must be a nonprofit organization, or if several providers share in the furnishing of services the prime contractor with the Board must be nonprofit. All persons living in or near a specified service area will be eligible to enroll, subject to the capacity of the organization to furnish care and subject to minimal underwriting protections. Services must be reasonably accessible to persons living within the specified service area. Periodic consultation with representatives of enrollees is required. Professional policies and their effectuation, including monitoring the quality of services and their utilization, are to be the responsibility of a committee or committees of physicians. Health education and the use of preventive services must be stressed, and lay persons are to be employed so far as is consistent with good medical practice. Charges for any services not covered by Health Security must be reasonable. Finally, the organization must agree to pay for services furnished by other providers in emergencies, either within the service area of the organization or elsewhere, but may meet this requirement to the extent feasible through reciprocal service arrangements with other organizations of like kind.

Subsection (b) makes clear that the organization, or professionals furnishing services for it, may also serve non-enrollees, with payment to be made to the organization, or, at its request, to such professionals.

(Section 48.) This section permits a foundation sponsored by a city, county, or State medical or dental society, by agreement with the Board, to participate as a provider of services. The foundation's general policies must be developed, and reviewed periodically, by the society or a committee selected by it, and it must establish a professional group to review the quality and utilization of services. Generally, the foundation must furnish all covered medical or dental services, and may furnish other covered or non-covered services if the Board approves; it must accept for enrollment any resident of the area it serves, subject to the same limitations as appear in section 47(a). It must permit any practitioner who meets its professional qualifications to participate in furnishing services, whether or not he is a member of the sponsoring society. The foundation must agree to pay for emergency services to its enrollees in or outside its area, and must make no more than reasonable charges for any services not covered by Health Security. Finally, it must meet requirements for continuing education and other requirements which the Board may specify.

(Section 49.) This section deals with several classes of health organizations that vary widely, even within a single class, in their structure and in the scope of the services which they offer. Because statutory specifications cannot well be tailored to so many variables, the section sets forth only a general statement of the kinds of organizations to which it relates and leaves participation of each organization to a case-by-case decision of the Board.

Subsection 49(a)(1) permits the participation of community health centers or the like which, though furnishing services as comprehensive as are required by section 47(a), do not serve an enrolled or otherwise predetermined population and may not meet some other requirements of section 47(a). Subsection (a)(2) authorizes the Board to deal separately with the primary care portion of a system of comprehensive care where it is necessary to rely on arrangements with other providers, rather than on a unified structure, to round out the other elements of the system. Where organizations meeting the extensive requirements of section 47(a) are not available, these two subsections will give the Board flexibility in furthering one of the bill's prime objectives, the development and broad availability of comprehensive services furnished on a coordinated basis.

Because of the extent to which mental health services are separated from other health care, subsection (a)(3) permits the Board to contract directly with public or other nonprofit mental health centers and mental health day care services.

If a State or local public health agency is providing preventive or diagnostic services, such as immunization or laboratory tests, the Board may under subsection (a)(4) contract with it for the continuance of these services. Subsection (a)(5) permits the Board to contract with nonprofit health prepayment or insurance organizations which provide substantially comprehensive services to ambulatory patients, on terms similar to those specified in section 48 for professional foundations.

In the field of private practice, physicians or dentists or other practitioners may group themselves in a clinic, nonprofit or proprietary, or in any number of other ways, and it may be more convenient both to them and to the Board to regard them as an entity than to deal with each practitioner separately. Subsection (a)(6) permits this. The Board will have wide discretion in contracting with such entities subject only to the limitation that, like other organizations described in section 49(a), the entity may not (under section 88(a)) be paid on a fee-for-service basis. Practitioners who elect that method of payment may of course pool their bills for submission to the Board, but there is no reason to contract with a unit for the payment of fees to it.

Subsection (d) sets forth the Board's authority to specify terms and conditions or agreements under this section. Subsection (c) makes clear that agreements with the Board under section 48 or 49 shall not (unless expressly so stipulated) preclude practitioners furnishing services under the agreements from furnishing other services as independent providers.

(Section 50.) This section specifies the broad and general conditions under which independent pathology laboratories, independent radiological services, providers of drugs, devices, appliances, equipment, or ambulance services may qualify as providers under Health Security. As under Medicare, a Christian Science Sanatorium qualifies if operated, or listed and certified, by the First Church of Christ, Scientist, Boston.

(Section 51.) The requirements of utilization review in hospitals and skilled nursing homes are in the main similar to those which Medicare has, since 1966, imposed with respect to services to aged patients. In Health Security the requirements will of course apply to the entire patient population. As in Medicare, the review is designed to serve a dual purpose: identification of certain specific misuses of the institutional services with a view to their termination, and a focusing of continuing attention and concern of the medical staff on the necessity for efficient utilization of institutional resources. Section 51(a) strengthens the educational aspect of the process by requiring specifically that records of reviews be maintained and statistical summaries of them be reported periodically to the institution and its medical staff (and, on request, to the Board). As under Medicare, the review committee will consist of two or more physicians, with or without other professional participation; and in the case of hospitals, will normally be drawn from the medical staff unless for some reason an outside group is required. For skilled nursing homes, on the other hand, section 51(c) departs from Medicare by permitting as an alternative that the Committee be established by the State or local public health agency under contract with the Board, or failing that, by the Board. If the nursing home operates under a consolidated budget with a hospital, the review will be made by the hospital committee. Like Medicare, section 51(d) calls for review of specific long-stay cases as required by regulations, and section 51(e) for notice to the institution, the attending physician, and the patient when a decision adverse to further institutional services is made.

(Section 52.) Subsection (a) of Section 52 is also like Medicare in requiring a participating skilled nursing home to have in effect an agreement with at least one participating hospital for the transfer of patients and medical and other information as medically appropriate. Subsection (b) introduces a requirement, applicable two years after the effective date of health benefits to both skilled nursing homes and home health service agencies, of affiliation with a participating hospital or comprehensive health service organization. Unless the medical staff of the hospital or organization undertakes to furnish the professional services in the nursing home or the professional services of the home health service agency, that medical staff or a committee of it must assume responsibility for these services. Subsection (c) allows the Board to waive the application of either of these requirements to a skilled nursing home or a home health agency which the Board finds essential to the provision of adequate services, if (but only for as long as) lack of a suitable hospital or organization within a reasonable distance makes a transfer or an affiliation agreement impracticable.

(Section 53.) If the construction or substantial enlargement of a hospital or skilled nursing home has been undertaken after December 31, of the year of enactment, without prior approval by a planning agency designated by the governor of the state or the Board, section 53 precludes the institution from participating in the Health Security program. This should greatly strengthen state and local planning authorities.

(Section 54.) Subsection (a) requires the Board in fixing, for institutional and other providers, standards beyond those specified in the statute, to take into consideration criteria established or recommended by appropriate professional organizations. The Board is given authority under subsection (b) to require upgrading in staffing patterns and personnel standards of participating institutional providers that fall below standards recommended by such organizations.

(Section 55.) Institutions of the Department of Defense and the Veterans Administration, and institutions of the Department of Health, Education, and Welfare serving merchant seamen or Indians or Alaskan natives, are excluded by section 55 from serving as participating providers, as is also any employee of these institutions when he is acting as an employee. The Board will, however, provide reimbursement for any services furnished (in emergencies, for example) by these institutions or agencies to eligible persons who are not a part of their normal clientele. It will also provide reimbursement for services furnished by the Public Health Service under the recently enacted Emergency Health Personnel Act of 1970.

(Section 56.) This section overrides, for purposes of the Health Security program, State laws of several kinds which inhibit the utilization or the mobility of health personnel, cloud the legality of so-called "corporate practice" of health professions, or restrict the creation of group practice organizations. The authority of Congress to do this, in conjunction with a program of Federal expenditure to provide for the general welfare, flows from the Supremacy Clause of the Constitution and seems now to be clearly established. (*Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275 (1958); *King* v. *Smith*, 392 U.S. 309 (1968)).

The first three paragraphs of subsection (a), while stopping short of creating a system of Federal licensure for health personnel, will greatly facilitate both the interstate mobility of State licensees and the effective use of ancillary personnel in the furnishing of health care. The dispensations contained in these paragraphs will be available to persons who meet national standards established by the Board.

Paragraph (1) permits a physician, dentist, optometrist, or podiatrist, licensed in one State and meeting the national standards, to furnish Health Security benefits in any other state, the scope of his permissible practice being governed by the law of the State in which he is practicing. This paragraph obviates the difficulty and cost which a practitioner may encounter, especially where reciprocity of licensure is not available, in taking up practice in a State in which he has not been licensed.

Paragraph (2) grants a similar authority to other health professional and nonprofessional personnel. For occupations such as pharmacy and professional nursing, which are subject to licensure in all States, a person can avail himself of this paragraph only if he is licensed in one State and meets the national standards; in other cases, where licensure is not universally required, compliance with national standards is sufficient. Here again, impediments to mobility created by existing licensure laws will be removed.

The restrictions which many professional practice acts impose on the use of lay assistants, and the legal uncertainties which often deter such use, discourage practices that can increase greatly, without sacrifice of safety, the volume of services which professionals can render. Accordingly, paragraph (3) of subsection (a) enables the Board to permit physicians and dentists, participating in public or nonpublic hospitals and comprehensive health service organizations, to use ancillary health personnel, acting under professional supervision and responsibility, to assist in furnishing Health Security benefits. Such assistants may do only things which the Board has specified, and may be used only in the context of an organized medical staff or medical group. Persons employed as assistants must not only meet national standards for their respective occupations, but must also satisfy special qualifications that the Board may set for particular acts or procedures.

In the interest of encouraging salaried practice and the integration of professional practitioners into well-structured organizations for the delivery of health services, paragraph (4) of subsection (a) does away with the "corporate practice" rule insofar as concerns participating public or other nonprofit hospitals and comprehensive health service organizations. These institutions may employ physicians or make other arrangements for their services, unless in the unlikely event that lay interference with professional acts or judgments should be threatened. No conflict of interest results from such arrangements; in the nonprofit setting loyalty to employer and loyalty to patient run parallel.

Some state laws place restrictions of one kind or another on the incorporation of group practice organizations. When these restrictions prevent the State incorporation of an organization meeting the strict requirements of the Health Security Act, section 56 (b) empowers the Secretary to incorporate it for purposes of the Act. Except for the special restrictions, State law will govern the corporation.

Part D—Trust fund; allocation of funds for services

(Section 61.) This section establishes the Health Security Trust Fund, to receive the net assets of existing (Medicare) funds taken over by the Health Security program, the yield of the Health Security taxes, and the Government's contribution from general revenues amounting to 100% of the yield from these taxes.

Accordingly, this section amends the Social Security Act to convert the present Hospital Insurance Trust Fund (Medicare, Title XVIII, Part A) into the Health Security Trust Fund, and to provide that the appropriations that would have gone into the former (increased by the new tax provisions) shall go into the latter. In addition, on the effective date of benefits the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund (Medicare, Title XVIII, Part B) will be transferred to the Health Security Trust Fund. Also, a Government contribution to the new Trust Fund is authorized to be appropriated, equal to 100% of the aggregate yield from the payroll taxes on employees and employers and the taxes on self-employment and unearned income, imposed for Health Security under Title II of this Act. The Fund will also receive recoveries of overpayments, and receipts from loans and other agreements. To implement the role of the Trust Fund, the Managing Trustee (the Secretary of the Treasury) will make payments from the Trust Fund provided for under Title I, as the Board certifies, and with respect to administrative expenses as authorized annually by the Congress.

(Section 62.) The Health Security program is intended to operate on a budget basis overall. Accordingly, subsection (a) requires the Board to determine for each fiscal year the maximum amount which may be available for obligation from the Trust Fund. The amount so determined in advance (by March 1 preceding each fiscal year) shall not exceed the smaller of two stated limitations. The first limit is fixed at 200% of the expected net receipts from all the Health Security taxes (i.e., the tax receipts augmented by 100% thereof, to be appropriated into the Fund from general revenues of the Government). The second limit, applicable to each fiscal year after the first year of benefit operation, (i.e., after a year's availability of covered services), is an amount equal to the estimated obligations of the current year (within which the estimate is being made), subject to certain adjustments. Such adjustments will reflect changes expected in: (A) the price of goods and services; (B) the number of eligible persons; (C) the number of participating professional providers, or the number or capacity of institutional or other participating providers so far as such changes are not readily adequately reflected; and (D) the expected cost of program administration.

In the interest of prudent fiscal management, subsection (b) requires the Board to restrict its estimate of the amount available for obligation in the next fiscal year (in accordance with subsection (a)) if the Board estimates that the amount in the Trust Fund at the beginning of the next fiscal year will be less than one-quarter of the total obligations to be incurred for the current year, and that such restriction will not impair the adequacy or quality of the services to be provided. Also, the Board is required to reduce its alternative estimate of the maximum amount to be available if it finds that the aggregate cost to be expected has been reduced (or an expected increase has been lessened) through improvement in organization and delivery of service or through utilization control.

Subsection (c) provides against various other contingencies which may result in increase or decrease in the estimate of the maximum amount to be available for obligation in the next fiscal year. The amount may be modified before or during the fiscal year: if the Secretary of the Treasury finds that the expected Health Security tax receipts will differ by 1 percent or more from the estimate used under subsection (a); or if the Board finds that either its factors of expected change or the cost of administration is expected to differ from the estimate by 5 percent or more; or if an epidemic, disaster or other occurrence compels higher expenditure than had been expected. If, as a result, the maximum estimate has to be increased (rather than being decreased), the Board (through the Secretary) shall promptly report its action to the Congress with its reasons.

(Section 63.) Subsection (a) provides that three separate accounts shall be established in the Health Security Trust Fund—a Health Services Account, a Health Resources Development Account, and an Administration Account, as well as a residual General Account. Subsection (b) provides that in each of the first two years of program operation, 2% of the Trust Fund shall be set aside for the Health Resources Development Fund; and the allocation shall increase by 1% at two-year intervals to 5% within the next 6 years. The money in this account will be used exclusively for the planning and system improvement purposes described in part F.

(c)(d) After deducting the amount appropriated by the Congress into the Administration Account, the remainder of the monies shall be allocated to the Health Services Account, and shall be used exclusively for making payment for services in accordance with part E.

(Section 64.) This section provides for allocation of the Health Services account among the regions of the country. (a) The allocation to each region shall be based on the aggregate sum expended during the most recent 12-month period for covered services (with appropriate modification for estimated changes in the price of goods and services, the expected number of eligible beneficiaries, and the number of participating providers). (b) In allocating funds to the regions the Board shall seek to reduce, and over the years gradually eliminate, existing differences among the regions in the average per capita amount expended upon covered health services (except when these reflect differences in the price of goods and services). To accomplish this, the Board will curtail increases in allocations to high expenditure regions and stimulate an increase in the availability and utilization of services in regions in which the per capita cost is lower than the national average. (c) A contingency reserve of up to 5% may be withheld from allocation. If the remaining funds available are inadequate, allocations will be reduced pro rata. (d) Allocations may be modified before or during a fiscal year if the Board finds this is necessary.

(Section 65.) The Board will divide the allocation to each region into funds available to pay for: institutional services; physican services; dental services; furnishing of drugs; furnishing of devices, appliances and equipment; and other professional and supporting services, including subfunds for optometrists, podiatrists, independent pathology laboratories, independent radiology services, and other items. The percent allocated to each category of service may vary from region to region. In determining the allocation to these funds, it will be guided by the previous year's expenditures for each category of service but also take into account trends in the utilization of services and the desirability of stimulating improved utilization of resources. It will encourage a shift from heavy reliance on institutional care to better utilization of preventive and ambulatory services.

(Section 66.) These regional funds will be subdivided among the health service areas in each region, primarily upon the basis of the previous year's expenditure for each kind of service. Again, the Board will gradually attempt to achieve the equalization of services within each region by restraining the increase of expenditures in high cost areas and channeling funds into health service areas with a low level of expenditures.

(Section 67.) Before or during a fiscal year, the division of regional funds by classes of service or the allotments to health service areas may be modified if necessary or if indicated by newly acquired information.

Part E—Payment to providers of services

(Section 81.) Payments for covered services provided to eligible persons by participating providers will be made from the Health Services Account in the Trust Fund.

(Section 82.) This section delineates methods of paying professional practitioners. Every independent practitioner (physician, dentist, podiatrist, or optometrist) shall be entitled to be paid by the fee-for-service method (subsection (a)), the amounts paid being in accordance with relative value scales prescribed after consultation with the professions (subsection (g)). Each physician engaged in general or family practice of medicine in independent practice may elect to be paid by the capitation method if he agrees to furnish individuals enrolled on his list with all necessary and appropriate primary services, make arrangements for referral of patients to specialists or institutions when necessary, and maintain records required for medical audit; and independent dentist practitioners may elect the capitation method of payment similarly (subsection (b)).

These requirements in connection with capitation payments are intended to assure that the physician (or dentist) provides to his patients all professional services within the range of his undertaking and secures other needed services by referral. Through regular medical audits, the Board will monitor the level and quality of care provided.

When necessary to assure the availability of services in a given area, subsection (c) permits paying an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to other methods of compensation. This method of payment will be used selectively by the Board, mainly to encourage the location of practitioners in remote or deprived areas. Practitioners may also be reimbursed for the special costs of continuing education required by the Board and for maintaining linkages wth other providers—for example, communication costs. Incentives operative under this provision will encourage physicians to improve the quality and continuity of patient care, even if the physician does not participate in a group practice. The Board may pay for specialized medical services on a per session, or per case basis, or may use a combination of methods authorized by this section.

Subsection (d) defines the capitation method of payment.

Subsection (e) of this section describes the method to be used in applying, as between practitioners electing the various methods of payment the monies available in each health service area for payment to each category of professional providers. From the amount allocated to each service area, the Board will earmark funds sufficient to pay practitioners receiving stipends and for the professional services component of institutional budgets, such as hospitals. The remainder of the money will be divided to compute the amount available per capita in the eligible population of the area for each category of service (i.e. physicians, dentists, podiatrists, optometrists). This per capita amount in each category will fix the capitation payments to organizations that undertake to provide the full range of services in that category to enrolled individuals. Lesser amounts will be fixed for more limited services. For example, if the per capita amounts available for physician, dental and optometric services are $65, $25, and $5 respectively, primary physicians accepting capitation payments will receive the percentage of that $65 which is allocated for primary services, a medical society sponsored foundation would receive the entire $65 for physician services, a dental society foundation would receive the $25 allocated for dental services, and organizations which undertake to provide all physician, dental and optometric services to enrolled individuals will receive $95 for each enrolled individual.

The budgeted per capita amount for each type of covered service (physician, dental, etc.) will be divided between the categories of providers of service according to the number of individuals who elect to receive care from those providers. For example, in a city of 100,000 people, 25,000 may enroll in a comprehensive health service organization. Using the figures cited in the example above, the Board will pay the comprehensive health service organization $1,625,000 ($65 x 25,000) for physicians' services. The other 75,000 individuals elect to receive their physician services from solo, fee-for-service practitioners. The Board will create a fund of $4,875,000 ($65 x 75,000) to pay all fee-for-service bills submitted by physicians in that community, in accordance with relative value scales and unit values fixed by the Board. The fund for fee payments will be augmented to the extent that some capitation payments have been lowered because they cover only primary services, and may be augmented further where a substantial volume of services is furnished, on a fee basis, to nonresidents of the area.

Subsection (h) authorizes the Board to experiment with other methods of reimbursement so long as the experimental method does not increase the cost of service or lead to overutilization or underutilization of services.

(Section 83.) Hospitals will be paid on the basis of a predetermined annual budget covering their approved costs. To facilitate review of these budgets, the Board will institute a national uniform accounting system. Subsection (b) stipulates that the costs recognized for purposes of the budget will be those incurred in furnishing the normal services of the institution except as changed by agreement, or by order of the Board under section 134. This will enable the Board, on the basis of State and local planning, to eliminate gradually any wasteful or duplicative services, and also to provide for an orderly expansion of hospital services where needed.

Physicians and other professional practitioners whose services are held out as available to patients generally (such as pathologists and radiologists) will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in Medicare which allowed independent billing by such physicians. The institution's budget may also be increased to reflect the cost of owning or operating an affiliated skilled nursing home, or home health service agency. Hospital budgets will be reviewed by the Board, locally or regionally, which may permit participation by representatives of the hospitals in each region. Budgets may be modified before, during, or after the fiscal year if changes occur which make modification necessary.

(Section 84.) If an entire psychiatric hospital is found by the Board to be providing active treatment to its patients, and the institution is therefore primarily engaged in providing covered services to eligible beneficiaries, it will be paid on the same basis as a general hospital (on the basis of an approved annual budget). Otherwise the Board will negotiate a patient-day rate to be paid for each day of covered service provided to an eligible beneficiary.

(Section 85.) This section provides that skilled nursing homes and home health agencies will be paid in the same manner as a general hospital (on an approved annual budget basis). The Board may specify use of nationally uniform systems of accounting and may prescribe by regulation the items to be used in determining approved costs and the services which will be recognized in budgets.

(Section 86.) Reimbursement for drugs will be made to the dispensing agent on the basis of an official "product price" for each drug on the approved list plus a dispensing fee. The official product price will be set at a level which will encourage the pharmacy to purchase substantial quantities of the drug (this should result in significant reductions in the unit cost of each drug). The official price may be modified regionally to reflect differences in costs of acquiring drugs. The Board will establish dispensing fee schedules for reimbursing independent pharmacies. These schedules will take into account regional differences in costs of operation, differences in volume, level of services provided and other factors.

(Section 87.) A comprehensive health service organization or professional foundation will be paid for other than hospital or skilled nursing home services, on the basis of a fixed capitation rate multiplied by the number of eligible enrollees. The amount of the capitation rate will be determined by the per capita amounts available for the several professional services in the area, and a rate fixed by the Board as the average reasonable and necessary cost per enrollee for such other covered services as the organization or foundation undertakes to provide (exclusive of hospital and skilled nursing home services) such as physical therapy, nutrition, etc.

A comprehensive health service organization or foundation which undertakes to provide for hospital or skilled nursing home services for its enrollees may be paid on an approved annual budget basis or on a capitation basis. An organization or foundation which arranges for such services through other providers may be reimbursed on the basis of patient days of service utilized by enrollees. The organization or foundation will also be entitled to share in up to 75% of any savings which are achieved by lesser utilization of such institutional services. Entitlement to such savings is conditional upon a finding by the Board that the services of the organization or foundation have been of high quality and adequate to the needs of its enrollees, and that the average utilization of hospital or skilled nursing services by enrollees of the comprehensive health service organization or foundation is less than use of such services by comparable population groups under comparable circumstances. This money may be used by the comprehensive health service organization or professional foundation for any of its purposes, including the provision of services which are not covered under the Health Security Program.

(Section 88.) Subsection (a) provides that organizations or agencies with which the Board has entered into an agreement under section 49 (such as a neighborhood health center, a nonprofit mental health center, a nonprofit prepayment insurance agency, or local health agency furnishing preventive or diagnostic services) may be paid by any method agreed upon other than fee-for-service.

Subsection (b) provides that independent pathology or radiology services may be paid on the basis of an approved budget or such other methods as may be specified in regulations.

Subsection (c) leaves the method of payment for other types of supporting services to be specified in regulations.

(Section 89.) All participating providers will be paid from the Health Services Account in the Trust Fund at such time or times as the Board finds appropriate (but not less often than monthly). The Board may make advance payment to supply providers with working funds when it deems advisable.

Part F—Planning; funds to improve services and to alleviate shortages of facilities and personnel

(Section 101.) This section sets forth the general purposes of Part F and authorizes appropriations, and subsequently expenditures from the Trust Fund, for these purposes. The part envisages a substantial strengthening of the health planning process throughout the country with an eye, first, to the special needs for personnel, facilities, and organization which inauguration of the Health Security program will entail, and thereafter, to continuing improvement of the capabilities for effective delivery of health services. Beyond this, the part enables the Board, through selective financial assistance, to stimulate and assist in the development of comprehensive health services, the education and training of health personnel who are in especially short supply, and the betterment of the organization and efficiency of the health delivery system. For the two-year "tooling-up" period, appropriations of $200 and $400 million are authorized for financial assistance. Beginning with the effective date of health benefits, percentages of the Trust Fund expenditures will be earmarked for such assistance (section 63). From that date on, the leverage of these expanding funds will supplement and reinforce the incentives, which are built into the normal operation of the Health Security program, for improvement of the organization and methods of delivery of health services.

(Section 102.) This section directs the Secretary, in collaboration with State comprehensive health planning agencies, regional medical programs, and other planning agencies, to institute a continuous process of health service planning. Prior to the effective date of health benefits, the planning process must give first consideration to the most acute shortages and needs for delivery of covered services under this Act. Thereafter, planning shall be focused on maximizing continuing capability for delivery of these services.

This section places primarily on the State agencies the responsibility for coordinating the work of the many health planning agencies within the States, and for coordination with interstate agencies and with agencies planning in other fields related to health, but charges the Secretary with this function in any State that fails to meet the responsibility. The section amends the Public Health Service Act to increase the authorized appropriations for State and for local health planning to extend them to 1978, and to condition grants upon collaboration for these national purposes. Thus the section, strengthening State planning agencies, focuses in them a responsibility, visualized in the "partnership-for-health" legislation but in many States not yet an operating reality, for pulling together all health planning efforts within their territories. The task will not be easy, but it is one that is lent new urgency by the Health Security program. It belongs more properly to the States than to the national Government, but if any State proves unequal to the task it must and will be assumed by the Secretary.

(Section 103.) In administering part F, this section stipulates, the Board will give priority to improving comprehensive health services for ambulatory patients through the development or expansion of organizations furnishing such services, the recruitment and training of personnel, and the strengthening of coordination among providers of services. Financial assistance will be dispensed, so far as possible, in accordance with recommendations of the appropriate health planning agencies. Funds will not be used to replace other Federal financial assistance, and may supplement other assistance only to meet specific needs of the Health Security program. Other Federal assistance programs are to be administered when possible to further the objectives of part F, and the Board may provide loans or interest subsidies to help the beneficiaries of other programs to meet the requirements for non-Federal funds.

(Section 104.) Help of several kinds will be available under this section for the creation or the enlargement of organizations and agencies providing comprehensive care to ambulatory patients—either organizations to serve an enrolled population on a capitation basis, or agencies such as neighborhood health centers which need not require enrollment in advance. Grants may be made to any public or other nonprofit organization (which need not be a health organization) to help meet the cost, other than construction cost, of establishing such a health service organization, and to existing health service organizations to help meet the cost of expansion; the maximum grants being, in the former case 90 percent of the cost, in the latter 80 percent. The Board may also provide technical assistance for these purposes. Loans may be made for the cost of necessary construction, subject to the same 90 and 80 percent limitations on amount. Finally, start-up costs of operation of these organizations may be underwritten, for five years in the case of organizations which must build up an enrollment to assure operating income, and in other cases until the Health Security program begins payment for services in the first year of entitlement to benefits. The effect of these several provisions is to reduce sharply, if not eliminate, the financial obstacles which have heretofore impeded the growth of comprehensive group practice organizations.

(Section 105.) This section contains a series of provisions to assist in the recruitment, education, and training of health personnel. The Board will establish priorities to meet the most urgent needs of the Health Security system, but the priorities will be flexible both as beween different regions and from time to time. Professional practitioners will be recruited for service in shortage areas, both urban and rural, and in comprehensive health service organizations, and such practitioners may be given income guarantees. Other Federal assistance for health education and training will be availed of, but the Board may supplement the other assistance if the Board believes it inadequate to the needs, until Congress has had opportunity to review its adequacy. The training authorized includes the development of new kinds of health personnel to assist in furnishing comprehensive services, and the training of area residents to participate in personal health education and to serve liaison functions and serve as representatives of the community in dealing with health organizations. Grants may be made to test the utility of such personnel, and to assist in their employment before the effective date of health benefits. Education and training are to be carried out through contracts with appropriate institutions and agencies, and suitable stipends to students and trainees are authorized. Physicians will be recruited and trained to serve as hospital medical directors. Finally, special assistance may be given, both to institutions and to students, to meet the additional costs of training persons disadvantaged by poverty, membership in minority groups, or other cause.

(Section 106.) This section authorizes special improvment grants: first, to any public or other nonprofit health agency or institution to establish improved coordination and linkages with other providers of services; and, second, to organizations providing comprehensive ambulatory care, to improve their utilization review, budget, statistical, or records and information retrieval systems, to acquire equipment needed for those purposes, or to acquire equipment useful for mass screening or for other diagnostic or therapeutic purposes.

(Section 107.) This section provides that loans under Part F are to bear 3 percent interest and to be repayable in not more than 20 years. Other terms and conditions are discretionary with the Board, except for required compliance with the Davis-Bacon Act and related laws. Repayment of loans made from general appropriations will go to the general fund of the Treasury; repayment of later loans will revert to the Health Resources Development Account in the Trust Fund.

(Section 108.) This section specifies that payments under Part F shall be in addition to, and not in lieu of, payments to providers under Part F.

Part G—Administration

This part of the bill creates an administrative structure within the Department of Health, Education and Welfare with exclusive responsibility for administration of the Health Security program. Program policy will be made by a five-member Board serving under the Secretary of HEW. The Board will be assisted by a National Health Security Advisory Council which will recommend policy and evaluate operation of the program, and an Executive Director who will serve as Secretary to the Board and chief administrative officer for the program. Administration of the program will be greatly decentralized among the HEW Regional Offices. Regional and local health services advisory councils will advise on all aspects of the program in their regions and local areas. The Board may also appoint such professional or technical committees as it may deem necessary.

(Section 405.) This section authorizes appropriations for the conduct of studies under this title and confers authority to employ consultants and to contract for services in making the studies.

(Section 121.) This section establishes a five-member full-time Health Security Board serving under the Secretary of Health, Education and Welfare. Board members will be appointed by the President with the advice and consent of the Senate, for five-year overlapping terms. Not more than three of the five appointees may be members of the same political party. A member who has served two consecutive terms will not be eligible for reappointment until two years after the expiration of his second term. One member of the Board shall serve as chairman at the pleasure of the President.

(Section 122.) This section charges the Secretary of HEW and the Board with responsibility for performing the duties imposed by this title. The Board shall issue regulations with the approval of the Secretary. It is required to engage in the continuous study of operation of the Health Security program; and, with the approval of the Secretary, to make recommendations on legislation and matters of administrative policy, and to report to the Congress annually on administration and operations of the program. The report will include an evaluation of adequacy and quality of services, costs of services and the effectiveness of measures to restrain the costs. The Secretary of HEW is instructed to coordinate the administration of other health-related programs under his jurisdiction with the administration of Health Security, and to include in his annual report to the Congress a report on his discharge of this responsibility.

The Civil Service Commission is instructed to make every effort to facilitate recruitment and employment, to work in the Health Security Administration, of persons experienced in private health insurance administration and other pertinent fields.

(Section 123.) This section creates the position of an Executive Director, appointed by the Board with the approval of the Secretary. The Executive Director will serve as secretary to the Board and shall perform such duties in administration of the program as the Board assigns to him. The Board is authorized to delegate to the Executive Director or other employees of HEW any of its functions or duties except the issuance of regulations and the determination of the availability of funds and their allocations to the regions.

(Section 124.) This section provides that the program will be administered through the regional offices of the Department of HEW. It also requires the establishment of local health service area offices and local offices.

The health service areas will in most instances be a State or a part of a State except where patterns in the organization of health services and the flow of patients indicate that an interstate area would provide a more practical administrative unit. One of the responsibilities of local offices will be to investigate complaints about the administration of the program.

(Section 125.) Subsection (a) establishes a National Health Security Advisory Council, with the Chairman of the Board serving as the Council's Chairman and 20 additional members not in the employ of the Federal Government. A majority of the appointed members will be consumers who are not engaged in providing and have no financial interest in the provision of health services. Members of the Council representing providers of care will be persons who are outstanding in fields related to medical, hospital or other health activities or who are representatives of organizations or professional associations. Members will be appointed to four-year over-lapping terms by the Secretary upon recommendation by the Board.

Subsection (b) authorizes the Advisory Council to appoint professional or technical committees to assist in its functions. The Board will make available to the Council all necessary secretarial and clerical assistance. The Council will meet as frequently as the Board deems necessary, or whenever requested by seven or more members, but not less than four times each year.

Subsection (c) provides that the Advisory Council will advise the Board on matters of general policy in the administration of the program, the formulation of regulations and the allocation of funds for services. The Council is charged with responsibility for studying the operation of the program and utilization of services under it, with a view to recommending changes in administration or in statutory provisions. They are to report annually to the Board on the performance of their functions. The Board, through the Secretary, will transmit the Council's report to the Congress together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(Section 126.) To further provide for participation of the community, the Board will appoint an advisory council for each region and local area. Each such Council would have a composition parallel to that of the National Council; and each will have the function of advising the regional or local representative of the Board on all matters directly relating to the administration of the program.

(Section 127.) The Board is authorized to appoint standing committees to advise on the professional and technical aspects of administration with respect to services, payments, evaluations, etc. These committees will consist of experts drawn from the health professions, medical schools or other health educational institutions, providers of services, etc. The Board is also authorized to appoint temporary committees to advise on special problems. The committees will report to the Board, and copies of their reports are to be made available to the National Advisory Council.

(Section 128.) Subsection (a) requires the Board to consult with appropriate State health and planning agencies to assure the coordination of the Health Security program with State and local activities in the fields of environmental health, licensure and inspection, health education, etc.

Subsection (b) requires the Board, whenever possible, to contract with States to survey and certify providers (other than professional practitioners) for participation in the program. This is similar to Medicare except that the Board is given authority to establish the qualifications required of persons making the inspections.

Subsection (c) authorizes the Board to contract with State agencies to undertake health education activities, supervision of utilization review programs, and programs to improve the quality and coordination of available services in that State.

Subsection (d) requires the Board to reimburse States for the reasonable cost of performing such contract activities and authorizes the Board to pay all or part of the cost of training State inspectors to meet the qualifications established by the Board.

(Section 129.) The Board is authorized to provide technical assistance either directly or through contract with a State to skilled nursing homes and home health agencies to supplement the skills of their permanent staff in regard to social services, dietetics, etc.

(Section 130.) Subsection (a) charges the Board with responsibility for informing the public and providers about the administration and operation of the Health Security program. This will include informing the public about entitlement to eligibility, nature, scope, and availability of services. Providers would be informed of the conditions of participation, methods and amounts of compensation, and administrative policies. In support of the program's effort to improve drug therapy, the Board is authorized, with the approval of the Secretary, to furnish all professional practitioners with information concerning the safety and efficacy of drugs appearing on either of the approved lists (Section 25), indications for their use and contraindications. Information of this nature is not now always available to practitioners.

Subsection (b) requires the Board to make a continuing study and evaluation of the program, including adequacy, quality and costs of services. Subsection (c) authorizes the Board directly or by contract to make detailed statistical and other studies on a national, regional, or local basis of any aspect of the title, to develop and test incentive systems for improving quality of care, methods of peer review of drug utilization and of other service performances, systems of information retrieval, budget programs, instrumentation for multiphasic screening or patient services, reimbursement systems for drugs, and other studies which it considers would improve the quality of services or administration of the program.

(Section 131.) This section authorizes the Board to enter into agreements with providers to experiment with alternative methods of reimbursement which offer promise of improving the coordination of services, their quality or accessibility.

(Section 132.) This section grants authority to the Board, in accordance with regulations, to make determinations of who are participating providers of service, determinations of eligibility, of whether services are covered, and the amount to be paid to providers. The Board is granted authority to terminate participation of a provider who is not in compliance with qualifying requirements, agreements or regulations. But unless the safety of eligible individuals is endangered, the provider shall be entitled to a hearing before the termination becomes effective.

(Section 133.) This section establishes procedures for appeals similar to those under the Social Security Act.

(Section 134.) This section has one of the bill's most important provisions with respect to achieving improvement in coordination, availability, and quality of services. It greatly strengthens state and local planning agencies and gives the Board authority to curtail inefficient administration of participating institutional providers.

The Board is authorized to issue a direction to any participating provider (other than an individual professional practitioner) that, as a condition of participation, the provider add or discontinue one or more covered services. For example, if two community hospitals are operating maternity wards at low occupancy rates, the Board may require that one hospital cease to provide such service. A provider may be required to provide services in a new location, enter into arrangements for the transfer of patients and medical records, or establish such other coordination or linkages of covered services as the Board finds appropriate.

In addition, if the Board finds that services furnished by a provider are not necessary to the availability of adequate services, under this title, that their continuance is unreasonably costly, or that the services are furnished inefficiently (and that efforts to correct such inefficiency have proved unavailing) the Board may terminate participation of the provider.

No direction shall be issued under this section except upon the recommendation of, or after consultation with, the appropriate state health planning agency. And no direction shall be issued under this section unless the Board finds that it can be practicably carried out by the provider to whom it is addressed. The Board is required to give due notice and to establish and observe appropriate procedures for hearings and appeals, and judicial review is provided.

(Section 135.) Subsection (a) creates the positions of Deputy Secretary of Health, Education, and Welfare and Under Secretary for Health and Science in the Dept. of Health, Education, and Welfare.

Subsection (b) fixes the levels of compensation in the Executive pay rates scale for the Deputy Secretary (level II), the Under Secretary for Health and Science (level III), the Health Security Board chairman (level III), Board Members (level IV), and the Exec. Director (level V).

Part H—Miscellaneous provisions

(Section 141.) This section contains definitions of certain terms used in the title.

(Section 142.) This section stipulates that the effective date for entitlement for benefits will be July 1, of the second calendar year following enactment.

(Section 143.) Subsection (a) provides that an employer will not be relieved, by the enactment of the Health Security Act, of any existing contractural or other non-statutory obligation to provide or pay for health services to his present or former employees and their families. Subsection (b) expresses the sense of Congress that if, nevertheless, inauguration of the Health Security Program lessens the cost of an employer's aggregate obligations for health services to such persons, the savings should, at least for the period of any contract subsisting on the effective date of benefits, be applied to the payment of the employees' health security taxes, to wage increases, or to other employee benefits.

TITLE II

Part A—Payroll taxes

(Section 201.) Effective on January 1 of the second year after enactment, subsections (a) and (b) convert the existing Medicare hospital insurance payroll taxes into Health Security taxes, and raise the rates to 1 percent on employees and 3.5 percent on employers. Subsection (c) raises the wage base for the employee tax from the present $7,800 to $15,000 with subsequent further increase if wage levels rise, eliminates the wage ceiling from the employer tax, and broadens the definitions of covered employment to include foreign agricultural workers, employees of the U.S. and its instrumentalities (other than members of the armed forces, and the President, Vice-President, and Members of Congress), employees of charitable and similar organizations, railroad employees, and (for the employee tax only) employees of States and their political subdivisions and instrumentalities. This subsection also provides the mechanism for increasing the wage base, by $600 intervals, in proportion to future increases in average wage levels.

(Section 202.) Section 202 makes a number of conforming and technical amendments. Chief among these are provisions for refund of excess taxes collected from an employee, who has held two or more jobs, on wages aggregating in a year more than the amount of the new wage base; exclusion of Health Security contributions from agreements with State governments for the social security coverage of State and municipal employees (since these employees will contribute to Health Security through payroll taxes); and exclusion of Health Security contributions from agreements for the coverage of United States citizens employed by foreign subsidiaries of United States corporations (since these employees will not benefit directly from Health Security in its present form).

(Section 203.) This section excludes from the gross income of employees, for income tax purposes, payment by their employers of part or all of the Health Security taxes on the employees.

(Section 204.) This section spells out the precise effective dates of the new payroll tax provisions.

Part B—Taxes on self-employment income and unearned income

(Section 211.) Effective at the beginning of the second calendar year after enactment, this section converts the existing Medicare self-employment tax into a Health Security self-employment tax, raises the rate to 2.5 percent, and raises the maximum taxable self-employment income from $7,800 to $15,000 (with the same upward adjustment as in the employee tax for subsequent rises in average wage levels).

(Section 212.) Effective on the same date, this section adds a new 1 percent Health Security tax on unearned income (unless such income is less than $400 a year), subject to the same maximum on taxable income as is applicable to the employee and self-employment taxes. Taxable unearned income is adjusted gross income up to the stated maximum, minus wages and self-employment income already taxed for Health Security purposes (excluding certain items of income specifically excluded from the other taxes).

(Section 213.) This section makes appropriate changes in nomenclature and in the requirements of tax returns, including reports of estimated tax liability under the new tax on unearned income.

(Section 214.) This section details the specific effective dates of the taxes imposed by this part.

TITLE III

(Section 301.) Subsection (a) repeals Medicare on the date benefits become effective but stipulates that this shall not affect any right or obligation incurred prior to that date.

(Section 302.) This section requires that after the effective date of benefits, no State shall be required to furnish any service covered under Health Security as a part of its State plan for participation under Medicaid, and that the Federal government will have no responsibility to reimburse any State for the cost of providing a service which is covered under Health Security. After the effective date of benefits, the Secretary of HEW shall prescribe by regulation the new minimum scope of services required as a condition of State participation under Title XIX. To the extent the Secretary finds practicable, the new minimum benefits will be designed to supplement Health Security—especially with respect to skilled nursing home services, dental services and the furnishing of drugs.

(Section 303.) This section provides that funds available under the Vocational Rehabilitation Act or the Maternal and Child Health title of the Social Security Act shall not be used to pay for personal health services after the effective date of benefits, except (to the extent prescribed in regulations by the Secretary of HEW) to pay for services which are more extensive than those covered under Health Security.

TITLE IV

(Section 401.) This section authorizes the Secretary of Health, Education, and Welfare in consultation with the Secretary of State and the Secretary of the Treasury to study the coverage of health services for U.S. residents in other countries.

(Section 402.) Subsection (a) sets forth Congressional findings concerning the shortage of appropriate services and facilities for the long-term care of the aged or chronically sick. It notes that the shortage is in large measure due to the inadequacy and fragmentation of public programs, and that the shortage of appropriate services results in a severe hardship to the elderly and disabled and causes much improper use of hospitals and skilled nursing homes. Subsection (b) directs the Secretary to make a comprehensive study of the need for additional social, homemaker and other services for persons described in subsection (a) and the most equitable and appropriate means of financing such services. The Secretary is required to report his findings together with recommendations of legislation to the Congress within two years of the enactment of this title.

(Section 403.) Subsection (a) directs the Secretary of HEW to study the feasibility and desirability of coordinating the federal health benefit programs for merchant seamen, and Indians and Alaskan natives with the health security benefit program. The Secretary and the Administrator of Veterans Affairs shall conduct a similar joint study of the desirability and feasibility of coordinating veterans health care programs with the health security benefits program. Reports to the Congress and any legislative recommendations arising from the studies are required within three years after the enactment of this title.

Subsection (b) requires the Secretary and Administrator to consult with representatives of the affected beneficiary groups and include a summary of their views in the reports to Congress.

With respect to the joint study to determine the most effective method of coordinating the Veterans Administration Health Program with the Health Security Program established under this bill, it is important to understand that there is no intention to require either the integration of the VA program into the Health Security Program, or even the consideration of such integration. Rather, the section recognizes that any national health security or health insurance program would be so pervasive as to require other federal health programs such as those of the Veterans Administration to be effectively coordinated with them. Through such coordination, needless duplication and expenditures should be avoided.

(Section 404.) Subsection (a) sets forth Congressional findings concerning medical malpractice, and the methods of determining liability and assessing damages, are unsatisfactory. It notes that the cost of malpractice insurance is a significant element in the mounting cost of health care, and points to increasing evidence that the cost, together with the limited availability of insurance, may tend to discourage desirable medical procedures and have a detrimental effect on the use of health services. It concludes that better mechanisms must be found to determine and award fair compensation in appropriate cases to patients who have been injured in the course of the receipt of health services.

Subsection (b) directs the Secretary to make a comprehensive study of the problem, including the most appropriate criterion of compensable injury, means of adjudication, and means of financing the payment of compensation. The Secretary is required to make to the Congress an interim report within one year, and a final report and recommendations for legislation within two years of enactment of this title.

Mr. SAXBE. Mr. President, I have long called for a massive overhaul of our national health machinery. That is primarily the reason I was pleased to cosponsor with several colleagues the Health Security Act of 1970. The bill has been reintroduced, again with my cosponsorship. I hope the proposal will be debated at length, not just in this body, but across the land.

Mr. President, a few months ago I prepared an article for the Bond Buyer magazine which details my views on health security and a better America. This as clearly as anything explains why I believe we must begin now to talk about the idea of health security for all Americans.

I ask unanimous consent to insert the article at this point in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

HEALTH SECURITY AND A BETTER AMERICA

(By Senator WILLIAM B. SAXBE)

With a bow to an over-used phrase, I submit that a program of national health insurance for all Americans is an idea whose time has come.

That is why I, along with several other of my colleagues in the United States Senate, am sponsoring a legislative proposal to establish a program of comprehensive national health insurance to provide better health care for all of our people.

Before I go further, let me add this proviso: The bill (S. 4297, introduced Aug. 27, 1970) is not going to pass this year. It is not going to pass next year. Maybe it will never pass. But it's something we've got to start talking about. Because of the complex nature of the effort itself, it probably is wise that the actual legislation may be a time coming.

PULL IT TO PIECES

As "The Washington Star" pointed out in an editorial endorsing the idea on Sept. 27, ". . . the insurance bill . . . will not and should not be passed in this session. To place it in effect would be like installing a jumbo jet engine on a Ford Tri-Motor plane; it would pull the whole fragile health works to pieces. It is the only logical long-run objective, but preparations must be made. Crippling deficiencies of manpower, money and planning must be dealt with . . ."

This said, let me go on to explain why I think the program is needed as soon as feasible. Let me also tell you a little about this particular proposal.

I wish that the needed corrections in our health care systems could be done on the local level, or the State level, but I don't see this happening. We have to meet this problem on the Federal level. At the present time, adequate coverage for all of our people just does not exist. And inflation has created a situation where there are no savings available in all too many cases for long-term, serious illness.

Much of the burden rests on our older people, those who are hurt most by inflation. These people don't receive adequate care and they are not adequately covered. Medicare doesn't begin to cover all of their medical costs.

Columnist Sylvia Porter pointed up the problem quite clearly in a recent piece, when she told about a friend who was admitted to a major New York hospital, suffering a coronary heart attack. The friend remained in an intensive care unit for six weeks before moving to a private room with round-the-clock private nurses. He was finally released three months after entering the hospital and his bill was a mind-boggling $22,000.

MORE DOCTORS

As Miss Porter wrote: "Fortunately, this man had extensive health insurance. But what if he had been among the tens of millions who have only a bare minimum or no coverage at all?"

We can't significantly increase the number of doctors or the methods of treatment by merely putting more and more money into our present health programs. This bill provides for increasing the numbers of doctors. We need at least 40,000 more doctors, but that alone won't cure the ills of the nation. Just supplying 40,000 more practitioners won't drive physicians to the outposts where they are needed. We must spread doctors more efficiently and we must make sure that people who need specialized services get them. Many people who need a specialist go without one because they can't afford it. This bill recognizes the importance of the referral system which makes efficient use of the general practitioner and the specialist.

My only objection to the bill is the cost, but sometimes you have to pay the price for a good system. Estimates range anywhere from $37 billion to $77 billion a year by fiscal 1974, when this particular bill would become effective. But when you consider that the war in Vietnam has been costing us anywhere from $18 billion to $30 billion a year for the last six years, a similar expenditure for health care for all doesn't seem too much or too awesome.

In its purest sense, this bill would be financed by an increase in Social Security payroll taxes. The plan would provide coverage for all major health services except custodial care for the aged and disabled, and psychiatric and dental care. It would be financed 35 per cent by an employer-paid payroll tax; 25 per cent by a tax on workers' income up to $15,000 a year and the remaining 40 per cent would come from general Federal revenues.

EASY TO FORGET

It is easy to forget—in fact, millions don't know at all—that the United States is the only major industrial nation in the world that does not have a national health service or some kind of program of national health insurance. I believe that such a program, together with concomitant changes in the organization and delivery of health care in the United States, is our single most important issue of health policy today.

When the health security bill was introduced in the Senate, Sen. Edward Kennedy, D-Mass., detailed some of its major provisions. I think it would be helpful if I summarized those provisions at this point.

Several basic principles have served as guidelines for the proposal:

(1) Health security doesn't envisage a national health service, in which the Government would own the facilities, employ the personnel and manage the finances of the health system. Rather, the program proposes a working partnership between the public and the private sectors. The Government will, of course, assist with financing and administrative management, joined with private provision of personal health services through private practitioners, institutions, and other providers. The program itself would be carried out gradually, moving in an orderly, evolutionary way from where we stand today toward the goals we have set for the future.

BUDGETED BASIS

Comprehensive service covered by the health security program will be financed on a budgeted basis. Funds will be provided from a pool of national resources, with reasonable limitations, governed by such demands as the national economy warrants. In other words, safeguards would be provided against runaway expenditures.

(2) Benefits of the health security program will be available, with only minor exceptions, to all persons residing in the country. Target date for this particular bill is the middle of 1973. Eligibility will require neither an individual contribution history as in Social Security nor a means test as in Medicaid.

(3) Benefits of the program will embrace the entire range of services required for personal health. These include services for the prevention and early detection of disease, for the care and treatment of illness, and for medical rehabilitation.

(4) Providers of health services will be compensated directly by the health security program. Individuals will not be charged for covered services. Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists and optometrists, may be paid by various methods which they elect: by fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of methods. Comprehensive health service organizations may be paid by capitation or by a combination of capitation and methods applicable to payments to hospitals and other institutional services. Other independent providers, such as pathology, laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

STATE LAW SUPERSEDED

(5) Financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, with special emphasis on teams of professional, technical and supporting personnel. The resources development fund—containing up to 5 per cent of the total

amount in the trust fund—will be available to support the most rapid practicable development toward this goal of strengthening and improving America's health resources. Federal law will supersede State statutes which restrict or impede the development of group practice plans. So, the program will do its best to assure increased availability of covered health services. It will not be content with merely contributing further strains on our already overburdened resources.

(6) The health security program includes various provisions to safeguard the quality of health care. The program will establish national standards more exacting than Medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible if they meet national standards.

(7) On the subject of health manpower, the health security program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations. It will encourage the efficient use of personnel in short supply. It will stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of needed health personnel in urban and rural poverty areas.

(8) Health security will supersede in whole or part various Federal health programs. Because all persons over 65 will be covered by the program, Medicare under the Social Security system will be ended. Federal aid to the States for Medicaid and other Federal programs will also be ended except to the extent that benefits under such programs are broader than under health security. However, the bill does not revise the current provisions for personal health service under the Veterans' Administration, temporary disability, or workmen's compensation programs.

FIVE-MEMBER BOARD

(9) Administering the health security program will be concerned primarily with the availability of services, the observance of high quality standards, and the containment of costs within reasonable bounds. Policy and regulations will be established by a five-member, full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the board will serve five-year terms and will be under the authority of the Secretary of Health, Education and Welfare.

So far as general policy, the formulation of regulations and the allocation of funds, a statutory National Advisory Council will assist the board. Members of the Council will include representatives of both providers and consumers of health care.

Administration of the program will be carried out through the 10 existing HEW regions as well as through the approximately 100 health sub-areas that now exist as natural medical marketplaces in the nation. Advisory councils on matters of administration will be established at each of these levels. Through its regulation, the board will guide the overall performance of the program. It will coordinate its activities with State and regional planning agencies, and it will account for its activities to Congress.

(10) A health security trust fund, similar to the Social Security trust fund, will finance the program. The fund will derive its income from three sources: 40 per cent from Federal general revenues; 35 per cent from a tax of 3.5 per cent on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to $15,000 a year.

It is important to note that employers may pay all or part of their employees' health security tax, and they would be expected to preserve obligations under existing collective-bargaining agreements.

The board each year will make an advance estimate of the total amount needed for expenditure from the trust fund to pay for services, for program development, and for administration. The board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health sub-areas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to sub-areas will be guided initially by the available data on current levels of expenditures. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the nation.

TWICE PRESENT TOTAL

(11) On the basis of data from fiscal 1969, the most recent year for which complete statistics are available, the health security program that we are talking about here would have paid for a total of $37 billion in personal health care services in the United States. Had the program been in existence in 1969, therefore, it would have paid approximately 70 per cent of the $53 billion in total personal health expenditures for that year, or about twice the percentage that existing forms of public and private health insurance now pay.

It is also important to stress that, overall, expenditures under the health security program will not create a new round of Federal health expenditures, layered on top of existing public and private expenditures for health care. Instead, the health security program is designed to achieve a rechanneling of expenditures already being made, so that existing funds may be allocated more efficiently.

In essence, health security expenditures will replace the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies and by Federal, State and local governments. Only in this way can we begin to guarantee our citizens better value for their health dollar.

THE DIFFERENCES

In the end, I think the Health Security Act differs from previous proposals for national health insurance. As I and others have noted, it is not just another proposal for insurance. It is not just another design for pouring more purchasing power into our already over-strained and over-burdened system for delivery of medical care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective utilization.

This is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good medical care for the years ahead. At the same time, these funds will be building new capacity to bring adequate, efficient and reliable medical care to all families and individuals in the nation.

WORSE TODAY

In closing, I want to point up a few facts which I believe as well as any others illustrate the need for this program.

For example, the health of most Americans is worse today than it was 15 or 20 years ago compared with other industrial countries. Despite the high percentage of our earnings we pay for health care, the high competence of our doctors and the highest level of income in the world, this is true.

The Committee for National Health Insurance recently compiled statistics on infant deaths, maternal mortality, life expectancy and the mortality of men in their middle years with those of other industrialized countries, and found that the United States ranks:

Thirteenth among industrial countries in death of infants during the first year of life.

Seventh among industrial countries in the percentage of mothers who die in childbirth.

No better than 18th in the life expectancy of males and 11th for females.

Sixteenth among other industrial countries in the death rate of males in their middle years.

In all instances, the U.S. ranked better 15 or 20 years ago.

In a nutshell, these statistics point up quite clearly that something is indeed wrong with the delivery on massive scales of health care in our country.

And that is why I say that a bold, new, innovative program of national health insurance for all Americans is an idea whose time is at hand.

S. 4—INTRODUCTION OF A BILL TO AMEND THE TRADE EXPANSION ACT OF 1962

Mr. THURMOND. Mr. President, I send to the desk a bill on behalf of myself and Senator COTTON to amend the Trade Expansion Act of 1962. This bill is identical to the trade bill that was reported out of the Senate Committee on Finance December 11, 1970, in the 91st Congress.

The flood of cheap foreign goods in unreasonable quantities into the United States is literally destroying the textile-apparel industry—an industry vital to the well-being of our economy and one which is rated second only to steel as far as national defense is concerned. The fate of America's textile-apparel industry and its employees is now in the hands of the Congress.

Mr. President, throughout the history of this country the textile-apparel industry has been a major source of American jobs, greatly assisting in providing this country with a very high rate of employment. Today it directly employs one out of every eight manufacturing workers for a total of 2.5 million people and indirectly employs another 3 million. Because of the tremendous increase in foreign imports during the last few years, these jobs of American workers have been placed in serious jeopardy. Since 1965 imports have doubled, resulting in over 300,000 workers being laid off. This situation becomes more critical each year as exemplified by the fact that one-third of these job losses occurred between January and September of last year alone. The Department of Commerce estimates that a total of 125,000 textile-apparel workers lost their jobs during the year 1970. I should like to point out that a laid-off textile worker not only ceases to pay taxes but may be reluctantly forced to go on relief. Passage of the trade bill is the only way we are going to be able to stop this number from increasing and make it possible for those who have already lost their jobs to get back on a payroll.

The textile-apparel industry has plants in all of our 50 States, and they are important to large and small communities alike. In hundreds of small towns and villages throughout the Nation, textile-apparel plants are the only employers of significant numbers of people. As a result, these towns and villages are largely dependent on these plants' payrolls for their survival. If a company is forced to reduce its work force, or worse, to close its doors, the community suffers a crippling catastrophe. If one plant with only several hundred workers reduces its work force, such an act in a town like Graniteville, S.C., or Biddleford, Maine, can play havoc, affecting the livelihood of hundreds of people in retailing, service organizations, banks, and others.

Mr. President, there seems to be a belief on the part of some individuals that trade restrictions are a resort to something that is an extreme measure. Nothing could be further from the truth. The United States is the only developed nation in the world which does not place significant import quota restrictions on imports from foreign nations. The United States has adopted this unique policy so that in years past economically struggling nations could find a ready market for their products. Today, many such nations are no longer struggling and this country should no longer feel a moral obligation to subsidize their economy. In my judgment, unless our domestic textile-apparel industry is given protection now, it will be completely dominated by foreign countries by the year 1975. I wish to point out, Mr. President, that last year the United States had over a $1.4 billion trade deficit with Japan alone. It appears, therefore, that it cost our country over a billion dollars last year alone to provide Japan with an opportunity to flood our market with cheap goods, help close down our textile plants, and throw thousands of individuals out of work.

In order to draw support for their position, opponents of the trade bill have often charged that passage of this bill would have an adverse effect upon the American consumer by raising prices. This charge is unfounded and not supported by logical reasoning. First of all, the proposed law would not stop imports. In fact, it would permit a very high level of imports from foreign countries and at the time restrict them to reasonable amounts. Therefore, our store will still have plenty of cheap foreign shirts, dresses, sweaters, and other types of apparel, not to mention American products at all price ranges.

In my judgment, failure to pass the trade bill will ultimately lead to an opposite result by actually leading to an increase in the prices of consumer goods in the textile-apparel area. If cheap foreign goods are allowed to continue to flood the American market, they will ultimately drive American competitors out of business, giving these foreign nations complete control of the American market. Once this happens, what is to prevent these foreign countries from raising the prices of their goods as high as they like?

To support this conclusion I cite you to the silk-textile situation which is particularly revealing. Two countries, Japan and Italy, control the world's raw silk production. There are no American competitors in this field. Since 1960 the wholesale price of silk-textiles has risen by 61 percent. Compare this to the price of all textile products which rose only an average of 1 percent during this same period. This is an example of what can and will happen when a few foreign countries are allowed to dominate any particular market. Foreign producers have no legal or moral obligations to the American consumer. Once a foreign country dominates any industry, the American public will inevitably suffer.

Mr. President, I would also like to point out that the textile-apparel industry is important to the growth of this country because it employs a large number of minorities. According to Government figures recently released, employment opportunities for Negroes are greater in the textile and apparel industries than in any other. The Bureau of Labor statistics reported that during the first half of 1970 Negro employment in the textile industry increased 21 percent. This is a significant increase, especially since it came at a time when overall employment in textiles and apparels was declining.

The November 2, 1970, issue of Newsweek stated:

> New industries are proud of their record in cracking the barrier of segregation.

This same magazine quoted Donald F. McCullough, president of the American Textile Manufacturers' Institute, as saying:

> Textiles have moved faster in pushing minority employment than any other major U.S. industry.

Statistical data bears out Mr. McCullough's claim. Since 1960, Negro employment in the textile industry has advanced four times faster than the national average for all manufacturing. Industry officials throughout the country predict that this trend will continue and point to the fact that many companies are now building plants in areas of heavy Negro population. However, unless protection is given to the textile industry, this trend will stop. Not only are many Negroes now being laid off, but future plans to expand existing facilities and build new plants which would provide more opportunities for hiring blacks are now being discontinued for economic reasons.

Mr. President, I would also like to address myself to what I have labeled "the retaliation myth." Opponents of import control legislation claim that foreign countries affected by this legislation would retaliate against American exporters. In my judgment, this claim is without foundation.

This myth has received a large following among supporters of the opponents of this bill and seems to be the chief objection to import quota restrictions. Primarily, threats and fears of retaliation center around Japan with reference to our soybean and cottom farmers. It is true, Japan is the largest importer of our cotton and soybeans, but I do not feel there is a serious danger of retaliation. On the other hand, the import problem and its effect on our domestic textile industry is very serious and if the threat of retaliation is merely a scare then it should not pose a real obstacle to the passage of this much needed legislation.

In my judgment, Japan would not retaliate for two primary reasons: First, Japan, which is now rated as the second economic power in the free world, depends almost entirely on the importation of raw materials and food to sustain its economy. In 1969, Japan purchased over 3 million bushels of soybeans from the United States. Regardless of what happens to the trade bill, Japan will still purchase soybeans from the United States next year because of one important factor—Japan needs soybeans. The United States is the only nation in the world that produces them in sufficient quantity. By comparison, Mainland China, the second producer of soybeans, sold only 18.2 million bushels to Japan during 1969. Japan buys soybeans from the United States not because we allow them unlimited import privileges but because this country is the only nation in the world where Japan can get the quantity of soybeans it needs.

The other factor on which I base my conclusion that Japan will not retaliate is exemplified by the cotton situation. The United States now depends upon Japan for our greatest cotton export market. Of course, the Japanese need our cotton in order to produce their textiles. They buy our cotton, use it in textile manufacturing, and then sell their textile products to us. However, last year Japan bought more cotton from Mexico than it did from the United States. The reason it bought the cotton from Mexico rather than us was because Mexico was able to give them a little cheaper price. Japan took the cheaper price notwithstanding the fact that Mexico allows virtually no textile items manufactured in Japan to enter its borders. I ask the opponents of the trade bill why Japan does not retaliate against Mexico. If Japan did not retaliate against Mexico why should it retaliate against the United States which is merely going to place reasonable restrictions upon the importation of their textile products and not shut them off completely as Mexico has done?

In the last analysis, Japan and other countries are going to purchase products and commodities from the country where it can get the best quality for the cheapest price.

Representative Wilbur D. Mills, chairman of the Committee on Ways and Means of the House of Representatives, put the retaliation question in the proper perspective by stating after exhaustive hearings were held on the trade bill:

> The question of retaliation was not ignored. It was set aside, because it had little validity. Opposition claims simply cannot be supported on any legal or practical grounds.

Mr. President, the trade bill is not a radical departure from the policy this government has been pursuing for many years. What our Government seeks is a negotiation of viable trade agreements with foreign countries. The trade bill is a major step in the attainment of these negotiated agreements. It does not require that imports be shut off or that fixed limits be imposed in every case. To the contrary, it encourages the representatives of foreign nations to sit down with our representatives and come to reasonable agreements whereby each country's economy can continue to grow. Only those countries which refuse to enter into reasonable agreements will be subjected to specific import limitations as required by the bill. I might add that these limitations are certainly not unreasonable for they are based on the average of the imports of that particular nation during the years of 1967, 1968, and 1969. Furthermore, even the quotas set by the trade bill under this formula are not mandatory and could be waived by the President. Under this bill, when any reasonable agreement has been reached with a foreign country or it is determined that the imports from a foreign country are "not disruptive," or it is determined that the supply is inadequate to meet demand at "reasonable prices," or if the import quotas are found to be against the national interest, the President may suspend the requirements of this bill.

Import quota limitations are nothing new and are common with all nations. The controls under this legislation are extremely flexible. The bill seeks only reasonable restraints on foreign imports and then only when the foreign manufacturers refuse to act in a reasonable manner. The trade bill encourages, rather than discourages, negotiated agreements. Primarily, what it will do is to put foreign countries on notice that unless they act reasonably and voluntarily limit the amount of cheap goods they are pouring into this country, our Government will impose certain restrictions.

Mr. President, I cannot stress enough the great need for protecting the textile-apparel industry and its millions of employees and other wage-earners dependent upon it for a livelihood. This protection is long overdue and I am hopeful that the Senate will act favorably and promptly on this legislation.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

The bill (S. 4) to amend the tariff and trade laws of the United States, and for other purposes, introduced by Mr. Thurmond (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 5—INTRODUCTION OF THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MONDALE. Mr. President, I introduce for myself and the Senator from New York (Mr. Javits) and for 21 other Senators from both parties a bill, entitled "The Full Opportunity and National Goals and Priorities Act."

Title I of the bill stems from S. 843 which I introduced almost 4 years ago and is identical to title I of S. 5 which was passed by the Senate on September 10, 1970. Title II was first offered as an amendment to the bill by the Senator from New York (Mr. Javits) and was included as title II in the bill which the Senate passed last year.

Title I of the bill establishes full social opportunity as a national goal. The goal is more fully described in the bill as embracing such areas as educational and vocational opportunities, access to housing and health care, and provision of special assistance to the handicapped and other less fortunate members of society. It establishes institutions and procedures for advancing this broad social goal, including a new Council of Social Advisers in the Executive Office of the President, and a requirement for an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual Economic Report of the President, and established a Joint Economic Committee in the Congress.

It is my belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue that objective, we should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born.

The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, and in our technological and scientific base, and in our educational systems. As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

Because of our information gaps, national problems go nearly unnoticed until they suddenly are forced upon us by some significant development. Thus, we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens. We desperately need ways to monitor our social health and to identify such problems before they destroy our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance. The Congress has been groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution, and health delivery systems.

Finally, after years of experimenting with such techniques as program planning and evaluation systems, we are still quite ill equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs. A council of social advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a council, taking full advantage of new developments in planning programing and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the Executive in developing and administering public policy.

A council of social advisers would not, itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the new domestic council with much of the information which that body will need to make its policy and program recommendations to the President. The domestic council will have available to it the broad range of economic information now furnished by the Council of Economic Advisers. The council of social advisers would fill a significant gap in the information system which is needed to buttress the policymaking apparatus established last year under the President's reorganization authority.

While title I of the bill, with its new council of social advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress.

I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. Javits) last year to create a new congressional staff office of goals and priorities analysis.

This office would be an arm of the Congress serving it in its examination of budget proposals, program costs and effectiveness, appropriations, and national priorities.

The appropriations process is the mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congress with the kind of manpower, data and technology that would furnish it with the information necessary if it is to fully examine and evaluate appropriations measures with regard to the relative needs of the Nation. The office would not supplant the efforts of the Appropriations Committees to determine the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

These services should, in concert with the other work of the office, serve to improve the legislative process. Too often, congressional procedures result in each appropriation's being considered in a piecemeal fashion.

In committees, on the floor, and in conference—over a period of months—the Government's spending priorities take shape. Yet this is done in virtual ignorance of total alternative budgets by which other priorities might be expressed. Revisions and amendments are made, often on the floor of the Senate, each of which affects a vast range of alternatives.

Yet these alternatives are seldom really identified. An appropriation increase, for example, may be offered with excellent justification, but with no clear idea of what other equally worthwhile projects are precluded by this additional expenditure.

Currently, the Congress has only one complete, coherent budget with which to work—that submitted by the President. There is no reason, of course, why the Congress should accept this budget, item by item. The new Office would, in providing Congress with hard cost-benefits and sound, need-projection data, improve the chances that the inevitable deletions, additions, and other revisions of the budget would occur as a result of informed and considered analysis of the merits of each budget proposal, and of how all spending decisions influence, and are influenced by, the condition of the total economy.

The Congress needs its own office to provide this kind of ongoing analysis and to generate comprehensive budget alternatives which could be examined in a totality. The executive branch is quite well equipped to function in such matters. With the Domestic Council and the Office of Management and Budget, and with the extensive facilities of the National Security Council, the Council of Environmental Quality, the Council of Economic Advisers and with a new Council of Social Advisers, the White House is formidably equipped to present a given budget and make its case.

Meanwhile, the Congress—coequal in policymaking, and supposedly preeminent in the control over spending—has far too little resources, even in its Appropriations Committees, and has no established mechanism to help individual Senate or congressional staffs examine the policy and program evaluations reflected in the budget. The President said, when announcing his proposal to establish the Domestic Council and the Office of Management and Budget:

> A President whose programs are carefully coordinated, whose information system keeps him adequately informed and whose organizational assignments are plainly set out, can delegate authority with security and confidence.

Certainly the Congress, the branch of Government which shares with the executive the responsibility to determine national priorities and delegate authority, should be so organized and informed. Such an office in the Congress could do much to restore the growing erosion of congressional power and give substance to the admittedly ill-defined contentions about national priorities, peace and growth dividends, and fiscal responsibility.

Mr. President, I have now served in the Senate for over 6 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence about how little we seem to know at the Federal level about what is really going on.

As one person observed, we have a natural strategy of suboptimization at the Federal level where we do better and better at little things and worse and worse at big things.

Thus, something as elementary as good nutrition, something as essential to a sound body and a sound mind—adequate and decent nutrition—was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soybeans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger, and if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same thing was true with decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions and millions of dollars in property damage, and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go on from this example to other examples. In the Federal system we lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future, but trying to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's "hot seat" trying to develop a program to advise the highest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars, one would have thought that information would be immediately at hand. The Secretary thought the information would be available to him as soon as he returned to his office and that he would send it right back. As a matter of fact, it took HEW a year and a half to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which our very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

Unless something of which I am unaware has been done recently, I believe we still do not know where hunger in America is with the kind of precision that is essential for an effective program to feed all the hungry among us.

Then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate, or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes which have been made in the Defense Department, despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Since this bill was first proposed, it has attracted strong support from a broad spectrum of leading public figures in the Nation. Among them have been two former Secretaries of Health, Education, and Welfare—John Gardner and Wilbur Cohen. Significantly, two principal officials in the Johnson administration, who had opposed the bill in 1967 as premature, have now joined in its support. These are Charles Zwick, former Budget Director and Joseph A. Califano, Jr., former Special Assistant to President Johnson. Former Secretary of the Treasury, Joseph Barr, has also testified in favor of the bill.

Two prominent study groups have also made recommendations along the lines of the bill. In October 1969, the Behavioral and Social Sciences Survey Committee of the National Academy of Sciences and the Social Science Research Council recommended the investment of substantial Federal funds in developing social indicators. It also proposed the preparation of an annual social report, initially outside the Government, and the eventual establishment of a Council of Social Advisers, as a Government agency.

Mr. President, I ask unanimous consent that the summary and major recommendations of this committee report be printed in the RECORD.

In December 1969, the National Commission on the Causes and Prevention of Violence, headed by Dr. Milton Eisenhower, issued its final report. I was pleased to note that among its recommendations were proposals for the development of social indicators and for the establishment of a counterpart to the Council of Economic Advisers to produce an annual social report.

Mr. President, I ask unanimous consent that excerpts from the Commission's report and the text of the proposed Full Opportunity and National Goals and Priorities Act be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and other matters will be printed in the RECORD.

The bill (S. 5) to promote the public welfare, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and National Goals and Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committee and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4) (A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

TITLE II—NATIONAL GOALS AND PRIORITIES

DECLARATION OF PURPOSE

SEC. 201. The Congress finds and declare that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") and an Assistant Director of Goals and Priorities Analysis (hereafter referred to as the "Assistant Director"), each of whom shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director, or in the event of a vacancy in that office, the Acting Director.

The material, presented by Mr. MONDALE, is as follows:

SUMMARY AND MAJOR RECOMMENDATIONS

We are living in social crisis. There have been riots in our cities and in our universities. An unwanted war defies efforts to end it. Population expansion threatens to overwhelm our social institutions. Our advanced technology can destroy natural beauty and pollute the environment if we do not control its development and thus its effects. Even while scientific progress in biology and medicine helps to relieve pain and prolong life, it raises new problems relating to organ transplants, drugs that alter behavior, and the voluntary control of genetic inheritance.

At the root of many of these crises are perplexing problems of human behavior and relationships. The behavioral and social sciences devoted to studying these problems, can help us survive current crises and avoid them in the future, provided that these sciences continue to make contributions of two kinds: first, in increased depth of understanding of human behavior and the institutions of society; and, second, in better ways to use this understanding in devising social policy and the management of our affairs. Recommendations for achieving such growth are the central concern of this survey and this report.

Social problems are most visible during crisis, but they persist even in relatively calm times, for the human needs that underlie them are continuous. Our concerns must include health and access to medical care, raising children to become effective and satisfied adults. We want a society that provides educational services in classrooms, museums, libraries, and the mass media, and that offers abundant opportunity for satisfying and productive work without fear of unemployment. People need pleasant, livable housing, efficient and economical means of transportation, and opportunities for esthetic outlets and the appreciation of nature. The social order must provide safety for citizens and freedom of movement without fear of attack or molestation. It must encourage individuality and cultural diversity, while reducing intergroup tensions; and it must progress toward international understanding and the elimination of war as an instrument of national policy.

These are large issues, involving values and goals as well as means. The job of the social scientist is clear. He can keep track of what is happening, work at understanding the sources of conflict and resistance to change, and try to determine both the intended and unintended consequences of problem-solving actions. Through the development of general scientific principles and the analysis of specific instances, social scientists seek to illuminate the ways in which the society is working.

This survey was undertaken to explain the behavioral and social sciences and to explore some of the ways these sciences could be developed and supported so that their potential usefulness to society can be realized. The survey is directed to two tasks: first, to assess the nature of the behavioral and social science enterprise in terms of its past growth, present size, and anticipated development; and second, to suggest ways in which these sciences might contribute both to basic understanding of human behavior and to effective social planning and policy-making.

THE SCOPE OF THE BEHAVIORAL AND SOCIAL SCIENCES

This survey embraces nine behavioral and social science disciplines: anthropology, economics, geography, history, linguistics, political science, psychiatry, psychology, and sociology. It also takes into account the social science aspects of statistics, mathematics, and computation. The survey recognizes the contributions to behavioral and social science by professionals in business, education, law, public health, medicine, and social work, although it does not cover these fields in detail. The importance of collaborative work in solving social problems emphasizes the links between these sciences and engineering, architecture, and the biological and physical sciences.

The behavioral and social sciences have shared in the rapid expansion of knowledge common to all fields of scholarship over the last decade and have attracted an increasing number of trained workers (Figure SR–1). Increasing proportions of bachelor's and master's degrees were granted in these fields between 1957 and 1967, and the trend will probably continue. The relative proportion of doctorates may decline slightly, not because of a slowing down in their production but because of very rapid increases in other fields, notably in engineering. Ironically, despite the increase in the number of degrees granted (Figure SR–2) [Not printed in the Record], the social sciences face manpower shortages because of the upsurge of interest in them.

Figure SR–1.—*Degree production in the behavioral and social sciences as percentages of degree production in all fields*

[In percent]

Bachelor's:	
1957	14
1967	21
1977[1]	31
Master's:	
1957	9
1967	12
1977[1]	15
Doctorates:	
1957	19
1967	19
1977[1]	17

[1] Projected.

Source: Tables 9–1, 9–3, 9–5.

Behavioral and social scientists are more inclined to pursue academic careers than are many other scientists, although a trend toward greater nonacademic employment is apparent. Approximately half of all professional behavioral and social scientists work in universities or four-year colleges. Many others work in other educational settings, such as junior colleges and secondary schools, and in public-school administration. The rest are employed in government, hospitals, research centers, and industry; economists and psychologists find more employment outside universities than do others.

SCIENCES OF BEHAVIOR AND THE PROBLEMS OF SOCIETY

All sciences make some distinctions between basic research, applied research, and the development of products, processes, or services based on research. The history of science shows that the relationship between basic and applied science is complex, with basic research sometimes lagging behind and sometimes leading applied research. But the scientific method can be applied to problems of a practical nature, whether or not the applications can be derived from the basic science of the time.

The third category of scientific activity—development—is more difficult to define for the behavioral and social sciences. The result of development in the physical sciences or in engineering is usually a tangible product, such as a color television set or a space capsule, and it is relatively simple to determine developmental costs. Although there are some tangible products of behaviorial and social science, such as computerized instructional systems, many useful ones are services or processes in the public domain, such as a parole system, a new form of welfare payments, or a form of psychotherapy.

If the usefulness of social-problem-relevant research is to grow, the scale of social science research will have to expand, because many problems can be studied only on a national or international level. As this scale increases, the basic sciences of human behavior should benefit, much as the natural sciences have benefited from increases in the scale of their own research.

The Committee has considered several steps to strengthen the behavioral and social sciences, both as sciences and as contributors to public policy.

One step is to develop improved *social indicators:* measures that reflect the quality of life, particularly in its noneconomic aspects. Some data for constructing social indicators now exist. We have data on educational opportunities, adequacy of housing, infant mortality, and other statistics bearing on health, highway accidents and deaths. violent crimes, civil disorders, reflections of cultural interests (library use, museum and theater attendance), and recreational activities. We now need a major effort to find indicators that can accurately reflect trends for the nation as a whole as well as differences among regional, sex, age, ethnic, and socioeconomic groups. Most social changes are gradual. A sensitive social indicator should tell us whether, in the area to which it pertains, things are getting better or worse, and to what degree.

Social indicators should help us measure the effects of social innovations and changes in social policy as well as assess their unintended by-products. New methods of construction as well as changes in building codes could be reflected in changes in indicators of the quality of housing. Broad programs for increasing highway safety might affect accident indicators and also the consumption of alcohol under certain circumstances.

Indicators that measure our economic state are in use, but they are not precisely analogous to the *social* indicators we are proposing. Economic values can be expressed in dollars, and economic indicators can be aggregated to produce a single economic unit, such as the gross national product (GNP). There is no corresponding unit of value by which to measure the quality of life. This is not an obstacle to the development and use of separate quantitative indicators, each of which measures some aspect of the quality of life, even though it may not be possible to combine them into a single number.

The development of a useful system of social indicators is not simply a matter of measuring many aspects of society. The central problem is to decide which among many measurable attributes most truly represent the fundamental characteristics with which we are concerned. Thus, progress toward valid indicators will depend largely on the understanding we obtain from research into the basic structure and processes of our society. Conceptual and theoretical work at the highest level is necessary if we are to interpret the changes taking place.

To expedite the development and use of a system of social indicators, we offer the following recommendation:

Recommendation: Social Indicators—The Committee recommends that substantial support, both financial and intellectual, be given to efforts under way to develop a system of social indicators and that legislation to encourage and assist this development be enacted by Congress.

We believe that the resources of the federal government will have to be called upon to develop successful indicators. The estimated annual cost of running an organization to carry on developmental work is $1.5 million. Access by such an organization to data routinely collected by federal agencies would facilitate its work. Because the effort would be in the national interest, we suggest that the task of developing social indicators be undertaken directly by the government; in Chapter 6 we discuss several alternatives for locating an indicator agency within the federal system.

If social indicators are to be useful to society, they will have to be interpreted and then considered in conjunction with the making of social policy. Just as the annual Economic Report of the President interprets economic indicators, an annual social report should eventually be produced that will call attention to the significance of changes in social indicators.

Because of the particular problems involved in developing sound, workable social indicators, we are hesitant to urge an official social report now. We favor, instead, a privately sponsored report during the next few years, perhaps through the initiative of either the National Research Council or the Social Science Research Council, or through a joint effort of the two.

If such an annual social report proves substantial after reasonable experimentation, it might then become a government responsibility like the annual economic and manpower reports now made for the President. This approach is also discussed in Chapter 6, where we offer the following recommendation.

Recommendation: A privately developed annual social report—The Committee recommends that behavioral and social scientists outside the government begin to prepare the equivalent of an "Annual Social Report to the Nation," to identify and expedite work toward the solution of problems connected with the eventual preparation of such a report on an official basis. Support for this endeavor should come from private foundations as well as from federal sources.

A natural next step would be to establish a council of social advisers to consider the policy implications of the report. We do not recommend the establishment of such a council until the annual social report shows that social indicators do indeed signal meaningful changes in the quality of life.

For the present, we urge full participation of behavioral and social scientists in the Office of Science and Technology and in the President's Science Advisory Committee, as well as in the numerous advisory bodies attached to administrative agencies and the Office of the President (see Chapter 5).

Behind the development of social indicators and an annual report lie some basic steps: to gather better social data and to store it in usable form, with the necessary safeguards against invasion of privacy. Fortunately, we have the experience of the Decennial Census and the Current Population Survey, without which a great deal of social science, particularly demography could not have been developed. There are also many sample surveys that deal with employment and other economic factors and statistical reports on agriculture, health, and other aspects of life.

Even in a non-Census year, the federal government spends more than $118 million on statistical programs. Data are scattered through government agencies in many forms, and suggestions for centralizing those data in some form of national data system have been made several times. We see many problems in such plans and therefore recommend that the President appoint a special commission with a full-time professional staff and a broad-based advisory committee to make a detailed study with recommendations. Suggestions should come from data-collection agencies of government, from representatives of the various behavioral and social sciencies, from computer specialists, and from the public.

Further specification of the task of the proposed commission is given in Chapter 7. We summarize our position in a recommendation:

Recommendation: A national data system—The Committee recommends that a special commission be established to investigate in detail the procedural and technical problems involved in devising a national data system designed for social scientific purposes; that it recommend solutions for these problems and propose methods for managing a system that will make data maximally useful, while protecting the anonymity of individuals.

Protecting respondents' anonymity is very important and may prove to be among the most difficult problems to be dealt with. We propose, therefore, that it be faced in advance of the report that the special commission on a national data system may issue, and that some method be found for continuing to monitor the data systems as new methods of data storage and retrieval are created. The benefits of having policy guided by accurate information about the welfare and quality of life of the citizen can be very great, but it would be a sad consequence if, in the process of obtaining this information, the availability of data about individuals became a limitation on their freedom. To this end we offer the following recommendation.

Recommendation: Protection of anonymity—The Committee recommends the establishment within an appropriate agency of the federal government, or as an inter-agency commission, of a high-level continuing body, including nongovernmental members, to investigate the problems of protecting the anonymity of respondents, to prescribe actions to resolve the problems, and to review the dangers that may arise as new techniques of data-matching are developed.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH IN UNIVERSITIES

In PhD-granting universities, research in the behavioral and social sciences is conducted in departments of colleges or arts and sciences, in professional schools, and in institutes and research centers that exist outside the departments. Research funds are almost equally divided among these three administrative units, although departments employ more behavioral scientists because they have teaching responsibilities as well as research assignments (see Figure SR-3).

FIGURE SR-3.—*Distribution of behavioral and social science research funds and research personnel among departments, institutes, and professional schools, Ph. D.-granting universities, fiscal year 1967*

[In percent]

ALLOCATION OF ORGANIZED RESEARCH FUNDS, FISCAL YEAR 1966, $225,556,000

Departments	34
Institutes[1]	35
Professional schools	31

BEHAVIORAL AND SOCIAL SCIENTISTS ON UNIVERSITY STAFFS, N=18,498

Departments	71
Institutes[2]	10
Professional schools	19

[1] Multiple-discipline institutes account for 80% of the total institute research expenditures.

[2] Multiple-discipline institutes account for 75% of full-time research personnel within all institutes.

Source: Questionnaire survey.

Doctorate-granting departments are usually heavily committed to research, whereas professional schools are more variable in the extent to which they foster organized research in the behavioral and social sciences. Many schools of business, education, and medicine have fairly well established traditions of research relating to the behavioral and social sciences. Schools of law and schools of social work, however, give less attention to organized research in these sciences. Neither of these has anything like the behavioral and social science research expenditure per school that is found in schools of business, education, or medicine.

Law schools have not had sufficient access to research funds, their faculties have had little free time for research, and they have not developed a pattern of employing research technicians as schools of business, education, and medicine have. A growing number of law schools desire to change this state of affairs and to introduce more social science research; in Chapter 11 we offer a recommendation for inducements to aid them in doing so.

University institutes devoted wholly or in part to behavioral science research have proliferated for a number of reasons, including administrative convenience, exploration of interdisciplinary work, and concentration on research on social problems. Approximately a fourth of the scientists working in institutes and a fifth of the research money are in institutes representing only one discipline. The rest of the personnel and funds are in interdisciplinary institutes. Approximately one fifth of all institutes are oriented toward research contributing to the solution of social problems, as in the many urban institutes that have recently been formed in universities.

Despite the variety of administrative arrangements discussed above, universities are still often handicapped when trying to do fully satisfactory research into social problems

Disciplinary departments in universities, which grant most of the PhD degrees, are often better suited to basic research than to applied research. Their faculties sometimes cooperate with other departments and institutes on research, but such work usually lacks the continuity and staffing necessary for applied research. Furthermore, disciplinary values tend to favor research oriented toward problems of particular disciplines. Departments try to achieve a balance between specializations in the disciplines, which, while admirable in itself, presents problems in organization of large task forces to study significant social problems.

Institutes usually have limited full-time staffs and rely heavily on part-time workers from the disciplines. Consequently, they have little control over the education of most of their workers. The result is that much of their research leads back to disciplinary interests because that is where professional advancement lies. Moreover, the availability of research funds for institutes is unstable by nature, and the level and character of research fluctuates according to the money available.

Professional schools are concerned with particular kinds of applied research related to their professional foci; thus many general social problems tend to lie outside the sphere of any single school.

Professional schools also have the mixed blessing of a close relationship with client systems (such as hospitals, businesses, courts, or legislatures). This linkage is helpful in directing research to significant problems, but it also tends to limit the research to the interests of its clients. Further, research goals must compete with the primary task of training a body of professional workers. Often research suffers.

In view of these limitations, we believe a new university organization should be created for training and research on social problems. To clarify the essential elements of this organization, we have proposed a new school, which we call a Graduate School of Applied Behavioral Science.

Recommendation: A graduate school of applied behavioral science—The Committee recommends that universities consider the establishment of broadly based training and research programs in the form of a Graduate School of Applied Behavioral Science (or some local equivalent) under administrative arrangements that lie outside the established disciplines. Such training and research should be multi-disciplinary (going beyond the behavioral and social sciences as necessary), and the school should accept responsibility for contributing through its research both to a basic understanding of human relationships and behavior and to the solution of persistent social problems.

Such a recommendation should, of course, be adapted to local situations. However, such a school should be of scientific stature commensurate with that of the best medical and engineering schools. It should have a core faculty with tenure, like any professional school, and it should not be organized along disciplinary lines. Disciplinary departments would, of course, continue outside the new school. If the school develops topical subdivisions (such as urban research centers, or centers studying the development of new nations), these subdivisions should be terminated when they are no longer pertinent.

The new school should have its own PhD program, and it should attempt to educate its students for inventive development relevant to social problems. In other words, the school should do empirical research on significant social problems and train professionals to carry on this kind of research.

Such a school will require considerable planning, and it will face many obstacles. Among these is the problem of developing professional identity for its graduates. Many of them will probably be employed in nonacademic settings, and the university-professorship model of career aspirations will not serve. It may be necessary, therefore, to create a new professional society and new journals devoted to applied behavioral science in order to define a new professional identity.

The word "applied" in the title promises that the school will cover that end of the spectrum, but, of course, it must also be concerned with basic research. A high-level applied school will inevitably work on basic problems of data-collection and analysis, model-building, and simulation. Work on social indicators, even on a local scale, could improve the statistical basis of the indicators and investigate how to combine them or substitute one for another. Beyond such methodological problems, each Graduate School of Applied Behavioral Science should have some specialized areas of research, for the whole of applied behavioral science is too broad to tackle all at once. The problems of the cities, of poverty, of crime, of nation-building, of conservation, of regional governments, of individual growth and development, of early education—any one of a range of problems—could serve among the specialities in one school.

Instructive precedents in a number of universities exhibit many qualities of the proposed new type of school; Chapter 12 discusses these and the proposed school at greater length.

BEHAVIORAL AND SOCIAL SCIENCES OUTSIDE THE UNIVERSITY

Substantial numbers of social scientists work in nonacademic settings for federal, state, and local governments, for business and industry, and for nonprofit research organizations. Their functions, however, are not too different from those of their university colleagues.

The federal government estimates an 18.4 percent growth in federal social science employment from 1967 to 1971, and a similar growth is reported by state governments and nonprofit organizations. The percentage growth in federal social science employment is greater than the growth in overall federal employment and total federal scientific employment for the same period. Chapter 13 reports the limited data we have collected.

One indication of the amount of nonacademic research in the behavioral and social sciences is the amount of federal funds for nonacademic research performers, both to private research organizations and to the government. Roughly half of the federal funds go to nonuniversity research, and it is divided about equally between the government, on the one hand, and industrial firms and nonprofit institutions on the other (Table SR–1).

TABLE SR-1.—FEDERAL OBLIGATIONS FOR BASIC AND APPLIED RESEARCH IN BEHAVIORAL AND SOCIAL SCIENCES, FISCAL YEAR 1967, BY PERFORMER

[Dollar amounts in millions]

	Federal obligations for basic and applied research		
	All fields of science	Behavioral and social sciences	Behavioral and social sciences as percent of total obligations
Intramural (within Government departments and agencies)	$1,574	[1]$77	5
Extramural, nonuniversity:			
Industrial firms	1,437	[1]77	3
Nonprofit institutions	269		
Others	646		
Total nonuniversity	3,925	154	4
Universities	1,348	[2]143	11
Grand total	5,273	297	6

[1] Estimated from residual funds after removing amounts to universities.

[2] Estimated from the Survey.

Source: Federal Funds for Research, Development, and Other Scientific Activities: Fiscal Years 1967, 1968, 1969, NSF 68-27 (Washington, D.C., National Science Foundation, 1968), vol. 17, pp. 124, 130.

THE FINANCING OF RESEARCH

In 1966–1967, some 3.4 percent of the nation's total research and development expenditure was spent on the behavioral and social sciences—about $803 million. This was more than double the amount spent for social science research and development in 1961–1962 (Table SR–2).

TABLE SR-2.—SUPPORT OF RESEARCH AND DEVELOPMENT IN THE BEHAVIORAL AND SOCIAL SCIENCES, 1962, 1967, BY SOURCE

[Dollar amounts in millions]

Source of funds	1961–62	1966–67
Federal Government:		
Basic research	$46	$132
Applied research	74	159
Development	68	97
Subtotal	188	388
State governments	5	15
Industry	130	289
Colleges and universities	24	48
Foundations	23	24
Nonprofit institutions	14	39
Total, behavioral and social sciences	384	803
Total, all fields of science	15,604	23,686
Behavioral and social sciences as percent of total science	2.5	3.4

Source: Table 1–2 and table A–8, appendix.

Between 1959 and 1968, federal support of behavioral and social science research increased at an average rate of approximately 20 percent a year. Since today's social problems are so urgent, it is important to maintain growth at least close to this level. We distinguish between normal projected growth (no increase in the scale of research operations) and projected new programs (the addition of new large-scale research). In Chapter 14 we discuss the matter more fully and offer the following recommendation concerning normal research support.

Recommendation: Rate of Federal funding for normal research support—The Committee recommends an annual increase in funds available from the federal government for support of basic and applied research in the behavioral and social sciences of between 12 and 18 percent to sustain the normal growth of the research enterprise over the next decade.

To sustain normal growth in the behavioral and social sciences, the indicated increase in research funds will be needed, and a corresponding increase will also be needed for instructional funds, student aid, space, and equipment. Our recommendation also applies to funding for behavioral and social science research outside the universities.

The costs of projected new programs are not included in the normal-growth projections, for they are of a different character from the steady and gradual increase required by the increases in the number of social scientists and the growing sophistication of research techniques. However, the new programs require abrupt increases in funding, with each program having minimum start-up costs. The operating costs of the various new programs, when they are in full swing, are likely to total an additional $100 million annually, as explained in Chapter 14.

The agencies supporting the behavioral and social sciences are chiefly the Department of Health, Education, and Welfare (primarily through the Office of Education, the National Institutes of Health, and the National Institute of Mental Health), the Department of Defense, the Department of Agriculture, and the National Science Foundation. We welcome their continued support and believe that other agencies should expand their use of behavioral and social science research, through both intramural and extramural support. In short, we endorse the principle of pluralistic support for the social sciences.

Proposals to establish a national social science foundation pose some problems concerning the role of the National Science Foundation. The implication that social science is important enough to warrant a special foundation is gratifying, but the issues are complex, and the members of the Committee are somewhat divided in their views. Because the charter of the National Science Foundation has recently been enlarged to permit support of applied research, and explicitly to support the social sciences, we favor giving it the opportunity to exercise its new functions. However, we also suggest that, if the National Science Foundation is unable to exercise its new obligations in social sciences, then a new foundation may be needed. Recommendations bearing on the National Science Foundation appear in Chapter 14.

Private foundations have been a significant source of support to the behavioral and social sciences through the years, frequently playing innovative roles and contributing in a variety of ways to the development of these sciences. The role of the foundations is discussed in Chapter 15.

WORLDWIDE DEVELOPMENT OF THE SOCIAL SCIENCES

Worldwide interest in the social sciences is growing, partly in response to the processes of development and modernization in new nations. Social scientists in other countries seek to strengthen their professional capabilities, and there is considerable American interest in study and research overseas.

Collaboration across national boundaries is especially important in the social sciences. Generalizations based on work in only one country may be too parochial and circumscribed, and some kinds of situations important to an understanding of human behavior cannot be studied satisfactorily in any one nation. In Chapter 16 we offer some suggestions about the relationships among social scientists on an international basis, and we discuss the strengthening of organizations devoted to furthering international social science.

OUTLOOK FOR THE BEHAVIORAL AND SOCIAL SCIENCES

As the sciences advance and research at their growing edges becomes more demanding of special knowledge and skills, the tendency toward specialization increases. This trend is important for the advancement of the frontiers of science, but it also runs counter to the demand for science to deal with problems of great complexity in an integrated way. While we recognize the legitimacy of specialization within disciplines, we recommend more attention to large-scale research concerning our rising social problems.

Our society cannot delay dealing with its major social problems. We cannot consume our resources and pollute our environment and then hope to replenish and restore them. We cannot permit international relations to deteriorate to the point of resorting to nuclear weapons. Social unrest, a result of rising expectations and frustrated hopes, will eventually reach a point of no return.

The social sciences will provide no easy solutions in the near future, but they are our best hope, in the long run, for understanding our problems in depth and for providing new means of lessening tensions and improving our common life.

(Excerpts From the Final Report of the National Commission on the Causes and Prevention of Violence)

TO ESTABLISH JUSTICE, TO INSURE DOMESTIC TRANQUILITY

* * * * *

INTRODUCTION

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Our Commission is not competent to recommend a specific level of national defense expenditures. We recognize that without the deterrent capability essential for security against external attack, internal freedom and security would not be possible. It is to be expected that our military leaders will, like other government officials, stress the extreme urgency of the programs under their charge. But we believe the time has come to question whether expenditures for the general welfare should continue to be subordinated to those for national defense.

Defense expenditures, stated in 1968 prices, fell from about 78 billion dollars in 1953 (at the end of the Korean War) to about 60 billion dollars in 1954 and remained at that level for the decade 1955 to 1964. But by 1968 they had risen again to the present 81 billion dollar annual level as the result of our major commitment of troops to Vietnam.[5]

Federal expenditures for the general welfare, while they have increased substantially over the past several years, are now approximately 60 billion dollars of which $25 billion represents social security payments.

As a first step, we should try to reverse this relationship. When our participation in the Vietnam War is concluded, we recommend increasing annual general welfare expenditures by about 20 billion dollars (stated in 1968 dollars), partly by reducing military expenditures and partly by use of increased tax revenues resulting from the growth of the Gross National Product. We suggest this only as an initial goal; as the Gross National Product and tax revenues continue to rise, we should strive to keep military expenditures level (in constant dollars), while general welfare expenditures should continue to increase until essential social goals are achieved.[6]

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[5] For fiscal 1970, the budgeted figure is $77 billion.

[6] Some experts believe that since military expenditures were successfully held to an annual level of 60 billion dollars (in 1968 prices) for the decade from 1955 to 1964, a comparable plateau can and should be maintained for the decade of the seventies. In-

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Based on estimates of the Council of Economic Advisers,[7] the funds needed to achieve this goal without inflationary consequences could be obtained from two sources:

(1) The end of the Vietnam war should reduce defense expenditures by 19 billion dollars annually. The Council anticipates that this reduction will be offset in part by war-end program adjustments and deferred weapons programs. Hence, defense expenditures should go down to about 65 billion dollars (at 1968 prices).[8]

(2) The Gross National Product is expected to increase over the next decade (in constant dollars) at the rate of about four percent a year. The same should be true of federal tax revenues, which should grow in real terms at an annual increment of approximately 15 billion dollars.[9] Of this amount, approximately half will be required to meet expected annual increases for "baseline" federal nondefense expenditures other than general welfare programs. Hence, about seven or eight billion dollars more each year than the preceding year should be available for new and expanded programs in the general welfare field.

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Whether somewhat more or less than the amounts we have indicated should be provided to overcome social ills is not the important point.[10] What is important is that the people of this nation recognize both the possibilities and the need for choice. For an entire generation, we have necessarily been more aware of and responsive to the external dangers to our society than to the internal dangers. In this Commission's opinion, the internal dangers now demand a greater awareness and a more substantial response—one that can only be made if we face the need to reorder our priorities. It is time to balance the risks and precautions we take abroad against those we take here at home.

The Department of Health, Education, and Welfare has made a suggestion which merits careful consideration as a potentially valuable supplemental step toward reordering national priorities, namely, the preparation of an "Annual Social Report."[11] The Annual Social Report, comparable to the present Annual Economic Report, would provide us with a set of measurements—of "social indicators"—and how well we have done in providing housing, education, health care, public safety, and opportunities for the upward advancement of all sectors of our population. It would tell us whether the disadvantaged groups among us have been advancing at a rate sufficient to foster hope and to quiet the desperation that drives men to violence. It would significantly aid the nation and its leaders in establishing national priorities.

The Social Report would be prepared by social scientists recruited for stated periods of public service from among the nation's best scholars, just as the members and staff of the Council of Economic Advisers are today. They could be organized as a Counsel of Social Advisers, as are the Economic Advisers, or in some other visible and independent form. A major function of the social science staff would be to develop tools for measuring the comparative effectiveness of social programs. While we have learned a good deal about social stresses and the gross causative factors that require correction, we still know very little about whether particular remedial programs work at all, which ones work better than others, and why. We lack practicable means for measuring cost-benefit ratios, for establishing and observing parallel programs with significant variables, and for putting an end to programs which have failed to justify their continuance.[12] A central staff charged with this responsibility could do much to improve the accuracy of our social planning and the efficacy of on-going programs.

Two decades ago, the Council of Economic Advisers was created by the Full Employment Act of 1946, amid much skepticism about the "science" of economics and particularly about the wisdom and effect of governmental efforts to stimulate or restrain economic activity. Today we recognize the importance of the government's economic role and of national economic measurements, imprecise and imperfect as the economist's tools still are. The other social sciences may now have as much potential for informing wise government policy as economics had twenty years ago.

In a democratic society, the citizens possess the basic social power, and national priorities reflect the value judgments of the majority. Skeptics may thus take a pessimistic view of this Commission's recommendation that our national priorities be reordered. They will point, for example, to the reluctance of the public, despite the penetrating reports and the excellent recommendations of previous presidential commissions, to take the comprehensive actions needed to curb crime, eliminate racial discrimination, and alleviate the problems of the ghetto poor. They will point especially to middle-class America—to the "forgotten American"—and his concern over some consequences of racial integration, his rebellion against rising taxes, his distrust of dissent on the campus and protest movements in the capital. How realistic is it, they will ask, to think that the majority of Americans will support a reallocation of our national resources to deal with social problems?

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Skepticism is understandable. But the majority of Americans have always responded constructively to national crises when they have been fully informed and responsibly led. The "silent majority," like most other Americans, do not wish to surrender any of the most important freedoms of our open society—freedom of movement, freedom from harm, freedom from fear. They stand to benefit from the programs necessary to retain these freedoms just as much as any disadvantaged minority. All Americans—like majority and our various minorities—must come to grips with the basic causes of violence in our society and do what must be done to achieve liberty and justice for all.

Some, with little faith in our nation, predict that majority indifference will result in a violent revolution of some kind. Indeed, nihilists and anarchists openly espouse this course. We see signs, however, that a peaceful revolution is already under way: a spirit of needed reform is rising steadily among the people and in the ranks of local and national leaders. We see a growing readiness to formulate new values, to set new priorities, and to make firm commitments now, to be honored as soon as resources are available.

Some ordinary citizens feel they can do nothing to influence the direction and the destiny of their nation. But more and more Americans are proving this to be a myth. A growing number of our citizens have found they need not stand idle while our cities rot, people live in fear, householders build individual fortresses, and human and financial resources flow to less urgent endeavors. A new generation of Americans is emerging, with the energy and the talent and the determination to fulfill the promise of the nation. As it ever was, the young—idealistic but earnest, inexperienced but dedicated—are the spearheads of the drive toward change, and increasing numbers of adult Americans are joining their ranks.

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When in man's long history other great civilizations fell, it was less often from external assault than from internal decay. Our own civilization has shown a remarkable capacity for responding to crises and for emerging to higher pinnacles of power and achievement. But our most serious challenges to date have been external—the kind this strong and resourceful country could unite against. While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence.

The greatness and durability of most civilizations has been finally determined by how they have responded to these challenges from within. Ours will be no exception.

* * * * *

SUMMARY OF RECOMMENDATIONS

THE COMMISSION RECOMMENDS—

1. that "the time is upon us for a reordering of national priorities and for a greater investment of resources in the fulfillment of two basic purposes of our Constitution—to establish justice and to insure domestic tranquility."

2. that "when our participation in the Vietnam War is concluded, we recommend increasing annual general welfare expenditures by about 20 billion dollars (stated in 1968 dollars), partly by reducing military expenditures and partly by use of increased tax revenues resulting from the growth of the Gross National Product."

3. that "as the Gross National Product and tax revenues continue to rise, we should

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deed, it has been urged that, assuming the success of strategic arms limitation talks and a reevaluation of our foreign commitments, it would be feasible to hold the military budget for the early 1970s to 50 billion dollars (at 1969 prices). See Kaysen, "Military Strategy, Military Forces and Arms Control," in *Agenda for the Nation* (Washington, D.C.: Brookings Institution, 1969), p. 549.

[7] Annual Report of the Council of Economic Advisers, January, 1969, pp. 199–200.

[8] At estimated 1972 prices, for example, actual outlays would be 73 billion. At this point, defense expenditures would be at seven percent of forecast GNP, as compared to perhaps eight percent at present. In other industrially advanced democratic countries, according to the Institute for Strategic Studies, defense expenditures (in 1966) were 6.4 percent of GNP for the United Kingdom, 4.4 percent in France, 3.6 percent in West Germany, 3.3 percent in Italy, 2.2 percent in Canada and 1.1 percent in Japan. For Soviet Russia, the estimated figure is 8.9 percent, but this represents a total 1966 defense outlay of less than 30 billion dollars as compared to about 68 billion dollars for the United States.

[9] This estimate assumes that the present 10 percent surcharge will have been repealed, but that other tax reform measures will be neutral in their effect on aggregate revenues. Any substantial reduction in federal tax revenues incidental to tax reform will make it more difficult to reorder our priorities as we have proposed.

[10] We further note that the same point can be strongly made for other non-military categories of expenditure that have been built into the federal budget, including agricultural and maritime subsidies, the postal service as presently structured, and space exploration. See Schultze, "Budget Alternatives After Vietnam" in *Agenda for the Nation* (Brookings, 1969), p. 44.

[11] *Toward a Social Report,* Government Printing Office, 1969.

[12] Daniel P. Moynihean, *Maximum Feasible Misunderstanding* (New York: MacMillan 1968), pp. 190–203.

> strive to keep military expenditures level (in constant dollars), while general welfare expenditures should continue to increase until essential social goals are achieved."
>
> 4. that, to aid in the reordering of national priorities, consideration should be given to establishing a counterpart of the Council of Economic Advisers to develop tools for measuring the comparative effectiveness of social programs, and to produce an "Annual Social Report," comparable to the present Annual Economic Report.

S. 7—INTRODUCTION OF BILL TO PROVIDE FOR THE REESTABLISHMENT OF THE BUFFALO NATIONAL RIVER, STATE OF ARKANSAS

Mr. FULBRIGHT. Mr. President, on behalf of myself and my senior colleague from Arkansas (Mr. McCLELLAN) I introduce, for appropriate reference, a bill to establish the Buffalo River in Arkansas as the Buffalo National River.

Senators will recall that a bill for this purpose was introduced in the last session of Congress—S. 855—and was passed by this body on September 3, 1969. Regrettably, action was not taken in the House of Representatives prior to adjournment. Therefore, we are reintroducing the bill with the hope that the Senate will once again give it prompt and favorable consideration and that subsequently it will be acted upon by the House.

The Buffalo is nationally recognized for its scenic beauty and this bill would enable the preservation, in its free flowing, natural state, of an important segment of this river.

In its 1968 report on the proposed Buffalo National River, the National Park Service said:

> The Buffalo River is born in a vast sea of trees high in the Ozarks of northwestern Arkansas. At first only a trickle, half hidden among leaves and rocks, the stream a quarter of a mile down slips over the first ledge, a new force on the land, slowly gaining in strength. For 148 miles it meanders across Ozark hill country toward a junction with the larger White River. Undiminished by man, the Buffalo today runs through a rich and varied landscape. Considered for size, for completeness, and for wild qualities, it is one of this country's last significant natural rivers.

The Park Service report continues:

> The Buffalo deserves national attention not for any single quality but for an outstanding combination of qualities. The very base of the river's appeal lies in its clean, flowing waters, which support a notable sports fishery and provide an opportunity for pleasurable boating and swimming. Its scenery is interesting and often spectacular. It is unspoiled by development and free of pollution. It has a remarkable collection of features illustrating its geology, botany, wildlife, archeology, and history. It is the only major stream left undamaged in the Arkansas Ozarks . . .

In recent years we have become increasingly aware of the need to preserve and protect unspoiled scenic areas in the country. I believe the Buffalo River certainly merits preservation and protection. It would be an important addition to our national park system and provide great benefit and enjoyment to the present and future generations.

Mr. President, I would like to emphasize that the establishment of the Buffalo as a national river will be done with the minimum possible disruption to the residents of the area.

The bill which we introduce today is in the exact form in which it was passed by the Senate, as amended in the Committee on Interior and Insular Affairs. Therefore, the bill provides that, with the exception of property that the Secretary of the Interior determines is essential for the establishment of the park, owners of improved noncommercial property or lands used solely for agricultural purposes on the date of acquisition could retain the right of use and occupancy until the death of the owner or his spouse, whichever occurs later, or not more than 25 years from the date of acquisition. It is my understanding that a very small number of dwellings would need to be removed in the early years of development.

The proposed national river includes about 132 river miles and a total of 95,730 acres in Newton, Searcy, Marion, and Baxter Counties.

The geological features of the river are outstanding and the flora is rich and diverse. Within the area are two features which are especially noteworthy. One is the 200-foot waterfall in Hemmed-in-Hollow, the highest free fall between the southern Appalachians and the Rockies. The other is the collection of gypsum formations in Beauty Cave, which are outstanding in their variety and the size of single specimens, some of which are not known to exist elsewhere.

Under the able chairmanship of the Senator from Nevada (Mr. BIBLE) a hearing on the proposed Buffalo National River was held on May 27, 1969, by the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs. On that occasion a large number of witnesses testified before the committee, the great majority of them in support of this legislation.

One of the many important points made at that hearing was that the Buffalo is within an easy day's drive of nearly 15 million people and is centrally located with respect to such major population centers as St. Louis, Memphis, Kansas City, Dallas, and Tulsa. An estimated 1.7 million persons would visit the river annually during its first years in the National Park System.

As stated in an editorial in the Baxter Bulletin in Mountain Home, Ark.:

> The Buffalo . . . is a natural prize of national significance. It should be preserved as a national park-type area for the same reasons that the giant redwoods should not be mowed down to make boards and the Grand Canyon should not be dammed to carry out local economic designs. The national river would, in fact, aid the economy of the area by providing a new kind of outdoor preserve and recreational area.

The Southwest American in Fort Smith commented:

> There's no question about the increasing demand for quiet recreational areas, as the population grows. And we believe the Buffalo stands right at the top in possibilities for such an area.

An editorial in the Arkansas Democrat on December 31, 1970, summed it up well:

> The country is full of once-beautiful rivers that have been dammed, bulldozed and polluted. The Buffalo should be preserved.

As I mentioned earlier, the Buffalo is nationally recognized and I am pleased to note that I have received communications of support for this legislation not only from Arkansas and surrounding States but from many parts of the country.

The Buffalo has been the subject of articles and editorials in a number of leading publications across the Nation.

The New York Times, in an editorial supporting this legislation said:

> The Buffalo should be spared the fate of dam construction that has destroyed so many Southern rivers. As a national river, it would offer both recreational variety to the Ozarks region and scenic and scientific variety to the nation.

A major article on the Buffalo by Robert F. Jones was published in Sports Illustrated, August 10, 1970, and the Buffalo was featured in an article on the Ozarks in National Geographic, November 1970.

The Sports Illustrated article told of a float trip on the Buffalo made by artist Thomas Hart Benton and some friends. Mr. Benton is quoted as saying:

> If every American could run the Buffalo just once, the way we did today, then I think our rivers would be beyond the reach of trouble.

In a strong editorial of support, the Kansas City Star said:

> By general consensus, the Buffalo River . . . is one of the finest free-flowing streams remaining in North America. Not only does that basin possess exceptional beauty, but it lies within easy driving distance of 15 million Americans, which enhances its values as a recreational resource for the nation.
>
> Today time is running out on the Buffalo, as population and industry slowly build up in Northern Arkansas. . . We believe the time for review and debate has come to an end and final action by Congress . . . is in order. The Buffalo river is one of Nature's masterpieces that has been relatively untouched by man. It is a part of the nation's outdoor heritage and should be preserved for the enjoyment of future generations.

The St. Louis Post-Dispatch said:

> The Buffalo is a natural prize. It is the best example of an Ozark free-flowing river of some size not already under some form of protection from exploiters, and in a state already well equipped with dammed lakes, this one mountain stream merits protection. It also deserves the attention of Congress because of its regional interest. There are few rivers like the Buffalo between the Appalachians and the Rockies.

Mr. President, the potential economic impact of the National River on the area is considerable. A 1968 University of Arkansas study makes these estimates for the 5 years deemed necessary to establish and bring a Buffalo National River Park into full operation:

First. Tourist spending of over $92 million during the development period, eventually reaching an annual level approaching $34 million.

Second. Private investments of at least $5 million to building and improve nearby tourist accommodations for lodging, fishing, boating, bathing, and food services.

Third. The generation of 3,500 new jobs and an addition of some $17 million to personal income in the area, an area in which income has been considerably below the State and national average.

The Department of Interior has estimated the cost of acquiring the private lands within the proposed national river at $9.2 million. The total development cost was estimated at $8.2 million, of which $6.3 million is programed for the first 5 years after its establishment. The estimated annual cost of operation of the national river is $685,800 after the first 5 years.

It is evident that the Buffalo River would not only be a significant addition to the national park system, but that the development of the park would considerably enhance the area's economy.

Mr. President, it has now been 10 years since I asked the National Park Service to look into the possibility of establishing a national recreation area along the Buffalo. It has been 8 years since the first Park Service report recommending the creation of the Buffalo National River. I think the case for making a national river of the Buffalo is clear and strong and the Senate has already concurred in this judgment in passing the bill in 1969. I hope that 1971 will be the year when the national river becomes a reality.

A recent editorial in the Arkansas Gazette, Little Rock, expressed it well:

> Priority consideration . . . is rapidly becoming compelling as each day exposes the natural treasures of this unique mountain waterway to further despoliation. Already frequent reports are heard of extensive timber cutting within the proposed boundaries of the national river that could mar the pristine beauty of the Buffalo's banks for the next generation. Passage of the Buffalo National River in 1971 ought to be a prime project of conservationists from all over the country.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 7) to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes, introduced by Mr. FULBRIGHT, for himself and Mr. MCCLELLAN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 10—INTRODUCTION OF A BILL URGING THE ADOPTION OF A NATIONAL POLICY TO CORRECT THE PRESENT POPULATION AND INDUSTRIAL IMBALANCE BETWEEN METROPOLITAN CENTERS AND RURAL AREAS

Mr. McCLELLAN. Mr. President, during the latter part of the 91st Congress, I introduced Senate Resolution 463 urging the adoption of a national policy to correct the present population and industrial imbalance between our congested metropolitan centers and our less populated rural areas. Thereafter, 38 Senators cosponsored that resolution. However, because of the pressures of time in the closing days of the session the Committee on Government Operations was unable to give indepth consideration to the proposal.

Therefore, today I am introducing a broader and more substantive version of this legislation. This bill which I now send to the desk for appropriate reference would establish a national policy to revitalize rural and other economically distressed areas by providing incentives for industries to locate in those regions.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred, and, without objection, will be printed in the RECORD in accordance with the Senator's request.

Mr. TALMADGE. Mr. President, will the Senator yield at this point?

Mr. McCLELLAN. I yield.

Mr. TALMADGE. I compliment my able and distinguished friend from Arkansas on the bill he has offered, of which I am happy to be a cosponsor.

We did make some progress in the last session of Congress, as the Senator knows, in this regard. Title 9 of the farm bill passed last year would permit the Governor of a State to seek to improve the urban-rural balance, and also requires a number of reports from the executive branch of the Government.

I hope that we can use the information that we obtained, plus the law that has already been passed by Congress, to pursue that matter further. I compliment the Senator on what he is doing, pledge him my cooperation, and assure him of all the efforts that we possibly can make to help make his dream become a reality.

Mr. McCLELLAN. I thank my distinguished friend.

Mr. President, to implement this policy, all departments and agencies would be required to give preference, to the maximum extent practicable, to those areas which have a low concentration of population and industry in—

First, awarding Federal contracts for the purchase of equipment, goods, or services for use by any department or agency of the Federal Government to business and industry which will locate or relocate in such areas; and

Second, administering or implementing new and existing Government programs, particularly the multibillion Federal grant-in-aid programs.

To further implement this policy, all departments and agencies having responsibility for the development and administration of manpower training programs, financed in whole or part by the Federal Government, would be required to take immediate steps to—

First, direct or redirect such programs with a view toward providing a work force of the size, composition, and quality to meet the manpower requirements of business and industry locating or relocating in areas having a low concentration of population and industry; and

Second, to insure, to the extent practicable, that such programs are designed to increase employment opportunities for those who are unable to obtain or maintain suitable employment and will serve to improve the economy by increasing productivity and facilitate the movement of the work force to the job.

In addition, each department or agency which is presently engaged in activities or programs relating to this policy will be required to conduct a comprehensive review and analysis of their activities and report thereon to the Comptroller General. To oversee the progress made by the various departments and agencies, the bill creates in the General Accounting Office a board for the revitalization of rural and economically-distressed areas. The board will be composed of three officers from the General Accounting Office who are knowledgeable and experienced with respect to the subject matter of this national policy. The board will have the specific duty to evaluate the reports and recommendations filed with the Comptroller General by the various agencies. The Comptroller General is required to report annually to the Congress with respect to the progress being made.

This legislation, Mr. President, is inspired by my belief that many of our social and environmental problems could best be remedied by inaugurating a national program that will reverse the present trend of migration of people into already compacted cities. In many respects, I feel that we have been treating the symptoms of urban congestion and not its root causes—such as the increasing and rapid out-migration from our rural areas.

Uncontrolled industrial expansion coupled with the suffocating swell of people in relatively small parcels of land has caused critical health, safety, and welfare problems. Moreover, many city residents now rightfully fear for their safety and have become more and more alienated and frustrated because local resources and services fail to provide adequate living conditions. And while our cities have become, for many, an unsuitable place to live, yearly thousands of others, who are lured by the job prospects of the city, leave their rural homes in search of hoped for opportunities that too often simply do not exist.

Mr. President, unless immediate remedial action is taken, the situation will undoubtedly get much worse. Experts have already projected an astonishing 100 million population increase within the next half century. Unable to cope with the existing needs of their dwellers, there is little hope that our metropolitan areas will be capable of accommodating any sizable proportion of this multitude.

Meanwhile, the migration of the people to the cities has caused many of our rural areas to become even more economically depresesed. These less populated regions of our country have never and are not now fully sharing in the fruits of the industrial revolution. While historically struggling to maintain a subsistence economy, the loss of their young and able-bodied people in search of the city life has resulted in their inability to sustain the needs of those who chose to remain. Presently, many of these areas shelter only the older, underskilled and undereducated.

Mr. President, neither our major metropolitan areas nor our small towns can survive without a healthy economy. If we are to achieve for all Americans a higher standard of living, we must commit ourselves now to a program designed to correct the widening imbalance and disparity of our population and industrial growth. If we bring jobs and the accompanying services and benefits to these people, there will be little need for them to relocate in other areas.

The Federal Government must provide the impetus and incentive for industry to expand to these areas. In this connection, I was extremely pleased and encouraged by the administration's support of the objectives of the resolution I offered last year. Moreover, it is especially heartening and significant that the President devoted a portion of his state of the Union address to this issue. I wholeheartedly endorse the broad objectives of his statement that he will—

> Propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America.

I am, of course, anxious to see and to study the specifics—the details of the President's program—and I look forward to working with him toward the realization of a truly revitalized America—rural and urban. There is no better way to begin this task than by the adoption of the national policy established by my bill.

Mr. President, the future of America cannot be left in the hands of fate—we must begin today to fashion a better tomorrow.

The purpose of the bill I offer today transcends regional interest. For its true objective is to revitalize the withering economy in rural areas while at the same time it will give the urban areas—especially our decaying inner cities—an opportunity to concentrate on their own programs of revitalization and restoration, free of the continued aggravation of the problems by the constant influx of people whose living necessities they are unable to provide.

I anticipate that this measure will be referred to the Committee on Government Operations, and it will be my intention to hold a series of hearings on this measure as early as convenient and practical. I would welcome the comments, suggestions, and cosponsorship of my colleagues.

I urge my colleagues to join with me in this search to achieve a more rational and a better balanced pattern of growth for America and her people.

The bill (S. 10) is as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(a) seventy per centum of the American people live on only 1 per centum of the land of the United States and this high concentration of population results in increased pollution, critical problems of housing and transportation, unhealthy living conditions, and increased crime;

(b) the location and expansion of industries in the major metropolitan centers of the Nation continue to attract more people to these highly congested areas, thus further aggravating and intensifying these unwholesome conditions;

(c) the population of one of every three counties in the United States decreased during the past decade because industries expanded in already overcrowded and congested population centers thus denying equal opportunities for economic advancement in the less populated communities of our Nation;

(d) a more balanced distribution of our population and economic opportunities is needed to accommodate the anticipated population increase of more than one hundred million persons in the United States over the next half century; and

(e) a more even and practical geographical distribution of industrial growth and activity would reduce the continued concentration of industry and would stimulate the growth and development of less heavily populated sections of our country with a view toward providing a more diversified and better balanced distribution of our inhabitants and facilitating the restoration and protection of the quality of our environment, thus enhancing and enriching the lives of all Americans.

NATIONAL POLICY

SEC. 2. (a) The Congress declares that it shall be the national policy of the United States to encourage the distribution of future industrial growth, and its attendant expansion more evenly throughout the United States.

(b) In implementing this policy, all departments and agencies in the Executive Branch of the Government shall give preference, to the maximum extent practicable, to those areas which have a low concentration of population and industry, in—

(1) awarding Federal contracts for the purchase of equipment, goods, or services for use by any department or agency of the Federal Government to business and industry which will locate or relocate in such areas; and

(2) administering or implementing new and existing Government programs, particularly the multibillion-dollar Federal grant-in-aid programs.

(c) In further implementation of said national policy, all departments and agencies in the Executive Branch of the Government having responsibility for the development and administration of manpower training programs, financed in whole or in part by the Federal Government, shall take immediate steps to—

(1) direct or redirect such programs with a view toward providing a work force of the size, composition and quality to meet the manpower requirements of business and industry locating or relocating in areas having a low concentration of population and industry; and

(2) to insure, to the extent practicable, that such programs are designed to increase employment opportunities for those who are unable to obtain or maintain suitable employment and will serve to improve the economy by increasing productivity and facilitating the movement of the work force to the job.

DISSEMINATION OF POLICY

SEC. 3. The President shall issue appropriate directives to all departments, agencies and independent establishments in the Executive Branch of the Government of the United States, embodying the national policy set forth in section 2 of this Act, and shall require such departments, agencies and independent establishments to comply therewith, to the maximum extent that compliance is practicable and feasible.

AGENCY REVIEW

SEC. 4. (a) Each department, agency and independent establishment of the Executive Branch of the Government of the United States which is engaged in any activities or programs involving, or related to, those activities specified in subsections (b) and (c) of section 2 of this Act, shall, immediately following the effective date thereof, conduct a comprehensive review and analysis of all such activities in which it is engaged.

(b) Not later than 120 days following the effective date of this Act, each such department, agency and independent establishment shall file with the Comptroller General of the United States, in such form as he shall prescribe, a comprehensive report with respect to all such activities, accompanied by specific recommendations concerning the most effective means by which such programs and activities may be directed or redirected in compliance with the national policy set forth in section 2 of this Act.

(c) Following the submission of the initial report and recommendations required by subsection (b) of this section, each such department, agency and independent establishment shall make a continuing survey of the type required by subsection (a) of this section and report to the Comptroller General with respect to findings and recommendation at such times as the Comptroller General may designate.

ESTABLISHMENT OF BOARD

SEC. 5. (a) The Comptroller General of the United States is authorized and directed to establish in the General Accounting Office a Board for the Revitalization of Rural and Economically-Distressed Areas (in this Act referred to as the "Board"). The Board shall be composed of three officers of the General Accounting Office who shall be designated by the Comptroller General from among senior officers who are knowledgeable and experienced with respect to the subject matter of the national policy set forth in section 2 of this Act. Officers of the General Accounting Office who are so designated shall, to the maximum extent practicable, be relieved of all other duties.

(b) The Comptroller General shall make available to the Board, from available resources of the General Accounting Office, such professional and clerical assistance as may be necessary to enable it to carry out its functions and duties.

(c) There is authorized to be appropriated to the General Accounting Office such sum or sums as may be necessary to enable the Comptroller General to carry out the provisions of this Act.

DUTIES OF THE BOARD

SEC. 6. (a) The Board shall study and evaluate the reports and recommendations filed with the Comptroller General pursuant to section 4(b) of this Act, as well as all other pertinent materials, in order to determine whether the departments, agencies and independent establishments are complying with the national policy set forth in section 2 thereof and the requirements set forth in section 4 thereof.

(b) The Comptroller General shall report to the Congress, from time to time, with respect to the progress made by departments, agencies and independent establishments of the executive branch in complying with the national policy set forth in section 2 of this Act, and shall transmit to the Congress an annual report with respect thereto at the close of each fiscal year.

GOVERNMENT DEPARTMENTS AND AGENCIES DIRECTED TO FURNISH INFORMATION

SEC. 7. Subject to the requirements of national security, any department, agency, or independent establishment of the executive branch of the Government which is requested by the Comptroller General to furnish information, documents, or other pertinent materials to the Board is hereby authorized and directed to comply with all such requests. Failure to furnish information so requested shall be reported to the Congress at the earliest practicable time.

S. 11, S. 12, S. 13, S. 14, S. 15, AND S. 16—INTRODUCTION OF BILLS REPRESENTING A CONTINUATION OF MATTERS CONSIDERED BY THE SPECIAL SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES DURING THE 91ST CONGRESS

Mr. McCLELLAN. Mr. President, I introduce several items of legislation. Each represents a continuation of matters considered by the Special Subcommittee on Criminal Laws and Procedures during the 91st Congress. They are as follows:

First. S. 13, the Physical Evidence Act of 1971, which provides for the issuance of subpenas for the limited detention of specified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

Second. S. 11 and, third, S. 12, alternative versions of the Wagering Tax Act Amendments of 1971, which would amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering, to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other such purposes;

Fourth. S. 14, the Student Disturbances Act of 1971, which would prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

Fifth. S. 15, to amend title XII of the Organized Crime Control Act of 1970, to empower the Commission on Individual Rights to consider individual security, and for other purposes;

Sixth. S. 16, which would amend title IX of the Organized Crime Control Act of 1970, to provide for injunctive and other civil relief for those victimized by organized crime, and for other purposes.

Mr. President, each of these items of legislation is introduced as a study bill. I am not committed to their enactment in their present form or indeed to their enactment at all. I do expect, however, in the coming months of this Congress that the subcommittee will hold hearings on these and related matters. I shall also, at a later time, address the Senate separately on each of these items of legislation.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills:

S. 11. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 12. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

S. 13. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes;

S. 14. A bill to prohibit the disruption of federally assisted institutions of higher education, to provide for the enforcement of such prohibition, and for other purposes;

S. 15. A bill to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; and

S. 16. A bill to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes, introduced by Mr. McClellan, for himself and Mr. Hruska, were read twice by their titles and referred to the Committee on the Judiciary.

ORDER FOR REFERRAL OF S. 11 and S. 12 TO THE COMMITTEE ON FINANCE FOLLOWING THEIR PRESENT REFERENCE

Mr. McCLELLAN subsequently said: Mr. President, I ask unanimous consent that when two bills which I introduced this morning, which are now at the desk, numbered tentatively, I believe, S. 11 and S. 12, shall have been considered and reported by the Committee on the Judiciary, to which I am advised they are now being referred, they be thereafter referred to and considered by the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 18—INTRODUCTION OF A BILL TO BRING RADIO FREE EUROPE AND RADIO LIBERTY UNDER CONGRESSIONAL SCRUTINY

Mr. CASE. Mr. President, I introduce a bill to bring Radio Free Europe and Radio Liberty under the authorization and appropriation process of the Congress.

During the last 20 years, several hundred million dollars in U.S. Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations broadcasting to Eastern Europe. In the last fiscal year alone, over $30 million was provided by CIA as a direct Government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure.

My bill would amend the U.S. Information and Educational Exchange Act of 1948 to authorize funds to Radio Free Europe and Radio Liberty in fiscal 1972. It would also provide that no other U.S. Government funds could be made available to either radio station, except under the provisions of the Information and Educational Exchange Act.

I plan to ask that those administration officials concerned with overseas information policies be called to testify before Congress on the financial needs of Radio Free Europe and Radio Liberty. Without committing myself to a particular level of funding, my proposal tentatively calls for an authorization of $30 million. This figure would, of course, be subject to change as more information becomes available.

Radio Free Europe and Radio Liberty both claim to be nongovernmental organizations sponsored by private contributions, but available sources indicate direct CIA subsidies pay nearly all their costs. According to returns filed with Internal Revenue—form 990-A—their combined operating costs for fiscal 1969 were almost $34 million—$21,109,935 for Radio Free Europe and $12,887,401 for Radio Liberty.

Under the auspices of the Advertising Council, Radio Free Europe conducts a yearly, multimedia "advertising" campaign.

I have been advised that between $12 million and $20 million in free media space is donated annually to this campaign while the return from the public is apparently less than $100,000. Additionally, both Radio Free Europe and Radio Liberty attempt to raise money from corporations and foundations, but contributions from these sources reportedly pay only a small part of their total budgets.

The bulk of Radio Free Europe's and Radio Liberty's budgets, or more than $30 million annually, comes from direct CIA subsidies. Congress has never participated in authorization or appropriations of funds to Radio Free Europe or Radio Liberty, although hundreds of millions of dollars in Government funds have been spent during the last 20 years.

I can understand why covert funds might have been used for a year or two in an emergency situation when extreme secrecy was necessary and when no other Government funds were available. But the justification for covert funding has lessened over the years as international tension has eased, as the secrecy surrounding these radio stations has melted away, and as more open means of funding could have been developed. In other words, the extraordinary circumstances that might have been thought to justify circumvention of constitutional processes and congressional approval no longer exist.

In fact, after disclosure in 1967 of CIA funding of the National Student Association, a Presidential committee made up of John Gardner, then Secretary of Health, Education, and Welfare, Richard Helms, then and now Director of CIA, and Nicholas Katzenbach, then Under Secretary of State, recommended that "no Federal agency shall provide covert financial assistance or support, direct or indirect, to any of the Nation's educational or voluntary organizations"—and that "no programs currently would justify any exception to this policy." On March 29, 1967, President Johnson accepted the committee's recommendations and directed they be implemented by all Federal agencies.

Legislation similar to my proposal will shortly be introduced in the House of Representatives by Congressman Ogden R. Reid of New York.

I ask unanimous consent to have the bill printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, introduced by Mr. Case, was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Information and Educational Exchange Act of 1948 is amended by inserting after section 702 the following new section:

"AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

"SEC. 703. There are authorized to be appropriated to the Department $30,000,000 for fiscal year 1972 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated under this section, no funds appropriated after the date of enactment of this section for any fiscal year, under this or any other provision of law, may be made available to or for the use of Radio Free Europe or Radio Liberty."

S. 19—INTRODUCTION OF A BILL TO AMEND THE EXPORT-IMPORT ACT OF 1948 RELATING TO STRENGTHENING THE FINANCING OF U.S. EXPORTS

Mr. MONDALE. Mr. President, I am introducing today a bill amending the Export-Import Bank Act to provide for the greater expansion of U.S. export trade.

The 92d Congress begins in an atmosphere of great uncertainty with respect to American foreign economic policies.

Only a few weeks have passed since we narrowly averted the passage of legislation which, I fully believe, would have ushered in a period of protectionism and growing economic isolation.

We are still faced with the kind of economic insecurity, borne of recession, which has historically found an outlet in an appeal to protection.

We are still faced with a deficit in the balance of payments, largely due to a persistent inflation which has dangerously narrowed our traditional trade surplus.

We are still—and will continue to be—faced with increasing economic competition from Europe and Japan—modern, industrialized economic giants capable of matching U.S. productivity in most products and beating us in many.

We will be faced more and more with increasing economic unity in Europe—a phenomenon which will pose great challenges to our trade negotiators in responsibly preserving the interests of U.S. workers, farmers, and businessmen.

Yet our trade picture is not without its bright spots, even at present, or without great potential in the years ahead. We are still the word's greatest trading Nation. Last year, even amid our inflation, our exports rose to some $43 billion and our trade surplus increased to about $2.7 billion. The protectionist momentum was broken, and the eyes of most Americans have turned from an unreasoning fear of foreign imports to the great promise of American exports. In this spirit, I think, we are once again looking to a vigorous expansion of exports to bring jobs to the American worker; income to American business, industry, and agriculture; and strength to the American dollar.

It is in that spirit which I offer this Export-Import Bank bill.

The Export-Import Bank is our major national institution designed to expedite export financing and to facilitate the sale of American goods through the provision of competitive credit rates and terms.

More and more, the key ingredients in international competition are the rates, terms, and other conditions of credit which can be attached to export sales. Since the Bank's inception, some $35 billion in exports have been facilitated through the Bank programs, principally direct credits, guarantees and insurance, and discounting export paper.

Besides these major programs, the Bank, under the chairmanship of Henry Kearns, has begun a broad range of new programs and services, designed to make the Bank a more aggressive and responsive partner in U.S. exports while still complementing rather than substituting for the services of private financial institutions.

There are, however, a number of constraints on the Bank's operations which are increasingly limiting its capacity to serve U.S. exporters. The bill I am introducing today should, I believe, lift most if not all of these major constraints.

REMOVE THE BANK FROM THE CONSTRAINT OF THE UNIFIED BUDGET

Last December 18, the Senate passed S. 4268, a bill which would have removed the receipts and disbursements of the Ex-Im Bank from the unified budget and from the annual expenditure ceiling imposed by the Congress on this budget.

This was a measure which I was reluctant to endorse in the last Congress. The budget—the way it is presented and what it includes or excludes—is the rightful prerogative of the President. If there was a strong case for removing the Bank's net disbursements from the unified budget, this could and most properly should be done by the executive branch which first put the Government lending programs, including the Ex-Im Bank, into the unified budget in 1968. As an alternative, of course, constraints on the lending ability of the Bank could be removed or reduced simply through action of the Office of Management and Budget allocating to the Bank a larger share of the total budgetary pie.

I did not and cannot now, however, quarrel with the fact that the Export-Import Bank is now severely curtailed in its lending operations by the constraints imposed by the Office of Management and Budget; nor can I quarrel with the fact that these constraints in the coming budget will have a potentially disastrous impact on the Bank's ability to continue providing credit, guarantees, and insurance in furtherance of U.S. exports. In fact, officials of the Bank have said that new obligations will have to virtually cease by this spring without some form of relief.

Therefore, while I am disappointed in the continued unwillingness of the executive branch to bring about this relief, I feel that the Congress must do what it can to enable the Bank to continue operating and enlarging its role in the expansion of U.S. exports. This bill, incorporating S. 4268 of the 91st Congress, would remove the net disbursements of the Bank from the budget. At the same time, it will continue to require a budget for administrative expenses and program activities; it will require the President to report to the Congress the amount by which the congressionally imposed expenditure ceiling will be reduced by this exemption; and it will require a report from the President to the Congress on the effect of this exemption on the various operations of the Bank. I believe that this provision will, in fact, be of great benefit to the U.S. exporter, and will show the responsiveness of the Congress to the need for export expansion—notwithstanding the unwillingness of the administration to achieve these ends through the appropriate executive remedies.

INCREASE THE CEILING ON AGGREGATE LOANS, GUARANTEES, AND INSURANCE

Another impending constraint upon future Bank operations is the current ceiling of $13.5 billion on outstanding loans, insurance, and guarantees. This bill would raise this ceiling to $20 billion in order to allow for the continued expansion of Bank commitments and to expand Bank operations consistent with the vital expansion of U.S. export sales in the years ahead.

INSURING COMPETITIVE RATES AND TERMS FOR U.S. EXPORT CREDIT

Increasingly, our major international competitors have turned toward favorable credit as a device for winning sales in the world marketplace. Virtually all of our major trading partners have established export financing systems with direct or indirect governmental subsidies in order to provide the most favorable rates, terms, and other conditions of credit to facilitate their exports. As these nations are able to insulate export credit from their domestic credit markets, and as U.S. interest rates remain high due to the current tight money policies, U.S. export financing has increasingly been unable to compete with financing offered their exporters by France, Germany, Italy, Japan, Great Britain, or other of our major trading partners.

While it is the declared policy of the Export-Import Bank to insure that otherwise sound U.S. export sales are not lost due to insufficient credit, American banks and exporters are reporting that sales are, in fact, being so lost. While the market for export financing is exceedingly complex and the conditions of "internationally competitive" not easy to arrive at, there would appear to be value in an expression of congressional intent that the Ex-Im Bank insure—through all the devices at its disposal—that the American exporter be able to offer his potential customer all the conditions of credit, including rates of interest, terms of repayment, and other conditions, competitive with that which his foreign competitors are able to secure from their export credit institutions. This bill expresses such an intent of the Congress without, however, in any way tying the hands of the Export-Import Bank in the ways in which it may continue to seek a fully competitive position.

THE INTERNATIONAL REGULATION OF EXPORT CREDIT

At the same time as we seek to become more fully competitive in rates, terms, and other conditions of credit, we must recognize the futility and the grave dangers inherent in an international export credit war. Such a credit war, in fact, would be little more defensible or productive than other forms of trade wars imposing quotas, tariffs, or other barriers upon imports.

Currently, there is a loose international agreement under the Berne Union to maintain orderly competition in world export financing. Like so many international agreements with similar purposes, however, the Berne Union has proven itself unable to deal with all the various aspects of competition in financing and has been totally unable to enforce its guidelines.

Without in any way stipulating the form of such an agreement, then, the bill adds to its "policy of the Congress" section a stipulation that the President seek to open negotiations toward such an international agreement in order to prevent a destructive world credit war.

REMOVAL OF ABSOLUTE PROHIBITIONS AGAINST EXPORT-IMPORT INVOLVEMENT IN TRADE WITH EASTERN EUROPE

Currently, the Export-Import Bank is forbidden to participate in direct credits, guarantees, or insurance with the nations of Eastern Europe. Through the so-called Fino amendment adopted in the 90th Congress, the Bank cannot finance any exports bound for any nation which in turn carries on any trade with North Vietnam. By enjoining only trade carried out by "nations," this amendment allows Ex-Im participation in exports to Western Europe whose businesses or nationals carry on certain trade with any Socialist nation where the government technically carries on this trade, regardless of the nature or extent of that trade.

This restriction is an absolute anachronism and serves merely as an unnecessary harassment to U.S. firms seeking trade in peaceful, nonstrategic trade with East Europe.

We have laws, extensive regulations, and international agreements designed to keep any U.S. products out of Eastern Europe which could in any way contribute to the military potential of these nations or otherwise harm the national interest of the United States. If this is to be our policy—and I strongly endorse it—then there is no way to add to the strength or precision of these controls. A law designed to simply harass U.S. exports to Eastern Europe "across-the-board"—with no stipulation as to the nature of the exports or the wisdom of granting commercial credit in specific instances—is wholly unnecessary and is, in fact, inconsistent with declared congressional policy with respect to peaceful East-West trade.

The Export Administration Act, passed in December of 1969, clearly stated that it was the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations except those countries with which such trade has been determined by the President to be against the national interest."

Furthermore, this act directed the Department of Commerce to expedite trade in peaceful, nonstrategic goods with the nations of Eastern Europe in order to strengthen political ties, to further weaken the dependence of the Eastern European nations upon the Soviet Union, and to make our own controls more consistent with those of our Western allies.

To have begun—as we did by passage of the Export Administration Act—moving toward a more realistic policy with respect to East-West trade and yet to retain these across-the-board barriers upon the financing of such peaceful trade is economic, political, and strategic nonsense.

By removing the absolute restriction upon Ex-Im participation in East-West trade, there would, in fact, still be a prohibition against such participation within the Export-Import Bank Act as amended. This earlier prohibition, however, has a provision allowing the President discretion in exempting specific operations in specific sales where he finds these to be in the national interest and reports this to the Congress.

Surely, we cannot make ourselves more secure than through such a restriction, combined with the existing controls maintained upon exports to the nations of Eastern Europe. But by giving back to the President the discretion he once had in passing upon specific Ex-Im credits, guarantees, and insurance for certain exports to East Europe, we can facilitate the declared policy of the Congress and the administration to seek strengthened ties in peaceful trade with the nations of Eastern Europe.

EXTEND THE CHARTER OF THE EXPORT-IMPORT BANK

Finally, this bill extends the charter of the Bank, now to expire in 1973, to June 31, 1976. This is a clear expression of confidence in the functions provided by the Bank and will allow 5 more years of smooth, uninterrupted operations of this vital institution.

Mr. President, I think this legislation can do much to strengthen our Export-Import Bank and to allow for the greater expansion of U.S. exports. Other proposals and other legislation may be brought before us with other suggestions for strengthening the basic legislation. I would welcome such proposals, and I look forward to hearings in the Banking and Currency Committee where we might further examine the crucial topic of U.S. export financing. But I believe that most of the needed features are incorporated in the attached bill, and I would hope for speedy hearings and enactment.

I ask unanimous consent that this bill, to amend the Export-Import Bank Act to allow for the greater expansion of the export trade of the United States, be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 19) to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Banking, Housing, and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635 (b)) is amended by adding at the end of paragraph (1) the following: "In the exercise of its functions the Bank shall, insofar as practicable, provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are reasonably competitive with the rates, terms, and other conditions applicable to the financing of exports from countries with which the United States carries on its principal trading relations."

(b) It is the sense of the Congress that the President should cause negotiations to be commenced at the earliest practicable date with those nations with which the United States carries on its principal trading relations with a view to entering into an international agreement or agreements for maintaining orderly completion in financig the sale in foreign countries of products and services with direct or indirect governmental assistance.

SEC. 2. Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)) is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the armed forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation."

SEC. 3. Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

SEC. 4. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "1973" and inserting in lieu thereof "1976".

SEC. 5. (a) Section (a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended—

(1) by inserting "(1)" immediately after "Sec. 2(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitation imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities for administrative expenses of the Bank."

(b) The President shall—

(1) not later than January 31, 1972, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by act of Congress will be reduced as a result of the amendment made by subsection (a); and

(2) not later than September 30, 1972, report to the Congress with respect to the effect of the amendment made by subsection (a) on the operations of the Export-Import Bank of the United States.

(c) The amendment made by subsection (a) becomes effective on the date upon which the President makes the report to the Congress referred to in paragraph (1) of subsection (b).

S. 25—INTRODUCTION OF A BILL TO ESTABLISH THE GREAT SALT LAKE NATIONAL MONUMENT, UTAH

Mr. MOSS. Mr. President, I am today introducing a bill to establish a Great Salt Lake National Monument on Antelope Island in Utah's unique inland sea.

When I first came to Congress in 1959, I set as one of my goals the proper development of Great Salt Lake. Beginning with the 86th Congress, and in each succeeding Congress, I intrdouced National Park and National Monument bills on which extensive hearings have been held in both Utah and Washington. In the 90th Congress, my Great Salt Lake Monument bill passed the Senate, but it died in the House.

The hearings held on my bills reawakened interest in Utah in the development of Great Salt Lake. Residents of the State recognized that the remarkable scientific, historic, and recreational potential of the lake was not being realized, and asked that something be done to preserve our most famous landmark.

The Utah State Legislature established a Great Salt Lake Authority and later, in the absence of Federal development, the State park and recreation department began to develop Antelope Island as a State park. Some 2,000 acres at the northern end of the island were leased, and picnic areas, swimming beaches, and interpretative exhibits were developed. A boat ramp has been installed and a marina is contemplated. A well has been drilled which supplies potable water, and two rangers who live on the island with their families interpret the area for visitors. The park is open year-round. All of this was done pursuant to State legislation which contemplated that the whole island would become a national monument.

A 7-mile causeway has been built to a gravelled road standard, from the eastern shore to the north end of the island but it is almost impassable at times because of wind and wave action. Eight-foot waves have occurred on the lake, and the heavy brine has a severe erosive action. Six miles of scenic driveway have also been completed on the north end of the island, again to a gravel road standard.

It has been estimated that $4½ million will be required to complete development of the facilities now contemplated by the State including the construction of a visitors center, and the completion of the roads to design standards set by the State Department of Highways.

In all of the work which has been done so far, the State has maintained close rapport with the National Park Service to make sure development is fully compatible with that which may be undertaken at a later date by the Federal Government in establishing a national monument.

In fact, in committing itself to State development of a small portion of Antelope Island, the State was very specific that Federal standards must be maintained in all of the work which is done so that when the Federal Government does develop the island, the development will be an integrated whole.

Mr. President, the State development of 2,000 acres serves to prepare the way for eventual Federal development of the full 26,000 acres. Great Salt Lake is one of the truly unique geological features of the United States or even the world, and Antelope Island offers a spectacular vantage point to view and enjoy its scientific, historic, and recreational values.

National Park Service development plans contemplate a road which would encircle the entire island, several additional campgrounds, additional beach developments, a monument headquarters, and a causeway from the southern end of the island which would bring entrance to the monument within a half hour's drive from Salt Lake City.

The lake is the living remnant of huge Lake Bonneville of pleistocene time. An ice-age lake, Bonneville covered much of northern Utah, eastern Nevada, and southern Idaho, in places to a depth of over 1,000 feet. The lake drained northward into the Columbia River system. As the climate of the world changed, evaporation from Bonneville's surface exceeded the inflow of fresh water, reducing the surface from about 20,000 square miles to near its present size, nearly 200 square miles.

Dissolved salts, left behind by the evaporation, have ranged from 16 to 26 percent and have accounted for many of the unusual qualities of Great Salt Lake. Its dense water supports a swimmer with no effort on his part. A great industry is developing to extract valuable minerals from the briny waters.

Antelope Island is about 15 miles long and 4 miles wide and its mountaintops rise 1,700 feet above the lake's surface. It is known as Antelope Island because of the antelope which used to graze there, and it is one of the few areas remaining in Utah which have not been changed by the pressures of a growing, mobile population. In fact the island is in a near primitive condition. It offers a readymade platform from which to see and interpret the present lake and its physical history. The wave-carved terraces from different stages of Lake Bonneville are visible. In addition there are magnificent views of Great Salt Lake and the other islands and promontories and mountain ranges that stand in and around the basin. The restricted but fascinating lake life, including reeflike algae deposits, and the products of evaporation can readily be interpreted from the island base.

It is also easy to visualize, from the island, the effect of Great Salt Lake, both as a barrier and as a magnet for fur trappers, explorers, Mormon pioneers, and the railroad builders, all major features of the story of American's westward expansion. Promontory Range can be seen. This is the place on which the Golden Spike was driven in 1869, linking the east and west coasts by transcontinental railroad. Built in 1849, the oldest house in Utah still used for its original purpose as a ranchhouse—stands in a grassy grove of trees around the island's largest spring.

Let me quote to you the Department of the Interior's conclusion as to scientific significance:

> Scientific significance is the hallmark of National Monument caliber for any feature, site or area. On this basin, Antelope Island merits National Monument status in its own right. The island as a whole comprises a complete topographic unit and it is the record of the drama of earth history which circumscribes the island from its present shoreline to the crests and promontories standing as much as 2,400 feet above the surface of Great Salt Lake. These are factors which contribute to the scientific significance of Antelope Island. It is doubtful whether any other location surpasses Antelope Island as a scientific exhibit of the story of Great Salt Lake and its ancestral lakes and as a place for its observation, study and enjoyment by visitors.

The State now leases 2,000 acres from the owners of the island which is nearly all in single ownership. The establishment of the monument would require acquisition of some 15,000 acres of relicted land left exposed by the receding waters and a band of water around the island.

Mr. President, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended in 1963 that Antelope Island, or a portion of it, be authorized for establishment in the national park system.

I introduce a bill to provide for the establishment of the Great Salt Lake National Monument in the State of Utah, and for other purposes.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 25) to provide for the establishment of the Great Salt Lake National Monument, in the State of Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 26—INTRODUCTION OF A BILL TO REVISE THE BOUNDARIES OF THE CANYONLANDS NATIONAL PARK, UTAH

Mr. MOSS. Mr. President, at the time Congress authorized the Canyonlands National Park in 1964, we recognized that the boundaries which we were establishing did not encompass all of the unique and magnificent scenery in the area which was of national park caliber. We knew that someday we would want to take another look—that we would want to consider bringing under the protection of the National Park Service some of the most spectacular areas which now border the boundaries of Canyonlands, and which are equal with the present park in scenic, scientific, or historic interest.

The bill I am introducing would expand the boundaries of the park to add four additional tracts—mostly public lands, totaling approximately 79,618 acres, for a total for the expanded park of 337,258 acres. This bill was passed by the Senate last session but died in the House.

Three of the new parcels adjoin Canyonlands and one is located a few miles to the west of the present national park. The largest of the tracts is the Maze, which lies directly to the west of the present park. It is a rugged labyrinth of canyons and eroded geological formations, some of which it is probable that no living man has ever seen.

The other three tracts are: First, approximately 11,952 acres which adjoin the southeast corner of Canyonlands and includes part of the famed Lavender Canyon, second, 17,175 acres along the north boundary of Canyonlands which includes the head of highly scenic Taylor Canyon, and some areas needed primarily for administrative purposes, and third, 3,178 acres known as Horseshoe Canyon, which is located 7 miles west of the northwest corner of Canyonlands and which contains some of the finest galleries of prehistoric pictographs in the country. For the purpose of better understanding and definition, the tracts of land to be added to Canyonlands National Park are described as follows:

HORSESHOE CANYON

This tract of approximately 3,178 acres is located about 7 miles west of the northwest corner of Canyonlands National Park and contains a scenic portion of Horseshoe Canyon. Within the area are located several groups of nationally significant prehistoric pictographs, which should be preserved and, at the same time, made available for public benefit and enjoyment. All of the tract is Federal land administered by the Secretary of the Interior through the Bureau of land Management.

THE MAZE

This tract contains approximately 47,313 acres and is located west of the Colorado River below its junction with the Green River. The tract includes the brightly colored, intricately eroded, and spectacularly scenic geological features known as the Maze, the Land Standing Rocks, and Ernie's Country. As a protected primitive area accessible only by jeep, foot, and horseback, the area has high potential for providing inspirational and spiritual refreshment to the visiting public. The tract contains 4,478 acres of State-owned land which would be acquired by exchange. The remaining acreage is Federal land administered by the Secretary through the Bureau of Land Management.

THE NORTH SIDE

This tract of approximately 17,175 acres lies along the north boundary of Canyonlands National Park. The tract includes the head of highly scenic Taylor Canyon which is now only partially within the national park. It also includes portions of Shafer Canyon and the White Rim which are needed primarily for administrative purposes and to meet development needs. In addition, it would permit development of overlooks at Taylor and Shafer Canyons. Within the tract are 1,693 acres of State land, no private land, and the remainder is Federal land administered by the Secretary through the Bureau of Land Management.

LAVENDER CANYON

This tract of approximately 11,952 acres adjoins the southeast corner of Canyonlands National Park and contains the upper portion of Lavender Canyon and an important section of Upper Salt Creek Canyon. Both canyons are highly scenic and contain numerous prehistoric Indian ruins and several natural arches. Within the tract are 1,278 acres of State land and 80 acres of private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

Some 25,000 people are now visiting Canyonlands annually. Roads are being built into areas of the park formerly accessible only by jeep or horseback, and campsites and trails are being extended and improved. More and more people are coming into the area each year, and are fanning out into remote areas both within and outside of the park boundaries.

Before Canyonlands National Park was established, there was considerable vandalism of both geological formations and Indian artifacts. It is important that we act now to bring under the protection of the Park Service the best of the areas still outside the park so they cannot be defaced by thoughtless treatment.

All of the areas added by this proposal contain unique features and natural phenomena which are of national significance. They must be protected in an undisturbed state and the most desirable and effective way to provide such protection is to incorporate them into the national park.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 27—INTRODUCTION OF A BILL TO ESTABLISH THE GLEN CANYON NATIONAL RECREATION AREA IN THE STATES OF ARIZONA AND UTAH

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area which is presently administered under an Executive Order. This will assure its continued existence and development.

The rough and beautiful canyon country of the Colorado Plateau has been known to various Indian tribes for at least 2,000 years. Sporadically used in the early centuries of the Christian era. it was most heavily used for farming from 900 and 1000 A.D. These people departed the Glen Canyon area in the 13th century after a prolonged drought. The many ruins found in the region are relics of the ancient settlements.

Archeological excavations in the district have disclosed a large variety of stone and bone tools, baskets, pottery and other artifacts.

The name "Glen Canyon" was given to a long stretch of the Colorado River by John Wesley Powell, who led exploratory trips through the area in 1869 and 1871. He mapped the region and named many of the features.

Glen Canyon and Lake Powell are principal features of the Colorado River storage project. The concrete arch dam stores water in Lake Powell to meet downstream commitments, and permits retention of some water in the upstream valleys.

As proposed in the bill, the Glen Canyon Recreation Area would embrace a territory of approximately 1,154,638 acres of land and water in Utah and Arizona. This is some 40,000 less than the present recreation area established by administrative action, and administered by the National Park Service in cooperation with the Bureau of Reclamation.

These boundaries extend northward in Utah, beyond the administrative boundaries now in existence, to embrace some sections of the country abutting the Maze which lies north of the recreation area and is proposed for inclusion in Canyonlands National Park.

This would bring under the jurisdiction of the National Park Service those areas adjacent to the Maze which are not of national park caliber, but have scenic and recreational value, and yet leave them available for multiple use. The Maze I have proposed for inclusion in the expanded boundaries of Canyonlands National Park.

There are some substantial oil and gas leases in this particular section of southeastern Wayne County and northeastern Garfield County, Utah. The area is known as the "Tar Sand Triangle" and is regarded as one of the largest remaining unexploited hydrocarbon energy sources in the United States. This triangle is included in the Glen Canyon Recreation Area; rather than in Canyonlands National Park so the multiple-use principle can apply in this case and encouragement can be given to private firms endeavoring to develop this promising resource.

I would also note that under the bill, the Bureau of Reclamation will continue to hold responsibility for operation of the dam including regulation of waterflow and transmission of power generated there. This role of the Bureau in the management of the project should be noted on public signs where appropriate.

The new boundaries would also exclude two tracts of public land withdrawn for reclamation purposes in the vicinity of Sit Down Bench and Warm Creek comprising approximately 7,836 and 4,946 acres, respectively. These excluded lands are adjacent to the waters of Lake Powell and to nearby coal deposits. This proximity makes such sites excellent prospects for development of large coal fired steampower generating stations and related facilities. Subsidiaries of three private companies have expressed an interest in steam powerplant development on these properties, and are presently engaged in preliminary engineering and economic studies.

The Department of the Interior is given authority to authorize any easements or rights-of-way, over, under, or across the Glen Canyon National Recreation Area to accommodate transmission lines, roads, pipelines, and related facilities necessary to the development of these resources for power generation purposes. Corridors for these services would be selected to avoid scenic degradation and environmental pollution.

During hearings held on the Glen Canyon recreation bill in the last Congress, the State of Utah raised questions about road corridors within the area. Concern was expressed that roads might not be constructed where the State wants them, and might not be in alinement to interface with highways outside the recreation area.

The bill I am introducing today requires that the Secretaries of Transportation and the Interior in consultation with other involved Federal agencies and with the States of Arizona and Utah conduct a study of proposed road alinements, including ingress and egress to the area, and report the findings within 2 years to the Congress, together with recommendations for any legislation which may be necessary to implement their recommendations.

It is within the jurisdiction of the National Park Service to construct roads in and through national recreation areas and it is expected to do so. Our concern is that such construction be useful and fit road patterns of the area proposed by the State, yet preserve scenic beauty.

The bill as introduced does not include the Escalante drainage which a number of conservation groups have sought to have encompassed within the boundaries of the recreation area in order to protect it, but I will propose that the Department of the Interior study this area and make recommendations to Congress.

Enactment of this bill will establish the recreation area by law, clarify its uses and boundaries and assure continue protection and development. Enactment will especially assure continued authority to remove both leasable and nonleasable minerals from the area, and continued use of grazing permits subject only to regulations by the Secretary of the Interior to prevent adverse effects from these activities upon the operation of Glen Canyon Dam or on the administration of the recreation area. Navajo Tribe mineral rights and the right to use certain lands are also protected.

The bill allows hunting and fishing in accordance with the State laws of Utah and Arizona. Since language on hunting and fishing in recreation areas which was satisfactory to all concerned was worked out in the 90th Congress in S. 444, the bill to establish the Flaming Gorge Recreation Area, the same language appears in this bill. This privilege has also been clarified by recent administrative action by the Secretary of the Interior.

The estimated costs of acquiring the 160 acres of private lands within the recreation area boundaries is set at $175,000, and State-owned lands may be acquired or exchanged only with State concurrence. Since authority already exists under the Colorado River Storage Act to operate the recreation area, no additional development costs or operating costs will result from passage of the bill.

The bill's enactment was recommended by the Department of the Interior in the 90th and 91st Congresses. I sincerely hope this bill can be considered quickly and passed by both Houses within the next few weeks.

Lake Powell, with a surface area of 256 square miles, has already become a recreation magnet, attracting 800,000 visitors annually. When the Park Service development program is complete, the area will become even more popular. We must move to give it statutory protection immediately.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 28—INTRODUCTION OF THE WATER RIGHTS ACT OF 1971

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to clarify the relationship of interests of the United States and the States in the use of the waters of certain streams. I have sponsored similar bills during the past three Congresses and am pleased to introduce this bill today. The bill is cosponsored by Senator BENNETT, Senator BIBLE, Senator CANNON, Senator GOLDWATER, Senator HATFIELD, Senator JORDAN of Idaho, Senator McGEE, Senator McGOVERN, and Senator PACKWOOD.

Efforts to secure the enactment of this and similar legislation has continued for a number of years and it has received broad support, particularly from water leaders in the arid West where the decreasing availability of water focuses our attention on the problem. The purpose of the bill is not to deprive either the Federal Government or the States of any rights which they may now have in developing our water supplies but rather to furnish a greater degree of certainty to our public agencies, Federal and State, in the acquisition of meaningful water rights.

This legislation would establish jurisdictional guidelines for some of the more common areas of dispute between various Federal agencies and the States. As increasing amounts of our total available water resources are put to beneficial use, undefined Federal rights to these resources have created uncertainty and hampered State and local governments in their attempts to meet the needs of their citizens through their own efforts.

A measure of impact of that uncertainty—uncertainty which my bill would clarify—is provided in the recent report of the Public Land Law Review Commission, which found that 96 percent of the 32 million people in the 11 Western States are dependent in some degree on public land water.

As to actions to clarify those vast interests in water, the recommendations of the PLLRC include: ascertain and give public notice of projected Federal water requirements on reserved lands, forbid the assertion of a reservation claim for any quantity of use not so publicized, establish procedures to determine reasonableness of quantities involved, and require compensation to be paid where the utilization of the implied reservation doctrine interferes with rights to use as vested under State law .

Those recommendations of the Public Land Law Review Commission would, I believe, be cared for by my bill. The compatibility of those recommendations and my bill will become evident as I explain, quite briefly, the several sections.

For those Senators who wish to explore the subject matter of this legislation in detail, I would refer them to the extensive past history of these bills which is contained in the RECORD and in hearings conducted by the Senate Committee on Interior and Insular Affairs. But I do believe it desirable to explain briefly the provisions of the bill. First, Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the exceptions stated in section 5, the withdrawal or reservation of surveyed or unsurveyed lands of the United States, heretofore or hereafter made, shall not affect any right to the use of navigable or nonnavigable water acquired pursuant to State law either—(1) before the establishment of such withdrawal or reservation, or (2) after the establishment of such withdrawal or reservation, unless, in the latter event, a Federal statute, or an officer of the United States authorized to make such a withdrawal or reservation, shall have promulgated the purpose, quantity, and priority date of the water right reserved to the United States or otherwise established under its own laws, and such promulgation shall have antedated the initiation of the conflicting right under State law: *Provided,* That if such promulgation shall be made otherwise than by an Act of Congress, it shall not become effective until sixty days after it shall have been furnished to the Governors of affected States and published in the Federal Register and transmitted by the head of the department having jurisdiction of the lands affected to both Houses of Congress (counting only days on which both Houses are in session); and it shall be vacated if disapproved within said sixty days by resolution of the Committee on Interior and Insular Affairs of either House.

SEC. 2. Any right to the diversion, storage, distribution, or use of water which the United States or those claiming under the United States assert to have been established under the laws of a State shall be neither greater nor less than those accorded by the laws of that State to uses of water by others than the United States (including the State itself) in like circumstances, and shall be initiated and perfected in accordance with the procedure established by the laws of that State: *Provided,* That this section shall not affect any authority which the United States may have to establish water rights under its own laws, heretofore or hereafter enacted.

SEC. 3. No vested right to the diversion, storage, or use of any waters, navigable or nonnavigable, acquired under the laws of a State and recognized by the laws in force as of the effective date of this Act in that State as being compensable if taken or used by or under the authority of the State, shall be taken or used by or under the authority of the United States without just compensation. "Vested right" shall mean either (1) an appropriate right initiated in accordance with the general laws of the State applicable to the appropriation of water rights, which has been exercised either by the commencement of actual diversion, storage, or use of water, or by the commencement of construction of works for such purposes, and which is thereafter maintained with reasonable diligence in the completion of such works and application of water to such purposes, or (2) a riparian, overlying, or pueblo right, to the extent that such laws of the State recognize such rights, or (3) a prescriptive right or any other water right to the extent that water has been put to beneficial use.

SEC. 4. If works hereafter constructed by or under the authority of the United States impair or interfere with the utilization of any right to the diversion, storage, or other use of water which is vested and compensable under section 3, and if agreement with the owner of said right as to the compensation due for such impairment or interference has not been reached by the time of the initial interference with such right, the United States shall initiate and diligently prosecute proceedings to condemn the same under appropriate Federal or State laws of eminent domain. If it shall fail to do so, no statute of limitations shall apply against a suit by the injured party against the United States for compensation for such impairment or interference in a Federal court of competent jurisdiction; but nothing in this Act shall authorize an action to enjoin such impairment or interference, if such an injunction action could not be maintained in the absence of this Act.

SEC. 5. Nothing in this Act shall be construed as—(1) modifying or repealing any provision of any existing Act of Congress relative to acquisition by the United States of rights to the use of water pursuant to State law; (2) permitting appropriations of water under State law which interfere with the provisions of international treaties of the United States; (3) amending, altering, or repealing any provision of any law which limits the acreage in single ownership that may be served with water made available under the reclamation law; (4) affecting, impairing, diminishing, subordinating, or enlarging (a) the rights of the United States or any State to waters under any interstate compact or existing judicial decree, (b) any obligations of the United States to Indians or Indian tribes, or any claim or right owned or held by or for Indians or Indian tribes, (c) any water right heretofore acquired by others than the United States under Federal or State law, (d) any right to any quantity of water used for governmental purposes or programs of the United States at any time prior to the effective date of this Act, (e) any right of the United States to use water which is hereafter lawfully initiated in the exercise of the express or necessarily implied authority of any present or future Act of Congress or State law when such right is initiated prior to the acquisition by others of any right to use water pursuant to State law, (f) any preference accorded by Federal or State law to any public agency with respect to electric power.

SEC. 6. This Act may be cited as the "Water Rights Act of 1971".

Mr. MOSS. Mr. President, section I requires that the Federal Government in the withdrawal of reservation of public lands make a public record of those rights it intends to establish in the waters appurtenant to the lands withdrawn or reserved. The extensive Federal ownership of land in the West, much of it dating to the earliest periods of development, means that much of the water arises under situations which seemingly gives the United States prior rights to its use by the mere withdrawal or reservation of the lands leaving all downstream users at the mercy of any future idea proposed by some Federal agency. No development or use or other indication that the United States intends to claim a right need occur, perhaps for many decades after the withdrawals or reservations.

The object of the section is not to prevent the Federal Government from asserting a right to these waters. Rather, it only requires that the Federal Government give fair notice of its intentions with regards to the water including the purpose, quantity, and the priority of the right reserved, permitting others to then develop the balance without fear of losing it later.

State proceedings for the acquisition and perfection of water rights demand that the petitioner detail the right he seeks thereby proclaiming to every interested party what is at stake and so permitting other potential users to make their plans accordingly. I do not feel it unreasonable to insist that the Federal Government also proclaim its intentions.

An equitable procedure is set forth by which the right can be made known. This can be accomplished either by an act of Congress or publication in the Federal Register by an authorized Federal officer. If the promulgation is by a Federal officer then he must give Congress 60 days in which to consider his act and authorizes the Interior and Insular Affairs Committee of either House to vacate it by an adverse resolution.

Section II represents the contrary situation to section I, in that here we are dealing with a water right which the United States claims pursuant to State law rather than one asserted under Federal law. The Federal Government quite frequently acquires water rights through State proceedings and the requirements of this section would seem so obvious as to be mere surplusage. However, Federal agencies have on occasion contended that although they are claiming a right under State law, they need not follow the law in its acquisition.

Here again, there is no question of imposing limits on Federal sovereignty, merely a direction that the State law controls if the Federal Government claims its right under the State law. The rigidity acquired in this manner can be neither less nor greater than those accorded others by the State and procedures established by the State must be followed. Actually, it is to the benefit of the United States to pursue its claim through State procedures as their purpose is ordinarily to assure the validity of the right and determine and settle any and all conflicting claims.

Section III directs the Federal Government to compensate owners of State-created water rights when it takes their rights if the State would also be required to compensate the owner if it took the right. This section has been included to cover an anomaly in our law. Under the Constitution, the Government may take water rights to carry out its purposes as authorized by various powers granted under its provisions. Thus, a taking under the "war power" also requires that the Federal Government pay compensation to the owner of the right under the fifth amendment.

But a glaring exception to this rule has been created by our courts in those instances where the taking is pursuant to the power to control navigation. The Federal Government in a Federal water project in aid to navigation can take the water right of an individual and leave him penniless even though his right has been perfected in accordance with State procedures and for which the State would have to pay compensation if it acquired the right.

Under current decisions of our courts, the navigation power has been given the broadest possible interpretation making it applicable to a great many of our streams. Congress has already provided that compensation be paid for water rights taken in the Reclamation Act and the Federal Power Act and it is only fair that this protection be extended in all Federal water development projects.

In order to protect the interests of the United States, the section clearly defines what are to be considered vested rights entitled to compensation so as to prevent the assertion of unorthodox or shadowy rights not commonly considered to be compensable.

Section IV requires the Federal Government to initiate condemnation proceedings when it cannot acquire a State created water right from the owner by agreement. Instances have arisen where the Government has taken or interfered with a water right and rather than initiate a condemnation proceeding left the owner to shift for himself in an attempt to secure compensation for his loss. In the event that the Government does not proceed with the action as required by the section, then the owner's right to secure compensation shall not be lost by the running of a statute of limitations. This added protection for the owner will prevent his being ousted from his claim by some Federal activity which would cause the limitation to begin to run long before he recognized that the Government did not intend to comply with this section.

However, the section does not give the owner any new rights to interfere with a needed Federal resource development project by specifically providing that he may not move to enjoin the activity of the Government if he could not have done so in the absence of this act. Also his right must be of such character that he would have been entitled to compensation under the provisions of section III.

These provisions appeal to me as being eminently fair. The Government has a vast and well organized procedure for the acquisition of private property for its many projects. In the planning of a project it ordinarily knows what effect its activity will have on others' property and in fairness should not cast the burden on the individual water right owner to seek redress when his only notice of the Government's intentions and its effect on him may have been obtained through incomplete or inaccurate news reports or local gossip until he is suddenly confronted with the fact that his right is only on paper and there is no more water in the stream.

Section V is a carefully drafted section to prevent a broader interpretation of the act than is intended. It prohibits any interpretation that would interfere with international treaties, interstate compacts, certain obligations of the Government such as to Indians and includes savings clauses for various preexisting conditions.

Mr. President, the need for some resolution of these conflicts between the Federal Government and State has been recognized for many years. It is one of the remaining areas yet to be acted upon by Congress which was recommended by the distinguished Select Committee on Water Resources almost a decade ago.

That need is now restated—and strongly so—by the Public Land Law Review Commission. It applied substantial time, talent, and money to its study. I, therefore, urge immediate attention to the clarification of interests in waters of the States and the United States, and suggest my bill as the device.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 28) to clarify the relationships of interests of the United States and of the States in the use of waters of certain streams, introduced by Mr. Moss, for himself and other Senators, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 29 AND S. 30—INTRODUCTION OF BILLS TO ESTABLISH THE CAPITOL REEF NATIONAL PARK AND THE ARCHES NATIONAL PARK, UTAH

Mr. MOSS. Mr. President, before he left office in 1969, President Johnson issued proclamations expanding the boundaries of two national monuments in southern Utah—Capital Reef National Monument and Arches National Monument. The President suggested that these enlarged monuments be made into national parks. This requires congressional consideration and action.

President Johnson's proclamation added 215,056 acres to the Capitol Reef National Monument and 48,943 acres to Arches National Monument. I was not asked to approve in advance either of the proclamations.

In both instances—and particularly in the case of the Capitol Reef National Monument—areas were included under the proclamation on which there may be recoverable minerals, and on which grazing permits are now valid.

There was an immediate outcry in Utah by those who were affected—and rightly so.

However, few people question that the area in both monuments included under the Johnson expansion is of remarkable scenic and geologic quality and should be brought under the protection of the National Park Service.

It is in anticipation of solution of the problems surrounding the establishment of both Arches National Monument and Capitol Reef National Monument that I introduce bills today to establish Arches National Park and the Capitol Reef National Park. In both instances the boundaries are adjusted to what I consider to be a reasonable and proper size.

ARCHES

The Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. Here the earth's crust warped upward to form what geologists term an anticline, some 30 miles in length. The crest of this huge fold sank in, forming what are now Salt Valley and Cache Valley. Erosion along fractures in the flanks of the anticline formed thin fins of soft sandstone, which in the ages since, have been carved by the weather into the Nation's greatest concentration of natural stone arches, windows, spires, and pinnacles. Nearly 90 arches have been discovered to date.

To preserve the great scenic and scientific values of this region, an Arches National Monument was proclaimed in 1929. It was enlarged to 82,953 acres by boundary changes in 1938, 1960, and 1969.

The proposal I am introducing today is essentially the same as the one which I proposed and which was passed in the Senate during the 91st Congress. The only acreage change from that bill is the addition of 240 acres made up of one 160-acre and two 40-acre tracts, which are already federally owned. The new acres are in the Hanging Garden and Eagle Park section, both worthy of preserving. Arches National Park would total 73,546 acres, as compared with the present monument of 82,953 acres.

CAPITOL REEF

In south-central Utah, the earth's crust was tilted sharply downward to from what is now the most spectacular and readily understood monocline in the United States—the Waterpocket Fold. Exposed and eroded rock layers laid down over more than 125 million years now stand on edge like pages of a gigantic geology book. Traveling into the area, one is immediately impressed with the magnitude of this gigantic flexure and one wonders at the tremendous earth forces that shaped it. In 1937, a Capitol Reef National Monument was proclaimed and boundary changes in 1958 and 1969 have resulted in an area of 254,242 acres.

My proposal to create Capitol Reef National Park would retain the features for which the monument is noted and added would be others, all of which help qualify the area for designation as a national park.

The areas which I would delete include grazing lands of some value and sections in which there may be mineral potential, and would establish boundaries which are defined, in part, by natural features. My bill would also affirm by law the rights of owners and operators of cattle to trail their herds on traditional courses.

The areas which I would add include entire geological formations, part of which are within the existing monument. Most notable of these is the inclusion of the entire Waterpocket Fold which extends beyond the boundaries of the present monument to the south. This would bring the Capitol Reef National Park boundaries to about the boundaries of Glen Canyon National Recreation Area, and give full protection to this unique formation.

My proposal is essentially the same as the one passed by the Senate in the 91st Congress. It would result in a net reduction of 11,770 acres from the existing monument, and would provide a national park of 242,472 acres.

Mr. President, I introduce for appropriate reference, bills to establish the Arches National Park and the Capitol Reef National Park in Utah.

The bills:

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah; and

S. 30. A bill to establish the Arches National Park in the State of Utah, introduced by Mr. Moss, were received, read twice by their titles and referred to the Committee on Interior and Insular Affairs.

S. 31—INTRODUCTION OF THE EMERGENCY EMPLOYMENT ACT OF 1971

Mr. NELSON. Mr. President, for myself and the senior Senator from New York (Mr. JAVITS) I introduce for proper referral the Emergency Employment Act of 1971.

The bill is cosponsored by the following Senators: Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENSON, Mr. WILLIAMS, Mr. SCHWEIKER, Mr. BAYH, Mr. BELLMON, Mr. BROOKE, Mr. CASE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. PEARSON, Mr. PERCY, Mr. SCOTT, and Mr. TUNNEY.

Mr. President, we view this legislation with the utmost urgency. Congress cannot delay a single week in facing up to the crisis of 4½ million unemployed. At current levels of unemployment this bill would provide $700 million for the creation of 200,000 jobs.

It is our intention to hold hearings before the Employment, Manpower, and Poverty Subcommittee in the first weeks of February. After the hearings, we hope to mark up the bill immediately in subcommittee and full committee bringing it to the Senate floor by March.

If the other body can act with similar urgency it is possible the bill can become law in time for appropriations to be considered this spring. Men and women could be at work authorized by this bill within 120 days.

Mr. President, I ask the support of all the Senators not only in cosponsoring and supporting this legislation, but cooperating in our efforts to demonstrate that the U.S. Senate can respond efficiently and effectively to national crises.

There can be no question that there is a crisis in employment in this Nation. Four and one-half million are out of work. Unemployment stands at a 9-year high. It is going higher.

For certain age groups unemployment is at catastrophic levels. For young blacks in poverty neighborhoods it is at 42.3 percent. For all teenagers in those neighborhoods it stands at 27.8 percent.

And for specific areas—such as the cities in the State of Washington—the situation is desperate:

[In percent]

Seattle	10.6
Spokane	9.9
Takoma	7.1

In Connecticut three of its six major labor markets are over 7 percent: Bridgeport, 7.1 percent; New Britain, 7.7 percent; and Waterbury, 9 percent.

In Kansas, Wichita has 9.3 percent unemployment.

In Massachusetts, three of eight major labor markets are over 7 percent: Lawrence-Haverhill, 7.7 percent; Lowell, 8.9 percent; and New Bedford, 9.5 percent.

In Michigan, Flint has 8.4 percent unemployment and the Muskegon-Muskegon Heights labor market areas has a 10.8 percent unemployment rate.

Mr. President, chronic unemployment in the upper Great Lakes and Appalachia, in the inner city ghettos and the rural backwaters all over the Nation convinced me years ago that federally supported job creation programs were essential.

Solid documentation is now abundantly available demonstrating that there are great public needs to be filled and that the unemployed can do the jobs that need to be done. The Kerner Commission recommended 1 million jobs. The Commission on Technology, Automation and Economic Progress in 1966 stated that there are 5.3 million jobs that can be filled. A study done for the Urban Coalition based on a careful survey indicates that 143,000 jobs could be quickly filled by the disadvantaged in the cities of 100,000 or more in municipal agencies alone if Federal funds were available for salary support.

There need be no fear of "make-work" jobs. Congress accepted this view during the previous session.

A bill, the Employment and Manpower Act of 1970, including both a major public service employment program and comprehensive manpower reform passed the Senate last September 17 by a vote of 68 to 6. It passed the House in November, and a conference report was agreed to December 10, only to have the act vetoed on December 16.

The issues raised in that veto concerned the so-called categorical programs in the reform section of the bill, and the powers of the Secretary of Labor in controlling the permanent public service employment program. These issues are of great complexity, and although I am confident that they can be resolved it will take months of negotiation, hearings, markup, and floor consideration before such a comprehensive reform measure can again reach the President's desk.

The crisis in jobs will not wait until the late fall of 1971 for congressional action. Those out of work need jobs now. Congress must act now. The jobless cannot wait out the long months until the Congress and the administration have composed their differences on manpower reform and permanent public service employment.

Therefore, the Senator from New York (Mr. Javits) and I have written an Emergency Employment Act designed to avoid the areas of difference with the administration on public service jobs and the complex problems of manpower reform until later.

The basic concept of the bill is drawn from the Administration's Manpower Training Act sent to Congress in August of 1969. In that bill the administration proposed that there be an automatic trigger that would make an additional $200 million available for manpower training programs when unemployment reached 4.5 percent for 3 consecutive months.

Senator Javits refined this concept, tying the trigger to public service job creation—as well as training—and devising a two-step mechanism that would operate at both 4½ percent and again when unemployment exceeded 5 percent for 3 months. This provision was included in the Employment and Manpower Act of 1970 approved by the Congress.

The Emergency Employment Act of 1971 simply takes the basic concept of a trigger and increases the funds to be made available for public service jobs to $500 million at 4½ percent and additional amounts of $100 million for each one-half of 1 percent increase in the unemployment rate, with a limit of $1 billion at 7 percent unemployment.

The bill would authorize the Secretary of Labor to contract with mayors, Governors, public agencies, and private nonprofit agencies to carry out the public service employment programs under the act.

In this legislation are the same safeguards against abuse that the Senate earlier included in the Employment and Manpower Act, which was vetoed on December 16. This bill contains all the requirements for training and upgrading that the previous legislation contained. But the jobs would be provided only during periods of high national unemployment.

Many of us still believe that a permanent public service jobs program is desperately needed. Levels of unemployment and underemployment in inner city and poor rural areas have remained critically high even during times of national prosperity. We still intend to seek the enactment of such legislation, encouraged by the support given the concept by Congress in the previous session.

However, that process will take many months. The crisis in unemployment is now. The crisis for city halls and State capitols struggling to maintain manpower for essential services with dwindling tax returns is now. The crisis in manpower training programs, rendered ineffective by the shortage of jobs for their graduates, is now.

To this crisis situation the Congress must respond now.

Mr. President, I urge all interested Senators to consider joining with the 27 of us who are cosponsoring the legislation, and to speed this legislation to enactment.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 31) to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes, introduced by Mr. Nelson, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. MANSFIELD. Mr. President, reserving the right to object, the Senator will recall that we discussed trying to observe the 3-minute limitation during the morning hour. I will not object this morning, but the joint leadership will object beginning tomorrow to any extensions beyond the 3-minutes at one time.

Mr. NELSON. Mr. President, I agree with the majority leader, and I will object to further statements by myself and submit the balance of my statement for the Record, because I think the 3-minute rule should be imposed on everyone.

Mr. JAVITS. Mr. President, I am honored to join my colleagues in this matter.

As joint sponsor of this proposal, and the ranking minority member of the Committee on Labor and Public Welfare, I urge that the Congress consider this measure at an early date and to indicate why I hope that the administration will see fit to work with us to architect a bill and to support it.

Mr. President, as Chairman Nelson noted, we shall soon have hearings on this bill—which contains certain general concepts that have enjoyed at one time or another the support of the administration as well as the approval of the Congress.

We now face a national unemployment rate of 6 percent for the month of December—the highest mark in 9 years—with the burden of that rate—like that of inflation—falling on all socioeconomic groups in our society.

The situation is most tragic and unsettling in the poverty neighborhoods of the Nation where, according to the Department of Labor statistics released only yesterday, the jobless rate during 1970 averaged 7.6 percent, up from 5.5 percent in 1969. Most serious are the facts that the average yearly rate for teenaged residents of poor neighborhoods increased from 19.9 percent over last year to 24, that the rate for blacks among this group rose from 27.9 percent to 35.8 percent, and for white youths similarly situated from 13.8 percent to 16.3 percent.

At the current time, the situation is even more incendiary than these yearly averages suggest; for the trend is even more disquieting. For the last quarter of last year the jobless rate among all teenagers was 27.8 percent—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers was 18.8 percent—compared with 11 percent the end of 1969 and the rate among black teenagers was 42.4 percent—or almost half again—compared with 26.7 percent in the last quarter of 1969.

Approximately 1 year ago, when the Joint Economic Committee, of which I am a member, began its annual hearings on the state of the economy, we debated the point at which the unemployment rate—then at 3.9 percent—should be regarded as unacceptable.

We have now clearly burst the bounds of acceptability by practically anyone's estimate and it is time to alleviate, to the maximum extent fiscally possible, the individual suffering which these levels occasion.

As Senator NELSON has outlined, the proposed legislation could— and I say "could" because it is authorizing legislation—provide 150,000 jobs if it were triggered during the first 12-month period after enactment and 200,000 jobs if triggered in the second 12-month period, pursuant to ceilings of $750,000 and $1 billion, respectively. These ceilings would be hit at a 3-month average rate of 4.8 percent and 7 percent, respectively.

Accordingly, even if the maximum authorized amount is appropriated and unemployment rates reach levels triggering application of these funds, less than one-twelfth of those unemployed can be covered.

The trigger is further designed so that no further obligation of funds may be made in the event that the rate of national unemployment subsequently recedes below 4½ percent for three consecutive months, so that it is possible that even if the ceilings are hit, the obligations may be much less.

Thus, it is fair to say that while the authorized amounts involved are substantial, they are in no sense extravagant in terms of the need and that there are adequate assurances against their application in the event of a subsequent sudden downswing in the unemployment level.

I should also point out that the amounts that could become available within any given 12-month period—$750,000,000 in the first instance and $1,000,000,000 in the second—are really below the authorized amounts approved by the Congress for public service employment in enacting the Employment and Manpower Act of 1970. In the first year when all of its provisions would have been operative—fiscal year 1972—approximately $1,000,000,000 could have been appropriated solely for public service employment pursuant to allocations or authorizations for the permanent public service employment program and an additional $400,000,000 could have become available under the trigger provisions for public service employment as well as for training.

Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitments to save our physical environment and to satisfy our unmet obligations to redeem our social environment.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double by 1975, our public service employment needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities alone.

And yet ironically, we continue to tell more than 24 million poor—approximately 10 percent of our entire population—that the road away from poverty to economic dignity, is traveled by those who work.

Here is work crying to be given if there were hands to fill the jobs.

With our public service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which include Senators MILLER, JORDAN, PERCY, and myself—recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training, to deal with rising unemployment.

Mr. President, since that recommendation, we have seen unemployment rise from 4.4 percent to the current 6 percent—an increase of more than one and a half full percentage points.

It was the administration that developed the imaginative legislative proposal that additional funds be automatically triggered for manpower activities in the event of severe unemployment.

The administration's Manpower Training Act of 1969—which I introduced in the Senate on August 12, 1969—provided for an automatic appropriation of 10 percent of all manpower funds—triggering approximately $200,000—in the event of national unemployment in excess of 4.5 percent for 3 consecutive months; for manpower training and related services. During executive sessions on manpower training legislation last year, I submitted a number of amendments increasing the amounts to be available and making it clear that funds made so available could be used for public service employment as well as for training. The refined trigger provision was contained in the Employment and Manpower Act passed by both Houses of the Congress late last year, but regrettably vetoed by the President.

While I hope that the situation may develop otherwise, it is unlikely that manpower reform will be acted upon again at the earliest until later this year. In the meantime, we can expect high or higher levels of unemployment. For, while economic indicators are pointing upwards, we are dealing here with employment, not business activity, and experience with business recessions has shown that unemployment usually reaches its highest point after the economy has started its recovery. In other words, in the absence of a vigorous and swiftly implemented manpower program such as this, unemployment can be expected to rise in the coming months.

Mr. President, I shall now indicate why I hope that the administration will see fit ultimately to support a measure we finally arrive at.

First, as I have noted, the trigger concept here employed, was first proposed by the administration.

Second, public service employment programs dependent upon high unemployment would be more in keeping with the philosophy of the administration. While rejecting the permanent public service employment program as formulated under the Employment and Manpower Act the President stated in his veto message of December 16, 1970:

> Traditional and short-term public service employment can be a useful component of the nation's manpower policies . . .

The public service employment created by this legislative proposal is transitional and short term in at least three respects:

We authorize appropriations only for fiscal years prior to July 1, 1973—a period of 2 years. Under the Employment and Manpower Act, public service employment programs would have been authorized through fiscal year 1974—a period of 4 years.

Moreover, it is transitional and short term as a program within that period because it is tied to—and will exist subject to—national unemployment levels. As I have pointed out, the funds would become unavailable if unemployment recedes to 4.5 percent—the administration's own benchmark.

Finally, it is transitional and short term as to the individuals involved because of a number of provisions to encourage movement to "regular" employment even before the trigger is turned off. For example, section 6(b)(13) requires procedures for periodic reviews of the status of each person employed in a public service job under the act and maximum efforts to locate other employment or training opportunities. The parallel provision in the Employment and Manpower Act required only an annual review. Moreover, the bill contains a number of provisions—many of which I and other members of the minority originally included by amendment in the Employment and Manpower Act—requiring that the public sector job be accompanied by related training and that it contribute to occupational mobility. The proposed Emergency Employment Act also contains a provision which I include to require that participants be placed in occupations where job opportunities will most likely expand if unemployment subsides. The Secretary is required by section 111 to establish procedures to locate employment or training opportunities for participants as the rate of unemployment declines.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD, an article from the January 25, 1971, edition of the New York Times, entitled "Joblessness Rose to 7.6% Last Year in Slum Sections."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1971]

JOBLESSNESS ROSE TO 7.6% LAST YEAR IN SLUM SECTIONS—ECONOMIC SLUMP IS BLAMED FOR REVERSAL OF TREND—1969 FIGURE WAS 5.5%

WASHINGTON.—Unemployment in poor urban neighborhoods, which was on the decline prior to last year, increased sharply in 1970, the Labor Department reported today.

In a year-end report, the department's Bureau of Labor Statistics said the reversal was caused by the economic slump.

The report said the jobless rate in urban poverty sections averaged 7.6 per cent during 1970, up from 5.5 per cent in 1969. "It was also significantly higher than either the 1968 (6 per cent) or the 1967 (6.8 per cent) rate" the report said.

TEEN-AGERS HIGHER

The rate for teen-aged residents of poor neighborhoods increased from 19.9 per cent to 24. The rate for black youngsters rose from 27.9 per cent to 35.8 per cent, and for poor white youths from 13.8 per cent to 16.3.

The figures showed that joblessness among black teenagers in the last quarter of 1970 increased greatly over the same period the previous year—from 26.7 per cent to 42.4—in these neighborhoods.

For the same periods, the rate for white teen-agers in these sections increased from 11 per cent to 18.8, the rate for all teen-agers in these neighborhoods from 17.4 per cent to 27.8.

"However," the report stated, "since the over-all jobless rate for the nation as a whole also rose between 1969 and 1970, from 3.5 per cent to 4.9 per cent, the large gap between poverty neigborhoods and over-all U.S. jobless rates remained virtually unchanged."

The bureau reported, "A disproportional part of the rise in poverty area joblessness between 1969 and 1970 occurred among white workers. The jobless rate for whites, at 6.3 per cent in 1970, was up about one-half over the 1969 rate, while the rate for blacks was 9.5 per cent, rose proportionately more slowly. As a result, the ratio of black-to-white unemployment rates in poverty neighborhoods edged down from 1.7 to 1 in 1969 to 1.5 to 1 in 1970."

Labor experts have explained that the proportionate slowdown in the rate of increase in black employment is due to joblessness in fields where fewer blacks are employed, such as aerospace.

The report said that the rate for all adult men in poor sections went from 3.6 per cent to 6.2, with the rate for white males rising more, proportionately, than that for blacks. The white rate was up from 3.1 per cent in 1969 to 5.7 last year, while the rate for black males rose from 4.3 per cent to 7.1.

The rate for adult women was 5.7 per cent last year, up from 5.1 percent in 1969.

For nonpoor urban neighborhoods, the increase was from 1.9 per cent in 1969 to 3.3 per cent last year. The black rate rose from 3.1 per cent to 4.5, the white percentage from 1.8 per cent to 3.2.

The rate for women in nonpoverty sections increased from 3.3 per cent to 4.5, with the black rate going from 4.2 per cent to 5.7 and the white figure from 3.2 per cent to 4.3. The over-all increase for non-poor teen-agers was from 11.4 per cent to 14.5.

"The general decline in economic activity in 1970 reversed the improvement in jobless rates that had been made by poverty area residents between 1967 and 1969," the Bureau of Labor Statistics said.

The bureau reported that of 3.4 million workers in poor neighborhoods, 3.2 million were employed and 213,000 unemployed during 1970. Of 23.2 million nonpoor in urban areas, 22.4 million were employed while 767,000 were out of work.

The rates are for the country's 100 largest metropolitan areas, the bureau said.

Mr. MONDALE. Mr. President, I am delighted to cosponsor the Emergency Employment Act. I hope and trust that the Congress will enact it speedily.

I was a cosponsor of the Employment and Manpower Act which was vetoed by the President last month. I deeply regret that he failed to appreciate the opportunity that bill offered to combat some of the most unfortunate effects of the economic slowdown from which we are now suffering.

Unemployment has now reached 6 percent of the workforce, or almost 5 million people. This is the highest rate in 9 years. And the end may not yet be in sight. According to the Wall Street Journal:

> Unemployment among professional and technical workers has soared 67 percent in the last year.

It is ironic that we have permitted thousands of highly skilled scientists and engineers to join the ranks of the unemployed while many of our public programs are desperately in need of additional technological input and manpower. For example, as reported in the December 29, 1969, Washington Post, a recent paper at the annual meeting of the American Association for the Advancement of Science points out that our garbage collection methods have not changed in 50 years.

We also have ample evidence that Defense and aerospace industry skills can be adapted to civilian technology. A personal transit system project is being worked on by the famed Jet Propulsion Laboratory, as described in the St. Paul Pioneer Press.

Mr. President, I ask unanimous consent that the Washington Post article by Mr. Stuart Auerbach, the St. Paul Pioneer Press editorial, and the December 18, 1970, Wall Street Journal article by Mr. Ralph E. Winter be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, the time has come to move decisively to reemploy those displaced by our shifting priorities. The following figures show what is happening to defense-related employment in the United States:

Fiscal year	Private: direct and indirect	Civilian: Defense Department	Total
1968	3, 574, 000	1, 075, 000	4, 649, 000
1969	3, 306, 000	1, 090, 000	4, 396, 000
1970	2, 908, 000	1, 056, 000	3, 964, 000
1971	2, 500, 000	1, 000, 000	3, 500, 000

From the peak year of 1968, there was a loss of 666,000 by 1970 in private employment—a 19-percent drop—and this is estimated to reach 1,074,000 this year—a 30-percent drop.

The 1968 defense-generated employment figure of 4.65 million was 6.1 percent of the total labor force, but was:

Twenty percent of all engineers;

Forty percent of all physicists;

Fifty-four percent of all airplane mechanics;

Twenty-five percent of all sheetmetal workers;

Nineteen percent of all tool-and-die workers;

Fourteen percent of all draftsmen;

Thirteen percent of all electricians, welders, and flamecutters; and

Ten percent of all heating and air-conditioning mechanics.

Minnesota with some 30,000 defense-generated jobs, has lost perhaps 5,000 to 6,000 of these since the peak year of 1968. Scientists, engineers, and highly skilled workers are discovering for the first time the tragedy of unemployment and the fundamental hollowness of an economy fed by war, space, and Pentagon waste.

Minnesota lost an estimated 28,700 jobs in 1970, thus increasing unemployment by 58.2 percent. A large number were for highly skilled employees in the defense and computer industries. One firm, alone, reduced its employment by 20 percent, or 3,500 jobs, in the last 7 months of 1970.

Mr. President, I ask unanimous consent that an article by Mr. Dale Fetherling, in the Minneapolis Tribune of January 17, 1971, which describes the situation in Minnesota, be printed at the conclusion of my remarks.

I believe we cannot afford to reorder our priorities only half way, cutting out billions of dollars of Pentagon waste without redirecting those billions into productive work. The Congress has faced up to its responsibilities to provide a positive program for reordering our priorities. We have added funds for education, over the President's veto. We have continued the Hill-Burton hospital construction program, also over the President's veto. We have added funds for water pollution and for urban renewal. We have refused to accept the administration's ill-advised cuts in health research. We have added funds for veterans' medical care.

Now we must deal directly with unemployment. The Emergency Employment Act would create up to 200,000 jobs, as long as unemployment remains high. This would, by itself, reduce unemployment by only one-fourth of 1 percent. But it would permit a number of highly important technical problems to be attacked while putting our skilled manpower back to work. And it would provide a badly needed stimulus to the economy.

Mr. President, I hope that the Congress will promptly send this bill to the White House, and I urge that the administration begin making plans immediately to use this new authority to channel scientists and engineers into civilian technology.

Exhibit 1

[From the Washington Post, Dec. 29, 1970]

Urban Scientists Seek New Ways To Cut Waste

(By Stuart Auerbach)

Chicago.—American cities waste 96 per cent of the water they use and 93 per cent of their energy supply. An American city generates a million tons of solid wastes a year, but the way it collects garbage hasn't changed in 50 years.

Urban scientists meeting here today discussed solutions to the problems besetting American cities and found some possible answers in what other nations are doing.

Nations in Southeast Asia reuse waste materials, including human wastes, in a pollution-free manner. Swedish engineers 10 years ago developed a system to push garbage from houses to disposal points through a network of pipes.

"America is not the leader in solving urban problems," Michael Michaelis, manager of the

Washington office of the Arthur D. Little Co., told a panel on technology and the cities at the annual meeting of the American Association for the Advancement of Science.

Southeast Asian nations, faced with great energy shortages and a desire for economic growth, have developed new ways of tackling such problems, Richard Meier, a professor of environmental design at the University of California at Berkeley, told another AAAS panel.

"Saving energy and resources is necessary to them while it is only interesting to us," said Meier, a former organic chemist and atomic scientist.

As a result, he said, they have developed ways to reprocess foul water and human wastes in their cities into pure drinking water and fertilizer. They have shortened the time it takes to get food from farm to table, thereby cutting the spoilage rate in half.

Using government credit sources instead of subsidies South Korea has provided low-cost housing for squatters in Seoul.

All the while, he said, economic growth rates of many Asian nations are soaring.

Meanwhile, Meier said, America continues to waste its resources. By emphasizing the use of individual cars instead of mass rapid transit, for example, 40 per cent of a city's energy supply is squandered.

Even such a simple household task as ironing a shirt or washing clothes wastes energy, he said. Heating up an iron for one shirt takes one kilowatt of electric power and could be done more economically on a mass basis. Washing small loads of clothes or dishes wastes water.

"We need a transition from self help on a household level to some larger element such as the neighborhood," said Meier.

Frank R. Bowerman, head of environmental engineering programs at the University of California at Los Angeles, told an AAAS panel that Americans spend $3.4 billion a year just collecting garbage and trash—and another $1.1 billion disposing of it.

"Equipment for door-to-door collection of solid wastes in municipalities is not substantially different now than it was more than a half century ago," he said.

In Sweden, though, each building has a basement outlet to a citywide network of pipes. Wastes are pulled through the pipes at 60 miles an hour by vacuum pumps to the disposal site.

"In practice," said Bowerman, "these systems have proved to be hygienic in operation and perform over long periods of time with very little maintenance or repair and with almost no stoppages or blockages."

Another American urban expert, Rolf Goetze of the mayor's office in Boston, said that Americans refuse to learn from programs that have worked in this country.

For example, he said, a Rochester, N.Y., housing project that emphasized the participation of the people who live there in planning and maintenance succeeded. Another project in Rochester that used conventional management methods soon became a broken-down slum. But conventional planning still prevails.

"User participation in the rehab process," Goetze said, "may take substantially longer but it reduces costs."

The problem, he added, is that "our society places a premium on quick, visible results."

[From the St. Paul Pioneer Press, Jan. 5, 1971]

TECHNOLOGY FOR HUMANS

Many cities which have prospered in the developing stages of space technology now find a new type of person out of work and supposedly unemployable. This is the highly trained but highly specialized and once highly paid engineer. That such talent can be used, not wasted, has been demonstrated in a recent grant announced by the U.S. Department of Transportation.

The Jet Propulsion Laboratory, Pasadena, Calif., which has researched and developed rocketry and guided space flight both for peaceful exploration of space and for war has been given a grant of $1.3 million to research and design an automated personal transit system to be known as a "people mover."

The first stage of the experimental project will be built around and through the University of West Virginia's campus at Morgantown. It will consist of a system of fully automated 25 mph cars linking the university's downtown campus with its uptown engineering and medical schools.

This is a radical first. By federal standards, the grant is miniscule. But there is a message there of hope for those who have insisted that "if we can go to the moon . . ." all sorts of wonders can be created for humans on earth. Wonders, and hope for the trained technician who knows, for the first time, what it is like to be broke and on relief.

[From the Wall Street Journal, Dec. 18, 1970]

JOBLESS PROFESSIONALS SEEM LIKELY TO POUND PAVEMENT A LONG TIME—EXECUTIVES, OTHER: HIT HARD AS FIRMS PLAN LONG-TERM STAFF CUTS, FREEZE HIRING—250 RÉSUMÉS BUT NO NEW JOB

(By Ralph E. Winter)

CLEVELAND.—Charlie Stump is a pretty good country fiddler. He ought to be. He did little but play the fiddle practically all last summer and fall.

Last June, the economic showdown forced Mr. Stump's company into a merger that wiped out his $15,000-a-year job as a computer service bureau manager. For five solid months, the father of four spent his time fruitlessly hunting for another management job, collecting $66 a week in unemployment insurance and practicing his Bluegrass music. Pressed by delinquent car payments and other bills, he was finally forced to take a job as a computer programmer—at a big cut in pay.

Lately such tales of professional managerial unemployment have become increasingly common—and they may stay that way longer than many people think. Even if the economy should gain momentum soon, thousands of jobless high-level workers may be pounding the pavement for months to come, many companies and labor experts indicate.

The problem: Numerous companies are still trimming overhead—and this usually means administrative and professional jobs not directly involved in production. Even companies that plan to rehire production workers fast when business improves often say they're in no hurry to add back the "overhead fat" they trimmed. Besides, even companies that aren't laying off have commonly frozen hiring, especially of nonproduction personnel; this makes it hard for workers laid off elsewhere to find new jobs fast.

RISING JOBLESS RATE

The problem has become increasingly serious. Unemployment among professionals and technical workers has soared 67% in the last year. Latest government figures show fully 2% of the nation's 11.3 million workers in this category were out of work in the third quarter. General unemployment levels are higher, of course, but this is little consolation to the more than 200,000 jobless professional and technical workers.

Many of these workers once complacently thought unemployment was something that happened to manual workers. And until lately they weren't far wrong. Anticipating the slowdown wouldn't last too long, many companies tried to retain highly qualified employes. But with the slowdown persisting, they are now cutting staff.

For instance, weak demand forced Giddings & Lewis, a Fond-du-Lac, Wis. machine tool maker, to slash its 2,800-man hourly work force by about a third in the first 10 months of this year. Anticipating a fairly early improvement in orders, the company held on to administrative and engineering staff members.

But a few weeks ago the company laid off about 200 of its 1,500 salaried personnel, including experienced engineers, computer staff members and administrators. "The new orders just haven't developed," says a company official. He adds that there's no indication a pickup will come before the third quarter of next year.

LEAVING THE CHAIRS EMPTY

Many companies laying off workers don't plan to refill the slots at all. Celanese Corp., New York, plans to cut employment by 2,000 by next June 1, says John W. Brooks, president. Half the cuts will involve salaried workers, including management and research employees. The cutback isn't a temporary measure designed for the duration of the economic downturn, but rather a strategic move to make the chemical and synthetic fibers concern "leaner and tighter" for the 1970s, says Mr. Brooks.

Even companies that aren't laying off are often shying away from new hires. For instance, at the Norfolk & Western Railway, neither the advertising manager, who recently retired, nor the regional public relations man in St. Louis, who resigned, has been replaced. The home office public relations staff in Roanoke, Va., has been allowed to wither to 20 from 28 a year ago. "This has been happening in other departments throughout the railroad," says a spokesman.

Adds the personnel officer of a major machine tool producer: "For several years we were scraping around, grabbing up anyone who had the slightest knowledge of machine operations. Now we're getting applications from really good people and we can't afford to hire them."

This situation, of course, makes it rough to get a job and prolongs unemployment. In Cleveland, unemployed manufacturing executive Robert Galter says even sending resumes to 250 companies and working through eight employment agencies hasn't landed him a job. Last July, the 45-year-old manager lost his job at Otis Elevator after eight years with the company. "Most companies aren't hiring at all; things are tighter than a drum," he says.

Instead of a $14,000 annual salary, Mr. Galter receives a $61-a-week unemployment check. "We're scaling down our standard of living in case I have to take a job driving a cab or something," he says. Things are so tough, he says, that his 16-year-old daughter even has trouble finding her usual baby-sitting jobs.

UNEMPLOYED PHYSICISTS

The job squeeze isn't limited to executive slots. Professional pilots will probably find job-hunting difficult until at least mid-1971, says an official of the Air Line Pilots Association. Major airlines are laying off pilots and many corporations have reduced or eliminated their flight departments, he says. At the same time, large numbers of trained pilots are being discharged from military service.

Some professions that once were starved for people now have people starved for work. "We got an application the other day from an unemployed PhD in physics, something I never thought I'd see," says George Steinbrenner III, chairman of American Ship Building Co., Lorain, Ohio. Indeed, latest U.S. Office of Education figures show the nation produced 1,300 PhD's in physics in 1968–69, up sharply from less than 500 in 1959–60. In the same period, chemistry doctorates soared to 1,900 from 1,000. Thus in many fields a rising number of applicants are seeking a diminishing number of jobs. The increased supply of personnel tends to prolong the unemployment problem.

Technical workers accustomed to being in strong demand, of course, find the situation a real shock. "The thought that I might be laid off had never even crossed my mind," says Tommy Baggett, a chemist who lives near Dallas. Last September he lost his $12,000-a-year job at Texas Instruments Inc. after nearly 11 years with the company.

Since then, the father of five has contacted numerous likely employers but still hasn't landed a job. "There just doesn't seem to be any work in my field in this area," he says. "I've been choosy, but now I'm considering sales and may have to lower my sights to take just about anything," he adds gloomily.

Adds an engineer: "I never thought I'd see the day when product development was considered surplus fat." He has seen it now though. A Midwestern industrial company just laid him off.

[From the Minneapolis Tribune,
Jan. 17, 1971]

28,700 in State Lost Jobs in 1970

(By Dale Fetherling)

Unemployment in Minnesota has been in recent years something of an unwanted but unobtrusive house guest.

It came and went with the seasons, was seen by only a few, and rarely caused much of a clamor.

In 1970, it overstepped the bounds of hospitality.

For November, the most recent month for which figures are available, seasonally adjusted unemployment was 4.8 percent of the non-farm labor force, or about 78,000 persons.

This was an increase of 1.7 percent, or about 28,700 unemployed workers, from a year earlier.

The nation's seasonally adjusted unemployment rate was 6 percent in December.

What happened in Minnesota was that during 1970, a number of major firms, especially in the defense and computer industries, pared their payrolls, mirroring in part a nationwide decline in military and space expenditures.

General economic belt-tightening plus some long strikes also contributed to the rise in joblessness.

Specifically:

In May, Honeywell had approximately 20,000 employees at its Twin Cities area plants. By last month, the figure was 16,500.

The nearly 20-percent decline in local personnel was centered in the firm's aerospace and defense groups, a spokesman said, and ranged from highly-skilled workers and engineers to production workers.

The Twin Cities Army Ammunition Plant completed its phased personnel reduction by Dec. 1, bringing its staff down to 2,200 from a peak of 7,000 in March, 1969.

The cutback part of a nationwide pattern at arsenals, stems from the Vietnam withdrawal and a backlog of small-arms ammunition, Pentagon officials have said.

Control Data Corp., faced with a drop in heavy computer sales, laid off a large but undisclosed number of employees in the past year. It also required its remaining domestic employees to take off 10 days without pay during the latter part of the year as a cost-cutting move.

The action was taken, Control Data said, to "minimize layoffs and terminations."

The Univac Division of Sperry-Rand Corp., with seven area plants, indicated in mid-year that it had reduced its work force by about 1,000, or about 10 percent since a year earlier, largely through attrition.

While these cutbacks won the headlines, layoffs were, of course, more widespread, especially in manufacturing.

Unemployment compensation benefits for the year are expected to total a record $50 million in the state, topping a 1958 peak of $48 million. The increase, state officials said, was due in part to an increase in the maximum amount payable.

But also responsible was the greater number of jobless and the fact that many higher-paid employees, often technical or professional workers from defense-space firms, queued up in the applicants' lines.

According to figures from the Minnesota Department of Manpower Services, jobs in manufacturing dropped by 22,500 from November 1969 to November 1970.

Nonelectrical and electrical machinery, which decreased 6,100 and 5,400 jobs respectively, contributed to the decline. Ordnance, scientific instruments and other miscellaneous industries also declined 5,600 jobs.

In the Twin Cities for October, the last month for which figures are available, the unemployment rate was 3.3 percent, compared to 1.4 percent a year earlier. The 3.3 figure is the highest October level since 1958.

Ross Sweum, metropolitan area manager for Manpower Services, said, however, that the variety of industry in the Twin Cities may have helped insulate the area from the kinds of unemployment spurts being felt in some one-industry towns.

Comparative figures from a federal survey, he said, show several cities with higher unemployment figures and a bigger jump.

Seattle, Wash., for example, saw unemployment rise to 10.3 percent in September, up from 4.2 percent a year earlier; Flint, Mich., 7.0 percent from 4.3 percent; Detroit, Mich., 6.5 percent from 3.0 percent.

Others, faring better than the Twin Cities, include Houston, 2.7 percent from 2.0 percent. Duluth-Superior had a higher September figure at 4.0 percent but it represented a smaller increase than that of the Twin Cities since the rate was 3.7 percent in September 1969.

Area defense and space contractors are guarded in their projections for the future.

A Honeywell official said they certainly expected to do better than the 28-percent decrease in employment predicted by a recent Department of Defense survey of its electronics contractors for the June 1970-June 1971 period.

Maj. Lawrence Sisterman, commanding officer of the Army-owned privately run Twin Cities arsenal, said contract backlogs are expected to provide stable employment at the present level at least through mid-1971. Beyond that, it hinges on defense requirements.

A Control Data spokesman would say only that "no one here is too outspoken about projections for 1971."

Univac "contemplates no significant reduction in manpower in the near future," according to Paul Ives, director of industrial relations and services. "Our current employment is approximately 9,000 and has remained close to this figure in the last 60 to 90 days," Ives said late last month.

"Aerospace News," a publication of the Aerospace Industries Association (AIA) recently reported that employment in the industry will continue to decline, at least through March.

By then, jobs in the industry, the nation's largest manufacturing employer, will have fallen 15.7 percent during the previous 12 months, and the decline will have encompassed all geographical areas.

The number of production workers will have dropped 19.4 percent; scientists and engineers, 14.6 percent; and technicians, 14.7 percent; according to AIA.

Locally, a study by the North Star Research and Development Institute concluded that about 12,000 Twin Cities jobs "may be vulnerable" to cuts in defense and space spending this year.

The jobs, about 1½ percent of total metropolitan employment, will not necessarily all or even most be lost, the study said, but they could be if defense and space business is further cut back.

"Over-all expectations of the major contractors in the metropolitan area are a continuing reduction—between 5 and 10 percent—of contract monies coming into the local economy over the next two or three years," the study said.

And that doesn't include ordnance manufacture which is the "most vulnerable" and "least predictable" segment of the industry.

S. 32—INTRODUCTION OF THE CONVERSION RESEARCH EDUCATION AND ASSISTANCE ACT OF 1971

Mr. KENNEDY. Mr. President, on behalf of Senators Anderson, Cranston, Gravel, Hollings, Mondale, Moss, Randolph, Stevens, Tunney, and myself, I introduce S. 32, the "Conversion Research Education and Assistance Act of 1971," and I ask that it be referred to the Committee on Labor and Public Welfare. The purpose of the legislation is to establish a comprehensive program for the conversion of the Nation's scientific talents and resources from defense-related activities to civilian-related activities.

Ten years ago, President Kennedy took office with the economy in the midst of a serious recession. Unemployment was at 7 percent. American primacy in science and technology was under serious challenge from the Soviet Union in the wake of Sputnik.

Through the innovative policies and programs of the Kennedy and Johnson administrations, the country emerged from the recession. We entered a period of sustained economic prosperity and renewed scientific supremacy, unmatched in our long history. By 1968 the unemployment rate had dropped to 3.7 percent and American astronauts had achieved the historic first of circling the moon. Now, only 2 years later, we again find ourselves enmeshed in economic crisis and our scientific enterprise in a state of serious disarray.

A few days ago, the Commerce Department reported that the gross national product in 1970 declined by 0.5 percent in real dollar terms—the first such decline in annual GNP since 1958. This drop in national output of goods and services is another dismal sign of the sickness of the economy and the inadequacy of our present economic policies.

Never before in American economic history have we suffered through this sort of simultaneous siege of inflation and recession. Each month, prices soar as inflation undermines the value of the dollar. And each month tens of thousands more of our citizens are driven out of work. As of November 1969 the unemployment rate stood at 3.5 percent. By December 1970, 13 months later, it had reached 6 percent, the highest level in 9 years, and the end is not in sight.

The scientific and technical community has been especially hard hit by the decline in the economy in general, and by the extensive defense and space cutbacks in particular, As we know, scientists, engineers, and technicians are extremely dependent on federally financed programs for employment. Of the more than 2 million scientists, engineers, and technicians employed at the beginning of 1970, one in every four was engaged in work generated by the Department of Defense, the National Aeronautics and Space Administration, or the Atomic Energy Commission. Half of those employed directly by the Federal Government worked in DOD, NASA, or AEC; 62 percent of all physicists and 88 percent of all scientists in the atmospheric and space sciences have depended on Federal programs for employment. Inevitably, therefore, cuts in Government programs have had a severe impact on this highly skilled scientific work force.

Employment in the space industry has fallen from a peak of 250,000 to 173,000, and thousands more scientists and engineers are expected to lose their jobs in the months ahead. The aerospace industry alone has laid off over 10,000 men in the single specialty of electrical engineering. By last May, there was seven times as much unemployment among the Nation's engineers as there had been the year before. Since that date the rate of unemployment among engineers has been increasing at an even more rapid pace. In the past 2 months alone the jobless rate for professional and technical personnel has jumped 50 percent (from 2 to 3 percent). This represents the highest unemployment level for professional personnel since the Government began keeping such statistics in 1958. Recent Labor Department figures indicate that more than 208,000 professional and technical personnel are already unemployed across the Nation, with the number growing each day.

Equally significant, the effect of defense and space cutbacks is highly concentrated in particular communities, where the human impact is much greater than the national statistics would indicate:

Of all scientists and engineers in the aerospace industry, 44 percent are located on the Pacific coast, and 25 percent are located in the New England and Middle Atlantic States. The remainder are highly concentrated in a few other States, such as Florida and Texas.

In Los Angeles County, as of September, there were already more than 20,000 unemployed scientists and engineers.

In the Washington, D.C., metropolitan region, as of November, the relative demand for scientific and engineering manpower was only 40 percent of what it had been a decade ago.

The work force at the Kennedy Space Center in Florida has dropped 40 percent over the past year.

In New York City, unemployment claims by professional personnel have doubled over what they were a year ago.

In Seattle, the unemployment is over 11 percent, and includes an estimated 12,000 professional and technical employees.

In my own State of Massachusetts the problem is especially acute. Massachusetts ranks sixth in the Nation in the amount of defense contracts received. The unrivaled combination of universities, government facilities, and the extensive research and development community centered along Route 128 has made Massachusetts one of the leading centers of the Nation's scientific effort.

Today, as in so many other parts of the country, this vital national resource located in Massachusetts is in jeopardy. The Arthur D. Little Co. has recently estimated that defense cutbacks will cause the loss of at least 25,000 jobs in Massachusetts over the next 3 years. Another 5,000 jobs will be lost by civilian employees on military reservations in the State. Similar projections have been made or are now being made in dozens of other States.

These lost jobs represent a serious hardship to the individuals and families involved. The loss has a multiplier effect on entire neighborhoods and communities, as well as on the scientific community at large.

Even apart from the immense human suffering and personal tragedy that is involved, however, the loss of these jobs also represents a vast depletion of technical manpower for the Nation. A sizable national investment has gone into the formal education and on-the-job training of this highly skilled work force and we cannot afford to let these valuable resources run to waste. The Nation should and could be receiving a constant stream of economic and social benefit from its investment in this scientific manpower.

Moreover, scientific activity requires a high level of continuity to achieve its maximum return. Resuming interrupted scientific projects after long delays often entails considerable additional expense. And, individual scientists who interrupt their careers—as many are now forced to do in seeking other employment—may find it impossible to reenter the scientific job market, in view of the rapidity with which new scientific knowledge is generated.

Thus, each unemployed scientist represents a major loss of the considerable investment the Nation has made in his education. Even more important is the loss of his potential contribution to the resolution of our urgent domestic social problems, especially in areas like pollution, transportation, crime control, housing, education, and health care. Without the help of the scientific community, we cannot hope to make significant headway against these problems.

The scientists, engineers, and technicians of America have a crucial role to play in converting our national energies and imagination to these tasks. Scientists have always been held in high esteem in America, but it is only in recent years that they have moved to the center of our technological civilization.

As a Nation, we must apply our finest resources and talents to the tasks which are facing us. We need the application of our best scientific and technical talent to cope with these problems. It is national folly for thousands of highly trained individuals to lie idle, at a time when problems of enormous complexity demand the skills they have.

The solution to the problem of scientific and technical unemployment is not to halt the cutbacks in defense and space spending. As in the case of the Senate's vote against the SST, these cutbacks are essential to redirect our national priorities and resources to meet the needs of our citizens. Nor is the solution to provide an up-dated WPA to provide make-work for scientific personnel. Rather, the solution to such unemployment lies in the conversion of our technical talent and resources from defense and space to civilian, socially-useful programs—programs which can lead to a genuine improvement in the quality of our lives.

But such conversion of scientific talent cannot be accomplished merely by giving each scientist a new assignment. Considerable retraining is required. There is no doubt that, with adequate retraining, scientists skilled in the problems of defense could make valuable contributions to the resolution of civilian problems. Seen in this light, conversion is not just an economic challenge; it is also a human and social opportunity.

Last August, to provide for such retraining and to facilitate the conversion of our scientific talent and resources, I introduced the Conversion Research and Education Act of 1970. Unfortunately, it was not possible to complete legislative action on the measure before the conclusion of the 91st Congress. In the months since last August, the problem has grown much more urgent and will continue to worsen until the Federal Government provides adequate leadership for achieving national conversion of our scientific resources. Accordingly, I have strengthened and expanded my earlier bill, and I introduce the improved bill today as S. 32 the Conversion Research, Education, and Assistance Act of 1971.

This bill authorizes the appropriation of $500 million over a 3-year period to achieve conversion of our scientific and technical manpower. The bulk of the specific programs in the bill would be administered by the National Science Foundation, with the Small Business Administration administering those programs specifically directed at assisting small R. & D. firms in converting to civilian tasks.

In essence, the bill asks Congress to establish three national policies in the area of economic conversion:

First, scientists must have continuing opportunities for employment, in positions commensurate with their professional and technical skill.

Second, Federal spending for civilian research and development must be raised to a level of parity with defense-related research and development, and kept at or above that level in the future.

Third, the total Federal investment in science and technology must continue to grow annually in proportion to increases in the gross national product.

The specific programs authorized by the bill are primarily aimed at enabling individual scientists and engineers to convert their talents from defense-related activities to civilian-related activities, particularly those which promise to aid in the resolution of the Nation's most urgent social problems in areas like pollution, transportation, crime control, housing, education, health care. The programs are designed so that thousands of unemployed scientists and engineers can directly participate in them, with the expectation that the resulting research and development activity will have a multiplier effect throughout the entire scientific and technical community and the economy at large.

Thus, of the $449 million which the bill authorizes for the use of the National Science Foundation, $225 million would be distributed directly in conversion fellowships to individual scientists, engineers, and technicians. These conversion fellowships would provide unemployed professionals with the funds to participate in conversion retraining projects. The fellowships would include allowances for family support, health insurance, subsequent job placement, relocation expenses, and other related purposes.

Another $65 million would enable the NSF to fund the establishment of community conversion corporations in communities severely affected by defense and space cutbacks. The community conversion corporations would be nonprofit organizations designed to channel civilian research and development funds into the affected communities, and to provide immediate on-the-job retraining for unemployed scientists and engineers.

Another $45 million would be authorized for grants by the NSF to State and local governments to carry out conversion planning and support programs to assist specific localities, and to hire unemployed scientists, engineers, and technicians to fill technical positions at the State and local level.

In addition, the Small Business Administration would be authorized to spend $45 million for direct grants to small scientific and technical firms to enable their personnel to participate in conversion training programs. SBA would also utilize a revolving fund for guaranteed loans and interest assistance payments to encourage small business firms to carry out conversion projects, including necessary changes in facilities and equipment.

Through these and the other specific programs contained in the bill, an important start can be made immediately to stem the rising tide of scientific and technical unemployment in America. Through the framework of the national economic conversion policy proposed in the bill—calling for full employment of scientists and engineers, parity of civilian and defense research and development, and a continuing national investment in science and technology—the possibility of future conversion crises can be averted. Finally, by beginning now to retrain and redirect the talent and energy of thousands of our scientists and engineers, we can significantly aid in the resolution of many of our serious domestic problems in the decade ahead.

We entered the decade of the sixties on a note of optimism and high expectation, confident that we could begin to move the Nation forward. Today as we move in earnest into the 1970's, we find ourselves bogged down once again in a morass of social and economic problems. We must renew our faith in the betterment of our society and the quality of our lives. I believe our problems can be solved through the resolute application of our national talent and energy. But without that talent and energy, we cannot hope to meet the challenges we face. We cannot afford to waste the vast resources of our scientific community. We must begin now to convert our enormous scientific potential to dealing with the reality of the problems of the 1970's.

I believe that the Conversion Research, Education, and Assistance Act of 1971 is an important step in this direction, and I hope that every Member of the Senate will give it his serious consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes, introduced by Mr. KENNEDY, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 33—INTRODUCTION OF THE LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE ACT OF 1969

Mr. KENNEDY. Mr. President, I am introducing a bill to authorize the Attorney General to provide group life insurance for State and local government law enforcement officers.

We cannot call ourselves free men if we cannot walk our streets in safety, if we cannot sleep in peace in our homes, if we cannot conduct our business without fear. Our daily lives are shadowed by the constant threat of the criminal. We sense that threat growing beyond our control.

We are so fearful that we fall prey to those who purvey panaceas. We conjure up scapegoats to vent our tension and frustration. There are no easy solutions and we must not permit ourselves to be deceived into believing so.

There are solutions. They are not simple and they may not be complete. They require hard work, dedication, resources, time and confidence in the strength of our system. The effort must be made by each of us as individuals, in our communities, in our States, and by the Federal Government.

That effort was initiated in the last decade by Presidents Kennedy and Johnson. New Federal laws were enacted to control organized crime; a massive new slate of Federal assistance to State and local governments was conceived, proven, and adopted. Local municipalities were urged to create their own anticrime planning programs; and the National Crime Commission provided us with a blueprint for a comprehensive and rational attack on the scourge of crime. All of those activities have laid a solid foundation on which we must move and build.

We must eliminate crime at its roots by seriously attacking poverty, illiteracy, deprivation, and unemployment that nuture the seeds of crime. But, the more immediate problem is dealing with crime where we find it.

A complete overhaul of our correctional system is long overdue. Our prisons have become colleges for criminals and those who leave them are more likely to be more skilled, hardened thugs, not rehabilitated citizens. On a national basis, one-third of those released from prison will return within 5 years. Unless the correctional process begins to utilize the tools of guidance, education, and vocational training, the present pattern will continue irrevocably.

Our courts are urgently in need of modernization. We must apply modern methods of administration, including computer technology, to the scheduling and processing of court business. We need more judges, administrators, prosecutors, and defense attorneys so that they can provide justice swiftly, fairly, efficiently, and consistently.

And most urgently, we must take immediate steps to enhance the effectiveness of our police forces. They must be provided with 20th century equipment and techniques. In an age of lasers and live TV from the moon, there is no reason why the officer on the street should be confined to the nightstick, the revolver and a dime for the pay phone. We must provide our police officers with the training to do the best job possible. And we must offer opportunities for educational advancement so that those who wish may expand their horizons and understand even more fully the society which they protect.

We not only want our law enforcement officials to act professional, we want them to feel professional. That requires giving them the kind of dignity, respect, income, working conditions, and occupational benefits that we extend to other professionals in the community. It is difficult for people to look up to men who begin and end their days in a dingy, ill-equipped station house. It is difficult for the policeman's family to feel pride if they are not adequately protected by health, life, and accidental death and disability insurance and by a fair retirement program.

The National Crime Commission reaffirmed and endorsed in 1967 the need for such professionalism and dignity in law enforcement work. In response to their recommendations and discussions I have had with law enforcement experts and community leaders, I introduced in that year a bill to give all police officers in the United States access to low cost and broad coverage life insurance. This program I felt would not only offer the kinds of assistance that is vitally needed but would be symbolic of this Nation's determination to support law enforcement—not only in word but in deed. My research showed that for some officers such as pilots, vice squads, traffic patrolmen and motorcycle policemen, life insurance was either extremely expensive or inaccessible and double indemnity was impossible to obtain. Therefore because of their jobs, they and their families were completely unprotected. For those in other areas of law enforcement the premiums for a high risk insurance policy were a luxury that they just could not afford.

The bill that I am introducing today is

patterned after the Servicemen's Group Life Insurance program which is available to each member of our Armed Forces. It will provide low cost group life insurance to the members of any law enforcement agency which elects to participate. The new law enforcement group life insurance—LEGLI—program will be administered by the Federal Government, but the underlying insurance coverage will be carried and paid by private life insurance companies.

The Attorney General would purchase group policies from the insurance companies and any unit of state or local government may apply for participation in this program. The amount of group life insurance and also of group accidental death and dismemberment insurance for each officer would follow a schedule in the bill, returning benefits of approximately the law enforcement official's salary at the time of his death or dismemberment plus $2,000. Thus, an officer earning $6,500 annually would have a $9,000 policy. Loss of limb or of eyesight would also be covered. The officer would be covered on or off the job and would receive double indemnity for accidental death.

The Federal Government would bear no more than one-third the cost of the insurance, with the officer paying the remainder. The premium for all officers, we presently estimate, would be 50 cents per month per $1,000 of coverage. Thus, for the $9,000 policy, the total monthly premium would be $4.50. Deducting the assistance of the Federal Government, the officer would pay only $3 monthly or $36 annually. The schedule of premium rates are to be set by the Attorney General consistent with the lowest rates generally charged for new group life insurance policies issued to large employers. Naturally the premium rates and the Federal contribution may fluctuate depending on experience. In some areas, State or local contributions to the program will actually reduce the cost to the individual officer.

This bill would provide for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. It will allow any department to present to its officers the full facts on each plan, and if a majority votes to retain the existing plan, the agency will be eligible to receive a Federal contribution to the premiums for the existing plan in an amount of up to three-fourths of the equivalent premiums under the Federal plan.

I have been in constant contact with patrolmen, police chiefs, insurance company representatives and dependents of deceased law enforcement officers, in Massachusetts and in many other places, to determine their needs and areas of concern. And the bill has the support of the leading national police organizations including the International Conference of Police Associations, the Fraternal Order of Police, the International Association of Chiefs of Police, the New York City Patrolmen's Benevolent Association, and many others.

The bill does not yet extend its benefits to firemen. As I mentioned, the bill grew out of the work of the 1967 Crime Commission and other bills relating to police officers. The cost figures are based on experience with police work. I do look forward, however to hearing suggestions on ways to provide a legal and practical basis for expanding the program to firemen.

The primary duty of government is to protect its citizens and the first line of protection is its policemen. I hope that we in Congress can act soon to assist the policemen and their families in this and other ways so that "support your local police" may be a comprehensive plan for action and not just a bumper sticker.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 33) to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers, introduced by Mr. KENNEDY, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 34—INTRODUCTION OF THE CONQUEST OF CANCER ACT

Mr. KENNEDY. Mr. President, on behalf of Senator JAVITS and myself, I introduce S. 34, a bill to establish a National Cancer Authority, to launch a nationwide program for the conquest of cancer. I believe that this legislation deserves our highest priority in Congress, and I hope that every Member will give it his serious consideration.

In America today, there is perhaps no more dreaded disease than cancer. The horror and widespread prevalence of this disease cannot be underestimated. The report of the National Panel of Consultants on the Conquest of Cancer, appointed by the Committee on Labor and Public Welfare last year under the distinguished leadership of Senator Ralph Yarborough, states that of the 200 million Americans alive today, 50 million will develop cancer at the present rate of incidence, and 34 million will die of this painful and often ugly disease if better methods of prevention and treatment are not discovered. In 1969 alone, 323,000 persons died of cancer in the United States, or four times the entire sum of battle deaths in both the Vietnam war and the Korean war.

In addition to the tragic human suffering caused by cancer, the economic burden it imposes on the Nation is enormous. According to the panel of consultants, cancer costs America $15 billion a year, of which $3 to $5 billion represents the direct cost of care and treatment, and the remainder represents the loss of earning power and productivity in the economy.

Yet, despite the devastating incidence of cancer among our people and despite its staggering cost to the economy, the amount of funds spent on cancer research today is grossly inadequate, and the overall effort is uncoordinated and confused. If we are to combat this deadly enemy with any degree of success, a much more coherent and extensive assault is needed.

The pittance we spend on cancer is dramatic evidence of the urgent need to reorder our national priorities. At present, we spend $410 per person per year on national defense, $125 on Vietnam, and $19 on the space program, but we spend only $0.89 on cancer research. In the face of these dramatic facts, the conclusion of the Panel of Consultants was inevitable:

> Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question.

We know that as a result of environmental pollution and cigarette smoking, the incidence of cancer is increasing. But the rate of cure is also improving. Whereas in 1930 we could cure only one case in five, today we cure one in three. Although these statistics represent a great advance, the Panel found that the rate of cure could be close to one in two through a better application of existing knowledge, especially through more widespread use of existing techniques, and an extension to all citizens of the quality of treatment available too often only to the rich.

I believe that a specific national program for the conquest of cancer—a "moon shot" approach—is essential if we are to exploit effectively the great opportunities presented by recent advances in cancer research. Through such an approach, backed by the strong commitment of Congress, the President, and the American people, we can mount the effort that is required if we are to eliminate the blight of cancer from modern American life.

The bill I am proposing will establish an independent agency, whose task will be to develop as rapidly as possible a comprehensive nationwide program for the conquest of cancer. The agency will be modeled along the lines of NASA which succeeded so brilliantly in reaching our goal of landing a man on the moon in the decade of the sixties.

The program will have an open-ended authorization, as befits the importance of this program. On the basis of information presently available, I believe that as a minimum, an appropriation of $200 million should be made for the first year, $400 million for the second year, and $600 million for the third year of the program. This is equivalent to the level of spending recommended by the Panel of Consultants, and it is the level we need if the job is to be done. Although the sums seem relatively large at first sight, they are modest compared to the enormous costs that cancer currently imposes on our society.

The legislation I am proposing is similar to the bill introduced by Senator Yarborough in the postelection session of the 91st Congress last December. We owe an enormous debt to Senator Yarborough and to the Panel of Consultants for proposing the "moon shot" approach and for bringing us to this point in the realization of our dream to conquer cancer. Now that President Nixon has joined us in our commitment to the goal, I am hopeful that Congress and the alministration will act rapidly to complete the action that has been so well begun.

Mr. President, I ask unanimous consent that part I of the report of the Panel of Consultants may be printed in the Record at this point, including the membership of the Panel and the letter of transmittal of the report.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Program for the Conquest of Cancer—Report of the National Panel of Consultants on the Conquest of Cancer

COMMITTEE OF CONSULTANTS ON CANCER

(Appointed Pursuant to S. Res. 376)

Benno C. Schmidt, *Chairman.*
Dr. Sidney Farber, *Cochairman.*
I. W. Abel.
William McC. Blair, Jr.
Elmer Bobst.
Dr. Joseph Burchenal.
Dr. R. Lee Clark.
Dr. Paul B. Cornely.
Emerson Foote.
G. Keith Funston.
Dr. Solomon Garb.
Mrs. Anna Rosenberg Hoffman.
Dr. James F. Holland.
Dr. William B. Hutchinson.
Dr. Henry S. Kaplan.
Dr. Mathilde Krim.
Mrs. Mary Wells Lawrence.
Dr. Joshua Lederberg.
Emil Mazey.
Michael J. O'Neill.
Jubal R. Parten.
Laurance S. Rockefeller.
Dr. Jonathan E. Rhoads.
Dr. Harold P. Rusch.
Dr. Wendell G. Scott.
Lew Wasserman.

Staff of the Committee

Robert F. Sweek, *Director.*
Carl M. Fixman, *Deputy Director.*
Mrs. Helena Curtis, *Special Assistant.*
John A. Grimes, *Editorial Director.*

LETTER OF TRANSMITTAL

New York, N.Y., *November 25, 1970.*

Hon. Ralph W. Yarborough,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am pleased to present herewith the report and recommendations of the Committee of Consultants on Cancer appointed pursuant to Senate Resolution 376. Part I of the report sets forth in 12 brief paragraphs a summary of the cancer problem, the areas of special promise which offer unusual opportunities for intensified effort, and the recommendations of the committee. Part II of the report sets forth the scientific and medical background in more detail. For the convenience of your committee, this part of the report is also preceded by a summary of the scientific material.

Of the $250,000 appropriated by the Senate for this study, you will be pleased to learn that we have committed or spent only approximately $75,000. This has been possible because of the generous contribution of time and effort of many persons who would not have been available at all on a reimbursement basis, but who, because of their dedication to the goals of this study, have given most generously of their time and talents. These included not only members of the committee, but several hundred members of the scientific community whose lives are devoted in a large measure to work related to the conquest of cancer.

I would like to express my personal appreciation to the members of the committee, not only for their splendid cooperation and 100-percent dedication to our task, but more particularly for the unprecedented hours of work which they have devoted without reservation. The scientific and professional members of the committee have borne by far the largest burden of the work of our committee, and no group could have given more unselfishly of their time and talent. The committee is most appreciative to the members of the scientific community, including those at the National Cancer Institute, and to the members of our staff for the information, views, and suggestions which they have so generously made available to the committee.

The committee was most fortunate in the diverse views and backgrounds represented, and in such a group one would not expect nor did we have unanimous agreement on all points. However, there has been unanimous commitment to the objective of the study as set forth in the Senate resolution. Out of our discussions and differences we have been able to crystallize a consensus. This report represents that consensus.

The committee is unanimously of the view that the conquest of cancer is a realistic goal if an effective national program along the lines recommended in the report is promptly initiated and relentlessly pursued.

Respectfully,

Benno C. Schmidt, *Chairman.*

INTRODUCTION

On April 27, 1970, the Senate passed Senate Resolution 376 authorizing the Senate Committee on Labor and Public Welfare, with the assistance of an advisory committee, to report to the Senate on (1) the present status of scientific knowledge with respect to the causes of cancer and its treatment, cure, and elimination, (2) the prospect of success in such endeavors, and (3) measures necessary or desirable to facilitate success at the earliest possible time. Pursuant to that resolution, the Committee of Consultants was designated in June 1970, and was asked to submit its report and recommendations at the earliest practicable date.

On July 15, 1970, the House of Representatives passed Concurrent Resolution 675, later passed by the Senate, expressing the unanimous sense of the Congress that "the conquest of cancer is a national crusade" and that "the Congress should appropriate the necessary funds so that the citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

On June 29, 1970, the Committee of Consultants held its first meeting. Since that time the Committee has met 10 full days, subcommittees have met many additional days and the written or verbal testimony of 289 witnesses and advisors has been considered. The Committee is pleased to present herewith its report and recommendations.

SUMMARY AND RECOMMENDATIONS

1. Cancer is the No. 1 health concern of the American people. A poll conducted in 1966 showed that 62 percent of the public feared cancer more than any other disease. Of the 200 million Americans alive today, 50 million will develop cancer at present rates of incidence, and 34 million will die of this painful and often ugly disease, if better methods of prevention and treatment are not discovered. About one-half of cancer deaths occur before the age of 65, and cancer causes more deaths among children under age 15 than any other disease. Over 16 percent of all deaths in the United States are caused by cancer, making it by a wide margin our second greatest killer (after cardiovascular diseases). Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

2. The amount spent on cancer research is grossly inadequate today. For every man, woman, and child in the United States, we spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid and only $0.89 on cancer research. Cancer deaths last year were 8 times the number of lives lost in 6 years in Vietnam, 5½ times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all 4 years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities seems open to serious question. In addition to the poignancy of the disease, and the death and suffering that it causes, the economic loss is staggering, with estimates of its costs to the Nation running as high as $15 billion per year, of which some $2 to $5 billion represents direct care and treatment costs and the balance is loss of earning power and productivity.

3. The incidence of cancer is increasing. This is partly due to the fact that a greater number of our citizens are reaching more advanced ages, where cancer strikes more frequently, but it is also due to the sharp increase in lung cancer, undoubtedly attributable to the air pollution in certain environments and most importantly to the self-pollution of those who smoke cigarettes. It is estimated that if the American people stopped smoking cigarettes this alone would eliminate about 15 percent of all cancer deaths.

4. The nature of cancer is not yet fully known. We know that human cancers are caused by certain chemicals, by certain types of radiation, and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause, cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. There is very strong suggestive evidence that viruses cause some human cancers, but which viruses, how they are transmitted, and how they operate are unknown. It is erroneous to think of cancer as a single disease with a single cause that will be subject to a single form of immunization (as in the case of polio) or a single cure. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways. However, as our knowledge is expanded, more and more cancers will become preventable or curable.

5. The cure rate for cancer is gradually improving. In 1930 we were able to cure only about one case in five; today we cure one case in three; and it is estimated that the cure rate could be brought close to one in two by a better application of knowledge which exists today, i.e. detection at an earlier stage through the more widespread use of existing techniques (such as the Papanicolaou test for women and mammography), coupled with an extension to all citizens of the same quality of diagnosis and treatment now available at the best treatment centers. There are three methods for curing cancer today: surgery, radiation therapy, and chemotherapy. Often two or even three of these methods are used in combination. Some types of cancer are far more curable than others. For example, early breast cancer treated by surgery, cancer of the cervix by radiation or surgery, and choriocarcinoma and Burkitt's tumor by chemotherapy are among those most susceptible to cure today. Treatment techniques are improving markedly, particularly in radiation therapy and chemotherapy and more widespread availability of the best quality detection and treatment will give us more and more cures. However, it is still true that those cancers which disseminate rapidly are seldom curable today, and this represents a major gap in our existing knowledge. Where we stand today in our knowledge of the causes, nature, prevention, diagnosis, treatment, and control of cancer is set forth in detail in part II of this report.

6. There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. These areas of special promise must be explored with vigor, if we are to exploit the great opportunities that lie before us. They are examined in detail in part II of this report.

Among the areas of special promise which must be aggressively pursued are:

(*a*) The identification and study of the chemical, physical, and other environmental factors that cause cancer (food additives, air pollutants, industrial hazards, radiation, and other carcinogens);

(*b*) Viruses, causing cancer (what viruses cause cancer, how are they transmitted, and how do they act);

(*c*) Cell and tumor biology (including cell surface phenomena, molecular functions, differentiation and genic expression, controls of cell division, mechanisms of metastasis, nutritional requirements and other biological factors);

(*d*) Immunology (host resistance against cancer, its natures, causes and therapeutic use);

(*e*) Epidemiology (the variables in cancer incidence and types stemming from geographic, social, economic, nutritional, occupational, and constitutional differences);

(*f*) Cancer prevention (more effective utilization of existing knowledge and intensified research on preventive measures);

(*g*) Diagnosis (the development of new and improved diagnostic techniques);

(*h*) Chemotherapy (the development of new and better drugs and improvement in their uses);

(*i*) Radiotherapy (development of new and better techniques and apparatus for radiation therapy);

(*j*) Surgery (the best techniques in cancer surgery coupled with earlier diagnosis must be made generally available in order to further increase the cure of cancer. Better rehabilitation techniques must be further developed and utilized to return the cancer patient to an active and full life);

(*k*) Combinations of treatment modalities (improvement in treatment results by better combinations of surgery, radiotherapy, chemotherapy, and immunotherapy).

7. A national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge. However, such a program will require three major ingredients that are not present today:

First, effective administration with clearly defined authority and responsibility:

Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Such a plan would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified; and

Third, the necessary financial resources.

At the present time there is no coordinated national program or program plan. The National Cancer Institute has done excellent work itself and has supported grants and contracts in the scientific community which have resulted in much outstanding work, but the overall research effort is fragmented and, for the most part, uncoordinated. The effort in cancer should now be expanded and intensified under an effective administration charged with developing and executing a comprehensive national plan for the conquest of cancer at the earliest possible time. The three foregoing elements are considered separately in more detail in the succeeding paragraphs 8, 9, and 10.

8. *Administration.*—An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare. Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the administration are truly committed to making the conquest of cancer a "national crusade", as expressed in the concurrent resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and, as pointed out in subsequent paragraphs, not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that associated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

The powers of such a National Cancer Authority should be very broadly defined in order to accomplish a mission of this complexity. It would not be useful to attempt to enumerate here all the powers that such an Authority should have and in the writing of the implementing legislation, the Committee believes that the powers should be broadly defined and not enumerated. However, the following are illustrative of the kinds of powers which the National Cancer Authority will have to be able to exercise in order to carry out a comprehensive program of the type envisaged:

(*a*) The power to enter into prime contracts with authority in the prime contractor to enter into subcontracts;

(*b*) The power to commit available funds until expended rather than on a year-to-year basis;

(*c*) The power to authorize exceptions to existing regulations, where necessary, to permit the use of experimental drugs, biologicals, and devices in cancer research;

(*d*) The power to establish or support the large-scale production of specialized biological materials for cancer research, such as viruses, cell cultures, animals, and the like, as well as the power to set standards of safety and care for those using such materials;

(*e*) The power to support research outside the United States by highly qualified foreign nationals, collaborative research involving American and foreign participants, and training of American scientists abroad and foreign scientists in the United States, to the extent that such activities will promote the accomplishment of the mission. The Committee believes that cancer research offers a particularly fruitful field for collaboration with other nations, including those nations with whom present cooperation is limited but with whom greater collaboration is desired;

(*f*) The power to fund by loan, grant, contract, or otherwise any facilities or programs, or to take such other actions, as may be required for the accomplishment of the mission.

9. *Program plan.*—A comprehensive national plan for the conquest of cancer should be developed as promptly as possible. The development of a coherent overall program plan should include the following features:

(*a*) The present research activities now being carried forward under the National Cancer Institute should in no way be impeded or interrupted while plans are being made for the expansion, intensification, and coordination of the cancer research program;

(*b*) Existing research facilities and manpower should be used as promptly as possible for the accelerated exploitation of the opportunities in the areas of special promise. There is substantial unused capacity in this country today that should be utilized in order to attract and retain the manpower that is needed. It is a myth that we could not spend effectively on cancer very much more than is now being spent. The fact that Federal support for cancer research has leveled off since 1967 and that, due to inflation, the actual amount of work done has decreased has created a serious gap between what we are doing now and what we could and should be doing in cancer research. It is estimated that current expenditures could be doubled within the framework of the existing facilities and manpower potential of this country today, exclusive of the great industrial research capability in this field which should be brought to bear on an appreciable scale in high priority areas to which this type of capability is particularly suited.

(*c*) Existing cancer centers should be strengthen and additional cancer centers in different parts of the country should be created. The solution of the cancer problem lends itself to a multidisciplinary effort, where teams of highly qualified specialists are available to interact on problems of research, both clinical and nonclinical, teaching, diagnosis, preventive programs, and the development of improved methods in the delivery of patient care, including rehabilitation. Among those who work in the cancer field, there is great emphasis on the advantages of critical mass—a critical mass of scientists and physicians committed to the cooperative solution of the cancer problem, of research facilities, of patients, and of financial and other resources. This is simply another way of saying that the comprehensive cancer center offers the best organizational structure for the expanded attack on cancer. In addition to the few comprehensive cancer centers that exist in the United States today, there are a number of other institutions which combine all or most of the capabilities for a multidisciplinary effort in cancer. These could serve as a base for the creation of additional centers. The new centers should have appropriate geographic distribution and should, wherever possible, be created where a nucleus of scientific, professional and managerial personnel already exists and preferably where a university or a medical school affiliation exists or is planned.

In the creation of new cancer centers, manpower limitations should be taken into account, and new centers should not be created where there would be a dilution in the effectiveness of existing centers which would offset any gain from the new center. There should be a realistic operating plan for each new center which assures the scientific and managerial commitment and ability necessary to the creation and operation of a successful center.

It should be emphasized that the strengthening of existing cancer centers and the creation of new cancer centers does not mean that under this program general responsibility should be undertaken for the care of the Nation's cancer patients. The delivery of patient care in cancer cases is a part of the general problem of the delivery of patient care and should be so dealt with. However, this inhibition must not prevent the cancer centers from including such patient care facilities as are necessary for clinical research and teaching and for the development and demonstration of the best methods of treatment in cancer cases.

(*d*) The cancer centers should also serve as administrative coordinators of those programs which require regional coordination. Such centers should support and assist clinics and community medical centers in their own geographic areas in order to assure the widespread use of the best available methods for early detection and treatment of cancer. They should also serve to collect data useful in the prevention and cure of cancer, including patient follow-up information, and be responsible for the dissemination of information, both at the lay and professional levels, that is useful in the prevention, diagnosis and cure of cancer. The effective dissemination and utilization of such information is a most important part of any national plan to conquer cancer.

(*e*) A national plan of the type envisaged must take account of the manpower requirements for this effort. There is a critical need for training and career opportunities for young scientists, physicians, and other personnel in this program. We must reaffirm to young investigators our confidence in the future of American science and in our national dedication to success in the conquest of cancer. A manpower program in this field should include training stipends, predoctoral fellowships for particularly promising candidates, postdoctoral fellowships for brilliant investigators, and career positions where appropriate through career initiation awards, career development awards, and senior career awards.

(*f*) A national plan for the conquest of cancer should provide for the generous use of grants as well as contracts and other methods of funding. There should be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

(*g*) A comprehensive national program requires optimum communication and centralized banks of information. There must be an accurate and prompt information flow in both directions. This will call for integrated data processing, storage, and retrieval in order to rationalize the decision-making and to make information available when and where needed. As indicated above, the centers can be important foci in both the collection and dissemination of this information.

(*h*) A coordinated national program plan should, to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result of the happenstance of a multitude of random decisions independently arrived at. An integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution is fundamentally different from the hierarchical imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrificed.

10. *Funding*.—The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as envisaged by the concurrent resolution of the Congress, would require an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues. It is of utmost importance that the financing of this program not result in cutbacks in other health programs.

11. *National Cancer Advisory Board*.—Both the public and the scientific community must be effectively represented in this effort, and must have a part in its planning as well as its execution. To this end, a National Cancer Advisory Board should be created with 18 members, nine of whom are distinguished scientists and doctors in the field of cancer, and nine of whom are distinguished laymen. The members should serve for a term of 6 years with the terms of one-third of the members expiring every 2 years. Members of the Board should be appointed by the President of the United States with the advice and consent of the Senate. The Chairman of the Board should be elected by the members and should serve for a term of 2 years. The Board should meet not less than once each quarter and its function should be to advise and assist the National Cancer Authority and its Administrator in the development and execution of the program. The Administrator should be an ex-officio member of the Board. The Board should have statutory responsibility for the approval of each year's program plan and budget, but the responsibility for administering the program should rest with the Administrator. The Board should have full investigatory powers and should be required to report once each year to the President and the Congress on the progress of the National Cancer Authority in the accomplishment of its mission. This Board should supersede the presently existing National Advisory Cancer Council, and the members of that Council should serve as additional members of the National Cancer Advisory Board for the duration of their present terms.

12. Cancer is an implacable foe and the difficulty of eliminating it as a major disease must not be underestimated. A top priority commitment by the Congress, the President, and the American people is required if we are to mount and sustain an assault on cancer of the magnitude envisaged by Senate Resolution 376 and the concurrent resolution of the Congress. Such a commitment involves a recognition not only of the difficulty and complexity of cancer but also of the time and resources required to attack it effectively. While it is probably unrealistic at this time to talk about the total elimination of cancer within a short period of time or to expect a single vaccine or cure that will eradicate the disease completely, the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards. The Committee is unanimously of the view that an effective national program for the conquest of cancer should be promptly initiated and relentlessly pursued.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 34) to establish a National Cancer Authority in order to conquer cancer at the earliest possible date, introduced by Mr. Kennedy, for himself and Mr. Javits, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 35—INTRODUCTION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference, the Alaska Native Claims Settlement Act of 1971. The text of the measure as introduced is identical with the text of the bill as amended and passed by the Senate in the 91st Congress on July 15, 1970.

Hearings will be held on this legislation early in this session of Congress for the purpose of bringing up to date the voluminous hearing record which the Senate Committee on Interior and Insular Affairs compiled on this subject in the 90th and 91st Congresses.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, introduced by Mr. Jackson, for himself and other Senators, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 36—INTRODUCTION OF A BILL TO PRESERVE AND PROMOTE THE RESOURCES OF THE CONNECTICUT RIVER VALLEY

Mr. RIBICOFF. Mr. President, I introduce a bill to create the Connecticut Historic Riverway. This legislation is a vital step in the efforts to preserve one of this Nation's greatest natural resources—the Connecticut River Valley.

The Connecticut River flows south through New England for nearly 400 miles to Long Island Sound. Flowing from small lakes near the New Hampshire-Canadian border, it is a swift, cold water stream dropping almost 900 feet in the first 30 miles. It then widens slowly, passing small, quiet New Hampshire and Vermont villages and farms. In Massachusetts, the river forms a wide valley floor with extensive flood plains which stretch as far south as Hartford, Conn. It is in this area with its large population centers that the river is subjected to the heaviest industrial development and suffers the most damage.

South of Middletown, Conn., the river reenters an upland terrain with steep banks and little or no valley floor. The southern-most reaches of the river are surrounded by low lying marshes as well as forested hills. The river flows by scenic and historic Connecticut towns and villages and then becomes a broad estuary, dotted frequently with islands and offshore rocks.

It is significant that the Connecticut River flows through one of the most populated areas in the Nation and yet has still managed to remain close to its natural state. Except for the Massachusetts-Connecticut plain, the river has experienced limited development along its banks and most of the 400 miles of shoreline remain heavily forested. Because of a quirk of nature, which placed constantly shifting sandbars in its estuary, the Connecticut is the only major American river which still has no large city at its mouth.

But how long this will be is a question of great importance. More than 6 million people live within 50 miles of the river. The clean salt marshes at its mouth lie less than 100 miles from the center of Manhattan. Seven interstate or limited access highways serve the Connecticut River corridor. Now the trout filled headwaters on the Canadian border are only a few hours drive for New Yorkers and Bostonians.

While with few exceptions, the river's shoreline and surrounding countryside have not been marred by commercial developments, the river itself is seriously polluted in many sections and has been for several years. Yet, this very pollution has discouraged developers and other businessmen from seeking to tamper with the beauty of the river and the river valley.

But the pollution problem, thanks to Federal and State programs, is being solved and hopefully the river will be clean again in a few years. And once the purity of the waters of the Connecticut is restored, careless, uncontrolled development projects may begin. That is why we must move quickly to preserve and protect the river and the river valley.

Development is progressing with increasing intensity near the proposed Connecticut Historic Riverway. The small valley towns south of Middletown are expanding with residential and industrial development. The lower Connecticut valley cannot sustain intensive development of any kind for long periods. With this in mind, the Senate delegation from Vermont, New Hampshire, Massachusetts, and Connecticut sponsored in 1966 a measure authorizing a full-scale study of the Connecticut River Valley. The Department of the Interior's fine report, "New England Heritage," specifically recommended the establishment of a three-unit national recreation area—one in the southern Connecticut Valley, another in the central Massachusetts plain and a third in the northern most reaches of the river near its source.

Last year the Subcommittee on Parks and Recreation of the Interior Committee, led by the distinguished Senator from Nevada (Mr. BIBLE), made an inspection trip of the whole river valley.

In October, the Interior Committee reported out and the Senate passed without dissent, a bill I had introduced to create the first unit along the southernmost stretch of the river. Unfortunately, the House of Representatives did not consider the legislation before the Congress adjourned.

The bill I am introducing today is identical, except for a few minor technical changes, to that approved last October. It is my hope that action can be taken on it as soon as possible this year.

In 1966, testifying before the House subcommittee considering the bill which authorized the initial study, I said:

> It took eons to build the beauty of the Connecticut River Valley. The slash of bulldozers can rapidly take it away. Only constant vigilance safeguards our natural heritage—only far-sighted planning will make sure that future generations will enjoy the precious aspects we will retain today. We must act now to safeguard the future.

Four years have passed since then—and the need for action is now more urgent.

The bill I am introducing recognizes that development of the valley will occur in time. My legislation, however, places controls over the development in order to insure the continued beauty of the river valley.

The Connecticut Historic Riverway would encompass 23,500 acres along an 11-mile stretch of the river from Old Saybrook to Haddam, Conn. Within the riverway, the Secretary of the Interior would be authorized to acquire up to 5,000 acres. The preliminary studies reveal that only 4,100 need be bought and that almost all of it is still undeveloped. In fact, 870 acres will be tidal marshland which, while of limited economic value, is essential to the survival of aquatic and marine wildlife.

Acquisition of privately owned lands within the Connecticut Historic Riverway is estimated to cost $18,200,000. The total cost of the development of the federally owned lands, including their acquisition, will be $23 million.

The cost estimates have been reached following extensive consultations with local and State officials, including the Connecticut Commissioner of Agriculture and Natural Resources, who administers the State parks and State fisheries. The Park Service has also undertaken field surveys within the proposed riverway.

The remaining 17,500 acres would constitute a conservation zone and would remain in private ownership exempt from condemnation as long as zoning standards approved by the Secretary are effectively administered.

Similar conservation zones have been put into effect with success at the Cape Cod and Fire Island Seashores.

The Interior Committee believes that "these zones should not be a vehicle to stifle normal and reasonable commercial and industrial development, but that they can be employed as an effective method to permit continued use of the land while respecting the area's scenic and historical nature."

This belief, which I share, is in line with the view taken by the Department of the Interior report, "New England Heritage," which stated:

> The program recommended in this report does not seek to bar future development, but rather to assure that it will be done in a way that respects and enhances the beauty of the Connecticut River Valley.

The bill establishes a local advisory committee to assist in the administration of the riverway. This committee would consist of representatives from the several towns adjacent to the area as well as representatives from the State and regional planning commissions. Consultation with the Secretary of the Interior on matters relating to the development and administration of the area would be on a regular basis. This advisory committee would provide residents of the proposed riverway direct access to those charged with administering the Federal area.

Crucial to the legislation is the concept of the Connecticut Valley corridor. The corridor includes the first tier of Connecticut towns adjacent to the river and the Connecticut portion of the river itself. The authorization of this corridor will permit coordinated planning and conservation efforts by State, local, and Federal agencies in the Connecticut portion of the river valley.

In addition, all Federal projects affecting the river and corridor will be subject to the review of the Secretary of the Interior.

Although only the riverway itself is under direct Federal control, the Secretary will be authorized to assist local and State efforts to enhance the recreation resources within the corridor which are outside of the riverway.

Mr. President, I cannot stress too much the need for this program. Each time I return to this section of my State I see that new buildings have been erected and new developments are being planned. If something is not done to control this expansion, it will soon reach the river's edge.

The shoreline of a river is more than a mere boundary. To quote Dr. Richard G. Lillard of the California State College at Los Angeles, who has studied the Connecticut River:

> It is a life zone, an area of varying width, a vital ecological fringe.
>
> Like streamside lands it is valuable to natural creatures and to human beings to a degree that is out of all proportion to acreage.
>
> It is like the narrow, but indispensable, growing layer inside the bark of a tree. It is fragile, easily cut, injured, infected.

It would be a tragedy for us to allow this narrow strip of land and water to be cut, injured, and infected. The damage can be prevented if we act without undue delay. I hope that my colleagues share this concern and will join me in assuring prompt approval of this bill.

Mr. President, at this point I ask unanimous consent that the full text of the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill will be printed in the RECORD.

The bill (S. 36) to preserve and promote the resources of the Connecticut

River Valley, and for other purposes, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Connecticut River and the first tier of towns bordering the river in the States of Connecticut, Vermont and New Hampshire, and the Commonwealth of Massachusetts, as generally depicted on the map entitled "Connecticut River Valley corridor", numbered NSR–CON–91,000 and dated August 1970, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior, possess unusual scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and promote such values for the enjoyment of present and future generations, to preserve the natural ecological environment and develop the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals groups, and associations.

CONNECTICUT HISTORIC RIVERWAY

SEC. 2. In order to provide for conservation of the scenic, scientific, historic, ecological, and other values contributing to public enjoyment, as well as the public outdoor recreation use and enjoyment of the Connecticut River Valley corridor, consistent with the well-being of present and future residents of the area, there is hereby established the Connecticut Historic Riverway (hereinafter referred to as the "Riverway"). The boundaries of such Riverway shall be as generally delineated on the map numbered NR–CON–40,000, and dated July 1970. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the Riverway from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the advisory committee for such unit, as established and described in Section 6 of this Act and hereinafter referred to as the "Committee", but the total acreage within the revised boundaries of the unit shall not exceed twenty-three thousand five hundred acres.

ACQUISITION OF PROPERTY FOR THE CONNECTICUT HISTORIC RIVERWAY

SEC. 3. (a) Within the boundaries of the Riverway, the Secretary may acquire without the consent of the owner not to exceed five thousand acres of privately owned lands, waters, and interests therein which he determines are presently needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgment, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property within such unit may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, and thereafter so long as an appropriate local zoning agency shall have in force and applicable to such a property a duly adopted, valid zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, and following public hearings, the Secretary shall issue regulations, specifying standards that are consistent with the purposes of this Act. Such regulations and amendments thereto must receive the approval of a majority of the Committee before issuance.

(b) The standards specified in such regulations shall have the object of (i) regulating new commercial or industrial uses of such property consistent with the purposes of this Act, and (ii) promoting the protection and development for purposes of this Act of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional riverway scene: *Provided*, That such standards shall not discourage the constructive development and use of land for industrial and commercial purposes which are consistent with the purposes of this Act.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (i) contains any provisions that he considers adverse to the protection and development of such property in accordance with the purposes of this Act, or (ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the Secretary may terminate the suspension of his authority to acquire such property by condemnation: *Provided*, That the owner of any such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

ADDITIONAL PROPERTY ACQUISITION PROVISIONS

SEC. 4. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the Riverway by donation, negotiated purchase with donated or appropriated funds, transfer, exchange, or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in section 3 of this Act.

(b) With the exception of any lands which the Secretary determines are presently needed for public use facilities to carry out the purposes of this Act, any owner of improved property within the unit on the date of its acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, whichever occurs later, or for a fixed term not to exceed twenty-five years. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used in this section, the term "improved property" shall mean a one-family dwelling the construction of which was begun before July 1, 1970, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided*, That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the Riverway which are owned by a State or by any political subdivision thereof or permanently preserved for conservation purposes under the ownership of a nonprofit, nonstock organization may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the Riverway may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the recreation area.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Secretary shall administer and protect the riverway with the primary aim of conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the riverway which would be incompatible with the overall lifestyle of residents of the area, accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites and structures as the Secretary may designate.

(b) The riverway shall be administered, protected, and developed by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the riverway in accordance with the applicable laws of the States concerned and of the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, or trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of the State concerned.

(d) The Federal Power Commission shall not authorize the construction, operation, or maintenance within the riverway of any dam, water conduit, reservoir, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already licensed.

(e) Designated National Park Service employees of the riverway may make arrests for violations of any Federal laws or regulations applicable to the area, and they may bring the accused person before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.

ADVISORY COMMITTEE

SEC. 6. (a) There is hereby established the Connecticut Historic Riverway Advisory Committee.

(b) Such Committee shall be composed of members appointed for a term of two years by the Secretary as follows:

(1) a member appointed to represent the State of Connecticut. Such appointments shall be made from recommendations of the Governor of the State of Connecticut;

(2) a member appointed to represent the appropriate regional planning commissions or agencies of Connecticut. Such appointments shall be made from recommendations of the heads of such commissions or agencies;

(3) a member appointed to represent each town referred to in section 1 of this Act that is directly affected by the establishment of the Riverway and such appointments shall be made from recommendations of the governing body of such towns; and

(4) a member to be designated by the Secretary; and

(5) a member to be designated by the Administrator of the Environmental Protection Agency or other such Federal agency which assumes the responsibility for the protection of the environment by change of law or by executive order, unless that agency is under the administrative jurisdiction of the Secretary of the Interior.

(c) The chairman of the Committee shall be elected by the membership thereafter for a term of not to exceed two years. Any vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(d) All members of the Committee shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Committee in carrying out their responsibilities under this Act on the presentation of vouchers signed by the chairman.

(e) The Secretary or his delegate shall consult regularly with the Committee with respect to all matters relating to the development and administration of the Riverway, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the Riverway.

(f) The Committee shall make available to the Secretary an annual report reviewing matters relating to the development of the Riverway, including land acquisition and the zoning standards policies, and shall make recommendations thereto.

CONNECTICUT RIVER VALLEY CORRIDOR

SEC. 7. (a) The Secretary, in accordance with authority contained in the Act of May 28, 1963 (77 Stat. 49), and in consultation with the New England River Basin Commission and the Advisory Committee established by section 6 of this Act, shall encourage coordinated planning for the conservation and development of the scenic, ecological, scientific, historic, and recreational resources of the Connecticut River Valley corridor which is defined for the purpose of this section as that part of the Connecticut River Valley corridor depicted on the map referred to in section 1 of this Act which is located within the State of Connecticut. The Secretary shall give particular attention to encouraging and coordinating the conservation and development of the outdoor recreation resources of the corridor that are outside the boundaries of the Riverway, and he is authorized to provide technical assistance to State and local governments and private individuals, groups, and associations with respect to the conservation and development of such resources. The Secretary is authorized to establish a regional office of the Bureau of Outdoor Recreation within the boundaries of the Connecticut River Valley corridor in order to facilitiate the planning and coordination under this section.

(b) The Secretary shall encourage State, regional, county, and municipal bodies to adopt and enforce adequate master plans and zoning ordinances which will promote the use and development of private owned lands within the corridor in a manner consistent with the purposes of this section, and he is authorized to provide technical assistance to such bodies in the development of such plans and ordinances.

(c) The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the Connecticut River and unnecessary impairment to the scenery thereof.

(d) In order to avoid, insofar as possible, decisions or actions by any department, agency or instrumentality of the United States which could have a direct or adverse effect on the outdoor recreation resources of the corridor, all departments, agencies, and instrumentalities of the United States shall consult with the Secretary concerning any plans, programs, projects and grants under their jurisdiction within the corridor. Any Federal department, agency, or instrumentality before which there is pending an application for a license for any activity which could have such effect on the outdoor recreation resources of the corridor shall notify the Secretary, and, before taking final action on such application, shall allow the Secretary ninety days to present his views on the matter.

(e) The Secretary of Agriculture shall study means of preserving the agricultural, forest, and rural open space character of the corridor, and shall submit a report of his findings and recommendations to the President and Congress within one year after the date of this Act.

SHORELINE EROSION CONTROL

SEC. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for shoreline erosion control of the Connecticut River; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated not to exceed $23,000,000 to carry out the provisions of this Act.

S. 37—INTRODUCTION OF A BILL TO PROVIDE FOR ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR, AND FOR OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), that I may be able to introduce a bill for him to provide for orderly trading of textile articles and articles of footwear and for other purposes, and that I also be permitted to have printed in the RECORD a statement by the Senator from New Hampshire, together with extraneous matter in connection therewith.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the statement will be printed in the RECORD.

The bill (S. 37) to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes, introduced by Mr. BYRD of West Virginia, for Mr. MCINTYRE, was received, read twice by its title and referred to the Committee on Finance.

The material presented by Mr. BYRD of West Virginia, for Mr. MCINTYRE, is as follows:

STATEMENT OF SENATOR MCINTYRE

Mr. MCINTYRE. Mr. President, last week the U.S. Tariff Commission issued its long awaited report on nonrubber footwear. The Commission split 2 to 2, on the question of whether the tremendous increase in imports of footwear into the United States had been caused by trade concessions granted to foreign producers in the past.

There was no disagreement, however, on the issue of whether there has been a vast increase in footwear imports. All four commissioners recognized the step-up in imports, and all seemed to agree that the domestic shoe industry is in seriously ill condition.

Also last week, the American Footwear Manufacturers Association released its periodic report on imports. In the first eleven months of 1970, imports jumped by over 20% measured by numbers of pairs, by 27% in value. I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

In the last session of the Congress, legislation which would provide needed relief to the workers in American shoe plants and the communities in which they live was passed by the House of Representatives and reported out by the Senate Finance Committee. As my colleagues know the lateness of the Senate's consideration of this legislation led in the closing days of the session to a situation in which shoe quota legislation could not be finally acted upon.

In order that this legislation will be before us promptly this year, I am today reintroducing the quota legislation which I submitted last year. Like last year's bill, this one will also provide similar protection for textile workers.

Mr. President, I send this bill to the desk and ask that it be appropriately referred.

Mr. President, I hope that the Congress can act promptly to consider this bill. It is sound in construction and clear in intention. It has been passed by the House already, and I hope that it can soon be favorably considered by the Senate.

IMPORTS, JANUARY–NOVEMBER 1970

With 16,347,200 pairs of nonrubber footwear imported into this country in November, the first eleven months of the year showed a staggering total of 215,850,800 pairs—a 20% increase over the same period in 1969. The f.o.b. value of this footwear amounted to $500,171,800 for the eleven months, representing a 27% increase over the comparable period last year.

AFMA's early estimates and constant warnings concerning the bombardment of imports during 1970 have been sadly realized. Imports of nonrubber footwear for 1970:

(1) will total 235,000,000 pairs.

(2) will be worth $550,000,000 at the f.o.b. level.

(3) will be worth $891,000,000 at the whole sale level.

(4) will be worth $1,782,000,000 at the retail level.

Following is a summary of imported nonrubber footwear by major types and by principal sources for eleven months 1970.

Type of footwear	Percent change 11 months 1969–70 (pairs)	Average dollar value per pair	Estimate retail dollar value
Men's, boys' leather	+14.1	$4.52	$14.64
Men's, boys' vinyl	+68.0	1.31	4.24
Women's, misses' leather	+25.7	3.32	10.76
Women's, misses' vinyl	+9.4	.95	3.08
Children's, infants' leather	+28.3	1.50	4.86
Children's, infants' vinyl	+4.2	.83	2.69

Major sources	Pairs (thousands)	Value f.o.b. (thousands)	Average dollar value per pair
Italy	73,053	238,421	$3.26
Japan	54,249	55,155	1.02
Taiwan	36,198	25,011	.69
Spain	18,948	69,746	3.68
Hong Kong	4,140	3,377	.81

S. 41—INTRODUCTION OF THE NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED ACT OF 1971

Mr. DOLE. Mr. President, I introduce today the National Information and Resource Center for the Handicapped Act. On several occasions I have called attention to the many areas of life in which the handicapped confront particularly difficult and frequently unique problems. Common to each of these areas of difficulty is the problem of information. It appears that the greater the availability and coordination of knowledge, the more progress the handicapped have made toward achieving meaningful solutions and progress. It is the intent of this bill to provide this coordination and availability of information.

For our Nation's 42 million handicapped persons and their families, yesterday, today, and tomorrow are not filled with "everyday" kinds of problems which can be solved or soothed by "everyday" kinds of answers. Their daily challenge is: accepting and working with a disability so that the handicapped person can become as active and useful, as independent, secure, and dignified as his ability will allow.

Too many handicapped persons lead lives of loneliness and despair; too many feel and too many are cut off from our work-oriented society; too many cannot fill empty hours in a satisfying, constructive manner. The leisure most of us crave can and has become a curse to many of our Nation's handicapped.

Employment is universally recognized as an area in which the handicapped are underutilized and often unjustifiably restricted. Numerous organizations and programs have sought to stimulate employment of handicapped workers and to open greater opportunities for them in the mainstream of life.

The economic problems which a handicap often generates are to a certain degree understood by the general public, but the full impact on the lives of the afflicted and their families is frequently unappreciated. Some resources and financial benefits are available both through governmental and private channels, but often they are difficult to obtain or of only taken significance.

The availability and access of needed health care facilities and personnel looms large in the lives of the handicapped. This is a matter which usually receives scant attention from the great mass of people, because they have no comparable needs in their lives. In a similar sense, rehabilitation services can be tremendously significant to the handicapped and disabled, but the public is largely unaware of the critical nature of this need. In rehabilitation, the Department of Health, Education, and Welfare said recently that roughly 25 percent of America's disabled have not received rehabilitation services and do not know where to seek such help. They estimate at least 5 million may be eligible for assistance.

Also, in the field of education, the handicapped pose special difficulties in requirements of methodology, facilities and curricula. Slight attention and publicity have been given these matters outside fairly narrow corridors of concern and involvement.

Architectural, transportation, and housing problems are areas that cause tremendous concern for our handicapped. Again, these problems require special consideration. The many services provided by the Federal Government in conjunction with the State governments in financial assistance, rehabilitation, research, education, and training of the handicapped have helped many disabled Americans live as normal, as full and rich lives as possible.

Much has also been done to aid the handicapped through the great voluntary agencies. It is difficult to properly assess the many effects of the private sector—in health care, education, employment; in research, employment; in research, rehabilitation, by fund-raising drives and through professional groups for the handicapped.

Our private economy and the resources of our people have combined to improve the quality of life in America in ways and for persons the Government could not begin to match.

In the framework of the presently available resources for our handicapped citizens, we must insure our efforts and money are not misplaced or misdirected—that they actively fill the needs. It is the design of this bill to insure that all the knowledge and information regarding services be consolidated and made available to the handicapped person in the form he can use and when he most needs it. Presently, no one source exists. There is a lack of coordination and centrally available information. For example, information on rehabilitation facilities and services is incomplete and often available only through professional channels.

Much the same can be said for information on employment, health care, and economic aid. In other words the knowledge about resources, research findings, technical assistance, reports, and information about what other governmental units, private concerns, communities, businesses, and colleges have done to accommodate handicapped people is diffused and completely lacking in centralization or coordination. The National Information and Resource Center for the Handicapped will provide a point of contact for individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, professional organizations, city, and State officials who desire information or direction.

This concept of a national center to coordinate information pertinent to the disabled has met with widespread support from all sectors of the handicapped community. The handicapped can be helped. We have the know-how and the resources to restore many more of the disabled to productive lives than are being served at present. The tragedy lies in the fact few Americans are aware of the capabilities and extent of services of modern public and private programs for the handicapped. They are also unaware of the nature and extent of disability, of the human and economic loss it imposes, and the great potential for improving the lives of the disabled through modern, comprehensive services. The problem is particularly acute when handicapped persons and their distraught families have no knowledge of where to turn when disability strikes.

The creation of this center will fill this great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost. In 1969, I proposed the creation of a Presidential Task Force on the Handicapped to review efforts in the public and private sectors on a broad basis in order to determine how to best assist the handicapped to achieve maximum independence, security, and dignity.

I was highly gratified when President Nixon appointed two task forces to study the physically and mentally handicapped. The task force on the physically handicapped, composed of highly dedicated and experienced individuals from Government, industry, and private organizations, recommended the establishment of a central, national information reception and distribution network to provide a source of information regarding services for all handicapped individuals.

The center will not duplicate the function of any programs in either the Government or private sectors. Rather, its function will be coordination of information relating to all programs to the benefit of the handicapped. A small staff will be available to direct inquiries to specialized contacts—to universities, individuals, organizations, and agencies which have special knowledge or have successfully worked on aspects of these problems. The 42 million Americans who belong to the handicapped minority will be the immediate and long-term beneficiaries of the center's services. America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

This field truly knows no partisanship. Working together, we in the Congress as well as all interested individuals and organizations can do much to promote meaningful and productive lives for the handicapped. I urge my colleagues to support the establishment of this center.

Mr. President, I ask unanimous consent that the National Information and Resource Center for the Handicapped Act be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 41) to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Information and Resource Center for the Handicapped Act".

SEC. 2. (a) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resources Center for the Handicapped (hereinafter referred to as the "Center").

(b) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this Act.

SEC. 3. (a) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped. It shall further be the duty and function of the Center to cooperate with and assist other appropriate information sources with a view to coordinating and promoting the effective and economical provision to interested parties of the information and data referred to in the preceding sentence.

(b) The information and data with respect to which the Center shall carry out its duties and functions under subsection (a) shall include (but not be limited to) information and data with respect to the following—

(1) medical and rehabilitation facilities and services;

(2) day care and other programs for young children;

(3) education;

(4) vocational training;

(5) employment;

(6) transportation;

(7) architecture and housing (including household appliances and equipment);

(8) recreation; and

(9) public or private programs established for, or which may be used in, solving problems of the handicapped.

SEC. 4. (a) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(b) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(c) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

SEC. 5. There is authorized to be appropriated for carrying out the purposes of this Act for the fiscal year ending June 30, 1972, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

S. 43—INTRODUCTION OF A BILL TO CREATE U.S. CONSERVATION SAVINGS BONDS

Mr. STEVENS. Mr. President, in July of 1970, I introduced a bill to create the U.S. conservation savings bonds. Subsequent to the bill's introduction, the concept was endorsed by then Secretary of the Interior Walter J. Hickel. Additionally, other legislative proposals with a similar intent were introduced in this body.

I introduced this legislation in response to the concern of many Americans interested in preserving the quality of environmental life in our country. This bill would give all Americans a new option.

Many Americans, patriotic to our Nation, still think of savings bonds as defense bonds. While not supporting particular aspects of foreign policy, they still love the United States and want to contribute to its growth and preservation. Other Americans, strong in their belief that this country must continue its technological experimentation and advancement, still cherish the clean air, clean water, and quality of life that make this country unique.

My bill will establish the conservation trust fund. Proceeds from the sale of conservation savings bonds will go into this trust fund and may be expended only for conservation purposes.

Passage of this legislation will enable Americans who fear their voices are not being heard to actively participate in one segment of our democratic process.

I ask unanimous consent that my bill be printed in the RECORD immediately following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 43) to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment introduced by Mr. STEVENS, was received, read twice by its title referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section 22B be added to the Second Liberty Bond Act to read as follows:

"SEC. 22B. (a) In addition to United States savings bonds, and retirement and savings bonds authorized to be issued under sections 22 and 22A of this Act, respectively, the Secretary of the Treasury is authorized to issue, from time to time United States conservation savings bonds, the proceeds of which shall be deposited in the trust fund created by subsection (b) of this secttion. Conservation savings bonds shall bear such rates of interest, shall be in such forms, shall be offered in such amounts, subject to the overall debt limitation imposed by section 21 of this Act, shall be issued in such manner, and shall be subject to such terms and conditions, including any restriction on their transfer, as the Secretary of the Treasury may from time to time to prescribe.

"(b) There is hereby created within the Treasury of the United States a conservation savings bond trust fund hereinafter referred to as the fund. All proceeds from the sale of conservation savings bonds shall be deposited in the fund. Amounts in the fund are hereby authorized to be appropriated without fiscal year limitation, for expenditures for conservation purposes."

S. 44—INTRODUCTION OF THE FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

Mr. STEVENS. Mr. President, on October 8, 1970, I introduced S. 4449, a bill relating to a Federal marine ways grant and loan program.

The pressing urge of business precluded consideration of this legislative proposal during the last Congress. Accordingly, I am reintroducing this legislation.

The fishing industry in Alaska is the large private employer in my State. More Alaskans are directly or indirectly dependent on fishing than on any other industry. It is second only to oil in the amount of revenue it brings into the State.

Fishing in Alaska involves thousands of independent fishermen living in dozens of small towns scattered over thousands of miles of Alaskan coastline. Should one of these fishermen have trouble with his boat, he is immediately in serious financial trouble, because his boat is likely to be out for the entire fishing season.

The reason for the seriousness of the consequences of so ordinary a problem as having a boat in need of repair is that there are too few places where the repairs can be effected. The owner will often have to take his boat to the "south 48" to have it repaired and the journey to and from a point so distant from Alaska will consume almost the entire fishing season.

The solution to this problem is simple. Facilities for the repair and maintenance of vessels should be built at several of the fishing communities where the boats are moored. But, as is so often the case in these small communities, there simply is not enough capital available to finance the large investment required to provide adequate marine ways facilities.

I am introducing a bill today which will provide for Federal grants covering up to 50 percent of the cost of such facilities with Federal loans for the remainder. The Bureau of Commercial Fisheries already provides for loans for fishing vessels from the fisheries loan fund, the life of which Congress has just extended. The loan portion of the marine ways facilities would be made from the same fund. Additional capital would be added to the fund to compensate for the additional demand the marine ways program would generate.

The grant portion of the program would be financed by $5 million appropriation and would be operated by the Bureau of Commercial Fisheries. Grants would be made only to communities which were located at least 100 statute miles by sea from the nearest existing marine ways facilities adequate to their needs. This requirement would limit the program to those areas which have great need, but have thus far been unable to find the required capital.

Mr. President, the present lack of marine ways facilities in my State makes a malfunction in a vessel that would normally be an annoyance into a financial disaster bringing hardship to the fisherman, his family, and the State. The program I am proposing will generate the capital necessary to allow these fishermen to help themselves by collective action in their local communities.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 44) to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof a new section as follows:

"FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

"SEC. 13(a)(1) There is authorized to be appropriated the sum of $5,000,000 for the fiscal year ending June 30, 1972, for grants to carry out the provisions of this subsection. From the sum available therefor, the Secretary of the Interior is authorized to make grants to any community or communities to enable it or them to construct marine ways facilities for the maintenance and repair of fishing and fish processing vessels.

"(2) Such grants shall be limited to 50 per centum of the actual cost of site acquisition, planning and design, and construction of such marine ways facilities, and shall be made on such conditions as the Secretary determines necessary to carry out the provisions of this subsection: except that such grants shall be made only to a community or communities which, on the date of the enactment of this section, does not have adequate maintenance and repair facilities for fishing and fish processing vessels, and is located at least one hundred statute miles by the most direct sea route from any existing marine ways facilities. Payments under this subsection may be made in advance or by way of reimbursement, as determined by the Secretary.

"(b)(1) The Secretary of the Interior is authorized, under such rules and regulations and under terms and conditions prescribed by him, to make loans for the financing and refinancing of the construction, maintenance, renovation, repair and operation of such marine ways facilities with respect to which assistance was provided under subsection (a) of this section, including the remaining portion of the cost of any such facility receiving a grant under such subsection.

"(2) Any loans made under the provisions of this subsection shall be subject to the following restrictions:

"(A) Bear an interest rate of not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the loan program carried out under this subsection as the Secretary of the Interior may determine to be consistent with its purpose; and

"(b) Mature in not more than twenty-five years.

"(c) Loans made pursuant to this subsection shall be made from the fisheries loan fund established pursuant to section 4 of this Act. There are authorized to be appropriated to the fund the additional sum of $10,000,000 to provide additional capital."

S. 45—INTRODUCTION OF A BILL TO FORGIVE A PORTION OF THE GOOD FRIDAY EARTHQUAKE LOANS

Mr. STEVENS. Mr. President, last year, I introduced for consideration S. 4058, a bill which would have extended SBA loan forgiveness to the Good Friday earthquake.

This bill, which extends partial forgiveness for Small Business Administration loans to those made as a result of the Good Friday earthquake, which devastated large areas of my State on March 27, 1964, was considered as an amendment to other legislation late in 1970.

Although the amendment failed to pass, I feel that reconsideration of this important concept by this body will lead to a different result. With the passage of the Disaster Relief Act of 1969, Congress recognized "that a number of States had experienced extensive property loss and damage as a result of recent major disasters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas."

The Disaster Relief Act of 1969 provided this special measure of aid by partial forgiveness of SBA loans incurred from disasters since July 1, 1967.

During the Good Friday earthquake and the ensuing tidal waves, the State of Alaska suffered damages totaling millions of dollars. Fatalities and tidal damage occurred as far south as Crescent City, Calif., and the Small Business Administration subsequently granted 1,325 loans for a total of $90,930,000 to assist in reconstruction. This earthquake was the most severe seismic disturbance ever registered in this country, and many of the victims of this disaster have not yet recovered. The bill I am introducing will match the provisions of section 7 of the Disaster Relief Act of 1969 and provide a forgiveness of SBA loans not to exceed $1,800 per loan.

I ask unanimous consent that the full text of this bill be printed immediately following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 45) to forgive a portion of some Small Business Administration loans granted as a result of the Good Friday earthquake of 1964, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Banking and Urban Affairs and ordered to be printed in the RECORD, as follows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of any loan made pursuant to section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636 (b)), as a result of the Good Friday earthquake, which occurred on March 27, 1964, the Small Business Administration shall, at the borrower's option, on that part of any loan in excess of $500, cancel (i) the interest due on the loan, (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800.

S. 46—INTRODUCTION OF A BILL REGARDING FOREIGN FISHING ACTIVITY

Mr. STEVENS. Mr. President, today I am introducing legislation which is designed to meet the threat posed by foreign fishing activity off the coasts of the United States.

Specifically, my bill would widen the present U.S. contiguous fisheries zone. Currently, the fisheries zone has as its inner boundary the outer limit of the territorial sea and as its seaward boundary a line drawn so that each point on the line is 9 nautical miles from the nearest point on the inward boundary. The measure which I am introducing today would retain the present inward boundary, but would extend the outer limit so that each point on the boundary line would be 200 nautical miles from the nearest point on the inner line or at a point corresponding to a depth of 550 meters, whichever alternative produces the greater breadth. This formula would be used to compute the contiguous zone everywhere except in the Bering Sea off the coast of Alaska. In this area, the outward boundary would be the International Dateline.

Such an extension would accomplish several very important goals. First, the bountiful American fishery would be protected from the depredations of foreign fishermen. In the past, foreign fishing activities have seriously threatened our marine resources. The effects have been most acute in the fisheries located off the coasts of my home State of Alaska. Alaskan fishermen are required to adhere to very stringent laws and regulations respecting the time, place, and manner governing fishing activities. However, foreign fishermen are subject to no such restrictions. As a result, the Alaskan salmon run has been threatened several times in the past few years by foreign fishermen using harvesting techniques which are forbidden to our own fishermen. Thus, the legitimate conservation interests of the State of Alaska and the United States have been seriously jeopardized.

Foreign fishing activity only a few miles off the coasts of the United States has also posed a severe economic threat for American commercial fishermen. Partly because of this activity the United States ranks a poor sixth among the world's fishing nations in spite of our advanced technology and vast wealth. The economic consequences of foreign fishing are felt throughout the United States—from Gloucester to San Diego and from the Gulf Coast ports to Alaska. However, the most deleterious effects are experienced in my State of Alaska, where fishing is the second greatest revenue producing industry and where commercial fishermen represent a large percentage of the overall work force. These men and women look to the sea as their sole source of income, and many depend on the Alaskan fishery for a large part of their diet. Thus, foreign fishing activity taking place at the edge of the present 12-mile contiguous fishery zone is justifiably viewed with great concern.

Mr. President, in the past few years, many alternatives to extending the contiguous zone to 200 miles have been discussed and tried. Most regrettably, these efforts have been relatively unsuccessful. Thus, the United States has been unable to negotiate fisheries treaties with many of the nations whose fishermen have been active off the coasts of the United States. Moreover, the present 12-mile limit has not insured the protection of anadromous fish, such as salmon, which spawn in the fresh water streams of the United States. Foreign nationals who fish at the edge of the 12-mile limit unimpeded by American conservation laws and regulations have the capability of wiping out the fish population of an entire stream or river through the use of fishing techniques which are prohibited by the coastal State. In addition, the present 12-mile limit is too narrow for adequate enforcement of our fishing laws. Foreign fishermen frequently come very close to shore under cover of darkness or in dense fog and then escape to the open sea upon detection or when their vessels are filled to capacity. There is simply not a large enough expanse of open water within which to detect and apprehend offending vessels. Unfortunately, stringent penalties, such as heavy monetary fines and the confiscation of cargo and gear, have not proved to be a sufficient deterrent. Many foreign fishermen are willing to accept the risk of punishment in view of the monetary rewards which can be expected.

For the reasons outlined above, I believe that an extension of the present U.S. contiguous fisheries zone is the only viable alternative. This view has been echoed by thousands of American commercial fishermen who have now turned to the Federal Government for assistance. Recognizing the dire plight of the fishermen in my State, the Alaska State Legislature has passed a resolution requesting the Congress to extend the present 12-mile limit to 200 miles.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 46) to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, introduced by Mr. GRAVEL, was received, read twice by its title and referred to the Committee on Commerce.

S. 62—INTRODUCTION OF A BILL TO PROVIDE TAX RELIEF FOR POLICEMEN AND FIREFIGHTERS

Mr. TAFT. Mr. President, I am today introducing legislation which will provide much needed tax relief for a beleaguered group of Americans—our policemen and firefighters. My bill would provide for an exclusion of up to $200 per month from gross income, for Federal income tax purposes.

It is very easy, in these days which are filled with a rising fear of crime, to talk about law and order. It is not as easy, but far more helpful, to do something about the problem. This bill assists firemen and policemen where they most need help—financially. The salaries which these men receive, when considered in light of all that we call upon them to do, are far from adequate.

A police officer, if he is to function properly, must simultaneously act as an alert detective, an informed criminal lawyer, an able assistant to those in need, an expert marksman, and an apprehender of fleeing criminals. The lot of the fireman is no more enviable. They are called to a burning building and as they arrive they are often bombarded with rocks and other missiles. Occasionally they are even fired upon by snipers.

It should therefore be quite obvious that if we are to expect so much from our police and firemen we should be able to adequately compensate them. The cities and States recognize the need for higher pay for these men, but they are unable to generate sufficient funds for that purpose.

Eventually, and hopefully very soon, this situation will be corrected by the passage of President Nixon's revenue sharing proposal, of which I have long been a supporter. But in the case of firemen and policemen, we simply cannot wait for the revenue sharing program to go into practice, or for the States to establish their priorities as to the allocation of Federal revenues.

Therefore, this bill is a very timely one. It permits us to provide a financial break to our policemen and firefighters, and we can provide it now. This bill has the enthusiastic support of firefighters and police groups throughout the country. I recommend it to you in the hope that it will receive your favorable consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 62) to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time enforcement officers and firemen employed by State and local governmental instrumentalities, introduced by Mr. TAFT was received, read twice by its title, and referred to the Committee on Finance.

S. 64—INTRODUCTION OF "FEDERAL TAX-SHARING ACT OF 1971"

Mr. HOLLINGS. Mr. President, the first piece of legislation that I presented to this body was the Tax Sharing Act of 1967, a measure by which State and local governments could share in the revenues collected through Federal taxation. I stated on that occasion that time was fast running out on State and city agencies all across the land. The problem was urgent then. It is totally compelling now. Each morning's newspaper warns of impending bankruptcies and governmental breakdown on the State and local levels. And each morning's newspaper tells of the inability of an over-blown Federal bureaucracy to bring order out of its self-created chaos. Government has grown away from the people, and the people have reacted by withdrawing their trust from an unresponsive Federal bureaucracy. It is long past time that we turn things around by bringing Government back to the people.

State and local problems must be solved at the State and local levels. Police protection and law enforcement, street maintenance and sanitation, housing and education—these are what spell the difference between the good life and the bad, between a decent and a squalid environment. In all of these areas, local planning and supervision are essential. If we neglect to turn these problems over to the people, the problems will continue to fester, and the confidence of our citizens will continue to erode. That is why revenue sharing is so vitally important.

To say that State efforts have not been enough in the past is to beg the issue. Of course, State and local agencies have not done enough. How could they, given the limitations of their finances? The fact is that State and city governments have tried, but the cards and dollars have always been stacked against them. Even against the overwhelming odds, some areas have made progress. In my own State, for example, we instituted a program of technical training that has been praised by governmental leaders all over the Nation. It is efficient and effective. With State managed programs such as this, we can at long last begin to arrest the trend toward ever expanding centralized management. And by working together, the State and Federal governments can revive the dynamic federalism envisioned by the founding fathers.

Today I am reintroducing my proposal for a Tax Sharing Act. It is, Mr. President, the product of wide consultation. Although I had intended it originally to apply only to Federal-State revenue sharing, the late Senator Robert F. Kennedy persuaded me of the wisdom of including the subdivisions of State government. Many of the problems I have enumerated are more appropriately dealt with on the local level.

I urge the Congress to act speedily on this proposal. We will be dealing with no more important problem during this just-convened session of the legislature. Old ways have been tried and found wanting. Now it is time to try anew, and upon the success of our endeavor much depends.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 64) to assist the States and their political subdivisions to meet their needs for increased revenues by sharing with them a portion of the revenues derived from the Federal individual income tax, introduced by Mr. Hollings, was received, read twice by its title, and referred to the Committee on Finance.

S. 68—INTRODUCTION OF A BILL TO ESTABLISH QUOTAS ON CERTAIN TEXTILE AND FOOTWEAR ARTICLES

Mr. HOLLINGS. Mr. President, the plight of the American textile industry grows worse by the day. During the past year alone, over 85,000 textile jobs have been lost because of the encroachments of foreign goods. In the first 11 months of 1970, our imports of textile fibers, yarn, fabrics, and apparel soared to $2.1 billion. In the same period, we exported only $0.7 billion, for a whopping overall deficit of $1.4 billion. And unless action is taken now to rectify the disadvantages under which our domestic firms operate, next year's statistics will be even worse.

Textile manufacturing is a vital part of the American economy. Out of a total of approximately 20 million jobs available to our citizens in manufacturing, nearly 2.5 million are in the textile industry—in other words, well in excess of 10 percent of all our manufacturing jobs. We simply cannot allow this important source of employment to be steadily eroded by excessive imports.

Today our unemployment rate is running at 6 percent. In the face of American job losses, the administration has steadfastly refused to trigger the mechanisms available to it to curtail textile imports and thereby safeguard our job opportunities. Then, in the closing weeks of the past year, the American people were subjected to the sad spectacle of the textile workingman being caught in the vise of political controversy. Nothing was done to remedy the deplorable handicaps under which he and his employers must live. Now the Congress must act. We must adhere to our constitutional duty to promote the general welfare by the sane regulation of foreign commerce. Therefore, I am today reintroducing the textile footwear section of the social security bill of 1970 as a separate bill. It deserves to be considered as a separate amendment and without the Christmas tree ornaments which loaded down the trade bill of the last session.

This is a forward-looking bill. Those who argue that we seek to turn the clock back to the days of Smoot-Hawley are ignoring both our goals and all the many changes which have occurred in world trade since the 1930's. We seek not the building of insurmountable trade barriers, nor do we envision a world of decreased trade activity. Our goal is reciprocity. The United States has been carrying the primary burden of world economic reconstruction since the dark days of the Second World War. Now we deserve some consideration for those years of sacrifice. We are not demanding a monopoly in the American market; we are asking only the reciprocity without which lowered overall tariffs are impossible. The American workingman expects no less. Surely he deserves no less.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 68) to establish quotas on certain textile and footwear articles, introduced by Mr. Hollings (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 69—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO CONDUCT A PILOT FEDERAL-STATE COOPERATIVE PROGRAM RELATING TO FIRES IN RURAL AREAS

Mr. DOLE. Mr. President, firefighting forces to protect rural people, their property, their businesses, and the quality of their environment are either inadequate or have not been organized in many States. Lives, homes, farm property, and small communities suffer heavy losses annually within rural areas. Local self-help has not been sufficient to meet the need. Property, scenic, and resource values are high in these areas. A national program is needed to provide leadership and bring adequate fire protection within reach of all rural people.

The bill I introduce today, the Rural Fire Protection Act, will provide a new program to meet dual objectives of providing rural areas, first, adequate fire protection for rural people and their resources, and, second, the capability for defense against fire from nuclear effects in the event of war or other extreme fire emergency.

A 3-year trial period is provided during which time local needs and program acceptance and effectiveness will be determined. It will afford the opportunity to test and evaluate operational procedures and will contribute valuable basic information which can be correlated with the work of the 20-member National Commission on Fire Prevention and Control established by Public Law 90-259—Fire Research and Safety Act of March 1, 1968.

Each State will be given the opportunity to enter the trial program at a minimum base level. Subsequent program expansion in participating States will vary in accordance with established need and demonstrated ability to help accomplish program objectives.

As proposed, the program is essentially a State-local effort financed through cooperative cost-sharing arrangements with Federal support. It provides for the organization, training, and equipping of local fire control forces to prevent and suppress wildfires in rural areas, including improvements thereon, now under no organized protection or having only limited protection. A major emphasis of the program will be on the creation of a strong peacetime protection force that will, in turn, create effective civil defense capability for rural areas.

It is proposed that program direction and guidance at the local level be provided by the State forester or other appropriate State official designated by the Governor under provisions of agreements with the Secretary, USDA. It is further proposed that overall supervision and administration at the Federal level be assigned to the USDA-Forest Service. This Agency already administers the cooperative forest fire control program on other watershed lands as authorized by section 2 of the Clarke-McNary Act, and has an active fire research program underway.

The area this legislation is designed to serve is rural America—containing 420 million acres of unprotected land in crops, pasture, farmsteads and other farm uses and rural communities too small to have a fire protection unit now. This is a small start in rural development. Protection against fire is one requisite to making rural America a better place—a more attractive place to live.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 69) to authorize the Secretary of Agriculture to conduct a pilot Federal-State cooperative program for the prevention, control, and suppression of fires in rural areas, and for other purposes, introduced by Mr. Dole, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 70—INTRODUCTION OF RURAL TELEPHONE BANK BILL

Mr. DOLE. Mr. President, last year I introduced, with 11 cosponsors, legislation creating a rural telephone bank (S. 2202). After holding hearings on that bill and similar legislation, the Senate Agriculture Committee reported and the Senate unanimously passed S. 3387 which would have assisted in providing better telephone service to rural America. Unfortunately, the House of Representatives did not take action on the bill passed by the Senate or the bill favorably reported by the House Agriculture Committee (H.R. 7); however, we have received assurance recently that the House will seriously consider legislation this year authorizing supplemental financing for rural telephone systems.

It is important that we continue to press for creation of a Rural Telephone Bank. The Nation's farms receiving telephone service have risen from 38 percent in 1949 to approximately 82 percent today. REA loans have helped build and improve more than 500,000 route miles of telephone service to approximately 2,300,000 subscribers in rural areas. But more remains to be done.

REA originally established a standard of eight subscribers per rural line, but with the increased use resulting from dial service, these systems must now be upgraded. At present there are 1,148,078 subscribers with more than two parties on their telephone line. While REA telephone borrowers have received loans for over $1.8 billion since the beginning of the program, they will need more than twice that amount in the next 15 years.

The number of loan applications to the REA has steadily increased. The present REA 2-percent lending program is being maintained at about $125 million per year. If the 2-percent program alone were to bear the burden of the expected future capital requirements, it would mean doubling current appropriations, something the Congress will not do during a time of fiscal restraint. As a result, the backlog of applications has increased from $296.5 million on December 31, 1968, to $457.3 million on December 31, 1970. I ask unanimous consent to insert in the RECORD at this point a complete breakdown on the telephone program prepared by the Rural Electrification Administration. These figures are not an entirely accurate reflection of the need for a new approach to supplemental financing. For, while applications received during the first 6 months of fiscal year 1971 totaled only $45.6 million, this relatively low figure reflects the fact that borrowers see no point in submitting applications when they cannot possibly be acted on for 3 or 4 years. REA officials indicate the rate of application will undoubtedly increase markedly as soon as there is some possibility of getting loans approved.

But the need is there. REA telephone systems cannot go directly into the private money market because of their very low subscriber density. REA telephone borrowers have an average subscriber density of 3.8 subscribers per route mile as compared to a subscriber density of 16 per mile for all independent telephone companies and over 40 per mile for the Bell System companies.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TELEPHONE PROGRAM STATISTICS

[Dollars in millions]

	1966	1967	1968	1969	1970
Number of borrowers December 31:					
Cooperatives	229	231	231	235	238
Commercial	631	640	636	630	624
Total	860	871	867	865	862
Number of subscribers served December 31	1,827,909	1,945,346	2,067,904	2,186,156	[1] 2,296,156
Number of subscribers served, but with more than 2 parties on the line December 31	1,142,443	1,165,262	1,164,229	1,147,732	[1] 1,148,078
Applications on hand December 31:					
Cooperatives	$99.3	$104.1	$113.6	$135.4	$136.8
Commercial	159.3	161.6	182.9	258.8	320.8
Total	258.6	265.7	296.5	394.2	457.6
Applications received in fiscal year:					
Cooperative	62.8	70.7	77.8	55.5	46.7
Commercial	105.9	126.8	84.3	116.3	158.2
Total	168.7	197.5	162.1	171.8	204.9
Loans in fiscal year:					
Cooperative	42.2	48.3	57.2	52.0	48.2
Commercial	58.7	70.7	62.7	73.0	76.8
Total	100.9	119.0	119.9	125.0	125.0

Note: Financial data Dec. 31, 1970:

Cumulative loans made	$1,815,554,646
Cumulative principal repayments, not including advance payments	244,484,889
Cumulative interest repaid	200,753,974
Advance payment balance	24,531,932
Delinquency (Nov. 30, 1970)	449,005
Delinquency as percent of loans	0.025

[1] Estimate.

Mr. DOLE. Mr. President, under the provisions of this bill those systems with the lowest density would be able to continue to secure 2-percent financing, while those systems able to pay higher rates of interest would obtain their financing by borrowing directly from the Rural Telephone Bank. The Rural Telephone Bank would be patterned after the highly successful Federal land banks which have operated for over 50 years and have long since reimbursed the Federal Treasury for the Government capital and have become totally borrower owned and controlled.

Through borrowings in the private money market and the mix of moneys from stock purchased by borrowers along with the Government investment in the capital stock, the bank will supplement the present 2-percent program.

Mr. President, today I reintroduce legislation creating a Rural Telephone Bank along with my distinguished colleague from Georgia (Mr. TALMADGE), chairman of the Senate Agriculture Committee's Agricultural Credit and Rural Electrification Subcommittee. I believe this legislation offers a constructive approach to meeting the growing capital needs of our small telephone systems and will contribute to the development of rural America. We hear much talk about rural development, but as of yet we see few substantive results. This program is fiscally responsible and will provide specific benefits to those who live or want to live in rural America.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 70) to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, introduced by Mr. DOLE (for himself and Mr. TALMADGE), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 71—INTRODUCTION OF A BILL TO STRENGTHEN SCORE AND ACE PROGRAMS OF ASSISTANCE TO SMALL BUSINESS

Mr. DOLE. Mr. President, the Small Business Administration has for many years, aided, counseled, and assisted small businessmen in accordance with the mandate of the Small Business Act. One of the agency's most valuable services is through the service corps of retired executives—SCORE. Established in 1964, this organization of successful, retired businessmen volunteers time and know-how to aid those who are struggling to succeed in businesses. It has produced an outstanding record of success.

In the same vein and in an effort to increase the availability of management counseling to small businessmen, SBA has recently established the Active Corps of Executives—ACE—whose members perform similar advisory services while engaged in the operations in their own businesses.

SECTION 1

Today I am introducing a bill which seeks to strengthen the SCORE and ACE programs by facilitating expansion and flexibility in their operations. Section 1 would further this goal by exempting SBA from the present prohibition against acceptance of voluntary services in the case of the SCORE and ACE programs. Presently SCORE and ACE volunteers render their services directly to the small business community. In expanding this assistance, it is contemplated that volunteers could be used profitably in other roles, such as manning interview desks and conducting management ability evaluations. Assumption of such functions, however, might blur the distinction between rendering their volunteer services to the small businessman rather than to SBA. Any questions that might arise through such expanded operations would be avoided by amending section 5(b)(9) of the Small Business Act to remove the general prohibition against acceptance of voluntary services by Federal agencies in the case of SCORE and ACE volunteers.

SECTION 2

Section 2 of the bill is directed largely toward improving the conditions under which SCORE and ACE volunteers work and establishing more equitable reimbursement arrangements for out-of-pocket expenses. My proposal would allow SBA to furnish the volunteers office facilities, parking space, and other support not otherwise available. Under the Small Business Act, as amended, SBA is permitted to reimburse these volunteers for travel and out-of-pocket expenses only when incurred in connection with travel to points more than 50 miles from their homes. In urban areas the distances between the volunteer and the small businessman being assisted is usually less than 50 miles, but the out-of-pocket expenses imposed on the volunteer are significant, due to such factors as parking, public transportation, tolls, or cabfare. SBA cannot at present reimburse volunteers for these legitimate expenses, and it is unfair to expect them to assume such financial burdens. Another provision would authorize expenditures for advertising and other publicity to alert small businessmen to the availability of SCORE and ACE services in their communities.

Mr. President, I send to the desk the text of my proposed amendments to the Small Business Act. I ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks.

I would point out that this measure passed the Senate during the 91st Congress as an amendment to the bill raising the SBA's debt ceiling. Unfortunately, the House did not accept the proposal.

So, given this history of Senate support, I am hopeful that during the 92d Congress this bill can receive a full and favorable committee study and obtain the approval of both bodies.

I will soon be circulating a letter soliciting the support and cosponsorship of other Senators, and I would encourage them to join in this effort to expand and strengthen these two valuable programs and thereby the Small Business Committee in America.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 71) to amend the Small Business Act to increase the availability of management counseling to small business concerns, introduced by Mr. Dole, was received, read twice by its title, referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed in the Record, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(b)-(9) of the Small Business Act (15 U.S.C. 634(b)(9)) is amended to read as follows:

"(9) accept and utilize the services and facilities of Federal, State, and local agencies and groups, both public and private, and accept gratuitous, voluntary, and uncompensated services and facilities without regard to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b))."

Sec. 2. Subparagraph (B) of section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities, parking space, and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay the transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

S. 118—INTRODUCTION OF A BILL TO ESTABLISH THE BIG THICKET NATIONAL PARK IN TEXAS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to insert in the Record a statement and text of a bill by the able Senator from Texas (Mr. Bentsen), which is with respect to a bill authored by him to establish the Big Thicket National Park in Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, Senator Bentsen's statement and bill were ordered to be printed in the Record, as follows:

Statement of Senator Bentsen

Mr. President, I introduce for appropriate reference a bill to establish a Big Ticket National Park in southeast Texas.

I am proud to offer this legislation as my first legislative initiative in the 92nd Congress. During my campaign for the Senate, I promised the people of Texas that I would attach a high priority to the preservation of the unique environmental features of this remarkable area of southeast Texas, which contains some of the last of the once-vast southern hardwood forest.

The bill I introduce today is identical to the bill which passed the Senate last session under the sponsorship of Senator Yarborough.

During this session of Congress, I am hopeful that the House will follow the lead of the Senate and act to create the Big Thicket National Park. Indeed, Mr. President, the Congress cannot afford to delay this action any longer.

At one point, the Big Thicket comprised a vast wilderness area in East Texas, stretching over 100 miles east to west and 50 miles north to south. The area covered over 3 million acres of swamp, woodland, and river. Today that area includes but 300,000 acres, and even that size is diminishing daily.

Mr. President, the Big Thicket is often called "the biological crossroads of North America." Within its shrinking boundaries, one can find elements common to the Everglades, the Appalachian Region, the Piedmont forests and the Okefenokee swamp. It is truly an "environmental laboratory", where students of ecology can observe many of the plant communities common to our continent within a limited area.

But the Big Thicket is not simply a preserve; it is also an area which has potential as a recreation site for tourists who visit Texas each year, as well as the residents of nearby metropolitan areas of Dallas and Houston.

Aside from the abundance of wild animals and vegetation within the confines of the present 300,000 acres, there are also numerous connecting waterways, which can serve as havens for float trips, canoe trips, and as primitive camping areas.

Ideally Mr. President, the Big Thicket Park would preserve some important ecological features which are a treasured part of our heritage and open other sections to tourists who come to enjoy the recreational advantages of the region.

Legislation to establish the Big Thicket was originally introduced in the 89th Congress. It was re-introduced in the 90th Congress, and acted upon favorably by the Senate in the 91st Congress.

The 92d Congress should complete the work begun in these earlier sessions. We have had ample time to study the feasibility of the Big Thicket Park; now it is time to take the final step and to preserve this biologically unique section of our country for our children and the children who follow them.

The text of the bill is as follows:

A bill to establish the Big Thicket National Park in Texas

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership an area in the State of Texas possessing outstanding botanical and zoological values together with scenic and other natural values of great significance, the Secretary of the Interior shall establish the Big Thicket National Park, consisting of land and interests in land not to exceed one hundred thousand acres in Hardin, Liberty, San Jacinto, and Tyler Counties, Texas.

Sec. 2. (a) To establish the Big Thicket National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grant or in such exchange in order to equalize the values of the properties exchanged.

Sec. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

Sec. 4. The Big Thicket National Park shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

Sec. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

S. 120—INTRODUCTION OF A BILL TO MAKE ASSAULTS ON STATE AND LOCAL LAW ENFORCEMENT OFFICERS, FIREMEN, AND JUDICIAL OFFICERS A FEDERAL CRIME

Mr. SCHWEIKER. Mr. President, I introduce a bill to make assaults on State and local law enforcement officers, firemen, and judicial officers a Federal crime. I ask that it be appropriately referred.

During the 91st Congress I introduced legislation similar to the bill I am submitting today. This legislation makes it a Federal crime to assault, injure, or kill any State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that this legislation is designed to apply to situations where an official is singled out and attacked as a symbol of the establishment because of his official position—for example, killing a policeman simply because he is a policeman.

Increasingly in recent months, we have witnessed brutal and often fatal attacks on State and local policemen by radical revolutionaries. These attacks have been essentially politically oriented, conceived by the twisted minds of individuals bent on destroying law and order in our society. We must declare in no uncertain terms that such attacks are intolerable and that we intend to stand by and protect the loyal men and women who serve in these capacities in our government. Existing legislation covers Federal employees in these capacities, but no similar provisions cover State and local officials.

Under my bill, in any case where an individual has traveled in interstate commerce or used any instrumentality of, or facility for interstate commerce with the intent of assaulting, injuring or killing such officials, or where a dangerous or deadly weapon which has been transported in, or is customarily distributed in, interstate commerce is used to commit the crime, Federal officials would be able to assist local authorities in investigating the crime and tracking down the criminals. The crime would be punishable under Federal statutes.

During the 91st Congress, the Senate Internal Securities Subcommittee held hearings on my bill, and also proposals submitted by Senators WILLIAMS, EASTLAND, and Dodd. Regrettably, due to the shortness of time available, the Judiciary Committee was unable to report out legislation subsequent to the hearings. Witnesses at the hearings presented convincing evidence of the fact that this is a nationwide problem, and that there is substantial justification for Federal legislative action. I am pleased that the Honorable Francis V. Burch, president of the National Association of Attorneys General, urged passage of the legislation which I submitted. Mr. Burch stated that:

> S. 4348 . . . would make it a crime not only to assault, injure or kill police officers, firemen or judicial officers, but also would make it actionable for anyone to attempt to inflict such harm, and would further make it illegal for anyone to aid, abet or encourage any other person to commit such an act.

This bill also makes it a violation of Federal law to transport or aid another to transport, in interstate commerce, any dangerous or deadly weapon for these murderous purposes. I believe that all of these provisions are the legitimate subject of Federal action, and I urge the passage of that measure. I am pleased that my legislation was also wholeheartedly supported by the Fraternal Order of Police, the International Conference of Police Associations, and the International Association of Firefighters.

The bill which I introduce today has been redrafted and is, I believe, an improvement over the legislation I submitted last year, in that I have included provisions covering conspiracies to kill or injure police officers, firemen, and judicial officers. Testimony by many of the witnesses at the hearings last fall emphasized the clear existence of a conspiracy situation. For that reason, conspiracy would be punishable under the legislation I propose, and I believe that the testimony of many witnesses at the hearings with regard to the conspiracy problem should give added impetus to the need for Federal legislation early in the 92d Congress.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 120) to prohibit assaults on State law enforcement officers, firemen and judicial officers, introduced by Mr. SCHWEIKER was received, read twice by its title and referred to the Committee on the Judiciary.

S. 127—INTRODUCTION OF A BILL TO DESIGNATE THE GROS VENTRE WILDERNESS, TETON NATIONAL FOREST, WYO.

Mr. HANSEN. Mr. President, for many years I have been concerned about the management and preservation of a truly unique area in northwestern Wyoming known as the Gros Ventre. This area is near my hometown of Jackson, Wyo., and because of this, it is an area with which I am personally very familiar.

Over the years, concern has been expressed that there would be some road building or timber cutting in the area which would desecrate the area. There is no doubt but that this would be a genuine tragedy. Attempts have been made to protect the area by administrative designation, so for some time the Gros Ventre has been referred to and managed as a "near natural" area. The Forest Service has done a fine job in managing the area to protect its pristine qualities. But it is my feeling that legislation should be enacted which would permanently protect and provide for this area to remain in its natural state.

Because of this strong feeling, I today introduce legislation to provide for the establishment of the one hundred forty-five thousand, five hundred fifty acre Gros Ventre Wilderness.

Prior to introduction of this bill, I spent considerable time with local Forest Service officials as well as various interested parties working out the details of this proposal. The boundaries suggested in my legislation are the result of consultation between myself and other interested and knowledgeable individuals completely familiar with the area.

Mr. President, it is my hope that we can now move rapidly to establish this means of providing permanent protection for the area.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 127) to designate the Gros Ventre Wilderness, Teton National Forest, in the State of Wyoming, introduced by Mr. HANSEN, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 141—INTRODUCTION OF A BILL TO ESTABLISH THE FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. McGEE. Mr. President, I introduce a bill to authorize the establishment of the Fossil Butte National Monument in Lincoln County, Wyo.

This bill is similar to S. 726, which I introduced in the 91st Congress. It is intended to preserve for the benefit and enjoyment of the people some outstanding paleontological sites and geological phenomena near Kemmerer, Wyo. Establishment of the monument has been endorsed by the Secretary of the Interior, and local differences chiefly over the size of the monument and its boundaries have been resolved.

Mr. President, it is my hope that this bill will be given early consideration by the Senate and passed this session so that the truly significant fossil remains to be found here will be safeguarded for the future.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, introduced by Mr. McGEE, for himself and Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. HANSEN. Mr. President, the proposed Fossil Butte National Monument in southwestern Wyoming represents a truly significant piece of legislation. It is almost impossible to go into any fossil or natural history museum across the Nation without finding some remarkable specimens of fossil fish, bird, or insect from Fossil Butte, Wyo. To those of us who have lived in Wyoming all our lives, the Fossil Butte area represents yet another source of pride because the fossils from this area are truly world famous. Without a doubt the area is deserving of national monument status.

When the proposal was first introduced, there was considerable discussion over just what could be done to provide some type of protection for the grazing and water rights which were to be included within the 8,200 acre area. I felt very strongly that something had to be worked out whereby the ranchers in the area who have relied on these lands to provide sustenance for their livestock for three-quarters of a century would not now be completely shut off from any use of the area.

Time has passed since the original proposal was made to establish this monument. The matter has been discussed at great length with national park officials, business people and livestock ranchers. The people of that area have worked very hard to iron out the differences between the groups involved. They are certainly to be commended.

Just prior to the start of this Congress I had a representative of my office visit the area and talk to the livestock people as well as members of the business community that would be involved. Since that time we have also been in contact with national park officials. The time is now right to move on this legislation.

As introduced, I believe this proposal will provide a truly significant national monument without creating a great hardship for any single group. The legislation will protect those with livestock permits in the area for 30 years, as long as such use does not interfere with the administration of the monument. Also included in this bill is a new provision under which livestock use of the area could continue after the 30-year period if it is determined by the Secretary of the Interior that this does not interfere with the development of the area. This is important in that the initial development of the monument includes four separate development sites totaling about 2,500 acres of the proposed 8,200 monument area.

Mr. President, Congressman RONCALIO has joined with Senator MCGEE and myself in introducing this legislation. It is my sincere hope that this bill will receive early attention by both Houses of Congress.

S. 144—INTRODUCTION OF A BILL TO AMEND THE GUN CONTROL ACT OF 1968

Mr. MCGEE. Mr. President, I introduce, for appropriate reference, a bill to eliminate the burdensome, time consuming, and costly recordkeeping requirements adopted by the Internal Revenue Service as they apply to the purchase of ammunition under the Gun Control Act of 1968. My amendment is identical to the bill which I introduced last session. It would simply eliminate the ammunition recordkeeping requirements only as they apply to .22 caliber rimfire ammunition. This is the most popular type of ammunition commonly used in rifles by sportsmen.

The 91st Congress, as you know, during the first session, passed an amendment which eliminated shotgun and rifle ammunition from the requirements of the act. I and many of our colleagues were disappointed when that bill was amended to exclude .22 caliber rimfire ammunition. During the second session last year, the Senate Finance Committee favorably reported an identical companion measure which had earlier passed the House of Representatives overwhelmingly, which would also have eliminated .22 caliber ammunition from the 1968 Act.

The most common type of .22 caliber ammunition costs only approximately $1 for a small box of 50 cartridges. Each time a sale of a box of these shells is made, the licensed dealer must obtain from the purchaser and record several items of information in a permanent record. This process naturally adds substantial costs to the retail businessman's operation and indirectly adds substantially to the price of ammunition, which. in most cases, is being purchased by bona fide sportsmen for lawful purposes. I am advised that since passage of the Gun Control Act the price of ammunition has continued to increase at a much faster rate. Last year alone three separate price increases were announced. This, in my opinion, is unfair and punitive in that the persons really affected so adversely are law-abiding citizens who pursue shooting as a hobby or a form of recreation. Also, many small retail outlets are disappearing.

The regulations also hamper training programs which have been established for safety purposes by our high schools, universities, and private shooting clubs. These programs are important especially to our youth who are learning to use this ammunition with a reasonable degree of safety. Certainly .22 caliber ammunition is by far the most popular and economical type used for these purposes.

The Internal Revenue Service, pursuant to the requirements of the 1968 Gun Control Act, has issued and established regulations pertaining to the sale of ammunition which still apply to .22 caliber rimfire ammunition. In order to illustrate the cumbersome procedure which is required to purchase a box of .22 shells, I would like to state the relevant parts of the regulations (Code of Federal Regulations, Section 178.125 (a), (c), and (d)):

(a) Each licensed dealer shall maintain records of all ammunition he receives for the purposes of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such record shall (1) show the name of the manufacturer and the transferor, and the type, caliber or gauge, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition."

(c) The sale or other disposition of ammunition, or of an ammunition curio or relic, shall, except as provided in paragraph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show (1) the date of the transaction, (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period of not less than two years following the date of the sale or disposition of the ammunition recorded therein. The format required for the bound record is as follows:

							Mode of identification
Date	Manufacturer	Caliber, gage, or type of component	Quantity	Name	Address	Date of birth	Driver's license (X) other (specity)

(d) When a commercial record is made at the time of sale or other disposition of ammunition, or of an ammunition curio or relic, and such record contains all information required by the bound record prescribed by paragraph (c) of this section, the licensed dealer or licensed collector transferring the ammunition, or ammunition curio or relic, may, for a period not exceeding 7 days following the date of such transfer, delay making the required entry into such bound record: *Provided*, That the commercial record pertaining to the transfer is: (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection on the licensed premises until such time as the required entry into the bound record is made.

This bill would exclude only .22 caliber ammunition from these recordkeeping requirements. It is important to note, however, that persons engaged in the business of selling ammunition must still be licensed and otherwise comply with terms of the 1968 act. A licensed dealer would have the responsibility of not selling ammunition to any person who they know or have reasonable cause to believe is a felon, under indictment for a crime punishable by imprisonment for a period exceeding 1 year, a fugitive from justice, an unlawful user of drugs, mentally incompetent or under 18 years of age. Furthermore, all types of handguns still come within very restrictive provisions of the 1968 Gun Control Act. With these safeguards, I believe it is reasonable and desirable to adcpt the amendment which I propose today.

Mr. President, the recordkeeping provisions for rifle and shotgun ammunition have been eliminated for more than a year with no serious adverse effects. This bill is another step toward perfecting the Gun Control Act by removing from it provisions which have their most serious impact on legitimate sportsmen. Two years of experience under the Gun Control Act have demonstrated that ammunition recordkeeping requirements have the sole effect of imposing troublesome redtape on sportsmen, retail dealers and other law-abiding citizens but have no effect on criminals and do not effectively deter crime. I am advised by ammunition manufacturers that there is no available equipment that could appropriately mark the hundreds of millions of pieces of ammunition with a code or serial mark. It is, therefore, impossible to trace ammunition from the ultimate consumer back to the manufacturer or the retailer. Even if it were possible, the costs of keeping such records would be prohibitive.

For these reasons, I opposed the 1968 Gun Control Act. Instead, I support measures which directly deter crime, such as laws which would impose mandatory additional penalties and prison terms for offenses committed while possessing or using firearms. By removing these burdensome recordkeeping requirements as they apply to .22 caliber rimfire ammunition, we would not weaken the drive against crime. We would, however, be removing a very real and unnecessary inconvenience for law abiding citizens.

Mr. President, I ask unanimous consent that the report submitted by the Senate Finance Committee during the last session on this legislation be included in the RECORD at this point for the benefit of those who have not had the opportunity to review it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the report will be printed in the RECORD.

The bill (S. 144) to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements, introduced by Mr. MCGEE, for himself and other Senators, was received, read twice by its title and referred to the Committee on Finance.

The material furnished by Mr. MCGEE is as follows:

MODIFYING AMMUNITION RECORDKEEPING REQUIREMENTS

I. SUMMARY

The bill, H.R. 14233, adds .22 caliber rimfire ammunition to the list of other sporting-type ammunition presently exempt from the reporting requirements under the Gun Control Act of 1968. This means that the sale of .22 caliber rimfire ammunition, as well as the sale of ammunition already exempt from the reporting requirements (shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or the component parts for this ammunition), will not require the licensee (seller) to make a record of any information about the purchaser.

The Treasury Department has indicated that it favors the enactment of this bill.

II. REASONS FOR BILL

A provision of the Gun Control Act of 1968 (18 U.S.C. 922(b)(5)) made it unlawful for a licensee (under that act) to sell or deliver a firearm or ammunition without making a record showing the name, age, and residence of the purchaser. Another provision of that act (118 U.S.C. 923(g)) required all licensees to "maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms and ammunition" as may be provided by regulations. Treasury Department regulations (26 CFR 178.125) required a licensee who sells ammunition to record: (1) the date of the transaction; (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred; (3) the name, address, and date of birth of the purchaser; and (4) the method used by the licensee to establish the identity of the purchaser.

In 1969, Congress added a provision (sec. 4182(c)) to the Internal Revenue Code (in the Interest Equalization Tax Extension Act of 1969, Public Law 91–128) which, in effect, repealed the above requirements in the Gun Control Act with respect to sales of (1) shotgun ammunition, (2) ammunition suitable for use only in rifles generally available in commerce, and (3) component parts for these types of ammunition. This exemption does not, however, cover .22 caliber rimfire ammunition.

The committee notes that the legislation it reported in 1969, which was enacted as Public Law 91–128, did include exemption for .22 caliber rimfire ammunition, but this feature was omitted from the bill before it passed the Senate. In reporting this bill, the Committee on Finance reiterates the position it took in 1969.

The types of ammunition exempted under present law from the registration requirements are those used largely in sporting types of firearms. Congress provided this exemption because it believed that the reporting requirements for ammunition for firearms of sporting types created a large and unnecessary administrative burden on the Treasury Department, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition.

The exemption from the recordkeeping requirements provided by the 1969 legislation was not applied to **.22 caliber rimfire ammunition**. The recently repealed Federal Firearms Act (15 U.S.C. 901(7)), excluded .22 caliber rimfire ammunition from a classification of ammunition for pistols and revolvers. Futhermore, the committee understands that .22 rimfire ammunition has become the most popular sporting ammunition for use in rifles in the United States. Moreover, a Treasury Department representative testified before the Committee on Ways and Means of the House that he knew of no instance where any of the recordkeeping provisions relating to sporting-type ammunition (including .22 caliber rimfire ammunition) had been helpful in law enforcement. He also reported that because of the volume of transactions in this ammunition, the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws. Moreover, a representative of the Department of Justice advised that "there is not a single known instance, as we have learned from our discussions with IRS, with the firearms people there, not a single known instance where any of this recordkeeping has led to a successful investigation and prosecution of a crime."

III. EXPLANATION OF BILL

The bill adds .22 caliber rimfire ammunition to the existing provision (sec. 4182(c) of the code) exempting certain ammunition from the recordkeeping requirements under the Gun Control Act of 1968. Under the provision, as amended, a Federal licensee is not to be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, .22 caliber rimfire ammunition, or the component parts for these types of ammunition.

The committee believes that this bill is consistent with the objectives of the exemption provided in 1969; that is, to relieve ammunition dealers and sportsmen from unreasonable burdens in the purchase of sporting-type ammunition, and to continue protecting the public safety by retaining recordkeeping requirements with respect to the purchase of ammunition designed primarily for handguns.

This bill does not affect existing controls of interstate shipments and sales of ammunition of any types by a licensee to certain classes of people such as juveniles, drug addicts, felons, and others subject to the provisions of the Gun Control Act of 1968 (chapter 44 of title 18 of the United States Code).

This provision is to be effective after the enactment of the bill.

IV. CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SECTION 4182 OF THE INTERNAL REVENUE CODE OF 1954

SEC. 4182. EXEMPTIONS.

(a) MACHINE GUNS AND SHORT BARRELLED FIREARMS.—The tax imposed by section 4181 shall not apply to any firearm on which the tax provided by section 5811 has been paid.

(b) SALES TO DEFENSE DEPARTMENT.—No firearms, pistols, revolvers, shells, and cartridges purchased with funds appropriated for the military department shall be subject to any tax imposed on the sale or transfer of such articles.

(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, *.22 caliber rimfire ammunition,* or component parts for the aforesaid types of ammunition.

S. 163—INTRODUCTION OF A BILL TO AMEND THE FEDERAL REGULATION OF LOBBYING ACT

Mr. DOLE. Mr. President, over the years lobbying, influence peddling, public relations, interest groups, and associated phenomena surrounding the legislative process have come in for a great deal of publicity. This publicity has generated considerable confusion, uncertainty, and misunderstanding over the activity which is broadly described as lobbying and the role which it plays in the legislative process.

THE TRADITIONAL CONCEPT

In the most general sense lobbying is any activity which is intended to influence the passage or defeat of any legislation before Congress. Perhaps, when the practice of lobbying is mentioned, the picture which first comes to mind is that of an individual, who acts as a salesman for a particular point of view, making appeals to a legislator on behalf of his viewpoint. These appeals may be by such individual in his own behalf, on the part of his employer, or for a client.

This type of activity has been present since the gavel sounded for the First Congress and it has been recognized as both a useful and proper endeavor. Indeed, the constitutional guarantees of free speech and right of petition are fundamentally intertwined with the lobbying function.

There is another type of lobbying which differs from the sort just described. It is not carried on directly, lobbyist-to-legislator, but indirectly, lobbyist-to-public-to-legislator. Numerous causes and positions are promoted through this method. It usually takes the form of a print and broadcast media campaign to stimulate public interest and channel that interest into a letterwriting or visitation campaign directed at Members of Congress.

Those who generate lobbying efforts of either the direct or indirect type have historically been almost anyone and everyone who would be affected by the passage or defeat of legislation. Conservation groups, labor unions, business interests, education organizations, even the executive branch of Government, and countless others have sought to persuade the Congress of the United States to enact or defeat an almost infinite variety and number of legislative proposals.

Those who are elected to the Congress expect, or at least they soon learn to expect, to be focal points for both direct and indirect lobbying efforts. Sometimes the volume of mail urging defeat or passage of bills and the list of people wishing appointments to discuss upcoming legislation is nearly overwhelming. But most Congressmen and Senators realize that exposure to the efforts of contending and competing interests to convince, persuade, and promote is part of the job—and an extremely important part. It is a legislator's function to analyze and weigh these differing viewpoints and exercise his best judgment on the merits of each issue in casting his vote. It is necessary to realize that these expressions are part of the American system and are exercises of the fundamental rights to petition the Government and free speech. It is equally important that, to the greatest extent possible, consonant with these fundamental rights, a Member of Congress should be aware of the real partisan interest behind lobbying efforts.

PRECAUTIONS AGAINST ABUSE

It is unfortunate, but true, that in any system providing for the exercise of liberties there is also opportunity for abuse of those liberties, and the matter of lobbying is no exception.

There have been from the beginning those who would subvert the system and pursue mean, narrow personal ends at the expense and in the guise of the public interest. As the legislative process has grown more complex and more far-reaching, the consequences of lobbying abuse have become increasingly significant. In recognition of past abuses and potential for harm, the Congress has from time to time enacted legislation to regulate the lobbying process. The current statutory provisions are found in the Federal Regulation of Lobbying Act, 2 U.S.C. 261–270. The primary thrust of this legislation is to require identification of both those who lobby and of those who raise funds to support lobbying activities.

In the major court decision interpreting this act, the U.S. Supreme Court said in the 1953 case United States against Harriss:

> Present day legislative complexities are such that individual Members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet full realization of the American ideal of government by elected representatives depends in no small extent on their ability to properly evaluate such pressures. Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal.

No attempt was intended in enacting the Federal Lobbying Act to limit, restrict, or chill the free exercise of fundamental rights. But, as the Court, through then Chief Justice Warren, said in Harriss:

> Congress is not constitutionally forbidden to require the disclosure of lobbying activities. To do so would be to deny Congress in large measure the power of self-protection."

I have no desire to see lobbying activities of any interest group or individual inhibited, but I believe the Supreme Court spoke to a very important issue when it identified the necessity for identification of the lobbying pressures to which Congress is subjected.

The present Lobbying Act, while deficient in several respects, has made a start at requiring identification. But one especially wide loophole exists, and developments during the 91st Congress gave cogent testimony to the need to have it closed.

CONGRESSIONAL CUSTOM

Mr. President, as Members of Congress, we have come to expect mail and visits from just about anyone on almost every subject, but as sort of a fraternity we have circled our wagons and weathered the onslaughts, evaluated the competing advocacies, and cast our votes in the Senate and House as best we saw fit.

Each of us has on occasion enlisted the cooperation of his colleagues in opposing or promoting various legislative proposals. Sometimes cosponsorship of bills is sought by letter or formal announcement; sometimes cooperation is urged in private conversations; and not infrequently vigorous attempts to change our colleagues' minds are made in floor debate and committee deliberations. But throughout all these endeavors are seen the threads of respect for our colleagues' independence of judgment, recognition of their integrity, and cognizance of their burdens and weight of their responsibilities. In sum perhaps it could be said that congressional practice has been that, while Members often seek to persuade their colleagues, they have not endeavored to create or stimulate additional, outside pressures which will be specifically turned on them.

I realize that Senators and Congressmen undertake to promote causes which eventually may result in some general stirring up of public or private interest and consequently have some impact on the Congress. But in general these activities have not had the primary design or intention of increasing the lobbying pressures with which other Members must contend. At least, after serving 8 years in the House of Representatives and some 17 months in the Senate, such was my understanding of the customs of practice within the Congress.

A RADICAL DEPARTURE

But in May of 1970 an effort was undertaken which if not in violation of accepted standards of congressional conduct was at the very least a radical departure from prior practice. I am referring specifically to activities of several Senators and Congressmen in behalf of a many-versioned proposal which was given the popular caption "the amendment to end the war." Since primary public attention was given to the Senators involved in these activities, I shall limit my remarks chiefly to the senatorial aspects of this matter, but these remarks could likely be applied with equal force to the House.

On May 12, 1970, five U.S. Senators purchased one-half hour of prime time on a major television network to promote the passage of this so-called amendment to end the war. I shall not go into the details of their presentation other than to say that it was an emotional and unrealistic appeal to the frustrations and anxieties of a war-weary American people. Such an appeal on an issue of public interest was not unknown to American history, and countless distortions and misrepresentations are unleashed on the public every year—whether in advertising mouthwash, political candidates, or washday detergents. The truly remarkable and revolutionary aspects of this broadcast were to be found in its closing minutes when the following statements were made:

Senator No. 1:

> If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write your Congressman or your Senator, just the simple words "I vote for the amendment to end the war in Southeast Asia."

Senator No. 2:

> And there's something else you can do. Take a sheet of paper and write at the top: "We, the undersigned, favor the amendment to end the war." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, wherever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

With these words, these Senators undertook directly and explicitly to generate public pressure—lobbying—on their colleagues to secure passage of a legislative proposal in which they, as cosponsors, had a primary and vested interest. Never before, so far as I have been able to determine, had a similar frontal attack on Members of Congress been launched by other Members.

But this appeal was followed by another which was even more astounding than the first:

Senator No. 3:

> The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator No. 4:

> Remember that 66 cents out of every tax dollar goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," Post Office Box 1A, Ben Franklin Station, Washington, D.C. 20024.

So with two swift strokes, these Senators wrote a new chapter in the book of congressional comity and conduct. Not only did they actively solicit and seek to stimulate public pressure on their colleagues, but they sought funds with which to further increase and generate such pressure.

That their efforts had spectacular results is a matter of vivid recollection to every Senator and Congressman. Millions of pieces of mail on their amendment flooded Washington in the following weeks, and thousands of people came to discuss it with their elected representatives. But these five Senators achieved spectacular results in another way, for their efforts produced something in the neighborhood of one-half million dollars in contributions. And they used this money to launch a massive, nationwide advertising campaign—along with 19 other Senators and an interlocking and somewhat nebulous coalition of "citizen" groups—to further pressure Members of the House and Senate on this spurious, illusory, and misleading amendment. Their advertising campaign compared with any ever devised to push a new model automobile, tout a more powerful headache remedy or publicize the latest household cleanser. Their campaign was run in approximately 60 market areas, chiefly in the form of television spot commercials and newspaper advertisements.

MANY QUESTIONS RAISED

This whole range of activities raises serious and far-reaching questions. Is congressional participation and collaboration in an organized lobbying campaign proper? Is it proper for Members of Congress to form a committee, such as the amendment-to-end-the-war committee, to solicit money from the public for the purpose of persuading citizens and organizations, to lobby other Members of Congress to vote for certain legislative proposals?

Over the years lobbying has been a matter of recurrent concern to Congress. While in most instances lobbying is an exercise of the rights of free speech and petition, its demonstrated potential for abuse has at times threatened the integrity of the legislative process.

In 1929 the Senate adopted a resolution censuring Senator Bingham of Connecticut for his direct personal involvement in lobbying activities. He had hired a lobbyist for manufacturing interests as one of his clerks and then brought the man into committee deliberations on pending tariff legislation. The Senate's action condemning the Senator's use of his official position to assist in lobbying certainly stands as a strong precedent, and it strongly suggests that participation by Senators in any lobbying activities is questionable.

The nature of the legislation which is the subject of lobbying activities is not relevant to the context in which the propriety of congressional conduct should be weighed. The crucial context is the proper functioning of our constitutional system and particularly the roles of Members of Congress in relation to the Senate and House on the one hand and private person on the other.

The basic problem is the preservation of the Congress as a deliberative branch of Government. To preserve the Congress' deliberative character, no Member can permit his involvement with outside groups to override his obligations as a Member of Congress.

The problem is a complex one requiring careful study and inquiry, because there are many ways in which Members can and should relate to outside groups interested in pending legislation.

But, on the other hand, is it satisfactory to say that a Senator or Congressman is a citizen and thus has the rights of all citizens to engage in lobbying? Judges are citizens, military men are citizens, civil servants are citizens, yet all must recognize various legal or ethical restraints against activities open to the ordinary citizen. It is generally recognized that there are inhibitions that must be respected if our system is to function properly, and it would seem that Members of Congress as bearers of a particular public trust might be held to more stringent standards than an ordinary private citizen.

WHAT HAT TO WEAR

If it is ethically permissible, for instance, for Senators to join in collecting and spending money on TV and newspaper advertising aimed at pressuring other Senators, what limits are there?

Might not a Senator decide that, in addition to spending money on advertising to get other people to lobby his fellow Senators, the best lobbyist would be the Senator himself, or a Senator with similar views who should be retained with the collected funds to urge the position in question upon other Senators?

And regardless whether a Senator may receive remuneration from privately contributed funds, does not the fact that he may be approaching his colleagues as the agent for an outside group undermine the mutual confidence that should exist between them? Is it proper for a Senator to seek to influence other Senators by drumming up outside pressure on them, or by seeking to influence them himself while acting in the dual capacities of Senator and lobbyist? Does such a dual role depreciate his functioning as a Senator? And does it give him, as a lobbyist, an unfair advantage not enjoyed by spokesmen for opposing views who are not Senators?

No criticism of any Member of Congress is intended by these questions, Mr. President, but they are questions deserving of answers—for the important thing is to protect our system and the role of the Congress in our system of government.

MEMBERS OF CONGRESS AS LOBBYISTS

The Supreme Court's criteria for applying the Federal Lobbying Act are these: First, the lobbyists must have solicited, collected, or received contributions; second, one of the main purposes of such contributions must be to influence the passage or defeat of legislation by Congress; and third, the intended method of accomplishing this purpose must have been through direct communication with Members of Congress.

It is a fact that Senators involved in promoting the amendment to end the war did solicit and collect contributions. It is a fact that the main purpose of the contributions was to influence the vote on the amendment.

One question stands out in this analysis: Was the method they employed direct communication with Members of the Congress? Certainly the amendment to end the war committee used indirect communications, and members of the committee used direct communications to lobby for the end the war amendment. The TV and newspaper ads asked the American people to pressure Senators; and members of the committee, when they discussed the issue, were, in effect, lobbyists.

The question then is, Should members of this or any other committee, who undertake similar endeavors and who are also Members of Congress, be required to register as lobbyists?

Mr. President, regardless of the merits, if any, of the end the war amendment, there is no doubt that its sponsors broke new ground in the field of lobbying. I believe, however, that it is more quicksand than solid ground, and that they have inaugurated a practice which is fraught with danger to the Congress. I believe that in their eagerness to promote their cause they did a disservice to the Congress by fomenting pressures on their colleagues and by soliciting money to bring additional pressures against their colleagues.

A LEGISLATIVE SOLUTION

These activities occurred in a relatively untested and murky legal realm, and one cannot say with any firm authority that statutory provisions or ethical standards have been violated. However, I am today proposing legislation to clarify this area because the public interest demands that firm lines of demarcation be drawn and currently existing loopholes be closed.

Our democracy affords a free and unobstructed opportunity for citizens to petition the Government for redress of their grievances as well as the right to express their views to their elected representatives in the Congress. At the same time, however, if the integrity of the legislative function is to be maintained and preserved, identification should be required of parties seeking to influence the passage or defeat of legislation by direct appeals to the Congress or by stimulation of the public intended to produce direct communication with the Congress.

I send this bill to the desk and ask unanimous consent that it be printed in full at the conclusion of my remarks.

The legislation specifically imposes the full requirements of lobbying disclosure on Members of Congress who engage in this activity.

There is more at stake here than merely the passage or defeat of individual pieces of legislation. At stake is whether the House of Representatives and the Senate are to remain deliberative bodies or become the basis of operations for 535 elected lobbyists.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 163) to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress, introduced by Mr. Dole, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended by adding at the end thereof the following new paragraph:

"The provisions of this title also shall apply to any Member of Congress who directly or indirectly solicits, collects, or receives money or any other thing of value to be used principally to solicit or aid in the solicitation of communications to be made by members of the public to one or more other Members of Congress for any of such purposes".

S. 166—INTRODUCTION OF A BILL TO DESIGNATE THE STRATIFIED PRIMITIVE AREA AS A PART OF THE WASHAKIE WILDERNESS AREA

Mr. HANSEN. Mr. President, I introduce a bill and ask that it be referred to the appropriate committee. This legislation is designed to designate the Stratified Primitive Area in northwestern Wyoming as a part of the Washakie Wilderness heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming.

Mr. President, this legislation, cosponsored by myself and Senator McGee, is the result of several years consultation and work by the various parties involved. The bill has been introduced in several preceding Congresses, and was passed by the Senate for the first time during the second session of the 91st Congress.

Although the bill was passed so late that it was not able to be considered by the House of Representatives, it is my hope that this legislation will be agreed to by both Houses of Congress during the early part of this session so as to establish a wilderness which will protect over 240,000 acres of the finest land in the West.

The legislation as introduced is the result of several years consultation and work. The bill, as reported, includes a compromise worked out between Senator McGee and myself whereby the actual wilderness will contain 208,000 acres of Forest Service land with an additional 35,000 acres to be included within a special management section outlined in the bill.

The original Washakie Wilderness legislation was introduced in 1967. Hearings were held on this legislation in Wyoming as well as in Washington. In the 91st Congress, I again introduced the legislation which was developed after considering the information and suggestions derived from the previous hearings.

As introduced, this bill represents a further refinement describing what should be included within the boundaries of the Washakie Wilderness. The legislation in its present form represents the final product of several meetings between myself and Senator McGee in which special management provisions were developed to be included within this legislation which would serve to protect an additional 35,000-acre tract, known as the DuNoir area, west of the proposed Washakie Wilderness.

There can be no doubt but that the DuNoir is an unusually scenic area which deserves protection from additional encroachment, but because of early tie hack harvesting as well as four-wheel drive access roads which cross the area, the DuNoir does not qualify within the congressional directives established in the 1964 Wilderness Act.

I realize that there are some who feel the boundaries are not precisely right, or that some small area should have been added to the wilderness, or that some phrase relating to the directives of the DuNoir should have been adjusted. Be that as it may, the truth is that a great many divergent interests and feelings have been reconciled and compromised in order to arrive at the bill as it was reported to the Senate. It is my sincere hope that it would now proceed to be approved by this 92d Congress.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 166) to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes introduced by Mr. Hansen, for himself and Mr. McGee, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

SENATE JOINT RESOLUTIONS 2 AND 3—INTRODUCTION OF JOINT RESOLUTIONS PROPOSING ALTERNATIVE PLANS FOR ELECTORAL COLLEGE REFORMS

Mr. ERVIN. Mr. President, today I am introducing two alternative plans for electoral college reform—Senate Joint Resolutions 2 and 3. These measures are not new. Senate Joint Resolution 2, the proportional plan, passed the Senate in 1950 and Senate Joint Resolution 3, the automatic plan, was proposed in the Senate by Senator John Kennedy in 1957. Recently, Senate Joint Resolution 3 has been referred to as the "Katzenbach" plan because of the ardent support given the measure in 1966 by then Attorney General Nicholas Katzenbach.

These measures cover the broadest possible spectrum of electoral college reform. Senate Joint Resolution 2 is closest to the direct election of the President proposal in that it divides a State's electoral votes in proportion to the popular vote cast for each candidate in each State. This would rid the election of the President by the unit rule which so many find unacceptable. In addition to a mandatory proportional division of each State's electoral vote, Senate Joint Resolution 2 would require the election to be decided by the Senate and the House in joint session with each Senator and Representative having one vote if no candidate receives 40 percent of the total electoral vote.

Senate Joint Resolution 3, the automatic plan, would make very little change in the present system with none of the possible dangers which many have warned could result from an untried and different method of electing the President. Briefly, Senate Joint Resolution 3 would, first, eliminate the "faithless elector" and would insure that a State's electoral votes would be cast for the plurality winner in the State, and, second, if no nominee had an electoral vote majority, the deadlock would be broken by a vote taken at a joint session of Congress on the basis of one vote for each Member of the House and Senate.

Thus, Senate Joint Resolutions 2 and 3 present the Senate with two theories for electoral college reform which, I believe, are superior to either direct election or the present system. Both Senate Joint Resolutions 2 and 3 get rid of the "faithless" elector and both provide a substantially better method of determining deadlocks than the present system. Admittedly, the mechanics of Senate Joint Resolutions 2 and 3 are different—one espouses the unit rule and the other divides the electoral votes. However, even though their basic thrusts seem far apart, I personally can support either Senate Joint Resolution 2 or 3 because of one overriding characteristic they have in common and which I deeply feel is the sine qua non of electoral college reform—they both attempt to preserve the identity of the States in the presidential electoral process. As a result of the great compromise which made the formation of the United States possible, each State was entitled to at least two electoral votes because membership in the Senate was allotted on a geographical basis. Senate Joint Resolutions 2 and 3 would retain this basic representation which each State now has, and I believe it is necessary to our concept of a federal system and for the protection of the interest of the smaller States.

There are 35 States which receive proportionally larger representation in Presidential election because of the present system. Personally, I do not believe these 35 States will ratify any plan which dilutes their voice in Presidential elections. The proposed abolition of the present system by direct election advocates places, I feel, a substantial obstacle in the way of electoral college reform.

Also, adherents of direct popular election would substitute the concept of having the President and Vice President represent those who happen to vote on the particular election day, for the principle established by the framers of having them represent population and States regardless of how large or how small the actual vote might be on that election day. Both Senate Joint Resolution 2 and 3 retain the concept of electoral votes representing population—including nonvoters—within States. In erasing this concept, direct election would replace it with a theory of representation based solely upon a percentage of voters who happen to vote at a particular election.

Regardless of how one may divide them, electoral votes do reflect people, and both Senate Joint Resolution 2 and 3 recognize the fact. As long as a candidate for the Presidency secures the requisite number of electoral votes he represents that portion of the people which is considerably larger than the actual popular vote total which he may have amassed.

Mr. President, the two proposals which I am introducing today give the Senate very realistic choices for reform; and I earnestly hope we can take some action in this area in 1971.

Mr. President, I ask unanimous consent that Senate Joint Resolution 2 and Senate Joint Resolution 3 be printed at this point in the Record.

The PRESIDENT pro tempore. The joint resolutions will be received and appropriately referred; and, without objection, the joint resolutions will be printed in the Record.

The joint resolutions (S.J. Res. 2) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President and (S.J. Res. 3) proposing an amendment to the Constitution reforming the electoral college method of electing the President, introduced by Mr. ERVIN, were received, read twice by their titles, referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

S.J. RES. 2

Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The office of elector of the President and Vice President, as established by section 1 of article II of this Constitution and the twelfth and twenty-third articles of amendment to this Constitution, is hereby abolished. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in such district shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in such district shall be prescribed by the Congress. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. Such district shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such district would be entitled if it were a State, but in no event more than the least populous State.

"Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and such district shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State or the district for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and such district shall be credited with such proportion of the electoral votes thereof as he received of the total vote of the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest number of electoral votes for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has received at least 40 per centum of the whole number of electoral votes, or if two persons have received an identical number of electoral votes which is at least 40 per centum of the whole number of electoral votes, then from the persons having the two greatest numbers of electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 2. This article shall take effect on the 10th day of February next after one year shall have elapsed following its ratification."

S.J. RES. 3

Joint resolution proposing an amendment to the Constitution reforming the electoral college method of electing the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The President and the Vice President shall be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President.

"SEC. 2. On the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin, unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia an election in which the people thereof shall cast their votes for President and for Vice President. In such election, each voter shall cast a single vote for two persons, one a candidate for President and the other a candidate for Vice President, who shall have consented to the joining of their names on the ballot. The places and manner of holding the election shall be prescribed in each State by the legislature thereof but shall be subject to regulation by the Congress. The voters in each State shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature. The voters in the District of Columbia shall have the qualifications prescribed by the Congress.

"There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in each State a number of electoral votes equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress. There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in the District of Columbia a number of electoral votes equal to the whole number of Senators and Representatives to which the District would be entitled in the Congress if it were a State, but in no event more than the number cast by the least populous State.

"Within forty-five days after the election, or at such other times as the Congress may direct, the official custodian of the election returns of each State and of the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the name of the person for whom the electoral votes of such State or District are cast.

"SEC. 3. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the electoral votes shall then be counted. The person having the greatest number of votes for President shall be the President, and the person having the greatest number of votes for Vice President shall be the Vice President, if such number be a majority of the whole number of electoral votes. If no person has a majority of the whole number of electoral votes for President or for Vice President, then from the two persons receiving the highest number of electoral votes for such office the Senate and the House of Representatives sitting in joint session shall immediately choose such officer by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded, and in addition there shall be cast for the person for whom the electoral votes of the District of Columbia were cast a number of votes equal to the number of such electoral votes. The person receiving the greatest number of votes shall be chosen.

"SEC. 4. If, at the time fixed for the counting of the electoral votes as provided in section 3, the person who would have been entitled to receive a majority of the electoral votes for President shall have died, the person who is entitled to receive the majority of the electoral votes for Vice President shall be President.

"The Congress may by law provide for the case of the death of any of the persons for whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them; for the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President; and for the case of the death or withdrawal, prior to the election provided for in section 2, of a candidate for President or for Vice President.

"SEC. 5. The Congress shall have power to enforce this article by appropriate legislation."

SENATE JOINT RESOLUTION 4—INTRODUCTION OF A JOINT RESOLUTION RELATING TO "SCHOOL BUS SAFETY WEEK"

Mr. JAVITS. Mr. President, I introduce, for myself and Senators CRANSTON, PELL, and PROUTY, a measure to designate the period of April 19 through 23, 1971, as School Bus Safety Week. This measure is similar to the resolution which passed the House last year but which, unfortunately, the Senate was unable to consider before the April date set for School Bus Safety Week.

Each day some 18 million American youngsters—one out of every four school children—travel to and from school in more than 200,000 school buses. This total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster.

The Senate Committee on Labor and Public Welfare, commenting on my schoolbus safety amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that, in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon, in endorsing the week early in 1969, said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school each day.

I am not suggesting that school bus transportation is unsafe. It is not. School bus drivers have by and large a good safety record. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of school buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 4) to authorize and request the President to proclaim the period April 19 through 23, 1971, as "School Bus Safety Week," introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 5—INTRODUCTION OF A JOINT RESOLUTION RELATING TO MARTIN LUTHER KING BIRTHDAY

Mr. BROOKE. Mr. President, on April 4, 1968, this Nation and the world lost a great leader of men.

Dr. Martin Luther King, Jr., rose from pastor of a small church in Alabama to the embodiment of a dream, the chief pilgrim on the pathway of equality.

On Friday, January 15, we commemorated his birth and his life. On the day when he would have been 42 years old, schools closed around the country, the poor people's campaign was reenacted in the streets of the Nation's Capital, businesses and Government employees paused to pay tribute to the ideals by which he lived.

Mr. President, that was a fitting way to remember the goals toward which Martin strove. But let us make such commemoration the official policy of this Nation.

Let us reiterate each year, by Presidential proclamation, our commitment to the goals of freedom and equality. Let each community mark, in its own way, its reverence for these goals and the man who strove to reach them. And let each of us, in his heart, remember that so long as we shall live, he shall not die.

I am introducing again this year, as I did in 1968 and 1969, a joint resolution making the birthday of Martin Luther King, Jr., a national day of commemoration. I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 5) designating January 15 of each year as "Martin Luther King Day" introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Whereas the United States of America was deeply grieved by the vicious and senseless act which ended the life of the Reverend Martin Luther King, Junior, this country's apostle of nonviolence;

Whereas the United States of America, and its Senators and Representatives in Congress, recognize and appreciate the immense contribution and sacrifice of this dedicated American;

Whereas the American people are determined that the life and works of this great man shall not be obscured by violence and anger, but rather that they shall remain a shining symbol of the Nation's nonviolent struggle for social progress;

Whereas it is incumbent upon us to recognize that violence, hatred, and national division do no honor to the man who has been taken from us;

Whereas mutual respect and a firm commitment to the ideals of nonviolence for which he labored will be the most lasting memorial to the life of the Reverend Doctor Martin Luther King, Junior;

Whereas it is fervently hoped that his death may serve to reconcile those among us who have harbored hatred and resentment for their fellow Americans, to the end that our country may at last realize the ideal of equality set forth in our Constitution: Therefore it is hereby

Resolved, That, in honor of the Reverend Doctor Martin Luther King, Junior, who was born on January 15, 1929, January 15 of each year is hereby designated as "Martin Luther King Day". The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to commemorate the life and the service to his country and its citizens of the Reverend Doctor Martin Luther King, Junior, and to observe that day with appropriate honors, ceremonies, and prayers.

SENATE JOINT RESOLUTION 6—INTRODUCTION OF A JOINT RESOLUTION RELATING TO FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, on behalf of myself, Senators BAYH, BROOKE, COOK, CRANSTON, EAGLETON, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, INOUYE, JAVITS, MATHIAS, MCGOVERN, MONDALE, MUSKIE, NELSON, PROXMIRE, RANDOLPH, RIBICOFF, STEVENSON, and TUNNEY, I submit a resolution to amend the Constitution to provide representation in Congress for the District of Columbia. The purpose of this resolution is to amend the U.S. Constitution to provide full voting representation in Congress for the District of Columbia—two Senators and the number of Representatives—probably two—to which the District would be entitled on the basis of its population.

Last summer, when Congress was considering electoral reform, I was deeply concerned about ways to gain congressional approval granting the franchise to District residents. I said then that—

> At a time when we in Congress are considering a change in one of the fundamental aspects of democracy—the way we choose our President—it is fitting that we also consider one of the most glaring additional flaws in our democracy—the lack of representation in Congress for the citizens of the Nation's Capital.

To reach that goal, I stressed that perhaps the best method to achieve this properly deserved measure of democracy for the people of Washington would be to add it as an amendment to other measures offered on the Senate floor.

The measure I am introducing today is intended to be referred to the Committee on the Judiciary. I am hopeful that effective action on this measure will bring the franchise to the District of Columbia quickly.

The current activity to elect a nonvoting Delegate to Congress from the District establishes a fitting background for launching renewed efforts to achieve full voting rights for Washingtonians. The nonvoting Delegate election is the first step in the struggle to attain the franchise. However, the status of the Delegate must not be allowed to deteriorate into that of a permanent nonvoting representative. Rather, along with my distinguished colleagues who are cosponsoring this measuring, I expect to work in concert with the soon-to-be-elected District of Columbia congressional Delegate to obtain full voting rights for the city's residents.

District of Columbia representation in Congress is more than just a prize for the citizens of the District. It is a symbol of the problems and aspirations of the Nation as a whole. For the United States, the world's greatest democracy, to deny the right of representation to the people of its Capital is unconscionable, and the shame of the denial is compounded by the bitter racial emotions to which it gives rise. I shall work vigorously to remedy this injustice as swiftly as possible.

I hope that Congress will act at the earliest opportunity to adopt the constitutional amendment granting the franchise to Washington, and submit it to the States for ratification. During the debate on the amendment, the District will have the active voice of the nonvoting delegate, who will be a forerunner in Congress for the voting Senators and Congressmen who will come after him.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 6) proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia, introduced by Mr. Kennedy (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 7—INTRODUCTION OF A JOINT RESOLUTION TO AMEND CONSTITUTION TO PERMIT 18-YEAR-OLDS TO VOTE IN ALL ELECTIONS—CONGRESS HAS A DUTY TO PASS A CONSTITUTIONAL AMENDMENT TO PERMIT 18-YEAR-OLDS TO VOTE—SENATE JOINT RESOLUTION 7 HAS 85 SUPPORTERS

Mr. RANDOLPH. Mr. President, today I begin anew the efforts to amend our Constitution to insure that All Americans on attaining the age of 18 have the right to participate in the selection of persons for elected offices at all levels of government. The Congress has effectively recorded its support for the inclusion of these young adults in the democratic process by our action last year in amending the Voting Rights Act. However, the recent decisions of the U.S. Supreme Court require that our action be supplemented to allow 18-year-olds to vote in State and local elections.

Limiting 18- to 21-year-olds to voting only for Federal officials will place a significant burden on our State and local officials responsible for election practices and procedures—separate voting rolls, and separate ballots in primary and general elections. Clearly, this will be a cumbersome and, I believe, costly process.

With regard to the difficulties involved in dual election systems, the able chairman of the Senate Subcommittee on Constitutional Amendments (Mr. Bayh) is compiling a report from State election officials. This report will provide valuable information—and I am certain compelling practical reasons—in support of immediate congressional approval of a constitutional amendment. At this point in time, however, there have been indications by State officials of the impact of the current situation.

For example, the president of the board of elections in Chicago has stated that a dual system may cost the city as much as $200,000. The New York Times recently quoted the city's board of elections president as indicating that New York's cost in the first year would be a minimum of $5 million. The chairman of the Missouri Election Laws Study Commission, as noted by the St. Louis Post Dispatch, has stated:

> We are going to have to reach a decision soon. The longer this drags on, the bigger the mess will be. It will create some real headaches for these county clerks and election boards.

While officials may place estimates on the costs of dual election systems, I think the confusion which will result is incalculable.

Mr. President, States are being forced to make critical decisions on how to proceed in accordance with the decisions of the Supreme Court. Their determinations will be costly. They should not be confronted with the prospect of having the Congress submitting a constitutional amendment for ratification after they have made these decisions. The time for Congress to act is now—in concert with current planning by the States. Other than proceeding to establish dual systems, there is little the States can do quickly to alleviate the present difficulties unless the Congress approves a constitutional amendment.

In the States which do not now allow 18-year-olds to vote—this is all but three of the 50 States—expeditious action to rectify this situation is not possible. All States must amend their State constitutions to effect a lower voting age. All State constitutions, except in Delaware, require referendum—voting by the people—for approval of a State constitutional amendment. In several States the legislatures must approve the proposed amendment in two succeeding legislative sessions prior to its submission to a referendum. This could almost be described as an endless process.

As I stated in my testimony before the Constitutional Amendments Subcommittee during its hearings on my resolution last year:

> It is my belief that action by the Congress would place this matter four-square before the States. States could then take immediate action either to accept or reject this amendment.

Mr. President, I am gratified that we have opened the door to participation of America's youth in the voting process. As I have indicated in both the House and Senate, many times since 1942, I look on them as a welcome addition to our democratic system and believe that they have fully earned the right to be heard through the ballot box. Although I have stressed the very real problems of the States in implementing the Supreme Court decisions, I do not lessen my concern for the substantive issue of a lower voting age. That persons who have attained the age of 18 should have the right to vote is the overriding issue. The Congress debated the issue at length last year. The Congress intended that our young people should have the right to vote in all elections. The commitment which we made last year must now be fulfilled.

The joint resolution I introduce will write into the Constitution of the United States the privilege of voting for all our citizens 18 years of age and older in all elections—Federal and State. It is heartening to report that 84 of my colleagues have joined as cosponsors, including many Senators who have been in the forefront of this endeavor. I appreciate the cooperation and efforts of the cosponsors of our resolution.

A greater number of Senators are cosponsoring the resolution than I was privileged to have as cosponsors of the resolution in the 91st Congress. Many Senators have shown that they are ready and willing to act as I have indicated. I believe this problem is one of highest priority in the 92d Congress. We must press for early and favorable action on this legislation in the Senate and in the House of Representatives.

I have had the opportunity this afternoon of discussing this matter with the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. Eastland). He has indicated that in this Congress, as he indicated in the 91st Congress, he is against 18-year-old voting, either from the statute or the constitutional approach; but he is ready to move such legislation from his committee, and there will be no delay. I appreciate the attitude of the able chairman of that committee (Mr. Eastland).

I would recall that in the 91st Congress there was a hearing on my resolution in the Subcommittee on Constitutional Amendments, the chairman of which, as I previously mentioned, is the able Senator from Indiana (Mr. Bayh). He has indicated that the subcommittee, having reported the resolution favorably last year, is ready to report the resolution favorably in the 92d Congress.

I stress the fact that there are 85 sponsors of the joint resolution introduced today providing for a constitutional amendment, which is absolutely necessary if we are to fulfill the pledge of the Congress in providing the opportunity and the responsibility for youth to share in the voting process for Federal, State, and local officials in the United States.

Mr. President, I do not wish to take the time to read the names of the 84 Senators who are joining in cosponsorship of the joint resolution. I ask unanimous consent that the names appear in the Record at this point.

There being no objection, the list of cosponsors was ordered to be printed in the Record, as follows:

List of Cosponsors

The Senator from Vermont (Mr. Aiken).
The Senator from Alabama (Mr. Allen).

The Senator from Colorado (Mr. Allott).
The Senator from Maryland (Mr. Beall).
The Senator from Tennessee (Mr. Baker).
The Senator from Indiana (Mr. Bayh).
The Senator from Oklahoma (Mr. Bellmon).
The Senator from Nevada (Mr. Bible).
The Senator from Delaware (Mr. Boggs).
The Senator from Tennessee (Mr. Brock).
The Senator from Massachusetts (Mr. Brooke).
The Senator from North Dakota (Mr. Burdick).
The Senator from West Virginia (Mr. Byrd).
The Senator from Nevada (Mr. Cannon).
The Senator from New Jersey (Mr. Case).
The Senator from Florida (Mr. Chiles).
The Senator from Idaho (Mr. Church).
The Senators from Kentucky (Mr. Cooper and Mr. Cook).
The Senator from New Hampshire (Mr. Cotton).
The Senator from California (Mr. Cranston).
The Senator from Kansas (Mr. Dole).
The Senator from Colorado (Mr. Dominick).
The Senator from Missouri (Mr. Eagleton).
The Senator from Arizona (Mr. Fannin).
The Senator from Hawaii (Mr. Fong).
The Senator from Arizona (Mr. Goldwater).
The Senator from Alaska (Mr. Gravel).
The Senator from Michigan (Mr. Griffin).
The Senator from Florida (Mr. Gurney).
The Senator from Wyoming (Mr. HANSEN).
The Senator from Oklahoma (Mr. HARRIS).
The Senator from Michigan (Mr. HART).
The Senator from Indiana (Mr. HARTKE).
The Senator from Oregon (Mr. HATFIELD).
The Senator from South Carolina (Mr. HOLLINGS).
The Senator from Nebraska (Mr. HRUSKA).
The Senator from Iowa (Mr. HUGHES).
The Senator from Minnesota (Mr. HUMPHREY).
The Senator from Hawaii (Mr. INOUYE).
The Senator from Washington (Mr. JACKSON).
The Senator from New York (Mr. JAVITS).
The Senator from Idaho (Mr. JORDAN).
The Senator from North Carolina (Mr. JORDAN).
The Senator from Massachusetts (Mr. KENNEDY).
The Senator from Washington (Mr. MAGNUSON).
The Senator from Montana (Mr. MANSFIELD).
The Senator from Maryland (Mr. MATHIAS).
The Senator from Arkansas (Mr. MCCLELLAN).
The Senator from Wyoming (Mr. MCGEE).
The Senator from South Dakota (Mr. MCGOVERN).
The Senator from New Hampshire (Mr. MCINTYRE).
The Senator from Montana (Mr. METCALF).
The Senator from Iowa (Mr. MILLER).
The Senator from Minnesota (Mr. MONDALE).
The Senator from New Mexico (Mr. MONTOYA).
The Senator from Utah (Mr. Moss).
The Senator from Maine (Mr. MUSKIE).
The Senator from Wisconsin (Mr. NELSON).
The Senator from Oregon (Mr. PACKWOOD).
The Senator from Rhode Island (Mr. PASTORE).
The Senator from Kansas (Mr. PEARSON).
The Senator from Rhode Island (Mr. PELL).
The Senator from Illinois (Mr. PERCY).
The Senator from Vermont (Mr. PROUTY).
The Senator from Wisconsin (Mr. PROXMIRE).
The Senator from Connecticut (Mr. RIBICOFF).
The Senator from Delaware (Mr. ROTH).
The Senator from Ohio (Mr. SAXBE).
The Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER).
The Senator from Maine (Mrs. SMITH).
The Senator from Alabama (Mr. SPARKMAN).
The Senator from Virginia (Mr. SPONG).
The Senator from Alaska (Mr. STEVENS).
The Senator from Illinois (Mr. STEVENSON).
The Senator from Missouri (Mr SYMINGTON).
The Senator from Ohio (Mr. TAFT).
The Senator from Georgia (Mr. TALMADGE).
The Senator from South Carolina (Mr. THURMOND).
The Senator from California (Mr. TUNNEY).
The Senator from Connecticut (Mr. WEICKER).
The Senator from New Jersey (Mr. WILLIAMS).
The Senator from North Dakota (Mr. YOUNG).

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 9—INTRODUCTION OF A JOINT RESOLUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. COOK. It is an incredible fact that in this year of 1971 the Constitution of this Western democracy gives just one constitutional right to its women—the right to vote. The attainment of that single constitutional right in 1920 required a persistent organized 72-year effort of women before it was approved.

Still today the Constitution fails to extend to the female, half of our population, the fundamental rights to life, liberty, property, and equal protection of the laws. The original Constitution, plus all its amendments still reserve equal rights and protection to the male population. The 92d Congress should unhesitatingly put an end to this illogical and invidious inequality by voting its approval of submitting to the State for ratification the proposed equal rights amendment for men and women which I introduce today as Senate Joint Resolution 9. In the simplest and clearest of words, the amendment would read:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This amendment or ones substantially similar have been introduced in every Congress over a period of 47 years.

The amendment calls for equality of rights for both sexes. It is generally referred to as equal rights for women because, and only because, the great bulk and body of discriminatory statutes apply alone to women, not to men. There are practically no statutes which discriminate against the male now nor are there likely to be any passed in the future in States where the legal bedrock is the common law. Advocates of the amendment point out and recommend elimination of such male discriminatory laws as can be found; for example, such as the failure to give a husband curtesy—dower—rights in property and failure under Social Security laws to give survivorship benefits to a husband.

The time has come to act on the equal rights amendment. The case was made in the 91st Congress. Let us now pledge that the 92d Congress will see its passage.

Full hearings were held before the Judiciary Committee of this body in May and September 1970 reported in over 1,200 pages of printed testimony.

The House of Representatives took decisive action on August 10, 1970, by voting 350 to 15 to submit this amendment to the States for ratification. The House-passed House Joint Resolution 264 was placed on the Senate Calendar, debated, and nullified by crippling amendments proposed by Senator ERVIN to permit exempting women from the draft and by Senator BAKER to attach the "prayer" amendment. The latter amendment I supported because it would have been submitted separately to the States for ratification not in any way detracting from the equal rights amendment, the passage of which I favored without change. The Senate never took a final vote on the measure as thus deformed, and it was shelved at the request of women's organizations which were the principal advocates of the amendment.

Debates in this body in August, September, and October have put into the record the views of some of the proponents and opponents. The legislative history has been established during the second session of the 91st Congress. It is now time for a vote for or against the women of this Nation and there is no reason for further delay by this body.

The original Constitution of 1787, founded on the English common law, gave no recognition whatever to women. They were wholly outside its protections. The framers can scarcely be charged with having affirmatively and deliberately excluded women since they were beyond the pale of existence under then established law. They were mere property and chattels; they were not legal "persons" nor can it be said that they are such today. In all 183 intervening years the only constitutional recognition extended to them is that of the 19th amendment insuring the right to vote without regard to sex. As to that, the Supreme Court has said:

> The rights and responsibilities of women in our public life . . . has achieved constitutional compulsion on the States only in the grant of the franchise by the 19th amendment. (*Fay* v. *New York* (1947) 332 U.S. 261, 189).

The 14th amendment guarantees privileges and immunities of U.S. citizenship to all "persons"; forbids the taking of life, liberty or property without due process of law; and extends the equal protection of laws to every "person." The 14th amendment, like all other provisions of the Constitution means what the Supreme Court says it means. Over the years the Court has extended the perimeter of its provisions to include as persons entitled to legal rights thereunder corporations, juveniles, schoolchildren and criminals. It is an incredible and no longer tolerable fact that the Court has limited these guarantees to male individuals only.

The Supreme Court has never opened the doors of employment opportunity to any individual female despite its zeal in upholding the right of a male citizen and of a male alien to work at any lawful occupation of his choice. In 1884, the Court declared that—

> The right to follow any of the common occupations of life is an inalienable right, formulated as such under the Declaration of Independence; to deny it is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but to the express words of the Constitution. It is what no legislature has the right to do. (*Butchers Union Slaughter House, etc.*, 111 U.S. 746, 762).

Later decisions extended the protection of the 14th amendment to strike down a San Francisco ordinance which denied license to operate laundries to Chinese aliens—*Lick Wo* v. *Hopkins* (1886) 118 U.S. 356. In 1914 the Court outlawed a Texas statute which operated to deny the promotion of a fireman-engineer to become freight train conductor (*Smith* v. *Texas*, 233 U.S. 630) and, in 1915 it invalidated an Arizona statute which restricted an alien Austrian cook from working in a restaurant (*Traux* v. *Raich*, 239 U.S. 33), the Court declared that—

> It requires no argument to show that the right to work for a living in the common occupations of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment (14th) to secure.

This, however, was not the view of the Court when in 1872 it upheld Illinois denial to a female attorney of the right to be admitted to the practice of law—*Bradwell* v. *Illinois*, 83 U.S. 130. Also, it was not the view of the Court when in 1894 it reaffirmed such denial by the State of Virginia in the case of Belva Lockwood—*In re Lockwood*, 154 U.S. 1161 (1894).

And, as late as October 1968 the Supreme Court refused to accept direct appeal of the issue of whether an individual woman assembly line worker was denied equal protection of the law under the 14th amendment because of the California 8-hour law limiting employment of females only—*Mengelkoch* v. *Industrial Welfare Comm. and North American Aviation Co.*, 393 U.S. 83.

On the other hand, the Supreme Court has applied the 14th amendment to limit, restrain, and restrict employment for women by giving its repeated stamp of approval to statutes applying to female workers but not to males similarly employed, limiting hours of work, applying weight-lifting limitations and barring certain occupations. In 1908 in the far-reaching landmark decision of Muller against Oregon the Court resorted to the Shibboleth that "sex is a reasonable classification" principle to justify denial of equal protection to assembly line working women and to uphold hours laws which limited them to lower paying jobs.

This Supreme Court principle stands to this day, and has been used to uphold a State university's denial of admission to a woman student for courses not elsewhere obtainable; to justify lesser social security benefits and enforced earlier retirement ages for women; and even to justify heavier criminal sentences upon female offenders.

The Court needs a new constitutional yardstick upon which to hold that the 54-percent segment of our country which had the misfortune to be born female is, in fact, entitled to equality of treatment under the law.

Other examples abound. For example, the economic welfare of women is far from being promoted or protected under State laws governing the property rights of married women. A woman's competence to convey and manage her property is unquestioned under the law so long as she remains single. Upon marriage she is divested of her competency and must have the assent of her husband and submit to his right to take over management of her property. Upon widowhood, she is reinvested, under the law, with competence only to again lose her ability should she marry a second time.

Forty-two States are founded on the common law principles, under which earnings and property acquired therewith are the sole property of the spouse who earns. The homemaker, wife, and mother, with no outside earnings, acquires no property. In the eight community property States, however, such wife owns one-half the earnings of her husband, and he has similar rights to hers. In many States the assent of the husband is a prerequisite to the right of a wife to convey, even her separate inherited property. In the community property States the husband alone has the right of management of community or of the separate property of his wife.

In 1968, the Supreme Court of Louisiana held that a divorcing wife, though she had a vested right in community property, had no right to more than a partial accounting of property from her husband who concealed his earnings; and the U.S. Supreme Court refused certiorari.

However, there are some encouraging signs of change emanating from the States. In 1968 Texas modernized its laws to insure full and equal management rights to married women. In 1968 the new Florida constitution eliminated the distinction between men and women as to disposition of property and necessity of joinder of the other spouse in conveyance of separate property. That same year, Texas revised its laws to give each spouse management and control of that part of the community property which he or she would have owned if single, and removed necessity of joinder or assent in a disposition by the wife of her separate property.

These are certainly encouraging signs as I said earlier. Unequal treatment of women under the law can no longer be tolerated when women are educated and millions work in the business world. Our proposed equal rights amendment would establish female competency under the law, as well as male, to manage their property and would give impetus to other States to update their laws and eliminate outmoded and inequitable property restrictions.

Practically all jurisdictions make the husband liable for support of his wife. This duty stems from the common law under which a wife had only a right to "bed and board" while her husband lived, and a right to dower—a lifetime share in income from his property—if he died without a will.

As stated by one State supreme court in 1965, the wife at common law took the degrading position of "a combination vassal, chattel, and household drudge" her services becoming the property of her husband. She, therefore, had no standing in that common law jurisdiction to claim for loss of consortium when her husband was incapacitated when struck by a railway locomotive. In *Baldwin* v. *State*—Vermont Sup. Ct. 1965—215a 2d 492, the court stated that with one exception, all American courts so hold. The law was not concerned with whether the wife had the ability to support a disabled husband, although a husband can recover for loss of consortium of his wife.

These support laws, carrying civil and criminal penalties, are resorted to in the administration of public assistance and aid to dependent children benefits, to require deserted mothers to file criminal charges against a father, who may be otherwise law abiding, but unable to earn enough for support of his family.

Equal rights advocates maintain that the duty of support should be reciprocal, with each spouse responsible for the other in accordance with need and ability. We believe State laws should reflect this economic partnership principle as a matter of equality under the law and as a recognition of the reality that working wives today number in the millions. A wife who lacked ability to earn support for a husband would be in no better or no worse situation than a low-income husband is today. Each spouse should have liability for support of children. My equal rights amendment would require this kind of equal treatment under the law.

The principle of the equal rights amendment would support alimony running to either spouse, and equitable division of marital property upon dissolution of marriage.

The Uniform Marriage and Divorce Act, just approved August 14, 1970, by the prestigious commissioners on uniform laws, presages future recodification of State laws respecting age of marriage, grounds for divorce, maintenance instead of alimony, custody of children, definition of marital property, and provision for its division, without regard to marital misconduct in proportions determined by the court on the basis of specified factors set forth in the law. In essence, marital property excludes separate property inherited or gifted, and would divide that acquired during marriage by efforts of the spouses on a 50–50 basis.

Under the equal rights amendment, the selective service law would include women, subject to the same exemptions and classifications as men. Like drafted men, they would not be required to serve where not fitted. Like men, certain occupations and ages would be exempted. Military service benefits, especially for the young with limited education or training would also be available to women. Since October 1966 some 246,000 young men who did not meet the normal mental or physical requirements have been given opportunities for training and correcting physical problems while such opportunities are not open to their sisters. Presently, only girls who have completed high school can volunteer, a higher standard than for men, which would be eliminated by the amendment. If pending legislation to abolish the draft is passed by this Congress, the drafting of women will become a moot topic.

Our equal rights amendment would be the yardstick for invalidation of any remaining State statutes which impose longer prison terms upon female criminals, than upon males for the same offense. It was not until 1968 that the Supreme Court of Pennsylvania and the U.S. District Court of Connecticut declared such State statutes invalid. Over 200 women were released from the State prison in Pennsylvania following the 1968 decision, having already served the time which a male offender would have had to serve. The Federal court took umbrage with the 1908 landmark decision in Muller against Oregon and its principle that "Sex is a reasonable classification."

Our equal rights amendment would also remove remaining restrictions upon jury service by women. While women are eligible in all States, there still remain statutory limitations in 24 States, in 11 of which a woman may be excused solely on the basis of her sex.

In many States, women are disqualified to serve as fiduciaries or the statutes specify preference to males before females can qualify. Appeal has recently been filed in the U.S. Supreme Court challenging such a law of Idaho—*Reed* v. *Reed*, Idaho sup. ct. 1970, 465p 2d 635.

Only five States permit a married woman to establish separate domicile. Our equal rights amendment would remove this inequality.

The American Law Institute's statement of essential human rights declares that—

> Everyone has the right to protection against arbitrary discrimination in the provisions of law because of race, religion, sex . . .

and that—

> Barring an individual or group from the exercise of any right on the grounds of who they are (e.g. women, negroes, catholics) as distinguished from what they have done (e.g. criminals or mental incompetents) would constitute arbitrary discrimination.

Today, in this country, that principle is applied to everyone except women. This is precisely why we push ahead with our equal rights amendment.

The opposition bemoans the "tremendous burden which would be thrown upon the courts" to interpret the proposed amendment and its application to the laws of the States. This alleged burden is greatly exaggerated. It required but two or three definitive decisions of the Supreme Court to result in the application of the 19th amendment giving women the right to vote, although compliance involved both revision of State constitutions as well as statutes. The Court simply ruled that wherever voting was limited to "males" the amendment transformed it to "persons."

Moreover, it will require but one decision of the Supreme Court challenging one State's hours laws to invalidate all such hours laws, even as it took but one devision to sustain their enactment. After 100 years of failure to apply the present constitution to women, the equal rights amendment would provide a clear and unambiguous constitutional yardstick for extension of those rights now, the 15th and 19th amendments are examples of no-chaos. The same as anticipated after passage of the equal rights amendment.

Second, I would quote from Congressman VANIK, that—

> The burden on our courts should never constitute a barrier to the establishment of rights under our Constitution.

And from Congresswoman GREEN that—

> The applicability of the 5th and 14th amendments in cases involving racial bias has been repeatedly tested and sustained which has taken years and cost millions. Do millions who oppose equal rights of women suggest we should not have had those cases, should not have spent those millions?

The most outspoken opponents of the equal rights amendment have been the male-controlled unions of the AFL-CIO. Their opposition should, however, be evaluated in light of today's economic conditions, and bearing in mind the fact that the AFL-CIO speaks only for a fraction of the workingwomen affected—its ranks number less than 3½ million women in unions, compared with some 26 million other women working outside the home. The AFL-CIO speaks against only a fractional area of laws, whereas equality is sought not only as to labor standards laws but as to laws governing property rights, civil rights, and political rights. The AFL-CIO speaks for only a fraction of all women within its own union ranks, as clearly evidenced by Federal court suits which its members have had to institute at their own expense and risk in order to seek enforcement of title VII of the Civil Rights Act of 1964. The AFL-CIO does not speak for all trade unions, large or small, and it certainly does not speak for the powerful United Automobile Workers and its affiliates who strongly support the adoption of the equal rights amendment.

I have cited numerous examples of unequal treatment based upon sex which we believe makes necessary the equal rights amendment. In closing, let me sum up my case for the need for this great amendment.

The purpose of this amendment is to end the unequal treatment under the law to which women have been subjected since the Constitution was first adopted. It is important to note that the only kind of sex discrimination which this would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this amendment will neither make a man a gentleman nor will it require him to stop being one.

Although there is now little disagreement upon the merits of the goal of equal rights for women, there is quite some difference of opinion as to how it can best be achieved. Opponents argue that the 14th amendment equal protection clause and title VII of the Civil Rights Act of 1964 which prohibited discrimination on account of sex are sufficient safeguards. The problem with this analysis is that the courts have been in some cases slow and in others completely derelict in interpreting either of these provisions as striking down irrational sex discrimination in law.

Another "red herring" which opponents raise is that all State "protective" laws for women will be nullified. This ignores recent court decisions in analogous situations in which the courts have not nullified other types of discriminatory State laws but rather extended the "protection" afforded to one class to the other, thereby providing equality of treatment under the law. The passage of this amendment is important because it will provide a mandate for the courts to strike down irrational sex-based discrimination wherever it is found in law.

In conclusion, it should also be remembered that this is not just an equal rights amendment for women. It will also benefit men, as there are many sex discriminations in law which penalize males. Equal treatment for men and women under the law is indeed an idea whose time has come.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 9) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, introduced by Mr. COOK, for himself and other Senators, was received, read twice by its title and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 10—COSPONSORSHIP OF A JOINT RESOLUTION RELATING TO DESIGNATION OF "NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION"

Mr. TOWER. Mr. President, I am pleased to join with my colleagues today in offering a resolution calling for the designation of a National Week of Concern for our servicemen who are prisoners of war or missing in action. Some of these men have been held captive since early 1964, almost 7 years ago. Many families have remained long years in anxiety and doubt without knowing the fate of their loved ones.

Despite repeated demands for compliance with the Geneva Convention regarding prisoners of war by the United States, the United Nations, the International Red Cross, and many others, the North Vietnamese Government persists in its refusal to permit the free flow of mail to and from prisoners, to repatriate the sick and wounded, to permit the inspection of prisoner facilities by an impartial observer and to provide for repatriation or internment in a neutral country of those who have endured an extended period of captivity. These basic considerations spring from fundamental human decency and go beyond politics or philosophy. We of the U.S. Congress have on prior occasions unanimously reaffirmed our support for the principles asserted in the Geneva Convention of 1949. Whatever our many and varied perceptions of the conflict in Vietnam have been, we in the Congress have concurred vigorously in the humane precepts of this convention.

We must continue to focus our attention on this most grave problem of prisoners of war. We are and must be concerned throughout the year and until such time as these men are safely returned to their homes. But the designation of this national week of concern will serve to bring to the forefront of national and international attention the plight of our servicemen held captive half a world away. I urgently commend this proposal to the Congress.

SENATE JOINT RESOLUTION 11—INTRODUCTION OF A JOINT RESOLUTION RELATING TO STUDENTS' WEEK AGAINST DRUG ABUSE

Mr. HATFIELD. Mr. President, I send to the desk a joint resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse." I ask unanimous consent that the resolution be received and appropriately referred.

Mr. President, I am extremely pleased by the enthusiastic support of my colleagues for this legislation prior to its introduction and ask unanimous consent that the cosponsors be printed at this point in my remarks: the Senator from Maryland (Mr. Beall), the Senator from Utah (Mr. Bennett), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Hawaii (Mr. Fong), the Senator from Florida (Mr. Gurney), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pell), the Senator from Vermont (Mr. Prouty), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Taft), the Senator from South Carolina (Mr. Thurmond), the Senator from California (Mr. Tunney), the Senator from New Jersey (Mr. Williams), and the Senator from North Dakota (Mr. Young).

Mr. President, when I was contacted by the drug abuse committee of Oregon State University School of Pharmacy, I was particularly proud and enthusiastic to learn of the program that is being initiated and developed by the pharmacy students on the OSU campus. It is the intention of the committee to present their program to the national meeting of the Student American Pharmaceutical Association in March of 1971. Oregon State University's committee has begun already to coordinate their program with the national Student APhA headquarters here in Washington.

Through the cooperation of the national office, the observance will be extended to all of the 74 chapters of the Student American Pharmaceutical Association, most of which are already involved in effective drug abuse education programs. In addition, Student APhA will seek support of the observance by other student professionals through their liaison with the National Student Nurses' Association, the Student American Dental Association, the Student American Medical Association and the Law Student Division of the American Bar Association.

Student APhA will seek even more diverse support by soliciting the assistance of the National Coordinating Council on Drug Abuse Education and Information, Inc., an organization of 98 national governmental, professional, educational, law enforcement, service, religious, and youth organizations in which the Student American Pharmaceutical Association and its parent organization, the American Pharmaceutical Association, hold charter membership.

The implications of this program are most encouraging. A letter from Miss Evelyn Crockett, chairman of the Drug Abuse Committee at OSU and their speakers bureau policy give a good description of the intentions of the committee in their efforts. I ask unanimous consent that a letter Miss Crockett sent me earlier this year, her synopsis of projected OSU activities, and items of policy be printed at this point in my remarks. And also, a letter from Ronald L. Williams, executive secretary of Student American Pharmaceutical Association.

There being no objection, the material was ordered to be printed in the Record, as follows:

Student American
Pharmaceutical Association,
January 5, 1971.

Honorable Mark O. Hatfield,
United States Senate,
Washington, D.C.

Dear Senator Hatfield: The Student American Pharmaceutical Association, a subdivision of the American Pharmaceutical Association, is the national professional society of pharmacy students with over 12,000 members in 74 chapters on the campuses of our schools and colleges of pharmacy.

Student APhA has long been active and interested in the institution of effective drug abuse education programs, so we have followed with interest your cooperative efforts with pharmacy students from the Oregon State University College of Pharmacy to have the week of April 19–23, 1971, designated as "Students' Week Against Drug Abuse".

Our organization fully supports your action to introduce a joint resolution to accomplish this, and we hereby offer our support in the following ways:

1. Encourage all Student APhA Chapters to actively promote and participate in the observance by providing informative materials in regard to the objectives of the week as well as suggested methods of establishing and coordinating activities on the various campuses.
2. Enlist the support and assistance of other student professionals through our liaison activities with the national student organizations of dentistry, medicine, nursing and law.
3. Encourage support of the student program by pharmacy practitioners by publicizing it in the publications of the American Pharmaceutical Association and in the general pharmaceutical press at the regional, state and national levels.
4. Encourage wide-spread and diverse participation in the observance by soliciting the support of the National Coordinating Council for Drug Abuse Education and Information, Inc., an organization of 98 national governmental, professional, educational law enforcement, service, religious and youth organizations in which both Student APhA and the American Pharmaceutical Association hold charter membership.
5. Provide time on the agenda of the Yearly Meeting of the Student American Pharmaceutical Association, March 26–28, 1971, in San Francisco, to further explain the observance and finalize details of participation by Student APhA Chapters.

We look forward to working with you and the pharmacy students of Oregon State University in obtaining national recognition and implementation of this most worthwhile program.

Sincerely,
Ronald L. Williams, R.Ph.,
Executive Secretary.

January 1, 1971.

Senator Mark O. Hatfield,
Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: Our proposal is simply to change the present date of the Drug Abuse Prevention Week from the week of May 29 to an earlier date—the week of April 19.

We would designate this week "Student's Week Against Drug Abuse". Hopefully with advance publicity and careful planning, this event would gain national recognition and thereby achieve the attention that it deserves.

It appears to us that it would be far more effective to have students sponsor a program of this magnitude rather than a government agency, judging from the success of another student sponsored project of a year ago. I am referring to "Earth Day". Furthermore, an extensive program involving the students of *pharmacy* across the nation would be extremely ideal, as we occupy a unique position: we are young enough to appeal to the youth of our nation, while at the same time, possess the necessary drug background.

Our reason for the change of date is simply to allow more involvement. Around May most Universities and Colleges are nearing the end of a school year. Consequently, students are involved with final examinations, preparation for graduation and the like. Therefore an earlier date would be more desirable to allow as much student participation as possible. We propose that the "Student's Week Against Drug Abuse" be held in the Spring (April) rather than an even earlier date in the school year to allow adequate time to plan an effective program. One needs to secure speakers, obtain films, display area, etc., well in advance in order to insure a successful program.

If we knew that the April Week could be so named, "Student's Week Against Drug Abuse", we could begin working toward making this a truly "national" affair. We would contact all of the other colleges of pharmacy in the United States through their student chapters of the American Pharmaceutical Association to tell them of the approaching week and its significance in relation to public education. Most of these pharmacy colleges are already involved in drug abuse education. In our letter we will urge them to plan programs to be held in their communities and on their campus to concur with the April date. Furthermore we would urge them to contact students of other universities and colleges in their state to help them plan programs for those campuses and communities that do not have a pharmacy school. This is similar to what we hope to do in Oregon.

I might add that we don't intend to exclude the "establishment". There is a wealth of knowledge and experience that the responsible citizens of this country possess. Hopefully, they will make this knowledge available to us and be willing to add us in any way they can. We will be more than happy to accept assistance from the many government agencies, the American Medical Association, the American Pharmaceutical Association, and so on. In fact, we will gladly welcome anyone willing to lend a hand in making this a successful program. It is through cooperative effect that programs of this magnitude are of such value to our society.

Respectfully,

EVELYN CROCKETT,
Chairman, Drug Abuse Committee, Oregon State University, School of Pharmacy.

SYNOPSIS OF PROJECTED OSU ACTIVITIES

1. The Speakers Bureau of the Drug Abuse Committee—OSU School of Pharmacy was established on the concept that pharmacy students have the necessary drug background for Drug Abuse Education and are young enough to appeal to younger students of Junior and Senior High School age.

2. The Speakers Bureau is composed of active, interested, and involved fourth and fifth year students of the Oregon State Univ. School of Pharmacy.

3. The Speakers Bureau represents the Drug Abuse Committee, a student organization of the School of Pharmacy.

4. The Speakers Bureau is experienced and prepared to present programs to fit the needs of the group involved, whether children, older students, parents, or adults.

5. A team approach is suggested for each presentation and will involve three or four pharmacy students in one team. Each member of the team will handle information on one or two of the various areas of drug abuse: marijuana; hallucinogens; narcotics; barbiturates and amphetamines.

6. The primary objective of the program-presentation will be the open discussion and question-and-answer period following short introductions by each member of the team.

7. The Speakers Bureau has found that "scare tactics" and "half-truths" are undesirable in Drug Abuse Education. The Bureau advocates "telling it like it is", that is, to present the facts of drug abuse as they are known.

8. It is suggested that members of the Speakers Bureau refrain from the expression of personal opinions, especially when those opinions cannot be backed up by known facts.

9. In order to get the fullest utilization of group dynamics, the Speakers Bureau suggests that the following be met:

a) The group receiving the program be limited to forty people or less.

b) For classroom situations, the presence of teachers be avoided during the question-and-answer period, as an authoritative presence may hinder the spontaneity of open and frank discussion.

(Miss) EVELYN CROCKETT,
Chairman, Drug Abuse Committee, OSU School of Pharmacy, Corvallis, Oreg.

Mr. HATFIELD. Mr. President, the presentation of facts, not opinions, and the complete rejection of "scare techniques" have been generally accepted as appropriate and most fruitful approaches to drug abuse education and prevention. In spite of great publicity, America is just beginning to awaken at the grassroots level to the problems of drug abuse that have plagued the urban ghettos for so long a time. Middle class America and small towns are just beginning to experience the "drug shock" and its agonies firsthand. It is imperative that this awareness be nurtured so that the problem may be combated in every segment of our society.

Young people have a respect for facts, for "telling it like it is," and they have a great facility for communicating with each other. This program that is being conducted by pharmacy students and directed to young people is encouraging because of the special effectiveness that will accompany the absence of a "generation gap," a technical expertise in drugs, and the concern of our youth who do not use drugs—those who seldom make national headlines.

At Oregon State University, the pharmacy students participating in the committee are well aware that the problem is people—not drugs. The problem is one of young individuals trying to find themselves among social ills—those on the national and international scale, and those that filter down to the community and family level. This attempt of students trying to give personal support and information to others is a very positive move toward combating not only a feeling of despair and neglect of the individual, but also simple ignorance of what drugs can do to people.

Though these programs would be in progress throughout the year, Students' Week Against Drug Abuse would be designated as a national week to reemphasize seriousness of the problem, to encourage and strengthen existing efforts in combating the problem and to stimulate the involvement of students in new programs. I sincerely hope that my colleagues will take prompt and favorable action on this resolution for I believe that this is a program signifying great hope and responsibility on the part of the youth of our Nation.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 11) to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuse; introduced by Mr. HATFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE RESOLUTION 9—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. CHURCH. Mr. President, I submit, on behalf of myself, the Senator from Kansas (Mr. PEARSON), and a large number of Senators whose names will hereafter be disclosed, a resolution to amend rule XXII of the Standing Rules of the Senate.

The effect of this proposal would be to reduce from two-thirds to three-fifths the number of Senators present and voting required to close debate. I ask unanimous consent that the resolution go over under the rule.

Mr. President, in accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby send to the desk a notice in writing that I shall hereafter move to amend rule XXII as I have previously stated, and I ask that it be received and read.

The PRESIDENT pro tempore. What is the Senator's request with reference to the resolution? That it be referred?

Mr. CHURCH. I ask unanimous consent that it be read, and go over under the rule, as required by rule XIV, so that it may be taken up tomorrow, on the next legislative day, for consideration and debate.

The PRESIDENT pro tempore. The notice will be stated.

The assistant legislative clerk read as follows:

NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

In accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the standing rules in the following particulars:

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

The purpose of the proposed amendment is: To provide for bringing debate to a close under certain circumstances by vote of three-fifths of the Senators present and voting.

The resolution reads as follows:

S. Res. 9

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of Rule III or Rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of Rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

The PRESIDENT pro tempore. The resolution will go over until tomorrow.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CHURCH. As matters now stand, will the resolution that I have just introduced to amend rule XXII be the pending business before the Senate tomorrow when the legislative business is laid before the Senate?

The PRESIDENT pro tempore. It will be laid down after the routine morning business before the end of the morning hour, and subject to debate until the end of the morning hour, when it will go to the calendar.

Mr. CHURCH. After the routine business, it will then be the order of business for consideration by the Senate?

The PRESIDENT pro tempore. The Senator is correct.

Mr. CHURCH. I thank the Chair.

SENATE RESOLUTION 10—SUBMISSION OF A RESOLUTION TO DESIGNATE JANUARY 22 AS UKRAINIAN INDEPENDENCE DAY

Mr. SCHWEIKER submitted the following resolution (S. Res. 10); which was referred to the Committee on the Judiciary:

S. Res. 10

Resolution to designate January 22 as Ukrainian Independence Day

Whereas Ukraine, with a population of forty-seven million, is the largest non-Russian nation both in the Union of Soviet Socialist Republics and in Eastern Europe; and

Whereas this nation occupies a significant geographic and economic position in the context of Eurasia, with prominent dimensions toward central Asia, the Caucasus, the Middle East, and central Europe; and

Whereas this second largest Slavic people, with a national history extending back to the ninth century, has made substantial contributions to world culture and today possesses immense potentialities and promise for further universal cultural advancement; and

Whereas, in partial recognition of these cultural contributions toward civilization and peace, the Eighty-sixth Congress of these United States of America passed the Shevchenko Memorial resolution, leading to the erection of a statue of Taras Shevchenko, the poet of Ukraine, on public grounds in our Nation's capital; and

Whereas the critical importance of this non-Russian nation in world affairs has been obliquely reflected in the original charter membership of the U.S.S.R.; that is, the Ukrainian Soviet Socialist Republic, in the United Nations; and

Whereas the contemporary status of Ukraine has been reflected in the Captive Nations Week Resolution passed by the Eighty-sixth Congress in July 1959, and signed by President Dwight D. Eisenhower into Public Law 86–90; and

Whereas for the past two decades the Congress, Governors of our major States, and mayors in our largest cities have consistently observed the indomitable spirit of independence and creative assertions of the Ukrainian people; and

Whereas the independent Ukrainian National Republic, which was established by democratic, popular vote and national self-determination on January 22, 1918, was one of the first to proclaim freedom for its people in the area of the traditional Russian Empire: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating January 22 of each year (the anniversary of the proclamation which declared Ukraine to be a free and independent republic) as Ukrainian Independence Day, and inviting the people of the United States to observe such day with appropriate ceremonies.

SENATE RESOLUTION 11—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

Mr. ELLENDER submitted the following resolution (S. Res. 11); which was referred to the Committee on Appropriations:

S. Res. 11

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-Second Congress, $50,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

HONEST ELECTIONS REFORM ACT

Mr. PEARSON. Mr. President, it is a great pleasure to join today with my distinguished colleague, the junior Senator from Alaska (Mr. Gravel), and other cosponsors in introducing a comprehensive bill designed to reform the methods by which our campaigns for public office are financed and regulated. Entitled the Honest Elections Reform Act of 1971, this legislation represents a vital first step in restoring much of the faith and confidence that the American people have lost in their election process and as such deserves the earliest possible consideration.

This far-reaching legislative proposal attempts to deal with all four of the major problem areas in the field of campaign finance which have led to today's great public concern: First, the base of contributions; second, the use and cost of the mass media, particularly radio and television; third, the extent and effectiveness of the law governing the reporting of campaign expenditures; and fourth, the uniformity and thoroughness of procedures that are applied to those campaign finance reports that are filed with the appropriate repositories.

First, Mr. President, let us consider the problem of the base of contributions. Today that base is too narrow. It is not simply a question of providing more money. There also is a need to provide more sources of funding in order to lessen the dependence many candidates feel on those few who now so often represent such a disproportionate share of the massive campaign funds required by today's "electronic elections." Though more and more citizens are making political contributions, their growing number still lags far behind the quantum jump in campaign costs that has occurred over the past decade. The fact still remains that approximately 90 percent of the campaign contributions come from one percent of the population. And this fact should be a cause for concern by all Americans. It means that too many of their public officials are likely to owe too much to too few. It means that their interest in seeing candidates elected who are unobligated is not being protected. It means that the candidates themselves must devote an undue amount of energy and attention to caring for the concerns of their "special" backers rather than looking toward the concerns of their constituents as a whole.

For these and other reasons, then, the public has a clear incentive to develop the broadest possible financial base on equal terms for all those who choose to compete for the responsibilities of public office. The devices employed must not only be effective in generating funds, but they also should be of such a character as to give every candidate equal opportunity and to encourage direct voter participation in the process. This latter point, too, is vital if we are not to break the link between the candidate and the contributor. This link is vital in helping to keep the officeseeker responsive to the constituents he is to represent. This principle is basic to our system of government and only becomes pernicious when a few special groups gain undue influence by dominating campaign funding completely—a danger the Honest Elections Reform Act is designed to avert. The lack of any direct role by the voter that would deny him the fundamental right of determining who will receive his financial support—such as through direct appropriations—would also have the unfortunate effect of discouraging political involvement and encouraging apathy.

Mr. President, I realize that the magnitude of today's campaign finance problems has led many knowledgeable people to look toward direct appropriations as the answer. I respect their experience and their views. They may be right. But I do not think so and in any event other methods such as those contained in the legislation now being introduced deserve a full trial before resorting to any more extreme remedies. Thus, as is true of the campaign finance proposals which I advanced in earlier Congresses, this bill provides for tax incentives for campaign contributions as the principal method of stimulating a broader base of political funds. I am as loathe as the next person to lightly add more special exceptions to our already overburdened patchwork of tax regulations. But the use of tax incentives is fully justified in this case, not only because of their effectiveness and the seriousness of the need, but also because they are particularly well suited to preserve the element of volunteerism and voter choice in the allocation of subsidized contributions.

Two types of alternative incentives are provided by the bill we submit today and the contributor may choose whichever one he finds most appealing. One is a 50-percent tax credit for political donations which aggregate up to $50 in any one year. The other is a tax deduction of up to $100. In either case, the tax incentive applies to any political donation(s) made to any political candidate(s) at any level of government. The voter may give to as many people as he chooses and get a tax benefit, provided his donations do not aggregate more than the modest limits established by this legislation. In the event they should total more, then the amount above the ceiling would not qualify for any incentives.

Mr. President, these tax measures would apply to contributions made in primaries as well as to those made in general election campaigns for the influence of money is certainly as great if not greater in primary contests as it is in the November races. They would also be applicable to donations made to local, State, and National campaign committees on a year-round basis so as to further encourage the proliferation of revenue sources during election periods.

The cost of these incentives would certainly not appear to be prohibitive, though admittedly no prior experience exists thus making any estimates extremely hazardous. And in any event the benefits for all citizens that would flow from the use of these incentives would surely warrant the rather modest expense they might entail. The public obviously has as great an interest in encouraging the election of unobligated candidates for high public offices as it does in furthering the growth of educational, religious, and charitable programs which it is already subsidizing through the use of tax incentives.

An additional benefit that would result from the adoption of this proposal would be to give official sanction and hence greater social acceptance to the practice of political donation. Political campaigns have not been as successful in raising funds as have certain types of charity and community service programs in part because of the differing degrees of social respectability accorded them. Regrettably, political donations are viewed with a jaundiced eye and politics is considered a tainted profession. This attitude is deplorable for it tends to create the very situation it decries. Political office should not only be regarded as being respectable, but should also be considered as being in the highest traditions of public service. Thus official approval of the practice of giving to the candidates of one's choice could go far toward eliminating the self-fulfilling cynical view of public life that so often hinders any effort to broaden citizen participation in campaign finance.

Mr. President, the 50 percent credit which amounts to $25 per person is designed to encourage small donations while the $100 deduction is designed to stimulate medium contributions. Both will be needed if the growing dependence felt by many candidates on a wealthy few donors is to be avoided. And regardless of the fate that awaits the other section of the bill now put forward I would hope that both these long overdue items on the campaign finance reform calendar are enacted without delay.

But the question of incentives for broadening the base of contributions represents only part of the problem. The second great area of concern dealt with by the Honest Elections Reform Act of 1971 encompasses the use and cost of the mass media, particularly radio and television. The growing size of constituencies demands the expanding use of the mass media as a basic tool of communication. They have become literally indispensable to any political campaign. Yet, their cost is so staggering as to put them far beyond the reach of the average candidate. If we are to insure equality of access to the electorate, if we are to directly attack the problem of rising costs, and if we are to reduce the danger of "buying" elections, then the mass media is the place to start. And the most influential—and expensive—segment of the mass media is the broadcasting industry.

More than any other factor, the growing dependence upon and rising costs of the electronic media are responsible for today's soaring campaign budgets. Because of this vital role in campaign finance and because they are a regulated industry, the radio and television stations that are licensed by the public to operate in the public interest, convenience, and necessity have a special obligation to do what they can to improve what everyone is coming to recognize is an intolerable situation. Many stations have already demonstrated a keen sensitivity to the problem and deserve the commendation of us all. Others have shown little or no concern and need to be encouraged to play their part.

The remedies proposed by this bill are not nearly as severe as some have suggested, though I feel they are the product of considerable thought and, being comprehensive in nature, should go far toward meeting the need while satisfying those who objected to the earlier proposal originally offered 18 months ago by Senator HART and myself. That bill, the Campaign Broadcast Reform Act of 1969, later modified in committee following extensive hearings and reintroduced by Senator PASTORE, passed by the House and Senate only to be vetoed by the President. Hopefully, the broadcast proposals of the legislation offered today will meet a better fate.

The first provision requires broadcast stations to charge a political candidate no more than their lowest commercial rate. Today that is not the case. And while some stations offer discounts substantially below their lowest commercial rates, others take advantage of a candidate's vulnerable preelection position and charge all the traffic will bear. Needless to say, this practice only adds to the skyrocketing campaign burdens which are already causing such grave public concern.

Mr. President, asking that a station charge no more than its lowest unit rate is not to ask that it cease to make a profit—even if only in regard to the relatively small portion of the broadcast day consumed by political advertising. All this provision would do is see to it that the political candidate who may soon bear the burden of making vital decisions affecting public welfare be given the same treatment accorded the used car, toothpaste, and deodorant salesmen. The stations will still determine their rate structure but by establishing the lowest unit charge as the maximum political rate, we will significantly lower campaign costs, equalize conditions across the country to a greater extent than at present, and improve the ability of the candidate of modest means to obtain an adequate airing of his views.

The next section of the broadcast portion of the legislation suggested today is based on a proposal by the 20th century fund entitled "Voters Time." Drawing upon that excellent and innovative idea, the Honest Elections Reform Act calls for the simultaneous use of all broadcast facilities for a few times every 4 years to insure full and equal opportunity for leading presidential and vice presidential contenders to air their positions. Major party contenders would receive eight one-half hour segments—six for President, two for Vice President—to be used during the 8 weeks immediately prior to the election. Minor party contenders of significance would receive from three to four such programs depending upon their parties' previous records of electoral performance.

Mr. President, we feel this provision is vital to secure the fullest possible examination of the views of those vying to hold the highest office in the land. As with other sections of this legislation, we are not wedded to every comma and semicolon, but are merely attempting to put forward in as constructive and comprehensive a manner as possible some suggestions for discussion that will hopefully lead to some effective legislative action before the problems worsen. Thus, the final formula adopted might well differ from the "voters time" equation we suggest here today. But clearly some steps must be taken to improve the use of the broadcast media in presidential campaigns without further increasing the already astronomical cost. In the past I have supported a repeal of the "equal time" clause of section 315 of the Communications Act of 1934 as a means to deal with this problem. I would do so again if no other remedy were available. But after further reflection following the defeat of last year's broadcast reform effort, I feel the "voters time" concept might be preferable and deserves a full examination by the whole Congress. It has the considerable advantage of insuring equal treatment of all important contenders in accordance with the size of their public support and it also will insure the widest possible dissemination of the views of these most vital candidates, one of whom will soon be bearing the most awesome responsibilities borne by anyone on earth.

The last noteworth provision of this area of the Honest Elections Reform Act would establish a limit on all media spending by Federal candidates of 10 cents times the number of registered voters in the district, State, or Nation, as the case may be, or $40,000, whichever is greater. This spending limit would apply in primaries and an equal limit would govern spending in the general election. Here again, the specific figures are subject to adjustment though we hope some form of limits will be placed on media spending lest it completely outstrip the broader contributions base established through the tax incentives mentioned earlier. It is particularly important to note that unlike last year's proposal, the limits established by this bill would apply to all media spending that can be rather effectively monitored. Thus, all spending for radio, television, billboard, newspaper, magazine, and other periodical advertising would be controlled. The limit formula proposed here offers more than the advantage of being comprehensive. By being tied to the number of registered voters, it encourages all candidates to vigorously support voter registration drives, thus further broadening public participation in the election process. And, by being based on registration figures rather than on current or past voting statistics as was the case in last year's campaign broadcast bill, the Honest Elections Reform Act offers a flexible but stable formula that should be both more equitable nationwide and less volatile and susceptible of being influenced by isolated phenomena such as the weather on election day.

Mr. President, the third great area of concern addressed by the bill introduced today deals with the problem of reporting where campaign money comes from and where it goes. As we all know, today's reporting provisions are a mockery that is honored more in the breach than in the observance. The law is so easily circumvented that it virtually encourages deception. Thus, one of the major purposes of the Honest Elections Reform Act is to close the loopholes that prevent the current disclosure laws from working effectively.

Among the many reforms accomplished by the amendments to the criminal code that we propose is the requirement that spending in primaries and conventions be fully reported as well as spending in general elections. The definition of what constitutes a "political committee" is rewritten to insure that all committees supporting Federal candidates that take in or spend $100 or more are uniformly organized and report their financial operations regularly and thoroughly. This latter provision eliminates the much abused loophole which now allows committees operating in one State exclusively or from within the District of Columbia to escape Federal reporting completely.

Other steps are taken to make reporting as effective and as comprehensive as possible. And while the limit on the total contributions a committee may receive is repealed, the $5,000 limit placed on individual donations is strengthened and supplemented by a $25,000 limit on the amount a candidate may spend of his own funds. The purpose of these two limits is to guard against any one contributor from gaining undue influence and to force wealthy candidates to compete on a more equal basis with candidates of moderate means in the financing of their campaigns. I support the objective of both these ceilings but have some desire to see the matter further studied and to have the benefit of hearings on the subject before becoming fully committed to the formula advanced here as I can foresee some difficulties in making these limits work as effectively as intended.

The last major area of concern which the Honest Elections Reform Act attempts to resolve is the problem of how to guarantee full public disclosure of the spending reports required by the revamped criminal code we propose. Thus, the bill establishes a Federal Elections Commission to act as an independent, bipartisan repository and auditing agency that will receive and verify the spending reports and make them public in easily understandable form at regular intervals. The use of an independent agency is vastly superior to the use of any creature of the Congress which might cast the objectivity of any audit performed on its Members into doubt.

Today, for example, such spending reports are filed with the Clerk of the House and Secretary of the Senate. These offices lack both the resources and the independence necessary to perform their tasks satisfactorily, and any revisions in the campaign finance laws which would keep these offices as repositories would result in the outline of reform without the substance. Overall limits on campaign spending have shown themselves to be unenforceable. The only alternative is full disclosure. But this disclosure must be effective if it is to accomplish its purpose. And if it is to be effective we must remove the reporting and auditing functions from the offices of the Clerk and the Secretary.

Mr. President, as I said last week when Senator GRAVEL and I announced our intention to introduce this legislation, there is no more important business before the Congress and the American public than the wholesale cleansing of our democratic political system. It is obviously becoming badly distorted under present conditions. Money rather than ability or service is becoming the criterion for successful campaigns for public office. The regulations Congress adopted 46 years ago to govern campaign financing were poorly drawn and are not working. They do not take into account the phenomenon of television which has come to dominate every major campaign. They have encouraged lawbreaking and widespread cynicism toward the political process in general.

Just a few days ago, the President said in his state of the Union address that we must restructure our institutions of government in order to make them more responsive to today's changed conditions. None of our institutions is more important than the method by which we choose our leaders and yet none is in greater need of reform. The American people are becoming more and more critical of the way in which our system of elective politics is working—and rightly so. But just stop and think of the effect that full reporting and thorough accounting and disclosure coupled with a broader base of contributions and better use of the media would have. It would surely lead to renewed faith in the responsiveness and representativeness of our elective processes that many feel has been slowly ebbing during recent years. In fact, this restoration of faith could turn out to be the single most important benefit to flow from the adoption of meaningful campaign finance reform legislation. We need to restore a fuller measure of competition on the basis of merit than now exists and to throw the light of public disclosure on all political financial transactions, relying on the ultimate wisdom of the people to draw the appropriate conclusions.

Mr. President, we feel the Honest Elections Reform Act moves effectively to meet these objectives and deserves the immediate and serious attention of the Congress. This or some other version of comprehensive campaign finance reform legislation is badly needed, on that virtually everyone is agreed. Time is running on and the problems are getting worse. Next year is a presidential election year and that will certainly complicate matters if action is deferred until then. Thus, delay may mean defeat and defeat of legislation as long overdue as this could only increase the opportunities for abuse at the heart of our democratic political system and shake the confidence of the American people in the credibility of their electoral processes still further.

Mr. President, I ask unanimous consent that an outline summary of the proposed Honest Elections Reform Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HONEST ELECTIONS REFORM ACT OF 1971—A SUMMARY

TITLE I: TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE OFFICE

A. Provides for a 50% tax credit on one or more political contributions not exceeding in aggregate $50.00.

B. "Political contribution" is defined as a contribution or gift of money to an eligible candidate for nomination or election to any Federal, State, or local elective public office, or to any authorized committee.

C. Provides the option of taking a $100 tax deduction in lieu of the tax credit.

TITLE II: BROADCAST TIME FOR CANDIDATES

A. Section 315 of the Communication Act is amended to provide that the charges made for the use of any broadcasting station by any legally qualified candidate for public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period.

B. Broadcasting stations and networks are required to provide simultaneously free radio and television time to candidates for the office of President and Vice President. Potential candidates are divided into three categories, with those in Category I receiving eight one-half hour periods of prime time from each station, those in Category II receiving four periods, and those in Category III three periods. This free time must involve the live appearance of the candidate and the format must be one intended to promote political discussion, illuminate campaign issues, and give the public insight into the abilities and personal qualities of the candidate.

C. The FCC is mandated to make an investigation to determine the most equitable and feasible arrangement whereby broadcasting stations might provide free time for candidates for other elective offices.

D. Limitations on expenditures for broadcasting, billboards, newspapers, magazines, and other periodical publications are published. A candidate is allowed to spend on these media in behalf of his candidacy in both primary and general elections an amount not to exceed:

1. Ten cents multiplied by the number of registered voters in his district, or

2. $40,000, whichever is greater.

TITLE III: AMENDMENTS TO CRIMINAL CODE

A. The term "election" is redefined to include primary elections and conventions of political parties as well as general and special elections.

B. The term "candidate" is redefined to include the President and Vice President as well as congressional offices.

C. The term "political committee" is redefined to apply to individuals as well as groups, and the loophole that now allows committees operating in only one State to escape reporting is closed. Persons or groups receiving or expending $100 or less are not counted as political committees.

D. The term "contribution" is redefined to include a transfer of funds between political committees.

E. The term "expenditure" is redefined to include (1) a transfer of funds (2) fees or charges levied upon a candidate by his State and (3) sums spent for travel, subsistence, stationery, postage, circulars, printing, telephone service, etc.

F. The term "person" is redefined to specifically include labor unions.

G. The term "State" is redefined to include the District of Columbia, thus closing an important loophole.

H. Solicitation of political contributions from officers and employees of the United States is forbidden political committees as well as candidates.

I. A limitation of $5,000 is set on single source contributions, and this is made to apply to committees as well as candidates. Contributions by a person's spouse or minor child are deemed contributions by that person.

J. The limitation on total contributions a political committee may receive is repealed.

TITLE IV: DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

A. Requires that every political committee have a chairman and a treasurer, without whose authority no expenditure may be made.

B. The treasurer shall keep an account of:

1. All contributions.

2. The full name and mailing address of every person making a contribution, and the date and amount.

3. All expenditures made by the committee, together with a receipted bill for all expenditures the aggregate amount of which to the same person during a calendar year exceeds $100.

C. Every political committee that is not authorized in writing by a candidate must include in all its literature and advertising a clear statement that its activities are not authorized and that the candidate is not responsible for those activities.

D. There is created a five man, bipartisan Federal Elections Commission appointed by the President with the advice and consent of the Senate.

E. Political committees which receive or expend more than $100 must file a statement of organization with the Commission.

F. Between the 10th and 20th of March, June and September in each year; on the fifteenth day and on the fifth day next preceding the date on which is held an election; on the fifteenth day next following the date on which is held an election and on the 1st day of January of each year, the treasurer of a political committee shall file with the commission a comprehensive report of its activities.

G. Every person who makes contributions or expenditures, other than by contribution to a political committee or candidate, aggregating $100 or more must also file reports with the Commission.

H. Candidates must also file reports of their receipts and expenditures.

I. Reports on convention financing must be filed with the Commission by the appropriate persons and committees.

J. A copy of all reports shall also be filed with the clerk of a United States district court.

K. Numerous duties are assigned the Commission including the wide public dissemination of reports filed by committees and candidates.

L. Criminal penalties are provided for the violation of the provisions of this title.

M. The Federal Corrupt Practices Act is repealed.

Title V: Authorization of Appropriations, Effective Dates, and Partial Invalidity.

January 25, 1971.

Mr. MUSKIE. Mr. President, I am proud to join with Senator GRAVEL and Senator PEARSON in sponsoring as the first Senate bill of the 92d Congress, the Honest Elections Reform Act of 1971. The bill, S. 1, is one which I hope will lay the foundation for debate and action by the Congress in this very important area of reform.

We are all aware of the need for substantial changes in the way campaigns are financed and run in this country. Existing law does not deal with the problem of spiraling campaign costs, nor does it provide complete coverage in the area of disclosure requirements. Its provisions dealing with limitations on campaign expenditures are totally outdated.

The result of such inadequacies in the existing law has been a loss of public confidence in our whole elections process which is at the very heart of our democratic way of life.

Now is the time to act to insure that political campaigns in this country reflect what the public demands—honesty and openness throughout the election process, and equal access to this process for all, regardless of economic means.

Last fall, the Congress passed legislation imposing a limit on the amount that a candidate for Federal office could spend on the broadcast media, by far the single most rapidly rising expense in campaigns today. This legislation was vetoed by the President.

I supported that legislation, as a strong step toward limiting the cost of political campaigns, while at the same time realizing that more comprehensive proposals were necessary.

Today, I have sponsored legislation which reflects just such a comprehensive approach. Among its most important points are:

A limitation on the amount which any individual can contribute to any one candidate.

A tightening of the campaign committee structure designed: First, to require full disclosure of expenses, contributions, and transfers of funds by a political committee, thus closing significant loopholes in existing law; and second, to inhibit the proliferation of committees over which the candidate himself has no control.

The establishment of an independent Federal elections commission empowered with broad authority to supervise the running of campaigns, report violations, and recommend further legislative action in the area of election and campaign procedures.

A limitation on total media expenditures by a candidate.

Suspension of the equal time provision of the Communications Act to provide free voters time for presidential and vice presidential candidates, and to permit debates between presidential candidates.

The bill as presently written is not a perfect one. Amendments will be required.

And the Congress should act on other proposals to make our election process more responsive, such as a proposal to establish universal voter registration which I understand will be introduced during the 92d Congress.

But it is appropriate and necessary to begin with the broadest possible approach—one which will stimulate debate by the Congress and the American people, and one which can be effective.

PRESIDENT NIXON HONORS THE NATION'S NO. 1 FOOTBALL TEAM

Mr. CURTIS. Mr. President, on January 14, the President of the United States, Richard M. Nixon, appeared at the University of Nebraska in Lincoln, thereby paying great tribute to the Nation's No. 1 football team and its coach, Bob Devaney.

The University of Nebraska football squad and Bob Devaney and his entire coaching staff have brought great honor to Nebraska. Nebraska went through last season without a defeat. They were again the Big 8 champions and on New Year's Day they defeated the powerful team from Louisiana State University. It came as no surprise that the sportswriters picked Nebraska for the No. 1 spot.

Coach Bob Devaney and the rest of his coaching staff and all the players on the Nebraska squad have done something more than just honor our State. They have advanced the cause of good sportsmanship and clean competition. These are virtues to be desired in all aspects of life.

Nebraskans were highly pleased when the President of the United States expressed his interest in this team and in young people everywhere and in colleges and universities everywhere by paying a visit to the Nebraska campus. It was a day always to be remembered.

President Nixon delivered a most notable speech on that occasion. The principles that he laid down in that speech merit the attention of citizens of all ages in all the States and it is a speech that offers hope to all who want America to go forward.

Mr. President, I ask unanimous consent that the speech of the President of the United States delivered on that occasion be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of the President Before A Student-Faculty Convocation, the University of Nebraska, Lincoln, Nebr.

Mr. President; Mr. Chancellor, Governor Exon, Senator Curtis, Senator Hruska, all of the distinguished guests on the platform, and students, members of the faculty of the University of Nebraska, and I also understand that we have guests here from Nebraska Wesleyan and from Union College, and friends of the University of Nebraska:

I appreciate the honor that has been extended to me to visit this campus, and the opportunity to pick up a raincheck, in effect, because Secretary Hardin two years ago on the 100th anniversary of this great University, invited me to come to the University at the request of the University officials, and because I had another engagement at that time, I was unable to do so. I told him then that sometime while I was in office I would come. I wasn't quite sure I could make it. I am glad I could make it this year in view of what has happened.

And that allows me, before making this award, to tell a little story. You will recall that from time to time, because I am somewhat of a football fan, that I have called football coaches or captains after a great victory and a significant game. I read a story in one of the Nebraska papers to the effect that immediately after the Orange Bowl game some of the team were gathered around the phone waiting for the call from the White House. It never got through. As a matter of fact, I was not able to make the call because while I had seen the last quarter of the game, which was very exciting—wasn't that something, that last quarter?—in any event—it shows what the defense means—in any event, when we came to the end of the long day of football that day, I had to go on to another engagement. I checked with the White House operator and asked if it might be possible to get through to the dressing room down in Miami. Usually the President can get through on the telephone. This time the operator said, "Well, it will be just a moment, Mr. President. All the circuits are busy."

She said, "Everybody from Nebraska is calling."

I knew that was the case, and I knew that this great team and the University of Nebraska have pride for the whole State, for all the institutions of this State, whatever they may be, and all the people of this State. I am, therefore, honored to be here to participate in your pride in that team.

Having said that, I want you to know that I have gotten into a little trouble over the past couple of years in picking number one teams. In 1970, I should recall, the 100th anniversary of college football, you will remember that before the bowl games I said that Texas was number one, and since then I have never been able to go to Pennsylvania without a passport.

This year I didn't make that mistake because I sought and got very good advice. I was in Omaha in the last weeks of October. At that time Nebraska was number three in the Associated Press poll. I had already been to Columbus, Ohio, where everybody said Ohio State was number one. I was in Indiana where everybody told me that Notre Dame was number one. I was in Texas where everybody told me that Texas was number one, and I was going to be in California where all Californians thought 'that Stanford was number one. And in Arizona, Senator Barry Goldwater said that Arizona State was number one.

So with Roman Hruska and Carl Curtis, I said, "What should I do?" They thought a bit and finally Carl spoke up and said, "You know, Mr. President, I should wait until after the bowl games." That was vision, real vision.

So in this year of football, a year of many great teams, a year in which many can perhaps rightfully claim to be number one, to come to Nebraska, a great University and clearly apart from its great records in the field of athletics, to come here to the only major college team that was undefeated, and to make an award is something that I am very proud to do, proud to recognize this University, to recognize its coach, to recognize its co-captains, to recognize its fine members of the team, and in so doing to present the plaque from the President of the United States.

Consequently, at this time, for the official presentation, I would like to have the coach, Bob Devaney, to step forth.

(Presentation of plaque.)

You ought to run for something in this State.

And now the co-captains, Jerry Murtaugh and Dan Schneiss, if they would step forward to represent the team.

I shall now read the plaque which I understand will be put in one of the lockers. But in any event—(Laughter)—the plaque's wording is as follows:

"The University of Nebraska 1970 football team, Champions of the Big Eight Conference. Victor in the 1971 Orange Bowl, and picked by the Associated Press Number One Team of the Nation."

And now if I could come to the other part of my assignment, as was pointed out by your president a moment ago, I wanted to use this opportunity to address the great student body of this University and your guests about some of the problems we have in this Nation, common problems, for younger people and older people as well.

In beginning my remarks, it is quite clear from the feeling in this audience that this is a very exciting time for this University. You are beginning the second hundred years of a very great tradition, and you are beginning it as champions.

You can all take pride in your great team. It is a splendid thing to be champions. But a more splendid thing, I believe, is the process by which a team becomes champion, the long struggle through defeat, through doubt, and then on to victory.

There is satisfaction here, and for all of us there are valuable lessons as well. For as vital as the understanding we gain in the classroom is the deeper understanding of ourselves that comes from competing against others, and competing against ourselves.

In these endeavors, we go beyond awareness of what we are and we discover a higher understanding of what we can be if we know and have the courage and if we have the will.

It is in this way that we learn to believe in our dreams.

Nothing matters more to the future of this Nation than ensuring that our young men and women learn to believe in themselves and believe in their dreams, and that they develop this capacity—that you develop this capacity, so that you keep it all of your lives.

As this great University looks to a new century so does our Nation. In this decade we Americans will celebrate the anniversary of the greatest experiment in liberty the world has ever known. It has succeeded for what in the year 1976 will be 200 years. But like the continued success of this University, the continued success of the American experiment depends on one thing: On the qualities of heart and mind and spirit that our young people bring to both.

This Nation will not run on inertia. It could fail in one generation or it could last another 100 years or another 1,000 years. The answer lies in what you and your generation bring to the task of being an American and what you pass on to others.

These depend, in turn, upon what your Nation gives to you and gives to you now. And if we are to benefit fully from the energies and the ideals of our young people, we must break down the barriers to the exercise of those energies, the pursuit of those ideals.

Let me discuss one of those barriers that I know is on the minds of many of you here and many all over this Nation.

The war in Vietnam has taken a very heavy toll of our young men. This Administration has no higher priority than to end that war. But to end it in a way that we will have a lasting peace.

For one thing, I want to end it because this Nation has positive priorities, right here at home, that young men and women now occupied in war could turn their hands to in peace. Beyond this, I have some very personal reasons that I would like to end it.

Every week, as President of the United States, I write letters to the parents and the wives and even sometimes the children of men who have given their lives in Vietnam. It is no comfort to me that when I came into office I wrote 300 of those letters a week, and that this week I will write 27. One is too many.

These were precious human lives and what they might have brought to America in peace no one will ever know. But there would have been poets among them and doctors and teachers and farmers. There would have been builders of America.

I want nothing in the world so much as to be able to stop writing those letters.

I know you realize, you who have studied history, that every American generation in this century has known war. I want yours to be the first generation in this century to enjoy a full generation of peace.

I have a plan which we are implementing to obtain that kind of peace. I can tell you confidently today it is succeeding. I believe yours will be a generation of peace. And then the question comes, and this is a bigger question, more profound: What will we do with the peace?

I am not one of those who believe that we will have instant tranquillity when we have peace. I was talking to a European statesman a few months ago about the common problems that we had in both of our countries of student unrest, and he said to me, "The problem with your youth is war. The problem with our youth is peace."

What he meant, of course, was that the challenges of peace are as great as the challenges of war and as difficult to meet. There needs to be something more than the mere absence of war in life. Young people need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves. We must have great goals—goals that are worthy of us, worthy of our resources, our capacities; worthy of the courage and the wisdom and the will of our people. And we do have such great goals at home in America. Consider, for example, the problems of our environment. To subdue the land is one thing. To destroy it is another, and we have been destroying it. And now we must undo what we have done. You must help in this venture. It will require all the dedication you can bring to it—your brains, your energy, your imagination, those special qualities you possess in such abundance—idealism, impatience, and faith. To preserve the good earth is a great goal.

Consider the problems of our cities. Through time, cities have been centers of culture and commerce, and nowhere has this been more true than in America. But today, many of our great cities are dying. We must not let this happen. We can do better than this. We must do better than this. Only if the American city can prosper can the American dream really prevail.

Consider the problems of rural America. We are a nation not only of cities but of towns and villages and farms. In the soul and substance of rural life in this country the most abiding values of the American people are anchored. Rural America, too, needs our attention. We must create a new rural environment, a new rural prosperity, which will not only stem the migration from rural areas to the cities, but which will bring people back to the heartland of America.

Consider the problems of overpopulation, the problems of education, the problems brought about by technology, the problems of achieving full and equal opportunity for all of our people, of health; the problems of prosperity, itself; of poverty in a land of plenty. Those are just a few of the challenges that face us.

We must face them together. There can be no generation gap in America. The destiny of this nation is not divided into yours and ours. It is one destiny. We share it together. We are responsible for it together. And in the way we respond, history will judge us together.

There has been too much emphasis on the differences between the generations in America. There has been too much of a tendency of many of my generation to blame all of your generation for the excesses of a violent few. Let me repeat what I have said over and over again during the past two years.

I believe one of America's most priceless assets is the idealism which motivates the young people of America. My generation has invested all that it has, not only its love but its hope and its faith in yours.

I believe you will redeem that faith and justify that hope. I believe that as our generations work together, as we strive together, as we aspire together, we can achieve together—achieve great things for America and the world.

And so let us forge an alliance of the generations. Let us work together to seek out those ways by which the commitments and the compassion of one generation can be linked to the will and the experience of another so that together we can serve America better and America can better serve mankind.

Our priorities are really the same. Together we can achieve them.

I pledge to you that as you have faith in our intentions, we will do our best to keep faith with your hopes.

Let me cite one of the ways in which I propose to give substance to this alliance between the generations. One thing government must do is to find more effective ways of enlisting the dedication and idealism of those young Americans who want to serve their fellow man. Therefore, I will send a special message to the 92d Congress asking that the Peace Corps, VISTA, and a number of other agencies now scattered throughout the Federal Government, be brought together into a new agency, a new volunteer service corps that will give young Americans an expanded opportunity for the service they want to give, and that will give them what they do not now have offered to them—a chance to transfer between service abroad and service at home.

I intend to place this new agency under the dynamic leadership of one of the ablest young men I have ever known, the Peace Corps Director Joe Blatchford, and I intend to make it an agency through which those willing to give their lives and their energy can work at cleaning up the environment, combatting illiteracy and malnutrition, suffering and blight, either at home or abroad.

To the extent that young people respond to this opportunity, I will recommend that it be expanded to new fields, new endeavors, for I believe that government has a responsibility to ensure that the idealism and willingness to contribute of our dedicated young people can be put to constructive use.

As we free young Americans from the requirements of the draft and of the war, from the requirements of forced service, let us open the door to volunteer service. And for those who want to serve but cannot devote their full time, the new center for volunteer action will open new opportunities for millions of Americans of all ages to the extent they wish to contribute their time, their talents, their hearts, to building better communities, a better America, a better world.

Let me turn now to another way in which you can contribute. You all know that in the year 1970 we have taken a step which could have a very dramatic effect on your future and the future of America. We have provided you with the most powerful means a citizen has of making himself felt in a free and democratic society.

You now have the right to vote. Today in a new and exciting and dramatically promising way, you, each of you 18 or over, has a voice in the future of America. The whole history of democracy in this country is a chronicle of the constant broadening of the power to participate. Each new group receiving the franchise has had a beneficial effect on the course of America. Each new group has given freshness and vitality to the purposes of government. And now it is your turn to do the same.

So much is in your hands now. To those who have believed the system would not be moved, I say try it. To those who have thought that the system was impenetrable, I say there is no longer a need to penetrate; the door is open. For each of you, as for each of the rest of us, there are going to be some disappointments. There will be defeats, and the hard logic of life is: for anyone to win someone else has to lose.

For some to know victory, others have to know defeat. This is part of democracy. For it is in the very nature of a free society that no one can win all the time, no one can have his own way all the time, and no one is right all the time. If we suffer a setback or if we lose on an issue, the answer is not to blame the system but to look within ourselves to see how we can strengthen our resolve and intensify our efforts or perhaps to see whether the other fellow just might have been right all the time.

Defeat, therefore, can be an occasion for learning, for weighing the wisdom of our own purposes, examining the strength of our own resources.

I have seen two of Bob Devaney's teams play in the Orange Bowl when they lost. But defeat, instead of disheartening them, brought that experience which later led to victory.

I know that there are those who reject politics, who scorn the political life, and I can assure you that politics attracts its share of bad people but so do all the other professions. This does not reflect on the political system, for politics is a process, not an end in itself, and the process can be as good or as bad as the people that are part of it.

It may be tempting to suppose, like the ostrich, that what we choose not to be involved in will, therefore, not involve us. But we cannot make a separate peace, not one of us can. We are all committed, whether we choose to be or not. You can reject this, you can come to the task of being an American like Nietzche's ropemakers, who "pull out their threads in length and themselves are always going backwards." Or you can accept the commitment. You can accept the challenge. You can accept the high adventure of being an American citizen.

In the end, the history of this time will reflect your choice and it will record that you were the first generation of young Americans to be given this chance. Therefore, I urge you to choose well and to choose carefully.

There is an old excuse: This is a world that I never made.

That won't do any longer. You have now the opportunity, the obligation, to mold the world that you live in, and you cannot escape this obligation.

There is a story of an old and very wise teacher in early Athens. There was no question the teacher could not answer. There seemed to be nothing in life the old man did not understand. And finally, one of his students hit upon a way to defeat the old man's wisdom.

The student determined that he would catch a bird and hold it concealed in his hands. He would ask the old man to guess what he was holding. If the old man guessed it was a bird, then the boy would make him say whether the bird was alive or whether it was dead. And if the teacher guessed that the bird was dead, the boy would open his hands and let the bird go, free and alive. But if the wise man guessed that the bird was alive, then the boy would crush out its life and open his hands to reveal a dead bird.

And so it progressed, just as the boy had planned, until he asked the wise man: "Is the bird alive or is it dead?" And the old man said, "My son, the answer to that question is in your hands."

In your hands now rests the question of the future of this Nation, of its promise of progress and prosperity, of the dream of democracy and the future of freedom, of whether men can continue to be governed by human wisdom. And I believe that these things rest in good hands, and that as we put our hands together, your generation and mine, in the alliance we forge we can discover a new understanding, a community of wisdom, a capacity for action, with which we can truly renew both the spirit and the promise of this great and good land we share together.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 tomorrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 11:15 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR NELSON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the approval of the Journal, the distinguished junior Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOLIDAY RECESS SCHEDULE—1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a recess schedule for the first session of the 92d Congress.

There being no objection, the recess schedule was ordered to be printed in the RECORD, as follows:

RECESS SCHEDULE 1971

Lincoln's-Washington's Birthdays—From conclusion of business Thursday, February 11, until Noon, Wednesday, February 17.

Easter (Sunday, April 11)—From conclusion of business Wednesday, April 7, until Noon, Wednesday, April 14.

Memorial Day (Monday, May 31)—From conclusion of business Thursday, May 27, until Noon, Tuesday, June 1.

July 4 (Sunday)—From conclusion of business Thursday, July 1, until Noon, Tuesday, July 6.

August-September recess (P.L. 91–510)—From conclusion of business Friday, August 6, until Noon, Wednesday, September 8.

Veterans' Day (Monday, October 25)—From conclusion of business, October 21, until Noon Tuesday, October 26.

Thanksgiving (Thursday, November 25)—From conclusion of business Wednesday, November 24, until Noon, Monday, November 29.

The PRESIDENT pro tempore. Is there further morning business?

SENATE PRACTICES AND PROCEDURES—TIME OF CONVENING TOMORROW

Mr. MANSFIELD. Mr. President, now that the enforcement of the 3-minute rule has been indicated insofar as it applies to speeches and other matters during the morning hour, I would like to read to the Senate an agreement which I believe has been reached, concerning further procedural matters based on the suggestions of Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER:

1. Whenever, in the judgment of the Leadership, it will facilitate the flow of Senate business, a unanimous consent agreement on a day-by-day basis will be drawn up so as to provide for time-certain votes in the morning or early afternoon hours; conversely, stalled and other business on which votes are not expected will be brought up later on those days.

2. When Special orders are entered for individual Senators who desire to make speeches in the early morning hours, those orders will be entertained when the request for time is limited to 15 minutes. Exceptions to this time-maximum will be made for a group of Senators desiring to hold a colloquy.

3. When the Leadership suspends, by unanimous consent, the Monday Call of the Calendar, an effort will be made at that time or at some other convenient time to announce in advance when next there will be a call of the consent calendar.

4. Whenever practicable, unanimous consent requests on time-divisions preceding votes will incorporate a provision requiring equal division of time between proponents and opponents of the final 15 minutes on amendments and on the bills.

Mr. President, in view of this announcement and after consultation with the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 11:45 a.m. tomorrow, at which time, after the approval of the Journal, the distinguished Senator from Wisconsin will be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. NELSON. If a Senator or if Senators wish to engage in colloquy, what is the rule then?

Mr. MANSFIELD. We will be notified ahead of time, so that we can plan accordingly and allow up to an hour.

Mr. NELSON. And that would be by unanimous consent?

Mr. MANSFIELD. Yes, and early.

Mr. NELSON. I may say to the majority leader that I am wholeheartedly in agreement with the proposals for limitation on time, including formal recognition henceforth of the Pastore germaneness rule.

The PRESIDENT pro tempore. The 3 minutes of the Senator have expired.

Mr. NELSON. I unthinkingly asked for an extra 3 minutes.

Mr. JAVITS. Mr. President, I ask to be recognized separately. May I ask the majority leader a question? I gather, in these requests, that the majority leader was not getting the unanimous consent of the Senate; he was just making an announcement of the leadership?

Mr. MANSFIELD. The joint leadership, based on the recommendations of Senators CRANSTON, HUGHES, SAXBE, and SCHWEICKER, which have been accepted.

Mr. JAVITS. I think that is very interesting, because I think, if we do have a unanimous consent which would bind us for the whole Congress, we should have had a whole day's notice. The majority leader was very judicious in that.

My second question is as follows: Would the majority leader, as well as other Senators, give consideration to the whole question of unanimous consents to vote on bills, amendments, resolutions, and so forth? I think there we have relied very much on the individual honor of individual Senators. Sometimes we have had very embarrassing situations. I would strongly urge upon the leadership some regularization of that practice so that Members of the Senate would know that there would be a given period of notice and the leadership would not have to depend upon its own mind as to who was interested in a particular measure. I know the impossibility of checking with 100 Senators. So I earnestly urge on the leadership, when we are going this route, which I think is better, that that matter be given consideration.

Mr. MANSFIELD. The majority leader will be glad to consider any suggestions.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW—TIME OF CONVENING OF SENATE TOMORROW

Mr. JAVITS. Mr. President, if the leadership is willing, I would like 15 minutes after the Senator from Wisconsin (Mr. Nelson) tomorrow.

Mr. MANSFIELD. Then, Mr. President, I again revise my unanimous-consent request and ask that the time for convening tomorrow be moved back to 11:30 a.m., the first 15 minutes after the prayer and the approval of the Journal to be granted to the Senator from Wisconsin (Mr. Nelson) and the next 15 minutes to the Senator from New York (Mr. Javits).

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I should like to draw the attention of the Senate to the recent report of the National Commission on Reform of Federal Criminal Laws, which was forwarded to the President and the Congress on January 7, 1971. Along with Senators Hruska and Ervin, I was privileged to serve on this Commission. Our report contains a series of recommendations designed to serve as a work basis upon which Congress may undertake necessary reforms of the whole of the substantive Federal criminal law. Invisioned, too, are collateral procedural and other reforms.

The Department of Justice has not yet formally commented on the recommendations of the Commission. I note, however, that the President, on January 16, 1971, directed the Department to set up a special task force to develop the position of the administration and to work in close cooperation with Congress. I, for one, welcome these efforts by the administration to achieve a nonpartisan consideration of this issue.

I should also like to inform the Senate that the Subcommittee on Criminal Laws and Procedures will begin its first round of hearings on the recommendations of the Commission on February 10, 1971. Our first witness is expected to be the Attorney General. We will also hear from the distinguished Chairman and Vice Chairman of the Commission, former Governor, Pat Brown and Representative Richard Poff of Virginia. I expect that these hearings will continue over the major portion of this session of the 92d Congress.

Mr. President, I ask unanimous consent to have the text of the statement by the President on January 16, 1971, on the receipt of the report, printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the President

Over two centuries the Federal criminal law of the United States has evolved in a manner both sporadic and haphazard. Needs have been met as they have arisen. Ad hoc solutions have been utilized. Many areas of criminal law have been left to development by the courts on a case-by-case basis—a less than satisfactory means of developing broad governing legal principles.

Not unexpectedly with such a process, gaps and loopholes in the structure of Federal law have appeared; worthwhile statutes have been found on the books side by side with the unusable and the obsolete. Complex, confusing and even conflicting, laws and procedures have all too often resulted in rendering justice neither to society nor to the accused.

Laws that are not clear, procedures that are not understood, undermine the very system of justice of which they are the foundations.

In 1966, Congress undertook to provide the United States with a modern, comprehensive and workable federal code. The first major step in that effort was an Act of Congress creating the Commission on Reform of the Federal Criminal Law—and its principal author was Congressman Richard H. Poff of Virginia.

Composed of distinguished legislators, judges, attorneys—all of demonstrated competence in the field of Federal criminal law—the Commission was mandated to review exhaustively the federal criminal code—and to make recommendations for both procedural and substantive reform.

The Commission has fulfilled its mandate, and I was pleased to receive its report. My personal appreciation goes to the members of the commission, the advisory committee and the staff—and especially to the Commission Chairman, the Honorable Edmund G. Brown, the Vice Chairman, Congressman Poff, and the chairman of the Advisory Committee, Justice Tom Clark.

Even a brief examination of the report indicates the enormous investment of time and thought it represents, and the value of this vast work of four years. Because of its scope, and its various approaches to controversial problems, it would be premature at this time for me to render judgment on the substance of the recommendations.

What is apparent, however, is that the Ninety-Second Congress has been given what the Eighty-Ninth Congress had requested—a broad comprehensive framework in which to decide the issues involved in reform of the Federal criminal code.

I have directed the Attorney General to create and staff a team of experienced Justice Department Attorneys to undertake their own evaluation of the Commission's many suggestions and further to make the results of their evaluation available to the appropriate committees of the Congress. Further, I have directed the Department to work with Congress in the same close and cooperative spirit that marked the evolution and passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970.

Certainly, the need for clarification and modernization of Federal criminal law is as great as was the need for reform of the criminal law and procedures of the District of Columbia. Just as in the latter, so in the former, procedural reform must go hand-in-glove with substantive reform—as the Chief Justice recommended himself in the State of the Judiciary message.

Further, if the same spirit of bipartisan cooperation prevails in this new endeavor, as it did in the last, our success is assured.

ADDITIONAL STATEMENTS OF SENATORS

NOTICE OF MEETING OF U.S. GROUP OF THE INTERPARLIAMENTARY UNION

Mr. SPARKMAN. Mr. President, I wish to announce that the regular, biennial meeting of the U.S. Group of the Interparliamentary Union will be held in the Senate conference room, S-207, at 4 p.m. on Tuesday, January 26. All Senators, especially those new to the Senate, are urged to attend.

TRIBUTE TO SENATOR DOLE

Mr. TOWER. Mr. President, I take great pleasure in submitting for the Record a transcript of a speech made by Justice Harold R. Fatzer of the Kansas Supreme Court, honoring our distinguished friend and colleague, the junior Senator from Kansas (Mr. Dole). The speech was made in December at the Kappa Sigma Founders' Day Banquet in Kansas City, Mo., when Senator Dole was awarded the 1970 Kappa Sigma Man of the Year. Senator Dole is a great patriot and a great statesman, and I feel that the people of our country ought to know more about their elected representatives and the high quality of public service that men like Senator Dole render to our country.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Bob Dole—Kappa Sigma Man of the Year

(By Mr. Justice Fatzer)

We meet this evening to pay tribute to a unique man who is a member of Kappa Sigma. He has been awarded the highest honor our National Fraternity can bestow—"Kappa Sigma Man of the Year." My first words must be words of congratulations to Senator Robert J. Dole, United States Senator from Kansas, and his wife, Phyllis, and their daughter, Robin.

The honor which has been conferred upon Senator Dole is indeed a highly coveted one. When one stops to consider the many eminent members of Kappa Sigma throughout the breadth and length of our land to whom this coveted award might justly be given, all of us who know Bob Dole so well and have such high respect for him, feel extremely grateful. We congratulate the National Fraternity for selecting such a prominent and outstanding member of Kappa Sigma to receive this award. All Midwest Kappa Sigs heartily concur in the Supreme Executive Committee's selection of Bob Dole as the Kappa Sigma Man of the Year.

Bob Dole's character was nurtured in the rich heritage of Kansas. He is the son of Mr. and Mrs. Doran R. Dole, of Russell. He grew up in a comfortable home where there were always plenty of good books and instructive conversation. His two fine parents believed with all their soul in what was right and decent, and who were unswerving in their determination that Bob should receive a good education. Russell is a Kansas town where people put their roots down deep into the education. Russell is a Kansas town where it isn't considered "nosy" to be interested in your neighbors and concerned about them in time of trouble.

Bob had a fortunate boyhood in a blessed land—typical of the boyhood of many Kansans. He helped his father operate a feed and produce business in Russell while attending grade and high school. He could heave a sack of grain and swing a can of cream as easy as anyone else. He was an avid sportsman and athlete in high school. There were roads in the country along which a boy could ride his bicycle to the banks of the Smoky Hill to catch sun perch and bullheads, and swim in the river. There were miles of buffalo grass and rippling wheat fields under the brassy prairie sky; there were jackrabbits to be hunted, and wild game to be trapped, and occasionally the yapping of a coyote could be heard in the night.

There were the great oil pools of Russell County which were discovered and developed during Bob's younger years. There was the pageantry of the harvest. In his early years, there were the endless stacks of golden wheat, and the great steam threshing rigs chugging down the road. Later, there were the combines which harvested the golden grain. And the late afternoon of many crisp autumn days, the whole western quadrant of the heavens, from earth to zenith, flamed with such majesty that some dim comprehension of the Infinite entered even into the heart of a young boy.

I have been told that some scientists have said the brilliance of Kansas sunsets is caused by dust in the air, but it seems to me that this dreary explanation is both unworthy and untenable. Obviously, there are times when science must be ignored. The Almighty gave sunsets to the high plains of Kansas for the same reason that He gave the rolling Atlantic surf to the Eastern seaboard, the noble blaze of fall foliage to New England, and snowy mountain peaks to the far west.

Later, and following graduation from the Russell high school in 1941, Bob attended the University of Kansas for two years where he became a member of Gamma Omicron of Kappa Sigma. As a freshman he earned numerals in basketball, football and track, and lettered as a quarter-miler in his sophmore year.

But the war came to America, and Bob entered Military service in June, 1943. He was selected for Officers' Training the next year. He was assigned to the Tenth Mountain Division as platoon leader in February, 1945. When the American Army was pushing across Italy's Po Valley, he was wounded twice. The first was a grenade sliver in his leg while on night patrol. He received the Purple Heart for this wound.

It was his conduct under fire and the second wound that earned him the Bronze Star and another Purple Heart. I now quote from the remarks of the Honorable Donald Rumsfeld, Congressman from Illinois, entered in the Congressional Record, Monday, April 1, 1968, entitled, "Congressman Bob Dole: Midwesterner on the Rise."

"Dole is reminded of that early April morning in 1945 . . . [when] he decided to lead a squad to wipe out a German machine gun nest, instead of assigning a sergeant to the task.

"He saw two of his companions killed by mortar shells, before his radioman fell under a hail of machine gun bullets. Crawling under heavy fire, Dole dragged the wounded radioman to cover.

"He then left a shell hole to get close enough to toss a hand grenade at the Germans. He was hit by machine gun bullets and mortar fragments and was blown back into the shellhole.

"Dole waited on the battlefield for hours for medics to arrive. His arms and legs were paralyzed and he thought his arms were missing because he could not see them. They were stretched over his head."

* * * * *

"The army awarded him the bronze star with cluster, hailing his 'persistence, fearless leaderhip, and personal daring,' and a promotion to captain, but it could not give him back the use of his right arm."

X-ray revealed that Bob's right shoulder and arm had been shattered, and neck vertebrae had been fractured. His spinal cord was damaged and both arms and legs were paralyzed. Thereafter followed 39 months of hospitalization in Italy, Africa, Florida, Kansas, and Michigan.

When Bob arrived in Kansas in June, 1945, he was in a cast from his ears to his hips. He was down to 122 pounds, and with his right arm in body cast and his left arm and hand still useless, he took his first steps. He was transferred to Percy Jones General Hospital in Battle Creek, Michigan, where he was put on the critical list again. This time he had a series of blood clots in his lungs. He became a "guinea pig" for streptomyecin, then a new wonder drug. He was one of four patients to receive the medication—and it worked.

Probably one of the greatest tributes of Bob's hometown people was when they learned of the urgent need for specialized operations. The people of Russell raised nearly $1,800 to pay for the operations which could not be performed in an Army hospital. Bob had heard of an eminent surgeon in Chicago "who could perform miracles." In a series of operations in Chicago's Wesley Memorial Hospital, Dr. Kelikian transplanted bone and muscle from Bob's leg to his right shoulder and arm. His right shoulder joint was removed, and his right arm shortened and attached to the remaining portion of his shoulder by the leg muscle covering. Dr. Kelikian had lost a brother in the war and he would not accept a fee for his services, so the contribution from Bob's hometown friends paid the hospital bill.

While recovering from this surgery, he met Phillis Holden, a registered occupational therapist from Farmington, New Hampshire, a graduate of New Hampshire University, and a Chi Omega. She was employed at Percy Jones Hospital at the time. They were married June 12, 1948, and they have one daughter, Robin.

Bob slowly regained the partial use of his left hand and arm—he overcame adversity because he just wouldn't give up! He was discharged from the Army with the rank of Captain in 1948, and then enrolled in the University of Arizona. Phyllis attended classes to take notes as Bob was not yet able to write with his left hand. She wrote his examination papers from his dictation. In the fall of 1949, Bob entered Washburn University at Topeka to complete his A.B. degree and to obtain his L.L.B. degree under the GI Bill of Rights. He then used a recorder in the classrooms, transcribing the records by hand each night. He still dictated his examination papers to Phyllis, and when he took the Kansas Bar Examination on February 11, 1952, he dictated his answers to her.

Bob received his first baptism of public service in 1950, while a student at Washburn University. He was elected to the House of Representatives from Russell County on the Republican ticket. Bob was graduated from the Washburn Law School in 1952, magna cum laude. The same year, he was elected to the first of four two-year terms as Russell County Attorney.

During his first two terms as County Attorney, I was the Attorney General of Kansas, and I considered Bob one of the able and diligent County Attorneys of the state. His work in the Kansas Supreme Court was commendable, and his briefs and abstracts were timely prepared, concise, and to the point. My research indicated Bob established quite an appellate record in the Supreme Court—of the several cases he presented, he won them all!

In the area of politics, Bob is an impregnable candidate—there was never an election in which he was a candidate that he ever lost. His intense desire for public service commenced while he was a member of the 1951 Kansas Legislature. His adult life has been dedicated to public service and his widespread interest in others has been reflected in his years as service officer for the American Legion and Veterans of Foreign Wars in Russell; his work with young people through the Russell County 4–H Fair Association, in Boy Scout and Girl Scout area and regional posts. He served as United States Congressman from the Kansas Sixth District, now reapportioned into the state's First Congressional district. Bob moved from the House to the Senate because he convinced the city voters of Kansas he would serve them as well as he had served the farmers. His record in the House and in the Senate is recognized far beyond the borders of Kansas.

Bob Dole has always been grateful of the fact he grew up in the Midwest. The Midwest has something highly important to contribute to the policies and the culture of this country. It has a solid point of view; a firm attachment to the basic philosophy on which our Nation was founded, that is desperately needed in these chaotic times.

Its people are American to the core, and I hasten to add I am speaking of the Americanism of Washington and Lincoln; not the spurious, hate-the-guy doctrine which some of the far left cults choose to call Americanism.

There is something in the attitude of Midwesterners—to a greater degree, I think, than in the people of some other regions—which we need more of in America. I am not quite sure what that "something" is, but I think it is a positive sense of direction. Perhaps it is a stubborn refusal to be stampeded away from the ancient verities of life by a phony sophistication. What I'm trying to say, which Bob Dole clearly illuminates, is that there is something in the culture and atmosphere of the Midwest which makes us feel comfortable and compatible with our convictions—with our belief in the fundamentals of the American credo. Bob Dole has been exposed to this atmosphere throughout his life and he is Exhibit A of this kind of Americanism. Kansans exhibit this solid Midwest viewpoint, and Bob Dole and the Midwest area of the country are rapidly making great strides on the stage of activities of our national policies.

I have observed that all leaders, local and national, have an art of winning men. And so does Bob Dole. He is a modest man. He has the confidence and unswerving loyalty of the people of Kansas because he makes decisions based upon his good judgment and sticks to them. He takes responsibility when it is thrust upon him. He has moved into the king row in orderly fashion with the ambition to serve his state and nation, to make his private opinions public sentiment, and press for necessary reforms. He is saturated with the solid Midwest point of view and will contribute immeasurably to the welfare of the nation and the state. His practical and unusual grasp of the meaning of the common affairs of man will result in his making a substantial contribution to the leadership of this country. An eminent Senator, a kind and gentle man, he follows the great men of the Senate who have in turn made and kept untainted the high tradition of that great body, which has stood in the past, as it stands now, and must always in the future, the strong and supporting column in the temple of a free republic. Thus we pay homage to Bob Dole, Kappa Sigma Man of the Year, a modest American, a member of the United States Senate, a loyal member of Kappa Sigma, an able statesman, a unique man.

RELIEVING AFFLICTIONS OF CHILDREN

Mr. MONDALE. Mr. President, January 6, 1971, will long be remembered as a landmark in growth for children. On that date the Hormone Research Laboratory at the University of California, San Francisco, announced that Dr. Ch. H. Li had successfully synthesized for the first time the pituitary human growth hormone, or HGH.

The synthesis, one of the most complex achievements in protein chemistry, opens the way to a host of basic research in human growth and possibly improved treatment of cancer, heart disease, infections and other diseases. Among the first expected applications, will be in treatment of the 7,000 or more U.S. children born each year with deficient amounts of HGH, resulting in dwarfism.

Congressional efforts to maintain adequate levels of funding for health research are too often thought of merely in terms of interest group pressures, executive-legislative conflict, national priorities, and so forth. Such breakthroughs help remind us that our efforts in reviewing appropriations here can and do directly relieve the afflictions of children.

The adverse effect on that most valuable of human resources—our children—from inadequate funding of health research and post-graduate medical training was again brought home to me by these press reports and by recent testimony before the Senate Appropriations Committee.

Dr. Robert M. Blizzard, an eminent clinician, teacher, and researcher in growth problems of children spoke on the need for funds above those requested by the President for the National Institute of Arthritis and Metabolic Diseases if we are to bring to fruition advances made recently in the fields of endocrine and metabolic disease.

Dr. Blizzard, Eudowood professor of pediatrics of the Johns Hopkins School of Medicine, represented Human Growth Foundation, an organization of parents and friends of children with growth disturbances; and the Endocrine Society of America. He estimated that some 100,000 children afflicted with problems of short stature could benefit from synthesis of human growth hormone and further study by trained investigators. Unfortunately, the synthetic hormone is suitable for only a very few of the many types of short stature. New research breakthroughs are still needed if we are to treat children afflicted by achondroplasia, dyastrophic dwarfism, and so forth.

In his testimony, Dr. Blizzard, a physician of international reputation in seeking solutions to growth problems of children, regretfully called the committee's attention to the "catastrophic situation" in which these children—the constitutional slow growers, the dwarfs, the midgets, the obese and malnourished—will find themselves if we do not fully support these areas of research and training. I am very glad that the Congress added more than $6 million to the President's recommendations for the National Institute of Arthritis and Metabolic Diseases. I wish we could have done more.

Dr. Blizzard's testimony provides a clear and eloquent explanation of the problem of human growth, recent advances to assist dwarfed children, and what needs to be done. The January 7 Wall Street Journal carries an article describing the significance of the great breakthrough in pituitary research. I am certain that many of my colleagues will be interested and I therefore ask unanimous consent that these statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. ROBERT M. BLIZZARD

I appear before you as a professor of pediatrics, a teacher of specialists in growth problems, a researcher who has published over 80 scientific papers about normal and abnormal growth, and, most importantly, as a physician interested in relieving the afflictions of children.

The organizations or people which I represent, or from which I am representative, are (1) the Johns Hopkins University School of Medicine, (2) the Endocrine Society of the United States, (3) Human Growth, Inc., which is a foundation of parents and friends of children with growth disturbances, and (4) hundreds of thousands of the children and adults in this country who are afflicted with problems of growth; i.e., the dwarfs, the midgets, the constitutional slow growers, the obese, the diabetics, and the malnourished.

The assignment I have given myself today is to bring to your attention the catastrophic situation in which all of these people or organizations will soon find themselves, if the Bureau of the Budget, the House of Representatives, and the Senate do not continue to support certain areas of research and training to the extent previously supported.

My intent is to appeal to your good judgment and, consequently, to convince you of the essentiality of restoring funds in the budget that are needed for:

(1) Bringing to fruition the advances made recently to assist dwarfed individuals, such as those seated in the room;

(2) Bringing to fruition the advances made recently to solve the transplantation problem and closely related self-immunization and self-destroying (autoimmune) problems of thyroid deficiency, adrenal insufficiency, such as that suffered by former President J. F. Kennedy, pernicious anemia, gonadal failure, sexual impotence, and loss of body hair;

(3) Bringing to fruition the advances made recently in the fields of metabolic disease such as diabetes mellitus, cystic fibrosis, and hypoglycemia;

(4) Training the clinical investigators who can solve these and other basic problems.

I feel particularly qualified to comment regarding these matters as I have spent the last 16 years of my life as an investigator and as a participant in pursuing these problems.

Simultaneously, I have been the teacher of over 20 clinical investigators who now are professors or assistant professors in many of your home States and who are spending 50 percent of their time as investigators helping to solve the medical problems alluded to, while spending the other 50 percent of their time teaching medical students, interns, or residents, while rendering superb clinical diagnostic, and therapeutic care to patients.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCEMENTS MADE RECENTLY TO ASSIST DWARFED INDIVIDUALS, SUCH AS THOSE SITTING IN THIS ROOM

Funds from the National Institutes of Arthritis and Metabolic Diseases have been used to isolate, chemically identify, and study the mechanism of action of human growth hormone. This hormone, which is necessary to promote normal growth in children is made by the pituitary gland which sits at the base of the brain.

Since native growth hormone made in animals was demonstrated in these studies not to be effective in humans, a program was established to collect donated human pituitaries at the time of death. From these pituitaries Dr. C. H. Li, professor of biochemistry at the University of California, Dr. A. Wilhelmi, professor of biochemistry at Emory University of Atlanta, and Dr. Maurice Raben, professor of medicine at Tufts University in Boston, isolated the growth hormone.

This hormone has been given to several thousand children, such as Richard Battista, the 18-year-old man who sits before you, and who now is a 4½ feet tall. Just 6 years ago he was no taller than Mr. Wurt Butler, who is the 20-year-old less than 3-foot-tall man, who also sits before you. Mr. Battista and many other children receiving the hormone have been studied, and many of these are going to reach an acceptable adult height when, before, this otherwise would not have been possible.

As a result of the investigation, therapy was possible and the total height of 2,000 children has increased by 1,600 feet or three times the height of the Washington Monument. However, there are too many children who require the hormone for even 10 percent or less of those who could benefit to receive it. We now believe there may be 100,000 children who could benefit if we had enough hormone to investigate its effect in other types of short stature.

We need to learn how to synthesize the hormone, or how to convert inactive animal growth hormone into active hormone for humans. This program requires further study by basic investigators and by clinical investigators who must evaluate the actions and toxicity of these preparations. Thousands of children are currently awaiting the results of these and similar studies so they can grow to an acceptable height. Gregory Smith, who is sitting before you, is one such child awaiting these advances. Gregory is 11½ years old but is the average height of an 8-year-old.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCEMENTS MADE RECENTLY IN SOLVING THE TRANSPLANTATION AND RELATED PROBLEMS

The National Institute of Arthritis and Metabolic Diseases has supervised the funds which you have allocated for study of these areas. A successful kidney transplant program and a successful dialysis (artificial kidney) program have been worked out. These programs are successful in maintaining life for a limited period of time for several thousand individuals. However, the successes are only partial. Recipients are susceptible to infection and to rejection of the transplants, and children do not grow in spite of transplant or the use of artificial kidneys.

Delineation of mechanisms of rejection will provide information regarding the etiology of self-immunization (autoimmunization) and self-destruction of the adrenal, thyroid, liver, or gonads in certain susceptible individuals. The mechanism of rejection of one's own "normal" organs in patients with hypothyroidism, Addison's disease, or pernicious anemia is apparently very similar to the rejection of a donor's kidney by a recipient. Basic studies in these areas must be pursued to restore normal life to millions of people who have, or will have, diseases that can be prevented.

ACCOMPLISHMENTS AND WHAT NEEDS TO BE ACCOMPLISHED TO BRING TO FRUITION THE ADVANCES MADE RECENTLY IN THE FIELDS OF METABOLIC DISEASE SUCH AS DIABETES MELLITUS

Diabetes mellitus, or "sugar" diabetes, is now known to be at least of two types. Recent studies using funds appropriated by this committee have demonstrated that in one type there is apparent insulin resistance, and, in the other type, the body quits making insulin—possibly because the body destroys the insulin-producing cells in the pancreas. In this respect, this form of diabetes may be an autoimmune disease also.

Recent studies also have demonstrated and delineated various antagonists of insulin. Basic studies such as these will not only lead to information that will permit longer life for the millions of individuals who are, or will be afflicted with this disease but will lead to information that will prevent the blindness, the kidney failure, and the hardening of the arteries which incapacitates a majority of the diabetic patients after a few years.

Cystic fibrosis and hypoglycemia are two diseases where great strides have taken place in the past few years. In basic investigations the controlling factors of blood sugar have been delineated. Through understanding the mechanisms of sugar metabolism in the cell, various therapeutic agents directed specifically at the altered physiological sites can be developed. As a consequence of these studies, and current studies, one of the most significant causes of convulsions with resultant brain damage will be eliminated.

WHAT IS THE EVIDENCE THAT THESE GOALS ARE NOT GOING TO BE ATTAINED AT THE CURRENT LEVEL OF FUNDING FOR BASIC RESEARCH?

I have spoken today about the funds distributed by the National Institute of Arthritis and Metabolic Diseases which is the Institute that over the years has been charged with supporting basic research in the endocrine and metabolic areas alluded to above. I have spoken about the responsibilities of this Institute because during the past 16 years I have been in a position to assist in achieving some of the goals outlined above and to know the investigators who have the capabilities to continue to solve the unsolved problems. I do not speak about this Institute because it and the investigators accountable to it are in the unique position of being discriminated against but because I do not know how the reduction in allocations has delayed and disrupted the attainment of the goals outlined above and other equally important goals.

In 1969 the actual appropriation was $143,888 (in thousands) for all purposes. The 1970 estimate was $137,588 and the 1971 estimate is $132,152. For research grants the figures for these three periods are $91,666, $86,027, and $85,874. These figures are at a time when inflation and salaries are increasing at the rate of 5 to 10 percent each per year. The consequence is that only 35 percent of approved grant applications can be funded in contrast to the 70 percent of approved grants funded a few years ago. In addition, and average of 15 percent is taken out of each grant that is funded to permit funding of 35 percent of the approved grants.

The catastrophe is that many of the investigators capable of solving the problems and bringing the work outlined above to fruition are not funded and are leaving the investigative field for administrative position. Those that remain are discouraged and are contemplating leaving the academic institutions where they work and teach. Since the majority of these investigators, such as myself, pursue research 50 percent of the time and teach medicine 50 percent of their time, and do so at a financial sacrifice, there will be little to keep them in the medical institutions as they no longer can do what they wish and that for which they are trained. This is catastrophic for the work which remains unfinished, for the medical schools who are left without their bright leaders and who will deny that such bright leaders are not essential to our medical schools if our prospective physicians are to be logical, scientific thinkers practicing medicine instead of tradesmen.

The catastrophe is also for those individuals who are dwarfed and will not grow, for those with diseases of autoimmunity or in need of transplants who will be helped, and for those with diabetes, hypoglycemia, or other metabolic disease who may succumb because the work has not progressed.

For these reasons, I and those whom I represent urge that the citizens proposed budget for the National Institute of Arthritis and Metabolic Diseases be approved by this Senate subcommittee. It is urged that the citizens budget request for research grants of $102,487 be approved. Other institutes may be comparably worthy, but this one I can speak about most authoritatively.

WHAT HAS BEEN DONE AND WHAT NEEDS TO BE DONE TO TRAIN RESEARCH SCIENTISTS AND CLINICAL INVESTIGATORS?

In the past few years there have been several separate training programs administered either through the National Institute of General Medical Sciences or through other institutes of the National Institutes of Health. This committee must be aware of the various types of training programs that have been in operation to evaluate the effect of proposals made by the Bureau of the Budget affecting these research training programs. There have been programs to train medical students, programs to train Ph. D. candidates, programs to train post-doctoral Ph. D.'s, and programs to train postdoctoral M.D.'s.

It is the latter about which I am best qualified to testify. The individuals entering these programs have been board qualified internists, surgeons, pediatricians, pathologists or specialists in some other field. These individuals accepted postdoctoral training fellowships in research at stipends of $6,000 to $10,000 per year because of their dedication to the science of medicine. They wished to pursue research and make their careers in the academic world where they could spend 30 to 70 percent of their time in basic or clinical investigation and the remainder of their time combining teaching and patient care.

Exemplary of the type of individuals trained are those trained in pediatric endocrinology in the department which Dr. Claude Migeon and I run. Each spends approximately 50 percent of his time pursuing the research problems outlined previously in the report and 50 percent of his time teaching medical students, interns or residents while rendering superb clinical diagnostic and therapeutic care to patients.

None of these individuals makes as much money in the academic field on a full-time salary as if he was in private practice as a pediatrician or internist. The internists and pediatricians who are our subspecialists in cardiology, neurology, endocrinology, et cetera, have all been through comparable programs.

It is paradoxical that our best trained researchers and teachers now should be expected to borrow money to take this specialized training for 2 to 4 years at the ages of 29 to 35 years. These individuals are willing to make the personal sacrifice of time—2 to 4 years—and money—a barely livable wage following 4 years of college, 4 years of medical school, a year of internship and 3 or 4 years of residency training. If these funds to train these postgraduate M.D.'s are exhausted or withdrawn, the effect will be catastrophic in several respects:

(1) The specialists in endocrinology, cardiology, and neurology will no longer be trained because they cannot afford to extend their indebtedness after college, medical school, internship, and residency;

(2) Medical schools will be without these teachers and scientists at a time when more comprehensive medical training is a necessity and when medical schools are expected to produce additional graduates;

(3) The clinical and basic investigators of the next academic generation who will be expected to solve the unsolved chemical, biological, and physiological health problems will not be available.

Our people cannot afford this catastrophe. Exemplary of the trend is the reduction of fellowships by the National Institute of Arthritis and Metabolic Diseases from 459 in 1969 to 279 in 1971, and the reduction of training grants from 302 in 1969 to 252 in 1971. This committee is urged to increase the President's budget for the National Institute of Arthritis and Metabolic Diseases by $2.5 million for fellowship support and $3.5 million for training grant support. This amount will permit continuation of training at the 1969 level.

In summary let me elaborate on a few salient points.

Approximately 50 percent of the grants that support the work that has benefited the children who have been helped have been cut out totally and completely. The other 50 percent of the grants have been cut back by as much as 20 and 25 percent.

These are the problems. I know the committee is aware of the problems. The Bureau of the Budget is critical and the House Appropriations Committee is critical, yet we feel that the Senate Appropriations Committee can bring to their attention and hopefully be the forerunner, the arrow, to keep abreast of the times and to keep in the budget those items which are so necessary to continue to have a standing stool. You were not here this morning but Dr. Isselbacher spoke about the three legs of the stool—medical education, research, and training—and if one cuts off one leg, the entire stool falls.

In relation to specific requests, because I am best acquainted with the National Institute of Arthritis and Metabolic Diseases, I am coming with a specific request that the appropriation for the basic research for the National Institute of Arthritis and Metabolic Diseases be increased by $17 million to the total figure of $102 million which was supplied in the budget by Dr. Welt Yesterday. This is the citizens' budget.

I come secondly to request that the training grant support which supports post graduate M.D.'s be increased from $3.2 million to a total of $18.5 million.

In the past 3 years the training grants from the NIAMD have been cut from 302 to 252. This is the portion of the appropriation which transposed graduate M.D.'s.

In the past 10 years I have trained 20 physicians, 20 teachers in the post graduate training program. These individuals now are professors around the country who spend 50 percent of their time doing research and 50 percent of their time doing medical education. These are the people who are going to drift out of the academic field unless such support is given. Unless support is maintained at the same level, we are not going to train similar teachers for the future.

The loan program is totally unrealistic for the position of graduate M.D.'s for the reasons that were reiterated this morning. These people could go out in practice and make $30,000 or $40,000 but they prefer to be associated with medical schools where they make $20,000 or $25,000 and they do this through sacrifice so they can do what they wish; that is, teach and do research. These individuals are not going to benefit by further training; that is to say, an additional 3 years training beyond the 12 years after high school. Therefore, they are not going to take loans. Therefore, our future teachers are not going to be supplied if we have to depend upon a loan type of program.

These are the requests. Thank you very much, sir.

I would like to thank the committee for their attention and their interest in these matters which must be of concern to all of us, whether we be scientist, lay person, Congressman, or Senator.

[From the Wall Street Journal, Jan. 7, 1971]

Human Growth Hormone Is Synthesized for First Time by California Scientists

San Francisco.—The Hormone Research Laboratory at the University of California, San Francisco, announced that two of its scientists have synthesized for the first time the pituitary human growth hormone, or HGH.

The synthesis, one of the most complex achievements in protein chemistry, opens the way to a host of basic studies of human growth and possibly improved treatment of cancer, heart disease, infections and other maladies, scientists here indicated.

The synthesis was made by C. H. Li, director of the laboratory, who first isolated and purified HGH in 1956, and an assistant research biochemist, Donald H. Yamashiro.

Biochemist Li told a crowded news conference on the campus that the synthesized hormone currently amounts to only a few milligrams in his laboratory. But he added, "I believe once you show it can be done, it will be developed (through) large-scale production" in drug-industry laboratories.

Among the first applications, he indicated, would be in treatment of the 7,000 or more U.S. children born each year with deficient amounts of HGH, resulting in dwarfism. Some of them are treated successfully with a natural growth hormone obtained from cadavers, but this method has proven inadequate to supply the amounts needed, doctors indicated here. When asked whether pituitary dwarfism might soon disappear as a result of successful synthesis, Mr. Li said "yes."

CHANCELLOR HAILS "BREAKTHROUGH"

Philip R. Lee, chancellor of the San Francisco campus of the university, told newsmen that HGH synthesis was a "contribution of great significance" and "perhaps one of the most important breakthroughs" to come from the famed hormone laboratory here. Asked whether the research might bring a Nobel Prize to Mr. Li and his coworker, he replied, "The Nobel Prize committee has to answer that question."

The pea-sized pituitary gland, located just below the brain, is called the body's master gland because its 10 known hormones control so many vital body functions, ranging from growth to reproduction and metabolism.

Mr. Li and others at the laboratory previously isolated and purified eight of the 10 hormones and determined the structure of seven, including HGH. But HGH synthesis required four more years after its structure was determined, "and we lost sleep very often," Mr. Li reported. The hormone is a protein containing 188 amino acids, each in a definite sequence like the words in a sentence. By contrast, previous breakthroughs in protein synthesis included that of ACTH, another pituitary hormone, which contains only 39 amino acid "words" and insulin, which contains 51.

The HGH synthesis marks a major advance in scientific efforts to make proteins from non-living chemicals. Proteins are the basic substance of all living matter and, chemically, are the most complex. They are the structural material for life, and for the enzymes and many of the hormones that carry out the thousands of chemical reactions that make life possible. Until now, the largest protein made in the laboratory has been an enzyme called ribonuclease, consisting of 124 amino acid building blocks. It was first synthesized two years ago by scientists at Rockefeller University, New York, and Merck & Co., Rahway, N.J.

The scientist said synthetic HGH hasn't been tested yet in humans but its chemical activity has been verified by other means. He added that the first sample is only about 10% as active in promoting growth as the natural hormone, indicating that some impurities crept into the material.

The university announcement said, "Using the new synthetic HGH, the answer may . . . be found as to why we grow to a certain height and then stop; what goes wrong with those who grew abnormally short or tall; why certain cells become runaway cancer cells; why some people maintain a normal weight and others are abnormally thin or fat; and many other heretofore unsolved questions."

It also noted that Mr. Li's research disclosed the HGH stimulates milk secretion by the mammary glands and promotes the activity of both male and female sex hormones.

HGH May Affect Cholesterol

Mr. Li said animal studies indicate HGH may be far more important than previously suspected. He said it appears to play a role in lowering blood cholesterol, for example. Many studies have shown that the risk of heart attacks is far greater among men who have a high level of blood cholesterol, a fatty substance produced by the body and also linked to certain dietary fats such as butter. Thus, he suggested that synthetic HGH may help scientists understand the mechanisms by which cholesterol can be controlled.

The lab director also noted that, in animal studies, injection of HGH enhanced resistance to infection, promoted wound healing and helped repair bone fractures.

In animals with cancer, the growth hormone stimulates the spread of the disease, Mr. Li noted. The synthesizing of HGH opens the way to constructing a synthetic molecule that is "antagonistic" to growth and which "might be anticancer" in effect, he said.

Mr. Li was born in Canton, China, in 1913 and studied at the University of Nanking. In 1935 he came to Berkeley, where he obtained his Ph.D. He has remained on the University of California faculty since then. He still speaks in heavily accented English. In his spare time, he plays tennis, reads and catalogs stamps and coins.

In 1955, he and his co-workers made scientific history by isolating and purifying Adrenocorticotropin, known as ACTH, a key hormone that regulates salt and water retention in the body and helps produce 60 different hormones. The discovery led to successful synthesis and production of ACTH for treatment of rheumatoid arthritis and other diseases.

RULE XXII OF THE SENATE

Mr. TAFT. Mr. President, in 1957 at the beginning of the 85th Congress, Vice President Nixon gave the following advisory ruling:

> It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

Today an increasing number of Americans are of the opinion that the rules of congressional procedure must be modernized so that we can deal effectively with key problems requiring legislative action.

Perhaps no Senate practice has received as much attention as the filibuster. The cloture rule, to limit debate, was originally adopted in 1917. Since that time the Senate has attempted cloture on a wide range of matters, from the Treaty of Versailles and the World Court to antilynching and civil rights. Under the cloture rule, debate has been limited on only eight occasions in the 49 when cloture was attempted.

In its present form, rule XXII requires an affirmative vote of two-thirds of the Members present and voting to end debate.

The issue with respect to rule XXII is at what point debate ends and obstruction begins. In making this delineation there are no scientific formulas. In the tradition of the Senate there must be a continuing opportunity for a minority to utilize debate to attempt to develop a majority on any issue. But in my opinion, if 60 percent or more of the Senators voting are in favor of a measure, after reasonable debate they should be able to effect their will. Under the present rule, even 66 percent of the members voting cannot limit debate. I believe that in these terms the present cloture rule is too restrictive.

Consequently, I expect to vote to amend rule XXII so that cloture may be invoked upon the affirmative vote of three-fifths of the Members present and voting.

THE OILMEN AND POLITICS

Mr. PROXMIRE. Mr. President, Murray Seeger of the Los Angeles Times, one of the best reporters in a city full of good reporters, has published an excellent article describing the tentacles of the oil industry and how it throttles anyone who attempts to lower its subsidies from the American taxpayers.

He describes how the oil industry uses its friends, in and out of office, to achieve goals that they could not defend on the floor of Congress.

He describes how some of the highest officials in our Government apparently have to depend upon the oil industry to retain their positions.

He describes the difference between the major oil companies who have the financial power and the independent oilmen who have the political power.

Finally, he describes the growing influence of those in Congress who are not satisfied to have the American taxpayer pay out gigantic sums of money, over $5 billion for the oil import program alone last year, without getting anything in return except inflationary price increases. Men who demand to see some sort of a cost-benefit analysis for the present Federal subsidies to the oil industry and who seek to change them to better achieve our goals at the lowest cost.

I commend this article to all those who are concerned about inflation and those who are concerned about the effects of Government interference in the free market economy that made our Nation great. I ask unanimous consent that Murray Seeger's article which appeared in the January 17, 1971, issue of the Washington Post be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Oilmen and Politics

(By Murray Seeger)

A few weeks ago, a group of oil industry representatives gathered at the Carlton Club, one of their favorite private watering holes in Washington and compared notes.

There was a subdued air of celebration around the table, for the oil men were discussing what they considered a major victory—the expected departure of Charles E. Walker from his post of undersecretary of the Treasury because of the nomination of his fellow Texan, former Gov. John B. Connally Jr., to be secretary.

A tough-minded economist, Walker has irritated the oil industry with his positions on tax questions during two years in the administration. Industry spokesmen for months have been "poisoning his wells" at the White House, but Walker has refused to go down.

Now, with President Nixon's appointment of Connally, a long-time friend of the oil industry, to be No. 1 man at the Treasury, the industry is confident the No. 2 man, who had hoped to move up, will, instead, move out.

"The President and Connally agreed that you can't have both the secretary and undersecretary from Texas," one company representative said knowingly. "Walker has to go."

The oil men's conversation, related by an industry source, is typical of the routine maintained by Washington's most widespread, best-informed and most powerful lobby.

Using levers of power that other industries do not have, the oil companies and their widespread allies have created a subgovernment in Washington that has buried pipelines deeply into the body of the real government. Those pipelines produce inside information that allows the industry to use its power most effectively.

One branch of the pipeline goes directly into the White House because President Nixon insisted after taking office two years ago that oil policy was to be made by his staff. Other branches of the line go into such agencies as the Interior Department and Federal Power Commission that are vital to the industry's well-being and into the committees of Congress that write legislation affecting the industry.

HOW MUCH CLOUT?

As a result, the oil industry can make things happen in Washington. More importantly, the industry can prevent the government from making a decision detrimental to the companies' interests. And the industry can frustrate the earnest efforts of officials with whom it disagrees.

The industry itself disclaims any such descriptions of its power. "We haven't got enough political influence to fill that beer glass," one top company executive said recently in a luncheon interview.

Other industry spokesmen argue defensively that oil is a favorite politicians' target in Washington; that oil is a "whipping boy" for ambitious office seekers and for academics who do not understand the complexities of what is the world's largest single industry.

But no industry is so deeply involved in national and international politics as oil. And in no other industry does the self-interest conflict so often with the public's interest.

THE HEADY DAYS

Until recently, the oil companies were able to protect their many special interests, such as privileged tax treatment and quotas against imported petroleum, with their own power exercised through friendly oil-state congressmen and executives. Thus oil men are almost misty-eyed when they recall the days when Sam Rayburn and Lyndon Johnson of Texas were the majority leaders of Congress, Robert Kerr of Oklahoma was the No. 2 man on the Senate Finance Committee and Robert B. Anderson of Texas was Treasury secretary under President Eisenhower.

The industry still has it well-placed friends all over town, but not as it had a dozen years ago. Now, the oil industry is desperately trying to make new friends.

While there is still a big, powerful pro-oil group within Congress, there is also a growing anti-oil group. The industry that used to operate alone is now making new alliances with other allied and ancillary industries to widen its influence. It is this complex interlock of associations that still makes the oil lobby the most powerful private industry bloc in Washington.

The key alliance in this complex is between the big integrated corporations, those that produce, refine and sell oil products, and the smaller independent companies and individuals whose main occupation is finding and developing new sources of petroleum.

For the big companies, the blue chip issue is federal tax policy. This includes the fixed depletion allowance, which allows oil producers to deduct 22 per cent of the value of oil produced from a well before figuring its worth for income taxes; the intangible drilling expense provision, which permits the deduction in one year of the full cost of finding and developing a new well, and the foreign tax credit, which allows international tax bills the amounts they pay foreign countries in taxes.

The independent operators, which are zealously jealous of these tax advantages, are even more concerned about preserving the quota system established during the Eisenhower administration, which limits the amounts of foreign oil that can be imported into the United States.

Each of the two sectors of the oil industry has its own national trade association. The American Petroleum Institute, with an annual budget estimated at $10 million, attempts to be an overall industry organization but is dominated by the major companies. The Independent Petroleum Producers Association is the voice of the smaller companies and independent operators.

When the oil industry speaks with a united front, it is usually through the API. This organization is in the process of moving most of its staff from New York to Washington. It also has a small office in Houston. The IPAA also is enlarging its Washington office and reducing the size of its Tulsa staff.

The official API spokesman is Frank N. Ikard, a large, softspoken former Texas congressman, whose value to the industry is especially high because of his friendship with Rep. Wilbur D. Mills (D-Ark.), chairman of the House Ways and Means Committee, which writes tax and trade legislation. Ikard was a member of the committee.

Although the API provides many valuable services to its members, the face seen in Washington is its committee on public affairs, headed by Stephen P. Potter. His office coordinates the work of a series of committees made up of company representatives concerned with public issues confronting the industry. These committees meet regularly in Washington, but between sessions the members are consulted regularly by telephone on what positions the API should take and what policy it should pursue.

"NO MONOLITH"

While the industry's opponents like to imagine that a handful of men sitting in a smoke-filled room make political policy for the entire industry, things do not work that easily in the oil industry.

"This industry is no monolith," one major company executive said in an interview. "Of the biggest companies, three or four are very political and three or four are not so political."

The Nixon administration's unsuccessful effort last year to impose a new tax on lead additives in gasoline, for instance, caused a serious difference of opinion among the biggest API members. Union Oil of California and Standard Oil of Indiana, which were into the market early with nonleaded gasolines, had no objection to the tax that would have had the effect of raising the price on competitive leaded fuels.

"We couldn't blame them," the officer of a competing company said. "They already had an economic leg up on the rest of us."

The API's official position was against the lead tax, but any company could go on record with a different point of view if it chose.

Treasury Undersecretary Walker strongly advocated the lead tax. In the final weeks of the congressional session, he traveled across the country visiting top executives of nine major companies, attempting to get a new industry position on the tax. He said the administration would liberalize depreciation rules for new industry capital investments as a tax lure for the deal.

The company officials, however, read the trip as an attempt by Walker to save his job. The itinerary of the trip suggests which companies are considered most powerful politically.

"He put his whole career on one tax bill and he lost," one New York executive said.

Walker visited officers of Standard of California and Union Oil on the West Coast, Standard of Indiana in Chicago, Gulf in Pittsburgh, Sun in Philadelphia and Shell, Texaco, Humble and Atlantic-Richfield in New York City. He later claimed that he failed to visit the headquarters of Mobil in New York City by an "oversight." Mobil officials were miffed that they were not called upon and are reportedly among Walker's most vocal critics.

Probably the most significant meeting Walker had on that tour was a private hotel suite breakfast with Robert O. Anderson, chairman of Atlantic-Richfield, one of the most highly respected oil executives and the one considered to have the greatest single political influence. Anderson, no relation to the former Treasury secretary, is the Republican national committeeman from New Mexico. He gave more than $60,000 to President Nixon's 1968 campaign.

With his easy access to the White House, Anderson is considered the industry's most important spokesman on issues. He was also a major sponsor of Walter J. Hickel as Interior Secretary, based on an association that started when Atlantic-Richfield was developing its new fields in Alaska and Hickel was governor of that state.

During the 1968 campaign, Mr. Nixon

pledged to defend the oil depletion allowance. After taking office, he announced that oil policy would be made in the White House, not at the Interior Department where authority was vested by former President Johnson.

"They told us that oil policy would be handled by generalists and not by specialists," one trade association executive recalled.

At first, Peter M. Flanigan, a presidential assistant who was a Wall Street investment banker with oil industry ties, was assigned to deal with oil. More recently, according to industry sources, Robert H. Finch, counselor to the President, has been dealing with the oil men.

This policy plan was an indication to the industry that oil issues would be dealt more on a political than an economic level.

When a commission named by Mr. Nixon recommended last year that the quota system be phased out in favor of a tariff system, the White House rejected the advice and continued the quota program with only minor changes. Two officials who voted in favor of a tariff, George P. Shultz, director of the Office of Management and Budget, and Treasury Secretary David M. Kennedy, have been replaced on the oil policy committee by two who support the industry's view on quotas, Attorney General John N. Mitchell and Connally.

NUMBER ONE

The company considered to have the greatest political influence is Standard Oil of New Jersey, parent of Humble, which is by far the largest in the industry and the nation's second largest corporation.

"Jersey Standard plays the role of industry statesman," one industry source observed. "They are involved in everything. At the other end of the scale is Texaco. I once sat on a committee with a fellow who announced at the first session, 'I've been sent here to vote against anything that doesn't directly benefit Texaco.'"

Jersey showed its influence when a free trade lobby was formed early in 1970 to battle restrictive legislation passed by the House. While denouncing import quotas on such products as foreign-made shoes and textiles, the Emergency Committee on American Trade did not oppose oil quotas at Jersey's insistence.

In assessing the influence of the various segments of the industry, the big corporations and their executives have their greatest power with the White House and the executive agencies such as the State and Interior Departments.

"The big international companies have always made a big impact on the State Department," the source continued. "That is justified—the companies provide information that the government can't get any other way, especially from the Middle East."

On the other hand, the independents have their greatest power with Congress. "The independents have that grass roots kind of power," one big company executive said enviously. "They know their congressmen and senators—they grew up together."

Among the independents are small companies trying to compete with the giants but also the free-wheeling wildcatters who operate on their own. By contrast, the major companies are as impersonal as all corporate giants. They have facilities in many parts of the country, but the managements are detached and isolated. The independents recognize their political advantage.

"The big companies depend on us politically," one representative of the independents said. "We are close to the grass roots. If they had to depend on themselves, they would never win anything."

As another advantage, the independents' spokesman, the IPAA, with 5,000 members, is much quicker to react to political situations than is the API with 400 company members.

"They have to get the presidents of eight big companies to agree before they can do anything," one IPAA staff man said of the API. "We have so many members that we just go ahead and do what we think we have to do."

WHERE IT COUNTS

Oil politics is basically regional politics. Each year the IPAA publishes maps of all oil-producing counties. Oil is now produced in 30 states, with 20 considered primary producers.

"There are 30 hard-core oil senators," one IPAA man said. More important than numbers to the oil industry are the positions held by friendly senators and representatives from such states as Texas, Oklahoma, Louisiana, Kansas and Wyoming.

On the House Ways and Means Committee, for instance, Rep. Hale Boggs (D–La.) is the ranking majority member behind Chairman Mills. The House Interior Subcommittee that deals with mineral policy is headed by Rep. Ed Edmondson (D-Okla.).

Rep. Carl Albert of Oklahoma is slated to become Speaker in the new Democratic-controlled House and Boggs is a leading candidate to be majority leader. One of Boggs' handicaps, however, is the opposition of many House members to putting two oil-state spokesmen in the leadership posts.

Sen. Russell B. Long (D–La.), whose family has become rich from oil holdings, is chairman of the Senate Finance Committee, which handles tax and trade legislation.

During 1970, the Republican senatorial campaign committee was headed by Sen. John G. Tower (R–Texas), who has close oil connections. The finance chairman of the Democratic National Committee is Robert Strauss of Texas, who also has many friends in oil.

The most visible congressional friend of the oil industry is Sen. Clifford P. Hansen (R-Wyo.), a member of both the Interior and Finance committees, which are so vital to the industry, and the man who probably gives more floor speeches defending the industry's points of view than any other single member of Congress.

"Hansen is extremely helpful to all of us," one company lobbyist observed. "He will always sit and listen to my case."

At the core of the industry's power is its reputation for having unlimited cash available for campaign contributions to cooperative officeholders. The amounts available can never be completely totaled nor the routes for distributing them traced.

Since the 1969 vote that reduced the fixed depletion allowance for the first time in 45 years, and as a result of mounting pressure on the industry to improve its record for preventing environmental pollution, oil company leaders have been concerned about the industry's poor public standing. The companies are planning to spend millions of dollars in television advertising to improve their image.

The current major concern for the industry is the shortage of oil and gas for both heating and power generation, despite the industry's lucrative tax and trade privileges, granted on the premise they would use the incentives to find more and more oil and gas. Now, the industry says the incentives are not high enough. The Tax Reform Act, which has hardly gone into effect, is already being given some blame for the fuel shortage.

"The energy crisis of today was created in substantial part by the uninformed or hostile governmental policies of the past," Hansen told the Senate.

The industry's chief goal is to raise prices both for its main oil products and for natural gas. It appears to have succeeded in raising crude oil prices, despite criticism from the White House. Now, the target is forcing the Federal Power Commission to raise gas prices at the producing wells.

DEATH OF MRS. BEN C. HOUGH OF LANCASTER, S.C.

Mr. THURMOND. Mr. President, on December 22 the State of South Carolina and our Nation lost a great benefactor and an untiring humanitarian on the death of Mrs. Perry Belle Bennett Hough of Lancaster, S.C.

This fine lady, who was the wife of my good friend, Ben C. Hough, president of the Marion Sims Memorial Hospital in Lancaster, was loved by everyone who knew her. Her contributions to the service of her community, and to the welfare of her people are legion.

She was named last year as "Woman of the Year" in Lancaster. This was an honor which reflected the high esteem in which she was held by her peers.

This charming lady was a leader in her church. She was a driving force behind many worthwhile civic and cultural projects.

She was a member of a group of Lancaster citizens who worked to secure the first county library building erected in 1935. She took a leading part in the campaign for funds for the new library erected in 1970.

Mrs. Hough was a trustee of the Lancaster County Educational Foundation and Lancaster Extension, University of South Carolina. She was a member of the Lancaster County Chamber of Commerce, the Elliott White Springs Memorial Hospital Auxiliary, and the American Legion Auxiliary.

Many South Carolinians have mourned her passing, and many newspapers took note of this sad occasion to pay tribute to her memory.

Mr. President, it is fitting that some of these tributes be incorporated in the Record of our proceedings, and I ask unanimous consent that an editorial entitled "Perry Belle Hough," from the December 24 issue of the Lancaster News; an obituary entitled "Mrs. Perry Belle Hough Dies in New York City" from the same issue; an obituary entitled "Mrs. Hough Dies in New York City" from the issue of the Columbia State; and an article from The Voice, published weekly by the First Baptist Church of Lancaster, S.C., be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Perry Belle Hough

The death of Mrs. Ben C. Hough is hard to accept. For more years than we can remember she has supported and given strong leadership to the worthwhile projects of Lancaster and Lancaster County. She was interested in everything, past, present or future, that could add to the flavor of life in this area.

We doubt if the full list of Perry Belle Hough's benefactions and interests will ever be known because she was a modest person who was generous in giving others credit for achievements which began and were often completed with her help.

Although she didn't want it for herself, she knew the value of publicity and many's the time this newspaper was enlisted in support of one of her projects with little more than our faith in her to go on.

Earlier this year she was named Lancaster's Woman of the Year. This was a belated recognition of an honor Perry Belle Hough had deserved in more years for doing more things than anyone else in Lancaster County. We say farewell to a genteel lady who knew what had to be done and how to get it done.

MRS. PERRY BELLE HOUGH DIES IN NEW YORK CITY

Mrs. Perry Belle Bennett Hough, civic, cultural and religious leader, died Tuesday night in a New York hospital after a short illness. Mrs. Hough, who was 72, and her husband, Ben C. Hough, had just returned to the States following a two weeks tour of the British Isles.

Funeral services will be conducted Thursday afternoon at 4 o'clock in West Side Cemetery with Dr. Daniel Cloer, pastor of the First Baptist Church, officiating.

Mrs. Hough was born in Lancaster on February 16, 1898, the daughter of the late William Perry and Leila Josey Bennett. Educated in the Lancaster City Schools, she was graduated from Winthrop College in 1917 with a degree in music and taught school for several years.

In the religious life of the community, her activities included teaching in the Sunday School and working in other organizations of the First Baptist Church of Lancaster. She served through the years on various committees and at the time of her death was a member of the Church Library Board and was collecting and compiling materials for a history of the church.

Mrs. Hough was a member of a group of Lancaster citizens who worked to secure the first county library building, erected in 1935. She was a member of the Lancaster County Library Board and from 1943–1945 served as chairman of that Board. She took a leading part in the campaign for funds for the new library erected in 1970.

Interested in the cultural affairs of the county, Mrs. Hough was a director of the Lancaster County Educational Foundation, Lancaster Regional Campus of the University of South Carolina. She was a member of the Lancaster Literary Review Club, the Lancaster County Chamber of Commerce, Elliott White Springs Memorial Hospital Auxiliary and the American Legion Auxiliary.

Mrs. Hough's interest in historical research led her to give assistance and encouragement to others engaged in preserving and publishing Lancaster County history.

She was a member and former regent of the Waxhaws Chapter, D.A.R., State Chairman of Americanism and a member of the Tamassee Board of Trustees. She belonged to the South Carolina Daughters of Colonial Wars, the Jamestowne Society of Williamsburg, Va., and was on the executive council of the Caroliniana Society of the University of South Carolina.

Instrumental in the organization of the Lancaster County Historical Commission, Mrs. Hough served continuously as its secretary and worked for the establishment and development of the Andrew Jackson State Park in Lancaster County. For the year 1970, she was serving as a member of the South Carolina Tricentennial Committee for Lancaster County.

Mrs. Hough was honored by the Lancaster Jaycees last January when she was named "Woman of the Year."

Over the years she and Mr. Hough traveled extensively in Europe, the Orient and the United States.

Surviving are her husband; and two nephews, Carl Bennett and Lucius Bennett.

MRS. HOUGH, 72, DIES IN LANCASTER

LANCASTER.—Mrs. Perry Belle Bennett Hough, 72, well-known Lancaster civic leader and Lancaster's 1970 "Woman of the Year," died Tuesday in a New York hospital after a short illness.

Mrs. Hough was born in Lancaster, a daughter of the late William P. and Leila Josey Bennett. She was a 1917 graduate of Winthrop College and taught school for several years.

She was a member of a group of Lancaster citizens responsible for the construction of the first county library building, erected in 1935. She was a member of the Lancaster County Library Board from 1943–45, serving as chairman and was active in the campaign to secure a new library building erected this year.

Mrs. Hough was a trustee of the Lancaster County Educational Foundation, Lancaster Extension, University of South Carolina. She was a member of the Lancaster Literary Review Club, the Lancaster Chamber of Commerce, the Elliott White Springs Memorial Hospital Auxiliary and the American Legion Auxiliary.

She was a member and former regent of the Waxhaw's chapter DAR and state chairman of Americanism and a member of the Tamassee Board of Trustees. She was a member of the S.C Daughters of Colonial Wars, the Jamestown Society of Williamsburg, Va., and was on the executive council of the Caroliniana Society of the University of South Carolina.

Instrumental in the organization of the Lancaster County Historical Commission, Mrs. Hough served continuously as its secretary and worked for the establishment and development of the Andrew Jackson State Park in Lancaster County. She was a member of the S.C. Tricentennial Committee for Lancaster County.

Surviving is her husband, Ben C. Hough.

Funeral services will be held at the graveside at Westside cemetery at 4 p.m. Thursday.

MRS. BEN C. HOUGH

Christian sympathy is expressed to the family of Mrs. Ben C. Hough.

To Mr. Ben C. Hough in the loss of his wife; to Mr. and Mrs. Francis Hough in the passing of a sister-in-law; to Matt Hough in the loss of his aunt; to Mr. and Mrs. Philip Hough in the loss of his aunt; to Dr. and Mrs. Reece Funderburk, Sr. in the passing of a niece; to Mrs. W. F. Laney in the loss of a niece; to Mrs. Alma Askins in the passing of her niece; to Mr. and Mrs. Emil Emanuel and family in the loss of their aunt and to Mr. and Mrs. W. Y. Emanuel and family in the loss of their aunt.

THE ENERGY CRISIS

Mr. MOSS. Mr. President, the magnitude of the energy crisis facing the country, and the possibility of increasing power blackouts and brownouts in the next few years until the crisis can be met, is discussed very effectively in an article in the Washington Post of January 10 under the byline of William G. Cushing.

The article primarily carries the very astute analysis of the situation by John N. Nassikas, Chairman of the Federal Power Commission, but it also gives some good basic statistics on supplies of coal, oil, and natural gas, and discusses some of the transportation and price problems contributing to the shortages.

Much of this material repeats the information brought out in the energy crisis hearings held by the Senate Minerals, Materials, and Fuels Subcommittee late last summer. This subcommittee will open a full inquiry this year on a fuel policy. I commend the article to my colleagues for their thoughtful reading, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER BLACKOUTS STILL THREATEN U.S.

(By William G. Cushing)

Although some progress has been made in dealing with the U.S. "energy crisis," the likelihood of more electric power brownouts and even blackouts in the coming year is not being ruled out by top government energy experts.

Indeed, John N. Nassikas, chairman of the Federal Power Commission, said in a recent interview that the nation "will continue to have power problems over the next four or five years."

Although the nation's energy deficiencies has been increasingly scrutinized in the five years since the great Northeast blackout of 1965, when large urban areas were without electricity for hours, speedy correction of all of them has not occurred.

For example, here in the Washington area, a large new generating station of the Potomac Electric Power Co. was taken "off line" in late November due to start-up problems. And in the South, Louisiana Power and Light Co.'s newest and largest unit (549,000 kilowatts) was put out of action for the next four to six months. Consolidated Edison of New York had similar problems when unexpected generating equipment was shut down last summer.

Also compounding the problem is another national crisis: the shortage of fuels, especially fuel oil, coal and natural gas, according to Nassikas. This, he says, "is a far more formidable problem than the problem of generating capacity," and it poses a real threat to the stability of electric power "in most regions of the country" this winter.

Currently, 57 per cent of electric power is generated by coal, 27 per cent by natural gas, 11 per cent by residual fuel oil, and the balance, about 5 per cent, by nuclear power.

COAL

Blamed for the short supply of coal are a number of factors, including the lack of an adequate federal coal mine health and safety act, inadequate rail transportation, coal exports, and increasingly restrictive environmental standards.

In the wake of a federal report, the FPC has conducted a national inventory of all electrical utilities which use coal, and directed them to report when their supplies dipped below a 30-day supply. As a result of this pressure, the coal supply crisis has subsided somewhat, although the FPC reports it would take one million tons of coal to wipe out a deficit in minimal 30-day supplies for the nation's coal-using utilities.

The transportation bottleneck, which developed in the fall of 1969 when thousands of railroad cars were unavailable to deliver coal when it was needed, has also diminished.

The gravity of the problem was intensified by export coal standing idle in railroad cars at ports, awaiting shipment.

With pressure from the Interstate Commerce Commission and compensating action taken by the railroads, the transportation problem has been slightly alleviated.

OIL

Residual fuel oil, which accounts for most electrical power generation in the Northeast, "can be a substantial problem this winter," Nassikas said at the end of 1970. Although power requirements, "in my opinion will be met," he said, "the situation is by no means under control."

The APPA, he said, had engaged a crash study of the oil shortage problem, focusing on what it sees as the roots of the price rise. The study will probe acquisitions of coal firms by oil companies and other comglomerates, look for violations of the antitrust laws and recommend legal recourse APPA has open to it, and study ratifications of the U.S. oil import quota program, which it doesn't like.

NATURAL GAS

Natural gas, which currently fuels production of 27 per cent of the nation's electrical power, will be in short supply for a number of years, as known reserves continue to decline, according to FPC beginning about October 1969, when the agency began to realize the extent of the problem, the FPC has raised rate ceilings to provide incentives for gas producers to develop new reserves.

The situation has not noticeably improved. This winter, although all residential and contract demands are expected to be met, no new demands for gas from such users as new industries and businesses can be accommodated.

The domestic gas industry is unable to meet the increasing demand for natural gas, FPC Chairman Nassikas said. FPC surveys show a steady decline in reserves beginning in 1968. That year, reserves dropped by 3.4 trillion cubic feet. By the end of 1969, reserves had declined by 7.3 trillion feet. For 1970, although the report is not yet complete, Nassikas said "it appears likely that the trend of declining reserves will continue."

The ratio of new gas discoveries to current production has declined sharply, from 60 per cent in 1968, to 40 per cent in 1969. Put another way, for 1969, the ratio means that for each 1,000 cubic feet of natural gas used, only 400 cubic feet was being discovered for future use.

Some critics have charged that the domestic natural gas shortage was industry-produced to drive up prices. Nassikas did not rule out that possibility. "We have no evidence before us that would indicate a manufactured shortage," he said. "This is in no way to preclude evidence that might be developed. I just haven't seen any evidence to that effect."

"Applications for the importation of 2 billion cubic feet daily from Algeria and Venezuela of Liquid Natural Gas (LNG) appear to dispute the charge," Nassikas said.

"If responsible members of the gas industry in the United States (making the import applications) are prepared to invest hundreds of millions of dollars in the transportation of LNG in cryogenic (refrigerated) ships, it is their view that they do not have adequate gas in the U.S. to meet demands of their markets and consumers. Otherwise they would be prepared to commit this kind of investment to securing gas in the United States."

For the future, to meet the current and anticipated demand for natural gas, much more capital must be spent by the industry. Nassikas sees a need for $30 billion in the next five years—$60 billion in the next decade—for the development of existing areas and the further development of known reserves.

SAMUEL HAY KAUFMANN

Mr. MATHIAS. Mr. President, Samuel Hay Kaufmann, former president of the Evening Star Newspaper Co., died at George Washington University Hospital on January 12. He was 72. It was under Mr. Kaufmann's direction that the Star moved from its location on Pennsylvania Avenue to its present plant on Virginia Avenue southeast. He also supervised the Star's acquisition of WMAL radio in the mid-1930's and served as its president during its formative years. Today, WMAL is one of the three major radio-television enterprises in Washington. During the visit of Queen Julia of the Netherlands in 1952, Mr. Kaufmann was one of 10 Washingtonians honored with the Order of Orange Nassau. It is with a deep sense of sorrow that I report the death of Samuel Hay Kaufmann, one of Washington's most distinguished citizens, to the Senate. I ask unanimous consent that his obituary published in the Star on January 13 be included in the Record.

There being no objection, the obituary was ordered to be printed in the Record, as follows:

Samuel Kauffmann of the Star Dies

Samuel Hay Kauffmann, a former president of The Evening Star Newspaper Co., died in George Washington University Hospital yesterday of pneumonia and complications from emphysema. He was 72 years old.

Mr. Kauffmann was the grandson of the first Samuel H. Kauffmann, who together with Crosby S. Noyes, George W. Adams, Alexander R. Shepherd and Clarence Baker organized The Evening Star Newspaper Co. in 1868, and who was president of the company at his death in 1906.

Just out of Princeton University in 1920, young Mr. Kauffmann started his career on The Star as a clerk behind the classified advertising counter in the lobby of the old Star Building at 11th Street and Pennsylvania Avenue NW. His salary was $20 a week.

ELECTED PRESIDENT IN '49

Twenty-nine years later, Mr. Kauffmann assumed the position of leadership once held by his grandfather. He was elected president of the company on Feb. 7, 1949, and he continued in that post until April 8, 1963, retaining thereafter the office of chairman of the board of directors. In 1968, failing in health he resigned as chairman to be succeeded by Crosby N. Boyd. Mr. Kauffmann continued as a member of the board until his death.

It was Mr. Kauffmann's decision, in the early 1950s to move the newspaper from its dignified but outgrown landmark on Pennsylvania Avenue to a big, new plant at 2nd Street and Virginia Avenue SE.

On March 9, 1959, the new plant began producing The Star after a weekend move without the loss of a single edition.

Earlier, in one of the most pleasant moments of his life, Mr. Kauffmann had led the celebration of The Star's centennial anniversary at the Statler Hotel attended by some 900 employes. That was in 1952.

Mr. Kauffmann was born in Washington on Feb. 24, 1898, the son of Victor and Jessie Christopher Kauffmann. His father was Sunday editor of The Star and treasurer of The Evening Star Newspaper Co.

SERVED IN NAVY

Mr. Kauffmann attended Washington public schools, Washington Collegiate School and the Lawrenceville School in Lawrenceville, N.J.

He entered Princeton in 1916. Two years later, when the United States entered the war, Mr. Kauffmann enlisted in the Navy and trained as a cadet in the Naval Reserve Flying Corps. With the signing of the armistice, he resumed his college studies.

He was an oarsman, a member of the Princeton Triangle Club, Princeton's Theatre Intime, the University Glee Club and the University Cottage Club.

GIVEN UNION CARD

Following graduation, he spent six years at The Star, working in or closely with virtually every business and mechanical department. For a time, for example, he was assistant mechanical and building superintendent. He had an honorary pressman's union card, issued when he served as an apprentice in the pressroom.

In 1926, he became assistant advertising manager and three years later took over the job of assistant business manager.

From 1929 on, Mr. Kauffmann worked immediately under the two men who guided the business side of The Star during the first half of the century—Fleming Newbold, business manager and later president, and Frank B. Noyes, president of the company from 1910 until 1948.

When Mr. Newbold died in 1949, less than a year after Mr. Noyes, the company turned to Mr. Kauffmann.

ACQUIRED RADIO STATION

He had long before established himself as a shrewd, aggressive businessman. In the mid-1930s, he played a major role in the purchase of Radio Station WMAL. He regarded the radio station as his special responsibility, serving as its first president and seeing it through the difficult, formative years. Today, it is one of the three major radio-television enterprises in Washington.

"Sam" Kauffmann was a man of great personal courage. Until 1953 he had enjoyed good health. His zest for life was enormous. He was a fiercely competitive golfer, a skilled duck hunter, a perfectionist in the preparation of a roadside picnic and a warm and gracious host.

SUFFERED LOSS OF LUNG

In August 1953 he suddenly was forced to undergo a major operation which resulted in the loss of a lung. Complications followed with the result that Mr. Kauffmann later suffered from total deafness. But he continued his duties at The Star as well as an active social life.

He believed that those responsible for the management of a newspaper should also take a personal interest in the welfare of the community it serves.

He was for many years a director of Riggs National Bank, a director of the Acacia Mutual Life Insurance Co., an honorary director of the Washington Hospital Center, a director of the American Red Cross, a trustee of the American Cancer Society, District Division, and trustee of American University.

Over the years, he had accepted a heavy burden of civic responsibility.

As early as 1932, he was named a trustee of the Washington Community Chest, a forerunner of today's United Givers Fund.

Mr. Kauffmann had also served as president of the old Emergency Hospital. It was during his presidency of Emergency that the plan to merge the facilities of Emergency, Episcopal and Garfield Hospitals began to crystalize. The result today is the Washington Hospital Center.

In 1951, he had been elected an honorary permanent life member of Children's Hospital. His grandfather had, with other Washingtonians, aided in the incorporation of the hospital in 1870.

Mr. Kauffmann was well known throughout the newspaper industry. He was active in the affairs of the American Newspaper Publishers Association and from 1932 to 1938 served as chairman of its mechanical committee.

AD BUREAU DIRECTOR

He was appointed a member of the committee in charge of the ANPA's Bureau of Advertising in 1943 and from 1946 until 1951, he served as a director of the bureau.

He had been a member of the Newspaper Industry Advisory Committee since May 9, 1951.

In 1946 Mr. Kauffmann was elected secretary of the then recently formed American Newspaper Advertising Network and served until its dissolution in 1949.

He had also been an elected member of the Associated Press, representing The Star, and was a former secretary of the Washington Newspaper Publishers Association.

In 1952, during the visit of Queen Juliana of the Netherlands, he was one of 10 Washingtonians honored with the Order of Orange Nassau.

He had also received Finlands Order of the White Rose.

HEADED METROPOLITAN CLUB

Mr. Kauffmann was an influential member of several clubs. He had served as president of the Metropolitan Club.

He was also a member of the Chevy Chase, Alfalfa and Alibi Clubs here, and the Rolling Rock Club at Ligonier, Pa.

In recent years, Mr. Kauffmann had worked tirelessly to expedite the renewal of Southwest Washington and particularly the design and development of the waterfront. He served for a time as chairman of the Federal City Council's Urban Renewal Committee in this connection.

He made his home at 550 N St. SW.

In 1920, Mr. Kauffmann married Miriam Georgia Hoy of Albany, N.Y. They were prominent in Washington social life, representing the city in greeting former President and Mrs. Eisenhower at the Inaugural Ball in 1953.

Besides his wife, he is survived by two sons, Samuel Haay Kauffmann III, of Palo Alto, Calif., and John Hoy Kauffmann, president of The Star; two daughters, Mrs. George E. Lamphere, of Washington, and Mrs. Rockwell Hollands, of Palo Alto. He also leaves 20 grandchildren.

Friends may call tomorrow at Joseph Gawler's Sons Funeral Home, 5130 Wisconsin Ave. NW. The family will be at the funeral home tomorrow from 2 to 4 p.m. and 7 to 9 p.m.

Memorial services will be held at 11 a.m. Friday in Washington Cathedral.

The family requests that expressions of sympathy be in the form of contributions to the Washington Hospital Center.

INAUGURAL ADDRESS OF GOV. GEORGE C. WALLACE

Mr. ALLEN. Mr. President, the inauguration of George C. Wallace on Monday, January 18, 1971, signaled the beginning of his second term of office as Governor of the State of Alabama. An inauguration of a Governor is a gala event in Alabama and in this case one which attracted nationwide attention. It is impossible, of course, for national news media to do more than report on and comment on limited aspects of the event. We believe, however, that the national prominence of Gov. George C. Wallace and the possibility of his candidacy for President under the banner of a national third party, recommends his inaugural address and the ideas expressed therein to consideration of Members of the Senate and to the public in general. Mr. President, in order to make the full text of the inaugural address available to a larger audience, I ask unanimous consent that the full text of the address be printed in the RECORD.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

INAUGURAL ADDRESS TEXT

My Fellow Alabamians:

Today, I am both honored and humbled to stand before you and in your presence and that of our Almighty Creator to take the solemn oath of office as your governor.

I am honored that you allow me once again to serve you as your governor. I am truly humbled by the trust and responsibility you have entrusted to me as we continue along the paths we have so long trod together.

While many are with us here today, there are many more who cannot honor us with their presence for they are busy in the fields and factories of our state earning through honest toil a livelihood for their families, while creating and producing those material goods upon which the wealth and economy of this state so largely depends.

These are the honest, hard working, God fearing, freedom loving men and women of our state who through the sweat of their brow, the toil of their bodies and the strength and courage of their convictions from the muscle, bone and sinew of that great and good land that we know as Alabama.

To you I say that we are conscious of your pride, your courage, your fierce independence and your deep devotion to those principles that make Alabama the great and glorious state that it is and I hope, and dare to believe that you are here with us in spirit today—may God bless you as we salute you from afar.

We are grateful that you permitted us to take part in the advances attained during our previous periods of service. We point with humility, but with justifiable pride, to our unwavering support of education, highlighted by tremendous increase in appropriations for operations and capital outlay—a system of trade schools and junior colleges situated throughout the state that are both admired and envied by all our sister states—record breaking progress in industrial expansion and development—an unprecedented highway construction program—the health and hope that was provided the less fortunate and the mentally ill and retarded.

In all that we did, our sole purpose was to provide a better life for all our people—with your help we believe that this was accomplished.

Yet much remains to be done—together we must press on toward a more productive and more responsive state government designed to meet the needs of the people we serve—all of whom must feel that they have a voice in their destiny and fate.

This can only be accomplished in an atmosphere of freedom from unwarranted, unwise and unwanted intrusion and oppression by the federal government—a man must be free and unfettered by federal encroachment in his employment—his home—his community—his domestic institutions, including his schools and in his associations with his fellow man.

Each individual citizen is an important link in the chain of government. No individual should be above or below the law, for ours is a government of laws. But a law, simply because it is a law, is not necessarily a good law. However, our system provides for means and methods of change. The mob destroying a bank, school or business is not the American way for change. Violence is never the result of reason, but blind passion. Violence is dangerous because it is regressive and destructive. Violence must cease, for it breeds more violence.

We should return to basic principles, and these basic principles are plain and self evident, and were set out in our Constitution, and especially our Bill of Rights. While we are on the subject of rights, with every right there is a corresponding duty. No duty is more important than the duty of an individual citizen to voice his opinion, make his thoughts heard in a peaceful manner, and stand up for what he believes in.

All of us know and realize we cannot have justice without law and order, nor law and order without justice. Justice, among and for the people, is a primary duty of government for we all know that our government was created to help—not destroy. Too often the power of government is used to ride roughshod over the individual's rights rather than to preserve the individual's rights. No government is administered according to the objective and intent of the founding fathers and all lovers of liberty, unless it is administered for the weak, the poor and the humble as well as for the powerful. Government must be a friend of the people—not a tyrant.

Congress should rescue our schools from the wilful acts of malicious men. Our schools are being destroyed because the South and other sections of the country who believe in government by law and not by bureaucrats, failed to unite against despotic tyranny of a federal government—a government that looks upon the people not as people, but as so many units of votes to be gained by pleasing certain selfish politicians and sociologists at the expense of the children of America, both black and white.

Even a basic and fundamental principle such as "freedom of choice" has been denied the parents and children of the South and certain other sections of the nation by the federal government. Today, the school children of the South and many parts of the nation are mere pawns in the hands of powerful politicians who, for sociological reasons, seek to destroy local self-government and deny the people a choice as to how their own children should be educated. What is the answer?

The answer is "people power."

What is people power? People power is the strong voice and political action of the people expressed within the law.

The people of the South and those who think like the South, represent the majority viewpoint within our constitutional democracy, but they are not organized and do not speak with a loud voice. Until the day arrives when the voice of the people of the South and those who think like us is, within the law, thrust into the face of the bureaucrats, only then can the "people power" express itself legally and ethically and get results. Rome fell and countless other civilizations have ceased to exist, not always from outside sources, but from weakness within. Too long, oh, too long, has the voice of the people been silenced by their own disruptive government—by governmental bribery in the quasi-governmental handouts such as H.E.W. and others that exist in America today! An aroused people can save this nation from those evil forces who seek our destruction. The choice is yours. The hour is growing late!

If the descendants of those who founded this nation, together with those who came here one and two generations ago fleeing despotic government, will wake up and realize the importance of each individual standing up now for what one thinks and believes in, then, and then only, will the politicians answer the voice of the people. Remember! It is the people who create the politicians and it is the politicians who administer the government (bad or good government) and without a mass movement of the people, the present trends of despotic and centralized government can and will destroy America.

We in Alabama still cherish our independence and stand firm in our belief that we should be allowed to chart our own destiny—

We are proud of the youth of Alabama and thrill with them as they prepare to participate in the Democratic processes of government—we welcome, seek and solicit their aid, assistance and encouragement.

We have sought to manifest our faith in our youth by selecting for major roles in our administration young men and women of vigor and imagination who understand the aims and desires of the fine young people of our state. We will rely heavily on them.

Yes, we are proud of the young people of Alabama and our purpose will be to develop their abilities, to protect them during their formative years, and to involve them in the operation of government at all levels.

Being concerned for the future of our young people, we are mindful of a frightening evil now stalking this land, preying on young and old alike, but wreaking particular havoc on the young. I refer to the illegal traffic in drugs and to drug abuse.

This is something that must be stopped—forcefully, fully and immediately. To this end I commit myself and all the forces at my command, and I especially call upon the fine youth of Alabama to join me in this effort.

We will not cease until the drug peddlers, pushers and their slimy companions are driven from our midst.

As we reaffirm our commitments of the past campaign, we again pledge our best efforts towards reducing the daily cost of living for all Alabamians, especially the working men and women of our state and their families. We will work to reduce utility rates and basic insurance costs. We will examine and evaluate our structure of state government and we will streamline and modernize where necessary in the interest of economy and efficiency.

We renew our vow to work toward more adequate medical services for all our people, for this medical attention presently is beyond the economic reach of many. They simply cannot afford proper medical care even if they are fortunate enough to find a doctor. Any Alabamian who is sick enough to need a doctor or a hospital bed should be able to get one, regardless of financial condition or where they happen to live.

We will work toward a voluntary health insurance program which will put adequate medical attention within the financial reach of every family in Alabama. We will build and staff the necessary facilities to educate enough doctors, nurses and allied medical technicians to properly care for our sick, whether they live on a farm or in the heart of a city.

We will continue our struggle for equalization of the tax burden so that our working men and women of average and low income will not continue to bear a disproportionate share of the tax load. We must revamp and revise a system which allows multi-billion dollar foundations, of at least questionable purposes, and multi-millionaire property holders to escape taxation while the low and middle level wage-earner pays and pays and pays. We have raised this issue before and will raise it again, again and again until we are afforded some relief—only then will I be silent—and I believe you would have it this way.

Alabamians and Americans generally have had their fill of excessive and ill apportioned taxation and we propose to join in the fight to right these conditions. I issue a call to my fellow governors, to the members of Congress and to all Americans to join in this effort to the end that the average Alabamian and American be saved from tax destruction.

We allude to the political power of the people, "people power", if you will.

Let me remind you that any government that ignores the rights of individuals will not long endure, nor will a government that offers no redress from exorbitant and unjustly apportioned taxation. No government that rides rough-shod over the mind and body of its youth can be representative of the people under the law.

However, the place to get the desired change is within the law and not by destruction of the system. The street is not a proper place to change America, but the ballot box through "people power"—this is the method and forum. Every American can participate in government by voicing his or her thoughts within the law at every level of government.

And we must have faith and pride in ourselves as individuals, in our communities—in our state—our region and our nation—we must remember that we and those who bore us stand among the greatest patriots of all times—men and women who then and who today continue to resist in the face of oppressions from external sources and whose perseverance and desire for freedom and self expression is exceeded by none under these heavens.

To borrow from the words of a reowned author—"To have common glories in the past; a common wish in the present; to have done great things together; to wish to do greater; these are the essential conditions that make up a people."

One hundred years ago, the spirit of the South became passive as this spirit was subdued by violent means—yet remained undoomed. For the flame of our passion burned within us as an arc of our covenant—a covenant of our heritage of liberty under law with no surrender to those who would destroy us.

Today, twin evils face the American people. Communism on one hand and an illegal abuse of federal governmental power on the other. Either, if not curtailed, will destroy us. What can you do? You are more powerful than you think, provided you make yourself heard—for the politician will listen—but if you remain silent, there is nothing for the politician to hear but the yelping from those who seek to destroy us. We must not be a silent majority, but an alert, active voice within the law. Then we can help our state and our nation.

This administration is not going to be one of favoritism to any special interest, individual or friend. It will be a peoples administration with the goal that honesty is the best and only policy. Special privilege has no place in government. Too long in Alabama's history have certain greedy interests blocked needed progress. Nearly every advance in humanity's long march toward human betterment and progress of the many has been delayed by the willful few. Greed has no place in the creed of government. A government that helps the few and injures the many is not good government. My administration may not achieve all its goals, try as we may, but rest assured, should corruption raise its filthy head, it will be promptly dealt with regardless from whence it comes.

I am old enough to know that the people are tired of promises and demand action. I am young enough to be an active governor. Our action will move Alabama forward on all fronts.

Today, the government is too costly and taxes are a constant burden to the people. Any waste of the peoples money is a crime against the people. Government has become stagnated with its burdensome bigness. The federal government has too long thrust its sometimes greedy hands into the pockets of the people. If the federal government continues to dominate education, it could result in control over the minds of our children—leading, by natural tendency, to control over the body, thus destroying the freedom of all of us. You have a right to expect an Alabama moving forward on all fronts—better Alabama schools—health facilities—human welfare—anti-pollution, etc. For we hold the temporary power of government—hold it in trust for the people under the law.

The people have the right to know what goes on in its state government. We are going to operate with an "open door—open book" policy. Our state government is for all—so let us join together, for Alabama belongs to all of us—black and white, young and old, rich and poor alike.

And if there be those who wonder why I stand here today—curious as to what force and inspiration brings me to this point in our state's history. Let me answer them through the words of a great poet, Robert Frost, who, perhaps, captured my feeling better than I could express when he wrote.

> "But I have promises to keep,
> and miles to go before I sleep,
> and miles to go before I sleep."

With God's help I will make you a good governor!

UKRAINIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, on January 22, 1918, the valiant people of the Ukraine seized upon the opportunity offered them by the Russian Revolution of 1917 and proclaimed their national independence.

Regrettably, the dream of independence which the Ukrainians nurtured over long centuries of domination lasted for only a short period of time. By 1920, Red army troops, following the precedents set by the czars, overran and again enslaved the Ukraine. The young republic, born only 2 years earlier, quickly disappeared.

Since 1920, the Ukrainian Republic has been incorporated into the Soviet Union and in 1971 remains subjugated by the U.S.S.R. Millions of Ukrainians today remain isolated in their own homeland, subject to the domination of Communist Russia.

Last Friday, Ukrainians throughout the world observed their most important holiday, the anniversary of that country's independence. Unfortunately, in the Ukraine itself, that anniversary could be observed only in secrecy.

During the 91st Congress, I introduced Senate Resolution 455, which authorizes and requests the President to issue a proclamation designating January 22 of each year as Ukrainian Independence Day, and inviting the people of the United States to observe that day with appropriate ceremonies. I am reintroducing this legislation today, with the cosponsorship of Senator PERCY. I will shortly submit a list of additional cosponsors who have expressed interest in this resolution.

I sincerely hope that this legislation will be acted on quickly so that official recognition may be given by the United States to this anniversary and to the valiant spirit of the Ukrainian people.

ECONOMIC AND POLITICAL ADVANTAGES OF EXPANDED EAST-WEST TRADE

Mr. MONDALE. Mr. President, we have recently emerged from a session during which the Congress came agonizingly close to enacting legislation which would have had a disastrous impact on international trade. Part of the reason for the strength of the protectionist arguments, I believe, has been a preoccupation with the largely imagined dangers of foreign competition, and insufficient attention to the great potential which can be had through an aggressive expansion of our exports.

Exports can bring jobs to the American worker, income and profits to American enterprise, and strength to the U.S. dollar.

One of the major areas of great export potential lies in the nations of Eastern Europe. During the last Congress, we managed to pass a significant Export Administration Act which streamlined and simplified our policies toward the control of exports to the countries of Eastern Europe. However, while the United States enjoys some 16 percent of world trade—over $40 billion a year worth of exports—we have less than a 3-percent share of East-West trade, and exported only $249 million worth of goods to these countries in 1969.

Without a doubt, there is a vast untapped market of peaceful nonstrategic goods within these countries, consistent with our need to maintain control over the export of goods and technology which have a bearing upon our national security. Such an expansion of exports can contribute to both the economic and the political self-interest of the United States and of the Western World.

I think it is time to take a fresh look at some of the remaining irrational barriers toward trade with Eastern Europe. In this light, I would like to call the attention of my colleagues to some recent items. One is an address by the Honorable Philip H. Trezise, Assistant Secretary of State for Economic Affairs, in which he identifies the potential of trade with Eastern Europe as well as some of the remaining legislative barriers toward a rational East-West trade policy.

Another is remarkably astute editorial from the Minneapolis Tribune commenting again upon the irrationality of our current East-West trade policies and some of the myths and assumptions by which we cling to this irrationality.

Two additional articles appeared recently in the New York Times, and give further evidence for the need to reexamine our East-West trade policies.

I ask unanimous consent that these articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WESTERN BUSINESS IN EASTERN EUROPE

(An address by Philip H. Trezise, Assistant Secretary of State for Economic Affairs)

I am pleased to have the opportunity to speak to you about "Western Business in Eastern Europe." While I have been asked to give the Government's viewpoint, I do not believe that it is significantly different from the viewpoint of my business friends here today.

It is clear to all that a new situation in East-West European relations is arising as a result of the rapidly expanding commercial exchanges and, in particular, the recent Soviet-West German and Polish-West German treaties which can be expected to give an additional impetus to the broadening and deepening of economic relations between Eastern and Western Europe. In this rapidly evolving situation the United States must continue to examine how and to what extent our businessmen may be able to take advantage of the emerging possibilities.

U.S. TRADE WITH EASTERN EUROPE

Trade with the Soviet Union was not a problem before World War II. The American and other Western Governments permitted their private traders to do business where there were trading opportunities. The Soviets imported machinery and heavy equipment from the industrially advanced countries and exported raw materials to pay for these badly needed goods—in fact quite in conformity with the classic international division of labor and capital. By 1938 the United States was the largest exporter to the Soviet Union, supplying 29 percent of Soviet imports.

This trade, however, dropped to very low levels after World War II because of Stalinist hostility toward the West and the development of Cold War tensions. A major change in Soviet trade policy occurred following the death of Stalin in 1953 and there has since been steady growth in trade with the free world, excluding the United States. While East-West trade has grown at a faster rate than trade among free world countries, United States trade with the USSR and Eastern Europe has increased very slowly indeed.

In 1969 our exports to these countries totalled $249 million compared to total free world exports to the same area exceeding $8 billion. The United States imported from this area in 1969 goods totaling $195 million compared again to about $8 billion imported by the free world from Eastern Europe. Thus, the United States share of Western trade with Eastern Europe is only 3 percent although the United States share of total world trade is 16 percent. Putting it another way, United States trade with Eastern Europe amounts to only six-tenths of one percent of total United States trade.

LEGISLATION

A major development in the field of East-West trade was passage last December of the Export Administration Act of 1969, which replaced the Export Control Act of 1949. The new law continued the authority given the President to control exports for reasons of national security, foreign policy, or short domestic supply. For the first time, however, **Congress explicitly endorsed expanded trade** with the USSR and Eastern Europe. Whereas earlier legislation had included as a ground for denying exports the test of whether the items would contribute to the military or economic potential of the purchasing country, the Act dropped the economic potential criterion. It also required that availablility of similar products from free world sources be taken into account in requiring export license control, and stipulated that the present United States control list be reviewed to insure conformity with the policy set forth in the Act.

It is a satisfactory law which permits continued, effective and responsible administration of export controls taking into account our security and foreign policy interests as well as our need to expand exports. The Act expires on June 30, 1971, and the Administration will certainly urge its extension, although no decision has yet been made as to whether amendments will be proposed.

In conformity with this Act the Department of Commerce, which is responsible for its administration, intensified its review of our control list and to date has relaxed controls on several hundred items. As you know, the United States has some 1000 items under licensing control in addition to the 600 items under multilateral strategic controls. Our Western European and Japanese friends generally do not restrict exports beyond the strategic items on the COCOM list. In these decontrol actions we have continued our differentiated export control policy toward the countries of Eastern Europe, under which we favor Romania and to a lesser extent Poland in relation to the USSR and the other Warsaw Pact countries. Additional deletions in our control list are anticipated as the current review continues.

The evidence in the market place is that the first year of operation under the Export Administration Act should be a source of some satisfaction. Exports to the Soviet Union and Eastern Europe through October stood at $287 million, already above the $250 million total for 1969. The preliminary estimate is that the 1970 total might approach $350 million—a 40 percent increase over 1969 and a surplus of $100 to $125 million over estimated imports from the East in 1970. This trend is certainly welcome and we hope it will continue, as the reduction of control lists and the export promotional activities of the Department of Commerce under the 1969 law go forward.

In discussing the impact of legislation on East-West trade, however, I should mention two major legislative restraints on expanded trade. These are, first the ban on extending non-discriminatory or most favored-nation (MFN) tariff treatment to imports from these countries, with the exception of Poland which has received MFN since 1960; and, second, the legislative prohibition on Export-Import Bank participation in export financing for Eastern Europe. The lack of MFN makes it all the more difficult for the Eastern Europeans to sell in the United States market and thus earn dollars to buy United States goods. In addition to its commercial impact, this tariff discrimination has certain psychological implications in our relations with these countries.

Of even greater immediate impact as a trade deterrent is the prohibition against Export-Import Bank export credits and credit guarantees. The rapid expansion of Western European and Japanese exports to Eastern Europe is based in part on major credits guaranteed by government institutions in the exporting countries. The lack of Export-Import Bank guarantees is largely responsible for the almost total lack of commercial credit from United States sources. Our exporters thus have said that they are placed at a considerable disadvantage in competing for Eastern European orders.

POTENTIAL FOR EAST-WEST TRADE

In addition to the two legislative barriers cited above, there are other formidable economic and structural obstacles to expanded U.S. trade with Eastern Europe. These include:

The rigidity of Communist state trading systems with a strong tendency to bilateralism;

The historic close trading relationship between Eastern and Western Europe;

The shortage of hard currencies and the scarcity of attractive products and marketing skills needed to compete in U.S. markets; and finally,

Our unilateral export controls, the impact of which on trade has probably been exaggerated although they undoubtedly have operated at times as a deterrent to trade initiatives by U.S. businessmen.

I might add here that many U.S. exporters apparently have no interest in the Eastern European market, or consider it too difficult to sell there. They ignore the fact that more than 1200 categories of products require no license whatever for export to Eastern Europe, and of the 1000 nonstrategic items under validated license most would be readily approved for export if a license were applied for. During the first six months of 1970, export license applications totaled $170.9 million and $170.2 million were approved—surely an encouraging record for exporters.

Eastern European countries rely importantly on free world supplies of industrial and agricultural products. Moreover, all of these countries have set the highest priorities on technological progress. The Soviet Union has in fact made the rate of technological advance the touchstone of the nation's success in its contest with capitalism, yet by their own admission they must call on Western technology and equipment to make significant progress in the consumer goods area.

Imports of Western machinery have doubled over the last 5 years and continue to grow rapidly. The demand is there and our competitive edge in certain industrial and farm sectors should enable us to obtain a larger share of the Eastern European markets than we now have, even under present restraints. If we reached the point in our relations with the Eastern European countries where the legislative restrictions on tariff treatment and export financing could be removed, I would anticipate a substantial increase in U.S. trade with Eastern Europe, although the level of trade would still be modest in global terms because of deeply rooted structural barriers and our late start.

POLITICAL SIGNIFICANCE OF EAST-WEST TRADE

The Soviet Union's economic deficiencies are not the result of inattention to research and development or to education. The share of the Soviet national product and labor force devoted to research and development is far ahead of Western Europe and almost on a level with the United States. The percentage of college graduates in the Soviet labor force is far higher than the corresponding percentage in Western Europe. Moreover, the Soviet Union and the other Eastern Europeans have imported large quantities of foreign scientific and technical information as well as industrial plants and equipment over the past decade. We must therefore conclude that Soviet economic deficiencies derive in large part from a continuing problem with introducing new technology into the production process, the root causes of which would seem to relate to the Soviet incentive system and attempts to administer the innovative process.

The growing interest on the part of the Soviets and other Eastern Europeans in obtaining Western managerial assistance, in addition to plant and technology, suggests that they may be reaching these conclusions themselves. It is at this point that the Communist functionary faces the ultimate and unspoken question—can the economic system ever really be made to work as effectively as the non-Communist system? This is actually a political dilemma and there is a political dimension to the question of East-West trade. We saw this in Czechoslovakia in 1968.

Earlier this month I heard a most penetrating and authoritative description of this political dimension by Ota Sik, the Deputy Premier and economic reformer in Czechoslovakia under Premier Dubcek in 1968. Professor Sik was in Washington testifying before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee of the United States Congress. His was a powerful statement, validated by his own experience, of (as he described it) the "suppression of all liberal tendencies, the widespread dissemination of fear, envy, and hate, the suppression of all undesired information, the ideological stupefaction of the masses, the systematic corruption of officials—[all] these . . . weapons by means of which incompetent men can maintain their positions of power in a system which is developing in a way that is against the real interests of the majority of the population."

Yet he said he was still "an advocate of broadening and intensifying East-West relations to the greatest possible extent." His reason for this conclusion is very simply that the development of economic relations with Western countries together with the relaxation of external tensions, will "take the wind out of the sails of the reactionaries and strengthen the positions and arguments of the liberal forces" in the Eastern European countries.

He sees this, of course, as a gradual rather than a rapid process, resulting from contacts on both sides that not only will temper the mistrust of the West that is the obsession of absolutist governments in the East, but also will assist technical comparisons and self-critical evaluations in the East. This East-West trade can serve to dramatize the inefficiencies of the economic systems in the Eastern European countries and the competitive limitations of their products in world markets. This recognition of internal economic contradictions will assist, Professor Sik believes, in the longer run to set in motion the process of internal change within the Eastern European countries—a process of interaction between the progressive and reactionary forces, in which, he is convinced, the future belongs to the progressive forces because they will be supported both by economic necessity and by the forward-looking interest of the non-dogmatic younger generations.

We recognize of course that trade by itself obviously cannot accomplish basic changes in the communist system, nor can it settle major outstanding differences between ourselves and the Soviets. Yet it can contribute to the complex of forces within these Eastern European countries that are moving toward more humane societies and more straightforward relations with the outside world.

SUMMARY

To summarize, it seems clear that East-West trade will continue to grow, but until our overall relations with the Soviet Union and the other countries of Eastern Europe make it possible to remove certain restraints, including those relating to MFN and Export-Import Bank credits, our share of this trade will inevitably remain small. At the same time, the competitive advantages held by American industry and agriculture should permit a continued expansion of U.S. exports to these countries. As the President pointed out in his UN speech in October, it is in our economic self-interest as well as that of the Soviets and Eastern Europeans to increase trade and contacts, although the speed with which this can be done of necessity must take account of the general framework of world conditions. Our trade policy, like our other policies, must be based on self-interest which takes into account long-run gain as well as short-range advantage. Our businessmen, operating within present law and policy, should feel that they are advancing our national interests in a very practical way when they pursue the enlargement of non-strategic East-West trade.

[From the Minneapolis Tribune, Dec. 22, 1970]

THE YANKEE TRADER'S ODD ASSUMPTIONS

A cherished American image, the Yankee trader, sometimes fails to shine through the tarnish of political constraint. The immediate example is restrictive trade legislation which is likely to be stopped, if at all, only because of the jam-up of bills as Congress nears a close. This year's stampede of domestic-industry lobbies seeking to have their clients protected by import quotas against foreign competition was a picture of the timorous trader—not the inventive, independent pragmatist most of us associate with American enterprise.

Other restraints affect American exporters, particularly in trade with Communist countries. Minnesota Sen. Walter Mondale was instrumental in the move for a liberalized export policy and in extensive Senate hearings in 1968 which helped make possible the more sensible Export Control Act of 1969. But there still are restrictions on Export-Import Bank financing of U.S. exports to Communist countries, whose enthusiasm for trade with America is also dampened by discriminatory tariff treatment of their exports to this country.

These conflicting trends—toward import restriction on the one hand, and export expansion on the other—seem based on an assumption that trade policy is divisible. A recent article on this page by Mondale listed reasons why such an assumption is erroneous and, in the long run, costly to American consumers.

There seems to be another assumption: that the Yankee trader holds an unassailable first place in most of the criteria by which industrial nations are measured. Trends of the last few years call that assumption into question, too.

For example, the term "iron curtain" has taken on new significance. Shortly before the current recession set in, Soviet-East European production of crude steel moved higher than that of the United States and Canada combined. To take another indicator, Western Europe's production of cement in 1969 was about the same as that of the Soviet and East European countries; each group nearly doubling the U.S.-Canadian output. Even more surprising is the fact that American output of plastics and resins has also dropped behind that of each of the other two groups of countries—again before the U.S. economic slowdown of 1969–1970.

The point is not that the United States should be ahead in all such categories, only that Americans be aware of some of the changes taking place in the industrialized world. In trade terms, one of the greatest potentials for future change may come from the West European moves toward accord with the East. The Communist states need agricultural products and have surplus energy resources and raw materials. The primary obstruction to Western European economic integration is agricultural surpluses, and Western European countries could make good use of Soviet industrial and energy resources.

If such situations present obvious opportunities for Europeans, they could also be opportunities for Americans. Does the United States want its share of new trade possibilities? Or does it want to relinquish the title of Yankee trader, content with the assumption that America is No. 1 where it counts and that foreign economic competition should be encouraged everywhere—except in the United States?

[From the New York Times, Jan. 15, 1971]

EAST-WEST TRADE: TOOL FOR POLICY

(By James Feron)

WARSAW.—A few months ago, the State Department announced that the United States Government had rejected, "for the time being," a request by Poland to buy American oil-refinery equipment.

What was left unsaid then—and what remains unsaid—was that Washington had decided at about the same time to permit the sale to Rumania of even more advanced refinery equipment than that denied to the Poles.

Both the catalytic cracking plant requested by Poland and the hydrolytic cracker sought by Rumania are on a list of strategic goods whose sale must be approved by the United States Government.

But the decision apparently was made on political rather than strategic grounds, an option often exercised by the Administration and one occasionally questioned by experts.

The decision focuses attention on the broad subject of East-West trade and the shifting, often unclear rules governing this trade, especially from the American side.

The Nixon Administration, following general practice in Washington, seems to adhere to a policy of rewarding independents—and thus encouraging it—in the Communist bloc. Perhaps nothing better illustrates this than the oil-cracking decisions.

Rumania's interest in seeking American technical knowledge came to the surface in 1965 when it was learned that two American corporations had received United States Government permission to negotiate with Bucharest.

The Firestone Tire and Rubber Company was to build a synthetic rubber plant while the Universal Oil Products Corporation had agreed to build a catalytic petroleum cracking unit. The Universal plant was designed to treat petroleum by-products to supply the rubber plant.

Firestone later withdrew its offer, apparently under domestic pressure, but Universal eventually built a $22-million "cat cracker." It was completed in 1967 and a license was granted more than a year ago for similar technology for a second plant.

Although the general process of "cracking" petroleum to obtain gasoline and other byproducts is widely known, the process used by American companies apparently remains uniquely efficient.

It was this process that Poland was requesting, presumably as an essential part of a major shift in emphasis from extensive to intensive development, with particular concentration in metallurgical, chemical and certain light industries.

Three American companies submitted applications last spring to provide technology and advice, but the bid was finally rejected in Washington.

The Rumanians, meanwhile, had asked for the more-advanced "hydro" cracking process. Similar to cat cracking, it uses a different type of catalyst under high pressure in the processing of hydrogen.

It is more efficient than the cat cracking process, producing a cleaner, more stable product, although at higher cost. The Rumanians presumably were seeking to broaden and improve an already profitable petroleum refining industry.

Although neither American nor Polish officials cared to discuss the implications of the two decisions, informed observers in Warsaw asked some questions and commented freely.

"It seems to be a signal to the whole bloc on how the United States operates," an American said. "It recalls what Dean Rusk said in 1964, that the Communist world was no longer a monolithic bloc and that the United States should consider the differences differently."

A Western diplomat commented, however: "This may not be the way to do it. Is the United States not helping to drive a country like Poland more firmly into the arms of the Soviet Union?"

A diplomat said that it was worthwhile tracing American policy in the two countries involved in the refinery decisions.

"The United States became very interested in helping Poland after the events of 1956, when Wladyslaw Gomulka came to power," he said, adding, "It looked as if everything was going to open up here."

OPPOSITE DIRECTION

"But things moved in the opposite direction and Poland lined up quite firmly with the Soviet Union on all important international questions," he continued. "Rumania, on the other hand, refuses to go along with Moscow on many issues and so she is rewarded by the United States."

"Although Rumania is considerably more oppressive internally than Poland," he said, "she operates a more independent foreign policy, and that seems to be what counts in Washington."

American policy toward Eastern Europe was summarized last May in the introduction to a 600-page study, "Economic Developments in Countries of Eastern Europe," that was issued by the Foreign Economic Policy subcommittee of the Joint Economic Committee.

"Methods for influencing political and military affairs seem to be minimal or nonexistent," it noted. "Economic links with Eastern Europe and potential leverage on Eastern European development, however, provide a singular, albeit complex, route for influence."

Trade policy, the report concluded, seems to be the most attractive, although limited, route for increased United States influence on development in Eastern Europe.

Diplomats, economic experts and members of trade missions have noted a new eagerness, meanwhile, on the part of Eastern European countries to establish trade ties with the West.

The impetus, according to the majority view, has been a growing desire by the Communist Governments to avoid falling too far behind advancing Western technology and production to satisfy rising consumer demands.

Some Eastern European states have adopted economic reforms—Hungary's were the most notable last year—in balancing the necessary liberalization with a basic desire to maintain control of the economy, often crucial to keeping political control.

In Poland last year, the Gomulka Government collapsed under the weight of widespread rioting and strikes stemming from economic factors. The new Polish leader, Edward Gierek, has promised to remedy the immediate faults and to take a long new look at the five-year plan that began Jan. 1.

Diplomats in Warsaw were thus reconsidering some of the assumptions and decisions in East-West trade at year's end, and asking again whether American policy might not undergo some review in the wake of the new situation.

[From the New York Times, Jan. 15, 1971]

A PLEA FOR REALISM ON TRADE WITH EAST

(By W. M. Blumenthal)

(NOTE.—Mr. Blumenthal, the president of the Bendix Corporation, represented the United States in the Kennedy Round of tariff-cutting negotiations.)

Nations presumably base their foreign policies on rational views of their self-interest. But history is sadly replete with evidence of nation's pursuing policies based more on fear and prejudice than on fact and logic, particularly in international economic affairs.

Last year's Congressional drive toward the most protectionist trade legislation since Smoot-Hawley is an excellent case in point, although it died when Congress adjourned. Against the disastrous experience with protectionism in the interwar period it is hard to see how reverting to this policy in the seventies could be to anyone's self-interest, least of all our own.

Yet this is not the only example of our capacity to ignore experience and reality in international economic affairs. United States policies governing economic relations with Communist countries no longer serve our self-interest under changed world conditions.

East-West economic relations in the past, present and likely future have been carefully analyzed by Samuel Pisar in his excellent "Co-existence and Commerce," a book much discussed this winter. Viewing this relationship from historical, political, economic, commercial and legal perspectives, he manages admirably to divorce fact from fancy and reality from appearance.

A lawyer with many years of experience—both in and out of government—Mr. Pisar is no softheaded dreamer who sees East-West trade as desirable or inevitable per se. On the contrary, his analysis highlights limits as well as opportunities, and problems as well as potential.

He says much that is pertinent to policy formulation by all major trading countries. His American reader, however, will find it hard to escape the conclusion that United States policy, in particular, urgently needs review and overhaul.

In the immediate postwar period, the foreign economic policies of East and West were primarily shaped by the Cold War.

Then in the late nineteen-fifties and sixties as the world moved from Cold War to coexistence, our European allies and Japan increasingly relaxed their economic policies toward the East. The pull of historical markets, the conviction that both sides to a bargain could profit, that gains from trade can lead to higher standards of living and a deepened stake in world peace, proved more powerful arguments than mere Cold War rhetoric.

As a result, economic ties between the controlled and market economies have grown steadily. Italians are building an automobile complex in the Soviet Union; Japanese are developing the Asian parts of the Soviet Union, and even Americans have proved that neither Washington's caution nor Communist doctrine can hold back the spread of Hilton hotels or Hertz and Avis beyond the Iron Curtain.

What issues does all this raise for the future? And what's wrong with our policy in the present? Mr. Pisar's thoughts on the matter are challenging, stimulating and thought-provoking, particularly in the suggestions he makes in the concluding chapter of his book.

To me, "Coexistence and Commerce" has underscored these rather significant points:

Given differences in internal economic structure and in legal and institutional frameworks and recognizing the reality of the international political scene, American economic relations with the Communists can never be "normal." There will always have to be special rules and tough bargaining.

Western Europe and Japan are far ahead of us in recognizing the potential as well as the limits in economic relations with the East—and in adjusting their policies to get the most out of it. They have confined restrictions strictly to military and strategic goods. Their trade figures—many times those enjoyed by the United States—tell the story.

Present United States policy suffers essentially from our insistence on mixing ideology with analysis and on our tendency to allow bureaucratic rigidity and fear to frustrate the pursuit of our national self-interest. United States policy still seeks to inhibit trade, not only in military and strategic goods and services, but also quite unrealistically in goods thought to add economic strength to the East. This policy denies the Communists nothing—for our European and Japanese allies are only too willing to fill the gap. It does hurt our balance of payments. What is required is a complete review of all parts of our economic policy toward the East, on trade and credit matters alike.

The only way to accomplish this task is with Presidential leadership. American business in general is ready for a change and Congress is more likely to follow a well-thought-out Presidential initiative.

The long-overdue adjustment of our policy, providing new opportunities to deepen our economic contacts with the East, could add strength to the United States economy and could become a vital part of President Nixon's policy of "negotiation in place of confrontation."

PRESIDENT NIXON: CLOSING THE GENERATION GAP

Mr. MATHIAS. Mr. President, I was deeply impressed last week by President Nixon's address at the University of Nebraska on January 14. In tone and content, the President has advanced a program which I find is both visionary and practical. It is a program that addresses the key areas of the still gaping generation gap and I shall be proud to lend the President my full support in pursuing the goals he sets forth. I ask unanimous consent that a transcript of the President's speech be included in the RECORD.

There being no objection, the transcript of the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT BEFORE A STUDENT-FACULTY CONVOCATION, THE UNIVERSITY OF NEBRASKA, LINCOLN, NEBR.

Mr. President, Mr. Chancellor, Governor Exon, Senator Curtis, Senator Hruska, all of the distinguished guests on the platform, and students, members of the faculty of the University of Nebraska, and I also understand that we have guests here from Nebraska Wesleyan and from Union College, and friends of the University of Nebraska.

I appreciate the honor that has been extended to me to visit this campus, and the opportunity to pick up a raincheck, in effect, because Secretary Hardin two years ago on the 100th anniversary of this great University invited me to come to the University at the request of the University officials, and because I had another engagement at that time I was unable to do so. I told him then that sometime while I was in office I would come. I wasn't quite sure I could make it. I am glad I could make it this year in view of what has happened.

And that allows me, before making this award, to tell a little story. You will recall that from time to time, because I am somewhat of a football fan, that I have called football coaches or captains after a great victory and a significant game. I read a story in one of the Nebraska papers to the effect that immediately after the Orange Bowl game some of the team were gathered around the phone waiting for the call from the White House. It never got through. As a matter of fact, I was not able to make the call because while I had seen the last quarter of the game, which was very exciting—wasn't that something, that last quarter?—in any event—it shows what the defense means—in any event, when we came to the end of the long day of football that day, I had to go on to another engagement. I checked with the White House operator and asked if it might be possible to get through to the dressing room down in Miami. Usually the President can get through on the telephone. This time the operator said, "Well it will be just a moment, Mr. President. All the circuits are busy."

She said, "Everybody from Nebraska is calling."

I knew that was the case, and I knew that this great team and the University of Nebraska have pride for the whole State, for all the institutions of this State, whatever they may be, and all the people of this State. I am, therefore, honored to be here to participate in your pride in that team.

Having said that, I want you to know that I have gotten into a little trouble over the past couple of years in picking number one teams. In 1970, I should recall, the 100th anniversary of college football, you will remember that before the bowl games I said that Texas was number one, and since then I have never been able to go to Pennsylvania without a passport.

This year I didn't make that mistake because I sought and got very good advice. I was in Omaha in the last weeks of October. At that time Nebraska was number three in the Associated Press poll. I had already been to Columbus, Ohio, where everybody said Ohio State was number one. I was in Indiana where everybody told me that Notre Dame was number one. I was in Texas where everybody told me that Texas was number one, and I was going to be in California where all Californians thought that Stanford was number one. And in Arizona, Senator Barry Goldwater said that Arizona State was number one.

So with Roman Hruska and Carl Curtis, I said, "What should I do?" They thought a bit and finally Carl spoke up and said, "You know, Mr. President, I would wait until after the bowl games." That was vision, real vision.

So in this year of football, a year of many great teams, a year in which many can perhaps rightfully claim to be number one, to come to Nebraska, a great University and clearly apart from its great records in the field of athletics, to come here to the only major college team that was undefeated, and to make an award is something that I am very proud to do, proud to recognize this University, to recognize its coach, to recognize its co-captains, to recognize its fine members of the team, and in so doing to present the plaque from the President of the United States.

Consequently, at this time, for the official presentation, I would like to have the coach, Bob Devaney, to step forth.

(Presentation of plaque.)

You ought to run for something in this State.

And now the co-captains, Jerry Murtaugh and Dan Schneiss, if they would step forward to represent the team.

I shall now read the plaque which I understand will be put in one of the lockers. But in any event—(Laughter)—the plaque's wording is as follows:

"The University of Nebraska 1970 football team, Champions of the Big Eight Conference. Victor in the 1971 Orange Bowl, and picked by the Associated Press Number One Team of the Nation."

And now if I could come to the other part of my assignment, as was pointed out by your president a moment ago, I wanted to use this opportunity to address the great student body of this University and your guests about some of the problems we have in this Nation, common problems, for younger people and older people as well.

In beginning my remarks, it is quite clear from the feeling in this audience that this is a very exciting time for this University. You are beginning the second hundred years of a very great tradition, and you are beginning it as champions.

You can all take pride in your great team. It is a splended thing to be champions. But a more splendid thing, I believe, is the process by which a team becomes champion, the long struggle through defeat, through doubt, and then on to victory.

There is satisfaction here, and for all of us there are valuable lessons as well. For as vital as the understanding we gain in the classroom is the deeper understanding of ourselves that comes from competing against others, and competing against ourselves.

In these endeavors, we go beyond awareness of what we are and we discover a higher understanding of what we can be if we know and have the courage and if we have the will.

It is in this way that we learn to believe in our dreams.

Nothing matters more to the future of this Nation than ensuring that our young men and women learn to believe in themselves and believe in their dreams, and that they develop this capacity—that you develop this capacity, so that you keep it all of your lives.

As this great University looks to a new century so does our Nation. In this decade we Americans will celebrate the anniversary of the greatest experiment in liberty the world has ever known. It has succeeded for what in the year 1976 will be 200 years. But like the continued success of this University, the continued success of the American experiment depends on one thing: On the qualities of heart and mind and spirit that our young people bring to both.

This Nation will not run on inertia. It could fail in one generation or it could last another 100 years or another 1,000 years. The answer lies in what you and your generation bring to the task of being an American and what you pass on to others.

These depend, in turn, upon what your Nation gives to you and gives to you now. And if we are to benefit fully from the energies and the ideals of our young people, we must break down the barriers to the exercise of those energies, the pursuit of those ideals.

Let me discuss one of those barriers that I know is on the minds of many of you here and many all over this Nation.

The war in Vietnam has taken a very heavy toll of your young men. This Administration has no higher priority than to end that war. But to end it in a way that we will have a lasting peace.

For one thing, I want to end it because this Nation has positive priorities, right here at home, that young men and women now occupied in war could turn their hands to in peace. Beyond this, I have some very personal reasons that I would like to end it.

Every week, as President of the United States, I write letters to the parents and the wives and even sometimes the children of men who have given their lives in Vietnam. It is no comfort to me that when I came into office I wrote 300 of those letters a week, and that this week I will write 27. One is too many.

These were precious human lives and what they might have brought to America in peace no one will ever know. But there would have been poets among them and doctors and teachers and farmers. There would have been builders of America.

I want nothing in the world so much as to be able to stop writing those letters.

I know you realize, you who have studied history, that every American generation in this century has known war. I want yours to be the first generation in this century to enjoy a full generation of peace.

I have a plan which we are implementing to obtain that kind of peace. I can tell you confidently today it is succeeding. I believe yours will be a generation of peace. And then the question comes, and this is a bigger question, more profound: What will we do with the peace?

I am not one of those who believe that we will have instant tranquillity when we have peace. I was talking to a European statesman a few months ago about the common problems that we had in both of our countries of student unrest, and he said to me, "The problem with your youth is war. The problem with our youth is peace."

What he meant, of course, was that the challenges of peace are as great as the challenges of war and as difficult to meet. There needs to be something more than the mere absence of war in life. Young people need something positive to respond to, some high enterprise in which they can test themselves, fulfill themselves. We must have great goals—goals that are worthy of us, worthy of our resources, our capacities; worthy of the courage and the wisdom and the will of our people! And we do have such great goals at home in America. Consider, for example, the problems of our environment. To subdue the land is one thing. To destroy it is another, and we have been destroying it. And now we must undo what we have done. You must help in this venture. It will require all the dedication you can bring to it—your brains, your energy, your imagination, those special qualities you possess in such abundance—idealism, impatience, and faith. To preserve the good earth is a great goal.

Consider the problems of our cities. Through time, cities have been centers of culture and commerce, and nowhere has this been more true than in America. But today, many of our great cities are dying. We must not let this happen. We can do better than this. We must do better than this. Only if the American city can prosper can the American dream really prevail.

Consider the problems of rural America. We are a nation not only of cities but of towns and villages and farms. In the soul and substance of rural life in this country the most abiding values of the American people are anchored. Rural America, too, needs our attention. We must create a new rural environment, a new rural prosperity, which will not only stem the migration from rural areas to the cities, but which will bring people back to the heartland of America.

Consider the problems of overpopulation, the problems of education, the problems brought about by technology, the problems of achieving full and equal opportunity for all of our people, of health; the problems of prosperity, itself; of poverty in a land of plenty. Those are just a few of the challenges that face us.

We must face them together. There can be no generation gap in America. The destiny of this nation is not divided into yours and ours. It is one destiny. We share it together. We are responsible for it together. And in the way we respond, history will judge us together.

There has been too much emphasis on the differences between the generations in America. There has been too much of a tendency of many of my generation to blame all of your generation for the excesses of a violent few. Let me repeat what I have said over and over again during the past two years.

I believe one of America's most priceless assets is the idealism which motivates the young people of America. My generation has invested all that it has, not only its love but its hope and its faith in yours.

I believe you will redeem that faith and justify that hope. I believe that as our generations work together, as we strive together, as we aspire together, we can achieve together—achieve great things for America and the world.

And so let us forge an alliance of the generations. Let us work together to seek out those ways by which the commitments and the compassion of one generation can be linked to the will and the experience of another so that together we can serve America better and America can better serve mankind.

Our priorities are really the same. Together we can achieve them.

I pledge to you that as you have faith in our intentions, we will do our best to keep faith with your hopes.

Let me cite one of the ways in which I propose to give substance to this alliance between the generations. One thing government must do is to find more effective ways of enlisting the dedication and idealism of those young Americans who want to serve their fellow man. Therefore, I will send a special message to the 92nd Congress asking that the Peace Corps, VISTA, and a number of other agencies now scattered throughout the Federal Government, be brought together into a new agency, a new volunteer service corps that will give young Americans an expanded opportunity for the service they want to give, and that will give them what they do not now have offered to them—a chance to transfer between service abroad and service at home.

I intend to place this new agency under the dynamic leadership of one of the ablest young men I have ever known, the Peace Corps Director, Joe Blatchford, and I intend to make it an agency through which those willing to give their lives and their energy can work at cleaning up the environment, combatting illiteracy and malnutrition, suffering and blight, either at home or abroad.

To the extent that young people respond to this opportunity, I will recommend that it be expanded to new fields, new endeavors, for I believe that government has a responsibility to ensure that the idealism and willingness to contribute of our dedicated young people can be put to constructive use.

As we free young Americans from the requirements of the draft and of the war, from the requirements of forced service, let us open the door to volunteer service. And for those who want to serve but cannot devote their full time, the new center for volunteer action will open new opportunities for millions of Americans of all ages to the extent they wish to contribute their time, their talents, their hearts, to building better communities, a better America, a better world.

Let me turn now to another way in which you can contribute. You all know that in the year 1970 we have taken a step which could have a very dramatic effect on your future and the future of America. We have provided you with the most powerful means a citizen has of making himself felt in a free and democratic society.

You now have the right to vote. Today in a new and exciting and dramatically promising way, you, each of you 18 or over, has a voice in the future of America. The whole history of democracy in this country is a chronicle of the constant broadening of the power to participate. Each new group receiving the franchise has had a beneficial effect on the course of America. Each new group has given freshness and vitality to the purposes of government. And now it is your turn to do the same.

So much is in your hands now. To those who have believed the system would not be moved, I say try it. To those who have thought that the system was impenetrable, I say there is no longer a need to penetrate; the door is open. For each of you, as for each of the rest of us, there are going to be some disappointments. There will be defeats, and the hard logic of life is: for anyone to win someone else has to lose.

For some to know victory, others have to know defeat. This is part of democracy. For it is in the very nature of a free society that no one can win all the time, no one can have his own way all the time, and no one is right all the time. If we suffer a setback or if we lose on an issue, the answer is not to blame the system but to look within ourselves to see how we can strengthen our resolve and intensify our efforts or perhaps to see whether the other fellow just might have been right all the time.

Defeat, therefore, can be an occasion for learning, for weighing the wisdom of our own purposes, examining the strength of our own resources.

I have seen two of Bob Devaney's teams play in the Orange Bowl when they lost. But defeat, instead of disheartening them, brought that experience which later led to victory.

I know that there are those who reject politics, who scorn the political life, and I can assure you that politics attracts its share of bad people but so do all the other professions. This does not reflect on the political system, for politics is a process, not an end in itself, and the process can be as good or as bad as the people that are part of it.

It may be tempting to suppose, like the ostrich, that what we choose not to be involved in will, therefore, not involve us. But we cannot make a separate peace, not one of us can. We are all committed, whether we choose to be or not. You can reject this, you can come to the task of being an American like Nietzche's ropemakers, who "pull out their threads in length and themselves are always going backwards." Or you can accept the commitment. You can accept the challenge. You can accept the high adventure of being an American citizen.

In the end, the history of this time will reflect your choice and it will record that you were the first generation of young Americans to be given this chance. Therefore, I urge you to choose well and to choose carefully.

There is an old excuse: This is a world that I never made.

That won't do any longer. You have now the opportunity, the obligation, to mold the world that you live in, and you cannot escape this obligation.

There is a story of an old and very wise teacher in early Athens. There was no question the teacher could not answer. There seemed to be nothing in life the old man did not understand. And finally, one of his students hit upon a way to defeat the old man's wisdom.

The student determined that he would catch a bird and hold it concealed in his hands. He would ask the old man to guess what he was holding. If the old man guessed it was a bird, then the boy would make him say whether the bird was alive or whether it was dead. And if the teacher guessed that the bird was dead, the boy would open his hands and let the bird go, free and alive. But if the wise man guessed that the bird was alive, then the boy would crush out its life and open his hands to reveal a dead bird.

And so it progressed, just as the boy had planned, until he asked the wise man: "Is the bird alive or is it dead?" And the old man said, "My son, the answer to that question is in your hands."

In your hands now rests the question of the future of this Nation, of its promise of progress and prosperity, of the dream of democracy and the future of freedom, of whether men can continue to be governed by human wisdom. And I believe that these things rest in good hands, and that as we put our hands together, your generation and mine, in the alliance we forge we can discover a new understanding, a community of wisdom, a capacity for action, with which we can truly renew both the spirit and the promise of this great and good land we share together.

ENVIRONMENT UNIVERSITY AT GREEN BAY

Mr. NELSON. Mr. President, as John Fischer says in his "Easy Chair" column in the latest issue of Harper's magazine, "Survival U" is alive and burgeoning at the University of Wisconsin at Green Bay. There, one of the most exciting educational and environmental projects in the entire country is now underway. Unlike any other university, this cluster of four campuses has selected as its major specialty the subject of ecology, which concerns the future of man as much as anything else.

Mr. Fischer made the idea of "Survival U" famous with his perceptive column in September, 1969, and in this latest column, he reports on the Nation's first real example of a man-environment university. I ask unanimous consent that Mr. Fischer's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Survival U Is Alive and Burgeoning In Green Bay, Wis.

(By John Fischer)

If a 1965 graduate were to return today to Harvard—or Berkeley or Kent State—he would have no trouble in recognizing the old place. In spite of the years of protest, demonstrations, riot, and arson, he would find that most of the old courses still are being taught in the same old way, by the same professors, and often from the same lecture notes. So, too, at nearly all of the long-established universities. Close scrutiny might reveal a few changes around the edges: students added to some committees (but not those dealing with faculty hiring and salaries), ROTC courses abolished, government research curtailed, black studies added, and probably a new president. But underneath the cosmetics, the bone structure of the university, the traditional departments, remain much as they were fifty years ago; and the basic decisions still are being made, as always, by the senior faculty.

Ten years from now, in the old universities the situation is likely to remain much the same. For they are like the Galápagos tortoises: slow-moving, shell-encrusted survivors from an earlier epoch, whose evolutionary adaptations can be measured only on a geological time scale. The more I see of American academic life—and I have been seeing a good bit during the past decade—the more sympathy I feel for the frustrations and impatience of the undergraduates. Though I feel no sympathy at all for their occasional outbrusts of violence, which are as futile as kicking a Galápagos tortoise: they may break a toe, but they don't change the nature of the beast.

Consequently, I have become convinced that any early and significant reform of American higher education can be hoped for, not in the established universities, but only in the new ones that are being started here and there throughout the country. In July 1969, I reported here on the innovations which are being attempted at the new campus of the University of California at Santa Cruz—an institution founded on a fresh, though by no means revolutionary, concept of education. Then in September 1969, I suggested in this column a more radical departure: a Survival U, where all work would be focused on a single unifying idea, the study of human ecology and the building of an environment in which our species might be able to survive.

At the time, I supposed such an institution was wholly imaginary, if not utopian. So, apparently, did most of my readers. That column resulted in more correspondence than anything I have written, and was more widely reprinted; it was included, for example, in *The Environmental Handbook*, a paperback distributed in hundreds of thousands of copies for the nationwide Earth Day teach-ins of April 22, 1970, and individual reprints are still being used in scores of classrooms and conservation groups.

To my embarrassment, I discovered a little later that a real Survival U had opened its doors in 1969, after three years of intensive planning. I had never heard of it, and even now it seems to be almost unknown throughout the rest of the academic world. Recently I spent several days there, talking with its students, faculty, and administrators—and I came away persuaded that it is the most exciting and promising educational experiment that I have found anywhere. If I were about to start to college, it would be my first choice—ahead of anything in the Ivy League or even Santa Cruz, which in comparison seems like a rather self-indulgent ivory tower in the redwoods.

It is a new campus—or rather a cluster of four campuses—located in and around Green Bay. Officially it is part of the much-troubled University of Wisconsin system; but in almost every aspect it is light-years away from anything ever tried before, in Wisconsin or anywhere else. It is a truly radical innovation, not only in purpose but in its internal structure and methods of teaching. Among other things, it is trying to break down the hegemony of the traditional disciplines—economics, political science, English literature, chemistry, sociology, and all the rest—which have imposed such a rigid pattern of departmental organization on the conventional universities. If Green Bay succeeds (an open question, since it is still in a precarious formative stage), it just might show the way for higher education to bust out of its Galápagian shell and sprout wings.

Like the imaginary Survival U, Green Bay, is trying to focus all of its studies on a single overriding subject: ecology—that is, the environment we live in, both physical and social. Only recently, and perhaps too late, many of us have begun to realize that this is *the* cardinal subject. For unless we learn, pretty fast, to live on the earth's thin crust without destroying it, all the other subjects—from philosophy to twelve-tone music—will not only be irrelevant, they will simply disappear, along with *homo non-sapiens*. (If anyone is still skeptical about this dire fact, the would do well to look at the recent writings of Paul Ehrlich or René Dubos or the latest book from America's only scientist-poet, *The Invisible Pyramid* by Loren Eisely.)

Moreover, in its broad sense ecology embraces all other subjects. The places where a man works and sleeps are part of his environment, just as the air he breathes and the sounds he hears, including both motors and Mozart. Whether this environment is good or bad depends on many things—economics, engineering, government, and geography, to begin with. Even international relations, since war could be the ultimate destroyer of the environment. Understood in this way, as it is at Green Bay, ecology is not simply one academic subject among others. It becomes an approach to all learning, a frame work for organizing every field of study.

Until my recent visit, I knew nothing about the city of Green Bay except that it had produced the late Vince Lombardi and his legendary Packers. I found it to be a typical Middle America community of about 100,000 people, located on an arm of Lake Michigan with a hinterland of rich dairy country. Its people are mostly lower-middle-class, of Northern European stock, who work in the local paper mills, packing plants, cheese factories, and metal-working shops. Because they place a high value on education, they had built some years ago a two-year community college, financed out of local taxes. Three smaller towns, within a radius of sixty miles, had similar colleges. They and the other communities of northeastern Wisconsin had long been campaigning for a full-fledged university in their part of the state; and, in 1965, the legislature authorized such an institution with a special mandate: to serve the "needs and potentialities" of that area, and of the whole Northern Great Lakes region. As a starter, the new university took over the four community colleges, and a new campus to serve as a center is being built on the bay shore on the northeast edge of Green Bay.

To head the new institution, the state chose Edward W. Weidner, a man with a rare combination of talents. He is an academic administrator with imagination, the courage to strike out in new directions, organizing ability, and a knack for persuading others to go along with his ideas. A political scientist trained at the University of Minnesota, he had taught at four big state universities, run the Center for Developmental Change at the University of Kentucky, and worked on a number of government and foundation aid projects in Asia. What he saw there, and in the Tennessee Valley, led to his deep concern with problems of human environment. More than any other single person, he is responsible for the innovations at Green Bay.

Next to the emphasis on ecology, his most during innovation is his break away from the sacrosanct departmental structure. At conventional universities this structure, along with the tenure system, is the flintiest obstacle to change.

Usually each department—Romance Languages, say, or History, or Architecture—has a customary number of job slots, most of them filled with tenured faculty members who cannot be fired. Since they choose the new men entering the department and decide who shall get tenure and when, old ideas tend to be perpetuated from generation to generation. Even the most ambitious and fresh-minded university president can do little to change these moated duchies; neither can he take much money away from their budgets to start something new. If he wants to experiment with black studies, or an institute of urban affairs, he has to find new money from the outside—a tough proposition in these days of shrinking appropriations and alumni contributions. Moreover, he cannot count on the support of the entrenched faculty for any innovation he attempts. Their first loyalty runs not to him or even to the university, but to their own disciplines and to the departments where they are practiced. The way to get ahead in their world is to write research papers or books which will establish them as Coming Men in their fields, and thereby win them offers of better jobs at more prestigious institutions. Often they don't give a damn for the university where they happen to be at the moment, much less for the students they are supposed to teach. And they may see any innovation as a threat to the relative importance of the old departments, a drain on money which might otherwise have gone to them.

A distinguished dean of a major state university recently remarked to me that "any real reform of higher education has to begin with abolishing the tenure system." That, he added, is almost impossible because the professoriat would fight it to the last drop of blood. He did, however, think that a start might be made by hiring new faculty members on five-year contracts, subject to renewal, rather than giving them permanent tenure.

"Would you like to write an article about that?" I asked.

"Good God, no," he said. "My colleagues would never forgive me. Besides, I'm on tenure myself. To be consistent, I would have to give it up—which I'm not about to do."

Weidner has not been able to escape the tenure system and its accompanying incubus, the compulsory Ph. D. union card, since they are built into the University of Wisconsin network, including Green Bay. But he has been able to sidestep (so far, at least) most of their evil consequences.

Because this university is new, it has been able to hire tenured professors who are young, enthusiastic, and daring enough to take a chance on an experiment which ignores the safe, worn ruts of academic advancement. In choosing them it has, in Weidner's words, had "little concern with the field of a professor's Ph. D. . . . but much concern with the kinds of ecological problems on which he wishes to focus, along with students and members of the community." (That last, seemingly perfunctory phrase conceals an explosive idea, to be noted in a moment.)

In addition, Green Bay foils the tenure system by means of "lectureships"—job slots in which it can place anyone whose experience is useful, even though he hasn't got a Ph. D. or climbed the prescribed rungs of the academic ladder. Such lectures include many people from the local community—businessmen, town planners, conservationists—who not only lecture, but also sit in with the permanent faculty in planning courses. Some of the teaching also is done by short-term visitors, who come for a single lecture or for several weeks or months to work on a particular ecological problem.

But the most ingenious defiance of The System is the way Green Bay is organized. It has no departments of the conventional kind, controlling budgets, hiring, promotions, and courses of study. Instead the university is organized into four "theme colleges" and one school of professional studies, each granting its own kind of degree. A student, moreover, does not "major" in a traditional subject, such as chemistry or economics. Instead he concentrates of an environmental problem of his own choice, and (in consultation with his faculty advisers) selects whatever courses may help him in mastering it.

For example, if a youngster is seeking a degree in the College of Community Sciences, he might decide to concentrate on regional planning. The problem that interests him is: "How should the Lake Michigan District—nine counties in the northeastern part of Wisconsin—plan its future development?" To come up with answers, he will have to learn a good deal about economics, geography, political science, and sociology; and at some point he may find he needs some training in statistics and the use of computers. Much of his work will be done in the field, with residents and public officials of those nine counties.

If, instead, he is interested in problems of water pollution—a matter of deep concern in that region—he would enroll in the College of Environmental Sciences; and in trying to solve the particular problem he is concentrating on, he probably would dig into chemistry, hydrology, geology, and some aspects of engineering.

More than any university I have seen elsewhere, Green Bay is integrated into the surrounding community. Traditionally, research, teaching, and "extension work" or "community outreach" are regarded as separate—and sometimes hostile—enterprises. At Green Bay they all meld together.

How this works can be observed at Lake Noquebay, the main asset of Marinette County. It attracts much of the tourist trade, the county's chief source of income; and the lake is sick. It is showing symptoms of eutrophication, or premature aging. Water weeds are growing so fast that they discourage freshmen, who are getting fed up with snagged lines and clogged propellers. Besids, swimmers occasionally break out in an itchy rash which may (or may not) be cahsed by a tiny parasite which burrows into their skins.

This presented an ideal problem for the university's environmentalists. They are now trying to find out what causes the lake's troubles, and how to cure them. The undertaking combines scholarly research, teaching, and cooperation with the people of Marinette County to rescue their economy, all at the same time. It also demands a multidisciplinary effort—the joint work of scholars in several fields—which is one of the distinguishing characteristics of the Green Bay experiment. Thus the Noquebay project is directed by T. W. Thompson, an aquatic biologist. His faculty helpers include an analytic chemist, an economist, a water-recreation specialist, a terrestrial biologist, a political scientist, and a marine geologist. Eleven students are now working with them, and others probably will join the group from time to time. Within a year or two they hope to have two end-products: (1) a plan for the future management of the lake and its surrounding land; and (2) data which may serve as a model for similar work on other ailing lakes in the North Central states and Canada.

Such multidisciplinary undertakings often get lip service at the traditional universities, but they seldom come to much. For under the established system, a faculty member earns no academic Brownie points for this kind of enterprise. His department will regard it as time stolen from research in his own narrow speciality; and as soon as he realizes that his career may be endangered, the prudent scholar will drift away from the multidisciplinary project, however urgent and innovative it may be. The Green Bay professors may also suffer. An economist who spends a couple of years poking around a lake, instead of writing abstruse little papers for the professional journals, may not get so many job offers from other institutions. But so far the Green Bay faculty seems willing to accept this risk, as a small price to pay for the chance to take part in an exciting experiment.

Indeed, Weidner makes it plain that the teachers on his campus will have to sacrifice a lot of academic sacred cows and customs. At a breakfast meeting with the faculty just before the new university opened its doors, he told them:

"We must give up the comfortable old idea that professors meet their classes and post office hours (two or three hours a week) and then hide the rest of the week. . . . Of course you must have formal office hours. But we are at the time now when we should be available the clock around. If a month goes past and you have not had any students in your home, then there is something wrong with your approach to students. And if a week goes past and you have not had coffee with some students, if you have not got lost in some of our new people pockets with some students, then there is something wrong. . . . If any of us are uncomfortable with students outside the classroom, then we ought to find another job, because the time is gone when higher education is a thing that takes place in the classroom."

This, I take it, is precisely what thousands of students across the country have been trying to say for the last ten years, only to find that practically nobody was listening.

People pockets? Yes, they are a unique feature of the architecture of the university buildings now going up along the shore of the bay—an architecture as remarkable as the academic plan. Because the Wisconsin winters are pretty severe, the three main buildings are linked together with passageways. But these are nothing like the straight eight-foot corridors which make hospitals and office buiildngs so dreary. They follow the terrain, at some points running underground, at others with windows opening on sunken gardens. And every few yards one side or the other of the passageway broadens into a little alcove, with a low table and few easy chairs—a "people pocket" where students and faculty can stop to talk, sip a coke, study, or just rest. The name is a little too cute for my taste, but as a device for encouraging easy, informal interaction among students and their teachers, these pockets are proving highly successful. Nice places for courting, too.

The architecture and site planning of the campus deserves an article of its own, and I hope Ada Louise Huxtable will write it one of these days.

The university has no football team. Two Green Bay teams would cause nationwide confusion. Besides, big-time football, at the prices undergraduate stars command these days, is too expensive for a fledging institution with many demands on its bankroll. So Weidner & Associates have encouraged soccer—the most popular of sports in nearly all countries except America. It seems to be catching on nicely at Green Bay, and at minimal cost.

Electronic teaching is being developed at Green Bay more boldly than at any other place I know of. Its four campuses, scores of miles apart, made this almost a necessity. Last November, professors on the main Green Bay campus began lecturing not only to their own classes, but to students on the Marinette campus fifty miles to the north, using a closed-circuit television hookup provided by a grant from a local firm, the Ansul Company. Later, it may be extended to the Fox Valley campus to the west and the Manitowoc campus to the south. Meanwhile, the latter two get video tape recordings, and their students can take part in group discussions of each lecture with students on other campuses by means of a conference-line telephone network. The resulting economies are impressive. In the pilot project, a freshman course in social environment, six instructors taught some eight hundred students. Their lectures were recorded for use in future years—or for review by any student who thinks he missed something the first time.

In addition, the university has a Media Library, which vastly extends the possibilities for independent study. There a student can check out a portable television set and take it to a study carrel, along with video tapes on a wide range of subjects. He can also borrow language records, audio tapes, filmstrips, and cassettes, for use at his convenience; and if he is slow to grasp something he can replay that segment as often as he likes. Some of this material is produced in the library's own television and recoring studios, but much of it comes from other sources. For example, a single page of its catalogue lists ten Encyclopaedia Britannica films on the human body—"The Heart in Action," "The Perception of Sound"—plus items on caste in an Indian village, mollusks, tundra ecology, Samuel Beckett, and the behavior patterns of a one-year-old child. In length they range from an eight-minute film loop to an hour-plus "documentary report on one woman's step-by-step recovery from mental illness."

With faculty guidance, a student could get a pretty thorough (though lonesome) education in the Media Library alone, working at his own pace and without ever stepping into a classroom. One of the librarians pointed out another advantage.

"Machines," he remarked, "don't have tenure. We can replace anything here as soon as it gets obsolescent."

This may give the impression that learning at Green Bay is mechanical and dehumanized. In fact, it is so personal and student-oriented that, in comparison, the old-fashioned universities seem to be operated for the convenience of the faculty. From the day he arrives, a student finds all the individual counseling he wants, on his studies, personal problems, and future career. Remedial work, usually on a tutorial basis, is available if he needs it. If he is bothered by the usual grading system, he can, in most courses, ask to be marked simply "pass" or "fail." When he feels that he already is well-prepared in a given subject, he can ask for an examination and, if he passes, get full credit even though he has never set foot in the classroom. Required courses are few, and honor students automatically are exempted from them.

Normally, however, every student takes part in a Liberal Education Seminar during each of his four years at Green Bay. These seminars, of twelve to fifteen students each, are intended to link their specialized studies with the broader problems of society, its value systems, and the environment. They are conducted largely by the undergraduates themselves, though one or two faculty members usually are standing by to answer questions or, when necessary, to nudge the discussion back on the track.

In the sophomore year, students are encouraged to take on off-campus projects—part-time work in a local paper mill, perhaps, or a job in a reformatory, a day-care center, or a poverty program.

Juniors are expected to get some experience in a culture different from that of the Northern Great Lakes region. Depending on their interests, they might spend a few months on a campus in another part of the country, on an Indian reservation, or traveling with a small group of students and faculty members in Europe or Latin America. The purpose, in both years, is to make sure that their academic work is intimately related to the outside world. As one professor put it, "By the time he leaves here, we hope a graduate will not only understand the ecological crises the world is facing. We hope he also will have decided what he can do to help solve them."

There is no space here to give even a superficial account of other innovations at Green Bay—how literature, history, philosophy, and the arts are taught in the College of Creative Communication, for example, or the College of Human Biology, where the offerings range from population dynamics to preprofessional work in medicine.

Neither is this the time to attempt an evaluation of the experiment. Until the university has had at least five years of operation, nobody can guess how its promise actually will pay off. I can report, however, that all of the faculty members I talked to were both enthusiastic and confident. And among the students I could detect none of the disgruntlement or resigned cynicism which are so evident on many campuses. So far, Green Bay has had no bomb scares, sit-ins, or demonstrations. Whether this will remain true when the present enrollment of less than three thousand students at the main campus rises to an eventual twenty thousand is another question. But the present crop of undergraduates seem to consider themselves lucky; and I think they are right.

BRANDT'S OSTPOLITIK

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD an article from today's Washington Post entitled "West Germans Still Undecided on Brandt Policy."

I might say that many Americans are also very concerned about Chancellor Brandt's policy of Ostpolitik and the implications its success or failure may have on the Western alliance. There are many of us who are wondering what exactly West Germans hope to achieve by the policy.

Mr. President, next Wednesday, January 27, Chancellor Brandt will make the German equivalent of the state of the Union message in the German Bundestag. We all know that the Soviet German Non-Aggression Pact which was signed in Moscow last year has never been formally submitted to the Bundestag for ratification.

We were led to believe that a breakthrough on the Berlin question was a necessary prelude to that formal submission.

I have been told that Chancellor Brandt will announce such a breakthrough next Wednesday, but the early indications are that the breakthrough is more shadow than substance.

While this understanding between the East German Communist regime and Chancellor Brandt's government will recognize the organic connection between West Germany and the city of Berlin, and will provide for visiting rights by West Berliners to the relatives and friends in the Eastern Zone, this understanding cannot be fairly characterized as a settlement of the German question. Under this understanding, I am told that the West German Government will be expected to bear all the costs of the restructuring of traffic to and from Berlin.

Beyond that, the understanding is really an agreement to agree rather than a firm contractual arrangement which fixes the Western access rights to the city of Berlin which continues to be a island of freedom in a Communist sea.

Mr. President, I hope that Americans will continue to follow events in Germany with more than casual interest. While we have no intention of interferring in any way in the internal affairs of a friendly state, concerned Americans should recognize that our own vital national interests are involved in these events. European security is our business and I hope will continue to receive the attention it deserves.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

W. GERMANS STILL UNDECIDED ON BRANDT POLICY

(By John M. Goshko)

BONN.—After 16 hectic months as West German chancellor, Willy Brandt has established himself in the eyes of the outside world as Western Europe's most prominent leader. But how popular is he at home?

The question is important not only to West Germany. For the size of his domestic support must ultimately become the determinant of whether Brandt can make a go of his Ostpolitik—a bold and controversial attempt to thaw the cold war by seeking reconciliation with Bonn's old enemies in Communist Eastern Europe.

Since Brandt became chancellor in October, 1969, his Ostpolitik, or Eastern policy, has overshadowed everything else in the West German political consciousness. His domestic political stock is linked so inextricably with public attitudes toward the Ostpolitik that he will stand or fall on this one issue.

But in a situation that drives politicians here almost mad with frustration, all the tumult and shouting of the last 16 months still have not turned up any real indication of how the majority of the West German electorate really feels about either the man or his policy.

Instead, every effort to gauge the mood of the voters becomes entangled in a bewildering thicket of paradoxes. Each time it appears that political opinion is starting to run in a clear-cut direction, something unexpected happens to upset all form charts.

For example, in the 1969 general election, Brandt's Social Democratic Party came only in second, winning 224 seats in the Bundestag (lower house of parliament) to 242 for the Christian Democrats, who had ruled West Germany throughout the post-war period.

BRANDT'S COALITION

Brandt became chancellor only because he was able to put together a coalition with the Free Democrats whose 30 seats gave him a wafer-thin majority of 12.

From the outset then, Brandt's government was susceptible to two kinds of instability; the slimness of his majority and an inner turmoil within the Free Democrats so intense that the party seemed chronically on the verge of self destruction.

Eventually, this feuding led three right-wing Free Democrat deputies to defect to the Christian Democrats, a switch that halved Brandt's parliamentary majority to the barely sustainable number of six.

Yet, while many observers regarded this as a potentially fatal blow to the coalition, it was compensated for by some unexpected Free Democratic successes in state elections that helped, temporarily at least, to restore the party's shattered morale. The net effect was to leave the coalition with only half of its original majority but with a degree of cohesiveness and internal strength greater than at any point since Brandt entered office.

This has rekindled hope among government supporters that Brandt can hold the coalition together until the next scheduled general elections in 1973—a time when the success or failure of the Ostpolitik should be much clearer than it is at present.

But there are innumerable factors that could wipe out this optimism and create new crisis capable of forcing the public to express itself at an earlier date. There even is the possibility that at some point Brandt and his opposition might be forced to resolve the impasse between them by going to the voters with national elections in advance of 1973.

ELECTORATE VERDICT

Should that happen, what verdict would the electorate pronounce on Brandt? Almost everyone in Bonn political circles has an opinion about the answer, but the evidence they cite to support their views usually sounds like the proverbial blind man trying to describe an elephant from its feel.

There are, for example, the political polls which, while many in number, are not nearly so scientific or broad in their sample as those employed in the United States.

Recent polls attempting to establish a personality pecking order consistently rank Brandt as the second most popular political figure in West Germany. (The top spot goes not to an opposition leader but to Helmut Schmidt, vice chairman of the Social Democrats and Brandt's minister of defense.)

But this does not mean that the things for which Brandt is admired abroad holds true within Germany. When he went to Poland in December to sign the Bonn-Warsaw treaty, his spontaneous gesture of kneeling before a memorial to the Jews murdered in the Warsaw ghetto brought tears to the eyes of many who had fought against Nazi Germany during World War Two.

At home, however, the reaction was considerably different. A poll conducted by the news magazine Der Spiegel, found that 48 per cent of the respondents thought Brandt's gesture exaggerated. The approval rate was 41 per cent, while 11 per cent had no opinion.

LACK OF CLARITY

A similiar lack of clarity is evident in those polls dealing with public opinion attitudes toward the Ostpolitika. When the poll questions are couched in generalities such as asking whether people approved the concept of the Eastern policy, a majority invariably replies in the affirmative.

Yet, this changes when the polls get down to the specifics of the Ostpolitik. Several recognizing the Oder-Neisse line (a move legitimizing the loss of large areas of former German territory to Poland and the Soviet Union) found the largest single groups of respondents—usually totaling almost 50 per cent of the sample—opposed.

Nor is much help afforded by looking at the various special-interest groups that make up the fabric of West German society. There are, of course, the organizations of expellees from the lost territories, from Czechoslovakia and Communist East Germany, all of which remain fiercely unyielding and vocal in their opposition to the Ostpolitik.

But, while the expellees make a lot of noise, their ranks have been eroded by age and the indifference of their children and they no longer are able to muster the large and potent voting blocs of a decade ago.

As to the other potentially important pressure groups—the labor movement, the Catholic and Protestant churches, the agricultural sector—none has shown any clear-cut unity of attitude on Brandt or the Ostpolitik.

VOTERS' MOOD

That leaves most politicians looking for clues to the voters' mood in the results of the elections held in six of the 10 West German states during 1970. This, however, is an exercise involving so many intangibles that any attempt to protect it on a national scale inevitably is akin to comparing apples with oranges.

If the results of all six state elections are averaged together, they show that the Social Democrats dropped 1.5 per cent from the vote it won in the 1969 general elections. (When population changes since 1969 are taken into account, the Social Democrat slippage comes out closer to 1 per cent.)

This leads many analysts to the somewhat facile conclusion that the Social Democratic Party has made no significant progress in winning the allegiance of new voters since it came to power. The opposition Christian Democrats go even further, contending that the 1970 state election points to a major erosion of the Social Democratic strength.

In only one contest, Hamburg, which is a completely urban city-state and a traditional Social Democratic stronghold, did Brandt's party record a net gain over the preceding state election. In the two other states where it won—Lower Saxony and Hesse—it was by smaller margins than on the previous time out.

Most thoughtful and independent observers here dismmiss the attempt to describe the 1970 state elections in terms of an ani-Ostpolitik plebiscite as a partisan maneuver that simply does not stand up under scrutiny. State elections will continue to be watched very closely here, but those that have taken place so far during Brandt's chancellorship are clearly not an accurate gauge of how he would do in a national election.

In the end, about the only conclusion that can be drawn from all the contradictions in the polls and elections is that the country still has not made up its mind about Brandt or his policies.

The indications are that the average voter has a basic disposition to like the chancellor but that he is waiting for some concrete and stunning success—like an agreement that would strengthen West Germany's ties with West Berlin—before he translates this tendency into real partisan support.

As a result it is still too premature to speculate on how much backing Brandt has outside of the normal Social Democratic sources of strength among workers the lower middle class and liberal-minded intellectuals—groups that by themselves are not sufficient to swing a national election.

To broaden this base significantly, he must produce results, first and foremost on the Ostpolitik, and secondly in combatting inflation and making the internal reforms promised in his 69 election campaign.

And, to do this, he needs time. The big question is whether circumstances will force him to ask the electorate for a time-extending vote of confidence before he is in a position to show these results.

THE GENOCIDE CONVENTION AND THE 92D CONGRESS

Mr. PROXMIRE. Mr. President, it has been 4 years since this Senator first began to speak regularly on the Senate floor in behalf of the human rights conventions. But 4 years is comparatively short compared with the 20 years that have elapsed since the United Nations General Assembly adopted the Genocide Convention by unanimous vote. Year after year we have failed to ratify a document that, if favorably acted upon, would accomplish a major step in the slow progress of civilization in securing the safeguarding of human rights.

Whenever one speaks out against tyranny and injustice, against cruelty and barbarism, one sets out a small ripple which when joined with all other similar forces together can break down the mightiest walls of oppression.

We have witnessed in the past many instances of death and brutality—evidence of man's inhumanity to man. We were witness to the brutal and ugly death by war and starvation in the civil war in Biafra. Ukrainian patriots were killed, exiled, intimidated, and repressed, with their nationalism, snuffed out and its culture crippled. International barbarism murdered 6,000,000 Jews during World War II.

Yet we have also been witness to compassionate commitments of much of mankind to the sacred rights of the individual. The United Nations Charter, the U.S. Constitution, the Magna Carta, and countless other documents are all examples of man's efforts to provide every man with freedom and independence. This speaks of the wisdom and compassion of mankind. It is of this wisdom which the Genocide Convention speaks also.

Sadly, the United States is absent from the list of countries that have ratified the Genocide Convention. Exactly, 10 years ago today, a young president reminded us again of our duty to uphold human liberty. We were reminded that we must never be willing to witness or permit the slow undoing of those human rights to which this Nation has always been committed. And yet, for 20 years this body has been strangely and sadly silent on the question of ratifying the Genocide Convention. If we are to dedicate ourselves to insuring that each man, woman, and child can seek equal justice, opportunity and dignity without discrimination and intimidation, then we must ratify this convention.

After two decades of what the New York Times has called "inaction based on sophistry and outright hypocrisy," there are signs that the United States may at last be moving to ratify the international convention on the prevention and punishment of the crime of Genocide. The many long years of American Bar Association opposition, the major roadblock to ratification, may be changing. The section of individual rights and responsibilities of the American Bar Association adopted a recommendation that the United States ratify the Genocide Convention. Sadly, this was turned down by the House of Delegates of the ABA by a vote of 130 to 126. The closeness of this vote, as well as the recommendation of the ABA's committee designated to study the Genocide Convention, both point to a significant gain for those who have consistently urged ratification.

Also encouraging is the favorable reporting of the convention by the Senate Foreign Relations Committee last year. I am optimistic that the 92d Congress, which opens today, will act on this treaty which has been awaiting action for so long.

THE NEW COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. RIBICOFF. Mr. President, on January 19 of this year the President announced formation in the White House of a new Council on International Economic Policy.

I welcome this timely action as a significant indication of a new awareness of the inseparability of our trade and foreign policies. It became increasingly clear to me during my recent discussions in European capitals that the United States must begin to develop and implement more unified, forward-looking foreign trade policies.

Edwin L. Dale, Jr., has discussed the new Council in an article in the New York Times. In addition, another article in the New York Times, entitled "Foreign Policy: The Economic Problem," by Tad Szulc, outlines very clearly why there is such a need in our Government for closer coordination between our foreign political and economic policies. It should be read by all those concerned with the future of our Nation's trade policy.

My report to Finance Committee Chairman LONG on my trip will discuss this important subject in greater detail.

I ask unanimous consent that these articles be included at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FOREIGN POLICY: THE ECONOMIC PROBLEM

(By Tad Szulc)

WASHINGTON, January 19.—Despite deteriorating economic relations between the United States and the two other great trading powers—the European Common Market and Japan—the Nixon Administration has been unable in the last two years to develop a comprehensive foreign economic policy.

That state of affairs, privately described by high Administration officials as a long period of drift marked by policy contradictions and failures, has been causing concern in Washington, in foreign capitals and in the American business, labor and farm communities.

The foreign view has been that only the exercise of United States leadership can arrest a growing trend toward world economic conflict.

It was in recognition of the need for coordinating divergent domestic and overseas interests at a time of deepening crisis in the international trade, monetary and investment fields that President Nixon today established a Cabinet-level Council on International Economic Policy.

Mr. Nixon, the chairman of the new body, named Peter J. Peterson of Chicago, chairman of the board of Bell & Howell Company, to be executive director.

The council's task is to pull together military and economic aid, international trade and monetary, financial, investment and commodities matters into a cohesive body of policy, taking into account the requirements of foreign policy.

Until the establishment of the council, recommended by an advisory committee on Government organization, the authority and capacity to manage all the international economic questions have been scattered through the Government. Foreign economic policy was the victim of interagency battles that the White House often had to resolve on an improvised basis.

The establishment of new machinery was not a simple bureaucratic move but a major effort to cope with the rapidly changing international economic situation, already posing grave foreign-policy problems for the United States.

Traditional questions of security and diplomacy are beginning to be overshadowed by rising protectionism here and abroad, by fears of trade wars and by deepening economic disputes with the European Economic Community and Japan—the two other great trading powers—as well as by differences with the underdeveloped nations and by the problem of economic and military assistance.

FREE TRADE UNDER FIRE

The economic problems have Western Europe and Japan, threatening American markets abroad and invading the domestic market, has brought pressure to change the United States' traditional free-trade philosophy.

As Americans have lost to the six members of the European Common Market their place as the principal traders and as the domestic recession has added to concern over foreign competition, the Administration has found itself under mounting protectionist pressure. Japan's growing economic potential has had a similar effect.

The economic problems have political implications that may significantly alter foreign policy.

A trade war with Western Europe, particularly after the Common Market is expanded with the anticipated entry of Britain and others, could result in a European shift toward the Communist countries, on the model of West Germany's "Ostpolitick."

That policy, inaugurated by Chancellor Willy Brandt and designed to achieve reapproachment between West Germany and the Soviet bloc, has already caused some nervousness in Washington. Many officials here believe that closer economic ties between Western and Eastern Europe may lead to political cooperation, leaving the United States relatively isolated.

CRUCIAL ISSUE IN JAPAN

A failure to settle trade and investment questions with Japan—a much more acute political problem in Tokyo than has been generally acknowledged in Washington—could, in the opinion of American officials, weaken the pro-American Government and induce more active economic if not diplomatic relations between Japan and Communist China.

Until now such political implications have often been lost from sight in the Nixon Administration's conduct of foreign economic policy. A high State Department official remarked recently: "In foreign economic policy we are in a state of drift. One hand often does not know what the other hand is doing."

Divisions have occurred in official ranks and in the business community. Industry and farm groups are divided between protectionism and free trade. Organized labor is turning toward protectionism.

Government departments increasingly act as spokesmen for the economic interests closest to them while the State Department, its voice weakening, attempts to keep traditional foreign-policy objectives foremost.

CONGRESS MAY INTERVENE

Officially, the Administration remains committed to free trade. Thus far the President has tended to decide tariff controversies in favor of the free flow of imports, but Congress may invoke severe legislative restrictions this year.

The chief task of the new White House council, therefore, is to pull together under the president's control the over-all direction of foreign economic policy. That has already been done with diplomatic and security affairs, which are coordinated by the National Security Council, in which Henry A. Kissinger, Mr. Nixon's special assistant for national-security affairs, plays the key role.

Foreign economic policy had been the missing link in the centralization. The new council, which including Secretary of State William P. Rogers as vice chairman, as well as Mr. Kissinger and Paul V. McCracken, chairman of the Council of Economic Advisers, provides the bridge between foreign affairs and the domestic policy groups, which are in the domain coordinated by John D. Erlichman, another assistant to the President.

It remains far from clear how soon and how effectively Mr. Nixon's new council can gain control over the rival interests that have been operating—with only occasional guidance and frequently improvised White House decisions—in nine Government departments and at least a dozen agencies.

In addition to the State Department, which is charged with negotiating most of the economic agreements but whose role is gradually diminishing, the Defense, Treasury, Commerce, Justice, Transportation, Labor, Agriculture, and Interior Departments participate in making foreign economic policy.

That is not all. The Central Intelligence Agency, the Atomic Energy Commission, the United States Tariff Commission, the General Services Administration, the Maritime Commission, the National Advisory Council, the Export-Import Bank, the Civil Aeronautics Board, the Federal Aviation Agency, the Federal Communications Commission and other agencies also have a voice.

Even before Mr. Nixon established the council, it was the White House that had to step into recent emergencies to coordinate policy when agencies directly responsible for economic affairs appeared to falter.

Last Saturday he dispatched Under Secretary of State John N. Irwin 2d to Teheran and several Arab capitals as a long-brewing and largely ignored crisis arose involving demands by producing countries for a greater share of the profits earned by American oil companies. The White House also directed the Justice Department to lift antimonopoly strictures so that the companies could unite in dealing with the producing countries.

Similarly, the White House virtually overruled the State Department last week to obtain the cancellation of a negotiating session with the European Common Market countries and Japan, set for Jan. 24 in Frankfurt, aimed at continuing an agreement limiting steel exports to the United States.

The White House forced the cancellation to influence the domestic steel industry to curtail price increases, using the threat of imports as a weapon in the battle against inflation.

LEGISLATION WAS DELAYED

With foreign economic policy an orphan as Mr. Nixon and Mr. Kessinger have concentrated their attention elsewhere, the Administration delayed the submission of the measures designed to reorganize the foreign assistance programs. Although a Presidential message was sent last September, actual legislation is not expected before the middle of the year, suggesting that a new system will not be operative before 1972.

A by-product of the delay is the unresolved question of the extent to which multilateral aid is to replace direct assistance, a trend favored by the Administration and Congress. In the last Congressional session, the Administration failed however, to win the approval of the Senate for commitments of $100-million for the Asian Development Bank and of $900-million for the next two years for the Inter-American Development Bank.

The most urgent problems in international economic affairs are the barriers raised by the Common Market against American agricultural products and the Administration's continued inability to persuade Japan to limit voluntarily her exports of manmade fibers and wool textiles.

Both questions have extensive political overtones and, if are not soon resolved, may lead to highly restrictive trade legislation that could set off trade wars with both Western Europe and Japan, which would almost certainly retaliate against American exports. They could also penalize American companies whose foreign investments already produce more dollar earnings than do American exports.

In the case of the Common Market, the United States sees its exports of grains endangered because high West German subsidies to farmers and consequent tariff barriers make the American product uncompetitive.

United States pressures on Bonn to cut the subsidies by at least 15 per cent could rock the shakey government of Chancellor Brandt.

In the case of Italy, the imposition of quotas on shoes, thus far resisted by Mr. Nixon, would hit the Italian economy and conceivably affect domestic politics.

New preferential trade agreements between the Common Market and Tunisia, Israel and Spain are threatening American citrus products. Incentives for European tobacco growers are worrying United States exporters.

A high-level mission headed by the Assistant Secretary of State for Economic Affairs, Philip H. Trezise, negotiated on those subjects this week with the Executive Commission of the Economic Community in Brussels, but no positive reports were reported.

RECEPTIVITY TO INVESTMENT

In the case of Japan the stalled negotiations involve not only voluntary agreement to limit textile imports but Japanese receptivity to American investment and exports.

Officials believe that Japan's annoyance with the United States has already led automotive concerns to undertake negotiations with Cuba for the establishment of a truck plant, a move that would be a blow to the policy of isolating the Castro Government.

In other areas of economic policy, there are profound policy disagreements between departments and, often between them and the White House. Included are questions of monetary policy, ranging from problems of the United States balance of payments—one of the issues is the extent to which investments abroad should be controlled to arrest the outflow of gold—to how the International Monetary Fund and other international agencies should act to preserve the stability of the major trading currencies.

A current dispute revolves around the continued existence of the European Monetary Agreement, under which United States-owned dollars remain in Western Europe to provide assist in clearing monetary accounts and providing credits. The $272-million fund was established after World War II, when the United States sought to assist in the rebirth of European trade. Now, faced with its own balance-of-payment problems, the United States has been seeking the recovery of some of the funds.

Officials in the State Department frequently find that their efforts to smooth relations with the Europeans, the Japanese and the Latin Americans are undermined by uncoordinated actions at the White House, which is more responsive to pressures by domestic economic interests.

The lack of cohesion, in policy was illustrated by the case of a Central American company that received a loan from the Agency for International Development for a plant to manufacture cotton gloves.

After the company built its plant and received an order from a North Carolina client for a million dozen pairs annually, the White House, acting on a recommendation of the United States Tariff Commission, imposed a quota limiting the company's sales to 20,000 pairs. An American company had maintained that it was losing its market.

In the case of Eastern Europe, State and Commerce Department officials feel that their proposals for more liberal trade run into Mr. Nixon's and Mrs. Kissinger's views that, except for the special case of Rumania, no economic overtures should be made until the Soviet Union moves toward greater political relaxation on all fronts.

In the view of the State and Commerce Departments, the continuing White House—and Defense Department—opposition to liberalized trade with Eastern Europe tends to lessen the chances of influencing political and ideological transition in the Communist nations.

EUROPEANS REALIZING GAINS

But the State Department is again campaigning for expanded economic relations with Eastern Europe at a time when Western European Businessmen are steadily increasing sales there.

Until now questions of foreign economic policy have flowed to Mr. Kissinger through the office of Fred Bergsten, a young economist on the White House staff.

The office of the special trade representative in the White House, once headed by a former Secretary of State, Christian A. Herter, has almost completely lost the power it held when the United States successfully negotiated the Kennedy Round of tariff changes, the last major instance of American leadership in world trade. Now headed by Carl J. Gilbert, the office has no direct participation in either the Japanese or the Common Market negotiations. Mr. Gilbert was named to the new council.

NIXON NAMES AIDE FOR TRADE POLICY

(By Edwin L. Dale, Jr.)

WASHINGTON, January 19.—President Nixon drew the broad area of foreign economic policy into the White House today and named a new Cabinet-level council and an executive director to handle it.

The executive director, with the additional title of assistant to the President for international economic affairs, will be Peter G. Peterson, 46 years old, board chairman and chief executive officer of the Bell & Howell Company.

In making the announcement, the President said Mr. Peterson was his first choice for the job and added, "He is a man who has been described by his colleagues in the business community as one of the ablest, and some have even used the term brilliant, chief executive officers of this generation."

Mr. Peterson is to have a role comparable to those of John D. Ehrlichman, chief of staff for the Domestic Council, and Henry A. Kissinger, who performs that function for the National Security Council.

GATHERS MANY SUBJECTS

Foreign economic policy covers a wide range of subjects, now handled by individual departments of various interagency committees. The main items are trade, international monetary affairs and foreign aid, but the field also includes aviation, fisheries, foreign investment, tax treaties, commodity agreements and shipping. Current dealings with numerous nations are dominated by economic rather than military or political problems.

The first objective listed in the President's directive establishing the new Council on International Economic Policy was to "achieve consistency between domestic and foreign economic policy."

In talking informally with reporters, the President noted that in the last four days he had been dealing with such matters as "the oil crisis in the Middle East," the split decision of the Tariff Commission in the issue of relief for the shoe industry from import competition, and problems associated with possible British entry into the Common Market.

"There has long been needed in the White House," Mr. Nixon said, "a director adviser and assistant to the President who can coordinate all of these activities."

ROGERS TO BE A MEMBER

The President added that "of course, the State Department has the primary responsibilities."

The President will be chairman of the new council and Secretary of State William G. Rogers will be vice chairman.

The council will also include the Secretaries Treasury, Agriculture, Commerce and Labor, the Director of the Office of Management and Budget, Chairman of the Council of Economic Advisers, Mr. Kissinger, Mr. Ehrlichman and the President's special representative for trade negotiations.

The establishment of the council was recommended by the President's Advisory Council on Executive Organization, headed by Roy Ash, chairman of Litton Industries. The idea has been supported both in and out of government for some time, though some individual operating officials are not enthusiastic, fearing it will produce just another layer in the long process of making a decision.

The move is another step in the gradual centralization of the executive branch of Government in the office of the President.

BALTIMORE COLTS: WORLD'S CHAMPIONS

Mr. MATHIAS. Mr. President, with 9 seconds remaining in the Super Bowl game, January 17, rookie placekicker Jim O'Brien kicked a 32-yard field goal to give the Baltimore Colts a 16 to 13 victory over the Dallas Cowboys and football's world championship. It was the Colts first world's championship since 1959. The victory also gave the city of Baltimore and the State of Maryland their second reigning world's champions. The Baltimore Orioles defeated Cincinnati in the World Series in October. It is the first time since 1956 that any city has been the home of championship teams in professional baseball and football. What the Super Bowl victory means to the Colts and their supporters was eloquently described by the sports editors of Baltimore's three daily newspapers. I ask unanimous consent that the columns of John Steadman, of the News American; Bill Tanton, of the Evening Sun; and Bob Maisel, of the Sun be included in the RECORD. I send my congratulations to the Colt team, Coach Don McCafferty and his staff and Carroll Rosenbloom, owner of the club, on their splendid season. I also want to thank them for doubling the number of world championship teams I am privileged to represent in the State of Maryland.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

COLTS RATED SMILE FROM LADY LUCK

(By John F. Steadman)

MIAMI.—All those near misses of years gone by resulted in the good finally catching up with the bad and the Baltimore Colts are at last the welcome recipients of a wealthy smile from the fickle fortunes of football fate.

The Colts had this one coming. It was due them. They had been so close but yet so far. The Super Bowl had eluded them despite their excellent records. But not any more.

They won what can best be desired as a "tip-in" victory as the Dallas Cowboys tapped-out in the fifth renewal of this well advertised and ballyhooed spectacular. The event from an artistic standpoint was sadly lacking in finesse and execution but the Colts won and this is the name of any game.

The Colts scored their first touchdown on a bizarre 75 yard pass play from John Unitas to John Mackey. The only change was that the throw was intended for the arms of Eddie Hinton, who deflected the ball deeper downfield for what was a stroke of pure luck.

Then there's controversy over whether a Dallas defensive back, Cornell Green, touched the pass. Green was the man-in-the-middle of the passage of this crazy flying football.

It appeared the ball went off his hands, much like a stone skipping across water and into accidental possession of Mackey. The passer, Unitas, said, "I wasn't throwing for Mackey; I was trying to reach Hinton and Mackey was downfield on the play to help clear out the area."

The pass is illegal if it goes directly from one receiver to another. But the probability it came off the hands of Green kept the ball "alive" and enabled the play to be scored as an acceptable catch and then a bonafide touchdown as Mackey raced across the goalline.

That was tip-in number one. Two others almost as strange followed off passes that were too high for the Cowboys receivers to hold and they, too, wound up in the arms of Colts. Rick Volk got one and Mike Curtis the other, on unintentional assists from Walt Garrison and Dan Reeves.

Both of the freakish interceptions led to the important points that won the Super Bowl for Baltimore and lost it for Dallas. The Colts got the ball deep in the territory of the Cowboys twice within eight minutes and each time cashed in on the breaks.

The game was settled just five seconds before it would have carried into sudden-death over-time when Jim O'Brien, the hot-footed rookie with cold water in his veins, refused to be intimidated by the pressure that had been created.

O'Brien's million dollar kick came from the 32-yard line and made the score 16 to 13 in favor of the Colts, who quickly became richer by $15,000 per players and coach. Totaled up, the field goal will actually approach a mighty million for all those involved, with all things figured.

As poetic justice would have it, Earl Morrall, the veteran quarterback, came rushing to the Colts assistance when Unitas was flattened in the second quarter by a tackle from George Andrie that sent him to the locker room for emergency treatment and X-rays.

Unitas came back in the second half and notified head coach Don McCafferty he was ready to play but Morrall was doing the job with effectiveness and no change was made. This was a smart decision. Morrall had the Colts moving, even if they weren't scoring, and it appeared just a matter of time until he got something productive on the scoreboard.

A GAME OF MISTAKES

The Colts and Cowboys didn't look like Super Bowl teams as they fumbled and stumped on the artificial grass of the Orange Bowl. Possession changed eleven times on balls that were either fumbled or intercepted.

Unitas called it a "game of mistakes" and it couldn't be more accurately defined. The Colts aren't complaining. They have suffered from bitter defeats in the past, going back to the controversial field goal loss to the Green Bay Packers in 1965, plus other misses, not always of their making.

"I think of all those times when we played fine football and got nothing," said tackle Dan Sullivan, the nine year veteran who turned in such an outstanding job of blocking. Not once were the Cowboys able to get to either Unitas or Morrall to take them down.

The game was far from a super display of football. It was the last game of a season that carried 23 games, from the opening exhibition on Aug. 8 to the championship windup on Jan. 17. This was one of the poorest performances either team had given.

Why? Maybe the fact there's so much prestige and finance connected with the outcome, fed by an immense buildup, that the factors serve to tie-up the players and restrict the playing and presentation of what is normal football.

Often one team will perform poorly. This time both of them were way off what they are capable of doing but the Colts still prevailed—thanks to the flashing foot of O'Brien, who connected with a 32-yard field goal shot.

Quarterback Craig Morton, the Cowboys' quarterback, who had a serious arm operation last spring, had problems throwing the ball. In the opening stages, he was pitching it into the ground, in front of his recievers, and then, in the later moments, he was letting it fly so high they couldn't hold it.

This resulted in two of those weird deflected passes that wound up in the hands of Volk and Curtis. They led quickly to a tying touchdown by Tom Nowatzke, in two plays, and the ending field goal, in three plays, by O'Brien.

Both of the deflections and interceptions came deep in Dallas territory and the Colts weren't going to throw those final opportunities away. It only showed again what they have been doing all year long, just doing enough to get by. Yes, it happened once more in the Super Bowl.

All the Colts scoring plays, starting with the Mackey TD, were preceded by some of the most unbelievable accidents ever witnessed on a football field, meaning, of course, how the balls flew out of the hands of the intended receivers into the arms of others.

Jim Duncan fumbled the Colts into trouble to start the third period at their own 31 yard line and then saved them at the one yard line when Duane Thomas was hit, squirmed for another yard but lost the ball. Duncan was on top of it and this, no doubt, saved the Colts from being shoved into a deep hole, which would have been a two touchdown deficit that would have been difficult to make up.

MORRALL HAS HIS DAY

The way Morrall came in from the bench to take over after Unitas was hurt was instrumental in the outcome and gave a storied touch to the result. Two years ago, he was fitted for goat honors by some critics and now he's getting medals pinned on his chest.

Never has the Super Bowl, in its brief but eventful existence, had such a figure as Morral, who was ridiculed in 1969 and now comes back to hero status with the pressure turned on full blast.

The passers and receivers had a difficult time on the artificial turf. Unitas and Morrall slipped frequently as their back leg went out from under them as they tried to set up and throw. This was responsible for some of the inaccurate passing but not the poor handling of punts, plus the numerous mental lapses both teams exhibited.

Morrall let the clock go down to where only nine seconds remained. The ball was on the 25 yard line. O'Brien came in the game after a timeout and got ready to kick.

He rubbed his hands together and swept a blue piece of paper from the field. He didn't want anything to distract him as he waited on the snap from center Tom Goode. Morrall placed the ball down, with the laces to the outside, and O'Brien propelled it between the goal posts for the kick that gave the Colts this precious victory.

A game that had been a "comedy of errors" and a "carnival of confusion" had been ended by a field goal for a team that had been snake-bit in the past. It was the first time the Colts had won a world title since 1959 and then there were only 18 teams, not 26 like today.

For McCafferty, the head coach, it was a case of hitting the jackpot in his initial try, winning the Super Bowl all that. The Colts dominated the play, when fumbles and interceptions weren't reoccurring, and deserved an embrace from Miss Lady Luck.

So they didn't look good winning. What's the difference? They won. This is the only worthy consideration when a championship is on the line. Football record books will list them as the Super Bowl king.

The Baltimore Colts have indeed, been a quality team, with great players and coaches, for them not to have a Super Bowl prize as a reward for the things they have accomplished. Now this has been truly realized. Their are no higher goals for which to aspire.

RESOURCEFUL COLTS HAVE LAST LAUGH

(By Bill Tanton)

MIAMI.—Tom Landry leaned gently against the wall and tried one more time to explain away another heartbreaking, last-minute defeat in a big one—and this was a big one, all right, the biggest of all, Super Bowl V, in which the Colts defeated the Dallas Cowboys, 16–13.

"In the end," said Landry, "there's only one happy team, and that one is over in the other dressing room."

On the other side of the wall behind Landry were the new champions of the National Football League, which is synonymous for, as Landry suggested, the happiest football team in the world.

Maybe not the best, in spite of their Super Bowl victory, because the Colts played some incredibly sloppy football yesterday. The Cowboys were just worse.

The way those two teams played, there must have been players from at least 20 NFL teams sitting home, watching the game on TV and thinking about the $15,000 each Colt player had just won and muttering, "Daggone. We could have murdered those guys."

Perhaps because Super Bowls are so pressure packed, because there is so much hoopla connected with them, they are seldom works of art.

Extra points are blocked, as the Colts' Jim O'Brien's first one was yesterday. Great old pros like John Unitas have bad days, fumbling and throwing interceptions. Brilliant running backs like Duane Thomas get shut off. Veteran all-pros like the Cowboys' Mel Renfro watch, dumbstruck, while a field goal try is downed on the 2-inch line.

This is what Super Bowls are made of. They are played by athletes who are held up on pedestals—the gods of a football-mad sports public—but mere mortals, flesh and blood guys with weaknesses that show up under the Super Bowl microscope.

And when it is over, one team, flaws and all, reigns supreme. That team now is the Colts, who have reached the highest pinnacle in pro football, and the happiness that goes with that attainment is without parallel in sports.

M'CAFFERTY AGHAST AT TURNOVERS

Jim O'Brien, the long-haired 22-year-old rookie who wondered last summer if he'd survive the training camp cuts, is America's newest sports hero.

With five seconds to play, he kicked the 32-yard field goal that won the game for the Colts. Because he was the one who came through under the most pressure, he should have been the obvious winner of the sports car given by Sport Magazine to the game's outstanding player. But Dallas linebacker Chuck Howley, who did win it, was superb in a losing cause, and O'Brien is too full of Super Bowl happiness to begrudge the choice.

Don McCafferty, in his first year as a head coach, was elated with the outcome even though his team committed so many errors, including five fumbles and three interceptions.

"We had so many turnovers in that first half," Mac was saying incredulously, but when assistant coach Hank Bullough asked him, "Hey coach—meeting at 9 o'clock tomorrow morning?," McCafferty broke into a big smile and said, "Hell, I don't even want to see you guys for a few days."

Bill Ray Smith, Colts' 12-year veteran tackle who played his last game yesterday, is happy because the Colts have now won a Super Bowl on the very site where they were embarrassed by losing to the Jets two years ago.

"I'm going in the investment banking business," said the bloody and weary—but happy—Billy Ray. "This game's been good to me, but best of all today," he said.

Little Jimmy Orr, another great old pro, veteran of 13 years in the league, also played his last game yesterday, and he says it was the greatest thrill of his career because now he has an NFL championship ring.

CIGAR FROM THE GOVERNOR

Orr puffed happliy on a cigar that had just been given to him by Gov. Marvin Mandel and said, "Now that I've got me a ring, I can show people that I played this game."

Owner Carroll Rosenbloom, who never forgave his ex-coach, Don Shula, for losing the other Super Bowl game, was ecstatic over this one.

"What do you think of our schedule now?" he asked a writer who had said that weak opposition had paved the Colt's way to the Super Bowl. Then Carroll laughed and hugged the writer.

And Mike Curtis, the Colts' super aggressive middle linebacker, summed it up for all 40 Colts when he gushed, "This is the greatest moment of my life."

The whole Colt team felt an emotional release after the years of disappointment and struggle to become world's champions. Not since 1959 had any of Baltimore's football players won rings.

Their performance against Dallas was shabby. No doubt about that. The first Vince Lombardi Trophy was awarded to the winners, but at halftime, after viewing all the mistakes committed by both teams, Vince's widow, Marie, must have felt like going to commissioner Pete Rozelle and asking him to rename it the Harry Wismer Trophy.

"Good thing we sent these guys over to the AFL," scoffed a Detroit writer of the Colts.

"The amazing thing," said Jimmy Orr, "is that we played this way all year, just about, and now we've won a Super Bowl making all these mistakes."

THE MORNING AFTER

(By Bob Maisel)

MIAMI, FLA., January 17.—Just a few years ago, people were referring to Baltimore as a city of losers. Now they can change the dateline to Winnersville, U.S.A.

The final score of the 1971 Super Bowl was Colts 16, Dallas 13, on Jim O'Brien's field goal with five seconds left, and Baltimore becomes the only city other than New York to hold the world football and baseball championships in the same season.

In 1938, the football Giants beat Green Bay for the title and the Yankees beat the Cubs in the World Series. Then, in 1956, the Giants beat the Bears while the Yankees downed the Dodgers in the year of the Don Larsen perfect game.

So, if you want to call Baltimore the city of champions you've got my permission, because being on top of the heap in both baseball and football isn't something that happens often.

SUPER BOWL FOLLOWS PATTERN

All season long, late on Sunday afternoon, people have said of the Colts, "Well, they won again, but they still didn't look good," or "they keep winning but I still can't make up my mind if this is a good football team."

So, why shouldn't the Super Bowl follow the same pattern as the rest of the season? This was an incredible football game, one that you couldn't believe the Colts would eventually win as they made offensive mistake-after-mistake-after-mistake.

Three times they were intercepted, five times they fumbled, losing four, and there were other offensive blunders almost too numerous to enumerate without putting them in book form.

But, just as it was all year, they did just enough to win, and they did it without John Unitas, who was forced out of the game with fractured ribs in the second quarter at a time when the Colts trailed 13–6.

All of the Colts were happy when it was over, but I've got to believe that Earl Morrall might have felt just a little bit better than all the rest.

He bore the brunt of the criticism following the surpring loss to the Jets two years ago, and admitted after today's game that he was at least as harsh on himself as were his critics.

If some doubted then whether he could win the big ones, they now have their answer. He came off the bench today with his team already behind in the biggest of the big ones, and just as it was with the rest of the Colts he did enough to get the job done.

There was never any doubting the Colt defense today. It was superb, the difference really, as it stopped the Cowboys to cover up for the many turnovers. And, it was an interception by Rick Volk which set up the fourth quarter touchdown which tied it at 13–13, another interception by Mike Curtis which led to O'Brien's winning field goal from the 32, and still another by Jerry Logan which closed the season on Dallas on the final play of the game.

Three interceptions against a Dallas team whose quarterback, Craig Morton, was intercepted only 7 times all year. Luck, or just another example of the Colts doing whatever had to be done to put a few more points on the board than the opposition.

NEVER LOST CONFIDENCE

After a season of watching this sort of thing, my vote goes to the latter explanation. It takes character to do it the way the Colts did it this season. Maybe they didn't always look good, but not once did they concede anything or lose their confidence that they would eventually win.

They'd hang in there, and somebody would somehow supply the needed play.

I have to believe that Don McCafferty had much to do with that type thinking, and the results. The players must have thought so too, because they voted him a game ball, and gave another to O'Brien, the cool rookie who kicked the field goal worth approximately $750,000 to the members of his organization and squad.

Quite a few times this year I didn't agree with Mac's decisions to gamble on fourth down or to go for touchdowns instead of the field goal. Most of the times he did it, the Colts came through for him.

Today, with time running out in the first half and the Colts on the 2-yard line, trailing 13–6, McCafferty instructed Morrall to go for the TD instead of taking the field goal. This time, it didn't work. Dallas held and ran out the clock.

The boys would have been kicking that one around the rest of the year had Dallas wound up a 3-point winner. "We had 4 pops from the 2-yard line," said Mac by way of explanation, "and I thought we could make it."

WAIT FOR BIG PLAY

Another case of the Colts always thinking they can get the job done. They have played it aggressively and with confidence all year, and eventually the big play came.

It didn't before the end of the half, but it eventually did at the end. Who can say the McCafferty philosophy isn't at least part of the answer?

If Morrall gained a bit more satisfaction out of this victory than the rest, you can be sure that John Mackey did too. His knee hurting, out of condition generally, he was forced into action too soon this season because of an injury to Tom Mitchell. He didn't play well, was criticized and booed.

The only thing he said at the time was, "Before this season is over, the team will need me and I'll be ready."

Today, he scored the Colts' first touchdown on a 75-yard pass and run play from Unitas. It was a freak sort of tipped completion, but true to his word Big John was ready.

And, what about Tom Nowatzke? Released before the start of the season because he was too slow for the Lions, he was the leading Colt ball carrier with 33 yards on 10 carries, caught a pass for a 45-yard gain, and ran right over tacklers in scoring the tying touchdown from the two in the last period.

CANNOT SINGLE OUT INDIVIDUAL

Defensively, all the Colts stood out, so much so that it would be almost unfair to single out any of them. So did the offensive line, which kept Colt quarterbacks from losing a single yard trying to pass.

As this game unfolded, critics in the press box were commenting on how bad the play was and saying it was a battle of "Doomsday Offenses" rather than "Doomsday Defenses."

But, as John Sandusky put it when it was all over, "They can say anything they want, the only thing I know is that I'll have that ring on my finger that says, "World Champions." How many people and how many cities can say the same thing?"

How many indeed?

FINANCIAL STATEMENT OF SENATOR ALLEN

Mr. ALLEN. Mr. President, prior to coming to the U.S. Senate on January 3, 1969, I publicly stated that I would, each year during my service in the Senate, file a statement of my financial condition with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama and the probate judge of Etowah County—my home county—Alabama.

I have pursued this policy and have filed statements of my financial condition at the end of 1968, 1969, and 1970. In addition to such filings, I have placed in the CONGRESSIONAL RECORD copies of my 1968 and 1969 statements, and ask unanimous consent that my 1970 statement be printed at this point in the RECORD. The statement sets forth my reason for making these statements public.

There being no objection, the financial statement was ordered to be printed in the RECORD, as follows:

FINANCIAL STATEMENT

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 31, 1970:

ASSETS

Home at 1321 Bellevue Drive, Gadsden, Alabama	$32,500.00
Furniture, furnishings, books	5,000.00
Automobile	2,500.00
State of Alabama; City of Huntsville, Ala. bonds at market	22,000.00
U.S. Savings Bonds, at cost	600.00
U.S. Treasury Notes	10,000.00
Residence at 7405 Hallcrest Dr., McLean, Va.—Cost $47,700 less $433.33 depreciation	47,266.67
Bank accounts	2,576.67
Payments into Civil Service Retirement account, estimate	6,500.00
Life insurance surrender value (all but $1,000 is term)	100.00
Total	129,043.34

LIABILITIES

Indebtedness on residence at 7405 Hallcrest Dr., McLean, Va., to First State Bank of Altoona, Alabama and Exchange Bank of Attalla, Alabama, monthly payment loan	39,800.00
Open note due May 15, 1971—First State Bank of Altoona, Alabama	2,000.00
Total	41,800.00
Net worth	87,243.34

I am not an officer, director, stockholder, employee or attorney for any person, firm, company, or corporation, nor am I a member of any law firm, nor am I engaged in the practice of law in any form.

My income is limited to my Senate salary and interest on assets listed above. During 1970 I received no honoraria or expense payments or reimbursements of any sort. I have never, during my service in the Senate, or at any time prior thereto, accepted any such honoraria or expense payments or reimbursements of any sort, nor do I have a committee or person designated to receive contributions, political or otherwise.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, the Probate Judge of Etowah County, Alabama (my home county), a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe that the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

Recapitulation of past years' net worth:

End of 1968	$92,984.81
End of 1969	87,750.00
End of 1970	87,243.34

JAMES B. ALLEN.

This January 21, 1971.

Sworn to and subscribed before me on this 21st day of January, 1971.

VALDA S. HARRIS,
Notary Public.

UKRAINIAN INDEPENDENCE

Mr. BURDICK. Mr. President, Friday some 25,000 Americans of Ukrainian descent living in North Dakota solemnly observed the 53d annivesary of Ukrainian independence.

This was truly a memorial day in the minds and hearts of freedom-loving Ukrainians. I join with the Ukrainian Americans in commerating their anniversary and their hope that freedom will be forthcoming soon to the brave and courageous Ukrainians not living in the free world.

Everyday is an appropriate occasion for the whole free world to demonstrate their sympathy and understanding of the aspirations of the Ukrainian people behind the Iron Curtain.

RHODE ISLAND CHRISTIAN LEADERS EXPRESS CONCERN FOR SOVIET JEWS

Mr. PELL. Mr. President, I have previously expressed here in the Senate—on December 28—my concern over the status of Jewish people in the Soviet Union and the treatment accorded them by the government of that country. More specifically at that time I urged that our people and our Government protest the harsh sentences imposed in the trial of Jews charged with planning to hijack an airplane, in the hopes that those sentences might be mitigated.

It has been gratifying in the past few weeks to learn that the worldwide protest has had its effect, and that the sentences have been reduced.

Mr. President, concern over the Leningrad trial has by no means been limited to the Jewish community in our country. Indeed, persons of many faiths with varied ethnic backgrounds have made known their concern. In my own State of Rhode Island an excellent statement of concern was issued by eight prominent leaders of the Christian community. In their statement, these Christian clergymen joined in protest on behalf of their Jewish brothers and of freedom, observing, "When the freedom of any people is imperiled, the freedom of all men is imperiled."

The statement of concern I believe is a most commendable demonstration of the spirit of brotherhood that must be nourished if all men are to live in this world in peace and freedom. I ask unanimous consent that the statement of concern issued on January 5, 1971, by leaders of the Rhode Island Christian community be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

We, the undersigned, wish to convey the concern of the Christian Community of Rhode Island over the incident of the Leningrad trial, and to raise our voices in protest with freedom-loving peoples everywhere.

We deplore the accusation of "treason" applied to Soviet Jews who wish to emigrate to Israel, their spiritual homeland. The reaction of the Soviet state constitutes a denial of freedom of free entry and departure. How else can this unjust and flagrant violation of liberty be interpreted, except as an attack upon the dignity of the citizen, particularly the Jewish citizen, our brother? When the freedom of any people is imperilled, the freedom of all men is imperilled.

The Jewish people have so often been the victims of tyranny. But now, the conscience of the Christian Community must decry a further affront to their dignity.

The Most Reverend Russell J. McVinney, D.D. Roman Catholic Bishop of Providence.

The Right Reverend John Seville Higgins, D.D. Episcopal Bishop of Rhode Island.

The Reverend John B. Graybill, Ph.D., Stated Clerk Providence Presbytery, United Presbyterian Church in U.S.A.

The Reverend R. Vernon Lawson, Conference Minister Rhode Island Conference United Church of Christ.

The Reverend W. Eugene Motter, Executive Minister Rhode Island Baptist State Convention.

The Reverend Morrill O. Martin, District Superintendent Rhode Island-Southeastern Massachusetts District of the Southern New England Conference of the United Methodst Church.

The Reverend Daniel J. Carlson, Dean of the Rhode Island District Lutheran Church in America.

The Reverend Wayne Artis, Ph.D., Executive Director Rhode Island State Council of Churches.

JANUARY 5, 1971.

ARTICLE BY GERMAN PUBLISHER ALEX SPRINGER

Mr. THURMOND. Mr. President, Mr. Alex Springer is one of the most distinguished newspaper publishers in West Germany, and a devoted champion of the Western alliance. His papers have the largest combined circulation in his country, and carry great weight in the decisionmaking circles among his people. Despite this great influence, or perhaps because of the responsibility involved, Mr. Springer seldom publishes his own articles in his papers. When he does write, it is on questions of the utmost importance.

For this reason, his most recent article, published in Die Welt of January 12, has great interest for American readers. He writes on a topic which is inseparable from U.S. interests; namely, the proper relations to be sought between East and West. As is well known, Chancellor Willy Brandt has been pursuing his so-called Eastern policy for over a year now, seeking a closer relationship with the Soviet Union.

With the perspective which this year offers, the question arises whether it would not be more accurate to describe Chancellor Brandt's Eastern policy as, conversely, the Western policy of the Soviet Union. On the Soviet side, we have not seen 1 inch of movement. Chancellor Brandt is the one who has had to make the concessions. Who is manipulating whom?

The United States is deeply concerned in this affair because of the intimate way in which the Brandt treaties are intermingled with the Berlin question. The Chancellor himself has insisted that a satisfactory solution to the status of Berlin is necessary to the fulfillment of his concessions to the Soviets. In the Berlin question, the rights of all the three Western allies are at stake, not to speak of the future of the Berliners themselves, and the implications for the future development of all Western Europe.

In the year since the Brandt negotiations started, we have seen a distinct hardening of the Soviet attitude toward the West. We have seen the resurgence of repression and bigotry in the Soviet Union itself. We have seen deliberate Soviet intervention in the Mideast. We have seen the Soviet hand behind the ousting of the Polish Communist Government, and the installation in Warsaw of Moscow hard liners, who were implicated in the decisions to order shooting in the streets and the elimination of dissent. We have seen the Soviets put all possible roadblocks in the way of the Berlin negotiations, as well as actual roadblocks on the access highways to Berlin.

All this demonstrates the futility of negotiating with tyrants who do not represent the people involved. The object of negotiations should be to lighten the burden of oppression; but the only consequences that may be seen as a result of Chancellor Brandt's activities are the raising of false hopes, and a further restriction of freedom in the Communist countries themselves.

I am happy to note that a number of members of this body have been speaking to this very point, and that a realization is growing that the United States cannot idly sit by and watch our common defense interests jeopardized by such ill-conceived activity. Even former Secretary of State Dean Acheson and former Under Secretary of State George Ball, with whom I do not always agree, have issued similar warnings. Unless the West stands together on such vital issues, we will see the swift erosion of our common defense capability, and of the will to use that capability.

This brings us to the excellent article by Mr. Springer, wherein he shows that he is in accord with the dominant American opinion that is doubtful about the outcome of this so-called Eastern policy. Mr. Springer is particularly eloquent, and I would like to quote one passage:

> So long as Communists preach and use primitive violence, so long as world revolution remains the distant and immediate goal of communist policy, so long is resistance against communism a matter of judgment, steadfastness, of the attitude to right and justice—a matter of survival in freedom. The right to resist wrong is a basic right of free society.

Mr. President, I ask unanimous consent that the entire translation of the article by Alex Springer be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO "ERSATZ" FOR RIGHT AND LIBERTY

(By Axel Springer)

The year before us is a year of destiny for Germany, for Europe. For 1971 will decide the fate of the new, and yet already aged Ostpolitik of the west German Government.

By the end of 1970 this policy had got out of breath; pierced by the pinpricks and bayonet stabs from East Berlin, chilled by the cold douches from Moscow and at the same time heated by the shooting in Danzig and Stettin. Fatigued by the small, middle sized and lastly the great steps in unrewarded rapprochement and one-sided changes.

This year we will know whether what was well meant was also well done.

The decision stands and falls in Berlin. If it is to stand and not to fall, Moscow and East Berlin will have to dismantle the crisis lever. They will have to withdraw the claim that west Berlin lies on the territory of the "GDR" and is an independent political entity; they will have to confirm the superior responsibility of the Soviet Union also for civilian traffic on the access routes, and recognise the political ties and the bonds joining West Berlin with the Federal Republic.

For if Moscow and east Berlin fail to do all of these there will be nothing which could rightly be called a "Berlin settlement." And if there is not such a settlement, there will be no success for this Ostpolitik but, instead, Berlin will be jeopardized.

The old year ended with the traditional words of enmity from the mouthpieces of that "other side" to whom the Federal Government is offering partnership. The year ended with malice and chicanerie at the checkpoints, and again, it ended with shooting at the Wall in Berlin—which the Federal Government respects as a reality—shots at a fugitive, shots from East to West.

But so long as negotiations proceed, at least they do not shoot? Negotiations are proceeding, and the shooting goes on. Is it "primitive anti-communism" to say this? This catchword has been heard frequently again lately. It is aimed at all who are concerned to warn.

But it misses. So long as Communists preach and use primitive violence, so long as world revolution remains the distant and immediate goal of communist policy, so long is resistance against communism a matter of judgement, steadfastness, of the attitude to right and justice—a matter of survival in freedom. The right to resist wrong is a basic right of free society.

This resistance is dictated not merely by emotion but also by understanding. It is neither intelligence nor wise to belittle the shots fired at Polish workers and the harrying of Soviet intellectuals as the self-defence of a system in difficulties, the SED's invective against "social democratism in the Federal Republic as insignificant propaganda, and the obstruction of traffic to and from Berlin as mere tactical episodes.

Such self-deceit helps the adversary, who does not become a partner merely because he is given the name. In reality there is no sign of partnership. Nobody could reveal or give a credible prospect of even a community of interests by the end of the past year.

The attempt at technical contacts is justified. It is sensible to examine what is possible, what impossible—whatever the result of the test. But to overload such attempts with ambitious hopes is the reverse of sober and risks dangerous disillusionment.

It is of course still more dangerous to feed the hope that reconciliation with the peoples of the East (the most important and natural ultimate aim of all reasonable people in this country) can be achieved with a policy of understanding and appeasement towards the governments those people are exposed to.

It is dangerous to forget who actually stands on the other side.

It was dangerous to assume that the summit conference of the east bloc states would bring the SED regime to reason and to build bridges to the Federal Republic—dangerous because it was an illusion, as events soon showed.

It is altogether dangerous to pretend to decry between Moscow and its vassals, especially its satraps in East Berlin, differences which are just not there for the stage managers in the Kremlin are masters of disguise.

It was dangerous to overlook the difference between the Polish people and the communist Government in Warsaw, for the fatal lesson followed at once.

It was dangerous to prophesy progress in the ambassadors' talks in Berlin for the end of the past year, for these prophecies awakened hopes whose destruction costs strength to resist.

It simply must not be forgotten that the addressee of the Ostpolitik is a power which for very obvious motives desires the political death of the Federal Republic of Germany. Anyone who forgets or denies this is pursuing not only moral disarmament but also a policy of defencelessness in the cause itself. The cause is not the defence of untenable legal positions on yellowed paper. It is the cause of right and liberty for today and tomorrow, which are weakened by persistent casting of doubt.

Whoever fails to make right and liberty the measures of politics prepares—though perhaps involuntarily—their end. Nothing has changed this knowledge since the Weimar years.

Germans have never had the right to be the schoolmasters of other nations. And if they ever had it, then it would have been forfeited in the era which ended 25 years ago. But this frightful phase of wrong done in the name of Germany imposes on the generation now responsible a special duty: never again to make a pact with wrong! This generation's perceptiveness has been sharpened by the wrong of their own historic guilt, and it should be least disturbable where new guilt of others resembles the old German guilt.

It was a dictatorship which involved the German people in wrong. They are dictatorships to which the Federal Government is stretching out its hand. In this light it particularly concerns the Germans when the Nobel Prize winner Solzhenitsin is declared an enemy of the Soviet people, and when the young writer Amalrik suffers in the Siberian winter for having called out for freedom. Or when Jews are refused the right to travel. Or when the state of Israel has its life endangered with the help of Russian rockets and Soviet diplomats.

German ears most of all should have burned and hurt when the cry for help rang out for resistance to the trials of Russian Jews whose only crime was attempted escape in despair at an inhuman ban on their emigration.

And it strikes the German conscience when Czechoslovakia, which suffered under German conquest a third of a century ago, now suffers under Soviet occupation and under the policy of its creatures. It takes only small steps to cross the border between cooperation and complicity.

The wrong is committed within and on the borders recognized by the treaties of Moscow and Warsaw. What has happened and is happening there compels all politically-minded Germans to take a stand, to maintain morale and to examine whether under these conditions a policy of understanding, adjustment, of appeasement can be possible or even only just, with the governments responsible.

The communist governments which the Ostpolitik addresses are violent because of their weakness. This weakness alone, if nothing else, would force them to refuse to build a bridge to the West. The past year brought abundant evidence of this.

The new year will bring the proof. It will bring disappointments to all who believe anything different.

This price for repeating old experiences will be high enough. It would be fatal to pay it with the loss of credibility as well. To this credibility belongs—inconvenient as it is—confrontation, maintained for as long as the realities on the other side require it.

This calls for patience over years, perhaps over decades. But it takes a long wind to run with the course of history. The shortwinded cannot keep up.

Year after year the lines will be switched and reswitched. May it be hoped that in 1971 what was groundlessly endangered by wrong routing in the past year can be brought back on the track.

J. GLENN BEALL

Mr. MATHIAS. Mr. President, Maryland has lost one of her most distinguished citizens. J. Glenn Beall, Sr., who served 12 years in the Senate and 10 years in the other body, died at his home in Frostburg on January 14. He was 76. During his 22 years in the Congress he gained the respect and admiration of millions of Marylanders for his service to the State. The Beall tradition of serving the people of Maryland does not end with the death of former Senator Beall. His son, J. GLENN BEALL, JR., took the oath to the Senate today and will occupy the seat his father vacated in 1964. George Beall is U.S. attorney for Maryland and Richard Beall is pursuing a distinguished career in business. I ask unanimous consent that an article published in the January 15 editions of the Baltimore Sun reporting the distinguished career of former Senator Beall be included in the RECORD. It is a record that speaks for itself.

It is my intention to request an opportunity, on a more suitable occasion when other Members of the Senate may wish to join in tributes to his memory and to his contributions to the Senate. When such a time is fixed I shall advise all Members of the day and hour.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 15, 1971]

FORMER SENATOR J. GLENN BEALL IS DEAD

FROSTBURG, MD., January 14.—J. Glenn Beall, a United States senator for 12 years, who lived to see his son beat the man who had beaten him as he ran for his third Senate term, died early today. He was 76.

Mr. Beall died at his home on Beall's lane after being ill with a heart condition since September. Services will be conducted at 2 P.M. Saturday at St. John's Episcopal Church, Frostburg.

During his two Senate terms, Senator Beall, a life-long Republican, held the moderate political views that characterized "Eisenhower Republicanism."

Devoting most of his efforts to the interests of the State and its inhabitants, the snowy-haired Western Marylander enjoyed calling himself "the service Senator."

In the 1952 Eisenhower landslide, Senator Beall defeated George P. Mahoney by a comfortable 43,000 votes but trailed General Eisenhower.

DEFEATED BY TYDINGS

In the 1964 Republican debacle, he was defeated by Joseph Tydings by more than 287,000 votes, although he ran well ahead of his party's conservative presidential candidate, Barry Goldwater.

In 1958, when Democrats won all major contests in the State, Senator Beall defeated Thomas D'Alesandro, Jr., former Mayor of Baltimore, by a 13,000-vote majority.

Before he became Senator, Mr. Beall represented Western Maryland in the House of Representatives for five terms from 1942 to 1952. He returned to his birthplace in Frostburg after his defeat in 1964.

CAREER STARTED EARLY

Born June 5, 1894, James Glenn Beall was indoctrinated into politics before he was old enough to vote. At the age of 20, he was an Election Day worker in arch-Republican Allegany county.

His first political appointment was in 1919, when, fresh out of the ordnance branch of the Army, he was made Frostburg's tax collector. Upon his discharge as a sergeant, he had gone into the real estate and insurance business in Frostburg.

In 1926 he was married to the former Miss M. Margaret Schwarzenbach. They had three sons, John Glenn, Richard O. and George Beall.

Between his State senate years and his election to Congress, Mr. Beall was a member and later chairman of the State Roads Commission.

HELPED PLAN TUNNEL

His main interests while serving with the roads group revolved around plans to begin a Baltimore harbor tunnel and to link the State with the rest of the Atlantic Seaboard by constructing several four-lane highways.

By the time Mr. Beall left, the Susquehanna and the Potomac bridges had been completed.

Mr. Beall's springboard to his Washington career was the 1942 election. In the primary, he opposed Walter Johnson, the former major league pitcher known as "Big Train."

Defeating Mr. Johnson, Senator Beall then swamped E. Brooke Lee, Montgomery county Democrat boss, by 9,200 votes, the largest majority ever polled by a congressional candidate in the district.

OPPOSED BY LABOR

Despite frequent opposition from organized labor, his subsequent races in the 6th Congressional district usually ended with clean sweeps of all the counties.

The sole exception came in 1948, when he lost his home Allegany county by 487 votes out of a total of more than 28,000.

In December, 1951, he announced he would run for the Senate seat of Herbert P. O'Connor. The following May he won the Republican nomination from H. Grady Gore by 21,000 votes.

In his campaign against Mr. Mahoney, Senator Beall accused his Democratic opponent of being a "captive of corrupting forces" the Republican said had riddled the Truman Administration.

BACKED IKE'S POLICIES

Mr. Beall pledged that if elected he would support the policies of General Eisenhower.

Senator Beall's reelection in 1958 broke a string of 23 wins for Mr. D'Alesandro. Running on his own and President Eisenhower's record, Senator Beall defeated the colorful Baltimore Mayor, who campaigned on Senator Beall's votes for tidelands oil and natural gas interests.

But in the 1964 election, Senator Beall faced a different kind of opponent in a different atmosphere. He was fighting against a younger man.

His decision to run again in January 1964, Senator Beall said, was made after a doctor certified his good health and after a testimonial dinner which brought in $80,000 in campaign funds.

Several Republican leaders, however, refused to attend the dinner.

Senator Beall easily defeated his only chief primary candidate, James P. Gleason, a conservative Silver Spring attorney, by 33,000 votes.

The Democratic candidate campaigned on Johnson Administration proposals that Senator Beall would not support: Medicare, youth training programs and the war on poverty.

Senator Beall's campaign was stranded. He could not bear to support fully Senator Goldwater, with whom he had differed on key Senate votes.

TECHNIQUE FAILS

He went down to defeat on a campaign technique which minimized his party affiliation and emphasized his State-wide popularity.

But it was also a campaign technique which carried Senator Beall to his long string of victories. It was composed of a handshake, a smile and a straightforward, personal appeal for a vote.

The limelight and the ballyhoo of campaigning were usually left for others. In 1964, he remained in Washington most of the time he might have been out stumping.

Admitting that he was far from being an accomplished orator, Senator Beall preferred to mingle with the crowd and woo their votes directly.

His work in Congress frequently followed the same pattern: unspectacular, but marked by a forthright approach and subsequent doggedness of spirit.

CHANGED WITH PARTY

A faithful party-man Senator Beall began as a conservative. But he remained sensitive to changing world conditions and he liberalized his own views as the Republican party itself became more liberal.

In 1949 he voted against supplying arms to Western Europe for fear the countries would 'fall under communism's dominance. But years later he supported the nuclear test ban treaty.

He was highly critical of the New Deal and the later Fair Deal policies of President Truman. He was a constant advocate of reduced Government spending and increased free enterprise.

He was a regular foe of communism and unlimited foreign aid.

SOME AID SUPPORTED

But he voted with the liberal wing of his party in favor of Federal aid to education and to areas of chronic unemployment during the Johnson Administration.

He voted for admission of Hawaii and Alaska to the union and fought long and hard for all civil rights legislation.

In 1954, he voted with 44 Democrats and 22 other Republicans to censure the late Senator Joseph McCarthy.

But it was the State of Maryland for which he worked hardest during his career.

In the first two years of his senatorial career, he was recorded opposing the Eisenhower Administration only once. That was over the St. Lawrence Seaway.

It offended Senator Beall less because of the Federal activism it represented than because of its threat to the port of Baltimore. Senator Beall was ready, and even eager for Federal aid if it would help the State.

In October, 1964, he co-sponsored the Johnson Administration's Appalachian development bill. He produced a nuclear reactor for the Aberdeen Proving Ground, the Health, Education and Welfare Department's Social Security offices in Woodlawn, a $25,000,000 Federal building for Charles Center and a $51,000,000 dam for Westernport.

He sought legislation protecting Maryland from unscrupulous savings and loan operations after he uncovered in 1958 irregularities in a savings and loan firm in Silver Spring. After his investigations the company went into receivership in 1961 and the president was arrested.

PARK EFFORTS FAIL

But his persistent efforts to make the C.&O. Canal from Great Falls to Cumberland a national park were unsuccessful throughout his Senate career.

He first introduced the legislation in 1956. But it never passed, although much of the area was made a national monument in January, 1961.

Senator Beall was also unable to stop the Eisenhower Administration from starting construction of Dulles Airport in the Virginia suburbs of Washington. Senator Beall called it "unnecessary" and "a boondoggle" but could not stop construction.

Most of the time, however, he stood by the Republican Administration.

His belief in voting on all issues reflected his interest in his constituents' views, and he regularly sent out a written poll to thousands of Marylanders on his mailing list.

The polls' results, which he published, seemed at times to influence his senatorial behavior. In a State with a two-and-a-half-to-one majority of Democratic voters, Senator Beall found service to his constituents the key to political success.

Explaining once why he was never too harsh on the Democratic party itself, Senator Beall said too many of my supporters are Democrats."

Senator Beall retired from politics after his 1964 defeat.

He had been active during the past several years in the Allegany county League for Crippled Children and was a member of the Masons, the Shrine, the Elks, the Eagles, the Knights of Pythias, the American Legion and Rotary International.

SON DEFEATED TYDINGS

Two of his three sons followed in his political footsteps. J. Glenn, Jr. was elected to a House seat in the state legislature in 1962. He was re-elected four years later and in 1968 won the U.S. House seat formerly held by his father. Last November he beat Mr. Tydings to take his father's old seat in the Senate.

Another son, George, was an attorney in Baltimore active in Republican affairs and last May he became the U.S. attorney for Maryland.

Besides his wife and three sons, Mr. Beall is survived by a sister, Mrs. Owen Hitchins, of Cumberland; a brother, John Barton Beall, of Bel Air, and five granddaughters.

Senator-elect Beall has canceled all public engagements through Sunday including a reception planned to mark his taking office January 21.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

Mr. HUMPHREY. Mr. President, is it within order to deliver statements at this time concerning the late Senator RUSSELL?

The PRESIDENT pro tempore. That will start after the morning business.

Mr. HUMPHREY. I will withhold it.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. TALMADGE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield, without losing his right to the floor?

Mr. TALMADGE. I yield to the distinguished Senator from Montana, with the understanding that I will not lose my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

RICHARD BREVARD RUSSELL: A GEORGIA GIANT AND GREAT AMERICAN

Mr. TALMADGE. Mr. President, this is a time of sadness for the Senate of the United States, for the Nation, the free world, and especially for the State of Georgia.

We mourn the passing of RICHARD BREVARD RUSSELL. We have lost a great leader. DICK RUSSELL was one of the most outstanding Senators ever to sit in this Chamber in all the history of our Republic.

He was our friend and beloved colleague. The Senate rises today to honor his memory in a manner befitting the sterling statemenlike character of Senator RUSSELL, and the wisdom, courage, and dignity of this great man whom we all loved so dearly.

The President of the United States paused Friday night in the delivery of his annual state of the Union address to a joint session of Congress to pay eloquent and heartfelt tribute to Senator RUSSELL.

President Nixon called Senator RUSSELL "one of the most magnificant Americans of all time."

The Congress, the President's Cabinet, the Supreme Court of the United States, and high-ranking personages from all over the country stood as one and bowed their heads in silent respect.

President Nixon paid his last respects to Senator RUSSELL as he lay in state Saturday at the Georgia Capitol in Atlanta. The President placed a wreath on his bier, and then went outside to address a throng of Georgians on the greatness of this fallen patriot.

More than half the Members of the Senate, led by the distinguished Vice President, planned to attend the funeral

Saturday at the old Russell homeplace in Winder, Ga. Bad weather and flying conditions in Atlanta and that entire area prevented the airborne party from landing. We were compelled to fly to Charleston Air Force Base. Over the facilities of WCSC Television and on every television station within the State of Georgia, eulogies were transmitted to the graveside at Winder. Solemn eulogies were delivered by Vice President AGNEW; the Senator from Mississippi, Mr. STENNIS; the distinguished majority leader, the Senator from Montana; Representative PHIL LANDRUM, dean of the Georgia delegation in the House of Representatives; the Reverend Edward L. F. Elson, Chaplain of the Senate; and myself.

On a dark and rain-swept day, RICHARD BREVARD RUSSELL was interred in the family cemetery at Russell Memorial Park in Winder, Ga.

When life passed from Senator RUSSELL, that marked the end of an era in the U.S. Senate. He was the only Senator in history to serve more than half his life—38 years—in this body. He was truly a man of the Senate. No man more than he symbolized the greatness of the Senate as a unique American institution.

The place he occupied in the U.S. Senate is now empty. There has been created a void that can never really be filled.

There will never be another U.S. Senator of the stature and indeed the grandeur of DICK RUSSELL.

The distinguished service of Senator RUSSELL invokes the hallowed memory of other Senate giants like John Calhoun, Daniel Webster, Henry Clay, and other great Americans whose names are forever enshrined in history.

Greatness in a man can sometimes be an elusive term, and often it can be a transient quality—not so with RICHARD B. RUSSELL.

Senator RUSSELL was a great U.S. Senator—a great American—and a great Georgian in the highest sense of that term. This man possessed the full measure of greatness that was neither illusory nor transitory. Greatness illuminated all the adult life and long career of public service of RICHARD BREVARD RUSSELL.

DICK RUSSELL was destined for greatness. He was ordained to be a leader. This was his mission in life. He never failed.

Senator RUSSELL attained great heights. He earned immense respect and prestige. Over half a century, in various high positions of State and national leadership, power and authority were his constant companions.

But it must be said of DICK RUSSELL that he was a humble man, even to the point almost of being shy and retiring. He was a modest man. He could sometimes be even self-effacing.

Yet, DICK RUSSELL knew he was a Senator of considerable power and authority. But he regarded as most important, not the mere possession of power, but how it was used. He never abused authority that was accorded him. He merged the exercise of power with his innate humility. There resulted a rare blend that was worthy of the man, the office he held, and the Nation he served.

In debate and in championing principles to which he had dedicated his body and soul, Senator RUSSELL was a tenacious fighter. Senators whose own principles put them on opposite sides from him on legislative or constitutional issues found him to be a learned and formidable opponent.

They found arrayed against them a master of parliamentary procedure and an almost uncanny judge of human nature.

Probably no other Member of the Senate in modern history was more familiar with the complexities of the rules of the Senate. This after all is not surprising. The past 38 years in the U.S. Senate were DICK RUSSELL's whole life. It was more than that. The Senate was his love.

He was a jealous guardian in the Senate of what he held to be right and good. He was an indispensable ally and a resourceful foe. But through it all, in all the legislative and forensic engagements on and off the floor of the Senate, Senator RUSSELL was above all a gentleman.

He could be courtly in the patrician style. This distinctive quality of his was sometimes particularly pronounced after he had vanquished his adversaries and scored a major victory.

Over the years, Senator RUSSELL met many adversaries and won many triumphs. There were also defeats. But after the dust had settled, win or lose, Senator RUSSELL always retained the respect of his fellow Senators and countrymen. He maintained the same high standards of personal conduct in his setbacks as he did in his gains. This was because he was a statesman and a gentleman.

To fully assess the greatness of Senator RUSSELL, one need only to examine the 50 years of his life that he gave to public service. All the things that he did, all the advancements and material progress that he brought to the Nation and his beloved home State, and the national security that Americans and the free world now enjoy, stand as evidence of the greatness of DICK RUSSELL.

Such was his public record, power and prestige, that President Harry Truman wrote in his memoirs:

> If Russell had been from Indiana, or Missouri or Kentucky he may very well have been the President of the United States. He had the ability, integrity, and honesty.

To fully understand the man one must go back further, deeper into Georgia history to study the modest origins that produced RICHARD RUSSELL.

The late senior Senator from Georgia was a Russell of Georgia. His father was Richard Brevard Russell, Sr., chief justice of the Supreme Court of the State of Georgia. His mother was Ina Dillard Russell, a lady of great dignity and a devoted mother who guided the upbringing of her children with a firm, and sometimes not very gentle but always loving, hand.

RICHARD BREVARD RUSSELL, JR., who went on to walk with Presidents and sit on the highest and most important councils of the U.S. Government, was born—the fourth of 15 children—before the turn of the century, in 1897. When he was in the fourth grade, young RICHARD RUSSELL likened himself to a star for a composition assignment. He wrote in his book:

> I cannot do much to make the dark world bright. My silver beams cannot pierce far into the gleam of night. Yet I am part of God's plan, and I will do the best I can.

Five years later, when he was 9, he wrote again, prophetically, in a little book that he expected to be Governor someday.

He did become Governor of Georgia. His administration was characterized by far-reaching reform and fiscal responsibility. But before that, he went to the State legislature, at the age of 22. He served in the Georgia House of Representatives for 10 years, and was elected Speaker of the House when he was only 30 years old.

He was elected Governor of Georgia in 1930, and took over the reins of State government while he was only 33 years old, the youngest Governor in the history of our State. He brought the State through the critical years of the great depression by putting through a rigid program of austerity and economy. One of the first things he did was reduce his own salary by almost $4,000 a year.

During the last year of his term as Governor. RICHARD RUSSELL was elected to the U.S. Senate.

On January 12, 1933, RICHARD BREVARD RUSSELL took the Senatorial oath of office. He was the youngest Member of the Senate at that time, and the years ahead were to prove that he would be one of the most able.

He went on to become one of the most influential men not only in the U.S. Senate but throughout all the U.S. Government as well.

He served under six Presidents of the United States and was adviser and confidant to them all.

Presidents of the United States may not always have agreed with DICK RUSSELL, from Franklin Roosevelt to the present, and most assuredly he was often at odds with them. But Presidents paid attention when Senator RUSSELL spoke.

In the words of President Nixon:

> When the security of the United States was the issue six American Presidents leaned upon this great patriot; he never failed them.

From the time of his youthful admission to the Senate, and throughout almost four decades that followed, Senator RUSSELL put his keen mind to work on legislative problems of the American Government. He grew in experience, seniority, and stature and assumed unparallelled positions of leadership and responsibility.

Chairmanship of the Senate Armed Services Committee for more than 15 years;

Chairmanship of the Senate Appropriations Committee since 1969;

Chairman of the Defense Subcommittee of the Appropriations Committee that is responsible for providing funds for the Nation's defense;

An influential member of the Senate Democratic Policy Committee since 1947; and

Powerful member of the steering committee since 1957.

He was father of the national school

lunch program, that has benefited untold millions of American children since the program's inception in 1946.

Senator RUSSELL wore the mantle of leadership—in the Senate and in the hierarchy of government—proudly and with distinction. He became a figure of national prominence.

In 1952 he waged a campaign for the Democratic nomination to the Presidency of the United States, and received almost 300 ballots, many of them cast by delegates from 27 States outside the South.

In addition to the many heavy burdens and responsibilities that Senator RUSSELL carried in the Senate, he was assigned other momentous tasks that produced still further testimony to the greatness of the man whose memory we honor today.

He presided over the joint Armed Service-Foreign Relations Committee inquiry into the recall of Gen. Douglas MacArthur as U.S. Commander in the Far East. Because of Senator RUSSELL's firm and fair hand, these hearings are still regarded today as a model for the conduct of congressional inquiry.

He served as ranking member of the Commission investigation into the assassination of President John F. Kennedy. He was appointed to the Warren Commission by his longtime friend, Lyndon B. Johnson, who was RUSSELL's protege when the former President was a Member of the Senate, and whose rise to majority leader came largely as a result of the efforts of Senator RUSSELL.

In all these duties, as in everything the man did, Senator RUSSELL acted strictly in accordance with what he believed to be the best interests of the United States and the people of Georgia whom he represented.

One outstanding characteristic of Senator RUSSELL was that he never wavered nor compromised his integrity or conviction.

The record of RICHARD RUSSELL in the U.S. Senate is replete with occasions when he was called upon to defend his convictions and to fight for his belief in the American way of life.

He did so with the fierce courage of the great gladiator that he was, although the odds were often overwhelming.

He was a stern and devoted disciple of the U.S. Constitution. He never misplaced nor abandoned his faith in the Constitution and the American Republic.

When he was pained by what he regarded as legalistic, unjustified tampering with the spirit and letter of the Constitution, regardless of whether it came from the executive, legislative, or judicial branches of our Government, Senator RUSSELL never hesitated to let it be known far and wide.

This was to his everlasting credit. Before coming to Washington in 1933 as a young, new Senator, he memorized the U.S. Constitution. He took a solemn oath every 6 years since that time to uphold that Constitution. And that was what he did to the very best of his ability until his last breath.

The freedom of all Americans, their individual liberty and privacy, are more secure today because of Senator RUSSELL. I must say in recent years we have seen encroachments on some of these freedoms and liberties. This was a great source of sorrow, and sometimes anger, to Senator RUSSELL. But it can accurately be said that whatever erosions of strict constitutional government as have occurred came over the strong and vigorous opposition of Senator RUSSELL. He provided brilliant and inspiring leadership for many other Senators who shared his concern for preserving the Constitution as it was written and intended by the Founding Fathers.

The memory of RICHARD RUSSELL and the great U.S. Senator that he was will live forever. One important way that the people of Georgia desire to honor his memory is through the preservation of his personal and public papers and other memorabilia.

It has been my high honor to be selected as chairman of the Richard B. Russell Foundation, Inc. It is the purpose of the foundation "to collect and preserve a documented record of the life and public service of the Honorable RICHARD BREVARD RUSSELL, U.S. Senator."

The Russell papers, which rank in importance with Presidential papers, will be preserved for posterity at the library of the University of Georgia, at Athens, Ga., for students, scholars, and historians.

The foundation is presently engaged in a fund-raising campaign to finance equipping the library, to provide for a Russell chair of history at the university, graduate assistantships, fellowships, and historical research material.

I am very proud to have the assignment as chairman of the foundation's board of trustees. The Russell Library will be a great credit to the State of Georgia and the Nation. The library will stand as a permanent memorial to the late, great Senator RICHARD BREVARD RUSSELL.

I know of no better way to portray my feelings about my departed beloved friend and colleague than to recall the words of Senator RUSSELL himself in this Chamber some years ago. Senator RUSSELL rose to rightfully express the deep sense of honor that he possessed. He told the Senate:

> When the time comes for me to go out of this chamber, whether I go voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

I know of no other man who has ever served his State and Nation with more honor than DICK RUSSELL.

I am confident that I can speak for the Senate when I say that Senator RUSSELL was an honorable man. It is my prayer to the Almighty that the United States of America will always continue to produce such leaders, such men of iron will and devotion to duty, as the late senior Senator from Georgia.

Mr. President, a great statesman, one of Georgia's own, has fallen.

Mrs. Talmadge and I feel a deep sense of personal loss.

Mr. President, I have an obituary on Senator RUSSELL from the Atlanta Constitution, along with eulogies by State and other public officials, editorial comments, and the text of my graveside remarks. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICHARD RUSSELL DIES AT 73: NIXON, L. B. J. LEAD TRIBUTES: TWO SISTERS, AIDES AT HIS BEDSIDE

(By Bob Hurt)

WASHINGTON.—Richard Brevard Russell, who had served in the United States Senate longer than half the population of Georgia has lived, died Thursday. His body will be flown home Friday for all the honors that the state and region can pay his memory.

Sen. Russell died at 2:25 p.m. Thursday in the two-room suite at Walter Reed Army Medical Center that he had visited so frequently in recent months.

In death, his body will be returned to Winder, the little Georgia town a remarkable clan of Russells called their home. Russell himself came to have a voice in the councils of the Free World and was third in line to succeed to the presidency of the United States.

His lungs crippled by chronic emphysema, the 73-year-old Georgian finally succumbed to the strain of a recurring respiratory infection that had kept him hospitalized since Dec. 8.

Death came in the same two-room Walter Reed suite where the senator had rallied from numerous other respiratory attacks that had plagued him since his emphysema conditions was first diagnosed in 1958.

Attending physician Dr. Robert Zurek, an Army lieutenant colonel, announced the cause of death as "respiratory insufficiency as a result of pulmonary deficiency."

With Sen. Russell at the time of death were two sisters, Mrs. J. K. Stacy of Atlanta and Mrs. Hugh Peterson of Ailey, and two of Russell's closest staff aides, administrative assistant Charles Campbell and special assistant Proctor Jones, along with medical personnel.

The flag at the White House was lowered to half-staff at 2:45 p.m. Flags in Washington will fly at half-staff until after the senator's funeral.

Moments after the senator's death, his press aide, Powell Moore, was notified by phone at Russell's main Senate office.

Moore moved quietly among the Senator's office workers giving them the news individually.

The official announcement to the press was delayed about 10 minute while members of Russell's immediate family were informed by phone.

The senator's body was taken to Gawler's Funeral Home in Northwest Washington Thursday evening. By midnight about a dozen old friends had come by to pay their respects.

Most of the visitors were Capitol Hill staff members who had worked with Russell through the years.

A small gathering of close friends and nine relatives had held vigil at Walter Reed since about 3 a.m. Tuesday as Russell fought a determined though steadily faltering battle against respiratory failure.

As early as Tuesday morning, doctors were confiding privately that they felt Russell would not live out the day, but the strength that had carried him through 12 years of illness sustained him during repeated crisis.

Russell's fight for life ended only two hours and 45 minutes after the formal recess from the opening session of the Senate of the 92nd Congress.

It marked the first time in 38 years that Russell had not attended a convening session.

Shortly before noon, Sen. Herman E. Talmadge stood before the 55 Democratic senators meeting in closed-door caucus and nominated Russell for reelection as the Senate's president pro tempore, the post he had held since January of last year.

The Democrats voted approval by acclamation and rose in a standing ovation.

It is Talmadge's task to deliver the message of Russell's death formally to the full Senate when it reconvenes at 3 p.m. Friday just before moving to the House Chamber to hear President Richard M. Nixon's State of the Union address.

Talmadge's message is expected to be in the form of a resolution calling for a period of recess in mouring of Russell's death. Formal eulogies will be delivered by individual senators later.

Talmadge will lead a Senate delegation expected to leave for Georgia on the date to be set for the Russell funeral.

The emphysema, apparently spawned by Russell's formerly heavy cigaret habit, had hardened the linings of the senator's lungs and made him highly susceptible to any respiratory infection. Any lung ailment, no matter how mild, was considered serious.

After his 1965 hospital stay, weeks of recuperation restored Russell's health to the point that, though whisper-voiced and short of breath, he was unchallenged for re-election in 1966.

On March 20, 1969 he held a press conference to announce his next crisis, the discovery of a lung tumor believed to be malignant.

Declaring that he wanted to keep the people of Georgia fully informed of his condition, he told newsmen, "If you have any questions, don't spare me on account of any personal feelings you may have."

But intensive cobalt X-ray therapy cleared up the growth, and May 6 Russell announced his recovery was "almost fantastic."

The continuing bouts with infection gradually curtailed Russell's old routine of a 12-hour work day. In recent months he had relied on a cane for moving about, and later acquired an electric cart to travel through the corridors of Capitol Hill.

He was forced to keep oxygen containers in his office and home, and underwent exhaustive medical checkups every six weeks.

A new infection was detected in March 1970, followed by a month-long stay in Walter Reed.

During the election day congressional recess in November, Russell again became ill and was hospitalized briefly for an extensive checkup.

He worked three-to-four-hour days after his release and rarely appeared on the Senate floor. His condition was such that no requests for press interviews had been granted since October.

Russell's life was interwined into the power of the United States Senate.

He had become its senior member, its master parliamentarian and the measure by which the performance of his colleagues will be judged for years to come.

He died only a week after the Jan. 12 anniversary date that marked the beginning of his 38th year of service in the Senate.

Only former Sen. Carl Hayden of Arizona, 93, had served longer. Hayden retired in January 1969 after 42 years of service.

By virtue of his seniority, Sen. Russell had held the most powerful legislative posts in the Senate.

As president pro tempore of the Senate, he was third in line of succession for the presidency and the Senate's primary presiding officer.

As chairman of the Senate Appropriations Committee since 1969, he held life-or-death power over every money-spending bill in Congress.

As ranking Democrat on the Senate Armed Services Committee—and a chairman of that committee for 16 years—he played a greater role than any other senator in shaping the defense establishment of post-World War II America.

He was the leader of the Southern bloc, the senior member of the Democratic Policy Committee and the Democratic Steering Committee—the major administrative-political organs of the Senate—and ranking Democrat on the Senate Aeronautical and Space Sciences Committee and the Joint Committee on Atomic Science.

He was privy to the most sensitive national defense secrets of the United States by virtue of his chairmanship of the select committee on the Central Intelligence Agency. He received regular, private briefings from the director of the CIA.

And, at the height of his power, Russell was acknowledged as the master legislator of the U.S. Senate. His knowledge of Senate rules, parliamentary procedures and the voting inclinations of each of his 99 colleagues made him a legislative floor manager without peer.

He had been condemned during his career for his powerful role in opposition to civil rights measures and was the ultimate enemy of critics of expanded defense spending.

But at the same time, Russell's sense of personal honor and his quiet, courtly manner had won him the respect of his most outspoken foes.

He had been counselor to six presidents and was the only man in history to serve more than half his life in the U.S. Senate.

Above all, Russell had earned the undisputed reputation as a "senator's senator," a man straightforward in his dealings and committed to his personal ideals.

He formed those ideals under the Calvinistic discipline of a family of the land-owning, agrarian South. He was the fourth child and the first-born son in a family of six boys and seven girls, reared on a 1,000-acre farm near Winder, 55 miles northeast of Atlanta.

Sen. Russell's survivors include four sisters, Mrs. Stacy of Atlanta; Mrs. S. Gordon Green of Winder; Mrs. Peterson of Ailey, and Mrs. L. Nelson of Thomson, and five brothers, Dr. Fielding B. Russell of Statesboro; Col. Walter B. Russell of Decatur; Dr. Henry Edward Russell of Memphis, Tenn., and Dr. Alexander B. Russell and William J. Russell, both of Winder.

As patriarch of the far-flung Russell clan, the senator had continued to live in the large 2-story family home.

His father was a lawyer, banker, newspaper editor and president of the Georgia College for Women at Milledgeville, but his abiding interest was politics.

The elder Russell was elected to the Georgia House of Representatives two years after he graduated from law school, later ran unsuccessful races for governor and U.S. senator, finally winning election in 1922 as chief justice of the Georgia Supreme Court.

Under his tutelage and the devoted attention of his mother, the former Ina Dillard, Russell became the most precocious state political figure of his time.

He graduated from the University of Georgia Law School at the age of 21, and one year later was elected to the Georgia House.

Six years later, in 1927, he became speaker of the House and four years later was elected governor at the age of 33, the youngest chief executive in the history of Georgia.

Russell engineered his surprising gubernatorial victory with a grueling, statewide automobile tour that brought him face to face with the people of a state caught in the depths of the depression.

As a "reform" governor, his first actions were to cut his own salary by $3,950, cut the number of state bureaus and departments from 102 to 17 and trim the state budget by 20 per cent.

He redesigned Georgia's higher education program, establishing the state's first board of regents.

During the final year of Russell's term as governor, U.S. Sen. W. J. Harris died in office, and Russell launched his third major campaign. On Jan. 12, 1933, he was sworn in at the age of 35 as the youngest member of the U.S. Senate at that time.

His rise to power already had been noted outside Georgia. Six months earlier he had delivered the seconding speech nominating Franklin Delano Roosevelt as the Democratic presidential candidate.

Russell, remembering the agonies of Georgians caught in the depression, became one of Roosevelt's strongest Southern allies in the Senate and a wholehearted champion of the New Deal.

Before he came to Washington he had memorized the U.S. Constitution, the Declaration of Independence and the Senate's all-important 40 Rules and arranged for special tutoring from the Senate parliamentarian.

Though a junior senator operating in the shadow of Sen. Walter F. George, he soon was floor-managing major New Deal legislation.

Russell's early interest were agriculture, conservation and forestry programs and he acted as floor manager for the 1936 act creating the Rural Electrification Administration.

In 1936, he authored and won passage of the legislative program establishing the first nationwide school lunch program, and was instrumental in creating the Farmers Home Administration.

That fear also brought his most rugged election battle, a challenge from then Gov. Eugene Talmadge. Russell waged the most vigorous campaign of his career, answering charges of being a liberal and a Roosevelt puppet.

The campaign was punctuated by threats against both candidates and some of the most bitter political convolutions in Georgia history. But Russell won a substantial victory and never again faced a serious challenge.

His close association with Roosevelt soured when he returned to the Senate and refused the President's request to lead the behind-the-scenes maneuvering to unseat Sen. George, a plan that was part of Roosevelt's tactics to win Senate approval of his efforts to expand the U.S. Supreme Court.

Two years later the break was complete when Russell sided with conservatives attacking the President's high-spending policies of ending the depression.

With the outbreak of World War II, Russell's interests turned to the military establishment, and he journeyed to England to inspect U.S. bases. He was a member of the Senate Committee on Naval Affairs, a body later to be consolidated into the Armed Services Committee.

As Russell's seniority and legislative reputation grew, he became one of the South's best-known conservative spokesmen.

In 1948, Southerners chafing under the early civil rights statements of President Harry Truman urged Russell to become the nominee of the state's rights Democratic party. He declined, and later received 263 votes at the Democratic National Convention.

But Russell's national political ambitions were stirred by the unexpected presidential feelers. In 1953 he entered the Florida presidential primary, partly to dampen the ambitions of Tennessee Sen. Estes Kefauver and partly to test his own strength.

Russell won the primary and set a brisk pre-convention speaking schedule across the nation. He said later that he considered his race a vehicle to act as spokesman for the conservatives of the party, but those who knew him well said the senator was looking hard for his national campaign possibilities.

He drew 294 votes at the party convention, many of them from delegates in 27 states outside the South.

But Russell was a political realist, and his loss at the convention closed his ambitions for national office.

President Truman was to say later, "I believe that if Russell had been from Indiana or Missouri or Kentucky, he may very well have been president of the United States."

President Richard M. Nixon was to recall and concur in those words at a reception honoring the senator in February 1970.

The flirtation with presidential politics had brought Russell before the national eye, but not for the first time.

A year earlier, in 1951, the Georgian found himself the new chairman of the Armed Services Committee and facing a major crisis when President Truman fired Gen. Douglas MacArthur at the height of the Korean war.

MacArthur's admirers were quietly working for impeachment of Truman and Republicans moved quickly to run the flamboyant commander's dismissal into a presidential election issue.

Russell intervened immediately by wiring MacArthur an invitation to testify before his committee. The general accepted and Russell maneuvered to hold the hearings behind closed doors.

Transcripts were provided the press each day, and for two months the senator held reign over the most political explosive issue of the day.

Russell carefully explored both sides of the case, letting MacArthur and his followers vent their feelings.

The disciplined pace of the proceedings blunted the crisis atmosphere and the issue faded to the point that the committee was never called to issue a report of its findings.

At about the same time, Russell became the confidant and prime mentor of then Sen. Lyndon B. Johnson.

The Georgian had known Johnson since he had been a House member seeking Senate help for REA legislation. In the early 1950s their friendship in the Senate had become unshakable. Russell helped engineer Johnson's successful race for Senate minority leader in 1953 when Republicans controlled the Senate.

It was a friendship that was to survive a later split in ideologies.

Russell had maintained his state's rights advocacy of segregation throughout his Senate career, and by virtue of his mastery of parliamentary maneuvering had been a leader in blocking or weakening major civil rights legislation.

In 1964 when President Johnson brought his expansive civil rights act before the Senate, Russell launched a historic battle.

For 83 days—the longest continuous debate in the Senate's history—he led the Southern filibuster to block the measure. A cloture vote finally cut off debate and the bill was passed.

The defeat seemed to signal a mellowing in Russell's vehemence against such legislation.

He returned to Georgia after the loss and said, "I have no apologies to anyone for the fight that I made. I only regret that we did not prevail. But these statutes are now on the books and it becomes our duty as good citizens to live with them."

At the same time he was marshaling the Southern civil rights opposition, Russell had been named by the President as a member of the Warren Commission, charged with the duty of investigating the assassination of President John F. Kennedy.

Suspicious that Lee Harvey Oswald acted under foreign influence, the Georgian was the only one of the six commission members who initially refused to sign the report.

He withheld approval until a clause was added saying their conclusions represented a judgment based upon the best information available.

As chairman of the Armed Services Committee, Russell was the first and loudest critic of U.S. military support to the French in Vietnam in 1954. He later condemned President Kennedy's dispatch of advisers and predicted a widening military quagmire.

But when large-scale American involvement was committed, Russell became one of President Johnson's most hawkish supporters. He advocated blocking North Vietnamese harbors and destroying food supplies in the north.

In other actions, he was a leader in establishing the U.S. nuclear-powered submarine fleet, and his opposition in 1961 was largely responsible for the reversal of a Kennedy administration decision to stop development of manned bombers.

With his influence in military affairs, Russell brought Georgia a lion's share of U.S. defense dollars. A total of 15 major military installations flourish in the state, bringing in a combined military and civilian payroll of more than $1 billion annually.

Despite his prestige and power, Russell led an austere life in Washington. A bachelor, he lived in a modest apartment in the Foggy Bottoms section of the district and drove himself to work until his health began to fail.

His few concessions to his position were a chauffeured limousine he was authorized in 1969 by virtue of his office as president pro tempore, and a 24-hour call on a private Air Force jet, a privilege he used for his trips to the family home in Winder.

Russell maintained an unusually small staff for a senator of his seniority, preferring to take most of the responsibilities of his office on himself. When his health permitted, he regularly worked 12-hour days, six days a week.

Among the organizations to which he belonged were the American and Georgia state bar association, the American Legion, the Forty and Eight, Sigma Alpha Epsilon, Kiwanis, the Odd Fellows, the Shriners, the Elks, the Masons, the Burns Club of Atlanta and the Sphinx honorary society of the University of Georgia.

He attended the public schools of Winder. The Agricultural and Mechanical School of Powder Springs and Gordon Institute in Barnesville. He received his bachelor of law degree from the University of Georgia at Athens in 1918.

He held honorary doctor of laws degrees from Mercer University and The Citadel.

[From The Atlanta Constitution, Friday, Jan. 22, 1971]

DICK RUSSELL

Among all the thousands of words in the Congressional Directory, devoted to the sometimes self-serving biographies submitted by members of Congress, the shortest of all was that offered by Georgia's senior senator, *Richard Brevard Russell, Democrat, of Winder, Ga.*

It was a modest entry, typical of the man.

Sen. Russell, dead at 73, gave in yesterday to a better-than-five year struggle with a lung disease, chronic emphysema. His long battle befitted the man. It was a gallant battle, uncomplaining, a battle Dick Russell knew in the end he must lose.

Russell, aware of his problems of health, always said he would step down at any point when he could no longer serve his constituents. He meant it. He gave his staff stern instructions to be candid about his condition whenever he was in the hospital. He was aware, no doubt, when he last sought re-election in 1966, that he might not live out another six-year term.

We feel certain that Russell would have stepped down at any point when, in his view, his health interfered with his duties. But, at the same time, we pay him the compliment of thinking perhaps he wanted to die in office, to let his life and his long significant career in the U.S. Senate end at the same time.

He never married. He loved his family, the many brothers and sisters and nieces and nephews. He was inordinately fond of the children of his staff members. He seemed an austere public man, almost Spartan in outlook, but those near him found him a warm and friendly man. He never married, but he took as mistress the United States Senate, and his full 38 years service in the Senate amounted to more than half his span of life.

In later years, Russell led the Southern Senate opposition to civil rights legislation. We believed him wrong on that issue and said so. But it's worth noting the reason *why* he was the leader of the Southern group: it was inevitable, because of Russell's own character and intelligence. Lesser men often hid behind that leadership, men who used the cheap demagogic tactics of racist politics to win public office. Russell never did that; he was neither a hater nor a demagogue.

Harry Truman once wrote that Russell probably would have been President of the United States, had he not been a Southerner, and it's probably true. But his service meant much to the nation, from the days when he helped mold New Deal legislation in the 1930s to the years of influencing our entire military structure. He was an adviser to presidents, giving his best counsel when asked, and never then vaingloriously quoting to others what he said to the President or the President to him.

Russell completed his 38th year in the U.S. Senate a few days ago and, in a statement issued from his hospital bed, he thanked Georgia citizens "for permitting me to serve at the very hub of our national life during the most exciting era in human history."

Let that stand as a farewell. Dick Russell was a man of honesty, and character, and devotion to public service. We salute him.

[From the Atlanta Constitution, Jan. 22, 1971]

SENATOR CALLED A GIANT

President Richard M. Nixon led the nation's political leaders Thursday in mourning the death of Georgia's Sen. Richard B. Russell, praising him as "a rare blend of courage, character, vision and ability that moved him indisputedly into the ranks of those giants who have served in the United States Senate."

Former President Lyndon B. Johnson, one of Russell's oldest friends, called him "a giant among his colleagues."

If Russell had not been a Southerner, said Senate Majority Leader Mike Mansfield of Montana, echoing the words of former President Harry S. Truman, "he would have been president of the United States. He could have gone far—much farther than he did."

In his statement, President Nixon said:

"With the death of Sen. Richard Russell, America mourns the passing of one of her greatest sons. A quarter of a century ago, when I first came to the Congress of the United States, Richard Russell was already a name that inspired a universal admiration and respect from legislators, adversaries and allies alike.

"When the security of the United States was the issue six American Presidents leaned upon this great patriot; he never failed them.

"I am honored to have served with him briefly in the Senate; I am honored to have known him as a friend. The nation whose security was his constant concern for four decades in the upper chamber will be ever in his debt. His home state of Georgia which he represented with such nobility, perseverance and skill, can take perpetual pride in his memory."

Senate Republican Leader Hugh Scott of Pennsylvania called Russell "a giant among giants."

"His dedication to his country, to his state, to his party and to his beloved Senate knew no bounds," Sen. Scott said. "There has never been nor do I believe there ever will be a finer parliamentarian in the Senate than the senator from Georgia."

"We shall all miss him as a colleague and shall feel his loss deeply, but the country will feel his loss even more."

Mississippi Sen. James Eastland called him "the rock upon which the Senate rested during periods of great danger and times of great trials."

Sen. Eastland added, "All in all, I thought he had the best grasp of all the major problems of our government—more so than anyone in Washington for the last 20 years.

"He represented and rigidly followed the highest standards of conduct as a public official. His passing is a great loss to the Senate, but we can remember that his many contributions to the nation for four decades have left many constructive achievements that, in effect, mean Richard Russell and his influence will be with us for more decades to come.

"There is no doubt that amid all his activities his first love and devotion was to the State of Georgia and its people. He never forgot those who entrusted him with his high responsibility. He never varied from his devotion to them."

Sen. Allen Ellender, D-La., who is in line to succeed Russell as Senate president pro tem, said, "The loss of Sen. Richard Russell will be keenly felt by this Senate, the state of Georgia and the nation. I share this loss with a deep sense of personal sorrow over the passing of my longtime friend."

Sen. Russell B. Long, D-La., called Russell "the ablest member" of the Senate who represented "an institution, an exemplary standard, a code of ethics."

The U.S. Senate, declared Sen. Henry M. Jackson, D-Wash., lost "a giant in its history."

Former Secretary of State Dean Rusk, now a professor of international law at the University of Georgia, said the Winder senator was "a valued and trusted confidant of all our post-war Presidents."

Carl Vinson, retired chairman of the House Armed Services Committee and a longtime friend, called Russell "one of the most brilliant men of my acquaintance."

[From the Atlanta (Ga.) Constitution, Jan. 22, 1970]

CARTER LEADS STATE'S EULOGY

Praise for Sen. Richard B. Russell's character and achievements came from state and local leaders following the senator's death Thursday.

"The people of Georgia have lost a friend for whom we had the greatest personal affection," said Gov. Jimmy Carter. "We have lost a senator who spoke for us all. The nation has lost a statesman.

". . . Yet even in our sorrow, we are thankful for the contributions this great and humble man made to our country and our state," the governor said. "His life has been an example to all who would truly serve their fellow men.

"People who are close to me know what an intimate friend Sen. Russell was to me," Carter recalled. "While I was in the Naval Academy he was my hero. All Georgians join the Russell family in sorrow at his passing."

Former Secretary of State Dean Rusk, now teaching at the University of Georgia in Athens, called Russell "one of the truly great senators in the history of our republic. A valued and trusted confidant of all our post-war presidents, his integrity and sense of honor inspired all those who worked with him in both the legislative and executive branches of our government."

Lt. Gov. Lester Maddox said he first came to know Sen. Russell in the mid-1950s "because of visits to his office when I used to go to Washington with problems about wage-and-hour laws and business—that sort of thing.

"I always felt I was a better man when I had talked with Sen. Russell," Maddox said. "The people who loved freedom in Georgia and in the country and in the world have lost a champion."

Former Gov. E. Ernest Vandiver, now adjutant general of the Georgia National Guard, said, "The United States and the state of Georgia have lost their greatest statesman. His splendid works will be inscribed in our nation's history, and succeeding generations will be aware of and will discuss the greatness of Sen. Richard B. Russell.

"It goes without saying that our family feels a keen personal loss," said Vandiver, who married Russell's niece, Betty Russell. "I am grateful that my children had the privilege of knowing and loving him."

Atlanta Mayor Sam Massell said the loss of Russell "depletes a part of our heritage and a part of our future. He was a symbol of strength in our democracy and as one of the country's most important public officials he brought unequalled fame to his home state. The respect he enjoyed from Georgians, as well as people throughout the free world, has rarely been equalled by any statesman."

Former Mayor Ivan Allen Jr. observed that Russell's leadership "covered the space of three generations of Georgians, and it is doubtful that any other Georgian served so long and so honorably the people of this state. His record as legislator, governor and United States senator will stand as a symbol of greatness amongst Georgia people for all times. He will be greatly missed."

Officials at St. Joseph's Infirmary, where Mayor Emeritus William B. Hartsfield is recovering from a heart attack, said the 80-year-old former Atlanta mayor had not been informed of Russell's death and was not in good enough health to be told.

Bishop John Owen Smith, resident bishop of the United Methodist Church in Georgia, called Russell "one of history's most powerful, yet most humble men. Those of us who knew him remember that the senator spent many hours in the Library of Congress meditating on the works of the great Christian philosophers. He studied them as he studied men of history. From now on we shall find ourselves studying Sen. Russell."

Bishop Smith said Russell, a lifelong Methodist, "will be recorded as a worthy statesman, capable servant of the public and a Christian gentleman."

Scores of other local and state leaders reacted to Russell's passing:

Atlanta Vice Mayor Maynard Jackson: "I'm sure untold numbers of Georgians will mourn the passing of this man whose entire life was devoted to public service. Obviously no one will be able to assume the particular mantle of power which he so easily wore."

State Sen. Leroy Johnson, first Negro to serve in the Georgia Senate in modern times: "Sen. Russell was without question considered by all who knew him as a man of great integrity. He will be missed by Georgians and more specifically by his colleagues in the Senate."

A GREAT LOSS

Bond Almand, chief justice of the Georgia Supreme Court: "Georgia and the nation have suffered a great loss in the death of Richard Brevard Russell. He served his state as governor and the nation as senator from Georgia with fidelity, honor and credit."

George L. Smith II, speaker of the House of Representatives: "The noblest Georgian of them all is gone. He always will be remembered."

Oliver Bateman, minority leader of the State Senate: "Few of us realize the impact Sen. Russell had on national policy, particularly in the area of defense and foreign policy. And it's a great loss to the administration because Sen. Russell consistently has supported those things he felt were good for the nation, without political bias."

Tom Murphy, speaker pro tem of the House: "He was a great man. Even though he was in a high place he never forgot the little people."

Al Hollowoy, majority leader of the Senate: "The footprints left by Sen. Russell have been much deeper than any other Georgian prior or current. The United States has certainly lost a champion of public service."

Regent Roy Harris of Augusta: "I have known Dick since he was about 18 years old. . . . His death is a great loss to the people of Georgia, to the people of the South. He's led nearly every fight that Southerners have made to prevent discrimination and punishment of the people of the South."

[From the Atlanta (Ga.) Journal, Jan. 22, 1970]

RICHARD B. RUSSELL

The death of Sen. Richard Brevard Russell Jr. leaves a void in the state and in the nation which will not be filled within the foreseeable future.

He was a giant of a man whose influence shaped and molded national policy, particularly in the vital and all-encompassing fields of money and defense.

At his death he was chairman of the Senate Appropriations Committee as well as president pro tem of the Senate. Prior to that he had been chairman of the Senate Armed Services Committee since 1951.

He was the friend of presidents from both political parties. His influence and support were eagerly sought by whoever happened to reside in the White House.

It is characteristic of the man that although he was a life-long Democrat on matters of national interest he did not hold to a narrow and partisan view. His outlook was too broad to be so constricted. And he threw his support to whatever he thought in the best interests of the nation as a whole.

"I'm a reactionary when times are good," he said in 1963. "In a depression I'm a liberal."

Sen. Russell's potential stature was indicated when he first entered politics. Going to the Georgia House of Representatives in 1921 at the age of 23, he was designated speaker pro tem in 1923 and was elected speaker four years later.

When his father, the late Chief Justice of the Georgia Supreme Court, Richard B. Russell Sr., swore him in as governor of the state in 1931, he was the second youngest governor in Georgia history.

He went to Washington as a U.S. senator in 1933 and there he remained until his death.

Without seeking the nomination, in 1948 Sen. Russell received 263 votes in Democratic convention balloting for a presidential candidate. Four years later he did actively seek the prize, but the second ballot was his high point and he was not to receive it.

Indicative of the esteem in which he was held, he headed a 1951 Senate investigation of the explosive issue of President Truman's firing Gen. of the Army Douglas MacArthur, and in 1963 was appointed to the Warren Commission which investigated the assassination of President Kennedy.

Throughout his Senate career, Sen. Russell reflected glory and honor upon his native state.

Sen. Russell's accomplishments brought him worldwide fame and renown. At home this is remembered with pride, but at home the senator is remembered for other things. He is remembered for his devotion to his family and to the family home, which was his home at the time of his death, and for the care he took of his family's burying ground near this home. He is remembered at home for his personal charm and rare, dry wit, qualities which he did not trouble to project to the nation and world, saving them for those he knew. He is remembered at home for his pride in his state and in his people who helped develop it from the beginning. He is remembered here for his clean taste for simple things. He is remembered as the father of the University System of Georgia, for he was the governor who organized the system when he reorganized the state, bringing order out of chaos in which separate institutions fought each other for appropriations. In this chaos there was no possibility for growth or quality.

So will he be remembered by the many Georgians who brushed against him or came within his range. He will be remembered also for his adherence to what he considered to be right, and what he was taught was right as a youth. He believed in the Constitution as interpreted prior to the presidency of Franklin D. Roosevelt and he did not change his opinions here, though he must have known that modern historians might judge him harshly on this point. In this as in other things he was consistent to the end.

EULOGY TO THE LATE UNITED STATES SENATOR RICHARD BREVARD RUSSELL

(By Senator HERMAN E. TALMADGE at the graveside, Winder, Georgia, Sunday, January 24, 1971, 2:00 P.M.)

The Roman statesman, Seneca, avowed that a man who is great when he falls is great still in his prostration.

We are here today to honor a man whose greatness in life embraced 50 years of unexcelled service to his beloved state and nation . . . a man whose greatness will be everlasting.

His heart has been stilled. The grandeur of his life has been taken from this world.

But the memory of Richard Brevard Russell will remain alive in the minds and hearts of all of us here today as, I am sure it will, in generations of Georgians yet unborn.

The greatness of a state or nation is not measured by their mountains or streams, or rolling hills or plains, and not by material things or even immense wealth.

The capacity for greatness resides in the spirit of the man. This is a unique blessing of God. Man is the embodiment of dignity and integrity. It is man who gives majesty to states and nations.

Such a man was Richard Brevard Russell. Such men as he have made Georgia a great and proud state. Such men of wisdom and foresight as Senator Russell built the United States, and made our nation the world leader that it is today.

Freedom and human dignity are more secure because of patriots such as Senator Russell.

Georgia, the nation, the free world are in his debt. We mourn his death.

Dick Russell's roots ran deep in Georgia. He loved this state, and he was as much a part of it as the ground on which we now stand.

There has never been a greater family than the Russells of Georgia. There was never a greater Russell than Richard Brevard Russell.

I first knew Dick Russell when he was Speaker of the Georgia House of Representatives. I was just a boy then, and I got a job as page. I was only there a few days, and Speaker Russell was far too busy to get to know me very well personally.

I didn't see him again for three years, when he came to McRae, Georgia, to make a speech. I went up to speak to him afterwards, and he immediately extended a cordial greeting and called me by name. I have never forgotten that. I cherish the memory of Senator Russell as that kind of man.

For all of his greatness and the heavy burdens and responsibilities that he carried throughout all of his adult life, Senator Russell was a kind and considerate and gentle man.

He was a man of all people, but he was particularly Georgia's own.

As one of the greatest U.S. Senators of all time, confidant of Presidents of the United States, a party to momentous decision making at the national and international level, Senator Russell was known and respected throughout all this land and the world over.

He brought unprecedented credit to Georgia, wherever he went and in everything he did.

Today, Georgians bow their heads in respect. A great statesman, one of our own, has fallen.

I know of no higher honor that could befall me than to have had the privilege to serve with this brilliant and courageous man in the Senate of the United States.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the RECORD remain open for a period of 15 days for eulogies to Senator RUSSELL and that at the conclusion of that time the eulogies be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield to my distinguished friend and colleague, the majority leader.

Mr. MANSFIELD. Mr. President, words are difficult to find to express one's feelings toward a departed friend, a former colleague, a great legislator, and a gentleman.

The great and the near great and the humble and even the not too humble have spoken in sorrow. Now it is the moment for expressions by his colleagues in this body with whom he served so long and who owe him so much. This is the body which he respected and revered and for which he fought to uphold at all times. Though the times have changed, the depth of his respect and reverence for the Senate did not.

There is very little that I can add to what the distinguished senior Senator from Georgia (Mr. TALMADGE) has already said. However, if the Senator would allow me, I would like to repeat at this time what I said yesterday when I had the honor to speak along with the distinguished Senator from Georgia (Mr. TALMADGE), the distinguished Senator from Mississippi (Mr. STENNIS), and the distinguished gentleman representing our late colleague's home district, Mr. LANDRUM. What I said was also said by others both at Charleston and at Winder. But into this expression I put my feelings as best as I knew how. I must say that the full depth of my respect and regard and the friendship I felt for this great man can never fully or adequately be expressed.

What is 50 years in public life?

It is the end of a war long ago and a young lawyer's practice in a town where the railroad runs through cotton fields. It is the lift of a first election and a seat in a State legislature.

It is an ear given to the past and to the words of a family rich in the law, the Bible and the bitter fruits of an ancient war.

It is an ear given to the present, to neighbors who need and do not need, to the rich and the poor, to the harsh and the gentle, to the black and to the white. It is the Speaker's chair in the Georgia House and the learning of the machinery through which freedom seeks to speak.

What is 50 years in public life?

It is the confidence of a people whose confidence in all else has been shaken. It is the agony of an empty public purse when many hands stretch out for help.

It is a fury of frustration as the land dries up and factories stand still even as men go in want and there are the sounds of violent discontent rising. It is the weighing of plea against plea, hope against hope, need against need. It is a mandate to decide, whether it is easy to decide or hard.

It is a Governor's house in a Nation's dark hours.

What is 50 years in public life?

It is a long journey to a Nation's Capitol and to the Senate of the United States. It is the mixing of an old experience and a new.

It is another war, another, and another yet, and a militant defense of the Nation's defense.

It is the pleas of a people remembered out of the past and the means, at last to respond to them.

It is all the ways that States draw strength from the Federal Government.

It is school lunches and food for the hungry, the farmer helped, the roads built, the schools expanded and the dignity of hope reborn.

It is the mastery of new legislative machinery and, as conscience compels, its vigorous use.

It is, at last, the Chair of the Senate of the United States and the high trust of a nation.

Fifty years in public life.

It closes where it began, where it is green and there is the smell of pines.

RICHARD BREVARD RUSSELL, Winder, Ga., a Senator of the United States.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Alabama.

Mr. SPARKMAN. Mr. President, yesterday DICK RUSSELL, as we all knew him, was returned to the soil of his native State where he lived, which he loved, and which he served so well over the years. I cannot add to what the Senator from Georgia (Mr. TALMADGE) has said so well regarding him.

DICK RUSSELL was a man whom anyone coming to know him would love and admire. DICK RUSSELL had been in the Senate of the United States for 4 years when I entered the House of Representatives. I came to know him early. He was from my neighboring State, and I learned to follow his leadership. Later I joined him here in the Senate and came to know him as a Senator.

I remember the time in 1952, as the Senator from Georgia (Mr. TALMADGE) has said, when Senator RUSSELL was the candidate of many people throughout the country for the Presidency of the United States. DICK's friends had opened up a headquarters for him in Chicago. I went out to the convention about 10 days later and worked in his headquarters for him.

I was amazed and pleased at the great

numbers of people from all over the United States who came to those headquarters to see and talk with Dick Russell. I remember a good while before the convention urging Dick to make speeches throughout the country in order that he would become more closely known by many of the people, but he felt his duty called on him to stay here at his work.

I think he would have liked well to have been the President of the United States under different circumstances. Dick was a great Senator; he was a great man; he was a great friend.

You know, Mr. President, many years ago when I was a student at Latin, I remember I was taught that the Romans had no words for "He has died." Instead, if they wanted to say that someone had reached the end of his life, they would say, "He has lived." So it is with Dick Russell. He has lived and the name of Richard Brevard Russell will go down in history as one of the truly great Senators to serve in this body and one of the truly great Americans of all time.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the State of Georgia, the South, and the Nation have lost a man of great stature and influence in the death of Senator Richard Russell. He was a statesman in the truest sense of the word.

It was my privilege to serve with him on the Senate Armed Services Committee since 1958. His leadership in military affairs which resulted in a record of military preparedness for this country will stand as a memorial to this gifted and admired public servant.

He was a champion of America's servicemen, and his dedication to their welfare resulted in our soldiers being the best equipped and supported fighting men ever to go on the battlefield.

He believed in America maintaining a defense posture which could be challenged by no adversary. He not only espoused this policy, but he took the necessary steps to see that it was carried out.

Because of his forceful position on defense policies and national security he was frequently consulted by Presidents, Secretaries of Defense and State as well as others who filled key positions in our Government.

Besides his leadership in this area Senator Russell stood firm as a champion of constitutional government. He served as the leader of Senate forces who opposed the so-called civil rights bills of recent years. His opposition to these legislative proposals was soundly based on his conviction that they were contrary to the Constitution and politically inspired.

Because of the great respect in which he was held by the Members of the Senate and the Nation as a whole, many unwise legislative proposals in the area of constitutional rights were rejected by the Senate and the Congress.

Mr. President, I believe the Nation will best remember Richard Russell for his record in these two areas—national defense and constitutional government.

To these causes, and many others, he brought a rare quality of dedication and leadership. As a man of integrity and ability his days in these Chambers will be not soon forgotten.

My sympathy is especially extended to his family, his staff, and the people of Georgia, for their loss is great. But I submit also that the Nation and the world have lost a man whose character and counsel will be sorely missed in the days ahead.

Mr. President, I ask unanimous consent that an editorial entitled "Denied the Presidency, Russell Graced the Senate," which appeared in The State newspaper, Columbia, S.C. on January 23, 1971, be printed in the Record following my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

DENIED THE PRESIDENCY, RUSSELL GRACED THE SENATE

The death of Georgia's Senator Richard B. Russell has brought forth tributes from Americans of all walks of life and all sections of the country—united in praise of a great United States senator.

South Carolinians, however, feel a special loss because of a special bond with the distinguished Georgian. Almost a quarter century ago, "Dick" Russell was the choice of South Carolina Democrats for President of the United States. Again in 1952, South Carolinians at the Democratic National Convention backed him for the presidential nomination.

Had Russell received the nomination at Philadelphia in 1948, there would have been no bolt by the States' Rights Democrats under Strom Thurmond, for Russell personified the South's opposition to President Truman's civil rights program and to the centralization of power in Washington.

Had Russell been nominated in 1952, he would likewise have swept South Carolina and the South. Furthermore, he would have drawn powerful support throughout the nation, for even then his stature as a statesman and a senator was such that he commanded respect from all who knew him.

But Richard Brevard Russell came from the wrong part of the nation to become the nominee of a national political party. The regional discrimination which thwarted Russell was feelingly portrayed by Washington columnist William S. White when it was learned almost two years ago that Russell was seriously ill:

"He has not simply been a senator from Georgia," White wrote, "but rather, in the best and highest meaning of that old-fashioned term, a senator of the United States of America. On every single ordinary and rational test of performance, of competence, and of private and public honor, no politician in his time has more clearly and more repeatedly earned consideration for the highest office of them all . . .

"But the trouble for Richard Brevard Russell has not been that he ever lacked the ability to be an outstanding President but only that he was born in the wrong place and the wrong time and thus was forever denied even a chance at that elevation which otherwise could hardly have been refused to him.

"In a word, the door to the White House was locked and nailed up against him because he was 'a Southerner' and thus a member of a lesser breed without the law . . ."

South Carolinians mourn the death of Richard Russell, as they mourn the loss of their own patriot and champion of national defense, Mendel Rivers. But in Russell's case, they have occasion to lament the passing of a man who not only could have been, but should have been, President.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, under the request already granted to the Senator from Georgia (Mr. Talmadge) for the inclusion of additional remarks which would be included in a printed copy of the eulogies to our late friend, I propose to take advantage of it and have additional remarks at some later time.

Senator Russell and I had identical committee assignments in the Senate—members of the Armed Services Committee, the Appropriations Committee, and the Aeronautical and Space Sciences Committee; and in those committee assignments I was blessed as much as a fellow Senator could be blessed by association, counsel, and advice from our departed friend.

I speak with all deference to every one of the Members here, now or before, in any recent times. I believe that he was the ablest man in the Senate of our time.

Today I want to speak from the contents of a eulogy that I prepared to deliver yesterday at his funeral, when due to inclement weather, we were prevented from reaching Winder and the place of the funeral, but, through the marvelous arrangements that were made through the television stations, messages of those of us who were to speak were conveyed. Nevertheless, I want to have in the Record and to speak here on the floor this eulogy to our friend.

We come today in reverence to honor the life and memory of our late, esteemed friend, Richard B. Russell. He needs no praise; praise is not my purpose, even though he was a dear and valued friend, and I owe him much.

I believe we can bring him the greatest honor by brief references to some high points of his notable career, search for the basis of his achievements, and hold forth the qualities and principles he followed as a legacy to the youth of our land.

During almost four decades of active service in the Senate, vast changes and challenges confronted our Nation, far beyond any other period of history.

These included the Depression, World War II, the postwar years in which a new foreign policy had to be evolved, the special problems of nuclear power and nuclear weapons.

Grave questions arose concerning crises in Europe and in Asia. Then came the Korean war, and now the present war.

The task of effectively arming America, in both nuclear and conventional weaponry, was always a pressing one.

In all these grave matters, Senator Russell had a firm and active hand, was a major influence with wise and constructive suggestions, and then played a major role in actually welding together each and all of our major policies, including, of course, our national security.

I believe he had the most thorough grasp of more of our major problems of government than any man that I have ever known, and good ideas, too, about a possible remedy. This was based partly on long experience, and partly on the fullest application and attention by a splendid and talented mind. But further he had the gift—the gift of uncommon common sense, and he used it exceedingly well.

Far beyond what any Senator has done in modern times, he mastered the Senate's rules and was the Senate's valuable Member Parliamentarian.

He knew our Constitution and understood the operations of constitutional systems—our system—as few men do. He believed in that Constitution, he loved it, he followed it, and he lived it, in truth and in spirit. These are just some of the things he did concerning major legislative policies.

Some of his greatest achievements came though in actions beyond the call of duty as a legislator. During the tenures of six Presidents, including President Richard Nixon, Senator RUSSELL, as a Senator and as a wise counselor, was called to the White House many, many times, sometimes alone, for intimate conferences with the Presidents, concerning the Nation's welfare and security. His counsel was sought, and always given, frankly and without partisanship. The course finally adopted by the Executives often reflected his conclusions and received his strong and valuable support.

I want to mention one special and partly overlooked major achievement of his that I had intimate knowledge of, the Senate hearings in 1951 following the dismissal by President Truman of General Douglas MacArthur, his Commander-in-Chief in the Korean war. The people of the entire Nation were shaken and bewildered. In a quiver of emotions and despair, strong men shed tears, while many wise men were actually doubtful whether our system could survive the shock of this event. Tensions were high indeed. Someone had to lead the way. Senator RUSSELL was the man.

Quietly, quickly, skillfully, he conducted full hearings, which gradually became assuring to the people. General MacArthur and other notable witnesses testified fully. The evidence was quickly cleared for publication. Gradually, the people understood. The crisis passed. The superior role that Sen. RUSSELL played brought the realization to the Nation that the constitutional role, in a broad sense, of both the President and the Congress had been carried out. The people were content to let the matter rest on that basis, and calm was restored. Senator RUSSELL received little outward credit for this superb service. But I know he was awarded an inward satisfaction that came from the knowledge that duty was met. Such a man was Senator RUSSELL.

All these achievements, and many others, could not have been made unless there had been found in this noble man the full measure of integrity, respect and trust for him, and for his wise judgment. He served with more than 450 Senators. During these 38 years, and all, I think, would call him honest, able, fair, an impartial man of great talent and ability, always, always with the security of the Nation and the principles of our government foremost in his mind.

These are qualities that cannot be bought. They cannot be bestowed by gift. Rather, they must always be earned.

Over and over again, this strong man has thus been a tower of strength in the Senate at every turn of major events for almost 40 years. He never bluffed, he never applied pressure. He never sought nor held an office of power in the Senate. However, he got results. He had power in his qualities. He was the strong man of the Senate. There were and are other strong men, but he was number one.

In person, he has now introduced his last bill, has held his last hearing, has made his last conference report, and has made his last speech. But RICHARD RUSSEL continues to live. His influence will be felt; the policies he helped formulate will serve us and continue to strengthen our Nation in the years ahead.

Moreover, he taught through example. He has left the American youth of this and future generations both a challenge and a pattern of conduct for citizenship, as well as public life. I hold forth the qualities he followed as a legacy; a gift to the youth of our Nation.

What can our young citizens of today find here to emulate? A course of conduct that inspires confidence; absolute personal dedication; noble purposes always foremost as a motive and objective; standards in public and private life unexcelled; a willingness to serve; a willingness to lead and endlessly carry the penalty of leadership; and above all else, the attainment of being an honorable man.

Youth and others will find here a man and a record that fully live up to the everlasting call of the poet, Gilbert Holland, who said:

God, give us men! A time like this demands
  Strong minds, great hearts, true faith and
    ready hands;
Men whom the lust of office does not kill;
  Men who the spoils of offiice cannot buy;
Men who possess opinions and a will;
  Men who have honor; men who will not
    lie;
Strong men, who live above the fog

In public duty and in private thinking.

No remembrance would be complete without a word about the simplicity of his personal life. Following long toil—often many months without a break—his idea of a real treat was not a visit to some renowned spot, or some foreign country, but rather to spend a few days with the people of Georgia, including a visit to Winder, to be with his mother, his sisters, his brothers, his nieces, his nephews, and other kin whom he admired and loved so much. The principal objectives of Senator Russell's devotion in life were his relatives, the State and the people of Georgia, his country and, particularly, the United States Senate.

Even though his influence was nationwide, and he carried responsibilities for the entire Nation, his first devotion was always to the State of Georgia and her people. From this he never varied.

And so it is proper that the mortal remains of this renowned and loyal son of the State of Georgia were brought directly to the Capitol of the State that he loved, there to be directly revered by the people he faithfully served—the people he never forgot.

So, now, in a few moments, we shall return the mortal remains of this great man to the red soil of Georgia to rest beside his noted parents and his other dear and respected ones.

Should I attempt to summarize the career and the qualities of this matchless man with a single word applied to his name, my summary would be:

RICHARD BREVARD RUSSELL—Patriot—May God Rest His Honorable Soul.

Mr. President, that concludes the words of the eulogy.

One further word: he told me soon after I arrived as a Senator, and I am sure he said the same to many others in their time:

> You are the newest arrival here, but you are a full-fledged member, entitled to be heard and to exercise your influence as well as cast your vote. However, there is something here that is far more important than you, or any other Senator; in fact, more important than all Senators—that is, the Senate itself.

Thus he spoke; thus he lived; and thus in his 38 years here he made the greatest contribution, I believe, of this century to the Senate as an institution of problems that have beset us.

Many have said he was an honorable man, and indeed he was. Truly his was a noble character. All of us in the Senate and in the Nation owe him a great deal, but no one owes him more than I do.

It is impossible to fully review the influence that Senator RUSSELL had on legislation during his long service in this body. It extends to many hundreds of pieces of legislation, some of which were enacted and some of which were not.

His position on legislative matters dealing with security of this country is well known. To state it simply, he believed that we had to do whatever was necessary to protect the American way of life.

However, he knew that the American way of life that had to be protected dictated that the military must be subjected to absolute civilian control, and his thinking on this subject is the basis of our system today.

Senator RUSSELL recognized that, in order to have an adequate defense posture in this country, we must have a system of selective service. However, the fact that the draft was not a completely fair system to all young men involved was a matter that caused him great concern, and he considered as one of his greatest legislative accomplishments the passage in the Senate shortly after World War II of the Universal Military Training Act, even though this legislation never passed the other body. Typically, it was his position that, if one young American had to be called to serve his country, then every young American should share in this responsibility.

Senator RUSSELL was one of the leaders in the Congress for the development of atomic energy, and he was one of the original members of the Joint Committee on Atomic Energy. He recognized early that such a potent force must be brought under absolute civilian control, rather than under the military, and he was one of the leaders in the efforts to establish the Atomic Energy Commission. This was typical of his philosophy that we must have a strong military, but one which would always be subject to absolute civilian control.

Following World War II, Senator RUS-

SELL, along with others, recognized that the intelligence operation of this country had to be brought under one central head. It was his view that such an important function should be outside the military as an independent agency, answerable directly to the President, and the Central Intelligence Agency as we know it today reflects his thinking on this matter.

Just as Senator RUSSELL recognized the potentials of atomic energy, he recognized the potential of our efforts in space. He agreed with the basic decision that this country's space efforts should be a civilian effort, but he recognized that there were certain areas in space that had tremendous military application and insisted that the Department of Defense have the responsibility for space development in those areas. The rules of this body in establishing the jurisdiction of the Committees on Armed Services and Aeronautical and Space Sciences recognize this philosophy.

One of his areas of interest that I think he enjoyed the most was legislation involving agriculture and conservation of resources. Shortly after he came to the Senate, he became chairman of the Subcommittee on Appropriations for the Department of Agriculture, and he served as chairman of this subcommittee or as its ranking minority member for 30 years.

His accomplishments as chairman of the Agriculture Subcommittee of the Appropriations Committee and while he was a member of the Standing Committee on Agriculture and Forestry during his early years of service in the Senate were landmarks in the development of programs of the Department of Agriculture which are often taken for granted today.

As chairman of the Agriculture Appropriations Subcommittee, he provided in an appropriation bill for the initiation of the hot-school-lunch program which has been vastly expanded over the years. He was a strong supporter of the rural electrification program. He was a strong and consistent supporter of the Farmers Home Administration program under the Bankhead-Jones Act and other legislation of the early New Deal days. He was a strong and consistent supporter of soil and water conservation programs. Many times he took action, as chairman of the Subcommittee, to increase the appropriations over and above the budget estimates for the soil and water conservation programs which have made such a great contribution to the preservation of the Nation's soil and water resources. He was a strong supporter of agricultural research both at the national level and in payments to our nationwide system of land grant colleges and State universities. Similarly, he supported the expansion of the program for the county extension service throughout the Nation. In all aspects of appropriations dealing with the Department of Agriculture and its many programs, Senator RUSSELL was known as a true and tested friend. Notwithstanding the adversities of budget strictures, he, as chairman, recommended for consideration of the Senate the funding which he thought necessary to maintain—and in many instances, to enlarge upon—vital agriculture programs which served not only the American farmer but also served us all in protecting our resources and in providing a strong and viable American agriculture.

Mr. President, I thank the Senator for yielding to me.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I had the great honor and privilege of serving with Senator RUSSELL ever since I came to the Senate. Therefore, I think it is almost my duty to speak in memoriam of the Senator, with whom, in my earliest days I developed profound differences of viewpoint, and yet those differences were matched equally with a rising tide of regard which was one of the best elements of my education in the Senate. The greatest tribute that I could pay to Senator RUSSELL is that his friendship for me, which was manifested in many ways, increased rather than diminished with the degree to which we found ourselves on opposite sides of the monumental and historic civil rights issues that were before the Senate.

He was unqualifiedly and unreservedly a gentleman in the finest American tradition. He was a parliamentarian to the very innermost core of his being. Because he understood the nature of our differences, and that the differences were not personal, this added immeasurably to the respect of one man for the other. So I have a very dear memory of this remarkable historic figure in the U.S. Senate, from very revealing and rather extensive personal experiences.

The second point, Mr. President, that impressed me about Senator RUSSELL, was the fact that he always had a remarkable knowledge of the facts. He was an extraordinary debater who always tested your mettle by having rational and reasonable arguments in support of his positions which compelled you to respond to no matter how much you might differ with him. These arguments were not assumed just for the sake of the occasion, but were held with deep sincerity in what he considered manifestly to be the highest interests of our Nation.

Finally, Senator RUSSELL was a man whose word was as good as his bond. He had an almost reverent sense of discretion and personal taste in his relations to the greatest affairs of the Nation as in his relations to individuals.

Mr. President, his voice was an absolutely indispensable element, much as I may have disagreed with him on many occasions, of the total decisionmaking process which is the very pride of the Senate of the United States. This has now been lost, and will be very hard to replace. Indeed, we can only hope and pray that another Member or Members will be found who can measure up to his ability and will make his voice count as heavily as RICHARD RUSSELL did in respect of the high decisions which we must make in our land.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, the United States has lost a great servant of the Republic. RICHARD RUSSELL personified, the highest ideals of patriotism, During the long years of his service to this country, he proved a wise and prudent statesman in foreign policy and defense.

A strong constitutionalist, RICHARD RUSSELL understood and respected the central role and the special responsibilities of a President in national security affairs. Small wonder that all Presidents, regardless of party, turned to him for counsel and criticism, starting with Franklin D. Roosevelt. Small wonder, also, that the two living former Presidents speak of Senator RUSSELL with deep respect and profound gratitude for his advice and steadiness in times of national crisis.

The Senate has lost a giant of its history. RICHARD RUSSELL was a great parliamentarian and a superb legislator who commanded the respect of all Senators regardless of political persuasion. No man in the Senate's history so well understood the rules and precedents, and so mastered the art of legislation. Many of us who joined this body as younger Senators, will remember him as long as we live with grateful affection for his dedication as a Senator which inspired us, his wisdom in legislating which chastened us, and his support at critical junctures which encouraged us.

It has been my honor and privilege to be closely associated with Senator RUSSELL for more than 18 years. I have lost a dear friend. We are thankful for his character, for his modesty and selflessness, for his devotion to his family, for his outgoing good will to his friends, for his high honor as a man. We extend to those who most intimately mourn his going our heartfelt sympathy.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, probably no man was ever more dedicated to the U.S. Senate than RICHARD RUSSELL. He made it his life, and he served long and honorably.

For nearly four decades, the Senate and the Nation have benefited from his leadership. Few men in history have exerted as much influence in Congress as Senator RUSSELL.

In my own years of service in the Senate, I have observed on countless occasions the wisdom and judgment brought to bear by the Senator from Georgia. Frequently, I worked alongside Senator RUSSELL on the many matters on which we agreed. On occasion we held opposing views, but this never altered my respect and admiration for him.

In recent years, one matter of major importance about which we were both concerned was the constitutional role of the Senate in foreign affairs, particularly in regard to national commitments. We were in complete agreement about the importance of preserving and strengthening the influence of the Senate upon the policies of our Government. He believed, as I do, that full and thorough discussion of important issues on the Senate floor is indispensable to the preservation of a genuine democratic system, responsive to the needs of the people of this country.

In July of 1967, Senator RUSSELL and

I engaged in a colloquy in the Senate in regard to the dispatch by the Government of some transport planes to the Congo. We were both concerned that this might well be a prelude to a new military intervention.

Senator RUSSELL made a statement in that discussion—July 10, 1967—that I think we would do well to long remember. He said:

> Mr. President, I have spent most of my career here in the Senate laboring and working to try to assure that the armed strength of these United States is sufficient to defend the people of this country; but I have not spent that time and that effort striving to create forces that would be sent all over the world under such circumstances as these people are going. "Oh," Senators might say, "there are only about 100 of them; about 60 Air Force people and 45 paratroopers." But . . . Vietnam started out with a force not much larger than this. This presence can swell, and it will swell . . . We should have enough commonsense to keep our heads, and keep our people out of situations of that kind over the world. It is disheartening to me to see such abuse of the military forces of the United States.

Our discussion that day was a part of the impetus for the National Commitments Resolution, passed by the Senate on June 25, 1969. The Senator from Georgia and I discussed the matter and considered this would be a proper way to reassert what we thought to be the legitimate function of the Senate in participating in the making of commitments by the United States. He was very instrumental in the formulation of the resolution.

Senator RUSSELL was a man blessed with a great deal of commonsense. He was also a professional, in the best sense of the word, whose understanding of the Government and the legislative process has seldom been matched.

He was a public servant of the highest caliber, and the loss to his State of Georgia, the Senate, and the Nation is a considerable one, and to me personally it is a great loss.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, with the passing of Senator RICHARD RUSSELL, the Senate lost one who has served this body with tireless dedication for 38 years. History will remember him for his resolute commitment to his ideals and for the selfless service he has rendered to the U.S. Senate. He will be regarded as one of the finest and most notable Senators to serve in this body during the 20th century.

He knew the dangers of overcommitting ourselves in Southeast Asia. During the very first days of our involvement in Vietnam, back in 1954, he told the administration that he was "weary of seeing American soldiers being used as gladiators to be thrown into every arena around the world," and warned that our involvement would be "a long drawn-out affair costly in both blood and treasure."

Yet, while many have focused attention on Senator RUSSELL's distinguished accomplishments during his tenure of service, I will always remember this very distinguished gentleman as one who extended to me and to all I know the kindness and personal consideration which always exemplified his actions. Edmund Burke once said:

> Manners are of more importance than laws. Upon them, in a great measure, the laws depend.

In all of my personal dealings with the late Senator I was most deeply impressed with the generosity and respect which he demonstrated in all his relationships with fellow Senators. In times of growing divisiveness, it is well to remember that simple acts of personal kindness can build the bonds which will transcend the barriers of political ideology. RICHARD RUSSELL was one who knew and demonstrated this truth; that is perhaps the deepest reason for us to regret his passing.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Georgia for yielding to me.

Mr. President, I am always made humble by the fact that the only way in which 3.5 million Alabamians can be heard on the floor of the U.S. Senate is through their two U.S. Senators.

My distinguished senior colleague (Mr. SPARKMAN) has already spoken. It is an honor and a privilege for me, at this time, to be able to address the Senate on behalf of the people of Alabama to express our admiration, and our respect, for this great Senator, this great Georgian, this great southerner—this great American; and to have the opportunity to express my own deep sense of personal loss at his passing.

When I was a schoolboy in Alabama, I remember the time Senator RUSSELL was elected Governor of the State of Georgia. From afar I followed his career with great interest, respect, and admiration. On one occasion, in 1952, when he was, I might say, a reluctant candidate for the Democratic nomination for the Presidency, I had the privilege of casting the very first vote in the Democratic National Convention for his nomination for the Presidency.

It was the first vote because at that time it was the privilege of any member of a delegation to ask that the delegation be polled, and since my name was the first one among the Alabama delegates to that convention, my name was called first and I, therefore, had the opportunity to cast the first vote for Senator RUSSELL for the Democratic nomination for the Presidency.

When I was elected to the Senate in 1968, and as I contemplated the service I was going to have the privilege of rendering in the Senate, I thought, which one of the Senators do I wish to emulate, which one do I wish to look to for leadership? It was not difficult to reach the conclusion that I wanted to follow the leadership of Senator RUSSELL, to walk in his footsteps, and to emulate him in my service in the Senate.

Mr. President, in the Senate Reception Room, there are pictures of five distinguished former U.S. Senators. They were chosen by a commission headed by then Senator John F. Kennedy, as the five greatest Senators of all time. They are Webster, Calhoun, Clay, Taft, and LaFollette. Certainly, no one would say that Senator RUSSELL was not the peer of any of those great men.

Mr. President, when a person, through the years, has thought of the U.S. Senate, the first person who has come to his mind, I believe, in most every instance, would be that of Senator RICHARD BREVARD RUSSELL of Georgia, for he was truly the personification of the designation of the Senate as the greatest deliberative body in the world.

It has been said that if Senator RUSSELL had lived in another section of our country, in all likelihood he would have been elected as President of the United States. That is certainly a sentiment we enjoy meditating upon, and it is a sentiment which may well be true. But I am wondering, Mr. President, whether Senator RUSSELL, if he had been born in a section of the country other than the South, would have been the same Senator RUSSELL that we all loved and admired and respected. I am wondering whether the intellectual honesty that certainly was the hallmark of Senator RUSSELL would have allowed him to come to any political philosophy other than the one to which he came. Also I am wondering whether he would have been the great and admirable leader of a lost cause that made him so dear to Members of the Senate and to the people throughout the country.

Mr. President, even though Senator RUSSELL became a nationally and internationally known figure, he never ceased to be a Georgian. So now home is the warrior, home among the hills of his great State of Georgia, among the people he loved and the people who loved him best.

I am wondering if even the Presidency itself would have gilded or embellished the career of this great Senator, whose 38 years of service in this body most assuredly set him apart as a great statesman and a great patriot. I am wondering whether he would have been greater in stature even if he had served as President of the United States. I believe that the career of Senator RUSSELL could not have been embellished even by service in the Presidency. Who remembers who served as Presidents during the days of Webster, Clay, and Calhoun?

So, Mr. President, speaking on behalf of the people of Alabama, and speaking for myself, I say that America has lost a great statesman, a great patriot, and a great leader.

In the words of the poet, "This was the truest warrior that ever buckled sword."

Mr. President, I thank the distinguished Senator from Georgia (Mr. TALMADGE) for yielding to me.

Mr. TALMADGE. Mr. President, I now yield to the distinguished senior Senator from Idaho.

RICHARD RUSSELL: A MEMORABLE MAN

Mr. CHURCH. Mr. President, I wish to express my sorrow over the death of RICHARD B. RUSSELL and the consequential loss of a Senator of transcendent stature.

When I first came to the Senate, in January 1957, RICHARD RUSSELL had already served 24 years. Last Thursday, when he passed away after a long siege at Walter Reed Hospital, the senior Senator from Georgia had spent the greater part of his life as a Member of this body.

Those years were spent in the assiduous pursuit of excellence. No Senator who watched Dick Russell function, whether on this floor, or in the cloakrooms, or in the discharge of his committee responsibilities, could help but marvel at his legislative skills. His mastery of the rules knew no peer.

Dick Russell decided, as a young man, to devote his talents to public service. At age 23 a State legislator, at 33 the youngest man ever to serve as Governor of his native Georgia; a U.S. Senator at 36.

When he same here, on January 12, 1933, he joined the company of such celebrities as William E. Borah of my own State of Idaho, George Norris, of Nebraska, Cordell Hull, of Tennessee, James F. Byrnes, of South Carolina, Alben W. Barkley, of Kentucky, and his esteemed colleague, Walter George. It was not long before the name of Richard B. Russell was to be added to this select list of senatorial statesmen.

Ultimately, before he died, having served 38 years in the U.S. Senate, Richard B. Russell became the "dean of the Senate." But, in his case, this was more than a title. Senator Russell was, in truth, dean among his fellow Senators, dean among the parliamentarians of his country, and dean in the affections of his colleagues.

Consequently, it is appropriate that the obituary published in the New York Times should describe him in these words:

> He was a master of parliamentary maneuvers, a formidable debator, a Senator's Senator who preferred quiet evenings at home memorizing Senate rules to moving around the lively Washington cocktail circuit.

This was Richard B. Russell, courtly and genteel, patriotic and incorruptible, universally respected because he was, above all else, an honorable man.

His passing is like the felling of a great tree in a small forest. No other loomed so large as he in this Senate that he loved and served so well.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, for many years Richard Russell was the ablest Member of the Senate. I recall in 1953 when I was one of those privileged to be invited to a luncheon honoring Richard Russell's 20 years in the Senate. Most of us who attended the meeting on that occasion felt that he had achieved that standing so envied among all Members of this body of being the most effective Senator here. He remained in contention for that distinction from that date forward.

He was a code of ethics in the Senate; not one who was pontifical or holier than thou, but one who conducted himself in a manner that was approved, agreed, and followed by other Senators.

Richard Russell was an adviser of Senators, not because he needlessly suggested to one what he should do, but because one could—and frequently would—go to Richard Russell to seek his counsel. Invariably his advice was sound. I know that I was one of those who many times went to him. I was always glad that I did.

I can recall one occasion when the then majority leader went to Senator Russell and asked him what he would do under the circumstances that existed at the time. Senator Russell asked:

> Well, did you make the statement that you were going to follow a certain procedure here today?

The then majority leader said that he had, although he found himself in a difficult position because he had done so.

Senator Russell said:

> Well, if you said you were going to do it, then I think you ought to do it.

It was just that simple.

That was rather typical of Senator Russell. He could find a very simple answer for a very complicated problem. And invariably the answer seemed to be correct.

That was so because Dick Russell possessed in such a tremendous abundance the one thing which is undoubtedly the scarcest commodity in government—commonsense.

He was an adviser of Presidents. Many times a President sought Richard Russell's advice. He was correctly described in a syndicated column of yesterday as a President's Senator.

It was my privilege to observe him meeting with Presidents on occasion. He never once departed from his role of a U.S. Senator. He never suggested to a President that he should transgress the separation of powers between the Senate and the Presidency or between the House and the Presidency. Yet Senator Russell would advise a President what he thought was sensible, what he thought was the answer to a particular problem. And the President could feel that Richard Russell, having so advised him, would pursue a parallel course that would not cause the President to regret that he had sought Richard Russell's advice.

One could work with him. Richard Russell would meet a fellow Senator halfway. Richard Russell never departed, even in terms of compromise, from his deep, inner convictions.

The Senate does not replace a man like Richard Russell. The void is filled by what other men have to offer. But for a period of time, the general level will be somewhat lower than it was while we were privileged to have him among us.

After an appropriate passage of time, I would like to offer a resolution proposing that a place be set aside for Richard Russell in the Senate Reception Room, along with Webster, Clay, Calhoun, Lafayette, and Taft. He belongs in that company. I will not propose it at this time because I would not want to see the Senate's judgment of him prejudiced by the strong emotion and grief that many of us feel at the passing of this great man I think we should do it with the thoughtful and dispassionate view that is appropriate for such selection. I would like to see Senator Russell appropriately honored by being in the kind of company he deserves.

One can state that it was a frustrating experiencing for a man of this greatness to have failed to be elevated to the Presidency or Vice Presidency of the United States. I do not think it so. A number of great Senators have failed to measure up to what we had a right to expect of them because they thought they should go beyond the U.S. Senate.

It can be a very satisfying experience for a man to serve here with the type of honor and distinction with which Richard Russell graced this body.

We have lost a great Senator. However, I must say, Mr. President, that when one can make the kind of record Richard Russell has made, he has satisfied everything that one man could ask in this life.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I am deeply saddened, as is every Member of the Senate, at the death of our esteemed colleague Senator Richard B. Russell.

History will record him as one of the greatest alltime members of the U.S. Senate. He was a brilliant man, and an intellectual in the highest sense of the word. This, coupled with his great courage, sound judgment, and lovable personality, won for him the respect and admiration of everyone. No Senator in my time has been more highly respected and revered.

He could be critical on occasion, but his criticism never descended to the personal basis. He could be frankly partisan, but it was a dispassionate partisanship, based on the accumulation of evidence and the conviction that he was right. Nor was it his nature to temporize, regardless of consequence. He had a courage bred of character, nurtured by his upbringing, and embodied in integrity.

He was a Senator's Senator.

To all who knew him well, and there were many, it was a high honor to be considered his friend. He possessed a personal warmth and a concern for his fellow man that reflected his great humanity. One had only to be in his presence for a short time to be warmed by his charm and enriched by his keen intellect. His advice was sought by those in the highest offices of this Nation, by his peers and colleagues, by the common man. And he gave it freely, objectively, without reservation.

Matthew Arnold said of Sophocles that he saw life clearly and he saw it whole. Certainly this was true of the senior Senator from the State of Georgia. He was gifted with an uncommon depth of vision, a breadth of experience, an outstanding knowledge of the world and its history, and unerring instinct that made his every word an invaluable distillation of measured judgment. Ours is a greater Nation because of Senator Russell.

To me, Dick Russell's passing brings a very personal grief. I enjoyed a closer personal friendship and working relationship with him than with any other Senator. I was fortunate when I first came to the Senate to become closely associated with him. For many years we cosponsored farm legislation, and all during my time in the Senate we had worked together as ranking members on agriculture appropriations and later on defense appropriations.

In recent years, I worked with him even more closely on the Senate Appropriations Committee—he as chairman and I as ranking Republican. In this and every other working relationship I had with him, he was a tower of strength and always most helpful to me.

I have been a better Senator because of Dick Russell.

He was a modest man, but he had an uncanny ability to look into the future and foresee the basic needs of our country and, however, unpopular the issue, through his indominatable will and courage, to press for the successful accomplishment of these goals. He shared with Thomas Jefferson the belief that eternal vigilance is the price of liberty. From the time he came to the Senate until the day he died almost four decades later, he strove unceasingly to provide a strong national defense—a defense that he strongly believed would deter potential aggressors.

Long years ago, when Senator Russell was a little boy, he inscribed in his fourth grade composition book an imaginary conversation given by a tiny star high in the heaven. He wrote:

> "I cannot do much," said the little star, "to make the dark world bright. My silver beams cannot pierce far into the gleam of night. Yet I am part of God's plan and I shall do the best I can."

Dick Russell was a part of God's plan. I know that his silver beams did pierce far into the gleam of America's night.

To his family, I offer my deepest sympathy. He maintained and cherished the close bonds of blood that united him with each individual that was his kin. His affection for them bespoke the pride with which he held them and their accomplishments.

Apart from his family and friends, Dick Russell had three loves.

He loved his State, and represented it in a way that made him Georgia's most valuable individual possession.

He loved the U.S. Senate, protected its function, and enhanced its prestige by his presence.

But most of all he loved the United States of America and devoted his strength and wisdom into fashioning a nation that was strong in its character, bountiful in its largesse, respected among other nations, and revered by its people.

His State has lost its greatest citizen. The Senate has lost a great mentor.

Our country has lost one of its most noble patriots.

And I have lost one of the best and closest friends I ever had.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Colorado.

Mr. ALLOTT. Mr. President, today we mourn a varied loss. The United States has lost a noble statesman. The Senate has lost one of the most skillful and revered men to ever grace this Chamber. And each of us has lost a cherished friend.

Richard Brevard Russell has died. But he will live on as long as the United States endures. Henry Adams once wrote:

> A teacher affects eternity; he can never tell where his influence stops.

The same is true of a statesman who leaves a lasting mark on the polity he serves. And it is especially true of a statesman such as Senator Russell, who was a great teacher as well as a great statesman. In fact, he understood that the role of teacher was a necessary dimension of the role of statesman. He felt it was his duty not just to cleave to constitutional principles, but to be their effective advocate among those whose understanding of them was insufficient, or whose affection for them was weak.

It is for us, his colleagues, and for all Americans, his beneficiaries, to rededicate ourselves to the timeless truths to which he, like the Founding Fathers he so much resembled, was faithful.

These principles are as clear, practicable and lucid as they were when the Founding Fathers propounded them. They are the essential principles of constitutional federalism. They concern the necessary division of political labor between the various hierarchies of government, a division that is sensible in terms of efficiency, and prudent in terms of the preservation of the people's liberties.

These principles are Washingtonian—they hold that the highest act of statesmanship is to discipline the appetite for power. These principles are Madisonian—they hold that the Federal appetite must conform to the constitutional fact that the Federal Government's proper powers are those—and only those—which are delegated by the States.

These principles are Jeffersonian—they hold that that government is best which governs least. These principles are Lincolnian—they hold that it is the duty of the government to do for its citizens those things which the citizens cannot do for themselves.

But above all stands the fundamental principle of popular government—the principle that, in a system of separation of powers, legislative supremacy is the keystone of good government. This great principle—that the legislative branch is the first branch of government—is not associated with one great man. Rather, it is associated with all America's great legislators, from Clay and Webster and Calhoun through Taft and Hayden and Richard Russell.

These principles, distilled by the Founding Fathers from the great philosophers of popular government, and cast by the Founding Fathers into vital, enduring institutions, are not much in fashion these days. But Senator Russell was not concerned with being fashionable. He was concerned with every citizen's duty, and with his oath of office, both of which require steadfast resistance to those whose understanding of our Constitution is inversely proportional to the energy they invest in trying to "improve" upon the Founding Fathers.

Senate Russell of Georgia spent his life in service to the various constituencies to which we as Senators are responsible. He was attentive to the interests and dedicated to the principles of his State. But he also had a deep interest in, and profound understanding of, the larger national and international issues of his day.

His "day" in the Senate was nearly 14,000 days, during which the problems confronting the American people, at home and abroad, grew in number, complexity and seriousness. But Senator Russell grew, too, until he attained a position of preeminence and respect rarely enjoyed by any man in any period of American history. I am proud to have served with him.

Mr. President, it is hard to make these remarks about Richard Russell without becoming involved in deep emotion. Certainly here was one man who, because of his character, because of his strength, because of his adherence to principle, endeared himself and enshrined himself forever in the hearts of all of us.

Mr. TALMADGE. Mr. President, I yield next to the senior Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President, it seems almost like an act of futility for me to try to add to the words of appreciation of and respect for our late colleague, Richard Russell.

It has been my privilege to have served with Senator Russell from the first day I arrived in the Senate, and it has been a still greater privilege to have served with him on committees during all the years that I have been a Member of this body. For the first few years it was on the Committee on Agriculture and Forestry. After a few years, Richard Russell left the Committee on Agriculture and Forestry to take positions on committees which were of greater national import at that particular time—the Committees on Armed Services and Appropriations. I am sure that he always regretted that he could not remain a member of the Committee on Agriculture and Forestry, because his heart was always in the rural areas of his State and of the Nation.

During all of the years that I was privileged to serve with him, I found he was always considerate, cooperative, knowledgeable, and helpful. He had a passionate devotion to his State and to his country. His experience served both his State and the country well, as evidenced by the fact that he was reelected virtually without trouble from his home State of Georgia time and time again.

As I said, it is almost futile to try to add to the expressions which have already been made upon the Senate floor. I simply want to conclude my statement by saying that we are a better Nation today because Richard Russell lived and served.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Nevada (Mr. Bible).

Mr. BIBLE. Mr. President, most Americans knew Senator Richard Russell as a giant of the American legislative process who wielded enormous persuasion in shaping the laws by which we live. They did not share our great fortune in knowing him also as an extraordinary personality who seemed to possess all the praiseworthy virtues of mankind.

As the most senior among us, he occupied a position of special stature and commanded an extra measure of respect.

But he merited our deference even without that distinction. For we relied upon his remarkable mind as a source of concise and sound judgments on any subject of mutual concern.

The fact is, Richard Russell had authoritative knowledge of every aspect of American Government and a brilliant grasp of the most important of those areas. No man knew more about the Nation's defense posture and our overseas intelligence network. No man had greater expertise on the appropriations process.

Those who borrowed liberally from his accumulated wisdom, and acted upon his advice, profited accordingly. A few moments of his time offered a shortcut to answers otherwise requiring long hours of scholarship.

If we would choose one word to summarize his splendid record of achievement, it would be "leadership." Richard Russell was a born leader. He was a member of the Georgia House of Representatives at the age of 24, speaker of the house at the age of 29, the youngest Governor of the State of Georgia at the age of 33, and the youngest Member of the U.S. Senate at the age of 35.

No office in America was beyond his immense ability. Indeed, the vigor of his leadership, the creative brilliance of his ideas, and the warmth of his personality made him ideally suited for the Nation's highest office. Most political observers agree with President Nixon and President Truman that Richard Russell would have occupied that office had geographic circumstances not been a consideration. In any event, I am proud that I supported him in his candidacy, and voted for him in the Chicago convention of 1952.

For whatever measure of success I have achieved in my service here, Richard Russell deserves substantial credit. He was more than a friend. He was a mentor who provided direction and purpose and a clear understanding of the means to secure effective action within the legislative framework. He was particularly helpful to me during our long and close association on the Appropriations Committee, but I relied upon him for suggestions and advice in a great many other areas of endeavor.

I feel a keen sense of loss. It is a feeling shared by other Members of this body, and by all the American people. It is a feeling that comes when a great man has passed from among us, and we know we shall never again see his like. For Richard Russell, the distinguished senior Senator from the State of Georgia, was one of a kind—a giant of the 20th century. We are immeasurably richer for having known him, and infinitely poorer by his passing.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from Arkansas (Mr. McClellan).

Mr. McCLELLAN. Mr. President, the distinguished Senator from Georgia, Senator Richard B. Russell, whose passing we mourn today, served for 38 years as a Member of this body. It was my privilege and pleasure to serve with him during the last 28 years of his service here. During that time I served with him for 22 years on the Appropriations Committee of the Senate.

During these most pleasant and enriching associations, I came to know him well. My personal friendship, respect, and esteem for him increased with each passing year.

Richard Russell was a strong man. He was a pillar of strength in National affairs. I had occasion often to seek his wise and friendly counsel as I deliberated on important issues that came before this body for solution.

Mr. President, to eulogize Senator Richard B. Russell is to eulogize the Senate, for in many ways he was the spirit, the sense, and the soul of this great body.

Dick Russell was the embodiment of the Senate tradition, the fount of its wisdom, the example of its excellence, the epitome of its dignity, the image of its greatness, and the reflection of its elegance.

This was a hallowed Chamber to him—one which he deeply revered and one which he richly graced by his noble stature and profound wisdom.

Counsel to Presidents, Senators, family, and friends, Dick Russell gave of himself unstintingly, unselfishly—indeed, he gave his all until there was no more to give.

An unswerving disciple of constitutional government, Dick Russell was dedicated to the principles upon which this Nation was founded. He was an uncommon man devoted to the common notion that this Nation was to be governed by the people.

Dick Russell revered America's institutions—from the family to the Senate. He cherished them, honored them, protected them, and served them with every ounce of his strength and intellect.

Dick Russell was a gentle man who had no enemies—only adversaries—and they were counted among his friends.

Dick Russell was a great American—eminent statesman—and a good friend. But he was first—last—and always—a U.S. Senator.

To me Dick Russell was the sage of the Senate. Better than any man, he knew the Senate, he captured its essence, savored it, labored in it and loved it.

Perhaps in another time—another era—he could have climbed higher mountains, but he was content, indeed, happy in his work, and proud to labor in the National Legislative Vineyard.

Measured against all earthly standards, Dick Russell excels. And in the judgment of the Good Book he measures equally well for it is written that he who—

> Walketh uprightly—
> Worketh righteously—
> and
> Speaketh the truth in his heart,
> Shall dwell with the Lord.

Dick Russell truly served his Master, his people, and his Nation in that manner.

We have lost Dick Russell and his wise advice, kindly counsel, courtly demeanor, and unassailable logic will be sorely missed. But as some unknown poet has said:

> When a star quenched on high,
> For Ages would its light
> Still travel downward from the sky
> Shine on our mortal sight,
> So when a great man dies,
> For years beyond our ken
> The light he leaves behind him lies
> Upon the paths of men.

The light Dick Russell left behind him will shine on the paths of Members of this body for untold years to come.

Mrs. McClellan joins with me in extending our heartfelt sympathy to Dick Russell's family.

Mr. TALMADGE. Mr. President I yield next to the distinguished senior Senator from Florida.

Mr. GURNEY. Mr. President, it is an understatement to say that the late Senator Richard B. Russell of Georgia was one of the truly great Members of this illustrious body. His passing is a national loss, an implacable loss to this unique legislative body, to his great State of Georgia, and also a personal loss to his host of friends in Washington.

There were very few men in our Nation's history who had such an enormous influence on national policies for so long a time, as did Senator Russell.

He fulfilled his responsibilities over the years honorably and courageously. He always did his duty, whether it was on the Pearl Harbor inquiry, the investigation concerning President Truman's removal of General MacArthur during the Korean war, or the Warren Commission to investigate the assassination of our late President, John F. Kennedy.

Senator Russell brought splendid natural gifts into the service of his country; and to those natural gifts, he added great learning, great industry and great attention to his work. He spent more than half his life in this historic Chamber, and he knew the ways of the U.S. Senate as few men ever have had or ever will have.

Even when Members disagreed with Senator Russell, they found they had to respect him personally and professionally. The personal integrity of Richard Russell was universally recognized in Washington and even when their disagreement on an issue was total, Richard Russell's opponents continued to admire the man. And, in that statement, is a measure of the man: Richard Russell had many opponents on many issues over the years, but he had no personal enemies; his opponents were also his friends and admirers.

Richard Russell was a good man, a patriot and a statesman. He was one of the best Senators who ever served in this Chamber. We pray that his great and generous soul may rest in peace forever.

Mr. TALMADGE. Mr. President I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, all the Members of this body, and indeed all the citizens of this Nation, have reason for sadness and a sense of loss at the passing of Senator Richard B. Russell.

A private man; an honorable man; a thoughtful and determined man—these are the phrases which come to mind in describing Richard Russell.

No one who serves this Nation can hope to solve, or even to deal with, all the problems which we face. But in terms of sheer output and effect on human life Senator Russell's 38 years in the Senate have been among the most productive in our history.

Because of his understanding of poverty and youth, 18 million children now enjoy the benefits of a school lunch program. Because of his familiarity with the hardships of rural life, many millions of families across this Nation have had their lot improved through the rural electrification program. Because he could see the better future science offered, many billions of dollars have been allocated to agricultural, conservation, and medical research.

Senator Russell is probably best remembered in our time for his dedication to the cause of national security. It is true, he has done much to keep our country militarily strong, and to reward those who participate in its defense. But Senator Russell will also be remembered for the many measures he promoted to keep our country strong in faith and promise.

It has been said the Senator's father once told his seven sons that: "All of them could not be brilliant, all of them could not be successful, but all of them could be honorable." It is our privilege to have known, and now to honor, a man who was all three.

Mr. President, former Senator Leverett B. Saltonstall, who served in this body for many years, has asked that I include his tribute with my own, as follows:

> Dear Senator Brooke: As a colleague and friend of Senator Dick Russell for over twenty years and as a committee member with him on the Armed Services Committee and Defense Appropriations Sub-committee for most of that period I appreciate your permitting me to join with his many friends in paying my small tribute to his extraordinary service in the United States Senate. He was not only respected and admired for his knowledge of the needs of our Nation's Security but above all for his understanding of the ideals and history of the Senate and his integrity and personal character. He was above reproach in all his many years of service in that body.
>
> I have personally lost a dear friend with whom I served so closely for all my years in the Senate.
>
> I appreciate, Senator Brooke, your courtesy in making it possible for me to add my tribute to Senator Russell.
>
> Leverett B. Saltonstall.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, it is a sad fact that the first words a new Member of this body should have to say on the floor of the Senate should relate to the loss of one of its greatest Members, Senator Richard Russell.

I was privileged to know Senator Russell personally and to admire him greatly. But I speak especially because I know of the high regard in which my father held Richard Russell and the close and warm friendship between them and the importance of their work together. I know also of my father's great regard for Senator Russell's integrity and legislative ability. I think particularly that they understood the principles that were necessary to be maintained and at the same time the art of legislative compromise.

It seems almost a personal deprivation and misfortune that we new Members of the Senate cannot be privileged to serve with Senator Russell. But his mark will be here—an inspiration for those of us who now serve here and a mark for which we can strive even though we doubt our ability to attain it.

I extend to the Russell family my deep sympathy. The Nation joins in our grief at his loss and offers admiration and gratitude for his dedicated and invaluable years of service.

Mr. TALMADGE. Mr. President (Mr. Dole), I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, today we mourn the passing of this century's most effective legislator. One would have to hearken back to the days of Clay, Calhoun, and Webster to find the peer of Richard Brevard Russell. His influence is enshrined not only in the books of law but also in the very character of the Senate. It is a better body for the years that Richard Russell spent here.

In honoring the leading statesman of the Senate, we pay homage to an idea as well as gratitude for the man. The idea is the nobility of character, a concept whose praises are often sung but whose strictures are as often breached. It was the character of the man that led President John F. Kennedy to describe him as "the most individually respected member" of the U.S. Senate. It was his character that impelled Senator Russell to devote his every energy to the performance of his duties, often under the duress of extreme physical discomfort. He read the Congressional Record, all of it, each day. He studied the rules of parliamentary procedure as perhaps no Member of this Chamber has ever done. Such perseverance, obvious in all the daily transactions of his life, won the universal esteem of his colleagues on both sides of the aisle.

The character of which I speak by itself entitles a man to the respect of his fellows. But in Senator Russell's mind there was something else, for his was a character nourished by superior wisdom. Time and again the course of events has vindicated his judgments. On the issue of our early involvment in Vietnam, for example, Senator Russell counseled against our entry. But once the commitment was made, he fought valiantly for a more vigorous prosecution of our military effort. Would that we followed his advice. No slave to outdated dogma, he led his people toward a new and better era. He was perhaps proudest of his sponsorship of the school lunch program which earned him the grateful thanks of men and women all across the land.

Few men are cloaked in the power and influence which belonged to this proud son of Georgia. An acknowledged expert on military and financial matters, his suggestions and bills more often than not found their way into the law of the land. Yet Richard Russell had no worship of power. He wielded his vast authority with the care and thoughtful concern of a sage. He recoiled from the pomp which attended his power, preferring the simplicity of his earlier life to the entertainments of a more lavish society. "I am a ham-and-eggs man mostly," he said, but he often found himself at the tables of Presidents who eagerly sought the wisdom of his advice. But for the happenstances of geography, Richard Russell would have been President himself.

His advice was by no means reserved for the six Presidents and dozens of world statesmen who courted him. It was given as openly and freely to anyone willing to invest a few minutes of time. It was my good fortune to be the frequent recipient of his counsel. The morning after my first election to the Senate, I traveled to Winder, Ga., to share in his wisdom. I sought it hundreds of times during the remaining years of his life and was inevitably the better for it.

A member of the Georgia Legislature at age 22, his State's youngest Governor at 33, a Member of the U.S. Senate for over 38 years, Richard Brevard Russell embodied all that a lawmaker should be. Now it is up to us to carry on. As Cicero wrote many years ago, "The life of the dead is placed in the memory of the living." We are the keepers of Richard Russell's work and, hopefully, the disciples of his character. We will honor him best not with tears, but dedication; not with the ornamental splendor of rhetoric, but with the true splendor of deeds. He sought no monument save honor.

Several years ago, musing on the fate that befalls all mortals, he said:

> I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

He was an honorable man. And he leaves an honorable legacy. We will praise him best by following that legacy of character and deeds. In so honoring him, we will exalt our Nation and vindicate ourselves.

Mr. TALMADGE. Mr. President, I yield next to the distinguished junior Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Georgia.

Mr. President, I rise as one who had the honor, but briefly, to serve in the Senate with Richard Brevard Russell. I cannot embellish the graceful and touching words of my colleagues spoken here in tribute to their departed friend and colleague. But I rise as one who nonetheless shares their loss of Richard Russell, as a Member of the institution to which he devoted most of his life, and as a citizen of the Nation he served for all of his life.

All men who knew Senator Russell recognized the monumental integrity and decency of the man. He personified the Senate—as a man of stronge will and purpose and a high intelligence, above all deeply committed to a political tradition which respects the fragility of our self-governing, free and diverse society. He was a civilized man in a still uncivilized world, courteous, and respectful of others and their differences, a patrician politician, the likes of which gave the Nation its birth and since then have helped us keep faith in ourselves and in our prospects for continuing self-government. His death leaves us the poorer and with little consolation, except to think that others may be inspired in angry times by his memory to transmit a gentle spirit, his decency and fairness to the processes by which we govern ourselves.

In conclusion, permit me to express a word about my personal loss.

In 1952, the successful contender for the Democratic presidential nomination affectionately greeted two other contenders at the Democratic Convention as "cousin." All three—my father, Richard Russell, and Alben Barkley—traced their origins to Iredell County, then Roan County, in North Carolina.

In about 1740, a French Huguenot, John Brevard, settled in that county. He sent six sons to the Revolutionary War, and he became a politician, as a justice of the peace and as a member of the North Carolina Assembly. From him descended Richard Brevard Russell and Adlai Stevenson—and with him more than 2 centuries ago may have begun the politics founded on mutual respect, devotion to the democratic principle, and a sense of history which they shared.

It is a source of eminent satisfaction to me that I had the privilege, however briefly, of serving in this body with Senator Russell and that when I first met him on the Senate floor, but a few weeks ago, he greeted the very junior Senator from Illinois as "cousin."

Mr. TALMADGE. Mr. President, I yield now to the distinguished Senator from North Carolina (Mr. Ervin).

Mr. ERVIN. Mr. President, Richard Russell came of Scotch-Irish ancestry. His ancestors came to this country with the King James version of the Bible in their hands and learned from it to fear God and nothing else on earth.

Richard Russell was taught in his youth that of those to whom much is given, much is required. He was also taught that his natural gifts, which were unsurpassed, instead of being for his benefit were for the benefit of his generation and that they imposed upon him an obligation to serve.

Mr. President, Richard Russell was a smalltown southerner. He was brought up in what one novelist so well called the land of red hills and cotton. As a smalltown boy, he knew all the persons in his locality. He had daily associations with them, with the great and the small, with the strong and the weak, with the rich and the poor. He learned from those associations that the most important things in the universe are the individual and the development of the individual.

Of Dick Russell it may well be said that he was, in the finest sense of the term, a gentleman and a scholar. Dick Russell was deeply versed in the history of our Nation. He was deeply versed in constitutional law. He would have graced with distinction a chair of history or chair of constitutional law in any of the institutions of learning in the land.

One of the great strengths of Dick Russell came out of the fact that he was a student of history. He recognized the truth, which we all too often are tempted to forget, that a nation which ignores the lessons of history is doomed to repeat the mistakes of history.

I think that Dick Russell's essential greatness lay in many qualities, one of which was his innate humility. He had the greatness of humility which is one of the indispensable attributes of a real man.

While he probably may never have phrased it this way, I believe that Dick Russell's great strength and his great service to his country grew out of the fact that he recognized and practiced the great truth expressed by one of Shakespeare's characters:

> This above all; to thine own self be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

I have been convinced for a long time that there was a certain spiritual kinship and a certain commonness of attitude between Justice Brandeis and Dick Russell. In his great eulogy of Justice Brandeis, Judge Learned Hand had this to say:

> He believed "that there could be no true community save that built upon the personal acquaintances of each with each; by that alone could character and ability be rightly gauged; without that "neighborly affection which would result no 'faith' could be nourished, charitable or other."

I think that Dick Russell recognized what I conceive to be the tragic truth of our generation, which all too often has substituted catchword and formula for deliberation and the exercise of our God-given faculties. I think he realized this truth which was spoken by Judge Learned Hand in his eulogy of Justice Brandeis:

> And yet it is the power of reiterated suggestion and consecrated platitude that at this moment has brought our entire civilization to imminent peril of destruction.

Dick Russell was an individualist. During the past few days, I have been astounded by the number of comments from commentators who proclaim themselves to be liberals, deploring the fact that a man of Dick Russell's talents did not ascend to the political heights he could have ascended in this country because he was not willing to conform to views they entertain.

We are living in an era of conformity. Today's liberalism, which is pseudoliberalism, demands that everyone have the same thoughts, the same viewpoints, support the same proposals, and that individualism be banished from the land.

Dick Russell was a true liberal in the old-fashioned sense of the word. He believed in the freedom of the individual. He believed in the dignity of the individual. He believed it was the duty of the individual to use his God-given facilities to reach his own conclusions, and then to stand up and fight for those conclusions, whether they suited those who demanded conformity or not.

Dick Russell was always unwilling to do anything except be true to himself. He would have been selected as the Democratic leader of this body some years ago, but he declined to be a candidate for the post. He had the conception that it was a man's duty to think his own thoughts, to reach honest conclusions and, having reached those honest conclusions, to stand up and fight for them.

It was an illustration of the fact, as I said, that his life's motto, either consciously or unconsciously, was to be true to himself. Thus, when he became the obvious choice for the position of Democratic leader in the Senate, he declined the post, saying that he could not conscientiously support some of the proposals then being made in the name of the Democratic Party. He was mentally and spiritually incapable of selling the truth to serve the political hour. So he decided it was better to be true to Dick Russell's convictions than to seek higher office.

I have frequently said that Dick Russell was the best qualified man of his generation—qualified by education, qualified by learning, qualified by experience, and qualified by dedication—to be President of the United States.

I utter an absolute truth and a very tragic truth when I say that he could not reach that high office because, as William S. White, the commentator, has so well said, he was born at the wrong time and in the wrong place to be chosen to that high office in the prevailing political climate.

Dick Russell recognized that the most important unit of society is the individual.

He recognized that the centralization of power in Washington is in the long run incompatible with the freedom of the individual and his highest development.

He recognized that James Madison spoke the truth when he said:

> That the concentration of all power in the hands of one man or one government, be it hereditary or elected, is the very name of tyranny.

Dick Russell was a great Senator. He was a great statesman. He was a great statesman because he was essentially a great man. He was unwilling, as I stated a moment ago, to sell the truth to serve the hour. Many who knew him but did not approve of his political philosophy, recognized that he was well qualified for the Presidency. They have expressed regret that he did not conform to the prevalent political climate of our day, and have confessed that this deprived him of the office of the Presidency. As one other great southerner did, Dick Russell showed that defeat must serve as well as victory to shake the soul and let the glory out.

Richard Russell sought to preserve the Federal system of Government.

He recognized the fact that Justice Brandeis was absolutely right when he said that the States are the only breakwater against the everpounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

That is the danger which confronts our country today.

I was much impressed by the statement of the President in his state of the Union message the other night that we should return power to the States. That was what Dick Russell believed. Dick Russell was fighting for that because he recognized that there are some eternal truths in Government just as there are some eternal truths in religion. He realized, if I may repeat that the

States are the only breakwater against the everpounding surf which threatens to submerge the individual and destroy the only society in which personality can exist.

I think this country will come to recognize in the days ahead that Dick Russell's insistence upon the maintenance of the federal system, that Dick Russell's insistence that the Constitution be obeyed and observed, and that Dick Russell's love for the individual and his fights against further centralization of power in the Federal Government in Washington are the things to which this Nation must return if this Nation is to endure as a free society and the individual is to have an opportunity to make of himself everything which God gave him the power of being.

I feel in the passing of Dick Russell an irreparable personal loss. He was a congenial companion. He had a wonderful sense of humor. We just heard a very fine statement made about him by the junior Senator from Illinois, Senator Adlai Stevenson.

I think Dick Russell's sense of humor was exhibited at the time his name was placed in nomination for the Presidency in 1952 at the Democratic Convention in Chicago. At the same time the name of Adlai Stevenson was placed in nomination. Adlai Stevenson was ultimately nominated.

Some historian had discovered that both Adlai Stevenson and Richard Russell were descendants of Richard Brevard, of Mecklenburg County, N.C. Some newspaperman asked him about this discovery. Richard Russell said:

> I am not denying my relationship to any Democrat at this particular time.

Dick Russell was a hard fighter, for causes he espoused, but he had a toleration for persons whose opinions did not coincide with his. I think that is a quality which we need much more of in our national life.

We shall not see Dick Russell's like again.

Mr. TALMADGE. Mr. President, I yield next to the distinguished senior Senator from Oklahoma.

Mr. HARRIS. Mr. President, America has lost a stalwart man. The Senate of the United States has lost one of its greatest Members. Senator Richard Russell is no longer among us.

Some have rightly said he was a "Senator's Senator." Presidents have validly called him a "President's Senator." In a larger sense he was no man's Senator, he was no man's man.

Senator Russell seemed to belong to the Senate and to love it because he did. The Senate was his life, and his life was the Senate's.

He was steadfast in his beliefs, strong in persuasion, wise in judgment, skillful in advocacy, honest in all his dealings, faithful in his dedication.

He was generous and helpful. I had the privilege of dining with him alone in his family home in Winder, and visiting with him from time to time at breakfast in the Senate dining room and at lunch in the Senator's private dining room, occasions which sadly became much less frequent in the last months.

He was always willing to give advice—and his advice was good. Younger men sought him out, and they were never sorry.

Senator Russell served as a member of the Senate committee which chose Webster, Clay, Calhoun, Taft, and LaFollette as the five former Senators whose portraits should be displayed in the Senate reception room. He knew greatness in Senators because he had such a full measure of it in himself. Mr. President, Senator Russell was great, and greatly will he be missed.

Mr. TALMADGE. Mr. President, I yield next to the distinguished Senator from New Mexico.

RICHARD BREVARD RUSSELL, A GIANT PASSES

Mr. MONTOYA. Mr. President, I had the privilege of serving with Richard Russell of Georgia in this body for 6 fruitful legislative years. Even in a body with more than a normal complement of distinguished men, he was a giant among us. Yet in spite of his legislative accomplishments, it was more often the intangible influence he exercised that left its greatest mark on this Chamber.

A nation is only as strong as its institutions. An institution is viable in a democracy just so long as the majority of its people retain faith in it. No institution is more basic to this Nation than the Senate, and it was here that Richard Russell made his most significant contribution to his country.

He radiated integrity, veracity, and honor. His behavior across the years in this body was the very epitome of decency, courage, and patriotism. The examples he set inspired three generations of U.S. Senators, crossing party and regional lines. By such behavior he set a tone for the entire Senate. The way he made and kept promises became legend here, as I have ample reason to attest. No other man's word was truer than Richard Russell's. His oral word was better than most written contracts, as we all know. In his life, nothing came before his country—nothing. Patriotism was not a word for the Fourth of July to him. It was an ideal motivating all his actions here. We can all testify to the trust his country in turn reposed in him.

As a legislative tactician he had no peer. It meant much to have such a man supporting constructive legislation. Often his approval had such moral influence as to make the difference between success and failure for a measure. To find him on the other side of an issue was to learn much of the art of opposition with honesty and brilliance. Mr. President, this Chamber is an integral part of the American panorama. Periodically there have been giants in this Hall. At times like this such shadows gather as they must. These men have risen to historical challenges, touching the edge of greatness. Clay, Calhoun, Webster, Stephen Douglas, Robert Taft, LaFollette, Borah, Hiram Johnson, Barkley, Davis, Fessénden, George, Glass, Byrd, Houston, Lamar, Norris, Vance. In the future, anyone naming great Senators will have to add the name of Richard B. Russell to the front rank.

Above all he was a strong voice of his State's people in this Chamber. Richard Russell's door was always open to all Georgians.

No nation produces enough truly great men. Ours is no exception to that statement. In crises past, President after President immediately sought his advice and counsel. Always it was offered. Always it was judicious. Always our country benefited.

We shall all miss him sorely. His State and our entire Nation mourn him sincerely and deeply. It is fitting in closing to say that we shall not see his like again.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Rhode Island.

Mr. PELL. Mr. President, the death of Senator Russell is a loss to all of us. He was a man of great knowledge, knowledge not only of the rules and customs of the Senate and its history, but of our Nation as well.

I particularly remember him from his custom of eating lunch rather late every day, as I do, and I shall always remember the conversations on such a variety of subjects that he would have with those of us who were around the table. The history and lore of our country were of particular interest and no matter how vigorous the debate had been on the floor above, Senator Russell and the colleagues with him could always find themselves in a discussion on less controversial subjects concerning our history.

If ever a man combined the qualities of a gentleman and a scholar it was Dick Russell; and to those qualities were added those of leadership and of a first-class intellect.

This Senator's Senator and leader of our body will be much missed by our Nation and by each of us. I know I shall miss him very much.

Mr. TALMADGE. Mr. President, I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, few of us have the ability to describe the dimensions of Richard Russell's long and great service to this Nation, and to each American. I certainly do not have that ability. From his powerful position in the Senate for several decades, the wisdom of Richard Russell has been a guiding influence for the United States.

We honor him for his great patriotism, and for the dedication to his belief in the continuing validity of work and responsibility on the part of the individual.

His skill as a parliamentarian was second to none, his integrity was never in question, and all who had the honor to know him are familiar with the regard he had for the inviolability of his word.

All of us have reason to be grateful for Senator Russell's consideration and thoughtfulness for new Members of the Senate despite the time-consuming nature of his position of significant power and great influence. He was never too busy to discuss a problem or to be courteous and thoughtful in response to questions. Dick Russell set a standard to which all of us, and all Americans, can aspire.

As his presence here enriched all

Americans, so does his absence leave us poorer. But his record and actions, his dedication and devotion to duty is a legacy which will continue to strengthen and inspire all Americans who love their country and want to serve it.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, sullen skies of last Sunday kept the colleagues of U.S. Senator RICHARD RUSSELL from being present in person to pay their last respects to this great American—near to his Georgian home that was ever dear to his heart.

It seemed as though the heavens—the great air lanes to which this aviation minded Senator was so devoted—were, too, in mourning at the loss of a good friend.

So—fogbound—hundreds of miles away—our sentiments and our sorrow still reached to the resting place of this noble soul and humble citizen—so humble that his own eulogy would be simply—"RICHARD RUSSELL, Democrat, of Winder, Georgia."

Thus—briefly—he inscribed himself in the official directory of the Congress.

What time shall say of this statesman—this gentleman—this colleague—this friend who quietly slipped away from us on the very day of this Congress' beginning—what history shall say of him will cover many golden pages on these 38 most critical years of our Amerca.

Three years plus 1 week ago this very day, on the floor of this Senate, we surprised our Georgian colleague with spontaneous tributes to the 35 years of his service.

His response was that the greatest compensation that flows from service in the Senate of the United States was his privilege of associating with his colleagues from every State of the Nation.

Today those colleagues reciprocate with heartfelt appreciation of this noble Georgian—exemplary American—worthy of the highest office in the gift of our people.

This is the sincere judgment of Americans who have been Presidents themselves.

I would like to repeat my judgment of 3 years ago when I said:

> I have never met a man who is more gentle or kinder in demeanor—yet so strong and firm in conviction, character and conscience.

It has been a priceless inspiration to have served with a man of such attainments—yet so human—so humble.

A Rhode Island biographer recalls RICHARD RUSSELL as a fourth grade student writing in his composition book these simple lines:

> I cannot do much, said the littler star
> To make the dark world bright.
> My silver beams cannot pierce far
> Into the gloom of night.
> Yet—I am part of God's plan
> And I will do the best I can.

Some 60 years later—that boyhood effort could well be the epitaph of our dear friend—and I am sure that God is pleased by "the best" that DICK RUSSELL achieved for eternity.

May his soul rest in peace.

Mr. TALMADGE. Mr. President, I yield to the distinguished junior Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President, I wish to join my colleagues in expressing my deep sorrow in the passing of our esteemed colleague, RICHARD B. RUSSELL.

When historians evaluate the contribution that Senator RUSSELL has made, I am sure he will rank as one of the all-time great Senators of the United States. DICK RUSSELL spent more than half his life in the Senate. He came to the Senate after serving his State as Governor. Before that he had served in the Georgia State Legislature.

His whole working lifetime was dedicated to public service. During that service he rose to positions of great power—yet he exercised that power with a gentle hand. An expert in matters of defense, he had seen the military experts—the generals and the admirals—come and go. Because of his vast experience and his absolute dedication to duty, there is no doubt in my mind that he knew more than any living man about the defense posture of our country. He served our country well in the finest traditions of public service.

We shall miss him. I feel that I am a better Senator for having known him and worked with him.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR RUSSELL WAS A TOWERING FIGURE IN AMERICAN PUBLIC LIFE

Mr. RANDOLPH. Mr. President, Senator RICHARD BREVARD RUSSELL is gone from this Chamber in a physical sense. His words and wisdom cannot now provide us with the counsel he gave in such full measure over a long period of constructive leadership in the Senate.

I do not feel that it is inappropriate to state that when I came to the 73d Congress at age 30 on March 4, 1933, Senator RUSSELL, at age 35, had been a Member of the Senate for approximately 7 weeks. RICHARD B. RUSSELL came to the Senate in the 72d Congress, on January 12, 1933, to serve the unexpired term of William J. Harris, of Georgia, who had died on April 18, 1932. RICHARD B. RUSSELL was serving the people of Georgia in a truly magnificent manner as the Governor of that State at the time of the death of Senator Harris. He appointed John S. Cohen as of April 25, 1932, to fill the vacancy created by the death of Senator Harris. In the November 1932 election, the people of Georgia elected RICHARD B. RUSSELL to succeed Senator Cohen for the remainder of the term of Senator Harris. At the completion of his second year as Governor, RICHARD RUSSELL came to the Senate, as I have indicated, on January 12, 1933, and was seated as a Member of the 72d Congress on that date.

On March 4, 1933, when I became a Member of the House of Representatives, I had a very wonderful fellow townsman of Elkins, W. Va., Herman Guy Kump, who became the Governor of the State of West Virginia, and on the same date, his boyhood friend, Harry Byrd of Virginia, was appointed to the U.S. Senate from the Commonwealth of Virginia to succeed Claude Swanson, who had resigned from this body to become Secretary of the Navy in the first Cabinet of President Franklin D. Roosevelt.

Those of us throughout the country who were beginning public service at that time remember the deep depression—many have called it the Great Depression, which was to cause, as it did, monumental problems for the people of the United States and for our economy generally. Today I recall especially the impact of that depression on the State of West Virginia and its people.

The West Virginia situation had been further complicated, from a fiscal standpoint, for our people and our legislature and the new Governor, my fellow townsman.

The voters had ratified a property tax limitation amendment to the State's constitution at the general election in the fall of 1932. So, there was a combination of circumstances—the depression and the tax limitation amendment—that necessitated a complete revamping of West Virginia government at the State and the local levels. And the base of taxation had to be shifted from a principal reliance on levies on real estate to a new reliance on indirect taxes.

There were two men in public life to whom the then Governor of West Virginia, my fellow townsman, turned: Senator RICHARD B. RUSSELL and Senator Harry Flood Byrd.

He held continuing conferences with those men. It was my privilege to assume from my new Washington office major responsibility for activating these consultations between the then Governor of West Virginia and the two former Governors of Georgia and Virginia, Senator RUSSELL and Senator Byrd, father of our colleague, the present senior Senator from Virginia.

So in the late winter and the spring of 1933, those consultations of Governor Kump and Senators RUSSELL and Byrd were held. The new Governor of West Virginia sought competent advice of those former Governors in whom he had confidence. Our Governor considered them intellectually brilliant and men of experience, even though Senator RUSSELL was only 35 years old at that time. Indeed, general confidence in Senator RUSSELL, even then, in the early days of his service in this body, is indicated by the fact that Senator Harry Flood Byrd was the one who urged upon our Governor that Senator RICHARD B. RUSSELL join in the conferences to find solutions for West Virginia's unusually critical problems. The advice of our former colleague was a major input to the solution finding that, in my judgment, brought West Virginia from near governmental bankruptcy to fiscal solvency and made the administration of Governor Kump one of the most respected in the State's history.

So this afternoon I repeat that Senator RUSSELL is gone from this Chamber physically. His words and wisdom cannot now provide us with the counsel he gave in such full measure during his lengthy period of truly dedicated and outstanding service in the U.S. Senate, but his profoundness will always be remembered by those of us privileged to serve with him. Yes, Senator RUSSELL demonstrated extraordinary capacity, intellectual and otherwise. He possessed a special gift for legislative and executive understanding as a member of the Georgia House of Representatives, as the speaker of that body, and as Governor of Georgia. In the Senate of the United States his special type of leadership, his truly remarkable insight, and his courage were exemplified in full measure. The long years of public service of Senator DICK RUSSELL yielded much that will be of lasting benefit to our country, even though in some areas of American life his positions on public matters were controversial.

My wife recalled to me this weekend that on the first occasion when we visited the White House in 1933, Senator RICHARD RUSSELL was there, and it was her good fortune, as she reminded me, to talk with him. She recalled also, as of yesterday, her feelings on that night when we returned to our residence. She expressed not only her delight in the conversations with the Senator from Georgia, but her feeling that here was a man of great leadership, a man of great understanding, a man of great talent. Mrs. Randolph, as well as millions and millions of Americans, not only watched the career of Senator RUSSELL and approved of his high-quality service during that career but also realized the debt that the Nation owed this statesman for the work so nobly begun and so splendidly carried forward during his lifetime.

I recall that, as a delegate-at-large from the State of West Virginia to the Democratic National Convention, I gave to Senator RUSSELL my vote when he was an active contestant in the national convention for the Presidency of the United States. I did so at that time in 1952 with the realization that, although he might not be nominated and probably would never become the President of this Republic, he had the characteristics which I felt were necessary to lead this Nation in time of crisis, in time of peace, and in time of conflict.

It is easy sometimes to say that a man is a great man or that a man is a good man or that a man is a gallant man. But as I think of Senator RUSSELL, to me he was a patriot, not necessarily a patriot who stood always beside the flag and wanted to unfurl it, although he was proud of the symbol of this Republic. He always made clear to the Nation by spoken or written word where he stood on the issues. His intellect and his forthrightness made him a towering figure in American public life.

Mine was a close and cherished friendship with Senator RUSSELL for a period of 38 years. I am genuinely saddened by his leaving this body and leaving his work, which he loved so well. In a sense, his colleagues in the Senate were part of his family. In a sense, that was true, because he looked upon each of us, even though we had varying viewpoints on subject matter, as one member would look upon another member in a family—in this instance, the family of the Senate of the United States.

Four decades is a long time; yet, it is a relatively short time. But it was during that extended period that Senator RUSSELL had the opportunity, and embraced it, for an extraordinary type of service to this Republic and its people. He was not just a political leader. I would not stop at that point, as others would not stop, in assessing his contributions to public service. He was, yes, a good man, a gallant man, a great man. He was a patriotic American. He was a towering Member of the Senate because he looked always to what he believed to be best for the public good and the welfare of his beloved State and country. Those of us who knew him and were privileged to serve with him will, I truly believe, always sense the influence of his presence whether he is physically present or not in these halls. His will be a lasting imprint on this institution—the Senate of the United States.

Mr. RIBICOFF. Mr. President, I mourn the death of a friend, Senator RICHARD RUSSELL of Georgia.

His death Thursday, January 21, 1971, leaves a void in the Senate that will not easily—or perhaps ever—be filled. Senator RUSSELL has left an indelible imprint upon the Senate and the Nation.

I have known very few truly great men in my lifetime, and Senator RUSSELL was one of them.

Many have said that had he come from another section of the Nation—had he not been a southerner—Senator RUSSELL would have been elected President. There is some truth in that.

But there is more truth in the assertion that Senator RUSSELL would have lived his life in no other way and in no other place. For this great American was a southerner, he was a Georgian, and to imagine him, or to speculate about him, as anything else, or as being from anywhere else, is to misunderstand him and miss the lesson of his life.

Several years ago, on a trip to Georgia, I had the privilege of visiting Senator RUSSELL at his family home in Winder. I was struck by the simplicity of his home and the simple, gentle manner in which he lived. RICHARD RUSSELL, the most powerful man in the Senate, lived totally without pretense, without any of the trappings of power.

Counselor to Presidents and other Americans of high position and trust, Senator RUSSELL was respected and admired by all Senators, irrespective of political party and philosophy.

As President pro tempore of the Senate, as chairman of the Appropriations Committee and as the ranking member and former chairman of the Armed Services Committee, Senator RUSSELL held immense power within the Congress. But he exercised that power thoughtfully, responsibly, and with uncommon discipline.

He took seriously his many responsibilities and strove diligently and tirelessly to carry them out. I have never known any Senator—or any other public servant—who came to his work with such thorough preparation as did Senator RUSSELL.

He was blessed with a brilliant mind but he nourished that gifted intellect with constant reading, study, and attention to both policy and detail.

History will record RICHARD RUSSELL of Georgia as one of the greatest Senators who ever served in this body. In his 38 years in the Senate, he fulfilled his duties with skill, dignity, and grace. He, more than anyone else, reflected the essence of what the Senate is. By his presence he reminded us of what it means to be a Senator. We will all miss him very much.

Mr. BYRD of West Virginia. Mr. President, RICHARD BREVARD RUSSELL was once advised by his father to "marry your work if you are going into a public career." That he took this advice to heart has been of incalculable benefit to the State of Georgia and the Senate of the United States. He spent more than half his life in the Senate, having begun his service in 1933 at the age of 35.

His political career began at the tender age of 23 upon his election to the Georgia House of Representatives, in which he served for 10 years. At the age of 30 he was elected Speaker of the Georgia House and at 33 became the youngest Governor in Georgia's history. His term as Governor is remembered for the streamlining he imposed upon the executive branch, reducing the number of departments and agencies from 102 to 18.

He was elected to fill a vacancy in the Senate and took the oath of office on January 12, 1933. By 1944 he had assumed the mantle of leader of the so-called Southern bloc of Senators, a position he has maintained since that time. As leader of the Southern forces he was hailed as a brilliant tactician and an adamant adversary, but also a courtly and gracious gentleman. He himself best explained the nature of his being when he said:

> My father used to tell his seven sons that all of them could not be brilliant, all of them could not be successful, but all of them could be honorable. . . . I have tried to follow that course throughout my life.

No one could deny him this modest self-estimation.

A Senate colleague once analyzed the enormous influence Senator RUSSELL exercised upon the Senate in these words:

> First of all, there's seniority. Second, he is a man with a brilliant mind who uses it tirelessly. Third, he is on the job all the time. In establishing power it is of the utmost importance to be here, to be in attendance, to be doing the work. Particularly in committee. Russell is a stickler for that. Then, he knows the rules.

His outstanding parliamentary skill was once attested to by our former colleague, the honorable Paul Douglas of Illinois, who yielded to him with these words:

> I yield, though my knees are knocking, to one of the subtlest men and one of the most able field generals who ever appeared on the floor of the Senate.

In 1948, and again in 1952, Senator RUSSELL received a substantial number of votes for the presidential nomination of the Democratic Party. It has been said that he would have won that nomination had he not been a southerner. It has also been said that had he been elected to the Presidency he would have done it as much justice as any man who has held the office.

During his illustrious career in the Senate he served, since 1933, on the Committee on Appropriations, and, since 1947, on the Armed Services Committee. From 1951 through 1968 he was chairman of the Armed Services Committee. In 1969 he relinquished that post to assume the chairmanship of the Appropriations Committee, following the departure from the Senate of the distinguished Carl Hayden, of Arizona. In 1969 his colleagues accorded him the high privilege of election to the office of President pro tempore of the Senate.

As chairman of the Armed Services Committee he had a hand in virtually every important item of defense legislation enacted since 1951. Even in 1940 his influence on defense legislation was noticeable when he authored an amendment to the Selective Service Act of that year which permitted the Governor to draft industry for war production.

His fashioning of legislation was most often accomplished behind the scenes. A colleague once pointed out:

> No major compromise can be concluded in the Senate without submission to his professional hand. His role as compriser was once pithily characterized as that of the man who says the blessing over the legislative wine.

He was always an advocate of a strong defense for the Nation, considering it an imperative need given the state of world affairs and our position as leader of the Western democracies. At the same time, he believed in cautious use of our power and was early opposed to our massive commitment of troops in Vietnam and our policy there of graduated response. He described this military engagement as "the nearest thing to a total national frustration this country has ever encountered," and warned that we should either fight to win or leave.

Senator Russell was always a leading supporter of legislation to aid the American farmer. He played an important role in establishing Government programs to conserve the soil and our forestry resources. He supported programs to develop water resources. Rural electrification was of long interest to him. He was among those who launched our farm parity program and aided in drafting the original legislation in the 1930's.

He supported selectively certain Federal programs to aid education and schoolchildren and was particularly proud of his role in initiating the school lunch program.

He helped to write the first Atomic Energy Act and was a charter member of the Joint Committee on Atomic Energy. In 1938 he supported domestic air carrier service in the United States on the premise that the United States should have a corner on this vital form of transportation.

This towering figure was a leader of his party in the Senate. From 1947 he served on the Democratic policy committee and from 1957 on the Democratic steering committee, which makes committee assignments for Democrats in the Senate.

His devotion to duty and his impeccable manners earned him the sobriquet of a "Senator's Senator," the ultimate honor.

Senator Russell's philosophy of government was rooted in constitutionalism. His belief in the limits of Federal power was the main force behind his opposition to what are popularly known as civil rights acts. His attitude toward the role of government he summed up once by saying:

> I'm a reactionary when times are good. In a depression, I'm a liberal.

He was always regarded as one of the most fair and conscientious Members of this body. The truth of this was clearly demonstrated during the Senate inquiry of President Truman's dismissal of General Douglas MacArthur from his command in Korea. Senator Russell presided over those hearings from May 3 to June 27, 1951. During that time he was unfailingly courteous and was particularly solicitous of the general's views. In hindsight it has been claimed that his judicious handling of this volatile event did much to defuse an explosive situation.

Through it all for the past four decades he served his nation well. He was the good and faithful servant of the people. He was good for the Senate and he loved it dearly. I can say without hesitation that he was a remarkable Senator, a remarkable man, who enjoyed the respect and affection of all those who served with him.

Mr. President, in the death of Senator Russell, I feel possibly the greatest personal loss I have experienced apart from the loss of close family members. He was the man I most admired in Washington—a man of great intellect, the finest of public servants.

His patriotism and love of country will never be excelled. From my first days in the U.S. Senate, he was my mentor, and I take pride in knowing that he came to be also my friend.

Mr. President, a great man, a statesman, a distinguished citizen of the Republic—has "reached the silent haven that all the dead have reached," and where the voyage of every life must end.

How poor this world would be without the memories of its mighty dead. Only the voiceless speak forever.

The memory of this noble and great man will ever be like a star, which is not extinguished when it sets upon the dull horizon; it but goes to shine in other skies, then reappears in ours, as fresh as when it first arose.

Mr. PERCY. Mr. President, I am very proud indeed to follow our newly elected Democratic whip whose very presence in that chair was made possible by a remarkable vote cast by Senator Russell and the following man who knew him so intimately and so well over so many years.

My own relationship and acquaintanceship with Senator Russell is a much shorter term, only 4 years, but I had always heard about him and looked forward very much indeed to meeting him. I was unprepared for the fact that rather than have me come over to meet Senator Russell, as I felt was appropriate on my opening day in the Senate, when friends of ours gave a reception for me, Senator Russell came in to meet me instead.

I thought that some of my colleagues who were about to move their offices might have come in just out of interest in looking over Senator Neuberger's office, which I was temporarily located in, just to size up the situation, and that they might want to move in. Senator Russell came simply to extend the hand of fellowship and to offer any assistance he could provide. I thought that was a wonderful gesture for this great man to make to a freshman Senator on his first day in the Senate.

Above all, he was a gentleman. But he was also a scholar. We all recognized the deep intellect and scholarship he possessed. Never did he take for granted his position in the Senate. Never did he address himself to an issue that he had not researched thoroughly. His understanding of the procedures, the rules, the customs, and the habits of the Senate were second to no man.

His understanding of the U.S. Government was very profound indeed. His work on the Appropriations Committee gave hims a cross section of all Government operations. Senator Russell had an overseeing responsibility and also the responsibility to exercise at various levels a priority.

His knowledge was very great indeed. He was a man of deep convictions. He believed deeply in certain principles of government. He believed deeply in some of the things he wanted to see done for this country. As a result of his birth, background, and experience, he had certain ideas which were in conflict with those of some of his colleagues, including myself, on some occasions. However, I know that he was always a man of honor. He always respected another person's point of view.

Having been raised in a family under a father who was born in Mobile, Ala., and lived there all his life until he moved north after marriage, I had a better opportunity and a better understanding through my father of some of the background for the thinking of Senator Russell on some matters such as civil rights.

Senator Russell was a man of utter fairness and deep conviction. He always respected another person's point of view. Certainly every courtesy was extended by him to freshmen and junior Senators throughout his time of service in the U.S. Senate.

We have suffered a great loss. Many times a man in this life contributes so much to making this a better world in which all of us can live and work. Many times the living memorial and legacy that man leaves are the qualities and the characteristics that all of those who have been privileged to know him admire and respect.

Perhaps the best tribute we can pay to him is to attempt in every way to live up to the principles in which he believed, the principles of fairness, equity, and justice, as he saw them, and certainly the principle of scholarship in our senatorial work.

Above all, a Senator is a gentleman.

Senator RUSSELL was a gentleman among gentlemen.

Mr. GRIFFIN. Mr. President, it is with a sense of deep loss that I join with my colleagues in paying tribute to a gallant American who was recognized in life, as he will be recognized in history—as one of the Nation's foremost leaders.

One must delve deep in the storehouse of words to find means to express even inadequately the debt we all owe to RICHARD BREVARD RUSSELL.

As all of his colleagues here in the Senate know so well in no man ever served his State, the Senate and the Nation with more devotion, fidelity, and dignity. Within him there was a majesty of purpose and principle which gave a shining luster to his long years of service in the Senate.

What was once said of another great American, Theodore Roosevelt, can also be said most appropriately of DICK RUSSELL:

> He was a great patriot, a great man; above all, a great American. His country was the ruling, mastering passion of his life from the beginning even unto the end.

As a rather junior Senator, I count it a high privilege to have had the opportunity to have served as a colleague of this great American. His exceptional ability, great intellect, and strong convictions earned for him an honored place among such titans of the Senate as Daniel Webster, John Calhoun, Robert LaFollette, and Robert A. Taft. In his quiet and characteristically unassuming way, he was most helpful to me on numerous occasions, as I am sure he was to many others.

But what I am most grateful for is the example he set for all of us by his service to the Senate and the Nation. He was a man who had the courage to walk alone, if need be, on a course he thought was right, exercising what the poet Burns called "the glorious privilege of being independent." But the man we honor here today seldom had to walk alone, so great was the force of his personality, his persuasion and the logic of the positions he took. He once said:

> Any man who dares to vote independently is a leader and any man who can persuade three or four men to vote with him is a power.

In this respect, as many a debate on this floor has proved, DICK RUSSELL was a leader many times over.

None has deserved more the description as "a Senator's Senator." Just as appropriately, he has been referred to as "Mr. Senate." He exemplified the Senate's finest traditions. He was, as he considered the Senate to be, a citadel of the Nation's strength and freedom—a continuing link in the Nation's history—linking the past with the present; linking the present with the future.

For him it was no idle belief that, as he once said that—

> If it had not been for the Senate, there would be an all-powerful central Government in this country.

As is well known, he was an eloquent advocate of States' rights throughout his many years of Senate service. The fact that we are now talking about a new federalism—that we talk about stregthening—not weakening—the role of States in our system of government—stands as another tribute to DICK RUSSELL's leadership.

As he was a Senator's Senator, he also was a President's Senator. His service in the Senate starting in January 1933 spanned the administrations of six Presidents. Each of them, regardless of party, sought his counsel, particularly on matters relating to national defense.

Henry Adams once wrote that "a friend in power is a friend lost"—but with DICK RUSSELL this was never so. His integrity was such that whatever differences he may have had with occupants of the White House, he never lost their friendship. As a realist, he understood that modern politics is a struggle, not so much of men, as of forces—and this enabled him to judge events and their impact with rare objectivity and detachment. And this, no doubt, was why his advice was so frequently sought.

Perhaps history will record his support for strong U.S. military forces in a world of rapid—and often violent—change as his outstanding achievement. While he desired peace as earnestly as any man, he knew that in the turbulence of this age peace—and freedom—could be maintained only through strength.

Even early in his Senate career he had the foresight to see the shadow of World War II descending over Europe, and he supported the ending of the arms embargo, the selective service and lend-lease.

For different reasons he opposed American involvement in Southeast Asia, for he foresaw that this could lead to what has become the longest, costliest and most unpopular war in the Nation's history. One can only surmise what the course of history would have been during the last 15 years if his advice had been followed.

Senator RUSSELL left for us an unfading example of public service in the Senate's highest traditions. We will miss him sorely.

With his death we have come to the end of an era in the Senate—and we cannot hope to be fortunate enough to see his like again.

Mr. ELLENDER. Mr. President, no one who possesses a sense of history can contemplate the lifespan and record of the late Senator RUSSELL without a feeling of humility. His life and public service spanned two world wars, the great depression, and the tremendous changes which these events brought to our Nation and the world.

There is no need to dwell on the public record he compiled during his 50 years of public service to the State of Georgia, his beloved country, and the U.S. Senate to which he was so devoted and gave so much. Those facts are well known, and will no doubt be stated by others who will pay him tribute.

Monuments are built to those who have passed away, but in many respects Senator RUSSELL was a monument in his own time. Those who are aware of and appreciate the forces of historical change must also recognize the importance of those things which are unchanging—those sea anchors, as they are sometimes called—which allow us to maintain a heading against the winds of this moment and the next.

Those individuals in public life and those beliefs and institutions which are monumental in character have always served a special purpose and filled a special place in the development of these United States. They have provided our society with its "sea anchors." Senator RUSSELL was unique in this respect. At the beginning of an era of unprecedented and perhaps unmeasurable change, he was destined to combine the attributes of the individual in public life with a system of deeply held beliefs at the highest institutional level in the political life of our Nation. This made of him a monumental figure in his own right. He held a position which was relatively constant while many of those about him were jostling each year for new cornerstones on which to build.

I have known Senator RUSSELL, and worked closely with him, longer than any man now serving as a Member of the U.S. Senate—34 years to be exact. I knew him well, and I knew him as a man of the people. When I say that he was monumental in character and in the place he held in our Government, I do not speak lightly. From his vantage point in the U.S. Senate, he worked to draft and push to passage the measures designed to bring our Nation up from the depths of the great depression, and which were destined to radically alter the character of American life. He came to the Senate as a young man, as we all know, and absorbed knowledge from those about him at the highest levels of our Government. He shaped it by his own beliefs and experiences and used it to become one of the legislative giants of our time, and to assist and guide his colleagues following his footsteps in the Senate. I can recall much of his wisdom and advice given to me over the years as, I am sure, can many others here.

Senator RUSSELL used his natural abilities to shape and protect the institution he was to call his home, second only to his native State, for almost 40 years. The Senate gave him knowledge and almost unprecedented experience, and he repaid that debt by breathing into our Upper House that life and vitality that any institution must possess if it is to survive in a fluctuating world.

At the same time, he was confident that there are substantial principles that do not change, and which must act to sustain this republic, this society, during moments of historical conflict. Our Constitution formed such a cornerstone for him, as did the time-honored and hard-won rules of paliamentary procedure. Winston Churchill has pointed out that the rules of proper procedure, the principles by which public decisions are to be made, represent one of the greatest gifts that the English-speaking people have given to all mankind. Without doubt, Senator RUSSELL agreed with that premise. In him Churchill found a willing and great disciple on this side of the Atlantic, acting as a constitutional bastion in the U.S. Senate. In many respects the Senator from Georgia represented and embodied those most serious concerns of the Founding Fathers meeting in Philadelphia 183 years ago—a concern that the Senate be so constructed as to resist the pressure of public hysteria, that it should provide an element of stability against the passions of the moment, and that it should reflect American life while at the same time helping to shape its quality in the truest and most profound sense.

Certainly this was a personal goal of the man whom I now call a monument in his own time. Nothing that might be erected here on earth can adequately reflect this enduring quality of the man, just as no mere building—preserved in Philadelphia or constructed of marble in Washington—can provide a true picture of the American genius that slowly unfolded during those summer months of 1787.

This society of ours is now beset by change on every hand, if we are to believe the public press and the words of a host of social commentators. Yet nothing that we see about us, nothing, actually, that we may imagine for the immediate future, can be realistically compared to the alterations—some slowly, some more quickly—that have come about in our society during Senator RUSSELL's tenure. It is not my intention here to engage on a social commentary of my own. Yet I believe that we must not forget, particularly on this occasion, that only because of men such as Georgia's late senior Senator can we judge the tenor of present events and attempt to see things in their proper perspective.

There is much violence about us today, in many different forms. Yet when Senator RUSSELL first took office, many families in these United States were mounting machineguns under the eaves of their homes, and fortifying the boundaries of their property. Now there is violence for you, Mr. President, and there is social crisis of a very real and important sort. A study of the life of a man such as RICHARD RUSSELL can provide us with a measure of how far we have come, and some indication of where we are at the present moment of history. A monument should have a strong foundation, and cast a long shadow. In the roots and experiences of Senator RUSSELL's life, we may find written the story of a troubled and tumultuous period in the history of the greatest nation on earth. We should also find, it seems to me, the guidelines which will carry us safely through the future.

For Senator RUSSELL, my friend, colleague, and confidant over so many years, was quick to recognize that constant and consistent principles did not require an unbending and unyielding opposition to the forces that were acting to change the structure of our society, even in ways that he did not entirely approve of. Senators know that area of which I am speaking. He and I fought many long battles in the Senate over the subject of civil rights legislation, and we fought them together. Yet ponder upon this, as a measure of the social changes that have taken place, and as a measure of the man to whom we now give monumental qualities.

Senator RUSSELL was an active participant in the first of the great civil rights debates in this century, in 1938. That was 33 years ago. We were successful, but other battles, hard-fought and intense, were to bring a reversal of our fortunes. The tide changed. Our principles were no longer subscribed to by the majority, yet they remained of great importance to us of the South, and the Constitution remained the cornerstone of our public philosophy. In spite of this, in spite of bitter defeat at the end of the longest debate in the Senate's history, the Senator from Georgia was one of those from the South to tell his people that the law would be enacted, and that it must be obeyed as long as it remained on the books. This, too, must be taken into account in any measure of the man. It was important to him, and it is important in the development of our society. It should not be forgotten, as I am sure it will not be.

Future generations will look back, through their history books, in the recordings of the age, and perhaps tour the monuments that have been constructed by the hands of man moving sand and marble from one place to another. They shall seek to gain an understanding of what it was that happened over these four decades in the middle of the 20th century, here in these United States. They will study the documents and attempt to trace the flow of events from the 1930's into the 1950's and 1960's. The final chapters cannot be written, and hopefully they never will be. Even now we do not fully understand exactly what has taken place, or what history will write of the 1970's.

Yet those seeking to understand the last 40 years would do well not to confine themselves to the documents and evidence they will have at hand. There are limits to the insights that any monument can provide. A rich source for understanding of the past and guidance for the future will be the life of Senator RICHARD B. RUSSELL, a Senator from Winder, Ga. In what I have chosen to term his "living monument," will be found an index and guide to understanding of the last 40 years, and of the changes they have brought.

Mrs. SMITH. Mr. President, the death of RICHARD BREVARD RUSSELL marks an end to an era when the U.S. Senate achieved its greatest stature and prestige as an institution. It marks the end of an era when the Senate enjoyed great public confidence because its membership was dedicated to it as an institution and as a career and not just a stepping-stone or springboard. It marks the end of an era when practically the entire membership of the U.S. Senate put the work of the Senate ahead of all other endeavors. It marks the end of an era when practically no one in the Senate made the work of the Senate secondary to such outside activities as high-fee lectures and speeches. It marks the end to an era when the Senate was not regarded as a sort of "moonlighting" job.

The decorum, the sense of dedication to the Senate as an institution, the stature, and the prestige of the Senate began to erode as the health of RICHARD BREVARD RUSSELL began to erode. As his failing health caused his absence from the Senate floor with increasing frequency and for longer periods, the effect on the Senate became evident. The deterioration of the Senate from an orderly and dignified parliamentary body into too often the state of an anarchistic legislative jungle is directly traceable to the absence of the calm, deliberative, and wise leadership of RICHARD BREVARD RUSSELL, both on and off the Senate floor.

I pray to God that somehow the U.S. Senate will return to the quality that RICHARD BREVARD RUSSELL gave it in his fully active and healthful years.

It was my privilege to express my great respect for RICHARD BREVARD RUSSELL in the Senate on April 1, 1969. I wish to reaffirm now what I said when he was alive and I ask unanimous consent that my statement of April 1, 1969, about him be placed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SMITH

Mr. President, one of the great privileges of serving in the United States Senate—the greatest legislative body in the history of the world—has been to associate with truly great leaders—statesmen whose deeds and wisdom and courage have deeply inspired so many.

I am deeply fortunate to be serving in my twenty-first year in the Senate—and my seventeenth year on both the Senate Appropriations Committee and the Senate Armed Services Committee for which I feel doubly fortunate because of my association during these years with the man who now chairs the Appropriations Committee after chairing the Armed Services Committee so brilliantly and wisely for many years.

Yes, the Senate has several great leaders in its history. But I think that to most of us there are only three or four or maybe five who stand out above all others—who are truly the Giants of integrity, wisdom, achievement and dedication—during our respective tenures in the Senate—the Giants who really inspire their colleagues.

One way that an outsider can identify a Giant in the Senate from a viewpoint in the Senate Gallery is to watch the Senate Floor to see the turnout of Senators to listen to a Giant speak and the hushed silence when a Giant speaks. An extremely reliable measurement within the Senate itself is whether the individual Senator can really sway votes when he rises to speak and voice his respected, often revered, views.

To me, Richard Brevard Russell, the Senior Senator from Georgia, the Senior Senator of the Senate, and the President Pro Tempore of the Senate has been, and is, one of the rare few Giants of the Senate during my tenure. I know that many, many Senators share my view.

I agree with those who say that Richard Brevard Russell should have been President of the United States. I wish he had—not only because he has been one of the most eminently qualified to be President—not only because he so richly deserved to be President—but even more important because our nation would be a better nation had he been President.

But in a selfish manner as far as the Senate is concerned—and in a less selfish manner as far as the people of America are concerned—there has been a very meaningful advantage in his not becoming President.

For had he been elected President in 1948 or 1952, our nation would have been without his leadership since 1956 or 1960 when he might have retired after eight years as President. Thus, the people of America would have been deprived of his leadership in the Senate for the past eight or twelve years—and we of the Senate would have been deprived of his sage advice, counsel and leadership. An unfillable void in the Senate would have been created.

Richard Brevard Russell has been an inspiration to me in many ways. He has been a shining example to follow. I now reveal a secret with respect to one very specific way in which I have tried to emulate him. Despite his brilliant record of innumerable achievements his biographical sketch in the Congressional Directory year after year after year by his own choice has simply read "Richard Brevard Russell, Democrat, of Winder, Ga." Such is the modesty of this tremendous Giant of the Senate.

Dick Russell has a quality of human kindness and warm gentleness that is not known as much as it should be. He is, indeed, a gentleman in the fullest sense of the word.

He has so many attributes of greatness that I hesitate to single out any two or three of them to the exclusion of the many others—integrity, intellect, wisdom, patience, forbearance, courage and many more.

When he was honored recently as the recipient of the James Forrestal Memorial Award, in accepting the award, he displayed many of these attributes, but none of them any more than his great attribute of courage to speak up and to speak out.

He said what has been in desperate need of being said in my opinion—he spoke the heart and the mind of the majority of a deeply troubled America. He made a Declaration of Conviction that needs to be repeated again and again and again.

May the good people of Georgia in their great wisdom continue to give Richard Brevard Russell to the people of America and send him to the United States Senate for as long as he is willing to serve in the United States Senate.

Mr. SCOTT. Mr. President, with the passing of Dick Russell we all lost a friend, a truly fine associate, and a dedicated public servant.

For more than 50 years our distinguished late colleague enthusiastically was in the service of his constituents and loved the life he chose.

The Nation, the State of Georgia, and the Senate of the United States is the loser. We are truly pleased, though, that we had Senator Dick Russell for as long as we did, because he contributed so much.

There have been many giants in the Senate of the United States, but Dick Russell was a giant among giants. His dedication to his country, to his State, to his party, and to the Senate knew no bounds.

There has never been, nor do I believe there will ever be, a finer parliamentarian in the Senate of the United States than the late senior Senator from Georgia. His knowledge of the rules of the Senate was more complete than even professional parliamentarians.

With the passing of Dick Russell, I have truly lost a dear and trusted colleague and friend, one whom I deeply respected and one whose counsel I sought on numerous occasions.

We shall all miss him as a colleague. We shall feel his loss deeply. But, the country will feel his loss even more.

I ask unanimous consent to have printed in the Record an editorial published in the Philadelphia Inquirer of January 24, 1971.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

RICHARD RUSSELL OF GEORGIA

It was said of Richard Brevard Russell—by Harry S. Truman some years ago, by Mike Mansfield the other day—that if he had come from another section of the country he would have become President, and perhaps he would. For the Georgia Democrat was a man of remarkable qualities. He had a keen mind—one of the finest in the U. S. Senate, in which he served since 1933. He was an orator of no mean abilities, and he understood politics and power, and he had the stuff of whatever it is that political leadership is made of.

Russell's fatal flaw was not so much that he came from the South but that he was a prisoner of his section, and he could not or would not, break loose. He was on the wrong side of one of the great issues of the times—civil rights. Like other Southerners (but not only Southerners) he waged a delaying action for a lost cause, and he knew it was delaying and he knew it was lost, but he would do no other.

Yet, fighting as he did—tenaciously, bitterly, skillfully—he kept the respect of the most tenacious and bitter and skillful of his opponents, and in other ways he served his country with distinction.

Notwithstanding his well-publicized differences with President Truman, he presided over the MacArthur hearings with consummate fairness. The Senate Armed Services Committee judgment—that, in effect, the President had not only acted responsibly in firing the flamboyant commander but that he could not have acted otherwise—did much to defuse an explosive issue in a heated time.

If one can wish that his posture on civil rights had been different, and reflect that the country might have been saved much grief if it had, one can also wish that his advice on Vietnam had been taken as far back as 1954, when he took a very dim view of our involvement there and a far-sighted view of the consequences.

Mr. EASTLAND. Mr. President, we are gathered here today to pay tribute to Richard B. Russell of Georgia, one of the truly great men of our Nation's history. It is one of those memorable occasions when the Senate is truly of one mind and heart, bound together by mutual love, affection, and admiration for a truly distinguished colleague, humbled by the magnitude of this loss to the Senate and the Nation. As we gather here, Richard Russell's place in the history of the Senate and the Nation is secure. His life and deeds will be chronicled by historians for years to come.

Born into one of Georgia's oldest and most distinguished families, Richard Russell was the son of a noted justice of the State Supreme Court. At age 35 Richard Russell had already accomplished more than most men could dream of in a lifetime. As a freshman Senator, he had already served as Speaker of the House of Representatives and Governor of the State of Georgia, yet his service to the Nation had only begun. He was a Senator's Senator, a statesman of the first rank.

Richard Russell was the trusted and valued adviser to perhaps more Presidents of the United States than any other man in the history of his Nation. His wise counsel was sought and adhered to by the leaders of this country in peace and war. In the times of greatest trial, his voice was heard in the highest counsels of the land and the influence of his guiding hand will leave an indelible imprint upon this Nation for countless generations to come. He did not seek power or acclaim, but commanded it by the sheer power of his character, his intellect, and integrity. He was a devoted servant of a nation he loved, yet he was always faithful to the ideas, ideals, and aspirations of his native Southland. It was an honor to serve with him.

Mr. HARTKE. Mr. President, in any group of men and women, no matter how distinguished the general level of ability, some few will stand out above the rest, and of those few, one will seem preeminent. Among his peers, he will be considered peerless.

That, surely, was the case with the man we mourn and eulogize today, the late President pro tempore of the Senate, Richard Brevard Russell. He was not simply the dean of the Senate, the senior member in point of service. He was the giant of this senatorial era. Indeed, one would have to go back decades in the history of this body to find a man who achieved the same degree of moral and intellectual ascendancy among his colleagues as did Richard Russell. Even those who found themselves more often than not at policy odds with him had no difficulty recognizing or conceding that here, truly, was the dominant figure among us.

Just about a year ago I attended a formal dinner with one of our senior and most distinguished colleagues. As we waited for the inevitable round of speeches to begin, I asked this Senator—who is not, let me add, a southerner—whom he regarded as the three or four most able and impressive Senators he had known in his own service here.

His response came at once. He said:

> There is only one, Richard Russell. There is nobody else in his class; he stands alone.

And then our colleague added after a moment's thought:

> Dick Russell is the greatest man I have ever known in public life, beyond comparison.

Mr. President, I believe that judgment is widely shared in this body today. It is a suitable epitaph to a very great American.

Mr. BYRD of Virginia. Mr. President, the death of Senator Richard B. Russell last week was a great loss to the Senate and to the Nation.

It was a severe personal loss to the senior Senator from Virginia.

Senator Russell came to the U.S. Senate January 12, 1933. A few weeks later my father was appointed to the Senate, and the two of them served together for 32 years.

They were close and devoted friends, and I am proud that that close friendship between Senator Russell and my father likewise existed between Senator Russell and me.

Richard Russell of Georgia served in the Senate of the United States longer than any man in history, with the exception of Carl Hayden of Arizona.

The Senator from Georgia was a man of great vision and remarkable foresight.

In my judgment, he would have made an outstanding President of the United States, and the Virginia delegation to the Democratic National Convention supported him for this position in 1952.

Actually, over a long period of time as U.S. Senator, he wielded almost as much power and influence as did a President. Presidents relied on his judgment—just as did his colleagues in the Senate.

It is a mark of his greatness that he did not abuse the power entrusted to him.

His colleagues knew him—and Presidents knew him—as a man of complete integrity and one wholly dedicated to serving his Nation and his State.

The name Richard Brevard Russell will be written large in the history of America.

He was a great Senator, a great patriot, a great American—and to me, a beloved friend.

Mr. CANNON. Mr. President, we can add little today to embellish the monumental record of public service which our late and respected colleague Richard Russell made during his lifetime here in the U.S. Senate.

Each of us who were privileged to serve with him during a part of his long service to our Nation recall his tireless devotion to the national good, his strict code of personal conduct, and his deep and abiding love for the Senate and its historic traditions.

Dick Russell played a leading role in one of the greatest chapters of American history a—period which covered World War II, the Korean and Vietnamese conflicts, economic depressions, fabulous growth and unparalleled national advancement in every field.

When I was a junior member of the committee I had on countless occasions received his assistance and advice in learning the operations of the Congress. I found him a man who commanded respect; whose devotion to this country was exceeded only by his devotion to the cause of freedom.

We who knew him personally and closely will always remember him for his sincerity, his unselfishness, his wise counsel, his able leadership, and his valued friendship. A profound sense of fairplay was one of his attributes that he most cherished. No finer tributes have been paid to him on this quality than those from his colleagues who have disagreed with him politically.

It is merely a statement of the obvious to say that Dick Russell was a very intelligent man. There are many intelligent men, but far rarer are those who combine with their brain power, as he did, such a wealth of commonsense and sound judgment.

As a counselor of Presidents, he was one of the first to see clearly the role, the burdens and the promise of the United States as leader of the free world.

The Nation has lost a faithful, dedicated public servant, and the people of America have lost one of their most stanch defenders of our national security and honor.

Mr. PEARSON. Mr. President, the passing of Senator Richard B. Russell has caused a hurried Nation to pause and assess this extraordinary man and the great qualities he represents. As dean of the U.S. Senate, Richard Russell stood unchallenged as the most skillful legislator of our time. His part in building and exercising civilian discipline over the Armed Forces, was perhaps as important as that of any man in the history of our Nation. And his role as advisor to Presidents, especially in periods of international crisis, is one that represents the best tradition of consultation and mutual respect as between the Senate and the executive branch. As a member of the Warren Commission, Senator Russell's undisputed honesty and prestige helped bring to the Commission's report a degree of credibility demanded by the ragged emotions of the national tragedy which called the Commission into being.

As a Senator, Richard Russell was firm, knowledgeable, and fair. His excellent staff is a credit to his judgment and the serious manner with which he approached the institution.

The fact that even his painful and burdensome illness did not prevent him from guiding the work of the Appropriations Committee, or from appearing on this floor to vote during the past year, is only the most obvious evidence of his great personal courage and dedication.

Some will say the passing of Richard B. Russell augurs an era of change in the Senate. Perhaps such an era has come. But, if so, it will be, in my judgment, an era of growth based on the desire we all share, within the Senate and without, to see the qualities of dignity and quiet responsibility which were borne so lightly by Richard Russell, strengthened in this institution in the 1970's and beyond.

Richard Russell was a Senator's Senator and a dedicated patriot. He was one of the Nation's great men. We shall miss him sorely.

Mr. McGEE. Mr. President, it is with great sadness that I rise to join my colleagues from both sides of the aisle to pay tribute to our departed dean, Senator Richard Brevard Russell, who most decidedly was, as President Nixon called him, "a great patriot."

Dick Russell was our president pro tempore by virtue of seniority, Mr. President. But it is well to recall that, although he was senior in this Chamber, it was not seniority alone which made him a powerful voice, a virtual personification of what the U.S. Senate is and should be. Indeed, it may be said the Senate was his home.

Dick Russell, for all the power and influence he not only held but had earned, was a humble man. Anyone can look at his official biography in the Congressional Directory and find there the simply entry: "Richard Brevard Russell, Democrat, of Winder, Ga." That is all. It does not note that he came to the Senate in 1933 at the age of 35, its youngest Member, and was elected and reelected by an appreciative constituency until he became its senior Member. It does not say, for instance, that even prior to his first Senate term at what is indeed a tender age for so high an office he already had served his beloved State of Georgia as its Governor. It does not say he had served as chairman of both the Armed Services and Appropriations Committees of the Senate.

It is left for others, Mr. President, to remark that Richard Russell was a model of fairness, of courtesy, a man of his word, and a legislator of massive knowledge and ability. He was all these things and more. He was, above all, an honorable man. He will be missed by even those who do not realize it, Mr. President.

Mr. President, I will greatly miss Dick Russell, whose friendship and advice I have prized for a dozen years. My condolences are with his family, friends and the people of Georgia.

Mr. PROUTY. Mr. President, Senator Richard Russell was a great man. He will be remembered among the greatest men who have served in this body. Like Webster and Calhoun, his greatness will continue to inspire those of us who serve here now and those who will be chosen to serve here as long as our Nation endures.

Senator Russell held great power and commanded immeasurable respect. This respect of his colleagues and the Nation was accorded the man and not the power.

He deserved our respect because he was a man of honor. Several years ago, contemplating the end of his service in the Senate, he said:

> When the times comes for me to go out of this chamber, whether I go out voluntarily, whether my commission is revoked by the electorate of Georgia, or whether I am carried out in a box, I hope it will at least be possible to say of me that I was an honorable man. I do not know of anything that might be said that would better please me.

Richard Russell was an honorable man. He was a man who served his Nation with honor for 50 years. He combined honor with a deep sense of duty. Apparently he followed his father's admonition to "marry your work if you are going into a public career." He upheld his tremendous responsibilities with unending work and the Nation was protected from peril and guided to new greatness through his labors.

Honor and duty are words that come to mind when I contemplate the life of Richard Russell, but there is another word that remains in my thoughts of Senator Russell. It is the word nobility. It is a word used infrequently in America, but I think used well when describing Richard Russell.

In memorializing George Washington at the Washington Centenniel Service in St. Paul's Chapel in New York City, Bishop Henry Codman Potter spoke of the quality of a great leader. The words are as applicable to Richard Russell as to our first President. Bishop Potter observed:

> If there is no nobility of descent, all the more indispensable it is that there should be a nobility of ascent—a character in them that bear rule so fine and high and pure that as men come within the circle of its influence, they involuntarily pay homage to that which is the one pre-eminent distinction, the royalty of virtue.

His service in the Senate spanned the terms of 6 Presidents. Each relied on his counsel. All acknowledged his greatness. Last February, at a reception honoring Richard Russell, President Nixon put it this way:

> Senator Russell wanted to walk on my left, but I insisted he walk on my right. If kings and prime ministers can walk on the right of the President, the Senator from Georgia also can.

Richard Russell nobly served his Nation and his nobility will endure.

After a brave physical struggle, he

died on the day the 92d Congress convened. I contemplated proceeding without him and though I know we shall, I realize this Congress will be different.

But if he is not with us, there remains before us a legacy of his honor, a new measure of greatness and model of nobility with which to proceed. His death sorrows me. His life shall continue to inspire me.

Mr. HUMPHREY. Mr. President, we have truly lost a great American and patriot. Senator Richard Brevard Russell gave more than 50 years of his life to public service. History will remember him—as do those of us who were fortunate enough to have served with him here—as one of our most famous Senators.

While steadfastly holding to his own views and political philosophy, he commanded the respect and confidence of Presidents and his colleagues in both political parties.

It has been said of him that had he been born in another region of the country, Richard Russell might well have been President of the United States. Such was his ability.

But Richard Russell could not be so simply transplanted. He was the personification of Georgia and the South that he loved and served so steadfastly and loyally as, first, a member of the State legislature, then as speaker of the Georgia House of Representatives, Governor of the State, and ultimately U.S. Senator.

It may be said of Richard Russell, as Shakespeare said in Julius Caesar:

> He doth bestride the narrow world like a Colossus; and we petty men walk under his huge legs, and peep about . . . . His life was gentle, and the elements so mixed in him that Nature might stand up and say to all the world, "This was a man."

Richard Brevard Russell was a giant, a colossus, in the Senate. A fine parliamentarian and skillful tactician, he earned the respect of his most ardent opponents.

He and I often found ourselves on opposite sides of many issues, but we were friends. He was an honorable man, and he fought a good fight.

He was calm in the face of crisis and turmoil.

He would adroitly marshal his forces and guide them through battle with a skilled and steady hand.

He displayed an acute understanding of the issues and problems facing our Government. And whether you agreed with him or not, you could not fault Richard Russell's sincerity, dedication, honesty, and integrity. He fought for what he felt was best for America.

Mr. President, I would like to close with a sentence of tribute from the editorial page of last Friday's New York Times, a newspaper with which Senator Russell did not always agree:

> Public men, whether they are right or wrong, are measured by their character and by the size of the issues which concern them. By these standards, Richard Russell was a big man.

Mr. BOGGS. Mr. President, this is a very sad time for the Senate and the Nation, for today we mourn the loss of a great leader and distinguished statesman, Senator Richard B. Russell.

The late Senator from Georgia earned the respect and admiration of all who have served with him in this body over the last 37 years. Each of us can testify to his love for his great State, his dedication to the work of the Senate, and his devotion to his country.

In carrying out his duties as president pro tempore of the Senate, as chairman of the Appropriations Committee, as member and former chairman of the Armed Services Committee, and as senior Senator from Georgia, Senator Russell set a high example of integrity and hard work.

During my 2 years' services on the Appropriations Committee under the chairmanship of the late Senator, I have come to know and admire his rare leadership qualities firsthand. Senator Russell served that committee and the interests of the Nation well. His guidance and judgment will be sadly missed.

Now he is gone, but the example which he set will remain in our memories. It is with a deep sense of loss that I join with my colleagues today in pausing to pay tribute to this outstanding American and distinguished colleague who has passed forever from our midst.

Mr. COTTON. Mr. President, many words come to mind when one thinks of Richard Russell. Statesman, patriot, leader, adviser, friend.

Personally, though, I find that I invariably think first of Dick Russell in connection with a term which not only summarizes his complete character but which also was reflected in every role in which he was engaged during his distinguished life.

That word is "gentleman" and I use it not only in its generally accepted meaning but more importantly I employ it in that basic sense of the term which we sometimes tend to forget until we separate the word into its two component parts: Dick Russell was, indeed, a gentle man.

It is appropriate to reflect on this fact today for although Dick Russell probably contributed as much to our Nation in innumerable ways as any person in the history of the Congress, his most important legacy, perhaps, is the lesson he provided us so eloquently through his own life that gentleness and power complement rather than exclude one another.

The proud eagle which is the symbol of our Nation, Mr. President, clutches the olive branch of peace, but also, in its other claws, the arrows of war—just in case.

Dick Russell was the living personification of that symbol.

With the inborn warmth he inherited from his native Georgia and the deep sensitivity which enabled him to regard all men as his brothers, Dick Russell helped provide health for the sick, education for the illiterate, opportunity for the oppressed, and a helping hand for the vanquished.

At the same time, though, he recognized the fact that tyrants sometimes mistake gentleness for weakness and generosity for gullibility, and consequently he made sure, especially through his efforts in behalf of our armed services, that the muscle of America would remain as strong as its heart.

Yes, Mr. President, Dick Russell was a gentle man, and from his gentleness sprang such strength that untold generations to come will continue to benefit from his outstanding work.

This is how our Nation will remember him, and so will I, but on a much more personal basis, this particular Yankee Senator from New Hampshire will deeply miss the magnificient Southern gentleman from Georgia who honored him with one of the most inspiring friendships it has ever been his privilege to enjoy.

Mr. TOWER. Mr. President, when a great man like Richard Russell dies, immediately one's own experiences with him come sharply into focus and one tends to lapse into self-pitying sentimentality, in trying to say what is on his heart and mind to say.

The Senate, the Nation, English-speaking people, are so much the less for his passing. He epitomized the better qualities—all that was best of those things. And I think that there is not the potential in any of us who remain in this body to equal him. Those of us who served with him can only be grateful that he lived and moved among us, and led us in countless crises.

By any objective standard, historians will proclaim for future generations to know how much he meant to us all.

Mr. FANNIN. Mr. President, there has never been a more dedicated Member of the U.S. Congress than Senator Richard Brevard Russell.

Many of us in this Chamber benefited from Senator Russell's counsel and guidance. I had the privilege of working with him on a number of occasions. He was gracious and had the generosity to extend his helping hand to neophytes in the Senate regardless of party or where they stood on the political spectrum.

In the past few days we have heard many words used to describe Senator Russell. Two of these words especially stick in my mind—"gentleman" and "patriot."

Senator Russell had all the qualities of a true southern gentleman. He was a man of the 20th century, yet a Senator who was endowed with courtliness of a more elegant time in our Nation's history. He was a reminder that the business of government can be and should be carried on with honor and dignity.

Senator Russell was a patriot who knew that America must be strong, that our Nation must be able to defend itself and its allies against attacks from aggressors. All Americans who enjoy freedom today owe him a debt for fighting to keep the United States militarily healthy.

He was one of the great men in the history of the U.S. Senate. His death is a tremendous loss to the Nation.

Mr. BURDICK. Mr. President, the Nation and certainly the people of Georgia lost a patriot. The passing of Senator Richard Russell was a great loss to the Nation and all who knew and who respected his dedication to America.

Senator Russell performed his duties with dignity and charm, constantly striving to maintain perfection. I am grateful for having the opportunity to serve with a man whose generosity was equal to his genius.

I extend my deepest sympathy to his family in their great loss and to the people of Georgia whom he served with such devotion for more than four decades.

Mr. DOLE. Mr. President, the Nation has suffered a great loss with the passing of Senator RICHARD RUSSELL. During his nearly four decades of service in the Senate, Senator RUSSELL became a national institution, transcending partisan politics and personal ambitions to become the reigning statesman of the Senate.

He was truly a patriot first and a man who had the genuine respect of all those who served with him in Congress.

President Richard Nixon paid tribute to Senator RUSSELL in Atlanta, Ga., on Saturday, January 23, and at that time expressed his thoughts concerning this great American.

The President's remarks describe the feelings of respect and sorrow felt by so many Americans.

Mr. President, I ask unanimous consent that the remarks of President Nixon be printed in the RECORD following my comments.

Mr. President, Senator RUSSELL was a great American; he was a great U.S. Senator; he was a great defender of American security; and he was as Vice President AGNEW said yesterday, a Senator's Senator. It was a high privilege to have served with him because of his patience and his understanding of the problems, real or imaginary, of the Senate's newer Members. He is gone but his wise counsel will be remembered by many of us throughout our tenure in the Senate.

There being no objection, the President's remarks were ordered to be printed in the RECORD, as follows:

Ladies and gentlemen: I have just had the very great honor to represent the people of the United States in paying tribute to Senator RUSSELL.

I have laid a wreath on the casket in the State Capitol of Georgia, and then I have met with members of his family, a very large family and a very devoted family, and spoke to them about what Senator RUSSELL has meant to this country.

Last night on national television in the State of the Union, I asked the members of the House and the Senate to rise in a silent tribute of prayer to Senator RUSSELL. I said then that he was a great Senator, and that he was a good friend for all of those who had the privilege to know him.

I think that my feelings today, as I stand here at the Capitol in the State of Georgia, go really to things more fundamental than friendship or service in the United States Senate. They go to the character of this man.

RICHARD RUSSELL was certainly one of the most intelligent men ever to serve in the United States Senate. I have often heard it said that no new member of the Senate should ever dare try to tangle with him. In fact, no older member of the Senate would dare to do so with hope of coming out ahead.

He was one of the hardest working members of the Senate. He was one who, of course, served in the Senate so many years that he had high seniority. But what really set him apart was what we call character—character which grew up over a period of years; character that came from his native soil of his native State; character that came from his family; character that came from his deep religious belief; and character which came from a sense of patriotism that enabled him to serve five Presidents with equal devotion.

The way I summarize Senator RUSSELL's place in history very briefly is this: Had he been born ten years later and served in the Senate ten years later, he would probably have been President of the United States. All of those who knew him put him in that league.

But not having been President of the United States, he did something else that perhaps could have meant just as much. For five Presidents of the United States—for President Roosevelt, President Truman, President Johnson, President Eisenhower, President Kennedy, and then President Nixon—he was an advisor and a tower of strength in all areas of foreign policy and in national defense.

I would remember Senator Russell as a President's Senator, one that a President could always turn to when there was a hard fight, a close vote; one that he could always turn to and confide any information that was extremely confidential, knowing that it would never go beyond that room.

And I also remember one other thing that I think summarizes it all. I mentioned last night that I called on the Senator before his death shortly at Walter Reed Hospital, and what impressed me about him was that here was this man suffering in the last days of his life and never for one moment during about 45 minutes that we were there in the room did he talk about himself. He just talked about the country that he loved so much. And he talked about the national defense of this country and the need to keep it strong.

When the conversation was over, and as left the room, I will never forget the last words that he spoke. As I recall, this is what he said: "I only wish I could get down there and help."

I think that summarizes Richard Russell's life. He always wanted to be wherever he could be to help, and he has set an example for all of us as Americans to be proud of, an example for all of us to emulate, a selfless service to America.

We rather throw the word "great" around rather loosely these days, and every man who serves in the United States Senate or the Congress is, in a sense, a great man to have achieved that place of honor. But when we use the word "great" with Senator Russell, all of us who know him, all of us who had the opportunity to serve with him, know in our hearts that if we had to pick one Senator that we felt stood out above all the rest in times of crisis, that a President could rely on, it would be Richard Russell of Georgia.

That is why he was nct just this President's Senator, but every President's Senator. He is going to be missed by this State. He is going to be missed by this country. But he is particularly going to be missed by Presidents of the United States in the future.

Mr. HART. Mr. President, in the tradition of the Senate he knew so well, we pause to pay tribute to the late Senator RICHARD B. RUSSELL, of Georgia.

To some Senator RUSSELL was a great man.

To others, he was a man of great capacity whose chance for higher political office was stunted by the old politics of the South.

Mr. President, those are judgments better left to history.

Rather our task today is to define what we know of the man.

To define Senator RUSSELL primarily as an outstanding legislative tactician would be to ignore the fact that he, too, had a vision of what this Nation should be.

To stress his success as an opponent of civil rights legislation would be to ignore his success in helping to enact reforms during the era of the depression.

But above all, Senator RUSSELL should be remembered as a man of principle, as a man who fought for what he believed was right rather than for what he thought might win votes. And I say that as one who was on the opposite side of numerous legislative debates.

Cynics may dismiss my words as meaningless Senate rhetoric, and friends of Senator RUSSELL may consider them small praise indeed.

To the cynics I would say that each man is a product of his past made up of the accidents of geography, time, and upbringing.

Senator RUSSELL and I came from different pasts and had different views and visions.

To say that a person with different views and visions cannot be a man of principle is to deny the pluralistic and democratic traditions of this Nation.

To his friends who may contend my praise insignificant, I can only add that I suspect Senator RUSSELL would have rather been remembered as a man of principle than as a man who was President.

Each of us, regardless from what past we came and of what future we seek, have gained from having known and worked with Senator RUSSELL.

And because of that, each of us is poorer for his death. Let the historians of the future take these words into account when they seek to judge the Senator from Winder, Ga.

APPRECIATION FOR SPECIAL ARRANGEMENTS IN CONNECTION WITH FUNERAL SERVICES FOR SENATOR RUSSELL

Mr. HOLLINGS. Mr. President, I would like to take this opportunity to thank the many persons who contributed so much effort in allowing Members of the Senate and House of Representatives to participate in the funeral services for the late Senator Richard B. Russell, of Georgia. On Sunday, January 24, the day of the funeral, three planes left Washington carrying about 150 Members of Congress and their wives. However, because of inclement weather, it was impossible for the planes to land in Georgia. Instead, we went to Charleston, S.C.

Through the cooperation of Mr. John Rivers, president of television station WCSC in Charleston, arrangements were worked out despite seemingly impossible obstacles to allow the funeral service to continue as scheduled.

Those who were to participate in the ceremony were rushed by South Carolina Highway Patrol and Air Force cars to the downtown studios of WCSC in Charleston. They included Vice President and Mrs. AGNEW, Senator MANSFIELD, Senator ELLENDER, Senator and Mrs. TALMADGE, Senator STENNIS, Senator SCOTT, Senator BYRD, Senator and Mrs. AIKEN, Representatives PHIL LANDRUM and BILL STUCKEY, the Reverend L. R. Elson, Chaplain of the Senate, and the Honorable John Connally.

Through hasty yet remarkably efficient connections worked out between station WCSC in Charleston, WSB Television in Atlanta, and the A.T. & T., a communication link was established between

Charleston, Atlanta, and the funeral site in Winder, Ga.

The eulogy by Senator Stennis and statements by others were piped directly to the funeral services in Winder, Ga. In addition, WSB was able to provide full coverage of the funeral via a statewide hookup to citizens throughout Georgia.

Mr. President, I consider this one of those truly amazing achievements now possible because of the skill and dedication of our communication media. I especially want to thank Mr. Rivers, who called his expert staff together on such short notice and had them standing by at his station by the time our contingent arrived from the airport. I also want to thank Capt. M. W. Cantrell, of the South Carolina Highway Patrol, who provided rapid transportation of our delegation to the television station. My special thanks also go to John Broughton, assistant chief engineer at WCSC, Jack Petit, the director; Carroll Godwin, chief announcer; Tom Crenshaw, photographer and cameraman; and the entire duty staff at WCSC. They all turned in a yeoman's job in making this project a success. In addition,, our thanks go to Leonard Reinsch and to the staff and engineers of WSB Television in Atlanta and to Jasper Dorsey and the staff of the American Telephone & Telegraph Co. in Charleston and Atlanta, who put this television and audio link together.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that various communications from foreign governments expressing condolences on the severe loss of the late distinguished President pro tempore, the distinguished Senator from Georgia (Mr. Russell), be printed in the Record.

There being no objection, the communications were ordered to be printed in the Record, as follows:

New York, N.Y.,
January 22, 1971.

Vice President Spiro T. Agnew,
President of the U.S. Senate,
Washington, D.C.:

The Greek Orthodox of America and abroad mourn the death of Richard B. Russell, beloved and respected dean of the Senate, extraordinary public servant and patriot, heeded councelor of six Presidents whose half century of dedicated service to the citizenry has seldom been equaled in the annals of the Nation. We express our deepest condolences to members of his family and we pray that God may rest his soul in eternal peace.

Archbishop Iakovos.

President of the U.S. Senate,
Washington, D.C.:

1. The members of United States European Command and of Allied Command Europe join me in expressing sorrow at the passing of Senator Richard B. Russell, dean of the United States Senate. His firm, able and impartial leadership will be sorely missed. A man of ability, integrity and a deeply imbued personal sense of honor, Senator Russell's achievements in the Senate and his contributions to our country merit the respect and admiration of all Americans. We in the Armed Forces in Europe honor him for his services as foremost Senate authority on military matters for many years. His death is a great loss to the people of Georgia, to the United States Senate and to the Nation.

2. We express our deepest sympathy and sincere condolences to the United States Senate.

General Goodpaster.

German Embassy,
Washington, D.C., January 22, 1971.

The Vice President,
U.S. Senate,
Washington, D.C.

My Dear Mr. Vice President: May I express to you my most sincere condolences on the severe loss which the United States Senate has suffered through the death of its dean, Senator Richard Brevard Russell.

Having been actively engaged for more than half his lifetime as a Senator of the United States, Richard Brevard Russell has served his country to an unusually high degree. This honorable man, who had come to symbolize the institution to which he had devoted himself so much, will always be remembered as a most outstanding personality in our country.

Sincerely yours,

Hans H. Noebel,
Chargé d'Affaires a. i.

NOTICE OF HEARINGS ON "POCKET" VETO

Mr. ERVIN. Mr. President, I wish to anounce that the Judiciary Subcommittee on Separation of Powers will hold hearings on Tuesday, January 26, 1971, on the "pocket" veto powers of the President.

The hearings, which will take the form of a roundtable discussion, will be held in room 1114 of the New Senate Office Building, beginning at 10 a.m. They will be open to the public.

While these hearings will deal with the overall concept of the "pocket" veto, the subcommittee will pay particular attention to President Nixon's recent action on S. 3418, the Family Practice of Medicine Act.

That bill, passed by the Congress and sent to the President on December 14, 1970, authorized the administration to spend up to $225 million over 3 years to help medical schools and hospitals establish new programs to train general-practice physicians.

President Nixon claimed that the bill was "pocket" vetoed because the Congress had "adjourned" for 4 days over Christmas and thus prevented its return within the 10-day period specified by the Constitution. The 10-day period expired on Christmas Day.

This action raises important questions under the separation of powers doctrine. On the one hand, some of us believe that the short, 4-day Christmas recess did not prevent the President from returning the bill to the Senate, where it originated, and that it subsequently became law without his signature.

On the other hand, the administration argues that this short recess was tantamount to adjournment in the constitutional sense and, under two rulings of the Supreme Court, was sufficient to support a "pocket" veto of the bill.

The Supreme Court has dealt with the "pocket" veto power, but it has not spelled out in detail whether a short recess of more than 3 days by both Houses of the Congress is an adjournment in the constitutional meaning of the word.

The subcommittee will consider the constitutional and traditional meaning of "adjournment" and possible legislation to define the word.

NOTICE OF HEARINGS OF SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Special Subcommittee on Criminal Laws and Procedures will begin its series of hearings on the recommendations of the National Commission on Reform of the Federal Law on February 10, 1971, in room 2228, New Senate Office Building. The hearings will begin at 10 a.m. We expect to hear the Attorney General as our first witness. Information on this or future hearings can be obtained from the staff in room 2204, New Senate Office Building, telephone extension 53281.

ORDER FOR ADJOURNMENT UNTIL 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BOGGS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the disposition of the reading of the Journal, the distinguished Senator from Delaware (Mr. Boggs) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it is, therefore, my understanding that following the remarks by the distinguished Senator from Delaware (Mr. Boggs) on tomorrow, under the previous order the able Senator from Wisconsin (Mr. Nelson) will be recognized for not to exceed 15 minutes, and that he will be followed by the able Senator from New York (Mr. Javits), who will be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. That is correct.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Dole). The Chair, on behalf of the Vice President, pursuant to Public Law 91-405, makes the following appointments to the Commission on the Organization of the Government of the District of Columbia as recommended by the majority and minority leaders: Jayson Newman and James J. McIntyre.

ADJOURNMENT TO 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the previous order, and as a further mark of respect to the memory of our late departed colleague from Georgia (Mr. Russell), stand in adjournment until 11:15 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, January 26, 1971, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 25, 1971:

Department of the Treasury

John B. Connally, of Texas, to be Secretary of the Treasury.

Department of the Interior

Rogers C. B. Morton, of Maryland, to be Secretary of the Interior.

International Monetary Fund, International Bank for Reconstruction and Development, Inter-American Development Bank, and Asian Development Bank

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

Diplomatic and Foreign Service

George Bush, of Texas, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

David M. Kennedy, of Illinois, to be Ambassador at Large.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Department of Commerce

James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce, vice Myron Tribus, resigned.

National Oceanic and Atmospheric Administration

Rear Adm. Don A. Jones to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration; (new position).

Rear Adm. Harley D. Nygren to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration; (new position).

International Atomic Energy Agency

Dwight J. Porter, of Nebraska, a Foreign Service officer of the class of career minister, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency.

Environmental Protection Agency

Thomas Edmund Carroll, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency (new position).

U.S. Coast Guard

The following named officers of the Coast Guard for promotion to the grade of Rear Admiral:

James W. Moreau
Joseph R. Steele
Owen W. Siler

The following named officers of the Coast Guard for promotion to the grade of commander:

James W. Brawley, Jr.
Robert E. Nielsen
Earl E. Martin
Raymond E. Womack
Frank E. Braman
William C. Parish
Richard W. Michaels
Douglas B. Thurnher
Henry J. Harris, Jr.
James C. Osborn
Harold E. Fallon, Jr.
Richard D. Thompson
Arnold B. Beran
Donald M. Morrison, Jr.
Donald B. Davis
Thomas P. Nolan
Peter J. Rots
Everett L. Crowell
Ralph Z. Delgiorno
John R. Erickson
Thomas T. Matteson
Harry J. Reckitt
John P. Flaherty, Jr.
Carol E. Conry
John R. Mitchell
Richard J. Marcott
Edward B. Holtzman
Dick G. Taylor
Warren J. Frederick
Weymond Davis
Maurice V. Goodroe
Bruno A. Forsterer
Milton J. Thompson
Jack A. O'Donnell
Carlton D. Leonard
Floyd A. Rice
Benjamin S. Beach, Jr.
Albert D. Grantham
Roy E. Nichols, Jr.
Ara E. Midgett, Jr.
Russell E. Sawyer
Richard N. Westcott
Wallace A. Herrington
Sanford H. Pierpoint
Paul E. Peterson
Richard B. Eldridge
William P. Penney
Rudolph T. Sommer
Robert C. Nichols
Richard M. Connor
Lee I. Levy
Robert Farmer
John C. Hanson
Karl F. Welty, Jr.
Richard H. Wight
Ronald G. Eastman
Mark W. Byrd
Robert H. Elkins
Donald P. Nachtwey
Theottis Wood
Duane P. Gatto
Ralph T. Martin
Robert E. Hynds
Dorwin W. Newman
Philip P. Coady
Robert A. Janecek
Franklin E. Thrall
James G. Lang
John J. Janda, Jr.
William H. Dotson
Philip R. Spiker
Charles H. Leckrone
Thomas W. Finnegan
Albert D. Super
Charles W. Busby
Gennaro S. Duca
Ralph W. H. Bartels
Jackson C. Arney
Emil Caminha
Charles R. Corbett
Marvin D. Henderson
Leonard W. Garrett
Alan C. Peck
Kenneth F. Franke
Ernest Bizzozero
John B. Ekman
John R. Wells, Jr.
Eugene E. E. O'Donnell
Martin H. Daniell, Jr.

The following named members of the Permanent Commissioned Teaching Staff of the Coast Guard Academy for promotion to the grade of commander:

George P. Vance
Robert I. Demichiell

The following retired officer recalled to active duty for promotion to the grade of commander:

James A. Hadley

The following named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Bobby T. Chambers
David W. Kennedy, Jr.
John P. Shioli
Jerry L. Millsaps
Robert C. Houle

U.S. Air Force

The following named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of Chapter 835, Title 10 of the United States Code:

To be major general

Maj. Gen. Richard F. Shaefer, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Edmund F. O'Connor, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Louis L. Wilson, Jr., [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Carlos M. Talbott, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Rene G. Dupont, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James M. Keck, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Ernest T. Cragg, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Snavely, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Dale S. Sweat, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Brig. Gen. Douglas T. Nelson, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard M. Hoban, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph G. Wilson, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William G. Moore, Jr., [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier general

Brig. Gen. Thomas W. Morgan, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Daniel James, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leroy J. Manor, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard G. Cross, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryan M. Shotts, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence W. Steinkraus,[redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Peter R. DeLonga, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene Q. Steffes, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Billie J. McGarvey, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. Gaughan, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Holt, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Pauly, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen Walter T. Galligan, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frederick C. Blesse, [redacted]FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Paul F. Patch [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Darrell S. Cramer, [redacted]FR (colonel, Regular Air Force), U.S, Air Force.

Brig. Gen. Harold E. Collins, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank W. Elliott, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen James E. Hill [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen Marion L. Boswell, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John J. Burns [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Benjamin N. Bellis, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth L. Tallman, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lew Allen, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William J. Evans, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth R. Chapman, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Salvador E. Felices, [redacted] FR (Colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryce Poe, II [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James D. Hughes, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kendall S. Young, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Lt. Gen. Richard H. Ellis [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Abraham J. Dreiseszun, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Maurice F. Casey, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Warner E. Newby, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

The following named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. John H. Herring, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. DeWitt R. Searles, [redacted] FR, Regular Air Force.

Brig. Gen. Joseph H. Belser, [redacted] FR, Regular Air Force.

Brig. Gen. Leo C. Lewis, [redacted] FR Regular Air Force.

Brig. Gen. Douglas T. Nelson, [redacted] FR, Regular Air Force.

Brig. Gen. Robert N. Ginsburgh, [redacted] FR, Regular Air Force.

Brig. Gen. Levi R. Chase, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clare T. Ireland, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Maurice R. Reilly, [redacted] FR, Regular Air Force.

Brig. Gen. George H. McKee, [redacted] FR, Regular Air Force.

Brig. Gen. James A. Hill [redacted] FR, Regular Air Force.

Brig. Gen. Alton D. Slay [redacted] FR, Regular Air Force.

Brig. Gen. Abraham J. Dreiseszun, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lee M. Paschall, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James O. Frankosky, [redacted] FR, Regular Air Force.

Brig. Gen. Kendall S. Young, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Ray M. Cole [redacted] FR, Regular Air Force.

Brig. Gen. Richard C. Catledge, [redacted] FR, Regular Air Force.

Brig. Gen. William H. Holt, [redacted] FR (colonel Regular Air Force) U.S. Air Force.

Brig. Gen. James H. Watkins, [redacted] FR, Regular Air Force.

Brig. Gen. Maxwell W. Steel, Jr., [redacted] FR (colonel, Regular Air Force, Medical) U.S. Air Force.

Brig. Gen. Jack K. Gamble, [redacted] FR, Regular Air Force.

Brig. Gen. Foster L. Smith, [redacted] FR, Regular Air Force.

Brig. Gen Homer K. Hansen, [redacted] FR, Regular Air Force.

Brig. Gen. Clifford W. Hargrove, [redacted] FR, Regular Air Force.

Brig. Gen. Robert E. Kuyser, [redacted] FR, Regular Air Force.

Brig. Gen. William J. Evans, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen James L. Price [redacted] FR, Regular Air Force.

Brig. Gen. John W. Roberts, [redacted] FR, Regular Air Force.

Brig. Gen Devol Brett [redacted] FR, Regular Air Force.

Brig. Gen. Salvador E. Felices, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James D. Hughes, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Pursley, [redacted] FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

U.S. ARMY

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section [redacted] in grades as follow:

To be general

Lt. Gen. Frank Thomas Mildren, [redacted] U.S. Army (major general, U.S. Army).

To be lieutenant general

Maj. Gen. John Hancock Hay, Jr., [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ben Harrell, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section [redacted] to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section [redacted] in grade as follows:

To be lieutenant general

Maj. Gen. Fillmore Kennady Mearns, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the president under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Willard Pearson, [redacted], U.S. Army.

HOUSE OF REPRESENTATIVES—*Monday, January 25, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who pursues righteousness and kindness will find life and honor.—Proverbs 21: 21.

O God, our Heavenly Father, whose voice is heard not in the earthquake, wind, or fire, but in the still small voice, speak to us in this moment of quiet prayer and help us to hear Thy word and, having heard it, to heed it. Grant us the gift of Thy spirit that our restless and troubled souls may find peace in Thee, peace with one another, and peace with ourselves.

We pray for our country, for all our citizens, young and old, for those in our Armed Forces around the world, and for our prisoners of war. Guide and guard us all as a nation, sustaining us with Thy presence, strengthening us with Thy power, and leading us in the ways of truth and love, for Thy name's sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's sitting and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

THE SILENT PROTECTORS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the American Rifleman, one of the Nation's outstanding publications for sportsmen, has published an intriguing editorial in its January 1971 issue. It poses a challenging question and deserves both reading and thought. It follows:

THE SILENT PROTECTORS

Last year The American Rifleman published in its "Armed Citizens" columns 112 actual instances in which the mere presence of a firearm in the hands of a resolute citizen prevented crime without bloodshed. Every case came from news reports confirmed by police records in 97 communities across the land. Among these were Seattle, Kansas City, San Jose, Atlanta, Baltimore, Dallas, Detroit, El Paso and 89 others.

Every one chronicled a triumph of a self-reliant American with the "cool," to use the current slang, to stop a crime without shooting anyone. They prevented robberies and quite possibly rapes and murders. They were able to do so because they were armed—with guns.

Now on the 100th anniversary of the National Rifle Association of America, we would like to ask a simple question:

Can anyone show us where 112 crimes have been averted by the Federal Gun Control Act of 1968?

Those who uphold this act and would further disarm law-abiding American citizens owe it to the American public to explain themselves.

Can they say why it is that crime continues to rise under the 1968 act instead of decreasing?

Without putting words into overworked mouths, we can surmise that they will say the answer is a need for even stricter gun laws.

In all honesty, we must disagree. The answer is a need for many things, but laws that deprive decent persons of self-protection are not among them.

The answer may be a need for more uniformed policemen patrolling our crime-infested big cities. Philadelphia in chopping down its crime rate provided prima facie evidence of this. The Washington, D.C., police department, recruited to full strength for the first time in many years, also brought about a distinct reduction in crime by putting more properly-trained patrolmen on the streets. Some other communities have succeeded, likewise.

The answer may be a need for longer sentences that keep habitual criminals in jail instead of allowing them to whiz through courtrooms with a speed that makes justice somewhat like a revolving door.

The answer may be the need for broad rehabilitation programs that reorient all but the most hopeless hardened criminals (if there are such), and end the cycle under which many criminals find themselves compelled to return to crime for lack of anything better.

The answer may be an end to flabby permissiveness and a "lie down and quit" attitude on the part of some local courts and authorities whenever unruly, lawless elements "make a fist" at them.

The answer may be a return to a traditional American creed recognized and practiced by every good NRA Member, of respecting the rights and way of life of all respectable fellow Americans.

It is proper to discuss all this on the 100th anniversary of The National Rifle Association of America, an organization founded to promote markmanship and broadened to support conservation and national improvement, because the legitimate ownership of firearms is an integral part of our Nation. This the NRA recognizes and champions.

As shown in this magazine and elsewhere, the mere presence of firearms in the hands of responsible Americans can serve to curb violence. The Federal Gun Control Act of 1968 apparently can't.

There is reason to believe and hope that the next Congress will recognize this fact and repeal the 1968 Act, at least insofar as it places burdens and restrictions on individual law-abiding gun owners.

That, coupled with the mandatory penalty laws that the NRA has long advocated for criminal misuse of guns, will do more to curb crime than the senseless provisions of the 1968 act which tend to stamp out legitimate gun ownership while criminals run riot and thumb their noses at all laws.

DOMESTIC FISHERMEN'S EMERGENCY ASSISTANCE ACT

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the recent discoveries of excessive amounts of chemical mercury and DDT in fish catches off the coast of California have further dramatized both the costliness and essential inequity of water pollution. The health hazard posed by dumping mercury-laden industrial wastes into our waters and into our air led to the confiscation of tons of contaminated fish.

In early December 1970, the Food and Drug Administration announced that an "excessive" level of mercury was found in canned tuna fish, and, according to the Washington Post, "nearly a quarter of the country's tuna fish supply may be contaminated by excess mercury."

In another recent action, the Food and Drug Administration seized 8,000 pounds of kingfish because of excessive DDT content. While fresh-water fish have been confiscated before, this is the first seizure involving salt-water fish and DDT contamination.

The impact of these events on hundreds of hardy souls who engage in fishing for their livelihood has been nothing less than catastrophic. Yet, even more widespread injury to commercial fishermen—through no fault of their own—is likely because of the pollution of our waters. Even with vigorous pollution abatement programs and strict enforcement of water quality standards, we can expect more fishery failures in a number of domestic fishing areas for some time to come.

To meet this very real and tragic situation, I am introducing the Domestic Fishermen's Emergency Assistance Act, to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government because of deterioration in the quality of the aquatic environment.

Specifically, the bill would establish a grant program to be administered by the Secretary of Commerce to help commercial fishermen meet the usual business expenses which they ordinarily would be able to meet—had they not incurred the economic loss caused by the imposition of restrictions. The formula provides for payments not to exceed 70 percent of lost earnings.

In accepting a grant under the program, a commercial fisherman would assign to the Secretary all rights to recover damages against any party for committing or failing to commit acts which resulted in the imposition of restrictions. Any damages recovered by the Secretary in excess of the amount of the grant and the administrative expenses of recovery not exceeding the total lost, would be paid to the fishermen. This provision, it should be noted, would not only increase the likelihood of collection of damages from the polluter but would make the entire program largely self-liquidating.

CONGRESSIONAL PRAYER BREAKFASTS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to extend to the new Members of the 92d Congress, as well as to my other colleagues an invitation to attend our congressional prayer breakfasts which are held each Thursday morning at 8 in the Members' dinning room.

I find that by attending the prayer breakfast, Thursday is the best day of the week for me. The breakfast, including a short talk by one of the Members and a general discussion of his text, concludes promptly at 9.

It has been the custom of the leadership, committee chairman, and State delegations to refrain from scheduling regular meetings on Thursday mornings in order to give Members the opportunity to attend this devotional. I am certain that this custom will continue.

JOHN DELLENBACK, of Oregon, will be our speaker on this Thursday, and again, I cordially invite all of you to join us.

ALMOST 200 MEMBERS OF THE HOUSE OF REPRESENTATIVES OFFER THEIR COLLECTIVE HAND TO AMERICA'S 20 MILLION SENIOR CITIZENS

(Mr. PRYOR of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRYOR of Arkansas. Mr. Speaker, on Thursday, without a great deal of fanfare, almost 200 Members of the House of Representatives offered their collective hand to America's 20 million senior citizens. They did so by cosponsoring a House resolution, yet unnumbered, to create a Select Committee on Aging in the House of Representatives.

For a significant number of that 20 million Americans Thursday was historic, for it represented the first time that a broad-based group of Congressmen had announced their intention of providing a constant forum in which the problems of growing old in America can be discussed, studied, and answers sought to the many dilemmas facing older Americans.

It is ironic that the other body has a Committee on Aging while the House does not. This, in a very real sense, is the people's House, the legislative forum which is closest to the people and it should be here that individual and personal problems are dealt with in the most compassionate manner. Yet we do not have any full-time mechanism in the House in which a coordinated and comprehensive attack on the myriad problems of the aging can be undertaken.

I want to make it very plain that we are not questioning the jurisdiction of any existing committee—but our only purpose is to provide the vehicle by which full-time representation is given to one of the great dilemmas of our society. On several occasions I have referred to the senior citizens of America as being the "abandoned generation." We must not stop short in providing a voice for this generation in the people's House—the House of Representatives.

I am enclosing for publication in the RECORD today a text of the resolution which would create the House Committee on Aging and those Members of this House who have joined in this effort. I would, also, like to invite any additional Members to serve as cosponsors of this resolution and advocates for this great cause.

I include the text of the resolution and the list of cosponsors:

H. RES. —

Whereas there are now more than 19 million persons in the United States age sixty-five and over—a group representing more than 9 percent of our total population and more than 16 per cent of our adult population; and

Whereas this group of senior American citizens is expected to exceed 25 million by 1985—thus continuing it as the most rapidly growing segment of our entire adult population; and

Whereas this group is faced with serious and continuing problems, including employment, housing, medical care, education, pensions, and meaningful use of retirement years; and

Whereas these problems have produced and will continue to produce serious strains on the fabric of our national life making it incumbent upon us to discover what social and economic conditions will enable our senior citizens both to contribute to our national productivity and to lead satisfying, independent, and productive lives; and

Whereas the problems of our senior citizens, while calling for action by various legislative committees, are themselves highly interrelated, requiring coordinated review and recommendations based on studies in depth of the total field—studies which of necessity must range beyond the jurisdictional boundaries of any existing committee; and

Whereas the problems confronting our senior citizens are of such vital national concern as to require the full-time attention of a select committee of the House of Representatives: Now, therefore be it

Resolved, That there is hereby created a non-legislative select committee to be composed of 15 Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of any and all matters pertaining to problems of older people, including, but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding retirement activity, of securing proper housing, and, when necessary, of assuring adequate care or assistance.

No proposed legislation shall be referred to the committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution, the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpoenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Cosponsors of Pryor Resolution

Abourezk, James S.
Abzug, Bella S.
Adams, Brock.
Addabbo, Joseph P.
Alexander, Bill.
Anderson, Glenn M.
Anderson, William R.
Andrews, Mark.
Annunzio, Frank.
Ashley, Thomas L.
Aspin, Lee.
Badillo, Herman.
Baker, Lamar.
Baring, Walter S.
Barrett, William A.
Begich, Nick.
Bell, Alphonzo.
Bennett, Charles E.
Bergland, Bob.
Bevill, Tom.
Biaggi, Mario.
Biester, Edward G., Jr.
Bingham, Jonathan B.
Blackburn, Benjamin B.
Blanton, Ray.
Brasco, Frank J.
Brinkley, Jack.
Broomfield, William S.
Burke, James A.
Burlison, Bill D.
Burton, Phillip.
Caffery, Patrick T.
Carney, Charles J.
Carter, Tim Lee.
Chisholm, Shirley.
Clausen, Don H.
Clay, William "Bill."
Cleveland, James C.
Conte, Silvio O.
Corbett, Robert J.
Corman, James C.
Cotter, William R.
Coughlin, Lawrence.
Culver, John.
Daniel, W. C. "Dan."
Davis, John W.
Derwinski, Edward J.
Dickinson, William L.
Diggs, Charles C., Jr.
Dingell, John D.
Donahue, Harold D.
Dorn, William J. B.
Dow, John G.
Drinin, Robert F.
Duncan, John J.
duPont, Pierre S.
Eckhardt, Bob.
Edwards, Don.
Edwards, Edwin W.
Edwards, Jack.
Eilberg, Joshua.
Esch, Marvin L.
Foley, Thomas S.
Ford, William D.
Forsythe, Edwin B.
Fraser, Donald M.
Frenzel, Bill.
Frey, Louis, Jr.
Fulton, James G.
Fuqua, Don.
Galifianakis, Nick.
Gallagher, Cornelius E.
Gaydos, Joseph M.
Giaimo, Robert N.
Gibbons, Sam.
Goldwater, Barry M., Jr.
Gonzalez, Henry B.
Gray, Kenneth J.
Green, William J.
Griffiths, Martha W.
Gubser, Charles S.
Gude, Gilbert.
Halpern, Seymour.
Hamilton, Lee H.
Hammerschmidt, John Paul.
Hanley, James M.
Hanna, Richard T.
Harrington, Michael.
Hathaway, William D.
Hawkins, Augustus F.
Hays, Wayne L.
Hechler, Ken.
Heckler, Margaret M.
Henderson, David N.
Hillis, Elwood.
Horton, Frank.
Howard, James J.
Hungate, William L.
Jacobs, Andrew, Jr.
Jones, Ed.
Jones, Walter B.
Keating, William J.
Koch, Edward I.
Kluczynski, John C.
Kyros, Peter N.
Leggett, Robert L.
Lennon, Alton.
Lent, Norman.
Link, Arthur A.
Lujan, Manuel, Jr.
McCloskey, Paul N., Jr.
McCormack, Mike.
McDade, Joseph M.
McDonald, Jack H.
McFall, John J.
McKinney, Stewart B.
Mann, James R.
Mathis, Dawson.
Matsunaga, Spark M.
Mayne, Wiley.
Meeds, Lloyd.
Mikva, Abner J.
Mink, Patsy.
Mitchell, Parren S.
Mollohan, Robert H.
Moorhead, William S.
Morse, F. Bradford.
Murphy, John M.
Nedzi, Lucien N.
Nichols, Bill.
Nix, Robert N. C.
Obey, David R.
O'Neill, Thomas P., Jr.
Pepper, Claude.
Pettis, Jerry L.
Podell, Bertram L.
Preyer, Richardson.
Price, Melvin.
Price, Robert.
Pucinski, Roman C.
Railsback, Tom.
Randall, William J.
Rangel, Charles B.
Rees, Thomas M.
Reuss, Henry S.
Rhodes, John.
Riegle, Donald W., Jr.
Robison, Howard W.
Roe, Robert A.
Rooney, Fred B.
Rosenthal, Benjamin S.
Rostenkowski, Dan.
Roybal, Edward R.
Ryan, William F.
St Germain, Fernand J.
Sandman, Charles W., Jr.
Sarbanes, Paul S.
Scheuer, James H.
Schwengel, Fred.
Scott, William Lloyd.
Sebelius, Keith G.
Seiberling, John F.
Shipley, George E.
Shoup, Richard G.
Shriver, Garner.
Skubitz, Joe.
Stanton, J. William.
Steiger, William A.
Symington, James W.
Talcott, Burt L.
Taylor, Roy A.
Teague, Charles M.
Terry, John H.
Thomson, Vernon.
Tiernan, Robert O.
Udall, Morris K.
Van Deerlin, Lionel.
Veysey, Victor.
Waldie, Jerome R.
Whalen, Charles W., Jr.
Widnall, William B.
Winn, Larry, Jr.
Wolff, Lester L.
Wright, Jim.
Wyman, Louis C.
Yates, Sidney R.
Yatron, Gus.
Young, C. W. Bill.
Zablocki, Clement J.
Grasso, Ella T.
Collins, George.
Danielson, George D.

Fish, Hamilton, Jr.
Flowers, Walter.
Green, Edith.
Roy, William R.
Sikes, Robert L. F.
Spence, Floyd.

STILL WAITING TO FIND OUT WHAT THE STATE OF THE UNION REALLY IS

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I followed with great interest the President's state of the Union message the other evening. I am still waiting to find out what the state of the Union really is.

The art of politics seems to be telling the people only what they want to hear. But, I never thought, in my lifetime, that I would hear a Republican President try to outsocialize the ADA.

Power to the people was what our forefathers sought to preserve through the constitutional system. Why these platitudes to the people when the President need only tell his bureaucrats to take their feet off the people's necks?

Last Monday, I attended the inauguration of Governor Wallace, who also spoke of people power. Governor Wallace told the people how to use people power—by going to the ballot box and voting the destroyers of America out of office.

The political promises of sharing the wealth is nothing new. We all remember when the lesser politicians used this promise to great avail when the States and cities promised to share the wealth with the people. This, they claim to have done, but the wealth is still not distributed, and the cities and States are all but bankrupt. So, if it worked to political advantage for the local and State politicians, maybe it will work for the President in his offer to share with the cities and States the revenues which the Federal Government does not even have itself.

A more honest solution would seem to be not promising to give the money back to the people, but not taking it from them in the first place. Simply lower or abolish income taxes.

Everyone rejoices at the thought of ending the war, but how are we ending the war? In Vietnam, we are leaving the battlefield in disgrace—surrendering a mission without winning what could have been won and proving that 50,000 American men died for what is no longer politically expedient. Wars are ended only by winning or losing—and if a war is not concluded by victory, it can be ended only by defeat.

History may well record that President Nixon was the first American President to lose a war.

Many remember President Eisenhower finding it politically expedient to say he had ended the war in Korea. But, American boys still serve there and American fighting men still die there. There has been no peace and the talks at Panmunjon, like those at Paris, continue as reminders that we do business with the Communists only at their price.

What is the state of the Union regarding our wars and international commitments? With the 82d Airborne at Fort Bragg on tactical readiness as a Middle East expeditionary force, why not tell the people what commitments they have made in that sector?

Have those in high places of our Government chosen to ignore our POW's rather than explain their plight. The number of POW's continues to lessen. Can it be that they have died or that our calloused decisionmakers would prefer to simply write them off as living casualties? Our military leaders know that any country that ends its war by defeat does not regain its captured men except as a humane gesture of the victor. Perhaps this has been the motivation for recent unsuccessful attempts to rescue some of our captured men before we pull out of Vietnam to at least give the inference that we have tried to free them and thus appease their loved ones.

Why should our people be encouraged to beg of the head dictator of North Vietnam for humane treatment and release of captured men? Why should they not write to the Commander in Chief under whose command our POW's serve, and why should our people not expect answers? Or would this not be an appropriate item for the state of the Union address?

What is the state of the Union on crime, drugs, or even the direction that our country is headed under the programs of the Chief Executive? There was not one explanation or reassurance as to how he would have his people curb inflation or the ever-soaring unemployment. There was not one word about the state of the Union regarding our national defense, the ever-growing threat from Communist military supremacy, nor any mention of relief to taxpayers from the most excessive taxation ever borne by any people.

The state of the Union address gives every indication that the Republican in the White House has no constructive answers, but rather prefers to out-Democrat the Democrats. I fear for our people and our Republic.

We are a nation without an opposition party.

Will the real Republicans please stand up?

HOUSE REPUBLICANS SCORE UNIT RULE IMPOSED BY DEMOCRATIC CAUCUS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, the developments in the House of Representatives over Thursday and Friday, in my opinion, did not receive proper public attention. The denial to the minority side of proper committee staffing, of course, I will leave that issue for the conscience of the public, but I would like to call to the attention of the American people that one of the reasons this matter never arrived at a full and open debate was by reason of the adoption of a rule in the Democrat caucus which would prevent any full and open debate on the floor of the House.

First, let no one be misled into believing that any parliamentary situation develops on the floor of this House but that it is subject to the control of the Democrat leadership in this body. The Washington Post news report stated that the House got itself into a parliamentary tangle which prevented the matter of minority staffing from coming to a vote. The writer of that story was most charitable in his treatment of the leadership.

Second, and of greater importance, is the device used by the Democrat leadership to insure that even if the issue of minority staffing should have come to a vote, the outcome had been predetermined in party caucus earlier last week.

It appears that the Democrat leadership of this body is fearful of free and open debate before men of independent judgment on the floor of the House of Representatives the leadership saw fit to dust off a rule of the Democrat caucus which, I am advised, has not been used for more than 20 years. This rule permits a bare majority of the Democrat membership in secret party proceedings to find all members of the Democrat Party in the House of Representatives to support the position of the majority.

Mr. Speaker, the American public, which expects House business to be conducted in open debate on the floor of this body should be aroused to the dangers inherent in the rule recently employed to overturn an action taken last year by substantial margin of victory by this body. Any rule of procedure which would permit as few as 110 Members of this body in secret meeting to predetermine the outcome of debate on the floor should be viewed with alarm by all free men.

Now, the Democrat caucus is not open to the public, and I would suggest that if any of the members of the fourth estate do not understand how this rule operates, that if they would please contact me I will be happy to explain it to them.

In the meantime, I am inserting into the RECORD a copy of the Democrat caucus rules, along with two press releases which will be more self-explanatory.

The material referred to follows:

HOUSE REPUBLICANS SCORE UNIT RULE IMPOSED BY DEMOCRATIC CAUCUS

WASHINGTON, D.C.—The House Republican Conference this morning passed unanimously a resolution offered by Congressman Ben Blackburn of Georgia condemning the imposition by secret vote in the Democratic Caucus of a "unit rule" on an issue to be decided on the floor of the House this afternoon. The "unit rule" binds all Democrat members of the House to vote as a monolithic block on the repeal of the minority staffing provisions of the landmark 1970 Legislative Reorganization Act.

"This partisan rule imposed by the Democrats strikes at the very heart of the parliamentary system," Congressman Blackburn said in introducing his resolution. "The whole concept of free and open debate between men of independent judgment is destroyed by this partisan rule. The citizens who cast ballots for members of the Democrat Party should be aware that their Congressmen are free to exercise their own independent judgment only where two-thirds

(⅔) of their Democrat colleagues (or a simple majority under some circumstances) do not deem to exercise their power of control implemented in the unit rule."

"I am proud that the Republican Party—my party—recognizes the integrity of its members and makes no effort to control their exercise of judgment in the best interest of the country," Blackburn stated after the Conference unanimously adopted his resolution.

Republican Conference Chairman John B. Anderson praised his colleague, Ben Blackburn, for putting the spotlight on House Democrats for their resort to an "ironfisted leadership reminiscent of a bygone era." Anderson reported that many members of the Conference, which is comprised of all Republican Members of the House, rose to support the Blackburn resolution.

The text of the resolution follows:

"Whereas it has come to the attention of the members of the Republican Party who are serving in the House of Representatives that their colleagues of the Democrat Party are pledged by a rule of their party that should ⅔ of the Demorcat Caucus vote to impose a rule known as the "unit rule" on an issue to arise on the Floor of the House of Representatives that upon the adoption of such "unit rule" each member of the Democrat party, without regard to his own personal convictions and without regard to the expectations of the electorate of his Congressional District he is bound by reason of party loyalty to support the position adopted by the caucus of the Democrat Party; and

"Whereas the Republican Party seeks allegiance of the Members of the House who declare themselves as Republicans solely on the basis of appeal to principles of constitutional law, sound economics, and parallel political philosophies which encompass a broad political spectrum and does not seek to control the actions or freedom of the Republican Members of the House of Representatives; and

"Whereas under the Constitution of the United States, legislation shall be enacted upon a majority vote of the 435 duly elected and constitutionally recognized Representatives and it is clear that by operation of the "unit rule" the affairs of the nation can well be determined in secret party caucus outside the framework of the duly constituted House of Representatives by secret voting of far less than a majority of the 435 Members duly elected and sworn as Members;

"Now therefore be it duly resolved:

"That the Republican Conference reaffirms its abhorrence for any rule which would require a duly elected and sworn Member of the House of Representatives to subjugate his personal judgment, his obligation to the citizens of his Congressional District and his oath of office as a Member of the House of Representatives to a predetermined position by reason of action on the part of his colleagues in party caucus, and the Republican Conference does by these presents wish to make known to the American public that the business of the United States House of Representatives is subject to control and manipulation of its affairs by a minority of the membership of the House of Representatives in secret proceedings by reason of a Democrat Party Caucus rule."

HOUSE REPUBLICANS BLAST DEMOCRATS FOR RETREAT ON REFORM

WASHINTON, D.C.—House Resolution Chairman John B. Anderson today blasted House Democrats for signalling "a forced retreat on Congressional reform under ironfisted leadership reminiscent of a bygone era." In a press conference with Rep. Barber Conable of New York, Republican Research Chairman, and Rep. James Cleveland of New Hampshire, Anderson scored a move by the Democratic caucus to repeal the minority staffing provisions of the 1970 Legislative Reorganization Act and to bind all Dmocratic members to that decision when the House votes on its rules.

In Anderson's words, "I find it incredible that the Democrats are already hacking away at the first major congressional reform legislation in 24 years—and on the very same day that act was to take effect. But it is even more shocking that they should be reverting to the heavy-handed tactics of an earlier day by imposing strict conformity on their membership. To call this the 'Democratic' party under such circumstances in an exercise in Orwellian 'newspeak'."

The GOP spokesmen went on to say: "One need only review the debate on this provision in the last Congress to realize that the move to repeal it originated at the highest leadership levels. And when you consider that the minority staffing amendment was introduced by a Democrat (Congressman Frank Thompson of New Jersey) and that it passed with bipartisan support on a 105–63 teller vote, it is apparent that the leadership is riding roughshod over a divided Caucus."

Noting that the reform provision would give the minority party access to at least one-third of the committees' investigatory staff funds, Cleveland said: "Assurance of adequate staff is necessary, especially in those committees which are moving into new and challenging areas. As we confront the new problems of the 1970's, expert assistance is necessary if the minority members are going to be able to participate knowledgeably in the adversary debate in committees, where laws are made." Anderson said: "The viability of our two-party legislative system is dependent upon competent and adequate minority staff support. It is only reasonable to require that the size of the committees' minority staff more nearly approximate minority party strength in the House itself. To deny this for narrow partisan or patronage purposes is to threaten our representative form of government which is premised on minority rights as well as majority rule."

PREAMBLE AND RULES ADOPTED BY THE DEMOCRATIC CAUCUS

PREAMBLE

In adopting the following rules for the Democratic Caucus, we affirm and declare that the following cardinal principles should control Democratic action.

a. In essentials of Democratic principles and doctrine, unity.

b. In nonessentials, and in all things not involving fidelity to party principles, entire individual independence.

c. Party alinement only upon matters of party faith or party policy.

d. Friendly conference and, whenever reasonably possible, party cooperation.

DEMOCRATIC CAUCUS RULES

1. All Democratic Members of the House of Representatives shall be prima facie members of the Democratic Caucus.

2. Any member of the Democratic Caucus of the House of Representatives failing to abide by the rules governing the same shall thereby automatically cease to be a member of the Caucus.

3. Meetings of the Democratic Caucus may be called by the Chairman upon his own motion and shall be called by him whenever requested in writing by fifty members of the Caucus or at the request of the Party Leader.

4. A quorum of the Caucus shall consist of a majority of the Democratic Members of the House.

5. General parliamentary law, with such special rules as may be adopted, shall govern the meetings of the Caucus.

6. In the election of officers and in the nomination of candidates for office in the House, a majority of those present and voting shall bind the membership of the Caucus.

7. In deciding upon action in the House involving party policy or principle, a two-thirds vote of those present and voting at a Caucus meeting shall bind all members of the Caucus: *Provided,* The said two-thirds vote is a majority of the full Democratic membership of the House: *And provided further,* That no member shall be bound upon questions involving a construction of the Constitution of the United States or upon which he made contrary pledges to his constituents prior to his election or received contrary instructions by resolutions or platform from his nominating authority.

8. Whenever any member of the Caucus shall determine by reason of either of the exceptions provided for in the above paragraph, not be bound by the action of the Caucus on those questions, it shall be his duty, if present, so to advise the Caucus before the adjournment of the meeting, or if not present at the meeting, to promptly notify the Democratic leader in writing, so that the party may be advised before the matter comes to issue upon the floor of the House.

9. That the five-minute rule that governs the House of Representatives shall govern debate in the Democratic Caucus, unless suspended by a vote of the Caucus.

10. No persons, except Democratic Members of the House of Representatives, a Caucus Journal Clerk, and other necessary employees, shall be admitted to the meetings of the Caucus.

11. The Caucus shall keep a journal of its proceedings, which shall be published after each meeting, and the yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the journal.

A TRIBUTE TO J. EDGAR HOOVER

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. SCHERLE. Mr. Speaker, periodically, a few columnists, magazine writers, commentators, self-styled pundits, and politicians drag out their scatterguns and take a pot shot at J. Edgar Hoover, the venerable Director of the Federal Bureau of Investigation.

This has been going on since I was a little boy, for Mr. Hoover became Director of the FBI the year after I was born, and certain segments of our society have been out to get him from the very start. After all, his first acts were to eliminate favoritism, graft, and corruption from the small, inept agency he took over, and that always makes a few enemies. Then he went about the task he has been performing so well for some 46 years now—building the FBI into the most efficient law enforcement agency know to man. And that too is certain to make enemies, for some people simply feel their misdeeds should not be uncovered.

Along the way the FBI was given the demanding task of protecting our country from domestic subversives, spies, and other threats to our internal security. Mr. Hoover has seen to it that the FBI performs this assignment with the same skill and objectivity it applies to its responsiblities in the criminal field. And that has earned him his most vocal enemies—superliberals from various fields who think the only subversion exists on the right. But Mr. Hoover is not at all popular with the superrightwingers either, for he has directed the FBI against their anti-American activities with the same vigor as he has against the left.

Now, as in the past, the anti-Hoover drive reaches its peak just before and just after his birthday which comes on the first day of each year. This, I think, is very significant, Mr. Speaker. Always the attacks are liberally sprinkled with remarks about Mr. Hoover's age—he is 76—with the implication that he really is not capable of performing his duties. The facts, of course, prove otherwise. Mr. Hoover continues to function daily as the active head of the FBI, not as some figurehead. Were this not true, I have no doubt whatever that the President would replace him.

I had the privilege of meeting Mr. Hoover in his office last week, an event I will remember all my life. Let me assure you this is no dotty old man who is out of touch with the times. His appearance, his speech, his actions, all belie his age, and he is as much attuned to contemporary America as any person I know.

Yes, he has his critics, but most of them are critics because of some selfish personal reasons. But he also has a great horde of supporters whose ranks far outnumber the detractors. As evidence of this I would like to include here a recent newspaper editorial paying a most deserved tribute to a great man—a man I hope will continue to serve our country for years to come, J. Edgar Hoover.

The editorial follows:

[From the Leesburg (Fla.) Daily Commercial, Jan. 7, 1971]

UNUSUAL AMERICAN

J. Edgar Hoover is now 76, and he has been a Rock of Gibraltar for nearly half a century in his efforts to contain crime in the United States of America.

As the director of the FBI, it is predictable that attacks on his methods and ideals have accumulated over the years. We are indeed fortunate, however, to have a man of his caliber, his undiminished energy, his clear vision, and his undaunted determination heading an agency as important to the security of the nation as the FBI has become.

As his 76th birthday approached, the attacks began to accumulate, with some calls for his resignation because of his controversial position and because of his uncompromising incorruptibility.

All Americans must put these attacks into the context of their own safety. There are many people who sleep better at night knowing there is an agency like the FBI. There are others, however, on the other side of the law, who don't sleep so well at night because of an agency like the FBI.

If the criticism is well meant—though misguided—Hoover must be given support. If the source of the criticism is from those who stand to gain from Hoover's departure, we must give it no brief.

The fact remains that Hoover is still anathema to all crime, and sets the standard to which all law enforcement aspires.

Nor is there anyone on the horizon even remotely capable of filling his shoes.

FIFTH ARMY HEADQUARTERS SHOULD REMAIN AT FORT SHERIDAN

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I address myself today to the threatened and apparently imminent consolidation of the 4th and 5th Army Headquarters at Fort Sam Houston, Tex, and the elimination of the 5th Army Headquarters at Fort Sheridan, Ill., in my congressional district.

Mr. Speaker, first of all let me say that this move will leave the entire 13-State area comprising the 5th Army with no headquarters. The other Army headquarters are located on the east coast, the west coast, and in the South.

At a time when the defense of the great Midwest part of our Nation would seem to be most important, and when this center of population and industrial activity is more vulnerable than perhaps any other part of the Nation, it seems most unwise to remove to Texas this Army Command which traditionally and historically has been located in the Midwestern part of the Nation.

Mr. Speaker, it is necessary, of course, to reduce defense spending and to provide for the most efficient and economical operation of our defense activities. But to close down a headquarters which coordinates: First, Army intelligence; second, Army reserve, national guard, and ROTC activities; third, air defense—and the many other elements which are commanded from an Army headquarters post would seem to constitute false economy and to impair our defense posture.

Mr. Speaker, it is reported to me that the savings to be effected by combining these two headquarters commands will be about $20 million per year. This reasoning is based on the elimination of about 2,000 military and civilian jobs at a cost of an estimated $10,000 per job. However, in order to effect this reported annual savings it will be necessary to spend at least $20 million to accommodate the expanded headquarters command at Fort Sam Houston, Tex. Many other additional expenses will be incurred—as I shall point out later.

The membership of this House will recall the long struggle resulting in the decision to transfer the 5th Army Headquarters to Fort Sheridan from the inadequate and antiquated former headquarters on the South Side of Chicago. The Congress made the decision to move the headquarters then. Also, the Congress should make the decision now. Something more than $3 million was expended to equip the buildings at Fort Sheridan to accommodate the 5th Army Headquarters at this new location. The Congress approved those expenditures. The headquarters is now there. The housing is convenient to the headquarters command. The headquarters is located at a central point where it can serve the needs of the 13-State area stretching from Michigan to Colorado and from North Dakota to Missouri.

What about the transportation costs involved in any new headquarters location? The communications problem? The retirement and transportation expenses involved in the proposed reduction in force and transfer of personnel?

Mr. Speaker, it is reported to me that in order to transfer the headquarters to Fort Sam Houston, Tex., it will be necessary to retain a deputy command—a major general—in the Chicago area in order to serve the requirements of the Reserve and ROTC. This is another item of expense and there are many more.

There are on-base housing accommodations for most of the military personnel. Conveniently located housing is available in the surrounding communities on a nondiscriminatory basis for the civilian career personnel.

Mr. Speaker, a bill has been introduced by my colleagues from Illinois—Mr. PRICE and Mr. ARENDS—as well as by the gentleman from Indiana, Mr. BRAY, the gentleman from Missouri, Mr. HALL, the gentleman from Florida, Mr. BENNETT, the gentleman from Vermont, Mr. STAFFORD, the gentleman from Michigan, Mr. NEDZI, and myself, to provide by legislation for the location of the various Army headquarters. This would designate the 5th Army Headquarters at Fort Sheridan, Ill.

Mr. Speaker, let me add that the historic Army post of Fort Sheridan has served the needs of the Army for more than 80 years. The communities which surround Fort Sheridan have cooperated completely with the Army presence there. The housing and transportation needs—rail, motor vehicle and air—are fully met at this post, and the relationships between the military and the civilian communities have been cordial and mutually beneficial.

Mr. Speaker, I do not believe that the needs of the Army at any Army headquarters have been more fully or completely satisfactory than the 5th Army Headquarters at Fort Sheridan. This headquarters should remain there. The Secretary of the Army and the Secretary of Defense should recognize the importance of awaiting the outcome of a committee hearing on the measure which my colleagues and I have introduced. They should not rush frantically ahead with the expectation that, by cutting jobs and transferring personnel, any real savings are going to result.

Mr. Speaker, I am addressing myself also in behalf of people—career people in civilian and military life who are devoting themselves to the welfare of our Nation in positions of skill and responsibility at the 5th Army Headquarters at Fort Sheridan. They, too, want the Defense Department to operate efficiently and economically. However, many of them do not relish a transfer from Fort Sheridan, Ill., to Fort Sam Houston, Tex. Others do not relish early retirement. Still others are distressed to feel that they are just plain losing their jobs.

Mr. Speaker, this is not a fit way to deal with such career people and it is bound to affect the morale and efficiency of many others who serve in the Defense Department.

Mr. Speaker, it has been said before that one should not be in a hurry to make a mistake. This adage would seem particularly appropriate today as I bring to the attention of this body the problem of the 5th Army Headquarters at Fort Sheridan, Ill. I am hoping that those in authority representing the Army and the Defense Departments will hear this plea, and will afford a last close review of the move which they appear to be determined to make.

Again, let me emphasize that in my

opinion—and in the opinion of many others in this body—the transfer of the 5th Army Headquarters from Fort Sheridan, Ill., to Fort Sam Houston, Tex., will not save money. In addition, it does not make good sense from the standpoint of our own national security.

Mr. Speaker, I believe the staff of the House Armed Services Committee could check what I am saying within the space of a few weeks, and that other vital information could be produced bearing on this critical decision—after which the question of where the 5th Army Headquarters shall be located might be decided intelligently and—finally.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. ARENDS. Mr. Speaker, I compliment the gentleman on making this gigantic effort to try to stop this transfer at this particular time.

In many, many other instances we have seen that the end result has been that more money is spent than is saved. I think the details and the facts the gentleman from Illinois has developed fully justify the gentleman getting up here on the floor of the House and making the statement he has just made.

Mr. McCLORY. Mr. Speaker, I thank my colleague.

THE 12TH MEETING OF PANEL ON SCIENCE AND TECHNOLOGY WITH COMMITTEE ON SCIENCE AND ASTRONAUTICS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, I should like to call the attention of my distinguished colleagues to the 12th meeting of the Panel on Science and Technology with the Committee on Science and Astronautics. This 3-day meeting begins tomorrow morning at 10 o'clock in the main hearing chambers of the committee, and the Honorable William P. Rogers, Secretary of State, will deliver the keynote address.

Participants in the opening session will include our distinguished Speaker, the Honorable CARL ALBERT, and the distinguished minority leader, the Honorable GERALD R. FORD.

The moderator for this opening session will be Dr. Ardiano Buzzati-Traverso, Assistant Director General for Science, United Nations Educational, Scientific, and Cultural Organization, better known as UNESCO.

The theme for this 3-day meeting is international science policy. International science policy can be viewed as a summation of the national policies, international agreements, and voluntary associations between groups of scientists and engineers throughout the world. In our increasingly technological society it is becoming more and more important, and it must receive adequate emphasis from legislators throughout the world if we are to solve the gigantic problems facing our society with respect to the environment, economic development and arms control.

The Panel on Science and Technology is composed of 16 prominent American scientists and engineers. During our meeting this year they will be joined by a number of guest panelists to discuss this subject of timely importance to the United States and to the world. These meetings, which are completely nonpartisan in character, provide authoritative and timely scientific, technological, and policy information to the Committee on Science and Astronautics.

The theme "International Science Policy" is extremely relevant to the concerns of the Congress today. More than ever before, science is international in its scope and character. Within the international scientific community there is an acute awareness of the ecological crisis facing mankind. There is a realization by scientists and the public that these and other important social problems must receive increasing attention and resources. But money alone cannot restore our environment or make our cities more desirable places to live. Increased knowledge and new technologies are also required. Only intelligent application of science and technology, coordinated on an international scale, can adequately cope with these challenges to mankind.

Our guest panelists this year comprise an extremely competent group of experts and advisers, both from this country and abroad. I earlier mentioned the fact that the Secretary of State would deliver the keynote address. Other prominent Americans participating include Dr. James D. Watson, of Harvard, winner of the Nobel Prize for the discovery of DNA; James E. Webb, former Administrator of NASA and former Director of the Bureau of the Budget; Hon. Emilio Q. Daddario, former chairman of the Subcommittee on Science, Research, and Development; Dr. Franklin A. Long, of Cornell; Dr. Walter Roberts, of the University Corp. for Atmospheric Research.

A distinguished group of foreign participants are included as guest panelists. Two foreign parliamentarians with special responsibilities and interest regarding science policy will present papers—the Honorable Staffan Burenstam Linder, a member of the Swedish Parliament and vice chairman of the Conservative Party of Sweden; and the Honorable Allister Grosart, chairman, Steering Committee, Special Committee on Science Policy, Senate of Canada. Capt. Jacques Cousteau, of France, will discuss international aspects of our environmental problems, with emphasis on oceanography. Outstanding scientists from Kenya, Pakistan, and the Soviet Union will also deliver papers. The Soviet scientist, Dr. Viktor Ambartsumian, is a well known astronomer and also President of the International Council of Scientific Unions.

For more than a decade I have viewed these meetings as an important avenue for developing necessary information for the Committee on Science and Astronautics. Our committee members, more than any other single group, have made these meetings a success in the past. This year eight of our members will chair various sessions on important topics, and other members will participate in other important ways. I hope that each and every Member of the House will attend those sessions which especially interest him, as his schedule permits.

Mr. Speaker, I insert in the RECORD the program of the 12th meeting of the Committee on Science and Astronautics with its Panel on Science and Technology:

COMMITTEE ON SCIENCE AND ASTRONAUTICS, U.S. HOUSE OF REPRESENTATIVES, 12TH MEETING WITH THE PANEL ON SCIENCE AND TECHNOLOGY, JANUARY 26, 27, AND 28, 1971

MEMBERS OF THE COMMITTEE

George P. Miller, California, Chairman.
Olin E. Teague, Texas.
Joesph E. Karth, Minnesota.
Ken Hechler, West Virginia.
John W. Davis, Georgia.
Thomas N. Downing, Virginia.
Joe D. Waggonner, Jr., Louisiana.
Don Fuqua, Florida.
Earle Cabell, Texas.
Wayne N. Aspinall, Colorado.
Roy A. Taylor, North Carolina.
Henry Helstoski, New Jersey.
Mario Biaggi, New York.
James W. Symington, Missouri.
Edward I. Koch, New York.
James G. Fulton, Pennsylvania.
Charles A. Mosher, Ohio.
Alphonzo Bell, California.
Thomas M. Pelly, Washington.
John W. Wydler, New York.
Guy Vander Jagt, Michigan.
Larry Winn, Jr., Kansas.
Robert Price, Texas.
Louis Frey, Jr., Florida.
Barry M. Goldwater, Jr., California.

COMMITTEE STAFF

Charles F. Ducander, Executive Director and Chief Counsel.
John A. Carstarphen, Jr., Chief Clerk and Counsel.
Philip B. Yeager, Counsel.
Frank R. Hammill, Jr., Counsel.
W. H. Boone, Technical Consultant.
James E. Wilson, Technical Consultant.
Richard P. Hines, Staff Consultant.
Harold A. Gould, Technical Consultant.
J. Thomas Ratchford, Science Consultant.
Philip P. Dickinson, Technical Consultant.
William G. Wells, Jr., Technical Consultant.
K. Guild Nichols, Jr., Staff Consultant.
Elizabeth S. Kerman, Scientific Research Assistant.
Frank J. Giroux, Clerk.
Denis C. Quigley, Publications Clerk.
William L. Offutt, Minority Staff.

MEMBERS OF THE PANEL ON SCIENCE AND TECHNOLOGY

Ivan L. Bennett, Jr. [medicine], New York University.
Harrison S. Brown [geochemistry], California Institute of Technology.
A. Hunter Dupree [history], Brown University.
David M. Gates [ecology], Missouri Botanical Garden.
Martin Goland [applied mechanics], Southwest Research Institute.
Walter J. Hesse [aircraft and missile systems], LTV Aerospace Corporation.
Herbert E. Longenecker [biochemistry], Tulane University.
Thomas F. Malone [meteorology], University of Connecticut.
J. Roger Porter [microbiology], University of Iowa.
William F. Pounds [management], Massachusetts Institute of Technology.
Roger Revelle [geophysics], Harvard University.
H. Guyford Stever [aerospace engineering], Carnegie-Mellon University.
Athelstan Spilhaus [oceanography], Woodrow Wilson International Center for Scholars.
James A. Van Allen [physics], University of Iowa.
Fred L. Whipple [astronomy], Smithsonian Astrophysical Observatory.

John T. Wilson [psychology], University of Chicago.

KEYNOTE SPEAKER

Hon. William P. Rogers, Secretary of State, Washington, D.C.

MODERATOR

Dr. Adriano Buzzati-Traverso (Italy), Assistant Director General for Science, United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, France.

GUEST PANELISTS

Dr. Viktor A. Ambartsumian (U.S.S.R.), President, International Council of Scientific Unions, Rome, Italy, and President, Academy of Sciences of the Armenian SSR, Yerevan, U.S.S.R.

Hon. Staffan Burenstam Linder (Sweden), Member of Parliament, Stockholm, Sweden.

Capt. Jacques Yves Cousteau (France), Centre d'Etudes Marines Avancees, Marseilles, France.

Hon. Emilio O. Daddario, Senior Vice President, Gulf & Western Precision Engineering Company, Manchester, Connecticut.

Hon. Allister Grosart, Chairman, Steering Committee, Special Committee on Science Policy, The Senate of Canada, Ottawa, Canada.

Dr. Franklin A. Long, Director, Program on Science, Technology and Society, Cornell University, Ithaca, New York.

Dr. Thomas Odhiambo (Kenya), Director, The International Centre of Insect Physiology and Ecology, Nairobi, Kenya.

Mr. Herman Pollack, Director, Bureau of International Scientific and Technological Affairs, Department of State, Washington, D.C.

Dr. Walter Orr Roberts, President, University Corporation for Atmospheric Research, Boulder, Colorado.

Dr. Abdus Salam (Pakistan), Director, International Centre for Theoretical Physics, Trieste, Italy.

Dr. James D. Watson, Professor of Biochemistry, Harvard University, Cambridge, Massachusetts.

Mr. James E. Webb, Treasurer, National Academy of Public Administration, Washington, D.C.

PROGRAM THEME: INTERNATIONAL SCIENCE POLICY

International science policy, viewed as a summation of national policies, international agreements, and voluntary associations between groups of scientists and engineers, plays an increasingly important role in our technological society. These sessions will explore the nature of our present policies, how they can be improved, and ways to more effectively harness them for meeting worldwide problems.

OPENING SESSION

Tuesday, January 26, 1971: Room 2318 Rayburn House Office Building, 10:00 A.M.

Call to Order: Hon. George P. Miller, Chairman

Opening Remarks:

Hon. Carl Albert, Speaker, U.S. House of Representatives.

Hon. Gerald R. Ford, Minority Leader, U.S. House of Representatives.

Hon. James G. Fulton, Ranking Minority Member.

Hon. John W. Davis, Chairman, Subcommittee on Science, Research and Development.

The Keynote: Hon. William P. Rogers, Secretary of State.

Moderator: Dr. Adriano Buzzati-Traverso (Italy), UNESCO.

CONCURRENT SESSIONS

Tuesday, January 26, 1971, 2:00 P.M.

Room 2318, International Cooperation in the Environmental Sciences:

Chairman: Hon. Earle Cabell.

Moderator: Dr. Thomas F. Malone.

Paper: Dr. Walter Orr Roberts, University Corporation for Atmospheric Research.

Room 2322, International Cooperation in the Physical Sciences:

Chairman: Hon. Thomas N. Downing.

Moderator: Dr. James A. Van Allen.

Paper: Dr. Abdus Salam (Pakistan), International Centre for Theoretical Physics, Trieste.

Room 2325, New Mechanisms for Scientific Cooperation in the Future:

Chairman: Hon. Charles A. Mosher.

Moderator: Dr. Roger Revelle.

Paper: Dr. Viktor A. Ambartsumian (U.S.S.R.), International Council of Scientific Unions.

Room 2218, Science Technology, the Military and Arms Control:

Chairman: Hon. John W. Wydler.

Moderator: Dr. Walton J. Hesse.

Paper: Dr. Franklin Long, Cornell University.

PLANETARY SESSION

Wednesday, January 27, 1971: Room 2318, Rayburn House Office Building, 10:00 A.M.

Call to Order: Hon George P. Miller, Chairman.

Address. Hon. Emilio Q. Daddario, Gulf & Western Precision Engineering Company.

Address: Mr. James E. Webb, National Academy of Public Administration.

Moderator: Dr. Adriano Buzzati-Traverso (Italy), UNESCO.

CONCURRENT SESSIONS

Wednesday, January 27, 1971, 2:00 P.M.

Room 2318, International Cooperation in the Social and Life Sciences:

Chairman: Hon. Henry Helstoski.

Moderator: Dr. Ivan L. Bennett, Jr.

Paper: Dr. Thomas Odhiambo, (Kenya), International Centre of Insect Physiology and Ecology, Nairobi.

Room 2322, Legislative Role in Science Policy:

Chairman: Hon. Larry Winn, Jr.

Moderator: Dr. H. Guyford Stever.

Paper: Honorable Alister Grosart (Canada), Senate Committee on Science Policy, Ottawa.

Room 2325, Science, Technology and the Developing Countries:

Chairman: Hon. Robert Price.

Moderator: Dr. Fred L. Whipple.

Paper: Dr. Harrison S. Brown, National Academy of Sciences.

Room 2218, Role of Science Policy in Solving Social Problem.

Chairman: Hon. James W. Symington.

Moderator: Dr. Athelstan Spilhaus.

Paper: Honorable Staffan Burenstam Linder (Sweden), Member of Parliament, Stockholm.

PLENARY SESSION

Thursday, January 28, 1971: Room 2318 Rayburn House Office Building, 10:00 A.M.

Call to Order: Hon. George P. Miller, Chairman.

Address: Captain Jacques Yves Cousteau (France), Centre d'Etudes Marines Avancees, Marseilles.

Address: Dr. James D. Watson, Harvard.

Summary Views and Comments: Mr. Herman Pollack, Department of State.

Moderator: Dr. Adriano Buzzati-Traverso (Italy) UNESCO.

Closing Remarks: Hon. George P. Miller, Chairman.

PANEL ON SCIENCE AND TECHNOLOGY

Objectives

Develop a background of scientific, technical and policy information for the Committee on Science and Astronautics which is authoritative, timely and candid, and which includes the points of view found in the scientific community.

Foster an improved understanding by scientists of the legislative responsibilities and processes as they relate to scientific research, development and education.

Identify spheres of scientific and technological research which offer exceptional promise for our national welfare and security, and which need special legislative attention.

Discuss current methods for conducting research.

Provide information concerning availability of scientific manpower and educational needs.

Provide information on matters of international cooperation and organizations concerned with science and technology.

Maintain channels of communication between the Congress and the scientific community.

THE EXPANDING ENVIRONMENTAL CONSCIOUSNESS OF THE AMERICAN LABOR MOVEMENT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, in the last session of Congress we passed the Occupational Health and Safety Act of 1970, to secure a better job related environment for 80 million American workers.

Mr. Thomas J. Elliott, a senior at Georgetown University, recently authored for the American Labor magazine an interesting and novel analysis of this legislation. Even more important than analyzing the act, Mr. Elliott clearly articulates labor's unique opportunity to lead a new coalition of labor, environmentalists, just plain citizens, and young Americans to meet the issues of the 1970's.

Mr. Elliott, chairman of the Georgetown University Ecology Action League, is also consultant to the Delaware Valley Committee for Protection of the Environment and was a Governor's delegate to attend the Pennsylvania Governor's Conference on the Environment, 1970. His article analyzes legislative history, hearings and offers legislative alternatives. His research amply documents the environmental efforts of the Oil, Chemical, and Atomic Workers Union, the United Steel Workers, the United Auto Workers, and many others.

Mr. Elliott received no compensation or academic credit for this independent effort which offers a refreshing example of hard work, constructive concern and commitment by our young generation of Americans.

Mr. Speaker, at this point in the RECORD I would like to include the article by Mr. Elliott which appeared in a recent edition of American Labor magazine. The article follows:

THE EXPANDING ENVIRONMENTAL CONSCIOUSNESS OF THE AMERICAN LABOR MOVEMENT

(By Thomas J. Elliott)

"During the past four years more Americans have been killed where they work than in Vietnam." (George Schultz, former Secretary of Labor.)

I. INTRODUCTION

Social chroniclers from Upton Sinclair to Michael Harrington and Ralph Nader remind us that the working man works and lives in close proximity to toxic environmental conditions—dirty air and water, noise, fumes—which have increased with technological advances.

The labor movement has always been in the vanguard of social change. It is no latecomer to environmental problems. Today, the environmental 1970's offer an unprecedented opportunity for the labor movement to lead a broadly representative citizen coalition to establish every American's right to a clean and healthful environment.

This is no mere academic exercise for labor. It is a challenge to eliminate 40 daily job-related deaths. 6,000 workers are also injured each 24-hour work shift. Former Secretary of Labor George P. Schultz told the Senate Labor and Public Welfare Committee that industrial carnage claims the lives of over 14,000 workers and injures another 2 million annually. Five times more work time is lost through job-related injuries than through labor disputes. Over $1.5 billion in wages is lost annually, with an annual loss of $8 billion to the gross national product. More workers die annually on their jobs than on our highways or in Vietnam.

Today, the number of disability injuries per man hours worked is 20% higher than in 1958. Unfortunately, these personal tragedies evoke no national cataclysm of concern. As the 1963 Civil Rights March on Washington caught the nation's conscience, so must the labor movement move dramatically to stir the consciousness of our educational institutions, corporations, legislators and citizens to the need for dramatic new initiatives to enhance the quality of our industrial environment.

By analyzing conventional and new health hazards, and remedial opportunities and legislation, this article offers an agenda for action which cannot be deferred.

II. INDUSTRIAL ENVIRONMENTAL HEALTH HAZARDS

Extensive 1969 Senate and House hearings documented appalling statistics. A 1966–1967 study by the Surgeon General of the United States of 1700 plants in six metropolitan areas found that 65% of the workers were exposed to harmful physical agents, including noise, vibrations, unsafe machinery, toxic materials, lack of ventilation, sanitation and lighting. For example, standard Northern industrial health hazards include carbon monoxide from fork lifts, noise from drop forges, and oxides of nitrogen from welding equipment.

In the South, standard hazards emanate from oil and chemical equipment such as the paranitroaniline (destroys red blood cells) dryer. Byssinosis (lung disease caused by dust from cotton processing) results in continuous shortness of breath, chronic cough and disability, affecting as many as 100,000 workers. Under Senate questioning, United States Department of Health, Education and Welfare (hereinafter "HEW") officials admitted that among substances for which no adequate standards exist and for which standards are now needed are: cotton dust; coal tar pitch volatiles; petroleum coke; proteolytic enzymes; diesel exhaust gases; grain and rubber dust; and heat stress.

A. Conventional health hazards

An illustrative, but not all-inclusive, list of health hazards includes:

1. *Asbestos:* For 40 years we have known that exposure to asbestos causes lung scarring asbestiosis. Manufacturing and construction workers exposed to asbestos suffer disproportionately from pulmonary cancer.

Studies by Dr. William J. Nicholson, Assistant Professor of Community Medicine at New York City's Mt. Sinai School of Medicine, revealed that New York and New Jersey asbestos workers are dying of cancer at much higher rates than the general population. Since 1943, more than 400 asbestos workers in New York Local 32 have died. Whereas accidents were previously the dominant cause of death, now 10% are dying of asbestiosis; over 20% are dying of lung cancer; 10% of cancer of the digestive tract; 10% of nasal mesothelioma (cancer); and 10% of miscellaneous cancers. The City of Philadelphia Board of Health has prohibited the use of spray material containing asbestos in construction. Philadelphia also regulates the amounts of airborne asbestos fibers in buildings.

Dr. Irving J. Selikoff analyzed the presence of asbestos bodies in the lungs of 1368 New York City males *who had no occupational exposure to asbestos.* A startling 51% had asbestos bodies in their lungs. Of 607 women, 39% had asbestos bodies in their lungs. Similar asbestos bodies presence was reported in Pittsburgh, Montreal, Miami, London, Dresden and Milan. The Oil, Chemical and Atomic Workers Union (hereinafter "OCAW") files document a December 1969 incident at the Union Carbide Buffalo, New York plant when the asbestos derivative hycil gave 6 of 8 men in a department emphysema. The Union's protests forced the first state inspection in 16 years.

2. *Pesticides:* HEW has estimated that 800 persons are killed each year as the result of improper use of pesticides, with another 80,000 injured. The manufacture of pesticides is also fraught with dangers. Shell Oil Company's Denver insecticide plant's OCAW has documented psycho-motor retardation, lack of ventilation and unsanitary conditions to the Colorado State Industrial Commission. If the Commission ever inspected the plant, it failed to contact the Union. Shell still refuses to negotiate health and safety protections with the Union.

Dr. David Metcalf of the University of Colorado Medical Center investigated the effects of organophosphorous exposures to the nervous system and brain. He found dysfunctions disturbing the memory, alertness and focusing attention.

3. *Chemicals:* (a) Carbon tetrachloride is an irritant to mucuous membranes, and cause liver damage.

(b) Chlorine causes skin and lung cell damage. If you smell it, you are already exposed to 3½ times the recommended threshold limit.

(c) Chronic respiratory diseases like emphysema and bronchitis are the fastest growing cause of death in the United States, second only to heart disease.

(d) Methyl chloride makes styrofoam more rigid for machinery. During this machining, methyl chloride fumes exude and employees at the Dow Chemical Hanging Rock, West Virginia plant have been knocked unconscious with possible permanent brain damage.

The eminent Dr. Rene Dubos, Professor of Environmental Biomedicine at Rockefeller University, in his introduction to the fine *Peril of the Job* by Ray Davidson of the Oil, Chemical and Atomic Workers Union noted that "levels of toxic materials so low that they do not cause obvious health disturbances exert in many cases deleterious efforts that become detectable only after long initial exposure. This is well recognized in regard to ionizing radiations and cigarette smoking. It is certainly true also for a host of substances widely used in industrial processes. Many chronic and degenerative diseases that now plague our society—the so-called diseases of civilization—can probably be traced to increase in the prevalence of chemical pollutants."

B. New industrial health hazards

Technological advances daily introduce numerous new hazards, including carcinogenic chemicals, lasers, ultrasonic energy, beryllium, epoxy resins and pesticides. Every 20 minutes a new and potentially toxic chemical is introduced into commerce. Based on present limited data available, the Public Health Service concludes that there are 390,000 new incidents of occupational disease each year.

1. *Nuclear Power:* In the 1950's Walter Reuther and the UAW early recognized the environmental hazards of nuclear power, and unavailingly sought to block the construction of Detroit's Fermi plant. These pioneering apprehensions were well founded. An October 1966 accident at Fermi almost caused the evacuation of Detroit. Again, in August 1970, Pennsylvania Congressman John Saylor warned of another accident at Fermi. Yet the utility industry continues to quietly gird America with nuclear plants. This new and largely untested power source has not received sufficient public scrutiny. My home state, Pennsylvania, has the dubious distinction of becoming the nuclear capital of the world, with 12 to 15 nuclear plants scheduled by 1980. A special Pennsylvania State Senate Committee studying this issue has failed to even locate the public transcripts of these public hearings paid for at public expense in accessible public locations. This simple courtesy would demonstrate the Senate's sincere commitment to encourage public scrutiny and participation in meaningful discussion on this most significant issue.

Colorado has literally become an environmental hotbed. Local 15440 of the International Union of District 50, Allied and Technical Workers, charged that the Dow Chemical Company's Rocky Flat, Colorado plant, operated by Dow for the A.E.C., has been carelessly handling radioactive materials. The Union is vigorously protesting that the 1969 Rock Flat $25,000,000 plutonium fire, America's largest industrial fire, spread deadly plutonium with a half-life of 24,000 years throughout Colorado. Colorado's building trade unions have also voiced their concern that radioactive pilings have been used as fill for Colorado houses. Colorado health authorities responded by requesting special assistance from the United States Public Health Service to survey the extent of this damage.

2. *Enzymes:* English detergent factory workers reported respiratory illnesses from enzymes. The British medical journal *Lancet,* June 14, 1964 issue found "inhalation of enzymes may lead to irreversible impairment of lung function." Studies by Glen Paulson of New York's Rockefeller University show that workers packaging enzyme detergents are contracting chronic respiratory diseases. A Boston cancer specialist reports that housewives are suffering from skin problems because of enzymes.

III. INSTITUTIONAL EUTROPHICATION

While these illustrations of environmental hazards represent relatively new and expanding pollution problems, many of our states are still suffering from decades of governmental and industrial neglect. Adam Walinsky's recent New York Attorney General campaign attacked the paucity of governmental efforts to reduce in-plant pollution. In Pennsylvania, for example, despite political environmental lip service, there is no reliable up-to-date index of job-related illnesses, no publicly accessible inspection reports of periodical plant inspections. There is no centrally located modern data bank of deaths, accident causes and preventive steps taken to avoid future tragedies. Instead, the files of the Pennsylvania AFL–CIO show that state officials recently refused to allow the United Steelworkers Union to review official state industrial toxicity reports, paid for by taxpayers' money. Only after the Speaker of the House of Representatives, the Honorable Herbert Fineman, intervened was a copy obtained by the Union.

A lamentable lack of qualified environmental personnel is not peculiar to Pennsylvania. Although a 1967 environmental scholarship bill introduced by State Senator Louis G. Hill has been buried in Committee without hearings, the recent report of the President's Council on Environmental Quality and the recent Ralph Nader Study Report on Air Pollution, "Vanishing Air" (by John Esposito, see Chapters 7 and 9), compellingly shows the need for better personnel.

IV. RECENT LEGISLATION

However, recent legislative action offers hope. On November 17, 1970, the United States Senate passed S. 2193, the "Occupational Health and Safety Act of 1970." The

House promptly deleted all the Senate provisions and substituted a more conservative bill, Administrative bill H.R. 19200. Significantly, S. 2193, supported by organized labor and Ralph Nader, provided:

1. Health and safety standards promulgated and enforced by the Secretary of Labor. The Administration opposed this, although incongruously arguing for this same standard setting and enforcement coordination in President Nixon's Reorganization Plan No. 3, July 1970. In urging the creation of a new Environmental Protection Agency President Nixon called for "pulling together standard setting and enforcement activity." The 90th Congress likewise in the Coal Mine Health and Safety Act (P.L. 91–73) and the Construction Safety Act (P.L. 91–54) supported provisions similar to S. 2193. In fact, the Senate in passing the Mine Safety legislation rejected just this tack which the Administration is again pushing, namely, to separate standard setting and enforcement efforts.

2. The Secretary's standards must prescribe the use of labels and warnings to alert employees to unknown hazards—e.g., invisible carbon monoxide.

3. Employers must make periodic self-inspections and certify the results to the Secretary.

4. Citations to issue normally within 72 hours after unannounced governmental inspections. Inspections could also be held at union request.

5. Employees and employers could appeal abatement program timetables.

6. Prompt judicial review by "all aggrieved persons" with jurisdiction vested in the United States Court of Appeals (1) where the violation occurred or (2) where the employer had his principal office or (3) in the Court of Appeals for the District of Columbia.

7. Administrative relief, reinstatement and back pay provided for employees discriminated against for asserting their rights under the Act.

8. Mandatory 1,000 dollar fines for each violation, with criminal penalties for willful violation of not more than 10,000 dollars or 6 months in jail, one fine doubling after the first conviction.

9. 1,000 dollar fine or 6 months or both penalty for anyone giving advance notice of inspection.

10. Secretary could act to abate imminent dangers without Court order by closing plants for 72 hours.

11. Requires work place free from "recognized hazards." This broad definition made the employer take action to abate hazards which are known in the health field, but which the employee might not visibly recognize.

Instead, the Administration sought:

1. Health and safety standards set by a new National Occupational Safety and Health Board of 8 members to receive $38,000 annual salaries each. No standards could be developed until the Commission was appointed by the President and approved by the Senate, office space found, and a staff and budget obtained. No standards were required for 3 years.

2. Required time consuming hearing on each standard which would delay the adoption and implementation of standards.

3. 3-member Occupational Safety and Health Appeals Commission to handle violators in a cumbersome appeals process. At vol. 116, pt. 28, p. 37608 of the CONGRESSIONAL RECORD, Senator Harrison Williams (D–NJ), who supported effective industrial environmental legislation as early as 1966 and who captained S. 2193's passage, convincingly documented single agency investigative, enforcement and prosecutional functions (e.g., FTC, SEC, FPC).

4. Employees could accompany the inspector *only* if the employer also chose to.

5. No criminal penalty, but mandatory 1,000 dollar per violation civil penalty for serious violation.

6. Imposed a 3-month statute of limitations after which no citation could issue.

7. No monitoring duty for employer, and no duty to employees of toxicity levels.

8. Only the employee could appeal abatement time.

9. Imprecise duty to furnish employment "which is free from recognized hazards so as to provide safe and healthful working conditions." Yet no corresponding penalty for failure to do so.

10. No mandatory periodic self-inspection and certification.

11. Employees couldn't request inspections.

12. Judicial review limited to the employer and the Secretary.

13. No administrative recourse to obtain back pay for employees discriminated against for asserting their right to a clean and healthful environment under the Act.

14. Failure to recognize compelling need for research.

15. Fails to prohibit advance warning of inspection.

Summary of key provisions of the House and Senate bills as reconciled (there were 105 differences) in House Conference Report 91–1765, and subsequently adopted by the House and Senate as the "Occupational Health and Safety Act of 1970":

1. Secretary promulgates standards and directs enforcement proceedings. After notice and hearing to the Union, employer maximum 1-year (not renewable more than twice) variances, which can only be granted by the Secretary for limited reasons (not including economic considerations).

2. Hearings on standards required only when requested.

3. In absence of special circumstances citations must issue within 72 hours after inspection. However, a 6-month statute of limitations was adopted.

4. Inspections are unannounced, with penalties for prior leaks.

5. Union can request inspection, with inspection within 72 hours after Union request.

6. Ironically, under the present Walsh-Healy Act approximately 30 million workers in plants doing business with the Government in excess of $10,000 per year are covered, but only the employer can receive a copy of the Government's inspection reports. Although limited Walsh-Healy standards are set for certain chemicals and other substances (noise, dust, gases and vapors), the mere 22 nationwide inspectors are more than 6 years behind in their plant inspection. Employers, but not employees, can accompany an inspector and receive a copy of the inspection report. Ralph Nader and the OCAW have filed suit under the federal "Freedom of Information Act" to compel the Government to produce these reports.

These standards are not posted in plants. The Act requires no monitoring. *Yet the Administration wanted to exempt all Walsh-Healy plants from the "Occupational Health and Safety Act of 1970" coverage.* (Emphasis supplied.)

7. Employer required to maintain work places free from "recognized hazards which are causing or likely to cause serious bodily harm." The Conferees adopted the Senate's broader language, "recognized hazards," instead of the House's "readily apparent hazard" terminology. Employees also required to comply with Act's occupational health and safety standards, and all rules, regulations and orders under the Act.

8. The Senate version of prompt judicial review for "all aggrieved persons" was adopted.

9. Senate administrative relief and back pay for discriminated employees was adopted.

10. Mandatory civil penalty of 1,000 dollars per violation was adopted, with criminal penalty of 10,000 dollars and/or 6 months in prison on first conviction, and 20,000 dollars and 1 year, if death results from violation.

11. Senate's fine of 1,000 dollars or 6 months or both for advance notice of inspection was adopted.

12. Sections 20 and 22 support vitally needed research and education programs, and also create the National Institute for Occupational Safety and Health Research in HEW. HEW is also required to publish current listings of work-place-related toxic substances. In fiscal 1969 HEW's National Institute of Health only had a scant $285,000 budget for occupational health research.

13. States are encouraged to develop programs consistent with federal.

14. Financial aid is available to small business employers. Significantly, 80% of American workers work in plants of less than 100.

15. 3-member Occupational Health and Safety Review Board appointed by the President for 6-year terms hears appeals and sets violation penalties.

16. Court order necessary for Secretary to shut plant in face of imminent danger. Senate provision allowing Secretary to shut down "imminent danger" plant without Court order was rejected by the House.

17. National Commission to review state workmen's compensation laws and report findings and recommendations to President by July 31, 1972.

V. NEW STRATEGIES

The recent passage of the "Occupational Health and Safety Act of 1970" is only the beginning. As "The Environmental Decade—Action Proposals for 1970's" (24th Report by the House Committee on Government Operations) stated at page 3:

"The next 30 years (1970–2000) will probably require construction of additional public works and other facilities in this country equivalent to all those already in existence. Failure to meet these development needs though wise planning will aggravate the already unacceptable conditions of much of our environment."

Thus, beyond the recent legislative struggle, the labor movement, and its environmental allies, must continue to advocate imaginative federal, state, local and community environmental quality programs.

Some suggested programs are:

1. *Imaginative Use of Educational Institutions:* The meaningful involvement of the creative energies of secondary schools, universities, and, particularly, community colleges in the fight for a clean and healthful environment. Urban community colleges, with their students daily coping with the vicissitudes of urban existence (e.g., mass transit, dirty streets, abandoned homes, rats, lead poisoning, noise, air and water pollution), provide a unique educational opportunity to train the corps of able paraprofessionals (researchers, legal and legislative assistants, health inspectors, laboratory assistants, journalists, court employees, government employees) needed to make regional government more viable.

The conclusions of the 1968 Public Health Services Chicago Study are instructive. That Study, which found that one-third of the plants survey were exposed to potentially hazardous working conditions, and that 63% of these exposures were poorly controlled, concluded:

"The idea that regulation and enforcement alone are all that are needed to eliminate occupational health hazards is erroneous. What was presented to the legislature and to the general public clothed seductively with wisps of economy and a bouffante of administrative efficiency has brought forth a backlog of unmet occupation health needs and unenforced regulations that have been accumulating since 1950. A major commitment of adequate funds and professionally trained personnel will be required from the state government to overcome bitter fruit of this 19-year gestation."

At the present time, there is a shortage of personnel in all areas of occupational health. There is an immediate need for 28,000, new industrial hygienists, physicians, nurses, and scientists. State program deficiencies are the too familiar lack of funds, low salaries and lack of administrative and legislative understanding and support. The chronic problem of health personnel turnover has to be recognized by Congress.

Recognizing this dilemma, George D. Clayton, Executive Secretary of the American Industrial Hygiene Association, asked Congress to fund a 2-year training program for paraprofessionals to identify work-related health hazards for fully trained hygienists, scientists and doctors. Likewise, the OCAW is seeking government assistance for a crash training course to teach workers to use monitoring devices. They could be taught at night at secondary schools or community colleges. These "eco-vigilante" paraprofessionals would be welcome catalysts in the eco-legal dialogue.

2. *Environmental Educational Programs:* Labor must also now begin to work with community and student organizations to obtain funds under the recently passed federal Environmental Education Act of 1970.

Unfortunately, the President, in vetoing the Comprehensive Manpower Act of 1970 (H.R. 19519), was insensitive to that bill's support for the urgently needed health aids, teacher aids and others who are involved in vitally needed public services.

3. *Timely and Relevant Data*: Dr. Miriam Sachs, Director of Comprehensive Health Planning of the New Jersey State Department of Health, told the House Labor Subcommitee that *"available data* in the fields of statistics of industrial accidents, on occupational disease, on worker exposure to occupational hazards and mortality and morbidity by income group and occupation *does not approximate adequacy."* (Emphasis supplied.)

Unions should urge state governments and educational institutions to create regional data banks to provide an unprecedented reservoir of expert scientific data and testimony, to offer a means of independent onsite monitoring at pollution sites, to catalogue toxicants, and to meaningfully challenge the creative energies of our nation's most vital resource—its youth. Of the approximately 500,000 chemicals in daily use in industry, the best of reference books only classifies the hazardous qualities of approximately 12,000.

4. *Union Negotiations*: Union negotiations provide an appropriate forum for public education. For example, the UAW is insisting that the auto industry clean up the automotive air pollution which accounts for at least 60% of all pollution in urban areas.

Jesse Etelson, legal assistant to Mr. Brown of the NLRB, presented an interesting paper, "Automobile Exhaust Pollution and Collective Bargaining," supporting the "bargainable" nature of union environment safety provisions. This should be utilized by every union to assert environmental health rights in their contracts.

Considerable leadership has been offered by the Oil, Chemical and Atomic Workers International Union. The OCAW's Legislative Director, Anthony Mazzocchi, and Public Relations Director Ray Davidson have enlisted a corps of young men and women in the legislative fight for a clean and healthful environment. OCAW Conferences held throughout the nation have greatly enhanced the public's awareness of work-related environmental health hazards.

The United Steelworkers Union 1955 (Clairton, Pennsylvania) unavailingly tried to get United States Steel Corp. to negotiate on health and safety measures.

Although Shell Oil Company, and others, refuse to negotiate health and safety provisions with the OCAW, Congressman Bob Eckhardt (D-Texas) inserted the OCAW's health and safety standards in the Congressional Record, vol. 116, pt. 31, p. 42235. Other unions should review this process and adjust it to their individual needs.

5. *Legislation*: There are many imaginative legislative initiatives which the labor movement should vigorously promote. The technology which catapulted America to the moon and which has produced the world's greatest war machine must be directed to our urban problems. Housing, jobs, mass transit, the environment all transcend traditional political boundaries and concerns. Rather than wait for unemployment to victimiześciensists, technicians and assembly line employees, we should move now to enact "peace conversion research and education" legislation such as proposed by Congressmen Giaimo (H.R. 19037), Morse (H.R. 19557) and Shriver (H.R. 19170) and Senators Kennedy and McGovern.

Issues such as recycling wastes, health needs, new power strategies, tax credits, noise abatement, consumer counselling, the removal of dangerous abandoned autos could all be met by this talent bank of ability, if it is properly directed. The Bicentennial offers a great showplace to develop new techniques to respond to these issues.

Senator George McGovern's S. 3575 "Environmental Protection Act of 1970" specifically asserts every American's right to initiate suit to abate pollution and to recover damages. Senator Edmund Muskie's S. 2752 "The International Coordination of Power Development and Environmental Protection Act" offers a comprehensive regional power strategy in response to brownouts and haphazard energy planning.

Senator Henry Jackson's S. 3354 offers states and cities incentives to develop comprehensive land use plans including utility siting and transmission facilities.

Senator Edward Kennedy's S. 1071 proposes a independent "National Council on the Environment" with specific power to review and comment on the environmental impact of power coordination plans and all proposed plants of more than 2000 watts capacity. These vital and constructive legislative initiatives need the energizing support of labor and informed public opinion.

VI. CONCLUSION

My activities related to the "Occupational Health and Safety Act of 1970" and with John Gardner's Common Cause convince me that the historic people-oriented concerns and achievements of the American labor movement would be advanced by the development of imaginative student intern programs, which would serve the dual purpose of meaningfully responding to the environmental issues while involving youth in the labor movement. This would go far toward demonstrating the Unions' commitment to social justice to an action-oriented young generation which is unfortunately not generally familiar with labor programs and achievements.

These programs should embrace a broad range of environmental and human activities and enthusiasms, many centered in our urban regions. For as Mayor John Lindsay observed:

> "The city is the environment for a growing majority of our citizens. It would be as shortsighted to save the countryside at the expense of the city as it would be to allow ecology to grow into a middle-class whites-only movement. Lead poisoning, rats, the filth of the slums are just as much environmental problems as saving the redwoods and healing the scars of strip mining."

This is the same hopeful note sounded by OCAW Director Anthony Mazzocchi, who prefaced the OCAW's excellent November 1970 letter-memorandum to Congress supporting S. 2193 with the observation that "The pollution inside and outside the plant are inseparable."

Labor, and its environmental allies, fought a good fight to salvage S. 2193. It was a lonely, low profile political battle with little public attention or plaudits. Yet, this victory offers 80 million American workers a better life.

This bill is not a panacea. It is a child of compromise. It must be strengthened to include, among other things, jurisdiction over governmental employees; to clarify a state's right to set standards higher than the federal, e.g., similar to federal recognition of California's air pollution rights, and those which Minnesota is commendably asserting regarding nuclear pollution against the AEC in *Northern States Power Company* v. *Minnesota* (Civ. No. 3–69–185 CD, Minn., August 26, 1969); 116 *Cong. Rec.* S52172, daily ed., January 23, 1970.

The Occupational Health and Safety Act of 1970 does, however, offer the labor movement an unprecedented opportunity to reaffirm its commitment to social justice and human concern by enlisting legions of Americans in the fight for a healthful and humane society.

If the $8 billion misdirected toward the SST and the other billions directed to ABM and Vietnam were wisely directed to our compelling domestic issues, 5.8% unemployment would end and divisiveness could give way to a new day of hope and achievement. By recognizing this opportunity the labor movement can energize and organize an even broader, and more effective, coalition of conscience than the one which courageously produced the Wagner Act, Medicare, Social Security, aid to education, and those other building blocks of human achievement. Robert Kennedy said "the future is not a gift but an achievement." Let us together seize this opportunity to achieve health, security and dignity for all men.

PRESIDENT NIXON'S STATE OF THE UNION MESSAGE

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's state of the Union message is a document which looks forward, not backward.

With this message to the Congress, the President has unveiled a visionary course for the Nation which offers us the driving dream the American people yearn for. Nowhere in the message is there a word of criticism or a dwelling on mistakes past. He has extended the hand of partnership to the Congress.

In setting forth his six great goals for the 92d Congress and the Nation, the President envisages vast reforms in both the programs and structure of the Federal Government—fundamental, problem-solving reforms, not patchwork.

I hope the 92d Congress will work with the President to achieve all six of his great goals—welfare reform, full prosperity in peacetime, the restoration of our environment, the best possible health care for all Americans, strengthening of our state and local governments through revenue sharing, and complete reform of the Federal Government through a restructuring of cabinet departments.

I applaud the President's pledge to lick cancer through a sharply increased outlay of research funds, and I strongly favor his proposal to make $5 billion in shared revenue available to the states and cities. I might add I hope the 92d will be a "health Congress."

With his revenue sharing proposal, the President has made it clear he wants to bring Government to the people and to bring the people to the Government. He wants to make young people a part of participatory democracy and to make democracy a part of their lives.

I believe the American people will endorse the bold course laid out by the President. I hope their representatives in Congress will do likewise.

HOSPITAL COSTS

(Mr. MADDEN asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, when I was home during the holiday period numerous complaints came into my office regarding the lack of hospital facilities in the Calumet industrial region of Indiana. Our population in this region has more than doubled in the last 25 years. Our hospital construction is far, far behind and hundreds of people who need hospital services are compelled to remain in their homes and endure lack of medical care and the necessities of hospital attention. The President's veto of the hospital expansion bill last spring was indeed unfortunate and I do hope that legislation is passed early this session to provide financial aid in our urban communities to take care of the great influx of people in recent years. It is estimated that 71 percent of our population live in urban centers.

HOSPITAL EXPENSES PROHIBITIVE

It is beyond the means of the average wage earner, even if able to secure a hospital bed, to pay for the high-priced rooms and service even for a short period.

I wish to incorporate with my remarks the editorial from the Hammond, Ind., Times of January 18, 1971, on the necessity to cut hospital costs:

CUTTING HOSPITAL COSTS

In the last four years, the average cost of a day in the hospital has about doubled—from $48 in 1966 to about $81 in 1970.

The increase might not be so bad—although it is bad enough—were an end in sight. But some authorities foresee an average daily cost of $500 in another 10 years unless the trend shifts.

That trend is one of hospital charges climbing about four times faster than the general level of medical care expenses. A special report by New York Hospital provides an example.

Wages and salaries rose from $12,400,000 in 1960 to $33,800,000 last year. In 1952 an intern was paid $240 a year; by 1963 the stipend was $2,700. It is $10,500 now.

In 1952, the number of physicians on the house staff was 162; it is 312 now. In 1960, the hospital employed a house staff equivalent of 2.4 employes per patient. The ratio was 4.6 by 1970.

X-ray cost increased 1½ times in the past 10 years; bacteriological tests almost doubled; chemical lab tests nearly tripled and tests using radioisotopes quadrupled. These increases reflect the rise in the number of hospital patients.

The rise in patient totals undoubtedly comes in part from increases in population. But also contributing to it are admissions for purposes that could just as well be met elsewhere than in the hospital. They are conducted there because many hospitalization insurance policies don't cover out-patient diagnostic costs.

The net result contributes to the sky-high cost of a day's stay in the hospital. It could be cut were hospitalization avoided except when imperative, or the length of stay made no longer than necessary.

Medicare's bill could be trimmed $400 million if Medicare-covered patients were released an average of a day sooner. A day off the stay of all patients would save $1.7 billion.

Hospitals themselves could attack costs by doing less competing so that efficiency is improved and wasted effort is eliminated. They could also fashion care to fit the needs of patients, with costs graduated accordingly.

THE 25TH ANNIVERSARY OF RADIO-TV PERSONALITY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, it is with pleasure that I call attention to the fact that today marks the 25th anniversary in Washington of an outstanding radio and TV personality—Eddie Gallaher of station WASH-FM, Washington.

Mr. Gallaher, a native of Washington, first entered the field of radio as a young man—a very young man—in his then home town of Tulsa, Oklahoma. Later he brought listening pleasure to the people of Minneapolis, and for the last quarter century he has been a prominent figure in the radio entertainment world of the Nation's Capital.

He is a purveyor of good music, a sparkling conversationalist, and a man who, I am certain he would be the first to admit, owes a good part of his reputation for wit and saying the right word at the right time to his Irish ancestry and to his mother and sister who live with him in Washington.

Incidentally—although it is not at all incidental so far as he is concerned—Eddie Gallaher is a golfer of note.

I congratulate Eddie Gallaher on his silver anniversary in Washington radio and TV and share the hope of his many other listeners that he will be on the air for a long, long time into the future.

TRANSMITTING FORMS AS REQUIRED BY SECTION 1308(b) OF TITLE 5, UNITED STATES CODE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 1308(b) of title 5, United States Code, I am transmitting forms supplying information on those employees who, during fiscal year 1970, participated in training in non-Government facilities in courses that were over one hundred and twenty days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

RICHARD NIXON.

THE WHITE HOUSE, *January 25, 1971.*

SWEARING IN OF MEMBER

The SPEAKER. The Chair understands that a Member who has not yet taken the oath of office is present. The Chair requests the gentleman to appear in the well of the House for the purpose of taking the oath.

Mr. CELLER appeared at the bar of the House and took the oath of office.

PRESIDENT NIXON'S STATE OF THE UNION MESSAGE

(Mr. ARENDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, in his state of the Union message, President Nixon gave us the vision of a new America. He has discarded the shopworn policies and programs of the past and offered instead a new blueprint for the future.

The President's revolutionary proposals for revenue-sharing and reorganization of the Federal Government can achieve a truly historic change in direction for America. It is all the more appropriate that we have the opportunity for such far-reaching reform at this time—on the eve of the 200th anniversary of American independence.

There can be no doubt that we have strayed far from the principles of our Founding Fathers. Government today is remote from the people. It is not really responsive to their needs and consequently the average citizen feels less his responsibility to our democracy.

But President Nixon has offered a plan by which we can change that basic relationship, a plan for restoring the one-to-one relationship that should exist between a citizen and his government.

The responsibility is now squarely upon the Congress. It is a historic opportunity—and a historic challenge. If the Congress responds it may well be the most significant act of our century.

TRIBUTE TO THE LATE HONORABLE RICHARD B. RUSSELL, SENATOR FROM THE STATE OF GEORGIA

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. LANDRUM) is recognized for 1 hour.

Mr. LANDRUM. Mr. Speaker, yesterday, January 24, 1971, the remains of a great statesman, Senator RICHARD B. RUSSELL, were interred in the family cemetery in his hometown of Winder, Ga.

More than half of the U.S. Senate, a great number of the Members of the U.S. House of Representatives, and many from the staffs of the committees of Congress and various departments of Government traveled to Georgia to pay respects at the last rites of this distinguished American. Some were able to land in Georgia and attend in person before weather conditions closed in the airports in all the surrounding cities and towns. But those designated to be the official spokesmen from Washington at these last rites were prevented by heavy fog and rain from landing and had to travel on to Charleston, S.C.

There a remarkable accomplishment took place, and I believe it is worthwhile to describe for the record the events that transpired. First, we were paying tributes at the last rites to a remarkable man from a most remarkable family, a man who had served in public office more than 50 years and whose leadership in public office no doubt contributed in some measure to the ability of his survivors to carry out the official program which was his last rites from Charleston.

When we were unable to land in Georgia and proceeded on to Charleston, S.C., Senator Herman Talmadge telephoned from the Vice President's plane to the family in Winder and described our situation. Mr. Leonard Reinsch, a long time friend of the late Senator and an official of the Cox Broadcasting Co., was present at Winder and suggested to Senator Talmadge that he would telephone the television station owner in Charleston and request him to televise from his studios the part of the official program, including Dr. Edward L. R. Elson, Chaplain of the Senate, the Vice President, Senator Talmadge, Senator Mike Mansfield, Senator John C. Stennis, and myself.

Within the space of an hour, Mr. John Rivers, owner of the Charleston station, was able to bring back into service from a Sunday holiday the essential members of his staff, and arrangements were made through the station and the telephone company to transmit through Atlanta WSB–TV to the gravesite in Winder, Ga., the tributes delivered by those of us in the official party.

These details are described here to emphasizes what man has accomplished during the 50 years of service of our late friend, Richard B. Russell.

And so, on behalf of those on the official program and on behalf of the Georgia delegation and the thousands of friends of the Russell family, we want to extend our thanks to Mr. Rivers and his associates in South Carolina and to Mr. Reinsch and those associated with him in Georgia for making this possible.

Senator Russell was a personal friend for more than 40 years of my life. He was a counselor on whom I could depend when advice was needed. With his late father and most of his brothers and sisters I enjoyed an association which has been a rewarding one down through the years.

Mrs. Landrum joins me in extending to all of his family our warm and affectionate regards and our deepest sympathy.

May I ask the Members to indulge me briefly to repeat the words I offered in tribute to the late Senator at the time of his funeral on yesterday.

TRIBUTE TO THE LATE SENATOR RICHARD B. RUSSELL BY HON. PHIL M. LANDRUM, AT THE FUNERAL, JANUARY 24, 1971

A brilliant intellect; a vigorous, thorough student; a principle of iron; a fearless courage—one like Alexander Hamilton Stephens afraid of nothing but to do wrong—love of people with unselfish devotion to public service; unshakable faith in government of, by, and for the people; a calm competence in times of crisis, all this in one man was Dick Russell—statesman extraordinary.

For those of us who had the joy of shared experience with him, our recollections will continue to inspire. For those who come to know him only through history and share these experiences vicariously, his sense of fairness, his impeccable honesty, his record of achievement as speaker of the Georgia House of Representatives, as Governor of the State of Georgia and as a U.S. Senator for more than a generation will provide a unique formula for greatness.

Georgians loved him with glowing loyalty. The Nation respected him for his undaunted patriotism, his unparalleled contributions to its national security. And the world will come to observe his high standards of conduct as a measuring line for true statesmanship.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Oklahoma, the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I want first of all to associate myself with the remarks of the distinguished dean of the Georgia delegation respecting one of the great men not only of the Congress but of this century.

If there ever was a Senator "sui generis" it was Dick Russell. He was a great man and a legislator of rare talents.

I doubt that there have been five Members of Congress in this century who have been consulted by occupants of the White House, by Presidents of the United States, as many times as Senator Russell was consulted by every President from Franklin D. Roosevelt to Richard Nixon. And I doubt that there was any man whose judgment they deemed more sound than that of Senator Russell. I have heard President Kennedy and President Johnson and President Nixon speak to this issue many times. As a matter of fact, President Johnson told me, when he was majority leader, that he liked to have Dick Russell close by when the going was tough.

Richard Brevard Russell was truly a distinguished leader, a great gentleman, and a great human being—humble but firm, sincere but determined. He was one of the greatest of the great.

Mrs. Albert and I extend our deepest sympathy to Senator Russell's family.

Mr. LANDRUM. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, before I was elected to the House of Representatives I read about Senator Richard B. Russell. Naturally, those articles I read praised his great ability and his dedication. When I first came to the House, I looked forward to an opportunity to meet him and to work with him.

After a period of service on the House Committee on Appropriations I came into contact with Senator Russell for the first time. The occasion was one of many meetings between House and Senate conferees on appropriation bills.

It was my privilege for a number of years to be a member of the Defense Subcommittee on Appropriations. Each year the Senate and House conferees would meet to make basic decisions to be incorporated in a conference report on important matters involving our national security. As we sat hour after hour each year in these meetings, trying to resolve those differences between the House version and the Senate version, the one man whose fundamental judgment was most prevailing in the decisions we made was Senator Russell. He had unbelievable skill in working out a compromise between differing points of view. He had uncanny wisdom as to what was right and what was wrong. His knowledge of national security matters was unparalleled during my service in the House of Representatives.

The distinguished Speaker has spoken glowingly of Senator Russell's honesty and integrity. He demonstrated this quality from beginning to end. It is emblematic of his entire career. He was dedicated not to political party or to a narrow political philosophy.

He was dedicated only to what was right for America. Subsequently I had the opportunity to serve with Senator Russell along with the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs), on the Commission that had the tragic responsibility of investigating the assassination of President John F. Kennedy. As the gentleman from Louisiana (Mr. Boggs) well knows, that was not an easy task. He also knows, as I do, that on one or more of the most important decisions made by that group of seven that Senator Russell's counsel was of maximum importance. Senator Russell's leadership on the Warren Commission contributed significantly to the quality of the commission's report.

I, like the distinguished Speaker, have been in meetings with various Presidents where Senator Russell was a participant. Whether it was President Eisenhower, President Kennedy, President Johnson, or President Nixon, each and every one of those Presidents had the highest respect for the observations and recommendations of Senator Russell.

I consider it a privilege to have personally known this great American. I think all of us are the better because he served in the Congress of the United States, making decisions for all of us and for all of mankind.

Mr. LANDRUM. I thank the gentleman.

I now yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to join with the distinguished gentleman from Georgia, the distinguished Speaker, and the distinguished minority leader in paying tribute to the life of this great American, RICHARD RUSSELL of Georgia.

Former Speaker John McCormack, in describing one of our colleagues who had gone to his reward, once said that if he had to be described as a great man or a good man, he would rather be described as a good man.

In the life of RICHARD RUSSELL no such choice has to be made. He was indeed a great man, and he was also a very good man, a man of humility and of great understanding.

Senator RUSSELL was generous with his time, his help, and advice, particularly to younger Members of Congress. He was a man who was self-effacing despite the tremendous and awesome responsibility he carried. He was always humble.

The distinguished minority leader referred to Senator RUSSELL's service on the Warren Commission. I think his service did more than almost any other member of that Commission to dispel doubt about the events surrounding that dreadful day in 1963. I might say—and I have never mentioned this publicly—that after Senator RUSSELL had been on this Commission for about a week or two and he saw the magnitude of the work, the volumes of testimony he would have to listen to and read, the decisions he would have to make and the trips that he would have to take, particularly to Dallas, he told the President that he did not feel he had the time to devote to the Commission to give it full justice.

The President argued with him for awhile, and Senator RUSSELL said, "No" he just could not do it. The President was so upset that he telephoned me in New Orleans and told me about this. He said that it was essential that Senator RUSSELL stay on the Commission.

Mr. Lee, who is now the chief counsel of the city of New York and who had been Solicitor General of the United States, was selected as general counsel for the Commission. I called him because I knew he could go to Senator RUSSELL in a totally unbiased way and convince him of the necessity of serving on the Commission. This he did, and upon that persuasion he stayed on the Commission.

Mr. Speaker, if Senator RUSSELL did not hear, he read over 5 million words of testimony taken by that Commission. I went to Dallas with him where he spent 2 days taking testimony, looking at the site, and inspecting the grim realities of those events.

Mr. Speaker, this was just another indication of the sense of duty and sense of dedication that this man had.

Our Nation has lost one of its really great citizens, a man whose entire life and career were dedicated to the advancement of this country and the people who reside herein.

I know that he will be sorely missed in this 92d Congress.

To his family, Mrs. Boggs joins me in extending my deepest sympathy.

I, too, was on the trip yesterday when we had to be diverted, and in a sense it was sad, because I had never seen such a congressional delegation assembled to attend the funeral of one of its Members. At least two-thirds of the Members of the U.S. Senate were aboard those three planes. I think, however, that the pilot used very good judgment in not attempting to land at that ceiling and under those circumstances I know the family of Senator RUSSELL understood our absence.

Mr. LANDRUM. I thank the distinguished majority leader for those kind remarks.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to my colleague from Georgia (Mr. FLYNT.)

Mr. FLYNT. Mr. Speaker, I associate myself with the remarks of my colleague from Georgia (Mr. LANDRUM) the dean of our delegation, and the remarks of the Speaker of the House and the majority and minority leaders. I rise to pay solemn tribute to the life and service of RICHARD BREVARD RUSSELL, late Senator of the United States and the senior Senator from Georgia.

There was no man whom I admired and respected more than Senator RUSSELL. My personal feelings toward him can only be described as those of devotion. Last Thursday, when we received word that he was dead, even though it was not unexpected, my initial reaction was one of shocked grief which is usually experienced only when one loses a member of his immediate family.

Senator RUSSELL was Georgia's most illustrious son. He was one of the outstanding men in America. Honor and integrity are the words which best describe him. Keen intellect and unexcelled ability also are appropriate in describing him and his service.

The State and the people of Georgia, and our Nation, have sustained a grevious and irreparable loss occasioned by his death. As far as we in Georgia are concerned, no one can take his place. His vacant Senate seat will be filled by appointment and subsequently by election, but his place in the hearts and minds of Georgians and his prestige in the Senate of the United States will not be replaced.

RICHARD RUSSELL towered as a giant in the Congress of the United States. Without question he was the most highly respected and most beloved Member of the Congress—on both sides of the Capitol. He did not win all of his legislative battles but those he lost, he lost with dignity and graciousness. He was magnanimous when he prevailed as he was proud and respected when his position was overwhelmed by numerical strength.

In floor debate he had the best grasp of the situation of any Senator and was probably the most skillful parliamentarian of this country. He knew the rules and the procedures of the Senate as well or better than any other Senator. He cast his votes not on the basis of what was popular, but what he believed right in the interest of a strong United States. He legislated not for the passions and prejudices of the present but for the future and those principles upon which he knew a strong and stable America depend.

It has been my pleasure and high privilege to know him for nearly half a century. I first met him in 1921 when he was a newly elected representative in the general assembly from his native Barrow County. His father and my father had even then been good friends for 20 years. That friendship with my father was transmitted from Judge Russell to his son. Years later I inherited that friendship for DICK RUSSELL from my father and I hope that I have subsequently earned it on my own.

After serving in the U.S. Naval Reserve in World War I, he successfully ran for the general assembly from Barrow County in 1920. He served in the Georgia House of Representatives from 1921 to 1931. During his second term, he was, in 1923, elected speaker pro tem, a post he held for two terms from 1923 to 1927.

In 1927 he was elected speaker of the house and was reelected in 1929.

In 1930 he ran for Governor of Georgia. He was the youngest of the candidates. The other candidates included the incumbent secretary of state who had previously served as president of the senate. Another candidate was a former Governor, U.S. Representative and U.S. Senator.

One candidate was a future house speaker, a former president pro tem of the senate and a future Governor of Georgia.

Another candidate was a former house speaker and chairman of the State highway board. Another candidate was a member of the public service commission.

DICK RUSSELL waged the most dynamic campaign of all and emerged from the first primary into a runoff with the seretary of state. In the runoff primary the 32-year-old DICK RUSSELL won the Democratic nomination and then the general election as Governor of Georgia.

He served as Governor from June 1931 until January 1933. His administration was marked by a far-reaching plan of reorganization of State government, many aspects of which are still in effect and under which our State government officiates today.

On April 18, 1932, the then senior Senator from Georgia, Hon. William J. Harris, died in Washington, D.C., and although Hon. John Sanford Cohen was named to an interim appointment it immediately became known that Governor RUSSELL would be a candidate for the unexpired term. He did run for the U.S. Senate and was nominated in the Democratic primary and elected in the general election. He chose not to be sworn in immediately but remained in the Governor's office until his successor was sworn in as Governor January 12, 1933, at the age of 35.

He was reelected in 1936, 1942, 1948, 1954, 1960, and 1966. His seventh term as Senator would not have expired until January 1973.

He received early assignment to the Committees on Naval Affairs and Appropriations. In 1951, he became chairman of the Committee on Armed Services which chairmanship he retained until he relinquished it to become chairman of Appropriations in January 1969.

In January 1969, he was elected President pro tem of the U.S. Senate and was serving as President pro tem of the Senate and chairman of the Committee on Appropriations at the time of his death.

At his request, his body lay in state in the rotunda of the State capitol in Atlanta, Ga. From early Friday afternoon throughout Friday night and until late Saturday afternoon, thousands of Georgians filed by his bier to pay their last respects to Georgia's most distinguished and beloved son.

On yesterday afternoon, January 24, 1971, his body was committed to his native Georgia soil which he loved with an undying devotion.

The now senior Senator from Georgia, Hon. HERMAN E. TALMADGE, expressed it simply and beautifully when he said that his departed colleague "loved his State and was just as much a part of it as the red hills of Georgia."

RICHARD BREVARD RUSSELL served Georgia nearly all of his life. He served continuously as an elected public official from 1921 to 1971. He reflected credit on the very highest traditions of his State and his people and of public service in the highest sense of that term. In 50 years of public service and public office there was never any public nor private scandal associated with DICK RUSSELL, there was never the slightest whisper of such.

Mr. Speaker, I am grateful that I had the opportunity to know DICK RUSSELL and to call him my friend. He always supported without hesitation or reservation everything I asked of him relating to our congressional district and the people of that district. I have lost a dear and treasured friend.

Mrs. Flynt and our children join me in extending our love, condolences, and heartfelt sympathy to Senator RUSSELL's family.

We in Georgia are grateful for his life and service to our State and Nation. We feel that both are better because he came our way and gave to us his life and service.

May our Heavenly Father receive him into His eternal kingdom and grant him peace.

Requiescat in pace.

Mr. Speaker, I include as a part of my remarks certain editorials which have appeared in the news media of Georgia's Sixth District and other places:

[From the Griffin (Ga.) Daily News, Jan. 22, 1971]

RICHARD B. RUSSELL

Thousands upon thousands of words about Sen. RICHARD BREVARD RUSSELL of Winder, Ga., will be written and spoken in the wake of his death.

They are customary but really unnecessary. The man's life spoke for itself.

He served the people of his state well, first as their governor then as their senator in the nation's capital.

Being at the seat of world power was familiar territory to him.

Six presidents came to know him well and rely on his judgment.

It often has been said and written that Sen. RUSSELL could have been president of the United States, had he not been born in the South.

Perhaps this fact in retrospect might now say something to the rest of the nation which customarily points an accusing finger at the South without looking at its own prejudices, too.

But Sen. RUSSELL was not a person to think or deal on such a level. His way was stick to the issues.

Above all else, he never forgot the fact that the office he held was not his own but belonged to the people of Georgia who allowed him to fill it for so long a time.

So it seems appropriate that he chose to pass up a national funeral in Washington. Instead it was his wish that last rites should be held in Georgia from whence he came.

All Georgians claim him proudly. He has left us a great heritage.

[From the Griffin (Ga.) Daily News, Jan. 22, 1971]

FLYNT SAYS RUSSELL WAS GIANT

Rep. John J. Flynt, Jr., of Griffin, today made this statement about Sen. Russell:

"The state of Georgia and the nation have sustained a grievous and irreparable loss in the death of Sen. Richard B. Russell.

"Sen. Russell towered as a giant in the Senate and the Congress of the United States. He was the most highly respected and most beloved member of the Congress.

"He was Georgia's most distinguished son and one of the outstanding men in America. His contributions to our state and nation will long be remembered.

"In Georgia our people have lost our greatest public servant, and I have lost a dear and treasured friend. Whenever I called upon him on a matter affecting our district and the people of our district, he unhesitatingly responded without reservation.

"Mrs. Flynt and our children extend our love and heartfelt sympathy to Sen. Russell's family."

Rep. Flynt planned to fly to Georgia this week to attend the funeral of Sen. Russell.

[From the Thomaston (Ga.) Times, Jan. 21, 1971]

A TRULY GREAT AMERICAN

At this writing Senator Richard B. Russell is gravely ill in Washington, D.C.

We dare not try to second guess the Good Lord, but our concern for Senator Russell is deep.

He is, in all probability, the man history will record as the greatest Georgian of our times.

More than that, the nation will always remember Senator Russell as being among the top Americans of the twentieth century.

His statesmanship is without living parallel and history will have to search deeply to find one there on par.

Senator Russell made one of his last two public appearances in Georgia right here in Thomaston when he was the speaker at the Thomaston and Upson County Chamber of Commerce annual meeting four years ago.

This great man has been as close to Upson as to any other part of Georgia and his great aid in bringing about the development of the Flint River Dams will always be remembered.

It is little wonder that we feel so strongly the bonds of friendship between Senator Richard B. Russell and this community.

And without apology we covet your prayers for him.

[From the Macon (Ga.) Telegraph, Jan. 22, 1971]

SENATER RUSSELL, MOST LOVED, MOST POWERFUL GEORGIAN

We shall not see his likes again, that gentle Georgian who was at one and the same time the most powerful and the most beloved member of the United States senate.

May our children remember well the name of Richard Brevard Russell.

Even when his colleagues disagreed with him, they deeply admired and respected him. Sometimes his fellow Georgians found themselves at odds with his stand on a particular issue but no Georgian ever doubted the senator's integrity, his sincerity, his determination to do the right as God had given him the light to see that right.

Harry Truman once said Sen. Russell would have been President had he been from some other section of the country. Perhaps he would have. And probably it is a condemnation of the rest of the country that sectionalism barred him from the post. But Richard B. Russell was never bitter over his fate. On the contrary he proudly called himself a Georgian, he kept his soft Southern accent until his dying breath, he maintained his courtly manner to the very end, he died a Georgian humbly in the service of his nation.

NO, WE shall never see his likes again. Richard B. Russell, third in line of succession to the presidency of the United States. Second only to the president in power because of his preeminence in the Senate. And first in the hearts of Georgians to whom he gave his entire adult life in faithful and effective service.

Surely if any man has ever earned the right to eternal rest from his labors, Richard Russell is that man. In deep sadness, prepares to receive her noblest son.

[From the Macon (Ga.) News, Jan. 23, 1971]

SENATOR RICHARD RUSSELL WAS LEGISLATIVE GIANT

The heart of Georgia ached with sorrow Thursday at the passing of its most beloved and respected son, United States Sen. Richard Brevard Russell Jr.

For nearly four decades, the tall, courtly senator with the razor-sharp mind, unquestioned sincerity and indomitable courage cast a giant shadow across that parliamentary body. A dedicated patriot who placed his country's welfare above all other considerations, he remained to the end an unabashed champion of Southern ideals and traditions.

Sen. Russell's influence was so profound that its reverberations will be felt for generations to come; his accomplishments so many and remarkable that history is certain to recognize him as one of this country's ablest legislators.

But despite the prestige and power he commanded as chairman of the Senate Armed Services Committee and later its Appropriations Committee, Richard B. Russell remained extremely close to the people of his state. He was proud to be a Georgian, and his love and devotion for the South never wavered through out his long and distinguished career in Washington.

Sen. Russell's death represents a grievous loss to Georgia and the South, the full measure of which is as yet incalculable. There is, however, no one who could replace him. Someone else, it's true, will be seated at his center aisle desk, but filling a chair does not replace a man.

Sen. Russell's death symbolizes the end of an era. Perhaps no one of his unparalleled stature, influence and integrity will ever be seen in the United States Senate again.

[From the LaGrange (Ga.) Daily News, Jan. 23, 1971]

RICHARD B. RUSSELL DAM: MEMORIAL TO GREATNESS

Senator Richard B. Russell will be buried Sunday, but the memory of this man of greatness will remain in the minds of all Georgians.

In reverence to the memory of one of this country's greatest statesman, The Daily News advocates that the West Point dam and reservoir be named the "Richard B. Russell Dam."

What more fitting name could this project bear? Who among us deserves the honor more?

The Daily News calls on our representatives in Congress, Senator Herman Talmadge and Sixth District Congressman John J. Flynt, to take the necessary action to bring this to reality.

We respectfully ask that our County and State legislators give their unanimous support to a cause which will preserve the memory of a great man to our children and our grandchildren.

[From the LaGrange (Ga.) Daily News, Jan. 23, 1971]

To Him God a Living Presence

Richard Brevard Russell, the man who made the United States Senate his life, will be borne back in death today to his native red clay soil.

The body of the famous senator, who climbed to greatness without losing touch with the common man, will lie in state in the Russell family home, white frame and white pillaried, in the community of Russell, incorporated in 1903 and named after his father.

The town's population is listed as only 378 but it enjoys the undeniable distinction of being the home of Georgia's favorite son.

Even in the last hours of his life Russell continued his fight for the Southland that he loved so dearly, and on his deathbed left his legacy to the Senate.

Russell sent the vote which deposed Edward Kennedy as assistant Senate Democratic leader and elevated to that post Sen. Robert Byrd of West Virginia.

All during the day Friday, words of praise poured in from every section of the nation for the senior senator from Georgia who died in Washington Thursday.

President Nixon said Russell's character and courage "moved him indisputedly into the ranks of those giants who have served in the United States Senate."

Senate Republican leader Hugh Scott called him "a giant among giants" and Republican whip Robert Griffin of Michigan called him a "senator's senator."

Sen. John Stennis of Mississippi said of the Georgian: "More than anyone in Washington for the last 20 years Richard Russell had the best grasp of all the major problems of our government."

And Sen. Russell Long of Louisiana called him "the ablest member of the Senate who represented an institution, an exemplary standard, a code of ethics."

Sen. Herman Talmadge termed Russell a "legend in his own time" and Carl Vinson declared of him: "He was one of the most brilliant men of my acquaintance. He was possessed of an analytical mind that was unsurpassed."

And there were a multitude of other words of praise, coming from both the highplaces and from the man on the street, who felt that he had lost his greatest friend of government.

But perhaps the words which will be remembered and cherished most by the family of Richard B. Russell will be those spoken by Bishop John Owen Smith of the United Methodist Church.

Said Bishop Smith: "Senator Russell will be remembered as one of history's most powerful, yet most humble men.

"He personified a rare form of greatness. To him God was a living presence and the Kingdom of Christ was the idea to which the future belonged."

[From the Thomaston (Ga.) Free Press, Jan. 25, 1971]

He Would Rather Have Been a Georgian Than President

"Senator Richard B. Russell had rather have been a Georgian and a Southerner than to have been President."

We believe that sincerely and it seems to us the greatest tribute that can be paid this truly great American.

President Harry Truman was the first to say that "I believe that if Russell had been from Indiana, or Missouri or Kentucky, he may very well have been President of the United States."

Senator Russell with his seniority in the Senate and his outstanding record of public service could well have moved his residency to one of those states and been elected to the Senate and ultimately to the Presidency. (This is what Robert Kennedy did and with the same goal).

Richard Brevard Russell was a Georgia born, Georgia bred American, so proud of that fact that he had rather enjoy this rich heritage than to have been President of the United States.

[From the Atlanta (Ga.) Constitution, Jan. 22, 1971]

Dick Russell

Among all the thousands of words in the Congressional Directory, devoted to the sometimes self-serving biographies submitted by members of Congress, the shortest of all was that offered by Georgia's senior senator, *Richard Brevard Russell, Democrat, of Winder, Ga.*

It was a modest entry, typical of the man.

The late Sen. Russell, dead at 73, gave in at last yesterday to a better-than-five year struggle with a lung disease, chronic emphysema. His long battle befitted the man. It was a gallant battle, uncomplaining, a battle Dick Russell knew in the end he must lose.

Russell, aware of his problems of health, always said he would step down at any point when he could no longer serve his constituents. He meant it. He gave his staff stern instructions to be candid about his condition whenever he was in the hospital. He was aware, no doubt, when he last sought reelection in 1966, that he might not live out another six-year term.

We feel certain that Russell would have stepped down at any point when, in his view, his health interfered with his duties. But, at the same time, we pay him the compliment of thinking perhaps he wanted to die in office, to let his life and his long signficant career in the U.S. Senate end at the same time.

He never married. He loved his family, the many brothers and sisters and nieces and nephews. He was inordinately fond of the children of his staff members. He seemed an austere public man, almost Spartan in outlook, but those near him found him a warm and friendly man. He never married, but he took as mistress the United States Senate, and his full 38 years service in the Senate amounted to more than half his span of life.

In later years, Russell led the Southern Senate opposition to civil rights legislation. We believed him wrong on that issue and said so. But it's worth noting the reason *why* he was the leader of the Southern group: it was inevitable, because of Russell's own character and intelligence. Lesser men often hid behind that leadership, men who used the cheap demagogic tactics of racist politics to win public office. Russell never did that; he was neither a hater nor a demagogue.

Harry Truman once wrote that Russell probably would have been President of the United States, had he not been a Southerner, and it's probably true. But his service meant much to the nation, from the days when he helped mold New Deal legislation in the 1930s to the years of influencing our entire military structure. He was an adviser to presidents, giving his best counsel when asked, and never then vaingloriously quoting to others what he said to the President or the President to him.

Russell completed his 38th year in the U.S. Senate a few days ago and, in a statement issued from his hospital bed, he thanked Georgia citizens "for permitting me to serve at the very hub of our national life during the most exciting era in human history."

Let that stand as a farewell. Dick Russell was a man of honesty, and character, and devotion to public service. We salute him.

[From the Atlanta (Ga.) Journal, Jan. 22, 1971]

Richard B. Russell

The death of Sen. Richard Brevard Russell Jr. leaves a void in the state and in the nation which will not be filled within the foreseeable future.

He was a giant of a man whose influence shaped and molded national policy, particularly in the vital and all-encompassing fields of money and defense.

At his death he was chairman of the Senate Appropriations Committee as well as president pro tem of the Senate. Prior to that he had been chairman of the Senate Armed Services Committee since 1951.

He was the friend of presidents from both political parties. His influence and support were eagerly sought by whoever happened to reside in the White House.

It is characteristic of the man that although he was a life-long Democrat, on matters of national interest he did not hold to a narrow and partisan view. His outlook was too broad to be so constricted. And he threw his support to whatever he thought in the best interest of the nation as a whole.

"I'm a reactionary when times are good," he said in 1963. "In a depression I'm a liberal."

Sen. Russell's potential stature was indicated when he first entered politics. Going to the Georgia House of Representatives in 1921 at the age 23, he was designated speaker pro tem in 1923 and was elected speaker four years later.

When his father, the late Chief Justice of the Georgia Supreme Court, Richard B. Russell Sr., swore him in as governor of the state in 1931, he was the second youngest governor in Georgia history.

He went to Washington as a U.S. senator in 1933 and there he remained until his death.

Without seeking the nomination, in 1948 Sen. Russell received 263 votes in Democratic convention balloting for a presidential candidate. Four years later he did actively seek the prize, but the second ballot was his high point and he was not to receive it.

Indicative of the esteem in which he was held, he headed a 1951 Senate investigation of the explosive issue of President Truman's firing Gen. of the Army Douglas MacArthur, and in 1963 was appointed to the Warren Commission which investigated the assassination of President Kennedy.

Throughout his Senate career, Sen. Russell reflected glory and honor upon his native state.

Sen. Russell's accomplishments brought him worldwide fame and renown. At home this is remembered with pride, but at home the senator is remembered for other things. He is remembered for his devotion to his family and to the family home, which was his home at the time of his death, and for the care he took of his family's burying ground near this home. He is remembered at home for his personal charm and rare, dry wit, qualities which he did not trouble to project to the nation and world, saving them for those he knew. He is remembered at home for his pride in his state and his people who helped develop it from the beginning. He is remembered here for his clean taste for simple things. He is remembered as the father of the University System of Georgia, for he was the governor who organized the system when he reorganized the state, bringing order out of chaos in which separate institutions fought each other for appropriations. In this chaos there was no possibility for growth or quality.

So will he be remembered by the many Georgians who brushed against him or came within his range. He will be remembered also for his adherence to what he considered to be right, and what he was taught was right as a youth. He believed in the Constitution as interpreted prior to the presidency of Franklin D. Roosevelt and he did not change his opinions here, though he must have known that modern historians might judge him harshly on this point. In this as in other things he was consistent to the end.

[From the Washington (D.C.) Post, Jan. 25, 1971]

Senator Richard B. Russell: "A Study in Division"

(By Eugene C. Patterson)

The telephone rang on Christmas Eve, 1964, and from the old-fashioned house sitting on cotton land outside Winder, Ga., came the soft, formal voice of Senator Richard Brevard Russell, chairman of the United States Senate Armed Services Committee.

"I see you have just been in Vietnam," he said, "and I would like to get your impression of the situation out there. But first, let me tell you my impression which I am inclined to give to my friend, who called me from the ranch this afternoon.

"He said they have just blown up the Brink's officers quarters in Saigon, and on top of that the South Vietnamese government seems to be trying to declare Max Taylor persona non grata. I am inclined to tell the President when I call him back that if I were President I would sail the Seventh Fleet up the Saigon River, load those 23,000 Americans aboard and bring them home."

That private insight never surfaced in the public record after the Vietcong struck Pleiku. "Where the flag is committed, I am committed," Senator Russell announced, and he held to that until he died on Thursday.

To us Georgians, Senator Russell was as distant and contradictory a figure as he seemed to some in the Senate. Few of the homefolks called him Dick, though his early campaign posters affected that familiarity. He called people by their full names and they were not comfortable if they intruded beyond his own formality. Perhaps this untouchable courtliness, this robe of reticence within which he kept his counsel, contributed to the breaking of an engagement to be married.

Who can know? Few men now living even know that once in the 1930s the rising young politician asked a girl to marry him and bring warmth into the lifetime that he spent instead in a cold bachelor's room in Washington.

The late Ralph McGill declined to print, in his and the senator's lifetimes, the story that he and a few other Georgians knew. Richard B. Russell had fallen in love, proposed, and been accepted. The engagement announcement had been brought to McGill at the Atlanta Constitution for Sunday publication despite the opposition of some political advisers who thought the bride's Roman Catholocism would hurt Russell's elective career in Georgia.

Then at the last moment, when the announcement had been set in type, McGill said Russell hurriedly asked him to withdraw it. The editor barely managed to do so before the presses turned. McGill was never sure why the engagement was broken. Senator Russell lived out his life in gentlemanly silence, alone.

A wealthy Atlanta Catholic, Hughes Spalding, was one of the senator's principal supporters in his re-election race against Gene Talmadge in 1936. And with one splendid stroke, Russell demolished a campaign effort to use that religious connection against him. He had taken the stump at a rural rally when Talmadge supporters suddenly scattered handbills through the crowd calling attention to Russell's political friendship with a communicant of the Catholic faith.

One of the handbills was brought to Russell on the platform and he addressed the issue directly. "My friends," he said, waving the pamphlet, "I see here that they are attacking a good friend of mine because of the church he goes to. Well, I want to tell you and the people of Georgia where I stand on that:

"I have never yet seen a man who's got enough religion to hurt him!"

The good ole boys whooped. The issue was laughed out of the campaign. Snapping his red galluses, Talmadge turned instead to attacking Russell as a "rubber stamp of the Washington bureaucrats." The Roosevelt handouts that Russell supported had to be stopped, Talmadge cried, or "you won't be able to hire a plow hand, a hoe hand, washwoman or cook, because they'll all be living on pensions."

But Richard B. Russell, unashamed New Dealer, had a flamboyance of his own in 1946. He replied to Talmadge by mounting the platform with a hammer in his hand and standing behind a plank in which several ten-penny nails had been started.

"I'm going to nail their lives," he would announce to the cheering crowds, and one by one, as he smote an enemy claim, he drove a nail into the plank, "hammering home the truth." He thrashed Gene Talmadge and never again faced serious opposition for the Senate.

Russell's fellow reformers in the days of hard times, like The Constitution's McGill, watched dismayed in the later decades as the albatross of Southern politicians weighed down his national promise. Russell was never a racial demagogue of the stripe that pandered from the stump to the freckle-bellies. But his speeches after the 1954 Supreme Court decision and his generalship of Southern resistance in the Senate were no less hurtful, and maybe more so, for the stateliness of their delivery. Georgia moderates who could not fail to respect his capacity came to despair at his unyielding intolerance of racial change, legislated or decreed. Vulgar racists could be met and whipped. But a strong man with the wrong idea was formidable.

"I still can't dislike him the way I dislike some of these other Southern birds who're after the votes," Ralph McGill once mused. "He's a Bourbon, still up there on the veranda. He really *believes* in slavery."

Russell himself kept a certain detachment about times and people he couldn't understand. After leading a filibuster against a civil rights bill while his friend Lyndon Johnson was President, he commented privately:

"President Johnson has the widest tolerance of any man I've ever known. If I'd been him during this filibuster, I'd have cut my throat a thousand times by now.

The Kennedys came to power when Russell and Rep. Carl Vinson were still able to reduce congressional military affairs to a "whispered conversation between Georgians.' Senator Russell appraised John, Robert and Edward Kennedy is his own way.

President John F. Kennedy had "the most charm," he said, but he faulted him as a senator who hadn't been very interested in his duties. He found Robert F. Kennedy's concepts of the use of power "alarming."

"Young Edward is the best politician of the three," he judged. He displayed a considerable fondness for Ted. When the freshman senator found himself thrust into the chore of presiding over the Senate in his early days, few knew that Senator Russell was staying in his own chair for long periods because he was sending up quiet notes to Senator Kennedy on how to proceed. He asked a reporter who learned about this not to write it then because he did not want to "embarrass" the liberal from Massachusetts.

In a sense it was characteristic that Senator Russell released his deathbed proxy to help dump Ted Kennedy as Democratic Whip.

His life and his perceptions were a study in division. Those of us who fought his racial views on the home ground felt he needlessly withheld a hand from a state in need, given his secure political position. Yet apart from his intractable stands that hindered Georgia's transition, Richard B. Russell had always within himself that other part, the separate surface of rectitude, honor and fair intent which every man needs if he is to be elevated above his liabilities. In Georgia, as in the Senate, the qualities were sensed and valued.

[From the Washington (D.C.) Evening Star, Jan. 22, 1971]

A Giant in the Senate

It bespoke the dignified simplicity of the late Senator Russell that his biographical sketch in the Congressional Directory consisted of just one line: "Richard Brevard Russell, Democrat, of Winder, Georgia." He was not a man to flaunt himself.

But relatively few men have held the power that was wielded by this gentleman from the north Georgia hills, who was both modest and magisterial, and who died yesterday at the age of 73. Senatorial politics through history has been the South's highest art, and none from the region has surpassed Richard B. Russell as a practitioner of it.

For many years he was the leader of the Southern bloc, and no one ever has organized and led it more forcefully and effectively. And he gained respect beyond the South, twice receiving much more than token support for the Democratic nomination for President at national conventions. It is possible, as President Truman once said, that he might have won the highest office in the Forties or Fifties had he not been a Southerner, for he was a man of keen mind and marvelous energy.

But a Southerner he was, and not only that, but "Mr. Southerner." He was the general in the last great battles for the Lost Cause, a peerless master of parliamentary tactics, and when the civil rights bills finally rolled over his contingent he was deeply melancholy. We disagreed with him on those questions, but respected his iron integrity. He had a rigid view of states rights that was classical in the Old South, and he would not bend. But he believed in law, and when the civil rights bills became law he counseled obedience. There were less responsible men to whom the South might have rallied if Senator Russell had not been at the helm. Like the patricians of old, in whose mold he was cast, he took defeat gracefully and did not gloat in victory.

He knew victory, too, and made important contributions to his nation and state. Chairing pivotal committees, he was a champion of national preparedness, and, in earlier days, of such programs as rural electrification. He lived to be dean of the Senate and, as former President Johnson said, "a giant among his colleagues." And he was one of the last of the courtly order of Southern statesmen who have lived by a stern code of duty and honor. His death reminds of the passing of an age.

[From the Washington (D.C.) Post, Jan. 22, 1971]

Richard Brevard Russell

It was several years ago. The young freshman senator who was paying his courtesy calls on the hierarchs of the Senate believed he had found the perfect line of reasoning to quash any reservations the senior senator from Georgia might have about his election to the Senate at so tender and untried an age. So sitting there in Senator Russell's imposing office, he observed that it was heartening to him to reflect upon the fact that so august a leader as Senator Russell had *himself* first come to the Senate at just about the same age—was that not true? To which Senator Russell—entertained but hardly vanquished by the ploy—replied with a smile, "Yes, it is true. But of course by then I'd already been governor."

It is hard to recall now the sheer span of time and social change that marked the public career of Richard Brevard Russell who died yesterday at the age of 73. And for those who prefer their politics simple and clean—in the manner of a true-or-false exam—it may also prove inconvenient. For to contemplate that career is to face up to its ambiguities and evident contradictions, to acknowledge that a man can be a great public servant and yet have devoted a considerable part of his official life to the promotion of policies and views one finds reprehensible. It is also to acknowledge inconsistency and change, taking account of a host of conflicting impulses and actions. For Senator Russell, a man who had become emblematic to many of resistance to racial justice and nothing more, began his public career and pursued it for many long years as an ardent New Dealer, a champion of the poor and an economic reformer. And there was a time too—quite a stretch of it, in fact, before the present critics got their bearings or their nerve—when Senator Russell, for all his nearness to the military, functioned as its principal taskmaster and watchdog in Congress, scrutinizing its budgets, calling it to account, and expressing misgiving at some of its pretensions and plans.

Certainly, he did none of this in the style of Congress today. But it is well to remember that Senator Russell, as a skeptic concerning the wisdom of our Southeast Asia involvement, was there before practically anyone else. And although he was basically sympathetic to the military, he was also capable of great detachment and objectivity in relation to it. It was Richard Russell, no enthusiast of Harry Truman, who conducted the hearings on the recall of General MacArthur—hearings which are generally regarded as a model of fairness and honest inquiry, and which are pretty universally credited too with having brought under control the explosive domestic situation that prevailed upon the recall of the popular general by the then unpopular President.

Inevitably, all this may seem small beer in the radically altered environment of our time. For there has been kaleidoscopic social, racial and political change over the span of Richard Russell's career, much of it in reaction to old policies and blind assumptions in which he partook, so that he became at once the agent and the victim of a large part of the change he deplored. "The times have passed me by"—it was a favored formulation of his later years, less a complaint than a candid acknowledgement of fact, and it was made especially in relation to the Democratic Party, once—in his aggressive, reforming years—the wellspring of his political life, now a source of bafflement to him.

On his death it might be appropriate to observe that in one sense the times passed Richard Russell by not just as a potential national leader, but also as an archetypal villain for liberaldom. For it is a consequence of our changed consciousness that we, as a political community, now recognize the degree to which racial prejudices and costly foreign policy assumptions for which men like Senator Russell have been ritually castigated, were and are part of the mindset of the populace as a whole—including many of those liberal reformers now trying to set them straight. So a degree of humility might be in order on the occasion of Richard Russell's death. It allows one to contemplate his virtues and achievements, not his faults, and they—the former—were both considerable and very real.

[From the Washington (D.C.) Evening Star, Jan. 22, 1971]

Old South of Russell Is Yieldng to the New

(By James Reston)

St. Petersburg, Fla.—The old South is mourning the death of Sen. Richard Russell of Georgia, but there is a new South, now partly liberated from history, and the tragedy of Dick Russell is that he was sick and old when the political transformation of the South took place.

He is a symbol of the accident of time and life in American politics. He had that gift, so rare and important new, of making people believe in his integrity as a person, even when they disagreed with his policies.

Nobody could have disagreed with his support of the military more than Sen. J. W. Fulbright of Arkansas, but Fulbright believed in Russell, and thought he might very well have gone to the very pinnacle of American politics in the White House if he had been born in another region. He never really got over the thought that he was rejected as a presidential nominee because he was a Southerner. He made one run at the presidency, but was passed over, not because he did not measure up to his competitors, but simply because he was from the South. And he died a sad, lonely and embittered man because of this rejection.

It is ironic and tragic to hear of his death here in the South, and to wonder what would have happened to him, with his gift with men, and his remarkable knowledge of the intricate human American political process, if he had been a senator of the new South which is clearly now emerging.

Something remarkable and significant is happening in this part of the country. The men who have been appealing to regional and racial prejudice are declining. It is a little like what has been happening in the new nations of Asia and Africa.

The theatrical characters, appealing to the glories and prejudices of the past—Nasser, Nkrumah, Sukarno, etc. abroad; and Claude Kirk of Florida and Lester Maddox of Georgia—are being replaced by a new generation of politicians who are taking a wider view of local, national and world politics.

The new governor of Florida, Ruben Askew, took office the other day, rejecting the racial politics of his predecessor, and calling for "improved economic opportunities and equal rights for all our people, rural as well as urban, black as well as white."

The new governor of Dick Russell's state of Georgia, a peanut farmer, former state senator, and nuclear submarine officer named Jimmy Carter, took office last week proclaiming that "the time for racial discrimination is over."

Similarly, the new governor of South Carolina, John C. West, announced in his inaugural address that "the politics of race and divisiveness . . . have been soundly repudiated."

So something is happening down here. Even George Wallace of Alabama, who was shouting eight years ago, "segregation now, segregation tomorrow, segregation forever," took office the other day with a less provocative theme.

"We must not be a silent majority," he said in his inaugural speech, "but an alert, active voice within the law. Then we can help our state and nation."

Maybe this is all romantic campaign oratory but one should not be cynical. Later it will be possible to compare words and actions, but the new governor of Tennessee, Winfield Dunn, and the new governor of Arkansas, Dale Bumpers, like the new governors of Florida and Georgia, are obviously singing a different tune and seem to feel that there's a new world a-coming.

This is no historical accident. The struggle of the liberal newspapers, universities, colleges, churches, businessmen, and mayors in the South during the lifetime of Russell have produced spectacular results, but they have done so over so long a span of time that the transformation has not really been widely understood.

Like Russell, the newspapers in Winston-Salem, Greensboro, Raleigh, Atlanta, St. Petersburg, Miami, and elsewhere have had a hard time. And the same thing is true of the old universities in Chapel Hill and the new colleges like Florida Presbyterian College here in St. Petersburg, but the battle goes on, and things change much more than is generally realized.

In fact, the South seems to change these days even more than the North. It is too late for Dick Russell and all the other remarkable men of the South who have been passed over by the prejudices and regionalism of the past.

A lot of good men have been cut down in the struggle—not only Russell of Georgia and Mayor Ivan Allen of Atlanta, and Terry Sanford of North Carolina—but out of their battles we are beginning to create a new national politics in which good men, from whatever region, and even from the smaller states, may in the future have an equal change to get to the White House.

Mr. LANDRUM. Mr. Speaker, I yield to the gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. Mr. Speaker, I would like to associate myself with the remarks that have been made by my colleagues who have preceded me on this occasion.

Also, I would like to mention, as did my colleague, the gentleman from Georgia (Mr. Flynt), that my father was great friends with Richard B. Russell. He served in the State legislature with him. When I came to Washington, Senator Russell took me under his wing immediately due to his friendship with my father.

I once read an account of the man who made it a custom to walk out on his front porch early every morning and to look up at an oak ridge atop a ridge in front of his house.

One morning he walked out on his porch after a storm had occurred the night before, and he said, "Lo, a mighty oak hath fallen." Well, I would say that on this occasion—lo, the mightiest oak in Congress hath fallen. An oak upon which much of the state of our Government depended—not only up to the moment before his death, but through many, many years preceding that moment.

I would simply like to add that through his life, through his integrity, through his absolute sincerity, through his absolute absence of pretense or affectation in any form, he did build himself in the hearts of his fellow men and in the hearts of the people of his country, his State, his Nation and of the world—a monument more lasting than marble and more enduring than bronze.

Mr. Speaker, we have all suffered a great loss.

Mr. LANDRUM. Mr. Speaker, I yield to the gentleman from Alabama (Mr. Andrews).

Mr. ANDREWS of Alabama. Mr. Speaker, I want to thank my colleague, the gentleman from Georgia, for yielding to me.

Mr. Speaker, I was greatly saddened to learn of the death of my longtime friend and congressional colleague, Richard Brevard Russell.

In the passing of Richard Russell, the Nation has lost one of its greatest citizens, and the South has lost, perhaps, its most respected and eloquent spokesman; and the State of Georgia, one of her greatest sons.

In the U.S. Senate, Richard Russell had no equal. His great power was unquestioned, and he never abused it. He used it to strengthen the foundations of and to maintain a strong national defense. He used it to institute sound fiscal policy in the operations of the Federal Government.

The Senate was his life, and his State and Nation always were the beneficiaries of his tireless energy. His wisdom and integrity were legendary in the Halls of Congress. His advice was constantly sought by his colleagues as well as Presidents under whom he served.

Richard Russell had the admiration, respect, and good will of all who knew him. His friends were legion, and I am proud that I was able to be in such distinguished company for so many years.

Mr. Speaker, I shall miss Richard Russell, a valued friend and a gentleman in every sense of the word. We shall all miss that great American, an irreplaceable giant in the legislative history of this Nation.

Mrs. Andrews joins me in extending our most heartfelt sympathies to the family of Senator Richard Russell.

I can say, Mr. Speaker, that the great State of Alabama admired, respected and loved him throughout all his years of distinguished service. In my congressional district, in the lovely little city of Eufaula, Ala., the bridge that crosses that great and beautiful lake at Eufaula bears the name of Richard Brevard Russell.

He was present when that bridge was dedicated, and he expressed his love and appreciation to the people of the State of Alabama for naming that bridge for him.

Mr. LANDRUM. I thank the gentleman.

I yield to the gentleman from Georgia (Mr. Brinkley).

Mr. BRINKLEY. I wish to express the great sadness which I feel today on this occasion and the appreciation which I feel toward the dean of our delegation and the others who have spoken in tribute to our late beloved colleague in the other body, Senator Richard Russell.

About 4 years ago, when I came to this body and we were first getting our office in shape, we had placed a call to Senator Russell about a matter which did not seem to be of great urgency. He had been busy all day long, and he did not return my call until the early hours of evening. It was about 7 o'clock when he called me, and I could detect the fatigue in his voice. From that day forward I knew the manner in which this man performed his service in the Congress and the excellence of his work. His dedication was unparalleled.

Shortly before coming to the Chamber today my administrative assistant, Larry Wheeler, who formerly worked for Senator Russell, handed me a 10-inch by 15-inch compilation dated January 13, 1958, which contains Senate eulogies on the 25th anniversary of the service in the Senate of the Senator. I was struck by the following words in Senator Russell's remarks in response to his colleagues in the Senate. He said:

> In times when all of us often have feelings of great frustration in our service here, the greatest remuneration we could have is the feeling that sometimes we can contribute in some small degree to some cause which will make life a little better for people somewhere.

I think that statement reflected the example of this man, and it was somewhat parallel to the example of St. Francis of Assisi, who said:

> It is better to serve than to be served. It is better to love than to be loved.

We can all say that Senator Russell loved his people, he loved his State, he loved his country with true devotion, and we can all say that he served his country, he served his State, and he served his people with matchless distinction. May all of us who serve here in the public trust which we have, when we count our blessings, count his example of greatness as the very first one.

Mr. LANDRUM. I thank the gentleman.

I yield to the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Speaker, I appreciate the courtesy of the gentleman from Georgia in yielding to me at this time. Having listened to the many words of praise for the wonderful record of our old friend, I can only say that I speak "off the cuff," but from the heart.

I had been in Congress only about 14 months when I had the privilege of going on a committee on which the Senator from Georgia, Richard B. Russell, had served for many years. It has been said that there is no limit to the good that you can do if you do not care who gets the credit. In a nutshell, that was the attitude of Senator Russell, one of the fine qualities among many, many others that led to his greatness. The things that he did were so great and so outstanding, however, that he did get credit in his lifetime for being a great American. In the minds of many people, of many diverse attitudes and feelings, he was one who might well have been a great President had he come from another area.

I merely wish to reaffirm the statements and join with my friends who have spoken today about this great man. One of the other fine qualities that one found about Senator Russell was that he could try his lawsuits, present his arguments, and do so in such a manner that there was never any question about his sincerity, and he never left his cause when he was through.

He had a sense of balance, a sense of fairness, a sense of dedication, and the ability to get along with people of diverse ideas and diverse groups.

Regardless of how hard he might fight for a cause, those on both sides of the aisle and on both sides of the issues never found occasion to fall out with Richard Russell. I am proud to have had the privilege of knowing Senator Russell.

As I have said before, it seems that sometimes we lose those we can least afford to give up. So truly his untimely death comes at a bad time in the history of our great Republic. But I say now again that although he is gone, the words he said and the things he did will remain a part of our current history and will serve us well in the days ahead when it looks as if division is coming upon us.

To his family and to his loved ones I extend my deepest sympathy, and I know that all of our colleagues in the Congress join in this expression of loss and in this knowledge that we will have great help in the future from the record left by Richard B. Russell for all of us.

Mr. LANDRUM. Mr. Speaker, I thank the gentleman from Mississippi.

I yield now to the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for yielding.

I associate myself with the remarks of the gentleman from Georgia and with the remarks of the others of my colleagues who have spoken this afternoon.

There is always a danger on an occasion such as this of being redundant or repetitious in seeking to find words and phrases with which to describe our loss for my State and for our Nation. I am of that generation which grew up after Senator Russell had risen to prominence in public life. As a result of the difference in our ages and the result of his great activities on behalf of his Nation and his State, I never had an opportunity really to get to know Senator Russell individually as a friend. But it was my great honor to meet him on several occasions and to discuss with him matters of interest to both of us on behalf of our State as well as my district. On each occasion I found human qualities in Senator Russell—genuine courtesy, geninue friendship, deep-rooted motivation in the best interest of his country, all that speak well of any man.

I can truly say that in Senator Russell I never had any reservations about his actions or motivations. He was always motivated by the highest regard for the best interest of his country.

We have all lost a great leader. My wife and I express our condolences to the members of his family. We are all the poorer for his loss.

Mr. LANDRUM. I thank the gentleman from Georgia.

I yield now to the gentleman from Georgia (Mr. Mathis).

Mr. MATHIS of Georgia. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker Senator Richard Brevard Russell was one of the most outstanding and beloved figures of our time. His death is a tragic loss that will be felt not only in the State of Georgia but also throughout the Nation and the free world.

As a freshman Member of Congress

who assumed office just minutes before the Senator's death, I was not privileged to know him as a colleague. But as a Georgian who had limited associations with the great statesman, I shared with millions a profound respect for his ability, his leadership, his knowledge, his talent, and his dedication to our constitutional institutions.

He possessed one particular quality that stood out above all others. He was humble. The man who rose from a proud but modest background to become one of the most brilliant legislative leaders the Nation has ever known, limited his biography in the Congressional Directory to one short line: "Richard Brevard Russell, Democrat, of Winder, Ga."

It might be said he sat in the saddle of power with grace and true humility. He was a citizen.

Senator Russell has been described as both a Senator's Senator and a President's Senator. His wise counsel was sought by more Senators and Presidents than perhaps any other man in our time. Georgians, however, best remember him as a great servant to the people he represented in the Senate of the United States. He was Georgia's most distinguished son. He understood our heritage and had confidence in our future. People listened to him, loved and admired him because they respected him.

His personal example provides for all of us here, and those who will follow, a permanent inspiration for the type of patriotic service for which this Nation will never cease to be indebted to him.

Senator Russell devoted a lifetime to outstanding public service. He will indeed be long remembered as a man of character, a patriot, and above all as a great American.

Mrs. Mathis joins me in extending our deepest sympathy to members of the Russell family.

Mr. LANDRUM. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. Schwengel).

Mr. SCHWENGEL. I thank the gentleman for yielding.

Mr. Speaker, I am glad to join my colleagues in paying tribute to this great American who has served us all so well for so long.

The tradition we have of calling attention to the public service of our colleagues with whom we have served, who have made a contribution, is a good tradition, for it affords us an opportunity to learn even more and better about those who have been among us.

I knew Senator Russell in a very personal way. I soon found that he shared an interest with me, and with many of you and others, in the history of our country. So it was natural, then, when I had problems involving the historical society that I head, as to bringing into reality some important aspect of history, and pictures for the book, to go to Senator Russell.

He was a traditionalist, and he was against breaking tradition until good reasons could be presented for breaking tradition.

One tradition he was against breaking was as to allowing pictures to be taken in the Senate while they were in session. But when those of us on the committee went to him and explained that our objective was to produce something that young people could take away when they visited the Capitol, and thereby understand American history better, he reordered his thinking and he then said:

> Mr. Schwengel, I was against this, and I still think I am, but I will not oppose the unanimous consent request when it is made by the leadership.

Then he went on to say:

> You know, if we could just get our young people, and all Americans, to understand our history and our heritage and the kinds of prices we have paid for liberty and freedom in periods of crises, not only would we have better American citizens, which is a great need, but also we would have greater respect on the part of other nations for America.

He was a traditionalist, but not one who was hidebound or who could not change if he saw there would be an advantage for his country.

His latest project is told in correspondence between him and me, and I believe it is appropriately revealed. He was on the great Appropriations Committee, and was its leader and a very able one. Those who have visited that principal office in the Senate have noticed the beautiful art work in that room.

His proposition was to put a window in the door, so that the boys and girls could go by there and take a look and see the Senate in session. This was his idea. I am sure if he had lived he would have carried through on it. Now we must pursue and in his memory see to it.

The point I want to make is that he loved the young people and was concerned about them, no matter their status, or color, or creed. He had a great love for these young people, and he wanted them to have the very best we had to offer.

We could go on and on. At the moment not everything occurs to me that I would like to have in the Record on this man.

I would also like to join my colleagues and many friends in paying respect to and extending sympathy to the family of Senator Russell.

Mr. LANDRUM. I yield to the gentleman from Oklahoma (Mr. Edmondson).

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Speaker, Senator Richard Russell was a Senator who made the U.S. Senate and the U.S. Congress stand tall in the eyes of the American people. He can truly be described as one of the giants of our time. I believe the contribution he has made to a sense of responsibility in the halls of the U.S. Congress is a major contribution of his time.

I read just last night a remark attributed to Senator Russell that I had not heard before. It is one that seems to me to be very typical of him. This is the remark that "where the American flag is committed I am committed."

Senator Russell was that kind of a Senator. He was that kind of an American. His presence in our National Congress will be sorely missed.

Mr. LANDRUM. Mr. Speaker, I now yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I do appreciate the fact that my distinguished and esteemed colleague has yielded to me.

I share the sentiments that have been expressed and the regret which so universally is felt about the death of a great American, Senator Richard Russell.

He was indeed a giant among those in government; an outstanding leader whose strength and whose dependability was very important to the orderly processes of legislation, to sound Americanism, and to the preservation of the things that made America great and which are no less essential for its continuation as a strong and free Nation.

All of my life I have known of the important contributions of the Russell family and I have respected them very highly. Yet it was Dick Russell who captured popular imagination and who stood out as a strong and able young crusader of good government. As the years passed and as he came to accept greater and greater responsibility, the true measure of the man became fully evident. Senator Russell, for his achievements and his contributions, deservedly held the confidence of the Nation's leaders at all levels. But he never lost contact with the people back home, and throughout his life he enjoyed the highest measure of confidence from those whom he represented.

Honored and respected among his colleagues and elevated to high places in the U.S. Senate, he also enjoyed the respect and esteem of people all over America, and I think it must be said that no one among us in government stands out as Dick Russell stood out.

This Nation needed him during his lifetime; it needs his strength and influence now. I am confident, Mr. Speaker, that the good work he did during a lifetime of dedicated service has built a lasting monument which will serve as a shining beacon to guide and help all of us as we go about our efforts for a better America on tomorrow.

I shall miss a good friend. America will miss a great statesman.

Mr. GONZALEZ. Mr. Speaker, Richard B. Russell, dean of the Senate, President pro tempore of the Senate, and chairman of its Committee on Appropriations, is dead.

Richard Russell served in the Senate from 1933 up until the moment of his death. Before that he was Governor of the State of Georgia. And before that he served in the Georgia Legislature. He was a man who served his State for a full lifetime. Few have ever been accorded as many honors and offices as this man. Few ever equaled his influence in his own State, or in the Senate.

Such men's passing leave great gaps. He made his mark, and he will be missed.

He championed national defense and we are all in his debt for that.

Senator Russell will be missed by the Senate, by Congress, by the people of Georgia, and by the country. It is a sad day when we lose a man of such long service, such energy, and such tenacity and skill.

He served well, and that is the best any man can hope to do. It was the great fortune of the country to have such a man, and it is a great misfortune to lose such a man.

Mr. LANDRUM. I yield to the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

I would like to associate myself with the remarks of those who have spoken before me.

Mr. Speaker, there was no greater Georgian than Richard B. Russell and there was no greater American than Richard B. Russell. Truly as a Georgian he loved Georgia as much as any Georgian could and as an American he loved America as much as any American could. Mr. Speaker, when I had occasion to go to the White House about a year ago the President made this statement. He said "Were it not for some of the Senators such as Richard B. Russell this country would be in a very weak position." He knew he could depend upon Senator Russell and others like him in the Senate to support the maintenance of a strong military posture for America, because through maintaining a strong military posture we can also maintain peace.

Richard Russell was conceded by all to be the most powerful Member of the U.S. Senate. He derived this power by his strength. He derived it by his ability. He derived it by the respect that the other Members of this body and the other body had for him.

Mr. Speaker, whenever I had occasion to call upon the Senator for help, he gave it readily. This was the reason that he had his strength, because he was always ready; he was always ready to assist; he was always ready to counsel.

So far back as I can remember Richard Russell has been a Senator from the State of Georgia, and so far back as I can remember the people of the State of Georgia have always respected this great American.

On Friday when his body was returned to the Georgia State capitol I was present, and I listened to the remarks of the people in the crowd. We in Georgia have never been as proud of any Georgian as we were Richard Russell. I know that the State legislators, those in the general assembly who were gathered there, had genuine sorrow, and they recognized the tremendous loss that was occasioned by the death of the senior Senator from Georgia. Then, yesterday as we stood in the rain and listened to the distinguished Americans talk about Richard Russell, one could sense in the crowd a great sense of loss.

Yes, we in Georgia are the poorer and we in the Nation are the poorer because of the death of this great American. But what he has stood for and what he has done will go on long beyond this day or last Thursday.

I consider myself very fortunate to have known him, to have been able to seek his counsel.

My sympathy and that of my family goes out to his family. I cannot help but feel that Richard Russell is this day looking over this body and the other body because, certainly, he led the type of life that earned for him a place in God's world.

Mr. LANDRUM. I thank the distinguished gentleman from Georgia for those remarks.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon).

Mr. MAHON. Mr. Speaker, I thank my friend from Georgia for yielding.

I wish to join my colleagues in paying tribute to the memory of this distinguished American. The outpouring of respect and adoration which has been evidenced nationwide is heartening. It is good to see that our people respect and honor a man of the stature of the late Richard Russell.

It was my privilege through many years of service here to sit in conferences with him on the defense appropriation bill, always the largest money bill of each session. I treasure the memory of working with him in our effort to keep our Nation strong. The dedication of this man to the national interest was unsurpassed.

Richard Russell held dear those virtues which made our country great. He stood firm and steadfast for true principles.

He was without question one of the great statesmen of this century. He was a leader in all administrations during which he served. He was frequently called upon for advice and counsel by the Presidents of his time. I know personally of the high esteem in which he was held by leaders of government during the past three decades.

His forceful personality, his understanding of complex issues, and his dedication to his country and the body in which he served were outstanding.

Words cannot adequately pay tribute to this man, but I do want to join with my colleagues and with many others in the Nation in a salute to the memory of this distinguished Georgian.

Mr. LANDRUM. I now yield to the gentleman from North Carolina (Mr. Lennon).

Mr. LENNON. Mr. Speaker, I thank my distinguished colleague for yielding.

I believe history will recall, Mr. Speaker, that no one has ever served in the Congress in either body during the history of our Nation who was held in higher esteem, respect and trust, than Senator Richard Russell.

I believe it was Emerson who said, in his essay on friendship, that trust is a true test of friendship, and that is certainly why all of the people who were privileged to know him learned to love him, to admire him, and to respect him.

I believe, Mr. Speaker, that I can speak not only for myself, because I did have the wonderful privilege of enjoying his close personal friendship during my interim appointment in the Senate, but for all North Carolinians, regardless of their political views, who esteemed and respected Senator Russell. That is something that will always bring happiness and gratification to me.

Just 2 nights ago, when one of our most distinguished national commentators made the statement that it was unlikely that history would produce again in the lifetime of most of us living today another man of the stature of Richard Russell, I said "Amen, good Lord, amen."

Again I thank the gentleman for yielding.

Mr. LANDRUM. I am happy to now yield to the gentleman from Mississippi (Mr. Colmer).

Mr. COLMER. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, Dick Russell and I came to the Congress together in 1933. During those years, it has been my high privilege to be associated and work with this great statesman. He was my friend. President Nixon, in eulogizing this son of the South, said that, had he been born in a different age, he would have become President of the United States. I should like to add that, had he been born in some other section of our great country, he would surely have become President.

In my sincere desire to pay a fitting tribute to our former comrade and dedicated statesman, the late Senator Richard Russell, after considerable thought I have come to the conclusion that I am incapable of putting into words the deep appreciation I have for this great statesman who served his country so well and so ably for approximately 50 years as Governor of a great State and as a U.S. Senator. Therefore, I am paraphrasing the tribute of one who was capable of expressing the tribute which I thought was deserving of another great American on a former occasion.

Mr. Speaker, in 1874, nearly 100 years ago, Senator Benjamin H. Hill also a Senator from the great State of Georgia paid the most beautiful tribute to a great General of the Confederacy and possibly one of the most noble Americans who ever graced American history, Gen. Robert E. Lee, of Virginia. In so doing, I do not feel that I am in any wise diminishing the character or image of the almost incomparable Lee. General Lee was not only a great general, but he was also a great American. Therefore in paraphrasing this most eloquent tribute to our lamented friend Dick Russell, I am merely substituting statesman for general. In other respects, the tribute to Senator Russell is the same as Senator Hill's to the immortal Lee.

The paraphrased tribute is as follows: "When the future historian shall come to survey the character of Richard Russell he will find it rising like a huge mountain above the undulating plain of humanity, and he must lift his eyes high toward heaven to catch its summit.

"He possessed every virtue of other great statesmen without their vices. He was a foe without hate; a friend without treachery; a statesman without cruelty; a victor without oppression; and a victim without murmuring.

"He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy; and a man without guile.

"He was Caesar, without his ambition; Frederick, without his tyranny; Napoleon, without his selfishness; and Washington, without his reward. He was obedient to authority as a servant, and royal in authority as a true king.

"He was gentle as a woman in life; modest and pure as a virgin in thought; watchful as a Roman vestal in duty; submissive to law as Socrates, and grand in battle as Achilles."

Mr. BOLLING. Mr. Speaker, I wish to join my colleagues in paying my respects to a patriotic American and a great Georgian. During the 1950's and the 1960's I had many opportunities to observe the fine intelligence, great abilities and enormous influence of the late Senator RUSSELL. Without question, as others have said, in another time, he could and, perhaps, would have been President of the United States. He had greater power in the U.S. Senate for a longer period of time than any Senator of this century. Like Robert E. Lee his first loyalty was to his State and to its people.

Mr. EVINS of Tennessee. Mr. Speaker, certainly I want to join with my colleagues from Georgia and others in paying a brief but sincere tribute to the memory of Senator RICHARD B. RUSSELL, the dean of the U.S. Senate.

Senator RUSSELL lived a full and useful life, dedicated to the public interest and the national interest. He represented the people of Georgia faithfully and ably, and he represented the Nation with the highest order of statesmanship.

Senator RUSSELL has been called a giant among giants—and certainly he was an outstanding Senator—capable, conscientious, personable, articulate and highly respected, beloved and esteemed.

Senator RUSSELL was chairman of the powerful Senate Committee on Appropriations and had a keen grasp of government and its obligations of service to people throughout the Nation. His influence was immense. I have seen this fact evidenced in appropriation conferences between the two Houses when the Senator received for his State of Georgia that which he wished even in his absence because of illness.

With all his power, Senator RUSSELL was a modest and unassuming man. In the Congressional Directory by the name of RICHARD BREVARD RUSSELL, he listed only this biographical information: "Democrat, of Winder, Ga."

Senator RUSSELL was a southern statesman with a keen perception of the impact of change and adjustment on the South and the entire Nation. He fought courageously for principles in which he believed.

As chairman of the Senate Armed Services Committee from 1951 to 1969—a period of 18 years—he made great contributions to a strong national defense. In 1969 he became chairman of the Committee on Appropriations of the Senate, and President pro tempore of the Senate, a position that put him third in line for succession to the Presidency. He would have made a great President.

Senator RICHARD RUSSELL was an outstanding Senator. He was a grand gentleman and a great American—he will be greatly missed.

The Nation mourns this passing of a great statesman.

Mr. DORN. Mr. Speaker, the life of the late Senator RICHARD B. RUSSELL is a classic example of public service. Scarcely was he old enough to vote when he entered public service, beginning the 50 year span of public life which was to become a symbol of integrity and leadership. And even in his last days, as he battled for life, he still played a pivotal role in the affairs of the Senate.

Mr. Speaker, here is truly a man for our youth to emulate. Although he was a son of a distinguished and illustrious Georgia family, he was not from a background of wealth. He was elected at an early age to the Georgia House of Representatives where he later became speaker. In 1930, at age 32, he was elected Governor of Georgia. He was Governor during the great depression, and his administration became a model for the Nation because of his determined effort to cut costs and to streamline governmental departments. In 1933, RICHARD B. RUSSELL was elected to the Senate of the United States.

In the brief span of 12 years he made the unprecedented transition from freshman member to speaker of the Georgia House of Representatives, to Governor of the State and on to serve as U.S. Senator.

Despite his wealth of experience, he was then the youngest man in the Senate. He was to serve continuously in the Senate, serving in that body for more than half of his entire life. Much has been written about the quality of his leadership in the Senate, about his integrity, his intelligence and his mastery of every parliamentary situation. All this is of course, accurate; and it was during his Senate service with the great Senator Walter George and, later, with my good friend HERMAN E. TALMADGE, that Georgia gained the reputation for being one of the best represented States in the Nation.

Mr. Speaker, in speaking of the personal characteristics of the late Senator, we think of his quiet, almost noble manner. He was always a totally reliable source of information. He was dignified, yet he was always approachable to render advice or assistance. Mr. Speaker, my wife was once a reporter for a national news magazine and in that capacity contacted many national leaders. She was, however, so impressed by the Senator's intelligence and integrity that she actively worked in efforts carried on in his behalf for higher office. And it was for me a distinct honor and privilege to campaign in some preferential primaries for the Senator.

It has been remarked many times that his chances for higher office were stymied primarily by the fact of his sectional origin. This was a loss for the Nation, but it did result in his service in the Senate over a period of many years. And as I have remarked many times, Mr. Speaker—and no one has a higher respect than I for the office of the Presidency—a man of the ability of Senator RICHARD RUSSELL who serves in the Congress for a period of years can have as great a long-range effect on the course of our national history as the President himself.

The State of Georgia, and indeed the entire Southland, benefitted tangibly by Senator RUSSELL's years of service. Georgia is truly the "Empire State of the South," being the largest State east of the Mississippi. During the time of his service the State began the transition from an agricultural to a diversified economy. Georgia's favorable climate, geography, and population patterns, together with the influence of her Representatives in Congress made the State a leader in national defense installations. And with these magnificent installations came huge additional investments by private enterprise. Still another example, and one that closely affects the people of my district on the other side of the Savannah River was Senator RUSSELL's leadership in the development of the entire Savannah River basin. His own home at Winder was not far from the great river, and he well understood the magnificent possibilities now reaching fruition in various development projects. And even outside his own State, he could play a crucial role, as he did in helping to protect the Clemson University campus from flooding and in helping to make possible a $1 billion nuclear power development in my district.

This economic development was a great source of pride to the Senator because, as I mentioned, he came into public service at a time when the South was, in the description used by President Franklin D. Roosevelt at Gainesville, Ga., the Nation's number one economic problem. But through his efforts our region now boasts a growth rate above the national average.

Mr. Speaker, RICHARD B. RUSSELL was the son of a cultured family which prized education; his father served as the chief justice of the Georgia Supreme Court. Today the magnificent facilities of the University of Georgia are among the examples of RICHARD RUSSELL's concern for education. One of the Senator's greatest contributions was the hot lunch program in our public schools, a program that has meant so much to families and children all over the Nation.

Mr. Speaker, my people feel that they have lost a leader and a friend. Senator RICHARD B. RUSSELL was respected and admired by my people as were few other Americans, as his hometown of Winder is not far across the Savannah from my district. My constituents, Mrs. Dorn and my children join me in extending to the RUSSELL family and to the people of Georgia my respect and deepest sympathy.

Mr. BENNETT. Mr. Speaker, the late Senator RUSSELL was one of the few men in history who possessed all of what I would call the Washingtonian virtues: Real leadership, courtliness, manliness, courage, perseverance, and Christian humility. I treasured his friendship and all America has lost in his passing a truly magnificent leader. His life will properly inspire generations to come. The following editorials from the Florida Times-Union and the Jacksonville Journal are well deserved tributes to this departed statesman:

[From the Florida Times-Union, Jan. 22, 1971]

RICHARD RUSSELL: A GIANT PASSES

There was something almost Wagnerian in the death of Georgia's Sen. Richard Brevard Russell on the day and near the hour that the United States Congress, which he loved and honored above all earthly institutions, convened in its 92nd biennial term.

The dean and president pro tempore of the Senate, in which he had served without interruption since 1933, died at the Walter Reed Army Medical Center where he had been under treatment since Dec. 8.

Sen. Russell, who also served as chairman of the powerful Appropriations Committee, to which he succeeded after many years as chairman of the Armed Services Committee, without question wielded as much influence in Washington as any other man in Congress of either party.

Sen. Russell sprang from a large Georgia family distinguished for its public service. He was the son and namesake of one of the most distinguished Chief Justices in the history of the Georgia State Supreme Court.

The younger Richard was the youngest man ever to be elected Governor of his state at 33, after winning his political spurs as a county attorney, member of the state legislature, and speaker of the legislative House of Representatives.

As ranking member or chairman of the two most powerful Senate committees during and after the war years, Sen. Russell was privy to more national defense secrets than any other member of Congress, but he won and held the complete confidence of all the Presidents and high military commands with whom he worked for his ability never to violate a confidence, large or small.

But while walking with kings, Dick Russell never lost the common touch. As precious in his eyes as the integrity of the United States Congress were his family and friends and neighbors throughout the state of Georgia with whom he kept in close and constant touch, and especially those closest to him in and around his ancestral home in the little town of Winder, near Atlanta.

The Senator enjoyed these family reunions as much or more than his mother and his many brothers and sisters, but he himself never married. He buried himself as completely as possible in his public service out of love for the institution of which he was a member, but most of all out of love for the country he was privileged to serve in high office.

Russell was not without his critics and political enemies, but no one ever dared attack him on any level other than legitimate differences of opinion or political philosophy.

It was frequently said of him by his friends and associates that the accident of his Southern origin was the only major bar to any aspirations he might have had for the Presidency.

Sen. Russell will be long remembered and honored in the Senate to which he gave long and valued service, and in his state and throughout the South of which he was a towering symbol. It is regrettable that the nation as a whole probably will never know the extent of his contribution to the preservation of the principles laid down by the founding fathers.

[From the Jacksonville Journal, Friday, Jan. 22, 1971]

RUSSELL WAS RARE

The nation shares the immense loss of the state of Georgia, in the passing of Sen. Richard B. Russell, one of the last of the courtly gentlemen of a sadly passed era.

Dean of the United States Senate with 38 years of service since being elected at the age of 35, Dick Russell had become not only one of the most powerful men in government as chairman of the Senate Armed Services Committee, but—and far more importantly—he was one of the most respected among his colleagues.

Russell was never a headline seeker, but his fight to preserve states rights projected him into a battle with President Harry S. Truman that culminated in the South's famed walk-out of the 1948 Democratic convention. The irony is that although Russell fought Truman hard on his civil rights platform he refused to be a States Right party candidate against the Democratic nominee and supported the President once he had received the nomination. The South did not support Truman, giving him but 13 of 278 votes, and considerable votes went to Russell, who did not seek them.

Russell was a shy man socially, electing to spend his time engaged more in hard work than as a steady attendant of the Washington merry-go-round of cocktail parties and sophisticated dinners. He was not at ease meeting the public and often seemed too formal in a profession that thrives on the facade of familiarity and feigned interest.

He was successful because his people knew him to be real and competent. And a man of unusual integrity and ability.

Six presidents depended upon his wisdom and guidance as chairman of the all-important Senate Armed Services Committee. He did not hesitate to voice his opinion whether or not it was the politically "right" thing to do at the time.

He remained a bachelor, but extremely close to his family in the little country town of Winder, Ga., not far from the University of Georgia where he took his law degree and first went forth to serve his fellow man.

The proof that he served them and his country to a degree all-too-often rare in our government's history can be found in the words of those in power who knew—and who salute Richard Brevard Russell for a job well done.

Mr. BROOKS. Mr. Speaker, one of the brightest aspects of serving in the U.S. Congress is that we are privileged to serve with so many distinguished and able individuals. On both sides of the Capitol and on both sides of the aisles, one finds a remarkable degree of dedication and ability.

Certainly, one of the noblest of these men was the distinguished senior Senator from Georgia. Dick Russell was a gentleman, an American, a statesman and, in every fine sense, a politician. We in the House of Representatives share the sense of loss being experienced by the other body. Senator Russell had his impact on all of us and on every district in our country. He was a strong advocate to have on one's side and he was truly a formidable adversary—but whatever his position, no one ever doubted his devotion to principle and what he truly believed was best for our Nation.

We shall all miss the gentleman from Georgia and our deepest sympathy goes out to his family and to the Georgians he served so well and loved so dearly.

Mr. DERWINSKI. Mr. Speaker, Senator Richard Russell was truly a giant among men. Those of us who had the opportunity to work with him in the legislative branch instinctively recognized his tremendous ability, integrity, and dedication to sound principles of government. Senator Russell was not in any sense a parochial or regional leader. He was dedicated to the best interest of all Americans and this was especially so in his concept of what was needed for us to maintain a strong national defense.

I join the many Members of the House who are paying respect to his memory this afternoon and emphasize that his leadership will be missed. He was an unusually effective legislative leader, a fact which so many Members have attested to this afternoon.

Mr. ROONEY of New York. Mr. Speaker, I was truly grieved to learn of the passing of the Honorable Richard B. Russell, the senior Senator from Georgia. I had the great privilege of knowing Dick Russell for all the years that I have been in Congress. We traveled abroad together and over the years served together on many, many conference committees on appropriations bills. His loss is a deep personal one to me for I can honestly say that I have seldom met a man I respected more or more deeply admired. Dick Russell was a true giant. His honor and integrity and sense of ethics and mores should stand as a model to all of us and as a monument to the U.S. Senate in which he served for almost 40 years. Dick Russell was a true statesman in the finest sense of the word. He was a man who loved his country and the Senate and they both returned that love. He was a gentleman, always, a man of rich tradition in which he was justly proud. And he was above all a marvelous human being; we shall not see his like again and we will miss him. To his family I extend my deepest sympathy in their time of great loss.

Mr. HAGAN. Senator Richard Russell was a man whose principles, integrity, ability, and almost legendary power have been so instrumental and so important a part of the U.S. Senate and the perpetuation of the American way of life that we cannot possibly recount all of his fine efforts and accomplishments.

Now that he has passed from this life and has gone on to take his well-deserved and predetermined place in history, I feel tremendously proud to say before my colleagues here in the House that I am honored and privileged to have called this great man my friend.

Oftentimes in these Chambers we have occasion to meet and work alongside men of fine character and wondrous deeds, but there is no doubt that Senator Russell will go down in history as one of the most noble citizens the American Nation has ever known.

A great patriot, an outstanding statesman and unparalleled leader, Senator Russell's long and illustrious political career will stand as the criterion for future public servants in the years to come.

William S. White, in his "A Symbol of a Tragedy" said it best. I feel his words cannot be improved on nor embellished:

> It used to be said, and truthfully, that it was the South which would not allow the Civil War to be forgotten. But is it not now—and has not long since been—the other way round? When the Senate says farewell to Richard Russell something much more than the Senate will have been deprived. So, too, will have been the United States of America.

Mr. SIKES. The recent death of Georgia's Senator Richard Brevard Russell has brought forth a great many eulogies and tributes to this outstanding statesman, and one of the most discerning and appealing in my eyes appeared in the Florida Times-Union newspaper of Jacksonville and is being reprinted in the Congressional Record today for the benefit of my colleagues:

Richard Russell: A Giant Passes

There was something almost Wagnerian in the death of Georgia's Sen. Richard Brevard Russell on the day and near the hour that the United States Congress, which he loved and honored above all earthly institutions, convened in its 92nd biennial term.

The dean and president pro tempore of the Senate, in which he had served without interruption since 1933, died at the Walter Reed Army Medical Center where he had been under treatment since Dec. 8.

Sen. Russell, who also served as chairman of the powerful Appropriations Committee, to which he succeeded after many years as chairman of the Armed Services Committee, without question wielded as much influence in Washington as any other man in Congress of either party.

Sen. Russell sprang from a large Georgia family distinguished for its public service. He was the son and namesake of one of the most distinguished Chief Justices in the history of the Georgia State Supreme Court.

The younger Richard was the youngest man ever to be elected Governor of his state at 33, after winning his political spurs as a county attorney, member of the state legislature, and speaker of the legislative House of Representatives.

As ranking member or chairman of the two most powerful Senate committees during and after the war years, Sen. Russell was privy to more national defense secrets than any other member of Congress, but he won and held the complete confidence of all the Presidents and high military commands with whom he worked for his ability never to violate a confidence, large or small.

But while walking with kings, Dick Russell never lost the common touch. As precious in his eyes as the integrity of the United States Congress were his family and friends and neighbors throughout the state of Georgia with whom he kept in close and constant touch, and especially those closest to him in and around his ancestral home in the little town of Winder, near Atlanta.

The Senator enjoyed these family reunions as much or more than his mother and his many brothers and sisters, but he himself never married. He buried himself as completely as possible in his public service out of love for the institution of which he was a member, but most of all out of love for the country he was privileged to serve in high office.

Russell was not without his critics and political enemies, but no one ever dared attack him on any level other than legitimate differences of opinion or political philosophy.

It was frequently said of him by his friends and associates that the accident of his Southern origin was the only major bar to any aspirations he might have had for the Presidency.

Sen. Russell will be long remembered and honored in the Senate to which he gave long and valued service, and in his state and throughout the South of which he was a towering symbol. It is regrettable that the nation as a whole probably will never know the extent of his contribution to the preservation of the principles laid down by the founding fathers.

Mr. CORMAN. Mr. Speaker, it is with a deep sense of personal loss that I mourn the death of Senator Richard B. Russell of Georgia.

Senator Russell served five U.S. Presidents with equal devotion. He served in difficult times, times when there were swift changes in the world, always upholding the highest tradition of public service.

He was a statesman of courage and commitment. He was a wise and strong leader. He was a man of consistent and unwavering integrity.

Senator Russell had the respect and esteem of us all. We will miss him.

Mr. STEPHENS. Mr. Speaker, when Senator Russell died on January 21, it was a great loss for Georgia, America, and the free world. He was the outstanding leader for the defense of America. His work as chairman of the Armed Services Committee kept America strong and this might of the United States has been the protector of large and small nations which desire peace and independence.

It is true that Dick Russell wielded enormous power. Never did he use that power for his own selfish gain. He dedicated his power to the enhancement of the greatness of America and its democratic institutions. Georgia was fortunate to have had the services of Senator Russell for so long a time—as a legislator, house speaker, Governor, and U.S. Senator.

In my 10 years of service in Congress, I have called on him many times for help. He was always responsive, cordial and effective in providing that help.

Senator Russell's love for his alma mater, the University of Georgia, was unlimited. He envisaged the potential in Athens for an agricultural research center. I was serving in our Georgia Legislature at the time when Senator Russell cited the need for the State to develop its part first. We in the legislature provided $14 million to build a science center at the State university and upon that foundation Senator Russell went to work to get Federal projects to expand it. As a result of his energy, efforts and leadership, there is now no finer agricultural research center anywhere else in the southeast. It is a monument to Senator Russell.

Georgia will miss Dick Russell in the years to come. I will miss him in Washington. I extend my sympathy to his family and the people of Georgia.

Mr. EDWARDS of Alabama. Mr. Speaker, death, the ever present enemy, has snuffed out the life of one of the greatest public servants the South, and the Nation, have ever known.

Senator Richard B. Russell was more than a dynamic legislator and an outstanding parliamentarian; he was a beacon in the night on the raging high seas of countless national crises this Nation encountered during his tenure of office.

A leader of men, he represented the interests of Americans as few other Members of the U.S. Senate have so unselfishly during the past century. What he was in life, his memory will emblazon across the pages of American history for many hundreds of years to come.

For those who knew Richard Russell, his death comes at a time when his vision, courage, and perseverance will be missed the most. Those were his credentials and those were the qualities which made him great.

Mr. Speaker, in memory of this great American, I would like to submit a copy of an editorial the Mobile Press-Register carried following his death:

Russell's Death Is Loss to Nation

The U.S. Senate has lost a great statesman, one who was more than a mere champion of the section from which he came.

We refer, of course, to Sen. Richard Brevard Russell of Georgia, whose eminence in the legislative branch of government has been recognized in this country and abroad.

Sen. Russell was a champion of the South and the United States as a whole.

His death in Walter Reed Hospital of respiratory problems, complicated by emphysema is deeply mourned, and great interest will center around who will be selected to fill his big shoes as president pro tem of the Senate.

Whomever he is had best begin studying up on parliamentary law, for the Georgia bachelor had mastered the subject and used the knowledge to steer his colleagues through many stormy sessions that produced constructive results. He was an unquestioned patriot and believed in defending the U.S. Constitution, much to the displeasure of many of his Senate colleagues.

We think it is in keeping with the modest nature of Senator Russell that his body lies in state in Georgia's Capitol today, instead of the rotunda of the U.S. Capitol building, awaiting funeral services Sunday in his hometown of Winder, Ga.

A giant of a man has been taken by death, and America will miss him.

Mr. STUCKEY. Mr. Speaker, America has lost one of its greatest patriots. The State of Georgia has lost the greatest leader in its history.

Senator Richard B. Russell was a strong constitutionalist, a champion of States' rights and the leader of the southern bloc. His vision was clearer than most people's hindsight. In Washington he was known affectionately as the "Senator's Senator."

Just as his service in the Georgia General Assembly where he was speaker of the house for 4 years and his service as Governor of Georgia, Senator Russell's achievements in the U.S. Senate can only be covered in the chapters of our U.S. history, where he will hold a place of prominence.

Senator Russell was a statesman in the truest sense of the word. He served his State and his country with dedication and with dignity. He was a gentleman throughout his political career, and he was indeed deserving of the high respect with which he was held by his colleagues in public office, his friends, his family, and his country. We will miss Senator Russell. I believe that he will always be with us in spirit.

Mr. HALEY. Mr. Speaker, it is not necessary for me, in expressing my sorrow at the death of Richard Brevard Russell, to extol his matchless record as a Member of the U.S. Senate. That record speaks for itself—Senator Russell was always and essentially a man of the Senate. The institution became his life and he became an institution within an institution. He was the youngest Member of that body when he entered it in 1933, and at his death he was, and had been for many years, undoubtedly its most respected Member.

He was, in fact, so respected—that it was many times said that Senator Russell could have been President of these United States had he not been a Southerner, and I am among those who believe that this is so. But certainly he was hugely influential in his own quiet way in his many years in the Senate. He was a champion of military preparedness and he was an internationalist—but he was never a militarist. He opposed military intervention in the affairs of other countries time and again—but as he said, when his flag was "committed" he too was "committed" to its support as chairman for 15 years of the Armed Services Committee. Nor was RICHARD RUSSELL ever a racist—he was a traditionalist—a distinction well respected by his colleagues in the Senate, of whatever party or whatever political thought.

But rather than praising RICHARD RUSSELL's career as a Senator, for it needs no praise, I would prefer to say a few words about the man, RICHARD RUSSELL, whom I had the privilege of knowing even before I came to the House of Representatives some 18 years ago.

Senator RUSSELL was a personable man with a fine, if perhaps little known, sense of humor. His wit was philosophic and sometimes caustic, often keyed to the unique southern brand of storytelling. He was courtly in a way that is seldom witnessed anymore, even in his native South. Associates recall that he found it difficult to show the slightest sign of rudeness or impatience, even when they were justified.

This was a man who applied a set of rules to most aspects of his personal life. To the end, his life-style remained simple, even spartan, contemptuous of waste and frivolity, and dedicated to the proposition that anything pretentious, or expensive, was an insult to necessity. He just hesitated to go along with anything that did not fit into the simple way of life he learned as a boy in North Carolina and kept with him until his death.

RICHARD RUSSELL was a man who loved his family—his unbroken record attendance of its annual reunions was legendary. He also loved his State, his country, his fellow Americans, and he dedicated his life to all of these. The Nation will be poorer without him.

Mr. FISHER. Mr. Speaker, the death of 73-year-old Senator RICHARD BREVARD RUSSELL of Georgia involved a greater loss to the Nation than the average citizen can possibly realize.

So great was the Senator's ability and his statesmanship, it is believed by many that had RUSSELL lived north of the Mason-Dixon line he would have been President long ago. It is known that six different Presidents often sought his advice and guidance on big issues.

RICHARD RUSSELL was rated as one of the last of the big men in the Senate. Only a few years back there was Vandenberg, Taft, Byrd, Tydings, Dirksen—all now gone to their reward. They were great. Yet RUSSELL seemed the greatest of all. Geography and fate separated him from the White House.

Most of these men—as was true of such statesmen as Webster, Borah, Bailey, Norris, and LaFollette—reached their peak during senior years. But age alone was not the reason. They were great in younger years, as well. This fact serves to expose the fallacy of those who would discount the value of seniority.

RUSSELL was a recognized expert on military matters. On occasions I served on conference committees when he headed Senate conferences on defense bills. Always DICK RUSSELL was the wise man, the man of logic, knowledge, and reason, who seemed to come up with the best possible answers.

The Senator's ability to analyze and foresee the effect of emotional legislation was uncanny. Where others thought in terms of expediency, RUSSELL applied logic and reason.

DICK RUSSELL was a true patriot. He loved America and its heritage. On those principles he never wavered. Free of demagoguery, he was a man of principle and always operated on that level. Unfortunately, there are far too few to take his place at a time when such statesmanship is needed more than ever.

Mr. RARICK. Mr. Speaker, I rise today in tribute to a friend and colleague, a distinguished American patriot, a Christian, and a Southern gentleman, the Senator from Georgia, the late Hon. RICHARD B. RUSSELL. The Congress of the United States and the American people lost a most competent and dedicated leader with the death of Senator RUSSELL.

The United States has been well and faithfully served by many illustrious statesmen from the State of Georgia, but none has been more dedicated to the preservation of our Constitutional Republic, the perpetuation of individual liberty under God and the enhancement of America's destined role in world leadership than Senator RUSSELL.

From his election to the Georgia House of Representatives in 1920 at the age of 22, until his death on January 21 at the age of 73, RUSSELL was a devoted public servant. Humility, honesty, and integrity were foremost among the many virtues exemplified by Senator RUSSELL through his words and actions.

While participating in many Senate debates, Senator RUSSELL was a loquacious exponent of the rights reserved to the people and to the States by the ninth and tenth amendments, respectively. Throughout his 38 years in the U.S. Senate, RUSSELL always remained true to his oath to preserve, protect, and defend the Constitution of the United States of America.

Senator RUSSELL toiled diligently for a strong military defense for the Nation and the free world, championed the cause of the American serviceman, and was considered the most eminent authority on military matters. He was widely acclaimed by his fellow Senators of both parties and from all regions of America for his honesty, ability, and integrity.

Senator RUSSELL believed that the law should apply equally in all States and to all Americans and that laws applicable in Southern States should likewise be enforced in Northern States. He served as leader and chief strategist of the Southern bloc of Senators who opposed the so-called civil rights bills of recent years. Senator RUSSELL's opposition to these bills was based primarily on his conviction that they were contrary to the Constitution, politically inspired, and punitive in nature against the people of the South.

At the time of his death, Senator RUSSELL was third in line of succession to the office of President of the United States. Former President Truman in his memoirs wrote:

> If RUSSELL had been from Indiana or Missouri or Kentucky, he may very well have been President of the United States.

This same idea was expressed recently by Senator MIKE MANSFIELD.

In a previous era before the decline of Constitutional government in America, many illustrious Southerners served as President. These included George Washington, Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, William H. Harrison, John Tyler, and Andrew Johnson. They protected, strengthened, and advanced our great Constitutional Republic and kept America truly "the land of the free and the home of the brave." It is my belief that had Senator RICHARD B. RUSSELL, a great American and southerner, served as President, the security of our country against foreign aggressors and the preservation of this great constitutional Republic would not be in jeopardy today.

To his surviving relatives, the people of the Sixth District of Louisiana join me in extending our deepest sympathy in this their hour of bereavement, reminding them that their loss is also borne by every free man throughout the world who labors for liberty, honor, and justice.

Lives of great men all remind us
 We can make our lives sublime,
And, departing, leave behind us
 Footprints on the sands of time;

Footprints, that perhaps another,
 Sailing o'er life's solemn main,
A forelorn and shipwrecked brother,
 Seeing, shall take heart again.

Let us, then, be up and doing,
 With a heart for any fate:
Still achieving, still pursuing,
 Learn to labor and to wait.

GENERAL LEAVE

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore (Mr. CORMAN). Without objection, it is so ordered.

There was no objection.

SENIORITY OF MEMBERS OF MISSISSIPPI CONGRESSIONAL DELEGATION WAS CHALLENGED IN DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, as you know, the seniority of members of the Mississippi congressional delegation was challenged in the Democratic caucus on January 19, 1971.

Had that challenge succeeded, every Congressman and Senator would take his seat at the sufference of a convention which meets each 4 years and which is in no way answerable to the constituency that elected him.

Furthermore, had the challenge succeeded, it would have resulted in displacing the election laws and statutes of every State in the Nation by the decisions of a quasi-institutional body that is neither authorized nor contemplated in the Constitution.

To place this subject in perspective and historical context, the Mississippi congressional delegation issued a press release on January 18, 1971. I include it as a part of my remarks for the information of our colleagues:

STATEMENT OF MISSISSIPPI CONGRESSIONAL DELEGATION

The proposed challenge to strip the Members of the Mississippi Democratic Delegation to the House of Representatives of their seniority is based on one conclusion and one only. That is, by virtue of the action of the 1968 Democratic National Convention Credentials Committee the Registered Democratic Party of Mississippi no longer exists and that instead, those seated by the Credentials Committee to participate in the National Convention called to select a Presidential and Vice Presidential Democratic Candidate comprise the "Democratic Party of Mississippi" for all purposes.

At the outset, perhaps it would be instructive to place the role of the National Convention in party politics into its proper perspective. It is well-known that political parties and national conventions are not subject to consideration by the United States Constitution but are rather creatures of necessity that were created to cope with a growing young country and the rise of a brand of national politics as contemplated by the Founding Fathers. It was thought by the Founding Fathers that the election of the President and Vice President would be accomplished on the State level through Presidential Elections, but as various alignments among political factions in the States arose in regard to Presidential Elections, it became obvious that reliance upon the methods established by the Constitution had to be supplemented by new organizations and techniques. The most prominent institution to appear as a result of these endeavors was the party National Convention, a device instituted by the various State political parties in an attempt to secure cooperation among the State parties in these elections of a Presidential and Vice Presidential candidate, thus presenting a more or less united front to the opposition.

The present challenge before the Democratic Caucus ignores this basic fact, that the party National Convention is a creature of the State political parties, insisting rather that the State political parties exist at the sufferance of the National Convention, they are choosing to ignore not only history but constitutional and State law as well.

At the 1968 Democratic National Convention in Chicago, Illinois, the Credentials Committee chose not to certify the regularly selected state delegates sent to the Convention by the Mississippi Democratic party. The question before the caucus is, what was the effect of that decision?

The Democratic National Convention of 1968 was called by the National Committee:

"For the purpose of selecting nominees for President and Vice President of the United States of America, to adopt and promulgate a platform and to take such other action with respect to any other matters as the convention may deem advisable." *The Official Manual for the Democratic National Convention of 1968*, p. 15.

To accomplish these purposes a Credentials Committee was established as in conventions past. "In the Convention, all contents for seats are referred . . . to the Committee on Credentials which meets and hears contestants, individually or by counsel and reports its conclusion to the Convention . . . *Official Manual*, supra, p. 36. This then is the function of the Committee, to hear contests for seating and report conclusions. Nowhere can it be discovered that it was the intent of the National Committee or the National Convention to empower the Committee to do any more than this.

The Credentials Committee made its report, on the Mississippi seating contest, as well as others, and its "conclusions" were adopted by the Convention. Result: those delegates accepted by the Committee and the Convention were seated and allowed to participate in the selection of the Democratic nominees for President and Vice President. The actions of the Committee and the Convention did nothing more, presumed to do nothing more, and could not have done any more.

Now we are told that this is not the case. That what the Credentials Committee did was to disestablish the registered Democratic Party of the State of Mississippi, creating a void subsequently filled by former convention delegates. This is, to be generous, a most untenable position.

As we have noted previously, the National Convention is a creation of the State political parties but even if this were not so, there was nothing in the actions of the National Convention to indicate that this was their intent either when the convention was called or when the action of the Credentials Committee was affirmed.

The members of the Mississippi Democratic Delegation to the House of Representatives were elected within a political framework established by state law as were all members of the House of Representatives. To secure election under the Democratic baner they must act in accordance to the dictates of state law.

The Mississippi statutes that controlled the 1970 Primaries and General Election with regard to filing procedures are quite clear and unambiguous. They require that those who would seek nomination in a primary election pay their filing fees to the ". . . secretary of the proper executive committee . . . Sec. 3120, *Mississippi Code Annotated 1942.* 1970 Supp. In the case of Democrats in Mississippi, this means paying the required fee to the secretary of the recognized and registered Democratic Party of Mississippi. There is no alternative provided by the statutes and the requirement is mandatory.

It has been alleged by those who challenge our status as Democrats that they have been denied the opportunity to register as the Democratic Party of Mississippi by the Secretary of State. In point of fact the Secretary, as are we, is bound by law. In this instance a law which is generally found in the statutes of every state. Section 3107–01 of the *Mississippi Code Annotated* provides, in part, that:

"The chairman or secretary of the state executive committee of each political party . . . shall register the name of the political party it represents with the secretary of state. . . . Thereafter, no political party shall use or register any name or part thereof of which has already been registered with the secretary of state by any other political party."

When the attempt was made by those seated at the National Convention to register as the Democratic Party, the secretary of state quite properly returned such request because the party was already registered with an organization selected and operating under state law.

It would appear that the proper course for the dissidents here to have taken at that point, would have been to take the matter to the courts where it could have been resolved in an orderly manner. To bring the issue before the caucus and expect a resolution of the many issues involved is an act of misdirection. If they have a case let them bring it before the courts and we will abide by their decisions.

Rather the dissidents suggest that we should have filed through their more or less "rump" executive committee. To what end? Had we filed with them there would be no Democrats from Mississippi in the House today. It was suggested also that, in the alternative, we file twice. once with them and once with the registered Democratic Party. Again, to what end? Certainly it would have assuaged the feelings of some but it would have accomplished nothing else and it would not have been in accord with State law.

In summation, we are faced with this situation. There is in Mississippi one registered, recognized Democratic Party and only one. It operates under the laws of the State of Mississippi and the United States, and we who live there are obligated to operate in accordance with those laws. If there are those who feel aggrieved by the actions of the Party or who would seek to gain control of its processes, we suggest that they do so in a manner prescribed by law. They cannot have it both ways. They cannot rely on the law only when it suits their purposes. In point of fact, they may now be in violation of state law by virtue of holding themselves out to be officers in the Democratic Party of the State when they have not been selected in accordance with State law, Sec. 3107–04, *Mississippi Code Annotated,* 1970 Supp. Forty-six seats at a National Convention do not make a state party. A state party is a creature of state law and the "party" that these dissidents hold themselves out to be exists only in their minds.

NEAR-HOME ASSIGNMENT FOR SERVICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 10 minutes.

Mr. MORSE. Mr. Speaker, I am filing legislation today, with the support of over 100 of my colleagues, which would require that maximum effort be made to assign a serviceman as close to his home as possible for the completion of his duty when he returns from a combat zone.

We have all known, directly or indirectly, the anxiety and the hardships which both the serviceman and his family have experienced during his absence while fulfilling his military obligations in Southeast Asia. Especially now, when more and more men are returning from that combat area, we should do all we can to insure that the joy and relief of their homecoming is not overshadowed by a postcombat assignment hundreds of miles away from their homes and their friends.

Although the Department of Defense attempts to make near-home assignments for combat veterans, it has been my experience that many of these men, who are frequently on their final tour of duty, are once again separated from their families by assignment to a military post far away. Apart from a short period of leave, they have no opportunity to renew and strengthen long-missed bonds with friends and loved ones.

I am convinced that the present system can and should be greatly improved. While I realize that it may not be possible in every instance to assign a combat veteran to an appropriate installation near his home, it is our duty and our responsibility to make every effort to prevent any unnecessary and unwarranted separations. The legal requirement, encompassed in this bill, of maximum entitlement for such an assignment for combat veterans will go a long way to alleviating this situation by helping to insure that a serviceman's preferences will receive proper consideration.

The preferential treatment this bill would allow is fair. It will help improve morale both at home and abroad, and will serve to greatly reduce the very real anxiety that so many American families have already suffered.

I am gratified that so many of my colleagues have joined me in this effort. Those cosponsoring this legislation today include:

COSPONSORS FOR THE NEAR HOME ASSIGNMENT FOR SERVICEMEN

Mr. Addabbo, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Archer, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Biester, Mr. Bingham, Mr. Brasco, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Carter, Mrs. Chisholm, Mr. Clark, Mr. Conte, Mr. Conyers, Mr. Córdova, Mr. Danielson, Mr. Dent, Mr. Derwinski, Mr. Dickinson, Mr. Dingell, Mr. Duncan, Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Fisher, Mr. Flowers, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Gude, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hastings, Mr. Hathaway, Mrs. Hicks, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kazen, Mr. Kuykendall, Mr. Kyros, Mr. Lujan, Mr. McKinney, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mrs. Mink, Mr. Morgan, Mr. Mosher, Mr. Moss, Mr. Nix, Mr. Obey, Mr. O'Neill, Mr. Pelly, Mr. Pickle, Mr. Pike, Mr. Poage, Mr. Poff, Mr. Preyer, Mr. Pucinski, Mr. Reid of New York, Mr. Roe, Mr. Roncalio, Mr. Rosenthal, Mr. Rupe, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. Schneebeli, Mr. Scott, Mr. Shoup, Mr. Sikes, Mr. Smith of New York, Mr. William J. Stanton, Mr. Symington, Mr. Tiernan, Mr. Thomson of Wisconsin, Mr. Van Deerlin, Mr. Wampler, Mr. Williams, Mr. Wolff, Mr. Wright, Mr. Wyman, Mr. Yatron, and Mr. Young of Florida.

In addition, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byron, Mr. Dow, Mr. Esch, Mr. Gallagher, Mr. McCloskey, and Mr. Steele have indicated their support and I will be introducing an identical bill in a day or two with their cosponsorship.

The full text of this proposal is as follows:

A Bill To Amend Title 10 of the United States Code To Provide That Members of the Armed Forces Be Assigned to Duty Stations Near Their Homes After Serving in Combat Zones

That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1041. Duty station assignment after combat zone duty.

"Any member of a uniformed service is entitled to the maximum extent practicable and consistent with the needs of the service, to be assigned to a tour of duty at a station or post near the location designated in the member's military records as his legal residence if the immediately preceding tour of duty of the member was in a combat zone. The Secretaries concerned shall prescribe such regulations as may be necessary to carry out this section."

(b) The analysis of such chapter 53 is amended by inserting

"1041. Duty station assignment after combat zone duty."

immediately after

"1040. Replacement of certificate of discharge."

PROBLEM OF FREE WORLD SHIPPING TO NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Chamberlain) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, throughout the Vietnamese conflict the problem of free world shipping to North Vietnam has been a source of deep concern. As one who has repeatedly urged more effective action to deal with this problem, I am encouraged to report that 1970 witnessed a further sharp drop in the level of this traffic. The Department of Defense has told me that during this past December there were just two free world flagship arrivals from North Vietnam, one flying the British flag and the other the flag of the Somali Republic. This brings the total for 1970 to 58 such arrivals as compared with 99 in 1969 and 149 in 1968. This is real progress and I commend the Nixon administration for its efforts to choke off this source of supply to the enemy.

Certainly North Vietnam would not charter free world vessels to bring supplies unless supplies were vitally needed. Obviously we must continue our work on this problem in 1971 so long as American soldiers are in South Vietnam. I am encouraging by the progress during the past 2 years and urge the administration to continue its vigilance.

FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM

Month	United Kingdom	Cyprus	Malta	Italy	Lebanon	Singapore	Somalia	Japan	Kuwait	Total
1968:										
January	9	1								10
February	7	1								8
March	10			1		1				12
April	10	1			1	1				13
May	13	3				1		1		18
June	12	2	1		1	1				17
July	6						2			8
August	9	3								12
September	11	1				1			1	14
October	7	1					2			10
November	9	1				1	2			13
December	10					1	3			14
Total	114	14	1	1	2	6	9	1	1	149

	United Kingdom	Somalia	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
October	4		1		1		6
November	7						7
December	7						7
Total	74	7	9	5	3	1	99
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2			1			3
September	4						4
October	1						1
November	2	1					3
December	1	1					2
Total	40	15	1	1		1	58

FIREARM CONTROL

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, a campaign to legislate still further controls over the legitimate possession and use of firearms, including their registration and the licensing of their owners, continues to be waged in this and the other body of this Congress.

Time and time again events have shown that such restrictions on the ability of law-abiding citizens to possess firearms, particularly rifles and shotguns, have had little or no effect upon the crime rate or upon the incidence of crimes of violence.

The District of Columbia for the last 2 years has had highly stringent regulations requiring firearms to be registered and owners to be licensed. An article by Michael Bernstein in the Washington Daily News of January 21 quoted District of Columbia police as saying that these regulations are not keeping firearms out of the hands of criminals, as "holdup men and the criminal element do not register guns, they steal them." Firearms registration in the District of Columbia and the licensing of owners, has had little effect other than to place still another administrative burden upon the honest citizen.

The Washington Daily News article follows:

CITIZEN GUN REGULATIONS ARE FLOP HERE

(By Michael Bernstein)

The District's nearly two-year-old gun registration regulations are not keeping firearms out of the hands of criminals, D.C. police say.

As Lt. Samuel Wallace of the Robbery Squad put it, "The only people who have registered guns are the honest citizens. Holdup men and the criminal element don't register guns, they steal them."

The main use of the licensing and registry of guns and rifles, he and other police officers said, is to trace stolen guns to other robberies and original owners. The original owners, however, rarely turn out to be law breakers.

Reacting to the statements, National Rifle Association spokesman said, "The members of the NRA have always opposed gun control because it won't reduce crime. We just don't see the criminal registering his firearm. Registration merely identifies the owner of the firearms. Registration is just another administrative burden on the owner.

Sgt. Fred Barber, head of the department's firearms control unit, had some kinder words for the regulations. "The main selling point of this registration is recovery. With this you have the best chance of returning the gun to the owner. A lot of people fail to see this. They don't place any value on it."

Originally, police estimated there were 75,000 guns in the city, but now they feel this total is high. "That figure was taken from old files and covered not only purchases by District, but Virginia and Maryland residents," he said. Nevertheless, he said, the 35,000 firearms registered so far "don't really represent what we have in the city by far."

From 1969 and 1970 some 27,000 to 28,000 guns were registered with the four patrolmen and two police cadets in the firearms section at headquarters. In the last year 7,000-8,000 guns were registered.

In addition to registration, which costs $2, owners of shotguns and rifles must be licensed (have two photos and be fingerprinted) for an additional $2 fee.

The maximum penalty for having an unregistered gun is a $300 fine or 90 days in jail.

Sgt. Barger said in the first 11 or 12 months after the regulations were passed—no total was kept after that—more than 100 persons were charged with registration violations. There were almost always companion charges, with assault with a deadly weapon or some other offense, he said.

Occassionally, tho, persons have been charged with and sentenced for failure to register firearms, he said.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HORTON, on March 3, for 1 hour.

Mr. MORSE, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. CHAMBERLAIN, for 5 minutes, today.

Mr. MILLS, Tuesday, January 26, for 1 hour.

Mr. GRIFFIN (at the request of Mr. O'NEILL), for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. ICHORD and to include extraneous material.

Mr. MADDEN.

(The following Members (at the request of Mr. YOUNG of Florida), and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. PETTIS.
Mr. REID of New York in two instances.
Mr. HORTON in three instances.
Mr. GUDE.
Mr. CHAMBERLAIN in three instances.
Mr. BELL in three instances.
Mr. RHODES in five instances.
Mr. SCHWENGEL in two instances.
Mr. ANDERSON of Illinois.

(The following Members (at the request of Mr. O'NEILL), and to include extraneous matter:)

Mr. ANNUNZIO in three instances.
Mr. ANDREWS of Alabama.
Mr. RODINO.
Mr. DINGELL.
Mr. CORMAN in five instances.
Mr. PUCINSKI in five instances.
Mr. LEGGETT.
Mr. METCALFE in two instances.
Mr. ROGERS in five instances.
Mr. HAGAN in three instances.
Mr. GONZALEZ in two instances.
Mr. RARICK in three instances.
Mr. ADAMS.
Mr. BENNETT in two instances.

(The following Members (at the request of Mr. ANDERSON of California), and to include extraneous matter:)

Mr. DULSKI in six instances.
Mr. BOGGS.
Mr. CHARLES H. WILSON.
Mr. MONAGAN in six instances.
Mr. EDMONDSON in three instances.
Mr. HÉBERT.
Mr. SLACK.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 26, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

63. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Army National Guard, pursuant to 10 USC 2233a(1); to the Committee on Armed Services.

64. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

65. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 18 of the United States Code to provide for an appeal from certain orders by a defendant who has pleaded guilty, and for other purposes; to the Committee on the Judiciary.

66. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend chapter 153 of title 28 United States Code, to provide for the granting of writs of habeas corpus in certain additional instances; to the Committee on the Judiciary.

67. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to eliminate the requirement of a three-judge district court in cases seeking to restrain the enforcement of State or Federal statutes for repugnance to the Constitution; to the Committee on the Judiciary.

68. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

69. A letter from the Deputy Assistant Secretary of the Interior for Administration, transmitting a report on scientific and professional positions established in the Department of the Interior during calendar year 1970, pursuant to 5 U.S.C. 3104; to the Committee on Post Office and Civil Service.

70. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his office which are financed wholly with Federal funds, covering the period October 1 through December 31, 1970, pursuant to section 1120b of the Social Security Act; to the Committee on Ways and Means.

71. A letter from the Comptroller of the Currency, U.S. Department of the Treasury, transmitting the 1969 annual report of the Comptroller of the Currency, pursuant to

section 333 of the U.S. Revised Statutes; to the Committee on Banking and Currency.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 2143. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 2144. A bill to provide public service job opportunities; to the Committee on Education and Labor.

H.R. 2145. A bill to encourage employment among the needy; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 2146. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.R. 2147. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 2148. A bill to amend the Internal Revenue Code of 1954 to remove all limitations upon the amount of the deduction allowed a taxpayer for medical, dental, and related expenses; to the Committee on Ways and Means.

H.R. 2149. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education, or the education of his spouse or any of his dependents, at an institution of higher learning; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 2150. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2151. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 2152. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 2153. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 2154. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes; to the Committee on Public Works.

By Mr. CORBETT:

H.R. 2155. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday, and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 2156. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday, and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2157. A bill to amend title 38 of the United States Code to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday, or overtime duty and to authorize payment for standby or on-call time, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2158. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DULSKI (for himself, Mr. Corbett, Mr. Nix, Mr. Derwinski, and Mr. Scott):

H.R. 2159. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GETTYS:

H.R. 2160. A bill to amend the Act of July 18, 1958, to provide for the expansion of Cowpens National Battleground Site; to the Committee on Interior and Insular Affairs.

By Mr. GIAIMO (for himself and Mr. Harrington):

H.R. 2161. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Anderson of California, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Brademas, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Diggs, Mr. Drinan, Mr. William D. Ford, Mr. Halpern, Mr. Johnson of California, Mr. Mitchell, Mr. Morse, Mr. Moss, Mr. Nix, Mr. O'Neill, Mr. Price of Illinois, and Mr. Pucinski):

H.R. 2162. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Begich, Mr. Rees, Mr. St Germain, Mr. Sarbanes, and Mr. Vanik):

H.R. 2163. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 2164. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEE:

H.R. 2165. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. KLUCZYNSKI (for himself and Mr. Michel):

H.R. 2166. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 2167. A bill making an appropriation for the Commission on Marihuana and Drug Abuse; to the Committee on Appropriations.

By Mr. KYROS:

H.R. 2168. A bill to amend the act of August 3, 1956, relating to the payment of annuities to widows of judges; to the Committee on the Judiciary.

H.R. 2169. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 2170. A bill to amend title II of the Social Security Act to reduce from 20 to 15 the number of quarters of coverage which an individual must generally have had within a specified 10-year period in order to qualify for disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. KYROS (for himself and Mr. Hathaway):

H.R. 2171. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. LANDGREBE (for himself, Mrs. Hicks of Massachusetts, Mr. Bergland, Mr. Sebelius, Mr. Lujan, and Mr. Baker):

H.R. 2172. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. MEEDS:

H.R. 2173. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

By Mr. MORSE (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Archer, Mr. Aspin, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Biester, Mr. Bingham, Mr. Brasco, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Carter, Mrs. Chisholm, Mr. Clark, Mr. Conte, Mr. Conyers, Mr. Córdova, Mr. Danielson, and Mr. Dent):

H.R. 2174. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MORSE (for himself, Mr. Derwinski, Mr. Dickinson, Mr. Dingell, Mr. Duncan, Mr. Edwards of California. Mr. Edwards of Louisiana, Mr. Fisher, Mr. Flowers, Mr. Fraser, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Gude, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hastings, Mr. Hathaway, Mrs. Hicks of Massachusetts, Mr. Johnson of California, Mr. Jones of North Carolina, Mr. Kazen, Mr. Kuykendall, and Mr. Kyros):

H.R. 2175. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MORSE (for himself, Mr. Lujan, Mr. McKinney, Mr. Matsunaga, Mr. Meeds, Mr. Mikva, Mrs. Mink, Mr. Morgan, Mr. Mosher, Mr. Moss, Mr. Nix, Mr. Obey, Mr. O'Neill, Mr. Pelly, Mr. Pickle, Mr. Pike, Mr. Poage, Mr. Poff, Mr. Preyer of North Carolina, Mr. Pucinski, Mr. Reid of

New York, Mr. Roe, Mr. Roncalio, Mr. Rosenthal, and Mr. Ruppe):

H.R. 2176. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MORSE (for himself, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Scheuer, Mr. Schneebeli, Mr. Scott, Mr. Shoup, Mr. Sikes, Mr. Smith of New York, Mr. J. William Stanton, Mr. Symington, Mr. Tiernan, Mr. Thomson of Wisconsin, Mr. Van Deerlin, Mr. Wampler, Mr. Williams, Mr. Wolff, Mr. Wright, Mr. Wyman, Mr. Yatron, Mr. Young of Florida, and Mr. Forsythe):

H.R. 2177. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. NATCHER:

H.R. 2178. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2179. A bill to extend veteran benefits to persons serving in the Armed Forces between November 12, 1918, and July 2, 1921; to the Committee on Veterans' Affairs.

H.R. 2180. A bill to extend certain benefits to persons who served in the Armed Forces of the United States in Mexico or on its borders during the period beginning May 9, 1916, and ending April 6, 1917, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. O'KONSKI:

H.R. 2181. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize the Secretary of Agriculture to finance and participate with State and local interests in the financing of recreational enterprises and industrial establishments needed for the economic development of rural areas, and for other purposes; to the Committee on Agriculture.

H.R. 2182. A bill, Voluntary Military Manpower Procurement Act of 1970; to the Committee on Armed Services.

H.R. 2183. A bill to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crises; to the Committee on Armed Services.

H.R. 2184. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 2185. A bill to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Choppewa Indians; to the Committee on Interior and Insular Affairs.

H.R. 2186. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts; to the Committee on Interstate and Foreign Commerce.

H.R. 2187. A bill to amend title 5, United States Code, to provide a minimum civil service retirement annuity of $100 a month, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2188. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 2189. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

H.R. 2190. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month (with corresponding increases in the benefits payable to certain uninsured or insufficiently insured individuals), and for other purposes; to the Committee on Ways and Means.

H.R. 2191. A bill to amend title II of the Social Security Act to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age 62 cutoff (the same as is presently done in the case of women); to the Committee on Ways and Means.

H.R. 2192. A bill to amend title II of the Social Security Act to permit the computation of benefits thereunder on the basis of the worker's 3 years of highest earnings; to the Committee on Ways and Means.

H.R. 2193. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.R. 2194. A bill to amend section 264(b) of title 10, United States Code, to prohibit the transfer or expenditure of reserve component funds for purposes other than that for which appropriated; to the Committee on Armed Services.

H.R. 2195. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay at reduced percentages to persons, otherwise eligible, at age 50, and for other purposes; to the Committee on Armed Services.

H.R. 2196. A bill to amend title 10, United States Code, in order to improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander who convenes a court-martial and by creating an independent trial command for the purpose of preventing command influence or the appearance of command influence from adversely affecting the fairness of military judicial proceedings; to the Committee on Armed Services.

H.R. 2197. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 2198. A bill to amend title 10, United States Code, to provide for the rank of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

H.R. 2199. A bill to amend title 10, United States Code, to provide for the rank of brigadier general for an officer of the Air Force while serving as Assistant Surgeon General for Veterinary Services; to the Committee on Armed Services.

H.R. 2200. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

H.R. 2201. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

H.R. 2202. A bill to create a Department of Youth Affairs; to the Committee on Government Operations.

H.R. 2203. A bill to provide for the disclosure of certain information relating to certain public opinion polls; to the Committee on House Administration.

H.R. 2204. A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal; to the Committee on Interior and Insular Affairs.

H.R. 2205. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

H.R. 2206. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 2207. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 2208. A bill to improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers; to the Committee on the Judiciary.

H.R. 2209. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

H.R. 2210. A bill to provide for the issuance of a special postage stamp honoring the coal miners and coal industry of America; to the Committee on Post Office and Civil Service.

H.R. 2211. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Workers.

H.R. 2212. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

H.R. 2213. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

H.R. 2214. A bill to amend chapter 3 of title 38, United States Code, in order to provide for a veterans outreach services program in the Veterans' Administration to assist eligible veterans, especially those recently separated, in applying for and obtaining benefits and services to which they are entitled, and education, training, and employment, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2215. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

H.R. 2216. A bill to amend the Internal Revenue Code of 1954 to provide that certain awards in recognition of outstanding achievement in the field of sports shall be excluded from gross income; to the Committee on Ways and Means.

H.R. 2217. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

H.R. 2218. A bill to amend title XVIII of the Social Security Act to provide medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 2219. A bill to amend the United

States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; to the Committee on Foreign Affairs.

H.R. 2220. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

H.R. 2221. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 2222. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself, Mr. Ashley, Mr. Bingham, Mr. Brown of Michigan, Mr. Buchanan, Mr. Byrne of Pennsylvania, Mr. Collins of Texas, Mr. Edwards of California, Mr. Gonzalez, Mr. Halpern, Mr. Hicks of Washington, Mr. Horton, Mr. Howard, Mr. Hungate, Mr. Kluczynski, Mr. Leggett, and Mr. McCloskey):

H.R. 2223. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania:

H.R. 2224. A bill to provide Federal assistance to improve the educational services in public and private nonprofit child day care centers; to the Committee on Education and Labor.

H.R. 2225. A bill to amend the Intergovernmental Cooperation Act of 1968 to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of government, by providing Federal cooperation and assistance in the establishment and strengthening of State and local offices of consumer protection; to the Committee on Government Operations.

H.R. 2226. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

H.R. 2227. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs, a practical alternative in the treatment of diseases; and to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; to the Committee on Interstate and Foreign Commerce.

H.R. 2228. A bill to establish and prescribe the duties of a Federal boxing commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests; to the Committee on Interstate and Foreign Commerce.

H.R. 2229. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 2230. A bill to provide compensation for firemen not employed by the United States killed or injured while fighting fires on Federal property, and for other purposes; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself and Mr. Charles H. Wilson):

H.R. 2231. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 2232. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

H.R. 2233. A bill to amend the Internal Revenue Code of 1954 to provide for the suspension of interest on late payments of estate tax in certain cases; to the Committee on Ways and Means.

H.R. 2234. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 2235. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 2236. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 2237. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits of orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

H.R. 2238. A bill to amend title XVIII of the Social Security Act to provide medicare benefits (financed from general revenues) for disabled coal miners without regard to their age; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.J. Res. 200. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 201. Joint resolution proposing an amendment to the Constitution of the United States making citizens who have attained 18 years of age eligible to vote in all elections; to the Committee on the Judiciary.

By Mr. REID of New York:

H.J. Res. 202. Joint resolution authorizing the President to designate the first week in April as a special week for all Americans who are held prisoner or missing in action in Southeast Asia; to the Committee on the Judiciary.

By Mr. SPRINGER:

H.J. Res. 203. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 204. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. BLATNIK:

H. Res. 142. Resolution authorizing the Committee on Public Works to conduct studies and investigations within the jurisdiction of such committee; to the Committee on Rules.

By Mr. DULSKI:

H. Res. 143. Resolution expressing the sense of the House of Representatives with respect to the traffic in obscene and pornographic material by means of the U.S. mails and otherwise; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H. Res. 144. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. PRICE of Illinois:

H. Res. 145. Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

H. Res. 146. Resolution urging the President to resubmit to the Senate for ratification the Geneva protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

H. Res. 147. Resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

H. Res. 148. Resolution to create a Select Committee on the Bureau of the Budget; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H. Res. 149. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 20; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 2239. A bill for the relief of Marcello Mallegni, his wife, Lea Nieves Mallegni, their son, Marcello Mauro Mallegni, and their son, Dante Alberto Mallegni; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 2240. A bill for the relief of Stefano Patti, Filippa Scaturro Patti, and Benedetto Patti; to the Committee on the Judiciary.

H.R. 2241. A bill for the relief of Pietro Salvo; to the Committee on the Judiciary.

By Mr. CÓRDOVA:

H.R. 2242. A bill for the relief of Luis Barca Ruiz; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 2243. O bill for the relief of Herman Boxer; to the Committee on the Judiciary.

H.R. 2244. A bill for the relief of Michael T. Mouzas; to the Committee on the Judiciary.

H.R. 2245. A bill for the relief of Sylvia Z. Sison; to the Committee on the Judiciary.

H.R. 2246. A bill for the relief of Charles C. Smith; to the Committee on the Judiciary.

H.R. 2247. A bill for the relief of Elin Wai-May Sun; to the Committee on the Judiciary.

H.R. 2248. A bill for the relief of Ng Chan Sun; to the Committee on the Judiciary.

H.R. 2249. A bill to permit certain vessels to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

H.R. 2250. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank*, owned by Ernest R. Darling, of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

H.R. 2251. A bill to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Maccoboy III* to be documented as a vessel of the United States with coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLURE:

H.R. 2252. A bill for the relief of Paulino O. Tolentino; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 2253. A bill for the relief of Mr. and Mrs. Emerito Daganzo dela Cruz; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 2254. A bill for the relief of Giuseppe

Cascone and his wife, Giovanna Cascone; to the Committee on the Judiciary.

H.R. 2255. A bill for the relief of Celestina Martorana; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 2256. A bill for the relief of Lucile M. Atkins; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 2257. A bill for the relief of Erodita Agard; to the Committee on the Judiciary.

H.R. 2258. A bill for the relief of Gisele Berjonneau; to the Committee on the Judiciary.

H.R. 2259. A bill for the relief of Wallace Chevez and his wife, Tensie; to the Committee on the Judiciary.

H.R. 2260. A bill for the relief of Neville Pigott and his wife, Laurel; to the Committee on the Judiciary.

H.R. 2261. A bill for the relief of Mary May Stout; to the Committee on the Judiciary.

H.R. 2262. A bill for the relief of Mollie King Williams and Clarence Fitzroy Williams (husband and wife); to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WHO SPEAKS FOR ETHNIC AMERICANS?

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, January 25, 1971

Mr. TAFT. Mr. President, it is remarkable that very little national attention has been given to the problems of our ethnic Americans. They have worked hard, followed the rules and helped to build this great country. Yet they have a growing sense that their problems are unnoticed and their voices are unheard. I call to the attention of my colleagues an article, "Who Speaks for Ethnic Americans?" from the September 29, 1970 issue of the New York Times and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO SPEAKS FOR ETHNIC AMERICANS?

(By Barbara Mikulski)

The Ethnic American is forgotten and forlorn. He is infuriated at being used and abused by the media, government and business. Pejorative epithets such as "pigs" and "racists" or slick, patronizing labels like the "silent majority" or "hard hats" are graphic examples of the lack of respect, understanding and appreciation of him and his way of life.

The Ethnic Americans are 40 million working class Americans who live primarily in 58 major industrial cities like Baltimore and Chicago. Our roots are in Central and Southern Europe. We have been in this country for one, two or three generations. We have made a maximum contribution to the U.S.A., yet received minimal recognition.

The ethnics came to America from the turn of the century through the twenties, until we were restricted by prejudicial immigration quotas—65,000 Anglo-Saxons to 300 Greeks. We came looking for political freedom and economic opportunity. Many fled from countries where there had been political, religious and cultural oppression for 1,000 years.

It was this working class which built the Great Cities—constructed the skyscrapers, operated the railroads, worked on the docks, factories, steel mills and in the mines. Though our labor was in demand, we were not accepted. Our names, language, food and cultural customs were the subject of ridicule. We were discriminated against by banks, institutions of higher learning and other organizations controlled by the Yankee Patricians. There were no protective mechanisms for safety, wages and tenure. We called ourselves Americans. We were called "wop," "polak" and "hunky."

For our own protection, we formed our own institutions and organizations and clung together in our new neighborhoods. We created communities like "Little Italy" and "Polish Hill." The ethnic parish church and the fraternal organizations like the Polish Womens' Alliance and the Sons of Italy became the focal points of our culture.

These neighborhoods were genuine "urban villages." Warmth, charm and zesty communal spirit were their characteristics. People knew each other. This was true not only of relatives and friends but of the grocer, politician and priest. The people were proud, industrious and ambitious. All they wanted was a chance to "make it" in America.

Here we are in the 1970's, earning between $5,000-$10,000 per year. We are "near poor" economically. No one listens to our problems. The President's staff responds to our problems by patrionizingly patting us on the head and putting pictures of construction workers on postage stamps. The media stereotypes us as gangsters or dumb clods in dirty sweat-shirts. The status of manual labor has been denigrated to the point where men are often embarrassed to say they are plumbers or tugboat operators. This robs men of the pride in their work and themselves.

The Ethnic American is losing ground economically. He is the victim of both inflation and anti-inflation measures. Though wages have increased by 20 per cent since the mid sixties, the purchasing power has remained the same. He is hurt by layoffs due to cutbacks in production and construction. Tight money policies strangle him with high interest rates for installment buying and mortgages. He is the man who at 40 is told by the factory bosses that he is too old to be promoted. The old job is often threatened by automation. At the same time, his expenses are at their peak. He is paying on his home and car, probably trying to put at least one child through college.

In pursuing his dream of home ownership, he finds that it becomes a millstone rather than a milestone in his life. Since FHA loans are primarily restricted to "new" housing, he cannot buy a house in the old neighborhood. He has no silk stocking lawyers or fancy lobbyists getting him tax breaks.

He believes in the espoused norms of American manhood like "a son should take care of his mother" and "a father should give his children every opportunity." Yet he is torn between putting out $60 a month for his mother's arthritis medication or paying for his daughter's college tuition.

When the ethnic worker looks for some modest help, he is told that his income is too high. He's "too rich" to get help when his dad goes into a nursing home. Colleges make practically no effort to provide scholarships to kids named Colstiani, Slukowski or Klima.

The one place where he felt the master of his fate and had status was in his own neighborhood. Now even that security is being threatened. He wants new schools for his children and recreation facilities for the entire family—not just the token wading pool for pre-schoolers or the occasional dance for teen-agers. He wants his street fixed and his garbage collected. He finds that the only thing being planned for his area are housing projects, expressways and fertilizer factories. When he goes to City Hall to make his problems known, he is either put off, put down or put out.

Liberals scapegoat us as racists. Yet there was no racial prejudice in our hearts when we came. There were very few black people in Poland or Lithuania. The elitists who now smuggly call us racists are the ones who taught us the meaning of the word: their bigotry extended to those of a different class or national origin.

Government is further polarizing people by the creation of myths that black needs are being met. Thus the ethnic worker is fooled into thinking that the blacks are getting everything.

Old prejudices and new fears are ignited. The two groups end up fighting each other for the same jobs and competing so that the new schools and recreation centers will be built in their respective communities. What results is angry confrontation for tokens, when there should be an alliance for a whole new Agenda for America. This Agenda would be created if black and white organized separately in their own communities for their own needs and came together to form an alliance based on mutual issues, interdependence and respect. This alliance would develop new strategies for community organization and political restructuring. From this, the new Agenda for America would be generated. It could include such items as "new towns in town," innovative concepts of work and creative structures for community control.

What is necessary is to get rid of the guilt of phony liberals, control by economic elitists and manipulation by selfish politicians. Then, let us get on with creating the democratic and pluralistic society that we say we are.

CONGRESS MUST FACE DEMANDS OF NATION

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the 92d Congress, with its leadership now chosen and having received the President's state of the Union message, is now hopefully ready to get down to business. Many are asking, however, whether the change in the majority leadership will result in any better performance record than that of the previous Congress when more than 35 legislative proposals by the President were left unfinished. The State Journal of Lansing, Mich., in an editorial on Thursday, January 21, 1971, entitled "Congress Must Face the Demands of the Nation" discusses some of the challenges facing the new session and the new majority leadership and I commend it to the attention of my colleagues:

CONGRESS MUST FACE DEMANDS OF NATION

The fight for leadership of the Democratic controlled House of Representatives is over and, as expected, the "old guard" forces won easily with Rep. Carl Albert of Oklahoma the new speaker and Rep. Hale Boggs of Louisiana elected as House majority leader.

There will be some groans about defeat of the younger and more reform-minded groups in the House in their bid for the top posts. But the struggle is over and the question now is what the new Democratic leadership will do to spur some action on the many crucial legislative issues which were left on the shelf during the 91st Congress.

While Congress did finally push through some strong and needed legislation last year, including the 18-year-old vote, anti-crime measures and auto pollution deadlines, it failed completely to act on many of President Nixon's larger reform measures.

Among them were proposals on reform of the nation's welfare system, federal-state and city revenue sharing, overhaul of the draft and consolidation of the federal grant-in-aid system. Moreover, the House and Senate provided little by way of alternatives to the President's proposals.

There was a hopeful note after Tuesday's House election when Boggs indicated that the new leadership would not spin wheels just debating administration proposals but would come up with alternative programs designed to bring compromise solutions and legislative action.

Rep. Albert and Rep. Boggs are capable men and legislative veterans. It can be hoped that they will now move to meet President Nixon's recent pledge of cooperation with the 92nd Congress to "let us mutually commit ourselves to work, and work hard, for the record of achievement we can all share."

While Albert and Boggs may be able to provide a more aggressive program in the House, the U.S. Senate presents a more difficult problem. It is here that much of the strongest and most vocal criticism of the administration has centered during the past two years. Months of legislative time were lost in the Senate in prolonged debates over the President's Vietnamization and troop withdrawal programs for Indochina.

In the end, the challengers failed to change the policies which won majority approval in both Houses. Several of the senators involved in that fight are now considered to be among possible Democratic presidential contenders for 1972.

Fears have been expressed that this could encourage an all out battle among the contenders to gain the best political position to challenge the President in 1972. This could easily lead to more legislative stalling during the next two years.

The nation, we believe, cannot afford that kind of an impasse. More than at any time in the past 30 years, Congress is faced with finding new answers to the multiple social, economic and environmental problems facing the nation. The President will need all the assistance he can get on the legislative front.

Congressmen, particularly the Democrats, will hardly accept every administration proposal. But the loyal opposition must provide leadership of its own to hammer out alternatives and compromise on needed legislation for the good of the nation.

President Nixon has offered his cooperation. It's up to Congress to do the same.

A SON SPEAKS OF HIS FATHER

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HÉBERT Mr. Speaker. I want to include in the RECORD the remarks of Lucius Mendel Rivers, Jr., which were made at the gravesite of his father.

His words need no explanation or clarification:

REMARKS OF LUCIUS MENDEL RIVERS, JR., AT THE GRAVESITE OF HIS FATHER, THE LATE HONORABLE L. MENDEL RIVERS, CHAIRMAN OF THE HOUSE ARMED SERVICES COMMITTEE, DECEMBER 30, 1970

Today, L. Mendel Rivers is laid to rest. It is fitting that he be laid here in St. Stephen, among the people with whom he grew up, for in a very real sense L. Mendel Rivers was one of the people. Everything he was came from you, and it can fairly be said he was the product of you, his people. I hope you never forget this, because he never did.

L. Mendel Rivers was the quintessence of three very human, very wonderful qualities. First, he was dynamism, movement, ceaseless activity, that drew people to him like a magnet. Secondly, he was love, so that once he had drawn people to him they always stayed there. He had a large heart that was full of love for his people. And thirdly, he was courage. He chose his positions, his ideas with great care. But once he had taken a stand, he never waivered, he never deviated, he never detoured. He simply didn't know how.

I would like now to read to you one of my father's favorite poems:

Let me live out my years in the heat of blood.
Let me die drunken with the dreamer's wine.
Let me not see this soul-house built of mud
Go toppling to the dust—
A vacant shrine.

Let me die quickly
Like a candle-light snuffed out
Just at the heyday of its glow.
Give me high noon—and let it then be night.
Thus would I go.

And grant that when I face the grisly thing.
My song may trumpet
Down the gray Perhaps.
Let me be as a tune-swept fiddle string,
That feels the Master Melody—
And snaps!

L. Mendel Rivers died mourned by millions of people, and surrounded by his family. No man could ask for more.

On behalf of my family, I thank you for coming here today.

THE TELEVISION SERIES "THE EIGHTH DAY"

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. ADAMS. Mr. Speaker, I would like to congratulate the Puget Sound Coalition of Washington State and television station KING of Seattle for their leadership in developing public awareness of the threat to our environment through the production and programing of a television series entitled the "Eighth Day."

The Puget Sound Coalition was founded to create a constituency which will demand a better future by promoting a mass public dialog, utilizing the television medium. During the fall of 1970 there were eight programs, and each defined a problem area and suggested some possible alternative directions for the Puget Sound region. Each program was broadcast five times and watched by 5,000 people organized into 400 discussion groups, plus well over 100,000 members of the general public. The discussion groups were organized and monitored by a consortium of 11 area colleges which trained the discussion leaders and provided discussion guides and reference materials. The participation of the colleges was made possible by a grant of $87,250 under title I of the Higher Education Act. The grant, administered through the State Planning and Community Affairs Agency was in a major way facilitated by KING's cooperation, both by providing a communications outlet and by an in-kind contribution of over $90,000.

The groups were formed in many different ways—neighborhood friends, church related groups, and classes—the largest single group—school classes, various civic organizations, and volunteers. The organizational work of the colleges was bolstered by a KING-produced promotional film and a number of spot announcements. KING also mailed information to 16,000 area teachers and carried newspaper advertising.

George Nelson Associates conducted an extensive evaluation of the project, under a grant provided by the Public Broadcasting Corp. This not only established the success of the venture, but provided a great deal of helpful data. For example, although the organized group members were relatively more aware and concerned about social and environmental problems than the average citizen, 88 percent of them had engaged in no civic efforts to improve the quality of life in the area.

The success of the project, the "Eighth Day," was so great that a new project, the "Ninth Day," a series of follow-up meetings, has been instituted. This project is entirely independent from KING. The participants in the "Ninth Day" are hammering out their course of action. They are indeed part of that constituency which will demand a better future.

STATE OF THE UNION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, I listened with great interest and great expectation last Friday evening in this Chamber as President Nixon outlined his six great goals for America. Nor was I disappointed. I came away from that meeting convinced that what we had heard represented one of the most sweeping and constructive proposals for reform of the Federal Government ever put forward by an American Chief Executive. While other Presidents have advanced bold and ambitious programs in their state of the Union messages, here was one with an important difference. Instead of seeking more power for the Federal Government, President Nixon has called for a New American Revolution—a peaceful revolution in which power was turned back to the people—in which Government at all levels was refreshed and renewed and made truly responsive.

Reporter James M. Naughton of the New York Times observed of the message that:

> While other Presidents have gone before Congress seeking more power to do more

> things, President Nixon has now done the opposite . . . In time to come, his words may be viewed as a turning point in the philosophy of American government.

Mr. Speaker, I firmly believe we have reached a point in our history when we desperately need such a new philosophy and restructuring of Government. President Nixon explained the need quite succinctly and frankly when he said:

> Let's face it. Most Americans today are simply fed up with government at all levels. They will not—and should not—continue to tolerate the gap between promise and performance.

In the six goals set forth by the President we have an opportunity to close that gap, to restore the confidence of the people in their Government by making Government more responsive to their needs and more subject to their control. For President Nixon was really addressing himself to the overriding crisis of our times—a crisis of the spirit, a crisis of alienation and frustration, of helplessness and powerlessness.

In these six goals of health and welfare reform, restoration of the environment and a prosperous peacetime economy, and a restructuring of the Federal Government and its relationship to State and local governments, we have a program around which all Americans can rally and with which we can go forward together as a nation.

Mr. Speaker, anything as bold and sweeping as the President has proposed is bound to meet with some resistance and involve some controversy. The President has no delusions about this. But I would sincerely hope that this does not deteriorate into a partisan debate, for these are not Republican or Democratic goals—they are goals for America. We are united in our concern about the state of the economy, our environment and our health care system. And there is near unanimous agreement that the welfare system is in drastic need of overhaul.

Perhaps the most controversy will revolve around the Federal reorganization plan and revenue sharing. Some have even charged that these are merely political gimmicks. Such criticism is highly irresponsible. The reorganization plan is not only the result of extensive study by the Ash Commission under this administration; it is similar in many respects to the recommendations of the Heineman Commission of the Johnson administration. By the same token, revenue sharing can hardly be termed a partisan issue; one of its most ardent supporters was Dr. Walter Heller, chairman of the Council of Economic Advisers in the Johnson administration. Revenue sharing is supported by the vast majority of Governors and mayors, regardless of political affiliation. And a Gallup poll published just last weekend reveals that 77 percent of the American people favor the concept and only 14 percent oppose it. A further breakdown shows that support cuts across party lines, with 77 percent support from Democrats interviewed, 81 percent from Republicans, and 73 percent from independents.

And so, Mr. Speaker, my appeal today is for us to approach these six great goals in a spirit of partnership rather than partisanship. The President has made his appeal to the entire Nation, but it is up to us—to the Congress—to act. The Chicago Tribune, in its customarily pointed and realistic editorial style, observed that the most appealing and most fundamental part of the speech was the suggestion that Government power should be centralized, then said:

> Of course, this would mean a corresponding reduction of the power of Congress, and this may help to explain the cool reception Mr. Nixon's speech received from the floor. It also emphasizes the importance and the difficulty of obtaining the cooperation from Congress which Mr. Nixon rightly says is necessary if the country is to meet the many problems which face it.

The Tribune editorial concluded:

> The state of the Union is, indeed, troublesome. But in the decentralization of power, we believe Mr. Nixon has one goal which will make it easier to reach other goals. If Congress is willing, it is one that can be attained relatively easily.

Mr. Speaker, the time has come to begin the process of turning power and resources back from Washington to the people in the States and localities from which that power originally came. May we rise to the challenge with the courage and unity required of us. The President himself made a similar plea when he said:

> So let us pledge together to go forward together—by achieving these goals to give America the foundation today for a greatness tomorrow and all the years to come—and in so doing to make this the greatest Congress in the history of this great and good nation.

Mr. Speaker, I join in that hope that this 92d Congress will go down in history as one of the greatest, and I look forward to working closely with my colleagues on both sides of the aisle for those goals which can unite us as a Congress and as a nation.

ERNEST W. McFARLAND

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. RHODES. Mr. Speaker, a column written in the December 25, 1970, issue of the Arizona Republic by Bernie Wynn, the political editor, is of particular interest to the Members of the House and Senate who remember Ernest W. McFarland, of Arizona, as a Member of the U.S. Senate. Senator McFarland served his State and Nation well. He became one of the leaders of the Senate, serving in his last term as majority leader. He was responsible for the enactment of much of the legislation of the Truman administration. After his service in the Senate, Ernest McFarland served his State as Governor for two terms, and has served most recently as chief justice of the supreme court of the State. He is one of Arizona's most distinguished citizens, as the article by Mr. Wynn ably points out.

ERNEST W. McFARLAND

(By Bernie Wynn)

Arizona leaders, regardless of political party, should get together and plan a statewide testimonial dinner for Arizona Supreme Court Justice Ernest W. McFarland, who is retiring from the bench.

Such an occasion would give the older citizens of Arizona an opportunity to thank the 75-year-old jurist for his many contributions to the state during the past 50 years.

Moreover, it would give the relatively new citizen here a chance to see a really unique public servant and one who has served with distinction in the state's executive, legislative and judicial branches.

In fact, McFarland is believed to be the only man in the United States to have been elected to top positions in each of the three branches of government.

Born in a log cabin in Oklahoma, McFarland came to Arizona in 1919 shortly after being mustered out of the U.S. Navy. He worked for a short time as a bookkeeper for the Valley National Bank and then went to Stanford University, where he received his juris doctorate in law and a master's degree in political science. (Before he was called to the Navy during World War I, McFarland had obtained his bachelor of arts degree from the University of Oklahoma and had taught briefly in a rural school.)

Returning from the university, McFarland hung out his shingle at Casa Grande, became assistant attorney general for a couple of years and was then elected Pinal County attorney for six years.

He next was elected judge of the Pinal County Superior Court for three consecutive terms and in 1940, with war clouds hovering over the land won election to the U.S. Senate.

McFarland was elected to a second Senate term in 1946 and became the Democratic majority leader in 1951–52 under Harry Truman and Vice President Alben Barkley.

"I must say I enjoyed my associations with my colleagues in the Senate more than anything else," McFarland recalled. "I had some very close friends from both sides of the aisle."

In 1952, Phoenix Councilman Barry Goldwater defeated McFarland. This might have ended his political career.

But Mac bounced back to be elected governor two years later and in 1956 was reelected to a second term.

A friend of the judge recalled sitting up until 4 a.m. in a Washington hotel room while Gov. McFarland put together, paragraph by paragraph, a highly successful argument in defense of the Central Arizona Project before the U.S. Supreme Court. As senator, McFarland twice guided the CAP through the Senate, only to lose the important reclamation measure in the House.

Not content with all this, McFarland ran for the Arizona Supreme Court in 1964 and was elected to a six-year term which he finishes Jan. 4.

Strangely, he remembers with the greatest satisfaction not his hobnobbing with the mighty in the U.S. Senate and White House, nor his influence as the state's governor.

"The position that I really enjoyed the most was judge of the Pinal Superior Court," he recalled. "It represented an important step up in my profession."

Trim and vigorous, Justice McFarland could pass for 60. He isn't about to retire—"I don't like that word." He's going back to private law practice, either in Phoenix or in Pinal County.

The secret of his success?

"I always made a point to enjoy my work no matter what I was doing," he said. "Otherwise a man gets no enjoyment from life."

Asked this same question at the annual Christmas party of Pinal County lawyers, Mrs. McFarland confided:

"It's because he could never hold a grudge, no matter what."

CONVERSION RESEARCH AND EDUCATION ACT OF 1971

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. GIAIMO. Mr. Speaker, during the second session of the 91st Congress, 54 of our colleagues joined with me to cosponsor the Conversion Research and Education Act (H.R. 19037), a measure to involve our defense and space-oriented scientists, engineers, and technicians in efforts to meet our pressing environmental, transportation, housing, health, and other domestic research and development needs. Shocking unemployment among the highly skilled scientific, engineering, and technical professions makes necessary prompt action to prevent the total dissolution of the American scientific community—a community vital to the Nation's economic health and national defense. The substantial support given this measure in the 91st Congress by members of both parties, by business and labor, and by the scientific and technical community is convincing evidence that sufficient momentum can be built to enact this important measure into law.

On Thursday, January 21, 1971, I introduced the Conversion Research and Education Act of 1971. Joining me as chief cosponsor of the measure was the distinguished gentleman from Georgia (Mr. DAVIS), chairman of the House Science, Research, and Development Subcommittee. The bill is similar to last year's legislation; however, there are two significant new provisions which authorize the National Science Foundation to provide grants to State and local governments to encourage the establishment of State and regional conversion planning commissions, and to make grants to community conversion corporations.

The impact of cuts in defense and space spending on research and development is reflected in the following statistics:

First. Approximately 83 percent of all federally funded research and development is carried out by the Department of Defense, Atomic Energy Commission, and the National Aeronautics and Space Administration. Over $14 billion is being spent on R. & D. by these three agencies alone.

Second. More than 2 million scientists, engineers, and technicians are currently employed by Government and industry. Of those in industry, one in every four is engaged in defense related work. Of those in Government, one in every two is employed by DOD, NASA, or the AEC.

It is obvious, therefore, that we cannot talk about reordering our national priorities unless we provide for a smooth transition to a peacetime economy. I believe that this bill would create a solid foundation for economic conversion.

Because of the widespread interest in this measure, the gentleman from Georgia (Mr. DAVIS) and I plan to reintroduce the Conversion Research and Education Act of 1971 on Tuesday, February 9, 1971. Also, we intend to obtain a special order on that day, and we invite our colleagues to participate.

For the information of the Members, an analysis of H.R. 19037, a list of cosponsors, and a conversion fact sheet appear on pages 32239–32246 of the September 16, 1970, CONGRESSIONAL RECORD.

A BLACK LOOKS AT AMERICA'S OPPORTUNITIES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. PETTIS. Mr. Speaker, in today's political arena, shrill and divisive cries arise from both ends of the political spectrum. We are either badgered by such maxims as "Speak what's right, not what's wrong, about America" or are constantly assaulted by criticisms of our way of life.

It is not often that we find a middle ground that is articulated in a well-reasoned and modulated tone such as in the following address by Mr. Charles Lloyd, founder of Youth Inspirational Foundation of America. He simply states that this is the greatest country the world has known, with boundless opportunities and the maximum amount of freedom possible. Yet he acknowledges that there are difficult problems that must be overcome if we are to retain these treasured values, and rightfully urges us to expend our efforts on constructive programs to solve these problems. I commend this speech to your attention:

A BLACK LOOKS AT AMERICA'S OPPORTUNITIES

We live today in the greatest country on the face of the earth and in the history of the world. America is not perfect, and there are those of us who would compare her to some utopia that does not exist anywhere else in the world and never has. But compare America with any other country on the face of the earth and she will come out number one.

Let me tell you something about my background. When I was 6 years old, in Mississippi, I was called a "filthy nigger." Walking along the road to school, I have had white children on the school bus spit out the window on me. My father told me when I was 16 years old that, "You are wasting your time going to school. You can never be anything but a dishwasher."

I might have reacted in one of three ways. First, I might have been a dishwasher. Second, I might have been an attorney with an extremely negative viewpoint. Or, third, I could concentrate on all the good things in my life and that was my choice.

Let me tell you about the good, because I believe the good is the most important. I was inspired to become an attorney by a white man in Mississippi. I went to his office when I was 9 years of age and I realized that they lived better than we did! So why not follow that path?

CALIFORNIA

When I was 20 years of age, I took the police exam and went through the Los Angeles Police Academy at the same time working my way through law school. After graduation from USC's law school, I was employed by the City Attorney's office. I won 140 out of 145 jury trials in which 99% of the jurors were white and 95% of the lawyers were white. If the people had voted along racial lines, I would not have won a case. I cannot be a racist with such an experience.

I would like to say to the disadvantaged people of America that of course it is more difficult for some people in America to succeed than others. But it still does not relieve them of their responsibility for *doing the best they can*. A generation of Americans have been anaesthetized into believing that the world owes them something. The world does not owe anyone a thing. I am the first to say that there must be increased opportunities for the disadvantaged Americans—and disadvantaged Americans come in all colors. When the NBC and CBS specials were shown a year or two ago, we saw millions of whites starving to death in Appalachia and that is unequivocally wrong.

PARADOX OF GREATNESS

My youngest brother and I were born on the same day 16 years apart. He was in Cambodia and is in Vietnam now, yet the undisputed fact is that there are places in the United States where I, as a black, loyal, dedicated American, cannot buy a hamburger!

Now there are those in our society who would say that I am a militant. If taking extreme exception to any indignity makes me a militant, I say, as a great American said a long time ago, make the most of it. Conversely, if respecting myself, my fellow man, and loving America make me an Uncle Tom, then I say with equal vigor make the most of that too.

We must stop the name calling. The overwhelming majority of Americans are good, fine, law abiding, decent people. Yet, this same majority also is apathetic and indifferent. Apathy and indifference have permitted lynchings to occur in America. There still are places in America where I cannot live. There are places in America where I cannot work. There are places in America where I cannot eat. And yet, let me say to the disadvantaged, don't wallow in your misery. Look within to the inner man, that's where the answers are. Become *solution oriented* as opposed to *problem oriented*. I would say to the disadvantaged, let's look up and live. Hate, envy, name-calling all are destructive forces.

It is time for Americans of good will to come together. There is a silent black majority in America and this segment of the black community has not received the publicity. The H. Rap Browns and the Stokely Carmichaels of the world have been depicted as the "representatives" of the blacks. I say that they do not represent the blacks any more than I believe the Ku Klux Klan and the Minutemen represent you.

A POSITIVE PROGRAM

I was addressing a service club and a fellow said, why aren't you out speaking in the ghettos of America? My answer was simple. I would like to. I would like to go all over America. I have a message that I would give in Mississippi and that I would give at Harvard University. It is that the United States is the greatest country on the face of the earth and opportunity is greater here for all than in any other country. But, as great as America is, if the disadvantaged millions of Americans were enabled to contribute to her greatness, America would be even greater.

On April 19 of this year, I founded a nonprofit organization called The Youth Inspiration Foundation of America. I am the first to concede that it is not a panacea for all ills. We operate mainly in two areas: motivation of and inspiration of disadvantaged youth. I believe that throughout history properly motivated people have done the impossible because they did not know that it could not be done.

When I watch television and see a black at Harvard or Columbia it gives me heartache to see a group of dissidents causing him to feel sorry for himself. If you had a friend who was a hunchback, you would not spend all of your time making him feel sorry for himself. You would tell him: look, it is more difficult for you, but you can do it. And, that is what I want to say to the disadvantaged. *Today is the first day of the rest of your life.* America is not going to be destroyed. America is going to be preserved. There is nobody in the world who is more aware of the indignities and atrocities than a black from Mississippi. Yet, I can say that America is the greatest country on the face of the earth and in the history of the world.

My political philosophy is not one of "love it or leave it," it is one of love it and stay here and make it better. I believe that I am qualified by experience to take this message of hope to millions of disadvantaged Americans. Recently, negativism has been equated with intellectualism. This is asinine. Anyone can complain. We must ask the enemies of this country—those who would destroy it—what system would they offer in its place?

PARADISE LOST

There are conditions in Los Angeles as well as Mississippi that in good conscience ought to be changed.

I worked on the Los Angeles Police Department for 6 years and 3 months and for 6 of those years there was iron-clad segregation of the police department. That was why I was able to go to law school full time and work full time—I got the night shift! They had token integration at Central High School in Arkansas before the Los Angeles Police Department was integrated.

Many of you would say that you grew up here in Los Angeles but knew nothing about the problem. It isn't only past tense, it is still a problem, and it is an American problem. It is time for the people of good will, who are in the overwhelming majority, to stand up for what is right. Now, it is unfair to ask me to talk to 7 sleepy widows at an afternoon social about the positive aspects of American life, when those people who are talking about the destruction of this country are appearing on nationwide television.

The Youth Inspirational Foundation of America would like to implement its program of motivating the disadvantaged youth. Here is one example of motivation; Mr. S. Kenneth Davidson, the former owner of the Oakland Oaks basketball team, told me that a young white boy with whom I had spoken had cried, "If a black from Mississippi can do it, I know I can do it. I know I can do it." "I can" must become the watchword of the hour and not "I can't." No one can offer an easy solution for success. There are millions of Americans who, if they knew the price one has to pay for success, would not be willing to pay; they don't want it that badly.

A group of young Americans has been anaesthetized into believing that one day some politician is going to be elected and solve all the problems of the world. But it is my humble belief that individual responsibility, self-help, self-improvement, and self-betterment will ensure success; yet, no one can stay motivated forever. There must be increased opportunity for disadvantaged Americans. Those of us who are in the majority have to become concerned. If we do not become concerned the cherished freedoms that we enjoy now and the opportunities that we enjoy now will be with us no longer. Freedom is not free. We must pay the price.

POSITIVE EXPOSURE

The Youth Inspirational Foundation would like the same kind of exposure on nationwide television and radio and in newspapers that negative causes receive. With a counseling staff all over America the message would be the same: *that you are rightfully proud to be an American.*

It is so difficult to get the message across when you are talking about the positive aspects of American life. If I had indicated that I was going to burn down the Biltmore Hotel or the county courthouse, the news media would be here in greater numbers than police officers. But, I have a message that is good and it should be carried to the four corners of the United States. It would give people hope, it would make them strong and vibrant, and let them know that they can "overcome." A good man said a long time ago, "Inasmuch as you have done it unto the least of these my brethren you have done it unto me." I believe that.

It is difficult to be black and there are very real problems in the United States in 1970. But I believe that the greatest country on the face of the earth can overcome these problems. And I believe that the transformation can take place within the framework of organized society and within the ambit of law and order.

OPPORTUNITY OR VIOLENCE

I am unalterably opposed to violence in any form. Violence must be put down with vigor. But increased opportunity must be forthcoming. I believe that dissent is healthy. Lest we forget, one of the things that makes America great is the right to dissent. Love, goodwill, and concern must be the watchwords of the hour.

I stand here a black man with long sideburns. The next time you are riding down the street and you see a black man don't say to yourself, oh, there's a Black Panther. You cannot judge a person's heart by the color of his skin, the style of his hair, or his mode of dress.

America is the hope of the world. We should expend more effort and energy upon constructive programs.

SAN LEANDRO'S CITIZENS OF THE YEAR

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. MILLER of California. Mr. Speaker, each year the Morning News, a newspaper published in San Leandro, Calif., selects several outstanding citizens of that city for recognition of their contributions to the welfare of that community. This feature is part of the publication of the annual progress edition of the Morning News, which highlights activities during the past year of the local municipal administration and its commissions and boards, local business and labor organizations, civic clubs and fraternal organizations and many other groups, all of which make San Leandro a progressive and enjoyable place in which to live.

This is in the best tradition of public service by this hometown newspaper, which seeks not only to inform but also to involve its readers in community affairs. Mr. Abe Kofman, publisher, and his special editions editor, Mr. Robert "Bill" Bird, have put together an interesting and informative chronicle of San Leandro's accomplishments of which all of its citizens can be proud.

This year the Morning News has selected as its outstanding citizens of the year Mr. Joe Soares, Mr. Milt Murdock, Councilman Mario Polvorosa, and Judge William D. Spruance, Jr. Each of these men are to be congratulated on having been selected for this honor arising out of their unselfish dedication to their community.

An article which appeared as part of the aforementioned progress edition of the Morning News on December 31, 1970, sets forth their many civic activities; and I am most pleased to insert it at this point in the RECORD:

SAN LEANDRO'S CITIZENS OF THE YEAR

(NOTE.—Each year, the Morning News Edition nominates worthy San Leandro residents as San Leandro's Citizens of the Year. This year, we are nominating four individuals who we believe have contributed greatly to the progress of the city of San Leandro not only in 1970 but for the past many years. These citizens are Joe Soares, Milt Murdock, William Spruance Jr. and Mario Polvorosa. The reasons why we chose these individuals are cited below.)

Nearly everyone knows how to get in touch with Joe Soares. If you can't find him at home: call San Leandro Boys Club.

Joe Soares, past, present and future has made his second home the residence of many homeless boys who have found company there and a proper place to grow up.

"I know a lot of kids who have pool tables, swimming pools and a lot of other pretty expensive things." Soares said. "But when I walk in that Boys Club and see the simple things we've done, I know I always want to be for the club.

"That is the place you go to make a man into a child who has no other place to go," he said. "He can grow up there; that alone makes me feel proud."

Owner and operator of S & R Pickup Service, Soares served as president of the boys club for two terms and said he "looks forward" to his coming term as president of its Dad's Club.

A leading money raiser for community needs' Soares is responsible for the yearly "steak feed" gathering by Oakland's Raiders which benefits the Boys Club. Soares personally sponsors the great supper each year and entertains party-goers in his own back yard.

Soares attended Lincoln School in San Leandro and worked for the city from 1945 to 1951 as a scavenger. He went into his present scavenger business in 1951 and moved the entire operation to improved and enlarged facilities at 2626 Nicholson in October of this year.

The new headquarters for his business is comprised of three large, private offices for Helen Gregory, office manager; Ernie Fazio, general manager; and Soares, as president.

A large fenced yard behind the offices and maintenance area ensures convenient and safe parking of equipment. The entire new facility is built on 5400 square feet of space.

Soares started his business at his own home on Alvarado with a single truck. His fleet now numbers nine modern, heavy-duty trucks that handle industrial and commercial wastes by the volume.

Married to his wife Yvonne since they both were 19 (43 years of marriage), Soares has two daughters, Beverly (Mrs. Richard Paulson); and Barbara (Mrs. Everett Gragg); and seven grandchildren.

"Maybe I was all for the Boys Club because I raised daughters," Soares said. "I don't really know. When you're 61, you're proud to have anything to do with that fine place."

Milt Murdock also carries a nomination for Citizen of the Year award, owing to his broad spectrum of action when it comes to San Leandro civic doings.

Also active in San Leandro Boys Club, Murdock is past president of the Lions Club, and is a member of the board of directors of Northern California Safety Society, receiving that agency's Society Safety Award.

Murdock is a member of American Safety Engineers, which has given him numerous technical advancements awards, and is vice president of the board of directors of California Dispensers Association.

He is a member of the board of directors of Optical Employers Association, and belongs to the Governor's Safety Committee. A member of the Elks Club and the Rotary Club. Murdock is on the board of directors for both the Green Cross National Safety Council (10 years' service); and Northern California Society for the Prevention of Blindness (five years).

A recipient of a public service award for the State of California presented by Governor Ronald Reagan, he is past chairman for the United Crusade, Small Business Division, and is a member of the Athenian Nile Club.

Murdock received a public service award from Kaiser Industries and later received the U.S. Air Force Civilian Award. He served a tour of duty with the Air Force and its Reserve Forces for nine years and attended Oakland Junior College, University of California and Harvard School of Business.

Murdock and his wife, Betty, have two children, Kirk, 8, and Jan, 6, and enjoy golfing and swimming together.

Another member of the honored group of Citizens of the Year is attorney William D. Spruance Jr. partner in Spruance, Simonian and Pretzen. Spruance was elected judge of San Leandro Hayward Municipal Court and comes into his high judicial position from a thorough past grounding in law.

A member of California Bar Asso. since 1952, Spruance is a past member of the board of directors of Alameda County Bar Asso. He is affiliated with California Trial Lawyers and American Trial Lawyers Associations, as well as Fee Arbitration. Membership and Roster Committees, Alameda County Bar Asso.

Past secretary of San Leandro Junior Chamber of Commerce (1954 and 1955), he is a past president of that agency and served as its state director in 1956 and 1957.

Spruance is past president of San Leandro Beavers Swim Club and has been a member of San Leandro Boys Club since 1959. He also has served the Boys Club as a member of its executive committee since 1963 and was its first vice president in 1964. Past president of the club (for two years). Spruance was chairman of the "Holiday on Ice" benefit for the club in 1949 and 1970.

He was formerly membership chairman for Charrowood district. Boy Scouts of America and is a past member of the board of directors for Southern Alameda County Trade Club.

Past member of the board of directors for Southern Alameda Trade Club, he was recipient of a Man and Boy Award in 1969 and was past master of San Leandro Masonic Lodge in 1963. Spruance is a member of East Oakland Rotary. Oakland Consistory Scottish Rite, Aahmes Temple, Scimitar Club, San Leandro Elks and Eagles, Southern Alameda Shrine, and San Leandro High Twelve Club.

He received an Eagles Civic Award in 1970 and now serves as a member of the board of directors of the Family Service Agency for Central Alameda County. He also is a member of the board of directors for Teen Center of San Leandro.

Serving a tour of duty with the U.S. Navy during World War II, he is married with three children and has lived in San Leandro for 15 years, having held a private law practice in the County for 18 years.

He enjoys golf as a favorite hobby.

Mario Polvorosa is the fourth member of the cadre of nominees for Citizen of the Year.

This man did not rest on his "laurels" from previous years. His many achievements and accomplishments throughout 1970 assured this gentleman his place in this years "Progress Edition" as one of our nominees. We therefore consider him a "must" in the selections.

His civic activities run into great numbers:

Has a Life Member Gold Card in the AMVETS World War II.

Has a Life Membership in the San Leandro Memorial Hospital.

Chairman of Cerebral Palsy drive for San Leandro Elks 1970.

Is member of the Cerebral Palsy Association "I Am One in A Hundred."

Is a member in good standing of the Eastshore Neighbors, Inc.

He raised money to get Braille typewriter for retarded blind girl.

Had automobile safety legislative Bill signed by Governor into law.

Was instrumental in obtaining $10,000 in cash to build a swimming pool at the San Leandro Boys' Club in memory of Captain Steve Lagomarsino and, recently raised $5,025 for the Boys' Club.

1967 all-time high recruitment of 39 Chamber of Commerce members and in 1968 an all time high of 44 members. "Top Man of the Year" in 1967 and 1968.

As past director of the San Leandro Girls' Club brought in $870 in cash for the Club.

Was past president of U.P.E.C., also past director of Council No. 1 of U.P.E.C. He was asked to circulate campaign documents for Judges Robert Fairwell, Robert Byers and William Spruance.

For the past four or five years he has been co-chairman with the Honorable Judge Gerald Connitt, of the Cerebral Palsey drives.

In 1969 was San Leandro City Chairman of March of Dimes. The increase in funds collected was the largest in Alameda County. He is chairman of March of Dimes this year.

Just recently was awarded the National Commander Special Achievement Certificate, American Veterans of World War II AMVETS for outstanding service to the organization and to the community which it serves.

Member of San Leandro Fraternal Order of Eagles.

Charter member of Elks, San Leandro Lodge No. 2241.

Member of the American Legion—San Leandro Post 117—27 years.

Member of the Iberico Club (Spanish).

Recipient of Volunteer of the Year award 1970 for his distinguished voluntary leadership as Chairman of the March of Dimes in San Leandro.

Recipient of San Leandro Boys' Club's Past President award in 1967 for his fund raising.

Recipient of the outstanding service award of the San Leandro Girls' Club in 1967.

Recipient of San Leandro Chamber of Commerce "El Supremo" award in 1968 for excellence in membership work.

Recipient of Pacific High School award in appreciation of athletic programs.

Recipient of San Leandro Fraternal Order of Eagles State Highway Safety award for his outstanding contribution toward keeping highways safe, 1970.

Recipient of "Citation of Humanitarian Service" from the Cerebral Palsy Center.

Recipient of Recognition Citation 1961 for dedicated service to the youth of our community from San Leandro Boys' Club.

Recipient of 1967–1968 United Cerebral Palsy Association of Alameda County citation.

Recipient of a Resolution from the California Senate for his devotion to the people of his community and state and wishing him the greatest success in his future efforts on their behalf by Senator Lewis F. Sherman.

Recipient of Citizen of the Day Award, Station KABL, 1969 and 1970, in recognition of outstanding contributions to the welfare of our community.

Has made the Congressional Record twice. Extension of remarks of Honorable George P. Miller of California in the House of California in the House of Representatives. While he was recovering from surgery in the hospital, a friend in the same hospital needed 60 pints of blood. Polyorosa called a friend on the U.S.S. Hancock docked in Alameda and in a few days got the 60 pints plus another 90 pints which were given to Erwin Memorial Blood Bank.

The second time he made the Congressional Record was for recruitment of Chamber of Commerce members in 1967 (39 members) and 1968 (44 members). Remarked George P. Miller: "Mr. Speaker—City Councilman Mario Polvorosa of San Leandro, California, is the type of friendly, energetic person who dignifies public service through his willingness to continuously help."

REPORT TO NINTH DISTRICT RESIDENTS—JANUARY 25, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE NEED FOR CONGRESSIONAL REFORM

Congress has not kept pace with the demands upon it, and unless major changes are made in its procedures, its claim as a coequal branch of government may become meaningless.

Unfortunately, the greatest obstacle to the reform of Congress is Congress itself. Reform involves many things—procedural changes, control of lobbyists, a code of ethics, strict control of campaign financing, strengthened leadership and modern business practices. But no reform is more important than the reform of the seniority system.

It automatically gives to members with the longest continuous service powerful committee chairmanships and it rewards political survival and ignores merit. A Congressman moves up the ladder of leadership simply by being re-elected. Diligence, interest or expertise are not qualities which count.

The seniority system has a number of obvious drawbacks, among them the advanced age of men in positions of enormous responsibility; men become leaders who are often insensitive to public opinion; and able, younger members, whose abilities are not utilized, feel frustration.

The system of seniority, ironically, has no legal or constitutional basis. It is neither a law nor a rule of the Congress. It is a custom which has become absolute in the last two decades—a custom which no other national institution or state or national legislature follows with such blind obedience.

As a consequence of this custom, three House committee chairmen are more than 80 years old and 10 more are more than 70—the age at which Congress has said Federal judges should resign. We are following the practice of placing persons of advanced age into positions where ability and stamina are foremost requirements.

The seniority system concentrates power in a few states. Nine of the chairmen of the 21 permanent committees of the House are from the South, and in the Senate, 10 of the 16 committee chairmen are from the South.

The modification of the seniority system is not just a question of removing from positions of power a few older legislators. More importantly, it is an effort to permit political parties to put into leadership positions men who will be responsive to the Party and to the public.

The Democrats have controlled Congress for most of the last 40 years. But under the seniority system, the Democrats have found it difficult to account for their performance in the Congress. Why? Because they do not control the choice of committee chairmen, the system of seniority does. Many committee chairmen are Democrats in name only, and, insulated in their positions of power, they can safely ignore Party leaders, Party platforms and public opinion.

This week, however, there appeared the first cracks in the seniority wall. Both the Democrats and Republicans, in their pre-session caucuses, adopted reforms aimed at making committee chairmen more responsible to Members of their party and to the House.

The major Democratic proposal states that 10 or more Members may obtain a caucus vote on the nomination of any prospective committee chaiman or committee member. Any individual or committee list which is rejected must be returned to the Democratic Committee on Committees for a new selection.

Republicans elected to vote by secret ballot on the senior member (or when in power in the Congress, the committee chairman) of each committee when that Party's Committee on Committees submits its nominations. Anyone failing to get a majority vote in the caucus is then recommitted to the Comittee on Committees for another choice.

These are important steps. It is apparent that major reform will come only with pressure from outside of the Congress—from public interest in Congressional reform.

NEED FOR NUCLEAR-POWERED CARRIER TASK FORCES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, I have just received a letter from one of America's most respected military leaders and thinkers, Adm. Hyman G. Rickover, which I want to share with my colleagues.

Admiral Rickover, in his communication, reviews the history of several of our nuclear warships. He also advances some thoughts on the present state of the cold war and on our national defense posture. I find his comments perceptive and worthy of wide dissimination here in Congress.

The admiral contends that as the number of our advance bases decreases and the size of the fleet shrinks, the need for ships independent of the logistic umbilical cord for propulsion fuel will continue to increase. His warning, in light of this trend, that to structure our defenses on Vietnam-type wars and let our capability to hold our own in a larger nonnuclear war go by default is to invite disaster, must be considered. According to Admiral Rickover, the aircraft carrier will be the principal offensive striking arm of the Navy in a nonnuclear war for the foreseeable future and that it is essential that the ships we build are the most powerful and effective weapons possible. Nuclear-powered carrier task forces are recommended by him to meet our security interests in this field.

The letter is well worth reading and I now include it in the RECORD for my colleagues information:

AT SEA, NORTH ATLANTIC,
January 20, 1971.

HON. CHARLES H. WILSON,
U.S. House of Representatives.

DEAR MR. WILSON: We are returning from the post-refueling sea trials of the USS *Enterprise* (CVAN65), our first nuclear-powered aircraft carrier. The ship completed all tests, including full power operation, powered by her new design reactor cores which have enough fuel to last more than ten years. The *Enterprise* was overhauled and refueled by her builder, the Newport News Shipbuilding and Dry Dock Company of Newport News, Virginia.

The *Enterprise* was commissioned November 25, 1961. She operated three years before her first refueling, including a 30,000 mile cruise around the world without logistic support with the nuclear cruiser *Long Beach* and the nuclear frigate *Bainbridge* in 1964. Following her first refueling the *Enterprise* operated four years on her second set of reactor cores, including four deployments to Vietnam before entering the shipyard for her second refueling and overhaul. The *Enterprise* has steamed more than 500,000 miles to date.

During the last year the *Enterprise* has been completely overhauled and reactor cores of an entirely new design have been installed in her eight reactor plants. These new cores contain energy equivalent to the amount of oil which could be carried on a train of tank cars stretching from Washington to Boston. This will provide her enough fuel to carry out all operations for the next 10–13 years, thus making her truly independent of fuel logistics support.

The new nuclear-powered aircraft carriers, *Nimitz* (CVAN68) and *Dwight D. Eisenhower* (CVAN69), now under construction at Newport News, will each have two reactors which will produce about as much power as the eight reactors in the *Enterprise*. The initial reactor cores to be installed in the *Nimitz* class carriers will provide for 13 years of ship operations without refueling.

We now have three nuclear powered guided-missile ships in opeartion, the cruiser *Long Beach*, the frigate *Bainbridge* and the frigate *Truxtun*. Two more are under construction: the frigates *California* and *South Carolina*. Funds have also been appropriated for the first two ships of a new class of nuclear frigates called the DLGN38 class and advance procurement funds have been appropriated for three more. The Navy plans to build more nuclear frigates in later years.

Nuclear power in surface warships gives them the ability to operate continuously at high speed which affords them protection not available to nonnuclear ships. This can mean the difference between winning and losing battles. As the number of our advance bases decreases and the size of the Fleet shrinks the need for ships independent of the logistic umbilical cord for propulsion fuel will continue to increase.

Next to providing the major deterrent to all-out nuclear war, I believe that the most important mission of our Navy is to insure that our first line naval striking forces can carry out their mission against the threats the Soviets are presently developing. A significant portion of our surface warships must be nuclear-powered or we may end up without a credible deterrent to communist encroachments which do not warrant escalation to a nuclear war. As the Soviets achieve parity in nuclear weapons strength, a credible deterrent against lower levels of aggression becomes vital. As recent developments have shown, we can no longer rely on the threat of nuclear war to stop communist aggression unless the issue is so vital to us that we are willing to risk destroying ourselves to resolve it.

To structure our defenses on Vietnam-type wars and let our capability to hold our own in a larger nonnuclear war go by default is to invite disaster. It is widely understood that American nuclear superiority over the past 25 years has deterred nuclear war; it is not as widely understood that our naval superiority over this period has deterred lesser wars. If we do not maintain the capability to operate our first line naval striking forces in all areas our national interests dictate, we will have given up the ability to carry out sustained military operations away from our shores, not only by the Navy but by the other services as well.

For the foreseeable future the aircraft carrier will be the principal offensive striking arm of the Navy in a nonnuclear war. No other weapon system under development can replace the long-range, sustained, concentrated firepower of the carrier air wing. Torpedo-firing nuclear submarines, cruise missile-firing nuclear submarines, nuclear frigates with antiair and antisubmarine capabilities, are all needed to supplement and augment the capabilities of the nuclear carrier.

Our carriers are vulnerable to attack by Soviet cruise missiles—as are all surface ships. However, the first line of defense our surface ships have against such missiles and their launchers is carrier based aircraft. Without carriers and their aircraft, other surface warships, replenishment ships, and amphibious forces, would all be much more vulnerable. The nuclear carrier task force with its capability of unlimited operation at high speed is the most powerful, least vulnerable surface ship force in the history of naval warfare.

Nuclear-powered carrier task forces can steam at high speeds without concern for fuel conservation or slowing to refuel. When necessary, nuclear ships can steam at high speeds to areas of low threat for replenishment of combat consumables such as weapons and aircraft fuel. These options are not available to conventionally powered ships.

Oil-fired warships must be refueled every few days; their operations will be restricted if the tankers they need are sunk or diverted by the presence of enemy ships. The U.S. lost over 130 tankers in the World War II Atlantic Campaign, mostly due to German submarines an order of magnitude slower and less capable than the submarines the Soviets have today. The Germans started World War II with 57 submarines. The Soviets today have some 350 submarines; at least 85 being nuclear-powered.

Some have objected to nuclear warships on the basis of higher *initial investment cost*. These ships are often compared in cost with cheaper conventional ships of much lesser military capability, the argument being that we should build more of the cheaper conventional ships rather than fewer of the nuclear ships. Yet study after study has shown that when *all costs* are considered nuclear warships cost little more than conventional warships having the same weapons systems—and the nuclear warships are far superior militarily.

Further, the cost of war itself *far exceeds* any cost needed to be prepared to *prevent* a war. The best warships we can build, hence the cheapest, are those which are never used in combat because they have served to prevent war.

With the heavy military and nonmilitary demands on the budget the United States must only spend where it is necessary and where the value received is clear. But the *real* value of having a Navy capable of countering the Soviet threat cannot be measured in dollars alone; our survival may depend on it.

The Soviets recognize the importance of becoming the world's strongest sea power. We have now chosen not to challenge them with numbers of ships. It is, therefore, essential that the ships we do build are the most powerful and effective weapons we know how to build. This means nuclear propulsion for major warships. The penalty for any other approach is the steady erosion of our conventional military forces; a consequent reduction in our influence and in our "options" in world affairs; and the reliance for our security on a nuclear weapons force which, if used, could mark the supreme failure of mankind.

Respectfully,

H. G. RICKOVER.

PUBLIC RESPONSIBILITIES OF PRIVATE BUSINESS IN THE 1970'S

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. BENNETT. Mr. Speaker, I recently had the pleasure of reading an extremely stimulating and helpful address by David Rockefeller, chairman of the Chase Manhattan Corp., made at the annual dinner meeting of the Pittsburgh Chamber of Commerce. It is indicative of the age of conscience and concern in which we live. It is also indicative of the tremendous input being made, and to be made, by the business sector of America into the solution of current national problems. I strongly recommend it being widely read and for this reason include it in the CONGRESSIONAL RECORD.

PUBLIC RESPONSIBILITIES OF PRIVATE BUSINESS IN THE 1970'S

I have looked forward to this occasion with particular pleasure because, frankly, I have long admired the forthright manner in which the Pittsburgh business community has dealt with urban and environmental problems.

As even the occasional visitor knows, you were among the first to recognize and respond to the many complex and interrelated issues of ecology and urban renewal. You did so with imaginative approaches that, in many cases, have since been adopted by other major cities.

During the 1950's and '60's, urbanologists and early environmentalists were still unable to get a serious hearing in many parts of the country. Yet here in Pittsburgh, you already had a functioning alliance of concerned business and civic leaders headed by Dick Mellon whose memory should be revered by all. Under this kind of capable leadership, you moved forward with a broad base of community support to reverse the tide of urban deterioration and environmental pollution.

In view of your record of accomplishment, you have better reasons than most to resent the current wave of attacks charging business with an utter lack of social concern. It is no exaggeration to say that American business today is facing its most severe public disfavor since the Depression era of the 1930's.

We are told in the most forceful terms by a wide range of critics that we are doing both too much and too little, that we are at once proligate and miserly, evangelistic and hypocritical. Indeed, there seems to be a fixed belief, in some quarters at least, that businessmen are constitutionally incapable of performing a selfless act. When one occurs, the critics are sure it must have been done for the wrong motives. And if no questionable motives can be assigned, then it is assumed to have been an accident!

We cannot escape evidence of this public disfavor even in the toy departments where we do our Christmas shopping. Where once the game of "Monopoly" dominated the scene, we now find a proliferation of new ones with such topical names as "Smog: The Game of Environmental Awareness," and "Extinction: The Game of Ecology."

Ours is the dubious honor of having gone from "Monopoly" to "Extinction" in one generation!

The net effect of this shifting public sentiment toward businessmen was summarized amusingly in a recent article in Finance Magazine. It ticked off the typical headaches of today's average executive in these words:

"Two citizens' groups have brought suit (against his company) . . . the press keeps making outrageous claims . . . consumers are trying to organize a boycott . . . a Federal agency is making a study . . . some fellow in Washington, acting independently with some law students, is about to slip a report to a Congressman . . . a nearby college has 150 scraggly potsmokers who are talking about bombing his office . . . and his children call him an imperialist pig!"

In such a climate of confrontation, it should come as no surprise that socially concerned businessmen are caught in a devasting cross-fire of criticism from both ends of the ideological spectrum.

At one pole, Professor Charles Reich has pronounced America's businessmen guilty of the social "crime" of creating an anti-human "Corporate State." In his current best-seller, "The Greening of America," Professor Reich views this supposed monolithic machine as a destroyer of individual dignity and holds it responsible for a catalogue of social ills ranging from depersonalization to pollution. In his view, business—as an oppressor of the human spirit—cannot make a positive social contribution.

Professor Reich's goals are admirable. Surely no one will contest a creed that places individual dignity and self-realization at the center of our social and economic efforts. But his analysis fails, I believe, when it attempts to make business the scapegoat for the inevitable dislocations produced by rapid progress. His view of business as a rigid, machine-like structure bears little resemblance to today's flexible, responsive, consumer-conscious corporation.

Material prosperity and automation have immeasurably improved the lives of millions and greatly shortened the work week, freeing people for the aesthetic, intellectual and recreational pursuits that Reich himself espouses. Business now is making substantial inroads against the by-products of technological advance through anti-pollution efforts, urban programs and a host of other activities.

Further, business has moved away from authority toward participative management and individual initiative in many of its operations.

In short, business concern for the individual and the community has moved us toward Professor Reich's most worthy goals. To use one of his own terms, his revolution has been "co-opted" by American business.

Attacking from an opposite point of view, Professor Milton Friedman contends that business has only one responsibility—to maximize profits for its shareholders. Beyond this, he insists, corporate social efforts are only "hypocritical window-dressing" and "unadulterated socialism." This is surely too narrow a perspective.

Even Professor Friedman recognizes that the donations made by businesses to various community service organizations on an annual appeal basis are appropriate under customary and conventional ethical standards of good citizenship. But what he fails to appreciate, in my view, are the many innovative social contributions of business which are perfectly consistent with the profit incentive. The construction of "turnkey" public housing, for example, in which private industry works with government to create much-needed housing for low-income families, has proven both profitable and socially beneficial.

Profits are, indeed, the lifeblood of business. But our own consciences as well as rising public expectations make it increasingly clear that modern managers must come up with more new and imaginative approaches like "turnkey" housing, to reconcile their expanding responsibility to society with the investment interest of their shareholders.

Responding to critics is tempting and I think businessmen should give in to the impulse more often—not to apologize but to set the record straight. I would hope, however, that we would not spend so much time and energy in answering critics that we have none left for reexamining our own performance to spot new areas for improvement.

This is a time of profound reassessment throughout our society, a time for reordering values and priorities at all levels.

Business must participate fully in this reassessment by redefining its own relationship to society.

The last time we went through such a national reappraisal—in the 1930's—business tended to stand aside and leave the initiative to government. In retrospect, I think all of us would acknowledge that this was a mistake. The result was a serious erosion of our economic freedom. This time, unless business rolls up its sleeves and gets into the fray, there is likely to be not only a further erosion of economic freedom but of individual freedom as well.

The amount of freedom business retains will depend decisively on the quality of management's response to changing public expectations and on the degree of its involvement in public responsibilities.

Certainly, I recognize the temptation to cut back on programs for social progress during a period of diminished profits, especially when we are being roundly criticized for these very commitments from certain enclaves of tradition. But I would argue that it is precisely at this time, when social expectations and needs are greatest, that we must weigh our options calmly and employ our most farsighted business judgment.

Far from cutting back, it seems to me highly desirable that we step up our social involvement, at this critical juncture, in at least three distinct areas.

The first, of course, is within our own companies. Many businessmen have been doing a good deal, individually, to make their corporations more socially responsive to the changing environment. But, for the most part, they have done this as a kind of "add-on" to their regular business—programming a response to each challenge as it appears. For example, they have stepped up financial contributions to deserving urban projects, developed more playgrounds in the ghettos, and provided more counseling services for the disadvantaged. In other words, they have responded with good intentions but usually with the self-limiting presumption that social improvement programs must be carried on the loss side of the company's ledger. They presumed that business and social responsibilities would not mix. I believe it is now time to question that presumption.

The immediate task, as I view it, is to learn how to discharge our social responsibilities as an integral part of our overall corporate planning and performance. We should think not so much in terms of how to hold down the cost of these programs, but rather how to make them more efficient and more effective so that they contribute to long-range profitability. Briefly stated, the essential job is to reconcile what happens in the marketplace with what has already happened in society. This may mean liberalizing our hiring practices to include more from the minorities or broadening our services to extend into disadvantaged neighborhoods.

This may also mean taking a longer range view of profits. It may mean lowering our profit sights in a particular year, in the interest of helping to shape an environment in which business can continue to prosper ten or twenty years into the future. In a sense, this is a kind of capital investment in community well-being which will produce future dividends in the form of a more viable business and living environment.

The latest surveys by the Opinion Research Corporation reveal that a solid majority of the American people now considers corporate responsibility for maintaining a pollution-free environment equal in importance with supplying customer needs at reasonable prices. So, besides being a matter of good conscience and good citizenship, it is also a matter of good business judgment to structure ourselves, within a sound application of free-market principles, to respond to the will of the majority of our potential customers. To narrow our individual corporate objectives solely to the pursuit of profits would place us almost at once in direct conflict with the many publics on whom those profits depend.

A second area in which businessmen can and should be involved in a socially responsive way is at the industry and even the multi-industry level.

The "pilot projects" of individual companies have been very much worthwhile, and have taught us valuable lessons about what can and can't be done with limited resources. But the need now, as I see it, is for more massive collaboration by groups of several corporations in diverse fields to tackle those truly major problems that surpass the resources of a single company.

One of the most promising avenues for expansion would be to select, from among the many trial-and-error experiences of separate companies, those ongoing projects which show the greatest potential for multi-industry application.

For instance, in my own industry, I think the "Key Cities Program" of the American Bankers Association, which is committing one billion dollars by 1975 in minority business financing across the country, is an important program. It will focus initially on 50 critical urban areas. In these, coordinating committees of local bank executives will see to it that this financing is responsive to unique local needs and problems. Supporting this funding program will be teams of visiting specialists who will bring their proven experience to bear through a series of Urban Development Seminars. The "Key Cities Program" is particularly attractive for multi-industry involvement because it offers wide-ranging opportunities for almost every kind of industry to supply its own particular technical, managerial and product support in local areas under local supervision.

The various manpower development programs of the National Alliance of Businessmen have proven themselves capable of far wider applicability, given the inter-industry base that has already been established. The lessons learned in these programs could be applied more extensively to the development of training capacities for moving workers up from entry-level competence toward managerial positions.

Although still in development stages, the National Corporation for Housing Partnerships and HUD's "Operation Breakthrough" are both promising prototypes for a total business-sector initiative. With its recent development grant from HUD, Westinghouse is already exploring the feasibility of modular and prefabricated housing on a broad scale.

In the underlying and, in many ways, most critical problem of educational deficiencies, the various "partnership projects" between corporations and schools have nationwide and industry-wide potential.

In the past several weeks, two major educational studies have been released—one by the National Association of Secondary School Principals and the other by the Carnegie Commisison on Higher Education. Both studies concluded that the present educational system in this country is too rigidly degree-oriented and lacks the flexibility needed to guide young people with a wide range of talents and ambitions into suitable professions and occupations. They proposed that big cities create new models of secondary schools adapted to their own community needs rather than remain firmly anchored in the past and the present.

The validity of this proposal is supported by recent statistics revealing that almost one-quarter of all high school students drop out before graduation. And roughly half of those who enter college quit before taking the bachelor's degree.

Until now, the business sector has tackled this enormous problem largely on a company-by-company basis, setting up separate programs for the industrial and basic skills training of "drop-outs." These individual programs are often costly and inefficient, and the new educational techniques learned by one company are not transmitted quickly to others.

How much better it would be if we had a nationwide system of industry-supported vocational schools of sufficient scope to exert a real impact. Ideally, these institutions would not close off the possibility of subsequent academic training, but would provide a viable alternative route toward higher learning. Those, who for personal or family reasons, felt the need for early employment could have the opportunity and the flexibility to complete their high school education in these industry-sponsored vocational schools and then continue on to college if and when they desired.

By breaking down the rigid correlation between age and formal schooling, an approach such as this might go a long way toward making education a lifelong process with men and women entering college from the ranks of labor, commerce and industry—perhaps under employee to trade union scholarship programs. Nowhere is it written that education in America must be a hectic scramble by everyone, regardless of incentives and qualifications, to accumulate the maximum number of degrees in the minimum amount of time.

The major industries could establish a loosely-tied national chain—steel, transportation, utilities, communication and banking—building the buildings, defraying salaries and other operating costs and offering employment options to the graduates.

The schools that I propose would not be in competition with other public schools. They would be supplemental and would be fully certified and accredited by local educational authorities—differing not in educational standards but in educational emphasis and in the fact that they were financed in part by the private sector.

To work out the details of such a project in full cooperation with the present secondary school system and to ascertain what tax incentives might apply, this proposal would clearly require the concurrence of educators, leaders of business and labor and various governmental authorities. But I have outlined the proposal here in order to illustrate the dimensions of future commitment that I believe business must undertake at the multi-industry level.

The third major area in which this sense of commitment must be manifested is in the national debate over policies, programs and priorities.

Businessmen have been generally reluctant to enter into public debate on issues other than those of direct company concern. They will talk volubly about why they need higher tariffs or lower taxes. But they tend to become reticent when the discussion turns to the need for an improved welfare program, broad-gauged trade legislation, or more realistic safety standards. The supposed risks of alienating other businessmen or consumers are often regarded as unacceptably high. As a result, we too often end up with uninformed, catch-all legislation.

By restricting the range of topics to those directly related to their livelihood, businessmen have seldom achieved wide public recognition. It is precisely by avoiding social debate, that they have given currency to the notion that they are concerned solely with profits and have little of substance to contribute to the developing dialogue of democracy.

The great need here, as I see it, is to coordinate the business community's efforts, talents and influence in a way that will give it genuine impact not only at local and state levels, but at the national level as well.

Some coordination in the social realm already exists in activities of the National Alliance of Businessmen, the National Corporation for Housing Partnerships, the Chamber of Commerce, the National Association of Manufacturers, the Conference Board, the Committee for Economic Development and others.

But what is needed additionally, in my view, is an all-out determination to mobilize the opinions and resources of the business community behind workable large-scale approaches to urban problems. With a guiding consensus of our own, we would then be in a better position to enlist the support of the Administration and Congress to do the job that must be done. The influence and ideas of businessmen are needed now as never before to speak out more forcefully and more frequently on social and urban legislation.

Because of this very urgency and because of your own enviable past record in setting examples for the larger business community, I am taking the liberty now of urging upon you—the business leadership of Pittsburgh—this additional task. I know of no body of businessmen anywhere that is better equipped, by experience and achievement, to show us how the country's business sector can bring its influence to bear on forward-looking social legislation in city hall, state house and in Washington.

I do not mean to suggest that such a leadership role can or should be played in isolation. Its effective implementation will require the same kind of close cooperation with the academic and intellectual communities that you have achieved in the past. And it will require the same cordial working alliance with labor to impact effectively on Government at all levels.

But I believe that the first driving thrust could well come from the concerned and committed business sector of Pittsburgh. I would add only that the time is short and present problems across the nation are rapidly outrunning their solutions.

For those across the country who boggle at the immense urban tasks still before them, there would be great encouragement in the realization that "the spirit of Pittsburgh" was on the move once again.

In a larger sense, there is reassurance for the nation's businessmen, too, in recalling that since the days of Karl Marx, critics have been predicting the downfall of the American industrial system and the demise of the corporation. Yet through the years that system has proven remarkably durable and resilient. It has been highly resourceful in adapting to change involving employees, customers and society in general.

I personally am confident that it can and will demonstrate equal adaptability in the decade of the Seventies. I think it is more than capable of rising to the challenges posed by Professors Reich and Friedman by coming up with fresh solutions to many problems within the context of the free-market system.

Tradition holds that the first draft of the Declaration of Independence dedicated this new nation to "life, liberty and the pursuit of property." It was only at the urging of those who insisted on greater concern for the quality of life in America, that Thomas Jefferson struck out "property" and placed "the pursuit of happiness" in a position of high prominence.

Now, nearly two centuries later, we are witnessing a strong resurgence of this national goal. Those of us in business are being asked to contribute more to the quality of life than mere quantities of goods and services. I believe that "the spirit of Pittsburgh" could well supply us with the precedent and vision necessary to achieve this goal.

PERU'S TREMBLING LAND IS STILLED

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. BELL. Mr. Speaker, during the tragic earthquake disaster in Peru last May, a courageous Los Angeles vascular surgeon, Dr. Albert Fields, joined a group of physicians to offer emergency medical aid to thousands of victims of the tragedy.

Dr. Fields stands as an example of medican practice truly responsive to the immediate needs of the world community. His voluntary effort will be long remembered by the hundreds of disaster victims whom he and other volunteer physicians aided.

I insert the following article from Medical World News, July 31, 1970:

Peru's Trembling Land Is Stilled

While the ground trembled and tons of mud and water were pouring over Peruvian villages last May, vascular surgeon Albert Fields was relaxing—at home in Los Angeles. Learning about the disaster via television, he reacted with feelings of uneasiness and helplessness. But he could not erase the tragedy from his mind, and a week later he climbed aboard a Lima-bound jet to offer his services. "I just decided it was something I had to do," the 54-year-old doctor said.

Before he left Los Angeles, Dr. Fields helped round up 50 tons of medical supplies to be flown to Peru. On arrival, he went to a hospital outside Lima, where he treated chest and abdominal injuries, flesh wounds, and compound fractures. During his harrowing three-week stay, he performed approximately 300 operations and assists and still found time to lecture at various Peruvian hospitals on traumatic and vascular surgery techniques.

The earthquake, the worst in Peru's history, killed some 50,000 people, and the devastation was almost unbelievable. The western coastal city of Chimbote was nearly obliterated, and a 50-mile-wide strip of land stretching 300 miles to the north and south of Chimbote was torn up.

Ironically, neither Dr. Fields nor any of the dozens of other doctors from America and other countries who rushed to join Peruvian doctors in treating the injured were able to save many lives. By the time help arrived in isolated areas, most of the critically injured had died. And the doctors in Peru are still powerless to combat what is essentially a public health problem. Pneumonia and upper respiratory infections caused by exposure are now commonplace, simply because the survivors of the quake have no shelter. Their rude adobe shacks were almost all flattened. Gastroenteritis is also prevalent; this is attributed partly to contaminated water supplies. And among city slum dwellers, tuberculosis and parasitic diseases are permanent fellow travelers.

"The country is almost completely lacking in rehabilitation facilities," Dr. Fields reports. "Those in the isolated areas have nothing in the way of medical facilities, no nurses, no first aid stations, no running water, no heat—nothing. Probably three fourths of all the doctors and medical facilities in Peru are in Lima, and the remainder are in the larger cities. Peru has well-trained men in many of the medical specialties, but most of the country's hospitals are sadly lacking in equipment."

Immediately after the quake, overreaction set in. Fear of epidemics spread, and a mass inoculation program was considered. Peruvian health teams began mass inoculations for typhoid. But after a close look at sanitary conditions, doctors decided that a typhoid immunization drive was unnecessary. There was also concern about rubella, which is endemic in Peru during this time of year. By tracing several reports of the disease without pinpointing any cases, however, doctors in the field determined that vaccination would be unnecessary.

When medical teams arrived in the isolated areas, they found that it was better to treat the injured there than to evacuate them to coastal hospitals or the U.S.S. *Guam,* anchored offshore. Although there were rumors and speculation that thousands of critical injuries had occurred in the area affected by the quake, only a few hundred people were found with severe and life-threatening injuries. "In earthquakes of this type, people caught in buildings that are collapsing or caved in or in earthslides usually do not survive, so you have a strange phenomenon—either the living or the dead, with the number of injured being comparatively small," explains Stephen R. Tripp, disaster relief coordinator for the Agency for International Development.

The government has announced plans to eventually construct 2,400 shelters in the disaster area to accommodate large numbers of the people made homeless by the quake. But as it stands now, most of the dispossessed people are out in the open, or in tents, or in temporary shelters they have built, says Dr. Fields. What will happen to them in September when the winter rains begin remains an urgent question.

TRIBUTE TO SENATOR RANDOLPH ON HUMANITARIANISM IS WELL DESERVED AND HELPFUL TO A CAUSE

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. SLACK. Mr. Speaker, last Thursday in my hometown of Charleston, W. Va., I was privileged to attend a City of Hope fund-raising dinner, honoring our senior Senator from West Virginia, JENNINGS RANDOLPH. This long-deserved tribute acknowledging Senator RANDOLPH's many years of dedicated service on behalf of humanitarian causes culminated in the presentation of the City of Hope's Golden Torch of Hope Award. Guest speaker for the occasion was Elliot L. Richardson, Secretary of Health, Education, and Welfare. I was particularly pleased to note that, along with Governor and Mrs. Arch A. Moore, four distinguished former governors of the Mountain State were in attendance. They are: Homer A. Holt, Okey L. Patterson, Cecil H. Underwood, and Hulett Smith.

For those who may not be familiar with the City of Hope organization, the national medical center for research and treatment of catastrophic diseases was founded in 1913. At present, more than 700 scientists and staff are working at the Los Angeles center to find cures for such diseases as cancer and leukemia. The treatment of patients is free and offered on a non-sectarian basis.

Senator RANDOLPH, who has long been identified with legislation aimed at helping the sick, the handicapped, and the disadvantaged, joined in the effort to raise funds for this worthy project. As evidence that, on rare occasions, prophets are honored in their own country, I ask unanimous consent to insert in the CONGRESSIONAL RECORD the remarks made at the City of Hope dinner by Secretary Richardson and Governor Moore, together with the moving acceptance speech by Senator RANDOLPH:

People Must Be Helped Out of Dependency, Not Further Into It, Secretary Richardson Says

Under the circumstances, it's understandable that one might feel a bit difficult about trying to frame some appropriate remarks for this occasion.

I sincerely welcome the privilege of being here this evening to pay tribute to a distinguished citizen of West Virginia and one of the Nation's outstanding legislators and humanitarians—your guest of honor, Senator Jennings Randolph.

It has been my good fortune to know and to work with Senator Randolph for part of his long career in the United States Congress, and I count myself among the many people throughout the country who recognize him as a skillful lawmaker and a devoted servant of the public interest.

But any hesitancy on my part is erased by the Senator's gracious charm and by the knowledge that the dual purpose of this banquet is significant beyond my ability to add or detract.

In selecting Jennings Randolph to receive the Torch of Hope, the City of Hope is according recognition to a principle symbolized alike by the institution and the man. For both the City of Hope in its commitment to serving the victims of disease, and Senator Randolph in his four decades of service to the handicapped, are guided by an overwhelming desire not merely to serve mankind, but to enable human beings to gain the self-respect that comes with self-reliance.

I know enough of medical care to know that the will to recover is as potent as any medicine, and that the patient with the poorest prognosis is the patient who has given up hope. The City of Hope, in its extensive programs of research and care for the desperately ill, is grounded not just on the philosophy, but on the inescapable fact that the desire to recover, to conquer adversity no matter how grave, is among the best of all therapies.

Senator Randolph, as his career amply proves, is guided by the same philosophy and the same clear view of humanitarianism. When others were content to give the handicapped little more than alms, Jennings Randolph fought for programs to help the handicapped help themselves.

The legislation he sponsored to provide meaningful employment for the blind is more than an avenue to support, it is a path toward self-respect and independence that has dignified the lives of thousands of sightless Americans throughout the country.

Much the same principle needs to be applied to a great many of the issues and problems that face this Nation. It is not enough simply to minister to those in need in ways that perpetuate hopeless dependency. We see the futility of such a plan in the intolerable burden of our present welfare system with its skyrocketing costs and seemingly unending increase in numbers of recipients. Nowhere else could it be more clearly necessary to apply the principle that Senator Randolph understands so well: that people must be helped out of dependency, not further into it; that humanitarianism—to say nothing of plain common sense—demands that we give every man the chance to achieve the independence that comes from self-reliance.

I need hardly tell you that the President has no more urgent domestic goal than reform of the outmoded, unworkable, degrading, and frightfully wasteful welfare system. Together with a plan for revenue sharing that will help the cities and States meet the staggering costs of welfare, education, and the myriad other demands on their hard-pressed fiscal resources, the President has made it known that he will ask the 92nd Congress to do what the 91st failed to do—reform the welfare system by adopting the Family Assistance Plan.

Where most present welfare programs discourage the poor from working, Family Assistance would both reward the working poor and help them to find and keep jobs. Where most present welfare programs tend to break up family units by the imposition of what has been called the "man in the house" rule, Family Assistance would have the opposite effect. It would help to keep families together and to earn the money they need to stay together.

I think it is fair to say that we have a good deal of catching up to do in this country. Unkept promises, unfulfilled commitments, and unmet responsibilities combine to give us an agenda for social action that is both long and demanding. Let me just take one additional item from that agenda, because it is so pertinent to this occasion and to the great work in which the City of Hope is involved.

I am referring, of course, to the crisis in health and what can and should be done to ease or eliminate it.

Of course, one way to deal with this crisis is to deny it exists. I am not being facetious. It is perfectly possible to look at the state of the Nation's health and conclude that the word "crisis" is inappropriate. By comparison with other countries of the world, we in America enjoy a relatively high standard of health care. Some other countries have slightly longer average life expectancies, lower infant death rates, and higher ratios of physicians to total population. But the differences among such statistical comparisons often are measured in small fractions of numbers, and the United States is unquestionably among the first rank of nations in terms of these objective measurements of health status and health care achievements.

Why then the word "crisis?" Why has the subject of health care become so paramount an issue for national debate? Why have so many proposals, including not less than 200 bills in the last Congress, been put forward to deal with "the crisis in health?"

The answer—at least part of the answer—lies in the fact that the kind of gross statistics that I just mentioned tell a very misleading story, for they obscure the glaring discrepancies in our systems for providing health care to the people of this country. The simple truth is that the best medical care in this country is without equal anywhere in the world, but for a great many people, chiefly but not exclusively the poor, the best is not available. And for millions of Americans living in big city slums and rural poverty areas, health care of any kind is virtually non-existent.

The infant death rate in one impoverished area of Chicago is seven times greater than the rate in a neighboring, affluent suburb and nearly three times as high as the national average.

But it would be incorrect to suggest that the crisis in health care is simply another symptom of the plague of poverty. The soaring cost of health care touches all of us, middle and upper income families as well as the poor. Hospital charges are rising at the rate of 15 percent a year; the aggregate cost of all health care is increasing twice as fast as the cost of living; the devastating cost of care in cases of catastrophic illness or injury can quickly reduce a family from a position of economic security to one of insurmountable debt.

Obviously, we cannot permit these conditions to continue. A Nation that can allocate, as we do, more than 7 percent of its gross national product for health can see to it that decent health care is available to all its citizens, poor and non-poor. The challenge we face is one of developing our vast health resources, expanding them as necessary, and most important of all, making the best possible use of what we have and what we will have in the future.

The initiatives the President will recommend will seek to assure adequate health care for every citizen through a system that will effectively combine public and private resources, not in a monolithic scheme controlled by the Federal Government, but in a collaborative system that makes the best use of Federal leverage, State and local resources, the private insurance industry, and those people and institutions that provide health care.

It seems to me that there is a strong analogy between the philosophy of this Administration with regard to problems of health and welfare and the philosophy that Senator Randolph has followed in his career of service to the handicapped. When a man is down, help him up. Give him the means to help himself with pride and dignity.

Too many American people and American institutions are down. They need the support that the most favored nation on earth can provide. But they also need the chance to become productive parts of society. What we have to do is what Senator Randolph has so admirably done for the handicapped. We have to make it possible for all the people of this country and all the social institutions that serve them to achieve their fullest potential.

The City of Hope has chosen well in selecting Jennings Randolph to receive its Torch of Hope. I am confident that this distinguished health center will realize its goal of expanded service to the cause of medicine and medical care. I understand that they used to call the City of Houe "the tents in the desert." Those tents may have long since folded, but they have certainly not silently stolen away. They have become a distinguished medical institution because of the dedication of those who work there and the generosity of those who have helped pay the enormous cost of transforming "tents" into a complex of laboratory and clinical facilities that are among the finest in the world.

The great American novelist, Thomas Wolfe, eloquently described the Promise of America. He wrote: "To every man his chance; to every man, regardless of his birth, his shining, golden opportunity. To every man, the right to live, to work, to be himself, and to become whatever his vision and manhood can combine to make him. This, seeker, is the Promise of America."

This nation, because of men like Jennings Randolph and institutions like the City of Hope, will continue to move ever closer to the fulfillment of its promise.

Governor Moore Praises Randolph's Long and Deep Commitment to Cause of Humanitarianism

Good Evening.

Senator Randolph, to my distinguished former predecessors in this most humble office of Governor of the State of West Virginia, Mr. Secretary, and General Jessel, in viewing the program tonight I notice that those that were going to share in the speaking portion, in acknowledgement of the great honor given to our distinguished Senator, were not West Virginians—and, so I presumed upon perhaps the only prerogative that a Governor occasionally might have and asked that if I might say something for West Virginia and for those that are its leaders that are here tonight and its citizens and those that are particular friends of our honoree.

Senator Randolph, West Virginia is indeed proud of you as you have gone from this great Mountain State and made that which is so often referred to, but very rarely reached, the total commitment of oneself to his people. And this distinguished honor here tonight that has come your way is not only for you but is for the citizens of our State. We are intensely proud of your service to us in the United States Senate as we have been intensely proud over the years for your commitment in other public realm. So, as Governor of West Virginia, and for and on behalf of its people, those Jennings that have not said so at the polls, in one way or another, I would say here tonight we are deeply appreciative of your public service, your great humanitarianism, your commitment to us. And thank you for a job, not well done, but magnificently so in many, many respects.

Thank you very much.

Many People Contribute to Search for Relieving Human Suffering and Provide Hope for the Sick

(Remarks by Senator **Jennings Randolph**)

Please understand that I am grateful and honored to receive this award.

When citizens of good purpose choose to call public attention to work that has been carried forward as the result of earnest convictions and the desire to be of service, then that person is expected to appropriately respond.

If I have contributed to the improvement of the health and welfare of the American people, then this knowledge is the source of satisfaction.

At a time like this, I remember the many activities with which I have been associated relating to the well-being of people.

I remember that date nearly 35 years ago when the Randolph-Sheppard Act became law and established a program under which the blind were to become self-supporting citizens.

In more recent years, I remember our successful efforts in the Congress to establish Medicare so that the medical needs of our older citizens could be met.

These were valid decisions by government, and there have been others over the years that have held my intense interest and continuing concern. They are very, very important because government must share its deep involvement in improving the health of the people.

Tonight I recall just a few of the individuals and groups who have devoted themselves to the cause of the sick and handicapped and those who have been the beneficiaries.

I think of the people of the large and small cities in West Virginia who, in recent years, have raised millions of dollars in their communities to build new hospitals; people in Grafton, Weston, Spencer, Princeton, Charleston, Philippi, Fairmont, Point Pleasant, Clarksburg Martinsburg, and Charles Town.

I think of Dr. G. O. McClellan whose dedication makes him available 24 hours a day, seven days a week, to provide medical care for the people of rural Lincoln County.

I think of an observance I recently attended in Parkersburg to honor the Moose Lodge on the tenth anniversary of its hearing detection and improvement program, which has now aided more than 2,000,000 children and adults.

I think of Dr. Daniel Hale and his associates in the Southern West Virginia Regional Health Council who are creating a unique organization to improve health services in an area where they have been much needed.

I think of the thousands of blind people who operate vending facilities in public and private buildings, in particular Erma Jeffries who has helpfully served her customers in the Huntington post office for many years.

I think also of the civic organizations such as the Lions Clubs, whose members devote much time and energy to sight conservation.

I think of Dr. J. E. Blaydes, a Bluefield surgeon who has performed thousands of eye operations, often without compensation for his skill.

I think of Dr. Spencer Dryden, whose heart, as well as his hands, restored my sight caused by a detached retina.

I think of Rose Martin, of my home town of Elkins, who directs the organization of hundreds of practical nurses in education and service.

And I think, of course, of the City of Hope.

There could be no more appropriate word for this institution than "hope." For while you care for the sick and conduct research into the causes of human suffering, these activities provide *hope,* a precious commodity of inestimable value in alleviating the anxiety and anguish that accompanies illness.

I convey to the City of Hope my own personal commendation for the great humanitarian work in which it is engaged, work which demonstrates the capacity of the American people to face difficult problems with resolution and to attack them with determination. It is an endeavor that deserves the support and encouragement of every person who is concerned for the welfare of his fellow man.

Henry David Thoreau wrote these words about HOPE:

"If you have built castles in the air, your work need not be lost, that is where they should be. Move foundations under them."

Truly, the City of Hope is one such foundation!

STATES CAN DEMAND FEDERAL TAX-SHARING

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. CHAMBERLAIN. Mr. Speaker, the financial crisis confronting many State and local governments has prompted a movement to call a national constitutional convention to achieve by constitutional amendment what the 91st Congress failed to do—namely approve a plan of revenue sharing.

The Jackson Citizen Patriot of Jackson, Mich., devoted a lengthy editorial on Friday, January 15, 1971, to an illuminating and probing study pointing out some of the problems and possibilities of such a movement by recalling what happened in Michigan in 1946 when a State constitutional amendment was adopted by referendum which provided for the diversion of sales tax income to local governments and schools after the Michigan legislature failed to act on this proposal. In view of President Nixon's renewed and enlarged request for revenue sharing I commend this editorial to the attention of my colleagues and particularly the leadership of the Congress:

IN OUR OPINION—STATES CAN DEMAND FEDERAL TAX-SHARING

The most significant current development in the effort by state governors and legislatures to advance the cause of sharing of federal tax revenues by the states comes from New Jersey.

The event there is not large of itself. It is nothing more than a resolution by the New Jersey Legislature calling for a national constitutional convention for the purpose of writing an amendment which would cut the states in on the federal tax pie. Viewed in the context of the history of representative government in America it assumes a great deal of importance.

Sponsors of the Jersey resolution expect from 10 to 20 other state law-making bodies to follow up the idea in the near future. When two-thirds of the states join the request Congress will be forced to convene the convention which will be limited to writing a tax-sharing amendment. When two-thirds of the states ratify the amendment the fact of revenue sharing will be accomplished without the say-so of the Congress or the President.

The development is intriguing because, in certain respects, it parallels the move in Michigan which resulted in the adoption of the constitutional amendment which diverts a fixed portion of the state sales tax to school districts, townships and cities.

The year was 1946, a period in which local governments, particularly cities and schools, were hard up for money and the state of Michigan was relatively wealthy.

The plight of the cities and schools had been the subject of numerous studies and tax reform measures which would bail them out were proposed to the legislature.

In 1944 Harry F. Kelley, then governor and who retired at the beginning of this year as a State Supreme Court justice, appointed a "blue-ribbon committee" to look into the plight of the local governments and recommend a course of action. The result was a proposal for sweeping tax reform, some of it to be accomplished through a constitutional amendment.

The Legislature ignored the recommendations and tossed the cities a bone in the form of a $16 million grant from the liquor and intangibles taxes.

(As the French say, "The more things change the more they stay the same." The above-mentioned action took place in the 1940s, not the late 1960s and early '70s.)

Leaders in the cities and the school district fell back on a political axiom, "Those who fail to govern lose the right to govern."

Taking advantage of unrest among the people, they drafted the amendment which would divert a portion of the sales tax income to cities and schools. They cut the townships in on the swag, thus assuring their amendment the broadest possible base of popular support.

Put to a vote in November of 1946, the sales tax diversion amendment passed 864,630 to 684,698.

Thus did the people remove from the hands of the legislature, which had proved so unresponsive to their pressing needs, the right of control over what was then the state's most productive source of revenue. By not listening to the voices from back home, the legislature goaded the people into desperate, last resort measures and the invoking of the unusual powers which are their's under the constitution. It often happens when the lawmakers go directly against the wishes of the majority as they often do.

Now the unrest has moved up one layer in the structure of government. While the states are under pressure from their local governments to "do something" about financial woes, the states have troubles of their own.

When governors get together the prime topic of conversation is "federal tax sharing." Whether this solution to the tax problems of the states is proper or not matters little. That, in the view of governors, is where the money is.

If the legislatures of two-thirds or more of the states choose to use their powers under the Federal Constitution they can force revenue-sharing on the Congress and the President.

They will be emulating, to a large degree, the steps the people of Michigan took in 1946 (and which they may take again at some time in the reasonably near future.)

The Congress could find itself, as the Michigan Legislature did after 1946, losing direct control over the most lucrative tax-raising system ever invented.

Moreover, the Congress won't have the right to draft the formula for revenue-sharing. That will be done by a constitutional convention which will be under the influence of state officials.

The Congress then would be faced, as the Michigan Legislature is today, with getting up funds to operate the central government with no say as to how a fixed portion of the tax revenue will be spent.

An element of danger lies in the course which apparently is being seriously considered by state leaders. They may be inclined to forget that the principal thing the federal government has to share is a $300 billion-plus deficit. (By contrast, in 1946 the state of Michigan had a multi-million-dollar treasury surplus.)

Be that as it may, human nature and the rules of politics and the Republic make possible, if not probable, a successful effort by the states to force federal revenue sharing if Congress does not respond to their demands within a reasonable time.

LET US START GRADING AMERICA ON THE CURVE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. ICHORD. Mr. Speaker, in these troubled times we hear many prophets of "gloom and doom." Dr. Frank R. Barnett, president of the National Strategy Information Center, Inc., of New York, in an article based on his recent commencement address at the University of South Carolina at Columbia, projects a much more objective and positive analysis of the condition of our Nation. In "Let Us Start Grading America on the Curve," printed in the FBI Law Enforcement Bulletin of December 1970, Dr. Barnett states that by comparison with other nations the United States must be given very high marks. He says:

> If America is graded against utopian criteria, like all imperfect institutions, she may deserve nothing better than C-minus. But if Americans are graded more compassionately "on the curve"—if our Nation is compared, not with the imaginary Camelot of the poet's vision, but with the real kingdoms, empires, and people's penitentiaries of this earth—then America's grade is perhaps not less than B-plus. And one might challenge comparative historians to find any A's at all.

His remarks should encourage us all to be proud of our Nation and strive to keep it as the bulwark of freedom in the world.

This article is very timely and informative, and I, therefore, insert it in the RECORD:

LET US START GRADING AMERICA ON THE CURVE

(By Dr. Frank R. Barnett)

The ideal commencement address should provide inspiration for parents, encouragement for trustees, and aspirin for the faculty. It should also be short enough to be tolerated by the graduating class. Finally, it should warn us to beware the hardening of absolutes, a disease that can only be contained by a steady diet of reason and civility.

In more tranquil days, this was the season to reaffirm ideals everyone took for granted. Alumni were confident that undergraduates had come to join the Establishment, not to bury it. Parents took comfort from knowing their sons and daughters had set foot on an escalator that could lead to a platform of opportunity reserved for less than one-tenth of 1 percent of the earth's population. A graduation ceremony, therefore, was normally a festival of self-congratulation.

Today is no time for platitudes in praise of the status quo. We could occupy the entire weekend with an inventory of the fears and grievances that darken our scene.

Some pessimists predict anarchy; others foresee a police state. Some cop-outs, shouting that God is dead, or absent without leave, urge us to seek salvation in chemistry. It almost seems that bad news is our most consistent product.

A modest dosage of self-doubt is a healthy antidote for arrogance; but to inject self-hatred into the national bloodstream is scarcely the means to cure our own society or help others. Spare us from the whimperings of political Portnoys who find nothing of value.

If America is graded against utopian criteria, like all imperfect institutions, she may deserve nothing better than C-minus. But if Americans are graded more compassionately "on the curve"—if our Nation is compared, not with the imaginary Camelot of the poet's vision, but with the real kingdoms, empires, and people's penitentiaries of this earth—then America's grade is perhaps not less than B-plus. And one might challenge comparative historians to find any A's at all.

Suppose all passports and immigration quotas were abolished throughout the world; in what direction would a torrent of humanity move in search of wider options and a better life?

Those who assert that this is the worst of times cannot have heard of the past. Until History's last quarter-hour, most men's fortune was limited to crippling manual labor and the wreckage of old age at 40.

Even in England, at the peak of its 19th century affluence and culture, Matthew Arnold could compose lines which sound as if they might have been written yesterday in a campus dormitory. Matthew Arnold concludes that:

". . . the world, which seems
To lie before us like a land of dreams,
So various, so beautiful, so new,
Hath really neither joy, nor love, nor light,
Nor certitude, nor peace, nor help for pain;
And we are here as on a darkling plain,
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night."

I do not suggest that we resist badly needed reform in America by using the miseries of other continents and other times as an excuse for inaction. But let us not be panicked into the wrong action by amateur interns who portray America's contusions as terminal illness. Those who want to "shut down" society until love and peace govern all human relationships are lamenting the human condition, not the American system. If they complain they have inherited a world they never made, they have only announced their membership in the family of man, since none of us since Adam and Eve have been able to preselect our environment. Only the day before yesterday, your parents inherited a depression and two World Wars they had no hand in starting.

LOOK AT THE RECORD

No one would argue that the scars from those calamities have been removed from society; and some of the repair jobs might have been better done. But in predicting America's capacity to survive turmoil, it is relevant to remember that in 1941 a nation torn by strikes, haunted by unemployment, preyed upon by mobsters and labor racketeers, agitated by Communists and the Ku Klux Klan—such a nation closed ranks to keep Germany and Japan from swallowing the earth, rebuilt Europe, designed the United Nations, and planted earth's banner on the moon. That same nation (calling itself "capitalist") outmoded the socialist platform of Norman Thomas with a total welfare package that now costs $67 billion a year, made foreign aid a major industry, and provided scores of outlets for practical idealism—at home and abroad—through social inventions that range from Head Start to the Peace Corps.

DEFINING SUCCESS

The critic may object I have come to sell stale sentiment, or to assure the class of 1970 they have been guaranteed sweetness and light by the strenuous effort of their elders. To the contrary! Nobody can promise you anything but turmoil, tension, and plenty of pressures to test your ingenuity and resolve. Unless failure were probable in human affairs, achievement would be insipid and routine. Whether you define "success" in personal or public service terms, success is always balanced on the rim of disaster. That is especially true when freedom must still compete in the modern world with the primitive ideologies of dictators.

Twenty-six years ago, my generation inherited the duty to spend June 6, 1944, on the beachheads of Hitler's Europe. We learned the hard way that, when democracies pursue business-as-usual, dictators intoxicate themselves on ego-trips that carry the world over the edge of global war.

Of course, history never reruns an old scenario with the same players. Perhaps the lessons learned from the failure to appease Hitler and Stalin no longer apply. But let us ask the students of Prague if they think the armored divisions of Brezhnev are an improvement over the mailed-fist diplomacy of Stalin. Let us ask the Soviet scientist thrust by the secret police into a ward for the mentally disturbed if he thinks the will of the Russian tyrant to smother dissent has diminished.

SHORT MEMORIES

And perhaps we should ask ourselves if we think that the Soviet Union—quite prepared to stab a small Communist ally in the back—would treat a capitalist opponent with more courtesy if and when Soviet science could assure the success of a surprise assault on America. One fears that 6 months is about as long as the world can remember the atrocities and duplicity of dictatorships.

The cast of characters may change in Moscow; but the Brezhnew doctrine is written in the script of Lenin. And Brezhnev is armed with military capabilities not available to Stalin. Russia has "caught up" with the United States in some categories of strategic weapons and, by 1972, may even be ahead. Her navy prowls the Mediterranean; and from bases in North Africa she outflanks NATO from the south. Through Arab proxies she is encircling Israel and the oil of the Middle East, the fuel tank for Japan and Western Europe. With submarines and helicopter carriers Russia will soon be able to provide military support for her propaganda spearheads—even in our own hemisphere.

In such a world, it is doubtful that America should turn all her power and wealth inward and try to live behind a moat, abandoning allies willing to stand by our side in the world arena. The democracies of the West still possess enormous vitality. If they keep their shields together, Russia can be deterred from making Hilter's mistake in assuming that aggression pays off.

Apart from Russia, there is one other major threat to our society. This internal threat stems from poisoned slogans that could polarize our Nation into either (1) the "law and order faction" or (2) the "civil rights and welfare faction." Let us resolve our pluralism shall not perish from false categories. Liberals, conservatives, and radicals need the same shield of justice. Law and compassion can walk hand in hand. Opportunity is the necessary companion of order. We must never divide the Nation into hawks and doves on the issue of "safeguards for the innocent" which have taken centuries to evolve.

A vast section of history is a desert swept by the raw winds of power. In that desert, "due process" is a small oasis, beyond whose fragile outworks shouts from the barbarian steppe still echo: "Let the stranger be killed!" "Strangle all the male children!" "Up against the wall with the village chiefs!" Those who denounce our judicial system as cumbersome should consider the options.

Would they return justice to trial-by-combat? Due process, however frustrating it may seem to the angry, must be preserved. The alternative is military government or the sort of "curbstone courts-martial" practiced by the Hitler Youth and the Red Guards of Mao Tse-tung.

The most strident attack on due process comes from radicals who boast they will use the political tapes of Lenin and Mao to program our civilization to self-destruct. Because the puritan ethic yields at times to the publicity ethic, articulate factions of the New Left sometimes seem to be enlisting thousands of disciples in their Mardi Gras of violence.

Does this mean the revolution is at hand? Actually, the extremists are disorganized warlords, each in search of a following. Almost without exception, these producers of guerrilla theater have been rejected by the Negro middle class and residents of the ghetto. On the college campus, where Weatherman and other anarchists try to exploit genuine grievances for their own ends, they are being unmasked by the great body of students who see through their charade.

Alumni and the general public can assist faculty and students in isolating New Left extremists by keeping their own cool in crisis situations. Let us welcome dissent as we reject "social demolition." Let us work for change as we oppose institutional homicide. It is imperative to distinguish between passionate reformers and ideological criminals.

Similarly, we must not confuse a handful of political revolutionaries with the hundreds of thousands of "cultural" rebels to be found everywhere in our society. Bare feet at Woodstock, and the cult of hair for hair's sake, may offend our sense of hygiene; but Woodstock was not the campsite of Che Guevara. Differences in taste and style do not make a spiritual chasm. Birthdates need not divide mankind any more than those other artificial barriers of race and religion.

You know that better than I do. Here in Columbia, in the recent past, a major university was tempered in the fire of controversy, cooled by the wisdom of administration, faculty and students working together in "double overtime," and is now certain to merit the reputation of a great university in the closing decades of this century. No one will pretend that Columbia was its usual sea of tranquility in May 1970; no human beings are ever proof against misinformation and mistakes in the translation.

Elsewhere last spring, universities were paralyzed by those who want Halls of Knowledge to become the fourth branch of government or staging areas for social combat.

Here, in Columbia, there was no surrender of academic freedom to internal or external pressures. Here, the community of scholarship was kept intact by dialog and self-renewal. Here, in the age of the antihero, there emerged, all along the generation wave band, a new breed of hero who neither seeks nor needs "high visibility." This sort of hero commits himself—in the role of social architect—to undramatic chores which often require more skill and sheer stamina than deeds celebrated in the headlines.

I am not a stranger to the culture and boundless courtesy of the people of this State. Under any circumstances, the degree you confer on me today would be cherished and proudly exhibited as my foremost claim to distinction. After the trial by stress in May, in which your class and your university reinsured the "primacy of reason," I shall regard this honor as an obligation binding me to a continuing apprenticeship in your roundtable of maturity, your League of Fellowship and moral courage.

South Carolina has a message both for our Nation and the outside world which otherwise might misjudge our in-house disputations. That message is that when Americans shout at each other, they are shouting across the width of Main Street. If they must cross Main Street to speak to each other in more civil tones, they are still separated from communist and fascist totalitarians by the width of the Gobi Desert and the Black Sea. Though we may argue with each other on secondary issues, let the world know that those who trace their legacy to Galilee and Magna Carta are not going to abdicate the future to the heirs of Genghis Khan and Stalin.

FORGOTTEN PEOPLE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. BROOMFIELD. Mr. Speaker, the elderly are the forgotten people of our society: their problems too frequently obscured by more glamorous issues, their voices too often buried beneath the rhetoric of revolution and the uproar of partisan politics. Too proud to beg, too decent to revolt, the elderly stand and wait for someone to hear them out and someone to voice their needs to the American Nation.

We can give them that voice, we can be that voice, if we decide finally to give our elder citizens the representation they most certainly deserve in the Congress of the United States. I urge, Mr. Speaker, that we no longer ignore the people who—10, 20, 30 years ago—made this Nation what it is today; that we approve resoundingly this resolution to create a Select Committee on Aging in the House of Representatives.

The crisis of the elderly grows with each new set of statistics. Our most recent figures show that the aged have less than half the income of those under 65; that only among the aged did the number of people living in poverty actually increase in the past 2 years; that, with the huge rise in unemployment of workers over 45, more and more older people are retiring involuntarily and accepting reduced social security benefits; that medical costs have risen 20 percent in the last 2 years, while medicare continues to cover but half of all these costs; that inflation has pushed property taxes to unreasonable heights, while the aged still live on fixed incomes.

Even beyond the statistics, evidence of nursing home abuses and pension plan failures continues to mount—with no sign of stopping. The crisis of the elderly quite literally extends to all areas of American life.

We can alleviate the problems of the aged by improving several existing programs and enacting a number of new ones. I have chosen nine areas which, I feel, deserve our fullest effort.

First. A House-passed bill to provide automatic increases in social security with each rise in the cost of living was tied up in debate and never enacted into law. This matter should receive priority attention in the 92d Congress.

Second. The family assistance plan would have raised many older people over the poverty level, yet the Congress, again, allowed it to wither away in needless controversy. This, too, is a matter of the first importance.

Third. Even now there are millions of elderly citizens who are not aware of benefits they could claim under old-age assistance. We must be sure to publicize the availability of this program and of the family assistance plan, when and if it is enacted.

Fourth. Various national health insurance measures will be introduced in the upcoming session, each of which will offer major benefits to the aged. These must be given the closest attention by the Congress.

Fifth. Even if no such insurance plan is passed, at the very least, we must make substantial changes in the medicare program. The monthly premium paid by the elderly for medicare part B—now double its original amount—may possibly be eliminated and that part paid for by Federal revenues. In addition, we must consider placing the cost of drugs under medicare coverage. Too many of the elderly spend half of their annual income on medication.

Sixth. We should undertake a major reform of nursing homes. Serious consideration should be given to the concept of a Federal subsidy for families taking the elderly into their homes. Much of the money we use now to finance nursing homes could be diverted to individual families, who most certainly would provide more love and better care to their parents than any institution ever could.

Seventh. The Congress should enact legislation to assist and train older workers. So much is spent now on the young, but what about the elderly unemployed? We should also examine a proposal to create public service jobs in the community for the older worker.

Eighth. I believe we should move for changes allowing workers to obtain benefits on their pension plans before they turn 65, and that a Federal agency designed solely to regulate the pension business be established as soon as possible.

Ninth. We should seriously consider a law to provide Federal aid to States granting property tax relief for aged homeowners.

Each of these nine areas is part of the same problem; the problem of aging. They demand in the future a comprehensive and unified approach, not the piecemeal attacks of the past.

Many will argue that there are already committees to discuss the suggestions I have just made. That is true. And yet, that is precisely the problem—there are too many committees dealing with minute segments of the crisis of the aged and no single committee looking at the entire problem.

The record clearly shows the failure of these committees with regard to the aged. Something must be done—and done now.

The proposed select committee will not have extensive powers. It will not even have the authority to consider legislation. But it will have the advantage of a unified view of the crisis of the elderly, and it will finally give them a voice in the decisions so important to their own lives.

Growing old, Mr. Speaker, is not a partisan issue; nor is it an ideological question. It is a matter which concerns us all, Democrat or Republican, liberal or conservative, old or young. It is a matter which demands our continuing attention in the Congress of the United States.

I am proud to cosponsor this resolution creating the Select Committee on Aging, and I urge its immediate adoption. The elderly can be forgotten no longer.

"LADY MACBETH" AGAIN ON DISPLAY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. PICKLE. Mr. Speaker, yesterday the annual Texas State Society reception for the Texas congressional delegation featured an added, noncongressional attraction. It was the resurrection from a Smithsonian basement of Elizabet Ney's famous statute of Lady Macbeth, portrayed during her distress-filled sleepwalk.

By courtesy of Dr. Joshua Taylor, Director, the reception was held in the National Collection of Fine Arts in the room where Lady Macbeth is now being displayed. The new Senator LLOYD BENTSEN and new Texas Congressman BILL ARCHER were guests of honor—and once again several hundred Texans residing in the District of Columbia area came out to say "howdy" to their representatives and to other well-known Texans, including Mr. and Mrs. Chuck Robb.

The Lady Macbeth statue was completed in Austin, Tex., in 1905, the fulfillment of a lifelong effort by Elizabet Ney. Miss Ney—one of the world's first lady sculptors—was born in Germany, rose to heights of popularity and acclaim there, and moved to Texas in 1872.

In 1920, the statue was moved to the National Gallery of Art on loan. When he saw the work, William Henry Holmes, then Curator, remarked that:

> It displayed genius of the highest order. The distress, the agony, the despair, and the remorse are depicted in a completeness and subtlety that cannot be surpassed. The statue has the effect of making the other marbles assembled about it appear as the work of amateurs.

The group gathered yesterday, including Dr. Taylor, certainly seemed to agree with Mr. Holmes' assessment.

Several months ago, my wife handed me some articles on the Elizabet Ney statue—and that began the long unraveling of a history as complicated and controversial as the life of the artist herself.

Judge James McClendon of Austin has spent a lifetime of dedicated work trying to get the statue placed on exhibit either at the Elizabet Ney Museum in Austin or in the Smithsonian Institution.

Former Congressman Homer Thornberry joined the cause while he was in office—and then the task fell to me. I am delighted to see this moving work of art placed again on display for the people of this country to enjoy.

It is still not known if the statue can be moved from the gallery because of the legal confusion in the designation of heirs.

At least until such time as an heir can be named, however, I call on the national collection to keep this statue on exhibit.

Elizabet Ney is also the artist responsible for the statues of Sam Houston and Stephen F. Austin in statuary hall and also so familiar to visitors to the Texas State Capitol.

Her long life was—to put it mildly—both fascinating and controversial. Born in Westphalia in 1833, daughter of Napoleon's famous general Johann Adam Ney, by the time she was 20 she had braved criticism and ridicule to win a place as a student of the great master Christian Daniel Rauch in Berlin. This in an age and a locality where women sculptors were unheard of. Two years later she moved out on her own, where her extraordinary gifts, her unusual beauty, and her indomitable will carried her to heights of popularity.

During this period, she completed portraits of the philosopher Schopenhauer, the naturalist Von Humbolt, King George V of Hanover, chemist Von Liebig, Jacob Grimm, Joschim, and Garibaldi, and was personally selected by Bismarck as the one living sculptor most able to "fittingly portray the builder of Germany for future generations."

But her popularity was soon to be lost in confrontations with that same heady independence which brought her fame. Although legally married to Dr. Edmund Montgomery and although their devotion to each other was obvious, she refused to acknowledge the institution of marriage. In the 19th century, social ostracism was inevitable.

Her search for a place where her ideas could be "free" brought her to Georgia, where she hoped to fund a utopian community. When that fell through, she went on to the young State of Texas, which remained her home until her death in 1907.

Also present at the display yesterday was Mrs. J. W. Rutland, who was the inspiration and guiding force behind the Elizabet Ney Museum in Austin since its inception in 1926 and who remained its active director until 3 years ago.

I honor Mrs. Rutland, Judge McClendon, Judge Thornberry, and all the many others whose efforts to give this great work of art its due recognition received a pat on the back yesterday. I hope that now the statue will remain on display for many others to enjoy.

UNITED STATES STEEL-PUBLIC COOPERATE ON WATER POLLUTION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. MADDEN. Mr. Speaker, urban areas are having difficulty compelling water and air-polluting industries to take immediate steps to eliminate this menance to the public health and comfort. Considering the great progress made in science, space, et cetera in recent years, the elimination of air and water pollution should be a simple accomplishment, if all parties involved will work together to make it succeed.

The following editorial from the Gary, Ind., Post-Tribune reveals a major step toward solving this destructive menace to the health of millions throughout the Nation:

A MODEL POLLUTION FIGHT

Settlement of that Illinois water pollution suit against U.S. Steel's South (Chicago) works might well set an example—and a helpful one—on the handling of similar situations which appear likely to arise in the near future.

Under an agreement solidified by court order the affair has apparently been settled by the steel company pledging itself to meet a series of deadlines which are designed to have the steel plant end all of its dumping of poisonous wastes into the Calumet River and into Lake Michigan by late 1975.

There are a variety of details, but those apply to the particular case. What is important is the way that the case was worked out, a development which has led Illinois Atty. Gen. William Scott to say it should serve "as a model for future legal battles by this office and others against major polluters throughout the country." We agree.

The case did not develop as, it well could have, into an acrimonious public courtroom battle. Instead representatives of both sides to the dispute, plus the obviously concerned Chicago Sanitary District, were ordered into the judge's chambers for six weeks of closed door negotiations. Out of that came the agreed settlement which was firmed up by the court decree.

If the case is accepted as a model it might even in time do away with the preliminary step of filing the law suit.

For example, the present Gary anti-pollution ordinance was developed through cooperation on the part of city officials and steel company representatives. The recent amendment to have that ordinance include coke oven emissions in its control provisions is designed to work the same way. The only trouble with that is at times certain industries have dragged their feet with contentions of impracticability which sometimes meant only high costs. It is when that sort of thing develops that a public body feels forced to go into court as was the situation in the Illinois case.

Now if major industries sense that courts are generally shifting to the side of mandatory cleanup of pollution they may see the light sufficiently to work harder on advance agreements, thus possibly obviating the additional bother and expense of court proceedings.

RESULTS OF LAWS AFFECTING WELFARE RECIPIENTS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, January 25, 1971

Mr. TAFT. Mr. President, the present laws affecting welfare recipients have resulted in human tragedy and financial waste. A recent article by Nick Kotz in the January 17, 1971, issue of the Washington Post points out that some families are being housed in hotels that are filthy and unsafe. The cost to the public runs as high as $1,500 per month per family.

This should be a matter of national attention and concern. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LUXURY RENT FOR FILTH, DEATH; UNSAFE HOTELS HOUSE N.Y. WELFARE CLIENTS

(By Nick Kotz)

NEW YORK.—For five years, a continuing government-imposed life style has packed welfare recipients here into filthy, unsafe hotels and is supporting them at Park Avenue luxury prices. The death count since early December stands at four children dead.

City officials admit that safety violations were involved in the death of one child crushed in an elevator shaft and another who fell into a stairwell lacking proper protective railing. Two children died in a fire at a hotel previously cited for building safety violations. Prostitution, narcotics and burglaries flourish under the noses of hotel managers who often bar poverty workers from the premises.

Packed five, six and seven to a room, welfare families continue to live in the hotels that were scenes of recent deaths—the Earle in Greenwich Village, the Broadway Central in lower Manhattan, the Sanford Motor Hotel near Laguardia Airport in Queens—and in about 95 others.

The city acknowledges that many of the hotels violate health and safety standards, but contends that in the midst of a housing crisis it has no other place to put the 5,000 welfare poor now living there.

Yet the government foots the bills, which run four to five times as much as adequate housing would cost, if it were available and if welfare families were permitted to occupy it. City-imposed limits on welfare rent bars welfare recipients from most decent available housing.

Hotel rents average $650 monthly per welfare family and run as high as $1,500 monthly with the federal government paying half the cost and the New York City and state governments splitting the balance.

Families are averaging 4½-month stays in the hotels and some have lived in them for several years.

"There is a sad and ugly stench of greed," said New York City welfare official Robert Jorgen. "The hotel operators are stopping all services and making a quick killing. The families are helpless, traumatized and being further exploited."

"I can't talk on a normal basis," said Lula Robinson, a black woman who has lived with her husband, daughter, and six grandchildren in two small rooms of the Hamilton Hotel on West 73rd Street for which they paid $660 monthly rent. "We have been murdered. Satan has triumphed."

HAMILTON CLOSED

The city closed the Hamilton Hotel last week because of health, fire, and building hazards, and 35 welfare families living in it have been moved to another dilapidated building, abandoned as a nurse's residence. Despite a three-week effort—intensified by a six-day "live-in" at welfare department headquarters by families from the Hamilton demanding apartments—the city has found apartments for few.

"These 5,000 human beings have been consigned to concentration camps," says Dorothy Pitman Hughes, the black antipoverty worker leading the protest. "This is just as bad as Mylai and the persecuted Russian Jews that get all that front-page publicity.

"The city has exposed just how deeply it cares about human beings."

City officials are quick to condemn the conditions. "These hotels have become notorious sore spots in our city," says Mayor John Lindsay. "The rental costs are exorbitant and exploitive, the physical conditions and health standards within many are deplorable and illegal . . . Children cannot go to school."

But Mayor Lindsay and others in New York disagree strongly about the root causes that lead the city to place homeless welfare families into such a wretched existence.

Agreement about the cause of this scandal stops after acknowledgement that there is a city-wide housing crisis, which puts a particular squeeze on New York's 1.2 million welfare poor. The statistics include 800,000 badly substandard dwelling units are still used as homes and 130,000 families waiting for public housing vacancies. Every year, 50,000 housing units are abandoned as unrentable but thousands still go on living in the ruins. Every year, 10,000 families are left homeless by urban renewal and other new construction.

Lindsay says the city is forced to pack the welfare families into the hotels because "obsolete federal and state regulations" prevent the city from providing lower-cost housing. Changed laws and far from more federal housing funds are needed to bring reform, says Lindsay.

Other city officials disagree. They point out that to maintain a racial and economic mixture the city's own housing authority has limited the number of welfare recipients permitted into public housing—particularly those in the Aid to Dependent Children program. Of the 583,000 persons living in public housing, about 133,000 are receiving welfare benefits.

The city's regulations put a ceiling on rents paid by welfare recipients, and the limits effectively preclude welfare recipients from getting better housing. But critics note the irony that the rates don't stop the city from paying high prices to put the homeless welfare receipients into hotels, including at least 23 officially rated, "unapproved" by the city.

The New York Urban Coalition criticizes the city for refusing to finance its plan to rehabilitate abandoned housing for the welfare poor. The critics note that the city's relocation administration has, until last week, shunned responsibility to help relocate homeless welfare poor, 90 per cent of whom are black or Pureto Rican.

TENANTS REFUSED

"It gets down to people," said a city welfare official. "The relocation inspectors are mostly white. They make $7,200 a year and they're not going to break their necks finding housing for some black or Puerto Rican when they themselves can't even afford to live in Massapequa," a low-income Long Island suburb.

Relocation officials respond that landlords refuse to accept welfare tenants because they destroy property and fail to pay the rent.

Julie Sugarman, director of the city's Human Resources Administration, said "the most significant lesson to him from the Hamilton Hotel protest" is the shortage of large-size habitable apartments and the high level of hostility of landlords to rent to welfare tenants.

The darkest view of the city's failure and the economic-political causes was expressed by Frances Fox Piven, a professor at the Columbia University School of Social Work.

"Slum housing is no longer a self-sustaining system, given the cost of financing, heat and maintenance," she said. "In order to make a profit, the landlords milk the building, neglect services, then walk away.

"The city's solution has been to slowly raise the rents permitted for welfare families just to keep the slum housing going. They want to paper together the existing system. The city is working for and with the slumlords. The city doesn't feel capable of a large-scale solution."

RECENT INCIDENTS

The state of New York's welfare hotel housing and the city's obvious inability to cope with the problem are illustrated by a chronological account of events the last 13 months, events whose pace has recently quickened:

Dec. 18, 1969—Eleven members of the Georgia Tate family died in a Brooklyn attic fire. City welfare and building inspection officials knew earlier that their residence in what was built in 1889 as a one-family home violated health and fire safety regulations, but they said they couldn't find other housing for the Tates. Seventeen members of the Tate family were packed like sardines in the second floor and attic of the small home.

April 2, 1970—A Brooklyn grand jury indicted the Tate's landlord, a 78-year-old woman, on 11 counts of manslaughter and criminally negligent homicide.

Incredibly, the six surviving Tates at this time were being moved by welfare officials, for the third time since the fire, into substandard welfare hotels.

Nov. 23, 1970—The New York Times in an extensive story described the hazards of welfare hotel living.

Nov. 24, 1970—Mayor Lindsay responded to the Times story, agreeing with the picture of hotel horrors, and announced certain reforms—particularly, weekly inspections of the hotels and provision of more social services to the welfare occupants.

Dec. 7, 1970—Gerald Wilmote, 4, plunged to his death down an open stairwell in the Broadway Central Hotel. After an inspection, welfare and building department officials said in reports that protective railings was missing and broken steps were hazardous. "Even a sure-footed adult would have trouble not falling," the inspecting welfare official said.

CRITICAL INSPECTION

Dec. 12, 1970—Rep. Edward Koch (D-N.Y.) toured the Broadway Central on a critical inspection. Accompanying city officials did not tell him or the press about the earlier death. Gerald Wilmote's five surviving brothers and sisters still lived there in one room. A fire door labeled "this door may save your live in case of fire" was nailed shut.

Dec. 16, 1970—Larry Anderson, 4, and his sister Laurie, 2, died in a fire which began in the basement of the Sanford Motor Hotel. The 11-member Anderson family had been charged $850 monthly for their three rooms. The hotel had been placed on the welfare department's "non-referral" list 11 months earlier because of repeated and uncorrected building code safety violations, but the welfare families had not been moved out.

Dec. 23, 1970—A city health and building inspection team cited the Hamilton Hotel for raw sewage on the cellar floor, mouse and rat infestation, overcrowding, inadequate heating and cooking facilities, holes in the walls and peeling paint containing dangerous percentages of lead. Forty-seven welfare families lived in the building. City Councilman Theodore Weiss had been complaining to the city about these conditions for five months.

Dec. 23, 1970—Welfare administrator Sugarman announced that families would be moved from the Hamilton to better housing and said plans were under way to ease the hotel situation by seeking higher rent maximums for welfare tenants of apartments. He said the increased hotel inspections ordered in November were now in effect.

Dec. 29, 1970—The city ordered the Hamilton Hotel to close by Jan. 12.

New Year's Eve—A 14-year-old girl fell nine stories down an open elevator shaft in the Whitehall Hotel, 250 W. 100th St. She landed on a huge pile of garbage and miraculously lived, welfare reports show.

Jan. 2, 1971—Juanita Sheppard 7, got out of her bed at midnight in the Earle Hotel and was crushed to death after falling into a freight elevator shaft. City officials said the freight elevator door lacked the required safety latch. The hotel owner said the freight elevator was locked.

Jan. 5, 1971—Rep. Koch inspected the Earl Hotel. He found the dead Sheppard girl's mother, stepfather and five brothers and sisters still living in two rooms with three beds, one hot plate, a half refrigerator, and $222.60 weekly rent. "A hotel is not a place for children", hotel owner Moses Rosenberg told reporters. "I keep asking the city to take these children out of here. I tell them to send me older people on welfare if they have no room. But not children."

"LIVE-IN" AT HAMILTON

Jan. 5, 1971—About 50 men, women and children from the Hamilton Hotel began a "live-in" in Sugarman's offices to protect the city's failure to find them new housing.

Jan. 7, 1971—City police came to Director Sugarman's office to evict the "live-in" families. The women and children barricaded themselves behind office doors. Sugarman forestalled the eviction, telling the mayor's office: "We still haven't found housing for 40 families; We have condemned their present living quarters (the Hamilton) and we can't send them back there."

Jan. 8, 1971—The mayor's office instituted a plan not to let the "live-in" children return to the offices from a day care center to which they had been lured. The plan was to evict the parents and take the families back to the Hamilton, Rep.-elect Charles B. Rangel (D-N.Y.) stopped the plan at the last minute with a call to Deputy Mayor Richard Aurelio. The city still had not found housing for the 40 families.

Jan. 9, 1971—The welfare "live-in" group was taken to visit what the relocation department called "Newly renovated apartments." A shivering black woman returned to report that holes in an apartment wall were so large you could see the building across the street.

"A precious few apartments were decent," said a welfare official, "but most weren't fit for any human to live in."

Jan. 11, 1971—The city put finishing touches on plans to evict the welfare families and bus them to a former nurses' home on East 20th Street. Buses were parked outside the building to move the families during the evening. At 5 p.m., a minor fire in the bank on the building's first floor forced emptying of the building. City officials said the fire was accidental. The families huddled in a city office across the street while the fire was extinguished.

Black leaders met at 11 p.m. with city officials and reported back to the families: They must go to the nurses' home, go to the Hamilton, or be arrested. "I wouldn't put a pig in that nursing home," a black woman replied. "You have sold us down the river. We've gone too far to turn back now. I'd rather die."

Sugarman succeeded in getting the group to go to the nurses' home after promising that 12 good apartments would be available the next day and telling them: "You did a lot of good in getting the city to pay attention to this problem. The machinery pushed into being by your action will not be turned off."

HAMILTON SEALED UP

Jan. 12, 1971—While the mayor issued a press release announcing that new public housing starts greatly increased during 1970, Sugarman admitted to the families evicted from the Hamilton that the 12 apartments he promised them were the same accommodations they viewed the previous Saturday and found unliveable.

The Hamilton Hotel was sealed by the city, after all families were emptied into buses and sent to the nurses' quarters or other hotels. Steven Silverberg, co-owner of the hotel, said his basic mistake was not charging higher rents so he could keep up the building and make a profit. He received $38,500 monthly for his welfare tenants' rent.

"This used to be a nice residential hotel," said Silverberg, "but 40 of my tenants moved out when the second welfare family moved in. These people have sabotaged and ruined the building."

Jan. 13, 1971—Sugarman announced he still had been able to find decent apartments for only 9 of the 47 families now at the nurses' home.

Jan. 14, 1971—New day's effort by the mayor's emergency-ordered action group succeeded in finding only three more liveable apartments. Thirty five families were still stranded in the former nurses' quarters, but order now prevailed there. The building was manned with 24-hour coverage by high-ranking city officials, including the commissioner of the narcotics addiction program, who busied himself ordering diapers and sheets. City crews got the water and heat operating and covered the flaking lead-based paint with a thin coat of new paint. The building was manned by child care, social services, custodial, youth services, safety patrol, homemakers, day care and medical personnel. While black youths roamed their new neighborhood in packs, the younger children watched a movie on zebras provided by the youth service workers.

Jan. 15, 1971—The work week ended with the city unable to add a single new apartment for the homeless families.

Jan. 16, 1971—New York City congressmen met with city officials to demand action. Solutions discussed included admitting more welfare families to public housing, rehabilitating abandoned housing, using Model Cities money and seeking permission to use welfare money to buy housing for the welfare poor. Rep-elect Bella Abzug (D-N.Y.) said massive emergency federal aid is needed. The city officials promised action.

FINDING TRAVEL BARGAINS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. MILLER of California. Mr. Speaker, I believe the attached article "Finding Travel Bargains" by Peter Weaver, should be of interest to all of us.

Those who want super service can get it on the scheduled airlines, but surely the student, and others traveling on a limited budget, should be able to take advantage of the most economical means of transportation that is available, consistent with sound operating practices. Supplemental airlines provide such favorable rates, as outlined in Mr. Weaver's article, with an enviable safety record.

Those of us who have consistently supported legislation affecting airlines believe that the CAB should reexamine the fare structure of all types of air transportation and assure the American people of the best rates.

The article follows:

FINDING TRAVEL BARGAINS

(By Peter Weaver)

Next April 1, international airlines aim to cut out some of their best vacation bargains.

If you want to grab one of these bargains before they're shut off—start planning now. There are other bargains that can match those being discarded by the airlines but you have to know where to find them. Here's a guide:

BIT Flights: Airlines flying to Europe will soon close out their Bulk Inclusive Tour (BIT) flights. You can still get one of these up to March 31 by inquiring through a travel agent or an airline that flies to Europe.

For example, $284 gets you a two-week "Theater Package" which includes air fare from New York, hotel with breakfast, tickets to London's best plays and musicals. To figure prices from cities other than New York, use round-trip "Discover America" fares. Examples: Flying from the Chicago area you would add approximately $100, making the total trip $384; from the West Coast, add $200. Use this method to compute all European fares outside of New York.

There are also BIT "Car Tours" where you fly to, say, Paris, Brussels or Amsterdam for $285. This includes air fare, one night in a de luxe hotel, use of a car for two weeks (unlimited mileage) and 13 nights in a guest house. The "guest house" is a gimmick to get around international air agreements which insist that all BIT flights include ground accommodations. They're often hard to reach and few travelers use them. It's more convenient to just throw away guest house coupons.

After April 1, the only airline bargains left will be Group Inclusive Tours (GIT). In comparison with the tour packages mentioned above, GIT prices will cost from $75 to $105 more than BIT flights.

Supplementals: There are supplemental airlines that do not fly specific routes on a scheduled basis. They do not belong to the International Air Transport Assn. (IATA) which fixes prices for most scheduled, international airlines. The supplementals are, however, certified by the Civil Aeronautics Board.

Because they're not IATA members, supplementals can cut air fares to as low as one-half those charged by scheduled airlines. Here are some examples: Round-trip jet fare on a supplemental from New York to Mexico averages $120 (compared with $240 scheduled airline excursion fare); San Francisco-Tokyo is $300 (compared with $614 excursion fare).

Also, supplementals can provide shorter, packaged vacations for those who can't spend the two or three weeks required in airline BIT or GIT tours. From the East Coast, you can get a supplemental 8-day tour to Malaga, Spain, for $190. This includes air fare, hotel and some meals. You can get a 4-day trip to Nassau, Bahamas, for $99, including hotel and some meals.

Supplementals fly from air terminals all over the United States. To find names and addresses for supplemental airlines that might be flying to a country you want to visit, write to National Air Carrier Assn., 1730 M St., NW, Washington, D.C. 20036. Ask to be put on the supplementals' mailing lists.

Another non-IATA member is Icelandic Airlines which, unlike the supplementals, flies a regularly scheduled jet route from New York to Luxembourg via Iceland. Icelandic's GIT fare to Europe is $195, round-trip—cheapest on the Atlantic.

Icelandic has a two-week Swiss Alps Ski Tour for $285 which includes airfare from New York to Luxembourg, 12 nights with breakfast and dinner at a good, legitimate Swiss guest house (three to six in a room, dormitory style).

Icelandic also owns International Air Bahama Airline which flies to Luxembourg from Nassau for $195 round-trip. Add $34 if you connect from Miami. You can get an intriguing packet of Icelandic's tour brochures (including $16.50 one-day, one-night tours of Iceland and Luxembourg at de luxe hotels, with meals). Ask your travel agent or write Icelandic Airlines, 610-B Fifth Ave., New York, N.Y. 10020.

SOUTH PUNISHED BY NATIONAL DEMOCRATIC PARTY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. RARICK. Mr. Speaker, bias against the South has become commonplace here in Washington, D.C. It is even justified by some as being in the best interests of democracy.

The latest anti-South discrimination has been the proposal by the Rules Commission of the National Democratic Party to punish the South for what it calls lack of party loyalty in national presidential elections.

The proposal would deny equal representation to Southern States at the Democratic National Convention.

This punishment would deny the South 129 delegates to which they would normally be entitled. Although the Southern States contain 23.6 percent of the Nation's population, the national Democrats would allow the South only 19.3 percent of the convention delegates.

By this action, not only has the national party commission violated the basic concepts of democracy, it has further flaunted its own egalitarian doctrine of one man, one vote, and the laws of the Supreme Court of the United States on equal apportionment of voting rights.

This is strange behavior for the Democratic Party leaders who apparently fail to understand that political parties do not punish people—rather people punish parties. Perhaps this is the new politics—when Democrats become undemocratic in order to gain more political power by diminishing the South's representation.

I include a local news clipping in the RECORD, as follows:

[From the Evening Star, Jan. 23, 1971]

DEMOCRATS OK 1972 CONVENTION DELEGATE RULES

(By Robert Walters)

The Democratic party's Rules Commission, almost evenly divided during four hours of debate, has rejected a series of proposals designed to increase the voting strength of delegations from Southern states at the party's 1972 presidential nominating convention.

Instead, the 27-member reform group, headed by (Blank) yesterday adopted an apportionment formula based on two equally weighted factors—each state's current population and its support of Democratic candidates in the last three presidential elections.

The commission also voted to limit the 1972 convention to approximately 3,000 delegates and to end the practice of awarding state delegations "bonus votes" which provide automatic delegate status to the 110 members of the Democratic National Committee.

"BONUS VOTES" ENDED

Also terminated was the allocation of "bonus votes" to states where the Democratic candidates received a plurality in the most recent presidential election. All of yesterday's decisions still require the approval of the Democratic National Committee, which meets here Feb. 19.

Virtually all of the commission's meeting centered on a pair of conflicting approaches to resolving the problem of equitably apportioning state delegations at the forthcoming national convention.

Sen. Thomas F. Eagleton, D-Mo., advocated a formula based solely on population, as determined by the 1970 census. Supporting him were almost all of the commission members from Southern and border states.

Donald O. Peterson, chairman of the Wisconsin delegation at the 1968 Democratic convention, led the forces seeking adoption of a formula which would place considerable emphasis on each state's past support of the party's presidential nominees.

LESS LOYAL TO TICKET

Because the South has been substantially less loyal to the party's national ticket in elections during the past decade, the Peterson approach would have the effect of allocating fewer delegates to its states than to states in other regions of the country.

The first in a series of extremely close votes on the issue came when the commission divided, 9-8, in favor of Eagleton's population-only apportionment formula. But , who had initially abstained, joined those opposing the plan and promptly announced that it "fails on a tie vote."

Eagleton then modified his plan and offered a new formula, based on three weighted factors. Population would compose half of the formula, with a quarter determined by each state's total votes in the electoral college and the remaining quarter based on the state's voter turnout for Democratic candidates in the 1960, 1964 and 1968 presidential elections.

MEMBER SWITCHES

One commission member, Carl A. Auerbach, a Minnesota law professor, switched from a pro- to anti-Eagleton position, and the Senator's second formula was defeated by a 9-8 vote, with abstaining.

Peterson initially offered a formula based half on each state's support for the Democratic presidential nominee in 1968, a quarter on population and a quarter on relative strength in the Electoral College. That proposal never came to a vote because Peterson modified it late in the meeting to pick up needed additional support.

Finally agreed upon by the commission, on an 11-6 vote, was a formula devised by Peterson and slightly modified by Mrs. Liv Bjorlie, Democratic national committeewoman from North Dakota.

It calls for apportionment of the state delegations based half on current population and half on each state's voter turnout for the Democratic presidential nominee in 1960, 1964 and 1968.

In each of those years, voters in the Southern states were less enthusiastic about the Democratic ticket than the nation as a whole. Thus, the commission's formula gives the South 19.3 percent of all 1972 convention delegates, even though the region has 23.6 percent of the country's population.

Specifically, that means the South will be represented by 129 fewer delegates than under a population-only formula. The state most substantially affected, Texas, will have 140 delegates, 31 fewer than under Eagleton's initial proposal.

CAMBODIA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. BELL. Mr. Speaker, the Sacramento Union, one of California's most distinguished daily newspapers, has for the past 5 years carried the dispatches from Southeast Asia of Jim Bishop, a correspondent of unusual discernment. On January 12, 1971, less than a week after his return from Cambodia, the Union printed a Bishop article on Cambodia which seems to me to be of more than passing interest and deserving of careful study by Members of Congress.

The article follows:

CAMBODIA

(By Jim Bishop)

What are Cambodia's chances of survival? Doubtful.

The North Vietnamese, VC, and Khmer Rouge are already in control of about one third of Cambodia.

The Cambodians are getting increasingly squeezed back into the cities and larger villages. And increasingly, these cities and villages are being cut off from each other and surrounded by Red forces.

The seven highways into Phnom Penh are closed by the Red's. The river route up the Mekong is a slow and precarious one.

Cambodia's allies? Not one American soldier will fight on Cambodian soil. Cambodians generally lump their major ground and air ally, South Viet Nam, with North Viet Nam. To a Cambodian, a Vietnamese is a Vietnamese, be he north or south. The presence of South Vietnamese troops on Cambodian soil is unpopular and unwanted to the average Cambodian. To the west, an increasingly jittery Thailand is causing concern to Cambodia. Border incidents along the Thai-Laos and Thai-Cambodia borders could bring another invasion of Cambodia.

Phnom Penh is a city under siege. The American Embassy has been bombed. Theatres, although still open, have been grenaded. Guards have been sniped off walls at night. Half of a big military installation was destroyed just outside the Phnom Penh Airport. Small bands of VC have had firefights in Phnom Penh suburbs.

Angkor Wat is surrounded. Kompong Thom is cut off. The seaport of Komy Som is isolated.

Economically Cambodia has already been bled bone-dry. Four of the nation's five rubber estates are already shut down. The Khmer nation is not attracting its once booming tourist business. This year's rice harvest is down from a year ago. In rice-bowl Battambang Province alone, the harvest is 100,000 tons lower this year. And to add even more problems, Reds have burned scores of rice trucks on Highway 7 and other roads and warned drivers not to attempt to bring rice into the major centers. Consequently truckers have raised their rates, charging "danger money", as much as six times more than a year ago.

Military and press sources in Saigon and Phnom Penh call the Cambodian army "poorly equipped, poorly trained, poorly led, and poorly armed".

On the other hand, everyone agrees the existing morale and unity of the Cambodian Army is far higher than had been expected. Now that the dry season has begun which gives the NVN and VC new mobility and striking power, Cambodian morale and unity will be taxed to its utmost.

Some rice is getting into Phnom Penh. A small tanker came through Red gunfire up the Mekong River a week ago to deliver seven day's supply of *civilian* gasoline to Phnom Penh. American sources say 180,000 weapons have been delivered to the Cambodian Army. The percentage of new weapons is a small one.

Cambodian sources say volunteers have increased their army to about 175,000. Many of these are women and teen age boys. The original standing army of Cambodia was about 35,000, most of whom were used in the Sihanouk regime for road repair work or Palace guard duty.

Can the Communist forces take Phnom Penh now?

Probably.

But why should they? American headlines report rape in much larger type than they do slow starvation. Why should the NVN and VC force, a costly confrontation which might pull world opinion and American military might back in against them, when their goals can be accomplished—as they will be in South Vietnam—over a longer and quieter period.

The grass-green Cambodian troops are hoping for a "classic battle" of head-on forces. The Reds have avoided such strategy whenever possible since Dien Bien Phu.

Hit and run. Starve and strangle. Strike by night. Disappear by day. This will be the Communist program in Cambodia.

And even if American aid, already passed by Congress, is made available immediately, can it get up the Red-controlled highways in time?

If not, then does Cambodia revert to a perpetual battleground, its resources and people lost to themselves and to the Free World? A battlefield where Vietnamese fight each other and the Cambodians, where Red Chinese and Thai battle, where Khmer Rouge and Laotian loot and pillage. And Communism has taken another giant step towards domination over all of Southeast Asia.

Starving, strangling and most of all, saddening, that's Cambodia 1971.

RAILROAD PASSENGER SERVICE IN THE SOUTHWEST

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. PICKLE. Mr. Speaker, we are on the eve of the decision from the Department of Transportation concerning the future of traveling America. Soon, we will have the decision from DOT naming the end-points of the basic railroad passenger service to operate under the direction of the National Railroad Passenger Corp.

That decision, Mr. Speaker, is crucial to the people of the Southwest especially. We are concerned because the initial recommendations offered by DOT leave our part of the Nation without service. We feel like the victims of the last great train robbery.

Last week, DOT Secretary John Volpe and FRR Administrator Carl Lyon met with me to discuss service in the Southwest, Texas in particular. At the outset, let me say that I am in sympathy with the difficulties facing these two capable men. They are charged with the tough responsibility of putting together the framework of a national system which will serve two masters: the public and the accountants. In the excitement to insure rail service for the Nation, many people forget that the Congress has charged the DOT to come up with a railroad passenger system which at least has a fighting chance to become economically sound. That in itself is 180 degrees from the financially bankrupt passenger lines now running. I will be among the first to agree that the new system must be run for profit.

And, I will be among the first to argue that we can prove our economic case in the Southwest—if we can get adequate, decent, and efficient service, we can make the railroad passenger service pay for itself. I am convinced.

Mr. Speaker, I left the meeting with Mr. Volpe and Mr. Lyon encouraged that they would give our requests their full and personal consideration. This, I am certain, they will do.

However, since the clay is still soft and a final decision has not been made, I must point again to the desperate needs of my State and our neighbor States in the Southwest. We must have the strong support of the railroad service to keep our other systems from being choked to death by the slow strangulation that has robbed the eastern seaboard of mobility—too many people trying to get too many places by too few available methods.

In Texas, we have a remarkable highway system. Also, our airport development is well on its way. But they cannot be expected to continue to stand alone against the onslaught of an ever traveling public.

For as long as people will listen, Mr. Speaker, I will continue to ask for the barest semblance of rail transportation. Mine is not an unreasonable request.

I ask two routes, and I make no attempt to name points along the line. Rather, I ask for service in general direction only.

We need to include the Southern Pacific run which is currently in operation from New Orleans to Los Angeles. This line alone would offer transportation to the great Southwest which has been left waiting at the church. This East-West service is good enough now that passenger trains are running three times a week. Plus this route, or something like it, has been recommended by the Interstate Commerce Commission, the Texas Railroad Commission, NARP, the Governor of Texas, and various other groups.

The second, but equally important, part of my recommendations would include train service from Laredo northward.

Mr. Speaker, passenger trains enjoy immense popularity in Mexico, our neighbor to the south. To deny them service into this country would be a diplomatic insult. For generations, we have endeavored to make the good neighbor policy work. Let us put some money where our mouth is.

Too, at the top of our hemisphere, Canadians have demonstrated they have no aversions to riding the passenger train. What we need, Mr. Speaker, is service from Monterey to Montreal with stops in between to provide service for the stepchild of the transportation industry—the railroad passenger.

Hard statistics are scarce because the last passenger run, the historic Golden Eagle, was discontinued earlier. However, I can support my arguments with impressive figures that are directly related to movement of mail—that can be translated into dollars and profits.

Few have stopped to realize the tremendous volume of mail that flows back and forth at Laredo. The United States sends more than 11 million pieces of mail every year across the border by surface transportation. This, despite the fact that most first class mail is airlifted to Mexico City. Mexico sends an impressive 7 million pieces of mail across into the United States from their side of the border.

That is over 200,000 sacks of mail each year. Mr. Speaker, we can stack only 750 mail sacks into a 40 foot box car, so you can see that we fill lots of trains.

Also, on the international side. Every day 240 sacks of international mail in a closed pouch comes out of Mexico into the United States for distribution to other nations.

Mr. Speaker, I can and will continue with these and many other statistics. However, at this junction, I ask permission to pause and illustrate the depth of the feeling in Texas that we need railroad passenger service.

On Thursday, January 7th, the Houston Chronicle ran a strongly worded editorial which dramatically points to our despair. It tells our story in a minimum of words and I include a reprint of the article in the Record at this point:

Rail Proposal Not Good Enough

Designation of a final nationwide railroad passenger service system is to be completed in late January and unless changes are made, Texas will wind up with only one north-south route in the network.

It seems to us utterly ridiculous that the government-sponsored National Railroad Passenger Corp. network would be set without east-west routes across the southern half of the nation, including Texas, Louisiana and Arizona. Another area ignored by the first proposal of Transportation Secretary John Volpe was a link with Mexico.

There is some chance that the proposed system will be modified when the final plan is presented next month since the powerful Interstate Commerce Commission has called for major alterations in the proposed system. The ICC has urged that the Southern Pacific Sunset Route connecting New Orleans and West Coast points be included in the Railpax network, and it also recommended connection with a Mexican border corridor. The last link with Mexico, the Missouri Pacific St. Louis to Laredo was abandoned earlier this year.

As pointed out by ICC spokesmen, the proposed network as it now stands leaves millions of citizens without any rail passenger service including such Texas cities as Beaumont, San Antonio and El Paso as well as Phoenix and Tucson in Arizona. Houston would have only one north-south route to Chicago, which means that a passenger would have to go through Chicago to get to the West Coast.

In its report to Volpe, the ICC said that selection of routes is a function of the Railpax Corp. but points designation is the secretary's decision to make. It said a more specific designation of intermediate points to be served would provide a clearer guide for route selection.

Like the ICC, we feel that the basic plan for Railpax is good, but as presented thus far, it should be modified to provide medium and long-haul service to all areas with population sufficient to provide potential profits for the system. An east-west route from Florida to the West Coast via Texas and Arizona certainly has the population potential to support it.

PENALTIES FOR NEGLIGENCE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. MONAGAN. Mr. Speaker, the two recent oil-spill tragedies in Connecticut and California underscore the need for new legislation holding negligent shipowners liable for environmental damage caused by oil-spills. Under existing law negligent boatowners are liable only for the cleaning-up costs. Since the 87th Congress I have introduced legislation to amend the Rivers and Harbors Act of 1899 to provide penalties against shipowners in instances of negligence which substantially endanger desirable aquatic, or other plant or animal life of the navigable waters of the United States, and I intend to reintroduce the bill again in this Congress.

The Connecticut shoreline is presently being threatened by 386,000 gallons of oil from a damaged tanker. Although the oil has not hit the beaches yet, the oil is already taking its toll in wildlife, and the damage to fish and plantlife has yet to be assessed. I firmly believe that the shipowner should compensate the State of Connecticut and private landowners for all of the damage caused by its negligence, and I intend to push vigorously for enactment of my bill in this session of Congress.

HOUSE OF REPRESENTATIVES—*Tuesday, January 26, 1971*

The House met at 12 o'clock noon.

The Reverend John J. Waters, Society of Jesus, pastor, El Progreso, Honduras, offered the following prayer:

O God in whom we trust, as the House of Representatives convenes this day, continue to look favorably upon all who labor here, and assist them in their duties.

Grant the Members of this House all that they need to carry out more perfectly the duties they bear as Representatives of our people.

Grant them guidance and wisdom to know the true needs of our Nation; grant them patience and understanding in their deliberations as they seek to form the laws that will continue to bring peace and happiness to our Nation; grant them conviction and strength to accept the burdens of their office as they try their best to serve their people and our Nation.

We ask this of You, our triune God—and we seek Your blessings upon them and their labors—in the name of the Father, and of the Son, and of the Holy Spirit.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's sitting and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

SWEARING IN OF MEMBERS

The SPEAKER. The Chair understands that some Members who have not yet taken the oath of office are here. If they will present themselves in the well of the House, the Chair will be glad to administer the oath.

Mr. HOSMER and Mr. ECKHARDT appeared at the bar of the House and took the oath of office.

AUTHORIZING PAYMENT OF SALARIES OF CERTAIN COMMITTEE EMPLOYEES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1) on the resolution (H. Res. 17) authorizing payment of salaries of certain committee employees, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 17

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the salary for services performed in the period beginning January 3, 1971, and ending at the close of March 31, 1971, by each person—

(1)(A) who, on January 2, 1971, was employed by a standing or select committee in the Ninety-first Congress and whose salary was paid under authority of a House resolution adopted in that Congress or (B) who was appointed after January 2, 1971, to fill a vacancy, existing on or occurring after that date, in a position created under authority of such House resolution; and

(2) who is certified by the chairman of such committee as performing such services for such committee in such period.

Such salary shall be paid to such person at a rate not to exceed the rate he was receiving on January 2, 1971 (or, in the case of a person appointed after January 2, 1971, to fill any such vacancy, not to exceed the rate applicable on January 2, 1971, to the vacant position), plus any increase in his rate of salary which may have been granted for periods on and after February 1, 1971, pursuant to section 5 of the Federal Pay Comparability Act of 1970.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUING PROVISIONS RELATING TO POSITIONS ON THE U.S. CAPITOL POLICE FORCE UNDER THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–2) on the resolution (H. Res. 150) adopting and continuing for the 92d Congress the provisions of the first section of House Resolution 1293, 91st Congress, relating to positions on the U.S. Capitol Police force under the House of Representatives, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 150

Resolved, That effective as of noon on January 3, 1971, the provisions of the first section of House Resolution 1293, Ninety-first Congress, adopted December 17, 1970, relating to positions on the United States Capitol Police force under the House of Representatives, are hereby readopted and continued with respect to the Ninety-second Congress without break in the application and effect of such provisions.

SEC. 2. Until otherwise provided by law, effective as of noon of January 3, 1971, the contingent fund of the House of Representatives is made available to carry out the purposes of such House Resolution 1293 as readopted and continued in effect by this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNFINISHED BUSINESS OF 91ST CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92–36)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

This first special message to the Ninety-second Congress concerns itself not with the new, but with the familiar. As indicated in my State of the Union Message, this first request is that the unfinished business of the Ninety-first Congress be made the first business of the Ninety-second.

With this message, I am proposing to the Ninety-second Congress more than three dozen items of legislation which were previously submitted to the Ninety-first Congress. Some were acted on favorably by either the Senate or the House of Representatives. Some are being resubmitted in their original form. Others have been modified to meet legitimate concerns expressed by members of the Congress. Most will be in the hands of Congress today. All are bills which I consider to be in the national interest.

Although lengthy, this list does not contain all the measures proposed over the past two years which will be resubmitted to the Congress in this session.

There are other measures—measures to deal with strikes creating national emergencies, Social Security amendments, bail reform, aid for higher education, reform of the draft and steps to move toward an all-volunteer armed force, and other initiatives—which the Congress must also consider. I will deal with these separately.

In my message on the State of the Union, I outlined six great goals—goals which, by their accomplishment, could make this the greatest Congress in America's history as a nation.

These included one especially urgent item of unfinished business which I proposed to the 91st Congress: welfare reform. In fairness to the taxpayers, to the communities, and also to the children, we can afford to delay no longer in discarding the present system and replacing it with a new one.

In due course, I will be making more detailed proposals to the Congress for achieving the other goals that I outlined. Meanwhile, I believe that the items of unfinished business I propose today merit the prompt and careful consideration of the Congress. I believe they are good measures. I believe they are wise proposals. I believe they are necessary legislation. I urge the Congress to act favorably upon them.

ECONOMIC JUSTICE

Two proposals being resubmitted would promote economic justice. One would provide broader opportunities for Americans entering into new small businesses—especially black Americans and members of other minorities who need, but cannot acquire, the seed capital to go into business for themselves. The other would provide improved benefits for certain American workers.

AID TO SMALL BUSINESS

Ten months ago, several proposals were sent to the Congress to promote the prospects for success of small businesses in the United States. They included:

—Allowing private and corporate lenders an income tax deduction equal to twenty percent of the interest earned on Small Business Administration guaranteed loans, which would act as an incentive for loans to small businesses and minority enterprises;

—Providing managerial training to disadvantaged persons going into business for themselves;

—Authorizing banks to become sole sponsors of Minority Enterprise Small Business Investment Companies (MESBICs);

—Authorizing SBA to pay interest subsidies on loans it guarantees, in cases of demonstrated need;

—Liberalizing the net operating loss carryover rules and stock option provisions for qualified small businesses;

—Allowing tax deduction for contributions to nonprofit MESBICs.

Many of these amendments passed the Senate in the 91st Congress. I urge this Congress to give them a favorable response.

LONGSHOREMEN'S DISABILITY COMPENSATION

The existing minimum disability compensation for longshoremen and harbor workers was established in 1956—the maximum a decade ago. I am renewing the administration's proposal that these benefits be increased to a level more in line with the increased wages and living costs since the present levels were set. Other liberalizing provisions of the Longshoremen's and Harbor Workers' Compensation Act are being resubmitted as part of this proposal.

Under this legislation the recovery of damages by employees from their employers, including shipowners, would be limited to those specified under the Act. We seek to eliminate situations in which longshoremen are permitted to recover damages in suits against shipowners, which usually require the longshore employer to indemnify the shipowner for the damages paid.

AMERICA'S OVERDUE DEBTS

There are three groups of peoples, two of them among the earliest inhabitants of the Western Hemisphere, to whom this nation has outstanding obligations that ought to be met.

AMERICAN INDIANS AND ALASKA NATIVES

The first two of these are the American Indians and the Alaska Natives. After full consultation with Indian leaders is complete, the unenacted legislation outlined in my Message of last July 8 will be reviewed and promptly submitted again. An Alaska Native Claims bill will also be submitted which I believe will equitably resolve the Native claims in that State. These legislative proposals would take America in a new more hopeful direction in dealing with the problems of a terribly neglected minority of our people.

THE MICRONESIANS

Under the Executive Agreement of April 18, 1969 between Japan and the United States, inhabitants of the Trust Territory of the Pacific Islands are to be compensated for damages suffered during World War II. The agreement stipulates that each government will make ex gratia contributions of $5 million for the welfare of the people of Micronesia.

I am renewing the administration's request that the Congress authorize appropriations of $5 million to meet that commitment, and also that the Congress establish a five-member commission to settle the claims of individual Micronesians resulting from World War II and to determine the validity of additional claims for property damage arising after the war.

Congressional action on these matters would render overdue justice to the people of Micronesia.

PURE FOOD AND DRUGS

Two pieces of "preventive" legislation are being resubmitted dealing with the health of the American people. The first has to do with the wholesomeness of fish and fish products which form so significant a segment of the American diet; the second with preventing illness and death from accidental misuse of prescription drugs.

FISH INSPECTION

Fish and fish products, a major source of protein in the American diet, are highly perishable foods. Improperly handled, they become a medium for bacterial growth. The Wholesome Fish and Fishery Products Act, which is being resubmitted, would establish a broad surveillance and inspection system to assure the wholesomeness and quality of both domestic and imported fishery products.

Recent reports of mercury residues in both inland and deep sea fish provide urgent and concurring arguments for immediate passage of this legislation.

DRUG IDENTIFICATION

Every year some Americans, in times of medical emergency, are poisoned by drugs of unidentified composition. Some of these men, women, and children die from these poisonings; others suffer lasting physical harm. While these occurrences are not commonplace, their number can and should be reduced to an absolute minimum. To achieve that objective—to permit the rapid identification of prescription drugs in emergency situations—this administration again proposes the coding of all drugs. Such coding will also facilitate recalls of drugs when necessary to protect public health.

Some manufacturers already use coding systems for immediate identification and inventory control. A universal system of coding of drugs would benefit the entire drug industry—and perhaps save the lives of scores of Americans and their children in years ahead.

TOWARD A MORE SECURE AND DECENT SOCIETY

Within this broad category, I again urge action on five previously submitted measures. One of them would provide new and needed protection for the orderly processes of government in the event of disruptive activities conducted in or near Federal offices. Passed by the Senate, this measure should be viewed favorably by the House. It is needed to protect government workers as they carry out their duties. The wagering tax and the administration's proposal to give law enforcement officers the right to gather non-testimonial evidence are reforms which would provide us with new weapons in the war against crime. The final proposals, dealing with obscenity and pornography, I believe to be essential at a time when the tide of offensive materials seems yet to be rising.

PROTECTION OF PUBLIC BUILDINGS

If the Federal Government is to discharge its duties, the employees of government must cease being victimized by raucous and disorderly demonstrations in the offices where they work. Such disruptions have occurred too frequently in recent years.

To help end this harassment, I propose that the General Services Administration's authority to police Federal property be extended to all buildings leased or occupied by Federal agencies.

Further, I ask Congress to prohibit specifically:

The obstruction of passage into or out of a government office;

The use of loud, abusive, or threatening language, or any disorderly conduct that has as its goal the disruption of government business; and,

Any act of physical violence within a GSA facility.

These are similar to the safeguards which the Congress provided for its own employees in the U.S. Capitol Buildings and Grounds Security Act of 1967.

Under this proposal the maximum penalties for violation of the rules promulgated by GSA would be raised from a $50 fine or thirty days in jail to a $500 fine or six months in prison.

Passage of this legislation would help divert future protests back into the legitimate democratic channels where they belong.

FEDERAL WAGERING TAX

The Federal wagering tax can be a useful tool in our increasingly successful effort against organized crime. Some of its provisions, however, were ruled unconstitutional in 1968 as violative of the Fifth Amendment right against self-incrimination. Both to retain this needed weapon and to bring the law into accord with the rulings of the Supreme Court, I again propose a prohibition on any use—against the taxpayer—of information obtained through his compliance with this statute. At the same time, the new amendments would broaden the coverage of the wagering tax and increase the level of taxation.

NON-TESTIMONIAL IDENTIFICATION

Currently, law enforcement officers are often handicapped in obtaining significant non-testimonial evidence—such as blood samples or fingerprints—in a way to qualify it for use as legal evidence. Under this proposal, a judicial officer could, under prescribed conditions, issue an order *requiring* that a suspect give such kinds of evidence. This is a constitutionally sound step that would advance the cause of criminal justice without infringing upon any of the legitimate rights of suspects and defendants.

OBSCENITY AND PORNOGRAPHY

The overwhelming majority of Americans is rightly appalled at the burgeoning growth of the pornography industry here in the United States. Though Court rulings have restricted some government countermeasures, in other instances they have left us the freedom to act. They have both recognized the right to protect minors from the products of this obnoxious enterprise, and reaffirmed the right to restrict pandering through advertising. I propose anew that Congress pass measures, with stiff penalties, prohibiting the use of interstate facilities to transport unsolicited salacious advertising, or to deliver any harmful and offensive matter to youngsters. It would be difficult to overstate the strength of my support for these two pieces of legislation.

EDUCATION: REFORM AND OPPORTUNITY

Under this broad category, I have included three measures submitted to the Ninety-first Congress, all of which I believe have great merit and would serve great needs. The first is for a National Institute of Education, the need for which is becoming increasingly apparent; the second is a measure to provide financial assistance to those school districts carrying the strain of desegregation; the third is to encourage and assist the men coming home from Vietnam to make better use of the educational opportunity the country affords them. Higher education proposals will be resubmitted later to the new Congress.

NATIONAL INSTITUTE OF EDUCATION

A National Institute of Education—to bring to education the intensity and quality of research now developed in the fields of space and health—is truly a national need. Year by year, the American people grow more disenchanted with the returns on their education tax dollars. The schools of the nation are in growing need of new counsel and new ideas. Here is the opportunity to find the answers, by bringing to bear on the problems wisdom, the knowledge and the experience of the most able men and women in the field. This Institute was a key part of my education proposals of last year. Today I again urge the Congress to act favorably upon this request.

EMERGENCY SCHOOL AID

Last year, both to encourage and to expedite desegregation of the public schools in the United States, I asked the Congress for a two-year Emergency School Aid Act. Although great progress has been made, the need for such aid remains. Therefore, today I reissue this request. The changes needed to desegregate our schools—either under court order or through voluntary action—place a heavy strain upon local school systems, and the Federal Government should assist the school systems in this effort. The measure I propose today is similar to the one which passed the House of Representatives in the closing days of the Ninety-first Congress. I urge the Congress to complete action at an early date.

VIETNAM VETERANS EDUCATION ALLOWANCE

It is this administration's hope that more veterans coming home from Vietnam will take advantage of the educational opportunities the nation affords them. The bill I now again recommend will help achieve that objective.

Under the GI Bill, the monthly allowances received by veterans begin only after they have enrolled and completed at least a month of their education or training. This deferral of payment often deters veterans from taking training or additional schooling because they lack the initial funds to meet tuition and living expenses.

This legislation would enable the Veterans Administration to make advance payments to veterans as soon as they submit evidence they have registered. This will provide them with funds when their need for funds is most pressing.

THE FEDERAL CITY

Two proposals being resubmitted deal with the nation's capital. The first envisions a corporation to carry out the revitalization of the heart of Washington. The second would give the District Government a new measure of freedom and control over its own capital outlay programs, reducing District dependency on the Federal Government.

FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION

The American Bicentennial—midway through the present decade—presents a powerful incentive and a realistic deadline for realization of Pierre L'Enfant's vision for the Federal City. The proposal being resubmitted would create a public corporation to prepare plans for carrying forward the revitalization of the heart of Washington, and for generating the maximum private and commercial investment for the fulfillment of that dream. I urge the Congress not to allow any more time to be lost in completing this promising enterprise.

D.C. CAPITOL PROGRAM FINANCING ACT

Currently, when the District of Columbia Government is confronted with the need to borrow for major new building and construction, it must turn to the United States Treasury; and it can borrow only up to a temporary formula limit set by the Congress.

I now renew this administration's proposal that the Congress grant the District of Columbia Government the authority to issue its own local bonds, and that the future limit on borrowing be set according to a permanent flexible formula based on District revenues. Removing the District's capital spending requirements from the Federal budget would mean savings to the Treasury. Further, it would give Washington responsibilities and rights commensurate with those of other great American cities.

TRANSPORTATION

Under this heading, two proposals are being resubmitted. They relate to waterways safety, the need for which has become increasingly apparent as more and more great vessels ply the navigable waters of the United States. Decreasing accidents at sea is an important part of our overall program to provide greater safety to the traveling public. In addition, these bills enhance our efforts to prevent the damaging pollution of the Nation's waterways which often results from collisions at sea.

PORTS AND WATERWAYS SAFETY ACT

As commerce grows, and as world trade expands, more and more great ships use American waters. Many carry hazardous cargoes—potential dangers to America's ports, harbors, waterfront areas, the waters themselves and the resources they contain. There would, I believe, be a substantial benefit in the creation of a coordinated safety program. And I again ask that the Secretary of Transportation be empowered to prescribe standards and regulations, and to act upon them, to give the protection the nation increasingly needs.

VESSEL-TO-VESSEL RADIO PHONES

With the increasing number of vessels operating on inland and coastal waterways, the danger of accidents and collisions has become more serious. To help prevent unnecessary loss of life and property in future years, I am again proposing to the Congress legislation requiring that certain vessels transiting these waterways carry equipment for direct bridge-to-bridge contact. While most vessels today carry radio equipment, there is not always a compatible and open communication channel between two ships—and hence, they often cannot communicate even the most basic navigational information. Many vessels are already adequately equipped to meet the new requirements; the cost to the remaining shipowners would not be great.

RURAL AMERICA

Two measures again being proposed concern Americans living in the countryside or on farms. One would establish a mixed-ownership bank to make loans to telephone borrowers, along the lines of the Farm Credit Administration; the other would reduce Federal expenditures by replacing direct loans to some farmers with government guaranteed loans.

THE TELEPHONE BANK

I propose creation of a mixed-ownership bank to make loans—at from 4 percent to market interest rates—to telephone companies and cooperatives which now rely almost exclusively on the Rural Electrification Administration for their financing.

The bank would be partially capitalized through Treasury purchase of stock at a rate of up to $30 million annually until the Treasury holdings reached $300 million.

When total capital stock plus paid-in surplus reached $400 million, the bank would begin to retire the Federal investment. Further, the bank would be empowered to sell stock to its borrowers, and to borrow from private investors up to eight times the paid-in capital and retained earnings of the bank. This could bring about bank loans during Fiscal Year 1972 of $94.5 million to telephone borrowers—and the 1972 budget assumes timely enactment of this legislation.

INSURED FARM OPERATING LOANS

This proposal would permit the Farmers Home Administration to substitute insured for direct loans to farmers up to a level of $275 million for the coming fiscal year.

This could reduce Treasury outlays by $275 million, while leaving a Federal guarantee for the loans. It is consistent with our belief in maximum use of the private sector in achieving public purposes, and its enactment is assumed in our 1972 budget.

GOVERNMENT AND ADMINISTRATIVE REFORM

A number of proposals being resubmitted deal with the smoother, more efficient and more responsive operation of the Federal Government. They argue for themselves on their own considerable merits.

GRANT CONSOLIDATION

First, I urge the Congress to enact legislation permitting the President to merge related Federal assistance programs, subject to Congressional review and concurrence. This authority, similar to presidential power to reorganize the Executive Branch, would be a vital part of our total effort to simplify the Federal system and make the delivery of goods and services at the regional, State and local level more effective. The consolidation of programs will make possible broader and more flexible use of funds and facilitate program administration at all levels of government. Originally submitted almost two years ago, this request for authority is thoroughly in keeping with the administration's unprecedented revenue sharing proposals contained in my State of the Union Message. The time has come to move on this bill.

JOINT FUNDING

Often when States, communities or even individuals apply for Federal grants, the funds must be drawn from more than a single agency. To answer these requests more quickly, more simply and more efficiently, I recommend that the Congress authorize Federal agencies to pool certain related funds—and to adopt common administrative procedures, to be carried out by a lead agency. The House passed this joint funding measure last year. I again urge both Houses to act favorably upon it early in the Ninety-second Congress.

AEC AMENDMENTS

This proposal would authorize the Atomic Energy Commission to collect license fees from any other government agency engaged in generating electric power on the same basis it now charges other electric utility systems for licensing nuclear powerplants. The cost of a license for a nuclear powerplant is part of the cost of doing business. Thus, it is appropriate that Federal power agencies should be placed on the same footing.

CLARIFYING CERTAIN PRESIDENTIAL AUTHORITY

Under Reorganization Plan No. 9 of 1950, the President was given authority to designate the Chairman of the Federal Power Commission. However, because the basic statute has not been amended to accord precisely with that plan, the President's authority is not crystal clear. This resulted, some time ago, in certain ambiguities when one of my predecessors sought to designate a new FPC Chairman.

The Ninety-first Congress was urged to clarify this situation, and I now request that the Ninety-second Congress enact the necessary clarifying legislation.

NATURAL GAS ACT AMENDMENT

The Federal Power Commission has asked the Congress for broader authority to gather and publish information on the natural gas industry. This would benefit the industry, its consumers and investors, government agencies and the Congress itself, as well as enable the FPC to exercise more effectively its own regulatory powers. The proposal is comparable to existing provisions of the Federal Power Act concerning the electric power industry—and in no way would it expand the regulatory responsibilities of the FPC. I urge the Congress to act favorably upon this request.

COST ACCOUNTING STANDARDS BOARD

Last year, in extending the Defense Production Act, the Congress established a Cost Accounting Standards Board—and then placed that Board under the authority of the Legislative Branch.

This Board is responsible for establishing cost accounting standards, rules and regulations for use by defense contractors and subcontractors. Since these standards necessarily affect the negotiation and administration of government contracts, and since government contracts are the responsibility of the Executive Branch under the Constitution, placing this board under the Legislative Branch violates the fundamental principle of the separation of powers.

On August 17, 1970, we asked Congress to remedy this situation. With this message I am reissuing that request.

DEFENSE PRODUCTION ACT AMENDMENTS

Under the Defense Production Act, the nation's industrial capacity is expanded and critical materials are produced and allocated in times of national emergency. I now renew the administration's proposal that this Act be extended for another two years and needed changes be made. These include:

—A new method of financing the production expansion provisions.

—Elimination of the unnecessary and undesirable restrictions on guaranteed transactions imposed last year.

—Authority for the President to make adjustments in civilian pay and personnel administration to assure the effective functioning of government agencies in a civil defense emergency.

STOCKPILE DISPOSALS

Proposed legislation will be resubmitted which would authorize GSA to sell off from the government's stockpiles quantities of sixteen commodities which we now hold in excess of our needs for national security. The sales would bring substantial returns to the Treasury. In the near future, new legislation will be submitted to the Congress for authority to dispose of other commodities—authority which I urge the Congress to grant as consistent with both sound government and a sound economic policy.

LOST CURRENCY WRITE-OFF

Millions of dollars in U.S. currency and silver certificates issued since 1929 have been lost or destroyed, or are held permanently in collections—and will never be presented for redemption. I now renew the administration's proposal that the Department of the Treasury be authorized to write off these Federal Reserve bank notes and national bank notes, and to remove the limitation of $200 million on such write-offs. In anticipation of favorable Congressional action, the Fiscal Year 1972 budget reflects these write-offs as a receipt of $228 million.

REFORM OF VETERANS' PROGRAMS

Three separate reforms can be made in veterans' programs which would lift an unwarranted burden from the general taxpayer without in any way diminishing the legitimate rights or privileges of veterans. I am again asking the Congress to enact them, along with a proposal to facilitate sale of direct loans by the Veterans Administration.

BURIAL ALLOWANCE

The first deals with the veterans burial allowance which runs to $250. This allowance was established before the existence of other Federal programs—such as social security and railroad retirement—which often provide similar or greater burial benefits to the same eligible veterans. The legislation proposed would eliminate duplication by limiting the Veterans Administration's burial payment to the difference between $250 and the non-VA burial payment.

TUBERCULOSIS DISABILITY COMPENSATION

Secondly, some veterans are still receiving disability compensation for tuberculosis long after the disease has reached a stage of complete arrest. The Congress has enacted legislation prohibiting future awards of compensation for arrested tuberculosis, recognizing that such awards no longer reflect medical reality. However, those on the rolls before that law was enacted continue to receive monthly payments, although their disease has been cured. This preferential treatment of a relatively few veterans should be terminated.

MEDICAL INSURANCE

My third proposal deals with the cost of caring in VA hospitals for veterans who have non-service connected ailments and who have private health insurance.

Generally, veterans who are over 65 or have war-time service, and who state that they cannot afford hospitalization, are entitled to VA care on a bed-available basis.

In many cases, the private insurance could pay part or all of the cost of hospitalization. But the insurance contracts often bar reimbursement to a veteran hospitalized in a VA hospital. This represents both an unwarranted windfall to the insurance company, and an unnecessary burden on the Federal Treasury.

Veterans should not be barred from receiving care in a VA hospital. But there is no reason why insurance companies should not reimburse the Federal Government in the same manner in which they pay a non-Federal private hospital. The proposed legislation will correct this discriminatory situation.

SALE OF VA DIRECT LOANS

Under present law, the Veterans Administration can sell direct loans from its portfolio only if the price received is at least 98 percent of par. Recent market conditions have resulted in prices below that level and this proposal would remove the statutory price limitation, allowing the Veterans Administration, when necessary, to sell loans if "reasonable prices" prevail.

USER TAXES

Two of my proposals deal with a more equitable allocation of user costs of transportation services. Under one proposal, the cost of providing security against aircraft hijackers would be borne by the passengers themselves and not by the general public. Under the other, the large trucks which use our national highway system would be made to bear a more appropriate share of the cost of highway construction.

AIRLINE USER TAXES

The number of airline hijackings that seemed to be taking place almost daily months ago has been reduced. Partly, this is due to the civil air and ground security program, particularly the sky marshals, established by the Federal Government. This program should be continued and strengthened—but its cost should be borne, not by the entire taxpaying public, but by the airline users themselves. For that reason I urge approval of legislation the administration is resubmitting to provide for an increase of one-half of one percent in the eight percent airline passenger ticket tax, and for an additional charge of $2 to be added to the present $3 departure tax on all international flights. Those who use our airlines are the principal beneficiaries of this new security service, and it is appropriate, therefore, that they should bear the cost.

HIGHWAY USER TAXES

Believing that the burden of highway taxes should be more equitably distributed between larger trucks and smaller vehicles and automobiles, I again ask that the Federal tax on diesel fuel be raised from four cents per gallon to six cents, and that the present $3 per thousand pounds annual use tax on trucks weighing over 26,000 pounds, be changed to a graduated tax schedule ranging from $3.50 to $9.50 per thousand pounds. This new tax would be applied only to those truck combinations weighing in excess of 26,000 pounds.

IMMIGRATION AND FOREIGN ASSISTANCE

Finally, I urge passage of several measures which are being resubmitted dealing with the immigration policies of the United States, and with American contributions to international banks to assist the economic development of friendly nations.

REFORM IN THE IMMIGRATION LAW

To improve our immigration laws and to enlarge upon our national tradition as an open nation and an open society, legislation is being resubmitted which would, among other reforms, provide:

—A higher percentage of immigrant visas for professionals, needed workers and refugees.

—Additional visas for the Western hemisphere, with special provisions for our nearest neighbors, Mexico and Canada.

Further, to encourage travel and tourism in the United States, the requirement for a visa would be waived for all business and pleasure visits of ninety days or less by nationals of countries designated by the Secretary of State.

CONTRIBUTIONS TO ASIAN DEVELOPMENT BANK AND INTER-AMERICAN DEVELOPMENT BANK

In recent years, the benefits of increased multilateral aid to developing countries have become more and more manifest. Multilateral aid enables a pooling of the assistance of the donor nations; it reduces political frictions inherent in some bilateral programs; it strengthens international institutions; it is preferred by many recipient nations.

Thus, I again urge the Congress to authorize $100 million in United States contributions to the Special Fund of the Asian Development Bank, and $900 million to the corresponding fund of the Inter-American Development Bank. The former will enable the nations of free Asia to assume greater responsibility for the success of their own development. The latter, along with the $100 million first installment authorized by the last Congress, will make possible significant advances in the economic development of the hemisphere, in which we ourselves have so vital a stake, and also give substance to the partnership of the Americas.

To the veterans of the Ninety-first Congress, the measures proposed once again in this message will of course be familiar. In the case of many of them, the work begun by the Ninety-first Congress should aid prompt consideration by the Ninety-second. Each is worthy, and by moving promptly and favorably on these matters of unfinished business this Congress will make an auspicious beginning on what could become a record of splendid achievement.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1971.*

CONGRESSIONAL ACTION NEEDED ON UNFINISHED BUSINESS OF 91ST CONGRESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President has placed before the 92d Congress more than 3 dozen items of legislation constituting the unfinished business of the last Congress

I have reviewed all of the items listed in the President's message, and they all appear to me to be meritorious. I therefore urge that the Congress get moving on this too-long-delayed agenda.

The size of this workload makes it imperative that the new Congress organize as soon as possible and quickly tackle the task before it.

Various of the measures included in the unfinished business of the previous Congress are needed to promote equity and justice and the common good.

I call particular attenton to the need for legislation dealing with disorderly or violent demonstrations in or near Government buildings, a Federal wagering tax as a tool against organized crime, measures to ban use of the mails to deliver unsolicited salacious advertising and material offensive to youngsters, advance payments to veterans interested in schooling or training under the GI bill, and Presidential authority to merge Federal grants under related assistance programs.

Mr. Speaker, the 92d Congress can get off to a fine start by early action on the measures designated by the President as pending business. I urge that we set about our business with dispatch.

HOUSE OF REPRESENTATIVES HOLIDAY RECESS SCHEDULE

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, it is my pleasure to announce that the leadership has agreed on the holiday recess schedule through next summer.

The first recess is during the Lincoln-Washington Birthdays—the first recess will be at the conclusion of business on Wednesday, February 10, until noon, Wednesday, February 17.

The Easter recess—Easter Sunday falling on April 11—will be from the conclusion of business on Wednesday, April 7, until noon, Monday, April 19.

The Memorial Day recess—Memorial Day being on Monday, May 31—will be from the conclusion of business on Thursday, May 27, until noon, Tuesday, June 1.

The July 4 recess—July 4 being on Sunday—will be from the conclusion of business on Thursday, July 1, until noon, Tuesday, July 6.

The August-September recess, which so many Members are interested in because of their families, and in order to plan for vacations, we have decided the recess will begin with Friday, August 6, until noon, Wednesday, September 8.

ADJOURNMENT OVER TO FRIDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock noon.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. KYL. Mr. Speaker, I reserve the right to object for the purpose of asking a question.

In regard to the so-called Lincoln Birthday recess, did I understand the gentleman to state that it would be from February 10 at the close of business until noon on February 17?

Mr. BOGGS. From the conclusion of business on Wednesday, February 10, until noon, Wednesday, February 17.

Mr. KYL. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would ask the gentleman why the session on Friday rather than Thursday, and adjournment over to the following Monday from Thursday instead of from Friday?

Mr. BOGGS. Mainly for the convenience of the Members.

The SPEAKER. And the budget message.

Mr. BOGGS. The budget message is due on Friday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

Mr. WALDIE. Mr. Speaker, reserving the right to object, and I shall not object, I merely want to say I think this scheduling of recesses is an extremely helpful and good thing for the leadership to have done. It is the first time since I have been in the House, which is a short period of time, that Members have been able to plan with any certainty in terms of their schedules, and I express my thanks to the leadership for having taken this step.

Mr. BOGGS. We thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RESCHEDULING OF SPECIAL ORDERS SCHEDULED FOR WEDNESDAY AND THURSDAY TO FRIDAY, JANUARY 29

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, I take this time for the purpose of asking the majority leader about the rescheduling of special orders. I was given unanimous consent for a special order on this Wednesday. In the light of the request of the majority leader that the House go over to Friday, I should like to ask him what procedures we should now follow.

Mr. BOGGS. The gentleman simply will have to ask unanimous consent that his special order be rescheduled for Friday or some other time.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all special orders scheduled for Wednesday and Thursday of this week go over until Friday, January 29.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RURAL ELECTRIC COOPERATIVES

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Speaker, the Rural Electrification Administration loans money principally to electric co-operatives at the statutory rate of 2 percent. In the past, I have introduced bills that would cause the REA to charge the same interest on its loans as the Government has to pay on its borrowings. It seems to me utterly improper that the Treasury has had to pay interest of 6 or 7 percent for money which is then loaned out at 2 percent. In effect, all taxpayers are subsidizing the beneficiaries of the REA loans. Not only that, but the REA cooperatives are also exempt from income taxes and have various other advantages with respect to property taxes.

In view of these facts, I was interested to learn recently about the purchase by a fully taxed utility of an REA cooperative in my State of California. The San Diego Gas & Electric Co. announced that it had acquired all the properties of the Mountain Empire Electric Cooperative in southeastern San Diego County. The purchase price was $1,691,000. After various liabilities are paid, the remainder of the purchase price will be divided up among the members of the cooperative.

According to Joseph F. Sinnott, president of the private utility, the integration of two electric systems will permit greater operational efficiencies and will result in substantially lower electric rates.

This sale will not only be a gain for the co-op members, but also for the country as a whole. The Rural Electrification Administration, according to its annual statistical report for the year ending December 31, 1968, had approved loans for the Mountain Empire Electric Cooperative of $2,206,000 during the life of the co-op. Not only will the remaining balance due on this 2-percent money be paid off, but the co-op will come off the tax-exempt list and pay its share of income taxes to both the Federal and State Governments.

During the calendar year of 1968, electric loans were made totaling $422 million. This brought the cumulative 33-year total to $6.8 billion in loans made to 1,101 borrowers. The borrowers included 987 co-operatives, 55 public power districts, 34 other public bodies and 25 commercial power companies. It seems outrageous that the Government, which has to pay 6- to 7-percent interest on its own securities, is required by statute to loan it out at a 2-percent rate.

Although the purchase by a private utility of a small electric co-op is not a very large event, I think it is a healthy transaction for our economy. Other taxpayers will not much longer have to subsidize this co-op with 2-percent money. The co-op will come off the tax-exempt rolls and begin paying its share toward the support of the State and Federal Governments. Its former members are also better off. They get a cash distribution and pay less for their electric power. I hope there will be more purchases like this in the future.

"A TIME FOR CONSTRUCTIVE PROGRESS—NOT WHEEL-SPINNING"

Mr. SMITH of California. Mr. Speaker, on January 15, 1971, Mr. Donald M. Kendall, president and chief executive officer of Pepsi Co., Inc., spoke before the Los Angeles Rotary Club of Los Angeles, Calif.

His overall remarks on the environmental problems were, in my opinion, extremely well done. I thought that it might be of interest to the Members and those who read the CONGRESSIONAL RECORD. Accordingly, I am inserting the complete text of his remarks into the RECORD.

REMARKS ON ENVIRONMENTAL PROBLEMS

(By Donald M. Kendall)

First of all, I'd like to express my personal gratitude to the man in this Club who decided to schedule my appearance out here in January. Back home right now we have only one kind of weather report: *Cold and continued rotten.*" Now I can at least go back and convince my colleagues that there is still a sun.

In a much more serious vein, I do want to thank you for inviting me to address this great and nationally respected Rotary Club. You have earned a reputation not only as warm and appreciative listeners, but as men of thought and action . . . representing the finest dedication to the public interest.

I am especially grateful to be able to speak to you today on a subject of overriding public interest . . . and perhaps equally pressing public confusion.

According to a Lou Harris poll published within the past three weeks, the quality of the environment has now replaced crime, drugs, and education as the foremost concern of Americans. Similarly, a recent Reader's Digest study ranks environmental deterioration second only to the rising cost of living among consumer worries. This same study tells us that the public holds private industry primarily responsible for environmental problems by a shocking margin of well over two-to-one over government at all levels.

(But, I'm getting ahead of my story.)

There is today on the national scene an exciting new organization with one of the least exciting titles in America: *The National Center for Solid Waste Disposal.* But, don't let the name turn you off. This group can mean the beginning of the end of one of the most monumental problems ever faced by any nation: What to do with the ever-mounting volume of solid waste that accompanies the presence of man.

There used to be a childish question that asked, "Can God build a mountain so high that he can't jump over it?" Well, I don't know about God, but man is coming close to building a mountain of waste so high that one day he may not be able to burn it or bury it . . . much less jump over it.

As Chairman of the National Center, I'd like to tell you that our purpose is nothing short of moving mountains. The National Center was established as a non-profit corporation headquarted in Washington, D.C., last August by 16 leading manufacturers, retailers, and users of packaging containers of all types. Its 30-member Board of Directors includes principal executives of such companies as U.S. Steel, National Steel, Alcoa, Monsanto, American Can, Continental Can, Reynolds Metals, Owens-Illinois, Anchor-Hocking Glass, International Paper, Mead Packaging, and U.S. Plywood-Champion Papers; Marcor, Kroger, Lucky Stores, and Super Giant Stores; General Foods, Proctor & Gamble, Anheuser-Busch, Adolph Coors, Heublein, and Coca-Cola, as well as PepsiCo. I. W. Abel, President of the United Steel Workers of America, is on the Board, which also has as public members Washington's Mayor, Walter Washington; Katherine Graham, Publisher of *The Washington Post;* and Maurice Mitchell, Chancellor of the University of Denver.

The National Center constitutes industry's primary response, in the packaging area, to the challenge contained in President Nixon's special Message to The Congress last February, part of which I quote:

"Man has applied a great deal of his energy in the past to exploring his planet. Now we must make a similar commitment of effort to restoring the planet. The unexpected consequences of our technology have often worked damage to our environment; now we must turn that same technology to the work of its restoration and preservation." End quote.

To make our response worthy of this challenge the Center's sponsoring industries have set themselves the task of creating a total-systems development approach—problem-solving in orientation—to the subject of solid waste disposal. A first and vital step was to recognize and accept the fact that

American business has concentrated on the distribution and dissemination of packaging to the virtual exclusion of disposition. There was and is no intent by any member industry either to cop out or cop a plea. Our primary intent is to correct this situation by developing constructive solutions to the problem of used-package disposal. But we have no intention of stopping there.

We have chosen the comprehensive course of critically examining the broad function of the Nation's waste collection and disposal systems and proposing positive improvements extending into such areas as: reclamation, recycling, and reuse of materials; new product packaging and materials; changes in distribution, marketing patterns and procedures; consumer education and alteration of established modes of behavior. Importantly, the Center will serve Government agencies and the private sector as a communications focus for information on every aspect of litter prevention and solid waste collection, recycling, and disposal. But it is equipped to go far beyond information assembly and dissemination. We intend to finance trailblazing creative research in the design, operation, and evaluation of solid waste management systems.

That this is a formidable assignment is made pretty clear by an examination of that mountain of waste I mentioned a moment ago. The United States currently generates some 4.4 billion tons of solid waste per year, of which agricultural wastes account for 2.3 billion tons, mineral wastes (primarily mining in origin) 1.7 billion tons, non-recycled industrial wastes 110 million tons, and residential, commercial and institutional wastes 250 million tons. Even when agricultural and mineral wastes, building rubble and scrapped automobiles are not counted, the residue comes to 9.7 pounds per day for every living American. Automobiles are junked at the rate of six million a year, representing 15 million tons. Something over 80 percent of these are reclaimed for recycling, but the Bureau of Mines has placed the number of abandoned hulks now dotting the landscape at 15 million, with a total weight of 26 million tons. (As that Dodge Sheriff says, "We're in a heap o' trouble.")

In an effort to dispose of this avalanche of refuse, United States municipalities are spending 4.5 billion dollars a year—more than for any public function other than schools and roads—and spending it, by and large, very poorly indeed. In the average community, 78 percent of the disposal budget goes for collection, nine-tenths of which represents garbagemen's wages. Disposal *manpower* takes another 17.4 percent, with the result that only three and a half percent of total expenditures is left for the actual disposal process. Consequently, cities feel compelled to settle for the cheapest available means of refuse handling—i.e., dumping and open burning. There are over 12,000 municipal dumps in the Nation today, and fewer than 800 of them employ even the minimal method of covering the waste with earth.

Percentagewise, a report issued by the Bureau of Solid Waste Management places the 1966 proportion of solid waste tonnage handled by open dumping at 77.5 percent, as compared with 14 percent for incineration, 5 percent for sanitary landfilling, and 0.5 percent for composting, with the remaining three percent being salvaged in one way or another. Other informed studies, confined exclusively to municipal as opposed to private disposal facilities, increase the dumping figure sharply to 84.6 percent, and correspondingly reduce the incineration proportion to eight percent, most of which is burned without even the most rudimentary air pollution control equipment. In any event, the open dump—an unsightly, disease-breeding fire trap—clearly is the predominant method of solid waste disposal. Fortunately, many cities soon will be forced to do something else. *Time Magazine* reports that Philadelphia and San Francisco may run out of dumping space by the end of 1971. Other major communities will reach that point within the next five years.

The flood of garbage and trash is expanding steadily under the combined impact of population growth and rising per-capita consumption. Adequate Federal financing has been slow in developing under the Solid Waste Disposal Act of 1965, and state and local governments—reflecting pronounced voter resistance to enabling bond issues—generally have shown little enthusiasm for providing matching funds in any case. Some progress is at last being made with municipal waste-treatment facilities—enough to impel the Chairman of the President's Council on Environmental Quality to tell *U.S. News & World Report* two months ago that he thinks "we are beginning to get the upper hand" in the water-pollution area, although he conceded that "it is too early to document any substantial improvement."

Certainly, the waste-disposal job immediately ahead is a very large and difficult one, but the sponsoring participants in the new National Center are convinced that the problem can be solved, and are individually and jointly determined to make a maximal contribution toward its solution. Our membership comprises a not-inconsiderable portion of the Nation's industrial, merchandising and *technological* strength. But there's the rub: *If the politicians and the public will permit us to approach the matter on a technological basis, we feel we have the expertise to cope successfully with the difficulties involved.* We also have the financial resources and the management commitment to implement major decisions reached in the public interest.

I must confess, however, that recent events suggest this is a big "if". As you know, a highly destructive atmosphere of unreal, unreasoning and unbridled hysteria has developed around environmental issues in general. Like others who are attempting to find positive solutions to environmental problems, we of the National Center hear very clearly what *Time Magazine* this month called "the apocalyptic warnings of the 'New Jeremiahs'—ecologists with an almost masochistic appetite for doom, and demographers with passion for slogans." We have become all too well acquainted with the increasingly strident voices of those irresponsible elements of the scientific community who prompted a White House environmental spokesman to say recently that "there has been too much talk of panic in relation to the environment," and who led Philip Handler, President of the National Academy of Sciences, to remark that "the nations of the world may yet pay a dreadful price for the public behavior of scientists who depart from established fact to indulge themselves in hyperbole."

Thus encouraged—as if they needed encouragement—the ever-present political opportunists have swung into action, besieging packaging-oriented industries with an array of punitive proposals—totaling in 1970 alone, 10 Congressional bills, 43 bills in the legislatures of 33 states, and 24 ordinances introduced in various municipal and county councils—each of which would either compound the basic problems of solid waste disposal or delay their solution . . . not to mention creating economic havoc in the process.

As an inevitable result of this pseudo-scientific clamor and political cacophony, a great deal of needless and potentially harmful public confusion has been produced concerning the nature of solid waste disposal and the Government expenditures required to deal with it effectively. The *Reader's Digest* survey to which I referred earlier found 74 percent of American families specifically concerned about inadequate waste treatment and 86 percent about the water pollution to which deficient municipal facilities contribute so heavily. *Yet, only 19 percent indicated a recognition that Government should accept primary financial responsibility for correcting these and other environmental shortcomings!* People in that frame of mind can scarcely be expected to respond positively when they are asked—as they ultimately must be—to approve bond issues for improved waste treatment plants.

Broad-based public understanding and support are essential to other aspects of the comprehensive effort currently being mounted by forward-looking Government leaders, private agencies and the National Center. Certainly, it is imperative that the citizenery at large comprehend the distinction between litter and solid waste and recognize the fundamental differences in corrective procedures for each.

Litter, by any definition, is a national disgrace. It's unsightly, annoying, irritating, and indefensible. It mars our landscapes and our scenic areas. Unlike solid waste, however, it poses no threat to the public health—although the hulks of abandoned automobiles, piles of paper debris . . . .yes, and discarded beer cans and soft drink bottles . . . can quite factually be said to make the viewer sick.

Litter differs from solid waste in one other way . . . how it gets where it is. It comes from careless, thoughtless, irresponsible, and thoroughly selfish people who discard what they have consumed solely on the basis of personal convenience, totally without regard for the rights of others. Those who know no better deserve to be taught; those who refuse to learn deserve to be penalized. *The answers to the litter problem thus are consumer education, provision of adequate means for the proper disposal of potential litter . . . and strict enforcement of anti-littering laws.*

The National Center itself takes no direct part in litter education, but the great majority of our sponsors participated in the founding of the Keep America Beautiful organization, and remain active today in this foremost litter-prevention group. *Keep America Beautiful* uses every available means of public communication and persuasion to inform citizens that they are individually responsible for the attractiveness of their surroundings. Its program currently is being expanded, I am glad to say, to include increased emphasis on reaching young people.

Litter legislation and law enforcement are, of course, the exclusive province of local authorities. With respect to their performance to date, I can only remark the obvious: Laws providing for litter fines of $50 or $100 or even $500 per offense are common throughout the country, but actual imposition of those fines is virtually unheard of. An unused deterrent can scarcely be considered a deterrent at all. Fortunately, however, there presently are some scattered indications of a developing trend toward increasing enforcement, and even toward more imaginative penalties—forward thinking citizens in the State of Washington have proposed suspension of the driver's license of any person caught littering for the third time.

Solid waste, on the other hand, unmistakably merits a higher order of priority, and for the most urgent of reasons; the President's Council on Environmental Quality has pronounced municipal solid wastes "the clearest threat to health and the environment." Corrective action here is imperative to the future well-being of us all. While the major thrust must come from Governmental action of the type represented by the Solid Waste Disposal Act, the Resource Recovery Act of 1970, and the Federal agencies created by them, the founders of the National Center For Solid Waste Disposal feel that American industry, too, has a direct public responsibility in this area.

Used packaging materials are estimated to constitute about 10 percent of the solid wastes with which municipal facilities presently are required to deal. Hence, a prime job of the National Center is to apply our special expertise to the development not only of improved methods for the disposal of current containers, but also of new packaging materials which are bio-degradable or can be incinerated without infecting the air with pollutants. High on our list of research priorities is experimentation with materials separation techniques, the importance of which was underscored in the 1969 report on packaging published by the Bureau of Solid Waste Management: "Most of the difficulties created by packaging" it said, "are due to inadequate technology, or the absence of technology, in waste removal." The concurrent development and increasing commercial acceptance of tin-free steel cans, single-alloy aluminum cans, and new paper coatings for containers also will significantly improve the technology of salvage, and thus contribute importantly toward further advancement of the recycling operations in which our member industries already are engaged.

Some of the statistics on present recycling accomplishments might surprise you, because they have been accorded so little public recognition. The paper industry, a recycling leader since World War II, already recycles 20 percent of its total annual product—more than eleven million tons of waste paper each year—and is aiming for the 35 percent level by 1985. The glass and aluminum container industries repurchased well over 50 million one-way bottles and cans last year. The total weight of "non-returnable" bottles bought by Owens-Illinois alone in 1969 and 1970 amounted to more than three million tons. There is an established precedent for recycling steel cans. The steel can industry sends back to the steel industry 10 to 15 percent of the material they buy in the form of scrap to be recycled.

It is certain, however, that major further increases in recycling volume will accompany future breakthrough in salvage technology, in which the National Center hopes to play a part.

The interests of the National Center are by no means confined to packaging-oriented developments. Among the wideranging project possibilities which we intend to explore are exceptionally high-temperature incineration, high-pressure compacting, automatic collection of municipal wastes through a network of pneumatic pipes, and use of incinerator heat to generate electricity. As you may know, the Bureau of Solid Waste Management was sufficiently interested in this last notion to approve construction of a pilot plant here in California, at Menlo Park.

Obviously, the National Center will encourage the continuing research activities of its individual member companies, each of which is pursuing a number of anti-pollution projects on its own. At PepsiCo, for example, we have been working with Standard Oil of Ohio on the development of a thermoplastic bottle, the Barex 210, which is now being test-marketed. It is strong, lightweight, shatterproof—and can be incinerated to a fine ash without a trace of air pollution. It has publicly been suggested, by our friends at Continental Can and by others active in the field of pollution abatement, that if the Barex 210 test-markets successfully and proves commercially competitive in price, this new thermoplastic may totally displace polyvinyl chloride, the *only packaging material* which Government authorities name as a potential health hazard in waste disposal. When burned, it decomposes into chlorine compounds like hydrogen chloride, which can in turn mix with condensation to form hydrochloric acid.

Although this PepsiCo project happens to be one of which I am particularly proud, I mention it here only as an illustration of the many related activities which National Center members are conducting on an individual basis. To cite just one more of many which merit public exposition, Anheuser-Busch is financing a solid waste total-systems project at the Management Science Center of the University of Pennsylvania, and also is carrying out internally a group of interlocked investigations involving such subjects as options in packaging design and marketing.

In view of the quite extraordinary record of public-service efforts in behalf of environmental improvement which America's packaging-oriented industries have built up over a period of many years, I am distressed and more than a little shocked at the necessity of reporting to you that these very industries have been chosen as the target of an all-out legislative assault allegedly intended to serve an environmental purpose.

I briefly alluded to this assault a few minutes ago, mentioning that it was manifested during 1970 in 10 bills introduced in Congress, 43 in State Legislatures, and 24 more in city and county governing bodies. I return to the subject now only because it is in my judgment of such overriding importance—not alone from the standpoint of the National Center sponsors I represent, but much more urgently from the public viewpoint of getting the imperative job of solid waste disposal done, done properly, and done promptly.

The attack to which I refer is, of course, the attempt to ban non-returnable beverage containers by law, or, failing that, to tax them out of existence, either directly by means of punitive levies of as much as five dollars per container or indirectly by imposing compulsory deposits ranging up to 15 cents apiece. Four such proposals were considered by the California Legislature last year, and a resolution for repressive state action was introduced in the city council of nearby Garden Grove just two months ago. Thus far the drive has succeeded only in two isolated instances involving the communities of Bowie, Maryland, and Upland, Pennsylvania; but there seems little question that if this political pressure is permitted to continue building, it ultimately will bear fruit elsewhere. And that would be bitter fruit indeed.

The simplistic rationale of this curious campaign is that non-returnable bottles and cans are primarily responsible for the Nation's solid waste disposal problem; *get rid of them, and, presto, the problem disappears.* Now, obviously, some of you may be saying to yourselves, "Behold! The Devil has come here to sell the benefits of sin." May I ask you, therefore, to give the Devil his due . . . at least for a minute or two and let me test that argument against some hard-nosed, unemotional facts.

Fact #1: Soft drink beverage containers—returnable as well as non-returnable—constitute only two percent of roadside litter.

Fact #2: Legislation identical to that now proposed has proved irrelevant to pollution control in the past. The State of Vermont reported to the Bureau of Solid Waste Management that it removed a statewide ban on non-returnable containers some years ago because the prohibition did not measurably reduce even the cost of collection litter, the smallest component of waste treatment.

Fact #3: Non-returnable beverage containers are directly responsive to public demand for convenience packaging of the type which now dominates all fields of consumer merchandising. Returnable bottles are returned today only one-tenth as often as they once were in many major metropolitan areas. And a study presented to Congress by the Glass Container Manufacturers Institute shows that roadside litter includes as many returnable as non-returnable bottles. Which may suggest to some politicians that we had better curb American affluence.

Fact #4: The American public has made it perfectly evident that it does not want non-returnable beverage containers eliminated, and that it will not accept the higher prices which repressive laws aimed at those containers inevitably would impose on the consumer. In the one instance in which the opposition forces have permitted a direct expression of public sentiment, a proposed statewide five-cent deposit requirement was defeated by voters of the State of Washington last November. A ban on non-returnables in Idaho was able to muster only two and a half percent—one-fortieth—of the petition signatures required to put it on the ballot for that same general election. Moreover, only 7 percent of the national *Reader's Digest* cross-section said they would be willing to pay as much as a 10 percent increase in container prices even if the increase were necessary to "help overcome the pollution problem." Presented with this hypothetical choice, 42 percent said they would pay nothing at all more and an additional 34 percent drew the line at a two percent increase.

Actually, of course, there is no such necessity. Laws banning or harassing nonreturnable containers would serve no useful public purpose whatever. With specific respect to solid waste removal, they would confuse priorities and hamper constructive programs by diverting public attention into a demonstrably unproductive area. They would create severe economic dislocations in industries employing hundreds of thousands of people; they would needlessly inconvenience and financially penalize many millions of consumers—and they would do so without altering the basic fact that improved means would *still* have to be found for disposing of hundreds of millions of glass and metal containers each year.

Despite the indisputable merits of the case, however, anyone who has had any experience with environmental debates need scarcely be told that in this peculiarly emotion-ridden arena, the race frequently seems to run toward those who speak the loudest, rather than those who speak the truth. So the threat of ill-considered and ill-advised legislation persists.

I cannot forego the opportunity to ask the active assistance of this audience of nationally-acknowledged opinion leaders in keeping the wheel-spinning obstructionists on the sidelines, so that the rest of us can get on with the job we are fully committed to do. In return for your confidence in this matter, I think I can confidently promise you that the coming months will bring some very specific and very worthwhile contributions toward improvement of the solid waste disposal situation on the part both of the National Center and of its participating industries.

HIGHLIGHTS OF THE ADMINISTRATION OMNIBUS IMMIGRATION BILL

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I am pleased to join with Congressmen McCulloch, McClory, Sandman, Railsback, Wiggins, Fish, and Mayne in introducing an omnibus immigration and nationality bill drafted by the executive branch. This bill proposes a number of significant amendments to our immigration and nationality laws. Many of them are technical in nature, but some far-reaching changes of substance are proposed.

As cosponsors, we do not intend to indicate we are in complete agreement with every provision or with every technical change proposed by the administration.

However, some amendments to our immigration law are currently needed. The suggested changes contained in this bill are based upon a careful review of our recent experience with the law and are worthy of most careful consideration. I hope that the bill will receive the prompt attention of the Immigration and Nationality Subcommittee.

The present system of immigration with its system of preferences for the Eastern Hemisphere has worked well since it came into effect in 1965. However, there are certain areas in which the system does not provide adequately for the legitimate immigrant demand which has arisen. The demand for admission into the United States by professionals, skilled workers and refugees has been somewhat heavier than can be accommodated under the present law. While it is not desirable, or even possible, to attempt to reconcile and satisfy all demand for immigration, it does appear that some legitimate demands call for adjustment of the Eastern Hemisphere preference system.

The bill reapportions allowable immigration within the several preference classes so that additional visa numbers will be available to the third, sixth, and seventh preference classes. Minor changes are also made in the definition of two of the preference classes, one of which will grant second preference classification to the parents of adult permanent residents, and the other which would limit eligibility for fifth preference status in the future to unmarried brothers and sisters of U.S. citizens. A savings clause would preserve fifth preference status for those married brothers and sisters who have already qualified and are on the waiting list.

The bill also proposes to change the Western Hemisphere immigration picture in several ways. In the Western Hemisphere the demand for immigrant visas has far exceeded the 120,000 limitation which took effect on July 1, 1968. This phenomenon has had a number of undesirable effects, including a drastic drop in immigration from Canada.

The administration bill would remove Canada and Mexico, our closest neighbors and with which we share common borders, from the general Western Hemisphere system and give to each a separate numerical immigration ceiling of 35,000 annually.

For the rest of the Western Hemisphere the present annual ceiling of 120,000 would be reduced to compensate for the removal of Canada and Mexico and a preference system identical to that for the Eastern Hemisphere would be established. The system of selecting immigrants through the use of preferences for certain categories of aliens is based on the concept that, so long as demand for immigration to this country exceeds the amount of immigration to be permitted, there should also be a system of selection and preferential treatment for certain categories of immigrants—skilled workers, close relatives, refugees, and so forth. At the present time this is not possible in the Western Hemisphere since the law does not provide for any system of priorities. This bill would place an alien born in the Eastern Hemisphere on the same footing as an alien born in the Western Hemisphere in this respect.

In addition to these major amendments, the bill makes a number of other changes such as raising the limitation on immigration from areas of the world which are not independent countries, and granting the privilege of adjustment of status to permanent resident while in the United States to all aliens born in the Western Hemisphere except those born in contiguous territory or islands adjacent to the United States. These two changes are typical of a number of technical provisions which will make the administration of our immigration system fairer and more humane. Also included in this bill are a number of changes in the deportation provisions of the Immigration Act and to the sections relating to nationality designed to eliminate inconsistencies and inequities in the present law or to bring the law into agreement with recent court decisions in these fields.

A summary of the highlights of the administration bill follows:

ADMINISTRATION OMNIBUS IMMIGRATION BILL—HIGHLIGHTS

1. Applies a uniform preference system to both hemispheres but with separate numerical ceilings (170,000 Eastern, 80,000 Western) plus 35,000 each (and no preference system) for Canada and Mexico—20,000 maximum for all other countries.

2. Permits religious workers (as well as ministers) to enter as special immigrants.

3. Revises the preference system as follows:

First preference: cut from 20% to 10%.

Second preference: adds parents of permanent resident aliens over 21.

Third preference: increased to 15% (from 10%) plus fall down.

Fourth preference: no change.

Fifth preference: cut to 20% (from 24%) and limited to unmarried brothers and sisters.

Sixth preference: raised to 15% (from 10%).

Seventh preference: refugees increased to 10% (from 6%) for both hemispheres.

4. A visa waiver provision (H.R. 14596) for 90-day tourists is incorporated.

5. The Attorney General's discretion to waive grounds of inadmissability for close relatives of U.S. citizens is broadened with other aliens also eligible for waiver if offenses were more than ten years previous.

6. Western Hemisphere aliens, except natives of Canada and Mexico, are permitted to adjust status in the United States.

7. Employers who knowingly employ aliens ineligible to work or fail to inquire as to eligibility are subject to criminal penalties as are non-immigrants who take gainful employment without permission.

8. Naturalization procedures are up-dated and liberalized.

9. The loss-of-nationality provisions of the present law for voting in foreign elections, desertion, and departure to avoid military service are repealed since they have been ruled unconstitutional by the Supreme Court.

10. Cuban refugees who adjust status are excepted from the Western Hemisphere numerical ceiling.

11. Temporary workers in the Virgin Islands are made eligible for permanent residence.

PROPOSED SELECT COMMITTEE ON AGING

(Mr. PRYOR of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRYOR of Arkansas. Mr. Speaker, I rise today to introduce, once again, the resolution to create a Select Committee on Aging in the House of Representatives. In doing so, I am pleased to announce both to the U.S. Congress and to the 20 million senior Americans that the addition today of 32 additional cosponsors brings the total number of cosponsors to 222, a majority of the House of Representatives.

Now that a majority of the Members of the House of Representatives have signaled their support for this vital legislation, I hope that we will soon be able to turn our thoughts toward the positive actions which will alleviate the pain and dismay of so many of our elderly citizens.

EFFECTS OF THE PRESIDENT'S PROGRAM OF LIBERALIZED DEPRECIATION

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on Monday, January 11, in the face of continued inflation and the heated pressure on the national debt ceiling, the President announced a program of liberalized depreciation which will cost the Treasury an estimated $3½ billion per year. This tax giveaway is the equivalent of a 10-percent reduction in corporate tax rates. By a single stroke of the President's pen, all of the Treasury gains in the Tax Reform Act of 1969 were washed down the drain.

As a result of the President's action in reducing corporate taxes, thousands of profitable American corporations will be eliminated as taxpayers. When the benefits of the foreign tax credit, the depletion allowance, intangible drilling costs, and the President's schedule of depreciation are compounded—they provide a protective shield against taxation. On top of all these gimmicks, the administration apparently intends to press for special tax writeoffs for exporting corporations which could cost the taxpayers another billion dollars per year.

The dramatic thrust of the administration's tax policies is to shift most of the tax burdens of America onto the backs of the average taxpayer. The administration's tax package reflects a bold effort to eventually eliminate corporate taxation. It constitutes an incredible approach to the wrong kind of revenue sharing.

CALIFORNIA MARINE SANCTUARY ACT

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, we have seen the tragedy caused by oil spills to our beaches, to our sea life, and to our waterfowl. Steps have been taken by both the Federal and State Governments to protect the local environment, but further steps are needed.

The State of California has created seven marine sanctuaries where the granting of leases for petroleum development has been banned. They account for almost a fourth of the entire California coastline. They prohibit oil drilling on an estimated half of the tidelands suspected or known to contain oil deposits.

Our Federal policy must be to support State laws that protect our environment, for without Federal conformity, State laws may be useless. The tragedy that occurred in Santa Barbara in 1969 illustrates the need for Federal conformity, for it did the people of California little good to set aside the State sanctuary when just beyond it the Federal Government proceeded to grant leases for petroleum development.

Mr. Speaker, today I am introducing legislation which will prohibit further leasing for extraction of oil and gas in those portions of the Outer Continental Shelf which are seaward of the California marine sanctuaries.

Presently, only the Santa Barbara sanctuary has seaward leasing operations. This bill will not affect these operations, nor does it terminate any existing lease, nor the right to drill under any existing lease.

This bill restricts the power of the Secretary of the Interior to grant leases for oil and gas extraction which are seaward of the areas which California seeks to protect by establishing sanctuaries within its own jurisdiction.

The California coastline is both a State and National treasure. It is threatened by the development of its oil resources, and until we can extract oil in a safe manner, I believe the legislation I introduce today is vitally needed.

CONTINUED U.S. CONTROL OF PANAMA CANAL INDISPENSABLE

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, it appears that this Nation has become obsessed with the idea of giving up control of the Panama Canal. It is my considered judgment that such action, if accomplished, would contribute greatly toward smoothing the roadbed over which the juggernaught of international communism would travel.

We have given away the island Iwo Jima and plan same for Okinawa—our hard won and most strategic base in the Pacific.

We have given away Wheelus Air Force Base, undoubtedly its aprons will soon become a favored resting place for aircraft bearing the red star and/or hammer and sickle.

Mr. Speaker, I think it is time that the Congress makes it perfectly clear that this Nation has no need for a negotiator. The Congress should make perfectly clear, once and for all: we are there, we intend to remain there, and, in the language of today, the sovereignty of and Panama Canal itself—is unnegotiable. It is time we made crystal clear that this involves U.S. territory, and hence is a constitutional prerogative of the House and entire Congress.

For this reason, I have joined with my colleague from Pennsylvania, Mr. FLOOD, in introducing legislation that would arm the President with the sentiment of the House of Representatives and that of the American people in any future negotiations with the government of Panama over the status of the Canal Zone.

It is essential that this be done so that a reoccurrence of the abortive proposed 1967 treaty does not come back to haunt us. As many may remember this proposed 1967 treaty contained provisions that ceded additional rights of the Canal Zone to Panama, gave Panama joint administration, increased our annual payments to Panama, raised tolls, and forced the United States to share its defense and police powers with Panama. When the text of this treaty was published there was a hue and cry throughout the United States opposing its provisions. At that time about 150 Members of Congress introduced or cosponsored resolutions expressing the sense of the House that it was the desire of the American people that the United States maintain its sovereignty and jurisdiction over the Canal Zone. Public indignation ran so high that the 1967 draft treaty was never sent to the other body for ratification. A similar resolution was introduced in the 91st Congress.

Mr. Speaker, it is now over 4 years later. Much has transpired. A military junta is now ruling Panama. A new administration has taken over the reins here in Washington. On the other hand, much has remained the same. Castro is still preaching and exporting revolution in Latin America. A Communist regime now controls Chile. American property is still being expropriated "south of the border." Many people both here and abroad call for the surrender of American bases and rights throughout the world. The Panamanian Government is aware of this and is now willing to make another attempt to negotiate a new treaty. They know that they have nothing to lose, and everything to gain. They no doubt feel that if they obtain concessions from us as they did in the negotions for the 1967 treaty, they can obtain them again in any new round of negotiations.

I am also confident that the citizenry of this country know and comprehend the strategic importance of the Canal Zone. As a member of the House Committee on Armed Services I was particularly concerned about the possible effect of the 1967 treaty on both the subjects of national security and hemispheric defense. The importance of the Canal Zone as a bastion of our "southern flank" cannot be overrated. Without our control of the Canal Zone the possibility of a potentially hostile regime in Panama denying access of the transferring of our naval forces from ocean to ocean ever grows. The loss of this access could destroy a link in our defense chain and could produce a disaster. It is particularly inappropriate in this time of contingency expectancy around the world.

Mr. Speaker, intertwined with the aspect of national security, is the equally important area of hemisphere defense. The Canal Zone under our control and jurisdiction serves as an outpost thwarting the perverted ambitions of Castro, Moscow, and Peking. Our presence serves as a constant reminder of our determination to stop subversion in Latin America. I ask, would Panamanian control of the canal serve a like purpose? I think the answer is obvious.

Besides military considerations, the commercial considerations must also be examined. A Communist or hostile government could completely close the canal to U.S. shipping. Over 65 percent of all U.S. shipping passing through the canal annually either originates or terminates in U.S. ports. The added shipping costs, as well as the curtailment of shipping would be astronomical in the event this facility was denied our use.

Besides paying the price for increased shipping costs, the U.S. taxpayer could possibily be forced to surrender his aggregate investment of over $5,000,000,000 which would constitute the biggest single "give-away" in recorded history. I cannot envision the American people wishing to write off this huge public asset, without some reasonable and tangible compensation in return.

Mr. Speaker, it is imperative that all who are concerned do everything in their power now, to prevent the surrender of our right to the control of the Panama Canal. We cannot sit idly by and watch the Panama Canal become another Suez. I call upon my colleagues to cosponsor this resolution.

RESOLUTION NO. 1 OF THE MINNESOTA LEGISLATURE MEMORIALIZING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE MINNEAPOLIS-ST. PAUL AS END POINTS OF THE NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, it is, indeed, significant that the first resolution adopted this year by the legislature of the State of Minnesota petitions the Secretary of the Department of Transportation to include Minneapolis-St. Paul in the final recommendations for a basic national rail passenger system.

Resolution No. 1 is backed up by a thorough study and a comprehensive justification for the Twin Cities service filed with the Secretary of Transportation by the Minnesota Public Service Commission.

I might point out that the inclusion of the Twin Cities as "End Points" has an impact beyond our State of Minnesota. If these cities are not so designated, it could leave the States to the west of Minnesota on rail lines to Seattle entirely without rail passenger service.

I include Resolution No. 1 of the Minnesota Legislature at this point in my remarks:

RESOLUTION NO. 1

(A resolution memorializing the United States Department of Transportation to include Minneapolis-St. Paul, Minnesota, as end points in the National Railroad Transportation System)

Whereas, Congress passed the Rail Passenger Service Act of 1970; and

Whereas, the National Railroad Passenger Corporation was created under Title III of the Act; and

Whereas, Minneapolis-St. Paul are listed as a proposed intermediate stop; and

Whereas, Minneapolis-St. Paul should be included as end points; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota, that we, the Legislature of the State of Minnesota, respectfully request that the Department of Transportation include Minneapolis-St. Paul as end points in the proposed National Railroad Transportation System;

Be it further resolved, that the Secretary of State of the State of Minnesota send copies of this resolution to the Secretary of the Department of Transportation, and to all members of the Minnesota Congressional Delegation.

ESTABLISHMENT OF NATIONAL HEALTH INSURANCE PROGRAM UNDER THE SOCIAL SECURITY SYSTEM

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, on January 21, I introduced a bill, H.R. 22, to establish a national health insurance program under the social security system, and to give to middle Americans those health and medical benefits presently being developed for the poor and aged, and which the wealthy already have simply because they can afford to pay for them. I first introduced this bill in February of last year. Several improvements have been made since that time.

This bill would relieve State and local governments of $2.5 billion a year in expenditures for health care. In addition, since this bill would eliminate medicare and medicaid, the $10 billion supporting these programs would become available for the comprehensive national health program.

My bill also would preserve free choice of physicians; preserve traditional professional freedom of practice and methods of payment; and maintain, indeed, utilize the authority of local medical and dental associations and societies.

At the same time, my bill would make it possible for doctors and dentists to bypass time-consuming business administration and bookkeeping functions and permit them to concentrate on the practice of medicine and dentistry. It recognizes that the business of doctors is administering health and medical care. They should not have to be bookkeepers or credit collection agencies.

Mr. Speaker, the soaring inflation of health care prices has literally priced the average wage and salary earner out of the health care market. It is estimated that nine out of 10 Americans are medically indigent in the sense that they face financial ruin should a serious or extended illness strike. During the last decade, health care prices have increased twice as fast as the cost of living. Hospital daily charges have shot up 150 percent in the last 10 years, and in a short time the $100 per day hospital room will be commonplace. In some metropolitan areas, of course, hospital room charges have already reached that level and more.

Total health care expenditures are absorbing an increasing amount of our gross national product. In 1950, total health expenditures of $12.1 billion represented 4.6 percent of gross national profit. In 1969, we spent approximately $60.3 billion on health or 6.7 percent of gross national profit. If health costs are permitted to continue increasing at the present rate, in 30 years we will be spending twice as great a portion of our gross national profit on health as we do now.

In spite of our lavish expenditures on health care, however, we are getting inadequate results and inferior services. According to an official United Nations report: There are 35 other nations where 10-year-old boys can expect to live longer; in 10 other nations 10-year-old girls have a longer life expectancy; and in 13 other nations new-born babies have a better chance of survival. Although our medical technology is the most sophisticated in the world by many standards, neither the benefits of this technology or even necessary health care services are readily obtainable by vast numbers of our citizens.

Unless soaring health care costs are placed under some form of rational budgetary control, there is no relief in sight for the majority of our population from the crushing financial burden of spiraling health prices, and the longer we delay in implementing a comprehensive program to meet the present crisis, the more costly will be the remedy necessary to revive our ailing system of health care delivery. The national health insurance bill I have introduced would place health care expenditures under firm budgetary control, while providing practitioners with genuine financial incentives to improve the quality of health care and the efficiency with which it is delivered. This would be accomplished by utilizing the time-tested method of paying group practice prepayment plans to provide health care services on the basis of approved prospective budgets.

Comprehensive group practice plans are rapidly gaining popularity for their superiority, in terms of quality of care provided and efficiency, over the fragmented methods of solo physicians and specialists working independently. Administrators within the Department of Health, Education, and Welfare already have designed programs to encourage group practice plans. Last September, the president of the American Medical Association, Dr. Walter C. Bornemeier, acting on his own, recommended that the Federal Government provide money for doctors to build group practice clinics in areas where there are shortages of physicians.

The improvements in quality of care and efficiency accomplished by group practice prepayment plans are matters of statistical fact. The President's Commission on Health Manpower, in studying the group practice prepayment plan of the Kaiser Foundation, concluded that the Kaiser plan provided as good or better care than was available in the general community at from 20 to 30 percent less cost. In addition to Kaiser, all other group practice plans have demonstrated the capability of reducing hospitalization and the number of surgical procedures. A recent study of the Federal employees health benefits program showed the group practice plans had only one-half the number of nonmaternity hospital days per 1,000 subscribers, as the alternate coverage. Federal employees have a choice between five different types of coverage, including an indemnity plan and Blue Cross-Blue Shield. Also, the group practice prepayment plans had 42 percent fewer surgical procedures than Blue Cross.

Under the program I have proposed, State or county medical societies, or any qualified group of practitioners, could enter into contracts with the Government to provide comprehensive health care services to their respective patient populations. An individual practitioner could enter the program on his own, but the financial incentives provided under the plan make it more profitable for him to become part of a group practice plan. Hospitals, as well, could contract with the Government to serve the beneficiaries of national health insurance.

The size of the budget received by a hospital, for example, would depend on the number of beneficiaries that elect to make the hospital, their primary point of entry into the health care system. Other factors such as the morbidity rate of the population and the cost of providing services in the area, would be considered in negotiating the contracts. Once a medical society, group practice plan or hospital receives its yearly budget, the group can pay its individual members in any way they choose, either on a fee-for-service, or salary basis.

The budget of a group practice plan or a hospital will be a liberal one, but it will place a ceiling on yearly expenditures. If by improving the quality of health care and the efficiency with which it is delivered, a group or hospital has budget money left over at the end of the year, they will be permitted to retain this amount as a reward for efficiency. The general idea is to make it more profitable for doctors to keep people well than let them get sick enough to require hospitalization. The Government would be required to pay the total cost of hospitalization without limit, but the more money spent on hospital services, the less doctors would have for themselves.

In addition, the national health insurance program I have proposed would move toward restoring the balance between rural and urban areas in the availability of doctor care. In the countryside, over 412,000 people in 115 counties scattered through 23 States do not have access to a physician at all. One out of 50 Americans cannot get a doctor under any circumstance. There is also a doctor imbalance inside our large cities. New York City, for example, has an overall physician-population ratio of 278 doctors per 100,000 residents. Yet the ratio is only 10 doctors per 100,000 residents in poor areas and ghettos.

If my bill should become law, we would witness, I trust, a migration of doctors from the over-doctored areas to the under-doctored areas of the United States, since the money will be there, whether the area is rural, poor or affluent. Under this program, doctors would be motivated to serve not on the basis of a community's wealth, but on the basis of the people's need for health care in the area, and the physician's own personal inclination as to living arrangements.

Benefits provided under the program consist of virtually every kind of medical service for the diagnosis and treatment of disease, including: physical examinations; physican visists to the home, office and hospital; specialist services including, surgery and psychotherapy; eye care, including eyeglasses and frames; prescription drugs; physical therapy, and rehabilitation. Institutional benefits include hospitalization without limit and home health services including homemaker services, if necessary. Ambulance services are covered by the plan. Children under the age of 15 on the effective date of health benefits will be entitled to comprehensive dental services under the program, and will remain so entitled throughout their lives. Within 5 years after the program becomes operative, persons up to age 25 will receive full dental coverage. All residents of the United States will be eligible beneficiaries of national health insurance except those aliens who have resided in the country less than a year.

The program would be financed within a predetermined budget defined by the revenue raised under the payroll tax provisions of the bill. Employees would pay 1 percent into the health fund on wages up to $15,000, employers would contribute 3.5 percent of total payroll, and the Government would match the employee and employer contribution out of general revenues. It is estimated that if this program had been fully implemented in fiscal year 1970, the total cost would have been $41 billion, or 70 percent of the total personal health care expenses in the United States.

It is obvious, however, that the promise of comprehensive health benefits will be an empty one, unless we create a rational, efficient system of health care delivery, which is readily accessible to each beneficiary.

Two years before benefits begin under national health insurance, a resources development fund will be established to strengthen our resources of health personnel and facilities, and restructure our health care delivery system to meet the increased demand for comprehensive medical services. The $200 million will be appropriated to the fund in its first year of operation, and the following year $400 million will be devoted to the fund. Once benefits begin, up to 5 percent of the trust fund, nearly $2 billion a year, will be set aside for resources development.

A fundamental aspect of the problem of rationalizing the delivery of health care in America can be dealt with by the method I have mentioned of contracting in advance for the services of health care practitioners. As opposed to our current practice of rewarding practitioners in proportion to the seriousness of a patient's malady, the method of paying for services in advance results, in fact, in paying physicians to keep us healthy. In this way, physicians are financially rewarded for implementing techniques which reduce the cost and improve the efficiency of their services, since they are permitted to retain, as a bonus, budget money that is left over at the end of the year. By the same token, they are financially penalized for inefficient or unnecessary practices.

To improve the quality of care, the bill requires hospitals and groups of physicians, as a condition of participation, to develop programs to assure high quality medical services to all beneficiaries, and to establish a mechanism of peer review. To improve our health care delivery system, grant-in-aid amounts would be provided for the planning and development of comprehensive health delivery systems, and subsidized loans would be made available for the initial staffing of these systems. Under Kennedy and Johnson, the Federal Housing Act was amended to provide health facilities for doctors engaged in group practice. I understand, however, that this provision has not been taken advantage of, chiefly because neither the Federal Housing Administration nor the doctors knew how to put it to use.

Unless we move to construct a national plan, 50 individual State plans will be created under medicaid in an attempt to fill the need for national health insurance. The State of New York, as you may be aware, has extended medicaid benefits to persons in a family of four with $5,400 income, exclusive of the cost of getting to work. Since approximately 50 percent of medicaid's financing comes from Federal revenues, you are purchasing health care benefits for New Yorkers that are not available to persons, with comparable incomes, in your own States. We must have a national plan that can be administered fairly to all persons.

Mr. CORMAN. Mr. Speaker, I introduce, for appropriate reference, the Health Security Act on behalf of Mrs. Griffiths, Mr. Mosher, Mr. Reid of New York, and myself, as well as the following Members of the House:

Mr. Anderson of California, Mr. Annunzio, Mr. Ashley, Mr. Badillo, Mr. Begich, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Bolling, and Mr. Brademas.

Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Carney, Mr. Celler, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Danielson, Mr. Dellums, and Mr. Diggs.

Mr. Drinan, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. William D. Ford, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Harrington, and Mr. Hathaway.

Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Hicks of Washington, Mr. Holifield, Mr. Howard, Mr. Johnson, Mr. Koch, Mr. Madden, Mr. McCormack, Mr. Meeds and Mr. Mikva.

Mr. Miller of California, Mr. Mitchell, Mr. Morse and Mr. Moss.

Mr. Nix, Mr. O'Hara, Mr. O'Neill, Mr. Pepper, Mr. Perkins, Mr. Podell, Mr. Price, Mr. Pucinski, Mr. Rangel, and Mr. Rees.

Mr. Reuss, Mr. Roncalio, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mr. Seiberling, Mr. Sisk, Mr. Stokes, and Mrs. Sullivan.

Mr. Thompson of New Jersey, Mr. Udall, Mr. Van Deerlin, and Mr. Vanik.

The Health Security Act creates a comprehensive national health security program, through a system of national health insurance, which will make health care services available to all residents of the United States. We commend this bill to our colleagues in the Congress for favorable consideration.

The American people today face a crisis in health care of appalling proportions. The American people know that they have a right to quality health care, but they know, too, that for most people the availability and delivery of such care is virtually nonexistent today. We are offering a health security act that will convert that right from fiction to reality.

The program we envision is borrowed from no other nation, though we recognize that we are the last of the major nations to acknowledge our responsibilities in a national policy for comprehensive health care for all our citizens. It discriminates neither in favor of nor against any segment of our population, though we recognize with shame our enormous neglect of those who have most needed and deserved the best health care we could have afforded.

The Health Security Act proposes that we shall use the mechanism of national health insurance as a means of bringing about a rational system for the delivery of personal health services in a manner that is consistent with American needs, and creates an American system of health care for all our people.

Good health is a vital need, personally and nationally. Good health requires good health care. Yet, despite that dedication, great efforts and enormous expenditures, good health care is not actually available to millions of Americans. At the same time, we are using a substantial share of our national economic resources for medical care; we are confronted by costs which are rising steeply, but yet not effecting improvements; the inadequancy of health care resources intensifies; and our rates of sickness, disability, and mortality—already are behind the potentials of modern health care—are getting no better and may be getting worse.

I will not burden you with a repetition of the vital statistics, so often repeated in the public information media and in the professional literature—statistics which show how little progress we have been making in recent decades toward the prevention of illness or of premature mortality, whether measured against our own past or against the vital statistics of other countries.

Nor will I burden you with a recital of what almost every family knows through its own worries and frustrations and disappointments. The average family lives in dread of illness and disability, and for good reason. The path to seeking medical care is confusing, frightening, and expensive. This dilemma is not confined to the poor, the elderly, or the disabled. It is understood just as clearly by the professional worker earning $12,000 a year whose child requires a $30,000 hospitalization—not unusual for an accident or prolonged illness—and who discovers his expensive insurance pays about 60 percent of the bill. It is understood by residents of our 157 rural counties without a single physician. It touches every community in this country.

Nor will I burden you with the recounting of the distress among the providers of health care. We all know the dedication of the health profession, the commendable efforts of the hospitals and other institutions, the support of Federal, State, and local governmental agencies and personnel. And we are familiar with the limitations under which they try to meet the national need for health care, and the technological progress through research and application which has made medical care at its best in the United States second to none in the world. We also know that the best is not adequately available.

The problems of manpower shortages, lack of organization and spiraling costs have been measured and analyzed many times. The problems are well known; it is the purpose of our program to provide realistic solutions. Fortunately, the underlying causes of our health care deficiencies are manageable—though not all at once or without great effort and commitment.

The three causes of crisis underlying all the rest can be simply stated: First, the national shortages of health manpower and institutions; second, rising costs which price medical care beyond reach; and third, inadequacies in the organizational system for the availability and delivery of medical care.

These three basic causes are so intimately interrelated one with another that if we would meet the health care needs of the Nation we must attack simultaneously on all three fronts. We must insure that we have the needed health manpower, hospitals, and other institutions; we must insure the underwriting of the unavoidable costs, while also keeping these costs within reasonable bounds; and we must encourage the development of a system which provides for efficient use of the manpower and institutions and for ready and effective availability of health services to our population.

I would emphasize the importance and the urgency of simultaneous attack on all three. Production of more health manpower or more hospitals or other institutions without improving financing and organization would at best be an exercise in futility toward dealing with needs, or at the worst would invite disastrous problems of costs. Merely trying to solve the problems of steeply rising costs by pouring more purchasing power into the medical care channels will perpetuate a system characterized by consumer impatience, seller's monopoly, inefficiency, lack of accountability—all of which can only lead to further dissipation of resources.

Attempts to deal with the organizational system in isolation have no hope of success as decades of largely futile public and private efforts have demonstrated. Instead, we propose a comprehensive program, balanced and well proportioned, on an evolutionary basis. And we propose that at every point we shall provide for professional and administrative protections and controls to safeguard the essential ingredient of good quality in health care services.

Every discussion of the health care problem is, unavoidably, heavily concentrated on the costs of medical care, which have been climbing twice as fast as other consumer costs. If this trend continues, the Social Security Administration estimates that national expenditures on personal health services will reach $96 to $102 billion by 1974. This is an increase of almost 100 percent over comparable expenditures in 1969 which totaled $52 billion. Manpower shortages and inefficiencies of disorganization lie at the root of current medical inflation. The spiraling costs—now approaching 7 percent of the GNP—will not be slowed down until we take effective measures to increase the supply of manpower and bring order to our delivery system.

In the 4 fiscal years 1966 to 1969, inclusive, the national expenditures for personal health care, exclusive of the net costs to private insurance, went up from $183 to $256 per capita. The most recent Consumer Price Index—CPI for July 1967—shows that medical care prices are still rising at nearly twice the rate for all items in the consumer's market basket.

Despite the massive sale of private health insurance, most of the expenditure for personal health services must still be borne out-of-pocket at the time of illness or as a debt thereafter. The reason is that nearly all private health insurance is partial and limited, covering in the aggregate only about one-third of the private costs and leaving nearly two-thirds to be paid outside the framework of insurance. Private health insurance through more than 1,800 different carriers competing with each other, and through a bewildering array of insurance policies, can do no more than this to ease the burdensome impacts of medical care costs on American families. Nothing less than a national commitment of resources can deal with the need for adequate insurance against the costs of medical care. The health security bill makes this commitment.

It will be readily recognized that the proposed financing, starting with actual levels of expenditure, is not concerned primarily with new costs. On the contrary, the program effects mainly a rechanneling of money already spent, in order to use it more effectively. Health security expenditures would replace large expenditures already being made by people generally, by employers, by voluntary agencies, by the Federal, State, and local governments, and would relieve State and local governments of various expenditures which they are finding burdensome. For instance, for fiscal 1970, the Medi-Cal program cost my own State of California $485 million. Had the Health Security Act been operative in 1970, the estimated savings to California in this program would have been $291.4 million. Since local property tax pays part of the State's Medi-Cal bill, the savings to homeowners would have been substantial. In addition, the program would have saved the State of California the $1 million it contributed to the premium costs of private heath insurance policies for State employees in fiscal 1970.

In fiscal 1970, the estimated cost of the program would have been $41 billion, or 70 percent of the total personal health care expenses in the United States. None of the $41 billion in expenditures under the health security program represents "new" money. Rather, this amount of money is already being spent by individuals, employers, and governments for health care. The $41 billion actually expended in fiscal year 1970 consisted of $29.5 billion in private out-of-pocket payments and private health insurance payments, $11.5 billion in payments by Federal, State, and local governments. Under the new program, however, the same amount of money will provide more health services for more people by revitalizing the existing health delivery system and reducing the inflation in the cost of health care.

Mr. Speaker, at this point I would like to outline briefly the major aspects of the health security program:

First, the health security program does not envisage a national health service in which Government owns the facilities, employs the personnel, and manages the finances. On the contrary, it intends a partnership of the public and private sectors: Governmental financing and administrative management; joined with private provision of the personal health services through private practitioners, institutions, and other providers;

Second, the health security program would be effected through a process of gradualism, moving on an evolutionary course from what we have and where we are toward the goals we would attain; and

Third, the more or less comprehensive health services to be covered by the health security program would be financed on a budget basis, with reasoned provision of necessary funds from the pool of national resources, and with containment of hitherto unlimited expenditure demands on the national resources, and with containment of the hitherto unlimited expenditure demands on the national economy.

Under the Health Security Act, every resident of the United States would be eligible to receive covered benefits beginning with the middle of the program's third year of operation. Eligibility would not require either an individual contribution history or any means test.

The benefits are intended to embrace the entire range of personal health services required for personal health, including services for the prevention and early detection of disease, for the care and treatment of illness, and for physical rehabilitation. With only four exceptions, there are no restrictions on needed services, no cutoff points, no coinsurance, no deductibles, and no waiting periods. The four exceptions are dictated by inadequacies in existing resources or in management potentials, with respect to skilled, nursing home care, psychiatric care, dental care—this benefits starts with those who are under age 15, and extends to other gradually—and covered medicines and appliances.

The financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, utilizing teams of professional, technical, and supporting personnel. Earmarked funds would be available to support the most rapid practicable development toward this goal through a resources development fund which would become operative 2 years before benefits begin. Priorities in the initial tool-up fund would support education, training, group practice development and other health care delivery system improvements. In the 2 years, the operation of such a fund could provide systems for the health care needs of between 6 and 8 million people. After benefits become available, the resources development fund would become a permanent ongoing part of the program.

Equally important are the financial, professional, and other incentives built into the program which are designed to move the health care delivery system toward organized programs of patient care. As alternatives to the prevalent solo practice, fee-for-service methods the incentives will encourage preventive care and the early diagnosis of disease.

Federal law would supersede State statutes which restrict or impede the devolopment of group practice operation. Thus, the program would undertake to do what it can toward assuring the availability of covered health services and not merely contributing further strains on overburdened resources.

Providers would be compensated in full, agreeing not to charge individuals for covered services. Hospitals and other institutional providers would be paid on the basis of approved prospective budgets. Independent practitioners—physicians, dentists, podiatrists, and optometrists—may be paid by various methods which they may elect: By fee for service or by capitation payments, or in some cases retainers or stipends, and by combination methods. Comprehensive health service organizations may be paid by capitation or by a combination of this method and methods applicable to payment to hospital and other institutional services. Other independent providers—for example, pathology, laboratories, radiology services, pharmacies, providers of appliances—would be paid by methods adapted to their special characteristics.

The health security program includes various provisions to safeguard quality of care. The program would establish national standards for participating individual and institutional providers. Independent practitioners would be eligible to participate upon meeting licensure and continuing education requirements.

Specialty services would be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions would be eligible for participation if they meet national standards somewhat more exacting than in medicare, and establish required utilization review and affiliation arrangements.

With respect to the problems of health manpower shortages, health security intends to supplement established Government programs. It would give incentive and continuing support to comprehensive group practice organizations for the efficient use of personnel in short supply and for the progressive broadening of services. It would provide support funds for education and training programs for personnel especially needed for covered services, and support stipends to students and trainess—especially for those disadvantaged by poverty, membership in minority groups, and so forth. It would also provide special financial and other supports for the location of needed health personnel in both urban and rural shortage areas.

Various Federal health programs would be superseded, in whole or in part, by health security. Since all persons, including those 65 and over, would be covered by the program, medicare under the social security system would be terminated. Federal aid to the State for medicaid would also be terminated except to the extent that, and for so long as, services under that program are broader than under health security. As with medicaid, so also with other Federal programs which may be broader than health security. However, our bill does not undertake to revise the provisions for personal health services under the Veterans' Administration, temporary disability, or workmen's compensation programs. It does direct to the Secretary of Health, Edcation , and Welfare and the Administration of Veterans' Affairs to study the feasibility and desirability of coordinating these and other Federal health benefit programs with health security benefits.

The administration of the health security program is designed to concern itself with the availability of services, the observance of high quality standards, and the containment of costs within reasonable boundaries. Policy and regulations would be established by a five-member Board, appointed by the President and confirmed by the Senate to serve 5-year, overlapping terms. The Board would serve under the Secretary of Health, Education, and Welfare and no more than three members would be chosen from any one political party. The Secretary and the Board would be required to coordinate the operation of the program with other health related programs of the Government. A statutory National Advisory Council would participate with the Board on general policy, the formulation of regulations, and the allocation of funds. Its members having 5-year rotating terms and including representatives of providers and of consumers—the latter in majority. Administration would be effected through the Department's regional offices and would be mainly operational in health service areas, with advisory councils on matters of administration at each such level. Local offices would have the responsibility of serving as ombudsmen for the consumer in the health system and of investigating complaints regarding the administration of the program made by consumers or providers in their area. Through its regulations, the Board would guide performance under the program; it would coordinate various activities with the State and regional planning agencies; it would provide an accounting of activities to the Congress and it would engage in studies and projects for evaluation and for progressive improvements of operations.

The financial operations of the program would be managed through a health security trust fund—similar to the social security trust fund. One-half of the income for the fund would come from Federal general revenue with the other half coming from taxing individual income up to $15,000 annually, employers' payrolls and non-earned income. Each year, the Board—with the participation of the Advisory Council—would make an advance estimate of the amount available for expenditure—to pay for services, for program development, and for administration—and would make allocations to the several regions. These allocations would be subdivided among categories of services and designated for the health service areas, with participation by the advisory councils. Advance estimates, constituting the program budgets, would be subject to adjustments, as may become necessary, in accordance with guidelines in the act. The allocations to regions and to service areas would be guided initially by the latest available data on current levels of expenditures; thereafter they would be guided by the program's own experiences in making expenditures and by evidences of need toward meeting the program's obligations and objectives equitably throughout the Nation.

Thus, Mr. Speaker, the Health Security Act we submit to the Congress and to the people of the United States differs from all previous proposals for national health insurance. It is not just another proposal for insurance. It is not merely an extension of medicare by stages to everyone. It is not an ill-conceived open-ended design for pumping more dollars into a chronically strained "nonsystem." It is not simply a bigger categorical program for the production of manpower and facilities without creating a system to employ them.

Our program will build for the residents of this country a rational system of national health security. It will not require an increased expenditure of funds, but will instead allow citizens to pay for their medical security during their income producing years in accordance with their level of earnings. The funds which we as a people can afford to provide will finance and budget the essential costs of good medical care. Simultaneously we will strengthen our capacity to deliver health services, and make good health care available without financial hardship for all families and individuals in the Nation.

We take cognizance of the fact that organized medicine shares our concern that American faces a crisis in health care. We know that our goals are the same—to provide adequate health care services for all Americans. We would hope and expect organized medicine to make a substantial contribution in setting up the mechanism for the health security program so that its long years of experience and the expertise of its members would be available for the effective functioning of the program. As lay groups, the various advisory boards and advisory councils established under the Health Security Act would, I am sure, want to rely heavily on the cooperation and advice of organized medicine so as to insure that the highest possible quality of medical care would be available to everyone and that an equitable distribution of available funds would be maintained.

We expect that the introduction of the bill and consideration of its companion that is being introduced in the Senate will spark the most intensive public debate on this subject in 20 years. We are aware that there are several legislative proposals for national health insurance before the Congress. But we hope that in the course of public discussion and congressional debate the all-inclusive provisions of the Health Security Act will be contrasted to the piecemeal approaches of the other proposals. And we hope, too, that our colleagues realizing the seriousness of the health crisis in America will not delay in enacting this measure during the 92d Congress thereby insuring, for the first time in U.S. history, health security for all Americans.

GENERAL LEAVE

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my speech, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

BANNING U.S. AIR OR SEA COMBAT SUPPORT FOR ANY MILITARY OPERATIONS IN CAMBODIA

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. I am today reintroducing with additional cosponsors the legislation I introduced last week amending the compromise Cooper-Church provision adopted in the closing days of the 91st Congress so as to ban any "U.S. air or sea combat support for any military operations in Cambodia." This brings to 69 the total number of Members who have cosponsored this measure.

Reintroduction of this legislation today occurs amid renewed reports from Southeast Asia that the administration is violating both its own policy assurances with regard to the U.S. role in Cambodia, and the intent of the Congress in approving the compromise Cooper-Church language as part of the Special Foreign Assistance Act of 1971. Today's New York Times reports that U.S. military officials in Southeast Asia have worked out a plan by which U.S. military personnel will oversee the delivery and use of military aid to Cambodian troops without assuming the role of "advisers." Such a plan is an exercise in "doublethink" and a clear violation of the spirit and intent, if not the letter, of the Cooper-Church policy.

The argument made by U.S. officials that this program is made necessary by the rapid increase of U.S. military assistance for Cambodia is a perfect illustration of the same cycle of entanglement that we experienced in South Vietnam. It was anticipation of just such entangling developments that prompted some of us in the House to vote against this special military aid to Cambodia. The clear intent of Cooper-Church was to prevent us from repeating the mistakes we made in South Vietnam. That overriding intent was never compromised. Yet, the administration is now again following the same misguided logic, the same path of deepening involvement, in Cambodia that we have lived to regret in South Vietnam.

Reports from Southeast Asia this morning also indicate that American combat forces, carrying weapons and wearing combat boots but otherwise in civilian clothes, have been engaged in operations in Cambodia to rescue helicopters damaged in recent Communist attacks. How will this step be explained away?

Mr. Speaker, we must make clear to the administration, if it is not clear already, that the Cooper-Church language enacted by Congress must be interpreted and observed as a strict ban on direct or indirect U.S. combat support for military operations in Cambodia. That is the intent and purpose of my amendment to Cooper-Church. I strongly urge prompt hearings in the House on this measure so that the House may take prompt action on it before it is too late.

HEW AND SOCIAL SECURITY ARE CHEATING MILLIONS OF MEDICARE PATIENTS BY PAYING ONLY 50 PERCENT OF REASONABLE COSTS INSTEAD OF 80 PERCENT

(Mr. STRATTON asked was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I take this time this morning to bring to the attention of Members the fact that for some months now the U.S. Department of Health, Education, and Welfare and the Social Security Administration have been seriously shortchanging millions of American senior citizens on medicare rolls, in violation of law, without any public admission or explanation, and with widespread hardship and confusion among one group of citizens least able to defend themselves from this kind of fiscal sleight-of-hand.

It has come to my attention that since last summer Federal medicare officials have been paying medicare clients enrolled under the voluntary doctors plan, and also under the hospital plan, apparently, only 50 percent of the cost of their doctor bills instead of the 80 percent legally mandated in the medicare law. What is more, they have done this without any public announcement or publicity, without any advance notice to medicare clients and without any rational explanation.

In fact the whole shortchanging operation has been carried out with a degree of secrecy and surreptitiousness that would put even the CIA to shame. Last January 5 I wrote a detailed letter to Secretary Richardson to ask for a full explanation of what was going on, and to this day I have received nothing in writing from either the Secretary or anyone in the Department that would even admit the action that has been under way, let alone give me the legal authority by which they claim to have justified their action.

Unofficially and over the phone I have been told by subordinate officials that last summer the Department instituted a new, and obviously very quiet policy of reimbursing doctors services under which the year 1968 was arbitrarily selected to determine what "reasonable" charges amounted to, rather than fixing them on the basis of current cost-of-living figures.

Now where they get the authority to do this, where they get the legal right to make senior citizens, already more heavily hit by inflation than anybody else, bear the full burden of inflation in the medicare field I am still, 3 weeks after my letter to Secretary Richardson, at a loss to understand. But the practical effect of what the Department has done has been to cheat millions of medicare patients out of 30 percent of the money which Congress authorized them back in 1965 to receive, and which they had a right to expect when they first signed up for the voluntary reimbursement program.

I can only conclude that the Department of Health, Education, and Welfare is trying to balance its internal budget out of the hides of retired American citizens whom it was created primarily to help.

Presumably the Department is also trying to shift the blame for this cruel and underhanded action onto the doctors themselves. But if HEW is aware of what has been happening to our economy in the past 2 or 3 years, or if HEW has done anything at all to order a freeze on doctors' fees under medicare, or a rollback in fee increases, the record is thunderously silent on both points.

Obviously this policy cannot be tolerated and the practice must be brought to a halt. I am presently in the process of drafting legislation designed to do exactly that.

Mr. Speaker, early in January, after I had addressed my letter to Secretary Richardson, there was some nationwide press coverage of the questions I had raised with the Secretary. In response to these published reports I have received many letters from around the country substantiating the charges I had heard, and listing individual cases in point. Under leave to extend my remarks I include a sampling of some of these letters. Also I include a letter to the Washington Post of November 16, 1970, which prompted my original letter to the Secretary, a copy of that letter, and the Department's replies to me to date.

The material follows:

Medicare Percentages

Recently my father sent to Medicare his current doctor bills amounting to approximately $100. The check he received from Medicare, which was supposed to cover 80 per cent of medical bills, was for a little more than $50, instead of about $80 which he expected.

He called the accounting office of the clinic where he receives medical care. He was told they had been getting numerous complaints of the same type.

He then telephoned long distance to the Richmond office which handles Medicare for his area. He was informed that orders had come from the Social Security Administration to pay 80 per cent of the rates which were in effect in 1968 instead of 80 per cent of the actual bill at 1970 rates, beginning in July, 1970. In effect, instead of paying 80 per cent of medical bills, Medicare is now paying only 50 per cent.

Social Security gives as an excuse for this policy their effort to induce the doctors to cut their rates. This measure has no effect whatsoever on doctors. A great many of them are probably unaware that this practice is going on. Besides, they still get their money—from the patients rather than from Social Security. The people who are penalized by it are those least able to afford it—the old people on limited fixed incomes. It merely means that these poor old folks are not receiving the benefits they had been led to believe they were entitled to, and were counting on.

As far as I can determine by inquiring of a number of people, this matter has not been given any publicity. None of them had heard it on a news broadcast or read it in a newspaper. In fact, even the people who work at the Social Security-Medicare information office had never heard of it until I called them back to inform them about it after I had talked to someone in the Medicare claims department.

It is obvious that those responsible for this action did not want the general public to know what they were doing. Why was it kept so quiet?

Naturally I do not relish the idea of having more of my salary withheld for social security. However, I do think the people who are still working and earning money are the ones who can better afford it. But in an election year what politician would suggest such a thing? It would be much better strategy to make the poor, sick, retired people pay—without prior notice of this added expense.

FRANCES A. BROWNE.

ARLINGTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 5, 1971.
Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: There came to my attention the other day a rather startling report included in a letter to the editor of the Washington Post with respect to current operations of Medicare, which I am bringing to your attention and which I believe requires immediate and much fuller clarification.

According to this letter, a copy of which is enclosed, the Social Security Administration has ordered its regional offices to repay Medicare accounts, beginning July 1970, at 50 percent of the total bill rather than 80 percent.

Such action would appear to me to be not only contrary to the law but will obviously place very severe hardships on thousands of needy older citizens.

I would appreciate it if you could tell me whether this account is true, and if so why this order was issued.

Furthermore, I would like to know who issued the order, under what rules or regulations or legal authority it was issued, and in particular I would like to know whether, as the enclosed letter suggests, a deliberate effort has been made by the Social Security Administration, to keep this change of policy secret from the American public.

I would also like to know, in view of the recent announcement that Medicare premiums will rise effective July 1971, just what the significance of this action will be for the future operation of the Medicare system. I will be interested in your reply.

Sincerely yours,
SAMUEL S. STRATTON,
Member of Congress.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
January, 8, 1971.
Hon. SAMUEL STRATTON,
House of Representatives,
Washington, D.C.

DEAR MR. STRATTON: The Secretary has referred your January 5 letter requesting information regarding the current operation of Medicare, to the appropriate office.

A reply will be forwarded to you as soon as possible.

Sincerely,
JERRY W. POOLE,
Deputy Assistant Secretary for Congressional Liaison.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 14, 1971.
Hon. SAMUEL S. STRATTON,
House of Representatives,
Washington, D.C.

DEAR MR. STRATTON: Thank you for your letter of January 5 concerning the method used in determining medical insurance payments under Medicare.

I have asked Robert M. Ball, Commissioner of Social Security, to look into the specific questions you raised. Commissioner Ball will furnish me a report and I will be in touch with you again as soon as I receive it.

With best regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

PHILADELPHIA, PA.,
January 1, 1971.
Hon. SAMUEL STRATTON,
U.S. House of Representatives,
Washington, D.C.:

I am deeply grateful to you for calling public attention to this article appearing in the Philadelphia daily news. Thank you.

Sincerely,
——— ———.

MEDICARE PATIENTS BEING SHORTCHANGED?

Is the Social Security Administration secretly refunding only 50 percent of Medicare charges instead of the legally required 80 percent?

That's the highly pertinent question Rep. Samuel Stratton (D., N.Y.) has bluntly put up to HEW Secretary Elliot Richardson.

In a letter to the latter, Stratton states he had read a "startling report" that the Social Security Administration quietly ordered its regional offices to repay Medicare accounts, beginning July 1970, at 50 percent of the total bill rather than 80 percent.

"Such action would not only be contrary to the law," Stratton told Richardson in a letter, "but will obviously place very severe hardships on thousands of needy older citizens. I would appreciate your promptly advising me whether this information is true, and if so why this order was isssued."

Particularly cited by Stratton is the apparent secrecy surrounding the matter. He noted there has been no official statement about it one way or the other.

"I would like to know who issued this order," wrote Stratton, "under what rules or regulations or legal authority it was issued, and in particular I would like to know whether a deliberate effort has been made by the Social Security Administration to keep this change of policy secret from the American public."

Also raised by Stratton is whether the reputed drastic cut in Medicare refunds is in any way connected with the already announced increase in Medicare premiums.

"I also want to know," Stratton told Secretary Richardson, "just what the significance of this action will be for the future operation of the Medicare system in view of the recent announcement that Medicare premiums will rise effective July 1971."

There has been no comment so far about this widely important matter from either Richardson or the Social Security Administration.

Stratton is a former mayor of Schenectady, N.Y., a twice-decorated Navy veteran, an honor graduate of Harvard and trustees of Eisenhower College, Seneca Falls, N.Y., and a ranking member of the powerful House Armed Services Committee.

FORT LAUDERDALE, FLA.,
January 16, 1971.
Hon. SAMUEL STRATTON,
New York State Representative,
Rayburn Building,
Washington, D.C.

DEAR SIR: After reading Allen and Goldsmith's article appearing, Jan. 14, in our local paper (photostat enclosed) I am taking the liberty of writing this letter. It takes a man of stature to question doings, actions and double talk of the administration now in power in Washington. There is no question of your sincerity, a man who has served his country so well. I suspect you will be in the dog house with the administration. But I can assure you that you have won the respect and admiration of millions of your fellow Americans.

In reference to Medicare there is no question that shenanagans are going on and that the senior citizens are being hurt. No doubt you have plenty of proof of what is going on and I wish to add proof of my own experience with Medicare and therefore enclosing photostat of my Medicare Benefit Report. Note that the medical charges submitted total $108.00 and that I was allowed $75.00 and received $60.00. To the Medicare Benefit Report I am attaching a note explaining how it was handled and what the charges are about. I have in my possession copies of doctors bills involving these charges. I do hope your inquiry will be given proper consideration but I suspect that you will only get answers that will explain nothing but further confuse the issue.

Regardless of the results, please add my name to the millions of your respectful admirers wishing you a continued successful career.

Sincerely,
——— ———.

(P.S. I hope you forgive me but I wish to give you a brief outline of myself. I am 76 years old, served with the 28th Aero Squadron Pursuit during the 1st World War. The 28th Aero Pursuit is one of the four American Aero Squadrons that took over LaFayette Escadrille personnel and identification after it was disbanded. I enlisted in New York City, was stationed at Fort Slocum for awhile then shipped to Kelly Field Texas to train.)

MISSOURI VALLEY, IOWA,
January 19, 1971.
Representative SAMUEL STRATTON.

DEAR SIR: Upon receiving our daily paper we read an article by Robert S. Allen and John A. Goldsmith about Medicare refunds that we pay from our R.R. pension and our Govt. pays the same amount, which we have a bill unpaid from our Medicare of 1969. We have wrote our Senator Harold Hughes but on reading this and your reaction to this would like to tell you our experience. At first the Travelers Ins. Co. which is our agent, I sent in a bill my Dr. which is treating me for pernicious anemia, for which he gives me shots for and the bill in full for medicine $107.00 by a itemized statement for which they found just $23.00 which they applied to my $50.00 deductible and left $84.00 they would not allowed and wrote me so. Then I tried to explain but to no success so I wrote our R.R. union after a while they found they could allow 1 of these shots per month for which it all added up to their amount deductible and they sent me a check for their balance and of the big sum $7.20 for which I still have until we find out if is their way of paying the just claims as they get their money and will not settle.

As we sent our Senator all of the just claims and read this in our paper I wanted you to hear our side of this too. Thanks.

SARASOTA, FLA.

Representative SAM STRATTON,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE STRATTON: We appreciate your recent inquiries into medicare's alleged inequities (as reported in an Editorial by Robert S. Allen and John Goldsmith, published in The Sarasota Herald Tribune of 1-17-71).

Also, the January edition of the AARP Magazine gave some definite figures and names of those not having received correct remuneration from medicare.

Now—please—we would like to see openly published HEW's answer to your very definite questioning as put forth in your letter to Secretary Elliot Richardson!

Is this not possible?

Thank you for your interest in honesty, and the welfare of our senior citizens.

Very sincerely yours,

———— ————.

ROME, N.Y.,
January 19, 1971.

Representative SAMUEL STRATTON,
House of Representatives,
Albany, N.Y.

DEAR SIR: In your questions to HEW which I read in the Rome Sentinel of Jan. 16th, I think you have stirred up a 'mare's nest", and I am glad you did, for they are questions about Medicare and SS which I have wanted to ask of someone, myself, someone who would not make reasonable-sounding excuses.

I'm beginning to think Medicare is a big fraud; if I had to go to the hospital today, and it isn't an impossibility for one in my condition, I wouldn't have the $60 "deductible". It would be a mere trifle to someone who has an ample income. I've had no Medicare refund for three months, and I need it. Besides it has been reduced, and the reason given for "disallowing" part of my doctor's bill, reducing it from $48 to $32 is given as excess mileage, which is ridiculous, considering the fact that his patient-load is much heavier, his paper work is impossible for one assistant to cope with, due to the number of poor souls who never before could afford adequate medical care, thus necessitating extra office assistants.

I understand a doctor's "deductible" is to be raised to pacify him to some extent, but who pays it? The penniless patient who finds it impossible to pay the first "deductible" of $60 to hospital. It's "give with one hand and take away with the other."

Another thing which doesn't sound right to me, is, the professional status of the "investigators" who call on doctors to check which patients are receiving too much care; are they trained to be proficient in overrulling a doctor's recommendation as to diagnosis, treatment and medication? Suppose they should make a wrong decision against the doctor's warning and the patient dies; Where would the fault lie? Who has the right or training, or good judgement to select these investigators?

There are many who would like some answers, so keep up the good work.

Sincerely,

———— ————.

LA FLORESTA TRAILER COURT,
AJIJIC, JALISCO, MEXICO,
January 20, 1971.

Hon. SAMUEL STRATTON,
Washington, D.C.

DEAR CONGRESSMAN STRATTON: Yesterday in The News, Mexico City, was an article "Inside Washington" by Robert S. Allen and John A. Goldsmith that states that Medicare was intructed to pay only 50% of the charges instead of the 80% it is supposed to pay.

From the enclosed letter which was written but not sent you will note we are complaining because $20.00 should have been allowed, 80% of which is $16.00 but we were sent a check for $5.60.

This whole kit and check are being sent you. I think they are in line with what you need in your argument with HEW.

We expect to be at the above address in Mexico until about April 1.

Yours very truly,

———— ————.

(P.S. This was for my wife. It is hard to get the E.G. from the check or Equitable breakdown.)

DEERFIELD BEACH, FLA.,
January 16, 1971.

Representati· ɚ SAMUEL STRATTON,
House Armed Services Committee,
Washington, D.C.

DEAR SIR: I am so happy to see that someone has at long last questioned the Medicare payments. More power to you!

On one bill I submitted for my husband from Dr. E. Cayia for $100.00 they paid $50.40. On another one from Dr. Daniel Peschio for $88.00 they paid $64.00. If you would like copies I can obtain them from Medicare showing their payments.

The boost to come on July 1st is entirely out of order and unnecessary. Why do they not freeze Doctors fees!? Their fees have skyrocketed! The doctors know what Medicare pays and they top that bill with the charge a patient not on medicare would normally pay so the medicare patient as well as medicare pay double. It is shameful! The doctors fees should be rolled back and then frozen.

The elderly are truly the forgotten people . . . even though they helped to build our great country.

Thank you!

Very truly yours,

———— ————.

GARDEN GROVE, CALIF.,
January 16, 1971.

Hon. SAMUEL STRATTON,
House of Representatives,
Washington, D.C.

DEAR SIRS: I read with interest an article in our local newspaper in which you were stated to have asked the Social Security Administration if they were secretly refunding only 50% of Medicare charges instead of the legally required 80%. The article was written by Robert S. Allen and John A. Goldsmith.

I have had experience with Medicare this past year. My husband passed away July 30, 1970. Did you know that they do not pay 80% of the charges? For example, on July 2, 1970 a Dr. injected radioactive material into my husband. The charge for this service was $321.00. He sent the necessary papers into Occidental Life Insurance Company who is the carrier for this region. In late October he received a check from them for the amount of $80.00. He thought that was a very small amount, he said that it didn't even pay for the medicine which was used. Naturally, the remaining amount had to be paid by my family and myself. I wrote to Occidental requesting a review of the case and December 24, 1970, the Dr. received an additional check from them for $120.00. This made the total amount they paid $200.00. This is not 80%. Nor did they pay 80% of the other medical costs, the hospital bill was paid after the deductible was taken care of, but the carrier of this insurance pays only what they say is the amount that should be charged. I have all the papers to prove this.

I just thought you should know.

Very truly yours,

———— ————.

OXNARD, CALIF.,
January 17, 1971.

Hon. SAMUEL STRATTON,
House of Representatives,
Washington, D.C.

DEAR SIR: Enclosed is a clipping from our local paper here in Oxnard, California I feel sure, because of your interest and comments on this subject that this report to you will be of interest, also I'm hopeful that a letter from you to Occidental Life Insurance Company of California, the Medicare representative here, will be of benefit to me and to others in my predicament at the same time making the Medicare program aware of your interest.

The editorial struck "home" in two ways. First it brings home a fact for me, thinking in these later years that I'd be taken care of not only through my New York State retirement from Cornell in Ithaca, but my Social Security and Medicare.

The cut-back by Medicare is a reality—for example: January 2, 1970 (prior to July 1970) Dr. in Ventura, California, an ophthalmologist discovered through an eye examination that I had excessively high cholesterol count, impairing my vision.

Dr. Santa Barbara examined me and consequently I had numerous tests and examinations in The Sansum Medical Clinic, where it was also discovered a mole growing somewhere back of my right eye, I must return next month to let them see the extent of the growth pattern.

As you can see, Medicare paid the Dr. statement but have ignored the Sansum statement, possibly deeming it a routine check-up, in spite of the fact that Dr. wrote to them explaining the situation.

I am enclosing the paid portion of Dr. bill showing that I have met the $50.00 deductible requirements for 1970 and the still unpaid Sansum bill. I do have NYS Blue Cross and Blue Shield waiting for Medicare to act.

It made me feel good to know that someone was watching out for our interests and that you will find time in your busy schedule to write to this insurance company that is representing Medicare out here. Thank you.

Sincerely,

———— ————.

WHITMORE LAKE, MICH.,
January 14, 1971.

Representative SAMUEL STRATTON,
Washington, D.C.

DEAR SIR: I can answer your question if the Social Sec. Adm. is refunding only 50% of Medicare charges. They did in my case but it was closer to 45%.

This nefarious imposition on the aged is done by the devious method of allowing less than the fee charged the patient by the doctor. This on the pretext that the doctor's fee was more than the standard fee in the area.

There is no doubt that this standard fee is purely arbitrary as in my case one doctor was the only one in town, so whatever his charge it must be the standard.

In another doctor's fee which they whittled down to $7 from $15. I had no choice of either a doctor or control of the fee as I was admitted to emergency in the middle of the night in the hospital available for such services. This fee must have been standard.

I protested the cut in my medicare allowance at the local S.S. Office. They adopted a very neutral attitude and referred to the Medicare Division as "they" as though they weren't part and parcel of it.

They condescended to type out a protest form for me, but made it quite plain that this wasn't their baby and I was on my own.

Are local S.S. and Medicare offices autonomous, leaving a poor individual to fight it out with some "big daddy" miles away via the mail? I still have a little gumption to fight it out but how about thousands who are at the mercy of an arrogant bureaucratic juggernaut imposing arbitrary decisions on the weak and defenseless.

Sincerely,

——— ———.

——

NOKOMIS, FLA.,
January 17, 1971.

U.S. Representative SAMUEL STRATTON,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STRATTON: I have just read of your highly pertinent question to HEW Secretary Elliot Richardson:

"That the Social Security Administration quietly ordered its regional offices to repay Medicare accounts at 50% of the total bill rather than 80%. Why—?

In other words they are using 1968 reasonable charge level ignoring rising costs of doctor fees. This brings the percentage payments down to 50% not 80% as the law requires.

American Association of Retired Persons News Bulletin Vol. 11, No. 12 of January 1971 carried these same facts.

All Recipients certainly thank you as one Congressman who has the "Guts" to stand up for them and their rights.

All success, Congressman Stratton.

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FORT LAUDERDALE, FLA.,
January 14, 1971.

Representative SAMUEL STRATTON,
House of Representatives,
Washington, D.C.

DEAR SIR: I read today in the Fort Lauderdale News of your letter directed to Social Security Administration relative to a directive whereby payment of medicare benefits would be reduced to 50% as of July 1, 1971.

I thank God you have the courage of your convictions and wish we had more such men.

To try and be helpful regarding medicare I wrote Senators Lawton Chiles, Senator Spessard Holland, Senator Edward M. Kennedy and Senator Adlai E. Stevenson relative to a social security problem on December 31, 1970.

I feel that you should be aware of another method that Social Security personnel circumvent the intent of the law and am enclosing a copy of the letter to the senators as mentioned above. If you are not aware of the problem the information may help you in your determination to do what is right.

Thank you so much.

Very truly yours,

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SANTA ANA, CALIF.,
January 17, 1971.

Representative SAMUEL STRATTON,
Washington, D.C.

DEAR CONGRESSMAN STRATTON: I read an article in our city Newspaper titled: "Is Medicare Holding Out On The Aged?"

This lead me to write to you direct as I for one through a recent experience know there is something very wrong with the Medicare payments.

Having been in the hospital with heart and a light stroke, I had occasion to use Medicare to pay that bill and now am still under my doctors care.

I was under the impression that when entering the hospital that I should pay the first 52 or 54 dollars but out of my money I paid $107.00. I was informed that was because there was extra cardiograms, but I thought that was to be taken care of through Medicare.

Now that I am at home but still under a doctors care I have sent in his and other medical bills to the Occidental Life Ins. Co. of Los Angeles and to date they haven't paid 80% of the total of the doctors bills. They have cut down my doctors figures to what they say Medicare allows, then have perhaps taken 80% of the cut down figures. My doctor is an honest man and I can't understand why Medicare doesn't pay 80% of his and other totals bills. That is what I understand Medicare would pay when I took out Medicare.

Having to pay so much out of my meager savings and the Soc. Sec. I get surely works hardships on not only me but probably many other older people.

I certainly admire your stand on the Medicare issue for we older ones certainly need someone to look out for our needs.

Most of us have been productive individuals and want very much to take care of our obligations without having to depend on our children, if any, or what you might call "handouts" from the government. Having believed in Medicare when it first came out I'm sure we all felt like we were on our own to some extent.

If we can't depend on Medicare paying what it is supposed to where else can we look?

Thank you for any help you can give "the oldsters."

Sincerely,

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LOGANSPORT, LA.,
January 16, 1971.

Hon. SAMUEL STRATTON,
House of Representatives,
Washington, D.C.

DEAR SIR: A column in the Shreveport Times of this date carried a story of your questioning the HEW about insufficient payments on Medicare bills.

For your information, for the year of 1969 each $5.00 charge for laboratory was credited as 4.10 and marked "more than the allowable charge." Thusly, we were cheated out of 18 per cent of the laboratory charges.

For the year of 1970, one doctor's charge of $5.00 for a shot was reduced to $3.00 allowable and a heart specialist's bill of $7.00 was reduced to six dollars. The laboratory charges of $5.00 per visit was reduced to a measly three dollars. The outcome was that I filed for $58.00 in Lab and doctor bills and received notice that I had met $49.00 of the deductable for 1970.

We pay more every year and receive less.

When Medicare came along the Group Policy for health and accident given freely by the company when I retired, was cancelled. Now I must depend on the damn bureaucrats whether I want to or not. The Company insurance did pay off while Medicare has much too much "More than the allowable charge."

I hope the above may be of some help.

Sincerely,

——— ———.

NATIONAL NUMBERS DRAWINGS—A SENSIBLE SOURCE OF NEEDED REVENUE

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, this country is operating at a deficit that increases every year. There are not enough revenues to finance the public's need for additional governmental programs and services. The need for additional revenue is urgent at this hour lest the fires of inflation be further fed by more and more short-term borrowing.

To have new programs and to meet these deficits we need new sources of revenue. One source that people would contribute to with a smile would be a national numbers drawing and I am today introducing a bill to establish a national commission to conduct such national drawings every 30 days or more frequently as this becomes possible through electronic equipment and technology.

No longer can it be said with even a scintilla of credibility that national numbers drawing is immoral or offends the public conscience. Honestly and efficiently conducted it can contribute millions to fighting crime and helping social programs.

People are playing the numbers in the United States to the tune of billions of dollars each year. Most of this is illicit traffic contributing to and financing organized crime.

If we can operate an honest drawing system in such a way as to be tamperproof, the proceeds from which give it a better pay than an illicit numbers bet, the public will bet national and not with the underworld. This country should have the benefits that can flow from the added revenues available in this way.

Under my bill, 40 percent of the take of each pool must be paid out in prize money. Prize money is exempt from Federal, State, or local tax.

Talk about revenue sharing—my bill provides that all States shall share 5 percent of the net take from each drawing on a basis of population. It also provides that States electing to participate by allowing the sale of drawing stamps in post offices within their borders will take an additional 10 percent of the net on a weighted sales basis.

This means millions of dollars of additional revenue to the several States with virtually no administrative cost whatsoever. In time, when computers can be hooked into the line, I would expect that anyone wanting to bet a treasury balance number or a Federal drawing will be able to do so merely by calling a National Lottery Commission number identifying himself and ordering a number.

Mr. Speaker, I can think of no more efficient, effective, and also pleasant way to fight inflation through increasing national revenue. The proceeds of my bill are required to go in part to fight crime and in part to finance programs in health, education, and welfare.

Many, many other countries in the world—perhaps even a majority—derive a portion of their revenues from national lotteries. Why should not we do the same

Amounts received by the Government from this source may vary from month to month or year to year. They will not be stable for reasons obvious, but so what? There will be millions, probably even billions, coming to the Government helping to pay your taxes and my taxes and the crushing financial burden of this country instead of fattening the pockets of the Mafia, the Cosa Nostra, or the local gambling czars.

Mr. Speaker, I urge prompt and favorable consideration of this legislation in the public interest. The bill provides:

A bill making it a Federal crime to engage in number wagering except in national drawings the proceeds of which shall be approtioned among the Law Enforcement Assistance Administration, the Department of Health, Education, and Welfare, and such States as may elect to participate therein

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 95 of title 18 of the United States Code (relating to racketeering) is amended by adding at the end thereof the following section:

"§ 1955. Engaging in numbers games.

"(a) Whoever in the United States conducts, assists in conducting, places a wager in or receives a wager placed in, or otherwise engages in any numbers, policy, bolita, or similar game shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(b) This section and section 1953 shall not apply to any national lottery conducted by the National Lottery Commission."

SEC. 2. (a) There is hereby established a National Lottery Commission (hereinafter in this Act referred to as the "Commission") to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate. For administrative purposes, the Commission shall be treated as part of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service.

(b) Each member of the Commission shall receive compensation at the annual rate of $40,000.

(c) The term of office of members shall be five years. A member shall be eligible for reappointment once but not a second time.

(d) Any vacancy in the Commission shall be filled in the same manner as the original appointments to the Commisison. Vacancies in the Commission, so long as there are two members in office, shall not impair the powers of the Commission to execute its functions under this Act, and two of the members in office shall constitute a quorum.

(e) Members of the Commission shall have had prior experience and training in law enforcement and demonstrated exemplary records in positions of public trust and responsibility either State or Federal.

(f) Not more than two members of the Commission in office at any time shall be members of the same political party.

(g) The Commission shall prescribe such rules and regulations, and employ such personnel, as may be necessary in the exercise of its functions under this Act.

SEC. 3. The National Lottery Commission shall conduct a national lottery at least once each month. It shall conduct a national lottery more frequently if it deems fit, including daily as electronic technology permits.

SEC. 4. (a) The Bureau of Engraving and Printing in the Department of the Treasury shall print numbers on stamps in sheets of 100. The Bureau shall use the latest means to prevent the ability to counterfeit such stamps.

(b) The Commission shall distribute these sheets to the post offices located throughout the United States either in participating States or in exclusively Federal areas. While post offices shall be the primary outlets for each distribution of stamps, the Commission may from time to time provide for additional outlets for such distributions.

(c) The price of each numbered stamp shall be established by the Commission but shall be not less than 25 cents.

(d) Stamps may be sold, for cash only, by the post offices (or other outlets) to any adult applying therefor, either singly or in quantity and may be resold by original and subsequent purchasers. Stamps in any multiple of 100 shall be sold by post offices at a discount of 10 percent. No official identification or other form of accreditation may be required of any person purchasing or reselling such stamps.

(e) The stamps shall be bearer stamps and shall be honored for prize money by presentation by the bearer thereof.

(f) The Commission shall reimburse the Post Office Department for such additional administrative expenses as it may incur by reason of the enactment of this Act.

SEC. 5. (a) In the case of any lottery the pay-out for the winning numbers shall not be less than 40 percent of the net proceeds of that lottery less the amounts payable under section 6. Such pay-out shall be distributed as follows:

(1) one winning number shall receive one-half of one percent of the net proceeds; and

(2) other winning numbers shall share equally in 39½ percent of the net proceeds.

(b) Illustrative example: If the net proceeds (that is, the gross receipts less administrative expenses authorized by this Act) of any drawing (whether monthly or more frequent) are $100,000,000, the pay-out to individual winners will be $40,000,000 distributed as follows:

(1) one individual winner will receive $500,000, and

(2) 7,900 individual winners will receive $5,000 each.

(c) Any amount received by an individual by reason of holding a winning number in a national lottery conducted under this Act shall be exempt from all taxation, Federal, State, or local.

(d) Any individual holding a winning number may establish his entitlement by presenting the winning number to any post office at which stamps for such lottery were available for sale. Upon presentation, the postmaster or other person in charge of such outlet shall certify that the individual has presented that number; and, after certification by the National Lottery Commission that it is a winning number and the amount of the winnings, the number shall be transmitted to the Commission for issuance of its draft in payment therefor.

(e) Prize money remaining unclaimed thirty days following the drawing shall be held by the Commission in escrow account for one year thereafter. Prize money unclaimed on the four hundredth day following the drawing shall escheat to the general funds of the United States Treasury.

SEC. 6 (a) Any of the several States may elect not to participate in such national lotteries by so certifying to the Commission on or before the ninetieth day after the date of the enactment of this Act. Any State which does not so elect and certify shall be a participating State.

(b) On or before the tenth day after the close of each calendar month the Commission shall distribute among the several participating States 5 per centum of the net proceeds of any national lottery for which the drawing was held during such month. The share of each participating State in any such distribution shall be determined on the relation of its population to the population of all participating States.

(c) On or before the tenth day after the close of each lottery participating States shall each receive an additional distribution in an amount equal to 10 per centum of the proceeds to any national lottery from the sale of such stamps within the borders of that State.

(d) For purposes of this Act, the term "State" includes the District of Columbia and any territory or trust government of the United States.

SEC. 7. The net proceeds of national lotteries in excess of amounts needed for the pay-outs to holders of winning numbers provided by section 5 and for the distributions to participating States provided by section 6 shall be deposited in the Treasury of the United States and shall be credited as follows:

(1) the first $100,000,000 so deposited in each calendar year shall be credited to the account of the Law Enforcement Assistance Administration for use by that Administration cooperatively with the several States (whether or not such States are participating States within the meaning of section 6) in fighting crime, and

(2) the remaining amount so deposited in each calendar year shall be credited to the account of the Department of Health, Education, and Welfare for use by that Department to assist in the financing of such programs concerned with health, education, and welfare as may be entrusted to its administrative responsibility by the Congress from time to time.

SEC. 8 (a) Chapter 61 of title 18 of the United States Code (relating to lotteries) is amended by adding at the end thereof the following new sections:

"§ 1307. National lotteries.

"Sections 1301 to 1304, inclusive, of this chapter shall not apply with respect to any national lottery conducted by the National Lottery Commission.

"Whoever forges or counterfeits any stamp made for purposes of a national lottery conducted by the National Lottery Commission; or

"Whoever alters any number on such a stamp; or

"Whoever robs, purloins, or steals such a stamp; or

"Whoever offers for sale or sells any such forged, counterfeited, altered, or stolen stamp, knowing it to be such; or

"Whoever presents any such forged, counterfeited, altered, or stolen stamp to any person engaged in carrying out a national lottery with intent to defraud the United States or any participant in any such lottery—

"Shall be fined not more than $50,000 or imprisoned for not more than 10 years, or both.

"§ 1308. Sale of national lottery stamps at outlets in non-participating States prohibited.

"(a) Whoever offers for sale or sells any national lottery stamp within the borders of a State which has elected not to participate in national lotteries and has certified such election within the time prescribed by law shall be fined not more than $5,000 or imprisoned for not more than 1 year, or both."

(b) Section 4005 of title 39 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) This section shall not apply to any stamp made for purposes of a national lottery conducted by the National Lottery Commission or to any other matter related to such a national lottery; and nothing in this section, section 4001, or any other provision of law shall be construed to make such matter nonmailable."

SEC. 9. (a) This Act and the amendments made thereby shall apply notwithstanding any other provision of law.

(b) Any law of the United States which is inconsistent with this Act or any amendment made thereby is, to the extent of such inconsistency, hereby repealed.

(c) This Act and the amendments made thereby preempt any law of any State in conflict therewith, and no law of any State shall authorize any similar drawing: *Provided, however,* That nothing in this Act or the amendments made thereby shall be construed to invalidate existing State laws permitting the conduct and operation of sweepstakes related to parimutuel racing.

(d) If any provision of this Act (including any amendment made thereby), or the application of any such provision to any person or circumstances, is held invalid, the remaining such provisions, or the application of such remaining provisions to other persons or circumstances, shall not be affected thereby.

SEC. 10. This Act shall take effect on the day on which this Act is enacted. The first 3 members of the National Lottery Commission shall take office not later than 60 days after such date of enactment.

REPORT ON THE STATUS OF THE RAILWAY LABOR DISPUTE

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 1 hour.

Mr. ADAMS. Mr. Speaker, today a number of us on the Interstate and Foreign Commerce Committee have taken this special order so that each Member of the House of Representatives will have an up-to-date report on the status of the railway labor dispute between the United Transportation Union, the Brotherhood of Railway, Airline & Steamship Clerks, the Brotherhood of Maintenance of Way Employees, Hotel & Restaurant Employees & Bartenders International Union; and the carriers represented by the National Railway Labor Conference.

We also want to solicit any suggestions that you may have regarding a possible solution.

The Interstate and Foreign Commerce Committee has not as yet been organized under the rules of the House and therefore no hearings have been held on this matter. It is necessary to take this special order because we are rapidly approaching the March 1 deadline established by Public Law 91–541. Even more rapidly, we are approaching the February 15 deadline for submission to the Congress by the President of any proposals he may have for settlement of this dispute.

The most recent information which we have is that the parties have not settled their dispute, although a certain amount of bargaining has taken place. The chairman of the Interstate and Foreign Commerce Committee has been asked to convene the committee as soon as possible to receive a status report from the parties and later to act on any proposals that are made for settlement of the dispute.

I am not optimistic that this will be settled by the parties because the history of these disputes in the last 3 years has been to have the matter finally settled by ad hoc legislation. I am not here today to advocate a particular solution to this matter. I would simply present for your consideration some of the proposals that have been suggested.

You will remember that President Johnson submitted a proposal in 1967 that was referred to as mediation to finality. This proposal was opposed by a number of people as being a type of compulsory arbitration. It was, however, finally enacted as Public Law 90–54 and resulted in an ad hoc solution to that dispute.

Another proposal was to create a labor court which would finally arbitrate solutions when the parties could not agree. Another proposal was the so-called arsenal-of-weapons approach. This would give to the President a series of powers which he could invoke if the parties could not settle their dispute. This contemplated a change in the Railroad Labor Act to provide for a cooling off period, a suggested solution by a mediation panel, and the submission of a final offer by each side. If these steps were unsuccessful, the parties would have a short period of time in which to bargain while the President was considering his course of action. The President's course of action could include such things as an injunction against the unions, a partial or complete seizure of the railroads involved, an impounding of the profits to await the outcome of the bargaining, and a freeze of any changes in the position of either of the parties such as a prevention of any mergers, declaration of dividends, increase in executive salaries or other corporate activity by management while the employees were prevented from striving by an injunction.

In the recent debate on this matter, another proposal providing for a selective strike was suggested by the gentleman from Texas (Mr. ECKHARDT). This proposal contemplates a breakup of national bargaining units into smaller individual units so that a national emergency would not arise every time a dispute occurred within the railroad industry. It would limit the stoppage of rail service in the country as a whole or in any one region to no more than 40 percent and would provide for the carriage of essential goods. He will explain this in greater detail in a few minutes.

The "artificial strike" is very similar to the arsenal-of-weapons seizure provision included in the proposal. In an artificial strike, both labor and management would be prevented from either proceeding with a strike or locking out their employees so that the railroads would continue to function. The Government, however, would impound any potential benefits under the wage package and would also impound any profits obtained by the railroad so that until the parties had settled, there would be pressure on each of the parties to the dispute to bring them to the bargaining table. The degree to which the Government would apply economic sanctions to the parties has been debated, with proposals ranging all the way from an impounding of a portion of the wages paid to the men and freezing all dividends and executive salaries of the railroads, and impounding all profits earned during the period of the artificial strike.

The final proposal that this Member knows about is to have the Government operate the railroads during an emergency, and apply a series of restrictions on the right to strike and to remove control of the railroads from the hands of private industry. Under this proposal, the Government would run the railroads during the period of national emergency in order to carry essential goods, with the obvious hardships on both the men who are striking and on management.

I would be most pleased to receive any comments or suggestions from the Members as to other possible alternatives or an indication of which proposal, they believe, is the best solution.

This Member, for one, does not propose, as he has done so many times in the past, to have to stand before this body in the closing minutes before a railroad strike and determine some type of legislation. That is why we have asked for this special order today, so that the Members may comment and so that everyone will know the deadline rapidly approaches.

Unfortunately, we will not have the committees organized in time so that we can have as full hearings as we might otherwise, but at least this special order today will start things moving, and then the hearings will start.

Now I should like to yield to the gentleman from Texas (Mr. PICKLE) for the comments that he may wish to make on the matter of what should be done with the railway dispute.

I want to state that the gentleman from Texas (Mr. PICKLE) has seen this coming for as many as 5 years and regularly introduced legislation to try to settle the matter. He has been on the floor every time we have had one of these disputes. He has pointed out to the Members that another one will be coming. I might state before the special order is over I will indicate the status of the other railroad disputes which are pending in addition to this one so that the Members will understand during the course of this year we will have a number of these coming before us.

I now yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman from Washington for yielding.

I commend him for reserving this time so that we might talk about this subject. He has been a very active member of the Subcommittee on Transportation and very active on the full committee.

He and I and other members of the committee do not look with any pleasure at the prospect of again considering legislation on an ad hoc basis or, indeed, on any other basis. Perhaps we will reach a solution this time. Before I enter into my general remarks I would like to point out that there are 2 precious weeks left before the President is to submit his report on the status of this strike.

A lot of good things could happen for both management and labor if the parties are able to get together within these next 2 weeks. On the 15th of February we can expect the President to submit to us the exact status with recommendations, and the President may perhaps take us and/or labor-management to task. So I would say to the President and to the executive department this is the time for some good old healthy jawboning negotiations. I would hope the executive department in the next 2 weeks would call in the interested parties and with all of the force and power at their command try to get them to enter into meaningful negotiations.

This has not been the procedure that the administration attempted in the last 2 years. Who knows whether this is the right approach, but we are facing another crisis and need help from every source available to get the job done. The next 2 weeks is the time for labor and management to realize that they benefit more than anyone by getting together and trying to come up with an answer to the problem. It is not enough for labor to say that we cannot negotiate because some limited work rules might be involved. It is not enough for management to say that we have already participated in a raise and will do nothing more. "Let Congress settle it," they may say. This is not a constructive position. So I say the next 2 weeks is the time when both those in the executive department and labor and management could get together and get their sides lined up.

On top of that, I believe now is the time for us, as members of this committee, which the gentleman is doing today by calling this special order, to serve notice to the executive department and to labor and management that we will not be idle on the job. The time has come to take some action in the field of strikes, in the field of transportation, and they can expect action by the Congress this year.

Mr. Speaker, I am asking permission to extend my remarks at this point in the RECORD because I do not think we need to go into detail on this, but if the gentleman will yield further, I would like to make a few points and submit the balance for the RECORD. I want to make those preliminary remarks.

Will the gentleman yield me 5 or 10 more minutes?

Mr. ADAMS. I yield the gentleman such time as he may use.

Mr. PICKLE. Mr. Speaker, we are hopefully witnessing the first step of an idea whose time has come. We have set the machinery in motion by this body discussing a long-range solution to disputes between labor and management in the field of public transportation. Hopefully, we will get a solution to this, because we have a real need for clear thinking. There will be no congressional heroes if we do not arrive at a final solution to this. No matter what happens, action is needed to finally consummate this.

Either labor or management or both will be troubled with the final settlement. Regardless of the pitfalls, I hope it is the 92d Congress which finally comes to grips with a long-term solution.

I firmly believe, Mr. Speaker, that it should not be the role of Congress to serve as mediators in specific labor disputes. But that is exactly what we did in the railroad fireman's strike of 1963, and the airline strike of 1966 and the railroad shopcraft strike of 1967. Two times within the last year, we faced similar straits. And we may be forced into the same kind of situation on March 1.

Mr. Speaker, the antiquated procedures we now have for dealing with transportation disputes between labor and management have not encouraged the kind of bargaining conducive to reaching a settlement. In all too many cases, at least recently, the framework of present laws has not led to voluntary agreement, but rather has led to more and more of the serious disputes falling on the Congress as arbitrators.

I repeat, the Congress should not be the mediators in these disputes.

By bringing in the Congress, either labor or management—or both—are guilty of foot-dragging operations which have become an emotional handicap to continuing the free collective bargaining process.

This ad hoc, one-shot solution is not the best way to handle this difficult and complicated situation. There is no valid reason why the President and the Congress should always have to pull something out of the air to deal with one dispute after another.

The problem is larger than either the interests of labor or management.

The problem, Mr. Speaker, affects the American public.

The problem affects the American defense.

The problem affects the American economy, so I call on the Congress to take some action on this matter and I am resubmitting and introducing today a bill which has been called the "arsenal of weapons approach."

I have written, I might say to the gentleman in the well, to the various labor law professors throughout the United States once and I am doing it again and shall continue asking for the comments. I am sending it to management and labor asking for their comments as well as the executive department to see if we can reach any settlement.

I want to say to the House that I am not wedded to the specific outlines of the arsenal of weapons approach, but I think it might be the fairest of all, because it will keep the parties bargaining and will give it finally to one person, primarily the President, the widest possible range of alternatives for dealing with serious disputes which threaten strangulation of the transportation industry.

It may be that we will want to strengthen the seizure provision that the gentleman mentioned or it may be we will incorporate it in some form of last resort, although I would hope that it might be the decision of the parties rather than the Executive or the Congress, because the Congress I do not believe wants to take the last step and, in effect, mediate or write the contract.

Therefore, Mr. Speaker, I am reintroducing this bill and although I may reintroduce a clean bill later pending receipt of the various recommendations, I want the House to know that once again, as I have for the last 5 years, introduced this bill. I do not think anyone wants to do anything that would damage collective bargaining.

I am also mindful of the fact that labor is not happy with anything that in their opinion would hamper their negotiations in dealing with the subject because they feel that any action represents an inroad to that approach, but when a system is not working to its best performance, we must find a better way in which to deal with it. That is why I think we have all got to come together in order to find a solution to this problem.

Mr. Speaker, I conclude my remarks by calling on the executive department to exercise some good old healthy jawboning in negotiating between the parties. I call upon both parties to get together in meaningful negotiations within the next few weeks.

Mr. Speaker, I do not think anyone in this House would look with favor upon the fact that the President makes a strong recommendation or takes the various parties to task for failing to get together. There is time during which to do it. However, it is my opinion that we ought to serve notice and that we expect some meaningful negotiations within the next 2 weeks.

Mr. Speaker, I greatly appreciate the gentleman in the well taking this special order because I think it is needed.

Mr. ADAMS. Mr. Speaker, I thank the gentleman for his comments.

As a member of the Subcommittee on Transportation, which handles this type of legislation, the gentleman from Texas (Mr. PICKLE) has done an excellent job in trying to point out to the Members of the House and to the public generally the great difficulties which this House will face prior to March 1 in trying to solve this matter.

I think everyone should recognize that the transportation industry is in a peculiar situation with regard to collective bargaining in that it is basically a highly regulated industry, and at the same time when it stops on a nationwide basis the public is injured prior to any economic effect being felt by either of the two parties who are involved, labor or management. Therefore, a great deal of thought and of course action I think has to take place in this field within the next month or else the Congress will continue to be involved in the business of settling these disputes.

Mr. Speaker, I would now like to turn to the gentleman from Texas (Mr. ECKHARDT) who, as a member of the Committee on Interstate and Foreign Commerce, has been deeply involved in this matter, and who, probably more than any other Member, had more innovative ideas to suggest to us as to how this might be handled. I hope that today the gentleman will have an opportunity to expand on these ideas.

So, Mr. Speaker, I now yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman from Washington, who is a member of the Subcommittee on Transportation. I know that the gentleman from Washington (Mr. ADAMS) has been concerned with this problem for a long time, and that he has done basic work in the field and has always insisted that the type of compromise that we have used from time to time to conclude a railroad strike is certainly far from adequate.

I know that the gentleman in the position that he has taken entirely agrees with the philosophy of the gentleman from Texas (Mr. PICKLE), our colleague on the committee, who has likewise recognized this and has done yeoman service in the field of attempting to create a means by which this continual compromising can be handled by some type of legislation that will prevent the pressure which always builds us up to a deadline and then builds us up to the threat of a nationwide strike, and then results in the Congress making temporary solutions to the problems with sometimes rather drastic remedies.

I thank the gentleman for his work in this regard, and I believe the gentleman deserves the highest commendation in that work.

Mr. Speaker, let me now say a word with regard to the solutions that we have finally adopted in various resolutions in this House.

It absolutely astounded me—in considering the resolution we passed the last time—it absolutely astounded me that there was in fact precedent for the Congress writing a contract for the parties—and of course that is what we did. We wrote a contract with respect to a period of time during which no strike would be permitted. We granted wages and conditions over a period of time as an act by the Congress. In other words, we put ourselves in the position, without having engaged actually in the negotiations, of offering and accepting our own offer and putting into effect those conditions.

Now, I am not here to condemn the act of Congress in that regard. I think that, considering the emergency situation which existed, some type of compromise of that type was called for. I merely come before this body to point out how drastic that approach is because it is a last-minute approach.

Now, we would never dream in this Hall of drafting conditions of employment and wages for bargaining parties in any other area, or under any less provocation that existed in this body at the time we passed the bill temporarily resolving the strike.

It seems to me, therefore, that there is the strongest reason why we should in the next several weeks try to draft some legislation, or try to prepare even temporary legislation, which will result in the kind of bargaining pressures that prevent Congress from having to enter in and contract as if Congress were acting in lieu of the parties to the dispute.

I introduced late in the last session a bill which seemed to me to restore to the bargaining in the railway industry some of the free collective bargaining pressures which exist in other industries.

Now that bill, quite admittedly, was introduced quite late—because of the conditions which existed at that time. I intend early in this session, as a matter of fact within a week, to introduce a like measure.

This bill was H.R. 19922, and I submit it is in truth a modest proposal—not a modest proposal in the terms of Jonathan Swift—but a truly modest proposal.

It seems to me that Congress has acted best, and our entire parliamentary system of government which has developed in the United States and in England before us—has developed best when it operates pragmatically—when it takes one step at a time and when it acts in the true spirit of the common law. Therefore, this proposal is not drastic and is not sweeping. It does not put into effect any provisions for compulsory arbitration. As a matter of fact, it may not ultimately solve the problem. But at least it will restore those pressures on the bargaining parties which have solved these problems in other industries in the country.

Frequently, we consider the railroad industry or think of the railroad industry and debate about it on this floor as if it were peculiar, with respect to tieing up the entire economy if it should cease. Well, I submit that it is not peculiar. The same could be true, for instance, of communications, in which there is free collective bargaining and in which there is even more of a monopoly.

The same is true with respect to basic steel and the auto industry.

In the transportation field today, there are far more persons who are carried by buses and airplanes than railroads. Of course, there are the trucks, the water carriers and the airlines that carry a good deal of freight. So there is nothing particularly sacrosanct about a railroad. There is no reason why they should not be treated in the same manner as many other industries, if we can devise a way by which there will be pressures placed upon the bargaining parties to come to an agreement.

There is one thing that is a little bit different about labor control as related to railroads than that which exists in other industries. That is that historically the Railway Labor Act developed far ahead of the Labor Management Relations Act. Therefore, that act provides for processes or procedures which have been found to tend to lead to the type of confrontation between all railway labor and all railroads, which result in the threat of a nationwide strike.

Therefore, it would seem to me that we need to look into the provisions of the Labor Railway Act and see what can be changed in order to prevent the situation that exists in this industry, somewhat peculiarly, as compared to other industries. In order to understand what the situation has been that we have been confronted with for emergency consideration, we need to look into a few cases. The Federal District Courts for the District of Columbia have conceived of the act as requiring that when bargaining commences on a nationwide basis, or when it is converted into a nationwide type of bargaining, after individual openers with individual railroads, that thereafter it constitutes a violation of the Railway Labor Act to strike against individual railroads in which contracts have been opened, even though the contracts have been between unions and the individual railroads.

Of course, if this ruling be ultimately upheld, and even short of its being ultimately upheld, it is pressure on the present negotiations, and the nationwide strike is the only means of union suasion that can lead to an agreement from the union standpoint.

We all know that there is always an onus that must be borne by the moving party in a railway dispute or in any dispute. Actually, of course, what we really have, in fact, is two parties that cannot come to an agreement. Times and costs of living have changed. The two parties have to renegotiate a contract. The union ordinarily, particularly in these inflationary times, wants higher wages. The company, on the other hand, feels that it must resist higher wages under certain conditions, and the two parties are just like any other traders. They are trying to come to an agreement, each one urging his point of view as strongly as he can. But because the employees are in effect the moving party, we frequently find the reaction on the side of the public that they are threatening the closing down of railroads over a given period of time.

In truth and in fact and in all fairness both sides threaten the closing down of the railroads over a period of time. The main thing that we must devise as Members of the Congress is a means by which each of these parties will continue to have an inducement to come to an agreement. Under the present terms of the Railway Act, the parties go through a long period of negotiations, at the end of which the union is open to strike. But under the decisions that I have referred to they may not strike selectively. You may even have situations in which there is no disagreement between most carriers on a given point and the union. But there may be a disagreement between some major carriers and the unions. Therefore, total agreement may not be reached as in the case involving the maintenance of crafts some time ago.

The courts have held that the selective strike is illegal, and I cite the decision in the case of Alton & Southern Railway Co. against International Association of Machinists, the situation that I just described, on January 31, 1970, in which the district court of the District of Columbia enjoined a strike for violation of the Railway Labor Act. Judge Corcoran issued his preliminary injunction against the strike on March 21, 1970, and the case is now in the Court of Appeals of the U.S. District Court for the District of Columbia.

Another case is Burlington Northern against United Transportation Union, which involved a temporary restraining order against the strike on July 7, 1970.

The last case is Delaware & Hudson Railway against United Transportation Union, in which Judge Corcoran issued a temporary restraining order enjoining a selective strike on September 14, 1970.

All cases are now in the U.S. District Court of the District of Columbia, and there has been no final decision on the question of whether or not a selective strike is legal.

The bill H.R. 19922 proposed this. It proposed first that a selective strike, where there had been proper opening with respect to the individual railroad and where it was otherwise legal under the act, shall be legal. It is my opinion that it is legal now, though in urging this opinion I must state that the opinion is in conflict with the District Court of the District of Columbia to the present time. I see nothing in the act which provides that it is illegal to strike against a contracting party—contracting in a given contract—where the union and that party are still in dispute after the matter has been properly opened and after the period provided in the Railway Labor Act has run through. But the court has said it is illegal.

Of course, under the Railway Labor Relations Act as an analogy, the courts have permitted in some instances bargaining which had been nationwide and in which a selective strike was attempted, the courts and the board have permitted lockouts on the part of other employers within the multiemployer group as a retaliation against a strike against one of the employers.

So in order to be certain that the strike may continue to be local and selective, H.R. 19922 provides that the selective strike is legal and that it is illegal for the employer to spread that strike throughout companies which are not at that time struck.

There are some technical problems with respect to drafting such a bill. We must not only provide that, but we must also in some way revise some of the provisions respecting the opening of certain issues. When the railway unions open a contract against an employer or several employers, they make a proposal. The company makes a counterproposal. These proposals run through negotiations until the final terminal date, and at that point either party may urge its original proposals and may strive for the original proposals. If the company suggests a reopening and if the company makes an original proposal to change working conditions, it may do so today under existing law unilaterally, whether agreement is reached or not at the conclusion of the period of time for bargaining. Although the union, of course, cannot put into effect its proposals unilaterally, it can strike to force the company to do so. That is the quid pro quo between the company and the unions.

However, there has been a source of difficulty, and that is if the union opens an agreement and makes proposals and the company makes counterproposals resulting in lowered working conditions under existing law, the employers have insisted that at the termination of this period where there is no ultimate agreement and the union is open to strike, the company may unilaterally put into effect its counterproposals.

I believe this process is probably illegal under the present act, but at any rate, whether it is illegal or not illegal, it is extremely conducive to labor unrest, so H.R. 19922 provides that the company in its quid pro quo for the power to strike may only put into effect original proposals not its counterproposals that have been used as a sort of retaliatory weapon against the original proposals.

The bill also provides safeguards with respect to the public interest. It gives absolute authority to the Department of Transportation, after consultation with the Secretary of Defense and the Secretary of Labor, to establish certain materials and certain service which is to be considered indispensable and shall not be in any way interfered with by the strike.

For instance, material going for use for the national defense—say in connection with the Vietnam war—could not be refused to be handled, and those persons who had always worked for the railroad, or other persons if they would not do it, would carry those materials. The strike could not interfere with such essential transportation.

And it is not limited to national defense, but covers all those things which are essential and so determined by the Department of Transportation to be required to be hauled. It would be illegal to consort to interfere with such hauling.

Furthermore, if a selective strike is attempted it must be against not more than three carriers in one of the eastern, the western, or the southeastern regions, and it must not be against carriers with an aggregate revenue in ton-miles transported by all carriers in any one region who are concurrently struck to exceed 40 percent of the total revenue ton-miles transported by all carriers in such region in such year.

So, in conclusion, this proposal is a modest proposal and it is a pragmatic one. It simply would restore to the railroad industry that same type of collective bargaining, that same type of union suasion, which exists in every other industry. It would permit the union to strike against that employer with which it felt its dispute had gotten to the point where a strike was the only solution.

It would not compel in those circumstances a nationwide strike. It might not solve the whole question, but I believe it would go a long way toward restoring the normal pressures that make strikes, for instance, against Chrysler or against Ford or against General Motors result in a bargaining pattern—not a bargaining pattern dictated by the union but a bargaining pattern which the parties understand will ultimately have to be met or else there will be pressures which will be injurious both to a vast number of employees and the entire industry.

Let us try this proposal. If it does not work we may have to go to something like a new arsenal of weapons or some ultimate arbitration of the decision which is compulsory. But it seems to me we should at least give collective bargaining a try first.

Mr. ADAMS. I thank the gentleman for his contribution. I believe it is a very significant one.

I might mention one of the problems in the present dispute the gentleman did not touch on but which is covered by his proposal. It is the fact that when one multiplies the number of people, the unions and the carriers involved in any particular dispute, this multiplies the number of problems which must be solved all at once. In the particular dispute before us one set of unions has one set of problems with one set of railroads and another set of unions has another set of problems with another set of railroads, and the more one builds up one big package the more it becomes apparent that one cannot break that down into small enough pieces so that one can settle it, and it gives us an all or nothing proposition. I thank the gentleman for his participation.

I might also state to the membership we had scheduled for Thursday of this week—and it will now be put over until Friday, because the House will not be back until Friday—a discussion of the Penn Central dispute which will be before this House during the month of March. Once again, many of us on this committee do not want to come before the House and try to come up with some interim solution.

I have no proposal to say to you as to what we should or should not do. We will offer an opportunity at that time for all Members to make their comments as to whether or not the Government should do a particular thing with, to, or about the Penn Central or perhaps whether we should do nothing and the Penn Central should go into a state of collapse. However, that problem is before us.

I appreciate the patience of the membership. We have not brought this before you just to talk but, in effect, to issue a warning and statement to everybody that the time is running and it will soon be upon us.

Mr. VAN DEERLIN. Mr. Speaker, my colleagues on the Commerce Committee are performing a useful service in reserving this time today for a discussion of the problem of railroad labor disputes. So far, this problem seems to have been insoluble, at least insofar as Congress is concerned. Time and again, in recent years, we have come galloping to the rescue with legislation whipped together at the last minute to head off a threatened national rail strike.

I think the recurrent nature of these crises has demonstrated the futility of attempts at enforced settlements.

I voted last month against House Joint Resolution 1413, which imposed a moratorium of nearly 3 months on the right to strike of the railroad brotherhoods. I intend to vote against all similar proposals in the future.

The process of collective bargaining cannot be both voluntary and federally dictated. We in this body, sooner or later, are going to have to settle on one approach or the other. We cannot continue to have it both ways. I for one am permanently committed to the principle and practice of voluntary settlements of labor disputes—wherever they occur.

GENERAL LEAVE

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject matter of this special order.

The SPEAKER pro tempore (Mr. FLOWERS). Is there objection to the request of the gentleman from Washington?

There was no objection.

THE PRESIDENT'S REVENUE-SHARING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 60 minutes.

Mr. MILLS. Mr. Speaker, the President announced in his state of the Union message that one of his six goals is the adoption of a revenue-sharing program. Although I do not have the details of the program, I understand that it is a

$16 billion program, of which $5 billion represents the general revenue-sharing program along the lines previously presented, where funds are distributed to the States on a no-strings-attached basis. The remaining $11 billion may be referred to as revenue sharing, but in reality it is a series of block grants for six areas: law enforcement, elementary and secondary education, rural development, urban development, manpower training, and transportation. Of this $11 billion, $10 billion would be a reallocation of amounts provided under present law for specific programs in the six areas I have referred to, and $1 billion represents new money. This means, if I understand it correctly, that the same $10 billion will be available for the six areas as provided under prior law, but presumably with fewer Federal restrictions. The new money in this area is the $1 billion additional.

In very general terms, therefore, I think the program should be viewed as $6 billion of additional money, of which $5 billion is shared under a revenue-sharing formula and $1 billion is added to the block grants. In the case of $10 billion of existing programs, apparently some restrictions are removed and the funds may be distributed somewhat differently than under prior law. We do not know how these funds are to be distributed. The major change, of course, is the $5 billion of revenue sharing and it is this to which I am directing my remarks at this time. Any meaningful discussions of the changes in the $11 billion of block grants must await further information.

Even before the President's statement relative to his goal for revenue sharing, it was difficult to pick up a paper without finding an article by someone as to why we must have revenue sharing. Although I have said relatively little on the subject, what I have said—and some of the things I have not said—have been aired widely. I thought it might be useful if I were to comment on the topic generally, recognizing however, that with a topic having so many facets, my comments at this time will necessarily be fragmentary.

Let me start by saying that I fully recognize that a significant number of urban areas are faced with very serious fiscal problems. Perhaps this is also true of some States as well, although there is some uncertainty on this.

I think it is clear that government taken as a whole—at all levels—must find answers to these serious fiscal situations. I recognize also that the Federal Government through the proliferation of grants-in-aid programs—without considering the fiscal impact of these programs on State and local revenues—has contributed to the problem. I think it is clear, however, that the root causes of the problem go much deeper than this. It is not the purpose of my comments today to dwell upon this aspect of the problem, but I think it is clear that increasing urbanism, and the complexities which it has brought to our society, is the chief culprit in this regard. I suspect, however, that the disorder of State and local financing is not far behind.

We see so many articles written on the need for revenue sharing that we are likely to lose our perspective with respect to the problem. The Federal Government has not been unaware of the fiscal problems of State and local governments in recent years despite what many of the articles we see in the press these days suggest. The Federal budget for the fiscal year 1971 shows that in 1959, Federal aid to State and local governments amounted to $6.7 billion.

The 1971 estimate shows this growing to something like $27½ billion. This represents a growth from 7 percent to nearly 14 percent of total Federal outlays. If outlays for defense, space, and international programs are set aside, this is a growth from 16 percent to 23 percent of total Federal domestic outlays—a not inconsequential proportion of Federal domestic spending. Federal aid also is significant even relative to the growth which has occurred in State and local revenues. In 1959, Federal aid to State and local governments was equal to 13½ percent of their total revenue. By 1970 it is estimated that it grew to slightly over 18 percent of their current revenues.

It seems to me that we are faced with a concerted campaign to force the Federal Government willy-nilly into a revenue-sharing program. It seems to me that the more rational way of acting when we are faced with a problem is first to analyze it carefully, then to outline possible alternative solutions, next to evaluate the strengths and weaknesses of the different possible answers to the problem, and finally to make a choice based upon as careful a weighing of these considerations as possible.

While we have heard a great deal about the need of the States and localities for revenue sharing, we have heard very little about why revenue sharing is the best answer to the problem. I thought it might be interesting for us today to explore as best we can the reasons why many view revenue sharing as the desired solution.

Certainly one of the effects of revenue sharing is a redistribution of income among the States. I say this because every dollar of revenue shared most obviously has to come from some source, and all of these sources originate in the 50 States. Of course, these resources are not the governments of the States or localities, but rather the people of the States or localities. I recognize that to the officials involved, this may be an important distinction. But the people of the various States may have a different point of view. I think it is time we explore these redistributional effects to see whether or not they correspond appropriately with the objectives of revenue sharing.

There are, of course, uncertainties in any analysis of this type. Some, for example, believe that the revenue share will displace Federal expenditures which might otherwise be made but even if this were true, it would be difficult to know what kinds of expenditures they will displace. While I wish that if we had revenue sharing, it would displace other expenditures, I cannot in reality believe that this will be the case. I suspect that if we are to have revenue sharing, it is more likely to take the form of additional spending. This might initially represent increased borrowing but in the long run the debt can only be paid for by additional taxes—probably, either income taxes or some form of sales tax, such as the value added tax that we have been hearing so much about recently.

I thought it might be interesting if we were to explore, under these different assumptions, which States would receive more under revenue sharing than they would pay and which would receive less. Unfortunately, our statistical material on this subject is rudimentary. Because of this, I have asked the staffs to do what they can, and to work with other Government agencies, in trying to improve this material. I think improvements can be made in the data but even with these improvements, we still will not have the exact information we need. This is true because if expenditures are to be displaced, we cannot tell now which expenditures these will be. They represent future decisions of budget officials, the agencies, and the Congress. If, as I think is more likely, revenue sharing is paid for by increased taxes, here too there are future decisions to be made. The decisions still remaining for the future include the questions as to whether there will be increases in income taxes—and what will be the distribution among the various income classes of these increases—or whether there will be some form of sales tax—which again can vary widely as to distributional impact according to the nature of future decisions.

Despite what I have said as to the uncertainties as to the distribution of the burden of revenue sharing, I believe some exploration of this today—as incomplete as our data may be—is useful. Because without some analysis in this direction, we will be making changes in our fiscal and economic structures without any realization of their impact.

Let us assume first that other Government expenditures are cut back—or not made—in order to provide the funds for revenue sharing. Since we cannot tell exactly which expenditures will be reduced—or not made—let us assume for purposes of illustration that all expenditures are cut back proportionately. If this is true and we were to enact the revenue sharing formula proposed last year by the administration, we would find the people of some States losing substantially and those of other States gaining substantially. The Legislative Reference Service of the Library of Congress for the period 1965 to 1967 attempted to trace Federal expenditures to the point at which they were made. This study is currently being updated but the figures now available probably do not depart too much from what the new distribution will show. Based upon these expenditures figures and the administration revenue sharing formula for the States presented last year, we find that some States would lose under revenue sharing very substantially. If these data are correct, the 15 big losers would be: Alaska, District of Columbia, Connecticut, Virginia, Hawaii, Maryland, Rhode Island, Missouri, Kansas, Texas, California, Montana, Georgia, North Dakota, and South Carolina.

The 15 States which would gain the most under this type of a redistribution and under the assumption of an expenditure cutback are: Wisconsin, Michigan, Oregon, New York, Minnesota, Idaho, Mississippi, Indiana, West Virginia, Louisiana, Iowa, Nevada, Arkansas, Vermont and Pennsylvania.

Under these assumptions, States like Alaska could lose twice as much from revenue sharing as they would gain. States like Wisconsin might gain under revenue sharing close to half as much more than they would lose.

States with large defense or civilian installations under this type of redistribution of expenditure programs would tend to lose and those where such installations are small, would tend to gain. In any event, it is not clear that such a redistribution of revenues would serve any real purpose in meeting the problems of today. Despite the presence of New York and Pennsylvania among the States which would benefit, most of those in this group are the less urbanized States.

Another alternative, still assuming that revenue sharing displaces expenditures, is that categorical aid programs will be reduced by the amount of the revenue sharing. We have already seen that $10 billion of the proposed block grants are a replacement of categorical aid programs, but we cannot tell whether there are, or will be, further reductions in categorical aid to offset the proposed revenue sharing. If this occurs, of course, the State and local governments in the aggregate will be no better off than they were before, although obviously some would benefit and others would be hurt. Let me give you the lineup of the 15 States that would be hurt the most if revenue sharing displaces categorical aid: Alaska, District of Columbia, West Virginia, Vermont, Montana, Oklahoma, New Mexico, Kentucky, Wyoming, Arkansas, Mississippi, Alabama, Rhode Island, South Dakota, and Utah.

The 15 States which would be helped the most if we substituted revenue sharing for categorical aid programs would be: Wisconsin, Florida, Indiana, Michigan, Iowa, Maryland, Delaware, Nebraska, New Jersey, Oregon, Minnesota, Kansas, Washington, Virginia, and North Dakota.

This is indeed a curious lineup. There is no rational justification for such a division of the States among gainers and losers. Indeed, among the States that would benefit the most are those with relatively less serious welfare problems and relatively high per capita incomes; while among the States that would be losers are those with very serious welfare problems and with relatively low per capita incomes. It is difficult to say what purpose is served if we bring about this kind of a redistribution of income.

Let me turn now to what I believe would be the most likely result if we were to have revenue sharing; namely, that it would require additional taxes at the Federal level. Distributions based on income and sales are still being prepared but I have at hand distributions of the existing Federal tax burdens as prepared by the Legislative Reference Service for the period 1965 to 1967 and by Tax Foundation for the fiscal year 1970. While these distributions differ in detail, interestingly enough they show a high degree of correlation as to the States which would be helped and the States which would be hurt if revenue sharing along the lines the administration proposed last year is paid for out of additional taxes distributed in the same manner as the present tax burden. The tabulation based upon Legislative Reference Service data shows that the States which would be hurt the most are: Delaware, Connecticut, Illinois, District of Columbia, New Jersey, Ohio, Pennsylvania, Missouri, New Hampshire, Massachusetts, Rhode Island, New York, Maryland, Indiana, and Michigan.

It shows those which would be helped the most to be: Mississippi, North Dakota, New Mexico, Louisiana, South Dakota, Alabama, Arkansas, Idaho, Arizona, South Carolina, Wyoming, Hawaii, Kentucky, Utah, and Alaska.

This is quite an interesting lineup of States. It suggests that the distributional effects of revenue sharing would hurt most the urban States where we hear the most about the need for revenue sharing. You will recall that in my list of those which would be injured the most were Illinois, Ohio, Pennsylvania, and New York, while the States which would benefit the most are those with less density of population. It seems to me that this actually is the reverse of facing up to the urban problem that we have been hearing about.

These data, preliminary though they are, have raised a great many questions in my mind, and I hope yours, as to whether the distributional effects of revenue sharing really meet the problems with which we are faced today.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman.

Mr. ULLMAN. Mr. Speaker, I think the distinguished chairman of the Committee on Ways and Means is making a most significant statement I want to commend the gentleman for bringing this to the attention of the Members, and I want to say here that I hope all of the Members of this body will study carefully what the gentleman is saying because the impact of revenue sharing on taxpayers of the various States is not what a lot of Members think it is going to be. As a matter of fact, if revenue sharing should require more taxes, as the chairman has pointed out it is the urban States which are hurt the most. It is opposite to the basic philosophy of those who say they need revenue sharing.

Mr. Speaker, I commend the chairman of the Committee on Ways and Means for the statement he is making and I commend it to all Members.

Mr. MILLS. I thank my colleague, the gentleman from Oregon.

I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I, too, wish to commend the gentleman from Arkansas on his brilliant answer to what has struck me as some shallow thinking. In my own State, those who have been advocating revenue sharing had better ponder what the gentleman is pointing out. All along I have felt that the State of Maryland would be hurt in toto by a revenue-sharing proposal.

In order to help, let us say, the city of Baltimore, the people in the rest of the State of Maryland would have to dig more deeply into their pockets than they would if they would undertake to solve their own problems without revenue sharing, since they would not only have to help Baltimore, but also the States that would enjoy a net gain at the expense of Maryland.

Mr. MILLS. Even the people in the area surrounding the city of Baltimore would not get back what they would have to put into the program by digging deeper into their pockets for money to send to Washington.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I wish to associate myself with the remarks of the distinguished chairman of the House Ways and Means Committee. I think he is making a great contribution here today in bringing this matter before the public so we can put the spotlight of public attention on it. There have been many stories written throughout the country that would create the false illusion that Federal-State revenue sharing would solve all their problems, when in some cases it might result in encouraging loose and wasteful spending. It might cause a savings, say, of $100 on real estate taxes of someone who owns his own home, but that person might find out later that he would have to pay $300 more to the Internal Revenue because he has saved the $100. These are things that I believe should come out in the open. The chairman is making a great contribution here today. I do not believe we have any man in this country who is better qualified to discuss Federal-State revenue sharing than our good chairman.

Mr. MILLS. I thank the gentleman from Massachusetts.

Let me turn now to a second advantage claimed for revenue sharing. In various ways, it is suggested that the Federal tax system is a more efficient tax structure than the States and often it is claimed that it is better because it is based to a larger extent upon the income tax—which is a better measure of ability to pay than the sales and property taxes on which the States and localities depend to an important extent. It is also pointed out that the income tax grows more than the property and sales taxes as the economy grows.

To the extent that the superiority of the federal system is based on the fact that it depends on the income tax rather than property and sales taxes, it seems to me that the States too are free to impose greater tax burdens by using the income tax if they consider this desirable. Most States have recognized this and I think you will find that much of the growth in State revenues in recent years is attributable to income tax increases. All but 14 States, in fact, now have an individual income tax and in a significant number of cases where the State does not have an income tax, many of its localities do.

I recognize that the income tax in the hands of a larger government, such as the Federal Government, may be a more efficient revenue device than in the hands of smaller governmental units. There are what the economists call economies of scale; that is, savings in collection devices which can be made more readily by the larger governmental units.

In this connection, the Federal Government has taken a number of steps in recent years which make it possible for the States to share in some of the economies of scale on the part of the Federal Government. I think this is a factor in an increasing number of States making their income tax base the same, or nearly the same, as the Federal base, and in some cases in actually making their tax a percentage of the Federal tax. The degree of cooperation of the Internal Revenue Service in helping the States find those cases where the proper amount of taxes is not being paid is already a major collection device used by State and local governments. I am sure improvements can be made in this area.

It is also possible to explore the possibility of collecting the State tax at the same time, and in the same mailing, as the Federal tax. In such a case, the State taxes collected by the Federal Government would be turned back to the State Governments, but the State governments would maintain their full right to impose their own tax rates. Whether this is a good idea or something the States would want, I am not certain. But it is certainly one possibility we could explore if the States believe this would improve the efficiency of the State tax systems.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, the gentleman has made it occur to me, that we now have built-in revenue sharing, in that when any State raises its taxes, a taxpayer of that State automatically gets a deduction from his individual Federal income tax with the result that the Federal Government automatically takes in less revenue.

Mr. MILLS. That is right. As usual the gentleman has anticipated what I was about to say on the next page.

Another reason sometimes given for levying and collecting taxes by the Federal Government for the States and local governments to spend is the competitive problem among States in imposing high tax rates. It is sometimes suggested that States are inhibited in imposing higher income taxes by the fact that if the rates become too high, wealthy persons will move to other States where the rates are lower.

I think the importance of this point can be overemphasized. States which maintain low tax burdens in some respects may be attractive to wealthy taxpayers but they also tend to provide lower levels of services and this can detract from them particularly from the standpoint of employers who are also concerned with the welfare of their employees.

In addition, it is impossible to deal with this problem to the extent it is a serious problem by providing credits of various types against Federal taxes for the imposition of State or local taxes. While I am inclined to think that devices of this type present difficulties, certainly if this competitive problem is a serious factor, credits are an alternative we can consider.

I believe, however, that there is an answer to this problem of interstate competition. When people talk about the Federal Government having preempted the income tax by getting there first and imposing the higher rates of tax, I find that I agree with the statement made by Gov. Nelson Rockefeller, of New York, on Federal-State-local fiscal relationships before the Tax Institute of America in 1967. At that time he said:

> As far as the State saying that the Federal government has preempted the best tax fields, in my opinion this is a complete misrepresentation of the facts. When we raised our income tax to its present rates, which are almost as high as any State in the country—and a progressive tax at that—a taxpayer could deduct the money he paid under the State income tax from his Federal income tax. Thus, the Federal government hasn't entirely preempted the income tax field, because we can still obtain some of our State revenue by cutting into the Federal receipts. This works, though, only when a legislator and a governor take the necessary action.

Mr. Speaker, this statement by Governor Rockefeller highlights an advantage of the States in imposing an income tax which the Federal Government does not have; namely, the fact that State and local income taxes are deductible in computing the Federal tax, the point we were just discussing. The reverse, of course, is not true. Federal taxes are generally not deductible in computing State or local taxes.

The effect of this is that when a State increases its income tax part of the revenue raised by the State government in reality is not paid by the taxpayer since he is making smaller tax payments to the Federal Government. This is an important and often overlooked advantage to the States in the field of income taxes. It seems to me that it may well outweigh the competitive factor referred to previously.

The third factor accounting for the popularity of revenue sharing by State and local officials is that it is so much easier not to have to face up to the responsibility of raising taxes to cover increases in expenditure programs. We who have the responsibility of raising taxes at the Federal level recognize the difficulty of raising taxes and often wish, as the Congress increases expenditure programs at the Federal level, it were possible to avoid making commensurate increases in taxes. As a result, I can understand why it is not pleasant for State and local government officials to take the responsibility for covering their expenditure increases with higher taxes.

It is, undoubtedly, feelings of this type which caused the Advisory Commission on Intergovernmental Relations in a recent publication, after referring to advantages of the Federal tax system, to go on and say that these "enable the Congress to raise far more revenue at far less political risk than can all of the State and local officials combined," or again, in another part of the same publication, when expressing opposition to a Federal tax cut which would leave additional funds available for State and local tax increases, making the following statement:

> Such a policy would place governors and mayors in the untenable political position of wresting from the citizenry the tax reduction granted by the Federal authorities. National policymakers would reap all the political credit for granting tax reduction while State and local policymakers would be denounced for short circuiting this beneficent Federal policy.

Still elsewhere in the same document, references are made to taxpayer resistance as tax rates are pushed higher. We, at the Federal level, also recognize this resistance to higher tax rates and we see no reason why this type of restraint should not be shared with State and local governments.

What worries me most about not imposing taxes at the same level of government responsible for the expenditures is that this means there is no balancing of priorities between taxing and spending. In saying this, I do not mean that expenditures should not increase, but rather that if they are to increase, there should be an evaluation of these expenditure programs, not only one with another, but also with the effect of tax reductions or, if not tax reductions, at least with the prospect of forgoing tax increases.

I should say I am not merely worried about the $5 billion or so which the administration currently would schedule for revenue sharing; rather, my concern is that once this road is begun, where does it end? Obviously, from the standpoint of State and local governments, nothing could be nicer than having no-strings-attached funds for which they bear no responsibility for raising. As a result, once the $5 billion or so is obtained in this manner, what could be more natural than at some future time to demand in the strongest terms possible, further increases in funds available.

Would this stop at $7½ billion, would it stop at $10 billion, would it stop at $20 billion, or would it go to $100 billion before they finished their requests?

In my view, we already have too little restraint on spending programs at the present time. If the revenue-sharing machine is to be cranked up, I fear we will lose much of what restraint we now have. I am not at all sure that this was not really the intent of some of the originators of the idea of revenue sharing. For example, let me quote from a recent article by Mr. Joseph Pechman who is often referred to as one of the authors of this proposal.

> In present circumstances, Federal fiscal assistance should flow directly into State and local government treasuries to avoid use of the Federal funds for tax reduction.

In pointing out what I believe are the three principal reasons why revenue sharing is advocated, I have also expressed my view as to one of the major problems in going the revenue-sharing route; namely, that to do so means there is no examination of the priorities in spending increases versus tax increases. But there is another major flaw in revenue sharing that needs to be brought out in the open and discussed freely.

If the purpose of revenue sharing is to meet the needs of our economy today, then revenue sharing is a poor and wasteful means of attaining these ends. Why do I say that it is wasteful? Because under any of the formulas that have been developed so far, substantial funds are given to States and localities where there is little or no need, as well as to those where there is need.

Let us examine the formula the administration proposes for allocating funds from the Federal Government to the 50 States. I understand at the State level the formula proposed this year is the same as that proposed previously. The formula, first of all, is on a per capita basis multiplied by a fraction in which the numerator is the revenue raised by the State and local governments and the denominator is the personal income level of the State and local governments. In many respects this is not too bad a formula in that the income level reflects the relative ability of the States to raise revenue, while the revenue which they already raised is a way of expressing their effort to raise the needed funds. However, the only attempt to measure need in such a formula is the reference to population; yet we all know that the number of people in a given area is a poor measure of need since this varies widely on a per capita basis. As a result, the revenue-sharing formula advocated by the administration is wasteful in that it shares revenue with States with little relative need, as well as with those where there is a substantial need.

The formula, which I understand is being proposed for the distribution of the funds among the localities of the various States, has still more problems in it. This formula would divide the money going to the localities on the basis of the proportion of the local revenue raised by each locality. This formula contains serious defects. If the revenues are divided on the basis of the revenues raised locally, this means that those localities which are the wealthiest and best able to raise revenue will receive the largest shares of the Federal revenue. Essentially the same problem exists with respect to the formula used in determining how the funds are to be divided between the States and localities.

On the other hand, if the sharing were to be based on the relative expenditures of each locality—another formula which I understand has been considered—the formula then would become a positive inducement for a spending spree. It would give the most funds to the localities which spend the most, regardless of their need. Either of these formulas—that based on revenues and proposed by the administration, or that based on expenditures—or a combination of them, ignore need and the relative ability of the communities to raise revenue. Instead, they tend to help the richer communities or those which are the freest spenders.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I shall be glad to now yield to the gentleman from Maryland.

Mr. LONG of Maryland. I would like to ask the gentleman whether under the revenue-sharing plan being proposed by the Federal Government, the Federal Government would have complete authority to say what formula any particular State would use in allocating the revenues?

Mr. MILLS. I think that is fundamentally correct. The general rule as I understand it, would contain a formula for distribution in the localities within the State. In some material I have just received, however, there is reference to an incentive formula. It is my impression however, that this does not change the basic rule very much.

Mr. LONG of Maryland. Would it be a mere inducement or an absolute requirement?

Mr. MILLS. It is my understanding that the moneys would be distributed under a formula which is based on the revenues each locality raises.

Mr. LONG of Maryland. The gentleman has indicated that, under at least one formula being considered, is one, "to him who hath shall be given."

Mr. MILLS. Yes. The other possible formula would provide "to whosoever already spends much, there shall be given more to spend."

In making these comments about the formulas the administration proposes for use in revenue sharing, I do not mean to be critical. I recognize the limitations within which they must work. Statistical data frequently are not available to develop the types of standards which they might like to have for distributing the revenues. Even more important, the tax systems and conditions are so diverse from State to State and from locality to locality within each State, plus the problem of dealing with overlapping local government jurisdictions, that I believe there is considerable question as to whether it is possible to come up with any distribution formula which will be fair and yet distribute the funds according to need and relative effort of the various tax jurisdictions throughout the country. In a much more limited area, looking only to distributions for education, this seems to be borne out by the comments of two research specialists of the Federal Reserve Bank of Boston, Mr. Steven J. Weiss and Mr. Robert W. Eisenmenger, who said the following:

> We found, however, that there simply is no way to measure the tax base and tax effort of each and every school district. The differing tax structures within each State and the varying distributions of functional and financial responsibilities of States, counties, townships, and special districts make it impossible to evaluate—across State boundaries—the relative needs of individual districts.

Think how much more difficult the problem is when we try and take into account the differing needs in the whole spectrum of State and local expenditure programs.

Of course, these difficulties in State and local financing can be dealt with by means other than revenue sharing.

The proponents of the proposal imply that revenue sharing is the only way. It has become a magical solution to so many people who have their hand out wanting something from the Government. This philosophy is beyond me. Today, I am merely trying to get them to stop and think what they are asking the Congress to hand out. If they will analyze it and look into it, they will find that their purposes can be served in so many different ways and to a more satisfactory degree than by revenue sharing.

It seems to me that when we have a proposal which is obviously defective at the very least we should not rush it without examining the alternatives.

Revenue sharing basically is the distribution of Federal revenues to States and localities under distribution formulas but on a no-strings-attached basis as far as use of the funds is concerned. Block grants, which the administration has also espoused, differ from revenue sharing in this respect in the sense that the broad general purpose for which the funds are to be spent is specified by the Federal Government. Block grants share most of the same problems as revenue sharing, although, in this case, there is at least some indication that the funds will be spent for purposes where there are recognized needs. It seems to me that if more funds are to be needed by States and localities, these are not the only ways of accomplishing these results.

Others have suggested that we should make an effort to aid the States and localities in improving their own tax systems.

As I indicated earlier, this can be done by permitting the States and localities, if they use the Federal tax base, also to make use of the Federal tax collection system. Under this arrangement the States will still be responsible for imposing the taxes and setting their own rate structure. The increased efficiency in collecting State taxes, which this might bring about, should free up substantial additional revenue for State and local governments.

Others have suggested that credits should be allowed for State income taxes which are imposed. This is proposed as a way of removing the competitive problem, which some believe States are faced with when they increase their income taxes. I have doubts as to the desirability of trying to direct the States and localities in developing their tax structure, but at least this alternative should also be explored before we take the leap to revenue sharing.

Another, and perhaps a more fruitful method of dealing with the program, is to review the categorical aid programs, which we have at the present time as law, with the intent of both simplifying them and making them available on a broader basis. This would make it unnecessary for the States and localities to go into programs which they believe are undesirable merely to obtain the Federal funds, since the same Federal funds might also be available for other programs which they believe their State and localities need much more.

In this same area, it is also possible to aid the States and local governments fiscally by changing the grant-in-aid formulas so that a larger portion of the total is borne by the Federal Government. And, frankly, this is what I think Congress ought to do. This, in effect, is what we have been doing already in our consideration of the welfare programs that passed the House last year, but failed in final enactment. I believe this alone would do much to take the financial pressures off of the States and localities.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I first wish to commend the gentleman in the well for analyzing a proposal which has caused so much confusion. I think there is such a misconception of what the revenue-sharing program will do that I believe what the chairman is stating today will clear the air to a large extent.

Now, Mr. Speaker, I have this question to ask the gentleman in the well:

Under the proposal how would a small State like Hawaii fare?

Mr. MILLS. Earlier in my remarks I pointed out how 30 States would fare under each of three different concepts. In each case I pointed out the 15 States that would gain the most, and the 15 that would lose the most. First, I pointed out that if we were to cut back all Government expenditure programs proportionately in order to provide the funds for revenue sharing——

Mr. MATSUNAGA. Mr. Speaker, I would apologize to the gentleman for not being on the floor at that time.

Mr. MILLS. Hawaii, for example, would be among the 15 big losers if that is done.

Second, if you use another type of cutting back on expenditures—by reducing categorical aid programs, then Hawaii would not be among either the 15 big gainers or the 15 big losers.

It happens that among those that would be hurt are some States that I doubt could very well stand to be hurt, such as Utah, South Dakota, Alabama, Mississippi, Arkansas, Wyoming, Kentucky, New Mexico, Oklahoma, Maryland, Vermont, and West Virginia.

Finally, I looked to see who would be hurt or helped the most if we have to levy taxes equal to the amount that we gave back in revenue sharing, and in this case Hawaii would be one of the 15 States that would be helped the most.

But, actually, on this basis, if taxes are increased, you are generally helping the States with a lower density of population and you are hurting the States like Massachusetts, New York, Michigan, Illinois, Ohio, and Pennsylvania which are States of greater population density and where the problems of urbanism exist to a greater extent than they do in the less populous areas.

Mr. MATSUNAGA. So whether a State like Hawaii would gain or lose depends on the formula that is used?

Mr. MILLS. No, it depends on the decisions—the decisions that the Congress would make, on down the road, as to how it would handle the payment of this $5 billion to the States on a no-strings-attached basis. Would we level off other expenditures, or would we raise taxes or what would we do to keep revenue sharing from continuing to cause the Federal Government from going deeper in the red all the time? When the figures for revenue sharing rise to $7½ billion or $15 billion or $20 billion and $100 billion on down the road, we would have to do something about it. I think the most likely possibility is that we would have to provide more taxes at that point.

Mr. MATSUNAGA. I thank the gentleman.

Mr. MILLS. So that any way these funds are provided, it looks to me that some States are going to be hurt and some States are going to be helped. There is quite a mixed picture among those States to be hurt and among those States to be helped. If you look at any one of the assumptions on making up the replacement of the revenue, it becomes clear that not everybody is helped.

I think the administration was kind enough to come up with the information last year about how the cities in all congressional districts, and certainly in mine, would prosper under revenue sharing. They were told exactly how much they would get under the revenue sharing program, but they did not tell how much might be taken away in the exchange. They did not even suggest to the people that they might have to pay more taxes. All they said was that they would send $10 million to one community here and $1 million to another community there. We all know the communities need money. But in this case they were led to believe that Uncle Sam would just be acting like Santa Claus—just a little prematurely, somewhat before Christmas.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas, not only for yielding but for taking this time to inform the House in such an educational way about this matter. I do have one little question, if it will not impose upon the gentleman.

Mr. MILLS. I am glad to yield to the gentleman.

Mr. GONZALEZ. The gentleman mentioned how it might look for the State of Hawaii, but how would it look for Texas under those figures the gentleman has?

Mr. MILLS. The State of Texas is among the 15 States that would be hurt the most in one of these calculations. This develops because if you cut spending across the board—including defense as well as everything else—Texas, which is important in our total defense position, would be worse off, even with the shared revenue, due to the loss in its share of general expenditures.

Mr. GONZALEZ. Do you think we would be safeguarded by the new Secretary of the Treasury?

Mr. MILLS. I do not know what his position is. I assume he will have views but I know my friend, the gentleman from Texas you are referring to, well enough to know that he not only disagrees with the gentleman from Arkansas occasionally and he might even disagree with a fellow Texan.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. EDMONDSON. Mr. Speaker, I want to express my personal appreciation to the distinguished chairman of the Committee on Ways and Means for putting in perspective this issue which the President has defined as his fifth great goal—the revenue sharing proposal.

I think the gentleman from Arkansas has brought home to the House what in time will become apparent to the American people, and that is that it is not the most responsible way to conduct business, to go about a procedure with a blank check revenue sharing proposal that the President has advanced.

It would be a blank-check revenue-sharing proposition that the President has advanced.

Mr. MILLS. If the gentleman will pardon my interruption, any president is a man who has many problems and too little time to analyze anything that comes to him. But it is surprising to me, that the President would buy this idea developed by Dr. Walter Heller and Dr. Joe Pechman.

They did not sell it to the last administration. I think the President would have been better advised to have had some of his advisers develop some other alternative, rather than to buy this particular plan.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield further?

Mr. MILLS. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The distinguished Chairman has emphasized the point that the power to tax is a very important power of government at any level, and it must be coupled with responsibility for the spending of the money.

Mr. MILLS. I know that if you would put me at the head of a municipality and give me all the money I want, and I did not have the responsibility of coming to Congress and asking for a tax increase, there would be no limit in what I would want to spend, and there would be no limit on what I would waste in the process.

But I did not want to talk about that. What I wanted to do today was to analyze the arguments that are made in favor of the program to see just how far they fall short of their stated goals.

Mr. EDMONDSON. I think the chairman has done an outstanding job.

Mr. MILLS. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I think that the gentleman has inadvertently suggested that revenue sharing is a "liberal" proposal. On the contrary, the very fine analysis of the gentleman has made it clear that revenue sharing does not make economic sense, either as a "liberal" or as a "conservative" proposal.

Mr. MILLS. Or a middle-of-the-road program even.

Mr. LONG of Maryland. That is correct.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding. I merely wish to indicate that it has not been only Joe Pechman and Walter Heller who have been proponents of revenue sharing. If my memory serves me correctly, I think our former colleague, the present Secretary of Defense, Melvin Laird, first introduced a measure which he called a revenue-sharing proposal in 1958.

Mr. MILLS. It was not this same idea. If you would talk with him, I think he would tell you that he did not get his idea from Walter Heller and Joe Pechman.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I appreciate the gentleman's yielding to me. I would merely like to say that I wholeheartedly concur in his arguments about the so-called revenue-sharing plan. With the responsibility to spend money must also go to the responsibility to raise the money. Any time you vary from that practice you are getting into serious areas of irresponsibility.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Speaking of advisers on this subject, why not congressional advisers, conservative congressional advisers, be they Democratic or Republican?

Mr. MILLS. I am going to leave that to you, because I do not make any suggestions even to a Democratic President. I do not often advise.

Let me return to my statement.

Actually, if we were to reconsider the grant-in-aid programs in the areas of education, welfare, hospitals and health, we would be dealing with the areas which account for nearly 60 percent of the State and local government expenditures. Certainly changing the formulas so that the Federal share is increased somewhat in the case of programs of this type would do as much, if not more, than developing a new Federal revenue-sharing program to be superimposed on top of the existing grant-in-aid programs.

Finally, to put this problem in perspective. I would like to stress that there are few thing that could help the States and localities as much as a responsible fiscal policy which would help contain inflation and provide for a stable price level. We are told that one of the problems of State and local financing is that each time the price level goes up, the financial costs of State and local governments are increased more than their tax receipts. The moral of this, I think, is quite clear. Federal expenditures must be kept at reasonable levels and proposals for additional spending including revenue sharing should be scrutinized carefully in light of their possible inflationary impact.

Let me close by again stressing that bad as the fiscal problems of the State and local governments are, it is not clear that they are any worse than the fiscal problems faced by the Federal Government. In a recent article, the economists, Mr. Richard A. Musgrave and Mr. Mitchell Polinsky, estimate that by 1975 State and local expenditures will be $191 billion after allowing for the increased workload due to rising population and for quality improvement at past rates. In this article, revenue in 1975, including Federal aid, expanding at normal rates is estimated at $174 billion, leaving a deficit of $17 billion. The authors go on to say that of this, $11 billion will be covered by normal borrowing, leaving a gap of $6 billion. They point out that this could be met by a 5-percent increase in tax rates at the State-local level; an increase which they suggest seems well within the reach of State-local governments given their past record of rate increases.

On the other hand, we are currently faced with very substantial deficits at the Federal level of possibly as much as $15 billion, which are likely to continue at least until we approach full employment levels. It seems to me that this at least should flash a caution light for us to go slow with these proposals for giving away Federal revenues.

SPECULATION, FRAUD, AND BANKING PRACTICES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, in recent days, the citizens of Texas have been shocked to learn that certain banks gave huge unsecured loans to prominent officials in the State to finance speculative stock ventures. One bank has been so heavily involved in such loans and other questionable practices that its directors have had to order it closed.

But the fact is that it is nothing new for banks to finance speculative stock buying. Indeed huge amounts of capital have been diverted from legitimate and productive ends to finance the acquisition of stocks and the purchase of banks; all of this is money that might have otherwise gone into the hands of businesses which had need for it, or for home builders and buyers, who have been desperately short of cash for years.

In 1967, the Committee on Banking and Currency described how within a 2-year period 900 banks changed hands—that is one out of every 14 in the United States—and how in more than half those cases the new owners had invested less than 1 percent of their own money—better than 90 percent of the purchase money came from bank loans.

The committee at that time noted that banks in a 2-year period had loaned $206 million to people who were buying the stocks of other banks. Those investors put up only $30 million of their own money, and for that they got 424 banks having assets of $3.4 billion. Quoting the committee report on this odious practice:

> The attractiveness to speculators, promoters and worse, of the virtually unlimited "leverage" possibilities of bank buying on credit is obvious.

Well, time has passed, but nothing has changed.

Just a few days ago word came that an attempt was underway to buy the Groos National Bank of San Antonio. The stock was being bought up at prices ranging up to three times its current trading value, and it was being financed through a loan from a Houston bank, the Bank of the Southwest. This bank has in previous times financed stock purchases in banks.

It turns out that the would-be purchaser of the Groos Bank was unable to buy control of the bank. He spent perhaps $5 million in funds that were probably mostly borrowed—90 percent if he ran true to the usual form in these cases. It also turns out that this purchaser seems to have a criminal record, and that it may take a special waiver from regulatory agencies to permit him to sit on the board of the Groos Bank.

Speculation of the wildest kind, speculation financed by banks to raid other banks, is not just a nightmare but a reality. It has been going on a long time. In the past, these stock raids were mostly from city banks to buy up rural or small town banks; but now it appears that the big banks are after the not-so-big banks—and using depositor funds to finance the speculation.

Quoting the 1967 Banking Committee report:

> It is impossible to defend the diversion of bank credit for such a purpose.

It is even less possible to defend the diversion of bank credit to make huge, unsecured loans to public officials to finance the purchase of speculative stocks. Yet in Texas, one bank gave loans that must amount to well over a million dollars to finance purchase of insurance company stocks and other stocks that were also controlled by the bank's owners. These loans apparently went to finance manipulation of the stock prices. It was easy—unsecured loans went to friends of the bank owners, who then bought stock in companies the bank management obligingly steered them to—companies the same management also controlled. The stock would be forced up in price, and everyone got out the richer.

What is this but a replay of the stock pools in the stock market before we had a Securities and Exchange Commission? What is this other than the rankest kind of speculation? Moreover, in this case what was it other than an attempt to bedazzle, befriend, and perhaps ensnare public officials of the State of Texas?

No one could defend the practices of the Sharpstown Bank, and that bank is closed. No one has been hurt but the depositors, who hopefully will be protected by Federal insurance. But the scandal remains.

How is it that great banks like the Bank of the Southwest, and little banks like the Sharpstown Bank, can divert huge amounts of capital away from sound and productive loans and into huge speculative wheeling and dealing loans—loans to manipulate unregistered stocks, and loans to buy up banks?

Mr. Speaker, the recent events in Texa are so odious that no one can go nea them without holding his nose.

I believe that the Securities and Exchange Commission was right to clamp down on the fraud and manipulation that was so evidently being financed by the Sharpstown Bank.

Now, I believe that the Federal Deposit Insurance Corporation and the Comptroller of the Currency should also investigate to see how it is that banks make these speculative loans, and how they finance the reckless acquisition of other banks, the pyramiding of resources, the manipulation of precious resources for no sound reason at all—no reason other than greed.

I believe that we have allowed too much time to pass since the Banking Committee's 1967 report on bank stock loans. I believe that we must investigate the practices thoroughly and take whatever action necessary to see that they are not repeated. Banks have a public responsibility. They are not the playthings of speculators, but the engine that must finance our entire economy. The destruction of sound banking practices by these latter-day Goulds has gone too far already; it has corrupted the public officials of Texas; it has concentrated bank ownership and sometimes placed in questionable hands; and it has diverted bank credit away from productive uses and into wholly frivolous and downright dangerous speculation. It is time to stop this kind of wheeling and dealing.

CONQUEST OF CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, today I introduce a bill which will enable this Nation to eliminate its second most deadly disease: cancer.

To accomplish this, a National Cancer Authority would replace the present inadequately funded research centers which are now dispersed under various agencies and where several groups are often doing identical work.

Bringing this far-reaching program into effect requires a doubling of the amount now being spent on cancer research to $400 million for this year, and gradually increasing it to $1 billion a year by 1976.

THE EXTENT OF CANCER

An examination of the grim statistics about cancer provides ample justification for this expenditure. Of this country's 204 million people, 51 million will develop cancer and 34 million of this group will eventually die of this disease. Death from cancer comes once every 2 minutes, and one-half of these victims are under 65. In causing 16 percent of the Nation's deaths, it is exceeded only by heart disease. Furthermore, the incidence of cancer is increasing, due partly to the greater number of citizens who reach more advanced ages where cancer strikes more frequently, and also due to the sharp increase in lung cancer, attributable to air pollution and cigarette smoking.

THE PROGRESS AND THE NEED

The rate of cure has been improved from one out of every five victims in 1930 to one out of three today. The ratio could be further decreased to one out of two, but only with proper funding and efficient administration, neither of which are availbale at this time. Government spending last year provides an illustration of the funding problem. Although cancer killed eight times as many people in 1970 as have been killed in Vietnam in the past 6 years, the Government spent an average of $410 per person on defense—$125 of that amount on Vietnam alone—and only 89 cents per person on cancer. Clearly, a reappraisal of priorities is in order.

Money is required for further development in the three vital fields of cancer research: prevention, detection, and treatment. Without proper funding, the program cannot succeed. The requested sum is small in comparison to the vast amounts spent annually on other projects and will be immeasurably rewarding in terms of human lives eventually saved by a coordinated program for cancer research.

The first area of research, cancer prevention, has already proved to be encouraging. While working to discover factors which cause or promote cancer, scientists are also attempting to eliminate them from the environment. Recent discoveries have included the linkage of air pollution and excessive smoking with lung cancer, long exposure to radiation with thyroid cancer and leukemia, and overexposure to ultraviolet light with skin cancer.

Progress has also been made in cancer detection. Early detection of cancer, using such methods as the pap test, chest X-rays, and exfoliate cytology, allows for earlier therapy and, therefore, a better chance for cure of the cancer patient.

Funds are also needed for the establishment of more effective use of the present methods of treatment as well as for development of new treatment techniques. While surgery must take place before the cancer has spread beyond tissues which can be removed, it offers a good chance for cure in many cases. Radiation treatment, which destroys cells by injuring their capacity to divide, can retard the growth of cancer, which normally proliferates in an uncontrolled manner. This method is usually very effective, but also very expensive. The use of chemotherapy to control cancer is an emerging area of cancer treatment which, though still requiring much study, has been found to cure several types of the disease in both localized and highly disseminated cases. Scientists are experimenting with new drugs and combinations of several drugs in this quickly developing field.

Combinations of methods of surgery, radiation, and chemotherapy can be used to cure a patient.

NATIONAL PANEL OF CANCER CONSULTANTS

Recognizing the need for reform in cancer research, the Senate voted overwhelmingly, in Resolution 376 on April 27, 1970, to establish a panel of 13 scientists and 13 laymen to investigate and report on methods necessary to facilitate the conquest of cancer. The panel included many of the Nation's leading medical scientists specializing in cancer studies as well as several distinguished figures from the business community. Following an 8-month study, the panel submitted its report to the Senate Labor and Public Welfare Committee, calling for a comprehensive national organization which would direct a systematic attack on cancer and for adequate Federal funding for this program.

As a result, a bill was presented by Senator Yarborough to the U.S. Senate on December 4, 1970, based on the panel's recommendations.

The panel's concept of a national organization, which it named the National Cancer Authority, was incorporated into the bill. The bill I introduce is identical.

RECOMMENDATIONS

What the report specified, and my bill proposes: First, the establishment of a National Cancer Authority as an independent governmental agency, directly responsible to the White House. It would be directed by an Administrator and Deputy Administrator, appointed by the President and approved by the Senate; and, second, the National Cancer Authority would take over the functions of the National Cancer Institute and be charged with the duties of conducting research by utilizing existing facilities, establishing additional cancer centers, and coordinating the efforts of all scientists with optimum communication and centralized information banks. The cancer centers would be concerned primarily with research, rather than care of the Nation's cancer patients.

The panel further recommended the creation of a National Cancer Advisory Board, composed of 18 members appointed by the President and approved by the Senate. Half of the Board members would be doctors and scientists and the remainder would be laymen. The Board would advise and assist the Cancer Authority, and make a yearly report on the Authority to the President and Congress.

Rather than merely suggesting the creation of a National Cancer Authority, this bill clearly defines its functions and outlines its administrative system. Furthermore, no portions of the funds are predesignated for specific purposes. The Authority will be free to consider all the alternatives for dispensing its budget and choose appropriate amounts for each project.

Mr. Speaker, we can, if we will, eliminate the menace of cancer. This bill gives us the means to do so.

NATIONAL ECONOMIC CONVERSION COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MORSE) is recognized for 5 minutes.

Mr. MORSE. Mr. Speaker, one of our most crucial challenges at this present session of Congress is the urgent need to come to grips with the problems of economic transition faced by a vital sector of our economy. Cutbacks in Federal spending on defense and space have been predictable for some time, but the failure to prepare for their consequences in an orderly and logical way has resulted in a critical situation which demands immediate attention and effective remedy. In Massachusetts alone, over 10,000 highly trained scientists and engineers are presently without jobs. These people represent a vast reservoir of talent and ingenuity, whose preservation and encouragement is vital to our national strategic posture. Their plight is thus more than just a humanitarian problem. Its alleviation is vital to our very national security over the next 10 to 15 years.

It was back in 1963 that I first urged that Government and industry begin to prepare for the inevitable results of reduced Government spending in the defense and space fields. The following year I introduced legislation to establish a National Economic Conversion Commission to study and plan for an orderly and gradual move away from economic dependence on military and space contracts. In a speech at Northeastern University that same year, I pointed out that—

> While reduced levels of spending in these areas pose real problems for our economy, by the same token it provides us with the opportunity to make technological gains we could not have dreamed of earlier.

I said 6 years ago:

> We can and must begin now, if we are to realize the enormous potential for growth.

The past year has witnessed the realization of these early predictions of impending difficulties. It has also been an intensification in our search for solutions. In a letter to Mr. George P. Shultz on January 19 of this year, I noted some of the initiatives I have taken in cooperation with a group of scientists and engineers in my district to make meaningful progress toward easing the hardships of transition for industries, organizations and individuals hurt by defense and space cutbacks. Together, we have explored a wide variety of plans to encourage diversification into areas of expanding national concern, such as purification of the environment, medical research and education. We have worked on projects to provide meaningful jobs in local government, explored possibilities for employment abroad, examined schemes to establish technology exchanges and encourage venture capital, urged Federal agencies to set aside more funds for research, and sought to set up programs for placing unemployed scientists in organizations which are expanding, such as the Environmental Protection Agency. We have also put steps in motion to establish an association of unemployed scientists, engineers and other technically trained people to serve as a clearinghouse for employment possibilities in Massachusetts.

I have also reintroduced an expanded and revised national economic conversion bill in the present Congress and discussed the need for more Federal action with a wide variety of officials in the executive branch. In this connection, I was encouraged to read in the Washington Post last Monday an article which reported that the administration plans to increase spending on research and development in the new budget, a course which I had urged in my letter to Mr. Shultz.

I deeply hope that the prediction in the article will be borne out, and I look forward to examining the budget carefully to see whether the measures proposed are adequate to the task and responsive to the urgent need for Government action.

The text of my letter to Mr. Shultz and the text of the article in the Washington Post follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 19, 1971.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget,
The White House, Washington, D.C.

DEAR MR. SHULTZ: During the past year I have been consulting intensively with scientists and engineers in my District concerning measures to alleviate the serious unemployment problem caused by cutbacks in defense spending. The situation has become especially acute in Massachusetts, where it is estimated that at least 10,000 highly-qualified scientists and engineers are presently out of work.

Working jointly with these scientists and engineers, we have taken a number of intiatives designed to ease the hardship caused by job losses in defense industries. We have worked on plans to use some of the idle talent in local government, explored a wide variety of conversion possibilities for defense-oriented industries, examined opportunities for employment abroad, and proposed the establishment of an Association of unemployed scientists, engineers and other technically trained people to serve as a clearing house for employment possibilities.

The measures we have been able to take thus far, however, are only palliatives. What is needed, I believe, is a large budgetary commitment to research and development in non-defense areas such as the environment, medical research, urban problems and education, which would seek to use the talented people now out of work in a useful and constructive way. In accordance with the President's expressed desire to encourage more responsibility at local government levels, funds might be earmarked for organizations such as the newly-formed Massachusetts Science and Technology Foundation, which is seeking financial support for an imaginative proposal to establish a technology exchange in Massachusetts.

In general, I believe that funds in support of research will be most productive if they are project-oriented and committed in sufficient amount to permit contracting organizations to plan their efforts over several years to achieve specific objectives in accordance with a systems-analysis approach. I am deeply concerned that, if the present unemployment of scientists and engineers is allowed to continue, their plight will have a discouraging effect on college students now planning their careers and result in the decline of our scientific and technological resources. This would have a decidedly adverse effect on our national strategic posture over the next 10 to 15 years.

In recent days I have discussed these matters with a wide variety of officials in the White House and other offices of the Executive Branch. There seems to be universal agreement that the situation is serious and in need of prompt and effective remedy.

Since the President's forthcoming budget will be of crucial importance in efforts to cope with this situation, I would be most grateful for your views and would appreciate knowing in particular of any special measures taken in the budget to address the problem of unemployed scientists and engineers.

With best regards, I am

Sincerely,

F. BRADFORD MORSE,
Member of Congress.

NIXON TO INCREASE BUDGET FOR SCIENCE

(By Victor Cohn)

The lean years for science—the drop in research caused by tight federal science allotments of the past five years—may be bottoming out.

The Nixon administration's fiscal 1972 budget, due within days, will contain increases in research funds, especially funds for colleges, regarded as "impossible" by many federal science officials only weeks ago.

The increase in all federally financed research and development, including everything from basic laboratory work to weapons to medical electronics, will be about 8 per cent.

The increase in research at colleges and universities will be 9 per cent by one prediction, 12 per cent by another. In either case, one informed scientist said, it will be "considerable," more than compensating for the years' inflation.

All these increases may be attributed in large part it is reported, to the feeling of presidential aide George P. Shultz that the country badly needs more research and development to help revive its sagging industrial productivity.

Economist Shultz, director of the President's Office of Management and Budget, is said to believe that productivity and prosperity are linked closely in a technologically advanced society to job-creating advances like the transistor and computers.

Also responsible, it is felt, are strong representations made by presidential science adviser Edward M. David Jr. and his predecessor, Dr. Lee A. DuBridge, who retired last August.

Concern over some 50,000 unemployed scientists and engineers and successful salesmanship by the science community are also involved. For at least three years many scientists have been saying that research and training funds were failing to keep up with inflation and, in the words of Dr. Philip Handler, president of the National Academy of Sciences, that the country's research apparatus was "falling into shambles."

The increases are made possible, of course, by the administration's new economy-spurring deficit policy. In one official's words, "a lot of money is going to be available."

But for fiscal 1971, too, the administration budgeted an academic research increase of more than 7 per cent, though total research and development funding dropped.

In total, Mr. Nixon's supporters are sure to say now that scientists and others have been wrong when they claimed science's influence was small in this administration, or that this President did not believe in science.

Specifically, for fiscal 1972:

Total research and development obligations will be about $17 billion, up $1.2 billion from fiscal 1971's planned $15.8 billion. The 1971 figure was down $600 million from 1970's.

Total academic science obligations will be in the area of $1.7 billion or $1.8 billion, if not much more.

Funds for one agency alone—the long puny but now fast-growing National Science Foundation—will jump by well over $100 million, from this year's $513 million to $622 million (after a 1971 increase of nearly $100 million).

Credit for the 1971 increase went largely to NSF's vigorous current director, Dr. William McElroy; to DuBridge and to former Democratic Rep. Emilio Q. Daddario of Connecticut and Sen. Edward M. Kennedy (D-Mass.), authorization subcommittee heads.

Not every branch of science and technology will benefit. The budget will show David's strong influence here in establishing a close relationship with the office of the budget in setting priorities.

The National Aeronautics and Space Administration will slip apparently from 1971's

> $3.27 billion to $3.2 billion, not enough to move ahead swiftly on all facets of manned and unmanned flight.
>
> There will be little new construction anyplace, either of buildings or of instruments like radio-telescopes.
>
> There will be increases in research on the environment. Medical research and life sciences will, in general, do well because David has been stressing the need for health research and development to back up the President's expected health initiatives.
>
> There will also be a fat "extra $110 million"—in the unexpected promise of the President's State of the Union message—"to launch an intensive campaign to find a cure for cancer."
>
> This cause was pushed in Congress last year by Sen. Ralph M. Yarborough (D-Tex.), though it did not keep him from being defeated.
>
> Its acceptance is so new in this administration that on the night of the President's message officials of the National Institutes of Health still did not know just how soon it would become available or how federal health agencies would spend it.

SECRETARY STANS WAS RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Michigan. Mr. Speaker, I wish to draw attention to evidence now available of significant progress in returning the economy to a condition of stability and normal growth. Most of our recent economic statistics have been distorted by the 2½-month automobile strike, though this distortion is not always recognized.

The financial sector of the economy, however, has not been distorted in a major way by the automobile strike, and it is this sector from which we have received very significant news in recent months. Financial flows are once again moving smoothly through the system, in particular to the long-starved housing sector. Most important, perhaps, interest rates have been dropping sharply.

We heard much complaint in this body when interest rates were rising as a result of the uncontrolled inflationary policies pursued from 1965 to 1968. Now, however, when interest rates are coming down rapidly, signaling success in the administration's game plan, we hear little about it. Many are willing to complain when interest costs are rising, but few are willing even to acknowledge the accomplishment when they come down.

I recall in particular the lack of belief that greeted the prediction by the Secretary of Commerce last September that interest rates would fall sharply. On September 3, Secretary Stans said:

> We will see 6 percent interest rates again, and perhaps not too far off.

At that time, there were not many who were willing to accept the idea that interest rates would be coming down. I remember the gentleman from Texas, chairman of the Banking and Currency Committee, complaining many times about the rates banks were charging.

Yet, today, only 4 months later, Secretary Stans' predictions have been borne out. The rate at which commercial banks lend to their prime customers has been reduced to 6 percent. A year ago it was 8½ percent and early last September it was 8 percent. Corporate bonds, which were being issued at rates well above 9 percent last spring, are now going for close to 7 percent. Rates on municipal and Treasury securities have come down accordingly. The Treasury bill rate, which was at 8 percent a year ago, has plummeted to 4.2 percent, well below the Secretary's 6-percent figure.

Mortgage rates, perhaps the most significant interest rate to the American family, have started down. The FHA reduced its ceiling rate from 8½ percent to 8 percent on December 1, and a further reduction to 7½ percent was made in mid-January. Reflecting these easier monetary conditions, housing starts are booming; last January the seasonally adjusted annual rate was below 1 million units, whereas the rate this December approaches the 2 million mark.

Mr. Speaker, these developments indicate that the administration's game plan is having the desired effect of eliminating high inflation and high interest rates and returning the economy to its normal condition of vigorous growth with stability. The Secretary of Commerce is to be congratulated for his perspicacious forecast, and the entire Nixon economic team deserves our thanks for pursuing sensible and effective economic policies.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. A poor Scottish immigrant, Andrew Carnegie, came to the United States in the 1850's and supported his family as a telegraph boy. Shortly after the Civil War, he entered the steel industry and 15 years later he reached the top of the ladder. At his death Carnegie had become the richest man in the world and had given 90 percent of his wealth away. He founded over 2,800 libraries and established various institutes, endowment funds, and great modern foundations. Carnegie said:

> The wealth that came to me, to administer as a sacred trust for the good of my fellow men is to continue to benefit humanity.

EMERGENCY SCHOOL AID ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I am pleased to introduce today the Emergency School Aid Act of 1971. This bill, which the President has indicated is of the highest priority, is essentially similar to H.R. 19446, of which I was an author during the last session of Congress. That bill passed the House of Representatives on December 21, 1970, but unfortunately no action was taken by the Senate before the close of the 91st Congress. It is my hope that we can give early consideration to this bill in this session, so that school districts across the Nation can receive the assistance they so desperately need.

The bill I am introducing today authorizes the appropriation of a total of $1.5 billion over a 2-year period. In addition, funds appropriated for one fiscal year can be carried over for expenditure in the following fiscal year.

Eighty percent of the sums appropriated would be allotted among the States on the basis of their relative populations of children who are Negro, American Indian, Spanish-surnamed Americans, or members of other minority groups as determined by the Secretary of Health, Education, and Welfare. I would like to point out that this bill treats all areas of the country alike in its distributional formula. The "double counting" provision that was included in the administration's bill of a year ago has been dropped. This will assure that no single area of the country receives a disproportionate amount of the funds appropriated for this legislation.

The remaining 20 percent of the appropriation would be reserved to the Secretary of Health, Education, and Welfare. From this amount he would be able to support model desegregation programs.

The bill provides for three categories of eligibility for local educational agencies:

Those desegregating under legal order or pursuant to an HEW-approved plan under title VI of the Civil Rights Act of 1964;

Those voluntarily seeking to integrate all the racially isolated schools in a school district; and

Those seeking to eliminate or reduce racial isolation in one or more schools in a district, or to prevent such isolation from occurring.

Eligible local educational agencies would submit their desegregation plans and requests for assistance to the Secretary of Health, Education, and Welfare. He, in turn, would apply statutory criteria in evaluating the relative merits of a district's plan, as compared with those plans of other local educational agencies in the same State.

The bill recognizes that desegregation costs money. In many cases, to achieve successful desegregation or reduction or prevention of racial isolation, a school district will have to undertake new and expensive programs. It is the purpose of the Emergency School Aid Act to provide assistance to districts which do undertake such programs. For this reason, permissible uses of Federal funds range across the educational spectrum:

Remedial and other services to meet the special needs of children in desegregating schools;

Provision of additional professional or other staff members and training and retraining of staff for desegregating schools;

Comprehensive guidance, counseling, and other personal services for children involved in desegregation;

Development and employment of special new instructional techniques and materials;

Innovative interracial educational programs or projects involving point participation of minority and nonminority group children, including extracurricular activities and cooperative arrangements between schools in the same or different school districts;

Repair or minor remodeling of existing school facilities, and the lease or purchase of mobile classroom units;

Provision of transportation services for students when voluntarily undertaken by the school district;

Community activities, including public education efforts, in support of a desegregation plan;

Special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents of members of the general public;

Planning and evaluation activities; and

Other specially designed programs or projects meeting the purpose of the act.

Obviously, the bill gives local school officials the widest possible latitude in designing programs to meet the special needs of their particular school district. The only restrictions on supportable programs are that they require additional funds, above and beyond the normal expenditures of the school district, and that they be directly related to desegregation or the elimination, reduction, or prevention of racial isolation.

Concern has been expressed both by Members of this body and by outside groups that funds under this bill might be misused, thereby promoting the continuation of segregation rather than achieving actual desegregation. To prevent such distortion of congressional intent, the bill I introduced last year and the bill I am introducing today contain a list of specific assurances of nondiscriminatory behavior which a local educational agency must include in its application for assistance. The Secretary cannot fund the request of a school district which does not provide such assurances.

The need for immediate action on this legislation cannot be understated. A year ago educators testified before the General Subcommittee on Education concerning their urgent need for additional assistance to meet the extra costs of desegregation. Their needs are even more urgent today.

The major education organizations have recognized the existence of an emergency. The Legislative Conference of National Organizations, representing the American Association of School Administrators, the Council of Chief State School Officers, the National Association of State Boards of Education, the National Congress of Parents and Teachers, the National Education Association, and the National School Boards Association, placed assistance for desegregating school districts high on their list of priorities in their January 12 statement of proposal for education legislation. In this statement, they urged the Congress to pass legislation recognizing the additional costs entailed by court-ordered or voluntary desegregation. The bill I am introducing today recognizes these additional costs and provides substantial Federal assistance in meeting them.

The problems of segregation, desegregation, and resegregation are among the most serious facing our country today. We expect our schools to lead in meeting the problems. This legislation would give them the assistance they must have if they are to be successful. I urge the earliest possible consideration of the Emergency School Aid Act of 1971.

I am inserting the text and a section-by-section analysis of the bill which is cosponsored by my esteemed colleague on the Committee on Education and Labor, AUGUSTUS F. HAWKINS:

EMERGENCY SCHOOL AID ACT OF 1971

A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1971".

PURPOSE

SEC. 2. The purpose of this Act is to provide financial assistance—

(a) to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools, and

(b) to encourage the voluntary elimination, reduction, or prevention of racial isolation in elementary and secondary schools with substantial proportions of minority group students.

APPROPRIATIONS

SEC. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1971, and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

ALLOTMENTS AMONG STATES

SEC. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to 80 per centum among the States by allotting to each State $100,000 plus an amount which bears the same ratio to the balance of such 80 per centum of such sums as the aggregate number of children enrolled in schools in the State who are Negroes, American Indians, Spanish-surnamed Americans, or members of other racial minority groups as determined by the Secretary, bears to the number of such children in all of the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in section 6 and in accordance with the other provisions of this Act) for grants or contracts to carry out the purpose of this Act. The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

(b) (1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this Act, the Secretary shall not fix a date for reallotment pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any allotment to a State for a fiscal year shall be available for reallotment pursuant to this subsection unless the Secretary determines that the applications for assistance under this Act which have been filed by eligible applicants in that State for which a portion of such allotment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this Act, as set forth in sections 6, 7, and 8, or which set forth programs or projects of such insufficient promise for achieving the purpose of this Act that their approval is not warranted.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

SEC. 5. (a) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with section 7 to a local educational agency—

(1) which is implementing a plan—

(A) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State and which requires the desegregation of racially segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of racial isolation in such schools; or

(B) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of racially segregated students or faculty in such schools;

(2) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan for the complete elimination of racial isolation in all the racially isolated schools in the school district of such agency; or

(3) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(A) to eliminate or reduce racial isolation in one or more of the racially isolated schools in the school district of such agency,

(B) to reduce the total number of Negro, American Indian, of Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary, who are in racially isolated schools in such district,

(C) to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children, or

(D) to enroll and educate in schools which are not racially isolated, Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary, who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing racial isolation.

(b) In cases in which the Secretary finds that it would effectively carry out the purpose of this Act, he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan described in subsection (a).

AUTHORIZED ACTIVITIES

SEC. 6. Financial assistance under this Act shall be available for programs or projects which would not otherwise be funded and which involves activities designed to carry out the purpose of this Act, including—

(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan described in section 5 or a program described in section 9(b), when such services are deemed necessary to the success of such plan or program;

(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(3) comprehensive guidance, counseling, and other personal services for such children;

(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

(5) innovative interracial educational programs or projects involving the joint participation of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary, and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(6) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(7) the provision of transportation services for students, except that, funds appropriated under the authority of this Act shall not be used to establish or maintain the transportation of students to achieve racial balance, unless funds are voluntarily requested for that purpose by the local educational agency;

(8) community activities, including public education efforts, in support of a plan described in section 5 or a program described in section 9 (b);

(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in section 5 or a program described in section 9(b);

(10) planning and evaluation activities; and

(11) other specially designed programs or projects which meet the purpose of this Act.

CRITERIA FOR APPROVAL

SEC. 7. (a) In approving applications submitted under this Act (except for those submitted under section 9(b)), the Secretary shall only apply the following criteria:

(1) the need for assistance, taking into account such factors as—

(A) the extent of racial isolation (including the number of racially isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan described in section 5 in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan described in section 5, and the program or project to be assisted, are likely to effect a decrease in racial isolation in racially isolated schools, or in the case of applications submitted under section 5(a) (3) (C), the degree to which the plan described in section 5, and the program or project, are likely to prevent racial isolation from occurring or increasing (in the absence of assistance under this Act);

(3) the degree to which the plan described in section 5 is sufficiently comprehensive to offer reasonable assurance that it will achieve the purpose of this Act;

(4) the degree to which the program or project to be assisted affords promise of achieving the purpose of this Act;

(5) that (except in the case of an application submitted under section 9(a)) the amount necessary to carry out effectively the program or project does not exceed the amount available for assistance in the State under this Act in relation to the other applications from the State pending before him; and

(6) the degree to which the plan described in section 5 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(b) The Secretary shall not give less favorable consideration to the application of a local educational agency which has voluntarily adopted a plan qualified for assistance under this Act (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

ASSURANCES

SEC. 8. (a) An application submitted for approval under section 7 shall contain such information as the Secretary may prescribe and shall contain assurances that—

(1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(2) in the case of an application by a local educational agency, to the extent consistent with the number of children, teachers, and other educational staffs in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this Act, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(3) the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

(4) in the case of an application by a local educational agency, the applicant (A) has not, subsequent to the commencement of its 1969–1970 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary; (B) has not unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to such a nonpublic school or school system where such transaction has produced a substantial decrease in the assets available for public education in the school district of such agency, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary; and (C) will not donate, lease, sell, or otherwise dispose of real or personal property or services to any such nonpublic school or school system;

(5) in the case of an application by a local educational agency, the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this Act to less than that of the second preceding fiscal year;

(6) the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made;

(7) the applicant will provide such other information as the Secretary may require to carry out the purpose of this Act;

(8) in the case of an application by a local educational agency, the plan with respect to which such agency is seeking assistance (as specified in section 5(a)(1)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(9) the current expenditure per pupil (as defined in section 11(a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under this Act will be made available to such agency is not less than the current expenditure per pupil which such agency made from such revenues for (A) the academic year preceding the academic year during which the implementation of a plan described in section 5 was commenced, or (B) the third academic year preceding the academic year for which such assistance will be made available, whichever is later;

(10) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to their membership in a minority group, except that no assignment pursuant to a court order or a plan approved under title VI of the Civil Rights Act of 1964 will be considered as being in violation of this subsection;

(11) for each academic year for which assistance is made available to the applicant under this Act, it has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is determined to be eligible under any program administered by the Commissioner of Education; and

(12) no practices or procedures, including testing, will be employed by the applicant in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such applicant in such a manner as (A) to result in the discriminatory isolation of Negro, American Indian, Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary, in such classes or with respect to such activities, or (B) to discriminate against such children on the basis of their being members of any such minority group.

(b) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency eligible under section 5 without first notifying the local educational agency of the specific reasons for his disapproval as contained in section 7 of subsection (a) above and without affording the agency a reasonable time to modify its application.

(c) The Secretary may, from time to time, set dates by which applications shall be filed.

(d) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5(a) or section 9 and any one or more such agencies joining in such application may be authorized to administer such program or project.

SPECIAL PROGRAMS

SEC. 9. (a) From the funds available to him under the second sentence of section 4(a) the Secretary is authorized to make grants to eligible local educational agencies to carry out model or demonstration programs related to the purpose of this Act if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate racial segregation or to eliminate, reduce, or prevent racial isolation in elementary and secondary schools.

(b) From the funds available to him under the second sentence of section 4(a) the Secretary is also authorized to make grants to local educational agencies to carry out programs for children who are from environments where the dominant language is other than English (such as French-speaking and Oriental children) and who, (1) as a result of limited English-speaking ability, are educationally deprived, (2) have needs similar to other children participating in programs or projects assisted under this Act, and (3) attend a school in which they constitute more than 50 per centum of the enrollment.

PAYMENTS

SEC. 10. (a) Upon his approval of an application for assistance under this Act, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefore the amount fixed for such application.

(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

(c) (1) In the case of an application to be funded under the first sentence of section 4(a) which is submitted by a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency approved for a program or project under this Act to provide, for effective participation on an equitable basis in programs or projects authorized under this Act by children enrolled in, or by teachers or other educational staff of, any one or more private nonprofit elementary or secondary schools located in the school district of such agency, the Secretary shall arrange for the provision, on an equitable basis, of such programs or projects and shall pay the costs thereof for any fiscal year out of that State's allotment. The Secretary may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

(2) In determining the amount to be withheld from any State's allotment for the provision of such programs or projects, the Secretary shall take into account the number of children and teachers and other educational staff who are excluded from participation therein, and who, except for such exclusion, might reasonably have been expected to participate.

(d) After making a grant or contract under this Act, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

(e) The amount of financial assistance to a local educational agency under this Act may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by him, to be the result of the implementation of a plan under section 5(a).

DEFINITIONS

SEC. 11. As used in this Act, except when otherwise specified—

(a) The term "current expenditures per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purposes of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which Negro, American Indian, or Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary, constitute more than 50 per centum of the enrollment of a school.

(g) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(h) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(i) The term "State" means one of the fifty States or the District of Columbia.

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATION

SEC. 12. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs and projects authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

SEC. 13. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

NATIONAL ADVISORY COUNCIL

SEC. 14. The President shall appoint a National Advisory Council on the Education of Racially Isolated Children, consisting of twelve members, for the purpose of reviewing the administration and operation of this Act and making recommendations for the improvement of this Act and its administration and operation and for increasing the effectiveness of programs or projects carried out pursuant to this Act.

REPORTS

SEC. 15. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness or programs or projects thereunder.

GENERAL PROVISIONS

SEC. 16. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1971;" after "the International Education Act of 1966;".

Emergency School Aid Act of 1971

SECTION-BY-SECTION ANALYSIS

Section 1.—This section provides that the Act may be cited as the Emergency School Aid Act of 1971.

Purpose

Section 2.—This section states the two purposes for which financial aid may be provided under the act: (1) to meet the special needs incident to the elimination of racial segregation, and discrimination, and (2) to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial minority group enrollments.

Appropriations

Section 3.—The authorized appropriations are $500 million for fiscal year 1971 and $1 billion for fiscal year 1972. Funds appropriated shall remain available for obligation for one fiscal year beyond the fiscal year for which they are appropriated.

Allotments among States

Section 4.—Eighty percent of the funds appropriated would be allotted among the States (with a $100,000 minimum State allotment) on the basis of the number of children enrolled in schools in the State who are Negro, American Indian, Spanish-surnamed Americans, or members of other racial minority groups (as determined by the Secretary), as compared to the number of such children in all of the States. The remaining 20 percent of the sums appropriated are reserved to the Secretary for grants or contracts to carry out the purposes of the Act. The Secretary is authorized to make reallotments except that no reallotment may take place as of a date earlier than 60 days prior to the end of a fiscal year. Reallotments from a State's allotment may be made only to the extent that applications from a State do not meet the requirements of the act or if they offer insufficient promise of carrying out the purposes of the act.

Eligibility for financial assistance

Section 5.—This section provides that the Secretary shall provide financial assistance, pursuant to applications approved under section 7, to a local educational agency—(1) which is implementing a plan: (A) undertaken pursuant to a final order of a Federal or State court for student or faculty desegregation in elementary or secondary schools or for the elimination or reduction of racial isolation in such schools, or (B) approved by the Secretary under title VI of the Civil Rights Act; (2) which, without having been required to do so, has adopted and is implementing, or will adopt and implement, a plan for the complete elimination of racial isolation in its schools; or (3) which has adopted and is implementing, or will adopt and implement, a plan: (A) to eliminate or reduce racial isolation in one or more of its racially isolated schools; or (B) to reduce the total numer of minority children in racially isolated schools; or (C) to prevent racial isolation reasonably likely to occur in any school which has an enrollment of 10 percent but not more than 50 percent of minority children; or (D) to enroll and educate in nonracially isolated schools minority children who would not otherwise be eligible for enrollment because of nonresidence in the school district. The Secretary may also assist any other public or private nonprofit agency to carry out programs designed to support plans described above.

Authorized activities

Section 6.—Financial assistance shall be available under the act for programs or projects which would not otherwise be funded and which are designed to carry out the purposes of the act, including (a) remedial or other services, (b) hiring of additional staff, (c) guidance and counseling, (d) development of new instructional techniques, (e) innovative interracial programs, (f) repair or minor remodeling, (g) transportation services, if voluntarily requested by the local education agencies, (h) community activities, (i) special administrative activities, (j) planning and evaluation, and (k) other specially designed programs.

Criteria for approval

Section 7.—In approving applications submitted under the act, except for Sec. 9 (b), the Secretary must consider: (1) the need for assistance, (2) the degree to which the program is likely to effect a decrease in racial isolation, (3) the comprehensiveness of the program or project, (4) the degree to which the program affords promise of achieving the purposes of the act, (5) except for 9(a) the amount necessary to carry out the program, and (6) the degree to which the program involves the total educational resources of the community, both public and private. The section also provides that the Secretary shall not give less favorable consideration to an application of a local educational agency because such agency has adopted a voluntary plan, rather than being legally required to adopt such a plan.

Assurances

Section 8.—Applications submitted for approval must contain assurances that: (1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations; (2) provision has been made for the participation of private school children, teachers, and other staff if such participation would assist in achieving the purposes of the act; (3) effective evaluation procedures have been adopted; (4)(A) there has been (after the commencement of the 1969–70 school year) no unlawful disposition of property or services to a private segregated school, (B) no such transaction has resulted in a substantial decrease in the applicant's assets or that the transfer has been rescinded or consideration received, and (C) there will be no disposition of property or services to such a school in the future; (5) there has been no reduction of fiscal effort; (6) funds are not reasonably available from other non-Federal sources; (7) other relevant information will be provided; (8) the agency is not operating under a freedom of choice plan unless it is determined to achieve desegregation; (9) current expenditures per pupil from local sources have not been reduced; (10) there will be no hiring, promotion, or demotion of professional staff on the basis of race; (11) the applicant has availed itself of all other Federal programs; and (12) no practices (including testing) will be employed by the applicant in the assignment of children to classes so as to result in the isolation of minority group children or discrimination against them. The Secretary shall not disapprove in whole or in part any application for funds submitted under section 5(a) without first notifying the applicant of the specific reasons for his disapproval and affording him a reasonable time to modify such application. Provision is made for joint applications.

Special programs

Section 9.—From the 20 percent of the funds reserved to the Secretary, grants may be made to schools for model and demonstration programs related to the purposes of the act and for programs for children from environments where the dominant language is other than English and who are educationally deprived as a result of limited language ability and have needs similar to other children served under the act.

Payments

Section 10.—This section contains administrative provisions for reservation and payment of appropriate amounts following on approval of an application. There is a private school bypass where public school agency cannot legally or will not provide for effective participation on an equitable basis by children and educational staffs of private elementary and secondary schools. The Secretary may make provision for them through contracts with instiutions of higher education or other private non-profit institutions and organizations and to pay the cost, thereof. Private school children are to have an equitable share in the resources made available under this Act. After approval of a grant or contract the Secretary is required to notify the appropriate State educational agency. The assistance made available under this Act may not exceed the net additional cost resulting from the implementation of a plan.

Definitions

Section 11.—This section contains the definitions of terms used in the act.

Evaluation

Section 12.—The Secretary is authorized to reserve one percent of the funds for evaluation.

Joint funding

Section 13.—This section allows joint funding by the Department of Health, Education, and Welfare and other Federal agencies.

National Advisory Council

Section 14.—This section provides that the President shall appoint a twelve-member National Advisory Council on the Education of Racially Isolated Children.

Reports

Section 15.—This section provides that the Secretary shall report annually to the Congress on his administration of the act.

General provisions

Section 16.—Parts B and C of the General Education Provisions Act relating to General Requirements and Conditions Concerning the Operation and Administration of Education Programs and rules governing Advisory Councils are made applicable to the act.

WELFARE—NOT A RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ESHLEMAN) is recognized for 10 minutes.

Mr. ESHLEMAN. Mr. Speaker, our Nation is faced with a crisis that goes to the very roots of the American dream. It is a crisis of dependency and despondency. It is a crisis in welfare.

I am introducing today a proposed constitutional amendment which I believe can be a major instrument for dealing with the welfare problem. The amendment would clarify that our society, our governments, and our constitutional system do not regard welfare as the constitutional right of any individual. It is obvious that we long ago determined that this country would assume the moral obligation, extended through legal commitments, of helping indigent people who, because of causes beyond their control, find themselves in need. But that freely taken obligation and the resultant commitments have been expanded and distorted. Today it has become necessary to clarify that welfare is not a constitutional right.

My proposal is based upon an evaluation that the readily apparent failures in our welfare system are more a matter of attitude than of administration. It is a change of attitude about the dole—an embracing by segments of society of social dependency as an acceptable way of life—which has made the welfare system unmanageable. No amount of administrative change will result in true welfare reform so long as so-called welfare rights are stressed to the exclusion of welfare wrongs.

There can be little doubt about the failures of the present welfare system. If one considers the lives as well as dollars that have been thrown away in perpetuating poverty through handouts, the cost has been staggering. Dependence of the individual has been substituted for independence. The dole has become entrenched as a way of life. The taxpayer has been asked to foot an ever-increasing bill for a system that has proved to be more of a creator of problems than a solver of problems.

Generally, the reaction to these failures has been proposals to change the system or improve the system. As worthy as those proposals might be, they will affect no real reforms if something for nothing continues to become an aspiration rather than a dereliction. While our concepts of individual worth and dignity are injured by an assumption that welfare is a right, administrative reforms of the handout system are doomed to disaster.

A constitutional guarantee that welfare is not a right speaks directly to the problems of attitude. By creating a constitutional stigma about welfare much would be done toward renewing the social stigma that has traditionally curbed welfare expansion. And, this guarantee would be in the best constitutional tradition. As Governor Ronald Reagan of California has stated, the Federal Government is supposed to promote the general welfare, not provide it.

The practical aspects of this amendment are its most important considerations. First, the passage of this constitutional definition would provide a permanent guideline for the Supreme Court in the matter of welfare. Recent years have seen militant groups going into the courts claiming their "constitutional rights" to obtain welfare. The result of these legal actions has been a movement toward a welfare rights concept. In 1968, the U.S. Supreme Court struck down the "man in the house rule" which previously had denied welfare to households that contained an able-bodied male. In 1969, the Supreme Court struck down the residency requirements imposed by most States and localities on those persons applying for welfare. In both of these cases, there seemed to be a movement toward accepting welfare as a right equal to all other guarantees of citizenship. By amending the Constitution to say otherwise, we can reverse that movement and assure that the legal intent behind the dole is to provide a free chance, not a free ride.

Second, this amendment speaks to the practical concerns of the welfare recipient. President Franklin D. Roosevelt once said:

> Continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.

Roosevelt's worse fears are being realized today. We have reached a point when welfare recipients are not encouraged to contribute something to society. Rather, they are exhorted to take a handout from society.

The former Chaplain of the U.S. Senate, Dr. Frederick Brown Harris, put the problem in these terms. He said that—

> In the days when America's other name was opportunity, the national emblem might have been a stairway—a stairway kept open from the bottom to the top—up which any individual could climb who was ready to pay the cost in effort. Of course, it was always inherent in the American conception that those who could not climb for reasons for which they were not responsible must be assisted and sometimes carried by the strong. But—now many seem ready to put the stairway to be climbed by personal exertion in the museum—and to adopt in place of it, as a symbol of American society, a moving escalator which carries all people up automatically, whether they themselves move or not.
>
> Life that is geared as an escalator, although conceivably it might get many material things for people, might at the same time do terrible things to people by robbing them of self-respect and the sturdy independence which fosters personal initiative and develops character. Anyone who understands human nature knows that when any system takes away from a man the lure of accomplishment by his own prowess and powers, it is tampering with something very precious—his opinion of himself.

Dr. Harris spoke very eloquently, and in those remarks he sums up one of my arguments for this anti-welfare-rights amendment. Until there is an unqualified statement that abolishes the idea that a handout is a right, we will become more and more a society of drones. There will be continued efforts to justify dependency as a way of life. Consider, for instance, the contention of one welfare leader that welfare recipients are doing the country a favor by staying out of the competition for jobs since there are not really enough jobs to go around.

Even more disturbing are the attempts by welfare workers to promote dependency under the guise of the right to relief. The welfare professionals compound tragedy. A study that I had conducted in my congressional district affirmed these facts. There is little or no incentive for people to get off assistance rolls. There is little or no effort expended toward encouraging people to go to work, even if it means an unsatisfying job. Instead, much of the ambition of welfare recipients seems to involve finding new sources of welfare. The welfare agencies seem to aggravate this pattern by "selling" the advantages of joining the relief rolls or by encouraging each recipient to get his "fair share" of public funds.

The encouragement of handouts, the "selling" of social dependency, would be curtailed by the antiwelfare rights amendment. It would be harder to sell a program carrying a constitution stigma especially to people who still believe in the value of work. A fact too often overlooked is that a majority of the poor consistently have been shown to express a preference for jobs at adequate pay over dependency and public handouts. But the thrust of the welfare message has not spoken to that preference. Instead the poor have been encouraged to regard life on the dole as a form of social status with an obligation merely to attempt to get greater payments from the public pocketbook. But that argument would be less appealing if the fundamental law of the land denied the implied status. The amendment I offer today would be just such a denial.

Third, there is the practical consideration of the present movement toward nationalizing the dole. Most welfare reform proposals now being offered envision a total takeover of relief by the Federal Government and many call for a guaranteed income. The most important of these proposals is the administration's family assistance program which combines the federalization process and the guarantee of income. If that plan is enacted, the antiwelfare rights amendment will be far more necessary than under the present handout system. If the Federal Government becomes an income source of first resort, the trend toward a right to relief will be nearly irreversible. Unless, of course, there is a constitutional roadblock to the trend.

In essence, the amendment I am placing before the Congress is aimed at the question of welfare respectability. It asks whether we will make a forthright statement about the purpose of welfare in a free society. To make that statement is to say to the person really in need that we are willing to help but we will not degrade your individual dignity by regarding you as a permanent dependent. It is to say to the welfare abusers that we will no longer stand by and indulge your justifications for indolence. It is to say to the taxpayer that his hard-earned dollars will not be dumped into a welfare structure more concerned with self-serving indulgences than social obligations. To say that welfare is not a right is to renew our faith in the American dream.

COMMUNITY HEALTH ACT FOR MEDICALLY DEPRIVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. GALIFIANAKIS) is recognized for 10 minutes.

Mr. GALIFIANAKIS. Mr. Speaker, earlier this afternoon I introduced, as I did late in the last Congress, a bill to encourage physicians and other health personnel to work in the medically deprived areas of America.

Last fall, the House of Representatives passed two ambitious bills which attempted to resolve some of the health problems confronting this country.

One of those bills would have created departments of family medicine in the Nation's medical schools. It may have been vetoed by the President during the Christmas recess. The constitutionality of that veto is now in question.

But even if the bill does become law, and even if the pool of family physicians in the United States increases as a result, the bill still does nothing to attack the misallocation of health services. Even with this bill, the problems of small towns and poor neighborhoods in attracting adequate medical care would remain.

The second bill passed last year is the Emergency Health Personnel Act. Although it would permit commissioned officers of the Public Health Service to be stationed in areas of medical deprivation, I think its effect is doubtful.

Before this program can begin, it faces the very real challenge of recruiting a broad range of professionals to the Public Health Service. If the program is to be effective, those professionals must be not only doctors and dentists, but nurses, allied health personnel, technicians, pharmacists, optometrists, and a score of other specialists who are in shortage.

I am not sure that the Public Health Service can attract that range and that depth of personnel. Nor am I sure that the Emergency Health Personnel Act will be adequately funded. The administration has hinted that it will supply only token budget support for this program.

For those reasons, Mr. Speaker, I think the Community Health Act—the bill I introduced today with 72 cosponsors—is still a vital proposal. It attacks the problem of health misallocation in America, a problem which the family practice bill did not attempt to solve. And it would avoid the recruiting problems of the Emergency Health Personnel Act, I think, largely because the health professionals would not have to join the Federal service. It is a private enterprise bill.

The bill provides that the Government will repay the educational debt of any physician or other health specialist who agrees to practice for 3 years in a medically deprived area. That area could be a small town, a pocket of urban or rural poverty, or any other area with a critical shortage of a particular health service.

We estimated last year that at a cost to the government of less than $10 million each year, this bill could disperse nearly 4,000 physicians across the country by 1974. Those estimates are still valid.

I think the advantages of this bill are clear. First, it is an expansion of a present program under the Public Health Service Act. There can be no doubt that this program needs to be expanded, because as of last August, it had managed to attract only five persons in 7 years to practice in medically deprived areas. The total cost of the program at that time was slightly more than $2,000, and as I remarked last summer, that represents to me a shocking lack of commitment to overcoming the inequalities in health care in this country.

Mr. Speaker, I think the bill has a second advantage because it takes the form of "debt repayment" rather than scholarship. By turning away from the scholarship approach, we have avoided the built-in delay which any such program contains, the delay which occurs while we wait for the recipient to graduate.

The "debt repayment" provision would also overcome a problem which has hindered the medical scholarship programs of many States. Those States have found that, after giving a scholarship to a student who agrees to practice in a rural area, the student often repays the loan when he graduates and then refuses to practice in the area where he had agreed to serve.

As I understand this problem, the students who default are usually given the money to repay their loans by an urban practice or clinic which recruits them. And the States, although they do receive their funds back with interest, have much the same physician shortage as before.

The Community Health Act seeks to overcome that difficulty. No funds are paid by the Government until the physician or health specialist has graduated and moves into the medically deprived area.

To those students who have been forced to borrow in order to complete their professional training, this bill affords them the chance to begin work debt free. In exchange for 3 years of service in a medically deprived area—3 years in which they earn their usual incomes—their educational debt is absolved by the Federal Government.

Mr. Speaker, when I first introduced this bill last fall, more than 150 Members either joined me as cosponsors or else introduced versions of the bill on their own. I hope to exceed that number this year.

Since last fall, the bill has been endorsed by the American Medical Association. The Journal of the American Hospital Association and the periodical, Modern Medicine, have also endorsed the bill in editorials.

No one should fail to see the need for this bill. In the past decade, when by all rights America should have brought adequate health care to all its citizens, we have fallen further behind. The gulf in health care between the cities and the farms, between the rich and the poor, has only broadened.

Today we have a shortage of 48,000 physicians in this country. That shortage is most critical among the rural and the poor populations. Today we have a shortage of 17,800 dentists. That shortage will rise to 57,000 by 1980. We will have a shortage of 210,000 nurses in 1980. We will have a shortage of 430,000 in the allied health fields.

We will have those shortages, and the rural and poor people will continue to suffer, unless we act today. I hope that this Congress will take the steps needed to end that trend. If we do not—if we postpone action again—the medical problems of the United States 10 years from now could be beyond our control.

ALLEGHENY COUNTY COMMISSIONERS ENDORSE ETHNIC HERITAGE STUDIES CENTERS BILL

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, last spring I introduced the Ethnic Heritage Studies Centers legislation, identical to that introduced by the distinguished gentleman from Illinois (Mr. Pucinski). Though this bill had extensive hearings in the General Education Subcommittee, it was unfortunately not reported by the full committee prior to adjournment.

I am pleased to reintroduce this same bill with Congressman Pucinski, and trust that it will move forward in the 92d Congress.

In support of my remarks, I am delighted to include a resolution passed by the Allegheny County Board of Commissioners, Pittsburgh, Pa., urging the passage of this legislation and the favorable consideration of a center for the Pittsburgh area. With its 77 nationality organizations, not including church groups and a vast number of foreign students attending our universities, Pittsburgh would be a natural for such a center.

I include the resolution at this point in the Record for the attention of my colleagues:

Resolution by the County of Allegheny, Board of County Commissioners, Pittsburgh, Pa.

Whereas, peoples of the major ethnical strains in the earth's populated areas have come to the United States in great numbers since this nation was founded; and

Whereas, each of these people brought with them a rich heritage of language, culture and custom, as well as the physical sinews, the intellect and the courage the new country needed to survive and prosper; and

Whereas, these ethnic groups responded magnificently in time of war, even unto the sacrifice, of life itself, in order to preserve the freedoms of their adopted land; and

Whereas by their example they have proven people of divergent origin can live in tranquility and common cause; and

Whereas, by so doing they have created a new and mighty racial amalgam which has come to be known as an American and in future centuries will be regarded as a distinct racial strain without equal; and

Whereas, it is fitting and proper that the heritages of the various genetic lines which have been so meaningful in our history should be forever preserved and remembered, particularly in Allegheny County which is a world ethnic center; and

Whereas, legislation has been proposed in the Congress of the United States to create Ethnic Heritage Studies Centers in appropriate national locations.

Now, therefore, be it resolved that as Commissioners of Allegheny County, Pennsylvania, we call upon our U.S. Representatives and Senators to take whatever action is required to ensure passage of this legislation with the ultimate view of establishing a center in our area.

Be it further resolved that we congratulate those dedicated members of the area Ethnic Heritage Studies Centers Committee for their unceasing efforts and their dedication to a cause which is as important as history itself.

Resolved and enacted this 14th day of January, 1971.

County of Allegheny.

NEW POSTAL POLICIES RAISE SERIOUS QUESTIONS

(Mr. EDMONDSON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, some serious questions are being raised in Oklahoma about the efficiency of some of the changes which the new Post Office Department—now supposedly organized along efficient corporation lines—is seeking to put into effect. It appears that one of the first victims will be the local postmark for many towns and communities. Many other victims are expected to be citizens of these same small towns and communities, who will be losing their jobs or having their hours of work cut back considerably because most of the mail handling will be done in larger cities in the future.

It is difficult to reconcile this new action with President Nixon's recently declared intention, in his state of the Union message, to try to reverse the trend of migration of people into the larger metropolitan areas. The President said he hoped to start people moving the other way, into the smaller cities and rural areas—but apparently the Post Office Department did not get the message. Instead, there will be a further buildup of Post Office Department personnel in the cities with layoffs in the smaller post offices in the Nation.

This does not make sense to me, and it does not make sense to many Americans. A recent column by Frank L. Spencer of the Pawhuska Journal-Capital, commenting on this new Post Office Department efficiency, states the case for the millions of Americans who do not think much of the new postal department policy:

COMMENTING ON NEW POST OFFICE

(By Frank L. Spencer)

Uncle Sam, who blew it when he got out of the Pony Express mail business (which lasted only 6 months and was about the most efficient mail system the nation ever had), has dropped the axe on Pawhuska's postmark.

The new area postal system (whose initials should be SNAFU if it lives up the usual postal "improvements") begins here Saturday.

The new "system" provides that mail—including that mailed to Pawhuskans by Pawhuskans, in many cases—will go to Tulsa to be sorted. If that's not practical, my friend, I'll eat your outgoing mail!

If you want a Pawhuska postmark on your letters—you can do it only if you sneak up on the Postoffice Department in the dark. All mail posted here will be stamped with a area postmark (Okla. 740) unless you slip it in a mailbox (without a postal inspector watching) between 7 p.m. and 8:15 a.m. If you mail in the dark of the night (and don't mind adding another day or so to your mail) you can have a Pawhuska postmark. If you mail at any "normal" time of the day it will delete the Pawhuska postmark.

That's what we like about Uncle. He does every thing in his power to impersonalize and mechanize. Guess the whole name of the game is to make darn good and sure that rural America (which foots the majority of the bills for the operation of the overgrown, inefficient, overstaffed and money-nuts government) loses its identity completely. Don't let the rest of the nation know there's a Pawhuska, Oklahoma!

The move is designed to make the mail more efficient. Man, that's a gass. A letter mailed in Pawhuska, to go across town, now can go to TULSA, be wrestled around down there, returned to Pawhuska, and distributed. That's what we call efficiency! Send the darn thing 100 miles to move it across the street. How efficient can you get!

True, not all the local mail will go that way—but if you want it otherwise, and want it delivered in your town on the same day, or the next day—carry around a map, a schedule and directions in your purse or billfold and make sure you drop it at the right letter box at the right time on the right day—then perhaps it'll make it across town. He's catoot, it will be easier to deliver the letter yourself, save the 6-cents, and make sure it gets there.

Don't know about you, but we're going to shoot some letters (and hope they get there—and do it before the new "system" becomes effective Saturday) to Senator Bellmon, Senator Harris and Congressman Edmondson. Don't know if they can do anything about at least salvaging the local postmark or not. It seems they have been unable to do anything about getting the mail delivered in a reasonable time, but don't give up.

The cost of mail has continued to climb and the service has continued to decline. Two or three more "improvements" like the one scheduled Saturday and the carrier pigeons will be back in force!

The only gain we can see in the who dampool operation is that it will cut people out of jobs in Pawhuska and put more to work in Tulsa. The local postoffice is not going to "terminate" anyone, but there are at least two hourly workers who will have their hours cut down so much, they will have to find employment somewhere else to make ends meet.

Oh, yes: There will be another postoffice box added at the office here. It will be designated "local" and you can have a local postmark on those letters—which are going to Pawhuskans—if you use that box. If you remember the hours and which box, perhaps a letter across town will go only through this postoffice, not Tulsa. Good luck!

Oh, yes, something else: The post office lobby will be closed at 5 p.m. on Saturdays, Sundays and holidays. Heretofore, it has been open until 6 p.m.

THE NATIONAL RELIGIOUS BROADCASTERS 28TH ANNUAL CONGRESSIONAL BREAKFAST

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, this morning I had the great pleasure, for the 11th time in a row, of attending the National Religious Broadcasters 28th Annual Congressional Breakfast. The occasion also marked the 50th anniversary of religious broadcasting in the United States.

It was most stimulating for me to join in the fellowship and good will and to renew friendships and acquaintances with my longtime friend Dr. Tom Zimmerman, first vice president of the broadcasters, and his president, Rudy Bertermann, of the "Lutheran Hour," in St. Louis, Mo.

The highlight of this morning's breakfast was the eloquent address by our former colleague, the Honorable Melvin R. Laird, Secretary of Defense, and the attendance of our minority leader, GERALD R. FORD.

Secretary Laird, the son of a minister, discussed the plight of American servicemen held prisoner of war by the Communist Government of North Vietnam, and the unconscionable treatment they are receiving there and by the Communists in South Vietnam and Laos.

The Secretary quoted from one of the few letters that have managed to get out and into the hands of loved ones in this country. The letter said:

> God has repaid my faith in many ways—but only since I have been closer to Him here have I realized what it means to have strong faith.

To those who were unable to attend this morning's breakfast, I offer the text of Secretary Laird's remarks:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, AT THE 28TH ANNUAL CONVENTION OF THE NATIONAL RELIGIOUS BROADCASTERS, WASHINGTON, D.C., TUESDAY, JANUARY 26, 1971

I am delighted to be with you at this Convention which commemorates 50 years of religious broadcasting in the United States. Back in January of 1921, the first religious broadcast was aired over station KDKA in Pittsburgh. Since that time—and especially in the years since World War II—religious broadcasting has grown to the stature of a major component of radio and television programming. Those of us who believe that radio and television need not be a wasteland can find confirmation of our views in many of the excellent religious programs that have brought information and inspiration to listeners and viewers.

My interest in your work springs partly from my family background. As a minister's son, I know something of the problems, the sacrifices, and rewards that are the lot of those who propagate the Church's message. I know something of the powerful moral and spiritual influence which you in this audience can exercise—here in the United States, and in other parts of the world.

I am interested in your work for still another reason. In public as in private life, I feel an obligation to follow the essentials of the message which you, in your calling, seek to convey.

As a public officeholder, I have 12 times placed my hand on the Bible as I swore to uphold principles that bind us together as a nation. For me, this has not been an empty ceremony, devoid of meaning. Each time that I have taken this oath, I have been conscious of the fact that the principles that I vowed to uphold are rooted in that Book on which my hand has rested.

The basic political values of our nation are derived from religious beliefs. So it has been from the beginning of our history. So may it always be.

This morning I want to talk about one of the many problems that I deal with as the Secretary of Defense. Of the endless string of problems, none is of more personal concern to me than the plight of the American servicemen who are prisoners of war or missing in action in Southeast Asia. In these two groups, there are about 1,550 men. About half of them are Army and Marine ground forces and Air Force crewmen who are missing or captive in South Vietnam and Laos. The remainder are airmen of the Air Force, Navy, and Marine Corps, whose planes were brought down over North Vietnam. The vast majority of prisoners, of course, were taken prior to the November 1, 1968 bombing halt when extensive bombing of the North was being carried out.

Shortly after entering upon my present office two years ago, I initiated a thorough review to determine what had been done for these men and their families and what additional efforts we could take to help them. As you may recall, very little had been said publicly about the prisoners and the missing prior to that time. Their families had been advised to remain in the background. A similar policy of very limited public comment was observed by personnel and officials within the Department of Defense.

The Government's position then was that quiet, low key, diplomatic efforts were more likely to achieve results than any public discussion of the problem. While there had been some small successes, such efforts gave no promise of solving the problem.

When the study had been completed, I recommended to President Nixon that we change our basic policy with regard to prisoners and missing men. I believed that these men should no longer go publicly unnoticed and unremembered. I felt that we should talk about them and that we should no longer discourage their wives and families from talking about them. This new approach would, I hoped, focus public attention here and abroad on the callous, inhumane attitude of Hanoi and its Communist apparatus in Southeast Asia.

Let us recall that international law imposes strict and explicit rules for the treatment of prisoners of war. In a series of agreements stretching back for more than 100 years, as well as in customary international law, civilized nations have agreed to abide by a code of conduct that forbids the barbarous practices often visited on captives in earlier times.

The most current formulation of this code is contained in the Geneva Convention Relative to the Treatment of Prisoners of War. Under the sponsorship of the International Committee of the Red Cross and with the participation of sixty-one nations, this Convention was completed in 1949.

Presently, 128 nations, including all of the nations participating in hostilities in Southeast Asia on both sides, have agreed to abide by the Geneva Convention.

You may have heard it alleged that the Geneva Convention doesn't apply to the present conflict because there has been no declaration of war on either side. The words of the Geneva Convention refute the allegation. Article 2 of the Convention reads:

". . . the present Convention shall apply to all cases of declared war or *of any other armed conflict* which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

The Geneva Convention requires prompt identification and reporting of prisoners of war when they are captured. For many years the enemy made not even a pretense of compliance with this requirement. Now, although Hanoi has transmitted to certain United States Senators a list of names of prisoners held in North Vietnam and of some who died in captivity, we know the list is not complete. It does not include some who we know were prisoners in North Vietnam, nor does it include any of the men held in South Vietnam and Laos where almost half of the 1,550 men were lost.

The Geneva Convention further requires regular inspection of all prisoner of war facilities by a qualified impartial body such as the International Committee of the Red Cross. There has been *no* such inspection of any of the Communist camps in North Vietnam, South Vietnam or Laos. This contrasts with the PW camps in South Vietnam, where the Republic of Vietnam holds about 37,000 North Vietnamese and Viet Cong prisoners. These camps are regularly inspected by the ICRC. Deficiencies, if any, are corrected. ICRC inspectors may, at their choosing, talk with any of the prisoners held by the South Vietnamese, privately or in groups.

The Geneva Convention likewise requires immediate release of seriously sick and wounded prisoners as soon as they are able to travel. Our enemies have ignored this obligation. We know that there are men in Hanoi's prisoner facilities who have not gotten the kind of medical care they need and deserve. Since conditions in South Vietnam and Laos are undoubtedly worse than in North Vietnam, there probably are many prisoners there who qualify for the immediate release outlined in the Convention. This, too, contrasts with the situation in South Vietnam where 186 sick and wounded North Vietnamese prisoners have been repatriated despite numerous, petty obstacles set up by the other side. Incidentally, as you may have read or heard, the South Vietnamese just returned another 35 sick and wounded North Vietnamese to their own country.

In the event of the death of a prisoner, the captor nation is obliged to provide death certificates with essential information about the circumstances. Suffice it to say that we have not gotten all of the information we are entitled to about those prisoners who have died. I can think of no reason why the other side refuses to provide the basic information which would ease at least part of the needless suffering of the families of men who did not survive the incident in which they were lost.

Finally, the Convention provides for the right of prisoners and their families to correspond freely and regularly. Of the 80 men known to be prisoners in South Vietnam and Laos, only one has ever been allowed to write a letter—a single letter, at that. Although their families write to them regularly, we don't know if any of these men have ever received a letter. Mail to and from prisoners in North Vietnam has been severely and capriciously restricted. Some men who have been prisoners for three or four or more years have only within the past year reported receiving their first letter from home—despite the fact that their families have been writing regularly since their capture. Although the other side has announced that families may send small packages to the prisoners every other month, there is evidence that permissible items are removed from some packages and other packages are not even delivered at all.

Our first objective is to bring about full compliance with the provisions of the Geneva Convention. Our ultimate objective is to reunite the prisoners with their long-suffering families.

Our negotiators at Paris and our diplomatic representatives in foreign nations have done much to see that the plight of the prisoners is understood throughout the world. For the same purpose, Colonel Frank Borman was sent by the President to 14 capitals around the world to present the facts to the leaders of other nations and to encourage parallel efforts on their part toward easing the burden of the prisoners and their loved ones.

Millions of Americans have participated in letter-writing campaigns to express their commitment to the cause of justice for the prisoners. The political and moral leaders in other lands, as well as uncounted private citizens, have been stirred to raise their voices on behalf of the PW's and MIA's.

The concern shown by so many people has been deeply gratifying, and it has had some effect. Letters now flow more freely between the prisoners and their families. More packages from home are getting through to the prison camps in North Vietnam. And Hanoi has recently sought to convince skeptical world opinion that the prisoners are receiving proper treatment.

Perhaps some of you saw the filmed interviews which Hanoi allowed to be made of a handful of prisoners on Christmas Day.

In thinking about these films, here are some facts you should consider. We got a very brief look at a small number of men.

The interviews were carefully controlled. Only four questions were permitted. These had to be submitted a day in advance; no last minute thoughts or ideas were permitted. Even with this tight structuring, the North Vietnamese found it necessary to censor some of the comments made by the prisoners.

Little was said about the prisoners' health or the medical treatment they receive. Discussion about their diets was limited to superficial, broad generalities which really did not address the problem. There was no news about any of the other prisoners.

This propaganda show does not satisfy the requirements of the Geneva Convention. In fact, these films themselves are a violation of the Convention, for it prohibits the exploitation of prisoners for propaganda purposes and forbids exposing them to public curiosity.

Our ultimate objective, as I have said, is to bring the prisoners back home and reunite them with their loved ones. On October 7 of last year, President Nixon offered a comprehensive peace proposal including immediate exchange of all prisoners. But, even without a peace settlement in Southeast Asia, the President is ready, as is the Government in Saigon, to agree to exchange the North Vietnamese prisoners held by the South Vietnamese for all prisoners held by the enemy in North Vietnam, South Vietnam, and in Laos. This offer, made in December, would result in the release of ten times as many men to the other side as it would to the United States and our allies. Unhappily, the response of the enemy to this generous offer has been negative.

Last November, at Son Tay, a small force of brave Americans raided a prisoner of war compound deep in enemy territory. Though no prisoners were there at the time of the raid, I do not regret the rescue effort.

We knew at the time of this operation that American POWs *had been* at Son Tay. What we did not know was whether U.S. prisoners were still there. There was some possibility they were. It was less than a 100 percent probability, may even less than 50 percent. But it was a positive chance they were still there. Given that chance—in the face of uncertainty—I felt we owed it to the POWs and to their families to attempt a rescue effort.

If I had this decision to make over again—in the same circumstances—I would decide as I did when I recommended that this task force of thoroughly trained volunteers attempt to rescue Americans from an enemy prison.

During my recent trip to Vietnam, I discussed the matter of the prisoners and the missing with top officials of both our country and other nations. I was pleased to learn that friendly forces are instructed to take advantage of any opportunity to rescue Free World prisoners in connection with their combat operations.

I need not point out the needless human tragedy which results from Hanoi's policy toward the prisoners of war and the missing. It is tragic for those Americans who are held in Southeast Asia. It is tragic for wives, and parents, and children here in our country—particularly for those who do not know the fate of the man who went off to this conflict.

The courage that these men and their families display commands our awe and admiration.

Despite the deprivations, the physical hardships, the mental and emotional suffering, the long, long separation from their loved ones, and the seeming hopelessness of their situation, those few who have been released or escaped from prison camps tell us that they never gave up hope. And the one overriding, all-powerful factor that gave them strength to endure and carry on was their faith in God.

In a letter to his wife and children, one officer whose name I prefer not to mention, who was shot down in 1966 and is still held as a prisoner by North Vietnam, wrote, "God has repaid my faith in many ways—but only since I have been closer to Him here have I realized what it means to have strong faith."

Another former prisoner of war who was kept in solitary confinement for the entire time he was held by North Vietnam, Air Force Major Joe Carpenter comments: "I am convinced that my faith in God brought me through. Prayer and faith gave me hope and my religious up-bringing never let me down. When I got home I was amazed at how many people said that they were praying for me—and I firmly believe that it really helped. Our religious beliefs were also a tremendous help to my family. Their association with the community, and especially the church, held the family together in our mutual faith and gave them hope."

You in this audience can do much to help these men and their loved ones through their bitter ordeal. I hope you will generously give of your time and talents in this cause.

We shall not rest until every American who this morning is a prisoner comes home again to live out his life in peace.

SPEECH BY ORIN E. ATKINS BEFORE ASHLAND AREA CHAMBER OF COMMERCE

(Mr. PERKINS asked and was given permission of extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I insert in the body of the CONGRESSIONAL RECORD a speech made before the Ashland Area Chamber of Commerce, Ashland, Ky., by Mr. Orin E. Atkins:

SPEECH BEFORE THE ASHLAND AREA CHAMBER OF COMMERCE, ASHLAND, KY., DECEMBER 3, 1970

(By Orin E. Atkins)

Both personally and for Ashland Oil, I am pleased to have the distinction of speaking to you this evening. We are proud of the part that Rex Blazer, Bill Seaton, Earl Weaver and Bill Chellgren, along with others from Ashland Oil, have played in the growth of the Ashland Chamber. We are also proud of the fact that we remain, together with our good friend Armco, among those American corporations whose principal offices are in the smaller communities of the United States.

We share with you the facility to recognize the opportunities for our community and to understand that there are problems which must be resolved. The decision to continue our executive offices here at Ashland has materially increased our commitment to the area and at the same time made it imperative that we do whatever we can to contribute to the improvement of the area.

So that you will not think that we are preoccupied with problems, let me assure you that we know full well the advantages that are being offered by being located in a community such as Ashland. A few years ago, while discussing a possible merger with a somewhat larger corporation which maintained executive offices in both Los Angeles and New York, the chief executive of the company said, "If the merger is completed, the first thing we will do will be to consolidate all of our executive offices in New York." My reply to this was, "That will be the last thing we will do, for we would sacrifice what we believe to be a material operating advantage. The communication between our executives is so much better here in Ashland than it would be in one of the larger communities that we are able to operate with much more dispatch. This, in turn, is directly reflected in the efficiency of our operation."

With this in mind, I thought it might be helpful to you to know some of the reasoning that went behind our decision to build our new office complex at Bellefonte. The new building, which will be completed in the late spring, will approximately double our present office space at a cost of more than $8 million.

Despite the fact that all of us have strong emotional ties with this area and knew that a relocation would have had a major impact on our families, our friends, and the community, the decision to stay in Ashland was not an easy one. In fact, we procrastinated over a period of six or seven years before making our final decision. Even today, on occasions, we still wonder whether our judgment was right.

The question, which was difficult to answer, is directly related to the human considerations which are at the heart of much of the current social change which the nation is undergoing. The new generation that is with us has more talent and understanding and is better trained. They have much less interest in security as measured by income or status. This generation is more interested in a stable, well balanced, cultivated life and in continued opportunity for emotional and intellectual growth. As an employee, those coming into industry today have great job mobility and recognize that it can make a way for itself in the world at about any location that it desires. What was once called "prosperity," as typified by oil refineries, steel mills, and chemical plants, holds little allure for much of the current generation.

The community of Ashland has historically been oriented toward the river and the railroad. It has been and continues to be an industrially oriented community. While what might be termed "heavy industry" will continue to contribute to the fact that our area has one of the highest per capita incomes of any area in Kentucky, to break out of our mold, other facets of life in Ashland will have to be stressed and developed. This will not be easy nor inexpensive.

I recall a luncheon meeting we had with some of you several years ago when we met to inform you of some of our tax problems and of our decision to move a significant segment of our financial operations to Columbus. One gentleman in the group remarked that he fully understood our problems for he could not persuade any of his children to return to Ashland to carry forward his business interests. He stressed the changes that he felt needed to be made in the community. Another member of the group replied, somewhat prophetically, "Yes, but who is to pay for these changes?" This is the part of the problem with which we are faced.

We know that a community has to live within its budget and developments such as the YMCA, the Ashland Community College, a new auditorium and the many other constructive projects which are needed in the area can only be undertaken if proper financing is available. We recognize that when we made the decision to remain here, that as a corporation and as an individual member of the community, we were going to have to do more than what would be considered our normal share in connection with such projects. The YMCA campaign is a good example, for I believe that between Ashland Oil and Armco and our employees approximately 60% of the total estimated cost was secured. While I am sure that Armco and Ashland Oil will continue to contribute materially to worthwhile projects in the community, the community itself is going to have to recognize a larger measure of responsibility than has perhaps been present in the past.

In thinking of what can be accomplished in our area, perhaps we continue to think in terms which are too narrow in geographical and political scope. We are meeting tonight under the auspices of the Ashland Area Chamber of Commerce but what we are discussing affects outlying areas. While we think of Ashland as a community of some 30,000 residents, taken together with the adjoining areas in Boyd and Greenup Counties, we double the population to more than 60,000.

It is also logical to expect that much of the future growth of the community will be in the suburbs. A project which is not feasible within a 30,000 population community becomes viable when viewed from the point of view of a city twice as large. We recognize that there are both economic and political arguments which can be made against the consolidation of the various subdivisions into one "metro" type community, but longer range there is little doubt in my mind but that this should be the objective of the City of Ashland and, in terms of civic groups such as this, we should be doing whatever we can to orient our thinking toward broader and more all-inclusive programs.

The outlying areas also offer the possibility for new industrial development. The land available for use as industrial sites within the City of Ashland is extremely limited or nonexistent. At the same time, however, in the outlying areas, potential office sites are available. We at Ashland Oil have demonstrated the ready availability of manpower and the feasibility of operating a major corporate headquarters in the area. In thinking in terms of industrial growth for the area, your group's effort might well be directed toward management groups that would find in Ashland the same benefits which we believe have accrued to Ashland Oil.

In order to support and attract groups of this sort, there are some things which definitely need to be undertaken. The need for the Midway Airport ranks at the top of the list. While the tragedy of the Marshall football team has focused much attention on the shortcomings of the Tri-State Airport, it is obvious that its renovation into a facility which would actually meet the needs of the area is extremely unlikely. In order to support a modern airport, a source of traffic has to be available and this does not currently exist in the area served by the Tri-State. While the efforts of the Tri-State Authority are deserving, they should not obscure the basic immediate need for the Midway Airport. The logic of the site has been testified to by the support accorded the facility by the FAA. Unfortunately, we find ourselves somehow meshed in a dispute between Huntington and Charleston. We should do everything we can to bring pressure to bear in order to expedite construction at the Midway location.

The secondary area of immediate concern lies in the realm of housing. While a number of new areas have been opened up and new projects initiated in the community, to attract and hold an expanding population adequate housing at reasonable costs must be available. One area of the housing problem, which is of considerable concern to us, is the shortage of suitable housing for black members of our community. We are making a determined effort to bring into our organization qualified black employees. To do so we are going to have to be able to assure them of the availability of housing of the type and in an area which would be attractive to them and competitive with what they can secure in other communities.

The community of Ashland has been fortunate in having excellent relations between the black and white members of the community. This reflects the understanding and leadership in both groups. We can only expect the situation to continue if equal opportunity and facilities are made freely available.

The question of housing, of necessity, involves some thought as to the planning of land use. Ashland and the area has been fortunate in that many of our residential developments have been well planned. Today, however, there appears to be more need than in the past for a farsighted look at what will be required in the future and what areas should be blocked out by proper zoning for future residential development.

With this in mind, a few weeks ago I asked our Real Estate Department to try to determine the availability of real estate in large enough blocks to be feasible for future consideration as a large-scale housing development. While we do not wish to become directly involved in real estate operations, we are prepared to do so if it appears logical in light of what we believe will be our future housing needs and unless these needs can be met from other sources.

ESTABLISHMENT OF DEPARTMENT OF EDUCATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am today introducing legislation to establish an executive department to be known as the Department of Education. The Department shall be presided over by a Secretary of Education, appointed by the President, with the advice and consent of the Senate.

This legislation gives Cabinet status to policymaking in the financing and conduct of education programs beginning with preschool and extending through the graduate level in higher education.

The strength of our educational institutions, agencies, and activities affect most vitally everything we as persons, as a people and as a society aspire to be and do. They affect our capability in matters of national defense. They control the ability of the Nation to provide educated and trained personnel for industrial development. Educational institutions make possible for the provision and extension of health and medical services. Coordinated educational activities are essential for the enhancement of our environment, and for the development and conservation of our natural resources.

In our educational institutions and in our educational programs we must look for long-range solutions to the problems of poverty, educationally disadvantaged, and handicapped, unemployment, welfare, and dependency. These problems have intensified and the need for educational institutions to be provided with greater financial assistance in their solution has grown. However, the tendency has been in recent months to reduce our Federal commitment to education and lower priorities for the development of educational resources. At the same time the voices of education have been muted because of their isolation from the decisionmaking process of this Federal administration.

Mr. Speaker, I was greatly disturbed in the President's state of the Union message to discover that the word "education" appeared only once in the entire text of his comments. I was disturbed that despite the growing importance of education to our society, the President's proposed legislation would relegate educational policy making to even a lower tier of the Government bureaucracy. Where it is now difficult for educational policymaking in the U. S. Office of Education to make itself visible at the Secretary level and difficult to be a factor in the policymaking at the Cabinet level, the President's proposals would make such impossible.

Mr. Speaker, there can be no Federal commitment whatsoever for the support of excellence in education, for improving the quality of education or for the extension of educational opportunities to meet the needs of all citizens, unless educational leadership is given a proper status in the decisionmaking process.

I firmly believe that the role that education must play in making our Nation a strong one, that the role education must play in enabling our citizens to participate in a meaningful way in a democratic society, that the role education must play in providing our Nation with the professional, with the technical and with educated personnel we must have to provide new generations with jobs, a healthy environment, a basis for scientific advance, and security from forces that would rob us of our democracy demands that educational institutions, activities, and programs be given an elevated position in the Nation's highest Government councils. The enactment of this legislation will strengthen the Nation's capacity to deal with problems that can only be effectively confronted by a strengthened national commitment to education.

THE PROFESSIONAL TEAM SPORTS BILL

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HORTON. Mr. Speaker, I am today introducing a bill to clarify the status under the antitrust laws of the professional team sports of baseball, football, basketball, and hockey. For many years, there has been an inconsistency in the application of the antitrust laws to these professional team sports. In 1922, the Supreme Court held that baseball was not the type of activity to be considered interstate commerce under the antitrust laws and was, therefore, exempted from the provisions of such laws. This decision was reaffirmed in 1953. Recent decisions in the lower courts have further confirmed this principle.

The result is that baseball has enjoyed an exemption from the antitrust laws while the other sports were uncertain as to exactly where they stood under the antitrust laws. This inconsistency has been of concern to the leaders of the sports world, to the Members of Congress, and to the Supreme Court. Indeed, in 1957, the Supreme Court, in applying the antitrust laws to professional football, stated that it was the responsibility of Congress to reconcile any inconsistent treatment among the various professional team sports.

Since that time, Congress has, on many occasions, considered legislation to provide for consistent treatment of all professional team sports. I think the consensus of the views of Congress is that all the professional team sports should be treated equally. That is the goal of this bill. It would place all four professional team sports squarely under the antitrust laws. Exemptions should be granted in four areas which are essential for the operation of the team sports in which they are unique from other conventional business activities.

I think the time has now come for Congress to act definitely to insure equal treatment for all professional team sports under the antitrust laws.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) and to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 10 minutes, today.

Mr. HOGAN, for 30 minutes, on January 29, 1971.

(The following Members (at the request of Mr. BOGGS) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

(The following Members (at the request of Mr. SHOUP) and to revise and extend their remarks and include extraneous matter:)

Mr. MORSE, for 5 minutes, today.

Mr. BROWN of Michigan, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BELL, for 5 minutes, today.

Mr. ESHLEMAN, for 10 minutes, today.

(The following Members (at the request of Mr. MITCHELL), to revise and extend their remarks and include extraneous matter:)

Mr. GALIFIANAKIS, for 10 minutes, today.

Mr. MONTGOMERY, for 60 minutes, on Monday, February 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS and to include a newspaper article.

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. PRICE of Texas in six instances.

Mr. BELL.

Mr. PETTIS.

Mr. HOSMER in two instances.

Mr. ARENDS.

Mr. BRAY in four instances.

Mr. SCHERLE.

Mr. POFF.

Mr. GOLDWATER.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. GERALD R. FORD.

Mr. SCHMITZ in three instances.

Mr. BROWN of Ohio.

Mr. MCCLOSKEY.

Mr. WYMAN in two instances.

Mr. YOUNG of Florida in five instances.

Mr. BROWN of Michigan.

Mr. FULTON of Pennsylvania in five instances.

(The following Members (at the request of Mr. BOGGS) and to include extraneous matter:)

Mr. GAYDOS in five instances.

Mr. EILBERG in two instances.

Mr. MAZZOLI in three instances.

Mr. DINGELL in four instances.

Mr. BOLLING in four instances.

Mr. RARICK in three instances.

Mr. ASHLEY.

Mr. MOORHEAD in two instances.

Mr. GONZALEZ in two instances.

Mr. BYRON in five instances.

Mr. BINGHAM in three instances.

Mr. WALDIE in three instances.

Mr. METCALFE in three instances.

(The following Members (at the request of Mr. MITCHELL) and to include extraneous matter:)

Mr. CONYERS in five instances.

Mr. VANIK in two instances.
Mr. HÉBERT.
Mr. COTTER in three instances.
Mr. ROONEY of New York.
Mr. HAWKINS.
Mr. PICKLE in three instances.
Mr. REUSS in six instances.
Mr. WILLIAM D. FORD.

ADJOURNMENT

Mr. MITCHELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Friday, January 29, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

72. A letter from the Secretary of the Air Force, transmitting a report on the number of officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government, pursuant to 10 U.S.C. 8031(c); to the Committee on Armed Services.

73. A letter from the Secretary of Labor, transmitting a report on the disposition of applications for exemplary rehabilitation certificates during calendar year 1970, pursuant to Public Law 89–690; to the Committee on Armed Services.

74. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

75. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes; to the Committee on the District of Columbia.

76. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes; to the Committee on Education and Labor.

77. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

78. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Institute of Education, and for other purposes; to the Committee on Education and Labor.

79. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a semiannual report on third country transfers of U.S.-origin defense articles to which consent has been granted or denied under the provisions of section 3(a)(2) of the Foreign Military Sales Act and section 505(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

80. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; to the Committee on Government Operations.

81. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

82. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

83. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

84. A letter from the Secretary of Health, Education, and Welfare, transmitting a report from the Surgeon General on the health consequences of smoking, pursuant to section 8(e) of the Public Health Cigarette Smoking Act of 1969; to the Committee on Interstate and Foreign Commerce.

85. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

86. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

87. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Merchant Marine and Fisheries.

88. A letter from the Chairman, U.S. Civil Service Commission, transmitting a report on positions in grades GS–16, GS–17, and GS–18 established in the Civil Service Commission during calendar year 1970, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

89. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide additional revenues for the highway trust fund, and for other purposes; to the Committee on Ways and Means.

90. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to increase the taxes on the transportation of persons by air, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. H. Res. 17. Resolution authorizing payment of salaries of certain committee employees; without amendment (Rept. No. 92–1). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 150. Resolution adopting and continuing for the 92d Congress the provisions of the first section of House Resolution 1293, 91st Congress, relating to positions on the U.S. Capitol Police force under the House of Representatives; without amendment (Rept. No. 92–2). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 2263. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 2264. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain areas off the coast of California adjacent to State-owned submerged lands as marine sanctuaries when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHLEY:

H.R. 2265. A bill to establish a National Service Agency for the purpose of filling military manpower requirements, creating a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. BELL (for himself and Mr. HAWKINS):

H.R. 2266. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 2267. A bill to amend the Military Selective Service Act of 1967 to provide that young men serve 1-year memberships on local boards; to the Committee on Armed Services.

H.R. 2268. A bill to make available to veterans of the Vietnam war all benefits available to World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

By Mr. BINGHAM (for himself, Mr. CELLER, and Mr. COTTER):

H.R. 2269. A bill relative to the air war in Cambodia; to the Committee on Foreign Affairs.

By Mr. BUCHANAN:

H.R. 2270. A bill to prohibit the Federal Government from requiring any schoolchild to attend a public school other than his neighborhood school; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 2271. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 2272. A bill to provide for a coordinated national boating safety program; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLIER:

H.R. 2273. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 2274. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 2275. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 2276. A bill to provide for the investigative detention and search of persons suspected of involvement in, or knowledge of, Federal crimes; to the Committee on the Judiciary.

H.R. 2277. A bill to amend section 2312 of title 18, United States Code, to permit a person enforcing that section to stop a motor vehicle to inspect the serial number of its body and motor if he has reason to suspect that the motor vehicle has been stolen; to the Committee on the Judiciary.

H.R. 2278. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

H.R. 2279. A bill to amend chapter 207 of title 18 of the United States Code to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 2280. A bill to provide for the deportation of nonimmigrant participants in exchange programs who engage in certain activities; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 2281. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 2282. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 2283. A bill to authorize the support of Casa Loma College, a vocational college of applied science and arts, to stimulate its development and operation, to further define its corporate powers and provide such support as necessary to fulfill its purposes of providing vocational education and manpower training programs within a 4-year collegiate institution in such a way as to preserve human dignity and worth of the socially, economically, and culturally deprived; to the Committee on Education and Labor.

H.R. 2284. A bill to extend the application of section 1038 of the Internal Revenue Code to certain reacquisitions of personal property; to the Committee on Ways and Means.

By Mr. DERWINSKI (for himself, Mr. Minshall, Mr. Terry, and Mr. McKinney):

H.R. 2285. A bill to provide for the issuance of a commemorative postage stamp in honor of the 1,000th anniversary of the birth of St. Stephen of Hungary; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD:

H.R. 2286. A bill to create a Presidential Commission on Distinguished Citizen Awards with authority to recognize and reward citizens who have done an outstanding job of helping to solve any of our national problems; to the Committee on Government Operations.

H.R. 2287. A bill to direct the Interstate Commerce Commission to make regulations that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night; to the Committee on Interstate and Foreign Commerce.

H.R. 2288. A bill to provide a private right of action to protect the air, water, and other natural resources of the United States and the public trust therein; to the Committee on the Judiciary.

H.R. 2289. A bill to prohibit officers and employees of the United States from dumping or permitting the dumping of dredgings and other refuse materials into any navigable water; to the Committee on Public Works.

H.R. 2290. A bill to authorize the Secretary of Agriculture to utilize the columns removed from the east central portico of the Capitol in an architecturally appropriate manner in the National Arboretum; to the Committee on Public Works.

H.R. 2291. A bill to amend title II of the Social Security Act to increase the amount of outside income which a widow with minor children may earn without suffering deductions from the benefits to which she is entitled thereunder; to the Committee on Ways and Means.

H.R. 2292. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain sueded leather gloves, and for other purposes; to the Committee on Ways and Means.

By Mr. FUQUA (for himself, Mr. Blatnik, Mr. Nelsen, Mr. McMillan, Mr. Broyhill of Virginia, and Mr. Conte):

H.R. 2293. A bill to transfer the title of the Robert F. Kennedy Stadium to the United States, to authorize the Secretary of the Interior to operate and maintain such stadium, to increase certain District of Columbia taxes to pay for such stadium, and for other purposes; to the Committee on the District of Columbia.

By Mr. GALIFIANAKIS (for himself, Mr. Abbitt, Mr. Addabbo, Mr. Annunzio, Mr. Arends, Mr. Bevill, Mr. Blackburn, Mr. Blanton, Mr. Don H. Clausen, Mr. Conte, Mr. Davis of Georgia, Mr. Dent, Mr. Drinan, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Fish, Mr. Fuqua, Mr. Griffin, Mr. Hamilton, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Henderson, Mr. Howard, Mr. Jacobs, and Mr. Jones of North Carolina):

H.R. 2294. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committe on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself, Mr. Andrews of North Dakota, Mr. Bergland, Mr. Brasco, Mr. Buchanan, Mr. Carney, Mrs. Chisholm, Mr. Dorn, Mr. Duncan, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Gray, Mr. Hathaway, Mr. Hawkins, Mrs. Mink, Mr. Morgan, Mr. Peyser, Mr. Pickle, Mr. Pryor of Arkansas, Mr. Rodino, Mr. St Germain, Mr. Schneebeli, Mr. Taylor, Mr. Wiggins, and Mr. Yatron):

H.R. 2295. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself, Mr. Kuykendall, Mr. Leggett, Mr. Lennon, Mr. Madden, Mr. Meeds, Mr. Miller of California, Mr. Mills, Mr. O'Konski, Mr. Podell, Mr. Preyer of North Carolina, Mr. Price of Illinois, Mr. Pucinski, Mr. Purcell, Mr. Rees, Mr. Roberts, Mr. Roncalio, Mr. Ruth, Mr. Scherle, Mr. Schwengel, Mr. Stafford, Mr. Stephens, Mr. Thone, Mr. Tiernan, and Mr. Waldie):

H.R. 2296. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 2297. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. HAMILTON:

H.R. 2298. A bill to establish a National Cancer Authority in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 2299. A bill to authorize the Secretary of the Interior to engage in a feasibility investigation relative to the North Side Pumping Division extension, Minidoka project; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 2300. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 2301. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 2302. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

H.R. 2303. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2304. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 2305. A bill to make the antitrust laws and the Federal Trade Commission Act applicable to the organized professional team sports of baseball, football, basketball, and hockey and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes; to the Committee on the Judiciary.

By Mr. HOSMER:

H.R. 2306. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

H.R. 2307. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 2308. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2309. A bill to permit retired personnel of the Armed Forces to receive benefits under chapter 81 of title 5, United States Code, relating to compensation of Federal employees for work injuries; to the Committee on Education and Labor.

H.R. 2310. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

H.R. 2311. A bill to amend and supplement the Federal reclamation laws relating to the furnishing of water service to excess lands; to the Committee on Interior and Insular Affairs.

H.R. 2312. A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams; to the Committee on Interior and Insular Affairs.

H.R. 2313. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542) to include certain rivers located within the State of California as potential components of the national wild and scenic rivers system, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2314. A bill to authorize the Secretary of the Interior to construct and to provide for operation and maintenance of the peripheral canal unit of the Delta division and to construct, operate, and maintain the Kellogg unit of the Delta division of the Central Valley project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2315. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

H.R. 2316. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2317. A bill to designate the fourth Friday in September of every year as American Indian Day; to the Committee on the Judiciary.

H.R. 2318. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 2319. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

H.R. 2320. A bill to amend title 38 of the United States Code to provide for a pension of $100 per month for widows of veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 2321. A bill to amend the Internal Revenue Code of 1954 with respect to the effective date of certain provisions relating to capitalization of costs of planting and development of citrus groves; to the Committee on Ways and Means.

H.R. 2322. A bill to amend the Internal Revenue Code of 1954 to provide that mutual fund shares and securities trust agreements shall be valued at their bid price, rather than at their asked price, for estate and gift tax purposes; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. Bob Wilson, Mr. Leggett, Mr. Railsback, Mr. McClory, Mr. Anderson of Illinois, Mr. Kuykendall, Mr. Waldie, Mr. Smith of California, Mr. Don H. Clausen, Mr. Fisher, Mr. Halpern, Mr. Buchanan, Mr. Dulski, Mr. Duncan, Mrs. Reid of Illinois, Mr. Talcott, Mr. Rees, Mr. Thomson, of Wisconsin, Mr. Adams, Mr. Corman, Mr. Horton, Mr. Addabbo, and Mr. Garmatz):

H.R. 2323. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. Anderson of California, Mr. Gude, Mr. King, Mr. Hammerschmidt, Mr. Randall, Mr. Steiger of Arizona, Mr. Hutchinson, Mr. Del Clawson, and Mr. Wyatt):

H.R. 2324. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE:

H.R. 2325. A bill to incorporate the former Members of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Giaimo, Mr. Roush, Mr. Thompson of Georgia, Mr. Helstoski, Mr. Hicks of Washington, Mr. Perkins, Mr. Roe, and Mr. Whalley):

H.R. 2326. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 2327. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCULLOCH (for himself, Mr. McClory, Mr. Sandman, Mr. Railsback, Mr. Wiggins, Mr. Dennis, Mr. Fish, and Mr. Mayne):

H.R. 2328. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. Hutchinson, Mr. McClory, Mr. Sandman, Mr. Wiggins, Mr. Fish, and Mr. Mayne):

H.R. 2329. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Sandman, Mr. Railsback, Mr. Wiggins, Mr. Dennis, Mr. Fish, and Mr. Mayne):

H.R. 2330. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself, Mr. Poff, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Sandman, Mr. Railsback, Mr. Wiggins, Mr. Dennis, Mr. Fish, Mr. Coughlin, and Mr. Mayne):

H.R. 2331. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 2332. A bill to amend the Truth in Lending Act to require that statements under open end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 2333. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Burton, and Mr. Rostenkowski):

H.R. 2334. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 2335. A bill to amend titles 10 and 37, United States Code, to provide equality of treatment for married female members of the uniformed services; to the Committee on Armed Services.

H.R. 2336. A bill to amend section 412(b) of the Federal Aviation Act of 1958, with respect to contracts relating to the selection or appointment, or the utilization of the services, of ticket agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2337. A bill to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 2338. A bill to prohibit the Civil Aeronautics Board from regulating the charges made by air carriers for certain inflight services made available to passengers; to the Committee on Interstate and Foreign Commerce.

H.R. 2339. A bill to prohibit any air carrier from refusing transportation to a U.S. marshal escorting a prisoner in his custody, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2340. A bill to require the Federal Aviation Administrator to prescribe a minimum altitude of flight for aircraft in the airspace over Mount Vernon Estate, the home of George Washington, in Fairfax County, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr MOSS (for himself, Mr. Van Deerlin, Mr. Leggett, Mr. Corman, Mr. Anderson of California, and Mr. Mailliard):

H.R. 2341. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS:

H.R. 2342. A bill to amend title II of the Sccial Security Act to provide for cost-of-living increases in benefits, to increase the minimum survivor's benefit, and to liberalize the retirement test; to the Committee on Ways and and Means

Mr. NICHOLS:

H.R. 2343. A bill to amend the Packers and Stockyards Act, 1921, as amended, so as to more adequately cover the egg industry, and for other purposes; to the Committee on Agriculture.

H.R. 2344. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2345. A bill to compensate States and local educational agencies for the replacement cost of all public school buildings and facilities owned by them which have been or will be closed or abandoned by such agencies by reason of: (1) any order issued by a court of the United States; (2) compliance with any plan, guideline, regulation, recommendation, or order of the Department of Health, Education, and Welfare; (3) decisions arrived at by such State and local educational agencies in good faith efforts to comply with the decision of the U.S. Supreme Court requiring desegregation of public schools; to the Committee on Education and Labor.

H.R. 2346. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 2347. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 2348. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 2349. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2350. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 2351. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 2352. A bill to amend the Internal Revenue Code of 1954 with respect to the tax-exempt status of, and the deductibility of contributions to, certain private schools; to the Committee on Ways and Means.

By Mr. NICHOLS (by request):

H.R. 2353. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

By Mr. OBEY (for himself, Mr. Córdova, Mr. Morse, Mr. Carney, Mr. Conte, Mrs. Chisholm, Mr. Brasco, Mr. Yatron, Mr. Roybal, Mr. Edwards of California, Mrs. Hicks of Massachusetts, Mr. Aspin, Mr. Carter, and Mr. Barrett):

H.R. 2354. A bill to amend title II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance programs; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Reuss, Mr. Reid of New York, Mr. Annunzio, Mr. Tiernan, Mr. Burton, Mr. Donohue, Mr. Scheuer, Mr. Pepper, Mr. McKinney, Mr. Fraser, Mr. Price of Illinois, Mr. Rosenthal, Mr. Hays, Mr. Yates, Mr. Bergland, Mr. Hechler of West Virginia, Mr. Halpern, Mr. Mikva, Mr. Hamilton, Mr. Eilberg, Mr. Roncalio, Mr. Pucinski, Mr. Burke of Massachusetts, and Mr. Williams):

H.R. 2355. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PERKINS (for himself, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mr. Stokes, and Mr. Clay):

H.R. 2356. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. PICKLE:

H.R. 2357. A bill to amend section 10 of the Railway Labor Act to settle emergency transportation labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. PIRNIE:

H.R. 2358. A bill to amend the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

H.R. 2359. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

H.R. 2360. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2361. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 2362. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 2363. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 2364. A bill to amend section 2312 of title 18, United States Code, to permit a person enforcing that section to stop a motor vehicle to inspect the serial number of its body and motor if he has reason to suspect that the motor vehicle has been stolen; to the Committee on the Judiciary.

H.R. 2365. A bill to amend the Joint Resolution designating June 14 of each year as Flag Day (37 U.S.C. 157) to provide appropriate recognition of the Pledge of Allegiance to the Flag and its author, Francis Bellamy; to the Committee on the Judiciary.

H.R. 2366. A bill to authorize appropriations for the construction of economic growth center development highways and for other purposes; to the Committee on Public Works.

H.R. 2367. A bill to amend the Appalachian Regional Development Act of 1965 to include in the Appalachian region all of the Appalachian mountain system; to the Committee on Public Works.

H.R. 2368. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 2369. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 2370. A bill to provide that for Federal estate and gift tax purposes the value of tangible personal property and of shares of mutual funds shall be determined by the price obtainable on their sale by the executor or donor; to the Committee on Ways and Means.

H.R. 2371. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 2372. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. RHODES (for himself, Mr. Andrews of North Dakota, Mr. Arends, Mr. Baker, Mr. Chamberlain, Mr. Cleveland, Mr. Davis of Wisconsin, Mr. Forsythe, Mr. Hastings, Mr. Henderson, Mr. Jarman, Mr. Lujan, Mr. McClory, Mr. McMillan, Mr. Michel, Mr. Powell, Mr. Robinson, Mr. Scott, Mr. Sikes, Mr. Smith of California, Mr. Steiger of Arizona, Mr. Thompson of Georgia, Mr. Thone, and Mr. Williams):

H.R. 2373. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Widnall, Mr. Daniels of New Jersey, Mrs. Dwyer, Mr. Frelinghuysen, Mr. Gallagher, Mr. Helstoski, Mr. Howard, Mr. Minish, Mr. Roe, Mr. Sandman, and Mr. Thompson of New Jersey) (by request):

H.R. 2374. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2375. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Camp, and Mr. Lujan):

H.R. 2376. A bill to amend acts entitled "An act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief or distress, and social welfare of Indians, and for other purposes", and "To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. Steiger of Arizona, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Camp, and Mr. Lujan):

H.R. 2377. A bill to provide for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2378. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. Steiger of Arizona, Mr. McClure, Mr. Don H. Clausen, Mr. Camp, and Mr. Lujan):

H.R. 2379. A bill to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. McClure, Mr. Don H. Clausen, Mr. Ruppe, Mr. Camp, and Mr. Lujan):

H.R. 2380. A bill to provide for the creation of the Indian Trust Counsel Authority, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. Kyl, Mr. Steiger of Arizona, Mr. McClure, Mr. Don H. Clausen, Mr. Camp, and Mr. Lujan):

H.R. 2381. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER (for himself, and Mr. SYMINGTON):

H.R. 2382. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 2383. A bill to amend the Soil Conservation and Domestic Allotment Act to establish an improved rural environmental protection program and for other purposes; to the Committee on Agriculture.

By Mr. WHALLEY (for himself, and Mr. GOODLING):

H.R. 2384. A bill to provide for the establishment of the Carlisle Indian School National Monument in Carlisle, Pa.; to the Committee on Armed Services.

By Mr. WYLIE:

H.R. 2385. A bill to amend the Fisherman's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WYMAN:

H.R. 2386. A bill making it a Federal crime to engage in numbers wagering except in national drawings the proceeds of which shall be apportioned among the Law Enforcement Assistance Administration, the Department of Health, Education, and Welfare, and such States as may elect to participate therein; to the Committee on the Judiciary.

By Mr. YATRON:

H.R. 2387. A bill to amend the Federal Meat Inspection Act to provide that State inspected facilities after meeting the inspection requirements shall be eligible for distribution in establishments on the same basis as plants inspected under title I; to the Committee on Agriculture.

H.R. 2388. A bill to amend the Military Selective Service Act of 1967 to provide an exemption thereunder to the only son of any veteran with a service-connected disability of 70 percent or more, and the sole surviving son of any veteran who had such a disability at the time of death; to the Committee on Armed Services.

HR. 2389. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits of orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

H.R. 2390. A bill to amend the black lung provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines and surface coal mines; to the Committee on Education and Labor.

By Mr. ABERNETHY:

H.J. Res. 205. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one House of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 206. Joint resolution proposing an amendment to the Constitution of the United States to make it clear that eligibility for welfare payments is not a right; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.J. Res. 207. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.J. Res. 209. Joint resolution authorizing the President to declare the third week in June of each year as "National Fiddle Week"; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.J. Res. 210. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HOSMER:

H.J. Res. 211. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 212. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 213. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. NICHOLS:

H. J. Res. 214. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 215. Joint resolution proposing an amendment to the Constitution of the United States permitting the right to read from the Holy Bible and to offer nonsectarian prayers in the public schools or other public places if participation therein is not compulsory; to the Committee on the Judiciary.

H.J. Res. 216. Joint resolution proposing an amendment to the Constitution of the United States with respect to freedom of choice for children attending elementary and secondary schools; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 217. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.J. Res. 218. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.J. Res. 219. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. YATRON:

H.J. Res. 220. Joint resolution authorizing the President to proclaim the third Sunday in October of each year as "National Shut-In Day"; to the Committee on the Judiciary.

By Mr. ABERNETHY:

H. Con. Res. 91. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H. Con. Res. 92. Concurrent resolution expressing the sense of the Congress with respect to the rotation of members of the Armed Forces of the United States in their assignments to serve in combat zones; to the Committee on Armed Services.

By Mr. NICHOLS:

H. Con. Res. 93. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. PIRNIE:

H. Con. Res. 94. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mr. KYL, Mr. STEIGER of Arizona, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. CAMP, and Mr. LUJAN):

H. Con. Res. 95. Concurrent resolution relating to a national Indian policy; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of Alabama (for himself and Mr. QUIE):

H. Res. 151. Resolution providing for an annual reception day for former Members of the House of Representatives; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 152. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. DRINAN:

H. Res. 153. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. FLOOD:

H. Res. 154. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H. Res. 155. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. HALL:

H. Res. 156. Resolution; "Continued U.S. Control of Panama Canal—Indispensable"; to the Committee on Foreign Affairs.

By Mr. PIRNIE:

H. Res. 157. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. BLATNIK, Mr. BYRON, Mr. CAREY, Mr. CLARK, Mr. COLLINS of Illinois, Mr. DANIELSON, Mr. DOWNING, Mr. FASCELL, Mr. FISH, Mr. FLOWERS, Mr. GETTYS, Mrs. GREEN of Oregon, Mr. HELSTOSKI, Mr. MCKAY, Mr. MACDONALD of Massachusetts, Mr. MAZZOLI, Mr. METCALFE, Mr. MINISH, Mr. PICKLE, Mr. RONCALIO, Mr. ROUSH, Mr. ROY, Mr. RUNNELS, and Mr. SIKES):

H. Res. 158. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. SPENCE, Mr. STEELE, Mr. STOKES, Mr. THOMPSON of Georgia, Mr. ZWACH, Mr. BROWN of Michigan, Mrs. HICKS of Massachusetts, and Mr. MURPHY of Illinois):

H. Res. 159. Resolution to create a Select Committee on Aging; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 2391. A bill for the relief of Elvia R. Benavides; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 2392. A bill for the relief of Mrs. Gertrude Berkley; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 2393. A bill for the relief of Slavko N. Bjelajac; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.R. 2394. A bill for the relief of Antonio Benavides; to the Committee on the Judiciary.

H.R. 2395. A bill for the relief of Agustin Pinera; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 2396. A bill for the relief of Vincenzo Di Martino; to the Committee on the Judiciary.

H.R. 2397. A bill for the relief of Evan Juan Fornilda; to the Committee on the Judiciary.

H.R. 2398. A bill for the relief of Generosa Fusco; to the Committee on the Judiciary.

H.R. 2399. A bill for the relief of Gustavo Genovese, his wife, Marianna Genovese, and their children, Simone Genovese, Salvatore Genovese, and Caterina Genovese; to the Committee on the Judiciary.

H.R. 2400. A bill for the relief of David Z. Glassman; to the Committee on the Judiciary.

H.R. 2401. A bill for the relief of Maria Gomez; to the Committee on the Judiciary.

H.R. 2402. A bill for the relief of Joseph W. Harris; to the Committee on the Judiciary.

H.R. 2403. A bill for the relief of Teresa Metrisciano; to the Committee on the Judiciary.

H.R. 2404. A bill for the relief of Miss Ada Vergeiner; to the Committee on the Judiciary.

H.R. 2405. A bill for the relief of Mary Weekes; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 2406. A bill for the relief of Morris and Lenke Gelb; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 2407. A bill for the relief of Alda Vergano Fracchia and Angelo Fracchia; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.R. 2408. A bill for the relief of Louis A. Gerbert; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 2409. A bill for the relief of Anna Crocetto; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 2410. A bill for the relief of Guerino Allevato and Vienna Mazzei Allevato; to the Committee on the Judiciary.

H.R. 2411. A bill for the relief of Arie Eliazarov; to the Committee on the Judiciary.

H.R. 2412. A bill for the relief of Cesare Anthony Luciani; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 2413. A bill for the relief of Mesrop Bogosoglu; to the Committee on the Judiciary.

H.R. 2414. A bill for the relief of Nicola Di Nallo; to the Committee on the Judiciary.

H.R. 2415. A bill for the relief of Shi Chang Hsu (also known as Gerald S. C. Hsu); to the Committee on the Judiciary.

H.R. 2416. A bill for the relief of Hospicio A. Lakilak; to the Committee on the Judiciary.

H.R. 2417. A bill for the relief of Miss Peyravi Pary Parichehr; to the Committee on the Judiciary.

H.R. 2418. A bill for the relief of Adele Romanelli; to the Committee on the Judiciary.

H.R. 2419. A bill for the relief of Santuzza Simonti; to the Committee on the Judiciary.

H.R. 2420. A bill for the relief of Lucia Tortorella; to the Committee on the Judiciary.

H.R. 2421. A bill for the relief of Aurora Castell (also known as Aurora Villanueva); to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 2422. A bill for the relief of Pacita de Azucena; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 2423. A bill for the relief of Anthony Di Russo; to the Committee on the Judiciary.

H.R. 2424. A bill for the relief of Maria Felicia; to the Committee on the Judiciary.

H.R. 2425. A bill for the relief of Hideo Uchiyama; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 2426. A bill for the relief of Nemecia Macatangay; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 2427. A bill for the relief of Maria Regina Montenegro-Quintero; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 2428. A bill for the relief of Kyu Whan Whang and spouse, nee Young Won Lee; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 2429. A bill for the relief of Guglielmo Tonino Alleva; to the Committee on the Judiciary.

H.R. 2430. A bill for the relief of Eustachio V. Favia; to the Committee on the Judiciary.

H.R. 2431 A bill for the relief of Dimitra Kassola; to the Committee on the Judiciary.

H.R. 2432. A bill for the relief of Bong Soon Lee; to the Committee on the Judiciary.

H.R. 2433. A bill for the relief of Won Chan Lowe; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 2434. A bill for the relief of Antonio Scopino; to the Committee on the Judiciary.

H.R. 2435. A bill for the relief of Giuseppe Speranza; to the Committee on the Judiciary.

By Mr. PIRNIE:

H.R. 2436. A bill for the relief of Sgt. Franklin A. Carpenter, U.S. Air Force; to the Committee on the Judiciary.

H.R. 2437. A bill for the relief of Mrs. Julia Chambers; to the Committee on the Judiciary.

H.R. 2438. A bill for the relief of Rosalia Manta Marchese; to the Committee on the Judiciary.

By Mr. REES:

H.R. 2439. A bill for the relief of Mrs. Tomoko Tokugawa; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 2440. A bill for the relief of Mrs. Josefina Ferrer Marasigan; to the Committee on the Judiciary.

H.R. 2441. A bill for the relief of Giovanni Orecchia; to the Committee on the Judiciary.

H.R. 2442. A bill for the relief of Rafael Antonio Pappa, his wife, Clotilde Consuelo Teresa Burastero de Pappa, and their children, Alejandra Andrea, Gabriela Araceli, Sergio Javier, and Fabian Rafael Pappa; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 2443. A bill for the relief of Heung Book Song; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 2444. A bill for the relief of Ghassan Yousif Cotta; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 2445. A bill for the relief of Erlinda S. Calalang; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 2446. A bill for the relief of Song Han Kyou; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 2447. A bill for the relief of Paulina Medrano Martinez; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Res. 160. Resolution honoring the late Rossell G. O'Brien; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

3. By Mr. LENT: Memorial of the Legislature of the State of New York, by Joint Resolution No. 2, adopted on January 20, 1971, calling upon the Congress of the United States and the Federal Government to take prompt action to implement proposals for a system of direct Federal tax-sharing payments to the States; to the Committee on Ways and Means.

4. By the SPEAKER: Memorial of the Legislature of the State of West Virginia, relative to amending the Constitution of the United States to provide for intergovernmental sharing of Federal income tax revenues; to the Committee on the Judiciary.

SENATE—*Tuesday, January 26, 1971*

The Senate met at 11:15 a.m. and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou ever-living God, to whom in all ages men have lifted up their hearts in prayer, make our hearts a temple of Thy spirit. Strengthen our awareness of Thy presence not only in the time of prayer, but in the hours of work. Confirm our faith in the invincibility of goodness. Guide Thy servants who serve Thee here that they may create enduring ministries for the common good, help heal the wounds of a broken world, and lift high the banner of the kingdom which is in time and beyond time, whose builder and maker is God.

We pray in His name who proclaimed the coming kingdom of truth and justice. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Monday, January 25, 1971, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair recognizes the Senator from Delaware for 15 minutes.

S. 191—INTRODUCTION OF NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1971

Mr. BOGGS. Mr. President, I am introducing a bill which I believe goes far toward filling a desperate need in the area of health insurance. This bill, entitled the National Catastrophic Illness Protection Act of 1971, would relieve a measure of the financial burden that befalls a family when catastrophic illness strikes by providing insurance for medical expenses above what is now being offered.

I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Maryland (Mr. BEALL).

Specifically, this legislation seeks to encourage the insurance industry to offer policies providing coverage for catastrophic illness by fostering the establishment of insurance pools and statewide catastrophic illness insurance plans. The Federal role would be limited to reinsuring, when necessary, private insurance companies or insurance pools against loss.

Since it is anticipated that most families would desire this type of protection, participation would be widespread, and cost per policy would be low. The result, I believe, would be the availability to all Americans of low-cost protection against the staggering costs of misfortune.

The need for such legislation is great. President Nixon, only a few days ago in his state of the Union address, called for improved health care services. This legislation is an important step in that direction.

The President will soon submit to the Congress his own proposals for new legislation dealing with national health care and insurance. I shall welcome an opportunity to study these proposals. It is my hope that among them will be a catastrophic illness insurance plan similar to the one I am introducing today.

Each year thousands of families suffer not only the anguish of a member's prolonged illness, but also the resulting financial strain. This legislation will not relieve the pain of disease or the suffering of the family. But it will guarantee that the family will be able to afford the best possible medical care, regardless of cost. For the first time, costly operations or extensive therapy or hospitalization need not raise fears of financial ruin for helpless families.

Catastrophic illness strikes at random—it does not discriminate between young and old, black and white, rich and poor. In some cases, the families are financially able to absorb the many thousands of dollars of cost involved. Most are not. Most are rendered financially destitute as the result of a catastrophic illness.

It is time we provide some relief for these financial and human disasters. It is certainly within our power. With the introduction of this legislation today, I believe it is within our reach.

I first introduced this legislation in the 91st Congress shortly after it was introduced in the House of Representatives by the distinguished gentleman from Maryland, Mr. HOGAN. It was introduced again in the other body by Representative HOGAN just last week. I ask that his remarks and analysis, along with a copy of the bill, be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the remarks and analysis, and a copy of the bill will be printed in the RECORD.

The bill (S. 191) to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost, introduced by Mr. BOGGS, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XX—NATIONAL CATASTROPHIC ILLNESS INSURANCE

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 2001. This title may be cited as the 'National Catastrophic Illness Protection Act of 1971'.

"FINDINGS AND PURPOSE

"SEC. 2002. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

"(b) It is therefore the policy of the Congress and the purpose of this title to establish a national catastrophic illness insurance program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the issuance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans, including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

"DEFINITIONS

"SEC. 2003. When used in this title (unless the context otherwise requires)—

"(1) the term 'extended health insurance' means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

"(2) the term 'costs of medical care' includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

"(3) the term 'insurer' includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

"(4) the term 'pool' means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

"(5) the term 'person' includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

"(6) the term 'reinsured losses' means losses on reinsurance claims under this title and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

"(7) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(8) the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

"(9) the term 'year' means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

"PART B—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

"SEC. 2011. The Secretary is authorized to establish and carry out a national catastrophic illness insurance program as provided for in this title.

"STATE CATASTROPHIC ILLNESS INSURANCE PLANS

"SEC. 2012. (a) The National catastrophic illness insurance program shall be designed to carry out the purpose of this title through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

"(b) Each insurer which is reinsured under this title (or which is a member of a pool reinsured under this title) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection (a).

"(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this title which are issued and made available under such plan. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

"(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 2013) at reasonable premiums (as determined under section 2014), subject only to a deductible or deductibles meeting the requirements of section 2015;

"(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this title, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 2016 or otherwise);

"(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

"(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

"(5) notice will be given to the policyholder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

"(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

"(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this title.

"ELIGIBLE INDIVIDUALS

"Sec. 2013. For the purpose of this title, and for the purposes of any State plan submitted under section 2012 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

"PREMIUMS

"Sec. 2014. (a) The Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate—

"(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

"(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this title.

"(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 2012. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a)(1) shall be compensated for by premium equalization payments made as provided in section 2044.

"(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

"(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

"(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this title; and

"(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a)(1), the estimated rates determined under subsection (a)(2), and the rates actually prescribed under subsection (b).

"DEDUCTIBLES

"Sec. 2015. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 2012 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

"(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

"(1) 50 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

"(2) 100 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

"(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVIII or XIX of the Social Security Act or under any other public or private health insurance policy covering such medical care.

"(d) As used in this section with respect to any individual or family for any year, the term 'adjusted income' means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

"(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

"ALL-INDUSTRY PLACEMENT FACILITY

"Sec. 2016. Any plan under this part shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

"(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitably among the insurers with which it is doing business; and

"(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

"INDUSTRY COOPERATION

"Sec. 2017. (a) Each insurer seeking reinsurance under this title shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

"(b) No insurer acquiring reinsurance under this title shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

"PLAN EVALUATION

"Sec. 2018. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

"(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

"(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

"(b) The Secretary may by rules and regulations modify the plan criteria set forth under this part, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this title. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

"Part C—Reinsurance Coverage

"REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

"Sec. 2021. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 2023, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

"(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

"(b) Reinsurance coverage under this section may be provided immediately following the enactment of this title to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

"(1) the termination of such ninety-day period, or

"(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 2022 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

"(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under part B and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

"REINSURANCE AGREEMENTS AND PREMIUMS

"SEC. 2022. (a) During the first year following the date of the enactment of this title, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 2043 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this title.

"(b) Reinsurance offered under this title shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

"(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665 (a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this title. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

"(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1971, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this title or within ninety days prior to April 30 each year thereafter or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

"CONDITIONS OF REINSURANCE

"SEC. 2023. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

"(1) after one year following the date of the enactment of this title, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its next regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

"(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under part B, to make extended health insurance available, and that such action is necessary to carry out the purpose of this title; except that this paragraph shall not become effective until two years after the date of the enactment of this title, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

"(3) after thirty days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

"(A) in the plan in the State;

"(B) where it exists, in a pool; and

"(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

"(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this title and one or more insurers with or without such reinsurance, unless the surviving company—

"(A) meets the criteria of eligibility for reinsurance, other than as provided under section 2022 (d); and

"(B) within ten days pays any reinsurance premiums due; or

"(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

"(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 2022, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date such change was made.

"RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

"SEC. 2024. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

"(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

"PART D—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

"FEDERAL OPERATION OF THE PROGRAM IN NONCOOPERATING STATES

"SEC. 2031. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the national catastrophic illness insurance program as provided in the preceding provisions of this title cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this title (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2).

"(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the national catastrophic illness insurance program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

"(1) state the reasons for such determination,

"(2) be supported by pertinent findings,

"(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing extended health insurance coverage under the program, and

"(4) contain such recommendations as the Secretary deems advisable.

"ADJUSTMENT AND PAYMENT OF CLAIMS

"SEC. 2032. In the event the program is carried out as provided in section 2031, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 2041(b).

"PART E—PROVISIONS OF GENERAL APPLICABILITY

"CLAIMS AND JUDICIAL REVIEW

"SEC. 2041. (a) All reinsurance claims for losses under this title shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

"(b)(1) Upon disallowance of any claim under color of reinsurance made available under this title or any claim against the Secretary under section 2032, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

"(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

"FISCAL INTERMEDIARIES AND SERVICING AGENTS

"Sec. 2042. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this title, and in order to facilitate the expeditious payment of any funds under such program, the Secretary may enter into contracts with any insurer; pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

"(1) estimating or determining any amounts of payments for reinsurance claims;

"(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

"(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

"(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

"(5) otherwise assisting in any manner provided in the contract to further the purpose of this title.

"(b)(1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

"(2) In the absence of gross negligence or intent to defraud the United States—

"(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

"(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

"NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

"Sec. 2043. (a) To carry out the program authorized under this title, the Secretary is authorized to establish a National Catastrophic Illness Insurance Fund (hereinafter called the 'fund') which shall be available, without fiscal year limitations—

"(1) to make such payments as may, from time to time, be required under reinsurance contracts under this title;

"(2) to make premium equalization payments as provided in section 2044; and

"(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this title.

"(b) The fund shall be credited with—

"(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under part C;

"(2) interest which may be earned on investments of the fund;

"(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

"(4) receipts from any other source which may, from time to time, be credited to the fund.

"(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

"PREMIUM EQUALIZATION PAYMENTS

"Sec. 2044. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 2014(b) below estimated risk premium rates under section 2014 (a) (1) as are required in order to make extended health insurance available on reasonable terms and conditions.

"(b) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

"RECORDS, ANNUAL STATEMENT, AND AUDITS

Sec. 2045. (a) Any insurer or pool acquiring reinsurance under this title shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this title, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

"(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

"(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 2022 or section 2042 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for. or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

"GENERAL POWERS

"Sec. 2046. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c)(2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after notice and hearing, if granted, as required by the Administrative Procedure Act.

"SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

"Sec. 2047. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

"ADVANCE PAYMENTS

"Sec. 2048. Any payments which are made under the authority of this title may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in installments and on such conditions as the Secretary may determine.

"TAXATION

"Sec. 2049. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"APPROPRIATIONS

"Sec. 2050. There are hereby authorized to be appropriated such sums as may be necessary to carry out this title."

The remarks and analysis of Representative Hogan are as follows:

National Catastrophic Illness Protection Act of 1971

The Speaker pro tempore (Mr. Rooney of New York). Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 30 minutes.

Mr. Hogan. Mr. Speaker, today I have introduced a bill, the National Catastrophic Illness Protection Act of 1971, which I originally authored and introduced in the 91st Congress. This legislation, which I consider to be extremely important, received bipartisan support and sponsorship in both the House and the Senate at that time.

I am pleased to say this proposal is again receiving bipartisan support in the 92d Congress. Those Members joining me today in introducing this legislation are: Mark Andrews of North Dakota, James A. Byrne of Pennsylvania, Tim Lee Carter of Kentucky, Seymour Halpern of New York, James F. Hastings of New York, Augustus F. Hawkins of California, Peter N. Kyros of Maine, Roman C. Pucinski of Illinois, Robert A. Roe of New Jersey, William L. Scott of Virginia, and Lawrence G. Williams of Pennsylvania.

The National Catastrophic Illness Protection Act of 1971 would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself forced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a step ladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's diseases, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need to do is utilize a concept that has been tested successfully in other analogous areas.

(A description and section-by-section analysis of the National Catastrophic Illness Protection Act of 1971 follows:)

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

(Introduced by Representative LAWRENCE J. HOGAN (Republican of Maryland) June 10, 1970)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act of 1970 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Title I contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Title II establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Title III contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under title II of the bill. Title IV of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with title II of the bill. Title V of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under titles II and IV of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 101—*Short Title*.—Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1970."

Section 102—*Findings and Purpose*. Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 103—*Definitions*. Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance*, meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care*, include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers*, include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool*, meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses*, meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Title II—Establishment of program; State plans

Section 201—*Authority*. Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 202—*State Plans*. Provides that the program shall involve the creation of State-wide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the State-wide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Sec. 203, and at a cost which is reasonable, as defined in Sec. 204, subject only to deductibles authorized in Sec. 205.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the State-wide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 203—*Eligible Individuals*. In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 204—*Premium Setting*. Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 202 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 504 of the bill.

Section 205—*Deductibles*. Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 206—*All Industry Placement Facility*. A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 207—*Industrial Cooperation*. Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 208—*Plan Evaluation*. Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Title III—Reinsurance coverage

Section 301—*Reinsurance of Losses under Extended Health Insurance Policies*. Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in title II.

Section 302—*Reinsurance Agreements and Premiums*. Authorizes the Secretary to make agreements with insurers and pools for reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 503 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 303—*Conditions of Reinsurance*. Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 304—*Recovery of Premiums; Statute of Limitations*. Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Title IV—Government program with industry assistance

Section 401—*Federal Operation of Program in Noncooperating States*. Authorizes after certain determinations that, where a State-wide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 402—*Adjustment and Payment of Claims*. If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Title V—Provisions of general applicability

Section 501—*Claims and Judicial Review*. Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 502—*Fiscal Intermediaries and Servicing Agents* . Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 503—*National Catastrophic Illness Insurance Fund*. Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 504—*Premium Equalization Payments*. Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 505—*Records, Annual Statement, and Adults*. Self-explanatory.

Section 506—*General Powers*. Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 507—*Services and Facilities of Other Agencies*. Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 508—*Advance Payments*. Authorizes necessary payment adjustments in connection with the program.

Section 509—*Taxation*. Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 510—*Appropriations*. Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:	*Deductible*
$1,500	$0
$2,000	500
$2,500	1,000
$3,000	1,500
$3,500	2,000
$4,000	2,500
$4,500	3,000
$5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

Mr. BOGGS. Mr. President, I also ask unanimous consent on behalf of the distinguished Senator from Texas (Mr. TOWER) that a statement which he wished to deliver himself at this point be printed in the RECORD. The Senator from Texas is unavoidably detained and unable to be present at this moment.

There being no objection, the statement of Mr. TOWER was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

Mr. President, I rise to support the bill Senator Boggs has just introduced entitled the National Catastrophic Illness Protection Act of 1971.

The need for legislation to assist Americans in the area of catastrophic illnesses is quite clear. It is quite likely that some form of legislation in this area will be enacted by the 92nd Congress. I am hopeful that any legislation enacted will be along the lines of this bill which I am extremely proud to co-sponsor.

This legislation will insure assistance to Americans who find themselves financially incapable of meeting the costs of catastrophic illnesses. At the same time, it would limit the role of the federal government to insuring against potential losses encountered by insurance companies when their catastrophic payments exceed their collected premiums. In this way we could take advantage of the nation's private insurance industry, while, at the same time, avoiding the cumbersome task of tightly connecting such a program to strict federal regulation. If Congress is to pass legislation intending to assist in meeting the needs of Americans who must confront this problem, I believe it is most important that we avoid the problems that have been realized in Medicare and other government health programs.

I believe that the National Catastrophic Illness Protection Act combines the best assets which the Federal Government, State Governments and the private sector can contribute in providing the best possible catastrophic illness coverage for the American people. I urge my colleagues to give it their most careful consideration.

Mr. BEALL. Mr. President, I am pleased once again to cosponsor the National Catastrophic Illnesses Protection Act of 1970. I want to congratulate Senator BOGGS for his initiative in helping to provide a mechanism under which our citizens will be able to protect themselves against the staggering costs of catastrophic illnesses. I also want to salute my colleague from Maryland, Congressman HOGAN, for originating and leading this effort on the House side.

Fortunately, catastrophic illnesses do not strike often. When such illnesses do strike, however, it means not only personal tragedy and hardship to the family stricken, but also astronomical financial costs which often force a family on to welfare. This is particularly true when the head of the family is stricken.

It is estimated that 80 percent of our population under 65 carry insurance against hospital expenses. These policies, however, have a limitation, the most common being 60 days, on hospital days that will be covered. Private policies for medical expenses also have limitations on coverage. There also are major medical insurance plans available, but it is estimated that only 20 to 30 percent of our population enjoy such protection. Even under these policies, there are maximum benefits per spelled illness usually ranging from $5,000 to $20,000.

Medical science has made tremendous progress in combating illnesses which in the past would have been fatal. A good example of these strides made by medical science is the kidney area. Kidney failures formerly were fatal, but today kidney patients with the aid of dialysis and transplants are able to live many additional years. Major medical breakthroughs then have been able to prolong life; but the cost of the extensive care and of the complex and expensive machinery often necessary is enormous.

Mr. President, if medical science can achieve these dramatic breakthroughs, thereby enabling patients to live relatively normal lives, it behooves the Nation to find the mechanism which will permit families to finance the medical expenses associated with catastrophic illnesses.

I believe that the bill being introduced today will create such a mechanism. Under this measure, a catastrophic illness-extended care insurance pool will be created which would enable citizens to buy insurance against such calamities. Under the plan all expenses above the deductible would be covered. This deduction would vary with family income. For example, a family with an "adjusted income" of $10,000 would pay the first $8,500 of medical expenses. In general, coverage under basic health and major medical plans would be adequate to satisfy the deductible.

The lack of catastrophic illness insurance is a serious gap in the present insurance coverage of most American families. The enactment of this bill would make it possible for families, if they so elect to protect themselves at a reasonable cost from the unexpected and staggering blow when a catastrophic illness strikes. While this measure cannot prevent the personal disaster resulting from a catastrophic illness, it can prevent the problem from compounding itself by relieving families somewhat from the staggering costs associated with catastrophic illnesses. I therefore am pleased to join Senator BOGGS in introducing this measure and I am hopeful that this Congress will take steps to provide the American families with insurance against catastrophic illnesses.

THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. SCOTT. Mr. President, the President's state of the Union message, containing six great goals embodied in a new American revolution, has received a remarkably friendly and favorable reception from press and people; and, indeed, I think this is consonant with the spirit of the message which is bold, daring, and which evidences——

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator be kind enough to yield for a question?

Mr. SCOTT. I am glad to yield.

Mr. BYRD of West Virginia. Mr. President, it was my understanding that the Senator from Delaware had yielded the floor.

The VICE PRESIDENT. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, under the previous order the able Senator from Delaware was to be recognized for not to exceed 15 minutes, and following that the able Senator from Wisconsin (Mr. NELSON) was to be recognized for not to exceed 15 minutes.

I merely inquire whether or not the able minority leader would like to be recognized without prejudice, under the previous order, to the Senator from Wisconsin, who is to be recognized at the end of the 15-minute period which was earlier allotted to the Senator from Delaware.

Mr. SCOTT. Yes. I do make this as a unanimous-consent request, but with a further request that my time begin at the time the unanimous-consent request is allowed. By way of explanation I do not believe the Senator from Wisconsin was in the Chamber when the Senator from Delaware finished in less than 15 minutes. In that situation normally we would have had a quorum call, and being in public life, like most Senators, I could not stand the vacuum and thought it should be filled by these remarks rather than by a call of the roll.

Mr. BYRD of West Virginia. The able Senator well knows that a Senator cannot be taken off his feet. The Senator got recognition and now has the floor, but I feel it my duty to protect the rights of Senators who are to be recognized under the special orders entered yesterday. I have no objection to the able minority leader filling in the time but I want to make sure that at the conclusion of the 15-minute period which had been allotted to the Senator from Delaware the Senator from Wisconsin (Mr. NELSON) will be duly recognized under the previous order.

Mr. SCOTT. I have no objection, but I serve notice right now that if any Senator has reserved time and is not present on the floor to claim it, that reservation of time, in my opinion, no longer holds for him and the Senate's business should be permitted to proceed accordingly.

Mr. BYRD of West Virginia. If the Senator will yield, I say most respectfully, the Senator from Wisconsin is not required to be on the floor until the conclusion of the 15-minute period previously allotted to the able Senator from Delaware (Mr. BOGGS).

The VICE PRESIDENT. The Chair thinks the point of the Senator from

West Virginia is well taken. The Chair, in recognizing the Senator from Pennsylvania, was in error under the circumstances. The Chair feels that the Senator from Delaware had a perfect right to yield the remainder of his time. Under the circumstances, the Senator from Wisconsin not being present, and the Chair being of the opinion that in all probability the Senator from Pennsylvania will not exceed the time remaining of the Senator from Delaware, the Chair suggests that by mutual accord the Senator from Pennsylvania be allowed to continue.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remainder of the time earlier allotted to the Senator from Delaware be allotted to the able minority leader.

Mr. SCOTT. I thank the Senator. Perhaps the procedural question is more important at the moment than the state of the Union message. But we should clarify the fact that if there is a period when one Senator does not use the time, there should be a better use of the time, since we are trying to improve procedures, than to go into another quorum call while we wait for the expiration of a 15- or 30-minute period. Perhaps the leadership on both sides can work out some procedure.

I will reserve what I have to say on the state of the Union message until a later period. I think the message is good. I am going to support it. The President introduced a competition of ideas and in that competition of ideas, I believe both political parties in a bipartisan spirit can engage in a determination of the best way to achieve some very fine goals for the future of this Nation.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, I know the able minority leader will appreciate the fact that I was merely acting to protect the rights of Senators, as I would act to protect the rights of Senators on the minority leader's side of the aisle, and the rights of the minority leader himself.

Mr. SCOTT. I say to the distinguished assistant majority leader, this being a moment of candor, the only reason I got up was to test the new microphones. I had not tried them before.

Mr. BYRD of West Virginia. Mr. President, the distinguished minority leader is always good humored and most gracious.

S. 192—INTRODUCTION OF MARINE POLLUTION CONTROL ACT OF 1971

Mr. NELSON. Mr. President, I send to the desk a bill to amend the Federal Water Pollution Control Act, which may be cited as the Marine Pollution Control Act of 1971, and I ask that it be appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill introduced by the able Senator from Wisconsin (Mr. NELSON) be referred to the Committee on Public Works and, if and when it should be reported, that it then be referred to the Committee on Commerce for consideration of any matters falling within the jurisdiction of that committee.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

INTRODUCTION OF ENVIRONMENTAL PROTECTION PACKAGE

Mr. NELSON. Mr. President, I send to the desk 17 bills to which I make reference in my remarks.

The VICE PRESIDENT. The bills will be received and appropriately referred.

Mr. NELSON. Mr. President, including the bills I introduced yesterday, I have introduced a package of 24 bills and resolutions constituting an environmental protection package, which will be explained in detail. If adopted, these measures would be major beginning steps in establishing urgently needed national policies to cope with the crisis of America and its environment.

This will be the fourth Congress for some of these bills—such as the proposals to ban DDT and to set tough antipollution standards on detergents. Others, including several measures that will be introduced shortly, are new.

From mercury and pesticide pollution to massive waste dumping at sea, there is a wide range of problems needing our immediate attention. And these are just a prelude to the fundamental changes in attitudes and priorities we must make to avoid environmental consequences far greater than anything we have yet imagined.

By any normal standards in this society, the environmental actions of the 91st Congress, the President, and the public, constituted significant progress.

With the participation of millions of Americans, Earth Day last April demonstrated an overwhelming concern.

A Senate vote against the SST marked the coming of age of the environmental issue as a national political force.

Taking hallmark initiative, Congress passed the Clean Air, Environmental Education, National Environmental Policy, Resource Recovery and Water Quality Improvement Acts, and the first pesticide pollution control measure. It also approved major new national parks and recreation areas.

The President's state of the Union and environmental messages to Congress and establishment of the Environmental Protection Agency, and subsequent administrative commitments against polluters were substantial steps in the right direction.

Environmental lobbies achieved hard-won victories from San Francisco Bay to Everglades National Park, and a growing army of dedicated environmental lawyers secured favorable court actions on critical issues from the Trans-Florida Barge Canal to the Alaska Pipeline.

But when measured against the fantastically complex and pervasive global environmental problems we now face, these steps are at best mere beginnings. Always in uneasy balance, the bond between our species and the planet is now threatening to break apart.

Our vaunted western technology, supposedly the key to endless affluence, is backfiring again and again, bringing on a series of stunning disasters that signal a hostile future for all living things.

Once the meccas of civilization, many of the world's cities are now being turned into chemical retorts, choking in their own pollution. Now to add to the atmospheric poisoning by the automobile, industry, and airplanes, the high flying SST's pose a threat, as yet unknown and unstudied, to the fragile environment of the stratosphere.

Miracle compounds such as pesticides are spreading worldwide, attacking species they were never aimed at, and accumulating in man.

Pollution is begetting pollution. Organisms that thrive in polluted waters are converting industrially discharged mercury to poisonous methyl mercury which is then passed on up the food chain. The process will go on for centuries, threatening generation after generation of various living creatures, including man.

Until it was too late, nobody thought to ask whether we were planting an environmental time bomb. Meanwhile, the industrial age throws 300 to 500 new chemicals into the atmosphere every year with almost no evaluation of the consequences.

Over and over, we hurl what Rachel Carson described as crude clubs against the delicate web of life on earth. In a massive overkill, our environmental warfare with herbicides in Vietnam has leveled much of the country's forests and threatens permanent ecological damage.

Time and again, ill-planned technology piles up costs many times greater than any of its benefits. In Egypt, one-quarter of a billion dollars is now being budgeted just to stop the erosion of the country's coastline, and 500 miles of the Nile River set off by the giant new Aswan Dam.

And in the greatest environmental folly of all, the ocean itself is being polluted—ruining vital resources before we even have a chance to exploit them. Distinguished marine scientists predict the destruction of all significant productive sea life in 25 to 50 years at present accelerating pollution rates. Famed underwater explorer, Jacques Cousteau, says bluntly:

> The oceans are in danger. The pollution is general.

What the technological backlash is not destroying, rampant consumption and an exploding world population are.

With its $1 trillion gross national product, this country is the leader in gobbling up the planet's wealth. With less than 6 percent of the world's population, we are consuming 40 percent of its resources.

If the rest of the world used energy at this country's levels, annual coal production would have to reach more than 30 billion tons, far beyond any present capacity.

In our consumption-oriented economy, U.S. energy demands are doubling every 10 years. One-half of all history's coal has been mined in the last 31 years. One-half of all the petroleum production in world history occurred in a recent 12 years.

At present growth rates, the machine age is likely to go the route of the dinosaur and the dodo bird within the next century. Shortages of uranium 235 for nuclear energy will confront us within two decades. World petroleum to fuel industry is expected to last only another 70 to 80 years. Many other vital materials—tin, tungsten, helium—are already running short and will be nearly exhausted by the end of this century.

One-third of the world's original forests have been obliterated for man's progress. In U.S. history, more than 280 million acres of crop and range land have been degraded or destroyed and one-third of this country's average 9 inches of topsoil has been washed away.

While the industrial nations scour the earth to fuel the spiraling demands of their age of affluence, more than half of the world's population struggles for enough food to survive. In Calcutta, 1 million people sleep in the streets every night.

The rich get richer, the poor get poorer, and the resources get scarcer. Wars become luxuries we can no longer afford—they may completely wipe out the remaining resources needed to sustain civilization. Yet, intensifying competition between nations for ever more slim resources will further heighten world tensions.

The grim warnings pour in. Former Canadian Prime Minister Lester Pearson, head of a world study commission, says:

> A planet cannot, any more than a country, survive half-slave, half-free, half-engulfed in misery, half-careening along towards the supposed joys of almost unlimited consumption.

And no nation can live by gross national product alone, as World Bank President Robert S. McNamara so aptly states. From any standpoint—environmental, social, economic—no industrial nation can now avoid giant efforts to balance world wealth, development, and education, and bring national and world population growth under control.

In his book, "The Challenge of Man's Future," scientist Harrison Brown argues that only with stunning technological breakthroughs and a whole new view of priorities will civilization be able to survive.

In short, the fact is that with the devastating weapons of reckless technology and ever-soaring growth, we are waging all out war on our own future, and though commendable as a start, present efforts will come nowhere near reversing the trend.

In America, the chief obstacle to real environmental progress is a diehard national mental attitude of arrogance. Despite the mess we have already made, we still think we can ignore the realities of a closed-cycle planet.

To hear the promises since Earth Day, one would have thought environmental cleanup had become Holy Writ within the industrial community. But investigations since have revealed that for many if not most corporations, pollution control has been more advertising than action.

And while American industry did spend $1 billion last year for pollution control, it is also spending on the order of $18 billion annually for all its advertising, creating major new consumer demands requiring tremendous new production, posing new pollution.

And at the public level, agencies persist in trying to do environmental business in private. Prior to the critically important Senate vote last December on the SST, and even until this very day, the administration refused to release a vital scientists' report on the project's environmental dangers, in spite of the public information intent of the National Environmental Policy Act.

In the face of urgent new needs, old priorities are slow to change. The Federal budget for pollution control monitoring and surveillance—a key program needed to uncover such environmental dangers as methyl mercury—is at about $41 million a year, nearly equalled by the Defense Department's $39 million annual outlay for public relations.

And while there is increasing talk of a nationwide energy crisis—and a desperate need for new energy technology—the electric utility industry is spending less than one-fourth of 1 percent of its operating revenues on research and development.

Around the country, the national environment story recurs endlessly in microcosm. New oil well drilling is proposed in the Santa Barbara Channel, while an oil well fire started almost 2 months ago in the Gulf of Mexico continues to blaze and send out oil slicks.

In North Carolina, part of the virgin timber commemorating Joyce Kilmer and his poem "Trees" is planned to be cut for a highway; in Massachusetts, a trailer park overlooks Walden Pond.

In Florida, a salt water national monument area in Biscayne Bay is threatened by thermal pollution; in Northern Wisconsin, the Navy proposes a massive underground antenna system that raises serious environmental questions.

In Appalachia and elsewhere strip-mining chews up entire regions at an ever faster pace without any national environmental controls whatever.

Ironically, it is this continued environmental anarchy, abuse and squandering that more than anything else may ultimately force a truly repressive society in this country. Failing a more cooperative course now for environmental protection and resource management, survival itself might eventually demand a society so tightly organized, with individual initiative and property under Government control, that liberty and free enterprise would become antiques.

A serious effort now to stop the incredible waste and environmental destruction is going to require a sustained ethical, financial, political, and technological commitment on a scale unprecedented in this country's history.

Established and entrenched economic interests will fight environmental change every step of the way. Corporate and Government lobbies arrayed against meaningful environmental action represents a broader spectrum and more formidable array of powerful opposing forces than the military-industrial complex.

To make any real headway, environmentalists must set their sights high. And the national war to stop environmental degradation must be waged on three fronts—the philosophical, physical, and political.

Our goal must involve the adoption of a new attitude of respect for ourselves as a species and all other living creatures. We must accept the fact that the earth is a finite system, incapable of being endlessly exploited. When by our actions we drive other species to extinction, we should recall John Donne's lines:

> And therefore, never send to know for whom the bell tolls; it tolls for thee.

That there is already underway a national awakening of grassroots environmental concern and citizenship is no longer in doubt—the decisive Senate vote against SST funds was a dramatic example of it. Previously, all efforts to defeat the SST had fallen far short, as the old argument that America must use every new gadget at any cost prevailed again and again.

But last year, when the possibility of grave environmental dangers became evident and environmentalists alerted a concerned public, the Senate switched its years-old position and voted against the SST.

The SST vote was the first great preliminary victory in the battle to restore the technological balance of power—to make the machine age work for, rather than against a decent society and a livable world. And it signals a dramatic change in the politics of this country.

There will never be another political campaign like the one in 1968 when not one of the three candidates for President considered the environment a concern worthy of a major speech. It is nothing short of remarkable how rapidly this issue has been thrust into the politics, the conversation, and the literature of this country.

Furthermore, it is not just a passing fancy. The issue will not just go away as so many writers and politicians predicted after Earth Day last April 22. It is here to stay because the environment is here, and the environment's quality is measurably and visably deteriorating at an ever-accelerating pace.

There is a growing sense of alarm over what we are doing to the planet and an ever expanding realization that we are tampering with the quality of our lives, as well as with the very survival of endless numbers of living species.

Concern over the status of our environment has been developing and spreading across this country among the people for more than a decade now. Finally it flowered in a vast, peaceful public demonstration of concern on Earth Day in April.

Literally tens of millions of people participated, from grade school students to elderly citizens in every corner of the Nation. Earth Day was not initiated or led by any political faction, economic group or establishment organization. It came from the grassroots. It was unplanned and unorganized except for the selection and announcement of a date and the establishment of an information clearinghouse here in Washington, D.C. The people did the rest in their own way in thousands of schools, colleges, villages, and cities across the Nation.

Earth Day was a remarkable event that marked a changing point in the politics of the country. A new issue has been born, and it is here to stay.

It is important now, I think, to institutionalize this activity. The National Governors' Conference has already passed a resolution recommending that all Governors proclaim the third week in April as Earth Week.

The purpose is a continuing education effort, an occasion each year for the country to focus special attention for a week on the environmental accomplishments of the past year and to plan for the future.

In particular, an Earth Week would afford an opportunity for all the schools across the Nation to bring to culmination their environmental education efforts for the school year. As the inheritors of the environment, our young people have the greatest stake in its future quality.

It is my hope that the Governors of the 50 States will act to proclaim the third week in April as Earth Week. Already, many environmental organizations and school groups are planning to contact their Governors for this purpose.

As the second major objective for achieving a decent, livable world, we are going to have to adopt new policies that build environmental considerations into the daily business of the Nation.

In air and water quality, energy, growth, land use, ocean use, population, public lands and resources, solid waste management, technology, transportation, and comprehensive new policies must be set which will include the cost of environmental protection in the balance sheet of progress. Nothing is free—not the air, the water, the land.

Major gaps in our technology must be filled. To accomplish this, our scientific and technical resources must be marshaled on a scale comparable to the Manhattan project that developed the atomic bomb.

We must develop clean energy from entirely new sources—clean, efficient transportation, including a pollution-free automobile— sewage treatment processes that can cope with the exotic wastes of modern society—environmentally acceptable detergents, pest control systems, food additives.

We must develop new products from old wastes—finding economic uses for everything from junked automobiles to factory smoke.

We must intensively research birth control technology, to develop the surest, safest method to enable Americans and others around the world to stabilize population growth.

As has long been sought, a mandatory national industrial waste survey must be established, requiring industries to submit detailed breakdowns of their wastes.

National and worldwide environmental monitoring systems must be set up. At present, it seems our most sophisticated environmental quality index is counting cases of contaminated fish.

A mechanism for systematic review of all products and processes for their environmental and health implications must be established. "First time safe" standards must be set, eliminating or minimizing environmental dangers before products are massively introduced into the marketplace.

A major objective of all arms control talks must be mutual cutting of defense budgets to save the world's natural resources.

National and world resources must be inventoried and plans developed to aid public decisions about resource management and consumption.

To map a Manhattan project for the environment, I urge that the President convene a conference of the Nation's scientists and technicians. For the compelling need to outthink and outplan the environmental crisis and the machines of our own creation, the declining national research and development effort must be dramatically reversed and refocused.

In a 20th century, modern nation, to have doctors of philosophy and engineers out of work is an intolerable waste of talent, a classic instance of misplaced priorities. It is not necessary to give up on progress and technology—only to redirect them to more constructive ends.

To have vast laboratory facilities for putting man on the moon while rivers run with filth and power systems fail is, to say the least, bizarre.

To begin a technological conversion and new assessment of environmental consequences, U.S. arms technology and space institutes at campuses around the country should be turned into environmental research centers.

Adversary science centers to independently test and question the consequences of new technology should be established at universities and funded by a percentage of the Federal science budget set aside as an environmental assessment tithe.

As proposed in legislation I introduced last year, environmental taxes should be established on products and processes, from packaging to power generation, to raise necessary funds for environmental research.

To continue public education and provide objective information on environmental change, a National Association for the Environment should be established. Privately funded, it should be a clearinghouse for scientists to make available to the public their environmental assessments.

To launch an environmental Manhattan project, the price tag will be high, but it will be far less than the annual bill we already pay in property and health losses from pollution. As an instance, air pollution could be reduced by 90 percent at no more than the cost of 1 year's worth of its economic damage.

As an environmental cleanup start, we must commit $20 to $25 billion a year over the current spending level. That equals one-third of the defense budget and is about what the Vietnam war has been costing.

As dramatic testimony to the false economy of continuing to permit a filthy environment, air pollution alone causes $12 to $15 billion in property damage in the United States each year; water pollution causes an additional $12 billion in property damage; health costs from our poisoned environment are $35 billion.

In Congress, with the December SST vote as a standard, environmentalists must not only work for comprehensive national policy reform, but must draw the line on the specific issues.

Because of the jam of environmental problems and the national awakening to the need for action, this and subsequent Congresses will be the major battleground for environmental causes.

In an attempt to provide Congress with a broad, if not all-inclusive range of environmental issues for consideration, I am introducing a package of 24 bills and resolutions.

The 24 measures are:

First. Ocean dumping ban. Introduced last February, this bill, S. 192, would phase out the dumping of wastes at sea in 5 years. Everything from industrial waste acids to sewage sludge is going into this fragile environment now. In September, the President endorsed the concept of this legislation and I hope he will support this measure or propose one of his own.

Second and third. Prohibit foreign-made SST's. The first of these measures, S. 193, will prohibit flights of all commercial supersonic aircraft within the United States, and the second, Senate Concurrent Resolution 2, is a resolution which recommends that this issue also be put on the agenda of the 1972 U.N. Conference on the Human Environment. In rejecting Federal funding of a U.S.-built SST, we are deciding against the project because of its worldwide considerations. Certainly, we now have the moral obligation to do everything we legitimately can within our sphere of influence to prevent a global experiment, no matter where the planes are made, that may adversely affect us all.

Fourth. Environmental standards on detergents. For years, detergents have been polluting our rivers and lakes, and now, new ingredients may pose human health hazards. Environmental performance standards would be set by this bill, S. 75, on all detergent ingredients, a step I have urged since 1963.

Fifth. "First Time Safe" food additives. The American public is being used as a proving ground for thousands of new chemicals in its food, and for many other products in the Consumer Society. This bill, S. 76, would require comprehensive testing of all new as well as already-approved food additives.

Sixth. Recycling tax on packaging. This bill, S. 282, would regulate the throwaway packaging, such as disposable bottles, cans, and jars, that is littering the American countryside. It would charge industries for packaging that is not recycled or easily disposable; the funds raised would be returned to local government to aid solid waste disposal.

Seventh. Constitutional amendment for a decent environment. The Judiciary Subcommittee on Constitutional Amendments is planning hearings on this measure, Senate Joint Resolution 14, which would recognize and protect the right of every person to a decent environment. There is a need to clearly establish the right of citizens to bring appropriate legal actions against those who unnecessarily and indiscriminately degrade the environment of others. This is a critical tool to supplement the authority of governmental bodies.

Eighth. Declare annual Earth Week. Under this resolution, Senate Joint Resolution 15, Congress would designate the third week in April annually as Earth Week.

Ninth. Strip mining controls. Effective environmental control and supervision of strip mining practices is an urgent national necessity. For 4 years, I have been proposing legislation without any signs of progress yet. It is to be hoped that this Congress will finally act to require controls on all strip mining and initiate reclamation of previously ruined areas, steps which this bill, S. 77, would undertake.

Tenth. Moratorium on new ocean oil well drilling. To stop the marine devastation that has blackened our beaches and killed untold wildlife, this bill, S. 275, would hold all untapped ocean oil in U.S. undersea areas in a national trust until we need the oil and have the technology to extract it without the risk of repeated environmental disasters.

Eleventh. Mass transit from Highway Fund: One of the most urgent needs in national transportation policy is to provide an alternative to the automobile in our polluted, crowded, congested cities. As a beginning, this bill, S. 194, would give Governors the option to use some of their U.S. Highway Trust Fund money to build urban mass transit.

Twelfth to fifteenth. Pesticide reform: In addition to reintroducing the bill to ban DDT, S. 272, and a bill to ban eight other toxic, persistent pesticides, S. 232, I am today introducing a comprehensive measure to reform our entire pesticide regulation law so as to institute rational controls over the testing, marketing, and use of pesticides and herbicides. I am also reintroducing a measure, S. 281, to set standards of degradability and toxicity on all pesticides.

Sixteenth. Replace U.S. mineral leasing law: Under this bill, S. 274, the antiquated 1872 mining law would be replaced with a mineral leasing system based on modern public resource protection standards. The inclusion of all public minerals under this system would put an end to the blind priority for mineral resources without any concern for environmental and other values.

Mineral policies will be only a part of the public lands debate that is taking shape in this Congress. More generally, recommendations for major changes in nearly all public lands policies have raised grave conservation questions. At stake is the future of these vast holdings, one-third of the United States.

The proposed Alaska pipeline is a critically important public lands issue. The Interior Department's recent environmental impact report indicates the pipeline proposal raises some serious environmental issues. These issues must be thoroughly discussed and resolved before the project is permitted to go forward.

And in another vital public resource issue, setting aside wilderness under the Wilderness Act of 1964 must be vastly accelerated. In the 6 years since the act, only two national park areas have been given National Wilderness System status.

Seventeenth and eighteenth. Wildlife protection: The first of these two bills, S. 273, would put a halt to the widespread poisoning of predatory animals by Federal "control" agents in the West. The second bill, S. 78, would prohibit the hunting of wildlife from aircraft, legislation aimed especially at protecting the few timber wolves left in America.

Nineteenth. National Lakes Preservation Act: Because of pollution and overuse, our lakes are a dying feature of the landscape. Authorizing Federal-State-local measures to create national lake areas, this bill, S. 280, would launch a major shoreline protection and restoration program.

Twentieth to twenty-fourth. The remaining legislative proposals in this package are for a program of fellowship grants for students in planning for environmental careers, S. 276; a National Commission on Public Health Hazards, S. 277; a new Federal program to cut massive erosion along our streams, rivers, and highways, S. 279; and new steps to cut Great Lakes erosion, S. 278. And the last measure is a resolution, Senate Concurrent Resolution 1, urging U.S. automakers to declare a moratorium on styling changes and reallocate these funds to assuring a near-pollution-free automobile.

In the near future, I will also introduce measures for federally aided community environment services for environment jobs in urban areas; for inclusion of herbicides under the provisions of the Geneva protocol banning gas and biological warfare, and for strengthening and clarifying the public information provisions of the National Environmental Policy Act.

In years past, it would have been futile to think that Congress would seriously consider, much less pass, any really tough environmental measures.

Now it is reasonable to hope that many of these and the bills sure to be introduced by others will be enacted into law.

Until recently, the decisions that have destroyed our environment have been made in the board rooms of giant corporations, in the thousands of Government agency offices protected from public scrutiny—and even in the frequently closed committee rooms of Congress.

But now, the public is rightfully insisting that these matters be brought out into the open and demanding that the Nation's environmental performance gap be closed.

It is highly doubtful we will have the time to muddle through until the oceans are so polluted they would not sustain life, until the air is so unbreathable our cities will have to be domed, until the water becomes too filthy to purify for bathing, let alone for drinking.

In "The Challenge of Man's Future," Harrison Brown describes what he believes the future may hold.

The course he thinks most likely is a return to an agrarian existence, where, with resources exhausted—perhaps because of war—and population at overwhelming levels, we barely survive, if at all.

But, yet Brown and many others believe it is still possible, in spite of the grave dangers we face, to achieve a free industrial society in reasonable harmony with nature, where there is a decent standard of life for all.

The question is whether we can join together in a massive cooperative effort to preserve the integrity and livability of our environment before it is too late. We have the means, but only if we have the will.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the special order recognizing the able Senator from New York (Mr. JAVITS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

S. 195—INTRODUCTION OF THE EMERGENCY SCHOOL AID ACT OF 1971

Mr. JAVITS. Mr. President, I am introducing today for appropriate reference the administration's Emergency School Aid Act of 1971. I do this as the ranking minority member of the Committee on Labor and Public Welfare, and also, Mr. President, because I believe the bill represents a critically important initiative of the administration. I regret very much that it did not pass last year.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 195) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. I ask unanimous consent that a section-by-section analysis of the bill be printed at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. As I say, I think it is most regrettable that we did not act on this measure last year, and in the course of these remarks I shall explain why, and what my hopes are for this year.

This measure authorizes $500 million this year and $1 billion next year, to assist in meeting the special problems incident to desegregation—by which we mean the classic compliance with the decisions of the U.S. Supreme Court on the fact that every American child is entitled to a nonsegregated education—and the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools—that is, such an undue concentration of the children of one minority group or a number of minority groups in a given school district, or even individual schools, as to materially reduce the capabilities for learning and the capabilities for advancement in education on the part of that child or those children.

Funds may be used for such activities as remedial services, additional professional staff, staff training and retraining, guidance and counseling programs, new instructional techniques and materials, innovative intergroup educational programs, repair and minor remodeling of facilities, auxiliary services, community activities, special administrative activities, planning and evaluation, and other specially designed projects to achieve desegregation and to reduce or prevent minority group isolation.

It is critically important, Mr. President, that these objectives be understood and recognized.

Mr. President, we must never miss the forest for the trees. While there are differences which exist in my own committee and the select committee dealing with this subject of which I am also the ranking minority member and which is headed by the Senator from Minnesota (Mr. MONDALE), the forest is the fact that the administration and the committees agree upon the ad hoc expenditure of this sizable sum of money—$1.5 billion—for the purposes which I have mentioned. The question is how to spend it best, and where to spend it in terms of the most useful way in which to deal with the problem.

Mr. President, there has been very considerable progress in desegregation in our schools, both in the South and elsewhere in the Nation. I would not for a minute be the one to say that even the straight desegregation problem does not exist in some parts of the country. We in New York State, for example, who pride ourselves upon our advancement in this matter, have had a situation in New Rochelle, N.Y., a suburb of New York City, in which a decree had to be entered by a court relating to the desegregation of the public schools there.

Then, as to minority isolation, Mr. President, the problem is presented also in terms of housing patterns. For example, it is impossible in some areas to have a child even be bused to school within any reasonable compass of space or time without it still being in the minority isolation situation.

I mention both those things to show how pervasive is this problem, and how very difficult and elusive is the situation. In addition, it is very expensive. In order to carry out successful programs, school districts must devise new—and often expensive—educational efforts. All too often, this very undertaking comes at a place or a time when financial stress is faced by school districts for many other reasons associated with inadequate revenues and rising costs.

Mr. President, there is very clear indication that Congress will meet this need. We did appropriate $75 million as a beginning last year in respect of this particular situation, and the other body passed, at the very end of the last Congress, a measure for this $1.5 billion which came over here; but, unfortunately, it came in the last hours of the last Congress, when it was impossible to reconcile the views of my own committee in respect of education and of the other body on this bill.

The bill I am introducing today, which is essentially the administration's bill, I introduce with the hope and expectation that it will now receive the full and favorable consideration that it merits. I have made a few changes in the administration bill. They are not changes of profound substance, but they are useful changes. These changes, which are essentially five in number, omit the use of the term "racial" in the bill, which seems undesirable in terms of identity of what we are trying to accomplish, and substitute the term "minority group."

I include orientals in the definition of minority group. Substantial testimony was submitted to the Senate Education Committee last year to support this.

A third change I have made in the bill as passed by the other body, which is essentially now the administration bill, relates to the effort to give a broader base for the expenditure of the resources which we are making available here in terms of their use also for experiments, especially in the field of racial isolation which is so elusive and so difficult to deal with.

A fourth change is designed to give each State a minimum of $100,000 in connection with applying the formula which we have applied to the various States on a population basis in terms of the children who are affected.

The fifth change is the removal of the limiting factors respecting the issues of busing, because busing may be an important element here, and leaving completely out, of course, the question of coercion which I thoroughly agree should be left out, giving to the Secretary broad discretion as to whether the success of any program or project requires such auxiliary service as may be encompassed in the busing idea.

There is a great deal of illusion and misinformation about busing. Eighteen million children—about a third of the total who go to school—are bused to school today. It is the very salvation of country school districts, bringing them into a much higher educational level, to have had busing. No one wants to coerce children into being bused in any way, directly or indirectly; so in a facilitating tool such as the one we are now designing, busing should not be excluded as a useful adjunct to the many other things we expect to do.

I feel certain that, in the normal process of consideration of legislation, further changes will be made. One need not be wedded to every detail in such a bill as this. What is vital is to bring to fruition the view expressed by the President that new initiatives, supported by Federal funds, are needed to achieve equality of educational opportunity and to achieve the goal set by the President in his message of last year—"a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist."

Finally, Mr. President, we did develop in the Subcommittee on Education of the Committee on Labor and Public Welfare, at the end of the last session, a bill which essentially proceeded upon a theory different from that of the administration's bill. My feeling is, given the overall amounts, given many of the basic techniques which both bills adopt, that the objective to be served should not in any rational approach represent the stumbling block which is irremovable as between the views of the majority of the committee and the views of the administration.

I will pledge—that is the reason why I am introducing the administration's bill—my utmost efforts to resolve all differences so that the most expeditious action may be taken upon this bill, which I regard as a singularly auspicious initiative by the President. I am sure these differences can be resolved. We would not be talking about $1.5 billion for this matter if it had not been proposed, and there would be no place for the difference between the views of the Subcommittee on Education and the views of the administration if the proposal had not been made in the first place.

I express the feeling that the leadership will give us high priority to consider a bill, if we can agree upon one, and I believe there is every likelihood of doing so. It is toward that end and the contribution toward that objective that I have introduced the administration's bill today.

Exhibit 1

Section-by-Section Analysis

Section 1.—This section provides that the Act may be cited as the Emergency School Aid Act of 1971.

PURPOSE

Section 2—This section states the two purposes for which financial aid may be provided under the act: (1) to meet the special needs incident to the elimination of minority group segregation, and discrimination, and (2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in schools with substantial minority group enrollments.

APPROPRIATIONS

Section 3—The authorized appropriations are $500 million for fiscal year 1971 and $1 billion for fiscal year 1972. Funds appropriated shall remain available for obligation for one fiscal year beyond the fiscal year for which they are appropriated.

ALLOTMENTS AMONG STATES

Section 4—Eighty percent of the funds appropriated would be allotted among the States (with a $100,000 minimum State allotment) on the basis of the number of children enrolled in schools in the State who are Negro, American Indian, Spanish-surnamed Americans, or members of other minority groups (as determined by the Secretary), as compared to the number of such children in all of the States. The remaining 20 percent of the sums appropriated are rereserved to the Secretary for grants or contracts to carry out the purposes of the Act.

The Secretary is authorized to make reallotments except that no reallotment may take place as of a date earlier than 60 days prior to the end of a fiscal year. Reallotments from a State's allotment may be made only to the extent that applications from a State do not meet the requirements of the act or if they offer insufficient promise of carrying out the purposes of the act.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

Section 5—This section provides that the Secretary shall provide financial assistance, pursuant to applications approved under section 7, to a local educational agency—(1) which is implementing a plan: (A) undertaken pursuant to a final order of a Federal or State court for student or faculty desegregation in elementary or secondary schools or for the elimination or reduction of minority group isolation in such schools, or (B) approved by the Secretary under title VI of the Civil Rights Act; (2) which, without having been required to do so, has adopted and is implementing, or will adopt and implement, a plan for the complete elimination of minority group isolation in its schools; or (3) which has adopted and is implementing, or will adopt and implement, a plan: to eliminate or reduce minority group isolation in one or more of its minority group isolated schools; or (B) to reduce the total number of minority children in minority group isolated schools; or (C) to prevent minority group isolation reasonably likely to occur in any school which has an enrollment of 10 percent but not more than 50 percent of minority children; or (D) to enroll and educate in non-minority-group isolated schools minority children who would not otherwise be eligible for enrollment because of nonresidence in the school district. The Secretary may also assist any other public or private nonprofit agency to carry out programs designed to support plans described above.

The Secretary is also authorized to provide funds for districts with high concentrations of minority group students, those with more than 15,000 such students or with an enrollment of which such students compose more than half. These grants may be made only upon the Secretary's determination an applicant has submitted an unusually promising pilot program or project designed to improve the academic achievement of students in minority group isolated schools.

The section also makes ineligible for assistance, school districts which since the passage of the Emergency School Assistance Act on August 18, 1970, have engaged in discrimination against students or faculty on the basis of their membership in minority groups. The disqualifying practices include in-school segregation and the transfer of public property to discriminatory private schools. Provision is made for waiver of ineligibility by the Secretary under special circumstances.

AUTHORIZED ACTIVITIES

Section 6—Financial assistance shall be available under the act for programs or projects which would not otherwise be funded and which are designed to carry out the purposes of the act, including (a) remedial or other services, (b) hiring of additional staff, (c) guidance and counseling, (d) development of new instructional techniques, (e) innovative intergroup programs, (f) repair or minor remodeling, (g) administrative and auxiliary services to facilitate the success of the program or project, (h) community activities, (i) special administrative activities, (j) planning and evaluation, and (k) other specially designed programs.

CRITERIA FOR APPROVAL

Section 7—In approving applications submitted under the act, except for Sec. 9(b), the Secretary must consider: (1) the need for assistance, (2) the degree to which the program is likely to effect a decrease in minority group isolation, (3) the comprehensiveness of the program or project, (4) the degree to which the program affords promise of achieving the purposes of the act, (5) except for 9(a) the amount necessary to carry out the program, and (6) the degree to which the program involves the total educational resources of the community both public and private. The section also provides that the Secretary shall not give less favorable consideration to an application of a local educational agency because such agency has adopted a voluntary plan, rather than being legally required to adopt such a plan.

ASSURANCES

Section 8—Applications submitted for approval must contain assurances that: (1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations; (2) provision has been made for the participation of private school children, teachers, and other staff if such participation would assist in achieving the purposes of the act; (3) effective evaluation procedures have been adopted; (4) (A) there has been (after the commencement of the 1969–70 school year) no unlawful disposition of property or services to a private segregated school, (B) no such transaction has resulted in a substantial decrease in the applicant's assets or that the transfer has been rescinded or consideration received, and (C) there will be no disposition of property or services to such a school in the future; (5) there has been no reduction of fiscal effort; (6) funds are not reasonably available from other non-Federal sources; (7) other relevant information will be provided; (8) the agency is not operating under a freedom of choice plan unless it is determined to achieve desegregation; (9) current expenditures per pupil from local sources have not been reduced; (10) there will be no hiring, promotion, or demotion of professional staff on the basis of race; (11) the applicant has availed itself of all other Federal programs; and (12) no practices (including testing) will be employed by the applicant in the assignment of children to classes so as to result in the isolation of minority group children or discrimination against them. The Secretary shall not disapprove in whole or in part any application for funds submitted under section 5(a) without first notifying the applicant of the specific reasons for his disapproval and affording him a reasonable time to modify such application. Provision is made for joint applications.

SPECIAL PROGRAMS

Section 9—From the 20 percent of the funds reserved to the Secretary, grants may be made to schools for model and demonstration programs related to the purposes of the act and for programs for children from environments where the dominant language is other than English and who are educationally deprived as a result of limited language ability and have needs similar to other children served under the act.

PAYMENTS

Section 10—This section contains administrative provisions for reservation and payment of appropriate amounts following on approval of an application. There is a private school bypass where public school agency cannot legally or will not provide for effective participation on an equitable basis by children and educational staffs of private elementary and secondary schools. The Secretary may make provision for them through contracts with institutions of higher education or other private non-profit institutions and organizations and to pay the cost, thereof. Private school children are to have an equitable share in the resources made available under this Act. After approval of a grant or contract the Secretary is required to notify the appropriate State educational agency. The assistance made available under this Act may not exceed the net additional cost resulting from the implementation of a plan.

DEFINITIONS

Section 11—This section contains the definitions of terms used in the act.

EVALUATION

Section 12—The Secretary is authorized to reserve one percent of the funds for evaluation.

JOINT FUNDING

Section 13—This section allows joint funding by the Department of Health, Education, and Welfare and other Federal agencies.

NATIONAL ADVISORY COUNCIL

Section 14—This section provides that the President shall appoint a twelve-member National Advisory Council on the Education of Minority Group Isolated Children.

REPORTS

Section 15—This section provides that the Secretary shall report annually to the Congress on his administration of the act.

GENERAL PROVISIONS

Section 16—Parts B and C of the General Education Provisions Act relating to General Requirements and Conditions Concerning the Operation and Administration of Education Programs and rules governing Advisory Councils are made applicable to the act.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, the Senate will proceed to the consideration of morning business, with a 3-minute limitation. Is there any morning business?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report of the Rural Electrification Administration

A letter from the Secretary, Department of Agriculture, transmitting, pursuant to law, a report covering the activities of the Rural Electrification Administration for the fiscal year 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Number of Officers Assigned or Detailed to Permanent Duty in the Executive Part of the Department of the Air Force at the Seat of Government

A letter from the Secretary of the Air Force, reporting, pursuant to law, on the number of officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government; to the Committee on Armed Services.

Report on Military Construction—Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the location, nature, and estimated cost of 13 facilities projects proposed to be undertaken for the Army National Guard in 12 States (with accompanying papers); to the Committee on Armed Services.

REPORT ON EXEMPLARY REHABILITATION CERTIFICATES

A letter from the Secretary of Labor, reporting, pursuant to law, on Exemplary Rehabilitation Certificates; to the Committee on Armed Services.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense procurement from small and other business firms for July–October 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT CONCERNING THE IMPLEMENTATION AND ADMINISTRATION OF THE FAIR PACKAGING AND LABELING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning the implementation and administration of the Fair Packaging and Labeling Act (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SURGEON GENERAL ON THE HEALTH CONSEQUENCES OF SMOKING

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report from the Surgeon General of the Public Health Service on the health consequences of smoking (with an accompanying report); to the Committee on Commerce.

REPORT OF THE RENEGOTIATION BOARD

A letter from the Chairman, the Renegotiation Board, transmitting, pursuant to law, the 15th Annual Report of the Renegotiation Board (with an accompanying report); to the Committee on Finance.

REPORT OF GRANTS APPROVED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of grants approved by the Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Finance.

PROPOSED LEGISLATION FOR THE RELIEF OF ROBERT F. FRANKLIN

A letter from the General Counsel and Congressional Liaison, U.S. Information Agency, submitting a draft of proposed legislation for the relief of Robert F. Franklin, formerly an employee of the U.S. Information Agency, who suffered personal losses overseas on two separate occasions incident to the performance of his official duties (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AUTHORIZE THE U.S. POSTAL SERVICE TO RECEIVE THE FEE OF $2 FOR EXECUTION OF AN APPLICATION FOR A PASSPORT

A letter from the Assistant Secretary for Congressional Relations, Department of State, submitting a draft of proposed legislation to amend section 214 of title 22, United States Code, to permit the Secretary of State to pay to the U.S. Postal Service the execution fee of $2 for each passport application executed before postal officials (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO AUTHORIZE APPOINTMENT OF ADDITIONAL JUDGES IN FIVE U.S. DISTRICT COURTS

A letter from the Director, Administrative Office of the United States Court, submitting a draft of proposed legislation to authorize the appointment of additional judges in five United States district courts (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PROVIDE FOR THE GRANTING OF WRITS OF HABEAS CORPUS IN CERTAIN ADDITIONAL INSTANCES

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend chapter 153 of title 28, United States Code, to provide for the granting of writs of habeas corpus in certain additional instances (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PROVIDE FOR APPEAL FROM CERTAIN ORDERS BY A DEFENDANT WHO HAS PLEADED GUILTY, AND FOR OTHER PURPOSES

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to amend title 18 of the United States Code to provide for an appeal from certain orders by a defendant who has pleaded guilty, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO ELIMINATE THE REQUIREMENT OF A THREE-JUDGE DISTRICT COURT IN CASES SEEKING TO RESTRAIN THE ENFORCEMENT OF STATE OR FEDERAL STATUTES FOR REPUGNANCE TO THE CONSTITUTION

A letter from the Director, Administrative Office of the United States Courts, submitting a draft of proposed legislation to eliminate the requirement of a three-judge district court in cases seeking to restrain the enforcement of state or federal statutes for repugnance to the Constitution (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

A letter from the Secretary of Labor, submitting a draft of proposed legislation to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits (with accompany papers); to the Committee on Labor and Public Welfare.

REPORT ON POSITIONS IN GRADES GS–17 AND GS–16 OF THE CIVIL SERVICE COMMISSION

A letter from the Chairman, U.S. Civil Service Commission, transmitting, pursuant to law, a report on positions in grades GS–17 and GS–16 of the Civil Service Commission (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of New York; to the Committee on Finance:

"JOINT RESOLUTION NO. 2

"Joint resolution of the Legislature of the State of New York calling upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to states

"Whereas, In recent years the challenges of modern-day America have required state and local governments to increase their expenditures at a rate greater than federal spending for domestic purposes; and

"Whereas, The growth in state and local taxation per capita has out paced the growth in federal taxation per capita in recent years; and

"Whereas, State and local governments are better equipped to determine how their needs can best be met and what formulas should be used in the distribution of available funds; and

"Whereas. The federal government is currently taking such a large share of the productive wealth of this nation through federal taxation that state and local governments are increasingly unable to find equitable and non-confiscatory revenue measures to produce the funds necessary to finance programs under their own control; and

"Whereas, The burden for innovation in domestic programs, under our federal system, rests with the states rather than with the federal government; now, therefore, be it

"*Resolved,* That the Legislature of the state of New York calls upon the Congress of the United States and the federal government to take prompt action to implement proposals for a system of direct federal tax-sharing payments to the states, so that the state governments will be able to provide vital domestic programs which are now beyond their financial means and so that the states may assist local governments to exercise their proper responsibilities, particularly in the fields of education, transportation, environmental protection and social services; and be it further

"*Resolved,* That any such shared revenues that are provided to the states and local governments not be earmarked for specific purposes and functions; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States, the Majority Leader, Minority Leader and Secretary of the Senate and the Speaker, Minority Leader and Clerk of the House of Representatives of the Congress of the United States, and to each member of the Congress from the state of New York."

A concurrent resolution of the Legislature of the State of West Virginia; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 9

"Concurrent resolution memorializing the Congress of the United States to call a convention for the sole purpose of amending the United States Constitution to provide for intergovernmental sharing of federal income tax revenues

"Whereas, A resolution of our Nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments; and

"Whereas, The Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this course from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and state and local governments; and

"Whereas, Increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, The fiscal crisis of state and local governments is the overriding problem of intergovernment relations and of continuing a viable federal system, and the only solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, The Congress of the United States, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate change by applications from the legislatures of two thirds of the several states to Congress, calling for a constitutional convention; and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon receipt of applications from the legislatures of two thirds of the several states; therefore, be it

"*Resolved by the Legislature of West Virginia:* That pursuant to Article V of the Constitution of the United States, the Legislature of the State of West Virginia does hereby make application to the Congress of the United States to call a convention for the sole purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States; and, be it

"*Further Resolved,* That this application shall constitute a continuing application until the legislatures of two thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature; and, be it

"*Further Resolved,* That certified copies of this resolution be presented forthwith to the President of the Senate and Speaker of the House of Representatives of the United States and to the legislature of each of the several states attesting the adoption of this resolution by the Legislature of the State of West Virginia."

The petition of Evelyn Barnes, of Bridge, Idaho, praying for a congressional investigation relating to the Headstart program; to the Committee on Appropriations.

A resolution adopted by the United Center of Retailers of Puerto Rico, Inc., praying for the enactment of legislation relating to curbing inflation; to the Committee on Banking, Housing and Urban Affairs.

The petition of Robert Hayworth Beel, of Mount Clemens, Mich., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City of Buffalo, N.Y., praying for the enactment of legislation relating to air pollution; to the Committee on Commerce.

A resolution adopted by the Board of Supervisors, County of Goochland, Va., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the City Council of New York City, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

Resolutions adopted at the Grand Camp, Alaska Native Brotherhood, Inc., relating to social security payments to persons living in Alaska; to the Committee on Finance.

A resolution adopted by the Colorado Conference of Social Welfare, Denver, Colo., praying for the enactment of legislation relating to welfare reform; to the Committee on Finance.

Resolutions adopted at the North Atlantic Assembly, held in The Hague, relating to certain recommendations concerning international relations; to the Committee on Foreign Relations.

A resolution adopted by the Evangelical Covenant Church of America, Chicago, Ill., praying for conformation to rules of war as delineated in the Geneva Convention, relating to prisoners of war; to the Committee on Foreign Relations.

An opinion of the U.S. District Court, Southern District of Indiana, Indianapolis Division, relating to the case of Vance Hartke, Plaintiff, against Richard L. Roudebush, Samuel J. Walker, John R. Hammond, Duge Butler, Defendants; to the Committee on Rules and Administration.

The petition of New Yorkers for a New York Senator, Hamilton, N.Y., objecting to the seating of JAMES L. BUCKLEY, as Senator, from the State of New York; to the Committee on Rules and Administration.

The petition of Paul B. Knuese, of Lake Geneva, Wis., praying for a redress of grievances; to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Council of the city of New York, praying for the enactment of legislation approving income tax deductions for all people who cannot work at a gainful job without having to make private arrangements for child care; to the Committee on Finance.

A petition, signed by sundry citizens of the State of Florida, praying for the immediate cessation of aid in any form to Communist enemies; to the Committee on Foreign Relations.

A resolution adopted by the council of the city of New York, praying for the enactment of legislation to create an independent Federal agency to coordinate a national drive to conquer cancer; to the Committee on Labor and Public Welfare.

A proclamation of the Governor, Commonwealth of Puerto Rico, relating to the recently approved amendment to the constitution of the Commonwealth of Puerto Rico, granting the right to vote to all persons over 18 years of ago; to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. HANSEN (for Mr. JACKSON), from the Committee on Interior and Insular Affairs:

ROGERS C. B. MORTON, of Maryland, to be Secretary of the Interior.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 185. A bill for the relief of Carmen Soto Velesquez;

S. 186. A bill for the relief of Miss Ilva John; and

S. 187. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 188. A bill for the relief of Tibor Egetoe;

S. 189. A bill for the relief of Carmela Marullo; and

S. 190. A bill for the relief of Vittorio Liotti; to the Committee on the Judiciary.

By Mr. BOGGS (for himself, Mr. TOWER and Mr. BEALL):

S. 191. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Finance.

(The remarks of Mr. BOGGS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 192. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works, by unanimous consent and then to the Committee on Commerce for its consideration of any matters in its jurisdiction, by unanimous consent.

S. 193. A bill to amend the Federal Aviation Act of 1958 to prohibit the operation within the territorial jurisdiction of the United States of any civil supersonic aircraft until and unless the sonic boom and stratospheric pollution created by such operation have been reduced to zero or the effectual equivalent of zero, and for other purposes; to the Committee on Commerce.

S. 194. A bill to permit a State to elect the use funds from the highway trust fund for purposes or urban mass transportation; to the Committee on Finance.

(The remarks of Mr. NELSON when he submitted the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. GRIFFIN):

S. 195. A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. MOSS:

S. 196. A bill for the relief of Eva Semnani;

S. 197. A bill for the relief of Mrs. Kwi Dong Park;

S. 198. A bill for the relief of Osvalda R. Borelo, Angela Borelo, Diana Laora Borelo, Viviana Christina Borelo, Estevan Daniel Borelo, and Mirian Borelo;

S. 199. A bill for the relief of Miss Maike Hannemann;

S. 200. A bill for the relief of Olga Quintas-Freijo and Susanna Alvarez;

S. 201. A bill for the relief of Dr. Ralph R. Stevenson;

S. 202. A bill for the relief of Ann Maria Y. Uy;

S. 203. A bill for the relief of Eou Bee Han; and

S. 204. A bill for the relief of Sing Ho Chan; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 205. A bill for the relief of Kimura Koshun; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 206. A bill for the relief of William Arthur Herbertson; and

S. 207. A bill for the relief of Grace Home Herbertson; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 208. A bill for the relief of Filadelfo Fracica; to the Committee on the Judiciary.

By Mr. WEICKER:

S. 209. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Commerce.

By Mr. FONG:

S. 210. A bill to amend section 8340 of title 5, United States Code, to provide a 5-percent increase in certain annuities;

S. 211. A bill to amend the Civil Service Retirement Act so as to permit retirement of employees with thirty years of service on full annuities without regard to age;

S. 212. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers;

S. 213. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; and

S. 214. A bill to correct certain inequities relating to civil service retirement benefits provided under subchapter III of chapter 83 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. ERVIN:

S. 215. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

(The remarks of Mr. Ervin when he introduced the bill appear below under an appropriate heading.)

By Mr. CHURCH (for himself, Mr. Bayh, Mr. Bible, Mr. Cannon, Mr. Dominick, Mr. Fannin, Mr. Gravel, Mr. Hansen, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. Jordan of Idaho, Mr. McGee, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, and Mr. Moss):

S. 216. A bill to permit suits to be brought against the United States to adjudicate disputed land titles; to the Committee on Interior and Insular Affairs by unanimous consent.

(The remarks of Mr. Church when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 217. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts; to the Committee on Commerce.

S. 218. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

(The remarks of Mr. Moss when he introduced the bills appear below under the appropriate heading.)

By Mr. MOSS (for himself and Mr. Hatfield):

S. 219. A bill to amend the Water Resources Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 220. A bill to amend the Mineral Leasing Act of February 25, 1920, as amended; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY:

S. 221. A bill to provide certain essential assistance to U.S. fishing industry; to the Committee on Commerce.

(The remarks of Mr. Kennedy when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 222. A bill to provide for the establishment and administration of the Canyon Country National Parkway in the State of Utah, and for other purposes; and

S. 223. A bill to provide for airports on Indian reservations; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. PROXMIRE:

S. 224. A bill for the relief of Myrna S. Cabanada;

S. 225. A bill for the relief of Ruzica Galic and Nada Jankovic;

S. 226. A bill for the relief of Dominico Piemonte; and

S. 227. A bill for the relief of Bruce M. Richards; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 228. A bill for the relief of Lee Kuck Ting;

S. 229. A bill for the relief of Chong Tsz Ying; and

S. 230. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the Committee on the Judiciary.

By Mr. MOSS:

S. 231. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Moss, when he introduced the bill, appear below under an appropriate heading.)

By Mr. NELSON:

S. 232. A bill to prohibit the sale or shipment for use in the United States of the chemical compounds known as aldrin, chlordane, DDD/TDE, dieldrin, endrin, haptachlor, lindane, toxaphene; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Moss, when he introduced the bill, appear below under an appropriate heading.)

By Mr. STEVENS (for himself and Mr. Gravel):

S. 233. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the Armed Forces; to the Committee on Armed Services.

(The remarks of Mr. Stevens, when he introduced the bill, appear below under an appropriate heading.)

By Mr. STEVENS (for himself and Mr. Gravel):

S. 234. A bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.;

S. 235. A bill to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery; to the Committee on Veterans Affairs.

S. 236. A bill to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands; and

S. 237. A bill to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Stevens, when he introduced the bills, appear below under appropriate headings.)

By Mr. STEVENS (for himself and Mr. Gravel):

S. 238. A bill for the relief of the widow and children of Thomas Pillifant; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. Gravel, Mr. Tower, and Mr. Cannon):

S. 239. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. Stevens when he introduced the bill appear below under the appropriate heading.)

By Mr. HUMPHREY:

S. 240. A bill for the relief of Alfio Margiotta; to the Committee on the Judiciary.

S. 241. A bill to improve intergovernmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize state and local government; to the Committee on Government Operations.

(The remarks of Mr. Humphrey when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 242. A bill for the relief of Elizabeth Currado; and

S. 243. A bill for the relief of Li Lien-Shiun; to the Committee on the Judiciary.

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 244. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

S. 245. A bill to authorize the establishment of the Old Kodiak National Historic Site in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Gravel when he introduced the bills appear below under appropriate headings.)

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 246. A bill to authorize the conveyance of certain property to the city of Nome Alaska; to the Committee on Interior and Insular Affairs.

S. 247. A bill for the relief of Albert G. Feller and Flora Feller; to the Committee on the Judiciary.

(The remarks of Mr. Gravel when he introduced the bill appear below under the appropriate heading.)

By Mr. GRAVEL (for himself and Mr. Stevens):

S. 248. A bill for the relief of William D. Pender; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 249. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (October 15, 1966); and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Cranston when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON:

S. 250. A bill for the relief of Cindeline Dawn Dillon;

S. 251. A bill for the relief of Trinidad O. Tenefrancia;

S. 252. A bill for the relief of Fermin Marquez;

S. 253. A bill for the relief of Florentino Adona, Jr.;

S. 254. A bill for the relief of Kaiganoosh Vartevanian (Monahan);

S. 255. A bill for the relief of Leonora Lopez; and

S. 256. A bill for the relief of Stanley Varga; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 257. A bill for the relief of Rocco D'Alessio Lucia Di Biasse D'Alessio, and Angelo D'Alessio;

S. 258. A bill for the relief of Pyung Yang Park;

S. 259. A bill for the relief of Doris Ann Janzen;

S. 260. A bill for the relief of Joseph Bernard Kelly, wife Shirley Joan and children Robert, David, and Karen;

S. 261. A bill for the relief of Branko Colakovic;

S. 262. A bill for the relief of Anna Gambino;

S. 263. A bill for the relief of Mario Augusto Roca;

S. 264. A bill for the relief of Lidiette Bolanos Vargas;

S. 265. A bill for the relief of Bahram Yusefzadeth;

S. 266. A bill for the relief of Mr. and Mrs. Frank Ariss, Charlotte (daughter), and Crispin (son);

S. 267. A bill for the relief of Sudha B. Bakare;

S. 268. A bill for the relief of Shie Tong Chiu;

S. 269. A bill for the relief of Marietta Dacto;

S. 270. A bill for the relief of Giovanni Incoronatto; and

S. 271. A bill for the relief of Maroun George Khouri; to the Committee on the Judiciary.

By Mr. NELSON:

S. 272. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture and Forestry.

S. 273. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Commerce.

S. 274. A bill to amend the Mineral Leasing Act, and for other purposes; and

S. 275. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 276. A bill to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers; and

S. 277. A bill to establish a National Commission on Public Health Hazards, and to provide for a program of investigation, basic research, and development to find means of protecting the public health by controlling and neutralizing health hazards created by certain drugs and other potentially mutagenetic or lethal chemicals and compounds; to the Committee on Labor and Public Welfare.

S. 278. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property;

S. 279. A bill to provide for the control and prevention of pollution, deterioration of water quality, and damage to lands and waters resulting from erosion to the roadbeds and rights-of-way of existing State, county, and other rural roads and highways and for other purposes;

S. 280. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a National Lake Areas System and authorizing programs of lake and lake areas research, and for other purposes;

S. 281. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that pesticides manufactured for use in the United States or imported for use in the United States comply with certain standards of biodegradability and toxicity; and

S. 282. A bill to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Nelson when he introduced the bill appear below under the appropriate heading.)

By Mr. METCALF:

S. 283. A bill to provide for the distribution of motor vehicle tires, and for other purposes; to the Committee on Commerce; and

S. 284. A bill for the relief of Solomon Simtob; to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 285. A bill to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 286. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; and

S. 287. A bill relating to the status of the Little Shell Band of Chippewa Indians of Montana; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. Ervin):

S. 288. A bill to provide for certain jury trials in condemnation proceedings in district courts of the United States; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Tunney) (by request):

S. 289. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Commerce.

(The remarks of Mr. Moss, when he introduced the bill, appear below under an appropriate heading.)

By Mr. BELLMON:

S. 290. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture and Forestry;

S. 291. A bill to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs; to the Committee on Interior and Insular Affairs; and

S. 292. A bill to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Richard Brevard Russell Building," respectively; to the Committee on Public Works.

(The remarks of Mr. Bellmon, when he introduced the bill, appear below under an appropriate heading.)

By Mr. KENNEDY:

S. 293. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. Kennedy, when he introduced the bill, appear below under an appropriate heading.)

By Mr. KENNEDY:

S. 294. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes;

S. 295. A bill to establish a National Transportation Trust Fund, and for other purposes;

S. 296. A bill to protect consumers and to assist the commercial fishing industry by providing for the inspection of establishments processing fish and fishery products in commerce, and to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting such requirements; to the Committee on Commerce;

S. 297. A bill to amend the Social Security Act to provide a 15 per centum across-the-board increase in monthly benefits with a minimum primary insurance amount of $100;

S. 298. A bill to amend the Sugar Act of 1948 to terminate the quota for South Africa; to the Committee on Finance;

S. 299. A bill to authorize the Secretary of the Interior to establish the Bunker Hill desirability of a Boston Harbor National Recreation Area in the State of Massachusetts;

S. 300. A bill to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site, and for other purposes;

S. 301. A bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes;

S. 302. A bill to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes; to the Committee on Interior and Insular Affairs;

S. 303. A bill to incorporate the Historic Naval Ships Association;

S. 304. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary; and

S. 305. A bill to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Kennedy, when he introduced the bills, appear below under appropriate heading.)

By Mr. SPONG:

S. 306. A bill for the relief of Eddie Troy Jaynes and Rosa Elena Jaynes; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 307. A bill to foster oceanic an environmental research and development, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Hollings when he introduced the bill appear below under the appropriate headings.)

By Mr. CANNON:

S.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on the Judiciary.

(The remarks of Mr. Cannon when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. MANSFIELD (for Mr. Muskie) (for himself, Mr. Magnuson, Mr. Randolph, Mr. Jackson, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Cannon, Mr. Church, Mr. Cooper, Mr. Eagleton, Mr. Gravel, Mr. Jordan of Idaho, Mr. Hatfield, Mr. Inouye, Mr. Kennedy, Mr. McGee, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Spong, Mr. Stevens, and Mr. Williams):

S.J. Res. 17. Joint resolution to establish a Joint Committee on the Environment; placed on the calendar, by unanimous consent.

(The remarks of Mr. Mansfield when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 23—INTRODUCTION OF THE ETHNIC HERITAGE STUDIES CENTERS ACT OF 1971

Mr. SCHWEIKER. Mr. President, I introduce the Ethnic Heritage Studies Center Act of 1971.

This bill authorizes the Commissioner of Education to create a series of regional centers around the Nation which will develop, and make available to schools, colleges, and community groups, materials concerning the history and culture of all the various ethnic groups in our country.

Mr. President, the decade of the sixties began in relative quiet, but ended in ashes of misunderstanding, hatred, and violence. During these riot-torn years, we witnessed the tragic events of race fighting race, religion opposed to religion, and ethnic groups hostile to ethnic groups. Independent study groups, Presidential Commissions, academicians, and reporters alike were in general agreement that polarization among Americans was rapidly increasing, and that misunderstanding and distrust among Americans at all levels of society was dangerously high, and getting worse.

In representing a large, diverse State like Pennsylvania, and in reading my mail, talking to constituents, and following newspaper reports, I have become vividly aware of the feeling among Americans of all races, colors, and creeds that they are being neglected by government and society at large.

This high level of distrust and discontent at all levels of society is a serious problem, particularly in view of the broad problems we face in modernizing all public services, in maintaining a strong viable economy, and in helping to insure the best possible life for all Americans, in urban and rural areas alike. If our people are divided, we will never be able to make our democracy work. If all persons can come together, and work together, the American dream can slowly but surely become a reality to everyone.

The bill I am introducing today, creating Ethnic Heritage Studies Centers, is designed to help bridge the gaps of misunderstanding between people by fostering the study of ethnic history and culture.

America is a new land in world history, still only a few hundred years old. One of our strengths has always been the rich mixture of backgrounds and traditions of the countries from which our forefathers originally emigrated to start a new life with new hopes and new promises. With the single exception of our great American Indians, all Americans derive from other countries' cultures, backgrounds, and heritages, which have existed for many hundreds of years before America.

However, in the development of our country, and in the history of American people, persons came to our shores in order to make a new life for themselves, became embarrassed with their old country mannerisms and customs, and felt they had to take on new "American" traditions. Historians and social commentators have referred to the great "melting pot" theory of America, whereby the cultures and backgrounds from around the world would merge in our new country to create a new homogenized culture that would provide everyone with a new, better life.

As the years have gone on, however, and as we analyze, in particular, the trouble-filled era of the sixties, I have come to the conclusion that too much faith has been put on the dream of a "melting pot." In the process, our peoples have lost a sense of identity. We now see many Americans in a fluid state, with few community ties, and a lack of any firm roots to provide stability for their lives. What was seen as the opportunity for unlimited growth, has instead resulted in insecurity, and a loss of the important values of community, identity, tradition, and family solidarity.

Mr. President, I feel that the focus of the American dream is no longer the "melting pot" mixture of people, but should be our own motto, "E Pluribus Unum," one out of many. Rather than ignoring the many ethnic and traditional differences of all Americans, it is time to emphasize them, and combine the strengths of all ethnic groups, to have these groups work together to build a better society and bring harmony to all people.

I have talked with a number of people who have worked with minority and ethnic groups, and who have been active in promoting ethnic cultural activities, and I have become convinced that greater study, awareness, and application of ethnic traditions and cultural activities can help to increase personal identity and stability which is lacking among so many people today.

Even more important, however are the prospects for members of one race, color, or creed, to be able to learn about the background of other groups, to understand their different ways of life and traditions, in the hopes that each group, through this new understanding will be able to get along better with each other, to work together, and begin the necessary task of creating a more harmonious society.

The Ethnic Heritage Studies Centers to be created by this bill will begin to provide the resources to begin this task of greater ethnic understanding. I envision the creation of regional centers, utilizing colleges, universities, civic groups, existing ethnic organizations, and any other community resource in that region, which will foster the study of the history, traditions, and cultures of the various ethnic groups within that region. Eventually, when these individual regional centers are working effectively, coordination on a national scale can be easily accomplished, but we will have to begin with smaller steps. They can develop libraries of ethnic studies material, develop curriculum material for use in elementary and secondary schools and colleges and universities, help promote ethnic cultural events in their local communities, and work closely with fraternal organizations, student groups, civic associations, women's clubs, and any other community group which can help to foster the goals of mutual understanding of the ethnic centers.

The centers would be under the general scope of the Office of Education, since these goals are ultimately educational in their outlook, but the centers would have separate staffs which should be encouraged to exercise considerable flexibility and independence based on the needs and wishes of the ethnic groups within the areas served by each regional center.

Mr. President, community solidarity through ethnic communications can work. One of the largest mixtures of ethnic and racial groups in our country exists in Pittsburgh. I have sat in on a number of meetings of a new ad hoc ethnic committee in Pittsburgh, which has been meeting to discuss how different ethnic groups and people can work together for the benefit of the entire community. Let me list the different groups represented in this committee: African, Bulgarian, Carpatho-Russian, Croatian, German, Greek, Hungarian, Irish, Israeli, Latvian, Lebanese, Lithuanian, Netherland, Polish, Russian, Scandinavian, Scottish, Serbian, Slovak, Slovene, Spanish, Syrian, and Ukrainian. The mere fact that leaders from these ethnic communities, representing nearly all of the population in the greater Pittsburgh area, are sitting down, meeting together, and talking about mutual projects is in itself a significant development. But the potential for continued close cooperation among these peoples is enormous, and it can take place everywhere in our country, with the ethnic groupings of each region of the country, not just in Pittsburgh.

In summary, I feel that ethnic solidarity and ethnic identification can be instrumental in eliminating many of the tensions between different groups of people today. Members of all ethnic groups, of all races, colors, and creeds, share the American hope for meaningful employment, healthy families, strong communities, and peace and harmony within their daily lives. Tension and turmoil brings out the worst of human tendencies and motivations, and it is our responsibility to help encourage understanding and identity which will bring out the best in human goals and aspirations.

The creation of ethnic centers can become regional and national focal points for this goal. The study of ethnic heritages will not in itself solve our social problems. But the mutual understanding and tolerance between people, and the self-confidence and identity within ethnic groups, can. I urge serious study by the Senate of this small, but significant step; and swift approval of ethnic heritage studies centers.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 23) to provide a program to improve the opportunity for the study of cultural heritages of all ethnic groups in the Nation, introduced by Mr. SCHWEIKER, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 215—INTRODUCTION OF THE FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to establish procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, upon application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

This bill is identical to S. 623, which I introduced in the 91st Congress, on January 24, 1969. I introduced an earlier version of that bill, S. 2307, later revised, in the 90th Congress.

These earlier bills were submitted in an effort to clarify some of the confusion that developed when it was realized that a total of 32 States had petitioned the

Congress for a constitutional convention to consider amendments pertaining to the reapportionment decisions of the Supreme Court.

When the Nation discovered that 32 of the 34 applications required for the calling of the first National Constitutional Convention since 1787 had been submitted, the first reaction was the shocking realization that the country faced the worst constitutional crisis since the Civil War. Voices were heard suggesting that the proposed convention would be a constitutional nightmare, that a runaway convention could abolish the Bill of Rights, repeal the income tax, provide for an elected Supreme Court, and that other dire consequences were in store for the country if a convention were held. It was even suggested that Congress ignore its constitutional obligation by refusing to call a convention, should the two additional petitions be submitted.

These reactions were the product partly of surprise and partly of opposition to the substantive changes sought by the State petitions. Nonetheless, it is generally recognized that virtually no precedent exists to guide the States and Congress in answering the complex and sensitive questions involved in implementing this part of Article V of the Constitution.

S. 2307 was introduced in an effort to provide answers to these difficult questions. The bill was referred to the Senate Judiciary Subcommittee on Separation of Powers, and hearings were held in October 1967. The hearings were published, together with an extensive appendix containing pertinent precedent and commentary on the subject.

In drafting the present legislation and the proposals preceding it, I have attempted to make its effect on any particular issue as neutral as possible. The bill seeks neither to facilitate a convention nor to lay obstacles in its path. Now, however, once again, an issue has arisen which is bringing the possibility of a constitutional convention near to reality. While the bill I am introducing is in no way inspired by the current drive by the States for a constitutional convention to propose an amendment for revenue sharing by the States, that proposal, like the earlier reapportionment issue, is forcing recognition that such a convention is indeed possible and perhaps imminent.

At the present time, memorials have been submitted to the Congress from four States—Louisiana, California, New Hampshire, and New Jersey—petitioning the Congress to call a constitutional convention on revenue sharing. In addition, I am informed that similar resolutions have been introduced in the State legislatures, or are being prepared for introduction, in Iowa, Vermont, Florida, New York, Washington, and others. Indeed, I am told that at least 14 States in one way or another are acting on applications calling for a constitutional convention to consider revenue sharing. With the intense interest among the States in the revenue-sharing proposal, the probability that the requisite number of 34 States will apply to the Congress for a constitutional convention is real and immediate.

Today, as before, there are no rules on how such a convention should be called, how it should operate, or how it should be controlled. Most important, there is no law on the books that would confine a convention to a specific amendment. If we are to avoid the possibility of a runaway convention and a constitutional crisis, I believe it is imperative that orderly procedures be established for the conduct of a constitutional convention.

Even if this present issue is resolved without a constitutional convention, why should this Nation go through crisis after crisis in the years to come each time there is a new stirring among the States to propose a convention, for whatever purpose? It is the duty of Congress to specify the rules and the procedures, so that, if a constitutional convention is called, we shall be prepared to implement Article V in an orderly and responsible manner. There is no need to subject Americans to the consternation which most certainly will be felt if, within the coming weeks, the requisite 34 States petition for a convention in their efforts to obtain revenue sharing from the Federal Government.

Let me mention briefly the principal provisions of this legislation. S. 215 provides:

First, that the States are to use the same procedure for adopting applications as they use for the passage of statutes, but without the necessity of approval by the Governor.

Second. That the receipt of an application by Congress is to be announced on the floor of both Houses, and that copies are to be sent to each Member of Congress as they are received by the presiding officers, and that copies are to be sent to each house of every other State legislature.

Third. That each application is to remain in effect for 7 years, unless rescinded by the State legislature.

Fourth. That applications may be rescinded by State legislatures except that if two-thirds of the States have submitted applications on the same subject or subjects, within 7 years, all applications remain in effect.

Fifth. That after Congress determines the validity of the requisite number of applications, the Congress shall pass a concurrent resolution calling for a convention; and shall send copies of the resolution to each Governor and to each house of the State legislatures.

Sixth. That a convention must be convened within 1 year after adoption of the concurrent resolution by Congress.

Seventh. For funds and facilities for the conduct of the business of a convention.

Eighth. For election of one delegate from each congressional district, and the election at large of two additional delegates from each State.

Ninth. For the election of officers of the convention.

Tenth. That each delegate may cast one vote.

Eleventh. That the delegates' vote be recorded and that verbatim records be kept, published, and transmitted to the Archivist of the United States at the termination of the proceedings.

Twelfth. That amendments be proposed by majority vote of the delegates.

Thirteenth. That the convention be limited to subjects named in the concurrent resolution; and that delegates subscribe to an oath to refrain from proposing or voting in favor of any proposed amendment not so named.

Fourteenth. That the convention be terminated 1 year after the date of its first meeting, unless Congress extends its life.

Fifteenth. That questions arising as to convention procedures shall be determined solely by Congress.

Sixteenth. That Congress may disapprove a proposed amendment on the ground that substantial procedural irregularities occurred at the convention or that the amendment pertains to a subject different from that described in the resolution calling the convention.

Seventeenth. That the Congress may not disapprove a proposed amendment on the ground that it disagrees with the substance of the amendment.

Eighteenth. That the Congress transmit the proposed amendment to the Administrator of General Services for submission to the States for ratification.

Nineteenth. That the amendment must be ratified by three-fourths of the States.

Twentieth. That ratifications may be rescinded by the same process by which the amendment was ratified; except that a ratification may not be rescinded when there are valid ratifications by three-fourths of the States within the requisite time.

Twenty-first. That when ratified, the Administrator of General Services shall issue a proclamation that the amendment is part of the Constitution.

Twenty-second. That the effective date of the amendment shall be the date specified therein, or, if not specified, the date on which the last State necessary to constitute three-fourths of the States has ratified.

Mr. President, as I mentioned before, I have endeavored to draft this bill in a manner so that it evenhandedly and fairly answers the problems and unknows inherent in calling a constitutional convention under article V. I should like to reiterate that, just as the previous bills were nonpartisan on the reapportionment issue, the present bill is likewise nonpartisan on the issue of revenue-sharing. We should not permit any current or future controversy to cloud our thinking on sound and reasonable legislation to implement and give effect to the constitutional convention provision of article V.

The neutrality of the predecessors of this bill was demonstrated by the wide support they received from the partisans on both sides of the reapportionment controversy.

On Saturday, January 16, the Washington Post, in an editorial, urged Congress to approve my measure establishing the framework for a constitutional convention.

Mr. President, I ask unanimous consent that the editorial from the Washington Post and a copy of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, I believe that time is of the essence; we know that a potential crisis is at hand. If we are derelict in our duty, we may find that our constitutional system of Government is indeed threatened.

I urge the Members of this body to support this measure.

EXHIBIT 1

[From the Washington Post, Jan. 16, 1971]

REVENUE-SHARING AND THE CONSTITUTION

The idea of revenue-sharing has become so fascinating to members of state legislatures across the country that many of them have embarked on a reckless venture. Led by three national organizations of state legislators, they are urging each state to petition Congress for a Constitutional Convention. One state has already done so and others are expected to follow this winter and spring. While these resolutions are aimed at limiting such a convention to the sole question of revenue-sharing, they raise again the specter of a convention that would undertake a complete revision of the Federal Constitution.

It is easy to understand the impatience that has moved the state legislators to act. Rising costs and increased demands on state and local governments have outstripped the money that some states can raise from the channels of taxation customarily open to them. They cast envious eyes on that huge sum which the income tax laws draw into the federal treasury and they see as the solution to their problems some sort of provision giving the states the unrestricted use of a portion of that sum.

It is also easy to understand why the leaders of this petition drive are trying to speed up the normal legislative process. They know that President Nixon's modest revenue-sharing proposal of last year received a cool reception on Capitol Hill and they want to build a fire under Congress so that it will act quickly on whatever proposal the President puts forward this year. Some of the leaders have said, quite frankly, that the goal of their petition drive is not so much to get a constitutional convention as it is to get the House Ways and Means Committee to act on the President's ideas.

But in their impatience to get their hands on a share of the federal kitty, the leaders of this drive have chosen a course that is unjustified as well as reckless. Congress has not said "no" to revenue-sharing; at most it has stalled and said the idea deserved careful scrutiny. Indeed, it does. If the states are going to draw substantial funds from the federal government without any federal control at all over how they are spent, many state legislatures are going to have to be reformed; the tale of the money-making affairs of a leading Illinois legislator told on this page this week indicates some of the problems that must be overcome.

What makes this whole petition idea reckless, however, is not the possibility that it will succeed in pressuring Congress to act on revenue-sharing but that it won't succeed in achieving that and will succeed in forcing Congress to call a constitutional convention. Once that happened, the fat would be in the fire. There is no constitutional provision confining such a convention to consideration of only a specific amendment and there is no law on the books that even makes an effort to so confine a convention. Although leaders of this petition drive cite legal opinions arguing that the convention would be confined to considering only revenue-sharing, there is no certainty that that would be the case. About the last thing this country needs just now is a convention that attempts to rewrite the Constitution—it doesn't take much imagination to figure out the pressure that would be brought to bear for amendments dealing with apportionment or prayer—or a long court battle over the powers that such a convention would have.

Congress, of course, can take two steps that would head off this entire affair. One is to begin at once to give the most careful kind of consideration to revenue-sharing, consideration it certainly merits particularly when President Nixon has indicated it will represent a large part of his legislative program this year. The other is to get down to work on Senator Ervin's proposal for legislation setting the framework for a constitutional convention and for the reception of petitions such as those now circulating in the states. The senator brought this proposal out of his subcommittee 18 months ago when the threat of a convention aimed at apportionment and prayer amendments was great. No one else in Congress showed much interest, however, and it slid into the wastebasket. With another petition drive coming so closely on the heels of that one, Congress will be grossly negligent if it waits until the eleventh hour to adopt the senator's proposal or one like it.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 215) to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution, introduced by Mr. ERVIN was received, read twice by its title and referred to the Committee on the Judiciary.

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Constitutional Convention Procedures Act".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States on and after the enactment of this Act, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more amendments to the Constitution of the United States and stating the nature of the amendment or amendments to be proposed.

APPLICATION PROCEDURE

SEC. 3. (a) For the purpose of adopting or rescinding a resolution pursuant to section 2 and section 5, the State legislature shall follow the rules of procedure that govern the enactment of a statute by that legislature, but without the need for approval of the legislation's action by the Governor of the State.

(b) Questions concerning the adoption of a State resolution cognizable under this Act shall be determinable by the Congress of the United States and its decisions thereon shall be binding on all others, including State and Federal courts.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the adoption by the legislature of a State of a resolution to apply for the calling of a constitutional convention, the secretary of state of the State, or if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate, and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution;

(2) the exact text of the resolution signed by the presiding officer of each house of the State legislature; and

(3) the date on which the legislature adopted the resolution; and shall be accompanied by a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State, unless sooner rescinded by the State legislature, shall remain effective for seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 8, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject. Whenever applications made by two-thirds or more of the States with respect to the same subject have been received, the Secretary and the Clerk shall so report in writing to the officer to whom those applications were transmitted, and such officer thereupon shall announce on the floor of the House of which he is an officer the substance of such report. It shall be the duty of such House to determine that there are in effect valid applications made by two-thirds of the States with respect to the same subject. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds of more of the States for the calling of a constitutional convention upon the same subject, it shall be the duty of that House to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the nature of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than one year after adoption of the resolution.

DELEGATES

SEC. 7. (a) A convention called under this Act shall be composed of as many delegates from each State as it is entitled to Senators and Representatives in Congress. In each State two delegates shall be elected at large and one delegate shall be elected from each congressional district in the manner provided by State law. Any vacancy occurring in a State delegation shall be filled by appointment of the Governor of that State.

(b) The secretary of state of each state, or, if there be no such officer, the person charged by State law to perform such function shall certify to the Vice President of the United States the name of each delegate elected or appointed by the Governor pursuant to this section.

(c) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

(d) Each delegate shall receive compensation for each day of service and shall be compensated for traveling and related expenses. Provision shall be made therefor in the concurrent resolution calling the convention. The convention shall fix the compensation of employees of the convention.

CONVENING THE CONVENTION

SEC. 8. (a) The Vice President of the United States shall convene the constitutional convention. He shall administer the oath of office of the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to refrain from proposing or casting his vote in favor of any proposed amendment to the Constitution of the United States relating to any subject which is not named or described in the concurrent resolution of the Congress by which the convention was called. Upon the election of permanent officers of the convention, the names of such officers shall be transmitted to the President of the Senate and the Speaker of the House of Representatives by the elected presiding officer of the convention. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt.

(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department and agency shall provide such information and assistance, as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within one year after the date of its first meeting unless the period is extended by the Congress by concurrent resolution.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. (a) Except as provided in subsection (b) of this section, a convention called under this Act may propose amendments to the Constitution by a vote of a majority of the total number of delegates to the convention.

(b) No convention called under this Act may propose any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

APPROVED BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

(b)(1) Wherever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the President of the Senate and the Speaker of the House of Representatives, acting jointly, shall transmit such amendment to the Administrator of General Services upon the expiration of the first period of ninety days of continuous session of the Congress following the date of receipt of such amendment unless within that period both Houses of the Congress have agreed to (A) a concurrent resolution directing the earlier transmission of such amendment to the Administrator of General Services and specifying in accordance with article V of the Constitution the manner in which such amendment shall be ratified, or (B) a concurrent resolution stating that the Congress disapproves the submission of such proposed amendment to the States because such proposed amendment relates to or includes a subject which differs from or was not included among the subjects named or described in the concurrent resolution of the Congress by which the convention was called, or because the procedures followed by the convention in proposing the amendment were not in substantial conformity with the provisions of this Act. No measure agreed to by the Congress which expresses disapproval of any such proposed amendment for any other reason, or without a statement of any reason, shall relieve the President of the Senate and the Speaker of the House of Representatives of the obligation imposed upon them by the first sentence of this paragraph.

(2) For the purposes of paragraph (1) of this subsection, (A) the continuity of a session of the Congress shall be broken only by an adjournment of the Congress sine die, and (B) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the period of ninety days.

(c) Upon receipt of any such proposed amendment to the Constitution, the Administrator shall transmit forthwith to each of the several States a duly certified copy thereof, a copy of any concurrent resolution agreed to by both Houses of the Congress which prescribes the time within which and the manner in which such amendment shall be ratified, and a copy of this Act.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified.

(b) Acts of ratification shall be by convention or by State legislative action as the Congress may direct or as specified in subsection (c) of this section. For the purpose of ratifying proposed amendments transmitted to the States pursuant to this Act the State legislatures shall adopt their own rules of procedure. Any State action ratifying a proposed amendment to the Constitution shall be valid without the assent of the Governor of the State.

(c) Except as otherwise prescribed by concurrent resolution of the Congress, any proposed amendment to the Constitution shall become valid when ratified by the legislatures of three-fourths of the several States within seven years from the date of the submission thereof to the States, or within such other period of time as may be prescribed by such proposed amendment.

(d) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATIONS

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same processes by which it ratified the proposed amendment, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal.

(c) Questions concerning State ratification or rejection of amendments proposed to the Constitution of the United States, shall be determined solely by the Congress of the United States, and its decisions shall be binding on all others, including State and Federal courts.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

EFFECTIVE DATE OF AMENDMENTS

SEC. 15. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then on the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

S. 216—INTRODUCTION OF A BILL TO PERMIT SUITS AGAINST THE UNITED STATES IN LAND TITLE DISPUTES

Mr. CHURCH. Mr. President, I introduce, for appropriate reference, on behalf of myself and several other Senators a bill to permit suits to be brought against the United States to adjudicate disputed land titles.

I introduced this same measure in the 91st Congress and it was first referred to the Committee on the Judiciary, but that committee was subsequently discharged from its consideration, and the bill, S. 3248, rereferred to the Committee on Interior and Insular Affairs. May I respectfully request, Mr. President, in the light of that legislative history, that this measure now be referred to the latter committee.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, besides my distinguished colleague from Idaho (Mr. Jordan), other cosponsors of the bill are Mr. Bayh, Mr. Bible, Mr. Cannon, Mr. Dominick, Mr. Fannin, Mr. Gravel, Mr. Hansen, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. McGee, Mr. Magnuson, Mr. Metcalf, Mr. Mondale, and Mr. Moss.

This bill would amend title 28 of the United States Code to permit a citizen to bring a quiet title action against the Government in the U.S. district court in the district in which the land in question is located. Jurisdiction is also conferred on the district courts to hear and decide such suits.

Because of the common law doctrine of "sovereign immunity," the United States cannot now be sued in a land title action without giving its express consent. Grave inequity often has resulted to private citizens who are thereby excluded, without benefit of a recourse to the courts, from lands they have reason to believe are rightfully theirs.

Sovereign immunity or the infallibility of the Crown, so to speak, became imbedded in the common law of England and so came into our American law. However, this principle is not appropriate where the courts are established, not for the convenience of the sovereign, but to serve the people.

We in the United States have been getting away from this outworn doctrine of sovereign immunity. A landmark instance was enactment of the Federal Tort Claims Act in 1946. Prior to this, the Federal Government could not be made a defendant in a personal injury suit except by express waiver to sovereign immunity.

In each Congress, scores of private bills were introduced and a considerable amount of very valuable time of Senators and Representatives had to be spent in deciding whether an injured citizen should be permitted his day in court, solely because the Government was involved. Unquestionably, there were many instances in which a private citizen did not or could not get a private bill introduced and put through the entire legislative process.

We have waived sovereign immunity in a number of other instances. Examples are claims arising out of noncombat activities of the Armed Forces, certain admiralty claims, actions arising out of contract, and tax controversies.

In none of these instances has the general waiver of sovereign immunity resulted in the imposition of any excessive or unfair burden on the Government.

I am convinced that this bill likewise would not subject the Government to burdensome, expensive litigation, or result in unjust loss of Federal property. It is a jurisdictional measure. In no way would it alter the substantive rules of law prevailing in actions against the Government.

All the bill does is enable a citizen involved in a title dispute with the Government to have his day in court—something he does not now get unless or until the Government elects to initiate suit.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 216) to permit suits to be brought against the United States to adjudicate disputed land titles, introduced by Mr. Church, for himself and other Senators, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs by unanimous consent.

S. 217—INTRODUCTION OF A BILL TO REQUIRE THAT RADIOS BE CAPABLE OF RECEIVING BOTH AM AND FM BROADCASTS

Mr. MOSS. Mr. President, I am introducing a bill to amend section 303 of the Communications Act of 1934 to require that all radio receiving sets shipped in interstate commerce be capable of receiving both AM and FM broadcasts.

The practical effect of this bill would be to materially broaden the listening possibilities of radio, thus providing improved communications to the widest possible cross section of the American public. It would not only provide greater programing service to the public at large but it would also have the effect of improving the programing content of all radio broadcasting due to increased competition between stations. At the present time many sets are equipped to receive only AM broadcasts, and the people owning these sets are shut out from the vast world of FM broadcasting—a world which includes educational as well as commercial programs. There are approximately 2,651 FM stations on the air today, 455 of them noncommercial or educational stations.

This FM world for broadcasting will become even more important as the Corporation for Public Broadcasting continues to develop its programs and to expand its functions. The Corporation for Public Broadcasting has a congressional mandate to build a system of general education, cultural, and informational broadcasting in the United States. The President of CPB, Mr. John W. Macy, Jr., has said that without the successful passage of the all-channel AM–FM legislation, the Corporation for Public Broadcasting cannot efficiently and effectively fulfill its responsibility to public radio since virtually all noncommercial educational radio licensees—455 of 480—are assigned FM frequencies. FM set penetration as low as 10 percent in radio-equipped automobiles and ranging in percentages from the low 30's to the high 80's in homes located in the top 100 population centers is inadequate to meet this commitment. The passage of all-channel legislation, Mr. Macy has said, will insure a significant expansion of the number of listeners able to receive and benefit from public radio programing.

There are presently about 4,300 AM stations in the country, some half of which are daytime stations only. Thus, many rural areas lack local service at night and must depend on radio stations located in distant cities for news, weather information, and other matters of importance. This void can be filled only by FM stations reaching persons with FM receiving sets for the Federal Communications Commission has recently pointed out that the AM band of frequencies is, for all practical purposes, exhausted and that the FM band must be relied on if the public is to receive additional aural broadcast service.

In these crucial times it is imperative that certain information be made instantaneously available to all Americans. The inclusion of FM bands on all radio receivers would make additional radio available to many people after the daytime stations go off the air, as well as during the day when both types of stations are broadcasting. The net effect would be to make more radio reception available to more people at all times.

UHF television has already received support from similar legislation. One would expect the same advantages to accrue to the radio listener as to the television viewer. It is essential if equality is to be provided for FM radio as has been for UHF in the television field.

At the present time, receiving sets including AM and FM bands are more expensive than those which receive AM signals only and undoubtedly the present minimum price of aural receiving sets would be increased somewhat with the requirement that all sets carry both AM and FM signals. On the other hand, the requirement would force mass production of the all-channel sets which would inevitably result in significantly lower costs per unit to members of the public.

It is the present price differential between AM only and AM–FM receiving sets that is denying many members of the public the superior entertainment and communications advantages that FM broadcasting has to offer. On an average, only approximately 65 percent of the homes in this country have FM receiving sets and in most of those homes there is only one FM radio while there are multiple AM units. However, it is in automobiles where the public suffers most in terms of access to FM broadcast signals. Since 1964, only about one car in 12 has been FM equipped. When manufacturers produce this limited number of FM car radios, the sales cost is much too high.

Today the U.S. consumer is being asked to pay twice as much, or more, to add FM reception for his motoring pleasure and communication needs. It is expected that the mass production resulting from my bill, together with the force of competition, would substantially reduce, if not eliminate, this price differential.

The rationale on this bill is in line with the thinking of the Federal Communications Commission on radio programing generally. For instance, the Commission has recently held that jointly owned AM–FM stations in communities of 100,000 population or over must program separately in order to give the public a greater diversity and choice. My bill would have the same end result.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 217) to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts, introduced by Mr. Moss was received, read twice by its title and referred to the Committee on Commerce.

S. 218—INTRODUCTION OF A BILL TO INCREASE THE AMOUNT OF INDIVIDUAL EARNINGS PERMITTED WITHOUT SUFFERING DEDUCTIONS IN SOCIAL SECURITY BENEFITS PAID

Mr. MOSS. Mr. President, the key to most of the problems confronting senior citizens today is inadequate income. The Senate Special Committee on Aging has given us ample data that the economic position of senior citizens today vis-a-vis their working counterparts is much worse than it was a few years ago.

In 1962, for example, a family headed by a senior citizen could count on 50 percent of the average income of a family with a head of household less than 65. Today, the family with the senior as the head of household can expect about 43 percent of the average income of his younger counterpart.

All the social security benefit increases passed by the Congress have been only stopgap measures designed to keep the elderly "even" with the rest of the population under the impact of inflation. It is obvious from the above statistic that the congressional efforts have failed even to meet this rather limited objective.

Few would argue with the proposition that our senior citizens do not have enough money to meet their basic needs. Over 25 percent of our 20 million senior citizens have incomes below the accepted poverty line. But a senior citizen with a below-poverty income is in a relatively much worse position than a man of middle age.

For example, a senior citizen typically has reduced mobility and will require more money for transportation. Typically he will not drive; thus, he will have to purchase his fare on a taxi or a bus. Again, routine house repairs and maintenance which can be performed by young people are often beyond the abilities of seniors who have to pay for such services or to do without. Also, senior citizens are ill three times as often, moreover, they are hospitalized three times as often as those under 65. Even with medicare, the senior citizens must still bear 55 percent of the cost of their health care.

How much income does a senior citizen need? The Bureau of Labor Statistics of the U.S. Department of Labor stated that in January of 1970, an average retired couple living in an urban area would need an income of $4,320 for a moderate standard of living. I am speculating that the figure for 1971 will be about $4,500 given the current level of inflation. Match this amount against the average social security benefit for an over-65 couple. The average couple gets $196 per month or $2,352 per year in benefits. For a majority of them this is their only income. Clearly, families with just $2,352 in income would have to sacrifice much in the way of food, housing, clothing, transportation or medical care. I am sure we will all agree that this is an unacceptable situation.

What is the solution? We could simply appropriate funds from general revenues and raise the incomes of our elderly to $4,500 or any level that we agree upon. Perhaps this is what we must ultimately do. But somehow I have the feeling that the Congress, the people in general, and the senior citizens themselves would all feel much better if we followed other courses.

One course that I suggest is consistent with the initial philosophy of social security. The philosophy employs the concept of earned right. Senior citizens have a vested right to receive benefits at age 65 because they have contributed from their earnings in earlier years. While these benefits were intended to provide for individuals in their retirement years, I question that they were ever intended to prohibit senior citizens from seeking or maintaining employment. In 1935, when the Social Security Act was passed, age 65 might have been considered the threshold of old age and senility, but this is no longer true today. More and more seniors are living longer and longer. They are ready, willing, and able to continue some contribution to society—and we need their service.

I have, therefore, long felt that the so-called retirement test should be removed completely so that individuals at age 65 could receive their appropriate social security entitlement and also earn whatever they could on the outside. Last session I cosponsored a bill to this effect. This would provide a pension like those of private industry which would not vanish if an individual, out of need or desire, sought to continue his employment. This is the position toward which I will try to influence my colleagues.

For the present, however, I would like to reintroduce the bill I presented to the 91st Congress. This bill, Mr. President, would call for the retirement test to be raised to $210 a month or $2,520 a year. I consider this to be a highly reasonable amount. The Senate-passed social security bill of last Congress would have raised the amount that could be earned without penalty to $2,400. This proposed increase was more realistic than the $2,000 proposed by the House-passed H.R. 17550.

It is unfortunate that we were not able to enact that legislation last year. But I am confident we will do so early this year. It appears that we will have an increase in amount in the retirement test to allow our seniors to earn more money without penalty of social security forfeitures. With this bill I make a plea that the Congress raise this amount from $1,680 to $2,520. Millions of senior citizens would, I am sure, be deeply grateful.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 218) to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. Moss was received, read twice by its title and referred to the Committee on Finance.

S. 219—INTRODUCTION OF THE WATER RESOURCES RESEARCH ACT AMENDMENTS

Mr. MOSS. Mr. President, I am today introducing for Senator HATFIELD and myself, a bill to amend the Water Resources Research Act to increase the amount authorized for a water resources research center in each State from $100,000 to $200,000 annually. The bill also would provide for information retrieval and dissemination activities at each research center and would make the District of Columbia and the territories of Guam and the Virgin Islands a State for the purposes of the act, so that a water research center could be established at one of the universities in each jurisdiction and receive funds annually.

This bill was passed by the Senate late in August of 1970, but died in the House, mainly due to the adjournment rush. There is great interest in it, and I am hopeful that both Houses will pass it early in this session.

The original Water Resources Act which became law in 1964, was based on one of the recommendations made by the Senate Select Committee on National Water Resources, of which I was a member. In the original bill, annual grants of $100,000 were authorized for each center.

Since that time, however, costs have gone up considerably so $100,000 is no longer an adequate amount to finance the level of activity contemplated in the original act. If we expect these centers to do the job we want them to do in research in water quality, water utilization, water resource planning, and related ecological problems, as well as to train graduate students and other young people in water resource technology and skills, we must furnish each center adequate funds with which to work.

This bill would authorize only a modest increase of $50,000 per center which will compensate for the effects of inflation since passage of the original act with some allowance for the future.

An additional increase of $50,000 per center would be authorized to cover the costs associated with the new function of information dissemination authorized in the bill. This information being developed in the research centers is hard, practical information of immediate use to local resource development agencies. The experience of the past few years shows that a great deal more utility can be obtained from the research if funds are available to put it in the form of manuals or other publications which can be distributed to users.

This is the type of return on a research investment which is often difficult to obtain. It already is being obtained through this program and the small additional expenditure will increase the return many times.

The addition of research centers in the District of Columbia, Guam, and the Virgin Islands will greatly assist schools in each of these locations to strengthen their expertise in resource development. Furthermore, each location presents unique water resource problems which are not likely to be studied under nationwide programs. The results of the studies, however, may well find broad application elsewhere.

Mr. President, the additional authorization provided in this bill for water resource research centers in each of our States will return to us benefits worth manifold the dollar investment which we will make. I send the bill to the desk for appropriate reference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 219) to amend the Water Resources Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes, introduced by Mr. Moss, for himself and Mr. HATFIELD, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 220—INTRODUCTION TO MAKE POSSIBLE TAR SANDS DEVELOPMENT

Mr. MOSS. Mr. President, I send to the desk, for appropriate reference, a bill to make possible the development of deposits of bituminous sands, popularly known as tar sands, which are found in some abundance in Federal lands of Utah and other Western States.

Tar sands are a source of petroleum and energy which all sections of our country so gravely need. The opening of these deposits to development will add significantly to our supplies of energy fuels in several areas of the West.

Mr. President, the bill I am introducing today is a direct outgrowth of measures I sponsored in the two preceding Congresses. On January 23, 1969, I introduced S. 581 and S. 582, twin bills designed to offer a choice of legislative solutions to the situation under which all development of tar sands on the public lands had been at a complete standstill for several years. These measures were referred to the Interior Committee, and the Minerals, Materials, and Fuels Subcommittee, of which I am chairman, held comprehensive field hearings in Salt Lake City, Utah, at which officials of the State and spokesmen for private industry interested in tar sands development made highly constructive presentations.

As a result, the subcommittee worked out amendments to S. 581 which embodied the substance of the companion bill, S. 582, as well as certain other amendments, the need for which was indicated by the hearings. These amendments were submitted to the Department of the Interior for comment, but unfortunately the Department did not see fit to respond to the committee's request until the day before the adjournment of the 91st Congress.

As a result, this potentially important natural resource, which would add to our energy fuels supplies, remains in a state of deep freeze, so to speak. The measure I am introducing today is similar, in substance, to the bill worked out and reported favorably last year by my Minerals Subcommittee.

It is my earnest hope, and that of the people of Utah, that the Interior Department now will take timely cognizance of the situation and work with the Interior Committee for a solution.

In closing, I am happy to be able to point out that the procedure I am proposing in the current measure is wholly consistent with the findings and recommendations of the Public Land Law Review Commission.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 220) a bill to amend the Mineral Leasing Act of February 25, 1920, as amended, introduced by Mr. Moss was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 221—INTRODUCTION OF THE FISHERIES DEVELOPMENT ACT OF 1971

Mr. KENNEDY. Mr. President, I introduce today a bill to help revitalize the American fishing industry. The need for action is clear and the time long overdue.

One of our finest industries—with a long and proud heritage dating back to the first colonial days of our Nation—is shadowed by economic decline. On both coasts, on the Gulf of Mexico, and on the Great Lakes, American fishermen are being displaced from their jobs. All segments of the industry are suffering.

Since 1945, domestic catch has remained static at 4 to 6 billion pounds, while world hauls have tripled from 43 billion pounds to 123 billion pounds.

Booming increases of imports both exemplify the decline of the industry and are a primary contributor to it. We now consume more than $700 billion worth of imported seafood annually.

The plight of the fishing industry is all the more serious because it represents a failure to capitalize on our tremendous potential both in domestic demand and in stock available to fulfill that demand.

While, domestic output has remained stable since World War II, demand for fish products has almost tripled—from 5.3 billion in 1945 to 14.2 in 1967. Yet we have more than adequate capacity to meet this demand. Conservative estimates are that there presently exists fishery resources off the U.S. coasts to sustain a total annual yield of about 30 billion pounds, including some marketable species not yet fished.

With U.S. consumption expected to increase from present standards of 15 billion pounds to 31 billion by the year 2000, the benefits from making full use of our stocks is clear. But, to fully develop that potential, major efforts to reverse the spiraling decline of our domestic fishing industry—a decline that has moved the United States from second to sixth among nations in only a decade—must be made.

As a Senator from New England, and from Massachusetts, where American fishing had its proud beginnings, I am deeply aware of the regional and personal impact of its decline. New Bedford, Boston, or Gloucester no longer bustle with the hurried activity and excitement which once reflected the worldwide stature of their great fleets. In these ports I have seen fishermen who have spent their lives at sea, grounded without work. I have seen the great ships lying idle at harbor unable to compete with modern, fully equipped foreign subsidized vessels. I have spoken with members of all phases of the industry and heard countless times of their frustration and fear at the decline which has gone beyond their individual control.

In 1960, New England's fishermen caught 93 percent of the fish brought in from the New England Continental Shelf—the remainder landed by Canadians. Five years later, their percentage had dropped to 35, with the Russians taking more than the other nations combined.

The International Commission on the North Atlantic Fisheries recently found it necessary to announce a moratorium on haddock fishing at George's Bank, recognizing that it was the only way to preserve the depleted stock. The consequence has been a greater and greater need for fishermen to turn to new and under-utilized species. But the economic impact of the past few years has left them unable to take this step forward and, therefore, prevented them from effectively competing with other nations. They are caught in a vicious circle which could ultimately work their destruction.

I have been in touch with the Department of the Interior on the haddock situation along with my colleagues in the Congress and officials in Massachusetts. Former Secretary Hickel declared the New England fisheries a "resource disaster" which brought some assistance through emergency funds. But, small stopgap funds are insufficient. Much more aid is required.

Mr. President, I have supplied this background information because I believe that it is important to realize the extremely serious nature of the current situation as well as the potential for the industry to renew itself, if we make a genuine commitment.

The situation is summarized in the January 1969 Report of Marine Sciences Affairs, prepared by the National Council on Marine Resources and Engineering Development:

> The United States has become the world's most lucrative market for fishery products with a two year increase in demand during the past ten years. However, while the fishing catch worldwide and off our coast has tripled during the past two decades, the total catch by U.S. fishermen has slightly declined, with the United States now sixth among the fishing nations of the world. The problem in U.S. fisheries is further aggravated by the fact that foreign fishermen take most of the catch from the highly productively high seas fishing grounds off the U.S. coast and about three-fourths of our domestic demand is satisfied by imports.

Several factors have contributed to this decline—overlapping and contradictory Federal, State, and local regulations; depletion of species through overconcentration, high costs for building and insuring vessels, fragmentation of the industry and so on.

We have not taken steps to modernize our fleets or fishing techniques at a time when foreign countries subsidize such modernization in their own fleets. We lack both adequate vessels and equipment. Methods for locating fish are so crude that fishermen spend about 50 percent of their time simply searching out suitable fish.

Because fishing vessels or fleets are often traditionally, family owned, there is a lack of capital for real improvement. Declining economic conditions have made it more and more difficult for fishermen to obtain loans from banks or other sources and therefore, the supply of risk capital is also limited. Few large companies are entering the field as there is little hope of immediate profit in the business.

The relative unfavorable competitive position of our fishing industry has been most affected by the forms of assistance—especially subsidies that are given by foreign nations to their own fleets. Even if we could overcome this obstacle, the lower prices of imports would continue to exert great pressure on our domestic market. This is all the more reason why we should lead and not follow on fisheries development.

The great delay in Federal action on antidumping and other related charges brought by the fishermen is also unnecessary and disruptive, and I urge the Department of the Treasury to move with deliberate speed on these measures.

The foregoing profile of our fishing industry is certainly dismal, but not without hope. A growing and vital fishing industry could stimulate economic development at home and abroad, develop new tools for dealing with hunger and malnutrition here and in developing nations, improve our balance of payments, increase our technical and research capabilities for tapping the vast potential resources of the ocean, enhance our position as a world maritime leader and confirm that given a new chance, the American economy can and does adapt to new conditions.

Three years ago, in the 90th Congress, I introduced S. 2426 to improve our fishing industry through a comprehensive and coordinated program. Unfortunately the Senate did not act on the bill. The Fisheries Development Act of 1971 incorporates many of those first proposals and takes into account the present condition of the industry. We must act immediately to meet the present emergency and to solve the underlying factors that have contributed to this crisis.

To assist in revitalizing the fishing industry and returning it to its rightful position as a world leader, I propose the following eight step program.

First, creation of a fishermen's extension service.

Fundamental to the decline in the fishing industry has been the failure to keep abreast of changing technology. Foreign countries are constantly reequipping their ships with new and costly equipment. And they are passing on the latest advancements in knowledge to all parts of the industry.

In the United States, on the other hand, the dissemination of information and assistance is wholly haphazard and unorganized. Vast amounts of valuable information are gathered by the more than 20 Federal agencies that are involved with oceanography, but they are not systematized or centralized into any single location.

Section 102 of this bill provides for the establishment in the Department of the Interior, a fisheries extension program to correlate and deliver information and research results to all phases of the industry.

The Service would provide a vital link between the fishermen and the academic community. It would promote a continued educational program on fishing technology, marketing procedures and processing techniques. It would instruct and offer practical demonstrations. In addition, the Service would retain critical information on Government assistance programs and would encourage communication between the various sectors of the industry.

The bill authorizes $10 million for fiscal year 1972, $15 million for fiscal year 1973, and $20 million for fiscal 1974.

Second, establishment of a program of technical assistance grants.

Our fishing industry can be strong and vigorous only if we take advantage of modern equipment and methods and constantly seek newer and better ways to fish. Sonar gear, which is already standard aboard foreign ships has not yet been fully introduced aboard American vessels. As a result, we have lost significant opportunities for cost reduction.

Section 103 provides for grants to finance demonstration projects and to assist in the purchase of advanced equipment to modernize our fishing fleets.

Some examples might be demonstrations of the effectiveness of new sonar equipment, of central fleet radio direction, of mechanized harvesting devices, of the use of computers to forecast areas of probable productivity of new methods of shellfish farming and of various techniques of aquaculture.

Authorizations under this bill would be for $5 million for fiscal 1972, $7.5 million for fiscal 1973, and $10 million for fiscal 1974.

Third, encouragement of expansion into new species.

As the depletion of haddock at Georges Bank so vividly points out, the overexploitation of certain species ultimately threatens their survival and the survival of fishermen who depend on that species for a living. A balanced program and therefore a more stable industry can only be assured if we move on to the underexploited species.

To make this possible, markets must be created and vessels must be reequipped. This bill gives assistance toward both of these goals in section 104 and title II.

Section 104 provides $5 million for 3 years to enable those fleets interested in fishing new or underutilized species to acquire the necessary gear. Further money and assistance is also made available for emergency situations, such as we presently have in New England.

Fourth, establishment of a comprehensive study and review of existing regulations at all levels of Government.

Presently, fishing is governed by a mass of overlapping fractionalized, contradictory regulations, many of which are now obsolete or simply unworkable.

Section 105 directs the Secretary of the Interior to undertake a comprehensive review of existing fishing regulations and to develop a series of model codes suitable for adoption by the States. These would be designed to reconcile the competing ends of sport and commercial fishermen, to facilitate communications with and between different commercial fisheries, and to preserve and conserve our present marine resources. One million dollars is authorized for fiscal year 1971 to commence the study.

Fifth, review and constantly evaluate the fish import situation.

We all realize that the rising amounts of imports comprises the most immediate and serious threat to our fishing industry. Section 106 of my bill calls for a semiannual report by the Secretary of the Interior to the President and to Congress on the importation of seafood products. The report would include a profile of the quantity and value of imports for the preceding 6-month period broken down by country of origin and tariff category. It would also include projected amounts of imports for the following 6 months and an analysis of the effect of imports on the domestic fisheries.

Sixth, expand research of fish-protein concentrate.

The development of fish protein concentrate promises to be the most important breakthrough in fish processing in this century. FPC is odorless, tasteless, highly nutritious, and inexpensive. It can be easily stored, easily shipped and could open up world markets for American fisheries. The widespread utilization of FPC as a dietary supplement could stimulate a revolution in American fishing, and minimal investments now will return enormous amounts.

Congress has already authorized funds for the establishment of one FPC plant and the leasing of another, and some preliminary work is already underway. But little research has transpired in the effects of reducing fatty fish to FPC and many other significant factors have gone unexamined.

Section 107 would increase the funds available for such research. It adds to present legislation an authorization of $1.5 million annually toward this end.

Seventh, grants to fishermen's cooperative associations.

Cooperatives can be highly efficient in coordinating and assisting fishermen in a given port or area. The Port Judith Fishermen's Cooperative in New England has had relatively high success at organizing 50 medium and small offshore draggers in Rhode Island. The cooperative has existed for more than 20 years now handling all aspects of the fishing trade.

The model can be applied almost anywhere, but funding needs have prevented this. Section 108 of the bill would grant $3 million annually for the next 3 years to fishermen's cooperatives.

Eighth, authorize and assist the formation of fisheries marketing agreements.

Title II would assist fishermen, processors, cooperatives and other organizations to form voluntary associations for specific purposes. This would include group efforts to market products, promote the development of new products, conduct marketing research, and undertake promotional campaigns, and so on. Title II would provide limited exemption from the antitrust laws to such voluntary, dues-paying groups.

Analogous marketing associations have proved highly successful in agriculture and there is every reason to expect the same success in fisheries.

Fishing cooperatives could maintain quotas on marketing and establish reserve stocks to prevent serious seasonal price fluctuations. They could establish quality standards to increase public interest and trust in their products and promote research and advertising campaigns to increase per capita consumption of fish and fish products in the United States. They could be the impetus behind movement toward new species. Such agreements would help fishermen to help themselves.

Mr. President, I have met and talked with fishermen from Massachusetts, from New England, and from other areas and I have seen their frustration with the present situation, and most of all their discouragement. But I have also seen their pride, their courage, and their tremendous dedication. For century upon century, they have been valued citizens and a most significant part of this Nation's economic resources. Daily, in stormy, cold, and difficult conditions, they have faced the sea and risked their lives, producing at one time more than enough fish to supply the entire Nation. Fathers handed down their skills, their profession, and their love of it to their sons and to their grandsons.

It is these qualities that enable them to brave long weeks at sea, far from their families, for very modest economic returns. And it is these qualities that convince me that with coordination, and minimal assistance at this critical time, our fishermen have the strength and the determination to prevail.

Fishermen, boatowners, and processors can work together for their common good. Fishermen from Gloucester, New Bedford, and Boston have recognized the importance of working together and Maine, Rhode Island, and Massachusetts, along with other fishing States will hopefully commence cooperating and thus gain stature and force by presenting a united, common front.

I have great admiration for the fishermen of my State and New England for their efforts to cooperate in the vigorous pursuit of their needs. I look forward to working closely with these leaders to prescribe and facilitate a unified industry that will assist our efforts here in Washington.

The fishing families of New Bedford, Gloucester, and Boston are anxious to preserve their industry and they are prepared to work hard to do so. The same holds true for fishermen throughout the Nation. For, the decline of the fishing industry is not exclusive to New England; it is occurring in similar proportions in all areas of this country that depend on fishing as a livelihood for its citizens—the Atlantic coast, the Pacific coast, the Gulf States, and the Great Lakes.

And so, while the situation at present is certainly alarming, there should be little cause for hopelessness if Congress is willing to take the steps that are required. We have the knowledge, the means, the desire, and the dedication. What we need is a comprehensive, forward-looking program and a genuine determination to bring about the rejuvenation of the American commercial fishing industry.

This kind of rebirth is essential. It can result in new jobs for fishermen and processors. It can mean increased orders for shipbuilders and suppliers. It can mean restoring our port facilities. It can mean more food for the hungry people of the United States and indeed the world. It can mean increased tax revenue for our hard-pressed municipalities.

It can mean the repair of the faded reputation of the American fishing industry—a fine reputation from the time when the sailing schooners of New Bedford, Gloucester, and Boston represented the crest of world fishing ability and knowledge.

These proposals are not a panacea for all the problems of the fishing industry. Instead, they should be viewed as part of the overall effort.

However the urgency of the situation is more than clear. A firm commitment now can save the fishing industry for the future. The bill I introduce today reaffirms my own commitment to this worthy effort. I believe that this bill could be of crucial significance to our fishermen and I ask for favorable and deliberate action by the Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 221) to provide certain essential assistance to the U.S. fishing industry, introduced by Mr. KENNEDY, was received, read twice by its title and referred to the Committee on Commerce.

S. 222—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE CANYON COUNTRY NATIONAL PARKWAY, UTAH

Mr. MOSS. Mr. President, I am again introducing my bill to establish a Canyon Country National Parkway through southeastern Utah from Arizona to Colorado. This bill was before the 89th, 90th, and 91st Congresses, but no action was taken for several reasons.

The first reason is that this is a companion, to some extent to the bill (S. 26) extending the boundaries of Canyonlands National Park, which passed the Senate last session, but died in the House, and which I have reintroduced this session. It has been my policy to complete action first on the park extension bill and then to bring up the parkway bill after the new boundaries of the park are settled. The parkway bill would skirt the park and perhaps even cross some areas.

The second reason I have not pushed the parkway bill is that the Four Corners Regional Commission, which embraces all of the counties through which the parkway would run, has in the process two studies, the conclusions of which could give definite guidance to parkway planning and development. The first study is on tourism and recreation potentials in the Four Corners Area, and the second on transportation, with special emphasis on the roads which are needed and where they might well be built. Both studies are scheduled for completion in the spring of this year, 1971. It is important that action on this bill be tied in with Commission plans. It is complementary to them.

However, there is no doubt in my mind as to the desirability of a desert wilderness parkway of the type envisioned by my bill. The parkway would connect the spectacular Glen Canyon Dam with Canyonlands National Park and with the Colorado National Monument. It would traverse what is perhaps the world's most scenic area. Most of this area is now accessible only by packhorse.

The parkway would run in a northeasterly direction paralleling the north shore of Lake Powell through the Glen Canyon recreation area for about 100 miles, with connecting spurs out into the recreation area to special points of interest. It would skirt, or perhaps cut across, the northwest corner of Canyonlands National Park and traverse the recreation area west of the Maze. Along the northern boundary of Canyonlands, the road would swing eastward across the Green River and down to the Colorado River near the town of Moab, Utah. It would then proceed northeastward along the bank of the Colorado River to the vicinity of "Dewey Bridge" where it would cross the Dolores River. The route would continue through Glade Park and reach a terminus on Route I–70 at Grand Junction, Colo. The entire parkway would total about 400 miles.

Since Lake Powell was created, it has become a major recreation area for outdoor enthusiasts. The number of people enjoying the Lake Powell area has quadrupled in the last 4 years—the National Park Service record of attendance shows 196,000 people visited the lake in 1964, the first year the reservoir filled, and 789,000 came in 1970. Lake Powell's fame is spreading, and will continue to spread.

Canyonlands National Park, established in 1964, has also attracted many visitors and their number will increase as the roads in the park are completed.

There is no direct connecting link between the Lake Powell area and the Canyonlands area. Nor is there any way to cross the interesting country north of Canyonlands, and to see the scenery along the Colorado River north and east of Moab, into Colorado. All this scenery is most unusual. A road which would allow tourists to drive along Lake Powell to Canyonlands National Park would allow them to enjoy both attractions in one trip, and then, if they wished, to enjoy the splendors of the upper reaches of the Colorado and the Colorado Monument. As a scenic drive, the Canyon Country Parkway would be unparalleled anywhere.

Mr. President, southern Utah is becoming one of the Nation's most popular western playgrounds. There are canyons by the hundreds waiting to be explored, many of them still inaccessible except by packhorse. There is a sculptured beauty and magnificent vistas and sun and solitude.

We must build access roads into the Glen Canyon Recreation Area and into Canyonlands Park which will reveal some of this spectacular scenery. I hope to increase beauty in Canyonlands through the passage of S. 26. But we have only begun to explore the area.

A Canyon Country National Parkway would make more of this scenery accessible and enjoyable to the American people. It would be a ribbon of beauty in our golden circle of National Parks.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 222) to provide for the establishment and administration of the Canyon Country National Parkway in the State of Utah, and for other purposes, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 223—INTRODUCTION OF A BILL TO PROVIDE FOR AIRPORTS ON INDIAN RESERVATIONS

Mr. MOSS. Mr. President, although there are a few airports located on Indian reservations, there is no pattern for their establishment. I am therefore today introducing a bill to give the Department of the Interior generally authority to establish airports on Indian reservations, provided, of course, that the airport is included in revision then current for the national airport plan formulated by the Administrator of the Federal Aviation Administration, pursuant to the provisions of the Federal Airport Act.

The bill I am introducing also provides that the airport must be maintained in accordance with the standards, rules and regulations provided by the Administration of the Federal Aviation Administration.

S. 231—INTRODUCTION OF A BILL TO PROVIDE AN EQUITABLE SYSTEM FOR FIXING AND ADJUSTING RATE EMPLOYEES OF THE FEDERAL GOVERNMENT

Mr. MOSS. Mr. President, last session the Congress passed a bill to provide by statute an equitable system for fixing and adjusting the rates of pay of prevailing rate employees of the Federal Government.

Although there was general agreement that Federal workers in the blue collar or prevailing rate field had suffered gross inequities for many years, and that changes in the system of adjusting and fixing their compensation rates were justified, President Nixon vetoed the bill. The veto came in the closing hours of the 91st Congress, and was a deep disappointment both to those of us who had sponsored and pressed for the legislation, and those who would have benefited by it.

I am today therefore introducing a bill which will bring again before the Congress the subject of wage rates for the blue collar worker, and of the method of setting those rates. I cannot stress too strongly the need for early consideration of this measure.

As my colleagues know, prevailing rate employees make up about 27 percent of Federal workers paid exclusively from appropriated funds. There are also thousands of employees included in the nonappropriated fund lists, and when these are added, the total number of blue collar or prevailing rate employees in the Federal Government approaches 800,000. Some 17,500 of them are in my State of Utah.

The prevailing wage employee is among the lowest paid in the Federal Government. Wage grade employes, for example, earn on the average 16 percent less than classified workers or those in the postal field service. These are the men and women who are being hardest hit by our constantly rising prices, yet they are the ones we have turned our back on. They are the stepchildren of Government service.

This bill I am introducing will set up 10 steps in pay differential, which will not only correct the blatant inequities of the present three-step system but will set up a range of rates so that Federal wage board employees can win comparability with private industry, which operates successfully under a similar range of rates.

At the present time, the pay differential for the classified white collar worker is about 30 percent; the pay differential of the blue collar worker in private enterprise follows a similar pattern. But the wage board blue collar worker in Federal installations can only increase his rate of pay by 8 percent. How then, under existing rules, do you reward these employees, particularly since most of them are in the final step shortly after they begin work?

Supervisors are given the privilege of a five in-grade system now, so they can enjoy continued financial rewards while the workers they supervise are stuck in the morass of an inflexible grade system.

This bill would also establish a Federal Prevailing Rate Advisory Committee within the Civil Service Commission with an impartial chairman appointed by the President—a chairman wedded neither to management nor unions—to insure that the broad interests of both sides are represented and protected.

The measure provides that five members of the Committee shall be appointed by the Chairman of the Civil Service Commission from among labor unions representing the largest number of prevailing rate employees under exclusive recognition in Government service and that management officials, five in number, shall be appointed from each of the four executive agencies—other than the Civil Service Commission—and military departments having the largest number of prevailing rate employees and an employee of the Civil Service Commission appointed by its Chairman.

Another important feature of the bill is that it would include in the provisions the forgotten people of the Federal service—the nonappropriated fund workers—who would receive the same benefits as the wage grade workers.

This bill is vital to the welfare of the Federal service. These workers have been more than patient in waiting for its passage but their patience is growing thin.

We must now move to correct the mishmash of antiquated executive orders and chaotic regulations under which they work, and provide by law a sound and equitable system.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 231) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, was received, read twice, and referred to the Committee on Post Office and Civil Service.

S. 233—INTRODUCTION OF A BILL RELATING TO THE SHIPMENT AT GOVERNMENT EXPENSE OF MOTOR VEHICLES OWNED BY MEMBERS OF THE ARMED FORCES

Mr. STEVENS. Mr. President, for myself and my colleague (Mr. GRAVEL), I introduce a bill to amend section 2634 of title 10, United States Code, to authorize the military departments, in certain cases to ship automobiles to and from the State of Alaska by commercial motor carrier via the Alaska ferry system, and by means of other surface transportation.

Mr. President, this bill would give the military departments more flexibility in moving privately owned automobiles of military personnel stationed in Alaska to and from Alaska in that it would allow shipment by water transportation, railroad transportation, or a combination thereof.

At the present time, there is only one carrier serving Anchorage directly by water. The language of the existing law prohibits use of any mode of transportation except a water carrier. This means that under existing law the carriers serving Anchorage by water have all the military privately owned vehicle business. There are other land carriers interested in the business, who would be able to compete.

In addition, the military departments have indicated in the past, and I am certain that feeling has not changed now, that they would like to have several modes to choose from. As a rule, competition for Government business keeps Government costs down. Therefore, Mr. President, if my bill is enacted, benefits will be threefold:

First, it will allow several carriers to bid on the military business to and from Alaska.

Second, it will give the military departments greater flexibility in their contracting authority.

Third, it will assure the taxpayers that transportation of the vehicles is being provided the Government at the lowest possible cost.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 233), to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed services, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the Record, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2634 of title 10, United States Code, is amended by—

(1) striking out the word "or" at the end of clause (1);

(2) striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "or"; and

(3) adding at the end thereof a new clause as follows:

"(3) in the case of movements to and from Alaska, by commercial motor carrier via highways and the Alaska ferry system or other surface transportation between customary ports of embarkation and debarkation, if such means of transport does not exceed the cost to the United States of other authorized means.

S. 234—INTRODUCTION OF A BILL TO CONVEY THE INTEREST OF THE UNITED STATES IN CERTAIN PROPERTY IN FAIRBANKS, ALASKA, TO HILLCREST, INC.

Mr. STEVENS. Mr. President, for myself and my colleague (Mr. Gravel) I introduce, for appropriate reference, a bill which would authorize conveyance of all right, title, and interest of the United States reserved or retained in certain lands, in Fairbanks, Alaska, which were conveyed to the Hillcrest Home for Boys under the Recreation and Public Purposes Act of January 24, 1961.

Hillcrest Home for Boys was first organized at a meeting at the Eagle's Hall on September 11, 1958. Hillcrest, a home for boys without a home, is a community project and will accept all boys without regard to race, creed, or color. It is not a detention home nor a correctional institution. Rather, it is a home to live in during their 4 years of high school. Hillcrest will provide housing, school guidance, counseling, part-time opportunities for work, and the interest and care of a director who presides at Hillcrest.

Surveys have made apparent the need for Hillcrest, and Hillcrest has the support of both public and private agencies and service groups. Hillcrest plans to cooperate to the fullest degree possible with others in the field including Federal, State, and private organizations.

Hillcrest currently accommodates nine boys, and all available funds are needed to maintain the operation as is. Hillcrest wants to expand their facilities to accommodate up to 20 boys, a situation which is financially impossible now. If title were granted to Hillcrest for the land, a portion of the land could be sold to finance the desired expansion of their facilities. Currently, boys waiting to get into Hillcrest are housed in the State jail—a situation which is certainly not desirable. The entire concept of Hillcrest rests on taking disadvantaged youngsters and giving them the best possible environment and hope for the future.

Hillcrest is the only private institution in the State of Alaska which handles boys of this age group. These young men represent an important resource for Alaska and the Nation, and we should do our best to see that they are properly taken care of through the high school years.

The land in question, acquired under the Recreation and Public Purposes Act, can be used as income property if the bill I introduced today is favorably considered.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 234), to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc., was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to Hillcrest, Incorporated, without consideration, all of the right, title, and interest of the United States in and to the tract of land (together with any buildings or other improvements thereon) described as the southeast quarter, section 26, township 1 north, range 2 west, Fairbanks meridian, such tract being the tract conditionally patented to Hillcrest, Incorporated, by patent numbered 1216565 under the Recreation and Public Purposes Act of June 14, 1926 (43 U.S.C. 869), for use as a home for juvenile boys.

S. 235—INTRODUCTION OF A BILL DESIGNATING THE POST CEMETERY AT FORT RICHARDSON, ALASKA, AS A NATIONAL CEMETERY

Mr. STEVENS. Mr. President, during the last session of Congress, I introduced S. 2626, which designated the post cemetery at Fort Richardson as a national cemetery. Unfortunately, this legislation was not acted on, but Senator Gravel and I are hopeful that with the creation of the new Veterans Committee, and the increased need in my State for a second national cemetery, action might be taken early in this Congress on this legislation.

The citizens of Alaska have never hesitated to step forward when their country has called. The service record of Alaska's veterans is long and distinguished, ranking proudly with any State in the Nation.

However, the veterans of my State are being denied one of the basic privileges that all veterans in this Nation receive. This is the privilege to be buried in a national cemetery.

Currently, there is a national cemetery in Alaska, located in Sitka. However, it is far removed from many population centers of the State, and it works an extreme hardship and expense upon the families of many veterans who wish to bury their deceased veterans there. Transportation costs are high, and the final resting place of the veteran is far away from his loved ones in other parts of Alaska. Alaska is a huge State, being over one-fifth the size of the entire continental United States together. Our transportation system is very inadequate, and travel between different areas is difficult and expensive. Often, the only method of travel is by sea or air. For an area as large as Alaska, having only one national cemetery is a hardship. The Sitka Cemetery is adequately located for citizens of southeastern Alaska but very much removed from the citizens of the central and southcentral areas. The situation is the same as if the people of Los Angeles had to bury their loved ones in Sacramento and then were only able to visit the cemetery by air or boat. I think the inadequacy of the present situation is evident.

For several years there has been discussion of establishing a new national cemetery in central or south-central Alaska to better serve the large population of the railbelt area. However, the entire national cemetery program is currently under review, and it is presently impossible to establish an entirely new national cemetery until the administrative problems of that review are settled.

Nonetheless, I feel that, in the interim, the veterans of Alaska should have access to a proper national cemetery, convenient to their homes and loved ones.

Consequently, I am today introducing S. 235 which would designate the existing post cemetery at Fort Richardson, Alaska, as a national cemetery. The cemetery facilities already exist there, and it is a matter of little or no money and a minor administrative change to provide the veterans of this area with a national cemetery within reach of their homes. This is a step which would not conflict with the current policy of not establishing entirely new national cemeteries and yet provide a basic service to many deserving veterans.

The people of Alaska are extremely interested in seeing that a centrally located national cemetery is established in Alaska. The State legislature has passed a resolution calling for the establishment of a national cemetery in the Cook Inlet-Tanana Basin area of Alaska and all of the veterans' organizations in the State have expressed their wholehearted approval and support for such a measure.

Despite the fact that there is a moratorium on establishing new national cemeteries, I feel that it is both desirable and feasible to designate the existing facility at Fort Richardson as a national cemetery without upsetting the national review now underway. This is a simple thing to do, but it would have the greatest benefit for thousands of veterans in my State. I hope that the Congress will see fit to accord these veterans the same rights and privileges that veterans in all the rest of the Nation receive.

At this point, I ask unanimous consent that the text of S. 235 be printed in the Record.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 235), to provide for the establishment of the post cemetery at Fort Richardson, Alaska, as a national cemetery, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to establish a national cemetery at Fort Richardson, Alaska. The secretary shall include within the boundaries of such national cemetery the grounds presently set aside for use as a post cemetery at Fort Richardson and shall include within the boundaries of such national cemetery such other lands under his jurisdiction at Fort Richardson as he deems necessary or appropriate.

Sec. 2. The Secretary of the Army shall provide for the care and maintenance of the national cemetery established under authority of this Act.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 236—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY TO THE CITY OF ANCHORAGE, ALASKA, INTERESTS OF THE UNITED STATES IN CERTAIN LANDS

Mr. STEVENS. Mr. President, I have today introduced, on behalf of myself and Mr. Gravel, legislation which would give the city of Anchorage greater freedom of action in administering city hall property. My bill would grant title in fee to the Anchorage City Hall property and remove the restriction that this property must be used for municipal purposes.

We are hopeful that this body can take early action on this very important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 236), to authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to transfer by quitclaim deed or other appropriate means, without consideration, to the city of Anchorage, Alaska, all right, title, and interest remaining in the United States in and to block 42 of Anchorage townsite (proper) which was conveyed to the city of Anchorage by Patent Numbered 873718 (dated July 27, 1922), and Patent Numbered 1117601 (dated December 8, 1943), and block 52 of Anchorage townsite (proper) which was so conveyed by Patent Numbered 873718 (dated July 27, 1922).

S. 237—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND TO THE CITY OF ANCHORAGE, ALASKA

Mr. STEVENS. Mr. President, for myself and my colleague, Mr. Gravel, I am today introducing a bill which authorizes the Secretary of the Interior to convey the Alaska Railroad Employees Club property on Government Hill to the city of Anchorage. Much interest has been expressed by residents of Anchorage in this property, and I am hopeful that hearings can be held early on this important legislation, and I ask unanimous consent that the bill be reprinted in full immediately following my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 237), to authorize the Secretary of the Interior to convey certain land to the city of Anchorage, Alaska, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the city of Anchorage, Alaska, all the right, title, and interest of the United States in and to the tract described in section 2 of this Act, and the improvements thereon.

Sec. 2. The tract to be conveyed under the first section of this Act is a parcel of land lying within the Alaska Railroad Terminal Reserve at Anchorage, Alaska, adjacent to the north addition to the Anchorage townsite and is more specifically described as follows: Beginning at corner 7 of United States survey 3047;

thence north 61 degrees 11 minutes 30 seconds east 240.73 feet;

thence south 28 degrees 48 minutes 30 seconds east 91.94 feet;

thence south 74 degrees 24 minutes east 86.31 feet;

thence south 15 degrees 36 minutes west 384.37 feet;

thence south 46 degrees 36 minutes west 161.91 feet;

thence south 74 degrees 41 minutes 35 seconds west 161.63 feet;

thence north 70 degrees 31 minutes 30 seconds west 179.23 feet;

thence north 19 degrees 28 minutes 30 seconds east 431.35 feet;

thence north 54 degrees 28 minutes 30 seconds east 78.27 feet,

more or less, to the point of beginning, containing approximately 4.70 acres.

Sec. 3. The conveyance made under this Act shall be without monetary consideration, but subject to the provision that if within twenty-five years after the lands are conveyed by the Secretary of the Interior, the city of Anchorage attempts to transfer title to or control over the tract to another, or the tract is devoted, in whole or in part, to other than recreational or public purposes, without the consent of the Secretary of the Interior, title to the tract automatically shall revert to the United States. The acceptance of any instrument of conveyance under this Act by the city of Anchorage shall constitute an agreement by the city that a determination of the Secretary of the Interior that a breach of the requirements of this section has occurred shall be conclusive with respect to the necessary facts constituting such a breach.

Sec. 4. The conveyance authorized by the Act shall be made subject to the terms and conditions contained in the sublease of the Anchorage Curling Club, Incorporated, dated September 15, 1964.

S. 239—INTRODUCTION OF A BILL TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. STEVENS. Mr. President, on behalf of my colleague (Mr. Gravel) of the senior Senator from Texas (Mr. Tower) and the junior Senator from Nevada (Mr. Cannon), I am introducing a bill to amend the Federal Property and Administrative Services Act of 1949, as amended.

This bill was introduced in the 90th Congress by my good friend and former Senator from the State of Alaska, Ernest Gruening. His bill was cosponsored by our late Senator, Bob Bartlett. It passed the Senate but failed to obtain approval of the House of Representatives.

The bill provides that property which has been declared excess to the needs of Federal agencies will be made available to State and local agencies before such property could be obtained by the Agency for International Development.

Much of the equipment now acquired by AID is stored for long periods until a foreign government requests it. And in many other cases, valuable equipment is given to a foreign government that is unable to use it or unable to maintain it. In any event, our American State and local agencies will be able to make good use of much of the surplus property, at a lower cost to the American taxpayer than now exists.

Considering the grave situations, both social and monetary, that exist in many of our States, we feel that our problems and people should have the first option on the use of excess Federal properties. These properties were purchased with the taxpayers' money in the first place and it is unfair and unwise to expect them to pay again for items identical to those already sitting in Federal warehouses, awaiting shipment overseas.

I ask unanimous consent that the text of this bill be printed at this point in my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 239) to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes, introduced by Mr. Stevens (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 203(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, is further amended to read as follows: "Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to donate without cost (except for costs of care and handling and, with respect to excess property described herein, costs of transportation and repair) for use in any State for purposes of education, public health, or civil defense, or for research for any such purpose any equipment, materials, books, or other supplies (including those capitalized in a working capital or similar fund) under the control or any executive agency which—

"(i) Shall have been determined to be surplus property; or

"(ii) shall have been determined to the excess property and is being held under section 608 of Public Law 87–195 (75 Stat. 424), approved September 4, 1961, as amended, which property shall be offered to designated State agencies, as herein defined, before being offered to any other eligible donee; and

"(iii) shall have been determined under paragraph (2), (3), or (4) of this subsection to be usable and necessary for such purpose."

S. 241—INTRODUCTION OF A BILL RELATING TO REVENUE SHARING—LOCAL GOVERNMENT MODERNIZATION INCENTIVE

Mr. HUMPHREY. Mr. President, State and local governments need to change. Remaining frozen in the status quo is an invitation to bureaucratic lethargy and governmental paralysis.

Change and reform in government, its processes and policies is essential to keeping government responsive to the needs of the people government serves. Failure to keep State and local governments up to date leaves the governed with an inefficient system that becomes increasingly costly while providing less and less service.

I offer for Senate consideration, today, legislation that will provide financial incentives to State and local governments to reform and streamline themselves. This bill, introduced in the House on January 21, by Congressman Henry Reuss, would provide block grants to those State and local governments that demonstrate a willingness to update their governmental systems and processes.

The administration's approach to revenue sharing gives no incentive to State and local governments to streamline so they can function more efficiently. What we need is a revitalized federal system, not perpetuation of the status quo. The Humphrey-Reuss bill would relieve the fiscal crisis of States and localities by sharing revenues over and above what the Federal Government at present distributes in categorical grants; it would use revenue sharing to encourage State and local governments to modernize their structures so the shared funds can be spent with greatest effect.

The Humphrey-Reuss revenue-sharing bill has these features:

FUNDING

The bill would provide revenue sharing of $3 billion for fiscal 1972, $5 billion for fiscal 1973, $7 billion for fiscal 1974, and $9 billion for fiscal 1975.

If the administration will take steps to put our country on a full-employment-without-inflation course, and to reorder our priorities, enlarged revenues will permit the Federal Government to perform its necessary functions, balance its budget, and still have adequate revenues left over for revenue sharing.

However, any revenue sharing that is passed into law, must make clear that the funds being distributed to the States and localities are over and above those funds now being distributed to them on a grant or matching basis. Merely switching the structure by which local government receives funds already being allocated to them, provides no solution to their fiscal crisis. Representatives of the States, counties, and cities, have made this point quite clear. What is needed is more help for the States and localities, not a manipulation of the distribution system.

QUALIFICATIONS

The administration's most recent approach to revenue sharing did not include any incentives to the States and localities to update and streamline their governmental structures. I understand, however, that the next version will contain some of the incentive philosophy and local share negotiation process, outlined in the Humphrey-Reuss bill. I welcome this implicit support from the administration for the most essential part of our bill. The heart of our legislation is a requirement that States qualify for revenue sharing, in the second and subsequent years of the program, by preparing a master plan and timetable for modernizing State and local government.

Effective State and local participation in "Creative Federalism" requires this modernization. The Humphrey-Reuss bill also includes a list of reforms that States and localities might wish to consider in drawing up their master plan for governmental updating and streamlining.

This list of possible reforms can serve to alert the States and localities to those areas of reform most needed in their own systems and processes of government.

STATE INCOME TAX INCENTIVE

The bill gives double weighting to the income tax efforts of the States after July 1, 1974, in the formula used to apportion funds among the States. States lacking income taxes thus have an incentive to adopt them and have time to take the necessary legislative steps to enact them.

Presently, Connecticut, Florida, Nevada, Ohio, Pennsylvania, South Dakota, Texas, Washington, and Wyoming have no income tax at all, and compete unfairly for industry with the States which have such a tax. Four States have narrowly based income taxes; New Hampshire, New Jersey, Rhode Island, and Tennessee, and five States: Illinois, Indiana, Massachusetts, Michigan, and Mississippi, have income taxes with the same rate for both rich and poor.

ALLOCATION TO LOCALITIES

The bill includes a negotiation process whereby the States, counties, and municipalities can work out the allocation of funds. This negotiation process incorporates allocation procedures recently worked out by the national organizations of cities, mayors, Governors, and counties.

First. A State will get a 10-percent bonus in its portion of the Federal revenue-sharing total as it meets with and negotiates an agreement with a representative number of county and city governments determining: First, the State-local split and, second, the local distribution of these funds.

Second. If a State does not negotiate, it must pass through to its localities an amount that will average over 50 percent nationally. According to the formula set out in the bill, the local share will range from about 30 to 65 percent State by State. Far more than the average contained in the administration's 1969 bill. Distribution of the local share would be determined by State law.

I am particularly pleased with the agreement reached by national State-county-city organizations. I feel that the negotiation of the local pass-through share will also provide a forum for consultation and agreement on a modernization plan.

And a particularly glaring flaw of the administration's plan is avoided by my bill: Mandatory distribution to all 63,000 local governments, whether rich or poor, archaic or efficient. Instead the bill leaves distribution among localities to State law or to intrastate negotiation, thus providing the flexiblity needed to encourage consolidation of inefficient units, and to take account of relative fiscal need and other differences State by State.

CONGRESSIONAL PROCEDURE

The administration's approach to revenue-sharing requires assignment of its bill to the Ways and Means Committee in the House of Representatives. The chairman and ranking minority member have expressed their opposition to any type of revenue-sharing.

My bill avoids this pitfall since the particulars of the legislation have nothing to do with revenue raising or establishment of a trust fund to receive earmarked revenues and will go to the Government Operations Committee. The bill is a straight authorization that must also travel the appropriations route in both Houses of Congress.

Congressman Reuss is a member of the House Government Operations Committee and will be able to facilitate the bill's passage in the House. It is my hope to be assigned to the Senate Government Operations Committee, where I can provide a similar impetus to the bill's favorable consideration.

Mr. President, I firmly believe that revenue-sharing's time has truly come. It has been discussed thoroughly for approximately a decade. I have long supported the concept and am delighted to be able to introduce legislation that I believe will have excellent chances of passage.

I urge my Senate colleagues to give the legislation careful consideration. It provides the means for helping solve the fiscal crises of State and local governments and provides the incentive for States and localities to modernize and streamline themselves and to better utilize these Federal investments and their own local-effort revenues.

Mr. President, I ask unanimous consent that a table listing the percentage of local pass-through be printed in the Record. I also ask unanimous consent that the text of the bill be printed in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and table will be printed in the Record.

The bill (S. 241) to improve intergovernmental relationships, and the economy and efficiency of all levels of Government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government, introduced by Mr. Humphrey, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "State and Local Government Modernization Act of 1971".

FEDERAL BLOCK GRANTS

Sec. 2(a) Authorization of Appropriations.—There is herewith authorized to be appropriated for the fiscal year beginning July 1, 1971, $3 billion; for the fiscal year beginning July 1, 1972, $5 billion; for the fiscal year beginning July 1, 1973, $7 billion; for the fiscal year beginning July 1, 1974, $9 billion; to be paid by the President to all States (and localities within such States) which qualify for Federal block grants.

(b) Determination of "Overall State-Local Share."—Subject to the provisions of subsection (d)(2) of this section, the President shall quarterly make a payment to each State (and to eligible local governments in that State pursuant to subsection (c) or (d) of his section) which is qualified under section 3 of this Act for a Federal block grant of an amount to be known as the "overall state-local share," which shall bear the same ratio to the amount appropriated for that year under subsection (a) of this section as the product of—

(1) the population of the State, and

(2) the State's "revenue-effort ratio" (as determined below),

bears to the sum of the corresponding products for all the States which are qualified for a revenue-sharing payment in that year. The "revenue-effort ratio" for a State shall be the ratio between the sum of all revenues collected in the State by the State and its political subdivisions, and the total personal income for the State. After July 1, 1974, double weight shall be given to income tax revenue. Population, revenue, and income data shall be based on the most recent data available from the Department of Commerce. The term "State" shall include the District of Columbia, which shall receive both the 60 percent and the 40 percent share.

(c) Apportionment of "Overall State-Local Share": General Rule.—

(1) Apportionment between states and local governments.—The "overall State-local share" shall be apportioned between the State government ("State share") and all eligible general purpose local governments in that State ("local government share") in the same ratio as the revenues of the State government bear to the revenues of all units of local government in the State, including school districts and special districts.

(2) Apportionment among local governments.—The "local government share" shall be apportioned among such units of general purpose local government, and according to such a distribution formula, as the State shall by law provide. Such inclusion or exclusion of local governments, and such distribution formula, shall be fair and equitable departing from a per capita or a revenue basis only for the purpose of favoring localities that are relatively more populous, contain relatively more low-income families, or have high local tax burdens in relation to individual income. The chief executive of each State shall keep the President currently informed of the amounts payable to local governments under such State law.

(d) Apportionment of "Overall State-Local Share": Bonus for Negotiation.—

(1) Any state may obtain a 10 percent bonus in its "overall state-local share" if it enacts an apportionment between the state and its localities, and among its localities agreed to (A) by a majority decision of all county governments, representing at least half of all counties by population; and (B) by a majority decision of all governments of municipalities with 2500 or more population representing at least half of all such municipalities by population.

(2) In each fiscal year for which funds for Federal block grants are appropriated pursuant to this Act, the President shall reserve for a specified period prior to the first quarterly payment to qualifying states an amount sufficient to provide a 10 percent bonus for all states. At the expiration of this period, the unclaimed portion of the amount reserved shall become available for distribution to all qualifying states pursuant to subsection (b) of this section and, either subsection (c) of this section or paragraph (1) of this subsection.

(3) The President shall issue regulations to ensure equity to states, which by reason of their local governmental structure, are not able to meet the requirements of paragraph (1) of this subsection.

QUALIFICATIONS FOR BLOCK GRANTS

Sec. 3. In order to qualify for block grants in the first, and subsequent fiscal years, each state shall, within a specified period prior to the first quarterly payment each year, do one of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c) (2) of this Act; *or* (b) enact and file with the President a state-local apportionment agreement (which may from to time be amended) pursuant to section 2(d) (1) of this Act. In order to qualify in the second, and subsequent fiscal years, a state's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing state and local governments, by methods (where appropriate) such as those on the following illustrative checklist—

(1) Interstate: proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) State Direct action: proposed governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for Constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) State action affecting localities: proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including

(A) Changes designed to make local government more efficient and economical, as by

(i) reducing the number of, or eliminating, local governments too small to provide efficient administration, or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policy-makers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multicounty and regional bodies.

(B) Changes designed to strengthen local government in metropolitan areas, as by

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side area-wide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) Changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

REPORTS AND RECOMMENDATIONS

SEC. 4.—The President shall report to the Congress at the end of each fiscal year in which Federal block grants are paid on the progress made by each participating State in carrying out its modern governments program, and, prior to the end of the fourth fiscal year, shall make recommendations to the Congress concerning the future of the Federal block grant program.

The list, presented by Mr. HUMPHREY, is as follows:

Pass-through to localities (1966–67 data)

[In percent]

State:	*Local share*
Alabama	39.22
Alaska	31.45
Arizona	44.58
Arkansas	35.84
California	57.94
Colorado	50.59
Connecticut	51.57
Delaware	28.20
D.C.	-- --
Florida	53.43
Georgia	43.83
Hawaii	28.09
Idaho	42.08
Illinois	57.38
Indiana	48.07
Iowa	52.53
Kansas	52.55
Kentucky	36.95
Louisiana	30.77
Maine	44.79
Maryland	47.72
Massachusetts	53.14
Michigan	46.94
Minnesota	49.25
Mississippi	40.15
Missouri	52.52
Montana	54.48
Nebraska	65.05
Nevada	54.39
New Hampshire	58.54
New Jersey	61.65
New Mexico	27.79
New York	53.48
North Carolina	31.86
North Dakota	43.25
Ohio	58.09
Oklahoma	38.64
Oregon	49.75
Pennsylvania	48.50
Rhode Island	45.13
South Carolina	29.36
South Dakota	54.44
Tennessee	45.29
Texas	49.68
Utah	41.08
Vermont	39.14
Virginia	42.09
Washington	38.29
West Virginia	34.07
Wisconsin	41.91
Wyoming	49.10

S. 244—INTRODUCTION OF A BILL RELATING TO PROPOSED AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. GRAVEL. Mr. President, the Federal Property and Administrative Services Act of 1949 as amended permits donations of certain kinds of Federal surplus property to State education agencies, health, library, and civil defense agencies. The bill I now introduce, on behalf of myself and Senator STEVENS, would extend this opportunity to State fish and game agencies.

We are convinced that substantial benefits could be realized in the important field of fish and wildlife management from the utilization of surplus equipment and materials that could be made available to States under this amendment.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 244) to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies, introduced by Mr. GRAVEL (for himself and Mr. STEVENS), was received, read twice by its title, and referred to the Committee on Government Operations.

S. 245—INTRODUCTION OF A BILL TO ESTABLISH THE OLD KODIAK NATIONAL HISTORIC SITE IN THE STATE OF ALASKA

Mr. GRAVEL. Mr. President, on behalf of myself and Senator STEVENS, I introduce today a bill to authorize the establishment of the Old Kodiak National Historic Site in the State of Alaska.

This historic site will preserve for future generations the Erskine House which dates from 1792–93 and may well be the oldest Russian structure standing in the United States. In addition to its unusual design and esthetic appeal, the structure possesses exceptional value in commemorating the history of the United States.

The Erskine House and accompanying old Russian dock were erected by Alexander Baranov, the Russian Governor of Alaska who was then manager of the Shelikhov-Golikov Co. headquarters in Kodiak.

It is essential if this structure is to be preserved that prompt action be taken. The Erskine House and the desired national site is held by the local public agency for disposal in accordance with the postdisaster urban renewal plan for Kodiak. Therefore, it is important that the National Park Service acquire the Erskine House, the Russian dock, and other related lands to insure the compatibility with historic site purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 245) to authorize the establishment of the Old Kodiak National Historic Site in the State of Alaska, and for other purposes, introduced by Mr. GRAVEL (for himself and Mr. STEVENS), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 247—INTRODUCTION OF A BILL FOR THE RELIEF OF ALBERT G. AND FLORA FELLER

Mr. GRAVEL. Mr. President, on behalf of myself and Senator STEVENS, I introduce today a private bill for the relief of Mr. and Mrs. Albert G. Feller, of Ketchikan, Alaska. On May 24, 1966, the Feller's son, Albert, Jr., was called to Anchorage by the Army for his preinduction physical. The young man was given a transportation request to Anchorage and after he failed his preinduction physical, he was given a transportation request to return to Ketchikan. For unknown reasons, Albert did not use that transportation request on the date for which it was issued. He subsequently drowned in Big Lake near Wasilla, Alaska. The Government was obviously responsible for financing Mr. Feller's return trip to Ketchikan and had, in fact, issued a transportation request for this trip. However, the Government has refused to take the responsibility for shipping Mr. Feller's body back to Ketchikan. Mr. Feller was in Anchorage at Government request and it seems perfectly clear that the Government is liable for Mr. Feller's return costs. This bill will reimburse Mr. and Mrs. Feller, Sr., for the costs, $267.12, of transporting their son's coffin and body from Anchorage to Ketchikan.

The Army states that it has no regulations to cover such contingencies as this. Although the Army agrees that it must pay for the return of any live person who has failed a preinduction physical, the Army feels it has no responsibility to pay for the return of a deceased person who has failed a preinduction physical. In short, coffin transportation is not covered under the transportation request authorized to Albert Feller, Jr. Despite this kind of bureaucratic juggling, I feel that the Government responsibility is obvious and it is time that the wrong done to Mr. and Mrs. Feller be rectified.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 247) for the relief of Albert G. Feller and Flora Feller, introduced by Mr. GRAVEL (for himself and Mr. STEVENS), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 249—INTRODUCTION OF THE NATURE PROTECTION ACT

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, the Nature Protection Act. This legislation will prohibit the hunting, capturing, killing, taking, transporting, selling, or purchasing of any species of fish or wildlife which is in danger of becoming extinct in the United States of America. In addition, the act will prohibit States or their political subdivisions from paying bounties on species whose survival is in jeopardy.

I introduced this bill in the 91st Congress as S. 3888. The response among conservation groups and people interested in protecting our Nation's wildlife was overwhelming. I feel there is substantial public support for this proposal, and I am extremely hopeful that we can have hearings in both Houses on the bill early in this Congress.

I would like to explain the purpose and philosophy of the act.

Mr. President, the sallow air of our cities, the blackened sands of our seashores, our lakes and harbors reeking of sewage and depleted of oxygen are but a part of the sad legacy of the idea that nature can be treated as a servant, blindly obedient to every want, whim or pleasure of man.

In his quest to conquer nature, man has been the only animal to remove himself from his natural ecosystem, and to try to survive in an environment changed and shaped to suit his own convenience. The whole earth has been altered in the process.

For generations, our civilization thought the battle was won. Our sole vision was of a shining road ever ascending in the infinite progress and perfectability of man and his society. Only in the past few years have we begun to realize that our vision has been inverted—that in fact we have been descending into a sewer where air, earth, and water threaten to smother us in our own excrements.

Only recently have we begun to understand that we are and have been transmuting the world ecosystem—upon which all life depends—without even the most elemental ecological knowledge to direct our actions.

Only now we are beginning to perceive that we are involved in a grim struggle to maintain the way of life our people demand, without at the same time making our natural environment hostile to all forms of life, including our own.

Indeed, other life forms find their struggle for existence increasingly difficult because of man's environmental irresponsibility.

The coral reefs of the Pacific are threatened by man's tampering with the marine ecosystem. Almost 50 percent of the ponderosa and jeffrey pine trees in the San Bernardino National Forest are damaged because our air pollution interferes with nature's process of photosynthesis. Our sewage nurtures excessive plant growth in our lakes which depletes the oxygen supply and changes the ecosystem so that the only organisms which can survive are those which do not need air to live.

Among the higher life forms, the toll has been even greater. Some species are already extinct. Others are rare or endangered.

Direct human alteration of the environment is the leading reason species are threatened. Farmers cultivated and irrigated land and destroyed the habitat of many species like the San Joaquin kit fox and the northern greater prairie chicken. Agriculture, pollution, logging, and dozens of other forms of direct human encroachment into natural habitats have threatened the survival of many species.

Excessive hunting and fishing are the second largest threat to animals. Species have been killed for food, skins, sport or as pests. Animals threatened with extinction because of excessive hunting and fishing range from the American ivory-billed woodpecker to the American alligator to the Florida panther.

A number of species—especially birds—have declined because of disease made possible by man. In Hawaii, for example, man introduced mosquitoes, and avian malaria ravaged the islands' bird population.

Man's use of pesticides and other poisons is another reason for decline. In some cases, one species will be killed by eating poison left for another. However, more serious is the indirect destruction of animals by pesticides. The predator accumulates pesticide poisons from the tissue of its prey and is either killed outright or prevented from reproducing. In California the eggs of the peregrine falcon and the brown pelican have become soft shelled and so easily destroyed that the species is seriously threatened. In addition, nonpredators are taking large doses of pesticides and the effect on them—like the effect on man—is not completely known.

And finally, species have declined because of excessive killings by, or competition from, other animals—often animals introduced by man. Feral rabbits introduced by man in the Hawaiian Islands destroyed vegetation; the laysan duck was unable to compete and was nearly wiped out. Also in Hawaii, the Hawaiian dark-rumped petrel was decimated by rats, cats and mongooses. Even fish are threatened by man's introduction of other species. The gila topminnow, to name one, has been badly damaged by exotics.

But, so what? There are far more serious problems confronting the Nation and the world. What difference will it make if the black-footed ferret or the California condor are no longer with us? There are several answers to this question—some simple and some complicated.

The various species and subspecies are a part of the diversity of nature which we should preserve for the education and enjoyment of future generations of man. Animals are fun to see and to experience. Our kids ought to have the same opportunity that our parents had to know and love wildlife and nature. In addition, taxonomists and other specialists within the biological sciences will obviously benefit if we preserve as many life forms as possible.

These reasons, I believe, would most probably be cited by the average person who would like to prevent the extinction of any more species. However, there are more compelling issues at stake here which make the preservation of various life forms a more serious problem than the need to educate our children or to satisfy our scientific or idle curiosity.

Ecology is still a young and growing science. Much remains unknown. In the next decades ecologists will learn more and more about the interrelationships of life forms in our earth's ecosystem. This new knowledge in turn will teach us how man himself must interrelate with his environment in order to survive. It will also teach us how to attain and maintain an environment where survival is both possible and worthwhile.

While we are only on the threshold of ecological understanding, there is at least one major ecological finding which can guide our present policies.

Ecologists have learned that complex and diversified ecosystems are generally stabler and have more compensatory resources to resist invasion from outside plants and animals. Conversely, simple systems or systems with only a few dominant species are more subject to destructive population variations and more vulnerable to invasion by foreign life forms.

When we destroy a complex ecosystem and in its place create a simple one, we have made a life system where survival is less secure and extinction a greater threat. Yet that is what we did when we leveled and fenced the prairies and planted our crops. When we tear down a forest to plant an orchard, we change from a complex to a simple system. Thus, mixed forests are generally less prone to outbreaks of pests than are orchards or even pure stands of trees which may occur naturally.

Another example of man's substitution of a simple system for a complex one is the elimination of a diversity of primary consumers such as elk, deer, and other graze and browse animals—and along with them the secondary consumers such as predators and scavengers.

In its place we substitute a single primary consumer, the cow, who is eaten solely by man, the secondary consumer.

Once these vulnerable simple systems are threatened by invasions, we do not attempt to restore the stronger diverse systems. Just the opposite, we spray the fields with pestcides to kill all the insects, including the predators who might eat the invaders. Thus the system becomes even simpler, and even more vulnerable.

We cannot know where this process will end. Speculation on the question quickly leads into the fancies of science fiction.

But one thing should be obvious: diversity of life forms may be among our most precious natural resources. It follows that we should act now to preserve this diversity for that future day when we have mastered the science of ecology well enough to do sound environmental planning.

If we fail to do this, if we let our native fish and wildlife become extinct, then we will close the door on restoring the natural and complex ecosystems which future knowledge may dictate as essential for the survival of the biosphere, and man himself.

If we kill all the predators, we will be unable to reestablish a natural system. The extinction of the large herbivores will have the same consequence. Yet it is the predators and the large herbivores who are and have been in the greatest trouble because they are least able to survive the onslaught of man's environmental destructiveness.

In the face of our uncertainity about our future environmental needs, it is quintessence of folly to allow any species to disappear.

The Wilderness Act is one excellent method to conserve diversity in nature. I believe the bill I introduce today is another essential step.

Not only will my proposal make it illegal to kill an animal threatened by extinction but it will encourage State game management officials to take steps to provide habitats where rare and endangered species can survive, as I shall explain later.

Time is growing short for many forms of life. Here on just the threshold of understanding the need for diversity in nature, we can see species after species slipping away. This list of American animals which have become extinct within the last years is alarmingly long. Yet with each new compilation the Department of the Interior's list of rare and endangered species grows longer and longer.

A second area where I believe the extinction of species has serious implications has nothing directly to do with the science or the economics of survival, but rather concerns the ethics of man's relationship with other life forms and with nature.

Does man's moral responsibility extend to other life forms?

Animals kill other animals as part of the natural system—and they did so long before man appeared on earth. The foxes, owls, bobcats, snakes, and other predators are an indispensable part of the ecosystem. When they are eliminated, as man has often unwisely done, the populations of their prey, such as rabbits or deer, often explode, with disastrous consequences to the plant life they feed on. Under these circumstances, the human hunter becomes a substitute predator, fulfilling a role in the ecosystem. In turn, we have game laws to make sure he does not overplay the part.

Furthermore, animals became extinct, species vanished for a variety of reasons, and new species appeared, long before man, another new species, walked the planet.

But none of this, it seems to me, in any way justifies or gives us any moral right to ignore the consequences of our tampering with the environment, particularly when such tampering dooms a distinct life form to extinction. We seem to have the attitude that because it is not convenient or economically profitable for us to make the effort to save endangered animals, we are justified in letting them die out.

One of the most profound thinkers of our age, Dr. Albert Schweitzer, said of this question:

> At the same time the man who has become a thinking being feels a compulsion to give to every will-to-live the same reverence for life that he gives to his own. He experiences that other life in his own. He accepts as being good: to preserve life, to promote life, to raise to its highest value life which is capable of development; and as being evil: to destroy life, to injure life, to repress life which is capable of development. This is the absolute, fundamental principle of the moral, and it is a necessity of thought.
>
> The great fault of all ethics hitherto has been that they believed themselves to have to deal only with the relations of man to man. In reality, however, the question is what is his attitude to the world and all life that comes within his reach. A man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellowman, and when he develops himself helpfully to all life that is in need of help. Only the universal ethic of the feeling of responsibility in an ever-widening sphere for all that lives—only that ethic can be founded in thought. The ethic of the relation of man to man is not something apart by itself: it is only a particular relation which results from the universal one.

I can think of no ethic which is more appropriate to the ills of our age than Dr. Schweitzer's ethic of reverence for life, be it human life or the animal and plant life about us.

But, you may say, the wolf kills and so indeed must man if he is to survive. What then of this ethic?

And I must agree, thinking back to last evening's prime rib or rack of lamb, that while I might wish no killing were necessary, our society's institutions will continue to include the slaughterhouse. However, when the wolf kills, he is but an agent in the continuing cycle of life and death. His act, if performed in nature, is part of the ecosystem which enables both the wolf and the deer to survive. Nature undergoes no basic change when an individual animal dies.

But the death of a species is profound, for it means nature has lost one of its components, which played a role in the interrelationship of life on earth.

Here the cycle of birth and death ends. Here there is no life, no chance to begin again—simply a void.

To cause the extinction of a species, whether by commission or omission, is unqualifiedly evil. The prevention of this extinction, thus, must be a tenet among man's moral responsibilities.

Furthermore, in obeisance to the pragmatism of our age, I suspect that the acceptance of the ethic of reverence for life may be crucial in terms of our own survival.

Lynn White, Jr., in an article entitled "The Historical Roots of Our Ecologic Crisis," suggested that Western man needs to revise the Judeo-Christian credo of man's domination over nature and nature's subservience to man's purposes.

> What we do about ecology depends on our ideas of the man-nature relationship. More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one.

As a model for this new ethic, White suggests that we review the teachings of St. Francis of Assisi:

> The greatest spiritual revolutionary in Western history, Saint Francis, proposed what he thought was an alternative Christian view of nature and man's relation to it: he tried to substitute the idea of man's limitless rule of creation . . . Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and refeel our nature and density. The profoundly religious, but heretical, sense of the primitive Franciscans for the spiritual autonomy of all parts of nature may point a direction. I propose Francis as a patron saint for ecologists.

Thus, I suggest that Dr. Schweitzer's ethic of Reverence for Life may be the ethic for mankind's survival.

My final contention about the preservation of rare and endangered species deals with neither science nor ethics—but is ultimately practical. Simply put, man's own survival is at stake; the actions he must take to assure the animals' survival will also be his own salvation.

As the environment deteriorates, man must find more and more ways to protect himself from it. We in the Senate are able to work in our offices, travel to the Capitol, speak in this Chamber, and even visit the other body without ever inhaling the unfiltered air outside our halls. Unless we choose to go out, we can remain in an encased environment for most of the time. If air pollution is not reversed, life in our cities will require even more stringent controls which will enable us to avoid completely any contact with the great outdoors.

So it is with other forms of environmental pollution. We can keep the poisons away from us by building structures to encase all our activities from bubbles over our baseball diamonds to underground shopping malls.

But improved techniques to protect us from pollution are dangerous for two reasons. First, they lull us into the belief that man is capable of surviving in a totally artificial environment. Biologists who study genetic evolution have begun to question this assumption. Second, they fail to alert us to what lies at the end of this process—that our habitats will become mechanized tombs where life won't be worth living.

We cannot preserve wildlife and fish by protecting them from their environment. Instead, we must preserve their environment in a liveable form and we must keep our contaminants from degrading their ecosystems. And in the process, we will preserve at least some of our environment in a condition where we know that we and our children can survive.

These are my reasons for believing that the preservation of our rare and endangered species should be given high priority in our national system of values.

Unfortunately, a prohibition on killing or capturing will not guarantee that any species will survive. As I pointed out earlier, man's act of excessive hunting or intentional poisoning in wildlife control programs is only one of a number of threats to the survival of fish and wildlife. Some of the greatest dangers to develop from human actions where the adverse effects on wildlife are entirely unintended.

Other steps need to be taken. We made good progress in 1966 with the passage of the Endangered Species Preservation Act and last year with the passage of the Endangered Species Conservation Act.

However, a prohibition on killing, or

capturing of rare and endangered species will have three positive consequences which will mean substantial progress in wildlife preservation.

First, the bill will protect individual members of a species when the species is near its minimal survival population. The death of the last passenger pigeon in 1914 marked the end of the species, but its extinction had become inevitable years before when the population dropped below the point where its breeding and other survival abilities were capable of reversing the decline in its number. This minimal population point varies from species to species, and is probably not subject to any precise mathematical determination. In addition, man's intervention can sometimes work miracles, as we hope is the case with the whooping crane.

Nevertheless, we should not be as concerned about the death of the final grizzly bear as we are about the next one which may die at the hand of man.

Even if the animal is being challenged by one of the unintentional human acts such as the introduction into its ecosystem of a foreign species, the fact that the animal is rare or endangered means that it has reached the point where every individual member of the species may be crucial to the species survival. Thus I believe members of rare and endangered species should be protected.

In addition, some States have laws which provide bounties for animals listed as rare or endangered. While I doubt that these bounty laws provide substantial economic incentive in many areas of our Nation, they do encourage the attitude that wild animals, particularly predators, are varmints to be shot on sight as a matter of commonsense.

We should be penalizing anyone who kills a rare animal, not rewarding him. Therefore, I propose that States be prohibited from paying such bounties.

Second, for those animals threatened by man's encroachment on their range, the illegalizing of their slaughter, will make it mandatory for local, State, and Federal agencies to find and provide new range land as well as to protect existing range at least until herd size grows to the point where the species is removed from the rare list.

The California Tule elk, which has been listed as both rare and endangered, is a good example of a species which would benefit. Once this little elk roamed the hills and valleys of Central California in the tens of thousands. Today the only remaining wild herd is in the Owens Valley, east of the Sierra Nevadas, an area where they are not indigenous.

The Tule elk is protected under California law. However, the California Fish and Game Commission has determined that the available range will support a herd of only 250 elk—the area also supports 15,000 to 40,000 cattle at various times during the year. Thus, hunters are given special permission to come in and shoot the surplus. Last year the State of California permitted private sportsmen to kill about 80 Tule elk, an animal the Department of the Interior lists as rare.

I think it is obvious that if we are seriously concerned with saving such species, we must expand their herds and extend their range. I have introduced separate legislation (S. 3028) to authorize a study of new range sites for the Tule elk in the Southwestern United States, and I am hopeful that we can establish new wild and unfenced range areas for the Tule elk in California, particularly at Point Reyes.

But the Tule elk situation serves to emphasize the point that we cannot depend on the States to make available the land necessary to preserve our rare species so long as they can maintain that hunting is a sound wildlife management technique for such rare and endangered species.

To authorize hunting of rare or endangered animals is bad for another reason. The sportsman seeking a trophy will naturally go for the biggest and best of the herd, not the weakest runts who can contribute the least to the species survival. If it is necessary to limit an endangered species population, it should be done by scientists who will cull out the weak and the aged, not by private hunters who will do just the opposite.

The States should be setting aside more lands in wildlife refuges. The States should also be preventing further encroachments of human society into existing wildlife habitats. By outlawing the killing of rare and endangered species, we will encourage State and local actions in both areas.

Finally, the enunciation of a national policy which makes illegal such killing would require a rethinking of our traditional attitudes toward wild animals, particularly predators. If we say to the rancher who has lost a sheep to a timber wolf that it is illegal for him to kill the wolf because it is endangered, then we will need to develop a procedure for reimbursing the rancher for his loss, and of convincing him that the benefits man derives from predators are worth the inconvenience of an occasional dead sheep. This would also benefit other predators, such as the coyote, who is not rare or endangered and is more apt to be the villain in the case of the lost sheep. Animals not yet rare or endangered might also be helped to avoid those unhappy categories, if this legislation makes us reconsider the indiscriminant broadcasting of poisons to kill "pests" especially in the Western States.

All considered, I believe this bill is essential to saving our rare and endangered species.

Moreover, the United States is under treaty obligation to protect rare and endangered species.

At the eighth International Conference of American States various resolutions were adopted. Pursuant to the 13th resolution of December 23, 1938, the Pan American Union established the Inter-American Committee of Experts on Nature Protection and Wildlife Preservation. This Committee consisted of one member-representative from each American republic. The U.S. representative was Dr. Alexander Wetmore who was then Assistant Secretary of the Smithsonian Institution. The draft of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere was unanimously approved on May 16, 1940, by the Committee. On October 12, 1940, the treaty was signed in Washington by the respective plenipotentiaries of the United States, Bolivia, Cuba, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Peru, and Venezuela. Subsequently it was signed on behalf of Costa Rica on October 24, 1940, Mexico on November 20, 1940, Uruguay on December 9, 1940, and Brazil on December 27, 1940.

Secretary of State Cordell Hull officially conveyed the treaty to President Franklin D. Roosevelt on February 13, 1941. In the letter which accompanied the treaty, Secretary Hull informed the President that the animals listed in the annex to the Convention "shall be protected as completely as possible." The list was described by Secretary Hull as flexible and subject to modification as changes in conditions might warrant.

The Convention was transmitted by President Roosevelt to the Senate on February 14, 1941, for advice and consent to ratification. The treaty was ratified by the Senate on April 7, 1941, ratified by the President on April 14, 1941, deposited with the Pan American Union at Washington on April 28, 1942, and proclaimed by the President on April 30, 1942.

The first list of species included by the United States in the annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere consisted of:

Woodlands caribou, sea otter, manatee, trumpeter swan, California condor, whooping crane, Eskimo curleu, Hudsonian godwit, Puerto Rican parrot, ivory-billed woodpecker.

The annex list was revised on September 1, 1967. This list is much more extensive than the original annex of the 1940's. As ecological conditions change and scientific knowledge advances, further revisions of the annex can be made.

It is article VIII of the treaty which requires the protection of the animals list in the annex.

> Protection of the species mentioned in the annex to the present Convention, is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

The article requires that these animals be protected as completely as possible. The hunting, killing, capturing or taking of these animals is strictly forbidden. However, the governments are permitted to grant exemptions to this prohibition, but only for scientific purposes or when such an exemption is essential to the proper administration of the area in which the animal is found.

These prohibition requirements became law in the 1940's and under international law they have been fully binding on the United States ever since. However, our domestic law distinguishes between "self-executing" and "non-self-executing" treaties. This treaty is of the "non-self-executing" type. That means that before the prohibitions and requirements of article VIII can be enforced in our domestic courts, Congress must enact enabling legislation.

During the 1940's, when this country was fighting World War II, Congress neglected to enact the necessary legislation. Nor has any attempt been made since the 1940's to fulfill our international legal responsibilities under article VIII of the treaty. It is my intention that this bill shall fulfill that obligation.

The present annex to the treaty, submitted in 1967, includes the following species.

(See exhibit 1.)

In addition, the "Rare and Endangered Fish and Wildlife of the United States," contains the following species which should be added to the annex at its next revision.

(See exhibit 2.)

These then are the species which my proposal would attempt to save. In this context, I would like to direct the Senate's attention to those animals we cannot save. Following is a list of those species which have already become extinct in the United States:

(See exhibit 3.)

The bill I have proposed contains the following provisions.

Section 2 of the bill is a brief statement of the need to protect endangered and rare animals and of our international obligation to enact a bill to provide this form of protection.

Section 3 defines various terms which are used in the bill.

Section 4 specifies what acts will be prohibited. Subsection (a) forbids the hunting, capturing, killing, taking, transporting, selling, or purchasing of any protected animals. Subsection (b) prohibits the payment of any bounty for the killing of a protected animal. The species and subspecies of animals protected by this bill are those species or subspecies which are listed in the annex to the convention.

Section 5 provides for a few limited exceptions to section 4(a). There are no exemptions from a bounty prohibition of section 4(b). Under section 5, the Secretary of the Interior may grant an exemption for scientific purposes, for the display of animals in zoos, for the administration of the area in which an animal is found, for the propagation of protected animals or the relocation of animals in new natural habitats. A general exemption from the prohibition of section 4(a) is provided for in various situations. The most important there being the exemptions for animals already in captivity on the effective date of this act, individual diseased animals, animals which have been raised and released as game animals, and animals used by the Indians for religious purposes.

Section 6 provides for the updating of the list of animals enumerated in the annex to the Convention. The treaty's annex is subject to revision as circumstances warrant. When the annex is updated, all those animals which have been found to be either rare or endangered under the Endangered Species Act will be included in the annex.

Section 7 provides that both Federal and State officers may enforce the provisions of this bill.

Section 8 is the penalty clause. It prescribes that violations of section 4(a) constitute a misdemeanor.

Section 9 has two subsections. The first affirms the power and right of the States to provide for the protection and scientific management of animals. The second subsection authorizes the Secretary of the Interior to consult with the Governors of the several States concerning the policy and provisions of the bill. It is my intention to make it perfectly clear by this section that the Secretary of the Interior will not be empowered by this legislation to regulate hunting and fishing; nor will he be authorized to control, in any manner, the issuance of State hunting or fishing licenses. I do not have any intention to interfere in any way with the hunting or fishing of the many sportsmen of our Nation, except in the case of animals facing extinction.

Section 10 is a separability clause.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 249) to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89–669 (October 15, 1966); and for other purposes, introduced by Mr. Cranston, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nature Protection Act".

Sec. 2. Congress finds that—

(1) the animals of our Nation represent an invaluable natural resource; that in the past inadequate protection and changing conditions have resulted in the extinction of many species with ecological, historical, educational, scientific, and recreational values; and that we canont afford to allow the disappearance of these assets;

(2) there is an overriding need to preserve representatives of all animal species in their natural habitat in sufficient numbers and over extensive enough areas to protect animals from extinction; and

(3) pursuant to our treaty obligations under article VIII and other provisions of the Convention on Nature Protection and Wildlife Preservation, it is the responsibility of Congress to protect animal species and subspecies threatened with extinction.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(a) the term "fish" means any finfish or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(b) the term "wildlife" means any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, product, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(c) the term "Convention" means the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354);

(d) the term "annex" refers to that portion of the annex to the Convention which contains the list of species submitted by the United States of America; and

(e) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

PROHIBITED ACTS

Sec. 4. (a) Except as provided in section 5 of this Act, no person within any State, or within any place subject to the jurisdiction of the United States, shall hunt, capture, kill, take, transport, sell, or purchase any fish or wildlife the species or subspecies of which is listed in the annex to the Convention.

(b) No person or State (or political subdivision thereof) shall pay or offer to pay any form of bounty for any fish or wildlife the species or subspecies of which is listed in the annex to the Convention.

EXEMPTIONS

Sec. 5. (a) If the Secretary of the Interior determines that it will not endanger the preservation or health of the species or subspecies protected by this Act, he may grant an exemption to any person from the prohibitions of section 4(a) of this Act. Such exemptions shall only be granted in order to further scientific purposes; provide for the display of fish or wildlife in public zoos; administer the area in which the fish or wildlife are found; provide for the propagation in captivity of a species or subspecies with the intention of later release of the fish or wildlife in their natural habitat; or transplant the fish or wildlife to a new natural habitat.

(b) Section 4(a) of this Act shall not apply to the following fish or wildlife:

(1) the Tule White-fronted Goose (anser albifrons gambelli);

(2) American alligators (alligator mississippiensis) found on private property and transported, without harm to the animal, to its natural habitat for release in the wild;

(3) fish or wildlife in captivity on the effective date of this Act;

(4) fish or wildlife raised and kept entirely in captivity;

(5) fish or wildlife released as game animals after having been raised in captivity specifically for that purpose;

(6) fish or wildlife taken for the religious purposes of Indian tribes; and

(7) individual fish or wildlife which are infected with the plague, rabies, tularemia, or other dangerous disease.

LISTING OF ANIMALS IN THE ANNEX

Sec. 6. When appropriate the Secretary of State shall transmit to the Pan American Union the list of species of fish and wildlife to be included as part of the annex. This list shall include, but not be limited to, all species of fish and wildlife found by the Secretary of the Interior, pursuant to the provisions and standards of Public Law 89–669 (Oct. 15, 1966), to be rare or endangered.

ARREST, ENFORCEMENT, SEARCHES, AND SEIZURES

Sec. 7. Any employee of the Department of the Interior authorized by the Secretary of the Interior; any Coast Guard officer; and any United States marshal or deputy marshal; any customs officer; and any civil officer having authority to apprehend offenders under the laws of a State; and any other person authorized to enforce this Act shall have the power to: (1) arrest without warrant or other process any person committing in his view or presence a violation of this Act; (2) take any person arrested for violation of this Act for examination or trial before any officer or court of competent jurisdiction; and (3) with a search warrant search any place where he may have reason to believe that a violation of this Act has been committed.

PENALTY

SEC. 8. Any person that violates any provision of section 4(a) of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay all costs of the proceedings and be fined not more than $5,000 or imprisoned not more than six months, or both.

STATE LAWS AND REGULATIONS

SEC. 9. (a) Except to the extent otherwise specifically provided in the Convention or this Act, nothing in this Act shall be construed so as to (1) abridge the presently existing responsibility of any State for the protection, preservation, and scientific management of fish and wildlife; or (2) abridge or deprive any such State of its power and right to make and enforce laws and regulations for the protection, preservation, and scientific management of fish and wildlife.

(b) The Secretary of the Interior, in carrying out his duties under this Act, is authorized from time to time, to consult with the Governors of the several States and the Commissioner of the District of Columbia.

SEPARABILITY

SEC. 10. If any provisions of this Act or the application of such provisions to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provisions to other circumstances or persons shall not be affected thereby.

EXHIBIT 1

SPECIES AND WHERE FOUND

FISH

Endangered

Atlantic Sturgeon: Atlantic.
Lake Sturgeon: Great Lakes, Alabama, Missouri, Nebraska, Kansas.
Shortnose Sturgeon: New York.
Longjaw Cisco: Michigan.
Arctic Grayling: Montana, Utah, Wyoming, Washington, Colorado.
Atlantic Salmon: Maine.
Apache Trout: Arizona.
Gila Trout: New Mexico.
Greenback Cutthroat Trout: Colorado.
Lahontan Cutthroat Trout: Nevada, California.
Montana Westslope Cutthroat Trout: Montana.
Piute Cutthroat Trout: California.
Rio Grande Cutthroat Trout: New Mexico.
Colorado River Squawfish: Arizona.
Desert Dace: Nevada.
Humpback Chub: Arizona, Utah, Wyoming.
Little Colorado Spinedace: Arizona.
Cui-ui: Nevada.
Comanche Springs Pupfish: Texas.
Devil's Hole Pupfish: Nevada.
Owens Valley Pupfish: California.
Pahrump Killfish: Nevada.
Clear Creek Gambusia: Texas.
Gila Topminnow: Arizona.
Blue Pike: Lake Erie and Ontario.

Rare

Blackfish Cisco: Lake Michigan and Huron.
Deepwater Cisco: Unknown.
Blueback Trout: Maine.
Sunapee Trout: New Hampshire.
Olympic Mudminnow: Washington.
Moapa Dace: Nevada.
Big Bend Gambusia: Texas.
Ozark Cavefish: Missouri.
Suwannee Bass: Florida.
Maryland Darter: Maryland.
Niangua Darter: Missouri.
Sharphead Darter: Tennessee.
Spring Darter: Unknown.
Trispot Darter: Alabama.

Peripheral

Mexican Stoneroller: Texas, Arizona.
Sonora Chub: Arizona.
Chihuahua Shiner: Texas.
Rio Grande Darter: Texas.

AMPHIBIANS

Endangered

Texas Blind Salamander: Texas.
Black Toad: California.

Rare

Pine Barrens Tree Frog: New Jersey, North Carolina, Georgia.

REPTILES

Endangered

American Alligator: North Carolina, Texas, Mississippi, Arkansas, Oklahoma.

Rare

Bog Turtle: North Carolina.

Peripheral

American Crocodile: Florida.
Green Turtle: U.S. coasts.

BIRDS

Endangered

Florida Great White Heron: Florida.
Aleutian Canada Goose: Alaska.
Laysan Hawaiian Duck; Hawaii.
Main Islands Hawaiian Duck: Hawaii.
Mexican Duck: Arizona, New Mexico, Texas.
Nene (Hawaiian Goose): Hawaii.
California Condor: California.
Florida Everglade Kite: Florida.
Hawaiian Hawk: Hawaii.
Attwater's Greater Prairie: Texas.
Masked Bobwhite: Mexico.
Whooping Crane: Texas.
Hawaiian Common Gallinule: Hawaii.
Yuma Clapper Rail: Arizona.
Eskimo Curlew: Alaska.
Puerto Rican Parrot: Puerto Rico.
American Ivory-Billed Woodpecker: Texas, Louisiana, Florida, Georgia, South Carolina.
Hawaiian Crow (Alala): Hawaii.
Puaiohi (Small Kauai Thrush): Hawaii.
Nihoa Millerbird: Hawaii.
Kauai OO (OOAA): Hawaii.
Akaiapolanu: Hawaii.
Crested Honey-Creeper (Akohekohe): Hawaii.
Kauai Akialoa: Hawaii.
Laysan Finch-Bill: Hawaii.
Maui Parrotbill: Hawaii.
Nihoa Finch-Bill: Hawaii.
OU: Hawaii.
Palila: Hawaii.
Bachman's Warbler: Virginia, South Carolina.
Kirtland's Warbler: Michigan.
Cape Sable Sparrow: Florida.
Dusky Seaside Sparrow: Florida.

Rare

Hawaiian Dark-Rumped Petrel: Hawaii.
Newell's Manx Shearwater: Hawaii.
Hawaiian Harcour's Petrel: Hawaii.
Trumpeter Swan: Alaska.
Tule White-Fronted Goose: Alaska.
Northern Short-Tailed Hawk: Florida.
Southern Bald Eagle: Atlantic and gulf coasts.
American Peregrine Falcon: Alaska, Washington, Oregon, California, Arizona, Texas, Colorado.
Lesser Prairie Chicken: Kansas, Colorado, New Mexico, Texas, Oklahoma.
Northern Greater Prairie Chicken: central U.S.
Florida Sandhill Crane: Florida.
Hawaiian Stilt: Hawaii.
Puerto Rican Whip-Poor Will: Puerto Rico.
Black-Capped Vireo: Mexico.
Golden-Cheeked Warbler: Texas.
Ipswich Sparrow: Atlantic coast.

Peripheral

Green-Throated Arctic Loon: Alaska.
Least Grebe: Texas.
Red-Faced Cormorant: Alaska.
Roseate Spoonbill: Texas Louisiana, Florida.
Northern Black-Bellied Tree Duck: Arizona, Texas.
Masked Duck: Texas, Puerto Rico.
Zone-Tailed Hawk: Arizona, New Mexico, Texas.
Gray Hawk: Arizona, New Mexico, Texas.
Northern Black Hawk: Arizona, New Mexico, Texas.
Northern Aplomado Falcon: Arizona, New Mexico, Texas.
Northern Chachalaca: Texas.
Richardson's Blue Grouse: Idaho, Montana.
Mearn's Harlequin Quail: Mexico.
Northern Jacana: Texas.
Rufous-Necked Sandpiper: Alaska.
Atlantic Sooty Tern: Texas, Louisiana, Florida.
Atlantic Noddy Tern: Florida.
Xantus' Murrelet: California.
Whiskered Auklet: Alaska.
Northern Red-Billed Pigeon: Texas.
Northern White-Fronted Dove: Texas.
Florida Mangrove Cuckoo: Florida.
Northern Groove-Billed Ani: Texas.
Northern Whiskered Owl: Mexico.
Northern Ferruginous Owl: Arizona, Texas.
Merrill's Pauraque: Mexico.
West Indian Nighthawk: Florida, Puerto Rico.
Blue-Throated Hummingbird: Arizona, Texas.
Northern Rivolis Hummingbird: Mexico.
Bun-Belled Hummingbird: Texas.
Northern Violet-Crowned Hummingbird: Arizona.
Broad-Billed Hummingbird: Mexico.
Coppery-Tailed Elegant Trogon: Arizona, New Mexico.
Northeastern Elegant Trogon: Texas.
Northeastern Green Kingfisher: Texas.
Northwestern Green Kingfisher Texas.
Northern Arizona Woodpecker: Arizona.
Northwestern Rose-Throated Becard: Arizona.
Northeastern Rose-Throated Becard: Texas.
Northeastern Tropical Kingbird: Texas.
Northwestern Tropical Kingbird: Arizona.
Northern Thick-Billed Kingbird: Arizona.
Northern Kiskadee Flycatcher: Mexico.
Northern Sulphur-Bellied Flycaster: Mexico.
Northern Olivaceous Flycatcher: Mexico.
Northern Buff-Bellied Flycatcher: Arizona.
Northern Beardless Flycatcher: Texas.
Northwestern Cave Swallow: New Mexico, Texas.
Couch's Mexican Jay: Texas.
Northern Green Jay: Texas.
Cascade Boreal Chickadee: Washington
Sennett's Long-Billed Thrasher: Mexico.
Azure Eastern Bluebird: Arizona.

Peripheral

Red-Spotted Bluethroat: Alaska.
Cuban Black-Whiskered Vireo: Florida.
Cuban Yellow Warbler: Florida.
Northern Olive-Backed Warbler: Texas.
Arizonas Olive Warbler: Arizona.
Alta Mira Lichtenstein's Oriole: Texas.
Audubon's Black-Headed Oriole: Texas.
Southeastern Pine Grosbeak: New England.
Dickey's Varied Bunting: Arizona.
Northern White-Collared Seadeater: Texas.
Northern Olive Sparrow: Texas.
Northern Rufous-Winged Sparrow: Arizona.
Northwestern Botteri's Sparrow: Arizona.
Northeastern Botteri's Sparrow: Texas.

MAMMALS

Endangered

Delmarva Peninsula Fox Squirrel: Maryland.
Atlantic Right Whale: Atlantic.
Bowhead Whale: Atlantic.
Pacific Right Whale: Pacific.
Nevada Kit Fox: Nevada.
Red Wolf: Texas.

Timber Wolf: Michigan, Minnesota, New York.
Grizzly Bear: Wyoming Montana, Idaho.
Black-Footed Ferret: North and South Dakota, Montana, Texas, New Mexico.
Florida Panther: Florida.
Guadalupe Fur Seal: California.
Caribbean Monk Sea: Florida.
Florida Manatee or Sea Cow: Florida.
Columbia White Tailed Deer: Oregon.
White-Tailed Deer: Oregon.
Key Deer: Florida.
Sonoran Pronghorn Antelope: Arizona.

Rare

Spotted at: Montana, Idaho.
Kaibab Squirrel: Arizona.
Utah Prairie Dog: Utah.
Beach Meadow Vole: Massachusetts.
Block Island Meadow Vole: Rhode Island.
Gray Whale: Pacific.
Blue Whale: Atlantic and Pacific.
Glacier Bear: Alaska.
Southern Sea Otter: Pacific coast.
Hawaiian Monk Seal: Hawaii.
Ribbon Seal: Alaska.
Tule or Dwarf Elk: California.

Peripheral

Coati: Arizona, New Mexico, Texas.
Jaguar: Texas.
Jaguarundi: Texas.
Ocelot: Texas.
Margay: Texas.
Woodland Caribou: Northern Great Lakes states.
Mountain Caribou; Pacific Northwest U.S.
Musk Ox: Alaska.
Steller's Sea Cow: Mexico.

EXHIBIT 2

SPECIES LISTED IN "RARE AND ENDANGERED FISH AND WILDLIFE OF THE UNITED STATES" BUT NOT LISTED IN THE ANNEX TO THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

AMPHIBIANS AND REPTILES

Endangered

Blunt-Nosed Leopard Lizard: California.
San Francisco Garter Snake: California.
Puerto Rican Boa: Puerto Rico.
Santa Cruz Long-Toed Salamander: California.
Limestone Salamander: California.

Peripheral

Houston Toad: Texas.
Vegas Valley Leopard Frog: Nevada.
St. Croix Ground Lizard: Minnesota.

BIRDS

Endangered

California Least Tern: California.
Light-Footed Clapper Rail: California.
Hawaiian Coot: Hawaii.
Puerto Rican Plain Pigeon: Puerto Rico.
Northern Red-Cockaded Woodpecker: Missouri, Kentucky, Virginia, Florida.
Southern Red-Cockaded Woodpecker: Florida.
Large Kauau Thrush (Kuaui Omao): Hawaii.
Molakai Creeper (Kakawahie): Hawaii.
Maui Nukupuu: Hawaii.

Rare

California Black Rail: California.
Short-Tailed Hawk: Florida.
Prarie Falcon: California, Texas.
Greater Sandhill Crane: California, Nevada, Utah Wyoming, Minnesota, Wisconsin, Michigan.

Peripheral

Eastern Reddish Egret: Texas, Florida.
Wood Ibis: Texas, Florida.
Sennetts White-Tailed Ptarmigan: Montana.
Gould's Turkey: New Mexico.
Eastern Blue-Throated Hummingbird: Texas.
Western Blue-Throated Hummingbird, Arizona, New Mexico.
Colima Warbler: Texas.
Arizona Grasshopper Sparrow: Arizona.

MAMMALS

Endangered

Indiana Bat: Mid-West and Eastern U.S.
Humpback Whale: Pacific and Atlantic.
San Joaquin Kit Fox: California.
Columbian White-Tailed Deer: Washington, Oregon.

Rare

California Bighorn: Oregon, Nevada, California.
Peninsular Bighorn: California.

EXHIBIT 3

EXTINCT WILDLIFE—SPECIES, WHERE FOUND, AND DATE EXTINCT

MAMMALS

Gull Island Vole: New York, 1898.
Amargosa Meadow Vole: California, 1917.
Plains Wolf: Great Plains, 1926.
Sea Mink: New England coast, 1890.
Eastern Cougar: Eastern U.S., 1899.
Steller's Sea Cow: North Pacific, 1768.
Eastern Elk: U.S. east of Great Plains, 1880.
Merriam Elk: Arizona, 1900.
Badlands Bighorn: North and South Dakota, 1910.

BIRDS

Labrador Duck: Northeastern U.S., 1875.
Heath Hen: Eastern U.S., 1932.
Laysan Rail: Hawaii, 1926.
Sandwich Rail (Moho): Hawaii, 1893.
Great Auk: North Atlantic, 1844.
Passenger Pigeon: U.S., 1914.
Culebra Puerto Rican Parrot: Puerto Rico, 1899.
Mauge's Parakeet: Puerto Rico, 1892.
Carolina Parakeet: Southeastern U.S., 1920.
Louisiana Parakeet: South central U.S., 1912.
Oahu Thrush: Hawaii, 1825.
Lanai Thrush: Hawaii, 1931.
Molokai Thrush: Hawaii, 1936.
Laysan Millerbird: Hawaii, 1904–1923.
Kioea: Hawaii, 1859.
Oahu Oo: Hawaii, 1937.
Molokai Oo: Hawaii, 1915.
Hawaii Oo: Hawaii, 1934.
Laysan Apapane: Hawaii, 1923.
Hawaii Mamo: Hawaii, 1898.
Perkin's Mamo or Black Mamo: Hawaii, 1907.
Oahu Akialoa: Hawaii, 1837.
Lanai Akialoa: Hawaii, 1894.
Hawaii Akialoa: Hawaii, 1895.
Oahu Nukupuu: Hawaii, 1860.
Oahu Akepa: Hawaii, 1895.
Greater Amakihi: Hawaii, 1900.
Ula-ai-hawane: Hawaii, 1892.
Greater Koafinch: Hawaii, 1896.
Lesser of Yellow-Headed Koafinch: Hawaii, 1891.
Grosbeakfinch or Konafinch: Hawaii, 1894.

FISH

San Gorgonio Trout: California, 1935.
Pahranagat Spinedace: Nevada, 1938–1959.
Big Spring Spinedace: Nevada, 1938–1959.
Harelip Sucker: Mississippi, Ohio, Georgia, Arkansas, 1900.
Leon Springs Pupfish: Texas, 1938.
Ash Meadows Killifish: Nevada, 1942.

S. 289—INTRODUCTION OF A BILL TO AUTHORIZE AIR CARRIERS TO ENGAGE IN BULK AIR TRANSPORTATION OF PERSONS AND PROPERTY

Mr. MOSS. Mr. President, for myself and Mr. TUNNEY, I introduce, at the request of the National Air Carrier Association, a trade group representing the U.S. supplemental air carriers, a bill to amend the Federal Aviation Act of 1958 to authorize these carriers to engage in bulk air transportation.

Mr. President, this bill is a result of the continuing controversy between the U.S. scheduled air carriers and the supplemental air carriers over charter authority as provided for in the Federal Aviation Act and in the economic regulations of the Civil Aeronautics Board. This legislation proposed by the supplemental air carriers would greatly broaden their authority to engage in charter operations and thus would basically alter the regulatory framework under which the supplemental carriers have been operating.

While I am not an advocate of the provisions of this bill at this time, I introduce it at the request of these carriers in order that their legislative program formally be before the Committee on Commerce when its Aviation Subcommittee begins oversight hearings on the U.S. air transportation industry beginning next week. I feel it important that this proposed legislation be thoroughly discussed and analyzed by the various witnesses, both carriers and Government, who will appear before the committee to discuss current problems and financial difficulties being experienced by the carriers. It will be very helpful I believe for the members of the Aviation Subcommittee to have an actual bill before them giving all interested parties an opportunity to comment upon very specific language.

Mr. President, as I am sure we are all aware, the issue of charter authority is a highly controversial one and this legislation will certainly encounter vocal and heated debate. However, with most of the Nation's air transportation companies facing serious financial difficulty, it is important that the members of the Commerce Committee consider any and all alternatives advanced by any party which might seek to restore financial health to the industry. Personally, I reserve judgment on the merits of this legislation until it has been thoroughly and carefully considered by the committee and until I have been able to analyze carefully the impact such legislation might have on the entire air transportation industry.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 289), to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property, introduced by Mr. Moss (for himself and Mr. TUNNEY), was received, read twice by its title, and referred to the Committee on Commerce.

S. 292—INTRODUCTION OF A BILL DESIGNATING THE SENATE OFFICE BUILDING AND THE ADDITIONAL SENATE OFFICE BUILDING AS THE "EVERETT McKINLEY DIRKSEN BUILDING" AND THE "RICHARD BREVARD RUSSELL BUILDING," RESPECTIVELY

Mr. BELLMON. Mr. President, the Senate of the United States and the citizens of this country will long remember the memory of Senator Richard B. Russell. Although I only served with Senator Russell for a brief period during his 37 years in the Senate, his dedication to this body, to the people of his native State of Georgia, and to principles that have made our country great were well known to every Member of this body.

As a memorial to this great American, I feel that a fitting tribute to recognize his devotion and dedication to the Senate would be to name in his honor one of the office buildings used by Senator Russell and his colleagues. As was proposed during the 91st Congress, I further propose to name the other office building in honor of our former distinguished minority leader, Everett McKinley Dirksen.

It seems strange to me that the office buildings used by the Members of this body are referred to as "new" and "old" rather than being named in honor of Members who have rendered a great service to this body and to the country. I can think of no greater tribute to men who have spent their lives serving this Senate and their country than being honored by their colleagues in that manner. I therefore introduce today a bill which would designate the building now referred to as the "New Senate Office Building" as the "Richard Brevard Russell Building" and the building referred to as the "Old Senate Office Building" as the "Everett McKinley Dirksen Building."

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 292), to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Richard Brevard Russell Building," respectively, was received, read twice by its title, and referred to the Committee on Public Works.

S. 293—INTRODUCTION OF A BILL RELATING TO STREET LIGHTING FACILITIES

Mr. KENNEDY. Mr. President, in recent years, Congress has devoted much time to the control and prevention of crime. As a member of the Senate Judiciary Committee, I have been closely involved in these deliberations, and in the drafting and passage of legislation designed to retard both the rising rate and growing pervasiveness of crime in the United States.

But despite all our legislation and expenditures, the overall crime rate for the United States rose in 1970 by 10 percent. A major explanation of this staggering statistic lies in the general ineffectiveness of our anticrime legislation. We must do all that we can to review the effectiveness of our national effort. It is essential that in addition to the passage of broad-based, long-range programs, we explore the usefulness of laws and programs which attack particular facets of the overall problem.

One of the most successful programs which the Federal Government can encourage is improved street lighting. My proposal, previously introduced in prior Congresses, would authorize the Department of Housing and Urban Development, under title VII of the Housing and Urban Development Act of 1965, to make grants to communities and urban areas for up to two-thirds of the cost of street-lighting facilities.

Although there is some minor disagreement about the degree of effectiveness of such a measure, there is a broad consensus that it would bring a reduction in the crime rate. In 1969, the National League of Cities completed a survey revealing that with better lighting, crime was reduced in some areas of Indianapolis by 85 percent, and in Detroit by 55 percent. In New York city, when an area of 111 blocks was relighted, the incidence of murder, assault and rape dropped 49 percent.

A recent survey in the Wall Street Journal concurred with these findings. In Gary, Ind., crime fell 70 percent in better lighted areas. In Wilmington, Del., officials attribute a 7-percent decrease in violent crimes in the first 10 months of 1970 to "Operation Golden Light."

These statistics are impressive, but too often communities are unwilling to utilize such programs without Federal assistance. We all know the deplorable economic condition of local government. I do not feel that the Federal Government should assume the total cost of such a measure, but Federal funds should be available to stimulate local communities to devote their own resources to such programs.

The bill I introduced today calls for a Federal expenditure of $7.5 million a year to share the cost of installing better street lighting in high crime areas.

We are all aware of the very limited resources of our city and community governments. But it is my belief that such projects, when completed, will reduce the crime rate for particular areas, and will serve as an example to the community of the need to invest local funds in additional projects.

Mr. President, I ask unanimous consent for the Wall Street Journal article to be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the article will be printed in the Record.

The bill (S. 293), to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities, was received, read twice by its title, and referred to the Committee on Banking, Housing, and Urban Affairs.

The article furnished by Mr. Kennedy follows:

[From the Wall Street Journal, Jan. 6, 1971]

LET THERE BE LIGHT: THEN CRIME WILL FALL—IF IT DOESN'T GO UP—MORE CITIES FIND BRIGHT LIGHTS CAN MAKE CRIME DISAPPEAR—OR AT LEAST CHANGE LOCATION

(By Raymond A. Joseph)

It's a new year, urban living fans, and here's a cheery little jingle to get you off to a good start. Altogether now, to the tune of "Three Blind Mice":

"Light the night
See robbers run
They won't be mauling your neighbor's wife
Or stabbing your friends with a butcher knife
Or robbing a bank or taking a life
Light the night"

Who would sing a dumb song like that?" The answer is: A whole choir of optimistic Tampa, Fla., residents. They got together to warble the ditty at 8:45 p.m. one day last May—just at the moment at which switches were thrown to light up the neighborhood around city hall with high-intensity mercury vapor streetlights. That ceremony was the latest wrinkle in a lighting campaign that began in 1967. That's when Tampa lit up three troubleprone sections of the city after a nasty riot. The point: Bathe the streets and sidewalks with lights and criminals will disappear.

IT'S ALL IN YOUR MIND

And how is it working? Umm. Crime in the three areas, says Police Captain Walter Pask, is, well, as rampant as ever. But, he is quick to add, the lighting campaign is no failure. Tampa folk may not be any safer these days, but "we sure feel safe" walking around all lit up, says Capt. Pask gamely.

Actually, it's not quite as bad as it sounds. Cities and towns across the country are turning to powerful street lights to discourage crime. And, with the exception of Tampa and one or two other places, it really seems to work.

In Owensboro, Ky., Police Chief Vernie Bidwell says a three-year lighting program has proven a "potent weapon" against street crime. In 1969, "major offenses" in Owensboro, totaled 1,413, a 28% decrease from the 1,966 such offenses reported in 1967, the year before the lighting program began. As more and more lights are installed, more and more crime isn't committed. For the first half of 1970, there were 38% fewer major offenses reported in Owensboro than in the first six months of 1969.

In Wilmington, Del., officials attribute a 7% decrease in violent crime in the first 10 months of last year to "Operation Golden Light"—the replacement of 175-watt mercury vapor lights with glaring 250-watt sodium vapor lights. In Gary, Ind., city officials say "criminal assault incidents" fell a dramatic 70% in areas in which 5,000 extra-bright streetlights were installed.

Businessmen are especially interested in lighting up the downtowns of their cities. Once Main Street is all aglow and crime-free, they figure, shoppers will flock back to the city center. In Wilmington, Carl Cobin, president of a businessmen's association and owner of a downtown shoe store, says business has picked up on shopping nights. "We've created a different atmosphere with the lights, one of security," he says. In Tampa, a group of real estate agents and other businessmen is the driving force in the lighting campaign.

A PR BLITZ

Lighting companies have been quick to capitalize on the wattage battle against crime. General Electric is organizing conferences for city officials to tout the magic of lights and, when a city does decide to light up with GE, the company descends on area newspapers and radio and TV stations with a PR blitz. Sylvania, a unit of General Telephone & Electronics, has launched a nationwide ad campaign to convince the public and city officials that high-intensity lighting can cut crime.

Manufacturers have been just as fast to come up with ever more powerful lights—so fast, some cities complain, that it's impossible to keep up. Newark, N.J., for example, began a relighting program in 1954 with incandescent bulbs. Then in 1957, lighting companies introduced fluorescent streetlights. Two years later, fluorescent lighting was abandoned for brighter mercury vapor lights. And now sodium vapor fixtures, brighter yet, are being introduced as the best lights ever. Newark has been left far behind—more than half of its 15,000 streetlights are those incandescent lamps that were the going rage in 1954. (Over the same period, violent crimes in Newark more than doubled, to the current rate of nearly 100 per day.)

Despite lighting's proven effectiveness in driving away criminals, in many a city lighting projects have been undertaken only after a riot or some horrendous crime. The Washington, D.C. Department of Highways and Traffic installed bright lights around Robert F. Kennedy Stadium, as well as along adjoining streets, in 1969—after repeated attacks on spectators leaving night games created a public outcry. The murder of a coed at Washington's Catholic University in December 1969 resulted in a lighting program 48 hours after the act.

Elsewhere, city officials anxious to light up the streets have been thwarted by budget cuts. New York's Bureau of Gas and Electricity requested $10 million for street lighting for the fiscal year beginning next July. The Bureau of Budget sliced that to $8 million and the City Planning Commission cut it to $4 million, thereby insuring that the city's lighting program, which began in 1965 and is far behind schedule, will fall further behind.

In smaller cities, however, lighting the streets is relatively cheap, which may account for part of its popularity with voters. Owensboro, with a population of 50,000, completed its three-year lighting program at a cost of $413,500. Wilmington lit up for a mere $340,000.

High-intensity lighting is not without its opponents, however. In St. Louis, a $15 million bond issue for high-intensity lighting of poorly lit streets, parks and alleys was approved by a whopping 78.5% of the voters last March—but only after some vigorous opposition by low-income families in ghetto areas who said their neighborhoods had been neglected in previous lighting projects and accused the city of lighting up only white, middle-class areas.

Some Chicagoans are starting to wonder about the effectiveness of that city's much-ballyhooed $20 million lighting program of a few years ago. Plagued by a rash of alley crimes, the city used $13 million of the total to line some 2,300 miles of alleys with 51,000 mercury vapor lights. A police department survey indicated that after-dark alley crimes fell a dramatic 30% as a result of the lights. Trouble is, crime on main streets and other areas rose 33%. The lights, it seems clear, were stunningly successful in chasing criminals out of the alleys of Chicago—and onto the streets of Chicago.

But perhaps no one is more skeptical of lighting up the night than Jack E. Morris, a Russellville, Ala., geologist. Mr. Morris recalls that when Russellville installed mercury vapor lights along its main drag a few years back the street lit up "like Broadway." That night, Mr. Morris went to bed, secure in the knowledge that his home and his pickup truck parked outside were bathed in bright light. The next morning Mr. Morris got up, went outside—and discovered his pickup truck had been ransacked of numerous tools and instruments and even of its spare tire.

For years, Mr. Morris says, he parked that truck out there in front of his house, and no one ever took a thing. "Before the lights were installed," he muses, "I guess no one knew I had anything worth stealing."

S. 294—INTRODUCTION OF ELECTRIC POWER RELIABILITY ACT OF 1971

Mr. KENNEDY. Mr. President, I introduce a bill to improve the reliability of our electric power systems, and to eliminate the large-scale power blackouts which have plagued the American public with increasing frequency over the last several years. In addition, one of the major purposes of the bill is to develop safeguards to assure that construction of large new generating and transmission facilities will not violate this Nation's irreplaceable environment scenic and historic assets.

It has been 5 years since the massive Northeast blackout of November, 1965, which left over 30 million people without electricity for up to 12 hours and more. It has been 3 years since the blackout in the Middle Atlantic States, which left 13 million people without power and convinced Americans that blackouts are definitely not freak occurrences.

Unreliable electric service has been further dramatized in scores of additional major power failures. Federal Power Commission figures indicate that blackouts are occurring with increasing frequency. Indeed, as the Commission has said, the growing complexity of equipment and the increasing use of electric power make blackouts more likely all the time.

These failures are not isolated or rare events. They are, rather, a common fact of modern-day life. They are common, not because they are unavoidable, but because the utility industry views itself as a composite of individuals and local units, a view contrary to reality and to commonsense.

Blackouts can be prevented but only by coordinated, regional planning by all segments and systems in the electric power industry.

At the same time, the rapid growth in electric power facilities, and the fact that larger and larger units are dictated by economies of scale, constitute an increasing threat to the environment. The harmful effect which extra-high voltage electric power facilities can have on our Nation's environmental, scenic and historic assets is enormous.

At the present time, electric utilities are a steady polluter of air and water. Transmission lines mar the countryside from the Pacific to the Atlantic. Often utility plants destroy scenic or historic areas.

Studies of air pollution bear out the fact that utility companies pour tons of dirt and noxious and dangerous contaminants into the air we breath every day. Indeed, powerplants are the third largest source of air pollution. In addition, generating facilities affect other environmental assets, including land, recreation, scenic and historic values.

The legislation I am proposing would establish regional councils of utilities in an area, in order to strengthen coordination and insure that all electric systems in a region—large or small, private or public—work together in their planning efforts.

Each regional council would be required to file with the FPC a comprehensive development plan, which could be modified or changed at a later time. The FPC could accept or reject the plan and the proposed changes, depending on whether they are consistent with reliability standards and environmental protection. In all of its licensing and other decisions, the FPC would have to consider the consistency of a proposal with the appropriate regional coordination plan or plans.

As a nation, we face increasingly serious problems of electric power, and I urge the new Congress to give these problems our direct consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 294) to amend the Federal Power Act to further promote the reliability, abundance, economy and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes; introduced by Mr. KENNEDY, was received, read twice by its title, and refered to the Committee on Commerce.

S. 295—INTRODUCTION OF NATIONAL TRANSPORTATION TRUST FUND BILL

Mr. KENNEDY. Mr. President, I introduce today a bill to establish a single National Transportation Fund for comprehensive planning and implementation of transportation programs in the United States. Under this bill, the trust funds which presently exist for highways, airports, airways, and other specific categories would be terminated and absorbed into the more comprehensive trust fund proposed in the bill.

Transportation in the United States today is in a state of serious disarray. Contemporary transportation policy is characterized by an almost total lack of coordination among the different modes of transportation. Comprehensive planning and efficient use of limited resources are almost completely absent.

The crux of the problem lies in the fact that programs have developed separately over the years for the various modes of transportation. Because the Federal Government has adhered to a rigid policy of categorical programs, States and local communities and the various regions of the Nation have not had the option of spending available funds on the particular modes that would most usefully meet the needs of the area. Consequently, for example, Federal spending on highways is disproportionately high, while it is tragically low on mass transit.

As a result of the migration of large numbers of Americans in the last several decades, there is an urgent need for mass transit. But our national transportation programs are still geared to interregional transportation. So, while to a great extent our categorical grant programs have succeeded in transporting people from one metropolitan or regional area to another, we have failed to develop successful programs to transport our citizens within metropolitan or regional areas.

We must also realize that the regions, States, and local communities of the Nation can do a better job than the Federal Government in evaluating their specific needs and goals. Thus, the essential purpose of establishing a national transportation trust fund is allocate to the regional, State, and local governments greater power and flexibility in fulfilling these needs and goals.

The National Transportation Trust Fund would consolidate the existing highway and airport and airway trust funds on July 1, 1972. The provisions of the bill call for allotments to the States on the basis of population, since population pressures, rather than vast distances, are the source of our most acute transportation problems.

Other important provisions of the bill center on the encouragement given to regions, States, and metropolitan areas, with populations of at least 50,000 persons, to prepare and maintain comprehensive transportation plans. For example, Federal grants will be given only to States with such comprehensive plans. The Governor of a State would be able to reject the comprehensive plan prepared by a metropolitan area, but prospective loss of Federal funds would encourage agreement among the various groups. In addition, a substantial part of a State's own allotment would have to be allocated to metropolitan areas within the State.

The bill also stresses the notion that two or more States might get together to plan and carry out their transportation programs on a regional basis. This extremely important approach can avoid further duplication and inefficiency in the existing system.

Mr. President, this bill seeks to make a new beginning in establishing a coherent national transportation policy for the Nation, and I hope that the 92d Congress will give this crucial issue a high priority.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 295) to establish a National Transportation Trust Fund, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Commerce.

S. 296—INTRODUCTION OF FISHERIES PRODUCTS PROTECTION ACT OF 1971

Mr. KENNEDY. Mr. President, I send to the desk for appropriate reference the "Fisheries Products Protection Act of 1971."

Over the past several months, we have seen the results of 30 years of dumping toxic chemicals into the coastal waters of the Nation. Headline accounts of the presence of mercury in certain canned fish have brought national attention to this problem. We know the tragic results of man's own vast disregard for the tenuous thread that links all human life on this planet. For years, we have used the offshore waters as a garbage heap for the chemicals we thought too dangerous to bury on land. Now we are forced to deal with the consequences of our own thoughtlessness.

Today I am reintroducing the Fisheries Products Protection Act of 1971 which is designed to protect consumers and to assist the commercial fishing industry. The bill will both provide for the inspection of fish processing plants and will amend the Fish and Wildlife Act of 1956 to provide technical financial assistance to the commercial fishing industry.

The Nation's fishing industry has undergone serious economic difficulties during the past several years with very little Government assistance to offset foreign government subsidies to other nation's fishing industry.

Part of the problem in the fishing industry has been the inability of processing plants to keep up with changing technology at a time when their own profits were small and heavy capital investment faced the reality of a declining economy. These economic difficulties also occurred during the same period when we have begun to demand—and rightfully so—that the food we buy is absolutely safe to eat.

The Fisheries Products Protection Act states unequivocally that unwholesome and adulterated fish or fishery products must not be permitted on the market shelves, and that the presence of such injurious products must be prevented by adequate detection and inspection procedures. The bill directs the Secretary of the Interior, through the Bureau of Commercial Fisheries, to survey the methods, practices, and sanitary conditions of fish processing plants and ships in the United States and to establish adequate standards to protect the consumer and the integrity of the fishing industry.

To assist processing plants in meeting sanitation and quality control standards, the bill provides a $35 million technical assistance loan fund for the commercial fishing industry.

Just as we must assure the highest sanitary practices in domestic processing, so we must insure that the rising percentage of fish imported after processing abroad matches the domestic quality. Too often we place restrictions on our own producers that we do not require of foreign imports. When it comes to matters as important as the safety of the food we eat, there can be no doubt that foreign products should face the same rigorous inspection process that our own products face.

This act would require all imported fish and fishery products to bear an official inspection mark, authorized by the Secretary of the Interior, after agreement has been reached with the foreign nation that enforceable sanitary standards and practices exist for fish processing, equal to those required domestically in the United States.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 296) to protect consumers and to assist the commercial fishing industry by providing for the inspection of establishments processing fish and fishery products in commerce, and to amend the Fish and Wildlife Act of 1956 to provide technical and financial assistance to the commercial fishing industry in meeting such requirements, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Commerce.

S. 297—INTRODUCTION OF SOCIAL SECURITY ACT AMENDMENTS BILL

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to provide a $100 minimum in monthly social security benefits, and for other purposes.

The intention of the Social Security Act of 1935 was to establish a program of benefits to the elderly which would later be expanded and developed. The goal of the act was to provide a supplemental income to the aged at retirement. But in the years since its enactment, the premise of a supplemental income has become invalid. For most social security recipients, the only income they receive is in the form of these benefits. As a consequence, many of our elderly citizens are compelled to live in poverty. An adequate income based on social security benefits must be provided.

The first priority of the 92d Congress will be the enactment of social security legislation. This legislation narrowly missed passage in the closing days of the 91st Congress last December, and it will be the first order of business in the new Congress. It is my hope that the passage of this bill will serve as the "cornerstone" for a new structure, designed to guarantee a life free of poverty and indignity for all of America's elderly citzens.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 297) to amend the Social Security Act to provide a 15-per centum across-the-board increase in monthly benefits with a minimum primary insurance amount of $100, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Finance.

S. 298—INTRODUCTION OF A BILL TO AMEND THE SUGAR ACT OF 1948 TO TERMINATE THE QUOTA FOR SOUTH AFRICA

Mr. KENNEDY. Mr. President, I introduce legislation to terminate the sugar quota for South Africa, and thereby end a special economic benefit conferred too long on the Republic of South Africa by the United States. The present racial policies of South Africa are repugnant to the principles and ideals of all Americans. They have been condemned by the overwhelming majority of the nations of the world, both in the United Nations and elsewhere. They violate the basic human rights provisions of the United Nations Charter, and they threaten to plunge the entire African continent into racial conflict. It is morally wrong for the United States to continue a program of special financial assistance of this sort, under which the Republic of South Africa has received millions of dollars in subsidies from the United States in recent years. I urge the Congress to terminate the sugar quota at the earliest opportunity.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 298) to amend the Sugar Act of 1948 to terminate the quota for South Africa, was received, read twice by its title, and referred to the Committee on Finance.

S. 299—INTRODUCTION OF A BILL TO STUDY THE FEASIBILITY OF CREATING THE BOSTON HARBOR RECREATION AREA

Mr. KENNEDY. Mr. President, growing emphasis on environmental protection and conservation has brought into focus the real and urgent need for recreational facilities for our crowded urban centers. The results of the leadership and dedication of Presidents Kennedy and Johnson in protecting our natural resources are already visible. Eighteen new recreations areas in 17 States have been added to the National Park Service in this decade, adding approximately 1 million acres designed specifically for recreational purposes.

With the hope of assuring continued national commitment to the provision of such recreational facilities, I am now introducing legislation to study the feasibility of establishing a recreation region serving one of the Nation's largest urban areas, Boston, Mass.

Boston Harbor, including Dorchester, Quincy, and Hingham Bays comprise 47 square miles of water, 180 miles of irregular tidal shoreline, and some 30 islands. Certainly, such natural assets should be available for the use and enjoyment of all the citizens of this region.

However, through uncontrolled technology and a lack of prudent planning, much of the shoreline is affected by severe water pollution, spotted with dilapidated structures, and unprotected from the forces of erosion. Virtually all of the islands today are inaccessible and underutilized.

Since the first settlements reached Boston, the harbor has been both economically and esthetically valuable. Its commercial advantages have contributed to the growing prosperity of the surrounding regions. In the earliest days, the cod and shellfish of its waters sustained the communities that grew along its shores. The beaches served as recreational areas for all of the city's dwellers. Today, Boston Harbor is an example of man's carelessness and arrogance toward his environment.

It is our responsibility to revitalize and restore and preserve this resource for all of New England. To accomplish this, we must bring together leaders from all levels of government—Federal, State, and local, together with continued support from the private sector.

Limited actions have been taken to help eradicate the problems we have created. Some towns and cities bordering the harbor have passed ordinances prohibiting disposal of refuse and garbage in its waters. Local development commissions have curtailed unplanned residential and commercial development of waterfront property. The State, through the Massachusetts Port Authority, the Metropolitan District Commission, and the Department of Natural Resources has focused attention on the need for restoring the harbor and has acted to restrict municipal and industrial pollution. The Federal Government has developed a sewage treatment facilities program, and has begun to eliminate drift and debris from the harbor. A federally supported dredging program also endeavors to maintain the natural depth of the harbor channels.

But, these are limited efforts at best and they are hopelessly fragmented. No fewer than 17 agencies hold responsibility for matters concerning the harbor. Thus, it is extremely difficult to pursue coordinated programs of pollution abatement, industrial and commercial revitalization, recreation, and harbor development.

However, the Congress and the Federal Government, through the Department of the Interior, have become increasingly involved in the preservation, development, and conservation of this Nation's previous natural resources. Surely, our coastal regions are one of our finest resources. And for both historical and physical reasons, the Boston harbor shore line deserves Federal protection and preservation.

I, therefore, introduce this bill to authorize the Secretary of the Interior to study, investigate and formulate recommendations on the feasibility of establishing a Boston harbor national recreation area, including that region from Winthrop to Hull. The Secretary shall coordinate his studies with authorities from the Commonwealth of Massachusetts, interested and related Federal agencies and shall include other planning activities involving the Boston Harbor area. The study shall be of 2 year's duration, at which time the Secretary shall report to the President.

Once restored, Boston Harbor, located centrally in the great Northeast megalopolis will serve many more than the 2 million in its immediate vicinity and as many as 50 million people who live within a day's drive.

It is my earnest hope that this bill will be favorably considered so that a foundation is laid for the reclamation of these natural resources. I also hope that the serious nature of our present loss will serve as a constant reminder that we cannot allow progress to continue unrestrained without protecting our environment; for, we are learning that to deplete our natural resources is to destroy our Nation's wealth and to deny our children their rightful heritage.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 299), to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 300—INTRODUCTION OF A BILL TO ESTABLISH THE BIRTHPLACE OF SUSAN B. ANTHONY AS A NATIONAL SHRINE

Mr. KENNEDY, Mr. President, I introduce, for appropriate reference, a bill to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site.

Susan B. Anthony lived in a period of American history during which many wrongs were righted through the perseverance and dedication of dynamic leaders. As a woman aspiring to teach in the 19th century, she experienced bitter discrimination. As a result, she became a tireless worker for 50 years for equal rights for women, especially for the right to vote. Through her efforts, the National Woman Suffrage Association was organized in 1869. In 1892, she was elected president of the National American Woman Suffrage Association.

In 1872, her persistent efforts to gain the right to vote led to her arrest in Rochester, N.Y. Later, when the Supreme Court ruled that the 14th amendment did not give women the right to vote, Miss Anthony and her followers proposed an amendment to the Constitution giving women the franchise. Fourteen years after her death, the amendment was finally adopted as part of the Constitution.

Susan B. Anthony began a crusade which is unfinished even today. Her work and her leadership led to the accomplishment of great progress toward her goals. I hope that my colleagues will agree that her birthplace should be preserved as a part of the national park system, and I am pleased to introduce this bill to accomplish that goal.

The VICE PRESIDENT. The bill be received and appropriately referred.

The bill (S. 300) to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site, and for other purposes, introduced by Mr. KENNEDY was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 301—INTRODUCTION OF A BILL TO ESTABLISH THE BUNKER HILL NATIONAL HISTORIC SITE

Mr. KENNEDY. Mr. President, I introduce a bill to establish the Bunker Hill National Historic Site.

The history of the Battle of Bunker Hill is well known. Two months after the commencement of the Revolutionary War, it became apparent that the British strategy was to occupy Boston Harbor and its environs. On June 17, 1775 a highly dedicated band of patriots resolved to drive the British from Boston. These 1,200 patriots entrenched themselves on Breeds Hill and Bunker Hill. In the morning, they withstood and repulsed two British attacks, suffering defeat only after the third attack.

In the aftermath of the battle, however, it was clear that the defeat was a moral victory for the patriots. They learned that they had the ability to repel the enemy and inflict substantial losses, while suffering few casualties among their own men.

The Revolutionary War gave birth to our Nation of freedom and liberty, and the memory of the courage of our early patroits is treasured in the hearts of all Americans. The sites involved in the battles of the American War of Independence are a significant part of the visual history of our Nation. It is fitting that they should be restored and preserved as part of our national heritage. I ask my colleagues to support this bill to make this historically significant site a part of our national park system.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 301) to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass., and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 302—INTRODUCTION OF A BILL TO AUTHORIZE THE ACQUISITION AND MAINTENANCE OF THE GODDARD ROCKET LAUNCHING SITE

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to authorize the acquisition of the Goddard Rocket Launching Site in Auburn, Mass., by the National Park Service. Dr. Goddard was the father of rocketry. His pioneering work led to his launching of the first liquid-propelled rocket on March 15, 1926. Born in Worcester, Mass., in 1882, he became a professor at Clark University. His scientific accomplishments have significance for the entire world, and enactment of this legislation will be a fitting tribute to his memory.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 302) to authorize the acquisition and maintenance of the Goddard Rocket Launching Site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 303—INTRODUCTION OF A BILL TO INCORPORATE THE HISTORIC NAVAL SHIPS ASSOCIATION

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to incorporate the Historic Naval Ships Association. This association presently includes the following former U.S. Navy ships:

The U.S.S. *Olympia*.
The U.S.S. *Texas*.
The U.S.S. *Alabama*.
The U.S.S. *North Carolina*.
The U.S.S. *Massachusetts*.

Many thousands of our finest Navy and Marine officers and men served on these ships. The ships themselves, in their years of service, took part in a number of naval engagements of great historical significance. For these and other reasons, the five ships attract, collectively, some 1,250,000 visitors annually.

This bill would make the Historic Naval Ships Association a corporation chartered by the Federal Government. The bill is intended solely to facilitate the operation of the association and the presentation of the ships themselves, through increased public attention.

The bill authorizes no expenditure of Federal funds for the association, and I hope that it will receive early action in this Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 303), to incorporate the Historic Naval Ships Association, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 304—INTRODUCTION OF A BILL TO PROVIDE FOR THE RESTORATION OF NORTH ANDOVER ABM SITE

Mr. KENNEDY. Mr. President, I introduce a bill to require the U.S. Government to provide the State of Massachusetts with sufficient funds to restore the North Andover anti-ballistic-missile site and to create a park in that location.

In February 1969, the U.S. Army abandoned its work on the site. As Members of the Senate are aware, North Andover was to have been part of the original Sentinel ABM system. When the North Andover project was terminated, however, the Army failed to restore the site to its previous condition. Instead, the Army left behind a road leading to nowhere, and a landscape scarred by huge craters.

As our cities and towns grow larger, no resource is more precious than open land—land which can be used for recreation and for renewed contact between man and nature.

Fortunately, the damage done at North Andover can be repaired, and I hope that Congress will give early consideration to this proposal.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 304), for the relief of the State of Massachusetts, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 305—INTRODUCTION OF THE NATIONAL DIGESTIVE DISEASES AND NUTRITION ACT

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to create a National Institute of Digestive Diseases and Nutrition in the National Institutes of Health.

The investigations and findings of the Special Committee on Nutrition and Human Needs have dramatically demonstrated the dependence of the human body upon proper food and nutrition and the important connection between nutrition and mental and physical growth. One of our most important windows into the normal function of nutrition in the body is the study of digestive diseases, which include disorders of the stomach, intestines, biliary passages, liver, and pancreas. We know the heavy toll taken by these diseases in terms of human suffering, illness, and death.

One-third of all cancer deaths are caused by cancer of the digestive tract. Digestive diseases as a whole are the third leading cause of death in the Nation. In addition, digestive diseases are the leading cause of industrial absenteeism among male employees in the Nation.

The National Institute of Digestive Diseases and Nutrition I am proposing would be authorized to conduct research relating to the causes, prevention, and treatment of digestive diseases, to make grants to public and private agencies for research in these fields, and to carry out a number of related purposes.

The legislation is similar to the bill proposed by Senator Ralph Yarborough in the 91st Congress. Each of us in Congress owes a great debt to Senator Yarborough for his enormous contributions to the quality of health care in the Nation, and I am pleased to introduce this legislation which he has done so much to develop.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 305), to amend the Public Health Service Act to support research and training in diseases of the digestive tract, including the liver and pancreas, and diseases of nutrition, and aid the States in the development of community programs for the control of these diseases, and for other purposes, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 10

At the request of the Senator from Tennessee (Mr. BROCK), the Senator from North Carolina (Mr. JORDAN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 10, to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War Missing in Action."

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 9

At the request of the Senator from Idaho (Mr. CHURCH), the names of Senators ALLOTT, ANDERSON, BAYH, BENTSEN, BROOKE, BEALL, BURDICK, CASE, COOK, CRANSTON, DOMINICK, EAGLETON, FONG, GRIFFIN, HARRIS, HART, HARTKE, HATFIELD, HUGHES, HUMPHREY, JACKSON, JAVITS, KENNEDY, MCGOVERN, MCINTYRE, MAGNUSON, MANSFIELD, MATHIAS, MONDALE, MONTOYA, MOSS, MUSKIE, NELSON, PACKWOOD, PASTORE, PELL, PERCY, PROXMIRE, RANDOLPH, RIBICOFF, SAXBE, SCHWEIKER, SCOTT, STEVENSON, SYMINGTON, TAFT, TUNNEY, and WILLIAMS were added as cosponsors of Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

SENATE JOINT RESOLUTION 16—INTRODUCTION OF A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CANNON. Mr. President, I introduce for appropriate reference a joint resolution proposing a constitutional amendment providing for the election of the President and Vice President.

Mr. President, the debate which took place on the floor of both Houses of the Congress on January 6, 1969, involving the counting of electoral votes proves that:

First, presidential electors are free

agents and could, if the spirit moved them, cast their votes for anyone for President;

Second, electors who are not legally bound to vote in accordance with the wishes of the people of a given State could thwart and frustrate all of the citizens of that State; and

Third, the presidential elector under our present system is not an officer charged with responsibility, serves no useful purpose, and ought to be removed entirely from the process of choosing the President and Vice President of the United States.

However, I believe in the constitutional provisions alloting to each State a certain number of electoral votes in accordance with the total number of Senators and Representatives.

Each State has two Senators serving all of the people of the State plus one or more Representatives depending upon the population of the State. Proportional representation guarantees each State a weighted vote in the Congress of the United States. Consequently, the electoral votes should be retained.

The provisions of my joint resolution are in keeping with the wishes of the drafters of the Constitution except for the abolition of presidential electors who could no longer perform the functions intended by the original drafters of the Constitution.

The population of our Nation is too large today for an elector to be able to exercise the peculiar personal choice of candidates for President and Vice President that was intended at the latter part of the 18th century.

Millions of voters now have the right to expect that their votes will be honored in choosing the country's two highest officers. This resolution, therefore, abolishes the presidential elector but not the electoral vote.

Following the casting of votes by all of the people on election day, the lists of all persons for whom votes were cast on election day for the offices of President and Vice President, the responsible election official for each State, and the District of Columbia would transmit all that information to the President of the Senate.

Thereafter, the President of the Senate at a joint session of the Congress, would open all certificates and count the votes.

Each person for whom votes were cast for President in each State and the District of Columbia would be credited with such proportion of the electoral votes as he received of the total vote cast by the electors of that State for President. In making computations, fractional numbers less than one one-thousandth would be disregarded.

The person having the largest number of electoral votes for President would be President if he received at least 40 percent of the total electoral vote. If no person received 40 percent of the electoral vote or if two persons received an identical number of such votes which is at least 40 percent of the total electoral vote, then from the persons having the two greatest numbers of electoral votes the Senate and House, in joint session, would choose by ballot the President. A majority of the votes of the combined membership would be necessary for a choice.

The same procedures would apply to the choosing of a Vice President.

Mr. President, a great many different proposed amendments have been introduced in the past and will, I am sure, be offered this year.

In my opinion, however, the electoral votes should be preserved but cast not on a winner take all basis, as is done under the existing law, but on a proportional basis in accordance with the votes cast by our American citizens.

My bill preserves the historical structure of the Constitution, yet eliminates the "unfaithful elector" and fairly distributes the electoral votes to reflect in a truly democratic manner the wishes of the voters.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 16) proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States, introduced by Mr. CANNON was received, read twice by its title and referred to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 1—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO A LOW-EMISSION PROPULSION SYSTEM FOR MOTOR VEHICLES

Mr. NELSON submitted the following concurrent resolution (S. Con. Res. 1); which was referred to the Committee on Commerce:

S. CON. RES. 1

Whereas it is recognized by Congress that emissions from motor vehicles are a major source of the total air pollution in the United States and contribute as much as 85 per centum of the air pollution in many metropolitan areas; and

Whereas it is recognized by Congress that emissions of carbon monoxide, hydrocarbons, oxides of nitrogen, lead, and oxidants from motor vehicles have deleterious effects upon human physiology and health; and

Whereas it is the intent of Congress to prevent and control the emissions of air pollutants from motor vehicles; and

Whereas it is recognized by Congress that prevention and control of emissions of air pollutants from motor vehicles requires the accelerated development of a mass-produced low-emission propulsion system; and

Whereas it is recognized by Congress that the accelerated development of a mass-produced low-emission propulsion system will necessitate the investment and expenditure of substantial moneys: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that manufacturers of motor vehicles declare a moratorium on styling changes and reallocate the moneys that would normally be invested and expended for styling changes to the costs of accelerated development of a mass-produced low-emission propulsion system to be offered for public sale no later than model year 1975.

SENATE CONCURRENT RESOLUTION 2—SUBMISSION OF A CONCURRENT RESOLUTION ON THE NECESSITY FOR INTERNATIONAL COOPERATION AND UNITED NATIONS CONSIDERATION OF OPERATION OF CIVIL SUPERSONIC AIRCRAFT IN INTERNATIONAL COMMERCE

Mr. NELSON submitted the following concurrent resolution (S. Con. Res. 2); which was referred to the Committee on Foreign Relations:

S. CON. RES. 2

Whereas it is recognized by Congress that many of the international air carriers of the world are actively planning the purchase of civil supersonic aircraft which will regularly operate in international commerce at stratospheric levels and supersonic speeds; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft in international commerce will inject into the stratosphere quantities of water vapor, sulfur dioxide, hydrocarbons, and other solid or gaseous substances which may compromise the stability and integrity of the stratosphere and have a deleterious effect upon the earth's climate; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft produces the phenomenon of sonic booms, a continuous series of short, sharp shock waves at the surface of the earth beneath the aircraft's flight path, which may have serious detrimental effects upon the human and animal populations and the ecology of the area of the earth subjected to continuous repetition of sonic booms; and

Whereas it is recognized by Congress that the operation of civil supersonic aircraft would produce increased levels of noise in areas adjacent to points of landing and takeoff; and

Whereas it is recognized by Congress that the full nature and extent of the environmental impact and the ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are unresolved; and

Whereas it is recognized by Congress that the environmental impact and ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are of a global dimension; and

Whereas it is recognized by Congress that the preservation and improvement of national and global environmental quality are of the highest order of priority and necessity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that all issues pertaining to the operation of civil supersonic aircraft in international commerce be presented to the United Nations for the attention and consideration of the General Assembly, and that the subject of the environmental impact and ecological consequences of the operation of civil supersonic aircraft in international commerce be presented for inclusion on the agenda of the United Nations Conference on Environment to be held in Sweden in 1972.

SENATE RESOLUTION 12—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO ESTABLISHMENT OF AT LEAST ONE STANDARD METROPOLITAN STATISTICAL AREA IN EACH STATE

Mr. STEVENS. Mr. President, on behalf of myself, Mr. GRAVEL, Mr. HANSEN, Mr. Prouty, and Mr. McGee, I submit a resolution which would declare it to be the sense of the U.S. Senate that the Bureau of the Budget establish at least one standard metropolitan statistical area in any State which at present has none.

Mr. President, only three States in the Union have not a single standard metropolitan statistical area within their boundaries. My own State of Alaska is one; the others are Wyoming and Vermont.

An SMSA is needed in Alaska. One of the major purposes of the SMSA concept is to promote and facilitate commerce among the several States and to facilitate the movement of people, goods, and industries from one part of the Nation to another.

In the words of the Bureau of the Budget: Standard metropolitan statistical areas definitions are used in presenting data from the censuses of business, manufacturers, and mineral industries; the census of population and housing; and the census of governments; in presenting current economic and social data; and in analysis of local area problems. And, the data are used in many market analyses.

Mr. President, my State is entering a new era of development and growth. The problems of crowded urban centers, packed population, and traffic jams are unknown to Alaska.

I look forward to the development of Alaska's industries within the guidelines of commonsense conservation practices. In my State, 25 percent of the population have been termed the poorest of the poor. Industry is needed in Alaska, as well as the continued development of Alaska's vast mineral resources. The decision of industry to move to Alaska is being retarded by the arbitrary Bureau of the Budget requirement that a State must have a city area with a population greater than 50,000 persons before an SMSA is established.

Alaska is the largest State in the Union but cannot have an SMSA because Anchorage, its most populous city, had a population of 45,000 in 1960. However, the Greater Anchorage area borough has 113,522 residents. Alaska is not an area consisting solely of villages and farms. It is an exciting place with a potential for an increase in commerce hitherto unknown in our Union. The development of this potential is in part constrained by the lack of information made available to the Nation's industries.

My resolution does not call for the Bureau of the Budget to relax its guidelines regarding the establishment of an SMSA. It merely recognizes the inequity of having three sovereign States of the Union without SMSA, and requires that this inequity be corrected. I ask unanimous consent that this resolution be printed in the Record at the conclusion of my remarks.

The VICE PRESIDENT. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the Record.

The resolution (S. Res. 12), which reads as follows, was referred to the Committee on Government Operations:

S. Res. 12

Whereas standard metropolitan stitistical areas are among the statistical standards developed for use by Federal agencies in compiling and presenting statistical data on a comparable basis for general purpose use; and

Whereas, under criteria developed under the sponsorship of the Bureau of the Budget, only Alaska, Vermont, and Wyoming do not have within their boundaries at least one standard metropolitan statistical area; and

Whereas the statistical data of standard metropolitan statistical areas gathered by various Federal agencies are highly useful in the establishment of meaningful economic and industrial profiles of metropolitan areas; and

Whereas standard metropolitan statistical areas are frequently used as market areas by business and industry because they represent a uniform basis for presentation of statistics; and

Whereas some of the Nation's two hundred and thirty-one standard metropolitan statistical areas are composed of population areas more than double the minimum population listed in officially published criteria which indicates that population alone is more a benchmark than a prerequisite for the effective functioning of the standard metropolitan statistical area concept; and

Whereas the majority of the criteria other than minimum population of the central city in the standard metropolitan statistical area can be met by cities in the only three States not now having at least one standard metropolitan statistical area; and

Whereas the presence of a standard metropolitan statistical area in a State can be considered as helpful to the economic development of the State and region as well as the standard metropolitan statistical area itself: Now therefore, be it

Resolved, That it is the sense of the Senate of the United States that in any case in which any State of the United States does not have within its boundaries at least one standard metropolitan statistical area, under criteria used by the Bureau of the Budget in establishing any such area, the Bureau of the Budget should establish within such State without delay at least one standard metropolitan statistical area comprised of the largest city or cities within such State, together with such part of the immediate environs of such city or cities as the Bureau of the Budget may deem appropriate.

ADDITIONAL STATEMENTS OF SENATORS

MISSOURI HONORS DR. THOMAS A. DOOLEY

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a proclamation by the Governor of Missouri, Warren E. Hearnes, designating the week of January 18 through 25 as Dr. Tom Dooley Week in Missouri be inserted at this point in the Record.

Dr. Dooley was born in St. Louis January 17, 1927; and died of cancer 34 years and 1 day later. During those few years and especially during the last 6 years of this all too brief life, he compiled a record of accomplishments seldom equaled or exceeded by any man.

Beginning in May 1954, circumstances developed that changed his life. Aboard the U.S. Navy attack transport, U.S.S. *Montague*, as a Navy doctor, he was reassigned to an evacuee staging area in Haiphong, Vietnam, to offer medical assistance to refugees fleeing south.

Dr. Dooley was awarded the Legion of Merit, the youngest officer in the history of the U.S. Medical Corps to receive this award, for his efforts in providing medical care, food and housing for the several thousand Vietnamese people who passed through this camp. He also received the National Order of Vietnam, that nation's highest decoration, in recognition of his great service.

This experience brought Dr. Tom Dooley to a point in life where, as Robert Frost described it:

> Two roads diverged in a wood, and I—I took the one less traveled by. And that has made all the difference.

From this decision, Dr. Dooley dedicated the remainder of his life to bring medical care to the underprivileged of the world.

He returned to the United States in 1956; recruited a staff of three former Navy Corpsmen who had worked with him at Haiphong, and used the royalties from his first best selling book, "Deliver Us From Evil," to finance his trip back to Southeast Asia and establish a small village hospital at Nan Tha, Laos.

It was during these next few years that Dr. Dooley established a record of service to humanity which has seldom been equaled. He wrote two more best selling books, "The Edge of Tororrow" and "The Night They Burned the Mountain," and with the proceeds from these books and his lecture tours he founded MEDICO; an instrument to carry forward his work in the less-developed countries of the world.

By working up to 20 hours per day he not only treated the sick but through his personal efforts setup 17 hospitals in 12 countries. Throughout his work he exemplified by his actions those words he wrote in 1958:

> I believe that it behooves those of us who attempt to aid in a foreign land to be content with small achievements. We must not attempt to build dynasties. We must try to build at the level of the people, or just one step ahead, always planning it so that the Asian can ultimately take over.

In August 1959, Dr. Dooley learned that he had chest cancer. After surgery and a brief convalescence he returned to work; first on a nationwide lecture tour and then back to Southeast Asia. By late 1960, however, Dr. Dooley again became ill and was forced to return to the United States for medical attention. He died January 18, 1961, the day after his 34th birthday.

He was posthumously awarded the Congressional Medal of Honor in 1962 by a grateful U.S. Government for his work in Southeast Asia. This brought to a total of three nations who had awarded him their highest decorations.

It was indeed fitting that Dr. Tom Dooley's home State should remember him officially during this anniversary week of his birth and death. His example of service to mankind and his achievements in working to help make this a better world in which to live will long be an inspiration to all who knew or read of his work, and to the unnumbered thousands who have directly benefited and will be served by the medical services he established.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, St. Louis, Missouri, was the birthplace of Doctor Thomas Anthony Dooley III, and the eighteenth day of January, 1971, marks the tenth anniversary of his death; and

Whereas, the Congress of the United States, through a joint resolution on May 9, 1961, proposed an authorization to the President of the United States, to award posthumously, a medal to Doctor Thomas Anthony Dooley; and

Whereas, the then President of the United States, John Fitzgerald Kennedy, did present to Mrs. Thomas Dooley, Senior, the doctor's mother, a gold medal with appropriate emblem, devices, and inscription commemorating the doctor's work; and

Whereas, the President did bestow this singular honor on this Missourian, by this special Act of Congress, in recognition of the gallant and unselfish public service rendered by Doctor Thomas Anthony Dooley III, in serving the medical needs of the people of Laos and Vietnam, of people living in the remote areas of the Laotian jungles, and of peoples in other developing countries; and

Whereas, this service was performed voluntarily as a citizen of these United States; and

Whereas, the youth of the world need inspiration and leadership to orient them toward ideals and service to others, and a richer appreciation of the dignity of self and others; and

Whereas, I call upon officials of the state, county and city governments and upon local officials to encourage citizens' groups and agencies of the press, radio, television and motion pictures to engage in appropriate activities to deepen the meaning and observance of the unselfish life of Doctor Thomas Anthony Dooley III; and

Whereas, to assure that this great Missourian be remembered as an exemplary citizen of the world:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do hereby proclaim January 18 through January 25, 1971, as Dr. Tom Dooley Week in Missouri, and urge all of our citizens to observe this time with appropriate ceremonies expressive of their desire for idealism among our youth, and their hope that the example of Doctor Thomas Anthony Dooley III may serve as an inspiration to all.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 15th day or December, 1970.

Attest:

WARNER E. HEARNES,
Governor.
JAMES C. KIRPATRICK,
Secretary of State.

THE PRESIDENT'S FIRST SPECIAL MESSAGE TO THE CONGRESS

Mr. SCOTT. Mr. President, the President of the United States has today submitted his first special message to the 92d Congress.

As the President indicated, his first request deals not with things new, but with things familiar. He is proposing to the 92d Congress more than 36 items of legislation, which were previously submitted to the 91st Congress. Some received favorable action in one or the other House of Congress. Some will be resubmitted in their original form. Others have been modified. All, however, are considered by the President to be in the national interest.

I would strongly urge the committees in the Senate and the Congress as a whole to give immediate attention to the proposals submitted today. The text of the President's message appears elsewhere in the RECORD, and I shall not ask that it be again printed in the RECORD.

HUMPHREY SETS HEALTH CARE GOALS

Mr. HUMPHREY. Mr. President, I am proud to be a cosponsor of S. 3, the Health Security Act of 1971, because it is something I have been working for since I first came to the Senate in 1949. On May 17 of that year, I introduced the first medicare bill. It was finally signed into law by President Johnson in 1965.

This time we cannot and must not wait so long.

There are going to be tremendous changes over the next few years in the delivery of health care and the methods of financing it. This change is inevitable. And it is desirable.

This is no time for the Senate of the United States to act like King Canute, who tried to command the tide to halt. The time has come for a complete, comprehensive overhaul of health care in America.

This is the paramount issue of the 1970's. It is sad that we have waited so long. We should have acted long ago. But it is not too late.

There is no conceivable reason why the wealthiest, most scientifically advanced Nation in the history of the world—the United States of America—is not also the healthiest Nation on earth. Unfortunately, we are not. Despite the fact that Americans last year spent some $70 billion on health care, we rank 13th among industrialized nations in infant mortality, 11th in life expectancy for women, and 18th in life expectancy for men.

All this points to one inescapable fact—Americans are less healthy now than they were 20 years ago when the national annual health expenditure was less than one-fifth what it is today.

Forty million Americans have no health insurance of any kind. No one actually has health insurance—it is really sickness insurance. You have got to be sick, really sick, before you get any benefits.

It is rather ironic to note that a preponderant number of States in this wealthy Nation of ours require automobile insurance, but not one State requires or even advocates the most minimal health coverage for all its citizens.

What we have here is a serious deficiency in basic planning, design, and operation of our health care system—a failure of our society to establish national priorities. The time has come, I am convinced, to get both our priorities and our systems straightened out and functioning properly.

The Department of Health, Education, and Welfare has warned of a "breakdown in the delivery of health care unless immediate concerted action is taken by the Government and the private sector."

Medical care in this country is organized as "crisis" medicine rather than preventive medicine. We are the only major western nation that does not have a national health care plan for the majority of its citizens.

Years back I proposed a system of national health insurance. It was not terribly sophisticated, but it was an idea. I was called a dreamer, a Socialist, and a political neophyte, and a few other things I would not care to repeat.

Today this concept of national health insurance is accepted, even endorsed, and applauded by leaders of both major parties.

The President of the United States recently said that we simply have got to have some kind of system like this. He did not feel that way when he was in Congress, but he is President now.

As I return to the Senate, I bring with me the determination, the dedication, the commitment to make improved health services for all 206 million Americans a matter of top priority. I want to see this 92d Congress go down in history as the "Health Congress."

Let us dedicate ourselves here to the task before us. Let us resolve that by 1976, when our great Nation celebrates its 200th birthday, that no American lacks instant and total access to the very best medical care in the world. Let America be known as the healthiest Nation in the world.

If we wish to achieve this goal, and I am sure there is not a person here, or anywhere in this land, who does not also share this dream, there are some basic steps we must take:

There must be a significant increase in public funds for expanding the supply of medical manpower, including persons from minority groups;

We must train new types of medical aides such as assistant physicians, family planning aides and community health workers;

Financial aid must be made available for starting hundreds of additional group practice plans;

We must increase the number of neighborhood health centers, ambulatory clinics, maternity and well-baby clinics; and

We should offer financial incentives for innovative, more economical and efficient arrangements, and coordinated medical service plans.

Any effective restructuring of our health care system will require the concerted effort of all citizens—of members of the health professions and their associations, of public health officials, of the insurance industry, of labor and management, of this Senate, this Congress and—perhaps most importantly—of the health consumer.

Such a health coalition—such a working force of dedicated, creative individuals and organizations—can do for the health of the Nation what the urban coalition hopes to do for its cities.

Such a coalition—manning medical think tanks and staffing medical task forces—can design a health care system in keeping with our unique American traditions yet fully responsive to the needs of all citizens; a health care system appropriate to our advanced and affluent Nation's needs and desires.

Such a health care system is possible

only in a society which has its priorities straight—a society that puts the health and well-being of its citizens at the top of its agenda.

That is the kind of health care I want this Congress and our Nation to provide.

I will have more to say about this in the days and weeks and months ahead. And I will have some definite measures to introduce aimed at achieving these goals.

UKRAINIAN INDEPENDENCE DAY

Mr. YOUNG. Mr. President, January 22 was the 53d anniversary of the Ukrainian Independence and the 52d anniversary of the Act of Union.

I think it appropriate that we once again demonstrate this country's sympathy and understanding of the Americans of Ukrainian descent who are now amongst our finest citizens.

Despite the continued persecution of the Ukrainian people by the Soviet Union, these people have never been intimidated and have kept up their fight to regain their independence. In recognition of their gallant efforts, I ask unanimous consent of the Senate to have the brief statement concerning the background of this oppression and a newspaper story which appeared in the January 10, 1971, edition of the New Star, Chicago, Ill., printed in the Record as a part of my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Historical Background

January 22nd will be the 53rd anniversary since the Proclamation of Independence of the Ukrainian National Republic and the anniversary of the Act of Union, whereby all Ukrainian territory was united into one independent and sovereign state of Ukraine. The Independence of Ukraine was proclaimed in Kiev, the capital of Ukraine on January 22, 1918 and the Act of Union took place a year later.

The Ukrainian National Republic was recognized by foreign government including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years the Ukrainian people waged a gallant struggle in defense of their country but it was subdued to a puppet regime of the Soviet Socialist Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During the World War II the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army (UPA) which fought not only against the Soviets but the Nazi regime as well.

The Brezhnev and Kosygin leadership is bent on keeping the Soviet-Russian Empire intact by persecution of Ukrainian intellectuals, professors, poets, writers, scientists and commentators. The international press has been providing a vast amount of documentation on the supression of the Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle-East, Africa, and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western obervers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measure against liberal movement in Czechoslovakia. Since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive Nations.

Both the U.S. Congress and the President of the United States have expressed their concern over captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

Genocide Against Christians in Ukraine

Washington, D.C.—"The Ukrainian Catholic Church must be protected," said Patrick Cardinal O'Boyle, Archbishop of Washington, on the occasion of the inaugural lecture of the Roman Smal-Stocki Lecture Series sponsored by the Ukrainian Catholic Studies Foundation presented on December 11, 1970 at the St. Josaphat Seminary in Washington, D.C. by Archbishop Ambrose Sensyshyn, OSBM, Metropolitan for the Ukrainian Catholics in the United States. The thesis presented was, "Christianity in Soviet Ukraine" in which the Archbishop charged the Soviet Union with practicing genocide against Christianity in Ukraine.

The Archbishop made 21 charges of genocide and crimes perpetrated by the Soviet Union against the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches in Soviet Ukraine.

In a lecture delivered by the Archbishop at St. Josaphat's Ukrainian Catholic Seminary in Washington (Dec. 11, 1970), he stated that the Soviet Union systematically planned the complete destruction of the Byzantine-Ukrainian Catholic and Ukrainian Autocephalus Orthodox Churches, notwithstanding its so called constitutional guarantees of religious freedom and its demonstration of tolerance of religion to foreigners by allowing a few "show" churches to remain open.

Archbishop Senyshyn charged the Soviet Union with the following deliberately planned official acts of genocide and crime against Christians and Christianity in Soviet Ukraine:

1. The Soviet Union caused to be killed or die in prison many thousands of bishops, priests, nuns, vergers, professors of theology and prominent faithful of both the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches in Ukraine.

2. The Soviet Union destroyed or confiscated historical churches, monasteries, seminaries, schools, icons, chalices and other church property belonging to the Byzantine-Ukrainian Catholic or the Ukrainian Autocephalus Orthodox Churches or the Christian faithful.

3. The Soviet Union deliberately sent hoodlums in the churches to disrupt services and to physically attack priests and the faithful.

4. The Soviet Union arrested falsely thousands of clergy and faithful merely for practicing their right to religious freedom.

5. The Soviet Union abolished Sunday as a holiday and eliminated all other church holidays as a measure against the practice of religion.

6. The Soviet Union deliberately set exorbitantly high fees for the use of the churches they confiscated so that the priests would have no place to conduct services.

7. The Soviet Union declared priests, nuns, professors of theology and other churchmen "non-working elements thus denying them certain civil rights available to other members of the Soviet society.

8. The Soviet Union used numerous terroristic measures to dissuade priests from hearing confessions, celebrating Mass and caring for the faithful and used similar methods of terror on the faithful.

9. The Soviet Union imposed exorbitantly high taxes against priests and church property so as to preclude the exercise of religious freedom.

10. The Soviet Union dressed atheists in priest's vestments, who with cross in hand held wild masquerades in the streets and ridiculed God, religious faith, the Church and the priesthood as to discredit the dignity of belief in God.

11. The Soviet Union organized the "Union of Atheists" run by the communist party and supplied them with various propagandist means at the expense of the state while denying the same to those who would encourage the practice of religion.

12. The Soviet Union organized the population to take part in anti-religious demonstrations under duress of arrest for not participating.

13. The Soviet Union deprived the children of the clergy the right to get an education and denied them entitlement to work for normal wages unless the children severed all connection with their parents.

14. The Soviet Union closed down all seminaries and church schools in order to deny the Byzantine-Ukrainian Catholic and the Ukrainian Autocephalus Orthodox Churches development of future priests.

15. The Soviet Union denied the religious press the freedom to propagate the faith by closing down all publishing facilities used by the Byzantine-Ukrainian Catholic and Ukrainian Autocephalus Orthodox Churches.

16. The Soviet Union destroyed Christian cemeteries and monuments and converted the stone into building blocks for roads and sidewalks, thus attempting to eliminate all traces of Christian tradition of the Ukrainian people.

17. The Soviet Union forbade priests from visiting the sick and dying thus denying them the last sacraments.

18. The Soviet Union prohibited the clergy from engaging in any charitable and social work on behalf of the needy, thus denying the priests from carrying out their religious duty.

19. The Soviet Union made false accusations against the bishops, priests and other churchmen by charging them with collaboration with the Nazis, a crime of "high treason" against the Soviet Union.

20. The Soviet Union denied the imprisoned clergy and faithful the right of legal counseling or fair trial and further denied them humane treatment.

21. The Soviet Union applied extreme pressures and tortures to the Byzantine-Ukrainian Catholic clergy in order to force them to renounce their Catholic faith and to sever all ties with the Vatican.

In reply to the question of "what is the status of the Ukrainian Catholic Church in Soviet Ukraine today" Archbishop Senyshyn said, "The Catholic Church of the Byzantine Rite is outlawed in Ukraine. The fatihful, however, worship in secret. There exists an underground Ukrainian Catholic Church in Soviet Ukraine. The Holy Mass is held in secret and marriages are performed in secret."

Finally, the Archbishop said, "Nonetheless, if we are to view the future of the Church from the perspective of faith, then we have every reason to hope for a happy resolution to every problem and difficulty. The Fathers of the Church have always taught that the blood of martyrs is the seed of the Church. The Ukrainian Catholic Church, has not ceased shedding her blood, and because of this alone, coupled with an ardent faith in God's Divine Providence, we can expect a glorious future for the Catholic Church not only in Ukraine, but in every country where faithful Ukrainian Catholics have made their home."

TAX SHARING

Mr. HOLLINGS. Mr. President, yesterday I introduced a tax-sharing bill which I presented before this body when I first came to Congress in 1967. I stated at that time and reiterated yesterday that, although State and local problems must be solved at the State and local levels, it is quite clear that we must have legislation which will financially enable our State and local governments to meet the overwhelming demands for governmental services. It seems clear that this type of measure is critically needed.

On January 13, 1971, a Spartanburg County commission in South Carolina passed a resolution urging the passage of such a measure to permit State and local governments financially to meet the demands of their citizenry. On that same date the General Assembly of South Carolina passed a concurrent resolution which also recognized the need for such a program.

These are only two examples of recognition by State and local governments which I am sure is endorsed by literally thousands of governmental entities throughout our Nation. I believe the time has come for Congress to recognize this need and go forward with such legislation. I ask unanimous consent that a copy of both these resolutions be printed in their entirety in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA, COUNTY OF SPARTANBURG, BEFORE THE COUNTY COMMISSION—RESOLUTION—NUMBER 23

Whereas, the demands upon State and Local Governments for public services have multiplied in recent years, and they will continue to grow at a rapid pace; and

Whereas, the costs of these services on the State and local level are also increasing at an unprecedented rate; and

Whereas, a proposal which would empower the Federal Government to share certain percentages of their income tax revenue with State and local governments would greatly aid these governments to meet the demands of their citizenry without a substantial tax increase on the local level.

Now, therefore, be it resolved, that the Board of Commissioners of Spartanburg does hereby support the principle revenue sharing and urges the 92nd Congress to hold hearings on this measure so that final enactment may be realized in 1971.

Be it further resolved, that the Commission requests that any such revenue sharing proposal be based upon a national formula with any share returned to local governments be determined upon expenditures by the local governments in lieu of revenues generated by them.

R. D. BLACKMAN,
Chairman.
M. L. WORKMAN,
Vice-Chairman,
THOMAS P. JOHNSON,
Member,
JAMES O. THOMASON,
Member,
R. L. HOLDEN,
Member.

CALENDAR NO. S. 7

A concurrent resolution memorializing the Congress to take such steps as necessary to provide for income tax revenue sharing with the States and their political subdivisions

Whereas, revenue received by the Federal Government from income taxes is derived from sources in the various states; and

Whereas, the various states and other political entities therein are in dire need of financial assistance; and

Whereas, it would be most equitable that a portion of the income taxes collected by the Federal Government be shared with the states and their political entities; and

Whereas, such sharing should result in more efficient government as some services now being rendered by the Federal Government could be done by existing state and local government agencies; and

Whereas, the members of the General Assembly support the principles of revenue sharing and respectfully request the Congress to take such steps as necessary to provide for income tax revenue at the earliest possible time. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the General Assembly do hereby respectfully request the Congress to take such steps as necessary to provide for income tax revenue sharing at the earliest possible time.

Be it further resolved that a copy of this Resolution be forwarded to the President of the Senate of the United States, Speaker of the House of Representatives of the United States and to each member of the Senate and House of Representatives from South Carolina.

A MAN OF SPIRITED CONVICTIONS

Mr. CHURCH. Mr. President, in each generation there are a few dauntless individuals who undertake to comfort the afflicted and afflict the comfortable. Such a man of spirited conviction is Joe Rauh, "Mr. Liberal," who was honored for his achievements and his influence on the occasion of his 60th birthday this month.

The Washington Post in its editorial of January 16, 1971, said about Joe Rauh's testimonial dinner audience:

> There will be union members who cheered his fights against employer obstinacy and against occasional oppression of the rank and file by overbearing union officials. There will be blacks and whites heartened by his indefatigable battling against racial discrimination and the denial of civil rights. There will be libertarians of every hue who rejoiced in his championship of free speech and due process. There will be numerous Washingtonians grateful for his tireless efforts to win for this community the simple right of self-government.

They were all there for a deserved commendation to Joe Rauh, ebullient, energetic, deft, and combative friend of the good causes of America—and a good friend of mine.

The fires of Joe Rauh's convictions burn as fiercely today as they did 35 years ago when he first came to Washington during the momentous early years of the New Deal. I am glad he came and I am glad he stayed.

Mr. President, I ask unanimous consent that three articles from the Washington Post of January 16, 1971, conveying the spirit of the occasion, be printed in the RECORD at this point in my remarks:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COUNSEL FOR THE UNDERDOG

The diversity of the throng that will come together this evening to pay tribute to Joseph L. Rauh Jr., and to help him celebrate his 60th birthday tells a great deal about his extraordinary professional career. There will be lowly and eminent New Dealers who shared in his rambunctious, youthful efforts under Franklin D. Roosevelt to resuscitate and reform the nation. There will be union members who cheered his fights against employer obstinacy and against occasional oppression of the rank and file by overbearing union officials. There will be blacks and whites heartened by his indefatigable battling against racial discrimination and the denial of civil rights. There will be libertarians of every hue who rejoiced in his championship of free speech and due process. There will be numerous Washingtonians grateful for his tireless efforts to win for this community the simple right of self-government.

Joe Rauh has been, in short, an undaunted, unrepentant counsel for the underdog. Undoubtedly there have been more profitable practices than his. Nevertheless, it seems probable that no lawyer has ever found more fun in the law. There have been no odds too heavy, no cases too hopeless, no unfortunates too forlorn to recruit his ardor. To all of them he contributed great professional resourcefulness and a magnificent exuberance of spirit. He has fought hard and has found his satisfaction in the fighting, in the giving of himself unstintingly to great causes. It is therefore improbable that he will tire—and impossible that he will quit. At 60, Joe Rauh may well be approaching his prime.

MR. RAUH IS JOE LIBERAL

(By Myra MacPherson)

Joe Rauh—known reverently by friends and disdainfully by detractors as "Mr. Liberal"—is a relentlessly garrulous, energetic, bouyant, charismatic ham who "get mad quick and glad quick."

Tall and athletic, he bounds into a room with more than faint boyish enthusiasm despite the fact his 60th birthday is being honored tonight ("after that dinner, I'll be known as an old has-been.")

A splash of bourbon goes into a glass, and Rauh is ready for pictures, allowing that he is just a liberal lawyer and no politician—"a politician would never let his picture be taken with a drink in hand."

Despite his uncomplicated manner, Rauh is known as a brilliant strategist with a string of civil rights and civil liberties victories. He was chief lobbyist for the Civil Rights Act of 1944, the 1965 Voting Rights Act and the 1968 Fair Housing Act.

Rauh, has a boisterous self-confidence that may well stem from an emotionally and financially secure childhood. His father, a German Jew, was a prosperous shirt manufacturer in Cincinnatti, Ohio, and a "rock ribbed Republican." A family joke is that his peace * * *

Rauh himself seemed to be wobbling toward the shirt business, majoring in economics at Harvard, graduating magna cum laude. "I swear to God I don't know why I went into economics," Rauh says. As a Depression era graduate, there was little room for Rauh in his father's business and Rauh went on to law school.

As an undergraduate, there was no noticeable thrust toward causes. Rauh enjoyed rah-rah adventures like sneaking into the New Haven stadium and tearing down the goalposts the night before a Harvard-Yale game and faking an ability to play drums to get in with a ship's summer band bound for Europe. "After they got out to sea, the band made him promise he would never touch the drums," said Rauh's wife of 35 years, Olie.

But when Rauh met Felix Frankfurter, then a professor at law school, his future was shaped. Rauh calls Frankfurter "a one man recruiting agency for the New Deal."

Years later in Washington the Rauhs incurred Frankfurter's wrath when they didn't invite him to their house when Marilyn Monroe stayed there, while her husband Arthur Miller, testified before the House Un-American Activities Committee. Miss Monroe eluded the press for two weeks, riding a bike in the Northwest Washington neighborhood wearing a scarf and blue jeans. When reporters finally cornered Rauh's son, Carl, then 16, and asked him what it was like having Marilyn Monroe in the house, he said, "well, it's sure not like having your brother around."

Rauh worked vehemently against Lyndon Baines Johnson's nomination for vice president, then later worked with him. Rauh was so upset when he heard that Johnson was Kennedy's choice that he grabbed a mike on the convention floor, and with TV cameras grinding away, hollered, "Wherever you are Jack, don't do it." The next time they met, Kennedy told Rauh, "You were very persuasive." Rauh answered drily, "Apparently not persuasive enough." Rauh then attacked Vice President Johnson saying Johnson's "first loyalty was to the Southern racists."

As President, Johnson sought Rauh's help and got it, although they never became friends. "He asked me to help pass the civil rights law," Rauh explains.

"God forbid, should President Nixon ask me to pass a civil right law, he would have my help."

Both Rauh's sons, Mike and Carl, 30, who are more conservative than their father, surprised their father by following in his profession. "In the '68 convention, we were the only family where the old goats were for McCarthy and the kids were for Humphrey," Rauh jokes. "Mike was Humphrey's liaison with John Connally, and one of my jobs for McCarthy was to throw the Connally delegation out of the convention. Mike won."

To many of the young and blacks, Rauh's brand of liberalism seems now old hat and anachronistic. But 20 years ago, when Rauh and his wife picketed the segregated National Theatre faithfully every Friday night (the local ADA night to picket) it was hardly radical chic.

Rauh seems undisturbed by "dirty white liberal" attacks by blacks who feel whites should stay out of their struggle, Mrs. Rauh only says, "I think it unfortunate they don't know who their friends are."

Rauh says, "I'm proud of our laws. What our generation has done is bring equality in law, the next generation has to bring equality in fact."

Rauh lives in a home remarkably free, by Washington political standards, of narcissistic memorabilia. The only prominent picture of Rauh is a joke gift of his face inside a Time magazine man-of-the-year frame. (His office is another story. It's festooned with political cartoons of himself.)

He shows little sign of slowing down; he plays tennis once a week, swims in the family pool and watches football on TV.

Rauh was "elated" at the victory of the Rev. Walter Fauntroy in the Democratic congressional delegate here last week. But Rauh, once called the "boss" of Washington liberals, seems out of touch to some because he still believes a white man can get elected in Washington. If the District ever got a Senate seat, it would surpise no one, including Rauh, if he ran for it.

Mrs. Rauh, who has been content to be the private figure in the family, says, "Joe says by the time we get a Senate seat he'll be in a wheelchair. I always answer, 'I'll push you.' "

There Was Liberalism—A Once and Future Politics

(By Philip A. McCombs)

In 1935, when Joe Rauh Jr. graduated from Harvard Law School and came to Washington to work in the New Deal, the place was popping with the "sheer excitement of restructuring a stark capitalist society toward a welfare state."

That's the way Rauh remembers it.

To the endless stream of bright young men deluging Washington in those days, Arthur Schlesinger Jr. in *The Coming of the New Deal* attributed "an alertness, an excitment, an appetite for power, an instinct for crisis and a dedication to public service which became during the thirties the essence of Washington."

Judge Learned Hand found them insensitive and arrogant. "The Filii Aurorae," he said, "make me actively sick at my stomach."

"There was a crusading spirit among the New Deal kids," said Rauh. "But one of the things that's saddened me over the years is that so many of those who were part of it didn't carry that spirit through the rest of their lives."

Joe Rauh, his friends say, did. He was a founder of Americans for Democratic Action in 1947 and a battler in every important liberal cause for three decades. Tonight the American liberal community—from its commanding generals to its field soldiers—honors his 60th birthday with a testimonial dinner in the Cotillion Room of the Sheraton-Park Hotel.

Mrs. Page Wilson, the veteran ADA publicist, said yesterday that more than 900 acceptances have been received at $60 each during the six-month organizing effort for the affair. The money will be administered by ADA as Rauh directs.

The list of dinner sponsors includes most of the prominent liberal establishmentarians from New Deal days on. Former Attorney General Ramsey Clark and labor leader A. Philip Randolph are co-chairmen. Historian Schlesinger and New York Post editor James Weschler are toastmasters. Playwright Arthur Miller and Mississippi Democratic leader Aaron Henry will read tributes.

Democratic presidential hopefuls Hubert H. Humphrey, Edward M. Kennedy, Edmund S. Muskie, George McGovern and Harold E. Hughes are among the sponsors along with Eugene S. McCarthy and a group of liberal congressmen.

The dinner came into being at the instigation of Wechsler and James Loeb, an ADA founder and past national chairman, who thought of the idea a year ago, Schlesinger agreed, and the idea blossomed.

The response "has exceeded all expectations and grown so big that it has had to be moved to a bigger banquet room," said arrangements chairman Frank W. McCullock, former chairman of the National Labor Relations Board under the Kennedy and Johnson administrations.

The response to the dinner, says some of the liberal old guard, is symptomatic of a new spirit among their brethren. The cause, they say, though under attack from many sides and fraught with dissension within, is regaining its old momentum and will exert an important influence in 1972.

However, there are those of a more pessimistic cast of mind who say that American liberalism has not recovered from the slump into which it fell during the last decade.

"Liberalism today," said Arthur Miller, "is a wandering spirit looking for a body." Miller characterized liberalism since the New Deal as "flabby." He said the old liberals are "Bewildered by a sense of defeat" and the newer ones "got too comfortable with power, excused too much and made peace with the privileged, the smug and the indifferent."

The kids, the militant blacks, the hard revolutionaries, much of the labor movement and the new conservatives—all say that bourgeois, hypocritical liberalism is at the root of the malaise. But the organizers of tonight's dinner says they are honoring a man who is living proof that isn't the case.

"The dinner means there are some basic principles which survive as the body of the American liberal tradition," said Loeb. "We're coming out of our most recent rough period when young people got disgusted with democratic processes."

Former U.S. Senator Paul M. Douglas said liberalism is "the predominant American sentiment . . . I don't know that it's intact, but it's strong," he said. "It defeated Haynes and Carswell."

Liberalism's biggest problem today may be that it lacks a single strong, charismatic leader—or had too many of them all battling one another for preeminence.

Says Schlesinger: "These things ebb and flow, and in 1972 the liberals will come back politically and intellectually."

Yet Schlesinger's carefully structured eulogy for tonight, "The Last Liberal?" strikes a more somber tone. He writes that modern liberalism has fallen into disrepute partly because of dogmatism, sentimentalism and a fear of power in its own ranks.

"Confronted with . . . horrid accusations, discouraged by the apparent intractability of social and economic problems, aware of the bottomless depths of human fallibility, some liberals have begun to sound a little apologetic about liberalism," he writes. "A few are recanting altogether, one side flaking off to the left and condoning violence and repression, another flaking off to the right and commending tradition and order."

From James Wechsler comes a sweeter refrain. The Left's "wild flirtation with nihilism" is over, he said, and a "new cycle" in American politics is beginning. "The sort of fashionable view that liberalism is obsolete is receding again," he said. "Joe is a sort of symbol of indestructibility."

"In fighting for the Mississippi liberals," said the NAACP's Roy Wilkins, "Joe was fighting for the vindication of the political democratic process—this is the field of true liberalism."

Harvard professor Paul Freund, who clerked for Mr. Justice Brandeis in 1932–33, said that modern liberalism tends to meet on several issues with a new, humanist conservatism.

Page Wilson, who said she remembers having "a fine time, a merry time" as a young lady at another birthday party—Franklin D. Roosevelt Jr.'s 21st in Hyde Park—said tonight's dinner will have "no sense of obituary about it."

"It's a very alive group of people," she said. "It's going to be a very merry occasion."

POLLUTION WATCHING BY TELESCOPE

Mr. GOLDWATER. Mr. President, during the latter part of the second session of the last Congress I placed in the CONGRESSIONAL RECORD an article developing a revelation of an Astrophysical Observatory symposium conducted by the Smithsonian Institution. I said at the time:

> It is remarkable that some newsman did not realize the significance this development holds . . . seems to me to be worthy of wide news coverage.

Since that time it has been called to my attention that one of the better scientific papers in this country, Science News, had in its October 1970 issue an article entitled "Pollution Watching by Telescope," covering the precise subject I discussed before the Senate. I must apologize to Science News and also to my colleagues for not having known of this, but I now ask unanimous consent that the article, "Pollution Watching by Telescope," appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Pollution Watching by Telescope

While biologists and diplomats struggle with the vast problems involved in setting up a worldwide pollution monitoring system, scientists at the University of Washington in Seattle suggest a novel idea using equipment already in existence: astronomical telescopes.

The university has formed an interdisciplinary group of astronomers, geophysicists, atmospheric scientists and civil engineers called project ASTRA—Astronomical and Space Techniques for Research on the Atmosphere.

"We came to realize," says Dr. Paul W. Hodge, astronomy professor and chairman of ASTRA, "that some of the astronomical techniques for studying extraterrestrial sources can be applied to the earth's atmosphere and can complement and in many cases far surpass in accuracy the existing equipment used in air pollution studies."

The project proposes three methods for the study: high-dispersion spectroscopy, atmospheric extinction measurements and particulate sampling.

Spectroscopy is one of the most powerful tools for analyzing the composition of objects in space (see p. 299). The spectrum of light coming from these sources contains bright and dark lines which vary according to both the source and the environment it passes through, including the earth's atmosphere.

Astronomers have traditionally treated the lines from the earth's atmosphere as annoyances. But if the lines are analyzed, they can be a highly accurate source of information on air pollution molecules.

Thus molecules of carbon dioxide, ozone, carbon monoxide, nitrogen oxide and nitrous oxide can be separated.

The extinction method is another source being used at the university. A paper Dr. Hodge recently submitted to Nature outlines the results of such a study at Mt. Wilson Observatory above Pasadena, Calif. Archive data and his research shows that between 1910 and 1960 there was a 26 percent loss of light in the ultraviolet and a 10 percent loss in the visual light due to atmospheric constituents.

The third method, particle sampling and analysis, also supplies long-term data for pollution comparisons. For 18 years, Dr. Hodge has been looking for micrometeoritic dust. "Each year we find more and more man-made dust," he says.

By analyzing new data being obtained by astronomers all the time at observatories all over the world and old data stored for over 50 years, a curve-of-growth analysis can be made. "We will be able to check the controversial report of a secular increase in the CO_2 concentration in the atmosphere (SN: 11/15/69, p. 458) by measuring existing plates in observatory archives," he says.

A proposal by ASTRA now being studied by the university administration, prior to request for Federal funding, calls for a telescope to be placed on the university campus to compare urban pollution with data obtained from a 16-inch photoelectric telescope (now at the Rattlesnake Ridge Observatory) to be moved to a new site on Manastash Ridge, in dry, central Washington. The over-all proposals include extraction of all possible data from records of astronomers worldwide; establishment of a center for the accumulation, storage and dissemination of the data and publishing of monthly reports.

"This is an example of the sort of spin-off that comes from basic scientific research that cannot be predicted," says Dr. Russell Drew of the Office of Science and Technology in Washington, D.C. "And a very fortuitous one at that."

TRIBUTE TO MAYOR DAVIS OF KANSAS CITY

Mr. SYMINGTON. Mr. President, strange as it may seem in this era of reputed taxpayer revolt, recently the citizens of Kansas City passed, by a large margin, an increased earnings tax; and this badly needed revenue will provide further impetus for Kansas City moving forward in the 1970's.

Such a superb display of community spirit was, in large part, a result of the tireless effort of the city's remarkable Mayor, Ilus W. Davis.

In an administration marked by integrity, honesty, and plain hard work, Mayor Ike Davis has inspired extaordinary public confidence, thereby leading his city into a new era of pride and self-respect. His achievement has now been honored in an editorial in the Kansas City Times of December 19, 1970.

Mr. President, I ask unanimous consent that a copy of this editorial lauding an outstanding public servant of Missouri be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

An E-Tax Triumph for the City and a Safer Future

Who would have believed it! The E-tax increase not only carried—it carried big.

The "tax revolt" and the credibility gap between people and government vanished Thursday as an impressive number of voters went to the polls to impose a higher burden on themselves. The elements of this remarkable victory were a major issue, public safety, and an intelligent campaign to explain the stakes to the public.

The central architect of this achievement was Ilus W. Davis, the lame-duck mayor of Kansas City. We have often thought that the term "lame duck" was little more than a convenient excuse for tired or weak political leaders to pass the buck during the final weeks and months of an administration.

Ike Davis is neither tired nor weak. Thursday's election offers a brilliant capstone to an 8-year administration that is without parallel in the history of this community. It would have been easy for the mayor to have backed off from this one. The decision to ask for higher taxes, and it was a difficult one, could have been deferred to the new administration that takes over April 10.

But Kansas City needs more policemen now—not next fall or winter. Municipal trash collection is years overdue. Street lights, a deterent to crime, are needed now to illuminate areas of darkness. Dead elm trees must come down before they fall on pedestrians and property. If this tax increase had failed, Kansas City faced the very real threat of a strike by policemen and firemen. Any way you look at it, that development would have been a catastrophe for this community.

No one was more aware of the dangers involved than Ike Davis. As recently as mid-November, some councilmen were having second thoughts about this election. Their fears of defeat were genuine. They were based on the costly toll of the construction and motor car strikes. The mayor was just as concerned over the problems, but he was determined to make one final effort to overcome the financial problems that threatened to cripple the community.

Ike Davis did not do this alone. He did provide the leadership around which others could rally to achieve a goal. John A. Morgan, co-chairman of the emergency committee for public safety, performed masterfully in organizing the campaign. Mrs. Leone Park. co-chairman, carried the message to the women of Kansas City. Clarence Kelley, chief of police, told the voters the facts in his quiet, forceful way and they believed him. Hundreds of others helped do the job.

But without the driving force of Ike Davis, none of these people would have had an opportunity to serve their community. Afterward he said: "I would have been very sad to have walked off and left the cupboard bare after we have tried as hard as we have to make progress for Kansas City."

His determination to press ahead, despite odds which at first seemed insurmountable, is the best way to sum up the extraordinary quality of his leadership. Now Kansas City can move ahead during the final months of this administration. Taxes will not become a negative and possibly divisive issue in the campaign. The new mayor and council will not have to devote months to solving a problem which has already been taken care of.

After a discouraging summer, when nothing went right, a new mood prevails in Greater Kansas City. The Jackson County charter, the United Campaign and now the E-tax add up to a string of victories of which any community in the nation could be proud. If this momentum can be sustained, the 1970's will be bright for Kansas City.

CONGRESSIONAL REFORM

Mr. SCOTT. Mr. President, just prior to the convening of this Congress, Senators Mathias and Harris held hearings on congressional reform.

With all of the discussions taking place over possible rules changes and changes in Senate procedure, I thought it might be of interest to my colleagues to see the testimony offered at those hearings by Senator Barry Goldwater.

Senator Goldwater was kind enough to embrace some of the procedures advanced by Senators Saxbe, Schweiker, Hughes, and Cranston and concurred in by the joint leadership.

I ask unanimous consent that Senator Goldwater's testimony be inserted at this point in the Record.

There being no objection, the text of the statement was ordered to be printed in the Record, as follows:

Improving Senate Procedures

(Statement by Senator Barry Goldwater, of Arizona, before the ad hoc Committee on Congressional Reform, Jan. 19, 1971)

Senators Harris and Mathias, let me say at the outset that I think these hearings serve a useful purpose. I am very pleased to be able to participate in your effort to find ways of improving Senate procedures and making our distinguished body more responsive to the nation; and as a Member of the institution we are discussing, I will try to add some helpful insight to this study.

Perhaps more than most Members, I have had an opportunity to observe and examine the practices and procedures under which the Senate operates. Before my present term, I was privileged to serve for 12 years as a Member of the Senate and then to have a self-imposed sabbatical of 4 years during which I could reflect upon the basic structure and distinguishing features of this national institution. So, unlike many of the voices which you will hear in the course of these proceedings, I will speak to you as one who has viewed the inner workings of the Senate's machinery and who has had a unique opportunity to examine the issues which are the subject of your hearing.

With this background, I wish to express my strong view that there is no need to perform major surgery on the Senate. To the contrary, I shall propose several changes in practices used on the Senate Floor which would make the Senate operate in a smoother, swifter, and more responsive manner, but would not require amendment of the Senate rules. In addition, I shall suggest one reform which would require a substantial break with Senate tradition.

But before launching into the details of these suggested changes, let me explain the reasons for my belief that no drastic alterations are called for. To my mind, the Senate is not the irresponsible, ponderous dinosaur which many of its critics make it out to be. Though there are times when we all become frustrated over its inability to grab hold of an issue and reach a decision right here and now, upon reflection, when one looks at the record developed by the last Congress, we can see the Senate is capable of reaching a great many significant decisions. On the other hand, I do not think the mark of a successful Congress is necessarily found in how many laws it passes, and often the Senate can serve the country best by not acting to pass ill-considered proposals.

On the positive side, I might mention two laws which I had sponsored in the last Congress together with wide bipartisan support that might contribute to the public good. One of these new laws will protect the important personal right of privacy by completely barring the use of the United States mails as a means to distribute unsolicited and unwanted sexually related advertisements.

The second will enhance the right to vote for President and Vice President for over 10 million American citizens. You may recall this law abolishes residence requirements as a pre-condition to voting for President and Vice President, and grants to all United States citizens the right to register absentee and to vote by absentee ballot in Presidential elections. I like to point to this statute when anyone suggests the previous Congress has failed to act on election reform. Why this one change alone will expand the vote by nearly 14 per cent.

And have we already forgotten the giant step taken when Congress reduced the voting age to 18? This provision will add another 11 million persons to our election rolls. Therefore, it must be recognized that the 91st Congress deserves credit for having enabled over 20 million additional American citizens to join the ranks of eligible voters in future elections. This is an increase of almost 30 per cent in the number of persons who elect a President.

Other legislative contributions made by the previous Congress include a Water Quality Improvement law, enactment of a major organized crime bill, a Clean Air measure, and a complete reform of the postal system.

Among the legislative proposals which the last Congress turned down is the so-called welfare reform proposal. Though I realize there is some disagreement over this issue, I am persuaded that my good friend from Delaware, Senator John Williams, is correct when he concludes the welfare package would freeze all the inequities of existing law into the new program and add several new ones. For example, my colleague revealed that not one welfare recipient in America would receive a dime less than that which he is now getting under existing law. On the other hand, the welfare proposal would increase the public assistance rolls from 11 to 24 million persons, a rise of more than 100 per cent. In addition, it was discovered the bill would have provided a 1,300 dollar cash bonus to a mother who had an illegitimate baby over and above what she would receive if the baby were born in wedlock.

It's this kind of deficiency which leads me to believe it might not be such a bad idea if the Senate would defer action on a Presidential proposal every once in a while. I do not think there is anyone here who wants the Senate to become a rubber stamp for the President, whatever his political beliefs. I have mentioned one instance where I believe President Nixon has been given bad advice. I would also like to refer to a related measure which should never have gotten through during the term of Mr. Nixon's predecessor, Lyndon Johnson—and this is the Medicaid program for which public expenditures have leaped 1,000 per cent above the estimates given to Congress. Indeed, I might add that much of the inflationary costs saddled upon the national economy today can be traced back to legislation which was barreled through by an obliging Congress which was all too eager to accept and expand President Johnson's social schemes.

With these thoughts in mind, I would like to list some of the practical changes which can be made in order to improve the Senate's performance. I will preface this list by saying they did not originate with me. Rather, these are items which have been developed as a result of great efforts and time spent by the joint leadership of the Senate, particularly Senator Mansfield and Senator Scott. I do not think I am revealing any secret today when I mention that the joint leadership is likely to request—perhaps I should say insist—that at least a dozen changes shall be implemented in the Senate's procedure once the new Congress convenes.

These changes include a decision by the leadership to insist that roll call votes do not last more than 20 minutes in the Senate. On occasion, I can recall when these votes have stretched out up to 45 and 50 minutes in order to accommodate the convenience of one or two individual Members. If we are to cope with the ever increasing needs of a growing nation, we should try to prevent this kind of ridiculous waste of time which holds up the country's business.

In order to make this practice workable, the Sergeant-at-Arms will be asked to install a new light and bell system to indicate the beginning of the final 5 minutes of each roll call vote. In this way, each Member can know at a glance this is his last opportunity to be recorded. Whether Senators will find this acceptable will depend upon them, of course. The mechanics can be provided to assist Senators, but it's up to them to make proper use of these procedures.

Another move to cut down on the time for holding votes will be an appeal to Members to stay close to the Floor once they know a unanimous consent agreement has gone into effect. If Senators will keep close to the Chamber instead of being scattered all over Capitol Hill, I am confident this will save several precious minutes out of each day whenever a vote is called.

The next change would require that all Members should be prepared to accept strict enforcement of the 3 minute rule on speeches during the morning hour. Here, we have a rule that is broken regularly and draws out the beginning of the Senate's day time after time. It is my feeling Senators should abide by the present rule; and if they cannot deliver their full statement within 3 minutes they can ask for their speech to be printed in the Congressional Record as if it had been read in its entirety.

This proposal is related to a decision to crack down on the growing tendency of Senators to seek a special order setting aside the whole morning hour for their speeches. When the new Congress convenes, Senators will be expected to ask for no more than 15 minutes under any special order; and if their thoughts need further development, they should insert their remarks in the Record or come back at the end of the day to resume their statement after the Senate's business has been conducted.

Perhaps the most important change will be the giving of a firm notice to each Member that he must remain in Washington except during announced recesses. All too often in the past individual Senators have been allowed to delay the holding of a vote from one day to another in order to satisfy their outside speaking plans. Now if we would just think about this, we would see that if each Senator is granted a delay only once in each session of Congress, the Senate would thereby lose a full 100 days out of it's work year. This is an impossible situation, and I shall support the enforcement of the new practice with great hopes for its success.

In order to assist the needs of each Senator, I understand the joint leadership will seek to provide for a 5-day recess at the end of every month during which Senators can carry out their speaking engagements. Again, it will be up to each Senator to adjust his schedule in the service of the entire Senate.

There are other changes which will improve the ability of each Senator to do his job well even though it may not reduce the time it takes him to do it. For example, the 3-day rule on appropriations bills will be followed to the letter. As you know, this rule provides that an appropriation measure must stay on the Senate's calendar for 3 days before it is acted upon. The close monitoring of this rule will assure Members who do not sit on the Appropriations Committee that they will have the time to study and inform themselves about these massive, important bills.

Secondly, the final 15 minutes of debate under a limited time agreement will hereafter be equally divided between the proponents and opponents of an issue. Very often in the past, the Senate has witnessed the spectacle in which all the minutes reserved for one side has been used up early in a debate, so that by the time most Members come onto the Floor, they will hear only one-sided presentation of the issue. By altering this practice, I believe Senators who are in the Chamber shortly before a vote will be able to hear a balanced discussion of both sides of the matter before them.

This concludes my review of the mechanical changes which will be laid before the new Congress when it convenes. I shall leave it for the Senate leadership to announce the full details of their new plan. But before closing, I would like to add one suggestion to their list which is the proposal that Senate Committees should begin their work much earlier in the session by scheduling hearings immediately after Congress convenes.

Finally, I want to join with the many opinions voiced at this hearing that conclude the Seniority system is outmoded and improper for a Twentieth Century Congress. While I do not have any hard and fast position about what we might use to replace it, I do think it would be worthwhile to consider whether the Chairmen and members of each Committee can be chosen by party vote, or in the case of the Chairmen, perhaps by the ranking three or four members of each Committee.

For my part, I am very impressed with the energy and skill shown by many of our junior Members, and I strongly believe these young men should be given greater opportunities to rise to the heights of their abilities within our political structure.

Furthermore, I will go a step beyond the usual recommendation by announcing my position that the Senate procedures must be revised to make room on our Committees for the young Members according to their personal area of expertise. In my view, any consideration of a change in the Seniority system should not be restricted merely to the spot of Committee Chairman, but must be aimed at the broader question of how one can get onto that Committee in the first place. If we can achieve this one limited change, I think we can do more to modernize the Senate and preserve its stature than by adopting any other reform which I have heard about.

This concludes my statement.

THE PROMISE OF THE U.N. CHARTER UNFULFILLED

Mr. PROXMIRE. Mr. President, I rise once again to urge this body to ratify the Genocide Convention unanimously adopted by the United Nations General Assembly almost 21 years ago. The position of the United States with regard to this treaty has been both puzzling and ironic. In 1945, the American people and the world stood aghast at the hideous crimes of the Third Reich. This episode gave rise to the concept of genocide and the movement to outlaw genocide as a crime under international law. Following the war, the United States was one of the leaders in urging the United Nations to adopt a resolution on this matter. We joined in the unanimous vote of December 11, 1946, by which the General Assembly adopted its resolution, calling for the drafting of an international convention for the same purpose. On December 8, 1948, the convention was adopted by the U.N. General Assembly by unanimous vote, with the United States concurring. On December 10, the United States signed the convention and on June 16, 1949, the then President Harry Truman submitted it for the advice and consent of this body. A subcommittee of the Foreign Relations Committee held hearings and reported the convention favorably to the full committee, which took no action. In 1951, the treaty entered into force, having been ratified by the requisite 20 States. Today, the convention has 75 parties; the latest to deposit its instruments of ratification being Great Britain on January 30, 1970.

We have stood aloof from this international treaty in the drafting of which we fully cooperated. Other nations find our position short of incomprehensible. If we abhor the crime of genocide, if we desire that it should never happen again, if we support the building of world order based on law and justice, then we must ratify this convention, which would fulfill a promise we have consistently made.

The promise that needs to be fulfilled in this world, the question that needs to be answered, and the imperative that must be followed is that yearning of mankind to build a foundation of a law of human rights for all mankind, a foundation for world law. First, we are asked to fulfill the promise of universal human rights personally. In the words of Mrs. Eleanor Roosevelt:

> Where after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, women and child seeks equal justice, equal opportunity, and equal dignity without discrimination. Unless these rights have meaning here, they have little meaning anywhere.

It is precisely these sentiments and ideals to which the founders of this Nation dedicated their lives and sacred honor. It involves the preservation of an open, free society, rid of the scourge of racism, poverty, hunger, and free from fear and intimidation, and to this promise we must dedicate ourselves and our efforts to.

Second, as a nation of States we must ask ourselves to what extent we are committed to preserving human rights, guaranteed under world law. It is appropriate here to remember the counsel of Robert Kennedy:

> Each nation has different obstacles and different goals, shaped by the vagaries of history and experience. Yet as I talk to young people around the world I am impressed not by the diversity but by the closeness of their goals, their desires and concerns and hopes for the future. There is discrimination in New York, apartheid in South Africa and serfdom in the moutains of Peru. People starve in the streets of India; intellectuals go to jail in Russia; thousands are slaughtered in Indonesia; wealth is lavished on armaments everywhere. These are differing evils, but they are the common works of man. The inadequacy of human compassion, the defectiveness of our sensibility toward the sufferings of our fellows; they mark the limit of our ability to use knowledge for the well-being of others. And therefore, they call upon common qualities of conscience and of indignation, a shared determination to wipe away the unnecessary sufferings of our fellow human beings at home and around the world.

This speaks eloquently not only of the need to preserve human dignity and freedom in our national life by fulfilling the promise of the Declaration of Independence, but also to answer the shared concern of nations around the world with the growing problem of world law and justice. The building of world law would be greatly enhanced by the ratification of the Genocide Convention. We as a nation can show our concern and support for establishing as matters of international concern and jurisdiction certain specified aspects of human rights, in this case the right of national, ethnic, religious, or racial groups to live under just and humane government.

This speaks to a commonality of concern among nations, although each nation may have different obstacles and different goals. In the context of modern history the convention stands for a principle of fundamental importance; namely, that whatever evils may befall any group or nation or people are a matter of concern not just for that group but for the entire human family. It is thus in our commonality of compassion for the rights of mankind that the nations of this world can gather their strength. And the question at this time, and in this place is whether we, the United States, will answer by ratifying this document of world law.

I have spoken of past promises that need to be fulfilled, and of the present questions facing us today. And there is yet another aspect of this convention: It is concerned with what kind of vision we will proclaim, what imperatives we will follow. Former Chief Justice Earl Warren, speaking before the Conference on Continuing Action on Human Rights in December of 1968, said:

> The foundation of a law of human rights for all mankind are the UN Charter obligations to promote and protect human rights and standards proclaimed in the Universal Declaration of Human Rights. This Declaration has already had a real impact on countries around the world. In speaking of the Universal Declaration Secretary General U Thant said recently: ". . . the Declaration has guided and inspired many statesmen and legislators. . . . Those who suffered from inequities, from prejudices, from humiliations, from fear and insecurity, found in it a justification for their complaints and protests. . . ."

This declaration has only begun to play its role in the development of a universal society. It has a major role to play both here among us at home and abroad among our sister countries. An attempt was made through the establishment of the United Nations to shield the citizen from the abritrary actions of his government. It was hoped that mankind would be benefited and governments would be deterred from despotic tendencies. It was hoped that the peacekeeping actions of the United Nations would be strengthened, and the unilateral use of massive military power be eliminated.

The United Nations speaks of the finest virtues of mankind—a quality of the imagination, a will that demands courage over timidity, adventure over love of ease. The United Nations calls forth the best in mankind. This imperative, this call to the future, this push for a new vision that demands of us to take the lead in the introduction of a new order of things. Nothing is more difficult, nothing more perilous, nothing more uncertain in its success. For those who deny that deep convictions and high aspirations are compatible with the most practical and efficient of programs, let us heed the counsel of the late Senator Robert Kennedy:

> It is not realistic or hardheaded to solve problems and take actions unguided by ultimate moral aims and values. It is thoughtless folly. For it ignores the realities of human faith and passion and belief, forces ultimately more powerful than all the calculations of economists and generals.

At this time, here in the Senate of the United States, we must ask ourselves how we will fulfill the promise of our Declaration of Independence, how we will answer our commitment to the Charter of the United Nations, and what path we will follow in answering the imperatives of a troubled world that asks for international peace and justice. It is my conviction that ratifying the Convention on Genocide will in part fulfill the promises of the past, answer the questions of today and follow the imperatives of tomorrow.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION—ADDITIONAL COSPONSORS

Mr. BROCK. Mr. President, for many months, along with many of my colleagues in the House, I have exerted every possible effort toward bringing the tragic story of our prisoners of war and missing in action, together with that of their families home to the American people. It is believed that only by so doing can any hope be held out that their captors will be persuaded to abide by the Geneva Convention in their treatment of our men.

Two separate sessions of the House—one a joint meeting—was devoted to this cause. Yet today, as more and more U.S. servicemen return to this country to be reunited with their loved ones, the families of the POW's and those missing in action wait in vain for their return or even for full information as to their welfare.

That is why I have submitted Senate Joint Resolution 10 asking that the President designate March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action." These dates have significance as the anniversary of the first U.S. serviceman to be captured in the North of Vietnam, and will serve as a time frame during which I am told many artists of radio, TV, stage and screen will concentrate their efforts in presenting this story. Let us hope the message will be heard in Hanoi and will have positive results.

The following Senators join me as additional cosponsors: Mr. JORDAN of North Carolina, Mr. SYMINGTON, and Mr. HATFIELD.

TRIBUTE TO THE LATE SENATOR RUSSELL

Mr. JORDAN of North Carolina. Mr. President, the death of Senator Richard Russell has closed a magnificent chapter in the history of the Nation he loved so much and served so long and so well.

I mourn, as does every other Member of this Senate, the passing of a man who rightfully will be remembered as one of America's finest statesmen and most illustrious political and legislative leaders.

But mixed with my sorrow is a sense of awe and thankfulness that our country was blessed by the fruits of his strength, his wisdom and his expert guidance in such a splendid way for so many years.

And I am very grateful for the high personal privilege of having shared the last 12 of those years with him in these Halls and of benefiting so greatly from his leadership.

History denied this man the chance to be President—a role I am completely convinced he would have filled with exceptional distinction.

But it afforded him the opportunity to serve as a confidant and counsel of no less than six Chief Executives during periods of national trial and crisis which tested to the very core the fiber of his own greatness.

He was in a very real sense the architect of America's military strength and the country's role as a defender of weaker nations during the years he served as chairman of the Senate Armed Services Committee.

For what he accomplished there, the entire free world, as well as his own country, owes him a debt of undying gratitude.

In times of domestic turmoil he was ever a tower of strength and a voice of wisdom and reason in these halls where we now pay such richly deserved tribute to his memory.

Richard Russell loved the South which gave him birth and fought with consumate skill for its legislative causes.

He loved his party and championed it in countless battles.

But, above all, he loved his country and what it stood for and it was to its laws, traditions, and dreams that he gave himself without question or reservation.

He brought to that task qualities of fairness, courage, and unswerving integrity that made him a legend in his own time.

The voice of Richard Russell is forever stilled.

The things he said and did in his nearly four decades of outstanding public service, however, will live on as a rich heritage for future generations of Americans as well as in the memory of those of us who were so privileged to know this great man.

ON THE SIDE OF THE POOR

Mr. CHURCH. Mr. President, a continuing debate in this country centers around assisting the poor, one-seventh of our citizenry. As long as these Americans live outside our affluent society, we cannot halt the debate and—more important—we cannot swerve from our national goal of abolishing poverty in our midst.

"Always be on the side of the poor man," St. Louis IX, King of France (1228–1270), instructed his son Phillip, "rather than the rich man until you know the truth." A man who followed this precept is Mr. John C. Cort of Boston. His long life on the side of the poor is a moving testament to the kind of human motivation existing within our system. From the Catholic Worker through the trade union experience, the Peace Corps, the war on poverty and the black revolution, Cort writes in the current Commonweal, he has found that—

> There is so much health and so much vitality in our system that if can afford to pay people to fight the injustice and inefficiency within the system and thereby keep the system from getting so fat and corrupt that it might indeed fall of its own dead weight.

Another account of the fight against poverty is less reassuring. Writing in the January issue of the Washington Monthly, Mr. Taylor Branch describes in detail current problems in the Office of Economic Opportunity revolving around the Legal Services program. He outlines this most promising and, perhaps, the most constructive effort to date to provide legal representation and other legal services to the poor. By working through our judicial system, the Legal Services program exemplifies conservatism in this country at its best. He concludes that "society's pillars need drastic reform."

Yet, according to Mr. Branch, recent political developments in OEO raise serious questions about the administration's commitment to support needed change in our courts and in the application of our laws in regard to unrepresented poor people. Publicized political plans are in motion to stymie the work of poverty lawyers. However, these lawyers "were not just helping the poor." Mr. Branch says:

> They were forcing responses from that great enveloping blanket which is known as administrative government and which warms all our problems. They were beginning to act almost like a fourth branch of power kicking those huge agencies that murder equity and then bury the responsibility in a corridor somewhere while the PR men explain. Perhaps the thought of a single independent lawyer—totally unprogrammed and uncoordinated—standing there and causing change on the basis of principle was too much for the politicians, who are lost in the blanket, too. They have a place there woven together, along with the old differences between liberal and Republican and Democrat and conservative. Everyone has a spot to protect. There is little support for the idea of that independent lawyer any more, for he is out of style. And if the powers keep the poverty lawyer from suing city hall or HUD or HEW or the police department, Legal Services will itself be incorporated into the blanket and become another program with problems to protect and jobs to keep by not gouging its neighbors. If the control of Legal Services is mailed out to the politicians and bureaucrats and special interests one of the last best hopes and the best idea in the war on poverty will be absorbed into the great woolly fabric and wetted down. That is how it is.

With developments such as described above, the creed of John Cort and the Legal Services program mandate, "to further the cause of justice," will never be fulfilled.

I ask unanimous consent that "The Evolution of a Catholic Worker," by John C. Cort appearing in the January 8, 1971, Commonweal plus Taylor Branch's "The Ordeal of Legal Services: How Poor People Won in Court But Lost in OEO," from the January issue of the Washington Monthly, as well as Jack Anderson's column, "Budgeteers Slash Poverty Programs," in the Washington Post of January 7, 1971, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EVOLUTION OF A CATHOLIC WORKER

(By John C. Cort)

When I was in school I was so bored by economics that I dropped out of the course at the end of the first half-year. I began to get excited by economics only after I spent a few years working on the breadline at the Catholic Worker and walking on picket lines with the Association of Catholic Trade Unionists.

The breadline extended all the way down Mott Street and around the corner on Canal Street. Sometimes they were lined up before dawn, standing in the cold, waiting for the coffee and one slice of bread smeared with apple butter. The line was long because there were many able-bodied men standing in it who could have been at work if there had been jobs for them, men who were still not broken down by booze, hunger and despair.

The economic system had broken down (about 12,000,000 unemployed in a much smaller labor force) and now it was breaking down the men whom it could not employ. Nobody who watched it happen could help but be moved with anger against such a system, especially when, as I believed and still believe, a major cause of this suffering was the greed of the rich and the powerful and their indifference to the anguish of the poor.

I accepted the argument of those who held that the chief cause of that depression and unemployment was the refusal of employers and government to maintain purchasing power through decent wages and other monetary benefits. I did not accept the argument of Peter Maurin and others at the Catholic Worker that the solution to the evils of our industrial system was to flee the cities and go back to the land and to making things by hand. This seemed to me to be a lovely and romantic notion that would never appeal to more than a select few who rarely had the money or the hard-muscled skill and determination to make it work. In short, counterproductive and highly distracting. It was a debate that raged for years, at times even more violently than the battles over pacifism and anarchism that also kept us busy at the C.W.

Dorothy Day was probably a saint and certainly a beautiful writer and in all fairness it should be said that she was ambiguous about trade unions. Peter was not. He said clearly, "Strikes don't strike me." But Dorothy's Marxist background would not permit her to turn her back on the unions. She wrote some wonderfully warm and vivid pieces supporting the sit-down strikes in the auto industry. But mostly the C.W. was not very sympathetic to the union movement.

So with Marty Wersing and George Donahue and a few others who included a large percentage of Manhattan College graduates we organized the Association of Catholic Trade Unionists, which was dedicated to the proposition that to give the workers a meaningful share in control, *power*, over the industrial system, was a Christian and Catholic thing to do, that power should be used with reason and prudence but that the main thing right then was to get some for the workers. And so we went out and marched on picket lines and distributed leaflets at plant gates and on the docks and in Jersey City and got jumped by goons and other unpleasant persons.

We worried a good deal about racketeers in some of the older AFL unions and we tried to help rank-and-file union members who were inclined to organize themselves, usually unsuccessfully, to cast off the dead hand of corrupt local leaders. One reason for their unsuccess was explained to me when a truck-driver really made me understand what it feels like to have a gun shoved in your ribs on a dark rainy night under the 9th Avenue El. Better a dead hand than a dead member.

We also worried about Communists in the CIO when we weren't defending the CIO from right-wing charges that it was Communist-dominated. Looking back now, especially in view of the fact that Russian Communism and its adherents in this country have become so respectable and even paunchy, I sometimes wonder if perhaps we didn't worry too much about them. But on the whole I am inclined to think not. The Stalinists of the 30's and 40's were by no means paunchy and they were highly effective at twisting their control of various unions into an instrument of Russian foreign policy, depending on whether the Yanks were or were not coming at the moment.

We were denounced by some priests and praised by others who generally got to be known as "labor priests." We wrapped ourselves in the papal encyclicals, especially *Rerum Novarum* of Leo XIII and *Quadragesimo Anno* of Pius XI, and when we weren't wrapping ourselves in them we were beating our Catholic adversaries over the head with them in a manner that, since *Humanae Vitae*, I have come to resent in others.

But one way or another we helped to get the church on the line on the side of the poor man at a time when union members were still poor. Recently I asked a union friend why the labor movement had become so conservative. His reply was, "Well, it's the first time that we've had anything to conserve." Union members had little to conserve in those days.

At the Catholic Worker we ate corn flakes for breakfast, not knowing then how much we were being cheated on nutrition. Lunch was usually a sandwich and dinner stew. I slept in a four-room apartment with nine other men, from one of whom I probably contracted the tubercle bacillus that ate a hole in my right lung. The walls were infested with bedbugs and try as we might we could not rout them out entirely. I remember once taking a particularly bad steel frame cot up to the roof and burning the vermin out of it with a blow torch. I shall forever treasure the memory of the sharp, acrid smell of roasting bedbug.

There was usually a meeting to go to at night and when you were able to get to bed sleep was rarely sound. The days also were full of action and turmoil and after two and a half years I was ready for a TB sanatorium. Many years and relapses later, after much reading and some writing, several jobs and the acquisition of a small amount of patience and a sizable amount of children I became executive secretary of the Newspaper Guild of Greater Boston, CIO, which means I was a local union business agent and responsible for negotiating contracts, handling grievances, organizing new shops and mediating old hatreds.

In New York I had first become active in the Guild as chairman of the *Commonweal* unit during the somewhat frantic days immediately after the war when the fight between Stalinist and anti-Stalinist factions was at its height. The Stalinists tagged me as "a clerical redbaiting Fascist." There were also two factions in the Boston Guild, a mere 200 miles away, but those were somewhat different: pro-publisher and pro-Guild. The pro-publisher group quickly identified me as a Communist.

My mind goes back to one negotiating session with the *Boston Post*, a dying newspaper that we were trying to keep alive. Borrowing an idea from Pius XI and Clinton Golden, we proposed a joint production committee of management and union members that would work together and develop ways and means of saving money and improving the paper. "After all," I said, "we don't agree with Marx that labor and management have nothing in common." At the mention of Marx, one of my critics on the Guild side of the table woke up and nudged his neighbor. "Hear that?" he said, "I told you Cort was a Commie."

Management didn't like the idea either and the paper went ahead and quietly died.

In New York I knew the labor movement mainly from the angle of strikes, picket lines, organizing campaigns, conflict, drama. The labor movement was where the action was in those days. In Boston, over twelve long years, I learned about trade unions from the standpoint of day-in, day-out housekeeping. We never had a strike of our own, although we supported the strikes of other crafts on several occasions. It took seven years just to persuade our largest unit to authorize a strike, to make a threat. That's how conservative they were.

And finally they stood up to the boss and told him they would walk out if he didn't give them a decent contract. And he did. And all those who stood up stood taller. And things were never the same again. They had tasted power, the power to talk to the powerful, the power to stop begging and start demanding, the power to impose some law of reason and justice on a resisting world. I don't say that they had really achieved that power, but they had tasted it. And that was enough, as it usually is. It was never any problem to get a strike vote after that.

But before that happened there were hundreds of meetings: membership meetings, board meetings, workshops, conferences, conventions. And there was the talk: hours and hours and hours of talk. Good talk, bad talk, boring talk. Oh, the hours of boring talk. But all of it was part of the dynamics of building an organization of workers who would finally be strong enough to stand up and talk to the boss as an equal—well, almost an equal. It was the democratic process extending itself to the city room and the advertising department of the *Boston Herald-Traveler*. It was a pain in the ass and a thing of beauty.

In 1958 I ran for state representative from Ward 22 of Boston, mostly Irish, a little Italian, Jewish and Polish (see *Commonweal*, Nov. 7, 1958, "My First Hurrah"). Which means I joined the Knights of Columbus, imitated Maurice Chevalier singing "Louise" in the parish variety show, attended more wakes than was good for me, and lost. And I ran again two years later, had my nomination papers stolen, ran on stickers, won on the first count, lost on the recount, learned enough to respect politicians because sometimes in their life they really have to sweat, and lost.

Two years later I was the local martyr and would have had to do something really foolish to avoid getting elected, but my wife, who was allergic to politics, persuaded me to join the staff of the Peace Corps in the Philippines (see "Eight Hundred Americans," *Commonweal*, Sept. 25, 1964). We watched the democratic process at work in a land where it was new and even stranger than it is everywhere, and saw it working again despite the strangeness. At the suggestion of a Peace Corps Volunteer we organized a group that discussed Teilhard's *Phenomenon of Man* and reflected on how the Peace Corps itself was an example of that process Teilhard describes by which the world is contracting, coalescing and speeding up.

In 1964, home on leave, I got an invitation from the Governor to head up the Service Corps, a new domestic Peace Corps that became the multi-purpose anti-poverty agency of Massachusetts. We helped organize community action agencies all over the state, those agencies that were supposed to give the poor "maximum feasible participation" in the planning and administration of the programs. We recruited over 500 full-time Volunteers, mostly poor folks themselves, gave them a few dollars expense money and assigned them to help those and other agencies to organize their neighbors and fight their way out of poverty.

And some strange things came to pass. Through the Service Corps the Commonwealth of Massachusetts was paying people to organize welfare mothers first in MAW (Mothers for Adequate Welfare) and later in the Welfare Rights Organization to make trouble for another agency of the Commonwealth, the department of public welfare. Service Corps and VISTA Volunteers were organizing public housing tenants, making trouble for housing authorities, mayors, redevelopment authorities and other branches of the Establishment.

Some people might point to this as evidence that our democratic system is cracking up. It doesn't even know how to defend itself. It contributes to its own destruction. I prefer another explanation. I prefer to say that there is so much health and so much vitality in our system that it can afford to pay people to fight the injustice and inefficiency within the system and thereby keep the system from getting so fat and corrupt that it might indeed fall of its own dead weight.

THE CRITICS

There has been a lot of criticism of OEO's community action from Daniel Patrick Moynihan and others. Mayors and public bureaucrats don't like it because it has been organizing the poor and giving them the power to make trouble. Radicals don't like it because it is committed to working within the system. A lot of people don't like it because it has been oversold and underfunded and tends to make promises it can't fulfill.

I have rarely seen or heard any persuasive criticism of the basic concept of community action that underlies the Economic Opportunity Act from anybody who actually worked in it, from anybody who actually knew how it works, from anybody who had actually seen it work.

Moynihan makes some valid points in his book, *Maximum Feasible Misunderstanding*. One of those is his point that community action was a concept that covered four different meanings that tended to get confused in the minds of its inventors and practitioners, namely, organizing the power structure, expanding the power structure, confronting the power structure, and assisting the power structure.

Possibly Moynihan meant to include a

fifth meaning, which is really the most important and significant meaning, when he spoke of confronting the power structure. And that is, to use an old union term, organizing the unorganized, organizing the non-union poor so that they can confront the power structure with something more than total powerlessness. It is revealing that Moynihan looks at this concept from the point of view of the power structure, not from the point of view of the poor.

On June 2, 1967, a number of Service Corps Volunteers, black mothers on welfare and organizers of MAW, chained the door of the Grove Hall welfare office and locked themselves and the entire staff in. They were demanding an immediate redress of grievances. The cops came and broke down the door, cut the chain and drove out the mothers, with unnecessary roughness. The black community of Roxbury, Boston's ghetto, exploded in the worst riot the city had seen in this century. I saw it, the burning and the looting, the over-reaction of the police and the trigger-happy firing of guns. I saw the fear and the hatred on both sides.

A few weeks later we moved into a house in Roxbury which we had bought some time before. I would hope that we would have moved anyway. Frankly, we wanted to identify with this community because it seemed to us that the white people of this area, Boston and environs, like the white people of America, sometimes consciously and sometimes unconsciously, have oppressed and exploited black people and denied their basic human rights.

This is where the action is today, in the black ghettos. This is where the great unfinished business of America will be finished or will finish America.

We have campaigned for black candidates. We have served on Model Cities committees and been active in parent associations in the local schools. We have observed police brutality and listened to the Black Panthers' rhetoric of counter-brutality and watched them filling sandbags outside their headquarters down the street for the inevitable raid which will one day shatter the quiet of the night. We have been robbed in our home and robbed on the street. We know about law and order and we are learning, slowly, about the infinite variety and the infinite sufferings of black people.

We have come to see that part of that suffering can be caused by the goodhearted bungling of friends like ourselves who sometimes contribute to the syndrome of dependence by being a little too aggressive and insensitive about how they help, not recognizing that blacks will make it only when they get themselves together to confront this white society in the same way that the workers got themselves together to confront the boss.

From the Catholic Worker through the trade union experience, the Peace Corps, the war on poverty and the black revolution, my life over the past 34 years has led me into highways and back alleys. If I did a book on these experiences, I would call it *The Side of the Poor Man*. The phrase is from a saying attributed to St. Louis, king of France in the 13th century, "Always be on the side of the poor man rather than the rich man until you know the truth." There seems to be an implication there that after you know the truth you will be on the side of the rich man, but I don't think St. Louis meant it that way.

Another theme of the book would be a remark identified with Winston Churchill whose wisdom I find myself admiring more and more as I grow older, namely, "Democracy is the worst possible system of government in the world except for every other system of government."

Let me put it simply and with more than a trace of arrogance. I am tired of reading and listening to stuff by people who have never been there: about unions and labor relations, about politics and public service, about underdeveloped countries and foreign aid, about poverty and the black ghetto, about the slow and painful process by which the powerless attain power and self-respect. I have been there, all those places, not just to visit but to live and work. By and large, it's not the way they say it is.

[From the Washington Monthly, January 1971]

The Ordeal of Legal Services: How Poor People Won in Court But Lost in OEO

(By Taylor Branch)

At 6:30 p.m. on November 20, an unlikely group of four people assembled in Washington for an important ceremony regarding the Office of Economic Opportunity's Legal Service Program of representation for the poor. Donald Rumsfeld chaired the meeting from his position as director of the anti-poverty agency, a post which he had accepted in May of 1969 after much cajoling from President Nixon and the Moynihan wing of the White House. The oddity of Rumsfeld's leading the charge against poverty has frequently been noted by writers who recite his moderately conservative record as a Republican Congressman. There is room to muse about the versatility of a man like Rumsfeld—who could become OEO's leader after voting against the original Economic Opportunity Act of 1964, who fights poverty and still comes on like a stylish version of his President, and who represents the poor from a background (Princeton '54, Congressman from a posh Illinois district) which finds them distant and hard to understand. Rumsfeld was attended at the meeting by Deputy Director Wesley J. Hjornevik, a NASA veteran, and General Counsel Donald Lowitz, an attorney in an established Chicago firm—two more strange officials for even a low-profile cruise against poverty.

The purpose of the gathering was to fire Terry F. Lenzner, Director of the Office of Legal Services and briefly the fourth participant in the meeting. He also seemed out of place—the 31-year-old product of the Eastern stream, Exeter, Harvard, Harvard Law School, captain of the Harvard football team, and widely touted as Rumsfeld's man after he came to OEO (on Bastille Day, 1969) as the Director's first major appointment. But apparently Lenzner had gotten religion about the five-year-old Legal Services program, whose nearly 2,000 lawyers in 850 offices across the country operated on a congressional mandate "to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, legal counseling, education in legal matters, and other appropriate legal services." It was, in short, a very legal program, and yet Lenzner's management policies had produced considerable political friction within OEO. "Every time he came up here with a problem, it was an urgent matter of principle," said an OEO official close to Rumsfeld, and there was no give in his position. His relationship with Don deteriorated over time, until there was great mutual suspicion between Lenzner's office on the sixth floor and the Director's on the eighth. It was useless to work together any longer."

Rumsfeld told the press that his two former employees had become "either unwilling or incapable" of administering the Legal Services program effectively and that he had lost confidence in them. He gave assurances that the ousting of Lenzner and Jones would not harm the program, emphasizing his record of commitment: the Legal Services budget had risen from $46 million in fiscal 1969 to $53 million in 1970 to requested $61 million in 1971; the caseload had risen from 610,000 in 1969 to a projected 1,200,000 in the current year; and the cost per case had declined steadily from $97 in 1967 to $51 in fiscal 1971.

Director Rumsfeld took the high road in public discourse, but a fierce political battle was nevertheless kindled by the Lenzner-Jones firing—a confusing snarl of disputes involving everyone from prestigious lawyers to obscure bureaucrats and camera-ready politicians.

OEO employees commenced full-scale bureaucratic warfare over who had control of the Legal Services program complete with memo-stealing and one reported case of a sawed filing cabinet in Lenzner's office. On the outside, the dispute over who was hurting the program escalated into a major political battle, with seconds in both camps and strong partisan overtones. Like most scraps within the government, the issues are complicated enough that most people, on ideological instinct, feel constrained to choose sides early with a meager grasp of the facts involved. The bar, the Congress, the OEO bureaucracy, and public opinion have all split, as the bruises are traded in the open over Legal Services.

The outcome of the scuffle is important to the poor and those who care about poverty or are paid to care about poverty, for the work of the poverty lawyers has been a rare multi-faceted success in the war on poverty. Legal aid is a profoundly conservative program, since the lawyers can do nothing for the poor without first convincing a judge of their case. They are impotent without written sanction from the robed men who have passed so many societal screenings for undignified quirks that the establishment itself must seem a little offbeat to them. And the lawyers in Legal Services have to accept these ground rules and the lofty courtroom atmosphere before they even begin. At the same time, Legal Services employees pontificate about professional standards, guard the attorney-client relationship from besmirchment at the hands of "lay" people, and call other law school graduates "Esquire" in all their letters.

Despite all these neutralities and the firm legal gaze back toward precedent, the poverty lawyers have been winning an extraordinary number of cases. Their successes have placed the squawking defendants—typically, landlords, government agencies, and corporations—in an awkward position. They must either accept the justice of the courtroom outcome produced by two well-represented adversaries contending before the law, or they must argue that the courts are biased in favor of the poor when the poor are represented and that justice is better served without poverty lawyers. The first option seems reasonable, but uncomfortable for the defendants, as it leads to the disturbing conclusion that many poor people must now be on the blunt end of justice. The second option not only seems unlikely but also leads to the non-establishment conclusion that society's pillars need drastic reform. Feeling a simultaneous need to uphold these pillars and to avoid being hurt by them, most defendants sidestep the dilemma by charging the poverty lawyers with fomentation, character deformity, and grandstanding—in other words, by politicizing the legal question.

There is an additional element of the fight over Legal Services which makes the outcome important—the poverty lawyers have not only been the most effective of all the efforts in the war against poverty but they have also offered new hope in the general struggle against unresponsive, unaccountable bureaucracy. Faced with an inert government agency sitting expansively on a real problem that touches peoples' lives, a poverty lawyer could simply file suit for court-ordered relief from such illegal inaction—complete with heavy contempt sanctions for defendants which still failed to act. Thus, he could begin to control the bureaucracy—something that neither Congress nor the While House have been able to accomplish. He could independently make waves and cause change without going through mounds of red tape, establishing a new program, or building an unwieldy organization. He could make the bureaucracy abide by its own rules without having to become a bureaucrat himself, with the attendant risk of being absorbed. In this sense, Legal Services provides the freshest idea yet in the critical task of blugeoning governmental institutions into responsiveness. Poverty lawyers have brought more than 100 suits against federal agencies and countless more against state and local governments. They are, therefore, controversial, but they are indeed potent weapons against both poverty and sleepy entanglements in government.

This is the context of the Lenzner-Jones firings and of their rifts with OEO Director Rumsfeld. The controversy is important because the gulf between the two parties and their respective supporters is so wide and because the embattled Legal Services program is such a promising segment of the movement for social justice.

On his first day of unemployment, November 21, Terry Lenzner publicly accused the Administration of watering down the Legal Services program to please the political powers who opposed it:

"We believe that poverty lawyers must provide the best advocacy possible—advocacy that is unconstrained by fear of antagonizing powerful interests. We believe that the poor deserve lawyers who protect their rights with the same vigor and concern that is expended by private lawyers on behalf of corporations and the well-to-do."

Frank Jones made his point in the straightforward, right-on style that symbolizes the chasm between Rumsfeld and his former employees:

"There is something dishonest, immoral, and possibly illegal about pretending to be concerned about the poor as Mr. Rumsfeld does on the one hand, and using his position and resources as Director of OEO to further his own political end and the careers of politicians whose interests are diametrically opposed to those of the poor."

These charges were echoed in the unanimous protest statement of the 10 Legal Services regional directors and the national staff—an unusual show of solidarity in a government agency, where survivors usually muzzle themselves to protect a shot at the spoils.

The Washington Post and *The New York Times* dived into the fracas on Lenzner's side, editorializing against the creeping politicalization of Legal Services. Along with a promise of a Senate investigation, Senator Mondale issued a chastisement of Rumsfeld for the firings and for the deceptive regionalization of the program. And Senator McGovern told the Senator on November 23 that Rumsfeld had squeezed one of the last pockets of social commitment from the Administration, leaving only a few people and large doses of public relations to smooth over the power politics:

Lenzner and Jones have now joined the long list of persons with too keen a sense of integrity and justice to be allowed to reside in this Administration—Leon Panetta, James E. Allen, John Knowles, and many attorneys within the Civil Rights Division of the Justice Department.

Rumsfeld is rumored to have been both surprised at the intensity of the reaction to his gear-shifting in OEO and angered by the piercing accusations of insincerity directed against him. In response, he stressed the enormous progress of the Legal Services program under his guidance and denied any political compromises of its independence.

Rumsfeld also went on the political offensive by emphasizing through his aides the details of three cases in which he charged that Lenzner and Jones disobeyed his orders by supporting controversial programs that were in violation of OEO guidelines.

Each case had a political message beyond the administrative technicalities, as the Legal Services programs were linked to the representation of the Black Panthers and SDS in New Orleans; the "voluntarily poor," hippie-type distributor of an underground newspaper in Dallas, which once featured the photograph of a nude male; and a group of middle-class, non-poor, government employees in Los Angeles. For those who were not convinced of the guideline violations or of the evil of representing these people per se, a more sophisticated argument was advanced, namely, that Lenzner and Jones were blind to the political delicacies involved in selling the legal services idea to the masses. The firers characterized the firees as a bit swim-headed, naive, and full of that save-the-world-quick purity which plagues good government.

It must have been difficult for Rumsfeld to "go public" with detailed allegations against one of his own programs, in view of the obvious risk that the spicy stories would promote political sniping from all directions—the kind of publicity which hurts appropriations. He could have protected the Legal Services program by maintaining that the firings rose simply from a personality clash and a breakdown of the working relationship. He might have declined to discuss the specifics of the Office of Legal Services for fear of exposing his agency to a public brawl which would hurt the OEO program and budget. But instead of stoically absorbing the Lenzner-Jones attacks and passing them off as the emotional parting shots of derailed bureaucrats, Rumsfeld elected to meet them head-on and counter-attack with the Panther-SDS-hippie buckshot. "Most people and many members of Congress won't remember the alleged guideline violations or who comes and goes as Director of Legal Services," said Senator Mondale. "All that will stick is the link between Legal Services and the unpopular."

Perhaps Rumsfeld felt that he had to answer the statements accusing him of a commitment gap, or maybe he was personally ruffled by Frank Jones' charges that he consorted with racists and bigots. In any case, he responded with the Panther medley, which may win him popular support against Lenzner but at the same time sacrifice support for the very idea of legal services—what with radic-lib lawyers, long-haired clients, militants, and all.

In the New Orleans case, OEO spokesmen charged that Lenzner had mishandled the disciplining of the New Orleans Legal Assistance Committee (NOLAC) for its violations of OEO guidelines. NOLAC, it was said, had represented the Black Panthers in criminal cases, non-poor SDS members, and a pornographic underground newspaper called the *NOLA Express*. In early October, Lenzner found that NOLAC was representing indigent Panthers, but not in violation of the guidelines, except for one case in which a lawyer represented Panthers at a criminal arraignment (he was suspended from NOLAC the same day). He also found that one NOLAC attorney had in fact represented two SDS members the previous April, without filling out the proper indigency forms. Filling in for a friend, the NOLAC lawyer had appeared as the attorney of record in a one-day hearing. Lenzner ordered such representations to cease, but he could take no action against the guilty attorney since he had left NOLAC four months earlier. NOLAC had never represented the pornographic paper in any suit. Finally, Lenzner found that NOLAC was involved in 18 criminal cases (of 1825 active ones) other than those criminal categories explicitly approved by OEO. He ordered NOLAC to withdraw from them, even though OEO's General Counsel had approved the current NOLAC work program, which stated the intention to become involved in such cases because of special problems in New Orleans criminal representation.

Lenzner was also accused of mishandling a Dallas incident, involving the representation by attorney Ed Polk of Brett Stein, the 27-year-old publisher of an underground newspaper, *Dallas Notes*. Its June 3 issue had featured several photographs of a nude man in a Dallas municipal parade and a story about a Jack Anderson column which accused Congressman James Collins (R-Tex.) of accepting kickbacks from people he employed. Apparently, Collins found both the pictures and the story obscene, and he complained to OEO that Stein was ineligible for Legal Services representation because he is "voluntarily poor." Stein's only income is $100 a month from his paper, although he is a college graduate and the son of a wealthy businessman. Lenzner inquired into the case upon Collins' request (as well as requests from Senator John Tower and Congressman George Mahon, chairman of the House Appropriations Committee) and received from Polk the defense that the guidelines on voluntary poverty are hopelessly vague, prohibiting representation of people who are voluntarily poor "without good cause," and that the *Dallas Notes* was distributed free to poor people and carried poverty notices, services which no other Dallas paper would provide. Since the Stein case ended in early July, Lenzner took no action; but he requested a more specific definition of voluntary poverty from the General Counsel's office, and this revision is still being made.

In Los Angeles, the Western Center on Law and Poverty was accused by Senator George Murphy of representing a dozen financially ineligible employees of the California youth corrections department in a civil action against the department. The Western Center defended its action by arguing that its guidelines allowed such representation if financially ineligible clients were first turned down by three private attorneys from the local bar's referral service, a procedure which had been followed. The Center also said that the cases were directly related to poverty because they arose from disciplinary actions taken against the youth department employees for protesting the treatment of the youth wards, mainly poor, in California's correction centers. Lenzner found their case persuasive in view of the guidelines, which he said OEO should tighten up, but he later ordered Western Center to drop the cases anyway, which was done.

On October 12, Lenzner received a copy of three memos from the OEO General Counsel's office to Rumsfeld, recommending suspension of the Dallas and New Orleans programs and a strong "show cause" order to the Western Center. Each memo was accompanied by an implementing letter already drafted for Lenzner's signature. Lenzner himself was surprised by the abruptness and indirection of this procedure, and he objected that each project should prepare a full written report before such stern measures would be justified.

The internal debate over these three cases, which Rumsfeld used to illustrate his impossible management problems, created an atmosphere in which the Office of Legal Services felt ulterior motives blossomed on the eighth floor. According to Lenzner, Rumsfeld summoned him shortly after the October 12 memos and outlined the plan of attack. Lenzner recalls that he wanted three things: a notice of suspension or at least a harsh reprimand to all three projects, a letter to every Congressman and all 265 Legal Services grantees announcing the action as a "signal" about Legal Services, and a press release to be issued and attached to all the letters.

Lenzner won his argument against the blanket letters, and "interested" Congressmen were merely informed of the actions. The press releases were compromised into press statements, not issued but made available to the press upon request. And the projects were not suspended, but sternly advised of the charges against them and ordered to produce explanations or else.

The New Orleans, Dallas, and Western Center cases, upon review, do not seem to be critical turning points in the relationship between Rumsfeld and the Office of Legal Services. The specific charges of regulations violations leveled at Lenzner and Jones are minor in the NOLAC instance, dubious in the Polk-Stein case, and ambiguous at the Western Center. The political content of the cases was the most important element of the public rationale for the firings anyway, and Lenzner feels that the full array of targets was no political accident—the Panthers, SDS, pornography, and hippies. "Don knew there was an election coming," said Jones, "and he wanted to get the message out that OEO didn't like radicals either."

"I think he had already decided to fire us," Jones observed, "even though he never said flatly that he was dissatisfied with our work." "Things had been sour for some time," echoed a Rumsfeld aide. They had gone bad over the previous year, as a few case studies should indicate.

THE BACKLASH OF POVERTY LAW

Peter O'Connor, deputy director of the Camden Regional Legal Services program, acknowledges that his law reform activities have put the Camden office in very hot water over the past year. He reeled off four cases which he thought had disturbed local officials enough for them to try to slash his program.

A successful suit against the Camden Board of Education, seeking a hot lunch program for all the 31 schools instead of selected ones.

Ott v. Nardi, a successful suit against the city which blocked the construction of a highway through a poor neighborhood.

A pending suit against the Camden Police Department for "destroying the garment factory of the Black Peoples Unity Movement with sledge hammers and other implements."

A federal suit seeking a permanent injunction stopping all urban renewal funds from coming into Camden until the city takes action to provide citizen participation in planning, construction jobs for poor people, relocation housing for displaced people, and low-income rather than middle-income replacement housing.

"We win these suits because the courts determine that we are often right," said O'Connor. "I mean the point is that they're just shafting people. I could handle 500 divorces and nothing would happen, but as soon as you file a suit that touches the politicians' friends or graft, they go berserk."

Says Camden Mayor Joseph Nardi, of *Ott v. Nardi:*

"In my opinion, Legal Services has been nothing but a hindrance to progress in our city. Those people are just filing whatever suits they want to, and the only purpose of bringing the suit is to get the publicity, to inflame the community, with the ultimate purpose of destroying the city. . . .

"You would have to live it to truly experience it."

The Legal Aid Society of Mecklenburg County in Charlotte, North Carolina, was under criticism within the Office of Legal Services almost immediately after it opened its doors in September, 1967. The 1968 evaluation report was quite negative, chastising the program for a low caseload volume, which the evaluators felt grew out of the society's downtown office in the prestigious Law Building.

The October, 1969, evaluation was almost equally harsh on the program's commitment to the poor and on its vigor in seeking to use suits to make inroads on Charlotte's poverty. The major exception was the performance of staff attorney Martin Miller, who had opened a separate office in the poor section of Charlotte, and who was developing a large caseload from the surrounding neighborhood, including some test cases. In *Tucker v. North Carolina National Bank as Trustee,* for example, he established a defense for tenants against eviction, on the grounds that, according to state statutes, the housing was "unfit for human habitation." The evaluators found the board policy and the downtown office negative, the Miller office and Miller involvement positive, and called for more of the latter.

On January 7 and 16, 1970, Miller filed two lengthy complaints in United States District Court against the Charlotte Police Department on behalf of several clients, all poor and black. The complaints alleged repeated instances of forced entry, destruction of property, harassment, and midnight searches by policemen without warrants or reasonable cause. Miller sought injunctive relief against the practice and $100,000 in punitive damages.

These complaints caused an uproar in the city of Charlotte and a sharp reaction from Legal Aid Society board president Alvin A. London. Miller, who now lives in Washington, recalls that "Mr. London was damn mad about the suits against the police. He said, 'In Charlotte, you don't sue the police department.' Then he told me to withdraw from the suits. I think he has about as much feeling for the poor community as one could expect to have from the ninth floor of the Law Building."

The Office of Legal Services in Washington investigated the Charlotte situation after Miller's cases received wide press coverage and found that London was not only applying political restrictions to the staff attorneys but also running the board of directors improperly. On February 27, OLS forwarded its evaluation report to London with an accompanying letter advising him that his grant would be cut off unless the board agreed by March 15 to cease interference with staff attorneys beyond the maintenance of eligibility requirements and professional standards. That same day, London convened the personnel committee of the board, which he had appointed a week earlier, and fired Miller. Then the politics began.

After London wrote Lenzner's office on March 12 that he could not comply with the February 27 conditions pending review by the North Carolina State Bar, Lenzner recommended to Rumsfeld on April 1 that the program not be re-funded and that other "vehicles" be explored for the provision of legal services to the poor in Mecklenburg County.

Lenzner's recommendation did not sell, partly because of intercession on London's behalf by Congressman Charles Jonas (R-N.C.), who apparently took enough interest in the dispute to become identified with the grant. On May 15, Rumsfeld, who still denies charges of political interference in the Charlotte case, wrote, "Where do we stand on the Jonas Legal Aid Program?" Dick Cheney wrote Lenzner on June 2, in the midst of stalled negotiations: "Terry, you and I need to sit down and chat about Charlotte Legal Services at your convenience. Congressman Jonas called the Director again and we need to get squared away on what our position is so we can tell him the same story."

In between these two memos, Rumsfeld and Cheney met on May 25 with Legal Aid Society President London and Robert G. Sanders, president of the North Carolina State Bar, upon Congressman Jones' request. London and Sanders are law partners, which is indicative of the close cooperation between the state bar and poverty law. According to a letter from Sanders to Rumsfeld dated July 7, the Charlotte lawyers were assured that the restrictions imposed on their grant by the February 27 letter would be "rescinded or withdrawn."

Lenzner, who obtained a copy of the Sanders letter on July 17, sent an angry memo to Rumsfeld protesting the whole procedure by which the Charlotte grant had been handled. It is clear from the memo that Lenzner knew he had been overruled on terminating the grant but thought that Charlotte's money had been released with instructions that the non-interference condition be "negotiated" between the Legal Aid Society and the regional OLS in Atlanta. The Sanders letter indicated that Lenzner had, without his knowledge, also been overruled on the special conditions for the Charlotte grant.

In many other areas of the country—Chicago, Boulder, Albuquerque, Baton Rouge, Gary, Berkeley, St. Louis—the same kind of detail can be marshalled. In Volusia County (Daytona Beach), Florida, for example, the county bar association became extremely disturbed when a staff attorney named Tom Goldsmith filed suit against the local justice of the peace system, alleging that it existed mainly to help merchants and landlords collect from poor people without due process. When Goldsmith *won* the suit, the bar turned a scrutinous eye to the Legal Services program. "Before that suit, Legal Services had 90 per cent support among the bar members," observed one Daytona attorney. "But it changed everything. Lawyers have to look to their clients."

"All this talk of allowing lawyers to ferment turmoil sounds good in a speech," agreed Legal Services board chairman Bernard Strasser, "but you can't do it locally."

The local board proceeded to fire Goldsmith three times—failing on the first two tries because of sympathies for Goldsmith at an appeal hearing and because of intercession from the Atlanta Legal Services office requiring due process. When the severance was finally executed, OLS sent a telegram on September 2 requiring restructuring of the board by September 30 as a condition for re-funding (the bar had almost twice the board representation required by Legal Services guidelines at the expense of poor representatives). Congressman William Chappell (D-Fla.) thereupon arranged for a Volusia County delegation to meet with Rumsfeld on November 6, without an OLS representative present. The delegation obtained a $25,000 interim grant to last until January 30, 1971. At that time, the bar association and the local Community Action Agency must present a proposal for a new board structure. Volusia County officials continue to bargain with the Community Action Agency, which is controlled by stubborn poor people, but they are taking no chances. A delegation of county commissioners has visited Washington to check up on the proper procedures for county authorities to take over a CAA. Led by Commissioner Dean Smith (brother-in-law of the Legal Services director who originally fired Goldsmith), the commission has already begun the takeover process, which will make the CAA more agreeable one way or another.

Instances like those described reduced the Rumsfeld-OLS relationship to one of bureaucratic guerrilla warfare long before the public debate over the dismissals. There were a few side issues to add to the friction, such as the Administration's political clearance system for all Lenzner's appointive positions in Washington and the 10 regional headquarters. Politics has always oozed forth in government employment, but the current system requires all nominees, down to the level of GS-9 (which begins at a $9,500 salary and is about the bottom level with any policy responsibilities), to survive a formal process of both local and White House clearance, often lasting for months. Anyone browsing in OEO files can come across passages like the following:

> . . . had to wait to get necessary support as he is a registered Democrat . . . looks pretty good at this point. They have received okays from Ralph Smith and Charles Percy, have gotten a letter from Ogilvie, and other support letters from the Director of the Bureau of the Budget, etc.
>
> This one may hang on forever.
>
> As he is a registered Republican, there appears to be no problem other than the normal delays involved in springing these clearances loose.
>
> Senator Tower's office has given "thumbs down" on this appointment . . . has made statements about the Senator in the past which he did not like.

But the major battle—which cut across almost all the disputes between OLS and Rumsfeld—involved "regionalization," or whether authority over Legal Services would filter out to the OEO regional offices. This fight has not yet been resolved and is a much larger issue than the Lenzner-Jones firing. The outcome, according to most knowledgeable sources, will determine the future usefulness of Legal Services programs, and the main new actor in the dispute is the American Bar Association.

REGIONALIZATION AND THE BAR

The American Bar Association has always been heavily involved in the Legal Services program, pushing to insure that professional controls over the operation were very tight. ABA officials made sure from the beginning that attorneys would constitute a majority of the governing boards for all local projects and that the organized bar would be consulted about all high matters of policy regarding the national program.

When the Nixon Administration came into office, the bar's remaining anxiety about Legal Services was that the grants were still being funded through local Community Action Agencies, the OEO "vessel" for all its programs. The bar didn't like that because laymen were often scratching around in the attorney-client relationship and interposing nonprofessional judgments about how much money the poverty lawyers should receive and what kinds of cases they should bring to trial. In Chicago, for example, Mayor Richard J. Daley is chairman of the board of the Community Action Agency (CAA), which sponsored Chicago Legal Services but placed it under intense political pressure not to bring suits against the city or otherwise irritate the mayor.

The ABA also resented the fact that the 10 regional directors of Legal Services were the employees of the overall OEO regional directors. Thus, at both the local and regional levels, lawyers and a legal program were being subordinated to a general political program controlled mainly by lay administrators. It was clearly an affront to the dignity of barristers everywhere, and President Nixon himself was sympathetic to the worries of the organized bar.

On July 3, 1969, an ABA delegation met with new OEO Director Rumsfeld to make sure of his commitment to the idea of separating Legal Services from ordinary antipoverty programs. And 11 days later Rumsfeld announced the appointment of Lenzner as the first Assistant Director of OEO for Legal Services. The Office of Legal Services was made separate from and equal to the operative offices of other OEO programs, and its 10 Legal Services regional directors became the equals rather than the employees of the OEO regional directors. The OEO regional directors retained only a "ministerial" (for information only) sign-off on Legal Services grants. Local Community Action Agencies were to continue sponsoring the Legal Services programs wherever possible, but Rumsfeld made it clear that bureaucrats should not expect to be backed up if they tampered with Lenzner's operation. On August 11, 1969, President Nixon stated his approval: "The Office of Legal Services will be strengthened and elevated so that it reports directly to the Director. It will also take on central responsibility for programs which help provide advocates for the poor. . . . This goal will be better served by a separate Legal Services program. . . ."

Upon taking office, Lenzner began centralizing the Legal Services operation and, in effect, reducing the amount of administrative paperwork between his program and the other OEO offices. Generally, he was more successful at the regional level than at loosening the local CAA-Legal Services tie. The struggle there was a classic bureaucratic one, for the Community Action Agency administrator reports directly to the OEO regional director, who reports directly to Frank Carlucci, the Assistant Director for Operations in Washington and Lenzner's rival.

Local squabbles between CAAs and Legal Services programs were quickly translated into Lenzner-Carlucci battles in Washington, which were sometimes not successfully worked out.

In Chicago, the issue turned on political control; and Lenzner, after unsuccessfully trying to loosen Daley's hold on the program, proposed that Chicago's Legal Services be funded directly—bypassing Daley's CAA entirely. Carlucci thereupon produced fierce memos to Rumsfeld and Hjornevik opposing the move on the grounds that it would "defuse the Office of Economic Opportunity's management capabilities."

Lenzner won, at least temporarily, on the egregiously politicized Chicago program, but he and OEO were clearly on a collision path. OLS was moving to separate and invigorate its programs stimulating more of the kind of poverty representation that would wound politicians—and OEO was simultaneously moving to increase state and local control over antipoverty programs and to "return the power to the states." Carlucci's chain of command was the most heavily politicized. His OEO regional director for the Western Region, for example, owes his job to Senator Hiram Fong (R-Hawaii), the deputy to Governor Reagan, and so on.

The poverty lawyers ran headlong into a phalanx of politicians and the established interests upon which they float. These forces produced the Murphy Amendment and its House counterpart (Quie-Green) to nestle Legal Services under the wings of state governors. When these efforts failed in late 1969, pressures began building to accomplish the same goals administratively by reversing the course that Lenzner had just launched with his joint Nixon-Rumsfeld blessing. Ironically, plans arose to decentralize Legal Services in early 1970—even as Lenzner's office was putting the last administrative touches on his independent OLS structure, trying to get out from under the restrictive Community Action Agencies, eliminating bureaucratic snarls with the OEO regional directors, and otherwise irritating Frank Carlucci. In February, 1970, while Lenzner was making speeches about the need to slap more poverty lawsuits on unresponsive government agencies, Hjornevik memoed Carlucci that "the Legal Services program will be decentralized again in fiscal year 1971." That same day, Carlucci reiterated to Rumsfeld his "strong opinion" that OLS projects should be direct-funded only, in essence, when local CAAs are non-existent or when the CAA itself "does not want to be the grantee."

The "regionalization" or "decentralization" question was hotly debated within OEO during the spring of 1970. And when Carlucci lost on the Daley Legal Services issue, he renewed the push toward regionalization. On June 8, he wrote Hjornevik, "If decentralization of Legal Services is to take place in FY 71, as previously decided, it is imperative that we begin to plan an orderly transfer to the Regional Offices immediately."

Lenzner continued to lose ground across the summer against a Rumsfeld-Hjornevik-Carlucci solid front in favor of "re-regionalization," until finally he requested a summit conference with Rumsfeld and Hjornevik. This meeting took place on August 24. Evidently displeased with the proceedings, Lenzner wrote Hjornevik with a very unbureaucratic suggestion:

> Your plan amounts to the subordination of all Legal Services personnel to regional directors and the Office of Legal Services in headquarters being subordinated to the Office of Operations. As I said yesterday, I would strongly recommend that if your plan is adopted you abolish the unnecessary expense of continuing a headquarters Office of Legal Services.

Long before his position decomposed to this point, Lenzner had appealed to his principle source of outside clout, the American Bar Association.

There are many aspects of the $61-million Legal Services program which draw the admiration of the legal profession, and high among them ranks the fact that most of the money goes to laywers. "Also, every time a poverty lawyer files a suit," observed one member of the Florida bar, "another lawyer gets paid by the government or a company to represent the other side. A shrewd lawyer will vilify the ideology of the program but defend its independence on professional principles." Since Legal Services also siphons off much court-appointed attorney time which was formerly donated, it adds up to a sizable net gain for the collective legal pocket, especially for a young federal program with high growth potential.

Beyond these gritty financial details, intelligent lawyers recognize the growing pressure in each new graduating class for *pro bono*, public interest work—often concentrated among the highly talented but socially committed lawyers whose sense of purpose receives no throb from real estate dealings or the prestigious corporate firm. There is an obstinacy about these views which teaches prudent bar members that to some extent the government must pay for these demands, or the firm will have to.

But the time-worn principle upon which the ABA relies to unite its membership in protection of independence for Legal Services is the proposition that the attorney-client relationship shall not be violated. This means that no layman should interfere in the sanctum sanctorum of the law or in any decisions grounded in the law and properly made by lawyers, period. The principle here is in accordance with the prime maxim of all occupational guilds—that enlightened self-interest requires sealing the portals so that renegades will not commonize the profession and thereby make it cheap. The bar has established its proscriptions primarily by statute (that's why it's called the bar), but the fringes must be left to the Canons of Ethics and vigilant watch over the attorney-client relationship. This task is far above politics. It is the lifeblood of the attorney's distinction. It has been said that law schools merely teach their wards to "think like a lawyer," and that few graduates emerge from this process without a pulverized imagination—as if their zest for wondering had been strained through a cyclone fence to produce the iron latticework of interconnected syllogisms which lead methodically from the precedent to the possible. It may also be said that far fewer lawyers finish their training without an impregnable reverence for the attorney-client relationship.

Therefore, when Lenzner sent out the word that Rumsfeld, Hjornevik, and Carlucci were planning to decentralize Legal Services into the hands of politicians and lay administrators, the organized bar responded. Not all the members responded solely on the basis of professional protection, of course. In fact, many ABA leaders seemed motivated primarily by the desire to have the most vigorous possible representation of the poor and to preserve that representation from any threat, including those by lawyers, politicians or budget-cutters. For them, the choice of professionalism as the rallying cry was tactical, for professional integrity or sanctity from lay competition can stir even conservative attorneys who are philosophically opposed to the whole idea of poverty law.

The use of legal professionalism by the supporters of a strong Legal Services program is similar to the strategy that liberals once used to sell foreign aid as gardol against communism. Those concerned about international poverty consciously determined that it was worth it to crow a little about stemming the tide and put up with large amounts of military aid in order to protect their development programs. Now Lenzner and the poverty lawyers, concerned about domestic poverty, are committing themselves to a kind of professional xenophobia and to the high principles of the legal guild in order to protect a crucial program. There is no question that the goal—protecting Legal Services from political control—is worthwhile, or that professionalism may be the only way to rally the crusty ABA around such an electric idea. But it is also true that more professionalism is precisely what the public interest does not need from the organized bar. The legal profession is already overprotected, inflated, and puffy—harboring for degreeholders many specialized functions that should be separated out, and claiming too much for the degree.

In order to protect their revolution for the poor from political interference, the poverty lawyers are willing to stand on the professional distinctions which unnecessarily restrict the main actors to the professional bar. Every intelligent attorney knows that most of the poverty lawyer's daily tasks—standing up to the landlord and city hall, securing divorces, threatening suit against crooked merchants, and so on—could be performed by large numbers of people, given certain aptitude and minimal but precise formal training. Most lawyers are slightly embarrassed to explain exactly what three expensive years of law school teaches on top of college or what the bar exam really measures, and it seems clear that the legal tariff needs lowering and rationalizing.

But most poverty lawyers apparently believe in their professional gardol, and it is definitely useful in the current struggle over Legal Services.

On October 5, John D. Robb, chairman of the ABA Standing Committee on Legal Aid to the Indigent, wrote ABA President Edward L. Wright as follows, zeroing in on the professional issue:

"I regard regionalization as an extremely serious threat to the Legal Services program. Essentially, it will transfer the administration of the program and the enforcement of its professional standards from Terry Lenzner, the director of the OEO Legal Services Program in Washington, to 10 regional OEO directors, eight of whom are laymen."

The National Advisory Committee to Legal Services, a bar group whose consultation with OEO is required by statute, met in Washington on September 11. A special subcommittee on regionalization was created to study the question, and the group produced a legally passionate attack on decentralization.

Rumsfeld's aides assert that the advisory committee is unrepresentative of the national bar, and they are probably right. In fact, they might well have a case for the proposition that the average American lawyer would like to see poverty law confined to the guild absurdity syndrome—in which nonlawyers would be totally banned from any position of control or authority over Legal Services in the name of professional integrity, and then the poverty lawyers restricted by the bar itself to those standardized services cases which any H&R Block trainee could handle expeditiously and to which professional standards are largely irrelevant. Certainly, many local bar associations have trampled all over the attorney-client relationship to hold Martin Millers and Tom Goldsmiths and other controversial upstarts in line.

But there is an alternative to this sort of disreputable opposition to Legal Services programs—Judicare. Having watched their medical brethren wash away fears of socialized medicine with Medicare and Medicaid money, many wise lawyers feel that they can copy the plan and have the government pay for private legal services delivered to the poor from the Law Building. Some lawyers have become enthralled with the analogy, and bar committees are currently studying systems of "legal check-ups," "comprehensive legal care," and "preventive law" for presentation to Uncle Sam. When the Legal Services program in Albuquerque announced under questioning that it would accept poor peoples' reasonable cases against the police department, the Albuquerque Bar Association persuaded the local united charities fund to withdraw its $25,000 contribution to Legal Services and set up a Judicare program—run, of course, by the local bar.

"John Robb is chairman of the ABA committee on legal aid and he unfortunately comes from Albuquerque," said attorney Charles Glass, who helped engineer the Judicare program. "He has never spoken for our bar association, which has repeatedly spoken against the Legal Services program. Our state bar is also in favor of Judicare overwhelmingly, and has sent resolutions to all New Mexico public officials. In fact, elections to the state bar often turn on that question." ("Yes, Judicare is a very live issue within the bar," sighed Robb.)

In the face of such internal schism, it took considerable courage for people like Robb to continue fighting for Legal Services. It was no longer like the good old days, or even the Murphy Amendment days, when the ABA could work up nearly unanimous hoopla in favor of its program—feeling positively liberal and unthreatened by it. Judicare and the increasingly controversial nature of Legal Services put the national ABA leadership in danger of losing its decidedly unradical constituency.

But after Rumsfeld testified before a Senate hearing chaired by Senator Walter Mondale on October 7 and 9, things looked so bad that ABA President Wright got heavily into the fight. Rumsfeld told the Senators that he had always intended the centralization of Legal Services to be "temporary," that decentralization was crucially different from regionalization, that he felt compelled to act not by Congress nor by the ABA nor by the President but by his own sincere belief in sending power back to the states, and that some sort of administrative change was in the wind but that no decision had yet been made. The Senators seemed puzzled by all this but definitely dissatisfied. Wright wrote Rumsfeld on October 16:

"On behalf of the American Bar Association and its Board of Governors, I urge you to reaffirm the independent status of the Legal Services program at all levels of administration within the agency."

Pressures continued to build on regionalization across the election period—until Rumsfeld announced, on November 14, "I have decided not to regionalize the Legal Services program." This startling reversal of trend was trumpeted in a press release for the November 15 Sunday papers. While the press speculated about the reasons for the reversal in Rumsfeld's thinking, OLS employees analyzed the memorandum he sent out on the same day as his announcement, stating, "While I am not regionalizing Legal Services, I am instituting new administrative procedures. . . ." These guidelines were spelled out in six single-spaced pages of solid bureaucratese—whose significance lay in the repeated provision that if one of Carlucci's regional directors objected to anything about a Legal Services project in his region, he could not appeal the issue to Carlucci and Lenzner. These two would have to agree or the decision would be made in the Director's office.

Because the OEO regional directors were certain to place conditions on Legal Services grants as "objections," and because Frank Carlucci would undoubtedly support the conditions of his men in any conflict with Lenzner, and because Hjornevik and Rumsfeld seemed predisposed, at the least, to sustain Carlucci in such conflicts, the OLS people calculated that they had been regionalized even as Rumsfeld was announcing that they were not. (Rumsfeld announced that the changes were merely administrative minutiae handed down in the constant search for "more effective coordination." Most reorganizations are announced with great fanfare in an attempt to convince the public that the government is making great strides toward the solution of a problem, when in fact the government has no idea what to do and reorganizes solely to appear vigorously on the move and to get more money. A few other reorganizations are announced as barely even news, simple coordinative adjustments—and that is usually when the heads roll and power shifts. This change was definitely one of the latter.)

Everybody concerned with Legal Services, of course, was up in arms about the November 14 guidelines. ABA President Wright came to Washington on Thursday November 19 for an emergency conference with Rumsfeld about them, a meeting from which Rumsfeld excluded Lenzner and Frank Jones. Wright asked Rumsfeld to suspend the new procedures until the ABA could study them and register its formal opinion. General Counsel Lowitz called John Tracey, assistant director of the Washington ABA office, on Friday morning, asking whether Wright could work up a statement for a joint press release about the meeting. Tracey, who had himself attended, replied that Wright couldn't say many glowing things at that stage, and, when asked for anything "positive," said that Wright would probably say that he had been pleased with Rumsfeld's repeatedly expressed commitment to Legal Services generally. Lowitz said that was fine, so Tracey drafted a statement, cleared it with Wright, and sent it over to OEO Friday afternoon.

"When I heard a few hours later that Lenzner and Jones had been canned," recalls Tracey, " I called Lowitz and told him to make sure that the Wright statement and the announcement of their getting fired would be separated so that no one would get the impression that Mr. Wright knew of the plans to fire them. Lowitz said of course they would be separate, that they were separate events on two different days, and so on. But the two releases were stapled together, and reporters got the idea that the president of the American Bar Association approved of what Rumsfeld had done.

"Everyone over in OEO from Rumsfeld and Lowitz down denies having joined those two releases, charging administrative error down the line. They even sent them out to all 265 Legal Services projects, with a telegram a week later apologizing for any false impressions given.

"To top it all off," continued Tracey, "Jack

Rosenthal of *The New York Times* told me that he asked Rumsfeld how he could go through with the Lenzner-Jones firing in the face of opposition from the organized bar, and Rumsfeld said, 'You must not have read the joint statement.'

"Our position is that Rumsfeld can fire anyone he wants to, and we will try to work with him to salvage Legal Services. But he has certainly bruised the atmosphere between OEO and the ABA," concluded Tracey, with casual understatement.

THE HIGH COST OF PROMOTION

So Terry Lenzner and Frank Jones have left the Office of Legal Services and are now lobbying and pleading and pressuring on the outside to save their program from regionalization. It seems fair to say that Lenzner inherited a relatively complacent Legal Services operation from "the previous Administration," full of projects which were little more than patronage plans for local bar associations. ("We entered the program four years ago with the understanding that the bar would control the board," said Daytona Beach board president Bernard Strasser. "That was one of the big selling points. And if the bar doesn't run the program, what's the use of giving our time.") He took a program that was naturally improving and, with Rumsfeld's approval, pushed it—hard, very hard.

Legal Services will no longer be pushed like that, although Lenzner, the ABA, and Senator Mondale did engineer a repeal of the formal regionalization guidelines on December 14. There is no zeal in the program anymore. It is no longer in favor at OEO, and it has too many bureaucratic vulnerabilities. "There are many ways to gut a program," said a staff member. And the Administration has determined to find one for Legal Services.

Arthur J. Reid, a 41-year-old black Republican from Cincinnati, came down from the General Counel's office to take over Lenzner's job and absorb the repercussions of the "terminations." "God knows it's been hell," he lamented. "I'm right on the hotseat, and everybody thinks I had a hole in my head for coming down here." Reid's problems are complicated by the fact that Lenzner's staff considers him a kindly lightweight and an unassailable black figurehead who will preside over the demise of Legal Services or move on, depending on his orders.

Most people in the program foresee the regionalization of Legal Services—or some other form of its emasculation—and believe that such political control of the poverty lawyers would quickly restrict them to routine matters like divorce cases and garnishments and evictions and other nasty things that the right people have always expected happen to the poor. Rather than attacking poverty, these cases would remain its symbolic by-products which must be tended efficiently like everything else. You have to feel pretty guilty about controlling the poverty lawyers like that—if you are afraid that the poor might zap you in the halls of justice. But most politicians would have it that way. They would, in short, administer poverty for a slight government subsidy, and simultaneously enjoy the budgetary fruits of administration.

The poverty lawyers were not just helping the poor. They were forcing responses from that great enveloping blanket which is known as administrative government and which warms all our problems. They were beginning to act almost like a fourth branch of power kicking those huge agencies that murder equity and then bury the responsibility in a corridor somewhere while the PR men explain. Perhaps the thought of a single independent lawyer—totally unprogrammed and uncoordinated—standing there and causing change on the basis of principle was too much for the politicians, who are lost in the blanket, too. They have a place there woven together, along with the old differences between liberal and Republican and Democrat and conservative. Everyone has a spot to protect. There is little support for the idea of that independent lawyer any more, for he is out of style. And if the powers keep the poverty lawyer from suing city hall or HUD or HEW or the police department, Legal Services will itself be incorporated into the blanket and become another program with problems to protect and jobs to keep by not gouging its neighbors. If the control of Legal Services is mailed out to the politicians and bureaucrats and special interests one of the last best hopes and the best idea in the war on poverty will be absorbed into the great wooly fabric and wetted down. That is how it is.

Through it all, Frank Jones remains somehow optimistic. "I feel encouraged about the number of people who have spoken out about what they believe is happening to this program," he said. "When I traveled through rural Mississippi trying civil rights cases in 1964, the judges and juries ground up my clients time after time—even though I knew that any reasonable lawyer in the world would rule the other way. It seemed hopeless and useless. Only years later did I realize that the real significance of that year was the number of people who first began standing up."

And Lenzner: "I think the controversy over Legal Services is analogous to what happened in the Haynsworth and Carswell nominations, and that the public will again have enough sense to recognize a clear threat to the general interest. If so, I think we will have served some purpose." Perhaps such talk is sheer politics, but Lenzner clearly feels too right to be wholly disconsolate about his efforts. And he, like Jones, sees hope in the rank and file.

But what of Rumsfeld? Why did he, after earning wide respect for not dismantling OEO, part so unceremoniously with the Legal Services chief who accomplished precisely what Rumsfeld and President Nixon called upon him to do? Why did he, after building the Legal Services budget and repeatedly overriding gubernatorial vetoes of the program, move to gut the program so deviously?

Part of Rumsfeld's problem in dealing with the OLS staff flowed from the imperial flavor of his internal management. He seldom cultivated the feeling that *we've* got to sell our program to *those* people out there, and thus violated one of the first rules of bureaucracy. "What really made us angry was that he almost never acknowledged political pressures but tried to sell his plan on some twisted version of its merits," said Jones. "Rather than saying, 'Look, there is a political problem here and how can we solve it,' he would try to rationalize things on substance. Things got so bad that I would just sit in meetings and stare at Don when he started orating about poverty and why it urgently required that we re-fund Charlotte or reprimand Dallas or decentralize. He never had anyone around him who knew poverty. And I would just stare, knowing that his plan was plastered with politics and that his oration was a fraud. And he knew that I knew. We never got along, actually."

One reason Rumsfeld gave less than a full boosting to OEO against its adversaries was that he concurrently held the positions of special assistant to the President with Cabinet rank, complete with a second-floor office in the West Wing of the White House. His allegiance was obviously divided—his programs were run out of OEO, but his *future* would be determined in the White House. There was a time when his function was to build a demonstrably good track record for his agency in order to dispel politically dangerous notions that the Administration would summarily dissolve antipoverty efforts. It was then that his sincerity and positive attitude about doing a good job for the poor was put to good use, and then that scores of prominent liberals could genuinely praise his efforts at OEO. (Among them, his wrestling friend Allard Lowenstein said in May, 1969, "I know he is interested, deeply interested, in doing something about poverty in this country. . . . He is intelligent, he has integrity, he is committed. . . .") But then there came a time when OEO was no longer a real image problem and could be run as a holding operation, freeing Rumsfeld for more important affairs.

He has been on the move this year, securing a position in the 8:00 a.m. breakfast group with five of the President's closest White House advisers—Haldeman, Shultz, Ehrlichman, Finch, and Kissinger. For about two weeks this fall, Rumsfeld was designated Republican political coordinator for the 1970 elections. (He was, perhaps fortunately for him, replaced by Finch when objections were raised that it might be unseemly for the antipoverty director to manage a political campaign, especially the one planned by the Administration in 1970.) He even obtained one of the coveted White House videophones, which allowed him to gaze at the other lucky owners while consulting.

Things looked good for Donald Rumsfeld—young, bright, loyal, successful at OEO, and a Nixon supporter long before the nomination in 1968. It was highly unlikely that he would sacrifice his prospects at the White House for a measly Legal Services program. It was perhaps painful to make the opposite choice, but there were compensations.

This decision does not make Rumsfeld unusual in the slightest, for most people spend their whole life working for smiles, grades, offices, certificates, awards, cheers, gifts, words, and votes of approval. And the fact is that all Rumsfeld's power and status and success depended on his receiving the approval of the President. Everything hangs on the chief's nod and his favor. As if driven by some neurotic cocklebur, most of official Washington locks its internal organs in place and positively drives for that high ground of the blessed, where the compliments are dispensed and people have so much attention paid to them.

In the political battles over the Legal Services program, Rumsfeld was obviously not going to adopt Lenzner's position and battle it out with the White House on behalf of his OEO subordinates. Nor could he even explain painfully that the nasty old White House politics must prevail over the clear justice of the OEO-Legal Services team. Rumsfeld became incapable of making these distinctions, for he had *absorbed* the Administration's politics to be more like them. In a sense, he had become Nixon to make sure he retained the chief's approval, and this made it much easier to fire Lenzner and Jones. It was required to retain voter approval. And it made sense for a Rumsfeld aide to say, "I don't know what Don will do now. He'll do what the President wants him to do."

On December 11, Nixon wanted Rumsfeld to move closer to him as a full-time Counsellor to the President. And Frank Carlucci—Princeton, Harvard Business School, career Foreign Service Officer on leave from the State Department, arch-foe of Legal Services, and architect of re-regionalization—would also be rewarded. The President wanted him to be the new director of OEO. As the President said, he "has done an outstanding job in that particular position and I believe in promoting a man who has done such a job to the top spot."

Of course, there is no such thing as the top spot. Even the President is still pushing upward, seeking broader and more lasting approval.

Rumsfeld, for his part, made a prophet of Senator George McGovern, who had spoken on November 23 of the Lenzner-Jones firing:

"I would imagine that now that he has performed the Nixon Administration's dirty work, Mr. Rumsfeld will be rewarded with a chair closer to the President, as was Robert Finch after he performed the coup de grace on James E. Allen, the then-Commissioner of the Office of Education."

The timing of Rumsfeld's move was handy, as it removed him from OEO and out of congressional range for probings of his coup de grace and regionalization. These current politics require delicate footwork and eager soul-selling, but you may get a video-phone when you really arrive.

[From The Washington Post, Thursday, Jan. 7, 1971]

BUDGETEERS SLASH POVERTY PROGRAMS

(By Jack Anderson)

While President Nixon on TV was promising higher priorities for the poor, his budget trimmers have severely slashed antipoverty programs and personnel.

A confidential draft, summing up the proposed budget for the Office of Economic Opportunity, substantiates the dire predictions of its supporters. The agency's total funds would be squeezed from $854 million in Fiscal 1971 to $778 million in Fiscal 1972. Some programs would disappear entirely.

The budget summary, dated Jan. 3 and still in galley form, hasn't yet received final White House approval. It was smuggled out by poverty corps officials determined to block the crippling and dismantling of antipoverty projects.

VISTA, the domestic Peace Corps which sends volunteers into impoverished ghetto neighborhoods and rural districts, at first was phased out entirely in the backrooms.

In the final struggle, however, $33 million was allotted to keep VISTA alive—down $3 million.

The Rural Economic Loan Program, a multimillion-dollar project to help dirt-poor farmers, would be wiped out.

The heart of the antipoverty effort is the community action programs whose enemies at first slashed them by $40 million. In the Jan. 3 draft, however, the programs have actually been increased by $1 million to a $368 million level.

Special impact funds also will be cut from $36 million in Fiscal 1971 to $25.5 million in Fiscal 1972. These funds are used to meet sudden and special economic problems in ghetto areas.

The controversial legal aid services, which provide eager young attorneys to help the poor with their legal battles, have been cut back from $65 million to $61 million.

Old-time antipoverty officials say the plan has the approval of the OEO's new acting director, Frank Carlucci, who however, will put up a perfunctory fight for more funds.

THE HEALTH SECURITY ACT OF 1971

Mr. CASE. Mr. President, I am pleased to join Senators KENNEDY, COOPER, and SAXBE as a cosponsor of S. 3, the Health Security Act of 1971.

Today the question of national health insurance is not whether we should have a national health program. The facts dictate that we do. It is, rather, what kind of program will best serve all our people.

It is shocking that medical care is so difficult to obtain, and that so many people have little or no health coverage at all, when America is spending $63 billion a year on health care. This sum amounts to about 7 percent of our gross national product, or about $300 for every man, woman, and child. Despite the fact that we spend more on health than any other nation, America lags behind most industrial nations in health standards.

Clearly something must be done to change the system by which medical care and services are delivered. It must be made more equitable and much more efficient. In a country as wealthy and resourceful as ours, there is no reason why every citizen, rich or poor, young or old, working or unemployed, should be denied the right to good health care.

As one of the earliest supporters of medicare and as a member of the Senate Appropriations Subcommittee dealing with health, I have long believed that we must do better in making health care a matter of high national priority.

The Health Security Act of 1971 is the product of months of study by outstanding citizens involved in health care and many other areas of human and social concern. It is my hope that the proposal will be carefully considered this year and that the 92d Congress will enact legislation establishing a system capable of making quality health care available to every citizen of the United States.

RICHARD BREVARD RUSSELL

Mr. MOSS. Mr. President, one of the giants of the 20th century has gone in the passing of Richard Brevard Russell. A man of courage, of character, of discrimination, and of enormous ability, he was without question the Senate's most respected and revered Member. Only the fact of his southern birth and allegiance kept him from looming even larger in our national life.

Although Dick Russell and I came from different parts of the country, and often stood on opposite sides of a question, I found him at all times not only the most skilled and eloquent exponent of the view he held, but the best example of the courtesy and respect with which one Member of the U.S. Senate treats another. His grace at all times, both when he won and when he lost, was an inspiration.

The Senator from Georgia was at the peak of his powers when I entered the Senate 12 years ago, and my admiration—then great—has grown with the years. His mastery of the Senate rules, and his effective use of these tools, will not soon be equaled.

I always found him friendly, warm, and helpful, typifying day-in and day-out the highest ideals of Senate service. I shall miss greatly this aristocratic, wise and splendid man with whom it has been a privilege to be associated.

THE LOCKHEED CORP. CLAIMS AND THE LOSS-PLUS CONTRACT

Mr. PROXMIRE. Mr. President, last March the Department of Defense was impregnated by the Lockheed Corp. with claims on a series of defense contracts. The claims totaled the astronomical sum of $600 million. The Pentagon, having gone into labor for the traditional 9-month period, finally delivered in December a response to the claims. In doing so, it has given birth to a bizarre litter of bureaucratic half breeds which include one of the strangest offspring yet to be seen in the military-industrial complex; the loss-plus contract.

In my judgment, the Congress is being duped. Through a variety of gimmicks under what is known as the contract system, the Pentagon and the Lockheed Corp. are wheeling and dealing with the taxpayers' money while the Congress looks on seemingly helpless to influence the outcome.

It is bad enough that such manipulations are permissible under the contract system. What is worse is the plain fact that the Pentagon's relationships with the Lockheed Corp. are not in the public interest. Let me recount the later chapter in the saga of the C–5A and the other weapons systems in dispute.

On December 30, 1970, the Deputy Secretary of Defense, David Packard, delivered his long-awaited exposition of the Government's proposed solution of the Lockheed mess in a letter to the chairman of the Senate Armed Services Committee. This letter has been made public, and I feel free to quote from it. The entire text of the letter will be inserted in the record at the close of my remarks.

Mr. President, in 1969 I charged that the Pentagon was resorting to extortionary tactics to coerce and intimidate the Congress into going along with a $500 million request for funds for the C–5A. It was apparent then that the Pentagon was threatening Congress with the possibility that Lockheed would halt production if Congress did not appropriate the funds to pay for the huge cost overruns in this program.

I repeat that charge today. The Pentagon is resorting to political extortion to extract from the Congress the funds to pay the cost overruns which are over and above the agreed upon prices of the contracts in question. Moreover, it is clear that the Pentagon is giving little, if any, thought to the question of whether Lockheed is entitled to the taxpayers' money. What is uppermost in the minds of the planners in the Department of Defense is the question of the financial condition of the Lockheed Corp., rather than the merits of its various claims.

The pertinent passages from the Packard letter follow:

> Our review established that normal procedures for resolving these disputes would require an extended period of time for which Lockheed would have insufficient cash and inadequate commercial credit to finance the continued operation of vital defense programs. We also found that without the provision of additional funds by the Department of Defense and without continued bank support, bankruptcy of the Lockheed Corporation was and is inevitable. It was then necessary to determine whether bankruptcy and corporate reorganization under the Bankruptcy Act was or was not in the interest of national defense. We found that while such bankruptcy proceedings would, if instituted, primarily apply to Lockheed, that company's operations are so entwined with many other companies which also contribute to our national defense effort that it was necessary for us to consider the chain reaction upon other companies as well. Based on extensive discussions with bankers and other defense contractors, I have concluded that the consequences of Lockheed bankruptcy at this time would be so far-reaching that several other defense suppliers would be placed in such a precarious financial condition that their capability for future operations would be jeopardized. Further, several senior members of the banking community have advised

> me that bankruptcy of Lockheed now would cause them to reassess their credit agreements with many other companies which supply essential defense equipment.
>
> The exact ramifications of a bankruptcy proceeding remain uncertain, but in my judgment, the potential consequences are of such a grave nature that all reasonable steps should be taken to avoid precipitating a bankruptcy by our actions on defense programs. In the event of Lockheed's bankruptcy, the Department of Defense would be faced with substantial uncertainties and risks about the degree to which several key national defense programs would or could be continued. Decisions on such matters would be subject to the discretion of the bankruptcy court, which would be required to take into consideration the interests of all creditors of the corporation. Serious delays would necessarily ensue. At a minimum, it is almost certain that an accommodation would have to be reached with the bankruptcy court to arrange to continue performance of the C–5A contract, among others, and I see no way which such an accommodation would enable the Department of Defense to obtain the C–5A and other needed equipment at a cost lower than under the course I am recommending.

One fact that emerges from these statements is the Pentagon's obsession with the condition of the Lockheed Corp. Mr. Packard believes that if the Pentagon does not deliver more money to this contractor, "bankruptcy of the Lockheed Corp. was and is inevitable." Mr. Packard goes on to say that in the event of bankruptcy and an arrangement by the bankruptcy court for continued production of the C–5A, "I see no way which such an accommodation would enable the Department of Defense to obtain the C–5A and other needed equipment at a cost lower than the course I am recommending." Mr. Packard also is concerned that serious delays would ensue.

This, in my judgment, is utter nonsense. In the first place, the Pentagon ought to be looking at its original contract agreements with Lockheed in order to properly respond to the claims that have been filed. Do these claims have merit or do they not? It seems to me that the Department of Defense is going to some very extreme lengths to avoid confronting this issue, especially with regard to the C–5A.

The question of Lockheed's solvency should be only of secondary importance. The Federal Government should not be in the business of guaranteeing the solvency of the corporations that enter into contracts with it. If the Lockheed Corp. requires private relief, it ought to follow the established procedures. In this case, perhaps some Member of Congress would agree to introduce a private bill in its behalf. In any event, it is an abuse of authority, in my opinion, for the Pentagon to bail out a corporation from its financial difficulties. The Department of Defense should not have the power to act as the financial broker between the Lockheed Corp. and the Treasury.

I might add that the Pentagon's concern with Lockheed's finances calls into question its proposed settlements of all the contracts in dispute, not only the C–5A. It will be recalled that Lockheed has filed four separate claims with the Pentagon. These relate to work it is doing on the C–5A cargo plane, the Cheyenne helicopter, the SRAM missile, and a series of Navy ships.

With reference to the C–5A, Mr. Packard has proposed the existing fixed-price contract be discarded, in effect, for a cost-plus type arrangement, and a provision for a "fixed loss" of $200 million on Lockheed. Under such an agreement, the Pentagon will close its eyes to the so-called firm price commitments Lockheed entered into when the original contract was signed, and simply reimburse the contractor for all costs. At some later time, Lockheed would pay back to the Goverment at an unspecified rate the sum of $200 million.

In my judgment, such an arrangement would compound the existing difficulties. The major problem with this program has been the incredible cost overruns. As my Subcommittee on Economy in Government showed in 1968, the program is expected to cost about $2 billion more than the original estimates. The failure of the Defense Department has been its inability to take any corrective measures to control these cost increases.

I do not consider the transformation of a fixed-price agreement, rubbery and defective as the initial agreement was, into an open ended cost-plus agreement an exercise in cost control. It is quite the reverse. If all costs are to be reimbursed, what incentive is there for keeping them down? There will be no incentive.

As for the fixed-loss provision, the question of Lockheed's indebtedness to the Government should not be decided by the Deputy Secretary of Defense. As I have shown, his decision has been almost completely determined by his obsession with the possibility that Lockheed might go into bankruptcy. What has this possibility got to do with the question of how much money Lockheed owes because of the cost overruns?

I am not attempting to set out my own views on the legal questions in this case. Lockheed claims it should not have to absorb a $200 million loss. On the other hand, suppose that under the terms of the original agreement, the true loss amounted to more than $200 million? The question here, really, is the amount of the loss as a result of the cost overruns and whether Lockheed or the taxpayer foots the bill. I am not satisfied that the Deputy Secretary of Defense has properly reconciled the public interest in Lockheed's claim.

The technique of opening up the contract from a fixed-price to a cost-plus type has been followed with the Cheyenne contract. The ceiling price on the Cheyenne development program was originally set at $95 million. According to Mr. Packard, Lockheed has already spent almost $100 million more than the fixed price. The cost overrun in this case appears to be about 100 percent, so far.

The Pentagon's proposed "solution" is to transform the contract to a cost reimbursement agreement, and to make this transformation retroactive to December 29, 1969. Again, Mr. Packard's decision appears to have been controlled not by the merits of the case, but by the fears "that the company lacks the capacity to finance this program to a point of completion." Because of these fears, the public is being asked to pay millions of dollars for the cost overruns of the Lockheed Corp.

On the two remaining claims, the SRAM missile and the ship contracts, the Pentagon is offering to pay something less than the full amounts claimed. The Air Force will pay $20 million for Lockheed's $54 million claim on the SRAM contract, and the Navy will pay $58 million for the $159.8 million claim on the ship contracts. The Navy previously paid $17.9 million of $46 million claimed for other ship contracts. It should be pointed out that these claims are in addition to the contract price in each case. Lockheed is being paid the full amount of its original SRAM contract, for example, plus an additional $20 million. The Navy settlements are also in addition to the amounts of the original ship contracts.

As a result of Mr. Packard's obsession with Lockheed's financial condition, the question arises whether the SRAM and ship contract settlements have also been based on fear rather than on the merits of claims. The overwhelming evidence so far, in my opinion, is that fear has governed.

Mr. President, the average taxpayer would be entitled to ask at this point what benefit he is to receive out of all of this. The cost to the Federal Government of the proposed settlements have been estimated at from $750 million to $1.4 billion over and above the contract prices on the programs.

Mr. Packard says we must pay to prevent Lockheed from going into bankruptcy. Yet, on the last page of his letter, he states:

> We are aware that the course of action which we propose to follow does not guarantee that bankruptcy of Lockheed is precluded.

In other words, the justification for bailing out this contractor with a settlement of from $750 million to $1.4 billion is ostensibly to prevent the company from going into bankruptcy. But Mr. Packard will not guarantee, nor would anyone else, that even after paying these astronomical sums, Lockheed would not go bankrupt.

This basic contradiction in the Government's position underlines the importance of full public disclosure of Lockheed's financial condition. As early as May 1970, I began requesting information about the finances of this corporation. Specifically, I asked the General Accounting Office to obtain a cash flow analysis of the Lockheed Corp. from the Defense Department and to provide me with a copy. It is essential to have this information so that it may be known whether or not Lockheed can remain solvent in the future, regardless of the bailing out that has been proposed.

Will the Lockheed Corp. be insulated against bankruptcy with a $750 million or $1.4 billion bailing out?

The Defense Department at first assured the GAO that it would supply the cash flow to the GAO by April 20, 1970. However, on April 27, 1970, 1 week after the information was supposed to be delivered, the Defense Department informed GAO that they would not respond to the request. The reason given was Lockheed's reluctance to release "sensitive" data about itself.

On September 14, 1970, the request for information about Lockheed's financial capability was renewed in a letter signed by Senator Richard Schweiker and myself to the Comptroller General. On November 19, I was informed by the Comptroller General that GAO had been "unable to conduct a study of Lockheed's financial capability to deliver C–5A aircraft because we have not been able to gain access to the necessary data."

The Pentagon had refused access to GAO of the books and records in its possession pertaining to the Lockheed Corp. This refusal violated the law, in my opinion. The United States Code, title 31, section 54, specifically directs all agencies of the Federal Government to give access to the GAO and the right to examine any books, documents, papers, or records in their possession.

The Department of Defense has now partially reversed its refusal to give GAO access, and has agreed, belatedly, to give it limited access to the financial information on Lockheed. Under the new arrangement, the GAO will not be permitted to disclose the contents of the records it examines, but will only be allowed to make a determination as to whether Lockheed has the financial capability to complete and deliver the C–5A aircraft called for under its contract with the Air Force.

I would like to emphasize that nothing I have said is intended as criticism of the General Accounting Office. Elmer Staats, the Comptroller General, has done an outstanding job and his staff has performed yeoman service in attempting to help the Congress understand these extremely complicated matters. The GAO is to be complimented for its persistence and its repeated efforts to unravel these difficult problems. Mr. Staats is one of the most dedicated, talented, and effective persons ever to have held the Office of Comptroller General.

Mr. President, it would be ludicrous for the Senate to provide any additional funds to the Lockheed Corp. on the contracts under dispute until full and complete disclosure of that company's financial capabilities is made. Further, I believe it would be improper and unwise to proceed with the settlement of any of these claims until an objective and impartial body is given the opportunity to thoroughly review them. I propose that these matters be taken out of the status of a private negotiation conducted in secrecy between the Deputy Secretary of Defense and the chairman of the board of Lockheed Corp., and that the entire case consisting of all the claims be turned over immediately to the Armed Services Board of Contract Appeals. This administrative authority is the proper body to adjudicate these claims and they should have been forwarded to it long ago.

With unanimous consent, I am inserting in the Record copies of the correspondence referred to, together with a number of newspaper stories and editorials.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Deputy Secretary of Defense,
Washington, D.C., December 30, 1970.
Hon. John Stennis,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As you know, on March 2, 1970, Mr. Daniel Haughton, Chairman of the Board of Lockheed Aircraft Corporation, submitted a letter to the Department of Defense citing his company's contractual and financial problems on four major defense programs: Navy shipbuilding, the SRAM Missile Motor, the Cheyenne helicopter, and the C–5A. Mr. Haughton's letter asserted that "the unprecedented dollar magnitude" of the claims and disputes in which these programs were then involved would "make it financially impossible for Lockheed to complete performance of these programs if we must await the outcome of litigation before receiving further financing from the Department of Defense." Mr. Haughton emphasized the urgent need for a settlement, or for some viable alternative to our procedure of requiring a contractor to continue performance with its own financing during resolution of disputed matters.

Immediately upon receiving this letter, the Department of Defense undertook an intensive independent determination of the nature and magnitude of the managerial and financial problems presented by Mr. Haughton's letter. Each of the military departments undertook to negotiate settlements of their individual programs. My staff compiled and analyzed data relating to the total corporate entity, including corporate financial forecasts prepared by Lockheed at our request and audited by the Defense Contract Audit Agency. It was necessary to determine the financial viability of the corporation and to examine the availability of commercial credit to meet the company's obligations.

Of utmost importance was our need to assure the continued availability of weapons systems urgently needed for our national security. Several programs for which Lockheed Aircraft Corporation is a contractor with the Department of Defense are particularly critical to the nation's defense.

These include the Poseidon missile system, the S–3A aircraft, the Cheyenne helicopter, and the C–5A aircraft. In addition, it clearly is in the vital national defense interest that the Navy ships currently being built under contract with the corporation be continued to completion.

The time has now come when we must move promptly toward a settlement of Lockheed-DoD contract disputes at minimum cost to the U.S. Government and with minimum impact on third parties such as Lockheed employees, suppliers, subcontractors and their employees.

It is my responsibility as Deputy Secretary of Defense to seek and to find a solution. I have learned over the years that prolonged procrastination in the face of difficult problems is an unsatisfactory stance that too often brings not solutions but added problems. Nothing is to be gained by wishing that these problems which arose in the past would go away; instead we must face present facts and move on to future needs. I therefore wish to present to you, as I promised to do, my plan to resolve these disputes.

To briefly recap, the defense contracts which have contributed to Lockheed's financial problem were executed before this administration took office. The C–5A contract was awarded to Lockheed in October 1965. The supplemental agreement to the contract, which committed funds for 23 additional aircraft and which is claimed by Lockheed to have exercised an option for 57 aircraft, was entered into during the last week of the previous administration. It is the principal dispute over the C–5A contract.

The contract for development of the AH–56A (Cheyenne) was awarded by the Army to Lockheed in March 1966. It contained an option for production quantities which was exercised in January 1968.

The contract for the SRAM missile development was awarded to Boeing in November 1966, with Lockheed participating as the subcontractor for the rocket motor.

The nine Navy ship contracts out of which Lockheed's claims arose were awarded to Lockheed from 1961 through 1965.

Shortly after taking office in January 1969, Secretary Laird and I became aware of the difficulties being encountered on these programs.

In fact, the problems we found in connection with these programs led to re-examination of and changes in the weapons acquisition process to bring both technical and cost problems under better control.

We re-evaluated operational requirements and looked at the C–5A cost growth in view of our budgetary constraints and decided not to extend that program beyond the 81 aircraft on order. Because of unresolved technical problems and a general failure to make progress, we made the decision to terminate the Cheyenne production contract for default. On the SRAM, we responded to technical and cost problems in development by not exercising our option for production and by continuing the emphasis on testing and development.

Since last March we have been working on a virtually daily basis on resolution of these Lockheed claims and disputes. Numerous discussions also have been held with the banking community on future financing needs of the corporation.

Our review established that normal procedures for resolving these disputes would require an extended period of time for which Lockheed would have insufficient cash and inadequate commercial credit to finance the continued operation of vital defense programs. We also found that without the provision of additional funds by the Department of Defense and without continued bank support, bankruptcy of the Lockheed Corporation was and is inevitable. It was then necessary to determine whether bankruptcy and corporate reorganization under the Bankruptcy Act was or was not in the interest of national defense. We found that while such bankruptcy proceedings would, if instituted, primarily apply to Lockheed, that company's operations are so entwined with many other companies which also contribute to our national defense effort that it was necessary for us to consider the chain reaction upon other companies as well. Based on extensive discussions with bankers and other defense contractors, I have concluded that the consequences of Lockheed bankruptcy as this time would be so far-reaching that several other defense suppliers would be placed in such a precarious financial condition that their capability for future operations would be jeopardized. Further, several senior members of the banking community have advised me that bankruptcy of Lockheed now would cause them to reassess their credit agreements with many other companies which supply essential defense equipment.

The exact ramifications of a bankruptcy proceeding remain uncertain, but, in my judgment, the potential consequences are of such a grave nature that all reasonable steps should be taken to avoid precipitating a bankruptcy by our actions on defense programs. In the event of Lockheed's bankruptcy, the Department of Defense would be faced with substantial uncertainties and risks about the degree to which several key national defense programs would or could be continued. Decisions on such matters would be subject to the discretion of the bankruptcy court, which would be required to take into consideration the interests of all creditors of the corporation. Serious delays would necessarily ensue. At a minimum, it is almost certain that an accommodation would have to be reached with the bankruptcy court to arrange to continue performance of the C-5A contract, among others, and I see no way which such an accommodation would enable the Department of Defense to obtain the C-5A and other needed equipment at a cost lower than under the course I am recommending.

With this background on the disputes and my judgment regarding bankruptcy, I want to provide the Committee my plan.

I want to make it quite clear in presenting this plan that, while we have had access to extensive financial data prepared by Lockheed and audited by the DCAA, we have only recently received Lockheed's current formal financial submittals. The plan I am proposing, therefore, is contingent upon Lockheed's being completely responsive to our continuing data requirements and our satisfactory analysis and audit of the data submitted.

I have concluded that our normal, established procedures are adequate to resolve two of the four issues.

On the SRAM, for which Lockheed is a subcontractor, the Air Force through its established procedures has negotiated a settlement with Boeing (the prime contractor). Twenty million odllars was paid in full settlement of the $54 million claim which Boeing submitted on behalf of Lockheed. This settlement specifically provided that the entire $20 million would be applied to increase the ceiling price of Lockheed's subcontract. This problem can therefore be considered resolved.

Ship claims of $46 million for work under five completed contracts were settled for $17.9 million in June of 1970. This settlement was reached through the established procedures for negotiating ship claims. The remaining claims, totaling $159.8 million have been the subject of intensive negotiations between the Navy and Lockheed. To settle these claims, the Navy has offered Lockheed $58 million. I am hopeful that a settlement of these claims can be reached. Generally speaking, all negotiations regarding this program have also been concluded. The single remaining issue is Lockheed's acceptance of this offer.

The two remaining issues, therefore, are the Cheyenne program for the Army and the C-5A for the Air Force.

With regard to the Cheyenne program, it is my decision that it is in the best interest of the government to complete the development effort so that we can determine whether the Cheyenne will be a viable candidate to provide close air support for the Army, and so that we can realize some value from the investment we have already made. The ceiling price of the existing contract is approximately $95 million, of which about $90 million has already been disbursed by the Army. In an attempt to complete the development program, Lockheed has expended to date substantially more than the ceiling price and about $100 million more than it has been reimbursed. We believe that a realigned development program can be completed largely within the next year, but we have concluded that the company lacks the capacity to finance this program to a point of completion satisfactory for the Army to determine the aircraft system feasibility.

For this reason, we propose to convert the Cheyenne research and development contract to a cost reimbursement form effective as of December 29, 1969. The designation of the effective date is based on an evaluation of all the relevant factors bearing on the program and upon analysis of Lockheed's overall financial condition, as shown by data received from Lockheed to date. Under this arrangement, the Army will assume future costs of the program and will reimburse Lockheed for approximately $25 million in costs which have been incurred on the development program since December 29, 1969.

The Cheyenne production "letter contract" which was executed by the Army in January 1968, and terminated for default in May 1969, is now in the early stages of litigation. Lockheed's costs for this phase of the program approximate $98 million against which they received $53.8 million from the Army in progress payments prior to default. Suppliers and subcontractors for the Cheyenne production program have submitted settlement proposals in excess of $84 million.

We have decided to settle the Cheyenne production contract by authorizing the Army to pay $36 million or the actual amount of the settlement of the claims of unpaid suppliers and subcontracts under this letter contract, whichever is lesser. The settlement agreement will include controls and audit procedures to assure that any funds actually paid will be used solely for this purpose. The Army will audit and monitor the settlement of the claims of suppliers and subcontractors before payment. Lockheed, pursuant to this settlement, will have to agree to withdraw from litigation their related claim now before the Armed Services Board of Contract Appeals.

On the C-5A program I have, after the most careful consideration of all relevant factors, narrowed the range for resolution to two alternatives.

1. One alternative is to reduce the number of peripheral issues in dispute by negotiation and to allow the core of the disagreements to proceed through litigation. The litigation would be basically concerned, therefore, with the question of whether the Air Force exercised an option for 81 airplanes or for 115 airplanes and the corresponding application of the repricing formula. The Air Force and Lockheed, over several weeks of discussion, have concluded that the litigable disagreements would result in a financial range from approximately a plus $25 million recovery by Lockheed against the United States to about $480 million liability or loss by Lockheed.

2. The other alternative would settle the entire dispute by eliminating all issues and imposing a fixed loss on Lockheed. In addition, such a settlement would preclude any performance incentive fees, or profits on initial spares and on added work related to the scope of the contract which Lockheed otherwise might have earned.

Our analysis of Lockheed's financial situation has led us to the conclusion that after the Air Force has paid Lockheed up to the Air Force's interpretation of ceiling price, the company will lack the funds or resources to finance continued production of the C-5A program. Moreover, under either alternative we must achieve a workable contractual arrangement which will permit the Air Force a more active role in management of the program. Also, under either alternative, it will be necessary for the Air Force to provide all the funds to complete the C-5A program. (Although, under the first alternative a portion may—and under the second alternative a portion would—be repayable to the Air Force.) In any event, stipulations under either alternative would include a repayment provision and interest charges on the unpaid balances, with an acceleration clause in the event of initiation of bankruptcy.

A fixed loss settlement alternative would remove once and for all the contentions of both parties. Such fixed settlement loss would consist entirely of "allowable" costs, and would be above and in addition to losses due to certain costs incurred by the contractor which are neither allowed nor paid by the government. (These costs, referred to as "unallowables," are projected by Lockheed to exceed $40 million on this program. In addition, payments to Lockheed will exclude otherwise allowable costs to the extent such costs fall in the four numbered categories listed in Section 504(b) of the Department of Defense Procurement and Research Authorization Act, 1971 (P.L. 91-441).)

In determining the dollar amount of the fixed loss that should be the basis for the settlement of the C-5A dispute, I took all relevant factors into consideration. Among the factors considered in arriving at this figure were the range of financial results which would result from the litigation, the apparent weight of the legal arguments of the parties on the issues in dispute and Lockheed's potential ability to respond to a judgment in favor of the United States, should one result. After weighing all the many complex factors, a $200 million figure represents my best judgment. I do not expect it to meet with unanimous endorsement; some will think it too low, others too high—but it remains my best judgment after months of consideration of what is without doubt the most complex management and contractual dispute I or any of the principals ever have encountered.

After weighing both of these alternatives I have concluded that the fixed loss settlement alternative is preferable. It has the advantage of finality, and would facilitate management improvements in the remainder of the program. I recognize the possibility that Lockheed may decline to settle for this fixed loss and prefer litigation.

As I mentioned earlier, Lockheed's latest financial information is being compiled and will be audited by the Defense Contract Audit Agency. We have also asked that the General Accounting Office review this data with us prior to the execution of our decisions.

The $200 million "contingency" fund, which we have requested to be authorized and appropriated for FY 1971 for the C-5A, will necessarily be utilized to continue the production of the aircraft beginning in February, and will be expended in the context of the settlement outlined above.

We are aware that the course of action which we propose to follow does not guarantee that bankruptcy of Lockheed is precluded; nevertheless, this course is, in our opinion, the necessary one based on the national defense interest. The uncertainty exists because overall financial stability of Lockheed is contingent not only on the financing of its defense programs, but also on further financial support from the private sector for its commercial programs, particularly the L-1011 airbus.

Our actions in settling the disputes on the four defense programs will resolve contingent liabilities of Lockheed and, we hope, thereby provide a degree of certainty to the overall financial affairs of Lockheed that will permit the banks to continue to finance the commercial programs, and avoid bankruptcy. I will continue to closely monitor the financial and management situation of Lockheed as these plans are implemented. It is also my intent to insure that all possible controls are exercised by Defense over our financial relationships with Lockheed to assure the satisfactory performance on Defense programs and the protection of Defense interests.

This summarizes the alternatives and the action we intend to take to resolve these very difficult contractual matters. The final details of the settlement and the documents necessary to implement this plan are now being prepared, and will be completed by the end of January 1971.

I will be available to review this plan in detail with your Committee at your convenience, and will be glad to have your views on the alternatives.

Sincerely,

DAVID PACKARD.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 12, 1970.

P–169300.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Joint Economic Committee, Congress of the United States.

DEAR MR. CHAIRMAN: This is in further reference to your letter of March 10, 1970, requesting that we obtain and furnish you certain information regarding the Lockheed Aircraft Corporation.

Our initial response to your request was made on March 21, 1970. Supplemental information consisting of Lockheed's 1969 Annual Report and a letter dated March 27, 1970, from the Assistant Secretary of Defense (Comptroller) were delivered to your staff on March 30, 1970. On April 15, 1970, we delivered to your staff a letter from Defense dated April 14, 1970, with enclosures concerning information on open contracts between DOD and the Lockheed Aircraft Corporation. At that time, the only open items were fund status reports on Air Force contracts with Lockheed and information on Lockheed's cash position.

According to the letter dated March 27, 1970, Defense expected to be able to provide you with information on the cash position by about April 20, 1970. In response to a telephone inquiry by Mr. Richard Kaufman of your staff, we advised him on May 1, 1970, that we had been following this matter closely, and that we had been informed by Defense on April 27, that Lockheed's legal staff had reservations about release of certain financial data which the company considers extremely sensitive.

In this connection, we were told that the Deputy Secretary of Defense, David Packard, and Daniel J. Haughton, Chairman of the Board, Lockheed Aircraft Corporation, currently, were trying to develop a mutually satisfactory solution with respect to Lockheed's cash requirements as well as the detailed information that could be made available to you and to the Congress on this matter. We understand that this matter is being given their personal attention and that a decision should be made momentarily.

The fund status reports on Air Force contracts were received on May 8 and are being forwarded separately.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., September 14, 1970.

Hon. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: As you know, Lockheed Aircraft Corporation has written to the Deputy Secretary of Defense and filed claims with the Armed Services Board of Contract Appeals requesting some $435 to $500 million in order to complete 81 C–5A aircraft. These sums are in addition to any amount the Air Force says it owes Lockheed under the existing contract. The Senate has voted to authorize $200 million above any amounts owned as a means of providing for the delivery of 42 of the 81 planes.

Meanwhile, Lockheed Aircraft Corporation has refused to make public the fundamental facts about its financial position. We have only their word that they are in grave financial difficulties. We have no official information as to either the cause of their difficulties or the extent of them. We do not know whether they are due to Lockheed's commercial business or its government contracts. The most elementary information, namely a "cash flow" statement, has been refused by the contractor to the Congress and the public on the grounds that it is proprietary information. There is, in fact, an appalling lack of specific knowledge as to Lockheed's real financial condition and its causes.

Even more important is the fact that we have no factual financial basis to determine whether the additional $200 million will actually provide for the 42 C–5A airplanes, or how much additional money will be necessary to complete the order of 81 planes. This latter amount was estimated to be $800 million by the Senate Armed Services Committee. Meanwhile, there are persistent rumors and a considerable body of evidence that the Pentagon is renegotiating the contract with Lockheed from, a fixed price to a cost reimbursement contract. This could legalize reimbursement far in excess of the $200 million or $800 estimates.

We therefore request that the General Accounting Office, at the earliest practicable date, conduct a study of the financial capability of Lockheed in order to determine both 1) its capability to actually deliver 42 C–5A aircraft by June 30, 1971 and 2) the total amount which would have to be expended to insure the completion and delivery of the 42 planes? In addition, what is the firms financial capability to complete and deliver the 81 aircraft called for under the existing contract, and what is the total amount which would have to be expended to insure the completion and delivery of the 81 planes?

This information is essential to protect both the Government and the taxpayers. In our view it would be a serious breach of the public trust to act without this elementary financial data.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.
RICHARD S. SCHWEIKER,
U.S. Senator.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., November 19, 1970,

B–169300.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: This is in further reference to the letter dated September 14, 1970, from you and from Senator Schweiker, requesting that we conduct a study of the financial capability of Lockheed Aircraft Corporation. Specifically, we were requested to determine Lockheed's capability to deliver 42 C–5A aircraft by June 30, 1971, and the total amount which would have to be expended to ensure the completion and delivery of the 42 aircraft. In addition, we were asked to inquire into the firm's financial capability to complete and deliver all 81 of the C–5A aircraft called for under the existing contract and the total amount which would have to be expended to ensure the completion and delivery of the 81 aircraft.

We have obtained some of the information you requested; however, we have been unable to conduct a study of Lockheed's financial capability to deliver C–5A aircraft because we have not been able to gain access to the necessary data. To perform such a study we would need access to information concerning sources and application of funds, lines of credit with financial institutions, current and contingent liabilities, firm sales commitments, and other data related to the financial structure of the Lockheed Aircraft Corporation.

We were advised by Lockheed officials that some of the financial data necessary to perform such a study concerns commercial ventures and are considered by the firm to be extremely sensitive. These officials believe that the public disclosure of such data without adequate explanation could possibly cause financial harm to Lockheed and its stockholders. Consequently, Lockheed would not make the data available for our review.

Generally, the General Accounting Office is entitled to examine any books, documents, papers, or records that directly pertain to and involve transactions relating to contracts negotiated with the Government. Since we do not have a statutory right to access to all data related to Lockheed's financial condition, i.e., data that does not pertain to Government contracts, a review such as you requested cannot be performed without the consent and cooperation of the contractor.

We requested officials of the Department of Defense to make available for our review any information the Department had relating to Lockheed's financial condition. We were informed that, although they did have certain financial data pertaining to Lockheed, they could not make it available to us since it had been furnished to the Department in confidence and on the basis that it would not be made public. For your information, we have enclosed a copy of a letter we sent to the Secretary of Defense concerning this matter.

With respect to the cost to complete and deliver these aircraft, the Air Force estimates that for 81 C–5A aircraft the total program will cost about $4.6 billion for development, production, initial spares, and directly related construction. The Air Force has not prepared a cost estimate for the completion and delivery of 42 aircraft. However, based on the rate of expenditures, it believes that about $4.1 billion will have been expended on the total of 81 aircraft by the time the 42nd aircraft is delivered. It should be emphasized that the amount of $4.1 billion includes costs applicable to aircraft which will be delivered (work-in-process) subsequent to aircraft number 42.

While the Air Force believes the cost estimate for 81 aircraft to be reasonably accurate, it also is aware that some unforeseen circumstances may occur in the future which could affect program costs. In this connection, it has been estimated that changes to the C–5A aircraft as a result of the report of the Ad Hoc Committee of the Scientific Advisory Board may add approximately $28 million to the costs of the program. These costs do not include possible incorporation of a lift distribution control system.

In addition, we were advised by Air Force officials that they were not aware of any technical or production problem which would preclude Lockheed from producing 42 C–5A aircraft by June 30, 1971. The contractor is currently on schedule and future deliveries are anticipated at the rate of two aircraft per month.

We plan to make no further distribution of this letter unless copies are specifically requested, and then we shall make distribution only after your agreement or Senator Schweiker's has been obtained or public announcement has been made by you or by Senator Schweiker concerning the contents of this letter.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., November 10, 1970.

B–169300.

The Honorable the SECRETARY OF DEFENSE.

DEAR MR. SECRETARY: The purpose of this

letter is to confirm our understanding that we will not be able to review certain financial information furnished to the Department of Defense by the Lockheed Aircraft Corporation.

As we explained to a member of your office, the General Accounting Office has been requested by Senators Proxmire and Schweiker to determine Lockheed's financial capability to deliver certain quantities of C–5A aircraft. However, we have been unable to make this determination because we have not had access to the necessary data.

We requested Department officials to provide us with access to the financial data that had been obtained from Lockheed. We were informed, however, that they could not furnish the data to us because it had been obtained from Lockheed by the Department of Defense in confidence on the basis that it would not be made public.

As an alternative, we asked whether or not it would be possible for us to examine the data at the Department and not remove it from your office. We would furnish the Senators only with our opinion as to whether Lockheed has the financial capability to complete and deliver C–5A aircraft.

We were advised that this could not be done because it would constitute a violation of the confidential relationship existing between the Department and the contractor concerning these data.

A copy of this letter is being furnished to Senators Proxmire and Schweiker.

Sincerely yours,

C. M. Bailey,
Director.

November 20, 1970.

Hon. Elmer Staats,
Comptroller General,
Washington, D.C.

Dear Mr. Staats: I am most disappointed in the response to the request for information about the Lockheed Corporation and the C5–A.

As you know, I have been trying to get this data since last March when I wrote you. You now inform me that both the Lockheed Corporation and the Department of Defense refuse to allow GAO access to the books and records necessary to determine the company's financial capability to complete performance of the C5–A contract.

I am deeply disturbed not only by this denial of access to records but also by GAO's passive refusal to assert the statutory authority that clearly gives it accesss to the information desired.

The United States Code, title 31, section 54, states that "All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General . . . shall, for the purposes of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment."

You may recall that earlier in the year your office informed me that the Defense Department has the information necessary for a cash flow analysis of the Lockheed Corporation. The denial of this information to GAO by the Department of Defense appears to me to be in direct violation of the law. The copy of your letter of November 10, 1970 to Secretary Melvin Laird only confirms the fact that the Defense Department does not intend to comply with the law.

My question now is, what does the GAO intend to do about the Defense Department's flagrant violation of the law giving GAO access to its books and records? Will you forward this matter to the Justice Department for further action? What steps do you intend to take?

Sincerely,

William Proxmire,
Chairman, Subcommittee on
Economy in Government.

Comptroller General
of the United States,
Washington, D.C., December 3, 1970.

B–169300.

Hon. William Proxmire,
U.S. Senate.

Dear Bill: In accordance with our telephone conversation, I am enclosing a letter which I have sent to the Secretary of Defense with respect to a review by this Office of the financial condition of the Lockheed Corporation and its capability to make delivery on aircraft for which it has commitments to the Department of Defense.

It is my understanding that this arrangement is agreeable with you and will serve as an adequate response to your earlier letters to me on the same subject.

Sincerely,

Elmer B. Staats.

Comptroller General
of the United States,
Washington, D.C., December 3, 1970.

B–169300.

The Honorable the Secretary of Defense.

Dear Mel: As you know, the General Accounting Office has been requested by Senators Proxmire and Schweiker to determine Lockheed's financial capability to deliver certain quantities of C–5A aircraft.

This is to confirm our understanding that representatives of the General Accounting Office will be able to review financial information furnished to the Department of Defense by the Lockheed Aircraft Corporation.

As agreed, we will review the financial information that the Department of Defense has obtained from Lockheed at your office and will not copy or otherwise report the data. Based upon our evaluation of the information available, we will furnish the Senators with our opinion as to whether Lockheed has the financial capability to complete and deliver C–5A aircraft.

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.

Comptroller General of the
United States,
Washington, D.C., December 4, 1970.

B–169300.

Hon. Richard S. Schweiker,
U.S. Senate.

Dear Senator Schweiker: Further reference is made to your letter of September 14, 1970, with respect to Lockheed's financial capability to deliver C–5A aircraft.

Further discussion with the Department of Defense in connection with this matter has enabled us to work out arrangements whereby representatives of the General Accounting Office will be able to review financial information furnished to the Department of Defense by the Lockheed Aircraft Corporation. This information is being made available for our review with the understanding that we will not copy or otherwise report the data. While these arrangements will not permit us to disclose the reasons for our opinion as we are generally able to do, we are hopeful that, based upon our evaluation of the information available, we will be able to furnish both you and Senator Proxmire our opinion as to whether Lockheed has the financial capability to complete and deliver the C–5A aircraft called for under its contract with the Air Force.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the
United States.

[From the Wall Street Journal, Oct. 23, 1970]

Lockheed's Dispute With Defense Agency Over SRAM Is Settled

Burbank, Calif.—Lockheed Aircraft Corp. said it settled its dispute with the Defense Department over its SRAM short range attack missile motor subcontract for $20 million.

The SRAM is one of four disputes with the Defense Department involving Lockheed military contracts. The company originally asked for $54.3 million. The settlement resolves legal issues on the SRAM motor subcontract held by the Lockheed Propulsion Co. division in Redlands, Calif., with Boeing Co., Seattle, prime Air Force contractor on the SRAM.

In Washington, the Air Force said it had been negotiating the claim with Boeing since it was submitted last December. The Pentagon had stressed earlier this year that it wouldn't deal directly with Lockheed, to avoid undermining its relationship with Boeing, the prime contractor.

With settlement on this claim, Lockheed Aircraft's president, A. C. Kotchian, estimated the company's loss on the SRAM program at $24 million before taxes. He said it had provided for this loss in the determination of prior and current year reported earnings.

"Although the SRAM research-and-development program won't be complete until early next year, and there could be unforeseen incidents that could raise our costs, we believe we have provided for all probable losses," Mr. Kotchian said. "This settlement will result in immediate payment of $20 million to Lockheed. And we get behind us the settlement of one of our four major military contract disputes."

Still to be settled are Lockheed disputes with the Defense Department involving the Air Force C5A transport, the Army's AH56A Cheyenne helicopter, and Navy ship building contracts.

[From the New York Times, Dec. 13, 1970]

Lockheed Woes May Cost U.S. Public $600 Million

(By Neil Sheehan)

Washington.—The Defense Department and the beleaguered Lockheed Aircraft Corporation are resolving their differences in a way that will keep Lockheed solvent at an apparent minimum cost to the public of about $600-million.

By choosing the alternative of rescuing the corporation rather than letting it go bankrupt, the Pentagon is also setting a precedent for Government behavior toward other major military manufacturers that might flounder financially and need help.

Lockheed is among the top two or three defense contractors in the country. It was running out of money from escalating production costs.

ONE ACTION, TWO DEEDS

Congress is going along with the Lockheed rescue so far. The Senate this week voted the first increment of $200-million approved earlier by the House toward covering unexpected costs $758-million on the C–J–5A jumbo jet transport that Lockheed is manufacturing for the Air Force. Disputed costs on two other projects, the Army's Cheyenne helicopter and ships for the Navy, are also being settled.

Publicly, the Defense Department maintains that it is only seeking to provide what funds are necessary to salvage the military contracts Lockheed has. Privately knowledgeable sources in Congress and the Pentagon concede that salvation of the military projects and a financial rescue of the corporation are synonymous.

They argue that a collapse of Lockheed would damage the national defense posture and have unforeseeable but probably serious economic repercussions. The Armed Services and appropriations committees in Congress have tacitly concurred.

BIG SHARE FOR TAXPAYERS

Opponents of the rescue, like Senator William Proxmire, Democrat of Wisconsin, contend that the risks ought to be run to serve notice on industry that the Government and the taxpayers will not tolerate inefficiency and mismanagement. The opponents have been unsuccessful, however, because they have been unable to convince the majority of Congress that the lesson justifies the perils involved.

The negotiations between Lockheed and the Defense Department are thus proceeding on the assumption that the corporation will not be allowed to lapse into bankruptcy.

What remains to be settled, and what is therefore still unclear, is what portion of the total financial burden will be borne by the taxpayers and how much Lockheed will end up assuming. It is obvious that the taxpayers will be absorbing the greater share.

More than $1-billion is involved—about $758-million in unexpected costs on the C-5A Galaxy, $135-million on the advanced Cheyenne helicopter, and $160-million in disputed costs for the ships.

Assured by the course the Government is taking, Lockheed's principal creditors have lent the corporation $30-million more for its short-term needs and have tentatively agreed to lend $250-million on top of this if Lockheed's negotiations with the Pentagon end favorably. The total of $280-million would assure production of the L–1011 trijet airbus, the new civilian airliner that Lockheed hopes will recoup much of its fortunes.

The quick $30-million came from 24 commercial banks, led by the Bankers Trust Company of New York. The banks would provide $150-million of the $250-million remaining, with three airlines—Eastern, Trans World and Delta—making additional advance payments of $100-million for L–1011's.

The banks had already loaned Lockheed $320-million, and Eastern, Trans World, Delta and other airlines had made previous down payments of about $100-million for airbuses that Lockheed will not begin to deliver until next November.

The collapse of the aircraft maker because of grave troubles with its military contracts would thus have spelled disaster for both banks and airlines.

PACKARD IN NEGOTIATIONS

David Packard, the Deputy Secretary of Defense, and Daniel J. Houghton, Lockheed's board chairman, are overseeing the negotiations between the Pentagon and the corporation.

They intend to reach final agreement before this January or early February, when a plan to resolve the differences must be presented to the Armed Services and Appropriations committees.

By that time Lockheed will have almost exhausted the money the Government acknowledges that it owes under the original C–5A contract. To continue production, Lockheed will have to use some of the $200-million additional voted by Congress, and Congress made the spending of the money contingent on a settlement plan.

The C–5A problem is the obvious center of the imbroglio, since its resolution will cost everyone the most money.

The original estimate when the contract was signed in 1965 was that 120 of the transports would cost about $3.4-billion. By mid-1969 the cost estimate had risen to $5.2-billion and the Nixon Administration decided to settle for 81 planes. The plane is to be the largest ever built—six stories high and nearly the length of a football field.

It is impossible at this point to determine precisely how much of the cost overrun was due to the corporation's mismanagement and how much was caused by inflation and the turmoil that struck the aircraft industry as a whole in 1966 when the demands of the Vietnam war were heaped atop an already high civilian aircraft production. Aircraft parts that had been taking eight years to forge or cast in 1965, suddenly began taking 18 weeks in 1966.

SAME COST, FEWER PLANES

The 81 C–5A's the Pentagon is settling for will, in any case, cost $4.585-billion under current estimates, nearly as much as the mid-1969 estimate for 120 planes.

Of this $4.585-billion, the actual cost for 81 planes, the Government contends that it legally owes $3.827-billion under the terms of the contract and that Lockheed is responsible for the remaining $758-million.

Lockheed officials will not say what the concern believes it owes. They do argue, however, that a so-called repricing clause in the contract was intended to protect the contractor "against catastrophic losses." In the corporation's view, the $758-million would be a catastrophic loss and was therefore not intended by the original agreement.

Robert H. Charles, the former Assistant Secretary of the Air Force who designed the contract—a new type called Total Package Procurement—says the repricing clause was aimed at setting an outside loss limit of $150-million. He also believes that the intent of the clause was to avoid breaking the corporation with a catastrophic loss.

Neither side will now acknowledge that a loss figure of $150-million was ever considered, although Lockheed could end up with a theoretical loss in this range.

An official Air Force analysis of the C–5A problem last August was made public by Senator Proxmire in September as part of his unsuccessful attempt to block a rescue. It estimated that Lockheed would be stuck with a loss of $300- to $400-million if the contract dispute went to the courts for resolution.

The prospect of extended litigation with no more funds coming in for the C–5A would drive the corporation into bankruptcy, however, the Air Force noted, and this alternative would be unacceptable to the Government.

Someone must also come up with $758-million by mid-1973 if the 81 C–5A's are to be produced on the current schedule. Lockheed obviously does not have the money.

Here is how the settlement is being arranged:

The entire $758-million will initially be paid out from public funds to keep production going. The negotiations will decide what portion of this $758-million Lockheed will pay back. This portion will be termed the corporation's loss on the contract. The Pentagon has no hope of collecting the entire $758-million from Lockheed. "How do you collect it?" one official asked.

$300-MILLION TOP LOSS

The precise loss figure that Pentagon negotiators are trying to persuade Lockheed to accept is unknown. Defense sources say that it lies between $150-million and $300-million. The taxpayers will thus have to absorb a minimum of $458-million on the C–5A.

Lockheed sources indicate the corporation might be willing to take a loss of $150-million or more, depending on repayment provisions. In the aircraft industry, as in many others, the flow of ready cash that a company has to pay for its ongoing operations is more important than long-term debt.

The Air Force analysis suggested that Lockheed repay the Government at $10-million a year and 6 per cent interest, or 10 per cent of net corporation profits before taxes, whichever is greater. Repayment would start in 1973, after most of the 81 planes have been delivered.

The first $200-million increment just voted by Congress will be spent by next July $300- to $400-million must be voted and spent in the next 1972 fiscal year and the rest of the $758-million in the 1973 fiscal year.

When a final settlement is reached, it will be incorporated in a new contract, and the original C–5A contract will be scrapped, Defense sources said.

The Government's precise negotiating positions in the other two disputes, the Cheyenne helicopter and the shipbuilding contracts, are also unknown.

Lockheed contends that the Government owes it $135-million for the aborted Cheyenne production, canceled by the Pentagon for alleged default by the company in mid-1969, and $160-million on the ships Lockheed is still building for the Navy.

Escalating cost were the rub in both instances. The Cheyenne, a radical advance in helicopters that incorporates the landing and take-off advantages of rotors with a 250-mile-an-hour speed of fixed wing aircraft, burgeoned from an original estimate of about $1-million a machine to $3.5-million each before production was canceled.

Some military sources believe the Army procurement bureaucracy was as much to blame as Lockheed for trying to cram too much exotic electronics gear into the Cheyenne. "Everyone's little invention was the best thing since sliced bread," one officer said.

Lockheed officials concede that the company was guilty of not foreseeing the technical problems. "We thought we were adding one and one but we got four," one official said. The Pentagon has continued a smaller development contract, for which Congress voted $17-million more this year, to cure technical deficiencies.

Defense sources indicate that the Cheyenne production and shipbuilding disputes may be settled by roughly halving Lockheed's claims on each, about $65-million on Cheyenne and $80-million on the ships.

The over-all settlement of these two issues and the C–5A dispute could thus end up costing the taxpayers at least $600-million.

Although Lockheed will clearly take a loss on the immediate contract for the 81 C–5A's and in the two other disputes, the corporation could come out ahead in the long run.

The C–5A will be able to ferry 112,000 pounds of cargo for 5,500 nautical miles. Civilian versions could revolutionize the air freight business.

The Air Force could use other military versions for giant air-to-air refueling tankers, airborne command posts and even as a flying platform to launch intercontinental ballistic missiles.

Foreign governments may also buy C–5A's for their own air forces.

If Lockheed can sell enough C–5A's for these manifold uses, it can profit.

The Army may make the same true with Cheyenne by going back into production in the next year or two. There is still argument within the Army over the wisdom of buying the helicopter, but some of the most influential senior officers want it.

TWO ALTERNATIVES REJECTED

The Army would like to use the Cheyenne primarily as an airborne antitank missile platform that could knock out Soviet armor at night and in bad weather if a land war erupted in Europe.

And production of Cheyenne could mean a new $1-billion contract for Lockheed.

Implicit in the Government's decision to keep Lockheed solvent was the rejection of the two other alternatives that lay at the end of the arguments that Senator Proxmire and others who opposed a rescue operation were making. These alternatives were letting the corporation go bankrupt or effectively nationalizing, on the grounds of national security, those divisions of Lockheed that were working on military contracts.

Theoretically, the Government could still have obtained the 81 C–5A's, new Cheyennes and the ships by paying the production cost to court-appointed bankruptcy trustees who would have taken over Lockheed management.

The Government would have run the risk with either alternative of becoming entangled in a long court battle.

The conversations with knowledgeable sources made clear, however, that this risk was not the major reason for the Government's decision to have the corporation.

Rather, Mr. Packard and others within the Government seem to have recoiled from the shock waves and unforeseeable consequences that would have hit the aircraft industry, and the banking and airline communities, if Lockheed had collapsed.

When the grim choice of bankruptcy or salvation was posed, the Defense Department and the military services apparently decided that they needed a leading military manufacturer, which currently obtains about 80 per cent of its revenues from the Government, as much as Lockheed needed them.

One aircraft industry source put the matter succinctly. "They're not the enemy, they're co-belligerents," he said of Mr. Packard and other senior defense officials.

In a minority view appended to the Senate-Armed Services committee report last July, Senator Richard S. Schweiker, Republican of Pennsylvania, who had also vainly opposed a rescue, warned that approval of the $200-million first increment in extra costs for C–5 would set the precedent under which other military manufacturers who might get into financial peril from cost overruns could expect the Government to save them.

"I believe Congress must use this issue to draw the line," he said. "Denial of this request for $200-million will serve notice loud and clear that although both Government and industry have been sloppy in the past, we are going to demand efficient performance by contractors and strict adherence to contract prices and specifications in the future."

The Pentagon has already taken precautions against future bankruptcy choices by reverting to a modified form of the old cost-plus type contracting of the 1950's and by abandoning the total package procurement system that Robert Charles initiated under former Secretary of Defense Robert S. McNamara.

[From the San Francisco Chronicle, Dec. 15, 1970]

Rescue Mission for Lockheed

The Government's rescue of Lockheed Aircraft Corporation from bankruptcy, a New York Times dispatch reports, appears likely to cost the public "about $600 million."

Expressed in those terms, the arrangements now being worked out between the Defense Department and Lockheed, with congressional approval, will lead many citizens to throw up their hands in outrage over the idea of saving a defense supplier from the financial consequences of its own misfortunes.

Senator William Proxmire (Dem-Wis.) has been the leading Senate objector to the Lockheed rescue mission. He and other Senators contend that the Government ought to take the economic risks of letting Lockheed go down the tubes. They argue that this would serve clear notice to industry that the Government and the taxpayers will not tolerate corporate inefficiency and mismanagement.

We doubt that complex issues of defense spending can be resolved in such terms; and we do not believe that the drastic repercussions on the economy of a possible failure of the Government's third largest defense contractor can be so blandly accepted.

Troubles involved in the construction of the C–5A airplane, the enormous military transport that is six stories high and nearly the length of a football field, are the principal causes of Lockheed's financial peril. The company contends that inflation—for which, after all, it is not responsible—is the chief factor in the overrun of costs for the C–5A.

That may or may not be, but the fact remains that the Government is uniquely dependent on companies like Lockheed for the products they make that nobody else makes. And Lockheed, in turn, is uniquely dependent on the Government as its market, the sole buyer of those products. No private demand is in play to push the price up, as it does for goods on the open market. Since a defense supplier like Lockheed cannot look to the forces of the market to enable it to catch up with rising costs, the Government must be prepared to "subsidize" those costs. After all, defense goods made to special specifications, as the transport plane, is, are paid for by what is in effect a subsidy. If we subsidize the merchant marine and the farmers, to name but two industries drawing large Federal subventions, why not defense aircraft manufacturers also?

In this case, that which is added on to the original contract price is to be regarded as simply an increase in the unforeseen cost of subsidizing the defense establishment.

[From the New Republic, Dec. 26, 1970]

Military Maneuvers

Shortly after Pearl Harbor, President Roosevelt was asked by a Naval commander whether it was true, as reported in the newspapers, that Congress had authorized and appropriated money for such and such number of new ships. The President was amused. Yes, he said, the report was accurate. Then, lifting his arm off his desk and shaking an imaginary number of additional warships out of his sleeve, he added, "But I have a few more up here." That is the way it was and is. The difference is that today, the military and the President ask for more and get more, and if the Congress and the public don't always know exactly what they're going to get, so what? Whenever the Congress does become nervous that the military may be about to produce another unwanted and very expensive child, it is reassured by being told that the lady is only a little pregnant. That is what it was told during the debate over the Antiballistic Missile system. That is what it is being told about the Supersonic Transport. And there are occasions when it is not even told that.

Taking alarm, Senator Fulbright is now warning us that "the military establishment runs nearly the whole country." They, as Fulbright puts it, have the money, machinery for influencing opinion and the clout with the President and the Congress to carry the day any day, in any week. Their successes are so stunning that the exaggeration is forgivable. Fulbright's remark was made on "Face the Nation" less than a month ago. Since then, several things have happened which illustrate how military-industrial interests manage to get most of what they want, with or without explicit legislative assent.

On December 7, *The New York Times* reported that the Defense Department, without consulting Congress, had directed the Air Force to begin "hardening" 500 Minuteman missile silos against possible attack. The complete process, which involves reinforcing the silos with concrete and steel while they are being fitted with the new Minuteman III, would make the missiles less vulnerable to destruction while they are still on the ground. The project will cost as much as $1 billion. The Defense Department, however, was skittish about discussing the green light which Deputy Secretary of Defense David Packard had given the Air Force: DoD lacked congressional authorization to go ahead; moreover, there was some fear that the news might have an unsettling effect on arms talks with the Russians. The Pentagon was so hesitant that Secretary Laird forgot to mention the matter to the Senate Defense Appropriations Subcommittee when, last November, he pleaded for reinstatement of $50-million in "research" funds that had been cut from the Defense budget. The research money, he said, "would be particularly essential *if* we decided to upgrade the hardness of the existing silos" [italics added]. But the decision had already been made; the Air Force had told Boeing to proceed with such things as hiring, lining up subcontractors, equipping the project and preparing for work at Ellsworth Air Force Base in South Dakota and Warren Air Force Base in Wyoming.

Since the bulk of the cost of "hardening" will ultimately have to be specifically approved by Congress, the Defense Department will, someday, be obliged to stop denying that it is doing what it is doing. Meanwhile, the work can proceed. The occasion for an announcement and a specific explanation of the project will probably come in the fiscal 1972 budget that is to be presented to Congress in January. Following the *Times* report, the Pentagon denied that it had in fact "authorized a start on this proposed hardening program at this time," but the newspaper stood by its sources. Once the project is underway and "research" dollars or whatever else they may be called have been invested, there is little possibility of the process being reversed.

The Supersonic Transport shows how difficult it is to stop once a substantial amount of money has been put into going forward. President Kennedy promised in 1963 that the government's investment in the SST would not be allowed to exceed $750 million. We've already spent $780 million on it, and estimates of total cost now run to $4 billion. Never mind that a great many economists and most environmentalists think the SST was a blunder from the start, and that it's foolish to throw good money after bad. To the President (and Boeing) calling it off would be like "stopping construction of a house when it was time to put in the doors."

A solid hunk of the $210 million contained in the SST "compromise" that has been worked out between the House (which approved the $290 million requested) and the Senate (which voted no money) was spent before Congress even began to deliberate the question. $105 million of it has been expended so far this year—approved by the government's General Accounting Office and drawn from what are called "available unobligated balances." The President said it would cost $278 million to terminate the SST contracts—nearly as much as it would cost to go forward—but he didn't say that his figure includes the $105 million.

This sort of commitment on the installment plan—buy now and pay later—is becoming settled practice, though we would have thought the "military establishment" could get just about all it wanted without resorting to the device of a foot in the door. The military is not without powerful friends in Congress. Nevertheless Congress is frequently ignored, to facilitate things.

When, without advance warning to the legislators, Mr. Nixon decided to invade Cambodia last April, he was able to divert to that operation $100 million in military assistance intended for Taiwan, Greece, Turkey, Indonesia and Latin America. The Military Assistance Act of 1961 gives the President considerable latitude in transferring funds from one category to another—from military aid to economic, from economic to military. He can, on national interest grounds, take up to $300-million from Defense Department stocks and give it to any country he chooses. Subsequently it must be accounted for, Congress must be informed within 30 days (in the case of Cambodia it was the 30th day), and money must be restored to its original purpose. Some $100 million of the $255 million in the military assistance authorization for Cambodia thus will go not to Cambodia but to Taiwan, Greece and Turkey, from which it was summarily snatched last spring. The remaining $155 million is new money ($85 million for military assistance; $70 million for economic aid) for use in Cambodia during the remainder of the current fiscal year.

The military assistance bill, including funds for Cambodia, cleared the Foreign Relations Committee only after that committee added a prohibition against U.S. ground troops and military advisers in Cambodia. But lest the Foreign Relations Committee take unto itself too much authority, there were veiled threats from the State Department and from military spokesmen in the House that the Cambodia bill would be brought up for a vote, whether or not the committee went along. The immediate threat was a rule change that would permit money to be appropriated without an authorization. A "friend" of the committee at State, phoning a committee staff member to urge clearance of the military assistance bill, emphasized how important it is that policy control over military assistance be kept at State and in the Foreign Relations Committee; and those jurisdictions are threatened by the Defense Department and its Senate counterpart, the Armed Services Committee. So don't rock the boat. The gist of the telephoned threat, if it was that, is that if Foreign Relations doesn't play ball with the military, then bills will be drafted for consideration by Armed Services.

The Lockheed affair is a further example of how the military maneuvers to get its way. Top Pentagon officials, reportedly on the verge of approving a multi-million-dollar bailout arrangement to save the Lockheed Aircraft Corp. from bankruptcy, are bullying the General Accounting Office to make sure that the government's watchdog agency doesn't pry loose any last-minute information that endangers Lockheed's welfare package on Capitol Hill. Although present law gives the GAO authority to investigate "all matters relating to the receipt, disbursement and application of public funds," the Pentagon has refused steadfastly to let GAO conduct a meaningful audit of Lockheed's trouble-plagued military programs. The information blackout applies to the C–5A cargo plane, SRAM (short-range attack) missile, Cheyenne helicopter and various shipbuilding projects—programs that may cost the taxpayer more than $10 billion if all are completed.

In the type of charade that has become customary in the Pentagon's dealings with its critics, Defense officials first refused to talk with the GAO at all but later modified their position slightly to permit the agency to review the records of the Lockheed programs but only on grounds that the GAO not remove any records from the Pentagon and that GAO auditors not write down any numbers. Although there is no apparent precedent or authority for the Pentagon's ruling, Defense officials say the prohibitions are necessary because of the "sensitivity" of the disputed programs.

Pressures for a full GAO audit have come from Sen. William Proxmire (D, Wis.) and Rep. William S. Moorhead (D, Pa.), who are unsure that Lockheed can deliver the 42 C–5As due by next year even if the company gets the full $640 million in relief money it is seeking. Proxmire has expressed apprehensions that the giant contractor's real problem is with the L–1011 Trijet airbus, which is taking a severe beating from McDonnell Douglas' DC–10 in purchase orders from commercial airlines. Proxmire has been pressing the Pentagon all year, without success, for a cash flow statement breaking down Lockheed's current expenditures, program by program, to make sure no government agency money is being shifted to the L–1011. The proposed GAO audit was a last-minute gambit designed to arm Congress with full information on Lockheed's financial status before the bailout package emerges from the Pentagon. Congress already has voted the first $200 million of bailout money but none can be obligated until the Pentagon informs the Armed Services and Appropriations Committees on how it plans to resolve its differences with Lockheed. Pentagon negotiators are thought to be willing to pay the company all but about $150 million of the $640 million now in dispute.

What is surprising about the GAO's position is the agency's refusal to demand a full audit of the Pentagon's records, unencumbered by any of the silly restrictions the Pentagon has laid down. The GAO has a reputation for toughness in its reviews of domestic programs, a reputation recently bolstered by scathing criticisms of the Job Corps program, rulings that practically dismantled the "Philadelphia Plan" for hiring of minority workers on government construction jobs, and the discovery last summer that Walter J Hickel, the recently ousted Interior Secretary, had spent $40,000 to remodel his government office. The agency is particularly hard-nosed in its dealings with small firms on fixed-price contracts—the same type of contractual arrangement involved in the C–5 dispute. Consider the GAO's ruling last year when a small black-owned firm in Pittsburgh—Darrow, Darrow and Associates—sought an additional $22,174 on an HEW contract to produce a film for "minority group sensitivity training" (HEW had ordered the film expanded from 30 to 60 minutes but in so doing increased the original $35,000 contract by only $15,000): "Your acceptance of the contract with no exception to any of its provisions fixed the rights and liabilities of the parties thereto. You assumed the responsibility of furnishing the required services at the agreed upon price, and the government is not obligated to pay additional amounts for contract performance solely by reason of difficulties you might have experienced in performing the contract."

Yet the GAO is apparently unconcerned with military boondoggling in the billions. Because of the GAO's double standard, the Defense Department may be able to rewrite not only the existing C–5 contract but every other fixed-price weapons contract (all executed under the McNamara and Clifford regimes—new ones are cost plus fixed fee) into timely settlements for ailing military contractors. That the Pentagon has no intention of holding contractors' feet to the fire was indicated in the remarks of Deputy Secretary of Defense David Packard before the House Military Operations Subcommittee last September: "Fixed price doesn't mean a thing. If he [the weapons maker] doesn't have the funds, he doesn't finish. I don't see how we can use this [a fixed-price contract] on some of these big programs." Get set for a long welfare line of hungry defense contractors.

[From the Milwaukee Journal, Jan. 6, 1971]

SAVING LOCKHEED

The perplexing problem of Lockheed again is before the public. The Pentagon, after months of negotiating with the financially troubled defense contractor, has proposed a settlement of contract disputes that will keep the company from going under—at least for the present. Lockheed has rejected the offer as inadequate and says it will seek a larger settlement through litigation.

At stake are the differences between what Lockheed claims it is owed and what the Pentagon says it owes for four military contracts.

The Pentagon would make Lockheed take some lumps but not enough so that it would have to throw in the towel, or jeopardize outside private financing. Thus of the $758 million in debate over the C–5A, the government would absorb $558 million and Lockheed would pay back $200 million—over a long period of time.

David Packard, deputy defense secretary, justified this by saying that the Lockheed "operations are so entwined with many other companies, which also contribute to our national defense effort, that it was necessary for us to consider the chain reaction upon other companies as well."

Wisconsin's Sen. Proxmire says that the Pentagon's "soft" attitude sets a dangerous precedent for bailing out distressed defense firms with public money. Defense cuts have hurt deeply Boeing and General Dynamics. If Boeing loses the SST—of which there is an even chance—it will be in very serious trouble. Should the government step in and help these companies, too?

One definite need is development of better procurement and management techniques on both sides so that disputes on the Lockheed scale do not occur. Efforts should be made also to get these large, technology heavy firms less dependent on defense business. This might take government incentives to stimulate conservative management to take risks in other high technology fields where markets are not as secure or sure as the military.

The immediate problem, however, is Lockheed. Collapse of the largest U.S. defense contractor would weaken national security. It would have bad effects on the business world. There is probably no choice but to bail the firm out. Such action should not be a precedent.

[From the Omaha World-Herald,
Jan. 6, 1971]

BAND-AID FOR LOCKHEED

Does the federal government have an obligation to help giant defense-oriented firms in great financial difficulties? If so, how far does that obligation extend? What are the probable results of such "bailing out" operations?

Such questions have been brought to a head in recent days by the troubles of the Lockheed Aircraft Co., which the Pentagon proposes to help, provided that Lockheed accepts a "fixed loss" amounting to half the deficit incurred in the C5A transport plane program.

Under the rescue plan submitted to concongressional committees by Deputy Defense Secretary David Packard, Lockheed would have until the end of this month to accept or reject the proposal. The government would pay the company $200 million, which would let it continue C5A production after Feb. 1, but it would not preclude the possibility that the company will go bankrupt anyhow.

Lockheed would also have to take a loss on the Cheyenne helicopter gunship, production of which has been canceled, and to settle with the Navy on other plane and ship construction.

So Lockheed would forego all profit on the C5A, which is costing twice as much as the original estimate, and would split its losses 50–50 with government. Lockheed is shaky not only because of its defense programs, but, as Packard pointed out, further financial support from the private sector for its commercial programs is uncertain.

It would seem manifestly unfair to use taxpayer money for a complete bail-out if private money has insufficient faith to support Lockheed. Yet the military needs the C5A. In the administration's view, the obligation to try to save the company extends to splitting the losses for cost overruns.

For the long term, however, government would do well to face up to the prospects that if present trends continue:

Original cost estimates will often be unrealistic.

Congress and the citizens will become increasingly restless about supplementary payments, whatever the reason for them.

Rescue operations for floundering firms will run into increasing public opposition.

The maligned "military-industrial complex" is important to the country's security and perhaps its very survival. Errors and weaknesses provide ammunition for those who would weaken or destroy the country's capacity to defend itself.

What we need are procedures that can anticipate the problems of totering industries important to defense and deal with them without resorting to $200 million Band-Aids applied in an atmosphere of crisis.

[From the Wall Street Journal, Jan. 7, 1971]

Lockheed Opts To Litigate Solution to C5A Dispute With the Pentagon

WASHINGTON.—Lockheed Aircraft Corp. has decided to hold out for a better deal on its troubled C5A cargo jet than the Pentagon offered.

Rejecting a Defense Department proposal that the company accept a $200 million loss on the C5A program, Lockheed said it will seek a solution to its financial dispute with the Government through legal channels.

At an hour-long news conference yesterday, Lockheed's chairman, Daniel J. Haughton, said the company believes it has a "strong legal position." Litigation of the case, he said in a letter to Deputy Defense Secretary David Packard, "should ultimately permit Lockheed to substantially recover its costs expended on the program—with even the possibility of a profit."

Under this approach, Mr. Haughton maintained, the controversial and complex C5A contract would have to be "revised," and the Government would have to "fund completion of the 81-aircraft program pending the resolution of the legal disputes." He estimated litigation could take a minimum of two years and a maximum of five.

BROADENING OF ISSUES

Last week, in outlining a Government plan designed to aid the ailing defense contractor, Mr. Packard said litigation could produce a settlement ranging anywhere from a $25 million profit for Lockheed to a $480 million loss. However, in his response to the Pentagon official, Mr. Haughton indicated the company wanted to broaden the issues that could be litigated. Presumably such a broadening would change this range.

The C5A is at the heart of Lockheed's financial dispute with the Pentagon, which originally involved three other programs: Motors for the short-range attack missile, known as the SRAM; the Army's Cheyenne attack helicopter, and several Navy shipbuilding projects.

On the shipbuilding projects, Mr. Haughton said the company isn't "prepared to accept the Navy offer of $58 million" against claims of $159.8 million. However, he added, Lockheed believes "if both parties continue to pursue negotiations diligently, a mutually acceptable solution can be achieved within a reasonable period of time."

On the Cheyenne helicopter, Mr. Haughton informed Mr. Packard that the Government's proposals were acceptable and that the company would, as a result, "withdraw from litigation" its claims under the Cheyenne production contract. That contract was canceled by the Pentagon in 1969.

CHEYENNE LOSSES

In a separate letter to shareholders, the Lockheed chairman said the Cheyenne agreement with the Government would result in before-tax losses of $75 million on the development contract and $45 million on the production contract—"all of which was provided for through the third quarter of 1970."

Mr. Haughton also told Mr. Packard that the company agreed with the Pentagon that its dispute on the SRAM had been resolved when it settled last October for $20 million against a claim of $54 million.

"Our assessments of the C5A and the shipyard programs are under review as we close our books for 1970 and begin the usual year-end audit," Mr. Haughton said at the press conference. "We are currently unable to predict the possible impact of these two programs on earnings."

Mr. Packard's rescue plan for Lockheed offered the company two alternatives for resolving the dispute over how much money the Government owes the contractor for the C5A cargo-jet program—litigation or acceptance of a $200 million "fixed-loss" settlement. Mr. Packard, the chief Pentagon procurement officer, said he personally preferred the fixed-loss route.

COMPROMISE UNACCEPTABLE

Such a settlement would "remove once and for all the contention of both parties," he said. "It has the advantage of finality and would facilitate management improvements in the remainder of the program," he added. However, he added that he recognized the possibility that Lockheed might prefer litigation.

Yesterday, Mr. Haughton told Mr. Packard that the company couldn't accept "a compromise which entails such an excessive and unwarranted penalty to Lockheed at $200 million." To do so, he said, wouldn't be fair to Lockheed's employees, subcontractors and more than 55,000 shareholders.

The Lockheed official repeatedly refused to state what he thought an equitable settlement would be or what kind of settlement he believes litigation is likely to produce.

At one point under questioning, he did say, "I think we should have very little penalty" for the C5A program. At another point in the news conference, he said the company wouldn't be going to litigation unless it thought it would do significantly better than a $200 million loss. He even suggested Lockheed might get a settlement that would allow the company "to pay attorneys' fees and have something left over for our shareholders."

TOTAL FIGURE UNCLEAR

Mr. Haughton, like Government officials, also declined to estimate what a settlement of the four military-program disputes is likely to cost the Government and ultimately the taxpayer. Indeed, it remains unclear exactly what Lockheed believes it is owed on the C5A and what the Air Force believes it owes. Company and Pentagon officials alike stress it's very difficult to put exact cost figures on the C5A unless you carefully specify what's included.

Last week, however, the Pentagon did say it currently estimates that Lockheed's work on 81 aircraft plus spare parts will cost about $3.7 billion. The original ceiling price, the Government says, was $2.3 billion for 115 planes.

Lockheed's financial problems with the four military programs fully emerged last March, when Mr. Haughton informed the Pentagon that the company needed some $600 million in interim financing to continue work beyond early 1971. At the time, Defense Secretary Laird said the difference between what Lockheed contended it was due and what the Pentagon said it was owed was "almost $1 billion."

In appearances before Congressional committees, Mr. Packard said that unless the company got financial help from both the Government and the private sector it faced the possibility of bankruptcy. At one point, he suggested that the company look around for a merger partner.

MERGER WAS EXPLORED

At his news conference yesterday, Mr. Haughton said he "didn't really ever have any fears" of bankruptcy. As for merger, the chairman said he "did explore it with several companies." He declined to name the companies, saying that it would be "improper" to do so. "I am not actively pursuing a merger at the present time" or "negotiating" with any company, he added.

Throughout the news conference, Mr. Haughton stressed that in the near future Lockheed will "have to have money from some place" to pay its bills. * * *

[From the Washington Post, Jan. 7, 1971]

Lockheed Rejects Defense Dept. Bid for C-5A Compromise, Plans Litigation

(By Michael Getler)

Lockheed Aircraft Corp. has rejected a Pentagon proposal that the firm accept a fixed $200 million loss on its disputed C-5A contract and has chosen instead to take the cost-overrun matter to court.

Lockheed Board Chairman Daniel J. Haughton, at a news conference yesterday, estimated that the litigation would take at least two years and perhaps five.

In the interim, Lockheed proposes that the Defense Department continue to provide the money to complete the 81 jet transports the Air Force says it needs. The Pentagon's initial reaction was non-committal.

The Pentagon has estimated that Lockheed will need another $1.2 billion to complete the C-5A fleet and provide initial spare parts and ground support equipment.

Haughton said the company could not accept a compromise settlement, as was offered by Deputy Defense Secretary David Packard on Dec. 30, "which entails such an excessive and unwarranted penalty to Lockheed as $200 million."

He said he felt that the firm held "a strong legal position" and that a court settlement "should ultimately permit Lockheed to substantially recover its costs . . . with even the possibility of a profit for our nearly eight years of effort."

When questioned, Haughton admitted that Lockheed might accept some fixed loss, "but not $200 million."

The Lockheed chief executive stressed that at the core of the dispute was the total package procurement form of contracting that was used for the first time by the government on the C-5A. This system, Haughton stated, "is now conceded universally to be unworkable . . . but the fact remains that our company and its shareholders have been left with its consequences."

The original 1965 contract called for 115 planes, 58 initially and then 57 more several years later, at a cost of $1.9 billion, according to Packard. The government's liability was to be limited to $2.3 billion.

The program went through numerous changes, and it is now estimated by the Pentagon that Lockheed's cost for the 81 planes, plus some spares and ground equipment, will be $3.7 billion.

An additional $802.6 million is being spent with General Electric Co. for 467 jet engines. There will also be additional spare engines and electronic gear bought, plus support costs estimated by the Secretary of the Air Force at about $800 million.

According to Air Force estimates made in February, but supplied only yesterday, the excess costs to the government on the Lockheed work run from $595 million, in a contract interpretation most favorable to the government, to about $53 million when the agreement is interpreted most favorably for Lockheed.

Packard, last week, foresaw the outcome of litigation as between a loss of $480 million for Lockheed and a profit of $25 million.

Yesterday, Haughton refused to provide Lockheed's estimate of how much is in dispute.

Haughton noted that Packard, though favoring the fixed-loss settlement, also posed the legal alternative Lockheed has chosen.

However, Haughton said the firm will not necessarily limit litigation to the one central issue that Packard suggested: Whether the Air Force, by cutting back its order from 115 to 81 planes after costs had skyrocketed, was still bound to higher payments by a controversial contract clause that permits repricing.

Haughton also announced yesterday that Lockheed would not accept Packard's offer to settle company claims of $159.8 million on disputed Navy ship costs for $58 million, and would negotiate further.

Lockheed did accept proposals for what is claimed to be a net loss of $120 million on the Army's Cheyenne helicopter.

Packard yesterday said he would study the Lockheed response before making a recommendation to Congress when it returns later this month.

Pentagon officials said Packard would no doubt sound out congressional willingness to continue to appropriate funds for the C–5A if the possible excess cost to the taxpayer would remain uncertain for years.

Packard, himself, had raised the question of whether Lockheed would be in a position to repay the government, with interest, several years hence if litigation went heavily in the government's favor.

Haughton's tone yesterday was generally optimistic.

The Lockheed executive believes that an acceptable agreement can be reached that will satisfy Congress. Some $200 million in extra C–5A funds was voted by Congress last month, contingent on a proposed settlement. Defense officials see little likelihood of this money being stopped even if the controversy lingers. Rather, the test will come in considering next year's budget, if Congress is unhappy.

[From the New York Times, Jan. 8, 1971]

ARROGANCE OF POWER

As a result of huge cost overruns on four military programs, of which the most important is the C–5A cargo jet, the Lockheed Aircraft Corporation is on the verge of bankruptcy. In an effort to keep the company from going under, the Pentagon has proposed to pay an extra $758 million to Lockheed, provided that the company agrees to pay $200 million of this back as a fixed loss on the C–5A contract.

But this proposal is not good enough to satisfy Lockheed's chairman, Daniel J. Haughton. He declared at a press conference this week that Lockheed would instead go to litigation with the Government to settle its four disputes, totaling about $1 billion. Mr. Haughton confidently said, "I think a way will be found for the Defense Department to fund us while litigation is under way." He expects the litigation would take two to five years.

The Lockheed chairman apparently feels blameless for his company's performance on a contract on which it agreed to produce 115 aircraft at a ceiling price of $2.3 billion, but which will cost the taxpayers $3.7 billion for only 81 planes. In a letter to Deputy Secretary of Defense Packard, Mr. Haughton said that through litigation Lockheed expects to recover substantially all these costs "with even the possibility of a profit."

Lockheed's management is apparently confident that the company's financial obligations are so huge—especially to many banks and airlines—and the fallout of its collapse on subcontractors, its employes and stockholders, and the Pentagon, would be so great, that nothing could happen. Mr. Haughton told reporters he had no fear of bankruptcy and was looking for no merger.

The public interest will be badly served if the Pentagon yields to this bluff. Lockheed has demonstrated a degree of managerial inefficiency unusual even for defense contractors. Rather than rescue Lockheed's existing management, it would be better for the Government to let the company go under and, as was done in the case of Penn Central, reorganize in bankruptcy.

This course not only will facilitate a basic overhaul of the company, but it will serve as a warning to other defense producers that there is a penalty for inefficiency and that no corporation has a claim to survive just because it is huge and works for the Government.

[From the New York Times, Jan. 13, 1971]

MERITS OF LOCKHEED'S CASE ON THE C–5A

To the EDITOR:

Your Jan. 8 editorial "Arrogance of Power" is antagonistic and misleading.

You challenge our right to select litigation as the most suitable of two alternatives offered by Deputy Defense Secretary David Packard to resolve our contract differences on the C–5A transport. The courts exist to provide the individual citizen—and big or little corporations as well—the right to judicial review. Without this protection, the Government could impose its will not only on a large corporation but upon every citizen without regard to the merits of a case.

You have failed to recognize that there may be any possible legal merit to Lockheed's case. Obviously we are convinced we have a strong case or we would not have chosen this alternative. It seems apparent that without knowledge of the merits of the case, you would force Lockheed to accept a $200-million loss on the C–5A. And you must have overlooked the announced plan that Lockheed would repay to the Government, plus interest, whatever a court might decide Lockheed should pay.

You quote me as telling a press conference that Lockheed would seek litigation to settle its four major disputes. This is a gross error. One of the disputes, on the SRAM motor, was settled last October. On a second, covering the Cheyenne helicopter, we have agreed to accept the Department of Defense proposal for settlement. On the third, covering Navy shipbuilding claims, we plan to continue negotiations. Only on the C–5A dispute have we chosen the litigation course.

You say that I apparently feel blameless for Lockheed's performance. Again, not true. Twice during the press conference and on numerous other occasions I have admitted that there were many things that in hindsight we believe could have been handled better.

You say that we agreed to produce 115 aircraft at a ceiling price of $2.3-billion, but which will cost the tax-payers $3.7 billion for only 81 airplanes. Again, not correct. We agreed to produce the airplanes under terms of the contract, which provided for the price to be adjusted.

The fact is our C–5A dispute is a legal one and we are following a logical, business-like procedure. All defense contracts provide an avenue for settling contract disagreements. There is nothing unusual about the litigation alternative that Mr. Packard offered for the resolution of the Defense Department dispute with Lockheed.

It is surprising you would choose to describe our company position as a "bluff." Let me assure you that this is no bluff and that we are determined to protect our rights through litigation rather than take the inequitable penalty which was offered.

Secretary Packard has offered Lockheed two alternative approaches to resolve the dispute—either through litigation or by Lockheed's accepting a fixed loss to resolve all issues. He recognized that Lockheed cannot provide the funds and that under either alternative it would be necessary for the Air Force to fund completion of the C–5A program. Congress late last year voted the funds Mr. Packard had requested to continue C–5A production.

Would The Times deny us the right to our day in court? Are we arrogant for seeking it? Perhaps the arrogance is on the part of The Times when it recommends that Lockheed be forced into bankruptcy as a warning to other defense producers.

D. J. HAUGHTON,
Chairman of the Board,
Lockheed Aircraft Corp.

[From the Washington Post, Jan. 10, 1971]

THE LOCKHEED BAIL-OUT

When Rolls-Royce got into financial trouble recently (mainly because of an egregious error on an engine contract for Lockheed's air bus), the British government bailed it out at a cost of nearly $300 million. In so doing, the chairman and chief executive of the company, Sir Denning Pearson, was sacked, replaced by Lord Cole.

Now we see that the Pentagon is going to bail out Lockheed, at a cost variously estimated from $757 million to $1.45 billion. But is Daniel Haughton, president of Lockheed, to be fired? No. The very people who got Lockheed into its financial mess on the C–5A airplane, for which the American taxpayers are now asked to pay, are in effect to be rewarded for their shortcomings. That sort of Orwellian logic may make sense in Deputy Secretary of Defense Packard's office, but one may hope that Congress will see through it, particularly since other companies will no doubt start lining up at that trough.

Congress should also ask whether it is in fact so vitally necessary to the country—to national security—for Lockheed to be kept from bankruptcy. Surely other companies, hopefully better managed, could also produce the C–5A—if it is really needed (which may be doubtful). Penn Central is in bankruptcy; surely it is as important, if not more so, to the country than is Lockheed. But the most it will get is a government-guaranteed loan. (I do not comment on the merits of even that aid.) Furthermore, the American people are entitled to a full statement of the reasons for the Lockheed bail-out, not the bald statement of Mr. Packard that it is "in the national interest." The $200 million "loss" that Lockheed supposedly will sustain looks more like a "paper" transaction than an actuality.

The Lockheed bail-out, finally, reveals starkly the problems involved when an industrial manager of a major defense contractor (Mr. Packard) is in charge of the Pentagon's purse. Are not the taxpayers entitled to an independent evaluation of this grotesquely expensive gadget (the C–5A)? Such an evaluation is not possible when the effective decision-makers come from the very segment of the American economy that is ostensibly being regulated.

Last August Mr. Packard called defense procurement "a mess." So it is. But is it any less so with this bail-out?

ARTHUR S. MILLER,
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WASHINGTON.

[From Newsweek, Jan. 11, 1971]

BAILING OUT LOCKHEED

As the newest wrinkle dreamed up by Defense Secretary Robert McNamara and his Whiz Kids, the "total package procurement plan" looked like a sure winner back in 1965. Its first application was to be in the Pentagon's contract for the world's largest plane, the C–5A freighter—and in essence, the new concept pinned Lockheed Aircraft Corp. to a fixed price of not more than $2.3 billion for building 115 of the giant planes. There would be control over the creeping extras that had inexorably inflated defense contracts ever since George Washington's day.

That was the theory. By last spring economic inflation, management, inefficiency and several major redesign programs had rocketed the total cost of the program to more than $3.7 billion, even though the number of planes ordered had been cut back to 81. Since roughly the same process had inflated three other Lockheed defense projects, the company was in deep financial trouble.

The whole fiasco threw a major strain on the tangled web of relationships that is the U.S. military-industrial complex. As the nation's biggest defense contractor, Lockheed could be said to be a vital resource in itself. Further, if it went broke, so huge a bankruptcy might well topple other contractors that had been supplying Lockheed. And to complicate matters even more, the government itself was at least partly to blame for permitting the runaway escalation of costs.

Burial: Thus, when Deputy Defense Secretary David Packard last week disclosed the Pentagon's proposals for settling the issue, the plan amounted to a bailout for Lockheed couched in terms designed to bury the whole unhappy mess as inconspicuously as possible. Packard carefully refrained from disclosing the total cost of his plan to the nation's taxpayers, but outside estimates ranged from $750 million to $1.4 billion, while the loss to Lockheed was put at some $500 million.

First, Packard offered to pick up about $220 million in cost overruns on three smaller programs: the Cheyenne helicopter, five Navy ship contracts and a short-range missile motor. This would leave Lockheed with losses of more than $300 million.

Next, Packard said, the government would pay the full costs of the C–5A program as they came due. Lockheed could then choose one of two courses: either accept a fixed loss of $200 million, to be repaid to the government over several years, or try to sue for a better deal.

How had the formula been calculated? Packard would say only that it "represents my best judgment," adding: "Some will think it too low, others too high." But he stressed that even this deal didn't guarantee Lockheed against bankruptcy, since the company still had to obtain sufficient financing to deliver commercial contracts—notably the L–1011 jetliner.

A Lockheed spokesman in Burbank, Calif., said the company was studying its options under the plan. But he was clearly among those who thought Packard was on the low side. Just as clearly, there would be many in Congress—where the deal must be approved—who would call it a giveaway. Wisconsin Sen. William Proxmire, for one, called it a "loss plus" for the government—"a soft government loan on the most favorable terms."

[From the Philadelphia Inquirer, Jan. 13, 1971]

LOCKHEED: A RISKY BAIL-OUT

The Federal Government will be setting a perilous precedent if it yields to the contemptuous demand of Lockheed Aircraft Corp. for a billion-dollar bail-out.

Because of costs it failed to foresee, Lockheed has taken a financial licking on four military contracts, the most notable of which is for the C–5A transport plane. Somehow the firm has got the idea that the taxpayers have a responsibility to pay for its mistakes.

The Pentagon, understandably, doesn't want to see one of its biggest contractors crash. So it generously offered $758 million to keep Lockheed aloft—with the provision that the firm eventually pay back $200 million as a "fixed loss" on the C–5A.

Lockheed sneered at the offer. It is going into litigation and, according to board chairman Daniel J. Haughton, not only expects to recover costs of more than $1 billion but possibly turn a profit.

What Lockheed is asking, it seems to us, is that the government change the rules of contracting so that anybody doing business with Uncle Sam is guaranteed a profit.

The system doesn't work that way, and we don't think it should.

Obviously, no contractor tackles a project with the idea of losing his shirt. But, in government contracting as in private business there is an element of risk that a miscalculation, unforeseen costs or plain inefficiency will turn a paper profit into a staggering loss.

It's a safeguard which puts the responsibility on the contractor to enter a realistic bid and perform to the best of his ability.

The controversial C–5A contract was not a good one, but it was good enough for Lockheed at the time. Under it, the firm agreed to produce 120 planes at a ceiling price of $2.3 billion. Because of cost overruns, only partly attributable to inflation, it's going to cost $3.7 billion for only 81 planes.

Far more important than whether Lockheed is grounded economically is what other contractors will expect of Uncle Sam if they get stung on some future project.

The question before the Pentagon and Congress is whether the government can afford to establish a policy of guaranteed profits that invites and, ultimately, rewards inefficiency.

[From Newsweek, Jan. 18, 1971]

LOCKHEED SAYS NO

Lockheed Aircraft Corp., the nation's largest defense contractor, has endured nothing but hard luck and red ink for two years—mainly because the cost of producing giant C–5A transports for the Air Force ran a staggering $1.4 billion over the contract price. The company lost $32.6 million in 1969 and is expected to rack up another loss when 1970 results are tallied. Last week, however, Lockheed demonstrated that while it may be poor, it is still feisty.

At a Washington news conference, Lockheed chairman Daniel J. Haughton announced that his company was turning down the Pentagon's offer to absorb all but $200 million of the huge cost overrun on the C–5A. He said Lockheed planned to take the case to the Armed Services Board of Contract Appeals and, if necessary, to the U.S. Court of Claims.

In Haughton's view, Lockheed was trapped financially by the "total package" defense contract concept, which set a limit on both the product's cost and the contractor's profit, leaving no room for cost increases. According to Haughton, the total package concept is "now conceded universally to be virtually unworkable," and Lockheed has "been left with the consequences." Then he continued: "You hear a great deal of misleading talk about a 'charity bailout' for Lockheed and about the possibility of a bankruptcy. We have never believed bankruptcy is either necessary or desirable from anyone's point of view, and we have never asked for charity."

How much does Lockheed want? Haughton repeatedly refused to name a figure. But in making the original offer to limit Lockheed's loss to $200 million, Deputy Defense Secretary David Packard estimated that a court action could bring anything from a $480 million loss to a profit of $25 million—enough, perhaps, to pay the lawyers' fees.

SEA DISPOSAL OF MUNITIONS

Mr. HOLLINGS. Mr. President, I was very concerned to learn that the Navy is again seeking to dispose of munitions in the ocean. While it has been publicly reported that at least 50,000 tons of conventional munitions are proposed to be dumped in the Atlantic and Pacific Oceans, I have learned that there may be more than twice that amount involved. Once again we are faced with a proposed Government operation which ignores the basic tenets of common sense and scientific evidence on the potentially harmful effects of sea dumping and the unnecessary risks to our oceans future and, consequently, our own future. On August 5, 1970, the Subcommittee on Oceanography held the first public Senate hearings on Government disposal of munitions at sea as it related to the secret decision of the Army to dump 65 tons of liquid nerve agent into the Atlantic Ocean. Although we were assured that no more sea-dump operations were planned by the Army, we are faced with essentially the identical problem by another branch of the armed services.

Military dumping of munitions in the oceans dates back many years. The justification was that it is the cheapest way to dispose of munitions that were designed not to be demilitarized, but the dumping has not always worked as planned. In theory, the munitions are to be placed in old ships from the mothball fleet, towed to an ocean dumping site, and sunk by opening special valves. But there have been instances when the ships have not sunk as planned, but drifted off, and later sank in water too shallow to set off the pressure fuses that were to detonate the munitions. There is at least one such vessel on the bottom still unexploded, and it is simply marked on charts as a hazard to navigation!

Many other questions must be considered. For example, what information do we have on the physical, chemical, biological conditions of the area where the dumping is to take place? What would be the result on these factors if the planned dumping aborted? What facilities and alternatives are available for land disposal? These are but a few of the questions that must be asked, and must be answered in the environmental impact statement that the Navy must file before approval can be granted. As I stated on August 13, 1970, in the Congressional Record, the nerve gas situation was one where we were already locked in concrete but we could halt future steps which would imperil the ecology of the ocean. As I mentioned at that time, there were a total of over 123 approved dumping areas, approved in a vacuum of ignorance.

Mr. President, I wish to announce that the Subcommittee on Oceanography will hold an inquiry into the proposed dumping in the near future, and that we expect a full public airing of the Navy's proposal. Shortly, I intend to introduce legislation to prevent further unilateral decisions of this nature. The fate of our oceans cannot continue to be entrusted to those whose past record is largely one of failure. We have the power and determination to stop the needless wasting of our marine resources.

I ask unanimous consent that Roberta Hornig's article, "Sea Disposal of Munitions Asked by Navy," in the Evening Star of January 25, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sea Disposal of Munitions Asked By Navy

(By Roberta Hornig)

The Navy is trying to get permission to dump at least 50,000 tons of "conventional" munitions—explosives, rockets, propellant-type boosters, projectiles and scrap—into the Atlantic and Pacific oceans

No nerve gas is involved

Two-thirds of the outmoded and, in some cases, potentially dangerous weapons, would go into the Atlantic in one of the designated munitions dumping areas, the rest would be dumped off the West Coast

A Navy spokesman said yesterday, however, that the proposed operation would not be carried out without permission of President Nixon's Council on Environmental Quality.

When asked what the Navy would do if the administration environmentalists rejected the dumping project, he replied: "Then we'll have to think of something else."

In October, Nixon endorsed a report by his council urging a ban on unregulated dumping and strict limitations on dumping materials harmful to marine environment. Legislation based on this report is expected to go to Congress this year.

The Navy spokesman said the President was talking about "controlled dumping, not no dumping."

The munitions the Navy wants to dump are stored in arsenals throughout the country, including New Jersey and South Carolina. Another 50,000 tons the Navy says must go for reasons of safety and lack of storage space can be destroyed at their storage depots, the spokesman said.

The potentially hazardous weapons involved in the proposal are propellants that become unstable with age and are capable of exploding. The spokesman emphasized that "we are well ahead of any real danger and want to stay ahead."

Ocean dumping became an emotionally charged public issue in August when the Army surprised everyone by saying it had to get rid of 14,500 concrete-encased rockets containing nerve gas because they were in danger of exploding. Hearings in both the House and Senate were called, but the nerve gas was finally dumped off the Florida coast because no one could come up with a better solution.

During the furor that followed its dumping announcement, the Army promised it would end such practices.

HEALTH RISKS IN CIGARETTE SMOKING

Mr. MOSS. Mr. President, the crescendo of proof that cigarette smoking is harmful to health continued to mount this week with the announcement that U.S. Public Health studies indicate people who are prone to heart disease increase the risk by smoking because the nicotine in cigarettes makes the heart work harder.

I ask unanimous consent that the news story which appears in the Washington Post today, detailing the results of a recent study on the effects of nicotine in cigarettes on health, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cigarettes Linked to Heart Ills

(By Stuart Auerbach)

New experiments have pinpointed the ways that cigarette smoking increases the risk of fatal heart attacks, the U.S. Surgeon General said yesterday.

These new studies in animals and humans show that the nicotine in cigarettes increases the work of the heart and its demands for oxygen, Dr. Jesse L. Steinfeld said in his 1971 report on The Health Consequences of Smoking.

This increases the risk of heart attacks among people who are prone to coronary disease, the report said.

While other factors—including diet, obesity and high levels of blood fats—are closely linked to fatal heart attacks, Steinfeld said that cigarette smoking is an independent cause that can accelerate other risks.

"The more risk factors a given individual has, the greater the chance of his developing coronary heart disease." the report said.

Besides causing the heart to work harder, the nicotine in cigarettes also stimulates the release of a chemical called catecholamine from the adrenal glands. This causes an increase in fatty acids in the blood, the report said.

Nicotine may also alter the heart's rhythm so as to cause ventricular fibrillation, the wild uncontrolled beating of the heart that is the most common causes of death among heart attack victims.

Other studies cited in the report suggest that cigarette smoking may contribute to the clogging of the arteries that often preceeds heart attacks.

Many scientists have thought that smoking is related to the whole range of heart diseases but the studies cited in this report provide the clearest evidence to date.

Steinfeld predicted that new evidence may be just around the corner in a lowering of the death rate among groups of Americans who have stopped smoking in the past four years.

A survey last spring, he said, showed that more people stopped smoking between 1966 and 1970 than in the 11 years preceeding that. And while the earlier decrease in smokers had been concentrated among younger men, the new survey showed that the decrease extended to men between 55 and 64 years old.

"With the massive changes in smoking behavior which have taken place among adults in the past few years, largely as an expression of the desire to protect health, changes should be expected in mortality rates among those groups" who have stopped smoking, the report said.

If the death rates fail to drop, however, the tobacco industry will have powerful new ammunition in its fight to discredit the Surgeon General's contention that smoking is unhealthy.

In a statement released yesterday, The Tobacco Institute said the latest Surgeon General report merely "provides more conflicting scientific evidence on the subject."

Horace R. Kornegay, president of the Tobacco Institute, said the report omitted important studies that disagree with the Surgeon General's view.

SENATOR COOK SPEAKS ON HUNGER

Mr. HOLLINGS. Mr. President, on December 17, 1970, Senator Marlow W. Cook of Kentucky addressed the national convention of the National Farmers Organization in Louisville, Ky. Agriculture, is of course, one of the most basic industries to any organized society, and certainly a viable and critical one within the United States. Senator Cook, in addressing his remarks, graphically and forcefully focused upon the national tragedy of hunger. Even with our overabundance of agricultural products and the scientific advances made in that industry, there is still real hunger within our nation. As Senator Cook correctly pointed out, this is through no fault of the farmer. The fact is, however, that we must enlist all our resources to initiate affirmative action to eradicate the blight of hunger.

I ask unanimous consent that the text of Senator Cook's address be printed in its entirety in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by Senator Marlow W. Cook

As both a Senator and an individual I welcome you to the Commonwealth of Kentucky. Indeed, we are honored that you have once more chosen the "Bluegrass State" for your annual national convention.

There are a number of subjects which might be appropriate for discussion this evening. The recent passage of the Agricultural Act of 1970—and its effect on the American farmer—would itself provide us with hours of discussion.

Of course, you have spent the better part of your time these last few days discussing such matters with experts. There is little that I could say with which you are not already intimately familiar.

In my mind the N.F.O. has always been associated not only with the need of the farmer—but the improvement of life for all men through the advancement of agriculture and the values of rural life. Perhaps then, this evening is a time to reflect upon the most basic and primitive of all human needs—hunger.

Farming and the science of agriculture developed in response to this basic need. In the United States it developed to such an extent as to have become an embarrassment of riches. Unfortunately, this development, through no fault of the farmer, did not eradicate hunger or its more sophisticated companion—malnutrition.

In early 1969 the Senate Select Committee on Nutrition and Human Needs was established drawing its membership from a number of existing committees. From my seat on the Senate Agriculture Committee I was selected to serve on what became known as the "Hunger Committee". President Nixon in a message to Congress on May 6, 1969, stated "That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable". He recommended to the Congress a comprehensive and ambitious plan to put an end to hunger in America.

Secretary of Agriculture, Clifford Hardin, pledged his support in streamlining and expanding food help programs to better meet the need for improved nutrition. The Department reorganized its family and nutrition programs by creating the Food and Nutrition Service.

In December of 1969, the War on Hunger was given added momentum by the convening of the White House Conference of Food, Nutrition and Health. Its purpose was to forge a new national policy on food and nutrition.

While there was much interest in this subject during the first Session of the 91st Congress, there was little follow-up in 1970 in the second Session.

During this holiday season many millions of Americans remain undernourished and underfed. In his recently published book, *The Case Against Hunger, a Demand for a National Policy,* Senator Fritz Hollings reminds us all of the devastating effect of hunger on the American people, especially our very young. Hunger is a disgrace wherever it is found but it is especially harmful to the next generation—our children. As my colleague points out, "Current thinking is that brain cell development becomes virtually complete six months after birth". The effect of malnutrition on the very young child in many cases is irreparable brain damage, a life of mental retardation and a loss to our society. Surprisingly, it has only been recently that we have realized the full extent of malnutrition in our nation and its devastating effects on the productive life potential of our young, not to mention our older citizens.

The existence of widespread hunger and malnutrition in America has now been redundantly documented by hearings of the House Education and Labor Committee, the Senate Subcommittee on Employment, Manpower and Poverty, the Office of Economic Opportunity, the White House Conference on Food, Nutrition and Health and my own Senate Nutrition Committee.

It has been estimated that 5 to 10% of the American population is eating either irregularly or inadequately. Current responsibility for meeting the food needs of these Americans lies between the Departments of Agriculture, H.E.W. and O.E.O. The Administration has now recommended that all food programs be transferred to H.E.W., a move I have long advocated. The Welfare Division of H.E.W. extends its benefits to only 9 out of 27 million poor of the nation. The Health Division of H.E.W. until recently has paid little attention to malnutrition in America while studying it in 33 foreign countries. Under the Education Division little or nothing has been done to instruct the recipients in proper nutritional practices. And believe me, without this vital educational program, a large portion of whatever resources and energy the government makes available is wasted.

It was to study and recommend solutions to our nutritional crisis that President Nixon called the White House Conference on Food Nutrition and Health in December of 1969. The President in his introductory remarks to the participants promised full implementation of the recommendations of the Conference where practical.

The Conference was a highly representative group consisting of 26 panels and eight task forces. The panels were made up of academic, medical, industrial and agricultural experts, as well as citizens chosen because of their particular concern rather than expertise. The task forces represented vast segments of our population such as social action groups, women's organizations, industrial and consumer interests, professional organizations and religious denominations. Members of the Conference represented university professors and students, physicians, old and young, industry leaders and technicians, representatives of consumer organizations, members of all main religious denominations and of minority organizations, members of women's organizations with membership totaling over 60 million women, labor leaders, representatives of health organizations, agricultural and trade organizations, social action groups from all economic levels ranging from the National Association of Manufacturers to various organizations dealing with the very poor—and last but not least, over 400 of the very poor themselves; blacks, Mexican-Americans, Puerto Ricans, whites, Indians, Alaskan natives, inhabitants of the Pacific Trust Territories, and of our Caribbean dependencies and migrant laborers were brought together to discuss the recommendations.

The recommendations of the Conference fill 333 government document pages so obviously I will spare you a detailed recitation of its recommendations. I do, however, want to emphasize one key area of my special concern, that is, nutrition education. As you know, the production and supplying of food alone is not enough. There must be some awareness of which foods should be consumed and the will to do it. And poor nutritional practices are not confined to the poor people. The rich and the middle class equally ignore proper nutritional consumption. For example, it is no simple matter to get my teenage daughter to eat properly. The recommendations of the White House Conference in this area are excellent and any which require legislation for implementation will have this Senator's support.

A dynamic nutrition education program that begins in early childhood and continues through the elementary and secondary schools can help young children to acquire positive attitudes toward food. Also, it can help older children to assume responsibility for their own food selections and prepare them for adult and parental responsibility. As future citizens in a democracy, children must develop acceptable nutritional practices and a sense of social consciousness to enable them to participate intelligently in the adoption of public policy affecting the nutrition of people.

Nutrition education in the schools can be effectively integrated into many curricula, or nutrition can be taught separately. School nutrition programs should be extended to include parents and other adults. Learning opportunities should be designed to accommodate individual differences arising from cultural, economic, personal and family conditions. By applying the best of what is known about how people learn, by utilizing new educational techniques, by taking advantage of school feeding services as a laboratory for classroom experiences, by using new resources, by transmitting a feeling of excitement about the world of food, nutrition education programs that are dramatic and vital can be developed in the schools.

As a beginning the Conference recommended and I endorse the following with regard to school children:

(1) That lunch and breakfast to insure good nutrition be provided when needed to all school children including those in pre-kindergarten and day care.

(2) That the administration of food service be a responsibility of school authorities. Regardless of where or by whom food used in school feeding is prepared, school authorities must set standards of sanitation, nutrition and costing, and provide a comfortable pleasant place for eating, and allow time for good eating behavior and social interaction.

(3) That at all levels—federal, state, and local—direction supervision and monitoring of food service must be provided through personnel trained in nutrition and food management. Continuous inservice and workshop training must be provided for employees at all levels.

(4) That maximum use of food service facilities be made for career training and nutrition education for students and adults.

(5) That adequate funding be provided through federal and state legislation to ensure optimum school day meals, including breakfast, lunch and supplementary foods as well as necessary facilities.

(6) That student, parent and community involvement in food services be encouraged.

(7) That school authorities be encouraged to develop innovative ways to feed school children with maximum efficiency compatible with the objectives and rationale as expressed in these recommendations.

These measures alone will not necessarily insure that children or, for that matter, their parents will begin to employ the proper nutritional practices. But they will insure that all have access to the proper information.

Likewise, the entire body of recommendations put forth by the White House Conference will not instantaneously put an end to hunger and malnutrition in America, but it is a beginning. As Senator Hollings put it,

The hungry in America must be fed . . . America, with its great wealth and energy, has the ability to wipe out hunger almost overnight. We can, we just haven't.

The issue is clear. Our duty is obvious. Just as it has been said that there is no Republican or Democratic way to solve the problems of the cities, I say to you this is not a partisan issue, but a responsibility which all Americans must assume. When the cause is just it must be pursued by liberals and conservatives alike. To hesitate in attacking the greatest disgrace of this decade, or even worse, to continue to ignore it, would be to play a cruel hoax on a segment of our society which deserves, at the very least, the opportunity to be physically fit to compete in our free enterprise system.

AMERICA'S ENERGY NEEDS AND RESOURCES

Mr. HANSEN. Mr. President, one of the ablest and most knowledgeable men in the area of the Nation's fuels and energy resources is Hollis M. Dole, Assistant Secretary of Interior for Mineral Resources.

During the past 2 years, and especially the last year Secretary Dole has testified before a number of congressional committees and made several major speeches on the U.S. fuels and energy problem.

One of his more recent addresses at Stanford University put the whole energy problem into a perspective that should serve as a sober warning of the realities of the fuels and energy situation and the vital and immediate need for a concerted effort by the Federal Government toward a realistic fuels and energy policy.

Quoting from a report by the National Coal Policy Conference, Mr. Dole made the following statement to illustrate the difficulties the Nation is experiencing in a rational approach to energy:

> The trouble with conscious acts of policy is that often as not they get in the way of each other's objectives. Oil import policy is committed to limiting the share of foreign oil in our total supply to avoid undue dependence upon potentially unreliable sources. Pollution abatement policy limits the sulfur content of fuels, but its side effect is to displace native coal with foreign residual fuel oil. Nuclear development policy is dedicated to cheap, abundant electric power from the peaceful atom, but in achieving this objective it will, to a very substantial degree, succeed only in substituting scarce uranium for abundant coal as the energy supply for electric power generation. The intent of wellhead gas price regulation was to insure that consumers were able to enjoy a premium fuel at a low price. But the price of gas was set so low that trillions of cubic feet of it were burned under boilers for a purpose that coal could have served as well, and, increasingly, consumers are unable to get gas at any price.

Mr. Dole also warned of the need to "arrest the steady drift toward greater dependence upon foreign energy sources"—an objective that can be accomplished only if:

"We—provide a climate attractive to those who must invest the huge sum of money required to develop "an adequate, secure supply of energy here at home."

This means—if it means anything at all—a stable, clear, coherent, long-range policy which provides the opportunity for each of these sources to make its appropriate contribution to the Nation's energy supply. This climate is unlikely to materialize in the absence of such a policy, and our dependence upon foreign sources will, in consequence, increase. Achieving such a climate will be extraordinarily hard to do, but I remain hopeful that, having for so long attempted to deal separately with the various sources which comprise our energy supply, we may now be ready to view them as the integral parts of a single structure. If we can do this, we shall be in a fair way to develop the necessary guidance—not direction, but guidance—that will vouchsafe to investors in our energy industries a degree of confidence that has been conspicuously lacking until the present time, and which is critical to the future development of our domestic energy resources. But the time to begin is now.

Mr. Dole also warned that—

"The relatively comfortable balance" between supply and demand which now exists is "both ephemeral and illusory."

My concern is that having warned the public of an energy crisis that has not materialized, those who did so may be accused of crying wolf. The wolf was indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may bring a whole pack with him. For beyond this winter loom the peak load demands for electricity of next summer; the steadily diminishing capability of the gas industry to meet the demands made on it; the ever-increasing dependency upon foreign oil, particularly along the East Coast; the tenuous supply of fission fuels available at reasonable cost for burner reactors; and the mounting constraints upon the use of coal in metropolitan areas.

Mr. President, because of the urgency of the need for a rational energy and fuels policy and as a convincing testament to that need, I ask unanimous consent that Secretary Dole's speech at Stanford University be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICA'S ENERGY NEEDS AND RESOURCES

(Figures referred to in article not printed in the RECORD)

Every so often in the course of our affairs as a people we come to one of those critical points where we are forced to recognize that something we had long taken for granted is no longer true. These collisions with reality usually do not arrive unannounced; more often than not they are foretold years in advance by warning signs whose existence is noted, even if their meaning is not. But such is the strength of commitment to established formulas and relationships that the realization that they no longer apply still comes as a shock and surprise to many people.

I refer, of course, to the subject of energy. After years of supposing that we could count on all the energy we needed, we are now finding that the focus of our concern has suddenly moved from the disposal of abundance to the rationing of scarcity. The newspapers and magazines in recent months have been full of references to the oncoming energy shortage, and in the interest of saving time, I am simply going to stipulate as the major premise of my remarks what has been the concensus of these many separate articles and reports: namely, that the United States is facing an energy gap of major proportions which is now opening between its needs for energy and its capacity to supply them.

The long-term reality of this energy gap is in no way diminished by the President's statement last month that the danger of an energy shortage this winter is substantially behind us. For the moment, at any rate, we have been rescued by a fortuitous combination of events which served to dampen energy demand enough to allow supply to catch up with it: namely, the exceedingly mild weather conditions that prevailed over most of the country almost until Christmas; the general slowdown in business activity; and the General Motors strike. On the supply side, the deficit in crude oil imports caused by the most recent disruption of foreign oil supply is being made up by calling on our spare capacity at home. A concerted effort by both government and the railroad industry to improve the management of hopper car fleets and more settled labor conditions in the coal industry have also boosted coal production.

But the relatively comfortable balance we now happen to enjoy between energy supply and demand is, I submit, both ephemeral and illusory, and my concern is that having warned the public of an energy crisis that has not yet materialized, those who did so may now be accused of crying wolf. The wolf was indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may well bring the whole pack with him. For beyond this winter loom the peak load demands for electricity of next summer; the steadily diminishing capability of the gas industry to meet the demands made on it; the ever-increasing dependency upon foreign oil, particularly along the East Coast; the tenuous supply of fission fuels available at reasonable cost for burner reactors; and the mounting constraints upon the use of coal in metropolitan areas.

These are the realities which measure the scope of our predicament over the foreseeable future with regard to meeting our requirements for energy. Accordingly, it is my purpose here to look beyond the immediate concerns of this winter, to the longer term outlook for energy supply and demand in the United States; to discuss some problems and issues that arise out of it; and to venture some remedies that may be available to ameliorate its worst aspects.

Let me begin with that most basic of all economic indicators, the Gross National Product. Last month President Nixon noted that our gross national product is currently running at an annual rate exceeding one trillion dollars. Real product has been rising, irregularly but steadily, ever since the trough of the depression back in the Thirties, and gives every promise of continuing to do so over the foreseeable future. There are a number of reasons for this, the two most important being an assured growth of the labor force and a predictable increase in productive efficiency which has averaged about three percent annually since the beginning of the Twentieth Century. Beyond these economic verities there are political objective that require a steady growth of the economy. We want full employment, as nearly as it is possible to achieve it; we want a mass transit system; we want to clean up our streams and lakes and air and landscape; we want to rebuild the cities and rehabilitate the poor. We want all these things and many more, but we can have them only to the extent permitted by a steadily expanding economic base.

Thus, insofar as it is possible to achieve such an objective, we are going to have a continually expanding real gross national product, which looks to be of the order of about four percent per annum. Now because Gross National Product is essentially a measurement of work accomplished, there is a close correlation between GNP and energy consumption. (Figure 1) Figure 1 shows this relationship as it has existed since 1920 and projects it to 1985. What it says, basically, is that if we are to enjoy a growth in real GNP of 4 percent per annum between now and 1985, we are going to have to expand our energy supply at roughly the same rate. This particular projection shows energy expanding at an annual rate of 3.4 percent—slightly less than that shown for GNP.

I would like to add a caveat here: namely, that our energy requirements may expand at a rate substantially greater than the one projected here. I shall let Dr. Paul McCracken, Chairman of the President's Council of Economic Advisors, speak for me on this point. Quoting Dr. McCracken:

"For most of the past 50 years the consumption of energy in the U.S. has been growing at a rate slower than gross national product in real terms. Energy was in a sense being used more efficiently. About 1966, however, a dogleg seemed to occur, and energy consumption since that year has risen at a rate faster than GNP. Whether this growth in the use of energy per unit of economic output represents a fundamental change in the long-term relationship between energy consumption and economic activity, or whether it represents merely a short-term deviation from the long historical trend is a matter of básic importance to our national planning for fuel and energy. If it is not a temporary deviation, we must then plan for a larger capability to supply energy than orthodox projections have heretofore implied."

So we start with the premise that by 1985 the United States is going to require—at the very least—almost double the amount of energy it used last year to heat its homes, power its factories, mines and transportation systems, and in general to accomplish the work that must go on in a large industrialized high-consumption society. This says nothing at all about the sources from which this energy must come, or the form in which it will be used. But it is upon these critically important matters of form and source of our energy supplies that the strength, growth, and security of our nation depends. Increasingly, the availability of certain energy forms is becoming dependent upon the location and character of the sources from which they originate, and it is this reality which frames the economic, political, and strategic questions which so closely beset us today.

This being the case, I think it would be useful to examine each of the principal forms of energy in terms of the factors which bear upon its availability and continuity of supply, beginning with oil, which meets nearly half of our total requirements.

OIL

Oil in its various forms supplies a fourth of our industrial energy, nearly half of our household and commercial heating needs, and virtually all energy employed in moving goods and people. All in all, it contributes some 44 percent of our total energy supply. We consume it in enormous volumes: the current rate is 15 million barrels a day.

The recent history of our domestic oil supply is the story of a gradual transition from abundance to scarcity. Until 1948 the United States was a net exporter of oil; since then we have imported oil, not out of necessity, but as a matter of economic advantage under a program which limited the volume of certain oils that could enter our markets. Since 1967, however, our field of choice in the matter of imports has dramatically narrowed: the truth is that today our domestic industry cannot produce our full requirements for petroleum.

Figure 2

Figure 2, which measures idle productive capacity of oil fields in the United States against net imports, depicts this rapid decline in self-sufficiency beginning in 1964. By 1967 our net imports exceeded the amount of surplus capacity in the United States that could be called upon to replace them, and the resulting deficit has continued to widen ever since. By 1969 it approximated 1 million barrels a day, and it has increased greatly over the past year.

This growth in dependence upon foreign oil sources is linked to the use of residual fuel oil in a very direct way. This is the heavy black oil used mainly by power plants, factories, and for heating large buildings. For years, residual was the unwanted byproduct of refining operations in the United States, and was sold at prices well below the cost of the crude oil from which it was made. Over the years, refiners cut back the production of residual oil as rapidly as they could to provide more yield in the higher valued products. As a result, a steadily increasing portion of the market had to be satisfied by imported residual fuel, as shown in Figure 3.

Figure 3

As domestic supply shrank, demand expanded rapidly over the past few years, so that where imports supplied only one-fifth of residual fuel in 1950, they now provide nearly two-thirds. The contrast between domestic and foreign shares is much more stark on the East Coast, which now depends upon imports for 93 percent of its residual fuel supply. Residual fuel provides about 45 percent of all industrial energy used in this region, which consumed three-fourths of all residual fuel used in the U.S.

The result has been an instructive example on how drift and indecision and a certain predilection for double-think have created a national security problem. Despite the announced purpose of the oil import control program to prevent critical dependence upon foreign sources of oil, the East Coast is now critically dependent upon foreign sources for the oil which supplies nearly half its industrial energy. Domestic refiners did not produce enough residual fuel oil to supply the market, so imports were permitted to the extent needed to fill the gap, despite the fact that domestic coal could have done so, but at a higher price. But forcing consumers to pay the higher price for coal was painful and unpopular, so the officials in charge of the program during that period swallowed hard and concluded that while unrestricted imports of crude oil from overseas sources would be against the national interest, it was perfectly in order to permit the free entry of residual oil from the same areas.

Now the patterns of both supply and demand for residual are changing. Primarily because of air quality standards imposed by large metropolitan areas, demand for residual fuel oil is expanding rapidly. This is a worldwide phenomenon, and is not confined to our own country.

Here at home, East Coast consumption is running 20 percent above last year's levels, and residual fuel oil is entering the Midwest under licenses to supply areas where it never before was a significant factor. This growth is coming at the expense of coal which is being forced out of markets specifying sulfur content of one percent or less. But the largest supply of low-sulfur oil on the world market comes from Africa by way of refineries in Europe and the Caribbean, so that not only is the share of imported oil in the total energy balance going up, but the share of relatively insecure Eastern Hemisphere oil is going up, too. I should add parenthetically here that due to the current disruptions to world oil trade, this trend toward greater reliance on Eastern Hemisphere oils has momentarily abated. This is a temporary condition, however, and there is every reason to expect that our dependence on these sources will increase over the long term. This will, in turn, exacerbate the problem of excessive dependence upon foreign sources for a critical energy source.

We now find ourselves in very much the same situation with regard to oil imports in general as we did several years ago in the case of residual fuel oil. Demand is rising and domestic supply is failing. And again the choice is before us. Do we opt for the easy out of permitting imports—in whatever volume they are needed—to fill the gap? Or do we bite the bullet and bear the necessary costs of programs designed to provide the measure of security we consider essential, which includes limiting imports to assure some semblance of an orderly market for domestic fuels?

These are pertinent questions to ask ourselves at this point. While overall demand for energy continues relentlessly upward, the use of coal is hobbled by air quality standards and natural gas is in increasingly short supply. The contribution of nuclear power will be limited until well past 1980. Meantime, the bulk of unsatisfied demands that would ordinarily be met by these fuels will be transferred to oil. But with domestic oil production approaching capacity, these supplemental demands will increasingly be met by foreign oil. Unless positive action is taken to forestall it, imports will become the sink into which all unmet demands for energy will will be dumped, regardless of form and kind.

Let me elaborate a bit on my basic premise of domestic oil insufficiency.

Figure 4

This chart shows the long-term trend of oil production in the United States measured against productive capacity. The production curve is the lower of the two continuous lines extending from 1940 to the present. The upper continuous line depicts the capacity of the domestic oil fields to deliver oil as defined by the Independent Petroleum Association of America. (The broken lines show estimates made at various times by other sources.) The difference between gross capacity and actual production is the amount of spare capacity that could have been used had it been needed. As you will note, the idle capacity with which we entered World War II served us well as a source of additional production during the war, and it has done so on at least four occasions since: specifically, the Korean War; the Suez crisis of 1956 and 1957; the Arab-Israeli War in 1967, and the disruptions of last summer caused by the closure of the Trans-Arabian pipeline and the production cutbacks ordered by the government of Libya. The effects of this last are still with us, as we shall see later.

For many years our idle, or shut-in capacity has been regarded as a mixed blessing. It gave the nation a handy reserve of spare production with which to deal with sudden interruptions to our foreign oil supplies, but it was a costly burden upon the petroleum industry. More importantly, it became the focus of a bitter controversy over the propriety of State governments to employ their police powers to limit production below the maximum efficient rate of which the reservoirs were capable. The dirty word in this case was "proration."

At this point, both the problems and the advantages conveyed by the excess of productive capacity are fast disappearing. Production has been rising strongly since 1965, while gross capacity has actually been declining since 1967. As a result, spare capacity—the difference between the two—has dropped by a million barrels a day since 1965, and as projected on the chart, will be gone entirely by 1974 or 1975.

It would be difficult, if not impossible, for me to state the full importance of this event. We have never, since the early 1920's, been without a cushion of spare capacity to call upon in the event of a sudden failure of our normal petroleum supply sources. Time and again we have been bailed out of difficulty by the facility with which the valve could be turned to increase domestic oil supply. After this is no longer possible, we shall feel—for the first time—the full force of foreign oil supply interruptions directly as they occur. This will be something totally new to our experience: to be dependent upon foreign oil sources not only for a substantial and growing part of our normal oil supply, but for *all* our emergency supply. Yet ironically, it has been the failure of foreign oil supply that has been the cause of all our emergency needs for oil since the end of World War II!

The outlook, then, is for domestic production in the lower 48 States to peak out in the next few years at about 13 million barrels a day, counting natural gas liquids, after which it will begin a slow decline. To the extent that production from the North Slope of Alaska is developed and brought to market, the drift toward steadily greater reliance upon imports can be slowed down. The delays in getting the Trans-Alaskan pipeline underway make it improbable that oil from the North Slope can be expected before 1974 at the earliest. Assuming that 500,000 barrels a day can be brought on stream by 1975, rising to 2,000,000 barrels a day by 1980, we can postulate the balance between domestic oil and imports shown on the next chart.

Figure 5

We estimate the total share of imports to be about 23 percent for the year just ended, 1970. By 1975, North Slope production will have the effect of reducing the share of imports from 28 percent to 25 percent. By 1980, imports in the absence of North Slope production would be 44 percent; with it, the share of imports drops to 35 percent.

Of much more significance, however, is the impact of Alaskan oil on the share of total supply provided by Eastern Hemisphere sources. Because the ability of Western Hemisphere sources to expand production is limited, most of the incremental supply from foreign sources will be provided by Eastern Hemisphere nations, notably those of North Africa and the Middle East. In the absence of North Slope production, the share of our total oil supply provided by these sources would expand from a modest 2 percent in 1970 to some 22 percent by 1980. This could be reduced to 13 percent by the flow of 2,000,000 barrels a day from the North Slope.

Personally, however, I can draw scant comfort from the prospect that even as little as 13 percent of our oil supply may come from Eastern Hemisphere sources in 1980. The absolute amount involved would be very nearly three million barrels a day. This is ten times the deficit in Eastern Hemisphere oil imports we are currently having to make up from domestic production. Moreover, to the extent that other sources of energy are unable to meet requirements, the demand for oil will be proportionately more than the 22 million barrels a day projected for 1980. In this case the share of Eastern Hemisphere oil might be substantially greater than 13 percent of total supply.

With this thought in mind, let us now examine the other energy fuels. Of these none presents a more intractible set of supply problems than natural gas.

NATURAL GAS

Over the past two decades, gas demand has grown strongly, at an average annual rate of about six percent. This was half again as fast as total energy consumption grew, which meant that gas displaced other fuels in the market during this period. By 1969, gas was contributing a third of our energy supply, and accounted for half of the energy used for household heating, nearly half of that used for industrial heat and power, and supplied a fourth of the energy consumed to generate electricity.

This long period of differential growth is now at an end, and the outlook is for gas to lose market position steadily over the coming years. It is not in the realm of reality to suppose that gas supply can expand at even the 3.4 percent annual rate projected for energy as a whole over the coming 15 years; this would mean an increase from the current annual rate of 22 trillion cubic feet to 31 trillion cubic feet in 1980. The average yearly supply implied by this calculation would be 26½ trillion cubic feet. This is half again the average rate of additions to proved reserves in the past five years. In the best year of our entire experience we added somewhat less than 25 trillion cubic feet to our reserves.

The hard truth of the matter is, in fact, that the finding rate for gas in 1968 and 1969 was the worst in our experience of which there is any record, and the 1970 results will continue this discouraging pattern. Since 1967 we have used up 18 trillion cubic feet more gas than we have found. This is nearly a year's supply. Even if a strong revival in gas exploration began this year, it would be several eyars before the results showed in increased availability to the consumer.

Beyond these disappointing figures is a long term decline in both exploratory activity and in returns per unit of effort expended in looking for oil and gas in the lower 48 States. For whatever reason, the fact is simply that a foot of exploratory hole finds far less oil and gas than it found prior to 1950. This is the more discouraging in view of steady advances that have been made in the technology of discovery and the discipline imposed by austere drilling budgets.

Paralleling this decline in discovery success is a decline in exploratory drilling that is now in its fourteenth year. The combination of these two trends has resulted in a steady erosion of the ratio between the amount of oil and gas found and the amount withdrawn for production. In the next chart, which shows five-year moving averages of additions to proved reserves measured against production, this decline is readily apparent in the case of both oil and gas.

Figure 6

In the early 1950's, well over a barrel and a half of oil was found for each barrel taken out of the ground. In the case of gas, about two cubic feet were proved up for each foot withdrawn. Now, the ratio has dropped below unity for both. We are using up our reserves of both oil and gas faster than we are replacing them.

Meanwhile, gas demand continues to rise by roughly 1 trillion cubic feet a year—somewhat more than that over the past two or three years. This means that once the effective delivery capacity of domestic gas fields has been reached—and I make this to be 1973 or before—we shall have to find additional energy sources—foreign or domestic; gaseous, liquid, or solid—to the equivalent of at least one trillion cubic feet of gas each year. The interplay of economic factors will of course determine the balance among these competitive sources for us even if we do not supply any direction from government. To the extent this is accomplished within acceptable criteria of national security, this is all to the good. But I submit that we ought to know what is happening, and be ready to apply such direction as may be indicated by the concerns of our national interest.

To a far greater degree than we could wish, however, policy must make the best bargain it can with the realities of where and when that govern the availability of certain important alternate energy sources. Gas from Alaska will not be available before 1975. Gas from Canada is available now, but only in limited amounts; larger volume imports from that source await discovery and development—at least another six years away even granting the success of current exploration efforts. Liquefied natural gas is already an item in world trade, and will begin to enter our own supply channels in 1974. But most of it will come from the Eastern Hemisphere. Let me elaborate a bit.

Currently, about 700 billion cubic feet of gas a year are imported from Canada by pipeline. This comprises about 3 percent of our total supply. The Canadian National Energy Board has indicated that this figure might be no more than double its present volume, say 1.4 trillion cubic feet annually, by 1985, if no new producing areas are found outside the Western Canadian Basin. If, on the other hand, discoveries of gas comparable to those on the North Slope of Alaska are made in the Canadian Arctic, gas imports from Canada might reach 3.7 trillion cubic feet annually by 1985—equal to the required annual increments of about three years.

Gas from Alaskan North Slope could begin perhaps as early as 1975 with an initial flow of, let us say, 700 billion cubic feet a year—approximately the volume we are now receiving from Canada. This could triple by the end of the period we are considering, which assumes that something on the order of 40 trillion cubic feet of non-associated reserves will be proved up on the North Slope.

Applications were filed recently with the Federal Power Commission to import 1 billion cubic feet a day of liquefied natural gas from Algeria and another 425 million cubic feet a day from Venezuela into the East Coast, with deliveries to begin in the 1974–75 period. Negotiations are under way for an additional 2 billion cubic feet a day for the East Coast, with initial delivery dates unannounced. Thus, on a yearly basis, we might expect at a minimum, some 1¼ trillion cubic feet of imported LNG to enter gas mains of the Northeastern states during the latter half of this decade. I am sure that further increments will follow. Since the total consumption of this region was just under 2 trillion cubic feet in 1969, it is easy to conclude that in the absence of any countervailing influence, the Northeast could become dependent on foreign natural gas for as much as half its supply by the end of this decade.

If this should happen, another step will have been taken in the isolation of the East Coast from the energy economy of the rest of the United States. I spoke of our concern about the national security implications of the East Coast's heavy reliance upon outside sources for residual fuel. Now we see the process starting all over again in the case of gas, which carries forty percent of the residential heating load and provides one-fourth of all energy for industrial heat and power in that region. It therefore becomes pertinent to raise the question as to whether the East Coast is to become as dependent on foreign sources for gas as it now is for residual fuel oil.

The outlook for gas is accordingly for a gap to open between demand and supply from domestic sources. Whether this gap is filled in part by foreign LNG or subsumed as an added requirement in the demand for oil matters little: the essential truth remains that increased consumption of natural gas means greater reliance upon foreign sources, just as increased consumption of oil means greater reliance upon foreign sources.

NUCLEAR POWER

In 1969, nuclear-generated electric power supplied two-tenths of one percent of the energy consumed by the United States. Between now and 1980 the nuclear contribution will expand enormously in terms of its present small base. In Interior we estimate that by the end of the current decade, online nuclear generating capacity will probably reach 148 million kilowatts, providing some 900 billion kilowatt-hours of electricity. This translates to ten percent of the nation's anticipated energy supply in 1980. The share of energy provided by nuclear power will therefore be relatively modest until after 1980. Its usefulness in preventing further increases in our dependence upon foreign energy sources will moreover be circumscribed by the nature of its invasion of the electric power generation market. To the extent that nuclear power plants displace those fired by oil and gas, the result is a net gain in the share of energy provided by domestic resources. But the displacement of coal by nuclear power makes no contribution at all in this respect, since coal is our most abundant energy resource; our exports of it in 1970 are estimated at one billion dollars. In short, a nuclear power plant in Dallas or New York reduces our reliance on foreign energy sources; in Chicago or Cleveland it does not.

In contrast to coal, the amount of known uranium reserves mineable at competitive costs is limited. While new reserves are certain to be added in response to the great expansion in exploratory activity over the past few years, the demands of projected nuclear plants will continue to press hard against supply until the breeder reactor is an accomplished reality. This is not expected at any time before the latter years of the 1980's.

To summarize, nuclear power can be expected to provide a limited and partial solution to the problems of our growing reliance upon foreign energy sources during the foreseeable future. It should be borne in mind, however, that in the absence of the breeder reactor, the supply-demand position of domestic uranium is not notably better than that of domestic oil and gas.

COAL

We come now to coal. Depending on such criteria as depth of deposit and thickness of seam, we have hundreds of years' supply of coal in discovered, measured, recoverable reserves in the United States. The numbers are not especially important here; authoritative estimates are in agreement that our coal resources are ample for as far into the future as we can reasonably foresee.

In view of this reality, it is something of a parodox that our scarce resources of oil and gas have to largely replace our abundant coal in the market over the past half century.

Figure 7

In 1910 coal supplied over three-fourths of our energy. In fact, both oil and gas combined contributed a smaller share than fuel wood in that year. As the years passed, coal was rapidly displaced, first by oil, then by gas, until currently it provides barely one-fifth of our total energy supply. By contrast, three-fourths of the nation's energy is now contributed by oil and gas.

Ironically, however, both oil and gas from coal were items of trade in this country before oil was first discovered in 1859. But the naturally occurring fluids were cheaper and better than the synthetics derived from coal, and eventually displaced them from the marketplace. At the same time oil and gas invaded markets held by coal as a solid fuel: today coal supplies less than 4 percent of the energy used for household and commercial heating, virtually none of the transportation market, and about 26 percent of power and process heat for industry. Only the electric power generation market remained as the logical preserve of coal, and in 1969 accounted for 60 percent of all coal consumption.

Now, coal is beset by two powerful inhibitors to its projected growth: the advent of nuclear power, and air quality standards which have effectively bared large volumes of high-sulfur coal from the market.

To date, the threat from nuclear competition has been more shadow than substance, as nuclear plants accounted for less than one percent of electricity production last year.

But there has been a great deal of substance in the imposition by a steadily growing number of metropolitan areas of sulfur content limitations which most eastern steam coals simply cannot meet. There is, to be sure, plenty of low-sulfur coal in the Western states. Its development will require several years, however, and the transportation costs of moving Wyoming coal to Chicago will, of course, be very much greater than moving it from southern Illinois.

These restrictions on sulfur content of fuels came before any of the affected industries were ready for them. In the absence of any commercially feasible means for removing sulfur from stack gases, utility plants and other consumers began to scramble for low-sulfur alternatives. In the nature of the present case, this meant residual fuel oil, which could be desulfurized or blended to get under the prescribed standards. As a result, utility use of residual fuel oil on the East Coast has doubled since 1967, while the use of coal has actually declined.

The immediate prospect, therefore, is for further erosion of coal's position in the energy mix as air quality standards continue to spread to more and more states and municipalities. While much research has been done on the removal of sulfur from stack gases, this course is not yet a commercially feasible alternative to burning low-sulfur fuels. Given time and strong support from both government and industry, it can be. But it will require a conscious act of policy to insure its success.

The trouble with conscious acts of policy is that often as not they get in the way of each other's objectives. Oil import policy is committed to limiting the share of foreign oil in our total supply to avoid undue dependence upon potentially unreliable sources. Pollution abatement policy limits the sulfur content of fuels, but its side effects is to displace native coal with foreign residual fuel oil. Nuclear development policy is dedicated to cheap, abundant electric power from the peaceful atom, but in achieving this objective it will to a very substantial degree succeed only in substituting scarce uranium for abundant coal as the energy supply for electric power generation. The intent of wellhead gas price regulation was to insure that consumers were able to enjoy a premium fuel at a low price. But the price of gas was set so low that trillions of cubic feet of it were burned under boilers for a purpose that coal could have served as well, and increasingly consumers are unable to get gas at any price.

Plainly, there needs to be some mechanism, some way, where the objectives of policies bearing upon energy supply and demand can be harmonized so as to achieve a realistic balance between the conflicting goals so often sought without regard to their effects upon one another. This is the more essential in view of the extensive dislocations to conventional energy economics that will attend the imposition of full cost accounting upon the production and use of energy. For the first time, the portion of true energy costs that has been sluffed off upon society as a whole will begin to show on the books of the producing companies, and in the bills paid by consumers. As we have already seen, these newly-accounted-for costs are heavily affecting the demand and supply patterns for industrial fuels, and we have only begun to view their effects upon other sectors of the energy market.

For the next few years we shall virtually be in irons as to the pattern our energy supply will take. Beyond that time, however, we have a great capacity to influence the form and source of our energy supplies. There are many choices to be made. The art of effective policy is to reconcile their objectives and effects.

We can, for example, make oil and gas out of coal. Both have been demonstrated as technically possible. Economic feasibility must wait upon the resolution of cost barriers through further research.

Much the same can be said of the prospect for obtaining oil from the enormous shale resources in Western Colorado, Utah and Wyoming. This is another route we might take.

While prospectors have had increasing difficulty in locating worthwhile deposits of oil and gas in the lower 48 States, this represents the exhaustion of technology, rather than resources. Investment and effort in genuinely new approaches to petroleum exploration have been small. This might be a fertile field indeed for imaginative research and inquiry.

On average, less than 35 percent of the oil that has been found in the United States has been produced. Each one percentile by which this recovery rate can be increased means four billion barrels of oil that can be reclaimed from known fields. We could profitably direct research toward this objective.

Similarly, many trillions of cubic feet of natural gas remain locked up in the tight formations of the Rocky Mountains. We are presently awaiting the test results of efforts to loosen these formations by nuclear fracturing. Their success may help narrow the gap between gas requirements and domestic supply.

The $800 million which the Federal government collected in lease bonuses last month for the tracts offered offshore western Louisiana was the largest amount ever obtained at a single sale on the Outer Continental Shelf. It speaks loudly of the value placed by producers on these tracts, and we earnestly hope their high expectations are fully justified. If so, gas consumers may expect to benefit by the middle of the decade. Meanwhile, the astonishing success of this sale serves as a reminder of the unexploited potential of the Outer Continental Shelf. An aggressive program of regularly scheduled OCS leasing could re-activate the interest of the domestic oil industry in the petroleum prospects of the lower 48 States.

This is a partial, but by no means inclusive, list of the things that might be done to arrest the steady drift toward ever greater dependence upon foreign energy sources. But if we truly intend to develop an adequate, secure supply of energy here at home, we must provide a climate attractive to those who must invest the huge sum of money required to bring them to reality.

This means—if it means anything at all—a stable, clear, coherent, long-range policy which provides the opportunity for each of these sources to make its appropriate contribution to the nation's energy supply. This climate is unlikely to materialize in the absence of such a policy, and our dependence upon foreign sources will in consequence increase. Achieving such a climate will be extraordinarily hard to do, but I remain hopeful that having for so long attempted to deal separately with the various sources which comprise our energy supply, we may now be ready to view them as the integral parts of a single structure. If we can do this, we shall be in a fair way to develop the necessary guidance—not direction, but guidance—that will vouchsafe to investors in our energy industries a degree of confidence that has been conspicuously lacking until the present time, and which is critical to the future development of our domestic energy resources. But the time to begin is now.

NATIONAL LEGISLATIVE CONFERENCE POLICY POSITIONS

Mr. PERCY. Mr. President, I ask unanimous consent to place in the Record the 1970 Policy Positions and Report of the Committee on Intergovernmental Relations of the National Legislative Conference, the representative body of State legislators.

The policy positions are grouped according to six subject matter task forces. The committee's task forces developed these policy positions during 1969 and the first half of 1970, and submitted them to the full conference for consideration at its annual meeting in Salt Lake City, Utah, August 25–28, 1970. The conference approved these policy statements after open debate at the meeting.

Because these policy positions represent a significantly important consensus of the thinking and attitudes of the State legislators throughout the Nation, I commend them to the attention of all Senators and Congressmen.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Policy Positions and Final Report

REPORT OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE

Introduction

Within the past year, we have witnessed a pronounced strengthening of the state legislatures' voice in intergovernmental affairs. Herein lies both challenge and responsibility, for as legislatures fortify their institutonal position, they are even more on trial in proving the competency of state legislative agencies to meet critical problems. In recognition of the expanding role demanded of States in the Federal partnership, the National Legislative Conference created a Committee to study the broad question of Federal-State relationships with a view toward clarifying powers delegated to the Federal government and those reserved to the States. Since its creation in 1957, the Committee has developed a dual function: it reports to and is guided by the National Legislative Conference on issues of importance to Federal-State relations; it is also authorized by the Conference to take policy positions between Conference meetings on matters of urgent and current significance to the States.

The importance of this role has led to the expansion of the Committee to include legislative members of the Executive Committee of the Conference and members of the Executive Committee of the National Conference of State Legislative Leaders.

Organization and procedures

During 1969–1970, the Committee met quarterly in Washington, D.C. and in Salt Lake City. At the outset, six subject matter task forces were created to assist the parent Committee in analyzing issues and developing policies. Each task force consists of seven legislators and is staffed by an area specialist from the Washington Office of the Council of State Governments. At present, the Committee is composed of 42 state legislators representing 37 States. The Committee is reconstituted ever year at the prerogative of the incoming National Legislative Conference President.

Policy statements developed by the task forces receive final consideration by the full Committee. In formulating these policies, the task forces utilize significant resources at both the federal and state levels. Approved policy statements are communicated through testimony and informal contracts to congressional committees and federal agencies.

It is important to emphasize that the Committee does not purport to speak for all 7,700 state legislators; this is an impossibility. Instead, through a carefully selected group, the Committee hopes to communicate a representative state legislative view to the Federal Government. This input is of course in addition to federal-state policies developed by the respective legislatures and communicated to congressional delegations.

Legislative Federal-State coordinators

The Committee has long been dissatisfied with the inability of most legislatures to relate to federal-state issues on a level sufficient enough to make a significant contribution to the ultimate decision. In addition, few legislatures have the institutional means to assimilate properly the meaningful information distributed by the Council's Washington Office. In light of this situation, all speakers and presidents pro tem were asked to designate an individual to serve as legislative federal-state coordinator. Such a person serves as the prime contact for the Committee and the Washington Office for communication with the particular legislature. As such, he receives all informational mailings as well as requests from the Washington staff for in-state information having a bearing on a particular issue. To date, legislative leaders in 43 States have appointed coordinators. The coordinators met for the first time during the annual meeting of the National Legislative Conference.

To compliment the work of the federal-state coordinator, the Committee has recommended that legislatures create a permanent committee focal point for intergovernmental relations. To implement this policy a concurrent resolution was drafted and recommended to the Council of State Governments' Committee on Suggested State Legislation. The resolution, which will be published in *Suggested State Legislation for 1971*, recognizes the importance of state legislative contributions on federal-state issues and suggests that each legislature alternatively establish a staffed Joint Committee on Federal-State Relations or staff a functioning Commission on Interstate Cooperation.

Federal grants to legislatures

At its 1969 meeting, the National Legislative Conference, acting upon the recommendation of its Intergovernmental Relations Committee, resolved that federal research grants should be available to state legislative agencies and committees and that such legislative bodies should not automatically be excluded from competing for these grants merely because they are legislative instrumentalities.

In an effort to secure equal treatment of legislative applications for federal grants, Chairman Conolly wrote legislative leaders in all the States urging that they contact the Vice President on this issue. In addition, our Washington staff worked closely with the Bureau of the Budget in an effort to gain the Bureau's support. We are pleased to report that on December 22, 1969, Mr. Robert Mayo, Director of the Bureau of the Budget, released a memo to federal executive departments clarifying the eligibility of state legislatures and legislative agencies for federal research grants. Since that time, numerous grant applications have been submitted by state legislative agencies. At our request the Office of Management and Budget surveyed the disposition of these applications; results of which were discussed with our federal-state coordinators at the National Legislative Conference Annual Meeting. The Committee believes it is not enough that legislatures are now clearly eligible for federal grants; they must now acquire the requisite in-house expertise needed to develop an application that can strongly compete for federal funds. At the August meeting, the coordinators devoted substantial time to suggested procedures for grant applications. It was also suggested that a National Legislative Conference In-Service Training Seminar be devoted to the subject of federal grant applications.

REPORT OF THE TASK FORCE OF COMMERCE AND TRANSPORTATION

The Department of Transportation is presently developing the first draft of a National Transportation Policy. This document is designed to be a broad policy covering all aspects of transportation, and would govern federal, and possible state and local action, in the field of transportation for many years to come.

Initial contacts have been made by the Council of State Governments to insure that state officials will have an appropriate role in the formulation of the policy.

The Intergovernmental Relations Committee of the National Legislative Conference endorses the development of a "National Transportation Policy." The Committee believes that it is essential that appropriate state officials be involved at all stages in the formulation of this national policy. We call upon the President and the Secretary of Transportation to insure that consultation with the States becomes a continuous process in policy formation at the national level.

The Senate has passed S. 3154, the "Urban Mass Transportation Assistance Act of 1969" which provides for a 12-year, $10 billion program of aid to local governments for mass transit facilities. The bill provides that funds will be available on a contracting authority basis to localities. Up to $3.1 billion can be obligated during each fiscal year.

The legislation provides for direct grants to state agencies operating mass transit facilities, but it does not provide for any coordination of local projects by an appropriate state agency.

The Intergovernmental Relations Committee of the National Legislative Conference urges the Congress to enact legislation providing financial aid to state and local mass transit programs. This Committee recommends that such legislation should provide for coordination of local mass transit projects by an appropriate state agency, with such agencies being eligible for planning and coordination grants.

The Senate has passed S. 1933, "The Railroad Safety and Research Act of 1970." The legislation calls for federal regulation of railroad safety but limits action to moving stock and employee safety. Under an amendment authored by Senator Winston Prouty of Vermont, the bill would provide states with authority to regulate the stations, switches, permanent roadbed, and grade crossings for safety. The bill further provides that by agreement with the Secretary of Transportation the Federal Government will pay up to 50 percent of the state's cost for railroad safety regulations.

The Intergovernmental Relations Committee of the National Legislative Conference commends the United States Senate for its swift action in dealing with the serious problems of railroad safety. The increasing number of railroad accidents emphasizes the need for speedy action by the House of Representatives in enacting "The Railroad Safety and Research Act of 1970."

Senator William Proxmire of Wisconsin has proposed the creation of a Highway Safety Trust Fund supported by the federal tax on alcohol.

Congressman John Kluczynski of Illinois, Chairman of the Roads Subcommittee of the House Public Works Committee, has proposed the creation of a Highway Safety Trust Fund, but has not yet identified a specific source of revenues for it.

The Congress has failed to fulfill its responsibility in adequately funding the Highway Safety Act. The burden has fallen to the States which must carry out the federal standards mandated by the National Highway Safety Bureau.

Some state officials have discussed the possibility of using part of the Highway Trust Fund for Highway Safety programs. This would be done at the state's discretion.

The Intergovernmental Relations Committee of the National Legislative Conference urges the Congress to fulfill its responsibility to adequately fund the Highway Safety program by allocating bloc grants to the States for this purpose.

This is the year in which Congress must determine the future of the Federal Highway Aid program, and the continuation of the Highway Trust Fund. Many proposals are now being considered for the future use of the nearly $5 billion annually which is available from the Trust Fund.

Senator Jennings Randolph of West Virginia, Chairman of the Senate Public Works Committee, has proposed that a small portion of the Fund be used for the operation of buses in public service.

The American Association of State Highway Officials has proposed use of trust funds for building special lanes for buses and use of trust funds for construction of housing for those relocated because of highway projects. AASHO opposes use of the Fund for maintenance of highways by States.

Secretary of Transportation John Volpe announced recently that his Department is studying the proposal for creation of a common transportation trust fund, fed by revenues from all transportation sources, and then allocated to the States for use at their own discretion on transportation facilities most needed in the State. This proposal has received support in the Congress, and in some States as well.

The Intergovernmental Relations Committee of the National Legislative Conference recommends the continuation of the Federal Highway Aid Program, and the Highway Trust Fund with the following modifications:

That Trust Funds be available to a State for use in the maintenance of existing highways according to state standards.

That Trust Funds be available for use by a State to construct public bus service facilities such as terminals, special road lanes, and adjacent parking lots for commuters.

The Intergovernmental Relations Committee of the National Legislative Conference commends the Secretary of Transportation for his efforts to determine the feasibility of a Common Transportation Trust Fund supported by revenues from all modes of transportation, and made available to the States on an appropriate basis, for use according to the priority and needs of the State, as determined by its own authorities.

State regulation of the insurance industry has come into question in two proposed bills now before two separate congressional hearings.

The Administration, in the final day of Senate Commerce Committee hearings on legislation to establish a federal insurance insolvency fund and agency, testified "strongly in support of Federal legislation" in the area of insurance insolvencies. Presently, this area is under state control.

Assistant Attorney General McLaren of the Justice Department Antitrust Division testified that insurance services would be subject to the jurisdiction of the Federal Trade Commission and a newly created Consumer Protection Division in Justice. This would pre-empt areas now within the jurisdiction of state unfair and deceptive practices laws.

S. 2236, introduced by Senator Magnuson of Washington, would create a Federal Insurance Guaranty Corporation. The FIGC seeks to minimize the policyholder's loss in the event of an insurance company insolvency, by way of a Federal insurance fund, similar to the Federal Deposit Insurance Corporation. This bill, and its companion measure H.R. 15557 by Representative Moorhead of Pennsylvania, would usurp powers and responsibilities presently held by the States.

The Intergovernmental Relations Committee of the National Legislative Conference supports the principle of state regulation of the insurance industry, as embodied in the McCarran-Ferguson Act of 1945. The Committee opposes a federal legislation that would pre-empt areas of state regulation and responsibility such as insolvency of companies, and consumer protection. States must enact and enforce laws to prevent unfair and deceptive practices in the insurance business. We support the efforts of concerned state officials, working through the Council of State Governments, to develop new laws to meet new problems affecting the consumer-citizen.

REPORT OF THE GOVERNMENT OPERATIONS TASK FORCE

The main goal of the Government Operations Task Force, as mandated by both the National Legislative Conference and its Intergovernmental Relations Committee, was to develop specifications for a revenue sharing proposal in accordance with criteria specified by the National Legislative Conference. In light of this mandate, the Task Force developed the following criteria:

The National Legislative Conference has consistently supported the principle that the Federal Government share a portion of its revenue with the States. The Intergovernmental Relations Committee of the National Legislative Conference reiterates its stand on this issue, and further recommends, consistent with criteria approved by the Conference in 1968, that a revenue sharing plan be formulated on the following basis:

(1) Congressional appropriations for revenue sharing should be made on the basis of a fixed percentage of the federal individual income tax base.

(2) Congressional appropriations for revenue sharing should be made to a trust fund established in the Treasury of the United States.

(3) A specified proportion of shared revenues should not be reserved for the (17) poorest States.

(4) The sums appropriated should be allocated among the States based on state population modified by state tax effort. State tax effort would include state and local taxes and net profits from state liquor stores relative to personal income.

(5) Congress in its appropriations to the States should specify a pass-through formula to local governments which will indicate the state and local share of the federal monies allocated to the States.

(6) The pass-through allocation by formula should be made to relatively populous cities and counties based on population and revenue effort.

(7) An alternative state allocation plan of distribution should be accepted if (a) each city and county receives an amount equal to or greater than that allocated by formula, or (b) city and county councils or governing bodies representing fifty percent of those entities entitled to receive at least fifty percent of payments by formula concur in the state's alternative plan.

(8) The federal pass-through formula should provide for sharing revenue only with general purpose units of government.

(9) State and local taxes levied for education should be included in ascertaining the state-local effort of individual States.

(10) Any federal revenue sharing bill should not include a provision that any unit of government entitled to funds under the provisions of the bill maintain its present level of tax effort in order to retain an interest in the funds allocated.

(11) No functions should be excluded from expenditures made from shared funds.

Further consideration is being given the issue as to whether a federal tax credit for state and local personnel income taxes should be included in the proposal.

"The need for revenue sharing between the Federal government and the States is essential to the continued vitality of the federal system and has grown more acute each year. The failure of the Congress to act on revenue sharing is so destructive to the future of federalism that action must be taken by the States themselves to accomplish this goal.

The National Legislative Conference calls upon the Legislatures of the several States to act pursuant to Article V of the United States Constitution to make application to the Congress which shall call a Convention on application of two-thirds of the States for the purpose of amending the United States Constitution.

Such call shall be for the sole and exclusive purpose of proposing to the several States a Constitutional Amendment which shall provide that a portion of the taxes on income levied pursuant to Amendment XVI of the United States Constitution shall be made available each year to state governments and political subdivisions thereof without limiting directly or indirectly any use of such monies for any purpose not inconsistent with any other provision of the Constitution.

To implement this policy statement, the Task Force on Government Operations, in conjunction with other interested State legislative organizations as may be appropriate is directed to develop a suggested resolution requesting the calling of such a Constitutional Convention.

The Committee has been actively encouraging state legislators to contact their congressional delegations urging hearings to be held on the revenue sharing bills. Also in pursuit of this aim, Representative Conolly and Senator Hughes Brockbank, then President of the National Legislative Conference, joined mayors, governors and county officials in a joint press conference calling the attention of Congress to the revenue sharing bills. In conjunction with this press conference, an action program for encouraging interest in the States for revenue sharing was developed. Copies were sent to a number of legislators and this report is available from the Washington office of the Council of State Governments.

In regard to future work, the task force will work with the Office of Management and Budget and Congress regarding problems the budgeting-appropriation gap causes the States. In addition, we will continue to work for the passage of the Intergovernmental Cooperation Act of 1969. An item of long-term importance and study is to work within the state legislatures, with the cooperation of the executive branch, on simplifying and equalizing state aid to local governments.

REPORT OF THE HUMAN RESOURCES TASK FORCE

Federal assumption of the cost of welfare

During the past year, since its organization in March, the Human Resources Task Force has concentrated its discussions on the two major intergovernmental relations issues of welfare reform and Medicaid. Current federal discussion and decisions which are imminent will have a major fiscal and program impact on States.

The committee has held discussions on the provisions and ramifications of the welfare reform proposal originally proposed by the Nixon Administration Family Assistance Act of 1970 (HR 16311). In addition to material prepared by the Washington Office staff of the Council of State Governments, the committee had the opportunity to discuss the proposed bill with representatives of the Administration and congressional committee staffs.

The problem of welfare is of major concern to state legislators because of its fiscal impact on the States and the serious social consequences of the problem. Welfare is a national problem and given the extent of federal control over states' welfare programs, States are left very little control over the fiscal resources they are required to commit to the welfare program. In fact, the growth and direction of welfare programs is pretty much controlled by the Federal Government. The Human Resources Task Force feels that the continuing growth of welfare costs has caused a fiscal crisis in state and local government. Therefore, the Human Resources Task Force recommended to the Intergovernmental Relations Committee the following policy statement:

1. The Federal Government should, on a phased basis, assume the total cost of welfare cash assistance programs for families, the aged, the blind, and disabled and the present general assistance programs in States.

Administration of welfare programs

In the Family Assistance Act, which has passed the House of Representatives and is now being considered by the Senate Finance Committee, there are financial incentives to encourage the federal administration of state programs of aid to families and adults. Provisions are included in the bill to encourage new unified administration of the Family Assistance payments and the states' supplementary payments. The bill contains three alternative arrangements with various levels of federal participation in the cost of administration which are aimed at providing incentives for federalizing the administration of the federal assistance payments and state supplementation. The alternatives are:

a. The Secretary of Health, Education, and Welfare may enter into an agreement with a State to have the Federal Government administer the state's supplementary payment program. Under such an agreement, the Federal Government would pay all the costs of administering the family assistance payment and all the costs of administering the state's supplementary program.

b. If a State chooses to administer its own supplementary program, the Federal Government would pay one-half of the state's cost of administering its supplementary program.

c. If a State agrees to administer the family assistance payments for the Federal Government, the Federal Government would pay one-half the administrative costs of the supplementary program and all the administrative costs of the federal family assistance payments program.

On June 10 and 18 the Administration proposed additional amendments to the Family Assistance Act. Included in these proposed amendments was an additional incentive for federal administration of state welfare programs. These provisions provide that a State may also contract with the Federal Government for federal administration of the state's general assistance and food stamps program and for eligibility determination for medical assistance and surplus food commodities.

It was the feeling of the committee that States should have the option to continue to administer its welfare programs without being penalized for choosing this option. Therefore, the Human Resources Task Force presented to the full committee the following policy statements:

2. The Family Assistance Act of 1970, HR 16311, should provide for 100 percent federal assumption of the cost of administering the Family Assistance Plan state supplementation and aid to the aged, blind, and disabled regardless of whether or not a State chooses to contract with the Federal Government to administer any or all of these programs.

Work incentives and encouraging family stability

The Human Resources Task Force felt that any welfare program developed should provide optimum encouragement for recipients to seek employment and for family stability. Therefore, the Task Force recommended the following policy statement:

3. Total cash assistance benefits to families should be provided in an equitable manner so as to provide work incentives to encourage recipients to seek employment and to encourage fathers to remain with their families.

A. Policy Statement Number 3 is amended by adding at the end of the policy statement:

"Laudable efforts to cover the working poor can and must be implemented in such a way as to fulfill these goals. This will require assistance to families where the husband remains in the home."

Federal assumption of the cost of medical assistance

As with the welfare cash assistance programs, the cost of providing medical assistance to the poor through the Medicaid program has resulted in a onerous fiscal burden to States. This program, as originally conceived, was seriously underestimated as to its costs both as to the amount of use by the consumer and the resultant inflationary costs for health care. Just as in the welfare cash assistance program, the Medicaid program is a national problem and the control of the growth and direction of this program is heavily dependent on national legislative and administrative action. Therefore, the Human Resources Committee recommended the following policy statement:

4. The cost of medical assistance programs to the poor should be assumed on a phased basis by the Federal Government.

Federal participation in the cost of long-term care under medicaid

In the Social Security Act of 1970, HR 17550, which has passed the U.S. House of Representatives and is now being considered by the Senate Finance Committee, amendments to Medicaid legislation are included which would in effect shift from the Federal Government to the State over $200 million of the cost of Medicaid by reducing the federal participation in the cost of long-term institutional care under Medicaid. These proposals are:

a. After an individual's first 90 days of care in a skilled nursing home and after 60 days in a general or TB hospital, the federal share of the cost would be reduced by one-third.

b. Federal share of the treatment cost for mental hospital patients would be reduced by one-third after 90 days with no federal participation after 365 days of care for the lifetime of a particular individual.

The legislation that has passed the House would increase the federal 19 percent matching percentage for outpatient hospital services, clinic services and home health services by 25 percent. The stated intent of these provisions is to provide incentives for States to improve their utilization review procedures; i.e., insuring that institutional care is actually needed by patients and encouraging the use of alternative, less expensive modes of care, such as outpatient hospital services.

5. It is recognized that there is a need in the Medicaid program for improved utilization review procedures and independent medical audits to insure a certain level and kind of care is actually needed by patients. However, proposals to reduce federal matching of long-term care are opposed because the time periods are arbitrary, do not recognize variable patient needs, and would increase costs to States. It is recommended instead, that the Secretary of Health, Education, and Welfare evaluate in cooperation with the States, the barriers and problems involved in making utilization review, independent medical audit procedures more effective in controlling Medicaid costs and recommend means to overcome such barriers and problems.

B. A new section is added as follows:

Social services to combat dependency

The Administration has proposed Social Services reform amendments to the Family Assistance Act. It is agreed that genuine welfare reform must also emphasize the necessity of coordinating and unifying all services which can help fight dependency. Provision for federal funds to the Governor of each State for planning and coordination of services is essential. However, two other features are also crucial:

A. Arbitrary limitation on federal funding of needed dependency combating services would be to the detriment of the over-all welfare reform effort.

B. Suggestion that cities of any size may opt to do their own planning, funding, and designation of the service delivery agency would be disastrous to any continuing concept of statewide responsibility and accountability, and would contribute to the undermining of both the legislative and executive branches. Furthermore, grave constitutional questions may be raised with regard to the powers of the Federal Government to confer authority on the cities without regard to the States. Included among services which should be administered on a statewide basis are job training and day care.

Unless these changes are made, the current provisions of Title IV–A and IV–B of the Social Security Act should be retained in preference to these particular features of the proposed Social Services Amendments to the Family Assistance Act of HR 16311.

6. a. The Federal Government should encourage state initiative in the provision of social services that will alleviate the dependency of families and individuals on welfare by continuing the open-ended availability of federal matching funds for state social services and administration of welfare cash assistance programs.

b. The administration of federal grants for social services under the Social Security Act should continue to utilize the States as the primary focal point for the administration of social services and should not by-pass State Governments in the planning and administration of such services as is proposed in the federal social services reform amendments.

The Human Resources Task Force also discussed with representatives of the federal Office of Economic Opportunity increased roles for the States in the administration of programs under the Economic Opportunity Act.

The Education Commission of the States presented information to the Human Resources Task Force on its current activities related to higher education and vocational education.

REPORT OF THE NATURAL RESOURCES TASK FORCE

The Task Force on Natural Resources has been charged with the responsibility of assisting the Intergovernmental Relations Committee in analyzing issues and developing policies relating to the quality of the environment, and to the wise and rational development of the nation's natural resources. In carrying out this mandate, the task force has sought to identify the major federal-state issues and to assign priorities and courses for action.

The problems that beset the environment have been amply documented. There is no need to elaborate here on the indiscriminate use and abuse of limited natural resources which has visited so great and deleterious a burden upon the air, the water, and the land. What does bear repeating, however, is the interdependent nature of all problems, whatever their classification. If the pleasure of living is adversely affected by one problem, the resolution of others will not provide the quality of life necessary to a happy and fruitful existence.

The task force recognizes the dual nature of environmental problems, embracing as they do the intrinsic conflict between the development of natural resources and the control of pollution. In this light, it accepts the challenge of achieving full utilization of natural resources within the limitations imposed by sound and effective conservation practices. To that end, it has structured its own activities to focus independently on natural resources and environmental management and to provide the forum for synthesizing opposing interests.

Within the context of this responsibility, the Committee wishes to express genuine concern for the integrity of the American political system in the face of the inevitable strains that will be put upon it as a result of the extraordinary efforts that are necessary to achieving the goal of enhanced environmental quality. Inherent in the urgent public thrust for action is a tremendous risk of neglecting those basic principles which are built into the structure of government for the preservation of American federalism. This danger derives principally from the nature of initial government response to the need for environmental control, which is almost wholly regulatory in character, and so dependent upon the police power of the State. Whatever means this Committee finds requisite to the accomplishment of its ends, they must accord with the principle that, insofar as it is possible, primary responsibility should be placed at the lowest administrative level commensurate with the efficient dispatch of the assignment.

Federal funding of water projects within the States

1. The cost/benefit ratio analysis taken alone and in narrow context, as the basis for funding water projects within the States, has outlived its usefulness, and hence must be broadened in concept.

2. There is need for a new formula (basis) for federal funding of water projects within the States; a formula which includes factors other than economic factors imposed upon the primary users of the water. These factors must be agreed upon by the States and the Federal Government, and must encompass regional national and international perspectives.

3. New concepts should be inculcated into the formula which serve the public interest including:

a. Water pollution environmental control factors,

b. Recreational factors,

c. Aesthetic factors,

d. Regional and national considerations.

4. Additional consideration should be given to:

a. Reduced interest rates in the pay back plans,

b. A longer pay back period.

Federal-State-local programs for environmental management

The effective management of the environment can become so restrictive of traditional personal rights, that support should be given to the establishment of programs for planning and implementation at the lowest level of government capable of carrying out assigned responsibilities.

In this respect, the States should be in the position of being the prime planners, implementors, and policemen of the environment; utilizing local administration and federal funding where appropriate. The development of a program of this type in States would prevent a federal takeover of environmental control, with all its accompanying police power, which is inconsistent with the American concept of federalism.

Therefore, federal legislation should develop grant assistance programs to encourage, but not require, state efforts to:

1. Establish a state planning and supervisory pollution control agency.
2. Provide assistance to local agencies in developing bond or other financing for capital programming.
3. Institute state supervision of standards enforcement at the local level.
4. Utilize interstate cooperation to achieve these ends.

Coastal zone management

The need for coastal zone management legislation derives from the inestimable importance of the estuarine and coastal environment to the Nation's economy, environmental health and quality of life. The overwhelming pressures of modern industrial society threaten the complete degradation of these vital areas. The development of a coordinated federal-state approach to the solution of coastal problems began only recently with pilot studies conducted by the Marine Sciences Council.

While federal and local government involvement is essential to any effective coastal management program, States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and water of the coastal zone.

In this context, the optimal state role should include the following propositions:

1. A coastal zone coordinating council consisting of any agency heads possibly involved in coastal zone management should draw a state plan for the zone following an inventory. Management plans should be flexible enough to involve multiple agencies.
2. A coastal zoning board within the framework of state constitutions should be given the statutory power to implement the plan by assigning wet lands and affected uplands to specific management authorities. The board should have power of eminent domain.
3. In areas where interstate activities must be involved interstate agreement should be reached spelling out zoning for maximal protection of the involved coastal resources.

The Federal role should adhere to the following criteria which must apply to any federal legislation:

Criteria for evaluation of Federal legislation

The key to evaluating any legislation which attempts to establish a coastal program lies in the flexibility it allows States for creating management instruments most suited to their own specific conditions. States should not be bound, for example, to the creation of one powerful agency for performing all coastal management functions. This is particularly important with regard to the implementation of state plans. Providing flexibility does not foreclose the designation of a single agency as the state authority for receiving and administering federal coastal grants.

No matter how well a coastal authority bill is drawn, lack of money to implement it expeditiously will drastically reduce its effectiveness. Action in this area has such great consequences for the Nation, and moneys available to the States are so limited, that a matching ratio of ⅔ federal, ⅓ state funding is clearly needed. Thus coastal legislation must be adequately funded and properly apportioned if it is to be successful. Anything less may prove dysfunctional to the stated goal.

Localities must participate fully in the planning process. Legislation which seeks to completely override local autonomy can only invite determined opposition instead of needed cooperation, particularly in the initial planning stages. All levels of government must be built into the planning process in the most efficacious manner to achieve the requisite ends of enlightened resource management.

To summarize these criteria, federal coastal zone management legislation should be:

1. Flexible. No special state coastal agency.
2. Non pre-emptive. No blanket pre-emption of local zoning authority.
3. Adequately funded. No lightly funded, heavily worded project grants.
4. Properly share. ⅔ federal—⅓ state to provide incentive.

Multiple use of water

The Intergovernmental Relations Committee of the National Legislative Conference urges that States study and implement the Multiple Use Concept for water, including use, re-use and priority controls over such use by individual States and on a multi-state basis thru interstate compacts and international treaties, where applicable.

State air pollution control

It has been asserted that: "All civilization will pass away, not from a sudden cataclysm like a nuclear war, but from gradual suffocation in its own wastes." While this statement may be somewhat dramatic, the facts of one form of waste alone, air pollution, are nothing less than astounding. The hundreds of millions of tons of aerial garbage dumped into the U.S. atmosphere each year constitute a prodigious waste of potentially valuable resources. These pollutants are damaging health, defacing buildings, and despoiling crops. They cannot be tolerated.

The States assume primary responsibility for the health and well being of their citizens. They accept the challenge of providing clean air for people, whatever their number or density.

To achieve this end, they must be able to plan for the control of air pollution from all sources, to implement the requisite programs, and to enforce compliance with standards established to meet their respective needs. Such intent implies that States must be allowed to:

1. Establish air quality control regions of appropriate dimension, whether regional, state or interstate.
2. Federal standard setting authority in regard to stationary sources should be limited to ambient air quality.
3. Establish ambient or emission standards stricter than those set by the Federal Government, where warranted.
4. Retain the authority to enforce regulations which they promulgate.
5. Develop multi-jurisdictional approaches to the solution of common air pollution control problems and urge that Congress expedite action on any necessary, state approved interstate compacts.
6. Federal air pollution control programs should be funded to the full extent of authorization to provide grant assistance to the States for planning and implementing programs for the control of air pollution.

REPORT OF THE TASK FORCE ON PUBLIC SAFETY

In recent weeks, numerous attacks have been made on the bloc grant provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and upon the states role in carrying out the provisions of this Act. The Omnibus Act requires that 85 percent of all Federal action funds be allocated directly to the States according to population; the remaining 15 percent of such funds are to be allocated at the discretion of the Law Enforcement Assistance Administration within the U.S. Department of Justice. The present statutory "pass through" provisions require States to channel 40 percent of all planning grants and 75 percent of all action grants directly to local governments.

The National League of Cities has recently issued a report accusing the States of failing to grant anti-crime funds to large cities with high crime rates. They urge direct federal control of grants to all local governments. Investigations by the Law Enforcement Assistance Administration, the federal agency charged with over-all responsibility for the program, have shown that in fact the bloc grant money is being awarded to urban areas of high crime incidence, and is producing a comprehensive, systematic attack on crime. Moreover, testimony before congressional committees indicates that States have more than fulfilled their responsibilities under the Act, and that any changes in the basic law would be premature.

After review of this situation, and after meeting Mr. Richard Velde of LEAA, your task force recommends the following policy statements:

The Intergovernmental Relations Committee of the National Legislative Conference is committee to comprehensive action to control crime in the urban areas of our States. Because crime knows no jurisdictional boundaries, and because of the statewide scope of law enforcement problems involving the police, courts, and correctional services, this Committee continues to give its support to the intergovernmental action called for in the Omnibus Crime Control and Safe Streets Act of 1968. The facts indicate that state administration of this Act has resulted for the first time, in a coordinated, systematic attack on crime. The Committee representing State Legislators strongly opposes any modification of the present bloc grant approach which might dissipate the objective of an intergovernmental crime control effort. This Committee further urges the Congress to provide increased funding for the Omnibus Act to insure increased action at all levels of government.

The Intergovernmental Relations Committee of the National Legislative Conference urges the Law Enforcement Assistance Administration (LEAA) to create a liaison with state legislatures within each of the LEAA regions. Because state legislatures must appropriate state matching funds for programs funded under the Omnibus Crime Control Act, it is essential that legislators be adequately informed and advised of model state plans and the work product of the National Institute of Law Enforcement and Criminal Justice. The Committee therefore requests the LEAA, in conjunction with the Council of State Governments, to take the initiative in establishing appropriate lines of communication with state legislatures and legislative research agencies.

The Juvenile Delinquency Prevention and Control Act of 1968 was enacted by Congress as a companion to the Omnibus Crime Control Act. Unfortunately, the act provided two equally unacceptable alternatives for state participation. The modified bloc grant approach, which mandated a comprehensive, state prepared juvenile delinquency prevention and control plan, required that all allocated action funds go to local juvenile delinquency programs—when in a great many States, the juvenile courts, institutions, and services operate on a statewide basis. If the States chose the other option—to receive money under specific program grants from the Secretary of HEW—the state and local programs would have to compete for funding, with no state level planning being required nor apparently desired. With no authority to establish priorities among competing state and local projects, with the only role open to the State that of a program monitor, and with a set of detailed, restrictive guidelines received very late, some States decided not to even apply for funds. Moreover, the Congress voted just $5 million for the entire program in its first year, most of which was consumed by federal administrative costs. This resulted in a maximum of only $50,000 being allocated to each State.

State administrators have voiced considerable criticism of the Department of Health, Education and Welfare in its handling of the program. The Office of Juvenile Delinquency, which is responsible for the program, has gone without a permanent director until one month ago. The federal guidelines for the program took nine months to write and are twice as long as those for the much more comprehensive Omnibus Crime Control program. No elected state officials were consulted in the drafting of the legislation or of the guidelines.

There are six separate agencies in HEW responsible for juvenile delinquency programs. The congressional concern is growing over the confused approach to a serious national problem.

The following policy statement is recommended:

The Intergovernmental Relations Committee of the National Legislative Conference reaffirms its concern with the growing problem of juvenile delinquency. State and local efforts to control and prevent juvenile crime have been frustrated by the uncoordinated administration of multiple federal programs designed to deal with the problem. We urge the Congress to make a comprehensive study of all existing legislation and programs dealing with juvenile delinquency with a view to creating a single, comprehensive agency to administer and coordinate the federal effort.

The task force agenda for the next meeting includes:

(1) Consideration of LEAA approved state crime control plans under the Omnibus Act;

(2) Suggested models for criminal state planning agencies;

(3) Analysis of the 1967 Report of the President's Commission on Crime, "The Challenge of Crime in a Free Society," with specific consideration to intergovernmental aspects of the included recommendations.

REPORT OF THE TASK FORCE ON URBAN AFFAIRS

Community growth policy

The Nation has never developed identifiable and articulated goals toward which urban growth efforts of federal agencies and state and local government can be directed to enhance maximum utilization of private enterprise in community development. There is little or no coordination between the sporadic and uncoordinated federal agency planning and that being carried out by the states and local government.

It is, therefore, necessary to:

1. Identify and articulate a National Community Growth Policy.

2. Direct and coordinate federal agencies in their planning activity with a high level federal planning agency which is cognizant of our national goals.

3. Provide for and encourage the voluntary meshing of state and local government planning efforts with a federal planning effort on the national level.

Any effective urbanization policy and planning legislation should embrace these concepts and:

1. Recognize the role of State Legislature in overseeing planning for urban growth as an integral part of a national urbanization program;

2. Provide the State Legislature with considerable responsibility in the coordination of Federal and state-local urban planning;

3. Specifically include legislative eligibility for grants under the planning aid sections; and

4. Establish a high level federal planning agency as an independent body responsible directly to the President and not included in any particular department.

New communities

The Federal "new communities" program should seek achievement of the following objectives:

1. The relief of population pressures on large and growing urban centers.

2. The improvement of the quality of life for urban dwellers.

3. The expansion of new employment and investment opportunities.

A truly comprehensive new communities program must be accompanied by a large financial commitment by the Federal Government. Only the larger states may be able to commit long-term financial resources for the construction associated with a new communities project.

The comprehensive nature of new communities demands an equally comprehensive service response from government. Financial commitments to a new communities program must be accompanied by an equally strong public service delivery system.

Modifications to achieve a comprehensive new communities program must contain a series of alternative public and private financial mechanisms which state governments could mix so as to target financial resources to achieve optimum impact.

Such legislation should make it possible for state and local governments to choose between totally new communities, new towns-in-towns or revitalized small communities.

State governments have the requisite constitutional powers and capabilities to make a new communities program effective. Through their powers of eminent domain they can acquire land in necessary quantities. They are the best means for the identification of growth centers. They have the capacity to provide seed money and technical assistance to project sponsors. State governments must be recognized as qualified sponsors of new communities projects and eligible recipients of program grants.

Obstacles to new technologies

Congress and the Administration should continue their vigorous support of programs designed to increase housing production through the introduction of new technologies such as mass production. The potential for such programs as "Operation Breakthrough" appears great. State governments are the best focal points for the reform of standards and practices which may impede the introduction of new technologies. State government agencies with primary responsibility for assisting local governments to respond to community problems are well along in the process of identifying and securing sizable future housing markets. Many States have already passed legislation which revises building code certification processes for industrialized housing systems. The largest remaining obstacle is restrictive zoning practices. State legislatures should consider this issue as a high priority item.

Housing

The goals of federal housing programs should be:

1. To provide assistance to all persons who need help to afford decent housing;

2. To insure a stable financial market so as to continually expand housing production;

3. To encourage States to assume more responsibility for housing; and

4. To provide all citizens with a safe and sanitary environment in which to live.

Congress and the Administration should immediately revise existing housing programs so as to increase the availability of housing by (1) simplifying program and eligibility requirements, (2) adapting finance procedures to regional market variations, and (3) expanding the opportunities for home ownership.

Congress and the Administration should establish a comprehensive program to make better use of the existing housing stock. Such a program should:

1. Include a home counseling service for prospective homeowners and home improvers;

2. Establish a government sponsored institution to increase the volume of mortgage credit in slum areas;

3. Authorize below-market rehabilitation loans for families living in designated "improvement districts;"

4. Authorize a Presidential Commission to study the impact present federal, state, and local taxes have on housing maintenance; and especially to study the impact of real estate taxes on housing maintenance, and

5. Encourage States to develop their own housing redevelopment programs.

Urban renewal

Congress has authorized, but not appropriated, a total of $2.287 billion for the Urban Renewal Program under Title I of the Housing Act of 1949. The fully authorized $2.287 billion should be appropriated for fiscal 1971. Congress should mandate the Administration to determine the capacity of state and local governments to effectively utilize urban renewal funds. Appropriations for fiscal 1972 and succeeding years for the urban renewal program should not be less than the "capacity" figure identified in the study.

Uniform Federal relocation and land acquisition policies

There is a demonstrated need for uniform relocation assistance for persons and businesses displaced by federal and federally-assisted projects. This concept is presently embodied in S. 1. Such assistance should be provided in the spirit of helping those who are dislocated and incentives to rapid resolution of conflicts should be provided.

The Uniform Relocation and Land Acquisition Act of 1969 (S. 1) should be enacted as soon as possible, but with the following amendments: (1) deletion of all cut-off dates for the federal funding of the first $25,000 of relocation expenses; (2) retention of shared funding for all costs above $25,000; (3) provision of matching grant funds to all states that create uniform statewide relocation and land acquisition policies and programs covering all public programs; (4) deletion of the July 1, 1970, cut-off date in the Highway Act of 1968 for federal assumption of the first $25,000 in relocation costs; and (5) change the effective date of Section 323 from July 1, 1971 to July 1, 1972 to give the States adequate time to enact the appropriate state enabling legislation.

Intergovernmental Personnel Act

States, with Federal assistance, must actively promote personnel improvement, and modernize personnel systems to provide career promotional opportunities and more sophisticated recruitment techniques. In-service training must also be made available on a large scale.

Through financial support, direct action, and the sharing of skilled personnel, the state and federal governments could perform useful functions in resolving local government manpower problems.

The Committee fully endorses the Intergovernmental Personnel Act (S. 11), which is now before Congress, having passed the Senate. This bill will establish a Federal Advisory Council on Intergovernmental Personnel to (1) recommend public administrative improvements at state and local levels funded by the Federal Government, (2) to provide aid for training state and local employees, (3) aid for personnel administration improvement and (4) permitting temporary assignment of personnel between levels of government.

State and local governments may not be now maximally encouraging the attraction of highly educated young people into government service. Consideration might be given to a program providing funds to students for studies in government. Repayment of such funds might be waived as the student enters government service at the Federal, state or local levels.

Model cities

Congress and the Administration should amend the Demonstration Cities and Metropolitan Development Act of 1966, to provide for:

1. Administration of the Model Cities Program within the Executive Office of the President;
2. Expansion of the role of state governments in the program to include approval or disapproval of local plans;
3. Increased financial assistance to States to employ additional manpower to administer the program; and
4. Authorization for a system of financial grants and awards to States successfully employing the process of coordinated social service delivery systems in communities other than "model cities."

CONCLUSION

The accomplishments of your Committee this year lucidly exemplify the value of a functioning state legislative arm in Washington. The challenge to state governments has been succinctly articulated: "The States no longer have the option to choose whether they want to assume responsibility and become involved; nor does the Federal Government have the option to choose whether it will involve the States if creative federalism is to have any meaning." Your Committee reemphasizes the need for State legislators to participate more directly in activities affecting intergovernmental relations. It is essential to continue to build on the enthusiasm which stimulated the creation of six subject matter task forces, and encouraged the development of legislative federal-state coordinators and permanent committee focal points for federal-state relations. We hope these concepts will prove to be durable vehicles for vigorous legislator involvement in intergovernmental relations—vehicles that will enable state legislators to fufill their role in a stronger, more responsive federal system.

TRIBUTE TO THE LATE SENATOR RUSSELL

Mr. SPONG. Mr. President, I wish to join with my colleagues in expressing my great respect for Senator Richard B. Russell and my sense of loss at his death.

Senator Russell was an extraordinary man. He devoted his life to public service and earned the respect of all who knew him.

Virginians greatly admired Senator Russell and I ask unanimous consent to have printed in the Record editorials published in the Norfolk Virginian-Pilot and the Richmond Times-Dispatch on January 23.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Richard Brevard Russell

As long as 35 years ago they were saying in Georgia: "Don't run against Dick Russell unless you're just looking for the publicity."

Richard B. Russell was not as popular, politically, in all the rest of the nation, but he enjoyed a greater honor. He was held in high respect, even by those who sharply disagreed with him.

Russell fought Harry Truman hard on some major issues—civil rights and labor laws, particularly—and he was the South's candidate at the 1948 Democratic National Convention which nominated the Missourian. But Truman called him "one of the ablest men in the Senate."

In the early 1950's, Truman, who had fired Gen. Douglas MacArthur as commander of our forces in the Far East, saw Russell conduct hearings on that highly controversial and explosive action that were a model of fairness and propriety. Years later, Russell was one of the relatively few Americans in high places who expressed grave doubts about our involvement in another area of the Far East—Vietnam. But when the U.S. became committed there, the Georgian gave his full and loyal support.

Russell was dedicated to the cause of military preparedness, and his influence may have helped spare us a terrible disaster. He was among the first to urge that the U.S. prepare for aggression from Hitler, then marching in Europe. He opposed the arms embargo that was keeping materiel of war from our friends, and he supported enactment of selective service and the adoption of lend-lease. And after the war he backed the Marshall Plan to help rebuild and strengthen Western Europe.

Perhaps Russell's biggest mistake in public life was his attempt to win the presidential nomination in 1952. It was in this unsuccessful campaign that he did something uncharacteristic of Richard Russell, though commonplace among politicians seeking a broad spectrum of support. Contrary to everything he had said and done before and to the great consternation of his Southern supporters, Russell issued a campaign statement that seemed to favor repeal of the Taft-Hartley labor law and to accept the idea of a Federal Employment Practices Commission. Seldom, though, was Richard Russell guilty of such inconsistency.

It was also in that 1952 campaign that the Georgia senator made this statement:

"I believe in states' rights because the principle of dual government is the only thing that supports freedom of local self-government. If it weren't for the doctrine of states' rights, we in Congress today would be passing laws to run your school boards, telling you what kind of city government and county government you must have and how it should be run."

How prophetic was this warning from the eminent Southern, and American, statesman! And what a loss it is to the entire nation that his death removes from the U.S. Senate a man of such vision, character and dedication to fundamental principles on which America was founded.

Richard B. Russell

Richard Brevard Russell, Democrat, of Winder, Ga. That is all the biography to identify the dean of the United States Senate in the Congressional Directory, but enough for a man whose name was a reputation.

Mr. Russell was always and essentially a man of the Senate. The institution was his life (he never married) and he became an institution within the institution. He was 35, the youngest member, when he entered the Senate on January 12, 1933, just prior to the inauguration of Franklin D. Roosevelt. (He had been elected Governor of Georgia at 33, the youngest in the history of the state.) Only Arizona's Carl Hayden (1926–1968) ever enjoyed a longer tenure, and at his death Thursday Mr. Russell was undoubtedly the most respected man in the Senate.

It was sometimes said that he could have been President if he had not been a Southerner, and perhaps so. Certainly, he can be compared to another quintessential Senator who was denied the Presidency but earned a great reputation in the Senate, Ohio's "Mr. Republican," Robert Taft. Each was an austere patrician who was ambitious for the Presidency at the peak of his powers and embittered by his party's rejection. Each was hugely influential in a quiet way within the Senate. Each was fated to failing health in his last years. Each life was marked by a kind of splendid tragedy.

It was Mr. Russell's special tragedy, as the acknowledged leader of the South, to command its Gettysburg in the Senate, when filibusters failed to block the passage of the civil rights bills that he opposed. (He was not a racist, but rather a traditionalist—a distinction respected in the Senate.) Mr. Russell was a champion of military preparedness and an internationalist (that was where the so-called "conservative coalition" of Republicans and Southerners often parted ways) in the mold of his fellow Georgian, Senator Walter George. Although he was chairman of the Armed Services Committee for more than 15 years, Mr. Russell was anything but a militarist.

He was never the Mendel Rivers of the Senate. He and Lyndon Johnson, then the Majority Leader, opposed the military's recommendation to President Eisenhower to intervene in Indochina to assist the French at the time of Dienbienphu in 1954, and he persistently sought an honorable way out of Vietnam; his opposition was also crucial in forestalling intervention in the Congo. (It is one of the ironies of politics that Lyndon Johnson rose to power as a protege of Mr. Russell's in the Senate, that he broke the unwritten law that had barred his patron from the Presidency as a Southerner, and that he was broken, in the end, by the very war he earlier had opposed.)

What was perhaps Mr. Russell's finest moment in the Senate is all but forgotten now. In April 1951 General MacArthur returned to the United States after he had been relieved by President Truman and received a hero's welcome. The emotion of the moment obscured the Constitutional crisis that the defiance of General MacArthur represented, and it is a measure of its seriousness that the combined membership of the Senate Foreign Relations and Armed Services Committees conducted an investigation under the chairmanship of Mr. Russell. The proceedings were conducted with a decorum and thoroughness that brought the country to its senses. As William S. White wrote in *Citadel*, an affectionate biography of the Senate, the hearings succeeded in dissipating the emotionalism, "protected . . . the American tradition of the pre-eminent civil authority, (and) halted what was then an almost runaway movement toward rejection of the United Nations . . . It was a historic achievement, the finest service alike of Russell and all who served with him."

PRESERVING A BEAUTIFUL LANGUAGE

Mr. PERCY. Mr. President, an article by Mary G. Salidis in the Greek Star of Chicago, January 7, 1971, tells of efforts in the United States to increase the use of the beautiful Greek language. The Greek Orthodox parishes are especially active in these efforts and their leadership, both clerical and lay, deserves much credit.

In view of the tremendous influence that the Greek language, Greek history, and Greek literature have had on our own institutions and way of life, I consider the expansion of Greek language training in this country to be highly significant and desirable.

I ask unanimous consent to have printed in the Record at this point the excellent article by Mary G. Salidis in the Greek Star, January 7, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

Modern Greek Is Going Strong in America

(By Mary G. Salidis)

Greek stands alone as the oldest, spoken, living language in Europe. Americans of Greek descent possess, in their mother tongue the golden key that can unlock the treasures of antiquity and, at the same time, expand the modern mind. They are anxious to contribute to the cultural life of today's America by retaining their language and spreading its use.

The Greek Orthodox Parishes in the United States have taken a leading role. Intensive language instruction is an important part of the curriculum in the churches' parochial schools, all financed by the local Greek communities. The Diocese of North and South America has 400 afternoon schools, 17 parochial schools, 55 nurseries and 50 evening schools, with a total student enrollment of 24,700 taught by 640 teachers.

Most parishes hold two-hour sessions of Greek school two afternoons a week. The student is faced with grammatical structure more complex, and vocabulary far greater, than that contained in any other Western tongue. The younger he is, of course, the easier it is for him to learn. Eventually, he might attend The Hellenic College in Brookline, Massachusetts, a fulfillment of the long range hopes of perpetuating the Greek language in America.

One of the largest parish schools in this country, Saints Constantine and Helen in Washington, D.C., conducts unique Kindergarten classes: English curriculum in the morning, then lunch, naps—and in the afternoon, Greek conversation, songs, hymns, prayers, games, stories, poems, religion and handwriting. Through these classes, about two hundred youngsters learn their Greek without difficulty and at a minimum of expense.

On Sunday, in the Orthodox church, the entire service is chanted in Greek. The children know The Creed and The Lord's Prayer in Greek as well as in English, and they enjoy this bilingual accomplishment.

To further a speaking knowledge of Greek in the United States, the Byzantine Fellowship has set up the "Ionian City," a Children's Summer Camp in Greece. It is situated near Athens on land donated by the Greek Government. American youngsters are flown there for the summer months, to study the Greek language, culture and heritage firsthand. All formal classes are conducted in Greek.

In the United States, 35 Greek newspapers and magazines are currently being published. One of the largest dailies, the *National Herald* of New York, is used by many parents to teach their children the language. They read paragraphs together and discuss the subjects at the dinner table, in Greek, if possible. It is one more way to instill an awareness of cultural roots in the past.

Many active Greek societies in this country are also devoted to preserving their beautiful language for today's generation and for generations to come!

YOUNG RANCHERS FEEL SQUEEZE OF UNREALISTIC FEES

Mr. HANSEN. Mr. President, I received in December a letter from a young rancher on the Sweetwater River of Wyoming, that expresses a viewpoint to which I believe most young ranch families would subscribe in regard to the public land grazing fee increases.

The rancher, Mr. John G. Corbett, said simply:

> I believe that this raise in grazing fee costs is just one more step toward putting the family ranch in the western states out of reach for young people and creating a climate where no one except ranchers running 500 head of cattle or more will be in business.

This is the message I have tried to convey to the Senate, to the White House, and to the news media—that it is the small rancher, the marginal operator, who will suffer most from the inequities of the new fee schedule.

I believe Mr. Corbett's letter puts the problem in terms that will not be misunderstood, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LANDER, WYO.,
December 21, 1970.

Hon. CLIFFORD HANSEN,
U.S. Senate,
Washington, D.C.

SIR: In view of the fact that the raise in grazing fees seems to be a reality and something that we must live with, if in fact, live we can, and that future raises in the cost of grazing on public land seems to be a certainty, I feel that I must write this letter.

I am not an alarmist given to writing to someone every time things do not happen to lean my way, but perhaps the small rancher should put forward his views in the hope that his dilemma will be brought into public notice.

First, some background: my wife and I live on the Sweetwater River where we have leased a small ranch where we hope to build up our cattle in order to go on to something larger as time goes by. I know that we are part of a vanishing breed, one reason being that it is next to impossible for someone with limited capital such as ours to ever be able to purchase land this day and age.

I believe that this raise in grazing fee costs is just one more step toward putting the family ranch in the western states out of reach for young people and creating a climate where no one except ranchers running 500 head of cattle or more will be in business. Thus there will be more and more young people forced to move to urban or suburban communities which I, for one, think is a grave mistake.

It seems to me that the rancher who uses public land for grazing is carrying more than his share of the burden as far as use of these lands, when recreationists, mining and oil interests for a nominal fee (or in certain cases for nothing) can tear huge holes in the earth with no concern for grass, water or natural beauty of the land. You will agree that the stockman must be a conservationist for sheer survival, if for no other reason, and in an overwhelming majority they are, I am sure.

Please continue to do your utmost to resist any more raises in the grazing fees, so those of us who want to stay in the ranching business and want to make it a way of life, have the chance.

Very truly yours,

JOHN G. CORBETT.

CONCLUSION OF MORNING BUSINESS

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED LEGISLATION — MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-36)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

This first special message to the Ninety-second Congress concerns itself not with the new, but with the familiar. As indicated in my State of the Union Message, this first request is that the unfinished business of the Ninety-first Congress be made the first business of the Ninety-second.

With this message, I am proposing to the Ninety-second Congress more than three dozen items of legislation which were previously submitted to the Ninety-first Congress. Some were acted on favorably by either the Senate or the House of Representatives. Some are being resubmitted in their original form. Others have been modified to meet legitimate concerns expressed by members of the Congress. Most will be in the hands of Congress today. All are bills which I consider to be in the national interest.

Although lengthy, this list does not contain all the measures proposed over the past two years which will be resubmitted to the Congress in this session.

There are other measures—measures to deal with strikes creating national emergencies, Social Security amendments, bail reform, aid for higher education, reform of the draft and steps to move toward an all-volunteer armed force, and other initiatives—which the Congress must also consider. I will deal with these separately.

In my message on the State of the Union, I outlined six great goals—goals which, by their accomplishment, could make this the greatest Congress in America's history as a nation.

These included one especially urgent item of unfinished business which I proposed to the 91st Congress: welfare reform. In fairness to the taxpayers, to the communities, and also to the children, we can afford to delay no longer in discarding the present system and replacing it with a new one.

In due course, I will be making more detailed proposals to the Congress for achieving the other goals that I outlined. Meanwhile, I believe that the items of unfinished business I propose today merit the prompt and careful consideration of the Congress. I believe they are good measures. I believe they are wise proposals. I believe they are necessary legislation. I urge the Congress to act favorably upon them.

ECONOMIC JUSTICE

Two proposals being resubmitted would promote economic justice. One would provide broader opportunities for Americans entering into new small businesses—especially black Americans and members of other minorities who need, but cannot acquire, the seed capital to go into business for themselves. The other would provide improved benefits for certain American workers.

AID TO SMALL BUSINESS

Ten months ago, several proposals were sent to the Congress to promote the prospects for success of small businesses in the United States. They included:

—Allowing private and corporate lenders an income tax deduction equal to twenty percent of the interest earned on

Small Business Administration guaranteed loans, which would act as an incentive for loans to small businesses and minority enterprises;

—Providing managerial training to disadvantaged persons going into business for themselves;

—Authorizing banks to become sole sponsors of Minority Enterprise Small Business Investment Companies (MESBIC's);

—Authorizing SBA to pay interest subsidies on loans it guarantees, in cases of demonstrated need;

—Liberalizing the net operating loss carryover rules and stock option provisions for qualified small businesses;

—Allowing tax deduction for contributions to nonprofit MESBIC's.

Many of these amendments passed the Senate in the 91st Congress. I urge this Congress to give them a favorable response.

LONGSHOREMEN'S DISABILITY COMPENSATION

The existing minimum disability compensation for longshoremen and harbor workers was established in 1956—the maximum a decade ago. I am renewing the administration's proposal that these benefits be increased to a level more in line with the increased wages and living costs since the present levels were set. Other liberalizing provisions of the Longshoremen's and Harbor Workers' Compensation Act are being resubmitted as part of this proposal.

Under this legislation the recovery of damages by employees from their employers, including shipowners, would be limited to those specified under the Act. We seek to eliminate situations in which longshoremen are permitted to recover damages in suits against shipowners, which usually require the longshore employer to indemnify the shipowner for the damages paid.

AMERICA'S OVERDUE DEBTS

There are three groups of peoples, two of them among the earliest inhabitants of the Western Hemisphere, to whom this nation has outstanding obligations that ought to be met.

AMERICAN INDIANS AND ALASKA NATIVES

The first two of these are the American Indians and the Alaska Natives. After full consultation with Indian leaders is complete, the unenacted legislation outlined in my Message of last July 8 will be reviewed and promptly submitted again. An Alaska Native Claims bill will also be submitted which I believe will equitably resolve the Native claims in that State. These legislative proposals would take America in a new more hopeful direction in dealing with the problems of a terribly neglected minority of our people.

THE MICRONESIANS

Under the Executive Agreement of April 18, 1969 between Japan and the United States, inhabitants of the Trust Territory of the Pacific Islands are to be compensated for damages suffered during World War II. The agreement stipulates that each government will make ex gratia contributions of $5 million for the welfare of the people of Micronesia.

I am renewing the administration's request that the Congress authorize appropriations of $5 million to meet that commitment, and also that the Congress establish a five-member commission to settle the claims of individual Micronesians resulting from World War II and to determine the validity of additional claims for property damage arising after the war.

Congressional action on these matters would render overdue justice to the people of Micronesia.

PURE FOOD AND DRUGS

Two pieces of "preventive" legislation are being resubmitted dealing with the health of the American people. The first has to do with the wholesomeness of fish and fish products which form so significant a segment of the American diet; the second with preventing illness and death from accidental misuse of prescription drugs.

FISH INSPECTION

Fish and fish products, a major source of protein in the American diet, are highly perishable foods. Improperly handled, they become a medium for bacterial growth. The Wholesome Fish and Fishery Products Act, which is being resubmitted, would establish a broad surveillance and inspection system to assure the wholesomeness and quality of both domestic and imported fishery products.

Recent reports of mercury residues in both inland and deep sea fish provide urgent and concurring arguments for immediate passage of this legislation.

DRUG IDENTIFICATION

Every year some Americans, in times of medical emergency, are poisoned by drugs of unidentified composition. Some of these men, women, and children die from these poisonings; others suffer lasting physical harm. While these occurrences are not commonplace, their number can and should be reduced to an absolute minimum. To achieve that objective—to permit the rapid identification of prescription drugs in emergency situations—this administration again proposes the coding of all drugs. Such coding will also facilitate recalls of drugs when necessary to protect public health.

Some manufacturers already use coding systems for immediate identification and inventory control. A universal system of coding of drugs would benefit the entire drug industry—and perhaps save the lives of scores of Americans and their children in years ahead.

TOWARD A MORE SECURE AND DECENT SOCIETY

Within this broad category, I again urge action on five previously submitted measures. One of them would provide new and needed protection for the orderly processes of government in the event of disruptive activities conducted in or near Federal offices. Passed by the Senate, this measure should be viewed favorably by the House. It is needed to protect government workers as they carry out their duties. The wagering tax and the administration's proposal to give law enforcement officers the right to gather non-testimonial evidence are reforms which would provide us with new weapons in the war against crime. The final proposals, dealing with obscenity and pornography, I believe to be essential at a time when the tide of offensive materials seem yet to be rising.

PROTECTION OF PUBLIC BUILDINGS

If the Federal Government is to discharge its duties, the employees of government must cease being victimized by raucous and disorderly demonstrations in the offices where they work. Such disruptions have occurred too frequently in recent years.

To help end this harassment, I propose that the General Services Administration's authority to police Federal property be extended to all buildings leased or occupied by Federal agencies.

Further, I ask Congress to prohibit specifically:

—The obstruction of passage into or out of a government office;

—The use of loud, abusive, or threatening language, or any disorderly conduct that has as its goal the disruption of government business; and,

—Any act of physical violence within a GSA facility.

These are similar to the safeguards which the Congress provided for its own employees in the U.S. Capitol Buildings and Grounds Security Act of 1967.

Under this proposal the maximum penalties for violation of the rules promulgated by GSA would be raised from a $50 fine or thirty days in jail to a $500 fine or six months in prison.

Passage of this legislation would help divert future protests back into the legitimate democratic channels where they belong.

FEDERAL WAGERING TAX

The Federal wagering tax can be a useful tool in our increasingly successful effort against organized crime. Some of its provisions, however, were ruled unconstitutional in 1968 as violative of the Fifth Amendment right against self-incrimination. Both to retain this needed weapon and to bring the law into accord with the rulings of the Supreme Court, I again propose a prohibition on any use—against the taxpayer—of information obtained through his compliance with this statute. At the same time, the new amendments would broaden the coverage of the wagering tax and increase the level of taxation.

NON-TESTIMONIAL IDENTIFICATION

Currently, law enforcement officers are often handicapped in obtaining significant non-testimonial evidence—such as blood samples or fingerprints—in a way to qualify it for use as legal evidence. Under this proposal, a judicial officer could, under prescribed conditions, issue an order *requiring* that a suspect give such kinds of evidence. This is a constitutionally sound step that would advance the cause of criminal justice without infringing upon any of the legitimate rights of suspects and defendants.

OBSCENITY AND PORNOGRAPHY

The overwhelming majority of Americans is rightly appalled at the burgeoning growth of the pornography industry here in the United States. Though Court rulings have restricted some government countermeasures, in other instances they have left us the freedom to act. They have both recognized the right to protect minors from the products of this obnoxious enterprise, and reaffirmed the right to restrict pandering through advertising. I propose anew that Congress pass measures, with stiff penalties, prohibiting the use of interstate facilities to transport unsolicited salacious advertising, or to deliver any harmful and offensive matter to youngsters. It would be difficult to overstate the strength of my support for these two pieces of legislation.

EDUCATION: REFORM AND OPPORTUNITY

Under this broad category, I have included three measures submitted to the Ninety-first Congress, all of which I believe have great merit and would serve great needs. The first is for a National Institute of Education, the need for which is becoming increasingly apparent; the second is a measure to provide financial assistance to those school districts carrying the strain of desegregation; the third is to encourage and assist the men coming home from Vietnam to make better use of the educational opportunity the country affords them. Higher education proposals will be resubmitted later to the new Congress.

NATIONAL INSTITUTE OF EDUCATION

A National Institute of Education—to bring to education the intensity and quality of research now developed in the fields of space and health—is truly a national need. Year by year, the American people grow more disenchanted with the returns on their education tax dollars. The schools of the nation are in growing need of new counsel and new ideas. Here is the opportunity to find the answers, by bringing to bear on the problems the wisdom, the knowledge and the experience of the most able men and women in the field. This Institute was a key part of my education proposals of last year. Today I again urge the Congress to act favorably upon this request.

EMERGENCY SCHOOL AID

Last year, both to encourage and to expedite desegregation of the public schools in the United States, I asked the Congress for a two-year Emergency School Aid Act. Although great progress has been made, the need for such aid remains. Therefore, today I reissue this request. The changes needed to desegregate our schools—either under court order or through voluntary action—place a heavy strain upon local school systems, and the Federal Government should assist the school systems in this effort. The measure I propose today is similar to the one which passed the House of Representatives in the closing days of the Ninety-first Congress. I urge the Congress to complete action at an early date.

VIETNAM VETERANS EDUCATION ALLOWANCE

It is this administration's hope that more veterans coming home from Vietnam will take advantage of the educational opportunities the nation affords them. The bill I now again recommend will help achieve that objective.

Under the GI Bill, the monthly allowances received by veterans begin only after they have enrolled and completed at least a month of their education or training. This deferral of payment often deters veterans from taking training or additional schooling because they lack the initial funds to meet tuition and living expenses.

This legislation would enable the Veterans Administration to make advance payments to veterans as soon as they submit evidence they have registered. This will provide them with funds when their need for funds is most pressing.

THE FEDERAL CITY

Two proposals being resubmitted deal with the nation's capital. The first envisions a corporation to carry out the revitalization of the heart of Washington. The second would give the District Government a new measure of freedom and control over its own capital outlay programs, reducing District dependency on the Federal Government.

FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION

The American Bicentennial—midway through the present decade—presents a powerful incentive and a realistic deadline for realization of Pierre L'Enfant's vision for the Federal City. The proposal being resubmitted would create a public corporation to prepare plans for carrying forward the revitalization of the heart of Washington, and for generating the maximum private and commercial investment for the fulfillment of that dream. I urge the Congress not to allow any more time to be lost in completing this promising enterprise.

D.C. CAPITOL PROGRAM FINANCING ACT

Currently, when the District of Columbia Government is confronted with the need to borrow for major new building and construction, it must turn to the United States Treasury; and it can borrow only up to a temporary formula limit set by the Congress.

I now renew this administration's proposal that the Congress grant the District of Columbia Government the authority to issue its own local bonds, and that the future limit on borrowing be set according to a permanent flexible formula based on District revenues. Removing the District's capital spending requirements from the Federal budget would mean savings to the Treasury. Further, it would give Washington responsibilities and rights commensurate with those of other great American cities.

TRANSPORTATION

Under this heading, two proposals are being resubmitted. They relate to waterways safety, the need for which has become increasingly apparent as more and more great vessels ply the navigable waters of the United States. Decreasing accidents at sea is an important part of our overall program to provide greater safety to the traveling public. In addition, these bills enhance our efforts to prevent the damaging pollution of the Nation's waterways which often results from collisions at sea.

PORTS AND WATERWAYS SAFETY ACT

As commerce grows, and as world trade expands, more and more great ships use American waters. Many carry hazardous cargoes—potential dangers to America's ports, harbors, waterfront areas, the waters themselves and the resources they contain. There would, I believe, be a substantial benefit in the creation of a coordinated safety program. And I again ask that the Secretary of Transportation be empowered to prescribe standards and regulations, and to act upon them, to give the protection the Nation increasingly needs.

VESSEL-TO-VESSEL RADIOPHONES

With the increasing number of vessels operating on inland and coastal waterways, the danger of accidents and collisions has become more serious. To help prevent unnecessary loss of life and property in future years, I am again proposing to the Congress legislation requiring that certain vessels transiting these waterways carry equipment for direct bridge-to-bridge contact. While most vessels today carry radio equipment, there is not always a compatible and open communication channel between two ships—and hence, they often cannot communicate even the most basic navigational information. Many vessels are already adequately equipped to meet the new requirements; the cost to the remaining shipowners would not be great.

RURAL AMERICA

Two measures again being proposed concern Americans living in the countryside or on farms. One would establish a mixed-ownership bank to make loans to telephone borrowers, along the lines of the Farm Credit Administration; the other would reduce Federal expenditures by replacing direct loans to some farmers with government guaranteed loans.

THE TELEPHONE BANK

I propose creation of a mixed-ownership bank to make loans—at from 4 percent to market interest rates—to telephone companies and cooperatives which now rely almost exclusively on the Rural Electrification Administration for their financing.

The bank would be partially capitalized through Treasury purchase of stock at a rate of up to $30 million annually until the Treasury holdings reached $300 million.

When total capital stock plus paid-in surplus reached $400 million, the bank would begin to retire the Federal investment. Further, the bank would be empowered to sell stock to its borrowers, and to borrow from private investors up to eight times the paid-in capital and retained earnings of the bank. This could bring about bank loans during Fiscal Year 1972 of $94.5 million to telephone borrowers—and the 1972 budget assumes timely enactment of this legislation.

INSURED FARM OPERATING LOANS

This proposal would permit the Farmers Home Administration to substitute insured for direct loans to farmers up to a level of $275 million for the coming fiscal year.

This could reduce Treasury outlays by $275 million, while leaving a Federal guarantee for the loans. It is consistent with our belief in maximum use of the private sector in achieving public purposes, and its enactment is assumed in our 1972 Budget.

GOVERNMENT AND ADMINISTRATIVE REFORM

A number of proposals being resubmitted deal with the smoother, more efficient and more responsive operation of the Federal Government. They argue for themselves on their own considerable merits.

GRANT CONSOLIDATION

First, I urge the Congress to enact legislation permitting the President to merge related Federal assistance programs, subject to Congressional review and concurrence. This authority, similar to presidential power to reorganize the Executive Branch, would be a vital part of our total effort to simplify the Federal system and make the delivery of goods and services at the regional, State and local level more effective. The consolidation of programs will make possible broader and more flexible use of funds and facilitate program administration at all levels of government. Originally submitted almost two years ago, this request for authority is thoroughly in keeping with the administration's unprecedented revenue sharing proposals contained in my State of the Union Message. The time has come to move on this bill.

JOINT FUNDING

Often when States, communities, or even individuals apply for Federal grants, the funds must be drawn from more than a single agency. To answer these requests more quickly, more simply and more efficiently, I recommend that the Congress authorize Federal agencies to pool certain related funds—and to adopt common administrative procedures, to be carried out by a lead agency. The House passed this joint funding measure last year. I again urge both Houses to act favorably upon it early in the Ninety-second Congress.

AEC AMENDMENTS

This proposal would authorize the Atomic Energy Commission to collect license fees from any other government agency engaged in generating electric power on the same basis it now charges other electric utility systems for licensing nuclear powerplants. The cost of a license for a nuclear powerplant is part of the cost of doing business. Thus, it is appropriate that Federal power agencies should be placed on the same footing.

CLARIFYING CERTAIN PRESIDENTIAL AUTHORITY

Under Reorganization Plan No. 9 of 1950, the President was given authority to designate the Chairman of the Federal Power Commission. However, because the basic statute has not been amended to accord precisely with that plan, the President's authority is not crystal clear. This resulted, some time ago, in certain ambiguities when one of my predecessors sought to designate a new FPC Chairman.

The Ninety-first Congress was urged to clarify this situation, and I now request that the Ninety-second Congress enact the necessary clarifying legislation.

NATURAL GAS ACT AMENDMENT

The Federal Power Commission has asked the Congress for broader authority to gather and publish information on the natural gas industry. This would benefit the industry, its consumers and investors, government agencies and the Congress itself, as well as enable the FPC to exercise more effectively its own regulatory powers. The proposal is comparable to existing provisions of the Federal Power Act concerning the electric power industry—and in no way would it expand the regulatory responsibilities of the FPC. I urge the Congress to act favorably upon this request.

COST ACCOUNTING STANDARDS BOARD

Last year, in extending the Defense Production Act, the Congress established a Cost Accounting Standards Board—and then placed that Board under the authority of the legislative branch.

This Board is responsible for establishing cost accounting standards, rules and regulations for use by defense contractors and subcontractors. Since these standards necessarily affect the negotiation and administration of government contracts, and since government contracts are the responsibility of the Executive Branch under the Constitution, placing this board under the Legislative Branch violates the fundamental principle of the separation of powers.

On August 17, 1970, we asked Congress to remedy this situation. With this message I am reissuing that request.

DEFENSE PRODUCTION ACT AMENDMENTS

Under the Defense Production Act, the nation's industrial capacity is expanded and critical materials are produced and allocated in times of national emergency. I now renew the administration's proposal that this Act be extended for another two years and needed changes be made. These include:

—A new method of financing the production expansion provisions.

—Elimination of the unnecessary and undesirable restriction on guaranteed transactions imposed last year.

—Authority for the President to make adjustments in civilian pay and personnel administration to assure the effective functioning of government agencies in a civil defense emergency.

STOCKPILE DISPOSALS

Proposed legislation will be resubmitted which would authorize GSA to sell off from the government's stockpiles quantities of sixteen commodities which we now hold in excess of our needs for national security. The sales would bring substantial returns to the Treasury. In the near future, new legislation will be submitted to the Congress for authority to dispose of other commodities—authority which I urge the Congress to grant as consistent with both sound government and a sound economic policy.

LOST CURRENCY WRITE-OFF

Millions of dollars in U.S. currency and silver certificates issued since 1929 have been lost or destroyed, or are held permanently in collections—and will never be presented for redemption. I now renew the administration's proposal that the Department of the Treasury be authorized to write off these Federal Reserve bank notes and national bank notes, and to remove the limitation of $200 million on such write-offs. In anticipation of favorable Congressional action, the Fiscal Year 1972 budget reflects these write-offs as a receipt of $228 million.

REFORM OF VETERANS' PROGRAMS

Three separate reforms can be made in veterans' programs which would lift an unwarranted burden from the general taxpayer without in any way diminishing the legitimate rights or privileges of veterans. I am again asking the Congress to enact them, along with a proposal to facilitate sale of direct loans by the Veterans Administration.

BURIAL ALLOWANCE

The first deals with the veterans burial allowance which runs to $250. This allowance was established before the existence of other Federal programs—such as social security and railroad retirement—which often provide similar or greater burial benefits to the same eligible veterans. The legislation proposed would eliminate duplication by limiting the Veterans Administration's burial payment to the difference between $250 and the non-VA burial payment.

TUBERCULOSIS DISABILITY COMPENSATION

Secondly, some veterans are still receiving disability compensation for tuberculosis long after the disease has reached a stage of complete arrest. The Congress has enacted legislation prohibiting future awards of compensation for arrested tuberculosis, recognizing that such awards no longer reflect medical reality. However, those on the rolls before that law was enacted continue to receive monthly payments, although their disease has been cured. This preferential treatment of a relatively few veterans should be terminated.

MEDICAL INSURANCE

My third proposal deals with the cost of caring in VA hospitals for veterans who have non-service connected ailments and who have private health insurance.

Generally, veterans who are over 65 or have war-time service, and who state that they cannot afford hospitalization, are entitled to VA care on a bed-available basis.

In many cases, the private insurance could pay part or all of the cost of hospitalization. But the insurance contracts often bar reimbursement to a veteran hospitalized in a VA hospital. This represents both an unwarranted windfall to the insurance company, and an unnecessary burden on the Federal Treasury.

Veterans should not be barred from receiving care in a VA hospital. But there is no reason why insurance companies should not reimburse the Federal Government in the same manner in which they pay a non-Federal private hospital. The proposed legislation will correct this discriminatory situation.

SALE OF VA DIRECT LOANS

Under present law, the Veterans Administration can sell direct loans from its portfolio only if the price received is at least 98 percent of par. Recent market conditions have resulted in prices below that level and this proposal would remove the statutory price limitation, allowing the Veterans Administration, when necessary, to sell loans if "reasonable prices" prevail.

USER TAXES

Two of my proposals deal with a more equitable allocation of user costs of transportation services. Under one proposal, the cost of providing security against aircraft hijackers would be borne by the passengers themselves and not by the general public. Under the other, the large trucks which use our national highway system would be made to bear a more appropriate share of the cost of highway construction.

AIRLINER USER TAXES

The number of airline hijackings that seemed to be taking place almost daily months ago has been reduced. Partly, this is due to the civil air and ground security program, particularly the sky marshals, established by the Federal Government. This program should be continued and strengthened—but its cost should be borne, not by the entire taxpaying public, but by the airline users themselves. For that reason I urge approval of legislation the administration is resubmitting to provide for an increase of one-half of one percent in the eight percent airline passenger ticket tax, and for an additional charge of $2 to be added to the present $3 departure tax on all international flights. Those who use our airlines are the principal beneficiaries of this new security service, and it is appropriate, therefore, that they should bear the cost.

HIGHWAY USER TAXES

Believing that the burden of highway taxes should be more equitably distributed between larger trucks and smaller vehicles and automobiles, I again ask that the Federal tax on diesel fuel be raised from four cents per gallon to six cents, and that the present $3 per thousand pounds annual use tax on trucks weighing over 26,000 pounds, be changed to a graduated tax schedule ranging from $3.50 to $9.50 per thousand pounds. This new tax would be applied only to those truck combinations weighing in excess of 26,000 pounds.

IMMIGRATION AND FOREIGN ASSISTANCE

Finally, I urge passage of several measures which are being resubmitted dealing with the immigration policies of the United States, and with American contributions to international banks to assist the economic development of friendly nations.

REFORM IN THE IMMIGRATION LAW

To improve our immigration laws and to enlarge upon our national tradition as an open nation and an open society, legislation is being resubmitted which would, among other reforms, provide:

—A higher percentage of immigrant visas for professionals, needed workers and refugees.

—Additional visas for the Western hemisphere, with special provisions for our nearest neighbors, Mexico and Canada.

Further, to encourage travel and tourism in the United States, the requirement for a visa would be waived for all business and pleasure visits of ninety days or less by nationals of countries designated by the Secretary of State.

CONTRIBUTIONS TO ASIAN DEVELOPMENT BANK AND INTER-AMERICAN DEVELOPMENT BANK

In recent years, the benefits of increased multilateral aid to developing countries have become more and more manifest. Multilateral aid enables a pooling of the assistance of the donor nations; it reduces political frictions inherent in some bilateral programs; it strengthens international institutions; it is preferred by man recipient nations.

Thus, I again urge the Congress to authorize $100 million in United States contributions to the Special Fund of the Asian Development Bank, and $900 million to the corresponding fund of the Inter-American Development Bank. The former will enable the nations of free Asia to assume greater responsibility for the success of their own development. The latter, along with the $100 million first installment authorized by the last Congress, will make possible significant advances in the economic development of the hemisphere, in which we ourselves have so vital a stake, and also give substance to the partnership of the Americas.

To the veterans of the Ninety-first Congress, the measures proposed once again in this message will of course be familiar. In the case of many of them, the work begun by the Ninety-first Congress should aid prompt consideration by the Ninety-second. Each is worthy, and by moving promptly and favorably on these matters of unfinished business this Congress will make an auspicious beginning on what could become a record of splendid achievement.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1971.*

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The VICE PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Idaho which comes over "under the rule" from the previous day. The clerk will state the resolution by title.

The assistant legislative clerk read as follows: A resolution (S. Res. 9) to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The resolution reads as follows:

S. RES. 9

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of Rule III or Rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points or order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of Rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ALLEN. Mr. President, with this resolution coming up at this time, the junior Senator from Alabama would like to inquire if this resolution will be considered only until 1:15 this afternoon, and that if final action has not been taken on the resolution at that time, it will go to the calendar. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. To be removed from the calendar, it would have to be done either by unanimous consent or by a motion to take up, which motion would be debatable.

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. I thank the Chair.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. PEARSON. Mr. President, today we begin consideration of what may prove to be yet another milestone in the historic evolution of the U.S. Senate. I consider it a privilege as well as a duty to join with my distinguished colleague, the senior Senator from Idaho (Mr. CHURCH), and the other cosponsors in offering a resolution to modify rule XXII of the Standing Rules of the U.S. Senate to provide that cloture may be invoked by an affirmative vote of three-fifths instead of two-thirds of those Senators present and voting. Two years ago we introduced a similar measure which obtained majority support on principle, but unfortunately met an untimely parliamentary end following the reversal by the Senate of the then Vice President's ruling. This year, following the object lesson of the session just ended, we feel the prospects of success are brighter than at any other time in the past. And as the greatly increased number and variety of cosponsors indicates, support for a reasonable adjustment in the cloture procedure is both broad and deep and we anticipate that it will make its full weight felt before this matter is finally determined by the Senate.

Among the questions that will be raised in the forthcoming debate are such diverse matters as whether or not a majority of the Senate has the right to adopt or change the standing rules at the beginning of a session and whether the Senate itself is a continuing body. Aside from the basic issue of whether the three-fifths formula we suggest represents both an effective and equitable alternative to the current rule, the question of the beneficial versus the harmful effects of filibustering will also merit and receive thorough examination in the weeks ahead.

Mr. President, the two most fundamental rights possessed by Members of the Senate are the right to debate and the right to vote. And if this body is to fully meet its weighty responsibilities, these two great rights must both be protected and a just balance struck between them. But where does that proper balance lie? This question has periodically vexed the Senate since its inception and is at the core of the debate we begin today. What are the relative weights that must be assigned these two indispensable functions that will preserve them while also providing for the effective conduct of public business? Which should be given greater consideration? If one must choose the answer should clearly be the right to vote. That is why we were elected to the Senate—to deliberate and then act. If we fail to resolve an issue, even though the action taken might often be in the negative; if we fail to bring the matter to a vote, then each of us fails in his obligation to his constituents to obtain equal consideration of their interests. When a few can deny representation to the many through endless debate, then the relationship between the right of discussion and the right to vote is obviously imbalanced. As Senator Henry Cabot Lodge of Massachusetts observed more than 75 years ago:

> If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure, but if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile.

Are we really so severely handicapped by the current provisions of rule XXII as to make the invocation of cloture a virtually impossible task? The events of the past 54 years would seem to indicate that unfortunately this is indeed the case. Since the two-thirds rule was first adopted in 1917 there have been 49 formal attempts at cloture of which only eight have succeeded. No one knows how many informal efforts were made that faded away before that awesome 66 percent barrier. And who can say how many legislative surrenders of substance have occurred at the mere threat of a filibuster?

Mr. President, how is this imbalance to be corrected? Certainly not by majority cloture. In my years of service in this body I have seen many times the wisdom of extended debate in preventing hasty or ill-conceived action that could have wrought much mischief for our country. As a result of this experience I cherish the right of full debate as much as anyone and will fight to preserve that right as long as I am privileged to continue to serve here. I know the vast majority of the other cosponsors of this resolution feel the same way. Thus to argue that the modification of rule XXII we suggest will end full discussion of every issue that comes before us for deliberation is to greatly misread both our intent and the effect of the proposal.

A shift from 66 to 60 percent of the Senate to invoke cloture will not eliminate the precious right of full debate. But it will make it somewhat easier to provide for the more efficient conduct of public business by striking a better balance between the right of debate and the right to vote at some time. If a three-fifths cloture rule had been in effect for the past 54 years, 15 not just eight of those 49 cloture petitions would have been successful—a considerable improvement, but hardly any "gag" on free speech.

Mr. President, a substantial majority of the Senate should be allowed to work its will at some point. Not to allow it to do so is to admit that the constitutional guarantee of equal representation will not apply and that a relative handful of Senators may exercise a legislative veto power never contemplated by our Founding Fathers that is clearly pernicious to the democratic principles that are the genius of our political system.

How substantial should that majority be to invoke cloture? Here is where honest men can disagree as they did when the present rule XXII was first adopted. There is no great magic to the current two-thirds formula now used to invoke cloture. It is no sacred equation representing the wisdom of the ages. Rather it is merely the result of well-intentioned men constructing what they hoped would be an effective compromise between the one extreme of majority cloture on the one hand and unlimited debate on the other. It was an honest attempt to find that fair balance of which I spoke earlier. Yet, as the evidence of the past 54 years indicates, this worthwhile effort has failed by making the majority necessary for cloture so substantial as to be nearly impossible to obtain. What we are suggesting here today is a further modification of their original effort based on the experience of the past five decades. We feel that three-fifths of the Senate present and voting constitutes an ample majority that should have the right to act. But we also feel that three-fifths is not a majority so substantial as to be impractical of attainment and thus be the equivalent of having no debate limitation at all.

Mr. President, article I, section 5 of the Constitution clearly gives a majority of the Senate convened today the right to modify and adopt its rules of procedure. To claim otherwise would be to claim that this constitutional right obtained only to the First Congress based on the supposition that the Senate is a continuing body bound to obey the rules of earlier Senates even if they restrict the rights of this Senate in an unconstitutional manner simply because two-thirds of the Senators carry over. The illogic behind the proposition that two-thirds of the Senate constitutes grounds for making it a continuing body even though the new one-third can radically alter its philosophy, partisan composition, and committee hierarchies has never ceased to amaze me. It is no doubt true that the framers of the Constitution hoped each succeeding Congress would be guided by the experience and collective wisdom of its predecessors, thereby concurring in those rules of procedure which had stood well the test of time. It is incredible to believe, however, that they intended succeeding Congresses to be unjustly restricted by any formulae their predecessors might wisely or unwisely choose to devise. That is why they wrote article I, section 5.

Thus, though the current rule XXII may have endured in one sense the test of time, it has clearly endured it badly and is in need of repair. And though it may be encrusted with tradition, close examination reveals that while the form created in 1917 still remains, the substance has turned out to be something quite different from what many of the original architects of that rule anticipated.

Mr. President, the issues at stake here are large and merit the extended consideration they will no doubt receive. They go right to the heart of Senate tradition and purpose. Cloaked in the guise of a complicated parliamentary device, the question of cloture relates directly to the ability of the Senate to function fairly, effectively, and above all representatively. As I said earlier when Senator CHURCH and I announced our intention to pursue this matter before the Senate, the proposal we espouse is "a reasonable, carefully balanced compromise that offers some hope of moving forward to preserve that which is best in Senate tradition while eliminating or at least ameliorating part of that which is worst." The need for some reform of congressional procedures has long been evident. And I know of no other area that could use more immediate attention than the matter now before us. The Senate was severely embarrassed last year when it became trapped in a procedural thicket so tangled that it made it difficult to determine who was talking against what. Public confidence in the effectiveness of our national political institutions was further shaken, and the need for change was once again made apparent to the Nation. I hope it is now apparent to the Senate.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I would like to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ALLEN. Mr. President, when this matter was under debate while the present President of the United States was Vice President, an advisory opinion was issued or given to the Senate by the Presiding Officer, then Vice President Nixon, as to how he would rule on parliamentary questions regarding this proposal; and, in effect, a similar policy was followed by Vice President HUMPHREY, because he announced in advance what his ruling would be on the question of whether cloture should be applied if two-thirds did not vote in the affirmative but a majority did vote in the affirmative. His statement was that he would rule that cloture had been applied.

The question that the junior Senator from Alabama would like to propound is: Does the present President of the Senate plan to issue any advisory opinions as to the action he will take on parliamentary questions concerning this debate?

The VICE PRESIDENT. The Chair wishes to state at this time that he has no intention of issuing advisory opinions on hypothetical cases. If it is an inquiry involving immediate disposition of a pending matter, the Chair will judge each on its own merit. Advisory opinions or responses to parliamentary inquiries of the Chair are not subject to appeal by the Senate. Hence, the Senate would have no opportunity to work its will thereon. Under the circumstances stated, such opinions could serve no useful purpose other than to give a particular conclusion of the Chair.

On the other hand, if points of order are made, the Chair is ready to rule or to submit the same to the Senate for decision. As you know, any ruling by the Chair is subject to appeal by the Senate and the Senate, in such instances, has an opportunity to work its will.

Likewise, the Chair will try to be helpful in responding to inquiries relating directly to pending questions. In response to any point of order as to the constitutionality of the procedure or as to whether or not the Senate is a continuing body which involves a constitutional question, the Chair under the uniform precedents of the Senate, will submit the same to the Senate for decision.

Mr. ALLEN. I thank the distinguished President of the Senate for this information.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH and Mr. BYRD of West Virginia addressed the Chair.

Mr. CHURCH. I defer to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PEARSON AT 1:15 P.M. TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the morning hour today, at 1:15 p.m., the able Senator from Kansas (Mr. PEARSON) be recognized for the purpose of making a motion.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from Idaho is recognized.

AMENDMENT OF RULE XXII

Mr. CHURCH. Mr. President, opposition to the existing Senate cloture rule, which has given the filibuster such formidable fortification, has increased to the point that 2 years ago our effort to alter it was nearly successful. Since that time, there is reason to believe that the movement within the Senate to modify rule XXII has gained additional strength. Senator PEARSON and I have, therefore, concluded that we should offer, as a first item of business in the 92d Congress, the same resolution we offered 2 years ago.

As now written, rule XXII provides that the affirmative vote of two-thirds of the Senators present and voting is required to limit debate. This two-thirds formula has proved a virtually insurmountable barrier. Since the rule was adopted 54 years ago, there have been 49 attempts to invoke cloture, and only eight have been successful. However, even these figures fail to portray the full picture. The record cannot disclose the many times that cloture has not even been attempted, due to the foreknowledge that the attempt would prove futile.

The joint resolution Senator PEARSON and I have introduced is not directed at decimating rule XXII, but on reducing its requirement of a two-thirds vote. We believe that a reduction to a three-fifths vote, or 60 percent of the Senators present and voting, is the most suitable alteration of the rule for which there is any likelihood of approval. This proposal was cosponsored by 38 Senators of both political parties when offered 2 years ago. It advanced further than any previous effort to modify the rule, since the last change in it was made 12 years ago.

Mr. President, at this point I should like to announce the list of sponsors of the resolution we have offered, comprising a total of 51 Members of the Senate, 32 Democrats and 19 Republicans, and representing 32 States of the Union.

In addition to myself and the distinguished Senator from Kansas (Mr. PEARSON), those Senators who have affixed their names as cosponsors of this resolution are as follows:

The Senator from Colorado (Mr. ALLOTT), the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. BEALL), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCHWEIKER and Mr. SCOTT), the Senator from Illinois (Mr. STEVENSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. TAFT), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS).

The proposed modification from two-thirds to three-fifths is modest in its purpose and reach—and is so intended. Adoption of the change would not seriously weaken the role of the Senate as a deliberative body nor would it unduly diminish the right to extended debate. It would produce no revolutionary change in the character of the Senate, whose uniqueness among legislative bodies should be safeguarded and preserved.

If rule XXII were modified as we propose, a substantial majority of the Senate would still be required to enact any legislation against which there was strong and determined opposition. Because we believe this traditional requirement well serves the interests of the country, we oppose those far-reaching revisions of rule XXII which would permit cloture to be invoked by a mere majority.

There is little likelihood, in the foreseeable future, that the Senate will ever adopt a majority cloture rule. I think that most of us in this body fully appreciate the peculiar role played by the Senate. We see that role safeguarded by the right of extended debate and by a cloture rule which prevents questions of great moment, which provoke very strong and determined opposition, from being decided by a mere majority. So, to those who argue that any tampering with rule XXII opens the floodgates leading toward majority cloture, I can only say that this is not the purpose of the resolution, nor do I believe that such a movement has any likelihood of success either now or in the years immediately ahead.

Although modest in its conception, the three-fifths rule we advocate would have, if adopted, a significant effect. Had such a rule obtained in the last Congress, for example we could have reached a vote on the proposed constitutional amendment to elect the President by direct popular vote. During the past 54 years, the three-fifths formula would have yielded cloture nearly twice as often as the two-thirds rule has permitted. Consequently, we believe that the adoption of the three-fifths formula would strike a proper balance, and could well set to rest the controversy over cloture for many years to come.

With rule XXII thus modified, the Senate, as an institution, would become more effective; its Members would be enabled to discharge more fully their legislative responsibilities—whether they be Republicans or Democrats, liberals or conservatives.

The climate for making such a change has improved, for the memory of the bruising experience which nearly immobilized the Senate in the closing weeks of the last session is still fresh. There is reason to believe that some Senators, hitherto opposed to any modification of rule XXII, may now be reconsidering their position.

Therefore, we are optimistic, though past history instructs us as to the difficulty in changing rule XXII. Knowing our own proposal to be moderate and reasonable, we shall fight hard to secure its approval. Much important legislation in the new Congress, both foreign and domestic, could well hinge upon the outcome of this effort.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I understand that there is at the desk a special message from the President of the United States which is a compilation of a number of proposals which would necessarily go to various committees rather than to one.

I, therefore, ask unanimous consent that the appropriate parts of the President's message be sent to the following committees:

Agriculture and Forestry. Armed Services. Banking, Housing, and Urban Affairs. Commerce. District of Columbia. Finance. Foreign Relations. Government. Operations. Interior and Insular Affairs. Judiciary. Labor and Public Welfare. Public Works. Veterans' Affairs. Joint Committee on Atomic Energy.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PERCY, RANDOLPH, AND TALMADGE TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow morning, immediately after the prayer and disposition of the Journal, the able Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes; that he be followed by the able Senator from West Virginia (Mr. RANDOLPH) for not to exceed 15 minutes; and that he be followed by the able Senator from Georgia (Mr. TALMADGE) for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MINE HEALTH AND SAFETY ACT OF 1969

Mr. RANDOLPH subsequently said: Mr. President, I rise to call to the attention of my colleagues, and so that the RECORD may reflect as published tomorrow morning, the fact that at approximately 11:15 a.m. Wednesday, by the order previously granted, I will be addressing the Senate on the subject of the Mine Health and Safety Act. It is a subject in which there is considerable interest in this body and throughout the country, and, of course, in those States in which mining is an important industry.

Mr. President, there has been in recent days a further disaster and there have been other disasters of a lesser nature. In the disaster at Hyden, Ky., 38 miners perished in their place of work underground.

The act which was passed with almost the solid endorsement of the membership of both the House and the Senate, the Mine Health and Safety Act of 1969, was necessary. We react often in this country after the fact more readily than before the fact. We did so in a sense in this case, although there had been prior attempts and some progress. The approval of the Mine Health and Safety Act was the result of a tragic disaster near Farmington, W. Va., in November 1968. That brought the impetus, the thrust, and the facts into focus. It gave Congress the opportunity and the responsibility to pass this far-reaching legislation to improve the health and safety of coal miners everywhere in the country.

There have been from time to time in recent weeks, and especially after the Hyden tragedy, certain attacks upon the U.S. Bureau of Mines which I believe were exaggerated.

The act not only calls for the hiring of several hundred additional inspectors, but also requires that these inspectors be capable men, who will make the inspections in the mines where the health and safety of the workers are involved.

So, I shall have tomorrow to offer with my speech charts and graphs which indicate what has been done and what is being done to implement the intent of Congress in the passage of this necessary legislation. I say, however, that we must work, and work assiduously, toward that hour when these disasters cease and the fatalities are at a minimum. The U.S. Bureau of Mines must do more than it has been doing or is doing now to effectuate the program which was set in motion by Congress in the act of last year that I have mentioned. Also, in fairness and in all candor, we must not allow unwarranted attacks on the U.S. Bureau of Mines to injure the program or prevent the intent of the act and the provisions of the law from being carried out.

It is for this reason that I take this time to call attention to my discussion tomorrow in the hope that the material I shall present will not only have interest but also an appeal to the Members of this body who certainly want the act carried out as it was passed by Congress.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Two hours having transpired, the

morning hour is concluded and the resolution goes to the calendar.

Under the previous order, the Senator from Kansas is recognized.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. PEARSON. Mr. President, I now move that the Senate proceed to the consideration of Senate Resolution 9.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ALLEN. Mr. President, does the Senator from Kansas wish to discuss the motion?

Mr. PEARSON. Mr. President, in response to the Senator from Alabama, I have no further intention of speaking in relation to the motion today.

Mr. ALLEN. Mr. President, I move that the pending motion be postponed to the next legislative day.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on the motion of the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, the resolution offered by the distinguished Senator from Kansas (Mr. PEARSON) and the distinguished Senator from Idaho (Mr. CHURCH) came up for consideration today during the morning hour.

Under the rules of the Senate, the resolution itself could be discussed at that time following the close of morning business and prior to 1:15 this afternoon, which is 2 hours after the Senate convened. The matter was discussed until 1:15. At that time the resolution went to the calendar, and the distinguished Senator from Kansas (Mr. PEARSON) has now moved that the resolution be considered at this time so that instead of considering the resolution itself, the effect of the motion of the Senator from Kansas was to seek to bring the resolution up for discussion.

The effect of the motion of the junior Senator from Alabama is to postpone until the next legislative day the consideration of the motion of the distinguished Senator from Kansas.

Mr. President, the question before the Senate at this time is: Shall debate in the Senate be cut off by a vote of three-fifths of the Senators present and voting, or shall the present rule calling for a two-thirds vote of the Senators present and voting be required before debate can be cut off?

The distinguished Senator from Kansas (Mr. PEARSON) has cited section 5 of article I of the Constitution in support of the proposition that the Senate is not a continuing body and that at the start of each new session of the Senate, each new Congress, a majority of the Members of the Senate can change the rules, notwithstanding the fact that the Senate rules state in rule XXXII that the rules of the Senate shall continue over the suceeding Congresses unless amended in accordance with the rules, which require a vote of the Senate subject to extended debate on the part of the Senate, which could be cut off only by a two-thirds vote.

Let us examine section 5 of article I to see the basis for this contention:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the concurrence of two-thirds, expel a Member.

As I have just read, "Each House may determine the rules of its proceedings." Well, the Senate has determined the rules of this Senate and it has provided that debate can be cut off only by a two-thirds vote of a quorum of the Senate present and voting. So the Senate has made its rules; the rules of the Senate carry over to succeeding Senates, succeeding Congresses.

Let us refer to rule XXXII in support of that proposition. Section 2 of rule XXXII states:

The Rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

So the rules provide that on any matter before the Senate, except matters expressly exempt therefrom, debate can continue until cut off by a two-thirds vote of the Senate.

Now, let us examine "Senate Procedure," by Charles L. Watkins, the former Parliamentarian of this body, and Dr. Floyd M. Riddick, the present Parliamentarian. On page 616 of this work, under the heading "Continuity of Senate Rules," we find this language:

Since 1789, the Senate has readopted or made only six general revisions of its rules, as follows: March 26, 1806; January 3, 1820; February 14, 1828; March 25, 1868; January 17, 1877; and January 11, 1884.

On two occasions in recent years—

And that was prior to 1953, I believe, the date of this work—

at the beginning of the last two Congresses, motions to proceed to the consideration of the adoption of new rules were tabled and the Senate proceeded under the old rules which has been the practice and custom of the entire history of the Senate.

Mr. President, according to the work "Senate Procedure," the Senate "proceeded under the old rules which has been the practice and custom for the entire history of the Senate."

Mr. President, this morning I received a letter from the distinguished senior Senator from North Carolina (Mr. ERVIN) dated January 26, 1971, in which he sets out his reasoning in opposition to changing rule XXII to make it easier to cut off extended discussion in the Senate. I would like to read that letter, as expressing in much more forceful language than the junior Senator from Alabama is capable of expressing the case in favor of not changing rule XXII and not making it easier to cut off debate in the Senate. The distinguished Senator from North Carolina stated as follows in his letter:

I am writing to express my views about the effort of several Senators to weaken or repeal Senate Rule XXII.

As you know, there has been an attempt to reduce the number of Senators required to invoke cloture in almost every Congress for the past twenty years. Since 1959, when the most recent amendment to rule XXII was adopted, there have been two repeated proposals for change. One proposal would permit a simple majority of the Senate membership to shut off debate; another proposal would permit three-fifths of those present and voting to terminate debate.

Since becoming a member of this body, I have always opposed efforts to place in the hands of any temporary majority the power to deny other Senators their constitutional right to debate the issues before the Senate. I intend to oppose such efforts in the 92nd Congress.

In my judgment, the Senate's tradition of careful and thorough deliberation of legislation is one of the important safeguards of constitutional government. The Senate's history is replete with examples of hasty, temporary, and short-sighted majorities being tempered by the historic commitment of this body to rational debate. Since its adoption in 1917, rule XXII has protected the Senate's ability to function in a deliberative manner, while yet enabling it to overcome the opposition of a minority should the Senate be determined to do so.

The present rule strikes a desirable balance between majority and minority interests. Extended debate often serves to test the true depth and strength of what appears at first glance to be a majority position. Thoroughgoing debate frequently uncovers weaknesses in the majority position and provides the time for cooler heads to prevail. The mere possibility of extended debate moderates the appetite of the majority and induces an accommodation with opposing interests. This facilitates compromise and makes for a much better final legislative product.

In cases where rule XXII has generated the most emotional feelings, the right of the minority to speak and defend itself at length has been of the utmost importance in assuring the minority that it is not being tyrannized by the majority. No one can doubt that the ultimate acceptance of the majority position in these critical cases is directly related to the conviction that the minority has made its case fully and at length—that it has had its "day in court." The corollary to "majority rule" is "minority acceptance," and rule XXII serves that corollary as few other institutions can.

In the last Congress—

The Congress that closed out here on January 2 of this year—and I think this is the most significant paragraph in the letter—

In the last Congress the debate over the President's Supreme Court nominations, the extended discussion on America's commitments in Southeast Asia, the efforts to defeat the conference report on the District of Columbia crime bill, the consideration of two controversial proposals to amend the Constitution, the refusal of Senators to embrace a host of amendments to the Social Security bill, and the efforts to oppose further funding of the SST are excellent case histories of the Senate's wise and continuing determination to exercise its constitutional powers with thoughtfulness and care. These debates dramatically illustrate the value of rule XXII as it presently stands.

I think it is interesting to add parenthetically that as the 91st Congress neared its close, the very Senators who were making use of extended debate, as limited by rule XXII, are some of the very Senators who are now seeking to make it easier to cut off debate. The junior Senator from Alabama did not participate in a single one of those extended discussions that erupted in the closing days of the 91st Congress, but he did support and defend the right of the Senators to speak. I do not think they would object to the designation of liberal Senators; the very liberal Senators who made use of the filibuster are the very ones who are now seeking to make it easier to cut off debate in the U.S. Senate. I supported then their right to speak.

I do not believe that the country has suffered any irreparable damage as a result of those filibusters, those extended discussions.

The social security measure which finally passed the Senate, but it did not pass in time to get action in the House, will doubtless be passed by the Congress in the coming next few weeks. The increased benefits will date back to January 1. So the social security beneficiaries will not lose anything.

The trade bill, which was filibustered in the 91st Congress and in the closing days of that Congress, has an excellent change of passing both Houses of Congress.

The President's family assistance plan will be given consideration, I dare say, by the House and by the Senate during this Congress. As I recall, the administration was willing to accept a bill that would provide for a trial run in certain areas on the family assistance plan.

So I do not believe that anyone is going to be damaged irreparably over the extended debate that took place in the closing days of the 91st Congress.

Also, in the closing days of the 91st Congress the distinguished Senator from West Virginia (Mr. BYRD), the assistant majority leader in this body, made an excellent presentation here on the floor of some needed changes in the Senate rules. He said, do not change the wrong rule—change the right rule; provide, I believe in rule XVI, that debate might be cut off with fewer votes as regards appropriation bills and as regards revenue bills.

I notice that Senator Oscar W. Underwood, of Alabama, who enjoyed the distinction of being the only person, I believe, who was the Democratic leader in the House and later the Democratic leader in the U.S. Senate, proposed back in 1926 a resolution to limit debate by majority vote on appropriation and revenue bills.

So possibly that is one way out of this dilemma—to provide a lower percentage of votes to cut off debate regarding appropriation and revenue bills, and not every single piece of legislation that comes before the U.S. Senate.

Mr. President, what is a minority today may be the majority position tomorrow, or next year, or next decade. Rule XXII, as presently drafted, protects a minority from the onslaught of an arrogant majority. Now, in the public mind, it is felt that rule XXII is insisted upon by Senators from Southern States to prevent the passage of civil rights legislation. But nothing could be farther from the truth; because every single piece of civil rights legislation that the junior Senator from Alabama knows of has been passed. As far as I know, there is little further legislation in this field that is being proposed. Even if it is proposed, Mr. President, the Senate has proved time and again that it will invoke two-thirds vote cloture to pass so-called civil rights bills.

What, then, is the reason? Why hold out for insistence on a two-thirds vote in order to end debate in the U.S. Senate?

Mr. President, as I have said, the two-thirds rule protects what is the minority today from an arrogant majority. That majority today might, in the next decade, become the minority. But whichever position is in the minority, its rights should be protected.

Rule XXII offers about the only defense that I know of against further concentration of power in the Federal Government, against further mushrooming of the Federal bureaucracy, against big government getting bigger, against the power of the Executive and the increasing of the power of the Executive and the lessening of the power of the Senate and the power collectively of Congress. Rule XXII protects the U.S. Senate as what many have been pleased to rightly call the greatest deliberative body in the world.

In recent hours I have heard Senators, not on this floor but assembled elsewhere in the Capitol, speak for majority cloture. Mr. President, if we ever get to the point where we are going to have cloture invoked and debate cut off by a majority vote, the Senate might just as well close its doors. Its usefulness will be at an end.

We have seen legislation ramrodded through the other body. It comes over to this Chamber, and usually it is going to have a pretty thorough going over. That is the purpose and essence of extended debate. You can point out, in extended debate, the flaws, the pitfalls, the dangers of pending legislation. You can alert the country to the dangers of pending legislation. You cannot do that if you have majority cloture. You cannot do it if you have 60 percent cloture. But you can do it on things that matter if we continue to require a fair two-thirds vote for cloture.

Mr. President, this same effort was tried by, I believe, the very same Senators who are pushing this measure, at the start of the 91st Congress. I believe the resolution then was introduced by the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Michigan (Mr. HART). It came to a vote. The cloture motion was filed, and on the second day thereafter a vote was taken to decide whether or not cloture would be invoked.

Well, the vote was, I believe, some 53 to 47—that would not miss it more than one or two on either side—some 53 to 47 in favor of invoking cloture.

The distinguished junior Senator from Minnesota, who at that time was presiding with distinction as Vice President of the United States and President of the Senate, ruled that cloture had been invoked because the majority of the Senators had voted to apply cloture, that the Senate rule requiring a two-thirds vote was unconstitutional as depriving a majority in the Senate of the right to set their rules.

An appeal was taken from that ruling, and by practically the same vote, but in reverse, the Senate ruled that cloture had not been invoked because the two-thirds vote required by the rules had not been obtained.

So, Mr. President, not only is that the Senate rule, but it is the rule as interpreted by the Senate. Not only the rulebook, but a majority of the Senate itself, held that it required a two-thirds vote to invoke cloture on a rules change.

Mr. President, if we can get a two-thirds vote to invoke cloture, or if the proponents of a measure can get a two-thirds vote to invoke cloture, then debate will end in a short, specified time, and a vote will then be taken on the resolution.

The Senate has ruled that it takes a two-thirds vote to invoke cloture at the start of a session or at any other time, that there is no difference between the time. The same rule applies in the middle of a session as at the start of a session. That is what the Senate has ruled. That is what the Senate rulebook provides.

Mr. President, we did not even have cloture until 1917. Rule XXII actually is not a delegation of power to the Senate. It is a limitation on a power or limitation on a right, by providing for shutting off debate, no matter how serious. It provides for shutting off debate by a two-thirds vote of the Senators present. At one time, rule XXII provided for the necessity of a constitutional two-thirds, which today would be 67 votes. Now all it takes to end debate in the U.S. Senate is a two-thirds vote of a quorum of the Senators present. So that, if my arithmetic is correct, if 51 Senators are present and 34 Senators vote for cloture and 17 vote against it, cloture is applied in the U.S. Senate. Conceivably, 34 Senators can cut off debate in the U.S. Senate, under the present rule. And they want to modify it and make it even easier to cut off debate.

What was the situation that existed prior to 1917, when the original version of rule XXII was adopted by the U.S. Senate? There was no limitation on debate. It will be recalled that the circumstance that brought on rule XXII was when President Wilson, right before the start of our participation in World War I, sought to have a bill passed by Congress providing for arming the merchant marine. President Wilson thought it necessary to go to Congress to get such a bill passed, to get such authority.

Mr. President, consider what a Chief Executive today would do under like or similar circumstances. If he wanted to arm the merchant marine, he would do it some morning before breakfast and think nothing about it. That is the power of the Executive in our Government. President Wilson, more a stickler for the separation of powers, more a respecter of the right of Congress, of the legislative branch, sought to get Congress to pass a bill providing for arming merchant marine vessels.

The Germans had a submarine blockade. One would think that almost everybody would feel that these merchant vessels ought to be able to be armed to protect themselves. Well, we all recall from history that a group of Senators filibustered that measure to death, and I do not believe there were more than 12 of them. They were Senators who today, I assume, would be classed as liberals. They were great Senators. They were such men as Norris, I believe, possibly LaFollette—men of that standing, at any rate. But President Wilson was highly critical of this group of Senators, and he called them—we see the phrase often now in referring to that time, that period—a little group of willful men, representing no opinion but their own, who had brought the great Government of the United States to a halt.

So there was a special session of Congress the following year, I believe, or possibly later on that year, and President Wilson had some of his legislators put in a resolution to provide a Senate rule, which comes down to us today as rule XXII, and it provided that debate could be cut off in the U.S. Senate. I believe that at that time a two-thirds majority was provided for. Later it was amended to require a constitutional two-thirds majority.

So rule XXII, far from providing for a filibuster, provides ways and means of cutting off a filibuster.

Any measure pending in the Senate which the people of the country support, which is sound, which is in the best interests of this country, can receive the necessary two-thirds vote to cut off debate, to apply cloture. It has proved no handicap up to now. Why make it easier to cut off debate, to cut off the very quality, the very ingredient, that sets the U.S. Senate apart among legislative bodies—the right to extended debate?

Mr. President, a great deal has been said about the logjam of legislation that we are said to have had in the Senate during the closing days of the 91st Congress. Well, following the suggestion of the distinguished Senator from West Virginia (Mr. BYRD) that if we are going to do something to eliminate this, let us not change the wrong rule. There is nothing wrong with rule XXII. That is fine. Let us amend other rules. Let us divide the measures that are not protected by the two-thirds vote.

The circumstance that caused the logjam in the Senate during the closing days of the 91st Congress was the fact that consideration on the floor of the Senate of these measures had necessarily been delayed because of the tremendous volume of work entailed by consideration of the measures in committee, plus the fact that Senate rules permit nongermane amendments to pending legislation.

The social security bill that has very substantial support in the Senate and throughout the country was taken as a vehicle by which to seek to pass at least two items of legislation that had strong opposition in the Senate. If the Senate rules had not permitted the adding of these nongermane matters, social security would have sailed on through and final action of one sort or another would have been taken, in all likelihood, on the other two measures, which does not mean that they would have passed, or one would have passed and the other would have been defeated. But it was not rule XXII that caused the logjam. Other Senate rules did.

The suggestion was made—and I do not feel I am divulging any confidence as to what took place in one of the caucuses of the majority party—by one Senator that the chairmen of the various committees should make reports at least monthly to the Democratic caucus of the progress that important legislation is making in the respective committees, so that the caucus could observe what progress is being made and could urge committee chairmen to get in behind the legislation and get it out to the floor where it could be voted on.

Also, Mr. President, we get many messages from the President of the United States regarding his program and his suggestions on the legislation that he recommends. All too often, it is in the form of generalities. It does not carry with it specific bills that are recommended. It might be several months after a legislative recommendation is made by the President before a specific bill is prepared and introduced.

So, Mr. President, I believe that there are many ways to tighten up the existing Senate rules, thus getting quicker, better and more responsible action by the committees and by the membership of the Senate itself.

So, why tamper with rule XXII, which merely provides the method by which debate can be cut off if a two-thirds majority of the Senate sees fit so to do?

Now they are talking about some seven filibusters that were going on or were threatening to go on in the closing days of the 91st Congress.

I recall that one of those filibusters was a one-man filibuster by the distinguished then Senator from Tennessee, Mr. Gore, in opposition to the subscribing by the U.S. Treasury to and contributions by the Treasury of some billions of dollars to various international corporations—banks, the International Monetary Fund, the World Bank, the Interdevelopment Association—and the Senator from Tennessee pointed out that there was provision for $1.1 billion in so-called soft loans to be made by one of these foreign financial corporations, whereas there was no money in any of the programs to finance cities and towns in America building water plants, water lines, sewage lines, and so forth—although they would not have been soft loans, they would have been loans that would have been repaid at whatever the current interest rate is.

So Senator Gore discussed that bill at length on several occasions and it seemed quite obvious that he would be able to hold up consideration of the bill for some days. So it was agreed that this $1.1 billion in soft loans—and I guess, actually, soft loans means loans where there is no chance whatsoever of them being repaid, Mr. President—but Senator Gore got the agreement out of the administration sponsors of the bill that this amount would be cut from $1.1 billion down to $100 million, saving this country and the taxpayers $1 billion.

That effort alone, according to Senator Gore, resulting in this $1 billion saving, certainly would justify retention of rule XXII because it was definitely known that they could not get a two-thirds vote to apply cloture.

So, Mr. President, rule XXII has served this country well. It has served the Senate well.

If we are going to get to the point that a majority of the Senate or a 60 percent majority of the Senate is able to apply its will against an out-voted minority without debate at any time it so desires, our country is in great danger. If we are going to get to the point that a majority or a 60 percent majority can cut off debate in the U.S. Senate, the rights of the people are in serious danger.

What is the use of having the Senate if a majority without debate can decide on matters of legislation? Why not take a straw vote? Why not take a poll? Why not send out a questionnaire to the members of the Senate? Why bother to come to the U.S. Chamber if no debate can take place?

If we can count noses and find that we have a majority and that the other side cannot even debate or that no attention will be paid to the debate because we have a majority, we do not need the minority or the majority, either one, to find what we are for and just rubber-stamp the legislation.

Mr. President, it has been my sincere hope that the Senate would not permit itself again to become entangled in the spider web of extended debate by reason of an effort to amend rule XXII to further restrict debate on nationally important issues presented to the Senate.

I am convinced that current "gag rule" efforts will prove futile and thus a needless waste of time. Much important legislation cries out for prompt Senate action.

If we had such a logjam of legislation at the close of the last session why is something not being done to bring it out, expedite it, get it on the Calendar, and get some action on it, rather than going through these motions of seeking to amend rule XXII, which does not need amendment, whereas much legislation does need to be enacted.

Moreover, no issue of greater importance will come before the Senate in this session than that which recommends an unwarranted limitation on the right of the Senate to debate important issues.

Mr. President, I said on several occasions that the vote taken in the early days of 91st Congress, where an appeal was taken from the ruling of the Vice President that a majority but less than a two-thirds majority by their votes had applied cloture to a debate on the amendment of rule XXII, was the most important vote that was taken in the entire 91st Congress because it decided whether this Senate was to remain a deliberative body, a body with the power to protect the rights of the minority, a body with the power to defend against the onslaughts of the majority, the onslaughts of big government, and the further taking over of legislative powers by the executive.

The opponents of the rules change, the opponents of a three-fifth cloture, those who seek to uphold rule XXII were successful in the last session of Congress but only because they had the independence, the fairness, and the courage of their convictions to vote to overrule the Chair which had made a previous contrary ruling. I believe that is the only occasion that I saw the Chair overruled in the 91st Congress. It is possible there were other occasions. I do not recall any other occasions and I believe it was the only time the Chair was overruled.

What was that ruling? Possibly we may

be faced with it again. The argument of the distinguished Senator from Kansas (Mr. PEARSON) indicated that one side or the other may be faced with an appeal at this point. That ruling was that a majority of the Senate could apply cloture, could cut off debate in the face of an expressed provision of the rules that it takes a two-thirds majority to apply cloture.

The reason assigned was the fact that it was insisted that the Senate rule was unconstitutional and the Vice President ruled on that question himself when actually he had no power from the rules, the Constitution, or from any statute to make any such ruling on a constitutional question. The Senate summarily reversed the Vice President on that occasion and said, in effect, that the Senate rules carry over from Congress to Congress unless amended in accordance with the rules of the Senate.

Of course, any effort to amend the rules is subject to extended debate which can be cut off only by the application of cloture through a two-thirds vote of a quorum of Senators present.

So, Mr. President, the Senate has ruled on that question and I trust that Senators will abide by that rule as found in the rule book, and as passed on by the Senate itself.

Section 5 of article I of the Constitution does give to each House of Congress the right to set its own rules. The Senate has complied with that section. They set their own rules. They said in those rules that they carry forward from Congress to Congress unless amended as provided by the rules.

Mr. President, when I was serving as lieutenant governor of the State of Alabama I had a similar question come before me as presiding officer of that body. It had to do with the bill providing for the right of a Governor of Alabama to succeed himself in office for another 4-year term. The constitution of the State of Alabama has since been amended but at that time it provided that a Governor could serve for one 4-year term and that he could not succeed himself. The constitutional amendment was introduced in the House and passed overwhelmingly. It came to the Alabama State Senate. The Alabama constitution provides that a constitutional amendment can be submitted only with the votes of three-fifths of the elected members of both parties, which would be the constitutional three-fifths. The Senate rules provided that cloture in the Alabama State Senate could be applied only by a two-thirds majority of the 35 member body. So it took 24 votes to apply cloture. It took 21 votes to submit a constitutional amendment. The argument was made that the rule of the Alabama State Senate requiring a two-thirds vote or 24 Senators to cut off debate was unconstitutional as regards a constitutional amendment because the constitution of Alabama provided that a constitutional amendment could be submitted by the votes of three-fifths of the members, which would be 21.

The proponents of the amendment could get 21 votes to apply cloture, but not 24. So it came to me to rule on the matter of whether the constitutional provision was that a constitutional amendment could be submitted with 21 votes, when it took 24 votes to apply cloture. I had to pass on almost the exact question that can be raised with respect to this resolution—Did the constitutional provision for 21 votes to submit a constitutional amendment take precedence over the 24-vote requirement for cloture? It was the ruling of the Chair that the 24-vote requirement on the application of cloture applied irrespective of the constitutional amendment.

They asked the advisory opinion of the Supreme Court of Alabama. The court followed the same reasoning that the presiding officer followed, which was that if the rules called for a 24-vote cloture, it did not matter whether the constitution said that 21 votes were enough to submit a constitutional amendment.

So the amendment was not submitted to the people of Alabama, and it resulted in the candidacy of the Governor's wife for Governor of Alabama, and she was elected. It was almost exactly the same point we have here, and the fractions also are the same.

But the ruling of the Senate itself is to the effect that, no matter when an effort is sought to amend the rules, whether it be in the opening days of the Congress, whether it be in the middle of the Congress, whether it be at the end of the Congress, the same rule applied—that debate on an effort to amend the rules can be cut off only with a two-thirds vote.

However, no issue of greater importance will come before the Senate in this session than that which recommends an unwarranted limitation on the right of the Senate to debate important issues. And to do so free from the ominous threat of a Damocleian sword hanging over the heads of Senators—one that can be triggered by cloture—cloture voted in some instances by less than a constitutional majority of the Senate.

I say constitutional majority of the Senate, which, of course, would be 51. It could be less than a constitutional majority. As I pointed out earlier in my discussion, it could be by as few as 34 Senators that debate could conceivably be cut off in the Senate, because it takes only two-thirds of a majority of a quorum of Senators under the rule. Now efforts are being made to liberalize that rule and make it easier to cut off debate.

Consequently, if proponents of further weakening rule XXII persist, the issue will be debated—extensively debated. The proponents know it. They know that they are inviting a needless, time-consuming, and futile paralysis of the U.S. Senate at a most critical time.

The people of the United States expect the Senate to get down to business and to do it promptly. However, if proponents of "gag rule" persist in their folly, let the finger of blame point directly to those who pursue that folly and let them answer to the people for their folly.

In this connection, the distinguished majority leader (Mr. MANSFIELD), has said that he knows of "no suave parliamentary tactics by which to bring legislation to a vote."

Mr. President, the above quotation is from the Congressional Quarterly of February 21, 1964. In the nearly 7 years since then every suave parliamentary tactic in the book and every tactic and device that could be conceived in the fertile minds of the most experienced and brilliant liberal membership of the Senate have been forged into weapons to strike a mortal blow at the constitutional right of U.S. Senators freely and publicly to analyze, evaluate, criticize, debate, and educate the American public from the floor of this forum on issues of vital importance to our Nation. Most of these efforts have failed in the past and I am confident that they will prove futile in this instance.

In the main, most recent efforts in past Congresses to limit debate have centered around ingenious efforts to obtain a particular ruling from the Chair—without which even proponents of "gag rule" have conceded that the present two-thirds vote rule to cut off debate could not be changed.

Mr. President, let me comment first on the novel proposition previously advanced that the U.S. Senate is not, in fact, a continuing body. If one were to accept this idea as a premise, it might reasonably be argued that the Senate at the beginning of a new Congress should determine the rules by which it proposed to conduct its business. However, the premise has been thoroughly demolished. All such inferences drawn from the premise were demolished with it.

As I pointed out earlier, rule XXXII of the U.S. Senate provides that the rules of one Congress carry over to subsequent Congresses, unless amended. That in itself would show that the Senators who put together these rules—and they come down to us from a century or more ago—realized that the Senate was a continuing body. This particular paragraph was added many years later, however.

As a commonsense proposition, the mere idea that the U.S. Senate could consider de novo all of its rules and change them every 2 years, including rule XXII which protects the right of debate, approaches the ludicrous. It would be hard to conceive of any circumstance more disruptive of the continuity of the legislative process than any such power in a simple majority of the Members of the Senate. Yet, proponents of "gag rule" call this a constitutional right in a majority. And as such, one that must be determined by the Senate every 2 years.

Mr. President, I submit that the very method by which the proponents of rule change have proceeded in introducing a resolution applicable only to rule XXII shows, in and of itself, that every other rule is being accepted. If that were not so, all we would have, when we got through, even if they succeeded, would be rule XXII, and nothing else. So it is quite obvious that the proponents of rule change have adopted every single rule in the rule book. They offer an amendment to rule XXII, thereby adopting and accepting, as in full force and effect, every rule of the U.S. Senate, including rule XXII.

The very procedure which was followed with respect to this resolution shows that they were following the rules of the U.S. Senate for the 92d Congress, continuing over from the 91st Congress. Else why would they not put in a resolution, saying that "For the 92d Congress, the following shall be the rules"? Instead they put in a resolution seeking to amend only rule XXII.

Well, rule XXII must be a rule, or what is there to amend? It has got to be accepted that it is a rule if you are going to amend it. How can you amend a rule that is not in existence, Mr. President?

So, by offering an amendment to rule XXII, they admit that rule XXII is in full force and effect.

Mr. President, I submit Senate Resolution 9, 92d Congress, first session, reading as follows:

> In the Senate of the United States, January 25, 1971, Mr. CHURCH (for himself and Mr. PEARSON) submitted the following resolution; which was ordered to lie over under the rule.

What rule? If we have got to start new rules when the 92d Congress convenes, what rules do we travel under? The very manner and method by which the proponents of the amendment have proceeded shows that they recognize that the rules of the 91st Congress are in full force and effect in the 92d Congress, and therefore they must be amended.

As the distinguished Senator from Kansas stated, the Senate has authority to set its own rules under section 5 of article 1 of the Constitution. That is quite true; but if he had even thought that the rules of the 91st Congress did not come over to the 92d Congress, why did not he and the distinguished Senator from Idaho put in a full and complete new set of rules? The answer is that they knew that all of the rules carried forward, and it was incumbent upon them to do what they seek to do by the resolution under discussion—that is, to amend rule XXII.

Let us go on with the reading:

> Resolution amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

What rules of the Senate? If we have to establish new rules at each Congress, what rules are we amending?

> *Resolved*, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

Mr. President, I am submitting this examination and analysis of Senate Resolution 9 to prove without question that it is accepted by the proponents of the pending resolution that the rules of the 91st Congress are in full force and effect, and that they have filed their resolution, not as new Senate rules, but as an amendment to rule XXII. Therefore, the present rules of the Senate, coming over from the 91st Congress, would control as regards the limitation upon debate on any matter properly coming before the Senate under the rules.

So the Senate rules for the 91st Congress give any Senator or any group of Senators the right to debate a change in the rules until that debate is cut off under the rule; and the only rule by which debate can be cut off is rule XXII, requiring a two-thirds vote of a quorum of the Senate present.

So, Mr. President, it has been insisted by the proponents that you have to have new rules at each session of the Senate, under the right of the Senate to make its rules. We would have to have rules de novo, then. We would not amend a rule that did not exist. But if, on the 26th day of January, we are considering a resolution to amend rule XXII, where does that rule come from except as a carryover from the 91st Congress? And, by offering an amendment to rule XXII, does that not prove beyond the peradventure of a doubt that the present rules have been accepted, and that the amendment offered is an amendment to the present rules which are now in full force and effect, requiring a two-thirds vote of a quorum of the Senate present, to cut off debate?

If one were to accept this idea that the Senate is not a continuing body, it might reasonably be argued that the Senate, at the beginning of a new Congress, could determine the rules by which it proposes to conduct its business. So obviously we have selected the rules of the 91st Congress, since it is provided by our rules that they carry over, and they have recognized that fact by offering an amendment to those rules.

However, the premise has been thoroughly demolished that the U.S. Senate is not in fact a continuing body. As a commonsense proposition, the mere idea that the U.S. Senate should consider de novo all its rules and change them every 2 years, including rule XXII, which protects the right of debate, approaches the ludicrous. It would be hard to conceive of any circumstance more disruptive of the continuity of the legislative process than any such power in a simple majority of the Members of the Senate.

Now, Mr. President, we go to the proposition that we do not have rule XXII. Admit that for the sake of argument, and we will revert back to the days when there was no cloture provision. How are they going to cut off debate in any fashion, if rule XXII is not a delegation of rights, but a limitation of rights? And that is exactly what it is. Without rule XXII, there is no right to cut off debate. So they have to accept rule XXII in order to have any vehicle by which to cut off debate. So they are seeking to amend that rule, a rule which they say does not exist, because they are making new rules in the Senate.

Yet, the proponents of the gag rule call this a constitutional right in a majority and as such one that must be determined by the Senate every 2 years.

Mr. President, let me comment on just one more discredited argument previously presented by the proponents of "gag rule." I have reference to a motion to move the previous question, a rule we do not have in the Senate. There has been some talk that an effort is going to be made to provide for this method of procedure. This bearded motion had slept, like Rip Van Winkle, well over 100 years, and is as inappropriate to modern senatorial procedures as the horse and buggy is to modern transportation.

Imagine what would happen were this motion revived. What would be the results if a simple majority of the Senators present and voting could put an end to debate? Of course, those who suggest a revival of the Rip Van Winkle motion would presumably limit its application to the opening days of a new Congress. But consider the effects. Every rule in the book could be changed on the whim or caprice of a bare majority every 2 years, without debate.

Mr. President, I heartily concur in the previously cited observation of the majority leader that there are no suave parliamentary tactics to shut off debate, and I applaud the distinguished majority leader when he states that even if there were parliamentary tricks and tactics to silence the opposition, he would not employ them.

I recall very vividly that when the appeal was taken from the ruling of the first session of the last Congress, the ruling of the then President of the Senate (Mr. HUMPHREY) the distinguished majority leader (Mr. MANSFIELD) voted to overrule the ruling of the chair, by his vote stating that he felt that the rules of the preceeding Congress did carry over and had to be amended as provided by the rules before they were supplanted.

It will be said, of course, that the Senate needs to revise its rules to facilitate the transaction of business. In this judgment, I heartily concur. But I concur with the reservation expressed by the distinguished Senator from West Virginia (Mr. BYRD), who has studiously addressed his extraordinary talents and energies to this problem and who has invoked the wisdom of his vast experience to finding a solution. I have alluded to this earlier in my extemporaneous remarks.

On December 31, 1970, Senator BYRD acknowledged a need for certain changes in the Senate rule, but observed:

> We do not have to change Rule XXII to get to the neck of that problem . . . the Senate does look bad when it is caught in a logjam and it cannot extricate itself. But let us not change the wrong rule.

The distinguished Senator from West Virginia (Mr. BYRD) went on to suggest a series of proposed changes that would do much to avoid a repetition of the experience of the last day of the past session of Congress. He proposed an amendment to rule XVI by adding a new paragraph which deals primarily with appropriation bills. Senator BYRD has indicated his intention to resubmit his resolution in this Congress and an intent to conduct hearings to explore the feasibility of his proposal or any other proposal of rules changes that Senators may wish to submit.

Mr. President, reason and practicality argue the wisdom of referring any proposed change in rule XXII to the Committee on Rules and Administration. There, again, we have this very matter before us, as a result of the application of the Senate rules, as provided in the Senate rules, that a resolution to amend the rules of the Senate can be considered only after 1 day's notice. It was on the last legislative day, on Monday, that the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Kansas (Mr. PEARSON) filed their resolution together with a notice that today the matter would be called up for consideration. Where did they get that rule, to proceed in that fashion? If we had had no rules, if each Congress would have to provide new rules, what were they proceeding under when they filed that resolution of 1 day's notice? That is provided in the Senate rules, the rules of the 91st Congress, which have now, under rule XXXII of the Senate rules, become the rules of the 92d Congress.

This very morning, during the morning hour, the resolution was motioned up under the rules, under the rules of the 92d Congress, which are carried over from the 91st Congress, and then, at 15 minutes after the hour of 1 o'clock, under the rules of the 92d Congress, which carried over to us from the rules of the 91st Congress, the resolution was withdrawn from consideration by the Senate under the rule, because it could be considered only for a period of 2 hours after the convening of the Senate. It was at that time that the distinguished Senator from Kansas, also under the rules, moved to bring up for consideration this resolution. It was then that the junior Senator from Alabama made a motion to postpone the important question of the motion to bring up the rules change resolution by moving to postpone the consideration of that motion to the next legislative day, which is the motion we are now discussing.

All these procedures, every single one of them, were taken under the rules of the 92d Congress. They were taken in the 92d Congress under the rules, I submit, of the 91st Congress, which, under rule XXXII of the Senate rules, have now become the rules of the 92d Congress.

The proponents of this rules change show that they recognize that that is correct by their proceeding under the Senate rules.

Mr. President, I sincerely urge the leadership of both parties to get behind a motion to refer any proposed change of the standing rules to the Committee on Rules and Administration.

Now, Mr. President, there again, we are proceeding under the rules of the 91st Congress which allowed this resolution to be considered by the Senate without ever going to the Committee on Rules and Administration. It is the usual custom, except under a special rule of the 91st and 92d Congresses, that a resolution shall go to the Committee on Rules and Administration, but by following the rules of the 92d Congress, formerly the rules of the 91st Congress, it was possible to bring this resolution to the Senate without ever being referred to the Committee on Rules and Administration.

Mr. President, let me urge Senators of both parties to forego this needless waste of time. Let us face it, there is no such thing as unlimited debate. Under standing rules of the Senate, cloture may be invoked by simple procedures. These rules are in effect, one of which—Senate rule XXII—provides in part that:

> 2. The Rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these Rules.

This last rule should not be changed by resort to parliamentary tricks or tactics. For, once again, quoting the distinguished majority leader, Mr. MANSFIELD:

> I can think of nothing better designed to bring this institution into public disrepute and derision than a test of this profound and tragic issue by an exercise in parliamentary pyrotechnics.

We have witnessed over the past few years a series of quantitative changes in Senate rule XXII. Most of these changes have been in the direction of establishing absolute majority rule in the Senate. The adoption of an additional limitation on the right of debate in the Senate in my judgment would lead us dangeriously close to a revolutionary qualitative change in the U.S. Senate as an institution.

It is no secret that some Senators view the prospect of majority rule as "a consumation devoutly to be wished." I shudder to think of the consequences. But let there be no doubt that a qualitative change in the Senate is the ultimate goal and that any further weakening of the protection provided by extended debate will move us closer to that end. Closer also to such far-reaching dangers as to stagger the imagination.

I hope most sincerely that it will not be necessary to discuss at length these possibilities. Yet, it is an unavoidable duty of Senators who foresee dangerous consequences to alert the American people to the issues involved and to do their best to educate the public in the values which would be sacrificed if we further restrict the right of a minority to debate issues which are important to the welfare of this Nation and to the welfare of posterity.

Well, Mr. President, I feel that the force and effect of the Senate rules, as carried over to the 92d Congress from the 91st Congress has been clearly recognized, that any amendment to the Senate rules can be debated at length and that any cutting off of debate will have to be under the rules as they now exist, because the very resolution seeking to amend the rule, amends rule XXII of the Senate, which is now in full force and effect, and will remain in full force and effect in all its particulars until it is amended by action of the Senate in accordance with the rules.

In furtherance, then, of my motion that the motion to proceed to the consideration of the resolution be postponed to the next legislative day, I do hope that the motion will be agreed to, and that on the coming legislative day we will take action on this most important question.

Mr. President, an interesting booklet, a committee print, has been prepared by the Committee on Rules and Administration of the Senate, having to do with the Senate cloture rule. It sets out in chronological order the history of some of the efforts to limit debate in the Senate, going all the way back to 1789.

The first rules in the Senate were adopted, of course, in 1789. The first Senate adopted 20 rules. We have about twice that number at this time.

The rules were modified in 1806. At that time, reference to the "previous question," which had been provided for in the rules of 1789, was omitted. It had been used only three times during the 17 years from 1789 to 1806, and has never since been a rule of the Senate in 164 years.

1807—In the following year, 1807, debate on an amendment at the third reading of a bill was forbidden. From this time until 1846 there were no further limitations on debate in the Senate.

1841—On July 12, 1841, Henry Clay brought forth a proposal for the introduction of the "previous question," which he stated was necessary by the abuse which the minority had made of the privilege of unlimited debate. In opposing Clay's motion, Senator Calhoun said:

> There never had been a body in this or any other country in which, for such a length of time, so much dignity and decorum of debate had been maintained.

He was talking about the Senate prior to 1841 when he was handing out these compliments. Clay's proposition met with very considerable opposition and was abandoned. Clay also proposed adoption of the "hour rule" for the same purpose, but that proposal was also abandoned.

1846—A species of cloture is the unanimous-consent agreement used frequently in this body to request unanimous consent that certain measures will be voted on at a particular time, or at such and such a time a Senator will be allowed to speak for a certain length of time, which does expedite proceedings in the Senate. This is a device for limiting debate and expediting the passage of legislation which dates back to 1846 when it was used to fix a day for a vote on the Oregon bill. Such agreements are frequently used to fix an hour at which the Senate will vote, without further debate, on a pending proposal.

1850—On July 27, 1850, Senator Douglas submitted a resolution permitting the use of the "previous question." The resolution was debated and laid on the table after considerable opposition had been expressed.

This was back in 1850, no limitation whatever on debate in the Senate, whereas rule XXII provides for a very definite and reasonable limitation on debate.

1862—As the business to be transacted by the Senate increased, proposals to limit debate were introduced frequently in the following Congresses, but none was adopted.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. For what purpose?

Mr. JAVITS. So that I might ask unanimous consent that the Senator yield to me for the purpose of submitting a substitute for the pending rule change without losing his right to the floor.

Mr. ALLEN. Mr. President, I ask unanimous consent that I might yield to the Senator from New York for the purpose of his submitting an amendment to the pending resolution without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED AMENDMENT OF STANDING RULES OF THE SENATE—AMENDMENT

AMENDMENT NO. 1

Mr. JAVITS. Mr. President, on behalf of the senior Senator from Michigan (Mr. HART) and myself, I send to the desk an amendment amending rule XXII of the standing rules of the Senate in the nature of a substitute to Senate Resolution 9.

The Presiding Officer. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, our proposal would change the rule so that a majority of Senators can vote to limit debate, rather than the two-thirds now required.

This is hardly a new issue for Senator Hart and me—and numerous other Senators who have sought for more than a decade to amend rule XXII. We believe that since the Constitution makes no provision for two-thirds votes except in cases of confirmation and constitutional amendments, any rule which imposes these conditions thwarts the intent of the Founding Fathers. During the 1960's, the filibuster enabled opponents to delay the passage of vitally needed civil rights legislation. More recently, it has been used equally successfully by liberals to prevent or delay the passage of legislation of a very different kind. But no matter whether one approves or opposes the end legislative result of the tactic it is clear that as a parliamentary device, it has subjected the Senate to diminution in the people's confidence, and creates in the minds of the press and the public the impression that we cannot get our work done. Americans are wearying of being told that the Senate cannot come to grips with the urgent issues of the 1970's because of the opposition of one-third of its Members. The questions which face our Nation today are too profound to be left unsolved without even a vote.

The beginning of a new Congress is the only opportunity we will have for 2 years to amend this anachronistic rule—XXII. Because we believe that a proposal for three-fifths cloture—as introduced by Senators Church and Pearson—has a far better chance of adoption than our majority cloture resolution, we will give our full support to the three-fifths proposal and will not call up our resolution for consideration.

Mr. President, we do this so that the membership will be apprised of our view. If the Church-Pearson proposal is not acted upon affirmatively, we reserve the right to call up our proposal.

Mr. President, I ask unanimous consent that my remarks appear in a different place in the Record.

Mr. ALLEN. Mr. President, I ask unanimous consent that the remarks of the distinguished senior Senator from New York be printed in the Record where given.

The PRESIDING OFFICER (Mr. Church). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, the substitute amendment submitted by the senior Senator from New York (Mr. Javits) confirms what the junior Senator from Alabama has been suggesting during the course of his remarks, that the change from two-thirds cloture to three-fifths, or 60 percent, cloture is merely the forerunner or an opening wedge for what is really sought, and that is majority cloture.

As a matter of courtesy, the junior Senator from Alabama did yield to the distinguished Senator from New York (Mr. Javits) in order that he might submit his substitute proposal. Of course, the junior Senator from Alabama opposes majority cloture or a constitutional majority, 51 percent, just as strongly and more so than he does the pending resolution.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me for an inquiry and perhaps a colloquy with the understanding that by his doing so, he will not lose his right to the floor and will not have subsequent remarks that he may make after the interruption count as a second speech?

Mr. ALLEN. Mr. President, I would be delighted to yield under those circumstances. I ask unanimous consent, Mr. President, that I may yield to the Senator from North Carolina under those circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, as I understand it, the Senator from Alabama takes the position that the proposal to change the cloture rule from the present requirement that two-thirds of those present and voting may invoke cloture to 60 percent is merely a way station on the way to having majority cloture.

Mr. ALLEN. So it would seem to the junior Senator from Alabama.

Mr. ERVIN. Mr. President, does not the Senator from Alabama think that the action of the distinguished Senator from New York affords conclusive proof of that fact?

Mr. ALLEN. Yes, I do.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that these proposals to act in these various stages bring to mind the story of the man who had a long-tailed dog and cut off a little of the dog's tail at a time to keep it from hurting too much.

Mr. ALLEN. There is a similarity.

Mr. ERVIN. Mr. President, does not the Senator from Alabama infer, as does the Senator from North Carolina, that the proposal presented by the Senator from New York in behalf of himself and the distinguished senior Senator from Michigan (Mr. Hart) is based mainly upon the proposition that section 5 of article I of the Constitution provides that each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business, and that any rule that prevents a majority from acting at any time amends the Constitution?

Mr. ALLEN. Mr. President, I agree with the Senator from North Carolina.

Mr. ERVIN. Mr. President, in other words, the provisions of section 5 of article I of the Constitution would be interpreted as depriving the Senate of the power to make a rule that would restrict action by the majority to be valid, then it would be invalid for the Senate to adopt any rules which would have the effect of keeping the Senate from acting at any time and inhibiting the majority.

Mr. ALLEN. Mr. President, it looks like that would follow.

Mr. ERVIN. So any rule of the Senate except those that might have constitutional sanction like the rule which requires two-thirds of the Senate to expel a Member, all other rules of the Senate would be unconstitutional if they provided that a majority were delayed for as much as a single second in imposing its will upon the Senate and the country.

Mr. ALLEN. That would seem to me to be true.

Mr. ERVIN. So the result of the theory which underlies the proposal of the distinguished Senators from New York and Michigan is that notwithstanding the provision that says that each House may determine the rules of its proceedings, neither the Senate nor the House can ever adopt a rule which says anything except that the majority of the Senate or the majority of the House can act at any time on any proposition without any inhibitions or any delays.

Mr. ALLEN. That seems to me to be true.

Mr. ERVIN. So, that theory would negative the theory of the Constitution that each House may determine the rules for its own proceedings and it would be a vain thing to adopt any rule unless it says that the majority can act at any time.

Mr. ALLEN. That appears to the Senator from Alabama to be true.

Mr. ERVIN. Mr. President, can the Senator from Alabama imagine greater chaos and greater bedlam than would prevail in a legislative body that could have no constitutional rule for its government except the rule that the majority could act at any time without any delay?

Mr. ALLEN. It would certainly make for chaos.

Mr. ERVIN. I thank the Senator. I commend the Senator for his very fine exposition of the constitutional basis of the power of the Senate to adopt as a continuing body continuing rules. The Senate could not be a continuing body unless it had the power to adopt continuing rules.

Mr. ALLEN. That is correct. I appreciate the comments of the distinguished Senator from North Carolina.

Mr. President, at this time I wish to make a parliamentary inquiry as to the exact status of the amendment presented by the distinguished Senator from New York with respect to his amendment.

The PRESIDING OFFICER (Mr. Church). The Senator will state it.

Mr. ALLEN. Has it been offered as a substitute to the pending Church-Pearson resolution? Does it merely lie on the Secretary's desk to be called up by the distinguished Senator from New York?

The PRESIDING OFFICER. The amendment has been submitted for printing, to lie on the table, and it has not been offered as a substitute.

Mr. ALLEN. As to that, I would raise the point of order that if it has been offered separately, it does not comply with the 1-day notice rule of the Senate.

The PRESIDING OFFICER. It has not been offered as an amendment to the pending measure or as a separate resolution.

Mr. ALLEN. Yet the distinguished Senator from New York said he would insist upon the amendment if the resolution offered by the distinguished Senator from Idaho and the distinguished Senator from Kansas was not adopted, indicating it occupies an independent status.

The PRESIDING OFFICER. At this point, it occupies no status at all. It was submitted to be printed. Until it is called up as an amendment, it has no status.

Mr. ALLEN. Mr. President, could it be submitted at all in the absence of the 1-day notice, since it amends the rules and a 1-day notice is required?

The PRESIDING OFFICER. If it were submitted as a separate resolution, that would be required.

Mr. ALLEN. He said he would not insist upon it unless the present resolution failed of adoption.

I was asking a question as to the exact status of the Senator's resolution or amendment.

Mr. JAVITS. Mr. President, will the Senator yield without losing his right to the floor?

The PRESIDING OFFICER. The Chair will state that the Senator from New York was speaking in futuro. He has simply submitted the amendment in the form of a substitute for the purpose of having it printed. But it has not been called up, and it has no status.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. JAVITS. That is exactly correct. The Chair has stated it correctly. I submit it in the nature of an amendment, but I do not call it up.

Mr. ERVIN. Mr. President, a parliamentary inquiry, if the Senator from Alabama will yield.

Mr. ALLEN. I yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, the Senator from New York stated, if the hearing apparatus of the Senator from North Carolina is in working order, that he would not call it up at all unless the resolution proposed by the distinguished Senator from Idaho and the distinguished Senator from Kansas was defeated. Therefore, it cannot be an amendment.

Mr. JAVITS. Mr. President, will the Senator yield without losing his right to the floor?

Mr. ERVIN. I am asking a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BELLMON). The Senator is correct. Once the resolution is acted on, the amendment would not be in order.

Mr. JAVITS. Mr. President, I suggest two instances to the Senator where my words are accurate. First, if this should be tabled entirely, then I could call it up independently; second, if it should be talked to death, we might decide at that time that is the end of it, and it is defeated for practical purposes, and we could call it up as a substitute. I do not see any legal validity of a position on that particular subject so long as I have not called it up and have just asked that it be printed.

The PRESIDING OFFICER. The Senator would not be precluded from offering it as a separate resolution.

Mr. JAVITS. I thank my colleague.

Mr. ALLEN. At what point would it not require 1 day's notice, since it changes the rules?

The PRESIDING OFFICER. The Chair will state that introducing it and calling it up for vote are two separate things. He could introduce it. Then it could be acted on under the Senate rules.

Mr. ALLEN. I thank the Chair for clarifying the question.

I wish to point out some of the efforts in the last 100 years or more to change some of the procedures in the Senate with respect to choking off or closing debate in the Senate.

On July 27, 1850, Senator Douglas submitted a resolution permitting the use of the "previous question." The resolution was debated and laid on the table after considerable opposition had been expressed.

In 1862, as the business to be transacted by the Senate increased, proposals to limit debate were introduced frequently in the following Congresses but none was adopted until the Civil War. On January 21, 1862, Senator Wade introduced a resolution stating that:

> In consideration in secret session of subjects relating to the rebellion, debate should be confined to the subject matter and limited to 5 minutes, except that 5 minutes be allowed any member to explain or oppose a pertinent amendment.

On January 29, 1862, the resolution was debated and adopted.

In 1868 a rule was adopted providing that:

> Motions to take up or to proceed to the consideration of any question shall be determined without debate, upon the merits of the question proposed to be considered.

Subequent to that the Senate very wisely amended its rule and provided that motions to take up could be debated and once the motion that the junior Senator from Alabama made to postpone consideration of the motion to take up is disposed of, we will get down to the motion to take up. Then, if that is ever passed, we will get to the resolution having to do with the rules change.

Back in 1868, though, they did have a rule that the motion to take up or proceed to the consideration of any question shall be determined without debate. The Senate has very wisely changed that provision.

The object of this rule, according to Senator Edmunds, was to prevent a practice which had grown up in the Senate:

> When a question was pending, and a Senator wished to deliver a speech on some other question, to move to postpone the pending order to deliver the speech on the other question.

Of course, in the Senate now it is not necessary to postpone or substitute motions because a Senator can discuss any matter, whether germane or not, after 3 hours following the laying down of the unfinished business and the transaction of any business—only during that first 3 hours must discussion be germane. However, we have been discussing this for quite a few hours, and it would be my thought that discussion should be germane. I do not think we will have any difficulty making all of our discussions germane to the question of whether or not the Senate rules should be amended and whether or not it should be made easier to choke off or to gag debate in the Senate.

According to Mr. Turnbull, the object of the rule was to prevent the consumption of time in debate over business to be taken up. The rule was interpreted as preventing debate on the merits of a question when a proposal to postpone it was made.

In 1869, a resolution pertaining to the adoption of the "previous question" was introduced, and three other resolutions limiting debate in some form were introduced in the first half of 1870; but there is no indication that they were accepted. They were only introduced.

In 1870, the Senate, on appeal, sustained the decision of the Chair that a Senator may read in debate a paper that is irrelevant to the subject matter under consideration.

On December 6, 1870, in the third session of the 41st Congress, Senator Anthony, of Rhode Island, introduced the following resolution:

> On Monday next, at 1 o'clock, the Senate will proceed to the consideration of the Calendar and bills that are not objected to shall be taken up in their order; and each Senator shall be entitled to speak once and for 5 minutes, only, on each question; and this order shall be enforced daily at 1 o'clock till the end of the Calendar is reached, unless upon motion, the Senate should at any time otherwise order.

I am sure most Senators recognize that as the basis or substance of what is now rule VIII of the U.S. Senate.

On the following day, December 7, 1870, the resolution was adopted. This so-called Anthony rule for the expedition of business was the most important limitation of debate yet adopted by the Senate. But, as we all recall, rule VIII is very, very seldom used here in the Senate.

The rule was interpreted as placing no restraints upon the minority, however, inasmuch as a single objection could prevent its application to the subject under consideration. So this limitation would not apply if one Senator made an objection.

On February 22, 1871, another important motion was adopted which had been introduced by Senator Pomeroy and which allowed amendments to appropriation bills to be laid on the table without prejudice to the bill.

Since a precedent established in 1872, the practice has been that a Senator cannot be taken from the floor for irrelevancy in debate.

I am sure that that ruling gave rise to the so-called Pastore rule, which, as I said a moment ago, provides that for the first 3 hours after the unfinished business is laid before the Senate or any business is transacted in the Senate, debate must begermane on the question before the Senate. It is a very fine rule and does expedite the business of the Senate, which certainly we all are striving to achieve—to expedite the business here in the Senate and bring matters up for discussion and final decision at the earliest possible moment.

I feel sure, as we have discussed this matter to the point of postponing it to the next legislative day, after a reasonable amount of debate on the next legislative day we will get down to the consideration of the question pending at that time before the Senate.

On April 19, 1872, a resolution was introduced "that during the remainder of the session it should be in order, in the consideration of appropriation bills, to move to confine debate by any Senator, on the pending motion, to 5 minutes." On April 29, 1872, this resolution was finally adopted, 33 yeas to 13 nays. The necessity for some limitation of debate to expedite action on these annual supply measures caused the adoption of similar resolutions at most of the succeeding sessions of Congress.

I believe this is one area the Senate is overlooking, and I believe that there is a fairly general feeling that some more reasonable or less stringent requirement than a two-thirds majority be applied to such matters as appropriation bills and revenue bills. As I pointed out earlier, one of my own predecessors in the office of U.S. Senator from the State of Alabama, Senator Oscar W. Underwood, did propose, way back in 1926, a resolution to limit debate by majority vote on appropriation and revenue bills. I am not absolutely sure that I would be willing to go along on that, because huge appropriation bills are part and parcel of the effort to make big government bigger, to add to the mushrooming of Federal bureaucracy, to concentrate power in the executive government, to concentrate power in Washington.

I noticed that one of the Members of the other body, in commenting on the President's state of the Union address, said that after listening to it and reading it he still did not know what the state of the Union was; that nowhere in the state of the Union address did the President state what the state of the Union was.

And he commented on the proposition that the President is talking about sending money back to the people back home from Washington. He offered the simple, and I fear all too simple, suggestion that instead of collecting money from the people and then sending it back home, we just ought to collect less from the people back home, and that would accomplish the same thing. But I have no feeling that that policy will be pursued.

But there is reason for feeling that appropriation bills and revenue bills might possibly have a little stronger case in the matter of closing out debate than other matters.

The distinguished Senator from West Virginia (Mr. BYRD) made that suggestion during the closing days of the last Congress. I believe, certainly with respect to appropriation bills, that was one type of bill that did hold the Senate up in the final days of the 91st Congress.

In March 1873 Senator Wright submitted a resolution reading in part that debate shall be confined to and be relevant to the subject matter before the Senate, and that the previous question may be demanded by a majority vote or in some modified form. On a vote in the Senate to consider this resolution the nays were 30 and the yeas 25—thereupon turning down the use of the previous question, which would close off the right to debate at any time.

In 1879 the Chair counted a quorum to determine whether enough Senators were present to do business.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me to give a quotation from Senator Moses, of New Hampshire, on the question of the previous question, with the understanding that by so doing he will not lose the floor or have his subsequent remarks counted as a separate speech?

Mr. ALLEN. I will be glad to yield under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Senator George H. Moses of New Hampshire had this to say about the use of the previous question in the early days of the Senate, which shows that the previous question, as used in the Senate in those days, was quite different and had quite a different effect from the previous question as used in other legislative bodies:

> Debate in the Senate in its early days had few restraints. The previous question existed, but in a rudimentary form only as modern parliamentarians would regard it. It was itself debatable; it could not be used upon amendments; nor could it be applied while sitting in Committee of the Whole. In this form it stood in the Senate rules for 17 years, during which it was moved only 4 times and only 3 times carried.

In other words, he pointed out in this statement that while the Senate had a procedure called the previous question, it was not the previous question at all in the modern sense of that term, in that when you moved the previous question in those days in the Senate, the motion itself was debatable; so it was not really the previous question in its present form at all, according to Senator Moses.

Mr. ALLEN. I appreciate that information. Certainly, if the previous question should be debatable, you would be back exactly where you were before with the main question before you. So certainly even the adoption now of the previous question would be no different from debating the main issue, as we have a right to do now. I appreciate that information.

It is stated that from 1873 to 1880, nine other resolutions were introduced confining and limiting debate in some form. I say all of this, Mr. President, to point out that the matter of limiting debate has been up time and time again in the U.S. Senate, and, as a result of the experience of this body—this continuing body, Mr. President, if you please—based upon looking back through the decades to the early days of this Nation, way back to 1789, when the Constitution was adopted by the requisite number of States, and we had the first Congress—you know, you can always tell the age of our Nation under the Constitution by multiplying the number of the Congress that you have just completed by two, and you get the age of the Nation under the Constitution. We have just completed the 91st Congress, so we are 182 years old under the Constitution.

Based on this 182 years of experience of the Senate as a constitutional body, and with the scores of great men who have sat in this Chamber—and I believe this very Chamber here was first occupied in 1859, after the Senate had stayed in the old Supreme Court room just down the hall 40 years, from 1819 to 1859. I was interested in reading just the other day that one of the very first acts of the U.S. Senate after occupying the Chamber just down the hall back in 1819 was to pass a resolution admitting the State of Alabama to the Union of States.

The Senate sat there from 1819 to 1859, and then in this Chamber here, I assume with the same outline of the present Chamber, since 1859, during which time we have had such great Senators as those whose portraits appear out in the reception room, Webster, Clay, Calhoun, Robert A. Taft, and Bob LaFollette, who were chosen as the five greatest Senators of all time. We have had the advantages of their experience, their legislative know-how, and their political philosophies to guide us, and the attempts that have been made all through these decades, through these 182 years, to limit debate; and we have refined those various efforts and those various thoughts, and now we can reach in and pull out the finished product, which is what we have ended up with as rule XXII. I have read all these efforts that have been made in past times to limit debate in the U.S. Senate, and what we finally have come up with as being fair to the majority and fair to the minority, based on this experience that the Senate has had. It is not something that we just passed hurriedly last session or the session before; it is a refinement of all of the thoughts of great Senators in the past having to do with limitation of debate in this body, the protection of minorities, the recognition of the rights of majorities, the general welfare of all the people of this country, and we have come up with a provision saying that we do not have unlimited debate in the U.S. Senate.

We speak sometimes of there being unlimited debate. I guess the only way you could actually have unlimited debate would be that if someone gains the floor on a debatable subject, he has the right to speak without limitation; he can talk as long as the words will come forth from his mouth, and as long as his physical stamina will permit him. That is the only type of unlimited debate that we have in the Senate, because debate as a whole can be cut off, with a very reasonable requirement that if the merits of the proposal are so preponderant that they are obvious to two-thirds of the Members of this body, then that two-thirds can say to the one-third, "We are going to let you debate a reasonable length of time, and then we are going to close off debate," and that is the provision that is made by rule XXII, far from granting unlimited debate. We do not have unlimited debate in the U.S. Senate. Based on our experiences in the past and the refinement of all of the suggestions that have been made down through the generations from 1789 to the present time, what has been concluded to be right and fair is rule XXII.

Now, as the distinguished Senator from New York seeks to do, and as I suggested in my early remarks what is really sought by the resolution under consideration, is whether this is an entering wedge to majority cloture by a constitutional majority, which would be 51. And if we ever get to where 51 Senators can shut off debate, we shall have absolute rule by a majority, with no protection for the rights of minorities. Minorities today may be majorities later, and if the majority today in years to come becomes a minority, it will certainly regret ever having run roughshod over the rights of the minority.

The distinguished Senator from New York (Mr. JAVITS) was violently opposed to the trade bill, and served notice that he was going to debate it at length. I do not know whether he spoke of filibustering it, because it has been the observation of the junior senator from Alabama that when a Senator from one of the Southern States speaks at length, or even not so much at length, on a question, he is said to be filibustering, but that is not always the word that is applied to Senators from other sections of the country. But the Senator from New York did state that he was going to speak at length against the trade bill.

The Senator from Wisconsin was able to defeat the full funding of the SST by a filibuster. Yet, I understand that he favors the pending resolution.

The very people who made use of the extended discussion in the 91st Congress are some of the very people who are seeking now to make it easier to cut off debate.

So I would say to the distinguished Senator from New York (Mr. JAVITS) that if we get this constitutional majority cloture, we are going to see enacted by the Senate the trade bill that he opposes so adamantly. I say to the distinguished Senator from Wisconsin, who is fighting the SST, that if we get majority cloture in the Senate, we are going to see the executive department, the administration, put through whatever requested appropriations they want, whether it be for the SST, whether it be for foreign aid, or whatever it may be for.

So I would say to them that, whereas in the past it has been southerners who have been discussing at length any change in the filibuster rule, it is the Senators of liberal thought, as he, himself, said in his short statement when he submitted an amendment to the pending resolution, who used the filibuster toward the end of the 91st Congress.

Mr. President, those who are going to seek to modify and change the cloture rule to provide for majority rule cloture are going to find that the devices they were able to use and employ in defeating proposed legislation they wanted to defeat are no longer going to be available to them.

Rule XXII, as I have stated, is not a conferring of the right to unlimited discussion or extended discussion. It is a limitation on the right to extended discussion. So if we fix it to where a majority can cut off debate, we are going to have no rights whatever in the minority that cannot be trampled upon by a simple majority vote.

On February 16, 1881, a resolution to amend the Anthony rule was introduced. The Anthony rule was the forerunner of rule VIII. This proposed to require the objection of at least five Senators to pass over a bill on the calendar. The resolution was objected to as a form of "previous question" and defeated. Senators did not like the previous question debate in those days, and I trust that they have the same regard for the previous question.

Senator Edmunds, in opposing the resolution, said:

> I would rather that not a single bill shall pass between now and the 4th day of March than to introduce into this body (which is the only one where there is free debate and the only one which can under its rules discuss freely measures of importance or otherwise) a provision which does in effect operate to carry a bill either to defeat or success with only a 5 or 15 minutes' debate and one or two Senators on a side speaking.

Mr. President, those words, uttered February 16, 1881, 90 years ago, could very well have been uttered here on the floor of the Senate in connection with this debate. He refers to the Senate as the only one—the only legislative body, that is—"where there is free debate and the only one which can under its rules discuss freely measures of importance or otherwise." Right there, Senator Edmunds put his finger on the fact that makes for the greatness of the U.S. Senate. It is the only legislative body "where there is free debate and the only one which can under its rules discuss freely measures of importance or otherwise."

So he said he would rather not a single bill pass between February 16 and March 4 than to introduce into this body a provision which does in effect operate to carry a bill either to defeat or success with only a 5 or 15 minutes' debate and one or two Senators on a side speaking. That is a danger that he foresaw if this type of rules change should be made, to limit debate in that fashion. He said:

> I think it is of greater importance to the public interest, in the long run and in the short run, that every bill on your Calendar should fail than that any Senator should be cut off from the right of expressing his opinion and the grounds of it upon every measure that is to be voted upon here * * *.

Mr. President, if we do provide for majority cloture in the Senate, if we do provide for three-fifths or 60 percent cloture in the Senate, and later move to majority vote, the Senate is going to lose its greatness as a legislative body. It is going to be a slow moving computer. That is what the Senate would degenerate into. We might as well set up a computer center on this floor for the Senators back in their home States to feed into the computer the information as to how they stand on various bills, make this Chamber into a big computer, and Senators would never have to leave their home States. We would just grind out these bills, tabulate them, press the button on the computer, and find out whether this bill passed or that bill passed or the other bill passed. We would not need the Senators here in person to express their views, to express the views of their constituents, to express the opinions of their home folks on measures pending before the U.S. Senate. That is where we are headed if we go to majority vote cloture.

In 1881, the Senate agreed, for the remainder of that session, to limit debate to 15 minutes on a motion to consider a bill or resolution, with no Senator to speak more than once or for longer than 5 minutes. That was February 12, 1881, when doubtless, at that time, the Congress went on up to possibly the 3d of March so that only 20 days were left in the session, and the Senate agreed to remain in session to limit debate. That was a temporary expedient for the purpose of limiting debate for the next 20 days of that session—not a permanent rule of the Senate.

1882—On February 27, 1882, the Anthony rule was amended by the Senate, so that if the majority decided to take up a bill on the calendar after objection was made the ordinary rules of debate without limitation would apply. The Anthony rule could only work when there was no objection whatever to any bill under consideration. When the regular morning hour was not found sufficient for the consideration of all unobjected cases on the calendar, special times were often set aside for the consideration of the calendar under the Anthony rule.

1882—On March 15, 1882, a rule was considered whereby "a vote to lay on the table a proposed amendment shall not carry with it the pending measure." In reference to this rule Senator Hoar of Massachusetts, said:

> Under the present rule it is in the power of a single Member of the Senate to compel practically the Senate to discuss any question whether it wants to or not and whether it be germane to the pending measure or not * * *. The proposed amendment to the rules simply permits, after the mover of the amendment, who of course has the privilege, in the first place, has made his speech, a majority of the Senate if it sees fit to dissever that amendment from the pending measure and to require it to be brought up separately at some other time or not at all.

This proposed rule is now rule XVII, of the present Standing Rules of the Senate.

1883—On December 10, 1883, Senator Frye of Maine, chairman of the Committee on Rules, reported a general revision of the Senate rules. This revision included a provision for the "previous question." Amendments in the Senate struck this provision out—they did not want the "previous question." That was in 1884, a period when they were seeking to amend the rules right and left. I believe Grover Cleveland was President then. He was the reform minded President of that day although he would not be so considered today.

1884—On January 11, 1884, the present Senate rules were revised and adopted. So, in effect, since 1884, we have had the present rules of the Senate—87 years.

On March 19, 1884, two resolutions introduced by Senator Harris were considered and agreed to by the Senate as follows:

> (1) That the eighth rule of the Senate be amended by adding thereto: All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

That rule, which was employed this morning, was put in in 1884. The Senator from Idaho (Mr. CHURCH) used that rule this morning when he moved to ask consideration of his resolution seeking to amend rule XXII. There was no debate at that time. That shows how intricate the Senate Rules are. The rule said before 2 o'clock and that was because the Senate traditionally meets at 12 and any time before 2 o'clock, according to this rule, one can move to bring up a matter and have it decided without debate whether he could bring it up and we could discuss it and debate the question itself for 2 hours, or until 2 o'clock. In the case of today it was to 1:15 p.m. because we met at 11:15 a.m.

Then when the hour of 1:15 p.m. came today, just like Cinderella in her carriage, the resolution turned into something else. It dropped down and went to the calendar and then one would have to move to bring it up. Then, at that time, the motion was made to carry over until tomorrow the question of whether the measure should be brought up. This rule was put in back in 1884, and it was employed this morning, and for a short time we did discuss the resolution itself. We are removed from it now a couple of degrees, because now the motion is made to bring it up for consideration, a motion made to carry that over until the next legislative day, so that we are a couple of degrees off on the resolution itself at this time.

> (2) That the tenth rule of the Senate be amended by adding thereto: All motions to change such order or to proceed to the consideration of other business shall be decided without debate.

From this time until 1890 there were 15 different resolutions introduced to amend the Senate rules as to limitations of debate, all of which failed of adoption.

So the Senate has been jealous of its rules. It has been jealous of the great name the Senate has, as the greatest deliberative body in the world. It wants to see every Senator, representing one of our sovereign States, have the right to speak for his constituents and for the people of this country on any matter pending before the Senate.

So the Senate has taken a dim view of amendments to its rules. As I stated, from 1884 to 1890, 15 different resolutions to amend the Senate rules as to a limitation of debate were introduced, all of which failed of adoption.

1884—Senate agreed—March 17—to amend rule VII by adding thereto the following words:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

That is still one of the Senate's rules adopted in 1884.

1886—Senate agreed to strike out the words, "without debate," from that part of rule XIII which provided that "every motion to reconsider shall be decided by a majority vote."—June 21, 1886.

Of course, that is used when a measure, bill, or resolution is up for passage and whether it passes or fails, any Senator who voted with the prevailing side, or who was absent at the time has the right to move to reconsider the vote by which the action of the Senate took was taken, whether it was passing the bill or resolution or defeating it.

Prior to 1886, a motion to reconsider had to be voted upon without debate. In 1886, the Senate wisely struck out the provision "without debate," leaving that open for debate.

So, when a measure is passed and someone that voted on the prevailing side feels that he voted wrong, he has a right to move to reconsider, and that matter is then up for consideration and debate in the Senate. That is as it should be, because if he changes his mind and decides that he voted wrong and does move to reconsider, he should have a right to explain his reasoning in changing his vote or in voting differently from the way he did before.

1890—Hoar, Blair, Edmunds, and Quay submitted various resolutions for limiting debate in various ways—August 1890.

1890—On December 29, 1890. Senator Aldrich introduced a cloture resolution in connection with Lodge's "force bill," which was being filibustered against. The resolution read, in part, as follows:

> When any bill, resolution, or other question shall have been under consideration for a considerable time, it shall be in order for any Senator to demand that debate, thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made * * *.

There were five test votes on the cloture proposal which "commanded various majorities, but in the end it could not be carried in the Senate because of a filibuster against it which merged into a filibuster on the 'force bill.' "

The force bill was where they were going to suspend the election laws of certain States of the Union.

1893—Platt, Hoar, Hill, and Gallinger introduced resolutions for cloture by majority action during a filibuster against repeal of the silver purchase law, which evoked extended discussion.

1893—Sherman of Ohio urged a study of Senate rules with a view to their revision and the careful limitation of debate.

1897—Chair ruled on March 3, 1897, that quorum calls could not be ordered unless business had intervened.

1902—Senate agreed—April 8—to amend rule XIX by inserting at the beginning of clause 2 thereof the following:

No Senator in debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

No Senator in debate shall refer offensively to any State of the Union.

1908—Three important interpretations of the rules were adopted in the course of the filibuster against the Aldrich-Vreeland currency bill: one, the Chair might count a quorum, if one were physically present, even on a vote, whether or not Senators answered to their names; two, mere debate would not be considered business, and therefore more than debate must take place between quorum calls.

Mr. President, I do not understand that is the rule in the Senate today. Quorum calls can be asked for even without intervening business according to this Senator's understanding.

Third, Senators could by enforcement of the rules be restrained from speaking on the same subject more than twice in the same day.

1911—April 6, 1911, Senator Root of New York, submitted a resolution requesting the Committee on Rules to suggest an amendment to the Senate Rules whereby the Senate could obtain more effective control over its procedure. No action was taken on the resolution.

Back in 1911 they were talking about more effective control of the procedure. That is 60 years ago. So, some of the circumstances we have had in the U.S. Senate recently are not altogether novel procedures by any matter or means.

In 1914—Smith of Georgia proposed a rule of relevancy.

I assume that had to do with relevancy of debate. As I suggested earlier, we do have a Pastore rule which does require relevancy of debate for the first 3 hours of debate on a question or, more particularly, for 3 hours after the unfinished business is laid down or any business transacted in the Senate. So, we do have a rule of relevancy now. It is the hope of the junior Senator from Alabama that all debate on this question will be relevant. He points out the various efforts to amend the Senate rules back in time past to show that the present Senate rule is an outgrowth of the work and the efforts and the abilities of great Senators that we have had in the past who have studied this question and that we have had the opportunity and have availed ourselves of the opportunity in the Senate by the adoption of rule XXII back in 1917.

All of this information and all of this experience and all of this dedication of the great Senators in the past, this distilled information, this perfected information, has emerged as Senate rule XXII today.

So the junior Senator from Alabama feels that any discussion of past efforts to limit debate in the Senate is relevant to a question of whether debate should now be further limited under the rules of the Senate.

September 17, 1914—Senate decreed that Senators could not yield for any purpose, even for a question, without unanimous consent; but reversed itself on this ruling the next day, September 18.

The Senate was not very consistent in its actions on the different days.

1915—February 8, 1915, Senator Reed of Missouri introduced a resolution to amend rule XXII whereby debate on the ship purchase bill:

> S. 6845 shall cease, and the Senate shall proceed to vote thereon * * *.

The resolution did not pass in this session.

In 1916 it said that from December 15 to September 8, 1916, the first or "long" session of the 64th Congress, there were five resolutions introduced to amend rule XXII. Those terms are going to fall into disuse, I believe. I think we will have to confine ourselves to using the term, the first session or the first year of the Congress, because I do not believe we properly identify it when we speak of the long session of Congress. They are all 12-month sessions. So, we will have to drop the word "long" because that might just as well refer to the second session or the second year of a 2-year session of Congress.

The notes here say that from December 1915, to September 8, 1916, the first or "long" session of the 64th Congress, there were five resolutions introduced to amend rule XXII.

They are always attacking rule XXII. There are many attacks, but few successes.

The resolutions acted upon were Senate Resolution 131 and Senate Resolution 149. On May 16, 1916, the Committee on Rules reported out favorably Senate Resolution 195 as a substitute for Senate Resolution 131 and Senate Resolution 149, which had been referred to it, and submitted a report—No. 447. The resolution, providing for two-thirds' cloture by those voting, was debated but did not come to a vote.

Mr. President, this was the start of the effort that later culminated in the adoption of the cloture provision of rule XXII. In 1916 the resolution providing for two-thirds cloture by those voting was debated but did not come to a vote. That is the provision we now have in rule XXII. It did not pass in 1916.

In 1916 and 1920 the Democratic national platforms for both years included a statement that—

> We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business.

They were shooting at that time for two-thirds cloture which we now have.

On March 4, 1917, President Wilson made a speech in which he referred to the armed ship bill, defeated by filibustering. The President said in part:

> The Senate has no rules by which debate can be limited or brought to an end, no rules by which debating motions of any kind can be prevented. * * * The Senate of the U.S. is the only legislative body in the world which cannot act when its majority is ready for action. * * * The only remedy is that the rules of the Senate shall be altered that it can act. * * *

As I stated in earlier remarks during my brief discussion here this afternoon on this subject, the effort by President Wilson to obtain a cloture provision in the rules of the Senate was occasioned by a filibuster that was held, had, or resorted to the armed ship bill. This was just before the United States went into World War I. The President proposed the arming of the merchant marine to allow these vessels to defend themselves against attacks by German submarines, certainly a most reasonable request by the Executive.

As I pointed out earlier today, it is a typical example of the great growth of the executive department, the great growth of the Presidency, and the added strength or assumption of rights and authority by the President in recent years. It illustrates very forcefully the great growth in Presidential power and Presidential prerogatives in the time from 1917 down to the present time.

If in hostilities, certainly a declared war, or certainly under conditions that might exist today, a President on being met with the need to authorize the merchant marine to arm itself, would make that decision himself before breakfast if the matter were presented to him. He would not consult with anyone because it would be so elementary that it should be done. But back in 1917 President Wilson felt he needed to go to Congress to get this authorization.

A certain number of Senators—it could have been 12, but I believe it was fewer than 12—filibustered against that measure feeling that it would take America into war against Germany and the central powers. The bill was defeated. President Nixon castigated the Senators who had killed the bill. He referred to them as—

> This little group of willful men representing no opinion but their own have caused the government of the great United States to come to a halt.

And he said:

> We have to get the rules in the Senate changed so this will not happen again.

If they had the present two-thirds cloture provision in rule XXII they would not have had any trouble back then closing the debate because, as I have said, there were only some 12 Senators out of 96 who participated in the filibuster. There would have been no difficulty if we had had the cloture provision of rule XXII at that time.

So what was adopted was the present rule, with possibly some modest change. One time it required a constitutional two-thirds to cut off debate, but in recent years that number has been changed to two-thirds of those present and voting. Prior to 1917 there was no cloture in the Senate. But through the efforts of President Wilson the present cloture provision was provided for in the Senate. That was sufficient to accomplish the requirements of the President. It is sufficient now to get action on any bill that two-thirds of the membership of the Senate desires; and you should have at least a two-thirds majority of the Senators agreeing on the merits of a bill before arbitrarily cutting off rights of the remaining one-third of the Senators to speak their convictions on the floor of the Senate. Without this right, the Senate ceases to be the great deliberative body it is. Without this right, legislation can be rammed through this body just as it is in the other body.

Mr. President, you are not going to have any separation of powers as between the executive and the legislative branch. You are going to have the bureaucracy of the national government in complete control of this body whenever you provide for majority cloture or whenever you allow the opening wedge of 60 percent cloture to be provided for.

So, Mr. President, rule XXII limiting debate and not providing for debate is a sufficient limitation upon the Members of this body. If we do not have some measure of extended debate by minorities in the Senate we will see the Senate, as was said just this morning by the distinguished Senator from Arkansas (Mr. FULBRIGHT), degenerate to the point that it will become merely a ceremonial body, not unlike the House of Lords in England or the Upper Body in Canada.

If we are going to maintain separation of powers, if we are going to offer any resistance to the continued escalation and enlargement of big government, Federal bureaucracy, concentration of power in the hands of the Executive and in the hands of the National Government, we need what little protection is left to us in the Senate by rule XXII. Rule XXII does not give us the right of debate; it merely puts a limitation on that right. It is a sufficient limitation. It should not be changed.

Going on with the history of the effort to limit debate in the Senate—and I shall digress from time to time in this discussion—in 1917, on March 5, the Senate was called in extraordinary session by the President because of the failure of the armed ship bill in the 46th Congress, the bill to which I just referred.

On March 7, 1917, Senator Walsh of Montana introduced a cloture resolution (S. Res. 5), authorizing a committee to draft a substitute for rule XXII, limiting debate. Senator Martin also introduced a resolution amending rule XXII—similar to Senate Resolution 195, favorably reported by the Committee on Rules in the 64th Congress. The Martin resolution was debated at length and adopted March 8, 1917, 76 yeas and 3 nays. It provided for cloture on a "pending measure" if two-thirds of those present and voting so voted. That is the very provision that we now have in the U.S. Senate.

On May 4, 1918, Senator Underwood, of Alabama—and I believe at that time he was Democratic leader in the Senate—introduced a resolution (S. Res. 235) further amending rule XXII, reestablishing the use of the "previous question," and limiting debate during the war period.

On May 31, 1918, the Committee on Rules favorably reported out Senate Resolution 235 with a report (No. 472).

June 3, 1918, the Senate debated the resolution and Senator Borah offered an amendment.

June 11, 1918, the Senate further debated the resolution and a unanimous-consent agreement was reached to vote on the measure.

June 12, 1918, the resolution was further amended by Senator Cummins.

June 13, 1918, the Senate rejected the resolution; nays, 41, and yeas, 34.

That was for the use of the previous question to limit debate during the war period, and even then the Senate turned it down.

From March 4, 1921, to March 4, 1923, during the 67th Congress, five resolutions were introduced to limit debate in some form. These were referred to the Committee on Rules.

As I suggested earlier, the very fact that this resolution is up for consideration at this time is because of the rules of the 92d Congress, which come to us from the 91st Congress and are carried over. It is in recognition of those rules that this measure is up for consideration at this time, rather than having gone to the Rules Committee itself.

Mr. President, I do not recall ever, possibly as a routine matter, the readoption of the rules every 2 years. As far as I know, we just observe rule XXII, which says the rules of one Congress carry over to the next Congress. And it was in recognition of that rule, apparently, that the present resolution was submitted as an amendment to rule XXII. It did not say rule XXII of the 91st Congress. It said rule XXII. We are not operating under the 91st Congress rules. We are operating under the 92d Congress rules, which are the 91st Congress rules carried over.

So if they wanted to change the rules, they should have come forward with a complete set of rules saying we have not got any rules; let us adopt some rules. Instead of that, they offer an amendment to rule XXII saying that even the proponents of the change admit that rule XXII, as of this minute, is in full force and effect—rule XXII of the 91st Congress, carried over as a part and parcel of our present rules of the 92d Congress.

Are we operating under the rules? I assume we are. We have had the Parliamentarian busy there ever since we have been in session. He is looking at these rules. What rules do we have? We are not in complete chaos. We have had rulings from the Chair, one after another, based on what? Based on the rules under which we are operating. That is very important. That is going to be the gist of the entire argument before the matter is decided finally. Are we operating now under rules? Do those rules permit debate? Can debate only be cut off by two-thirds vote of those present? That is what the rules provide.

We are under some rules. No suspension of rule XXII has been suggested. It is in full force and effect, else they would not have sought to amend it.

So the very actions of the proponents of the resolution show that they recognize rule XXII, as printed in the rule book, as a part of the rules of the 91st Congress, as coming to us and carried over under rule XXXII as the rules of the 92d Congress. They are in full force and effect and they are seeking to amend that rule.

We are not adopting new rules. An effort is being made to amend existing rules, rules of the 92d Congress, which do not need to be adopted again. They carry over under rule XXXII.

From March 4, 1921, to March 4, 1923, during the 67th Congress, five resolutions were introduced to limit debate in some form. These were referred to the Committee on Rules.

As I suggested, if we had no rules, if we were just a meeting of 100 Senators, we would not have had this procedure with respect to the pending resolution, where notice was given by the proponents of the resolution. If we had no rules, they could just have handed the resolution up and asked that it be read.

They would not have had to give one day's notice. But that is what was done, in compliance with the existing rules of the Senate.

We either have rules or we do not have rules. If we have rules, they are those that have come over from the 91st Congress, because we have adopted no other rules. We do not have to, under rule XXXII.

On November 29, 1922, upon the occasion of the famous filibuster against the Dyer antilynching bill, a point of order was raised by the Republican floor leader against the methods of delay employed by the obstructionists which, had the Chair sustained it, would have established a significant precedent in the Senate as it had in the House.

You know, the use of that word "obstructionist" there strikes me as of more than passing interest. Why should any person operating under the rules and discussing the matter be referred to as an obstructionist? It looks as though they would either be proponents or opponents rather than obstructionists. So it would seem to me that possibly the authors of this document may have had a fixed opinion on the subject. But in any event, the information they bring to light is informative.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. Is it not possible that those who filibustered on that occasion were called obstructionists because they happened to be southerners, rather than liberals from some other area of the country?

Mr. ALLEN. It may well be. I have noticed that different labels are applied to the same type of efforts by Senators from different sections of the country.

Mr. ERVIN. Would it have occurred to the Senator from Alabama—I am sure it would not have occurred to the Senator from North Carolina—to denounce Senators from other areas of the country who filibustered against the appropriation for the SST last fall, or who have filibustered against various other things, such as the communications satellite when that was before the Senate?

Mr. ALLEN. No, it would not have occurred to this Senator to call them that. I voted with those who wished to have extended discussion, when an effort was made to cut off the debate.

Mr. ERVIN. Is it not true that they were doing exactly like those who opposed the passage of the Dyer antilynching bill; they were merely exercising their rights under the Senate rules as Members of the U.S. Senate?

Mr. ALLEN. Very definitely, yes.

Mr. ERVIN. Then, certainly, they did not deserve to be called obstructionists.

Mr. ALLEN. No. That struck the eye of the Senator from Alabama as being a strange choice of words.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with me that that was a very strange choice of words, to call a man an obstructionist when he takes advantage of a legal right?

Mr. ALLEN. Yes, indeed, it is a strange choice.

Mr. ERVIN. It is sort of like saying a man obstructs the courts of justice when he pleads not guilty when he is charged with a criminal offense, is it not?

Mr. ALLEN. Yes; it certainly is. I thank the Senator from North Carolina.

The incident occurred as follows:

Immediately upon the convening of the Senate, the leader of the filibuster made a motion to adjourn. Mr. CURTIS made the point of order that under rule III no motion was in order until the Journal had been read. He also made the additional point of order that the motion to adjourn was dilatory. To sustain his point, Mr. CURTIS said:

> I know we have no rule of the Senate with reference to dilatory motions. We are a legislative body, and we are here to do business and not to retard business. It is a well-stated principle that in any legislative body where the rules do not cover questions that may arise general parliamentary rules must apply.
>
> The same question was raised in the House of Representatives when they had no rule on the question of dilatory motions. It was submitted to the Speaker of the House Mr. Reed. Mr. Speaker Reed held that, notwithstanding there was no rule of the House upon the question, general parliamentary law applied, and he sustained the point of order.

The Vice President sustained Mr. CURTIS' first point of order in regard to rule III, but did not rule on the point that the motion was dilatory.

In 1922 Senate Republicans voted 32 to 1 in party conference on May 25 for majority cloture on revenue and appropriation bills.

As I suggested earlier in my remarks, there is some reason for feeling that possibly a different rule might apply to revenue and appropriations bills from other types of legislation, because such bills are necessary for the conduct of the National Government, and, for that matter, for the conduct of some of the local governments as well.

On March 4, 1925, the Vice President, Charles G. Dawes, delivered his inaugural address to the Senate, in which he recommended that debate be further limited in the Senate.

I believe that is a practice that possibly no longer obtains, of the Vice President delivering an inaugural address to the Senate. Possibly he does, but I do not believe I have heard such an address.

On March 5, 1925, Senator Underwood introduced the following cloture resolution—I did not know that my predecessor in the Senate offered so many debate limiting resolutions, but it seems that he did.

On March 5, 1925, Senator Underwood introduced the following cloture resolution (S. Res. 3) embodying the Vice President's recommendation on further limitation of debate, which was referred to the Committee on Rules.

> Resolved, That the rules of the Senate be amended by adding thereto, in lieu of the rule adopted by the Senate for the limitation of debate on March 8, 1917, the following:
>
> 1. There shall be a motion for the previous question which, being offered by a majority of Senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment

> or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after previous question shall have been ordered on its passage, for the Presiding Officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.
>
> 2. All motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers if demanded.
>
> 3. When a motion for the previous question has been seconded, it shall be in order, before final vote is taken thereon, for each Senator to debate the proposition to be voted for one hour.

Other resolutions introduced in the first session of the 69th Congress limiting debate were Senate Resolution 25; Senate Resolution 59; Senate Resolution 76; Senate Resolution 77; Senate Resolution 217; Senate Resolution 225; which were also referred to the Committee on Rules.

I do not believe they saw the light of day after that. There is no record, at any rate, of their being passed.

In 1925, Mr. Robinson of Arkansas said:

> No change in the written rules of the Senate is necessary to prevent irrelevant debate. Parliamentary procedure everywhere contemplates that a speaker shall limit his remarks to the subject under consideration. The difficulty grows out of the failure of the Presiding Officer of the Senate to enforce this rule.

In 1925, Senator Jones of Washington proposed a threefold plan of reform:

First, to extend the existing rule which forbids amendments not germane to the appropriation bills to general legislation. That might be a really good amendment. I talked about that a little earlier in my discussion. But that is one of the factors that caused the so-called logjam in the closing days of the 91st Congress—the fact that nongermane amendments were added to the social security bill. The trade bill was offered as an amendment, and the President's family assistance plan was offered as an amendment, both measures seeking more or less a free ride through the Senate. But it caused an eruption of filibusters and signaled the ultimate defeat of all the measures, even though the social security measure, stripped of the other two, did pass in the closing days of the session, but not in time to receive action in the House.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. I invite the attention of the Senator from Alabama to page 41 of the committee print on the Senate cloture rule, particularly to a statement to the effect that there was a filibuster on the family assistance plan. I was here all the time that was going on, and I do not recall any filibuster on the family assistance plan. As a matter of fact, the chief opponent of that plan was the Senator from Delaware, Mr. Williams, and he expressly stated on all occasions that he was not filibustering and was perfectly willing to be able to come to a vote.

Is that not the recollection of the Senator from Alabama?

Mr. ALLEN. Yes, indeed. I do not recall it being a filibuster.

Mr. ERVIN. There is also here a statement to the effect that there was a filibuster against the shoe and textile import quotas during the closing days of the last session. I should like to ask the Senator from Alabama whether his recollection does not coincide with that of the Senator from North Carolina and that a device was utilized, in the form of amendments by the Senator from Pennsylvania and the Senator from Connecticut, which prevented any consideration of the amendment dealing with shoe and textile import quotas?

Mr. ALLEN. That is correct.

Mr. ERVIN. So, not only was there not a filibuster against that, but also, no consideration was given to it beyond the mere matter of its introduction by, I believe, the distinguished Senator from South Carolina (Mr. HOLLINGS).

Mr. ALLEN. That is correct.

Mr. ERVIN. So there is error so far as those filibusters are concerned.

Does the Senator recall, in the closing days of the last session of Congress, any filibuster at all except the filibuster or the educational debate—whatever the proponents might choose to call it—against the SST?

Mr. ALLEN. No. There was a threatened filibuster on the trade bill. It never materialized, because it was never necessary.

Mr. ERVIN. Does the Senator from Alabama have a recollection similar to that of the Senator from North Carolina, that the able and distinguished Senator from New York made some statements which indicated that, without confessing that he was prepared to engage in a filibuster on the subject, he was going to engage in very long and extended and exhausting discussion of matters relevant to that proposal?

Mr. ALLEN. Yes. That is the understanding of the junior Senator from Alabama, that he was threatening to have quite a lot to say on the subject.

Mr. ERVIN. Does not the Senator from Alabama agree that if the Senator from North Carolina and the Senator from Alabama spoke in language just 1 percent as prognosticative in nature as the Senator from New York spoke on that occasion, they undoubtedly would be accused of threatening a filibuster?

Mr. ALLEN. Yes. I think that is true.

Mr. ERVIN. Does not the Senator from Alabama agree that one of the principal troubles during the last days of the last Congress was the fact that, as I recall, approximately 2 weeks before Christmas the Senate Finance Committee reported to the Senate a bill to increase social security benefits to the recipients of social security, and that thereupon a multitude of amendments, including the family assistance plan, totaling at least 675 pages, including the original bill, were handed to the Senate, in somewhat mentally indigestible form, for our consideration?

Mr. ALLEN. Yes.

Mr. ERVIN. And does the Senator from Alabama agree that there is a strong probability that most of the Members of the Senate, despite their diligent efforts, were virtually ignorant of the contents of some of those propositions?

Mr. ALLEN. I think that is a fair assumption.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that, instead of being condemned for action in the closing days of the 91st Congress in failing to enact those measures, the Senate of the United States rendered a real service to the American people?

Mr. ALLEN. By and large, on balance, I would state that.

Mr. ERVIN. In other words, was not the Senate, in effect, called upon to pass proposed legislation covering hundreds and hundreds of pages of proposals, containing in at least each sentence a case of mental indigestion, and to do that before they ate their Christmas turkey?

Mr. ALLEN. That is correct.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

The second of the threefold plan of reforms suggested by Senator Jones of Washington in 1925 provided for compelling Senators to confine their remarks to the subject under consideration unless permitted by unanimous consent to do otherwise. As I suggested on several occasions, the Pastore rule pretty well meets this requirement here.

Mr. ERVIN. Will the Senator yield, so that I may correct an implication in one of the questions I put to him?

Mr. ALLEN. I yield.

Mr. ERVIN. Upon reflection, the Senator from North Carolina asks the Senator from Alabama whether he agrees with the Senator from North Carolina that the shoe import protection amendment was offered by the distinguished Senator from Georgia (Mr. TALMADGE), rather than by the distinguished Senator from South Carolina (Mr. HOLLINGS), notwithstanding the fact that Senator HOLLINGS has always been a strong supporter of that proposal and has always been one of its chief advocates?

Mr. ALLEN. That is correct. The junior Senator from Alabama recalls that the distinguished Senator from South Carolina (Mr. HOLLINGS) did have a trade bill and also that he stated that he was going to seek to add it to the family assistance plan. I recall him making that statement on the floor of the Senate. I believe that is correct.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. ALLEN. I yield.

Mr. ERVIN. Then, it perhaps was offered by the cosponsorship of the Senator from South Carolina and the Senator from Georgia (Mr. TALMADGE).

Mr. HOLLINGS. That is correct.

Mr. ALLEN. Yes. I regarded the distinguished Senator from South Carolina as one of the chief sponsors, if not the chief sponsor, in the Senate of that proposed legislation.

Mr. ERVIN. He certainly has done yeoman work on it.

I ask the Senator from Alabama if the Senator from Alabama and the Senator from North Carolina have not been trying to uphold the hands of the Senator from South Carolina in his great fight to get some reasonable measure of protection for the hundreds of thousands of Americans who labor in the textile industry.

Mr. ALLEN. Yes, indeed.

Mr. HOLLINGS. If the Senator from Alabama will yield, I can provide some accuracy.

Mr. ALLEN. I yield.

Mr. HOLLINGS. It was really the leadership of the distinguished Senator from North Carolina that the distinguished Senator from Alabama and I, as newcomers, have been following, in trying to really drive and bring to the attention of the executive branch the need for fair treatment and the acute problem of unemployment in the textile industry, which was recognized on the same Senate floor by then Senator John F. Kennedy, in 1960, when, after a 10-year period they had lost 400,000 jobs. Of course we lost almost a consequent amount during the ensuing 10 years from 1960, but it was the leadership of the Senator from North Carolina and of the Senator from Rhode Island (Mr. Pastore), and on the other side of the aisle of our distinguished colleague from New Hampshire (Mr. Cotton).

Mr. ALLEN. I thank the distinguished Senator from South Carolina.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ERVIN. Does not the distinguished Senator from Alabama agree with the Senator from North Carolina that it can be truly said the Senator from South Carolina has been very vigorous in fighting for the rights of the textile manufacturers to retain their domestic markets, for the right of investors in the textile industry to receive a fair return on their investment, as well as for the right of those who labor in the textile industry to retain their jobs instead of having them exported beyond the seas?

Mr. ALLEN. Yes, indeed.

I might add the further suggestion, that if the able Senator from New York (Mr. Javits) prevails in his efforts to get a 51 vote on cloture applied, he may have his efforts turned upon him and we may succeed in enacting an import quota law by the application of the very majority vote on cloture he is seeking to get.

Now, Mr. President, (3) limit debate on measures other than revenue or appropriation bills after they have been under consideration 10 days and it has been impossible to reach a unanimous consent agreement for their disposal.

1925—Fess and Jones introduced resolutions for a rule of relevancy.

1926—Underwood (Alabama) offered a resolution to limit debate by majority vote on appropriation and revenue bills.

1933—Adoption of 20th amendment—February 6, 1933—by doing away with short sessions, would eliminate filibusters, so Norris believed. But subsequent events demonstrated that filibustering minorities are still able to delay urgent legislation. The final sessions of the 73d and 74th Congresses, the first two to function under the amendment, ended in filibusters.

1935—Chair ruled that a quorum call is the transaction of business and that Senators who yield for that purpose lose the floor. Under this ruling, a speaker yielding twice for quorum calls, if they are in order, while the same question is before the Senate is unable to regain the floor on that question during the same legislative day.

So, Mr. President, I hope that still is the rule and that we will have the forethought to ask unanimous consent that the junior Senator from Alabama not be deprived of the floor if he does yield for the purpose of asking for a quorum call, but he sees no need to request a quorum call at this time. We may be a little short quantitatively, but we are on the long side qualitatively in the Senate Chamber at this time. [Laughter.]

1939—Reorganization Act of 1939—Public Law 19, 76th Congress, 1st session—limited debate to 10 hours, to be divided equally between those for and against, upon a resolution to disapprove a Presidential reorganization proposal.

1945—The Reorganization Act of 1945—Public Law 263, 79th Congress, 1st session—contained the same "antifilibuster rule" as the Reorganization Act of 1939. This rule read:

> Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to

Subsequent extensions of the Reorganization Act, including the most recent—Public Law 91-5, 91st Congress—have contained this proscription on debate.

1946—Republican Steering Committee delegated Senator Saltonstall to prepare an amendment to Rule XXII "so that the various dilatory methods or preventing its application can be eliminated." (May 21, 1946.)

Well, there is no dilatory provision that the junior Senator from Alabama knows of, because it is expressly provided in rule XXII that when 16 Senators file a cloture motion, that on the next calendar day but one—in other words, the second day—thereafter, 1 hour after the Senate convenes, there would be a rollcall vote on the question. So that there could be no dilatory practice with respect to the application of cloture, because when the cloture motion is filed, that guarantees there will be a vote on the second calendar day thereafter, 1 hour after the Senate convenes.

1946—Knowland proposed (S. Res. 312) new standing rule prohibiting the receipt or consideration of any amendment to any bill or resolution which is not germane or relevant to the subject matter thereof.

Now, Mr. President, that provision would probably have eliminated the so-called logjam which existed in the closing days of the 91st Congress in the Senate, to provide that an amendment has to be germane to the bill under consideration, because the social security bill was under consideration, and under the Senate rules that allowed a nongermane amendment to be offered, the so-called trade bill and the President's Family Assistance Plan, and they were added to the social security bill, weighting it down to such an extent that it was only in the last couple of days of the session the two extraneous amendments were stripped from the bill, and it was passed too late for the House to agree to it. So, if the Senate should pass a rule that would forbid the adding of nongermane amendments to a pending bill, it would go a long way toward expediting the business of the Senate and getting legislation through the Senate and bills acted on.

That resolution apparently died in the Committee on Rules and Administration.

1946—Moses urged thorough study of the rules of the Senate "to the end of completely revising them." He also submitted a resolution (S. Res. 314) directing the Parliamentarian of the Senate to "prepare a complete and annotated digest" of its precedents (July 25, 1946). Referred to Rules Committee. (The precedents and practices of the Senate have been compiled by the Parliamentarians of the Senate and published. See Senate Procedures by Charles L. Watkins and Floyd M. Riddick, S. Doc. 44, 88th Cong., 2d sess., 1964.)

That is the document I hold in my hand and from which I have quoted during my remarks today.

1947—Saltonstall, Knowland, Morse, and Pepper introduced resolutions to amend rule XXII so as to make cloture apply to any measure or motion or other matter pending before the Senate by a majority vote of those voting or by a majority vote of the entire membership of the Senate. Rules Committee on April 3, 1947, reported a resolution (S. Res. 25) amending rule XXII by making cloture apply to "any measure, motion, or other matter pending before the Senate or the unfinished business," but making no change in the current voting requirements of rule XXII or in the limitation of debate after cloture is invoked.

The junior Senator from Alabama may be in error at this point, but I believe that this amendment was brought about by the ruling that a motion to proceed to the consideration of a measure not a measure and therefore was not subject to the cloture provisions of rule XXII.

This amendment to the rules would provide that any measure, motion, or other matter pending before the Senate, or the unfinished business, would be subject to the cutoff of debate provision of rule XXII. So, before that time a motion to take up could be debated interminably as not being covered by the cloture provision.

This being a motion to take up, being subject to the cloture provisions of rule XXII, at this time, Mr. President, what we have under consideration is a motion to postpone to the next legislative day the motion of the distinguished Senator from Kansas (Mr. Pearson) that the Senate proceed to the consideration of the Church-Pearson resolution seeking to amend rule XXII.

What we are discussing at this time is

the motion to postpone to the next legislative day the motion to consider the resolution providing for the rule change.

As I have suggested, the very procedure under which we are working in the Senate is positive proof that we are proceeding under the rules of the 92d Congress which under rule XXXII come to us from the 91st Congress. Rule XXXII provides that the rules of Congress carry forward to the next Congress except as amended in accordance with the rule.

So, at some point in the proceeding we will have to determine whether rule XXII is now in full force and effect, whether we have rules, or whether we are now voting on new rules and are not governed by the right of extended debate which is limited only by the cloture provision of rule XXII.

The very proceedings we are operating under are positive proof that we do have in effect rules in the Senate and that they are not seeking to put in an entirely new set of rules, but to merely amend one of the rules, that being rule XXII which they concede is in full force and effect, or they would not seek to amend it.

Since it is in full force and effect, the only way that debate on the resolution can be cut off is by the application of the two-thirds vote for cloture. That will be the question that will eventually come on the matter now pending before the Senate.

Mr. President, going on with the history of the efforts to limit debate in the U.S. Senate, I call attention to these efforts and this history of changes sought in the debate rule in the Senate to point out that the present rule XXII is an outgrowth of the efforts over the last 182 years to control or limit debate in the U.S. Senate. It is the result of the thinking, the work, and the efforts of scores of distinguished Senators who have served in this body over the years. We take the best of all that has been suggested on this subject for the last 182 years. That is all crystallized in rule XXII because we have the benefit of 182 years of the experience of Senators who have served in the U.S. Senate. We have distilled all of those suggestions, thoughts, and efforts into the present rule XXII providing for a two-thirds vote for cloture.

1947—Pepper (Florida) revived suggestion that Senate adopt a new rule making irrelevant debate out of order. He also proposed to limit debate on a motion to make any subject the unfinished business of the Senate, to make such a motion privileged, and have it decided by majority vote.

Mr. President, possibly on tomorrow I will have an opportunity to continue my remarks. It is an important subject, the question of whether we should consider this motion tonight, whether we should pass it over until tomorrow, and if we do vote down the motion to pass it over until tomorrow, then we will have the opportunity to discuss the motion to consider the resolution.

So, hoping that sometime before the final vote is taken on the motion to consider, the junior Senator from Alabama will have an opportunity to make further remarks on this subject, I yield the floor at this time.

S. 307—INTRODUCTION OF THE NATIONAL OCEANIC AND ENVIRONMENTAL RESEARCH ACT OF 1971

Mr. HOLLINGS. Mr. President, I introduce the National Oceanic and Environmental Research Act of 1971, a bill to foster oceanic and related environmental research and development. This bill provides for the understanding and means required to support this Nation's efforts to stop ocean pollution, and provides for the capability to predict natural and manmade ocean environmental hazards. In the areas bordering the oceans and Great Lakes of the United States intense development has taken place, using the coastal and estuarine waters for food, minerals, power, transportation, recreation, and other activities. But the wise development and use of the oceans, coastal and estuarine waters has been seriously hindered. It has been caused by a lack of understanding and knowledge of the physical, chemical, and biological processes that take place in these waters, and by a lack of knowledge of the consequences of man's activities. Population growth and economic development in these areas have already resulted in serious loss of living marine resources, wildlife, recreational areas, and much of the loss has been permanent.

I offer this bill as a means to gain that understanding and knowledge. Coupled with the coastal and estuarine zone management bill that I shall introduce next week, it will provide the information needed to proper management in the coastal and estuarine zones of the United States. In addition, it will enhance our programs to gain information about the global oceans and their interaction with the atmosphere.

This authority to be given to the National Oceanic and Atmospheric Administration will allow them to issue clearance of permit applications for disposal of materials at sea. Under the terms of the bill, before a municipality, government or military authority or private company could dump at sea, NOAA would have to clear the environmental aspects of the action.

The bill will provide the oceanic and related environmental research and development both to understand and to deal with our Nation's efforts to halt ocean pollution and allow us to predict more accurately the natural and manmade oceanic environmental hazards of dumping at sea.

The dumping is continuing and the military has not put a stop to it yet.

We experienced this in August of last year when the dumping of nerve gas got into the "never-never land" of who had given the authority and who should have given the authority. In the hearings we held at that time we found there were over 123 approved dumping sites in the Gulf, the Atlantic, and the Pacific Oceans where all sorts of waste materials are dumped regularly. And sometimes it has an adverse effect on our ability to exploit marine resources. For example, one particular Federal permittee on the west coast who wanted to exercise his permit to search for minerals on the Continental Shelf, was caused to sue the Government because the Department of the Interior had issued a permit right in the middle of a munitions dumping site.

Now we see by last night's Evening Star that the Navy proposes to dump at least 50,000 tons of conventional munitions, grenades, and other type shells of warfare, without any consideration whatever to the potential damage to marine biota. We are still waiting for the Navy to file its environmental impact statement on these proposed dumpings.

Mr. President, I recommend this national oceanic and environmental research bill to my colleagues, and urge its early adoption.

The PRESIDING OFFICER (Mr. Bentsen). The bill will be received and appropriately referred.

The bill (S. 307) to foster oceanic and environmental research and development, and for other purposes, introduced by Mr. Hollings, was received, read twice by its title, and referred to the Committee on Commerce.

SENATE JOINT RESOLUTION 17—INTRODUCTION OF A JOINT RESOLUTION CONCERNING THE CREATION OF A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Maine (Mr. Muskie) I introduce a joint resolution concerning the creation of a Joint Commitee on the Environment.

This resolution is identical to the resolution adopted unanimously by the Senate in the last Congress. Its appearance on the Senate Calendar has been cleared by all parties, and I ask that it accordingly be placed on the calendar and that a statement in its behalf by the Senator from Maine (Mr. Muskie) be printed at this point in the Record.

The PRESIDING OFFICER. The joint resolution will be received and, without objection, will be placed on the calendar; and, without objection, the statement will be printed in the Record.

The joint resolution (S.J. Res. 17) to establish a Joint Committee on the Environment, introduced by Mr. Mansfield (for Mr. Muskie) (for himself and other Senators), was received, read twice by its title, and placed on the calendar, by unanimous consent.

The statement by Senator Muskie is as follows:

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. Muskie. Mr. President, I offer for introduction in the Senate this morning a joint resolution which would establish a non-legislative committee of Senate and House members to be known as the Joint Committee on Environment.

The resolution, with the exception of minor changes for clarification, is identical to the joint resolution approved by the Senate last year. That resolution, as Senators will recall, died in conference when the 91st Congress adjourned.

There was in 1970, among the conferees of the other body, a certain reluctance to allow the members of the Joint Cimmittee to select their own first chairman. The resolution died because agreement could not be reached on this issue.

The language concerning the chairmanship flows freely and clearly. As has been the case with previously established Joint Committees, the chairman would be determined by the members and alternate between the Senate and House of Representatives with each Congress.

I would hope that the certain reluctance among certain conferees of the other body concerning a selection of the chairman has disappeared. We should proceed with the important work in the environment.

Mr. President, I think it is fair to say that during the past three sessions of the Congress, the Senate has come to agree on two, major purposes for establishing a Joint Committee on Environment.

1. The Senate recognizes that it needs to improve the congressional capacity for collecting relevant information on present and emerging environmental problems; and

2. The Senate recognizes that it needs to create a well-staffed congressional institution which can conduct a continuing assessment of the relationship between human beings and their environment.

It is no secret that the standing committees are increasingly burdened by legislative proposals in their special fields. The committee staffs have little or no opportunity to test relationships between their fields, those of other committees, and the total environment.

During the 91st Congress, more than 40 bills and resolutions were introduced in the Senate alone to restructure the legislative branch so that it might deal more effectively with environmental problems.

The questions of jurisdiction also became more numerous. During 1970 alone, there were jurisdictional conflicts in the Senate over ocean dumping, land use planning, coastal zone management, pesticides, radiation standards, low emission vehicle development, noise pollution, power plant siting, and environmental class actions.

Let me emphasize that it is not my intent to establish a joint committee which will infringe the substantive jurisdiction of any standing committee. What I am seeking is a source of information and analysis which the standing committees do not have time or authority to produce for themselves.

The joint committee also should help us to keep a record of our accomplishments and failures in the handling of environmental problems. No legislative mechanism exists, for example, to evaluate the criticisms and recommendations of Federal programs sent to the Senate by the Comptroller General. Yet the number of such criticisms and recommendations are bound to increase as the programs mature and progress.

Finally, Mr. President, a joint committee on environment should assist the Congress to maintain its proper role as a balance to the executive and judicial branches in the Federal system.

During the past year, the Congress through new legislation helped the Executive to reorganize its efforts against environmental problems. The Council on Environmental Quality was established; an Office of Environmental Quality was authorized. The Congress approved the reorganization plans which set up the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

Now, we need, as the Senate report on last year's resolution observed, "the creation of a non-legislative Joint Committee on the Environment (to) provide the legislative branch with a parallel overview capacity on a continuing basis . . .

"It is clear that none of the existing congressional committees is equipped, or has the jurisdictional authority, to provide a comprehensive overview which will identify the emerging problems which threaten the deterioration of man's environment."

SOUTH VIETNAM OFFERS TO RELEASE ALL SICK AND WOUNDED PRISONERS

Mr. GRIFFIN. Mr. President, the Government of South Vietnam today made a dramatic offer to release unilaterally all sick and wounded prisoners of war now being held in South Vietnam who express a desire to be released to the North.

The Foreign Minister of South Vietnam, Tran Van Lam, told newsmen today that there are 783 North Vietnamese, 1,267 Vietcong, and 30 "regroupees—South Vietnamese whose loyalties lie with North Vietnam—who are eligible to be sent to North Vietnam.

The announcement came on the eve of Tet, the Vietnamese New Year holiday, which begins tomorrow.

Foreign Minister Lam said the offer was made in the spirit of the season:

> When it is customary for all Vietnamese, wherever they happen to be, to join their families for celebration of the New Year.

At the same time, Foreign Minister Lam proposed that:

> In this humane spirit . . . the other side release immediately all sick and wounded Vietnamese and allied prisoners of war.

Mr. President, last Sunday the Government of South Vietnam released 37 sick and wounded prisoners of war in the demilitarized zone so that they could return to their homes in North Vietnam in time for Tet.

These encouraging and significant South Vietnamese initiatives follow a suggestion which I made in the Senate last month calling for the unilateral release by our side of all sick and wounded, along with 1,500 other North Vietnamese prisoners.

At the time, I said that such a dramatic, humanitarian gesture should create, worldwide, an expectation of response in kind by the Communist side.

The Government of South Vietnam deserves the commendation of the Senate and of this Nation, Mr. President, for its forthcoming attitude and its willingness to comply with the Geneva Convention on prisoners of war despite the refusal, so far, of North Vietnam to reciprocate.

Foreign Minister Lam explained his Government's failure to offer the unilateral release of prisoners previously in forthright terms:

> Such a decision, consonant with the Geneva Convention of 1949, would have been made earlier and carried out fully and entirely, had it not been for the consistent refusal of the North Vietnamese leaders to adopt a humane attitude on all matters relating to prisoners of war. They have refused even to cooperate in working out the safest and most convenient measures for the return of their own prisoners to the North. It is therefore understandable that prisoners of war held in South Vietnam should entertain the greatest fears for their security upon being released to the North.

The Government of South Vietnam expressed its readiness to welcome "here and now" all prisoners of war released by the authorities in North Vietnam.

Prisoners held by South Vietnam are now being interviewed, Foreign Minister Lam said, indicating that a series of unilateral releases can be expected in the future.

Certainly these South Vietnamese initiatives provide impressive evidence of the good faith of our side in seeking to end the misery and hardships for all prisoners on both sides in the war.

Now we look to the Communist side for a response.

If the other side desires to improve its tarnished reputation for mistreatment of prisoners, they should respond to the South Vietnamese initiative by releasing at least some of the American and other free world prisoners they hold, particularly those who are sick or wounded.

Mr. President, I ask unanimous consent to insert into the RECORD a report by the American Embassy in Saigon transmitted to the State Department concerning Foreign Minister Lam's press conference today.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AMERICAN EMBASSY REPORT

At press conference, January 26, GVN Foreign Minister Lam released following statement:

A. On January 24, 1971, thirty-seven disabled and incurably sick North Vietnamese prisoners of war were released across the Ben Hai River at the 17th parallel, in accordance with the communication given to North Vietnam at the Paris conference table by the delegation of the Republic of Vietnam. The release operation has been achieved.

B. Confident in the correctness of its humanitarian policy, and on the special occasion of the Vietnamese new year, the government of the Republic of Vietnam is launching today another new initiative. This is the third initiative since last month, put forward with a view to improving the lot of prisoners of war detained by both sides.

C. In this season, when it is customary for all Vietnamese wherever they happen to be to join their families for the celebration of the New Year, the Government of the Republic of Vietnam proposes to release all sick and wounded prisoners of war now being held in South Vietnam who express a desire to be released to the North.

D. Such a decision, consonant with the Geneva Convention of 1949, would have been made earlier and carried out fully and entirely, had it not been for the consistent refusal of the North Vietnamese leaders to adopt a humane attitude on all matters relating to prisoners of war. They have refused even to cooperate in working out the safest and most convenient measures for the return of their own prisoners to the North. It is therefore understandable that prisoners of war held in South Vietnam should entertain the greatest fears for their security upon being released to the North.

E. The Government of the Republic of Vietnam hopes that the Hanoi authorities will clearly manifest their agreement to warmly welcome and treat well all sick and wounded prisoners of war who express their desire to be released to the North.

F. In this humane spirit, the Government of the Republic of Vietnam proposes that the other side release immediately all sick and wounded Vietnamese and allied prisoners of war.

G. The Government of the Republic of Vietnam declares that it is ready here and now to welcome all prisoners of war released by the authorities of the North.

H. In view of the condition of the sick

and wounded prisoners of war, it is eminently desirable that the other side promptly give its agreement so that the long internment of the prisoners of war on both sides can be ended in the shortest possible time.

During press conference LAM made following additional points:

A. GVN will convey proposal to the other side via liaison officers in Paris, and to ICRC in Geneva.

B. There are 783 NVA, 30 regroupees, and 1267 VC sick and wounded who are eligible for sending to NVN.

C. Asked how many want to go North, LAM said GVN is "asking gradually" NVA and regroupees. Process is complicated by "danger of retaliation".

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the standing rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, January 27, 1971, at 11 a.m.

EXTENSIONS OF REMARKS

METROPOLITAN AREA CITIZEN OF THE YEAR

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HOGAN. Mr. Speaker, Joseph B. Danzansky, the newly elected president of the Metropolitan Washington Board of Trade, was honored recently by the Metropolitan Council of Governments as the "Metropolitan Area Citizen of the Year."

The council of governments could not have made a better choice. Joe Danzansky has, for years, been known as a man who always does his best for the Washington metropolitan area and I am pleased that the council of governments has recognized his merits and awarded him this citation.

On accepting his award, Mr. Danzansky addressed himself to some of the problems which confront metropolitan areas. His remarks are very thoughtful and timely and warrant our consideration. Many sections of the United States are presently faced with the problems of burgeoning metropolitan areas—the problems of the innercity and the burgeoning suburbs.

Mr. Speaker, I insert Mr. Danzansky's remarks in the RECORD at this point for the perusal of our colleagues who represent similar areas and face similar problems:

POOL AREA RESOURCES, DANZANSKY SUGGESTS

(By Joseph B. Danzansky)

Much remains to be done in the governmental field, in the private and voluntary sector, and in the hearts of our people.

Probably the most important hurdle to master is to convince people of the need for a true metropolitan approach to today's problems.

Boundaries wander haphazardly through communities with little regard for economics or the characteristics of the neighborhood. Taxes are a crazy quilt. Those who use services do not pay for them, and vice versa. Few jurisdictions have the size or the scale to amass the resources necessary to provide important public services.

Crime, and drinking water, and waste disposal, and transportation, and health problems know no boundaries, yet boundaries frivolously determine which of our citizens are to be properly served and which shall not.

The political organization of the Washington Metropolitan area was designed for the horse and buggy days, and nothing but habit and suspicion of change stand in the way of a badly needed overhauling.

But now the time has come, in my humble opinion, to reexamine the structure and the interrelationships of our local governments. It is time to set up additional regional authorities such as the Metro Authority, to permit a coherent unified attack on the unprecedented problems of jobs, air and water pollution, sewage disposal, overall regional transportation, schooling, economic development, and much more.

Although much remains to be done to modernize government's ability to deal with today's problems, at least a start has been made. Regretably, however, business, other non-government organizations, and the rest of the citizenry have lagged woefully behind.

So we proliferate our business organizations. We have the Metropolitan Washington Board of Trade, the D.C. Chamber of Commerce, the Federal City Council, Down Town Progress, Up Town Progress, and innumerable local chambers of commerce in the counties and townships served by the Council of Governments—all jealously guarding their respective pieces of the action.

There is no logical reason why all these business organizations cannot pool their energies and their resources in one federated effort to address the social, economic and political problems facing this community. The same proliferation exists among community groups, voluntary agencies, and social improvement organizations.

We must recognize that we need less organizations—not more; that we need to come together—not split apart; that there is strength in unity—the kind of unity that comes from a willingness to compromise and to seek a common goal and to trust each other.

Organizations prolilferate when we lose faith in ourselves and with each other—when we convince ourselves that the groups that already exist are incapable of dealing see nearly everyone else as an adversary in that battle we call life.

But the fundamental change must take place not in the organizational charter, but in the human heart. I know these are difficult times to change the status quo. America's traditional self-confidence is shaken to its roots, and we're in the grip of pervasive fear. When people are afraid, we tend to cling to the familiar, and that is not the best atmosphere for needed change.

A couple of years ago we suddenly got a message, written in the midst of searing, scorching, screaming agonies which spread like a flaming plague across the great cities of the nation.

Obscenely insistent voices screamed an indictment at all of us and at our pernicious innocence of the gap between the traditions and the reality of America. The weak and the despised found their voice, and it was transmitted loud and clear through the new electronic media. This is what shook us loose from our moorings, tearing at our innermost guilt. This is when we became a nation of fearful, suspicious, and very unhappy people. It is an awesome thing that when we expose people to hatred they tend to become hateful. Hate polarizes—not only the original objects of our distrust, but ultimately it polarizes us from each other, because we do not always agree with the degree of hatred displayed by our peers.

Rhetoric has had its day, and from now on every person must be as responsible for his words as he is for his acts.

When a parent defies a court order, no matter how distasteful to his personal prejudices, he is teaching his children that law is worthless and can and should be broken with impunity. The child in turn either agrees with his parent or, as in so many cases today, violently disagrees. In either event, polarization sets in, and more often than not, the polarization is in the family unit itself, and the heretofore inviolate castle of American greatness, the family, then crumbles.

And when a radical shouts, "Kill the Pigs!," and a policeman is shot, rhetoric kills, and that man is a murderer. Rhetoric can no longer be forgiven or condoned on the basis that the demagogue is merely "doing his thing." It matters not whether his "thing" happens to coincide with our own feelings and prejudices at the moment.

The Supreme Court ruled a long time ago that freedom of speech does not include the right to yell "Fire" in a crowded theatre.

President Kennedy observed that civility is not a sign of weakness. We must all learn this lesson soon if there is to be any future.

THE ENERGY GAP—A NATIONAL CRISIS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. PICKLE. Mr. Speaker, with a little help from above and an unusually mild autumn, this Nation narrowly averted a fuel shortage this winter which would have been tragic.

Fortunately, the projections now indicate we can make it through these last few bitter months of winter. We cannot, however, continue this desperate gamble.

Mr. Speaker, there are many proposals under active consideration which would alter this country's approach to all fuels—the shortage and the transportation. Because of this interest on several fronts, I ask permission to include in the CONGRESSIONAL RECORD the following publication from Petroleum Today, written by Frank Ikard, president of the American Petroleum Institute.

The article does not limit its scope merely to the situation facing oil and gas producers. Instead, Mr. Ikard traces the various developments of the various fuel supplies. He also elaborates somewhat on the transportation problems facing the industry. He has prepared his case in clear, uncomplicated language which I commend to every Member of this House. At present, Mr. Speaker, the United States gets its energy from these sources: Oil, 44 percent; natural gas, 32 percent; coal, 20 percent; hydroelectric power, 4 percent; and nuclear, under 1 percent.

Each of these energy sources is discussed in the following article:

THE ENERGY GAP: A SEARCH FOR SOLUTIONS

(By Frank N. Ikard)

A great deal of public attention is now being given to what is termed the "energy crisis" or "energy shortage." Actually a more descriptive and accurate term would be the "energy gap" because, while supplies of our energy fuels are actually increasing, people's demand for more energy is growing even faster. This serious subject can create a fair amount of confusion for many people because of varied and complex factors involved. It is fine that the problem is being widely discussed now; some elements of it might have been avoided had they received more thoughtful attention long ago.

When the term "energy shortage" is used, the man in the street tends to think we are running out of our natural supplies of basic energy fuels: coal, natural gas and oil. That certainly is not true. The United States has an enviable abundance of natural energy reserves in the earth beneath us, the seabeds around us, and the mighty waters of the nation. The question is how to bring these resources into use, along with nuclear energy, hydroelectric power, and sources of energy from other parts of the world, in an orderly manner to meet rising demand and, at the same time, observe sound conservation principles both as regards the energy sources themselves and the environment in which they are produced.

This is a multi-faced problem of enormous proportion. It involves federal and state government laws, policies, and regulatory practices. It is influenced by major and minor incidents affecting imported supplies. It is complicated by environmental considerations. It demands attention from a variety of energy companies, whose teams of workers, backed up by millions of investors, discover, produce and distribute the energy to the communities of people who need and use it.

The energy gap is a problem easier to state than to solve.

To put it into simple terms of an index, here is what has been and will be happening.

If we take energy demand in 1950 as 100, the index for 1970 is already at 200—a doubling in 20 years. By 1985, the index will be at 400—another doubling in 15 years. And by the year 2000 it will be at 600.

This increasing demand alone would have put a strain on fuel supplies. But in addition, the predicted "mix" of fuels to meet the demand has been following new patterns. Nuclear energy has not moved in as fast as expected. Coal supplies have been affected by a number of troubles. Natural gas demand has soared. The relative yield of various refined oil products has been changed from the former product ratios realized per barrel of crude oil.

Unfortunately, the energy gap is not likely to be of short duration. It will call for much time, money and effort to bring supply into balance with demand. Government and industry must combine their ingenuity, knowhow and resources toward finding solutions. And I am sure that all of us, as consumers will be willing to contribute our part, because we have come too far to return to pot-belly stoves, horse-drawn carriages and wick lamps.

We will not have to return to them, of course. But we must come to full grips with the problem, and the time for action is now. Automobiles, trains, planes and ships will continue to run. Homes will be heated and cooled. Generating plants will send out electricity. Industries will produce. One way or another, our energy sources will continue to transport us, heat us, cool us, cook our food, light our way, and run our machines.

ENERGY: THE NEEDS OF A NATION

During each day of the year, the United States consumes nearly 15 million barrels of oil. Over a year's time, that averages more than 27 barrels for every man, woman and child. Remember, this is *only* oil. To that must be added the vast daily consumption of power from natural gas, coal, hydroelectric and, on a smaller scale, nuclear energy.

More than any nation in the history of the world, the United States is dependent on energy sources in every form. We put gasoline and diesel fuel into our motor vehicles; coal, natural gas, and residual oil into our generating plants for electricity and heat, and into our industrial plants for millions of products; bunker fuel into our ships and jet fuel into our planes; light fuel oil and natural gas into our homes.

It is no coincidence that our country and others with high rates of energy consumption also rank at the top in living standards. Studies have shown a marked correlation between a nation's rate of energy consumption and its per capita income.

Where will this energy come from? Most of it will have to come from our own natural resources, primarily from reserves of fossil fuels: coal, natural gas and oil.

At present, we get our energy from these sources: oil, 44 percent; natural gas, 32 percent; coal, 20 percent; hydroelectric power, 4 percent; nuclear, under one percent.

Thus, fossil fuels provide more than 95 percent of our energy. These ratios will change some over the next 30 years, but the increased volume of energy required from each source will continue to be tremendous.

Do we have enough? Will we run out?

Inevitably, questions must arise: Do we have enough energy fuel reserves? What happens when we run out? The answer to the first question is yes, and the answer to the second is that none of us will be around to worry about it, although generations in the distant future may well have to concern themselves with such things as adequately harnessing solar and tidal energy.

By scrutinizing geological studies made on the potential of our energy fuel reserves, the National Petroleum Council has estimated that the U.S. may harbor as much as 1543 trillion cubic feet of natural gas. However, as impressive as this figure may be, it does not necessarily mean that natural gas may not be faced with a long range supply problem. As an example, it is estimated that the total demand for natural gas in 1980 may reach a potential of 93 million cubic feet a day!

Again, the National Petroleum Council estimates that the United States may contain a high of 432 billion barrels of crude oil. Even with a projected consumption rate in the U.S. of 25 million barrels daily by 1980, it is plain to see that we are talking about a very substantial supply indeed. But once again the picture is not quite as simple or rosy as mathematics would make it appear. The key lies in discovery and recovery; time and cost are the pertinent factors.

Our coal resources are mathematically staggering. The U.S. Department of the Interior estimates that our country has 800 billion tons of proved reserves. This would mean a 400 year supply of coal based on current demand. But here again the caution flag goes up. Much of this coal is locked deep within the ground and there are many economic and logistical problems to be faced in mining and transporting it.

Thus, there are very substantial reserves of fossil fuels—enough to meet projected increases in demand for the foreseeable future. And a background study prepared for the Joint Economic Committee of Congress says the demand will be there:

"All of the existing projections analyzed by the (Battelle Memorial) Institute estimate that oil (including natural gas liquids) will continue to be the nation's largest source of energy through the year 2000. Natural gas . . . is expected to continue to be the second largest source of energy. Of three projections for both nuclear power and coal at the end of the century, one estimates that coal will provide slightly more energy than nuclear, another estimates just the opposite, and one foresees a large margin for nuclear."

While it is plain that our natural reserves are in plentiful supply, we must not forget that the real job lies in locating and producing them. Here is where government policies and economic conditions must be in workable harmony to assure a supply capable of meeting demand.

COAL: SHORTAGE IN THE MIDST OF PLENTY

Had the term "glamour fuel" been used at the turn of the century, it would have been applied to coal. It was the great energy fuel; the force that helped turn America from an agrarian to an industrialized economy. At a time when oil was still in an "experimental" stage, coal was doing the work of America.

Even when oil became the principal energy fuel, coal retained a favorable production position. It was not until the late 1950's and early 1960's that coal production began to decrease. A major factor in this decline was the over-optimistic government projection of the role of nuclear energy. Investors began to turn their backs on coal producers. According to the National Coal Association, "From then on, the coal industry was subjected to a barrage of adverse comment which led many people to feel that coal had no future. Investors were no longer interested in advancing the large sums necessary to open new coal mines."

Increase in electrical demand

A 1964 National Power Survey by the Federal Power Commission projected an average growth in U.S. electricity demand of 6.9 percent per year between 1965 and 1970. Many coal companies used this figure in planning for future production. However, the actual electricity demand growth averaged 8.1 percent per year between 1965 and 1969. This unexpected increase raised the coal demand equivalent in 1969 to 25 million tons above the Federal Power Commission forecast.

Other factors

The estimate for 1970 use of coal, according to the Office of Emergency Preparedness, is 583 million tons. Production, however, is anticipated at only 571 million tons. This means that above-ground coal inventories are shrinking rapidly. Many utilities are down to a 50-day supply instead of a normal

90. A few utilities have even fallen to as low as a 15-day supply.

In the 1960's, when coal companies were planning production on what was presumed to be a coming reduction in domestic demand, orders for railroad coal hopper cars were drastically reduced. New orders for hopper cars have been placed but it will be some time before delivery is made.

Environmental control laws restricting emissions of sulfur dioxide are also posing serious problems to the coal industry. Because some coal is higher in sulfur content than natural gas and most residual fuel oil, plus the fact that sulfur from coal is difficult to extract, many communities have been forced to stop burning coal, and to switch to other fuels for their energy needs.

The artificially low cost to consumers of natural gas resulting from control by the Federal Power Commission is also a problem to the coal industry. It is very difficult, and in some cases impossible, for coal to compete with the lower cost of natural gas. This problem will continue until a more equitable and realistic pricing policy comes to natural gas.

HYDROELECTRIC POWER: A NEED FOR INNOVATIONS

Hydropower development is at somewhat of a standstill. Many natural hydropower sources have already been harnessed. In any case, this source accounts for less than 4 percent of our energy supply.

One promising development is "pumped-storage" installation. Water, during periods of low energy demand, is pumped up to a storage station and then released during times of high energy demand. This type of hydropower development, plus some other things at the drawing board stage, could add a new dimension to one of man's oldest energy forms. However, even these installations are meeting resistance as in the court action brought against Con Edison for its proposed Storm King plant on the Hudson above New York City.

NUCLEAR ENERGY: WHAT HAPPENED TO THE DREAM?

In the early 1960's nuclear fuel was seen as a panacea for the nation's burgeoning energy needs. It was clean, theoretically economical, and seemed to have the capacities for almost limitless energy production. Plans were readied to construct many nuclear power plants across the country. Many saw the demand for the conventional energy sources being eclipsed because of the "wonder" fuel. Some energy companies began to plan future production needs with these thoughts in mind.

But serious trouble came quickly. Rightly or wrongly, fear of nuclear radiation alarmed many communities where nuclear plants were anticipated. So strong was some public opposition that plant construction was delayed or even cancelled.

The price tag on a nuclear generating plant was also seriously underestimated, with the result that, in many instances, private funds could not finance an installation. Heavy government subsidy was required for many plants, with the government financing others outright.

Conservationists objected to "thermal pollution" by proposed nuclear plants. Research is under way to learn more about cooling systems and the effect of returning heated water to its source.

These and other complications have inhibited growth of nuclear power. Sixty-five nuclear power plants had been scheduled for operation between 1970 and 1976. Of this total, 23 have been delayed—some for a few months, others for over a year.

The long range future of nuclear energy is good, although few retain the unbridled optimism of years past. The energy-economics division of Chase Manhattan Bank has predicted that nuclear power may furnish almost 10 percent of our total needs by 1980.

NATURAL GAS: SOMETHING MUST BE DONE

Oil and natural gas share many common problems such as tax treatment, increased drilling costs, growing demands, and transportation worries. But natural gas has one unique problem and that is well-head price control by the Federal Power Commission, a pricing power imposed by the U.S. Supreme Court in a 1954 decision. For the past 16 years, natural gas producers have been warning that such control would discourage exploration for new gas supplies.

During this time, natural gas production costs have soared and the Federal Power Commission has continued to hold gas prices at a low, unrealistic level. As a consequence, investors have shied away from putting their money into natural gas ventures. This is understandable in view of what they consider to be an unrealistic return on their investments resulting from EPC price control.

In addition to discouraging exploration and production, the imposed low price of natural gas has been an artificial market stimulant and has sent consumer demand skyrocketing. As the cleanest burning of our fossil fuels, natural gas should enjoy a premium price tag today; instead, it is underpriced.

The Tax Reform Act of 1969, which increased taxes on oil and natural gas production by about five percent of gross revenue, also has had an adverse effect on new investor monies because of its effect on current earnings and because of concern about possible future adverse tax changes.

The natural gas industry is trying its best to keep up with demand. According to Dr. Richard J. Gonzalez, an energy economist, ". . . total gas well completions have increased substantially (in 1969 and the first half of 1970) while oil well completions showed little change. The vigorous efforts to develop gas where the largest new reserves have been found and the increase in gas wells drilled in the face of numerous discouraging developments provide strong evidence that producers have done as much as could be expected to supply gas."

There are some indications at this time that new and more realistic natural gas pricing levels may be adopted by the FPC. Such action would stimulate the opening of new wells. However, it requires between three and ten years to develop a single new field. Thus, natural gas supplies will continue to lag behind rising demand for the immediate future.

Gas producers have been accused of restricting their current production in anticipation of a rate increase. The facts indicate just the opposite. One petroleum executive has stated: "My own company . . . has more than 98 percent of its gas reserves under contract. We commit new gas reserves for sale as soon as we can. The inexorable economics of the business demand that the producer start to get a return on his investment at the earliest possible time. To do this he must produce." And this attitude is representative of the industry nationwide.

Still, with all the effort now under way, natural gas production remains far below demand. In 1968 consumption of natural gas exceeded new reserves proved by drilling for the first time in U.S. history. There was an additional excess in consumption over new discoveries in 1969. In brief, we are using more gas than we are finding.

According to the Chase Manhattan Bank:

"The total availability of gas that we can see in 1980 amounts to 63 billion cubic feet a day. Compared to the potential demand of 93 billion cubic feet a day, there is thus a deficit of 30 billion cubic feet a day—equivalent to more than five million barrels of oil."

1980 is only 10 years away.

With a more realistic pricing policy, and with more investors in natural gas, the long range outlook for natural gas could be promising. But it has taken 16 years to get us into the present bind, and it's going to take several years to get us out of it.

OIL: CAN IT CLOSE THE GAP?

For many years crude oil has served as the nation's energy bulwark. It continues to do so today, but the dependence on oil has become more significant than ever before. This is due to many factors:

1. Local environmental laws demanding low-sulfur fuels. This has caused many energy plans to switch from coal to residual fuel oil.
2. The unavailability of natural gas to many energy installations.
3. The unanticipated delay in the construction of nuclear power plants.

As important as are the above factors, there is another item which is at the heart of the present energy gap: imported residual fuel oil.

Until recently, the growth of residual fuel oil consumption in the U.S. was stabilized at approximately two percent per year. At this rate, imported "resid" arriving at the U.S. East Coast, plus domestic production, was more than sufficient to meet U.S. demand. However, with the sudden increase in residual demand—particularly for low-sulfur fuels—a real squeeze was placed on supply. Compounding the worrisome situation was the unexpected series of troubles that suddenly plagued foreign crude oil sources, specifically those in the Eastern Hemisphere. More on this later—but first let's take a look at this product called residual oil.

Residual fuel oil—What is it?

When a barrel of crude oil reaches a refinery, it is turned into a number of products through the refining process. Part of the crude is made into gasoline, another part into aviation fuel, and other parts into various other petroleum distillates. After refining, whatever is left in the barrel is called residual. This is a very heavy oil, so viscous that it cannot be moved through pipelines and must be transported by ship, truck or rail.

Residual oil has a good combustion and burning capacity and is an ideal energy fuel. Sulfur content in natural gas is more easily removed, but, depending on the type of crude from which the resid comes, some of the resid can meet the low-sulfur restrictions demanded by many communities. Additional refining processes can reduce sulfur content in a heavy sulfur residual to acceptable levels. Such desulfurization facilities, however, require time and money.

Refineries in the U.S. in recent years have sought to minimize production of residual fuel oil, with the current average residual yield running about seven percent of the barrel. This is understandable in light of what hitherto had been the low cost, and abundance, of imported resid.

Simply, there was no reason to increase domestic resid production when there was so little market demand for it and when its selling price was substantially less than the cost of the unrefined crude oil from which it came. Thus, U.S. refiners have stressed production of "lighter," more heavily refined products—gasolines, jet fuels, and distillates—for which there is a heavy U.S. demand.

Faced with today's changed situation, U.S. refiners are beginning to convert a larger share of their production to meet demand for resid. The task is not an easy one. Recently, a leading petroleum executive, speaking before the business school of a major American university, commented on the efforts of the petroleum industry to avert an energy shortage:

"I don't believe there will be any shortage because the oil companies are turning their refineries and transportation systems inside out to prevent it. It's costly and inefficient, but we're doing it—because no matter who or what caused the shortage—it's up to us to prevent it. This, incidentally, is an excellent example of an occasion when the needs of society must come before profits."

Resid bound for the U.S. east coast

When the first major oil fields were discovered in the Eastern Hemisphere, shortly after World War II, it was obvious that the world's energy needs had found a tremendous new source of nourishment. Some finds were truly staggering—the oil pool in Ghawar, Saudi Arabia, for example, is estimated to contain as much oil as the entire continental United States. Terrain, by and large, was favorable for major pipeline installations. And the Suez Canal was perfect for tanker operations. Here truly was a petroleum paradise: huge reserves, plentiful labor, convenient locations. Indeed, despite a huge post-war growth in demand for petroleum, the problem of supplying vast quantities of crude worldwide for refining into vast quantities of oil products, seemed no problem at all.

Beginning in the early 1950's, increasing amounts of foreign oil were imported into the United States. The government became concerned from a security standpoint that these excessive quantities of imports would undermine the domestic petroleum supplies and make the nation overly dependent on oil from foreign governments. Therefore, in March 1959, President Eisenhower, acting on the advice of the Director of the Office of Defense Mobilization, promulgated the Mandatory Oil Import Control Program.

Under the program imported crude oil, unfinished oils and products other than residual fuel oil are limited by quota in the geographic area east of the Rockies. The quota limit is 12.2 percent of the amount of domestic crude oil and natural gas liquids the Secretary of the Interior predicts will be produced in that area during the period for which import allocations are granted. Imports into the West Coast are limited on a domestic supply-demand basis.

In 1966, the import program was amended to allow unlimited importation of residual fuel oil to the U.S. East Coast. This action was taken to assure an adequate supply of residual fuel oil to the nation's biggest fuel consumption area.

By 1969, resid imports to the East Coast reached 1.3 million barrels a day and accounted for 86 percent of the total East Coast supply. During the first five months of 1970, East Coast imports reached 93.7 percent of the total supply. This includes direct imports of residual fuel refined abroad and residual fuel made by East Coast refiners from imported crude oil.

The reason for these imports was simple: price. Domestic resid simply could not compete with the low-cost imported item. Now, however, the pricing balance has shifted dramatically, and following are some of the reasons.

Suez, Libya, and Syria

The first dark spot in the Middle East import picture came at the end of the six-day Arab-Israeli War in 1967, with the closing of the Suez Canal. With the Canal shut off, the major means of transporting Persian Gulf oil became the Trans-Arabian Pipeline which terminated at the Lebanese port of Sidon on the Mediterranean. The pipeline carried 475,000 barrels of oil a day.

In May 1970, a bulldozer in Syria damaged the pipeline which then was closed for repairs. Although the repairs could have been quickly made, the Syrian government has not yet allowed the pipeline to be fixed. The result has been a serious decrease in the flow of oil.

As if the Syrian situation were not serious enough, Libya, in 1969 the world's four largest oil exporter, ordered oil production cut back nearly 800,000 barrels daily. These events occurred between June and August, 1970, and many of the cutbacks remain in effect.

With the Suez Canal closed, the Trans-Arabian Pipeline shut down and Libyan production drastically reduced, oil companies were forced to bring increased quantities of crude from the Persian Gulf by tanker to European refineries. Here transportation proved a major difficulty. Instead of a relatively quick Mediterranean voyage, oil tankers loaded in the Persian Gulf were forced to ply the arduous and lengthy trip around Africa's Cape of Good Hope.

The time required for a tanker to go around the Cape is six times that required by the old Mediterranean route. As a consequence, existing tanker capacity was greatly strained and "spot" tanker charter rates rose sharply.

A 100,000-ton tanker that chartered for $600,000 per trip from the Persian Gulf to Great Britain in 1969, now costs $2 million to charter. New tankers are being built but their construction takes time. This means the squeeze will be with us for some time to come.

Here is the heart of the present U.S. residual fuel oil shortage. Most of the actions were sudden and unforeseen. Nevertheless, they have placed an emergency strain on domestic refineries to come up suddenly with enough resid to offset the cutback of Eastern Hemisphere imports.

As can be expected, the price of the formerly "low cost" imported resid soared to the point where U.S. oil is frequently a lower priced item. *The Wall Street Journal* made this fact clear in an article written June 15, 1970.

"The cost of moving a barrel of oil from the Persian Gulf to the U.S. East Coast has skyrocketed to about $3.25 a barrel; the oil itself in the Persian Gulf area costs only $1.25 a barrel; producing a total cost in the U.S. of about $4.50 a barrel. A barrel of crude oil from Louisiana, by contrast, costs only $3.75 delivered to an East Coast refiner, or 75 cents less."

Of course, Europe also is feeling a resid pinch. Western Europe depends on the Middle East for 85 percent of its oil. With the cutbacks now in effect there, and with the tanker shortage, Europe needs almost as much oil as it can corner. Japan, too, has become a major energy consumer and this adds further strain on world supplies.

Other places—other problems

Venezuela has for some years been a major oil producing country in this hemisphere, but here we run into the sulfur problem. Many East Coast community environmental laws require that fuels used must contain less than one percent sulfur content. Venezulean crude generally has a much higher sulfur content and other troublesome impurities. Because of this, desulfurization facilities are being rushed to completion in the Caribbean to handle Venezuelan output, but it is doubtful that enough of these plants can be placed in operation in time to make any significant contribution.

Even when enough desulfurization plants become a reality, the U.S. still cannot rely too heavily on Venezuelan crude. The South American country currently is producing at capacity, and a substantial portion of its production is committed to European and other non-U.S. markets.

Senator Clifford P. Hansen of Wyoming, speaking before the Annual Meeting of the American Petroleum Institute on November 18, 1970, stated the following in regard to the possibility of importing more crude from Venezuela as well as increasing the supply of Canadian imports.

"We still hear the demands for more and more Canadian and Venezuelan oil. But I understand that Venezuela is now producing about all she can and Canada recognizes her own precarious situation in that she imports more than half of her own needs while exporting almost half of her production to the U.S."

It has been 12 years since the North Slope of Alaska was opened for oil leasing, and four years since the first significant oil find. Today, the volume of Alaskan crude reaching the "lower 48" remains virtually nil.

This situation will no doubt prevail until completion of a pipeline capable of carrying the North Slope crude to a warm-water port in southern Alaska for loading and transportation. At this time the pipeline is being delayed pending U.S. Department of the Interior approval.

As promising as is the Alaskan oil potential, this oil—even when producing at top capacity—will provide only ten percent of the nation's growing oil needs.

GOVERNMENT AND THE ENERGY FUTURE

It is obvious that the task of supplying sufficient energy to meet the needs of the people of the United States is of such magnitude that it cannot be accomplished if national energy policies continue along past and present fragmented lines.

Experience has demonstrated that the piecemeal handling of energy problems is going to get us deeper and deeper into trouble.

No longer can we afford narrow, short-range approaches. We must have governmental policies that will consider relationships between the supply of coal hopper cars and the well-head price of natural gas, offshore drilling and the rate of nuclear construction, mine safety laws and foreign imports, domestic environmental regulations and availability of Middle East supplies. All of these pieces have to be considered with the total picture in sight.

The American Petroleum Institute supports the concept of a coordinated approach to energy policies on the part of government. The Institute has endorsed legislation that would seek to achieve this goal through the creation of a National Commission of Fuels and Energy.

The people of the United States have created the highest standard of living in the history of the world. Their expectations of an even better tomorrow need not be frustrated by short-sighted, sometimes unnecessary, and occasionally contradictory governmental actions and policies that have resulted in our present energy gap.

We are a vast nation with vast resources. It is not sufficient for us merely to solve the immediate energy shortage. We must find positive solutions to all the energy problems for many years to come. The petroleum industry alone will invest billions of dollars during the course of this decade toward the assurance of a full and continuing energy supply. The other major energy industries will make similar commitments.

It is now believed that we will survive this winter without too many noticeable inconveniences being placed upon the public at large from an energy-availability standpoint.

But only through the development of sound programs affecting our total energy picture—production, financial, environment—can we continue to rely upon an adequate energy supply. This realization is a continuing goal of the petroleum industry, and the best hope of us all.

HORTON GIVES TRIBUTE TO CHARLES SHUMAN, THE FARMER'S FRIEND

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HORTON. Mr. Speaker, last month, Charles Shuman, national president of the American Farm Bureau Federation for the past 16 years, retired from that post.

Under his leadership, the Federation grew to a membership of almost 2 million and became a vital voice for the farmers of America.

Mr. Shuman is best recalled as "the farmer's friend." He has been an outspoken critic of policies which he felt were against the interest of the farmers and an outspoken champion of policies which he thought would help their economic welfare.

Among the latter is competitive capitalism. This is a policy he has pursued with true vigor. He once said:

> The future of agriculture lies in producing for the market—in producing the things for which consumers indicate a preference by the way they spend their money. This means that the price system must be allowed to guide changes in production and consumption.

A profile of Charles Shuman appeared in the December 14, 1970, edition of Barron's, the national business and financial weekly. I would like to share this tribute to the man with a positive vision for the future of agriculture and the farmer with my colleagues.

The article is titled, "Farmer's Freedom, Salute to a Man Who Has Fought So Hard for It."

The article follows:

Farmer's Freedom: Salute to a Man Who Has Fought So Hard for It

Charles B. Schuman, whom Time Magazine once hailed as the "freedom fighter of farming," is a man who likes to call a spade a spade. Mr. Shuman, who has served as President of the American Farm Bureau Federation since the mid-'Fifties, once bitingly labeled the New Deal-Fair Deal farm programs "payments, permits and peasantry." In the early 'Sixties, before an audience of cheering members, he likened commodity price supports to dope-peddling. At another annual meeting, the spokesman for nearly two million American farm families trenchantly addressed himself to an issue as old as Joseph in Egypt. "The world does not need to starve," he said flatly, "if the underdeveloped areas can be induced to accept . . . competitive capitalism."

After 16 years of service, Mr. Shuman last week turned over the reins to others. In his farewell address, the far-from retiring foe of "payments and peasantry" was characteristically blunt. He criticized the "price-depressing and market-wrecking programs of the Food and Agriculture Act of 1965," many provisions of which have gained a fresh lease on life in a measure just enacted into law. He assailed the sorry record of official decision-makers, Republican and Democrat alike, with the scathing observation that "two million farmers are wiser than any Secretary of Agriculture." He denounced the grape boycott and Cesar Chavez: "Like the serfs of long ago, the grape workers were bargained for as if they were chattels or slaves." Despite all the mischief wrought by man and nature, however, down-to-earth Charlie Shuman has not lost hope. On the contrary, he told the Federation, "I am more optimistic about the future of the farm families of America than I have been at any time in the last 20 years. . . . This appears to be the beginning of the 'last round-up' for government intervention in agriculture."

In this realm, to be sure, forecasts are notoriously chancy; nobody knows better than Charles Shuman how much remains to be done by those who come after. Yet looking back over a long and difficult tenure, the man from Moultrie County (Ill.) has grounds for a measure of wry satisfaction and confidence. Time after time in recent years, Washington's moves to achieve what it euphemistically calls supply management have come a cropper. Throughout the Farm Belt, apathy and disillusion with its fumbling efforts have spread far and wide, to the point where protracted and frequently bitter debate over the newly passed legislation yielded astonishingly scant mail from home. "It was obvious," Mr. Shuman pointedly remarked last week, "that most farmers did not care whether there was a farm program or not." (In striking contrast, Farm Bureau Federation membership this year increased by more than 77,000 to 1,943,181, best gain in nearly two decades.) Even the Agriculture Act of 1970, though falling appallingly short of the Federations high standards, downgraded the out-of-date concept of parity and otherwise scored some small advance over the dismal past. One swallow doesn't make a summer, but it is a spirit-lifting harbinger of change.

It's also long overdue in an area which, despite the government's depression-spawned concepts and policies, for decades has been breaking new ground. The so-called parity ratio (which, based on prices prevailing 60 years ago, purported to compare the relationship of farm income to costs) sagged in October to 70, lowest since December 1933, yet farmers, whose efficiency and productivity have grown by leaps and bounds, are far from poverty-stricken. Since 1910-1914 as the Agricultural Letter of the Federal Reserve Bank of Chicago observes, the average annual output of U.S. farm commodities has increased by 127%, while required input is up less than one-quarter as much. The process, if anything, lately has accelerated. Thus, since 1961 corn yields have soared from 62 bushels per acre to 84 (while the cost of the feedgrain diverson program has doubled, to $1.6 billion).

Spurred by scientific innovation, output per manhour in farming has tripled in a decade. There has been a steady rise in the use of hybrid corn (to the pleasure and profit of concerns like DeKalb AgResearch Inc., which now is working on hybrid wheat). By perfecting new methods of irrigation—like the huge gas-powered center-pivot sprinkler systems that water a quarter-section of land, including hilly and irregular terrain, in one 48-hour circle of its quarter-mile long arm around the source—agri-business has revolutionized farming in Nebraska, Kansas and Colorado. As the head of one pipeline company, which has profited handsomely from the trend, recently told the New York Society of Security Analysts: "The rapid development of irrigation has given these sections of the Midwest a new look. In place of wheat, farmers have turned to bigger money crops—high yielding hybrid corn, sorghum, alfalfa and sugar beets. In 1969, Nebraska's gross farm income reached an alltime high average of $30,000 per farm, up from $24,000 only a year earlier."

Such achievements stand in striking contrast to the succession of fumbles and bumbles that have marked official policy. In 1968, after Washington's "Feed the hungry world" campaign swamped the market with a flood of unwanted grain, Secretary of Agriculture Orville Freeman ("Slip, slide and duck") remarked defensively: "No one—not myself, nor the Congress, not the scientists and economists—had the second sight to predict this." His successor, as Charles Shuman remarked, has proven equally shortsighted. "Last spring he strongly urged feed grain producers to participate in the 1970 program to cut output, but many farmers rejected this advice. . . . With the disastrous corn blight, it is obvious that theirs was the correct decision." Over the years, indeed, rural disaffection with farm price supports has steadily grown. Only one-half of feed grain producers participate in the program. Fewer than one-third of all U.S. farmers remain hooked on subsidy. Few cared enough about the new legislation to flex their once-vaunted political muscle.

Small wonder, then, that Congress, which prefers doing business at the same old stand, belatedly has made concessions to the temper of the times. True, the Agricultural Act of 1970 retains intact some of the old rigidities and follies. Against the advice of the Farm Bureau Federation, USDA will keep soybean price supports at current levels; payments to wheat farmers are scheduled to rise by 5%. Supply management remains the name of the game, while the CCC can pile up inventories or dump them at will. The unsavory mess will cost the taxpayer an estimated $3 billion in the current fiscal year down from over $3.5 billion (thanks largely to the corn blight). Yet the monolith wobbles. After heated debates, the lawmakers reluctantly limited recipients to $55,000 in subsidies per crop. The call for parity has been muted. After "setting aside" required acreage, farmers now enjoy greater freedom in cultivating the rest. Western cotton growers may plant as many acres as they please. The Secretary of Agriculture has praised the measure as "a way to break with the past by enabling farmers to employ their land and capital resources in planting the crops they can best produce," which surely overstates the case. But it is a beginning.

Sooner or later, the retiring head of the American Farm Bureau Federation is convinced, the U.S. will go the whole hog. "The future of agriculture lies in producing for the market—in producing the things for which consumers indicate a preference by the way they spend their money. This means that the price system must be allowed to guide changes in production and consumption." For helping to speed it, Charles Shuman has earned his countrymen's thanks.

NEED FOR SOCIAL SECURITY BENEFIT INCREASE NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. SCHWENGEL. Mr. Speaker, I take the floor again today to call attention to the need for action now to increase our meager social security benefits. The following letter sets forth a resolution by the Des Moines County Chapter of the American Association of Retired Persons in support of my efforts to obtain an increase in social security benefits:

BURLINGTON, IOWA,
January 13, 1971.

Hon. FRED SCHWENGEL,
Rayburn Office Building,
Washington, D.C.

DEAR MR. SCHWENGEL: Since I talked with you on your day in Burlington, January 11th, we have had an addition to driving and walking hazards in the form of sleet, with no promise of better weather for the January 14th meeting of our Des Moines County, Iowa, Chapter of the American Association of Retired Persons. Therefore, this morning our Board of Directors voted to cancel the Chapter meeting.

The Board, however, authorized me to convey to you the following resolution:

Resolved that the Des Moines County, Iowa, Chapter of the American Association of Retired Persons support the effort of Congressman Schwengel to introduce in the U.S. House of Representatives a new Social Security bill, free of unrelated amendments; this new bill to provide for a 10 percent increase in benefits, retroactive to January 1, 1971, for automatic increases in benefits in accordance with increases in the cost of living index, and for a minimum base of $100.00 per month.

Resolved, also, that this Chapter urge Senators Jack Miller and Harold E. Hughes to support said bill or a Senate bill to contain the same provisions.

On January 11th I mentioned to you that I had not had a reply from Senator Hughes to the letter I had written him in November about Senate action on the Social Security bill. Yesterday I did receive his answer. He, apparently, as well as Jack Miller, is in favor of helping to pass a new bill without irrelevant amendments. I am sending letters to Miller and Hughes in this same mail.

Sincerely yours,
MARTHA M. GUENTHER,
President Pro Tempore, Des Moines County, Iowa, Chapter, AARP.

RECYCLING SOLID WASTE AT A PROFIT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. GUDE. Mr. Speaker, in nearby Prince Georges County, Md., the U.S. Bureau of Mines operates a solid waste recycling plant that does the next best thing to spinning straw into gold. The demonstration project uses mining equipment to extract valuable materials and ores from the waste from municipal incinerators. The process costs $3.52 per ton and produces commercial grade metal and glass worth $12 per ton. It also eliminates the need for expensive new sites for burial of incinerator waste.

The January 17, 1971 edition of the Washington Sunday Star carried an excellent article by John Morton on the Bureau of Mines project. I recently visited the plant, which is under the direction of Max Spendlove, and found the Star article to be an interesting and concise explanation of the recycling process. I commend the article to the attention of my colleagues, and strongly recommend a visit to see Mr. Spendlove's trash machine in action.

The article follows:

CAN WE USE MAX SPENDLOVE'S TRASH MACHINE?

(By John Morton)

A quart jar of pickles brings together in one convenient package 16 pickles, a cup of brine, an ounce of metal in the cap, a bit of paper label and 12 ounces of glass. All of these facts do not fill the housewife's mind as she cruises the supermarket aisles. It's the pickles she wants, and that's what her family gets. The rest is thrown away.

A lot of everything else she buys is thrown away, too, after the edible contents are unwrapped from paper, squirted from aerosols, squeezed from tubes and poured from thousands of cans and nonreturnable glass bottles. Truly it is a disposable feast.

Americans throw away 150 million tons of household refuse annually, and the total goes up each year. The cost to collect and dispose of it is staggering—close to $4 billion annually. Some of the junk is burned, some is buried, some is dumped at sea, and a lot of it just blows across the land.

The harvest of refuse is a major headache for cities, which everywhere are plagued by a lack of new dumping sites and the high cost of building and running refuse incinerators. Yet this effluent of our hard-sell, superpackaged marketing system itself offers the answer to the problem of its existence. For if properly treated, all of this junk is worth money.

A federal research project quietly underway in Edmonston, Md., in Prince Georges County, has developed a recycling plant that takes refuse at one end and produces commercially valuable products at the other end—at a profit. The reason a profit can be made is simple: Household refuse is rich in all the materials that were thrown into it—aluminum, iron, copper, brass, tin, glass, paper and plastic. Indeed, for some of these materials, household refuse is a resource richer than ore that is profitably mined and processed in a mill.

A visit to the Edmonston recycling plant is a surprising experience for anyone accustomed to the dirt and obnoxious smell usually found in ordinary refuse-disposal plants. There is plenty of noise—the huge machines used in the recycling process chop, tumble, crush and shake the junk fed into them with an awesome racket. But the refuse is carefully contained along the chain of connected machinery, and water sprays used in the machines to wash out fine particles keep down the dust. The floor is spotless.

The man in charge is Max Spendlove, research director at the U.S. Bureau of Mines' Metallurgy Research Center at the University of Maryland. Spendlove, a serious-faced, orderly man in his 50's who looks as if he might be a high school physics teacher, has a matter-of-fact way of speaking that often harbors wit. Giving directions to his office on the University of Maryland campus, he advised: "Follow Campus Drive until you pass the Student Union Building—that's the one with all the trash out in front—and I'm in the next building on your left."

Spendlove's career as a government metallurgist devoted to getting something valuable out of what appears to be worthless goes back to 1940, long before the disposable explosion in American merchandising began overwhelming municipal trash systems.

His first job with the Bureau of Mines was to figure out a way to extract the valuable metal in the smoke and gases belched out by copper smelters near Salt Lake City, Utah. After World War II he was in College Park, developing techniques for reclaiming aluminum from thousands of scrapped military planes. When Congress enacted the Solid Waste Disposal Act of 1965 with the idea of combating pollution and reclaiming lost resources, Spendlove was appointed to direct the bureau's research under the act. This led to the development of the Edmonston recycling plant, which first started processing refuse on an experimental basis in May, 1969.

So Spendlove is used to looking at the worthless, the discarded objects of America, in a different light. Thus he speaks of household trash with admiration, even a bit of affection, and with an absolutely straight face. To Spendlove, it's not trash, but "urban ore," and he likes to talk about how coat hangers and tin cans are "high" in iron, that broken toys and alarm clocks produce a lot of brass and aluminum, and that all of those throw-away bottles give off a nice quality of marketable glass, if handled right.

He even sounds a little protective of the qualities of his urban ore at the mention of banning throw-away bottles by municipal ordinance, a step recently taken by Bowie, Md.

"What good does it do to ban throw-away pop and beer bottles and not ban them for pickles, vegetables, ketchup, olives and everything else that comes in a throw-away container?" he asks. "What about the shoe box and all the other containers we throw away? Besides, the consuming public will always resist this. They'll just go buy them somewhere else."

Let the people buy and throw away, says Spendlove. Human nature is not easily changed, but recycling plants that make money can be easily built, and the profits can be spent on doing a better job of collecting refuse.

Trash disposal in the United States, for the most part, relies on the same basic processes used centuries ago—burn and bury. Nothing better was ever developed because, until fairly recently, land was cheap enough and plentiful enough to make burn-and-bury a sensible disposal system.

But suburban sprawl, the population explosion and the boom in throw-away packaging have combined to overwhelm existing municipal dumps and make sites for new ones hard to find. Fairfax County in Virginia, for example, is nervously seeking a new dumping site; in about a year, the county's landfill operation west of Fairfax City will have taken about all it can hold.

Similarly in Maryland, Montgomery County should have closed its overstuffed landfill near Rockville a year ago, county officials acknowledge. But land close in is expensive, and few communities farther out are eager to become someone else's dumping ground. Alternatives being considered by some local governments include baling trash and shipping it elsewhere by rail. The District of Columbia may send its trash on barges 20 miles down the Potomac to Cherry Hill, Va., when its dumping site at Oxon Cove, Md., is filled up.

One method of reducing the sheer volume of refuse is to burn it in an incinerator, which removes the paper, plastic, wood, food, and anything else that will burn. There are now about 400 incinerators in use in the United States, and scores more will be built in coming years. The District has had at least one incinerator since the 1930s, and is planning to build its fifth soon. And there are several others in metropolitan Washington. But incinerators still leave an unburnable residue of metal and glass that must be buried in a landfill somewhere.

The Edmonston recycling plant developed under Spendlove's direction was designed to process this incinerator residue—extract the valuable materials in pure enough form to make them commercially valuable. Using residue collected from incinerators in suburban Maryland, Virginia, the District of

Columbia, Baltimore, Atlanta and New Orleans, Spendlove and his fellow researchers experimented with machines that chopped, chewed and separated incinerator residue. By November, 1969, six months after they started, they had perfected the process.

Perfecting the process achieved these financial results: The cost in labor, equipment and building to process incinerator residue is $3.52 a ton. The end products—commercial grade metals and glass—are worth $12 a ton. This means that cities with incinerators are burning and burying $77 million worth of resources a year—the recycled value of the 22 million tons of refuse fed to incinerators each year in the United States.

Attracted by reports in technical journals, representatives from the iron, aluminum and glass industries have visited the Edmonston project to see for themselves that the recycling plant can produce valuable material. Other visitors have included officials from several major cities in the United States and abroad.

If money can be made from household trash, and the Bureau of Mines has a plant that proves it, why aren't mayors and city councils all over the country plunging into engineering reports and making feverish plans to build their own recycling plants? Part of the answer is that the Bureau of Mines experiment was so recently completed that word of its successes has not spread out to municipal public works departments. Even in metropolitan Washington, which would seem to have the edge on the rest of the country because of proximity, checks with public works departments failed to turn up any officials who had actually visited the Edmonston project, although there were varying degrees of awareness of it.

Moreover, the public works officials tended to view the whole concept of recycling as something too experimental and far off to be of much use to them in their day-to-day struggles with collection, burning and burying. Says Norman Jackson, director of the District's Department of Sanitary Engineering: "Recycling is a very fundamental principle that we must observe in the future, but I think a lot of work remains to be done on it."

Others apparently were not acquainted with Spendlove's recycling techniques. Both Nicholas Stoliaroff, urban engineer with Prince Georges County, and Frederick Doe, Arlington County's utilities director, asserted that household trash is such a complex mixture of materials that sorting it out never would be profitable. "You can't tell from looking at a can whether it's aluminum or tin," says Doe. The Edmonston plan, however, does not rely on visual identification; it shreds all incoming materials and separates them with mechanical, magnetic and chemical methods.

Doe also refused to accept that tin cans and glass bottles could produce raw materials that would bring a profit, regardless of the cost-profit studies done by the Bureau of Mines. "For example, tin cans have fallen in value considerably because the tin coating on the iron contaminates the new types of steel furnaces being used," he says.

Spendlove acknowledges that the tin contamination problem remains to be solved, along with problems caused by solder from the seams of cans and copper that somehow attaches itself to tin cans during incineration. But the profit figures he cites for his recycling process are based on receiving the low prices that tin-contaminated iron brings on the market. "When we solve the contamination problem, the iron will be good enough to make steel, and then we can make more than $12 a ton profit on incinerator residue," he says.

Spendlove believes there will be two major barriers to overcome before very many communities will be able to put to work the recycling processes developed in Edmonston. "In many cities, just getting out from under the refuse-disposal problems that they have right now will put them off," he says. "And I am assuming that, whenever a recycling plant is built, it will be a combined effort—a combination of city and state or federal governments, and perhaps even some private interest. None of these relationships has been determined, and it will take time. But I'll be surprised if some serious proposals don't start coming in."

As for the recycling process itself, Spendlove emphasizes that no esoteric machinery or unusual new processes are involved. "All the machinery we use is conventional," he says. "We just use the basic minerals-processing techniques, but we've brought all the techniques together to work on urban ore."

There are three basic operations:

1. Shredding and grinding the incinerator residue into small particles. 2. Separating out different materials with magnets and screeens of different sizes. 3. Washing to remove dust particles.

The first machine in the recycling chain is a trommel—a large, rotating cylinder full of 1¼-inch holes that normally is used to sort out gravel. The incinerator residue brought in at the unloading dock is dumped onto a conveyor, which carries it to the trommel; small particles drop through the trommel's holes as it rotates and feeds larger pieces to a shredding machine. In later stages, magnets pull out magnetic metals, and grinding mills crush glass into tiny particles and flatten pieces of nonmagnetic metals so they can be screened out of the glass.

Traditional refining techniques, such as acid leaches and filtration, further separate metals into aluminum, copper, zinc and brass. The glass particles can be used as is to make building bricks and glass wool, but more money can be made from glass that is separated by color, which is done both by magnetic means (color in glass is created by iron and chromium) and with an optical sorter.

The cost and profit figures cited above are based on a recycling plant serving a city of 250,000. A larger plant, say for a city of a million, would use the machinery more efficiently, reducing processing costs to $1.83 a ton. How much to build a plant for a city of a million? About $2.2 million, certainly not unmanageable, especially in view of the profit potential.

"Now that we know how to process incinerator residue and make money at it," says Spendlove, "we're setting up another plant to take refuse straight from the garbage can—no incinerator—because the paper and plastic refuse is valuable, too, and we hate to see it burned up." He expects to spend about a year perfecting the process for raw refuse. "We already know how we hope to do it, but there are always unexpected kinks to work out."

Processing raw refuse both eliminates and raises some problems. It would eliminate the need for an incinerator, which costs about $23 million to build for a city of a million. But it poses expensive difficulties in reclaiming paper and plastics and fabrics. To be separated from other trash, these lightweight articles must be put through what is called air classification.

Essentially, air classification is a stream of air into which the refuse is dribbled. The air blast blows out the paper, cardboard, plastic and other light materials, and an additional air stream can further separate the lightweight materials into distinct grades.

Adding air classification to a recycling plant (the heavier materials would continue to be processed just like incinerator residue) would raise the cost of a plant for a city of a million to about $7.2 million.

This more sophisticated, raw-refuse process is yet to be perfected, however. But Max Spendlove says it's just a question of time. Working on the mechanical problems involved is simple, compared to the obstacles in other phases of waste management—for example, taking almost invisible pollutants out of air and water. "Solid waste is easy to work on," says Spendlove. "You can put your hands on it. You can do almost anything you want with it."

VARIOUS FORMS OF NATIONAL SERVICE DISCUSSED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BINGHAM. Mr. Speaker, Donald J. and Louise K. Eberly, writing in the January 13, 1971, issue of the Christian Science Monitor, have given us an excellent overview of the many forms of national service that have been suggested or are in existence throughout the world. Mr. Eberly, who is the executive director of the National Service Secretariat in Washington, D.C., worked with me and my staff in the development of the National Service Act which I reintroduced on the first day of the present Congress.

I include the full text of the Eberlys' article in the RECORD at this point:

MANY "PEACE CORPS" ON THE HOME FRONT

(By Donald J. and Louise K. Eberly)

WASHINGTON.—A flash flood hits a community in the Rockies—quickly a rescue and first aid team of young men and women is flown in by helicopter to help. Similar service in many forms could be rendered all across the United States, through a national volunteer service.

The idea goes back at least to William James, who called for a cause that would inspire the same zeal and self-sacrifice brought out by great national emergencies—his phrase: the moral equivalent of war.

Areas of service could include a highway safety patrol corps, tutoring, assisting public health teams, solving environmental problems. A young person would volunteer and choose his own service. There's plenty of need, and reward, for those who serve.

The idea has been flirted with in the U.S. for centuries. Hardy shoots of volunteerism have sprung up in many aspects of our lives, from volunteer fire companies to air raid wardens. It has produced great oaks like scouting and the Red Cross.

The latest crop includes the Peace Corps, Job Corps, Teacher Corps, and VISTA, rugged frontier varieties, but hardly prolific, since the total participation has never exceeded 60,000 a year.

One of the ways in which a real national service program would differ then from our past volunteer efforts is in magnitude.

A MAJOR COMMITMENT SOUGHT

Proponents of national service envision a voluntary corps of 2,000,000 young people devoted full time to a peaceful war on the enemies that threaten our society—ignorance, poverty, and lack of opportunity, as well as emergencies. Many, many volunteers would devote two full years to this war, not just the four hours or less a week the average volunteer presently devotes to the cause of his choice.

And many agencies would multiply their good works if they could afford such workers. With a national service program, they could have full-time volunteers for two years, as many as they were prepared to train and supervise. A national foundation, receiving appropriations from Congress, would underwrite stipends for the participants.

Whatever the assignment, the young person would have to be qualified or trained to do the job. And there would be specific targets to make sure that participants were contributing to society.

A national service program would not require a plethora of new organizations. Typically, participants would serve with already existing agencies—local schools, hospitals, libraries, conservation organizations. Some would serve with churches, but in secular activities such as day-care centers. Others would serve with municipal agencies, such as the sanitation department and police department, ensuring that city services were reaching those who needed them.

Many would supplement the work of part-time volunteers in private, nonprofit agencies such as the Girl Scouts and organizations working with juvenile offenders.

Where a new agency such as a Highway Safety Patrol Corps was created, it would be closely linked to such existing agencies as state highway patrol units and the federal Highway Safety Bureau in the Department of Transportation.

WHAT OTHER COUNTRIES ARE DOING

Why is America trailing behind some 60 countries in development of the national service idea? Charles Bartlett, the columnist, says, "The concept is so big and so controversial that no politician knows how to get hold of it." The very size of America and the number of people that would be involved may explain this reluctance.

The heterogeneity of America is surely another major reason. It was easier for Sweden or Germany to start a social security system years before we did. And it has been easier for Iran and Ethiopia and Israel, all of which have homogeneous populations or a common religion, to promote national service.

Our heterogeneity may also explain why proponents and opponents of national service don't agree on just what national service is. Is it volunteer or conscripted service? Is it an extension of our controversial draft system or is it a replacement? Who would pay for it?

The President's Commission on an All-Volunteer Armed Force considered only compulsory national service. It estimated the cost of such a program at anywhere from $16 billion to $40 billion. Even worse than the cost, it said, mandatory national service would be "coercive and involuntary," and concluded that such a system would be more consistent with "a totalitarian than a democratic heritage."

Curiously, the only program of mandatory national service for all youth is to be found not in a totalitarian country, but in Israel. All Israeli young men and women are required to serve for a period of about two years. They receive military training for a short period and some continue in military service while others go to villages (or sometimes create new ones) where they complete their service obligation in such fields as agriculture and education. Beyond the value given and gained in such experiences, the Israeli national service program helps to integrate its young people from diverse backgrounds.

SEVERAL PROGRAMS COMPULSORY

Although few young Americans these days are immigrants, their backgrounds are often more diverse than those Israelis bring to their new land. An American national service could breach the gaps in experience and understanding between black and white and between adults and young people. Informative media programs help a little. But those with experience maintain that, when it comes to understanding someone of a different age or color, nothing compares to the personal experience of working together on what the participants regard as a constructive project.

While Israel's national service program is the most comprehensive, Ethiopia's program is also compulsory—but it is for university students only. Iran's is compulsory but for men only. Entry into one of the civilian services, such as the Iranian Literacy Corps or Health Corps, is generally voluntary. Several European countries practice universal military conscription for men, but recognize a hitch of equivalent time in the country's Peace Corps-type program as fulfilling one's military obligation.

One of the latest American proposals for national service is quite similar to the Ethiopian program. In a major statement last year, Dr. Philip Handler, president of the National Academy of Sciences, recommended the creation of a national youth service program that would offer financial support to all graduate students in good standing. In return, the students would be committed to two or more years of national service upon completion of their educational program.

Dr. Handler's proposal is fine for people who enjoy 16 or more years of continuous schooling. But many students want to experience the real world before undertaking advanced education. The experience itself is education.

It is said by some that young people owe no service to their country, that they should neither be compelled nor coerced into service. National service proponents, on the other hand, contend that many young people do feel an obligation to serve their country but are at a loss to find nonmilitary ways. For example, for every person enrolled in the Peace Corps, VISTA, and Teacher Corps, another 100 persons have said they would be strongly interested in joining such programs.

To opponents, a national service program means just another big bureaucracy in Washington, D.C. As Prof. Eli Ginzberg said at the 1967 National Service Conference in Washington, D.C., "One day (during World War II) we realized that although Congress had allowed us 7,700,000 soldiers, we actually had 8,300,000 on hand at that time. I submit that if a centralized military organization can make a mistake of 600,000 in controlling its personnel, I would not like to have a large number of volunteer organizations in the middle of this most critical of all our human resources."

MANY WANT TO SERVE

On the other hand, say proponents of national service, consider that many young people are not satisfied to be typists or sales clerks or gas station attendants.

They want to respond more directly to human needs, but find very few job openings in such fields.

Even though job openings are few, the needs are great. The National Commission on Technology, Automation and Economic Progress reported in 1966 a need for 5,300,000 persons at the subprofessional level in such fields as education, health, national beautification, public protection, and sanitation.

Nowhere is the paradox of needs and openings better illustrated today than in the field of education, where it has just been reported that we now have a surplus of teachers. So long as we are content to have overcrowded classrooms where discipline takes precedence over learning, it will be easy to maintain this teacher "surplus." But if we establish optimal educational goals for what goes on in those classrooms, we shall discover a very significant shortage of teaching personnel.

Probably the most emotional issues surrounding national service involve compulsion, coercion, and voluntarism. Advocates of compulsory service maintain it is the only way that all young people can obtain the benefits of a period of service. Opponents maintain that compulsory service is anathema to American tradition and that the quality of the service performed would suffer.

Actually, the likelihood of a compulsory service program in this country is very small. A top adviser to President Johnson estimated in 1966 that no more than five congressmen would vote for it. Mandatory national service probably doesn't stand a chance unless the threat to our society becomes as obvious as it has been in Israel.

When a military draft is operable, certainly some young men would choose to enter civilian service in order to escape the military service. They would not be entering on a completely voluntary basis. Some say they would be coerced. But if military needs are met voluntarily, a civilian service would also be clearly voluntary.

But what is voluntarism? Is going to college voluntary if someone enrolls primarily to avoid being drafted? Is joining the reserves voluntary if it is done to avoid going to Vietnam?

Suppose an all-volunteer armed force, recommended last year by the Gates commission, is enacted into law. Since the commission's objective would be attained by offering financial inducements for enlistment, could impoverished young men who enlist be considered true volunteers?

Since the major polling organizations began asking about national service in 1966, it has consistently been favored by a distinct majority of respondents. The latest such poll was conducted last June by the Gallup organization and found support for the Bingham national service bill 3½ times greater than the opposition to it.

It is very likely that national service will be more seriously considered this year than ever before. The youth of the nation will resume the debate on national service that was begun in 1968 when it was the national high-school debate topic. The decennial White House Conference on Youth, to be held in the nation's capital in February, 1971, has selected "National Service and the Draft" as one of its 10 main topics of discussion.

The President's Commission on Campus Unrest—the Scranton commission—has recommended that national service be tested.

The current draft law expires on June 30, 1971. A national service bill (H.R. 18025) that failed last year, introduced by Rep. Jonathan Bingham (D) of New York, might be revived. Sen. Birch Bayh (D) of Indiana is interested in the national service concept.

Furthermore, the sentiment for legislating a volunteer military seems to be fading. Other names for the same concept such as "professional army" and "mercenary army," are less appealing in their implications. And Rep. Seymour Halpern (R) of New York said in cosponsoring the Bingham bill that "while I have consistently advocated a voluntary approach to providing necessary military manpower, I doubt the viability of an all-volunteer armed force. However, in the national service proposal, I believe we can increase the amount of voluntarism in society while performing a social good and preventing our military manpower costs from skyrocketing."

MILITARY COSTS ESTIMATED

And skyrocket they would. According to estimates submitted earlier this year by the President's Commission on an All-Volunteer Armed Force, the additional costs of an all-volunteer military would be as follows:

[Size of Armed Forces and net budgetary increase]

	Billion
2.0 million	$1.47
2.5 million	2.12
3.0 million	4.55

Compounding the financial problems of a volunteer military is the reluctance of volunteers to go into combat. Persons who volunteer for the Regular Army for three years can choose their specialty, and very few choose to become infantry riflemen.

During the past year, for example, when there were more Army volunteers than draftees in Vietnam, there were 1,400 volunteers who had chosen to become infantry riflemen in comparison with 36,000 draftees who were assigned to that job.

Unlike the all-volunteer military idea, where money would be the prime incentive to would-be soldiers, money in a national service program would be facilitative. Very few young people are wealthy enough to undertake full-time volunteer service without remuneration.

In a 1969 survey of 1,700 students attending eight major colleges and universities in Atlanta, three-quarters of the students said they expected to be employed during the summer. But only one student in 200 expected to perform volunteer service during the summer. However, if the same students were given a stipend, averaging about $75 per week, for performing volunteer service, two-thirds of them said they would join up.

Considering the costs of training, transportation, administration, and stipends, the National Service Secretariat has estimated annual costs of national service at $5,000 per person. It has also estimated enrollment, once the program was in full swing, at some 2,000,000 young people. At that time, annual costs would total $10 billion.

Clearly, these estimates and cost figures apply to a rather distant future. If the program were to begin today, the enrollment one year from today probably would not exceed 30,000. From there it would build up in stages, reaching 300,000 by the end of the third year, and perhaps 1,000,000 by the end of the fifth year.

What is needed now, proponents of national service believe, is to really get behind the idea and fund it adequately.

Why not find out?

A CHALLENGE FOR YOUTH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HORTON. Mr. Speaker, it has become fashionable to speak of the "Generation Gap"—of the differences that divide the young and their parents. Many see this as a schism that cannot be bridged: youths, on the one hand, blaming their parents and the leadership of the country for an imperfect world; elders, on the other hand, criticizing the young for their imperfections.

Earlier this month, President Nixon, addressing some 9,000 students and faculty at the University of Nebraska spoke of this gap. But instead of seeking to widen it as many have done, Mr. Nixon said:

> There has been too much emphasis on the differences between the generations in America . . . I believe as our generations work together, as we aspire together, we can achieve together—achieve great things for America and the world.

Mr. Nixon did more than raise this challenge. He offered a way with his words: a Volunteer Service Corps to give young Americans a chance for service both at home and abroad.

His ideas were reprinted in part in a very fine article by William Randolph Hearst, Jr., editor-in-chief, the Hearst newspapers, in the January 17, 1971, issue of the Hearst newspapers.

Mr. Hearst also pointed out the need to channel the idealistic energies of youth into constructive problem solving.

Because I agree with President Nixon and Mr. Hearst that we do not need to despair about the differences between generations but rather need to do something about them, I would like to share this article with my colleagues. Both Mr. Nixon and Mr. Hearst offer some valuable insights into the generation gap and what can be done to close it:

EDITOR'S REPORTS A CHALLENGE FOR YOUTH

(By William Randolph Hearst Jr.)

NEW YORK.—My sons, Willie, who is 21, and Austie, who is 18, are quite typical of today's younger generation. They have enormously probing minds, take very little for granted and have a fierce independence of spirit.

Naturally, we have many differences of opinion. We argue a lot and they and their friends like to needle me, if possible, every chance they get. All too often they succeed in getting my goat.

This, I think, makes for a healthy and normal relationship. Young people from time immemorial have delighted in challenging their elders whenever and however they can. With proper give and take the game helps keep the oldsters thinking young and helps the youngsters to think with more responsibility.

What is wrong about the attitude of many young people today is their non-selective negativism, a total irreverence for traditions and values. To them it is not just certain aspects of our society which are wrong—the whole system stinks.

Sometimes my sons and their friends sound off at me with this kind of sour music, which is all too tempting for youngsters to tootle. It is an attitude, incidentally, which is not only encouraged but actually preached by many of the tweedy, pipe-smoking, theoretical pseudo-thinkers in our upper educational systems.

Anyhow, not long ago, my goat was gotten again by listening to a bunch of the youngsters who were playing this sour music at me—probably more as a test than out of any serious conviction.

After taking about as much as I could stand, I erupted in a spontaneous retort which went more or less as follows:

"Okay. Nobody says everything is perfect. But if the whole situation is anywhere near as bad as you say it is—what a tremendous opportunity you guys have for improving it!

"What a chance you've got to do some real good in the world! Why, according to what you've been saying, you wouldn't have to do hardly anything at all to make the world a much better place to live in."

This was said as a sort of half-exasperated jest, and at first my listeners took it that way. Then both they and I started thinking it over and we all came up looking at each other with a surprised recognition.

What had been intended as a semi-sarcastic crack had turned out to be a sobering dose of purse truth.

This experience was vividly recalled to my mind while reading the fine speech delivered this week by President Nixon on the role of youth in American society. In it, he, too, stressed the tremendously challenging opportunities open to members of the younger generation in our imperfect world.

The speech, given Thursday afternoon to an audience of some 9,000 students and faculty members at the University of Nebraska, was not televised live and I am afraid it may not have received all the publicity it deserved.

It should, however, be read by the widest possible audience—and for that reason a brief summary and a few of the key quotes are being offered here today.

Not surprisingly, being a father himself, the President underscored the need to "forge an alliance of the generations." As proof of his own commitment to that end he announced that the Peace Corps, Vista and a number of other federal agencies will be combined in a new Volunteer Service Corps to give young Americans an expanded opportunity for idealistic service both at home and abroad.

Noting that most of the young people in his audience had recently been enfranchised as voters in national elections—and thus now have a direct say in choosing leaders and influencing policies—Mr. Nixon went on:

"There's been too much emphasis on the differences between the generations in America. There's been too much of a tendency by many of my generation to blame all of your generation for the excesses of the violent few.

"There can be no generation gap in America. The destiny of this nation is not divided into yours and ours—it is one destiny. We share it together, we are responsible for it together and, in the way we respond, history will judge us together.

"My generation has invested all that it has, not only its love but its hope and its faith, in yours. I believe you will redeem that faith and justify that hope. I believe that, as our generations work together, as we strive together, as we aspire together, we can achieve together—achieve great things for America and the world.

"You now have the opportunity and the obligation to mold the world you live in, and you cannot escape this obligation."

Note the emphasis here on obligation.

I liked that very much.

All in all, it was a very encouraging, stirring and challenging speech. It said a lot of things which needed saying and it said them in frank and sincere language.

It also reflected my own views right down the line. For example, I have stressed in this column time and again that recent campus violence has been the work of only a small minority. They generally have waited for the TV cameras and consequently tended to give the false impression that the whole country was on fire.

Nor have I ever believed the generation gap is as great as many seem to think. What has been happening is that the fads and breakaway behavior of today's youth have been played up and sped up to a previously unknown degree by today's almost instantaneous mass media coverage.

The basic fact remains that today's youth, as always in the past, needs the experience and guidance of age—just as age needs the energies and idealism and prodding of youth to provide progressive continuity in their mutual existence.

According to the Associated Press, the President's speech was prepared in collaboration with Raymond K. Price, chief of the White House speech-writing team. No doubt it was, but I am sure most of it was written by Mr. Nixon himself.

It sounds just like the Nixon I have known personally for many years. It has his wording and it has his sentiments and ideals, as I have heard them expressed many times.

Ironically, it was exactly the kind of conciliatory, understanding and direct appeal speech recommended by the Scranton Commission, whose report on campus disorders was rejected by the administration.

Precisely, because the speech DOES so accurately reflect the non-public Dick Nixon I have known, some wisenheimers no doubt will try to describe it as a collection of meaningless platitudes voiced by a coldly calculating politician.

As noted in a recent column here, Mr. Nixon has an unfortunate lack of charisma in the view of many people.

I will only observe that if the speech he gave in Nebraska last Thursday had been delivered word for word by President Kennedy, then all the Nixon critics would be hailing it as a very fine oration, indeed.

And that's what it was.

WILLIAM RANDOLPH HEARST, Jr.

TELEPHONE SERVICE AND PUBLIC FRUSTRATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. BINGHAM. Mr. Speaker, it gets tiresome speaking about the deteriorating service in the New York telephone system. Service is bad. Everybody knows it. Lots of people talk about it. The telephone company acknowledges they are having problems but say that they are trying to improve the situation. The Public Service Commission has improved its surveillance of the system. But things are still bad and getting worse. The New York Times, in an editorial on January 15, 1971, said that telephone service "far from having improved, is getting to resemble prewar Paris." Something must be done.

On January 11, 1971, Pete Hamill wrote an article which appeared in the New York Post entitled "The Phone Mess." Mr. Hamill's article is rather outspoken and I do not want to imply that I endorse the position he advocates. Specifically, I disagree with his characterization of the Public Service Commission as a "collection of Republican hacks." The PSC does deserve criticism but Chairman Joseph Swidler, a Democrat, is making considerable progress in upgrading the PSC.

Mr. Hamill's article is, however, typical of the outrage that can rise in even temperate men when faced with an unresponsive telephone backed by a less responsive telephone company. The magnitude of the crisis that would face New York and the Nation if the city's telephone system should falter completely is hardly imaginable. I am glad to have the assurances of New York Telephone that they are trying. But unless their efforts can produce results now, then I think we will have to look for new solutions to this problem.

Pete Hamill's article follows:

THE PHONE MESS

(By Pete Hamill)

The New York Telephone Co. has now exhausted its entire reservoir of good will and it is time for New Yorkers to take real action. Last year we all read those pretty stories about the technicians coming in from out of town, about the Renewed Efforts within the company, about how difficult it was to run new lines into certain areas of the city. New Yorkers are a patient race, capable of enduring all manner of disaster for a certain amount of time. But the phone bit has now gone too far.

The other day, for example, I tried to call someone in Boston, using the direct dialing number, area code and all. I got nothing. No busy signal. No recorded voice. Just the sound of air. I might have been calling Saturn. I then dialed 211 for an operator to assist me, but 211 was busy. I dialed O for Operator, but O was busy. Then, just to holler at someone, I called 411. But 411 was busy. I then dialed 611, to get the business office, but 611 was busy too.

This wasn't new; once, during the summer, I tried for seven hours to place a call to Spain, to discuss a very important business matter; O, 211 and 411 were all busy. The problem wasn't in poor underdeveloped Madrid, it was here in the richest city in the world. I just couldn't get an operator to pick up the phone and help me place the call.

Al Aronowitz has just informed me of an even more dastardly development. It seems that if you use direct dialing and don't get anything you can try to get an operator on 211 or on O. If you do get an operator, and somehow she manages to get the call through for you, you are charged extra for the service. In other words, if the technology the phone company has given us does not work, then you have to pay for the alternative to their incompetence.

In addition, we are all paying for those calls we dial which end up at the J. C. Carpentry Shop or the I. V. Lenin Monastery, or at the home of Duke Baluta, Broadway star. The other day I had four different people on one line, all trying to talk to someone other than themselves. I've gotten more wrong numbers in the past week than I've had in most of my life. It's not me. It's the phone company.

I think that something has to be done, both to force the phone company into action and to help us retain our sanity. There is no sense going to the Public Service Commission, which is supposed to be riding herd on the phone company's monopoly; the PSC is a collection of Republican Party hacks, given nice fat retirement jobs at our expense.

It will have to be up to us. Last Friday, on the brink of punching a hole through a refrigerator, I notified my attorney and my accountant that I wanted to start withholding 15 percent of my monthly phone bill until the phone company improves the service to the level of 1960. If every subscriber in the city did the same thing we might get them to really start adding extra lines, insure better maintenance and find out just what is the matter with the system.

There is a precedent for withholding a percentage of payment. We pay the phone company for a specified service. If they do not perform that service they are breaking the contract. You and I are not breaking the contract, because the rotten service is not our fault. *They* are breaking the contract.

If a landlord does not provide services which a tenant has contracted for, the tenant can get a reduction in rent. Since we can not get such reductions through the PSC (if anything those clowns would raise the rates, to provide the phone people with more money for the rotten service) then we will have to do it ourselves. The phone company could hardly cut off service for 500,000 subscribers because those subscribers have paid only part of the bill. They probably don't even know how to do it (actually they could just let the service go along the way it is going and the 500,000 subscribers would, in effect, be cut off from service).

The best way to think about it is to think about the whole aching problem of tips. If a waiter is efficient, reasonably polite and careful to keep the veal parmigiana off your lap, you will leave him a tip, usually 15 per cent. In the case of the phone company, I'm suggesting a reverse tip. The 15 per cent would go to us, as a kind of grief tax, a comment upon the phone company's incompetence. If we could get together on this thing, the service would improve in a hurry, because a monopoly only worries when it starts losing money. Meanwhile, I'm going to call the Police Dept. and find out how many people were stabbed to death in public phone booths over the weekend, trying to dial 911. Or 211. Or O.

SECRET AEC MEETING UNVEILED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. KOCH. Mr. Speaker, some Government agencies and officials are reluctant to admit members of the public to meetings with industry officials. Secret sessions between Government and industry officials lead to the suspicion that something is transpiring that is not in the public interest. A reading of American history indicates that such suspicions are sometimes well founded.

The remedy is, of course, open sessions, at which all parties of interest can make their case and counter arguments made by other parties.

The Office of Management and Budget has a notable and longstanding proclivity for secret meetings with industry. OMB has been somewhat more solicitous of nonindustry interests since the introduction of legislation and hearings dealing with OMB advisory committees, and has promised to do better by the public in the future.

Last year the Federal Power Commission agreed to a closed meeting with electric utility officials. Plans for the meeting were discussed during hearings by the Monagan Subcommittee on Special Studies in the House, whereupon the FPC decided to let the public into the meeting.

Last fall, the Department of Commerce convened the President's blueribbon National Industrial Control Council, composed of the heads of leading polluting companies. Representatives of a number of environmental organizations asked to sit in. They were denied that opportunity. They were denied an opportunity to see a transcript of the meeting. They were denied a request that a press conference be convened following the secret meeting.

Mr. Speaker, it appears that the Atomic Energy Commission also has a different set of rules for industry than it has for the public. I am well advised that the AEC plans an in camera session Wednesday, with industry representatives, to discuss radiation exposures and release of radioactive materials in effluents. Organizations which have sought access to the meeting have so far been denied.

I make this statement now so that parties of interest are aware of the forthcoming secret meeting. I hope they attend and participate. It will begin at 9:30 a.m. in room R 114—off the main lobby— of the Bethesda AEC office, 7920 Norfolk Ave., Bethesda. Lester Rogers—973–1000—is handling arrangements.

Mr. Speaker I insert at this point in the Record a letter on the subject to the Chairman of the Atomic Energy Commission from James R. Michael, who is affiliated with the Center for the Study of Responsive Law:

Washington, D.C.,
January 22, 1971.

Hon. Glenn T. Seaborg,
Chairman, Atomic Energy Commission,
Washington, D.C.

Dear Mr. Chairman: The proposed amendments to Parts 20 and 50 of the Commission's regulations would require that licensees of nuclear power reactors "make every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents . . . as far below the limits specified in this part as possible," and that license applicants indicate how they will keep radioactive effluents "as low as practicable." As the Commission has indicated, several suggestions were made that criteria more definitive than "as low as practicable" be developed. It was in recognition of the desirability of developing such criteria that the Commission announced its initiation of "discussions with the nuclear power industry and other competent groups to achieve this goal." (35 FR 18386, 3 December 1970)

Conservation and environmental protection groups were apparently considered to be "competent," and were invited to send representatives to discuss the proposed amendments on January 14, 1971. The meeting was announced by an AEC press release, and was attended by members of the press. However, this has not been the case in the Commission's meetings with representatives of the nuclear power industry. Meetings with reactor manufacturers, with architect-engineers, and with electric utility companies have been limited to invited industry representatives, with no press attendance.

It seems somewhat less than even-handed that a single meeting with representatives of conservation and environmental protection groups was open and the subject of press coverage, while meetings with industry on the same subject are conducted *in camera*. But equality of secrecy in discussion of public issues is not what is sought. To indicate, as an assistant of your General Counsel did, that conservation groups could have the same kind of clandestine meetings with the AEC if they asked for them, is the modern equivalent of Anatole France's comment that the law, in its majesty, forbids the rich and the poor alike to sleep under bridges. The feasibility of more exact limits on radioactive effluents will largely be determined in the discussions between industry and the Commission. If consultation with environmental groups is to be more than a gesture, it must include participation in these discussions. While frank and candid discussions should be encouraged, which was the reason given for keeping such meetings closed, it should not be at the expense of public participation.

In addition to contravening the principle that public issues should be discussed freely and openly, these private meetings with industry appear to be in violation of Executive Order 11007 of February 27, 1962, regarding industry advisory committees. At a minimum, Section 6(d) of these rules requires that a verbatim transcript shall be kept of all proceedings of industry advisory committees. The substitution of minutes or "summaries" for such a transcript is allowed only upon a formal determination that a transcript would interfere with the committee's functioning and that such substitution is in the public interest.

For these reasons, I urge that the Commission make all meetings with industry open to representatives of conservation and environmental protection groups, and that press coverage be granted. In particular, I urge that this be done for the meeting of utility companies scheduled for 27 January. Verbatim transcripts of previous meetings should be made public. If Executive Order 11007 was not followed, and verbatim transcripts were not taken, I urge that complete summaries of the other meetings be prepared and released promptly.

Sincerely,

James R. Michael.

HORTON URGES PROMPT SENATE APPROVAL OF FRANK CARLUCCI AS OEO DIRECTOR

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HORTON. Mr. Speaker, the President recently nominated Mr. Frank Carlucci to be the new Director of the Office of Economic Opportunity. As Director, Mr. Carlucci will replace our former congressional colleague, Donald Rumsfeld, who has been appointed Counselor to the President.

Mr. Carlucci has served with distinction as Assistant Director for Operations at OEO for the past 18 months. Previous to this, he was with the Department of State since 1956.

The New York Times of December 31, 1970, carried an interesting article on Mr. Carlucci's career which I take pleasure in inserting at this point in the Record for the benefit of my colleagues. It is my hope that the Senate will move expeditiously toward confirming Mr. Carlucci. The article follows:

Antipoverty Nominee Frank Charles Carlucci 3d

(By Jack Rosenthal)

Washington, December 30.—As a big sedan approached the southwest gate of the White House this afternoon, a lean man in the back seat fumbled for his blue plastic pass labeled "Frank Charles Carlucci III." But before he got it out of his wallet, the overcoated guard waved him past with a smile. "I guess people are getting to know me here," Mr. Carlucci said wryly, as he climbed out of the car. His fellow passengers grinned appreciatively at the double-edged remark. For Mr. Carlucci, fresh from a Senate confirmation hearing, has not only been designated as the new director of the Office of Economic Opportunity, but he was also a hero of a famous White House ancedote long relished in the Foreign Service.

"WHO'S CARLUCCI"

Mr. Carlucci, who served 15 years as a Foreign Service officer and distinguished himself in Africa, once befriended Cyrille Adoula, who later became premier of the Congo.

At a state luncheon in the White House in 1962. Mr. Adoula asked, "Where's Carlucci?" The cry went down from President Kennedy to Secretary of State Dean Rusk to lesser lights. "Who's Carlucci?"

He was found eating lunch across the street with other junior staff members and rushed to the state dining room in time to provide a happy ending to just one in a series of escapades that marked his state department career.

Once in the Congo, after a bicyclist was killed in a collision with a carfull of Americans, an angry mob of about 70 persons gathered.

Mr. Carlucci, fearing for the safety of the men and women in the car, distracted the crowd, which began to beat and slash him. He is sure he would have been killed had not a bus driver plunged through the crowd and opened the door right in front of him. As it was, he was stabbed in the back of the neck.

Last week, Mr. Carlucci received another reminder of the past, a Christmas card from Belgium.

CASE OF 35 BELGIANS

"It develops from the time Patrice Lumumba gave me 35 Belgians," Mr. Carlucci recalled. He interceded with Mr. Lumumba, who was then premier of the Congo and whom Mr. Carlucci knew well, in behalf of the imprisoned Belgians.

"He was tall," said Mr. Carlucci who stands 5 feet 7, "and I remember he reached down to clap me on the shoulder. "I give you the Belgians to do with what you like,' he said, and the Belgians were released."

It was exploits like these that, in 1969, prompted an old Princeton wrestling foe, Donald Rumsfeld, who was then the newly named director of the antipoverty agency, to entreat Mr. Carlucci to join the agency.

"I was intrigued," said Mr. Carlucci, "I've never had a strong preference for location. I've always been more interested in the nature of the job."

Retaining his Foreign Service position, he became O.E.O. director of operations, heading the massive community action program.

Mr. Carlucci, who had won a high reputation for decisiveness and activism in the State Department, soon won high marks among his new domestic affairs colleagues for his administrative skills.

They described him as an excellent listener and a firm decision maker.

"And once he makes a decision," one colleague said, "he fights for it. Frank is very much a fighter."

DELICATE POSITION

Heading the antipoverty agency is, as Mr. Rumsfeld, now counselor to the President, discovered, a delicate position in a Republican Administration because the agency carries a strong Democratic stamp.

Among Mr. Carlucci's assets is his nonpartisan position.

"I really don't know," said one colleague when asked if his new boss was a Republican or a Democrat. "It's an interesting question."

Mr. Carlucci answered the same question during his testimony by saying, "I am a Foreign Service officer, available for assignment by the President anywhere in the Government."

HARVARD AND PRINCETON

Frank Charles Carlucci 1st was an Italian stonecutter who immigrated to this country and settled in Wilkes-Barre, Pa. His son, now retired in Florida, was an insurance broker who provided a comfortable middle-class home. Frank 3d, born Oct. 18, 1930, went to the Harvard Business School after Princeton and spent two years in the Navy and two in business before joining the Foreign Service.

Now he begins each workday by running two miles at a high school near his home in northwest Washington.

"In 14 minutes," he insisted to the jeers of his aides.

His associates doubt that his policies at the antipoverty agency will differ sharply from the low profile and emphasis on experiment of the Rumsfeld era.

"That's so both because Frank agrees with those policies," said one, "and because Frank has so high a regard for Don."

Mr. Carlucci, with the skill of a professional diplomat, concurred. His response to a question about his weight. "If you mean, is Don a better wrestler than me, the answer is yes."

OPERATION KEELHAUL FILES STILL CLASSIFIED SECRET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. RARICK. Mr. Speaker, the latest episode in attempting to free the suppressed dossier on "Operation Keelhaul, the Story of Forced Repatriation," now shifts to the Prime Minister of England.

President Nixon has indicated that he would have no objection to declassifying the Operation Keelhaul file for public information, except that the British Military Intelligence had requested that the dossier be retained secret until they approved of its release.

Mr. Julius Epstein of the Hoover Institute has now written the British Prime Minister asking the English Government to give permission to the Nixon administration to disclose their own history which occurred more than 25 years ago.

It makes one wonder how many other foreign powers hold a veto over full disclosure of American history.

I include in the RECORD a copy of Mr. Epstein's letter and a news clipping as follows:

HOOVER INSTITUTION,
ON WAR, REVOLUTION, AND PEACE,
Stanford, Calif., January 1, 1971.

To the British Prime Minister,
His Excellency EDWARD HEATH,
London, England.

YOUR EXCELLENCY: I have studied, as an historian, the forced repatriation of anti-Communists, especially anti-Stalinists to the Soviet Union during and after World War II. I have just signed a contract with my publisher in New York for the publication of my book: "Operation Keelhaul, The Story of Forced Repatriation."

To complete the book, I need the combined British-American dossier "Repatriation of Soviet Displaced Persons—Operation Keelhaul."

In order to get this dossier de-classified and released, I've sued the American Secretary of the Army, Mr. Stanley Resor. This lawsuit became possible since the "Freedom of Information Act" went into force on July 4, 1967.

I lost in the American courts because they felt that the dossier should remain classified for the protection of American foreign policy and national defense. Besides, the courts ruled that it is a combined British-American dossier which could not be de-classified with the permission from the British Government.

The main argument against de-classification (protection of foreign polcy and national defense) has now been removed by President Nixon as you'll see from the enclosed Xerox copy of the White House letter of October 22, 1970. What remains is the "British" argument.

I am respectfully writing to you Sir, in order to ask you to give the Nixon administration the permission to de-classify the whole Operation Keelhaul file. No harm could be done by doing so since the events dealt with in these files occurred more than twenty-five years ago.

The British permission to de-classify the Operation Keelhaul files would enable me to add to the historical record documentary evidence in my book.

I remain with the expression of my highest esteen, Sir.

Your most obedient

JULIUS EPSTEIN.

[From the New York Times, Dec. 18, 1970]

A CASE OF SUPPRESSION

(By Julius Epstein)

Doing research on forced repatriation of anti-Communist prisoners of war and displaced persons during and after World War II, I discovered early in 1954 in the Army's Historical Records Branch in Alexandria, Va., an index card marked "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul—383-7-14."

When I asked for the dossier, I was told that it was Top Secret and that the index card should not be in a public catalogue. It was immediately removed. Since then, I have tried to have the "Operation Keelhaul" files de-classified and released.

What does "keelhaul" mean? According to Webster, Second Edition, "keelhaul" means: "To haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British Navies and a method of torture used by pirates." The Army chose "Operation Keelhaul" as the code-name for a collection of documents dealing with the forcible repatriation of millions of anti-Communists to Stalin's Soviet Union.

Through my study I became convinced that forced repatriation, as carried out by the American and British military authorities, was a violation of the Geneva convention of 1929.

That forced repatriation of anti-Communists to Stalin's slave labor camps was in violation of international law as well as in violation of the American tradition of asylum for political exiles can be documented by statements made by President Eisenhower, General Marshall, Dean Acheson and many others.

To give just one example: When the North Koreans demanded forced repatriation of North Korean and Chinese prisoners of war, Acheson said in his speech before the United Nations Oct. 24, 1954: "It was quite unthinkable to the United Nations Command that it should use force to drive into the hands of the Communists, people who would be resisting that effort by force. Finally, they say that the Geneva Convention and international practice require this forcible repatriation. We, on the other hand, have said that we have lived up to the humanitarian principles of the Geneva Convention."

Soon after the "Freedom of Information Act" went into force on July 4, 1967, I filed a lawsuit against Secretary of the Army Stanley Resor for release of "Operation Keelhaul." Congressman John E. Moss declared in a sworn affidavit that it was the intent of Congress to give the courts the "broadest latitude" in examining secret documents—in camera—in order to find out whether they have been properly classified.

If the judge finds that disclosure would not endanger foreign policy or national defense, he has the duty to enjoin the government agency from withholding the documents. Although it was clear that the Keelhaul documents could never endanger American foreign policy or national security, the courts found that they had not the power to subpoena the documents and that classification was "appropriate." How they could decide that classification of about 300 documents was appropriate without having seen a single one, is hard to explain.

The Supreme Court denied my petition for a writ of certiorari. The only justice in favor of granting certiorari was Justice Douglas. Since the courts declared the "Freedom of Information Act" a dead letter, Congress will have to amend the act in order to revive it.

On Oct. 22, 1970, the White House informed me that President Nixon has removed the main obstacle for declassification of the Keelhaul files. The letter states: "The U.S. Government has absolutely no objections (based on the contents of the files) to the declassification and release of the 'Operation Keelhaul' files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request."

Since the Keelhaul files contain many purely American documents, classified by American military authorities, I hope that I shall still succeed in persuading the Administration that these American documents should be released. If this should finally be denied, it would amount to the admission that a foreign government has still the power to prevent the American people from learning their own history based on American evidence.

FOREIGN POLICY PROCESS REVISITED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an outstanding series of seven articles on the American foreign policy machinery under President Nixon. The articles appeared in the New York Times of January 18–24, 1971.

I recommend them to my colleagues:

[From the New York Times, Jan. 18, 1970]

FOREIGN POLICY: DECISION POWER EBBING AT THE STATE DEPARTMENT

(By Terence Smith)

WASHINGTON.—The Department of State, once the proud and undisputed steward of foreign policy, has finally acknowledged what others have long been saying: that it is no longer in charge of the United States' foreign affairs and that it cannot reasonably expect to be so again.

By its own admission as well as the testimony of its critics, the department has been losing ground in the bureaucracy for a generation. In the opinion of many people in the department and outside, the erosion has accelerated sharply during the first two years of the Nixon Administration.

As President Nixon pledged during his campaign, he has gathered more and more of the business of foreign affairs in the White House. He has taken a personal hand in both the broad scope and mechanical details of foreign policy, from proclaiming the Nixon Doctrine on the American stance abroad to composing the Government's official condolences to France on the death of de Gaulle.

The centralization of the formulation of foreign policy in the White House has been a characteristic of the nuclear age, when the issues have become so complex and the consequences of error so grave. It has, in fact, been the pattern since the days of President Franklin D. Roosevelt.

Particularly strong Secretaries of State arrested the trend during the Truman and Eisenhower years, but since the death of John Foster Dulles in 1959, Presidents have dominated the foreign-policy scene.

The centralization has been most striking under President Nixon, who regards foreign affairs as his field of special competence. His detailed personal involvement has often been at the expense of the State Department. The 1970 message on the state of the world was a case in point.

The idea for a major year-end summary of the Administration's view of the world situation originated, with some prompting from the Senate Foreign Relations Committee, at the State Department. Secretary of State William P. Rogers planned to deliver it himself at the end of 1969.

Each geographic bureau was called upon to submit material. The project generated considerable enthusiasm because it presented one of those rare opportunities for people at the working level to play a direct role in phrasing the nation's public position.

ROGERS TEAM WAS ABSENT

Before the compilation was finished the White House staff learned of the project, saw the possibilities in it for Mr. Nixon and preempted the idea. The department's draft was then turned over to the national-security staff, which wrote an expanded 40,000-word version for release under the President's name.

When Mr. Nixon signed the document in a White House ceremony last February, Henry A. Kissinger, his special assistant for national-security affairs, stood at his side, flanked by others on the White House staff. No State Department representative was present; Secretary Rogers and his aides were in the Ghanaian capital, Accra, at the time—about as far out in left field as they could be.

"The whole incident rankled," an assistant to the Secretary recalled later. "We all felt cheated on that one."

Increasing White House control of foreign affairs is one of a range of factors that have caused the 1,000-man State Department to slip from its once-unchallenged status as first among equals in foreign affairs.

As it is now, it not only stands second, but such a weak second that it is often unable to assert leadership over other departments, even on secondary matters. The influence of such agencies as the Defense Department and the Central Intelligence Agency has risen, meanwhile, until it has approached that of the State Department.

POOR COORDINATION RESULTS

That would pose no problem if the White House was able to orchestrate all aspects of foreign policy. Large as its staff has become—Mr. Kissinger has 110 people—it cannot do so, and in the secondary areas where it counts on the State Department to follow through, coordination is often poor because other agencies have developed the habit of taking their case directly to the White House.

On more than one occasion, as a consequence, the Administration has spoken with conflicting voices. Even the United States Information Agency, an offshoot of the State Department, has begun articulating an independent line.

It adopted a far firmer stand than the department, for example, in its broadcast commentaries last summer on Soviet "duplicity" in the Middle East—just at a time when the department was relying on quiet diplomacy to persuade the Russians to rectify violations of the Suez Canal cease-fire.

Reminded in an extraordinary memo from Secretary Rogers that U.S.I.A.'s Congressional charter requires it to clear policy with the State Department, Frank Shakespeare, its director, replied that he reported directly to the White House.

A conflict arose recently over the Administration's attitude toward the West German Government's controversial policy of improving relations with Eastern Europe. The official United States view, as outlined repeatedly in public by Mr. Rogers, is unqualified endorsement. But Mr. Kissinger and other members of the White House staff recently undercut that by disclosing personal reservations to several visiting diplomats and to newsmen.

FUROR IN WEST GERMANY

The result was a furor in Bonn. The West German Government dispatched a high-level emissary to Washington to find out which view accurately reflected the American position. Significantly, the envoy went to the White House for his answer and emerged declaring himself satisfied that all was in order.

Despite the transfer of many foreign-policy functions to the White House, the State Department still conducts the great bulk of day-to-day business with the rest of the world. In such areas as Africa and Latin America, indeed, the department makes policy simply because the White House is too absorbed with other matters.

A departmental proposal to strive for closer communication with some of the left-leaning governments of North Africa recently became policy because the White House had been too busy with the Middle East crisis to review it.

The department is organized into five geographic bureaus, each headed by an assistant secretary and composed of "country directors" who are supposed to coordinate all the communications and issues between the United States and a given country. It is a focal job, and a strong country director, if he is left alone, can have a major impact on policy in the course of routine business, such as recommending aid levels and initiating exchange programs.

The system breaks down in the case of countries such as Cambodia and Jordan, where the White House has a strong interest and tends to take over during a crisis. The country director's influence is also reduced in places like Korea and Taiwan, where the United States maintains large military missions and the impact of the Defense Department is correspondingly great.

A major change in the amount of aid provided under the military-assistance program, for instance, greatly affects relations with the United States. And it is the military who determine the rate of assistance.

The diminished role of the State Department is not a new phenomenon, but it has reached a point where its officials acknowledge it in public. "Diplomacy for the 70's," a 610-page critique of its shortcomings published last month, speaks of the "intellectual atrophy" that besets the department and adds:

"With the exceptions of an active period at the end of the nineteen-forties, the department and Foreign Service have languished as creative organs, busily and even happily chewing on the cud of daily routine, while other departments, Defense, C.I.A., the White House staff have made important, innovative contributions to foreign policy."

Among the major elements that have contributed to the situation are the following:

The President's view of how and where foreign policy should be made.

Mr. Nixon has never made a secret of his attitude on this: *by* the President, *in* the White House. "I am going to call the turn," he told an interviewer in October, 1968, and he has made that stick.

Rather than "cleaning house," as he also said he would, he has largely ignored the department during his first two years, preferring to rely on Mr. Kissinger and the growing staff of the National Security Council for assistance on the major foreign-policy questions.

The President seldom makes personal use of the department's career officers and area specialists, in contrast to President John F. Kennedy, who frequently summoned assistant secretaries to the White House and sometimes stunned desk officers by telephoning them to get their interpretations of developments.

Mr. Kennedy also relied on the department in preparing for his news conferences, calling on it to produce answers to probable foreign-policy questions—another function that is now performed by the Kissinger staff. Of the 29 questions posed at Mr. Nixon's news conference on Dec. 20, 12 dealt with foreign affairs. He answered without advance assistance from the State Department.

Despite differences in approach, Mr. Nixon shares with his predecessor, Lyndon B. Johnson—the view was also held by Mr. Kennedy—a feeling of skepticism about the capacities of the State Department. Mr. Kennedy found the departmental machinery sluggish and unresponsive—"a bowl full of jelly." Mr. Johnson relied heavily on his Secretary of State, Dean Rusk, but was deeply suspicious of the department, convinced as he was that any information circulated in its corridors would promptly be leaked to the press.

There is a consensus, accurate or not, among many State Department officers that beyond Mr. Nixon's skepticism, he distrusts them—that he tends to categorize them as members of the liberal Eastern establishment and is convinced that they, in turn, distrust him.

"He's right, in the sense that he is not and never has been a popular figure in this building" a long-time officer observed, "but he has done nothing since he took office to make himself any more popular."

That attitude probably does not bother Mr. Nixon very much. There is every evidence that he gets what he wants from the State Department and that the relationship conforms to his wishes.

The complexities of modern diplomacy and the vast proliferation of United States interests overseas.

It was probably inevitable, in a world of nuclear power, instant communication and jet travel, that the State Department would lose its traditional monopoly. Too many of today's decisions are of such moment that they require Presidential involvement. The scope of the nation's activities overseas is so varied that any one agency would be hard pressed to conduct them all.

In addition to the classical exercise of political and military diplomacy, the United States is engaged at any one time in a dizzying maze of diverse and frequently overlapping activities, ranging from the peaceful uses of space to those of the seabeds. Over 40 governmental departments are involved at one time or another, employing about 100,000 people, only about a fifth of whom work for the State Department. Needless to say, their programs often conflict with—and contradict—each other.

Over 22,000 Americans—not including military men—are assigned to United States embassies abroad. Only 4,600 of them, including secretarial staffs are from the State Department; in some of the larger embassies they amount to as little as 15 per cent.

Outnumbered and outspent abroad (the budget for the year, it has been said, does not equal what the Pentagon frequently spends overseas in a week), the department would have been pressed to maintain its primacy over competing agencies regardless of the President's attitude.

The State Department's internal paralysis.

Despite relatively small size—among the major governmental department agencies only the Labor Department is smaller in terms of personnel—the State Department nonetheless ranks high in the Byzantine character of its procedures.

An instruction to an ambassador can require up to 27 signatures for clearance before it is dispatched. One new officer recently managed, by nagging everyone concerned, to put a moderately important cable through to an embassy in Southeast Asia in a week's time. He was astonished when more experienced colleagues applauded.

Another officer, against his will, developed a fat folder of interdepartmental paper on the question whether the cotton yarn included in a certain country's aid program would be shipped on spindles or bales. "I was going out of my mind," he recalled, "so one day I just threw the folder away and made a decision. Spindles, I never heard another word about it."

The department, swamped in paper, tied up in meetings and top-heavy with excess personnel, is often, by its own admission, unable to respond to a problem before the matter resolves itself.

The Secretary and his interpretation of his role.

The steady erosion of the department's status in the bureaucracy has been due, at least in part, to a succession of what McGeorge Bundy, president of the Ford Foundation, recently described as "quiet, reserved advice men" in the Office of the Secretary. Mr. Bundy, who was an aide to Mr. Kennedy and Mr. Johnson, noted in an interview that the last several Secretaries had tended to view themselves more as advisers to the President than as administrators of a large department and that the department's status had suffered as a result.

The consensus, is that Mr. Rogers' greatest strength is his close and long-standing relationship with the President and that his greatest weakness is his relative inexperience in foreign affairs. He came to the office with only tangential exposure to foreign-policy problems gained from sitting in on National Security Council meetings during his years as Deputy Attorney General and then Attorney General in the Eisenhower Administration, but he had an intimate relationship with Mr. Nixon dating back to the early nineteen-fifties.

According to his associates, Mr. Rogers believes that he is serving a dual role in the Administration: first, as a "wise counselor" to the President whose judgment is available on any question, foreign or domestic; second, as the man responsible for executing the President's decisions on foreign policy.

The Secretary's critics, accuse him of failing to make his weight felt either on major policy issues or on the departmental machinery. They consider that he has neglected to ride herd effectively on the other agencies—especially the Pentagon—involved in foreign affairs and that he is too inclined to let his subordinates, particularly U. Alexis Johnson, his Under Secretary for Political Affairs, fight the department's battles in Administration forums. They also find him reluctant to master the details that are essential to many foreign-policy issues these days.

"Rogers thinks he can control policy by dealing in generalities," an experienced official observed. "But you can't—it doesn't work that way. The only subject he's really on top of is the Middle East."

GROWING CONFIDENCE NOTED

Such criticism is contested by the Secretary's supporters, who insist that he has displayed a steadily growing self-confidence as well as a comprehension of a wide range of issues. They point to his direct involvement in the Middle East peace initiative, but they concede that his agency's active role in that area is due in part to the personal dynamism of Joseph J. Sisco, the Assistant Secretary for Near Eastern and South Asian Affairs.

More than any other Assistant Secretary, the blunt-spoken, aggressive Mr. Sisco has established a close working relationship with Mr. Kissinger and the White House. As a result he has become the focal operational figure in the American effort to stimulate a Middle Eastern settlement—an effort that ranks as the department's major foreign-policy achievement in the Nixon Administration.

Supporters of Secretary Rogers also maintain that he has been effective in arguing the department's view that troop commitments to the North Atlantic Treaty Organization be maintained and in urging modifications in the Administration's policies toward Africa and Communist China.

Most of all, they praise him for his accessibility and open-mindedness. Most people in the department, critics and supporters alike, find him far more receptive to new ideas and dissent than his predecessor and far easier to see on a day-to-day basis.

However, the performance of the Secretary's office has suffered, in the view of most observers, from the loss of Elliot L. Richardson, who was named Secretary of Health, Education and Welfare last June.

A strong executive with great energy and the capacity to absorb complicated detail, Mr. Richardson, as Under Secretary, was able to buck the bureaucratic tide and give the department a vigorous voice in the policy-making process. He also established a degree of rapport with Mr. Kissinger that Mr. Rogers has never achieved.

OFFICE VACANT FOUR MONTHS

Mr. Richardson's office remained empty for four months after his departure, and much momentum had been lost by the time his successor, John N. Irwin 2d, took over in September.

While the effectiveness of the Secretary has a major influence on the State Department's performance it is the combination of all the factors—White House involvement, Presidential skepticism, bureaucratic competition and internal problems—that has caused the diminution of the department's status in the Nixon Administration.

Morale in the Foreign Service has suffered as a result, and few officers seem to expect the situation to improve in the near future.

It is not easy to find people in the department who believe that the many procedural changes suggested in "Diplomacy for the 70's," will significantly alter the situation. Their skepticism is perhaps understandable: It was the eighth major study of organizational problems in 22 years; many of the recommendations in the first, the Hoover Commission of 1949, are still to be implemented.

There are differing views among specialists on foreign policy as to how to cure the malaise. Most share a common theme: The flow of policy-making power to the White House is irreversible and like it or not, the State Department will have to adjust more fully to that fact to become more effective.

[From the New York Times, Jan. 19, 1970]

FOREIGN POLICY: KISSINGER AT HUB

(By Hendrick Smith)

WASHINGTON.—A Harvard professor named Henry A. Kissinger cursed his luck when Richard M. Nixon defeated Nelson A. Rockefeller for the Presidential nomination at the 1968 Republican convention in Miami.

Friends recall that Mr. Kissinger, then Governor Rockefeller's chief expert on foreign policy, spoke with a tart, partisan bitterness about Mr. Nixon. He was sharply critical of what he felt were the nominee's vague and elusive policy pronouncements and was worried that Mr. Nixon would be unable to lead the nation out of Vietnam.

Yet Mr. Kissinger has become the instrument by which President Nixon has centralized the management of foreign policy in the White House as never before—much as Secretary of Defense Robert S. McNamara once centralized control over the competing bureaucracies of the Pentagon.

In the process the President's brilliant and generally hard-line special assistant for national-security affairs has emerged not only as his most influential foreign-policy adviser but also as a natural ally in outlook and strategy. It is a far cry from Miami.

The President, who holds the final determinations on foreign policy firmly in his own hands, decided to concentrate responsibility at the White House. He then gave Mr. Kissinger authority to operate virtually as a super-Cabinet officer managing the sprawling foreign-affairs community.

Mr. Nixon assumed office determined to take charge of foreign policy and not to leave it to the diplomats. He shunned the Eisenhower pattern of having the Cabinet departments forge grand compromises and present him with a single recommended course of action, leaving him no choice but approval or disapproval. He wanted more "options."

In the 1968 campaign he declared his intention to purge the State Department and recast it more to his own liking. Once elected, he chose instead to leave the department in a secondary position and to build up the foreign-policy machinery of the White House.

The results are now clear. The Administration's tactics may continue to evolve, but its pattern of doing business is set—it is a Nixon-Kissinger pattern.

Mr. Kissinger is the pivotal figure. So well schooled is he in international affairs that conceptual planning on most major issues centers on him and his staff of 110. His understanding of geopolitics makes him the most articulate, and most frequently used, spokesman for policy, albeit through the anonymous pronouncements of "a White House official."

ACTIVE HAND IN DIPLOMACY

Despite his initial reluctance, Mr. Kissinger takes an increasingly active hand in diplomacy, seeing a select group of important foreign visitors, meeting with the most prestigious ambassadors and troubled Senators and, on rare occasions, handling sensitive negotiations. He gets actively engaged, checks with the President and reports back to him fully.

The departments, jealous of what they consider their prerogatives, often complain about White House "usurping," but White House officials insist that this is the way the President wants it.

The net effect of the system has been to provide more orderly policy formulation on some issues—highly indicate proposals for the negotiations with the Russians on strategic arms, for example. Conversely, in areas where neither the President nor his adviser has shown great personal interest, such as foreign economic policy, there is serious disarray.

The White House has not done as much long-range planning as it hoped. Inevitably, much time and energy have been spent reaching to crises or trying to clear away inherited debris—winding down the Vietnam war and preventing an explosion in the Middle East.

Nonetheless, the system has given Mr. Nixon a sufficient grip on policy so that he has not been forced into major decisions by sheer bureaucratic momentum or high pressure from any quarter. There has been no repetition of President John F. Kennedy's Bay of Pigs disaster.

INEVITABLE ATOM-AGE SHIFT

In the nuclear age it was virtually inevitable that power would drift from the State Department to the White House. Any President wants to assert ultimate command in moments of crisis and on key issues. To reconcile the positions of 40-odd agencies dealing in foreign affairs, he needs his own foreign-policy staff. The pattern had already emerged in previous Administrations; the Nixon Administration has brought about significant change.

In the architecture of government, the pillars of the new centralism are a rejuvenated National Security Council buttressed by a network of interagency committees designed—and all headed—by Mr. Kissinger. They inject the White House deep into the development of policy on defense and intelligence matters as well as on diplomacy.

In the more intangible currency of influence in this capital, the change is demonstrated by Mr. Kissinger's reputation—in the Government, Congress, the press and among the embassies—as a more powerful figure than either Secretary of State William P. Rogers or Secretary of Defense Melvin R.

Laird. None of his predecessors enjoyed such a reputation.

In the personal trappings of status, the symbols include his emergence from a White House basement office to bright, swank, Hilton-style quarters on the ground floor near the President's Oval Office. There he directs his growing staff, which is considerably bigger than those of his predecessor.

In protocol, a secretary said jokingly, Mr. Kissinger comes "just below God"—a jibe at his ego as well as his power.

NIXON STYLE AND PERSONALITY

Why has he become so central to the Administration's pattern of operation? Primarily because of the style and personality of President Nixon, most important his determination to take the policy lead himself and his feeling that foreign affairs is his strong suit.

"When it comes to foreign policy," he said during the 1968 campaign, "I have strong convictions about the necessity for strengthening the United States, dealing with the Soviet Union from a position of strength and negotiating, where we can, a reduction of those tensions that might lead to war." He needed an experienced aide to give intellectual structure and diplomatic content to the broad desires.

As a man who often prefers private reflection and reading on foreign policy to debate at moments of decision, Mr. Nixon is drawn to the sharply reasoned analysis that a scholar like Mr. Kissinger can provide him.

Mr. Nixon has always been a very private man. Whether deciding on the prosecution of Alger Hiss two decades ago, when he was in Congress, or on possible American intervention in the Jordanian crisis last September, he has usually drawn on a small circle of advisers. As President he holds the great bureauracies at arm's length and deals with them through White House aides. That puts a premium on Mr. Kissinger.

In his passion for orderly consideration of foreign policy, the President has found a kindred spirit in Mr. Kissinger. In the early months of the Administration, Mr. Nixon was fond of announcing that he would consider the Middle East at a National Security Council meeting on Wednesday, Vietnam the following Tuesday, and so on. Mr. Kissinger's Teutonic mind and keen sense of organization suited that approach.

MY SCHEDULE IS FULL

He used to joke, "There can't be a crisis next week because my schedule is already full."

For all the orderliness, Mr. Nixon's handling of foreign affairs is also episodic. While the crisis in Cambodia was building up early last April, he was concentrating on the battle over his nomination of G. Harrold Carswell to the Supreme Court. Suddenly, in mid-April, he became seized with the Cambodian situation, and some felt he was neglecting the Soviet buildup in the Middle East. By the end of June that situation preoccupied him.

The pattern increases the need for an aide like Mr. Kissinger to serve as the President's proxy for all those affairs that he cannot watch at the moment.

The central role of Mr. Kissinger also reflects his extraordinary grasp of international relations and his mastery of bureaucratic politics as well as the remarkable rapport between him and his boss. If the system has become overcentralized, it is because of a lack of counterpoise in a forceful, experienced Secretary of State and in a strong foreign-policy, arm in the Pentagon.

Mr. Kissinger's influence with the President derives less from organizational position than from sheer power of intellect as well as from their unexpected affinity of view. His generally conservative, 19th-century, balance-of-power approach and his acute sense of the superpower rivalry with the Soviet Union are much more compatible with the President's outlook than are Secretary Roger's more dovish instincts.

Their compatibility has surprised Mr. Kissinger, who had not met Mr. Nixon when he made his critical comments in Miami "We were strangers," he said subsequently.

BYPASSING THE SECRETARY

Mr. Nixon and Mr. Kissinger reacted more sharply than Mr. Rogers last summer to increased Soviet military involvement in the Middle East and to apparent Soviet efforts to build a submarine facility at Cienfuegos, Cuba. When Mr. Rogers took a restrained view of the Cuban situation, the President had Mr. Kissinger deal directly with the Russians.

During the early weeks of the Administration, the Secretary of State urged a cease-fire in Vietnam, but Mr. Kissinger, endorsing military judgments, thought it too risky then and held it off for 18 months.

He has opposed rapid withdrawal from Vietnam—an "elegant bugout" is his derisive term—because he fears that it would embolden the Soviet Union elsewhere and undermine confidence in the United States.

The decision to send American troops into Cambodia last spring, perhaps the most controversial made by the Nixon Administration, was by all accounts very much a personal decision by the President. Nonetheless, Mr. Kissinger, concerned with the impact abroad of the effective use of American power, was reportedly more in sympathy with it, despite some initial misgivings, than was Secretary Rogers, who was apprehensive of the political backlash.

On control of strategic arms Mr. Rogers pushed for early negotiations and the State Department advocated a ban on multiple-warhead missiles without requiring on-site American inspection in the Soviet Union to enforce the ban. Mr. Kissinger reportedly joined the Pentagon in resisting that approach.

He has not always prevailed, however President Nixon has generally followed Mr. Rogers's lead on the Arab-Israeli dispute (Mr. Kissinger, a Jew, has deliberately held back). In December Mr. Nixon adopted the Rogers position that American ground troops would not be sent back into Cambodia. Mr. Kissinger had maintained that ambiguity would leave the enemy uncertain.

Generally however, the President and his adviser have adapted so well that it is difficult to tell where Mr. Nixon's views end and Mr Kissinger's begin. Both have felt the need for retrenchment abroad, yet each has a keen sense of challenge and danger in the world and the need for exercising power—even suddenly, as in Cambodia—to keep enemies in check.

COMMITMENT TO WORLD ORDER

If President Nixon's wariness arises from an instinctive, almost ideological, anti-Communism, Mr. Kissinger's derives from a commitment to international order. He sees the world as a global chessboard on which the Soviet-American competition is played. A gain or setback anywhere affects the entire relationship, in his view, so one must demonstrate strength.

As the stocky German-born security adviser has risen in the White House, he has become something of a celebrity too. Charming and quick to poke fun at himself, he is a great source of gossip in a monotone Administration. As a 47-year-old divorcé, he makes society news by squiring such glamour girls as Gloria Steinem in New York, Joanna Barnes and Jill St. John in Hollywood and Barbara Howar in Washington.

Power, he has observed, "is the great aphrodisiac."

His social gloss coexists with deep insecurity and a wry sense of detachment. His conversation is spiced with jokes about "my paranoia" and "my megalomania." When a reporter appeared for an interview, he remarked: "I don't know why I'm cooperating in my own assassination."

Colleagues find him a demanding taskmaster—"incurably competitive and better than the competition," said one. His pace, often a 15-hour day, has burned out younger men. Of 28 original staff aides, 18 have departed—some over policy disputes, some from exhaustion, some from frustration.

FOREIGNERS TAKE THE CUE

Since the President has invested Mr. Kissinger with immense authority, foreigners have caught on and take their business to him.

In December the Chilean Ambassador, Domingo Santa Maria, was preparing to depart and informed Secretary Rogers and Charles A. Meyer, Secretary of State for Inter-American Affairs, that he would like to pay a farewell call on the President.

As the Ambassador later described the incident, the State Department told him that Mr. Nixon was too busy. Saying farewell to Mr. Kissinger, the Ambassador commented that it was a shame Mr. Nixon had been unable to see him. "That's because you were talking to the wrong people," said Mr. Kissinger. In a few days the Ambassador had an appointment.

Himself constantly with the President, Mr. Kissinger sits in on virtually every meeting with other officials or foreign statesmen. Almost daily—frequently three or four times a day—he sees Mr. Nixon alone. Sometimes they will converse for an hour or so on world trends.

Hardly a proposal of consequence on foreign affairs reaches the President without Mr. Kissinger's covering memo giving his analysis of the problem, the proposals of other agencies and his recommendation.

Occasionally a Cabinet officer deliberately bypasses the security adviser. Last summer Secretary Laird anticipated an overall deficit of $18-billion that would force cutbacks in military manpower. Rather than let the White House get involved in how this would be done, he went to the President with a proposal for roughly equal cutbacks in the three services.

NETWORK OF COMMITTEES

Normally, major issues rise up through a complex network of committees controlled by Mr. Kissinger. He triggers the process by issuing an N.S.S.M.—national security study memorandum—a probing questionnaire that sets out the problem and requests policy options.

The replies are sifted through layers of interagency working groups. Mr. Kissinger and his staff drive and direct the process, quizzing, prodding, summoning, coordinating and running the traffic.

To cross-check other agencies, Mr. Kissinger often develops his own channels. Every three to six months he sends a team to scour Vietnam. In Cambodia, he has a special White House representative reporting directly. Recently a staff specialist spent a month doing detailed studies of allied forces in Europe.

The Pentagon and other agencies chafe at such intrusion. Last month David Packard, Deputy Secretary of Defense, clashed with Mr. Kissinger over some recommendations drafted by his staff in N.S.S.M. 99: American objectives in Southeast Asia and Vietnam over the next five years. At an interagency meeting, Mr. Packard accused Mr. Kissinger of failing to obtain proposals from the American command in Saigon.

"There's no point in discussing this without their recommendations," Mr. Packard is said to have declared. Mr. Kissinger reportedly shot back: "Well, if there's no point in discussing it, let's not waste everyone's time." And he walked out.

"CLOSED SHOP" AT WHITE HOUSE

Other fairly senior officials contend that the White House cuts in on their business and then operates like a "closed shop," excluding them out. Outsiders worry that the President may be too isolated.

Indeed, at times of crisis the number of active policy advisers shrinks drastically. The inner circle includes Mr. Kissinger, Secretaries Rogers and Laird, Attorney General John Mitchell, Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, and Richard Helms, Director of Central Intelligence.

Well-placed officials assert that at sensitive moments in the Cambodian operation the White House excluded so many officials normally involved in Southeast Asian affairs that the staff work on some facets of the American attack was inadequate. They cite the Administration's subsequent surprise at the vehemence of the domestic reaction and the President's televised statements that the enemy headquarters was about to be captured.

In Congress, critics complain that with power so concentrated in the White House, the two most important makers of foreign policy—the President and Mr. Kissinger—are beyond the reach of Congress. Mr. Kissinger is shielded from Congressional inquiry by executive privilege.

In devising a system, the problem for President Nixon—for any President—is to find a way to chart his own course and then goad the massive Federal establishment to respond to his will.

President Dwight D. Eisenhower used a highly structured National Security Council process but, in fact, left policy formulation in many matters to his Secretary of State, John Foster Dulles.

The Kennedy White House operated with more open, less systematic style, drawing not only Cabinet officers but assistant secretaries of state and senior diplomats into the top-level policy debates—something that rarely happens in the Nixon Administration. Moreover, not just one but several White House aides dealt with foreign policy, providing several avenues to Mr. Kennedy.

OUTSIDERS RARELY TAPPED

President Lyndon B. Johnson also drew on a highly personal set of advisers, some from outside the Government, rather than a structured system. Mr. Nixon rarely uses outside advisers.

Those who have observed him at close range say he not only reads policy advice carefully but also draws out his advisers effectively at National Security Council meetings. "He goes around the room, one by one—Rogers, Laird, Moorer, the others, Mitchell, whoever is there," a participant related. "Kissinger outlines the issues at the beginning but never gives a recommendation at those meetings."

The arguments are often lengthy but rarely as spirited as in the Kennedy Administration. Nonetheless, the known disagreements among Mr. Nixon's advisers suggest that he is not cut off from dissenting views.

The appearance of isolation arises from his standoffishness dealings with the bureaucracy and the great stock he puts in Mr. Kissinger's advice, rendered privately after all the others have spoken.

"Nixon may hear all the options," a shrewd bureaucrat commented, "but he seems to listen most of the time to one voice."

[From the New York Times, Jan. 20, 1970]

FOREIGN POLICY: THE ECONOMIC PROBLEM

(By Tad Szulc)

WASHINGTON.—Despite deteriorating economic relations between the United States and the two other great trading powers—the European Common Market and Japan—the Nixon Administration has been unable in the last two years to develop a comprehensive foreign economic policy.

That state of affairs, privately described by high Administration officials as a long period of drift marked by policy contradictions and failures, has been causing concern in Washington, in foreign capitals and in the American business, labor and farm communities.

The foreign view has been that only the exercise of United States leadership can arrest a growing trend toward world economic conflict.

It was in recognition of the need for coordinating divergent domestic and overseas interests at a time of deepening crisis in the international trade, monetary and investment fields that President Nixon today established a Cabinet-level Council on International Economic Policy.

Mr. Nixon, the chairman of the new body, named Peter J. Peterson of Chicago, chairman of the board of Bell & Howell Company, to be executive director.

The council's task is to pull together military and economic aid, international trade and monetary, financial, investment and commodities matters into a cohesive body of policy, taking into account the requirements of foreign policy.

Until the establishment of the council, recommended by an advisory committee on Government organization, the authority and capacity to manage all the international economic questions have been scattered through the Government. Foreign economic policy was the victim of interagency battles that the White House often had to resolve on an improvised basis.

The establishment of the new machinery was not a simple bureaucratic move but a major effort to cope with the rapidly changing international economic situation, already posing grave foreign-policy problems for the United States.

Traditional questions of security and diplomacy are beginning to be overshadowed by rising protectionism here and abroad, by fears of trade wars and by deepening economic disputes with the European Economic Community and Japan—the two other great trading powers—as well as by differences with the underdeveloped nations and by the problems of economic and military assistance.

FREE TRADE UNDER FIRE

The economic problems have Western Europe and Japan, threatening American markets abroad and invading the domestic market, has brought pressure to change the United States' traditional free-trade philosophy.

As Americans have lost to the six members of the European Common Market their place as the principal traders and as the domestic recession has added to concern over foreign competition, the Administration has found itself under mounting protectionist pressure. Japan's growing economic potential has had a similar effect.

The economic problems have political implications that may significantly alter foreign policy.

A trade war with Western Europe, particularly after the Common Market is expanded with the anticipated entry of Britain and others, could result in a European shift toward the Communist countries, on the model of West Germany's "Ostpolitick."

That policy, inaugurated by Chancellor Willy Brandt and designed to achieve rapproachment between West Germany and the Soviet bloc, has already caused some nervousness in Washington. Many officials here believe that closer economic ties between Western and Eastern Europe may lead to political cooperation, leaving the United States relatively isolated.

CRUCIAL ISSUE IN JAPAN

A failure to settle trade and investment questions with Japan—a much more acute political problem in Tokyo than has been generally acknowledged in Washington—could, in the opinion of American officials, weaken the pro-American Government and induce more active economic if not diplomatic relations between Japan and Communist China.

Until now such political implications have often been lost from sight in the Nixon Administration's conduct of foreign economic policy. A high State Department official remarked recently: "In foreign economic policy we are in a state of drift. One hand often does not know what the other hand is doing."

Divisions have occurred in official ranks and in the business community. Industry and farm groups are divided between protectionism and free trade. Organized labor is turning toward protectionism.

Government departments increasingly act as spokesmen for the economic interests closest to them while the State Department, its voice weakening, attempts to keep traditional foreign-policy objectives foremost.

CONGRESS MAY INTERVENE

Officially, the Administration remains committed to free trade. Thus far the President has tended to decide tariff controversies in favor of the free flow of imports, but Congress may invoke severe legislative restrictions this year.

The chief task of the new White House council, therefore, is to pull together under the president's control the over-all direction of foreign economic policy. That has already been done with diplomatic and security affairs, which are coordinated by the National Security Council, in which Henry A. Kissinger, Mr. Nixon's special assistant for national-security affairs, plays the key role.

Foreign economic policy had been the missing link in the centralization. The new council, which included Secretary of State William P. Rogers as vice chairman, as well as Mr. Kissinger and Paul V. McCracken, chairman of the Council of Economic Advisers, provides the bridge between foreign affairs and the domestic policy groups, which are in the domain coordinated by John D. Erlichman, another assistant to the President.

It remains far from clear how soon and how effectively Mr. Nixon's new council can gain control over the rival interests that have been operating—with only occasional guidance and frequently improvised White House decisions—in nine Government departments and at least a dozen agencies.

In addition to the State Department, which is charged with negotiating most of the economic agreements but whose role is gradually diminishing, the Defense, Treasury, Commerce, Justice, Transportation, Labor, Agriculture and Interior Departments participate in making foreign economic policy.

That is not all. The Central Intelligence Agency, the Atomic Energy Commission, the United States Tariff Commission, the National Advisory Council, the Export-Import Bank, the Civil Aeronautics Board, the Federal Aviation Agency, the Federal Communications Commission and other agencies also have a voice.

Even before Mr. Nixon established the council, it was the White House that had to step into recent emergencies to coordinate policy when agencies directly responsible for economic affairs appeared to falter.

Last Saturday he dispatched Under Secretary of State John N. Irwin 2d to Tehran and several Arab capitals as a long-brewing and largely ignored crisis arose involving demands by producing countries for a greater share of the profits earned by American oil companies. The White House also directed the Justice Department to lift antimonopoly strictures so that the companies could unite in dealing with the producing countries.

Similarly, the White House virtually overruled the State Department last week to obtain the cancellation of a negotiating session with the European Common Market countries and Japan, set for Jan. 24 in Frankfurt, aimed at continuing an agreement limiting steel exports to the United States.

The White House forced the cancellation to influence the domestic steel industry to curtail price increases, using the threat of imports as a weapon in the battle against inflation.

LEGISLATION WAS DELAYED

With foreign economic policy an orphan as Mr. Nixon and Mr. Kissinger have concentrated their attention elsewhere the Administration delayed the submission of the measures designed to reorganize the foreign assistance programs. Although a Presidential message was sent last September, actual legislation is not expected before the middle of the year, suggesting that a new system will not be operative before 1972.

A by-product of the delay is the unresolved question of the extent to which multilateral aid is to replace direct assistance, a trend favored by the Administration and Congress. In the last Congressional session, the Administration failed however, to win the approval of the Senate for commitments of $100-million for the Asian Development Bank and of $900-million for the next two years for the Inter-American Development Bank.

The most urgent problems in international economic affairs are the barriers raised by the Common Market against American agricultural products and the Administration's continued inability to persuade Japan to limit voluntarily her exports of manmade fibers and wool textiles.

Both questions have extensive political overtones and, if are not soon resolved, may lead to highly restrictive trade legislation, that could set off trade wars with both Western Europe and Japan, which would almost certainly retaliate against American exports. They could also penalize American companies whose foreign investments already produce more dollar earnings than do American exports.

In the case of the Common Market, the United States sees its exports of Grains endangered because high West German subsidies to farmers and consequent tariff barriers make the American product uncompetitive.

United States pressures on Bonn to cut the subsidies by at least 15 percent could rock the shakey government of Chancellor Brandt.

In the case of Italy, the imposition of quotas on shoes, thus far resisted by Mr. Nixon, would hit the Italian economy and conceivably affect domestic politics.

New preferential trade agreements between the Common Market and Tunisia, Israel and Spain are threatening American citrus products. Incentives for European tobacco growers are worrying United States exporters.

A high-level mission headed by the Assistant Secretary of State for Economic Affairs, Philip H. Trezise, negotiated on those subjects this week with the Executive Commission of the Economic Community in Brussels, but no positive reports were reported.

RECEPTIVITY TO INVESTMENT

In the case of Japan the stalled negotiations involve not only voluntary agreement to limit textile imports but Japanese receptivity to American investment and exports.

Officials believe that Japan's annoyance with the United States has already led automotive concerns to undertake negotiations with Cuba for the establishment of a truck plant, a move that would be a blow to the policy of isolating the Castro Government.

In other areas of economic policy, there are profound policy disagreements between departments and, often, between them and the White House. Included are questions of monetary policy, ranging from problems of the extent to which investments abroad should be controlled to arrest the outflow of gold—to how the International Monetary Fund and other international agencies should act to preserve the stability of the major trading currencies.

A current dispute revolves around the continued existence of the European Monetary Agreement, under which United States-owned dollars remain in Western Europe to provide assist in clearing monetary accounts and providing credits. The $272-million fund was established after World War II, when the United States sought to assist in the rebirth of European trade. Now, faced with its own balance-of-payment problems, the United States has been seeking the recovery of some of the funds.

Officials in the State Department frequently find that their efforts to smooth relations with the Europeans, the Japanese and the Latin Americans are undermined by uncoordinated actions at the White House, which is more responsive to pressures by domestic economic interests.

The lack of cohesion in policy was illustrated by the case of a Central American company that received a loan from the Agency for International Development for a plant to manufacture cotton gloves.

After the company built its plant and received an order from a North Carolina client for a million dozen pairs annually, the White House, acting on a recommendation of the United States Tariff Commission, imposed a quota limiting the company's sales to 20,000 pairs. An American company had maintained that it was losing its market.

In the case of Eastern Europe, State and Commerce Department officials feel that their proposals for more liberal trade run into Mr. Nixon's and Mr. Kissinger's views that, except for the special case of Rumania, no economic overtures should be made until the Soviet Union moves toward greater political relaxation on all fronts.

In the view of the State and Commerce Departments, the continuing White House—and Defense Department—opposition to liberalized trade with Eastern Europe tends to lessen the chances of influencing political and ideological transition in the Communist nations.

EUROPEAN REALIZING GAINS

But the State Department is again campaigning for expanded economic relations with Eastern Europe at a time when Western European Businessmen are steadily increasing sales there.

Until now questions of foreign economic policy have flowed to Mr. Kissinger through the office of Fred Bergsten, a young economist on the White House staff.

The office of the special trade representative in the White House, once headed by a former Secretary of State, Christian A. Herter, has almost completely lost the power it held when the United States successfully negotiated the Kennedy Round of tariff changes, the last major instance of American leadership in world trade. Now headed by Carl J. Gilbert, the office has no direct participation in either the Japanese or the Common Market negotiations. Mr. Gilbert was named to the new council.

[From the New York Times, Jan. 21, 1971]

Foreign Policy: Pentagon Also Encounters Rebuffs

(By William Beecher)

Washington.—Though the Defense Department remains the largest, richest and most formidable Government agency, it, like other agencies, has lost to the Nixon White House some of its influence on foreign policy.

Senior military men have the satisfaction of sitting as equals on all major policy boards with civilian leaders of the Pentagon, the State Department and the Central Intelligence Agency. They get their views directly to the President, unfiltered by civilians. But those views are rejected by the President as often as they are accepted.

While President Lyndon B. Johnson was jealous of the prerogatives of Presidential power, he usually took pains to invoke military support for his tough decisions, whether on Vietnam force levels or on the kind of antimissile missile he wanted to build. President Nixon, in contrast, seldom seems to feel the need for a public military endorsement of his actions.

Even when the Defense Department can present a united front of civilian and military planners pushing a project, the White House has shown no reluctance to impose its own solution. Mr. Nixon overruled the Joint Chiefs of Staff when they argued against the unilateral elimination of stocks of biological weapons.

He overruled them again when they urged that the Russians be offered a package proposal on nuclear-arms control that would not prevent construction of a full 12-site Safeguard antimissile system; the offer, instead, was either for no missile defense or for one limited to protecting only the capitals of the Soviet Union and the United States.

Moreover, on at least two occasions when the military chiefs prevailed on a major policy matter at the White House, it was in counseling restraint on a President inclined toward bold action.

That happened in the spring of 1969, following the shooting down of an unarmed spy plane off the coast of North Korea, when the military stressed the paucity of forces available in the face of Mr. Nixon's initial inclination to bomb some North Korean airfields. As the military slowly moved air and sea reinforcements toward Korea, his anger cooled and he decided against retaliatory raids.

During the recent Jordanian crisis, after hundreds of Syrian tanks had gone into Jordan to support the Palestinian guerrillas against the troops of King Hussein, the Joint Chiefs, supported by officials of the State and Defense Departments, urged caution lest a misstep trigger a confrontation with the Soviet Union.

On the other hand, on issues in which the White House, for strategic reasons, was receptive to tough options offered by the military for essentially tactical reasons—as in the case of the Cambodian invasion and the heavy bomb strikes on air-defense sites and supply dumps in North Vietnam—hard-line military policy was supported.

AN IMPRESSION UNSUPPORTED

Mr. Nixon's stand has sometimes given rise to the impression that military men are in the ascendancy. Early last month, after two intensive air strikes on North Vietnam and a commando-type raid on a prisoner-of-war camp near Hanoi, Senator J. W. Fulbright asserted that the Pentagon was "taking over the primary role in our foreign policy."

Since those hard-line actions seemed to break a pattern of more than a year's duration in which the Administration appeared to be fulfilling its pledge of negotiation rather than confrontation, the Arkansas Democrat's allegation may have struck a responsive chord around the nation.

However, it prompted a ranking Administration official to say that he had missed the point on the ground that it is not that the Pentagon has "inordinate influence on our foreign policy but rather that the Administration is itself more inclined to a hard-line bias in its decision-making."

An assessment of the policy position and influence of military and civilian Defense Department leaders in the foreign-policy arena makes it clear that the stereotypes of hawks in the Pentagon and doves elsewhere no longer prevail. Nowadays a variety of shifting alliances in the Administration sometimes pair the Joint Chiefs and the State Department against the Pentagon's civilian leaders; at other times civilians are arrayed against the military; then again, key White House staff men may be pushing for bold moves, against opposition from the diplomats and the military leaders.

To gain some insight into the considerable shift of Pentagon influence in foreign policy, one must turn to the beginning of the nineteen sixties, when Robert S. McNamara was John F. Kennedy's Secretary of Defense. The Pentagon of Secretary Melvin R. Laird is vastly different, in style and substance, from the establishment molded over a seven-year period by Mr. McNamara, who stayed through most of Mr. Johnson's Presidency.

BRILLIANT BUT ABRASIVE

Mr. McNamara, a brilliant but abrasive manager, organized a team of bright young civilian analysts who helped him take decision-making from the armed services and the Joint Chiefs and centralize it in his office. In the process the views of military men were consistently brushed aside, or so the military felt.

With the notable exception of Vietnam strategy, Mr. McNamara succeeded in gaining virtual autonomy over policy decisions, even those with large foreign-policy implications. And in a world in which the United States has commitments to more than 40 countries, there is little the Pentagon does or contemplates that lacks ramifications abroad.

It was Secretary McNamara rather than the President or the Secretary of State who each January published a "posture statement" outlining worldwide problems and how the United States intended to deal with them.

Into that setting stepped Mr. Laird, a smooth, politically shrewd Congressman from Wisconsin who had gained his knowledge of defense matters during more than a decade on the House Military Appropriations Subcommittee.

He de-emphasized the importance of civilian analysts and returned to the military a substantial role in the making of defense policy. Although he cut billions from the defense budget, to which Mr. McNamara had added billions, he won the regard of the brass because they felt like full partners in the hard choices required by shrinking budgets.

One reason for the relationship is the mutual respect and warmth between the Defense Secretary and the Joint Chiefs that was obviously lacking on both sides during the McNamara era.

Nonetheless, Mr. Laird has retained a principal planning innovation of Mr. McNamara's: dividing the budget among the major military missions that must be fulfilled, not among the armed services as such. The first decision on, say, strategic missiles is how many are needed and of what kind, and only then is it determined how much money will go to the various missile programs.

There is no doubt that civilian control continues at the Pentagon. Secretary Laird and Deputy Secretary David Packard make the final decisions on such questions as whether to develop and build a Navy fighter or an Army tank and on the number of combat divisions and aircraft carriers that will be maintained as the military establishment shrinks.

Under Mr. McNamara and his successor, Clark M. Clifford, it was civilian analysts who formulated the options, with the military coming in later on rebuttal; now the military initiate specific proposals on how the defense pie will be cut, with civilian analysts making their comments before ultimate decision.

During the long tenure of Mr. McNamara and the briefer one of Mr. Clifford, the Office of International Security Affairs—roughly 300 specialists who advise the Secretary of Defense on foreign policy—included some of the brightest and most assertive officials in Washington.

LAIRD URGED PULLOUT

Now, according to people in other agencies who deal with them, the current staff, with a few notable exceptions, is weaker. A senior State Department official commented: "In the McNamara era State dealt with I.S.A. because that's where the strong men were at Defense. Now we tend more and more to deal with the Joint Staff and the services."

On the large stage of policy, Mr. Laird has chosen a limited number of key positions and lobbied hard for their acceptance, both in the Administration and in Congress.

One was his insistence that, in addition to the stress by the White House and State Department on trying to persuade Saigon and Hanoi to come to a negotiated settlement, the United States move toward large-scale troop withdrawals from Vietnam and equip the South Vietnamese to take over their own fight, even in the absence of agreement in Paris.

Despite initial resistance from Henry A. Kissinger, the President's national-security adviser, Mr. Laird's plan was adopted as part of what came to be known in the Administration as the dual-track approach to ending the war. With the growing disillusionment over the Paris negotiations, Mr. Laird's program has increasingly assumed center stage in strategy.

To insure that the military men, many of whom were initially unenthusiastic about "unilateral" withdrawal, would not drag their feet, Mr. Laird established the practice of meeting daily with the interservice team charged with carrying out what came to be known as Vietnamization.

He was aware that if the military did not like a program, they sometimes assigned second-rate officers to carry it out. In this case the services have assigned some of their brightest, most imaginative officers to Vietnamization, as they have to the program for an all-volunteer armed force, which many military men also have doubts about.

SUCCESSFUL RESISTANCE

To date, at least, Mr. Laird has successfully resisted an attempt to take from the Pentagon decisions on such matters as the number of aircraft carriers to be maintained and what new strategic bomber to build and to turn them over to a special White House committee chaired by Mr. Kissinger.

The panel, the Defense Programs Review Committee, was set up to apply a blend of political, economic and diplomatic assessments to defense budgeting and force levels. In practice its principal role has been to work out broad budgetary guidance, and little else.

Even in those selective instances when Secretary Laird makes a determined fight, he loses battles too. Some weeks ago, in an effort to save money and to mollify growing Congressional pressure for substantial reductions in the American force of nearly 300,000 men in Western Europe, he urged that 20,000 to 40,000 supply troops be brought home. Despite the fact that an extensive interdepartmental study was under way, he made a direct appeal to the President.

Determined opposition was mounted by the State Department—with Secretary of State William P. Rogers sending a special memo to the President to counter the Laird visit—by the Joint Chiefs and by some White House staff experts. They believed that reductions at this juncture might undermine confidence in the United States' resolve to defend Europe and might lead to snowballing troop reductions by members of the Atlantic alliance, further weakening an already dubious defense posture. President Nixon decided against force reductions for the balance of his current term.

On another major issue—the supply of additional F-4 long-range fighter-bombers to Israel—political considerations prevailed despite a solid negative stand by Pentagon civilian and military experts. A decision to provide the jets, though far fewer than had been requested, was made by Mr. Nixon.

"By keeping down the number of planes," an official explained, "we not only frustrate potentially ambitious offensive plans but we maintain future leverage since we know Israel will be back for more."

Though the popular view may * * * type represents the military as a consistently bellicose lobby in moments of crisis, their demeanor in the recent Jordanian crisis demonstrates otherwise. The Joint Chiefs, in solid phalanx with Defense and State Department leaders, kept reminding the President of the dangers of a misstep.

In an effort to put pressure on Syria to remove her tanks from Jordan and to persuade the Soviet Union that the United States was increasing its options for possible action, a decision was made to mount a dramatic show of force.

Troops were alerted in West Germany and the United States, a third aircraft carrier was rushed to the Mediterranean, a helicopter carrier, with Marine reinforcements, was also dispatched and transport planes were moved forward to Turkey.

At the same time the President was warned that the alerted airborne brigade in West Germany was so short of trained men that it would make a poor choice if troops were required. Even the 82d Airborne Division, supposedly the best prepared "fast-reaction" unit in the United States, could muster only two of its three brigades because of manpower shortages. The Navy warned that in a showdown between the American and Soviet fleets in the Mediterranean, in which the Russians fired first, no clear assurances of the outcome could be given.

Despite the gloomy assessments, officials involved in around-the-clock White House meetings during the crisis say, Mr. Nixon was unwilling to rule out the direct use of force.

"He would not rule out the use of tactical air power at any stage," a general recalled. "The decision to get a third carrier out there quickly was in part an attempt to keep that option open."

[From the New York Times, Jan. 22, 1971]

FOREIGN POLICY: DISQUIET OVER INTELLIGENCE SETUP

(By Benjamin Welles)

WASHINGTON.—President Nixon has become dissatisfied with the size, cost and loose coordination of the Government's worldwide intelligence operations.

According to members of his staff, he believes that the intelligence provided to help him formulate foreign policy, while occasionally excellent, is not good enough, day after day, to justify its share of the budget.

Mr. Nixon, it is said, has begun to decide for himself what the intelligence priorities must be and where the money should be spent, instead of leaving it largely to the intelligence community. He has instructed his staff to survey the situation and report back within a year, it is hoped—with recommendations for budget cuts of as much as several hundred million dollars.

Not many years ago the Central Intelligence Agency and the other intelligence bureaus were portrayed as an "invisible empire" controlling foreign policy behind a veil of secrecy. Now the pendulum has swung.

The President and his aides are said to suspect widespread overlapping duplication and considerable "boondoggling" in the secrecy-shrouded intelligence "community."

In addition to the C.I.A., they include the intelligence arms of the Defense, State and Justice Departments and the Atomic Energy Commission. Together they spend $3.5-billion a year on strategic intelligence about the Soviet Union, Communist China and other countries that might harm the nation's security.

When tactical intelligence in Vietnam and Germany and reconnaissance by overseas commands is included, the annual figure exceeds $5-billion, experts say. The Defense Department spends more than 80 per cent of the total, or about $4-billion, about $2.5-billion of it on the strategic intelligence and the rest on tactical. It contributes at least 150,000 members of the intelligence staffs, which are estimated at 200,000 people.

Overseeing all the activities is the United States Intelligence Board, set up by secret order by President Dwight D. Eisenhower in 1956 to coordinate intelligence exchanges, decide collection priorities, assign collection tasks and help prepare what are known as national intelligence estimates.

The chairman of the board, who is the President's representative, is the Director of Central Intelligence, at present Richard Helms. The other members are Lieut. Gen. Donald V. Bennett, head of the Defense Intelligence Agency; Ray S. Cline, director of intelligence and research at the State Department; Vice Adm. Noel Gayler, head of the National Security Agency; Howard C. Brown, Jr., an assistant general manager at the Atomic Energy Commission, and William C. Sullivan, a deputy director of the Federal Bureau of Investigation.

Intelligence men are aware of the President's disquiet, but they say that until now—half-way through his term—he has never seriously sought to comprehend the vast, sprawling conglomeration of agencies. Nor, they say, has he decided how best to use their technical resources and personnel—much of it talented—in formulating policy.

TWO CASES IN POINT

Administration use—albeit, tardy use—of vast resources in spy satellites and reconnaissance planes to help police the Arab-Israel cease-fire of last August is considered a case in point. Another was poor intelligence coordination before the abortive Sontay prisoner-of-war raid of No. 21, at which time the C.I.A. was virtually shut out of Pentagon planning.

By contrast, the specialists point out, timely intelligence helps in decision-making.

It was Mr. Cline who spotted in U–2 photographs a sign of a Soviet nuclear submarine buildup at Cienfuegos, Cuba, last September. His suspicions, based on the arrival of a mother ship, plus two inconspicuous barges of a type used only for storing a nuclear submarine's radioactive effluent, alerted the White House. That led to intense behind-the-scenes negotiation and the President's recent warning to Moscow not to service nuclear armed ships "in or from" Cuban bases.

Career officials in the intelligence community resist talking with reporters, but interviews over several months with Federal officials who deal daily with intelligence matters, with men retired from intelligence careers and with some on active duty indicate that President Nixon and his chief advisers appreciate the need for high-grade intelligence and "consume" it eagerly.

The community, for instance, has been providing the President with exact statistics on numbers, deployment and characteristics of Soviet missiles, nuclear submarines and airpower for the talks with the Russians on the limitation of strategic arms.

"We couldn't get off the ground at the talks without this extremely sophisticated information base," an official commented. "We don't give our negotiators round figures—about 300 of this weapon. We get it down to the '284 here, here and here.' When our people sit down to negotiate with the Russians they know all about the Russian strategic threat to the U.S.—that's the way to negotiate."

Too much intelligence has its drawbacks, some sources say, for it, whets the Administration's appetite. Speaking of Henry A. Kissinger, the President's adviser on a national-security affairs, a Cabinet official observed: "Henry's impatient for facts."

ESTIMATES IN NEW FORM

In the last year Mr. Nixon and Mr. Kissinger have ordered a revision in the national intelligence estimates, which are prepared by the C.I.A. after consultation with the other intelligence agencies. Some on future Soviet strategy have been ordered radically revised by Mr. Kissinger.

"Our knowledge of present Soviet capabilities allows Henry and others to criticize us for some sponginess about predicting future Soviet policy," an informed source conceded. "It's pretty hard to look down the road with the same certainty."

Part of the Administration's dissatisfaction with the output and organization of the intelligence community stems from the President's tidy mental habits and pressing budget problems; part comes from the intellectual acuity of Mr. Kissinger, a counter-intelligence sergeant in World War II and a specialist on Soviet strategy and on disarmament.

On the other hand, the Administration recognizes that it must share the blame for not having come to grips with intelligence problems until now.

The President is said to have had difficulty ascertaining precisely what all the Federal intelligence agencies do—and with how much money and manpower.

"Trying to draw up an organization chart is a nightmare," a senior aide remarked. "No one person seems to be in charge. That's part of the problem. Whoever winds up running this thing is clearly going to have to be someone with the President's confidence."

The intelligence units have their own problems in figuring out the White House's mode of operation. Recently an intelligence unit in the Pentagon spent a good deal of time and effort investigating, then charting, what functions each member of Mr. Kissinger's 110-man staff was supposed to perform.

HELMS SAID TO RATE HIGH

Sources close to the White House say that Mr. Nixon and his foreign-policy advisers—Mr. Kissinger and Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird—respect the professional competence of Mr. Helms, who is 57 and is the first career head of the Central Intelligence Agency.

Appointed by President Lyndon B. Johnson in June, 1966, Mr. Helms has been essentially apolitical. He is said to have brought professional ability to bear in "lowering the profile" of the agency, tightening discipline and divesting it of many fringe activities that have aroused criticism in Congress and among the public. His standing with Congress and among the professionals is high.

According to White House sources, President Nixon, backed by the Congressional leadership, recently offered Mr. Helms added authority to coordinate the activities of the other board members. He is reported to have declined.

A major problem, according to those who know the situation, is that while Mr. Helms is the President's representative on the Intelligence Board, his agency spends only about 10 per cent—$500-million to $600-million—of the annual intelligence budget. It employs about 150,000 Americans, plus a few thousand foreigners.

"When you have the authority but you don't control the resources," a senior Pentagon official explained, "you tend to walk very softly."

As for the State Department, which has constitutional responsibility for conducting foreign policy, it has seen its intelligence arm gradually whittled away; in 1945 it had about 1,200 intelligence officers and now it has 300. Its annual intelligence budget is $6-million, or 0.25 per cent of spending on intelligence. Recently Mr. Rogers has directed Mr. Cline to take a more vigorous part at Intelligence Board meetings, asserting the department's "primacy" in foreign policy, and specifically in intelligence collection and evaluation.

Mr. Nixon is said to feel the need to settle the question of ultimate leadership but to be willing to wait until the study he ordered is completed.

Mr. Helms's control over intelligence activities is indirect and his powers are circumscribed. He is an adviser on intelligence, not on policy. He points out the likely conclusions from policy acts but he does not recommend policies unless specifically asked to by the President.

Moreover, the director, like other intelligence chiefs in the Federal bureaucracy, must "sell" his product to Cabinet-level consumers and get decisions.

"Helms has been trying awfully hard to stay out of trouble," remarked a former agency official with White House contacts. "He's had the feeling that the C.I.A. was a place that might become a focal point of trouble in this Administration and his policy has been very cautious."

His associates also fear that his usefulness as an impartial intelligence adviser may be jeopardized if the wrangling between Secretary Laird and Senator J. W. Fulbright continues. Each has taken to citing Mr. Helms's secret testimony to buttress his case.

BEARER OF BAD TIDINGS

In addition the C.I.A. must sometimes report facts that the Administration is loath to hear—as happened last May when it told White House, State Department and Pentagon that Vietnamese Communists had infiltrated more than 30,000 agents into the South Vietnamese Government, endangering its ability to last after an American troop withdrawal.

The slack use of the intelligence community's resources during the Middle East crisis last year illustrates a problem bothering the White House.

On June 19 Mr. Rogers urged a cease-fire; it was accepted by the Egyptians on July 22 and by the Israelis on Aug. 1. All parties agreed that it would take effect at midnight Israeli time on the seventh.

According to sources in and out of the intelligence community, Mr. Rogers and his principal deputy on the matter, Joseph J. Sisco, Assistant Secretary for Near Eastern and South Asian Affairs, were unwilling to consider the possibility of violations. It was not until Aug. 10 or 11 that the first U-2's began flying from British bases on Cyprus. Even then there were problems. Weather delayed the first photographic runs; Israel resisted air activity—even by the United States—over her territory.

The delays permitted the Egyptians to continue introducing missile batteries into the standstill area after the deadline, infuriating Israel, threatening the cease-fire and embarrassing the White House.

ADMINISTRATION EMBARRASSED

Faulty coordination prior to the abortive Sontay raid also embarrassed the Administration. There is evidence that the C.I.A., at Mr. Helms's direction, furnished the Pentagon with what information it had on North Vietnam during the early planning stages last summer. However, the Pentagon took over the planning. What went wrong is still a mystery.

Rapid intelligence, specialists insist, can afford protection to policy interests.

Before dawn on Jan. 23, 1968, President Johnson was awakened to learn that the U.S.S. Pueblo, an electronic-intelligence ship carrying vital code-breaking devices, had been seized by North Korean gunboats. His immediate reaction was to order an attack on North Korea to free the ship.

C.I.A. analysts in the White House situation room warned him that the North Koreans had 450 jets and 15 surface-to-air missile batteries. They also reported that a North Korean broadcast just intercepted indicated that the Pueblo had been seized 23 miles off the coast.

With that information Mr. Johnson decided against the risk of a second war on the Asian mainland and took the issue of "piracy on the high seas" to the United Nations.

"In the missile age, the most dangerous enemy of the United States is an uninformed President," Bromley Smith, a former White House aide, wrote not long ago.

A President, of course, may choose to use the intelligence resources at his command, or not. Whatever the choice, they are substantial.

The C.I.A. is the "central" arm, created under the National Security Act of 1947 to coordinate all overseas intelligence activities and to winnow for the President intelligence, from whatever source, affecting national security. As its head Mr. Helms is the senior intelligence adviser to the President and Congress.

The agency can conduct espionage anywhere outside the United States. It has no powers of arrest and interrogation but cooperates with the Federal Bureau of Investigation.

Congress has empowered the agency to perform services of "common concern" to other branches of government as ordered by the National Security Council. That is its charter for "covert actions": flying U–2's over the Soviet Union from 1956 to 1960; ferrying agents in and out of enemy-held areas of Southeast Asia; organizing, training and supplying 35,000 anti-Communist Meo tribesmen in Laos, where President John F. Kennedy ordered it in 1962.

Dean Rusk, former Secretary of State, once told friends: "Dirty tricks form about 5 per cent of the C.I.A.'s work—and we have full control over dirty tricks."

Proposals for covert actions come from the White House, the State, Defense or Justice Department and from ambassadors and military commanders overseas. All must eventually be approved by a little-known White House panel whose designation is periodically switched for cover purposes.

Known at present as the Forty Committee, for the number of the memo constituting it, it consists of Mr. Helms, Attorney General John N. Mitchell, Deputy Defense Secretary David Packard, Mr. Kissinger and U. Alexis Johnson, Under Secretary of State for Political Affairs. If all agree on a proposal it goes forward; if not the President decides.

On the overt side the C.I.A. employs several thousand social and physical scientists to study the flood of information pouring in daily—half from open sources, a third from satellites and telemetry and 10 to 15 per cent from spies.

The other agencies, notably those at the Pentagon, have less developed evaluation facilities but far greater collection tools. The Pentagon is authorized to run its own agents abroad after clearance from the C.I.A. Mr. Helms is said to have little control over its activities.

The Administration has also been embarrassed by recent disclosures that Army intelligence, assigned by the Johnson Administration to spy on civilians during civil disturbances starting in the summer of 1967, virtually ran wild and by late 1969 had fed 18,000 names into its computers, dossiers and files.

Neither Mr. Helms nor the Intelligence Board had any connection with this domestic counterespionage. It was an example of overlarge staffs using excessive facilities under too little civilian control.

The Pentagon's Defense Intelligence Agency has a staff of 3,000 and spends $500-million yearly—as much as the C.I.A.—to collect and evaluate strategic intelligence.

It uses Air Force planes to monitor foreign nuclear tests and collect air samples. Its National Security Agency at Fort Meade, near Baltimore, spends $1-billion yearly and employs nearly 100,000 crypt-analysts and supporting staff to crack codes and eavesdrop on world communications. Its National Reconnaissance Office spends another $1-billion yearly flying reconnaissance airplanes and lofting or exploiting the satellites that constantly circle the earth and photograph enemy terrain wth incredible accuracy from 130 miles up.

The results of the President's coming management survey remain to be seen of course, but Secretary Laird has already ordered General Bennett to report to him instead of to the Joint Chiefs of Staff. Moreover, an Assistant Secretary of Defense, Robert F. Froehlke, is expected in time to take all the Pentagon's massive intelligence machinery under his control and to sit in as the Pentagon's main representative at Mr. Helms' weekly meeting of the Intelligence Board.

Many intelligence men concede the need for "trimming the fat," tightening up coordination, making intelligence more responsive to the formulation of foreign policy. Some, citing successive studies since World War II, see little change beyond "tinkering and tampering."

Others feel that an "in house" reorganization, as distinct from an outside panel studded with politically prominent but substantively ineffective people, may do good and may strengthen Mr. Helms' guidance of the intelligence community.

Whatever the outcome, many career experts regard the United States system as still markedly superior to its principal rivals in the Soviet Union.

One official, asked his reaction to the coming study, quoted Cardinal Maury, an 18th-century French prelate who was elected to the Academy but then refused certain dignities he considered his due.

"When I look at myself I am nothing," the Cardinal remarked, "but when I look at the others I am great."

[From the New York Times, Jan. 23, 1971]

FOREIGN POLICY: CONGRESS MORE ACTIVE

(By John W. Finney)

WASHINGTON.—Senator J. W. Fulbright, summing up the work of the Foreign Relations Committee during the past Congress, observed that the once-cozy relationship with the Administration on foreign policy had been replaced by a more questioning attitude among the legislators.

In ways still not completely grasped and certainly not accepted by the executive branch, the changing Congressional attitude has introduced a new factor in the formulation of foreign and military policies.

At a time when control over foreign policy has tended to become ever more concentrated in the White House, and partly in reaction to that trend, Congress—primarily the Senate, thus far—has been reasserting a voice, long dormant and still ill-defined, in the formulation of foreign policy. In the House, the tendency of the Foreign Affairs Committee has been to regard itself as a subordinate partner.

As the Senate makes its voice heard, a subtle yet significant shift appears to be taking place in the balance of power between the legislative and executive branches.

For decades the President has wielded unquestioned primacy in foreign policy, with Congress largely acting as the passive, concurring partner when its approval was needed. As expressed in a 1936 Supreme Court decision that is still the leading precedent on the issue, the constitutional doctrine that has evolved holds that when it comes to foreign policy, the Presidency possesses a sovereignty inherited from the British crown and not dependent on affirmative grants of power under the Constitution or upon Congressional approval.

As long as foreign policy had little impact upon domestic issues, it was a doctrine that was unquestioningly accepted by Congress. Now, with foreign and domestic issues deeply intertwined, Congress has moved to challenge what the Supreme Court described in 1936 as the "external sovereignty."

In tone and in practice the Congressional voice is inherently negative. Neither under its constitutional power nor with its organization is Congress prepared to take a positive role in the formulation of foreign policy.

From that essentially negative stance it has moved to exercise a critical check on how the Administration develops and conducts foreign policy. The result has been to circumscribe the once-unchallenged latitude of the executive.

Cambodia is an example of the changing relationship. Eight months ago, President Nixon, relying on his constitutional powers as Commander in Chief, felt free to order military intervention in Cambodia without consulting Congress.

RESTRAINTS WERE IMPOSED

At the initiative of the Senate Foreign Relations Committee, the legislators then imposed restraints on the President by specifying that he could not use funds to introduce American ground combat troops or military advisers into Cambodia again.

Another instance involved Spain. The State and Defense Departments found that they were no longer free to enter a new agreement on bases with the Franco Government without undergoing critical examination by the Foreign Relations Committee. In the end, despite Mr. Fulbright's insistence that a treaty would be preferable, the Administration resorted to an executive agreement, but only after reducing proposed military aid and declaring that the agreement did not represent a commitment to the defense of Spain.

At times the changing relationship has almost led to constitutional confrontations between the executive branch and Congress. Underlying the Congressional assertiveness is a feeling, which runs particularly deep in the Senate, that an imbalance has developed between the branches, especially in Presidential use of war powers.

As the decision-making on foreign policy has become more concentrated in the White House, Congressional committees have found themselves circumscribed in their traditional role of cross-examining policy-making officials.

Secretary of State William P. Rogers still appears before the committees, though with less frequency than his recent predecessors; at times his appearances before the Senate Foreign Relations Committee have been vetoed by the White House.

Another important element is that the Congressional committee cannot question Henry A. Kissinger, who, as the President's adviser on national security, can invoke the long-standing doctrine that White House officials do not testify on Capitol Hill.

BRIEFINGS FOR A FEW

That doctrine has not prevented Mr. Kissinger from giving occasional political briefings to pro-Administration members of Congress on such topics as Cambodia and the arms talks with the Russians.

The closest the Foreign Relations Committee has come to establishing a dialogue with the man who undoubtedly is Mr. Nixon's most important maker of foreign policy has been private, unannounced dinner meetings that included Senator Fulbright.

Thus far the Administration and Congress have cautiously backed away from the brink of confrontation. When the restrictions on the Cambodian action appeared inevitable, the White House, after opposing them as a derogation of the President's powers as Commander in Chief, reluctantly accepted them as a restatement of its policy of not getting involved militarily.

The Foreign Relations Committee, in turn, has come to accept the dominance of the executive in conducting foreign policy, but with the important new qualification that it feels free to question and influence the determination of policy.

For all the bickering and feuding of recent years, it seems apparent that the Congressional criticism has had an influence on Administration policy.

IMPASSE IN SOME AREAS

President Nixon's doctrine that the Asian nations must assume a greater burden of defending themselves reflected the complaint in Congress that the United States had overcommitted itself.

In other areas an impasse developed. The Administration ignored the Senate's advice, incorporated in a resolution adopted last April, that the United States propose a moratorium on weapons testing and deployment as the first step toward an agreement limiting strategic arms. A group of Senate liberals blocked the Administration's proposal for trade quotas, and conservatives prevented approval of the long-stalled genocide convention.

In former years Congress tended to regard its foreign-policy powers as limited to giving "advice and consent," which meant in practice the Senate's approval of treaties and ambassadors. To the growing distress of the Senate, the Administration tended to avoid treaties on important matters, preferring, as in the case of Spain, to take the route of executive agreements, which do not require sanction. Ambassadorships have become so routine that most members of the Foreign Relations Committee do not even bother to attend confirmation hearings.

More recently Congress has turned to other foreign-policy powers that it has under the Constitution but has not much resorted to: the power to declare war and to raise armed forces and the ultimate power over the purse strings. With the Senate taking the initiative Congress has begun to use those powers, although in a cautious way.

The Senate was unwilling to withhold money to force withdrawal of American forces from Vietnam, as proposed by Senators George McGovern and Mark O. Hatfield. After months of debate the House of Representatives and the Administration finally accepted a version offered by Senators John Sherman Cooper and Frank Church limiting the President's powers to undertake military actions in Cambodia.

VIOLATION OF INTENT SEEN

With the recent expansion of American air activities over Cambodia, Senators have asserted that the Administration has violated the spirit and intent of the Cooper-Church amendments.

On strictly legal grounds it is a difficult allegation for the amendment's sponsors to sustain. In the course of prolonged consideration, as Secretary of Defense Melvin R. Laird was quick to point out, the amendment was modified to exclude a prohibition on the use of air power in support of the Cambodian forces.

The underlying purpose of the Cooper-Church amendment, which was attached to a bill on foreign military sales, was to establish the principle that the President should not involve the nation in a war without the consent of Congress. That in turn has raised the larger constitutional question of the war-making powers of the President as Commander in Chief as against those of Congress.

At first, with amendments to appropriation bills, and now with general legislation, Congress is moving to redefine and limit the President's war-making powers. The movement started with the Senate Foreign Relations Committee but has spread to such groups as the Senate Armed Services and House Foreign Affairs Committees, both more traditionalist and more oriented to the executive branch.

Senator John Stennis of Mississippi, chairman of the Armed Services Committee, who has probably been the leading champion of the President's powers as Commander in Chief, recently announced that he was drafting legislation that gives the President authority to repel an attack on American forces but requires Congressional action "before hostilities can be extended for an appreciable time." The first lesson of Vietnam, he said, "is that in the future there must be a declaration of war by the Congress unless of course, there is some major Pearl Harbor-type attack on the country."

REDEFINING RELATIONSHIP

When it comes to checking on the daily conduct of foreign policy, Congress finds itself handicapped. The committees have neither the staff, the time or the will to monitor the activities of all the dozens of departments and agencies concerned.

But the Senate Foreign Relations Committee had discovered that, like the committees involved in the domestic field, it has the "oversight" power to investigate the activities of agencies. It has started using that power in a critical, factfinding way.

Senator Fulbright, the chairman, summarizing the committee's activities, stressed the more critical approach in explaining how Congress was redefining the relationship between the executive and legislative branches.

"For many years," he wrote, "the role exercised by the committee on foreign relations was that of the unquestioning advocate of policies and programs submitted to the Senate by the executive branch of the Government." Now, he added the role is changing as "the committee has become aware that it is no service to the nation to accept without question judgments made by the executive."

During the last Congress, the Arkansas Democrat said, the committee "for the first time in decades sought to exercise a truly independent critical judgment of proposals on foreign and defense policy questions."

"The cozy relationship has been replaced by questions," he remarked.

The passive Congressional attitude—with its premise that "politics stops at the water's edge"—goes back to World War II and the postwar evolution of bipartisanship in foreign policy under the impact of the cold war.

It developed under President Harry S. Truman and continued under Dwight D. Eisenhower and John F. Kennedy, but cooperation between the executive and legislative branches began to break down in the Administration of Lyndon B. Johnson as a result of the Vietnam war.

Initially, through publicized hearings, the Senate Foreign Relations Committee sought to change the Johnson Administration's policy by influencing public opinion—a method still one of the most powerful weapons at the disposal of Congress. More and more in the Nixon Administration the committee has been shifting to examining and challenging policy.

Symptomatic of the more questioning attitude was the formation two years ago of the Subcommittee on Security Agreements and Commitments Abroad, headed by Senator Stuart Symington, Democrat of Missouri. The panel sought to establish the facts underlying policy in particular countries.

2,500 PAGES OF TESTIMONY

The subcommittee's staff members—Walter H. Pincus, a former newspaperman, and Roland A. Paul, a New York lawyer—traveled to 23 countries. On the basis of their findings, the subcommittee cross-examined diplomatic and military representatives on activities in more than a dozen countries, including the Philippines, Thailand, Laos, Japan, Korea, Turkey, Ethiopia, Morocco and Spain.

Out of the hearings came more than 2,500 pages of testimony containing more factual information about foreign policy than had ever been obtained by the Foreign Relations Committee. Some of it was a revelation to the committee as well as to members of Congress in general.

Until then Congress was not aware of the extent of the United States military involvement in Laos, including bombing strikes in support of the Laotian Government. Nor was Congress aware that in 1960 the United States gave Ethiopia a commitment to support a 40,000-man army as well as a vague pledge to protect her territorial integrity.

In the new role of informed critic, the committee—and the Senate—have been assisted by the recent migration of Foreign Service officers from the State Department to Capitol Hill.

Some have gone to the staffs of Senators, among them William G. Miller, an assistant to Mr. Cooper, who was instrumental in drafting the basis of the Cooper-Church amendment. Others such as James G. Lowenstein and Richard M. Moose have joined the staff of the Foreign Relations Committee.

More by accident than by design the committee is establishing its own foreign service to provide independent, first-hand reports—a break with the practice that only legislators made inspection trips. If nothing else, a staff member said with regard to Administration reports on foreign matters the independent data have the effect of keeping them honest.

The executive had long kept secret the fact that an Army arsenal on Okinawa was producing ammunition for captured Soviet-type AK-47 rifles, some of which were being turned over to the Cambodian forces. After the situation was reported in a cable from Messrs. Lowenstein and Moose that was deliberately relayed through the State Department, Secretary of State William P. Rogers interpolated a reference to the ammunition in a statement he had prepared for delivery to the Foreign Relations Committee about military aid to Cambodia.

KISSINGER GOT THEM, TOO

Mr. Rogers was not the only Administration official to read the cables from the two men during their tours of Indochina. Every morning they were placed on Mr. Kissinger's desk.

The extent that all of this has made policy makers more cautious or thorough may be immeasurable; it is apparent that the more aggressive committee attitude has contributed to the willingness of Congress to impose constraints on the Administration.

The Symington subcommittee's hearings on Laos led in 1969 to an amendment to the Defense Appropriations Act prohibiting the introduction of ground combat troops into Laos and Thailand. The subcommittee's disclosure that Thai, South Korean and Philippine troops were given extra pay for fighting in South Vietnam led to acceptance of an amendment by Mr. Fulbright prohibiting such payments.

One Administration reaction was to intensify secrecy, to the point that State and Defense Department officials were ordered—presumably by the White House—not to discuss the overseas deployment of nuclear weapons with the Symington subcommittee.

On the other hand, there are indications that the Administration, especially the State Department, is reconciling itself to dealing with a more assertive Congress.

In his year-end statement Senator Fulbright noted that Secretary Rogers, "despite some reluctance to engage in public dialogue with the committee on foreign-policy issues, has shown understanding of our desire to exercise an independent judgment." As a result, he may set a pattern of cooperative relationships in the new Congress.

One question now arising is whether, as the Administration assumes a less belligerent attitude, the Senate committee will slip back into a more passive, cooperative role. The answer may lie in whether the committee decides to extend the mandate of the Symington panel or, as an alternative, to direct its long-dormant regional subcommittees to assume a more active role.

PLAYING SUBORDINATE PART

Another question is whether the House committee will follow the Senate course. Under the chairmanship of Representative Thomas E. Morgan of Pennsylvania, the group, leaning to a subordinate role, has tended to review its function as giving a subordinate partner whose function is to give bipartisan support to the foreign policy dictated by the President. But there are indications that the breezes of independence are beginning to be felt.

After the Cambodian intervention a House Foreign Affairs subcommittee headed by Representative Clement J. Zablocki of Wisconsin held hearings on the President's war-making powers and produced a resolution, subsequently approved by the House, requiring him to submit a written report on the commitment of American forces to foreign hostilities.

With the departure of Speaker John W. McCormack, Mr. Morgan may no longer be under pressure from the leadership to rush pro-Administration resolutions to the floor or to stifle the growing dissent.

Perhaps the most important change in the House committee's attitude may be wrought by the recent Legislative Reorganization Act, which will permit television cameras at house hearings. On the basis of televised hearings the Senate Foreign Relations Committee established its public stature as an adversary of the executive branch; it was when the Senators discovered themselves being bested in televised debates that they turned to a more active approach to challenge Administration policy.

[From the New York Times, Jan. 24, 1971]

U.S. Foreign Policy: A Firm Nixon Style—Despite Nation's Mood of Withdrawal, President Strives for Strength Abroad

(By Max Frankel)

Washington.—The men and minds at work on foreign policy have changed. The techniques and tactics of American diplomacy have changed. The troops are coming out of Indochina almost as fast as they once went in. The cast of leading characters on the world stage has changed and the rhetoric with which Washington addresses them has changed even more. Most strikingly, the people of the United States have changed their view of the world overseas.

Yet halfway through President Nixon's term the principal goals and ambitions of American foreign policy have hardly changed at all.

Mr. Nixon's Administration looks outward in the defense of American interests though the country is looking inward now for a period of rest and reconstruction.

Even in withdrawing troops from Vietnam, the President seeks to achieve the objectives that prompted massive intervention in the first place.

Even in the face of weariness with obligations abroad, he intends to conduct a forward diplomacy and to keep troops and navies across the seas to assure influence in distant places.

Even amid economic stress and demands for new priorities, he intends to remain preeminent in weaponry and to retain the capacity to contest any expansionist impulses in the Soviet union and Communist China.

In sum, President Nixon has labored to protect and to perfect the foreign-affairs concepts of the last two decades against the widespread disenchantment with Vietnam and against the allure of insular doctrines.

To cope with those tensions—and for other reasons as well—the President has further enhanced the power of his office in the conduct of foreign affairs, though he has had to yield some tactical ground to a more assertive Congress and an impatient public. By concentrating decision making in the White House, he has been able to devise his own mix of strategic and political calculations and to shield the process from challengers in Congress and among the public.

SIGNS OF DECLINING INFLUENCE

As the series of articles about the foreign-policy process in The New York Times reported last week, most strategic and geopolitical concepts in the Nixon years have been developed by the President and his energetic adviser on national security, Henry A. Kissinger.

The series found a further decline in the influence of the State Department, continuing a trend that developed throughout the nuclear age. It also found a decline in the Pentagon's influence over foreign policy—also for a combination of reasons—although military leaders have regained some voice in planning policy and play a major role in its execution.

The articles reported a lack of cohesion in the conduct of foreign economic policy and intelligence operations—flaws that the White House has recognized and moved to remedy.

Yesterday's report focused on the still-ill-defined stirring in Congress to capitalize on public sentiment, to check the trend toward Presidential power and to retain a measure of at least restraining influence over foreign and military policies.

Such studies of concealed bureaucratic bargaining and continuing political maneuver cannot be definitive. Within every trend there can be a countertrend. Even minor episodes produce irreconcilable testimony and endless controversy.

THE ACCOUNTS DIVERGE

For example, an account of irritation in the State Department because the President had pre-empted its plan to publish last year a major definition of foreign policies evoked new and conclusive evidence that the department knew all along of Mr. Nixon's intention to produce his own report. The White House staff had several times solicited the department's help and did not sense a possible conflict until close to publication day. At the department, however, officials continue to insist that they were deliberately crowded out of the picture.

Feelings of mistrust and rivalry are probably more intense than The Times was able to document. They inflame the talk of a gossipy town; beyond that they bear on the extent to which the White House will admit departmental officials to its policy councils and on the zeal and imagination those officials will bring to Presidential directives.

In every branch of government the line between effective and tidy control from the top, as sought by Mr. Nixon, and constructive use of the expertise of the huge Federal establishment is most delicate and difficult to locate. Yet even a lengthy study of how Mr. Nixon has organized the management of international affairs leaves the question of what difference it all makes to the substance of his policies.

The most conspicuous consequence is that he has imposed on all major policy decisions his personal sense of the rivalry with the Soviet Union. He has shown himself cautiously ready to negotiate for accommodation in regions of conflict and for some moderation in the arms race. But he has insisted on proceeding from a posture of strength, both personal and national.

The President has taken or threatened tough action—fram Cambodia to Cuba to the Middle East—to prove that he would not hesitate to use his strength and to demonstrate that American weariness was not to be confused with weakness. On several occasions he has wanted to show himself even tougher than subordinates thought wise.

REACTION TO CHALLENGE

Like Presidents John F. Kennedy and Lyndon B. Johnson, Mr. Nixon has often reacted to challenge as if it were a deliberate test of his willingness and freedom to act.

It was largely to demonstrate that American commitments would not be eroded even by strife at home that he decided from the start to brave the political storms and to withdraw only gradually from Vietnam, without a deadline. Similarly, it was largely to forestall miscalculation in Moscow that he has given more explicit pledges of support to Israel and kept more troops in West Germany than some of his advisers deemed necessary.

Moreover, by concentrating both the definition and the articulation of foreign policy at the White House, the President has been able to adjust his objectives abroad to the often-contrary political pressures at home. He has been eager to reach decisions from a central perspective in order to protect his brand of globalism from what he deems to be the domestic threat of isolationism.

He has proclaimed an ambiguous "doctrine" that essentially preserves commitments overseas while trying to soothe anxiety about them in the United States. It put forward guidelines for future military aid and involvements that neither altered nor criticized past practice in any significant way, but the proposals were shrewdly calculated to reaffirm the self-evident reluctance of the country to repeat the Vietnam experience.

SOME OPERATIONS EXPANDED

In much the same way, Mr. Nixon has actually expanded some American operations in Indochina with the stated purpose of facilitating an earlier disengagement.

He moved to the brink of threatening military intervention in the Middle East in the hope of making it unnecessary.

He has withdrawn some troops from South Korea and other inactive theaters to win time and public consent for maintaining large forces in Europe and elsewhere.

He has twice reduced the military budget to preserve support for still-huge defense outlays and for the renovation or expansion of costly weapons systems.

He has abandoned talk of international crusade and ideals and replaced it with an emphasis on national interest, thus trying to scale down inflated expectations of American leadership abroad and to calm the fears at home of foreign adventure.

In the context of the last decade Mr. Nixon has clearly lowered the American voice and profile in the world. He would inspire anger rather than admiration if he were to repeat the promise of President Kennedy 10 years ago this week that "we shall pay any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

Yet Mr. Nixon has not recoiled from the major policy objectives that Mr. Kennedy and Mr. Johnson held dear.

NO TIME FOR EVERYTHING

The intensely personal involvement of Mr. Nixon in foreign affairs has often slighted pending domestic business. And because there is simply no time for everything at the top, his approach has also risked the periodic neglect of such large subjects as trade and foreign aid and such large areas of the world as Latin America and Africa.

But it has also strengthened the hand of the like-minded Mr. Kissinger and allowed him to badger the bureaucracy with difficult questions that might have been ignored, to seek independent sources of information to confirm or challenge departmental testimony and to insist on alternative policy recommendations instead of fixed agency recommendations so that the President can be protected from unchallenged advice or consensus.

Such concentration of energy and coordinating power at the White House is the inevitable consequence in the nuclear age of the President's constitutional duty to shape foreign policy and to command the military forces.

Now that a major war could develop in a few minutes' time no President is willing to delegate decisions that bear on the danger, however remotely. Moreover, even in nations without nuclear weapons, foreign policies have impinged more and more on domestic economics and politics, so that virtually every chief executive in the advanced nations has become eager to conduct his own diplomacy.

A further motive for concentration is that the departments operating on the world scene have become too large and self-serving in their outlooks, so that only a President and his staff can reconcile conflicting aims and interests fairly.

BUILDING UPON A TREND

Mr. Nixon and Mr. Kissinger have built upon this trend, giving priority for obvious reasons, to the concept of phased withdrawal from Vietnam and to the relationship with the Soviet Union—notably in the evolution of arms policy and in both long-term planning and crisis management for the Middle East. They have also devoted much thought to the long-term prospects of accommodation in Central Europe, to relations with the Western allies and Japan, and to the search for eventual accommodation with Communist China.

In those efforts the President and his advisers have evolved some new techniques. They are most proud of their more relaxed dealings with Western Europe and their thorough exploration of all possible forms of arms control that could be made consistent with their concepts of national security. They also hope to leave Indochina in a way that will assure the survival of a non-Communist government in South Vietnam.

In most respects, nonetheless, they have built upon policy lines that were evident before they moved into the White House, even including the concept of "Vietnamization" of the war. They have consciously tried to improve on the experience of their predecessors, however, by not allowing compartmentalized bureaucratic interests to overwhelm their larger purposes.

The Administration has not suffered the embarrassments that followed the failure of the 1961 invasion of Cuba under the aegis of the Central Intelligence Agency or of the Pentagon's cancellation of the Skybolt missile in 1962. It has not tolerated the confusions caused by State Department pressure for an allied nuclear navy in the early nineteen-sixties. It has not rushed into adventures such as the invasion of the Dominican Republic in 1965 on the basis of half-baked intelligence.

NO SUDDEN LURCHES

In fact, Mr. Nixon and his advisers have taken extreme care not to rile the sensibilities or disrupt the politics of the European allies with sudden lurches in defense or foreign policy. Extreme care has been taken to brief them fully on the arms-control talks with Moscow. Despite the rumbles over West Germany's move toward accommodation with the Communist world, the Administration has been quite explicit about the conditions it would like to see as part of a move that it generally supports.

Though many of the Nixon policies have been devised in a crisis atmosphere—more so than the President had hoped before taking office—they have not been improvised in response to pressure from lower echelons. The strike into Cambodia was hurriedly planned, but only after due deliberation at the White House. The Sontay raid last November to liberate prisoners in North Vietnam was planned over many months.

Anger and anxiety at the White House cooled quickly when the opportunities for action seemed limited. The President, though he wanted to, did not retaliate for the shooting down of a spy plane by North Korea. Nor did he act on—or even betray—his private fears and sense of challenge when Chile elected a Marxist Government last fall.

As Mr. Nixon has recognized, he has allowed foreign economic policies to develop in chaotic patterns, often in opposition to his larger strategic purposes. A bold and imaginative foreign-aid program is the natural corollary of the Nixon doctrine, but little has been done to design a plan and to overcome the formidable political obstacles it would encounter.

MEETING MILITARY NEEDS

The difficult task of matching future military might to the nation's sense of danger and obligation around the world has only begun. Having dismantled Robert S. McNamara's civilian team of whiz-kid analysts at the Pentagon, the White House must now evolve its own machinery for weighing the rival claims of the military services. Only the most rudimentary efforts have been made to develop methods by which a President could truly reorder priorities and weigh military "necessities" against the most urgent domestic needs.

By concentrating control of foreign affairs at the White House, Mr. Nixon had also hoped to restore the public's confidence and to overcome what is called a President's credibility gap. He has fulfilled his pledges on troop withdrawal and has tried to be somewhat more open about remote operations in Laos and Cambodia. But the rules of engagement in Indochina have been a constant source of confusion and the larger effort to reconcile globalism with the popular yearning for retrenchment has produced much deliberate ambiguity that has left large segments of the public suspicious.

Congressional efforts to clarify policies and tactics have become more difficult in the Nixon years. The President has not generally taken even Republican members into his confidence, and more and more of the most important concepts and decisions have been made in staff offices, whose occupants are not subject to legislative oversight or questioning.

Since Presidential news conferences are rare these days, Mr. Nixon has had to account for his foreign policies only to the extent that he has deemed useful or necessary.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE ENVIRONMENTAL CRISIS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. BOGGS. Mr. President, our Nation is greatly concerned over what many persons have called the environmental crisis. Much of this concern centers on our coastal environment, and the future of these areas.

The Delaware Coast Press, a weekly newspaper published in Rehoboth Beach, Del., recently carried a very informative editorial that discussed many of these questions. As I believe this editorial has significance beyond my State, I ask unanimous consent that it be printed in the Extension of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ENVIRONMENTAL CRISIS

One of the biggest problems today confronting Americans, and particularly those of us living in coastal lands or adjacent to inland waterways, is that created by prolonged pollution of water and air.

It is a problem that must be solved in this decade. It is a problem that must be of concern to all of us—not only as it relates to our health and well being, but in terms of the well being of future generations.

We must reverse—beginning right now—the abuse of our environment. We must take steps—now—to not only alleviate the existing crisis but to protect our natural resources against any repetition of those abuses that created it.

This problem must have high priority on the agendas of the new Congress and the Delaware General Assembly, and must receive the immediate attention of those who govern at county and municipal levels.

Virtually every governmental leader from the President on down has in recent months acknowledged the existence of an environmental crisis and promised support of existing or proposed plans aimed at solving this problem.

It is significant that, here in Delaware, a Department of Natural Resources and Environmental Control was the first cabinet-level department requested by Governor Russell W. Peterson and created by the Delaware Legislature. With its creation, Delaware, for the first time in its history, placed the essential aspects of our natural resources and environment under one "umbrella". Included are water and air resources, parks and forests, soil and water, and fish shellfish and wildlife.

This new department, with the cooperation of Delaware's professionally-staffed Planning Office, has already started to develop long-range environmental protection plans for our state.

A special Task Force on Marine Resources and Coastal Affairs, headed by Dr. James H. Wakelin, Jr., an internationally renowned oceanographer is even now working on a master plan for our coastal and bay areas which will provide the basis for managing Delaware's vital marine resources and our coastal areas.

In recent months, Governor Peterson and other leaders at state, county and municipal levels have spoken out in opposition to the locating of additional heavy industry near the Delaware River and Bay, and any further use of dune-lined coastal areas for any purpose that would adversely affect the ecology, the natural beauty or the anticipated greater public enjoyment of our beach lands.

Recently, too, the Rehoboth Beach Chamber of Commerce and the city's Mayor and

Board of Commissioners, following the example of their counterparts in southern New Jersey, have made strong protests against the continuation of the dumping by Philadelphia and other up-river cities of partially treated sewage in areas over the Delaware and New Jersey coasts.

These protests against offshore dumping have, incidentally, received the support of members of Congress from both Delaware and New Jersey and undoubtedly will be reflected in corrective measures that will be presented to the new Congress.

These protests will also be carefully considered by the Delaware General Assembly when it convenes this month. In fact, at this very moment, this area's elected members of the Delaware Legislature—Senator Thomas E. Hickman and Representative Harry E. Derrickson—are attempting to arrange meetings with Governor Peterson, Attorney General Stabler, and legislative leaders of both houses and both parties, along with Austin N. Heller, secretary of the Department of Natural Resources and Environmental Control, Dr. Wakelin and others, for the purpose of having legislation drafted that will have as its basic purpose the curtailment of the offshore dumping sludge.

Members of various organizations, such as the Wildwood-based Stop Ocean Dumping Association, and the Delaware-based Save Our Shores group and the nationwide Sierra Club, are expending time, energy and dollars in the effort to alert public officials, at all levels, to the existing environmental crisis and to solicit their support of corrective and preventative measures.

We, as citizens rightly concerned about our environment and the future utilization and enjoyment of all these who are trying to correct the existing situation and to prevent repetition of the abuse that created it.

A BILL TO AMEND THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT REGARDING FUNDS FOR RADIO FREE EUROPE AND RADIO LIBERTY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. REID of New York. Mr. Speaker, I am introducing today a bill which would authorize funds for Radio Free Europe and Radio Liberty. This is identical to the bill introduced in the other body by Senator CASE of New Jersey.

The purpose of this legislation is to prohibit the covert Government funding of these two supposedly privately funded organizations. In the last fiscal year alone, the Central Intelligence Agency provided these institutions with a total of over $30 million for their operations. And yet although these funds came from the taxpayers' pockets, the Congress has never participated in their authorization. My bill would merely insure congressional oversight of the use of these funds, and by this, could hopefully insure a greater degree of objectivity in the broadcasts of the transmitters.

I urge that my colleagues think back to the recommendations of a 1967 Presidential Commission—including John Gardner, then Secretary of Health, Education, and Welfare, Richard Helms, then and now Director of the CIA, and Nicholas Katzenbach, then Under Secretary of State—that "no Federal agency shall provide covert financial assistance or support, direct or indirect, to any of the Nation's educational or voluntary organizations" and that "no programs currently would justify any exception to this policy." President Johnson accepted these recommendations and directed that the Federal agencies involved implement them.

In my judgment, covert Government actions such as these do little to enhance the reputation of the United States as an honest and open democracy. The strength of Radio Free Europe and Radio Liberty broadcasts is in its independence. Any suggestion that these organizations are covertly or secretly operated impairs their credibility and is out of place in our free society. I think that the Congress now bears a responsibility to clarify the position of the United States in this regard; my bill accepts that responsibility.

IDEA OF REVENUE-SHARING SUPPORTED BY 77 PERCENT OF PUBLIC

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. GERALD R. FORD. Mr. Speaker, Dr. George Gallup's latest poll shows that 77 percent of the public support the concept of revenue sharing. What is particularly significant in Dr. Gallup's findings is that this support cuts across party lines: Republicans—81 percent; Democrats—77 percent; and independents—73 percent.

Revenue sharing received major emphasis in President Nixon's recent state of the Union message. I am hopeful that when the Congress considers the President's proposal it will keep in mind the fact that the majority of Americans favor this plan.

I include in the RECORD at this point the Gallup poll to which I have referred:

[From the Baltimore Sun, Jan. 24, 1971]

IDEA OF REVENUE-SHARING SUPPORTED BY 77 PERCENT OF PUBLIC

(By George Gallup)

PRINCETON, N.J.—Although President Nixon's plan to share federal income tax receipts with state and local governments may face rough sledding in Congress, the concept has the overwhelming support of the American people.

A Gallup survey of the nation's adults conducted January 9–10 finds 77 per cent of the public in support of the concept of revenue sharing, with only 14 per cent opposed. Nine per cent did not express an opinion.

Public support for the revenue sharing idea has reached its highest point to date, with the percentage in favor up 6 points from a measurement taken two years ago.

BIPARTISAN SUPPORT

Favorable reaction to the concept cuts across party lines, with large majorities of rank-and-file Democrats (77 per cent) Republicans (81 per cent), and Independents (73 per cent) in favor of the plan.

In his state of the union message yesterday, the President made a strong plea for revenue sharing.

The plan would give a small percentage of federal income tax receipts to state and local governments.

This would represent a basic shift from the present practice of rigidly allocated federal grants to states and municipalities for welfare, hospitals, housing, highways and other programs.

The idea of revenue sharing was first advanced in 1964 by Walter Heller, then chairman of President Johnson's Council of Economic Advisers.

PRO AND CON

Congressional proponents of revenue sharing argue that the program would halt the increasing centralization of power in Washington.

Others support the idea in the belief that state and local governments are closer to the social and economic problems for which money is needed

Opponents of the plan in Congress believe that state governments are no more likely to be efficient in dealing with social and economic problems than the federal government has been.

The thinking of the man-in-the-street is indicated by the following comments recorded in the survey:

"Housing, road construction, education—problems like these—are really all local problems. I can't see why the federal government has to get involved with huge programs that often don't work." This was the view of a 36-year-old tax appraiser.

A laboratory technician commented: "I'm against the idea of revenue sharing until I see rigid guidelines as to how the money is to be spent. The possibility of state and local corruption could greatly increase with all that money to be used."

In the latest survey a total of 1,502 adults were interviewed in person in more than 300 scientifically selected areas of the nation during the period of January 9–10.

The following question has been asked of representative samples of the nation's adults five times during the last four years to determine attitudes on revenue sharing:

It has been suggested that 3 per cent of the money which Washington collects in federal income taxes be returned to the states and local governments to be used by these states and local governments as they see fit. Do you favor or oppose this idea?

(The 3 per cent figure in the question is based on plans that had been proposed prior to President Nixon's State of the Union message.)

The latest results and those from earlier polls follow:

[In percent]

	Favor plan	Oppose plan	No opinion
January 1967	70	18	12
April 1967	70	15	15
July 1967	72	17	11
January 1969	71	17	12
Latest	77	14	9

MAYORS' OPINIONS

Gallup Poll editors sought the views of mayors of 20 large cities on the subject of tax sharing. The mayors interviewed were in general agreement that anything to help the cities would be welcome, but some expressed concern that the money might not get to the cities that need it most because of state and local "red tape."

The views of Mayor William J. Ensign of Toledo, Ohio, typify the attitudes of many of the urban mayors contacted:

"Any means by which some of the local money now going to Washington can be returned to your cities and states would be a welcome relief. The President's proposal sounds good, but I would like to see a lot more cash and much less conversation.

"Cities such as Toledo cannot survive under their present financing formulas. A revenue sharing plan, minus the usual strings and red tape, could mean the difference between satisfactory municipal services (police, fire, sanitation) and continued municipal problems."

MICHIGAN'S GOVERNOR MILLIKIN CALLS FOR "A NEW POLITICS"

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. GRIFFIN. Mr. President, earlier this month Gov. William G. Millikin, of Michigan, one of the Nation's outstanding public officials, addressed the Ripon Society's eighth anniversary dinner in Chicago.

Governor Millikin, who is vice chairman of the Republican Governors Association, discussed challenges facing the American people and called for "a new politics."

I ask unanimous consent that the text of Governor Milliken's address be printed in the Extensions of Remarks.

There being no objection, the text of the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOV. WILLIAM G. MILLIKEN

I'm delighted to be here—and delighted that you thought enough of governors to invite two of us to talk about the state of the States on the national scene. There's a lot of talk these days that governors don't really count on the national political scene.

Governors, as public opinion analyst Samuel Lubell bluntly told us at the recent Republican Governors' Conference, are among the more expendable commodities in the political marketplace.

"You are expendables," he said, "the GI's on the ground fighting to take Sales Tax Hill or Income Tax Hill. The voters are likely to turn against you if you take those hills, but they are also likely to turn against you if social deterioration spreads still further."

Voters did turn against Republican governnors in 1970 and could turn against Republicans in 1972 by the millions unless we start a new and more positive approach. The net loss of 11 governorships in November was a serious setback for the Republican Party and underscores the need for a new National Strategy in which we reconcile our differences, unite in common purpose to formulate workable solutions to mounting problems, and reject any attempt—however appealing it might be in the short run—to write off any section or any group within our country.

The Republican setback in this section of the country, the Midwest, demonstrated the urgency of unifying our party and broadening its base. In a 10-state Midwest region, we had only two winning Republican candidates for Governor, and the congressional and legislative outcomes in this great heartland were devastating.

To win, we must be united.

We're a minority party, one that cannot afford to have feuding factions going into an election. Debate, yes; division, no.

We would have lost the Governor's office in Michigan if Republicans had not closed ranks.

We should be closing ranks across the country, including Illinois.

Governor Ogilvie is a man not only for Illinois. He's also a man for the Midwest and beyond. In the Great Lakes area, for example, he has been instrumental in helping develop a united-front approach among governors to such common problems as the problems of the environment. As we have more common problems, such as the fight against pollution, boundaries can hinder pursuit of common goals, unless there is cooperation among states. We need avenues, not barriers, between states. Governor Ogilvie has fostered such cooperation.

This is a prime goal for the Seventies for both of us—to work out regional approaches to regional problems, problems unique to the Great Lakes country, to the mid-continent, and to industrial states.

But beyond regional problems, there are problems common to all states. One such problem is the need for welfare reform. In this area, as in so many others, Governor Ogilvie is providing leadership among the states. He's the kind of man we need to formulate workable solutions, the kind of man we need as part of a strategy for the Republican Party.

At your 1970 meeting, Congressman John Anderson noted that preservation of national unity has been an historic tenet of the Republican faith. He recalled that Republican Presidents—from Lincoln through Nixon—have long stressed reconciliation as a political creed. Whatever the words—"to bind up the nation's wounds" or to "bring us together"—the message is the same. As a party, we must adhere to what we advocate. As Congressman Anderson said a year ago, to become a party of sectional or special interest would be to betray the vision of the first Republicans.

Yet, despite such warnings and despite public repudiation of this strategy by our national leadership, we still hear suggestions that this is the winning formula. I have express belief that it is not only morally wrong but politically stupid to write off any segment of America for political expediency. We can't afford to write off—or to alienate—Blacks, youth, or any other group.

In our quest for the Emerging Republican Majority, let us not sacrifice our party's principles for any expediency.

Let us unify—not divide.

Let us be positive—not negative.

Lincoln told us the past is prologue. We can only hope that 1970 is not a prologue for 1972.

One problem with our national campaigning for 1970 was that we blew the tuba so loudly nobody heard the trumpet. We had much to herald. But it wasn't heard.

Many of the Administration's friendly critics, including your society, blame this on a misconceived strategy of "positive polarization."

It should be emphasized that Republican campaigners of 1970 held no patent on polarization. This nation has had nearly a decade of divisiveness.

We should not forget that it was during the Johnson Administration that this country became so divided, so polarized that the President had to restrict his public appearances. And his own party became so polarized between factions, between the young and the establishment, that he did not attend the 1968 Democratic National Convention.

The memory of that convention, in this city, survives as a haunting reminder of what happens when youth is alienated and feels no one is listening.

Alienation of youth—with all its dispair and disenchantment—is a problem facing both parties. It leads to isolation and voluntary withdrawal of the young from the mainstream of the political system. This is a loss for Republicans. It is a loss for Democrats. Above all, it is a loss for the country.

The U.S. Supreme Court decision permitting 18-year-olds to vote in federal elections has added a new dimension to the question of youth and politics.

That decision could strengthen our political system. And it could strengthen our nation.

By permitting young Americans to participate directly in the electoral process, we can bind them more closely to America's future.

The 18-year-old vote—which I strongly support for state and local as well as federal elections—makes it all the more important that the Party make a greater appeal to youth and give youth a greater voice in party affairs.

The Republican Party has much to offer. In Michigan, for example, a Republican administration has created a Special Commission on the Age of Majority, which, among other things, is developing a comprehensive state policy recognizing appropriate legal rights and responsibilities for young people.

I believe there is a strong similarity between the goals of many young people and the traditional goals of the Republican Party—a healthy skepticism about the power of government to solve all our problems, a healthy dislike of bureaucracy, and a healthy faith in the dignity and potential of the individual.

These are things we Republicans believe in, and these are views that are fervently shared by millions of young people in America today.

But the Republican Party doesn't always seem to recognize this. Too many Republicans allow the dress and life style of young people to obscure the fact that we might share the same goals.

The young should not only participate in the political process, but be made a part of the process of government, too. We are making a start in Michigan. So that the voice of youth may be better heard in state government, I have appointed eight people under 30 to major state boards and commissions, including the governing bodies of colleges and universities. And that is just a start.

There must also be a greater voice in government for Blacks. In Michigan, more than 70 Blacks have been named to important state boards and commissions during the past two years of my administration—more Black appointments than were made by any previous state administration, regardless of time in office.

But consider what is happening elsewhere.

In Virginia, Governor Linwood Holton, the first Republican governor of Virginia in the 20th Century, stands as a prime example of the kind of representation and appeal that the Republican Party must have if it is to have an effective national strategy.

This governor, a southern governor, initiated a discussion at the recent Republican Governors' Conference on the folly of ignoring aspirations of Blacks and calling for new, sustained efforts nationally for racial reconciliation.

The effort involved in developing programs that meet long-denied Black aspirations is worthwhile, no matter what vote results; but if the matter were considered in political terms alone, the results of the November 3rd election indicate that a responsible appeal for that vote also is good strategy.

In the large cities of Michigan, we made a highly credible showing among Blacks. In Virginia, Governor Holton received 55 per cent of the Black vote.

Whether we're talking about youth, or Blacks, or other voters, perhaps the biggest lesson of the 1970 elections was that voters have arrived at a new level of sophistication and discrimination. Millions in every state split their tickets, proving that they weren't voting for parties, but for individuals.

The fact that this phenomenon—voter independence and individuality—is likely to grow and spread presents both a threat and an opportunity to the Republican Party.

The election indicated, for example, that Republicans in Michigan can no longer believe in "safe" counties outstate and that the Democrats can no longer regard the Detroit area as an impenetrable fortress.

For both parties, the door is wide open. New viewpoints, new circumstances have shattered old loyalties.

In my inaugural address in Lansing last week, I said that these new circumstances require a New Politics—a new approach that need not be limited to any one state.

One of the new circumstances is our nation's all pervasive mood of impatience.

As a people, we have never been willing to accept defeat or yield to despair. Optimism is deeply ingrained in the American character. We cannot accept things as they are because we believe so deeply in our capacity to make them better.

That national self-confidence, that spirit, has been our greatest asset in the past, and it is surely our greatest hope for the future. But if we are honest with ourselves, we must admit that this optimism is not shared by all Americans and that the voices of doubt and despair have become louder than they ever have before in this nation's history.

One reason that impatience, doubt, and despair have flourished is because rhetoric has reached beyond reality, and political promises have far exceeded human progress.

It is more essential now than it ever was before that we close the gap that divides the two worlds of politics—the world of promise and the world of reality.

The point is not that the American people have suffered a significant loss in confidence about their own abilities. The point is that the confidence they once held in the institutions of government, in the political parties, and in individual public officials has suffered a dramatic decline in the last few years.

Nor is this loss of confidence felt only by those relatively few extremists who want to destroy our institutions in order to get at flaws they see in them. Ordinary people by the millions are beginning to doubt the ability of government and politicians to end the war, root out racism, stop the destruction of the environment, curb crime, control inflation, and eliminate poverty.

Whatever political party we belong to, we owe it to ourselves, to our children, and to the future of the country to create a New Politics and to quietly bury the old.

We must narrow the gap between promise and performance, and finally close it altogether. We must not be afraid to identify the problems that can best be solved by the Federal government, those that can best be solved by the states, and those which have a better chance for solution on the local level. We must never be afraid to say that many problems cannot be solved by government at all.

In the New Politics, no promises can be made that will not be kept, no new programs initiated that cannot be paid for, and no programs continued that do not produce results.

A kind of political consumerism has taken hold in this country, producing a whole generation of voters who care more for results than for slogans and promises.

This phenomenon represents a great opportunity for the Republican Party. Blacks, young people, and working men can no longer be counted as automatic Democrats nor can farmers, professional and business people be regarded as automatic Republicans.

In order to serve America, we must be representative of America.

I want tonight to emphasize my very strong belief that in many vital areas, President Nixon has served America well; that he is deserving of reelection; and that—if only the trumpets can be heard—he *will* be reelected.

As Howard Gillette, Jr., Chairman of the Board of the Ripon Society, asked in THE RIPON FORUM, what other President in recent memory has done as much to put the Federal budgeting process on such a rational basis, open building trades to Black Americans, and challenge an outmoded and degrading welfare system?

What other President has been able to endorse a program that will provide a minimum income for all families in America with children?

What other President has done as much to get us out of Vietnam?

And what other President has truly recognized the financial crisis facing state and local governments? His approach to revenue-sharing could lead to the first real effort by any President to enable the states and the cities to meet domestic needs in this nation. If he comes up with a significant amount of new money, revenue sharing could do for this nation what the Marshall Plan did for Europe. The states and cities are facing absolutely devastating budgetary problems caused in large measure by limitations on the resources that are available to meet responsibilities that are theirs under the federal system. We clearly face one of the most serious threats ever confronted by our federal system—a threat that can be eased by federal revenue-sharing. The states and cities share the burden and must now more equitably share the revenue they help produce.

Last month, our nation passed an economic milestone when the Gross National Product surpassed one trillion dollars—the first trillion-dollar economy for any nation in the history of the world. It is absolutely imperative that more of the revenue impact of the wealth of this nation trickle down to the people of this nation.

President Nixon has given us the best hope so far that it will.

I'm particularly pleased that the President has indicated a willingness on this and other matters to work closely with governors, as he did several weeks ago when Governor Ogilvie led a delegation to the White House to discuss welfare reform.

As one governor in one state, and through the Republican Governors' Association, I'm absolutely determined to do everything I can during the next four years to revitalize the Republican Party, to build it, and, above all, to broaden its base.

The Association took a significant step in this direction last month when it elected Governors McCall of Oregon, Sargent of Massachusetts, and Ray of Iowa to the Executive Committee.

Our most important job, our most immediate goal, should be to build our party into an active, vibrant political force that embraces people of all ages and all races. For unless we welcome new faces and encourage new points of view, we will never marshall the human strength that can win not only elections, but the future as well.

REPRESENTATIVE MOORHEAD SALUTES FORMER SPEAKER McCORMACK

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. MOORHEAD. Mr. Speaker, I want to take this opportunity to salute the magnificent job of our former Speaker the Honorable John W. McCormack.

Much can be said, and indeed already has been said, about the dilligence and insight with which he has led this House these past 8 years.

In performing the function of Speaker, John W. McCormack served his country and party as well. But in establishing this personal priority, Speaker McCormack has managed to keep these two constituencies separate and served both with ability and insight.

I think that history will record the service of John W. McCormack and cite numerous bills and issues that have profited from his attention. But as member of the majority party I think we will always remember the grace, and agility I would say is the proper word, that he used to combine and blend the various points of view that exist in the party.

John McCormack, as is the duty of anyone who aspires to the Speaker's chair, balanced the regional and factional differences in our party, giving here and taking there, bartering and bargaining, but never losing the will of the majority within the party. And he accomplished this not so easy task with skill and dedication. He was a leader of all the Democrats.

I think this trait above all others will sear the efforts of John McCormack in the minds of the politically practical and the politically knowledgeable. Let me close with a sincere well done, Mr. Speaker.

A NEW BEGINNING

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. CHURCH. Mr. President, on January 4 on the statehouse steps in Boise, Idaho inaugurated a new Governor, Cecil D. Andrus.

In his inaugural address, Governor Andrus called for a new beginning for Idaho—a quest for excellence based on the diversity of our people, our national heritage and abundant resources, and the spirit of adventure so characteristic of Idaho, borne out of a frontier past. Governor Andrus said:

> The decade of the seventies is a time to speak out and insist that the enemy within is not the young of America. Rather, the enemy is many things: mismanagement of government and resources, disease, poverty, inadequate education, shrinking employment, and other ills that afflict our society.

Mr. President, I warmly commend this address to my colleagues and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INAUGURAL ADDRESS OF GOVERNOR CECIL D. ANDRUS, JANUARY 4, 1971

Mr. Chief Justice; Governor Samuelson; Distinguished Members of the Idaho Legislature; Reverend Clergy; My Fellow Citizens:

More than a century has passed since a courageous band of frontier legislators assembled near the confluence of two mighty rivers and established Idaho's first governing body.

It was at Lewiston in 1863 that Idaho began its quest for greatness.

Today, 107 years later, we are still pursuing that original dream—the dream that all men might find a good life in a most splendid state called Idaho.

We must never lose sight of our early leaders' courageous goals. In 1971 we must continue to pursue that quest for greatness so that our accomplishments in the 1970's will be the bedrock of hope for our people in the 1980's and for all time to come.

I

The Quality of Life for all in Idaho is our goal. Therefore, it is time to rise up and draw the guidelines for the future. We must prepare now, more carefully than ever before, to preserve and improve what is ours and ours alone.

The Quality of Life has many meanings for our family of Idaho citizens. For some it is the comfort of faith in our ability to cope with the problems of the day. For others it is a responsive government . . . or a relevant education.

Quality of Life for many is the treasured resource of silence abundant in our forests and along the shores of mountain lakes.

By focusing our attention and ability in a positive vein, by recognizing the good and desiring to make the good better, we can create a better life and a better state for Idaho and her wholesome people.

II

Although having passed the century mark in age and wisdom, Idaho remains in its infancy and holds the potential for social and economic maturity unmatched by those around us.

While these are trying times for our people who want to know what the future will bring and how they can influence the course of events, we can face the future with confidence if—if we are willing to recognize that our strength as a unique community of people lies in our own diversity.

We can be masters of our destiny—if we realize that among us are men and women of many talents and that those talents can be utilized for the betterment of all.

We can face the coming years with understanding—if we realize that diversity need not pit generation against generation, farmer against city dweller, region against region.

And, we can work together in common cause—if we believe that when one among us is in need, we are all in need and when one among us succeeds, we all succeed.

However, we must be patient to remake, to redesign and to rebuild. All will not be done easily or quickly.

Let us have the same spirit John F. Kennedy had in 1961 when he faced the problems and the people and said:

"All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin."

III

Idaho is still a wilderness. It remains a magnificent portrait of the America our forefathers discovered and settled.

Idaho still has land where no man has ventured, where no machine has left its ugly scar. Idaho has water so clear and air so pure they are but dreams in the minds of most men.

We must take great pride in our natural wealth and heritage, but we must guard against letting this pride lull us into false complacency.

We are independent people, we Idahoans, and we must remain independent to provide protection for our gentle surroundings. We can and must make certain that our natural resources are developed for the benefit of all in Idaho and in a way that our precious lands are not smeared, our air befouled and our water dirtied.

We must recognize that we have not been as attentive as we should have been to the hazards of an industrial age. In part, our environment does show signs of blight.

We could reflect on the days of the past when all was new, all was clean and all was unmarred by man. But this is not a time for looking back. We cannot begin anew with the traditional methods that have brought us to where we are today.

I propose a new beginning.

We must assemble a dedicated team to rewrite traditions, to redesign methods of achievement and to remake the ravaged lands we have so brutally abused.

IV

The decade of the seventies is a time to speak out and insist that the enemy within is not the young of America. Rather, the enemy is many things: mismanagement of government and resources, disease, poverty, inadequate education, shrinking employment and other ills that afflict our society.

During the decade of the seventies we must address ourselves to what unites us rather than to what divides us. There are those who would tear down the state and nation, or more popularly, burn it down. Instead we must gather ourselves together to improve rather than destroy.

If there is any burning to be done, let us burn the cliches that have kept us from each other, kept us from forming a grand alliance against empty pockets, empty stomachs and empty minds.

I agree with a great Democrat, Thomas Jefferson, who said he liked the dreams of the future rather than the history of the past.

V

We have now opened a new era with a cry for change. We have gone before the people and asked for their judgment and their judgment has borne us out.

Since the mark we place upon this state will endure a generation or more, the decade of the seventies can be a decade of rebirth. We can examine our government, our schools, our economy and ourselves. We can retain and make better the good and the sound. We can repair that which needs repairing and replace that which needs replacing.

But, leadership is only half the answer. The Quality of Life in Idaho depends on you. If you want Quality, you will have it, for in the final analysis it is the people who must meet the challenge of the future. It is our people, together, who control the destiny of Idaho.

VI

Today, as we stand together before God, our country and our state, let us pledge to undertake a mission of energy and courage to renew Idaho for ourselves and for our children.

With guidance from the Almighty, with the spirit of youth and the insight of age, we can and we will face the future with hope rather than fear.

REV. PETER RIGA AND THE RICH AND POOR NATIONS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. WALDIE. Mr. Speaker, the retention in our minds of Congress' most noble task, that of assisting not only our own constituents and citizens in achieving the good life, but our brothers overseas as well, is of paramount importance.

Recently, Rev. Peter Riga, a professor of theology at Saint Mary's College in California, submitted to my office a report concerning the economic crisis confronting the underdeveloped economies of the world.

The report, a most remarkable and informative one, will, I am sure, arouse the sentiments of those lawmakers actively engaged in fostering human dignity.

I would like at this time to place Reverend Riga's report in the CONGRESSIONAL RECORD.

The report follows:

RICH AND POOR NATIONS

(By Rev. Peter J. Riga)

It should be evident from the lack of interest in foreign aid by the Congress in the last three years, of the tragic plight of over two and one-half billion human beings on the earth and the widening gulf between the rich nations and the poor nations, is a symptom of the boredom and disinterest in the problem of the average American.

This disinterest comes in part from human weakness since most people in the U.S. have never seen the degree of poverty and destitution of the magnitude present in the poor nations;[1] it also flows from the fact that such aid is long range in nature whose results cannot be seen overnight; and finally, but most importantly, it stems from the fact of ignorance that precisely the rules and regulations governing international trade and assistance are rigged in favor of the already rich while discriminating against the poor. It is the rich who are directly responsible for the continuing poverty of the poor—a charge which we will substantiate in the rest of this article.

The rich nations cannot say that they have not been reminded of their moral obligation to come to the aid of the poor. Such figures as John XXIII, Paul VI, U Thant and many others have not been lacking in this regard.

If we add to this the fact that the year 1970 marks the end of the first UN decade of development (1960) whose results have not lived up to the expectations especially since the goals set up for this decade of development were not achieved. This was confirmed by the recent report to the UN on development headed by former Prime Minister of Canada, Lester B. Pearson, which attempted to analyze the results of the international aid to poor countries of the past twenty years. Moreover, this same study proposed a whole series of suggestions for improvement for the next decade, 1970–1980. It will be worth our while to examine these suggestions.

DECADE OF DEVELOPMENT: 1960–70

In 1960, the General Assembly of the UN decided to make of the decade 1960–1970 a period of intense development for the poor nations of the world who, in fact, compose the vast majority of the world's people. In general, the objection was to increase the annual economic growth of the poor nations by 5 per cent a year and to ask of the rich nations that they contribute at least 1 per cent per year of their gross national product to this end. All reports which are now in (1970) clearly show that this end has not as yet been attained. It is true that the total economic growth of the poor countries has been in the area of 6 per cent (1967) and 5 per cent (1968). But since the overall population growth in these same countries was about 2.5 per cent since 1960, the actual economic growth of these countries was around 2.5 per cent (in some countries such as Bolivia this was down to 1.5 per cent). What is even more to the point is that the rich nations (i.e. those with a per capita income of about $1,000 or more) increased their gross product by at least 4 per cent.

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[1] For our present purposes, we take the criteria of rich-poor nations from the estimation of the UN. The International Organization says that those nations whose per capita income exceeds $1,000 are to be classified as rich. This constitutes about 29 countries (if we include the 8 Eastern European countries whose per capita income is almost $1,000), whose overall population is a little less than a billion people. The rest of the nations of the world are to be classified as poor (105 countries with a population of about two and a half billion people).

The first element to examine in this complex relationship between rich and poor is that of trade. At first glance, the terms and amount of trade of the poor nations is encouraging. In the decade of development, their increase in trade has been an optimistic 8.5 per cent per year which is higher than that of the rest of the world (about 6 per cent). Indeed, what has been imported by the poor nations is also of great interest since imports of equipment for development has increased from 29.2 to 31.5 per cent while consumables decreased from 39.1 to 38.2 per cent. This would seem to be encouraging until we examine the situation more closely.

This growth when placed alongside the total amount of trade in the world has in fact diminished from 30 percent in 1948 to 22 percent in 1960 to less than 20 percent in 1969.[2] Moreover, most of the absolute value of this trade (43.4 billion in 1968) is due to oil and oil products and it has benefited only 9 poor countries[3] out of 105 and whose total population is less than 200 million out of 2.5 billion poor people. Moreover, even the manufactured products which enjoyed an increase during the past decade of development had 50 percent of it concentrated in six countries, (Formosa, Hong Kong, Mexico, India, Pakistan and Singapore).

Most important of all is the fact that the disequilibrium between imports and exports in the poor nations has been increasing at a staggering rate. The total deficit was about 4 billion dollars in 1960, 6 billion in 1967 and 1968 which makes a grand total of 43.6 billion dollars in deficit during the decade of development (1960–1970). The only thing which keeps this deficit from going even higher is the export of oil which, as we have seen, profits very few nations and people. If this were subtracted—as it should be in good economics—then we have about a 55 billion dollar deficit for the whole decade.

This total deficit would not, of course, be a total disaster if the greater part of these imports were related to the development of the poor nations who imported them, thereby increasing their productive capacity (equipment, factories, etc.). The statistics in fact do indicate this direction but such deficit spending can bring economic disaster as well as a grinding halt to their economic development. In fact, what this deficit shows very clearly is that most of the poor nations of the world cannot depend upon exports to finance their economic development—not by a long shot. They can gain such working capital in one of two ways or both: by internal "saving" ("from the backs of the people") or from foreign aid coming from the rich nations and/or international organizations set up for this purpose.

MONETARY VOLUME

The flow of money from the rich nations and international organizations of development (that is after amortization and interest is substracted) has increased over the years but certainly not enough to meet the crucial needs of the poor nations. In 1960 it amounted to about 8.1 billion dollars (4.9 from the public sector and 3.2 from private investment sources) which in 1968 amounted to 12.7 billion (6.9 and 5.8 billion respectively). This amount of money represents 0.75 per cent of the GNP of the rich nations—an amount inferior to the proposed 1 per cent GNP by the UN for the decade of development.

Thus, during the decade of development the cumulative amount of money from the rich nations to the poor was about 82 billion up to and including 1968. From this must be deducted the deficit of payments amounting to some 43.6 billion or to about 4.8 billion dollars a year from the rich to the poor nations per year. Moreover, about 70 per cent of this "aid" is not in the form of out and out grants but in the form of long and short term loans whose average interest per year is 3.7 per cent spread over a 23 year amortization period. This debt alone has increased some 110 per cent since 1961 so that interest and amortization payments are further impoverishing the poor nations as well as impeding their economic growth.

In other words, as Paul VI pointed out in his encyclical on development, *Populorum Progressio,* the rich grow richer while the poor get more in debt and consequently, grow poorer. In 1960, the per capita income of the 29 rich nations was about $1,100 per year while that of the poor nations was $132. In 1965, the amount was $1,430 and $150 respectively; and in 1970, it will be about $1,800 and $200 respectively (a ratio of better than 11:1).

Last year, the Pearson Report to the UN on the progress of the decade of development confirmed all of these figures but was essentially optimistic about the future. Its optimism was predicated on a number of factors. The first was that although the period 1950–1970 represented a small growth, this growth itself must be compared not with the rich nations but with their own past, from which the poor nations have made great strides. If we compare the progress today of the poor nations with the rate of progress of the poor nations of yesterday, we find room for encouragement. Accordingly, the Pearson Report points out that the rate of growth today of the poor nations compares favorably with that of Great Britain in 1820 (2 per cent) and Germany in 1880 (2.5 per cent). The report also sees encouraging signs in the so called "green revolution" in nations which were supposed to be on the verge of starvation in the mid-1970's as well as a steady growth of investments by the poor nations due to their own savings.

These arguments of the Pearson Report are not convincing. While it is true that the rate of growth of the poor nations today compares favorably with that of the poor nations of yesterday, it is hard to take on face value that the rich nations today would want or permit 2.5 billion people to suffer the same terrible conditions of life as they did in the nineteenth century (escially when this need not be). There is also the very serious question of distribution of wealth within these poor countries. Does it go to the people or to an economic elite who hasten to export this wealth abroad to Wall Street or Swiss banks.

CAUSES OF UNDERDEVELOPMENT

It should now be clear that there are technical causes for the underdevelopment of the poor nations such as lack of financial aid, imbalances of trade and tariff restrictions, lack of price stabilization for prime materials, high prices for technical and industrial equipment as well as the very complexity of procedure itself of the international agencies of aid to development. These causes of underdevelopment have been brought out time and again by authors, Popes and experts in international economics. The fact remains and will continue to remain that the international organization in vogue today of the economic society, is itself so organized as to keep the poor, poor and the rich, even more wealthy.

As all know, the UN has various organizations dedicated to the development of the poor nations of the world. There is *UNESCO* (for education,) *FAO* (for agriculture), *WHO* (for health), the *World Bank* (finances), *ILO* (labor unions and conditions) as well as many others. These organizations would be expected to facilitate development of the poor nations but in fact, because of their complex procedures, give the rich nations a preponderent influence in their policies even though the poor nations are much more numerous.

We can see this clearly by looking at one example: the World Bank. There are 110 member nations which belong to the Bank and the votes are distributed in proportion to the amount of money subscribed by individual members. In fact, some 18 rich (Western) nations contribute large amounts to the Bank and therefore have in fact a majority of the controlling votes of the bank (65 per cent). The U.S. and the British Commonwealth alone have over 45 per cent of the votes. It goes without saying that the economic philosophy and politics of the U.S. and Great Britain are those which govern the lending of aid money to the poor nations. Even the Pearson Report remarked that a common complaint against the Bank was that it was controlled by the industrialized nations who gave the Bank its direction and personnel.

Moreover, the resources of the Bank are neither stable nor sufficient. As of June 30, 1968, total capital of the Bank was 23 billion dollars of which only 2.3 billion had been invested. As a matter of fact, the very structure of the Bank is conceived along the lines of any major bank which must sell bonds and attract investments by rather high rates of interest (7 per cent long term, 10 per cent for short term amounts). The Bank-must remain solvent by its own efforts and resources, so that it is forced to run its affairs in the manner of any bank even though its objectives are altogether different from that of other banks. Consequently, the Bank gives aid to poor nations only after a thorough investigation and active selection. One of the major conditions of any loan from the Bank is that the loan be well administered and that it give satisfying results—conditions which very few poor nations could ever hope to fulfill.

As a matter of fact, even the aid that is given by the Bank, is in the form of loans which must be paid back both in principal and interest; moreover, they are given for projects which will be immediately productive, at rather high interest rates, amortization of between 10–20 years, etc., it is not surprising that the total loans in fact amount to only 12.9 billion dollars. Moreover, once you deduce deficits, charges, rates of exchange, the amount comes down to about 8 billion dollars.

Within the bank there exists another credit agency called the International Association for Development which has as its object to give favorable credit for urgent or emergency projects. Created in 1960, this international organization is empowered to give loans at 0.75 per cent interest with as long as 50 year amortization. In the decade of development, it has financed some 165 projects in 50 countries for a total of 2.2 billion dollars. But there are severe restrictions on this aid.

Once again, within this organization, the rich nations have a majority of the votes

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[2] All statistics taken from the official *Annuaire Statistique* (1966, 1967, 1968).

[3] Iran, Irak, Kuwait, Saudi Arabia, Algeria, Libya, Venezuela.

(64 per cent) since it is they who furnish most of the working capital. Moreover, money has been slow in coming (v.c. it took almost 5 years to raise 250 million for this purpose). Thus an extreme instability on amounts available since by the end of 1969, its funds were almost exhausted. The Pearson Report recommends another appeal for funds for this organization (1970–1975) to the tune of one billion dollars but its outcome is problematic.

This same situation of instability, control by the rich nations, lack of funds, high interest rates and short term of amortization, is present in all of the international organizations of fiscal help for the poor nations. The political use of these organizations is notorious. For example, in August, 1970, the Senate of the U.S. rejected funds for the ILO because Communists were strongly represented in the organization. This is ironic since these organizations are supposed to operate on democratic procedures and each nation is supposed to have one vote, irrespective of finances contributed (ILO, FAO, UNESCO). The rich nations in order to circumvent this democratic procedure have resorted to various pressure groups in order to bring about their will. They simply let the other nations know that if things and programs do not go their way, the financial resources—largely contributed by these rich nations—will be simply cut off or greatly reduced. These groups of course have no legal existence but they do have things their own way. This group is not restricted to the West since Russia also has its own political and social interests which must be taken care of. One nation, one vote, is, in fact, not a reality at all in the functioning of these organizations. As a matter of fact, the whole of the UN can be paralized by the veto power of each of the "great" nations, four of which are counted among the rich nations themselves. Thus the UN by its very structure and organization legalizes and reinforces the privileges of the rich and powerful nations of the world.

It should be clear that the center exercising power over the development of the poor nations does not reside in the UN or in any other international organization for aid since they possess no real economic or political power of their own. It resides precisely in the few nations of the rich.

Some people in the poor nations have placed their hope of obtaining adequate financial aid from the rich nations in the rivalry between East and West. In such a view, the poor nations would stand to gain by a sort of competition between the U.S. and the Soviet Union. The poor nations would form a sort of "third force" as a new power block on the world scene. In fact, as we shall soon show, such a hope is an illusion since there is a radical solidarity between the rich nations, irrespective of their mouthed ideologies.

It is true that there is some economic disparity between the nations of the rich from a $3,900 per capita income in the U.S. to a $900 per capita income in Eastern Europe. Yet what matters here is not so much this disparity as their common attitude toward the idea of development of the truly poor nations of the world—which is one of solidarity against them. The facts show that whether the economy of the rich nations is capitalist or extreme socialist, their attitudes toward the poor nations are strikingly the same.

In each block of the rich nations (East and West), the problem of the poverty and development of the poor nations is seen to be marginal and peripheral at best. What is of great importance is their own national economics (cf. the great worry in the U.S. about inflation, high interest rates, scarcity of money, etc.) so that whenever there is any difficulty in this area, aid to the poor nations is cut back immediately if not altogether eliminated (in 1969, the U.S. consecrated less than 0.40 per cent of its GNP to foreign aid). If there is anything left over as surplus from the national economy, some aid may be forthcoming from the rich. To take one example among many, between 1961–1968, the actual growth of the rich nations was about 500 billion dollars. About 79.6 billion was given over to all forms of aid to the poor nations which represents less than 16 per cent of the riches accumulated above and beyond what they were making in 1961 and continued to make ever since. Thus the aid given by the rich to the poor can be seen to be not a moral commitment but a sort of charity.

This goes for the socialist countries as it does for the capitalist ones. In spite of beautiful rhetoric on the part of the Communist block to help the poor nations suffering under all forms of capitalistic-exploitation, the amount of aid actually given has been a pittance. From 1957–1967, total aid given by the Soviet Union amounted to about 3.9 billion dollars or about 385 million dollars a year—a figure well below that given by the U.S. (5.6 billion), France (1.5 billion) and Italy (500 million). Cumulative aid from the Communist block amounted to 1.1 million in 1960 and has been on the decrease ever since.

We must add to all of these factors of pessimism, another important element of retardation: the political goals of the rich nations. It is for this reason that the rich nations prefer a form of bilateral aid rather than multilateral aid channeled through the independent agencies of the UN. The reason is rather simple: bilateral aid can exert great political pressure which is absent from multilateral aid. Moreover, such aid is given with the stipulation that goods bought must be bought in the U.S. and the Soviet Union, transported in U.S. or Soviet ships, which all adds to the cost of such aid. If the poor nations were allowed to shop freely for goods on the free market, they would profit more but, of course, the rich nations would not.

The rich countries give, as we have seen, in the form of loans rather than outright gifts. Less than 30 per cent of such aid is in the form of gifts whereas 70 percent is in the form of short and long term loans. To this we must add the average interest rate of 3.7 per cent and 23 year amortization after five years of initial grace period. The Pearson Report recommended 3 per cent over 25 years with a seven year period of grace. This extension, however, is problematic.

The Communist block's record in this regard is even worse. Only 6 per cent of total aid is in the form of gifts with the rest loaned on interest and 25 year amortization. Moreover, such aid is predicated on buying Soviet goods.

Thus aid to the poor nations whether it comes from the "free world" or from the "Communist block" is neither "free" nor disinterested. Aid given from American, Common Market or Soviet sources must buy American, European or Soviet goods. Moreover, political considerations are also of great importance in this question of aid. The notorious example of Latin America in the economic pocket of the U.S. and that of Eastern Europe in that of the Soviet Union, are too well known to need comment.

What is evident from this short perspective is that the rich nations are principally concerned over conserving and increasing their own wealth and position, not that of the poor nations. Their economic policies are essentially geared toward this goal. The volume of international trade proves this: the rich trade more and more with the rich and less and less with the poor. In the last nine years, trade has increased some 16 per cent per year between East and West whereas the trade of all the poor nations has increased only 8.5 per cent per year. The Soviet block does very little trade with the poor nations as well: some 11.6 per cent of exports and 9.5 per cent of imports is with the poor nations of the world. Trade between the poor nations and the rich Western nations has been decreasing steadily each year. Their trade with the European Common Market has decreased from 38.5 per cent (1958) to 26.2 per cent (1967) whereas trade within this group of the Common Market has increased 250 per cent during the same period.

Perhaps even more bleak is not only the fact of increase of trade among the rich and less with the poor, but the fact that this trade is based on a very highly developed technological and industrial base—beyond all possibilities of the poor nations. This trade includes very little primary material. The exportations of the rich nations have changed nature, that is, are more and more the finished products of a highly technical nature: whole factories are bought and sold, refineries for oil, fertilizer plants, auto factories and assembly plants. Between the rich nations there is a common exchange of high technology, irrespective of the ideology professed by each block. Their trade is essentially predicated on this highly developed technology which, for all practical purposes, excludes the poor nations from the hope in helping themselves financially through the trade of primary materials. Trade, then, between the rich and poor nations tends more and more to be limited to some indispensable primary materials (cotton, oil, metals, etc.) and hand made products still in demand by the rich nations whose technology of production has gone beyond this work. Even the supply of primary materials from the poor nations seems to be threatened since we have more and more the production of synthetic fibers, rubber, the new search for oil such as on the Alaskan Slopes. Imports of food, rubber, cotton, hemp have all been reduced from the poor nations because of artifically produced products in the rich nations themselves. Even such things as meat, grain, corn, wheat, etc., all have stiff competition from those grown in the rich nations themselves. Even the price of certain indispensable metals such as iron, tin, copper, manganese are determined not by stabilized price but by demand. Once again, it is the rich nations which determine prices here. The result is that for the future, the rich nations in fact will have less and less need for the poor nations. This is shown clearly in the fact that both Eastern and Western rich nations are in fact becoming one economic, trade and technological unity, self sufficient unto themselves.

The result of all of this is that class warfare is being prolonged not by individual persons but by blocks of whole nations. The rich nations are in fact creating a proletariat composed of the vast majority of mankind which is poor and dispossessed, with little hope of breaking out of this vicious circle of poverty imposed on them from without. Since the rich nations directly and indirectly refuse to make of the development of the poor nations a primary consideration but rather subsidiary to their own wealth and advantaged, it is they who are creating this vast proletariat. It is they who are impeding development, increase the disparity between rich and poor, dash all hopes of harmonious world development and increase the danger of massive violence and war. Perhaps since all appeals to justice have failed to move the rich, perhaps as a last resort there is only an appeal to self interest that will move them, that is, survival of the human race, themselves included.

Many proposals have been made to meet this challenge of the second decade of development (1970–1980). In this second section of the paper we will attempt to outline a few of them.

The first difficulty becomes immediately evident when we begin to discuss the question of development, is the very definition of development. Next is the question of what should be the amount of contribution of the rich nations—previously placed at 1 percent of their GNP. Finally, the question of the optimum growth of development of the poor nations themselves.

The last question can be fairly easily answered. What was desired for progressive growth was an increase of about 5 percent per annum in the GNP of each of the poor nations (especially in the decade of development, 1960–1970). This was reached but with a great degree of disparity among the poor nations themselves. Some increased but most regressed. In point of fact, the largest percentage of growth came from poor countries which produce oil and these, as we have seen above, are few in number and population. These large averages of growth brought up the total average, then, in an artificial way. Most of the poor nations in the last decade felt frustrated and left out of any real economic growth. The UN fixes about a 5.5 percent increase each year in the decade 1970–1980, which, of course, is not all that great. This figure was given to all the international agencies having to do with development as a satisfactory goal for the next decade as well as to all of the rich nations of the world.

The question which arises inevitably in the matter of development is that of population control. There can be little doubt that such plans are being implemented by most of the poor nations of the world, some vigorously, others more slowly. Some have even opposed such a measure because they argue, with some credibility, that to do so would be to appear as trying to solve the problem not by development but by a form of genocide, particularly on the part of the rich nations from whom, in fact, most of the information, implements, specialists, etc., on birth control actually comes. This is highly resented by some poor nations and many of the world's poor people: these rich nations are so greedy that they find it difficult, if not impossible, to aid them financially but will do so in a cheap and offensive way, that is, by striking at the source of life. Some will say it is naive but the important thing is that many poor people in the world believe it and that there is some basis in truth to this charge. The truth of the matter is that there can be no real deduction of births until such time as the poor themselves actually see some economic and social advantage to reducing their number of children. It is for that reason that most of the poor nations have not been as enthusiastic over this solution as have the rich nations and with good reason. That is why most of them have kept silent on this matter, speaking rather of a long term demographic control while stressing short term and rapid economic growth. Moreover, over this whole question of population control lies the pall of scientific uncertainty concerning the laws and effects of human reproduction and birth control (in all of its variations). Another difficulty in this question of development is the fact what is emphasized is not so much the contributions of the poor nations themselves but rather the manifold and expensive ways in which the rich nations can help. This is to court certain deception and disappointment since the poor nations must sooner or later recognize that most of the effort for development must come from themselves and not from the rich nations which are, in fact, cutting back on their own aid.

What must be stressed in this whole question of international development is the fact of public opinion both in the rich as well as in the poor nations. What is painfully clear in the U.S. is that the government has done a very poor job in convincing public opinion about the desperate and crying need of the great majority of mankind who in fact live in these poor nations. Most of the stories about foreign aid have to do about alleged and real abuses in the program which has turned American public opinion away from this essential task. The facts of undevelopment, hunger, malnutrition, etc., must be communicated more effectively so that Congress can pass such needed legislation. Without it, the foreign aid bills will continue to flounder, grow weaker and smaller with each successive year. It is here that the churches can show their humanitarianism in a most efficatious way. The National Council of Churches in America, the World Council of Churches in Geneva and the Popes in Rome have shown us the way and given the local churches an example of social enlightenment and moral commitment to justice as a fundamentally Christian duty of the first order. The tragedy is that many of the local churches—for a multiplicity of reasons—have not taken a vital leadership role in this area since in the final analysis, it is at the local level that public opinion can be most efficatiously formed and implemented.

The next vital question to be asked is what in fact is development? Everyone speaks of development, gives figures, etc., but no one, at least to my knowledge, has ever tried to give a cohesive, intelligent statement of what in fact it is. This question in term is rooted in a still more fundamental question for the future and that is, where is international life going in the immediate future? What is the future of man as an international entity? Culture, communication, interdependence of economics, etc., are all influencing the making of a new global and international civilization and culture. It is within such a context that thinkers should be conducting research and thought because how we answer these questions will depend how we answer the question of development for the future. The economy of the future cannot be like that of the past since the fantastic technological, social, cultural, economic changes have made this impossible. It is difficult to imagine now what shape it will take and that is why it is most important that philosophers, theologians, technicians and political men of affairs begin to seriously think about this international future of man. What we desperately need is a new vision of man for the future into which we can fit the theory of development, not vice versa.

This is to speak in long terms over which we have little control. What is more within our power are short term elements of development. Certainly, we can easily see three main elements in this development over the short term: the distribution of wealth on a global basis, international enterprises which are presently extended over the whole world and finally the consequences of technology and urbanization on global life styles and employment.

We have already pointed out the great disparities in the distribution of wealth on a global basis between the rich nations and the poor nations. These are divided between North America, Europe (East and West), Russia and Japan. The rest go to make up, *grosso modo*, the poor nations of the world. We have also pointed out the amount and type of trade which is evolving in the world and it is not favorable to the poor nations. The only countries among the poor nations which seem to offer some solid hope of real development over the short haul are China, Indonesia, India, Pakistan, Southeast Asia, and South Africa along with Southern Rhodesia—which themselves constitute great numbers of people. Yet, there remain large areas which are problematic in the increase of development such as the Middle East, Africa and Latin America. These are the nations which not only seem to have no economic future, but actually are in danger of recession from where they are today.

A most important development—for good and bad—during the past 25 years has been that of the international enterprises, that is, a company which is owned and operated on an international basis. This growth has been phenomenal and in many respects, beneficial for the countries involved. The value of these enterprises was estimated to be in the range of 240 billion dollars as of 1969. It is estimated that by 1980, about 300 firms will do seventy-five percent of all production outside of the Communist block.

The principal characteristic of these enterprises is not just their power (which is considerable) but the fact that they are international, that is, in many countries at once. The result is that nationalism has very little influence upon them, thus giving them more of an international flavor. Each country can profit by its presence since such production becomes standard for all countries.

This power can pose problems as well, say, of their relationship with each respective mother country. Some of these enterprises will actually have more economic power than many of the nations of the world. Many of their plans for development go far beyond 1980 and it would be illusory for respective countries to ignore this blatant fact of economic international development.

All of these new aspects of international development are, of course, dependent upon technological change and innovation. It is the very heart of change of the modern, industrialized and international society. Yet, it remains a stark fact that even with the greatest efforts on the part of the poor nations and abundant aid from the rich nations (say, 1 or 2 per cent of their GNP), development in these countries is a far way off and that in the proximate future, there will not be enough employment, schooling and homes for all peoples in the developing nations. We must accept this as a fact of life and look to the long term development of these nations.

The question of employment is a particularly disturbing one. Jobs are harder to come by to the degree that technological success is achieved. This problem belongs to the rich as well as to the poor nations. The rich nations must create about 58 million jobs just to keep pace in the next decade. Yet, as all know, there is a chronic unemployment problem even in the rich nations (outside of a few exceptions) and full employment is not a reality. This is a whole problem of the relationship which affects all the nations of the world and is beyond the scope of the present article.

CONCLUSION

The present will to help in the development of the poor nations is weak in the rich nations. Some nations are making a good effort (Netherlands the Scandinavian countries, Switzerland, West Germany) while others (the U.S. and the Soviet Union) are very weak, not to say delinquent. Even the kind of aid given these poor countries is not always satisfactory since much of this aid is not directed toward productive activity. Public aid from the rich countries in order to be productive, must be geared toward building up a productive economic infrastructure in these poor countries which is a long term project. Private investments are marginal and suspicious since, in general, they are not directed toward this end. Yet, we can look with some optimism to the building up of international enterprises which, as we have seen, can be of great help in the economic development of the poor nations in the next decade. Such international trade and use of resources by these enterprises can help to bring about a certain global economic equilibrium: a true international circulation of goods and personnel and it is to their own economic development of the poor nations themselves.

All these factors make it morally encumbent on all the nations of the world to cooperate in one great enterprise of developmen on a *global dimension*. This is the only way in which, morally, whole peoples can be helped out of their degrading and dehumanizing condition and, indirectly but surely how peace can be assured now and for the future. The name of peace today is development.

NATIONAL CEMETERY FOR THE CENTRAL WEST COAST OF THE STATE OF FLORIDA

HON. C. W. (BILL) YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. YOUNG of Florida. Mr. Speaker, I appreciate this opportunity to express my concern over the deplenishing availability of proper burial space for America's veterans and to state my position on behalf of my bill, H.R. 1202, to establish a national cemetery on the central west coast of Florida as well as on behalf of establishing additional cemeteries in the United States.

Several centuries ago, a battlefield in the mountains of Greece was immortalized by the epitaph: Passerby, Go tell Sparta that we lie here faithful to her service.

Today, we are faced with another grievous, still pressing, demand. The need for additional burial space for our veterans is well documented.

Our veterans have fought for freedom and liberty and they will have died for us and the future of our country. It is only proper, then, for us to grant them now the right to eternal sleep in the land they have kept free under the flag to which they rendered an unswerving allegiance.

Since the founding of this Nation, those people who have served their country have been provided compensation and other assistance in recognition of their extra contribution. On the central west coast of Florida, we are particularly proud that so many of the veterans of this country have retired, and they now call Florida home. Consequently, it is fitting that we now establish a national cemetery in this section of the great State of Florida—to provide additional burial space for these veterans who desire it.

And, as we set aside this land for those who have fought heroically in this century's battles, let us recall the words spoken by Abraham Lincoln on one of America's most lamentable battlegrounds:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note what we say here, but it can never forget what they did here . . . It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion. That this nation, under God, shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth.

WILLIAM RUCKELSHAUS AND THE EPA

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. BOGGS. Mr. President, the Environmental Protection Agency has existed for less than 2 months, yet it has already taken significant strides toward accomplishing the goal of environmental enhancement.

Much of this accomplishment has been due to the driving leadership of the Agency's administrator, William D. Ruckelshaus. As I stated at the time the Senate confirmed Mr. Ruckelshaus' nomination, I anticipate that Mr. Ruckelshaus will prove to be a very effective and articulate leader.

Recently, the National Observer newspaper carried an interview with Mr. Ruckelshaus. I found this article a most thoughtful and interesting discussion of Mr. Ruckelshaus and the challenges he faces. Therefore, I ask unanimous consent that it be printed as part of the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENFORCING THE POLLUTION LAWS: "SMALL OR BIG" ARE TARGETS, SAYS RUCKELSHAUS

(By Patrick Young)

Get tough. Get very tough.

That's the way William D. Ruckelshaus, administrator of the new Environmental Protection Agency (EPA), interprets his orders from President Nixon to enforce the nation's antipollution laws.

"He has asked me to enforce the law firmly and fairly, and I am sure he is convinced that is exactly the way they should be enforced," Mr. Ruckelshaus tells The National Observer during an interview in his spacious office.

"This, I believe, is one of the things that has to be done, that people have to realize that we are serious about it," he adds. "And this enforcement policy is going to make people angry. There is no question about it."

Mr. Ruckelshaus, a former assistant U.S. Attorney General, has gotten tough since assuming the new duties on Dec. 2. And he has angered some people. Two weeks ago, he gave the cities of Atlanta, Detroit, and Cleveland 180 days to halt their alleged violations of water-pollution standards or face possible suits by the Justice Department.

Last week the Justice Department filed suit against Jones & Laughlin Steel Corp. at Mr. Ruckelshaus' urging, asking a Federal court to enjoin the company from discharging various chemicals into the Cuyahoga River in Cleveland.

And very shortly, perhaps this week, Mr. Ruckelshaus will ask the Justice Department to seek Federal court injunctions against other major companies, demanding that they stop dumping industrial wastes into lakes and streams.

"We'll go after them regardless of who they are, whether they are small or big," he says. "We are going to have to decide as a nation whether we are serious about enforcing these laws and whether we mean to see this done. Maybe we'll find out pretty shortly."

President Nixon established EPA as an independent agency in an Executive reorganization this year. It is composed of 15 existing organizations, drawn from three Federal departments and two Federal agencies.

EPA brings together in one agency the Government's various antipollution efforts. This recognizes, says Mr. Ruckelshaus, that pollution is "an interrelated problem of the environment. You cannot treat air, water, and solid wastes as separate media, but rather you have to treat them as part of the whole.

"Under the statutes, as they are presently written, the states are the primary enforcement tool in both air and water [pollution]. And the problem with the states as regulators of industry, and for that matter as regulators of their municipalities, but industry in particular, is that the states compete so fiercely for industry that they are not the best regulators in the world.

"And so what we have to do, it seems to me, is to try to make the states better regulators by proving to them that if they don't do the job, the Federal Government will move in very quickly."

THE STRONGEST WEAPON

Mr. Ruckelshaus looks to an 1899 law, generally called the "Refuse Act," as his strongest weapon in curbing water pollution. This law makes it illegal to "throw, discharge, or deposit . . . any refuse matter of any kind of description whatever" other than municipal sewage into navigable lakes and streams.

Another section of the law does sanction discharges into water, but only with a permit issued by the U.S. Army Corps of Engineers. The Government can seek court injunctions to halt discharges that are made without a permit.

EPA and the Corps of Engineers will soon announce, perhaps before the end of the year, a program whereby the engineers will issue permits to companies for discharging wastes into water. The plan, says Mr. Ruckelshaus, "will give EPA the power to set the water standards."

Mr. Ruckelshaus says the Government will seek injunctions to stop industries that continually dump pollutants into navigable waters. "We're trying to be evenhanded about it and fair about it," he says. "But if there is a polluter who has clearly violated the Refuse Act, then we intend to use the act."

The Government successfully sought injunctions this year against 10 companies accused of illegal mercury discharges. One company closed its plant and the others greatly reduced their levels of mercury pollution.

Earlier this year, however, the Justice Department established guidelines that instructed U.S. attorneys to use the Refuse Act only when discharges were "accidental and infrequent." Polluters who foul waterways continuously were to be controlled through the more cumbersome administrative procedures of the Water Pollution Control Act. This decision angered many environmentalists.

Mr. Ruckelshaus says these guidelines need revision. But he notes that they also contain a provision that enables him to personally ask the Justice Department to seek an injunction against a company violating water-quality standards. And this, he says, he will do.

The Justice Department indicated last week it would give Mr. Ruckelshaus strong backing. Attorney General John Mitchell established a nine-man pollution-control section at Justice.

Mr. Ruckelshaus says the 180-day warnings were issued to Atlanta, Detroit, and Cleveland because they had fallen behind schedule in constructing sewage-treatment facilities. He says the situation in about 75 other cities is under review, but that none of them is in "imminent" danger of an 180-day warning.

"GIVE THEM A SHOVE"

"In the case of Atlanta, it was a clear case where we have the full Federal share [of funds] ready to put up and all they have needed was to get a sewer-rate increase and their share would have been put up along with the state's share," Mr. Ruckelshaus says. "It was my feeling that if we could just give give them a shove so the sewer-rate increase would go through, we would get them back on schedule, and we could get the treatment facilities constructed in time.

"The problem in Detroit and Cleveland is somewhat different than it is in Atlanta, because we do have a [Federal] financing problem, and I admitted that completely in my statement.

"It was my feeling, in reviewing the whole files of both of these cities, that a certain despair had set in and inertia had taken over on the part of all levels of government as to what could be done. Everybody was just passing the buck back and forth.

"Somehow we had to break this whole snarl that we had gotten into and get us on a schedule whereby we could get into compliance.

"I think that what the 180-day notice does is give all of us a deadline that we can work towards to really come up with a schedule that can be complied with, and that is realistic for these cities."

Mr. Ruckelshaus says he expects agreements will be worked out, and that "we have a chance" of providing the Federal funds promised to Detroit and Cleveland. But if no agreements are reached, Federal court actions could result.

"AS I READ THE LAW"

"Congress has said to the administrator of EPA, approve standards established by the states, approve implementation plans by the states, which put the municipalities and industries on a schedule, and enforce the law by ensuring that they stay on that schedule," Mr. Ruckelshaus says.

"As I read the law, Congress didn't say enforce the law, if the cities have enough money, but don't enforce the law if they don't. If that's what they are saying, then I think they have got to spell it out more clearly for me."

Mr. Ruckelshaus says the Federal Government should guarantee specific, long-range funds to help cities build sewage-treatment facilities. "One of the important things is that we have the money available for the next four years immediately so the cities can plan toward it," he says.

The Nixon Administration asked Congress this year to approve $4 billion over the next four years for sewer spending. Congress appropriated $1 billion for the current fiscal year. Mr. Ruckelshaus expects the Administration to ask Congress again for a four-year funding commitment.

A final decision has not been made on how much money to seek. "My own feeling is that if we start with $4 billion and find after a period of two years that that isn't enough, then we can put more money into it," he says.

Air pollution poses a different enforcement problem for Mr. Ruckelshaus. "At this point it is really difficult for us to move in actual enforcement in air pollution," he says. "The only time when we can move is if there is some interstate effect of the air pollution and if there is an imminent health hazard. It is rare you can show this kind of health hazard."

But EPA will almost certainly get tougher air-pollution-abatement powers. A bill now awaiting President Nixon's signature allows EPA to set national air-quality standards and to regulate the amount of pollution that can be emitted into the air.

These Federal standards are to be enforced by the states. But the law empowers EPA to seek court injunctions if the local agencies fail to act against air polluters who violate the emission standards.

Mr. Ruckelshaus expects his enforcement efforts will outrage some. "Everybody is for pollution abatement," he says. "But when you start to pinpoint the polluters and say we want to clean it up, then I'm going to be accused of all kinds of things.

"It is going to be said I'm acting politically; that I'm acting arbitrarily and capriciously. I'm trying very scrupulously not to have that charge be accurate. But there is nothing I can do to keep it from being made, because it is going to be made."

And Mr. Ruckelshaus foresees political pressures as well.

"I'm sure there will be people requesting that I don't sue a particular polluter because of his friendship with somebody in the Administration," he says. "But I have been given the mandate by the Congress and by the President to enforce the laws, and to do so fairly. And that's what I intend to do."

REALISTIC DETERRENCE—INFERIORITY ACCEPTED—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SCHMITZ. Mr. Speaker, Confucius said:

> It is necessary to rectify terms. If terms be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success.

Preliminary results of the questionnaire which my office sent out in late November to all households in the 35th Congressional District show that a large majority of my constituents favor a U.S. strategic defense posture aimed at either regaining superiority over the Soviet Union in the field of strategic weapons or at least maintaining a position of sure equality in that field. This is impressive in view of the great number of myths which have been propagated during the last two decades concerning force relationships and national security, and the current agitation intended to undermine our entire military organization.

However, I am convinced that, if everyone realized the crucial advantages which a position of strategic superiority confers on the nation possessing it, the votes on this question would almost all have been in favor of superiority. Everyone who wishes to survive in a free and independent nation and pass such a heritage on to his children should be unequivocally in favor of a posture of better than equal strength.

It is my unpleasant duty to have to report that the defense posture soon to be elaborated by the present administration will be aimed neither at regaining superiority nor at maintaining certain parity. All indications are that the new stance, to be known as "realistic deterrence," will simply rationalize our failure to respond effectively to the snowballing Soviet effort to turn an uncertain parity into certain superiority on their part. Therefore it becomes necessary to undertake an extended reexamination and reexplanation of the various factors relating to a sound defense posture.

A reexamination is necessary in order to explode some of the misconceptions widely propagated by former Secretary of Defense McNamara to rationalize his destruction of the position of overwhelming nuclear superiority over the Soviet union which we held when he came into office. Stripped of their beguiling rhetoric, his views reduced themselves essentally to an assertion that peace arises from a position which makes it impossible to defeat the potential aggressors. Clearly, if we continue to use terms and ideas growing out of a concept like that, we will continue to drift into increasingly untenable situations.

Not only were Mr. McNamara's concepts fundamentally erroneous, but his conduct in office was marked by deceit. One example came to light as recently as this past December, when the Senate's Permanent Subcommittee on Investigation released its final report on the TFX fiasco. The committee's conclusion on the efforts of the McNamara "crew" to conceal the results of their flagrant mismanagement of this fighter plane project was that "these efforts included deliberate attempts to deceive the Congress, the press, and the American people."

Although McNamara is gone, his legacy of strategic deterioration and the concepts and words with which he camouflaged his inexcusable reductions in American military might are still with us. While the present administration had no choice but to accept the material strength left by McNamara, it does not have to accept his theories.

The true result of not allowing the enemy to achieve superiority in strategic forces has been shown by the history of the last 25 years, in which the United States has not been engaged in a general war. Risks for peace cannot legitimately include experimentation with enemy superiority. Nothing could be more "provocative" than allowing the Soviet Union to achieve the superiority of force necessary to achieve nuclear victory over the United States.

MEMBERS OF CONGRESS SHOULD TAKE SABBATICAL

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 25, 1971

Mr. ROUSH. Mr. Speaker, I have been gone for a couple of years, and I would like to advise the House that the experience was not as traumatic as I thought it would be. I know that making this suggestion would not meet with the approval of all of my colleagues, but I think it would be a fine thing if Members of Congress would take a sabbatical once in a while in order to renew and refresh their spirit—and that, I believe, is what happened to me.

Mr. Speaker, it is good to be back.

THE REASONS FOR THE RECENT WAVE OF ATTACKS ON J. EDGAR HOOVER

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SCHERLE. Mr. Speaker, Columnist Bob Allen, a distinguished journalist whose syndicated column appears in many newspapers throughout the country, has correctly analyzed the reasons for the recent wave of attacks on the personality and probity of J. Edgar Hoover. The long-time Director of the Federal Bureau of Investigation has lately become a more frequent target of venom and vitriol; to set the record straight, Columnist Allen, not only answers the allegations of Hoover's detractors, but also outlines the positive contributions he has made to eight successive administrations. It is an impressive record and the columnist does it justice in the article which follows:

ANSWERS THE ALLEGATIONS OF HOOVER'S DETRACTORS

(By Robert S. Allen and John A. Goldsmith)

JANUARY 23, 1971.

WASHINGTON.—It is becoming increasingly evident that a widespread and organized drive is underway to viciously harass and smear FBI Director J. Edgar Hoover for the purpose of forcing his replacement.

The indications of this are so pronounced that congressional investigators are looking into the matter.

Involved in this strongly suspected undercover conspiracy is a hodge-podge of malcontents ranging from anarchistic revolutionaries to muck-raking sensation-mongers who fear and hate the aggressive and hard-hitting FBI chief. They include white and black extremists and violence-addicted berserks, communists, trotskyites and other communist elements, New Leftists, bleeding-heart liberals and self-righteous proclaimers of various types, muck-rakers and scandal-mongers.

Malicious attacks on Hoover from these sources are not new. It's an old story for them to lash at him for propaganda and other self-serving reasons. But this time the venon, fury and extent of the onslaught far exceed anything in the past.

It not only has all the earmarks of a planned and organized campaign, but there appears to be no limit to the abuse and calumny heaped on the FBI head.

Gross lies and fabrications are commonplace, sordid innuendos about his personal life are bruited about, harassment of some kind is an almost daily event, and threats of bombing shooting and even poisoning have multiplied.

It's a rare week that Hoover isn't the target of such written or telephoned menaces. Last year there were more than 50 of them.

The lies, distortions and misrepresentations being circulated about him are as unconscionable as they are glaring. Foremost among them are the following:

WHAT THEY'RE SAYING

That Hoover is sick, ailing and not fully on the job. Actually, he is in excellent health, fit and in top vigor, and hasn't been away from his desk due to an ailment in years. Recently he had a thorough physical examination and the doctors gave him a clean bill of health. His blood pressure was normal, his heart, kidnays, lungs and other vital functions in good condition. The FBI chief today is as alert, dynamic and as forcefully on his job as he has ever been.

He has an armored car and gets a new high-priced automobile every year. Both are provided on the direct initiative and authority of Congress. The replaced vehicles are assigned to FBI branches in various parts of the country. Most of them are still in use.

Hoover is losing favor in the Nixon Administration, and it wants to get rid of him. This is completely untrue. His standing in the Administration was never higher, and the best in any Administration since the Eisenhower regime (1953–61). Hoover is on close personal and professional terms with both President Nixon and Attorney General John Mitchell.

Hoover has served under eight Presidents since he took over the FBI in 1924. Every one of them acclaimed him, and he worked in full harmony with them. In 1960, when then-Senator John F. Kennedy was the Democratic candidate for President, some of his ultra-liberal partisans planted word with press henchmen that Hoover would be ditched. Kennedy immediately repudiated that allegation and emphatically declared he eagerly wanted Hoover to remain. And that isn't all. This unequivocal assurance was echoed by Robert Kennedy, younger brother and campaign manager, later Attorney General.

ACE HIGH

In the new Congress (92) as in every one in the past, Hoover and the FBI are held in literally reverential esteem.

Graphically illustrative of that is that the FBI budget is always approved overwhelmingly without change. No FBI appropriation has ever been cut, and there have been occasions when Hoover was asked if he needed more money than called for in the budget.

Representative John Rooney, D-N.Y., chairman oi the House Appropriations subcommittee that has charge of the FBI budget, is a particularly strong admirer of Hoover and his agency.

In 1960, Congress demonstrated its high regard for Hoover by enacting a law enabling him to retire at full pay—whenever he decides to do that. Outside of the judiciary, he is the only head of a federal agency to have that distinction. His salary is $45,000—also fixed by Congress.

There are many reasons for Hoover's uniquely high rating on Capitol Hill. Among them are:

In the 47 years he has directed the FBI, it has never been rocked or besmirched by scandal or impropriety. It has never been investigated by Congress or any other branch of the government. Also Hoover's forcefulness and bluntness in dealing with vice, crime, criminals and extremists—regardless of race, color and creed. He always calls them as he sees them.

Graphically illustrative is his recent testimony before the House Appropriations Subcommittee when he declared:

"Top Black Panther Party leaders almost without exception have been involved in crimes of violence. The Black Panthers now have substantial connections with hostile foreign elements; the communist regime in North Korea and Arab terrorists in Algeria. Increasing ties between Arab terrorists and the Black Panthers raise the ominous possibility that militants may seek to ape Arab tactics, including airplane hijackings, to gain the release of jailed Panther members."

Another reason is the warm praise voiced by former Attorney General Ramsey Clark. Now a New Left aspirant for President, he is throwing barbs at Hoover. But in 1967, when Clark was a member of the Johnson cabinet, he told the national convention of the Society of Former Special Agents of the FBI:

"I had intended to tell Mr. Hoover earlier but hadn't the appropriate opportunity that the President asked me to convey today, as he has himself on so many occasions, his great admiration for his friend of many, many years, his neighbor for many, many years, and his colleague in the government of the United States, Director John Edgar Hoover. The President wants you to know that he is with you and with Mr. Hoover in spirit at this time."

With this high accolade as an introduction, Clark then went on to effusively bestow his own:

"Of all the institutions of government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence, the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty.

"About the man you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson noted in the simple days before the Civil War, 'Every institution is but the length and shadow of a single man.' It seems incredible to me that this could still be true in our day of such complexity and vast numbers.

"But it is true, because, to a degree that I do not know to exist in any other institution, public or private, the great Bureau of Investigation is the length and shadow of John Edgar Hoover."

THE QUESTION OF SEPARATION OF POWERS BETWEEN THE EXECUTIVE AND THE LEGISLATIVE BRANCHES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. McCLOSKEY. Mr. Speaker, President Nixon's recent authorization of close air support to Cambodia and South Vietnam units fighting in Cambodia again raises the constitutional question of the separation of powers between the executive and legislative branches. Under the Gulf of Tonkin resolution of August 10, 1964, the Congress authorized the President to "repel any armed attack against the forces of the United States and to prevent further aggression" in Southeast Asia. The Gulf of Tonkin resolution did not limit the President's discretion to the territorial limits of South Vietnam, and as long as it was in force, the President clearly had the constitutional and legal power to conduct military operations in Laos and Cambodia.

Significantly, however, Congress has now repealed the Gulf of Tonkin resolution, and the President acknowledged such repeal when he signed it into law on January 12, 1971.

As to American troops remaining within Vietnam, the President retains the power, with or without the Gulf of Tonkin resolution to protect those troops. This is his inherent power and obligation as Commander in Chief.

To use American military power, however, in Cambodia today, not in protection of American troops by interdiction of supply lines to the enemy forces fighting those American troops, but in support of the efforts of Cambodian forces to open the Pich Nil Pass between Kompong Som and Phnom Penh, appears to be an act of war unauthorized by the Congress of the United States, the sole branch of government which has the power to declare war.

Therefore, Mr. Speaker, with respect to the Speaker's own announced intention of a few days ago—to restore the Congress to its position of preeminence with respect to other branches of Government—it seems appropriate that our first order of business should be to consider either a declaration of war against North Vietnam or prompt adoption of a resolution advising the President that his use of American air and sea power in Cambodia is unauthorized and should be promptly terminated. Along with some 63 of my colleagues who have signed the Bingham resolution, I favor the latter course.

PRESIDENT NIXON AT MIDTERM

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. ARENDS. Mr. Speaker, recently, there have been a great proliferation of attempts by the news media to evaluate the performance of the Nixon administration during its first 2 years in office. All too frequently, however, individual segments of the press have allowed their own political prejudices to color their assessments.

One important exception is a recent editorial in the Boston Herald Traveler entitled "President Nixon at Midterm," which presents a rational, balanced, analysis of the first 2 years of the Nixon Presidency. I commend it to my colleagues and I insert it at this point in the Record.

[From the Boston Herald Traveler, Jan. 20, 1971]

PRESIDENT NIXON AT MIDTERM

Two years ago today, Richard Milhous Nixon took the oath of office as the 37th President of the United States. It is impossible, of course, to sum up everything his administration has done or tried to do in the past 24 months. But several valid observations and conclusions can be made by reviewing some of the major highlights.

Without question, the most significant accomplishment of the Nixon administration has been to wind down the war in Vietnam. Within a month of his inauguration on Jan. 20, 1969, Mr. Nixon had weighed the alternatives and made a decision to gradually withdraw American ground combat troops, while simultaneously seeking a political settlement in Paris and strengthening the ability of the South Vietnamese to defend themselves.

When Mr. Nixon moved into the White House there were 543,000 Americans serving in Vietnam. Over 200,000 of them have already been brought home, another 50,000 are coming home by May and the ground combat responsibility of those remaining is expected to end by mid-summer. (Another 60,000 U.S. troops have also been withdrawn from Korea, Japan, Okinawa, Thailand and the Philippines.) Instead of an average of 280 American casualties per week in 1968, U.S. casualties have been averaging 26 in recent weeks—a reduction of more than 90 per cent.

Many of the President's critics have not been satisfied with this progress, and they recoiled in horror last May when he briefly escalated the conflict by ordering the destruction of enemy sanctuaries and supply lines in Cambodia. Most of them, however, were forced to concede that the Cambodian operation was perhaps the single most successful military action since the long war in Southeast Asia began, and that despite their doubts Mr. Nixon was able to keep his promise to limit the operation and meet his timetable for withdrawal.

On the domestic front, the President's success in cooling off inflation and stabilizing the nation's economy has been slower and more uncertain than even he expected. And the readjustment hasn't been painless. But the worst seems to be over, and there are a number of indications that we are on the road toward a stronger and healthier economy.

Any evaluation of Mr. Nixon's accomplishments, of course, must include a reference to the fact that the two most difficult problems he has been called upon to solve were inherited from the previous administration. And the fact that he has simultaneously been called upon to get us out of a war and to stabilize the nations' economy posed extraordinary difficulties, for it required a double shifting of the gears and making headway on the one front often complicated the problem on the other.

Under the circumstances, the administration's progress has been remarkable. And the fact is that Mr. Nixon's success in reordering the nation's priorities has been far more dramatic than many people realize or are willing to concede. Maybe there isn't much drama in statistics, but they clearly show that in the past two years defense spending has dropped from 45 to 37 per cent of the total federal budget, and that spending for human resources has increased from 32 to 41 per cent.

To touch on a few more highlights, another remarkable accomplishment has been the steady progress toward desegregation of southern schools. When Mr. Nixon took his oath of office two years ago, 2 million Negro children in the South (or 67 per cent) were still attending all-black public schools. Today the figure is 500,000, or 18 per cent, and believe it or not integration is now more complete below the Mason-Dixon line than above it.

One of Mr. Nixon's greatest personal disappointments during his first two years in office must have been the Senate's rejection of two of his Supreme Court nominees. And yet, despite these set-backs, he has gone a long way toward redeeming his campaign promise to restore balance on the scales of justice via his appointment of Chief Justice Warren Burger and Associate Justice Harry Blackmun.

His more general pledge to restore law and order in America has yet to be fulfilled to most people's satisfaction, though there is a limit to what the White House can do in this regard. Considerable progress, however, has been made in combatting organized crime, and crime rates in general have been increasing at a slower pace than they did during the two years prior to his inauguration. There has also been no new wave of urban riots, a problem which plagued the previous administration.

Obviously there are a great many problems and challenges remaining to be dealt with during the second half of Mr. Nixon's term of office. And the President has made numerous thoughtful and constructive proposals to deal with them.

If the 92d Congress, which opens tomorrow, will be somewhat more cooperative than the 91st, and place a higher priority on such important measures as Mr. Nixon's proposals for welfare reform, revenue sharing, government reorganization and the like, perhaps all Americans can be convinced that most if not all of our problems can and will be solved by working within the system and by using our existing institutions, instead of by taking our troubles and frustrations to the streets.

NIXON THE BOLD

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BROWN of Ohio. Mr. Speaker, last Friday President Nixon called for a revolutionary new program of Federal Government reform that will bring its effectiveness and responsiveness into line with the needs to meet the vast priorities of the 1970's as America approaches the third century of her existence.

In the January 25, 1971, edition of the Washington Post Columnist Joseph Alsop, one of the most perceptive veteran observers of the national scene, commented on the boldness of the approach of the President's proposals and the significance of their impact on the governmental system. For those of my colleagues who may have missed Mr. Alsop's column, I include it in the Record and recommend that they do read it:

NIXON THE BOLD

(By Joseph Alsop)

The President's message on the State of the Union was genuinely remarkable. In many rather fundamental ways, in fact, it was bolder and more innovating than anything heard from a President since the time, nearly 40 years ago, when Franklin D. Roosevelt was putting the country on a new course.

Before defense of this high claim for the President, a short history of the message and its ideas is in order. To begin with Richard M. Nixon knew enough about the subject to think the U.S. Government had ceased to work very well, even before he took office. His experience in office strongly confirmed that conviction.

The first symptom of the root-and-branch character of the resulting Nixon approach was the Family Assistance Plan, intended to junk the whole ghastly welfare system. If FAP ever passes this will certainly prove to be a far more radical measure than most people suppose. The end result, in fact, will be public welfare mainly federally administered, on the pattern of the Social Security system.

This was, and is, a centralizing measure, therefore. It had to be, for no other solution seemed practical. But the President's real objection to the present system was to what may be called "governess government." Here was where he wanted the main restructuring; and he therefore set all sorts of people, notably George Shultz, Robert Finch and John Ehrlichman, to work out what should be done.

The really climactic moment was last June, when three critically important meetings were held at San Clemente on three successive days. At the first meeting, the President adopted the Keynesian theory of the so-called "full employment budget." He also decided on a thorough-going revision of the whole tax system, including adoption of the value-added tax. But this latter step will be attempted later.

At the second meeting, the President ruled that the rundown of national defense had gone far enough, and ordered a somewhat more generous defense budget. And at the third meeting, the President decided on very bold restructuring of the federal government and the states and local governments. of the dealings between the federal government and the states and local governments.

Under the headings, "reform" of the federal apparatus on functional lines, and "revenue-sharing" by the federal government with the state and local governments, the last two proposals above-listed were the main themes of the President's message on Friday. They are so much bolder and more innovating than anything offered since the early New Deal days, simply because these steps, if taken, will add up to really enormous, truly structural changes.

From the later years of Roosevelt to date, the great changes and reforms have always been conceived as though they were poultices—to be applied externally, and here and there as the need arose. It is not going too far to say that two-thirds of the existing federal apparatus is no more, at bottom, than an agglomeration of these poultices.

The reform—poultices, particularly, have also been designed, without exception, on the basic principle of "governess government." This is the principle that the federal bureaucracy always knows best, and bureaucrats must therefore have power—especially money power—to require the states, cities and other bodies to do things the proper way.

But let the scales drop from your eyes for a moment, and look at the record. In the period in question, this country has repeatedly addressed itself to its vast social problems. In each case, the social problem being tackled cried out for attention. Literally hundreds of billions of dollars have been spent trying to solve, or at least to ameliorate, these social problems.

But with all this direly needed and well-intentioned effort, and after all these vast expenditures, the social problems being tackled have actually grown much worse, with almost no exceptions. Hence the gist of the President's message may be given as follows:

"Let us get rid of a lot of the poultices (as they are described above). Let us put the federal government together again, on strictly functional lines. Then let us get rid of the whole idea of governess government, as far as this is now possible.

"Let us give the states and local governments as much money as we can, to solve their own problems as best they know how. And let the main check on these state and local governments be the voters who elect them, instead of the bureaucrats here in Washington."

The only trouble with this is that American liberals are deeply attached to governess government.

RIDICULOUS ATTACKS ON HOOVER

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. GROSS. Mr. Speaker, I have noted with more sorrow than anger several recent and misguided attempts in the press to smear a great American, FBI Director J. Edgar Hoover.

I, therefore, wish to call to the attention of those who may not have seen it, an excellent column by Robert S. Allen and John A. Goldsmith which puts these charges in correct perspective.

I have said it before, Mr. Speaker, and I say it again: J. Edgar Hoover is one of the greatest, most selfless public servants in the history of our Republic, and I know that a huge and overwhelming majority of its citizens share this opinion of him.

I include the newspaper column for insertion in the RECORD at this point:

RIDICULOUS ATTACKS ON HOOVER

(By Robert S. Allen and John A. Goldsmith)

WASHINGTON, January 23.—It is becoming increasingly evident that a widespread and organized drive is underway to viciously harass and smear FBI Director J. Edgar Hoover for the purpose of forcing his replacement.

The indications of this are so pronounced that congressional investigators are looking into the matter.

Involved in this strongly suspected undercover conspiracy is a hodge-podge of malcontents ranging from anarchistic revolutionaries to muck-raking sensation-mongers who fear and hate the aggresive hard-hitting FBI chief. They include white and black extremists and violence-addicted berserks, communists, Trotskyites and other communist elements, New Leftists, bleeding-heart liberals and self-righteous proclaimers of various types, muck-rakers and scandal-mongers.

Malicious attacks on Hoover from these sources are not new. It's an old story for them to lash at him for propaganda and other self-serving reasons. But this time the venom, fury and extent of the onslaught far exceed anything in the past.

It not only has all the earmarks of a planned and organized campaign, but there appears to be no limit to the abuse and calumny heaped on the FBI head.

Gross lies and fabrications are commonplace, sordid innuendos about his personal life are bruited about, harassment of some kind is an almost daily event, and threats of bombing, shooting and even poisoning have multiplied.

It's a rare week that Hoover isn't the target of such written or telephoned menaces. Last year there were more than 50 of them.

The lies, distortions and misrepresentations being circulated about him are as unconscionable as they are glaring. Foremost among them are the following:

"WHAT THEY'RE SAYING

"That Hoover is sick, ailing and not fully on the job. Actually, he is in excellent health, fit and in top vigor, and hasn't been away from his desk due to an ailment in years. Recently he had a thorough physical examination and the doctors gave him a clean bill of health. His blood pressure was normal, his heart, kidneys, lungs and other vital functions in good condition. The FBI chief today is as alert, dynamic and as forcefully on the job as he has ever been.

"He has an armored car and gets a new high-priced automobile every year. Both are provided on the direct initiative and authority of Congress. The replaced vehicles are assigned to FBI branches in various parts of the country. Most of them are still in use.

"Hoover is losing favor in the Nixon Administration and it wants to get rid of him. This is completely untrue. His standing in the Administration was never higher, and the best in any Administration since the Eisenhower regime (1953–61). Hoover is on close personal and professional terms with both President Nixon and Attorney General John Mitchell.

"Hoover has served under eight Presidents since he took over the FBI in 1924. Every one of them acclaimed him, and he worked in full harmony with them. In 1960, when then-Senator John F. Kennedy was the Democratic candidate for President, some of his ultra-liberal partisans planted word with press henchmen that Hoover would be ditched. Kennedy immediately repudiated that allegation and emphatically declared he eagerly wanted Hoover to remain. And that isn't all. This unequivocal assurance was echoed by Robert Kennedy, younger brother and campaign manager, later Attorney General."

ACE HIGH

In the new Congress (92nd) as in every one in the past, Hoover and the FBI are held in literally reverential esteem.

Graphically illustrative of that is that the FBI budget is always approved overwhelmingly without change. No FBI appropriation has ever been cut, and there have been occasions when Hoover was asked if he needed more money than called for in the budget.

Representative John Rooney, D-N.Y., chairman of the House Appropriations subcommittee that has charge of the FBI budget, is a particularly strong admirer of Hoover and his agency.

In 1960, Congress demonstrated its high regard for Hoover by enacting a law enabling him to retire at full pay—whenever he decides to do that. Outside of the judiciary, he is the only head of a federal agency to have that distinction. His salary is $45,000—also fixed by Congress.

There are many reasons for Hoover's uniquely high rating on Capitol Hill. Among them are:

In the 47 years he has directed the FBI, it has never been rocked or besmirched by scandal or impropriety. It has never been investigated by Congress or any other branch of the government. Also Hoover's forcefulness and bluntness in dealing with vice, crime, criminals and extremists—regardless of race, color and creed. He always calls them as he sees them.

Graphically illustrative is his recent testimony before the House Appropriations Subcommittee when he declared:

"Top Black Panther Party leaders almost without exception have been involved in crimes of violence. The Black Panthers now have substantial connections with hostile foreign elements; the communist regime in North Korea and Arab terrorists in Algeria. Increasing ties between Arab terrorists and the Black Panthers raise the ominous possibility that militants may seek to ape Arab tactics, including airplane hijackings, to gain the release of jailed Panther members."

Another reason is the warm praise voiced by former Attorney General Ramsey Clark. Now a New Left aspirant for President, he is throwing barbs at Hoover. But in 1967, when Clark was a member of the Johnson cabinet, he told the national convention of the Society of Former Special Agents of the FBI:

"I had intended to tell Mr. Hoover earlier but hadn't the appropriate opportunity that the President asked me to convey today, as he has himself on so many occasions, his great admiration for his friend of many, many years, his neighbor for many, many years, and his colleague in the government of the United States, Director John Edgar Hoover. The President wants you to know that he is with you and with Mr. Hoover in spirit at this time."

With this high accolade as an introduction, Clark then went on to effusively bestow his own:

"Of all the institutions of government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence, the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty.

"About the man you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson moted in the simple days before the Civil War, 'Every institution is but the length and shadow of a single man.' It seems incredible to me that this could still be true in our day of such complexity and vast numbers.

"But it is true, because, to a degree that I do not know to exist in any other institution, public or private, the great Bureau of Investigation is the length and shadow of John Edgar Hoover."

TRIBUTES TO THE LATE REPRESENTATIVE MENDEL RIVERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. THURMOND. Mr. President, the death of Congressman Mendel Rivers of the First District of South Carolina was a great loss to the people of South Carolina and to the Nation. He was one of the most distinguished statesmen South Carolina has produced in her history.

Many tributes have been paid to Mendel Rivers. Less than a month before his death Admiral Rickover introduced both Congressman Rivers and his lovely wife Margaret on the occasion of the keel laying of the *South Carolina* at Newport News, Va. In addition, after his death many moving and eloquent statements were made eulogizing this great man. I believe it is fitting that these editorials, articles, and other tributes made in honor of Congressman Mendel Rivers be published in the CONGRESSIONAL RECORD.

I ask unanimous consent that these statements, editorials and articles be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION OF THE HONORABLE L. MENDEL RIVERS

(By Vice Adm. H. G. Rickover, U.S. Navy)

It is an ungrateful task to try to sum up a man's character in a few words, but in the case of Mendel Rivers much will have been said when I have stated that he is an American and a patriot, because he is one as much as the other, and he is both intensely.

I find it hard to put into words all that I have learned to admire in him. Many men have entered our Congress. The conventional descriptions—ambition, public service, chance, social ardor, eagerness for power—none of these seem satisfactorily applicable to Mendel Rivers.

There is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground. An eagle must be judged by its majestic flight into the sky.

He has been obliged to make his own way by his own abilities and enterprise, but the advantages in intelligence and ambition were given him by his parents. He has used these well and has augmented them by his own ability and ambition. No smooth path of wealth or patronage was offered to him. Whatever power he has acquired has been grudgingly given. He has had to fight every mile of his road through life; nothing came easily to him, not even oratory in which he excels.

He is one of the great men of our Congress. He is dedicated to peace, but aware of the awesome responsibility our Nation bears in defense of our freedom. Where our national security is involved he is brave, resolute, stubborn. His legislative acts are heroic; they speak of struggle and triumph; they reflect his pragmatic ability.

No man possesses in so high a degree as he the peculiar awareness of military realities. His efforts in behalf of American security are tireless. He has a marvelous gift for stepping beyond the appearance of things, going beyond it, and penetrating to the very essence of the matter.

He speaks as a man of the people—a man for whom the deepest spiritual truth is approachable only through the heart and can be grasped only when embodied in the realities of this world. He does not believe that being serious means going about with a long face. He has always held calmness to be a form of virtue; it is in many cases an extremely difficult form of courage.

He is one of the most unintimidable men in the United States. He knows that a good leader is doing his job when half the people are following him and half are chasing him.

He has an old-fashioned and unqualified love for the United States. This has given him a sense of dedication, responsibility, and purpose. He has the fortitude to stand up to the illegitimate and illegal activity of a tiny minority bent on tearing down every institution we have built and which we cherish.

He believes in fulfilling what you are able to fulfill, rather than running after what you will never achieve; in striving to be as complete human beings as possible. That will give us trouble enough.

He believes in the God-given genius of certain individuals, and he values a society that makes their existence possible. He understands the chasm between men with knowledge who lack power and men with power who lack knowledge; men who are instructed but not educated; assimilative, but incapable of real thought; men who do not want to confuse the ideal with the real; and intelligent idlers who always set their sights high in order to alibi their idleness and demonstrate their intelligence.

He does not agree with many of the pseudo-intellectuals who are drowning in their own words and suffocating in their own documents. Many of them are as ignorant as swans. He knows that we must abandon the prevalent belief in the superior wisdom of the ignorant.

He knows that some students of society and politics among our intellectuals have little contact with life as it is actually lived by most men; that they are more lucid as critics of existing society than as visionaries of a better one; that some of them seem to experience a vicarious pleasure in discrediting everything American; that in their seclusion they are constantly tempted to devise political constructions rooted firmly in mid-air—in which governments and political authority are replaced by communes of free and equal individuals; in which society exists without repression, and domestic polices require no sanctions; a society in which diplomats always tell the truth and a foreign policy is pursued in which the wolf lies down with the lamb, and the leopard with the kid.

Mendel Rivers is aware that without a knowledge of history, we are left with nothing but baseless abstractions with which to compare ourselves; that we then judge the present by the standards of a mythical trouble-free dream world where all mankind is at peace. He believes that in spite of the recent triumphs of science, men haven't changed much, and in consequence we must still try to learn from history.

He knows that a person who is often praised must set stricter standards on himself. He holds a number of beliefs that have been repudiated by the liveliest intellects of our time. He believes that order is better than chaos, creation better than destruction. He prefers gentleness to violence, forgiveness to vengeance. He believes in courtesy, the ritual by which we avoid hurting other people's feelings. He thinks that knowledge is preferable to ignorance; human sympathy more valuable than ideology.

His effort is sincere and profoundly human, it shatters old servitudes, overthrows prejudices and idols, and rises little by little toward the light. He lacks any capacity for intrigue; he is innocent and straightforward.

He knows that no country has departed from its basic principles so much, in so short a time and without realizing it, as has the United States; that what we need is simplicity and what we can do without is romanticism.

He understands that if what is needful is to be done, we cannot depend on illusions, especially of an impossible good. A calamity can be brought about by persons of great good will. Too many such persons have set themselves up in the "grievance business." Their job is to find things that are wrong; then attempt to right them. If their efforts only make matters worse, they find something else wrong.

Mr. Rivers knows that the last war has been forgotten, erased from the collective American memory—the most devastating commentary history can render is to be forgotten because no one wants to remember.

He has named, numbered, and made perceptible, even to those who disagree with him, all the national verities that animate and sustain us, and that breathe in our blood.

He does his duty as if he were going to live forever, and casts his plans way ahead. He feels responsible without time limitation; the consideration whether he may or may not be around to see the results never enters his thoughts.

The day will come when this man, one of our great legislators and a prophetic thinker, will be recognized at his true value.

INTRODUCTION OF MARGARET MIDDLETON RIVERS

(By Vice Adm. H. G. Rickover, U.S. Navy)

When I aked Margaret Rivers what I might say about her, she said she was most proud of these three accomplishments:

a. When a senior in the Menninger High School, Charleston, she won the Mitchell Award for the best essay at the age of 17.

b. She is the mother of three wonderful children.

c. She is married to Mendel Rivers and this is her greatest pride. She is grateful to have had the good fortune of spending 32 happy and interesting years with this fabulous and fascinating man.

Now, there are many wives who might say similar things. But Margaret Rivers is not an ordinary wife, mother or woman. I have known her for a number of years and so I may be pardoned if I add a little more to her own meager description.

She comes from a famous southern family. One of her ancestors was Dr. Henry Woodward, the first English settler in what is now South Carolina. A pioneer in the truest sense of the word, he lived among the Indians and learned their culture. His friendship with them greatly helped the colony of Charles Town to withstand the rigors of colonialization a few years later. As American deputy for the Earl of Shaftesbury, the colony's most influential proprietor, Doctor Woodward introduced the culture of rice, which became a thriving industry. He also promoted the fur trade and helped extend it to the colony's western limits. He met his death in courageous defiance of the Spaniards.

Another illustrious forebear was Lois Mathewes Hall. When her husband, one of a group of Charleston patriots, was imprisoned by the British in St. Augustine, she stayed behind with her children and a sister who was married to Thomas Heyward, one of the signers of the Declaration of Independence.

Ordered to illuminate their house in celebration of English victories she refused. Neither penalty of imprisonment nor threats by the soldiery intimidated the two women. Their home, now known as the Heyward-Washington House, is being maintained by the Charleston Museum as an example of that city's early architecture.

Also among her forefathers were Huguenots who came to find religious toleration in the New World and stayed to fight courageously in the War of Independence and the War between the States.

Margaret Rivers comes to people who had courage, strength and determination. She has them too. She comes of people who had a sense of *noblesse oblige* and chivalry which means they set themselves high standards of behavior to others less fortunate. She has these too.

In the early days of our country, women and men worked together and worked hard to clear the land, to build a home, to grow food, to raise their children. The wife was the guardian of home and culture. Many of our great men were reared in this manner. Margaret Rivers is the modern day version of this feminine saga in the structure of America. Her three children, Margaret, Marion and Lucius bear witness to this. And by his devotion to and idealization of her, Mendel Rivers attests to this. Only those women who have the misfortune to be married to politicians can have any conception of the patience, understanding and fortitude she possesses.

She believes in the right and duty of each woman to total human responsibility. And also in the unity of man and wife which makes a marriage good and strong. She knows that to build a decent and humane society men and women are needed who are aware and confident of themselves, as well as sensitive to the needs of others—who know how to preserve their individuality and respect the equal right of others to their own individuality.

[From the Charleston (S.C.) Evening Post, Dec. 28, 1970]

PRESIDENT LEADS NATION IN MOURNING

From the mighty to the meek, from the White House to the riggers shop at the Charleston Naval Shipyard, Americans joined today to mourn the death of Congressman L. Mendel Rivers.

President Nixon led the mourners in a statement from the White House as South Carolina and Charleston went into official mourning in respect to the First District congressman.

Gov. McNair, who heard the news at his Berkeley County farm, ordered all state flags to half-mast, a move that was matched by Charleston's Mayor Gaillard who directed all municipal flags to be lowered to half-mast and requested all citizens to fly their residence flags in a similar manner.

One of the first telephone calls to the Evening Post today was from Colin Hale, an employee in the shipyard riggers shop. He asked that something be done to have the Navy flags lowered to half-mast.

From Washington, President Nixon described Mr. Rivers as a "patriot who held unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States."

He continued: "Throughout his career, Congressman Rivers held unswervingly to that belief. He fought for that belief in the Congress, in the country. No shifting national opinion, no amount of hostile criticism, deterred him from the course he deemed right for America. In his death I have lost a friend upon whom I could rely in times of great difficulty. South Carolina has lost one of the most distinguished men in her history and America has lost a patriot."

President Nixon's bi-partisan reaction was echoed locally as Fred Scott, chairman of the Charleston County Republican Party, commented: "On behalf of the Charleston County Republican Party, I express our deepest sympathy to the family, to the people of Charleston and South Carolina and of the United States at the loss of one of our greatest South Carolinans and Americans, Congressman L. Mendel Rivers. We are all deeply grieved to learn of his death and recognize the tremendous loss to us all."

Mayor Gaillard said: "I learned with extreme regret of the death of my personal friend and great American, Congressman Rivers. His presence will be missed by this community, state, nation, and indeed the free world. His voice will be missed in the halls of Congress, but his contributions and leadership will long remain with America.

"Congressman Rivers was the champion of the little man, never too busy to help him regardless of the type or size of the problem.

"His personality, his ability to communicate with world leaders, and his desire to serve his nation, all combined to make him truly one of America's great leaders.

"On behalf of all Charlestonians, I extend to his family and thousands of friends our sincere and heartfelt sympathy."

In Montreat, N.C. evangelist Billy Graham said: "I am deeply grieved and shocked at the death of my long-time friend, Congressman L. Mendel Rivers. He was my closest friend in the Congress. He was one of the most eloquent defenders of American freedom in the country. Deep in his heart he had great love and respect for God and the church. He attended our evangelistic crusades many times. The nation has lost one of its great leaders at a very critical time. I look forward to seeing him in Heaven."

McNair, who was born a short distance away from the Gumville (Berkeley County) birthplace of Mr. Rivers, said:

"It was with great personal sadness and grief that I learned of the passing of South Carolina's great statesman and leader. There is no way to measure in words the loss which this state and this nation have suffered on this day.

"No man brought this station more honor and dignity; no man served his country with greater love and dedication. This moment of tragic loss is shared by men of good will throughout the world, particularly the millions of American servicemen and their families who looked to Congressman Rivers as their leader and their champion.

"The cause of freedom for all citizens," McNair added, "was this man's unending goal and he pursued it with courage and vigilance. In the truest sense of the word, Mendel Rivers was a man of peace who understood the sacrifices which must be made to preserve and defend it."

And the man who will succeed Mr. Rivers as chairman of the House Armed Services Committee, said the South Carolinian's "dedication to the security and defense of this country was unlimited."

Rep. F. Edward Hébert, D-La., said: "The nation has lost a great American, and I have lost a great personal friend.

"Mendel Rivers was a fierce advocate in what he believed. His courage and determination coupled with his tenacity and forthrightness were the keystone to the many fights he fought for the country he loved.

"Few men of Rivers' stature pass our way, but having passed our way leave indestructible signs along the highway to remind us that there can be no compromise with principle and no faltering in the fight to keep this nation free and strong.

"It was my privilege to have entered the Congress on the same day as Mendel Rivers and to have cemented a friendship which has grown stronger with the passing years and given me the privilege of standing in a shadow ever-ready to assist him when he needed or demanded my help.

"Mendel Rivers is dead but the memory of Mendel Rivers will never die."

In Washington, Secretary of Defense Melvin R. Laird, with whose department Mr. River's committee was most involved, said:

"I am shocked and grieved to hear of the untimely passing of Congressman L. Mendel Rivers. I had developed the utmost respect and admiration for him as a colleague during my years in the Congress. His wisdom and experience have continued to be a source of strength to me during my tenure as Secretary of Defense.

"The United States has suffered the loss of a great patriot and one who has worked ceaselessly to assure the security of this nation. His consuming interest in the adequacy of our armed forces has contributed immediately to their strength.

"Mendel Rivers' devotion to the cause of the individual serviceman and his sponsorship of legislation benefiting military personnel have added significantly to the morale of our armed forces. He was one of the first to display an active public interest in the welfare and treatment of our prisoners of war in Southeast Asia. Men and women in uniform have never had a more dedicated champion."

The Greater Columbia Chapter of the Association of the United States Army released a resolution today stating:

"We note with sorrow the untimely passing of L. Mendel Rivers. We acknowledge the outstanding personal and official support which he gave to the armed forces of the United States as well as his never-failing interest in the full readiness of our forces to cope with national and international strife and periods of upheaval.

"We further recognize with extreme regret, the passing of this great man and outstanding friend of the armed forces."

Gov.-elect John West said from his Columbia office:

"South Carolina has lost one of the greatest statesmen of all time. History will record a place for Mendel Rivers alongside Jackson, Calhoun, and Hampton. Our loss is irreplaceable. I send my sympathy to the family of Mendel Rivers."

Harry M. Lightsey, chairman of the South Carolina Democratic Party, said Rivers' death "was a great loss to the state, the nation and the world. His influence and guidance have provided direction and support to our military forces for many critical years."

"He loved his country," Lightsey said, "and especially he loved South Carolina. He supported his political party when he thought it was right, but was never wayward in his allegiance to it. In realizing our large loss, we must not overlook the personal loss to his family, and our sympathy is extended to them."

John E. Huguley, Charleston Trident Chamber of Commerce president, wired Mr. Rivers' family: The officers, members and staff of the Charleston Trident Chamber of Commerce wish to extend to you their deepest sympathy in your time of loss. What Congressman Rivers has done for his nation, state and city is immeasurable and his loss is one of the gravest we have suffered in this century.

[From the Charleston (S.C.) Evening Post, Dec. 30, 1970]

RIVERS IS LAUDED ON HOUSE FLOOR

The dean of South Carolina's House delegation, Rep. John L. McMillan, yesterday led a prolonged round of eulogies in Congress to the late Rep. L. Mendel Rivers.

He was joined by other legislators and by House Speaker John W. McCormack of Massachusetts. Leaders of both parties joined in praise of the chairman of the House Armed

Services Committee who died Monday in a Birmingham hospital.

McMillan's voice broke as he said: "It is beyond words for me to say how much I will miss him."

He continued: "It is not easy for me to speak about the passing of my good friend, since we have been just about as close as any two members could be during the past 30 years. Mr. Rivers' record will stand and be well remembered for its brillance and integrity. He was a true statesman, an American who gave of himself to uphold the ideals upon which this country was founded."

Citing legislation introduced by Rivers on Dec. 7, the anniversary of Pearl Harbor, that supported efforts to rescue American prisoners of war, McMillan commented on the congressman's firm stand on protection of servicemen.

He stated: "In his closing remarks that day, he said among other things, '. . . Mr. Speaker, I want the world to know that I would tell that crowd in Hanoi, you will either treat them with human dignity or some of you will not be here tomorrow.

"'So far as I am concerned, Mr. Speaker, if I were the president of the United States I would deliver an ultimatum to this crowd and let them guess where the next blow was coming from,'" McMillan quoted Rivers as saying.

He continued: "That was the kind of man he was. He believed in determining what was right and then standing up firmly for it."

McCormack said of Rivers: "He possessed an understanding mind and kind heart for his fellow human beings. A strong character? Yes, but a kind gentleman? Also, yes."

"He was one of the strongest public figures in the nation," said House Democratic Leader Carl Albert of Oklahoma.

The Assistant House Republican leader, Rep. John Anderson of Illinois, said: "He was a man with whom it was possible to disagree but it was not possible to dislike him."

"He had such a strength of character and dedication to doing a job that his own health was secondary to what he had to do," said House Republican Leader Gerald R. Ford of Michigan.

The man who will succeed as chairman of the House Armed Service Committee, Rep. F. Edward Hébert, D-La., said: "I walked in the shadow of his confidence and I never betrayed him. If he had listened to his doctors he would have gone to the hospital six months earlier and his chances of recovery would have been greater. But he saw a call to duty and he stayed on the firing line in the House."

THE PATRIOT

U.S. Rep. L. Mendel Rivers will be remembered in many different ways by many different people, but in messages of tribute which have flowed from across the land since his death the word most used in eulogy has been "patriot."

His love of country and the devotion with which he defended and promoted its interests were the traits imprinted strongest in the minds of national and state leaders who mourned his passiing. In condolences expressed by congressional colleagues there was absolutely unanimity of recognition of Mr. Rivers' singleness of purpose: to keep America strong to preserve the American way of life.

Awareness of that goal and of his strivings toward it was perhaps reflected best in the message from the White House. Rep. Rivers, said President Nixon, was a "patriot who held unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States. Throughout his career Congressman Rivers . . . fought for that belief in Congress, in the country. No shifting national opinion, no amount of hostile criticism deterred him from the course he deemed right for America."

Even in a changing nation which harbors elements who would deride patriotism as a virtue, the word "patriot" retains a pure meaning. It is applicable in an epitaph for L. Mendel Rivers, who rests now in a quiet churchyard close by his Berkeley County birthplace.

[From the (Charleston, S.C.) News & Courier, Dec. 30, 1970]

MCMILLAN LEADS EULOGIES FOR REP. RIVERS IN HOUSE

WASHINGTON.—House members officially and emotionally mourned the death of Rep. L. Mendel Rivers, D-S.C., Tuesday in a prolonged round of eulogies led by the dean of the South Carolina House delegation, Rep. John L. McMillan.

"It is beyond words for me to say how much I will miss him," said McMillan, his voice cracking. Leaders of both parties followed with praise for the late chairman of the House Armed Services Committee who died in a Birmingham, Ala., hospital Monday following heart surgery.

McMillan said:

"Mr. Speaker: We all are saddened to learn of the passing of our colleague and my good friend, Congressman Lucius Mendel Rivers. The state of South Carolina, the nation, and the entire world have lost a great leader.

"It is not easy for me to speak about the passing of Congressman Rivers, since we have been just about as close as any two members could be during the past thirty years. We represented adjoining districts which cover the entire coastal area of South Carolina where we were confronted with similar problems at all times.

"Congressman Rivers was always one of the first people I saw on arrival at the House Office Building between seven and eight a.m. Our parking spaces were adjoining in the House garage, and I have never heard Mendel complain concerning his strenuous 12-hour schedule each day or his health.

"Mr. River's record will stand and be well remembered for its forceful brilliance and integrity. He was a true statesman, an American who gave of himself to uphold the ideals upon which this country of ours was founded. He had a strength of character that could not be swayed by vigorous attempts to alter his ideals. And he answered his challengers with oratory, the likes of which few men today can muster.

"On Dec. 7, the anniversary of Pearl Harbor, Mr. Rivers handled what was to be his last piece of legislation on the floor of the House, the resolution in support for efforts to rescue American prisoners of war in North Vietnam. He took a strong position, urging that the U.S. be resolute in protecting its military men and its heritage.

"In his closing remarks that day, he said, among other things, '. . . Mr. Speaker, I want the world to know that I would tell that crowd in Hanoi, you will either treat them with human dignity or some of you will not be here tomorrow. . . . So far as I am concerned, Mr. Speaker, if I were the president of the U.S., I would deliver an ultimatum to this crowd and let them guess where the next blow is coming from.'

"That was the kind of man he was. He believed in determining what was the right thing, and then standing up firmly for it.

"My heartfelt sympathies go out to his lovely wife and children. He was a devoted family man and I know what a void his passing will leave in their lives. I trust they will be sustained by their fine memories of him as one of our greatest statesmen and patriots."

"He possessed an understanding mind and kind heart for his fellow human beings," said Speaker John W. McCormack. "A strong character? Yes. But a kind gentleman? Also, yes."

"He was one of the strongest public figures in the nation," said House Democratic leader Carl Albert of Oklahoma.

"He was a man with whom it was possible to disagree, but it was not possible to dislike him," said Rep. John Anderson, R-Ill., assistant House Republican leader.

"He had such strength of character and dedication to doing a job that his own health was secondary to what he had to do," said House Republican leader Gerald R. Ford of Michigan.

Rep. F. Edward Hebert, D-La., who is expected to succeed Rivers as chairman, said: "I walked in the shadow of his confidence and I never betrayed him. If he had listened to his doctors he would have gone to the hospital six months earlier and his chances of recovery would have been greater. But he saw a call to duty and he stayed on the firing line (in the House.)"

Rep. William Jennings Bryan Dorn, D-S.C., said: "All South Carolinians mourn with us today. I believe we are all going to meet Mendel Rivers in Heaven."

[From the Charleston (S.C.) News & Courier, Dec. 29, 1970]

CHARLESTON OFFICIALS JOIN MOURNING FOR REP. RIVERS

(By Jack Roach)

Charleston's elected officials and political leaders joined national and state officials Monday in mourning the death of Rep. L. Mendel Rivers.

The First District congressman died Monday morning in a Birmingham, Ala., hospital.

S.C. Rep F. Julian Leamond, chairman of the Charleston County House Legislative Delegation, and a close personal friend of Rivers said: "Death, as it must to all men, came Monday morning to Congressman Rivers.

"The passing of this great patriot and statesman leaves the entire free world poorer. As a lifelong personal friend of Congressman Rivers, I am familiar with many of the long fights he won against strong opposition to insure the security of our nation."

James B. Edwards, Republican Party chairman for the First Congressional District, said, "America today has lost one of its greatest patriots and leaders, Mendel Rivers. Only yesterday I read his speech, 'The Soviet Threat,' which he made recently on the House floor. It was one of the greatest speeches I have ever read. The congressman had sent it to me just prior to his going to the hospital.

"After the presentation of this speech, Congressman Hall of Missouri took the floor and hastened to associate himself with Rivers' remarks. Mr. Hall said, 'What you have said today can be construed neither hawkish, or dovish, but eaglish, that gallant and magnificent creature that symbolizes the strength and honor of this great nation'. With Congressman Rivers' passing, I am reminded of these remarks."

GAILLARD

Mayor J. Palmer Gaillard said, "I learned with extreme regret of the death of my personal friend and great American, Congressman Rivers. His presence will be missed by this community, state, nation, and indeed the free world. His voice will be missed in the halls of Congress, but his contributions and leadership will long remain with America.

"Congressman Rivers was the champion of the little man, never too busy to help him regardless of the type or size of the problem.

"His personality, his ability to communicate with world leaders, and his desire to serve his nation, all combined to make him truly one of America's great leaders.

"On behalf of all Charlestonians, I extend to his family and thousands of friends our sincere and heartfelt sympathy."

"I have ordered flags on all municipal buildings to be flown at half staff until after the funeral and I call upon all citizens of this community to display their flags at half staff in respect to this great American."

SCARBOROUGH

S.C. Sen. Robert B. Scarborough, chairman of the Charleston Legislative Delegation, said: "I was deeply shocked at the passing of my personal friend Congressman Rivers. Charleston, South Carolina and the nation have lost a great leader and we mourn his passing. I'm sure his leadership ability will continue with us in the years ahead."

County Council Chairman Richard E. Seabrook said: "Our heartfelt sympathy goes out to Congressman Rivers' family at this very sad moment in their lives.

"Congressman Rivers who was so well known and loved in our community and in the Armed Forces of our country was a man who, through his own initiative and intense love for his fellow man, came into national prominence as chairman of the House Armed Services Committee.

"To say we have lost a great man is indeed true, but we have lost more in the leadership of a man who dedicated his life to the defense of his country by fighting for the Armed Forces and the equipment needed by them. L. Mendel Rivers has left his mark, never to be erased, in the annals of the history of South Carolina and our nation.

"We shall sorely miss him and hope that his family will accept our sympathy in his passing."

Another close personal friend, Joseph P. Riley, local real estate man, said: "For as many years as I can remember we have been close associates even when I was a student at the University of South Carolina. We shared a building together here on Broad Street for some 30 years. He was the type of fellow who would call on his friends for advice even though he had already made a decision. He had his opinion but he would always ask for yours.

"He had nothing personal to gain. He deprived himself and worked only for the other man. His greatest ambition was to see that this country remained strong and not let any other nation take it over.

"The American boy and girl who wore his country's uniform was his first obligation as a congressman. His wife and children were his first concern but his country and his people were next."

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

CONSTITUENTS REMEMBER RIVERS AS "PERSONAL FRIEND"

Constituents from across the First Congressional District in S.C. remembered the late Congressman L. Mendel Rivers as a "personal friend to his people."

In Beaufort County, State Rep. Brantley Harvey Jr., said: "Mendel Rivers' death comes as a great personal loss and as a great loss to the First Congressional District and to Beaufort County which he has served so well." Beaufort attorney, Joab M. Dowling added: "The entire community is distraught and distressed and we want to express our love and bereavement to Mrs. Rivers and the family."

Another Beaufort state representative, James H. Moss, said: "Not only have we, the people of S.C., suffered a great loss but our entire nation has suffered a great loss with the passing of L. Mendel Rivers. He was a man of the people whose heart and mind were for the people."

The loss of the veteran Congressman meant the loss of a loyal, helpful friend in Jasper County.

"It's difficult to make any statement worthy of the man. He was one of the most outstanding congressmen of all time and a dedicated chairman of the Armed Service Committee. He was truly a loyal friend to all the counties in his district and at the same time, his profound concern encompassed his love for the whole state and the nation which he loved," said former Sen. Henry C. Walker.

Hampton County joined in mourning Rep. Rivers with messages sent to the family from county officials saying "Congressman Rivers was the greatest friend the county ever had," the message said. A message from the town of Hampton expressed all of the townspeople's sympathy to Mrs. Rivers and the family.

Allendale County echoed the sorrow of the loss of Rep. Rivers as an "invaluable friend, most outstanding representative of the century," or as Wilmot Riley of the state executive committee said, he "cannot be replaced but his image will continue to live."

"Regardless of the party in power he could be depended upon to support measures for the security and welfare of the nation. He was a friend to all servicemen," added Carl O'Neal, a Fairfax farmer.

In Berkeley County, Sheriff John W. Hill termed the congressman "one of the greatest men I've ever known. He never got away from his people. I've never known a man in public life who thought of his people as Rivers did."

"It is a great blow to the community as a whole. He was a personal friend of all the people he represented and he was willing to help anyone," said Algie Kennedy, Berkeley County clerk of court.

J. M. Williams, county treasurer, said: "We have lost a very great man in Rep. Rivers and he will be awfully hard to replace."

From Florence County, Bill Davis, a long time friend of the congressman said: "The leadership of the free world has suffered a great loss. Congressman Rivers accomplished much for military preparedness and personnel. He delighted in helping with the personal problems of his constituents and friends. This is a gray day for the history of S.C." In Dorchester County, Magistrate H. H. Walters described Rivers as "very close to the people," and Treasurer C. M. Henley said: "Rivers did more for South Carolina than any man could possibly do and I don't know of anything you can do to replace him."

From Colleton County, Clerk of Court, Emily G. Baggett said: "If we ever had a friend, we did in Mendel Rivers."

Sheriff John I. Seigler said: "It's one of the greatest losses S.C. has suffered since the War Between the States. He was the father of South Carolina."

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

RIVERS: AMERICAN PATRIOT AND STATESMAN

(By Wendy R. Tucker)

Images of Congressman L. Mendel Rivers as an American patriot and statesman and a "beloved guy" emerged as military leaders in South Carolina mourned his passing Monday.

Leaders of all branches of the armed services from throughout the state spoke personally and for those under their command of the loss which his death means.

"He recognized the many dangers facing our country. He was willing to speak out and do something about this," said Rear Adm. Herman J. Kossler, Commandant of the Sixth Naval District and commander of Charleston Naval Base.

A man with major responsibilities for Naval activities in the Charleston area who was also personally acquainted with Rep. Rivers for a number of years, Kossler said "not only we here, but the whole country is going to feel the loss of this great man."

Asked about the possible impact of Rivers' death on the scope of Naval activities in this area, he replied that "we have one of the best bases on the East Coast, through the fine planning of the Navy and through his help."

He went on to say "I don't foresee this base ever being closed by the Navy," and that it has been "built up to such an important base at the moment, I'm sure we will always have it."

In predicting that the installation will "be here a long, long time," Kossler said it will stand as a monument to Mr. Rivers' understanding of the need for a strong military, and a strong base here in Charleston as part of that."

Brig. Gen. Thomas B. Kennedy, commander of the 437th Military Airlift Wing at Charleston Air Force Base, spoke of how "everybody has admired this man for a long time, for a number of reasons—his courage, integrity, dedication to the security of our country."

Word of Rivers' death brought a "great feeling of loss" at Charleston Air Force Base, he said, a feeling "that you had lost a friend, lost a champion.

"I think he was thought of so much by the members of the armed forces as being their representative . . . a worldwide representative of the men in uniform, regardless of rank or position," as well as a representative of the people in this area, he commented.

Kennedy spoke of how Rivers was "fearless about doing what he thought was right," willing to "stand up for those things an awful lot of us think are terribly important—in the face of a lot of opposition."

Also acquainted with Rivers while previously serving on the air staff in Washington, Kennedy recalled: "You could usually find him in his office at about 7 a.m. without much trouble."

Rivers, he said, "understood the importance of history, and how once you understand history you can make decisions as relate to the present or the future on a sound basis. That is an essential part of knowledge, and was a characteristic of this man."

He also spoke of "the feeling he brought to everybody in the service that he was their congressman," and remarked "when people feel this way," it is an "unusual recognition that can only be earned through a lifelong performance."

Rear Adm. Charles N. Payne, Commander of Charleston Naval Shipyard, said: "The nation has lost a great American, the Congress has lost an outstanding leader, the Armed Services, both the civilian and military components, have lost a staunch supporter, and the citizens of South Carolina have lost a tried and true friend."

Saying Rivers' career "reflects great credit upon the qualities of life found here in his native district," Payne said "he maintained a deep and personal concern and interest in every individual in his district."

He noted the congressman "materially assisted in improving the economic base of this area, and it was his great ambition that the Naval and military organizations located here be the best in the nation."

Having been present for Rivers' first session as chairman of the House Armed Services Committee, Payne recalled he spoke of intending to "see that the committee carried out its mandate under the Constitution." Previously comptroller of the Naval Ships Systems Command, Payne recalled in observing Rivers as chairman, "he certainly did carry that out."

Brig. Gen. Claire T. Ireland Jr., Vice Commander of the 21st Air Force at McGuire Air Force Base, N.J., who preceded Kennedy as wing commander here, said: "America has lost a great American, a wonderful stateman and a true supporter of American ideals and beliefs."

Lt. Col. G. R. Hasty, commanding officer of the Charleston Army Depot, said: "The American serviceman and the citizens of our country were indeed fortunate to have had the privilege of knowing a genuine leader of men, and a statesman whose place in history will be among those held in high esteem."

Capt. Lemuel C. Sansbury, captain of Charleston port and commander of the local Coast Guard base, said he felt Rivers' death is "definitely going to have an impact on the area—and on the country as a whole.

"He was a great American, a great patriot who upheld the Constitution the way it should be. He'll be a great loss, especially to the military."

Col. Evan W. Rosencrans, Commander of the 354th Tactical Fighter Wing at Myrtle Beach Air Force Base, said: "The officers and men of the 354th . . . share in quiet sorrow the deep and personal loss of a faithful American patriot. Congressman Rivers will always remain in our hearts, and our prayers are with his family."

Maj. Gen. O. F. Peatross, Commanding General of the Marine Corps Recruit Depot at Parris Island, also speaking for the Marine Air Station at Beaufort, said: "Congressman Rivers was an outstanding chairman of the House Armed Services Committee and a true friend and benefactor of all American servicemen."

[From the (Charleston, S.C.) News and Courier, Dec. 29, 1970]

SOUTH CAROLINA LEADERS PAY TRIBUTE TO REP. RIVERS

COLUMBIA.—South Carolina officials praised Rep. L. Mendel Rivers, D-S.C., Monday as a man of peace and a person who did more for national defense than presidents.

Flags were lowered to half mast across the state in honor of Rivers, who died Monday morning of heart failure.

Sen. Strom Thurmond, a Republican, described Rivers, a Democrat, as one of the greatest spokesmen for national preparedness.

"No man in America including our presidents has done more for our national defense than Mendel Rivers," Thurmond said. "He stood watch for these past three decades at the frontiers of our national security, his accomplishments were great and our nation is poorer by reason of his death."

Gov. Robert E. McNair said there is no way that the nation can measure its loss caused by the death of Rivers, chairman of the House Armed Services Committee.

"No man served his country with greater love and dedication; no man brought to his state more honor and dignity," the governor said.

McNair said the death of Rivers is mourned throughout the world and particularly by servicemen and their families.

"The cause of freedom for all citizens of the world was this man's unending goal and he pursued it with courage and vigilance," the governor said. "In the truest sense of the word, Mendel Rivers was a man of peace who understood the sacrifices which must be made to preserve and defend it."

McNair, who proclaimed the days until the funeral an official period of mourning, said Rivers served his state with "unequaled effectiveness and distinction."

McNair said few men in the history of South Carolina have contributed more meaningfully and more directly to the overall welfare and benefit of all the people.

"He served more than a single congressional district, more than a single state, indeed more than one nation," McNair said. "He was a symbol to all the world that this nation believed in freedom, and had the integrity to defend it where necessary."

Sen. Ernest F. Hollings, D-S.C., said Rivers offered the nation an enviable record of public service which reflected a deep belief in the American dream.

"Mr. Rivers had the courage of his convictions and never failed to stand up for his beliefs even when they were unpopular," Hollings said.

Hollings described Rivers as a man who had "faith in God and in the future of our country."

Rep. W. J. Bryan Dorn, D-S.C., called Rivers one the greatest leaders in modern history.

"He was devoted and dedicated to the cause of peace," Dorn said. "He believed that peace could only be obtained through strength and that weakness invited aggression and a war."

[From the News & Courier, (Charleston, S.C.) Dec. 29, 1970]

FOR THE LITTLE MAN, IT WAS A PERSONAL LOSS

(By Miles B. Gwyn)

"The enlisted man will never find anybody who will stick by him the way he did. You might say he was the patron saint of sailors."

An enlisted man, first class electrician John H. Hansbrough from Shenandoah, Va., was expressing a sentiment heard time and again yesterday at the Charleston Naval Base as the death of Congressman L. Mendel Rivers began sinking in.

For the little man, the hard hats and white hats, the loss of Rep. Rivers was a personal loss.

Senior chief signalman Bobby J. Hodge, a 16-year Navyman, said, "Most military men are justifiably concerned. Who is going to look after us now?"

Senior chief yeoman Earl Prouse, a sailor for the past 28 years, agreed. "He was the best friend we ever had in Congress," he said.

A third class sonarman also termed Rivers the best friend the Navy ever had. "He looked out for the enlisted man more than anybody else," he said.

Rivers, for the past seven years the chairman of the House Armed Services Committee, died early Monday in Birmingham.

In the shipyard the civil service workers were equally set back by Rivers' death.

James Grayson, president of the shipyard's Metal Trades Council, knew Rivers personally for many years. Yesterday Grayson recalled an incident that typifies Rivers to defense workers across the country.

"I remember one time in 1964 the yard was slated for a 'rif' (reduction in force). A group of us went to Washington, saw Rivers and discussed the situation. Rivers called Vinson (Carl Vinson, then chairman of the House Armed Services Committee) and said, 'Carl, I want to see President Johnson—now.'

"Then he told us to come back at 2 p.m. When we went back he told us to go on back to Charleston, that a ship would be pulling in for enough work to reduce the 'rif.' And he told us we had better hurry or the ship would beat us there."

It was this personal contact and concern that endeared Rivers to military and civil service people.

"I never had any trouble getting in touch with Mendel Rivers," Grayson said. "I've known a number of men who got in touch with him about a beef they had. They always got a quick response."

R. M. Lewis, president of the American Federation of Government Employes, Local 1864 at the shipyard, had a similar story to tell.

Lewis was a Citadel student in 1947, thanks to the G.I. bill. He was having trouble getting GI insurance until someone suggested he contact Mendel Rivers. He wrote the congressman, got a prompt reply and shortly thereafter got his insurance.

"He will be deeply missed by all of us," Lewis said. "We can be proud to be civil service workers."

What about the future, now with no apparent "patron saint."

"I don't think the shipyard will suffer in any way," said Grayson. "I think Rivers' goal was to make this the greatest shipyard in the country, and the employes will continue to make this the best in the country in honor of Rivers."

Cecil H. Wiley, president of the Planners, Estimators and Progressmen's Assn., Local Eight said, "I feel that this shipyard, South Carolina and the nation have lost one of their greatest statesmen, and, as a result, a loss to the entire world. The best way that we can honor his name and memory is to carry on in the traditions he had initiated and strive even harder to really have zero defects in all our work."

Elsewhere in Charleston's military establishment, the response to Rivers' death was the same.

"I think we have lost a great man. He has been good to everybody. He was never too busy to lend a helping hand."—Army Depot harbor master Marion J. Schwartz.

"He was a serviceman's serviceman. It will take years to replace him so that the serviceman will continue to have a voice in his own matters."—Master Sgt. Charles E. Smith, base facilities.

"He was a big man that was never too busy to get involved with the problems of the enlisted man."—Chief Master Sgt. Dezere L. McQueen, 437th Military Airlift Wing.

[From the (Charleston, S.C.) News Courier, Dec. 29, 1970]

"MENDELISMS" RECALL A FAMOUS WIT

The style and inimitable wit of Mendel Rivers marked every facet of his flambuoyant career in Washington. Here are a few of the more memorable "Mendelisms" that associates recall:

When conservative citizens in Charleston criticized Rivers for not following Strom Thurmond's bolt to Barry Goldwater in 1964, he replied: "I had my bolt (to the Dixiecrats in 1948) and all it got me was that my Navy yard was desegregated."

When a reporter met Rivers in 1964, the congressman opened the interview by casually tossing a pearl-handled Derringer onto his desk. He told the stunned newsman that he kept the weapon for protection against muggers who he said abounded in Washington.

When Rivers opposed President John Kennedy's Cuban policy and took the floor to urge an invasion of Cuba, he prompted a telegram from 150 Marines at Camp LeJeune. The telegram assured the congressman of the Marines' "willingness to follow you—repeat follow you—into Cuba." Rivers, who never took himself too seriously, gave the wire to newsmen and enjoyed a laugh at his own expense.

When Rivers described his early career in semi-professional baseball to congressional colleagues he boasted of "the highest batting average in disorganized baseball."

In 1964 when a witness before Rivers' committee got himself trapped in a hopeless position and asked if he could rephrase his remarks, the congressman said, "You go ahead and clear your conscience as much as you can."

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

LONG-TIME FRIENDS REMEMBER RIVERS

(By Joan L. Hitt)

"He was my idea of a statesman" . . . The most colorful and capable personality I've ever known" . . . "He was truly a friend of the service" . . . "We came up together, I knew him when he was a little man."

These were among the remarks and reactions received from several long-time military friends of Congressman L. Mendel Rivers in Charleston yesterday.

Gen. Mark Clark, former chief of Allied Forces in Korea and president emeritus of The Citadel, said he had known him for almost 17 years, "ever since I came to Charleston".

"Mendel was a very dear friend of mine and I admired him for many reasons, particularly for his staunch defense and concern for the security of my country. I was asked by him over the years to do several military jobs for his House Armed Services Committee and saw his dedication and understanding of the necessity of a strong America," the general said.

He spoke of a trip to the Far East that he took with Mr. Rivers several years ago which included a visit to Vietnam. "I went as the military advisor to the House Committee, all of whom went on the trip. We went all over Vietnam and it was a joy to see the GI's, the young officers and the senior commanders greet and welcome him for they knew that he, above anyone else in America, was deeply interested in their own little problems. The love of the military men was reflected in every place we went", Clark said.

"He was my idea of a statesman. A man who staunchly advocated those things that were good for his country regardless of their impact upon his own future. He will be sorely missed by Charlestonians, by South Carolinians and by all Americans," he concluded.

Col. Edward Foxworth, the senior Marine officer in this area and professor of Naval Science at The Citadel, remembered that when he was a cadet at The Citadel and playing football that Rivers used to come down on the bench and talk to him. "He always made me feel as though he was personally following my career," Foxworth said.

"His death has saddened the entire Marine Corps, both the officers and the enlisted men. We hope that those things which he has done for us we can uphold in the future."

"Mendel should be given the lion's share of the credit for establishing the Naval-Marine ROTC program here at The Citadel as of July 1st of this year. Now all four services are represented on campus. There were so many colleges that wanted this unit and he had an awful lot to say about its being established here," the newly appointed head of the program said.

"He was truly a friend of the service and will be sorely missed," Col. Foxworth said.

Gen. James Duckett, president of The Citadel, knew Rep. Rivers for more than 40 years. "We grew up together and I have always found him to be an outstanding American proud of his state and the Charleston area.

"He was always interested in the American who wanted to defend his country. We have lost one of the greatest of our leaders and his presence will be missed by all of us who loved him."

Gen. Duckett noted that The Citadel had honored Rivers with an honorary doctor of laws degree in 1959.

Brig. Gen. Franklin S. Henley, USAF (ret.) former commander of the 1608th Air Transport Wing, now the 437th Military Airlift Wing, described him as "the most colorful and capable personality it's ever been my pleasure to know."

"I was extremely unhappy to hear of his passing. Mendel was one of the greatest fans the military ever had. He's going to be greatly missed not only in this country but around the world . . . it's an irreplaceable loss."

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

They Dedicated Their Schools . . . Their Streets . . . Even Their Homes To The Silver-Haired Congressman

L. Mendel Rivers' name has been indelibly stamped across the face of the earth by grateful supporters who dedicated their schools, their streets, even their homes to the silver-haired South Carolina congressman.

Wherever there are American service men, there is apt to be something named for the hawkish chairman of the House Armed Services Committee.

In Charleston a section of Highway 52 from Five-Mile Viaduct to the Berkeley County line became Rivers Avenue in 1948.

A Navy housing development near Hanahan also bears his name—MenRiv Park. The Charleston Air Force Base dedicated Rivers Gate several years ago.

Cam Ranh Bay in Vietnam has its Rivers Avenue. There is another in St. Stephen.

The Baptist College at Charleston dedicated its new L. Mendel Rivers Library earlier this year and the Falcon elementary school, near a military base in Altus, Okla., was renamed for Rivers in April.

North Charleston has its Rivers Annex Post Office, and a hunting and fishing lodge on Goat Island near Summerton has a Rivers Room in the restaurant.

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

Family Establishes Memorial Fund for Research

The L. Mendel Rivers Memorial Fund has been established by his family for heart surgery research at the University of Alabama Medical Center where Rivers underwent open-heart surgery Dec. 11.

A family statement said the fund is for "those friends who may want to remember him in a special way." Contributions to the fund may be sent in lieu of funeral remembrances to the Department of Surgery, University of Alabama Medical Center, Birmingham, Ala., 35233.

Contributions also may be made, according to the family statement, to the L. Mendel Rivers Library at the Baptist College at Charleston.

[From the (Charleston, S.C.) News & Courier, Dec. 29, 1970]

Services Mourn "Champion"

LAIRD: "THE UNITED STATES HAS SUFFERED THE LOSS OF A GREAT PATRIOT"

Flags flew at half-mast in military bases across the nation Monday in silent salute to Rep. L. Mendel Rivers, the man armed servicemen had called "our champion."

But Americans of all vocations and all walks-of-life joined in nationwide mourning for the white-maned South Carolina Democrat, chairman of the House Armed Services Committee, who died early Monday morning.

President Nixon said: "I have lost a friend upon whom I could rely in times of great difficulty. South Carolina has lost one of the most distinguished men in her history and America has lost a patriot."

Nixon said that throughout his career Rivers "held unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States."

Defense Secretary Melvin Laird said that through Rivers' death "the United States has suffered the loss of a great patriot and one who has worked ceaselessly to assure the security of this nation."

Evangelist Billy Graham said in a statement from his home in Montreat, N.C., he was "deeply grieved and shocked at the death of my long time friend."

"He was one of the most eloquent defenders of American freedom . . . and I look forward to seeing him in Heaven," Dr. Graham said.

"Deep in his heart he had a great love and respect for God and the church. He attended our evangelistic crusades many times."

Rep. F. Edward Hébert, the Louisiana Democrat in line to succeed Rivers as chairman of the House Armed Services Committee and who entered Congress the same day as Rivers in 1941 said of his long-time friend: "His dedication to the security and defense of this country was unlimited."

Sen. Richard B. Russell, D-Ga., himself hospitalized with a respiratory infection, dictated a statement praising Rivers' "far-reaching understanding of the operations of the Defense Department."

"No man ever lived who was more wholeheartedly dedicated to the defense of this nation than Mendel Rivers. Those of us who are convinced that a strong defense is our main hope for continued freedom and peace have lost a champion."

Alabama Gov. Albert Brewer said Rivers had shared "major credit for the strong defense posture of our nation."

Vice President Spiro T. Agnew said Rivers' leadership as chairman of the Armed Services Committee was an inestimable source of strength to the cause of American national security. His tenacity of mind and spirit served the American people during a prolonged period of international conflict and crisis

"Mendel Rivers was a dedicated soldier in the ranks of public service. He was a patriot whose loss will be deeply felt by his fellow Americans."

Rep. Carl Albert, D-Okla., majority leader of the House, said Rivers' death removed from the House "One of its most brilliant and talented members."

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, said Rivers "dedicated himself to ensuring that his nation and countrymen could enjoy the blessings of freedom and security."

[From the Lancaster (S.C.) News, Jan. 12, 1971]

Rivers Had Great Feeling for Underdog—Richards

(Editor's Note: South Carolina produced two of the most powerful men in the U.S. House of Representatives in recent years, James P. Richards of Lancaster and the late L. Mendel Rivers of Charleston. Richards, the Fifth District Congressman from 1933 until he retired following the 1956 session, chaired the powerful Foreign Affairs Committee of the House for several years. His long-time friend, Congressman Rivers, was, of course, chairman of the Armed Services Committee at the time of his death in late December.

(Charles M. Smith, Jr., an intern reporter at The Lancaster News talked with Mr. Richards the day after the former congressman attended the funeral of Congressman Rivers in Charleston. Smith's article is delayed because he had to return to his college for three days last week His interview with Mr. Richards follows.)

(By Charles M. Smith, Jr.)

A recent interview with a former colleague and friend of Congressman Mendel Rivers reveals some admirable traits of the congressman the public rarely had the opportunity to see.

Congressman James P. Richards enjoyed a friendship with Rivers that began in 1940 when Mr. Rivers was elected to the U.S. Congress.

Richards recalls Congressman Rivers as being a "very unusual character" with endless drive and determination. According to Richards, Congressman Rivers put in a full day's work and spent many nights working overtime in his office. Congressman Rivers, declared Richards, "had a great feeling for the underdog. Congressman Rivers was an underdog himself in his early life and this enabled him to have sympathy for those who had to struggle and may account for the reason so many enlisted men could readily identify with him," said Richards.

Richards went on to characterize Rivers as an emotional person with strong likes and dislikes.

"However, once you became his friend," Richards said, "he never turned his back on you."

When asked if Congressman Rivers wasn't using his hawkish views and his position as head of the powerful Armed Services committee as a method of obtaining more defense installations for the Charleston area, Richards responded by pointing out that looking after the welfare of one's constituency "is an obligation of all congressmen."

Furthermore, Richards felt that these defense installations Rivers had acquired for the Charleston area would probably have been built elsewhere.

Elaborating on Rivers' views regarding war policies and national defense, Richards classified Rivers as a hawk. He said that Rivers was a "devout disciple of General Douglas MacArthur's policy that there is no substitute for victory."

Rivers felt by maintaining a superior national defense America would never have to worry about an aggressor, said Richards.

In his attitude toward war, Richards implied that Rivers reasoning suggested that America win her wars quickly with what ever means necessary was to prevent the suffering caused by war rapidly, rather than let it drag out over an extended period of time.

At the climax of our conversation, Richards said many people attacked Congressman Rivers' ideas regarding national defense because he was misunderstood, "but my friend always acted in what he felt was the best interest of his country."

[From the Allendale (S.C.) County Citizen, Dec. 31, 1970]

ALLENDALE COUNTY MOURNS MENDEL RIVERS' DEATH

Allendale Citizens joined the state and nation in mourning the loss of South Carolina's First Congressional District Congressman, L. Mendel Rivers, distinguished statesman and chairman of the U.S. House Armed Services Committee.

Allendale County echoed the sorrow of the loss of Rep. Rivers as an "invaluable friend, most outstanding representative of the century," or as Wilmot Riley of the state executive committee said, he "cannot be replaced but his image will continue to live."

"Regardless of the party in power he could be depended upon to support measures for the security and welfare of the nation. He was a friend to all servicemen," added Carl O'Neal, a Fairfax businessman.

One telegram, sent from the Allendale County Courthouse and signed "Allendale County Officials and citizens" expressed sympathy of all the people of Allendale County and read in part, "America has lost one of its greatest patriots, and Allendale County, one of its most loyal and devoted friends, a man who stood ever ready to be of service to all and every worthwhile endeavor."

Mrs. Rivers and family were sent telegrams of sympathy by the Mayors for the towns of Allendale, Fairfax, Sycamore and Ulmer and by H. W. Priester, Jr. as president of the South Carolina Municipal Association.

[From the Beaufort, (S.C.) Gazette, Dec. 31, 1970]

CITIZENS EXPRESS GRIEF OVER LOSS OF REP. RIVERS

In addition to national leaders, many distinguished citizenry, both military and civilian, statewide and local, expressed their grief at the loss of Rep. L. Mendel Rivers.

Following are some comments by individuals who tell in their own way how Rep. Rivers' death has touched their lives, as well as their predictions on the long-range effects of his passing:

Sen. James M. Waddell, Jr.: "We start the new year with grief in our hearts for the loss of a great patriarch and American. L. Mendel Rivers was recognized as a leader of the freedom-seeking people of the world.

"He was not only friend and leader of this country and state, but also of Beaufort County. I know of no one who has contributed so much to the welfare of Beaufort County. His help and leadership will be sorely missed.

Maj. Gen. Oscar F. Peatross, speaking for the Marine commands in Beaufort:

Maj. Gen. Peatross: "His presence in Congress will be sorely missed, not only by United States military men, but by millions throughout the United States and the free world."

Don Perry, president of the Beaufort Jaycees, and speaking in their behalf said:

"The Beaufort Jaycees would like to publicly express their deep sorrow to the family of L. Mendel Rivers during their bereavement.

"L. Mendel Rivers was truly a great leader and a man who believed in the plight of the young men of tomorrow, searching for his purpose in life.

"The Beaufort Jaycees say farewell to Mendel Rivers, a statesman, patriot and a great American."

Pvt. William Johnson of Woodburn, Oregon whose father is an Air Force career enlisted man): "This man stood many times alone for the serviceman and his welfare."

Pvt. Frederick Proeschel of Brooklyn, N.Y.: President Nixon has lost a great supporter in his present drive to obtain an honorable peace in Vietnam—something a great number of servicemen are working for."

Pfc. Paul Tammen: "Looking at it on an economical aspect, his death means a general loss in wage and housing for military personnel."

DI Sgt. Donald Schmidt: "Mendel Rivers did as much if not more than any other man could have done in his position. His death is a great loss to every military man on active duty today."

DI Sgt. George Steele: "Every serviceman held a vast amount of respect for Mendel Rivers. Even though he was not from my state, Mendel Rivers was a representative of mine because he fought for the rights of all servicemen. His death is a tragic loss."

G. G. Dowling, Jr.: "As Mendel's 1968 District Campaign Manager, as well as long-time personal friend, the two things that impressed me most was the man's humanity and sense of humor. His humor would destroy any tension. He always had to hear both sides of an issue, but he always stood on the side of patriotism and his country. I felt real close to him and miss him as a personal friend."

Capt. R. G. Williams, commanding officer of the United States Naval Hospital: "The nation has lost a true patriot, South Carolina has lost a truly distinguished citizen and statesman, and the military and civilian members of the armed forces have lost their best friend.

"We at the Beaufort Naval Hospital will always treasure two quotes made when Chairman Rivers recently autographed two pictures made at the groundbreaking 24 years ago. In one, he refers to "——our hospital", and the other pays tribute "to the fine men and women of the Navy Medical Corps who have fulfilled my dream for the Beaufort Hospital". God rest his soul.

Brantley Harvey, Jr. "Mendel Rivers' death comes as a great personal loss, and as a great loss to the First Congressional District and to Beaufort County which he has served so well."

Joab M. Dowling: "The entire community is distraught and distressed, and we want to express our love and bereavement to Mrs. Rivers and the family."

James H. Moss: "Not only have we, the people of South Carolina suffered a great loss, but our entire nation has suffered a great loss with the passing of L. Mendel Rivers. He was a man of the people whose heart and mind was for the people. To Mrs. Rivers and her family go our heartfilled sympathy."

W. Brantley Harvey, Sr.: "In the loss of Congressman L. Mendel Rivers, this county, the state, the nation and to the greatest extent, the world, suffers the loss of an honorable and valuable man in the fight for the peace and security of the world."

J. E. McTeer, Sr.: "An irreplaceable man, we were friends from the beginning. He cannot be replaced as far as Beaufort is concerned."

William J. Firth: "The Navy League has lost one of its greatest friends."

Leroy H. Keyserling: "L. Mendel Rivers was a personal friend of mine for over 35 years, and not only have I lost a dear friend, but Beaufort and the nation is poorer for his passing.

"Only once in perhaps 100 years does a man of his caliber come along. He was a leader and statesman in every respect who always had the best interest of the people at heart, regardless of race, color, or creed."

DeLacy E. Shuman: "Congressman Rivers has been my longtime friend for more than 30 years. I was one of his campaign managers when he first ran for Congress in 1940, when many people gave him little or no chance to be elected. But I had faith that the silent majority would help put him in Congress.

"I joined him as his executive assistant after he had been in Congress for two years, and remained as his chief of staff for 20 years. We fought the battle of Capitol Hill together. Even though I left Washington after 20 years, I never left Congressman Rivers and he never left me. We had remained close personal friends over the years.

"His burning desire to serve all people caused him to be a man on the go at all times. He did yeoman service to the district, state, nation and the world. His presence among us will be sorely missed. I am deeply grieved by his untimely passing which is a great personal loss. He may be succeeded but will never be replaced. May God's richest blessing be upon him in the great beyond."

[From the Columbia (S.C.) State, Dec. 29, 1970]

RIVERS DEVOTED ENERGIES TO JOB AT HAND

Rep. Lucius Mendel Rivers was a man who devoted all of his enormous energies to the job at hand.

"This is the only opportunity I'll ever have to do something for my country," Rivers said when he was named chairman of the House Armed Services Committee in 1965. I'm going to do the very best I can. The time passes awfully fast."

He was born Sept. 28, 1905. His father raised some cotton and some corn and ran a turpentine mill, occupations that were not uncommon in the Hell Hole Swamp area around Gumville, S.C.

When his father died about the time he was in the second grade, he had to take on a larger share of the farm chores.

Soon after his father's death, his mother moved the family to a farm 10 miles north of Charleston, where he regularly got up at 4 a.m., milked the cows, delivered newspapers and caught a trolley for high school in Charleston at 7:45 a.m.

He worked at a variety of jobs before getting regular summer work—and the reputation of a long-ball hitter—with the semiprofessional General Asbestos and Rubber Co. baseball team. Rivers batted about .350 with the club.

Rivers passed the S.C. bar examination in 1932 after studying at the University of South Carolina. He was in the state legislature from 1933 to 1936.

Rivers then went to Washington as a special attorney in the Justice Department. He was elected to Congress in 1940.

He soon became a protege in what was known as "Vinson University," named for former Rep. Carl Vinson, D-Georgia, whom Rivers succeeded as Armed Services chairman.

One of his earliest successes was not in military legislation but in getting the tax off margarine, which was made from cotton seed oil, a product of his district. He made so many speeches on the subject that he got the nickname— "Oleo Rivers."

He bolted the Democratic Party in 1948 to support Sen. Strom Thurmond, the Dixiecrat candidate for president. Rivers actively backed Republican Dwight D. Eisenhower for the presidency in 1952.

Rivers refused to follow Thurmond's bolt to GOP candidate Barry S. Goldwater in 1964 and told Charleston critics: "I had my bolt—and all it got me was that my Navy yard got desegregated."

A typical day for the inordinately early riser usually started shortly after 4 a.m. He never failed to reach his office after 7 a.m. and seldom left it before 7 or 8 p.m.

He usually scanned Washington and South Carolina newspapers and dictated letters for his secretaries before their arrival at 9 a.m.

Most nights Rivers headed straight home from the office, but occasionally he yielded to pressure to attend Washington social functions—usually those with a military flavor.

But most of the time it was home to read, watch television and sometimes go to bed as early as 9 p.m.

There is an old saw that Charleston floats its economy on the Ashley, the Cooper and the Mendel Rivers. And it has also been said that the port city would sink into the sea if Rivers put another military base nearby.

Rivers boasted he was responsible for 90 per cent of the military installations in South Carolina. And he has also boasted that he has made a lot of millionaires by doing so.

In the tri-county Charleston area alone, the payroll this year for active duty and civilian employes at military installations will total $329.6 million, representing 35 per cent of the economic buying power of the area.

A facet of Rivers that never received the publicity of his pro-military interest was his support of many anti-poverty programs.

He supported moves to liberalize the federal food stamp program, which he voted for at its inception. He even went along with much—but certainly not all—of Lyndon Johnson's poverty programs.

When it came to racial issues, many young blacks considered Rivers a racist although others had faith in him.

William Saunders of Charleston, vice chairman of the black-oriented United Citizens Party, said in a recent interview that he personally considered Rivers a racist and "a lot of younger blacks also share that view.

"But the black community itself has got a lot of faith in Mendel," Sanders said. "He's done a lot of things for Charleston, and I don't fight that.

"He has really helped blacks make more money, not only in industry but in the armed forces. We have a lot of boys from this district in the service," Sanders said.

Perhaps some insight to this side of the usually right-wing Democrat can be garnered from his statement:

"I had an awfully hard time when I was a young fellow. I knew poverty like nobody else in the South Carolina delegation. Whenever I can help the man in the street, I'll do it."

[From the Atlanta (Ga.) Constitution, Dec. 29, 1970]

GEORGIA LEADERS MOURN RIVERS

(By Duane Riner)

Gov. Lester Maddox, Sen. Richard B. Russell and former House Armed Services Committee Chairman Carl Vinson of Milledgeville were among Georgia leaders who mourned the death Monday of Rep. L. Mendel Rivers, D-S.C.

Maddox said he was closer to the South Carolinian than any Georgian in Congress.

"I regarded him as one of the most loyal, able and patriotic men ever to serve in the U.S. Congress," Maddox commented.

Maddox said he has "a number of friends" in Washington, "but I never had one from Georgia or any place else any closer to me than Mendel Rivers."

The Armed Services Committee chairman, according to Maddox, "helped to protect Georgia military installations because of his love for the people of this state."

Vinson, whose decision not to seek reelection to Congress six years ago opened the way for Rivers to assume the powerful committee chairmanship, hailed Rivers as "an outstanding Southern statesman." He called the Carolinian "a great chairman of the Armed Services Committee" and added:

"He sat by me for about 25 years and was my righthand power. I fully intend to attend his funeral. In his death, South Carolina and the nation lost one of its most outstanding legislators."

In his first press statement since he was hospitalized for a lower respiratory infection three weeks ago, Sen. Russell said he was "deeply saddened" by Rivers' death.

"No man ever lived who was more wholeheartedly dedicated to the defense of this nation than Mendel Rivers, and those of us who are convinced that a strong defense is our hope for continued freedom and peace have lost a champion," said Russell.

The 73-year-old Georgian, who was Rivers' Senate counterpart while chairman of the Senate Armed Services Committee, recalled that "for three decades I met with him in conference and we worked together in matters relating to the armed services. He not only had a far-reaching understanding of the operations of the Department of Defense but he was unyielding in his efforts to insure that the department was supplied with the necessary means to guarantee the security of this nation."

First District Rep. G. Elliott Hagan, who served under Rivers as a member of the House Armed Services Committee, said he had daily occasion "to see first-hand his keen interest and enthusiasm for our servicemen and the great country they serve. I have had the rare honor of calling this great and beloved American patriot my friend. I shall sorely miss his wise counsel and exemplary leadership in the days and years ahead."

Maddox said he is attempting to rearrange his schedule to attend Rivers' funeral.

[From the Washington (D.C.) Post, Dec. 29, 1970]

BACKERS, OPPONENTS MOURN REP. RIVERS

Friends and critics agreed yesterday that Rep. L. Mendel Rivers will not soon be matched in Congress as "a fierce advocate" of military strength.

The House Armed Services Committee chairman, who died of heart failure yesterday at 65, was described by Vice President Agnew as "a dedicated soldier in the ranks of public service . . . a patriot whose loss will be deeply felt by his fellow Americans."

Rep. Robert L. Leggett (D.-Calif.), who served under Rivers on the Armed Services Committee and often quarreled with the chairman's demands for increased defense spending, said:

"The country has lost a great patriot and the Department of Defense has lost its most zealous advocate. I believe his passing will mark the end of an era in the Department of Defense . . . There are only a few people with the charismatic power of mind that could put together the coalition he did. There is a question whether any new chairman could do it."

Rivers' successor as chairman, Rep. F. Edward Hebert (D.-La.), spoke also in tribute to his late friend.

"Mendel Rivers was a fierce advocate of what he believed," Hebert said. "His dedication to the security and defense of this country was unlimited. His courage and determination, coupled with his tenacity and forthrightness, were the keystones to the many fights he fought for the country he loved."

House Speaker John McCormack called him "a bulwark of strength to our country."

"He stood for strength, not weakness, a strong national defense and a firm foreign policy so necessary in the world today," McCormack said.

Sen. Richard B. Russell (D.-Ga.), who for years was chairman of the Senate Armed Services Committee, expressed his sadness and respect. Rep. Rivers, he said, "not only had a far-reaching understanding of the operations of the Department of Defense, but he was unyielding in his efforts to insure that the department was supplied with the necessary means to guarantee the security of this nation."

President Nixon, in his tribute, noted that Rivers fought for increased military strength despite currents of criticism in recent years. "No shifting national opinion, no amount of hostile criticism, deterred him from the course he deemed right for America," the President said.

The Rev. Billy Graham called Rivers "my closest friend in Congress."

"The nation has lost one of its greatest leaders at a very critical time," Dr. Graham said. "I look forward to seeing him in heaven."

Secretary of Defense Melvin R. Laird recalled the congressman's successful efforts to improved military pay and benefits. "Mendel Rivers' devotion to the cause of the individual serviceman and his sponsorship of legislation benefitting military personnel have added significantly to the morale of our armed forces," Laird said.

[From the Charlotte (N.C.) Observer, Dec. 29, 1970]

RIVERS—A FARM BOY WITH CUNNING

(By Jack Bass)

Charleston no longer will be known for its three great Rivers—the Ashley, the Cooper and the Mendel.

L. Mendel Rivers was more than a congressman to Charleston. He was a public institution, the "Swamp Fox" of South Carolina Politics, and virtually "Congressman-At-Large" for South Carolina.

A flowing mane of white hair was his trademark.

During his 30 years in Congress, in which he became a figure on the stage of world power as chairman of the House Armed Services Committee, Rivers brought prosperity to Charleston in the form of military installations and defense industries.

The funeral for Rivers, who died early Monday of heart failure, will be Wednesday at Grace Episcopal Church in Charleston. He will be buried at St. Stephen, S.C. near the graces of his parents.

Rivers died at 1:40 a.m. in University Hospital, where he had gone in early December for open heart surgery to replace a leaking mitral valve with a plastic valve.

He began his political career as a state legislator from Charleston in 1933. He served two terms, then moved to Washington as a Justice Department attorney.

In 1938, he married Margaret Middleton, daughter of an aristocratic Charleston family, who with two daughters and a son, survive him.

Rivers was born on Sept. 28, 1905, near Gumville, a crossroads in the Hellhole Swamp section of Berkeley County, an area known as a breeding ground for politicians and for its moonshine whiskey. Nearby was the farm on which S.C. Gov. Robert E. McNair grew up on a farm. Down the road, former Columbia Mayor Lester L. Bates was born the same day as Rivers.

After the death of his father, Rivers moved to North Charleston. As a teen-ager, he was a star baseball player. Like thousands of other youngsters, he delivered newspapers on an early morning route.

He attended the College of Charleston and then law school at the University of South Carolina. He passed the bar exam before his senior year, won election to the legislature and never graduated.

His first race for Congress in 1940 is legend in Charleston. Rivers ran against an entrenched "Charleston Machine," whose candidate was Fritz Von Kolmitz, a respected banker and one-time outstanding athlete at the University of South Carolina.

Rivers roamed the small towns and dusty rural crossroads of the eight outlying counties that with Charleston form his congressional district.

"The only banker I ever knew," Rivers would roar, "was the one who foreclosed the mortgage on my Mama's farm after my daddy died." It was the eve of World War II, and Rivers made political capital out of Von Kolnitz's German name. Rivers always referred to him in the campaign as "Von Kolnitski."

The night of the election returns, supporters had to restrain Rivers from conceding as early returns from Charleston County gave a big lead to Von Kolnitz, who won the county by more than 4,000 votes.

Then the outlying counties began reporting and the rural voters gave one-sided margins to Rivers, who won the election by 3,000 votes.

He never again had serious opposition. Twice, he was opposed by Negro candidates, the last time in 1968, but Rivers won easily. Over the years, he developed some strong alliances within the Negro community.

In that first election, Rivers promised the voters he would come back each year and hear their problems. His district trip was pure Americana.

A close associate described it "as the savior coming home." Rivers would spend a day in each county seat and people would come in with personal problems involving the government.

They ranged from red tape about Social Security or veterans' benefits to getting a boy in service closer home because a parent was seriously ill. An aide dutifully took notes and the complaints were acted on back in Washington.

"He liked to think of himself as a country boy," an associate recalls, "and the trips were a source of strength to him."

Rivers could verbally flay the hide off an opponent, but there was a soft resonance in his voice and a fondness for the poetry he frequently quoted in speeches.

Rivers viewed his role in Congress as fulfilling a sense of destiny, according to one of his closest associates, a destiny in which Rivers viewed American military might as the barrier between this country and "godless Communism."

He once commented about need for a strong military by declaring, "to hell with world opinion."

Although he never served in the armed services, Rivers was fawned upon by generals and admirals and he was a hero to enlisted men as a champion of improved pay, benefits and living conditions for the military.

Although known nationally as an arch-conservative champion of military spending, Rivers maintained the most liberal voting record of any member of the S.C. congressional delegation, frequently voting in favor of domestic social legislation.

Once Rivers told an interviewer "I had an awful hard time living when I was a young fellow. I knew poverty like nobody in the South Carolina delegation ever did. When I can help the man-in-the-street, I'll do it, 'cause I remember it."

His legacy as a farm boy remained forever with him as an early riser who usually began work in his congressional office in Washington by 6 a.m.

Rivers also liked to cook and was good at it. Once before an auto trip from Washington to Charleston, with a group of family and staff, Rivers rose early enough to cook a huge bag of fried chicken before everyone else got up to pile into a car at 6 a.m.

He was a man of tremendous physical stamina, whose workday often lasted 14 hours or longer.

He once supported Republican Dwight Eisenhower for president, but later called it a mistake and was a Democratic party loyalist. He told the S.C. State Democratic Convention in 1970 he would "die a Democrat."

His profession was politics, and he was a pro who knew it was results that counted. When fellow Democratic Congressman Albert W. Watson switched parties in 1965, there was speculation that other S.C. congressmen would no longer cooperate with him. Watson approached Rivers on the floor of the House and asked, "Mendel, you'll work with me, won't you?"

Rivers put an arm around Watson's shoulder, smiled like a fox, and declared, "Albert, I'd cross a bridge with the devil if I had to get to the other side."

A couple of years ago, New Left Democrat Allard Lowenstein of New York was observed talking to Rivers on the floor of the House on Lowenstein's first day in Congress. Rivers was seen replying and holding his hand in front of Lowenstein's face with three fingers raised.

The freshman congressman's wife observed the scene from the gallery with apprehension, thinking that Rivers surely was telling her husband he would give him three days to last in Congress.

When she asked Lowenstein about it, he explained that he had told Rivers about an aunt in Charleston and that Rivers was informing him, "we have three synagogues in Charleston."

Among close associates, Rivers was known as a man with a conscience, one who understood and appreciated his own strengths and weaknesses.

Several years ago, after the late columnist Drew Pearson publicized nationally that Rivers had serious problems with alcohol, associates of Rivers reported he "went on the wagon" and licked whatever problem there was with will power.

Solomon Blatt of Barnwell, speaker of the S.C. House of Representatives for 30 years, served as a freshman legislator with Rivers and remembers him as "a born political leader."

A LEGEND DIES—RIVERS HAD HIS HIGH NOON

(By Barbara S. Williams)

L. Mendel Rivers had his high noon.

It couldn't have been easy, but until only a few weeks before his death, he lived life at its peak.

L. Mendel Rivers couldn't have done it any other way. That, of course, was one of the reasons he was a legend while he lived.

No one is prepared for a legend to die, especially not one so virbrantly alive.

That, perhaps, was one of the reasons it was such a shock when the announcement came that Rivers had entered the University of Alabama for open heart surgery.

It didn't seem possible. Only a week before, the white-maned congressman had been the star of the show at the keel-laying in Newport News, Va., for the USS South Carolina.

Reporters were restless while the speeches droned on and they shivered during the open-air ceremonies. They were all counting on Rivers to give them their story and he didn't disappoint.

If the weather was uncomfortable for them, it must have been even more so for Rivers. Those who knew about his condition say it took more guts than most people have to have kept up his schedule.

He was full of fire in Newport News. It just wasn't his style to be dull.

One of the last photographs taken of Rivers, however, was snapped that day and appears in this column. It caught the congressman in a pensive mood and one can only guess what he must have been thinking.

Reporters flying up for the ceremonies were a little surprised there weren't more of the area's elected officials on the plane. Afterwards it became obvious. Most of those invited along for what was the last big ceremony, were some of his oldest friends.

Rivers had known for some time that the operation was the only hope to maintain the life-style he loved. The decision to have the high risk surgery couldn't have been easy.

Whatever hesitation he must have felt seemed to have disappeared after he entered the hospital. The night before the operation, he seemed perfectly at peace with his decision.

That night tells a great deal about the Rivers style. Wire stories flooded into The News and Courier and local reporters only knew what they were being told by other sources.

Suddenly the telephone rang and there was Rivers on the line. He said he was feeling fine; described what was going on in the room and talked about the operation only a few hours away.

Rivers made it clear he preferred the risk to being incapacitated but didn't dwell on the possibilities. He was full of the fight that had taken him so far.

He also still was the consummate politician and made it clear he was perfectly aware of the kind of political speculation his illness had touched off.

"Where's Palmer?" he asked cagily.

That telephone call was a part of that beautiful personal touch that came so naturally to Mendel Rivers. He was giving his personal attention at a time when most men wouldn't have given them a thought.

He did live to see an indication of the influence of his life. Telegrams from all parts of the world poured into that hospital from people of all walks of life. Telephone calls from former presidents and farmers kept the switchboards busy.

His son summed it up beautifully. "He died loved and mourned by millions and surrounded by his family. No man could ask for more."

Mendel Rivers was mourned here last week as no other man in South Carolina's history.

The thousands who walked by his casket; stood on the roadsides and at his grave obviously did feel a personal loss. He achieved what few politicians ever obtain—real contact with his people.

Almost everyone had a personal story to tell.

One former politician recalled that the morning after defeat, Mendel Rivers paid a 7 a.m. bolstering visit after being unable to get through on the telephone. As a result, that former politician was prepared to stand in line all day if necessary to attend the Rivers funeral.

There are images of those days of mourning that keep coming back.

The tall Negro who stood in front of the Rivers flag-draped coffin for several minutes and then gave a sharp salute before walking slowly back up the aisle.

The people of all shapes, sizes, colors and ages who came out in the cold, steady rain while Rivers lay in repose in Grace Episcopal Church.

The thousands who lined the highways as the funeral cortege slowly took him back to the rural county where he was born.

Rivers was wrong in one of his most often-quoted statements.

Unfortunately, the woods aren't full of people like him.

[From the Camden (S.C.) Chronicle, Dec. 30, 1970]

L. MENDEL RIVERS

South Carolina in particular and the U.S. Armed Forces in general lost one of their most effective champions Monday when death claimed U.S. Representative L. Mendel Rivers.

Rep. Rivers, the fiery shaggy-haired orator from Berkeley County, was a member of the House for 29 years, and was chairman of the House Armed Services Committee, and ranked as one of Congress' most powerful voices for U.S. military superiority.

Controversy swirled around the 65-year-old Southern gentleman for his no-compromise support of any and all efforts on the part of the Armed Forces. His name is on hundreds of bills benefiting servicemen and their families.

The Chronicle certainly will agree with Governor Robert McNair, who said:

"The death of Rep. Rivers deprives the world of a man of peace who understood the sacrifices which must be made to preserve and defend it."

The flags will surely fly at half-staff for this devoted public servant.

[From the Beaufort (S.C.) Gazette, December 31, 1970]

L. MENDEL RIVERS

Beaufort County has lost a good friend in the passing of L. Mendel Rivers. His frequent visits, his stirring addresses and the untold good that he has rendered our area will be missed for years to come.

Mendel Rivers was many things to many people . . . Congressman, statesman, friend of the military . . . but to us he was an American above all else. He loved his country and his state and he had no reservations when it came to "looking out" for his Congressional District.

He believed in keeping our Country strong militarily. He was a hard-liner in international affairs and a believer in force when necessary to protect our position and prestige. He was a military man's man.

Born in Berkeley County and raised on a farm, he knew the meaning of work and the simple life. That he was a Champion of the little man attests to his early life and his feelings for others.

Apropos of our feelings is the following quote from one of his hometown editors in Charleston:

"Along with grief, we feel today a keen sense of gratitude for this man whom we liked and admired through the years. He had many qualities: a quick mind, a kindly nature, matched with the toughness that fitted him for a rugged career. He had an inner faith that directed his life: faith in his community, his country, his people and above all faith in God. In a period of questioning, in a political arena where every word and deed is challenged, Mendel Rivers possessed a built-in compass that guided his way through life. When the boy from Gumville reached the halls of fame, he walked with sure tread."

The death of L. Mendel Rivers at age 65 will leave not only a void in our local community, but on the national scene as well. Few men have ever achieved the heights of this man and fewer still ever will.

He will be missed by the little man, the big man, the military and friends from all walks of life. We are saddened by his death and mourn his passing, but rejoice that he led a full life and will go down in history as a great American.

[From the Army Times, Jan. 6, 1971]

MENDEL RIVERS DIES

BIRMINGHAM, ALA.—Lucius Mendel Rivers, chairman of the House Armed Services Committee since January 1965, died December 28 at University Hospital here. He celebrated his 65th birthday Sept. 28, 1970.

Rep. River's death leaves Rep. Philip J. Philbin (D., Mass.) as ranking member of the committee until the mandatory adjournment of the 91st Congress on Jan. 3, 1971.

Then, if the usual precedents are followed, Rep. F. Edward Hébert, (D., La.), who entered Congress the same day as Rivers, Jan. 3, 1941, will be elected chairman. Rep. Philbin, the number 2 Democrat, had been defeated for renomination and failed to win reelection on a write-in vote in November.

Rivers died less than a week before completing his 30th year of service in Congress. He had been re-elected without opposition in November.

The strong-minded chairman of one of Congress' most powerful committees early joined the old Naval Affairs Committee and shifted to Armed Services when that committee was created after World War II, under the chairmanship of Walter G. Andrews (R., N.Y.). When the third chairman, Rep. Carl Vinson retired after 50 years' service, Rivers assumed the chairmanship.

From the moment he assumed the chairmanship, Rivers—in addition to promoting a strong defense in terms of money, numbers of men and adequate weapons, particularly new ships—immediately began to promote the welfare of servicemen.

He was particularly concerned that service benefits should never lag those of civil servants, and obtained enactment of a law which provided that, whenever civilians got a pay raise, the military would get an equivalent one at the same time. He also worked assiduously to equalize or better travel and other benefits, and was a strong advocate of medical and dental care for service dependents and of improving survivor benefits.

He was active in promoting low-cost charter flights between the U.S. and Europe and in combatting Civil Aeronautics Board attempts to curtail them. When the Vietnam command authorized two-week Christmas leaves, Rivers immediately and successfully urged air carriers to provide rates and services which would make the leave policy meaningful.

Although Rivers had for some time known of his heart ailment, he stayed to finish the committee's business for the session. Before leaving for University Hospital, he attended a ceremony at which a group of servicemen who had been able to fly home on leave from Vietnam honored him for his work in making their trip possible.

He underwent open heart surgery on December 11. A leaking mitral valve was replaced with a plastic one. Rivers seemed to be recovering when he suffered a heart stoppage December 20. On the 27th he suffered a series of heart stoppages, and died.

Rivers was born in Berkeley County, which is part of the district he later represented. Though of a family left poor after his father's death when Mendel was five, Mr. Rivers got through the College of Charleston and the University of South Carolina and was admitted to the bar in 1932.

He served in the South Carolina legislature, 1933–6, and for the next four years was a special attorney for the U.S. Justice Department. He has received a number of honorary degrees and memberships; the Reserve Officers Association's "Minute Man" Award in 1965, and the Air Force Association's Citation of Honor the same year.

He is survived by his wife, the former Margaret Middleton, of Charleston; two daughters, Mrs. Robert G. Eastman and Lois Marion, a son, Lucius Mendel Jr., and two grandchildren.

[From the Jasper County (S.C.) News, Dec. 31, 1970]

We have lost a friend, Jasper County has lost a friend. The Low Country has lost a friend. South Carolina has lost a friend. In fact, all of the peace loving, free world has lost a friend. We are speaking of L. Mendel Rivers, who passed away, early Monday Morning in a Birmingham Hospital. Someone will take his place but L. Mendel Rivers will never be replaced. He never failed to speak his mind on anything that came up in Congress. He did his own thinking and always went to bat for what he thought was right.

He was a man that acted out the true American dream. He rose from a country boy in Hell Hole Swamp to one of the most powerful men in the United States, in fact, the whole world. There is no doubt that he has given his life to fight for what he believes to be right. The military and all service personnel of the United States have certainly lost a great friend and an ardent admirer. His Theory was that there could be no compromise with principle and no faltering in the fight to keep this nation free and strong.

L. Mendel Rivers never backed down from a fight. We personally think that he will go down in history as one of the greatest South Carolinians that ever lived. He will be ranked with John Calhoun, Andrew Johnson, and Wade Hampton. One of the greatest things he ever said was, "I've got a sense of greatness, I am not going to let my name go down to the dreamless silence of the tongueless dust."

All we can say is, "Rest in peace Mendel, you left a job well done."

[From the James Island (S.C.) Journal, Dec. 31, 1970]

MENDEL RIVERS

South Carolina has lost one of its greatest statesmen with the death of L. Mendel Rivers. So much has been said about the man since his untimely death that anything said here would be redundant. However, we must make comment lest we burst with sorrow.

No matter what party you belong to, you have to respect and admire a man like Mendel Rivers. He was a man of uncommon ability. His death ends an era in South Carolina history.

Meeting him one day in a city some distance from Charleston, the editor of this newspaper identified himself to Mr. Rivers. At that point Rivers said, "Ah yes, the James Island Journal. I read it each week." Pulling the latest issue of the Journal from his back pocket, which astounded the editor, he added, "I like to keep up with the local news. I read all the weekly papers from my area and others in South Carolina. I love 'em. I enjoy reading about my people." In leaving he would say, "Pray for me and may God bless you."

It comforts us to know that Mr. Rivers, in living his life as he did, is in his full glory at a much higher station.

[From the (Columbia, S.C.) Star-Reporter, Dec. 31, 1970]

Loss to All

The passing of Rep. L. Mendel Rivers of Charleston, chairman of the House Armed Forces Committee, is a loss to the nation as well as South Carolina. As a champion of preparedness from way back, he had labored strenuously to keep this nation strong while so many of the addle-heads in Congress were trying to weaken our military posture. He had the fire and the determination to carry through his points when he felt he was right.

He will be missed, not only in Charleston and South Carolina but throughout the world wherever our military men are stationed. For he was the friend of the serviceman and was ever on guard for their welfare.

As to his successor, we think the best prospect now would be retiring Governor Robert E. McNair. With the prestige of the governor's office hardly off his shoulders, he should be able to roll over any primary opponents and anybody the Republicans can put up in the general election. As a resident of Allendale, he is in the first district, so would qualify from the residence standpoint.

[From the Lake City (S.C.) Post, Dec. 28, 1970]

L. Mendel Rivers

The death of Mendel Rivers means many things to many people:

To his family, loss of a husband and father;

To fellow South Carolinians, departure of an honored representative who looked out for his constituents in countless ways;

To the military—from generals to GIs—deprival of effective support in government;

To enemies of the American Republic, both abroad and at home, defeat of a valiant adversary;

To politicians reshuffling of the power structure;

To the nation, the passing of a patriot tall in stature and strong in action.

We knew Mendel Rivers from the beginning. A poor boy in terms of money, he had the richness of decent upbringing. Despite his carefree manner, he soon developed a keen sense of purpose that carried him to law school and into politics.

From the state legislature he mounted the ladder to Congress. Realizing the importance of the Charleston Navy Yard to the First Congressional District, he found a place on the Naval Affairs Committee. He grew with experience and helped to arm the country for the conflicts of his time.

In the process, Rep. Rivers earned the label "controversial"—meaning whatever the user of the word intends it to mean. To us, he was fighting for the flag. Though he never wore a uniform, he was in the thick of combat where it counts in the defense of a great country. Whatever else may be said of Mendel Rivers, he never let his country down.

The details of his career in politics will be recounted and remembered in many media. Announcement of his death topped the morning broadcasts, reverberating around the world wherever U.S. service men are stationed. Our enemies also are taking note of the turn of events triggered when a heart stopped beating yesterday morning in a hospital bed at Birmingham.

Along with grief, we feel today a keen sense of gratitude for this man, whom we liked and admired through the years. He had many qualities: a quick mind, a kindly nature, matched with the toughness that fitted him for a rugged career. He had an inner faith that directed his life: faith in his community, his country, his people and above all, faith in God. In a period of questioning, in a political arena where every word and deed is challenged, Mendel Rivers possessed a built-in compass that guided his way through life. When the boy from Gumville reached the halls of fame he walked with sure tread.

Mendel Rivers had boundless energy. Rising at an incredibly early hour, he pounded through a daily routine at age 65 that would have floored a lesser man. Being human, he was not perfect. We leave to others the task of reciting his flaws. We counted him a friend.

His death leaves a vacuum of unpredictable size. At this moment of sorrow, we shall not try to survey the possibilities. We know it will be hard to fill his shoes. He will be missed in many quarters. Much more remains to be said about this man and his accomplishments. Today we mourn, and salute a gallant warrior at rest.

[From the Columbia (S.C.) Record, Dec. 29, 1970]

Mendel Rivers: A Warrior Dies

"Men must endure their going hence, even as their coming hither." And as his great heart throbbed, stuttered and stopped, never to beat again, Mendel Rivers recognized this solemn truth of mortal man.

Today the state and nation mourn the passing of this singular warrior, whose grateful heart pulsed in life with abundant affection for country, state and people. A man of no bookish theory, Mendel Rivers simply loved the United States, South Carolina and its people.

A simple child of Carolina, he grew into the position of power in the U.S. House of Representatives—the chairmanship of the Armed Services Committee. Possession and use of power tests the mettle of any man, as it tested Mendel Rivers.

He was unawed. Rough and unvarnished, pugnacious and tenacious, he fought and clawed in the House for the security of the land he loved; fighting rather lonely battles in more recent years, when the military reverted to its stature of the 1930's, scarcely beloved and often criticized.

His bemaned brow touched heaven, on occasions, as he unremittingly pronounced the singular truth of the current world: a strong United States in our day is a guarantor of freedom against predatory aggression. An unwilling Samson, this nation shorn of its locks would cause catastrophe scarcely measurable throughout the world.

Hence he was a General of the Armies, an Admiral of the Navies without rank whose leadership was recognized throughout the military—from top to bottom. As a blunt man unafraid to command, he reminded many of the late George Patton, whose derring-do in World War II saved thousands of lives.

Even as the shadow of death fell across his last years, Mendel Rivers apologized to none for his devotion to national security, his love for his state, and his affection for all Americans.

While he breathed, he was criticized for seeking South Carolina's share of the military dollar. In truth, he did. All should remember that an ill-fated young President, John Kennedy, often said that it was one of the primary responsibilities of any Congressman to serve the people of his district and his state well, protecting their interests in the jungles of Washington.

Mendel Rivers did not apologize for the just share of military establishments in the Palmetto State. This state has been, and will continue to be, a friend to the military—whether in the Piedmont, the Midlands, the Pee Dee or the Lowcountry.

Patriot, dogmatic warrior, uncompromising orator, Carolinian and—above all—American, this was Mendel Rivers. Peace, he knew, was attainable only through security in our day and in our time. In going hence, as must all men, Mendel Rivers departed to a peace which the world cannot give. But he left the world more peaceful than it could have been without his presence and his purposeful will.

[From the Greenville (S.C.) News, Dec. 29, 1970]

Congressman Mendel Rivers

Congressman L. Mendel Rivers always did his homework well. As a result he was one of the most powerful men in Washington and was unbeatable in the First South Carolina Congressional District.

As chairman of the Armed Services Committee, Congressman Rivers was almost the absolute master of the House of Representatives on military matters. He had the respect and confidence of an overwhelming majority of his fellow legislators.

A believer in strong military forces and strong action to protect American interests, the South Carolinian was intensely disliked by the latter-day liberal establishment. But he proved more than a match for all opponents in battle after battle in the House.

A representative for more than 30 years and chairman of Armed Services for the past five, Congressman Rivers was an acknowledged expert on military affairs. He made it his business to keep in close touch with the far-flung military establishment, traveling all over the world and talking with service personnel of all ranks.

Detractors criticized what they called Representative Rivers' frequent "junkets" to military installations everywhere. But those trips kept the chairman well informed about what was going on in what he regarded as his global military constituency. No matter what happened or where militarily, Mendel Rivers knew what it was—and more important why it was.

He was respected, even revered by career enlisted personnel, because he fought constantly for better pay and better conditions for servicemen and women. He had the confidence of military leaders. He also had that all-important confidence of the House of Representatives and of all Presidents with whom he worked.

He was able to build and keep a coalition of House votes, composed of both Democrats and Republicans, which guaranteed passage of important military legislation. Critics could carp at Congressman Rivers, but they could not prevail against him.

The same situation obtained in his home district, which covers a wide area of lower South Carolina. No matter where he went or how often he went, Mendel Rivers kept in close touch with the people back home. He moved among them constantly, never losing the flavor of his Berkeley County Farm origin.

Because he was powerful in the military world, Congressman Rivers was able to get many military installations for South Carolina, especially in his home district. He was acknowledged as the Charleston area's chief economic asset.

In recent years nobody could touch Mendel Rivers politically. He was the choice of Democrats and Republicans, whites and blacks, throughout his district. He also was his own boss in national political affairs. Some Democrats complained because he spoke favorably of George Wallace in the 1968 presidential campaign, but suggestions that he be "disciplined" by the party in Congress were laughed off.

Congressman Rivers was a strong-willed man with an excellent intellect. He knew what he was doing, why he was doing it, and how to get it done. He had much to do with keeping this country's military guard up in the face of increasing disarmament pressure.

Because dangerous world conditions make military strength mandatory, Congressman Rivers' death Monday was a severe loss to the nation and the free world. Already doubts are being expressed about whether the "military coalition" he built will survive his passing.

For South Carolina the loss is immense. A strong voice in national affairs has fallen silent. A powerful developer of military installations in the state has gone. The entire state, especially the Charleston area, can suffer economically and otherwise.

More important, however, the nation and the free world have lost a stalwart patriot, a giant who cannot be replaced easily or quickly.

[From the Rock Hill (S.C.) Evening Herald, Dec. 30, 1970]

Powerful Leader Dies

Rep. L. Mendel Rivers, the flamboyant congressman from Hell Hole Swamp in Berkeley County, is dead.

No longer will South Carolina and the nation hear the white-haired congressman's fiery oratory that has been his trademark for these many years.

Not only has Charleston County and the first congressional district lost a powerful leader, but Rivers' death will have lasting effects on the state and the nation.

The controversial congressman built a lasting memorial to himself in Charleston County, in particular, by pouring defense funds into the area to establish military bases and to strengthen the ones that were in existence when he took over as chairman of the powerful armed services committee.

Mendel Rivers was proud of his record in Congress, almost to the point of being a braggart. But most will agree his accomplished tasks for his constituency and military men were worth boasting about.

He was tenacious and outspoken as he fought brilliantly for the military complex during his career in the House that spanned 30 years.

In 1966, Rivers held the military procurement bill in committee and stated: "We'll keep it here until hell freezes over unless the Senate orders McNamara to build two Nuclear powered frigates."

Less than four years later, Rivers officiated at the laying of the keel of the South Carolina, a $224 million nuclear powered frigate.

Rivers was an independent politician, shunning the Democratic Party in 1948 to support Strom Thurmond's unsuccessful bid for the presidency. He openly supported Dwight D. Eisenhower for the presidency in 1952—the only Democratic congressman to do so.

He later broke with the Eisenhower administration when the Pentagon pushed to integrate the National Guard.

Rivers' death at 65 removes from the national scene a man who left his mark in the halls of Congress, the Pentagon and South Carolina.

He will be missed equally by a soldier in Vietnam, a sailor on the ocean, a lawyer in his district, and his colleagues in the U.S. House of Representatives.

[From the Aiken (S.C.) Standard, Dec. 31, 1970]

Rep. L. Mendel Rivers

The American in uniform has lost his best friend.

The death of United States Rep. Lucius Mendel Rivers of Charleston is being felt already in faraway places around the globe, wherever an American serviceman is stationed. In the last few years, a warm affinity had developed between Mr. Rivers, the chairman of the House Armed Services Committee, and the man in uniform.

It was not an uncommon thing for any South Carolinian far from home to get a special greeting from our men in uniform—"because that's Mendel Rivers' home state". Mr. Rivers just about acquired patron sainthood in their eyes.

"He speaks our language," they would tell you.

"He's the man who has our interests in mind, is able to do something and does it," was an oft-heard consensus.

Mr. Rivers was obsessed with a determination to keep this country's military forces strong, in the belief that this was the best way to keep the peace and keep our freedom. He was an out-spoken hawk. He believed in the capacity of our military establishment and he believed it should be used to preserve our position. He believed we should have gone all-out to achieve victory in Korea. He felt we should have mass-bombed Haiphong to destroy North Vietnam's main artery for supplies.

"Military might!" he was wont to say. "It's the only thing those people understand." He openly scorned whatever effect such positions might have had on world opinion.

Mr. Rivers rarely exposed tepid opinions. He felt control of the military establishment belonged in the hands of Congress and made his case forcefully and often. It quickly produced a highly publicized series of confrontations with the then Secretary of Defense Robert McNamara. There were a number of occasions when Mr. Rivers and his committee authorized appropriations in excess of that sought by the military chiefs. Mr. Rivers would tell them plainly that they needed more, whether it was for more destroyers or more hospitals.

He was a champion of advanced military hardware. He took a keen interest in the development of the beleaguered C5 airplane. When the first one was being delivered to Charleston for duty, there was the predictable ceremony. Mr. Rivers was the principal speaker.

To the embarrassment of most persons present—but not Mr. Rivers—the giant droopy-winged airplane dropped a wheel just before it landed safely.

"That's why those planes have 28 wheels," Congressman Rivers said. "It landed safely. It didn't have to use all those wheels."

He then took the opportunity of dismissing critics:

"There are some," he acknowledged, "who would rather have seen a wing drop off. All I can say is to hell with them."

The military people, from generals to privates, admired his unflinching aggressiveness and his courage in the face of criticism that often became intense and personal. His forthrightness if not always his position, was admired by his colleagues of both political parties in the House.

A few months ago, after a bitter attack by a Washington columnist, his fellow congressmen one after another took the floor to lavish praise on him.

Mr. Rivers began his political career as an underdog. Few in Lowcountry South Carolina had given him much chance to be elected to Congress. He came through, and was returned to office 16 times in the ensuing years.

His early years in Congress were spent in the more usual chores of a young congressman: doing what he could for the people of his First Congressional District. It was often said that when it came to looking after the personal interests of his constituents there was not a better representative. He was similarly indefatigable in his efforts to bring new prosperity to a region which, at the time of his election, was still trying to extricate itself from the ravages of the Civil War. He is credited with bringing the big Air Force base to Charleston; a number of defense-related industries; bringing the Marine Air Station to Beaufort; the Veterans Administration Hospital to Charleston, and keeping and strengthening existing posts such as the Charleston Naval Base and the Parris Island Marine Depot.

Comics and critics said that if Mr. Rivers put another military installation at Charleston the whole area would sink into the Atlantic Ocean. On one occasion Mr. Rivers quickly took up the challenge and said he would seek to have the Federal government drive pilings in order to reinforce the entire area so that more military installations could safely be placed there.

Usually he answered such quips straightforwardly.

"Where else," he would ask, "can you find a more deserving people, a more patriotic people, a more efficient people, a more conscientious people, a better climate and a better location?"

When the Charleston area's economy became so heavily supported with the Federal payrolls, it was whispered about that the city's economic structure was but a heartbeat away from collapse. Mr. Rivers' heartbeat.

Mr. Rivers' heart has now stopped beating after 65 years. The Lowcountry area's economy, while still heavily enriched with Federal money, is today quite healthy apart from it. And this pleasant condition to some degree, at least, is attributable to Mr. Rivers' energetic stimulation of the whole economy. The South Carolina Lowcountry's economy is strong enough now to withstand changes in the military presence that likely will come in the months and years ahead. Mr. Rivers' beloved First Congressional District—the Lowcountry of South Carolina—is much healthier now, thanks in large measure to his tireless efforts.

More than 10,000 persons had filed past his casket Tuesday at Grace Protestant Episcopal Church in Charleston. Men in work clothes, bearded youths, political luminaries, shuffling elderly people walking with assistance, white people and black people.

For the most part, they were those residents of the First Congressional District he called "my people".

They had come to say goodbye to an old and trusted friend.

He was a colorful man, an energetic representative. He was a friend to thousands of soldiers, sailors and airmen from every state of the Union who knew him only by name and reputation. He was a personal friend to thousands of South Carolinians. All are saddened by his death.

All will miss the man from Hell Hole Swamp who became one of this country's most powerful men.

[From the Charleston (S.C.) Evening Post, Dec. 28, 1970]

Rep. L. Mendel Rivers, 1905–1970

During 30 years in Congress, Rep. L. Mendel Rivers of Charleston established and enhanced a reputation based on pursuit of two basic courses: a determination to look out for his constituents and an abiding intention to keep the U.S. military strong. That he was able to pair these drives, and while so doing win more Capitol Hill battles than he lost, attested to his political skill and power. His success can be gauged by his re-election record, by counting bases in the First Congressional District and by considering the popularity he enjoyed not only with the folks back home but with men in uniform as well.

A Berkeley County native who knew the simple life and the meaning of work, Mendel Rivers was a natural for the role of champion of the little man, a role he assumed early in his political career. First as a state representative during the Depression of the 1930s and then as a U.S. Congressman he became known as a man to look to for help. By word and deed he fashioned a rapport with Lowcountrymen who returned him to office 16 times with virtually no opposition.

From that support base, Rep. Rivers moved steadily upward through the avenues afforded by Democratic Party loyalty and the seniority system. In 1941, as the lowest ranking member of the old House Naval Affairs Committee, he began plumping for a strong Navy and maritime establishment. He never stopped. By the mid 1950s he was the military's leading advocate in Congress.

The military, Mendel Rivers fervently believed, stands as protector of what he liked to call "our way of life" and he concentrated his efforts on giving the armed forces what he thought they needed to do the job. He pushed through pay raises, went to bat for privates and generals, responded to requests for more and better hardware. He was for economy in government with one exception: defense.

Attaining his goal of chairmanship of the House Armed Services Committee five years ago, he made known his intention to move control of the military back to Congress. The vow put him on a collision course with the civilian chiefs and the result was frequent tests of wills with such adversaries as former Defense Secretary McNamara.

As head of a committee which has a vital say on what the military gets and what it doesn't, Rep. Rivers had strong ideas on the types of ships the Navy needed (nuclear aircraft carriers) and on what kinds of planes the Air Force should get (C5s). Often intolerant of opposition views, he could shout down his critics or cooly ignore them, as he deemed expedient—but he seldom backed down. One way or another he survived attacks of all detractors.

In international affairs he was a consistent hard-liner, a believer in use of force whenever necessary to preserve U.S. position and prestige. He was for all-out war in Korea. He was for deterrent bombing in Vietnam. Repeatedly he advocated mass air attacks on Hanoi and Haiphong if that was what was needed to give American GIs the upper hand and close out the fighting in Indochina. His hawkishness obviously stemmed from strong faith in U.S. military capabilities and an equally strong conviction that the enemies from without understood might and might alone. "I don't give a damn about world opinion," he used to say.

His mind was on the military but not to the exclusion of all else. He had a fierce regional pride and a gift for oratory. He often took to the floor of the House to turn back what he saw as threats to the South, to South Carolina, to its people and traditions. His targets were many and varied. They included the Supreme Court, President Truman, the Washington Post, foreign aid, big spending by national-level Democrats. With the first school desegregation rulings, Mr. Rivers called for interposition of state sovereignty between federal agencies and the schools. Like John C. Calhoun, whom many said he tried to emulate, he urged nullification by states of the federal mixing acts.

But through the years, improvement of the U.S. defense posture was the theme upon which Mendel Rivers dwelt. Building up the Navy was perhaps his favorite project but Air Force and Army alike got their share of his attention.

Given his temperament and bombastic approach to objectives, it was inevitable that he attracted critics. Some accused him of loading his home district with defense establishments. His answer, if he answered, was that from geographic and economic standpoints, coastal, S.C. sites were logical ones. He was, in fact, proud that he "sponsored 90 per cent of the military installations in the (Charleston) area." For better or for worse, there can be little doubt that the metropolitan economy is weighted by the military.

Yet it must be said that with it all, the recognition achieved, the influence attained and exercised, the accomplishments of Rep. Mendel Rivers are counted best in terms of what he did for the country and the people he believed in, rather than in terms of what he did for himself.

His death at 65 removes from the national scene a man who left his mark in the halls of Congress, in the offices of the Pentagon, and especially on the face of the Carolina Lowcountry. Because of an extra effort he exerted there, a favor granted here, he will be remembered equally well by a soldier in Vietnam, a sailor on the Atlantic, a lawyer on Broad Street, a farmer in Berkeley County. As are they, and thousands of others in government and out, we are saddened by his passing and by the void it creates.

WSPA-TV EDITORIAL

SPARTANBURG, S.C.,
January 7, 1971.

So many tributes have been paid to Mendel Rivers that there is little WSPA can add either to the eulogies that have flown not only in South Carolina but throughout the Nation.

Even the anti-southern and ultra liberal columnists who dogged his every step after he became the powerful Chairman of the House Armed Services Committee have had some nice things to say about the departed South Carolinian.

From Hell Hole Swamp in Berkeley County to the high position he held on Capitol Hill was a long, hard journey for Mendel Rivers. He moved to Charleston and hung out his shingle to practice law. He began the practice of law in the depression years, and in 1936 he took a minor position with the Department of Justice. Those who knew him in the Roosevelt Administration never dreamed some day he would become one of the most powerful men in Washington.

Rivers was a States' Rights Democrat of the first order. His political views were closer to those of George Wallace than they were to Hubert Humphrey, but he would never stray so far off the reservation to have his party loyalty and Democratic Chairmanship questioned. Yet at no time did he fail to express his convictions or stultify his conscience.

In recent years Congressman Rivers has given a luncheon honoring the Speaker of the House. To attend one of these luncheons was to see the South Carolinian operating at his best. His Charleston friends would fly up quail and she crab soup. The large dining room in the Rayburn Office Building overflowed with dignitaries from all branches of the government and friends from all walks of life.

Only last February Mendel Rivers honored his good friend John McCormack. Now that Rivers has gone and McCormack retired, Capitol Hill will not be the same.

Congressman Rivers' last public appearance before he entered the hospital in Birmingham for his heart operation was at the laying of the keel of the U.S.S. South Carolina at Norfolk on December 1st. There he warned of the increasing strength of the Russian Navy and said he was not sure "we could beat them if we met them on the high seas".

"A lot of our battle wagons would take off for the battle, but they wouldn't get there, because 80 percent of your Navy is old and 80 percent of their Navy is new."

And what Mendel Rivers said in concluding his speech at the laying of the keel of the U.S.S. South Carolina could well serve as the epitaph for his memorial:

"I am determined, as is your great Committee on Armed Services, that in your lifetime your Navy will not melt away, or as Kipling said in his famous lines:

"Far-called our navies melt away;
On dune and headland sinks afire:
Lo, all our pomp of yesterday
Is one with Nineveh and Tyre."

"And Lord God—Lord God, be with us—lest we forget this commitment with our destiny which I plan to keep, so help me God."

[From the (D.C.) Daily News, Dec. 29, 1970]

L. MENDEL RIVERS

In Washington, in Army, Navy and Air Force circles and in Charleston, S.C., Mendel Rivers was a big name. If the name didn't have such key significance elsewhere, that suited its owner.

When Mendel Rivers died this week he had been a major influence in the House of Representatives and in the Pentagon for many years. He had made a career of helping the armed forces to meet their needs. And his home district of Charleston was liberally favored with military installations.

His seniority in the House (30 years) didn't elevate him to the chairmanship of the Armed Services Committee until 1965, but he had been a committee member and growing power since 1941. Few members of Congress used power more adroitly.

He had the respect, if not always the wholehearted admiration, of the House and it was a rare occasion when a majority voted against his wishes. As a result, he was an idol of the military forces and their well-organized alumni.

He had such a hold on his committee, despite the large and changing membership, that in 1968 it hung a life-size portrait of Rep. Rivers in its hearing room—and all the high brass of the Pentagon was there. Only recently, the Air Force Association and the Navy League sponsored a luncheon, attended by 3,000, in his honor.

Rep. Rivers often drew fire for his adamant affection for the military establishment, but this left him unaltered; he held such lack of understanding in a kind of scornful pity. He had picked his niche in politics, and he made the most of it.

The new Armed Services Committee chairman will be Edward Hébert (pronounced A-bear) who once said of Rep. Rivers:

"Mendel went to the Naval Affairs Committee the year before I did and I followed him there and I have been following him ever since."

Rep. Rivers has left behind much more than a portrait in the hearing room.

[From the Columbia (S.C.) State, Dec. 29, 1970]

MENDEL RIVERS: THE MAN BEHIND THE FRONT LINE

Who was L. Mendel Rivers?

He was either an ogre, complete with horns and a forked tongue, spitting fire, blistering his enemies and the enemies of the United States military establishment.

Or he was a Santa Claus, lavish with his gifts, protective of his "children"—the armed forces and the First Congressional District of South Carolina.

Or he was the last of a breed of politicians, usually associated with the South, a Claghorn if you will, dramatic in appearance, florid in speech, excessive in conduct, actions, and words, possessed of the ability to at once delight, entertain, and outrage.

Or he was freedom's greatest defender, the man most responsible for keeping the United States the most powerful military nation in the world during a trying period when termites of timidity sought to gnaw their way into the very foundations of that power.

Whatever he was, Mendel Rivers was an original; he made his own political mold and then broke it. Now that he is dead there will never be another quite like him.

This thought will not displease those, here and abroad, who despised the man for some of the very reasons that others thought him great. The doves of America, in Congress and elsewhere, considered him the nation's No. 1 hawk, thought that he abused his power as chairman of the House Armed Services Committee to the benefit of himself, his state and district, his region, and the military forces. The enemies of democracy and freedom feared him as a man totally dedicated to the defense of those concepts wherever they were threatened in this world.

But his death will sadden, even frighten, those that know the containment of Communism lies in the moral and military strength of America, in its willingness and ability to carry out its commitments to the cause of freedom in the world.

Here in South Carolina, we appreciated this man as one who acted out the American dream, who rose from the poverty and backwardness of Hell Hole Swamp to become one of the most powerful men of his time. We rather enjoyed his blunt, often hyperbolic statements, delivered in that characteristic voice with its Lowcountry cadence. We excused his weaknesses. We marveled at his ability to play the role of the political maverick, supporting Dixiecrat and Republican presidential candidates, flirting with a George Wallace, while maintaining his power seat in the Democratic Party. We admired his devotion to his state as manifest in his many tangible contributions to its economy.

But Mendel Rivers' most ardent supporters were the members of the armed forces, from private to general, who formed his larger constituency. Rivers interpreted the clause in the Constitution giving Congress the responsibility of maintaining the military as a fundamentalist interprets the story of the Creation. In defending that responsibility, and with it the welfare of the men who fight America's wars and guard the bastions of freedom the world over, he feared no foe. He would stand eyeball-to-eyeball with the mighty and not flinch.

Mendel Rivers once said, "I've got a sense of greatness . . . I'm not gonna let my name go down to the dreamless silence of the tongueless dust." Whether he was great, history will judge. But no dreamless silence will follow in the wake of Lucius Mendel Rivers. A physical and emotional vacuum, yes, and the deep sense of loss that always accompanies the death of a striking personality who was, from beginning to end, a patriot.

[From the Allendale (S.C.) County Citizen, Dec. 31, 1970]

L. MENDEL RIVERS

The death of Mendel Rivers means many things to many people:

To his family, loss of a husband and father;

To fellow South Carolinians departure of an honored representative who looked out for his constituents in countless ways;

To the military—from generals to GIs—deprival of effective support in government;

To enemies of the American Republic, both abroad and at home, defeat of a valiant adversary;

To politicians, reshuffling of the power structure;

To the nation, the passing of a Patriot tall in stature and strong in action.

We knew Mendel Rivers from the beginning. A poor boy in terms of money, he had the richness of decent upbringing. Despite his carefree manner, he soon developed a keen sense of purpose that carried him to law school and into politics.

From the state legislature he mounted the ladder to Congress. Realizing the importance of the Charleston Navy Yard to the First Congressional District, he found a place on the Naval Affairs Committee. He grew with experience and helped to arm the country for the conflicts of his time.

In the process, Rep. Rivers earned the label "controversial"—meaning whatever the user of the word intends it to mean. To us, he was fighting for the flag. Though he never wore a uniform, he was in the thick of combat where it counts in the defense of a great country. Whatever else may be said of Mendel Rivers, he never let his country down.

The details of his career in politics will be recounted and remembered in many media. Announcement of his death topped the morning broadcasts reverberating around the world wherever U.S. service men are stationed. Our enemies also are taking note of the turn of events triggered when a heart stopped beating yesterday morning in a hospital bed at Birmingham.

Along with grief, we feel today a keen sense of gratitude of this man whom we liked and admired through the years. He had many qualities: a quick mind, a kindly nature, matched with the toughness that fitted him for a rugged career. He had an inner faith that directed his life: faith in his community, his country, his people and above all, faith in God. In a period of questioning, in a political arena where every word and deed is challenged, Mendel Rivers possessed a built-in compass that guided his way through life. When the boy from Gumville reached the halls of fame, he walked with sure tread.

Mendel Rivers had boundless energy. Rising at an incredibly early hour, he pounded through a daily routine at age 65 that would have floored a lesser man. Being human, he was not perfect. We leave to others the task of reciting his flaws. We counted him a friend.

His deaths leaves a vacuum of unpredictable size. At this moment of sorrow we shall not try to survey the possibilities. We know it will be hard to fill his shoes. He will be missed in many quarters. Much more remains to be said about this man and his accomplishments. Today we mourn, and salute a gallant warrior at rest.

[From the News and Courier, (Charleston, S.C.) Dec. 31, 1970]

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[From the Charleston (S.C.) Evening Post, Dec. 28, 1970]

REP. RIVERS DIES OF HEART FAILURE

DEATH CAME 16 DAYS AFTER OPERATION

BIRMINGHAM, ALA.—Rep. L. Mendel Rivers, the fiery powerful head of the House Armed Services Committee, died early today at University Hospital here, hospital officials said. He was 65.

The South Carolina Democrat had open heart surgery Dec. 11 to replace a leaking mitral valve with a plastic valve. Sunday, he suffered a series of heart stoppages, but heart action was restored, though the hospital said Rivers remained seriously ill.

Rivers' heart had stopped at least once previously, on Dec. 20, but a doctor revived him.

In a statement Sunday, the hospital said: "The persistent tendency toward this type of irregularity indicates continuation of the long-standing preoperative heart failure."

At 1:40 a.m. CST today, Rivers died of what a spokesman said was continuing heart failure.

A family spokesman said Rivers' funeral will be held at Grace Episcopal Church in Charleston, S.C., and he will be buried near his parents at St. Stephen, S.C.

The date of the funeral was to be determined after Rivers' family returned to Charleston late today. Rivers' body was to be flown to his home today and funeral arrangements will be handled by Stuhr's.

Survivors include the widow, Mrs. Margaret Middleton Rivers; one son, Lucius Mendel Rivers Jr. of Washington; and two daughters, Mrs. Robert G. Eastman of Bloomington, Del., and Miss Lois Marion Rivers of Los Angeles.

Rivers, in his capacity as chairman of the House Armed Services Committee, ranked as one of Congress' most powerful voices for U.S. military superiority.

First in line for Rivers' chairmanship is Rep. Philip J. Philbin, D-Mass., but he was defeated in the November elections so would be chairman only for the few remaining days of the 91st Congress.

Thus under Congress' seniority system, Rep. F. Edward Hébert, D-La., who will be the committee's top Democrat in the next—92nd—Congress, will succeed Rivers as chairman.

Hébert said today he will pursue the same goals as Rivers when he takes over as chairman of the committee.

"I don't expect any immediate changes in the way the committee is run," Hébert said. "Nor do I intend to make any changes.

"I'll be seeking the same goals that Mendel did."

Hébert, 69, said the chairmanship involves "awesome responsibility. The Louisiana Democrat said he and Sen. John Stennis of Mississippi, chairman of the Senate Armed Services Committee, would be overseeing a military budget in excess of $80 billion.

Hébert and Rivers entered Congress in 1941. Both have long advocated a strengthened military.

Hébert headed the special My Lai subcommittee which concluded last summer that field military and State Department officers in Vietnam deliberately tried to cover up the alleged massacre.

Rivers betrayed no sign he was about to undergo heart surgery when he won House approval Dec. 7 of a resolution commending the Army commando raid on a North Vietnam POW camp.

Earlier that day he had been presented an admiral's field cap with "The Big Boss" and six gold stars emblazoned across it by the first planeload of 198 Vietnam GIs who got $376 round-trip flights home that Rivers had helped arrange.

With flowing white hair, the style of a Southern gentleman and an erect 6-foot-3 frame, he was the Hollywood idea of a congressman and he liked to lace his debate with quotations from poetry and the Bible.

His five-year chairmanship of the committee was marked by tough language—"Retaliate! Retaliate! Retaliate! he boomed after Hanoi's Tet offensive on South Vietnam—and determination to maintain military superiority over the Soviet Union.

Some of his critics contended he used the Soviet potential for trouble and the power of his chairmanship to ride roughshod over efforts to reorder priorities for an adequate defense that would leave more money for domestic problems.

[From the Charleston (S.C.) Evening Post, Dec. 29, 1970]

MOURNERS BRAVE CHILLING DRIZZLE

(By Charles Hunter)

A light, chilling rain began falling today shortly after the flag-draped casket of Rep. L. Mendel Rivers was carried into Grace Episcopal Church at 9:15 a.m.

When the doors of the church were opened briefly at 10 a.m. for the public to enter, the rain had increased and the temperatures dropped.

Mrs. Rivers, her son and two daughters arrived at 10:20 a.m. to meet with other relatives seated near the casket in the sanctuary.

Church officials stopped the line of visitors while the family met and the casket was opened for viewing.

The family was inside the church for 45 minutes. The rector of Grace Church, the Rev. Ralph S. Meadowcroft, joined the family and led them in a prayer before the church doors were reopened and visitors allowed to enter at 11 a.m.

The casket was left open.

Visitors stood in the rain under dripping umbrellas and reminisced about the silver-maned congressman from Charleston who regarded as one of the most powerful men in Washington as chairman of the House Armed Services Committee.

All were in agreement that Rep. Rivers will be "terribly missed."

"How many favors do you think this man has done for others," one elderly Charlestonian asked.

"Thousands, you just could not count all of them," another replied.

"He always gave you an answer even though it might not be the one you wanted," a third added to the conversation.

The church will remain open all night. An honor guard from the Air Force Base is scheduled to stand guard during the night, beginning at 9 p.m.

City police and plain clothed detectives are at the church to help with the crowd which is expected to increase this afternoon and tonight.

During the morning and early afternoon, visitors were moving rapidly through the church paying their last respects to the man armed servicemen throughout the world have called "our champion."

[From the Charleston (S.C.) Evening Post, Dec. 29, 1970]

RIVERS SERVICES ARE TOMORROW AT GRACE CHURCH—CONGRESSMAN TO BE BURIED AT ST. STEPHEN

(By Jack Leland)

Funeral services for Rep. L. Mendel Rivers will be held in Grace Episcopal Church at 1 p.m. tomorrow. Burial will be in St. Stephens Episcopal Churchyard at St. Stephen, the Berkeley County town near which the congressman was born.

The body was placed in Grace Church at 10 a.m. today. It will remain there until the funeral and the church will be open all night.

The funeral will be attended by federal, state, military and local leaders. Defense Secretary Melvin L. Laird will lead the Nixon administration's official delegation which will include the joint chiefs of staff.

Members of the House Armed Services Committee, which Mr. Rivers headed, also will attend, as will South Carolina's congressmen and senators, Gov. McNair, Gov.-Elect John C. West and other state officials.

Two planes with about 200 persons aboard are scheduled to arrive from Washington, D.C. at noon tomorrow. The dignitaries aboard will be taken to Grace Church aboard buses with police escort.

All state, city and county offices here will be closed from noon until 2 p.m. for the funeral. Mayor Gaillard today issued a request that all business and offices in the city close during that period also.

Grace Church, at 98 Wentworth Street, is an antebellum structure with a seating capacity of about 650.

Rivers' body was flown to Charleston yesterday in an Air Force jet. He died early Monday morning in a Birmingham, Ala., hospital where he had undergone heart surgery Dec. 11.

Surviving are his wife, Mrs. Margaret Middleton Rivers; a son, Lucius Mendel Rivers Jr. of Charleston; two daughters, Mrs. Robert G. Eastman of Wilmington, Del. and Miss Lois Marion Rivers of Los Angeles; two sisters, Mrs. Blanche Odom of Charleston and Mrs. Madge Danley of Bradenton, Fla., and two grandsons.

Adm. Thomas H. Moorer, USN, chairman of the joint Chiefs of Staff will head the military delegation with Laird. The armed services chiefs are Adm. Elmo Zumwalt, Navy, Gen. William C. Westmoreland, Army, Gen. John D. Ryan, Air Force, and Gen. Leonard F. Chapman, Jr., Marine Corps.

While tributes to the congressman began arriving yesterday personal tributes began when the Air Force jet carrying his body landed at the Charleston Air Force Base yesterday afternoon. Airmen working on planes at the base stopped and joined a 16-man honor guard as the casket of the "Serviceman's champion" was lowered to the ground on the base he helped create.

Rep. Rivers' illness and operation came as a surprise to his closest associates. The 65-year-old Berkeley County native had continued his normal 6 a.m. to midnight routine up to the time his office announced he would be hospitalized.

Only a week prior to the operation, he spoke at Newport News, Va., and used that occasion to continue a long-standing feud with former Defense Secretary Robert S. McNamara.

Following the operation, which physicians declared was a success. Mr. Rivers appeared to be recuperating normally until Dec. 21, when his heart stopped beating. A physician revived the ailing organ and again the congressman seemed on the road to recovery when the final attack came Monday morning.

The family of Rep. Rivers has established a memorial heart surgery research fund at the University of Alabama Medical Center at Birmingham. Contributions should be sent to the center's Department of Surgery.

State and municipal flags and those of military installations and ships were ordered to half mast in memory of the First District representative. The national press, as well as television and radio newscasters gave space and time to the man who was considered one of the most powerful congressmen in Washington because of his position as chairman of the Armed Services Committee.

[From the Charleston (S.C.) Evening Post, Dec. 29, 1970]

TRIBUTE PAID RIVERS BY MANY DIGNITARIES

(By Fred Rigsbee)

From the President of the United States down to local politicians; from generals down to privates; from wealthy businessmen to blue collar workers, tributes to the late L. Mendel Rivers pour in.

He was a serviceman's service man, an enlisted man said.

Congressman Rivers, chairman of the powerful House Armed Services Committee, was never too busy to look after the little man in his first Congressional District.

Those paying tribute to the congressman remember how he looked after individual problems of his constituents as well as group problems. One mourner recalls how Rivers helped him reinstate his GI insurance. Another recalls how the congressman, using his influence, pulled the local shipyard out of a cutback.

Rivers was a "patriot who held unswervingly to the belief the freedom that exists in the modern world is inextricably tied to the military strength of the United States," President Nixon said.

Vice President Spiro T. Agnew said "Mendel Rivers was a dedicated soldier in the ranks of public service. He was a patriot whose loss will be deeply felt by his fellow Americans."

Rivers is best remembered by his mourners as a strong supporter of the military who felt that only through strength could peace be obtained.

Alabama Gov. Albert Brewer summed up this feeling by saying that Rivers should have major credit "for the strong defense posture of our nation."

Rep. Carl Albert, D-Okla., House majority leader, called Rivers one of the most brilliant and talented members of the body.

"No man in America, including our presidents, has done more for our national defense than Mendel Rivers," said Sen. Strom Thurmond. "He stood watch for these past three decades at the frontiers of our national security, his accomplishments were great and our nation is poorer by reason of his death."

Sen. Ernest F. Hollings, said: "Mr. Rivers had the courage of his convictions and never failed to stand up for his beliefs even when they were unpopular."

Rep. W. J. Bryan Dorn called Rivers one of the greatest leaders in modern history. "He was devoted and dedicated to the cause of peace. He believed that peace could only be obtained through strength and that weakness invited aggression and war."

The congressman "dedicated himself to ensure that his nation and countrymen could enjoy the blessings of freedom and security," said Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff.

Defense Secretary Melvin Laird said "the United States has suffered the loss of a great patriot and one who has worked ceaselessly to assure the security of this nation."

Flags are flying at half-mast at military bases across the nation in respect for the congressman.

"No man ever lived who was more wholeheartedly dedicated to the defense of this nation than Mendel Rivers. Those of us who are convinced that a strong defense is our main hope for a continued peace have lost a champion," said Sen. Richard B. Russell, D-Ga.

Sheriff John E. Seigler of Colleton County said of Rivers' death: "It's one of the greatest losses South Carolina has suffered since the War Between the States. He was the father of South Carolina."

"He never got away from his people," said Berkeley County Sheriff John W. Hill. "I've never known a man in public life who thought of his people as Rivers did."

"He was my idea of a statesman. A man who staunchly advocated those things that were good for his country regardless of their impact upon his own future. He will be sorely missed by Charlestonians, by South Carolinians and by all Americans," said Gen. Mark Clark, former chief of Allied Forces in Korea and president emeritus of The Citadel.

Among others who have publicly paid tribute to Rivers are Brig. Gen. Thomas R. Kennedy, commander of the 437th Military Airlift Wing at the Charleston Air Force Base; Rear Adm. Charles N. Payne, commander of the Charleston Navy Shipyard; Brig. Gen. Claire T. Ireland Jr., vice commander of the 21st Air Force at McGuire Air Force Base, N.J.; Maj. Gen. O. F. Peatross, commanding officer of the Marine Corps Recruit Depot at Parris Island; and Gen. James Duckett, president of The Citadel.

Also Mayor Gaillard; evangelist Billy Graham; Gov. McNair; governor-elect John West; Rep. F. Edward Hébert, D-La.; James B. Edwards, First Congressional District Republican Party chairman; S.C. Rep. F. Julian LeaMond; S.C. Sen. Robert B. Scarborough; S.C. Rep. Brantley Harvey Jr., S.C. Rep. James H. Moss; and Wilmot Riley of the State Executive Committee.

[From the (Hilton Head Island, S.C.) Island Packett, Dec. 31, 1970]

L. MENDEL RIVERS

Much as L. Mendel Rivers will be missed as a man, his death was a greater loss to this shore. His personality pleased many and disturbed some but he seemed almost to assure a permanent strength for the South Carolina Low Country in the affairs of the nation.

Now while it is to be hoped that an able successor may be chosen, no man can quickly replace him. It required thirty years in Congress for Representative Rivers to acquire the place and power he possessed in the Capitol and the Pentagon. Indeed, in this military age he was, as chairman of the House Armed Services Committee, one of the most powerful men in the republic. He exercised that power in the service of his country. Also he so carefully tended the interests of his district that citizens erected a monument to him in his lifetime.

This region has been enriched as a result of his seniority in Congress, particularly in its military and marine installations. Now under this system of seniority in the selection of committee chairmen, the man who follows him will have to begin at the bottom in the slow ascent to power. His job will not be so great but probably more difficult than Mendel River's tasks were in his last years. This makes it essential that the constituents he served select the ablest citizen available for the sadly empty seat.

[From the Charleston (S.C.) Evening Post, Dec. 30, 1970]

REPRESENTATIVE RIVERS BURIED NEAR HIS BIRTHPLACE—SERVICES HELD AT ST. STEPHEN

(By Charles Hunter)

Rep. L. Mendel Rivers, champion of the serviceman and defender of the military, was laid to rest today in the small Lowcounty county where he was born 65 years ago.

Funeral services for the Charleston congressman were held at Grace Episcopal Church cemetery at St. Stephen, about 40 miles from Charleston.

The nation's top military and governmental leaders as well as his "own people" attended the funeral and burial.

The 65-year-old congressman died early Monday, 17 days after he underwent open heart surgery at the University of Alabama Hospital in Birmingham.

A ceremonial unit of military pallbearers from Fort Myer near Arlington Cemetery in Washington, D.C., carried the casket from the church for the trip to St. Stephen.

The services opened with the hymn "Onward Christian Soldiers". Later, the "Navy hymn" ("Eternal Father Strong To Save") was sung.

About two-thirds of Grace Church was reserved for the family and the official party from Washington. Admittance to the church was on a first-come, first-served basis.

The Rev. Ralph S. Meadowcroft, rector of Grace Church, officiated at the funeral services. The regular Episcopal service for the dead was used.

Mr. Meadowcroft was assisted by the Rev. John A. Hamrick, president of the Baptist College at Charleston; the Rev. Carl McIntyre of Collingswood, N.J.; and the Rev. Michael Jones, assistant rector of Grace Church.

The fiery Democrat, whose 6-foot-3 frame and flowing white hair made him the vision of a Southern lawmaker, was chairman of the powerful House Armed Services Committee.

Thousands of Charlestonians and Lowcountry residents and servicemen from nearby bases had filed through Grace Church to pay their last respects to Rep. Rivers, who served the state and his district in the U.S. House for 30 years. He had been re-elected without opposition last month to his 16th consecutive term.

An estimated 7,500 persons visited the church to pay their last respects before the services.

The Congressman's casket was placed in the nave of the 122-year-old Episcopal Church early yesterday and the doors to the church were open all night for mourners to pay their last respects.

A five-man honor guard representing all the military services stood guard over the closed casket during the night. A guard of city firemen stood beside the casket during the daylight hours yesterday and today. The casket had been opened during the day, but was closed at 9 p.m. when the honor guard began its vigil. The bronze casket was unadorned except for the flag. The congressman's family had requested that in place of flowers, donations be sent to a heart fund at the University of Alabama Hospital.

The congressman's childhood and early political friends were among the steady stream of mourners who filed by the casket. A steady rain fell during most of the day after the church was opened at 10 a.m. yesterday to visitors, but the cold drizzle did not deter the mourners.

The Visitors included men in work clothes, bearded youths and miniskirted girls, young children and elderly persons who had to be assisted into the church. All races were represented in the parade of mourners. Servicemen and women from nearby military bases also visited the casket of the congressman who spent much of his life battling for funds for the military.

Mourners came throughout the night to file past the flag-draped casket in the historic church and scores more poured in at dawn today to pay their respects before heading off to work.

Rep. Rivers was buried near the graves of his parents in the St. Stephens Episcopal Churchyard. Born in the small Berkeley County community of Gumville in 1905, Rep. Rivers moved with his family shortly afterwards to a farm near St. Stephen. The congressman actually spent most of his childhood in North Charleston where his family moved after his father died.

Defense Secretary Melvin R. Laird represented President Nixon at the funeral, and leaders from across the South, including Gov.-Elect George Wallace of Alabama, outgoing Gov. Lester Maddox of Georgia, and Gov. John Bell Williams of Mississippi, also paid their respects—along with many top military and government officals.

The gothic church accommodates only about 650 persons, but speaker systems were set up at the Episcopal Cathedral of St. Luke and St. Paul at Coming and Vanderhorst streets and the Summerall Chapel on The Citadel campus to handle the anticipated overflow crowd. An additional 200 seats were set up in the church's parish hall at Glebe and Wentworth streets.

The Charleston Naval Shipyard held memorial services honoring Rep. Rivers. Employees of the shipyard and the Naval Supply Center attended the 11:30 a.m. service in front of the yard power plant. Rear Adm. Charles M. Payne, shipyard commander, and Sixth Naval District chaplains participated in the service.

A memorial service was conducted at the same time at Washington's National Cathedral, which President Nixon was expected to attend.

The official party from Washington arrived at noon aboard two planes. Included among the approximately 200 persons on the planes were Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff; Adm. Elmo R. Zumwalt, Jr., Navy; Gen. William C. Westmoreland, Army; Gen. John D. Ryan, Air Force, and Gen. Leonard F. Chapman, Jr., Marine Corps. Gen. Nathan F. Twining, former chairman of the Joint Chiefs of Staff, also attended the services.

Members of the Armed Services Committee attended the services, also arriving in Charleston about noon. South Carolina's entire congressional delegation also came to Charleston for the funeral. Gov. McNair led a number of state, county and city officials to the funeral services.

[From the Dallas (Tex.) Morning News, Dec. 29, 1970]

L. MENDEL RIVERS DIES IN ALABAMA

BIRMINGHAM, ALA.—Rep. L. Mendel Rivers, chairman of the powerful House Armed Services Committee, whose unyielding Defense of the military won him the praise of presidents and privates alike, died here Monday of heart failure.

The 65-year-old South Carolina Democrat had undergone open heart surgery at University Hospital Dec. 11 to correct a deficiency thought inherited from childhood, but he failed to fully respond.

Doctors had said that without the operation, Rivers, a 16-term congressional veteran, would have become an invalid.

The funeral will be held Wednesday at Grace Episcopal Church in his hometown of Charleston, with burial at St. Stephens, S.C.

Survivors include his widow, Mrs. Margaret Rivers, a son, Lucius Mendel Rivers, Jr. of Washington, two daughters, Miss L. Marion Rivers of Los Angeles and Mrs. Robert Eastman of Wilmington, Del., and two sisters, Mrs. Blanche Odom and Mrs. Madge Danley.

Lucius Mendel Rivers believed in a mighty America. He considered tanks and ships and planes essential for the country's survival. And he thought the power should be used readily and unsparingly against the nation's enemies.

He was unmoved and unabashed by the antimilitary and antiwar sentiments that gained increasing currency during his last years and, indeed, was confident that events would sustain his more aggressive views.

As chairman of the House Committee on Armed Services, he brought under his wing every man and every institution engaged in the defense effort and thought its importance entitled them to a certain leeway and forgiveness.

He considered it his responsibility—not the Defense Department's—to raise and oversee the spending of the tens of billions of dollars these men and institutions required each year, and he did so with considerable national and global effect.

Rivers was born in Gumville, S.C., a crossroads near Charleston, and in some ways he came to embody much of the temper and style associated with that aristocratic port city.

Certainly he handled programs and budgets, hearings and debates, admirals and bureaucrats with the unwavering and almost imperious assurance of a blooded grandee whose sensibilities are firm and set.

He studied the details of military operations, installations, and hardware with diligence, and it was said that he could identify any American plane on sight and could remember the type of engine on craft long obsolete.

He remained a faithful ally and protector of the enlisted man, pushing through substantial pay increases and other benefits for them. He himself never served.

Soldiers in the field could, and did, write to Rivers about their troubles, and he was usually pleased to challenge the brass in their cause.

Rivers had an explosive temper, and he could be bullying in committee and harsh on the floor. But he also possessed a sense of humor (including, a colleague said, the ability to laugh at himself) and a soft, easy charm.

Rivers worked his way through three years at the College of Charleston and two at the University of South Carolina law school.

He was admitted to the bar in 1932, and from 1933 to 1936, he served in the South Carolina House of Representatives. He then worked four years as a special attorney for the Department of Justice.

It was during this time that he met Margaret Simons Middleton, a Charleston debutante. They were married Sept. 1, 1938, and had three children.

He won a come-from-behind election to Congress on Nov. 5, 1940, and, with the help of James Byrnes, then a powerful South Carolina senator, obtained an empty seat on the old Naval Affairs Committee.

Rivers emerged as perhaps the least conservative member of South Carolina's congressional delegation. He supported housing subsidies, the food stamp program, some antipoverty bills and mass transit measures.

And few doubted his value in at least one sense: He packed the area around Charleston with defense installations to a degree unusual even for Southern members of the House and Senate Armed Services Committees.

The Army has a depot there; the Navy a base, a shipyard, a supply center, a hospital, a weapons station, and other facilities; the Air Force a base; the Marines an air station and a training center; the Coast Guard a station and mine warfare center.

Their combined payrolls are said to account for more than a third of the area's total, and during Rivers' chairmanship five or six major defense contractors established plants there with contracts worth hundreds of millions of dollars more.

Some in Washington search periodically for evidence that Rivers promoted defense mainly because of local and even personal benefits received in the process, but none was ever found.

Rivers assumed the committee chairmanship in January, 1965, just before the first major escalations of the war in Vietnam.

He gave the military leaders most of what they wanted and some things they hadn't even thought about, and he worked hard at restricting the policy-setting authority of the civilian manager in the Pentagon.

There was a time when the chairman had a problem with alcohol, and the late columnist, Drew Pearson, denounced him as a security risk. The House rallied immediately and praised Rivers in extensive floor speeches.

One of the strongest came from the speaker, John McCormack. "Mendel Rivers is one of the greatest Americans I have ever met," he said of his close friend. In his later years, Rivers swore off drinking entirely.

[From the Washington (D.C.), Post, Dec. 29, 1970]

L. MENDEL RIVERS DIES; CHAMPION OF MILITARY

(By William Greider)

Lucius Mendel Rivers, congressional godfather to the military, died early yesterday, the flamboyant champion of the lowliest GIs and of the mightiest defense contractors.

His body was flown in an Air Force jet from Birmingham, Ala., to Charleston, S.C., where his funeral will be held at 1 p.m. Wednesday at Grace Episcopal Church. He will be buried at St. Stephen, S.C., near the graves of his parents.

Rep. Rivers was 65 years old and at the pinnacle of his authority as chairman of the House Armed Services Committee, where he stood for superior military strength as America's best security for a peaceful future.

Yet, in the midst of a troubling war and deep domestic strife, the South Carolina congressman also came to be a living symbol of "the military-industrial complex"—that mixture of patriotism and pork-barrel politics which seems ever in quest of larger defense budgets.

He will be best remembered, probably, as a congressional figure with his own flavorful style, the flowing white hair, the tart tongue, the occasional demands for a warrior's vengeance, the single-mindedness which seemed courageous to his friends, dictatorial and dangerous to his opponents.

"You are the only crowd who must die," Rivers told an audience of soldiers once. "You haven't done a thing for me but save me in four world wars . . . Of course, you have enemies—not just in Hanoi, you got enemies in Washignton."

President Nixon led the national tributes to the congressman, who died 17 days after undergoing open-heart surgery at the University of Alabama hospital.

"I have lost a friend upon whom I could rely in times of great difficulty," the President said. "South Carolina has lost one of the most distinguished men in her history and America has lost a patriot."

Three months ago, when he was shepherding the massive military-procurement bill through the House, Rivers gravely warned his colleagues again of the Soviet threat and his fear that the U.S. "seems hell-bent on national suicide" with its failure to develop new armaments.

Yet the powerful congressman pleaded also with his critics not to dismiss his warning "as the shrill cries of a hawk who is suffering the agonies of reduced expenditures."

USED TO BEING HEEDED

In Congress, despite the wave of anti-Pentagon sentiment in the last three years, Rivers was used to being heeded during his career, whether he was pushing pay raises for the troops or a new cargo transport for the Air Force or a vast ship-building program for the Navy or a government subsidy to help a private company sell jet planes to other nations.

In the military, he was continuously applauded and honored. Just a few weeks before his death, grateful GIs in Vietnam sent him a hat with six stars on it, inscribed in gold to "the big boss." They were thanking Rivers for his success in engineering special reduced air fares so many of them could fly home for Christmas.

The armed services thanked him, also, by delivering to his congressional district and his hometown of Charleston, S.C., a remarkable array of defense installations—air bases, supply depots, hospitals, shipyards, missile facilities and others, not to mention the defense contractors who opened plants there.

HONORS IN CHARLESTON

In Charleston, they dedicated a bust of the Congressman on Rivers Avenue and named a suburban subdivision "MenRiv Park." In Vietnam, the main thoroughfare at the Army base outside Pleiku is Mendel Rivers Parkway.

To Rivers' critics, his nine-county First District was one of the grossest examples of how politicians and Pentagon planners scratch one another's backs—more ships, more planes, more contracts and, in return, more goodies for the folks back home.

To friends and admirers, Rivers' fortification of Charleston was a subject for public banter. When the D.C. chapter of the Air Force Association honored the congressman at an award luncheon this year, Vice President Spiro Agnew offered this tongue-in-cheek appraisal:

"I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina . . . I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept, in the national interest, military installations which just HAD to be put someplace. . . .

"Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was, 'I regret that I have but one congressional district to give my country to—I mean to give to my country.' "

WIT UNMATCHABLE

But no one could match the congressman's own pungent wit, when he twitted opponents in public oratory. During the 1960s, when Rivers held running skirmishes with the civilian managers at the Pentagon, he broke up military audiences with this description of McNamara's "whiz kids":

"The only powder those people have ever smelled is talcum powder. The only war they have been in is the BOOD-war."

But sometimes the humor was replaced by a martial note of vengeance. Rivers proposed a nuclear ultimatum to North Korea two years ago unless the adversary promptly returned the USS Pueblo and her crew. "I'd make positive that at least one of her cities would disappear from the face of the earth," he said.

ONLY ONE ANSWER

His strategy for Vietnam was equally blunt. "Words are fruitless, diplomatic notes are useless," he thundered on one occasion. "There can be only one answer for America—

retaliation, retaliation, retaliation. They say 'Quit the bombing.' I say: 'Bomb' "

Rivers never served in uniform himself, but he looked the part of the elder warrior. On the House floor or presiding on the dais of his committee chamber, he was ramrod erect with a flowing crown of snow-white hair. When a Senate critic referred to him as "Julius Caesar," Rivers seemed flattered by the comparison.

In his manner of speaking, Rivers displayed that special blend peculiar to the best politicians of the South—a graceful command of the language, but punctuated with crude thunder, like the warm flavor of good bourbon going down, followed by the husky kick.

He was chairman of the House committee for six years and he drew his power from serving the vast array of people and interests who depend upon its legislative products—the soldiers, the contractors, the Pentagon strategists.

But Rivers reached his position of power simply by staying in Congress—surviving faithfully for 25 years until his chairman, former Rep. Carl Vinson, of Georgia, decided to retire in 1964 at the age of 81.

Rivers was born in Gumville, S.C., near a place called Hell Hole Swamp, in the low country of the Palmetto State's coastal plain. His father farmed and ran a turpentine-still and died when Mendel was eight years old. His mother lost the family place and moved her six children to North Charleston where she took in boarders.

Rivers grew up, determined by the experience, to be a lawyer. He worked in a grocery store, delivered newspapers by pony-back, played outfield for a semi-pro team.

TO JUSTICE DEPARTMENT

He attended the College of Charleston and law school at the University of South Carolina just long enough to pass the bar exam in 1932. After two terms in the South Carolina legislature, he came to Washington for four years as a special attorney in the Justice Department.

When he married Charleston debutante Margaret Middleton, she noted immediately that he was destined for a political future.

At the wedding, she recalled years later, Rivers turned from the altar and worked his way up the church aisle, shaking hands and greeting folks.

FEW OPPONENTS

In 1940, against the advice of older, more influential politicians, Rivers ran for Congress. His campaign was styled against "the Charleston crowd" and won with the heavy support from the rural counties in the district. He never had serious opposition after that. In all but two or three elections, he didn't even have opponents.

When Rivers entered the 77th Congress as a freshman, he was appointed to the Naval Affairs Committee. Vinson of Georgia was chairman. At war's end, the defense realignment made it the Armed Services Committee and, through the years, Rivers moved gradually up the seniority ladder without any spectacular events along the way.

WON A NICKNAME

Indeed, in his early congressional days, Rivers won the nickname of "Oleo" Rivers for his colorful and successful campaign to repeal the federal tax on oleomargarine (a product manufactured from cottonseed and soybean oils native to his district).

"Butter will kill you deader than Job's turkey," Rivers once warned his fellow congressmen, "but eat a little margarine and you will look like a million dollars."

When Vinson retired and Rivers became chairman in 1965, he introduced a more combative style to the committee's disputes with the Pentagon—particularly the management of Defense Secretary Robert S. McNamara. Rivers used to remind audiences that McNamara's middle name is "Strange."

The congressman listened to the generals and admirals who found their counsel unheeded by their Pentagon boss and he fought many of their battles for them, legislating new weaponry which McNamara didn't want or refused to employ.

On his committee dais, surrounded by flags and battle ribbons, Rivers had the constitutional language inscribed on a walnut plaque:

"The Congress shall have power . . . To raise and support Armies . . . provide and maintain a Navy . . . and make rules for the government and regulation of the land and naval forces."

CARBINE OVER DOOR

The chairman frequently reminded the executive branch of that congressional mandate. Indeed, he was accorded the trappings of a military leader, the award plaques and pictures of admirals and generals on his office walls, his frequent inspecton junkets to overseas bases, the AK–47 carbine over his door, captured from the Communists in Vietnam.

Each year, his Capitol Hill luncheon, featuring Carolina quail and Charleston she-crab soup, brought together the diverse elements of the "military-industrial complex" from the Joint Chiefs of Staff to contractors to fellow defense-minded congressmen.

Over the years, he pushed very hard to double presidential proposals for military pay raises, usually successfully. He also tried to enact a congressional veto over military base-closings—and failed.

SOUGHT FLEET OVERHAUL

He was in the forefront of the congressional pressure to get the Navy into nuclear-powered vessels, particularly submarines. At his death, his current crusade was a campaign to overhaul the entire fleet—most of which, he insisted, was dangerously obsolete or in disrepair.

In the air, he fought through the 1960s for the air transport capability of the C–141s and, more recently, the controversial C–5–A.

His most remarkable personal victory, in recent years, was his lobbying to sell Congress—and the Air Force—on a government subsidy to help produce an international fighter plane made by American industry which could be given or sold to U.S. allies. This session, he won, and the first contracts have been awarded on the $1.1 billion program.

LITTLE DISSENT

In all of this, the chairman found little dissent among his committee members, partly because he dealt swiftly with those junior members who strayed from his line of priorities. One New York congressman found himself passed over for a subcommittee chairmanship because he was a member of the "fearless five" which often opposed Rivers in committee sessions.

Rivers himself once summed up the congenial atmosphere over which he presided: "We get along just fine. There aren't more than five or six troublesome fellows on a committee of 40. I call that a pretty good average. If I can't meet that, God help Mendel Rivers."

[From the Columbia (S.C.) State,
Dec. 29, 1970]

Rivers To Be Buried At St. Stephens Site

FUNERAL SERVICES TO BE HELD IN CHARLESTON

L. Mendel Rivers, a South Carolina farm boy who matured into one of the nation's most powerful lawmakers, will be buried Wednesday near the graves of his parents in the quiet community of St. Stephen.

The 65-year-old congressman, who died Monday in a Birmingham, Ala., hospital of heart failure, was flown to his home town of Charleston Monday. Mrs. Rivers arrived a short time earlier by private jet plane.

WEDNESDAY

Funeral services will be Wednesday at 1 p.m. in Grace Episcopal Church in Charleston, with burial in St. Stephen's Episcopal Church Cemetery in St. Stephen.

Surviving are his widow, Mrs. Margaret Middleton Rivers; two daughters, Mrs. Robert Eastman of Wilmington, Del., and Miss Lois Marion Rivers of Los Angeles a son, Lucius Mendel Rivers Jr. of Charleston; and two sisters, Mrs. Blanche Odom of Charleston and Mrs. Madge Danley of Bradenton, Fla.

Stuhr's Funeral Home in Charleston is in charge.

TRIBUTES

Tributes poured in from across the nation for the man who, as chairman of the House Armed Services Committee, helped chart the course of America's defenses for so long.

President Nixon said, "I have lost a friend upon whom I could rely in times of great difficulty."

Gov. Robert E. McNair called Rivers a "symbol to all the world that this nation believed in freedom" and said he served his state with "unequaled effectiveness and distinction."

SPOKESMAN

Sen. Strom Thurmond, R-S.C., described Democrat Rivers as a great spokesman for national preparedness.

"No man in America, including our presidents, has done more for our national defense than Mendel Rivers," Thurmond said.

Sen. Ernest F. Hollings, D-S.C., said, "Mr. Rivers had the courage of his convictions and never failed to stand up for his beliefs, even when they were unpopular."

Rivers, who gained a reputation as a hard fighter during his 30 years in Congress, fought death for 17 days, coming back several times after his heart had ceased to beat.

He entered University Hospital in Birmingham Dec. 8 on the recommendation of doctors who had examined him in Atlanta, Ga., Washington and Miami, Fla. Mendel Davis, a Rivers aide, said the examining physicians recommended he see Dr. John Kirklin of the University staff.

Davis said that in recent months Rivers' activities had to be limited because of his failing heart, thought to be the aftermath of a childhood bout with rheumatic fever.

Following extensive tests at University Hospital, Rivers underwent open-heart surgery Dec. 11 to replace a defective mitral valve with a plastic one. The surgery was declared successful and the recovery appeared to be progressing normally.

STRONGER

On Dec. 20 the hospital said Rivers was growing stronger by the day and no more routine condition statements would be issued. But just a few hours later, Rivers suffered a heart stoppage. A resident physician on stand-by was able to restart the heart beat.

The congressman remained in serious condition from then on but doctors reported he was making some slow progress.

Then Sunday afternoon, Rivers suffered another reverse. His heart stopped beating several times in the afternoon and each time was restarted but each time with some additional deterioration in heart function.

At 1:40 a.m. (CST) Monday, his heart again stopped. This time efforts to revive him failed.

Two physicians and several nurses were at the bedside. His family was staying at a nearby motel.

Rivers, in his capacity as the chairman of the House Armed Services Committee, was one of the most powerful voices in Congress for U.S. military superiority.

First in line for Rivers' chairmanship is Rep. Philip J. Philbin D-Mass., but he was defeated in the November election so he would be chairman for only the few remaining days of the 91st Congress.

Thus, under Congress' seniority system, Rep. F. Edward Hébert, D-La., will be the committee's top Democrat in the next Congress and will succeed Rivers as chairman. Hébert (pronounced A-bear) headed a special My Lai sub-committee which concluded last summer that field military and State Department officers in Vietnam tried to cover up the alleged massacre.

Rivers betrayed no sign he was about to undergo heart surgery when he won House approval Dec. 7 of a resolution commending the commando raid on a North Vietnam POW camp. His speech was filled with the pungent phrases—"This crowd of savages in Hanoi"—and booming oratory that characterized his floor debating.

With flowing white hair and an erect 6'3" frame, he was the Hollywood idea of a Congresman and he liked to lace his debates with quotations from poetry and the Bible.

His five-year chairmanship of the committee was marked by tough language—"Retaliate! Retaliate! Retaliate!" he boomed after Honoi's Tet offensive on South Vietnam—and determination to maintain military superiority over the Soviets.

"We're on the brink of disaster," he told the House this year in a speech on the Soviet threat. "If we're not already a second-rate naval power, we're perilously close to becoming one."

Rivers later announced he would try to put through Congress next year a more than $5 billion modernization of the Navy.

Some of his critics contended he used the Soviet threat and the power of his chairmanship to ride roughshod over honest efforts to re-order priorities for an adequate defense, that would leave money for urban problems and other social ills.

His backers contended that the House turned aside virtually every effort to cut billions of dollars out of Rivers' defense bills in a concerted drive over the past two years simply because it agreed with Rivers and not the spending critics.

The controversy was nothing new for the outspoken Rivers.

Early in the Korean War he urged President Harry S. Truman to use the atomic bomb if the Communists didn't pull back. During President John F. Kennedy's administration he urged an invasion of Cuba. Soon after becoming chairman of the Armed Services Committee in 1965, he sided with Pentagon generals in a running feud against then Secretary of Defense Robert S. McNamara's efforts to exert more civilian control over the military.

Rivers once told the House his committee "is the only voice, the official voice, the military has in the House of Representatives." And he was not reluctant to defend it.

He sometimes pointedly praised defense contractors by name when they were under fire for cost overruns or other problems.

Rivers was sensitive about criticism of the so-called military industrial complex. "The longer the war lasts in Vietnam, the more somebody's going to make out of it," he said in an interview. "I don't believe anyone should make money out of people dying."

"I'm supposed to be the granddaddy of the hawks," he said, "and I think we should get it over with as fast as possible."

Critics also lambasted Rivers at various points in his career about his problems as a drinker, which he said in recent years was a problem of the past. He was criticized as a junketer, largely on the basis of annual trips with military brass to the Paris Air Show and frequent Armed Services Committee investigating trips.

He was also known by critics and admirers alike as a hard worker, routinely arriving in his office before 7 a.m. and staying late. Rivers was proud of his reputation as a friend of the GI.

He won a 410–0 House approval of a 10.7 per cent military-pay raise shortly after becoming Armed Services Chairman. His name is on hundreds of laws benefiting servicemen and their families.

Just a few weeks ago, admiring servicemen returning from Vietnam presented Rivers with an Admiral's cap with an "honorary" Six-Star rank.

[From the Enterprise (Mullins, S.C.), Dec. 31, 1970]

Congressman Rivers Claimed by Death

Final tributes to U.S. Congressman L. Mendel Rivers of Charleston came from all parts of the world after announcement was made of the death of this veteran congressman who was regarded as one of the most powerful men in Washington and a legend in his own district and throughout South Carolina.

Funeral services for Congressman Rivers were scheduled for one o'clock Wednesday in Grace Episcopal Church in Charleston.

Flags dropped to half staff and expressions of grief and sorrow came from many areas of the nation.

Representative John L. McMillan, dean of the state's congressional delegation, said that "South Carolina has lost one of its most valuable citizens and certainly one of the most outstanding legislators that has ever represented our state.

Governor Robert E. McNair noted that "Congressman Rivers was a great statesman and leader, who served his country with love and dedication and brought honor and dignity to his state. He was a man of peace who understood the sacrifices which must be made to preserve and defend it."

President Nixon issued the statement: "For 30 years, Mendel Rivers served the state of South Carolina with dignity, with distinction and with high integrity in the Congress of the United States. Throughout his career, Congressman Rivers held unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States. He fought for that belief in committee, in the Congress, in the country."

[From the (Charleston, S.C.) News & Courier, Dec. 31, 1970]

Final Tributes To Rivers To Begin Here Today

AIR FORCE JET BRINGS BODY HOME

(By Barbara S. Williams)

Final tributes to Rep. L. Mendel Rivers, the silver-maned congressman from Charleston who was regarded as one of the most powerful men in Washington and a legend in his own district, will begin today.

His body, which was brought home to Charleston Monday in a white Air Force jet after his death in Birmingham, Ala., will lie in repose in Grace Episcopal Church, beginning at 10 a.m. The church will remain open all night.

The funeral for the veteran congressman, who died 17 days after open heart surgery, will be at 1 p.m. Wednesday.

The rector of Grace Episcopal Church, the Rev. Ralph S. Meadowcroft, will officiate, assisted by the Rev. Michael Jones, assistant rector; the Rev. John A. Hamrick, president of the Baptist College; and the Rev. Carl McIntire of Collingswood, N.J.

Burial will be in the St. Stephen Episcopal Churchyard, where the congressman's parents are buried, directed by Stuhr's.

The Rivers family will receive friends at their home, 9 Palmetto Rd., after 10 a.m. today. Survivors include the congressman's widow, Mrs. Margaret Middleton Rivers; a son, Lucius Mendel Rivers, of Charleston; and two daughters, Mrs. Robert G. Eastman of Wilmington, Del., and Miss Lois Marion Rivers of Los Angeles, Calif.

President Richard M. Nixon has designated Secretary of Defense Melvin Laird, who will be accompanied by the joint chiefs of staff, to head an official delegation to the funeral. Members of Rivers' House Armed Services Committee are expected to arrive in Charleston today.

CAME TO ATTENTION

The tributes to the congressman actually began in Charleston Monday when the jet bearing his body touched down shortly before 3 p.m.

As if almost by signal, airmen working on the C–141 Starlifters came to attention and hurrying vehicles came to a halt as the casket carrying Rivers' body was lowered from the airplane and carried through a line formed by a 16-man honor guard.

The man who first went to Congress 30 years ago when the odds said he couldn't make it, had appeared to be making a remarkable recovery from open heart surgery performed Dec. 11.

However, his heart stopped 10 days later at the end of a "happy and comfortable day" and the beating action had to be restarted by a fast-acting physician.

Rivers appeared to be back on the road to recovery until late last week when his condition again deteriorated.

HOSPITAL STATEMENT

A spokesman at the University of Alabama Hospital issued this statement:

"Beginning at 4 p.m. Sunday afternoon, Cong. Rivers suffered another series of cessation of heart action from ventricular fibrillation. These were preceded by some deterioration in heart function.

"The persistent tendency toward this type of irregularity indicated continuation of the long-standing, pre-operative heart failure.

"Cong. Rivers died at 1:40 a.m. (CST) Dec. 28, of continuing heart failure."

The announcement more than two weeks ago that Rivers was in Birmingham, Ala., for extensive tests at the hospital came as a surprise to all but his closest friends.

There had been no noticeable lag in the pace of the vigorous, 65-year-old congressman and his recent speeches gave no indication he had lost any of his fire.

ROASTING OLD FOE

During a speech only a week before in Newport News, Va., he still was roasting his old foe, former Defense Secretary Robert S–T–R–A–N–G–E McNamara.

However, reports from his office later stated that the heart condition apparently dated back from a bout with rheumatic fever when Rivers was a child and that it had caused his increasing discomfort in recent months.

Rivers said shortly before his operation that he didn't recall ever having rheumatic fever as a child but had heard it could develop from a strep throat.

The Rivers childhood was part of the Rivers legend.

BORN IN GUMVILLE

Born Sept. 28, 1905, the boy from the small Berkeley County community of Gumville was a son of Lucius Hampton Rivers, a small turpentine still operator, and Henrietta Marion McKay Rivers.

Shortly afterwards, his family moved to a farm near St. Stephen, and Rivers never lost the habit of getting up early.

Rivers' father died when he was in the second grade. The family moved to North Charleston and young Mendel had a variety of odd jobs to help out.

He got up at 4 a.m. in order to deliver a paper route, milk cows and get the trolley to school, which was 10 miles away.

One of his earliest jobs was at 13, when he was water boy for the laboring gang building the Charleston Transportation Depot in connection with the war effort.

SEMI-PRO BASEBALL

As he grew older, the summer work became more pleasant. Rivers worked with companies that sponsored semi-professional baseball teams around Charleston and was proud of his hitting ability.

In later years when he played in the annual congressional games held in Washington for charity, he used to say he had, "the highest batting average in disorganized baseball."

Rather than a professional career in baseball, however, Rivers went to the College of Charleston for three years and then transferred to the University of South Carolina Law School.

Rivers used to cite the hardships of his early years in discussing his vote on certain issues after he arrived in congress.

"I had an awfully hard time when I was a young fellow," he once said. "I knew poverty like nobody else in the South Carolina delegation ever did. Whenever I can help the man in the street, I'll do it."

Rivers got his first constituency at the tender age of 28, when he was elected to General Assembly from Charleston. He was elected to two terms (1933-36) and was chairman of the delegation for two years.

When Rivers first went to Washington it was as a special attorney in the U.S. Justice Dept. from 1936 to 1940 and during that time was admitted to practice before the Supreme Court.

But, Congress was his goal. Rivers used to say he always knew he was going to go to Congress and it only was a matter of when to run.

There were a lot of political experts who disagreed with the timing he chose during the election of 1940. The organization was against him and Rivers had little campaign funds.

However, he used that personal touch he never lost and left no hand unshook during his travels around the district.

When the returns began coming in that night, there were only a few supporters gathered with Rivers to listen to the results over a battered radio. As it became clear that Rivers had scored a major upset, the office was mobbed with people who said they knew it all along.

In 15 elections since that time, no one came close to upsetting Rivers.

Rivers, however, never took his own election for granted and waged vigorous campaigns the few times he had token opposition. Even when there was no opposition, Rivers didn't forget the poll workers, that grass roots of political organization.

In fact, during the recent November general election, some 800 of those workers got a piping hot chicken dinner, courtesy of their congressman.

L. Mendel Rivers just looked like he ought to be in Washington. The tall South Carolinian and his long, flowing white hair soon became famous at the Capitol.

He was a colorful orator; loved poetry and would often quote at length from memory to make a point in an address.

Three months after he arrived in Congress, Rivers began attending "Vinson University"—which is what the alumni call committees run by Carl Vinson, Georgia's famous lawmaker who retired in 1965 after 50 consecutive years in the House.

Among fellow students at Vinson U. at the time was Lyndon B. Johnson. The former President called the hospital several times to inquire about Rivers condition after surgery.

Rivers moved with Vinson from the old House Naval Affairs to which he was appointed in 1941, to the Armed Services Committee following the unification act in 1947.

Rivers once was quoted as saying: "The greatest thing that ever happened to me is that I worked under Mr. Vinson."

Although Rivers later was to gain national fame as chairman of the House Armed Services Committee, he first drew attention outside South Carolina with his fight in the early 1940s to get the tax off margarine.

He made so many speeches on the subject his colleagues used to call him "Oleo" Rivers.

Margarine at that time was made from cotton seed oil, which was from the Rivers area of the country, although none was produced in the First District. The Midwestern dairy farmers led the lobbying against margarine, fearing it would cut into their dairy business.

The needs of wartime helped win the battle for Rivers. Ironically, most margarine now is made from soy bean oil and Midwestern farmers benefit as much from its sale as their Southern counterparts.

Another early victory for Rivers was legislation creating the Navy Dental Corps. He had always taken a special interest in medical and dental corps personnel and later headed a special subcommittee that made an exhaustive study of hospital construction policy and the problem of promised military retirees and their dependents.

Rivers also has cited as a satisfying achievement his work in improving military airlift. He also served a stint as chairman of the Reserve subcommittee of the House Armed Services unit and authored the Reserve Readjustment Pay bill.

Rivers continued to stay in Congress because the voters obviously wanted him there and thus inched up the ladder of seniority.

When Vinson retired six years ago, Rivers was his heir apparent.

Rivers' care of his home town folks already had become legend. Vinson was credited with what now has become a famous quote: "Mendel, if you put another thing down in that district, it's going to sink."

Charleston's economy had become much fatter not only as a result of the growing military payroll but the location of military-related industry and Rivers unquestionably was considered the benefactor.

In fact, when the congressman had Negro opposition in 1968, he also got votes in the heavy Negro wards. Politicians later concluded that blacks were just as interested as whites in the economics of things.

Throughout his career, Rivers has been absorbed in his job of being a congressman. Best known for his involvement with the military, he has touched virtually all aspects of the military program: pay and other personnel benefits legislation, the Reserve, airlift, hospital construction policy, shipyards, weapons procurement.

He championed increased pay for military personnel with these words: "The members of the armed forces are entitled to a standard of living equal to the standard of living they are defending."

While Rivers was in the hospital, hundred of telegraphs from military personnel all over the world poured into Birmingham. One of those telegrams seemed to sum up the sentiment: "You've rooted for us for years, now it's our turn for you."

Rivers was the champion of the military, although ironically he had never served in the Armed Forces.

He made no secret of his incompatability with former Defense Secretary McNamara and battled with the secretary on many fronts, including personnel benefits, military hospital construction, weapons procurement and the necessity for adding nuclear-powered frigates to the Navy. He was an outspoken proponent of military spending and a staunch advocate of pursuing a "hard line" in Vietnam.

As busy as his schedule was, the congressman always took time out to answer a complaint or a request from an individual serviceman. Mail from his constituents was answered the same day it was received and his staff kept up that record during his hospitalization.

He urged free military travel for wives and dependents of American prisoners of war in North Vietnam. He recently took several hours out of a busy day to talk and lunch with a visiting delegation of POW wives from Louisiana.

Rivers, in fact, delayed his departure for Birmingham and the operation to push through a resolution praising a recent effort to rescue POW's. One of his last official acts was bring about low-cost stateside Christmas leaves for servicemen involved in the Indochinese conflict.

He had other plans for the military next year. He announced his determination during the keel laying for the USS South Carolina several weeks ago to "catch up" with the Soviet Navy and promised that the new budget would allow that progress.

He seemed particularly pleased during those ceremonies that the spotlight was on another Rivers—his wife of 32 years. Margaret Middleton Rivers, who had remained in the background throughout the years, was a center of attention that day and Rivers was beaming

That same day, an old Rivers friend, Vice Admiral H. G. Rickover delivered a tribute to the congressman.

Rickover said:

"It is an ungrateful task to try to sum up a man's character in a few words, but in the case of Mendel Rivers much will have been said when I have stated that he is an American and a patriot, because he is one as much as the other and he is both intensely.

"There is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground. An eagle must be judged by its majestic flight into the sky.

"He has been obliged to make his own way by his own abilities and enterprise, but the advantages in intelligence and ambition were given him by his parents. He has used these well and has augmented them by his own ability and ambition.

"No smooth path of wealth or patronage was offered to him. Whatever power he has acquired has been grudgingly given. He has had to fight every mile of his road through life. Nothing came easily to him, not even oratory in which he excels.

"He is one of the great men of our Congress. He is dedicated to peace, but aware of the awesome responsibility our nation bears in defense of our freedom. Where our national security is involved he is brave, resolute, and stubborn. His legislative acts are heroic; they speak of struggle and triumph; they reflect his pragmatic ability.

"No man possesses in so high a degree as he the peculiar awareness of military realities. His efforts in behalf of American security are tireless. He has a marvelous gift for stepping beyond the appearance of things, going beyond it and penetrating to the very essence of the matter.

"He is one of the most unintimidable men in the United States. He knows that a good leader is doing his job when half the people are following him and half are chasing him.

". . . He has named, numbered and made perceptible, even to those who disagree with him, all the national verities that animate and sustain us and that breath in our blood.

"He does his duty as if he were going to live forever, and casts his plans way ahead. He feels responsible without time limitation; the consideration whether he may or may not be around to see the results never enters his thoughts.

"The day will come when this man, one of our great legislators and a prophetic thinker, will be recognized at his true value," Rickover said.

Shortly after becoming chairman of the House Armed Services Committee, Rivers was quoted as saying:

"The woods are full of people like me. When I'm gone somebody else can take my place.

"But this is the only opportunity I'll ever have to do something for my country. I'm going to do the very best I can. This time passes awfully fast."

[From the (Columbia, S.C.) State, Dec. 31, 1970]

Rivers Is Buried in St. Stephen—Near Hell Hole Swamp

(By Kent Krell)

St. Stephen.—U.S. Rep. L. Mendel Rivers, who rose to national prominence as an adroit Congressional caretaker of America's military apparatus, was buried Wednesday near legendary Hell Hole Swamp, the moss-hung playground of his youth.

The 65-year-old Rivers, the son of a dirt farmer, was laid to rest under sunny skies in the wooded graveyard of St. Stephen Episcopal Church as many of the nation's civilian and military leaders looked on.

The husky, honey-tongued chairman of the House Armed Services Committee and South Carolina's 1st District Congressman died Monday in a Birmingham, Ala., hospital following heart surgery.

Defense Secretary Melvin R. Laird, who represented President Nixon at the funeral and burial rites, brought the simple ceremonies to a conclusion by handing to River's widow the folded, American flag which earlier had been draped over the mahogany coffin. As he did so, 12 jet aircraft in formation followed by a single C5A, the world's largest transport plane, roared over in tribute.

Their posthumous salute was a testament to Rivers' artful capacity for funneling federal funds into the sprawling military complex at Charleston, the hub of the 1st District.

Rivers' son, Lucius M. Rivers Jr., a law student at Georgetown University, delivered a brief eulogy to his father's memory at the cemetery.

He said the late Congressman was "the very quintessence of some very human and very wonderful qualities . . .

"He had a dynamism and an active, ceaseless energy," said young Rivers, "which drew people like a magnet.

"He had love which once he had attracted people led them to stay . . .

"And he had courage. He chose his positions carefully. But once chosen, he never deviated or detoured. He simply didn't know how."

Earlier, a 30-minute funeral services was held at Charleston's Grace Episcopal Church, a 123-year-old Gothic structure where Rivers' body had been lying in state since 10 a.m. Tuesday.

More than 8,000 persons were estimated to have walked past the flag-draped coffin prior to the 1 p.m. services Wednesday. The casket flanked by four candles, remained open until just before the final rites. Two members of the armed services and the local police and fire departments took turns standing as an honor guard beside the bier.

About 600 persons filled the Episcopal Church to capacity. Most were dignitaries, members of the Rivers' family or close friends. Some 1,500 persons stood outside the church. The services were piped to two other churches in Charleston, one of which was the chapel at The Citadel. There were about 1,000 persons at the graveside.

Many businesses in downtown Charleston were closed Wednesday out of respect to the memory of the Congressman.

Hundreds of persons lined the highways on the moss-draped, 48-mile route from Charleston to St. Stephen for a glimpse of the hearse.

Laird and members of the Joint Chiefs of Staff sat in the front pews across the church aisle from the Rivers' family. The group included Adm. Thomas H. Moorer, chairman of the Joint Chief, and Gen. William C. Westmoreland; Army Chief of Staff and a native of Spartanburg.

South Carolina's congressional delegation was headed by Sens. Strom Thurmond and Ernest F. Hollings.

The congressional contingent, numbering close to 100, also included U.S. Sens. John Stennis, D-Miss., chairman of the Senate Armed Service Committee, and Stuart Symington, D-Mo., a former secretary of the Air Force; and U.S. Reps. Edward Hébert, D-La., Rivers' probable successor as chairman of the House Armed Services Committee, and Carl Albert, D-Okla. House Democratic majority leader.

South Carolina Gov. Robert E. McNair was present as was Gov.-elect John C. West. Out-of-state Governors included John Bell Williams of Mississippi and Lester Maddox of Georgia and Gov.-elect George C. Wallace of Alabama.

Among those attending Rivers' funeral were two colleagues from days in the S.C. General Assembly during the 1930's. They were House Speaker Solomon Blatt and State Sen. Edgar A. Brown, both of Barnwell. Present along with Gov. McNair were two other surviving members of the so-called Hell Hole Swamp Gang. They were State Sen. Rembert Dennis, D-Berkeley, and former Columbia Mayor Lester L. Bates. The Hell Hole Gang is a mythical political organization, made up of public figures raised in Berkeley County's swamp country.

The funeral and burial had marked military overtones, attesting to Rivers' influential role as chairman of the House Armed Service Committee. In addition to the military brass which was much in evidence at the service, eight servicemen acted as pall bearers. Taps were blown just before Laird accepted the folded flag from one of the pall bearers.

One of three ministers participating in the final rites was the Rev. Carl McIntire, the controversial Presbyterian preacher who, like Rivers, had been an ardent advocate of military victory in the Vietnam war.

The Rev. Ralph S. Meadowcroft, rector of Grace Episcopal conducted both ceremonies. He was assisted by McIntire and the Rev. John A. Hamrick, president of Baptist College in Charleston.

The service contained some of the hymns and poems for which the flamboyant Rivers had a particular affection. "Onward Christian Soldiers," was sung at the outset of the service. Alfred Lord Tennyson's poem, "Crossing the Bar," was read near the end of the service.

Outside Grace Episcopal, the muted chimes from a nearby church played hymns and even a soft version of "Dixie."

[From the Greenville (S.C.) News, Dec. 31, 1970]

Rep. Rivers Buried in Low Country Where He Brought Military Might

Charleston.—Rep. L. Mendel Rivers, D-S.C., was buried Wednesday in the moss-draped low country of South Carolina, an area he had turned into an arsenal bristling with military might.

The choir at the Grace Episcopal Church in Charleston sang "Onward Christian Soldiers" at the funeral for the 65-year-old congressman, who as chairman of the House Armed Forces Committee, was credited with bringing many defense installations to the area.

The nation's military and political leaders attended the services at the historic church in the downtown section of this port city.

Many of them later went by helicopter and by automobile to the country church yard at St. Stephen, about 50 miles away, where the silver-haired congressman was buried beside the graves of his parents.

Rivers died Monday, 17 days after open heart surgery at the University of Alabama Hospital in Birmingham to correct an ailment resulting from rheumatic fever as a child.

Defense Secretary Melvin R. Laird and the five members of the Joint Chiefs of Staff sat in a front pew at the church, near the grieving family.

Many other Washington dignitaries and almost all of South Carolina's political and judicial figures attended the services on the clear but cold December day.

There were Gov. Lester Maddox of Georgia, Gov. John Bell Williams of Mississippi and Gov. Robert McNair. There, too, were Gov.-Elect George Wallace of Alabama, accompanied by his fiance, Mrs. Cornelia Ellis Snively.

A number of Rivers' colleagues from the U.S. House of Representatives were among the mourners, as well as Sen. John Stennis, D-Miss., Sen. George Murphy, R-Calif., and Sen. Stuart Symington, D-Mo.

South Carolina's two U.S. senators were there also—Democrat Ernest Hollings and Republican Strom Thurmond.

The order for the burial of the dead was read to a throng that packed the Grace Episcopal Church.

There were no eulogies during the service.

Participating in the church services were the Rev. Carl McIntire, militant minister, the Rev. John A. Hamrick, president of the Baptist College of Charleston; and the Rev. Ralph S. Meadowcroft, rector of Grace Episcopal.

An estimated 10,000 persons had filed past the casket in the church Tuesday, a day of cold rainy weather, and again Wednesday, a day when skies cleared, the sun shone, and the temperature was low.

More than 1,000 persons were present at the St. Stephen Episcopal Church Cemetery, surrounded by oak trees filled with hanging moss.

Mendel Rivers Jr., 23, described his father as a "great, wonderful man," during the graveside eulogy at the cemetery which dates back to the pre-Revolutionary War era.

"My father died, loved and mourned by millions of people," said Mendel Jr. in a smooth tone. "He died surrounded by his family. No man can ask for more."

"In a very real sense L. Mendel Rivers was a man of the people," he said. "His strength, it can be fairly said, did come from you, his people, who made him everything he was."

"I hope you'll never forget, because he never forgot."

[From the News & Courier (Charleston, S.C.), Dec. 31, 1970]

Sidewalks Jammed in Area of Church

(By Jack Roach)

Hundreds of persons, black and white, jammed the sidewalks in front of and near Grace Episcopal Church on Wentworth Street Wednesday for the funeral services of U.S. Rep L. Mendel Rivers.

The 65-year-old congressman died early Monday, 17 days after he underwent open heart surgery at the University of Alabama Hospital in Birmingham.

The sidewalk viewers stretched from Coming Street to St. Philip Street on both sides of Wentworth Street. Despite the cold, they were joined by numbers of others who had higher vantage points from second story porches and the roofs of buildings in the neighborhood

The crowd began arriving hours before the funeral service started at 1 p.m. As the hour drew near the crowd size increased and City

Police Chief John Conroy estimated it at more than 500 persons.

A number of those on the sidewalk said they felt they would not be able to get into the church for the services so decided to take their positions outside—with the advantage of seeing the hundreds of dignitaries who arrived for the services.

The crowd was quiet and orderly as city and county police and state highway patrolmen went about their business of maintaining a flow of traffic and coordinating the arrival of the local and state officials and those from Washington, D.C.

A host of out-of-town newsmen, radio, television and newspaper, were on hand. At about 12:30 p.m. when the first of the dignitaries began arriving, cameras began clicking and not just the news cameras. Many of the spectators were equipped with their own cameras. Many, of course, did not recognize the dignitaries they were hoping to see but clicked their cameras away anyway.

Heading the Washington contingent was Defense Secretary Melvin R. Laird who represented President Nixon at the funeral. The Washington group arrived from the Charleston Air Force Base in four buses. Their arrival brought a surge from the sidewalk crowd to the street in front of the buses for a better look.

The group on the buses included members of the House Armed Services Committee, which Rivers served as chairman, and other U.S. congressmen and senators.

The Joint Chiefs of Staff were present along with Adm. Chester R. Bender, commandant of the U.S. Coast Guard, thus giving representation of all five military services by the heads of those services at the funeral.

Members of the S.C. Congressional delegation including both senators; leading state officials including Gov. Robert E. McNair and Gov.-elect John C. West; members of the S.C. House and Senate and leading city and county officials all were in the group attending the funeral.

Gov. John Bell Williams of Mississippi, Gov. Lester Maddox of Georgia and Gov.-elect George C. Wallace of Alabama also attended.

Shortly before 1 p.m. Mrs. Rivers and members of the family and friends arrived and were escorted to the parish hall adjacent to the church. The crowd became unusually silent as the family reappeared within a few minutes and walked the short distance from the hall to the church entrance.

The family entered the church at 1:02 p.m. as the strains of "Onward Christian Soldiers" drifted through the open doors. Several of the sidewalk spectators began first to hum the hymn then quietly sang it in low voices until the doors were closed.

A stir went through the crowd as Gov. Maddox arrived late at 1:10 p.m. and was escorted into the church.

The crowd became silent again shortly thereafter as an eight-man ceremonial guard slowly marched down the middle of the street and took its position in front of the church door. The guard was composed of two sailors, two Marines, two soldiers, one Coast Guardsman and one airman. All are stationed with military units in Washington.

At 1:30 p.m. the service was over, the doors opened and the guard slowly entered to lift the casket and carry it across the sidewalk to the hearse.

[From the Charleston (S.C.) News & Courier, Dec. 31, 1970]

THEY CAME IN HARD HATS, DUNGAREES

(By Wendy R. Tucker)

In work clothes and hard hats, dungarees and dress uniforms, scarves and coats buttoned against the cold, they gathered Wednesday morning for a special memorial service for their friend L. Mendel Rivers.

Men and women of the Charleston Naval Shipyard and Naval Supply Center, civilians and military, gathered at the steps of the old yellow brick power house with its giant stack, one of the original shipyard buildings, for the service.

Solemn music sounded through the shipyard area as about 4,000 men and women stream onto Hobson Avenue, forming a giant semicircle about the platform from which the memorial service for Congressman Rivers, chairman of the House Armed Services Committee, was conducted.

They heard Rear Adm. Charles N. Payne, shipyard commander, say: "We are here to pay a small tribute to this great man."

Sharing the platform with Payne and Rear Adm. Joseph L. Howard, supply center commander, were nine presidents and officers of employe organizations.

Payne told the gathering: "Chairman L. Mendel Rivers' life certainly contained strong elements of precept and example. His devotion to his belief—his belief in you, his supporters, in the American principle, and in God were unsurpassed."

Saying "this devotion he implemented with an unsurpassed singleness of purpose and a strength of conviction," Payne continued, "he did not wait for others to act.

"When he perceived a problem related to the welfare of his district, the defense capability of the nation, or the welfare of the serviceman, he took action to get it solved.

"If we can learn this lesson from his life, as it applies to our individual responsibilities at work and in our community, this will be his most valuable legacy."

Capt. James E. Reaves, the Sixth Naval District chaplain, spoke of Rep. Rivers as a man who "devoted himself throughout his life to the service of his fellow man."

In his eulogy, he characterized Rivers as "a patriot, an unashamed patriot," and a "politician in the finest sense," who "had a firm belief in his fellow Americans and Almighty God."

Chaplain Reaves also referred to information that Rivers might have lived longer had he entered the hospital earlier, but how the "press of duty was so upon him that he said he must continue to work."

Lt. Cmdr. H. T. Lewis, the Naval Station chaplain, delivered the invocation and benediction at the services, and led everyone in the "Lord's Prayer."

Then, in the shipyard setting with Navy vessels looming in the background, the vast gathering fell silent as Cpl. Gerald R. Boyce sent forth the mournful sound of "Taps."

[From the Charleston (S.C.) News & Courier, Dec. 30, 1970]

TOP LEADERS HERE FOR RIVERS' RITES

(By Barbara S. Williams)

Rep. L. Mendel Rivers will be buried today in the rural Lowcountry county where he was born after 1 p.m. funeral services that will be attended by the nation's top military and governmental leaders as well as his own "people."

The 65-year-old chairman of the House Armed Services Committee often referred to his First District constituency as "my peeople," and thousands of his hometown folks paid him final tribute Tuesday.

A chilling rain began falling shortly after Rivers' casket was placed in the nave of Grace Episcopal Church. The crowd waited outside until after the early-morning private service for the Rivers family.

The 1 p.m. service today at the 122-year-old Grace Episcopal Church will be broadcast simultaneously into the Episcopal Cathedral of St. Luke and St. Paul at Coming and Vanderhorst streets and the Summerall Chapel on The Citadel campus.

Grace Church has a seating capacity of some 650 persons. An additional 200 seats also have been set up in the church's parish hall at Glebe and Wentworth Streets.

A memorial service also will be conducted at the same time at Washington's National Cathedral which President Richard M. Nixon is expected to attend.

Rivers will be buried near the graves of his parents in the St. Stephen Episcopal Churchyard. Born in the small Berkeley County community of Gumville in 1905, Rivers' family moved shortly afterward to a farm near St. Stephen.

Rivers actually spent most of his childhood in North Charleston where his family moved after his father died.

The congressman's childhood and early political friends were among the steady stream of mourners who filed by the open casket.

The crowd included men in work clothes, bearded youths and elderly persons who had to be assisted into the church. There were as many of the congressman's black as white constituents at the church until after midnight.

The church remained open all night and a military honor guard took its place at Rivers' casket shortly after 9 p.m.

The coffin was closed and draped with an American flag when the four-man honor guard began their vigil.

An estimated 5,000 persons had signed the church register late last night. The lines grew longer as the hour grew later. Many sat quietly in the church pews which appeared almost full at several points during the evening.

The nation's top military leaders are scheduled to be among an official party estimated at 200 that will arrive here today.

President Richard M. Nixon has designated Secretary of Defense Melvin L. Laird as his official representative.

Included in the official party will be Adm. Thomas H. Moorer, USN, chairman of the Joint Chiefs of Staff, Adm. Elmo R. Zumwalt, Jr., Navy; Gen. William C Westmoreland, Army, Gen. John D. Ryan, Air Force, and Gen. Leonard F. Chapman, Jr., Marine Corps. Gen. Nathan F. Twining, former chairman of the Joint Chiefs of Staff, also is expected.

Alabama Gov-elect George C. Wallace also plans to attend the service, as does Georgia Gov. Lester Maddox and Mississippi Gov. John Bell Williams. Accompanying Williams will be State Adjutant, Gen. Walter Giles Johnson and former Mississippi Rep. Arthur Winstead, a long-time friend of Rivers.

Wallace will be accompanied by several staff members from the University of Alabama Hospital where Rivers underwent open heart surgery on Dec. 11.

The white-maned congressman appeared to be making a remarkable recovery until his heart stopped beating 10 days after the operation. The beating action was restarted by a fast-acting physician and Rivers appeared several days later to be back on the road to recovery.

However, his condition again deteriorated late last week. Rivers died early Monday morning as a result of "continuing heart failure."

The tributes to the veteran chairman of the House Armed Services Committee have flowed in from throughout the country.

Tuesday, the congressman's staff added its sentiments. The staff statement said:

"We have seen the passing of a giant and the end of an era.

"Although some did not agree with his views, few doubted the sincerity and conviction with which he held to these views. Hypocrisy was not his stock in trade. He loved his country, and we here in his office loved him.

"His passing leaves a sore and empty spot in our hearts. We shall not forget him ever."

The Rivers family received friends at their West Ashley home Tuesday after the private service at the church.

Survivors include his widow, Mrs. Margaret Middleton Rivers; two daughters, Mrs. Robert Eastman of Wilmington, Del., Miss Lois Marion Rivers of Los Angeles, Calif.; a son, Lucius Mendel Rivers, Jr., of Charleston; two sisters, Mrs. Blanche Odom of Charleston and Mrs. Madge Danley of Bradenton, Fla.

The family has established the L. Mendel Rivers Memorial Fund for heart surgery research at the University of Alabama. A family statement said the fund is for "those friends who may want to remember him in a special way."

Contributions to the fund may be sent in lieu of funeral remembrances to the Department of Surgery, University of Alabama Medical Center, Birmingham, Ala., 35233.

Contributions also may be made to the L. Mendel Rivers Library at the Baptist College at Charleston.

The Rev. John A. Hamrick, president of the Baptist College, will be among those assisting the Rev. Ralph S. Meadowcroft, who will officiate at the Rivers funeral today. Others in the porcessional march will be the Rev. Michael Jones, assistant rector, and the Rev. Carl McIntire of Collingswood, N.J.

Members of Rivers' Armed Services Committee are among those scheduled to arrive in Charleston about noon today. South Carolina's entire congressional delegation also is scheduled to attend the services.

All state, city and county offices will be closed from noon until 2 p.m. for the funeral. Charleston Mayor J. Palmer Gaillard also has requested that all businesses and offices in the city close during the two-hour period.

An official of Winn-Dixie stores confirmed last night the markets would be closed from noon until 2 p.m.

Many of the thousands who came to Grace Church Tuesday had their own personal story to tell about Rivers, who had become a legend within his own district.

Among those at the church was former state senator and now master in equity O. T. Wallace. The veteran politician recalled that he and Rivers stood their bar examinations together before the Congressman first was elected to the state legislature at the tender age of 28.

Wallace has the distinction of being the only elected official who supported Rivers in his first race for Congress in 1940 when he was the decided under-dog. Wallace vividly recalled waiting for the returns that election night and contended that the two most surprised men were Rivers and his opponent.

Rivers used to say later that he always knew he was going to Congress, it was just a question of when to run.

Rivers went on to become an international figure and the champion of the military. Despite his years in Washington and his power on the national level. Rivers never forgot his First District constituency or lost that personal touch that made him a winner.

[From the (Charleston, S.C.) News & Courier, Dec. 31, 1970]

TOP LEADERS ATTEND RITES

(By Barbara Williams)

Thousands paid Rep. L. Mendel Rivers the tribute of a fallen hero Wednesday before he was buried beside the graves of his parents in a country churchyard after services attended by the nation's top military leaders.

His son, L. Mendel Rivers Jr., a 23-year-old, second year law student at Georgetown University, delivered the brief, graveside eulogy.

"My father died loved and mourned by millions of people and surrounded by his family. No man could ask for more," he said.

The 40-mile route to the St. Stephen's Episcopal Churchyard was lined with thousands of the veteran congressman's constituents.

A portion of that route involved the busy Interstate Highway I-26 and motorists simply pulled off along the side of the road to wait for the two-mile funeral procession. Others stood quietly along highway overpasses to pay their last respects.

As the procession moved off the interstate route and into the more rural Berkeley County where the congressman was born the crowds grew even thicker with some shopping centers filled with silent spectators.

Hundreds earlier had stood in the streets in Charleston outside Grace Episcopal Church where the funeral services were conducted. A delegation of more than 200 officials from Washington, headed by Defense Secretary Melvin R. Laird, attended that 30-minute service.

More than 5,000 persons earlier had filed by Rivers' American flag-draped casket as he lay in repose for more than 24 hours in Grace Church prior to the 1 p.m. funeral.

Some 6,000 persons were waiting in the moss-draped St. Stephen's Episcopal Churchyard when the funeral procession arrived.

The military that the veteran chairman of the House Armed Services Committee loved played its role with precision.

Taps rang out as the crowd stood quietly in the cold, bright sunlight. An eight-man honor guard folded the flag on Rivers' coffin which was presented to his widow by Laird.

As a prelude to the most dramatic moment, a formation of 12 F-4 Phantom jets flew over the little cemetery.

Then, the world's largest transport airplane, the giant C-5A, which Rivers championed and brought to Charleston, flew its visual tribute.

"L. Mendel Rivers has come home to rest," his son told the graveside mourners.

"In a very real sense," he said, "L. Mendel Rivers was a man of the people. His strength, it can very fairly be said, did come from you. It was his people who made him everything he was. I hope you never forget it. He never did," young Rivers said.

Rivers, who was considered among the most powerful men in the nation, already had become a legend in his First District.

The decided underdog in his first congressional race in 1940, he never came close to losing again during his 30 years in Congress.

His son spoke of three qualities he felt best characterized his father.

First, he said, there was his dynamism--his ceaseless energy that "drew people toward him like a magnet—large and small."

Second, he said, was love that once attained always stayed there. "He had a great and wonderful heart, filled with beauty and love for people."

Rivers' son then spoke of his father's courage. "He chose everything carefully—his ideas and values. Once chosen, he never waivered, deviated or detoured. He simply didn't know how."

The outpouring of dignitaries and just plain citizens Wednesday was the largest ever accorded a South Carolina political leader.

Rivers' illness came as a surprise to all but his closest friends and became public knowledge only after he checked into the University of Alabama Hospital earlier this month. The congressman delayed going to Birmingham to work on several bills for the military in which he was particularly interested.

The 65-year-old congressman underwent open heart surgery on Dec. 11 and appeared to be making a remarkable recovery. However, he suffered a set back a week later and died 17 days after the operation of "continuing heart failure."

The family has established a memorial fund for the congressman for heart research at the hospital.

One of the first dignitaries to arrive at Grace church Wednesday was former chairman of the House Armed Services Committee Carl Vinson of Georgia. Vinson left the powerful chairmanship to Rivers when he retired in the 1960s after 50 years in Congress. Both Rivers and former President Lyndon B. Johnson were graduates of what became known in Congress as Vinson University.

The service opened with the choir and congregation singing "Onward Christian Soldiers." The Rev. Ralph S. Meadowcroft officiated, assisted by the Rev. Carl McIntire of Collingswood, N.J., who read the lesson, the Rev. John A. Hamrick, president of the Baptist College, and assistant rector, the Rev. R. Michael Jones.

The service was concluded with the "Halleluiah" or "Victory Song," ". . . the strife is over, the battle done, the victory of life is won . . ."

After the graveside service, Mrs. Rivers also received friends in the historic St. Stephen church.

Among the thousands to pay tribute to Rivers after his death in Birmingham Monday were black and white, young and old and the influential. But, most, were, as one man at the graveside put it: "I'm just Joe Doe."

Most had felt the personal touch for which he was famous during his 30-years in Congress.

One elderly woman who stopped young Rivers said "I knew your daddy. He was good to the poor people in McClellanville. He wrote me the prettiest letter," when one of her relatives died.

Rivers loved words especially when they rhymed and often interspersed his speeches with great swatches of poetry.

Mr. Meadowcroft quoted "Crossing the Bar," during the funeral service . . . "for tho' from out our bourne of time and place the flood may bear me far, I hope to see my pilot face to face when I have crossed the bar."

His son ended his eulogy with a poem he said his father loved dearly by John G. Neihardt:

"Let me live out my years in the heat of blood!
Let me die drunken with the dreamer's wine!
Let me not see this soul house built of mud
Go toppling to the dust—
A vacant shrine.

"Let me go quickly
Like a candle light
Snuffed out just at the heyday of its glow
Give me high noon—
And let it then be night
Thus would I go

"And grant that when I face the grisly Thing
My song may trumpet down the gray Perhaps.
Let me be as a time-swept fiddle string
That feels the Master Melody—and snaps."

[From the Columbia S.C.) State, Dec. 29, 1970]

NATIONAL LEADERS MOURN

President Richard Nixon led national leaders Monday in mourning the death of U.S. Rep. L. Mendel Rivers, D-S.C., chairman of the House Armed Services Committee and staunch defender of a strong military complex.

"South Carolina," said the President, "has lost one of the most distinguished men in her history and America has lost a patriot."

"In his death," Nixon went on, "I have lost a friend upon whom I could rely in times of great difficulty."

For 30 years, the President said, "Mendel Rivers served the State of South Carolina and the nation with dignity, with distinction and with high integrity in the Congress of the United States."

Defense Secretary Melvin Laird said the nation has suffered the loss of a "great patroit" and American servicemen have lost "a devoted friend."

"I had developed," Laird went on, "the utmost respect and admiration for him as a colleague during his years in Congress and his wisdom and experience have continued to be a source of strength to me during my tenure as secretary of defense."

As chairman of the House Armed Services Committee, Rivers gave the Nixon administration staunch support in its handling of the war in Vietnam.

KNOWLEDGE

Sen. John C. Stennis, D-Miss., chairman of the Senate Armed Services Committee, said Rivers had "a fine knowledge of our military forces and military needs. He gave his district and the nation every ounce of his strength and fine talents."

Sen. Richard B. Russell, D-Ga., hospitalized with a respiration infection, dictated a statement praising Rivers' "far-reaching understanding of the operations of the Defense Department.

DEDICATED

"No man ever lived," Russell added, "who was so wholeheartedly dedicated to the defense of this nation than Mendel Rivers. Those of us who are convinced that a strong defense is our main hope for continued freedom and peace have lost a champion."

Rep. F. Edward Hebert, D-La., next in line to succeed Rivers as head of the House Armed Services Committee, praised Rivers as "a fierce advocate in what he believed.

UNLIMITED

"His dedication," Hebert went on, "to the security and defense of the country was unlimited. His courage and determination coupled with his tenacity and forthrightness were the keystone to the many fights he fought for the country he loved."

The Louisiana congressman said "few men of Rivers' stature pass our way, but having passed our way leave indestructible signs along the way to remind us that there can be no compromise with principle and no faltering in the fight to keep this nation free and strong."

TOGETHER

Hebert was with Rivers at one of the South Carolina Congressman's last public appearances outside Congress. They were together at ceremonies dedicating the Mendel Rivers library at the Baptist College in Charleston in late Ocotober.

Rivers and Hebert were sworn in as Congressmen on the same day in 1941. A close friendship had existed since then.

ELOQUENT

Evangelist Billy Graham, who was also present at the library ceremonies in Charleston, said Rivers was one of "the most eloquent defenders of American freedom."

"I look forward to seeing him in heaven," Graham said.

The North Carolina evangelist called Rivers "my closest friend in Congress."

[From the Charleston (S.C.) News & Courier, Dec. 30, 1970]

ST. STEPHEN READIES FINAL RESTING PLACE FOR RIVERS

(By Michael A. Little)

ST. STEPHEN.—While mourners from Charleston, South Carolina and the nation were waiting in the rain to pay their respects to Rep. L. Mendel Rivers in Charleston Tuesday, preparations for his final resting place were being made in nearby St. Stephen.

Approximately 25 workmen and heavy equipment from the surrounding area here including workers from the Concentrated Employment Program, Highway Dept., Cainhoy and other Berkeley County communities, gathered in a "community effort" to make the burial site for their "champion" more attractive to the many visitors expected here Wednesday.

"We realize history is being and will be made here Wednesday and we are trying to make everything as perfect as we possibly can," St. Stephen Mayor J. Conway Belangia said.

As mayor for the town of 1,800 Belangia expressed the feelings of the town's people, saying, "Used to, if we ever needed any help for anything, we could call our friend in Washington, but we can't do that anymore.

"This was his eyeball and he used to really take care of us. Mendel Rivers made many jobs available for the St. Stephen people and especially helped them when he brought the Douglas aircraft plant to St. Stephen," Mayor Belangia said.

"This is really a community project," the mayor continued.

Everyone will close their places of business at noon. About the only businesses that will remain open will be restaurants to accommodate all of the out-of-town visitors that will be here," Belangia said.

Many of Congressman Rivers' friends unable to attend the funeral in Charleston are expected to crowd into St. Stephen for the burial.

Mayor Belangia said the cortege will arrive in St. Stephen from Charleston on Highway 52 and turn east on Highway 45 in St. Stephen for the three-block trip to the St. Stephen Episcopal Church.

"This community is really hurt. We all loved Congressman Rivers," the mayor said.

"People may not have heard of St. Stephen before, but we know it will always be remembered now," he said.

[From the Charleston (S.C.) News & Courier, Dec. 31, 1970]

THOUSANDS PAY FINAL RESPECTS

(By Michael A. Little)

ST. STEPHEN.—His friends came early and they stayed late.

The main street business section of St. Stephen closed promptly at noon as flags were flown from each building in honor of Rep. L. Mendel Rivers.

One shopkeeper was observed putting his flag up when a passerby shouted, "I have to go home and put my flag up too."

Approximately 6,000 persons jammed into the churchyard at St. Stephen's Episcopal Church to pay their final respects to their friend.

"Who will look after us now?" echoed through the cemetery from the mourners gathered from across the state, nation and his hometown.

One of the most fitting of the final tributes paid to the congressman of 30 years was a "Memorial Flyover," three flights of 12 Air Force jets, F4Es, from Seymour-Johnson AFB, N.C., 4th Tactical Fighter Wing, led by Lt. Col. James Fox. Mission commander for the south to north flyby was Brig. Gen. Cleo M. Bishop, asst. deputy chief of staff for operations at Langley AFB, Va.

"No man was too small for him to talk to. He would talk to the big and the small," said Edgar M. Dodd, USN retired.

"Nothing was too small for him to tackle," Mrs. H. A. Murray of North Charleston said.

Servicemen from many parts of the surrounding area made the trip to St. Stephen to pay tribute to their "serviceman."

"The servicemen are really going to miss him," Sgt. 1.C. Louie McRae said Wednesday morning after driving from Ft. Bragg, N.C.

Richard Bogenrief of Ft. Myer, Va., sounded taps for the ceremony.

[From the Charleston (S.C.) News & Courier, Jan. 2, 1971]

RIVERS ADMIRERS VISIT CEMETERY AT ST. STEPHEN

ST. STEPHENS.—People from many areas of South Carolina and adjoining states journied to this rural community New Year's Day to view the grave site of Rep. L. Mendel Rivers.

St. Stephen Mayor J. Conway Belangia said 25 to 50 cars had crowded the narrow cemetery road all New Year's Day. He said many people took pictures of the flowers and of the grave.

Mayor Belangia said he had seen cars from Florida and Georgia as well as surrounding areas of South Carolina.

THE JIGSAW PUZZLE OF HISTORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BOLLING. Mr. Speaker, the following article by John P. Roche, which appeared in the New York Times Magazine of January 24, points out some of the dangers in "instant history."

(By John P. Roche)

(John P. Roche, special consultant to President Johnson from 1966 to 1968, is professor of politics and history at Brandeis and a syndicated newspaper columnist. This artcile was adapted from a paper given before the American Historical Association)

Some years ago, in reviewing Arthur Schlesinger's "A Thousand Days" for Harper's Magazine, I suggested that there was some resemblance between the volumes then flowing from Schlesinger, Sorensen, Salinger, and other lesser luminaries at Camelot, and the medieval monastic chronicle. If anything, events since that time have reinforced this prejudice.

To be specific, I doubt that any historically valid treatment of the Kennedy-Johnson era can emerge for at least another decade, if then. I confess that when I emerged from the White House I signed up to do an "insider volume," but sober, professional second thoughts have led me to put that project on ice until at least 1980.

The problem is that I simultaneously know too much, and not enough. I know what I thought was happening, what others on the staff thought was happening, what the press thought was happening. But I cannot fully document what happened. And I have seen enough highly classified documents to know that what most of the observers thought was happening was at best half-right, at worst dead wrong. (We will explore a few cases of this sort later.) This has steered me in a different direction as far as writing is concerned: I am now preparing what is frankly and unashamedly an ex parte memoir, "From Camelot to the Alamo." It is based on what I believed was true, on the picture as I conceptualized it, of the Kennedy-Johnson era. As I pointed out so long ago with respect to Schlesinger's fine book, it will not be a *history* but should be helpful to those who try objectively to put the pieces together.

This is not the place to explore in detail the various "inside" stories that have emerged from the Kennedy-Johnson era, except to note that too frequently they are disguised autobiography and/or therapy. I have nothing against autobiography, but I get a bit tired of grievances posing as high theory. For example, several chroniclers emphasize President Johnson's "isolation" and the extent to which his "courtiers" protected him from reality. Translated, this means "Why didn't Lyndon talk to me?" Similarly, we are told that no one dared to challenge the President on his Vietnam policies, that he went up in smoke if anyone suggested a bombing halt. Translated, this means "I didn't dare argue because he might have fired me."

Now it so happens that I opposed the bombing strategy against North Vietnam from the day it was inaugurated, wrote an article condemning it which appeared in the spring of 1965 in The Washington Post and elsewhere, and never changed my views. Note my formulation: I supported the defense of South Vietnam but opposed the whole notion of a cut-rate, air-power war. (I did not see it as a moral issue: sending bombs by air mail is no less moral than employing parcel post, as the North Vietnamese did.) President Johnson was fully aware of my position, which I called to his attention about once a month in various contexts. Indeed, on several occasions he asked me to send copies of my memorandums to Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara. As a courtesy I always sent copies to Walt Rostow, but since I neglected to send any to The New York Times (I was not working for them), it was officially True that nobody in the Administration ever questioned the President's policies.

This is not to assume a heroic pose—several of my friends in the White House (who did not have university tenure) lost their voices arguing with the President on issues ranging across the board from foreign policy to crime bills to increasing taxes. But—and this is the crux of the matter for the historian—not only was there verbal argument, respectful but nonetheless sharp, but there were pieces of paper: "Secret—Eyes Only" memos to the President from his staff. There were full transcriptions of various crucial meetings. Each of us has a set of our memos, but only the Presidential archives in Austin contain the whole range. Including most significantly what the President said to Dean Rusk or Robert McNamara after he had read whatever stuff we sent him.

The net result is that most White House "revelations" would be thrown out of a court of law in about 30 seconds; they simply lack any probative substance. I know what the President said to me over the unmonitored direct line, and Harry McPherson and Joe Califano know what I told them the President told me. Then one of Califano's assistants might pass on to a speechwriter with an ego deficiency what he had heard (via Califano) that the President told me. The speechwriter, who was tucked away somewhere in the Executive Office Building preparing "Rose Garden prose," i.e., talks to visiting Elks, might decide to build up his credit as an insider by calling a newspaper correspondent: "You know, I was with Johnson when he was talking to Roche this morning about the problem of jets for Peru and the old man was really climbing the wall."

Next day, Page One: "Informed White House sources indicate that the President referred obscenely to de Gaulle in connection with a rumored French agreement to sell supersonic jets to Peru." To the end of time, who will believe that the original discussion related to the British sale of Hawker Hunters to, say, Pakistan? This is hypothetical, but just so—and only to protect the guilty.

A classic example of this sort of embellishment can be found in Eric F. Goldman's "Tragedy of Lyndon Johnson." Professor Goldman, accustomed to the genial environment of Princeton, got himself involved with the West Side Jacobins in connection with a White House Arts Festival, and several of them decided to convert the affair into an anti-Vietnam happening. There was, as you may recall, a bit of a stir and, indeed, it is difficult not to feel considerable sympathy for Professor Goldman. At the same time, the President—for equally good reasons—was not amused and, apparently, simply froze Goldman out of any White House functions. But Goldman relates that he took his trouble to an old friend of the President, who called Presidential appointments secretary Marvin Watson, to get a reading. The old Presidential friend talked to Watson and then told Goldman that Watson suggested, in vivid obscene language, that the professor take a jump in the river.

Several aspects of this should be noted. First, Goldman does not say that Watson used the obscenity; he says X quoted Watson to that effect. Second, Goldman was clearly not the President's favorite at the time, so the story has some deductive persuasiveness. But the hooker is that Watson is a devout churchman who simply never uses that kind of language—to those of us who know Watson (and he is a close personal friend of mine) Goldman's anecdote has the same persuasiveness as a story headlined "Pope Paul Busted on Pot Charge." But how can one prove a negative? Particularly when it is confronted on the second bounce?

Admittedly, this is a trivial instance, but it highlights a whole genre, one almost would say a business: namely, the surfacing of Presidential quotes, and of attributions to other high officials, which are impossible to validate or to refute. I recall vividly a phone conversation with President John Kennedy in late September or early October, 1962, in which he scorched me for at least 15 minutes. I had written an article suggesting less profile and more courage on a number of pressing issues, notably civil rights, and he caught me at 7:30 A.M. as I was drinking my first cup of coffee. For me it was a Bay of Pigs: I didn't get a word in edgewise and he was running about 400 a minute.

When he hung up, I went back to my breakfast and figured that this was the penalty one paid for being national chairman of Americans for Democratic Action—a job which required one to try to keep a liberal President in fighting trim. I didn't know that I had been blasted by a future martyr—Jack Kennedy had been sore at me off and on since I went to work for him in 1957. The consequence was, of course, that I did not rush to my commonplace book and record Kennedy's sentiments—I just figured that the next time he needed A.D.A. support, he would be in a friendlier mood. (As, in fact, he was.)

A couple of months later I ran into Larry O'Brien, who filled me in on some details. He had gone to see the President in his bedroom and Kennedy had thrown the magazine at him—the one with my offensive article—and said, "What the hell is Arthur [Schlesinger] getting paid for? He is supposed to keep these bastards on a leash." I thought this was pretty funny and remembered it, but I wonder if O'Brien has the slightest recollection. There is no particular reason why he should—what was for me a startling experience was probably for him a commonplace event. But in legal terms, there is no way of proving a thing—I could have dreamed it all up.

While I can honestly say that I have never knowingly invented a quote for Presidential attribution, I must in all candor concede that on occasion things got a bit complicated. For example, President Johnson would in succession call Califano, Christian, McPherson and me to get our reading on some problem. Usually his calls were slightly therapeutic; i.e., he would be madder than hell about some column and would explore the author's credentials and ancestry in some detail. We would immediately caucus and try to work out a sensible, common position, and in the course of our meditations each would repeat the pithier components of the President's analysis. By the time we got finished, it was often hard to recall which things he had said to whom and within a week, I suspect, each of us fed the whole works into his personal memory bank. The smart thing to do would have been to have our secretaries monitor and transcribe the conversations, but this was absolutely forbidden (except, I believe, to Walt Rostow—who had to have his instructions on crucial matters of foreign policy down in black and white). Lyndon Johnson wanted privacy with his staff, even at the expense of historical exactitude.

Another of Goldman's difficulties which might be mentioned at this point is that he believed what he read in the papers. In his book—of which very little is actually firsthand recollection—he lavishes praise on Hubert Humphrey for his spontaneity and wit in the 1964 campaign (which was, in fact, a fearful drag).

To exemplify his point he takes a speech Humphrey delivered in Toledo, Ohio, on Oct. 6, 1964, and suggests that it was Hubert at his best. Improvised wit, searching commentary—these were the essentials of the Vice Presidential candidates' vivid presentation.

The only problem is that this speech was neither spontaneous nor delivered! It was written by me—and with all due immodesty I can state it was a good speech—and under the arrangement we had with the Senator, unless he vetoed it, the Democratic National Committee sent out a press release based on our (the Washington staff's) draft. This was done for morning release on the 7th of October, and—since it was a slow day elsewhere and the speech had some zip—it hit the headlines in three leading papers.

Meanwhile, out in Toledo, Humphrey—instead of giving my 20-minute speech—talked for an hour and 40 minutes. He gave one-third of each of five bad speeches. Why? Because someone on the plane into Toledo had persuaded him that my speech would lose Ohio, and seven volunteer speechwriters (every man seems to consider himself a speechwriter—in fact, speech-writing is a real art) had put together a monstrosity (which I later heard on tape). The correspondents on the plane heard the first 10 minutes and retired to the nearest bar, so the only coverage the event received was (1) in the Toledo papers, which were accurate; and (2) in The Times, Baltimore Sun, and Washington Post, whose stories were based on the D.N.C. press release and totally inaccurate. As I recall, this was the speech in Which Humphrey actually told the assembled Democrats that Jack Kennedy was watching from heaven to see how they voted! It was not one of his better days.

Let us turn to another area of instant history which is going to be a source of major problems to the historian of the future: the conflict in authorities on the same event. On Sept. 2, 1963, President Kennedy gave Walter Cronkite of C.B.S. an exclusive interview, most of it centering on the status of the Diem regime in Vietnam. Roger Hilsman, then Assistant Secretary of State, Far East, noted in his book that television forced a decision. "The subject of Vietnam and the Buddhist crisis," wrote Hilsman, "was an inevitable question. . . . The White House staff [composed] a proposed response that was as innocuous as possible [but] the President tossed it aside and bit the bullet. 'I don't think,' the President said, 'that unless a greater effort is made to win popular support that the war can be won out there . . .' "

Hilsman goes on to state that the "meaning of [a] reference to the need for 'changes in policy and personnel' was that the President had decided that the tension between the United States and the Diem regime would continue until the policy of repression against the Buddhists and the students had been abandoned . . ."

Of the same situation, Schlesinger wrote that President Kennedy "tossed aside a moderate statement his staff had prepared" and went on to sock Diem with a hardline position. In short both Hilsman and Schlesinger indicate that Kennedy, in his Cronkite interview, deliberately rejected a moderate view and substituted what was, in effect, an ultimatum to Diem to shape up or ship out. Sorensen makes no substantive comment.

However, another precinct—one far closer to the actual TV interview than either Hilsman or Schlesinger—has also reported (and with an entirely different reading of the course of events). Pierre Salinger, press secretary, who handled the logistics of the Cronkite interview, later wrote that this TV special "had an unfortunate aftermath. C.B.S. shot half an hour of questions and answers, mostly on Vietnam, but cut the footage to 12 minutes for actual broadcast. The result was a partial distortion of J.F.K.'s opinion of President Diem. In the actual interview, which was filmed, President Kennedy spoke of his respect and sympathy for Diem. When the film was shown to the public, only the unfavorable Presidential remarks remained."

I later asked Pierre Salinger how this could have happened: it is inconceivable that a network would edit an interview with the President without going over the cuts with the White House. He said it was one of those things that fell through the slats when the President was out of town—like the famous "Do not abort" cable sent to the embassy in Saigon (encouraging an anti-Diem coup) when the President was at Hyannis in late August, 1963. These things happen in every Administration, providing fodder for later paranoids: Why was the warning to General Short at Pearl Harbor on Dec. 6, 1941 sent by Western Union? From my knowledge of the Government, I am absolutely ready to believe that the answer was incompetence. But what know they of incompetence who only footnotes know?

Let us examine the focus of another, more recent conflict of sources: the famous "Battle of Johnson's Speech." In March, 1969, a year after the Johnson speech which cut back the air war on North Vietnam and announced his retirement from the Presidential competition, The New York Times ran two articles on the reasons for this shift and the bureaucratic infighting that accompanied it. Subsequently, the man who claimed to be the *deus ex machina* of the whole shift in Vietnam policy, Townsend Hoopes, published a book, "The Limits of Intervention," which attempted to bolster this claim.

Frankly, this put me in a difficult position. It was folly to allow Hoopes to pre-empt the historical stage (since, in fact, he was poorly informed), but any serious reply had to be based on highly classified materials (which Hoopes didn't even know existed). The fact is that when Lyndon Johnson asked people to keep their mouths shut, they did—or were put on ice in one of the many comfortable welfare programs that exist in the Government. I spent, at the President's request, a good part of six months trying to figure out what went wrong in Vietnam and I had access to all relevant documents going back to 1964–65. But, to repeat, I reported to him, not to The New York Times. Moreover, there was a certain moral question involved in anticipating the President's memoirs—as well as the nice legal question of declassifying "Top Secret, Sensitive, Eyes Only" memorandums.

So I called the former President and suggested he break loose enough material to demolish Hoopes, but he felt that he would have an opportunity to deal personally with the question in a forthcoming series of TV interviews with the ubiquitous Walter Cronkite. On Feb. 6, 1970, he went into the whole affair on TV, reading from some of the memos, only to be greeted by hoots of derision from Hoopes (who accused him of "standing history on its head") and others. Hoopes accused Johnson of lying when the latter said he had instructed Rusk and Clifford by memo on Feb. 28, 1968, to undertake a searching reappraisal of all aspects of our Vietnam policy. Hoopes said flatly that "the Pentagon officials concerned are quite clear that they never received such a document." Hoopes cited a host of hearsay witnesses, and made the flat statement: "Clifford is certain that his instructions from the President were entirely oral, and rather narrow in scope. . . ."

This time I challenged Hoopes in print, pointing out that there was a memo of Feb. 28, 1968; it went to the principal officials (including McNamara, who was retiring on the 29th); it called for a total, across-the-board evaluation of our options in Vietnam; and that Clark Clifford had signed a receipt for his copy and referred to its headings in a reply written March 4. I still did not feel it proper to distribute copies, but the odds seemed pretty good that if Hoopes, Clifford, or any of the others involved called me a liar, some documentation might surface from Austin. I guess those involved thought so, too—there was not one effort to refute my contentions.

Finally, in this context, take the role of Dean Rusk, who was, in March, 1968, the principal supporter of an unconditional, partial (above the 20th Parallel) bombing halt. Schlesinger once referred to Rusk, whom I gather he did not like, as a "Buddha" who never contributed to policy discussions. Rusk's reply was that when Schlesinger was in the room he kept his mouth shut, since otherwise his words would be all over Georgetown in half an hour. My view is that Rusk over did the secrecy bit—I think sometimes he kept secrets from himself just to stay in trim—but in direct private consultations with the President, McNamara, Clifford and perhaps two or three others he was a sharp, discerning participant.

By the fall of 1967, although he was pessimistic about any positive result (with justification, as events have demonstrated), Rusk had decided that a cutback in the bombing of North Vietnam might lead to negotiations. (The idea of cutting back to the 20th, by the way, had been around for some time: McNamara and Assistant Secretary of State William Bundy had staffed it out in the spring of 1967.) This came out in a reply Rusk drafted in November, 1967, to a memo (anonymous, but actually written by McNamara) which the President circulated to a dozen trusted advisers recommending a total bombing halt, a troop ceiling for Vietnam, and in general de-escalation and what is now known as "Vietnamization." Of those canvassed, only Rusk and Under Secretary of State Nicholas Katzenbach reacted sympathetically, though they argued for a partial rather than a total bombing halt to protect our troops in I Corps from invasion through the DMZ. Clifford, by the way, was hard as nails. On March 4, 1968, Clifford was still a hard hawk, but Rusk reintroduced the proposal for a bombing cutback, argued for it with the President, and found a receptive ear.

No disrespect is intended to Clark Clifford, who in my judgment did in the Department of Defense what should have been done two years earlier—that is, he began the Vietnamization of the war. My only point is that Rusk's proposal did not come out of the blue; he had made it six months earlier. But Hoopes simply was unaware that the November-December discussions had ever taken place.

Well, so much for "The Battle of Johnson's Speech," except to note that this was not really a historical argument at all. It was theological. As of 1970, liberal Democrats decided that the war in Vietnam must somehow be expunged from the party's record. The ideal way to accomplish this Orwellian objective was to show that a few sinister hawks foisted our Southeast Asian policy on an unwilling but helpless mass of liberal doves.

Hoopes and his associates were thus busy concocting a virtuous past; history has become an instrument of retrospective salvation. Indeed, as I look around today, I get the distinct impression that the only supporters of the Vietnam war in the top echelons of the Johnson Administration were the President, Dean Rusk, Walt Rostow and myself. The White House staff, the bureaucracy, Congress and even some high military positions were seemingly populated by secret doves. Washington, in short, was full of men wrestling with their consciences, and—as the paucity of resignations indicated—winning.

Indeed, it will be interesting to watch the historian of the future wrestling with the problem of defining a "dove." Professor Hans J. Morgenthau, for example, has been thought of as a leading dove, but the reader of his views on Southeast Asia finds himself a bit unnerved. True, Morgenthau opposed "peripheral containment" of Asian Communism (i.e., the war in Vietnam), but suggested in its place a straight Dulles strategy—nuclear bombs!

Or, take the confusing role of Gen. James M. Gavin, who in 1966 became famous for his alleged opposition to bombing North Vietnam and his alleged advocacy of "enclaves." I say "alleged" because in testimony before the Senate Foreign Relations Committee in February, 1966, General Gavin flatly denied that he wanted to stop bombing North Vietnam, denied that he wanted "a halt in the escalation," and denied that he recommended "withdrawal of American troops to defend a limited number of enclaves." Indeed, he urged that "the utility value [of Haiphong] should just be done away with since it is a major port of entry for military supplies"!

Perhaps some of the confusion arose because a year later, in testifying before the same committee, General Gavin announced that "I opposed the bombing of North Vietnam at the last hearings, and I still oppose the bombing of North Vietnam, and I think the bombing should be stopped." Since the politicians were already beginning to cover their tracks on bombing, one suspects they decided to let the general join the caper.

Politicians and generals can, perhaps, be forgiven for trying to cover their tracks, but the situation of a scholar is somewhat different. The personal theme of Hilsman's book, "To Move a Nation," was that he resigned from the Johnson Administration because he saw it deviating from the flexible, political strategy toward Vietnam implemented by President Kennedy. The Johnson Administration, Hilsman wrote, "was obviously going to take the military path." In the course of writing his volume, Hilsman declassified a large number of his own Secret and Top-Secret memorandums; I am taking the liberty now of declassifying one that he somehow overlooked.

Dated Aug. 30, 1963, it is a six-page Top-Secret memorandum to the Secretary of State from the Assistant Secretary, Far East (i.e., Hilsman). Subject: "Possible Diem-Nhu Moves and U.S. Responses." The background might be briefly noted. President Ngo Dinh Diem and his brother, Ngo Dinh Nhu, suspecting that the United States was plotting a coup in Saigon, began in the summer of 1963 to threaten the Americans with what we now call "Vietnamization." Among the sinister gambits allegedly considered were (1) a deal with Hanoi, (2) telling the Americans to go home, and (3) calling for great-power neutralization of the whole of Indochina (patterned on the Laos model of 1962).

Hilsman projected 11 possible Diem-Nhu moves and suggested what contingency plans should be evolved to deal with each. Our concern here is with four of those moves:

"Diem Nhu Move: Severance of all aid ties with the U.S., ouster of all U.S. personnel (except for a limited diplomatic staff), and demand for the removal of all U.S.-controlled military equipment in Vietnam.

"U.S. Response: (a) We should stall in removing U.S. personnel and equipment from Vietnam. This move by (Saigon) would again, however, underscore the necessity for speed in our counteraction. (b) If Diem-Nhu move to seize U.S.-controlled equipment, we should resist by all necessary force.

"Diem-Nhu Move: Political move towards [Hanoi] (such as opening of neutralization negotiations), or rumors and indirect threats of such a move.

"U.S. Response: (a) Ambassador Lodge should give Diem a firm warning of the dangers of such a course, and point out its continued pursuit will lead to cessation of U.S. aid. (b) Encourage the generals to move promptly with a coup. (c) We should publicize to the world . . . any threats or move by Diem or Nhu toward [Hanoi] in order to show the two-edged game they are playing and help justify publicly our counteractions. (d) If [Hanoi] threatens to respond to an anti-Diem coup by sending troops openly to South Vietnam, we should let it [Hanoi] know unequivocally that we shall hit [Hanoi] with all that is necessary to force it to desist. (e) We should be prepared to take such military action.

"Diem-Nhu Move: Appeal to de Gaulle for political support for neutralization of Vietnam.

"U.S. Response: (a) We should point out publicly that Vietnam cannot be effectively neutralized unless the Communists are removed from control of North Vietnam. If a coalition between Diem and the Communists is suggested, we should reply that this would be the avenue to a Communist takeover in view of the relative strength of the two principals in the coalition. Once an anti-Diem coup is started in South Vietnam, we can point to the obvious refusal of South Vietnam to accept a Diem-Communist coalition.

Diem-Nhu Move: Continuation of hostilities in Saigon as long as possible in the hope that the U.S. may weaken because of the bloodbath which may involve U.S. personnel.

U.S. Response: (a) We should maintain our sangfroid and encourage the coup forces to continue to fight to the extent necessary. (b) We should seek to bring officers loyal to Diem over to our side. . . . We should encourage the coup group [to cut off Diem's supplies]. (d) We should make full use of any U.S. equipment available in Vietnam to assist the coup group. (e) If necessary, we should bring in U.S. combat forces to assist the coup group to achieve victory."

Without laboring the obvious, Hilsman's definition of a "political solution" seems to have altered rather radically between August, 1963, when he composed this bellicose memo, and February, 1964, when he sensed a "military solution" in the offing and resigned. I might add that the key to any "political solution" in Indochina back in 1962–65, was "neutralization," along the lines of the Geneva Agreement on Laos. Thus Hilsman's view of neutralization, as expressed in the foregoing, is particularly pertinent. By 1963 standards, Hilsman made Dean Rusk sound like a pacifist.

There is one final problem of instant history that deserves brief analysis. That is the fact that at different periods in time people are asking different questions. The dispute over the Tonkin Gulf Resolution is a classic example of this kind of shift. In 1964, when the President asked Congress for a functional declaration of war (which is what the resolution was), the Senators who held hearings asked Secretary McNamara what Hanoi's torpedo boats were trying to do to us? The hearings were heavily censored, but if one meshes them with those held by the Senate Foreign Relations Committee in 1968, the story becomes crystal clear: The American destroyers knew the North Vietnamese torpedo boats were out to get them because Hanoi's orders to its task force had been intercepted.

The reason for the excessive censorship escapes me—anyone with a fifth-grade education (here or in Hanoi) could figure out the main lines of the argument from the illusions in the uncensored portion of the report on the hearings. (Besides which I was told by a high Vietnamese official that the orders were transmitted in *clear,* i.e., they were not coded.) At any rate, in 1964 the Congress asked "What were they doing to us?" and the Administration, with documents, indicated they planned to sink us. Congressmen and Senators generally take a dim view of foreign warships trying to sink our destroyers; the President wanted to lay it on the line to Hanoi for deterrent purposes; the result: the Tonkin Gulf Resolution.

Unfortunately nobody cheers when deterrence works, but when it fails the trouble begins. And as the American people became increasingly infuriated with the war, their elected representatives began searching for protective cover. The simplest form of cover is the ancient slogan, "We were tricked!"—and out it came. One of the problems of being President is that you have no place to hide, no excuse when things get tough. As Kennedy said after the Bay of Pigs, "Success has a thousand fathers but failure is an orphan."

Since President Johnson pulled a copy of the Tonkin Gulf Resolution out of his pocket every time a Congressman or Senator complained about the war—I suspect he kept one in his pajama pockets—the Senators set out to undermine its validity. Now, instead of asking what the North Vietanmese PT-boats were trying to do, they asked a different and nastier question: How successful were they? In other words, the intention of the boats was at issue in 1964, their effectiveness in 1968. Manifestly they were unsuccessful—that had been apparent back in 1964—but now their lack of success became proof that the whole affair had been blown up out of all reasonable proportion simply to trick Congress.

Now this gets the analyst into a complex problem. Clearly the President, recalling Harry Truman's Congressional difficulties over Korea, wanted to mass the Congress, and the nation. If the Tonkin Gulf Resolution had worked (as the Formosa Strait one did), we would have a different world about us. But it didn't, and the hard fact is we all (with a handful of exceptions) tricked ourselves.

So, farewell to instant history and God help the poor souls who try to put the jigsaw puzzle together when all the precincts have reported. As for me, I'm going to write it as I saw and believed it—but with a candid admission that any resemblance to events as they in fact occurred may be coincidental.

LITTLE SUNSHINE FOR TEXTILES

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. MANN. Mr. Speaker, I would like to call attention to some very perceptive remarks included in the Greenville, S.C., News editorial of January 26, 1971, concerning the truly desperate condition of the textile industry. Legislative remedy will, of course, be actively sought within the Congress, but sincere administration support is much needed.

The editorial follows:

LITTLE SUNSHINE FOR TEXTILES

An 11 per cent increase in foreign imports in 1970 and defeat of national legislation designed to hold such imports to reasonable levels combined to increase the pall of gloom hanging over the textile industry. There are few rays of sunshine.

Rep. Wilbur Mills of Arkansas, powerful chairman of the House Ways and Means Committee, has vowed to renew the fight for the import quotas bill which cleared the House and then died in the Senate during the hectic final hours of the "lame duck" session of the 91st Congress. Mr. Mills' determination to start all over again with the measure is courageous.

The textile industry never needed such champions more. As Greenville textile leader Eugene Stone III has so aptly predicted, "If Congress doesn't act, we will see more layoffs, more plants closing and more plants moving overseas." The prediction can be supported with hard facts and figures on the deteriorating state of the industry nationwide—and especially in South Carolina.

Through the middle of 1970, more than 7,000 textile workers, representing salary losses of $23.6 million and state revenue of $633,000, lost their jobs. Indications are that final figures for the year will push the totals much higher. The list of mills closing down or sharply curtailing expensive expansion plans grows longer every day.

Other industries across the state showed a gain of 21 per cent between June, 1969, and June, 1970, but textile corporations' declarations dropped 76 per cent in the same period. Two-thirds of South Carolina's work force is employed by textile or textile-related industries. The same frightening statistics can be found in North Carolina and other states heavily involved in textiles.

The U.S. Department of Labor reports that textile employment across the nation dropped from 991,000 to 945,000, a decrease of 4.7 per cent, in the past year. This doesn't include thousands of workers who are finding themselves on short time and reduced hours.

The industry, of course, has felt the pinch of the sagging national economy, but its major illness can be traced directly to the Japanese-led import campaign. At the core of the problem is the fact that foreign textile imports have jumped from 976 million yards in 1959 to more than 4 billion yards in 1970.

Japan continues to follow a largely protectionist trade policy, while it picks the pocket of the United States through conning us into maintaining our free trade position. This insistence by Japan on retaining a basic trade imbalance is chiefly to blame for continued failure of negotiations on the imports issue.

Japanese Premier Sato, however, did give this country some advice that President Nixon and Congress would do well to take to heart. He said, "In any country, if a certain industry is in trouble, it is natural for that country to take steps to protect that industry."

The textile industry at this point is not too optimistic about getting the U.S. to do the natural thing and take positive steps to hold foreign imports to reasonable and fair limits. It will be too late to move when American textile companies have become entrenched overseas and when the thousands of workers they would leave behind on this side of the ocean are placing an unbearable strain on the economy.

Rep. Mills and others, with the South Carolina legislative delegation in the lead, can be expected to put up another good fight this year. Sen. Ernest F. Hollings already has introduced a similar imports measure in the Senate. But they need help, especially from the White House.

The full support of the Nixon administration could possibly tip the congressional scales. The President, despite campaign promises to provide relief for the textile industry, has so far given only lukewarm endorsement to legislation that could do much to accomplish that relief. His position in the coming legislative battle could well be the key to the future of America's domestic textile industry.

WAYNE GUTHRIE STARTS ON NEXT HALF CENTURY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BRAY. Mr. Speaker, on January 1, 1971, veteran Indianapolis newspaperman Wayne Guthrie finished his first 50 years and started his second half century. The following story from the January 1, 1971, Indianapolis News gives the highlights in the life of one of Indiana's most famous newsmen:

WAYNE GUTHRIE STARTS ON NEXT HALF CENTURY

(By Bill Roberts)

"He's as Hoosier as sassafras and sumac."

"He's the most conscientious newspaperman I've ever known."

"He was a 24-hour-a-day city editor."

"When a big story was breaking, he was all business, all accuracy and all work."

These are just a few of the comments from fellow workers of Wayne Guthrie, reporter, editor, columnist and public speaker, who began his 51st year at The News today.

Back on Jan. 1, 1921, when he came to work at The News, it was with the understanding this was to be only a temporary association. Guthrie, who is a graduate of Indiana University Law School, had planned to join an Indianapolis law office as soon as the prospective partners could organize the firm. But, the firm was never formed, so Guthrie had no reason to leave the Great Hoosier Daily.

CITY EDITOR

Guthrie points out this very well could be the longest temporary job in the history of journalism.

Although he is best-known for his column, Ringside In Hoosierland, which he has been writing since 1947, Guthrie served as assistant city editor seven years and city editor 14.

Born in Nashville, Guthrie has always looked upon his deep-rooted Hoosier heritage as a blessing. He also possesses this same strong conviction about America and that has brought him numerous honors.

Nine times Freedoms Foundation at Valley Forge has honored him for his columns on behalf of the preservation and perpetuation of the American free way of life. He also has been cited by the American Association of State and Local History for two series—"Famous Hoosiers" and "Pre-Statehood Indiana Towns."

Guthrie is a former president of the Indianapolis Press Club and a past Indiana governor of Kiwanis. In 1970 the Press Club named him Indiana Newsman of the Year.

Two Indiana governors—one Republican and one Democrat—made him a Sagamore of the Wabash. There have been other awards too, from the DeMolay, the Masons, the Shrine and Kiwanis.

ENTER, THE SPEAKER

One of the biggest changes in Guthrie's eventful life came in the summer of 1946 when he went to the Bikini Atoll in the Pacific to witness and cover two atomic tests.

After returning to Indianapolis, he found people wanted to hear about what he had seen. So, Guthrie the speaker emerged. Since his first talk in a neighbor's basement in August, 1946, Guthrie has delivered his "Ringside At Bikini" address 853 times, in 31 states and two Canadian provinces to audiences ranging up to 12,000.

Later, he started talking about Americanism and won his 10th Freedoms Foundation award. He has given this speech, "Accentuate the Positive," more than 250 times from San Francisco to Atlantic City and from Miami to Great Falls, Mont.

Fellow Columnist Griff Niblack who was reporter when Guthrie was city editor, commented, "The biggest story Wayne ever covered was the A-bomb tests and on his return he surprised everyone, including his closest friends, when he made a tremendous speech about it. He is a topnotch speaker.

"Nobody ever got down to work earlier or stayed later. He kept meticulous hours and believed in his reporters keeping the same." Niblack also recalls that a former photographer for The News claimed Guthrie once suggested that he photograph both the start and finish of a 100-yard dash. Guthrie insists it was facetious.

Veteran political editor Ed Ziegner remembers, "In 1940–41 I was working Saturdays only on The News, just trying to get some experience until a full-time job opened up. When I showed up at 7 a.m. the first Saturday, Wayne took me over to the Webster's Unabridged Dictionary, pointed to it and asked me if I knew what it was.

"I answered, 'Yes,' and he said, 'Okay, now use it!' "

SHARP REPORTER

Another columnist, Bill Wildhack, tells about the time The News City Hall reporter decided it was safe to attend a matinee at the Circle Theater on a quiet summer day. It seems that at intermission the writer telephoned Guthrie from the lobby of the theater just as the band struck up a lively tune.

"What's that music?" Guthrie asked.

"It's the police and firemen's band practicing," replied the quick-thinking reporter.

Although Guthrie is celebrating his 50th anniversary as a newspaperman, he can still remember his first major assignment, covering the 31-night revival services of famed evangelist Gypsy Smith.

"It was sponsored by the Church Federation in an old wooden tabernacle that stood at the northeast corner of Alabama and Ohio. This should not be confused with Cadle Tabernacle which was built later at New Jersey and Ohio." Guthrie pointed out.

His first "scoop" was the tragic interurban crash at Alfonte, near Ingalls in Madison County, Feb. 2, 1924. At least 21 persons burned to death. Fortunately, Guthrie and his wife, Mildred, who were riding one of the trains, survived, and he had the story before people in Indianapolis were aware of the disaster.

Among his most successful campaigns as a columnist, Guthrie lists these three:

Persuading the state to name a state park after Col. Richard Lieber, father of Indiana's state park system.

Changing Victory Field in Indianapolis to Owen J. Bush Stadium. (Guthrie is a rabid baseball fan who has been known to sneak away in the afternoon to see a game.)

Bringing honor to Walter Myers, sole survivor of the trio who succeeded in getting the American Legion to establish its National headquarters in Indianapolis.

In case anyone is apprehensive, Ringside In Hoosierland will continue to appear Monday through Friday. The author, a man with a quick smile, has no intention of stopping.

"Lest anyone get the erroneous impression, I intend never to retire," Guthrie added emphatically.

FEAR OF FBI UNFOUNDED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. GOLDWATER. Mr. Speaker, I am very concerned over the smear campaign now being mounted against Federal Bureau of Investigation and particularly its esteemed Director, J. Edgar Hoover. Certainly all Federal bureaus are subject to criticism but the current attack on the FBI and Mr. Hoover is not responsible. It is attack, a smear attempt, not intelligent criticism.

I am pleased to present the following editorial from the Evening Tribune, San Diego, Calif. The December 23, 1970, editorial certainly puts some of this criticism in proper perspective:

FEAR OF FBI UNFOUNDED

Since its inception the Federal Bureau of Investigation has been and continues to be just what the title implies, an investigative arm of law enforcement. It is not a federal police force. Neither is it judge and jury for alleged criminal actions.

Alarmists, however, are crying again that the FBI plans to "saturate" college campuses with officers to curtail liberty and freedom of speech.

The whispering campaign against the FBI stems from President Nixon's provision for appointment of 1,000 additional agents in the fight against organized crime.

The Organized Crime Control Act of 1970 signed into law Oct. 15 specifically gives the FBI the responsibility for investigating bombings or bombing attempts on federal property or any institution receiving federal financial assistance.

The notion that such action presents a threat to the country is ridiculous.

As FBI Director J. Edgar Hoover observed, the FBI would be "more than pleased if it were never necessary to investigate a single bombing under the new act."

There's really nothing sinister and menacing about investigating acts of bombing and terrorism. They've almost doubled in number over 1969, and persons who worry about "repressive" law enforcement might better expend their energy in working to prevent these crimes.

SENATE—*Wednesday, January 27, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of Scripture:

Be still, and know that I am God.—Psalms 46: 10.

Put off thy shoes from off thy feet, for the place whereon thou standest is holy ground.—Exodus 3: 5.

Almighty God, King of Kings, and Lord of Lords, from whom come all power and dominion, we beseech Thee to look with favor upon all Thy servants in the Government of this land—the President, the Vice President, the Governors, the leaders of our diplomatic and military forces, the judiciary, and especially the Members of this Senate. Imbue them with the spirit of goodness, wisdom, and truth. May days of debate and moments of contention bring abiding solutions to perplexing problems. In times of tension and crisis strengthen the spiritual sinews of Thy servants here that they may concert their best efforts for the Nation's welfare and find the way to lasting peace among the nations.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, January 26, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDENT pro tempore. The Chair lays before the Senate the pending motion to proceed to the consideration of Senate Resolution 9, which the clerk will report.

The legislative clerk read as follows:

> S. Res. 9, amending Rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Illinois (Mr. PERCY) for 15 minutes.

The Senator may proceed.

SENATOR PERCY REPORTS ON HIS TRIP TO AFRICA

Mr. PERCY. Mr. President, as my colleagues know, during my trip in November to Europe and Africa, I visited the Federal Republic of Nigeria for a few days. This was my first exposure to this vast and very important nation. I came away assured that all of my colleagues in this Congress who can find time to visit Nigeria will receive as cordial a welcome as I found there. Ambassador Trueheart, an able career diplomat, and the Embassy staff could not have been more gracious or helpful in planning the best use of my much too limited time.

I want to pay special tribute at this time to the Honorable Joe Iyalla, Ambassador of Nigeria in Washington, for his assistance in arranging my visit to his country, particularly since the notice given of my hope to go to Lagos was necessarily short. Ambassador Iyalla, who is so well known to many of us in the Senate, has also won for himself and his country a host of friends during his years of distinguished service in Washington.

This year, 1970, was an especially important year for a visit to Nigeria. It is, in a real sense, a "watershed" year for that country. It is the year in which the tragic civil war came to an end. It is a year for stocktaking, for binding up wounds, for starting in motion the hard work of reconstruction. It is the year for planning and seeking new directions for the future. I am happy to report that all these things are being done well. Nigerians I met are fond of quoting Winston Churchill who stated when he assumed office early in World War II:

> This is not the beginning of the end; this is the end of the beginning.

For Nigeria the beginning has ended.

The highlight of my visit to Lagos was an hour and a half of frank and serious discussion with the earnest, dynamic, and personable head of state in whose hands the enormous task of reconstruction is chiefly entrusted, Maj. Gen. Yakubu Gowon. This 36-year-old leader has already guided Nigeria through the greatest test of its existence over the past 4 years. A few weeks before I reached Lagos he announced, on October 1, the 10th anniversary of Nigerian independence, the plans of his government for achievement of a series of national goals culminating in a return to civilian leadership. Each of the major obstacles to be overcome was carefully assessed and the means to attain the national goals explicitly presented to the people of Nigeria.

Special emphasis was laid by General Gowon upon the reintegration into the national fabric of the war-torn areas of the east and southeast of the country. National reconciliation through a policy of magnanimity is the order of the day in Nigeria. People from the disaffected areas and the adjacent regions which felt most severely the scourge of war have been resuming their places in society and in the economy. I urge that my colleagues give heed to the words of peace and the plea for unity and brotherhood which General Gowon addresses to his people. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks his historic speech of October 1, 1970.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, I am certain that my colleagues will endorse his aims of unity, stability, progress, and justice for all Nigerians as they move steadily toward the foundation of a truly Federal and democratic republic.

Neither General Gowon nor any of the many colleagues of his with whom I spoke, a great many of them also very young for such positions of responsibility, have any illusion that the way will be easy. Divisiveness, tribalism, and sectional politics give way to a sense of national purpose. Under Federal leadership the peoples and the governments of the 12 States are pulling together. And there is recognition in Nigeria today of the need for and the capacity of the Nigerians to do most of the job themselves. This is a society where individual initiative and free enterprise are respected and practiced.

It is also recognized that the development of the country has been uneven. In some urban areas we find a commendable 80 to 90 percent of children of primary school age actually attending classes; in others, unfortunately, the percentage drops to 10 percent and even less. In some areas new schools barely manage to keep up with population growth. Per capita income is low, not yet much more than $100 per year. Malnutrition and disease, as in many other parts of the third world, must be attacked and overcome. New industries and modern agricultural enterprises have to be created to provide jobs for tens of thousands more each year. The transportation infrastructure of the country is in a state of disrepair due to the wear and tear of the civil war years and the understandable reluctance of the Federal Government to expend badly needed foreign exchange upon the material and equipment needed to extend or even maintain roads and bridges that remained at least serviceable.

Yet, one of the most impressive achievements I discovered in my talks with those who guided Nigeria's economy through the war years and who are doing the planning for the future was the astonishing ability of this hard-pressed country to come through the war without having encumbered itself with heavy external debts. The materiel it needed for the war effort was paid for almost entirely in cash. This meant 3 years of austerity for Nigeria, deprivation for millions of citizens, hard times that only now are beginning to disappear.

A few days before my visit to Lagos the Government published its new 4-year plan for economic development, an impressive document. It is a blueprint for the process of catching up, of reconciliation and reconstruction. It calls for a capital investment of $4.5 billion, partly—about 55 percent—in the public sector and partly—about 45 percent—in the private sector. Its success will depend chiefly upon the efforts of the Nigerians themselves, but will also require input through private foreign investment and through some assistance from friendly nations—among whom I feel certain the United States will continue to be numbered—and through the traditional international agencies. Significantly, Nigeria will look to outside help for loans and grants to cover only 19 percent of the planned investment. I encountered many expressions of hope that the United States could continue to be courted upon, through both public and private channels, to help Nigeria further along the road to recovery.

For the next few years Nigeria will struggle with a shortage of foreign exchange due to the necessity of importing large amounts of capital equipment for its new industries and for the improvement of its agriculture and its transportation network. Happily, the longer term picture is a promising one. Thanks to the phenomenal progress made in the rehabilitation of the country's young but enormous petroleum industry, the revenues which will accrue to both the Federal and state governments should enable Nigeria to move soon to that enviable position of requiring no more concessional aid from abroad. We have here the prospects for one of the greatest success stories of the postcolonial era in Africa.

With a diversified economy and the prospect that early next year it will move into eighth place among the oil-producing countries of the world, there seems no reason why Nigeria should rest long among the have-nots of the world.

It is a source of some regret to me that we have not seen a greater participation by American private capital in Nigeria. Except recently in oil there has been nothing in the private sector to match the input by the U.S. Government since our assistance program was launched before independence, or to match the magnificent work done by our foundations and our missionary societies of whose past and present achievements we have all, as Americans, ample reason to be proud. Many of Nigeria's leaders past and present are the products of American educations, American education in Nigeria and in the United States as well. In fact, there are now more than 1,800 future leaders in the Nigerian professions studying at American colleges and universities. It is also gratifying to know that more Nigerians are studying in the United States than in any other country.

Since a mission was established by American Baptists in 1854 there have developed many formal and informal ties between American and Nigerian institutions of higher learning. It is in the interest of both countries that our cultural and commercial links be maintained and expanded. Language barriers are almost nonexistent and the small American business community in Lagos, with whom I met, is excited and optimistic about the great economic potential of the country.

I met a young man there who deeply impressed me because he is starting small companies and waiting until those small companies become successful and profitable. Then he is offering majority control to Nigerian stockholders and he intends to list those companies on a Nigerian stock exchange.

That is the kind of help that can be immensely helpful in the economic development of Africa. I think it will do a great deal to indicate to other countries of Africa the spirit of enterprise and the nature of the help we hope to extend to these small African countries.

There is an affinity between the United States and Nigeria, between the largest and the second largest black nations in the world; for, next to Nigeria no country in the world numbers a greater black population than our own. With a population which will be scientifically counted in a forthcoming census, most authorities believe that Nigeria will prove to have a population on the order of 60 million, a nation exceeded in size by only eight others in the world, and exceeded by none in Europe—either in size or population—by any State except the Soviet Union. And in Africa, south of the Sahara, mind you, one out of every five persons is a Nigerian.

Nigeria today is ready to stand up and be counted. And it will stand tall. It will stand on its own feet. It will be important in world councils. With the solution to its internal stresses now in sight, Nigeria is giving notice that it is prepared to play its role in Africa, in the Commonwealth and in the world at large. It is also determined to retain its hard-won independence and its Federal and Republican unity. It is threatened by no one and covets no neighbor's territory or wealth. In the few months since the end of the civil war, it has already turned outward to consolidate good relations with all the nations which border it. Over the next critical 4 years Nigeria's aim is an economic growth rate of over 7 percent. While its extremely fast-growing population seems likely to reduce the actual growth somewhat, the prospects are nevertheless impressive.

I cannot conclude these remarks without expressing my personal satisfaction that the mercifully short period which was characterized by somewhat strained relations between Nigeria and the United States has come to an end.

At the same hour I was leaving Lagos, General Gowon was also on his way to the same airport to greet a planeload of children evacuated from the former war zone who were being repatriated from the Ivory Coast. His message of welcome to these youngsters was of the finest sort—in keeping with the noblest principles of his deep Christian faith—this is your country; welcome home; let us help you to grow up to be proud to be Nigerians.

I cannot help recalling that as I entered the modest living quarters of General Gowon, I noticed a bookcase containing a half dozen or so Methodist hymnals. I asked him when I entered the room how it happened that he had a dozen Methodist hymnals in his library. I had known that his father had been a Methodist minister.

He told me that every Sunday they have a Christian service in that room for the people in his compound who wish to come, whether they be adults or children.

I told him of the great institution we have in the Senate where we have the Presidential Prayer Breakfast and the Senatorial Prayer Breakfast every Wednesday morning at which up to 22 Senators meet together to seek guidance in the great responsibilities they have.

I would say that the first 15 minutes of my meeting with General Gowon was one of the most inspirational I have had with any of the great leaders.

It called to my mind that I had just left Haile Selassie and had had a great visit with him and had brought to him a message from the Senator from Mississippi (Mr. STENNIS), the leader of the Senatorial Prayer Breakfast, and had discussed with him the forthcoming imperial prayer breakfast that Haile Selassie intended to hold in Ethiopia.

The principal purpose of my visit to Nigeria was the same as it was in my visits to other European and African capitals: To bring to the attention of key governments the support which President Nixon's Indochina peace proposals of October 7, 1970, have received from the U.S. Senate, the American people, and many leaders and peace-loving citizens throughout the world.

I am gratified to report that the Nigerian leaders with whom I met consider that the eight-point North Vietnamese position and the five-point U.S. proposal appear to offer sufficient similarity to constitute a basis for negotiation. It is understood that the U.S. offer is not put forth on a take-it-or-leave-it basis but is flexible and subject to negotiation. President Nixon's offer for a standstill cease-fire is taken as a positive step and the Nigerian government hopes it will bring forth a positive response. The Nigerian authorities assured me Nigeria will do what it can to bring reason to bear in halting world conflict and would support wholeheartedly any genuine effort to bring about peace.

The best way to resolve the present Indochina conflict, according to General Gowon, would be to have those who are directly concerned, particularly the countries of Asia, meet in an enlarged Asian peace conference on Indochina, for only the leaders of Asia can fully understand and effectively solve the problems of Asia. If the parties to the conflict are sincere about resolving it, other countries can help with good offices, but the main responsibility rests with the parties directly involved. It is my understanding that the Nigerian government hopes that the earliest topics for discussion would be a standstill cease-fire to stop the killing, and the release of prisoners of war on both sides. We shared the further hope that both sides would abide by the Geneva Conventions on the treatment of prisoners. I believe we agreed that it is in the common interest of all parties to negotiate a realistic political settlement immediately, in lieu of continued military action.

I also took occasion to assure the Nigerian leaders with whom I met that restoration of peace in Southeast Asia, success in the SALT talks, and stability in the Middle East could each and together release more funds for the aid of developing countries from all developed nations.

Our discussions were held in a most cordial atmosphere. General Gowon asked me to extend best wishes to President Nixon—which I have done—and also expressed his thanks to my colleagues in the U.S. Senate for taking this personal means of explaining our views on Indochina.

Following publication of General Gowon's Independence Day address of October 1, 1970, I ask unanimous consent to have printed in the RECORD at the end of my remarks an excellent article written in Lagos by Jim Hoagland of the Washington Post Foreign Service and printed in the Washington Post of December 6, 1970.

(See exhibit 2.)

EXHIBIT 1

UNITY, STABILITY, AND PROGRESS: BROADCAST BY MAJ. GEN. YAKUBU GOWON, ON OCTOBER 1, 1970

My Dear Countrymen and Women: Today, we celebrate the tenth anniversary of our resumption of sovereignty and independence. We celebrate this solemn occasion in unity and peace. For this, we offer a special prayer of gratitude to God.

The memory of our recent agony is fresh. During the ten years of our nationhood, our country has been assailed by many crises, culminating in the thirty-month CIVIL WAR which ended in January. We shall mourn for long the thousands of our youth, who perished in the crisis and the tremendous destruction of the war. But it would be unfair to the history of our efforts and achievements during those ten years to dwell only on the tragic aspects of the crisis.

POSITIVE DEVELOPMENTS

The Crisis also led to a number of far-reaching positive developments: by the re-organisation of the country into twelve states, we corrected the structural imbalance of the Federation and fulfilled an essential condition for the country's political stability.

UNITY CONFIRMED

Our success in the War of Unification confirmed the unity and territorial integrity of the country. It also checked the divisive forces working for the further malkanisation of Africa and its re-colonisation.

We guaranteed the integrity of one of the largest markets in Africa—a pre-requisite for economic progress—and a rising standard of living for the people. The smoothness and speed of brotherly reconciliation, since the end of the war, has been very gratifying. Indeed, our valiant brothers, who made the supreme sacrifice during the war, died for a great and noble cause and we are resolved not to fail them.

SALUTE: THANKS

I salute our Armed Forces for their courage and dedication to duty during the dark days of the Crisis.

I thank, once again, all the citizens of this country for their endurance and resolution and for their unstinted support for the Government. Without such unalloyed loyalty and patriotism, the Military Government would not have succeeded in saving the nation from disintegration and bringing it to the present state of confidence and hope for the future.

TREMENDOUS PROGRESS

We should also rejoice that, despite the many difficulties which we experienced, the country witnessed tremendous educational, economic and social progress during the last ten years. For example, our external trade amounted to £315 million in 1959 and in 1969 it had risen to £626 million.

In 1959 we exported only half a million tons of crude petroleum. In 1969 27 million tons, and this year the figure should exceed 50 million tons.

Industrial production has risen during the decade by over 300 per cent.

Secondary school enrollment doubled between 1959 and 1966.

It is important to observe that we did better in all these fields in 1969 than before the War.

FORWARD TO THE SEVENTIES

We are now at the threshold of what could be a great decade of faster development and modernisation. The Government is very conscious of the needs and aspirations of the ordinary man; for peace and security, a rising standard of living and better opportunities for his children. These are the things which matter; the challenge before every Government, and they deserve priority.

ORDERLY PROGRESS

We are all aware, however, that genuine progress can only take place in a situation, which is stable. This is why the Federal Military Government attaches the greatest priority to its programme for orderly progress towards the restoration of normal constitutional Government, which would pursue generally accepted national objectives and observe enlightened conventions.

RETURN TO CIVILIAN RULE

We all need courage, realism, and patience in tackling the problems involved in returning the country to civilian rule. It must be done in such a manner that the final handover of the Government to elected representatives of the people may usher in a period of lasting peace and political stability. We must, therefore, not rush matters, but should proceed very carefully.

I promised at the end of the War of Unification last January to let the nation know later in the year the Political Programme of the Military Government.

NINE-POINT PROGRAMME

The Supreme Military Council has decided on a Programme of the major tasks which it must accomplish before the government of the country can be handed over with a full sense of responsibility. The Nine-Point Programme, which is to guarantee peace, stability and progress in the country, covers:

(i) the reorganisation of the Armed Forces;

(ii) the implementation of the National Plan and the repair of the damage and neglect of the War;

(iii) the eradication of corruption in our national life;

(iv) the settlement of the question of the creation of more States;

(v) the preparation and adoption of a new Constitution;

(vi) the introduction of a new Revenue Allocation Formula;

(vii) conducting a national population census;

(viii) the organisation of genuinely national political parties;

(ix) the organisation of elections and installation of popular elected governments in the States and in the centre.

I propose to speak in some detail about these major issues confronting the nation. I repeat that they must be handled properly and with great care, remembering very well the mistakes and events, mainly due to the inordinate ambition and the dishonesty of a handful of people, which led to the collapse of the First Republic.

THE NATIONAL DEVELOPMENT PLAN

I shall, first, speak about the National Development Plan. I am glad to announce that the Draft Plan is now ready. It will be launched later this month after final approval by the Supreme Military Council. The details will then be published.

The Plan envisages an investment of £1,595 million in the period 1970–74. The five national objectives on which the Plan is based are to make Nigeria:

(i) a united, strong and self-reliant nation;

(ii) a great and dynamic economy;

(iii) a just and egalitarian society;

(iv) a land of full and equal opportunities for all its citizens; and

(v) a free and democratic society.

The public sector programme will cost about £780 million.

We are determined during the next four years to intensify the process of transforming the structure of the Nigerian economy to make it a modern one, and to bring it nearer to the state, where our own domestic resources of capital and manpower will be adequate to ensure the continued development of the country.

It is, perhaps, much easier to prepare a Plan than to implement it. Implementing the Plan requires national discipline. It requires concentration on our chosen priorities and mobilising the support and energies of the people to attain the ambitious targets which we have set for ourselves. The Plan calls for a higher level of domestic savings than we have achieved in the past.

It is very important to achieve the full revival of the economy of the war-affected areas during the Plan period. It is equally necessary in the national interest to lay the foundations during the next few years for more even development in the country as a whole, both economically and educationally. We must allow the continued existence of sharp contrasts of development and backwardness to threaten the stability of this country.

REORGANISATION OF THE ARMED FORCES

Another major task for the Military Government is the reorganisation of the Armed Forces of the country.

It is a matter of great pride that the Armed Forces of this nation and the Police have loyally and faithfully carried out their sacred duty over the past three agonising years. They succeeded in preserving the territorial integrity and the unity of this country, as they were required to do by the oath of their office.

In the process, the Armed Forces were multiplied many times over. A small colonial Army was transformed, literally overnight, into an impressive powerful Army by any standards.

The Navy and Air Force were also established as effective fighting units.

During the War, our troops were camped in their thousands in the thick forests and in trenches in great discomfort. Our boys suffered these privations patiently and courageously in the great national cause.

We are also mindful of the fact that with the rapid expansion of the Armed Forces, it was not easy to ensure the inculcation in every soldier and servicemen in adequate measure of all the noble traditions of the Nigerian Armed Forces.

It is, therefore, our task now that peace is restored to reorganise and redeploy our Armed Forces in order to increase their efficiency and their ability to maintain internal security, and defend the country against external agression. At the same time, we must ensure minimum standards of comfort in the interest of maintaining the morale of the Armed Forces.

The maintenance of efficient, loyal and happy troops is an essential precondition of stability in this country, as it is in any other country in the world. The task before us in this regard will take time and will involve a great deal of money for barracks and equipment and supporting services. I hope that much of this task will be accomplished during the four-year development plan.

IMPARTIAL AND NON-PARTISAN DEFENDERS

It is our firm resolve to maintain the noble tradition of the Armed Forces as impartial and non-partisan defenders of the country's integrity and unity and its Constitution. There should be no room in future for political interference with the Armed Forces, or their use in furtherance of partisan political ends. Only thus can stability be enhanced.

ERADICATION OF CORRUPTION

I shall now deal with the question of corruption in our national life. This country needs the observance of more stringent moral standards. A new country cannot develop and attain greatness except its people are motivated by high ideals.

We can no longer tolerate a situation in which some people in high positions abuse their office to enrich themselves.

The tone of society must be changed, if there is to be trust and confidence between the leadership and the people. For only, then, will people be happy to make the sacrifices necessary for achieving a faster rate of progress.

This is why the Military Government will intensify the drive against corruption in whatever quarters it may exist—civilian or military.

New measures will be introduced to make those found guilty of corruption to disgorge their ill-gotten gains. Special tribunals will be set up to deal speedily with corruption in all organs of the public services and our society generally. The war against corruption is a continuing process and the Military Government must set a new pattern in combating this evil before the return of civilian rule.

THE CREATION OF MORE STATES

The Federal Military Government is aware of the conflicting attitudes regarding the question of the creation of more states. The Supreme Military Council has given serious thought to this problem. You will remember that in November 1966, when I promised to create states I enunciated certain principles which must be observed in the creation of states. I said then that:

"(i) no one state should be in a position to dominate or control the Central Government;

(ii) each State should form one compact geographical area;

(iii) administrative convenience, the facts of the history, and the wishes of the people concerned must be taken into account;

(iv) each State should be in a position to discharge effectively the functions allocated to Regional Governments;

(v) it is also essential that the new State should be created simultaneously.

All these criteria have to be applied together. No one principle should be applied to the exclusion of the others. To give an illustration of what I have in mind: given the present size and distribution of the population and resources, the country could be divided into not less than eight and not more than fourteen states.

These principles were applied in creating the twelve states in May 1967.

I am satisfied that the twelve states structure has, in fact, produced a basis for political stability in that the structural imbalance of the first republic has been decisively corrected.

However, I am aware also that there are certain grievances which have led to the demand for more states. Some of these grievances relate to the question of rapid development and more even distribution of social services and development projects. Some people also feel that all sections of a state should be fully represented in all the organs of government in the state.

We cannot satisfy these grievances by creating more states, since there will be no limit to the number of states. Honestly, we cannot push the principle of creating more states too far.

We must bear in mind that in the final analysis the ordinary people will judge us not by the number of State Governments and Commissioners which we create but by the rate at which farms are expanded and modernized, factories are built, new schools are established and more money comes into the hands of the ordinary people. For these desirable things to happen we need sustained economic progress. I have already referred to the next four-year Plan. It was prepared on the basis of the existing twelve states. We are now mobilising our domestic resources on the basis of the existing twelve states to implement the Plan. We cannot stand still. There is no time to lose.

I believe, therefore, that the instability and the difficulties involved in embarking upon an exercise of creating more states will not be worth-while in the present circumstances. We want to press on with the task of modernisation, and improving the lot of the ordinary man. I give you my solemn pledge that the Federal Military Government will protect the interest of all citizens in every part of this country.

It is therefore not our intention during the next four years to embark upon any exercise involving changing the present twelve states structure. We need time to settle down after the disruptions of the war and face the immense task of post-war reconstruction.

A DYNAMIC SOCIETY

We live, however, in a dynamic society. The situation will be reviewed at the end of this period. If we are convinced then that it is in the national interest to create more states the Military Government will create them before handing over to an elected government.

IRRESPECTIVE OF ETHNIC ORIGIN

However, I take this opportunity to warn the nation of the dangerous consequences of ethnic and clannish exclusiveness in administering our affairs. Every Nigerian must be free to settle and work wherever he chooses to reside irrespective of his ethnic origin. This is why we fought a long war to preserve the unity of this country. We must remain true to our principles. Moreover, free mobility of persons is necessary for ensuring the even spread of development all over the country in the shortest possible time.

FREE MOBILITY

It will be the policy of the Federal Government, therefore, during the next few years to ensure that the correct policies and practices regarding the free mobility of Nigerians are implemented everywhere. I appeal to the leaders and ordinary people in all parts of the country to show an accommodating attitude to all Nigerians, irrespective of ethnic and state origins.

A NEW CONSTITUTION

Another major task is the preparation of a new Constitution.

I intend to set up a panel soon to prepare the Draft of a new Constitution. When the panel shall have completed its work, a Constituent Assembly will be convened at an appropriate time to decide upon a future Constitution for this country.

There is no doubt in my mind that the experiences we have been through in the past few years will confirm us all in the wisdom of maintaining a Federal Constitution. I have been most cheered in my journies throughout the length and breadth of this country by the spontaneous demonstration of all Nigerians, old and young, of their desire to live in one Nigeria, in peace and harmony with one another, irrespective of a tribe, religion or creed.

They will be demanding a Constitution, which will allow the continued growth of one strong nation founded on justice and equal rights for all its citizens. We must be patient and careful enough to prepare a Constitution, which will further these aspirations and avoid the mistakes of the past.

REVENUE ALLOCATION

Next, a Fiscal Commission will be set up to recommend a new formula for revenue allocation in the national interest. This will, necessarily, be linked up with the final distribution of functions between the Federal and the State Governments. However, further adjustments may be made as necessary to the interim formula now being used.

NATIONAL POPULATION CENSUS

Regarding the census question, you will all remember that the last population census was taken in 1963 amidst a great deal of acrimony. It is usual all over the world to have a census every 10 years, and another census would be due by 1973.

As you all know, the data collected during census are essential for economic planning, the organisation of elections and many other vital purposes. The Military Government will, therefore, conduct a national census before handing over to a civilian government.

POLITICAL PARTIES

Another task concerns the organisation of political parties.

There will be no question of returning to political parties that are merely state, regional or tribal blocs. I hope that during the next few years Nigerians, through working together for a greater nation, will articulate a distinctive national ideology and the objectives and goals of Nigerian society. It is only in the context of such commonly accepted objectives and goals that the development of political parties can be a positive factor in nation-building.

If we were to return to partisan politics before the country consolidates its unity and national purpose, we would be going back to the old days of permanent crisis and mutual blackmail.

I wish now to remind the nation that the old political parties were dissolved by decree in 1966.

BRAND NEW PARTIES

When the time comes brand new parties founded on the widest possible national basis will arise.

FOREIGN POLICY

I shall now talk about our foreign policy.

In African and World Affairs, Nigeria cannot be isolationist, even, if it so desired. The implications of our situation were well illustrated during our recent troubles.

We were much encouraged throughout the Crisis by the overwhelming demonstration of support by African States. The moral support of the Organisation of African Unity was invaluable.

I take this opportunity, once again, to thank the Heads of State and Government of the O.A.U. for their support and encouragement which enabled Nigeria to overcome the maneuvers of the enemies of Nigerian unity. The African States rightly saw in the unity of Nigeria an essential condition for African unity.

Moreover, peoples of African descent throughout the world see in a strong Nigeria a banner of hope, and an instrument for achieving self-respect for the black man, so long degraded everywhere.

Naturally therefore, our first concern must be to contribute effectively towards the stability of Africa. We shall work relentlessly for the total elimination of colonialism and racism from the African Continent, the fostering of African unity and the establishment of regional economic unions in Africa. In pursuing these objectives, we would firmly adhere to our policy of respect for the sovereignty of every country in Africa. We have no territorial ambitions whatsoever.

Outside the African Continent, we shall work more energetically with all developing countries to sustain the independence of small countries, and to remove the obstacles to more rapid development placed before us by the economic domination and the trading practices of the richer countries. We shall also oppose human suffering and degradation anywhere in the world, or the suppression of the freedom and sovereignty of any country.

International relations should be founded on goodwill and peaceful co-operation. We shall, therefore, in the United Nations and other Councils of the world strive for the removal of the causes of conflict and for the promotion of world peace. We recognize that the Big Powers in particular, and other developed nations have a special role to play in promoting world peace and the economic development of the poorer countries. In this context, they should make a special constructive effort in this United Nations Second Development Decade.

Our policy of non-alignment will be given more active expression. Nigeria will not be concerned with ideological conflicts. We shall therefore co-operate with all countries which are willing to work with us in developing our resources to improve the well-being of our people.

FREE AND FAIR ELECTIONS

Lastly, the question of elections; when we shall have reorganised our Armed Forces, prepared a new Constitution, conducted a new census, purged the country of corrupt and unpatriotic elements and fulfilled the other tasks, already mentioned, it will remain the duty of the Military Government to organise free and fair elections in order to hand over the country to properly elected Governments. The elections must be properly arranged and supervised to ensure that the exercise is successful. We intend to do these things properly so that the new civilian governments may be ushered in without recriminations.

A TIME-TABLE FOR FINISHING THE TASKS

My dear countrymen and women, it is not practicable in dealing with human beings to impose rigid predetermined time-tables for achieving such important and delicate tasks. At the beginning of 1967 when we hoped that good reason would prevail the Supreme Military Council adopted a two-year programme which was meant to restore the country to full civilian rule in 1969. Unfortunately, the intransigence of the former rebel leadership and the war of secession which they launched overtook our plans.

We are happy that the worst days are over. But the consequences of the war remain. Farms, factories and towns have been devastated in the war-affected areas; roads and bridges have been damaged; schools and social services neglected. During this period, we concentrated all our resources on maintaining the territorial integrity and unity of this great country.

Now, it is the duty of the Military Government to wipe out the traces of the War. We hope to achieve this during the next four years. We shall also proceed as rapidly as possible during this period to deal with all the nine major issues which I have listed.

In order to carry out this program successfully we shall require all the singleness of purpose, the courage, the hard work and the patriotism which the Armed Forces and the entire nation displayed during the anxious days of the War. The target year for completing our political programme and returning the country to normal constitutional Government is 1976. We shall hasten and try to complete the Programme earlier if possible. It is essential that we all work loyally together. We cannot afford to be distracted from these tasks by the unpatriotic activities of any group of persons. I shall report periodically to the nation on the progress of the Programme.

I am sure that I can count on the loyalty, devotion and dedication of the Armed Forces in the trying years ahead as we refashion the fabric of our society, and emerge into the world as a strong and modern nation, deserving of respect from all the countries of the world. I am also confident that my appeal will be heeded by all the citizens of this country to be prepared to make greater sacrifices, to work hard, to show faith, trust and patience in pursuing the great national goals ahead of us.

We have been guided in our actions and in preparing this Programme by the best interests of the people of this country especially the new generation. I charge the youth of this country to demonstrate the virtues of resolution, dedication, and faith. I call particularly on those who aspire to the future leadership of this country, to be guided always by the highest ideals. You all have a special role to play in making Nigeria a great nation and a happier society. We owe to our posterity and to African people everywhere to triumph in our enterprise in nation building. So help us God.

Long live one united and strong Nigeria.

EXHIBIT 2

LAGOS, NIGERIA.—Only two men command any great respect from the disillusioned Ibo tribesmen who lost Nigeria's civil war. Surprisingly, one is Maj. Gen. Yakubu Gowon, commander of the Nigerian army that smashed the Biafran enclave into submission in January.

The other is Gowon's arch enemy and the former Biafran leader Odumegwu Ojukwu, who fled into exile when his desperate 30-month bid to establish a new African nation collapsed in ruins.

This dichotomous attitude largely reflects the strange middle ground many of the eight million Ibos who survived Africa's first modern war find themselves treading today. They are not yet Nigerians, but neither are they still Biafrans.

"We feel like strangers in Nigeria," says Chinua Achebe, one of Africa's greatest writers and an ardent supporter of Biafra during the war. "We hope it will pass, but right now there is a feeling of unreality."

Achebe and other prominent Ibos acknowledge, however, that the postwar conduct of the federal Nigerian government—once accused of plotting genocide against the Biafrans—has left the way open for a genuine national reconciliation. To an outsider who visited both sides during the bitter war, the Nigerian government seems to have delivered less than it promised but much more than many predicted.

Its failure in some areas causes anxiety to persist among Ibos about their future role in Nigerian society, but its successes have helped ease the shock of defeat. Although there were ugly incidents in the first few weeks after the war, the army's handling of Ibo civilians since then has discredited the genocide predictions.

A VOLATILE DREAM

On the contrary, the government helped organize and finance a generally effective relief food effort for the Ibos. Lagos continues to pump nearly $3 million a month into the slowly recovering area, most of it to pay salaries of people who a year ago were in opposition to the Nigerians.

Retribution and punishment have been meted out selectively. Most Ibos seem to be satisfied that Gowon's pledge of a general amnesty is genuine. They tend to attribute this policy to Gowon personally and fear that some around him still want revenge. This is the key factor in their high regard for the 35-year-old soldier-head of state and in Ibo hopes for reconciliation.

What has happened to their dream of Biafra, a cause for which one million to two million lives were sacrificed and which stirred international concern, outrage and sympathy? Achebe, who helped breathe life into the idea and endured the disasters it generated, replied this way during an interview at the University of Nsukka, where he is a research fellow:

"Biafra is just an idea now. It doesn't exist any more. It ceased to exist at the moment of surrender.

"But the memory of Biafra is a different thing. It can be just nostalgic; the government can make it meaningless if we find that under them we are happier than ever. But if people start to say, 'It might have been better the other way,' then the idea of Biafra would stay alive.

"The burden rests with those who fought for one Nigeria. The man who is defeated is entitled to sulk. Only the victor can afford to be magnanimous."

Achebe and almost all of the more than 100 Ibos I talked to during a 10-day road trip through the war area reject any suggestion that the Ibos have any thoughts of renewing violence. A farmer expressed the prevailing mood when he told a visitor: "Anybody bring war to my house, he can go away. We no want war. We have suffered."

OCCUPATION PROBLEMS

More than 100,000 non-Ibo soldiers continue to occupy Iboland. Their monthly payroll has been a major factor in getting money circulating again in the war-torn area. But their relations with civilians remain mixed.

At Nsukka, in northern Iboland, soldiers pass along basketballs and badminton sets to children. In the east and south, they still beat civilians occasionally.

"On the whole, relations are good with the soldiers," says Sam Ikoku, an Ibo political leader. "But one act of brutality ruins a hundred of friendship."

The weight of this army, which is expected to hold its present size for at least a year, ensures that the once haughty Ibos remain subdued in manner and words. They have devoted most of their considerable industry to clearing the rubble from their cities and planting crops in fields that a year ago were being churned up by artillery shells.

"The Ibos are maimed, but hardly dead," said a foreigner with long experience in eastern Nigeria. "The question is not whether they will come back, but how soon."

Yardsticks for measuring the recovery abound. Although there are still desperate problems—lack of health facilities, a severe shortage of work and housing and a crippling scarcity of money—a visitor who saw Biafra a year ago is stunned by the progress that has been made.

It is most apparent in Enugu, a ghost town during the war but now a bustling city of half a million people and the capital of the state which in effect replaces the Biafran enclave. Freshly painted banks are open again and have long lines of customers, food is plentiful in markets and stores and two small factories have reopened. Many others and the extensive coal mines in the hills around Enugu are expected to resume operation when electricity is fully restored to the state in March or April.

"I will open here again as soon as I can," said a German businessman who owned a small factory in Enugu before the war. "Most of my staff, which is experienced and works hard, made it through the war, and they are eager to get back to work."

Items hidden away during the war have been retrieved to replace things broken up. A fleet of the black Morris Oxford taxis that plied the streets of Enugu before the war has reappeared. People swear that many of the cars were literally buried to protect them from destruction.

Pretty young Ibo girls, their hair stiffly arranged in spikey braids, wear colorful African print dresses and fancy earrings. At Owerri, the battle-scarred last capital of Biafra, markets are thronged by shouting traders who bargain over mounds of garri, the local staple starch, and piles of yams.

The government put up for sale 541 plots of land for a new housing development on Sept. 1. Owerri residents, each depositing the equivalent of $140, snapped them all up in a few weeks.

The physical scars of the war have been much slower to fade in other towns such as Onitsha, once the proud gateway to Iboland because of its picturesque setting on the east bank of the Niger but now an unhappy city still half in ruins. The twisted steel girders of its famous market dominate the city, looking like a giant wrecked roller coaster at a deserted amusement park. The market cost $1.4 million to build in 1957 and was said to have been the largest in Africa.

Little has been done to restore the seven of every 10 houses badly damaged along the densely populated 20-mile-long stretch of road from Onitsha to a village called Awka, the scene of some of the bloodiest fighting of the war. But even in this area, the wartime hardship has eased considerably.

"You see a lot of people in bars and restaurants," said one survivor of the war as he confronted a steaming plate of chicken and rice at the crowded and noisy Top 21 bar in Onitsha. "We figure we have a lot to make up for."

The war that caused these hardships resulted from the deep tribal animosities here in Africa's most populous country. Nigeria's 60 million people are divided into three large tribes—the Ibos in the east, the Hausas in the north and the Yorubas in the west—and hundreds of small tribes.

Two military coups and a series of political assassinations in 1966 provoked tribal rioting in which perhaps 30,000 Ibos were massacred in the north. The Ibos retreated to the eastern region and declared themselves independent—under the name Biafra—in 1967. The federal government finally crushed the rebellion last January.

Biafra has been divided into three. The Ibos were pushed by the war back into their traditional homeland, which is now called the East Central State, an area of 11,500 square miles. To the south, minority tribes indigenous to the areas have been given two states in the 12-state Nigerian federation.

The federal government has appointed an all-Ibo state government which is trying to erase a Quisling image by getting schools, hospitals and roads open again. There seems to be little open hostility to this government (which is manned at the middle and lower levels by civil servants who supported Biafra), but it does not seem to inspire much confidence, either. "Developments will have to come from the other side, from Lagos," said a student at Nsukka University. "We have no voice. We have to accept what the federal government says. They won the war; let them rule."

The federal government in recent months has stopped its diatribes against Ojukwu for allegedly leading his people to destruction. The former Biafran leader is hardly ever mentioned now by officials or the media. This could ease Ibo resentment, for many of them still refuse to criticize Ojukwu. "He was one of us, that is all, and he is still one of us," said a young civil servant in Enugu. "If he had not been there, someone else would have done the same things. He did well enough."

STILL WANT APOLOGY

This view offers a glimpse of what may be one of the key attitudes of ex-Biafrans today. They are not repentant about their lost struggle. Most of them seem to be still convinced that they had a reason to fight, and many continue even to demand the politically impossible from the federal government—an apology for their tribesmen who were massacred in 1966.

Achebe offers a different perspective: "You cannot say that we were wrong because we shouted about genocide and were not killed. We could answer that we were not killed precisely because we shouted."

Many ex-Biafrans do seem to feel that world opinion, and not the mercy of the federal government, saved them from a dark fate. This is a highly debatable argument, but one which the federal government will have to overcome if it is to make Nigeria one nation again and Biafra a dim memory.

At this point in time, the keys to doing this would appear to be:

Continuation of the amnesty. As far as can be determined, there have been relatively few lengthy detentions of former Biafrans. Most of these cases involve Ibo soldiers whom the federals suspect of having taken part in the 1966 coup or of having prosecuted the war with too much vigor.

A military board has just finished screening all officers who fought for Biafra and officials expect courts-martial to begin soon, but there is nothing at this point to indicate an indiscriminate reprisal. Some civilians are under arrest, such as Pius Okigbo, an international known economist who was a Biafran leader, but his family is reportedly satisfied that he is being well treated. Such arrests appear to be the scattered exception rather than the rule.

Integration of Ibo army officers, policemen and civil servants back into their services, as promised by the federal government. There were only several hundred Ibo officers in the small Nigerian army before the war. But since Nigeria is likely to be ruled by the army for the next five or six years, the Ibos feel that they must have a voice in the army if they are to have any influence in the country.

The screening boards have already cleared a number of the Ibo officers for reappointment, reliable sources say. Those who became officers inside Biafra will not be accepted in the federal army, and indeed, none has been indiscreet enough to apply.

The national police force has already taken back 3,000 Ibo policemen, but another 3,000 have not been taken back despite a grim postwar crime wave in the east that has civilians living in fear of being robbed or murdered. Part of the problem is lack of money to pay them.

This is also the key to the inability of the East Central State to absorb more than 3,000 civil servants who are presently jobless. The state government has begun automatically retiring all civil servants above the age of 50 in an effort to cut costs.

A recent federal decree authorizing the firing of civil servants who seem to have supported Biafra too zealously has caused much anxiety among the Ibos. But the top man in the East Central State government, administrator Anthony Ukpabi Asika, says that the decree will affect very few people. "I'm not ready to sack the 3,800 civil servants I have working for me," Asika said with a wry grin.

Compensation for "Ibo" property being held in other states and a chance to seek jobs in other states. This is perhaps the sorest point at the moment, for the land-poor Ibos have always had to migrate in large numbers to other parts of Nigeria to survive.

Much of the migration was to the south where the Ibos dominated minority tribes and took much of the property and the best jobs. The minorities now control the southern states and, asserting that the Ibos committed atrocities during the war, effectively refuse to let them come back or claim their property. Sam Ikoku, the East Central State's rehabilitation commissioner, is thinking of asking for federal intervention to resolve the bitter dispute.

Elsewhere in Nigeria, returning Ibos have not been subjected to harassment. "It's been much easier than I expected," said an Ibo lawyer who returned to Lagos. Last week, a delegation from northern Nigeria visited Iboland recruiting trained administrative staff.

Finally, the economic and physical recovery of the area. Widespread starvation is likely soon to be a thing of the past and the lively pace of rebuilding in the cities gives reasons for hope. But the East Central State is still desperately short of just about everything. At a specialist hospital in Enugu, more than 1,000 amputee veterans are registered; the hospital has only 10 artificial limbs for them. Only half of the 400 patients have beds, the rest sleeping on the floor. There are almost no drugs. "And remember, this is probably the best equipped hospital in the state," said a nurse.

The only people working are civil servants, who are required to give 25 per cent of their salaries to the state as a development loan. Four out of five men in Iboland have nothing to do and drift between the towns and their villages, where they can get enough food to survive.

THE LOWEST PRIORITY

The countryside is probably the grimmest scene of all, with almost no money in circulation. Villages will receive the lowest priority in the plans to repair the $300 million damage done to Iboland by the war.

Joseph is a 64-year-old man who has had to return to his farming village. His oldest son, killed in the war, owned a gasoline station, which was destroyed. His brother, also killed in the war, owned a bar, also destroyed. Joseph's business in Onitsha was smashed as well.

Twenty women and children, including the families of his dead kinsmen, live in his modest house near the Niger River. He is too old to farm but has to make an attempt. He has almost no money, but has to find some to pay for the school fees of the children in the house. He scrapes along on what a son working in Lagos and another abroad can send him. Three weeks ago, he was attacked and beaten by two soldiers without cause.

"He is one of the lucky ones," said a Nigerian who met Joseph recently. "At least he has two sons left that can send some money."

"Existing is not living," said an Ibo. "We must rise to our feet again."

"It is not just a question of returning to the prewar level," said Anthony Asika. "Ibos have seen the great progress Lagos has made in the past three years and we want to catch up with that. The people are very impatient."

The Ibos' impatience and demands for more help from the federal government sometimes provoke other Nigerians to remind visitors, "Well, they did lose the war, you know." That is a fact that the Ibos seem almost to try to obscure with their bursts of energy and rebuilding. Asika, a sociologist, thinks that many Ibos are still in a state of shock from the defeat.

"The reaction hasn't really come yet. You expect people to go mad or commit suicide when they've been through something like this. It hasn't happened. Maybe we will know we are heading back toward normality when it does."

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery by the Senator from Wyoming (Mr. MCGEE).

There being no objection, Senator MCGEE's statement was ordered to be printed in the RECORD, as follows:

Mr. MCGEE. Mr. President, I must say to my friend, the distinguished senior Senator from Illinois, that I have seldom enjoyed a presentation more than his address on the subject of Nigeria. I say this for a number of personal reasons, as well as for the obvious reason that his remarks are informed, sensible and helpful.

The Senator mentioned that he had seen the relatively young but already wise and capable head of state, Major General Gowon, a few weeks after the 10th Anniversary of Nigerian independence on October 1 of last year. This recalls to me that I had the good fortune ten years ago to be in Lagos just after Nigeria won its independence. I believed then that Nigeria was a country of enormous energy and potential and nothing since that time—even the dreadful experience of a civil war—has changed that belief.

When these words are read in the Record tomorrow I shall be in Lagos on the first stop of a journey through a number of African countries and to the Near East in connection with my responsibilities as Chairman of the Appropriattions Subcommittee on Foreign Assistance. Because of this journey and the need to discover facts before one can form conclusions, I would prefer not responding to specific points which my distinguished colleaguee has made about the economic situation and prospects in Nigeria.

However, in my other capacity as Chairman of the African Affairs Subcommittee of the Foreign Relations Committee I would like to echo and reemphasize the thoughts expressed by the distinguished Senator from Illinois about the progress of reconciliation and reconstruction in Nigeria in the period of almost a year since the civil war ended. There are all too few bright spots in the picture of international relations as seen from Washington. To me, it is nothing less than remarkable that General Gowon and his compatriots have acted so promptly and so intelligently to repair the damage done by the civil war.

Those of us who have had much contact with Nigerians had every expectation that their government would adopt a generous attitude toward those of their people who fought against the federal forces during the war. Even so, the leadership provided by General Gowon reflected by so many of his government colleagues has been unusually generous and far-sighted. I join my colleague in extending the most sincere congratulations to General Gowon, to his government and to all the people of Nigeria.

Finally, I was very pleased that the able Senator from Illinois mentioned and the distinguished service performed for the Nigerian government by Ambassador Iyalla. I believe the Ambassador, even in the most troubled times two years or so ago, knew that the American people and their representatives in the Nation's Capital were basically and profoundly sympathetic to the cause of the Nigerian people.

Mr. President, I wish I had more time to elaborate on the subject but I am in the process of leaving for my journey to Africa. Let me say once more how much I appreciate the contribution to our knowledge about Nigeria which has been made by my distinguished colleague from Illinois. I believe the Senate is in his debt.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the senior Senator from West Virginia is recognized for 15 minutes.

Mr. BYRD of West Virginia. Mr. President, would the senior Senator from West Virginia yield to me briefly for a unanimous-consent request?

Mr. RANDOLPH. I am delighted to yield to my colleague.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff members be permitted on the Senate floor during the remarks of the Senator from West Virginia: George Lawless, Robert Harris, and Phil Davis.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that these staff members may be permitted to use the charts in the rear of the Chamber which will be of help in the remarks made by my colleague.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that in the special orders for today there be a period for the transaction of routine morning business with the statements therein limited to 3 minutes and that the period for the transaction of routine morning business be limited to not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the special order recognizing my able colleague begin running now.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from West Virginia is recognized.

PROGRESS BEING MADE IN COAL MINE HEALTH AND SAFETY ENFORCEMENT, BUT MORE INTENSIFIED EFFORTS ARE NEEDED TO PREVENT DISASTERS

Mr. RANDOLPH. Mr. President, we know that good legislation passed by the Congress, and implemented with the highest motivation by the executive branch, seldom lives up to fullest expectation. Perhaps this is because laws are essentially negative in nature; they forbid something or require something different. They are subject to resistant forces affected by the changes, and to the administrative inertia that must accept new goals and new methods of operation. But slowly, inevitably, changes do occur and the intent of Congress prevails.

The Federal Coal Mine Health and Safety Act of 1969, a product of more than three decades of effort to stem the shocking toll of lost lives in the mining industry, has completed its first full year as major legislation affecting a vital segment of our economy. During that period, more than 250 coal miners have lost their lives in the production of this vital energy resource. This sad record of death and disaster culminated in the deaths of 38 miners near Hyden in Leslie County, Ky., at year's end.

Predictably, the Hyden disaster unleashed a flurry of criticism to the effect that the new mine safety law is a failure, and that the simple act of rolling heads in the U.S. Bureau of Mines could, somehow, erase the grim statistics of the past year. Weeks before the Kentucky mine disaster, I had called on the U.S. Bureau of Mines for an accounting of its progress during the first year of administering the Federal Coal Mine Health and Safety Act of 1969.

I am a Senator, with my able friend (Mr. BYRD), representing a State that is intimately involved in the production of coal. As Senator BYRD knows, we produce about one-fourth of all the bituminous coal mined in America.

Today, I will discuss what has been accomplished, what problems have arisen, and what steps are being taken by Mines Bureau Director Elburt F. Osburn to correct these problems, insofar as I can ascertain.

But first, let me make it clear that the grim record of 1970 is not satisfactory to those of us in the Senate and Congress who have worked long and hard to bring safety to the mining industry. And let me assure those who feel that there is an "acceptable" level of death and disaster inherent in the mining industry that our efforts will not cease until the fatality figure reaches zero, or as nearly that point is humanly possible.

In reviewing this issue, it should be noted that there are approximately 2,900 underground coal mines and about 1,500 surface mines, or a total of about 4,400 coal mines operating in the United States, with total employment of approximately 140,000 mines workers.

There is also the other category of metal and nonmetal mines in three classifications where there is a total of almost 19,200 mines and about 250,000 workers. So there are 23,600 mines in these two categories with a total of 390,000 mine workers. This is the magnitude of the Bureau of Mines' responsibility.

I wish to say that the Bureau has clearly made a good start toward implementing the landmark Coal Mine Health and Safety Act. Although handicapped by a lack of anything approaching an adequate number of qualified inspectors and forced to shift priorities constantly in order to meet the many tight deadlines imposed by the new law, the Bureau of Mines managed to make more than 1,500 complete inspections of underground coal mines during the year. At the same time, it recruited and started training many new inspectors. During the year, a total of 1,645 "partial but representative" inspections were made, as well as an additional 5,200 "spot" inspections required by the law.

Still, this is not good enough. Coal miners died underground in their places of work. What a nation traumatized by the Farmington disaster of 1968 and a Congress galvanized by its reaction demand is more intensified enforcement efforts by the Interior Department's Bureau of Mines and more safety emphasis by all others concerned including the producing companies and the miners as well.

The problems of the Bureau of Mines are fully understood. Trained inspectors have had to be utilized in other top-priority activities. They have been needed for training of new inspectors, and for such time-consuming but critically important jobs as reviewing plans submitted by mine operators for roof support and mine ventilation. Adequate roof support is especially vital, since falling rock and coal lead all other causes of accidents and coal mine fatalities.

Nevertheless, the tragic deaths of 38 men in the Kentucky mine explosion on December 30 starkly underlines the need for stronger and more effective efforts by the Bureau, by the industry, by management and labor, and by State mine inspection agencies. The Congress intends to look thoroughly into the circumstances surrounding the Hyden disaster, and if our investigation shows a necessity to strengthen the law, that will be done.

According to the Bureau of Mines, it had approximately 250 qualified inspectors and other safety specialists in December of 1969. It now has 421 qualified inspectors, supervisors, and safety technicians, and a new class of fully qualified inspectors has just been completed and its members are being added to the force. There are 261 inspectors in the field. There were, as of a few days ago, 156 potential inspectors in training, and more than 200 others in the process of being hired. This should increase the inspection force to over 800. By late summer or early fall, the Bureau assures me that it will have enough law-enforcement personnel on hand to make the minimum number of inspections required by the mine safety law.

Since the law took effect last March 31, Bureau inspectors have cited more than 35,000 violations of mandatory provisions. A total of 1,460 orders closing mines or parts of mines for unsafe conditions have been issued.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my distinguished colleague from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. RANDOLPH) be allotted an additional 6 minutes under the order, without prejudice to the succeeding order.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Now if the Senator would yield me 1 minute, or half a minute——

Mr. RANDOLPH. Yes, I do yield.

Mr. BYRD of West Virginia. It is our desire to enforce the so-called 15 minutes. I wish the Senator on yesterday had asked for 30 minutes or 45 minutes, because it is understandable, after hearing this marvelous presentation and all the work that has gone into the preparation of the charts, that he should have had longer. The Senator asked for 15 minutes, and I am sure he thought he would conclude in that time. I am sure, in view of the gravity of the situation and the marvelous work he has done in the preparation of these charts, he ought to have the 5 minutes, and it would be my hope that he could conclude in those 5 additional minutes.

Mr. RANDOLPH. I thank my colleague. The number of violations cited and the number of closure orders issued show the necessity of further effort and further improvement. The fact that we can still have disastrous explosions such as the one at Hyden, Ky., makes substantial improvement essential.

The Bureau must do more, the mining industry must do more, the States must do more, and the individual miners must do more. The American people need coal, but they must not pay for it with the lives of coal miners. We could eliminate all deaths and all injuries by shutting down all mines, but the impact on America and its people would be incalculably calamitous. Cities would darken, factories would grind to a halt, hundreds of thousands of miners and mine-related workers would walk the streets unemployed. So the best hope of averting economic and social chaos is full and firm enforcement of the Coal and Safety Act.

Little noted in the hasty harangue that followed the Hyden disaster is the fact that the 1969 coal mine law provides for stepped-up research to make coal mining technology safer and more healthful, and for expanded health and safety training of miners. I believe the Bureau has made impressive progress on both fronts.

With funds appropriated by the Congress, the Bureau has underway more than 100 research and development projects in its own laboratories on problems ranging from control of respirable coal dust to safer methods for cutting coal and better controlling mine roof support practices. More than 30 other projects are being conducted by universities and by industries under contracts with the Bureau.

Included are the University of Pittsburgh, Syracuse University, the University of Minnesota, the University of Missouri, the University of Kentucky, Virginia Polytechnic Institute, the University of Colorado, its School of Mining, West Virginia University, Duquesne University, and many others.

One of the most ambitious of these is a system of rescuing miners who may be trapped underground as the result of an accident. Earlier this month the Westinghouse Corp., including space age technology in sonar communications, conducted its first field test near Gary, in McDowell County, W. Va. Results of this test are now being evaluated, and if the techniques used are judged successful the day will come when practically no miner trapped underground need lose hope of survival.

Training in all phases of safety is the key to safer coal production. Just yesterday the Department of Interior announced that it has selected a site near Beckley, W. Va., for the proposed Bureau of Mines Health and Safety Academy.

The Academy will be located on a 250-acre tract adjacent to the Raleigh County Airport, donated all or in part by the airport authority at no cost to the Federal Government.

When completed, the Health and Safety Academy will accommodate approximately 800 students, or about 400 in each class of a 2-year program leading to an associate of arts degree. Mine inspector candidates are expected to make up about half of the student body, but the academy also would train employees of private industry to perform as "certified" and "qualified"—terms applied to miners with special skills who are the only persons authorized by Federal regulations to perform certain tasks in a mine.

Selection of the Beckley site is a particularly good one, because the academy will be located in the heart of America's most productive coal mining area. Its people are well acquainted with the hazards of mining, many of its citizens are actively engaged in the mining industry, and an academy dedicated to mine health and safety training has the wholehearted support of the community.

At this point, I commend my distinguished colleague (Mr. BYRD of West Virginia) for his very active role on behalf of the academy, both in the Senate Appropriations Subcommittee and in working directly with the Bureau of Mines in the matter of selecting a proper site for the installation, and in developing the program. He has exercised true foresight in this endeavor.

The Bureau also is devising streamlined methods of training miners in safe working practices and teaching them how to use safety equipment. Here are a few of the instructional materials devised to keep safety directors of the Bureau and its training classes, as well as those of producing companies and their men apprised of the latest techniques applicable in mine safety and rescue.

There is, I am pleased to report, a cooperative pilot effort with the Department of Labor and the Department of Health, Education, and Welfare which will help assure that men entering the mining industry will receive thorough training in safety fundamentals before they begin working regularly in the mines.

In addition to its efforts in law enforcement, reseach, and training, the Bureau is rapidly developing and publishing for industry's guidance many of the standards called for in the Coal Mine Health and Safety Act. Regulations recently have been set forth on safety and health practices in underground and surface mines, on the reporting of mine accidents, field testing of electrical equipment, noise control, underground lighting, and several other areas covered by the act.

Mr. President, it would be immensely gratifying to me to report to the Members of Congress that all has gone well, that the concerns of the Members have been abated, and that the new law that Congress produced has fully and completely accomplished its goals of making the mining industry a truly safe one.

Any realistic appraisal of the situation would have to conclude that this is not the case. However, the Federal Coal Mine Health and Safety Act, which was so vigorously supported, has made its mark. And while we weep for the victims of man's inability to control his fate, for whatever reason, we can take solace in the probability, if not the absolute assurance, that our efforts will save thousands of lives and crippling injuries in the future.

The accomplishments of the Bureau of Mines thus far under the act are substantial, but not enough. Neither the Congress nor the American people will be satisfied until the number of coal mine accidents and deaths are reduced dramatically and permanently.

I have several interesting and informative charts and certain equipment in the Chamber. Mr. George Lawless of the Labor and Public Welfare Committee staff will remain with the charts to answer any questions of Senators, if that is agreeable with the leadership. The charts are in part detailed and there is not sufficient time to develop them in my presentation.

Again I thank the Members of the Senate for their attention to the critical issue of coal mine health and safety. Senators know of the commitment we have already made and must renew. There must be a close inspection, by the Congress of what is being done by the U.S. Bureau of Mines itself; of the efforts of the coal industry; and of the training, in part, of the miner himself, that he may guard against deleterious health and safety problems which are constantly with him as he brings forth from the hills precious coal which fuels America and constantly strengthens our economy.

Mr. President, I ask unanimous consent that a more detailed report of the U.S. Bureau of Mines' health and safety activities over the past year be placed in the RECORD, together with a news release on the establishment of the Federal Mine Health and Safety Academy at Beckley, W. Va.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON U.S. BUREAU OF MINES ACTIVITIES IN ENFORCING FEDERAL COAL MINE HEALTH AND SAFETY ACT SHOWS PROGRESS TOWARD MAKING MINES HEALTHFUL AND SAFE

In order to appreciate fully what the Bureau is doing, it is necessary to consider what is being done for noncoal as well as coal mines. Within the past year, the Bureau has not only begun to enforce the Federal Coal Mine Health and Safety Act of 1969, it has also begun for the first time to enforce Federal health and safety standards on metal and nonmetal mines, pits, and quarries under the Federal Metal and Nonmetallic Mine Safety Act.

Consider the magnitude of the Bureau's job. It is responsible for the health and safety of 140,000 workers in about 4,400 coal mines, and another 250,000 workers in 19,200 metal and nonmetal mines, pits, and quarries, including sand and gravel operations. This means that the Bureau of Mines must now get around and inspect about 23,600 mining operations throughout the United States. A year ago, the Bureau was inspecting only about 4,000 coal mines on a regular basis.

Further, the Federal Coal Mine Health and Safety Act of 1969 more than quadrupled the workload of the Bureau with respect to coal mines alone. Under the new law, the Bureau is required to make about 40,000 coal mine inspections a year as compared to about 10,000 previously. Moreover we now enforce 206 mandatory standards in each inspection compared to 37 under the old Act.

The objective of all of this increased activity is to reduce fatalities and worker disabilities in the mines—a very formidable task because historically, mining—and underground mining in particular—has been and is the most hazardous major industry in the United States. In the past 25 years, 15,816 mine workers have been killed, another 840,000 have suffered disabling injuries, and an unknown number have died from pneumoconiosis, silicosis, radiation-induced cancer, and other occupational diseases. There were 382 fatalities in the mines in 1969 and 392 in 1970.

A year and a half ago, the Bureau had *no* Federal health and safety standards to enforce in noncoal mines and *no* inspection and enforcement organization in the field for such mines.

Today, the Bureau has such a field organization enforcing more than 1,735 standards in metal and nonmetal mines across the country. The Bureau has also entered into two State plan agreements—with Arizona and Colorado—and is working with some other States to share the mine inspection and enforcement responsibility with them as provided in the Federal Metal and Nonmetallic Mine Safety Act.

While developing and promulgating standards and building an enforcement organization for noncoal mines, the Bureau worked closely with the Congress in writing the legislation which, on December 30, 1969, became the Federal Coal Mine Health and Safety Act of 1969. And, on March 30, 1970, only three months after the law was enacted, the Bureau began to make inspections under the new law.

In order to inform the industry of its interpretations of the law and its plans for enforcement, the Bureau developed a comprehensive set of interpretative regulations which were published in the Federal Register on March 28, 1970, without affording interested parties to comment on them. The Bureau also held open and public meetings in the various coal-producing areas of our country to explain to coal operators the requirements of both the law and the regulations.

Almost immediately the Bureau was criticized for not publishing its regulations as proposed rulemaking, and on April 23, 1970, in a Federal Court at Abingdon, Virginia, the Bureau was enjoined from enforcing the regulations. Whether or not the Bureau should have published the regulations as proposed rulemaking is now a moot point, because the Bureau subsequently did so and the regulations are now in effect. It is important, however, that the Bureau in its first publication of the regulations was trying to implement the law as soon and as fully as possible—and if an error was made, it was made on the side of prompt and effective enforcement.

The Bureau spent a good bit of its time during the year writing regulations—for health as well as safety; for surface mines as well as underground mines; for metal mines as well as coal mines; to establish procedures as well as to prescribe standards. They are the result of many thousands of man-hours by the Bureau's technical and legal experts—and again they represent a substantial effort by the Bureau to implement the mine health and safety laws promptly and effectively.

Writing these regulations is not as easy as it might seem, because they must be strong enough and specific enough to get the job done while allowing some flexibility in their application in the many diverse mines and mine operations. It is simply not possible in most instances to write a single standard which is fully applicable to every mine in the United States.

On March 30, 1970, when the safety standards in the coal law first became effective, the Bureau had a force of 331 inspectors, supervisors and other enforcement personnel. It needed 1,000.

Obviously, the Bureau could not immediately begin to make all of the inspections required by the law; and so the Bureau made a hard decision—to make the first round of inspections under the law what it called "PBR", or partial but representative inspections. In these inspections, the Bureau inspectors inspected only so much of a mine as was representative of the entire mine and then moved on to do the same in another mine. The mine workers, seeing the Bureau inspectors in the mines for such a short time, understandably viewed these inspections as a weaker rather than a stronger enforcement effort by the Bureau. They did not understand—and the Bureau did not take the time to explain—that the PBR inspections were made because they put the operators on notice faster and in the best possible way with regard to the applicability of the new law to their operations. If the Bureau had made complete, rather than PBR inspections, the workers would have seen no inspector at all in some of the mines for many months.

Following a round of PBR inspections, the Bureau began to make the spot inspections required by the law in mines which are excessively gassy or where fires and explosions have recently occurred. The Bureau also began to make complete inspections of all coal mines as fast as possible with its limited personnel. These spot and complete inspections are continuing to be made.

On June 30, 1970, the respirable dust provisions of the law became effective, and the Bureau was ready with a dust-weighing laboratory in Pittsburgh tied into a computer in Denver to handle up to 4,000 dust samples a day. The building of this laboratory and the computerized data transmission and reporting system was, by itself, a major accomplishment. When the design of this system was started, the samplers used in the mines to take the samples had not even been fully designed and standardized. Needless to say, they were also not available to either the Bureau or the industry in the quantities required to implement the law. So, the design of the laboratory and the design and production of the samplers had to be undertaken simultaneously.

The samplers for taking the dust samples have only recently become available in adequate supply, and so some mines, especially the smaller mines, have only recently begun to take samples—almost six months after the dust provisions in the law were supposed to be enforced. Has the Bureau been delinquent in not enforcing these provisions earlier? I do not think so. Under the circumstances, the Bureau has done well to get as far as it has toward the reduction of the dust levels in the mines which cause "black lung" or pneumoconiosis. About 70 percent of the coal miners have been covered by a sampling program.

The law requires every mine to have a roof control plan and a ventilation plan approved by the Bureau of Mines. In December, the Bureau decided that these plans must all be approved no later than the middle of February even if it meant a temporary curtailment of some inspections. They should have been reviewed and approved sooner; but this only points up the Bureau's dilemma. Because it could not do everything at once, the Bureau had to be selective; and whenever it decided to do one thing required by the law, it was necessary to delay another.

Someone will say that the Bureau should have expanded its work force faster. There is no pool of unemployed coal mine inspectors and specialists in the United States, and the number of experienced coal miners and supervisors who can be trained to become inspectors and specialists is limited. Further, these people are needed by the industry as well as the Bureau of Mines, to operate the mines and to make the improvments needed to bring the mines into compliance with the law.

Previously, it took about nine months to complete the employment of an inspector-recruit after he passed a Civil Service examination. Working with the Civil Service Commission, the Bureau has reduced this time to about 4½ months. There was no training program for inspector-recruits, so the Bureau developed one. At Beckley, West Virginia, the Bureau can provide classroom training for about 100 inspector-recruits at a time. This training takes about three months and it is supplemented with from one to three months on-the-job training, depending upon the ability of the individual recruits, before the recruits are qualified to make inspections.

Someone may say that the training should be done faster, but the Bureau is concerned that it may be too fast now. It is a good compromise between the training that is needed and the training that can be afforded.

When Assistant Secretary Dole appeared before the Senate Labor and Public Welfare Committee on August 7 and 14, 1970, he said that the Bureau would have about 620 inspectors by June 30 and 750 soon thereafter. The Bureau estimates that it can do the job with 750 inspectors and 250 supervisors, specialists, and other supporting personnel. There is a very good prospect that the Bureau will achieve its goal. At the present time, the Bureau has about 261 inspectors with another 152 inspectors-in-training, and 196 inspector-recruits in process of being employed. Additional inspector-recruits will be selected for employment in a few weeks as soon as they have been rated and found to be eligible for employment. The Bureau also has 168 inspector supervisors, specialists, and technicians—making a total of 777 enforcement personnel either on board or in process of being employed. This is 2⅓ times the enforcement personnel in the Bureau on March 30, 1970.

Assistant Secretary Dole also said that the Bureau would attempt to make 30,000 inspections in this fiscal year. This would not amount to ¾ of the required inspection job because some of the inspections would not be as complete as the law requires. The Bureau is presently behind its planned level of inspections at this point in time, and it looks like about 25,000 inspections will be made—not as much as I would like, but a commendable first-year effort nevertheless.

The important thing is that the Bureau's effort is moving toward the required level and it is accelerating. It is clear that the Bureau can and will get the job of enforcing the law done. Much of what has been accomplished to date has been an extension of past inspection practices and procedures, but the Bureau has not neglected to seek improvements in these techniques. A management consulting firm was employed to recommend improvements to utilize automatic data processing in the scheduling and reporting of inspections, and these recommendations are now being implemented in both the coal and noncoal activities of the Bureau. This will not only result in better inspections but also it will reduce to a minimum the time spent by inspectors in report writing.

The Bureau is also expanding and revitalizing its efforts in education and training and in research and development. In education and training, the Bureau is putting much more emphasis on health and safety motivation to supplement its training on health and safety practices and procedures. For the first time, an effort is being made to utilize teachers, as well as employees with mining experience, to teach mine health and safety. For the first time, some of these teachers will be women. TV spots in coal-producing areas are being used to persuade miners to be, as well as to think, safe. The Bureau is developing packaged training courses that can be given by mine operators as well as by Bureau of Mines personnel I have one of these courses with me. It covers first aid training that is also described in a new Bureau of Mines First Aid Manual that will soon become available from the Government Printing Office.

In cooperation with the Departments of Labor and Health, Education, and Welfare, the Bureau is initiating a new program for training young people in mining areas of our country to go to work in the mines. A heavy emphasis will be on health and safety in this training which will initially be given at Butte, Montana, Leadville, Colorado, and Richlands, Virginia.

And at Beckley, West Virginia, the Bureau will build a Federal Mine Health and Safety Academy to provide a two-year curriculum in mine inspection and other mine health and safety specialties. Plans for this Academy are well underway, and it is expected that construction will begin this fall. The Academy will increase the professionalism of the Bureau's inspection force and also provide a needed center for health and safety training for the States and for industry on a reimbursable basis. There is simply not enough mine health and safety expertise anywhere in the United States, and the Academy will overcome this deficiency. It will not take the place of our country's mining schools, but it will be a place where even mining engineers can go to learn about mine health and safety.

With funds provided by the Congress, the Bureau's health and safety research and development efforts have been increased ninefold since 1969. The fund increases have enabled the Bureau to expand its work beyond the laboratory and into the development of new and safer mining systems. In FY–1971, the Bureau will spend $20.3 million on coal mine health and safety research alone—seeking not only a way to utilize existing technology safely but also to develop new technology to make mining inherently safe.

These funds will be apportioned approximately as follows: Health, $5.7 million; Fire and Explosion Prevention, $5.8 million; Roof control, $4.7 million; Safer mining systems, $2.4 million; Rescue and survival, $1.7 million.

Within the past few weeks, a rescue and recovery system developed under contract with the Bureau was demonstrated at a coal mine in West Virginia. This system includes equipment for finding and communicating with trapped miners and for drilling a hole quickly to recover them. Hopefully, it will never be needed; but if needed, it will be available from the Bureau of Mines. It could have been made available, but it was not needed at the recent disaster in the Finley mine at Hyden, Kentucky.

This unfortunate disaster, occurring on the anniversary date of the enactment of the Federal Coal Mine Health and Safety Act of 1969, emphasizes that much remains to be done before the loss in human lives and suffering associated with coal mining is eliminated. It should not, however, obscure the great effort that is being made in that regard. Rather, it should reinforce our determination to get the job done as quickly as possible.

Summarizing some of the work that has been done by the Bureau of Mines in coal mine health and safety since the Federal Coal Mine Health and Safety Act of 1969 became effective,

It has:

1. Drafted and published in the Federal Register 135 pages of regulations.

2. Conducted 9,200 inspections and cited 38,000 violations of health and safety standards.

3. Issued 4,600 orders withdrawing workers from mines until unsafe conditions were corrected.

4. Investigated 256 fatalities.

5. Established a respirable dust weighing laboratory and automatic data processing system to handle dust samples submitted by mine operators. More than 100,000 samples have been processed in this system to date.

6. Approved 1,260 roof control plans and 390 ventilation plans.

7. Employed 201 inspector-recruits and 50 engineers and technicians.

8. Established training program for new inspectors which cuts training time approximately in half. Completed classroom training for approximately 238 inspector-trainees.

9. Employed 14 education and training recruits and initiated a training program now in progress for them.

10. Initiated a new program for training mine entry workers with a heavy emphasis on health and safety—in cooperation with the Departments of Labor and Health, Education, and Welfare.

11. Developed in a contract with the University of West Virginia a proposed curriculum for a new Federal Mine Health and Safety Academy in Beckley, West Virginia. Initiated architectural plans for the Academy.

12. Obtained communication and drilling equipment to be used in the rescue and recovery of miners who may be trapped in a mine.

13. Expanded its research and development activities ninefold.

14. Published a new procedure for assessing penalties to serve as a deterrent to noncompliance by operators when inspectors are not at the mines. Initiated the assessment of the backlog of penalties for approximately 38,000 violations.

15. Initiated the implementation of new management procedures to increase both the quantity and quality of mine inspection as recommended in a study made for the Bureau by a private management consulting company.

This is not a complete list, but it is enough to indicate that the Bureau has not been timid nor unimaginative in its efforts to make the mines safe—and despite the current statistics which may suggest otherwise, the mines are safer and more healthful now than they have ever been before.

I believe the Congress was right in establishing the very short deadlines in the law for actions to be taken by the Bureau even though those deadlines could not be met, because in so doing, the Congress demanded the greatest possible effort by the Bureau; but I do not believe the Bureau should be unreasonably criticized for not achieving all of the schedules prescribed in the law. The Bureau is making good progress in all areas and the attainment of all of the Bureau's responsibilities under the law is in sight.

What I have said about the Bureau is also applicable to the industry generally. Most operators are working to get into compliance with the law as soon as possible. The industry must realize, however, that merely complying with the law may not be enough. The law deals with conditions in the mines; but, without adequate on-the-job supervision, workers may continue to take risks that they should not be allowed to take. This is a matter which deserves serious consideration at the very highest levels of mine management. The public will not tolerate a continuation of the presently high rate of mine working fatalities and disabilities, but neither will the public allow the mines to be closed permanently because our country needs the benefits derived from our natural minerals and fuels resources. Consequently, the mines must be made safe one way or another. The alternative to needed action by mine management to improve the level of health and safety supervisors in the mines is more Federal intervention. I can only hope that the mining industry will understand and react promptly and effectively to make additional Federal regulation unnecessary.

For the reasons I have cited above, mine health and safety is not a local problem of concern only to the affected miners; it is a matter of national concern which affects our national welfare and security.

Gentlemen, I am sure that you will join with me in pushing the Bureau of Mines and the industry hard to devote no less than their best efforts to stop the killing and maiming of mine workers and thus to remove any possibility of a curtailment in the production and utilization of our country's natural minerals and fuels resources because of an intolerable level of mine health and safety. I also urge you, however, to be a little tolerant in giving the Bureau and the industry a little more time to do the job.

CHART—SHOWS THE HUMAN TOLL IMPOSED DURING 1970 BY EACH OF THE MAJOR SAFETY HAZARDS TO COAL WORKERS

	Men killed	Percent of total
Underground mines:		
Falls of face, rib, or roof	84	39
Gas or dust explosions [1]	41	19
Haulage accidents	40	19
Machinery accidents	29	13
Electricity	15	7
All other	7	3
Total	216	100
Surface mines:		
Machinery	14	36
Falls of highwall	9	23
Haulage	7	18
Electricity	2	5
Handling materials	2	5
All other	5	13
Total	39	100

[1] Includes 38 killed at Hyden.

Note: The tabulation and charts are in terms of physical causes. Common to most of the accidents including Hyden is the failure of 1 or more levels of mine supervision.

COAL MINE HEALTH AND SAFETY RESEARCH EXPENDITURES

Appropriations made for research since passage of the 1969 Coal Act are:

Fiscal Year 1970, $10.2 million.

Fiscal Year 1971, $20.3 million.

These compare with a level of $2.2 million spent in FY-1969 for health and safety research in coal mining.

Distribution between major project areas in the two years is:

[Dollars in millions]

	Fiscal year 1970		Fiscal year 1971	
	Amount	Percent	Amount	Percent
Health	$1.7	17	$5.7	28
Roof control	2.7	26	4.7	23
Fire and explosion prevention	1.5	15	5.8	29
Power and machinery safety	.7	7	2.4	12
Rescue and survival	3.6	35	1.7	8
Total	10.2	300	20.3	100

Some of the projects and expected results in each area are:

HEALTH

Respirable dust

Fundamental studies of coal dusts, their generation and their *chemical, physical,* and *electrical properties* will provide a basis for dust measurement and control. The data also will be used by HEW in their studies of black lung occurrence.

A variety of instrumentation to measure and *monitor respirable dust concentrations* is under development. Improvements in the personal gravimetric samplers are being sought.

The Bureau's research emphasis is on control and *suppression of dust* at the face. There is evidence that cutter and bit modifications can reduce dust without sacrificing production. Surface active chemicals—wetting and foaming agents—can cut dust production.

Another promising approach is to collect all dust—both float and respirable sizes—at the face. *Dust collectors* are to be tested this year.

Noise

A crash program is underway to develop permissible *personal noise dosimeters* to measure overall exposures to intermittent noise. Design studies to muffle drill and machine noises started a few months ago.

SAFETY

Roof control

Longwall mining is inherently safer than conventional or continuous mining. *Roof and floor bearing capacity* must be accurately known to design and use longwall systems. The Bureau developed a practical and rapid technique for testing roof and floor.

A very sensitive direct-viewing *infrared scanner* was developed by the Night Vision Laboratory of the Army. They have cooperated with the Bureau in successfully using the instrument to detect loose rock in noncoal mines. The Army is helping the Bureau acquire similar, but permissible, instruments to test in coal mines for roof fault detection.

New roof support methods for face areas being developed under contract include inflatable props, self-advancing hydraulic jacks, concrete supports, and the use of shotcrete. Chemical means of stabilizing mine roof and new structural plastics are being explored.

FIRE AND EXPLOSION PREVENTION

About half of this program effort is on *methane control.* Draining methane from gassy coals before they are mined is being attacked through:

Developing means of drilling long—over 500 feet—horizontal holes into panels of solid coal.

Finding methods to establish high drainage rates through surface boreholes.

Better control of *methane in gob* areas is being approached by evaluating both bleeder holes drilled from the surface and sealing off with flyash or sodium silicate foams.

Work is being done to extend the application of *water infusion* in American mines as a means of reducing both dust and methane production during mining.

More sophisticated *computer models* are now being programed to aid Bureau and industry engineers solve mine ventilation problems more effectively. Improved ventilation is our present key to methane and respirable dust control.

Contracts will be let for practical prototypes of the Bureau-developed device to *suppress methane ignitions* occurring at the face before they develop harmful effects. We hope to see these devices perfected by the end of this year.

Similarly, improved *sensing and quenching systems for fires* occurring anywhere in a mine are being sought. New developments in *fire resistant materials* are continuously screened in the search for greater fire safety underground.

POWER AND MACHINERY SAFETY

Haulage, machinery, and electricity accidents caused 40 percent of 1970 fatalities. The Bureau is contracting with universities and private research organizations to recommend *safer power distribution* systems, to identify and *minimize machinery hazards,* to *design illumination systems* for working areas. The Bureau is looking at the feasibility of substituting *pneumatic or hydraulic pipelining of coal* from the face to the surface for the more hazardous rail and belt systems now in use. *Hydraulic mining* experiments may point a way to safer and less dusty coal cutting.

Other power sources are under study. Criteria for safe *use of diesels underground* will come from current research as will alarm and engine cut-off instruments to protect workers from accidental exposure to toxic exhaust emissions.

Safer coal mining demonstrations

Plans are underway for a major project to design and construct prototypes for the safest continuous mining and face haulage equipment that can be devised with present technology. The aim will be to provide complete protection to the face workers from roof, rib, or face falls. Field tests and demonstrations of the completed system should be possible in 1972.

Mine monitoring and communications demonstrations

The Bureau's Bruceton mine will be equipped later this year with an underground to surface *communication and surveillance system* which will monitor and record in a surface control room information on ventilation rates, methane, carbon monoxide, smoke and temperature of the atmosphere throughout the mine.

Continuous and *reliable voice communication* between surface and all workers underground is being worked on by both the Bureau and the coal industry.

RESCUE AND SURVIVAL

A major contract was let last July to provide the Interim Coal Mine Rescue and Survival System recommended to the Bureau by the National Academy of Engineering. Objectives were:

Design and furnish prototypes of a self-contained breathing apparatus which could be carried by individual miners and used for escape. It must provide a one-hour oxygen supply.

Design and furnish a prototype portable survival chamber to provide life support for face crews—up to 15 men—for two weeks. Design is to be furnished for a large central survival chamber to provide two-week life support to all workers in the mine.

Develop and furnish prototype electromagnetic (radio) portable in-mine beacon and surface transmitter and receiver capable of voice communication from the surface to the miner at the beacon and of coded transmission from the miner to the surface.

Develop and furnish seismic equipment capable of precisely locating a miner trapped underground and hammering on the mine floor, roof, or rib.

Furnish two drilling rigs—one for rapidly drilling a 6- or 8-inch probe hole to locate trapped miners and the second capable of drilling a 28-inch hole to rescue the trapped men.

The contractor also is to develop a plan for the deployment and use of the communications and drilling equipment in event of an emergency where men may be trapped underground. A demonstration exercise to test the plan and equipment is underway at a mine site near Gary, West Virginia.

Research with the communications systems will continue. The best signaling technique for seismic locations must be learned and taught to all miners as soon as possible.

There will be continuing work to improve all aspects of this present survival and rescue system.

PERSONAL SAMPLER

The personal sampler consists of a pump assembly, tubing and cyclone, and cassette assembly. With the pump operating at the proper flow rate during the active work shift, dust laden mine air is drawn into the cyclone. The cyclone aerodynamically separates the dust in the mine air into respirable and nonrespirable fractions. The nonrespirable fraction drops to the bottom of the cyclone and the respirable fraction passes through the cyclone into the cassette, where it is collected on a filter. The filter and holder have been preweighed and after subtracting the preweight from the weight after sampling, the weigth of the respirable dust collected is determined.

The concentration of respirable dust expressed in milligrams per cubic meter of air is determined by dividing the weight of dust in milligrams collected on the filter by the volume of air in cubic meters passing through the filter. The concentration of respirable dust is then multiplied by a constant factor of 1.6 to determine the equivalent concentration of respirable dust as would be measured with the MRE instrument.

MINE HEALTH AND SAFETY ACADEMY SET FOR BECKLEY, W. VA.

The Department of the Interior today announced that a site just outside Beckley, W. Va., has been selected for the proposed new Bureau of Mines Health and Safety Academy.

The Academy would be located on a 250-acre tract, identified as Industrial Site #3, adjacent to the airport. The Raleigh County Airport Authority has offered all, or any part of the tract to the Bureau without cost.

The completed Health and Safety Academy would accommodate approximately 800 students, about 400 in each class of a two-year program leading to an Associate of Arts degree. The course of study would stress techniques and information aimed at minimizing hazards to health and safety in mining, especially coal mining, which is the Nation's most hazardous occupation today.

Mine inspector candidates for the Federal Bureau of Mines are expected to make up about half of the student body. The other 200 openings for new class members each year would be available, on a reimbursable basis, to industry employees and to State mine inspection personnel for general instruction in mine health and safety.

The Academy would also train employees of private industry to perform as "certified" and "qualified"—terms applied to miners with special skills who are the only persons authorized by Federal regulations to perform certain tasks in a mine, including testing for methane and respirable dust. Short courses, seminars, and other abbreviated sessions on subjects related to mine health and safety would be offered as needs arise. Accommodations for about 50 short-term students would be available, the Bureau said.

Preliminary plans call for building the Academy as a self-contained unit complete with classrooms, offices, dormitories, cafeteria, library, laboratories, shops, and recreation facilities. An unmined coal seam near the Academy site would be developed into a "classroom mine" for realistic training in all phases of mine health and safety, including electrical systems, roof control methods, ventilation, explosives, and dust control.

Selection of an appropriate site was considered an important factor for the type of facility planned by the Bureau, the Department said. Beckley is in the heart of America's most productive coal mining area. Its people are well acquainted with the hazards of mining, and an academy dedicated to mine health and safety training has the wholehearted support of the community, it added.

Title to that portion of the industrial tract required by the Bureau will be transferred from the Airport Authority to the United States Government when the exact acreage requirements have been defined in design studies which are presently under way.

Mr. BYRD of West Virginia. Mr. President, I compliment my senior colleague from West Virginia on the splendid presentation he has made today, based, certainly, on a very thorough preparation. I hope he will return to the Senate floor on another occasion and go into this subject more deeply, and that he will have ample time, in that instance, to make his presentation.

I ask unanimous consent that the Senator's staff member, Mr. George Lawless, may be permitted the use of the Senate floor today in order that he may explain to Senators the significance of these charts in the rear of the Chamber.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Georgia (Mr. TALMADGE) is recognized for 10 minutes.

THE FUNERAL OF THE LATE SENATOR RICHARD RUSSELL

Mr. TALMADGE. Mr. President, the largest delegation of Senators ever assembled for the funeral of a departed Member of the U.S. Senate left Washington Sunday morning to attend and take part in the last rites for our late beloved colleague, Richard Brevard Russell at Winder, Ga.

The official funeral party, led by the distinguished Vice President in Air Force 2, was carried by two other Boeing 707 jetliners. Plans were for the group to land at Dobbins Air Force Base in Marietta and then to be transported to Russell Memorial Park at Winder. The official funeral party included the Vice President, 53 Members of the U.S. Senate, 17 Members of the House of Representatives, Secretary of the Treasury-designate, John Connally, staff and friends of the late Senator Russell.

Adverse weather conditions at Dobbins and in the Atlanta area prevented our group from landing, and threatened to delay the funeral and to otherwise destroy plans that had been made for our attendance. A number of us, the Vice President, the distinguished majority leader, the distinguished Senator from Mississippi, Congressman PHIL LANDRUM, dean of the Georgia delegation, the Reverend Edward L. R. Elson, Chaplain of the Senate, and myself, were scheduled to deliver eulogies to the late Senator Russell at the graveside. There was painful disappointment aboard all three aircraft, and among the Russell family at Winder, when it appeared that we would not be able to fulfill our mission.

However, I am pleased to report to the Senate that the official party did participate in the funeral and complete our assignment of paying our last respects to Dick Russell, in behalf of the Congress, the people of Georgia, and the Nation, even though we could not be at Winder in person.

This was made possible through the marvels of modern communication and television broadcasting in the public interest.

When it became virtually obvious that we were not going to get on the ground at Dobbins Air Force Base, after flying in a holding pattern for some time, the Vice President directed the three aircraft to fly to Charleston Air Force Base. Alternate plans were discussed. Secretary-designate Connally suggested that a memorial service for Senator Russell be held in the rotunda of the U.S. Capitol when the group returned to Washington. By telephone from Air Force 2, I was able to contact at Winder, Bill Jordan, spokesman for the family in the funeral arrangements, to apprise him of the situation.

When the party landed at Charleston, about 12:30 p.m., I, still aboard Air Force 2, talked by telephone to J. Leonard Reinsch, president of Cox Broadcasting, Inc., which owns WSB-Television in Atlanta. Mr. Reinsch was coordinator of radio, television, and photographic coverage of Senator Russell's funeral.

Drawing on his vast experience as principal coordinator of television coverage of Democratic national conventions, as well as the funerals of the late President Kennedy and Senator Kennedy, Leonard Reinsch devised and put into motion an alternate plan that made our participation in the Russell funeral possible.

He contacted John Rivers, owner of WCSC-TV in Charleston and ascertained that the station could provide a direct television feed to Atlanta, which then could be transmitted by WSB-TV to the graveside at Winder. Mr. Rivers had just gotten home from church, and he summoned television crews and went to the WCSC-TV studio.

In Winder, Jasper Dorsey, vice president of Southern Bell Telephone Co., arranged for telephone circuits to bring in the audio and video from Charleston, and for live communications to be relayed back and forth.

A motorcade was assembled and principal members of the funeral party, those of us who were scheduled to deliver eulogies, were hurried to the station. Our eulogies were delivered by live television to receivers at the graveside, and also transmitted simultaneously over every television station in the State of Georgia. The program also was made available to radio stations all over Georgia. Thus, we were able to participate in the funeral in this way, and I have been informed that the live color television transmission was carried out without any technical difficulties.

All of us, of course, deeply regretted that it was not possible for our party to be with the family at Winder. We were there in spirit, and I am gratified that we were able to deliver our eulogies in this way to honor the life and memory of the great U.S. Senator, Richard Brevard Russell.

We owe high commendation and appreciation to the television facilities of WCSC, WSB, and Southern Bell Telephone & Telegraph Co., and we are especially grateful to J. Leonard Reinsch, John Rivers, and Jasper Dorsey, for the efforts they put forth to make this project a success. It was carried out in the finest traditions of the broadcast industry, and it was another splendid example of how the commercial broadcast industry combined with a public utility stand ready and willing to serve the public interest when called upon to do so.

At the conclusion of my remarks, I ask unanimous consent that there be printed in the Record articles from Monday's edition of the Atlanta Constitution that recounts the experiences of the funeral party Sunday.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Atlanta Constitution, Jan. 25, 1971]

Fog Restrains Agnew Party

(By Bob Hurt)

Charleston, S.C.—Though diverted from the funeral of Richard B. Russell because of bad weather, the official delegation of the U.S. Senate made its presence felt through a near-miraculous last-minute change of plans.

The story unfolded when three Boeing 707 jetliners carrying the official funeral party from Washington were unable to land at Dobbins Air Force Base on their intended journey to the Russell gravesite at Winder.

One plane, Air Force 2, carried Vice President Spiro T. Agnew and his wife, along with U.S. Sen. Herman E. Talmadge and Ninth District Rep. Phil Landrum and their wives, and Senate leaders.

Another carried the remainder of the 53 senators in the mourning delegation and the third carried 57 Russell staff members and Washington friends.

Talmadge said the Senate group was the largest funeral delegation he had seen in his 14 years in Washington.

But as Agnew's aircraft made its approach at Dobbins, the pilot dropped to within 150 feet of the runway and then flew on because he was unable to see the ground.

The plane made a second unsuccessful try, and returned to a holding pattern. The staff plane also made two landing attempts and also was unsuccessful because of the rain and fog.

All three planes pulled into a holding pattern over Atlanta in an attempt to wait for a break in the poor visibility.

Talmadge said radio checks with Atlanta Airport and alternate airports in Gainesville, Winder, Athens and Greenville, S.C., showed they too had unacceptable weather for landings. The planes turned toward Charleston about noon.

Eastern and Delta airlines reported flight delays at Atlanta Airport, but said operations there generally continued as usual despite bad visibility.

Delta reported one flight was diverted to another airport.

Talmadge said the conditions were declared unsafe and at the direction of Vice President Agnew the planes flew on to Charleston Air Force Base, S.C., the nearest open military field.

En route to Charleston, Treasury Secretary-designate John Connally, a member of the vice president's party, suggested as an alternative that the groups return to Washington and hold a memorial service in the rotunda of the U.S. Capitol.

Utilizing the elaborate communications equipment of Air Force 2, Talmadge placed a call to members of the Russell family in Winder to suggest the alternative ceremony.

Shortly after the plane's touchdown at Charleston at 12:28 p.m., Talmadge had heard from J. Leonard Reinch, president of Cox Broadcasting, Inc., who handled television coverage of the funeral services.

Reinch had learned that a Charleston television station, WCSC–TV, was capable of direct television feed to Atlanta and could thus transmit to Winder a program of planned eulogies by the Washington officials.

At 1:15 p.m. Talmadge, Agnew, Majority Leader Mike Mansfield of Montana, Minority Leader Hugh Scott of Pennsylvania, Landrum, Sen. John Stennis of Mississippi, and the U.S. Senate chaplain were sped away on a 12-mile drive to the Charleston television station.

Television crews were waiting for the group and began a live transmission at 2:35 p.m.

The remaining Senate planes left immediately for the return flight to Andrews Air Force Base near Washington.

The unexpected landing at Charleston threw the base into a brief period of confusion, while Air Force Col. William Dufault, base commander, wandered through the throng of senators and other dignitaries and personally assisted in the arrangements.

Dufault, summoned to the base moments before and still wearing civilians sports clothes, called in a team of Air Force security men, sealed off traffic intersections along scattered points at the base, and arranged for Highway Patrol escort.

Secret Service agents thronged nervously about Agnew as he paced back and forth on the pavement beside the parked Air Force 2.

A total of 53 senators and 17 House members, most of them members of the Georgia House delegation, were on the flights.

[From the Atlanta Constitution, Jan. 25, 1971]

TV Prevents Funeral Delay

Winder, Ga.—In a less modern day, Sen. Richard Russell's funeral might have been postponed for a day or more because many of the principal participants in the ceremony were unable to come.

Thanks to television and the telephone company, the funeral was delayed only one hour.

Thirty minutes before the ceremony was scheduled to begin, J. Leonard Reinsch, who had been asked by the Russell family to handle media coverage of the funeral, was notified that a plane bearing 53 senators and Vice President Spiro Agnew had to land at Charleston, 250 miles from Winder, because Atlanta-area airports were socked in.

Reinsch, president of Cox Broadcasting Corp., huddled with Southern Bell Telephone Co. vice president Jasper Dorsey, and came up with the answer: Part of the ceremony would be televised from Charleston, S.C.

"This will be a first—if it works," said Reinsch, who had arranged television coverage of the funerals of both President John F. Kennedy and Sen. Robert Kennedy, as well as the Democratic National Convention.

It worked all right. Dorsey arranged for the telephone circuits to bring in the audio and video portions of the ceremony from Charleston television station WCSC.

Sen. Herman Talmadge, who was among the grounded delegation in Charleston, was used as the go-between in arranging the South Carolina end of the rites.

Two color television sets, draped in waterproof plastic, were placed on either side of the funeral tent.

And the ceremony was carried out right on cue, although some of the family complained about electronic aspects of the otherwise simple, rural service.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. BYRD of West Virginia. Before the Senator yields the floor, I wish to join in expressing our gratitude to those individuals who have been named by the distinguished Senator in his remarks. I was on the plane with Senator Talmadge, and I wish to state that in my opinion, the crew of that plane did everything that it possibly could to safely deliver us to our destination in Georgia.

Mr. TALMADGE. Will the Senator yield at that point?

Mr. BYRD of West Virginia. I yield.

Mr. TALMADGE. I was informed by the distinguished majority leader that Air Force 2 came within 90 feet of the ground without being able to see it.

Mr. BYRD of West Virginia. Yes. Mr. President, I was greatly impressed by the remarkable ingenuity which was displayed on the part of Mr. Reinsch, Mr. Rivers, and others who so quickly and so resourcefully put together the television crew at WCSC–TV in Charleston, S.C., and made the further arrangements required for the televised broadcast. They did a magnificent job, and I cannot compliment them too highly. Moreover, the police in the Charleston, S.C., area are to be commended for their assistance and cooperation.

Each of us also appreciated the courtesy of the Vice President. I thank the distinguished Senator from Georgia (Mr. Talmadge) for taking the floor to express our appreciation for the efforts of the station in South Carolina and the people at WSB–TV in Georgia, to make it possible for the eulogies to be delivered at the graveside of our late revered and highly beloved friend, who was with us for many years and who is now departed from us—Richard Brevard Russell.

Mr. TALMADGE. I thank my friend.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senator from Oklahoma (Mr. Harris) be recognized.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. BYRD of West Virginia. Now I ask unanimous consent that I be permitted to suggest the absence of a quorum, without prejudice to the Senator from Oklahoma.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation To Amend the Consolidated Farmers Home Administration Act of 1961 To Provide Insured Operating Loans

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Proposed Legislation To Provide Additional Source of Financing for Rural Telephone Programs

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Food Stamp Program

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report on the operations under the Food Stamp Act of 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

Proposed Legislation Authorizing the Disposal of Certain Materials From the National Stockpile

Sixteen letters from the Assistant Administrator, General Services Administration, transmitting proposed legislation (with accompanying papers), which were referred to the Committee on Armed Services, as follows:

A bill to authorize the disposal of kyanite-mullite from the national stockpile;

A bill to authorize the disposal of sisal from the national stockpile;

A bill to authorize the disposal of abacca from the national stockpile;

A bill to authorize the disposal of magnesium from the national stockpile;

A bill to authorize the disposal of vanadium from the national stockpile;

A bill to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of celesite from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of colubium from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile; and

A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile.

Proposed Legislation To Authorize Further Adjustments in the Amount of Silver Certificates Outstanding

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation To Amend the Defense Production Act

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the Defense Production Act of 1950, as amended (with an accompanying paper); to the Committee on Banking, Housing, and Urban Affairs.

Proposed Legislation To Require a Radiotelephone on Certain Vessels While Navigating Under Specified Waters of the United States

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to require a radiotelephone on certain vessels while navigating upon specified waters of the United States (with an accompanying paper); to the Committee on Commerce.

Proposed Legislation To Promote Safety of Ports, Harbors, Waterfront Areas, and Navigable Waters of the United States

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States (with an accompanying paper); to the Committee on Commerce.

Proposed Wholesome Fish and Fishery Products Act of 1971

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Natural Gas Act

A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act (with accompanying papers); to the Committee on Commerce.

Proposed District of Columbia Capital Program Financing Act of 1971

A letter from the Director, Office of Management and Budget, Executive Office of the President, submitting a draft of proposed legislation to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Proposed Legislation To Increase Taxes on Transportation of Persons by Air

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to increase the taxes on the transportation of persons by air, and for other purposes (with accompanying papers); to the Committee on Finance.

Proposed Highway User Act of 1971

A letter from the Secretary of Transportation, submitting a draft of proposed legislation to provide additional revenues for the Highway Trust Fund and for other purposes (with accompanying papers); to the Committee on Finance.

Proposed Wagering Tax Amendments of 1971

A letter from the Attorney General of the United States, submitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes (with accompanying papers); to the Committee on Finance.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the administration of the Meroliner and Turbo-Train projects by the Federal Railroad Administration, Department of Transportation (with an accompanying report); to the Committee on Government Operations.

Proposed Grant Consolidation Act of 1971

A letter from the Director, Office of Management and Budget, Executive Office of the President, submitting a draft of proposed legislation to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes (with accompanying papers); to the Committee on Government Operations.

Proposed Joint Funding Simplification Act of 1971

A letter from the Director, Office of Management and Budget, Executive Office of the President, submitting a draft of proposed legislation to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes (with accompanying papers); to the Committee on Government Operations.

Proposed Legislation Regarding GSA Protection of Government Property Under Its Charge and Control

A letter from the Assistant Administrator, General Services Administration, submitting a draft of proposed legislation to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government (with accompanying papers); to the Committee on Government Operations.

Proposed Legislation To Authorize Courts To Issue Orders Requiring Appearance of Certain Persons for the Purpose of Having These Persons Participate in Nontestimonial Identification Procedures

A letter from the Attorney General of the United States, submitting a draft of proposed legislation to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO PROHIBIT THE USE OF INTERSTATE FACILITIES, INCLUDING THE MAILS, FOR THE TRANSPORTATION OF SALACIOUS ADVERTISING

A letter from Attorney General of the United States, submitting a draft of proposed legislation to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising (with accompanying papers); to the Committee on the Judiciary.

PROPOSED IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1971

A letter from the Assistant Secretary for Congressional Relations, submitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 308. A bill for the relief of Ante Lepetic;

S. 309. A bill for the relief of Mate Gudelj;

S. 310. A bill for the relief of Frano Gudelj;

S. 311. A bill for the relief of Zdravko Franicevic;

S. 312. A bill for the relief of Luka Cibilic;

S. 313. A bill for the relief of Blaho Frankovic; and

S. 314. A bill for the relief of Maro Hihar; to the Committee on the Judiciary.

By Mr. McGEE:

S. 315. A bill relating to the fixing of prevailing rates for wage board employees of the Government of the United States; to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 316. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Finance.

(The remarks of Mr. Ribicoff when he introduced the bill appear below under the appropriate heading.)

By Mr. RIBICOFF (for himself and Mr. Mathias):

S. 317. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on Finance.

(The remarks of Mr. Ribicoff when he introduced the bill appear below under the appropriate heading.)

By Mr. RIBICOFF:

S. 318. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 319. A bill for the relief of Mr. Giuseppe Giarratana, Mrs. Vincenza Giarratana, Mr. Giovanni Giarratana, and Miss Maria Giarratana;

S. 320. A bill for the relief of Luc Avril and Marie Telicia Avril; and

S. 321. A bill for the relief of Mrs. Theodosia E. Daley; to the Committee on the Judiciary.

(The remarks of Mr. Ribicoff when he introduced S. 318 appear below under the appropriate heading.)

By Mr. MOSS:

S. 322. A bill to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Moss when he introduced S. 322 appear below under the appropriate heading.)

By Mr. DOLE (for himself, Mr. Dominick, Mr. Tower, and Mr. Baker):

S. 323. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds; to the Committee on Finance.

(The remarks of Mr. Dole when he introduced the bill appear below under the appropriate heading.)

By Mr. YOUNG:

S. 324. A bill to extend the provisions of section 403(b) of the Internal Revenue Code of 1954 to employees of public hospitals; to the Committee on Finance.

By Mr. BEALL (for himself and Mr. Tower):

S. 325. A bill to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan; to the Committee on Armed Services.

(The remarks of Mr. Beall when he introduced the bill appear below under the appropriate heading.)

By Mr. BEALL:

S. 326. A bill for the relief of Miss Belen Bunag;

S. 327. A bill for the relief of Claro R. Francisco; and

S. 328. A bill for the relief of Amalia Delfina DeLaRoca; to the Committee on the Judiciary.

By Mr. FONG:

S. 329. A bill to amend title II of the Social Security Act to provide a minimum monthly benefit of $100, to provide a 10-percent increase in other monthly benefits, and to provide for automatic adjustment in benefits, the wage base, and the social security tax rates to reflect future increases in the cost-of-living; to the Committee on Finance.

S. 330. A bill for the relief of Antonio Ballesteros;

S. 331. A bill for the relief of Sofia M. Valdez;

S. 332. A bill for the relief of Janet Christine Newman;

S. 333. A bill for the relief of Talo Huahulu;

S. 334. A bill for the relief of Pedro Dela Cruz Aqui;

S. 335. A bill for the relief of Adelaide Vinoya Albano;

S. 336. A bill for the relief of Rosa C. Guiang; and

S. 337. A bill for the relief of Shina Kotani; to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. Inouye):

S. 338. A bill to extend the coverage of the Public Works and Economic Development Act of 1965 to the Trust Territory of the Pacific Islands; to the Committee on Public Works.

By Mr. PACKWOOD:

S. 339. A bill for the relief of Michael Amamchuku Ojukwu; and

S. 340. A bill for the relief of Mrs. Alzier Northover; to the Committee on the Judiciary.

By Mr. Packwood (for himself and Mr. Hatfield):

S. 341. A bill for the relief of Arline Loader and Maurice Loader; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 342. A bill for the relief of Jafar Shoja; to the Committee on the Judiciary.

By Mr. CASE (for himself, Mr. Hart, Mr. Javits, Mr. Moss, Mr. Proxmire, Mr. Spong, Mr. Church, Mr. Mansfield, Mr. Mondale, Mr. Scott, Mr. Percy, Mr. Mathias, and Mr. Harris):

S. 343. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on Rules and Administration.

(The remarks of Mr. Case when he introduced the bill appear below under the appropriate heading.)

By Mr. SPONG (for himself and Mr. Case):

S. 344. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States; to the Committee on Rules and Administration.

(The remarks of Mr. Spong when he introduced the bill appear below under the appropriate heading.)

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 345. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEARSON (for himself, Mr. Harris, Mr. Aiken, Mr. Allen, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Cannon, Mr. Church, Mr. Cooper, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Gravel, Mr. Gurney, Mr. Hansen, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Humphrey, Mr. Inouye, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Percy, Mr. Prouty, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mr. Spong, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, Mr. Tower, and Mr. Young):

S. 346. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Finance.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HARRIS:

S. 347. A bill for the relief of Sima Jatala;

S. 348. A bill for the relief of Adelaida M. Alinsagay; and

S. 349. A bill to provide for a Robert S. Kerr National Water Resources Library at Ada, Oklahoma; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Harris when he introduced S. 349 appear below under the appropriate heading.)

By Mr. HATFIELD:

S. 350. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forestlands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forestlands; to establish a Federal Forestlands Management Fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands; to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. Hatfield when he introduced the bill appear below under the appropriate heading.)

By. Mr. CURTIS (for himself and Mr. Hruska):

S. 351. A bill to provide for the construction of wells and other facilities necessary to provide a supplemental water supply to the lands of the Mirage Flats Irrigation District, Mirage Flats project, Nebr., and for other purposes;

S. 352. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebr., and for other purposes; and

S. 353. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River Basin project, Nebr., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COTTON:

S. 354. A bill for the relief of Maria Isabel Amorim;

S. 355. A bill for the relief of Thersea de Jesus Martins;

S. 356. A bill for the relief of Konstantinos G. Parlitsis;

S. 357. A bill for the relief of Vera Lucia Carvalho, Marcia Maria Carvalho, and Marcos Vinecius Carvalho;

S. 358. A bill for the relief of Niki Vomvolaki; and

S. 359. A bill for the relief of Vani Angelica DosSantos; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 360. A bill for the relief of Constanzia Fantani, Pauline Fantani, and Lydia Fantani;

S. 361. A bill for the relief of Maria de Lourdes Moitoso Mota; and

S. 362. A bill for the relief of Giovanni Metteo; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 363. A bill for the relief of Antonio del Valle Jerez; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. MAGNUSON, and Mr. PEARSON):

S. 364. A bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972 and succeeding fiscal years in order to carry out the purposes of the Act; to the Committee on Commerce.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. GURNEY (for himself and Mr. CHILES):

S. 365. A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. GURNEY when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 366. A bill providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; and

S. 367. A bill relating to the appointment of U.S. marshals; to the Committee on the Judiciary; and

S. 368. A bill to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees; to the Committee on Finance.

S. 369. A bill to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual; to the Committee on Finance.

S. 370. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

S. 371. A bill to provide for the awarding of a Medal of Honor for firemen; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. STEVENS when he introduced the bills appear below under the appropriate headings.)

By Mr. CRANSTON (for himself, Mr. EAGLETON, Mr. WILLIAMS, Mr. KENNEDY, Mr. HUGHES, Mr. JAVITS, and Mr. NELSON):

S. 372. A bill to amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 373. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bill appear below under the appropriate heading.)

By Mr. McGOVERN:

S. 374. A bill to amend title I of the Vocational Education Act of 1963 in order to authorize the construction under the provisions of such title of student union rooms or buildings for area vocational schools; to the Committee on Labor and Public Welfare.

S. 375. A bill for the relief of Lorna I. Newport, to the Committee on Post Office and Civil Service.

By Mr. McGOVERN (for himself and Mr. HATFIELD, Mr. CRANSTON, Mr. HUGHES, Mr. BAYH, Mr. EAGLETON, Mr. GRAVEL, Mr. HART, Mr. HARRIS, Mr. HARTKE, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PROXMIRE, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WILLIAMS):

S. 376. A bill to amend the Foreign Assistance Act of 1961, as amended, to the Committee on Foreign Relations.

(The remarks of Mr. MCGOVERN when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S. 377. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

S. 378. A bill to authorize the establishment of the Big Thicket National Park in the State of Texas as a natural area, and to provide for recreational areas for public benefit adjacent to man-made reservoirs; Sam Rayburn, Toledo Bend, and Lake Livingston, in the State of Texas; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. TOWER when he introduced S. 378 appear below under the appropriate heading.)

By Mr. SCHWEIKER:

S. 379. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from social security coverage and refund of social security tax to members of certain religious groups who are opposed to insurance; and

S. 380. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Finance.

S. 381. A bill for the relief of Fritz Bernt Johannesen and Grethe Johannesen; to the Committee on the Judiciary.

(The remarks of Mr. Schweiker when he introduced S. 379 and S. 380 appear below under appropriate headings.)

By Mr. TAFT:

S. J. Res. 18. Joint resolution to define the principles which shall govern the deployment of the Armed Forces of the United States by the President, to express U.S. foreign policy objectives in Southeast Asia, to the Committee on Foreign Relations.

(The remarks of Mr. TAFT when he introduced the bill appear below under the appropriate heading.)

S. 316—INTRODUCTION OF A BILL TO INCREASE THE CREDIT AGAINST TAX FOR RETIREMENT INCOME

Mr. RIBICOFF. Mr. President, I am introducing a bill that will benefit many of our older citizens by making our income tax system more equitable in the treatment of their retirement income.

This measure, which I introduced in the last Congress was accepted by the Finance Committee and added to H.R. 17550, the Social Security Amendments of 1970. No final action was taken on this amendment.

My bill would narrow the excessive gap between the rising level of Social Security benefits and the base for the retirement income credit. This would benefit those people who receive retirement income from sources other than social security and railroad retirement.

Millions of public employees in a number of States throughout the country are not covered by social security, belonging instead to their own local or State public employee retirement systems. These retirement plans may be perfectly adequate to meet the needs of these citizens in their later years. But, because benefit payments under these retirement systems are taxable, these public employees are placed in a weaker economic position than regular social security beneficiaries.

Present law provides a retirement income credit to taxpayers age 65 or older or who retired under a public retirement system. The credit is 15 percent of eligible retirement income up to $1,524 for single persons and up to $2,286 for married taxpayers, both of whom are age 65 or over for a maximum credit of $228.60 and $342.90, respectively. The maximum base for the credit is reduced by the amount of social security, railroad retirement, and other tax exempt benefits. In addition, the maximum base of the credit for persons between age 62 and 72 is reduced by earned income in excess of $1,200—a reduction of 50 cents for each dollar of earnings between $1,200 and $1,700, and on the basis of a dollar for each dollar of earnings above $1,700.

When the retirement income credit was enacted into law in 1954, the maximum amount of retirement income which could then qualify for the credit—$1,200—was equal to the annual maximum amount which could be received in social security benefits. Although social security benefits were subsequently increased, the maximum amount of retirement income available for the credit was not changed until 1962. In 1962, the maximum limit of the credit for an individual was increased to $1,524 to correspond with the maximum social security benefits enacted in 1958. In 1964, a corresponding increase in the maximum limit of the credit to $2,286 was provided for married couples. Since then the maximum and average social security benefits have been raised substantially, increasing the difference between social security benefits and the maximum base for the retirement income credit.

The bill which I have introduced today increases the maximum base for the retirement income credit from $1,524 to $1,872 for a single individual and from $2,286 to $2,808 for qualifying married couples. This increases the maximum credit from $228.60 to $280.80 for a single person and from $342.90 to $421.20 for qualifying married couples. The amount that can be earned without reduction in the base for the credit is raised from $1,200 to $1,680. Similarly, the earnings which may be received in the range where the credit base is reduced 50 cents for each dollar of earnings is increased from the previous $1,200 to $1,700 range to a range of $1,680 to $2,880. This also means that the level of earnings which reduce the credit base dollar for dollar is raised from $1,700 to $2,880.

Mr. President, over half a million older Americans depend on the retirement income tax credit. This is almost one of every eight people over 65 who pay an income tax. Included among these taxpayers are thousands of teachers, policemen, and firemen who for a combination of reasons draw little or no social security benefits but receive retirement income from various public and private pension plans. By updating the retirement income credit, we can restore equivalency of treatment for these people with the over 20 million people who regularly draw social security benefits.

I urge my colleagues to support this needed legislation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 316) to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income, introduced by Mr. RIBICOFF, was received, read twice by its title and referred to the Committee on Finance.

S. 317—INTRODUCTION OF THE INTERSTATE TAXATION ACT

Mr. RIBICOFF. Mr. President, I am once again introducing the Interstate Taxation Act, a measure designed to bring order into the present chaotic system of taxing interstate commerce. It seems almost anachronistic that in the year 1971, we still have impediments to the free flow of commerce between the 50 States. But with the present diversity and proliferation of individual State taxation programs, there is just too much redtape involved for those seeking to conduct interstate business. The difficulties are far more serious when the businesses concerned are too small to absorb the added costs of trying to conform to the multiplicity of tax regulations and requirements.

When the Founding Fathers granted the power to the Congress to regulate interstate commerce, they recognized that in order for this Nation to prosper, manufacturers, wholesalers and retailers from all parts of the country must have free access to each and every State. But with the increasing demands placed on State and local governments for public services, new sources of revenues have had to be created. The increased burdens of providing schools, roads, sewage systems, and fire and police protection have led to the imposition of a variety of local taxes on commerce to meet these needs.

As a result of the creative imagination of the tax collecting bodies, the burden of taxation has become overwhelming. When a business today seeks to sell a number of States it is faced with a formidable array of rules, regulations, and procedures which serve to inhibit smaller businesses from expanding into new areas.

The expense engendered by a small business in seeking to comply with each State's regulation can often mean its ruin. One business in my home State of Connecticut has reported having to spend several hundred dollars in order to meet a tax bill only a small fraction of this amount.

Aside from frustration the differing apportionment procedures in individual States also spawn disrespect for compliance with the law. When confronted with the voluminous, complicated tax requirements, some businesses begin to justify evasion as the only practical course of action.

This bill is similar to H.R. 7906 which was passed in the 91st Congress by the House, and except for minor changes, is identical to the bill I introduced in the Senate in the past Congress.

This bill would establish uniform jurisdictional rules for State and local taxes of all types. For income tax purposes, companies would be subject to tax only in those States in which they own or lease property, or have one or more employees, or regularly maintain a stock of goods for sale in the ordinary course of business. It would also continue the jurisdictional protection of Public Law 86–272, which provides that mere sales solicitation is not a sufficient factor to give the State or locality jurisdiction to tax.

My bill also provides guidelines for State sales and use taxes. No State or local government could require collection of sales or use taxes unless the seller has a business location in that State, or regularly makes household deliveries in the State.

In any event, the seller would be relieved from collecting sales and use taxes on sales to business purchasers who are already registered with the State to collect sales and use taxes themselves.

A gross receipts tax could be levied only on those sellers having a business in the State.

Out-of-State audit charges would be prohibited and there would be an amnesty of unassessed back liability where no business location was maintained in the State.

Further, the bill would provide for a continuing evaluation by the Congress of the progress made by the States in resolving any remaining difficulties.

My bill eliminates the distinction between large and small corporations in the income tax area and treats them with the same jurisdictional rules. But it also provides substantial relief for smaller businesses, those whose average annual income is $1 million or less, by providing the option of using a standard two-factor formula based on property and payroll for apportioning their income among the States in which they are subject to tax.

The bill would also do away with the unitary business concept of applying State income taxes. This concept which is embraced by only a small number of States, is open to serious economic and constitutional questions. By requiring multicorporate enterprises to file combined or consolidated returns, this practice attributes income to a State even though the affiliate which earns the income is not taxable in that State. In addition, the unitary practice often comes in direct conflict with our international trade policies and tax treaties.

Mr. President, the problems of dealing with the wide and increasing variety of State and local taxes are reaching critical proportions. This bill answers a desperate need to bring order out of chaos. Each State and locality will be able to legitimately tax those interstate businesses within their borders, but only under reasonable and commonsense rules which will drastically reduce the formidable and nonsensical paperwork presently required.

This bill will increase taxpayer compliance, and reduce the cost of such compliance.

Public expenses have risen rapidly in recent years and so necessarily has the tax burden. But in addition to the financial levy of the various tax programs, there has developed an unnecessary and highly inefficient barrier of administrative detail coupled with the payment of the many taxes. Congress can perform a great public service by acting quickly to eliminate this additional and unnecessary burden on the economy.

This legislation has long had the support of many major national business organizations.

I am delighted that the senior Senator from Maryland is joining me this year in introducing this legislation. Senator MATHIAS worked diligently on this measure as a Member of Congress and I welcome his support.

I urge my colleagues to approve this needed legislation as soon as possible.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 317) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce introduced by Mr. RIBICOFF, for himself and Mr. MATHIAS, was received, read twice by its title, and referred to the Committee on Finance.

Mr. MATHIAS. Mr. President, I am pleased to join with the distinguished senior Senator from Connecticut (Mr. RIBICOFF) in putting forward the Interstate Taxation Act, a bill to relieve American business from the chaos of State and local taxation of interstate commerce.

This sorely needed legislation is so long overdue that I believe we would be remiss in our obligations to our Nation's commercial life if we do not move expeditiously toward its enactment.

Early in the previous Congress the House of Representatives passed an interstate taxation bill, H.R. 7906, which is similar to the amendment that I am proposing. This measure passed the House by a vote of 311 to 87. As is shown by the debate in the other body, the House bill has widespread support, both from the business community and from substantial segments of labor, including such diverse groups as the National Association of Manufacturers, the International Ladies' Garment Workers' Union, the National Small Business Association, the National Association of Wholesalers, the U.S. Chamber of Commerce, the National Food Brokers Association, the Magazine Publishers Association, the Printing Industries of America, the American Association of Nurserymen, the Advertising Federation of America, and literally hundreds of other associations. However, despite the crying need for this legislation, the Interstate Taxation Act has regretfully reposed in the Senate Committee on Finance.

Almost 3 years ago in the 90th Congress the House also sent us an interstate taxation act, H.R. 2158, which likewise had overwhelming support both from business and from labor and which passed that body on May 22, 1968, by a vote of 284 to 89. H.R. 2158 also languished in the Senate Finance Committee and was not considered by this body.

I am pleased to say, however, that during the final days of the last Congress, the chairman of the Senate Finance Committee, the distinguished junior Senator from Louisiana (Mr. LONG) assured me that this bill will be given hearings during 1971.

Mr. President, it is imperative that we move rapidly to enact interstate tax legislation. More than 10 years have passed since Congress enacted Public Law 86–272, which gave us a mandate to remove the chaos and confusion from the system of taxing interstate commerce. Here in the Senate that statute was originally sponsored and championed by the late Senator Harry Byrd when he was chairman of the Senate Committee on Finance. Under the terms of Public Law 86–272, the Committee on the Judiciary of the House of Representatives and the Committee on Finance of the U.S. Senate were called upon to make complete studies of all matters pertaining to the taxation of interstate commerce and to make appropriate recommendations to their respective Houses. Although the House of Representatives has been diligent in carrying out its obligations under Public Law 86–272, the Senate has not yet acted.

For a number of years during the course of my service in the House of Representatives, I was privileged to serve as a member of the Special Subcommittee on State Taxation of Interstate Commerce of the House Committee on the Judiciary. As a result, I was one of the authors of the original legislation that first passed the House. I believe that the studies and investigations conducted by our subcommittee were among the most thorough of any conducted in the entire history of the Congress. The reports and hearings of the subcommittee occupy a total of eight full volumes. These publications by now have become the definitive work in this field.

When we conducted our study, the number of jurisdictions taxing interstate commerce was already staggering. There were in effect on a State level, 38 different sets of corporate income tax laws, 39 sales and use tax systems, 37 capital stock tax laws, and eight different sets of State gross receipts tax laws. The local tax picture was even more staggering—with more than 2,300 cities, counties, parishes, towns, and villages imposing sales and use taxes on interstate commerce, more than 1,000 local governments imposing gross receipts taxes, and more than 100 local governments imposing full-fledged corporate income taxes. Today, the number of States, cities, counties, and other jurisdictions imposing each of these forms of taxes is even greater and the taxes themselves have grown even more complex and more burdensome.

Mr. President, it is appalling that while we continue to allow our economy to become Balkanized, Europe is making historic strides toward an enlarged common market. During the 10-year period that we have delayed in carrying out the mandates of Public Law 86–262, commercial horizons in the United States have become more and more restricted by State taxation. Yet during this same period Europe has made every effort to catch up and to close the technological gap between the European economy and our economy by pooling the resources of European business and industry.

The ingenuity of each State's taxing officials in seeking not only what is Caesar's, but also what can be grabbed for Caesar across State lines, is building barriers at interstate borders which bar business from the full benefits of our great continental markets. There is no doubt that the State statutes, regulations, and tax rules now in force or in contemplation in every one of the 50 States are seriously burdening American business—particularly small business—without any significant increase in the net revenue of the several States.

This is not the first time in American history that this has occurred. Things got so bad in the years just after the Revolution that Baltimore merchants had to pay Virginia taxes for the privilege of sailing through the Virginia Capes at the mouth of Chesapeake Bay. The tax rivalry became so general that an informal meeting of State representatives at Mount Vernon was adjourned to the State House in Annapolis and finally became the immortal Constitutional Convention on 1787.

The writing of the Constitution and the forging of the Union put an end to the ambitions of the States to erect customs houses at interstate boundaries, and established the principle of free trade among the States which shaped and promoted the growth of the "American common market" for 150 years.

Today, however, the press for costly State services and the resultant search for State moneys, coupled with the spectacular growth of interstate business, have tempted the States to try to reach activities and transactions to which they have only a shadowy claim at best. As a consequence, the files or the wastebaskets of thousands of businessmen, especially in smaller businesses, are filled with tax notices, tax forms, tax questionnaires, and other redtape. They constitute a mountain of paperwork if they are all filled out, computed, signed, and returned whether or not a tax liability is generated. They are a time bomb in the file if they are ignored, neglected, or carelessly executed.

To illustrate the nature of this problem, let us consider some potential tax burdens that can now face a small company in my own State of Maryland, which ships goods across State lines. Even though the Maryland company has all of its property in Maryland, and even though all of its employees are residents of Maryland, the company can become liable for taxes imposed by thousands of jurisdictions beyond Maryland's borders.

To begin with, we might first consider some of the liabilities that the Maryland company could encounter in Alabama—simply choosing that State because it is first on the alphabetical list.

Suppose, for example, that the Maryland company has potential customers in Alabama but no assets and no employees there. Instead, the only contact that the Maryland company has with Alabama comes from the fact that it is represented there by a completely independent contractor—a broker, commission agent, or some other type of representative who is self-employed and who represents more than one principal. If the Maryland company's Alabama representative is effective in selling to customers in Alabama, the tax effects on the Maryland company can be simply enormous. In this one State alone, the Maryland company can be called on to file more than 175 separate sales- and use-tax returns in order to comply with the individual laws of cities, counties, and police jurisdictions.

Many businessmen ask whether companies can afford the facilities necessary to comply with these kinds of requirements. The special subcommittee was especially interested in this question, and we went to great lengths to ascertain the extent to which compliance is both possible and practical. We studied the actual practices of thousands of companies. Our findings documented the fact that as a practical matter most companies simply cannot and do not comply with the tax laws of jurisdictions in which they do not actually maintain premises for the conduct of their business.

Likewise, the State and local tax collectors do not effectively enforce tax laws in an evenhanded manner against out-of-State companies which do not maintain business locations in that State. Our extensive study indicates that in the sales tax area interstate companies are not complying with State requirements in some 96 percent of the cases in which they are liable for a tax, but do not have a business location in the taxing State. In the income tax area there is noncompliance in some 98 percent of such cases.

Now, this matter of nonenforcement and noncompliance with State tax laws has broad ramifications. In order to understand how great is the need for Federal legislation in this area, one must first realize the disastrous effects which nonenforcement and noncompliance have on our economy.

First, such widespread noncompliance has serious moral and ethical implications. It is clear to all of us that the reason why the business community is not complying with the present requirements is essentially because the requirements are so complex as to be unworkable. Nevertheless, the very fact that the system is unworkable makes of it a breeding ground for inequities and fosters an unwholesome disrespect for law in general. Obviously, all of society suffers from tax laws which can neither be enforced by the tax collector nor complied with by the taxpayer.

Second, the widespread noncompliance with interstate tax requirements has a profound economic significance of which many of the operators of small business are unaware. That is why I said that this problem has become a kind of time bomb which can explode in any future day, month or year on the countless number of companies which are presently not complying.

It is important to recognize that the great majority of State and local tax laws do not contain any statutes of limitation with respect to persons who have not filed tax returns. Instead, back liabilities simply accumulate and never die.

For example, in the celebrated Northwestern case, which gave rise to the enactment of Public Law 86–272, the unfortunate taxpayer found himself liable for back taxes over a period of 16 years in a situation in which the business community had complacently assumed that no liability in fact existed. Thus, if a company has customers in a number of States but did not file tax returns last year, or in preceding years, it will have not one, but a number of swords of Damocles hanging continuously over its head. At any point in the future, it can indeed be confronted by an army of tax auditors, each asserting deficiency assessments, interest, penalties, and, in some cases, criminal sanctions for the entire period in which the company has been in noncompliance.

The liabilities of those companies that are singled out as special targets for enforcement by the tax collectors in the future may be so staggering as to drive such companies out of business. This is a result, I believe, which we in Congress have a special obligation to avoid. For that reason I am strongly urging that we in the Senate enact the Interstate Taxation Act as quickly as possible.

The bill which I am submitting today would both remedy the present system, as well as remove the threat of back liabilities. It reaffirms the basic principles of our American common market by providing standards which are both reasonable and practical—standards which can be complied with by the taxpayer and enforced by the tax administrator.

Let me review in brief some of the major provisions of the proposed Interstate Taxation Act.

First, title I of the act would establish firm jurisdictional standards applicable to four types of taxes: corporate income taxes, capital stock taxes, sales taxes, and gross receipts taxes. Under these standards, a company would generally not be liable unless it maintains what the bill refers to as a "business location" within the taxing jurisdiction. As defined by the act, the term "business location" includes the ownership or leasing of real estate, the maintenance of an inventory, or the maintenance of a full-time local employee whose duties consist of more than the mere solicitation of orders.

In my original bill, S. 611, as well as in H.R. 7906, as passed by the House, corporations which earn more than $1 million annually were excepted from this jurisdictional protection. In the bill which I am introducing today, this exception has been removed.

Thus, under title I, for example, a company which has all of its property, all of its inventory, and all of its employees in one State would not be liable for tax in other States.

Under title II of my proposal, a company which does have a business location in more than one State, but which earns less than $1 million of net income annually, is given the option of using a Federal formula to determine what portion of its income is to be taxed by each State. Under the optional formula, liability is determined on the basis of the percentage of tangible property owned in each State, and the percentage of wages paid to employees in each State. As a practical matter, the Federal formula would tend to attribute the company's income to the company's home State. At the same time, since the formula is optional, the taxpayer can choose the State formula if the State formula results in a lower tax.

Title III establishes uniform standards in the sales and use tax area. It makes it clear that a particular sale cannot be taxed by more than one State. It excludes interstate freight charges from the measure of the tax and provides an exemption for the household goods—including automobiles—of persons who change their State of residence. In addition, it would relieve an interstate seller of all liability for any interstate sale made to a purchaser who is registered with the taxing State. Thus, as a practical matter, the seller would generally not have to collect a sales or use tax on sales made to business firms which have establishments within the taxing State.

Title IV recognizes the existence of a number of interstate tax problems which would not be resolved by the other titles. It provides for continued congressional scrutiny in these problem areas, and calls upon congressional committees to make specific recommendations if the States do not resolve these problems on their own initiative.

Finally, title V of the bill contains definitional and miscellaneous provisions, one of which is especially significant in the matter of liabilities for past years which I discussed previously. Under section 525 of title V, there is a total forgiveness for all unassessed taxes for all back years in which the taxpayer did not have a business location in the State. This section will, in effect, defuse the time-bomb which is currently in danger of exploding at any time for interstate companies all over the United States.

Although title V embodied in my bill today is substantially the same as in H.R. 7906, and the corresponding title of my bill, S. 611, it contains an additional significant provision relating to the income taxation of affiliated corporations. Under this provision which appears in section 512(d), a State may not require a corporation with a business location within its border to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within the taxing State. This provision was originally proposed by our colleague, Senator RIBICOFF, the distinguished junior Senator from Connecticut. I have included it in my bill because it corrects an inequity in the present system that arises in States attempt to use the consolidation device as a means of taxing income that would otherwise be beyond their jurisdictional reach.

I am strongly convinced that in its entirety my bill will restore an atmosphere of free trade within the United States of the type originally envisioned by our Founding Fathers. The results will be beneficial for the economies of all of the States and for the Nation as a whole. In an immediate sense no State will stand to gain or lose a significant amount of revenue under this proposal. Yet, in the long run, since the proposal will stimulate our national economy, the results will be reflected in increased revenues to all of the States. Under the circumstances, I wholeheartedly urge all of my colleagues in this body to support this bill.

S. 318—INTRODUCTION OF A BILL TO CREATE A THREE-UNIT CONNECTICUT HISTORIC RIVERWAY

Mr. RIBICOFF. Mr. President, I am introducing, for appropriate reference, a bill to create a three-unit Connecticut Historic Riverway.

Earlier this week, I introduced S. 36, which would immediately establish the Connecticut portion of these units, the Lower Connecticut Historic Riverway. In October 1969, the Senate Interior Committee and the full Senate approved the Connecticut unit. I hope that this Congress can take prompt action on S. 36, for when it is enacted it will be the first step toward protecting one of America's most beautiful riverways against any future desecration.

Preserving the river in its southernmost stretches will, however, not be enough. We must ultimately provide protection in the two other units—the Coos Scenic Riverway near the river's source and the Mount Holyoke Riverway in central Massachusetts. My bill in early 1969 originally included these two units as well, and I am reintroducing this three-unit bill today to give the Senate Interior Committee the opportunity to study the entire Connecticut River. Establishment of all three units is a goal all concerned citizens and governments should work toward.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 318) to preserve and promote the resources of the Connecticut River Valley, and for other purposes, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 322—INTRODUCTION OF A BILL TO TERMINATE PRICE SUPPORTS ON TOBACCO

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to terminate all price-support and assistance programs for tobacco beginning with all crops of tobacco to be harvested in 1972. The bill would also terminate direct or indirect Federal subsidies for export of tobaccos to any foreign country after December 31, 1972.

I introduced this same bill in the 91st Congress—on May 12, 1970. Then on July 8—2 months later—I offered a relatively simple amendment to end price supports to the Department of Agriculture and related agencies appropriations for fiscal 1971. Neither the bill nor the amendment was successful but they produced some enlightening dialog.

One soon becomes aware that the tobacco business is very big business. Perhaps that is to be expected, with a total crop in 1970 of 1,905,751,000 pounds. However, the acreage is comparatively small, with only 899,000 acres harvested in 1970—less than one three-hundredths of total crop acreage harvested in the United States last year. There are a few large companies in the storage and manufacturing aspects of the tobacco business.

The argument is offered that many growers, and most of them small growers localized in two States, would be irreparably injured if the Federal Government does not continue to supply assistance and supports of existing types at current levels. But then we hear—and sometimes from the same person—that present Government programs for tobacco are costing our public nearly nothing. In truth, it has proven to be difficult to find out what the programs do cost. This information gap appears to be partly the result of the long storage between harvesting the crop and finally processing it into the end products. But it should be possible to arrive at some interesting and significant data if only the problem were to receive adequate attention.

Mr. President, I think we should give this problem this attention. I am aware that there are many problems—that alternate crops would have to be found for the small farmer and the processor now dependent upon the production of tobacco and the manufacturing of cigarettes for their livelihood. And there are the many people who have jobs in tobacco processing plants to be considered.

But it seems quite clear to me that our Government cannot long continue in the indefensible position of aiding and abetting production and export of this product. On the one hand, month by month, we become increasingly aware of its dangers to health. Since early this month there has been an official ban on radio and television cigarette commercials. Yet, officially, we continue with price-support and other assistance programs for tobacco here and we continue our attempts to build overseas markets.

What I am proposing today is that my bill be appropriately referred and that hearings be held promptly in 1971. Our Government dilemma in this respect is becoming acute. The matter is deserving of full hearings and a vigorous search for a way out of our present untenable position.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 322) to terminate all price support programs for tobacco beginning with the 1972 crop of tobacco, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

S. 324—INTRODUCTION OF A BILL TO PROVIDE FAIRER TAXATION FOR PRIVATE AIRCRAFT USERS

Mr. DOLE. Mr. President, the Airport and Airways Development Act of 1970, signed into law on May 27, imposed an aircraft use tax on all piston-engine civil aircraft. This tax requires a yearly payment of $25 for each of these aircraft, plus 2 cents per pound for the total gross weight of each aircraft weighing over 2,500 pounds.

Subsequently, Public Law 91–614, signed into law December 31, 1970, and to become effective July 1, 1971, establishes that a 2-cents use tax is required only on total pounds above 2,500.

But, Mr. President, the May 27 law, as modified, still places an inordinate financial burden on the owners of small private aircraft. Therefore, in an effort to provide a fairer tax for them, I am today introducing a bill to increase the exemption based on certificated gross weight for piston-engine civil aircraft from 2,500 to 6,000 pounds. I have chosen the 6,000-pound weight, because generally those aircraft below this figure are used for private business and pleasure purposes, while those above are used for commercial purposes. This legislation would exempt approximately 115,000 of the 125,000 general aviation aircraft. The present law exempts 80,000 to 90,000.

The provisions of this bill which would become effective July 1, 1971, would not change the $25 use tax required for each aircraft. And the bill would not modify the disregarding of the first 2,500 pounds by planes above 6,000 pounds.

Mr. President, the following are several compelling reasons why this legislation should receive early enactment:

First. The 2-cent gross use tax is unfair on these aircraft below 6,000 pounds because the bulk of these revenues are not used for the improvement of aviation facilities and services for the benefit of these aircraft, but for larger commercial planes. For example, the private aircraft under 6,000 pounds generally operate under visual flight rules and impose little or no load upon the air traffic control system. And when the weather makes the use of such systems imperative, these small planes normally stay on the ground, as only about 10 percent are even equipped to fly by instruments. Furthermore, these aircraft fly in and out of 10,000 of the Nation's airports, but only 2,400 of these airports have received any Federal investment. And less than 700 have received aid in amounts equaling $1 million.

Second. The 2,500-pound starting point of the use tax is burdensome in light of the fact that small aircraft owners are presently being hit with increased taxes and fees from several directions simultaneously. As evidence of these compounding charges, the Federal Government increased the effective gasoline tax on private aircraft by 350 percent on July 1, 1970. And as a result of the enactment of the airport and airways bill of 1970, many State and local governments are beginning to scrutinize private aircraft taxes and fees as one means of raising local funds to match the increased Federal revenue.

Teterboro, N.J., has just raised landing fees by more than 30 percent effective January 1, 1971. Effective the same date, Erie, Pa., has established new airport usage fees ranging annually from $40 to $100 for locally owned aircraft. And, the State of Texas is currently considering a proposal to impose flat fees for each aircraft, weight taxes, and excise taxes on the sale of new and used aircraft, spare parts, accessories, and fuels.

Third. The present use tax structure will generate a loss of sales of small aircraft, thus complicating the current problems of the aviation industry, and increasing the unemployment level. The reverse of such a trend is extremely important to thousands in Kansas, and especially in the vicinity of Wichita. As a direct result of the layoffs in the aviation industry, the unemployment rate in this area is one of the highest in the Nation. Early this month, Cessna in nearby Winfield employing 150 was forced to shut down. Similarly, a principal competitor in Pennsylvania ceased to function for almost 4 months last year.

Fourth. The bill will help to insure that the small aircraft are able to help bind together the economies of small communities and rural areas, which cannot support or enjoy scheduled airline service, with the large metropolitan cities which can.

Mr. President, it is time to curb excessive taxation on these aircraft. In a conversation with an FAA official, he estimated my bill will save $900,000 for private aircraft operations in fiscal year 1972, but will still require over $60 million from general aviation in overall aviation use taxes. In the light of these figures, my bill is reasonable, and I urge its speedy enactment.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 323) to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, introduced by Mr. Dole, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance and ordered to be printed in the Record, as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4491 (a) (2) (A) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft) having a maximum certificated takeoff weight of more than 6,000 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

Sec. 2. (a) The amendment made by the first section of this Act shall take effect on July 1, 1971.

(b) Section 305 of the Excise, Estate, and Gift Tax Adjustment Act of 1970 is repealed.

S. 325—INTRODUCTION OF A BILL ESTABLISHING A SURVIVOR BENEFIT PLAN

Mr. BEALL. Mr. President, on behalf of Senator Tower and myself I introduce an important bill which would establish a survivor's benefit program for our career military personnel. This measure would enable the career military man to provide for his surviving loved ones in the event of his death. It would do this by establishing a new survivor's annuity program under which the military retiree could assure his surviving dependents of up to 55 percent of his retired pay.

Most Americans would be surprised, as were many Members of Congress, to learn that the widow of a retired military man does not automatically receive part of the earned retirement pension her husband was receiving at the time of his death. Thus, for example, should a military retiree pass away a day after his retirement, the surviving dependents would not be entitled to a penny of his retirement pension. The surprise of the American public and the Congress to learn of this situation is minor compared to the shock of the widow of these cases, many of whom according to the Department of Defense's testimony do not realize that the retired pay stops immediately upon the death of the military retiree.

In such a situation, the only benefit that the military retiree's widow would have, assuming that the death was not service connected, that the widow was not eligible for social security, and that her husband was among the 85 percent of Armed Forces personnel who do not participate in the retired serviceman's protection plan—RSFTT—are those paid by the Veterans' Administration. To qualify for the Veterans' Administration program, the widow must meet a "needs test," and, if eligible she then would receive only a meager pension varying from $17 to $74 per month. This pension is not a special provision for career servicemen's dependents but is available to dependents of any veteran whether he served 3 months or 30 years.

The lack of basic survivor protection for retired career personnel is a serious shortcoming in the benefits available for those who elect to make serving their country their career. Basic survivor protection is usually a standard feature in employee fringe benefits. The Federal civil service employees, for example, can assure his surviving spouse 55 percent of his Federal retired pay. This survivors' benefit is automatic unless the employee in writing elects not to participate in the survivor annuity plan. This lack of survivor benefits is a particular serious problem because of the relatively early retirement of career military personnel.

A military retiree, if he lives the normal life expectancy, may spend in retirement one and one-half times the number of years he served on active duty. Congress has not been blind to the need of the career military man to provide a portion of his pension for his survivors. In 1953, Congress enacted the retired serviceman's family protection plan—RSFPP—an optional, self-supporting, actuarially sound, survivor annuity program. The program has not worked. The most telling indictment of the RSFPP program is that during the 18 years it has been part of our national laws, and despite the adoption of seven amendments, only 15 percent of those eligible have elected to participate. The participation rate of enlisted retirees, who may need it the most, is only 10 percent. Thus, the widow of 85 percent of military retirees have no claim to a portion of their husband's retired pay.

The primary reason for this low participation rate is that the RSFPP program is prohibitively expensive for the serviceman. Unlike the survivors' annuity program available to the Federal civil service employees, the Federal Government does not contribute to the RSFPP. As a result, the military retirees have to pay between 2.5 and 5 times for equivalent survivor benefits as the civil service retiree. I ask unanimous consent that tables depicting this disparity be printed at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE I.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VS. CIVIL SERVICE

Grade	Years of service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff sergeant	20	40	$86.42	$12.71	$3.93
Technical sergeant	24	44	120.75	20.94	5.49
Master sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.96	48.23	24.22
Lieutenant colonel	26	48	330.65	66.84	37.62
Colonel	30	52	461.42	107.00	61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major general	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.72
Do	30	60	738.98	216.75	112.86

TABLE 11.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual annuity	Dollars cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

In addition to the fact that the retired serviceman's family protection plan is too expensive, the complexities of the program have also deterred greater participation. RSFPP then by any yardstick must be judged a failure. It was clear that a new plan was needed.

The Fleet Reserve Association, after years of research and study, completed an excellent study entitled "Widows Equity" which not only helped to spotlight the inadequacies and inequities of survivor benefits for the family of the career military man, but also resulted in the introduction of legislation implementing the study's recommendation in both Houses of the Congress. In all, over 25 Members of the Senate cosponsored this proposal.

This legislative interest and the support of military and veterans organizations, as well as the many moving letters received by Members of Congress, resulted in a naming by the late Chairman of the House Armed Services Committee,

L. Mendel Rivers, of a Special Subcommittee on Survivors Benefits under the capable leadership of Congressman Otis G. Pike. The special subcommittee's mandate was spelled out in Chairman Rivers' letter which established the committee. The subcommittee was directed to initiate its review and hearings at the earliest practicable date for the purpose of determining the adequacy of existing survivor benefits programs for active and retired military personnel, and to make such recommendations, legislative or otherwise, to the full Committee on Armed Services as are necessary.

I was pleased to have been named to this special subcommittee, and I am very proud of the subcommittee's work which included 7 days of open hearings and 5 days of executive sessions. I believe that examination of the report issued by the committee entitled "Inquiry to Survivor Benefits" will demonstrate the thoroughness with which the subcommittee examined the subject. Our subcommittee concluded that the benefits available to survivors of retired personnel are woefully inadequate, and I am pleased to introduce today on the Senate side legislation incorporating the recommendations of the subcommittee. I also cosponsored similar legislation that was introduced in the last Congress. I have high hopes that this legislation will be enacted by this Congress. Enactment of this legislation would be welcomed news for wives and widows of career servicemen who also have served their country through the many sacrifices they make and the support they give their husbands.

Mr. President, the Nation is aware of the great sacrifices made by the Nation's career military man and the great debt we owe to them. Their daily duty is the defense and security of this Nation. The country is probably not as aware of the sacrifices and demands on the military wife.

The old saying that "behind every successful man is a successful woman" has a special truth for military wives. Long separations and months of loneliness and frequent changes in duty stations and the necessary family uprooting that often follows, are among the many problems with which the career serviceman's wife must cope. Added to this is the fear in the mind of military wives that their husbands may not return at all. After standing alongside their husbands throughout their military careers, these brave and special breed of women are not presently assured of a single cent of the retired pay of their husbands.

There is a great deal of interest in the all-volunteer army. The Gates Commission has recommended its adoption, and the concept has the support of President Nixon. I personally am inclined to support the concept although I believe that hearings should be held so that all of its implications will be examined. I also have supported the various pay increases and other fringe benefits which are probably necessary preconditions to attract and retain sufficient manpower for national defense requirements. The career military man shares, I am certain, what must be a universal desire of man to provide for his surviving loved ones after his death. The lack of such survivor benefits is a glaring weakness in the benefits presently available to the professional soldier. The adoption of a survivors' benefit program has to make the military more attractive as a career, and thus help move the country toward the goal of an all-volunteer Armed Forces.

In summary, the equities cogently call for the remedying of the plight of the military retiree's widow. The facts clearly argue for the enactment of legislation which I am introducing, and which will make it possible for retired military personnel to leave a portion of their pension at a reasonable cost to their loved ones so that they might better enjoy the freedom and prosperity of this great Nation for which their husbands in no small part are responsible.

Mr. President, I ask unanimous consent that the subcommittee's summary of the bill's provisions and its estimated cost, as well as the complete text of the bill, be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill and summary will be printed in the Record.

The bill (S. 325) to amend chapter 73 of title 10, U.S. Code, to establish a Survivor Benefit Plan, introduced by Mr. Beall, for himself and Mr. Tower, was received, read twice by its title, referred to the Committee on Armed Services and ordered to be printed in the Record, as follows:

S. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 10, United States Code, is amended to read as follows:

"Chapter 73.—SURVIVOR BENEFIT PLAN

"Sec.
"1447. Definitions.
"1448. Application of plan.
"1449. Payment of annuity: beneficiaries.
"1450. Amount of annuity.
"1451. Reduction in retired or retainer pay.
"1452. Regulations.

"§ 1447. Definitions

"In sections 1447–1452 of this title:

"(1) 'Base amount' means (A) the amount of monthly retired or retainer pay to which a person was entitled when he became eligible for that pay or (B) such lesser amount designated by him on or before the first day for which he became eligible for that pay. The base amount is increased, at the same time retired or retainer pay is increased under section 1401a(b) of this title, by the same total per centum that pay is increased.

"(2) 'Dependent child' means a person who is—

"(A) unmarried;

"(B) under eighteen years of age; at least eighteen, but under twenty-two years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

"(C) the child of a person to whom the Survivor Benefit Plan applies, including (i) an adopted child and (ii) a stepchild or recognized natural child who lived with that person in a regular parent-child relationship and who on the date of the death of that person was living in the United States, Puerto Rico, or a possession of the United States.

"(3) 'Spouse' of a person entitled to retired or retainer pay means the widow or, if dependent on that person for more than one-half of his support at the time of that person's death, as determined under regulations prescribed under section 1452 of this title, the widower of that person.

"§ 1448. Application of plan

"(a) Except as provided in subsection (c), the Survivor Benefit Plan applies to every person when he becomes entitled to retired or retainer pay unless, under regulations prescribed under section 1452 of this title, he elects not to participate in the plan before the first day for which he is eligible for that pay. An election not to participate in the plan by a person who is married requires that his wife be made aware of his decision as prescribed in regulations under section 1452 of this title. Such an election is irrevocable if not revoked before the date on which he first becomes entitled to retired or retainer pay. If a person elects not to participate and he was not married on the first day for which he became eligible for that pay, but thereafter marries, he may participate in the plan by paying the total of the amounts by which his retired or retainer pay would have been reduced under the first sentence of section 1451 of this title if the plan had applied to him continuously since that day, plus interest thereon at the rate of 3 per centum a year, compounded annually. Except as provided in the next sentence, a person may not withdraw from the plan after it becomes applicable to him. If a person whose name is on the temporary disabled retired list of an armed force, and who has elected an annuity under this chapter, has his name removed from that list for any reason other than retirement or grant of retired pay, the plan ceases to apply to him at that time.

"(b) If a member of an armed force, who upon application to the Secretary concerned could have been eligible for retired or retainer pay, dies on active duty and his survivors are eligible for dependency and indemnity compensation under subchapter II of chapter 13 of title 38 and the amount of that compensation is less than the annuity the survivors would have received under sections 1447–1452 of this title if this section had applied to the member when he died, the Secretary concerned shall pay to the survivors an annuity equal to the difference between that amount of compensation and the maximum percent of the retired or retainer pay to which the otherwise eligible survivor described in section 1449(a) (1) and (2) of this title would have been entitled if the member had been entitled to that pay based upon his years of active service at the time he died.

"(c) This section does not apply to—

"(1) members whose names are on a retired list other than a list maintained under section 1376(a) of this title;

"(2) cadets at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy; and

"(3) midshipmen.

"§ 1449. Payment of annuity: beneficiaries

"(a) Effective as of the first day of the month in which a person to whom section 1448(a) of this title applies dies, a monthly annuity under section 1450 of this title shall be paid to—

"(1) his spouse;

"(2) if his spouse is dead, or ineligible under this section, his surviving dependent children in equal shares; or

"(3) if there are no eligible dependents under clauses (1) and (2), the natural person who has an insurable interest in him and who was designated by him at the date of retirement under regulations prescribed under section 1452 of this title.

An annuity for a spouse shall be paid to the spouse while the spouse is living or, if the spouse remarries before reaching age sixty, until the spouse remarries. If the spouse remarries before reaching age sixty and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the spouse is also entitled to an annuity under this section based upon the marriage so terminated, the spouse may not receive both annuities but must elect which to receive. If upon a persons death, his spouse or dependent child is also entitled to compensation under subchapter II of chapter 13 of title 38 and the spouse or child elects to receive that compensation, the spouse or child may not be paid an annuity under this section and any amounts deducted from the retired or retainer pay of the deceased under section 1451 of this title shall be refunded to the spouse or child. An unmarried person who elects to provide an annuity to a person designated by him under clause (3), but who later marries, may change that election and provide an annuity to his spouse or dependent children. If a marriage existing at retirement or later is terminated for any reason, the member will have the option of designating a beneficiary from among his former wives or children or his present wife or children. Except as otherwise provided in this subsection, an election under this subsection may not be changed or revoked.

"(b) Except as provided in section 1451(a) of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law and may not be considered as income under any law administered by the Veterans' Administration except section 415(g) and chapter 15 of title 38.

"(c) An annuity under this section is not assignable or subject to execution, levy, attachment, garnishment or other legal process.

"§ 1450. Amount of annuity

"If the spouse is under age sixty-two or there is a dependent child, the monthly annuity payable to the spouse under section 1449 of this title shall be equal to 55 per centum of the base amount. When the spouse reaches age sixty-two, or there is no longer a dependent child, whichever occurs last, the monthly annuity shall be reduced as determined under regulations prescribed under section 1452 of this title, by the amount of the survivor benefit, if any, to which the spouse is entitled under subchapter II of chapter 7 of title 42, but only to the extent that benefit is based upon service described in section 410(l) (1) of title 42. The monthly annuity payable to a person under section 1449(a) (3) of this title shall be as set forth in regulations prescribed under section 1452 of this title. Whenever retired or retainer pay is increased under section 1401a(b) of this title, each annuity that is payable under this section on the day before the effective date of that increase shall be increased at the same time by the same total per centum.

"§ 1451. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies, and who has not elected to provide an annuity to a person designated by him under section 1449(a) (3) of this title, or who has elected to provide such an annuity to such a person but has changed his election in favor of his spouse or dependent children under section 1449(a) of this title, shall be reduced each month by an amount equal to 2½ per centum of the first $300 of the base amount plus 10 per centum of the remainder of the base amount. The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1449(a) (3) of this title shall be reduced in accordance with regulations prescribed under section 1452 of this title. If, for any period, a person who had been awarded retired or retainer pay is not entitled to that pay, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period. However, if a person waives his retired or retainer pay to increase the benefits to which his survivors may become entitled under subchapter III of chapter 83 of title 5, his survivors may not receive an annuity under sections 1447–1452 of this title.

"(b) Except as provided in section 1449 (a) of this title, a person is not entitled to any refunds of amounts deducted from his retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1452. Regulations

"The President shall prescribe regulations to carry out sections 1447–1452 of this title. Those regulations shall, so far as practicable, be uniform."

SEC. 2. The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 to read as follows:

"73. Survivor Benefit Plan_____________1447".

SEC. 3. Chapter 71 of title 10, United States Code, is amended as follows:

(1) By inserting the following item in the analysis:

"1407. Attachment of retired or retainer pay."

(2) By adding the following section:

"1407. Attachment of retired or retainer pay

"Notwithstanding any other provision of law, the retired or retainer pay of a member of an armed force shall be subject to attachment to comply with the order of a court of competent jurisdiction in favor of his wife, former wife, or children."

SEC. 4. (a) The first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the date of enactment of this Act. An election heretofore made by such a person under section 1431 of title 10, United States Code, is cancelled. Any other person who is entitled to retired or retainer pay on that date may elect to participate in the Survivor Benefit Plan established by the first section of this Act before he first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, or who is depositing amounts under section 1438 of title 10, may elect before that date—

(1) so to participate in the plan and to continue his participation under chapter 73 of title 10 as in effect on the day before that date, provided the total of the annuities elected does not exceed 100 per centum of his retired or retainer pay; or

(2) so to participate in the plan and notwithstanding the provisions of former subsection 1436(b) of title 10, to terminate his participation under chapter 73 of title 10 as in effect on the day before that date.

A person who elects under clause (2) to participate in the plan and to terminate his participation under chapter 73 of title 10 is not entitled to any refunds of amounts deducted from his retired or retainer pay under chapter 73 or to any payments thereunder on his behalf.

(b) Notwithstanding the first section of this Act, and except as otherwise provided in this section, the provisions of chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b) as in effect on the day before the date of enactment of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under former section 1431 or 1432 of title 10 and who have not elected under subsection (a)(2) of this section to participate in the Survivor Benefit Plan established by the first section of this Act.

SEC. 5. (a) A person who, on the date of enactment of this Act, is a widow of a person who was entitled to retired or retainer pay when he died and who is eligible for a pension under subchapter III of chapter 15 of title 38, United States Code, shall be paid an annuity by the Secretary concerned if she is at least sixty-two years of age or is permanently and totally disabled, as determined by the rules set down by the Veterans' Administration.

(b) Annuity under subsection (a) shall be equal to the minimum dependency and indemnity compensation payment under subchapter II of chapter 13 of title 38, United States Code, less the amount of the compensation or pension to which the widow is eligible on her own behalf under section 415 and subchapter III of chapter 15 of title 38 and, if she is eligible for a benefit under subchapter II of chapter 7 of title 42, the minimum benefit payable under that subchapter. Such an annuity may not be considered as income under any law administered by the Veterans' Administration.

The material furnished by Mr. BEALL is as follows:

BILL'S SUMMARY

The program would: enhance the social security benefits for widows at age 62 to assure a percentage of the serviceman's retired pay which represents a fair income replacement; provide a percentage of the husband's retired pay during the gap years when the widow is under 62 and receiving no social security; and provide the survivor a percentage of retired pay on top of social security benefits for widows still raising a family.

The essential elements of the program are as follows:

(*a*) Military retirees could leave their survivors an annuity of up to 55 percent of retired or retainer pay.

(*b*) Retirees would share in the cost of the annuity by deductions from their retired pay equal to 2½ percent of the first $3,600 of the base amount and 10 percent of any portion above $3,600 up to the maximum of the member's full retired pay.

(*c*) At age 62 or after her youngest child is no longer eligible for social security benefits, whichever occurs later, the annuity the widow receives as a result of her husband's military retired pay would be reduced by an amount equivalent to the payment she receives under social security *attributable to her husband's military service*. In other words, the program assures the widow of an annuity of up to 55 percent of her husband's retired pay throughout her life.

(*d*) All those on retired roles on the date of enactment of the legislation would have 1 year from the date of enactment in which to elect to participate in the new program. Such retirees would not have to pay any additional amount beyond the deductions from retired pay for all other participants.

(*e*) The present inadequate self-financing program, the Retired Serviceman's Family Protection Plan, would be phased out and no new entrants allowed following the date of passage of the bill. Those retirees participating in RSFPP on the date of enactment of the bill may:

(1) Continue in RSFPP; or

(2) Drop RSFPP but join the new program; or

(3) Continue in RSFPP and join the new program, subject to a limitation on total annuity of 100 percent of the member's retired pay.

(*f*) For personnel who die on active duty while eligible for retirement (based on length of service) where the potential retired survivor annuity would be more than the dependency and indemnity compensation paid to survivors of active duty personnel of like grade, a supplemental annuity payment sufficient to make up the difference would be paid to the survivor by the Department of Defense. The subcommittee has included this provision because it believes that in no case should the annuities for survivors of active duty personnel eligible for retirement based on length of service be below those of retirees of equal rank.

(*g*) All active duty personnel would be automatically included in the new program on the date of retirement for the maximum survivor coverage (55 percent) unless they elect not to participate or elect a reduced base on which to provide an annuity. When a future retiree who is married elects not to participate, the program requires that his spouse be made aware of his decision. It is the intention of the subcommittee that in carrying out this provision of the program counseling shall be provided in such cases for the retiree and his spouse with responsibility clearly placed on administrative officers to see that both the retiree and the spouse fully understand the implications of the decision. The subcommittee is concerned that in a small percentage of cases survivors may unknowingly face undue hardships where retirees have failed to provide adequately because of misunderstanding or neglect.

(*h*) Survivor benefit annuities would be given a cost-of-living increase any time military retired pay is given such an increase.

(*i*) The eligibility for the survivor annuity would extend to a widow; or surviving children; or a widower if dependent on the retiree for more than one-half of his support; or, for an unmarried retiree, to a person who has an insurable interest in him, with retired pay deductions which take into account the relative age of the retiree and the beneficiary. A survivor eligible for dependency and indemnity compensation (because the retiree died of service-connected causes) and an annuity under the proposed program can elect which of the two annuities to take, subject to a refund of the retired pay deductions if DIC is elected. A retiree who waives a portion of his retired pay to receive VA compensation would be eligible for a survivor annuity of up to 55 percent of full retired pay with the standard amount of retired pay deductions for that annuity. A retiree eligible for both military and civil service annuity programs could elect to take one or the other, but not both if he had waived his military retired pay to increase his civil service benefits.

(*j*) Retired reservists would be eligible to participate in the program at the time they commence to receive Reserve retired pay.

3. Many current widows of career military retirees, including widows of senior officers and senior enlisted men of long and outstanding service, are living in conditions of great economic deprivation because of the lack of adequate survivor benefits coverage in the past, and often they are forced to exist on grossly inadequate income. The subcommittee has, therefore, provided a program of minimum income guarantee for such widows at age 62 or if permanently and totally disabled. If such a widow meets the means test presently established for VA death pensions and is age 62 or over, the program would provide her payments sufficient to bring her income up to $167 a month. VA death pensions range from $17 to $74 a month depending on income; the program would pay the widow the difference between that pension and $167 a month.

4. Survivors of active duty personnel receive survivor benefits payments through the dependency and indemnity compensation (DIC) program administered by the Veterans' Administration. Through the diligence of the Veterans' Affairs Committee, DIC rates have been increased throughout the years to recognize increases in the cost of living. For the majority of people on active duty in the armed services, DIC benefits are generous in relation to pay and grade. However, the program is weighted in terms of low ranked and short-term personnel; and, for those in the most senior officer and enlisted grades with longer years of service, the relative level of benefits falls off sharply in terms of its value as income replacement. The subcommittees believes that attention should be given to increasing the survivor benefit levels for survivors of longer service active duty personnel. Since the Veterans' Affairs Committee has prerogatives in this area, the subcommittee recommends that the chairman of the Armed Services Committee initiate discussions with the chairman of the Committee on Veterans' Affairs to determine the most appropriate vehicle for further consideration of additions along the lines here proposed.

5. There will be no immediate increase in budgetary requirements for the permanent survivor benefits program for retired personnel proposed by the subcommittee. In addition, the best estimate of cost indicates that retired pay deductions will exceed the level of benefit payments for approximately the first 20 years of the program. However, the program involves taking on obligations which exceed programed retired pay deductions and by the year 2000 the requirements for annual appropriations will be approximately $310 million. The program of minimum income guarantee for present widows will cost an estimated $30 to $50 million the first year, with the program eventually disappearing as the last widow dies sometime after the year 2000. Even with the cost of the minimum income guarantee program for present widows and the DIC supplement program included, there will be no net increase in the Department of Defense budget for the total legislative package recommended by the subcommittee until the year 1987 at the earliest according to the best present estimates.

6. The subcommittee's legislative proposal includes a provision which permits the attachment of retired and retainer pay to comply with the order of a court of competent jurisdiction in favor of his wife, former wife, or children.

7. The subcommittee recommends approval by the Armed Services Committee of H.R. 15436, introduced by the Honorable Charles E. Bennett of Florida, which would amend chapter 73, title 10, United States Code, to permit revocation of a withdrawal request from the retired serviceman's family protection plan at any time prior to its effective date. The subcommittee recommends that the bill be amended to make it retroactive to the passage of the law permitting withdrawal from RSFPP.

COST ESTIMATES

There will be no increase in budgetary obligation in the initial fiscal year in which the program goes into effect or, under best present estimates, in the first 20 years of the program.

The following table provides an estimate of the cost of the program through the year 2000, assuming an 85 percent participation rate. This is similar to the participation in the civil service program, and the committee believes in view of the outstanding features of the program that the expectation of 85 percent is entirely reasonable. The table shows the annual retired pay deductions, the benefits paid to survivors, and the annual net disbursements.

ANNUAL COSTS ASSOCIATED WITH PROVIDING SURVIVOR BENEFITS ASSUMING THE IMPLEMENTATION OF THE PLAN PROPOSED BY THE SUBCOMMITTEE—PARTICIPATION RATES 85 PERCENT

[Dollars in millions]

	Reduction in member's retired pay			Survivor benefits				
	Amount of reduction from—		Total annual amount of reduction	Benefits paid to survivors of—			Total annual benefits paid	Annual net disbursements
Fiscal year	Present retirees	Future retirees		Past participants	Present participants	Future participants		
1971	$152.49	$8.22	$160.71	$10.92	$9.31	$0.21	$20.44	—$140.27
1972	154.36	26.02	180.38	10.66	28.48	1.17	40.31	—140.07
1973	156.09	47.26	203.35	10.40	48.48	3.33	62.21	—141.14
1974	157.67	72.65	230.32	10.11	69.38	7.01	86.50	—143.82
1975	159.05	100.00	259.55	9.83	91.02	12.50	113.35	—146.20
1976	160.23	129.37	289.60	9.50	113.31	19.90	142.71	—146.89
1977	161.30	160.19	321.49	9.18	136.32	29.28	174.78	—146.70
1978	162.20	192.84	355.04	8.83	159.96	40.73	209.52	—145.52
1979	162.91	227.32	390.23	8.49	184.43	54.46	247.38	—142.85
1980	163.39	263.83	427.22	8.12	209.69	71.08	288.89	—138.38
1981	163.57	300.89	464.46	7.79	235.32	90.38	333.49	—130.97
1982	163.58	339.55	503.13	7.44	261.11	111.99	380.54	—122.59
1983	163.30	381.49	544.79	7.10	288.04	136.00	431.14	—113.68
1984	162.91	425.55	588.46	6.76	315.74	162.59	485.09	—103.37
1985	162.37	470.90	633.27	6.44	343.97	193.11	543.52	—89.75
1986	161.45	519.65	681.10	6.11	372.29	227.46	605.86	—75.24
1987	160.14	571.31	731.45	5.78	400.19	266.00	671.97	—59.48
1988	158.46	624.22	782.68	5.47	428.04	309.27	742.78	—39.90
1989	156.50	678.70	835.20	5.16	455.51	357.40	818.07	—17.13
1990	154.25	735.83	890.08	4.85	482.37	410.57	897.79	7.71
1991	151.57	797.39	948.96	4.56	508.00	469.32	984.88	32.92
1992	148.47	863.22	1,011.69	4.27	532.45	534.30	1,071.19	59.33
1993	144.94	932.55	1,077.49	3.98	555.89	605.69	1,165.56	88.07
1994	141.00	1,005.37	1,146.37	3.71	578.47	682.99	1,265.17	118.80
1995	136.88	1,083.04	1,219.92	3.45	600.78	766.02	1,370.25	150.33
1996	132.40	1,165.76	1,298.16	3.19	620.66	856.97	1,480.82	182.66
1997	127.52	1,252.94	1,380.46	2.94	637.66	954.44	1,595.04	244.58
1998	122.28	1,344.45	1,466.73	2.70	651.37	1,059.29	1,713.36	246.63
1999	116.70	1,440.49	1,557.19	2.48	661.35	1,172.44	1,836.27	279.08
2000	110.82	1,542.39	1,653.21	2.26	667.20	1,293.90	1,963.36	310.15
Total	4,528.80	17,703.89	22,232.69	192.48	10,646.79	10,899.80	21,739.07	−493.62

Mr. TOWER. Mr. President, I am pleased to join with my colleague, the distinguished junior Senator from Maryland (Mr. BEALL) in sponsoring legislation which would provide, for the first time, an effective program under which a military retiree could assure his surviving dependents of up to 55 percent of his retired pay. There has been much talk lately of gradually moving from the draft to an all-volunteer army; much of this talk has been centered around new programs that we would need to have in order to move in an orderly manner toward this desirable concept. Certainly in moving toward the all-volunteer army, we must have an effective system of retirement pay for our Armed Forces personnel. However, the need is much greater than simply a program to move us toward another objective. The overriding reason behind the approval of this retirement program is elementary fairness.

Mr. President, in time of national and international crises, this Nation calls upon its military personnel to defend and preserve the Republic. Great hazards are often faced by these men and women who so valiantly serve; yet, we do not see fit to provide for the survivors of those who retire from the service. In the civil service there is a comprehensive program of survivors benefits which are automatically included for those who are covered by the retirement program. The Government bears a great part of the cost of these benefits and administers the funds. In the Armed Forces, there are no comparable benefits offered, and the few that are offered are of such high cost that they are unobtainable by those who need them most—the lower pay-scale personnel. The inequities in this situation are readily apparent; we have the means to correct this glaring oversight in our military program.

As I have stated, Mr. President, even though this program would be an absolute necessity in moving toward an all-volunteer Armed Forces, this, to me, is not the primary consideration. We need this program so that our military personnel can be provided for in a comparable way with what we have long provided for our civilian personnel. Viewed in this light, the legislation becomes critical. I hope that the Senate will be able to act quickly so that this injustice may be corrected.

S. 343—INTRODUCTION OF A BILL TO PROMOTE PUBLIC CONFIDENCE IN THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT

Mr. CASE. Mr. President, on behalf of Mr. Hart, Mr. Church, Mr. Harris, Mr. Javits, Mr. Mansfield, Mr. Mathias, Mr. Mondale, Mr. Moss, Mr. Percy, Mr. Proxmire, Mr. Spong, and myself, I introduce a bill to require full public disclosure of the personal financial interests, all sources and amounts of income, assets and liabilities, gifts and transactions in real and personal property by first, each Member of the Congress, candidates for Congress, congressional officials and staff receiving $18,000 or more; second, top officers and officials in the executive branch at the $18,000 level and above; and third, members of the Federal judiciary and top court officials at the $18,000 level.

The arguments for a full disclosure requirement have appeared over many years in the pages of the Congressional Record and I only summarize them here.

First, it is preventive. The knowledge that one's financial activities and interests will become known is the best possible "stop and think" signal—the surest way to sharpen awareness of any possible conflict of public and private interests.

Second, it is automatic in operation. When the facts are on the table, the press and the public can make their own judgment.

Third, disclosure will strengthen the people's right to elect whom they wish by giving them full knowledge of the personal financial interests of those who present themselves as candidates for election or reelection.

For years congressional committees have required top executive officials to disclose specific financial interests at the time of their confirmation. It is high time that Congress applies the same principle to itself and does away with the double standard so long followed.

Disclosure does involve intrusion into privacy but those of us who have done it regularly believe it is a small price to pay for the privilege of public service. And the cost becomes insignificant, compared to the great public good which would be served.

It is my hope that now that the limited reporting requirements have become operative, the demand for wider public disclosure will mount and Congress will take the necessary action to provide it.

It is not so many years ago that the mention of public disclosure was treated almost as a dirty word or a cause for ridicule. But a few years ago in connection with the Election Reform bill it came within four votes of adoption by the Senate. And in 1968 when we were debating the new rules, it again failed by only four votes.

In the last session the Rules Committee gave assurances that hearings on our bill will be held as soon as possible. All of us who are sponsoring the bill stand ready to be of any help we can to the committee in its consideration of the measure. It is our earnest hope that 1971 will be the year that our bill is finally passed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 343) to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States, introduced by Mr. Case, for himself and other Senators, was received, read twice by its title and referred to the Committee on Rules and Administration.

Mr. HART. Mr. President, in seeking support for their proposals, politicians are fond of saying that there is nothing so powerful as an idea whose time has come.

This phrase is particularly useful if not effective in arguing the merits of a bill which has been around the track several times but without crossing the finish line.

Such is the case of the full disclosure bill, which the able Senator from New Jersey (Mr. Case) introduced today.

Frankly, I am not prepared to predict that in the Senate the time for this particular bill has come, but as one who has cosponsored this legislation in the past and do so again today, I believe that the time for this proposal ought to have come by now.

While I do not contend the fate of the Republic rests on enactment of the bill, I do believe full and public financial disclosure by Government officials can help alleviate one of the Republic's more pressing problems.

That problem—in brief—is the widespread deterioration of the public's confidence in Government and in the men who serve in elected or appointed offices.

The Senate did nothing to restore that confidence when it established a financial reporting requirement which provided that the information be filed in safely sealed envelopes.

We can do something to restore that confidence by passing a bill which makes such information available to the public.

The proposal, then, is important, not as a device to detect and prosecute wrongdoing, but as a statement recognizing the public's right to know.

And in recognizing that right, we can take a step toward restoring people's confidence in their Government, confidence without which no democratic form of government will survive.

In brief, the bill as it has in the past requires full public disclosure of personal financial interests, all sources and amounts of income, assets and liabilities, gifts and transactions in real and personal property by Members of Congress and by employees of the legislative, executive and judicial branches of Government who earn $18,000 a year or more.

Mr. President, certainly few in this body will deny that the time has come to reverse the deterioration of confidence in our Government. I suggest that, as one way to help reverse that trend, the time has come to require full and public disclosure by top elected and appointed Government officials.

S. 344—INTRODUCTION OF A BILL TO PROMOTE PUBLIC CONFIDENCE IN THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT

Mr. SPONG. Mr. President, I am introducing today a bill to require full public disclosure of the personal financial interests and income of Members of the Congress and their top aides, Federal judges, certain officials of the executive branch and national political parties and candidates for congressional office.

Public trust in the integrity of those who make and administer the laws is an indispensible element of our system of government but that trust has been in serious decline in recent years. It is unfortunate because I believe that the overwhelming number of those in Government today are honorable, hard-working, and dedicated public servants.

Nevertheless, there have been a few—a well publicized few—who have used their positions to further their own private interests. These have been rare and isolated cases. But, because the public has no basis for judging otherwise, they have engendered widespread doubts and suspicions about the motives of all those in Government.

The corrective I propose is a simple and traditional one: Let the public know the facts and judge a man on his record. Financial disclosure is nothing more than that. It does not attempt to define the rights and wrongs of any situation, it imposes no sanctions or penalties on anyone. But, in making these matters a part of the record we will give the public a basis on which to make a reasoned and, I am confident, a fair judgment. It will also sharpen the moral judgments of those who know that their acts can be challenged.

Mr. President, not long ago the Senate rejected the nomination of Judge Clement Haynsworth to be Supreme Court Justice principally because he had not disclosed certain financial interests which had a bearing on cases before his court. I disagreed with the Senate's actions but it was taken nevertheless.

I would hope that there will not be many more instances of deliberation by this body in which it sits in judgment upon others, but fails to apply the same standards to itself by adopting the principle of full, public financial disclosure.

There are many who will oppose a requirement of this kind, not from any sinister motives, but because they feel strongly that it invades their right to privacy. I do not dismiss that argument, but I believe there is a larger principle at issue. Those who hold a public trust owe an accountability to the people they serve and no part of that record of stewardship is legitimately a private matter.

I believe that most government officials and office holders will find that financial disclosure is a benefit to them for it will relieve them of the burden of ill-founded suspicion which today so often attaches to public acts. Only where such an official doubts that he can justify a particular item of income or investment to the public would financial disclosure become an interference in his affairs. And that, I suggest, would be a proper interference.

Specifically, the bill I have introduced, would require all Members and candidates for Congress, congressional, judicial, and executive branch employees receiving $18,000 a year or more, Federal judges, and certain officers and employees of the major national political parties to annually disclose the sources and amounts of their income, their assets and liabilities, gifts and honorariums received by them, and all transactions in securities and real and personal property.

Frankly, I believe the committee should give serious thought to extending the requirement to other nongovernment groups which have a regular and direct impact on the course of the public's business; for example, registered lobbyists.

I would not exclude from that consideration those representatives of the public press who, on an accredited basis, report and interpret the activities of the various branches of the Federal Government and, perhaps more than any other group, mold public attitudes on issues. They too have a part in administering the public trust and I do not believe they should be immune from the standards they urge upon others. I would concede, however, that there are special problems here which may make legislation inappropriate. But I do not believe the press should ignore the matter.

Mr. President, this Congress will face no task more urgent than restoring public confidence in government and I believe financial disclosure is a vital step in that direction.

Disclosure of a public servant's personal financial interests not only will discourage wrong-doing and conflicts of interest, but will allow the people to act with knowledge in choosing those who would represent them in Congress of the United States. Such disclosure would eliminate doubt and suspicion about the activities of those who run our government and would restore the faith of the people in the honest operation of the laws.

During my campaign for the Senate, I promised that I would support legislation that would require the disclosure of the income and assets of Members of Congress and would make a voluntary accounting of my personal finances in the event that such legislation was not enacted.

I have sponsored my own disclosure bill and cosponsored others in the last 4 years, and in the absence of congressional action, I have at the beginning of each year voluntarily made available to the public through the Congressional Record, a statement of my personal finances.

Two years ago, the Senate did adopt a rule that each Member of the Senate and their top staff aides submit to the Comptroller General in a sealed envelope a copy of their income tax return and a statement of their assets and liabilities. This envelope can be opened only by order of the Senate Committee on Standards and Conduct in the event of an investigation for alleged violation of the rules. In addition, a report of all contributions and the amount and sources of all honorariums of $300 or more will be made public.

The House also passed legislation that would require limited disclosure of the financial interests and activities of its Members.

I do not believe that these half measures are enough. To regain the public's confidence in government, full public disclosure is required.

In the last Congress I was prepared to offer a financial disclosure bill as a rider to another measure but withheld that amendment on the understanding that early hearings would be held this year. Nothing is more essential, in my judgment than that Congress come to grips with this problem and come to grips with it soon.

I ask unanimous consent to have the bill printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 344) to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States, introduced by Mr. Spong, for himself and Mr. Case, was received, read twice by its title, referred to the Committee on Rules and Administration and ordered to be printed in the Record, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) each Member of the Senate and House of Representatives (including Delegate and Resident Commissioner), each officer and employee of the United States or any department or agency thereof (including each officer and enlisted person in the armed forces) who (A) receives a salary at a rate of $18,000 or more per annum or (B) holds a position of grade GS-14 or above (or of equivalent rank), each judge or justice of a court of the United States, and each member, chairman, or other officer of the national committee of a major political party shall file annually with the Comptroller General a report in accordance with the provisions of paragraph (3) of this subsection.

(2) Each individual who is a candidate of a political party in a general election for the office of Senator or Representative, or Delegate or Resident Commissioner in the House of Representatives but who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, with the Comptroller General a report in accordance with the provisions of paragraph (3) of this subsection.

(3) Reports required to be filed under this subsection shall contain a full and complete statement of—

(A) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(B) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owed by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

(C) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

(D) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

(b) Except as hereinbefore provided, reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than April 30 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

(c) Reports required by this section shall be in such form and detail as the Comptroller

General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Each report required by this section shall be made under penalty for perjury. Any person who willfully fails to file a report required by this section, or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of the Senate or House of Representatives, a Delegate or Resident Commissioner, or an officer or employee of the legislative, executive, or judicial branch of the Government of the United States or any department or agency thereof, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(5) The term "court of the United States" means each court so defined by section 451, title 28, United States Code, and each of the following courts: the District Court of the Virgin Islands, the District Court of Guam, the Tax Court of the United States, and the Court of Military Appeals.

(6) The term "major political party" means any political party whose candidate for the office of President of the United States received more than 15 percent of the total popular votes cast for all candidates for such office in the most recent presidential election. For the purposes of this paragraph, each vote cast for the election of a presidential elector shall be considered to be a popular vote cast for the candidate supported by the elector for whom the vote was cast.

SEC. 2. Section 554 of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(f) Communications to agency.—All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to such case by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to the Secretary of the Senate dated January 26, 1971, wherein I certified as true a complete statement of the financial assets of my wife and myself. I have done this each year since my service in the Senate began.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 26, 1971.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. SECRETARY: My purpose in writing this is to again report to you a statement of the financial status, holdings, and liabilities for my wife and myself. This statement is as of Janaury 1, 1971.

ASSETS

Cash in checking and savings accounts (after provision for federal income tax for 1970 and other obligations) approximately	$2,500.00
Life insurance policies with the following insurers (currently providing for death benefits totaling $129,500): Minnesota Mutual Life Insurance Co.; National Service Life Insurance Co.; Aetna Life Insurance Co.; Southwestern Life Insurance Co.; Jefferson Standard Insurance Co.; Continental Assurance Co.; Federal Employees Group Life Insurance: cash surrender value and accumulated dividends	17,220.01
Stocks as listed on schedule A	54,582.00
Note of Cherdel Corp. secured by deed of trust on 200 acres of unimproved property at Great Bridge, Chesapeake, Va	35,000.00
Real Estate: consisting of residence at 316 North St., Portsmouth, Va.; one-half interest in service station at Gosport Rd., Portsmouth, Va.	35,000.00
Tangible personal property in Portsmouth home and rented home in Alexandria, Va., estimated	11,000.00
1968 Ford station wagon, Country Squire	1,000.00
Notes receivable and accounts receivable, estimate	5,500.00

LIABILITIES

Note at First National Bank of Norfolk, Norfolk, Va	19,600.00
Note at American National Bank, Portsmouth, Va.	4,000.00
Mortgage on home in Portsmouth, Va., at Norfolk Federal Savings & Loan Association	8,102,00

These figures disclose a net worth of approximately $130,100.01.

The foregoing, Mr. Secretary, I attest as being a true and accurate statement of the financial holdings and liabilities of my wife and myself.

Yours very truly,
WILLIAM B. SPONG, Jr.

Enclosure.

SCHEDULE A

Stocks:	*Number of Shares*
Fidelity American Bankshares, Inc	2,220
Old Town Corporation	15
Cedar Point Club	1

S. 349—INTRODUCTION OF A BILL PROVIDING FOR THE ROBERT S. KERR NATIONAL WATER RESOURCES LIBRARY

Mr. HARRIS. Mr. President, over the past several years, water resources experts and conservationists in Oklahoma and elsewhere have helped me in bringing this bill from the stage of an idea to the level of a positive proposal. It is with a particular sense of purpose which I propose this project, for it will not only aid in conserving one of our great natural gifts, but will also be a working memorial to the man who did so much for conservation during his lifetime—Senator Robert S. Kerr.

I will not take time to recount the grave predictions that have been made about the need to act on our water problems. The threat this year of water rationing in this, the Federal City, should be reminder enough. Yet, we must remember further that this need is much broader than the much talked-about crisis of water pollution and includes issues which range over the areas of law, medicine, desalination, soil conservation, and water distribution. The attack must be as broad as the problem.

At the present time, I am shocked to discover, there is no one place to which researchers can turn for a complete and comprehensive water resources library. Surely Lake Erie and the Potomac River are the stagnant and polluted progeny of too narrow a view of the water problem. With each passing year the problem mushrooms while our response stagnates along with our lakes. Soon it will not be merely the experts, the journalists and people who must live near pollution that complain—we must all drink the water. We can act on this broad front before the crisis has turned into a tragedy.

The water resources library provided for in this bill should be, first of all, in the vicinity of a diverse community of scholars who may enrich and be enriched by the work of this library. Second, and of equal importance, this library must augment an institute which has already made an aggressive commitment to this problem. Ada, Okla., the home of East Central State College and one of the four national water resources laboratories in the country, will serve as a dynamic nucleus for the utilization of the Robert S. Kerr National Water Resources Library. The research personnel are already there and more will come to make use of more powerful tools in this cause.

I urge all speed in this bill's consideration. We cannot proceed too quickly to build something we have always needed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 349) to provide for a Robert S. Kerr National Water Resources Library at Ada, Okla., introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 350—INTRODUCTION OF THE AMERICAN FORESTRY ACT OF 1971

Mr. HATFIELD. Mr. President, today I introduce a bill that would provide a program of incentives for reforesting many of our public and private lands, and I ask unanimous consent that the bill be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER (Mr.

CHILES). The bill will be received; and, without objection, will be referred as requested.

The bill (S. 350) to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forestlands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forestlands; to establish a Federal Forestlands Management Fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands, introduced by Mr. Hatfield, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs, by unanimous consent.

Mr. HATFIELD. Mr. President, we are facing in this country an increasing demand for the uses of our forest lands. More recreation areas are needed for a rising population which must have the opportunity to enjoy a quality forest environment. We must also insure that enough timber will be available to meet our critical housing needs. The President's Cabinet Committee Task Force on Softwood Lumber and Plywood reported last year that—

> A substantial increase in the supply of softwood timber products will be needed to meet the nation's growing requirements especially in order to obtain our goal of providing adequate housing for all our people by the end of this decade.

Over one-half of the forest lands in the United States is in privately held small ownerships. I believe that these small nonindustrial tracts of lands provide the key to meeting our recreation and housing needs. Last July, I announced that I would introduce the American Forestry Act of 1971 in this session of Congress, providing an incentives program for the reforestation of small State and private forest land tracts and a plan for more intensive management of Federal forestlands. A working draft of the legislation was widely circulated among State foresters, professional foresters, industry officials, government officials, recreation groups, and academicians. Many comments were received. All recommendations were carefully studied and some were incorporated into the legislation. In addition, the recommendations of 12 Southern States in "The South's Third Forest" and of the Forest Service in "A Forestry Incentives Program for the Seventies" were carefully considered and the revised legislation reflects the common goal of bringing the non-Federal, nonindustrial forest lands into use for recreation and for timber harvesting.

We must also intensify timber management practices on Federal forestlands in a manner consistent with good environmental practices. To this end, my legislation includes provisions for a Federal forestland management fund. This fund would include receipts from Federal timber sales, and expenditures would be authorized for reforestation, improvement of timber management, improvement of the quality of the environment and forestland research, consistent with the principles of multiple use on our national forestlands.

Mr. President, today I am introducing the American Forestry Act of 1971, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forestlands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forestlands; to establish a Federal forestlands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands.

Mr. President, the bill I propose today will respond directly to the goals outlined by President Nixon in his state of the Union address.

The incentive forestry provision in this legislation will bring parks to the people—and bring them where they are most needed—near the urban centers of our Nation. This provision will provide the inducement private landowners need to plant their land to trees. As these trees mature the forests they create will be available for recreational purposes.

The American Forestry Act is specifically designed to reverse the flow of power to Washington. Under this proposal the States are required to develop the plans and administer the programs. The Federal role is to establish guidelines and provide matching funding. This approach, I believe, is on center with the President's call for returning the power to the people.

As much a part of our environment as the water we drink and the air we breathe, is the place in which we live. I believe all Americans are entitled to decent housing. This deficiency in our Nation's overall balance is one of the most serious blights upon our economic and environmental landscape. To meet these housing needs we must have lumber—lumber in great quantities. Fortunately, we can meet this need without destruction of our forests—without the destruction of our environment—rather, with the enhancement of each, merely by growing more trees.

This legislation represents what is needed to provide for our housing and recreation needs. I am hopeful that this Congress will act favorably upon it.

The cosponsors will be added at a later time.

S. 364—INTRODUCTION OF THE "FLAMMABLE FABRICS ACT AMENDMENTS OF 1971"

Mr. MOSS. Mr. President, on behalf of myself and Senators MAGNUSON, PEARSON, HARTKE, HART, INOUYE, and HATFIELD, I introduce for appropriate reference a bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purposes of the act.

The bill which we are introducing was passed by the Senate in the 91st Congress. In June of 1970 the Consumer Subcommittee of the Senate Commerce Committee, which I chair, held 3 days of oversight hearings on the Flammable Fabrics Act to explore why the act had been tardy in its implementation and ineffectual in its enforcement. On the basis of those oversight hearings, the committee reported a bill providing for increased authorizations and offering amendments to the enforcement provisions of the Flammable Fabrics Act. Because affected industries subsequently ask for an opportunity to comment on the specific amendments reported by the committee and because the distinguished ranking minority member of the Commerce Committee requested the opportunity for public hearings, the Consumer Subcommittee held further hearings on the proposed legislation in August of 1970. On the basis of these hearings, the committee proposed an amendment in the nature of a substitute to the bill as reported. This amendment was introduced by Senator COTTON on behalf of Senator MAGNUSON and myself. The bill, as amended, was then passed by the Senate. It is that Senate-passed bill which I offer today.

The bill authorizes to be appropriated a sum not to exceed $9 million for a period beginning July 1, 1970, and ending June 30, 1972, to carry out the provisions of the Flammable Fabrics Act, as amended. In addition to extending and increasing the authorization, the bill amends the Flammable Fabrics Act in order to provide for better enforcement. These enforcement amendments require a manufacturer to certify that a product, fabric, or related material offered for sale meets the requirement of any applicable standard or any other regulation. Such certification is to be based on a reasonable testing program conducted by the manufacturer or importer which has been approved by the Secretary of Commerce in accordance with the procedures established in the bill.

The bill also aids enforcement by augmenting the penalty section of the Flammable Fabrics Act. Any person who knowingly violates the act shall be guilty of a felony and upon conviction shall be fined not more than $10,000 and imprisoned not more than 3 years, or both. The bill also provides that a person who violates the act without knowledge shall be guilty of a misdemeanor and upon conviction shall be fined not more than $10,000 and imprisoned for not more than 1 year or both unless he can establish that he exercised due care in the application of an approved testing program and that such application disclosed that the product, fabric, or related material was in conformity with applicable standards of flammability. Finally, the bill imposes civil penalties not to exceed $10,000 for each violation of the Flammable Fabrics Act. However, no person shall be civilly fined if he can establish that he exercised due care in the application of an approved testing program and that such application disclosed that the product, fabric, or related material was in conformity with applicable standards of flammability.

In my opinion, there is urgent need for this legislation. We need law and order in the marketplace as well as in the street. Unfortunately, the law regulating the flammability of fabrics has not been speedily implemented. And in those areas where flammability standards have been set, there is questionable order or adherence to law. For example, the Federal Trade Commission reported that within a 6-month period its compliance program disclosed more than 100 violations of even the most minimum flammability standards, and many of these violations involved imported products. The proposed enforcement amendments in the bill we are introducing today will assure order by requiring manufacturers to establish reasonable testing programs to insure that their products meet the applicable flammability standards and by providing strong criminal sanctions if the flammability standards are violated. These provisions would reach not only the foreign manufacturer but also the importer of any product or fabric manufactured abroad.

Because the implementation of the law and adherence to it depends upon dedicated Government action, it is incumbent that Congress provide the executive departments with sufficient funds to meet their responsibilities under the Flammable Fabrics Act. In oversight hearings the Senate Commerce Committee ascertained that the $6 million authorization requested by the administration was insufficient. On the basis of detailed accounts of expenditure plans for fiscal years 1971 and 1972, it was learned that at least $9 million in fiscal years 1971 and 1972 would be required to implement properly the Flammable Fabrics Act. Therefore, the bill we are introducing today provides not only for better enforcement of the act, but insures its implementation by authorizing the expenditure of $9 million.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 364) to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purposes of the act, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

S. 365—INTRODUCTION OF A BILL TO AUTHORIZE THE ESTABLISHMENT OF THE FLORIDA FRONTIER RIVERS NATIONAL CULTURAL PARK

Mr. GURNEY. Mr. President, today I am pleased to announce that my colleague, the distinguished Senator from Florida (Mr. Chiles), and I, are introducing a bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park.

Our country has finally awakened to the scandalous condition of our air, land, and water. In these days as we are trying to clean up an environment already damaged by abuse and neglect, it gives me great pleasure to join in sponsoring legislation intended to preserve the beauty and historic setting of three of Florida's most important rivers before they become industrialized and overdeveloped.

Along the three rivers—the St. John's, the Nassau, and the St. Mary's—we can find a great deal of Florida's heritage. It was along these rivers that the Spanish first fought the Indians to establish America's oldest permanent colonial city, St. Augustine. It was here that two battles which figured prominently in the southern campaign of the American Revolution were fought, at Thomas Creek and Alligator Bridge. These were the southernmost battles of our war for independence. Here is Kingsley Plantation, a relic of Florida's gentle southern hospitality.

But these significant historical sites, which hold so much meaning for Florida and America, make up only a portion of this proposed park. This bill is also intended to preserve the indescribable beauty of the Florida wilderness: the palm and palmetto, cypress, Spanish-moss, and wild hibiscus and oleander.

Surely this is a most richly endowed part of America. Let us keep it untouched and lovely as a national park, to be shared and enjoyed by all of us. In his state of the Union message, the President stated that we must have as a national goal the creation of a national park system that will serve the needs of future Americans, and that the time to begin was now while it is still possible. This legislation is consistent with that aim and that resolve. It deserves our attention.

The PRESIDING OFFICER (Mr. Fannin). The bill will be received and appropriately referred.

The bill (S. 365) to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes, introduced by Mr. Gurney (for himself and Mr. Chiles), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, I am very happy to join with my distinguished fellow Senator from Florida (Mr. Gurney) in sponsoring a bill to authorize establishment of the Florida Frontier Rivers National Cultural Park.

I have long been deeply concerned that our natural and historical wonders would be lost forever in the maze of residential, business, and industrial development that is engulfing our country and am, therefore, extremely pleased to join in introducing legislation that will preserve in Florida an area of scenic, natural, ecological, and scientific significance before such development can take place.

The area proposed for the park will focus on three estuarine rivers—the St. Johns, the Nassau, and the St. Marys—in three Florida counties—Nassau, St. Johns, and Duval. It is in the interest not only of Florida but of the Nation as a whole that we preserve the natural wonders of the area, as well as the historic values since this is the southernmost site of battles of the American Revolution.

If we are to protect our environment, if we are to preserve some of our natural wonders for public enjoyment, inspiration, and scientific study, we must move expeditiously and aggressively. Time is our enemy. This is a unique opportunity, and I urge concerned consideration of this legislation.

S. 366 AND S. 367—INTRODUCTION OF BILLS RELATING TO U.S. MARSHALS

Mr. STEVENS. Mr. President, I am introducing, for appropriate reference, two bills relating to the marshals in service of our Government. The first of these bills will provide that U.S. deputy marshals are provided with a minimum grade of GS–7 and further provides for steady advancement up to the grade of GS–10 up to a period of 5 years of satisfactory service. The second of these bills provides that U.S. marshals shall be appointed by the Attorney General of the United States.

It is my strong feeling that these two bills are necessary to continue to attract the quality of men who should be in the service of our country as marshals and to further provide that there is a continuity of service in these very important positions. I ask unanimous consent that both of these bills be printed immediately following my remarks.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills (S. 366) providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; and (S. 367) relating to the appointment of U.S. marshals, introduced by Mr. Stevens, were received, read twice by their title, referring to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 366

A bill providing for minimum grades for United States deputy marshals under chapter 51 of title 5, United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The position held by an employee as a deputy marshal shall be classified at a grade not lower than—

(1) in the case of a new employee as, GS–7

(2) in the case of an employee who has completed one year's satisfactory service as a deputy marshal, GS–8

(3) in the case of an employee who has completed three years' satisfactory service as a deputy marshal, GS–9, and

(4) in the case of an employee who has completed five years of satisfactory service as a deputy marshal, GS–10.

S. 367

A bill relating to the appointment of United States marshals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 561(a) of title 28, United States Code, is amended to read as follows:

"(a) The Attorney General shall appoint a United States marshal for each judicial district."

(b) Section 561(b) of such title is repealed.

(c) Section 565 of such title is repealed.

(d) The sectional analysis at the beginning of chapter 37 of such title is amended by striking out item 565.

SEC. 2. (a) Section 24(b) of the Organic Act of Guam, as amended (64 Stat. 390; 48 U.S.C. 1424(b)), is amended to read as follows:

"(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for Guam to whose office the provisions of chapter 35 of title 28, United States Code, shall apply."

(b) Section 24 of such Act is further amended by adding at the end thereof a new subsection (d) as follows:

"(d) The Attorney General shall appoint a United States marshal for Guam to whose office the provisions of chapter 37 of title 28, United States Code, shall apply."

SEC. 3. (a) Section 45(a) of title 3 of the Canal Zone Code is amended to read as follows:

"(a) The Attorney General shall appoint a United States marshal for the district of the Canal Zone to whose office the provisions of chapter 37 of title 28, United States Code, shall apply, except as otherwise provided in this Code."

(b) Section 45(b) of such title is repealed.

(c) Section 45(e) of such title is amended to read as follows:

"(e) The appointment and tenure of deputies and clerical assistants of the United States marshal are subject to section 562 of title 28, United States Code."

(d) The caption of section 45 of such title is amended to read as follows:

"§ 45. Appointment, leave, and residence of United States marshal; deputies and assistants".

(e) Item 45 in the sectional analysis preceding section 1 of such title is amended to read as follows:

"45. Appointment, leave, and residence of United States marshal; deputies and assistants."

SEC. 4. A United States marshal serving under a Presidential appointment on the date of enactment of this Act shall be covered into the competitive service under title 5, United States Code, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe.

S. 368—INTRODUCTION OF A BILL RELATING TO OVERTIME CUSTOMS FOR STATE-OWNED FERRIES

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Tariff Act of 1930. This bill passed the Senate last year as an amendment to other legislation but failed to pass the other body. The act provides that the operators of ferries shall be exempt from compensating the Customs Service for overtime pay to customs employees necessitated by service to ferries that operate on regular schedules at intervals of at least 1 hour. This provision is made in conjunction with the exemptions for service to the operators of tunnels, bridges, and highway vehicles. It seems clear that this provision is designed to aid in the operation of State-owned highway facilities for public service at points of entry into the United States.

The Tariff Act does not take into account the special circumstances of a noncontiguous State, such as Alaska. The ferries operated by the State of Alaska in its marine highway system are operated as a public service in much the same manner as bridges, tunnels, highway vehicles, and ferries are operated at other points of entry into the United States. Unlike other border service areas, the distance between points is great, yet the volume is not large enough to permit or require hourly service. Nonetheless, the service provided by the Alaskan marine highway is done on a regular schedule. The wording of the present law discriminates against operations between noncontiguous States and foreign nations merely because the existing law did not envision the admission of Alaska and Hawaii to the Union. The bill I am introducing today will correct this inequity and extend the level of Federal-State cooperation to the noncontiguous States.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 368) to exempt certain State-owned passenger vessels from the requirement of paying for overtime services of customs officers and employees, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) is amended—

(1) by inserting "(1)" after "shall mean" in the last sentence, and

(2) by inserting before the period at the end of the last sentence the following: ", and (2) a passenger service (including the service of transporting automobiles of passengers) operated with the use of vessels which are owned by a State and which arrive in the United States on regular schedules".

(b) The amendment made by subsection (a) shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

S. 369—INTRODUCTION OF A BILL REQUIRING NOTICE OF HEARING PRIOR TO LEVY UPON THE SALARY OR WAGES OF AN INDIVIDUAL

Mr. STEVENS. Mr. President, it has come to my attention that on several instances, the Internal Revenue Service has acted with undue haste, perhaps inadvertently, in attaching wages and salaries of taxpayers.

I will give one example. An inquiry arose concerning a 1964 tax return. The taxpayer claimed he had already paid a deficiency the IRS said was still owed. The IRS notified the taxpayer that the question of payment was being looked into. The next thing the taxpayer knew, his salary was attached. Fortunately, this particular taxpayer did not suffer any adverse consequences as a result, but in many instances employers take a sufficiently dim view of having an employee's salary attached by the IRS that the employee may lose his job.

Because of the severe consequences that can flow from an attachment of an employee's salary or wages, I am today introducing legislation which will require the IRS to notify the delinquent taxpayer and offer him an opportunity to be heard before attachment can be made. This will assure that the taxpayer has an opportunity to assess the particular action the IRS is about to take and to make his case before the employer receives notice of attachment. An exception is provided in cases where the Secretary or his delegate determine that the collection of the tax is in jeopardy.

This extra precaution on the part of the IRS is necessary to assure that a taxpayer does not suffer an unjust and undeserved consequence, but instead has the chance to argue that the proposed attachment is unwarranted or unnecessary.

I introduced identical legislation on April 30, 1970, and I am hopeful that hearings can be held at an early date on this legislation.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred.

The bill (S. 369) to amend the Internal Revenue Code of 1954 to require notice and hearing prior to levy upon the salary or wages of an individual, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Finance.

S. 370, S. 371—INTRODUCTION OF BILLS RELATING TO THE PRESIDENT'S AWARDS FOR POLICEMEN AND FIREMEN

Mr. STEVENS. Mr. President, phenomenon of dedicated and hard-working law enforcement officials being the object of ridicule and venom appears to be passing. Daily, these dedicated men and women risk their lives to make us all a little safer and a little more secure.

During the last Congress, I introduced legislation which would establish the President's Award for Distinguished Law Enforcement Service. This legislation passed the Senate but failed to survive conference. I also introduced legislation for creating a medal of honor for firemen.

I am confident that these bills reflect the feeling of the majority in this body and accordingly, have reintroduced both of them today.

I asked unanimous consent that they be printed in the RECORD in their entirety immediately following my remarks.

The PRESIDING OFFICER (Mr. FANNIN). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. STEVENS, were received, read twice by their titles, referred as indicated, and ordered to be printed in the RECORD, as follows:

S. 370

A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Distinguished Law Enforcement Service Act".

SEC. 2. There is hereby established an honorary award for the recognition of outstanding service by law enforcement officers of State, county, or local governments. The award shall be known as the President's Award for Distinguished Law Enforcement Service. Each award shall be suitably inscribed and an appropriate citation shall accompany each award.

SEC. 3. The President's Award for Distinguished Law Enforcement Service shall be presented by the President, in the name of the President and the Congress of the United States, to law enforcement officers, including corrections officers, for extraordinary valor in the line of duty or for exceptional contribution in the field of law enforcement.

SEC. 4. The Attorney General shall advise and assist the President in the selection of persons to whom the award shall be tendered. In performing this function, the Attorney General shall review recommendations submitted to him by State, county or local government officials, and shall decide which of them, if any, warrant presentation to the President. The Attorney General shall transmit to the President the names of those persons determined by the Attorney General to merit the award, together with the reasons therefor. Recipients of the award shall be selected by the President.

SEC. 5. There shall not be awarded in any one calendar year in excess of twelve such awards.

SEC. 6. The Department of Justice shall list in its annual budget request a sum of money equal to that necessary to carry out the provisions of this Act.

S. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a medal to be known as the Medal of Honor for Firemen is hereby created. The President is authorized to award such a medal each year to one fireman from each State. Each recipient of a medal shall be selected by the Governor of the State in which the recipient serves.

(b) The medal shall bear the inscription "Salvere Servi" and such devices and emblems, and be of such material, as may be determined by the Secretary of the Treasury, who shall cause the medal to be struck and furnished to the President.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 372—INTRODUCTION OF THE HEALTH PROFESSIONS ASSISTANCE AMENDMENTS OF 1971

Mr. CRANSTON. Mr. President, I introduce today, for myself and Senator WILLIAMS, chairman of the Committee on Labor and Public Welfare, for Senator KENNEDY who will become chairman of the Health Subcommittee, and for Senators EAGLETON, HUGHES, JAVITS, and NELSON, a bill to "amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes." Its short title would be the "Health Professions Assistance Amendments of 1971."

In this, the 92d Congress, we face the challenge of providing adequate health care to all the citizens of this Nation. I am hopeful that before this Congress adjourns, we will have enacted laws providing a comprehensive program of health insurance, measures designed to substantially increase the number of health professionals and paraprofessionals being trained, and other legislation to significantly improve the distribution and provision of health services throughout the Nation. I have cosponsored S. 3, the Health Security Act of 1971, on January 25, 1970, by Senator KENNEDY and 22 other Senators of both parties.

The purpose of this legislation is to make important improvements in the health professions student loan and scholarship programs, to encourage greater representation of the educationally and economically disadvantaged in the health professions, and to provide incentives for health professionals assisted through Federal student loans to practice in urban and rural poverty areas.

I first introduced this bill (S. 4296) in the second session of the 91st Congress, on August 27, 1970. Hearings were held on this proposal, S. 4296, on August 28, 1970.

Organizations which expressed their support for this measure at the hearings include the following:

Student American Medical Association, Association of Schools of Public Health, National Medical Association Foundation, National Dental Association, American Osteopathic Association, American Association of Colleges of Pharmacy, American Pharmaceutical Association, American Optometric Association, American Association of Colleges of Podiatric Medicine, American Veterinary Medicine Association, and the Association of American Veterinary Medical Colleges.

Letters of support and encouragement on this legislation have also been received from the following medical schools in California: University of California, San Diego; University of California, San Francisco Medical Center; University of California, Davis; and the University of California, Los Angeles.

In the months which have passed since it was introduced, the need has grown, rather than diminished.

We face a critical shortage of health professionals in the United States today, including an estimated 50,000 physicians and 9,000 dentists. Adequate health care is simply not available to millions of Americans. And this inadequacy is the result not only of a poorly functioning delivery system but also of shortages in various critical categories of health manpower.

In December 1968, the report of the Carnegie Commission on the future of higher education recommended "a substantial program of Federal aid for medical education" in order to increase the supply of medical school graduates in response to the Nation's rapidly growing need for medical services. Unfortunately, since that time, Federal support for medical education has not expanded at a pace adequate to meet the need.

An important facet of the overall shortage of health professionals is the disproportionately low representation of minority groups in such professions; their representation falls far short of the proportions which such groups represent in the population as a whole. For example, although blacks make up 11.2 percent of our population, only 2 percent of the medical profession is black. There are only 6,000 black physicians in the entire Nation; one out of every 560 whites is a physician while the rate for blacks is one out of every 3,800. Although comparable nationwide data is not available, the representation of Chicanos, Indians, and those of oriental descent is estimated to be even lower proportionately. For example, although the most recent estimates indicate that Chicanos comprise approximately 13 percent of the total population in the southwestern States, Chicanos comprise only 1 percent of the medical student bodies in those States.

An October 1970 report by the Carnegie Commission on Higher Education stresses the need to train minority group health professionals:

> The need to train more minority-group physicians and destists is crucial. They can play a leadership role in stimulating more emphasis on adequate health care services and health education for minority groups, and they can undoubtedly relate to patients of their own races more effectively than white practitioners.

The unequal representation of minority students in the health professions is due in large part to two things: the lack of effective counseling to encourage and assist minority students to enter the health professions, and the inadequacy of existing financial aid programs to provide assistance at levels which would enable the disadvantaged to meet the enormous, exploding costs of undergraduate and graduate education in the health professions.

The shortage of health professionals is most apparent and most unfair among the poor, for whom the lack of decent medical care is a serious and growing problem. It is estimated that 10 million persons in this country receive no medical care and for another 20 million the care is substandard and minimal. One reason for the appalling lack of adequate health care among the poor—both rural and urban—is the shortage of health professionals in general. Another is the severe economic disadvantages for any health professional choosing to serve in a low-income community. Poverty areas offer neither the prestige nor the economic rewards attainable in suburban or midcity areas. Thus, not only are the disadvantaged deterred from following careers in the health professions by the prohibitive cost of the many years of schooling required, but those who do manage to become doctors, dentists or other health professionals are prevented from practicing in a poverty area by the necessity of repaying educational debts.

Many young health professionals—black, white, or brown, disadvantaged or not—who would otherwise find a worthy outlet for their idealism, energy and social commitment working in a poverty area find it is simply economically impossible to do so. So these professionals go into practice elsewhere, or they go into research, and the health needs of the poor go unmet.

An important new initiative in this area—which the bill I am introducing would complement and enlarge upon—is the health manpower development program of the National Urban Coalition. This program is aimed at increasing the supply of doctors, dentists and other health providers in poverty areas, under a $2 million grant made last summer by the Office of Economic Opportunity. In announcing the new program, John W. Gardiner, chairman of the coalition and former Secretary of Health, Education, and Welfare, said:

> There is a particular need to recruit more minority groups into the health professions. In the United States today, only two percent of our physicians are black. Many more members of the minority communities, not only black but Mexican-American and Puerto Rican, would like to pursue careers in health. Such opportunities are almost wholly dependent on the provision of adequate financial support. I cannot emphasize that point too strongly.

In order to assist disadvantaged students to enter the health professions, and to make other improvements in health professions student assistance programs, the bill proposes a number of important changes in the health professions loan and scholarship programs. These changes would benefit all students in need of financial assistance. The loan program, which expires in fiscal year 1971, would be extended through fiscal year 1977. The fiscal year 1972 authorization would be $45 million. The authorization for fiscal year 1973 would be $55 million with increases of $5 million for each of the next 4 fiscal years. The student loan maximum would be increased from $2,500 to $3,500 per year for all students. Estimates given to me by medical schools in California are that present student costs average about $6,000 per year and are expected to increase substantially over the next several years. The combination of a $3,500 loan, and a $2,500 scholarship authorized under present law, would, therefore, just about cover average costs at these schools right now. However, there are many schools where costs are higher than $6,000 per year, and that figure does not include the added expenses for married students with dependents.

For those who are educationally or economically disadvantaged due to socioeconomic factors, the maximum loan would be increased to $7,000 per year. A recent report to the Inter-Association Committee on Expanding Educational Opportunities in Medicine for Black and other Minority Students, by a task force of the American Association of Medical Colleges, concluded:

> The main barrier today for minority students is the inadequacy of financial aid. Coincident with increasing enrollment of minority students in medical schools, federal government and other sources of funds have been decreasing. The need is urgent for reversing this trend and establishing better mechanisms for utilizing available funds.

Another feature of the bill is a broadening of present loan forgiveness provisions. Under existing law, indebtedness on health professions loans is forgiven at the rate of only 15 percent for each year of practice in a rural poverty area. The bill recognizes the need to provide greater encouragement for health professionals to practice in areas where the need is greatest, including both urban and rural poverty areas. Under the bill, loans would be forgiven, up to the full amount of the loan plus accrued interest, at the rate of 33 percent for each year in which a physician, dentist or optometrist practices in either an urban or rural poverty area. This provision for total loan obligation cancellation over 3 years would make cancellation for the first time an attractive alternative to private practice as a means of paying off a student loan.

In addition, in order to provide a greater inducement for medical and other health professions schools to admit larger numbers of disadvantaged students, the scholarship formula would be revised to provide substantial additional assistance to such schools based on the number of such students they enroll. Under present law, this formula is $2,000 times 10 percent of the full-time student population; that is, the school's scholarship fund receives $200 for each student enrolled. The bill would authorize an additional $2,500 to the scholarship fund based on each full-time student who is disadvantaged—as defined in the Outreach program which I will discuss next. The maximum individual scholarship for such disadvantaged students would be increased from $2,500 to $5,000, and the scholarship program would be extended through fiscal year 1977.

Finally, the bill would add a new part H to title VII of the Public Health Service Act to provide for grants and contracts to schools and other public or nonprofit organizations for the purpose of identifying, encouraging, and assisting disadvantaged individuals with a potential for education or training in the health professions. Specifically included are those returning veterans with training or experience in the health field. Individuals would be assisted in enrolling, or in qualifying to enroll, in post-secondary education or training, including health professions schools. The Outreach program would also provide for broad dissemination of information on sources of financial aid available for such postgraduate or postsecondary education and training.

To this extent, the bill's outreach provisions are similar to those contained in section 204 of the Health Training Improvement Act of 1970, Public Law 91–519, enacted November 2, 1970. However, our bill goes further and specifically would authorize the Secretary to fund such other programs as he determines would enhance the enrollment, pursuit, and completion of study by such disadvantaged persons once they are enrolled in medical and other health professions schools.

The bill would authorize appropriations of $5 million for fiscal year 1972 and $40 million over the next 4 fiscal years for this Outreach and special assistance program.

This Outreach concept was recommended in the AAMC report on expanding minority student opportunities in the health professions, to which I referred earlier. The report called for a network of regional centers to provide information about career opportunities for disadvantaged students in the health professions. Such a program, the report stated, would serve a vital motivational purpose in encouraging and assisting qualified disadvantaged students who were pursuing or considering education and training in the health professions. The fact is that many, many disadvantaged persons who could be effectively educated and trained for vital health professional roles never consider this as a viable possibility. This program would seek to change that and make clear the great possibilities which exist for them in this highly critical skill-shortage area.

The new outreach initiative which I am proposing would respond to two of the three major needs identified in the AAMC report: First, recruitment of students into health professions education; and, second, retention of students already in the educational pathway leading to such professions.

Finally, I wish to point out that physicians' assistants would be assisted under the allied health professions programs contained in Public Law 91–519, the Health Training Improvements Act of 1970. Physicians' assistants are specifically recognized in the Senate report on that measure as being one of several new and promising categories of health manpower. Physicians' assistants are not included under this bill which deals only with the more traditional categories of health professionals. However, I strongly believe that the physicians' assistant is a very important new category in the health manpower area, and must be assisted to the maximum possible extent.

As a member of the Labor and Public Welfare Committee's Health Subcommittee, I am deeply involved in the committee's efforts to improve our health care system and to expand our supply of health professionals. Meeting these goals requires increasing our commitment to and our financing of student assistance programs, institutional and special project grants to medical and health professions schools, construction funds and research. However, in expanding and improving these programs, I believe we must give special attention to ways in which they can be utilized to improve educational opportunities for the disadvantaged and to improve health care in our poverty areas.

Although I have emphasized the benefits of this bill to disadvantaged health professions students, I would like to make very clear that this bill is also intended to provide general assistance to health professions schools and students by improving and enlarging the loan and scholarship funds available for all students at all medical and health professions schools.

In regard to general assistance to all medical students and medical schools, the 92d Congress acted wisely and responsibly to provide funds to forestall any schools from closing this year. The Labor-HEW Appropriations Act of fiscal year 1971 (P.L. 91–667) makes appropriations of $124,350,000 for institutional support, $25,000,000 for direct loans, $15,500,000 for scholarships, and $105,300,000 for construction purposes.

In a letter to the President on January 2, 1971, I joined the distinguished Senator from Massachusetts (Mr. Kennedy), an outstanding leader in the drive to improve the Nation's health, and five other Senators in urging the full utilization of these funds.

Another example of the effort being made to meet the health professionals crisis is the action being taken by the University of California. The regents recently approved a 10-year plan for substantial expansion of the health sciences of the university.

This bold plan includes increasing the number of physicians produced by the State by 133 percent; nurses by 48 percent; dentists by 87 percent; and pharmacists by 43 percent. It is also planned to enroll and graduate 500 physicians' assistants in the first 5 years.

Initiatives such as this are extremely important, in California as well as all other States. California now trains less than 30 percent of its physicians and 25 percent of its nurses. It is urgent that we move to meet the great demand for health professionals. However, much of the success of plans such as this will rest on the adequacy of Federal support in such areas as student assistance, institutional support, and health facilities construction grants. The importance of maintaining and expanding these vital programs of Federal support has never been greater.

This bill I introduce today is an important element of the general effort we must make to meet the Nation's health crisis, and to reach beyond the chronic problem of too few health professionals.

Mr. President, I ask unanimous consent that there be printed in the Record at this point an analysis of the bill followed by the full text of the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the Record.

The bill (S. 372) to amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes, introduced by Mr. Cranston (for himself and other Senators) was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The material furnished by Mr. Cranston is as follows:

Analysis of S. 372—The Proposed Health Professions Assistance Amendments of 1971

I. GENERAL DESCRIPTION

The bill is designed to encourage and assist persons who are financially or educationally disadvantaged because of socio-economic factors to pursue training in the health professions. It would accomplish this by establishing a special outreach program to identify, encourage, and prepare disadvantaged persons to enroll in health professions schools and making grants to those schools once they enroll significant numbers of disadvantaged students. In addition, the present law concerning loans and scholarships for students in the health professions schools would be amended (1) to extend these two programs through fiscal year 1977; (2) to raise the maximum limits on loans for all students and on scholarships for disadvantaged persons; (3) to increase the authorizations of appropriations for the loan program; (4) to provide for substantial increases in the allocation of scholarship funds to schools in direct proportion to the number of disadvantaged students enrolled; and (5) to provide increased incentives for practice in urban or rural poverty areas by providing for full cancellation of student loans in return for three years of practice in those areas.

II. SHORT TITLE

Section 1 gives the Act the short title "Health Professions Assistance Amendments of 1971."

III. HEALTH PROFESSIONS OUTREACH PROGRAM

Section 2 of the bill would add a new Part H to Title VII of the Public Health Service Act. Title VII now includes provisions concerning training of professional health personnel. Part H would establish a new program to identify, encourage, and assist disadvantaged persons to prepare for, enter and complete training in the health professions. Part H consists of one section, 799a. It is analyzed by its three subsections. With the exception of clause (3), which is new, it is similar to the outreach provision contained in section 204, of Public Law 91-519, the Health Training Improvement Act of 1970.

Subsection (a) of Sec. 799a. Clause (1) gives grant and contract authority to the Secretary of H.E.W. to establish, through public and private educational or other agencies, programs to identitfy potential health professions students who, due to socio-economic factors are financially or educationally disadvantaged. (Veterans with training or experience in the health field are specifically included.) Such individuals would be encouraged and assisted to enroll if qualified, or to undertake such post-secondary work as is necessary to become qualified to enroll, in a health professions school.

Clause (2) specifies that a school's or organization's encouragement and assistance efforts would include publicizing existing sources of financial aid available to persons who are enrolled in health professions schools or are undertaking training necessary to qualify for enrollment in any such school.

Clause (3) of this subsection would provide for grants to or contracts with schools to establish programs which the Secretary determines will enhance and facilitate enrollment, pursuit, and completion of study by disadvantaged persons who are potential health professionals.

Subsection (b) of Sec. 799a. Defines "professional personnel in the health professions" as doctors of medicine, dentistry, osteopathy, pharmacy (or bachelor of science in pharmacy), optometry, podiatry or surgical chiropody, veterinary medicine or graduates of schools of public health. This definition is consistent with other parts of Title VII concerning types of health professions schools to which grants are made for construction, student loans and scholarships.

Subsection (c) of Sec. 799a. Would authorize appropriations for Part H from fiscal years 1972 through 1976. The initial authorization is $5,000,000 for FY 1976, and the authorization is $5,000,000 for FY 1972, and the authorization for each subsequent year is increased by $2,000,000 a year.

IV. STUDENT LOANS

Section 3 of the bill would amend the health professions student loan provisions of Title VII of the Public Health Service Act, 42 U.S.C. 294 a-b.

Loan Levels. Clauses (1) and (2) of subsection 3(a) would increase the present maximum loan level for all students from $2,500 to $3,500 per academic year.

Clause (3) would establish a maximum loan level of $7,000 for disadvantaged students described in the outreach provision (Part H of section 799a).

Cancellation of Loans. Subsection 3(b) of the bill would amend present law which cancels student loan indebtedness incurred by physicians, dentists, and optometrists at the rate of 15 percent for each year of practice in a rural poverty area. The annual rate of cancellation would be raised to 33⅓ percent, and the qualifying geographical areas would be expanded to include urban as well as rural poverty areas. The present provision permitting an additional 50 percent cancellation of the debt for work in a rural area is rephased for clarity.

Student Loan Authorization. Clause (1) of Subsection 3(c) would amend the present student loan authorization section which expires with an authorization of $35,000,000 in fiscal year 1971. The new schedule would begin with a fiscal year 1972 authorization of $45,000,000, rising to $55,000,000 for 1973, and increasing by $5,000,000 each fiscal year thereafter through fiscal 1977.

Clause (2) of subsection 3(c) would advance the dates but retain the present scheme for phasing out the student loan authorizations. For the three fiscal years following the last year's specfic authorization, such sums would be authorized to be appropriated as are necessary to continue to provide loans to students who began their health profession training with a loan under this program.

V. SCHOLARSHIP GRANTS

Section 4 of the bill would (1) amend the present formula for scholarship grants, (2) extend the scholarship grant program through fiscal year 1977, and (3) raise from $2,500 to $5,000 the maximum limit on scholarships in the case of disadvantaged students described in the Outreach Program (Part H of section 799a).

Scholarship Grant Formula. Subsection 4(a) of the bill would change the formula for scholarship grants to schools. The present formula provides a sum equal to $2,000 multiplied by one-tenth of the enrollment, that is, $200 for the scholarship fund based on each student enrolled. This provision would add to the scholarship fund $2,500 based on each disadvantaged student enrolled. It also would extend the scholarship program beyond fiscal year 1971, the last year authorized in present law, to fiscal year 1977.

Scholarship Grant Authorization. Subsection 4(b) and clauses (1) and (2) of Subsection 4(c) provide, comparably to the provisions in section 3(c)(2) of the bill regarding the loan program, for extension of the dates of the scholarship program and for a gradual phasing out of the grants to ensure that a student who began his training with a scholarship may be assisted through to completion.

Scholarship Limit Raised. Clause (3) of Subsection 4(c) would increase the maximum scholarship which can be awarded during a school year from $2,500 to $5,000 in the case of disadvantaged students.

The bill (S. 372) is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Professions Assistance Amendments of 1971".

Sec. 2. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"Part II—Grants and Contracts To Encourage Full Utilization of Educational Talent for the Health Professions

"Sec. 799B. (a) To assist in meeting the need for additional professional personnel in the health professions (as defined in subsection (b)), the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or educationally disadvantaged, and encouraging and assisting them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 721(b)(1)(B); or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in schools referred to in clause (1)(A).

"(b) For purposes of this part, the term 'professional personnel in the health professions' refers to any of the following—

"(1) doctors of medicine;

"(2) doctors of dentistry or persons holding an equivalent degree;

"(3) doctors of osteopathy;

"(4) doctors of pharmacy or bachelors of science in pharmacy;

"(5) doctors of optometry or persons holding an equivalent degree;

"(6) doctors of podiatry or doctors of surgical chiropody;

"(7) doctors of veterinary medicine or persons holding an equivalent degree; or

"(8) graduates of schools of public health.

"(c) For the purpose of carrying out the provisions of this part, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972; $7,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; $11,000,000 for the fiscal year ending June 30, 1975; and $13,000,000 for the fiscal year ending June 30, 1976."

Sec. 3. (a) Section 741(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by striking out "Loans" and inserting in lieu thereof "except as otherwise provided in the succeeding sentence, loans";

(2) in the first sentence thereof, by striking out "$2,500" and inserting in lieu thereof "$3,500"; and

(3) by inserting after the first sentence thereof the following new sentence: "In the case of any student who is an individual referred to in section 799B(a)(1) such loans may not exceed $7,000 for any such student for any such year."

(b) The second sentence of section 741(f) of such Act is amended—

(1) by striking out "15 per centum" and inserting in lieu thereof "33⅓ per centum";

(2) by striking out "a rural area" and inserting in lieu thereof "an urban or rural area"; and

(3) by striking out "an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled" and inserting in lieu thereof "an amount equal to the total amount of such loans plus interest may be canceled".

(c)(1) Effective in the case of fiscal years ending after June 30, 1971, the first sentence of section 742(a) of such Act is amended to read as follows: "There is authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out this part (other than section 744) $45,000,000 for the fiscal year ending June 30, 1972, $55,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, $65,000,000 for the fiscal year ending June 30, 1975, $70,000,000 for the fiscal year ending June 30, 1976, and $75,000,000 for the fiscal year ending June 30, 1977."

(2) the third sentence of such section 742(a) of such Act is amended—

(A) by striking out "1972" and inserting in lieu thereof "1978"; and

(B) by striking out "1971" and inserting in lieu thereof "1977".

Sec. 4. (a) Effective with respect to fiscal years ending after June 30, 1971, the first sentence of section 780(b) of the Public Health Service Act is amended to read as follows: "For the fiscal year ending June 30, 1972 and for each of the next five fiscal years, the amount of the grant under subsection (a) to each such school shall be equal to (1) $2,000 multiplied by one-tenth of the number of full-time students of such school, plus (2) $2,500 multiplied by the number of full-time students of such school who are individuals referred to in section 799B(a)(1)."

(b) The second sentence of such section 780(b) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1978"; and

(2) by striking out "1971" and inserting in lieu thereof "1977".

(c)(1) Section 780(c)(1)(D) of such Act is amended by striking out "two" and inserting in lieu thereof "eight".

(2) Section 780(c)(1)(E) of such Act is amended—

(A) by striking out "1971" and inserting in lieu thereof "1977"; and

(B) by striking out "1972" and inserting in lieu thereof "1978".

(3) The second sentence of section 780(c)(2) of such Act is amended by striking out $2,500" and inserting in lieu thereof "$5,000 (in the case of any student who is an individual referred to in section 799B(a)(1)), or $2,500 (in the case of any other student),".

S. 373—INTRODUCTION OF THE SANTA BARBARA CHANNEL MORATORIUM AND ECOLOGICAL PRESERVE ACT

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, the Santa Barbara Channel Moratorium and Ecological Preserve Act. I am delighted that I have been joined by the new junior Senator from California (Mr. Tunney) as a cosponsor of this bill. In this our first legislative action together, Senator Tunney and I hope to have an acceptable solution to the continuing problem of oil pollution in the Santa Barbara Channel.

Tomorrow is the second black anniversary of the blowout beneath platform A which drenched the Santa Barbara Channel with oil.

Two years after the spill, the oil is still leaking beneath platform A.

Mr. President, I believe that it is intolerable that we have been unable to face up legislatively to the need to end the threat of oil pollution in the Santa Barbara Channel.

The proposal I submit today would terminate 38 leases on which no oil has been found. These leases along with all other portions of unsold lease areas in the Santa Barbara Channel would constitute the ecological preserve. The bill would further declare a moratorium on 29 leases until such time as oil could be produced without threat to the environment. The bill would prevent the erection of platforms on the Sun and Union leases where existing platforms are depleting the reservoir from which oil is leaking.

In order to compensate for the leases terminated and to provide interest payments for those leases which have been suspended and on which oil is eventually produced, the act would establish a Santa Barbara Channel account. This account would be funded from increased oil production on U.S. petroleum reserves or other Federal lands excluding lands on the Outer Continental Shelf.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 373) to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, introduced by Mr. Cranston (for himself and Mr. Tunney) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Santa Barbara Channel Moratorium and Ecological Preserve Act."

Sec. 2. The Congress finds and declares that—

(1) hazards exist in offshore oil and gas production which present a threat of pollution of coastal waters and, in fact, such pollution has occurred in the Santa Barbara Channel of California;

(2) present drilling and production methods and unsightly drilling rigs constitute an environmental and navigational hazard and a threat to Santa Barbara and its submerged lands sanctuary, including the offshore islands;

(3) energy resources in the form of gas and oil do exist in and under Federal lands in the Santa Barbara Channel, and development of these resources must be weighed against the need to protect our environment; and

(4) There exists the need for a drilling moratorium and for an ecological preserve in the Santa Barbara Channel.

Sec. 3. All rights on the leases listed in this section issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, are terminated. The United

States shall be vested with all of the right, title, and interest in such leases:

P–0167
P–0168
P–0169
P–0170
P–0171
P–0172
P–0173
P–0174
P–0175
P–0176
P–0177
P–0178
P–0179
P–0198
P–0199
P–0200
P–0201
P–0206
P–0211
P–0212
P–0213
P–0218
P–0219
P–0220
P–0221
P–0222
P–0223
P–0226
P–0227
P–0228
P–0229
P–0230
P–0231
P–0232
P–0233
P–0234
P–0237
P–0238

The area described in said leases and all other lands in the Santa Barbara Channel not described in section 4 or section 9 hereof are hereby deemed and designated a Federal Ecological Preserve. No lands within such Federal Ecological Preserve shall be subject to drilling for or production of oil, gas or other minerals.

Sec. 4. All drilling on the leases listed in this section and issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, is suspended. Such suspension will remain in effect with respect to each such lease until,

(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") finds and reports to the Congress for it consideration that drilling on such lease can be accomplished without risk of pollution or hazards to navigation, and

(b) The Congress affirmatively concurs in such finding and report.

In no event shall any drilling of any such lease be resumed or commenced sooner than five years from the date of enactment of this Act. The leases are as follows:

P–0180
P–0181
P–0182
P–0183
P–0184
P–0185
P–0186
P–0187
P–0188
P–0189
P–0190
P–0191
P–0192
P–0193
P–0194
P–0195
P–0196
P–0197
P–0202
P–0203
P–0204
P–0205
P–0207
P–0208
P–0209
P–0210
P–0215
P–0216
P–0217.

Sec. 5. In making the finding required in section 4 with respect to any lease, the Secretary shall insure that—

(1) the characteristics of the specific geological formation to be drilled and produced indicate sufficient stability to allow for drilling and production without the danger of causing oil seepage from the ocean floor;

(2) the technology of the offshore drilling provides the optimum in pollution prevention for the specific geological formation to be drilled;

(3) the drilling and production plan minimizes the ecological hazards and the oil spill containment techniques are adequate for local sea conditions, which findings shall be based upon written recommendations of the Environmental Protection Agency, or successor agency with similar concerns, to which shall be annexed plans of the lessees approved by the U.S. Coast Guard, describing specifically such spill containment techniques;

(4) environmental impact recommendations are filed by appropriate federal agencies or advisory boards in compliance with the reporting requirements of the Environmental Policy Act of 1969;

(5) underwater completion and production techniques have been perfected and will be used so that no apparatus is visible above the surface of the water;

(6) the location of the drilling site offers no navigational hazards;

(7) public hearings on these matters are held in Santa Barbara, California.

Sec. 6. The Secretary, after review, approval, and certification by the Department of Justice, is authorized, consistent with the terms of section 7 of this Act, to negotiate and settle all claims for compensation filed by any lessee of such lands for actions taken under section 3 or under section 9 of this Act.

Sec. 7. (a) The holder of any lease terminated pursuant to the Act may bring an action against the United States for the recovery of just compensation for the lease or leases so terminated and such action shall be brought in the Court of Claims as provided in section 1491 of title 28, United States Code, within one year after the date of enactment of this Act. No part of this Act shall be deemed to divest the Court of Claims from determining whether or not the termination of any such lease is legally compensable.

(b) The amount of any judgment in any such action or of any compromise settlement of such action and any interest accruing thereon shall be certified to the Secretary of the Interior by the Department of Justice. There is authorized to be appropriated out of the Santa Barbara Channel account such amounts as may be necessary to enable the Secretary to pay such judgments and compromise settlements concluded pursuant to this section or section 6 and any interest accruing thereon. In the event the funds in the Santa Barbara Channel account are not sufficient to pay any amount so certified and appropriated there is authorized to be appropriated to the Secretary of the Treasury for advance to the Santa Barbara Channel account out of any money in the Treasury not otherwise appropriated such funds as may be necessary for such payments. The Secretary of the Treasury shall be reimbursed for such advances from funds paid into the Santa Barbara Channel account in accordance with this Act, with interest thereon, at such rates as may be determined from time to time by the Secretary of the Treasury.

(c) There is hereby created in the Treasury of the United States a special account which shall be known as the Santa Barbara Channel account from which the Secretary is directed to cause payments to be made in accordance with the provisions of this Act. In order to provide the funds for the Santa Barbara Channel account, the Secretary is directed to offer for sale on the open market under such competitive bidding procedures as he may establish, the United States share of the oil extracted from such United States petroleum reserves or other federal lands as he may designate excluding therefrom any reserve or lands on the Outer Continental Shelf, pursuant to the provisions of this Act and to pay the funds realized from such sale into the United States Treasury. In each year, sales proceeds equal to the Government's receipts from such reserves or other federal lands during the twelve calendar months immediately preceding enactment of this Act shall be credited to the general fund and the remaining sales proceeds shall be credited to the Santa Barbara Channel account. Any sums remaining in the Santa Barbara Channel account after the payments authorized by subsection (b) have been made shall be transferred to miscellaneous receipts of the Treasury, and thereafter the funds realized under this subsection shall be paid into miscellaneous receipts of the Treasury.

(d) Without regard to the provisions of chapter 641, title 10, United States Code, the United States official invested with authority over such lands as the Secretary may designate in section 4 (c) of this Act is authorized and directed to produce, by means consistent with other federal and state laws, sufficient oil from the designated lands to fulfill the requirement of this Act. Such United States official is also authorized to renegotiate and modify existing contracts relating to production of oil in such manner consistent with other federal and state laws as may in his judgment be necessary or advisable to enable such increased production.

Sec. 8. (a) The Secretary is authorized to extend the primary term of each lease described in section 4 for:

(1) the period of the suspension provided for in section 4 and;

(2) for an additional period equal to the time remaining on the primary term of that lease at the date of enactment of this Act.

During the period of suspension the Secretary shall waive all of the rentals and drilling deferment payments with respect to each such lease. After the period of suspension is terminated and at the time the holder begins to produce oil on its leased property in paying quantities pursuant to the terms of the lease between such holder and the United States of America, the Secretary shall pay interest to such holder on its total investment in such leasehold for each day of the period of the suspension of such lease, at the rate of six per centum per annum. The total investment in a leasehold shall include the bonus payments for the lease and the expenses incurred in successful explorations on that lease before the suspension began, but shall not include expenses incurred for unsuccessful explorations.

(b) All interest payments referred to in subsection (a) shall be appropriated out of the Santa Barbara Channel account (which was created in section 7(c) of this Act.)

Sec. 9. (a) The Secretary is authorized under such terms and conditions as he may prescribe to unitize all or any part of the following described leases issued pursuant to the Outer Continental Shelf Lands Act, in the Santa Barbara Channel, offshore of the State of California, if he finds such action is necessary or desirable to prevent or minimize oil spillage, leaks, or other pollution:

P–0241
P–0240
P–0166

(b) The Secretary shall not permit the erection of any further platforms within the leases described in this section unless necessary to prevent oil leakage, not otherwise contained, and where no other methods are feasible. Before any such platforms are authorized, the Secretary shall comply with requirements of section 5 of this Act.

(c) The Secretary shall provide for and require the orderly removal of all platforms within the leases described in this section when he finds that they can be replaced by underwater drilling or production units which comply with section 5 subsection 5 of this Act.

(d) At such time as the Secretary determines that no further drilling or production is required in leases P–0240 and P–0241 to prevent or minimize oil spillage, leaks, or other pollution, he shall report such fact to Congress.

(e) The Secretary shall terminate and include the lease designated as P–0166 within the Federal Ecological Preserve as provided in section 3 of this Act at such time as the State of California terminates the lease designated as PRC–3150, granted by such State, with respect to adjoining lands in the Carpinteria Oil Field.

Mr. CRANSTON. Mr. President, I ask unanimous consent to insert a statement by Mr. TUNNEY at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TUNNEY

Mr. President, I introduce today, with Senator Cranston, a bill to establish a Federal Ecological Preserve in the Santa Barbara Channel, and to meet an urgent need to deal immediately with a dangerous threat to one of California's beautiful coastal areas.

Tomorrow is the end of the second year during which our Government's policies have permitted the risk of further destruction. Even today, the oil is still leaking into the sea. On this eve of that anniversary, we join in action to protect the Santa Barbara Channel from the despoliation of ocean waters, shorelines and marine life caused by ill-planned oil drilling. The legislation we introduce will also provide a mechanism for fair compensation where loss occurs due to suspended and terminated leases.

On this basis, we can now proceed immediately to protect a vital part of the natural heritage of California which all Americans share. Let us act now to guarantee that the third anniversary of the disastrous blowout near Santa Barbara will be a time of real celebration—not just a reminder of the past.

S. 376—VIETNAM DISENGAGEMENT ACT OF 1971

Mr. McGOVERN. Mr. President, I introduce for myself and for Senators HATFIELD, CRANSTON, HUGHES, BAYH, EAGLETON, GRAVEL, HART, HARTKE, INOUYE, JAVITS, KENNEDY, MONDALE, MOSS, NELSON, PROXMIRE, RIBICOFF, TUNNEY, and WILLIAMS, a bill entitled the "Vietnam Disengagement Act of 1971."

The provisions of this act, which would amend the Foreign Assistance Act of 1961, are similar to those of the Vietnam withdrawal amendment considered in the last Congress.

We offer it in the conviction that it remains an urgently necessary alternative to the Nixon administration's so-called Vietnamization strategy.

The earlier version was defeated in the Senate on September 1, 1970, by a vote of 55 to 39.

What has happened since?

Young Americans continue to bleed and die. And their sacrifice is made all the more painful by the knowledge that it will affect not at all the cause that demands it.

Gradual withdrawals of U.S. forces have continued, with each step raising the risk to those who must remain as the war goes on.

Hundreds of Americans still languish in enemy prison camps with no real hope of release. "Vietnamization" is a policy which, even if it could succeed militarily, would leave those prisoners languishing in prisons into the indefinite future. The administration deplores their plight but ignores the course that would return them and our troops to their homes and families.

It has become increasingly clear that the negotiations in Paris have no chance of producing agreement. That condition will remain so long as we maintain our desire to win goals on the conference table that we have long since foregone on the battlefield. But since the defeat of the McGovern-Hatfield amendment last fall spokesmen for the National Liberation Front and Hanoi have said that if the U.S. Government would declare a definite date for the withdrawal of all our forces, they would immediately begin discussions leading to the release of our prisoners and would pledge a safe exit for our troops. A Gallup poll last fall showed the American people favoring this formula by a 2-to-1 margin.

Yet, we cling still to a South Vietnamese Government which resists reform and practices contempt for the principles that would give it legitimacy.

And while they bear the indecencies of that regime, the South Vietnamese people still bear, too, the devastation of their countryside and the destruction of their lives by weapons that cannot discern between enemy and innocent.

The war has spread farther across Indochina. Cambodia now wears the scars of heavy bombardment, faces economic ruination, and feels the devastation of widening conflict. Activities in that country now confirm precisely what the sponsors and supporters of the Cooper-Church amendment sought to prevent—an American commitment to yet another wobbly Southeast Asian government.

At home our own national economy continues in the most serious recession in a decade. Each month's indicators defy the administration's rose-colored predictions—while the President vetoes national programs to assist recovery and to meet urgent domestic needs.

To win acceptance of its war policy, the administration has discarded vital elements of its own capacity to govern. Daily air missions over Cambodia violate the President's own guidelines. He gives lie to the statements of his own Cabinet officers—Secretary Rogers on Cambodia and Secretary Laird on the Son Tay raid. Invasions are "incursions," failures are "victories," air attacks are "protective reaction," and Vietnam is our "finest hour."

The rhetoric cannot long shield the weakness of a policy mistaken from the beginning. It can only deplete the reservoirs of trust, good will and respect which are essential to effective national leadership. It deprives our society of the moral strength it needs now as much as at any time in our national experience.

We wait in vain for a solution that can save our national face and avoid the pain of admitting our mistake. The removal of any cancer leaves a wound to heal. What intelligent being would ask to keep the cancer instead?

The war corrupts all it touches. We must end it now. We must begin now the redemption of our own society at home and the restoration of wisdom and commonsense in our posture abroad.

This bill is a decisive step toward those goals. The commitment to complete withdrawal of U.S. forces by a date certain can open the way to a political settlement. It offers the one responsible, realistic means of bringing U.S. prisoners home. Within hours after adoption we could expect the negotiating machinery to begin working, probably to produce an immediate ceasefire, possibly to produce an early settlement of differences among the Vietnamese people themselves.

We can hope to achieve no more through continued war.

If it can chart a more hopeful course in Asia, this bill would also define a more responsive government in America.

The framers of our Constitution foresaw a Congress with supreme obligations on issues of war and peace. Only the Congress, they said, can raise and support armies. Only the Congress can declare war. And with those powers, Congress was given an obligation to review its military decisions once every 2 years.

Last year we heard pleas for Presidential flexibility. The President has had it. The war continues. And now, with repeal of the Gulf of Tonkin resolution, there is no longer the slightest vestige of positive congressional authority for U.S. participation in the Vietnam war.

It would be difficult indeed to find a Member of Congress who would dispute the need for new attention to the conditions and the procedures for committing American forces to battle. Vietnam has clearly strengthened the resolve of Congress to reexamine its constitutional prerogatives. I suspect that each one of us has made his own individual resolution for "no more Vietnams."

But can we deal only in abstract theories? Why not be relevant to today?

If we worry about the peoples' regard for the Congress, I submit that while we concern ourselves with new procedures to prevent future wars, we ought to be even more anxious to use the procedures set forth in the Constitution to end the war that bleeds our society right now.

There are many reasons to resolve "no more Vietnams."

Let us resolve, then, against this one.

Mr. President, I ask unanimous consent that the text of the "Vietnam Disengagement Act of 1971" be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 376) to amend the Foreign Assistance Act of 1961, as amended, introduced by Mr. McGOVERN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Foreign Relations, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Vietnam Disengagement Act of 1971.

SEC. 2. Congress finds and declares that under the Constitution of the United States the President and the Congress share responsibility for establishing, defining the authority for and concluding foreign military commitments; that the repeal of the Gulf of Tonkin Resolution raises new uncertainties about the source of authority for American involvement in Vietnam; that both the domestic and foreign policy interests of the United States require an expeditious end to the war in Vietnam; that the conflict can best be resolved through a political settlement among the parties concerned; that in light of all considerations, the solution which offers the greatest safety, the highest measure of honor, the best likelihood for the return of United States prisoners and the most meaningful opportunity for a political settlement would be the establishment of a date certain for the orderly withdrawal of all United States armed forces from Vietnam.

Sec. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 620 (a) In accordance with public statements of policy by the President, no funds authorized to be appropriated under this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty-four thousand armed forces of the United States in Vietnam after May 1, 1971.

(b) After May 1, 1971, funds authorized or appropriated under this or any other Act may be expended in connection with activities of American armed forces in and over Vietnam only to accomplish the following objectives:

(1) To bring about the orderly termination of military operations there and the safe and systematic withdrawal of remaining American armed forces by December 31, 1971;

(2) To insure the release of prisoners of war;

(3) To arrange asylum or other means to assure the safety of South Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) To provide assistance to the Republic of Vietnam consistent with the foregoing objectives."

INTRODUCTION OF THE VIETNAM DISENGAGEMENT ACT OF 1971

Mr. HATFIELD. Mr. President, one central event has taken place since the Congress last considered legislation requiring a deadline for our withdrawal from Vietnam. The President has signed the repeal of the Gulf of Tonkin resolution. It was that resolution which often had been cited as a positive congressional authorization for our military involvement in Indochina. Its repeal would seem to remove the last vestige of constitutional legitimacy to our war policy. Certainly the President has the constitutional power to protect American troops and to bring them all home; but he is not empowered, in my judgment, to continue a policy involving offensive military operations and leading to a limitless commitment of American forces in Vietnam. Questions are far more than support or opposition to a particular policy are involved here. Fundamentally, we are dealing with the basic meaning of the Constitution, and whether its intentions regarding the balance of powers between the executive and legislative branch in matters of war and peace are to have any real meaning today.

During a televised conversation with three newsmen on July 1, 1970, Howard K. Smith of ABC asked the President about the legal basis of our Vietnam involvement in light of the repeal of the Gulf of Tonkin resolution:

Legal Basis for Vietnam Action

Mr. Smith. Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Viet-Nam?

The President. First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Viet-Nam under attack when I became President.

The President of the United States has the constitutional right—not only the right but the responsibility—to use his powers to protect American forces when they are engaged in military actions; and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

LIMITED U.S. OBJECTIVES

Mr. Smith. Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could—What justification do you have for keeping troops there other than protecting the troops that are there fighting?

The President. A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case we could move them out more quickly; but it is a case of moving American forces out in a way that we can at the same time win a just peace.

Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them.

When we look at that limited objective, I am sure some would say, "Well, is that really worth it? Is that worth the effort of all these Americans fighting in Viet-Nam, the lives that have been lost?"

I suppose it could be said that simply saving 17 million people in South Viet-Nam from a Communist takeover isn't worth the efforts of the United States. But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it and simply blame it on the previous administration—but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the cause of peace in the years ahead.

Now, I know there are those who say the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, to the Malaysians, to the Singaporeans, to the Indonesians, to the Filipinos, to the Japanese, and the rest. And if the United States leaves Viet-Nam in a way that we are humiliated or defeated—not simply speaking in what is called jingoistic terms, but in very practical terms—this will be immensely discouraging to the 300 million people from Japan clear around to Thailand in free Asia; and even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union, who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas.

The world will be much safer in which to live.

Mr. Smith. I happen to be one of those who agrees with what you are saying, but do you have a legal justification to follow that policy once the Tonkin Gulf resolution is dead?

The President. Yes, sir, Mr. Smith, the legal justification is the one I have given, and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification. You may recall, of course, that we went through this same debate at the time of Korea. Korea was also an undeclared war; and then, of course, we justified it on the basis of a U.N. action. I believe we have a legal justification, and I intend to use it.

The apparent lack of any clear constitutional authority for our actions in Vietnam, and the uncertainties about this fundamental question, seems to be clear from this discourse. For I do not believe the constitutional right and duty of the President "to protect the lives of American men" is sufficient legal and constitutional justification for sustaining American troops and power indefinitely in prolonged armed conflict in the support of a foreign government, with no positive grant of approval by the U.S. Congress.

These matters transcend our beliefs about whether present policy is the proper way for us to seek an end to the conflict in Indochina. At stake is the sanctity of constitutional government.

Congress' responsibility for participating in the decisions and the responsibility of war was expressed eloquently by Abraham Lincoln when he said:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose . . .
>
> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."—Letter to Herndon while in Congress.

I can think of no more urgent question before the 92d Congress than the attempt to define and determine the constitutional authority for our military actions in Indochina. Therefore, I am compelled to introduce this bill in order to prevent the further erosion of our constitutional process.

The President has pointed out how his policies have reduced casualties from as many as 300 per week to as few as 30 per week, and how he has significantly reduced our troops in Vietnam. In these efforts he has my full support and approval. Yet, I am concerned about the ultimate result of our present direction of policy. Our first concern must be finding a solution that will stop the war; the goal of our policy in Indochina must be directed at a political solution to the conflict that will enable an end to the fighting, the bombing, the suffering, and the destruction in that land. I do not believe it is necessary to recite the litany of the devastation that continues to inflict Indochina. And even the brutalizing facts of death and destruction seem to fall on a numbed and hardened national conscience.

Suffice it to say that our policy must be directed toward enabling a political settlement of the war. In recent months more and more reliance has been placed upon "Vietnamization" as a means of "ending the war." Yet, it should be clear that by its definition, "Vietnamization" is a strategy for perpetuating the conflict. Of course such a policy may seem desirable to some Americans, since the main emphasis is to shift responsibility for infantry combat from Americans to South Vietnamese soldiers; thus, it allows reductions in the number of our troops in Vietnam and decreases American casualties. However, this strategy fails in two very important ways. First, it will not lead to an end of American involvement in Vietnam; second, it will not enable a negotiated political settlement of the war, which is also the only way to insure the safe return of captive Americans. Further, it could even fail in a third way; it may prove to be militarily unfeasible.

Vietnamization will lead this spring to the "end of the ground combat role" for Americans. But many seem to be misled by just what that means. Ending ground combat implies, as I said, that the offensive infantry operations will fall more to the South Vietnamese. Yet, Americans will still fly helicopters, fire artillery, and drop bombs, as well as "protect" their installations, convoys, and troop deployments. In reality, Vietnamization is a change in the tactics of the war, designed chiefly to make our policy more palatable to the American public. It is not a formula for ending American involvement or achieving a settlement of the conflict. The success of Vietnamization requires a continued American involvement and postulates the lack of a negotiated settlement of the war.

I am also concerned from a purely military point of view about our present policy. For the moment, the policy seems to have succeeded in reducing casualties and withdrawing some troops. Yet where will our policy lead us, militarily, by the end of this year? What will happen if, when American ground combat units are deactivated, the North Vietnamese and Vietcong choose to move against the South Vietnamese Army, and make substantial strategic gains? There are many military analysts who believe that they will have this capability. In other words, what will happen if Vietnamization begins to fail militarily? My fear is that we would be tempted by steps of futile military escalation in order to prevent the failure of a policy. It is my sincere concern that our present course of action may not succeed even in its military objectives.

If it is an end to the war that we wish to achieve, that must come through negotiations. In order for negotiations to make any progress, we must demonstrate flexibility on either of two critical points: The first is a deadline for our complete withdrawal of troops; the second is a willingness to suspend our unqualified support for the Thieu-Ky regime. My own belief is that the most feasible and responsible step for us to take is the establishment of a date certain for our withdrawal. True negotiations for settling the war would be the likely result of such an initiative. This is the principle motivating the Vietnam disengagement of 1971.

Our present course of action seems designed to achieve the same objective of our past policy: The survival of a friendly, non-Communist government in South Vietnam; thus, it attempts to preserve the support of those who have favored our present policies. Yet, our policy is also constructed to enable troop reductions and lowered casualties, attempting to win the support of those who have opposed the war. But if this policy appears to be jeopardized militarily, and also prohibits the complete withdrawal of our troops, then it will no longer hold decisive support from either of these segments of public opinion. The grim truth is that it is not possible to construct a policy that will satisfy everyone.

The majority of Americans, however, have made clear their opinion: They favor withdrawal of all our troops by the end of 1971. The most recent survey of public opinion, conducted by the Harris poll, estimated that 65 percent of Americans favored this option—a growth of about 10 percent from last September, when this proposal came to a vote in the Senate. There is no unanimity possible on any alternative for our future Vietnam policy. Yet, there is a clear majority of opinion which favors a date certain to complete our withdrawal.

A negotiated settlement is the means for ending the war; a timetable for withdrawal is the means to enable authentic negotiations: it is also the means for assuring the return of our prisoners of war.

In his state of the Union address, the President said that the 92d Congress can help end our longest war. There is no cause that I want more to achieve. The President's programs, and the spirit in which they were presented, won my deepest respect and admiration. Because I share his belief in these, I offer this alternative as the most responsible means for bringing the war in Indochina to a close. Without that accomplishment, all of our noblest goals will remain idle dreams.

Mr. MONDALE. Mr. President, the 91st Congress ended at a moment of deceptive apathy about the war in Indochina.

Many of us in the Senate felt this sense of indifference. In some ways, we even welcomed it. We were numbed by the frustrating debates.

And, in fact, there seemed to be a breathing space.

The Church-Cooper amendment was supposed to put clear limits, by law, on more U.S. involvement in Indochina. The Secretary of State assured us there was no real difference on that score between the Senate and the administration. Of course, we were told, there would be no wider war.

But as this new Congress begins, our "advisers" are seen again in Cambodia, and our bombers and helicopters are all over Indochina. As I wrote the President recently, there are reports that our CIA and military are instigating and supplying a new invasion of southern Laos by Thai battalions. These reports have since been substantiated by sources in Laos.

I also came back to the new session to find on my desk this letter from Minnesota. The signature is withheld to protect the privacy of the family:

> DEAR SENATOR MONDALE: I write to you my plea, not only because as the years have gone by more people believe, admire, and appreciate the stand Senator McCarthy took against the war, but because I feel you too would have the great courage to step forth.
>
> We have just buried my son, who never had the chance to hold his baby daughter in his arms. He was killed in combat December 23, 1970 in Vietnam—Mike went not believing in the cause but only because he felt he was no better than anyone else who was forced to go.
>
> I know now that we, their very own family and friends, not some government, are forcing them to go. From the outpouring of sympathy from our relatives, friends, and total strangers, I realize the people want an immediate withdrawal so no more will die in vain. I'm sure the outcry of the people coupled with giving the boys an opportunity to serve their country only in a truly peaceful effort here in these United States so all its people will gain the principles for which our Flag stands. If ever our dear Flag is being desecrated it is in Vietnam.
>
> Therefore my plea—please lead the people in this truly great country in a cry for *immediate withdrawal* so no more sons, brothers, and fathers will die in *vain*.

The columnists and pollsters tell us the war is no longer a major issue.

It is an issue for this mother, and the thousands like her all over America.

It is going to be a major issue for this Congress until every American soldier is out of Indochina.

I am not talking about Nixon's war or Johnson's war. This war belongs at the doorstep of every public official—including myself—who stood by and let it happen.

We quibbled. We gave the benefit of the doubt. We were never more wrong.

We are in danger of doing it all over.

The North Vietnamese, the Vietcong, the Pathet Lao, the Thai, the Cambodians—everybody knows what we are doing in Indochina except the American people, who are paying for it all with their men and their money.

That is why I asked the President about reports of U.S.-supported Thai troops in Laos. That is why the administration must be pressed at every turn to define the vague formulas, to say what they mean on these life-and-death issues.

When the President stood before the Congress and the country to tell us the state of the Union, he had an obligation to tell us the truth about the state of this war.

We paid nearly 50,000 lives and billions of dollars for that kind of straight talk from our President.

But whatever the evasion, the false optimism, or the sophistry, the Congress has an obligation to draw the line once and for all on the killing and dying.

Then, and only then, can any public official really answer the plea of these mothers—"so no more sons, brothers, and fathers will die in vain."

I am proud, Mr. President, to join in cosponsoring the Vietnam Disengagement Act of 1971, which would bring the orderly withdrawal of our forces by the end of this year.

The need for this act is as overwhelming today as it was last year when it was known as the end-the-war amendment. Of the many questions that test this Congress, none will weigh more heavily on our place in history.

We saw our Nation sink into the Vietnam tragedy before, and failed to stop it.

We cannot let that happen again.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to include in the body of the CONGRESSIONAL RECORD a statement by the Senator from Iowa (Mr. HUGHES).

There being no objection, Senator HUGHES' statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUGHES

Mr. President, the United States is now in its second decade of fighting a war in Vietnam. Every day that passes, more and more Americans, in the Congress and in the country at large, become convinced that we must withdraw our troops and end that war.

When they talk of disengagement of our fighting forces from Vietnam, I am convinced that the vast majority of Americans mean *total* disengagement. It is commendable that President Nixon is removing ground troops from Southeast Asia. But to change the nature of our military involvement to a predominantly air and military advisory effort is still short of ending our intervention.

Today I am joining colleagues in sponsoring the Vietnam Disengagement Act of 1971, an updating of the End the War Amendment which was defeated although substantially supported in the Senate last year.

By offering this bill, I believe we are keeping faith with millions of Americans by giving expression to their prayerful conviction that partial disengagement is not enough, that we must totally disengage as rapidly as is safe and practicable.

We propose this legislation at a time when events in Cambodia bear tragic resemblance to early stages of our actions that led to our plunge into the quagmire of Vietnam.

Headlines tell us of increased bombing, increased terrorism, increased casualties and increased instability. The optimism of only a few weeks ago has given way to the familiar pessimism we have experienced for years about this seemingly endless undeclared war.

Despite attempted rescue missions and stern governmental pronouncements, the destiny of the brave men who are prisoners of war in Indochina is as insecure as ever.

Although at this hour we appear to be facing new crises of widening conflict in Indochina, the proposed bill is not an emergency response to these current problems. It is, rather, an effort to look beyond the tactics and crises of the moment down the long road of strategic policy.

Are we to continue using military intervention as a primary instrument of our foreign policy? Are we to continue to spend American lives to support corrupt dictatorships, politically unresponsive to the will of their own people? These and other questions need to be squarely answered.

The press reports, the secrecy by the Pentagon, the confusing explanations offered by our government each day, can only lead us to one conclusion—that our policy is to change the form of our involvement in Indochina, but not to end the conflict.

American lives are American lives, whether they be of soldiers or airmen. Substituting firepower for manpower may seem to be more efficient, more politically tolerable, but the fact remains that Americans are risking and losing their lives in a war that should be ended. Moreover, by perpetuating our involvement, we are destroying more villages, more farms, more innocent people in a war-ravaged country which wants peace and an end to our intervention even more than we do.

No one doubts the President's devout desire for peace. But it is our conviction that he will never attain that peace without making a clean break with the policies of the past that got us into Vietnam in the beginning.

We want to build peace in unison with the Administration, not in opposition to it. We want the Congress to reassert its constitutional responsibilities and powers in the determination of policy for peace and war.

Only last week, the President told the Congress that the Federal government is remote from the people, and that the power to govern must be returned to them and their elected representatives.

This is true—and the truth extends to foreign affairs as well as to domestic policies.

The introduction of the Vietnam Disengagement Act at this early stage of the session will, I believe, assure that this overriding issue gets full hearing and consideration before the nation, as well as before the Congress.

S. 378—INTRODUCTION OF BILL TO AUTHORIZE ESTABLISHMENT OF THE BIG THICKET NATIONAL PARK, TEX.

Mr. TOWER. Mr. President, I rise to offer a new approach to the establishment of a Big Thicket National Park in east Texas which I believe merits early approval by the Congress and the broad support of Texans.

Last year, the Senate approved legislation in this regard, but the bill was not considered by the House of Representatives. The legislation passed by the Senate had been offered by our former colleague, Senator Ralph Yarborough. But, before Senate passage, it was amended to limit the area of the proposed park to 100,000 acres. The original version of the bill had called for a park of at least 100,000 acres.

The new Senator from Texas (Mr. BENTSEN) has now reintroduced the bill in the form in which it passed the Senate last year.

Mr. President, that legislation leaves, in my opinion, much to be desired in terms of satisfying the realities of requirements for establishment of a Big Thicket National Park in east Texas.

I support the concept of a national park to preserve a portion of the ecologically unique areas of the Big Thicket so that future generations may enjoy them and so that scientists will not be deprived, through the encroachment of civilization, of the opportunity to observe and study this area.

At the same time, I recognize the need for increased recreational opportunities in east Texas. And I recognize that legislation passed by the Congress should not be so drawn as to stifle the east Texas economy by unreasonably hampering existing commercial operations.

Mr. President, I did not support the Big Thicket bill originally offered in the Senate because I thought it left too many unanswered questions. The bill did not specify a boundary for the proposed Big Thicket National Park. Also, it failed to rectify the cross purposes of preservation and recreation. Additionally, I feel that a huge expanse of land larger than 100,000 acres would be detrimental to the economic growth and general welfare of east Texas.

After listening to many various park advocates for the past few years, I have been working during recent weeks to draw up a legislative proposal which would preserve the Big Thicket and simultaneously provide for increased recreational facilities in east Texas, all without undue economic hardship to existing industry.

Today, I am offering the result of that work.

My bill would authorize the Secretary of the Interior to establish a Big Thicket National Park of 81,472 well-defined acres in two adjacent parcels in Hardin, Polk, and Liberty Counties in east Texas.

One parcel has been known previously as the Profile unit of the String of Pearls concept earlier put forward as a Big Thicket National Park. The String of Pearls concept, however, composed of nine separate land parcels, has been generally discounted, I believe quite correctly, since the separate parcels would be extremely difficult to administer. It would be particularly difficult to enforce the preservation aspect of a national park composed of so many noncontiguous areas. Thus, the basic preservation goal of the national park would be subverted.

The Pofile unit begins near Saratoga in Hardin County and extends generally northward to touch, but not include, the Alabama-Coushatta Indian Reservation in Polk County. A section of this unit also juts into Liberty County.

The second parcel defined in my bill to be included in the park is a rough triangle of acreage touching the Profile unit near Saratoga and having its remaining corners near the communities of Kountze and Sour Lake in Hardin County.

My discussions with east Texans indicate that a contiguous park composed of these two parcels will provide the protection required for a portion of the Big Thicket representative of the area and including most of the ecologically unique areas.

The bill I am now offering also authorizes increased development of recreational areas in east Texas in conjunction with Lake Livingston, Sam Rayburn Reservoir and Toledo Bend Reservoir, and the four national forests of east Texas: Sam Houston National Forest, Davy Crockett National Forest, Angelina National Forest and Sabine National Forest.

The bill specifies that the additional acreages for recreational areas plus the defined acreage for the Big Thicket National Park shall not exceed 100,000 acres.

It is my belief that the Secretary of the Interior should be allowed discretion in establishing the recreational areas in order to best meet the needs of east Texans. It may be that, in some cases, a tradeoff of National Forest land, administered by the Secretary of Agriculture, may be made with the Interior Department to most satisfactorily provide the national recreational areas authorized by my bill.

I am also hopeful that the State of Texas will cooperate to meet the growing recreational requirement for east Texas through the development of State parks within the area which will compliment my proposed Federal action.

Mr. President, I ask that my bill be referred to the Senate Interior and Insular Affairs Committee, the committee which took testimony last year regarding the establishment of a Big Thicket National Park and thus the committee with the most experience in this effort.

I am hopeful that the committee will call early hearings on this measure and that the Interior Department and interested parties in Texas will move rapidly to prepare their advice and counsel on this legislation.

I stand ready to work with all interested parties to achieve the establishment of a Big Thicket National Park which will provide protection for an adequate expanse of the ecologically unique areas of the Big Thicket, and simultaneously provide for increased recreational opportunities, all without undue hardship on existing industry. I believe my bill would achieve these goals.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 378) to authorize the establishment of the Big Thicket National Park in the State of Texas as a natural area, and to provide for recreational areas for public benefit adjacent to manmade reservoirs; Sam Rayburn, Toledo Bend, and Lake Livingston, in the State of Texas, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 379—INTRODUCTION OF A BILL TO PROVIDE AN EXEMPTION FROM THE SOCIAL SECURITY EMPLOYMENT TAX ON WAGES FOR RELIGIOUS GROUPS OPPOSED TO INSURANCE

Mr. SCHWEIKER. Mr. President, I am today introducing a bill to provide an exemption from the social security employment tax on wages for religious groups opposed to insurance.

I cite the Amish as an example of people who desire and should be afforded this social security exemption.

In 1965, the first form of relief was granted the Amish. The Internal Revenue Code was amended to provide an exemption from self-employment tax, if a person could show he is a member of a recognized religious sect which follows the practice of making provisions for its dependent members; I now ask that this exemption be extended from self-employment tax to those who work for others and oppose for religious reasons, payment of social security employment tax on wages.

As part of their religion, the Amish refuse any form of relief or what they call Government handouts. They oppose all forms of social security, including old-age pensions. Regarding it not as a tax but rather as a policy premium in a national insurance system, the Amish are opposed to participation, because of their conscientious objection to all forms of insurance. This belief is embodied in the Dordrecht Confessions, which predates our Constitution. Its doctrine of the church as the visibile communion of the saints may be taken as the implicit ground for rejection of insurance in the sense that the congregation of God's people are expected to live by faith and trust in Providence. Otherwise it counsels obedience to the State, which is why the Amish have no objection to the payment of taxes.

Forcing people such as the Amish to pay a tax which is a form of insurance, directly opposed by the tenets of their faith, is an impingment on the religious rights of any group, no matter how small.

It is difficult for me to understand why we have not been ready to permit religious groups to conscientiously object to economic regulations when we rightfully recognize their right to object to the military service.

I feel strongly that this Government must not ride roughshod over the religious rights of a minority. Such is the case under present law. In 1961, the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions.

It was about this time that I began my effort to assist the Amish people to get relief from participating in the social security program to which they are opposed on religious grounds. In 1961 and again in 1963, I introduced a bill in the House which would have provided an exemption from participation in the Federal old age and survivors insurance program for those whose religious doctrines forbid participation in such a program.

In 1964, there was social security legislation in Congress. Since the House was operating under a closed rule, I was unable to introduce an amendment to the 1964 social security law. However, the Senate version of the bill contained such an amendment. The House-Senate conference committee then had to decide whether to use the House version of the bill, which had no provision for the Amish exemption, or the Senate version, which included the Senate amendment. I wrote letters to all Congressmen and personally talked to the House Members of the conference committee, urging them to accept the Senate version for the Amish. Fortunately, the Treasury Department, as well as the Justice Department, rendered legal opinions saying that the Old Order Amish exemption met all constitutional requirements and was strictly a matter of legislative policy. Finally, the conferees agreed to accept the Senate Amish amendment, for which I was very pleased.

Unfortunately, the bill died in the conference committee because of the dispute over medicare. It did, however, lay the groundwork for the first relief granted to the Amish.

On July 30, 1965, Congress amended the Internal Revenue Code, allowing a person to apply for exemption from self-employment tax if he is a member of a recognized religious sect which follows the practice of making reasonable provision for its dependent members. We must now take this one step further, and provide an exemption from social security taxes on wages.

Specifically, my amendment provides that any member of a recognized religious sect in existence since at least 1950, who can show that he is an adherent of established teachings which cause him to be conscientiously opposed to acceptance of social security benefits, may file an application to be entitled to a credit or refund of the amount of the tax.

The applicant would submit evidence to substantiate his membership in the sect and his adherence to its teachings, and would be asked to show that it has been the practice of the sect to make provision for the care of its elderly or dependent members.

In addition, the employer would continue to pay into the social security fund, thus eliminating any chance that such an amendment would make one employee more desirable than another. The objective here obviously is not to make one group of people more desirable employees than another, but instead to assist those who object to social security coverage because it directly opposes the basic religious tenets of their faith. Since the employer would continue to pay into the social security fund, the exempted employee would offer no financial advantage over the nonexempted employee.

The provisions of this bill are identical to those contained in H.R. 17550, the Social Security Amendments of 1970, as reported by the Senate Finance Committee during the 91st Congress.

I ask unanimous consent that this bill be printed in the Record and that additional material regarding the beliefs of the Amish people on social security and a letter I received in 1965 from the Treasury Department on the constitutionality of this exemption be inserted at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill and material will be printed in the Record.

The bill (S. 379) to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from social security coverage and refund of social security tax to members of certain religious groups who are opposed to insurance, introduced by Mr. Schweiker, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) Section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by adding at the end thereof the following new subsection:

"(e) Special Refunds of Social Security Tax to Members of Certain Religious Faiths.—

"(1) In general.—An employee who receives wages with respect to which the tax imposed by section 3101 is deducted during a calendar year for which an authorization granted under this subsection applies shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the amount of tax so deducted.

"(2) AUTHORIZATION FOR CREDIT OR REFUND.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this subsection) for an authorization for credit or refund of the tax imposed by section 3101 if he is a member of a recognized religious sect or division thereof described in section 1402(h)(1) and is an adherent of established tenets or teachings described in such section of such sect or division. Such authorization may be granted only if—

"(A) the application contains or is accompanied by evidence described in section 1402 (h)(1)(A) and a waiver described in section 1402(h)(1)(B), and

"(B) the Secretary of Health, Education, and Welfare makes the findings described in section 1402(h)(1)(C), (D), and (E).

An authorization may not be granted to any individual if any benefit or other payment referred to in section 1402(h)(1)(B) became payable (or, but for section 203 or 222(b) of the Social Security Act, would have become payable) at or before the time of filing of such waiver.

"(3) EFFECTIVE PERIOD OF AUTHORIZATION.—An authorization granted to any individual under this subsection shall apply with respect to wages paid to such individual during the period—

"(A) commencing with the first day of the first calendar year after 1970 throughout which such individual meets the requirements specified in paragraph (2) and in which such individual files application for such authorization (except that if such application is filed on or before the date prescribed by law, including any extension thereof, for filing an income tax return for such individual's taxable year, such application may be treated as having been filed in the calendar year in which such taxable year begins), and

"(B) ending with the first day of the calendar year in which (i) such individual ceases to meet the requirements of the first sentence of paragraph (2), or (ii) the sect or division thereof of which such individual is a member is found by the Secretary of Health, Education, and Welfare to have ceased to meet the requirements of subparagraph (B) of paragraph (2).

"(4) APPLICATION BY FIDUCIARIES OR SURVIVORS.—If an individual who has received wages with respect to which the tax imposed by section 3101 has been deducted during a calendar year dies without having filed an application under paragraph (2), an application may be filed with respect to such individual by a fiduciary acting for such individual's estate or by such individual's survivor (within the meaning of section 205(c)(1)(C) of the Social Security Act)."

(2) Section 31(b)(1) of such Code (relating to credit for special refunds of social security tax) is amended by striking out "section 6412(c)" and inserting in lieu thereof "section 6413 (c) or (e)".

(b)(1) Sections 201(g)(2) and 1817(f)(1) of the Social Security Act are each amended by striking out "section 6413(c)" and inserting in lieu thereof "sections 6413 (c) and (e)".

(2) Section 202(v) of the Social Security Act is amended—

(1) by inserting "(1)" after "(v)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provisions of this title, in the case of any individual who files a waiver pursuant to section 6413(e) of the Internal Revenue Code of 1954 and is granted an authorization for credit or refund thereunder, no benefits or other payments shall be payable under this title to him, no payments shall be made on his behalf under part A of title XVIII, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver; except that, if thereafter such individual's authorization under such section 6413(e) ceases to be effective, such waiver shall cease to be applicable in the case of benefits and other payments under this title and part A of title XVIII to the extent based on his wages beginning with the first day of the calendar year for which such authorization ceases to apply and on his self-employment income for and after his taxable year which begins in or with the beginning of such calendar year."

The material furnished by Mr. SCHWEIKER is as follows:

REQUEST OF THE OLD ORDER AMISH FOR EXEMPTION FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX

BACKGROUND OF THE PROBLEM

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

Compulsory nature of social security

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on their contributions and those choosing coverage would generally be the ones who could expect to receive benefit bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their families.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and, once the time for election passes, a minister who has not elected coverage may no longer do so.

Religious objections to coverage under social security

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members) by at least some of the followers of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security: for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

Old Order Amish

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; an effective means of maintenance has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasant of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owing and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

History of the problem

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Old Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Old Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damage. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank account to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order Amish bishops appealed to the Congress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S. 2031) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

FOOTNOTES

[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

[3] "The Dordrecht Confession (1932)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅝ percent each.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

Hon. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Berlin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OPTIONAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to pro-

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Footnotes at end of article.

vide optional exemption from the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teachings are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional legislative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discussed in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled "Request of the Old Order-Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consider the constitutionality of these proposals, as well as the constitutionality of the various limitations included, or suggested for inclusion, in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement referred to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this factual material. A copy of this joint statement is attached hereto.

Conclusion on tax exemption and tax recovery

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reasons of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code section 58–715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthly installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excise shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only *Knowlton* v. *Moore*, 178 U.S. 41 (1900); *Brushaber* v. *Union P., Co.*, 240 U.S. 1 (1916); *Fernandez* v. *Wiener*, 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social security tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free exercise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State courts particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain government action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the applications of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases*, 245 U.S. 366 (1919) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause, *Clark* v. *United States*, 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 (1956); *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963), cert. granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious objector cases[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being" may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic principles. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constitutional right of Congress to exempt conscientious objectors under the free exercise clause.

In the Jakobson case the second circuit faced the problem whether "making exemption from military service turns on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins*, 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' of religion by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exemption identical with that in the 1948 military training act was specifically included in section 387(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States*, 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in earlier dissents by Justices Hughes and Holmes, said, "The struggle for religious liberty has through the centuries been an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions thus benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to that doctrine.[4] The exemption from taxation of religious activities and occupations is in-

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corporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson* 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

The distinction between *Zorach and McCollum* v. *Board of Education*, 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exemption from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court points out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner*, 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

In the Schempp and its companion case, *Murray* v. *Curlett*, decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale*, 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947). In its context in the several Establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be practiced or observed or supported by nonadherents.

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case. *In re Jenison*, 375 U.S. 14 (1963). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison*, 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt of court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States*, 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.*, 301 U.S. 495 (1937); *Steward Machine Company* v. *Davis*, 301 U.S. 543 (1937); *Helvering* v. *Davis*, 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where distinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor*, 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States*, 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebreze*, 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States*, 330 F. 2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell*, 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the defintion of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness' " or a "compulsion to follow the paths of 'goodness' " might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are covered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, CONGRESSIONAL RECORD, volume 109, part 1, pages 463, 464. A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

Limitations on the exemption

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exemption might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that they may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary[5] unless the relation to the public good is clearly demonstrable.[6]

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette*, 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne*, 29 Cal. 2d 380, 175 P. 2d 231, 232 (1946). The circumstances justifying such a discrimination must provide substantial reason. *Mayflower Farms* v. *Ten Eyck*, 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that these would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically, include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences has taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas*, 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. D'ANDELOT BELIN,
General Counsel.

FOOTNOTES

[1] S. 294, 88th Cong.; H.R. 10606, 87th Cong., among others.

[2] *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States*, 324 F. 2d 173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States*, 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States*, 330, F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States*, 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda*, 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda*, 298 P. 2d 1(Cal. 1956), appeal dismissed, sub. nom., *Heisey* v. *County of Alameda*, 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

[5] *Eyers Woolen Co.* v. *Gilsum*, 84 N.H. 1, 146 *Baltimore*, 289 U.S. 36 (1933).

[6] *William* v. *Mayor and City Council of Atl.* 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church*, 106 Md. 281, 67 Atl. 261

(1907). Cf. *United States* v. *Department of Revenue of Illinois*, 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

S. 380—INTRODUCTION OF A BILL TO PROVIDE TAX RELIEF FOR FAMILIES OF VIETNAM PRISONERS OF WAR TRAVELING OUTSIDE THE UNITED STATES SEEKING INFORMATION ABOUT THEIR MISSING RELATIVES

Mr. SCHWEIKER. Mr. President, I introduce today a bill to amend the Internal Revenue Code to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action in Vietnam or who is, or may be, held prisoner by the North Vietnamese.

In addition, I am proposing that the Internal Revenue Code be further amended to relieve prisoners of war and those missing in action from income tax liability during the time they are held in a detained status by the enemy.

Mr. President, during the past few years one of the most distressing aspects of the tragic Vietnam war has been the inhumane attitude taken by the North Vietnamese and the National Liberation Front in South Vietnam toward American prisoners of war.

State Department inquiries, congressional resolutions, which I have strongly supported, letterwriting campaigns by newspapers, and their readers across the Nation, and the joint session on prisoners of war have been of no avail. It is particularly disheartening to hear of the personal experiences of the mothers, fathers, sisters, brothers, and wives who have spent thousands of dollars in vain attempts to learn whether their loved ones are in fact dead or alive, and in attempts to seek their freedom.

The North Vietnamese have repeatedly refused to adhere to the Geneva Convention and, despite entreaties from many sources, both official and unofficial, have not even taken the basic step of human decency in revealing the names of the prisoners they are currently holding.

The tragedy of this secrecy is that thousands of relatives and friends of Americans missing in action must live daily under the torment of not knowing whether their loved ones are alive or not.

Last year, the Congress enacted Public Law 91–289, to provide extra pay under the War Claims Act of 1948, to men held prisoners of war.

However, in addition to this step to help the POW's, there is further action we can take to be of direct benefit to relatives, who in addition to the mental anguish and emotional strain of not knowing whether their loved ones are prisoners or not, have undergone considerable financial expenses trying to find out this information.

Many wives, parents, and children have traveled to Paris, and other spots around the world, to try to obtain information about the status or whereabouts of a serviceman who is missing in action. In so doing, they have incurred many expenses, such as transportation, hotel, meals, and telephone bills. I feel that, if we allow businessmen to deduct such items in the course of their business, we also should take this humanitarian step and allow similar deductions for those families that have to bear so much grief.

This bill is similar to H.R. 19380, introduced last year in the other body by Representative Paul Findley, of Illinois. I hope the Congress can act swiftly so that in this small personal way, we can let the relatives of our servicemen missing in action know that we are concerned about their personal anguish, and want to do everything within our power to help.

Mr. President, I ask that my bill be appropriately referred, and that the text be printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 380). A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in action, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes, introduced by Mr. Schweiker, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219 and by inserting after section 217 the following new section:

"Sec. 218. Expenses Incurred in Seeking Information Concerning Family Members Who Are or May Be Prisoners of War.

"(a) In General.—Under regulations prescribed by the Secretary or his delegate, there shall be allowed as a deduction the amount of any expenses (includible under subsection (b)) which are paid or incurred during the taxable year by the taxpayer, or by another person with respect to whom the taxpayer is entitled for such taxable year to an exemption under section 151, in connection with a trip outside the United States for the purpose of locating or communicating with a member of the taxpayer's immediate family who is or may be a prisoner of war or is otherwise in a missing status (as defined in section 551(2) of title 37, United States Code) during and in connection with the Vietnam conflict, for the purpose of ascertaining whether such member is alive, or for the purpose of seeking his release from imprisonment or detention.

"(b) Expenses Includible.—The expenses which may be included in the deduction under subsection (a) with respect to any trip shall include the costs of transportation, board, lodging, telephone calls, and other items and services on or in connection with such trip, but only to the extent that they are directly related to and necessary for the purpose (specified in subsection (a)) for which the trip was made.

(b) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Expenses incurred in seeking information concerning family members who are or may be prisoners of war.

"Sec. 219. Cross references."

"(c) Vietnam Conflict Defined.—For purposes of this section, the term 'Vietnam conflict' includes combatant activities by United States forces in Vietnam and other areas of Southeast Asia, and directly related military, naval, air, and supply activities, conducted on or after February 28, 1961, and prior to such date as may be specified by the President by Executive order as the date of the termination of such activities."

Sec. 2. Section 112 of the Internal Revenue Code of 1954 (relating to certain combat pay of members of the Armed Forces) is amended by adding at the end thereof the following new subsection:

"(d) Prisoners of War, Etc.—Gross income does not include compensation received for active service as a member of the Armed Forces of the United States for any month during any part of which such member is in a missing status (as defined in section 551 (2) of title 37, United States Code) during the Vietnam conflict (as defined in section 218(c))."

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1970."

SENATE JOINT RESOLUTION 18—INTRODUCTION OF A JOINT RESOLUTION DEFINING PRESIDENTIAL AUTHORITY TO DEPLOY U.S. TROOPS ABROAD

Mr. TAFT. Mr. President, as we began our involvement in Vietnam, the Congress partly surrendered its constitutional responsibilities relative to the scope of American foreign policy. This was a mistake which should not be repeated. Today I expect to introduce for appropriate reference a joint resolution which restricts the deployment of American troops beyond the territorial limits of the United States without specific congressional authorization. It would exempt only four carefully defined situations involving our national security. Even within these four exempt situations, the President would be required to report any U.S. troop deployment in a foreign nation to the Congress within 48 hours. In all other situations, congressional approval would be required prior to such deployment of American forces.

I have long held the opinion that Congress must assume a leading role in the definition of Presidential authority to intervene militarily in foreign nations. The war in Vietnam has made this abundantly clear. I cannot think of any task more important for this Congress than the proper and clear definition of the respective constitutional roles of the President and the Congress in the area of foreign policy.

Mr. President, I offer a resolution for reference to the appropriate committee and I ask unanimous consent that the text of the joint resolution be printed in the Record as a part of my remarks.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 18) to define the principles which shall govern the deployment of the Armed Forces of the United States by the President, the express U.S. foreign policy objectives in Southeast Asia, introduced by Mr. TAFT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Whereas wide discussion and differences of opinion have arisen among the members of the body politic with respect to the power of the President as Commander in Chief to deploy the Armed Forces of the United States beyond its territorial limits and to commit such Armed Forces to combat, and

Whereas the Congress has, through acquiescence and overt action, sanctioned on numerous occasions the deployment of the Armed Forces of the United States beyond its territorial limits and commitment of such Armed Forces to combat without prior express authorization or a declaration of war by the Congress, and

Whereas in order to eliminate the confusion caused by the previous acquiescence and overt actions by Congress, there is a need for a clear statement of policy by the Congress as to the foreign policy of the United States in Southeast Asia, the deployment of Armed Forces by the President generally, and specifically their deployment in fulfillment of such foreign policy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

PART I

The deployment and commitment to combat of the Armed Forces of the United States in, within the territorial waters of, or over the territory or territorial waters of any other nation is authorized and shall be undertaken only with specific prior authorization of Congress by law; except that the President, as Commander in Chief, is authorized to deploy and commit to combat such Armed Forces at his sole discretion:

(1) When he finds that the territory or the Armed Forces of the United States are under attack or imminent threat of attack; or

(2) When he finds that such deployment is necessary to fulfill a treaty obligation of the United States not qualified by constitutional or treaty contained limitations of conditions; or

(3) When he finds that such deployment is necessary to effectuate a declaration of war acted on by the Congress; or

(4) When he finds that such deployment is necessary to exercise the inherent right of self-defense of the Nation or its nationals pursuant to established principles of international law or article 51 of the Charter of the United Nations,

The President shall notify the Congress within twenty-four hours after any such finding of all action he has taken at his sole discretion pursuant to any such finding. In the event the Congress is not in session, then the President shall convene the Congress in an extraordinary session and so notify the Congress within forty-eight hours after such finding. This authorization shall terminate upon the passage of a concurrent resolution to that effect by both Houses of Congress.

PART II

The Congress hereby declares that it is the policy of the United States that each of the several free Southeast and South Asian nations should have the primary responsibility for the defense of its own territorial integrity: *Provided, however,* That it is the policy of the United States where requested and where needed to furnish economic and military material assistance to such nations whose territorial integrity is threatened by armed aggression. The Congress specifically authorizes the continued deployment of the Armed Forces of the United States in the territorial limits of the Republic of South Vietnam for such time and in such manner as the President, as Commander in Chief, shall deem necessary and appropriate to accomplish a responsible and irreversible withdrawal of such Armed Forces of the United States and the assumption by the Armed Forces of the Republic of South Vietnam at the earliest feasible date of the responsibility for the defense of the territorial integrity of the Republic of South Vietnam: *Provided further,* That the Armed Forces of the United States should not be deployed or committed to combat in Indochina in territory other than that of the Republic of South Vietnam, except as provided in part I hereof. This declaration of policy and authorization shall terminate upon the passage of a concurrent resolution to that effect by both Houses of Congress.

ADDITIONAL COSPONSOR OF BILLS

S. 123 AND S. 124

At the request of the junior Senator from Wyoming (Mr. HANSEN), the name of the senior Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of the bills S. 123, to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation, and S. 124, to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench Area of the Shoshone extensions unit, Missouri River Basin project, Wyoming, and for other purposes.

SENATE RESOLUTION 13—SUBMISSION OF A RESOLUTION CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. BYRD of West Virginia (for Mr. RIBICOFF) submitted a resolution (S. Res. 13) continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government, which was considered and agreed to.

(The remarks of Mr. BYRD of West Virginia when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 14—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII OF THE SENATE RULES

Mr. MILLER submitted the following resolution (S. Res. 14); which was referred to the Committee on Rules and Administration:

S. RES. 14

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking out the third paragraph of section 2 and by substituting in place thereof the following: "And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting and also by a majority of the Senators affiliated with each of the two major political parties present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

PROPOSED AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—AMENDMENT

AMENDMENT NO. 2

Mr. MILLER submitted an amendment, intended to be proposed by him, to Senate Resolution 9, to amend rule XXII of the Standing Rules of the Senate, which was ordered to lie on the table and to be printed.

THE ROLE OF THE UNITED STATES IN LATIN AMERICA

Mr. HARRIS. Mr. President, the January 29 New York Times Economic Survey of Latin America includes two articles that underscore the danger that while rapid and unprecedented political change is occurring in Latin America, the U.S. Government remains inactive and silent, its attention diverted to other areas of the world. Moreover, Washington's silence and inactivity do not appear to be the result of deliberate abstention. Rather, they seem to be the result of neglectful abandonment so long as Government energies are directed elsewhere.

U.S. citizens now hold $13 billion of direct U.S. investment in Latin America, which compares to $12 billion in the Common Market area. If the pace of change in Latin America continues to accelerate—and this we must expect—we may anticipate further expropriations or other restrictive measures by Latin American governments directed against U.S. investors. These two articles suggest the time has come for the rapid development of a U.S. policy that will provide assistance and guidance to our businessmen and that will at the same time defuse some of the dangerous political tensions now building up between Latin America and the United States.

Mr. President, I ask unanimous consent that the articles appearing in the New York Times be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LATINS ACCELERATE TEMPO OF REVOLUTION

(By H. J. Maidenberg)

SANTIAGO, CHILE.—The sea of discontent that has long threatened the traditional Latin American establishment broke over an increasing number of countries in the region last year.

The largest wave was the democratic election of a Marxist Government here last fall.

With the former bulwarks of United States aid and involvement giving way rapidly to Washington's new policy of "low profile" and disengagement, the tempo of change is intensifying throughout the area.

The four key pillars of the Latin American establishment—the political forces, the military, the church and business—were thus left without the traditional support of their North American ally.

For the foreign investor, the turmoil that long had threatened his venture in Latin countries descended on a growing number of former El Dorados.

The foreign investor found Chile promising to nationalize all basic commercial and industrial enterprises. Earlier, neighboring Peru and Bolivia had moved against many foreign companies.

While Mexico maintained her economic rate of growth through costly borrowing, Central America and the Caribbean countries were swept toward currents that might be potentially dangerous to foreign companies.

Brazil, the giant of the area, continued to purchase her impressive gains at the cost of severe repressive measures that were creating a reservoir of anti-establishment sentiment.

Argentina, Venezuela and Ecuador sought to cope with their institutionalized problems by shifting the blame to foreign interests.

Elsewhere, Colombia narrowly escaped being taken over by extremists, Uruguay became a battleground for urban guerrillas and Paraguay remained caught in repression and poverty, despite an outward boom.

Given this gloomy picture of the region insofar as foreign investments are concerned, Washington's so-called "low profile" policy is viewed by many United States businessmen as the sealing of their fate in Latin America.

In the absence of any word from Washington about its policy toward the owners of more than $13-billion of direct United States investment in the area—against $12-billion in the European Common Market—the investors can only wait for the inevitable.

And the inevitable would appear to be more nationalization and profit-slashing restrictions.

Washington's new policy—or lack of one—toward its southern neighbors has eliminated its former "carrots and sticks" that had protected United States investments in the region.

In his Halloween night speech on Latin American affairs 15 months ago. President Nixon offered trade instead of the former aid. Since then, the Alliance for Progress has been quickly buried and financial loans and grants cut sharply.

At the same time, few businessmen expect the marines to come to their rescue as they have in the past.

What has brought about Washington's outward indifference? According to diplomatic observers seeking an answer, there appear to be three major factors that govern State Department thinking.

First, it is widely believed in Washington that the problems of Latin America are so vast that only vast outlays of aid could help solve them. The Administration cannot commit financial resources of such magnitude at present.

Second, there is the feeling that Washington's preoccupation with Vietnam, the Middle East and domestic social and economic problems has tended to take the limelight away from the hemisphere.

Finally, there is a widespread belief among diplomats in Latin America that few, if any, of President Nixon's close advisers have any first-hand knowledge of the region.

Meantime, the other four pillars endure, for better or worse, seeking to accommodate as best they can to changing conditions.

The political leaders in many Latin countries, for example, have little choice. Faced with staggering social, economic and often racial troubles, they frequently seek to buy time or peace. And the least expensive cost seems to be nationalism or statism.

Throughout the area, government officials have expressed a sense of having been betrayed by the United States. Having committed themselves to sweeping reform programs under the Alliance for Progress, which raised the expectations of their people, they now find themselves isolated.

Those political leaders not already given over to radical solutions or experiments to solve their problems are rapidly losing ground in Latin America today.

As dollars become scarce because of the decline in aid and the slowdown in business in the developed lands, many Latin American countries are finding it difficult to permit investors from the United States and other countries to take out profits.

United States investors alone earned a gross profit of $11.3-billion on their direct investment of $13-billion in the decade ended with 1968, according to the Council for Latin America, which represents some 200 of the major North American concerns operating in the area.

The second pillar of the traditional group—the military—has also taken a hard line toward its former mentors in the United States.

The military's primary concern is security against anti-government guerrillas. Many Latin military men are deeply impressed by the United States experience in Vietnam. Few here doubt they could do better against determined and popular uprisings.

Most Latin military forces are too badly armed, insufficiently trained and poorly motivated to conduct guerrilla warfare. Knowing full well their limitations, the military men have become a potent force urging political leaders to find solutions to the problems that spawn guerrilla movements.

Besides, few military men believe that their jobs depend on the political complexion of their country. Their main concern is the integrity of their institution as a force in society.

As for the Roman Catholic Church, formerly a mainstay of the established order in Latin America, the new liberal tendencies within the church have often neutralized it as a power. Desperately short of those seeking a vocation, the church in Latin America must depend more and more on foreign clergymen.

Ironically, the clergymen recruited from abroad have been sent out in many instances because their non-conformist views have made them unwelcome at home. Today, radical priests sent from conservative areas of Europe and the United States are dominating the thinking of religious orders throughout Latin America.

Most disappointing to foreign business interests today, however, is the fourth pillar—the local entrepreneur—for he has been hardly a friend to the foreigner in recent years, choosing instead to divert the attention from himself.

In many Latin nations, notably Peru, Argentina and Venezuela, the doemstic businessman has actually led and fed nationalistic forces. Obviously, one motive was to remove more powerful competition.

To foreign businessmen, however, the attitude of their local counterparts is shortsighted. Once the state moves into commerce and industry, they assert, the appetite of the state will know no bounds.

But tradition is difficult to overcome. And the Latin American businessman has long operated under the so-called "suitcase mentality" that calls for "get it and get out."

Perhaps, some foreign investors concede, the Latin businessman saw the upheaval coming earlier. In any event, the steady grinding away of United States interests in the area may also be ascribed to the indifference of the home offices over the years.

The general view expressed by many United States businessmen and diplomats last year was in the words of one old Latin hand:

"What good will it do Uncle Sam to spend countless billions, not to mention the human toll, to save Asia and the Middle East and lose our traditional friends and neighbors in our own back yard?"

DOES THE UNITED STATES HAVE ANY ROLE TO PLAY?

(By Rodrigo Botero)

The decade of the nineteen-seventies finds the inter-American community in a situation of disarray and confusion, which is fitting and proper for any self-respecting part of the world today. Strife and turmoil have become normal.

Yet there are significant if undramatic changes taking place within Latin America, as well as in the United States-Latin American relationship, that will have a decisive influence upon the nature of the inter-American dialogue in the foreseeable future.

The change in the United States' attitude toward Latin America is part of the over-all reassessment of foreign policy as frustration with the Vietnam war has become widespread. Disenchantment with involvement abroad includes the hemisphere. The Alliance for Progress, conceived as a democratic alternative to dictatorship, is a shattered dream from a distant era.

After President John F. Kennedy's assassination, the substance of the Alliance disappeared, although the name and the rhetoric survived the Johnson Administration. Today, one is at a loss trying to identify anyone at a decision-making level within the United States Government who knows or cares about Latin America. Latin America has become a nonissue in well-informed United States circles, and is in danger of becoming a lost continent so far as American public opinion goes.

The disappearance of the United States as a participant in the hemispheric colloquy is an unexpected contingency. The inter-American system was designed fundamentally to establish rules for coping with the Colossus of the North. For decades Latin America has been seeking a modus vivendi with the United States—which, as Prime Minister Pierre Elliott Trudeau of Canada said, is comparable to sleeping in bed with an elephant.

The problems of not getting crushed are of a different nature from those bought about by the departure of the beast. Neither in the United States nor in Latin America can it be taken for granted now that the modernization of the hemisphere is of any relevance to the world's richest and most powerful nation.

The changes that have been taking place in Latin America can be summarized under four headings: self-awareness, nationalism, the new militarism and the sobering effects of economic reality. Those affect Latin America's view of itself, its role in the world and its relationship with the United States.

Latin American leaders are finding out what little practical value there is in trying to form a common bloc with the underdeveloped, non-Western nations known as the Third World. Latin American countries have little in common with the newly independent nations of Asia and Africa. Our interests and theirs rarely coincide.

For better or worse, Latin America is part of Western society. Parts of it already are approaching southern European living standards. Before the end of this century several Latin Amerian countries will rank as world powers in a category comparable to that of France or Britain.

This knowledge, coupled with an increased assertiveness of local value in every sphere, has brought about a greater degree of self-confidence and a stronger regional nationalism. Nationalism has also been given impetus by the new military regimes, which represent attempts on the part of the military to cope with the economic and social problems that eluded civilian leadership.

The magnitude of those problems has increased sharply. The combined effects of the population explosion, rapid and uncontrolled urbanization and spreading unemployment are creating tremendous demands upon the social, economic and political systems of the region. Those factors and others have led to a stiffening of the Latin American position in dealing with the United States, particularly in the senstitive areas of trade, direct foreign investment and control over natural resources.

But simultaneously, as it has broadened its international economic experience, Latin America is discovering that in this imperfect world there are worse partners than the United States. When the recommendation to the new Chilean regime to maintain a working relationship with the United States comes from the Cuban Government, we are approaching a useful degree of realism in dealing with the world.

The deterioration of the inter-American system affects the issues more than the mechanisms. The inter-American machinery continues to thrive in a Parkinsonian tangle of agencies and committees. There are plenty of bilateral and multilateral talks on such things as soluble coffee, fishing rights, textile quotas and the precise meaning of "prompt, adequate and effective compensation." Those topics are by no means irrelevant, but unless we can discuss them within a larger framework, they may prove intractable.

It is doubtful that any new inter-American initiative can be undertaken until after the Vietnam tragedy has come to an end. Even so, there is much to be done at the academic level to try to reconstruct the lost consensus, in view of the radically different circumstances in which this decade finds the United States and Latin America. Let the scholars address themselves to the issues the statesmen and politicians are for the present ignoring:

Should Latin America accept the cooperation of the United States, or go it alone?

If conflict is unavoidable, can the hostilities be carried on according to some minimum ground rules of civility?

Given the present state of affairs in the hemisphere, that is about as much as can be asked from men of goodwill on both sides of the Rio Grande.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Is there further morning business?

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HARRIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Is there further morning business?

Mr. **ALLEN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CHURCH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

The Senator from Idaho is recognized for 3 minutes.

"SENIOR POWER": AS A FORCE FOR PROGRESS

Mr. **CHURCH**. Mr. President, the term "senior power" has received increasing attention of late. Older Americans were active in the 1970 congressional elections, supporting those candidates who seemed most attuned to their problems and their hopes. But even more important, elderly citizens are busy, not only during election campaigns, but also in the day-to-day process of generating widespread understanding and support of legislation or other actions which affect them directly.

Many individuals have found that, in retirement, they must do battle when State legislatures consider matters such as tax relief for aged homeowners. Others have argued before their municipal governing bodies for reduced transit fares or for better housing. And in Washington, national organizations have been effective advocates of social security reform, better nursing home care, improvements in medicare and medicaid, and much else.

In addition, some spokesmen for the elderly have given vigorous support to legislation which has no apparent direct relationship to the elderly. The National Council of Senior Citizens, for example, has supported such causes as job safety legislation and the National Health Security program for all age groups. The NCSC attitude is: What is good for all Americans is also good for the elderly; today's young people will one day be elderly themselves, and they will approach retirement with much more confidence if their total lifetime is one of fulfillment.

As a member of the Senate Committee on Aging for the past 10 years, I have been deeply impressed with the growing self-awareness among older Americans as to the need for action on their behalf and on behalf of others. They are by no means a group without the ability to speak out.

This trend will be especially important during 1971, which will culminate with a White House Conference on Aging. It is vital that the elderly speak out even more loudly during the next 10 months or so. It is significant that both the NCSC and the American Association of Retired Persons have expressed deep-rooted misgivings about preparations now underway for that Conference. Leaders of those organizations fear that the Conference could become simply an exercise in problem identification rather than an instrument for devising action strategies to deal with those problems. If aged and aging Americans throughout the Nation take aggressive roles in preliminary State conferences planned for the month of May, however, they will help assure that the White House Conference will do the job that must be done to help make this decade one of real progress for today's generation of retirees and for all those who will follow.

Mr. President, I believe that every legislator—local, State, or Federal—should heed the voice of "senior power" in this White House Conference year. Some aspects of that phenomenon were described in the magazine section of the Washington Sunday Star of January 24. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DUCK! GERIATRIC LIB IS ON THE MARCH

(By Vernon Pizer)

> "And sigh that only one thing has been lent
> To youth and age in common—discontent."
> —Sir Edwin Arnold.

Sir Edwin—wherever you may be a century after penning that snippet of poetry—there's news for you. Youth and age no longer have only discontent in common; today they also share in common a growing militancy arising from that discontent. The elderly do not quite adopt all of youth's forms of militancy—they are too insomniac for sleep-ins, too anaphrodisiac for love-ins, too arthritic for rock throwing—yet it is clear that the geriatric generation, rallying under its war cry of "Senior Power," is in rebellion. Here are some of the more recent skirmishes.

Last summer, in front of Gov. Rockefeller's New York City office, 1,000 oldsters—some in wheelchairs and all wearing big "Senior Power" buttons—staged a turbulent street demonstration in behalf of increased benefits for the aged, the blind and the disabled. They won the increase.

On the opposite coast, another governor, Ronald Reagan of California, also had been the target for the ire of the elderly. A group of seniors recently burst into his office. Taking it over, they staged a defiant, five-hour sit-in to protest the level of welfare payments. They won no immediate concessions, but they did give Reagan something to ponder.

In Miami Beach, senior citizens declared war against grocers they charged with consistently overpricing their goods. Hundreds of chanting, placarded grandparents (many astutely playing both ends against the middle by bringing along their grandchildren) laid siege with picket lines. The grocers caved in, agreeing to adjust their pricing policies.

In Boston, old-timers took direct action against a state legislative committee chairman obstinately bottling up an old-age assistance bill in his committee. Learning that the chairman suffered from an ulcer that he held in check only by going out for soothing nourishment at noon each day, two dozen geriatric commandos formed a phalanx at his office door just before lunchtime. Stymied by unyielding, wall-to-wall elders, the legislator fumed while his ulcer escalated from discomfort to anguish. In the end he capitulated, solemnly pledging to release the bill promptly; whereupon the human barricade wished him *bon appetit* and parted.

But it was in Washington that the elderly gained a signal victory with nationwide implications. A major complaint of the aged almost everywhere in the U.S. is that municipal health services are woefully inadequate, and last May Washington seniors decided the time had come to challenge the medical establishment head-on. They selected as their battlefield D.C. General Hospital, notorious for understaffing and overcrowding. Under the banner of the Senior Citizens Clearinghouse of the District of Columbia, and joined by other interested local groups, they demanded to be heard by the Joint Commission on the Accreditation of Hospitals inspection team scheduled to evaluate D.C. General for its biennial re-accreditation. Never in JCAH's 51 years had private citizens appeared before its inspection teams, but this challenge was too determined, too well organized to ignore. Shattering precedent, JCAH agreed to hear the patients' story. Dr. John Porterfield, commission president, came himself from Chicago to head the team. The senior citizens, for the first time, had an opportunity to testify, and their testimony directly influenced the decision to grant D.C. General only limited, one-year accreditation, pending clean-up of deficiencies. Going further, JCAH agreed that all inspection teams nationwide would henceforth hear citizen representatives as a regular part of its accreditation procedure.

The latest senior citizen battle—an all-out attack against nursing-home operators brutally victimizing elderly patients—is now shaping up into a major confrontation. The opening guns have just been fired by a "Nader's Raiders" task force before a special Senate Subcommittee on Aging. Charging nursing homes with appalling abuse of the elderly, Ralph Nader and members of his team cited shocking examples of "collective callousness" toward senior citizens and urged the aging to form a "liberation movement" to fight it. The call to arms is being heeded. Said one grim senior in the hushed hearing room, "It has come down to a case of survival—theirs or ours. We will fight fire with fire to put the nursing home hell-hole operators out of business."

From coast to coast, contradicting their tradition of undemanding docility, the elderly are no longer willing to accept crumbs while others reach for slices, no longer willing to follow a script that others have written for them. In an age of protest, they too are protesting. In an age of activism, they have become activists.

The only surprise is that the elderly have waited so long to take a forceful stand on their own behalf. As a group, they are among the poorest of the poor, the most neglected of the neglected. Ten million citizens over 65 have incomes under $75 a week to meet all living expenses. Two million elderly couples have combined incomes of only $50 a week to cover all expenses. Half of the aging Americans who live alone must do it on a total income of less than $30 a week. Because the elderly are "last hired, first fired," only one of every five who is employable and actively seeking work is able to secure even a part-time job. The highest suicide rate among American males is in the over-65 group.

But those are statistics, not flesh-and-blood people. A Washington housewife, Mrs. Mae Phillips, keen and youthful-appearing despite her 75 years, knows first-hand the human side of those depressing figures. "Lack of money doesn't really hit home until you can't turn on a heater in the winter because you can't meet a fuel bill. It doesn't hit home until you have to figure how many suppers you can squeeze from a package of crackers and a piece of cheese. It doesn't hit home until you have to choose between buying the crackers and cheese or buying medicine. And it isn't just poverty, it's also the indignity and contempt you face. You wait for a bus, and it stops three feet from the curb. The extra six inches to step up can be pure misery, especially with the driver yelling at you to get moving because he has a schedule to keep. You go to a government office and have to wait four or five hours before you are called. When it is finally your turn, the clerk tells you roughly to go to a different office halfway across town. The fact is that the elderly are made to feel that they no longer have a place in the community."

Another senior citizen says bitterly, "One day my supervisor compliments me on my fine work, and the next day he fires me because I've reached what the front office says is 'retirement age.' Nobody asked me if I wanted to retire, but there I am out in the cold. My little cushion in the bank disappears because inflation has shrunk it. I move to a crummy room in a crummy neighborhood. After a lifetime as a law-abiding, taxpaying citizen I have frayed collars and holes in my shoes. On the street, people start to give me a wide berth, like they think I'm a panhandler or a pickpocket. Because I've lived long enough to reach 'retirement age,' I've become a wart on the face of humanity."

It is a bleak, sad picture that the senior citizens paint. If the elderly are at last rebelling, nobody can accuse them of being rebels without a cause.

How strong is the rebellious spirit that seems to be coursing through the once-tractable rocking-chair generation? I put the question to John B. Martin, who is both U.S. commissioner on aging and special assistant to the President for the aging. He does not quibble in his response. "I see increasing militancy on the part of the elderly, and I expect to see more of it in the future. I am convinced that, though there may be many kinds of power, there is nothing more potent than aroused Senior Power."

Martin deplores resort to violence, but he defends the right of the elderly to stir things up. "For far too long, older Americans have been regarded as nuisances to be tolerated or as charity patients. Instead of being rewarded for contributions they make in their working years toward building the tremendous capacity of the nation, older Americans have been expected to be content with half measures. They are all too often barred from the world they made—by lack of money, by lack of place, by lack of welcome and opportunity, by the attitudes of those around them who dominate and control their lives. As a nation, we have not yet made an irrevocable commitment to a policy of treating our older people as first-class citizens truly participating in our national life." With a suggestion of irony, he adds, "We don't expect them to protest. But someone must protest."

Effective senior citizen protest began when the elderly discovered that the name of the game is organization. Of their several nationwide organizations, the largest is the National Council of Senior Citizens, Inc. Characterized by Commissioner Martin as "activist," it is the creation of former Rep. Aime J. Forand of Rhode Island, who relinquished his House seat in 1960 to devote full time to fighting for passage of Medicare; in 1961 he established the National Council as a rallying point in the drive for enabling legislation. Victory came in 1965, when President Johnson signed Medicare into law, declaring that it had come into being only because of the persistence of Forand and the National Council of Senior Citizens.

Forand's imprint of political activism has been left indelibly on the National Council and its three million members grouped regionally into 3,000 clubs. As Nelson H. Cruikshank, present president of the council, puts it, "We may be nonpartisan, but we are far from being political bystanders. As an issue-oriented organization, we have the political clout, and the expertise in wielding it, to significantly influence the outcome of issues."

How much influence do senior citizens really have? Twenty million Americans—10 percent of the population—are over 65. Another 10 percent are "junior-seniors," aged 55 to 65. And increasingly sophisticated geriatric procedures are enlarging the rolls of the elderly. But that is only part of the story. Over 90 percent of all senior citizens are registered voters, far higher than the rate of registration among younger groups. More significantly, two-thirds of registered seniors vote regularly, while only about half of the younger registrants actually show up at the polling booths. Former HEW Secretary Wilbur J. Cohen sums it up succinctly: "Older people vote more predominantly. We have a lot of young people raising holy hell but not voting." This is a lesson being learned by those whose political lives rest in the hands of the voters. It is from this reality that the elderly get their clout.

Cruikshank contends that the recent national elections served to demonstrate the ballot-box strength for seniors, especially in the Florida senatorial contest. In that race, William Cramer, a Republican congressman whose voting record has not endeared him to the elderly, was pitted against Lawson Chiles, whose performance as a Democratic state senator had struck a more responsive chord among oldsters. With deep satisfaction, Cruikshank says, "The first organized groups to endorse Chiles for the U.S. Senate were the Florida senior citizens' clubs. That's nothing piddling—there are 400 of these clubs in the state. Nobody claims the senior citizens single-handedly carried the day for Chiles. On the other hand, nobody can deny that a sixth of all Floridians are elderly, and Chiles was their boy."

Now there is evidence that senior citizens will not stop with bloc-voting. The reason is clear. Often they must rally behind a candidate who is not ideal but is simply the least of the evils on the ballot. To break out of this box, the elderly in several sections of the country are preparing to put up their own candidates. Frank Manning, a driving force among Massachusetts seniors, revealed this developing electoral confrontation recently when he announced, "By 1972 in California, Massachusetts, Florida and other key states, we will in some instances be fielding our own candidates, not necessarily senior citizens. Our main target at the start will be Congress and the state legislatures."

The point to all this is that the elderly have emerged as an organized, potent force to be reckoned with. Sen. Harrison A. Williams of New Jersey, chairman of the Senate Special Committee on Aging, noting the growing political awareness of the elderly, says, "I see more and more evidence of solidarity and growing numbers of older persons who are taking vigorous public positions on local and national issues."

Cruikshank couldn't agree more. "That gets to the heart of the matter. Solidarity and a vigorous public stand have made Senior power more than just a snappy slogan. And we have proved that we won't hesitate to use Senior Power of the nation's elderly are threatened."

How the National Council mobilizes its geriatric troops in the face of threat was demonstrated in its war against the giant of the magazine world, the *Reader's Digest*. Three years ago the *Digest*, opposing a move to broaden Social Security coverage, ran an article condemning the program as mismanaged and fiscally unsound.

"The charges were viciously false, and they were a dagger at every senior citizen's throat," Cruikshank says. "The *Digest* refused to correct the record, so we had to take matters in our own hands."

The National Council girded for battle, setting up a command post under its executive director, William R. Hutton. Marshaling his forces, Hutton deployed them to the 10 areas of the country where the *Digest* maintains offices. In charge of each region he placed an experienced lieutenant, many of them veterans of the labor wars of an earlier era. On D-day, Hutton blew the whistle and there was a massive, coordinated outpouring of senior citizens from coast to coast. Converging on the *Digest* offices, the grim, angry seniors threw up picket lines while their "truth squads" handed out astringently blunt leaflets. Extra police details were called out to hold the pickets in check in Philadelphia, Los Angeles, Detroit, Atlanta, Chicago, Minneapolis, Boston, Pittsburgh and San Francisco. In New York City, despite a driving rain, nearly 1,000 seniors led by Walter Newburgher, a seasoned hand, took up battle stations around the *Digest* offices under the watchful eyes of riot police. A task force dispatched by the New York contingent upset the tranquility of *Digest* headquarters upstate in Chappaqua by invading its luxurious 160-acre complex. In Bethesda, Md., picket line of seniors spring up around the home of Charles Stevenson, author of the offending article.

While the shock troops were maneuvering against the enemy's redoubts, the National Council also was prodding political artillery into position. In the opening salvo, HEW issued an eight-page categorical denial of the *Digest's* allegations, knocking them down one by one. Before the thunder had died away, Wilbur Mills, chairman of the House Ways and Means Committee, which had just concluded an in-depth study of Social Security, rose in Congress to condemn the article's "erroneous implications," emphasizing the soundness of the program. Other congressmen castigated the *Digest's* assertions as "unprincipled," "vicious," "false," and "the big lie." In the Senate, Abraham A. Ribicoff of Connecticut took the floor to echo the sentiments of his colleagues on the House side.

"We simply routed the *Digest*," Hutton says. "No comparable nationwide protest had ever before been mounted by senior citizens and their supporters. It accomplished two things: publicized the falsity of the *Digest's* charges, and demonstrated forcefully that seniors could no longer be pushed around."

If there seem to be parallels between many of the methods and issues of organized senior citizens and those of labor, it is not mere coincidence. Labor is closely allied with the seniors, and, more and more, union leaders are organizing their retirees into clubs chartered by the National Council of Senior Citizens. Before assuming the presidency of the National Council, Nelson Cruikshank was an AFL–CIO executive.

Cruikshank and Hutton seem paradoxically mismatched, yet remarkably complementary as leaders of Senior Power. Thin, wiry, reflective, 70-year-old Cruikshank speaks deliberately, weighing his words and presently his views with calm logic. He is the unflappable, persistent type who is dangerous adversary at a negotiating table. Hutton—a little shorter, a lot heavier, and 16 years younger—is extroverted, nimble-witted and innovative, still bearing the earmarks of the advertising man he used to be. A facile speaker, he speaks confidently, with his words clothed in the accent of his native England. Together, Cruikshank and Hutton make a formidable team. They stress that they are committed to action programs to benefit all segments of the population, but they readily agree their prime concerns are senior citizen gut issues like Social Security payouts high enough to pry open the inflationary vise, more and better housing, improved and less costly health care, better transportation, job opportunities and a meaningful role in the life of the nation.

Only four blocks from the National Council's offices is the headquarters of the other "big two" organization of the elderly—the American Association of Retired Persons—but the two groups are further apart than geography suggests. The National Council is lean, its atmosphere shirtsleeve and somewhat harried. The AARP is sleek, its furnishings elegant, its atmosphere is subdued as the piped-in background music. The externals are reflected in basic attitudes—the AARP is less "activist," more "establishment" than the National Council.

Bernard E. Nash, AARP's polished, poised, 48-year-old executive director, recognizes the growing militancy of the elderly, but he doubts that muscle-flexing confrontations achieve much. "Older people are increasingly frustrated, disenchanted, disillusioned, their problems continually worsening, but I don't see that militant activism leads to eliminating the causes," he says. Though fundamental goals of AARP and the National Council are essentially the same, their strategies differ. Nash believes in being "less visible and less public." He prefers judicious application of legislative pressure; his staff of 200 includes five Capitol Hill lobbyists. Having served as deputy to Commissioner Martin before assuming his AARP post in 1969, Nash knows his way around official Washington, and he deploys his lobbyists skillfully. His men on the Hill remind congressmen that AARP has 2¼ million members, but they do it with finesse and subtlety.

Both AARP and the National Council are convinced that 1971 is the critical year for senior citizens. In this they are joined by Commissioner Martin. This unanimity rests on the scheduled White House Conference on Aging, due in November. It will be only the second such conference; the first was called by President Eisenhower in 1961. Already in preparation for more than a year, the conference aims to create a more realistic, more comprehensive national policy for older citizens.

Commissioner Martin, as one would expect, is optimistic about the White House Conference. "It has been a long time in the planning, and the best minds have devoted themselves to creating a sound framework for developing a real philosophy of aging and a real commitment to the aging, both of which are long overdue. I believe it will result in a realizable blueprint of where we should head, and how, in solving the problems of the aging. And I expect to see massive public support for the specific proposals that emerge."

Nash is considerably more cautious. Candidly admitting his position is awkward because, as Martin's former deputy, he was a prime drafter of preliminary conference plans, he expresses concern lest delegates concentrate on defining the needs of the elderly instead of formulating solutions. "We already know the needs. What is wanted now is less talk and more action," Nash says. Then, affecting an aggressive stance that is unusual for AARP, he adds, "We must now place responsibility and demand follow-through. We must challenge people in authority—agencies, procedures, institutions, attitudes. If the White House conference turns out to be a verbal deodorant for an odorous situation, I think the country will see an outburst of political activism by the elderly accompanied by physical militancy on specific issues."

Cruikshank and Hutton believe little good will emerge from the conference. "We are watching every move the administration makes," Cruikshank says. "If the conference fails, and I am not optimistic over its chances for success, the National Council will take the lead in forming a coalition with labor and others to initiate positive action." Hutton is even blunter: "If the White House does not deliver the goods, this nation will have unprecedented senior citizen militancy. We are quite prepared to fight for justice for the elderly. Make no mistake, the senior citizen is not afraid to fight—he has very little to lose."

What it all adds up to is that the nation's elderly will no longer meekly permit themselves to be shunted aside or short-changed. They are serving notice that Senior Power is here, it is now, and it will not be denied.

BRAZILIAN LEADER IN DEVELOPMENT

Mr. CHURCH. Mr. President, one of the men most dedicated to the economic and social development of his country is Dr. Jarbas Goncalves Passarhino, Brazil's Minister of Education. I met Dr. Passarhino last fall at an international conference in Puerto Rico.

Before assuming the top education post in the national government, Dr. Passarhino served as Governor of the State of Para where he is well remembered for his energetic programs to build schools and highways. As Education Minister, he now faces an immense challenge, as described by Mr. Lewis H. Diuguid in the Washington Post, of leading the vast majority of his countrymen from illiteracy into the age of technology.

I ask unanimous consent that Mr. Diuguid's report of December 20, 1970, "Brazil Wages Two-Pronged War on Illiteracy," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Brazil Wages Two-Pronged War on Illiteracy

(By Lewis H. Diuguid)

Rio de Janeiro.—Brazil, with half of the land and people of South America, is entering the era of technology largely illiterate. On a continent accustomed to superlative social problems, few are more ominous.

There is no agreement on the precise number of illiterates. Indeed, the population estimate of 93 million is officially described as a projection from dubious figures. The most recent government survey estimates that 16 million Brazilians over 15 cannot even read or write their names.

Another government figure, based on more conservative standards, found 30 million illiterates. The number of people who make no effective use of their schooling spirals up to over half of the population.

Primary education is the responsibility of the 22 states. The systems around Rio and Sao Paulo turn out most of the literates, and in the poorest states of the northeast here have been virtually no schools at all.

Symptoms of illiteracy and closely related problems of an untrained work force are endless: city newspapers carry columns of ads for skilled workers while the slums fill with unemployed who lack even the ability to read the ads; a major occupation is prostitution, which sociologists here link closely to illiteracy; statistics from newspaper readership to library lending (and book supply) show Brazil as a devastating dead weight in hemispheric averages.

The government is building schools and training teachers but it has concluded that other efforts are needed. The Brazilian Literacy Movement (Mobral) is the official answer; other, unofficial, programs were more experimental. One was driven out and another is barely tolerated.

I. THE GOVERNMENT WAY

The government of Gen. Emilio Garrastazu Medici selected education as a top priority and chose a proven performer, Jarbas Goncalves Passarinho, to develop it.

That was over a year ago. Passarinho, 49, attacked the problem much in the manner of a war game in the retired colonel's days at the artillery school.

The great limiting factor impeding educational advance was illiteracy. How many illiterates? How dispersed? How much money was available, and what was the cost per head to achieve literacy?

By UNESCO Illiteracy Day, last Sept. 8, Passarinho had a man, a plan and a program: the Brazilian Literacy Movement (Mobral from the Portuguese). A large part of any literacy effort is motivation, and the newspaper publicity soon spread wide the word of Mobral.

In an interview upcountry at Belem, where Passarinho first took up politics as the appointed governor, he described how he found a field marshal for Mobral.

The first man selected ran over the figures: 16 million illiterates x $22 (UNESCO estimate of cost per head)=U.S. $352 million. But the budget of Mobral was about $12 million. The candidate tore up his notes and quit.

"Clearly we needed someone more inventive," said Passarinho.

The colonel-turned-educator recalled a

chapter in a book called "Brasil 2001" arguing that the country's educational failure was caused not by spending too little, but unwisely. The author of the book was Mario H. Simonsen, businessman and economist.

"I offered him a unique opportunity to put his ideas to work," said Passarinho.

RAISING THE MONEY

Simonsen found a way to finance the program, and Passarinho seems assured it will work, at $3 per head federal outlay instead of $22. Mobral puts its actual cost per head to achieve literacy at $15. The difference between that and the $3 federal outlay is made up by communities that contract with Mobral, by a cut from the national lottery, a minimal tuition and big checks from public figures.

When soccer football hero Pele made a contribution, Mobral made page one of every paper in the country.

Simonsen intends eventually to contract with 1200 communities, rural and urban. As a starter, he will concentrate on 400 municipalities where 70 per cent of the illiterates are said to live.

Classrooms are where Simonsen finds them, often in the nearest church. The first task is to teach the teachers, typically students in education but also priests and housewives. "We will use various methods, we will see which one works," said Passarinho. "We will have taught 500,000 to read and write by February, way above our estimates."

With a sense of the picaresque seldom found in military governments, Mobral chose a first operational site in Mangue, Rio's slumside center of prostitution. Time was that police feared to venture in Mangue, but now two detectives operate Mobral classes there and the students are enthusiastic.

Though Rio and Sao Paulo have their elegant call girls, studies show that patterns of poverty, illiteracy and prostitution coincide consistently. In Mangue, of 1200 people surveyed, half were illiterate and the rest nearly so.

QUALITY IS CHALLENGED

Critics of Mobral do not question its productive capacity. Passarinho, after all, as governor of Para state, built a university in Belem in 90 days ("now has 3,840 students," chimed in the chancellor, who attended the interview with Passarinho). But critics do question the quality of the literacy that Mobral will produce, and whether literacy alone is enough.

Passarinho said the program will teach reading and writing in the context of job training—with the jobs adapted to the needs of the various communities. He agreed that the program alone is insufficient but drummed out statistics to show education advancing on all fronts:

Central government spending on education has doubled since 1963, when left-leaning Joao Goulart presided over what Passarinho called "the time of the demagogue."

In 1965, 120,000—or .15 per cent of the population—were in the universities, compared to 400,000 now. That is approaching the figure in France, which has half the population.

Whereas in 1965, 70 per cent of high school students went to private schools last year the figure was down to 58 per cent. "We are more democratic," said Passarinho. Junior high enrollment tripled in the same period to 233,000 (.26 per cent of the population, compared to 3.5 per cent of the U.S. population in junior high).

RADICAL RHETORIC

Passarinho came into office after a severe conflict between the government and university students. They protested that under an aid program, the United States was dictating the pattern of Brazilian education.

Education has proved a delicate area politically for U.S. AID throughout Latin America, despite obvious needs. Now, two years after the collision with the students, the AID mission is putting up $83 million in matching funds for construction of comprehensive junior high schools and for other programs, including teacher preparation.

William A. Ellis, director of the AID mission, explained the turnabout thusly: "Under Passarinho the programs we long sought to assist have now jelled. . . . There is no chance of our dominating. He will tell us what we should do."

Passarinho, mentioned as a possible future president, said he was introduced to modern principles of organization and planning by U.S. military advisers after World War II.

In discussing the educational philosophy that he is instilling in Mobral, the minister borrowed easily from the vocabulary of the most radical Brazilian experimenter in basic education, the now exiled Paulo Freire. But he put the words in a different context.

"Our neocapitalist system will create conditions for *conscientizacion* of the workers," he said. That word was first popularized by Freire here and it has spread throughout the idioms of Latin America. It means "to make conscious," and it is used to describe Freire's process of awakening the sense of social rights and responsibilities—as well as developing literacy—in deprived classes.

Passarinho said he did not differ with the need to make the workers socially aware—but he did object to "socialization" of the country. Freire's method, according to Passarinho, was to teach literacy with a loaded alphabet. "R was for revolution. He prepared revolutionaries. There are social injustices in Brazil, but that approach was destructive."

He added that the church-state Basic Education Movement, which survived when Freire was forced to leave in 1964, had fallen into the same ways on occasion. But he praised the movement's rural literary efforts and said the organization would have a role in the Mobral program to the extent that it accepted the goals and methods of Mobral.

Those methods are strongly criticized by many educators, usually with the protection of anonymity. Probably a majority of the educators most likely to criticize, those on the left, have been forced out of public employment, if not out of the country, in the purges since the military took over in 1964. The minority remaining in the school systems mute their criticisms in the belief, often justified, that to speak out would be to lose their jobs.

Generally the critics feel Mobral is designed to teach reading to people who ought to be provoked into independent thought. There are even allegations that Mobral is designed to prevent just such thought.

One churchman put it personally, describing Mobral's theoritician, an army chaplain named Father Felipe Spotorino: "He got his experience teaching maids who were required to know how to write. Now he is applying those principles to Mobral."

On the other hand, wide sectors of the church are participating in Mobral, many of them drawn in by their respect for Education Minister Passarinho. The critic quoted above went on to say that "Passarinho is the most effective minister we have had."

II. THE OTHER WAY

In the early '60s, two innovative educators took to the Brazilian hinterland to confront the utter inadequacy of the country's conventional school system.

One of them, Paulo Freire, now is in exile, accused by the military government of teaching socialist revolution along with reading and writing. The other, Marina Bandeira, stayed through the coup in 1964 that brought the generals to power, and she still runs her church-based Basic Education Movement (MEB).

Miss Bandeira's MEB receives a government subsidy, but it is shrinking and the program is now being eclipsed by the government's own Brazilian Literacy Movement. On occasion, she has been criticized in much the way as was Freire.

Opponents of the government point to the fate of Freire to argue that the military dictatorship smothered experimentation. Supporters of the government say the very survival of MEB is proof that innovation is encouraged.

What follows is a description of these experimenters, who did not pretend to answer all of Brazil's awesome education needs but did offer some unusual proposals.

CONSCIENCE BUILDING

In 1963, Freire was working in cultural extension for the federal University of Pernambuco in the utterly poor Northeast, the region long foresaken by man and nature. He was attempting to combine literacy training with social development—to create political and economic awareness in the passing peasantry. He called it *conscientizacion* (actually, that is the Spanish version: the Portuguese is even harder on the English tongue).

One tool that Freire used was the slide projector, offering images meaningful to Northeasterners. During one session which I witnessed, he showed on the slide projector a crude painting of a peasant cutting wood. In a simple progression, he raised concepts of the relationship of the peasant to modern technology (the ax), to the economics of production (ownership of the tree and the land), to social organization (the concept of a tree-cropping cooperative).

The vocabulary was simple and key words linked the concepts. There was no doubt that subject matter was chosen to trigger introspection by the student. He would be encouraged to discuss his state and how to improve it. To the extent that he acted for his betterment, the peasant could in fact be considered revolutionary, a revolution widely held to be necessary in much of rural Latin America.

Freire's method had a serious drawback. It required highly skilled instructors, a scarcity in Brazil. Miss Bandeira had been working along similar lines, but with a method—to be described below—that required fewer expensive instructors.

MILITARY CRACKDOWN

In 1964, people from the two groups began an experiment in combining their approaches. They selected Aracaju, capital of the northeast state of Sergipe, as the site. Then came the increasing conflict between President Joao Goulart and the military, and on April 1, 1964, the military takeover. Among many reasons for the coup was Goulart's sympathy with experimenters on the left, such as Freire.

A participant in the Aracaju experiment described what happened there after the coup:

"About that time, Paulo Freire's shipment of slide projectors arrived for the experiment. The soldiers broke open the boxes, believing they had intercepted machineguns for the revolution. Freire was arrested."

Freire had incurred the hate of the military in the Northeast, who saw him as a Communist. One piece of evidence cited was what was described as a revolutionary textbook. Actually, Freire did not believe in textbooks and used none.

Released from jail, he left for Chile, where he applied his method as head of the literacy training program of then President Eduardo Frei's agrarian reform program. More recently he has joined the World Council of Churches in Geneva.

The *conscientizacion* concept is now part of social development programs in many parts of Latin America, and the word itself is a must for real or would-be revolutionaries of whatever ideology. But the concrete effects of Freire's own work, in Brazil or Chile, have not been measured systematically. Advocates and critics both profess to see his influence in a considerable swing of peasant votes to Marxist Salvador Allende in the recent Chilean presidential election.

At the time when Freire was jailed in 1964, the radios of Rio were announcing that Marina Banderia had fled with the funds of the Basic Education Movement. Actually, both she and the money remained on the job.

"The people in the rural areas were still there. What other avenues were open to them?" she commented recently at her office in Rio "I decided to stay."

MEB, too, dealt with *conscientizacion*, but the medium was the radio. MEB technicians worked through existing institutions, such as the churches, to reach illiterates in a selected area. But the key subject matter was broadcast over radio transmitters owned by the Catholic Church.

When pressures rose to dissolve MEB as subversive, the bishops went to then President Castelo Branco and asked that if he objected to the program he should specify why. The government investigated, and concluded that MEB should continue.

MEB depends on requests from bishops to carry the broadcasts. Miss Bandeira said that of 1,000 commercial radio stations in Brazil, 140 belong to the Catholic Church. Seventeen bishoprics presently carry the one-hour daily MEB broadcasts.

In these areas, specialists have visited the communities, designed a program to fit their needs and taught how to use the broadcasts.

The typical broadcast will take a theme, such as harvest, or occupational accidents. The broadcaster might discuss pay scales, trade union benefits, employment problems peculiar to the zone. Listeners learn to spell the new words.

"We are not really that concerned with literacy itself. We are afraid of regression," she said. The program might continue for three months or longer, spreading to adjacent areas.

Whereas MEB was reaching 75,000 people in 13 states in 1963, she said, today it has 19,000 organized listeners in eight states. One problem is air time. The MEB hour is 6-7 p.m., though many workers have not returned home by then. All stations are required to carry a government news program from 7 to 8 p.m.

Budget crises have forced MEB to lay off trained people and government subsidy has decreased steadily. Church participation involves contributions from abroad, but not from Brazil.

Miss Bandeira said her people are being contracted to teach the teachers for the new Brazilian Literacy Movement. MEB has 250 employees and 2,000 volunteers.

THE FEARLESS BEGGAR

Miss Bandeira became interested in what she calls "organized reception" after working in Rio television and spending three years with the BBC in London. Asked to describe the achievements of MEB, she offered two case histories in roughly these words:

"Ten years ago, in Sergipe, the bishop brought us a beggar from the streets and asked us to employ him. We did, first as an errand boy. Soon he was typing. He took part in the discussions of the MEB broadcasts. He came to Rio and is 22 now. He will graduate soon as an accountant. He is not afraid of anybody—he's not afraid of me."

"This man was 60 when he learned to read and write with MEB in the interior of Pernambuco state. He led the discussions and he had supervised 26 radio schools in that zone when they were closed in 1966 during a dispute with sugar plantation owners.

"When the bishop's conference met and sought a representative to speak for the area, he was selected. He expressed himself in so clear and eloquent a way that the bishops applauded.

"Is he a wealthy man? No. That he is alive is an accomplishment."

The future of MEB is uncertain, particularly since the government decided to begin anew in its main effort to overcome illiteracy. One problem was that ruling conservatives feared socialism in MEB, and certainly it was a spur in the social field. Another problem may be that its accomplishments are difficult to measure, except for specific cases.

That it is alive—though Paulo Freire's program succumbed—is an accomplishment, and a partial refutation of those who say that life under Brazil's military government is totalitarian.

PAN-BASQUE STIRRINGS IN AMERICA AND FRANCE

Mr. CHURCH. Mr. President, ever since the Burgos trial of 16 Basque separatists was held last month in Spain and harsh sentences were handed down by a military tribunal, there has been a surge of strong Pan-Basque feeling in many parts of the world.

One of the largest Basque communities anywhere is in my own State of Idaho. Mr. Jack Waugh, in a sensitive Christian Science Monitor article from Boise, describes the feeling of unity among Idaho Basques as well as other Basques settled in the Western part of the United States in reaction to the trial.

Mr. Richard Eder of the New York Times, after covering the infamous episode at Burgos, crossed the Pyrenees into France to see for himself the life of the 250,000 Basques in that country. In marked contrast, the Basques in France enjoy the freedom and liberating spirit of an open society.

I recommend these articles concerning one of the most vigorous, decent, and productive people anywhere in the world. I ask unanimous consent that Mr. Waugh's article, "On Budding Basque Unity," of January 18, 1971, and Mr. Eder's, "French Basque Life is Peaceful," of January 11, 1971, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Jan. 18, 1971]

On Building Basque Unity

(By Jack Waugh)

Boise, Idaho.—They take pleasure in simple things—a flock of sheep in a silent meadow, the quiet cathedral of a mountain draw.

They tap strength from the individual self-reliance of a life alone. Even when they collect at festivals at Elko, Nev., or Boise, Idaho, what makes them shout and sing, dance and laugh are the events of the single skill: Who can lift the heaviest stone or the biggest weight, who can wield the quickest ax, or who can play the most poker-faced game of muz, the Basque country cousin to draw poker?

Which couple can dance most furiously to the throb of the stringed instruments? Which girl can whirl the fastest and smile the widest, which boy can kick the highest and shout the lustiest, which wooden hoop slapped against a partner's rings the loudest?

TRIAL PRODUCED AGONY

The Basques are that kind of people. And when 16 Basque nationalists laid their lives on the line in the dramatic court-martial in Burgos, Spain, last month it was an individual agony for every American-migrated Basque from Elko to Meridian, Idaho.

The Basques came to America in ghostly ways and disappeared back up into the mountains with their flocks of sheep, where their presence was felt but rarely seen.

Now 50,000 to 100,000 Basques live in the American West. It is hard to pinpoint it any closer because Basque is not in the vocabulary of the census taker. To him second-generation Basques are just plain Americans. And the first generation that migrated from the Basque country astraddle the Pyrénées are simply entered as French or Spanish.

Two and a half million Basques still live in Basque country along the spine of the Pyrénées, most of them in four provinces of Spain and three provinces of France. But 2 million more live in enclaves big and little around the world, the biggest—250,000—in Argentina.

They began to leave the Iberian slope because by Basque tradition only one son inherits all of a father's land. Since the Basques are predominantly Roman Catholic and run to big families, this often left half a dozen other sons as prime candidates for migration.

GOLD RUSH BECKONED

Some were drawn to the United States in the fever of the Gold Rush in the middle of the 1800's. When the Gold Rush lost its glitter they began to push back up into the Rockies to herd sheep, and Boise became the United States to most Basques from the Old World.

They excelled with the shepherd's staff. It was a glove fit for their innate patience—which is like the cattle on a thousand hills—and for their seamless dependability.

The big sheep owners of the West did—and still do—draw heavily on Basques, not hesitating to entrust whole herds to their keeping, never fearing that at shearing or selling time 1 in 100 lambs will be lost.

Many Basques have long since splintered from the shepherd's staff. Paul Laxalt, a full-blooded Basque descended from the French side, has just ended a term as governor of Nevada. Pete Cenarrusa, of the Spanish side, is Idaho's Secretary of State and one of its most successful politicians.

The Basques, with their language full of k's, x's, and z's and related to no other, and with their democratic form of self-government that goes back at least 10 centuries, which the Constitution drafters at Philadelphia drew on to shape American political forms, have never had a nation of their own.

They have existed in states of semiautonomy within Spain and France, maintaining their uniqueness of speech and custom and their self-reliant style of the life alone.

KINSHIP REKINDLED

At one time they sought a separate state carved out of Spain and France. But there was no hope for that. Now, under the restrictive lacing of the Franco political fabric, some young Basques have become outgoing nationalists, separatists, and revolutionaries. And when the 16 went on trial in Burgos a worldwide Basque kinship was rekindled.

Their self-reliant life has kept Basques scattered and disunited. In the United States 15 Basque clubs, mostly in the West, have held a loose tie for some. And a Basque-studies program at the University of Nevada has tried to keep the thread of mutual tradition and history intact.

Now, partly because of the trial in Burgos, a pan-Basque countercurrent to the scattering on a thousand hills is stirring. It has been, halfheartedly, for 30 years. But suddenly a new Basque yearning for ties of kinship is in flower. A new source of strength is being reached for. And from Burgos to Buenos Aires to Boise a new unity is quietly knitting Basque to Basque.

[From the New York Times, Jan. 11, 1971]

French Basque Life Is Peaceful

(By Henry Giniger)

Hendaye, France, January 6.—"The French repression is nice," a pharmacist here in this small Basque region in the southwestern corner of France says of the national attitude toward Basques.

The French, remarked the pharmacist, Ximun Haran, have been especially nice in the last few weeks, as if to mark a difference with Franco Spain, where the trial of 15 Basques attracted worldwide attention. Though closely watched, Enbata, a Basque nationalist organization with members in the area of Hendaye, Bayonne, St. Jean-de-Luz and Biarritz, is a legal organization here. By contrast, the Basque nationalist groups in Spain are forced to operate underground.

"If you and I walk down the street with a Basque flag, people will just look at us curiously," said Telesforo de Monzón, a 66-year-old Basque of Spanish origin who lives in St. Jean-de-Luz. "In Spain, we'd wind up in jail."

THEY FEEL FRENCH

Some Basques complain about the lack of militancy among the 250,000 Basques who live in France and who consider themselves French. This peaceful attitude, they say, comes from the quiet economic life of the region, devoted almost entirely to fishing, tourism and agriculture.

The Rev. Pierre Larzabal, one of the most prominent Basque militants, who include several Roman Catholic priests, charged that the Government had deliberately held down industry to preserve the attractiveness of the area for tourists. But tourism is active only three months of the year and a visitor at this season sees mostly boarded-up hotels, cafes, and beach facilities.

"Two thousand young people leave every year," Father Larzabal said. "The others are reduced to the status of servants—waiters, maids, concierges."

The Basque minority is one of several in France and the separatist movements that have existed in such widely differing regions as Alsace, Brittany and Corsica have always been regarded with hostility by French Governments.

In Spain, there are 10 times as many Basques as in France living in an area incomparably more powerful economically. But they are also living under a much more repressive political system, and consequently, Basques here agree, have more aggressive reactions.

For the last seven years, Enbata has been trying to awaken Basque consciousness here. It publishes a weekly Basque, but its circulation is limited to about 1,000.

DEMONSTRATIONS ALLOWED

In the Basque country, as elsewhere in France, the authorities permitted anti-Spanish street demonstrations during the court-martial last month of the 15 Basques in Burgos, Spain. When six death sentences were announced Dec. 28, Bayonne had one of its biggest demonstrations in years, a fact that nationalists looked upon as a sign that Basque consciousness was being awakened in France.

"We gained 20 years by this trial," exulted Mr. de Monzón, who was Minister of the Interior in the short-lived autonomous Basque Government in northern Spain in 1936. He acknowledged, however, that while Basque sentiment here was very deep, the feeling of belonging to a Basque nation was much less so.

The French authorities were relieved when Generalissimo Francisco Franco commuted the death sentences to 30-year prison terms. Some official pressure was brought to bear on the Spanish Government partly because of concern over possible repercussions on this ordinarily quiet strip of French coast.

There are other differences in attitudes between the two sides of the frontier that go back into history. The villages of the French Basque country all have war memorials indicating the blood that Basques shed to defend France in two world wars. The wars that Spanish Basques have fought have tended to be against Spanish Governments.

Mr. Haran, the pharmacist, said that until a few years ago, children would be punished in French schools if they were heard to be speaking Basque. This effort to discourage cultural separateness led some Basques to a kind of diffidence about their culture. One young militant complained that his mother would speak only in French when she came to visit in Bayonne from the countryside "because she was ashamed."

In the countryside, the typical peasant humility also inhibits aggressive action.

"We Basques are poor," an old peasant woman said in Itxassou, a village of neat white houses and red roofs in the green rolling foothills of the Pyrenees. "Poor people should be quiet and should not speak out."

The pressure of younger Basques in the coastal towns have changed some of this attitude. The French Government has also responded to the pressure: an hour of Basque a week can be taught now in private schools; in the public schools Basque is accepted now as a second language for secondary school diplomas.

HEALTH CARE

Mr. JAVITS. Mr. President, this week, two extraordinary initiatives have been taken in respect to the health of the people of the United States. I have joined in both. I am the ranking minority member of the committee which deals with health, and because other developments on health care are impending, I believe it important that both these matters should be called to the attention of the Senate in this framework.

First, I joined with Senator Kennedy in a bill which would implement the recommendations of the National Panel of Consultants on the Conquest of Cancer, whose appointment was authorized by Senate Resolution 376.

It was the unanimous view of the distinguished panel, with Benno C. Schmidt, of New York, as chairman, and Dr. Sidney Farber as cochairman, that—

> The conquest of cancer is a realistic goal if an effective national program along the lines recommended in the report is promptly initiated and relentlessly pursued.

Based on these recommendations, the bill would:

First. Establish an independent agency to be known as the National Cancer Authority. This agency would be directed by an Administrator and Deputy Administrator appointed by the President, with the advice and consent of the Senate, for terms of 5 years.

Second. Transfer to the National Cancer Authority all of the functions of the National Cancer Institute.

Third. Charge the National Cancer Authority with the responsibilities of conducting research and utilizing existing research facilities in the search for a cure for cancer, encouraging and coordinating career research conducted by industrial concerns, giving support to scientific projects being conducted by recognized foreign experts in the field of cancer research centers and establishing new ones, collecting, analyzing, and disseminating to the scientific community and the general public all current information regarding the prevention, diagnosis, and treatment of cancer and establishing and supporting the production of biological research materials.

Fourth. Establish a National Cancer Advisory Board of 18 members, nine scientists or physicians, and nine representatives of the general public appointed by the President, with advice and consent of the Senate. This Board will be responsible for submitting to the President and the Congress a yearly report on the progress and accomplishments of the National Cancer Authority.

We know that of the 204 million people presently living in America, over 51 million will develop some form of cancer and of this group, more than 34 million will die unless a cure is soon discovered. The National Cancer Institute and American Cancer Society estimate that about 330,000 Americans will die from cancer during this year. Cancer kills more children between the ages of 1 and 15 years of age than any other disease known to mankind. In short, cancer causes approximately 16 percent of all the deaths in America, thus making it the Nation's second most deadly killer.

The Panel's report makes clear that to conquer cancer it is imperative that our Government undertake a national coordinating program. The Panel recognized that the National Cancer Institute had done a great deal of vital work with very limited budget but that it was not structured to carry out a program of the magnitude that is needed to accomplish the job. Therefore, the Panel has recommended the establishment of a new independent agency which would be responsible for development and administration of a systematic attack on cancer and which would be adequately funded by the Congress.

Although the funding levels in the bill are "such sums as may be necessary," it is clear from the "funding" recommendations of the Panel—"an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976"—that we must anticipate a substantial national commitment.

I believe these funding levels are not excessive in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that the amounts called for should be provided even if this necessitates the raising of additional revenues. In addition, it is of the utmost importance that the financing of this program not result in cutbacks in other health programs.

This bill is the result of the combined efforts and experience of the distinguished Americans who composed the panel and I commend most highly the dedication of Benno Schmidt as chairman, Dr. Farber as cochairman and the other panel members to my colleagues.

The other panel members are I. W. Abel, William McC. Blair, Jr., Elmer Bobst, Dr. Joseph Burchenal, Dr. R. Lee Clark, Dr. Paul B. Cornely, Emerson Foote, G. Keith Funston, Dr. Solomon Garb, Mrs. Anna Rosenberg Hoffman, Dr. James F. Holland, Dr. William B. Hutchinson, Dr. Henry S. Kaplan, Dr. Mathilde Krim, Mrs. Mary Wells Lawrence, Dr. Joshua Lederberg, Emil Mazey, Michael J. O'Neill, Jubal R. Parten, Laurence S. Rockefeller, Dr. Jonathan E. Rhoads, Dr. Harold P. Rusch, Dr. Wendell G. Scott and Lew Wasserman.

In closing I would note that of such grave concern to all Americans is the need for a substantial national commitment to attack cancer that President Nixon choose to delineate the problem—the conquest of cancer—as a priority item in his state of the Union address and a part of his six great goals, and the President pledged his administration to fund, this year, an additional $100 million for such an attack on cancer.

I really believe that this effort is likely to be promising, and could work.

I recall, when I served in the Army in World War II, my colleague was the former head of the Sloan-Kettering Institute, Dr. C. P. Rhodes, then a colonel in the U.S. Chemical Warfare Service, and he predicted this would be the way we would solve ultimately the main riddle of cancer.

HEALTH INSURANCE

Second, Mr. President, I have joined with many of my distinguished colleagues, in the introduction of the Health Security Act of 1971. I believe it contains important features—similar to those proposed in my National Health Insurance and Health Services Improvement Act, which I introduced in the 91st Congress and will reintroduce again shortly—which can be agreed upon by all who are truly interested in bringing quality health services to the American people at a price the people and the Nation can afford to pay. Those of us who share this goal must join together to achieve passage of a responsible program of national health insurance in the 92d Congress.

It must be recognized, and the experience of private health insurance and the medicare and medicaid programs has shown us that it is futile to increase the medical purchasing power of people without relieving the strain on an already overburdened health care system. The results of such piecemeal solutions are disappointment and fiscal disaster.

Indeed, the Department of Health, Education, and Welfare has recently estimated that if the current rate of medical inflation continues, aggregate expenditures for personal health services will reach $96 to $102 billion in 1974. This is an increase of $50 billion, or almost 100 percent over comparable expenditures in 1969. As the HEW estimates indicate, the strains in the financing of health care are rapidly becoming intolerable. There will be no relief from this relentless escalation until we invest in a program to expand the resources and improve the system for the delivery of health services. It is futile to increase effective demand without simultaneously increasing supply. Worse still, although costs have been going up, steeply, year after year, the 40 million Americans who received no real health services last year and the millions more who are underserved can testify that there has been little improvement in the availability or adequacy of health care.

We must make a national commitment to build a strong foundation upon which existing—and future—programs for the financing of personal health services can securely rest. We must stop indulging in false economics by starving medical education, facilities construction, and support of innovative systems for delivering care. The false savings achieved by these economics are later extracted from our national and personal pocketbooks in the form of vastly inflated costs for publicly supported health programs, skyrocketing private health insurance premiums, and ever-increasing out-of-pocket expenditures for illness and disease. And these invisible taxes are doing nothing to improve the health care system and prevent future inflation. On the contrary, they are making it inevitable. We must begin to face the problem squarely, the Nation cannot afford further delay.

The health security program I join in introducing today and my national health insurance legislative proposal make a national commitment to take the first steps in building a strong health care system. They are plans for a coordinated attack on the underlying causes of our health care crisis:

National shortages of health manpower;

Inadequacy of the health care delivery system;

Lack of effective cost and quality controls.

One of the most innovative and important aspects of the bill I join in introducing today is the establishment of a special "Resources Development Fund" to improve the quantity and quality of health care services. The fund will become operative 2 years in advance of the date benefits are available, providing $200 million and $400 million successively of Federal seed money to prepare the health care system for the demands that will be placed upon it by the benefit program. The fund will remain as an integral part of the health security program, commanding an earmarked percentage of the trust fund revenues—2 percent or $1.2 billion the first year, increasing gradually to 5 percent. A comparable provision, designed to accomplish that end, is proposed by title IV of my National Health Insurance and Health Services Improvement Act. In fact it was introduced as a separate bill, the local Comprehensive Health Services Systems Act, last year and I will reintroduce it again this year.

This money will not take the place of regular appropriations for support of health services, but will be applied as a catalyst to create needed changes within the system. In making this commitment, the Congress will recognize its responsibility to assure the availability of health services, and not merely to pay for them.

The thrust of this continuing investment program will be to support the expansion and development of organized systems for the delivery of health services. It will support the formation of group practices of health care personnel and regional coordination among group practices, hospitals, and related facilities. It will provide significant financial aid for education and training of health professionals.

The investment will take the form of improved technical assistance to providers, increased support for planning on the local and regional levels, massive recruitment drives to educate and retrain health professionals, supporting the initial investment costs and operating losses of group practice plans, underwriting the construction of capital facilities for programs of organized patient care, and investing in the development of new systems to coordinate and link existing providers of care.

The results of such development would be dramatic. Within 3 years, systems could be developed which would be capable of providing comprehensive health services to more than 8 million people who have no access to such care today.

The payoff in future years will be even greater.

The health security program is not a panacea, because there are no quick and easy solutions to our health crisis, but it could be a major contribution to the final product.

I believe that the time has come for decisive congressional action. We cannot afford further delay. Although I have reservations about some aspects of this legislation, for example the role of health insurance carriers, I have joined in cosponsoring the Health Security Act of 1971.

Also, I expect to join in the administration's own omnibus bill for health coverage which will be coming along as assured in the President's state of the Union message. For, all alternatives should be before us which have similar objectives so that we may fashion the final measure from them all.

Thank you, Mr. President.

NEW SYSTEM OF NOTIFICATION TO SENATORS ON ROLLCALL VOTES

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Ohio (Mr. SAXBE), I call attention to the notice appearing on the front page of the Senate proceedings in the CONGRESSIONAL RECORD this morning on page 528, which is a consequence of one of the suggestions put forward by the Senators from California (Mr. CRANSTON), from Ohio (Mr. SAXBE), from Iowa (Mr. HUGHES), and from Pennsylvania (Mr. SCHWEIKER) and which has had the concurrence of the joint leadership.

A new system of notification will be initiated on rollcall votes. Beginning on Thursday, January 28, on a yea-and-nay vote, the one-bell one-light notice that a vote is in progress will be given as in the past. However, a five-bell signal and a five-light signal will replace the one-bell and one-light signal when there are but 5 minutes remaining on the vote. Senators will then be on notice that they have 5 minutes to reach the floor if they expect to be recorded. The five lights will remain lit until the result of the rollcall has been announced from the Chair.

All offices will be notified of this procedure individually today, but I think it best to make this statement now in advance of any such votes which might result later in the week.

Mr. SAXBE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SAXBE. I was delighted and continue to be delighted at the attitude of the leadership in regard to some of these minor, suggested changes that we came up with.

In regard to this one, it was not so easy as it might appear. It shows a lot of pulling and hauling in regard to getting a reasonable approach to a simple matter such as bell ringing.

For instance, it was suggested that no roll call vote should last more than 20 minutes, which is certainly a reasonable time for all Members to get to the floor. But there are times, when all Senators are in the Chamber, having just completed a vote, that it would seem to be perhaps unreasonably long. However, a suggestion has been made, which I understand will be followed, whereby it will be contemplated that 5 minutes remain when the names have all been called. In other words, when they reach the last name "Mr. Young" the first time around. Then we will go to the 5 lights and everyone will be on notice that the 5 minutes begins at that time.

I certainly want to compliment the distinguished majority leader as well as the distinguished minority leader for their attitude on this matter. They have shown an interest which is admirable. I know that we will all work with them in any way possible to expedite the day-to-day business of this session of Congress.

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent to proceed for another 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I also want to comment on the actions of the majority whip, the distinguished Senator from West Virginia (Mr. Byrd), in regard to seeing that these changes be followed. It is easy now, when there is no press of business, to fall into bad habits which will embarrass us later on; but the distinguished Senator from West Virginia has seen to it that we start now on rules which are simple and easy and will, I believe, do us a great service when the pressure of business becomes great.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Ohio yield?

Mr. SAXBE. I yield.

Mr. BYRD of West Virginia. I want to congratulate the Senator from Ohio, and the other Senators who have worked with him in helping to bring about these changes. I hope that he and other Senators will see to it that there is no relaxing of these rules and that we will make them work.

Mr. SAXBE. The Senator from West Virginia can be assured that we will.

SENATOR MANSFIELD APPEARS ON FACE THE NATION PROGRAM

Mr. MANSFIELD. Mr. President, on last Sunday, January 24, I appeared on the CBS network in the "Face the Nation" program. The three nimble correspondents who appeared with me, George Herman, CBS News, Samuel Shaffer, Newsweek, and Bruce Morton, posed a great number of questions on current issues and other matters of public interest which I tried to answer as best I could within the brief period of the interview.

During the course of the program, I made the comment that the rate of inflation during 1970 was 7 percent. The figure was in error. It should have been stated at about 5 percent. I regret this error. Otherwise, I will stand on what was said during the half hour and I ask unanimous consent that the transcript of the meeting be printed at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation

(As broadcast over the CBS television network and the CBS radio network, January 24, 1971, Washington, D.C.)

Guest: Senator Mike Mansfield (Democrat, Montana) Senate majority leader.

Reporters: George Herman, CBS News; Samuel Shaffer, Newsweek; and Bruce Morton, CBS News.

Producers: Sylvia Westerman and Prentiss Childs.

George Herman. Senator Mansfield, President Nixon has proposed a package of governmental changes which he says amount to a new American revolution. Do you think by election day of 1972, this new American revolution will be a fact of politics, or will it be an issue?

Senator Mansfield. It could be both. I anticipate that it may be partially completed by that time, but it's so far-sweeping, so far-reaching, that it's going to take more than one session of Congress to face up to that responsibility.

Announcer. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with Senate Majority Leader Mike Mansfield, Democrat of Montana. Senator Mansfield will be questioned by CBS News correspondent Bruce Morton, Samuel Shaffer, Chief Congressional correspondent of Newsweek Magazine, and CBS News correspondent George Herman.

George Herman. Senator Mansfield, some of the issues, the changes proposed by President Nixon in this new American revolution, seem to me likely to curtail some of the responsibilites and powers of Congress. Will Congress give up those powers?

Senator Mansfield. No, I don't think so, because that is one of the things that we'll have to consider in the consideration of the proposals being made by the President. And if, for example, under the revenue sharing plan you give too much to states with no responsibilities attached, then it means you're creating a situation which is quite dangerous, in my opinion.

Samuel Shaffer. Senator Mansfield, I want to use a technical term, categorical grants, because we're going to hear those two words a lot in the next year or two. Now I'm speaking now of specifically authorized programs in health, education and so forth. Now do you think that Congress is about to turn over these billions to the states without any strings?—because that would mean the ending of categorical grants.

Senator Mansfield. That's right. That's why the legislation has to be considered most carefully. We have no specifics, no details. We want to be very sure what we're going into, and the Congress will take its time and make certain that it does not relinquish its power, even though it recognizes the needs of the states and the cities.

Bruce Morton. I suppose that same question could be asked about the President's government reorganization plan, which would certainly involve some shifting in congressional committees, the giving up of power by at least some committee chairmen. That historically has not happened very frequently on the Hill. Is it likely to with this?

Senator Mansfield. It very well could, because in this question of reorganization of cabinet departments and the like, it means that you're going to have a combination of lobbies, I think, the like of which the Congress and the nation has not seen, each trying to protect its own respective preserve.

Morton. Well, so you come out, then, probably with no change, if there is all this pressure?

Senator Mansfield. Well, there will be all that pressure, but I hope we'll come out with some change, because there is a need to do what the President has advocated, but there has to be a best way found to do it.

Herman. A need to do what? Which of the things that the President has advocated?

Senator Mansfield. All of the things which he's advocated, I think, are steps in the right direction, and they should be given the most serious consideration by the Congress, because the times are of such a nature that we are becoming a deficit-spending nation. The conditions in the states and the cities are—is becoming quite grave, and so something must be done; and the President has at least stepped out—offered proposals which should be given every consideration.

Shaffer. Senator, isn't revenue sharing based upon the idea that local communities are better equipped to handle this money? Do you think that they are?

Senator Mansfield. No, I do not. I think the federal government is better equipped. And getting back to the question of funds being distributed to states and localities, it would appear to me that the possibility for greater waste and inefficiency and ineffectiveness would result.

Morton. Is it fair to say that if there's a consensus for any of these things—reorganization, revenue sharing and so on—that perhaps there's more agreement over the need to reform welfare than anything else?

Senator Mansfield. Yes, that's a fair statement, though there are questions about the President's proposal which must be answered, and hopefully, it may have come down this year, or it may come down this year in—with some differences.

Morton. What sort of difference would you be looking for?

Senator Mansfield. Well, just to make sure that—that there is better administration; for example, fewer personnel, greater application of funds to the people who are in need, a greater desire on the part of people to contribute towards their own welfare and less dependence on the government, and less in the number of dynasties which welfare unfortunately has created in a familiar sense down through the decades.

Shaffer. Senator, you've spoken about reform. How about Congress reforming itself? You yourself on the floor of the Senate, toward the end of the last session, expressed concern about the congressional image, or the senatorial image I think was what you said. What are you going to do about the much-criticized seniority system and the filibuster rule?

Senator Mansfield. Well, we're in need of reform, no question about that. The filibuster rule will be taken up, and I have better hopes this year than previously that we might be able to do something in bringing about a reduction from two-thirds of those present and voting to three-fifths. As far as the seniority system is concerned, I can give you no information at this time. It will be brought up by the Democrats at their caucus next Tuesday. We'll have to see what happens then. There is no question but the corrections, reforms could be made and should be made, and if they're reasonable I'll be for them.

SHAFFER. Well, I was just going to say, what do you feel about the seniority system? You're one of the beneficiaries——

Senator MANSFIELD. Well, I have a lot of seniority.

SHAFFER. I know. But how do you feel about it?

Senator MANSFIELD. I think it could be changed somewhat. How, though, I do not know, but I do not think we should rush into it on a happenstance basis because strangely enough, the seniority system, by and large down through the history of the republic, has worked, all things considered, effectively and well.

HERMAN. Well then, how about the filibuster problem? Traditionally when you start out to tackle the filibuster, what you get is a filibuster against a change in the rules. Isn't the Senate going to begin with a filibuster this term?

Senator MANSFIELD. Well, a mini filibuster to start with, then we'll see what happens. And I would point out that when we use the word filibuster we should not apply it just to the south alone, because the liberals are becoming pretty effective in using the filibuster, especially toward the end of a session.

MORTON. Why are you more optimistic this time? Are you going to have the same people talking against change who've been there before?

Senator MANSFIELD. Well, I think the way things went at the end of the last session, will be conducive to a possible change, and I think also that some members who have been adamant on the question of cloture are showing signs of softening at this time; at least that's the results I see on the basis of conversations with various members from different parts of the country.

HERMAN. Is that a regional thing, Senator?

Senator MANSFIELD. No, it is from various parts of the country.

HERMAN. What accounts for it?

Senator MANSFIELD. Maybe a recognition of the fact that times have changed, that we spend too much time on certain subjects, and that the main subjects on which most of the filibuster in the years past had been spent have now become less significant.

HERMAN. Time is not the only thing that's changed. You now have a new Democratic whip. Does the election of Senator Byrd indicate that the Senate is—the Senate Democrats are moving to the right?

Senator MANSFIELD. No, not at all. I think that the Senate Democrats will operate in the future as they have in the past. And in Senator Byrd we have a first class floor technician, and the business will be continued and furthered.

HERMAN. You have not always agreed with him. I remember that when the Byrd-Griffin proposal on Cambodia came up, you said it was another Gulf of Tonkin Resolution. You thoroughly disagreed with it. Will you have any trouble working with a man with whom you occasionally thoroughly disagree?

Senator MANSFIELD. Oh, no, not at all. I'll have no trouble whatsoever; and furthermore, there isn't a senator on the floor that I haven't disagreed with at some time or another. So that's part of the job.

MORTON. Senator, you said that ideology wasn't the issue in the Byrd-Kennedy race. So what was? Why do you think Senator Byrd won?

Senator MANSFIELD. Well, I don't know. It came as a surprise to me, to be frank about it. I thought it would be much closer, and the only thing I can figure is that Senator Byrd paid a great deal of attention to the needs of the Senate and senators, and maybe this was helpful.

SHAFFER. Does this end Senator Kennedy's chances for the presidency in 1972 or in any of the subsequent presidential years?

Senator MANSFIELD. I don't think he was ever seriously a contender for 1972, and that was his own wish. But Senator Kennedy is a young man, an effective man, an efficient senator, and he has a long way to go. He will be heard from in the years to come.

SHAFFER. I'd like to ask you another question, if I may, about the President's speech. He spoke about the desire to restore and enhance our natural environment. He said nothing about the SST. What do you think's going to happen on the SST? Congress has got to act again after March 30.

Senator MANSFIELD. That's right and I imagine that we'll probably get to it about March the 15th, and my guess is that the situation will remain as it has been in the Senate, that the Senate will be opposed to the SST. What will happen in the House is anybody's guess.

MORTON. Senator, you were talking about Senator Kennedy's presidential prospects a minute ago. You said in July of last year to a group of reporters here, that the Democrats have not yet come forward with a candidate of sufficient stature to defeat Richard Nixon. Is that still true?

Senator MANSFIELD. No, I would say since that time Senator Muskie has made great strides, has become more recognizable throughout the country, and is now the front runner as far as the Democratic nomination is concerned, as of now.

HERMAN. How about Senator McGovern?

Senator MANSFIELD. He has just entered the race. He will come up; he will be a contender to consider. But I would say he is trailing at the moment.

MORTON. You said at that same breakfast that Senator Muskie was the best man we have, but that he needed to develop charm and charisma. Do you find him more charming these days?

Senator MANSFIELD. Well, he's always been charming. What I really meant was that he had to become more known—more recognizable, get around the country, visit the states he hadn't been in. And since that time, he's done that.

SHAFFER. Senator, since we're on politics, tell me, in your judgment, will this nomination be decided in the primaries, or will it go right up to the convention? Will it be brokered?

Senator MANSFIELD. Too far ahead.

HERMAN. You also said—to milk that June or July news conference a little further—you also said at that time that you believed President Nixon's promise to be out of Viet Nam by the end of his term. Presumably that meant by 1972. Do you still think that we will be out of Viet Nam by 1972?

Senator MANSFIELD. Well, I still think that the President intends to do all he can to get out of Viet Nam by the end of 1972, and so far he's kept up with his promises of withdrawal, even exceeded them in some instances. But now you have other difficulties arising, and I think that those troubles may well increase as the time decreases.

HERMAN. By other troubles you mean Cambodia?

Senator MANSFIELD. I mean Cambodia, Laos.

HERMAN. Well now, what is your position on the moves that the administration has made to give air support to the Cambodians in recent weeks?

Senator MANSFIELD. I'm not in favor of them. I'm more interested in the release of American prisoners of war and the withdrawal of American troops, and not in the interests of another country.

HERMAN. Do you feel that this violated what the administration—?

Senator MANSFIELD. Well, at the best I can say, it draws a very fine line. I think it goes contrary to the intent and the spirit of Cooper-Church.

MORTON. Both senators have urged new hearings by the Foreign Relations Committee, with an eye presumably to some new legislative restriction on U.S. involvement in Cambodia. Would you support the hearings, and would you support some more language to redefine the U.S. role there?

Senator MANSFIELD. Yes, if necessary. And if the full committee doesn't hold hearings, there's no reason why the Subcommittee on Asian Affairs, which I happen to be the chairman of, will not hold hearings.

SHAFFER. Senator, what can we really do about the expansion of that war effort in Cambodia?

Senator MANSFIELD. Not a great deal——

SHAFFER. By we, I mean Congress or the Senate.

Senator MANSFIELD. Not a great deal at the present time, because the Senate has made its decision known. It certainly is being heard down in the administration at the present time. I understand that Secretary Rogers is meeting with various senators from time to time to explain the situation. I have received an invitation which I'd like to accept, but unfortunately I've been engaged in organizational affairs in the Senate and have been unable to do so.

SHAFFER. Well, let me ask you this, then. Senator McGovern, you know, has announced his intention of reintroducing his proposal which was defeated last June 30, I think, to set a specific timetable for the funding of our combat activities in Indochina. I think he would cut off all funds for combat troops as of December 31. Will you support that proposal or any time-certain proposal?

Senator MANSFIELD. December 31 this year?

SHAFFER. That's right.

Senator MANSFIELD. It's an impossibility. I wish it could be done even before that time. That's one of the difficulties you have with a time limit, but I did vote for the McGovern-Hatfield amendment. I would vote for it again and it would have a time limitation.

HERMAN. Senator, do you think the administration has changed its own position on Cambodia? I noticed, for example, last June Secretary Rogers said on this program that if the government of Cambodia came into Communist hands, it would be an unfavorable development, but not unacceptable in the sense that they'd use American forces to try to keep Cambodia out of Communist hands. Do you think they are now shifting away from that position?

Senator MANSFIELD. Yes, I do, and probably because of the force of circumstances. But I would recall to you that on June the 30th the President, in his statement on our withdrawal from Cambodia, said there would be no logistic or air support for South Vietnamese troops.

HERMAN. But now there is.

Senator MANSFIELD. Now there is.

HERMAN. But Secretary Laird, as you know, says that this is not a change in policy.

Senator MANSFIELD. Well, it certainly is more than a change in semantics.

MORTON. Can Congress really do anything about that? It's an awfully tedious process to try to write lines into appropriations bills, as was done last year.

Senator MANSFIELD. I think it can, and I think one of the good things which the Senate did in the last Congress was to stand up on its hind feet for a change, bring about the passage of the National Commitments Resolution, the passage of the Cooper-

Church Resolution, and in that way try to bring about a restoration of the equality which should exist between the executive and the legislative branches in the field of foreign policy.

MORTON. Would you now vote for language which would restrict or would prohibit the use of American air power to support the Cambodian government or South Vietnamese troops in Cambodia?

Senator MANSFIELD. I would.

SHAFFER. Senator, you speak of Congress standing up on its hind feet. Do you think that something like the McGovern time-certain resolution would pass this time? It was pretty badly beaten last time.

Senator MANSFIELD. That's right. But then, if you don't succeed at first, the saying is try and try again. I would rather see it done privately, without the date being specified, because the administration does have a point in saying that if you do this there will be a certain reaction on the part of North Viet Nam. But the point is this—that can be done both ways, because if we don't do something then our friends in Saigon can continue to use us as they see fit, so we're caught in the middle. So we'd better fish or cut bait.

SHAFFER. On another aspect of foreign policy, Senator, you know, you have long proposed that we cut back on our troop commitments in Europe.

Senator MANSFIELD. Yes, indeed.

SHAFFER. And Senator Muskie, who had supported you, now says he has second thoughts about it after talking it over with the German leaders. Are you having any second thoughts?

Senator MANSFIELD. None at all. I think that we ought to cut out the fat which we have in Europe, reduce the 525,000 troops, and military dependents who are over there, bring about a cutdown in the number of generals and admirals, do away with some of these headquarters which are piled on headquarters on headquarters, and I would say that we could cut our forces in Europe by 50 per cent. Cut the fat and the 50 per cent remaining would still be just as effective, perhaps more so, than the total now.

SHAFFER. How are you going to do it—by a sense of the Senate resolution as you originally proposed, or by the power of the purse?

Senator MANSFIELD. Either by a sense of the Senate resolution or an amendment to an appropriate bill. And the point—the amendment, the resolution would not call for precipitate reduction, but a substantial reduction on a gradual basis.

HERMAN. How can the Senate stand up on its hind feet, to use the phrase that's been pushed around here a little bit? The President has assured us, the Vice President has assured us, that Mr. Nixon now has a working ideological majority in the Senate.

Senator MANSFIELD. Well, time will tell. This Senate has just gotten underway. We haven't had a chance to draw lines. There will be a desire to cooperate and it'll be my intention, if possible, to keep politics as much as possible out of debate and issues; but only time will tell. My guess would be that the Senate this year would be just about of the same stripe as it was in the last Congress.

MORTON. Senator, one of the other deadlines you're going to face this year involves the draft, which runs out the middle of this year. What do you think ought to be done with it?

Senator MANSFIELD. Well, I think it ought to be abolished. I didn't vote for its extension. I don't intend to vote for its extension. I think we ought to get down to the idea of a volunteer army, which the administration advocates, which the Gates Commission recommended and which a number of senators have fought for.

MORTON. Well, the administration advocates that, but always says at the same time that it's impractical as long as they need an army in Viet Nam.

Senator MANSFIELD. Yes, but we're withdrawing that army in Viet Nam and we're reducing our forces throughout the world.

HERMAN. Does an all-volunteer army give you no pause, nothing to worry about in view of some of the things we've now heard about the Army spying on civilians, checking up on their politics and their activities? Doesn't the thought of a professional army give you some pause in a democracy?

Senator MANSFIELD. No, the incidents which you've raised do give me pause, great pause, and I'm delighted that Senator Sam Ervin of North Carolina is conducting an investigation into that type of intelligence activity by the uniformed part of our government on civilian personnel. But I think that a volunteer army might best be the answer. There may be bugs, difficulties; I think they can be ironed out. But I think you'll have greater esprit de corps; you'll have greater morale. And I think that while it might cost more in the beginning, it will cost a good deal less in many other ways in the end.

MORTON. What about the argument that you'll get an army of the poor, an army of the black, and you will not get an army with the kind of technical skills that an army needs these days?

Senator MANSFIELD. Well, I wouldn't think that that would be the case. And furthermore, I would expect the ROTC units to continue at the universities and the colleges and to be able in that fashion to furnish an officer cadre as well as officers being brought up from the ranks. The draft is not the answer, because it's unfair, inequitable; it allows too many people to get out of it and the poor and the blacks are the ones who find it most difficult to get out of the draft.

SHAFFER. Senator, but to be realistic about this, the chairmen of the Armed Services Committee of both houses are against a volunteer army.

Senator MANSFIELD. That's right.

SHAFFER. They want the draft extended, and don't the odds favor extension of the draft at this time?

Senator MANSFIELD. I would say yes, but that doesn't mean we shouldn't try to end it and substitute something more equitable for it.

SHAFFER. And should that happen, what is your position on student deferments, because I think there are a lot of students who are watching this program and are interested in their fate.

Senator MANSFIELD. Oh, I think they've been treated more than fairly, and it's because of that in part that you get the poor elements within our population being called up under the draft process. I think if you're going to have a system of draft or universal service, or selective service, that it ought to be equitable, apply fairly to all, and operate on the same basis that it did during the Second World War.

SHAFFER. Then you would end student deferments?

Senator MANSFIELD. I would.

HERMAN. Last summer, when the question of the economy came up in a statement by the President—the state of the economy message—you were sharply critical. You said that all the rhetoric of radiant futures is not going to take away the fact that we're now in a recession. Do you consider that the President's new message, his new policies, show a better understanding, that he is really now grappling with the recession?

Senator MANSFIELD. No, if you're referring to his State of the Union Message, he did not refer to that. Maybe that was in the back of his mind, but questions of unemployment, recession, high interest rates and the like were not brought out. I would anticipate that that may be mentioned at the time he sends up his budget message to the Congress.

HERMAN. Do you think he is showing greater awareness in his economic policies, in his actions and those of the rest of his government in handling inflation and wage increases?

Senator MANSFIELD. Yes, I think he's very much aware of it, and I think he finally recognized that it is to the nation's advantage for him to speak to people like big steel when they ask for outrageous increases in their products.

HERMAN. Do you think he is truly grappling within inflation, that it is coming under control, slowing down?

Senator MANSFIELD. Well, it's hard to say. It's about 7.1 per cent at the present time. Unemployment is about 6 per cent. But prime interest rates have been going down steadily for over two months, and even the mortgage interest rates are beginning to show a decline. So maybe a turn has taken place; I'm not an economist, I can't tell. But you have to balance that on the one hand against 6 per cent unemployment and 7.1 per cent inflation.

HERMAN. Seven point one per cent yearly inflation at the moment, do you say?

Senator MANSFIELD. That's right.

SHAFFER. Senator, let's try to hit a few specifics that the President touched on, although admittedly the speech wasn't too specific in content. How about revenue sharing? What do you think will happen? Will it pass or not?

Senator MANSFIELD. Hard to say, but it should be—there should be hearings, and if the bill's reported out there should, and as far as the Senate is concerned, there will be debate and consideration one way or the other.

SHAFFER. Welfare reform?

Senator MANSFIELD. Something has to be done. As I've indicated earlier, this may not be the answer, because there are grave questions which must be faced up to. But something has to be done to revise the present system.

SHAFFER. Thirdly, government reorganization? By that I mean reducing twelve cabinet posts to eight—to four, I think it is.

Senator MANSFIELD. An interesting idea. We'll see how the lobbies react to it, and then I'll let you know.

MORTON. Senator, there's one other issue that was left over from last year. The President vetoed a bill which would have limited broadcast campaign spending. Do you foresee a new effort in that direction this year?

Senator MANSFIELD. Yes, and I would like to see—see any legislation which is being considered apply, if possible, not only to TV and radio, but through some means to the news media. How that can be done, I do not know, because there is a difference in the exercise of the franchise on the one hand and private individual ownership on the other.

MORTON. Would you like to see a limit on total campaign spending?

Senator MANSFIELD. Yes, both as far as candidates are concerned and parties as well.

SHAFFER. How about tax credits for financing campaign?

Senator MANSFIELD. That's worthwhile. If the federal government can't finance, maybe that's one of the ways in which the slack can be taken up.

HERMAN. The President said, I believe, that there were 35 pieces of unfinished legislation left over from the last Congress.

Senator MANSFIELD. I noticed that.

HERMAN. Do you agree, and how many of them do you think are likely to be finished in this session?

Senator MANSFIELD. No, I can't recall 35 pieces of major legislation. If you put in all the dribs and drabs, maybe he could dredge up 35 or 37.

HERMAN. How many would you say?

Senator Mansfield. Oh, I would say maybe 10 or 15 at the most.

Herman. Would you include, for example, the amendment for the direct election of the presidency as one of the majors?

Senator Mansfield. Yes, that would be one, and also—

Herman. Equal rights for women?

Senator Mansfield. I don't know that the administration recommended that, but the welfare bill would be included.

Herman. Consumer legislation?

Senator Mansfield. No, because we had legislation down there—some which we passed, some which we were ready to pass, but because of administration opposition it was futile to take it up.

Herman. Anti-pollution bills?

Senator Mansfield. Well, I was glad to see President Nixon and Senator Muskie get together and on a bipartisan basis advocate control of pollution and protection of the environment.

Herman. And trade quotas?

Senator Mansfield. Trade quotas? Well, I think the less said about that the better.

Herman. Will less be said about it?

Senator Mansfield. As far as the House is concerned, Congressman Mills has introduced a bill, I understand. No action has been taken in the Senate as yet. I would hope that something would be done, especially with Japan, to bring about a rectification of the—of the difficulty without having to resort to legislation, because when you go to legislation, then you can expect expansion and the inclusion of other products.

Shaffer. Senator, in his State of the Union Message, the President said this can be the Congress that helped us end the longest war in the nation's history, and in a way it'll give us a genuine chance for a full generation of peace.

Senator Mansfield. We'll be more than happy to meet him more than halfway to bring an end to this war and an era of peace.

Shaffer. But the question is, how are you going to help us end the longest war in our history?

Senator Mansfield. By doing what I've been doing ever since—well, since before the war in Viet Nam started, because I think the war is a tragedy, a mistake. I cannot find any solace in 400—343,000 dead and wounded, well over a hundred billion dollars of our money spent and all these problems at home to face up to.

Herman. Who's leading? We have very few seconds—who's leading in the struggle to end the war, the presidency or the Congress?

Senator Mansfield. I think we're both working in the same direction. We both have the same objective, and we'll both work together to that end.

Herman. Thank you very much, Senator Mansfield, and we'll have a word about next week's guest in a minute.

Announcer. Today on Face the Nation, Senate Majority Leader Mike Mansfield, Democrat of Montana, was interviewed by CBS News correspondent Bruce Morton; Samuel Shaffer, Chief Congressional correspondent of Newsweek Magazine; and CBS News correspondent George Herman.

THE RULE CHANGES

Mr. JAVITS. Mr. President, I would like to have the attention of the Senator from Ohio, if I could, concerning this matter of revising our procedure. I have mentioned this matter before and I would like to get the Senator's view as long as we are discussing it.

Does not the Senator agree with me that the same group ought to zero in on the question of unanimous-consent agreements for voting on bills, amendments, and resolutions, and so forth, and that we ought to have a little better balanced procedure to touch all the bases, as we say around here, and be sure that all Members really have an opportunity to decide whether they are ready for a unanimous-consent agreement on any measure, rather than leave it as we have now with the great possibility of omitting someone in the rather informal effort of reaching everyone.

I suggest as a possibility that 15 minutes notice be given by telephone to all Members of a prospective unanimous-consent request to vote on any resolution, bill, or measure.

Mr. SAXBE. Mr. President, in response to the Senator from New York I do not see any problem in that matter. I do not think we need any rule changes. It is a matter for the majority and minority staffs. I refer that to the Senator from West Virginia. However, I believe it requires nothing but a notification by the one who is handling the action on the floor to the majority or minority staff to put the notice out. Would that not be the belief of the Senator from West Virginia?

Mr. JAVITS. Mr. President, if the Senator would permit me to continue, the difficulty is that they do not know themselves when someone makes a unanimous-consent request unless the leadership does what was done with the other informal rules. If they give notice that it will be objected to after 15 minutes notice to the Senate, then anyone can come here to object. We would not then have the situation where a Senator who was interested would not know of the agreement because he does not let the leadership know he is interested or does not have a measure at the desk.

Mr. SAXBE. Mr. President, in that regard, after we get down to continuing business there will be two categories of business that will be taken up in the extension of the morning hour in which a time limit agreement has been reached. In other words, this would have been reached on the previous day. Perhaps there would be adequate time for notice.

The PRESIDING OFFICER (Mr. Chiles). The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. In those situations which will come up during the consideration of pending business, there would be no notice. It would be on those occasions that notice should be sent out by direct wire to all offices that the matter is going to come up. I would be very happy to support such an effort.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield?

Mr. SAXBE. I yield.

Mr. BYRD of West Virginia. Mr. President, I recognize the reasoning behind the proposal made by the very able Senator from New York (Mr. Javits). But I think we ought to be very careful and go very slow before we agree to this.

Under rule XII, paragraph 3, the Chair is required to ascertain the presence of a quorum before any unanimous-consent request for a final vote on a bill or joint resolution is submitted to the Senate.

We have been waiving that rule. However, I would be very hesitant to agree to the proposition that we give 15 minutes notice to all Members of the Senate because it is difficult to do so. They are all around town or in far away places at a given moment. Moreover, we would delay rather than speed the transaction of business.

I think that every Senator having an interest in a particular subject ought to make it his business to be here. I know that all Senators cannot be here at a given moment. I say this very respectfully. However, every Senator ought to make it a point to see that the majority and minority leaders or their assistants know of his interest in the matter so that they might keep in touch with him before proceeding to a unanimous-consent agreement with respect to a vote on an amendment, bill, or resolution, or some such matter.

Mr. President, how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 1 minute remaining.

Mr. BYRD of West Virginia. Mr. President, if the Senator would yield further, briefly, I would also hope that every Senator on both sides of the aisle will bend over backward in an effort to cooperate with the leadership in getting unanimous-consent agreements from time to time to limit the time on matters as they come up.

I think that will help us as much as anything, if Senators will try to lean over backwards to give the leadership some indication of what they will be willing to agree to with respect to a time limitation on amendments, bills, resolutions, et cetera, in which they have a direct and vital interest.

If we can do this and all Senators cooperate in this matter, I think we will be able to move the business along more expeditiously. I make that plea to all Senators.

I assure the able Senator from New York that every effort will be made to assure Senators that their interest will always be protected as much as possible.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I be recognized for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I wish to associate myself with what has been said by the assistant majority leader. However, let me first add my note of commendation for the work done by the distinguished Senator from Ohio (Mr. Saxbe), the distinguished Senator from California (Mr. Cranston), the distinguished Senator from Pennsylvania (Mr. Schweiker), the distinguished Senator from Iowa (Mr. Hughes), who have initiated and followed through on an effort to make some minor but very important procedural changes in the procedures of the Senate.

In this day and age when there is considerable dissatisfaction indicated on campuses and in other places with the workings of the government in general and of the Congress in particular, it should be noted that more reforms have taken place in this institution of the Senate within the last few weeks than have taken place in many long years.

I refer, for example, to the amplification system which was talked about for many, many years but now is actually in being.

Mr. JAVITS. Mr. President, if the Senator will yield, I put in a bill to that effect when I first came here. I cannot tell the Senator how gratified I am to see it in existence now.

Mr. GRIFFIN. Unfortunately, I am not now even using the amplification system. I hope that all Senators will get used to it and will actually use it. But the other reforms are important, too.

I wish to say, speaking for the minority leader as well, that I very much appreciate the interest and the work the named Senators have done.

Now, I wish to associate myself with what was said earlier by the distinguished assistant majority leader. I hope we will not take any steps backward—any steps that would make it more difficult to accomplish the business of the Senate. We all know, because of some of our rules, that a great deal must be done by unanimous consent. While we would not want to block anyone out who really has an objection to a unanimous-consent request, yet I see no point in encouraging objections to consent agreements which are necessary. I hope the Senator from Ohio (Mr. SAXBE) would agree with this approach. We want to make it easier—not harder—to get unanimous-consent agreements.

I appreciate the opportunity to add my comments.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 10 minutes and that the limitation on speeches be continued throughout that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION FOR 1 MONTH OF CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS INTO EFFICIENCY AND ECONOMY OF OPERATIONS OF ALL BRANCHES OF GOVERNMENT

Mr. BYRD of West Virginia. Mr. President, I have been requested by the able senior Senator from Connecticut (Mr. RIBICOFF) to submit a resolution in his behalf and ask for its immediate consideration. However, before I do that I wish to explain the matter. Senate Resolution 504 of the 91st Congress, second session, was intended by the Senate to extend the authority of the Senate Permanent Subcommittee on Investigations 1 month, through February 1971. The second line of that resolution contains the date "January 31, 1970" rather than "January 31, 1971" which was intended.

For all intents and purposes, the resolution upon its enactment was worthless. It is for the purpose of correcting the date that I have been asked to submit the resolution, and I have been authorized to do so by the majority leader. The matter has been cleared on both sides of the aisle.

Mr. President, I submit the resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 13

Resolved, That the authority to make investigations conferred upon the Committee on Government Operations by Senate Resolution 308, Ninety-first Congress, agreed to February 16, 1970, together with any authority contained in section 7 of such resolution, is extended until March 15, 1971. In carrying out investigations, holding hearings, and reporting such hearings under the authority of such resolution and this resolution, the Committee on Government Operations is authorized to expend any part of the amount specified in section 8 of such Senate Resolution 308 which remains unexpended on January 31, 1971.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senate rule XIV be waived and that the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 13) was considered and agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended by not to exceed an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day, this order was changed to provide for the Senate to recess until 11:30 a.m. tomorrow.)

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer, the able Senator from the great State of Florida (Mr. CHILES), who is presently presiding over this august body with a degree of grace, efficiency, and skill that is as rare as a day in June.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S COMMANDER IN CHIEF POWERS EXAMINED

Mr. DOLE. Mr. President, during the 91st Congress, the Senate devoted considerable time and energy to debate over the roles of the Congress and the President in the fields of foreign policy and military affairs. Some in this body urged approval of various legislative proposals which they claimed would reassert the proper position of Congress vis-a-vis the executive branch, especially in the conduct of U.S. military operations in Southeast Asia.

Throughout the debates there seemed to be a notable lack of solid legal scholarship on many of the principal issues raised. Often debate was clouded by admissions on both sides that we were dealing with a relatively murky and unsettled realm, so debate frequently was reduced to statements of faith and conviction on this or that point.

I was thus heartened to discover in the January 1971 edition of the Journal of the American Bar Association an article which goes to the very crux of the dispute we dealt with last year and which is likely to arise again in this Congress. Eberhard P. Deutsch's article "The President as Commander in Chief" is a clear, concise, and persuasive statement which draws together one of the most comprehensive range of precedents and sources I have seen in this area. I believe it will serve as a valuable guide to Members of Congress, the bar, and the American public as we continue to assess the functions of our constitutional branches of government.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The President as Commander in Chief

(By Eberhard P. Deutsch)

Recent extended debate in the Senate on the Cooper-Church Amendment to the Foreign Military Sales Act, the Hatfield-McGovern Amendment to military procurement legislation and the deployment, not long ago, of segments of the Armed Forces into Cambodia in the course of the war in South Vietnam, with widespread public discussion, have accentuated the question as to the powers under the Constitution of the President of the United States as commander in chief of these forces vis-à-vis those of the Congress.

While all United States forces have since been withdrawn from Cambodia and such legislation as sought to restrict Presidential authority over the Armed Forces has either been defeated or is in limbo, the over-all military necessities of the situation in Southeast Asia, as well as possible exigencies of other restless areas in a troubled world, require careful consideration of the constitutional issues involved in what may be the need for prompt action to protect important interests of the United States.

That the United States is "at war" in Vietnam can hardly be disputed, despite repeated recent assertions that there can be no war in the absence of an unequivocal declaration thereof by the Congress.

FORMAL DECLARATIONS ARE NOT ALWAYS USED

Historically, Presidents of the United States, in their constitutional capacity as commanders in chief of our Armed Forces, have, on innumerable occasions, deployed those forces into troubled areas involving armed conflict in combat conditions without any Congressional declarations of war,[1] and the Supreme and other courts of the United States have recognized the existence of a "state of war" under the Constitution in such cases.

For instance, hostilities were conducted against France in 1798, and troops were deployed in recent years to Santo Domingo, without any declaration of war in support thereof.

In 1945, President Truman, in an unprecedented move—one of the most significant war measures ever taken by a commander in chief—ordered, without Congressional sanction or even knowledge, the dropping of the terrifying atom bomb on Hiroshima.

In 1962, President Kennedy established a blockade of Cuba against the importation and installation of Russian missiles without Congressional authority, and more recently, both the Korean and Vietnam Wars have been conducted without formal declarations.[2]

In Tucker on *The Constitution*, it is stated that "in Greece and Rome, and even in the European countries in the Middle Ages, public declaration of war was uniformly made and was obligatory, but since the middle of the 18th Century formal declarations have not been universal and have fallen into disuse." [3]

As early as 1800, the Supreme Court had occasion to pass on the question as to whether the United States was actually involved "in war" without a formal declaration thereof. Congress had, by two statutes enacted in 1798 and 1799 respectively, provided salvage allowances for recapture of vessels of the United States which had been taken "from the enemy" (France).

All of the Justices concurred in the holding by the Court, each in a separate opinion, to the effect that the United States was actually "at war", as recognized by the Congress through the statutes in question, despite the fact that there had been no declaration of war against France.

One of the opinions was written by Mr. Justice Washington (nephew of the President). He stated that the question before the Court was whether "there subsisted a state of war between the two nations. . . . If it be declared in form it is called *solemn* . . . but hostilities may subsist . . . limited as to places, persons and things; and this is more properly termed *imperfect* war. . . . Still, however, it is public war, because it is an external contention by force." And Justice Washington concluded his opinion on this point with the statement that "as to *America*, the degree of hostility meant to be carried on, was sufficiently described without declaring war, or declaring that we were at war. . . . In fact and in law, we are at war." [4]

Four years later the Supreme Court had occasion to rule on a related point, the opinion being written by Chief Justice Marshall. The statute involved in that case authorized the seizure of vessels of the United States proceeding *to* embargoed French ports. Such a vessel was seized en route *from* such a French port. The Court held that the statute had to be construed strictly and did not authorize the seizure of the vessel in question.

However, in the course of his opinion, the great Chief Justice had occasion to say: "It is by no means clear that the President of the United States, whose high duty it is to 'take care that the laws be faithfully executed', and who is Commander-in-Chief of the Army and Navy of the United States, might not, without any special authority for that purpose, in the then-existing state of the times, have empowered the officers commanding the armed vessels of the United States to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce." [5]

In December, 1900, while troops of the United States were stationed in China, having been deployed for the protection of American and other interests in the course of the Boxer uprising there, an American soldier was tried and convicted by court martial for the murder of another soldier. The conviction was under an Article of War covering such an offense when committed "in time of war".

It was contended that because the American forces had been deployed to China without a declaration of war, the offense had not been committed "in time of war" and that the judgment of the court martial was accordingly invalid. The case came before a circuit court of the United States in the District of Kansas, which held expressly that a formal declaration of war "is unnecessary to constitute a condition of war." [6]

The court pointed out that extensive military forces, both of the United States and of other nations, had been deployed into China and that "many engagements resulting in considerable loss of life" had taken place; "military zones were formed" and "by act of Congress the pay of the officers and men in the military service of this country during the time they were occupied in China was increased to the amount paid in time of actual war . . . notwithstanding the further fact that at no time was there any declaration of war on the part of this government against the government of China".

The court accordingly concluded that "at the time the homicide in question was committed there prevailed in China a condition of war. . . .".[7]

CONGRESS HAS APPROVED PRESIDENTIAL ACTION

The point here under discussion has already been adjudicated several times directly as to the war in Vietnam. In the first of these cases, a man convicted of willful failure to report for induction into the Army claimed "that with respect to the War in Viet Nam the Universal Military and Service Training Act is being unconstitutionally applied, because Congress has not declared war; [and] that the Executive, in effect, has declared war . . .".

The court held that "while Congress has not formally declared war with respect to the military action in Vietnam, nor did it in Korea, it has given its wholehearted approval to the action of the President by appropriations and other implementing help. The President, as Commander-in-Chief, has always exercised the power to begin hostilities. . . . Unquestionably the President can start the guns at home or abroad to meet forces with force; he is not only authorized, but bound to do so." [8]

The same point was raised in defense of the recall of some soldiers to active duty and the court held again "that the United States of America has the right to, and may, make war under the Constitution without the necessity of a formal declaration of the Congress".[9]

Shortly after the outbreak of hostilities in Korea, Senator Paul Douglas of Illinois, in an address on "The Constitutional and Legal Basis for the President's Action in Using Armed Forces To Repel the Invasion of South Korea", stated: "The acts of the President in helping to protect Southern Korea from Communist aggression were in thorough harmony with the legislative intent of the framers of the Constitution, in line with sound historical precedent, in conformity with international law and the rules of the United Nations, and in the best interests of our own ultimate security and the peace of the world." [10]

PRESIDENT IS BOUND TO RESIST FORCE BY FORCE

In the *Prize Cases*, decided by the Supreme Court early during the War Between the States, the question was whether, since there had been no Congressional declaration of war, it could be said that the United States were actually "at war" in the sense that seizures of vessels as prize for blockade running could be justified under international law.

Speaking for the Supreme Court, Mr. Justice Grier held that "if a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any legislative authority. . . ."

The conflict, the learned Justice, went on "sprung forth suddenly from the parent brain, a Minerva in the full panoply of *war*. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name. . . ." [11]

It can hardly be contended, in light of the foregoing authorities, so clearly recognizing that a state of war may exist under the Constitution without a formal declaration thereof by the Congress, that the United States have not been at war in Vietnam since 1965. The Presidents who have been in office during that time have acted accordingly, and Congress has invariably supported the action of the President in his conduct of the Vietnamese conflict.[12]

CONSTITUTIONAL AUTHORITY: DEPLOYMENT OF TROOPS

The next—and perhaps the more interesting—question at issue is as to the division of constitutional authority in the matter of the deployment of troops, once a state of war—declared or undeclared—has come into being, as it has in Indochina.

When the Constitution was being framed, there was no objection whatever to the provision that the President, even though he was likely to come generally from civilian life, was to be commander in chief of the Armed Forces. This provision grew out of the difficulties which Washington had experienced with the Continental Congress during the Revolution:

Footnotes at end of article.

"This action of the Convention was probably due to some particular consideration, and none seems more reasonable than the fact that during the Revolution, Washington experienced great trouble and embarrassment resulting from the failure of Congress to support him with firmness and dispatch. There was a want of directness in the management of affairs during the period which was attributable to the absence of centralized authority or command. The members of the Convention knew this, and probably thought they could prevent its recurrence by making the President Commander-in-Chief of the Army and Navy." [13]

The original intent of the framers of the Constitution as to its detailed provisions can best be gained from contemporaneous writings, largely pamphlets circulated while the instrument was being considered by the states for ratification. Thus, Alexander Hamilton, writing with reference to the power and authority of the President as Commander in Chief under the Constitution, said:

"Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of the executive authority." [14]

In another of his essays Hamilton expounded somewhat more fully on the principle underlying this provision of the Constitution, which places broad power in the hands of the President as Commander in Chief:

"In the legislature, promptitude of decisions is often more an evil than a benefit. The differences of opinion, and the joinings of parties in that department of the government, though they may sometimes obscure salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. . . . But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. . . . They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition,—vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything (hurtful?) would be to be apprehended from its plurality." [15]

Some years later, in his renowned *Commentaries on the Constitution*, Justice Joseph Story, in part at least, in the identical words used a half century earlier by Alexander Hamilton, gave expression to the same principle:

"Of all the cares and concerns of government, the direction of war most peculiarly demands those qualities, which distinguish the exercise of power by a single hand. Unity of plan, promptitude, activity and decision, are indispensable to success; and these can scarcely exist, except when a single magistrate is entrusted exclusively with the power. Even the coupling of the authority of an executive council with him in the exercise of such powers, enfeebles the system, divides the responsibility, and not unfrequently defeats every energetic measure. Timidity, indecision, obstinacy and pride of opinion, must mingle in all such councils, and infuse a torpor and sluggishness, destructive of all military operations." [16]

The foregoing principle, so strongly emphasized by these eminent authorities, will be found stated and restated in various forms in practically all works on the Constitution. For instance, in his *Commentaries*, Judge Kent wrote:

"The command and application of the public force to execute law, maintain peace, and resist foreign invasion, are powers so obviously of an executive nature, and require the exercise of qualities so characteristical of this department, that they have always been exclusively appropriated to it, in every well-organized government upon earth." [17]

"WAR POWER" IS INVESTED IN THE PRESIDENT

Again, in Watson on *The Constitution*, it is stated:

"The power of the President under this clause is commonly called the "War Power" of the President. It is an immense power to exercise and might be used in a most dangerous manner by an unwise Executive, as there does not seem to be any limitation prescribed by the Constitution to the exercise of the power by the President in the field of military operations.

"By this clause he is made commander of the military and naval forces of the United States, for the whole time that he is President. No other department of the government, and no other officer of the government can exercise this power or assume to command either the Army or the Navy, unless designated by the President to do so. Congress can legislate relative in the number of the Army or the Navy, the compensation of the officers and men, and the term of their service, as well as many other matters, but the command of the Army and Navy is vested in the President, and Congress can neither command them or take that power from the President.

"The power is vested in the President to dispose of or arrange the component parts of the Army and Navy at his pleasure. In practice he does this through the military and naval departments of the government, but their action is his action. While Congress can make rules for the Army and Navy, it can not interfere with the President's power as commander of such forces. The line between the exercise of his power as commander and that of Congress is plain, and neither can rightfully or legally invade the other." [18]

At this point in his treatise, Watson quotes from the opinion of the Supreme Court of the United States in the famous case of *Ex parte Milligan*, involving the constitutional validity of a military commission sitting in Indiana during the War Between the States, in which it was stated in the opinion of the Chief Justice:

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature, and by the principles of our institutions.

"The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President." [19]

POWERS OF PRESIDENT AND CONGRESS ARE SEPARATE

Watson, in his notable work, then goes on to state:

"The power of Congress, and that of the President over the Army and Navy are separate and distinct, neither can impair or invade the authority of the other. The powers of the President under this clause are only those which may be called "military". He can direct the movements of the Army and Navy so as to injure the enemy in the most effective way, and to do this may order an invasion of the enemy's country, and if possible establish the authority of the United States over it.[20]

The language of the Supreme Court of the United States in *Fleming* v. *Page*, involving a question of import duties dependent on the national status of Tampico while under occupation by military forces of the United States in the Mexican (undeclared) War, parallels Watson's foregoing dictum:

"As Commander-in-Chief, [the President] is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States." [21]

Quite recently, the United States Court of Appeals for the District of Columbia Circuit had occasion to express itself forcefully on this point. The case involved an action against the Secretary of Defense to compel him to permit "the use of newsstand facilities of military post-exchanges in the Far East" for the sale of certain newspapers whose character had been put in question. In the course of its opinion, the court said:

"With respect to this first category, we note that we deal here with a matter far removed from what is ordinarily subsumed under the head of military operations. It is—and must be—true that the Executive should be accorded wide and normally unassailable discretion with respect to the conduct of the national defense and the prosecution of national objectives through military means. The power of the armed services to make their disposition of men and materiel, and to take measures for the safeguarding of each does not admit of fragmentation." [22]

Swaim v. *United States* involved an action by a Judge Advocate General of the Army who had been sentenced by a court martial convened by the President of the United States to forfeiture of half of his pay for a period of years on being found guilty of "conduct prejudicial to good order and military discipline". General Swaim sued in the Court of Claims for restoration of his pay on the ground, *inter alia*, that the President had no authority, under the Constitution, to convene the court.

COURT UPHOLDS PRESIDENTIAL POWER

In the course of its opinion upholding the Presidential power, the Court said:

"Congress may increase the Army, or reduce the Army, or abolish it altogether; but so long as we have a military force, Congress can not take away from the President the supreme command. It is true that the Constitution has conferred upon Congress the exclusive power "to make rules for the government of the land and naval forces;" but the two powers are distinct; neither can trench upon the other; the President can not, under the disguise of military orders, evade the legislative regulations by which he in common with the Army must be governed; and Congress can not in the disguise of "rules for the government" of the Army impair the authority of the President as commander in chief." [23]

This decision was expressly and unanimously affirmed by the Supreme Court, which held: "We approve the opinion of the Court of Claims. . . ." [24]

In *Ex parte Quirin*, 317 U.S. 1, 28 (1942), it was held that the order of the President creating a military commission to try the German saboteurs who landed by submarine on Long Island and Florida beaches was a proper exercise of "such authority as the Constitution itself gives the Commander in

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Footnotes at end of article.

Chief, to direct the performance of those functions which may constitutionally be performed by the military arm of the nation in time of war."

A decade later, Mr. Justice Jackson, concurring in the *Steel Seizure* case, and agreeing with Mr. Justice Douglas that "our history and tradition rebel at the thought that the grant of military power carries with it authority over civilian affairs", nevertheless felt constrained to concede that he "should indulge the widest latitude of interpretation to sustain" the power of the President as commander in chief, in "his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society".[25]

A tremendously significant statement is found in a note sent in 1861 to Lord Lyons, British Minister to the United States, by William H. Seward, then Secretary of State. In that note, Seward clearly, concisely and emphatically defines this phase of the power of the President as Commander in Chief:

"It seems necessary to state that Congress is by the Constitution invested with no executive power or responsibility whatver, but on the contrary the President of the United States is, by the Constitution and laws, invested with the whole executive power of the government, and charged with the supreme direction of all ministerial agents as well as of the whole land and naval forces of the United States. . . .

"If it be said that these acts of the President in time of war are unconstitutional, the answer is, that as Commander-in-Chief of the Army and Navy the President has the constitutional power to employ the means recognized by the laws of war as necessary to conquer the enemy.

"Congress can pass no law which can deprive the President of the power conferred in creating him Commander-in-Chief."[26]

In the course of a debate on the floor of the Senate in 1922, Senator Reed of Missouri suggested that Congress had constitutional authority to compel the President to withdraw American forces stationed in Europe. To that suggestion, Senator Borah of Idaho replied:

"We could not make the President do it. He is Commander-in-Chief of the Army and Navy of the United States; and if in the discharge of his duty he wants to assign them there, I do not know of any power that we can exert to compel him to bring them home. We may refuse to create an Army, but when it is created he is the Commander."[27]

Some question has at times been raised as to the authority of the President, as commander in chief of the country's Armed Forces, to deploy them into foreign combat areas pursuant to treaties by which the United States have assumed the obligation, in advance, to come to the aid of another country if attacked, without the express consent of Congress as a whole.

Under Section 2 of Article II of the Constitution, the President is not only designated as commander in chief of the Army and Navy, but he is also given "Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur".

Then, under Article VI of the Constitution, that instrument, the laws made "in Pursuance thereof" and "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land".

Finally, under Section 3 of Article II, the President is charged to "take care that the Laws [presumably including treaties as 'the supreme Law of the Land' under Article VI] be faithfully executed".

When, therefore, a treaty, duly approved by the Senate, which has thus become "the supreme Law of the Land", requires the United States to come to the military aid of a foreign country under attack, the President, as constitutional commander in chief, must, without awaiting Congressional sanction, deploy the Armed Forces of the United States into the foreign combat area in compliance with his constitutional obligation, as President, to "take Care that the Laws be faithfully executed".[28]

Following consideration of the United Nations Participation Act[29] by the Senate Foreign Relations Committee, it reported its conviction "that any reservation to the Charter, or any subsequent congressional limitation, designed to provide, for example, that employment of the Armed Forces of the United States to be made available to the Security Council under special agreements referred to in Article 43 could be authorized only after the Congress had passed on each individual case would . . . violate the spirit of the United States Constitution under which the President has well-established powers and obligations to use our Armed Forces without specific approval of Congress."[30]

When the bill reached the floor of the Senate, Senator Wheeler of Montana insisted that it sought to override the exclusive constitutional power of Congress to declare war, and he offered an amendment to preserve that Congressional authority unimpaired, as follows:

"Nothing in such agreement or agreements shall authorize the President, and the President shall have no authority, to make available to the Security Council any armed forces to enable the Security Council to take action under Article 42 of said Charter, unless the Congress has by appropriate act or joint resolution authorized the President to make such forces available. . . ."[31]

Senator Taft opposed Senator Wheeler's amendment on the ground that in his view the President already had the power under the Constitution to use troops without Congressional sanction. The amendment was defeated, 65 to 9.[32]

This constitutional drama was repeated less than four years later, when the North Atlantic Treaty was submitted to the Senate for its advice and consent. Following consideration of the treaty, the Senate Foreign Relations Committee reported that nothing in it, "including the provision that an attack against one shall be considered an attack against all, increases or decreases the constitutionl powers of either the President or the Congress or changes the relationship between them".[33]

On the floor of the Senate, Senator Watkins of Utah introduced a proposed reservation to the treaty to the effect that "the United States assumes no obligation to . . . employ" its Armed Forces "unless in any particular case the Congress which, under the Constitution, has the sole power to declare war or authorize the employment of" those forces, "shall by act or joint resolution so provide".[34]

The reservation was rejected by a vote of 84 to 11, and the treaty was approved without the reservation, by 82 to 13.[35]

It is interesting to note, in this connection, that the constitutional powers of the President under the first section of Article II, which provides simply that the "executive Power shall be vested" in him, are far broader than those of the Congress under Section 1 of Article I, which restricts its "legislative Powers" only to those "herein granted".

From all of the foregoing, it certainly seems abundantly clear that whenever a state of war exists—whether declared or undeclared—the President of the United States has, under the Constitution, as commander in chief, full and plenary power to conduct military operations in prosecution of the war, unhampered by anything in the nature of strategic legislative restrictions.

Any other construction of the Constitution would so hamper the conduct of a war as to portend ultimate military defeat. The Constitution of the United States was never meant to be construed as a suicide pact.

FOOTNOTES

[1] "The occupation of Iceland was but one of 'at least 125 incidents' in our history in which Presidents, 'without Congressional authorization, and in the absence of a declaration of war [have] ordered the armed forces to take action or maintain positions abroad'." Vinson, C.J., dissenting in *Youngstown Company* v. *Sawyer*, 343 U.S. 579 at 694 (1952).

[2] "Of course, a state of war may in fact exist without a formal declaration." Jackson, J., concurring in *Youngtown Company* v. *Sawyer*, 342 U.S. 579 at 642 (1952). "Neither in the language of the Constitution, the intent of the framers, the available historical and judicial precedents, nor the purposes behind the clause" giving Congress the exclusive authority to "declare war", is support to be found for the claim that "nothing short of a formal declaration of war will satisfy the Constitution's demand for congressional control of the war power." Note, *Congress, The President, and the Power To Commit Forces to Combat*, 81 Harv. L. Rev. 1711, 1801-1802 *passim* (1968).

[3] 2 Tucker, The Constitution 576 (1899). "Use of the Congressional power to declare war, for example, has fallen into abeyance because wars are no longer declared in advance." Executive Department Report Prepared for Use of Joint Committee on Senate Committee on Foreign Relations and House Committee on Armed Services, 82d Cong., 1st Sess., Powers of the President To Send the Armed Forces Outside the United States 27 (Comm. Print 1951).

[4] *The Eliza*, 4 Dall. 307, 340–341, 342 (1800).

[5] *Little* v. *Barreme*, 2 Cranch. 170 at 177 (1804).

[6] Early in our constitutional history, Alexander Hamilton, while recognizing the exclusive power of Congress under the Constitution "to declare war", submitted that nevertheless, "when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary." Hamilton, Works 747 (J. Hamilton ed. 1851).

[7] *Hamilton* v. *McClaughry*, 136 Fed. 445 at 450–451 (C.C. Kan. 1905). The Senate Foreign Relations Committee has itself recently said that "it does not believe that formal declarations of war are the only available means by which Congress can authorize the President to initiate limited or general hostilities." S. Rep. No. 797, 90th Cong. 1st Sess. 25 (1967).

[8] *United States* v. *Mitchell*, 246 F. Supp. 874 at 897, 898 (1965); *aff'd*, 369 F. 2d 323 (3d Cir. 1966). Former President and Chief Justice William Howard Taft, in the course of a lecture in 1916 at Columbia University, said that while "under the Constitution, only Congress has the power to declare war", the President can, as commander in chief under the same instrument, "order the Army and Navy anywhere he will", and thus "can take action such as to involve the country in war and to leave Congress no option but to declare or to recognize its existence". Taft, Our Chief Magistrate and His Power 94–95 (1916).

[9] *Ali* v. *United States*, 289 F. Supp. 530, 531 (D.C. C.D. Cal. 1968). Two very recent opinions in the Eastern District of New York are to the same effect: *Orlando* v. *Laird*, 39 Law Week 2069 (July 1, 1970), and *Berk* v. *Laird*, 39 Law Week 2201 (September 16, 1970). And see *Weissman* v. *Metropolitan Life Insurance Company*, 112 F. Supp. 420 (D.C. S.D. Cal. 1953).

[10] 96 Cong. Rec. 9647, 9649 (1950).

[11] *Prize Cases*, 2 Black 635, 668–669 (1862). "As long as the United States is not the initial aggressor, the President's actions will remain 'defensive' requiring no further Con-

gressional action to enable him to wage war thrust on the country." Note, *Congress, The President and the Power To Commit Forces to Combat, supra* note 2 at 1779–1780.

[12] It has recently been suggested that a "formal declaration of war in the modern context is often deliberately avoided precisely because of the apparent commitment to total victory and the general hardening of attitudes likely to result". Note. *Congress, The President and the Power To Commit Forces to Combat, supra* note 2 at 1772–1773.

[13] 2 Watson, The Constitution 912.

[14] The Federalist No. 74 (Hamilton).

[15] *Id.*, No. 70.

[16] Story, Commentaries on the Constitution 546–547.

[17] 1 Kent, Commentaries 295.

[18] 2 Watson, The Constitution 913–914.

[19] 4 Wall. 2, 139 (1866).

[20] 2 Watson. The Constitution 915–916.

[21] 9 How. 603, 615 (1850).

[22] *Overseas Media Corporation* v. *McNamara*, 385 F. 2d 308 at 314. See also *Ex parte Quirin*, 317 U.S. 1 at 26 (1942).

[23] *Swaim* v. *United States*, 28 Ct. Cl. 173 at 221 (1893).

[24] *Swaim* v. *United States*, 165 U.S. 553 at 558 (1897).

[25] *Youngstown Company* v. *Sawyer*, 342 U.S. 579 at 632 and 645 (1952).

[26] Quoted in Woodburn, American Republic 181.

[27] Cong. Rec. 933 (1922). "It is clear that Congress may not usurp the functions of the Executive . . . by forbidding or directing the movement of the Army and Navy. Taft, *The Boundaries Between the Executive, the Legislative and the Judiciary Branches of the Government*, 25 Yale L. J. 599 at 606 (1916).

[28] Executive Department Report Prepared for Use of Joint Committee of Senate Committee on Foreign Relations and House Committee on Armed Services, 82d Cong., 1st Sess., Powers of the President To Send the Armed Forces Outside the United States 2 (Comm. Print 1951).

[29] 59 Stat. 621, 22 U.S.C. § 287 (1945).

[30] S. Rep. No. 717, 91st Cong., 2d Sess. 8 (1945). The House Foreign Affairs Committee expressly concurred in the report of the Senate Foreign Relations Committee.

[31] 91 Cong. Rec. 11,392 (1945).

[32] *Ibid.*

[33] S. Exec. Doc. No. 8, 81st Cong., 1st Sess. 14 (1949).

[34] 95 Cong. Rec. 9898 (1949).

[35] *Id.* at 9916.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEVY OF DISTRICT OF COLUMBIA INCOME TAXES AGAINST ALL INCOME EARNED IN THE CITY

Mr. BYRD of Virginia. Mr. President, Mayor Walter Washington of the District of Columbia has proposed that the District's graduated income tax be levied against all income earned in the city.

This would mean taxation of the wages of Virginia and Maryland residents.

It is just another form of the "commuter tax" proposal which has been advanced in the past by the government of the District.

Such a tax would be grossly unfair.

Virginia and Maryland residents who commute to Washington, like all other American taxpayers, help support the District of Columbia through Federal taxation. Each year, the Federal Government makes a sizable contribution to the budget of the District.

Furthermore, residents of Maryland and Virginia suburbs pay sales taxes on items they purchase when they shop in the District of Columbia.

Those who support taxation of the income of commuters point out that other cities impose this kind of tax. But they fail to mention that other cities do not receive a direct subsidy from the Federal Government.

I opposed the "commuter tax" proposal when it was advanced in 1967.

I opposed it again in 1969.

I am vigorously opposed to the new proposal now put forward by Mayor Washington.

The tax he advocates would be an unjustifiable burden on the thousands of Maryland and Virginia residents who must come to work in the District of Columbia.

Mayor Washington, for whom I have a high regard, wrote me in advance of his intention to propose this tax and asked that I keep it in confidence until he made it public. I complied and I appreciate Mayor Washington's courtesy. But I must strongly oppose his proposal.

It would be very harmful to the people of my State—and to the treasury of the State of Virginia. The proposed tax is unfair and wrong.

S. 346—INTRODUCTION OF THE RURAL JOB DEVELOPMENT ACT

Mr. PEARSON. Mr. President, for myself and for the distinguished Senator from Oklahoma (Mr. Harris), I today introduce the Rural Job Development Act, together with some 45 other Senators as cosponsors.

The bill I introduce would encourage the development of new job-creating industries in rural areas, thus serving to expand the economic base and more fully and effectively utilize the human and natural resources of our rural communities. The resulting expansion of economic opportunity and thus help to reduce the population pressures of our overcrowded and overburdened metropolitan areas.

Providing a judicious blend of private initiative and public responsibility—the bill, in brief summary, would work as follows:

A series of tax incentives—a 14-percent tax credit on personal property, a 7-percent tax credit on real property, an accelerated depreciation allowance, and a 50-percent tax deduction on wages paid workers given on-the-job training—would be offered to industrial and commercial enterprises locating in counties designated as "rural job development areas." Rural job development areas are counties which have no city of over 50,000 population and where at least 15 percent of the families have incomes of less than $3,000. Indian reservations are also included. To be eligible the enterprise must hire at least 10 people and wherever possible must hire at least 50 percent of the work force from the local area. The bill contains a prohibition against "runaway" firms and recapture provisions for those firms which willfully violate the terms of the program.

Mr. President, the bill introduced today is essentially the same as the Rural Job Development Act of 1969. That bill was well received, with 39 Senators joining as cosponsors.

I am very pleased to have the senior Senator from Oklahoma (Mr. Harris) again join in cosponsoring this bill with me. Senator Harris is deeply interested in rural development and has done a great deal to advance the objectives of this great cause. In addition to Senator Harris I am pleased to announce that the following Senators have joined in cosponsoring the Rural Job Development Act of 1971:

Mr. Aiken of Vermont, Mr. Allen of Alabama, Mr. Beall of Maryland, Mr. Bennett of Utah, Mr. Bentsen of Texas, Mr. Bible of Nevada, Mr. Cannon of Nevada, Mr. Church of Idaho, Mr. Cooper of Kentucky, Mr. Curtis of Nebraska, Mr. Dole of Kansas, Mr. Dominick of Colorado, Mr. Eagleton of Missouri, Mr. Gravel of Alaska, Mr. Gurney of Florida, Mr. Hart of Michigan, Mr. Hartke of Indiana, Mr Hatfield of Oregon, Mr. Hollings of South Carolina, Mr. Hruska of of Nebraska, Mr. Humphrey of Minnesota, Mr. Inouye of Hawaii, Mr. Mansfield of Montana, Mr. McGee of Wyoming, Mr. McGovern of South Dakota, Mr. Miller of Iowa, Mr. Mondale of Minnesota, Mr. Montoya of New Mexico, Mr. Moss of Utah, Mr. Nelson of Wisconsin, Mr. Packwood of Oregon, Mr. Percy of Illinois, Mr. Prouty of Vermont, Mr. Randolph of West Virginia, Mr. Ribicoff of Connecticut, Mr. Schweiker of Pennsylvania, Mr. Scott of Pennsylvania, Mr. Spong of Virginia, Mr. Stevens of Alaska, Mr. Talmadge of Georgia, Mr. Thurmond of South Carolina, Mr. Tower of Texas, and Mr. Young of North Dakota.

The principle of using tax incentives for the purpose of bringing new business and industry into our rural communities also has been endorsed by a wide variety of groups and individuals around the country.

Mr. President, the support for the Rural Job Development Act is but one manifestation of the great interest in the overall theme of rural development, which has also been variously referred to as rural revitalization, rural urban balance, balanced urbanization, and balanced national growth. But whatever label we use we are all talking about the urgent necessity of expanding economic and social opportunities in our smaller communities.

As we all know, major portions of rural America are economically underdeveloped and lacking in the full range of public services. Millions of people each year are forced to leave our smaller communities because of the lack of economic opportunities there. These conditions in and of themselves justify and, indeed, demand major new efforts to improve and expand economic and social opportunities available in rural communities.

But the objectives of the rural development movement are truly national, not sectional. For, in fact, the rural development movement represents a new and vital part of our growing effort to deal with the crisis of the cities.

We have finally been forced to recognize that many of the problems which constitute the crisis of the cities can be traced to the overcrowding of people and the excessive concentration of industry. Thus the rural development movement, which ultimately seeks to slow down the great rural-to-urban migration, if successful, will be of benefit not only to our rural communities but to our cities as well.

We are coming to realize that rural development is not simply a desirable objective but, indeed, a national necessity.

Mr. President, many of our old notions about urbanization and rural migration simply are no longer valid.

Into the cities have come the unskilled rural poor attracted by the lure of economic advancement. Many gain, but a tragically high number do not. Instead of economic salvation too many of the rural poor, both white and black, find tenements, unemployment, welfare, and the depersonalized, demoralized environment of the slum-ghetto.

Into the cities also come the young, the educated, and the talented. They often do much better materially, but for this economic gain they pay the social costs of the loneliness of the crowd, the frustrations of congested streets and crowded stores, the stultifying sameness of the bedroom suburbs, and the loss of community identity.

Into the cities comes industry and for the most part it has prospered. But increasing numbers are now finding that the cost of doing business in the city is unprofitably high.

And as the urban resident breathes the fouled air of industrial smog, he comes to understand the hazards as well as the benefits of industrial concentration.

In short, too many of our rural communities are underdeveloped. Too many of our metropolitan areas are over crowded. This maldistribution of population and economic activity will surely worsen, unless we take strong, positive, action.

The task ahead is clear. We must expand the quantity and quality of economic and social opportunities in rural America so that those who choose to do so will have the freedom to remain where they are and not be forced to move to the already overcrowded and overburdened metropolitan areas.

This task will not be easily or quickly accomplished. And we do not yet fully know all the needs which must be met nor all the policy alternatives which must be considered. But I think it is clear to all that new jobs lie at the heart of the rural development effort. For unless we can create upwards of 1 million new and better jobs each year in our rural communities, nothing else we will do will have any meaningful or lasting effect.

Mr. President, the bill I introduce today aims precisely at this goal of creating new jobs. It applies a proven principle to a particular need. The principle is that tax policy does in fact influence the course of business investment. The particular need is that special incentives are necessary to encourage a substantial increase of private investment in rural areas in order to overcome some of the factors which otherwise discourage business expansion into these areas. The tax incentives provided by this bill are as follows:

First, a 7-percent tax credit on personal—machinery and equipment—and real property—land and buildings. And if the rural job development area has a population density of less than 25 persons per square mile—the national average is 51—the credit is increased to 10 percent. This incentive recognizes that the normal factors which often work against expanded rural investment are magnified in the more sparsely populated areas. These areas are often quite far removed from major industrial and commercial centers thus adding to transportation costs for example. Certainly we believe that these additional incentives are consistent with the objective of promoting the maximum feasible geographical distribution of new job-creating industries.

Second, an accelerated depreciation of two-thirds of normal, useful, or class life for machinery, equipment, and buildings;

Third, a tax deduction equal to 50 percent of the wages paid to workers for whom the enterprise must provide on-the-job training.

This special deduction, which would be in effect during the training period, is intended to encourage the enterprise to hire and train local people who lack the required labor skills. The U.S. Employment Service would certify the length of the training period.

Fourth, all credits and deductions can be carried backward 3 years or forward for a maximum of 10 years, or if the business is a corporate subsidiary, utilized against other outside income of the parent corporation.

Business enterprises would receive these tax benefits under the following conditions:

First, the enterprise must be located in a "rural job development area" designated by the Secretary of Agriculture and defined as follows: A county, no part of which contains a standard metropolitan statistical area and which has no city with a population in excess of 50,000, and where at least 15 percent of the families have incomes under $3,000 or where employment has declined at a rate of more than 5 percent during the previous 5-year period; or where the closing or curtailing of operations of an installation of the Department of Defense is likely to cause a substantial migration of persons residing in the area. The Secretary of Agriculture, after consulting with the Secretary of the Interior may also certify Indian reservations.

Second, to receive an eligibility certificate, the enterprise must demonstrate that it has not discontinued a comparable enterprise in any other area and will not reduce the employment in any other area.

Third, the enterprise must create at least 10 new jobs at the beginning of the operation.

Fourth, to assure benefits to a local community, at least 50 percent of the original working force must be residents of the rural job development area. However, the Secretary can waive this requirement if the labor requirements of the enterprise exceed the local labor supply, and if the Secretary determines that the establishment of the enterprise in the area will promote economic benefits consistent with the purposes of this act.

Fifth, to continue to qualify, the enterprise must maintain the same working force unless circumstances beyond its control prevent it from doing so. The bill also provides an effective recapture provision in those cases where a firm willfully violates the eligibility requirements.

Sixth, before the enterprise is given an eligibility certificate, the Secretary must have written notice from the local governmental unit responsible for zoning requirements to the effect that the proposed enterprise meets the existing regulations and that there are no immediate plans for altering those regulations. This will assure that the local community is aware that the enterprise anticipates locating there, thus giving the community a chance to prevent the move should it choose to do so.

Seventh, the enterprise must be engaged in industrial or commercial production—manufacturing, producing, processing, assembling, wholesale operations, or the construction of buildings and facilities in the authorized area. This precludes benefits to retail and service enterprises which might be competitive with local establishments. Recreational enterprises may be certified provided they would not be competitive with existing enterprises in the area.

Mr. President, in addition to the tax incentives the bill would authorize $500,000 for the Department of Agriculture so that the Secretary may collect and disseminate relevant economic data and to serve as an information clearing house for local communities and businesses considering establishing job-creating enterprises in job development areas.

Mr. President, as indicated, this bill would be administered by the Secretary of Agriculture. It may well be that this provision should be changed. Quite possibly it would be better to vest this authority elsewhere, possibly in the Secretary of Commerce. This is one of the points that certainly should be discussed in committee. The administration's view on this would be particularly important.

There are also other parts of the bill which are subject to debate. For my own part, I am not wedded to each and every provision. I fully recognize that adjustments may be necessary in several areas. However, I do believe very strongly in the basic principles of this bill.

Mr. President, the tax encentives approach is based on the proposition that the new economic activity which will thereby be generated will bring broad economic gains to the whole rural community.

This is not a reversion to the old dogma that whatever is good for business necessarily has to be good for the country. Rather it is a pragmatic recognition, on the one hand, that Government cannot do everything and, on the other hand, an acceptance of the fact that through a more judicious stimulus and control of the private sector we can ease many of our economic and social problems.

Mr. President, it is also important to note that most rural areas, not just the poverty-stricken ones, would be covered under the area eligibility definitions of the bill.

This follows from the fact that the purpose of this bill is to encourage rural development in general. Thus we wanted to make sure that it would be broadly applied to all rural areas and not be limited to such poverty stricken regions. Although we believe it will complement existing rural poverty programs, this is not a rural poverty bill as such. Of equal or greater importance, it will help prevent the further spread of poverty and eventually generate new heights of prosperity throughout much of rural America.

Some have suggested that the bill should be more precisely tailored to potential rural growth centers. I am aware, of course, that not all rural areas have the potential for growth. But the problem is that of reliably identifying those which have the potential for growth and those which do not.

The birth of new types of industry, the continued improvements in transportation and communication, and the changing tastes of the American consumer make it extremely difficult to predict with any certainty the economic potential of any given area. Moreover it is important to keep in mind that the unpredictable quality and spirit of local leadership and the pure coincidence of other noneconomic factors often have a major effect on whether a given community will grow, hold its own, or decline. By making the incentives in this bill broadly available, all the factors which effect economic growth, many of which we do not know with precision, will be allowed to operate freely.

Mr. President, the enactment of this bill would result in an initial drain on the Treasury to the extent that businessmen take advantage of tax incentives. But at the same time, the new economic activity thus stimulated would generate an increased flow of revenue to the Treasury. Precise predictions are impossible, but I believe that over the intermediate and long run the benefits will more than offset the losses; that the total tax revenue flow will be expanded, rather than decreased.

But beyond the tax losses and gains directly attributable to this program one must also consider its indirect influence. I believe that a more extensive geographical distribution of our industrial and commercial capacities will strengthen the overall national economy. I believe that strengthening of rural communities will result in substantial social benefits. I believe that the slowing of the flow of rural people to the urban slums will reduce the public costs of unemployment and welfare payments and also ultimately, the costs for other public services in those areas such as those for law enforcement.

Mr. President, the passage of the Rural Job Development Act will not solve all the problems of rural America. Its adoption would, I believe, do a great deal to create the type of new job opportunities which rural America so urgently needs. And because of this its enactment constitutes, I believe, the necessary first step toward the attainment of a more reasonable and healthy rural-urban balance.

Mr. President, I ask unanimous consent that the text of the Rural Job Development Act of 1971 be printed in the Record at the conclusion of my remarks.

Mr. President, as I indicated earlier, a number of interested groups have endorsed the concept of using tax incentives to encourage new job-creating industries to locate in rural areas. One such group is the National Federation of Independent Business. The membership of this group, which by the way constitutes the largest business organization in the Nation, has voted overwhelmingly in support of the Rural Job Development Act.

But the National Federation of Independent Business is doing much more than endorsing proposed legislation. The federation has launched a campaign called Operation Build America to make the public aware of the fact that the solution to many of the Nation's problems can be accomplished by the redevelopment of the rural areas. The federation is sponsoring a program of special messages to be used by radio stations throughout the country appealing to the public to help make rural America a better place to live, and a place where people can find satisfactory employment. I want to commend the federation for undertaking this program. It will do a great deal to promote the cause of rural development. Mr. President I ask unanimous consent that the National Federation of Independent Business press release announcing the "Operation Build America" be printed in the Record at this point.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Operation Build America

A campaign entitled, "Operation Build America" has been launched by the National Federation of Independent Business to make the public aware of the fact that the solution to many of the nation's problems can be accomplished by the redevelopment of the rural areas.

Senator James Pearson of Kansas has reintroduced into the Congress his bill which would encourage the development of job producing industry and commerce in the underdeveloped areas of the country which is heavily backed by the nation's independent businessmen voting through the Federation.

To bring the message home to all, well known personalities from the entertainment world are supporting the stand of Senator Pearson and the Federation. Radio stations throughout the nation are receiving special messages from such well known performers as Ken Berry, star of the top rated CBS show, "Mayberry RFD," from Lorne Green of NBC's "Bonanza" and Michael Constantine from ABC's "Room 222." In addition Jerry Van Dyke, Lloyd Nolan, Richard Long, Dennis Weaver, Clu Gullager and Shirley Jones are making appeals to the public to make rural America a better place to live, and a place where people can find employment.

The objective of the project "Operation Build America" is to make it possible for job producing enterprises to be launched in the economical under-developed areas of the country to provide jobs for the young people of these communities, to check the migration of job seekers to the already swollen population of the big metropolitan areas which creates almost unsurmountable problems of welfare, transportation, pollution and crime.

Although Senator Pearson has long promoted the principle that the American economy cannot move forward until there is a full economic development of the nation, it is now believed by the Federation that the slowdown in the economy, the growth of unemployment, and the ever increasing welfare burdens has created a desire on the part of the public for some concrete action.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. PEARSON. I shall be glad to yield in just a minute.

The PRESIDING OFFICER. Under the previous order, the time for the transaction of morning business has expired.

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, and due to the fact that the Senator has been waiting patiently, I ask unanimous consent that the time be extended for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. I thank the majority leader. I ask that the bill be received and appropriately referred, and I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 346) to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas, introduced by Mr. Pearson (for himself and other Senators) was received, read twice by its title, referred to the Committee on Finance and ordered to be printed in the Record as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Job Development Act of 1971".

DECLARATION OF PURPOSE

Sec. 2. The purpose of this Act is to increase the effective use of the human and natural resources of rural America; to slow the migration from rural areas due to lack of economic opportunity; and to reduce population pressures in urban centers resulting from such forced migration.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "rural job development areas" means any area which the Secretary of Agriculture determines is—

(A) a county—

(i) no part of which is within an area designated as a standard metropolitan statistical area by the Bureau of the Budget,

(ii) does not contain a city whose population exceeds fifty thousand, and

(iii) in which more than 15 per centum of the families residing therein have incomes under $3,000 per annum; or

(B) a county defined in paragraph (A) (i) and (ii) in which for the most recent five years employment has declined at an annual rate of more than 5 per centum; or

(C) an Indian reservation or a native community designated by the Secretary after consultation with the Secretary of the Interior; or

(D) a county defined in paragraph (A) (i) and (ii) and is undergoing or is likely to undergo a substantial emigration of persons residing therein (other than military personnel and their dependents) as a consequence of the closing, or curtailing of operations, of an installation of the Department of Defense.

The Secretary's findings under this subsection shall be made on the basis of the most recent satisfactory data available to him.

(3) The term "person" means an individual, a trust, estate, partnership, association, company, or corporation.

(4) The term "industrial or commercial enterprise" means any of the following types of business enaged in, by any person, through an industrial or commercial facility—

(A) the manufacture, production, processing, or assembling of personal property—

(i) for sale to customers in the ordinary course of business excluding any part of the activities of such business consisting of retail sales and leases, or (ii) for use in such person's business,

(B) the distribution of personal property as principal or agent, including, but not limited to, the sale, leasing, storage, handling, and transportation on thereof but excluding any part of the activities of such business consisting of retail sales and leases, or

(C) the construction of any building in a rural job development area as contractor for, or for sale to, any customer, but only in the case of a person engaged in the business of constructing such buildings as a contractor for, or for sale to, customers.

The term "industrial or commercial enterprise" does not include the activities of selling, leasing, or renting out of real property including the selling or leasing or renting out of a factory, workshop, office, warehouse, sales outlet, apartment house, hotel, motel, or other residence, or the lending of money or extending of credit.

(5) The term "industrial or commercial facility" means a fixed place of business, in which an industrial or commercial enterprise is wholly or partly carried on, including but not limited to—

(A) a place of management or office,

(B) a factory, processing facility, plant, or other workshop,

(C) a warehouse or sales outlet,

(D) a center for the transportation, shipping, or handling of property,

(E) a recreation facility, including guest accommodations constructed as part of such a facility, providing recreation to the public for a charge or fee which is (i) not inconsistent with State recreation plans, approved by the Bureau of Outdoor Recreation, (ii) other recreation facilities consistent with local economic development plans, but no benefit shall be granted for recreation facilities where the tax credit would result in an undue local competitive advantage.

The term "industrial or commercial facility" does not include any store, or other premises, or portion of premises used as a retail facility.

(6) The term "retail sale or lease" means a sale or lease made to a party whose payments therefor do not constitute the expenses or costs of a business.

(7) The term "retail facility" means a store, premises, or portion of premises in which a substantial percentage of the sales or leases are retail sales or leases.

TITLE I—ELIGIBILITY FOR ASSISTANCE

CERTIFICATION

SEC. 101. (a) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is engaged in an industry or commercial enterprise, through a new industrial or commercial facility (or a new portion of such a facility) located in a rural job development area, if—

(1) such facility has been approved by local authority as consistent with local zoning ordinances and economic and physical planning;

(2) such facility (or new portion thereof) was placed in service by the person to whom the certificate is to be issued in a rural job development area in the first taxable year of the certification period;

(3) placing such facility (or new portion thereof) in service has resulted in regular, full-time employment by such person of at least ten additional persons;

(4) at least 50 per centum of the persons employed at such facility (including the existing portion of an expanded facility) in such first taxable year are (A) persons who reside within such rural job development area or any other rural job development area within reasonable commuting distance of such facility, or (B) persons who within the three years preceding the commencement of their employment (i) have served at least one year on active duty in the Armed Forces of the United States, or (ii) have been enrolled for at least one year in the Job Corps;

(5) the Secretary determines that the industrial or commercial enterprise was not relocated from one area to another except that he may waive this requirement if (A) the establishment of such industrial or commercial facility will not result in an increase in unemployment in the area of original location (or in any other area where such enterprise conducts business operations), or (B) such industrial or commercial facility is not being established with any intention of closing down the operations of such enterprise in the area of its original location or in any other area where it conducts such operations;

(6) the person to whom the certificate is to be issued agrees, in such form and manner as the Secretary may prescribe, to maintain records listing the names and residences of all full-time employees at the industrial or commercial facility for which the certificate is being issued, the date on which they were hired, their employment, their residences and economic situation at the time of hiring, and any other information reasonably required by the Secretary for the purposes of this title; and

(7) the Secretary determines that the expected benefits to employment and to other aspects of the economic and social welfare of such rural job development area warrant the granting of the income tax incentives under title II of this Act as to the capital investment in such industrial or commercial facility.

(b) The Secretary shall issue a separate certificate of eligibility with regard to each industrial or commercial facility (or new portion thereof) which meets the requirements of subsection (a) regardless of whether such facility is operated by any person as part of a single industrial or commercial enterprise.

(c) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is a successor in interest to any person operating an industrial or commercial enterprise which has established an industrial or commercial facility in a rural job development area and with respect to which facility a certificate of eligibility was issued under subsection (a), if—

(1) such person agrees to continue to use the facility as an industrial or commercial facility, and to conform to the requirements of subsection (a); and

(2) the issuance of such certificate is in accordance, as determined by the Secretary, with the policy set forth in subsection (a) (5) respecting the relocation of industry.

(d) The Secretary shall terminate a certificate of eligibility issued to any person under this section to operate an industrial or commercial facility whenever he determines, after an appropriate hearing, that the person to whom such certificate was issued has failed, after due notice and a reasonable opportunity to correct the failure at such facility, to carry out its agreement under subsection (a) (4). In making a determination under this subsection, the Secretary shall be guided by, but not limited to, the following criteria:

(1) A reduction in the number of qualified jobs provided by any such enterprise below the minimums specified in subsection (a) (4) shall not be grounds for termination of a certificate of eligibility issued to such enterprise, if the Secretary determines that (i) such reduction results from business or economic factors beyond the control of such enterprise, and (ii) not less than two-thirds of all the persons employed full time in such jobs by such enterprise to meet the requirements of subsection (a) (4) continue to meet those requirements.

(2) A change in the residence of any person employed by such enterprise, after his employment has commenced, shall not affect his status for purposes of applying section (a) (4).

(e) The Secretary may waive all or part of the requirements specified in subsection (a) (4) if he finds that the operation of a facility requires skills that are not available within the rural job development area and that the expected benefits to other aspects of the economic and social welfare of the rural job development area warrant the granting of tax incentives under title II of this Act.

(f) Each certificate of eligibility issued under this section shall describe the industrial or commercial enterprise and the industrial or commercial facility (or the portion thereof) with respect to which it is issued in such detail as may be necessary for purposes of administering the income tax incentives under title II of this Act.

(g) The Secretary shall keep interested and participating Federal, State, and local agencies fully apprised of any action taken by him under this section.

(h) No certificate of eligibility shall be issued under this section to any person, unless application therefor is received by the Secretary prior to the expiration of ten years after the date of enactment of this Act.

REPORTS

SEC. 102. (a) The Secretary may by regulation require any person to whom a certificate of eligibility is issued under section 101 to file such reports from time to time as he may deem necessary in order to carry out his functions under this title.

(b) Whoever, in any report required to be filed under this section, knowingly makes a false statement of a material fact, shall be fined not more than $———— or imprisoned for not more than ——— years, or both.

TITLE II—TAX INCENTIVES

INCOME TAX CREDIT FOR INVESTMENT IN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. INVESTMENT IN CERTAIN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS.

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of such Code (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"Subpart C—Rules for Computing Credit for Investment in Certain Depreciable Property in Rural Job Development Areas

"Sec. 51. Amount of credit.
"Sec. 52. Certain dispositions, etc., of section 40 property.
"Sec. 53. Definitions; special rules.

Sec. 51. Amount of Credit.

"(a) Determination of Amount.—

"(1) General rule.—The amount of the credit allowed by section 40 for the taxable year shall be equal to:

"(A) 7 percent of the qualified expenditures (as defined in section 53(b)) made during the taxable year in regard to section 40 property (as defined in section 53(a)(2)), or

"(B) in the case of qualified expenditures made with respect to a section 40 facility (as defined in section 53(a)(5)) which is located in a rural development area (as defined in section 3(2) of the Rural Job Development Act of 1971) which has a population density of less than 25 persons per square mile, 10 percent of such qualified expenditures.

"(2) Limitation.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed the taxpayer's liability for tax for such year.

"(3) Liability for tax.—For purposes of this section, the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax-exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351 (d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(b) Carryback and Carryover of Unused Credits.—

"(1) Allowance of credit.—If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the taxpayer's liability for tax for such taxable year (hereafter in this subsection referred to as the 'unused credit year'), such excess shall be—

"(A) a section 40 credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a section 40 credit carryover to each of the 10 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the date of the enactment of the Rural Job Development Act of 1971. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 13 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried and then to each of the other 12 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) Limitation.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the taxpayer's liability for tax for such taxable year exceeds the sum of—

"(A) the credit allowable under subsection (a)(1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"Sec. 52. Certain Dispositions, etc., of Section 40 Property.

"(a) General Rule.—Under regulations prescribed by the Secretary or his delegate—

"(1) Early dispositions.—If section 40 property (as defined in section 53(a)(2)) is disposed of, or otherwise ceases to qualify as section 40 property with respect to the taxpayer, the tax under this chapter for the taxable year in which the disposition occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures (as defined in section 53(b)) which were made—

"(A) in the case of section 40 real property (as defined in section 53(a)(3)) within 10 years before the date of the disposition, or

"(B) in the case of section 40 personal property (as defined in section 53(a)(4)) within 4 years before the date of the disposition.

This paragraph shall not apply to any qualified expenditures with respect to which there has been an increase of tax under paragraph (2).

"(2) Termination of certificate.—If the section 40 certificate (as defined in section 53(a)(1)) is terminated under section 101 (d) of the Rural Job Development Act of 1971, with respect to a section 40 facility of the taxpayer—

"(A) the taxpayer's tax under this chapter for the taxable year in which the termination occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures which were made in accordance with section 53(b)(3) within 3 years before the date of the termination with respect to all section 40 property used at, or in connection with, such facility, and

"(B) the taxpayers gross income for the taxable year in which the termination occurs shall be increased by an amount equal to the deductions allowed to the taxpayer under section 188 in such taxable year and the 2 preceding taxable years with respect to employees employed at such facility.

"(3) Carrybacks and carryovers adjusted.—In the case of any disposition described in paragraph (1) or any termination described in paragraph (2), the carrybacks and carryovers under section 51(b) shall be adjusted.

"(b) Section Not To Apply in Certain Cases.—Subsection (a) shall not apply to—

"(1) a disposition by reason of death,

"(2) a disposition to which section 381(a) applies,

"(3) a disposition necessitated by the cessation of the operation of a section 40 facility where the Secretary of Agriculture certifies that such cessation results from economic factors beyond the control of the section 40 business (as defined in section 53(a)(6)), or

"(4) a disposition on account of the destruction or damage of section 40 property by fire, storm, shipwreck, or other casualty, or by reason of its theft.

For purposes of subsection (a), property shall not be treated as ceasing to be section 40 property with respect to the taxpayer by reason of a mere change in the form of conducting the section 40 business so long as the property is retained in such business as section 40 property and the taxpayer retains a substantial interest in such business.

"Sec. 53. Definitions; Special Rules.

"(a) Section 40 Certificate, etc.—For purposes of this chapter—

"(1) Section 40 certificate.—The term 'section 40 certificate' means a certificate of eligibility issued by the Secretary of Agriculture under section 101 of the Rural Job Development Act of 1971.

"(2) Section 40 property.—The term 'section 40 property' means property which, in regard to a taxpayer conducting a section 40 business—

"(A) is of a character which is subject to the allowance for depreciation provided in section 167 and which is not property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year or which is not property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business,

"(B) will be used by such taxpayer (i) as a section 40 facility, (ii) as an integral part of, or in the operation of, any such facility, or (iii) in furnishing transportation, communications, electrical energy, gas, water, or sewage disposal primarily to any such facility, and

"(C) has at the time it is first used by such taxpayer after such taxpayer has been issued a section 40 certificate in regard to the section 40 facility at, or in connection with which, such property is used, a useful life of at least (i) 4 years in the case of section 40 personal property, (ii) 10 years in the case of section 40 real property.

Property shall not be treated as section 40 property if, after its acquisition by the taxpayer, it is used by a person who used such property before such acquisition (or by a person who bears a relationship described in section 179(d)(2) (A) or (B) to a person who used such property before such acquisition).

"(3) Section 40 real property.—The term 'section 40 real property' means section 40 property which is section 1250 property (within the meaning of section 1250(c)).

"(4) Section 40 personal property.—The term 'section 40 personal property' means section 40 property which is section 1245 property (within the meaning of section 1245 (a)(3)).

"(5) Section 40 facility.—The term 'section 40 facility' means an industrial or commercial facility (as defined in section 3(5) of the Rural Job Development Act of 1971) which is specified by the Secretary of Agriculture in a section 40 certificate.

"(6) Section 40 business.—The term 'section 40 business' means an industrial or commercial enterprise (as defined in section 3 (4) of the Rural Job Development Act of 1971) with respect to which a section 40 certificate has been issued which has not been terminated under section 101(d) of such Act.

"(b) Qualified Expenditures.—

"(1) In general.—The term 'qualified expenditures' means, with respect to each taxable year, expenditures by the taxpayer—

"(A) properly chargeable to capital account,

"(B) paid or accrued for—

"(i) the manufacture, production, construction, or erection of section 40 property,

"(ii) the acquisition of section 40 property by a purchase (as defined in section 179(d) (2) and subsection (d) of this section), or

"(iii) the reconstruction, permanent improvement, or betterment of section 40 property, and

"(C) made before the close of the 10-year period beginning with the date on which a section 40 certificate is first issued to any person with respect to the section 40 facility, at, or in connection with which, such property is used.

"(2) Limitation.—Expenditures in regard to section 40 real property shall be treated as qualified expenditures only if the construction, erection, acquisition, reconstruction, permanent improvement, or betterment for which such expenditures are made, conforms to the standards prescribed by the Secretary of Agriculture.

"(3) Year of qualified expenditures.—All qualified expenditures shall be deemed made in the taxable year in which—

"(A) in the case of qualified expenditures for the manufacture, production, construction, erection, or acquisition by purchase of section 40 property, the year in which the section 40 property is placed in service, and

"(B) in the case of qualified expenditures for the reconstruction, permanent improvement, or betterment of section 40 property, the year in which the section 40 property as reconstructed, improved, or bettered as a result of the qualified expenditure is placed in service.

For purposes of this paragraph, any manufactured, produced, constructed, erected, or acquired section 40 property, or any reconstructed, improved, or bettered section 40 property, shall be deemed placed in service in the taxable year in which such manufactured, produced, constructed, erected, or acquired section 40 property, or such section 40 property as reconstructed, improved, or bettered, first becomes subject to depreciation by a taxpayer computing depreciation on a daily basis.

"(4) Replacement property.— If section 40 property is manufactured, produced, constructed, erected, reconstructed, or acquired to replace property which was destroyed or damaged by fire, storm, shipwreck, or other casualty, or was stolen, the qualified expenditures with respect to such section 40 property which would (but for this paragraph) be taken into account for purposes of section 51(a) shall be reduced by an amount equal to the amount received by the taxpayer as compensation, by insurance or otherwise, for the property so destroyed, damaged, or stolen, or to the adjusted basis of such property, whichever is the lesser.

"(c) Certain Leased Property.—A person who is a lessor of property, which in the hands of the lessee constitutes section 40 property, may (at such time, in such manner, and subject to such conditions as are provided by regulations prescribed by the Secretary or his delegate) elect with respect to any section 40 property, as to which no prior credit under section 40 has previously been taken, to treat the lessee as having purchased such property for an amount equal to—

"(1) except as provided in paragraph (2), the fair market value of such property, or

"(2) if such property is leased by a corporation which is a member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a member of the same controlled group, the basis of such property to the lessor. If a lessor makes the election provided by this subsection with respect to any property, the lessee shall be treated for all purposes of this subpart as having acquired such property. For purposes of this subpart, the useful life of property in the hands of the lessee is the useful life of such property in the hands of the lessor.

"(d) Subchapter S Corporation.—In the case of an electing small business corporation (as defined in section 1371)—

"(1) the qualified expenditures for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenditures, and such expenditures shall not (by reason of such apportionment) lose their character as qualified expenditures.

"(e) Estates and Trusts.—In the case of an estate or trust—

"(1) the qualified expenditures for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

"(2) any beneficiary to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respesct to such expenditures, and such expenditures shall not (by reason of such apportionment) lose their character as qualified expenditures.

"(f) Cross Reference.—

"For application of this subpart to certain acquiring corporations, see section 381(c)(24)."

(c) Section 381(c) of such Code (relating to carryovers in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) Credit under section 40 for investment in certain depreciable property in rural job development areas.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items required to be taken into account for purposes of section 40 in respect to the distributor or transferor corporation."

(d)(1) The table of subparts for part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Subpart C—Rules for computing credit for investment in certain depreciable property in rural job development areas."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Investment in certain depreciable property in rural job development areas.

"Sec. 41. Overpayment of tax."

DEPRECIATION DEDUCTION

Sec. 202. Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (1) the following new subsection:

"(m) Section 40 Property.—

"(1) Useful life.—At the election of the taxpayer—

"(A) the useful life of any property which is section 40 property (as defined in section 53(a)(2)) shall, for purposes of this section, be 66⅔ percent of the useful life of such property determined without regard to this paragraph; and

"(B) the guideline class lives and asset depreciation ranges prescribed by the Secretary or his delegate which are applicable to any property which is section 40 property shall, for purposes of this section, be 66⅔ percent of the guideline class lives and asset depreciation ranges applicable to such property determined without regard to this paragraph.

An election under this paragraph shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(2) Nearest full year.—If the useful life, guideline class life, or asset depreciation range of any property as determined under paragraph (1) includes a fraction of a year, such useful life shall be deemed the nearest half year.

"(3) Exception.—No election may be made under paragraph (1) with respect to any section 40 property which is placed in service after the expiration of the 10-year period beginning on the date on which a section 40 certificate (as defined in section 53(a)(1)) is first issued to any person for the section 40 facility (as defined in section 53(a)(5)) at, or in connection with which, such section 40 property is used."

NET OPERATING LOSS CARRYOVERS

Sec. 203. Section 172 of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended—

(1) by striking out "(D), and (E)" in subsection (b)(1)(B) and inserting in lieu thereof "(D), (E), and (H)";

(2) by adding at the end of subsection (b)(1) the following new subparagraph:

"(H) The portion of a net operating loss for any taxable year to which (under subsection (l)) this subparagraph applies which is allocable to the operation of a section 40 business (as defined in section 53(a)(6)) through a section 40 facility (as defined in section 53(a)(5)) shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."

(3) by redesignating subsection (l) as (m), and by inserting after subsection (k) the following new subsection:

"(l) Carryover of Net Operating Losses of Section 40 Businesses.—Subsection (b)(1)(H) shall apply, with respect to the operation of a section 40 business through a section 40 facility, only to a net operating loss for (A) the taxable year in which the operation of such facility is begun by any section 40 business under a section 40 certificate (as defined in section 53(a)(1)), or (B) any of the 9 succeeding taxable years."

SPECIAL DEDUCTION FOR COMPENSATION PAID DURING TRAINING OF EMPLOYEES

Sec. 204. (a) Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"Sec. 188. Special Deduction for Certain Businesses Operating in Rural Job Development Areas.

"(a) General Rule.—In the case of any person engaged in a section 40 business (as defined in section 53(a)(6)), there shall be allowed as a deduction for the taxable year (in addition to any deduction under section 162) an amount equal to 50 percent of the compensation paid or incurred in money during the taxable year to each employee who—

"(1) satisfies the requirements of section 101(a)(4) (A) or (B) of the Rural Job Development Act of 1971.

"(2) perform substantially all of his services as an employee at a section 40 facility (as defined in section 53(a)(5)) through which such section 40 business is conducted, and

"(3) is receiving training to acquire the skills necessary to perform (A) the position or job in which he is employed or (B) another position or job as an employee of such section 40 facility.

"(b) Limitations.—

"(1) In general.—The deduction under subsection (a) shall be allowed with respect to the compensation of an employee only—

"(A) if the Secretary of Labor certifies that such employee requires training to acquire the skills in order to perform satisfactorily the position or job in which he is employed or for which he is being trained, and

"(B) for the period that the Secretary of Labor certifies that such training is so required.

"(2) Delegation of duties.—The Secretary of Labor may perform his duties under paragraph (1) through the United States Employment Service or through such State agencies as he may prescribe."

(b) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 188. Special deduction for certain businesses operating in rural job development areas."

EFFECTIVE DATE

Sec. 205. The amendments made by this title shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

ECONOMIC AND BUSINESS DATA

Sec. 301. The Secretary may collect, analyze, and publish data pertaining to investments in various types of enterprises in relation to employment, inventories of resources, unemployment and underemployment, suitability of potential locations for various types of enterprises, qualifications, and skills and training needs of the labor force in various areas, market information, and other economic subjects, for use in carrying out the purposes of this Act and for the information and guidance of businessmen who may seek to establish job-creating enterprises in rural job development areas. In the collection of such data, existing sources and facilities shall be utilized to the maximum extent feasible.

NATIONAL ADVISORY COMMITTEE

Sec. 302. The Secretary may appoint a National Advisory Committee on Rural Industrialization which shall consist of twenty-five members and shall be composed of representatives of business, industry, labor, agriculture, State, and local governments, and the general public. The Secretary shall designate a Chairman from the members appointed to such Committee. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

ANNUAL REPORT

Sec. 303. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending after the date of enactment of this Act. Such report shall be transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made.

APPROPRIATIONS AUTHORIZED FOR INFORMATION PROGRAM

Sec. 304. (a) The Secretary is authorized to collect and disseminate relevant economic data and to serve as an information clearinghouse for local communities and businesses considering establishing job-creating enterprises in job-development areas. Information programs under this section shall include—

(1) telling businessmen of the advantages of locating plants in rural America;

(2) providing a site location and analysis service; and

(3) assisting in the coordination of community, State, and Federal programs for industrial and community development.

(b) There is authorized to be appropriated $500,000 for each fiscal year to carry out the provisions of this section.

Mr. HARRIS. Mr. President, one of the seemingly inescapable trends in our society today is the continuing concentration of people in the urban areas of our Nation. Since the end of World War II, the United States has undergone an enormous shift of population, until now 70 percent of all Americans live on only 2 percent of our land. Major concentrations have developed in "strip areas," reaching from Boston to Washington; from Buffalo to Chicago; from San Francisco to San Diego, and a developing area along the eastern coast of Florida.

We are, as a nation, beginning to seriously examine the causes and effects of this increasing population shift, which has severely aggravated so many of the problems with which our cites are now vexed. Despite increased effort and investment in multiplying programs to assist our cities, each year the problems are greater. The war on urban poverty, slums, substandard housing, air and water pollution, crime and delinquency, drug abuse, overcrowded schools and transportation facilities is made more difficult by the continued influx of people to the cities.

The economic decline of rural America can be traced almost exclusively to the lack of private jobs. The search for better economic opportunity has forced the migration of our rural population to our already overburdened, overcrowded cities. This has also been a prime cause in the shift in Indian population.

The Congress is becoming increasingly more aware of the necessity for achieving a proper rural-urban balance. The overall aim of Congress was expressed in title IX of the Farm Act of 1970, passed by the last session of Congress. As an overriding principle, the following statement of intent was included in the act:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priorities must be given to the revitalization and development of rural areas.

Provisions are made in title IX to direct that new Government offices and facilities be located, insofar as practicable, in areas of low population density. Reports are required from the Department of Housing and Urban Development as to assistance given States planning development of rural multicounty areas. Reports are also required from the Secretary of Agriculture as to technical assistance given in regard to rural development; from the President as to the availability of utility, educational, medical, and other governmental services to rural areas, and of the possible utilization of the Farm Credit Administration and other agencies to fulfill rural financial assistance.

Expanded opportunity for self-sufficiency and employment is in many ways more difficult to foster in rural areas and small towns than it is in the urban centers. For example, technical skills training, necessary for employment in modern industry, is not so readily available in the rural area. Further, even if training is available and utilized, trainees must often move to the larger cities to find employment.

The moment has come to take positive measures to alleviate the imbalance in opportunity between rural and urban areas.

I am, therefore, pleased to join with my distinguished colleague, the senior Senator from Kansas (Mr. Pearson), in introducing today the Rural Job Development Act of 1971. The purpose of this bill is to attract and help build new job-producing industrial and commercial establishments in rural areas in order to give people a chance and a choice to decide for themselves where they will work and live.

Although the rush to the cities would indicate a preference for city living, a Gallup poll taken in 1968 indicated that 56 percent of people prefer a rural setting, 25 percent suburban, and 18 percent the city. The search for jobs is the crucial factor.

In order to stabilize our rural area and small town population, we must foster, if we can, a rethinking of national policy. Job opportunity is the central need.

The Rural Job Development Act would make available the following tax incentives to new job-creating business enterprises locating in rural job development areas: a 7-percent tax credit on personal property—including machinery and equipment—and a similar 7 percent credit on real property—land and buildings—the tax credit on real and personal property is increased to 10 percent if the job development area has a population density of less than 25 persons per square mile—this is a population density of one-half the national average. An accelerated depreciation of two-thirds of normal, useful or class life for machinery, equipment, and buildings; a tax deduction equal to 50 percent of the wages paid to workers for whom the business must provide on-the-job training. This deduction would be available during the training period, and would encourage the hiring and training of local persons who would otherwise lack the required skills.

The administration of this program is vested in the Department of Agriculture. The Secretary of Agriculture is authorized to issue a certificate of eligibility to an industry which would locate in a "rural job development area," defined as:

First, a county no part of which is within a standard metropolitan statistical area and does not have a city with a population in excess of 50,000. Second, at least 15 percent of the families have incomes of under $3,000, or employment in the county has declined at an annual rate of more than 5 percent during the last 5-year period, or, the closing or curtailing of an installation of the Department of Defense in the county is likely to cause a substantial outmigration of nonmilitary residents in the area. Third, after consultation with the Secretary of the Interior, the Secretary of Agriculture may also certify the eligibility of an Indian reservation.

In order to qualify for these tax incentives, an enterprise must create at least 10 new jobs at the beginning of its operation, and must show a reasonable ratio between capital invested and jobs created. At least 50 percent of the original working force must be residents of the area, or live within convenient daily commuting distance. This requirement may be waived if the local labor force is not sufficient to meet the demands of the business, and if the Secretary determines that the establishment of the enterprise in the area will be consistent with the purposes of the act.

This act does not envision the seeking of "runaway" industry. The employer must demonstrate that he has not discontinued a comparable enterprise in any other area as a result of the establishment and operation of the new facility, nor will his employment in any other area be reduced, directly or indirectly. The new enterprise must be engaged in commercial or industrial production and must meet zoning requirements and regulations of local governmental units. Recreational enterprises may be certified, provided they would not be competitive with existing enterprises in the area.

Industrial development in rural America has been slow, due to a lack in transportation facilities, adequate buildings, and most important of all, an adequately trained labor force. People in rural America are willing to work, but many lack the skills required in today's technical industries. The provisions of this act encourage on-the-job training through tax incentives, and should provide adequate training assistance to enterprises locating in rural areas.

Most of the problems of rural America would be more manageable if there were private jobs in sufficient number and the skills to perform those jobs. This bill would be a long step toward filling both needs.

As recognized in the Agriculture Act of 1970, a commitment has been made to the revitalization and development of rural areas. The details of this bill and the criteria involved are not intended as the final answers. They are meant to open the debate and discussion on this subject of broad national policy and will be altered as better suggestions are made.

Any policy adopted must not lose sight of the national need to slow down and reverse, if possible, the process of urbanization, which is at the very core of so many increasingly acute urban problems.

This bill was introduced in the last session of Congress by Senator Pearson and myself and some 34 cosponsors. Hearings on the bill were held by the Senate Finance Committee on May 21 and 22, 1969. Witnesses appearing at that time were encouraging as to the likely effect the act would have on stimulating investment in rural areas. We are now reaching a new stage of awareness with relation to the environmental problems caused by our urban patterns of growth. A new sense of emergency confronts the Nation. I believe that today, more than in 1969, the revitalizing of rural America should be one of our top legislative goals.

Mr. MANSFIELD. Mr. President, has the Senator joined the Senator from Montana as a cosponsor this year, as he did last year?

Mr. PEARSON. I am quite sure that the majority leader is so listed.

Mr. MANSFIELD. If I am not, I would like my name added as a cosponsor.

The PRESIDING OFFICER. Is there further morning business?

Mr. PEARSON. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Kansas (Mr. Dole) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF MOTION TO AMEND CERTAIN SENATE RULES

Mr. MILLER. Mr. President, in accordance with the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to amend rule XXII of the standing rules in the following particulars:

Resolved, That rule XXII of the Standing Rules of the Senate is amended by striking out the third paragraph of section 2 and by substituting in place thereof the following:

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting and also by a majority of the Senators affiliated with each of the two major political parties present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of."

The purpose of the proposed amendment is to provide for bringing debate to a close under certain circumstances by vote of three-fifths of the Senators present and voting and a majority of the Senators affiliated with each of the two major political parties present and voting.

The PRESIDING OFFICER. The notice will be received.

ADDITIONAL STATEMENTS OF SENATORS

ORDER OF THE PRESIDENT PRO TEMPORE IMPLEMENTING THE PROVISIONS OF THE FEDERAL PAY COMPARABILITY ACT OF 1970

Mr. ELLENDER. Mr. President, pursuant to the Federal Pay Comparability Act of 1970, the President of the United States raised the salaries of classified employees of the United States by approximately 6 percent.

Under section 4 of the same act the President pro tempore of the Senate was authorized to:

(1)(A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

Pursuant to that authorization, on January 15, 1971, the late Senator Richard B. Russell, President pro tempore of the Senate, signed an order implementing this pay increase for the Senate, as follows:

ORDER, U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it is hereby—

Ordered,

CONVERSION TO NEW MULTIPLE

Section 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to the lowest multiple of $246 which is not lower than the rate such employee was receiving immediately prior to February 1, 1971.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

RATE INCREASES FOR SPECIFIED POSITIONS

Sec. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, the Legislative Counsel, and the Comptroller of the Senate (as such rates were increased by prior orders of the President pro tempore) are further increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid, by reason of the promulgation of this Order, an annual rate of compensation in excess of the annual rate of basic pay, which is now or may hereafter be in effect, for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The annual rates of compensation of the Secretary for the Majority (other than the present incumbent), the Secretary for the Minority, and the four Senior Counsels in the Office of the Legislative Counsel (as such rates were increased by prior Orders of the President pro tempore) are further increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. Notwithstanding the provisions of this subsection, each individual occupying a position whose rate of compensation is determined under this subsection shall be paid by reason of the promulgation of this Order, only $35,916 per annum until the annual rate of basic pay for positions at such level V is increased to $38,000 or more.

(c) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent), the Chief Clerk, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates are increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. Notwithstanding the provisions of this subsection, an individual occupying any such position shall not have his compensation fixed by reason of the promulgation of this Order, at an annual rate in excess of $35,916 until the annual rate of basic pay for positions at such level V is increased to $38,000 or more.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain is adjusted to that multiple of $246 which is nearest to the annual rate of compensation he was receiving immediately prior to February 1, 1971. The maximum annual rate of compensation for the position of secretary to the Chaplain is the maximum rate in effect immediately prior to February 1, 1971, adjusted to the nearest multiple of $246.

OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. The Sergeant at Arms is hereafter authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate as authorized by this Order or hereafter changed by or pursuant to law.

(b) The maximum annual rates of compensation for positions, or classes of positions, under the jurisdictions of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the Comptroller of the Senate are increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 6 percent, and as so increased, adjusted to the nearest multiple of $246:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction (other than the Comptroller of the Senate);

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip;

(4) The Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(c) of this Order);

(5) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2(c) of this Order);

(6) the Sergeant at Arms, for any employee under his jurisdiction;

(7) the Comptroller of the Senate, for his secretary;

(8) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel); and

(9) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary.

(d) The figure "$696", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as increased by prior Orders of the President pro tempore), shall be deemed to refer to the figure "$738".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to February 1, 1971, with respect to the folding of speeches and pamphlets for the Senate, is increased by 6 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 6 percent, and as so increased, adjusted to the nearest multiple of $246.

(b)(1) The figures "$7,888", "$13,688", "$13,920", "$18,328", "$20,184", and "$20,416", appearing in section 105(e) of the Legislative Branch Appropriation Act, as amended, shall be deemed to refer to the figures "$8,118", "$14,514", "$14,022", "$18,450", "$21,402", and "$20,418", respectively.

(2) The maximum annual rates of $32,712, $34,104, and $35,496 appearing in such section are each increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. Notwithstanding the provisions of this paragraph, any individual occupying a position to which any such rate applies shall not have his compensation fixed at a rate exceeding $32,718, $34,194, of $35,670 per annum, respectively, until the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased to $38,000 or more.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 6 percent, and as so increased, adjusted to the nearest multiple of $246.

(b) The table contained in section 105(d)(1) of such Act shall be deemed to read as follows:

"$295,938 if the population of his State is less than 3,000,000;

"$313,158 if such population is 3,000,000 but less than 4,000,000;

"$327,918 if such population is 4,000,000 but less than 5,000,000;

$341,448 if such population is 5,000,000 but less than 7,000,000;

"356,208 if such population is 7,000,000 but less than 9,000,000;

"$373,428 if such population is 9,000,000 but less than 10,000,000;

"$390,648 if such population is 10,000,000 but less than 11,000,000;

"$407,868 if such population is 11,000,000 but less than 12,000,000;

"$425,088 if such population is 12,000,000 but less than 13,000,000;

"$442,308 if such population is 13,000,000 but less than 15,000,000;

"$459,528 if such population is 15,000,000 but less than 17,000,000;

"$477,978 if such population is 17,000,000 or more.".

(c) The second sentence of paragraph (2) of such section shall be deemed to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,230 per annum or in excess of $19,680 per annum, except that (i) the salary of two employees may be fixed at rates of not more than $26,568 per annum, (ii) the salary of one employee may be fixed at a rate of not more than $32,226 per annum, (iii) the salaries of two employees may be fixed at rates of not more than $33,702 per annum, and (iv) the salary of one employee may be fixed at a rate of not more than $35,178 per annum.".

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,160" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended, shall be deemed to read "$1,230".

(b) The maximum annual rate of compensation of $35,496 appearing in such section is increased by 6 percent, and as so increased, adjusted to the nearest multiple of $246. Notwithstanding the provisions of this subsection, any individual occupying a position to which such rate applies shall not have his compensation fixed at a rate exceeding $35,670 per annum until the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased to $38,000 or more.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to be paid an increase in the annual rate of his compensation authorized under section 4, 5, or 6 of this Order, the individual designated by such section to authorize an increased rate shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date such increase is to be effective.

DUAL COMPENSATION

SEC. 9. The figure "$7,724" contained in section 5533(c)(1) of title 5, United States Code, insofar as such section relates to individuals whose pay is disbursed by the Secretary of the Senate, shall be deemed, insofar as such section relates to such individuals, to refer to the figure "$8,187."

EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective on February 1, 1971. This section shall not be construed as prohibiting the filing with the disbursing office of the Senate, on any day earlier than such date, a notice authorizing an increase under this Order in the rate of compensation of an individual if such increase is not effective prior to such date.

RICHARD B. RUSSELL,
President pro tempore.

JANUARY 15, 1971.

THE UKRAINE

Mr. FANNIN. Mr. President, last Friday persons of Ukrainian heritage in the United States and throughout much of the world, held ceremonies marking the 53d anniversary of the short-lived independence of the Ukraine. No such ceremonies were held in the Ukraine, of course. That Republic has suffered from Soviet repression since Red troops overran the Ukraine a half-century ago.

I would like to join Members of Congress who have refocused the spotlight this week on the enslavement of the Ukraine by the U.S.S.R.

During the 1917 revolution in Russia, the Communists declared the rights of people to equality and self-determination Ukrainian leaders took the Red leaders at their word, and on January 22, 1918, at Kiev, they declared the independence of the Ukraine. But Red soldiers soon marched on the Ukraine and erased Ukrainian independence.

This process has been repeated many times by the Communists, the Soviets have subjugated one nation after another in their goal of world domination.

Dates such as January 22 serve as a reminder of just how much trust we can put in Soviet rhetoric, and as an example of how the Communists ruthlessly use their power to crush smaller or weaker nations.

A TRIBUTE TO THE HONORABLE RICHARD BREVARD RUSSELL OF GEORGIA

Mr. STEVENS. Mr. President, today we pause for a few moments to pay tribute to a late Member of this body, the Honorable Richard Brevard Russell of Georgia.

Throughout his life of service to the people of Georgia, the South, and the United States, Richard Russell demonstrated those qualities which have distinguished many southern lawyer-statesmen. Though he has been characterized as a southern conservative, Russell's intelligence and integrity earned him the respect of men from all walks of life and of all political persuasions. He rose to a position of immense power in the Senate, not merely by virtue of his 37 years of seniority, but through his great powers of persuasion, his facile mind, and his capacity for hard work. As evidence of the high esteem in which he was held during his life of public service, the late Senator Russell was chosen time and again to perform very difficult tasks of great importance to this Nation. Thus the Senator was chosen to preside over the joint Senate committee which investigated the controversy surrounding Gen. Douglas MacArthur's dismissal in 1951, was appointed by President Johnson to serve on the Warren Commission, and was selected to lead a five-man committee which undertook a detailed examination of the American war effort during World War II. In addition, Senator Russell served as an informal adviser and confidant to Presidents from both parties and from several points on the political spectrum.

Richard Russell's achievements also earned him the recognized leadership of the southern congressional bloc. In both the 1948 and 1952 Democratic National Conventions, he was nominated as the southern choice for President.

During his life of epic achievement, the late Senator Russell remained a quiet, gentlemanly, almost shy man. He never sought publicity nor attempted to impress his colleagues with flashy rhetoric. But, this is not to say that he was not a forceful advocate and a fierce adversary. In many instances, his beliefs were later translated into the law of the land; in some instances, his views were not accepted. In every instance, he retained the respect of opponents and supporters alike.

Although Richard Brevard Russell is dead, his achievements, his unique abilities, and his outstanding character will long be remembered. I am confident that history will mark him as a consummate statesman who transcended regional boundaries to become a Senator for all of the United States, and as a paragon worth emulating by those who would pursue a life of public service. We in the Senate and the people of this Nation have lost the services of a truly great American.

EDNA FISCHEL GELLHORN

Mr. SYMINGTON. Mr. President, last fall, in my own State of Missouri, a truly great lady departed this life. Prior to her departure, Edna Fischel Gellhorn left a legacy which all those who respected and loved her—and I was proud to be one—knew made her one of the most outstanding private citizens of our time.

Would there were some way a photograph could be reproduced in the RECORD because in the strong but gentle beauty of Edna Gellhorn was portrayed all that is best about our country and its future.

No person could have had more ideals and ambitions for her community; no one ever worked more tirelessly to achieve those goals.

Because I had long believed in the truth of this tribute to a gracious lady who lived to be in her nineties, I was especially impressed with the talk of Irving Dilliard, one of several who spoke at the commemorative service held for Mrs. Gellhorn in Graham Chapel at Washington University. In her proud memory, Mr. Dilliard paraphrased words used in 1939 by Judge Learned Hand in describing the life of Judge Cardozo:

> The wise person is one exempt from the handicap of a past that is burdened with frustrations and ambitions and envies and all their corruptions.
>
> Edna Gellhorn was such a woman. Her gentle nature had in it no acquisitiveness; she did not use herself as a measure of value; the secret of her success lay in her ability to get outside of herself, and look back. Yet from this self-effacement came a power greater than the power of him who ruleth a city.
>
> She was wise because her spirit was uncontaminated, because she knew no violence, or hatred, or envy, or jealousy, or ill-will. It was this purity that chiefly made her the private citizen who was also the first lady in our city, the one we so much revere; this even more than her learning, her acuteness, her fabulous industry.
>
> In this America of ours where the passion for publicity is a disease, where swarms of foolish, tawdry moths dash with rapture into its consuming fire, it was a rare good fortune that brought her to live and work tirelessly among us, a woman so unassuming, so gracious to high and low, and so serene.
>
> While the west is lighted with her radiance, it is well for us to pause and take count of our own coarser selves. She has a lesson to teach us if we care to stop and learn; a lesson quite at variance with most that we practice, and much that we profess—

Each of us probably knows or knew someone to whom we believe those words apply. I know they applied to Edna Gellhorn—

> For there is still work enough, and to spare, for us all.

I ask unanimous consent that this address by Mr. Dilliard be printed in full at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EDNA FISCHEL GELLHORN

We have come together not to mourn a death but to celebrate a life.

We meet not to record an end but to applaud a host of beginnings.

We are here not to intone words of farewell but gladly to declare our gratitude for countless inspirations.

Each one of us honors himself, or herself, the more with a presence that speaks tribute this afternoon to Edna Fischel Gellhorn.

Edna Gellhorn. Mrs. Gellhorn.

I remember when I first heard her name. Not the day or the month or even the exact year. My age was that of a schoolboy and my mother was telling me about women who were doing new things in the world.

She told me about Jane Addams and the work at Hull House for the masses of poor people in the slums of Chicago.

She told me about the Italian educator, Maria Montessori, and her fresh approach to finding out what children could do.

And she told me about a St. Louis homemaker who was in the forefront of the struggle to obtain voting rights for women and in other good causes.

My mother did not, I am sure, tell me about all these pioneering women at the same time. And she probably told me about others. For I rather think that I first heard about Alice Freeman Palmer the same way.

But these three names I do recall clearly after some fifty years. And of the three, the name of Edna Gellhorn made its own special impression that has lasted to this moment.

I have asked myself in recent days why this was so. Perhaps I have found an answer. Might it have impressed a schoolboy because she was not in far off Europe as Maria Montessori? Or even in seemingly remote Chicago as was Jane Addams?

Edna Gellhorn was in St. Louis, nearby, close at hand, and people in our area had personal knowledge of what she was doing.

It never entered the schoolboy's mind that many years later when Edna Gellhorn would reach four score years of service to our community, our region, our country and indeed the world, he would be in a position to lead a round of cheers for her in public print.

But the years passed and her service reached out wider and wider and in time he had just that opportunity. Here is what was written for others to read, on December 14, 1958:

EIGHTY IN ABSENTIA

"Next Thursday, December 18, will be the eightieth birthday of Mrs. George Gellhorn. Although she is en route to England for a Christmas visit with members of her family, the occasion is one that her admirers will gladly celebrate with warmest thoughts.

"As Edna Fischel she married in 1903 a young gynecologist, then recently settled in St. Louis. Along with a full family life, interwoven with the late Dr. Gellhorn's practice, research and teaching, first at St. Louis University and then at Washington University, she has found time to serve so many good causes that no one, least of all she, has ever kept track of them all.

"A young mother of four, she helped lead a campaign for a pure milk ordinance. She worked for free clinics to which the indigent sick could apply for medical service. She became a captain in the woman suffrage fight. When her sex at last won the right to vote, she joined in establishing the League of Women Voters as an educational force.

"In World War I she was Food Administrator Hoover's strong right arm in St. Louis. An early supporter of the League of Nations, she is a generation later organizing chapters of the American Association for the United Nations. Concerned about the effects of atomic explosions on children not yet born, she has joined in advancing the work of the Citizens Committee for Nuclear Information.

"As Edna Gellhorn has helped remove the hobbles that custom put in the way of education of girls and employment of women, so has she struck at prejudice against race. She probably finds as much satisfaction in her participation on the Citizens Committee for Homer G. Phillips Hospital as in any of her efforts.

"Never has she run for public office, although she has been proposed many times as a candidate. All that she has done has been the unselfish work of one devoted, informed, graceful, charming, ageless, courageous citizen. It is a joy to wish her many happy returns."

Those words appeared in print a dozen years ago and yet the present tense is no less appropriate now than it was then.

Edna Gellhorn made her work an inseparable part of her life and the two go on and on as one, meeting changing situations, new conditions, in her quiet, intelligent, always youthful, resolute way of doing everything that came to her hand.

Any one of her endeavors is worth our examination in more detail. Since the Nation is currently observing the Golden Jubilee of the Woman Suffrage Amendment to the United States Constitution, I select it from so many of her works.

For it is hard for us today, even though we think otherwise, to realize what a fight it was, how much prejudice had to be overcome, how many petitions and marches it took, how many demonstrations were required, how many times traffic had to be blocked, to wake up Washington and our State capitals and to show our male leaders that here was a force that could never be turned back.

Emily Taft Douglas marched in the ranks chronologically behind Edna Gellhorn and it is now Mrs. Douglas' book, "Remember the Ladies," that I share with you:

"Whatever his former doubts, by 1918, President Wilson was the most potent spokesman for suffrage. Appearing in person before a joint session of Congress, he pleaded that Europeans were now looking to the United States to lead the way. 'They think in their logical simplicity,' he said, 'that women shall play their part in affairs alongside men and upon equal footing . . . They have seen their own governments accept that interpretation of democracy . . . seen old governments like that of Great Britain, which did not profess to be democratic, promise readily and take action.'

"For a time the two English-speaking nations had seemed in a race to enfranchise their women, but the Senate gave the victory to Great Britain. Peace brought suffrage to the women of Russia and Germany, to those of African colonies and of new nations where they had not even asked for such rights. In all it brought suffrage to 26 countries before the United States acted. American women had launched the international movement and had worked longer and harder than any others, but American men still resisted.

"During these months while both political parties wooed the ladies, a bipartisan group of 36 senators twice defeated the Amendment by a razor's edge. The Republican noes came largely from the Eastern seaboard, the Democrats' from the solid South. The opposition talked states' rights, but Dixie had just led the fight for national prohibition. The fact was that since the South repudiated the Fifteenth Amendment, ensuring Negro suffrage, it had to oppose the Nineteenth. Besides, since no Southern state had enfranchised its women (as Illinois, New York, California and many other states had done for state elections), it was clear that the South meant to keep male as well as white supremacy.

"After the Lame Duck Congress closed in February of 1919, the President, himself Virginia-born, surprised the opposition by convening the newly elected Congress in a spring session. Fresh from the country, this Congress had the votes to pass the Susan B. Anthony Nineteenth Amendment to the Constitution. And pass it the new Congress did.

"For a last time, the suffragists sprang to action, passing out handbills, canvassing, buttonholing state legislators and staging giant parades. Alongside the old-timers now marched tens of thousands of housewives, students, and factory workers. There was still a group of 'antis', vestigal remains of the past, but now they were out of step.

"Within a month 11 states, with more than half the nation's population and all the major cities, had ratified the Amendment. Then the pace slackened and the opposition hardened. After 35 ratifications, it was still not sure that there would ever be the crucial 36th. It took five months and heroic efforts to overcome the bribes and threats of the last-ditch fight. The Supreme Court had quashed all doubts about the Amendment's constitutionality, before Tennessee, the most southerly state to ratify, did so in August of 1920.

"The deferred success made the final outcome anticlimactic, but not so the last suffrage convention. As they closed an epoch, the delegates celebrated Susan B. Anthony's hundredth anniversary. For three generations women of all political views had worked together for a cause that was larger than their differences. Now, having succeeded, they had to disperse unless, as Carrie Chapman Catt suggested, they were to organize as a non-partisan national league of women voters. Again they could unite on issues greater than politics. They could promote civic education, welfare for the nation's children, civil liberties, social justice and international peace."

And that, as all Edna Gellhorn's friends know, is just what she did. When the National League of Women Voters was founded, almost immediately, she was chosen its first Vice President. Here in Missouri her coworkers in the suffrage battle, by acclamation moved her to the presidency of the new State League of Women Voters and she took her turn at leading the St. Louis League; and the St. Louis merit system was achieved over the opposition of spoils politicians, just as she worked for a state merit system. She directed the Missouri League's campaign for a new Missouri Constitution, and the greatly improved basic state charter of 1945 is one of the milestones she labored to reach and pass. She had attended Mary Institute and a private college, Bryn Mawr, and she helped found a private secondary school, John Burroughs, but she knew the supreme importance of public schools in a self-governing democracy. In St. Louis she contributed to the school system by helping achieve personnel practices based on merit.

All the while she set an example of higher ethical citizenship, a need she learned from her parents who were early leaders in the Ethical Culture Society of St. Louis. She did not go about professing her patriotism, she lived it day by day. She practiced something too many Americans do not know even now, that love of country is not expressed by fitful, impulsive displays, but by what Adlai E. Stevenson called "the slow, steady dedication of a lifetime."

In all this she never found it necessary to stay away long from her native St. Louis. Born here, she found an abundance of work at her door. Her home, then later her apartment at 4961 Laclede Avenue, was a command post for numberless campaigns for human benefit, ranging all the way from skirmishes and quick victories to long, hard-fought struggles that only those with determination and perseverance and indomitable confidence in the right could somehow survive. She loved the St. Louis she distinguished and her Mississippi Valley. One thing about this assembly today of which we can be sure she would have approved is that her friends have gathered in the gold-blue afternoon of Indian Summer at always beautiful Washington University.

When Learned Hand was asked to appraise the life of Justice Cardozo in 1939, he found it in his understanding heart to cite qualities that rise before us now, I paraphrase here and there to suit Judge Hand's words to our occasion:

The wise person is one exempt from the handicap of a past that is burdened with frustrations and ambitions and envies and all their corruptions: Edna Gellhorn was such a woman. Her gentle nature had in it no acquisitiveness; she did not use herself as a measure of value; the secret of her success lay in her ability to get outside of herself, and look back. Yet from this self-effacement came a power greater than the power of him who ruleth a city. She was wise because her spirit was uncontaminated, because she knew no violence, or hatred, or envy, or jealousy, or ill-will. It was this purity that chiefly made her the private citizen who was also the first lady of our city, the one we so much revere; this even more than her learning, her acuteness, her fabulous industry. In this America of ours where the passion for publicity is a disease, and where swarms of foolish, tawdy moths dash with rapture into its consuming fire, it was a rare good fortune that brought her to live and work tirelessly among us, a woman so unassuming, so gracious to high and low, and so serene. While the west is lighted with her radiance, it is well for us to pause and take count of our own coarser selves. She has a lesson to teach us if we care to stop and learn; a lesson quite at variance with most that we practice, and much that we profess.

Yes, Learned Hand's shining thought does apply to the life and achievement of Edna Gellhorn. How can any one of us do other than resolve as this mid-October sky is lighted with her inspiration, to take up some part of her work and go unceasingly forward with it!

"For there is still work enough, and to spare, for us all."

TRIBUTE TO THE LATE SENATOR RUSSELL

Mr. FONG. Mr. President, it was a very sad time for the Senate and for the Nation when death took from us on the opening day of this 92d Congress an esteemed colleague who contributed more than 50 of his 73 years to public service.

Senator Richard B. Russell, quite rightly named the dean of this U.S. Senate, will go down in history as one of our Nation's famous men. He served in the Senate for 37 years, through the terms of six Presidents. All knew him well; all sought his counsel; all respected his judgment.

In the Senate, he carried out his duties with great skill, sincerity, and dedication. He was devoted to his home State of Georgia and to his country.

During my 2 years' service on the Appropriations Committee, I came to value the friendly and knowledgeable advice of Richard Russell, the committee's most able chairman.

To quote from a portion of President Nixon's eulogy to this great man:

> He has set an example for all of us as Americans to be proud of, an example for all of us to emulate. a selfless service to America.

PROBLEMS OF CITRUS GROWERS OF CALIFORNIA AND ARIZONA

Mr. CRANSTON. Mr. President, in connection with the Congress concern over foreign trade, I would like to discuss the problems of the citrus growers of California and Arizona. That problem is, basically, that American citrus exports are being gradually shut out of the market in the countries of the European Economic Community.

This is happening, not by reason of defects in the product, because American growing and packing techniques produce a high-quality citrus product. Nor is it due to a defect in marketing, for American growers have worked diligently since the turn of the century to develop a European market for U.S. citrus. The troubles of American citrus in the European market are due solely to discrimination by EEC, discrimination accomplished by the granting of tariff preferences by the EEC to some of her Mediterranean neighbors. This preferential treatment is a serious violation of the most-favored-nation principle, the basic principle of the General Agreement on Tariffs and Trade, of which all the EEC countries, and the United States are signatories.

The scope of the discriminatory preferences is very broad. The EEC must import 96 percent of its citrus needs, and is the largest citrus importing area in the world. In August of 1969, the EEC signed preferential association agreements with Morocco and Tunisia giving those two countries an 80-percent reduction in the common external tariff on all the citrus they shipped to the EEC. At the same time, but not by treaty, the EEC granted a 40-percent tariff reduction to Spanish and Israel citrus.

The United States, along with the two other major non-Mediterranean citrus exporters, South Africa and Brazil, protested this action to GATT as a clear violation of the most-favored-nation principle. The basis of the principle, as you know, is that if a GATT signatory grants a trade preference to any country, it must grant the same preference to every other country belonging to GATT.

Recognizing that their acts were a clear violation of this rule of equal treatment, the EEC asked for a waiver of the MFN rule. When it became clear no waiver would be granted, they withdrew the request, fearing a negative vote, and promised to withdraw the duty reductions given to Spain and Israel.

The proposed "withdrawal" was announced in January of 1970, but was not effective until May. By that time it had already been in effect for most of the Spanish and Israel shipping season. Thus, the withdrawal was an empty gesture.

Then, in October of 1970, the 40-percent preferences for Spain and Israel were reinstated, this time by treaty.

Therefore, again this year, American citrus shipped to Europe will have to compete with citrus which has paid only 60 or 20 percent of the duties it has paid.

Now we must turn to the question of what the effect of these preferences will be on those California and Arizona growers who export citrus to the EEC and on those men and women who work in the citrus industry. The effect is that growers are losing a large and important market for their products and the jobs of citrus workers are in jeopardy.

The importance of the European market to American growers may be shown by their hard work in developing it. U.S. citrus was first shipped to Europe in 1892, significant volumes were reached in the 1930's, and in the post-World War II years there have been constant efforts to increase the U.S. share of the market.

U.S. citrus has always had two built-in disadvantages in the EEC countries; higher labor costs in America and a much longer shipping distance. These were overcome by superior grading and packing methods, and an aggressive marketing policy.

But even an aggressive marketing and advertising policy cannot overcome the price disparity wrought by the preferential agreements.

For example, the common external tariff is 15 percent from April to October and 20 percent the rest of the year. Thus, a $4 crate of oranges coming into the EEC from the United States in March pays an $0.80 tariff. An identical crate from Israel or Spain pays only $0.48, and a crate from Morocco or Tunisia pays only $0.16, so that a Moroccan grower can undersell his American competitor by $0.64 without cutting his profits by one penny.

Obviously, it is very hard to compete in such a situation, and the figures bear this out. In the Rotterdam auction market, for example, from 1969 to 1970, EEC citrus consumption rose 9 percent, EEC citrus imports from Israel rose 30 percent, imports from Spain rose 45 percent, and from Morocco, 53 percent. But imports from the United States dropped by 34 percent. In fact, each country without a preference lost part of its market share.

Obviously, these preferential trade agreements mean disaster to the American citrus grower, but what do they mean for the rest of us? It is as simple as this:

The very cornerstone of American trade policy since the 1930's has been the most-favored-nation principle. That same principle is the very heart of GATT.

If we allow such a blatant violation as these preferential agreements to be simply ignored, then GATT becomes an empty shell, a mere collection of words, and American trade policy becomes a paper tiger.

If the EEC can ignore GATT with impunity in the case of citrus, there is nothing to stop them from granting similar preferences on other agricultural and industrial commodities. If GATT is to be a meaningful document, if American trade policy is to be viable, then action must be taken to vindicate the most-favored-nation principle and convince the EEC to grant equal treatment to American citrus exporters. This can be accomplished by the executive branch if it has the desire to do so.

Mr. President, I call upon Secretary of State Rogers to use the influence of his office to persuade the EEC to grant equal treatment to American citrus exporters. In a little more than 2 weeks the EEC will meet to present proposals to solve the existing discrimination.

The Secretary must become personally involved in order to insure that the Europeans grant American citrus most-favored-nation treatment.

At stake is the economic health of California's citrus industry which employs 37,000 people and also the continued viability of American trade policies.

RICHARD BREVARD RUSSELL—A TRULY GREAT AMERICAN

Mr. McINTYRE. Mr. President, greatness was chipped from the solid block of the Senate when Richard Brevard Russell died.

It is one of the proudest facts of my life that I am able to say that I knew him, I worked with him, I served with him, and I could call this towering American my friend.

We cannot now make an objective judgment of what Richard Russell has meant to our Nation. We are too close to the time when he was here among us and when he was a major force in our deliberations. Time and history will tell the tremendous impact he had on the Senate and the history of our Nation.

I did not always agree with Richard Russell. There were areas, although not many—but areas such as civil rights where I found myself opposing him. We came from differing backgrounds and we represented different constituencies. But, I never doubted for 1 minute his true dedication to his views. I deeply respected his profound knowledge of Government, of the Congress, of the Senate, and his display and use of that knowledge to plead and accomplish much for the cause in which he so deeply believed.

I came to the Senate Armed Services Committee as the most junior majority member at a time when he was chairman of that powerful committee. I learned, as all who have served under him on the Armed Services Committee have, of the vast understanding he possessed of the enormously complex defense structure and the devotion he displayed to assuring a viable and strong defense for our Nation.

We have lost a leader who will not soon, in all he has meant to the Senate, be replaced. We have lost a truly great American.

THE PRESIDENT'S ACHIEVEMENTS IN THE FIGHT AGAINST HUNGER

Mr. DOLE. Mr. President, the Nixon administration has compiled—in 2 short years—the most impressive record in the campaign against hunger ever seen in this country. Both in terms of concrete improvements in the nutritional levels of disadvantaged and economically depressed people and in firm commitment to achieve greater progress, this administration, under President Nixon's leadership, has been highly impressive and effective.

Last year the President called together concerned individuals from all walks of life and from all areas of expertise concerned with hunger in America. The White House Conference on Food, Nutrition and Health, under the leadership of Dr. Jean Mayer of Harvard, was a milestone in this Nation's efforts to understand and solve the great problems of human needs in our Nation. The report which issued from this Conference has been subjected to close study and evaluation at all levels of the administration, and it has provided valuable suggestions and information for the formulation of future programs and policies.

Recently the President's Domestic Council Subcommittee on Nutrition completed a summary report to review the record in the year since the White House Conference was called. On January 21 the President issued a statement concerning this summary report. It briefly and clearly sets forth the major achievements of the administration in this field. Mr. President, I ask unanimous consent that this summary be printed in the Record at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION, AND HEALTH

(Statement by the President on the Summary Report by the Nutrition Subcommittee of the Domestic Council. January 21, 1971)

We have made great strides in improving the incomes and nutrition of millions of Americans.

One year ago, I convened a White House Conference on Food, Nutrition, and Health. I promised the participants that we would review what had actually been accomplished a year later.

The Nutrition Subcommittee of the Domestic Council has prepared a Summary Report of major achievements during this time, and they make an impressive record indeed:

New figures indicate that the Food Stamp Program will assist over 10 million people by the middle of this year, nearly triple the number helped just 18 months earlier.

All but 10 of the Nation's 3,129 counties and independent cities have now moved to implement a family food program. A year ago there were 300 counties with no plans for such a program.

Monthly expenditures on food stamps have quintupled in only 1 year to a current level of more than $125 million per month.

This administration will soon provide free food stamps to the very poorest families under a proposal recently approved by the Congress.

We have committed greatly increased funds to child feeding programs—almost 50 percent more this year than last. The money to assist with free or reduced-price lunches for needy children has been increased eightfold since 1969. We are feeding hundreds of thousands of additional needly children each month.

The Food and Drug Administration is working to establish guidelines which will help Americans become better informed in food selection.

The Federal Trade Commission has created a division of food enforcement to assure that families are fully protected from deceptive or misleading claims or advertisements.

Those who administer our food and nutrition programs can be justly proud of the accomplishments described in this Summary Report.

But this is no time to sit back or to ease off in our efforts. The programs which are now operating must be made to operate even more effectively. More importantly, we must remember that the key to better nutrition in the long run is to provide sufficient income to purchase adequate diets and to meet the other basic day-to-day needs.

I will urge the Congress to enact welfare reform and higher social security benefits to meet this need. These essential reforms should be made promptly—for the good of the poor, the elderly, and the Nation as a whole.

I urge those who will participate in the Follow-up Conference on Food, Nutrition, and Health to study this Summary Report to assist them in evaluating the original recommendations and in gauging our progress in this vital area of national policy.

Mr. DOLE. Mr. President, the President has also announced that he intends to call a follow-up Conference on Food, Nutrition, and Health to give continuing study of the problems and progress in this field. On January 21 the White House released the contents of letters exchanged between the President and Dr. Mayer concerning this followup conference. The Senator from South Carolina (Mr. Hollings) might be particularly interested in this exchange of letters between the President and one of the Nation's foremost experts in the nutritional needs of Americans. The Senator seems to have gained the mistaken impression that this administration has ignored or spurned expert opinion relating to this area of concern and has been reluctant to call the followup conference. Dr. Mayer's words are not those of an individual whose contributions and efforts have been slighted, and the President's actions clearly indicate his recognition and appreciation of the contributions of Dr. Mayer and the conference as well as the personal commitment of Richard Nixon. I ask unanimous consent that the contents of these letters be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

EXCHANGE OF LETTERS BETWEEN THE PRESIDENT AND DR. JEAN MAYER

THE WHITE HOUSE,
January 19, 1971.

Dr. Jean Mayer,
School of Public Health,
Harvard University,
Boston, Mass.

Dear Dr. Mayer: It was particularly thoughtful of you to write to me about the Williamsburg meeting. It should be an extremely useful review of the work accomplished over the past year since the original White House Conference. I understand that you have already done a great deal to develop plans for this follow-up conference, and I want you to know how much I appreciate not only your encouraging comments but also your readiness to continue helping us out.

With best wishes,

Sincerely,

Richard Nixon.

January 11, 1971.

The Honorable Richard M. Nixon,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: I would like to congratulate and thank you for calling the follow-up meeting on the Conference on Food, Nutrition, and Health as you indicated you would a year ago. By doing so you have demonstrated that White House conferences can, indeed, become important tools in national planning rather than simple exercises in the listing of desirable reforms.

During the intervening year, I have seen my role as a prodder to try to get members of the administration, officials at the state and local level, industry and voluntary associations to do more to fulfill the national pledge expressed by you to eliminate hunger and malnutrition from America for all time. Let me assure you that while I have constantly pushed for more action, I have been very much impressed with the progress made this year under your leadership. The number of poor children receiving free school lunches has doubled, the number of our poor fellow citizens benefitting from food stamps has tripled. We now have an excellent School Lunch Act and a Food Stamp Act, which, while not perfect, is a definite improvement over what we had before. The F.D.A. and the Department of Agriculture have changed their regulations so as to facilitate improvement of the quality of our food supply by industry. In turn, the leadership of industry has made a serious start toward putting nutrition at the forefront of their preoccupations. Voluntary organizations, particularly the women's organizations and the churches, have been most supportive of these efforts and have often stepped in when local authorities have been less effective than they might have been.

I want to assure you that I will do what I can to make sure that the Williamsburg follow-up meeting takes cognizance of these achievements, and publicizes the fact that under your leadership more has been done in the area of hunger and malnutrition in the past year than had been done in decades before.

Sincerely yours,

Jean Mayer,
Professor

Mr. DOLE. Mr. President, the Nixon administration has made great progress and is firmly pledged to continue its efforts to improve the nutritional well-being of all Americans. I believe that everyone concerned with this area can take considerable pride in knowing of the President's dedication and his substantial record in the field. I would also suggest that those who have lately come to an awareness of the needs and problems which still exist might first consider that the President's concern and interest have been deep and of long standing and have been translated into real and meaningful progress—not mere words and publicity. It is always easy to become an instant expert on a problem, and it is one thing to criticize the efforts and progress of others. It is quite another matter, however, to bear the actual responsibility for exerting those efforts and for achieving that progress. President Nixon has borne this responsibility, and he has exerted the efforts which have achieved the significant progress of the past 2 years, and I believe the record should be free from self-serving and unsupported criticism by those who neither bear the responsibility nor have a record of their own to display.

DEATH OF W. RAYMOND "RAY" FLICKER

Mr. RIBICOFF. Mr. President, W. Raymond (Ray) Flicker, the publisher of the Bridgeport, Conn., Post, the Telegram and the Sunday Post, died January 8, 1971. He was 73.

I am deeply saddened by Ray's death. He was a good friend and a great newspaperman.

The Bridgeport Sunday Post of January 10, 1971 published a most moving and fitting editorial about Ray Flicker which I ask unanimous consent to have printed in the RECORD at this point.

In addition, I ask unanimous consent to have printed in the RECORD a letter I wrote to the Bridgeport Post and carried in that paper about Ray.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

RAY FLICKER PRAISED BY SENATOR RIBICOFF

TO THE EDITOR:

On my return from a trip abroad, I was saddened to learn of the death of W. Raymond Flicker.

I knew Ray for many years as a friend and publisher. To visit Bridgeport and chat with him was always a pleasure and an education. Ray always sensed the pulse of Bridgeport and Connecticut. Under his guidance, The Bridgeport Post, The Telegram and The Sunday Post were fair, knowledgeable, and responsible newspapers. Irrespective of his personal politics or attitude toward individuals, every candidate and office holder received fair treatment in the columns of his papers.

I always admired his deep involvement with the Bridgeport Boys' Clubs. He realized the importance of youth and felt a keen responsibility toward their development and citizenship. Many were the occasions when I participated with him in events in behalf of Boys' Clubs.

His death will be a heavy burden indeed to his wife, his children, and his sister. Ruth joins me in extending our deepest sympathy to the members of the family, the employees of the Post Publishing Company, and the people of Bridgeport and Connecticut.

ABRAHAM RIBICOFF,
U.S. Senate, Washington, D.C.

RAY FLICKER

A remarkable man has left this life.

Death came Friday to Ray Flicker, less than a month before his 74th birthday.

He was an uncommon individual in many ways, mostly because he was extravagant in his loyalty and kindness. Beneath the rugged exterior of the man there was genuine warmth and gentleness, a profound feeling for others. These qualities manifested themselves in his love of family, his allegiance to his employes, his devotion to the boys of Bridgeport, and his unwavering faithfulness to his friends.

The beauty of the man was that his goodness was authentic. He listened to the dictates of his heart, then acted with a steely positiveness.

For more than three decades Mr. Flicker was the guiding hand for the newspapers of The Post Publishing Company. He insisted that the good deeds of others be appropriately publicized, not his own.

The same philosophy prevailed in his approach to running the newspapers. Mr. Flicker preferred to do much and say little. Among Connecticut publishers Mr. Flicker was admired as a builder, having launched and directed three major expansion programs at The Post. His final project was the new printing plant on State Street several hundred feet west of the headquarters of The Post. The new press and other equipment were in the final stages of installation when he was stricken last July.

An electrical engineer turned newspaper executive, Mr. Flicker deeply respected the inborn abilities of journalists. He made what he believed to be proper appointments, expecting the assignments to be carried out. He did not superimpose his feeling or judgments on the men and women who specialize in gathering, writing, editing, and interpreting news.

The same held true in all departments of the newspapers. Confidence once placed was not quickly or easily withdrawn. Mr. Flicker held high regard for the ability of others and wanted his people to stand on their own. Always, he was in the background prepared to offer encouragement and provide support.

By some standards Mr. Flicker may have been considered old fashioned in a modern business world which can hadly keep pace with itself. Much to his credit he pleasantly refused to allow computers or any other kind of gadgetry to come between him and the people of Bridgeport he had served over the years.

Advertisers never had a problem getting through to him. For that matter, neither did readers. He listened to all who legitimately had something to say. If there was a condition which should be improved, he made certain it was remedied in quick order.

Ray Flicker had abiding faith in his product. Never would he seek to sell anyone. Rather, with a becoming smile, in a few words he would suggest that a potential new advertiser or reader make his decision on the basis of the facts. The results, the growth in advertising linage and circulation. (The daily Post doubled and The Sunday Post tripled in sales during Mr. Flicker's time) testify eloquently and conclusively to the worth of his calm, reasoned policies.

Though influence was his for the taking, Mr. Flicker stoutly refused to use his prestigious position in the city, the county, and the state for anything other than the most worthy of causes. At the top of his list was the Boys' Club.

It has often been said with good reason that when a Bridgeporter thought of Ray Flicker he would just as quickly associate the name with the Boys' Club as with The Post. Mr. Flicker never indicated which he felt should come first. There are many who suspect the two stood side by side.

For 21 years he served as president of the Boys' Club. Before accepting this office he was a member of the Board of Directors for eight years as he carried on a family tradition started by his father, Edward Flicker, soon after he came to Bridgeport from Cincinnati.

Much like Father Flanagan, the founder of Boys' Town, Ray Flicker positively refused to believe there was a youngster in the world, or at least in Bridgeport, who might be classed as a bad boy.

He had an inspirational and unending faith in young people, maintaining always that a full schedule of wholesome activities would not only keep them out of mischief, but was an integral part of preparation for manhood.

A practical person, Mr. Flicker recognized in the planning of the North End Boys' Club in the late 1940s that one building, if designed properly, could serve both boys and girls. At that time little was being done throughout the country to provide recreational facilities for girls. Subsequently Mr. Flicker was honored by the National Girls' Club for his foresight and other contributions to the program.

The recipient of both the Bronze Keystone Award and the Silver Keystone Award—the latter is the highest honor bestowed on anyone associated with the Boys' Clubs of America—Mr. Flicker was seldom satisfied with his efforts. He constantly sought to do more. During his last active days he was working diligently to develop a program through which another new Boys' Club could be built in Brideport. As one might easily suspect, he had hoped to make this club the best.

Many groups and individuals knew Mr. Flicker as a prudent and resourceful adviser and as a friend who was unflinching and charitable. The United Fund, the Jesuit Fathers at Fairfield University, the Carmelite Sisters at St. Joseph's Manor in Trumbull, are but a few in the wide array of those he assisted. For three decades he shared his financial acumen with the Connecticut National Bank as a director and a willing member of numerous special committees.

A full list of beneficiaries of his wise counsel and personal generosity could never be compiled for he believed the best of good deeds were those known only to himself and the recipient. Whatever he did to help others Mr. Flicker did naturally. He knew no other way.

In many respects, Mr. Flicker was an excellent example of what so many of us should aspire to be: a man of candor, of uncomplicated honesty, a giver of one's self, a generator of love within his own family, a devotee of such simple pursuits as fellowship and sports.

These were among the sterling characteristics of the man, the distinguishing traits that set him apart from and, yes, above the crowd.

Ray Flicker has gone to his eternal reward. It should be rich indeed.

THE CONQUEST OF CANCER IS A HIGH PRIORITY ACT

Mr. McINTYRE. Mr. President, it was a matter of great regret that the Senate, in the closing days of the 91st Congress, was not able to act on the conquest of cancer bill introduced by the distinguished former chairman of the Committee on Labor and Public Welfare, Ralph Yarborough of Texas.

The bill was introduced by Senator Yarborough on December 4 and the reason its introduction came so late in the session was that the group of experts appointed to study the cancer problem by the committee did not finish their work and submit their report until November 25, 1970.

In the short time the bill was alive, 25 additional Members of the Senate joined the author of the bill as cosponsors and there is no doubt that had there been another month or two remaining in the session, a majority of the Senate would have had their names on the legislation.

There is no more dread disease than cancer, no disease more cruel in its ravage of the human body and none with more impact on the emotions of the victims and their loved ones. There is no price too high to pay for a solution to this plague and no means too extreme to call into play. We must marshal whatever resources are necessary and get on with the program to bring the disease to an end.

The conquest of cancer bill came to the Senate the product of 6 months of intensive work and study by 26 of the most knowledgeable and distinguished scientists and laymen in the Nation. This panel of dedicated men and women was brought together by the chairman of the Labor and Public Welfare Committee following the adoption of Senate Resolution 376 authorizing their appointment and declaring their responsibility to set forth the plans and programs to enable our scientific community to discover the causes and cures of cancer. I joined the chairman in this enterprise as a cosponsor of the resolution.

The individuals who comprised the panel came from many different walks of life and reflected many different segments of our society. There were directors of several of the outstanding cancer centers of the country, eminent basic research figures, distinguished practitioners in surgery, radiology, pathology and other specialties in cancer, and lay leaders from the worlds of advertising, education, publishing, labor, drug manufacture statecraft, films, and finance. These men and women were joined in the belief and faith that we could eliminate cancer if we were willing to devote our enormous resources to achieve such a goal.

Mr. President, I would like to quote from the most revealing speech Ralph Yarborough made when he introduced the "Conquest of Cancer Act" last year:

> Since the very beginning of medical history, cancer and its causes have provided the world with a terrible and baffling puzzle. Cancer cannot be neatly classified as a single disease arising from a clearly discernible set of facts and conditions. On the contrary, it is a manyheaded monster that results from a myriad of causes. It recognizes no social distinction. Rather, it strikes indiscriminately at all ages and races, at all economic and social groups.
>
> We know that of the 204 million people presently living in America, over 51 million will develope some form of cancer, and of this group, more than 34 million will die unless a cure is soon discovered. The National Cancer Institute and American Cancer Society estimate that about 330,000 Americans will die from cancer this year. This means that every two minutes cancer takes the life of one of our people. Approximately one-half of cancer's victims are under the age of 65. Cancer kills more children between the ages of one and 15 years of age than any other disease known to mankind. In short, cancer causes approximately 16 percent of all the deaths in America, thus making it the nation's second most deadly killer exceeded only by heart disease.
>
> Despite the threat that cancer poses to our people, an examination of what our government spends on cancer research in comparison to other types of programs, clearly shows a distorted set of priorities. For example, cancer killed 8 times as many of our people last year as were lost in Vietnam War over the past 6 years, yet our government spent on the average of $410 per person for national defense, while spending only 89 cents per person on cancer research. Last year, our government spent $200 million on cancer research which is equal to the amount that Americans spent for ball point pens and far below the $358 million spent on chewing gum.

The conquest of cancer bill would establish an independent agency, the National Cancer Authority to supersede and embrace the existing National Cancer Institute. As the panel of consultants says in its report:

> An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. Such a setup will not be easy to achieve within the Federal Government. The effective implementation of such a program will require a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health, or the Department of Health, Education, and Welfare. Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education, and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education, and Welfare. Apart from the question of whether it can be done, there is also the question of whether it would be wise to require the Secretary of Health, Education, and Welfare to attempt to give cancer the priority necessary to carry out the congressional mandate in a department charged with the multiple health and other responsibilities of that Department.
>
> In the past when the Federal Government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency.

The report at a later point addresses itself to the funding of the National Cancer Authority and makes the following judgment of budget needs:

> The Committee estimates that a coordinated national program aimed at the conquest of cancer at the earliest possible time, as envisaged by the concurrent resolution of the Congress, would require an appropriation in fiscal 1972 of approximately $400 million. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. These sums are not large in terms of our national resources or of the human suffering and economic loss attributable to cancer. A program of the type herein recommended is so important to the American people and to the world that we feel that the amounts called for should be provided even if this necessitates the raising of additional revenues.

This is a brave and bold approach to the timeless challenge of cancer. It is one the people of this country will applaud I am sure, one with which I am in complete agreement. I am joining in support of S. 34 which will provide for the purposes set forth in the Yarborough bill. I trust my colleagues will join me in support of this legislation so that before this session is over we shall have in the books the blueprint for the conquest of cancer.

TRIBUTE TO JACK W. HALL

Mr. FONG. Mr. President, I rise to pay tribute to the greatest labor leader in the history of the State of Hawaii, Jack W. Hall. His untimely death at the age of 55 came on January 2, 1971. I was among the thousands of people in my home State who mourned the passing of this man who did more than most men to shape modern Hawaii.

Mr. President, I knew Jack Hall personally for many years and he had my undying respect. Jack Hall was a man who could be trusted and relied on. He never failed to keep a promise; he never went back on his word. I was proud to have him as a friend.

Jack Hall, during the years I came to know him, was the Hawaii regional director of the International Longshoremen's and Warehousemen's Union. At the time of his death, he was vice president and director for the ILWU's parent body in San Francisco, a post he assumed less than 18 months ago.

Jack Hall was not born in Hawaii. He was a native of Wisconsin, but we claim him as a son. To quote the Honolulu Star-Bulletin in its editorial of January 4, 1971:

> Should the time come when monuments are erected to the builders of Hawaii, Jack W. Hall will have a rightful place among those selected.

Jack Hall dedicated his life to improving the lot of the working man, in our State and in the Nation. At the negotiating table he was respected by his management adversaries, though he drove a hard bargain.

But—beyond the economic gains he achieved for working men and women in Hawaii, he also won for them dignity and status in the general community.

In the words of the Honolulu Advertiser's laudatory editorial of January 3, 1971:

> His word was always good. His vision was broad. He came to be held in respect and even affection by those who in an earlier period feared and resented him.
>
> He was always a man of controversy, because his concern, especially in the earlier years, involved the very structure of our society. But the record shows that he helped bring Hawaii into the modern world with constructive and far-ranging results that benefit all.

Mr. President, at this time I wish to extend to Jack Hall's widow, Yoshiko, to his son, Eric, and to his daughter, Mrs. Michele Burton, my sincere condolences.

Honolulu's two newspapers, in editorials immediately following Jack Hall's death, paid fine tribute to the memory of this great man. In addition, the Honolulu Star-Bulletin's former business and labor editor, Shurei Hirozawa, wrote a deep and touching tribute to the man he came to know so well during 20 years of reporting on the labor scene. Titled "Social Justice Is Jack Hall's Isle Legacy," Mr. Hirozawa's article shows that he knew Jack Hall better than most; that he knew the affection that sugar and pineapple workers had for Jack Hall; and he knew Jack Hall's philosophies and achievements intimately.

I ask unanimous consent that as part of my own tribute to Jack Hall, the two editorials from the Honolulu Star-Bulletin and the Honolulu Advertiser, and Mr. Hirozawa's article, be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Honolulu Sunday Advertiser, Jan. 3, 1971]

JACK HALL'S HERITAGE

Jack Wayne Hall was one of the most influential men in modern Hawaii and his impact on our history and development has been so enormous as to preclude precise measurement.

What is fully evident—as we said in a June, 1969, editorial reprinted elsewhere in today's paper—is that "more than any other man, Hall helped bring industrial democracy to these Islands as they moved from feudalism and paternalism to the sophisticated and broadly affluent society of today."

It was a bare-fisted war in the beginning, with both labor and management holding to opposite ends of a "class struggle" philosophy.

Management was determined to run things in the old way. Jack Hall, Bob McElrath and his other colleagues were militantly determined to bring basic change to a static economic, political and social order.

There were long and rough strikes in sugar and on the waterfront, but the ILWU prevailed and became the strong force it has been in the quarter-century since.

Hall propelled the union into politics, recognizing that government decisions and legislation affected the working man as fundamentally as the pay and conditions he negotiated.

He was a radical product of the Depression and thus feared and hated by the Establishment with which he was contesting. He was charged and found guilty under the Smith Act in Federal Court here, but was cleared when the U.S. Circuit Court of Appeals reversed the conviction.

Jack Hall was one to move with change, often to anticipate it. Under him the ILWU accepted and adjusted to technology, rather than fighting it. It broadened its base of membership and, in the political realm, it fought for a better life for its people and thus for all in the Islands.

The great majority of citizens live a fuller and richer life because of Jack Hall's work. Our legislation is more progressive, our educational system better, our concern with planning wider because of his aims and efforts.

His word was always good. His vision was broad. He came to be held in respect, and even affection, by those who in an earlier period feared and resented him.

He was always a man of controversy, because his concern, especially in earlier years, involved the very structure of our society. But the record shows that he helped bring Hawaii into the modern world with constructive and far-ranging results that benefit all.

[From the Honolulu Star-Bulletin, Jan. 4, 1971]

HE CHANGED HAWAII

Should the time come when monuments are erected to the builders of Hawaii, Jack W. Hall will have a rightful place among those selected.

Hall was controversial and tough.

He also was idealistic and brave—brave morally and brave physically.

Starting as a young man just off a ship from California, Hall dedicated himself to the task of improving the lot of the laboring man in Hawaii.

He gave his lifetime to it and he succeeded so well that he revolutionized life in these Islands.

Hall united working men without regard to racial lines for the first time.

Then he engaged in battles—some of them extremely tough and bitter—that won them economic democracy and with it political and social democracy.

Few people today would deny that, on the balance, the labor movement has been a force for good in Hawaii and that Hall's ILWU was the pioneer that made it so.

Many other unions now operate actively and freely in Hawaii but it was Hall and the ILWU that blazed the trail through the tough forest of resistance.

They challenged a well-intended but paternalistic and semi-feudal plantation system. From it, they won the independence, dignity, power and economic well-being that mark the laboring man's status in Hawaii today.

Hall's place of honor today is disputed by a few who say he was a Communist and see that as reason enough to dishonor him.

At one time he was. The 1950 Smith Act jury delivered a finding to this effect and the later reversal on technical grounds did not dispute the evidence.

Hall never said publicly that he had been a Communist but he did not deny it either. Instead he chose to say that he had not been a Communist since 1950.

The evidence at his trial along with six others suggested that he joined the Communist Party because it offered to help the ILWU at a time when no one else would. He was, in other words, a labor man first and a Communist second.

The late Arnold Wills, the National Labor Relations Board representative in Hawaii after World War II, knew something about Communists. He had been on the fringes of the party himself.

Wills, who liked Hall immensely as did most other people who knew him well, once waved a bony finger at Hall and told him: "You'll never make a good Communist, Jack. You've got a conscience."

Hall also was too bright and too pragmatic to be a Communist zealot. If he had ever believed in a Communist revolution as a means of winning independence and dignity for the American laboring man he certainly abandoned it as he saw what was happening in the totalitarian countries and contrasted it with the progress that he was making for his cause within the American system.

Like many critics before him, Hall wound up by making the American system better. He proved to be one of Hawaii's greatest builders.

No tribute to Hall can ignore his honesty.

He was respected in labor negotiations as a man who kept his word. He sought little for himself and got along on a relatively small salary compared to other labor leaders or to businesmen with far less responsibility. His union remained free of scandal.

When Hall left Hawaii for California in 1969, the round of alohas and goodbyes was overwhelming. Beyond the immediate sadness of the parting and the wide and deep aloha for him was the knowledge that his health was such that he might not be back, at least not in an active leadership position.

It has turned out that way. Hall's life was shorter than average but in Hawaii he will always be remembered and respected as a champion of the common man who was one of the most uncommon men of all.

SOCIAL JUSTICE IS JACK HALL'S ISLE LEGACY

(By Shurei Hirozawa)

Jack W. Hall, whose death Saturday brought to an untimely end the career of a great labor leader, will be remembered for the major role he played in uplifting the lot of Hawaii's masses in this century.

In the history of Hawaii, Hall will be remembered as a visionary, a self-educated leader who, with his union, accomplished important social gains.

It was only a year and a half ago that Hall left Hawaii to fill a new post of vice president in charge of organization for the ILWU. This was after he'd served 25 years as the union's regional director in the Islands.

He had great plans when he left. He believed the ideas he had developed in Hawaii could be applied nationally. But Parkinson's Disease hospitalized him recently, and a massive stroke on New Year's Day claimed his life a day later.

Although he died in San Francisco, he will be remembered with more respect in Hawaii.

From age 21 to 53, Hall dedicated himself to the improvement of the conditions of the working man in the Islands.

Graduated from high school at the height of the Depression, when millions were unemployed, he took the only job he could find at the time—going to sea.

As he often mentioned, the times made a deep impression upon him, making him wonder if there wasn't a better way out of the social problems facing the nation. The answer he found was through trade union action.

He told me once that the 1934 West Coast dock strike taught him that interracial unity was the only way a union could win a strike where the work force consisted of more than one race.

Another tool that he adapted for use in agricultural Hawaii was the Wagner Act of 1935. That law gave unions the right to organize for the first time. This New Deal law gave rise to the great industrial unions of the CIO, led by the late John L. Lewis.

Young as he was, Hall quickly learned the principles laid down by Lewis. And these were to bring him success in his long battle for social justice for workers.

For trade union success, Lewis had preached independent political action and organization along industrial lines.

This is exactly what Hall said he did in the late 1930s on Kauai, which brought him his initial victories in organization and in political action.

He was assigned to help the dock strikers at Port Allen in 1937 and also to help workers organize in that area. Within a year a political action group he had organized was able to upset a highly favored candidate and elect labor-oriented J. B. Fernandes to the Territorial Senate.

In another year, Hall had won labor agreements for workers at McBryde Sugar Co. and Kauai Pineapple Co., the first contracts with agricultural firms in Hawaii, and probably the nation.

Hall forged the winning group out of a loyal nucleus of older Nisei and English-speaking Filipinos and Portuguese in positions of leadership among the workers. When needed, these leaders did the translating into native tongues.

All of his work on Kauai was not without personal danger. He told me once of two attacks on him in Hanapepe in which thugs were sent to get him.

"One night four goons mistook a tall first mate off freighter for me and hurled him into the river," he said. On another occasion, a thug went after him with a .45 caliber pistol in a bar and he was saved only by the quick-witted barmaid who turned off the lights and hid him under the steam table in the kitchen. Hall later escaped out of the building by the back way. He said he was never so frightened in his life.

As a high school student, I used to see Jack Hall at times when my friends and I hiked four miles to Hanapepe to see an occasional Saturday afternoon matinee.

His office, which I never saw, was two doors away from the theater. The times I saw him, the tall figure always appeared to be in a hurry, or busy in conversation with someone.

Not one of my friends or I realized what he was doing to the social fabric of the Islands. It was many years later that I met him for the first time while covering the labor beat for the Star-Bulletin. And it was many years more before I was to understand fully what he was trying to accomplish.

One particular assignment about 10 years or so ago for the Star-Bulletin gave me a pretty good clue to where his thinking pointed. He spoke to a church convention one Sunday morning and told what he saw coming with the containerization of freight.

Matson Navigation Co. had just begun to containerize freight for the Hawaii trade at that time, and great economies and advantages for consumers had been predicted.

But Hall talked about the effect this would have upon dockworkers, especially on the Neighbor Islands where he saw containerization reducing the docks to ghost ports.

Hall was concerned first about the eventual evaporation of work and finding a way to minimize the hardship that he saw coming.

The answer was to come seven years later, in the dock labor negotiations of 1967.

Hall had told me in many different ways during my years on the labor beat about his philosophy of the roles of labor and management in the American economic scene.

Employers under the free enterprise tradition have one major objective, and that is profits.

Unions, in the same context, have fought mainly for improvement in wages and working conditions for workers. In the early years of the ILWU, what seemed like serving its self-interest was actually an act of self-preservation and strengthening so the union could tackle the wider problems on another day, he said.

In this technological age, Hall felt employers have a social responsibility to help ease the problems arising from the shifting demands of today's fast-paced economy.

And unions have the same responsibility to push for solutions to social problems through collective bargaining and other means if it fails at the bargaining table.

Fortuantely, an era of mature labor-management relations began in the early 1950s following the disastrous dock strike of 1949 when the ILWU firmly established itself as a part of Hawaii's economic structure.

Jack Hall and his union saw the changes coming in the labor-heavy sugar plantations and the social casualties that were sure to appear among the older non-English speaking workers who had been brought to Hawaii by the industry.

The union made a decision that it wouldn't waste its strength fighting mechanization, but would demand instead that industry pay workers a share in the benefits business got from the machine.

The fact that industry decided to work with the union toward this goal is a tribute to Hall's innovative thinking and the industry's social consciousness.

Older workers were given cash incentives to take early retirement. Aliens were given special cash incentives to retire and return to their homelands where American dollars expanded their purchasing power.

The union also took smaller wage increases and with the remaining funds purchased pensions for older workers who could then afford to retire earlier. Another incentive the union negotiated was a good medical plan for retired workers and their spouses.

Even with the elimination of thousands of jobs in the sugar industry, there was no reported hardship case or involuntary unemployment.

The union and the pineapple industry followed the same pattern for orderly elimination of workers with the same happy results.

The mechanization of the docks came 10 to 15 years later, and a somewhat similar program was used in easing the elimination of jobs.

Reparation to the country of origin, generous severance allowances to older workers, transfers to docks on the West Coast financed by travel allowances were part of the program to trim the work force without throwing people into the streets.

For the ones who remained, longshoremen were flown to different ports within the State to equalize work opportuinty, and each was guaranteed 38 hours straight time pay a week.

The cost of flying workers to and from their home ports went beyond initial estimates and caused financial problems. But Hall's solutions for the social problems that might have occurred were achieved.

In the hard bargaining with industry, Hall was often able to win unheard of demands. His secret weapon was careful preparation and deep knowledge of the economics of the sugar, pineapple and longshore industries.

Even management people have told me that Hall's grasp of the economics of these industries was better than many on the companies' bargaining committees.

But the industries were rewarded for good-faith bargaining with the ILWU. Hall's leadership brought stability because his word was a bond and he never went back on it. Industry could depend on that.

Hall's honesty more than anything else was the ingredient that improved labor-management relations in Hawaii and the deep respect that management developed for him.

Aside from the bargaining table, Hall built the political influence of his union to such a potent force that the numerous social benefits won in the Legislature covered thousands of other workers as well.

Working with Sens. Fernandes and Clem Gomes whom labor helped elect from Kauai, Hall got the State Wage and Hour law passed in 1940.

In 1945, he was able to get a Little Wagner Act through the Legislature which gave agricultural workers the right to organize, and made it possible for the ILWU to bring sugar and pineapple into its fold.

In later years, the ILWU was instrumental in helping write the most liberal workmen's compensation, unemployment insurance and minimum wage laws of any State. The temporary disability insurance law, passed two years ago, is also a product of ILWU lobbying.

The union's success in creating an interracial membership with a discipline unequaled in Hawaii's labor history gave the ILWU the power it needed to win what it deemed right at the bargaining table or in the Legislature.

And Hall sometimes was not shy about using power when needed even at the expense of criticism from the community. One of his favorite sayings was, "We don't worry about losing our respectability, but we want to be respected."

During his last years in Hawaii, he took the position that government, business and labor working together will best solve the social problems that arise from our ever-changing economy.

He took little credit for bringing Hawaii to this stage where working people take hard-won dignity and human rights for granted.

But that's the way he was. His work was done when he left in June 1969. He said he was grateful for friends and foes for making his life so interesting and meaningful.

And if he was to be remembered for anything, he wanted to be remembered as "a rebel in paradise who struck a flame that was kept burning."

GUIDELINES FOR FULFILLING OUR RESPONSIBILITIES TO OUR VETERANS

Mr. McINTYRE. Mr. President, I have often spoken of the vital need of better care for those brave men who have given not only their time, but their physical well being as well in the armed services of this country. Recent Congresses have done much to meet our responsibilities to these men, but there are still many problems that must be met and solved.

Public pressure to meet our responsibilities to care for these men is very strong, but as the American involvement rapidly comes to an end, as President Nixon, has repeatedly assured us it will, this public pressure will fade, and the veterans organizations will again be the only groups pressing for responsible legislation in this field. I believe that before this happens; while the public is still concerned and interested, we must take action to assure that all men disabled or hospitalized will be provided with adequate medical care. I also believe that we must pass legislation to care for these men if they are unable to provide sufficiently for themselves and their families.

Mr. President, the maze of veteran's legislation is complex but there are certain veterans needs that are still largely going unfulfilled. The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, and other organizations all provide information that clearly points to the fact that we are not adequately providing for our veterans and that we need to provide additional benefits.

One pamphlet published by the Veterans of Foreign Wars of the United States entitled VFW Priority Goals—Legislative and Security for 1971 points out, in simple form, these pressing needs.

Mr. President, I ask unanimous consent that the section of this pamphlet setting forth the priority needs for veterans be printed in the RECORD at this point because this gives with great clarity the needs facing veterans which will be guidelines for my veterans activities in the 92d Congress.

There being no objection, the section of the pamphlet was ordered to be printed in the RECORD, as follows:

THE VFW PRIORITY LEGISLATIVE PROGRAM FOR 1971

Since the days of George Washington, citizens who have answered their country's call have been provided compensation and other assistance in recognition of the extra contribution made in the national interest by wearing the uniform of the Armed Services during time of war or national emergency. Veterans rights and benefits have been a part of our national heritage since the founding of the Nation in 1776.

Down through the years grateful Congresses have provided a bundle of rights and benefits to veterans, their families, or, if deceased, their surviving widows, children, and dependent parents. It is the most comprehensive veterans benefits program of any nation in the world. It includes compensation for the service connected disabled, pensions for the nonservice connected and elderly veterans, hospital and medical care for the wounded and disabled, readjustment and GI Bill assistance for the returning veteran, preference in Federal and Government employment, and a long list of other rights and benefits.

The V.F.W. is dedicated to keeping and improving this program. Gaining Congressional approval of V.F.W. legislative goals has become much more difficult and complicated in recent years. High Administration policy has been negative in most respects regarding veterans legislation and additional funds for VA hospitals. Inflation has made deep inroads on all veterans programs. The high number of jobless veterans is of deep concern to the V.F.W. These and many other problems are expressed in the hundreds of mandates approved by the delegates to our Miami Beach National Convention.

The following program is a representative list of the problems and recommendations which the V.F.W. believes are of critical importance and must be favorably resolved in behalf of veterans and their dependents during this coming year.

FIRST-CLASS VA BUDGET AND IMPROVED MEDICAL CARE

1. To fill critically needed positions and provide for adequate salaries for all VA hospital personnel.

2. To purchase new and replace worn-out equipment.

3. To take care of deferred maintenance and repair.

4. To reduce backlog of dental care claims for returning Vietnam veterans.

5. To resume 15-year long-range construction and modernization of VA hospitals.

6. To reduce backlog of unfilled mail-order prescriptions in VA pharmacies.

7. Eliminate pauper's oath requirement for admission to VA hospitals.

8. Eliminate restrictive admission policies to insure utilization of Congressionally authorized 125,000 hospital beds for veterans.

THE SERVICE CONNECTED DISABLED

1. Increase compensation payments and statutory awards to service connected disabled veterans and include an escalation clause to reflect the increased cost of living.

2. Increase VA automobile allowance for certain disabled veterans to $3,000.

3. Presumption of service connection for diseases suffered by prisoners of war.

IMPROVED PENSION PROGRAM

1. Substantial increase in income limitations to offset the high cost of food, housing, recreation, and other needs of the elderly.

2. Substantial increase in pension payments to reflect spiraling increases in cost of living.

3. Exclude social security payments and other retirement benefits.

4. Eliminate requirement to file pension income questionnaire at age 65 or older.

GI BILL ASSISTANCE FOR VIETNAM VETERANS

1. Urge Congress and Administration to increase and liberalize education and training assistance and to enact legislation to provide direct home loans by VA in all areas.

2. Remove the limitations on entitlement to GI home loan assistance and extend program to include mobile homes.

VETERANS ADMINISTRATION

1. Keep all veterans' programs under the jurisdiction of the Veterans Administration.

2. Elevate the Veterans Administration to Department status, so that the Veterans Administrator will be a member of the President's Cabinet.

3. Highest priority for veterans' programs to insure that there will be no budgetary or personnel limitations on veterans programs.

4. No VA hospital or domiciliary facility shall be constructed, acquired, or altered, unless such action is first approved by the U.S. House of Representatives.

EXPAND GI INSURANCE COVERAGE

1. Double indemnity for servicemen serving in a combat zone or in extra-hazardous area.

2. Establish GI insurance program for Vietnam veterans, similar to present NSLI program, which VA operates for World War II veterans.

3. Increase coverage for active-duty servicemen from present $15,000 to $30,000.

4. Dismemberment insurance coverage for loss of extremity of eye.

PREFERENCE FOR VETERANS IN FEDERAL CIVIL SERVICE AND EMPLOYMENT

1. Preserve and continue veterans preference for all veterans employed by the Federal Government, as provided in the Veterans Preference Act of 1944, as amended.

NATIONAL CEMETERIES

1. Establish at least one national cemetery in each state.

2. Transfer operation of national cemeteries from Department of Defense to VA.

3. Increase veterans burial allowance to $500.

IMPROVED PROGRAMS FOR MILITARY RETIREES AND THEIR FAMILIES

1. Eliminate inequity which requires a military retiree to forfeit any VA compensation payment to which he might be entitled if he is receiving a greater amount of military retired pay.

2. Establish equitable survivor benefits program for active duty military and those who have served in a career status.

PUBLIC LAND POLICY AND THE ENVIRONMENT

Mr. ALLOTT. Mr. President, for 3 days last November—22 to 24—Denver was the scene of a national conference concerning public land policy and the environment.

Among the interesting documents coming from that conference is a report by Robert R. Nathan of Robert R. Nathan Associates, Inc. This report involves a number of interesting projections about our national needs for the future, including our primary need to think clearly in advance about the emerging demographic facts of life.

The Nathan Associates have been working under contract with the Public Land Law Review Commission, PLLRC, on which I had the privilege to serve. In my capacity on PLLRC I had occasion to study in great detail the pressures that are now being put on the public lands. Obviously these pressures could not be, and were not, studied in isolation from the other aspects of our enveloping environment problems.

Our concern with getting a rounded picture of the needs of our environment led us to ask Nathan Associates to make projections of national and regional economic trends for the last two decades of this century. In his remarks in Denver, Mr. Nathan could do no more than share with the convention his most basic convictions, arrived at after considerable experience with the realities of our situation. It is especially significant that he concludes on this note:

> First, I have had enough experience in many less developed countries to conclude that low levels of production and slow economic expansion are by no means compatible with a quality environment. Second, I believe we can achieve the objective I have outlined, without resort to either government ownership of all the means of production or detailed regimentation.

Mr. President, so that all Senators can profit from Mr. Nathan's report, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PUBLIC LAND POLICY AND THE ENVIRONMENT NATIONAL CONFERENCE

(Statement of Robert R. Nathan)

Under contract with the Public Land Law Review Commission (PLLRC), Robert R. Nathan Associates, Inc., provided the Commission with independent projections of national and regional economic aggregates and of prospective consumption of a sizable list of selected commodities producible on the public lands of the United States and other activities which the public lands can sustain. The purpose of the study was to provide PLLRC with a framework within which the effects of alternative public land policies would be tested and evaluated. The final report of the firm was presented to the Commission in May, 1968.

The terms of reference for the study specified that all projections should be made for the years 1980 and 2000. It was furtner specified that the projections should be confined to foreseeable demand and should not reflect RRNA evaluations of resource supplies. The Commission made clear its intention to rely on other studies in evaluating the supplies of resources available to meet the requirements to be set forth in the RRNA projections. Further, the study was not to concern itself with policies governing public land use or disposition.

The projections of economic aggregates were based on Bureau of the Census population projections, judgment estimates of Gross National Product (GNP) growth rates, and historical relationships between population, labor force participation, productivity, GNP, and other variables. The projections of consumption of individual commodities in turn were based on the projections of economic aggregates. Past and recent trends were relied upon, but adjustments were made for technological changes that might be expected and for changes in commodity consumption patterns resulting from likely shifts in consumer preferences.

Projecting into the future is always hazardous because of the possible modifications of historical trends. Such trends are important elements in relating the past to the future. The target years of 1980 and 2000 are not so distant in the future as to undermine confidence that past trends can serve as a reasonable basis for projecting the future. But they are also far enough ahead to conclude that appropriate policies could meaningfully change the projections. Thus, the projections are likely but by no means inevitable, depending on policies that might be adopted and implemented.

POPULATION

To a significant degree, resource requirements for 1980 and 2000 are already in the process of being determined by the size and age and sex composition of the population in 1970. All persons who will be 30 years of age or older in 2000 are already born. Further, all women who will be of childbearing age (15–44 years of age) in 1980 are alive in 1970 and most of those who will be of childbearing age in 1990 are now alive.

In 1967, the Bureau of the Census prepared four alternative sets of population projections for the years 1980 and 2000. These alternative projections differed mainly in their assumptions about fertility. After careful study we selected the Series C projections, which assumed a fertility rate of 2,775 per 1,000 women at the end of childbearing, as our medium projection for population in both 1980 and 2000. (The fertility rate in Series C is about 13 percent higher than the lowest fertility rate assumption and about 20 percent below the highest rate in the series.)

Public policy aimed at stabilizing population could have an impact on fertility rates in the long-term future, but such a policy could hardly prevent sizable increases in population between 1970 and 1990, or even 2000. The current low Census Series E projections, which assume a gradual decline in fertility rates to 2,110 by 1990, imply a population increase of about 60 million between 1970 and 2000.[1] It should be noted that a fertility rate as low as 2,110 would ultimately stabilize population and is without historical precedent in the United States.

Regardless of whether new national population and family planning policies are formulated and implemented, it is obvious that by 2000 resources must be available to meet the requirements of a substantially larger population than at present. On the basis of our own analysis of various factors influencing population growth, we still think it most realistic to plan for an additional 100 million people by the year 2000.

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[1] Department of Commerce, Bureau of the Census, *Current Population Reports*, Series P–25.

EMPLOYMENT AND ECONOMIC ACTIVITY

The projections of labor force are derived from the projections of population, taking into consideration factors which affect the proportion of the population 16 years of age and over who are likely to appear in the labor market as able and willing to work. Because the labor force is drawn from persons 16 years of age and over, the entire labor force in 1986, and all except those between the ages of 14 and 30 who will be in the labor force in 2000, have already been born. The projections indicate a labor force of 100 million in 1980 and 135 million in 2000.[2]

If we continue to maintain a national policy of high levels of employment, as set forth in the Employment Act of 1946, it will be necessary to create approximately 20 million additional jobs between 1970 and 1980, and approximately 55 million between 1970 and 2000. These filled jobs will not only provide incomes and consumer demands for members of the enlarged labor force, but they will simultaneously result in the production of additional output of goods and services for an increased population.

Assuming an increase in productivity per employed member averaging 2.6 percent annually between 1970 and 2000, the Gross National Product (GNP) is projected in 1958 dollars to be $1,176 billion in 1980 and $2,603 billion in 2000.[3] This compares to GNP in 1970 (in 1958 dollars) of about $725 billion. It reflects a 60 percent rise from 1970 to 1980 and a level in the year 2000 more than 3½ times that of 1970. At the growth rates projected in our study, GNP can be expected to double every 16 or 17 years. The large increase in employment and production indicated by these projections can be attained only through greater access to the nation's physical resources and to more efficient use of these resources.

RESOURCE REQUIREMENTS

In addition to meeting the needs created by an increasing population, new demands for the increased usage of the nation's physical resources will be created between 1970 and 2000 by changes in concepts of what constitutes an acceptable standard of life, and by aspirations to improve the quality of life.

Even if it were to be assumed that the majority of Americans are sufficiently affluent to want or need no more material goods—an assumption of more than doubtful validity—a large minority of Americans are still far below average in terms of income and material goods and services required to provide them with a minimum acceptable standard of life.

In 1969, almost 48 percent of the families in the United States had incomes of less than $8,000. Approximately $115 billion annually would be required by these below-average households to raise them to the $8,000 family income level. That is hardly a level of luxurious consumption, or a level where needs can be said to be reasonably satisfied.

For everyone, affluent and poor, the quality of life is determined by the nature of the environment as well as the goods which they consume directly. In effect, the two are related; as we become more concerned with our environment, more and more resources will be required to improve it. Increases in production bring increased environmental problems, but they also make it possible to allocate more resources to improve the environment—physical, social and cultural. Clean, well designed and livable cities are essential to improve the quality of city life; and clean air and clean water are more important to everyone. These conditions will be more feasible if we have the means to achieve them as well as the policies to limit or prevent their deterioration.

It has been estimated, for example, that the control of air and water pollution alone will require expenditures of $30 billion between 1970 and 1980 to attain currently accepted minimum standards. The cost of greatly needed urban renewal will be many times that amount. The replacement of 6 million existing substandard housing units alone has been estimated to cost $100 billion or more.

In addition to these requirements for resources to improve the present standard and quality of life, we must also provide for the larger population of the future. Our projections made in 1967–68 indicated an average of at least 2.2 million new housing units needed to be constructed annually between 1968 and 1980 for replacements and new family formations, and 2.5 million annually between 1968 and 2000. This contrasts with the construction of an average of only 1.4 million new housing units annually during the decade of the 1960's. Further, the present national housing goal of 26 million units between 1969 and 1978[4] makes our projections appear conservative.

We need more and better educational and health facilities and service and more recreational services. True, our standard of living is far higher than ever in the past and far above most other nations, but when we inventory our unfulfilled needs, the gaps are startling.

Having outlined the framework of projected demands as submitted in the report to the would now like, as an economist, to pose some of the key policy issues that might be considered by the participants in this significant conference. I shall deal only with a few such issues and only in outline form.

ECONOMIC ENVIRONMENTAL ISSUES

As for population, I strongly favor a marked reduction in population growth and in fact the earliest feasible achievement of a stable population. But we are not yet agreed as a people on such a goal nor is there concensus on how to make rapid progress in family planning. This is a high priority challenge but it has been a "mentionable" subject only in recent years and we have much educating and planning and programming to do if we are to make perceptible progress in defusing the population explosion.

The issues relating to labor force and employment are very complex. Do we want more leisure or more production, income, and consumption? Evidence on the entrance of women into the labor market and of moonlighting hardly warrant the conclusion that our people will opt for more vacations, earlier retirement, shorter daily hours and fewer days of work per week as an alternative to higher incomes and higher standards of living. Further, if we were to pursue by design a slower growth rate what would we do about unemployment? Would we keep certain groups out of the labor market by law or regulation? Who would make such decisions and who would be excluded from jobs? Is forced idleness compatible with high quality environment?

There are those who look upon increases in production as evils *per se.* They regard the Gross National Product (GNP) as an obscene or leperous concept or phrase, as one of the worst evils that has cursed mankind. Having been involved in the development of the first national income studies in the United States, I guess I should feel guilty, but I have no such self-disdain.

Economic activity and the output of goods and services are desirable and essential. They result in satisfying the requirements of life and in meeting our needs for existence and for comfort. This does not mean that growth in output should take precedence over all other considerations. Faster growth with more monopoly and greater concentration of economic power is to be avoided. Certainly faster growth and the pollution of our environment is to be fought vigorously. But we must ask ourselves whether economic growth and an improved quality of the environment are compatible or whether deterioration in the environment is an inevitable consequence of economic growth. It will require major government effort, as well as private effort, to achieve the essential compatibility.

I believe we can have both economic growth and a better environment. In fact, if we were to bring a halt to the expansion in the GNP or greatly slow down its expansion purposefully, we might well suffer greater environmental deterioration (physical, social, psychological, political and moral) than if we strive sincerely and aggressively for both economic expansion and a better environment. What we must do is to establish policies and programs and procedures which will so shape and influence our entire production effort as to prevent pollution of the environment. We must not only limit pollution but we must replace or recycle scarce resources. Also, we should allocate more of our increased output to improving environmental quality. I am convinced that not only do we greatly need more goods and services for quality living, but with proper policies and safeguards we can produce this greater abundance with environmental damage. Indeed part of the increment in output can be used to achieve the better environment we all want.

The big question is one of goals and priorities. Without appropriate priorities neither planned economic stagnation nor vigorous expansion will fully solve our problems of poverty, slums, health, education and endless other deficiencies in our society. Even without priorities, growth makes these problems more manageable than does designed economic stagnation. What we need is to formulate goals, plans, policies and implementation designed to prevent economic expansion from damaging the environment and also designed to use much of our expanded output to overcome poverty, to rebuild our slums, to provide clean air and water, to assure adequate health and educational services and to lift the quality of our environment. These are not impossible of achievement provided we have the will and the wisdom to achieve them.

Let me conclude with two brief observations. First, I have had enough experience in many less developed countries to conclude that low levels of production and slow economic expansion are by no means compatible with a quality environment. Second, I believe we can achieve the objective I have outlined, without resort to either government ownership of all the means of production or detailed regimentation. It can be done with a mixture of wise and enforced standards and regulations mingled with a carefully formulated variety of incentives and penalties. These principles and observations are pertinent to policies for use of the public lands as well as for broader application.

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[2] Current Department of Labor projections also indicate a labor force of 100 million in 1980. Department of Labor, *U.S. Manpower in the 1970's,* November 1970.

[3] The most recent projections of the National Planning Association project GNP in 1980 to be $1,150 billion in 1958 prices. National Planning Association, Center for Economic Projections, *Projection Highlights,* September 1970.

[4] Department of Housing and Urban Development, *Economic Analysis of a Ten Year Housing program.*

TRIBUTE TO THE LATE SENATOR RUSSELL

Mr. BEALL. Mr. President, although I did not have the pleasure of serving with the late Senator Richard B. Russell, I was very much aware of the significant role he played in guiding our Nation during the past four decades. My father served with Senator Russell and was, in fact, a member of the Armed Services Committee when it was chaired by our late colleague from Georgia. My father always spoke of him in the highest terms, describing him as a man of great strength, fairness, competency, and above all great dedication to his State, to his Nation, and to this Senate.

Senator Russell dedicated his life to the cause of constitutional government at home and unquestioned military strength abroad. His constancy in the pursuit of these goals made him a pillar of strength to six Chief Executives.

Those of us who are new to this body have been denied the opportunity to serve with a great Senator and a great American.

LEGISLATIVE HISTORIES OF THE RESTRICTIONS RELATING TO CAMBODIA

Mr. FULBRIGHT. Mr. President, in view of recent developments in Cambodia, I think it would be helpful to Senators and readers of the Record to have available a summary of the somewhat complicated legislative history of the restrictions passed by Congress last year concerning U.S. involvement in Cambodia.

I ask unanimous consent that there be printed in the Record two memorandums, one setting forth the most significant actions on the Cooper-Church amendment and the second summarizing actions concerning the prohibition on U.S. financing of South Vietnamese or other forces in actions in support of the Cambodian or Laotian Governments.

There being no objection, the memorandums were ordered to be printed in the Record, as follows:

Significant Events Relating to the Cooper-Church Amendment

I. FY 1970 DEFENSE APPROPRIATION BILL

On December 15, 1969, Senator Church offered an amendment as a substitute for an amendment offered to the Defense Appropriation bill by Senators Cooper and Mansfield. The Church amendment, as modified, read:

"Sec. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

It was adopted by a vote of 73–17 and the Cooper-Mansfield amendment was subsequently adopted by a vote of 80–9.

II. FOREIGN MILITARY SALES BILL—H.R. 15628

Following the President's decision to send U.S. military forces into Cambodia, Senators Church, Cooper, Aiken and Mansfield introduced an amendment to H.R. 15628 designed to prohibit further U.S. involvement in Cambodia, except the furnishing of military aid, and limited air action, without Congressional approval. On May 11 the amendment was adopted, with modification, by the Committee by a vote of 9 to 5.

Debate on the bill began in the Senate on May 13 and ended on June 30 after the amendment, with certain changes, was adopted 58–37. The amendments offered to it, and the action taken on them, were as follows:

1. *Cooper*—Rewrite of the preambular language; adopted 82–11 on May 26.
2. *Dole*—Make amendment inoperative if President determines POW's were being held in Cambodia; rejected 36–54 on June 3.
3. *Byrd of W. Va.*—Allow President to retain U.S. forces in Cambodia if he thought it necessary to protect the lives of American forces—defeated 47–50 on June 11.
4. *Mansfield*—No impugning of the Constitutional powers of the President—adopted 91–0 on June 11.
5. *Byrd of W. Va.*—Relating to the Constitutional powers of the President as Commander-in-Chief—adopted 79–5 on June 22.
6. *Javits*—Relating to the Constitutional powers of the Congress—adopted 73–0 on June 26.
7. *Griffin*—To permit U.S. to pay for foreign military advisers and mercenaries in Cambodia—rejected 45–50 on June 30.
8. *Jackson*—Allowing U.S. air activities if not in "direct" support of Cambodia—adopted 69–27 on June 30.

The text of the Cooper-Church amendment to H.R. 15628, as passed by the Senate, was:

"Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces."

Subsequently, in view of the passage of the Cooper-Church amendment to the Supplemental Foreign Assistance Bill, the amendment was deleted from H.R. 15628 by the conference committee.

III. FY 1971 DEFENSE APPROPRIATION BILL—H.R. 19590

The Defense Appropriation Bill was amended by the Senate Appropriations Committee at the request of Senators Cooper and Church to add Cambodia to the prohibition against involvement of U.S. ground personnel in Laos and Thailand. The bill was approved by the Senate on December 15, without any objection to this provision. The conference committee reported back with a proviso which made the section read as follows (proviso added in conference is underlined):

"Sec. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia: *Provided, That nothing contained in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.*

On December 28 the Senate disagreed to the conference report because of this and another proviso added in conference and the bill was returned to the conference committee. It was reported from conference again on December 29 after deleting both the proviso and "Cambodia" from coverage of the amendment, thus leaving the text as it was adopted in the FY 1970 Defense Appropriation Bill. In the meantime, the Cooper-Church amendment to the Supplemental Foreign Assistance Bill was agreed to on December 22.

IV. SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION BILL—H.R. 19911

On December 13 the Committee adopted, without opposition, an amendment to the Supplemental Foreign Assistance Authorization Act, proposed by Senators Cooper, Church, Javits, Case, and Mansfield, which prohibited sending U.S. ground troops or military advisers into Cambodia. A second amendment, sponsored primarily by Senator Javits, specified that any U.S. aid should not be construed as a commitment to defend Cambodia. The text of the two amendments follows:

"Sec. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

The amendment was not contested in the Senate and the bill passed on December 16. The amendment was accepted by the House conferees—and both the House and the Senate agreed to the conference report on December 22.

Summary of the Legislative History of the Fulbright Amendment Relating to Payment for Foreign Military Operations in Cambodia or Laos

I. DEFENSE AUTHORIZATION BILL—H.R. 17123

The Defense Authorization Bill revised the language carried in defense authorization and appropriation bills in previous years in order to authorize specifically the financing of Vietnamese or other free world forces operations in the "sanctuary" areas of Cambodia. The Senate Armed Services Committee report on the bill stated, however, that there was ". . . no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian government." Senator Fulbright introduced an amendment to the bill to carry out that intent and to prohibit U.S. financing of any such activities in Laos as well. (A second Fulbright amendment prohibited paying special allowances to foreign troops greater than the rate of combat pay paid U.S. troops.)

The amendment was adopted by the Senate without opposition on August 21 and was accepted without change by the House conferees. The text of the entire section with the Fulbright amendment italicized follows:

"(a) (1) Not to exceed $2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowances, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. *Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.*

II. DEFENSE APPROPRIATION BILL—H.R. 19590

The language in the authorization bill, concerning the funding of Vietnamese and other foreign forces, has traditionally been carried in the Defense appropriation bill also. The Fulbright amendment added to the authorization bill was not included in the House version of the Defense Appropriation Bill, H.R. 19590. If the language had not been carried over from the authorization bill there would have been no practical restrictions on use of Defense funds to pay for Vietnamese or Thai operations in Cambodia or Laos. At Senator Fulbright's request, the restrictive language was included in the bill reported by the Senate Appropriations Committee and no objection was raised to the item on the Senate Floor.

The conference added a proviso to the amendment which made it read as follows (proviso added in conference italicized):

"Provided further, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war,"* . . .

The conference report was rejected by the Senate, by voice vote, on December 18 because of this item and the addition of a similar proviso to the Cooper-Church amendment. The second conference modified, but did not eliminate, the proviso. After considerable discussion in the Senate about the meaning and intent of the provision, the conference report was agreed to on December 29. The entire text of the section as agreed to, with the revised proviso italicized, follows:

"Section 838(a)—Support of free world forces

Sec. 838. (a) Not to exceed $2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine:

Provided, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further,* That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war."*

CHILE BECOMING A COMMUNIST POLICE STATE

Mr. ALLOTT. Mr. President, the evidence continues to mount—steadily and predictably—that Chile is becoming a Communist police state.

The sad but undeniable fact is that Chile's new President, the Communist Salvador Allende, acts like a Communist. This means the U.S. Government must give high priority to high-level policy decisions about how we can isolate this hemisphere's newest Communist dictatorship.

In recent days a number of news stories from Chile indicate Allende's determination to establish communism with more than deliberate speed. For example, on January 10 the Baltimore Sun carried a story by Mr. Robert A. Erlandson concerning the establishment of so-called peoples tribunals in Chile. The tribunals will judge the antisocial behavior of citizens who seem insufficiently enthusiastic about the emerging dictatorship.

On January 15 the New York Times carried a story from Chile by Mr. Juan de Onis, reporting on the arrival in Chile of 70 Brazilian revolutionaries who had been freed in exchange for a kidnapped Swiss diplomat. It is obvious that the revolutionaries knew they would be welcome in Chile. This must raise anxieties among Chile's neighbors.

Mr. President, Allende's behavior in guiding Chile into the Communist camp is additionally depressing—if redundant—evidence of the extent to which the Monroe Doctrine is a dead letter, dead from exposure to the weak and vacillating policies of the early 1960's.

Obviously there is little this Nation can or should do to influence the elections in another sovereign nation. But that is not the issue. Chile has probably had its last free election. Now the question is how to isolate the disease that has infected that pathetic nation.

Mr. President, so that all Senators can ponder the grim facts about Allende's emerging despotism, I ask unanimous consent for Mr. Erlandson's and Mr. de Onis's illuminating articles to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Jan. 10, 1971]

CHILE'S "PEOPLES COURTS" MAY BE A DANGER—"ANTI-SOCIAL BEHAVIOR" WILL BE TARGET OF LOCAL TRIBUNALS

(By Robert A. Erlandson)

RIO DE JANEIRO.—Chile's Marxist president, Salvador Allende, has taken his first—and perhaps most potentially dangerous—step toward communizing Chile with the announcement that "peoples tribunals" will be set up to judge "anti-social behavior."

Such tribunals, which amount to "revolutionary justice" or drumhead courts-martial, are point 38 of the 40-point "basic program of the popular unity government," which is Chile's new bible, and which calls for "an end to class justice."

EMASCULATED SYSTEM

However, they will merely establish one class of justice for another, and from the traditionally Democratic Chilean viewpoint will effectively emasculate the judicial system.

Such "peoples tribunals" have an historical record of permitting personally vengeful denunciations, spying on one's neighbors, friends and family—an in the end giving the government a network of informers which allows near-absolute control of the population by fear.

Those with the best political connections become the judges of their less influential countrymen, and the term "anti-social behavior" has extensive, and potentially evil, ramifications.

"People's tribunals" are the mark of totalitarianism, and the hand of President Allende's Communist supporters can be seen in their creation.

Although the Communists represent only one faction of his six party popular unity coalition, they are the best organized, disciplined and financed. They also provide the new president with his ideological "brain trust."

The Communists, according to informed sources in Chile, controlled more than 80 per cent of the 8,000 "popular unity committees" formed to work in the Allende campaign.

Immediately after the election, it was reported that new committees were being formed and that the Communists were actively extending their control over the existing ones.

This then was a grass-roots network of control which, in combination with the new "peoples tribunals" should, within a few years, give the Communists an almost unbreakable grip on Chile.

With the court announcement was another of lesser importance, but nonetheless significant, that honorifics such as "excellency" and "your honor," traditional in Spanish-speaking countries will be abolished.

President Allende and his cohorts refer to the people and each other as "campanero", which can be translated as companion—or "comrade."

[From the New York Times, Jan. 15, 1971]

SEVENTY FREED BY BRAZIL FOR ENVOY ARRIVE JUBILANTLY IN SANTIAGO

(By Juan de Onis)

SANTIAGO, CHILE.—Seventy Brazilian revolutionaries, jubilant over their release from prison in exchange for a kidnapped Swiss diplomat, arrived in Chile today and were granted political asylum.

The leftist Chilean Government of President Salvador Allende Gossens, while giving the Brazilians a warm welcome, took pains to prevent any statements by them that might offend Brazil's military Government. The freedom of the prisoners had been demanded by the kidnappers of the diplomat Giavanni Enrico Bucher. He was abducted in Rio de Janeiro Dec. 7.

The Brazilians, most of them, university students in their early twenties, including about six young women, were told not to talk with newsmen while they cleared through immigration formalities and were photographed.

They were taken by bus from the international airport to a Ministry of Interior guest house near the city's main park. Visitors were barred and the Brazilians were practically incommunicado for their first day here.

CAUTIONED BY CHILE

"We have told them they are not to do or say anything that would damage Chile's relations with our sister countries," said Gen. Emilio Cheyre, national director of investigation, who supervised the arrival.

Vera Maria Rocha, 20 years old, who was a student at the University of Pernambuco in Recife, Brazil, was able to speak briefly with newsmen during a call at a hospital to be treated for a sore throat.

She said that during six months in jail in Recife she and other women political prisoners had been tortured by the police to obtain information about a kidnapping plot that had been planned but that never took place. Miss Rocha said some of the male prisoners bore scars, welts, bruises and other signs of torture by mechanical and electrical devices.

Despite the Government's wishes, the emotions of the former prisoners and about 150 Brazilian students in exile here who turned out before dawn to meet them could not be entirely repressed.

Most of the young men leaving the chartered airliner, still wearing cotton shirts from the hot jail cells of Rio de Janeiro, raised clenched fists over their heads as they came down the steps.

BANNERS AND CHANTS

When Bruno Dauster, a powerfully built student with a big black moustache, reached the ground and was checked off on a list by a Chilean official, he turned toward the students who filled the airport terminal observation deck.

"Down with the Brazilian dictatorship?" he bellowed in Portuguese. The students chanted back, "Down, Down, Down, Down," and waved a banner that stretched 20 feet. It said, "Death to the Assassin Regime of Brazil."

The former prisoners formed under a wing of the plane around a large red, white and blue Chilean flag. There were emotional scenes as many of the Brazilians, separated by months or years in jail, embraced, laughed and wept.

One woman, with three small children, a boy and two girls, had flown from Rio here with her husband on the plane but had not been allowed to be together with him until the plane landed. With the three children, 73 Brazilians were on the plane.

The released prisoners included Jean Marc van der Wing, the last president of the outlawed National Student Union of Brazil, and many others who had been in jail for up to two years. Some were charged with involvement in bank robberies, kidnappings, explosions, arms thefts and other acts that are part of the extremist plan to overthrow Brazil's military Government.

From the balcony of the terminal, the students began shouting the names of revolutionaries killed in Brazil.

"Comrade Marighela," shouted one voice and the others replied in chorus: "Present!" "Comrade Camara, Comrade Marcio Alves" and six or seven other names followed. Each brought the thunderous response, "Present!" that echoed across the empty airport.

TRIBUTE TO SENATOR RUSSELL

Mr. MONDALE. Mr. President, the tragic death of Senator Richard Russell marks the end of nearly 40 years of the highest service to his State and his country.

Senator Russell was a true giant within this body. Yet, his unquestioned power was a matter not simply of his years of service, but of his extraordinary intellect, parliamentary ability, dedication to the Senate, and to his capacity to bear his power with both courtesy and humility.

He was an institution in the finest sense of that word. To us all, he was both inspiring and formidable. And neither we, his colleagues, nor history will forget this man whose service to his country spanned the most critical years of this century.

POLICIES OF WEST GERMAN CHANCELLOR WILLY BRANDT

Mr. ALLOTT. Mr. President, I want to take this occasion to clarify, and bring to an amicable conclusion, a small misunderstanding that has occasioned some comment and confusion among our friends in West Germany.

Early in December, I delivered some remarks in the Senate expressing my strong disagreement with some of the premises and directions of the emerging "Ostpolitik" policies of West German Chancellor Willy Brandt. Shortly thereafter I was visited by the German Ambassador to the United States, Mr. Rolf Pauls.

Ambassador Pauls gave me a full and competent exposition of the Brandt government's point of view. I elaborated on my position. I trust that he enjoyed our exchange of views as much as I did. The exchange was entirely amicable, and we parted with an increased understanding of our different viewpoints.

The confusion arose when my views were called to the attention of the German State Secretary during a question hour in the Bundestag. The man raising the question was Herr Walter Becher, a member of the Christian Social Union. He asked the State Secretary, Herr Karl Moersch for the Brandt government's reaction to my remarks.

In the course of a discussion of this question, Herr Moersch was whispered the information that Ambassador Pauls had met with me and that as a result of that meeting, I had altered my views to conform with those of the Brandt government. Herr Moersch used this whispered information in his response to Herr Becher.

Herr Becher correctly doubted the accuracy of this report of my meeting with the Ambassador and wrote to me to see if I had in fact altered my position. I informed him that I had not altered my position. A subsequent investigation among the participants in the Bundestag debate revealed the source of the confusion.

According to Herr Moersch, bad acoustics on the floor of the Bundestag caused him to receive a mistaken impression of the report he was receiving—in a whisper—about the Ambassador's report of his meeting with me. The whisperer wanted to tell Herr Moersch that my response to the Ambassador's presentation was "receptive." Herr Moersch reported that my response had been "positive," thereby giving rise to the mistaken impression that I had altered my opposition to the policies under discussion.

I do not trust my own judgment concerning the nuances of the German language. But reliable persons with whom I have consulted indicate that the distinction between the German words "receptive" and "positive" approximates the distinction between their English counterparts. That is, a "positive" response to Ambassador Pauls' exposition of the Brandt policy would have been a response of positive approval of that policy. A "receptive" response would have been a cordial reception of the Ambassador's exposition, but with a clear understanding that cordial airing of differences does not diminish the importance of those differences.

Mr. President, I want to emphasize that I think this confusion resulted from a minor and innocent misunderstanding. I have no reason to doubt the candor of Herr Moersch's explanation of how this misunderstanding occurred. And I certainly think that no blame attaches to Ambassador Pauls. I know that he enjoys the highest confidence of his Government, and I am sure that this judgment is shared by his many friends—among whom I count myself—in Washington.

Mr. President, I want to take this occasion to put in the public RECORD the facts about this confusion and its happy resolution. The relevant documents are:

First. A translation of the transcript of the exchange in the Bundestag between Herr Becher and Herr Moersch.

Second. A copy of Herr Becher's letter to me inquiring about the accuracy of Herr Moersch's statement.

Third. A copy of my letter to Herr Becher confirming the inaccuracy.

Fourth. A copy of Herr Moersch's letter to Herr Becher, clarifying the source of Herr Moersch's confusion.

Fifth. A copy of a translation of that letter provided through the German Embassy.

When this letter, and the accompanying translation were transmitted to me by the German Embassy it was on the understanding that Herr Moersch preferred that the letter remain confidential. I respected that preference. But now the letter has been made available in Germany to Der Spiegel, January 19, the most widely circulated weekly magazine in Germany. Fairness compels me to make it available to interested persons on this side of the Atlantic.

Therefore, Mr. President, there are two more relevant documents:

Sixth. A copy of the article from Der Spiegel in which this supposedly private letter is directly quoted.

Seventh. A translation of that article.

Mr. President, I ask unanimous consent for these documents to be printed in the RECORD at the conclusion of my remarks.

Mr. President, I think it is necessary to say a few words about Der Spiegel's recent performance.

Its report of this affair confirms what many American officials have heard, but until now have been reluctant to believe about the marked decline in the quality of Der Spiegel. The magazine report involved blatantly partisan references to Herr Becher. It also contained inaccuracies concerning my own foreign policy position.

In addition, it contains some quite comically mistaken remarks about the significance of seating arrangements in the U.S. Senate. It seems that the Washington bureau of Der Spiegel has not mastered even the most elementary facts about even the major institutions and practices of our Government. These poor souls are under the mistaken impression that there is such a thing as a "back bencher" in the Senate. Alas, it seems that the confusion of the Der Spiegel correspondents extends to confusion about the country in which they are stationed. Clearly they think they are living in London. This is an innocent confusion, but a confusion nonetheless, and I urge them all to consult their passports and work orders.

If they are supposed to be in London, they should make haste to the airport. If they are supposed to be in Washington, they should make haste to a bookstore and purchase a textbook on comparative government. This will explain to them the rudimentary differences between the British House of Commons and the U.S. Senate. A little knowledge will greatly enhance their enjoyment of their stay in Washington, and it might even come to the attention of their employers.

Until then, one must mourn for the plight of the diminishing number of people who take Der Spiegel seriously. When one combines ignorance in the Washington bureau with inflamed partisanship in the editorial offices in Germany, one is left with a magazine equally bereft of talent and integrity.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

TRANSLATION FROM GERMAN BUNDESTAG

President VON HASSEL. I submit now the Question No. 113 of the Representative Dr. Becher:

"In which way does the Federal Government consider American voices which fear that the Government is helping the Soviet Union by certain promises on the field of an economic and scientific cooperation leading to the overcoming of those bottlenecks which have constituted roadblocks against a further growth of the Soviet military potential and in this way of the threat against the U.S.A.?"

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). Mr. Representative the reply to the Question 113 is the following: Promises on the field of economic and scientific cooperation which could effect the removal of the bottlenecks hindering a further growth of the Soviet military potential do not exist. Our policy of the trade with the East is generally aimed at an intensification of the trade and cooperation with the East European States. The Government of the United States has raised here no objections.

President VON HASSEL. An additional question, Representative Dr. Becher.

Dr. BECHER (CDU/CSU). Mr. State Secretary, should the judgement of such an influential man as Senator Gordon Allott not be given a very especial attention, who already before the trip of our Minister of Economics Professor Schiller to Moscow, namely on August 28, declared in the U.S. Senate that West German factory plants and long-term credits would make it easier for the Soviet Union to continue her armament race with the United States by removing her present economic difficulties?

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). Mr. Representative, the statement made by that American Senator was founded, as it was discovered afterwards, on a not quite correct information. After the publication of that statement—which by the way, as I can tell you here once, played no part in the U.S.A. whatsoever but only over here—a discussion took place between our diplomatic representative and that Senator at which he was advised about the real state of affairs. The Senator, as far as I know, has considered that advice as satisfactory. (Applause among the Government Representatives)

President VON HASSEL. A second additional question, Representative Dr. Becher.

Dr. BECHER (CDU/CSU). Don't you believe, Mr. State Secretary, that the Americans were forced, in order to protect their interests, to call men as Wolff von Amerongen before the Subcommittee for Foreign Trade, who, as far as the reproduction of his statement in the "Spiegel" is correct, said: "When one speaks there too much about Brandt and his Ostopolitik, they are inclined to think that we speak about politics but in reality want the big trade with the East?"

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). Mr. Representative, I cannot comment this question because I do not know the source. But it is completely clear that there are many men in the world—why should not they be also in the U.S.A.?—who think, when hearing about the Ostpolitik, above all of the deepening of economic relations and who certainly do not necessarily like to hear that e.g. an American firm did not succeed to reach a trade agreement, while a German firm is on its way to reach such an agreement. This is natural in this world. Such things exist even among Allies. Even within one single country it is possible that there are various firms with various opinions. (Applause among the Government Representatives)

President VON HASSEL. An additional question, Representative Dr. Czaja:

Dr. CZAJA (CDU/CSU). Mr. State Secretary, on which facts is founded your understanding that the Chairman of the Republican Policy Committee in the Senate, Gordon Allott, has changed his opinion, which he stated in a Senate speech on August 28, after he repeated this thesis in a further speech in a still much sharper form—especially also with reference to the Berlin question—only a few days ago?

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). Mr. Rpresentative, you state something which is not known to me. I have founded my opinion that Mr. Allott has no more professed what he once had said, after a thorough briefing, on a report made by our Embassy in Washington which led with Mr. Allott, after his speech, a discussion, and made to him documents available which are available to us. Let me still add that the fact that there are—also in the field of interests—various opinions is, in a democratic country like the U.S.A., indeed completely understandable and should surprise nobody.

President VON HASSEL. I submit the Question No. 114 of the Representative Dr. Becher:

"Does the Federal Government not act in a very serious contradiction if it, on one side, pleads for an unabridged presence of the American troops in Europe, and, on the other side, gives support to the Soviet Union by means of such projects as is the production of trucks with the help of the firm Mercedes Benz—projects which will sooner or later directly or indirectly, have detrimental military effects on the American troops and on the Alliance which rests on those troops?"

Please give your reply, Mr. Parliamentary State Secretary.

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). The Soviet Union has been in contact with West European and Japanese enterprises with regard to deliveries and contributions to a truck-production project which will start its production at the earliest time in 1975/76. The Government of the U.S.A. has known these negotiations. It would have protested against deliveries and contributions by friendly nations if it feared that such a participation in the realization of the truck-project would sooner or later unfavorably affect the American troops and the Western Alliance which rests on them.

President VON HASSEL. An additional question, Representative Dr. Becher.

Dr. BECHER (CDU/CSU). Mr. State Secretary, does the Federal Government not realize itself, that the help for a production of Soviet trucks for a Power with such an enormous big territory as the Soviet Union has, is equally meaningful as the help for the production of e.g. Soviet tanks or rockets which could be used militarily against us or the U.S.A.?

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). Mr. Representative, first, the Federal Government does not share your comparisons; it considers them in this point as inadmissible. Second, the Federal Government is not of the opinion—which can be heard out of your question—that a policy of embargo can be useful to the interests of the German People and of the Western Alliance. (Applause among the Government Representatives)

President VON HASSEL. A second additional question, Representative Dr. Becher.

Dr. BECHER. (CDU/CSU). Mr. State Secretary, does the eminent growth of the strategical and conventional potential of the Soviets, which was stressed in the common statement by the NATO Defense Ministers and which is generally known, in any case not make necessary a reconsideration of the plans for the technological respectively scientific cooperation which were laid down in the Moscow Pact?

MOERSCH (Parliamentary State Secretary of the Foreign Ministry). No, Mr. Representative. On the contrary, the NATO council discussed all these questions at length. I can point out the communiqué. All NATO partners are in a complete agreement with what we settled up with Moscow in this respect. It is also in the interest of our Allies that we are coming through cooperation to the reduction of confrontation. It is self-evident that you can not hinder a World Power like the Soviet Union in its economic development through a return to the policy of embargo of the pipe-line-type, but you can aggravate the tension in the world by it. (Applause among the Government Representatives).

BONN, *December 27, 1970.*

HON. GORDON ALLOTT.
U.S. Senator,
Senate Office Building,
Washintgon, D.C

DEAR SENATOR ALLOTT: I take the liberty to enclose a partial translation of the Bundestag proceedings of December 18, 1970. Under the impression of the declaration made by the last NATO meeting which stressed the enormous and growing military strength of the Soviet Union, I submitted to the State Secretary of the German Federal Foreign Ministry questions concerning the economic cooperation between Germany and the Soviet Union, and especially the construction of a huge truck factory in the U.S.S.R. with West Germany.

I quoted your excellent great speeches on the Soviet-German Pact and the Soviet-German trade. In his reply to me and to my colleague Dr. Herbert Czaja, who is equally a member of the Foreign Relations Committee of the Bundestag, State Secretary Moersch stated that, after having been supplied information by the German Embassy in Washington, you changed your views concerning the German-Soviet Pact and trade.

I take the liberty to call this Bundestag debate and the statements by Mr. Moersch to your kind attention and I would be very obliged if you kindly sent me your standpoint on what Mr. Moersch maintained. We shall have, in the second half of January 1971, a big Bundestag debate on the Soviet-German Pact, and your speeches will be the main material supporting the CDU/CSU standpoint. In fact, we shall depend on you and your views expressed in your speeches. We would, of course, appreciate very much any additional speech you could make before January 24. You can now influence immensely the developments in our country.

I personally am of the opinion that a sincere real cooperation between Germany and the United States must have an absolute priority if we are to secure freedom and peace; that we should not seek profit in trade with the Communists; that we should coordinate our political and economic policies towards the East; and that, by no means, by no pacts and by no trade, we should confirm the Communist regimes and make them stronger vis-a-vis the suppressed peoples.

With best personal regards,

Yours very sincerely,

Dr Walter Becher,
Member of the German Bundestag,
Foreign Relations Committee.

December 31, 1970.

Dr. Walter Becher,
8 Muenchen 22, Germany,
Triftstrasse 1.

Dear Dr. Becher: Thank you for your letter and the transcript of the Bundestag proceedings.

I found the whole situation rather amusing. Following my latest speech on the West German situation, the German Ambassador asked for an appointment to discuss this question. The exchange was frank and friendly. However, to imply that I was persuaded to the point of view of the Brandt government on these matters by the discussion with the Ambassador is way out of line.

I found the talk with the Ambassador useful in my consideration of the whole subject. However, subsequent to that time, I have found even more evidence to substantiate the positions I originally held on the matter. Accordingly, what I said in my earlier speeches reflects my current thinking on the problem.

As you know, I am not alone in these views. A number of Senators, most recently Senator Edward Gurney of Florida, have spoken along the same lines. Indeed former Secretary of State Acheson has made comments which make mine pale by comparison. And now, just yesterday, former Undersecretary of State George Ball, with whom I often find myself in disagreement, made, in different words, the exact points I made in my two speeches.

I hope to be able to say more about this question at an appropriate time. I may not be able to do so in January, however, because I do not expect Congress to be in session until late in the month.

Best personal regards.

Sincerely yours,

Gordon Allott,
U.S. Senator.

Text of the Letter From the Parliamentary Secretary of State to the Member of the German Federal Diet Dr. Becher

My Dear Colleague: During Question Hour of the 89th Session of the Federal Diet, on December 18, 1971, you had put a subsidiary question to Question 113 to the effect, whether the judgment of so influential a person as Senator Gordon Allott should not give us reason to pay special attention, in that Senator Gordon Allott—even prior to the visit of our Minister for Economic Affairs to Moscow—had stated before the US-Senate, that West German machinery and equipment as well as loans should make it easier for the Soviet Union to continue in an unimpeded manner its armament race with the United States, in spite of present economic difficulties.

Since I had to answer from memory this additional question which clearly broached certain political aspects, I made use, amongst others, of a short remark passed to me by a colleague who happened to be present: He mentioned a Report of our Ambassador Pauls in Washington to the effect that Senator Allott—after his last talk with our Ambassador—had struck a "most receptive" attitude. Bad accoustics in the House caused me to hear "positive" (instead of the word "receptive") and hence I drew up my answer on the lines you know.

These are the facts. They have led, incidentally, to the mistaken assumption in the Press that Ambassador Pauls had not reported his talk with Senator Allott correctly. This assumption is, indeed, false and I deeply regret that Ambassador Pauls has been misrepresented to the party with whom he had the discussion. His way of reporting was perfectly correct and I have arranged for Ambassador Pauls to be asked to advise Senator Allott of the above mentioned facts.

I feel a real concern, my dear Colleague, to apologize for this error. If you should deem it important I shall be glad to take the opportunity of making a statement for the official Minutes.

With kindest regards.

Moersch.

[From Der Spiegel, Jan. 18, 1971]

The False Light

The Ultra-Conservative refugee organization's CSU-member of the Bundestag, Walter Becher, put the Free Democratic State Secretary, Karl Moersch of the Foreign Office into a corner.

In the last question and answer period of the Bundestag on December 18, 1970, the President of the Sudeten German National Union wanted to learn from Moersch whether the judgment of "such an influential man" as the American Senator Gordon Allott, concerning the German Ostpolitik, would not force him to give the matter a second thought. The Republican had criticized the Federal Government for giving the Soviet Union a lead in the armament race vis-a-vis the United States by providing machinery and long term credits.

It was the Washington correspondent of Axel Springer's "Welt", Heinz Barth, who presented to the Federal Germans for the first time, Senator Allott as "influential" and as a critic of Brandt's Ostpolitik.

In reality Allott, after 15 years in the Senate, still was confined to a back bench in the U.S. Senate and has been considered a Cold Warrior—in the same way as Becher, with whom he has been according to the words of the latter—"personally in contact for a long time."

The Parliamentary State Secretary Moersch made his answer more difficult than was necessary. Instead of just sticking to the point that Allott's references have "had no importance in the U.S.A., but only here in Germany", he replied, after a whispering consultation with his advisers on the Government bench, that Allott's opposition to the Eastern offensive of Bonn was founded on some incorrect information about the matter itself."

Bonn's Washington Ambassador Rolf Pauls, so said Moersch, had in the meantime informed the American about the "real state of affairs . . . the Senator, as far as I know has considered that advice as satisfactory."

Becher did not pursue that point further, but astonished, he inquired of Allott, whether Moersch's reply did correspond to reality. The Senator promptly came to the help of his German political counterpart with a letter. On December 31 Allott attested to "Dear Dr. Becher:" that it was true that a discussion had taken place in his office with Ambassador Pauls face to face. However, "to imply that I was persuaded to the point of view of the Brandt government on these matters by the discussion with the Ambassador is way out of line." His position has been, instead rather hardened.

Becher was triumphant and Moersch admitted in a letter to the CSU man that he became a victim of an error of his senses. It was due to "the bad acoustics on the Bundestag floor" that he had understood from the whispered conversation that the American had assumed a "positive" attitude rather than a "receptive" attitude. He declared himself to be ready to correct his reply before the Parliament. At the same time the State Secretary regretted that he put Ambassador Pauls into a "false light" to the party with whom he had the discussion in Washington.

Last Wednesday, the ball was again passed from Allott to the right-wing player—Springer. Axel Springer [Intra-German Service (ASD)] reported to the "Welt" from Bonn about the Senator's denial and added, disguised as a question, the incorrect information that Pauls was, because of his false report, ordered to the Foreign Office in Bonn to make a report.

In reality, Moersch says the mistake was his own. "Mr. Becher was better informed than I was. Something like this can happen. In past times I have also handled State Secretaries in such a way."

STUDENTS HELPING OTHERS

Mr. McINTYRE. Mr. President, today when so much of our attention is directed toward that small segment of the younger generation which seems determined to disrupt our society, we tend to forget about the majority of our young people who are working quietly and with dedication to improve our society. They do not seem to get the headlines because they work without fanfare.

I would like to call the attention of the Senate to an article in the December 1970 issue of the University of New Hampshire magazine, "Students Helping Others" by Bill Persch.

This article points to over two dozen university student "help organizations." These organizations are working in Red Cross blood drives, VISTA, 4–H work, and even the Durham, N.H., Volunteer Fire Department.

These student groups have created a 24-hour a day telephone answering service offering professional advice on legal aid, premarital counseling, medicine, and drugs. "Cool Aid" as this service is called also provides the opportunity for just a personal conversation for the lonely in these times when there are so many impersonal occasions in our life.

The students at the university also help support religious organizations in their efforts to spread the Christian spirit both on and off campus.

All this does not mean that the students at the University of New Hampshire are any less concerned with what goes on in the political world. They have simply chosen to meet quietly with their representatives rather than shout their demands in the streets. They have chosen to quietly print and distribute their story rather than make the front pages.

Mr. President, I ask unanimous consent that this article about the constructive activities of the students at the University of New Hampshire be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Students Helping Others

(By Bill Persch)

Grabbing most of the headline space these days are stories on campus dissent and reports of student groups intent on overturning the establishment in favor of remaking society from the ground up.

Seemingly lost in the shuffle of minority interests—left, right, or indifferent—have been the student majority whose voices sound the notice of assent and whose actions seek to affirm what's right with the world and to change what's wrong peacefully.

At UNH this year the ideal of students helping other students or people in the community less fortunate to find themselves and a better way of life has become dramatically real for many through the activities of at least two dozen "help organizations."

Actually not a new or even unusual "happening" on the campus, this informally-knit student movement includes pre- and post-degree manpower from virtually every academic corner of the University. Several faculty and townspeople volunteer time to act as advisers, consultants, or honorary members and are frequently called upon to give the older generation's point of view.

Typical of the kind of UNH student group symbolizing this little-known side of college life is the local chapter of Alpha Phi Omega. It is a service fraternity, not a social fraternity, and its 34 members have pledged themselves to the goal of "getting to know people better by helping them." It is just that simple.

According to chapter president Gregg Paquette, a senior art education major from Claremont, one of the forms this help takes is the sponsorship of the annual Miss UNH Pageant this month to award a $100 scholarship to a deserving coed who would otherwise be unable to finish college for lack of funds. Plans are being made to award two such grants in 1971.

Without doubt, however, the most ambitious undertaking of Alpha Phi Omega is running Campus Chest, a week-long series of events to raise money for campus projects, such as UNHITE (UNH Improve the Environment) campaign, the life studies course, or the black students' program. Through such crowd-pleasers as the first donkey basketball game ever seen in Snively Arena last semester, Alpha Phi Omega netted more than $440 which enabled a number of UNH student groups to last out the year.

Similar involvement in campus causes comes from the network of social fraternities and sororities whose biggest combined effort last year was something called the "Grecian Clearwater Revival," a local talent and dance concert which raised close to $500 to help stage the UNH Survival Fair and related Earth Day events which brought 3,000 visitors to campus last April.

On their own, Greek houses have volunteered student help for the Red Cross blood drive, part-time help for the Seacoast area VISTA and SCORE community advancement programs, and a house-cleaning party for the Newmarket Day Care Center. Phi Mu sorority is sponsoring an American Indian foster child living in Oklahoma.

One of the freshest approaches to the problem of how to extend a helping hand among a campus community of more than 10,000 has come from a privately-incorporated UNH student and community group known as Cool-Aid. Basically a telephone referral service, Cool-Aid offers the combination of anonymity and professional service to any caller 24 hours a day.

Approximately 40 seacoast professionals in such fields as legal aid, pre-marital counseling, medicine, and drugs serve the project by furnishing expert advice to callers who are troubled by any kind of personal problem. They can turn to Cool-Aid for this kind of help—or just for someone with whom to talk.

Project founder Ruth Sundeen, a junior from Dover, claims that well over 300 people have dialed 868–5600 for assistance since last spring and that nearly every caller has been helped—at least a little.

Speaking for her regular answering staff of about 30 volunteers trained in the basic people-to-people techniques employed by the UNH Counseling and Testing Center, Miss Sundeen explains why Cool-Aid was created.

"It is more than just helping people who need help," she says. "It is help for the people like us who want to help too."

Representative of a more spiritually-oriented answer for many students who belong to such campus groups as the Catholic Newman Club, the United Protestant Association, and Jewish Hillel is the response of the non-denominational Inter-Varsity Christian Fellowship.

Arthur J. Ward of Ossining, N.Y., an electrical engineering graduate and recent chapter president, explained it this way: "Our purpose is to somehow relate Christian Bible principles to everyday life on campus."

Although many hundreds of colleges and universities across the nation list fellowship chapters trying to do the same thing, the UNH chapter is one of New England's largest and most active. Weekly meetings with outside guest speakers, informal "bull sessions", bowling nights, and socials attract as many as 80 students on occasion during the year and have helped jump membership from 11 students in 1965 to 35 this year.

Entirely student-run with the exception of faculty advice from Kirk E. Farnsworth of the Department of Psychology, intervarsity members have taken their learning from scripture into a wide range of career and campus interests. Three members helped out in a Boston Back Bay social work project last summer. Another member, a music major, found a part-time job as music programmer on radio station HCJB (Herald Christ Jesus Blessing) in Equador.

Still another point of view toward life on campus—a familiar one in New Hampshire—is the perspective of the student 4-H Club. Predictably more urban than farm-oriented these days, the University 4-H Club is busy spreading culture and home-making knowledge among the state's under-20 generation. "We Owe It to Our Children", a collection of student oil paintings and poems on an anti-pollution theme was the group's gift to Earth Day last April.

Next spring several hundred high school 4-Hers will visit the campus to participate in the annual 4-H activity day sponsored by the UNH membership. Besides contests and demonstrations in traditional 4-H fare, such as livestock, sheep, and poultry raising, 10 state county winners in clothing design, public speaking, choral singing, photography, child care, and conservation will go on display.

In another 4-H project, that of helping low-income families, a group of UNH home economics majors are teaching cooking and sewing skills to children and adults in Dover and Somersworth.

During the college year students are the mainstay of the volunteer Durham Ambulance Corps which serves the University, as well as Durham, Lee, and Madbury. There are about a dozen students who have taken Red Cross standard and advanced first aid courses, as well as specialized ambulance training, and as many more are enrolled in a new course being taught this fall.

Like their faculty and townspeople counterparts who carry on the ambulance service when the students are not around, the young members are on call at any hour of the day or night to go where emergency medical help is needed.

There are students who are call members of the Durham-UNH Fire Department. They train with the regular members of the department and become proficient in the use of the equipment carried on the fire trucks. Several of them spend their free hours at the station and they are ready and eager to respond when an alarm comes in.

Helping new freshmen to get adjusted to college life is the job of about 80 students who are members of the Freshman Camp staff. For several days in September approximately 100 incoming freshmen meet with these upperclassmen at a summer camp in Gilmanton. In an atmosphere of relaxed spontaneity, entering students learn to break down the strained air of unfamilarity that goes with a new experience. Although a student-run venture, several members of the faculty, including group adviser John R. Haskell Jr. of the Whittemore School of Business and Economics, visit the camp for a firsthand look at the new arrivals before the rush of on-campus registration begins.

In January the 21 members of Mortar Board, senior women's scholastic honorary society, plan to sponsor a reception and luncheon for members of the New Hampshire Legislature in the hope of explaining exactly what is going on at UNH these days and how most students really feel on issues. Visits to community clubs and local organizations throughout the state to meet citizens and present a picture of student activities is another goal.

In a similar vein, a newly-organized undergraduate group calling itself "Image 71" is at work publishing a booklet telling the UNH student story for distribution throughout the state.

The roster of student and community organizations on campus grows still longer with the aid of intriguing names like Sophomore Sphinx or Campus Gold, but it becomes apparent after only a brief look at the activities that the real spirit of the universal symbol of peace is being kept alive at UNH more in terms of positive actions than negative words.

CASH-FOR-CANS ALUMINUM RECOVERY PROGRAM

Mr. ALLOTT. Mr. President, last year I shared with the Senate information regarding the pioneering and public-spirited efforts of the Adolph Coors Co. to improve the environment in its 11-State marketing area.

This effort involves a cash-for-cans incentive program to reduce litter and enable the company to approach its goal—production methods that will enable it to recycle everything the company uses.

In this regard I have recently received a most heartening progress report from my good friend, Mr. William R. Coors, chairman of the board of the Coors Co. So that all Senators may inform themselves concerning the efforts of this progressive company, I ask unanimous consent for his letter to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ADOLPH COORS CO.,
Golden, Colo., January 12, 1971.

HON. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: A year ago I wrote all legislators in Adolph Coors Company's 11-state marketing area to advise that our company was embarking upon a cash-for-cans aluminum recovery program. We did that because this company and its distributors are solemnly committed to fight litter and solid waste in order to help keep America the kind of place we all want it to be. In light of that commitment, I believe you will be interested to know these things:

Public response to the cash-for-cans program has vastly exceeded our expectations. During the first 11 months of 1970, our 166 distributors received 5,218,463 pounds of aluminum or more than 120-million cans. We paid the organizations and individuals who picked up that aluminum $521,846 for doing so. The program is not restricted to Coors cans . . . we pay for all aluminum containers, of whatever brand. Literally hundreds if not thousands of youth, civic and service organizations are cooperating with this program; they use the dime-a-pound proceeds for worthwhile community causes of all kinds.

As you can imagine, our cash-for-cans program did not always meet with immediate public enthusiasm in our various marketing areas. Getting people concerned and involved has been the major Adolph Coors Company management effort during 1970, and in some cases it has been a long, uphill fight. In areas where the community has gotten behind the effort, we are showing returns of over 60% of our cans. Since our studies indicate that not more than one percent of our cans actually end up as litter and that fully 99% of the users of our product dispose of the empty can properly, a 60% return not only all but eliminates the litter but makes an appreciable dent in the solids waste aspects as well.

Litter has been defined as the visible portion of the solids waste iceberg. Although unsightly and repugnant, litter is but a small fraction of the real, long-range environmental problem of solids waste disposal. We are confident that in the long run recycling of aluminum containers will be a more satisfactory answer than returnable glass bottles in minimizing solids waste. For example, both Pepsi-Cola and Coca-Cola report that they only average 90% return on returnable soft-drink bottles which are sold for home consumption. In densely populated urban areas, the rate of return drops as low as 75%. One thousand returnable bottles weigh about 750 pounds. At 90% return, each 1,000 bottles sold adds 75 pounds of glass to litter and solids wastes. One thousand aluminum cans weigh only 40 pounds. With no salvage at all the aluminum cans would comprise only about half the weight of solids waste that returnable bottles do. Yet we are confident of reaching a minimum 75% recycle level given the time to do so.

Although we regard litter as the pressing and immediate problem and our initial efforts with the cash-for-cans program have mainly been directed at correcting litter, we view the impending and ominous matter of solids waste and its disposal as the real and serious long-range environmental challenge. Thus, we regard aluminum can salvage and recycle as a permanent part of our overall operation. Of all of our management objectives it has the top priority. Our hope is that we will be allowed sufficient time to make it work. Our success to date exceeds our fondest hopes although we regard it as just a start.

Adolph Coors Company and its distributors will intensify their efforts to make the cash-for-cans program even more successful in 1971. We anticipate that far more aluminum will be recovered for recycling. More and more companies are turning to aluminum packaging because they realize its environmental value. Further, in 1971 our company will discontinue use of the tall tinplate can replacing it with an aluminum can of our own manufacture. When that changeover is complete, *all* canned beer marketed by Coors will be in aluminum cans.

A new and important program at Adolph Coors Company will provide for the salvage and reuse or recycle of our convenience bottles which have heretofore been nonreturnable. All such bottles will soon have a redemption value of one cent each. The majority of these will be suitable for reuse. Those that are not will be returned as cullet to a glass factory located a few miles from our brewery in Golden and melted up to be made into new bottles—that is—recycled. Glass like aluminum can be infinitely recycled.

Thus with the completion of our 1971 changeover on the tall can from tinplate to aluminum and the immediate adoption of a complete system of returnable bottles, every Coors can and bottle will have a cash return value. Both plans will be in effect throughout our entire marketing area . . . Arizona, California, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Texas, Utah and Wyoming.

One other thing. A top management committee at our company now is meeting regularly to determine how we can *recycle everything that Adolph Coors Company uses . . .* not only aluminum and glass, but also wood, paper and the rest. We have found some answers; we are seeking a total answer. This effort also has top management priority.

Our company is totally dedicated to the business of keeping this nation clean and inviting. We share and appreciate your concern with this vital problem. You have my personal pledge that Adolph Coors Company will be an outstanding leader in the preservation of a quality environment for America.

Sincerely,

WILLIAM K. COORS,
Chairman of the Board.

UNAUTHORIZED USE OF NAMES BY "EAST-WEST TRADE MISSION"

Mr. MONDALE. Mr. President, recently, a mailing went out from an organization calling itself the East-West Trade Mission, headquartered at the World Trade Center in San Francisco, Calif. This mailing was soliciting participants for a trip to Yugoslavia and the Soviet Union and allegedly into Communist China.

On the letterhead appeared my name as vice chairman of the mission. Appearing also on the letterhead as members of the advisory board were Senator PERCY, Congressman CONTE, and Congressman LEGGETT.

None of us authorized the use of our names in connection with this venture. We have no reason to have any confidence whatsoever in this mission and wish to wholly disassociate ourselves from any connection with, endorsement of, or intention to participate in this trip.

I have yet to receive even so much as a letter from the organizers of this alleged East-West Trade Mission, but upon hearing from other sources of the use of my name, I sent the following telegram, which I ask be reprinted at this point in the RECORD.

There being no objection the telegram was ordered to be printed in the RECORD, as follows:

MR. PAUL SJEKLOCHA,
East-West Trade Mission,
World Trade Center,
San Francisco, Calif.

Regret the unfortunate use of my name unauthorized on recent mailing soliciting members for trip to Yugoslavia, Soviet Union, and China. Request immediate list with full mailing addresses of all persons contacted in any way with this trip on stationery with my name on letterhead.

WALTER F. MONDALE,
U.S. Senator.

Mr. MONDALE. Many of the other individuals appearing on this letter were similarly unaware of this use of their names, and Senator PERCY has also informed the mission that his name should never have been used. Senator PERCY and I, and Congressmen LEGGETT and CONTE, all of whom wish to be associated with this disavowal, will make every attempt to reach those contacted by this solicitation and inform them of this unfortunate error.

TOWARD A NEW CHINA POLICY—ADDRESS BY SENATOR McGOVERN

Mr. FULBRIGHT. Mr. President, on Sunday the Senator from South Dakota (Mr. MCGOVERN) made an important address urging revision of our Nation's long outmoded and ill-founded policy toward China.

It deserves the attention of all persons interested in foreign policy and I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TOWARD A NEW CHINA POLICY

(Remarks by Senator GEORGE MCGOVERN at the University of the Pacific, Stockton, Calif., Jan. 24, 1971)

A few days ago I announced that I am a candidate for the presidency of the United States.

In announcing that decision I made one commitment above all others. I pledged to seek and speak the truth with all the resources of mind and spirit I command.

That standard requires an early effort to dispel the fog and myth which have for the past twenty years befuddled our attitudes and our actions toward Mainland China. These myths and fears may be the most costly and dangerous untruths in all of American public policy.

They have isolated a population of 800 million, more than one-fourth of the world's people.

They have isolated the United States position from a large and growing body of world opinions and practice; from trade, from diplomatic recognition, and from other forms of contacts which should characterize relations between mature societies.

They have pushed Chinese leadership into belligerence and suspicion toward the United States, creating enormous obstacles to the normalized relations which even the Nixon Administration, led by an architect of our distorted vision, seems now to recognize must ultimately come.

They have placed us on the wrong side of nationalistic aspirations throughout Asia, and have forced our alliance with governments which degrade the very principles of democracy, liberty and independence upon which our own nation is founded.

And they have brought us twice into major wars, with a toll of 100,000 Americans dead in Korea and Vietnam and the total still rising in seemingly endless devastation.

We must begin immediately to escape the tyranny of the untruths which have shackled our thinking for so long and to such ill effect.

Our policy still reflects a belief, persisting since 1949, that the present government in Peking is but a temporary usurper of legitimate power in China. We still await the eventual return of Chiang Kai-shek or his descendents, expecting that he and some two million followers on Taiwan will somehow recapture control over the vast multitude of the Mainland which long ago expelled him.

Put bluntly this is pure fantasy and it impedes all hopes for improved Sino-American relations. The Chinese civil war is over on the Mainland and it will not be undone.

We formed the Southeast Asia Treaty Organization, and we entered Vietnam and remain there today, because of another set of mistaken beliefs—those holding that China seeks to, or can, conquer and dominate her Asian neighbors. It is the domino theory, Dean Rusk's "yellow peril" or Vice President Agnew's more recent picture of a "Red Peking tidal wave engulfing all of Asia and Southeast Asia."

It is wrong for several reasons. It assumes that China has the capacity to negate sentiments for nationhood and independence to which the Dutch, the British, the Japanese and the French have already yielded, and to which we must eventually yield as well.

It assumes much more than the evidence sustains about Chinese regional ambitions and capacities. Those ambitions doubtless seek removal of visible threats to Chinese security—including some 600,000 American troops stationed in countries on her borders. They doubtless call, at least, for international neutrality among those countries, and a willingness to deal with the same sort of Chinese influence that would be demanded by any Chinese government, communist or not. But where is the evidence that China is about to engulf her neighbors.

Notwithstanding bellicose rhetoric, Chinese troops have operated beyond Chinese borders rarely in the past twenty-one years. They entered Korea only when the forces of General MacArthur were racing toward their borders in the Yalu River. If we have been unable until now to perceive their action as defensive, we should certainly be able to understand it in light of our own current "protective reaction" phraseology. Chinese troops have fought in India and Tibet, but the objectives were to claim disputed territory not to elevate new ideology. We must also rely upon conjecture to support our impression of China as an instigator and driving force behind "wars of national liberation" in Asia and other parts of the world.

China has offered limited training and equipment to insurrectionary forces in a few countries. But she also regards revolution as a "do-it-yourself" enterprise. Thus, in the heavily analyzed writings of Defense Marshal Lin Piao, the heir-apparent to Mao Tse-tung, China is presented as a model and other nations are told to carry out their own revolutions with no expectation of Chinese aid. China aspires to be the ideological center of world revolution, she seems to cherish with equal fervor her role as noncombatant.

In defiance of our historic friendly relations with the Chinese people, we have also come to regard communist Chinese as a race apart, intensely militant in nature and utterly lacking in civilized regard for human life. Like any racial prejudice, the thesis is without rational support.

Finally, and with the gravest consequences, we see China as an inevitable military threat to our own security. Again, we take our view from selective reading of propaganda, ignoring both the written and real evidence of internal preoccupation and international caution.

China, with four times our population, has a gross national product of less than one-twelfth of our own. She spends less than one-twelfth as much as we do on defense. She has fewer armed forces than we, and they are, especially after the cultural revolution, as much civil servants as soldiers. Some 85% of her population is agricultural, devoted to the gigantic task of feeding her vast population. She is beset with enormous internal difficulties. Even if she had the inclination, she has neither the military or industrial capacity to seriously threaten our safety, at levels beyond the protection we can readily supply.

It is time we began to assess China in realistic terms.

We must do so, first, because our actions and preparations for dealing with the China of our imaginations have damaged us far more than the China that is real either can or would.

We must do so because our policy, instead of responding to existing threats, tends to create threats which would otherwise not be posed.

And we must do so because we approach a new era, in which the consequences of continued efforts to isolate, encircle and vilify China can be even more deadly than the costs of the past.

Let me suggest, then, several fundamental elements of a new posture toward China.

First, we should forego any plan to construct an area defense antiballistic missile system designed to nullify the budding Chinese deterrent force.

We have good enough reason to give up such plans on purely technical grounds, because the NIKE-X-Sentinel-Safeguard cannot protect our population against even moderately sophisticated ICBM's, let alone against other methods of delivery.

But the implications for U.S.-China relations raise overwhelming support for the same conclusion. We do not need an anti-Chinese ABM, and its construction will harm immeasurably the prospects for nuclear stability.

China's attitude toward nuclear weapons has been brash in rhetoric but cautious in practice. Like other nuclear powers, they contend that their nuclear capability is developed solely to deter a nuclear attack from other countries. Their nuclear tests have been accompanied by advocacy of nuclear disarmament and the creation of "nuclear-weapon-free" zones. They have made a unilateral commitment against their own first use of nuclear weapons—something the United States has never done. They upbraided the Soviet Union for "adventurism" following the Cuban missile crisis in 1962.

But if we still fear China's attitudes, there is no prospect at all that the Chinese will attain a nuclear force big enough or advanced enough to threaten our deterrent. They need never doubt that any attack on the United States will bring immediate destruction to their own society, to all of their cities, to all of their painfully built industrial base, and to millions of their people.

Under such circumstances construction of an anti-Chinese ABM requires us to believe that Peking is ruled by fools and suicidal maniacs.

We cannot welcome any proliferation in these dangerous weapons. But neither can we stop the emergence of China as a nuclear force. We gain nothing and lose much, therefore, by attempting to deny China the ability to deter nuclear attack; by attempting to deny her the same protection we consider prudent and responsible for ourselves.

Second, our position on trade with China should be put on the same basis as U.S. trade with the Soviet Union and other communist nations in Eastern Europe. We must end the almost total embargo on trade which we have imposed for twenty years. It is a relic of a futile and foolish attempt to bring down the communist government by isolating her from normal social and economic relations not only with the United States but with all free countries. Its primary victim has been the United States. It is costing us a vast market for our produce that is now being pre-empted by the Japanese and others while we keep our head stuck in the sand.

Third, as an effort to initiate travel and cultural contacts, an invitation should be made at the Warsaw talks, and eventually in open dialogue with the Peking government, for visitations to the United States by Chinese scientists, government officials, newspapermen, and similar groups. We should begin, as well, to encourage American-Chinese natural scientists working in purely theoretical fields to resume their private contacts in China and to seek visas to visit their families, relatives and friends from whom they have been separated for more than 20 years.

Fourth, we must address without equivocation the perplexing question of Chinese representation in the United Nations.

Prior to the next general assembly meeting, the United States should enlist majority support for a resolution to recognize the Peoples Republic of China as the legitimate occupant of China's seats in the United Nations General Assembly and on the Security Council. On the question of Taiwan, we may consider a subsequent arrangement continuing membership in the U.N., but not on the Security Council, pending settlement of the island's status. We should abandon our effort to designate Chinese representation an "important question" requiring two-thirds approval.

Fifth, we should adopt a similar approach to the problem of recognition. Again, I can foresee no simple solution to the Taiwan issue. We should, however, be clear on one point; that our recognition of reality with respect to the Chinese civil war will, of itself, raise serious questions about Chiang Kai-shek's claim that he leads the government of any country. He agrees with Peking's claim that Taiwan is part of China. If that issue is resolved positively then we must recognize that Taiwan, too, will live under the same government as the Mainland. If not, and there are some historical and ethnic reasons for such a view, then Chiang's claim to authority on the island will still derive only from the fact that he fled there and took and held power with brutal force after his defeat on the Mainland.

In any case, the status of Taiwan is not ours to decide. We may hope for its resolution through international auspices or among the Chinese and Taiwanese people themselves. But we should move now to recognize the government in Peking and to seek diplomatic relations. Chinese acceptance of the Canada formula, in which Canada was obliged only to take note of the Chinese claim to Taiwan, sets a useful pattern which we could wisely pursue. The desperate need for growing knowledge, contact and understanding should be denied no longer.

For twenty-five years, through the administration of five presidents, Democratic and Republican, the United States has managed to avoid both nuclear and conventional war with the Soviet Union.

Within the next decade we must learn to live with another hostile nuclear power. We must gain that knowledge quickly, and we must overcome conditions of ignorance and mutual distrust immensely more serious than those which accompanied the Soviet Union's nuclear capability.

But we can draw on that experience.

Avoiding war with the Soviet Union has meant many things. It has, of course, meant maintaining forces of our own sufficient to prevent nuclear blackmail. But that is only a small part of the problem and one easily overemphasized, for to arm beyond the requirements of deterrence is to accelerate a dangerous and wasteful arms race.

It has meant devoting much of our ablest diplomatic talent to Soviet affairs, so that our men in Moscow might provide our government with the most accurate possible understanding of Soviet capabilities, plans and interests.

It has meant establishing facilities and institutions through which we can communicate clearly and quickly with Soviet leaders, so that war will not occur through misunderstanding or accident.

It has meant the quest for an intelligent and realistic appraisal of our own essential interests and those of our allies, so that we can negotiate with a clear understanding of the possibilities and priorities.

It has meant sometimes taking the first step when there was no assurance that our initiative would be reciprocated.

Above all, it has meant a constant and patient search, probing for areas of common interest so that we might not only avoid war but also begin the process of controlling, and then ending, the production of those weapons that make war between nuclear powers the most ominous threat to the world's future.

The heaviest responsibility facing the next president is to initiate and then press forward as rapidly as circumstances will allow, a dialogue with China of the sort that has made our relations with the Soviet Union, if not friendly, at least less dangerous to ourselves and to the world.

The search will require patience, skill and understanding, as it has in the case of the Soviet Union. We have had, and will continue to have, profound differences of interest and outlook with both regimes. At the beginning we can expect that many of our initiatives will be met with scorn.

But we do have common interests. We share, I believe, a common aspiration for avoiding the confrontation which could end human life on this planet, for in that kind of conflict there can be no winners.

And we *can* share a respect for national boundaries in all parts of the world, and a hope that what competition there is between conflicting ideologies beyond those boundaries will be conducted in peace. We can achieve that if we can on both sides replace hysteria with reason and temper our passion with common sense.

A nation as rich and powerful as the United States can readily afford to move in a spirit of understanding and respect.

If we are truly committed to truth, and if we are determined to shed the burdens of past mistakes, then we can clearly do no less.

THE 53D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, this Friday all Americans will join the millions of Americans of Ukrainian descent in celebrating the 53d anniversary of Ukrainian independence.

This day has special meaning for those Americans who are directly linked by ties of birth, or memory or affection with Ukrainia. But it should also have special meaning for all other Americans who have similar ties with the numerous other nations currently suffering under Soviet despotism.

For every American who has ties to a captive nation, this day is a day for renewed dedication to the proposition that freedom is indivisible.

Similarly, for all Americans, of whatever ethnic stock, Ukrainian independence day is a day for counting our blessings. We who were born free cannot neglect the lessons which history has taught about the vulnerability of freedom. We have much to learn from those of our fellow citizens who have had more direct experience with 20th century tyranny.

This Nation is fortunate to have the allegiance of these brave and good citizens, whose understanding of the meaning and price of freedom is so clear.

PORTSMOUTH NAVAL SHIPYARD DISPLAYS ITS GOOD CITIZENSHIP

Mr. McINTYRE. Mr. President, I have always been proud of the Portsmouth Naval Shipyard's contribution to the defense of our country and their contribution to the welfare of our citizens. Once again they deserve recognition. The Portsmouth Naval Shipyard employees and military personnel reached an all-time high for blood donations in the New Hampshire-Vermont area.

Mr. President, I ask unanimous consent that an article about their contribution which appeared in the Portsmouth Periscope be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORTSMOUTH'S BLOOD DONATIONS IN 1970 AT ALL TIME HIGH; SHIPYARD LEADS ALL INDUSTRIES IN VERMONT-NEW HAMPSHIRE

Blood donations by employees and military personnel on the monthly visits of the Red Cross Bloodmobile during the calendar year 1970 surpassed donations in all industrial facilities in New Hampshire and Vermont. A total of 2,115 pints of blood were donated at PNS during 1970, an average of 176 pints of blood each month. This is an all time high for blood donors at Portsmouth. Previous record high was in 1966, with 2,072 pints of blood donated.

Shipyarders consistent support of the Blood Program was recognized Tuesday morning, December 15, at a ceremony held in the Administration Bldg., when Charles T. Mazza, Assistant Administrator, Vermont-New Hampshire Red Cross Regional Blood Center, presented a letter of commendation to Captain Donald H. Kern, Shipyard Commander, who accepted the citation for all PNS blood donors. Mazza added his personal commendation, pointing out that accolades were also in order to volunteers who turn out to donate and are unable to do so because they cannot meet medical standards for giving blood.

Representing all blood donors at the ceremony were Earl F. Frost, Shop 72 and Robert P. Hopley, Planning. They are among the leading donors, each employee having donated 10 gallons of blood. Maurice Bedard, also a 10 gallon donor, was unable to attend. He is the Shipyard's top donor, with 86 pints of blood credited to his official Blood Donor Record card.

Among Shipyard officials in attendance were Donald K. Holster, Director of Industrial Relations and Administrator of the Shipyard's Blood Program; and Kenneth C. Clement, Employee Services, who is Coordinator.

The letter of commendation, signed by Edward R. Stearn, Administrator, Vt.-N. H. Red Cross Blood Program, with headquarters in Burlington, Vt., is quoted:

"Officials of the Vermont-New Hampshire Red Cross Blood Program throughout the region join me in extending heartiest congratulations on the outstanding blood drawing held at the Portsmouth Naval Shipyard December 2. As you may know, the 206 pints donated that day brought the total for the calendar year 1970 to 2,115 pints, an all time high for this installation. As a matter of fact, this is also a new 12-month record for any group, plant or other facility in our entire region.

"The total donated on December 2 could not have arrived at a better time, since our blood drawing for the preceding week had been curtailed by the Thanksgiving holiday and with no drawing being held on the day following. Thanks to the response of Shipyard employees, however, we were able to meet all demands, including exactly 100 pints sent to just one of our hospitals over a three day period from Saturday through Monday.

"A quick check of our records indicates that in the 208 blood drawings held at the Portsmouth Naval Shipyard from September 1953 through December 1970, there have been 27,774 pints of blood donated. In itself this total is outstanding, but we believe there are two factors that make this figure even more significant. The first is that donations are on the rise rather than declining. The second is that every request we have made for rare types of blood to meet special situations such as open heart surgery, aneurysms, etc., have, without exception, been exceeded by a substantial margin.

"All of us involved in the day to day operation of this program are aware of the time and effort required to achieve the results enumerated above. Please convey our sincere thanks to Donald K. Holster, Director, Industrial Relations Office and Kenneth C. Clement, Blood Program Coordinator, for the planning and direction they have given this program over the years.

"We trust that all others who have helped in any way in achieving this outstanding record of accomplishment are aware of how much their support is appreciated by our hospital patients and their families. Needless to say, we are aware that this increase in donations in recent years could not have been achieved without your personal interest and support."

SOVIET TREATMENT OF JEWS

Mr. TOWER. Mr. President, I would like to take this opportunity to speak briefly on the plight of Soviet Jewry. Many Americans, both in the public and private sector, have recently condemned Soviet atrocities toward Russian Jews. It was perhaps this public condemnation that most contributed to the commutation of the death penalties handed down by the Soviet court in the case of the "alleged" Leningrad hijackers.

Although the facts seem to clearly stand out in this matter, I would like to briefly address myself toward an examination of Soviet policy with regards to its Jewish minority. Unlike other minority groups, Jews in the Soviet Union lack the basic privileges afforded to their fellow citizens. They are not allowed to learn either Hebrew or the Yiddish language in Soviet schools. Many of their religious observances have been hindered by state restrictions.

Although the state atheistic policy supposedly does allow freedom of religious expression for the Jew, this freedom is indeed limited. The largest synagogue in Moscow has a seating capacity for around 600 people. There are only three synagogues in Moscow serving 500,000 Jews. A new edition of a Hebrew prayer book has not been printed in years.

Soviet policy toward Russian Jews represents a perfect example of Communist "double think." Such a policy is enunciated through state rhetoric proclaiming the justice and humanity of the Soviet system. In many instances, Russian Jews are paraded into the public eye extolling the justice of the system. Undoubtedly, fear for their own lives, as well as for the lives of their families and friends, has played a large role in their public allegiance to the Soviet Union.

The other side of the "doublethink" campaign is represented by an increasing antisemetic effort by the totalitarian regime of Brezhnev and Kosygin. Although it is clear that the czarist pogroms and the Nazi-like concentration camp experiences are absent from Soviet life, it seems to me that a policy of genocide does exist in the Soviet Union. It can be labeled as a genocide policy aimed at the spirit—a policy intended to destroy the personal and unique qualities of a people.

This policy, which has accentuated over the past few months, seems to be backfiring. As happens in so many similar episodes of human behavior, the persecuted Jewish minority in Russia has rediscovered a sense of cultural and religious cohesiveness. Russian Jews in growing numbers have rejected the goal of complete assimilation into Soviet society.

We must ask ourselves what are the causes for this sudden upsurge of blatant anti-Semitic activity in Russia. There are a number of plausible answers to this question. First, it seems quite evident that the powers that be in the Soviet Union are attempting, with some success, to place the "scapegoat" image on the Jews. This is not new to the world and particularly not new to Russia. Of course, somebody must be blamed for the failure of the Bolshevik revolution and the Marxist ideal. By placing the blame on a recalcitrant and mostly unassimilated minority, Soviet authorities intend to take the pressure off themselves.

Therefore, Soviet propaganda has shifted the blame to some innocuous worldwide conspiracy spearheaded by the expansionist State of Israel and the imperialistic nations in the free world. This is most absurd. The only concrete problem in this matter is the desire of a group of people to realize self-determination; to acquire the choice of living either in the Soviet Union free from prejudice and discrimination or to have the opportunity to emigrate to Israel.

It is estimated that at least 50 percent of the Jews now living in the Soviet Union would emigrate to Israel if the opportunity would arise. The granting of this license to emigrate, it would seem to me, would represent a major propaganda victory for the Soviet system. It would show to the world that Soviet justice and humanitarianism can at times be more than the empty words we so often read about in Pravda and Izvestia.

The failure to grant this license indicates that something deeper than what appears on the surface has assisted in formulating Soviet policy. I would strongly suggest that some direct or indirect agreement has been made between the Soviet Union and a number of Arab States stipulating that Jewish emigration to Israel be kept at a bare minimum. Although certainly no agreement has been made public, it is quite likely that one exists. Israel is one of the few countries in the world that is actively encouraging people to emigrate to her land. This is to be understood, since population and military manpower is perhaps the only area where Israel's Arab neighbors can claim an advantage. It must be considered, at least in a military sense, a triumph of enormous magnitude that a people numbering less than 3 million has been able to withstand a force of more than 100 million people for such a long period of time.

The world must continue to apply pressure to Soviet persecution of its Jewish minority. The United States, as leader of the free world, must continue to make note of a judicial system whose main characteristic is that individuals are considered guilty until proven innocent and where defense counsel is in reality a simple tool of the Procurator's Office.

The recent kangaroo court procedures of the alleged Leningrad hijackers is a perfect example of the Soviet judicial system. Moreover, it is an example of the "de-Khrushchevization" policy—an exclusively Soviet intention to harden relations with the free world. We must call attention to these atrocities. However, attention in the form of bombing Soviet buildings in the United States represents a simple degeneration to tactics epitomized by Communists and supporters of those governments.

I will continue to make note of similar examples of Soviet totalitarian injustice as they appear in the future. I am confident that the Congress, the President and all people who cherish freedom will join me in this endeavor.

GEN. DOUGLAS MacARTHUR BIRTH ANNIVERSARY

Mr. BYRD of Virginia. Mr. President, yesterday, January 26, was the 91st anniversary of the birth of General of the Army, Douglas MacArthur.

It was a day, too, in which the Douglas MacArthur commemorative stamp was issued in the city of Norfolk, Va.

It is appropriate that this stamp should be first issued in Virginia's largest city, and the city in which General MacArthur's mother was born. Norfolk is also the site of the MacArthur Memorial Foundation, whose president and treasurer is the former mayor, W. Fred Duckworth.

Making the address at the luncheon. attended by 600 guests, was Gen. William C. Westmoreland, Chief of Staff of the U.S. Army. Present, too, was Mrs. Douglas MacArthur, the General's widow.

There are several lines in General Westmoreland's address to which I invite special attention. He, as did General MacArthur, emphasized that the guidepost of the American soldier is "duty, honor and country." I cite another paragraph in General Westmoreland's address.

> General MacArthur knew better than most that the struggle for freedom never ends . . . it is eternal. Each new generation must resecure for itself the blessings of liberty—both the privileges, and more important the responsibilities.

I ask unanimous consent that the text of General Westmoreland's address be at this time printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GENERAL W. C. WESTMORELAND, CHIEF OF STAFF, UNITED STATES ARMY, DEDICATION OF THE GENERAL OF THE ARMY, DOUGLAS MACARTHUR COMMEMORATIVE STAMP, GOLDEN TRIANGLE HOTEL, NORFOLK, VA., TUESDAY, JANUARY 26, 1971

To participate in this tribute to General of the Army Douglas MacArthur is a personal honor and privilege. But as we dedicate this commemorative stamp, we also, today, celebrate the 91st birthday of this giant of a man.

Soldier, statesman, administrator, patriot, and genuine humanitarian, General MacArthur has earned a hallowed place in the history of our Nation. His exploits need no recital to the American people. They are well known to all. They are a tribute to a half century of dedicated service to our country . . . in peace and in three wars.

General MacArthur was first and foremost a professional soldier. But he was more than the sum of his individual acts—he lives as the embodiment of all that a soldier aspires to be, what he can be, what he shall be. He is the symbol of the profession of arms. As we salute this great soldier, we recognize at the same time the profession that he has so dramatically represented and the hundreds of thousands of men who follow in his path.

Appreciation for the military profession . . . what it means . . . what it supports . . . why it is necessary . . . was enshrined as never before by General MacArthur on that day in 1962 at West Point when he received the highest award of his fellow alumni—the Sylvanus Thayer Award. As Superintendent of the United States Military Academy at the time, I was privileged to be his official host. In accepting the award, General MacArthur, before the assembled Corps of Cadets, graduates, and distinguished guests, spoke without notes for 45 minutes in the most eloquent prose. He stated that his receipt of that award was . . . not intended primarily to honor a personality, but to symbolize a great moral code . . . an expression of the ethics of the American soldier . . . the profession of arms . . . that the very obsession of [the] public service [of the American soldier] must be duty, honor, country. . . .

Today, the very obsession of our Army on the frontiers of freedom throughout the world remains focused on General MacArthur's dramatic charge.

Throughout his entire career, General MacArthur had the satisfaction that only comes from "helping others help themselves" . . . first in the Philippines . . . next in Japan . . . then in Korea . . . a satisfaction that we now have in Vietnam, where once again we as a nation help others to help themselves.

There the young men in our Armed Forces have essentially done what they were asked to do:

Help prevent a communist takover by force of South Vietnam.

Help bring an end to terror in South Vietnam.

Help achieve a just, honorable and lasting peace.

And help South Vietnam build a strong viable nation. I know that General MacArthur would be proud of the demonstrable dedication of the men who have done their duty in Southeast Asia . . . who have done—and done well—what they were asked to do

General MacArthur knew better than most that the struggle for freedom never ends . . . it is eternal. Each new generation must re-secure for itself the blessings of liberty—both the privileges and more important the responsibilities.

No one appreciated more our rich tradition and the price that humanity has paid for freedom than General Douglas MacArthur. In responding to the results of a magazine poll on the question of the military obligations of the citizen, he stated: . . . so many seem to be unfamiliar with the struggle of mankind for the free institutions we enjoy. Magna Carta, the Declaration of Independence, the Emancipation, the rights of small nations and other birthrights of this generation have been bought with the high price of human suffering and human sacrifice, much of it on the fields of battle.

These eloquent words of General MacArthur reflecting the cost of freedom were recorded almost four decades ago. They are true today . . . they are immutable.

Our Army stationed here in the United States and around the world—an Army of over a million men and women—is your Army just as it was in General MacArthur's time. Its only reason for being is to safeguard those values in our way of life that all of us so jealously cherish—to serve the national interest.

The United States Army has always served our Nation with unfaltering dedication, unswerving loyalty, and absolute devotion. We continue to cherish our apolitical role as set forth in our Constitution. General MacArthur's charge that the "great national problems are not for [military] professional participation or military solution" has never been more appropriate. Our "guidepost stands out like a ten-fold beacon in the night: Duty, honor, country."

His legacy . . . symbolized by the stamp we dedicate today . . . is our obligation to the American people of this great Nation.

MIDDLE EAST OIL

Mr. TOWER. Mr. President, in recent days, the Persian Gulf members of the Organization of Petroleum Exporting Countries—OPEC—have raised the specter of an embargo of the shipment of Middle East crude oil. This will place our friends and allies in Western Europe and Japan in an extremely precarious position. Fortunately for this country, our domestic oil industry is strong enough to allow us to avoid total dependence upon Middle East supplies.

If an oil embargo does occur, it is estimated that Western Europe will exhaust its petroleum supplies within 3 months. This country cannot supply Western Europe with petroleum as it did in 1967 because of its own increased domestic needs and the defense requirements in Vietnam.

We will have to carefully utilize our resources to meet our own needs. Because a great portion of the petroleum used in Vietnam comes from the Middle East, we will be forced to supply our military effort from our own oil production. Because we have avoided reliance upon foreign crude oil sources, we can do this.

I would caution, however, that both Venezuela and Canada supply the United States with significant quantities of crude oil. The Canadians in turn get an important part of their crude oil from the Persian Gulf. It is reasonable to assume then, that a Middle East embargo would reduce the oil available to Canada and, therefore, reduce the amount of oil which that country would be willing to export to the United States.

I regret that we face the danger of an embargo and hope that it will not materialize. I must point out, however, that those of us who support a strong domestic oil industry presented the possibility of this very danger to Congress when it cut the depletion allowance last year and to the administration and Congress alike when they considered eliminating the mandatory oil import quota system. I argued then that these steps—reduction of the depletion allowance and elimination of the quota system—would so weaken our domestic oil industry that our Nation would be forced to rely on foreign sources for our petroleum needs. The argument is valid today.

We can all be thankful that the President heard our plea and preserved the oil import quota system. The health of the domestic oil industry is necessary to the welfare of the United States. We cannot allow it to become so weak that we find ourselves in the position of our Western European friends—at the mercy of foreign sources for our very survival.

CRISIS OF EMPLOYMENT AMONG RETURNING VETERANS

Mr. CRANSTON. Mr. President, the problem of unemployment among our returning veterans is reaching critical proportions. While the unemployment crisis has reached dire proportions throughout our society, the effect upon veterans is among the most serious. The unemployment rate for veterans is consistently higher than among comparable nonveterans of the same age and educational level.

I have been most concerned about double sacrifices we are imposing upon our veterans. Not only do they risk their lives and limbs in military service to their country, but they are also bearing the greatest part of the burden of unemployment in the war against inflation, a situation created by the very war in which these men have served.

In the last session of the 91st Congress, I worked to include special provisions to assist veterans in S. 3867, the comprehensive Employment and Manpower Act, which was vetoed by the President on December 16, 1970.

As chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, I held hearings on unemployment and overall readjustment problems of returning veterans on November 25 and December 3, 1970. These hearings revealed that the No. 1 problem facing veterans is unemployment, and that immediate action is needed. I am currently preparing legislation to correct some of the problems revealed by these hearings.

On January 25, I joined with the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from New York (Mr. JAVITS) as well as 23 other Senators in sponsoring legislation to provide public service employment during periods of widespread unemployment. This bill, S. 31, the Emergency Employment Act, will provide meaningful service jobs for the unemployed and underemployed, including veterans. In section 2(4) of the bill a special emphasis on returning veterans' employment needs is included.

The problem of veterans' unemployment has recently received more of the public recognition it deserves. I am most pleased that our subcommittee hearings have helped to focus attention on this issue.

The administration and several veterans' groups have taken action to publicize this critical situation, primarily through efforts to bring veterans and existing jobs together. This effort is commendable and should be encouraged. However, this does not reach the most serious problem of insuring that enough jobs exist to be filled by the unemployed, especially our unemployed veterans.

The Veterans of Foreign Wars is an organization dedicated to the service of its fellow veterans and deserves congratulations for its continuing efforts to develop solutions and programs for the successful readjustment of returning veterans.

A recent article in the VFW magazine underscores the veterans' unemployment problem and emphasizes the need to provide prompt and effective job counseling and job placement services.

Printed with the article are the pertinent comments of concern expressed by my good friend and fellow Californian, Mr. H. R. Rainwater, commander in chief of the Veterans of Foreign Wars.

Mr. President, I commend the article and comments to the attention of my colleagues and I ask unanimous consent that the article by Mr. James K. Anderson, "Jobs for Veterans," which appears at page 21 of the January 1971 issue of the VFW magazine, along with comments of Mr. Rainwater be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBS FOR VETERANS

(By James K. Anderson)

What are the job prospects for returning veterans in 1971?

This is a major question facing young men as they return to civilian life and one that the Nixon Administration is going to be wrestling with for many months to come.

In an effort to help them find suitable work, President Nixon in October began a Jobs for Veterans Campaign aimed at focussing national attention on the problem, using existing programs to train veterans and to encourage employers to hire them.

"Jobs for Veterans is a nationwide effort to highlight the quality of the American veteran whose blend of skills and self-discipline make him an ideal candidate for employment," said President Nixon. "He has proved himself in the military—all he needs is the opportunity to demonstrate that he can contribute as much in civilian employment.

"I want this program to increase the national awareness of the veteran's potential as an employee and I am confident that public and private employers will meet the challenge by providing veterans with widened job and training opportunities."

James F. Oates Jr., retired president of the Equitable Life Assurance Society, was appointed national chairman.

Involved in the campaign are the Departments of Labor, Commerce and Defense and the Veterans Administration.

Out of the 27 million living veterans, almost 4,100,000 are from the Vietnam Era. This means that they are younger—their average age is 25.3, compared with 44.4 for all veterans—and many this year will be entering the job market for the first time.

Heightening the problem of veteran employment is the expected higher discharge rate in 1971, accompanying increased troop withdrawals from Vietnam. In recent years, separations from the service have added approximately a million men a year to the nation's job force. The number of returning veterans has been increasing at a rate of 100,000 a year since 1965.

A partial picture of the employment problems of veterans in a tightening job market can be seen from their jobless pay claims filed under the special Unemployment Compensation Plan for Ex-Servicemen (UCX).

According to the Department of Labor statistics, 78,200 veterans were reported to be continuing to file claims by the end of the first week of last July. This total was 44,900 more than for the same period in 1969. Now the rate of new claims being filed by recently discharged veterans is running at the rate of more than 40,000 a month.

Some 2 million veterans used their state employment offices in finding work last year, but only half of them were placed in nonfarm jobs.

Of the more than a million veterans returning to their homes each year, at least 950,000 of them are short-termers with two to four years' service, 50,000 junior officers completing tours of duty, 65,000 career men with 20 or more years of service and 120,000 members of minority groups.

Experience since 1964, the beginning of the Vietnam Era, has shown that a fourth of those being discharged will return to school, but the balance will seek work immediately—and not where they were employed when they went into service.

The increase in the number of veterans looking for work can be seen from the growth in registrations with state employment services. In 1970 it was 2 million but in the previous fiscal year it was 1.7 million, a jump of more than 300,000 in one year.

Department of Labor projected figures for 1971 indicate another increase of 300,000 new applications for jobs in the 2,400 offices of state employment services. This will bring the total 2,300,000.

States most affected by separations include California, with 11.03% of the million plus; New York, 7.47% Pennsylvania, 5.77%; Texas, 5.63%; Illinois, 5.45%; and Ohio, 5.29%. The others range from Michigan, 4.54%, to Alaska, .02%.

According to Department of Labor statistics, male veterans filed 32.1% of all new job applications and were given 34% of the nonfarm jobs.

A factor enhancing the employability of recently discharged veterans is their military training. For instance, 80% of the former enlisted men and and 95% of the ex-officers have acquired skills in the service that can be utilized in civilian work. These involve engineering, technical trades and administration.

Most officers are college graduates, while 83% of the enlisted men have had 12 or more years' schooling. In addition, the Defense Department spends more than $3 billion a year on education and training, a third of it in technical fields.

Another bright spot on the employment horizon was the success of the VA and *Boston Globe*-sponsored New England Vietnam Veterans Job Mart held in Boston late in the summer.

Job promises went to 7,000 veterans who were tested and interviewed and a total of 15,000 employment opportunities were offered. Salaries were from $4,500 to $18,700.

Not only were many of the veterans able to find work but Donald E. Johnson, Veterans Administrator, said the spirits of many were buoyed because it was evidence that a government agency was taking a personal interest in the men's welfare.

A further indication of the picture of veterans employment is to be found in the recent VA publication "Two Years of Outreach," covering the period from 1968 to 1970.

According to the survey made for this VA study, unemployment among veterans six to 12 months after separation ranged from a high of 18.5% for Negroes without high school to 6.2% for non-Negroes, with the rate for all veterans at 6.7%, which is higher than the national average.

Median monthly earnings for all veterans who reported their income to VA questioners were $507. Negroes, however, earned $465.

Although GI Bill training and educational benefits are available to veterans, only 24% of those answering reported they were taking advantage of this opportunity after six to 14 months of civilian life, but the same percentage said they expected to begin upgrading themselves in another six months.

Failure to enter training programs was explained by 17% as indecision; a need for more money for their families, 16.5%, and fulltime employment, 25.7%.

It is significant that 70% of the inquiries the VA has received from Vietnam veterans concern educational benefits and 33% on-the-job training.

Educationally and therefore jobwise the Vietnam veteran is in a somewhat more advantageous position than his World War II or Korean War counterpart. Seventy percent of the men who have served since Aug. 4, 1964, were high school graduates when they entered service, compared with 54% of World War II veterans and 56% of those serving at the time of the Korean War.

Further, the percentage of veterans from Vietnam with high school diplomas is increasing. According to recent figures it is rising to higher than 80%, while two-thirds of current GI Bill trainees were high school graduates when they entered training and 11% had finished four or more years of college.

Realization that better jobs and more education go hand in hand has sent 817,000 into VA training programs, as of last summer, for an increase of 35% over a comparable period last year and 7% more than the peak of 764,000 reached by Korean War GI Bill trainees in 1957. Nearly 60% of the 817,000 are in colleges.

Those receiving on-the-job training have risen from 45,000 in 1969 to 78,000 in 1970.

As the Nixon Administration noted, this year will be a difficult one for veterans who are coming home looking for work:

"This is a crucial period for the veteran, especially for those returning to areas of increasing competition for good jobs. With the present economic situation corresponding with the increase in the number of returning servicemen, we are witnessing a steady rise in unemployment among veterans, especially among younger enlisted men from the Vietnam Era. Many more find themselves under-utilized and under-employed."

Hire Veterans, Rainwater Urges

Recognizing the problems of veterans employment, Commander-in-Chief Herbert R. Rainwater is urging that V.F.W.'s Employment Program—"A Job for Each Veteran"—be strengthened.

Post Commanders throughout the organization have been alerted by Rainwater to the need for intensified effort in this campaign on behalf of:

"Young veterans who have recently put aside their uniforms."

"Older veterans who are phased out of their previous employment because of technological changes."

"Handicapped veterans who require some special effort to match job requirements with their individual capabilities and limitations."

In urging action on this problem, Rainwater has pointed out that the V.F.W.'s Manual for Employment Officers lists the names, telephone numbers and addresses of Veterans Employment Representatives (VERs) in all areas of the country.

As part of the Department of Labor, they are "eager, ready, willing and able to promote job opportunities for veterans and to insure adequate job counseling," Rainwater advised.

Each Post, he continued, should appoint an Employment Officer to maintain contact with VERs to assure veterans preference in job placement and with prospective employers in the Post's area and to bring them together with job-seeking veterans.

REVENUE SHARING

Mr. BAKER. Mr. President, the distinguished chairman of the House Ways and Means Committee has delivered a thoughtful commentary, apparently the product of intensive and scholarly analysis, on the subject of Federal revenue sharing with State and local governments. This statement deserves an equally thoughtful reply.

While I have not yet had the opportunity to devote an equivalent amount of time and resources to a comparative analysis of the distinguished gentleman's statement, I do wish to respond today to the major points at issue. A more disciplined and scholarly analysis can follow.

At the start, it is well to emphasize some significant areas of agreement between Mr. Mills and myself.

First, we both recognize the existence of very real and very serious fiscal problems faced by many localities.

Second, we both recognize the long and established legacy of Federal interest in the viability of State and local governments and in the adequacy and quality of the public services they provide. This expression of national interest is best typified by reference to the explosive growth experienced in Federal grants-in-aid to States and localities over the past 25 years. This record of channeling Federal revenues back to States and localities for spending on specified domestic functions is well established.

Third, we both recognize and deplore the hopeless administrative tangle which now engulfs our Federal grant-in-aid system. The proliferation of narrow categorical programs has proceeded at a pace matched only by the dollar growth in overall Federal assistance to States, and localities.

In response to these three recognized points of wide agreement, President

Nixon has presented a very bold and promising proposal—one uniquely suited to our national needs. Chairman Mills, on the other hand, suggests our most appropriate response at this point should be further study. He fears we are being forced "willy-nilly" into a revenue-sharing program.

It is difficult for me to understand how an idea which has been the subject of proposed legislation since 1949, which has received intensive scrutiny before a respected congressional subcommittee, which has undergone thorough examination by academicians and Presidential committees, and which has received the blessing of both major political parties in their campaign platforms can be said to be an idea advanced willy-nilly. That statement just does not hold up under analysis.

In short, it seems clear to me the problem has been defined, the alternatives have been identified, and the President's choice—a general revenue-sharing program—has been rigorously evaluated. This is a time for action, not further study.

At the same time, I do not fault the distinguished chairman's appeal for considered analysis. Every proposal must be subjected to that test at any moment. Therefore, I should like to quickly review and analyze the three major points in his scholarly address.

First, he spends considerable time identifying "winners" and "losers" in the geographic income distribution race, depending on alternative assumptions as to the most likely alternative use of funds appropriated for revenue sharing. I am troubled by this type of analysis for several reasons.

For one, the chairman himself points out that it is the people, not the geographic entities known as States, which ultimately win or lose from any Federal spending program. With revenue sharing, a shift in the mix of total government spending will take place. State and local spending will gain relative to Federal spending. Since the distributional impact of State and local spending—on education, welfare, sanitation, law enforcement, health, and all the other traditional domestic functions—is more broadly based and equitable among income classes than is Federal spending, the net result of a shift toward revenue sharing seems to me to be of obvious benefit to the people. This is, after all, what a reordering of priorities is all about.

For another, the chairman seems to set up a statistical "straw man." He carefully ranks the winners and losers based on his own definition of incidence and a questionable measure of benefits. Let me offer an example close to home—the District of Columbia—in illustrating the dangers in this type of analysis.

The District shows up relatively as the largest recipient of the benefits of Federal spending. This, of course, results from the existence of the Federal Government in this city. By using the chairman's analysis, any action short of more Federal spending would be detrimental to the District. However, I am certain no one would contend that all Federal spending in the District of Columbia results in full benefits to its citizens. Every dollar spent creates some corresponding demands on the city's services and on its residents. The net result, whether beneficial or detrimental to the people of Washington, is difficult to determine.

To compare the District's share of revenue sharing to its share of the initial impact of all Federal spending is to my mind inappropriate. It is like apples and oranges. The one—revenue sharing—goes directly to the city government for its most beneficial use. The other—Federal spending for payroll and related services—creates a whole series of economic demands, by no means all of which may benefit the city.

I am surprised to find the chairman reach some very broad conclusions about the relative distribution of revenue-sharing benefits between urban and nonurban locations. Personally, I would suggest we look at the two major operating provisions in the President's proposal to determine where the funds will be allocated.

For each State, general revenue-sharing funds will be primarily allocated on the basis of population—a variable which I would generally equate to urbanization. Within each State, the local government share will be allocated according to each government's share of locally raised revenues. Since urban governments raise considerably more revenues per capita than do nonurban governments, I find it impossible to offer the observation that the President's proposal, in Mr. Mills' words:

> Actually is the reverse of facing up to the urban problem that we have been hearing about.

That statement simply does not hold up under analysis.

The second major point raised by the distinguished chairman is that such a revenue-sharing program will relieve local officials of the responsibility for raising taxes to cover increases in their expenditure programs. He notes that his committee has responsibility for raising taxes at the Federal level, and he appreciates how unpleasant raising taxes to cover increased expenditures can be. But to relieve State and local officials of this burden will violate an important principle of government and will produce inefficient decisionmaking.

I would point out that the President is not asking the Congress to increase taxes. In fact, except for the temporary surcharge which has now expired, Congress has not had to raise taxes since the Korean war. The progressive income tax allows us to increase spending without raising tax rates.

State and local officials are in quite a different boat. In the last 12 years, State governments alone have had to put through over 450 new or increased major tax actions. I find it hard to accuse them of irresponsibility. State and local taxing efforts have, and will continue, to provide the bulk of all State and local efforts.

We have shared problems and responsibilities, and we have shared revenues in recognition of that situation. Every State government shares revenue with its localities. The Federal Government, through the grant-in-aid process, will share $30 billion this year. Within this Federal Congress we separate the responsibility for initiating tax increases from the act of initiating expenditure increases. I see no inviolable principle at issue here.

The third major point raised by Chairman Mills is that current Federal deficits make a start on revenue sharing unwise. He notes that Federal expenditures must be kept at reasonable levels.

I fully agree that Federal expenditures must be maintained within an economically stabilizing standard. The President has said that his budget—including his revenue-sharing plan—will honor such a standard. Planned expenditures will not exceed the Federal revenues generated under our current tax system with a fully employed economy. This is a responsible and tough budget rule. If we had followed this rule in fiscal year 1968, there would have been a balanced Federal budget—not one some $25 billion in deficit.

Thus, revenue sharing is offered in the framework of a responsible budget position. The debate on revenue sharing should center on its advantages or disadvantages as a Federal spending program—not on its marginal budget impact. After all, the alternatives which Chairman Mills suggests we evaluate—such as tax credits or increased spending on categorical aids—involve the same impact on the net budget position as does revenue sharing.

As a final note, let me go beyond Mr. Mills' statement to some of the issues he does not address—to some of the most important arguments for revenue sharing.

We have been discussing here matters of fiscal analysis. They are important matters to evaluate. But revenue sharing is more than a fiscal tool. It must be discussed and analyzed for its several dimensions. Most importantly, it represents a transfer of decisionmaking power—along with the funds—back to our States and localities. It represents a renewed trust in the vitality and wisdom of representative government in a local setting.

In every respect, we have had revenue sharing, as a purely fiscal device, in operation for many years. It already represents nearly one-quarter of all Federal domestic spending. The central issue today is over who shall have control over the final disposition of federally shared funds. Whose priorities should be weighed in allocating program funds intended for local benefit to local areas?

I conclude that we must begin to shift these kinds of decisions back closer to our people. Revenue sharing can do that. It can help to make our system of government more responsive and more effective. We must not fail to evaluate the President's proposal in these nonfiscal dimensions, for it is toward an improved federal system that the revenue-sharing proposal is ultimately directed.

NIXON BEHIND THE SCENES

Mr. ALLOTT. Mr. President, the second most tiresome feature of American life right now is the fact that spring is still so far off. The most tiresome feature is the spate of press articles analyzing and psychoanalyzing the President and, invariably, purporting to find a new Nixon.

Recently Newsweek magazine tried its hand at this speculative art and, alas, fell short of perfect accuracy. Fortunately, the editors of Newsweek, in the spirit of free exchange of opinion, have given space for an opposing view. The February 1 issue of Newsweek carries an illuminating short essay from the distinguished Secretary of Health, Education, and Welfare, Mr. Elliot Richardson.

Mr. President, this is one of the best short descriptions of President Nixon and his achievements that I know. It certainly captures the spirit of Richard Nixon as he is known to those of us who have been his supporters for over two decades.

Secretary Richardson makes an especially important point about the "Middle East war of 1970." Of course, that war never happened, and thus there will never be any monuments to the President for his conduct of that war. But there should be monuments to statesmen who, like President Nixon, keep crises from happening. Peace—and the absence of monuments to additional American war dead—is the only monument President Nixon wants. He is well on his way to achieving that.

Mr. President, so that all Senators may reflect on the wise words of Secretary Richardson, I ask unanimous consent for his article to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON BEHIND THE SCENES

(By Elliot Richardson)

In last week's issue of NEWSWEEK, Washington bureau chief Mel Elfin offered an appraisal of Richard Nixon at midpassage in his Presidency. The White House requested space in the magazine for a reply. The article was written by Secretary Richardson of Health, Education and Welfare.

To those who do not know the President, or to those who accept the stereotype presented in NEWSWEEK last week, the leadership and compassion shown in the State of the Union address might have come as a surprise—and we can expect the customary interpretations of a "new" Nixon.

But to those who have come to know the real Nixon—as I have over the years, in working with him on foreign affairs and now again on human needs—his "New American Revolution" comes as no surprise at all.

Rather than apply facile labels to a complex and unconventional man, let me simply recount some of my own observations of him over the years.

Jordan.—The most essential quality of a modern President is one that no experience or training can teach: the courage that comes from strength of character.

Moments of high drama, played on a public stage, are not the only times that Presidential courage is needed. I believe future historians will judge the solution of the Jordanian crisis to be one of the high-water marks of the Nixon Presidency.

The story cannot now be told in full. But with Syrian tanks rolling across Jordan's border, with one of the men who holds the key to peace in the Middle East on the brink of disaster, with Israel poised for attack and with both superpowers being drawn toward confrontation, the President of the United States did exactly what Presidents are supposed to do: he took personal charge of the situation, lived with it day and night, used the levers of power calmly and surely and—always behind the scenes—displayed the courage that averts wars.

Because there was no widespread public fear beforehand, there were few accolades and no widespread sense of relief afterward. Which is just as well—the American public and the world public do not need any emotional roller-coaster rides at this time. But the "Middle East war of 1970" is not in the history books largely because of the courage and skill of the American President.

The Eisenhower years.—I recall a time back in 1958, when I worked in HEW in the Eisenhower Administration and when there was a desperate need for more school construction and more college buildings. We had a plan for Federal subsidy of the debt service on new facilities for education, which would not have had great immediate impact on the budget but that would commit the government to a generation of support—and that would get more schools built quickly.

We had exactly one ally in the Cabinet—Vice President Nixon. He saw that problem in terms of schoolchildren and college students in the 1960s and 1970s, and he volunteered to take up what had been conceded to be a losing cause.

At a Cabinet meeting where the decision was to be made, the Budget Bureau presented its objections. I was sitting back against the wall, with my resignation in my pocket, and with that sinking feeling that comes when you see heads nodding away thousands of schools.

The Vice President knew that direct confrontation would freeze the opposition. Little by little, in the course of the meeting, he chipped away at the objections, letting the subject be changed, coming back to it later on another tack, never argumentative, always reasonable.

Finally, President Eisenhower said, "I don't see where there can be any strong objection to this, either philosophically or in terms of money. Let's go ahead with it." The pencil the Vice President was holding snapped in his hand, and I reached in my pocket and crumpled up my resignation.

Welfare reform.—Recently, after his speech to the White House Conference on Children—a moving and heartfelt speech—he called me to discuss how else he could show his personal commitment to welfare reform. At 4 in the morning that day, he told me, he had gotten out of bed to add to his speech his memories of his own childhood—how his family may have been poor, but they never felt poor, because they were never subjected to the demeaning indignities of the present welfare system. He could not understand why some people still felt his heart was not in welfare reform—because he know what it did to human beings, and he has a deep, even a fierce, personal commitment to changing the system. That's why I am certain we are going to get it changed, and soon.

SALT.—Our position at the Strategic Arms Limitation Talks was discussed at a series of National Security Council meetings. The President had been given voluminous option books, weighing the implications of each consideration, including the detailed misgivings of some of his military advisers about making a comprehensive proposal—they preferred, instead, a series of individual steps.

I cannot think of a more complex decision that could confront any President, or one with more far-reaching ramifications. The fact that he did his homework was apparent in his questioning. He encouraged argument. He listened a lot. He took his time, thinking about it both alone and aloud with advisers for months. And then, on a sheet of paper with a series of "approve-disapprove" choices, we saw his decision. He incorporated his own modifications and additions and settled on a comprehensive arms-limitation presentation.

Perhaps it will succeed; perhaps only part of it will be accepted, since it is not presented in an all-or-nothing way. But every man who worked on it knows that the one man who is elected to decide has decided on the basis of thinking it through.

Sensitivity.—In 1956, in the midst of the mini-dump-Nixon campaign in which Christian Herter was pushed forward as a possible replacement, I was asked by Governor Herter to help draft a speech for him nominating Nixon.

After I had something on paper, I showed it to the then-Vice President and asked if he found it suitable. Politely, he replied: "This says everything that needs to be said." I started to leave with the speech unchanged, but it occurred to me that the Vice President's answer was a little restrained. I asked him if there were other things he would like to have said.

Then, and not until then, he opened up to give me a short and unforgettable lesson in speechwriting. He showed me how to put myself in the shoes of the speaker, standing in front of a live audience of thousands—a political audience that wanted to express itself from time to time. It was a far better speech for his editing, but it would not have been unless he had been invited to edit.

Biafra.—We were discussing what to do about starvation in Biafra. There was a definite danger in straining our relations with Nigeria, then in the final stages of its civil war. The President weighed the problem of Nigerian displeasure against the need of the hungry Ibos; the deciding factor was the humanitarian feelings of the American people. The President owed it to his fellow citizens to make the kind of response that was rooted in the American character: the President's reaction could not be the "correct" diplomatic reaction, it had to be the gut American reaction.

I have seen the President at work, and worked with him. I know that the qualities he has displayed to me over the years are not "new." And they are once again reflected in his speech to the joint session of the Congress last Friday.

In his State of the Union address, the President of the United States revealed himself to be a calmly rational revolutionary—in the sense that the men who founded this nation were revolutionaries.

Without the bravado and fury one associates with a revolution, Richard Nixon outlined a fresh approach to two of the overriding concerns of the American people: the need for the Federal government to do more for the poor and the sick, and the need for each American to have much more of a say in the decisions that affect his life.

That definition of the American character—the evocation of the American spirit—is what Presidents must constantly strive to do. That is what we saw last week in the State of the Union. That is the overriding theme President Nixon repeatedly returns to, in talks on campuses and discussions with his Cabinet and staff.

This is how he put it, off the cuff and off the record, early last week: "There was running through the theme of that constitutional convention, even among the Federalists, let alone the Jeffersonians, the idea that it was important to keep government close to the people, that people had to have a part of the action, that every person did count, that the individual wos what was important. That is what we have lost sight of. So now we come to a point 190 years later.

"We are setting forth before the country a whole new approach to government, one which we trust will be good for the next two years when adopted, or the next four years or six years, or through the balance of the '70s, but beyond that it will do as well for this country for the next 100 years as the present system did for the past 190 years.

"This is a great goal. That is one that should inspire us. It is one that should lift us, and it is one also that should build for all of us the strength we are going to need to withstand the barbs of our critics.

When a President speaks that way to the men around him and when you see how fervently he means what he says, you understand why he inspires such loyalty and commitment in the men around him It needs to be transmitted more widely, which is the hardest task of all, but I believe it will be done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). If there be no further morning business, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President, on yesterday the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Kansas (Mr. PEARSON) brought up, during the morning hour, Senate Resolution 9, and, under the Senate rules, that resolution was discussed until 1:15 p.m. on yesterday. At that time, also under the rules, the resolution, not having been acted on, went to the calendar Thereupon the distinguished Senator from Kansas (Mr. PEARSON) moved that immediate consideration be given to Senate Resolution 9.

It was at that point that the junior Senator from Alabama made a motion that the motion of the Senator from Kansas (Mr. PEARSON) be postponed to the next legislative day. Even though we are still in the same legislative day, one calendar day has expired, and even though on yesterday the motion was made to postpone the motion of the Senator from Kansas (Mr. PEARSON), to the next legislative day, it is still the order of business.

Mr. President, yesterday I spoke briefly on this motion, and I pointed out some of the efforts that have been made in the U.S. Senate since the first Congress, starting in 1789, to set a rule for limitation of debate. I brought the history of the action by the Senate in this regard down to the time of the year 1947. Later during my remarks today, I shall seek to bring that history down to date, the thought being that as efforts have been made in the U.S. Senate to limit debate, as the Senate has considered some of these proposals, accepted some, rejected others, modified and accepted some, made changes, some good, some bad, we have now come to rule XXII, which had its inception back in 1917. The present rule XXII, therefore, is the outgrowth of the study, the efforts, the ability, and the dedication of great Senators who have served in this body since the foundation of this Republic, starting in 1789 with the 1st Congress. So what we have today in rule XXII is a distillation, a perfection, of all the thought, all the efforts, all the attempts to set a standard to limit and control debate in this body.

Mr. President, prior to 1917 there was no cloture provision in the U.S. Senate. Briefly, at the start of the 1st Congress, the Senate did have a motion for the previous question. That, too, was debatable, so that there really was no real limitation on debate until 1917.

Not only do we have the examples and the precepts of history to serve as a guide; we have a record of some of the exact efforts made in the U.S. Senate with regard to this rules change. Rule XXII, as it now exists, is not a delegation of rights. It does not give to a Senator or a group of Senators or the Members of the U.S. Senate the right to unlimited debate. It does not give any right whatsoever with respect to unlimited debate. What it does is to provide a method for limiting debate. Actually, although there have been some changes backward and forward since 1917, we now have, I believe, the very same provision that was put into the Senate Rules in 1917—that is, requiring a two-thirds vote of a quorum of the Senate present and voting in order to shut off debate in the U.S. Senate.

Let us see how many that would take. A quorum would be 51. That is the lowest number that would constitute a quorum. Two-thirds of that, I believe, would be 34. In other words, if 51 Senators were present, 34 voted to invoke cloture, and 17 voted not to invoke cloture, we would have a two-thirds vote, and cloture would be invoked.

Mr. President, we read in newspapers and magazines that we have unlimited debate in the U.S. Senate. That is not correct. There is no limit on the right—and this is the only way it is unlimited—of an individual Senator, in speaking on a debatable issue, to continue his speech unless it is eventually cut off by the application of cloture. So, as long as an individual Senator wants to stand up and speak on an issue, he has that right; and the floor cannot be taken away from him, without his permission, by any method other than the filing of a cloture motion which calls for a mandatory vote on the second calendar day thereafter. So to that extent it is unlimited. But there is the limitation of cloture.

This same question came up 2 years ago, and the second speech I delivered in the U.S. Senate was on this issue. The effort was made at that time by the distinguished Senator from Idaho (Mr. CHURCH) and I believe the distinguished Senator from Michigan (Mr. HART) to provide for the application of cloture to cut off debate by a 60-percent vote of the Senators present—a three-fifths vote, if you please. The argument was made—and apparently it is being made this time—that at the start of a new session, an entirely different rule applies with respect to amending the Senate rules. They say that under section 5 of article I of the Constitution, which gives each House of Congress the right to set its own rules, the cloture provision requiring a two-thirds vote is unconstitutional because it prevents a majority of the membership from setting their own rules.

The fallacy in that argument is, of course, that the Senate has set its rules, and those rules provide, in rule XXXII, that the rules of one Congress or the rules of one Senate carry over to succeeding Senates unless amended as provided by the Rules of the Senate. The rules provide that a resolution to change the rules can be debated, and therefore one has to resort to rule XXII itself in order to cut off debate.

So, in no way has the U.S. Senate gone contrary to or infringed upon section 5 of article I of the Constitution in setting its rules. All we ask is that the rules be followed. These rules have been in effect substantially—on this particular rule XXII—as written today since 1917. So, 2 years ago, this same effort was tried.

I have a digest in my hand of the exact proceedings that took place 2 years ago on this subject.

We met on Friday, January 3, 1969, and on that very date, the opening day of the 91st Congress, Senators were sworn in and, without taking any other action except the adoption of routine resolutions, the Senate stood in recess until Monday, January 6.

However, on the opening day, Mr. MANSFIELD, the majority leader, made the following request, which was agreed to. It is listed in the following fashion:

> PROPOSED MODIFICATION OF RULE XXII
>
> Mr. MANSFIELD. Mr. President, I ask unanimous consent that notwithstanding the Senate's having convened to commence the 91st Congress, all proceedings, rights, and privileges concerning the effort to change rule XXII of the Standing Rules of the Senate be reserved, and that the proponents of such change not be prejudiced in any way pending the actual commencement or transaction of Senate business, provided that such action be proposed not later than Thursday next.

By unanimous consent it is agreed that they will put in the motion to change the rule and that none of our rights would be prejudiced by waiting until several days into the session.

On Monday, January 6, the Senate was concerned with the electoral count and no action was taken on any proposed rules changes.

The Senate was not in session on Tuesday and Wednesday, but on Thursday, similar proceedings to what we are going through right now took place.

On Thursday, January 9, after the election of the Senate Chaplain as provided for in Senate Resolution 10, Senator

Church of Idaho submitted Senate Resolution 11—and the resolution now I believe is No. 9, so that there is practically no change—Senate Resolution 11, to change rule XXII, together with a notice under rule XL proposing a change in the rule and asked for the immediate consideration of Senate Resolution 11. Objection was heard to its immediate consideration and the Chair stated that under rule XIV, paragraph 6, the resolution would lie over 1 day. Exactly the same thing happened here on Resolution No. 9.

Mr. Miller of Iowa also introduced a resolution, No. 12 to make changes in rule XXII together with notice, under Rule XL, and asked for immediate consideration of Senate Resolution 12. Objection to its immediate consideration having been heard, the resolution was ordered to lie over a day under the rule.

Friday, January 10, after transaction of morning business, the Chair laid before the Senate, Senate Resolution 11, and the resolution was debated until the end of the morning hour, 2 o'clock—the very same procedure I commented on a moment ago with respect to this resolution, except that it was 1:15 p.m. because we convened at 11:15 yesterday, rather than 12 o'clock 2 years ago.

So at 2 o'clock, 2 years ago, January 10, 1969, this resolution was placed on the calendar. Senator Church of Idaho moved that the Senate proceed to the consideration of the resolution, which motion was debated the remainder of the day. So we are just substituting the names of Senators here. This other motion on yesterday was made by Senator Pearson, the only difference being that at this session a motion was made to postpone consideration of the motion to consider until the next legislative day, and even though a calendar day has elapsed, we are still in the same legislative day. So we are still discussing the same motion to postpone to the next legislative day.

So on Monday, January 13, 1969, the Senate continued debate on the motion to take up Senate Resolution 11, but no action was taken thereon.

The following day, Tuesday, January 14, pursuant to the unanimous-consent request of January 13, the Senate took up and adopted Senate Resolution No. 13, establishing the numerical size of the various Senate standing committees. Subsequently, the Senate took up Senate Resolutions 14 and 15, electing the chairmen and the majority and minority members of the various standing committees.

A cloture motion was filed during the afternoon, to bring to a close debate on the Hart motion to take up Senate Resolution 11 as follows:

Motion for Cloture

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Standing Rules of the Senate.

Frank Church, James B. Pearson, George McGovern, Joseph D. Tydings, Philip A. Hart, Hugh Scott, Edward W. Brooke, Quentin Burdick, Mike Mansfield, Edmund S. Muskie, Clinton P. Anderson, Stephen M. Young, Clifford P. Case, Hiram L. Fong, Gaylord Nelson, Jacob K. Javits, Frank E. Moss, Walter F. Mondale, Edward M. Kennedy, William Proxmire, John O. Pastore, Harrison Williams, Vance Hartke, Charles Goodell, Lee Metcalf.

They are proceeding under rule XXII, which they were seeking to amend and they are seeking to amend now, and which they recognized then as a rule and which they recognize now as a rule. They have not adopted any new rules. The old rules of the 91st Congress have gone over into the 92d Congress, under rule XXXII. So they filed a cloture motion and when they filed the cloture motion then, on the second calendar day thereafter, we had a vote on whether debate should end or not. After the motion was filed, Senator Church of Idaho inquired if it would take a majority or a two-thirds vote to agree to the motion, phrasing his question—addressed to the President of the Senate, who at that time was Vice President Humphrey, now the distinguished Senator from Minnesota—as follows:

> Mr. Church. Mr. President, a parliamentary inquiry.
>
> The Vice President. The Senator from Idaho will state it.
>
> Mr. Church. Mr. President, under the terms of the cloture motion just filed, the Senate will proceed to vote on the question of closing debate on next Thursday, 1 hour after the Senate convenes. It is the view of most of those Senators signing the cloture petition that with respect to questions proposing changes in the Senate rules at the opening of a new Congress, the requirement of rule XXII for an affirmative vote of two-thirds of those Senators present and voting to invoke cloture is an unconstitutional restriction on the right of the Senate to amend its rules at the opening of new Congress. The parliamentary inquiry, therefore, is:
>
> If a majority of the Senators present and voting, but less than two-thirds, vote in favor of this motion for cloture, will the motion have been agreed to?

The Chair—Mr. Humphrey at that time—informed the Senate that if a majority voted for the motion, he would announce that the motion was agreed to.

The Senate spent the remainder of the day debating the motion to take up Senate Resolution 11.

The following day, the Senate continued debate on the motion to take up Senate Resolution 11, and on the second day, thereafter, at the hour of 1 o'clock, the Vice President directed the clerk to call the roll to ascertain the presence of a quorum. After a quorum had been ascertained, the cloture motion was restated to the Senate and, under the rule, the Senate then proceeded to vote by yeas and nays on the question, Is it the sense of the Senate that the debate shall be brought to a close?

Fifty-one Senators voted aye: 7, nay. The Vice President, at that time Vice President Humphrey, announced the motion was agreed to as follows:

> Under the provisions of Article I, Section 5 of the Constitution, and those provisions of rule XXII and other rules not in conflict with this constitutional provision, the Chair announces that 51 Senators having voted "aye" and 47 Senators having voted "nay," cloture has been invoked on the motion to proceed to consider Senate Resolution 11, and debate will proceed under the limitation provisions of rule XXII.

He is saying, in other words, that rule XXII is unconstitutional as requiring two-thirds affirmative vote of the Senators present and voting, when that is the only rule that allows any limitation of debate.

So, they accept the provisions of the rule for the purpose of having the cloture petition, and thereafter proceed as rule XXII called for. Yet, they said that the very rule they were proceeding under, two-thirds requirement, was unconstitutional. That was the only rule by which they had any limitation whatsoever.

Mr. Holland of Florida, that great Senator from the State of Florida who, during the 91st Congress, completed 24½ years of faithful, able, and dedicated service to the people of Florida and the people of this Nation and who was leading the fight to sustain rule XXII, took an appeal from the ruling of the Chair.

The Vice President applied rule XXII in all respects but the two-thirds requirement, holding that the appeal was not debatable. The Chair put the question: "Is the decision of the Chair to stand as the judgment of the Senate?" On Senator Holland's appeal he put the question to the Senate as to whether they agreed with his decision or not.

The Senate by a vote of 45 yeas to 53 nays refused to sustain the decision of the Chair. Thus, cloture not having been invoked, the Senate continued the debate on the motion to take up.

In other words, the Senate overruled the Vice President on his contention that the two-thirds requirement of Senators present and voting to cut off debate was unconstitutional.

The Vice President declared a rule of the Senate to be unconstitutional when the Senate rules do not give him the power to pass on constitutional questions. No statute gives him that power. The Constitution does not give him that power. The Senate took the position that he had not ruled correctly. And the effect of the action of the Senate was to declare that rule XXII at this point, the two-thirds requirement for cloture, is constitutional, that the Senate is bound by it, that no matter when a motion is filed seeking to amend the Senate rules—in the middle of the session, the beginning of the session, or the end of the session—debate is permissible against that resolution seeking a rule change, and the only way debate can be ended is by applying the cloture provision of rule XXII providing for a two-thirds affirmative vote.

So, Mr. President, we are confronted with the same question. Why is this question important? What difference does it make whether two-thirds of the Senators can cut off debate or whether 60 percent of the Senators can cut off debate or whether a majority of the Senators can cut off debate?

The right to extended debate is the very feature about the Senate that makes it the greatest deliberative body in the world. It is part of our system of checks and balances.

Legislation can be stampeded and steamrollered through the other body.

But when it gets to the U.S. Senate, a closer look can be taken at that proposed legislation.

What good is extended debate? I have never seen a piece of legislation that has been subjected to extended debate and the compromises that necessarily come about as a result of that extended debate that has not—if it did pass—been passed in a form which was an improvement over the form in which it was introduced.

What good is extended debate? It alerts the people of the country to the dangers, to the imperfections, to the faults inherent in the legislation concerning which extended debate is made.

What good is extended debate? It protects a minority of the Senate, possibly a minority of the country, from the onslought of an arrogant majority.

Mr. President, what may today be a majority in the Senate, a majority throughout the country, may some day be a minority. What is today a minority may some day be a majority.

Extended debate protects the country against further concentration of power in the National Government. It protects against mushrooming Federal bureaucracy. It can be used to prevent big government from getting bigger.

Mr. President, if the Senate were to pass the 60 percent provision for cloture, possibly before this session is over and certainly at the start of the next session the Senate would be faced with an effort to get majority cloture. If we ever get to the point in the Senate where a majority of the Senate can run roughshod over the minority, the situation is going to be mighty bad in the Senate and in the country. Cut off debate in the Senate by majority vote? That is where we are heading if this resolution is agreed to.

That is the reason the junior Senator from Alabama made the motion to postpone the motion to take up and consider until the next legislative day. If he loses that motion, then there will be an opportunity to discuss the motion to take up and consider.

Mr. President, I might state that this is the second speech I have made on this particular motion and until we come up with another motion, the junior Senator from Alabama will not be allowed under the rules of the Senate, which he certainly wants to abide by, to make another speech on this particular issue; that is, the matter of postponing the Pearson motion to the next legislative day.

Mr. ERVIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. ERVIN. With the understanding that by so doing he will not lose the floor and will not have subsequent remarks by him counted as an additional speech.

Mr. ALLEN. I am delighted to yield under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, in view of the fact the Senator from Alabama was speaking yesterday afternoon and had not completed his speech, I ask unanimous consent that the speech which the Senator from Alabama began yesterday and resumed this afternoon, be counted as only one speech.

Mr. PACKWOOD. Mr. President, reserving the right to object, I suggest the absence of a quorum.

Mr. ERVIN. Mr. President, I raise the point of order that there was no yielding for the purpose of having a quorum call. Therefore, the quorum call is out of order.

The PRESIDING OFFICER. For what purpose did the Senator from Alabama yield?

Mr. ALLEN. I yielded only to the Senator from North Carolina. I did not yield to my good friend, the distinguished Senator from Oregon.

Mr. PACKWOOD. Mr. President, am I correct that the Senator from Alabama loses the floor when consent was asked?

Mr. ALLEN. The junior Senator from Alabama yielded only on the condition that he not lose the floor.

The PRESIDING OFFICER. That request was granted, so the Senator did not yield the floor. When the Senator from Alabama did yield the floor it was under the unanimous-consent request as made by the Senator from North Carolina.

Mr. PACKWOOD. My question is: Does the Senator from Alabama lose the floor when unanimous consent was asked by the Senator from North Carolina?

The PRESIDING OFFICER. He would have, had he not agreed to the previous unanimous-consent request.

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. There is objection by the Senator from Oregon.

The Senator from Alabama has the floor.

Mr. ALLEN. Mr. President, I appreciate the indulgence of my good friend, the distinguished junior Senator from Oregon, in objecting to the request that the remarks I am making now be counted as part of the previous statement I made yesterday. It actually does a favor to the Senator from Alabama, because that will give the junior Senator from Alabama an opportunity to take a little rest after the conclusion of his remarks at this time; whereas, the junior Senator from Alabama had planned in just a moment or two to yield the floor to his distinguished colleague, the senior Senator from North Carolina, so that he might have something to say on the issue. It leaves the junior Senator from Alabama the only recourse of continuing so that he can get in some of the remarks he wishes to make with respect to this important issue.

Mr. President, this is an important issue. I have said many times as to the vote in the 91st Congress on the resolution to amend the rule to provide for 60 percent or three-fifths cloture that the vote on the appeal from the ruling of the Chair at that time was the most important vote, as far as the good of the country was concerned, that was taken in the 91st Congress because it did overrule the ruling of the Vice President who had held that a majority of Members of the Senate at the opening of a new Congress could invoke cloture, when the rules very plainly state that a two-thirds vote is required.

Mr. President, that was a most important vote. I recall one distinguished Senator who voted the first time to apply cloture. That was certainly part of his philosophy and it was one of his deep-rooted convictions that cloture should be applied under those circumstances. I refer to the distinguished majority leader, who has just entered the Chamber. He voted at that time to apply cloture to stop debate with respect to the resolution or the motion to bring it up; but when the ruling was made from the Chair that a majority fewer than two-thirds was sufficient to invoke cloture, in the statesman-like manner that the junior Senator from Alabama has come to expect from the distinguished majority leader, he voted to overrule the Chair because it is very plain from reading the rules that it takes a two-thirds vote to invoke cloture.

Insistence was made then and has been made now that new rules can be put in at the start of a new Congress; that new rules can be voted by majority vote; and that if a debate is conducted against the rules, then a majority can shut off that debate. But the fallacy in that argument is that all the proceedings that have been had with respect to this resolution have been under the Senate rules—the very manner in which it was filed, the 1-day notice which was given as required by the rules of the Senate, the fact that it did not go to a committee, but, on objection having been made to its immediate consideration, was held up and brought over to the next day—all these are procedures that the proponents of the measure would not have been entitled to in the absence of the rules of the Senate.

So we are proceeding under rules. Could we act otherwise except under rules?

The 91st Congress ended on the 2d day of January, 1971, about 22 hours before it would have expired by operation of law anyhow, on January 3, at noon. Then the 92d Congress started. But there is no hiatus whatsoever, there are no voids, there are no gaps because, very wisely, the Members of the Senate in the past, in rule XXXII, provided that the rules of one Congress pass over to the succeeding Congress.

So the very resolution that we have on our desks, Senate Resolution 9, shows very plainly that it is conceded by their very actions that Senate rule XXII is in full force and effect, just as the other rules are in full force and effect, or we could not be operating here today. We could not go through the procedure which allowed the resolution to be debated for 2 hours, then go to the Calendar, then have a motion to bring it up.

The very language of the resolution itself refers, as its subject, to amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

What does rule XXII now provide that they are seeking to amend? It provides that it takes a two-thirds vote of a quorum of the Senate present to cut off debate. So how could insistence be made as it was made 2 years ago? I trust and hope that, the Senate having answered that question in reversing the Chair, the insistence will not be made now that we can seek to amend the rules and reach up in the air and come down with procedures, found nowhere whatsoever, to cut off debate, in the face of the rule itself, rule XXII, calling for a two-thirds vote to cut off debate.

Mr. President, I made the suggestion yesterday, during the course of my brief remarks, that Senate Resolution 9 was just an entering wedge, a forerunner, if you please, Mr. President, to an effort to achieve majority cloture in the Senate. There are some Senators who possibly do not feel that that is right; that this effort would stop if we got a three-fifths rule, a 60-percent rule. But that is not the lesson of history, because one time cloture did not even apply to motions to proceed to the consideration of a rule change. The cloture rule did not apply; it was not applicable. At one time, it took a constitutional two-thirds vote. If we had 100 Senators, it would, of course, have taken 67 to invoke cloture. That was back when there were only 96 Senators. That has been changed to a two-thirds vote of a quorum present. As I suggested, 34 votes, theoretically, under certain circumstances, would be enough to cut off debate.

MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. EAGLETON). Would the Senator from Alabama suspend so that we may receive a message?

Mr. ALLEN. If I do not lose my right to the floor and with the understanding that my succeeding remarks not be considered another speech.

The PRESIDING OFFICER. Without objection, with that understanding, the Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES OFFERED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ALLEN. Mr. President, it was not long after the junior Senator from Alabama made the statement that Senate Resolution 9 is an entering wedge for seeking to get majority vote for cloture before the distinguished senior Senator from New York (Mr. JAVITS) asked the junior Senator from Alabama to yield the floor, without his losing his right to the floor, in order that he might file an amendment, or present an amendment—I do not believe he actually filed it; it was printed—calling for a 51-vote or majority vote cloture.

So that is what they are seeking to do—to get it to where 51 votes in the Senate will be sufficient to choke off debate, with the evil consequences that are in store if any such action is ever taken by the Senate. If we ever have 60 percent cloture—which will be followed in a matter of a short time, in the judgment of the junior Senator from Alabama, by majority vote cloture—we will have a ruthless or arrogant majority fully capable of running roughshod over the minority. We will have it capable of passing bills without necessary debate. We will have the Senate in such condition that, really, Senators would not be serving their full intended purpose, in the judgment of the junior Senator from Alabama. They might just as well decide matters in the Senate, if we cannot debate them, by straw vote; decide them by public opinion polls; let Senators stay home, answer questionnaires on where they stand on various issues; and we would not even have to have sessions of the Senate. It would just become a ceremonial body, without any powers or rights whatsoever, except those that are lodged in the majority.

It would also give the National Government, the administration, not just this administration, or the last administration, or the next administration, but any administration, the opportunity, the chance, the power to gain control of the Senate. It would certainly break down the balance of power, the separation of powers, between the executive and the legislative branches.

It would put the executive department in complete control of our legislative department. We would have legislation coming over from the House of Representatives without adequate consideration. They have a 5-minute rule over there; and sometimes they cannot even offer amendments under the rule that they have. If such legislation comes over to the Senate, and a majority of 60 percent of the Senators can cut off debate and go to a vote without proper consideration of measures pending before the Senate, we are going to have some ill-conceived legislation on the statute books.

Mr. ERVIN. Mr. President, will the able and distinguished Senator from Alabama yield for several questions?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina for the purpose of engaging in a colloquy, provided that I do not lose my right to the floor and provided that my subsequent remarks, if any, will not be considered another speech.

The PRESIDING OFFICER (Mr. EAGLETON). Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama if he would agree with the Senator from North Carolina that there is a vast difference between the rules under which the House of Representatives acts and the rules under which the Senate acts.

Mr. ALLEN. Yes, indeed. I think that the country looks to the Senate for proper consideration of legislation, and I do not want to forfeit that right which Senators have.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that during 1946, when the Senator from North Carolina had the honor of being a Member of the House of Representatives for a short time, the House of Representatives had pending before it a bill to extend the draft law under which no person could be drafted?

Mr. ALLEN. If the Senator makes that statement and gives assurance to the Senator from Alabama that that is correct, he will accept what the Senator says.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that this bill was pending right after the end of hostilities in the Second World War, that at that time we had Russia ruled by a dictator named Stalin, and that the Senator from North Carolina believed in his heart of hearts that the best interests of his country required that that bill be defeated or amended so as to provide methods by which the American military forces could be kept strong?

Mr. ALLEN. So great is the confidence of the junior Senator from Alabama in the distinguished Senator from North Carolina that whatever assurance the distinguished Senator from North Carolina gives to the junior Senator from Alabama will be accepted as holy writ.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that the Senator from North Carolina felt that it was his duty to his country, because of the dangerous international situation, to try to get a little bit of time to point out the fact that the House of Representatives was about to pass a draft bill under which no man could be drafted.

Mr. ALLEN. I accept the Senator's assurance.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that, as a then Member of the House of Representatives, in order to make a speech 4½ minutes long under the House rules, on a subject which the Senator from North Carolina thought was perhaps connected with the very ability of this Nation to survive in this world, he had to borrow 2½ minutes from the Democrats and 2 minutes from the Republicans.

Mr. ALLEN. I accept the Senator's assurance.

Mr. ERVIN. Will the Senator from Alabama accept the assurance of the Senator from North Carolina that from that day to this, the Senator from North Carolina has devoutly believed that a Senator not only should have the right, but that he actually does have the right today, to speak for more than 4½ minutes in behalf of what he considers a proposition on which the survival of his Nation might depend?

Mr. ALLEN. Yes, indeed.

Mr. ERVIN. I thank the distinguished Senator from Alabama for yielding.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for bringing this matter to my attention. Certainly this is just another example of why it is necessary that we keep, in the U.S. Senate, the right to extended debate. Not unlimited debate; there is no such thing as unlimited debate in the U.S. Senate. It is limited by rule XXII.

I promised, Mr. President, some minutes ago, that I was going to give a little history of rule XXII. I digressed, and my attention was diverted to other matters. But rule XXII, in substantially its present condition, came about in the year 1917. Prior to the adoption of the cloture provision of rule XXII, there was no cloture provision in the rules of the U.S. Senate. Senators could talk just as long as they were physically able and so inclined, and it is quite obvious that thus four or five, seven or eight, or nine or 10 Senators could filibuster any bill to death.

The war clouds were gathering for the First World War, and President Wilson wanted to arm the merchant marine. They were trying to go through the German submarine blockade, and they should not have been required just to go out like lambs to the slaughter; he wanted to see the merchant marine armed.

He got his legislative leaders to introduce a bill that would have permitted him to arm the merchant marine to defend the ships of the merchant fleet against the German submarines. There was a group of some, I believe 12 Senators, possibly fewer, but nine to 12 Senators who felt as though this would be a step toward war with Germany, and they were doves of that day. They were not called that; they were called by somewhat harsher names back at that time. But they had an extended discussion against that bill in the Senate. It had passed the House of Representatives and came to the Senate, and it was talked to death; and down with it went some other major legislation.

It caused President Wilson to make the statement that we have all read or heard about, that a little group of willful men, representing no opinion but their own, have brought the Government of the great United States to a halt, or words to that effect; and he insisted that the Senate adopt some sort of cloture provision that would prevent a repetition of that sort of filibuster. So they put the two-thirds cloture provision into rule XXII. It has been modified, changed considerably, changed to where it took a constitutional two-thirds, which would mean two-thirds of all Senators, whether they were present or not, and it has been made applicable to motions to consider resolutions providing for rules change, where it did not provide that to start with. Then it has gone back to the two-thirds of a quorum of the Senate present.

I might comment, in passing, on the change in the power of the Chief Executive of this country in the days since 1917. Back in 1917, President Wilson, a great student of constitutional law, a great historian, a great writer, a great student of political science, and a great President, felt the need, under our separation of powers in our country, to call on Congress to enact this provision for arming the merchant marine. He felt the need of congressional action. Imagine what a Chief Executive today or 5 years ago or 5 years hence would do if confronted with a similar problem. He would say, "Arm those vessels," and he would not ask anyone's permission, probably not thinking it important enough to call in any advisers. He would just take the action.

Mr. ERVIN. Mr. President, will the Senator yield for a question, apropos of the point he is making?

Mr. ALLEN. I yield, if I may do so without losing my right to the floor and without the resumption of my remarks being considered a second speech on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Does not the Senator from Alabama recall as a historical fact that President Franklin D. Roosevelt, without asking the consent of Congress or any other human being or any other official or any other official body, made an agreement during the first days, or at least the early days, of the Second World War by which he traded or leased or transferred to the British flag a great many American destroyers?

Mr. ALLEN. Yes, indeed; that did happen. That is part of this extension of power of the Chief Executive which I was pointing out. Yes; that is correct.

I mentioned that point, Mr. President, and the distinguished Senator from North Carolina has refreshed my recollection on the extension of this power, this reaching out for more and more power. It proves the very point we are seeking to make with respect to continuing the right to extended debate unless cut off by the provisions of rule XXII, calling for a two-thirds vote of the Senators present, in order to invoke cloture.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Oregon without losing my right to the floor and without the resumption of my remarks being considered a second speech on this same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair points out to the Senator from Alabama that he may at any time yield for a question, and it will not be considered as a second speech.

Mr. ALLEN. The Senator from Alabama appreciates that information, but, at the same time, he would rather have it spelled out in the RECORD.

The PRESIDING OFFICER. That is perfectly within his rights.

Mr. PACKWOOD. Do I correctly understand the thread of the argument of the Senator from Alabama to be that, basically, his opposition to the change in rule XXII is twofold: First, we are a continuing body and we are governed by those rules, and any change in any rule, rule XXII or otherwise, would be subject to the existing rules?

Mr. ALLEN. Is that the Senator's question or is that a comment?

Mr. PACKWOOD. That is the question. That is the first thread of the Senator's argument—that with respect to any rule we want to amend or change, we are subject to the existing rules as a continuing body.

Mr. ALLEN. The junior Senator from Alabama has pointed out that under rule XXXII, with which I am sure the distinguished Senator from Oregon is familiar, the rules of one Senate carry forward to the succeeding Senate, and the only way that can be changed is by amendment under the rules. He points out, further, that we do not in each new Senate pass any resolution or any new set of rules, and we have not done that on this occasion. We have traveled under rule XXXII. All the proceedings we are taking—the very colloquy in which we are engaged now—are under the rules of the 92d Congress, coming over to us from the 91st Congress, as provided by rule XXXII.

Mr. BYRD of West Virginia. Mr. President, will the able Senator from Alabama yield for the purpose of my attempting to make a correction in the RECORD, which I think he will approve, in further response to the question of the Senator from Oregon, with the understanding that the Senator from Alabama will not lose his right to the floor and that any resumption of his remarks will be counted as a continuation of his previous remarks?

Mr. ALLEN. Mr. President, may I yield under those conditions?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Without taking sides on this question either way, I want to state that Senate rule XXXII, with respect to the rules, has reference to their continuing from Congress to Congress, not from Senate to Senate. I believe that the Senator from Alabama is making the argument that the Senate which meets here today is the same Senate which met in 1789 and it will continue to be a—I see the Senator nodding his head.

Mr. ALLEN. No. The Senator is shaking his head.

Mr. BYRD of West Virginia. The Senator is shaking his head. I think I have misstated myself or he does not understand me.

Mr. ALLEN. The Senator has misstated the position of the junior Senator from Alabama.

Mr. BYRD of West Virginia. Would the Senator allow me to correct myself?

Mr. ALLEN. Let the junior Senator from Alabama explain what his contention is.

Mr. BYRD of West Virginia. Would the Senator let me state what I thought his contention was?

Mr. ALLEN. If that is the wish of the distinguished assistant majority leader.

Mr. BYRD of West Virginia. Let the Senator explain his position.

Mr. ALLEN. No; go ahead, please.

Mr. BYRD of West Virginia. Mr. President, I thought the Senator was making the argument that the Senate is a continuing body.

Mr. ALLEN. The Senator from Alabama has never made that statement. The Senator from Alabama has stated that, under rule XXXII, the rules of the Senate obtaining and existing in one Congress carry over to the succeeding Senate, which is a part of the succeeding Congress, of course. Obviously, the Senate of the United States does not set the rules of the other body. All we can do is set up our own rules. They do carry forward unless amended under the rules. I am sure that the distinguished Senator from West Virginia could quote from memory that section of rule XXXII.

Mr. BYRD of West Virginia. If the Senator will yield, under the previous, same understanding, I do not question what the Senator says with respect to Senate rule XXXII. I merely rose to attempt to make a correction of the RECORD which I thought would meet with his approval, when he earlier said that rule XXXII provided that the rules continue from one Senate to the next Senate. I merely want to say that the rule does not say that. There is provision for a continuation of the rules from one Congress to the next Congress. Each Congress consumes a 2-year period. But, in my judgment, if not in the judgment of the able Senator from Alabama, the Senate is a continuing body and any contention that the rules carry over from the previous Congress has to be based on two things; namely, first, Senate rule XXXII, and second, that the Senate is a continuing body—the same Senate, although not made up of the same Members, that convened in 1789, and it will be the same Senate until the crack of doom. That is the cornerstone of the argument, in my opinion, that at the beginning of a new Congress the rules of the Senate in the previous Congress carry over until changed. It is the real basis, I believe, of the argument of those who maintain that if cloture is invoked at this point, it must be invoked under the provisions of rule XXII which currently require the affirmative vote of two-thirds of Senators present and voting to invoke cloture.

I do not intend to take side with either the one or the other of the participants. I merely state that the verbiage in rule XXXII, "from one Congress to the next Congress," is deliberately so written, because there is no such thing as "one Senate" or the "next Senate," in my opinion. There is no such thing as a succeeding Senate. It is the same "continuing body" that first convened in 1789.

Mr. ALLEN. The Senate, of course, is a part of Congress so that when it carries over from one Congress to the next Congress, then the Senate, as a component part of that Congress, would have its rules carried over, under rule XXXII; and to that extent, certainly, I agree with the distinguished Senator from West Virginia.

Mr. PACKWOOD. Mr. President, may I ask another question of the Senator from Alabama?

Mr. ALLEN. I am happy to yield to the Senator from Oregon, under the same conditions.

Mr. PACKWOOD. Yes; under the same circumstances, of course.

I did not mean to get into any lengthy argument. I understand that we continue from one Congress to the next Congress. But I am wondering whether the theory of the argument of the Senator from Alabama is that we are bound by the rules that exist to change our rules as the chief argument that he is making.

Mr. ALLEN. The only way we can get out from under the rules of the 91st Congress is to amend them in accordance with the rules as stated in rule XXXII.

Mr. PACKWOOD. The Senator propounded a second argument that, apart from whether we are a continuing body or continue from one Congress to the next Congress, or from one Senate to the next Senate, is it not the Senator's contention that he is opposed to the right of a majority to terminate debate under any circumstances, anyway?

Mr. ALLEN. I am in favor of the provisions of rule XXXII. I am also in favor of the provisions of rule XXII.

Mr. PACKWOOD. But if there were no rule XXII or rule XXXII, the Senator from Alabama would still vote to have a two-thirds limit on debate——

Mr. ALLEN. Of course I would, over a majority limit.

Mr. PACKWOOD. Might I propose further that if we were not a continuing body, or continuing from one Senate to the next Senate, or continuing from one Congress to the next Congress, whatever rule XXXII or rule XXII may say, does the Senator from Alabama concede the right of a majority, at the beginning of the opening of a legislative body—that is, one that is not continuing—have the right of a majority to adopt its own rules?

Mr. ALLEN. A legislative body can adopt its own rules; yes——

Mr. PACKWOOD. But if it is not a continuing body.

Mr. ALLEN. Yes, of course. A legislative body has the right to adopt its own rules. The Senate has adopted its rules. I am reading from them now.

Mr. PACKWOOD. Apart from the fact that there are rules, is the Senator conceding, then, that if we were not a continuing body, a majority would have the right and should have the right to adopt its own rules, including what percentage it would take to terminate debate?

Mr. ALLEN. The matter of a continuing body has nothing to do with it, actually. Whether the Senate is a continuing body or not, we are governed by the rules which we have.

Mr. PACKWOOD. But if we were not a continuing body, does the Senator from Alabama concede the right of the majority to determine what percentage it would take to terminate debate?

Mr. ALLEN. That is posing a question that has nothing to do with it. We are concerned with the rules as we find them in the rulebook.

Mr. PACKWOOD. That will be the point of some comments I shall make at another time but, without passing on the question of whether we are a continuing body, I am curious about the philosophy of the Senator from Alabama as to the right of a majority in a noncontinuing legislative body to determine its own procedures.

Mr. ALLEN. Under the rule——

Mr. PACKWOOD. I am assuming there are no rules but that we are talking about a body that is not continuing.

Mr. ALLEN. Well, that is a hypothetical question——

Mr. PACKWOOD. That is right.

Mr. ALLEN. That is not covered by the facts of the case here. That is just engaging in idle speculation. We should not engage in any idle speculation here.

Mr. PACKWOOD. Sometimes we would be better off if we did.

I have no further questions at the moment.

Mr. ALLEN. I thank the distinguished Senator from Oregon.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield to the Senator from North Carolina for some judicial light on this question we have just been discussing, with the understanding, of course, that by so doing he will not lose his right to the floor, and with the further understanding that by so doing he will not have any subsequent remarks counted as an additional speech on this subject, or have his rights otherwise prejudiced?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina on those conditions.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I thank the distinguished Senator from Alabama for yielding to me.

The Supreme Court of the United States ruled on this in the case of McGrain against Daugherty, which is reported in volume 273 of the Reports of the U.S. Supreme Court. A Senate investigating committee tried to get Mally S. Daugherty, a brother of the then former Attorney General to come before it and testify. He refused to do so. An election came along; and a new House of Representatives was elected, and one-third of the Members of the Senate were elected; and the old Congress died, and a new Congress came into being. The President of the Senate issued an order for the arrest of Daugherty; and he was arrested by the Deputy Sergeant at Arms of the Senate. Daugherty then went into the Federal district court and applied for a decree for his release, upon the allegation that since the Congress at which the Senate committee authorizing the investigation had been created had terminated, the Senate committee had lost its power to act in any parliamentary manner. The district court adopted the theory now held by some of the Members of the Senate—other than the Senator from North Carolina.

So there was squarely presented the question of whether parliamentary proceedings of the Senate in a previous Congress still had legal force and effect. The Supreme Court of the United States reversed the decree of the district court releasing Daugherty upon this reasoning:

> Another question has arisen which should be noticed. It is whether the case has become moot. The investigation was ordered and the committee appointed during the 68th Congress. That Congress expired March 4, 1925.

Then the Court set out the position of the arrested party, to the effect that the power of both the House and the Senate to exercise parliamentary functions after that Congress had gone out of existence had ceased, and cited the rule to that effect which had been held in England with reference to the British Parliament.

But the Court rejected this position, saying:

> The rule may be the same with the House of Representatives whose Members are all elected for the period of a single Congress; but it cannot well be the same with the Senate, which is a continuing body whose Members are elected for a term of 6 years and so divided into classes that the seats of one-third only become vacant at the end of each Congress, two-thirds always continuing into the next Congress, save as vacancies may occur through death or resignation.

That is the end of the quotation from the Supreme Court. That was a square decision of the Supreme Court of the United States in 1926. The decision was to the effect that the Senate is a continuing body, a body that never goes out of existence. Furthermore, the Constitution provides that the Senate may adopt rules to conduct its proceedings.

I thank the Senator from Alabama for yielding for this clarification.

Mr. ALLEN. Mr. President, I thank the Senator from North Carolina for that information. I am interested to hear that the Supreme Court of the United States has declared that the U.S. Senate is a continuing body. But that is not the turning point of this issue, whether or not the Senate is a continuing body. We do have the Senate rule, which the Constitution gives the Senate the right to set, in section 5 of article I. The Senate has complied with that provision. The Senate rules of one Congress become the Senate rules of the succeeding Congress unless amended as provided by the rules.

We have, in effect, ratified that position by proceeding for the days that we have been in session under these very same rules. As a matter of fact, with respect to the resolution that we are discussing right now, coming before us in the manner it has and at the time it has, in strict accordance with the rules of the 91st Congress—which have now become the rules of the 92d Congress—when they got ready to introduce the resolution, they did not say, "We hereby adopt the following new rules as the rules of the United States Senate. They said, "We seek to amend rule XXII of the United States Senate," thereby recognizing the full force and validity and effect of the Senate rule.

So all the proceedings we have had since January 21, when we came back into session, have been under the Senate rules which by our adopting them in practice would certainly show they are now in full force and effect and that if they seek to amend rule XXII, they must amend it in accordance with the provisions of the Senate rules themselves.

Mr. ERVIN. Mr. President, will the Senator yield for some further questions by the Senator from North Carolina that are designed to elicit information on the question put by the distinguished Senator from Oregon to the Senator from Alabama a moment ago as to what would be the result if the rules were silent on the subject.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina for that purpose without losing my right to the floor and without my subsequent remarks being considered a second speech on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, does not the Senator from Alabama know as a historical fact that a number of the Members of the Senate which constituted part of the First Congress were men who had served on the Constitutional Convention which drafted the Constitution?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, does not the Senator from Alabama recall as a historical fact that the First Senate when it adopted rules had no rule providing for the silencing of a Senator?

Mr. ALLEN. Mr. President, I rather believe they did have the previous question, which was debatable in the First Congress.

Mr. ERVIN. Mr. President, the recollection of the Senator from Alabama is that they had a rule on that subject?

Mr. ALLEN. It was used three times in the 17 years from 1789 to 1806.

Mr. ERVIN. And the late Senator Moses of New Hampshire pointed out that the motion to invoke the rule was debatable.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, is it not a fact that from the time the Senator first wrote its rules down to 1917, it was accepted as a correct interpretation of the procedure of the Senate that no Senator could be silenced by any other Senator or by the entire Senate.

Mr. ALLEN. The Senator is correct. I believe that during the War Between the States they did put in some temporary limitation.

Mr. ERVIN. Mr. President, did not the Senator from Alabama on yesterday point out the number of attempts that were made by various persons, including as I recall Henry Clay, to get a rule of the Senate that would permit the Senate to put an end to debate, and all of those efforts were rejected.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. The Senator pointed out, as I recall, that Woodrow Wilson, one of the greatest students of the Constitution this country has ever known, pointed out to Congress at the time of the debate over the merchant marine during the First World War that there was no rule which permitted putting an end to debate in the Senate and he asked for the first cloture rule that was passed.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that the provision of the Constitution which says that each State shall be represented in the Senate by two Members gives those Members the right to take whatever course of action is necessary for them to represent their States and that such course of action would allow them to debate measures unless the Senate in the execution of the power to make rules to govern its proceedings decreed otherwise?

Mr. ALLEN. The Senator is correct. That is not only their right, but it is also their duty.

Mr. ERVIN. Mr. President, if the rules were entirely silent on the subject, every Senator of the United States would have the right to stand and speak on behalf of any position he took without any limitation whatever.

Mr. ALLEN. The Senator is correct. As the junior Senator from Alabama has suggested a time or two, it is not the conferring of the right of unlimited debate. It is the limitation of the right to engage in extended debate. It has been the observation of the junior Senator from Alabama that whenever the opinion in the Senate was of such a preponderance on one side of a question that it was desired to cut off debate, it was not difficult to get the required two-thirds majority.

I believe the present two-thirds requirement has served the Senate well. It has served the country well.

I recall just in the closing days of the 91st Congress a one-man filibuster which was engaged in by the then senior Senator from Tennessee, former Senator Gore, against a bill providing for contributions or subscriptions by the U.S. Treasury to certain foreign financial corporations, including the International Monetary Fund, the World Bank, and the International Development Association.

While $2 or $3 billion was involved, there was $1.1 billion set aside for making so-called soft loans in foreign countries. The then Senator from Tennessee pointed out that many small towns, large towns, and rural communities did not have adequate water and sewage facilities and that the applications were tremendous in number and had been turned down by the appropriate agencies because of the lack of funds; whereas the bill provided for making $1.1 billion in soft loans to foreign countries and foreign units of government.

By having a one-man filibuster, which it was believed could not be cut off by a two-thirds vote, Senator Gore was able to work out a compromise which caused the supporters or administration leaders to reduce that amount from $1.1 billion to $100 million for these soft loans, thereby, by his extended discussion of the bill according to his figures, saving the taxpayers of this country $1 billion. So the filibuster or extended debate serves a very useful purpose. It can be cut off; it has been cut off many, many times in the Senate.

It used to be said the filibuster was used against civil rights legislation. Well, cloture has been applied with respect to civil rights legislation that has been introduced; and I know of little, if any, civil rights legislation that was pending in the last session that the Senate did not pass.

It was interesting to note in the closing days of the 91st Congress that those who were resorting to the use of extended debate or filibuster were Senators who favor making it easier to cut off debate. I refer to the distinguished Senator from Wisconsin (Mr. PROXMIRE) who, by engaging in extended debate on the SST conference report, was able to defeat the full funding of the SST project. The distinguished Senator from New York (Mr. JAVITS) and I believe the distinguished Senator from Minnesota (Mr. MONDALE) were threatening use of extended debate with respect to the import quota legislation. The import quota legislation was not passed by Congress. The full funding of the SST was not authorized.

So, Mr. President, the use of extended debate is certainly not a practice engaged in only by Senators from my section of the country. When an effort was made to choke off the debate on the SST I opposed those efforts because I believe that those who oppose the SST have a right to be heard on the question.

If we change the cloture rule, if we reduce the requirement to 60 percent, and then follow it with the proposal by the distinguished Senator from New York (Mr. JAVITS) calling for a 51-vote imposition of cloture, the Senate is going to cease to be the greatest deliberative body in the world. It will not even be a deliberative body at all. Talk about Congress staying in session for 11 or 12 months a year, there will not be any need of it if a majority is able to vote cloture. They will ram these bills through the Senate just as they do in the House, and possibly a lot easier.

So extended debate, filibuster, is used, and that is the great hope that we have against absolute control of the Senate and the House by the executive department. I am not speaking with respect to the present executive department any more than I am of the one we had last time or the one we might have next time; but any of the three branches, with a possible exception of the legislative branch, is most jealous of its powers.

The executive department reaches out and gets all the power that is in sight. The Supreme Court has more or less regarded itself as a super government running the country. Only the legislative branch delegates its power.

As I pointed out a moment ago, and as the distinguished Senator from North Carolina pointed out with respect to President Wilson going to Congress to arm the merchant marine in 1917, think how little a Chief Executive today would pause in ordering something of that sort to be done.

As the distinguished Senator from North Carolina pointed out, it was not many years after that—20-odd years—that Franklin D. Roosevelt had the lend-lease destroyer deal without getting the approval of anyone.

If we fix it so that big government, national government bureaucracy, can get legislation passed through the Senate by a 60-percent vote, later to be followed by a 51-percent vote, the Senate is going to become simply a ceremonial body. As I suggested, if we ever get to the point where we are not allowed to debate issues, there is not much need of coming to the Senate Chamber. There would not be much need of coming to the Chamber if we are not going to be allowed to debate, if we are not going to be allowed to point out the defects and the dangers of legislation, because debate could be cut off with a 60 percent or later possibly 51 percent of the votes of Senators.

The use of extended debate has the result many, many times of improving legislation as it goes through the legislative process.

The Senators who debate questions and issues have made a point to study the issue, study the legislation, prepare amendments, make suggestions, point out the dangers; and by slowing down the mad rush to enact legislation, the Senate can perform a great public service. That right is going to be taken away from the Senate. The Senate is going to stop deliberating on issues because 60 percent of the Senators so decide. Any time that much of a majority can be obtained, the minority does not have any chance.

So extended debate is a defense of the present separation of powers. Little as we have left, let us try to save what we do have.

It is a defense against mushrooming Federal bureaucracy.

It is a defense against big government getting bigger.

I hope that the Senate will not cut off this debate and that, in short order, the matter will be withdrawn from consideration by the Senate, so that we can get down to more important measures.

Mr. President, we heard a lot, and the liberal press had a lot to say, about the logjam of the legislation that existed in the close of the 91st Congress. The filibuster was not because of this logjam solely. As a matter of fact, it played very little part in the logjam. One factor that led to the so-called logjam in the Senate was one of the Senate's own rules, or possibly it would be more accurate to say lack of a rule, and that is the rule which permits adding nongermane amendments to pending legislation.

The social security bill failed of enactment. The import quota bill failed of enactment. The President's family assistance plan failed of enactment. And the strategy there apparently was to take up the popular social security bill—and I do not know that that is going to be so popular when the employers and employees understand that the base of the social security contribution is being widened and raised a great deal and that the contributions are going to have to be made on a higher amount of income. But that bill would have passed the Senate without any difficulty, and actually did pass in the closing days of the Congress, after it was shorn of the import quota bill and the President's family assistance plan, but too late to be passed in the House.

The proponents of the import quota bill, the trade bill, which is certainly a bill which needs to be enacted to protect American jobs in several industries from the dumping of foreign exports from foreign countries imported into our country, added it to the social security bill, or sought to add it to the social security bill.

Then the family assistance plan was put on by amendment. The opponents of the various plans were able to unite and defeat it. But if it had come up separately, final action in all likelihood could have been obtained on each of the bills, just as was done on the social security measure.

The committees of the Senate have done a tremendous job in studying and holding hearings and preparing and drafting legislation. Some of those measures came to the floor really late in the session, and many Senators felt that they needed to study those measures a great deal more.

By the way, the social security bill, when it passes, will be made retroactive, I am told, to January 1. So no one will lose a thing. But these measures, by being put together, were unable to be passed. Some of the bills came out so late in the Senate that they just could not be acted on by the Senate. But if these measures that we had were good, why are they not coming out now? They gained committee approval in the other Congress. Why could they not come out now and be acted on and approved, instead of going through this formality on the Senate rules?

I hope that the effort to change the Senate rule will be abandoned. We have a workable rule. The two-thirds rule is a workable one. It is one that allows legitimate discussion. It is one where a vote to cut off debate can be obtained in 2 days if two-thirds of the Senators so want.

Mr. ERVIN. Mr. President, will the Senator yield for some questions, with the understanding that by so doing he will not lose his right to the floor or have any subsequent remarks he makes counted as an additional speech or otherwise have his rights prejudiced?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I would like to ask the Senator from Alabama if in every instance where the framers of the Constitution made express provision for more than majority vote they did not use two-thirds as the magic number. For example, does not the Constitution provide that either House, that is, the Senate or the House of Representatives, may expel a Member by a two-thirds vote?

Mr. ALLEN. Yes; that is correct, two-thirds.

Mr. ERVIN. Does not the Constitution provide that treaties may be made by the President and become effective if ratified by two-thirds of the Senate?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. Does not the Constitution provide that the House of Representatives may impeach a civil officer of the Federal Government and that he can be convicted and removed from office only by a vote of two-thirds of the Senate?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. And has not the Senate, ever since 1917, in the exercise of its power to make rules for its own proceedings, used the two-thirds formula as a basis for cloture?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. So here, with this three-fifths proposal, we would be introducing another number in the equation, would we not?

Mr. ALLEN. That is correct.

Mr. ERVIN. It would sort of be like changing the 12 apostles to seven, would it not?

Mr. ALLEN. I can see a parallel, yes.

Mr. ERVIN. The Senator was speaking of bills that were not passed at the last session. I ask the Senator if it is not a fact that the social security bill, to which the other bills were proposed to be tied, was not even reported to the Senate for consideration until the 11th day of December, which is just 2 weeks exactly from the time Old St. Nick was supposed to come down the chimney.

Mr. ALLEN. Yes. I believe that was the correct date.

Mr. ERVIN. And it was reported to the Senate, was it not, after the Senate had been in session since the 17th day of January, and at a time after an election had been held, and after 11 new Senators had been elected to the Senate to take the places of others who had been serving up until the date of the election?

Mr. ALLEN. That is correct; yes.

Mr. ERVIN. Demand was made, was it not, that a Senate which had been exhausted by work from the 17th day of January down to the middle of December pass bills which were necessarily written in legal gobbledygook and which no human being can understand until he learned to unscrew the inscrutable?

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it is a good thing for the American people that those bills were not passed under those circumstances?

Mr. ALLEN. Under those circumstances, yes.

Mr. ERVIN. And is not the Senator from Alabama fighting now to make it certain that these bills, which would alter the entire welfare system in the United States, should receive ample debate in this body, so that Senators may understand what those bills provide, and the implications of their provisions?

Mr. ALLEN. They very definitely ought to be debated; yes.

Mr. ERVIN. And if this rule were changed as proposed, 60 Senators, six out of 10, could absolutely silence the other 40 after the bill had been pending before the Senate 48 hours, could they not?

Mr. ALLEN. Yes, they could ram it through.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the test of a rule or a law is not what good men can do with it, but what evilly disposed men, or men who are impatient, can do with it?

Mr. ALLEN. I think that is a good standard to adhere to.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. Mr. President, the distinguished Senator from North Carolina has been waiting patiently to address remarks to the Senate on this subject. I apologize to him for consuming so much time. I do appreciate the colloquies that we have had, and the additional information that he has given on this subject. But at this time, in order that the distinguished Senator from North Carolina may gain the floor and speak on this subject, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I commend the Senator from Alabama for a most eloquent presentation of why it is necessary for the Senate to preserve rule XXII in its present form in order to make the Senate of the United States a body independent of the executive, and why it is necessary to keep rule XXII in its present form in order to make it certain that in the Senate of the United States, a substantial minority of the Members of the Senate shall not be subjected to the tyranny of the majority.

Before I proceed with further discussion of the proposed rule change, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FANNIN.) The Senator will state it.

Mr. ERVIN. As I understand the parliamentary situation, yesterday afternoon the Senate did not adjourn, but, on the contrary, it recessed.

The PRESIDING OFFICER. That is correct.

Mr. ERVIN. And as a result of that fact, the motion of the able and distinguished Senator from Alabama to postpone consideration of the motion of the able and distinguished Senator from Kansas to the next legislative day, became the pending question of the Senate when the Senate convened this morning.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. That being true, the rule of germaneness is no longer applicable?

The PRESIDING OFFICER. It would be applicable for the first 3 hours. That period has expired.

Mr. ERVIN. The reason I asked the question is because I have a statement which I wish to make at this time on the subject of preventive detention as a step backward in criminal justice. I think this is highly important. After I make that statement, I shall continue the debate on the pending business.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the rule says "on any calendar day." The rule of germaneness applies every day for the first 3 hours at the conclusion of the morning hour or after the unfinished business or pending business has first been laid before the Senate, regardless of whether the Senate had recessed or adjourned.

Mr. ERVIN. Yes. But the first 3 hours having expired—

The PRESIDING OFFICER. The first 3 hours have expired, that is correct.

Mr. ERVIN. Then the rule no longer prohibits the Senator from North Carolina from discussing a nongermane matter?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ERVIN. Mr. President, during the first days of every Congress since I came to the Senate there has been an effort made to change rule XXII. Rule XXII, insofar as it is pertinent to our present debate, is embodied in section 2 of rule XXII.

This subsection reads as follows:

> Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"
>
> And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.
>
> Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

While section 3 contains certain provisions relating to the general question of cloture, it is not necessary to read it as being germane to the particular discussion in which I now wish to engage.

Senate resolution 9, which was presented by the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Kansas (Mr. PEARSON), is couched in the pertinent part in virtually the same words of rule

XXII in its entirety, with the exception of the fact that it provides that the question of bringing the debate to a close shall be decided by three-fifths of the Senators present and voting rather than by two-thirds of the Senators present and voting.

For the information of those who perchance may be readers of the RECORD, I ask unanimous consent that a copy of Senate Resolution 9, proposed by the distinguished Senator from Idaho and the distinguished Senator from Kansas, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 9

Resolution amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate

Resolved, That rule XXII of the Standing Rules of the Senate is amended to read as follows:

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate."

Mr. ERVIN. Mr. President, during a colloquy with the able and distinguished Senator from Alabama I suggested that I found myself in agreement with the conviction of the able and distinguished Senator from Alabama that the resolution proposed by the distinguished Senator from Idaho and the distinguished Senator from Kansas is merely one station on the road to a demand for majority cloture.

The distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Michigan (Mr. HART) have corroborated the views of the Senator from Alabama and the Senator from North Carolina on this point by offering a proposal which they designate as an amendment. This proposal provides, in effect, that at any time after the elapse of somewhere in the neighborhood of 48 hours after a proposal for legislation is laid before the Senate, 51 Senators can effectively silence 49 Senators. In other words, it goes beyond the proposal of the Senator from Idaho and the Senator from Kansas as far as phraseology goes, but it is in complete harmony with the actualities which will result from either the proposal of the Senator from Idaho and the Senator from Kansas, or the Senator from New York and the Senator from Michigan. I will elaborate on my contention in this respect shortly.

Over the years that I have been in the Senate we have had some quite queer reasons given as to why we should change rule XXII. When I first came to the Senate it was said we should change rule XXII because 22 southern Senators could thwart the will of the other 78 Senators of the Senate in respect to the passage of civil rights bills. I respectfully suggest that the fact that cloture was successfully invoked against every civil rights bill that has been proposed and presented to the Senate during the 16 years I have been a Member of the Senate shows that that argument has no validity at this time. Mr. President, you do not need any cloture rule to reduce Southern States to the status of conquered provinces; that has already been done. And, of course, the truth of it is that there was never any substance to the assertion that 22 southerners could thwart the will of 78 other Senators.

I am a southerner and perhaps am not objective in appraising southerners. I am inclined to the opinion that if southerners had more influence in the government of this Nation, we would have a better ruled nation.

On Sunday of this week the mortal remains of a great southerner were buried in the State of Georgia. Everyone who had had the opportunity to observe his action as a Senator over a period of many years concurred in the opinion that he was preeminently qualified by education, by experience, by dedication to fundamental constitutional provisions, and by an unsurpassed moral and political courage to occupy in a brilliant manner the highest office within the gift of our people, namely, the Presidency of the United States. Everyone who is willing to face reality will admit that he was denied that high office notwithstanding his preeminent qualifications for it because he was born and resided in Winder, Ga., rather than Kalamazoo, Mich., or some other place outside the 11 Southern States.

But the argument that 22 southerners could thwart the will of the Senate that was given to alter rule XXII when I first came to the Senate was a specious argument at best. That is true because they never did have 22 southern Senators who stood together in respect to so-called civil rights bills. There were always one or two, or more, who seceded. The truth is the argument that we needed a change in the cloture rule to keep 22 southern Senators from thwarting the will of 78 Senators always reminded me of a cartoon I saw many years ago.

I am sure all Members of the Senate of my vintage, received great pleasure at the time and some illumination from reading the cartoons concerned with the episodes in the fictitious lives of Maggie and her husband Jiggs. I recall one cartoon which showed that Maggie and Jiggs had taken a trip to Spain and Jiggs had found that there was a self-protection society of husbands over there called the Kazook Society.

Every member of the Kazook Society had taken a blood oath that he would come to the rescue of another brother Kazook in the event the brother Kazook was threatened or imperiled by his wife. So Jiggs immediately joined the Kazook Society.

He was walking along the streets of Madrid one day with Maggie, and Maggie became dissatisfied with something Jiggs had done or said, and she immediately started to beat Jiggs. So Jiggs gave the cry of distress to his brother Kazooks. He hollored "Kazook." The cartoon showed about 1,000 Kazooks running to come to the rescue of Jiggs. Maggie took an umbrella and laid them all out.

The last cartoon on that occasion showed Jiggs in the hospital, all swathed in bandages, and he was philosophizing thus:

> The idea behind the Kazooks Society is pretty good, but the trouble is it hasn't got enough members in it.

So the South never did have enough Members in the U.S. Senate to thwart the will of 78 Senators from other areas of this country.

The argument that we needed to change rule XXII to keep 22 or fewer southern Senators from thwarting the will of 78 other Senators from other areas of the country never had any substance. It not only reminded me of the cartoon about Maggie and Jiggs, but it also reminded me of the story they tell down in my county about an old custom we have. Under this custom people who have relatives buried in little country church yards are accustomed each year, together, on an appointed day, to remove the weeds and the brairs from the church yard in which the bodies of their relatives are sleeping in the tongueless silence of the dreamless dust. A person who was averse to physical labor hired George to do the physical work that was a part of that very sacred task.

George was stooped down, pulling weeds and briars off the graves, and he started laughing. The man who hired him said, "George, what are you laughing at?" He said, "I am laughing about these words writ on this here tombstone." George's boss said, "I don't see anything funny about those words that are written on the tombstone." George said, "Well, Boss, it says, 'Not dead, but sleeping.'" And George's boss said, "I still don't see anything funny in that." And George said, "Well, Boss, he ain't fooling nobody but himself."

I would say that those who said we needed to change rule XXII because it was necessary to deal with supposedly sinful southerners with respect to civil rights bills were not fooling anybody but themselves when they made that argument. They will admit now, I think, that that observation is correct and that there no longer is any necessity to make any alteration in rule XXII in order to keep 22 southern Senators from thwarting the will of 78 northern, eastern, and western Senators.

The argument is made that we ought to rewrite rule 22—in fact, we ought to rewrite all the rules of the Senate—because these rules were written by the hands of dead men. Then it was pointed out that most of the heritage that was received from the past was like the rules of the Senate in that respect. It was pointed out that the Prophet Moses, who brought the tablets of stone down from the top of Mount Sinai and gave them to the Hebrew people, was sleeping his mortal sleep on the top of Mount Nebo, if I recall my Scripture correctly.

It was also pointed out that King John, who had had Magna Carta wrung from his hands by the barons at Runnymede was sleeping in the tongueless silence of dreamless dust with all those barons who had made that great advance in law, that the Magna Carta, like the tablets of stone, was written by men whose hands had crumbled into dust in the grave.

It was also pointed out that all of the great documents that secured freedom to the English-speaking race, such as the Bill of Rights, had been written by men whose hands had long since crumbled into dust in the grave.

It was pointed out, furthermore, that the Declaration of Independence was written and signed by men who had shuffled off this mortal coil.

The same observation was made about the Constitution of the United States.

And so, at long last, this argument of our brethren who believed that rule XXII should be changed in such a way as to make it impossible for a minority of the Senate to protect themselves and their views and their States and their country from the tyranny of the majority should be rendered meaningless was abandoned.

Those who advocate a change in the rule point out that the proposal provides that even after cloture is voted, as does the present rule, each Senator can speak for 1 hour on the bill under consideration or any amendments to that bill. Therefore, it is theoretically possible to have 100 hours of debate after cloture is imposed.

Two-thirds of the Senate voted to impose cloture on the debate against the Civil Rights Act of 1964. This act contains a provision which is an insult to the first amendment which undertakes to secure freedom of religion to all Americans. It is a provision, which was adopted by a majority of the Senate, which imposed cloture, that provides that while you cannot discriminate against people on account of race or color or national origin, you can take Federal money and use it to discriminate against people on account of religion.

I had some amendments to that bill. I recognized that in the political climate which prevailed in 1964, that bill would pass, and I did the best I could in committee and the best I could on the floor of the Senate to get Senators to listen long enough to see that the amendments I was proposing were meritorious amendments which would have made the bill more in harmony with the fundamental principles of American constitutional law and much more reasonable in their application.

For one thing, I had an amendment which would have prevented the conversion of every agency and every department of the Federal Government handling any Federal funds into lawmaker, prosecutor, judge, jury, and executioner. My amendment provided that the agencies or departments charged with administering Federal programs involved with the use of Federal funds could receive and investigate charges of discrimination, but they would have to report those charges of discrimination to the Department of Justice, and that the Department of Justice should take action to prevent discrimination in the courts, if they found there was a basis for such action.

But the Senate voted cloture, and I had an hour to present about 10 or 15 very good amendments. Virtually all of the Senators who voted to impose cloture absented themselves from the Senate Chamber and would not listen to the arguments of those with whom they disagreed.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. ERVIN. Yes. I am delighted to yield to the distinguished Senator from Texas.

Mr. BYRD of West Virginia. Mr. President, before the Senator yields to the Senator from Texas, if I may have the indulgence of both Senators, would the Senator from North Carolina yield to me first for a unanimous-consent request, with the usual understanding that the Senator not lose his right to the floor, and that it not be counted as an additional speech?

Mr. ERVIN. I am delighted to yield to the Senator from West Virginia under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PERMIT THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that tomorrow, immediately after the approval of the Journal, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with speeches therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the time for convening of the Senate on tomorrow following a recess be changed from 12 o'clock meridian to 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MATHIAS AND HARRIS TOMORROW MORNING

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that on tomorrow, following the laying before the Senate of the pending business and the approval of the Journal, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes, and that at the conclusion of his remarks the able Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

That will, of course, come prior to the period for the transaction of routine morning business for which an order has already been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. ERVIN. I now yield to the Senator from Texas for a question, colloquy, or statement, with the understanding that I not lose the floor by so doing, and that any subsequent remarks I make on this occasion shall not be counted as an additional speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I have been following with interest, in the brief time that I have been present in the Chamber, the rationale of the distinguished former jurist from North Carolina, who is the outstanding student of the Constitution in this body, and perhaps any other.

I should like to ask the Senator if he agrees with a statement that was made by William S. White in his book entitled "The Citadel," which was a calculated defense of the Senate as an institution, that the Senate is designed to protect the minority from the precipitous and emotional tyranny of the majority.

Mr. ERVIN. Yes. The author of that book, William S. White, covered the Senate as a reporter for the New York Times for many years. He is now a distinguished columnist. He is well versed in the history of the Senate and the nation, and I think he has the most understanding mind in respect to the function, the purpose, and the value of the Senate as an institution, of any person of our generation.

Mr. TOWER. Is the Senator from North Carolina aware of a little bit of history as it has been reported—perhaps some of the details are apocryphal, but is the Senator aware of that time subsequent to the promulgation of the Constitution when Thomas Jefferson returned from his post in Europe and called on President Washington, and he asked President Washington the question, "Why is it that in establishing the national government you created a bicameral national legislature?"

At that particular moment, Mr. Jefferson was pouring his coffee into the saucer; and President Washington countered with a question, and asked, "Why is it that you pour your coffee into the saucer?"

Jefferson's response was, "To cool it."

Washington said, "That is precisely why we created a bicameral legislature, so that legislation may be poured from one chamber into the other to cool it."

Mr. ERVIN. I think that is about the most apt illustration which can be given of one of the fundamental purposes of the Senate. One of the fundamental purposes of the Senate, and one of the reasons that we have rule XXII, arises out of the fact that a legislative body composed of as many Members as the House of Representatives is composed of is certain to pass unwise legislation at times. The reason we have the Senate is to enable another legislative body, with the opportunity for more deliberation and more debate, to correct errors in legislation which might be passed by the House of Representatives in a rather hasty manner, under the House rules.

Mr. TOWER. Does not the Senator from North Carolina feel that the concept of representative democracy that is reflected in the composition of the two Houses demands that the Senate deliberate at greater length than the House of Representatives? The House is the more representative body; it is indeed closer to the masses of people than the Senate; it must go back more often to the people for a fresh mandate, and it is the body that should reflect with some degree of dispatch the popular will of the moment; but the Senate, made up of representatives of the States as corporate entities, not made up of representatives of the people as a mass, or based on population distribution, should and must not just reflect the popular will of the moment, but must consider the consequences of legislation passed in the heat of the moment for the future?

Would not the Senator agree that the House of Representatives, with such a large number of Members, must have somewhat tighter rules and must have somewhat more restriction on debate, and must act with somewhat more dispatch, but that the Senate, due to its nature and its composition, should and must deliberate in a more slow and careful way?

Mr. ERVIN. I think the Senator's question points out the mechanism by which the Founding Fathers made it certain, or as certain as they could, that we would have two legislative bodies; one, the House of Representatives, which is elected every 2 years, which comes every 2 years fresh from the people, and which by reason of that fact is more inclined to pass legislation hastily. So, in order to make it certain that they would be responsive to the people, the House rules were written to prevent prolonged House action. But they also created the Senate, and provided that only one-third of the Senators should be chosen at each election, and that all Senators should hold office for 6 years, and two-thirds would always continue in office.

The Senate and its rules were created to make certain that if something was done in a moment of public—I do not like to use the word, but it is expressive—hysteria by the House, there would be an opportunity in the Senate to correct it. Therefore, the Senate would be so constituted, by reason of the terms of its Members and the continuance of two-thirds of them in office at all times, that it would not be driven by popular passion of the moment. So the purpose of the Senate and its rules is to make certain that there is an opportunity to coolly and deliberately deliberate upon what the House has done.

The more I know about the Constitution, the more marvelous its provisions become to me, and I think that the establishment of two legislative bodies is one of the most marvelous provisions in the Constitution. It gave the people an opportunity to express their opinions frequently. It also gave, through the composition of the Senate, a continuity by which the country could be protected against sudden, impulsive things, done on the spur of the moment in a time of hysteria.

Mr. TOWER. Then, would not the Senator agree that either to repeal rule XXII or substantially to alter its provisions to the extent that undue restrictions were placed on debate in this body would in effect thwart the will of the Founding Fathers, the intent of the Founding Fathers, in establishing this body as it is now composed? Would not the Senator also agree that this would be an organic change in the legislative structure of the United States of America and that, really, such a matter, although it is not required that it be so done, would actually be a proper subject for consideration for constitutional amendment, which would be submitted to the people, in their capacity as citizens of the several States, to act upon?

There has been no popular ground swell that I can determine on the part of the people of this country to alter the character and nature and the historical and traditional function of the Senate.

Mr. ERVIN. I think there is no popular demand. We have certain pressure organizations that want to change rule XXII. These organizations like to get their will done and are largely responsible for much of the centralization of Government in Washington today, because they know it is easier to cajole or persuade or coerce one legislative body than it is to do that to 50 State legislatures.

I agree with the implication of the questions of the Senator from Texas, that to substantially modify rule XXII would alter the very purpose the Founding Fathers had in mind when they created the House of Representatives and the Senate, with different tenures of office, different times for election. I cannot think of any greater calamity that could befall our Government.

The Senate of the United States is the last legislative body on the face of the earth which gives a substantial minority the power to express its opinion concerning the proposals that affect the lives of 200 million Americans, and I think that a substantial modification of rule XXII would convert the Senate into the same kind of legislative body that the House is. I say that realizing that the larger membership of the House demands rules different from those of the Senate.

Through my personal experience, I believe I can show the value of the Senate to cool hot legislation, as illustrated by the story which the Senator recounted earlier concerning the conversation between George Washington and Thomas Jefferson.

I served in the House for a short time. We had had a prolonged strike by the United Mine Workers. The piles of coal in the United States had become so low that we had what were called brown-outs in our cities, and we had insufficient coal to keep the patients in hospitals warm, and the public was inflamed by strikes. Then the railroad brotherhoods threatened to go out on strike, to put all the railroads out of operation.

President Truman made a speech before a joint session of the House and Senate and proposed that Congress enact a law drafting all railroad workers into the Army and subjecting them to military control to keep the trains operating. Immediately after his speech, a bill was introduced, debated by the House for about 20 minutes, and passed by the House with only three or four dissenting votes. I confess with shame that I voted for that bill. I trust that the recording angel has dropped a tear and blotted out this legislative sin of mine. I have certainly repented of it many times.

What had we done? We had passed a bill which subjected all the railroad men to the slavery or peonage or involuntary servitude prohibited by the 13th amendment. Fortunately, that bill had to come to the Senate. It was sent over here by a special messenger, with the thought that the Senate would pass it immediately. But we have other rules—not only rule XXII—that afford some protection to this country. We have the rule that a bill cannot be taken up immediately when it comes from the House, without unanimous consent. When that bill came over here, I think the majority of the Senate would have passed it. But when the request was made to call it up for immediate consideration, Senator Bob Taft of Ohio said he objected.

Because of his objection to its immediate consideration, the bill automatically, under the Senate rules, had to go over to the next day. During that night, men reflected on the fact that the

House had violated the Constitution in passing that bill, and it never was enacted, fortunately.

That illustrates the necessity of having a chamber to cool off hot legislation passed by the House.

Another illustration: During the brief time I was in the House, the fighting in the Second World War came to an end, and a natural demand went up from the mothers and fathers of this country to bring our boys home and minimize the number of them being drafted. We had a bill introduced and reported by the committee then called the Military Affairs Committee to extend the draft, with provisions under which no man could be drafted. That was the strangest piece of legislation I have ever perused. That was during the time Stalin was the dictator of Russia. A handful of us felt at that time that it was necessary to keep America strong if America was going to be protected in a very precarious world.

I recall that a great Texan, Ewing Thomason, who was later district judge at El Paso, Representative Wadsworth, of New York, who prior to that time had served in the U.S. Senate—and who, incidentally, was the father-in-law of the distinguished Senator from Missouri (Mr. SYMINGTON)—and I felt that that bill was bad and that it should be changed. Although I was a sort of neophyte Representative, I did the best I could to make a speech against it. In order to speak 4½ minutes against that bill—that was the longest speech I ever made in the House of Representatives, and I had to borrow 2½ minutes from the Democrats and 2 minutes from the Republicans. That is just another thing that sticks in my mind when I think of the efforts to allow a part of the Senate, less than two-thirds, to silence the other Members of the Senate. I think it is essential to the preservation of the Senate as a worthwhile institution to maintain a rule like rule XXII.

Mr. TOWER. I want to thank my distinguished friend from North Carolina for his splendid answer to my question and for his great contribution to this debate. I trust that, in the end, his closely reasoned arguments will prevail.

Mr. ERVIN. I thank the Senator from Texas.

Mr. HART. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. Yes, I am glad to yield to the distinguished Senator from Michigan.

Mr. HART. I heard some of the latter exchange which occurred between the able Senator from North Carolina and the able Senator from Texas. Was that exchange intended to suggest that, as a conscious act by the Founding Fathers when they wrote the Constitution, if they had it to do over again, they would add the requirement of two-thirds to shut off debate, which they did not do, although they selected other areas that compel us to get two-thirds? Although I cannot find it in the Constitution, is it suggested that it is really there?

Mr. ERVIN. Some of the Founding Fathers served in the first Senate and wrote the first Senate rules.

Mr. HART. The exchange I heard dealt with what the Founding Fathers meant when they drafted the Constitution and what they had in mind. I had the feeling, at least by implication, that we would be offending their intentions. It is my understanding that they intended to enumerate those instances where more than a majority would be required of the Senate, such as in treaties, constitutional amendments, or impeachment convictions; but did they overlook the filibuster, or do I misread the Constitution?

Mr. ERVIN. I think it was impossible for the Founding Fathers to conceive that any Senator would ever want to deny a substantial minority of Senators the right to speak. There were 55 delegates to the Constitutional Convention and some of those 55 delegates came to the first Senate of the United States. The Senate which wrote the original Senate rules made no provision whatever for cutting off debate. They thought it was implicit in the words of the Constitution that a Senator should be allowed to debate in order to represent his State. I do not think they ever thought that any movement would ever be made in the Senate to allow 60 percent or 51 percent of Senators to deny other Senators the right to express their honest convictions on any subject of importance. They certainly never contemplated that we would have a rule under which 60 percent or 51 percent, within a period of 48 hours after a legislative proposal had been made, could silence and put an end to debate in the Senate. We would be putting an end to debate when we restrict every Senator to 1 hour because the two-thirds or the 60 percent or the 51 percent who vote to silence the other Senators are not going to argue the bill after cloture is obtained. It is only the minority that would be restricted to arguing for 1 hour. I do not think the Founding Fathers contemplated, to borrow an expression often used by my good friend from Georgia, Senator Russell, on many occasions, a gag on the remainder of the Senators.

Mr. HART. Mr. President, will the Senator from North Carolina yield for another question?

Mr. ERVIN. I am delighted to yield to my friend from Michigan.

Mr. HART. Is it not equally likely that the Founding Fathers thought they were establishing a Senate in which a minority of its membership would have the opportunity to present fully its point of view and then a majority would be permitted to act? Would it not be equally likely, if we could resurrect the Founding Fathers, that they would be appalled to find that this is a legislative body in which one individual can prevent the Senate from ever doing anything, even though the clock of history runs very much faster now than it did nearly 200 years ago?

Mr. ERVIN. An individual cannot do that. It takes a substantial majority. I do not accept the Senator's theory. I have always, in all the so-called filibusters I have participated in, hoped that I could persuade those who disagreed with me of the wisdom of my views and, thus, convert them to my side. I think any Senator, as long as he has a hope that an erring majority will see the light, has a duty to his country to try to point out the light to them and enlarge their vision. Therefore, I think that rule XXII is necessary to secure educational debate in the Senate Chambers.

Mr. President, I am an optimistic man, and when my good friend from Michigan disagrees with me on a crucial matter, I have such a high respect for the judgment of the Senator from Michigan that I harbor the hope in my heart, and the expectation, that I shall be able to persuade him to adopt my sound views instead of pursuing his erroneous views on that particular subject.

Mr. HART. Well, we should not resolve absolutely by arithmetic who in a given deadlocked situation is erroneous, but I always find great difficulty in assuming that we have to resolve that wisdom applies to a third of us and ignorance to two-thirds, because that really is the position we leave ourselves in if we continue to permit one-third who, as the Senator from North Carolina describes himself in those so-called filibusters, are deeply convinced that they are right, and out of that deep conviction prevent two-thirds, who are equally convinced that they are right, from acting.

It is a dilemma which I would resolve, acknowledging that the majority is not always right, as history clearly shows, that it is wise in the conduct of the business of a nation such as ours to permit a substantial majority of this body to act.

The Senator from North Carolina and I have exchanged this disagreement over the years but I am still hopeful of persuading him.

Mr. ERVIN. Let me assure my good friend from Michigan that I expect to support rule XXII in its present form so that the Senator from Michigan can have an ample opportunity to point out the error of my ways and the error of my views, because I want to do right. If the Senator from Michigan can shed any light that will enable me to walk in the path of righteousness, legislatively speaking, I want to see to it that he has ample opportunity to do so.

That is what I am fighting for, to give the Senator from Michigan the same right to persuade me of the error of my ways, when he thinks I am adopting an erroneous view, as I would like to have to persuade him of the error of his ways, if I think that he is in error. He is a highly intelligent man and I think, if I am able to shed light on the subject, that he will follow.

Mr. HART. Mr. President, while the Senator and I are doing this on a specific nomination or legislative proposal, nothing is happening. The occurrences of history continue along without the benefit of the decisions of this body. It is this point that I hope the Senator from North Carolina will consider.

Mr. ERVIN. Mr. President, some of the greatest Senators this country has ever had have had something to say about this matter. One of them whose memory the Senator from Michigan reveres as much as I do was the late Senator Joseph O'Mahoney.

I heard former Senator Joseph O'Mahoney stand on the floor of the Senate and state that no good legislation had ultimately been defeated by a filibuster, but that much bad legislation had been defeated by filibusters.

In the time that I have been here, I do not know of any legislation that I think was good legislation that was defeated by a filibuster.

Mr. HART. Mr. President, I reply simply by suggesting—not that I expect to have agreement with the Senator from North Carolina—that our country would be the stronger, there would have been none of the cruel scenes that were portrayed on the television, those events might never have occurred if we had not filibustered through a period of some 7 years that I am conscious of and delayed effectively addressing ourselves to the situation that now exists in which there was harsh discrimination against certain Americans as they sought to exercise their rights.

Mr. ERVIN. Mr. President, I do not know of anyone who has ever been denied the right to vote. I will amend that statement. I have never known of anyone who could not have secured his right to vote by laws which antedated the Voting Rights Act of 1965.

Like the Senator from Michigan, I think that every qualified man and every qualified woman is entitled to vote. Before the Voting Rights Act was passed, we had laws upon the books—and we had them there for 100 years—that would have sent to the Federal penitentiary any election official of any State who willfully denied any man who was qualified the right to vote. Instead of using those laws, the Attorney Generals did not choose to use them.

All of the Attorney Generals admitted that. I questioned Mr. Brownell. I questioned Mr. Rogers. I questioned Mr. Kennedy. I questioned Mr. Katzenbach. I questioned Mr. Clark. Every one of them admitted that he had never made any effort to use those laws. They had excellent statutes that had been on the books for 100 years. Notwithstanding this, Congress passed a bill under which the Senate condemned the election officials in 40 counties of my State and the election officials of other States by a bill of attainder which is a legislative declaration of guilt without a judicial trial, although the Constitution prohibits either the Congress or a State from doing that.

The Voting Rights Act of 1965 constituted a bill of attainder which suspended the rights of certain Southern States to exercise their constitutional powers. The Supreme Court upheld the act despite the decision in ex parte Milligan that no doctrine more pernicious was ever invented by the wit of man than the notion that any provision of the Constitution could be suspended under any circumstances. I voted against the Voting Rights Act.

We had rule XXII. That rule did not keep the bill from passing. It did not keep the Senate from suspending the rights of 40 counties in my State.

Notwithstanding the sound decision in ex parte Milligan, the Warren Court upheld the Voting Rights Act of 1965. If Congress can suspend one provision of the Constitution, it can suspend them all and leave us with no effective Constitution.

The Senator from Michigan and I did not agree about those laws. I still think I am right. And I have some consolation. There was an old lawyer in the Midwest who never would concede when a case was decided against him that the court was right. He died leaving a last will and testament. It was argued that he did not possess testamentary capacity. The only evidence offered was that he disagreed with the decisions of the court. The court held that was no evidence of a lack of testamentary capacity. In fact, I think sometimes it is an exhibition of exactly the contrary.

Mr. President, a few moments ago the distinguished Senator from Texas (Mr. TOWER) and I were discussing the writings of William S. White on the subject of rule XXII. I read what William S. White had to say on this subject in his book "The Citadel," starting at page 55, the chapter entitled "The Senate and the Rules":

> THOUGH there is beyond doubt a great deal to be said for "progress," there *are* certain aspects of the progressive current American scene that do not necessarily enrich this best of all possible worlds. The America of the eighteenth century—and the Senate of this Twentieth century no less than of the eighteenth—believed, ideally at least, in something called "playing the game," and that to play the game it is necessary to have, and on the whole to follow, certain rules. In many quarters today this expression, playing the game, may not too safely be used. There is, in widespread conviction, something stuffy, even something spinsterish, in it; and it is best left to the usage of vague ministers, seminarians, a few anglophilish professors of learning and, perhaps, the rather decayed Shakespearean actors.
>
> So, too, with rules. From the teachers of "progressive" schools for the very young to such an unacademic personage as Mr. Leo Durocher there runs a common consent of thought that to obey mere *rules* is unduly harmful to the fine, free human personality and obstructive to its lawful ends. To Mr. Durocher, as a baseball manager, was attributed the most candid possible summation of the cult: "Nice guys finish last!"
>
> The Senate, however, true here as elsewhere to what is now the minority, took the notion at the beginning and persists in it now that while rules of conduct are open to ridicule they are necessary all the same. To refrain from hitting one's grandmother with a spade involves a rule of personal conduct, and it is not a readily expendable rule no matter how much the act of self-abnegation represses the ego. To grant to one's opponent in high political discussion and maneuver each and all of the rights that one demands for himself—this is, uniquely in this country certainly, and perhaps in all the world, a Senate rule.
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> This is not, for example, really the attitude in the House of Representatives, where the will of the majority of the moment is absolute and where it is possible to require the House to act, even upon matters of great moment, in six or four or even two hours, as the hierarchs may decide. It is not really the attitude within the Executive Department—any Executive Department—where intellectual opposition to *any* Presidential course is given extremely small say. It is not, moreover, really the attitude in a Presidential election. The debates that go forward in Presidential campaigns are *on the whole* far less informed and far less tolerant than are great Senate debates.
>
> This is not to say that there is not much of nonsense and worse in Senatorial discussion and it is not to deny that the political literature of the country has often been ennobled by striking and even imperishable passages uttered by Presidential candidates on the stump. What it *is* intended to say here is that in *no* struggle for the Presidency is there that tolerance of dissent, that *essential* search for approximate truth, that is found in major Senate debate.
>
> The one, the Presidential campaign address, is at bottom pragmatic, involving at bottom simply a search for votes, entirely honorable as this pursuit may be. The other, the true Senate debate, at bottom is idealistic, no matter how many partisan and personal gains may at the same time be sought in it, involving at bottom an assembly and a synthesis of more nearly impersonal collective thought.
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> The one, the Presidential campaign address, necessarily begins and ends on a note of advocacy, advocacy of the speaker himself or of his ideas. The other, the Senate debate, indeed begins in a series of advocacies but ends upon the note not of advocacy but of collective jugdment.
>
> There could be no debate of this kind but for the fundamental fact that the Senate is the kind of place it is and but for the scarcely less requisite fact that the Senate has the rules that it has.

That is a very significant statement. I will repeat it:

> There could be no debate of this kind but for the fundamental fact that the Senate is a kind of place it is and but for the scarcely less requisite fact that the Senate has the rules it has.
>
> On the first day after the first session of the Institution had at last gathered up a quorum in 1789 a committee of five members, all lawyers, was selected to draw "rules for conducting the business of the Senate." On April 16 that year the committee brought in nineteen rules that for some seventeen decades have in fact governed. Though there have been many alterations and additions since, the whole body of the rules having reached forty in 1884 (and having stayed at forty in 1956), the original nineteen still express the spirit of the place. At the start, as now, the regulations for governing the House were more numerous, more explicit and more detailed.
>
> The Institution for its part set out on the theory that it would always remain a relatively small body. It based all its rules upon the belief that natural courtesy and mutual deference among the members would be the best rule of all—as indeed it has been since the very old days when, sometimes, they gathered about the large fireplace in Federal Hall for their debates.
>
> And since, unlike the House, the Senate is a continuing body, never ending and never wholly overturning from one Congress to the next, the Senate rules go on immutable from one Congress to another. It is not necessary to renew or continue them; there they stand as unshakable in fact, almost, as the Constitution itself.
>
> All that is really necessary to know about them, in a wholly non-technical book such as this, is that not all of them together have one-tenth the force of simple tradition, the tradition that some things are done and some not done—or, if the expression may be forgiven, that in the Institution it is necessary to play the game. There is no purpose here in going into all of them; the gist of two will suffice. One of these forbids a Senator to call another Senator a liar or other-

> wise to question his honor. If he does so (as has sometimes happened in fact) a Senator may be made to interrupt his speech, take his seat and resume only "in order," that is, without repeating his violation. The other, the more or less famous Rule XXII, suggests an important change from the original cast of regulations—but the change is more superficial than real.
>
> The Senate set out with no real limitation on how long a man might speak other than the limitation that his own conscience or sense of fitness might suggest. For several years, however, no doubt because of the influence of the British House of Commons, one school argued that it was possible in the Senate for debate to be halted by moving "the previous question," a parliamentary maneuver still widely used in the House of Representatives that halts discussion and brings matters to the voting point.

I digress from the reading of Mr. White's book to remark that on yesterday I called to the attention of the able and distinguished Senator from Alabama a statement made by Senator George H. Moses in which Senator Moses stated that the Senate never did have the previous question in the modern sense of that term. Senator Moses pointed out in that statement that:

> Debate in the Senate in its early days had few restraints. The previous question existed, but in a rudimentary form only as modern parliamentarians would regard it. It was itself debatable; it could not be used upon amendments; nor could it be applied while sitting in Committee of the Whole. In this form it stood in the Senate rules for 17 years, during which it was moved only 4 times and only 3 times carried.

Mr. White further states in his book:

> In 1806, in order to be absolutely certain about it, the Senate went vigorously on record for no limitation whatever. From 1806 to 1917, then, debate was absolutely free and unlimited except during the interregnum of the War Between the States. Even then, debate could be shut off only on war measures before the Senate.

I digress from further reading at this time to mention that the able and distinguished Senator from Alabama, who has made a very profound study of this subject, pointed out this same factor in his discussion, that there has been no limitation upon debate in the Senate except during the War Between the States.

I resume reading from Mr. White's book entitled "The Citadel."

> In 1917, President Woodrow Wilson, angry because Senators Norris, Lane and others had killed by filibuster a wise and brave Administration bill to arm the merchant ships against the Germans, so denounced "the little group of wilful men" that the Institution took what was seemingly a most grave step.
>
> It adopted Rule XXII, by which it was theoretically possible to choke off debate if two-thirds of those Senators present so decreed. Here, however, as so often elsewhere, the Senate advanced to the future only to retreat to the past. For the rule bore within itself the seeds of its own nullification. It was possible by two-thirds to halt debate on a "measure," but, at is turned out, not on a "motion." And there can be no "measure" before the Senate until first there is a "motion" to bring it up. Unlimited debate remained the Senate way.
>
> In 1949, when President Truman was pressing hard for the compulsory civil rights program—to knock out the poll tax, racial discrimination in employment, and so on—liberal Senate forces (and some with designs other than purely liberal) attempted various devices to make the culture, or the so-called "gag," more readily applicable. The theory was that if the filibuster could be broken, the civil rights program could be adopted, since a clear majority seemed to be in its favor.
>
> The *facts* of the case, as I grasped them as a correspondent working close to the scene, were that while support of the Civil Rights Bill undoubtedly was professed by a majority, the true majority was made up between those openly opposed and those secretly opposed and filled with secret hope that somehow the issue could be put aside. The chief difference between the vehemently articulate Southern opposition to civil rights and a good deal of the rest of the Senate, in short, was the difference between harsh candor and no candor at all.
>
> Intermixed in the whole business, moreover, was a not unnatural determination among the Republicans, who had so lately been cast out of power in Mr. Truman's incredible triumph at the polls in 1948, to do nothing to abate the internecine controversy among the Southern and Northern Democrats.
>
> Here at issue was a great deal more than proper treatment for a minority, in this case primarily the Negro minority. Involved was the whole long concept, so closely held by the Senate generally since the outcome of the Federal Convention, of the ultimate supremacy of the individual State. Tragically involved was the sectional bitterness that had come, and had remained in part, from the War Between the States and the Reconstruction. And involved, moreover, was a historical dilemma for small-State Senators, however they might feel individually about compulsory civil rights as proposed by Mr. Truman.
>
> For to promote the idea of cloture is, from the small-State point of view, to sharpen a dangerous weapon. It is, in the nature of the Senate, absolutely necessary for the small States to maintain the concept of the minority's veto power, having in mind that it is only within the Institution that this power can be asserted or maintained. (In the House, for example, New York State has forty-three voices to a single one for Nevada.)
>
> It is only in the light of all these facts that the true nature of the Senate's debate of 1949 on Rule XXII can be understood. It is only in this same light that the contest can be seen as putting at stake a great deal more than a fusty exercise by a group of prolix old men.
>
> The essential struggle lay between those who were determined to make the cloture truly effective and those determined that this should not be so. Long history has plainly indicated that the clamp upon debate simply will not in fact be pressed down, except possibly when the country is at war or in obvious and unarguable peril otherwise, where any *genuinely* adamant and substantial minority is prepared adamantly to resist. (The Calhoun Doctrine of the Concurrent Majority, of which mention has been made before this, stands in the way.)
>
> It is equally clear beyond question to those who long have observed the Institution that where a powerful majority *really wants* a bill it will find a means to have its way, cloture or no cloture.
>
> When, for example, the National Association for the Advancement of Colored People suspects that the combat intentions of some of its professed backers are less than desperately firm its suspicions are quite correct.
>
> The rule existing in 1949—that two-thirds of those voting could put on the cloture but only on a "measure" and not on a "motion"—was, of course, in simple truth no rule at all. The retreat of 1917 before Wilson's sense of outrage had been, in the real sense, no retreat at all. Thus in 1949 the bottom purpose of the liberals—they were called this for convenience though some joining in efforts to harden the rule were hardly more liberal than William McKinley—was to make it possible to halt debate by simple majority. Their interrelated purpose was to do this to a "motion" as well as a "measure."
>
> The Senate traditionalists—in both parties, it should be realized—had for their purpose to do what had been done in 1917: to make it appear that they were not wholly uncompromising, but not to give up anything that fundamentally mattered.
>
> This, indeed, was what was done at the end. It was agreed that hereafter the "motion" as well as the "measure" would fall under cloture's scope. But it was agreed also that thereafter no kind of cloture could be put on any future proposal to alter the rules, by any vote, or on any other matter short of the vote of two-thirds of the *entire* Senate, sixty-four members, instead of two-thirds of those voting, as before. The antifilibuster people had won an ostensible battle only to lose a very real war. Cloture was in practical fact at least as far off as ever, and the Senate in plain fact retained what amounts to unlimited debate.
>
> The liberals of 1949 had to make the most comfortable rationalization they could of the fact that considering the whole slope of Senate history the filibuster has been more often a *liberal* than a conservative device. Indeed, it had been the filibuster led in 1917 by the powerful Norris that had so provoked Wilson.
>
> The conservatives, for their part, had to try to look as innocent as they could in the face of the undoubted fact that to a degree, and subject to the qualifications already noted here, they had taken action tending long to postpone the arrival of total equality of legislation for the Negroes. In protecting the *general* minority right in the deeply governmental sense—in making certain that the Institution would remain the minority's last forum—they had very clearly acted against the interests of a *particular* minority.
>
> All this is a complicated business, indeed, full of the inescapable passions that touch alike upon racial and religious questions.
>
> It is for the present perhaps enough to say only that not in all the great storms that have beset this Republic—not in the First World War, not in the Depression, not in the Second World War, not in the transient ascendancies of any and every White House—has the Senate, as a *whole Senate*, ever really given ground upon the issue of its rules.
>
> Look at them as good or look at them as bad, the outstanding fact is that they remain, deeply unpopular though at times they may be. When, briefly, they were to some extent once abridged and breached, the body of the Institution was like a man with one leg. When the Southerners returned from the War Between the States the full operation of the old way was restored.
>
> And thirty-six years before the rules had made the Senate a shelter to Woodrow Wilson's "little group of willful men" he himself had written, in 1881, of these same rules:
>
> "The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision."
>
> When Wilson spoke as he spoke in 1881 he was speaking as the academician that he

> was and concidentally as a Southerner. But when he spoke as he spoke in 1917 he was speaking as a harassed President of the United States.

That ends the chapter on the Senate and the rules.

One of the great Senators, in the real, old-fashioned sense of that much abused term, who ever sat in this body was Senator Joseph O'Mahoney of Wyoming. He was a great Senator. As he stated, himself:

> I am a liberal. I have always been a liberal. I have followed Thomas Jefferson. I have followed Woodrow Wilson. I have followed Harry Truman. I have followed Franklin Roosevelt. I have enjoyed supporting Adlai Stevenson. I have always been alined in my votes on the floor of the Senate on the side of liberalism. However, I say to my colleagues in deep sincerity that if they vote to cut off free speech in the Senate they are voting to deprive minorities of the people of the United States, whether they be farmers, whether they be laborers, whether they be small businessmen, or whatever category they may fall into, of the right to representation, and are putting them under a gag rule which is worse by far than rule XXII now on the books.

That is what a true liberal, Senator Joe O'Mahoney, said here on the floor of the Senate on January 9, 1959.

He also, on the same occasion, made this statement:

> The issue posed here is not majority rule. It is not civil rights.
>
> It is not even the general question of the constitutional power of a majority of the Senate to adopt rules or to change rules.
>
> It is only the question whether it is wise to permit a majority of a Senate quorum to impose cloture, that is to say to stop debate of any issue whenever a majority of a Senate quorum is so disposed.
>
> A quorum of the present Senate with 98 Members is 50. A majority of that quorum is 26.

Of course, since that time Alaska and Hawaii have been admitted to the Union, and four Senators have been added to the Senate. Under the proposals made by the Senator from Idaho and the Senator from Kansas, if all Senators are present, 60 Senators can absolutely silence 40 Senators for all practical intents and purposes. That means that the Senators from 30 States can deprive 20 States of the right to have their Senators speak in this body, and it means that they can do that only 48 hours after a proposition is laid down, under the proposed change.

In a colloquy with the distinguished Senator from Alabama, I posed to him the question whether the best test of whether a regulation or a law or a rule is wise or unwise is not this: Not what good men, patient men, prudent men, and considerate men can do with that regulation, law, or rule, but what impatient men can do with it.

Another Member of the Senate who was here in the first years that I served, who rightly bore the reputation of being a great liberal, was Senator Langer of North Dakota. He said, on this subject, back on January 8, 1959, at a time when we had quite a debate on this subject, the following:

> I have been advised that another effort will be made to change rule XXII when the 86th Congress convenes.
>
> After 18 years experience in the U.S. Senate, I am unalterably opposed to limiting debate in the Senate, the one place left in this world for free and untrampled discussion. My views upon this have been stated so often on the Senate floor that it is not necessary for me to fully restate them here.
>
> Don't you think it mighty strange when oldtimers like Bob La Follette and Charles McNary and men of their fine type totally rejected the limitation of debate that some Senators on the pretext of passing some civil rights bill, are going to give those opposed to liberal legislation the chance to wreck the passage of liberal bills. As Senator McNary so well stated, "A good bill never has been killed by a filibuster, but many a bad bill has been prevented from becoming a law by a few fighting liberals."
>
> To go back even further into the history of unlimited debate in the Senate, I quote Senator Harris, of Tennessee, who, in 1891, states as follows: "So I assert with absolute confidence that from the 26th day of March 1806, there has been no proposition to limit general debate in the Senate that has not been rebuked as an attack upon free speech and upon the rights of the States and the people and dangerous to well-considered legislation as well as to civil liberty. They have been, as they ought to have been, invariably defeated."
>
> It is interesting to note from Senator Harris' quotation that unlimited debate is most necessary to protect our civil liberty, whereas today the proponents of the change of rule XXII would destroy that protection to civil liberties just because they feel that a civil rights bill cannot pass under existing rule XXII.
>
> I would like to reiterate what I said on the Senate floor on March 11, 1949, in discussing rule XXII when I stated, "I wish to say that during the 8 years I have been here, I have voted for every bill, without exception, calling for the establishment of civil rights in this country. So, today, I wish to make it very plain that I vote to override the decision of the Vice President, I am still a firm, fighting friend of civil rights—just as strong a friend of civil rights as I ever was: and if the Democrats will begin tomorrow or Monday with a really serious effort to carry out Mr. Truman's civil rights program, I assure my friend the distinguished majority leader—

That was Mr. Lucas of Illinois—

> that he will find me voting with him every single time. I hope the Democratic Party will do that. I hope they begin on it right away, and never quit until they secure the enactment of that civil rights program. I think they will receive a great deal of support from Senators on this side of the aisle."
>
> I believe that we, the members of the Senate can best understand the great need to have complete debate on the Senate floor if we would study the speeches of our predecessors in office. For example, read the speech of Senator La Follette of March 8, 1917, beginning on page 40 in the CONGRESSIONAL RECORD in which he also quotes from Senator George Gray (Delaware); Senator John Coit Spooner (Wisconsin); Senator Henry Moore Teller (Colorado) who spoke on this subject on the 22d of January 1891. Speeches by other distinguished Senators can be found in volume 116 of the CONGRESSIONAL RECORD, 51st Congress, 2d session, beginning on page 1670 and running through pages 1740, where, in 1841, many distinguished Senators from all sections of the country expressed the great need for unlimited debate.
>
> In closing, I regret to see such fine men as the proponents for a change of Senate rule XXII deceiving themselves in doing something, which if they succeed, I believe they will live to regret.

I wish to quote, also, a statement by William S. White, the columnist, from whose book, "The Citadel," I have read at length. William S. White had this to say:

> The ultimate victims of halting Senate debate by simple majority would be any or every minority and any or every minority interest or issue, given a favorable atmosphere for the majority.

Many of the people who advocate making this change in rule XXII will be the ones who will regret it the most.

It is no longer merely a Southern question. Every possible civil rights bill that anyone can think of has already been passed; and it never was possible to prevent their passage, since I have been in the Senate, by a filibuster. The people who are going to suffer the most from this, just as Senator O'Mahoney said, are minorities. They may be small businessmen. They may be farmers. They may be a minority racial group. They may be a minority religious group. We should consider long before we embark upon a proposal to change rule XXII in the manner that these proposals contemplate.

Mr. President, at the outset of my remarks, I stated that in my honest judgment it makes little difference if cloture is made possible at the hands of 60 Senators or at the hands of 51 Senators. In the long run, as a practical matter, it will come to the same end result.

I will explain why I believe that to be true. The most powerful office on earth today is the Office of the President. I say that because the President wields power far beyond the powers which the Constitution vests in him. The President has great powers of persuasion, and it does not make any difference who the President is, whether he happens to be a Democrat or a Republican.

Whenever we get to the point at which three-fifths of the Senators can silence two-fifths, we make it certain that the Senate is going to decrease in the power it exercises in our governmental scheme of things. During my generation, we have seen Presidents usurp or be handed legislative powers by Congress. We have seen Presidents exercise the right to put this country in war, in offensive wars as contra distinguished from defensive wars, notwithstanding that the Constitution of the United States makes it very plain, in my mind, that the President has no power to put troops into combat in what are essentially offensive wars, without the consent of Congress expressed in a declaration of war or in a legislative action equivalent to a declaration of war.

One thing that is passing strange to me, as a Member of Congress in general and of the Senate in particular, is the readiness with which Representatives and Senators abdicate their functions and transfer their power as Federal legislators to the executive branch of the Government. They have come to the point that, nothwithstanding that the Constitution in many respects gives the Senate of the United States an important role in foreign affairs, many men profess the belief that the power to conduct foreign policy resides in the President alone.

Rule XXII, in its present form, secures to a substantial minority of Senators the power to say that the Senate is not going to become the abject servant of the President. I think that as long as it requires two-thirds of the Senators present and voting, we can anticipate that the Senate will remain an independent legislative body and will not become the obedient and subservient servant of the White House. But if we get to the point where 60 Senators instead of 67 can silence debate for the purpose of enacting legislation recommended by the White House, regardless of the political affiliations of the occupant of the White House, we will make the Senate a mere servant of the Executive.

The reason why I say that is this: Presidents have tremendous patronage. Senators are human beings. They have friends who want to be appointed Federal judges. They have friends who want to be appointed to important positions in departments or agencies of the Federal Government. They have friends in the military who desire to be promoted to higher ranks. Through his great power of patronage, the occupant of the White House can persuade some Senators that they can obtain these great benefits and these great honors and these great offices for their friends if they will support the effort of a President to put an end to debate and deny a substantial minority of the Senate the right to stand and continue to oppose legislation desired by the White House which a substantial minority of the Senate think unwise.

Presidents make a tremendous appeal to us, whether we be Democrats or Republicans, on the basis of party loyalty. They say. "This is a party program. This program is necessary to better our position in the forthcoming campaign." Men have many loyalties, and sometimes the loyalties conflict with each other. That appeal is very potent.

We saw it here at the time the Senate was considering the nomination of Abe Fortas to be Chief Justice of the United States. The President even sent a delegation down to interview me, notwithstanding the fact that he knew that like Collins' Ram, I have a head of my own He sent a delegation down to persuade me not to get into any extended debate against the nomination of Abe Fortas. I told the delegation to go back to the White House and tell President Johnson that when I first came to the Senate, Lyndon Johnson was the Democratic leader in the Senate, and he had instructed me never to vote for cloture. I told the delegation to tell him that he taught me that lesson so firmly and so convincingly that I could not eradicate the teaching he gave me when I came here as an immature and inexperienced Senator.

I told the delegation to tell him further that the last time I recalled seeing him presiding in the Senate Chamber as Vice President, there was a threat or a proposal for a motion for cloture, and he called me up to the dais and said, "Just remember, never vote for cloture." I told them to tell him he had a good student down here whom he had instructed only too well about the value of rule XXII, and that I would filibuster against the nomination of Abe Fortas as Chief Justice of the United States.

Well, with all the pressures that the White House at that time was able to bring to bear on the Senate on that point, the only way we could have defeated that nomination was by a filibuster.

The importance of that filibuster to the country is well illustrated by the recent decision construing the Act of Congress which undertook to give 18-year-olds the right to vote in both Federal and State elections.

Section 2, article I of the Constitution, and the 17th amendment, declare in as plain words as can be found in the English language that the only people who are eligible to vote for U.S. Senators and U.S. Representatives are the electors eligible under State law to vote for the members of the most numerous branch of the State legislature. Despite this plain constitutional provision, Justice Black and four other Justices held that Congress had the power to prescribe the qualifications of those who vote for Senators and Representatives.

The second article in the Constitution says in substance that the presidential and vice presidential electors shall be chosen in each State in the manner in which the State legislature may direct. Despite this plain provision of the Constitution, Justice Black and the same four other Justices held that under the Constitution, Congress had the power to prescribe the qualifications for voting for presidential and vice presidential electors.

In other words, five Justices of the Supreme Court placed upon the Constitution an interpretation wholly irreconcilable with the second section of article I and the 17th amendment, and the first section of article II, which state in as plain words as can be found in the English language that the power to prescribe qualifications for voting in Federal elections belongs to the States and not to the Congress. They also repudiated or ignored many sound decisions so holding.

Manifestly, the oath which Supreme Court Justices take to support the Constitution, denies the Supreme Court Justices the power to hold that the Constitution does not mean what it says in plain words, but, on the contrary, means something repugnant to what it does say.

The record shows that Abe Fortas, who had been an Associate Justice of the Supreme Court, and Homer Thornberry, who had served for a time on the U.S. Court of Appeals for the Fourth Circuit, were both judicial activist who were willing to thwart the meaning of the Constitution while professing to interpret it.

If rule XXII in its present form had not served the American people on any other occasion, it stood them in good stead when it resulted directly, in the case of Abe Fortas, in denying him the Chief Justiceship of the United States, and indirectly in the case of Homer Thornberry in denying him the post of an Associate Justice of the Supreme Court.

If rule XXII had not spared our country that calamity, activist Justices who would change the meaning of the Constitution while professing merely to interpret it, would have represented an overwhelming majority on that Court throughout the rest of our generation, and the American people would have been denied the right to constitutional government and would have been ruled by the personal notions of a majority of Supreme Court Justices for years and years and years into the future.

Any provision, any rule, in the Senate that would save the American people from that calamity which would otherwise have befallen them, has my support. That is one reason I stand by rule XXII in its present form.

Mr. President, the hour is growing late. I have not finished this argument. I therefore ask unanimous consent to resume the argument on a subsequent occasion without having these remarks count as a separate speech or subsequent remarks counting as a separate speech.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

STATEMENT BY THE DIRECTOR OF THE CENSUS RELATING TO POPULATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

Pursuant to the provisions of Title 13, United States Code, section 141(b) and Title 2, United States Code, sections 2a and 2b, I transmit herewith a statement prepared by the Director of the Census, Department of Commerce, showing (1) the population of each State and the District of Columbia as ascertained by the Nineteenth Decennial Census of the population, and (2) the number of representatives to which each State would be entitled under an apportionment of the existing number of representatives by the method of equal proportions.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1971.*

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate, and what is the pending question?

The PRESIDING OFFICER (Mr. CRANSTON). The pending question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution No. 9, a resolution to amend rule XXII of the standing rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer, the able Senator from California (Mr. CRANSTON).

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate recessed until 11:30 a.m., tomorrow, January 28, 1971.

NOMINATIONS

Executive nominations received by the Senate January 27 (legislative day of January 26), 1971:

ENVIRONMENTAL PROTECTION AGENCY

John R. Quarles, Jr., of Virginia, to be an Assistant Administrator of the Environmental Protection Agency; new position.

U.S. NAVY

The following named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

John H. Pedersen
Richard Freundlich
Edwin M. Wilson, Jr.
Graham Tahler
George V. Fliflet
Eddie H. Ball

MEDICAL CORPS

Ben Eiseman

SUPPLY CORPS

Jack F. Pearse
Robert H. Spiro, Jr.

DENTAL CORPS

George J. Coleman

EXTENSIONS OF REMARKS

INDIANAPOLIS EXPLORER SCOUT TROOP 522 CREDIT TO COMMUNITY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BRAY. Mr. Speaker, there is absolutely nothing at all wrong with the youth of America when their natural enthusiasm and energy challenged and channeled into productive, worthwhile pursuits.

The Monsignor Downey Council of the Knights of Columbus, Indianapolis, Ind., sponsors the unit, one of only three in the entire country, which is part of a pilot project scout program to determine having something along the lines of Sea Scouts, but with Army orientation.

I have had the high privilege and pleasure of meeting and talking with this group personally and I have worked with their leaders in every way possible. They are a credit to their community, city, State and country, and I am proud to include the two following articles about them and their projects:

[From the Criterion, Dec. 11, 1970]

EXPLORER SCOUTS SAMPLE RUGGED RANGER TRAINING

(By Mike Keller)

FORT BENNING, GA.—Fort Benning's rugged Ranger course is no "Boy Scout jamboree," but this did not deter 23 Explorer scouts from undergoing various types of Ranger training here recently.

During their short visit, the scouts, who are members of Explorer Post 522 in Indianapolis and sponsored by Msgr. Downey Council Knights of Columbus, received instruction and practical work in basic rappelling and map and compass reading from instructors in the Infantry School's Ranger Department. The young men also viewed a live parachute jump, took part in rappelling exercises on cliffs of Providence Canyon and participated in camping activities.

For these scouts, the experience was particularly meaningful since their post is one of the few in the United States that is practically "all Army" in its organizational structure.

"There are only three others like us in the country," Daniel F. O'Riley, chairman of Post 522, said of his scout "outfit." This is part of a pilot military-oriented scout program to study the workability of having an Army scout unit along the lines of the Sea Scouts."

The Post, which numbers 35 members, has four officers—one captain (corresponding to the president of a club) and three lieutenants—an executive officer (vice-president), a finance officer (treasurer) and an adjutant (secretary). There are also numerous "noncommissioned officer" (NCO) squad leaders and one "senior drill sergeant."

"However, all our scouts start as privates and work their way up," stated O'Riley, who served in the Army himself from 1954 to 1956.

Many of the scouts are not new to Fort Benning, several having been here this summer to participate in similar training with the Rangers.

After their last visit to Fort Benning, Post 522 made it no secret that they enjoyed the trip. The scouts "spread the word" in Indianapolis about their experiences by sending photographs they took during the event to Rotary clubs and other organizations in the city.

One scout who felt that his "second tour" at Fort Benning was worthwhile was Paul Bloom. The first time he was here, Bloom was a bit hesitant to ascend the Ranger's formidable 50-foot rappelling tower—an exercise certain to induce "butterflies" in the stomach of even experienced personnel. On this occasion, however, the young man was eager to go up. Explained the scout "Now, I'm confident I'm not going to fall."

Bloom, who is the son of Mr. and Mrs. Ralph E. Bloom of St. Mark's parish, Indianapolis, had praise for the training he received. "This is the best thing I've done since I've been in scouting," he declared. Bloom attends Southport High School.

Another young man who could find the knowledge he gained here valuable in the future is Steve Treadwell, a senior at Southport. Treadwell, a two-year Explorer veteran, is seriously thinking of enlisting in the Army for Ranger School upon graduation from high school.

"I like it a lot," he said of the training. "It prepares you to go in." Young Treadwell is the son of Mr. and Mrs. H. H. Treadwell of St. Barnabas parish, Indianapolis.

Accompanying O'Riley, an Indianapolis funeral director, to Fort Benning, were Virgil A. Lawson, an industrial engineer with Penn Central Railroad; Armand J. Blanchard, a civil engineer with the Indiana Highway Department; and Air Force Sgt. Michael B. Delaney. All are officials with the Explorer Post.

[From the Indianapolis News, Nov. 26, 1970]

SCOUTS GET RANGER TRAINING

FORT BENNING, GA.—Fort Benning's rugged Ranger course is no "Boy Scout jamboree," but that did not stop 23 Explorer Scouts from undergoing Ranger training here recently.

During their short visit, the Scouts, members of Indianapolis Post 522, received instruction and practical work in basic rappeling, map and compass reading from instructors in the Infantry School's Ranger Department. The young men also viewed a live parachute jump, took part in rappeling exercises on cliffs of Providence Canyon and participated in camping activities.

For these Scouts, the experience was particularly meaningful since their post is one of the few in the United States that is practically "all Army" in its organizational structure.

"There are only three others like us in the country," Daniel F. O'Riley, chairman of Post 522, said of his Scout outfit. "We were selected by the Boy Scouts of America to help establish military-orientated Scout posts. This is part of a pilot program to study the workability of having an Army Scout unit along the lines of the Sea Scouts."

Like military personnel, these "soldier-scouts" wear insignia of rank, which—in their case—ranges from private to captain. And "enlisted" scouts are expected to render the proper courtesies—including the salute—to their "officer" counterparts.

The Post, which has 35 members, has four officers—one captain (corresponding to the president of a club) and three lieutenants—an executive officer (vice-president), a finance officer (treasurer) and an adjutant (secretary). There are also numerous "noncommissioned officers" (NCO) squad leaders and one "senior drill sergeant."

Officers are selected every six months from among the organization's squad leaders.

"However, all our Scouts start as privates and work their way up," said O'Riley, who served in the Army from 1954 to 1956.

The leaders of the post not only insist the boys uphold the goals and ideals of scouting but also act in a proper military manner. "That's 'yes, sergeant!'" a post committeeman barked at an Explorer who failed to address a Ranger NCO by his rank.

Many of the Scouts are not new to Fort Benning, several having been here last summer to participate in similar training with the Rangers. "For them to come back for 'seconds,' they had to be satisfied," Lt. Col.

James L. Anderson, chairman of the Ranger Department's Patrolling Committee, said.

Anderson said the Scouts "performed beyond our expectations. They may have come in 'cold,' but after a few practice runs, they compared favorably to some of our older soldiers."

Working with the Explorers also was beneficial for the Ranger cadre, the colonel maintained. "They learned a lot from the boys," he said. "When these Scouts first arrived, most of them knew almost nothing about our activities. Thus, our instructors had the opportunity to teach these young men 'from scratch' and watch them develop under their tutorship. They don't get that same feeling of accomplishment with an average class."

OUR MORAL OBLIGATION TO OPPOSE COMMUNISM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SCHMITZ. Mr. Speaker, an article by Fr. Cletus Healy, S.J., entitled "Our Moral Obligation to Oppose Communism," which first appeared in the Tidings, published by the Roman Catholic Archdiocese of Los Angeles, on October 6, 1961, is as timely, sound, and relevant today as the day it was written. I recommend a careful reading of the following extensive excerpt from this article especially to our newly elected colleagues, who now face the duty and responsibility which history has imposed on all of us, to preserve this Republic and the people we represent from the greatest tyranny and the most comprehensive and ruthless pattern of systematic aggression the world has ever known.

The article follows:

OUR MORAL OBLIGATION TO OPPOSE COMMUNISM

THREAT SERIOUS

The measure of our obligation to oppose Communism is determined, in large part, by the seriousness of the threat and the malice of the evil that threatens.

Writing in late 1958, William Henry Chamberlain, expressing his educated alarm over the Communist threat, noted:

"Now whether we like it or not, we are in the front line. We are in the finals of a match in which the penalty for losing will be our disappearance as a free and sovereign nation."—Human Events, 12/29/58.

Today his warning is becoming increasingly plausible.

In his "Masters of Deceit," J. Edgar Hoover wrote: "Communism is the major menace of our time. Today, it threatens the very existence of our Western civilization." (p. vi.)

If there is question of Western civilization being at stake, surely failure to make intelligent inquiry into the threat is gross irresponsibility. One does not have to be a moral theologian to see that.

EVIL IS UNPARALLELED

But one does not have to have some appreciation of the political heritage of twenty centuries of our Judaeo-Christian civilization. And still more does one need to understand the profound barbarity of Communist tyranny.

The unique degradation of Communist tyranny was well described by Senator Thomas Dodd in an address of May 14, 1960. He said in part:

"If the Communists sought only to rule the world, then the danger could be judged in the same light as that of previous aggressive tyrannies. But they want more than to rule the world. They want to destroy it and remake it in the image of their insane dogma.

"To the Communist, everything that we hold to be true is false. Our ideals, values, customs, loyalties are to him parts of an ugly system he is determined to destroy. Our concepts of God, the individual, the family, truth, love, freedom, justice are to him objects of hatred and derision . . .

"Every aspect of our lives from the sublime to the ridiculous, would be swept away and in its place erected the insane, irrational, anti-human regimentation of every phase of life, which requires not merely submission to evil but active participation in it. . . .

"For the existence that we have known, Communist rule would mean a death as final as the grave. And our despair would be magnified by the sight of our children and grandchildren born into and growing up in a world alien to everything once cherished—a world of darkness, a world without faith, a world dead in either temporal or eternal realities."—Cath. Mind, Sept.-Oct, '60

To squander what we have inherited, and to expose our posterity to such a living death is a moral irresponsibility we dare not incur.

But to date that is the fault on the soul of this prodigal generation.

Our appalling apathy to the Communist threat has already exposed 20 Christian centuries of political advancement to forfeiture.

The time in which we can reverse this backward grind of history is rapidly running out. And yet fallacious arguments designed to perpetuate our political paralysis abound.

We shall endeavor to expose the fallacies in some of these arguments.

THE DON'T-BE-NEGATIVE ARGUMENT

We have today what amounts to a sophisticated fetish against being "negative." Admittedly, negativism can be overdone; there are few things that can't. But from this it does not follow that being "negative" is wrong.

A policeman is negative when he arrests a robber; a doctor is negative when he performs an appendectomy; a fireman is negative when he puts out a fire; God is negative when He gives us eight of His ten Commandments.

Just as it is not wrong to be against disease, injustice, or fires, neither is it wrong to be against Communism. There is nothing wrong with being against evil. And Communism is evil—with a vengeance.

Its cure for poverty is to increase it.

Its cure for oppression is to universalize it.

Its cure for injustice is to legalize it.

Its cure for evil is to systematize it.

The Communists' solution to the ills of our capitalist society is to resurrect the mammoth Slave State of the Pharaohs. Like the Pharaohs, they build their pyramids by rolling stones into place over live men's bones.

Ignore the Communists' methods if you will, but do not do so in the name of Christianity.

Admire their achievements if you will, but do not do so in the name of Progress—certainly not civilized progress.

Join in the Communist-inspired crusade against the anti-Communists if you will, but do not do so in the name of Reason.

One does not have to know the anwsers to all our problems before he is justified in being against Communism.

All he needs to know is that Communism is not the answer to any problem.

And those intent on solving our other social problems should remember this. Communism is not something we can try and see if it works.

The universal experience of nations that have "tried" Communism is that Communism was their last experiment!

BE-POSITIVE ARGUMENT

Generally speaking, the people who are against the anti-Communists are "for" many other good things which they contend will cause Communism to vanish.

Usually they are of the strong conviction that poverty, injustice, racial hatreds, disease, malnutrition, etc., cause Communism.

Their focus of attention is on these evils. They are firmly convinced that if they eliminate these evils, and only if they eliminate them, will Communism disappear.

It is their boast, therefore, that they are the only respectable and really effectual anti-Communists. They consider the anti-Communists guilty of criminal neglect of duty for failing to concern themselves with other social evils.

They consider the anti-Communists irrational in their approach to the Communist problem, for they seek to eliminate an effect, ignoring its cause.

MY CRITICISM

I do not quarrel with these social crusaders for their concern about other social problems. (And I use the term "crusader" for want of a better term; no derogatory implications are intended.) Their interest in other problems, if it is genuine and intelligent, is to be encouraged, not discouraged.

However, I vigorously object to their perennial tendency to take time out from their very busy business solving all the other social problems to excoriate and ridicule their fellow citizens who are working on the Communist problem.

In the first place, they do not take time out to berate their other fellow citizens who are doing nothing to solve any of our problems; why must they single out for condemnation the anti-Communists?

Why are they so intensely unconcerned about the Communist problem?

Secondly, their success in stopping Communism during the last decade-and-a-half by solving all the other social problems of the world does not warrant the confidence they have in their "solution."

DIAGNOSIS INADEQUATE

In fact, on both empirical and theoretical grounds, their solution to the Communist problem is manifestly and grossly inadequate.

The prescription of our social crusaders is inadequate because it is based on a faulty diagnosis of the disease. Only if they have discovered the adequate cause of Communism, is their exclusive concern for other social problems warranted.

But the assumption that poverty, malnutrition, disease, etc., are the adequate causes of Communism is not well supported by history.

The human race has been afflicted with poverty and other social problems since the day Adam and Eve left Eden. It has been afflicted with Communism only since 1917.

We have, therefore, thousands of centuries of human impoverishment bearing witness to the fact that there is no necessary connection between "other social problems" and Communism.

This does not mean that we should ignore these problems; independently of the Communist problem, they deserve our attention. Neither does proving that bad social conditions are not the adequate cause of Communism prove that they have no causal influence.

PROPAGANDA CATALYST

It merely means the diagnosis of our social crusaders is faulty and, therefore their unbounded confidence in their solution to the problem is unwarranted. And it suggests the possibility of another approach to the Communist problem.

Bad social conditions can generate discontent.

And discontent, not of itself but under catalytic influence of clever propaganda can lead to Communism.

But the role of propaganda in making a country Communist is blandly overlooked by our crusaders. This oversight is all the more serious when one realizes that such is the diabolical efficiency of the Communist propaganda machine, that it can not only lure the discontented into a Communist trap, it can generate discontent out of its own myths and inflame it with its own passions.

A chlorera epidemic in Korea can be made the brutal consequence of American germ warfare.

A famine in China caused by mammoth mismanagement can be blamed on Western Imperialism.

The murder of 25,000 Hungarians can be made to look no worse than Little Rock.

HOW COMMUNISTS TAKE OVER

Inability to give adequate protection to remote villages of Vietnam from (Communist) terrorists can be made to look like the result of lack of concern or mismanagement by the legitimate government.

Whether the Communists base their propaganda on partial fact or on total fiction, is for them a matter of minor inconvenience. Any diagnosis of Communism which ignores its ability to create discontent and to misplace blame is seriously defective.

The House Committee on Communist Aggression, after taking the testimony of 335 witnesses most of whom were eyewitnesses of the Communist takeover of Eastern European countries, concluded:

"No nation, including the Russian Socialist, Federation Soviet Republic, has ever voluntarily adopted Communism . . . In no case did the Committee find evidence that any Communist controlled state has ever come into being by purely voluntary and considered action of its people."—Summary Report, pp. 3, 12.

If it were true that Communism is the effect of poverty, disease, malnutrition, etc., history should read: "As a result of oppressive social conditions, the people of the Iron Curtain countries chose Communism."

But history so reads only in the fertile imagination of those who have not bothered to find out just how Communists do take over a country.

What the House Committee did find was that "Communism was able to fix its rule upon the people of the captive nations only when it was . . . preceded by subversion which was politically, technically, and financially engineered by the Kremlin."—Second Interim Report, p. 5.

INTELLECTUAL IMPOVERISHMENT

Any solution to the Communist threat that ignores this political subversion is bound to disappoint—and the disappointment will be tragic!

Marxian claims notwithstanding, the poor have always taken to Communism very reluctantly. It is not in the city slums but on the university campuses that Communism has been received most cordially.

This is not because Communism appeals to the intellectual; it appeals to the intellectually lost! Its appeal is not where the poverty is material, but where it is intellectual.

It is in some of our institutions of higher learning, in the halls of cultivated skepticism, that many of our youth lose the simple faith of their childhood.

Browsing through the contradictory philosophies of confused intellectual giants in search of truth, they merely establish their own confusion.

Having lost their philosophical anchorage and being deprived of theological orientation, they are ripe for Communist conversion. They seek a faith to live by and a cause to give purpose and meaning to life. Communism answers their need.

It gives them a dogma to live by, the "scientifically proved" dogma of Dialectical Materialism. It gives them a cause to live for: the conquest of the world. For what more could they ask?

But this is not the poverty our social crusaders are trying to eliminate.

SOLUTION IMPRACTICAL

Even if the diagnosis of the crusaders were correct, their solution is impractical.

How long will it take to eliminate poverty in the Congo?

How long will it take in New York?

Obviously it is going to take somewhat longer to tame the Congo jungle.

Will the Communists wait?

Besides improving economic conditions, could we not also help the "backward" people in the Congo (and in the U.N.) escape the illusion that the Belgians are the cause of their distress and that Communism is the solution to their problems?

Moreover, in view of the world-wide anti-American propaganda barrage, we are in urgent need of a counter-propaganda offensive to help backward minds in the East and West see that "American imperialism" is not really the cause of all the world's problems.

And to retard Communism we had better help them realize that Communist imperialism is the solution to none of those problems. In other words, we had better be anti-Communist!

Under the present circumstances, there is no other foreign aid more genuinely beneficial than such an "educational" program. Putting out the fire does not repair the house, but it makes repair possible. Failure to make this contribution is today America's greatest disservice!

Since poverty, poor housing, malnutrition, etc., are not the adequate cause of Communism, it is clear that the exlusive concern of the social crusader for these problems has lost its justification.

DIRECT ACTION NEEDED

If criticism is due anyone for ignoring social problems, it is due to those who ignore the Communist problem—to say nothing of those who insist on everyone else ignoring it!

It may be that the screens need fixing, the porch needs repairing, the kitchen faucet leaks, but if the roof is on fire, where should the focus of our attention be? Are those who insist on distracting us with the leaky faucet really performing the greater service?

THE TAKE-CARE-OF-YOURSELF-ARGUMENT

Another argument used by many good, well-meaning people is this: If everyone lives a good life, observes the Commandments, and fulfills his obligations to his Church, all will be well.

Accompanying this conviction is the opinion that, having so performed his private duty, one is permitted to be a mere spectator of public affairs—even in this life and death struggle against Communism.

The merit of this position is that it recognize the importance of moral goodness in this contest. But its defect is serious.

MAIN DEFECT

The main defect of the take-care-of-yourself argument is that it seriously underplays the social obligations imposed upon us by the Natural Law.

It assumes that it is sufficient to live a good private life. But a privately good life is not a virtuous life; for to live a life of virtue we must observe all the commandments, not all the commandments but one!

And the privateers who neglect their civic responsibilities are neglecting the virtue of Legal or General Justice, the virtue which obliges them to seek the Common Good. And the virtue they neglect is what St. Thomas and Aristotle both call "the greatest of all the moral virtues."

Father James Keller has complained that too frequently we find that the good people take care of themselves, and they let the bad people take care of the rest of the world."

Can the good people continue to be good and allow this? The fact is that it is not their privilege to tolerate without vigorous opposition the mammoth injustice inflicted upon the world by Communism.

The Natural Law obliges one whether he recognizes the obligation or not. Although ignorance might excuse from moral fault, it will not immunize one from the natural consequences of violating right order.

NATURAL LAW PENALTY

This applies to the political order. If we elect to office politicians when we need statesmen, we will have to live with the natural consequences of our folly. Professor Thomas Neill in his book Weapons for Peace, written during the World War II, notes well:

"The observation that the people get about the kind of government they deserve is nowhere truer than in a democracy. Until the mass of voters, upon whom the ulitmate control of our peace arrangements rests, deserve something better than another bungled Versailles, that is what they will get."

After the Second World War, we easily outdid Versailles.

The additional 700,000,000 victims surrendered to a militant, ruthless, atheistic aggressor "to preserve peace" are our responsibility. Communism, as we see it today, is a Frankenstein of our own selfish fabrication.

It is not demonstrably the result of defective private virtue. But it is demonstrably the result of gross neglect of our obligations to other nations.

Other men's freedom was not ours to surrender—not even for Stalin's friendship.

PEACE PRAYER ARGUMENT

Many conscientious religious-minded people are convinced that the way to achieve peace in the world is to pray for it. And, having prayed, they feel they have fulfilled their responsibilities toward the international community.

The great merit in their position is that they recognize and emphasize the need of Divine assistance. This is good.

Our contest is unmistakably against the Father of Lies, the Prince of This World, and his minions. Nothing could be more imperative than Divine assistance.

But from this it does not follow that prayer or even prayer and sacrifices alone are sufficient.

Just as you cannot "pray" bread on the table for the family, neither can you "pray" effectively for world peace if you neglect your civic responsibilities in pursuing the conditions necessary for peace.

HUMAN EFFORTS NEEDED

You cannot discipline your children by merely praying for them. When a stick is called for, the prayers must be interrupted;

duty sometimes obliges us to employ less delicate measures to achieve results.

One's responsibilities cannot be fulfilled by either natural or by supernatural means alone. We have to employ both—and this by Divine Design.

Divine Providence has determined to use us as secondary instruments; it is our privilege to cooperate with God in working out our salvation and that of others.

But it is not our privilege to abdicate that responsibility. Just as a parent might squander the riches he has inherited, so can we squander the rich Christian heritage of our posterity. But we cannot do so without serious fault.

TEMPTING GOD NO VIRTUE

To attempt to achieve by supernatural means objectives God obliges us to achieve by human endeavors is to repudiate our responsibilities.

It is not an act of virtue but a vice. It is not a legitimate exercise of confidence in God but a subtle endeavor to tempt God, to force God to do what He obliges us to do.

Not even Christ could cast Himself down from the high pinnacle of prayer and expect His Father to rescue Him. Still less may we, through willful neglect of duty, put ourselves in a position where God alone can save us.

God will not be tempted. Surely willful neglect of our Natural Law responsibilities is a very poor basis on which to expect an answer to prayer.

NEEDED: PRAYER OF VIRTUE

The experience of more prayerful nations than ours would strongly suggest that God has no intention of averting by miracle disasters democratic peoples bring upon themselves by the neglect of their civic responsibilities. Prayer and sacrifice are most urgently needed.

But the prayer most needed is the prayer of a holy life, of a citizenry that practices all the virtues, especially that "most excellent of all the moral virtues," legal justice. And the sacrifice most appropriate is the sacrifice involved in fulfilling all our responsibilities.

Only when we have done all we can to save ourselves may we legitimately anticipate extraordinary Divine intervention.

However, no one can tell God when He can work His miracles. If God does intend to work a miracle to save Western Civilization, my suspicion is that the miracle will consist in awakening the people of the Free World to their Natural Law responsibilities and in inspiring them to live up to those obligations.

The miracle most urgently needed in America is a widespread popular determination to fulfill our obligations, first to the peoples we have already surrendered to Communism and then to our own posterity whose political heritage is being lightly exposed to forfeiture.

This is the miracle for which we should diligently work and earnestly pray; for in doing so, we are doing our best to make ourselves worthy of extraordinary Divine assistance.

Only the responsible deserve to be free. If this awakening to our responsibilities does not come, we are not worth saving.

SOCIAL SECURITY LEGISLATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. YOUNG of Florida. Mr. Speaker, necessary improvements in our social security system were stalled for another year when the 91st Congress failed to complete action on the Social Security Amendments of 1970. In the meantime, spiraling inflation continues to hit hardest those senior citizens living on fixed incomes. The cost of living has skyrocketed since the last social security increase, while social security benefits have remained the same. Many of our elderly are forced to do without some of those items which you and I and our colleagues consider necessary to sustain life.

Since a large percentage of our senior citizens are residents of the Eighth Congressional District of Florida, I am acutely aware of the urgent need for social security reform legislation to become a top-priority issue during the 92d Congress. For this reason, I have introduced legislation which will increase and improve the benefits of social security recipients. The major provisions of my bill, H.R. 1734, are to provide a 10-percent across-the-board increase in benefits, to increase the outside earnings permitted without loss of benefits to $2,400, to provide for cost-of-living increases in benefits, and to pay benefits despite marriage or remarriage if it occurs after age 55.

Mr. Speaker, the time has come for us to quit playing politics with our senior citizens and expeditiously enact a bill which will provide them with the drastically needed relief.

THE REAL MEANING OF GUARANTEED ANNUAL INCOME

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SCHMITZ. Mr. Speaker, on August 8, 1969, President Nixon first unveiled to the American people his welfare reform or family assistance plan, the main feature of which was a guaranteed annual income for all—the first time this had ever been included in major Federal legislation.

Carried on the crest of a wave of rhetoric about how it would simplify welfare paperwork and compel deadbeats to work, the administration's welfare bill passed the House last year. But in a rare reversal of the usual pattern of congressional action today, the more liberal Senate defeated this measure which would normally have been to their liking, after the more conservative House had approved it.

The defeat of this bill—one of the few solid victories for the beleaguered taxpayer in the session of Congress just completed—was due to belated but vigorous efforts by groups such as the American Conservative Union and the U.S. Chamber of Commerce, and particularly to the dedicated and untiring research and committee work of Senator John Williams of Delaware, now most unfortunately retired, by his own choice.

However, President Nixon has indicated his intention to have a similar bill reintroduced early in the new session of Congress. It is very much to be hoped that he will give heed to better advice than he received in drawing up his earlier family assistance plan.

To quote from the excellent summary of that plan prepared by the American Conservative Union:

> Each family of four on welfare is to be guaranteed an income of $1600, plus additional services like food stamps. (Professional welfare organizations are demanding a minimum of $5500) . . .
>
> The proposal will add 12 million persons in addition to the 10 million already on welfare rolls. In all, 22 million people would be receiving monthly checks from the Federal government.
>
> The program will cost over $10 billion the first year, or $275 in taxes for the average taxpayer . . . There would be absolutely *no check* to determine if a person needed the guaranteed annual income. One would simply sign up at the local welfare office and the Federal government would mail his monthly check to him.

The whole of our past experience with welfare and other government programs shows that we cannot expect old programs to be eliminated when a new one is added. The guaranteed annual income would simply be piled on top of most, if not all, existing benefits. In many cases, it would go to persons not now receiving benefits. That same past experience shows us that we can be virtually certain that the $1,600 figure will steadily rise, once the concept of a guaranteed annual income has been adopted. The time to take a stand is when a vast new program such as this is about to be established; after it comes into being, it is all but impossible to remove.

Welfare and relief programs are in crying need of real reform today because of the number of persons capable of self-support, or already having sufficient economic resources for self-support, who nevertheless receive public assistance. Yet the name of welfare reform is here given to a proposal which would simply institutionalize the problem by removing need as a criterion for aid.

The one great safeguard in this proposal is supposed to be its "workfare" requirement, according to which the government can compel welfare recipients to take jobs. Most critics of the plan dismiss this by saying that it would not actually be enforced, as similar provisions in existing public assistance programs have not been enforced. They may well be right, in which case obviously there is no safeguard. But if, on the other hand, the compulsory work requirement were to be enforced, a different kind of threat would arise. When a man needs public assistance and asks for it, there is no reason not to require him to work for it. But if anyone could receive a guaranteed annual income regardless of need, and if the poor were encouraged to become dependent upon it, then the power of government to control their labor would hold a potential for something uncomfortably close to slavery.

As Henry Hazlitt points out in his

recent book Man Versus the Welfare State. "The only real cure for poverty is production." The free man, freely employed by his own choice, is the very cornerstone of America. Only when a careful investigation verifies that he genuinely cannot maintain himself, should he receive public assistance. Any other arrangement is a prescription for dependence, which always means loss of freedom.

THE INADEQUACY OF THE FEDERAL RAIL PLAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. WALDIE. Mr. Speaker, an integral necessity in our present and future culture is the availability of modern comprehensive transportation systems to facilitate our society's unprecedented demand for mobility.

The Federal Government has wisely chosen to perpetuate a medium of transportation, thought obsolete by many—the passenger train. Its leisurely pace and scenic routes afford the passenger a welcome and deserved relief from the pace of jet travel and the discomfort of long-distance auto journeys, as well as providing the opportunity for a most unique appreciation of our land's natural splendor and, unhappily, close exposure to our urban centers' ugliness.

The Department of Transportation has submitted for consideration a report offering directions for the future development of our passenger rail system.

I submit in the RECORD the following statement regarding the proposal:

I find the rail service proposal severely deficient in several categories.

The neglect of the West Coast corridor by not establishing a north-south line connecting Seattle and San Diego and major points between is most alarming. Certainly, this area of rapid population growth merits rail service becoming its present and future needs.

The failure of the report to itemize the points between which the trains shall operate and not just the terminal cities is disturbing.

I am concerned that the Department of Transportation's routes will isolate various population centers of the country from rail service. It should be noted that such areas, notably sections of Florida and the Southwest, have substantial groups of elder citizens, who are traditionally desirous of rail service.

I would urge the Department of Transportation to include in their rail system adequate service for all high density corridors. In addition to providing service, such strategy would preserve a greater percentage of trains and employment opportunities.

I would also urge explanation of essential passenger services not detailed in the report, and rectification of the abovementioned deficiencies.

AN ACT OF VALOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. WALDIE. Mr. Speaker, on October 25, 1970, a vehicle occupied by a group of young girls returning from an outing collided with another vehicle on the Martinez-Benicia Bridge in California. The camper truck in which the girls were riding burst into flames upon impact. The driver and his wife, parents of two of the six girls, died immediately as did the driver of the other car.

The girls were trapped in the camper and were spared death only by the valiant efforts of three brave persons, Mr. and Mrs. Robert Ellis of Martinez, Calif., and Mr. Charles Barksdale of Vallejo, Calif.

These three people braved the searing heat and flames and pulled out the six girls. Four of the young ladies were critically injured. It is almost certain that all would have perished without the heroic rescue efforts of Mr. and Mrs. Ellis and Mr. Barksdale.

Mr. Speaker, I believe such individual acts of heroism deserve the commendation of the Congress, and I am pleased to bring their accomplishments to your attention:

CONCORD, CALIF.,
December 5, 1970.

Hon. Congressman JEROME WALDIE,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR MR. WALDIE: Although you no doubt are aware of the terrible accident that took place on the Benicia-Martinez Bridge on October 25th, I am taking the liberty of enclosing letter and data on condition of children who were injured in this accident to acquaint you with the situation.

My purpose in writing you Mr. Waldie, is to ask if you could not do something to honor the people who rescued these children as I do not believe their action should go unrecognized. To say that these people were heroic would be putting it too mildly and I sincerely hope that someone will do something to express the appreciation of the people of this country to these wonderful people. God grant that there are many more like them!

For your information, my wife and I were returning home from a trip to Napa at the time this accident happened and were on the bridge shortly after it happened. As you probably know, the man and wife in the camper were killed as well as the driver of the station wagon who crashed into their camper. In all our lives, we never witnessed a more horrible accident as both the camper and station wagon were practically burnt to cinders.

Sincerely yours,
JOHN R. SPELLACY.

MEDICAL FUND FOR SIX LITTLE GIRLS,
Martinez, Calif., November 25, 1970.

Mr. JOHN R. SPELLACY,
Concord, Calif.

DEAR MR. SPELLACY: Thank you very much for your generous contribution to the Medical Fund. We are sure you will be pleased to know that more than $7,000 has been contributed to date.

Knowing of your interest, we are enclosing an information sheet describing the current physical condition of the girls. As you can see several of them are in very serious condition and face a long period of convalescence.

We greatly appreciate your concern.

Sincerely yours,
ROBERT ELLIS.
PEGGY ELLIS.
CHARLES BARKSDALE.

MEDICAL FUND FOR SIX LITTLE GIRLS

(838 Escobar Street, Martinez, Calif., 94553)

Medical condition as of November 23, 1970.

Contact: Paul Hughey (415) 228–0800.

Six girls injured in accident on Benicia-Martinez Bridge on October 25, 1970:

Trudy Harrington, age 10[1]: orphaned; right hand amputated; severe fracture, right leg in traction; severe burns; and concern about vision in left eye.

Lisa Harrington, age 12: Orphaned; lacerations and burns; released from hospital; and should return to school shortly.

Susan Cashman, age 12[2]: Severe head injuries, brain surgery; lost left eye; fractures nose and face; burns, hands and face.

Julie Kongshoy, age 13 on November 2: Lacerations and burns; released from hospital; and should return to school shortly.

Kirsten Stewart, age 12[2]; Severe concussion, brain surgery; lacerations and burns; periodic periods of consciousness; lower jaw broken in two places; right leg badly broken; and severe burns arm and shoulders.

Dawn Harland, age 12[2]: Lost left hand thumb and parts of fingers on both hands; 3rd degree burns waist to head; severe fracture right arm; right foot broken; spleen removed, internal bleeding; eyelids burned away, do not know if Dawn has vision—she can discern light and dark—we are hopeful.

Adults who rescued girls from flaming wreckage: Robert and Peggy Ellis, Martinez, and Charles Barksdale, Vallejo.

Addresses:

[1] Good Samaritan Hospital, 15825 Samaritan Drive, Campbell, California 95008.

[2] O'Connor Hospital, 2105 Forest Avenue, San Jose, California 95128.

Send donations to: Medical Fund, Wells-Fargo Bank, P.O. Box 511, Martinez, California 94553.

(NOTE.—All materials, postage, and services donated.)

SURVIVOR BENEFITS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. YOUNG of Florida. Mr. Speaker, it is time that a new look be taken into the present benefits available to survivors of our military personnel.

Mr. Speaker, I represent an area largely populated by military retirees, and over the years I have become painfully aware of the woefully inadequate benefits survivors of retired military personnel have been receiving. It is for this reason that I have introduced H.R. 1199, proposed legislation which will improve our present survivor benefits program.

Essentially, my bill will improve the existing survivor benefits program by building a new and more far-reaching program based on social security. This proposal will enhance the social security benefits for widows at age 62 to assure a percentage of the serviceman's retired pay which represents a fair income replacement, provide a percentage of husband's retired pay during so-called gap years when the widow is under age 62 and receiving no social security, and provide the survivors a percentage of retired pay on top of social security benefits for widows still raising a family.

The main objectives, briefly outlined here, are intended to give those survivors of retired military personnel a fair shake in a world of spiraling costs. Many current widows of career military retirees, including widows of officers and enlisted men of long and outstanding service, are living in conditions of great economic deprivation because of the lack of adequate survivor benefits coverage in the past. Often, they are forced to exist on a grossly inadequate income.

Our Nation owes much to the unselfish service that our military men have given us and to their families whose sacrifices can only be understood by those who actually share the same experiences. It is my hope that this legislation will be of great benefit and comfort to the survivors of our military personnel.

AVOID ANOTHER VIETNAM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. VANIK. Mr. Speaker, Monday's Cleveland Press carried a very sound and reasoned editorial. As the editorial points out, we must not become involved in another "endless" Vietnam war through accident, misdirected policy, or by the "sliding" course of events.

The President and his administration has been directed by Congress and has voluntarily committed itself to avoiding involvement in Cambodia. The actions of the past few weeks in flying treetop level support missions, and talking about communications and medical support as well as American trainers is developing a credibility gap that threatens to create a "feeling of betrayal and dangerous division in this country." The internal health and progress of this Nation is at stake in the way that the administration handles the Cambodian problem.

Mr. Speaker, I would like to enter the Cleveland Press editorial of January 25, 1971, at this point in the RECORD:

AVOID ANOTHER VIETNAM

The Viet Cong commando raid that destroyed the tiny Cambodian air force and panicked Phnom Penh can bring pressure on President Nixon to intervene more forcibly to save Cambodia.

Nixon would be well advised to resist that pressure.

Putting legalism aside, the President has struck a bargain with Congress, the public and the antiwar movement. He has been given time for an orderly withdrawal from Indochina. In return, he is expected to wind down the war and, above all, not to slide into "another Vietnam" in Cambodia.

Despite assurances that Nixon will carry out his end of the bargain, many Americans are worried by this country's deepening military involvement in Cambodia and the dubious explanations emanating from Washington.

Part of the trouble comes from the Administration's bad habit of making sweeping, ill-considered statements. Then, when the situation changes, it has to claim that it didn't mean what people heard it say, and the result is close to a Johnson-size credibility gap.

Last June 30, in announcing the success of the Cambodian incursion, the President said the United States would not furnish "air or logistics support" for South Vietnamese forces operating in Cambodia. This country since has provided both.

Nixon's national security adviser, Henry Kissinger, said U.S. aircraft would not give "close air support." They are now flying support missions at tree-top level.

Defense Secretary Laird has tried to dismiss these contradictions as mere "semantics." The issue is far more important than that. It bears on whether the public will believe and follow the Administration in foreign affairs.

The Senate's dove bloc, several of whose members scent the Democratic presidential nomination, is planning new hearings on Cambodia. The hearings should not be marred by political ambition.

Several senators already are charging violations of "the spirit if not the letter" of the Cooper-Church amendment restricting aid to Cambodia. This amendment bars introduction of U.S. ground combat troops or military advisers in that country. Despite dovish accusations, it has not been breached.

Laird has pointed out that the amendment doesn't bar mobile U.S. hospitals or communications men in Cambodia. It is hoped that he is merely demonstrating his skill at spotting loopholes and has no such intentions.

If Laird should put men on the ground in Cambodia—regardless of how loudly he insists they are not "ground combat troops"—it would be a tragic mistake. There could be a feeling of betrayal and dangerous division in this country.

Nixon is justified in sending arms and ammunition to the beleaguered Cambodians. With the aid of ground forces from neighboring South Vietnam, Cambodia may yet escape conquest by North Vietnam and the Viet Cong.

While the United States supports the anti-Communist government in Phnom Penh, it has no commitment to defend it on the ground and should not stumble into one.

INTERNATIONAL ASPECTS OF OUR SPACE PROGRAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech by Mr. George M. Low of National Aeronautics and Space Administration (NASA) at the National Space Club luncheon in Washington, D.C., on January 26, 1971, at the Rayburn Building:

INTERNATIONAL ASPECTS OF OUR SPACE PROGRAM

(By George M. Low)

I am particularly pleased to have the opportunity today to speak about the international aspects of NASA's space programs. The timing is most appropriate: we are actively engaged with the European nations in defining possible major cooperative efforts for the post-Apollo period; and only last week, we completed discussions with the Soviet Union concerning significant cooperation between the U.S. and the USSR in the exploration of space.

Greater international cooperation in space is one of the six specific objectives of President Nixon's space program, enunciated on March 7 of last year. The President stated: 'I believe that both the adventures and the applications of space missions should be shared by all peoples. Our progress will be faster and our accomplishments will be greater if nations will join together in this effort, both in contributing the resources and in enjoying the benefits."

In my discussion today, I will first address cooperation with the Western Nations; then I will discuss our relationship with the Soviet Union.

COOPERATION WITH WESTERN NATIONS

In this area, we have a background of a decade of successful international space projects. These have involved 70 countries, 250 specific agreements, over two dozen joint satellite projects, and a run-out cost in excess of $400 million, with more than a 50 per cent share borne by other nations. The greater part of this work has been with the nations of Europe, although other western and neutral countries are included. This type of rewarding and cost-effective program, worked out in the 1960's is, of course, continuing.

In the 1970's, however, the opportunities exist for cooperation on a significantly larger scale. In line with the President's emphasis on international cooperation in the exploration of space, we wish to build a foundation for important benefit- and cost-sharing in the major space programs of the future. With this objective in mind, we have invited substantial Western World participation in our post-Apollo projects, the space shuttle, and the space station.

For over a year, we have made unusual efforts to give the European countries, Canada, Japan, and Australia—the countries having the most obvious potential for post-Apollo work-sharing—every chance to become fully acquainted with our plans and studies. Our purpose has been to provide these countries a proper basis for deciding, at the right time, whether or not they wish to commit their own resources to working with us.

We have been pleased by Europe's initial response in this informational phase. The European Space Conference, in particular, has put several million dollars of its own into studies of post-Apollo program possibilities. Some of its leading member countries have invested still larger amounts in related studies. And British, French, and West German firms, funded in Europe, are working with our prime contractors in the space shuttle design studies.

The problem for the potential participants is a serious one. There is little question that participation in major post-Apollo development tasks would be most rewarding in terms of technology. But Europe considers that it cannot now fund significant participation in the shuttle and fund an independent European booster program at the same time. A choice will most likely be necessary even if Europe funds only 10 per cent of the shuttle's price tab.

Naturally, if Europe is to give up the development of an independent launch capability to work with us, it wants to know what assurance there is that we will sell launch services for European satellite projects—some of them, perhaps, involving competitive commercial applications. Europe wants to know what the other conditions of its participation might be; for instance, what sort of voice it might have in post-Apollo program management and what access it could expect to program technology. Such questions are entirely understandable.

For us, of course, the detailed answers depend in some degree on the character and extent of European technical participation.

This has not yet been defined. Realistic management and political conditions must in the end be fitted to a specific technical program. Nevertheless, when a delegation of the European Space Conference came over here last September, we, with the other agencies concerned, provided the basic answers to the major questions troubling Europe—such as those I mentioned with regard to launch services, technology access and management roles.

We gave positive and generous answers, especially in the absence of even preliminary indications of Europe's potential participation. In summary, we said that we would sell launch services for projects consistent with peaceful purposes and existing international agreements. We said that general technical acess to the entire program would be available, but that technology at the level of commercial know-how would be transferred in either direction only where one side required it to complete its commitments to the other. We promised broad association in program management, but—since Europe is talking only of a 10 per cent share—we said that we would retain decisionmaking responsibility except where European costs were directly affected, in which case decisions would be joint.

It seems clear that the next moves are up to our European friends and other interested Western Nations. Our invitation to participate has been clear. Well over a year has been available for information and study. We have provided very broad access in this process, and we have given generous answers to questions regarding the conditions for participation. The urgent needs now are, first, that Europe develop a preliminary expression of its technical interests as quickly as possible. Second, that European personnel sit down with our project personnel to develop this preliminary concept into a joint technical proposition. Third, that we should together apply to this technical package the management and political conditions which are appropriate to it. Finally, the total package would be open for commitment by those nations prepared to go ahead with it.

Whether such a procedure will in fact begin and how far and fast it might then go remain to be seen. These matters must be resolved on the basis of national and international, short-range and long-range interests. If Europe wishes to proceed, we are prepared to do so on any basis consistent with our national program objectives and the requirements of good management. If Europe concludes that its interests lie elsewhere, we will, of course, continue our own programs by ourselves.

We believe that this program, or some other program involving new technology, should become the subject of a Western World joint enterprise: it is important that we in the West learn to work together, soon, on major technical projects. Our security, in the broad sense, depends on this. Increasingly, the problems of the modern world and its environment require large scale technical solutions along with political solutions. It is important that we learn to cooperate in such matters, so that, in President Nixon's words, we can share both the benefits and the costs of progress.

RELATIONSHIP WITH THE SOVIET UNION

In the case of the Soviet Union (so far as space efforts are concerned), it is particularly important that we give clear recognition to both elements of the relationship: competition and cooperation.

We are competing with the USSR in the exploration of space, because accomplishments in space represent a measure of the state of our technology; and in today's world, the level of our technology is of first importance, strategically, economically, and politically.

We are striving to cooperate with the Soviets in the exploration of space, because we both live in a vast universe that must be explored, where important new knowledge is to be gained, for the benefit of all men, everywhere. It is in the United States interest to cooperate with all nations, including the Soviet Union, to share our resources in gaining this knowledge, and to share the results for the betterment of mankind.

And even though the words "competition" and "cooperation," at first glance, appear to be incompatible, the USSR and U.S. space programs are indeed developing along both of these lines: we were competing in technology, when they first put a man in space, or when we first landed a man on the moon. We are cooperating, for the sake of science, when we exchange lunar samples.

Competiton in Space Technology: In 1957, and in the years that followed, we were challenged, publicly, dramatically, and most successfully: Sputnik, Gagarin, and Luna demonstrated that the Soviet system could produce technological results that visibly gave the appearance of leadership.

We accepted that challenge—we decided to compete, to build a strong and powerful space capability for the United States. We built Gemini and Mariner and Saturn V and Apollo. By July 1969, we had clearly established and demonstrated our leadership.

But our leadership is under continual challenge by a capable and determined competitor, as evidenced by Luna 16 and 17, by a continuing Soviet manned flight activity, by the reported development of a new giant Soviet booster, by an R&D expenditure rate that exceeds ours, and by an increased Soviet launch rate while ours is decreasing: in 1970 alone, they placed 88 payloads into space to our 34.

Today the demonstrated lead is still ours, but it will not be an enduring lead without major new initiatives on our part—initiatives like the space shuttle and the exploration of the outer planets proposed in the President's space program for the 1970's.

Cooperation in Science and Application: We now come to my last subject, one that is particularly timely: cooperative efforts with the Soviet Union. On Monday, Tuesday, and Wednesday of last week, we held detailed discussions, covering a broad spectrum of space research, in Moscow. On Thursday, we jointly initialled a document summarizing the results of these discussions—a document that is to be confirmed by both sides within 60 days and then made public.

The Soviet delegation was headed by Academician M. V. Keldysh, President of the USSR Academy of Sciences. His delegation included 15 top Soviet scientists. I headed the United States delegation and was accompanied by Dr. John Naugle and Mr. Arnold Frutkin from NASA, Mr. William Anders of the Space Council, Mr. Arthur Johnson of NOAA, and Mr. Robert Packard from the Department of State.

At the opening session of our talks, I conveyed President Nixon's desire to expand international cooperation in space with the Soviet Union as well as with other nations.

Our discussions were frank, open, and to the point. The document we prepared, jointly, is quite specific. It spells out certain areas of agreement, and it presents a detailed list of proposals for further discussions, including the following:

Joint consideration of the objectives and results of space research,

The improvement of existing weather data exchanges,

Coordinated research with meteorological sounding rockets,

Techniques for studying the natural environment using space and conventional means,

The expanded exchange of data on space biology and medicine,

And the exchange of lunar samples.

In this last area, we specifically agreed, initially, to exchange three grams of sample obtained from Luna 16, for three grams each from Apollo 11 and 12. These relatively small amounts are sufficient for detailed scientific examination of a comparative nature.

We did not, during last week's discussions, hold additional meetings on compatible docking arrangements. This item was not on our agenda, because the docking discussions are well underway, and the planned exchange of information is taking place. We, therefore, merely took note of the fact that those talks were proceeding well.

While in Moscow, we were also invited to visit STAR City, the training area of the cosmonauts. We were welcomed by Cosmonauts Beregovoy, Nikolayev, Leonov, Shatalov, and Valentina Tereshkova. We were shown the Soyuz mission trainer, and were invited to attempt to dock two Soyuz spacecraft in their docking trainer. While there, I also presented a plaque in memory of Yuri Gagarin from the U.S. astronauts. The visit was warm and friendly.

In my remarks in Moscow, after we finished our discussions, I noted that I was pleased with the results. But I also noted that this is only a beginning; that we have now set the framework for cooperative efforts, but that much remains to be done.

Nevertheless, the results of the discussions so far met my hopes and exceeded my expectations. With the framework that has been established, and particularly with the attitudes exhibited and desires expressed by both sides, we have set the stage for substantial cooperation in space research with the Soviet Union, for the benefit of all.

WHY GRANDMOTHER LOVES ROCK AND ALL THAT JAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. CONYERS. Mr. Speaker, I wish to call to the attention of my colleagues a thoroughly enjoyable article in the October issue of Black Enterprise magazine. It concerns a charming grandmother, Mrs. Ernestine White, who has made great progress in bridging the generation gap by combining a sharp business sense with a keen ear for the contemporary musical sounds: jazz, soul, and rock. Mrs. White owns and operates one of Detroit's largest independent discount record shops in partnership with her beautiful and businesslike daughter, Rita White Butler.

Ever since 1953, when the White family first reached a decision to join the music industry, White's Records has been known for courteous service and a choice variety of stock that ranges from Bach to Hendrix. Their popularity is evident not only among the many music lovers of Detroit, but also among the international artists whose records White's so effectively merchandises.

As one who is a good friend and customer of these personable ladies, it is with pleasure that I insert the following article in the Record:

The Sound is Pure Gold: Why Grandmother Loves Pop, Jazz, and Hard Rock

Way back in the fifties, before Detroit became the Motown City, hit records provided little more than background music for Ernestine White. She was too busy making artificial flowers to pay much attention to what any Detroit Dee Jay was saying. Not so today.

Today, the 57-year old Mrs. White, a grandmother, can tell you if Eddie Harris, Miles Davis or Sly Stone will outsell the Cowsills in concert or on record. She knows more about tapes and stereo accessories than any of the kids in the neighborhood.

Ernestine White knows and is known by all the big regarding artists who live in or play Detroit. She's a partner in White's Records, one of Detroit's largest independent discount record shops.

Dee Jays Fred Goree and Butterball, Jr. from Detroit's soul station, WCHB, do live shows from Mrs. White's store window. A loud speaker outside her shop alerts all of Ferry Park to the latest hit sounds. And, if you stroll past White's Records as late as midnight (or 2 A.M. on weekends) you may find Motown headliners or jazz stars signing autographs for fans.

"Oldies, but Goodies," psychedelic rock or underground jazz—whatever your tastes, Detroit music buffs will tell you, "If you can't get it at White's, it doesn't exist!" That's why last year, Ernestine White and her partner-daughter Rita, grossed over $500,000 in sales.

How did Mrs. White do it? In 1952, she was a widow with four young children to raise. With funds from her husband's insurance, Ernestine White went into business.

By the time her daughters reached high school, Mrs. White was the largest manufacturer of artificial flowers in the Midwest, when she rented a small shop on Ferry Street. Selling records started as a sideline. Daughter, Barbara, who was only 14 at the time, suggested they sell records to increase the walk-in trade.

"It sounded like a good idea, so I stocked a couple hundred 78's," Mrs. White remembers. "I thought that was all there was to it, until people began asking for records I had never heard of.

"I soon discovered that you either sell records or you don't. There's no such thing as stocking them for a sideline." The teenage Whites (daughters Rita, Barbara, and Marlene and son, Jerome, Jr.) concentrated on building record sales.

Rita is quick to dispel any "overnight success" myths. "Just when we were getting off the ground, a shop opened right across the street and sold records cheaper than we did. That's when we decided to go discount," Rita explains. "We practically broke our backs to survive. Competition from dime stores and department stores is one thing, but another record shop right in the neighborhood is something else entirely!"

At White's, singles sell for $.79; albums are $1.00 off the list price, and a $1.98 line of LP's is featured. "Oldies, but Goodies" bring in a good share of the profits, selling at 3 for $1.00. Inventory for the first quarter of 1970 was $83,700.00. That included a stock of cassettes, radios, stereos, music accessories and records. Sixty per cent of White's profits come from the sale of albums and tapes; the remaining 40 per cent from sales of singles, tape recorders and accessories. Rita says that vandalism and shoplifting from teenagers cause little or no problem. "The only youngsters that come into our store are those with money to buy. And, we have an armed guard on duty 24 hours a day. Besides adults between the ages of 21 and 45 account for most of our sales."

Part of what made White's a store worth over half a million dollars a year is good advertising and promotion. "Next to sleepless nights," Rita smiles, "advertising has been the key to our growth. Business doubled with our first 30-second radio spots on the soul stations.

"We also get good response with bus posters and local newspaper ads.

"Then, too, there's always something going on at the shop. When big name recording artists are in town, we have autograph parties. Recently we started promoting jazz concerts."

What about competition from white retail record shops in the area? "It's not much of a problem" says Rita, "because in four hours we can have any record for a customer if it's not already in stock. Most retail shops take as long as a week to order records for their customers."

The Whites order mechandise directly from distributors and pay prices slightly lower than retail outlets. For example, a record album that lists at $5.98 in retail stores costs the White's $3.00. The retailer pays $3.75 for the same album. White's will sell it for $4.95 and the retailer will charge $5.98.

"Our overhead costs are the same as any retail store's personnel (they employ 15), stock, etc. But being a discount store, we get larger discounts from distributors. Profits come from the volume of merchandise we sell." What kind of advice does Rita White Butler give prospective record shop owners?

"For years," she says "we just kept putting our money back into the business."

ADDRESS BY NEW YORK STATE COMPTROLLER ARTHUR LEVITT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. ROONEY of New York. Mr. Speaker, at a meeting of the New York State Bankers Association in New York City this week the Honorable Arthur Levitt, comptroller of the State of New York, had some very sage words to offer on the perils and opportunities facing all of us in the coming years. I recommend to my colleagues the reading of the remarks of the extremely capable comptroller of the State of New York. Under the permission heretofore unanimously granted me, I include his address at this point:

The New Year—How New for Finance?

(By State Comptroller Arthur Levitt)

We meet tonight in the first month of a new year—a time when it is rather fashionable to wave aside the past in favor of a better future. You have caught something of this spirit in the very name of this, your Midwinter Meeting. It suggests that the worst of the weather may be over, and that Spring may arrive in due time. I hope that this is also true in the affairs of men—that we may look to a new season in our economy, free from the inclemencies of the past.

But in truth our economy will not stand still long enough for us to mark a new era. It observes no calendar. We live in a constant stream of economic forces, in which yesterday fuses with today and today merges into tomorrow. We clock the forces only by measuring their changes in direction, because change is the only time known in such a context.

And so tonight I shall explore with you a few of the changes we should be seeking in the world of finance—and more particularly, from my point of view, in the sphere of public finance. The two are increasingly related. And I do so because the American people desperately want a new season in the financial life of our nation, if the power exists to bring it about.

You and I have no greater duty than to help move our economy toward a better tomorrow, toward a day when the security of the people will be stronger than the latest quotation of the dollar. We cannot ordain it so, we must make it so. And this, it seems to me, should be the basic thrust of the new year into which we are moving.

If we would mark changes in direction, we must first establish some points of reference. Are there not some concepts, some basic strengths, which anchor our course? Indeed there are; and here, at once, is the glory of our past and the hope of our future.

I shall mention three of these concepts, so basic to our way of life. To be sure, they are truisms; and sometimes one is breached in favor of another, but without them we would have no nation as we know it. They are:

First, our high standard of integrity.

Second, our faith in free enterprise.

Third, our commitment to the common good.

Each citizen knows these concepts best from his own experience. All the books and lectures on the subject have far less meaning than what we actually find in our day-to-day life—something which our young people are trying to tell us, perhaps, from their own viewpoint today. I am glad to testify that the history of my own office is replete with examples of fundamental strengths in our economic life.

There is a matchless story of the integrity of the banking world back in the tenure of one of my predecessors, Comptroller Church. The year was 1859. And here is the substance of a remarkable letter he wrote to the President of the Bank of Manhattan Company:

"Dear Sir: I regret to be compelled to inform you that the Legislature, at its recent session, neglected to provide any means to pay the interest on the new canal debt of $12,000,000 * * *. The amount required * * * will be * * * an aggregate of $385,000, necessary before the assembling of another Legislature. * * * I have ventured to write this note for the purpose of inquiring whether, in view of the unexpected and extraordinary omission of the Legislature, and the disastrous consequences which it would produce, your bank will not advance the amount required for this object, and thus save the State from the disgrace of having its obligations dishonored.

"You will of course understand that the advance, if made, must be voluntary on the part of the bank. I possess no authority as a public officer to borrow the money, or bind the State to repay it; nor can I tender any other security than the expression of entire confidence in the integrity of the people, and that they will, when the subject is brought to their attention, avail themselves of the first opportunity to vindicate their honor and credit by providing ample means to reimburse the bank for any advances which it may make, and by the adoption of such measures as will effectually prevent a repetition of similar neglect in the future."

Two days later, the President of the bank mailed back the reply, which contained these historic sentences:

"The high credit which this State so deservedly enjoys, both in this country and in Europe, and which has always been regarded with just pride by its citizens, must be preserved untarnished, and its obligations must not be dishonored. If neither the Comptroller nor the Commissioners of the Canal Fund possess authority to make a loan for the payment of the interest, and no other means can be made available, relying upon the ability, the honor and the faith of the State to repay the money, this institution will advance the necessary amount."

Such integrity is indeed one of our basic strengths. I have also witnessed in my office the second concept I mentioned, our faith in free enterprise. You might not think this true of a governmental operation but, if so, I wish you could read my morning mail. Every incursion by the State into the realm of private affairs brings a rash of protest from alarmed citizens, many of whom write me in the hope that I can withhold payments on one program or another. Or they seek, through my audit powers, to expose wasteful operations which tend to duplicate that which is best left to community initiative. We are constantly conscious of the power of the people, for it is in their name—and in their name alone—that we act. If this were not true of all government, free enterprise would long since have vanished from our society.

And this brings me to the third concept I mentioned: our commitment to the common good. If we listened only to the critics, we would think this is not so. The critics prate of the greed of industry, of the cold calculations of the bankers, of the self-interest of the professions, and of the evil of all politicians. They deny even the basic decency of the people. They must in fact dislike themselves.

Here again I am pleased to bear witness from public office. The comptrollership of a state the size of New York, with billions in cash flow and more billions in investments, requires a great amount of expert advice. I have called upon bankers, lawyers, accountants, insurance executives, labor leaders, and other qualified citizens, to serve upon a variety of advisory councils and committees. Not one has ever refused, except for other compelling commitments. They have come from all parties, from every part of the State. Not one has ever submitted a bill or expected any other form of reward. On the contrary, they have given freely of themselves toward the common good of the State. And my experience, I am sure, is duplicated in much of the public life of our nation.

And so, for all of these reasons, we can face the future secure in these convictions—that there is a basic integrity in our economic life, that there is unlimited strength in the enterprise of the American people, and that our ultimate goal must be the common good of all. These are the concepts which anchor us, much as economic forces disturb our course.

The disturbances have indeed been great. I need do no more than outline the major trends, so well known are they to every one of us in this room tonight:

Inflation has continued to take its toll from the usable income of the people, just as it has robbed the elderly, the infirm, and the retired. And this is so, despite an increase in unemployment, which was supposed to be the price of controlling inflation.

Meanwhile, the cost of public construction has soared, beyond even the point which could be ascribed to inflation. State after state, city after city, has found that a program planned only a year or so ago must now be revised to bring it within fiscal capacity. Or worse, means are sought to go ahead anyway, regardless of cost.

To these events, the bond market has responded, until recently, with rising fever. The cost of borrowing is still exhorbitantly high, by any normal standards. Our State has suspended interest rate limits altogether, as the only practical step to take under the circumstances.

Not only interest rate limits, but other limits are under pressure. I refer especially to the constitutional tax limits of our cities and city school districts, because some of them claim they are being strangled by tax limits set ages ago.

But so are the taxpayers being strangled, as the various layers of government add tax on tax, all in response to what we refer to as demands by the people, more and more people, for increased services.

All in all these factors, and the other events in our national economy, have welled up to a call for stronger action in Washington. We seek to cool the economy, to make a national attack on the urban problems that so vex our environment, and to find some formula for sharing the federal revenues. And many are the predictions of disaster if these steps do not succeed.

All this is bad news, to those who would like to think we can go on doing business as usual. But I do not mean to appear this evening as a prophet of gloom. Rather, as I said at the beginning, I believe we are in the position to seek change, based on the lessons we have learned from the past. And, as is so often true in life, our health may be the better for the experience.

Finally, then, what of the future as we move deeper into this fateful decade of the seventies?

We can respond to inflation, but we cannot adequately hedge against it. We can try to predict a future rate, but we cannot rely on it. And the trouble, it seems to me, is that our fundamental assumption is all wrong: We assume that inflation has become an inevitable part of our economy, with only the rate in doubt.

This is the inflationary psychology, on which the disease itself feeds. We need stronger medicine to root out the disease than mere palliatives. We need a nation-wide effort to reduce spending, public and private, to a prudent level. We need sensible priorities in our economic life—a forbearance of debt incurrence except for essential long-range projects. And we must make sure that wage increases are matched by increased productivity if we are to meet the challenge of inflation. Only when we get back on the road of steadily improving productivity in our economy can we look forward with assurance to lower unemployment and interest rates, to the elimination of inflation, and to a broad and sustained upswing in living standards throughout the nation.

As the fiscal officer of a large state, I have watched inflation have a worse impact on government than on private industry. There are several reasons, but the most important reason is that government deals mainly in service. Its major expenses are for those things which have been inflated the most—wages, the cost of materials and supplies, and interest on debt. Such selected costs have gone up faster than the consumer price index. I recently put the matter this way: in terms of the 1958 dollar, the consumer dollar is now worth about 75 cents, but the government dollar in New York is worth only about 61 cents, according to a study by my office. The effect on taxpayers is tremendous.

What we need, nation-wide in state and local governments, is long-range planning, and the establishment of reasonable priorities. For this reason I have long recommended five-year projections and planning It seems to me that we must take this prudent step if we are to cure our present fiscal ills.

For all of this, there is one term that sums up the direction in which we must change our economic forces—that term is self-discipline.

Our basic concept of integrity, of free enterprise, and of the common good, prove that we have the capacity to continue and enhance the greatness of America. Our recent economic disturbances have arisen in large part, from a lack of discipline as we have rushed into greater and greater economic activity. And the way to the future is clear, as we regain our national genius for curing ourselves of our own ills, once we tackle them.

Am I speaking of a loss of freedom, of some regimentation of our people? Not at all. Gentlemen, freedom has been defined as the opportunity for self-discipline. It is an opportunity, in this year 1971, we may never have again.

SOLID WASTE DISPOSAL

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BELL. Mr. Speaker, the problem of solid waste disposal must be treated in an effective way if we are to reverse the process of spoilation of our environment. In this effort it is vital that private industry apply technological know-how to combat pollution and preserve the quality of our environment.

As the following letter indicates, some private firms are working diligently to develop and apply technology to prevent further harm to our environment. Such efforts are commendable, indeed, and they indicate the potential for very favorable results from cooperation between private citizens and industry to solve our environmental problems.

The letter follows:

DEAR CONGRESSMAN BELL: A year ago I wrote all legislators in Adolph Coors Company's 11-state marketing area to advise that our company was embarking upon a cash-for-cans aluminum recovery program. We did that because this company and its distributors are solemnly committed to fight litter and solid waste in order to help keep America the kind of place we all want it to be. In light of that commitment, I believe you will be interested to know these things:

Public response to the cash-for-cans program has vastly exceeded our expectations. During the first 11 months of 1970, our 166 distributors received 5,218,463 pounds of aluminum or more than *120-million cans.* We paid the organizations and individuals who picked up that aluminum $521,846 for doing so. The program is not restricted to Coors cans . . . we pay for all aluminum containers, of whatever brand. Literally hundreds if not thousands of youth, civic and service organizations are cooperating with this program; they use the dime-a-pound proceeds for worthwhile community causes of all kinds.

Litter has been defined as the visible portion of the solids waste iceberg. Although unsightly and repugnant, litter is but a small fraction of the real, long-range environmental problem of solids waste disposal. We are confident that in the long run recycling of aluminum containers will be a more satisfactory answer than returnable glass bottles in minimizing solids waste. For example, both Pepsi Cola and Coca Cola report that they only average 90% return on returnable soft-drink bottles which are sold for home consumption. In densely populated urban areas, the rate of return drops as low as 75%. One thousand returnable bottles weigh about 750 pounds. At 90% return, each 1,000 bottles sold adds 75 pounds of glass to litter and solids wastes. One thousand aluminum cans weigh only 40 pounds. With no salvage at all the aluminum cans would comprise only about half the weight of solids waste that returnable bottles do. Yet we are confident of reaching a minimum 75% recycle level given the time to do so.

Although we regard litter as the pressing and immediate problem and our initial efforts with the cash-for-cans program have mainly been directed at correcting litter, we view the impending and ominous matter of solids waste and its disposal as the real and serious long-range environmental challenge. Thus, we regard aluminum can salvage and recycle as a permanent part of our overall operation. Of all of our management objectives it has the top priority. Our hope is that we will be allowed sufficient time to make it work. Our success to date exceeds our fondest hopes although we regard it as just a start.

Adolph Coors Company and its distributors will intensify their efforts to make the cash-for-cans program even more successful in 1971. We anticipate that far more aluminum will be recovered for recycling. More and more companies are turning to aluminum packaging because they realize its environmental value. Further, in 1971 our company will discontinue use of the tall tinplate can replacing it with an aluminum can of our own manufacture. When that changeover is complete, *all* canned beer marketed by Coors will be in aluminum cans.

A new and important program at Adolph Coors Company will provide for the salvage and reuse or recycle of our convenience bottles which have heretofore been nonreturnable. All such bottles will soon have a redemption value of one cent each. The majority of these will be suitable for reuse. Those that are not will be returned as cullet to a glass factory located a few miles from our brewery in Golden and melted up to be made into new bottles—that is—recycled. Glass like aluminum can be infinitely recycled.

Thus with the completion of our 1971 changeover on the tall can from tinplate to aluminum and the immediate adoption of a complete system of returnable bottles, every Coors can and bottle will have a cash return value. Both plans will be in effect throughout our entire marketing area . . . Arizona, California, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Texas, Utah and Wyoming.

One other thing. A top management committee at our company now is meeting regularly to determine how we can *recycle everything that Adolph Coors Company uses* . . . not only aluminum and glass, but also wood, paper and the rest. We have found some answers; we are seeking a total answer. This effort also has top management priority.

Our company is totally dedicated to the business of keeping this nation clean and inviting. We share and appreciate your concern with this vital problem. You have my personal pledge that Adolph Coors Company will be an outstanding leader in the preservation of a quality environment for America.

Sincerely,

William K. Coors,
Chairman of the Board.

GRAZING FEES—PART X

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 26, 1971

Mr. METCALF. Mr. President, late in 1969 the Secretary of the Interior deferred for 1 year an increase in the fees for grazing on valuable public lands. The increase was scheduled by his predecessor and was based on studies by the U.S. Forest Service and the Bureau of Land Management. These studies showed that fees for grazing on public lands were only a fraction of the worth of the forage.

Attempts to get the facts basic to the Secretary's decision were the subject of my first 9 statements in this series.

On November 6, 1970, I wrote the Secretaries of Interior and Agriculture, reminding them that it soon would be time to reach a position on the grazing fees for the year beginning March 1, 1971. I also asked some questions. I ask unanimous consent that a copy of that letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Grazing Fees on National Forest Range—Past History—And Present Policy

INTRODUCTION

The National Forest System, administered by the Forest Service, U.S. Department of Agriculture, contains 106 million acres of range environment found in 36 states. This rangeland extends from the vast prairies of the Dakotas to the arid semi-desert of the Southwest; and from the high mountain valleys of the far West and Intermountain region to the piney woods of the deep South. Management of these lands is based on the multiple-use concept emphasized in the Multiple Use Sustained Yield Act of June 1960. Full consideration is given to five primary resource values—timber, water, forage, wildlife, and recreation.

The Forest Service administers its nationwide program of range resource management with the following major objectives:

(1) To develop the range resources on all National Forest System lands to their reasonably attainable potential, and to manage them for sustained grazing in harmony with other resource values;

(2) To promote the stability of family ranches and farms in local areas where National Forests and National Grasslands are located;

(3) To provide nationwide leadership in conservation, development, and utilization of forest range including woodlands and brush-covered wildlands in mountainous areas.

(4) To practice and demonstrate sound grassland agriculture and conservation measures on the National Grasslands and promote similar practices on associated non-Federal lands.

BACKGROUND OF THE PERMIT SYSTEM

The Forest Service administers grazing privileges on the National Forest System lands under regulations promulgated by the Secretary of Agriculture based on the Act of June 4, 1897, the Act of April 24, 1950, and Title III of the Bankhead-Jones Farm Tenant Act.

Livestock grazing permits are allocated to ranch operators on the basis of certain qualifications. These include prior use of the public lands before they were established as National Forests or National Grasslands; local needs for additional grazing to round out yearlong ranching operations; and ownership or control of sufficient base ranch property to provide forage and feed for animals during the time they are not grazed on Federal lands. A primary consideration is to obtain physically well-balanced livestock units through the combined use of public and privately owned grazing lands.

Ranch operators who qualify are issued 10-year term grazing permits by the Forest Service. A permit has provision for renewal. It is validated each year by annual payment of a grazing fee. A permit may be re-issued to the qualified purchaser of base property or to the qualified purchaser of permitted livestock.

The permit specifies the number of animals to be grazed on the public lands along with the season of use. The Forest Service may make annual adjustments in the amount of grazing allowed in order to meet the estimated sustained grazing capacity of the range. Permitted use may be adjusted by limits on the number of animals allowed on the range, or by altering the length of the grazing season.

USERS HAVE GRAZING PRIVILEGES

About 63,000 farmers and ranchers graze livestock on National Forest System lands. Of these, approximately 19,000, or nearly one-third hold 10-year grazing permits for which a fee is charged. More than 41,000 permits are exempt from fees. The remaining 3,000 are private land permits and crossing permits. Most of the free grazing is for small numbers of milk cows or non-commercial work animals of a non-commercial nature needed by local rural residents.

Grazing privileges are vital to sustain the economic livelihood of approximately 19,000 farm and ranch families who raise commercial livestock herds in more than 600 rural communities. These permittees have a substantial investment in their ranch and farm operation. They own 45 million acres of their own land, and lease another 21 million acres of private land. Their livestock holdings total 3.3 million cattle, 4.2 million sheep, and 158,000 horses. Many of the permittees rely heavily on supplemental grazing provided by National Forest System lands as a means to maintain economically viable operations.

In 1968 some 7.5 million animals grazed on National Forest System lands. This grazing use amounted to 11.1 million animal unit months. (An animal unit month is the amount of grazing required by a cow for one month).

HISTORY OF GRAZING FEES

Charges for grazing were first made on the National Forests in 1906. The first regulation provided for possible fee increases based on markets, transportation, and demand for permits.

The method for calculating grazing fees was changed in 1931, based on studies of National Forest grazing values conducted during the 1920's. Forage quality, accessibility, water resources, proximity to market, and livestock handling costs were considered. Basic premise of the study was that private land data on range values, or rental rates on private rangelands, could be used to determine the use value of National Forest range. Base fees varied from area to area, depending on local private range lease rates and other local factors.

Base fees established in 1931 were adjusted annually by formulae expressing the relationship between the previous year's average price for beef cattle or lambs in the western states and prices in established base periods. Under that formula fees had increased in 1968 to 3½ times what they were in 1931.

However, over the years, it became clear that National Forest grazing fees still were consistently lower than lease rates on private land having comparable grazing value.

STEPS LEADING TO 1969 FEE CHANGES

In January 1969, the Bureau of the Budget announced a revision in fees for the grazing of livestock on western Federal lands.

The chronology of the various directives and studies leading to the grazing fee revision is as follows:

1951. Congress (Independent Offices Appropriation Act of 1952) directed each Federal agency to prescribe fees or charges that are fair and equitable and as uniform as practicable among the agencies.

1959. Comptroller General recommended that fair compensation be obtained for use of Federal lands. He also recommended more consistency in grazing fees charged by various Federal agencies and a joint study to arrive at a uniform fees system.

1959. Bureau of the Budget issued Circular A-25, pursuant to the 1951 Act, establishing the basic principle that where Federally-owned resources are leased, a fair market value should be obtained for use of them.

1960. Representatives of Departments of Agriculture, Defense, and the Interior formed a task force now known as the Interdepartmental Grazing Fee Committee. This task force was to study the fee situation on all public grazing lands, and to formulate recommendations for a more uniform approach to fee establishment among the Federal agencies. At the same time, the Bureau of the Budget began a study of user charges for all services and products provided by the Government and Federally managed natural resources, including grazing.

1961. The Forest Service and Bureau of Land Management, Department of the Interior, began a joint program of grazing fee studies.

1964. Bureau of the Budget issued study report entitled "Natural Resources Users Charges Study." It outlined guidelines for establishing grazing fees:

a. That a uniform basis should be used by all Federal agencies.

b. Fees should be based on economic value of use of public lands to users.

c. Economic value should be set by an appraisal that will provide a fair return to the Government and equitable treatment to the users.

1966. Data collection project. This was carried out by the Statistical Reporting Service, USDA, for the Forest Service and BLM. Its purpose was to obtain data on costs of grazing use on some 98 National Forests, 19 National Grasslands, and 48 BLM grazing districts in the western states. These data were to be studied and analyzed for evaluating current fee structures.

During the field survey, the principal livestock grazers, grazing associations, and financial institutions cooperated with Federal agencies in obtaining economic data that could be used in determining an equitable fee system.

The Statistical Reporting Service gathered data on non-fee costs of using public and private lands, lease rates on private grazing lands, and the market value placed by permittees on grazing permits.

Some 10,000 individuals were interviewed and more than 14,000 questionnaires were collected by the Statistical Reporting Service in the 1966 survey. Interviewees included Forest Service and BLM grazing permittees, ranchers who lease private grazing lands, and lending institutions.

1967. Analysis and discussion of 1966 survey data.

Preliminary results of evaluations were discussed with livestock representatives in October. This was one of a series of conferences with the livestock industry and concerned organizations. These included the Secretary of Agriculture's Advisory Committee on Mutiple Use of the National Forests, American Farm Bureau Federation, National Association of Soil and Water Conservation Districts, and several National conservation organizations. These groups were kept informed and their comments and recommendations were solicited.

1968. The new fee schedule was proposed by the Departments of the Interior and Agriculture on November 15, 1968. A proposed regulation implementing the program in the western National Forests was submitted for review to the Forest Service's local grazing advisory boards and other interested organizations. Interior published its proposed fee regulations in the Federal Register November 16 and reviewed the proposals with its grazing district advisory boards and with its National Advisory Board Council.

An Interagency Technical Committee was formed to recommend ways for testing the combined FS-BLM grazing fees data for possible common fee areas. The Committee included representatives from Statistical Reporting Service, Economic Research Service, Forest Service, Bureau of Land Management, and Bureau of the Budget ex officio. The following conclusions were summarized in an October 1968 report:

a. Forest Service and BLM data can be combined. Survey data did not provide a basis for differential fees between the Forest Service and BLM.

b. Cost data collected in 1966 survey statistically supported only one base fee in the West.

c. An adjusted western-wide difference between private lease rates and public costs, excluding the grazing fee, was $1.23 per animal unit month for both cattle and sheep.

These conclusions provided the basis for establishing fair market value of grazing use on western public lands. "Fair market value" is defined as the difference between total costs of operating on private leased grazing lands and total non-fee costs of operating on National Forest System lands. These costs include lost animals, veterinary services, moving livestock to and from permitted areas, herding, salting and feeding, travel to and from permitted areas, water, horses, fence and water maintenance, development depreciation, and other miscellaneous costs. The private costs also include the private lease rates.

PRESENT FEE SYSTEM

Revised grazing fees as announced by the Bureau of the Budget, were put into effect in January of 1969 for certain Federal lands administered by the Departments of Agriculture and the Interior. The announcement followed the publication of Section 231.5 in the Federal Register of January 14, 1969 (Vol. 34, No. 9, pages 504 and 505), giving complete details of the new fee system.

On National Forest System lands, the revised fee system applies in 1969 to 15,000 out of a total of 17,300 grazing permits. The new fees apply to all National Forests in the 11 western states, plus South Dakota and Nebraska. Changes in fees for grazing on other National Forests and on the National Grasslands will be implemented starting in 1970.

Schedules call for base grazing fees to increase in ten annual steps until they reach the 1966 fair market value of $1.23 per animal unit month. Annual adjustments to the fair market value will be determined by an index of the preceding year's private lease rates. For 1969 this adjustment was plus two cents. The $1.23 fair market value for use of the public range resource was based on an economic analysis of the 1966 survey data.

Calculations have indicated that the 1969 fair market value of grazing use on public lands is $1.25. This represents the $1.23 base adjusted by the current private lease rate index of two cents as described above.

Grazing fees for a large percentage of permit holders will continue to be less than this calculated fair market value figure for a 10-year period while the fees are raised in annual steps to minimize the effect on stockmen.

As announced in January 1969, fees on western National Forests managed by the Forest Service will range from $0.31 to $1.25 per animal unit month for cattle. Sheep fees will be from $0.06 to $0.25 per sheep month. (Five sheep grazing for one month is the equivalent to one animal unit month). In 1968, these National Forest fees ranged from 21 cents to $1.80 per animal unit month.

PERMIT VALUE

Studies of the grazing fee data confirmed the fact that among farmers and ranchers grazing permits had accrued a value in themselves because in effect they had been bought, sold, and used as collateral. Disposition of the permit value per se because of a point of contention.

Members of the livestock industry took the position that capitalized permit values should be considered a cost to those who graze public lands. They contended that on that basis the permit values should be included as a cost in calculating the fair market value of public grazing use.

The Forest Service has not agreed, for the following reasons:

1. Livestock grazing on National Forests is a privilege and not a right that can be transferred. It has been so considered since Secretary's Regulation 10 in 1905. Court cases have substantiated this interpretation and have held transfers of National Forest grazing privileges by permittees as illegal and unenforceable.

2. Special interests cannot be granted to any user group on the National Forests. To do so would erode the capacity of National Forest land to serve other people. Many grazing areas must also serve other public interests—wildlife, recreation, water and timber production. These public interests must be protected. If livestock grazers are given special rights to range resources of these areas, other users could not expect an equal level of benefits.

3. Recognition of permit value as a deductible cost in fee calculation would in effect compensate permittees for:

a. That portion of the value they had paid to private individuals and

b. That portion of the value develops through appreciation over time as the gap widened between fee charged and fair market value.

4. If permit values were recognized, permittees could conceivably demand compensation for any portion of a grazing permit value no longer available to them because of Forest Service resource management actions affecting size of the permit. The U.S. would then have to take similar action to reimburse permittees deprived of the use of other resources on the National Forest System.

5. The grazing fee value described has come into existence primarily because the fees paid to the Government for use of the resource have been less than the fair market value of that use. The economic impact of the grazing permit value is the result of a value which ranchers have built up among themselves in their transactions of livestock business. No payment for a permit value has ever been made to the real owner of the resource upon which the permit value is based.

A recent court decision relating to the inclusion of capital costs in determining fair market value for grazing fees was filed in the U.S. District Court for New Mexico at Albuquerque, on May 9, 1969. The plaintiff charged the Secretaries of Agriculture and the Interior acted illegally in determining fair market values for grazing fees without including the capital costs of permits and the costs of improvements made by the permittees on public lands. The plaintiff also charged that the fee schedule was a violation because it did not meet the test of reasonableness.

The Court determined against the plaintiff on the following principles:

a. The statutes entrust the Secretaries with wide areas of judgment and discretion in setting fees.

b. The Secretaries acted within the area of discretion and judgment committed to them by law in promulgating the new regulations.

c. It was not shown that the Secretaries failed to consider all of the factors as directed by Congress.

d. The Secretaries did not exceed statutory authorities in excluding permit value as an element of cost in operating on the Federal lands.

SOME FEES CONSIDERATIONS

The decision to revise the fees was reached after careful consideration of the effects upon livestock producers and obligations to the general public. The public obtains benefits from recreation, water, wildlife, and timber resources from many of the same lands under Multiple Use management principles emphasized in the Multiple Use Sustained Yield Act of June 1960.

In determining new fees policies, the impact on the permittee, who is most closely concerned, and on community stability, rural economic needs and Government programs were important considerations in addition to the foregone Federal Revenue and the rights of the general public to obtain multiple use benefits of Federal lands.

The Forest Service will continue its long established practice of issuing no-charge grazing permits for non-commercial livestock up to 10 head owned by resident farmers and ranchers. It also recognizes the problem of small operators in low-income areas where opportunities for off-ranch income are limited. Special attention will be given to this matter in areas where it deserves consideration.

The new fees system does not affect the tenure of a Forest Service grazing permit. Term permits will be issued for the amount of grazing available on the National Forest System within the constraints of proper management and needs of the American public including the livestock producing farmer and rancher.

QUESTIONS AND ANSWERS

Q. *How long has the Forest Service been charging for grazing?*

A. Grazing fees were authorized in 1905 by Regulation of the Secretary of Agriculture and the first fees were charged by the Forest Service in 1906. These initial fees were based upon the criterion of "reasonableness," and varied from place to place depending upon ". . . advantages and locality of the reserve." In 1931, the method of determining these fees was changed to include factors such as accessibility of grazing lands, forage quality, availability of water, nearness to markets and costs of livestock handling. The 1931 fees varied from area to area and were adjusted annually, based on the previous year's livestock prices.

Q. *How many acres of National Forest System lands are now used for grazing?*

A. A total of 106 million acres make up the range environment on the National Forest System. These same lands contribute many other benefits through multiple-use management of all resources.

Q. *How many paid grazing permits does the Forest Service issue?*

A. The Forest Service has 18,800 10-year term grazing permits in effect for 1.4 million head of cattle and 2.3 million sheep. The new fees system in 1969 involves 15,000 of these permits for 1.2 million cattle and 2.2 million sheep on National Forests in the West.

Q. *What about the remainder of the cattle and sheep? Why aren't they included in the new fees system?*

A. Management factors and current grazing fee structures are different in the East and most of the Midwest, as well as on the National Grasslands administered by the Forest Service. The fees for the Grasslands have a different base, and, in most cases, are higher than on National Forests. The remaining range lands managed by the Forest Service are primarily in the Southern States. Studies indicate that under the fee system currently in effect there, Forest Service permits for grazing have not gained appreciable monetary values.

Fair market value fee structures will be developed through similar studies for the National Grasslands, Land Utilization projects and other National Forests not included in the new fee schedule. Implementation of new fees systems on these lands is scheduled to begin in 1970.

Q. *Why was it decided to change the fee system?*

A. In 1951, Congress ordered that each Federal agency come up with fees that were fair and equitable, and that were as uniform as practicable among the agencies. This decision was reinforced in 1959 by the Bureau of the Budget, which ordered that where Federally owned resources are leased a fair market value should be secured for them. This was the now famous Circular A-25. Then, in 1964, the Bureau of the Budget offered additional guidelines, including a requirement that a uniform basis should be used by all Federal agencies in establishing fees. It had become clear that National Forest grazing fees were lower than private land lease rates—i.e. less than fair market value—and that criteria for fee determination varied too much between Federal agencies.

Thus, a decision to change the fee system.

Q. *What is a fair market value?*

A. Fair market value is the amount the prospective user of a product is willing to pay for that product—in this case, the value of use of the public grazing resource to the livestock owner.

More specifically, the use value of this grazing resource is equal to rental costs of private pastures leased by the livestock owner, after adjustment for differences in the cost of services provided on private lands by the landowners, but not provided on public lands.

After intensive evaluation of these factors, the Forest Service and other Federal agencies have determined this value of use to be $1.23 per animal unit month for the National Forests in the 11 Western States, South Dakota, and Nebraska.

Q. *What is the legal basis for charging grazing fees?*

A. The authority of the Secretary of Agriculture to permit and regulate grazing use on National Forest lands emanates from the Organic Act of June 4, 1897. While the act does not specify that fees will be charged, this has been understood to be part of the regulatory procedure. In 1905, the Secretary of Agriculture approved a regulation under authority granted by this Act, which states in part: "Regulation 25. On or after January 1, 1906, a reasonable fee will be charged for grazing all classes of livestock on Forest Reserves. . . ." Secretary Regulations authorizing the charge of grazing fees have been in effect since that time and have been judicially upheld.

The Granger Thye Act of April 24, 1950, while not specifically authorizing collection of grazing fees, does recognize that fees have been authorized and are being collected in its provision which states: "Of the monies received from grazing fees by the Treasury from each National Forest during each fiscal year, there shall be available at the end thereof when appropriated by Congress, an amount equivalent to two cents per animal month for sheep and goats and ten cents per animal month for other kinds of livestock under permit on such National Forests. . . ."

Q. *What does a grazing permittee obtain under his permit?*

A. The permit grants a privilege to use National Forest land for livestock grazing for certain periods of each year to supplement the grazing resource he has on his private property. Applying to the holder alone, the permit is issued for a term of 10 years and is validated annually on payment of the fees.

Q. *How much did these fees cost before the new system was put into effect in January?*

A. They varied from area to area. In 1968, the National Forest grazing fees in the West ranged from 21 cents to $1.80 per animal unit month (One cow grazing for one month).

Q. *How much are the new fees?*

A. New fees range from 31 cents to $1.25 per animal unit month, adjusted by changes in economic factors from 1966 when our major survey was made. Sheep grazing varies from six cents to twenty-five cents monthly.

Q. *Doesn't the new fee schedule call for all fees to be $1.23 per animal unit month?*

A. No. This was just the fee figure established for the base year of 1966. Each year, that figure will be adjusted, either up or down, by the forage price index. This index figure in 1969 was two cents more than the $1.23 base figure. Thus, the 1969 fee is $1.25. The aim of the new system is to put all grazing permittees on National Forests in the 11 Western States, plus South Dakota and Nebraska, on the 1966 base (plus or minus the forage index) by 1979.

Q. *What is the forage value index?*

A. It is the adjustment made annually, based on analysis of private land grazing lease rates by the Department of Agriculture's Economic Research Service for the year preceding the fee year. It is the one cost item in the fee formula that is allowed to be determined competitively. It is the most accurate factor that can be used to adjust the fee annually and assure that the fee is equivalent to the fair market value.

Since the range resource is a limited resource, ranchers bid against each other for private forage. The amount they bid on a private lease rate will depend directly on their expected returns from use of the resource and their costs of using it.

It quite accurately measures the market value.

Q. *What kind of economic impact does the new fee charge have on the permit holder?*

A. The immediate impact is an increase in annual production costs and a likely reduction in net income. But the new fee schedule has been designed to make adjustment to it as easy as possible. It is being phased in over a 10-year period in equal stages. For example, in a selected area of Utah, where the overall average number of animal unit months was less than 500, the fee increase to bring payment up to fair market value is seventy-two cents per animal unit month.

This would mean that if the increase were to take place in one jump, the total average fee paid for 500 AUM per permittee would climb from $255 to $615—an increase of $360. Realizing that such an increase at one time could be a severe hardship, the Forest Service has spread the increase over 10 years. Thus, the first increment, in this case, is $35 for this "average" permittee—from $255 to $290.

Q. *What is the estimated increase in revenue to the Treasury expected from the fee increase?*

A. We estimate the revenue increase in 1969 over 1968 will amount to $335,000. Over the 10-year period of increase, the accumulation of new money to the Treasury will come to more than $26.5 million.

Currently, the grazing fees for use of National Forest range bring in a little over $4 million each year. Total increase in fees, 1973 over 1968, will be $5.1 million. Thus revenue in 1978 is estimated to be over $9 million.

Q. *Do any permittees get to use National Forest range free?*

A. Yes. The Forest Service nationally issues about 63,000 grazing permits. About 19,000 are issued on a fee basis. More than 41,000 are issued free of charge. The remaining 3,000 are private land permits and crossing permits. The Forest Service has and will continue the longstanding practice of issuing nocharge grazing permits for non-commercial livestock up to 10 head by resident farmers and ranchers. Further consideration will also be given to the problem of small operators in low income areas where opportunities for off-ranch incomes are limited.

Q. *Won't the small operator bear most of the impact of the fee increase?*

A. Those paying the lowest scales will have the biggest per-animal fee increases over the 10-year period to achieve the $1.23 base figure. But on both National Forest and other Federal land administered by the Bureau of Land Management, the larger operators have major shares of the grazing. Thirty percent of all National Forest grazing is allotted to 3 percent of the permittees. For BLM, 52 percent of all AUM's are allotted to 5 percent of the permittees.

Q. *What are the objections cited by the livestock industry to the increase in fees?*

A. Substantial agreement was reached with the livestock industry and other interested groups on all issues but one—the decision by the Federal Government to disallow permit value as a cost of grazing on public lands.

Q. *What is permit value?*

A. First, a bit of background is necessary. Grazing fees charged by the Federal agencies have not been determined in the market place and have been lower than the value of use of the range resource to the user. Consequently, a separate value has developed in the market place because of the fees level—value of use gap. This separate value is the "permit value."

In order to qualify for a Forest Service grazing permit, a rancher must own base property and livestock. Permits cannot be exchanged directly between any two individuals, but the buyer of the base property and livestock owned by a previous permittee may apply for the grazing represented by the permit waived by the seller. The prospective buyer frequently has been willing to pay additional money for the required base property or livestock to get the permit.

Q. *Since it has obviously become a cost of doing business, why isn't the Federal Government willing to include this "permit value" as a factor in determining a rancher's cost of operation?*

A. Historically, the Forest Service, with the backing of court decisions, has viewed livestock grazing on National Forest lands as a privilege, not a right. Recognition of the permit value would give permittees strong argument that grazing is indeed a right and that they should receive payment for any portion of the grazing permit value they might lose through administrative action. Including the permit value as a deductible cost in fee calculation would recognize it as a right. The United States would then have to reimburse a permittee in order to take administrative steps to protect or develop range by limiting its use to the permittee.

In addition, if grazers are given special rights to grazing resources, other resource users could well suffer because the livestock permittees would have, in effect, a proprietary interest.

Q. *What effect on the fee schedule would occur from recognizing permit value as cost of operation to the permittee?*

A. Recognition of the permit value would mean leaving the fee essentially as it was until this year. The United States which owns the land would be relinquishing more than $5 million a year from a value which logically belongs to the people of the United States, rather than to individual livestock owners.

At the same time, as soon as the permit value was recognized, the value would begin increasing. This would require additional fee reductions to recognize the additional permit value as a production cost. Eventually, the fee could be reduced to zero and even result in the Government owing the permitted for allowing him to graze livestock on Federal land.

Q. *How can the Federal Government deny the permit has a value when it is used as collateral for loans and has a definite tendency to raise the price of base land or livestock when a National Forest grazing permit is involved?*

A. The Federal Government does not deny that a "permit value" exists and recognizes such value did accrue for permits over the years. But it is a value the private parties involved arranged among themselves in buying and selling base property and permitted livestock. Their reasoning, apparently, was that permits provided grazing at a lower price than they could get in leasing private land.

The Federal Government was not a party to the growth of value of the permit over the years. However, when the widening gap between the fee and fair market value became apparent, the Federal Government started its program of studies to determine the facts so that necessary action would be taken. The resulting new fee schedule is designed to recover that value for the American public which owns the land.

The extent of loss to the permittees is not so large as has been implied. More than half the present permittees acquired their grazing permits prior to 1950. Values placed on permits then were much lower than today, and present values are based on significant appreciation. Many permittees have, in effect, amortized their permit values by paying fees over many years which were less than the fair market value.

Q. *How was fair market value determined?*

A. According to the "economic model" the value of use could be determined and measured by either of two methods. Theoretically, the value of use determined by either method should be the same.

One method was to determine the permit value and capitalize it at a rate of return appropriate to the rate of return expected from other ranch investments. This *plus* the current grazing fee would be the full market value of use.

The other method of measuring the value of use of the public range resource was to determine the total cost of operation to the user on private leased grazing land (including all non-fee costs plus the private lease rate) and subtract from this private cost the total non-fee cost of operation to the user on public rangelands. This difference is the amount the rancher should be willing to pay per AUM for the use of the range resource on public lands. The $1.23 value of use was determined by the latter method—i.e. the cost of operation difference method.

Q. *What led up to the fees decision?*

A. A series of studies, data-gathering surveys, interviews, questionnaires, conferences and analyses was conducted over a period of almost 10 years. The scope of the cost survey in 1966 is reflected by the fact that 10,000 individuals were interviewed and more than 14,000 questionnaires were collected. Comments on the proposed fee system were solicited from those involved or otherwise interested. More than 1,300 of these comments were received and reviewed. Other comments were received from Forest Service grazing advisory boards. All these steps were taken before the new fee system was implemented in January. Livestock industry representatives were involved in every stage of the survey, analysis and decision.

Q. *Why were the Federal grazing land management agencies unwilling to wait until the Public Land Law Review Commission completed its studies on land uses?*

A. This possibility was considered. But it was decided that a wait of indefinite length would not be carrying out the agencies' responsibilities to the public, nor would it eliminate the uncertainties to the industry. In addition, it did not appear that work underway by the Commission would provide the exhaustive data needed for the grazing fee decision. Finally, the Commission itself has stated its creation should not act to stop the on-going activities or programs of Government.

The new fee system was originally scheduled to go into effect in 1966. It was delayed again for the 1967 and 1968 grazing seasons. When the decision was put into action this year, 1969, the Federal Government sponsors knew the information obtained was sound. It had been given full and careful evaluation, and it had been thoroughly discussed with representatives of the livestock and lending industries, farmer and rancher associations, grazing advisory boards, the Department of Agriculture's Advisory Committee on Multiple Use of the National Forests, and the major conservation groups.

Q. *Why was the Forest Service's variable fee scrapped in the new System?*

A. The data collected by the Department of Agriculture's Statistical Reporting Service showed that differences between areas and between seasons of use are not statistically significant. Thus, these data will support only one base fee in the West. However, there may well be other factors outside the scope of the study that will provide basis for a variable fee in the future. Studies will continue on this subject. The Forest Service variable fee has not been scrapped.

Q. *Has the new grazing fee permit system been tested in the courts?*

A. Yes. The most significant to the Forest Service was a case decided May 9, 1969, in the U.S. District Court for New Mexico in Albuquerque. Actions against both the Secretaries of Agriculture and Interior were decided jointly by the judge. The plaintiff, Pankey Land and Cattle Co. of Truth or Consequences, New Mexico, challenged the new fee regulations. The company charged the Secretaries of Agriculture and Interior acted illegally in setting up the regulations without including the capital costs of permits and the costs of improvements made by the permittees on public lands. The company also said the fee schedule was a violation because it did not meet the test of reasonableness.

Earlier in Salt Lake City, the Federal District Court of Utah was the scene of a suit against the Secretary of the Interior calling for an injunction against institution of the new fee schedule.

Q. *What were the decisions by the judges?*

A. In both cases the courts upheld the decisions of the two Secretaries.

In its memorandum opinion the New Mexico court held that the Secretaries acted within the area of discretion and judgment committed to them by law in promulgating the new regulations and that there is no legal remedy available to the plaintiff from the court. The court found that it was not shown that the Secretaries had failed to consider all of the factors as directed by Congress.

The fact that the Secretaries did not consider the capitalized value of a permit as an element of cost in operating on the public domain, cannot, the court said, be held as a matter of law to reflect an action in excess of statutory authority.

Q. Has Congress taken any interest in the new regulations?

A. The Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs held hearings, February 27 and 28, 1969, on the grazing fees issue. Similar hearings were held by the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs, March 4 and 5, 1969. All interested parties were given an opportunity to testify at these Hearings. The hearings were a constructive means for laying out all of the ramifications of the fees issue. Additional hearings have been scheduled by the Subcommittee on Livestock and Grains of the House Committee on Agriculture but have been postponed.

The livestock industry, at the two hearings held, stressed an adverse economic impact, and a contention that the permit value should be included as a cost of doing business in establishing the fees. Conservationists supported the increase as a means of recovering fair market value for the Government and opposed inclusion of permit value in the formula on the basis it would establish a right to the permittee.

The Forest Service, U.S. Department of Agriculture, is dedicated to the principle of multiple use management of the Nation's forest resources for sustained yields of wood, water, forage, wildlife, and recreation. Through forestry research, cooperation with the States and private forest owners, and management of the National Forests and National Grasslands, it strives—as directed by Congress—to provide increasingly greater service to a growing Nation.

The increase in fees from public lands administered by Interior's Bureau of Land Management consists of 9 cents as the annual increment needed to reach toward fair market value, while the Forest Service average annual increment is 7 cents in this respect. Both Interior and Agriculture are increasing fees an additional 11 cents to reflect market increases in forage prices during the 2 years since the last fee change. The increases will add to revenues for local and Federal governments and will expand funds available for land improvements.

NOVEMBER 6, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: It soon will be time for your Department to reach a position on the proper level of grazing fees for the public lands you administer. This will request that I be notified promptly when you reach your decision.

A number of reasons were announced as bases for last year's moratorium. Among them were pending court action and the upcoming report of the Public Land Law Review Commission.

I have studied that report, especially Chapter 6 dealing with Range Resources, and find no comprehensive analysis of the fee schedule which resulted from the study initiated in 1966. So I will appreciate any and all analyses your Department or its agencies have made dealing with issues of Fair Market Value and also with Chapter 6 of the PLLRC Report.

Am I correct that the court decision in the Pankey case affirmed that the fees adopted under the schedule were properly within your delegated power?

Would Fair Market Value in its normal sense be the result if the caveat under PLLRC Recommendation 44—"equitable allowance . . . for permit values"—were adopted?

Please advise on the normal legal meaning of the word "tenure" and how adoption of Recommendation 44 would "establish more stability of tenure for permittees" than now exists.

Do you agree with the observation that "An increase in grazing fees will tend to decrease the value of permits?" If this is so, how will this better tenure, either legally or economically? What data have you on the trend in permit values since 1960 vis-a-vis the grazing fee? Does it support the initial observation?

The Burlington Northern owns substantial grazing lands in Montana. What is their current fee and future schedule? What provision do they make in their permits for: (a) termination, (b) compensation upon termination, (c) recognition of permit value, (d) fee level recognition of higher operating costs in some areas, (e) variability of fee based on carrying capacity, lushness of vegetation, season, or length of use?

One option available to your predecessor was to change a fee of $1.23 per AUM in the first year. He decided instead upon a schedule which over a decade would rise to $1.23 per AUM. In comparison with the fee schedule then existing, was any revenue foregone? In comparison with an initial fee of $1.23 per AUM, how much revenue would have been foregone over the decade if last year's moratorium had not been put into effect?

Based on current total grazing use in total dollars, how do these amounts relate to the disposition of grazing revenues for range improvement, payments of shared revenues to states and counties and Treasury net proceeds? Specifically, what are the appropriate figures for Montana?

I am sure you can appreciate the widespread interest this topic has for conservationists, ranchers and local governments. I'll appreciate your answer at your earliest convenience, hopefully on or before 16 November.

This same letter is also being directed to the Secretary of Agriculture.

Very truly yours,

——— ———.

Mr. METCALF. Mr. President, the Secretary of Agriculture was able to respond to my letter under date of December 16, by which time the Secretaries had announced a fee increase for the 1971 season. As the 91st Congress adjourns, I have yet to hear from the Secretary of the Interior. I hope that as a new Congress convenes he will find time to answer my questions which are important to conservationists, ranchers and local governments. I ask unanimous consent that a copy of the Secretary of Agriculture's report be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 16, 1970.

Hon. LEE METCALF,
U.S. Senate.

DEAR SENATOR METCALF: This is a further response to your November 6 letter about grazing fees on public lands administered within the U.S. Department of Agriculture.

In addition to the enclosed comments on your questions we are including a copy of "Grazing Fees on National Forest Range," a statement concerning Chapter 6 of the Public Land Law Review Commission Report, and a copy of the news release regarding the recent grazing fee decision.

We apologize for the delay in getting this material to you, but hope it will still be helpful.

Sincerely,

T. K. COWDEN,
Assistant Secretary.

REPLY TO GRAZING FEE QUESTIONS

The following comments are in response to and in the same order as the questions asked in Senator Metcalf's November 6, 1970, letter to Secretary Hardin.

1. The Tenth Circuit Court of Appeals has ruled that in promulgating the new grazing fees, the Secretary of Agriculture and the Secretary of the Interior acted within the discretion and judgment committed to them by law.

2. Fair Market Value would not result if an "equitable allowance . . . for permit values" were adopted as recommended by the Public Land Law Review Commission.

The present grazing fee system establishes a fee that is based on Fair Market Value.

The economic definition of Fair Market Value is the value of a transaction between a willing buyer and a willing seller in a time and place market. The Forest Service in establishing a base value had to measure this value. The approach used was based on the premise that the value of grazing use to a permittee may be measured as the difference between the permittee's total nonfee operating costs on the Forest Service range and his alternative total operating costs, including the lease rate, on comparable private lease lands. Under this definition if any allowance were made in the formula for the permit value, the resulting fee would not be representative of Fair Market Value.

3. "Tenure" in normal usage refers to the degree of security or certainty a permittee has in holding a grazing permit.

Adoption of PLLRC recommendation #44, although not legally establishing more stability of tenure, would from an administrative and political standpoint strengthen the security of tenure. The permittee would no longer simply hold the permit, but he would be given credit for its value and would have to be compensated for his loss should the permit be terminated. He would, in this sense, be part owner of the permit and, although without legal rights, his privilege to hold the permit would thus take on a greater feeling of security. Even if the permit were terminated he would be compensated for his loss of permit value.

4. There is no reason to believe that an increase in grazing fees will decrease the value of grazing permits or have any effect on tenure.

An increase in grazing fees to the Fair Market Value equivalent will decrease to zero that portion of the permit value that exists due to the difference between actual fee charged and Fair Market Value as defined above. However, it is recognized that in actuality the permit value as measured in the 1966 Western Livestock Grazing Survey may not decrease. In fact it may increase. The total permit value came into existence because of the Forest Service policy to allow a permit holder to designate his successor when he sells his land and/or livestock. The successor purchases a total operating unit and is willing to pay the going value for that unit, including the Forest Service permitted portion, as long as he is assured he will be issued a permit to graze those livestock on National Forest land. The 1966 survey estimated the value of the Forest Service permit to be $25 per Animal Unit Month. This permit value has been increasing for many years. However, since 1960 or 1961 the value has leveled off at about $25 due to speculation of a grazing fees study that might increase fees. In the absence of this uncertainty the permit value would have continued to increase. When the announcement was made in January 1969 that fees would increase to a $1.23 equivalent over a 10-year period the uncertainty was removed and the permit value moved to a new level. Although not certain of what that level is it is not as high as it would have been without the uncertainty and the fee increase. It is suspected, however, that the value has increased over the $25 level.

5. It is understood that the Burlington Northern Railroad Company currently charges $2.10 per animal unit month on most of their rangeland although plan to increase this over the next several years. However, the fees do vary depending on the quality of range. A fee of about $1.00 to $1.25 per animal unit month is charged in western Montana for use of intermingled railroad lands which are managed by the Forest Service. The lessee of such railroad lands accepts the Burlington Northern lease subject to Forest Service regulations. The lease arrangements are very similar to Forest Service grazing permit procedures and no permit value is recognized.

6. When the new grazing fee was implemented in 1969 the revenue from Montana was about $5,000 less than it would have been under the previous fee system. For the Western National Forests as a whole total receipts from grazing were approximately the same as they had previously been. However, the 1970 moratorium resulted in a total loss of about $900,000, 25 percent of which would have gone to the counties. In Montana the moratorium resulted in a total loss of about $55,000 of which $13,750 would have been returned to the counties. The total loss in grazing receipts over the decade, due to the 1970 moratorium, amounts to about $4,000,000. In Montana this would be about $335,000 of which 25 percent would have been returned to the counties.

Chapter 6—Range Resources

Recommendation 37: Public land forage policies should be flexible, designed to attain maximum economic efficiency in the production and use of forage from the public land, and to support regional economic growth.

There is a need for flexibility in public land forage (grazing) policies. However, consideration should involve goals other than just attainment of maximum economic efficiency and support of regional economic growth.

Forest Service grazing policy with respect to permit transfer allows a Forest Service grazing permit to move readily from one holder to another, via the Federal Government. Permittees no longer in need of a permit relinquish it to the Federal Government who in turn issues a new permit to a qualified applicant if grazing continues to be available for allocation. In most instances the purchaser of land or livestock owned by the retiring permittee is issued a permit if he is otherwise qualified.

A second essential issue within the recommendation is the Forest Service policy of upper limits as it relates to ". . . attain-(ment) (of) maximum economic efficiency . . . ."

It is true that the Forest Service upper limits policy has constrained full operation of the market in permits and, in so acting, has maintained a population of small- to medium-size family-size ranches. (Upper limits is simply a maximum limit on the number of cattle or sheep that can be grazed by a single permit holder.) However, the premise of current USDA policy is that ranchers who wish to remain in the range livestock business utilizing the National Forest System for part of their grazing should be protected in part from monopolistic competition which could arise from very large ranches assembled by aggregation of private ranch lands and the Forest Service grazing permits associated with them.

A Forest Service grazing permit may be "transferred" upon sale of either the land which makes its holder commensurate *or* livestock. (BLM grazing permits generally transfer only through sale of land.) This has meant that Forest Service permits have "moved" to new land areas and the former base properties have become available for other ranching or farming interests to meet needs of ranchers for increased scale on non-public land grazing operations.

A policy which would allow grazing privileges to be *fully transferable* upon request of the permittee, as suggested under this recommendation, would in essence convert National Forest System grazing privileges to grazing rights. The Forest Service has historically maintained that livestock grazing on the National Forest System is a privilege and not a right. This position has been sustained in the courts.

A Forest Service grazing permit grants a privilege to use the National Forest land for livestock grazing. It stipulates conditions under which grazing may take place. The privilege granted by the permit is a personal one and applies to the holder alone. Permits are issued for a term of 10 years and are validated annually upon payment of fees. In order to qualify for a Forest Service grazing permit, a rancher must own base property and livestock. Permits cannot be exchanged directly between any two individuals.

If a permittee no longer wants to graze livestock upon the National Forest, he relinquishes his grazing privilege by waiving his permit back to he Government. An interested second party may apply for the grazing represented by the waived permit if he in fact has purchased either the land or livestock owned by the previous permittee.

National Forest System lands are public resources. Areas used for grazing usually serve several other purposes at the same time, such as fish and wildlife habitat, watershed protection, timber production, or outdoor recreation. Demands from all groups and interests for these resources and benefits are growing apace.

A policy which would allow permits to be fully transferred at the discretion of the user would allow the fair market value of grazing permits to be determined in a market between ranchers while the Government remained neutral. There would be no payment for this value to the real owner of the resource upon which it is based.

An equally important situation could result from fully transferable permits if Recommendation 44 were to be accepted. That recommendation includes a statement calling for ". . . an equitable allowance (to) be afforded current permittees for permit values in establishing grazing fees." Under that provision the market might increase the permit value up to a level where the fees would be either zero or negative. In the latter case the Federal Government might be obligated to compensate the user to graze livestock on public lands.

An alternative would be to retain the current permit allocation policy (see comments on Recommendations 39 and 44). Under the current grazing fee system the public landowner will receive a value more representative of fair market value than in the past. The reallocation of permits will continue on the basis of sale of base property and/or permitted livestock. Even under this system it will be the more efficient operators who will become new permittees or who will enlarge their operations, thus supporting regional economic growth.

Recommendation 38: The grazing of domestic livestock on the public lands should be consistent with the productivity of those lands.

This recommendation is consistent with the Forest Service concept of land management on a sustained yield basis and with the National Environmental Policy Act of 1969. Although the recommendation refers only to "the grazing of domestic livestock," other resource needs and uses should also be considered. Range must also provide habitat and forage for wildlife needs. Timber regeneration or other resource uses must also be considered on these lands.

A subrecommendation concerning rehabilitation of deteriorated range lands includes: *"should exclude domestic livestock grazing from frail lands where necessary to protect and conserve the natural environment."* This is important and is currently an objective of managing National Forest System ranges.

Recommendation 39: Existing eligibility requirements should be retained for the allocation of grazing privileges up to recent levels of forage use. Increases in forage production above these levels should be allocated under new eligibility standards. Grazing permits for increased forage production above recent levels should be allocated by public auction among qualified applicants.

Existing eligibility requirements are in accord with objectives of rural development programs and could generally continue to be used in allotting grazing privileges of existing and future forage production levels, with recognition given to the possible need for continued updating of certain criteria. Implementation of this recommendation could mean that increased forage production resulting largely from investments by existing permittees would be only available to them if they out-bid competitors.

Increased forage production, as well as other benefits to the environment, generally result from cooperative efforts with current permittees in improvement programs and intensive management of the range resource. Permittee incentive to participate in such efforts would be essentially nullified if the resultant increase in forage production were to go to someone else. It should also be recognized that cooperation of many current permittees also contributes benefits to other resources uses and values such as wildlife, watershed condition, recreation, etc.

Public auction presumes a relatively free and competitive market. Such condition does not exist for many National Forest System users. A given range area can frequently be used more conveniently and efficiently by a certain operator because of the allotment location, property boundaries, water developments, topography, and other factors. The auction approach would also pose administrative problems that cannot be readily resolved. Some allotments are presently subdivided into several units to facilitate rotation systems of intensive management which have materially improved conditions of range ecosystems. Some of these situations involve private lands and those administered by more than one agency to comprise a suitable management unit.

The range resource and forage availability is also influenced by coordination needs with other resource uses and values. Grazing use must adequately consider such values as wildlife, watershed, recreation, and timber.

Recommendation 40: Private grazing on public land should be pursuant to a permit that is issued for a fixed statutory term and spells out in detail the conditions and obligations of both the Federal Government and the permittee, including provisions for compensation for termination prior to the end of the term.

This recommendation concerns several separate thoughts; these are discussed separately as follows: (1) (A) the term of grazing permits be established by statute; (2) (B) *grazing* permits should detail with greater precision the range conditions which will trigger use changes (both increases and decreases); (3) (C) range land should, whenever practicable, be allocated on an area basis to a permittee and he should be required to maintain a specific range condition regardless of the number of animals grazed; (4) (D) the kind of public purpose for which a grazing permit may be canceled should be identified in the permit; (5) (E) permittees should be compensated when permits are canceled to satisfy other public uses.

(1)(A) Although the matter of tenure has received much attention from the livestock industry, the problem has not in reality been a serious one. The issuance of 10-year renewable term permits has been the normal manner of authorizing grazing use by the Forest Service, although temporary (one-year) permits are issued under certain conditions. The Granger-Thye Act (Sec. 19) authorized the Secretary of Agriculture to issue permits for the grazing of livestock for periods not exceeding 10 years and renewals thereof.

Adjustments in permitted use have been necessary for resource protection, violations of permit conditions, and need of the land for higher uses. However, most adjustments have been made for resource protection and these have usually been accomplished on a negotiated basis with the objective of minimizing the impact on the permittee. Adjustments because of higher use have been relatively minor, and in most of those cases alternative sources of grazing have been provided.

If term of permit were further fixed by law to include size of permit, the statute might incorporate a safety margin for environmental considerations, catastrophies such as fire or drought, and the possible need to use the land for other purposes. Permitted levels, thus, might be lower or higher than under present policies.

(2)(B) Detailing with greater precision the range conditions that will trigger use changes (both increases and decreases) has merit. Currently this is being done through Forest Service range management plans that are made a part of grazing permits. However, dealing with a biological entity such as range environment is a very complex matter. It is not easy to formulate the environmental conditions necessary to "trigger" a change in grazing use. The recommendation has practical limitations. Regardless of the criteria used, conditions will vary sufficiently from one place to another so judgment factors will necessarily be involved.

(3)(C) Forest Service range allotments are now allocated to permittees on an area basis, but grazing permits also specify livestock numbers and grazing seasons. The number and season controls serve two purposes. First, they provide an equitable basis from which to make user charges. Second, they establish controls which help regulate grazing use at a level consistent with the needs of the range and other resource considerations.

Although Forest Service grazing permits usually specify livestock numbers and grazing seasons, these are not inviolate. Grazing seasons often are modified, as are livestock numbers, depending on range productivity, other resource needs, and the desires of the permittee. At some times, more livestock are allowed for a shorter season; or, season length is extended when forage is available.

Such matters are relatively easy to administer where only one permittee is involved, but become more complex on community allotments, for which uniform grazing seasons with specific numbers are important.

Responsibility could be more fully delegated where grazing was essentially the only use of significance than where a complex of interacting resource uses exist—the typical situation on National Forest System land.

(4)(D) Identifying in the grazing permit the kind of public purposes for which the permit may be canceled deserves further attention. A definition of "public purposes" is important and raises the question of how to develop criteria needed to make resource protection adjustments. In addition, the matter of compensation for canceled permits and the length of time (tenure) for which a permit is issued become involved.

(5)(E) With respect to compensation for permits canceled before the termination date, the longstanding position of the Forest Service has been that the privilege of grazing on National Forest lands under a permit issued pursuant to the regulations of the Secretary of Agriculture is not a property right. Numerous court decisions have supported this position.

Recognition, through legislation or otherwise, that the holder of a grazing permit on the National Forests is entitled to reimbursement for grazing privileges withdrawn or reduced could be contrary to this basic concept. And such an interpretation might erode rather than enhance the stability of tenure now enjoyed by those who have grazing privileges on the National Forests. (The Forest Service is aware of legislation relating to payment for cancellation of permits on DOD lands.)

The recommendation states that a permit be "issued for a fixed statutory term and (which) spells out in detail the conditions and obligations of both the Federal Government and the permittee . . ." Forest Service permits now include a number of conditions and provisions, most of which obligate permittee to certain requirements. However, to the extent that funding is available, the Government also often becomes obligated to perform certain rehabilitation work, construct range improvements, etc. Such obligations often commit the Government to spending tens of thousands of dollars on range improvement projects on a given range allotment. Therefore, except for the reference to compensation for terminated permits, these "conditions and obligations" are, in our judgment, now largely met in an equitable manner. A review of the provisions and terms of grazing permits with representatives of the livestock industry could result in an improved permit to the mutual advantage of the Government and permittees.

Recommendation 41: Funds should be invested under statutory guidelines in deteriorated public grazing lands retained in Federal ownership to protect them against further deterioration and to rehabilitate them where possible. On all other retained grazing lands, investments to improve grazing should generally be controlled by economic guidelines promulgated under statutory requirements.

Under administrative policy, investment in National Forest System range improvement has essentially been in accord with the recommendation. As indicated, Federal range funds are basically used for range lands in need of rehabilitation. In situations involving a term grazing permit, user contribution is commonly in the form of partial or total nonuse by permitted livestock until a satisfactory range condition has been realized.

Cost-benefit considerations (if not analyses, per se) have historically been used in determining investment priority. However, increased production of forage for the exclusive benefit of livestock grazing is seldom the sole concern in allocating investment in public range land. The environment and its resource components such as soil stability, hydrologic conditions, aesthetics, wildlife habitat, recreational opportunity, etc., invariably benefit from range improvement programs.

Cost-sharing for forage production on public lands has merit. In fact, the Forest Service and its grazing permittees have traditionally shared the costs of range development and improvements maintenance. The estimated ratio of investment by Federal Government and the permittee is somewhere near 4:1. By and large, little difficulty has been experienced with cooperative agreements, special use permits, or other arrangements that have been used. User investment beyond that which can be reasonably amortized has not been encouraged. Also, the grazing fee system implemented in 1969 made allowance for the permittee's investment in public land range improvement.

Funding from "earmarked" National Forest grazing receipts for range improvement programs has not been a major item in relation to total need. The Granger-Thye Act (Sec. 12) authorizes grazing receipts to be used for range development purposes; approximately $700,000 are made available each year. Nonetheless, some of the range resource improvement and rehabilitation would not have been accomplished without this source of limited funding. A desirable investment level for National Forest System range improvement has little relation to grazing receipts. Recognized needs for range development are far in excess of current levels of receipts.

The PLLRC proposal concerning crediting a user for his investment as he pays his grazing fee (page 114) raises some interesting points. The basic concept is not different from proposals made internally by the Forest Service. Those proposals would allow the user to invest only to the point whereby he would receive an 8 percent return on his investment. The Federal Government would pick up the remainder of the cost. Total project benefits would have to exceed total project costs. Further, under the proposal, the user's cost share would be allowed through deduction in grazing fees.

A major problem with such a method—deduction in fee as a cost share portion of the user's investment—is that it would result in a double benefit to the user if carried out under the current fees schedule. The current fee already includes an allowance for user investments. The user would receive benefits from the deduction in fee for his cost share plus the added benefits resulting from more grazing. In order to be fair to all users, a change in base fee would be necessary.

Such a program could be a nightmare to the District Rangers who would have to run cost-benefit studies on each improvement project on each one of about 12,000 Forest Service grazing allotments and determine how much each user is to be credited for his investment.

Nonetheless, this recommendation lays out the ground rules we may have to follow as program budgeting becomes more a way of life in Government planning. This recommendation could also be handled satisfactorily under administrative procedure rather than by statutory requirements.

Recommendation 42: Public lands, including those in national forests and land utilization projects, should be reviewed and those chiefly valuable for the grazing of domestic livestock identified. Some such public lands should, when important public values will not be lost, be offered for sale at market value with grazing permittees given a preference to buy them. Domestic livestock grazing should be declared as the dominant use on retained lands where appropriate.

This recommendation involves two principal thoughts. One concerns disposal of land which is identified as being "chiefly valuable for grazing." The other pertains to retained lands and provides for identifying those which are chiefly valuable for grazing as opposed to those less valuable for grazing. It further proposes that grazing be prohibited on other areas classified as not suitable for grazing.

National Forest System lands that are used for grazing also serve other national, regional, and local needs in most situations. They grow timber, produce water, provide recreational and aesthetic benefits, and provide wildlife habitat, besides producing grazing for livestock. Few—if any—National Forest System lands are valuable for only a single use or purpose.

The Forest Service has had formal experience since 1911 in classifying the degree to which National Forest System land should, and can, be grazed by livestock through its various programs of range survey, range inventory, and more recently, range environmental analysis. These programs have revealed National Forest System areas best suited to range livestock production, but they also have revealed their multipurpose nature.

Part of the recommendation provides for "classifying for grazing as the dominant use those lands retained in Federal ownership and identified as being chiefly valuable for grazing of domestic livestock." Also, recognizing that certain lands are too steep, unstable, unproductive, expensive to rehabilitate, and otherwise generally unsuitable for grazing, another subrecommendation is made:

(4) *"Such frail and deteriorated lands should be identified, as well as those chiefly valuable for grazing. Once identified they should be classified as lands not suitable for grazing, and (grazing) should be prohibited to the fullest extent practicable."*

Needs for public land resources change, and the administrator must be able to modify his programs to best meet emerging needs. To classify certain lands as chiefy valuable for grazing and consider grazing as the "dominant" use could limit the administrator in meeting the total public need. The National Forest System environment is ecologically complex. It contains varied plant communities from slope to slope—frequently within 5- or even 1-acre tracts. Native animal population of many species inhabit such areas. A change or modification of one resource may set off a chain reaction with widespread effects. This is part of the range environmental analysis procedure and is currently considered in the development of all multiple use management plans.

Recommendation 43: Control should be asserted over public access to and the use of retained public grazing lands for nongrazing uses in order to avoid unreasonable interference with authorized livestock use.

Aside from watershed and wildlife, grazing of livestock is the most widespread use of the National Forest System. Approximately 106 million acres of National Forest System lands alone are included within grazing allotments. All of these lands have resource values and uses in addition to grazing. The range itself is but part of a wildland environment containing many ecosystems with multifaceted and interrelating resources. As population continues to grow, more and more people will come to the National Forest System. As people pressures on the public lands increase, demands will increase. Use priorities may have to change. More intensive management of all resources and uses must be accomplished to meet emerging needs. Development of criteria and procedures for controlling people will be necessary. Unreasonable levels of interference by any group of users with established or establishing uses will need corrective action. Levels of control may well need to be related to relative priorities of the different user groups. In some cases, restrictions may need to be imposed against grazing to assure low interference with nongrazing uses.

As pressures increase and conflicts develop, priorities must be established to best meet the needs of society and the environment. In many cases a use of National Forest System land which adversely affects livestock grazing can be mitigated through more intensive management and range development programs. The Secretary of Agriculture currently has the authority to and is largely meeting the objectives of this recommendation.

Although not specific, this recommendation seems to imply that the greatest conflict for use of the range environment occurs between livestock and wildlife. However, it would be difficult to develop meaningful general standards for allocating forage resources between these uses. From a practical standpoint this this is now done to a limited degree, but each situation must be handled on its own merits and local conditions.

Recommendation 44: Fair market value, taking into consideration factors in each area of the lands involved, should be established by law as a basis for grazing fees.

Fair market value is a generally accepted basis for establishing grazing fees. The Department has favored the view that fees should be based upon conditions in each permit area and, thus, should vary from place to place, but has not favored the Commission view that current permittees should be afforded an "equitable allowance . . . for permit values" in establishing grazing fees.

The current formula does not accurately determine fair market value in the economic or legal sense. The approach taken by the Forest Service and the Burtau of Land Management in developing the current fee base of $1.23 is to approximate fair market value as closely as possible to the price a rancher would be willing to pay for use of these lands. The total cost of operating on private leased grazing land was considered as the full value a rancher would be willing to expend for an AUM of grazing on other than deeded land. The formula used compared the total operator cost on private leased land (including the private lease rate) with the total non-fee operating cost on public land. The difference measures the amount a rancher would be willing to pay for an AUM of public forage use and is thus a simulation of fair market value.

An important objective of the Government was to charge the public land user a fee such that he not have a competitive advantage over his neighbor who does not have a public land permit. If such advantage should exist, it could be considered a subsidy to the public land user. This would be discriminatory against the nonpublic land operator.

The Forest Service had hoped to develop a series of fees by area more representative of "fair market value" within any given area. Analyses of the available cost data, however, showed that the cost of operation by individual users is so variable due to differences in efficiency of operation that significant differences in fair market value between areas could be measured.

The new fee schedule will result in elimination of that portion of the permit value created due to the difference between low public land use fee and alternative private lease rate. The grazing fees program is being carried out under the principles and guidelines established by the Bureau of the Budget in Circular A–25, September 23, 1959, and the Natural Resources User Charges Study, June 1964.

Recommendation 45: Policies applicable to the use of public lands for grazing purposes generally should be uniform for all classes of public lands.

It would be helpful to users for Federal land grazing policies to be as uniform as practicable among the various land-administering agencies. However, not all grazing polices can be made uniform without affecting equity among present users.

Forest Service grazing policy began in 1905 and was partly based on earlier Government policy when the Federal lands were administered by the General Land Office. Early Forest Service policy evolved to meet then-existing needs. Modifications have been made to accommodate needed changes. Other Federal land grazing policy has a shorter life. The Bureau of Land Management, which now administers grazing policy set up under the Taylor Grazing Act, was patterned to some degree after Forest Service policy. But BLM policies were built to fit needs peculiar to the public domain lands just coming under Federal administrative grazing control in the early 1930's.

Because of widely varying ranching situations from place to place and from range ecosystem to ecosystem, public land grazing policies have, in fact, by necessity been variable. Some of the variability could be reduced.

Policies of the Forest Service with respect to control of permit size—i.e., upper limits—have served to prevent monopoly. The Bureau of Land Management has no upper limits policy. Forest Service grazing is spread over a rancher population of much smaller size than that of the Bureau of Land Management.

The geographic extent of range programs is an important factor in the matter of uniformity in grazing policy. For example, Bureau of Land Management grazing is essentially all in the public land States where the emphasis in ranching (excepting for Alaska) is on livestock production and many ranches are commercial-type enterprises. Many ranches in this area are largely producers of animal products or are diversified operations producing beef or sheep products, but also producing sugar beets and other crops. The Forest Service, on the other hand, administers grazing programs on National Forest System land in more than 35 States. Forest Service range programs in the public land States bear reasonable resemblance to Bureau of Land Management programs, and many ranchers hold both Forest Service and Bureau of Land Management permits.

Opportunities for uniformity in grazing policies in the public land States are reasonably good. However, in the nonpublic-land States, the situation is quite different. Forest Service permittees in the Midwest and South vary from rancher-type to diversified farmers, with livestock raising playing only a minor part of their operations, to subsistence farmers—even public-land "squatters" who depend upon livestock raising for some cash income and for food. The total mission of the agency or department is related to grazing policies affecting use of the Federal lands. Grazing policies set forth in the interests of uniformity among agencies to apply to the generally recognized kind of cattle or sheep ranch would ill fit the Southern subsistence farm. Helping the subsistence farmer meet his basic needs is part of the mission of the Forest Service.

Agriculture and Interior Raise Grazing Fees

Acting Secretary of Agriculture J. Phil Campbell and Acting Secretary of the Interior Fred J. Russell announced today that public land grazing fees will increase for the 1971 grazing season. The new fee schedule affects ranchers who graze livestock on public lands administered by Interior's Bureau of Land Management and Agriculture's Forest Service in 11 Western States, South Dakota, and Nebraska.

On lands administered by Interior's Bureau of Land Management, the grazing fee will increase from 44 cents to 64 cents per animal unit month beginning March 1. On the average, fees on National Forest lands will increase from 60 cents to 78 cents per animal unit month. (The Forest Service has a variable fee system which in 1971 will range from 53 cents to $1.04 per animal unit month.) An animal unit month represents the forage used by one cow for one month, and these are used as the basis for permits, licenses, and leases.

The increase follows a one-year moratorium the two Departments had placed on fee increases to allow time to review recommendations of the Public Land Law Review Commission. In announcing the increase, the Secretaries said that a review had been made both of the Commission report and of the decision of the 10th Circuit Court of Appeals on the matter of grazing fees. The Commission report, while criticizing the formulation of the fee structure, indicates that the announced 1971 level is within its concept of moving toward fair market value. The court found that the fee structure was consistent with existing law and the intent of Congress, and that it was fair, reasonable, and equitable.

The increase in fees from public lands administered by Interior's Bureau of Land Management consists of 9 cents as the annual increment needed to reach toward fair market value, while the Forest Service average annual increment is 7 cents in this respect. Both Interior and Agriculture are increasing fees an additional 11 cents to reflect market increases in forage prices during the 2 years since the last fee change. The increases will add to revenues for local and Federal governments and will expand funds available for land improvements.

NATIONAL SERVICE ACT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. ASHLEY. Mr. Speaker, I am introducing today a bill to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation.

The Vietnam war has served to emphasize the inequities of our present system. While occupational deferments are being phased out, young men with money and/or intelligence are going off to Cambridge and other college campuses instead of to Saigon and the jungles of Vietnam. The rich go to their draft boards armed with medical X-rays and lawyers to pursue their appeals. The poor not only cannot afford such things but too often they come face-to-face with segregated draft boards.

In seeking a solution to these and many other problems in our present system, let me state initially that I agree with the conclusion of the single most thorough public study of the draft, that of the Marshall Commission, that "the Nation must now, and in the foreseeable future, have a system which includes the draft." Even the Gates Commission on an all-volunteer Armed Forces favors leaving a Selective Service System in being, on a standby basis.

This is simply because our first concern must be to guarantee a continuing supply of manpower for national defense purposes and past experience has amply demonstrated that the draft provides such a guarantee.

At the same time, so long as all eligible persons are not required to serve, we owe it to those who must serve to devise as equitable and workable a system as possible—one which fills manpower needs while allowing individuals the maximum amount of choice.

I believe that the National Service Act would provide such a system. Under it young men would register at age 17: receive counseling on their service options; and then at age 18 make one of three choices:

First. To volunteer for military service; or

Second. To volunteer for civilian service as an alternative; or

Third. To take their chances on being drafted under a lottery system.

Civilian service could accommodate those dedicated, capable, and talented young Americans anxious to serve their country in nonmilitary service. A registrant who elects civilian service could seek a job with an approved employer in one of the following categories: State, Federal, and local agencies; public, private, and parochial schools; nonprofit hospitals; law enforcement agencies; penal and probation systems; or noncommercial organizations such as the Red Cross, whose principal purpose is social service.

To qualify, an employer would have to meet requirements promulgated by the Director of the National Service Agency on the type of job and the amount of job training and supervision available, as well as indicate how they intend to insure that participation of civilian service registrants in the occupation would not interfere unreasonably with the regular labor force in that area.

Qualified employers would have to pay the going rate for the type of work that the registrant does. This salary, however, would be paid to the National Service Agency which, in turn, would return to the registrant an amount determined by the Director for "subsistence." The difference between these two amounts would go to the National Service Agency to offset the cost of administering the program.

In addition to these jobs, a registrant could choose to serve in the Peace Corps or VISTA or the National Service Corps. The National Service Corps would directly operate Federal programs in areas of social need such as reforestation; mass-produced housing for the poor; or, more generally, as an "environmental task force."

The corps would also operate educational and training programs especially for registrants from deprived backgrounds. These programs would enable the registrant, first, to do useful and semiskilled work for the remainder of his civilian service tour; and second, to find skilled jobs following the completion of his service.

The enlistment and lottery options would be essentially unchanged from what they are now. Those who choose to take their chances in the lottery would undergo 1 year of liability in a lottery based on random selection of birthdays.

The length of time registrants would have to serve in civilian service—a period of time equivalent to 2 years in the Armed Forces—and the extra benefits of military service—for example, higher salary, travel, GI bill—would be valves to check and control the flow of men into the three options. If, for example, the Director concludes that not enough men are choosing the lottery option because civilian service is too attractive, the length could be increased. After some manipulation of the positive and negative elements, a desired balance among the three options would be achieved.

To get the needed variety, experience, and skills, the bill would permit volunteers for either military or civilian service to defer their term of service for a maximum of 5 years while attending college or while participating in approved training programs including apprenticeship and on-the-job training.

Thus, when military manpower requirements are low, these requirements could be met largely through the pool of volunteers, thereby providing an essentially volunteer Army with most men who choose the lottery not having any service required of them.

In a shooting war—that is, when the number of casualties exceeded 10 percent of the number of draftees for 3 consecutive months—student and job training deferments would be suspended. In addition, if the Director certified that there were not enough men to fill the monthly calls, then the option to join the civilian service would be temporarily suspended and the lottery would apply to all 18-year-olds.

This discontinuance insures that when draftees face an appreciable risk of being sent to a combat zone, all young men must stand as equals at that particular time before the draft process. To permit some to elect to enter college or job training while denying this election to others would be to continue one of our present system's worst features.

It is important to note that the discontinuance would not apply to persons already in colleges or occupational training when the 10-percent figure was reached. These young men did not make their choice to avoid a war—because the shooting had not reached an appreciable extent at the time of their decision—and so their deferment would stand.

I would also like to take a moment to discuss several other changes that would make our draft law more equitable. First, the bill would extend the protection afforded by the courts and the legal process to the selective service process. Thus, registrants would be permitted counsel to represent them in all national service proceedings, and indigent registrants would be provided with counsel.

Second, as previously mentioned, the bill would require the National Service Agency to provide each registrant with full and clear information about his options under the law and any regulations. Too often in the past registrants have simply not been informed of their options and I believe it is the duty of the Government to inform each individual of his rights in such an important matter.

In addition to the above changes in procedure, there is one final change that is essential—to prohibit local board discrimination on the basis of race. The present law prohibits discrimination on the basis of sex but says nothing of race. Consequently, it is not surprising to see that only 7½ percent of all local board members in 1970 were black, while, in 1969, 14 percent of all inductees were black.

My bill would require the membership of all local placement centers to represent all elements of the public it serves and would prohibit discrimination based upon sex, race, creed or color.

In short, I think the National Service Act would provide the three elements which are essential for effective draft reform—flexibility, to adjust to either high or low manpower needs; certainty, to insure that the system will be uniform and predictable, so that every young man will know to the extent that it is possible when he will be called to serve; and fairness, so that every young person is treated equally.

Mr. Speaker, with the selective service system due to expire on June 30, 1971, the time is ripe for a reevaluation of our present system. Therefore, I urge the Armed Services Committee to convene hearings to consider all proposed reforms of the draft—the National Service Act, the all-volunteer proposal, universal service, and many others—so that we can provide the most equitable system possible for the youth of our Nation.

LATEST FROM THE POVERTY FRONT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. RARICK. Mr. Speaker, instances of fraud, mismanagement, and coddling of criminals continues to increase as a socialistic central government falters in its endeavors to make unequal men equal. Of course, free men can never be equal, for if forced to be made equal, they are no longer free.

In the District of Columbia, it has been disclosed that about $600,000 in food stamps was obtained fraudulently by falsifying income and under false pretenses. Yet, the USDA, steward of the taxpayers' moneys, refuses to prosecute the criminals because the individual amounts fraudulently obtained were very small—seemingly $600,000 is not such an insignificant sum to many taxpayers.

Welfare recipients in the District of Columbia are encouraged to buy new townhouses over a 15- to 25-year period. Additionally, plans have been announced for the construction by federally subsidized private developers of a 283-unit high-rise building for families who are too "rich" for public housing but cannot afford market-rate rents.

In New York, taxpayers footed the bill for $70-a-night rooms at the Waldorf-Astoria for a welfare mother and her four children, who really preferred a cheaper Brooklyn hotel because the maid service was more responsive to her needs.

If only money were needed to cure poverty, there should be very few poor neighborhoods. The American taxpayers have been giving by the tens of billions. But, the record of Government handouts raises the question as to whether we have curbed poverty or are perpetuating the same.

Poverty can only be effected by willing individuals through production and work. And neither of these have ever been shown to be a virtue of government.

Our immigrant ancestors had no guaranteed income, only ambition. No job was too menial to impair their dignity. Italians who could not even speak English pushed carts many weary miles a day selling whatever they could; the English worked in mines; the Germans ran small shops, and the Irish worked at construction jobs. People of these and many other nationalities worked hard and built this Nation and their own self-respecting future.

The best way to fight poverty is to work.

I include the following news clippings on this subject:

[From the Washington Daily News, Jan. 22, 1971]

DISTRICT OF COLUMBIA FOOD STAMP PLAN RULES ARE CHANGED

(By James Griffin)

In the wake of disclosures that about $600,000 in food stamps was obtained fraudulently last year, the Mayor's Committee on Food, Nutrition and Health plans to meet next week to discuss new food stamp regulations.

The food stamp cheating was revealed yesterday as D.C. Food Stamp manager John E. Saunders, 49, explained the regulations to irate food stamp recipients, mostly mothers.

Under the proposed regulations, all food stamp applicants would be checked thru a central computer and stamps would be mailed to those qualified to receive them.

The food stamp recipients complained that mailing the stamps would cause delays of up to three days and could lead to theft of the stamps from mail boxes.

Mr. Saunders told the mothers in the City Council chambers that the proposed new regulations resulted from an audit which "showed a better than 30 percent picture of irregularities." The Department of Agriculture, which oversees all food stamp programs, conducted a special audit of the D.C. Food Stamp Department's books over a six month period last year, at the request of Public Welfare director Winifred Thompson, according to James Springfield, Agriculture's food stamp director.

The General Accounting Office and the USDA's Inspector General's office took part in the investigation. The audit, performed by a special sampling method—which takes a number of cases and then projects a theoretical conclusion showed the 30 percent abuse of the system. Mr. Springfield confirmed that in October of last year USDA Asst. Sec. Richard Lyng met with Mayor Walter E. Washington to tell him of the findings.

Mr. Springfield said USDA had decided not to prosecute in any of the fraud cases because the individual amounts were very small.

Mr. Saunders said that the frauds were perpetrated by falsifying income of food stamp clients or by "shopping around" from one food stamp certification office to another obtaining under false pretenses food stamps from each. He denied that any of his 39 employees were in on the frauds.

Normally, a food stamp client goes to one of the District's centers and "certifies" his income, rental payment and address. This is usually checked on the spot. However, under an "undue hardship" clause in Agriculture's guidelines, "we can certify them for stamps without verification. This is called 'pending verification,'" said Mr. Saunders, who took over as food stamp manager 3½ years ago. The food stamp program began here in 1965.

[From the Evening Star, Jan. 21, 1971]

TENANT-BUYERS SOUGHT IN DISTRICT OF COLUMBIA FOR "TURNKEY 3" TOWNHOUSES

(By Harvey Kabaker)

The District's public housing agency is advertising for applications for low-income families who would like to move into 92 new townhouses and buy them over the next 15 to 25 years.

It is the first home-ownership project undertaken by the National Capital Housing Authority, which now rents apartments and houses to about 10,000 low-income families and elderly and handicapped persons. The federally sponsored "Turnkey 3" program began in 1968.

Applications, according to the advertisement in yesterday's Star, will be accepted through Jan. 29 at NCHA's offices, 1170 12th St. NW, for families that require three, four or five bedrooms. They may also apply at any of the agency's 18 management offices around the city.

The townhouses are part of a development that includes a 228-unit high-rise building for the elderly, also scheduled to open soon with residents taken from the top of NCHA's waiting list of 1,900 persons or couples.

Later, according to present plans, ground will be broken for a privately developed, federally subsidized, 283-unit high-rise building for families who are too "rich" for public housing but cannot afford market-rate rents.

The 92 townhouses are to be managed by a community-based Capitol View Development Corp., a nonprofit organization formed by several Far Northeast-Southeast civic and antipoverty groups. The community group will select the new tenants from the NCHA-approved list of applicants.

The housing authority said yesterday that final approval is being sought from the Department of Housing and Urban Development to designate the project, already built at East Capitol Street and Southern Avenue SE, for the home ownership program. All that remains to be done, officials said, is approval by inspectors.

Meanwhile, they said, NCHA will prepare the list of applicants who qualify under the agency's income limitations. For example, a family of four with income—after certain deductions—of under $5,100 a year can move into public housing and may stay until its income rises to $6,400. The latter figure is the cutoff for the home ownership program.

A family of six with a yearly income under $5,700 is eligible for public housing rental and may remain until the income reaches $7,100. A family of six whose income is under the latter figure is eligible for home ownership.

This is how the Turnkey 3 program works:

The resident's basic monthly payment will be the same as if the home were being rented—a maximum of 25 percent of the family's adjusted income. But a certain portion—to be determined by NCHA—will be withheld by the resident, to pay for utilities. The resident as in any private home will be responsible for utilities and extra costs from waste or negligence.

Part of the resident's actual payment to NCHA will be set aside in an "equity account." Nationwide, the "equity" payment averages $10 to $11, while in Montgomery County it is $14. NCHA has not set the amount in the District.

The "equity account" represents the amount of work, and perhaps materials costs, expended by the resident in maintaining his home. NCHA will not be responsible for normal upkeep.

Over the course of 15 to 25 years—depending on the price of the home, and whether the resident contributes extra money as his income rises—NCHA will be paying off the construction debt, with federal subsidies, as it would for any housing owned by the agency. But when the unpaid debt (plus closing costs) is equal to the amount accumulated in the equity account, title goes to the resident.

Charles Norris, a community worker with Far East Community Services has been working for such a program at Capitol View Plaza for nearly three years and is spokesman for the group that will run it in cooperation with NCHA.

Norris said a six-member screening committee will consider the suitability of applicants for home ownership by "the way they pay their rent," according to credit ratings and previous landlords. He said the committee might also consider the family's housekeeping habits as well.

He said that a family's dependence on welfare payments would not automatically exclude them from the program, according to some tentative conclusion for the committee.

He added that there was some concern the city would place a lien on a home bought with welfare funds. An official of the Social Services Administration, however, asked about such a policy, discounted it.

He said that there is no legal authority to attach a lien on property of families receiving aid-to-dependent-children grants. (In some cases involving handicapped persons, the city seeks control of property the recipient is incapable of managing.)

A doctrine of "recovery" used to be practiced here, which would require the city to regain property acquired by welfare recipients, the official said, but successful legal and political challenges ended that he said.

NCHA's interpretation of the equity procedure also concludes that the property will be protected.

[From the Evening Star, Jan. 21, 1971]

WALDORF-ASTORIA STORY: WELFARE FAMILY MOVES OUT

NEW YORK.—A welfare mother and her four children were moved out of their $70-a-night rooms at the Waldorf-Astoria yesterday and the three city employes who had booked them there were suspended. The mother said she didn't care that much for the elegant hotel.

Mayor John V. Lindsay said sending Mrs. Cleole Hainsworth and her children, aged 10 to 18, to the Park Avenue hotel showed "colossal bad judgment or worse" and may have been done with "malicious intent." He ordered the employes' suspension.

(The Associated Press reported that about 200 welfare workers at a Brooklyn center walked off the job this morning to protest the suspensions. The walkout threatened to spread, the AP said.)

The Hainsworths were put up in the Waldorf on Tuesday when the Human Resources Administration could not find other accommodations.

A hotel spokesman said the rent was paid until checkout time today and the family could have stayed, but they moved out yesterday, into the home of a woman friend. Mrs. Hainsworth had wanted to go there in the first place. "They (welfare officials) said a flat 'no,'" she said.

Mrs. Hainsworth called the Waldorf rooms "very nice," but said she preferred the Manhattan Beach Hotel in Brooklyn where the family had been living for the past month. "It was very beautiful," she said. "We even had a sun porch." She also preferred the maid service in the Brooklyn hotel. Maids made up their room at 7 a.m. At the Waldorf, she said, the maids were not in until afternoon. But she said the children, believing the Waldorf was filled with movie stars, liked it better.

The hotel in Brooklyn told her to leave Tuesday because it needed the room for other guests. An HRA office in Brooklyn could not find rooms in any hotels on the list approved for welfare clients and made arrangements at the Waldorf.

The Hainsworth family had been without a home for three months since the foundation of the apartment where they had lived for eight years collapsed. Mrs. Hainsworth said she is "just tired of moving."

The welfare agency has tried to get Mrs. Hainsworth to move into an apartment in the Red Hook project of Brooklyn with $145 monthly rent. "I don't like that place," she said. "My kids are good kids and I want a place they like."

A spokesman for Lindsay said the three suspended employes were Salvatore Ciccolella, Alan Bear and one person identified only as Mr. Henderson.

A TALE OF TWO JAILS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. KOCH. Mr. Speaker, on January 18, my distinguished colleague from New York (Mr. ADDABBO) and I visited New York City's Kew Gardens jail. With us was writer Jack Newfield.

Mr. Newfield's report on our experience and how this compared with what he and I witnessed a few weeks earlier in the city's Federal Detention Center, appeared in the January 21 issue of the Village Voice.

I am submitting the story for printing in the RECORD because it speaks so precisely of the inhumanity in some of our jails and the urgent need for the Congress to act in passing prison reform legislation. Our colleague from Illinois, Mr. MIKVA, has introduced a bill which I am cosponsoring to establish Federal standards for State and local prisons and to provide Federal funds to assist these institutions in meeting the standards. I hope that the Judiciary Committee will hold hearings on this matter shortly.

Jack Newfield's report follows:

CRIMINAL JUSTICE IN NEW YORK—A TALE OF TWO JAILS

(By Jack Newfield)

"I suspect that all the crimes committed by all the jailed criminals do not equal in social damage that of the crimes committed against them." (Dr. Karl Menninger, "The Crime of Punishment".)

A tale of two jails, one federal, the other municipal, one the responsibility of Attorney General John Mitchell, the other, the responsibility of Mayor John Lindsay.

On January 5, two days after a small riot, Congressman Edward Koch and I spent three hours inspecting the Federal House of Detention, at 427 West Street near 11th Street. It is old, over-crowded, and under-staffed. But it is, on balance, one of the less dehumanizing jails in the country. Inmates voluntarily told us that the new warden, Louis Gengler was "humane," "honest," and "liberal." One even said he'd sent the warden a Christmas card.

Warden Gengler permitted Koch and myself to go into the cells alone to talk to inmates without any guards present. One inmate told me, "I've been in the Tombs, in Brooklyn, in Newark, and this is paradise."

Inmates told us there was no brutality, that they get clean underwear three times a week, that the food was "okay," and that they have a gym to work out in. One of them said: "The warden comes around twice a day and asks us for our complaints. He tries to do what he can for us." Other inmates told us there were law books in the library and that common-law wives and friends were allowed to visit them on holidays. The inmates were permitted to leave their cells and walk around the cell block during the day.

At one point Koch asked a famous alleged Mafioso if he had any grievances about the jail, and the man answered, "Just that we don't have girls and weekend passes . . . This is a very decent joint." When I asked another group of about 12 inmates playing cards in one cell if they had any complaints, the only one offered was the absence of kosher food. Again, this conversation was conducted with no guards within hearing distance.

The visit persuaded me that despite antiquated physical facilities and not enough funds, and despite slow courts and unfair bail, a relatively humane administration was still possible within the rotting shell of the existing criminal justice system.

When Koch returned to his office he drafted a letter to Norman Carlson, director of the Bureau of Prisons. In it Koch wrote: "Over the past two years I have visited four prisons in New York City and elsewhere, and I must tell you that no other wardens in any other prison that I visited had the same laudatory comments made about them as did Warden Gengler. . . . In my opinion he is doing an excellent job in spite of the handicaps."

It was not easy getting a view inside a New York City jail. My first request to visit a detention facility, made six weeks ago, was rejected by Commissioner McGrath. A tour scheduled for January 13 with Congressman Koch was canceled at the last minute. John Parsons of CBS–TV was promised an "open door" tour of the Tombs last week, but was not permitted to talk to inmates, or see the isolation cell (bing). A tour of Kew Gardens for about 45 print and television reporters last week also excluded any direct contact with inmates. I insisted that any legitimate tour must include access to inmates, as did my visit to the Federal House of Detention.

Finally, on Monday of this week, Representative Koch, Representative Joseph Adabbo of Queens, and I were given a two-hour tour of the Kew Gardens jail by Commissioner McGrath. This is the newest of the city's six dentention jails, and was completed in 1962. On the outside it looks impressive with its clean new bricks and modern design.

Inside, the human part of it, is another story. The prison holds 530 inmates. They are locked in their cells 21 hours a day. For three hours they are permitted to congregate in the narrow corridors outside their cells. They have no recreation facilities whatever, no radios, no checker games even. They have no methadone withdrawal treatment for narcotics addicts, and about 60 per cent of all the inmates are addicts. About half of the jail population is awaiting trial; most have been waiting for more than four months. The warden of this jail is Albert Ossakow, who was named in several affidavits filed in federal court as personally witnessing the brutal beating of inmates after the October riot, and not objecting. One part-time psychiatrist, on duty nine hours a week, services all the 530 inmates.

We first visited a tier of cells on the fifth floor. About 15 inmates were sitting in the four-foot-wide corridor, as part of their "recreation time" outside their six-by-eight cells. Congressman Koch asked them if they had any complaints.

One man, about 45, said in broken English that he had been wearing the same underwear and the same pants ever since he was arrested six months ago. He said he had no family to bring him clean clothes. "I've asked the guards to get me clean underwear," he said, "but they don't listen."

Warden Ossakow, who looks and sounds like the comedian Phil Foster, said, "Maybe his English isn't understandable." When I asked how many of the guards speak Spanish, he said, "Two, and one is the cashier in the commissary."

We next spoke to a narcotics addict in his cell. "I came in here sick as a dog," he began. "I'm a junkie. I stayed awake for 25 days. I didn't eat for 14 days. I asked the guard to let me see a doctor, but they wouldn't let me. I belong in a hospital. I need methadone. I kicked heroin here alone. I was in agony.

The guard told me there was no doctor available. They only gave me tranquilizers."

Koch, who was instrumental in obtaining a 20-bed methadone withdrawal program at the Tombs jail, repeated the man's story to Commissioner McGrath, who said, "I can't believe it."

At the end of the tour we went down to the medical office to look up the inmates' record. It consisted of a blue card with information filled in.

"You see, he's lying," McGrath said.

Koch, examining the record closely, said, "He's not lying, Commissioner. Look here." Koch then showed the Commissioner that the story the inmate had told us of being arrested in Brooklyn and then being transferred to Queens was substantiated. The blue card described the prisoner as a "four bundle a day" heroin addict, but "not in withdrawal." It showed no record of medical treatment, except for tranquilizers, since he was admitted to the jail. (There was one part of the card that neither Koch nor McGrath could decipher.)

"This man belongs in a hospital!" Koch exclaimed.

The combined presence of the Commissioner and the warden could offer no response.

The next inmate we talked to also was an addict. He said he had been in his cell for the last four days and had no soap, no razor, and no towel.

"All he has to do is just ask for a towel," said Ossakow. Koch asked the guard (black) if the prisoner had in fact requested a towel.

"Yes, he did," said the guard, "and I told the A officer about it." However, the A officer (white) claimed he had received no such request for a towel. The inmate said, "If I can't get a towel with the Commissioner standing right here, what chance do I have when he's not around?"

Later, when Koch suggested to the warden that the second guard was lying, Ossakow replied "Let's just say he was fearful of making a mistake."

Similar Catch-23 absurdities were apparent at other points of the visit. One inmate complained that he had not been permitted to receive visits from his common-law wife. The warden said the inmate had to "fill out a slip" for that privilege. Then the inmate explained that he was told there were no more of those particular slips available to be filled out.

When Koch asked why prisoners in the big cell were not allowed mattresses, he was told that was to prevent suicides. When Koch asked why drug addicts were not placed in a dormitory, rather than the six-by-eight cells, he was told that "suicides were more likely in dormitories." ("Nonsense," Koch said later.)

At the end of the tour I remarked to mayoral aide Michele Dontzin that it all seemed crazy to me, particularly that the most modern of all the city's jails was without dormitories or hospital facilities. Dontzin said: "Of course this is all crazy. Kew Gardens is a maximum security prison, and half the people in it have never been convicted. An idiot designed this jail. In 1962 Wagner was the mayor."

When the tour was completed I asked Koch to compare the physically deteriorated federal jail with the brand new city jail.

"Of course the federal jail is much better," Koch replied. It's totally different there because the warden is a good human being. There is a different attitude here in Kew Gardens. Basic indignities are committed against inmates here. There is a bad attitude here, and it is compounded because they want to hide things here. But Kew Gardens represents the normal corrections mentality. Gengler is the exception."

There's almost nothing more I can say about this city's jails. (Kew Gardens, remember, is the best.) Everyone who cares now knows these are zoos where 6000 men and women, waiting for trials, are rotting because they are too poor to make bail, and where they are subject to the most brutalizing conditions imaginable. Cold turkey, dirty clothes, no towels, no recreation, locked in their cells 21 hours a day. Ten years ago New York Times editorials called the city's detention jails "dehumanizing" and "barbaric." But nothing has changed. It is as if the riots never happened.

There comes a time when even a writer—perhaps especially a writer—feels that words are worthless. The situation with the jails is now comparable to Germany in 1943 in the sense that there can be no more good New Yorkers; no one can pretend any longer that he is ignorant of what is happening behind the walls.

We all know it is a horror and a scandal. We know men have been stripped naked and beaten; we have seen the photographs of inmates having limbs smashed by baseball bats and ax handles. We know there have been 17 suicides during the last 24 months. We know inmates have been beaten and persecuted after all the official promises of no reprisals.

We don't need any more studies or articles, or committees. We know all there is to know. No more words of shame, no more words of regret, no more words of anger. Only action.

PROTEST IN POLAND

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. EILBERG. Mr. Speaker, on Sunday, December 27, it was my distinct privilege to be the principal speaker at a rally to protest injustices the Polish people continue to endure.

Fittingly enough, the rally was held in Independence Hall Square in my home city of Philadelphia. The rally was sponsored by the Eastern Pennsylvania District of the Polish American Congress, which represents 145 church, fraternal, veteran, and civic organizations and the 250,000 Polish Americans who live in the Philadelphia metropolitan area.

The day was bitter cold with a hint of snow in the air and the fact that 1,000 persons came to participate in this brief march and outdoor rally is testimony to the depth of the concern about their brothers and sisters across the sea. It is also a tribute to the dedication of Henry J. Wyszynski, president of the Polish American Congress—Eastern Pennsylvania District. At the request of the Congress and Mr. Wyszynski, I enter here a resolution, which I heartily support, approved at the rally:

Resolution

Whereas The twelve million Americans of Polish descent in this country. together with all freedom loving people of the world, are shocked at the unmerciful and inhuman treatment imposed by the communist rulers of Poland upon the men, women, and children in the various cities when militia and armed police of that government killed or wounded many who protested the sharp increase in the cost of food, fuel, and clothing recently; and

Whereas, the Polish American Congress Eastern Pennsylvania District, Polish citizens now residing in the United States of America, all Americans of Polish ancestry join all Americans condemning the Communist government in Poland for the bloody terror it dealt to the Polish people who were expressing their opposition to price increases that threatened their very survival.

Now therefore, the Polish American Congress Eastern Pennsylvania District, assembled this 27th day of December, 1970, in the City of Philadelphia, Commonwealth of Pennsylvania,

Resolves as follows:

That the President of the United States, the Secretary-General of the United Nations, the Secretary of State and all people and bodies in authority, express to the Communist Government in Warsaw, on behalf of the Polish American Congress Eastern Pennsylvania District and all Poles in the United States of America, their condemnation of the recent unlawful killing of the men, women, and children in Gdansk, Gdynia, Szczecin, and other Polish cities, because of their protesting the price increases.

Henry J. Wyszynski,
President, Polish American Congress, Inc., Eastern Pennsylvania District.

I would also like to take this opportunity, with the unanimous consent of my colleagues, to enter in the Record my remarks of that day:

Calm has once again come to the Polish people, a false, empty, calm imposed by the presence of tanks and the very visible threats of police and army violence. The long-suffered reasons for the violence of a few days ago remain; the exorbitant prices of staple foods, fuel and clothing, the shoddy quality of the goods, the inadequate supply of even the most essential of foods, the meatless Mondays, the spiraling inflation, and the endless excuses to keep wages low. Inefficiency, corruption, antiquated management policies, and intransigence; all of these the Polish people have suffered for thirty years and still there is no end in sight. Twenty people are dead as a result of five days of violence according to official Polish news reports . . . the true figure could be many times twenty.

The national emergency curfew has been lifted, and the Polish television shows us pictures of workers doing their Christmas shopping. But what can they buy? What can they afford? A chicken costs three dollars, much too expensive for the poorly paid Polish workers. In fact, food prices were raised as much as twenty percent, prior to the rioting, and no one yet talks about lowering them. At the same time the prices of some industrial goods were decreased, decreased from impossibly high to nearly impossible high. So now, although the Polish people are hungry and cold, many more of them will be able to watch television. But they won't see the rioting over lack of food and fuel on their sets. Even those with television sets now know little more than outsiders about the strife torn cities of the north since the government has censored most news on the rioting.

But, we are told, there is hope. A new government has taken charge, a new government which promises to be more attuned to the needs and desires of the Polish people, a government which promises an end to economic inefficiency and waste. But the speeches used by the new leadership to restore calm sound strangely familiar. The new leader denounces the old leader and talks about the mistakes of the Gomulka regime. But surely the Polish people can remember the rioting of 1956 over the prices and supply of food and fuel. Surely they can remember the soothing speeches of the newly selected First Secretary Gomulka. Those speeches also promised reforms, lower prices, a better life, a "Polish nationalist communism." What was the result of those reforms? Farm production has decreased markedly in the last few years. Today Poland's economy is stagnant, inflation is rampant, consumer goods are scarce. In fact, Poland is one of the poorest of the communist bloc nations. Politically, the Polish government is still closely aligned with Soviet Russia, even to the point that Polish troops joined Soviet troops in an enthusiastic occupation of Czechoslovakia. Poles are still without liberty, without the simple freedoms you and I take for granted. Poland under Gierek is still Poland under the thumb of an autocratic and Russian-oriented communist party.

Let us assume that the new government does solve he economic problem of Poland. Will the people of Poland be allowed to live their own lives unhampered and unrestricted by harsh rulers loyal to Soviet masters? Unfortunately not. For Mr. Gomulka's successor, Edward Gierek, may be a better economic manager, but he is also a tough loyal communist who looks to the Kremlin for instructions. Four other members of the Politburo have also been ousted as of this date. And their replacements, unfortunately, are men of an even more conservative, party orientation. Many writers, well versed in Polish affairs, predict, not an era of liberalization, but an era of enforced orthodoxy, strict party control of the nation, and closer ties with the Soviet Union.

The lesson of 1956 and the loss of 1970 are clear. The Poles must be free to choose their own leaders, their own governments. The Russians must learn that the puppet masters they impose can only rule Poland, but never govern it.

So once again we must say to the Kremlin:

Freedom for Poland and freedom for the Polish people.

I am proud to add my voice to that chorus.

THE ROLE OF THE EXIM BANK IN INTERNATIONAL TRADE

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BROWN of Michigan. Mr. Speaker, in the February issue of Worldwide Trade Horizons, a monthly publication of Pan American World Airways, devoted to the promotion of international trade, an excellent discussion of the contributions and functions of the U.S. Export-Import Bank appeared. It strikes me as one of the better expositions of the role of the Bank, particularly in conjunction with the promotion of export trade, and consequent positive entries in the U.S. balance-of-payments summaries.

Two very significant points are made by the article. The Bank operates on its own resources, and does not spend the American taxpayer's money. Second, it does not compete with U.S. banking interests. On the contrary it enters international transactions only on request of a private bank, disbursing dollars only within the United States and accepting payment of both principal and interest in dollars. Thus, it encourages sales of U.S. products overseas, and going beyond its favorable impact on the balance of payments, it contributes to the creation of additional jobs within our economy.

The article to which I refer reads as follows:

HENRY KEARNS' EXIMBANK GIVES NEW AID TO INTERNATIONAL TRADE

Revitalized to broaden overseas markets for American products, the Export-Import Bank of the United States reflects the drive and enthusiasm of its Chairman Henry Kearns.

"At least half of the business that we help finance is in deals initiated abroad," Mr. Kearns said recently in an interview granted this magazine. "There's no lack of demand for this country's goods when international businessmen find advantageous ways to finance purchases.

"In most other industrial countries the governments insulate the foreign financing rate from the domestic rate. Eximbank is the only institution to offer similar support in the United States. We have programs—many of them new—that can help buying companies of all sizes in most nations of the world. Now we're setting up communications to let prospective customers for American goods know just what we can do for them."

The sole function of the Export-Import Bank of the United States is to finance the nation's exports. Right now, Eximbank (as it is abbreviated around the world) has $6 billion out in loans. Mr. Kearns explains, that Eximbank's cash resources recycle within the United States. This is because, although the credit is extended to the buyer abroad, the money disbursement is to the domestic supplier of the product or service. Repayment by the borrower is made in Eximbank in dollars of both principal and interest. To achieve maximum usefulness of its cash resources, Eximbank makes its loans at 6 percent interest, which is lower than commercial interest rates.

Yet Eximbank is not in competition with commercial banks. On the contrary, it lends money only in partnership with them. In fact, Eximbank enters a transaction only when the commercial bank prefers not to finance it alone. The support of Eximbank makes certain business deals attractive to commercial banks that might otherwise consider them unattractive because of risk, length of term, or cost of money. In practice, defaults are extremely rare in business affairs in which Eximbank participates.

"We are creating an atmosphere which gives an American businessman confidence that he can sell overseas," Mr. Kearns says. "He may be a manufacturer who has never traded internationally before, but who stands a good chance of success in competition with producers in other countries when he tries."

Eximbank has served world traders in various ways since it was founded in 1934. Traditionally, the Bank has dealt with large companies and government bodies abroad, typically relative to long-term financing of capital equipment. In these matters, with which it is still actively concerned, the institution had a reputation for moving conservatively with the loans, guarantees and insurance required.

Under Henry Kearns, who took charge in 1969, the bank is paying considerably more attention to small and medium-sized firms around the world while expanding its services to the larger buyers and suppliers. Its new programs reflect President Nixon's policy of attacking the nation's balance of payments problem by encouraging exports which, of course, means attracting overseas buyers.

With that objective, Eximbank is joining with businessmen to promote better competitive positions for American goods around the world. One of the most enthusiastic salesmen for the Bank's innovations is Chairman Henry Kearns.

The Relending Program provides one example of how a government agency can get closer to buyers abroad. Within a one-year period, some 36 overseas financial institutions agreed to use Eximbank funds to make subloans to small and medium-sized companies desiring to import specified products from the United States. By this means, Mexican firms have been enabled to finance the purchase of machine tools; Spanish companies have bought business machines; farm implements have been exported to Thailand buyers; candymaking machinery has been sent to Brazilian customers. All the products were made in the U.S.A. The international transactions are proving to be mutually beneficial.

It is useful to point out that the business deals mentioned, like all those supported by the Export-Import Bank of the United States, did not spend the American taxpayer's money. The Bank operates on its resources, which include $1 billion capital, $1¼ billion in accumulated reserves, and authority to commit the U.S. Government up to $13.5 billion. Its sole stockholder is the U.S. Treasury which is receiving annual dividends out of Eximbank profits.

The Relending Program is considered a "seeding" operation to open new markets to American products. Once the credit has been used, normal commercial channels are expected to take over.

An outgrowth of relending is the Cooperative Financing Program which operates on a continuing basis and is also most useful to small and medium-sized businesses. It provides for joint financing between Eximbank and overseas banks and financial institutions. The agreements cover a specified amount of money, usually available for a year, to be used for exported U.S.A. goods and services. The program was introduced in April 1970, and numerous agreements are now in effect, the earliest relating to Latin American development.

Still another new program is available to companies of all sizes outside the United States, but is expected to be mostly used by small and medium-sized companies leasing American equipment. Eximbank offers two types of guarantees; one covering political risks such as war or expropriation, and the second adding to that coverage protection against commercial risks such as protracted default and insolvency of the lessee.

The programs applying to overseas companies of less than giant stature have a particular appeal in the developing nations. "We have to seek them out, too," says Henry Kearns. "The biggest potential markets in the world are no good without income. If we help them get started, using American products and equipment, they'll become better customers as their own funds develop."

A recent sampling of export sales made under a newly revised Discount Loan Facility shows that Eximbank is extending its usefulness to smaller overseas firms in another way. A typical beneficiary of this program is an American manufacturer trying to deal with a potential importing customer who will buy only on credit. The American's private bank may not want to tie up its own money for the duration of the loan, even though the deal qualifies for an Eximbank guarantee. However, under the Discount Loan Facility, Eximbank, will, at any time, lend the private bank up to 100 percent of the outstanding amount of the export debt obligation and will charge the bank less interest than the bank charges the borrower. At the start of fiscal 1970 the extent of the program was increased from a one-year time limit to five years. Since its revision in July 1969, business done under the program increased more than 300 percent.

Henry Kearns believes that other gains in foreign trade will result when the details of the Bank's innovations become known to the people who can benefit from them. "At the moment, world trade amounts to more than $240 billion and a major part of it needs financing. But, while trade is growing at the rate of 8.9 percent a year, the money supply is growing at a little less than 3 percent annually. The Bank's services are needed, more each year, here and abroad."

This accounts for greatly expanded efforts to disseminate information about those services. Literature is being made available in several languages. Bank officials are going out to meet potential buyers of American goods.

For example, on a 1970 trade mission to Brazil and Venezuela, sponsored by the U.S. Department of Commerce and Pan Am, Eximbank officer Gilbert Lochrie played a valuable role. He was of immediate help in consummating several deals by offering applicable services to the businessmen on the trip. Perhaps just as important for the future, he met and spoke with about 150 Latin American businessmen in individual interviews, explaining services now offered by the Bank.

Eximbank officials have also been traveling overseas to trade fairs. There, they have been providing on-the-spot counsel to prospective buyers concerning American financing facilities.

Eximbank's overseas seminars are attracting the interest of dealers and distributors who attend sessions tailored to their interests. Bankers in host countries are invited to special seminars. Favorable reactions to these meetings are being received from Europe and Latin America. A team of Eximbank officials is planning a series of similar seminars in the Far East during 1971.

The same approach is being used for the benefit of embassy personnel stationed in Eximbank's home city of Washington so that they will have valuable information for their nationals who inquire about doing business with the United States. Bankers from abroad are often invited to spend a month in Eximbank's offices learning the details of procedure. The course is very like that provided for American bankers.

While the programs for small and medium-sized business are receiving the stimulus of special promotion, the traditional concern of the Export-Import Bank of the United States for major overseas projects continues unchanged.

From memory, Henry Kearns can circle the world with the names of nations where Eximbank's money is at work on projects that can beneficially alter economic conditions. Under one or another of the Bank's programs, it is helping to finance roadbuilding equipment in Colombia and an east-to-west highway in Malaysia; a heavy engine manufacturing plant in Israel, airport construction in Saudi Arabia, an oil refinery in Kuwait, and a hotel in Ceylon; a nuclear energy power plant in Taiwan and a hydroelectric and irrigation dam in Afghanistan—all these along with projects in Europe, Africa and the islands of the Pacific make a list that could fill many pages.

While there is a chance for American goods and equipment to improve conditions around the world, Henry Kearns and the Eximbank will strive to make the list longer and the world trade of the United States stronger.

INCREASED PARTICIPATION IN CAMBODIA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. COTTER. Mr. Speaker, as reports of increased U.S. participation in the Cambodian war continue to attract the attention of the Nation, my concern over the direction of our Southeast Asian commitment has heightened. Although this is only the first full week of the 92d Congress, I must express my serious reservations over these new events.

I have carefully studied the statements of various administration spokesmen, and have heard the President explain his plans for withdrawal from Southeast Asia. Although I did not always agree with the pace of the withdrawal plans or all of its components, I felt that the President was moving in the right direction.

Recent reports from Cambodia and Thailand have increased my concern that the United States might be slipping into another massive military commitment. Reports of U.S. air support of Cambodian operations, U.S. airlift service for Cambodian troops, U.S. instructors for Cambodian and Thai troops, all rekindle memories of the early sixties before large numbers of U.S. advisers were provided to the then Diem regime in South Vietnam.

After the invasion of Cambodia last year, President Nixon attempted to reassure a troubled American people by stating:

> The only American activity in Cambodia after July 1 (1970) will be air missions to interdict the movement of enemy troops and material where I find that it is necessary to protect the lives and security of our men in South Vietnam.

This declaration is seemingly undermined by the new reports of heavy U.S. air support for Cambodian troops and the introduction of instructors for Cambodians and Thais seems a violation of the spirit, if not the letter of the Presidential declaration.

I do not feel that such vague terms as "protective reaction" and "interdiction" hide from the American people the implications of these new moves. If the U.S. experience in South Vietnam is any indication, air support and instructors suggest a further U.S. military commitment. This, I submit, flies in the face of the Vietnamization plan and the Nixon doctrine so often offered by the administration.

I would respectfully suggest to my colleagues that these latest activities expose the Achilles heel of the President's plan. Earlier my doubts were aroused by the continuous use of the term "ground combat troops." This is a very vague term but at base means that there will be a continued presence of U.S. air support and logistical personnel numbering around 150,000 in Southeast Asia. The President has not talked about the withdrawal of forces other than "combat troops" which suggests a large and potentially dangerous commitment of U.S. personnel for many years. This is unacceptable.

Mr. Speaker, the President must state clearly and concisely what is our policy in Southeast Asia. I am aware that the President has, and on some occasion needs, discretion in foreign policy, but if the American people are being asked to take up new burdens in Cambodia or in other Southeast Asian Nations, the President has the obligation to inform the American people and to seek the authority from Congress.

The last Congress, of which I was not a Member, attempted to exercise its responsibility by passing a modified form of the Cooper-Church amendment. This amendment prohibited U.S. ground combat troops in Cambodia and U.S. advisers from Cambodia. The administration has so fractured the language of that amendment as to ask us to believe that "instructors" are not "advisers" and thus not restricted by law.

I feel that the Congress must establish its authority in this matter. First, I urge the President, himself, to report to the Congress and the American people his view of the obligations of the United States in Southeast Asia and to prepare legislation for congressional approval to support this plan. Second, I am introducing an addition to the Cooper-Church amendment which expressly forbids the continuation of U.S. air support or sea combat support in Cambodia.

Mr. Speaker, I remain willing to work with the President in the elimination of our direct military commitments in Southeast Asia. The experience of the last 10 years is eloquent testimony to the unacceptable costs of attempting to be the world's policeman. This Nation stands, as it always has, ready to assist those nations who desire to fight for their freedom, but given our own pressing domestic problems, we cannot assume the entire burdens of these battles. And given our democratic form of government we cannot embark upon wars without the consent of Congress and, ultimately, of the American people.

FAMILY OF SEVEN TRIES LIVING ON $6.21 A DAY FOR FOOD

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. PETTIS. Mr. Speaker, there are obvious differences of opinion over whether it is possible for a family subsisting on welfare to purchase nutritionally balanced meals. As we all realize, numerous attempts have been made on an experimental basis which have resulted in abject failure. I have inserted the following article printed in the San Diego Union as evidence that an attempt has been made to procure balanced meals on the amount budgeted by the welfare department. Without making a decision as to the correctness of either claim, I wish to question whether the Federal Government itself has conducted a study of this question, and whether anything is being done to educate welfare recipients as to the types of nutritious food available and instructing them on the purchasing and preparing of such foods within their allocated budgets.

WELFARE BUDGET: FAMILY OF SEVEN TRIES LIVING ON $6.21 A DAY FOR FOOD

CARLSBAD.—A family of seven here has set out to prove that a family can eat nutritionally and appetizingly on a welfare budget of $6.21 a day for food.

Dr. and Mrs. Leon Jones and their five children yesterday began a week-long experiment to prove that, with good planning and good cooking, a welfare budget is adequate.

For breakfast yesterday, they had bacon and eggs, orange juice, milk for the children, toast and coffee—a total of $1.62.

They had such a big breakfast that no one was very hungry at lunchtime, so they had only sandwiches and milk. This meant saving the soup they had planned to have. Last night dinner consisted of fried chicken with rice and gravy, carrot and celery sticks, date nut bars and milk or tea.

TOTAL FOR DAY

"We spent $5.93 for food yesterday," Mrs. Jones said. "All that is required is proper planning and purchasing to live within a budget of 29 cents per person per meal."

Mrs. Jones buys the groceries after working a half day in her husband-chiropractor's office.

"I buy for quality as well as for price," she said, referring to a discount store where she likes to shop. "Milk and eggs come from a wholesale dairy." She buys nine half-gallons of milk at a time.

Dr. and Mrs. Jones feel it is a fallacy to believe that growing children are always hungry.

FALLACY CLAIMED

"If the children are fed an adequate, balanced diet they don't have such a craving for snacks," Mrs. Jones said. "Another fallacy that boosts the food budget of many families is the belief that the family must have meat for protein.

"Protein comes in many foods. Fresh milk can be stretched by adding powdered milk and powdered protein may also be added to the milk," she explained.

The family decided to try the experiment after seeing a television couple who tried the budget for a week and reported that the welfare budget was not adequate.

The children are Jeff, 14; Scott, 12; Jennifer, 11; Jay, 8; and Missy, 6.

PHONE CALLS

Yesterday they had three telephone calls from people who thought they were trying to embarrass people on welfare.

"We feel sorry for people who are unable to manage," Mrs. Jones said. "Perhaps it would help if people on welfare were taught to plan and purchase meals. We do not include any tobacco or liquor on our grocery bill. One person called to complain that we were saying that people on welfare should not smoke or drink beer.

"What we are setting out to prove is that children of people on welfare can be fed nutritionally," she said.

Dr. and Mrs. Jones will feed their family without augmenting their budget with the $18 a month in surplus commodities that are available to people on welfare.

"We certainly could live well if we had all the protein that is available from surplus commodities," Mrs. Jones said.

YOUTH AND THE ESTABLISHMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BINGHAM. Mr. Speaker, a distinguished member of "the establishment," Mr. John D. Rockefeller III, has given a great deal of thought to the question of how the generation gap might be bridged, how young people can be effectively brought into meaningful participation in our national life. Mr. Rockefeller incorporated some of his ideas in a speech at Amherst College last month.

In reprinting Mr. Rockefeller's speech in its issue of January 2, the Boston Globe had the following to say, by way of introduction:

Last month John D. Rockefeller 3d journeyed from New York to Amherst, Mass., to address students representing Amherst, Hampshire, Mount Holyoke, Smith and the University of Massachusetts. In the back of his mind he had an idea about how to encourage student-establishment cooperation. He was even prepared to offer $25,000, no-strings attached, to cover organizational expenses for projects the students might want to undertake.

But even before Mr. Rockefeller could explain his ideas, some students threw up the picket lines. They questioned the morality of accepting money from "Mr. Establishment" himself, questioned the complicity of Rockefeller oil and industrial holdings and the Vietnam war.

Ten days later the students changed their minds and voted to accept the gift. One over-30 editor thinks the gracefulness with which Mr. Rockefeller accepted the temporary rebuke and the ideas presented in his speech, printed here, had much to do with their change of mind.

The text of Mr. Rockefeller's address, as reprinted in the Boston Globe, is as follows:

YOUTH AND THE ESTABLISHMENT—CAN THEY WORK TOGETHER?

(By John D. Rockefeller III)

More than two years ago I began a brief excursion into the world of the young. In preparing for a speech I had agreed to make, I decided to try to find out, to my own satisfaction at least, what the youth revolution was all about.

The experience turned out to be rewarding. But by the time I delivered the talk, I knew the excursion had become a journey, one that is still going on with no end in sight.

It is still going on for me because the problem I tried to understand still exists—and in many ways has become more complex and difficult. Our society appears to be more divided and polarized than before. And yet, my thesis then—and now—is that this need not be so, that we are wasting our best chance for constructive action.

I said in my remarks two years ago that the ferment of youth is potentially a powerful and constructive force in dealing with the problems our society faces. If that is true, then the crucial issue is not the youth revolution but the nature of the older generation's response to it.

I believe then, as I do now, that a basis exists for cooperation between youth and the Establishment. I said in the speech: "A unique opportunity is before us to bring together our age and experience and money and organization with the energy and idealism and social consciousness of the young."

I felt satisfied. But then I sent a copy of the text to my son Jay in West Virginia. He liked it with one exception. He pointed out that my conclusions dealt in generalities, that I was not specific about how the linkages could be made between youth and the Establishment in working on the critical social issues of our time.

Ever since, I have been turning over in my mind the question of finding specific ways to bring the resources of young and old together. I have discussed this question with many young people—present and former Peace Corps and VISTA volunteers, Federal employees, central city and suburban high school students, leaders of youth organizations, college students, young professionals, I have discussed it too with members of the Establishment—businessmen, lawyers, government officials, university professors.

NATIONAL SERVICE PROGRAM

Very early one idea emerged which offered promise of fulfilling the need with one major stroke. Not a new concept, it seemingly had great promise. Simply put, it was a National Service program, launched and sponsored by the Federal Government, in which young men and women would devote one to two years in nonmilitary service to their country.

In recent years this basic idea has been advanced by a number of respected national leaders. It was the subject of an excellent study by a group called the National Service Secretariat. The plans that have been proposed vary in details, but the central theme is the same: a large-scale program to employ the restless energies of young people in areas of genuine need for subprofessional manpower, areas such as the environment, tutoring, and delivery of health services.

In many ways, this approach has great appeal. And yet, the more I studied the idea, the more I came to the conclusion that it is not the answer.

I say this not because of the obvious and formidable problems of implementation—getting legislation passed, handling large numbers of young people out of the 4 million who turn 18 every year the substantial cost involved, the bureaucracy which would arise in Washington to manage the program. If these were the only obstacles, one could roll up one's sleeves and go to work.

But there is a more fundamental difficulty. A formal national program of service, organized and funded by the Federal government, is not in tune with the mood and temper of the young today. It might have been a good design in the 1950s or even the 1960s, but my strong belief is that in this country now it is obsolete.

WHAT THE YOUNG WANT

Most of the concerned young people do not want to be cogs in a national program. By and large, they are very skeptical about working for the Federal government. They much prefer a loose and free form of organization which can move flexibly to the targets of opportunity at the local and regional levels. And they want to have some influence over any activity to which they make a personal commitment.

A major factor is the desire of many young people for action that is directed toward social change, recognizing as they do that basic changes are essential if we are to cope with the problems our society faces. It is not that government programs cannot generate social change, but that they are often indirect, slow-moving, and bureaucratic. Moreover, government programs involving change are always politically sensitive, and this seems intensified when they employ the young.

This limiting factor came through clearly in my discussions with ex-Peace Corps and VISTA volunteers. They agreed that on balance their service had been worthwhile. They also agreed that as long as the volunteer engaged in straightforward service activities, everything was fine. But if he pressed for social change, he became controversial and therefore a threat.

It is of course disappointing to come across what appears to be a grand solution to a major need and find out that it is no solution at all. While I favor increased government support for programs involving the young, it must be recognized that such programs will be mainly in the service and training areas rather than in areas involving social change. If young people are to work directly on the massive problems confronting our society, and if fundamental social change is to be possible where necessary, then I believe it will be the private sector which will have to develop and support the required programs. Is it realistic to envision this happening on a big enough scale to be significant?

One essential condition is the readiness of the young to be involved in social issues. In my judgment this still continues to exist.

I stated before that the youth revolution was no passing fancy, no mere generation gap, but a fundamental shift in values and commitment. I believe the evidence of the past two years bears that out. Young people continue to be actively involved—in political action, in pressing for institutional reform, in scores of new organizations dealing with the environment and other issues. The scale of this involvement justifies saying that the beginnings of a "national service" program do exist in this country, scattered and sporadic to be sure, but grass roots effort from the bottom up rather than the top down. It consists of tens of thousands of individual and group efforts by young people all over this nation.

This involvement is all the more impressive because it is voluntary. The young have other options, but they act out of genuine commitment and conviction. Far from being some radical frenzy, it is in the original American tradition of private initiative, of voluntary action.

At the same time, however, violence and militancy have also increased. A sense of perspective on this issue is badly needed. Every activist movement will contain its destructive elements and so it is with the young. The vast majority wants to improve this society, wants to solve the problems we have lived with too long, wants to help build a decent and just life for all. The chief danger is that these responsible young people will become frustrated through lack of success in their efforts.

THE FAILURE TO RESPOND

In my judgment, the fundamental issue still is relative lack of response by the Establishment to the constructive potential of the young. We may have a "national service" effort in this country in terms of the motivation and energy and commitment of tens of thousands of young people. We do not have it in terms of organization and money and expertise. This is what the Establishment could supply. But it has not done so to any significant degree. In the past two years, I have not seen a response on the part of the Establishment comparable to the build-up of projects and activities on the part of the young.

Thus we play into the hands of the extremists by frustrating the efforts of the large number of dedicated and positive young people who want to be constructive. By our failure to respond positively to youthful activism, we are throwing away what is potentially our best asset for needed social change; indeed we may well be converting it from an opportunity to a major problem.

And so we arrive at the underlying question: Is it possible for youth and the Establishment to come together, to break through the misunderstandings, the anger and hostility, which now divide them?

It seemed to me that the only course was to probe this question more deeply, to try to find out in some systematic way whether or not there are genuine grounds for cooperative effort between young people and Establishment members. What are the obstacles to cooperation, and can they be overcome? How would both groups react to specific projects in which they would work together?

A SOLID BASIS EXISTS

Answers are beginning to emerge in the work and research of a small task force which I have sponsored. The approach was first to develop a number of specific ideas for joint action by young people and Establishment members, and then to test the more promising in a scientific survey of both groups. The survey was also designed to diagnose the mood and temper of the two groups on a wider range of issues and try to find out what they think of each other.

In the course of the research, 872 students and 408 Establishment leaders were interviewed. Within the latter group, it was decided to concentrate mainly on business executives.

If I were to summarize in one sentence what these interviews tell us, it would be this: while there are formidable obstacles to be faced—and I do not underestimate these for a moment—there does exist a solid basis for cooperative effort between young people and the Establishment. Cooperation is wanted by both groups. Both believe that it is urgently needed.

Findings from the survey strongly support this central conclusion. For one, there is substantial agreement among college students and business executives on the issues which must be dealt with. Both groups single out as collaborative issues the major aspects of the urban crisis: poverty, racism, pollution, overpopulation, drug addiction. Ending the Vietnam war remains a dominant concern for the students but when asked about problems to which they will devote their personal time, they rank the war fourth behind poverty, pollution, and racism.

This seems to indicate a pragmatic shift which can be summed up in a comment by one respondent: "Let's stop talking and start doing."

Another important indication is the expressed willingness of the two groups to work with each other. In spite of their misgivings, young people are ready to give cooperation a try. By almost a 3 to 1 margin, they say they would rather work with the Establishment in coping with the social issues of our time than with protest groups.

At the same time there is an enormous frustrated desire on the part of business leaders to establish dialogue with the young. Three out of four desire active cooperation. Their prevailing view is summed up by the comments of one businessman:

"Whatever the causes of the rebellion, we had better get together with these young people, for the issues they are raising are our issues, the problems facing us as a nation. We need their ideas; we need their help. They are frustrated; we are frustrated. They are angry; we are angry. Neither generation can afford merely anger or frustration. Instead we must work together."

SOME OTHER INDICATORS

There are many other indicators. Among businessmen there is less backlash against students than is the case in the general population. The accent is not on writing off or further isolating the college rebels, but rather part, the great majority of students believe that the American system is flexible enough to solve problems and overcome flaws without resort to radical change. They overwhelmingly reject violence as against reason.

Most encouraging as to the possibility of cooperative action is the fact that both the students and businessmen endorse all four of the specific sample projects in the survey.

One of the projects deals with a number of ways to encourage and support the involvement of the young in the political life of this country.

Another has to do with setting up public interest study and action groups in the Ralph Nader manner, but at the local level.

A third, called "Dialogue Week" is a method of bringing young people and business executives together for a substantial period of time. This would be done in a setting designed to help stimulate genuine communication and the planning of an ongoing project.

Ranked highest by both students and businessmen is a project calling for a two-year environmental program in a major river valley. It would involve creating a student corporation, based in a consortium of universities in the area. The students would draw on faculty expertise as needed, and work to enlist the know-how and support of the Establishment in the area, especially the business and civic leaders.

FORMIDABLE OBSTACLES

So much for the encouraging factors. As I have already indicated, the survey also highlights many formidable obstacles to cooperation. They involve a strange and difficult combination of problems, ranging all the way from the rational and practical to the emotional.

One major factor is the continuing frustration of students over the Vietnam war. Another is the growing number of students who now hold a radical diagnosis of society. Between young people and the Establishment generally, there is a mutual display of surface anger and hostility, and a deeper kind of mistrust. The students do not trust the businessmen to stay with any project in which business interests become affected. The percentage of student activists who see businessmen as overly-concerned with profits as against social responsibility has increased sharply in just one year. For their part, the businessmen are wary of student immaturity, and radicalism, and few see any reason why they should subject themselves to harangues and abuse.

Then there are the new values held by a great many students which often conflict with those held by most businessmen. These students do not doubt their ability to make a living, to be successful in the conventional sense if they so choose. Taking these benefits for granted, they discount them and emphasize the importance of the individual, the desirability of social change, the search for meaningful personal relationships and meaningful work. They question authority on almost every count and hold up virtually every institution of our society for re-examination. For the most part, they find them wanting.

Another barrier to cooperation is a growing feeling of isolation and alienation on the part of many students as they react to the public's anger against campus unrest. The students are drawing back and intensifying their identification with other groups in the society who are seen as fellow victims.

These are the obstacles which have tended to immobilize the situation, to dampen initiatives between two groups for whom mechanisms for coming together do not normally exist in our society. Ironically, these obstacles are mainly of the kind that can be met only by coming together, by working them out in contact with one another, in genuine dialogue.

The forces operating in favor of collaboration between youth and the Establishment and the obstacles standing in the way are fairly evenly balanced. Whether the balance will be tipped positively or negatively in the future will depend very largely on the nature and extent of the leadership exercised by Establishment groups.

UP TO THE ESTABLISHMENT

For it does seem to me, when all things are considered, that the main responsibility for a movement toward reconciliation and joint action now rests with the Establishment. Young people have been involved and committed for some time; it is our turn now. The situation cries out for reconciliation, for directing energies toward cooperation rather than conflict, for joint action on the awesome problems we face. We must be generative rather than reactive. We must take the initiative to create the conditions that will bring us together.

I believe that a process of reconciliation can succeed if we do not come to it with naive expectations. The realistic hope is for mutual understanding to the degree that we can work together despite differences in values and attitudes.

The task force I have mentioned to you briefly will continue to exist and is now working to bring several projects into being. But none of us sees these projects as anything more than points of entry, an opening wedge into some of the complex and difficult problems confronting us. We know that a few scattered efforts will not bring about fundamental results. The hope is to help start a process of reconciliation of collaboration, and thereby serve to stimulate and encourage many more joint-action proposals.

There are almost infinite possibilities for youth-Establishment cooperation. It might be as simple an idea as major businesses and law firms going to campuses not only to recruit students, but also to find out how they can help the students to use their developing professional tools in the search for social progress. It might be a state or major city developing an intern program which really works, as the New Jersey intern program has. It might be providing logistical support—a meeting place, telephones, transportation—for a local group working on the environment. It might be a genuine effort within a large organization to open up communication with its younger members.

If 100 corporate presidents each undertook to develop or respond to one such idea for youth-Establishment collaboration, what a difference it would make. If they were joined by 100 university presidents, by 10 or 20 governors, the heads of our ten largest unions, the leadership of half a dozen of our religious denominations, the presidents of 20 foundations, the leadership of a dozen professional societies—if each of these leaders develops one good project for youth-establishment cooperation on the pressing social problems of our time, what a massive impact it will have.

I am talking now about new projects, not merely listing the activities in which we are now engaged, but new projects specifically based on responsiveness to young people. If we can do this on a meaningful scale, it will begin to complete the picture of a "national service" program generated in the private sector, matching the motivation and drive of the young with the comparable response by the establishment.

RESTORING THEIR FAITH

If this could happen, the faith of the young activists in the American system would be redeemed. It would go a long way toward meeting their urge to be relevant and constructive, to be part of the decision-making process, to really contribute to the forward motion of our society. The best impulses of the establishment would be maximized, including the desire for reconciliation with the young and readiness to use skills and resources for purposes larger than private success.

And perhaps the most important, we would make progress on the tough issues that face our society today.

I believe these goals are possible. Whether they are attained will depend on the efforts of each one of us. I have confidence that we will rise to the challenge. And this is the prospect which makes me feel these are exciting times to be alive.

TWO-YEAR REVIEW OF ACCOMPLISHMENTS, U.S. DEPARTMENT OF JUSTICE

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. POFF. Mr. Speaker, under leave to extend my remarks, I quote in full the report of Attorney General John N. Mitchell on his 2-year review of accomplishments of the Justice Department:

TWO-YEAR REVIEW OF ACCOMPLISHMENTS, U.S. DEPARTMENT OF JUSTICE

(By Attorney General John N. Mitchell)

Ladies and gentlemen, this particular date—January 19—has a special significance to me, because exactly two years ago I was still enjoying the blessings of private life. All that changed the following day, however, when Richard Nixon became President of the United States. On that occasion he promised the American people a new beginning in a number of national priorities, including the administration of justice. As he took office, that particular program—designed to bring the machinery of justice into the twentieth century—included:

1. Getting new supporting legislation from Congress.

2. Mounting an effective assault on organized crime.

3. Improving the enforcement of civil rights in all statutory areas.

4. Hitting the narcotics traffic on all fronts.

5. Using all available antipollution enforcement tools to enhance the quality of the environment.

6. Protecting free competition for the benefit of the American consumer and the American economy.

7. Giving new life to the concept of justice by upgrading the processes of enforcement, adjudication, and corrections.

These were the objectives, and in offering you a brief summary of the Department's accomplishments in the past two years, I will leave it to you how well these objectives are being fulfilled. Specific details, including some charts and tables, have been given to you for your information and analysis. Let me touch upon some of the highlights before I entertain your questions.

LEGISLATIVE

Out of some 39 legislative items submitted by the Department, Congress enacted 27 or approximately 70 percent. These included those that we consider the most important, such as the Organized Crime Control Act of 1970, the D.C. Court Reform and Criminal Procedures Act of 1970, and the Comprehensive Drug Abuse, Prevention and Control Act of 1970.

The Department also won Congressional financial support for its intensified programs. From fiscal year 1968 to 1971, Department employment has grown from 34,800 to a projected 43,600—an increase of more than 25 percent—in order to carry out our larger objectives. One agency—the Law Enforcement Assistance Administration—required a budget increase of 6400 percent during the same period, in order to fulfill its program of financial aid to state and local governments. Our needs were substantial, and we were able to win corresponding support from Congress. Department of Justice appropriations for 1968 were $437.5 million. So far in fiscal 1971 the Department has received appropriations of $1,150.6 million—representing a 163 percent increase—and some other necessary appropriations should still be forthcoming. I should point out, of course, that $480 million of the last figure represents funding for the Law Enforcement Assistance Administration which grants aid to state and local organizations; this is a very substantial increase for LEAA over previous years.

ORGANIZED CRIME

In response to President Nixon's call for an all-out war against organized crime, an interdepartmental assault has been made on this national evil. The President established a National Council on Organized Crime, composed of the heads of all Federal departments and agencies who can bring an enforcement effort to bear on the problem, with the Attorney General as Chairman. The Council has developed national strategies against various aspects of organized crime and has provided top-level direction to the interdepartmental strike forces established in most large cities.

In the past two years the Department has put the strike force approach on a permanent basis, has increased the number of such forces from 7 to 16, and is able to report exceptional progress in securing evidence against organized crime syndicates and in bringing prosecutive action. The number of high-echelon organized crime leaders indicted rose from 58 in calendar 1968 to 103 in calendar 1970—nearly 78 percent. The number convicted rose in the same period from 20 to 45—or 125 percent. In the past two years approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicted or convicted.

Our intelligence work tells us that some of the organized crime leaders can't stand the heat and have left their areas of operation.

One of the weapons that has greatly aided this battle has been court-authorized wiretapping, which was provided in the Omnibus Crime Control and Safe Streets Act of 1968, but which the previous Administration refused to use. It was stated at that time that wiretapping, even when hedged about by Constitutional safeguards, was an invasion of privacy, and that anyway, it couldn't really help at getting evidence.

When President Nixon took office he sanctioned the use of this court-authorized wiretapping, and I am able to report that of the 214 Federal interceptions authorized and executed during calendar 1969 and 1970, nearly all produced incriminating evidence. They have resulted in more than 600 arrests and more than 500 indictments—mostly against organized crime figures. While most of these cases are still in progress, we have already won 30 convictions.

At the same time, there have been no complaints that anyone's privacy was invaded. Moreover, we have strongly enforced the prohibition against private wiretapping contained in the same 1968 act, and as a result complaints of such violations have dropped from nearly 100 a month to about 30 per month.

Another important gain in the war on organized crime has been the intensified use of criminal tax evasion charges against organized crime figures, with indictments increasing by 250 percent and convictions by 53 percent between 1968 and 1970.

OTHER CRIME

In the broader area of crime, including street crime, the Administration has acted decisively wherever its jurisdiction permitted. Employment in the United States Marshals Service has been increased by nearly 55 percent for the 1971 fiscal year. In the past two years the number of Assistant United States Attorneys has been increased by 51.3 percent, compared to a 27.4 percent increase over the entire previous eight-year period. In the District of Columbia the number of Assistant United States Attorneys increased almost 100 percent, paralleling a sharp increase in the D.C. police force. In addition, the Department of Justice supported D.C. authorities in developing an effective drug treatment and rehabilitation program.

The results have been especially apparent in the District of Columbia. Starting in July, and for every month recorded since then, the crime rate has decreased decisively in comparison with the same month a year earlier, reaching a 25.4 percent decrease in September 1970 and a 23.3 percent decrease in November.

A crucial factor in the D.C. criminal justice picture was the D.C. Court Reform and Criminal Procedures Act of 1970, which was drafted by the Department of Justice. Among other things, this Act created many new judgeships to ease the backlog of cases. The Department swiftly processed the proposed appointees for these judgeships, and we can begin to see a reduction of the case backlog. In fact, the huge backlog of approximately 6,000 juvenile cases has been virtually eliminated.

To speed the processes of Federal justice throughout the country, the Administration has accelerated the appointment of judges to fill vacancies. President Nixon appointed 115 Federal judges—83 of them in 1970, when the number was the largest in American history. Every one of these was cited as qualified by the American Bar Association. Processing of judgeship candidates, including investigations and recommendations, was accomplished by the Department of Justice at a much faster rate than in the two previous Administrations.

At the same time, Federal grants to help improve local law enforcement agencies have been greatly strengthened within the last two years. Total funding for the agency established for this purpose, the Law Enforcement Assistance Administration, climbed from $63 million in 1969 to $480 million appropriated for fiscal 1971.

While the nationwide crime rate has not yet turned downward as a result of these efforts and those of state and local governments, it is encouraging to note that in the first nine months of calendar 1970 the crime rate did drop in 23 cities of more than 100,000 population, including Baltimore, Kansas City, Pittsburgh, Seattle and St. Louis.

CIVIL RIGHTS

In the field of Civil Rights, the Department of Justice has made an outstanding contribution in the past two years. In the area of education we filed 94 cases compared to 68 over the previous two years. The number of school districts sued jumped from a total of 56 in the two years, 1967 and 1968, to a total of 254 in the past two years—a 350 percent increase. Due in large part to Justice Department negotiation and litigation, the percentage of black school children in the 11 southern states attending desegregated systems increased from less than 6 percent prior to the opening of school in 1969 to 92 percent at the opening of the 1970–1971 school year. Of the 50 remaining school districts in this area that are without any desegregation plans, 22 are now under private suits, 16 under Federal suits brought by the Department of Justice, and the remaining 12 are under analysis preparatory to further action.

Let met emphasize that our figures reflect an analysis on a district by district basis, because that is our framework of concern. They are not on an individual school basis. A few days ago the Department of Health, Education and Welfare released figures on this same general subject. Those figures were necessarily different from ours, since they referred to schools and not to school districts. They confirmed not only conversion of the districts, but substantial integration of schools within those districts.

In the housing field, we have successfully implemented a national fair housing program following the 1968 act and its 1969 amendment. In 1969 and 1970, 64 housing cases were filed in 22 states and the District of Columbia. Equally important, negotiation resulted in securing the removal of racial discrimination from the policies of 19 United States title insurance companies. Similar progress has been made through negotiation or litigation with multiple listing services, real estate brokers, apartment operators, and large housing developers.

Achievements in fair employment may best be measured by the cases actually brought to trial, and by the relief won. The number of cases brought to trial moved from two in 1967 to 16 in 1970; appellate arguments, from 0 in 1967 to 11 in 1970; consent decrees entered, from 0 in 1967 to 8 in 1970. These actions included many multi-defendant suits, such as one against five building trade unions and three joint apprenticeship training committees in Seattle, the first of its kind; another state-wide suit against a power company; one against an Ironworkers local, resulting in the most comprehensive relief yet obtained in any trade union case. Through negotiation, with more than 80 potential defendants involved, the Department won an anti-discrimination agreement from the movie and television industry in Los Angeles. The Department also filed the first cases alleging discrimination against women, Mexican-Americans and Indians.

In public accommodations, the Department filed the first cases in the North, the first cases alleging discrimination against Puerto Ricans, and the first cases against penal institutions.

I also wish to emphasize that the Civil Rights Division is devoting considerable attention to the Department's Title VI responsibilities. Last year it established a Title VI unit whose sole responsibility is to work with Federal agencies in assuring nondiscrimination in federally assisted or funded programs.

Besides the dedicated work of the Civil Rights Division, the Department's Community Relations Service made substantial progress in helping minority groups and organizations in their dealing with other elements of our society, including state and local governments. In its role as conciliator in disputes and as a liaison agent in potential community problems, the Service helped to move minorities forward while promoting peace and stability on the campuses and in the communities. In the past two years CRS has decentralized so that two-thirds of its professional staff is in the field, rather than one-third prior to 1969. The measurable decline of racial outbreaks in the United States over the past twelve months is due to many factors, not least of which is the continuing work of the Community Relations Service.

NARCOTICS

Against the nation's growing narcotics problem the Nixon Administration mounted an all-out campaign on all fronts—at home, at our borders, and at the foreign sources of illicit drugs. This has been the first administration to make narcotics control part of its foreign policy. As a result, new cooperation has been won from Mexico in destroying drugs at their sources and in policing our common border against dope smuggling. At our urging, France and Turkey have stepped up their anti-narcotics efforts.

Through the initiative of President Nixon, broader cooperation has been won from international organizations. Last summer the Committee on the Challenges of Modern Society, an arm of the North Atlantic Treaty Organization, agreed on methods by which NATO could combat the drug traffic. Following that meeting the United Nations Committee on Narcotic Drugs created a special fund for anti-narcotics programs in September 1970. The Director of the Division of Narcotic Drugs of the United Nations Secretariat has already visited Thailand and Burma to start implementing these programs.

At home, narcotics agents have closed down an average of one clandestine laboratory per week for the last two years. With the help of the interdepartmental strike forces they have staged raids against major distribution rings, including one—largest such operation in history—that so far has netted 169 arrests. Prosecutive action against drug traffickers has increased correspondingly—from an average of 486 defendants filed against per month at the end of 1968 to 808 by the last of 1970—an increase of 66 percent.

I should point out that this later figure is even more potent, because we changed our mode of operation to concentrate on the large interstate distributors, leaving to state and local agencies the responsibility for enforcement against local drug peddlers. In the same period the amount of illicit drugs removed from the domestic market increased decidedly from 1969 to 1970. It more than tripled in the case of heroin and doubled in the case of marihuana. Due in large part to efforts by our Bureau of Narcotics and Dangerous Drugs, similar increases are shown in the amount of drugs removed from the international traffic.

Anti-narcotics legislation passed by Congress last October will certainly permit still more effective action against this national menace.

ENVIRONMENTAL QUALITY

As part of the comprehensive environmental quality program initiated by the Nixon Administration, legal action against polluters has greatly intensified, and the battlefield has been expanded to include mercury and thermal violations.

In the past two years the Department has reinstituted the Refuse Act of 1899 as a weapon against polluters. Cases under the Refuse Act increased fourfold in 1970 against the preceding two years. Injunctive suits under this Act were first introduced in March 1970, with 25 suits filed since then, including ten mercury dumping suits—some against very large operators.

The first Federal action to enjoin thermal water pollution was brought against a Florida power company, bringing a landmark ruling that dumping hot water is a form of pollution and is actionable under the Refuse Act.

In the first Federal enforcement of the Clean Air Act, the Department won an order from a Maryland District Court (sustained by the appellate court) to close down a plant because of air pollution.

In addition to these actions by the Land and Natural Resources Division, the Antitrust Division secured a consent decree winning prompt and effective relief in the automobile smog case. Without the expense and delay of a court trial, the decree provided very stiff penalties and requirements against the big four manufacturers, and promises to speed the development of an effective auto smog device.

ANTITRUST

The Department has made significant strides in preserving the free competition that lies at the center of our country's economic system. Through five major conglomerate merger cases, most of which are still pending, the Antitrust Division has helped create a climate in which the incidence of conglomerate mergers has sharply declined. In addition the Department has challenged the systematic practice of reciprocity marketing agreements that have worked against competition among suppliers. Seven such cases have been filed in the past two years, compared to none previously. Altogether, the Department filed 112 Antitrust cases in two years—more than in any two years of the previous Administration. Antitrust cases grew from 55 in 1968 to 67 in 1970.

CORRECTIONS

In response to President Nixon's 13-point program for Federal corrections reform, the Department developed a 10-year plan to modernize and upgrade the Federal prison system. Not only will this program carry out the judgments of the courts for the protection of the community, but it will also provide custodial care consistent with human dignity and will place greater emphasis on correction of the offender.

Major progress was also made in 1970 on programs to teach industrial skills to inmates, to provide the most advanced therapeutic and psychological help, to provide daytime community work to selective inmates, and to assist in creating a meaningful transition in the return of prisoners to normal life.

In addition, construction funds for a multipurpose Metropolitan Correctional Center in New York City have been provided. Plans are being drawn for a similar center in Chicago, and for a facility in North Carolina to treat mentally disturbed and violent offenders. The Bureau of Prisons will soon open the first regional staff training center for Bureau employees and for state and local correctional officials.

At the same time, through the Law Enforcement Assistance Administration, the Department is providing funds to improve state, city and county correctional institutions. Such grants have increased from $3 million in fiscal year 1969 to over $100 million for 1971.

TAX ENFORCEMENT

Enforcement of Federal tax laws has been greatly improved in the past two years. Processing of cases has been streamlined, so that in 1970 the processing of a criminal tax case averaged only two months and six days, compared to three months and ten days in 1967—an approximately one-third reduction. The percentage of cases won in the trial courts increased from 73 to 81, in the appellate courts from 79 to 81, and in the Supreme Court from 73 to 85. The number of civil and criminal cases closed both increased in this period, and with special reference to criminal cases the figure rose from 659 to 1005—approximately 50 percent.

As for results, collections by the Tax Division grew from $69 million in 1967 to $76 million in 1970, while the amount of money saved in the same years increased from $85 million to $104 million.

PORNOGRAPHY

Lastly, I want to mention progress against smut peddlers—a campaign that has been at times frustrating, but has always had a significant place in the Administration's program. First let me acknowledge the key role of the Post Office Department, which has generally provided the initial investigations leading to prosecutive action and which has been especially active under Postmaster General Blount. The following figures speak for themselves:

As of January 1, 1969, the Department of Justice was involved in five investigations of major distributors, and eight distributors were under indictment. By January 1, 1971, the figures had jumped to 58 and 55, respectively, or more than 1000 percent for investigations and more than 600 percent for indictments.

In the past 12 months, out of 13 cases involving major distributors, the Government has won 11. Virtually every decision against the defendant is on appeal to a higher court, but several convictions have been sustained at the appellate level, including cases against two of the largest distributors in the country.

As you know, only one of the three antipornography bills drafted by the Department and proposed by President Nixon was passed by Congress. We intend to resubmit antipornography legislation to the 92nd Congress.

CONCLUSION

Ladies and gentlemen, these are only some of the accomplishments of the men and women of the Department of Justice in the past two years. Limited time prevents my including many others representing equal diligence and dedication by the various divisions, bureaus, and services within the Department. Again, I leave to your candid judgment the degree to which they represent the fulfillment of our goals.

Now I will be happy to entertain your questions, which I trust you will confine to the subject of the Department's two-year achievements.

THE DISABLED AMERICAN VETERANS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. EILBERG. Mr. Speaker, on Saturday evening, January 16, 1971, I had the pleasure of being the principal speaker at the combined annual banquet and installation of officers of the Philadelphia County Council and Pennsylvania Third District, Disabled American Veterans. This affair was held at Sciolla's Restaurant, 521 West Pike Street, Philadelphia.

I should like to call my statement to the attention of my colleagues because it pays just tribute to the Disabled American Veterans, a major organization, but also because it attempts to explain why the veteran is entitled to special treatment. I do believe that elements of this statement might well be repeated throughout the country. The statement follows:

STATEMENT BY REPRESENTATIVE EILBERG

Commander Roseman, Commander Richards, Commander Bonatucci, Commander Ostash, Vice Commander Fishman, Vice Commander Cornfield, Mr. Haas, Mr. Seidler, Mr. Tammy, Mr. Norris, Representative Lederer, Mr. Zinkoff, Mr. Gormley, fellow veterans, Reverend Clergy, distinguished guests, ladies and gentlemen:

Thank you for giving me this opportunity to pay a well-deserved tribute to the DAV, its distinguished history, its members, its present programs, and its future plans. Members of Congress well know that this great veterans' organization has accomplished much. And I am also proud to tell one and all that I am a member of the DAV.

For wounded veterans of the First World War, the Second World War, the Korean War, and now the war in Vietnam, the DAV has been a strong helping hand. Although its membership is restricted to the wartime disabled, it nevertheless works tirelessly for the welfare of all veterans, and the leadership which it provides has been outstanding. The testimony of its national officers is always heard with the utmost seriousness and attention by the members of the Veterans' Affairs Committees of both the House and Senate, and, of course, all Members of Congress follow veterans' legislation very closely, whether we are members of the Veterans' Affairs Committees or not.

All Americans owe a great and continuing debt to those who fought for our freedom and were wounded or suffered illness or disease because of their active service in our armed forces. Acknowledging that debt here today is a task in which I take pride, and please be assured that it is one which is uppermost in my mind when occasions arise when I have the opportunity to vote in favor of veterans' legislation, particularly for those bills benefiting the wartime disabled and their dependents.

In all of its many splendid activities in behalf of disabled veterans and their dependents, the DAV is ever aware of the guiding principle of its founding. This principle was that our nation's first duty to her veterans is the care and rehabilitation of the wartime disabled and help for their dependents or survivors.

The DAV's objectives include the following: proper medical care and treatment of veterans for disabilities incurred in or aggravated by military service; training and education designed to restore the wartime disabled to gainful employment; and adequate compensation to the widows, minor children, and dependent parents of those veterans whose deaths are caused by their service-incurred disabilities. These are worthy aims that deserve everyone's support.

I have heard it said many times, the day a nation turns its back on its veterans, that is the day it becomes an ungrateful nation and will no longer be considered great among the other nations of the earth. I concur in that thought.

Incidentally, let me say here and now, it matters not to me or the DAV what the editorial writers, other associations, or the dogooders say about our veterans benefit program. I have only one comment for these people and that is simply this—the veterans benefit program was awarded to our nation's defenders by a grateful Congress and a grateful people; and I want to assure you that we in the DAV will fight like hell if need be to keep them in the law books of our land.

Too many Americans have forgotten what *all* veterans have done. It is not enough to think of and honor the heroes of war, both living and dead—the men who have won our nation's highest honors by their military valor or by their bravery—the gallant soldier who parachuted behind enemy lines—those who, single handed, captured or killed large numbers of enemy troops—or who threw themselves on a hand grenade, overseas or here in this country in training, to save the lives of their comrades.

No, it is not enough to honor only these noble men. All veterans have made great sacrifices. And it is not right to say, as many people do, that these who have served as our defenders in war "have merely done their duty."

One newspaper expressed its opinion candidly, "when veterans made up a tiny proportion of the U.S. population, it perhaps could be reasonably argued that they deserve special treatment as long as they lived, but well over 22 million Americans are veterans—well over ten percent of the population. Congress must decide whether it really wants to *perpetuate* the *preferred* status of such a large segment of our society." We hear simliar statements on news broadcasts and read them in the press.

Now, therefore, for those who downgrade the preferred status of veterans and are jealous of the earned benefits, I would like to explain what is so special about the veteran.

First of all, the veteran is special because he is selected. Right away, the fact that he is selected makes him something special and puts him in a class by himself. He is no longer free; he is subject to military law, and he becomes a special breed, committed to give his life, if necessary, for the ideals of freedom around the world.

He cannot be flat footed; he cannot be lame; he cannot be uncertain or short of vision—he must be as perfect as possible. And, not only physically perfect, but the veteran must be mentally alert. Furthermore, he must be morally fit—he cannot be a criminal; he cannot be perverted; he cannot be emotionally unstable. He must know the difference between right and wrong; he lives in unsegregated barracks, black and white together, as equals—they fight together and they sometimes die together for freedom.

The lame, the sick, the uncertain are rejected.

Conscientious objectors, students and key people in lucrative positions are excused or labeled "4–F." Only the best physically, mentally, and morally are called to war. And, so only the best are fit to be killed. So, even in our sophisticated society this special breed performs a sacrificial service. Only the brave are selected and only a race of ingrates would forget their sacrifice.

From the heights of Iwo Jima to the depths of Vietnam, the veteran is a special breed. Our enemies recognize the veteran as special—that's why they single him out and rage: "Go home, G.I.!" He can made an amphibious landing; he can take a hill; he can storm a bunker; he can annihilate the enemies of freedom. But he can also feed the widow and the orphan; he can become the friend of children in foreign lands; he can charm more people than the most experienced diplomat. And yet, some people have the gall to ask "What is so special about the veteran?"

Well, I can tell you that Congress thinks the veteran is "special."

During the past year, it became apparent that the VA hospital system was in dire financial need. And the Congress responded. We allocated $105 million more than the President requested for the VA hospital system.

Another bill passed in the last Congress with my vigorous support also expanded the services of the VA hospital system. Public Law 91-496 provides for greater sharing of medical facilities and talent between VA hospitals and university or teaching hospitals of proven excellence. This certainly should improve the quality of care available to the hospitalized veteran.

On Veterans Day, 1969, I visited the VA hospital at University and Woodland Avenues. I was impressed with the commitment to service of the doctors, nurses, and administrators at the hospital. I also was impressed with the increasing demand for more hospital beds needed in the Philadelphia area.

Last summer, I was instrumental in convincing the Veterans Administration to contract for an additional 25 beds for veterans care at the Navy Hospital, bringing the number of contract beds available there to 75. These beds, along with the 488 available at University and Woodland Avenues, has brought the total bed capacity for the Philadelphia area veteran to 563.

This is clearly not enough. The Philadelphia Veterans Administration services the fourth largest veterans population in the country but 20 other American cities have more VA beds.

This clearly is unjust. This clearly is impractical.

I have taken the case of the Philadelphia veteran directly to Donald E. Johnson, Administrator of Veterans Affairs, in Washington. I have urged that the VA seek authorization and funds for either a new 500-bed hospital in Philadelphia or a 500-bed annex to the University and Woodland Avenues facility.

And we have received a ray of hope. Johnson has told me there seems to be considerable evidence of the need for another VA medical facility in Philadelphia.

He went on to say that the project has a high priority and has assured me that every consideration will be given to its early development and implementation.

This is not to say that we are going to have a new VA hospital tomorrow. But it does mean the VA recognizes our problem here in Philadelphia and that is the first big step. I pledge to you tonight that I will do all I can to ensure that the VA converts its concern for our problem into bricks and mortar and beds.

We in Congress have not forgotten the veteran and we will not forget the veteran. That too I promise.

Thank you.

POLLUTION: POSSIBLY A SOLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. DINGELL. Mr. Speaker, the May and June 1970 issue of the University of Chicago magazine carried an article in which Dennis F. Miller perceptively discusses the problem of pollution and suggests several approaches to the resolution of this problem.

So that my colleagues may have an opportunity to be aware of Mr. Miller's comments, I insert the text of his article at this point in the CONGRESSIONAL RECORD:

POLLUTION: POSSIBLY A SOLUTION

(By Dennis F. Miller)

Everybody talks about pollution and everyone does something to contribute to it—burns coal, drives a car, etc. Everybody talks about pollution but can do something about it. Individuals at the University of Chicago are trying to point the way. The author is a graduate student in history at the University.

The idea of pollution is not new in America. Conservationists and ecologists have been warning the nation of the inherent dangers of the gradual poisoning of the environment for years. But the widespread interest by the public in all aspects of pollution is a relatively recent phenomenon. People at all levels of society have begun to be vitally aware of the connection between the heavy pollution around them—the dirt and dust they must live in daily; the smelly and dirty air they must breathe—and the dangers to their health and that of their children born and unborn; many forms of life are being driven to extinction; indeed man's own existence seems to be at stake.

Not everyone, however, is frightened. There are still differing opinions on pollution common among governmental officials, educators, businessmen, and the population in general. One common assumption is that this concern with pollution is only a fad and will be only a transient episode in history. Optimists scoff at the current emotional outbursts of doom and smugly say that the imagination should be held in check and a more rational approach be taken. They say that pollution is not really a problem, because if it were, California voters would not have turned down legislation for the mandatory installation of air pollution devices on automobiles. These people point out that this so-called pollution only amounts to a change in our environment brought about by the natural evolution of man and his technology. People of this opinion say that we have nothing to fear, since man is the most adaptable of creatures on the earth and that man will continue to exist and flourish no matter what happens to the environment.

Based on the assumption that man is not really greatly affected by his environment, this approach predicts that man will remain essentially the same through the future, with perhaps minor modifications brought about by the need to accommodate the increasing levels of pollution in the environment. But this best of all possible worlds view disregards the more than probable mutagenic effects of prolonged exposure to heavy pollution on future populations. Man may not become extinct, but he may develop into something inferior to his present state of biological development.

Another approach to the problem, held by leading conservative economists, points out that the responsibility for this situation lies with the people who create the demand for the product. Just as the obstetrician cannot be blamed for the baby, the generating plant cannot be blamed for the pollution that accompanies electricity. If pollution is to be cleaned up, it should be the consumer only who bears the cost. If it is to be cleaned up, the consumer must do away with the automobile. To decrease the amount of carbon dioxide in the atmosphere, the theory goes on, one could stop exhaling it. The amount of clean air, water, etc. we want will depend solely on how much we are willing to buy, and will not be solved by being emotional and talking in terms of good or evil. Obviously this approach releases the manufacturing industry from any obligation for its contribution to pollution, and the state and federal governments from action and leadership. It is the voracious consumer who alone should be blamed for his lack of foresight and greediness.

A third, unconcerned view of pollution argues that the current interest in pollution is merely an upperclass fad that will function to the detriment of the working class. For example, those people who would most benefit from a clean lake would be those people who would use it for swimming, boating, fishing, i.e., suburbanites and well-to-do citizens, whereas, it is the workers who benefit from the factories and other industries operating at full production on the lake. If the polluting plant is shut down, then the worker is out of a job.

What is most significant about these opinions on the pollution problem is that they represent the conventional wisdom that now directs the country, and as long as they are dominant there is not likely to be any noticeable change in pollution control. Pollution cannot be solved by a piecemeal effort with little or no planning. It will require a reconceptualization of the aims of our technological development and ways of approaching and solving the problem of pollution.

FEDERAL ACTION OR INACTION

What has the federal government done to insure that its citizens need not live in mortal fear of epidemics and continually increasing amounts of pollution? In his State of the Union Message of January 22, 1970, President Richard M. Nixon said "the great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, to our land and to our water?" and went on to propose the Clean Waters Act with $4 billion to be authorized immediately, for Fiscal 1971, to cover the full federal share of the total $10 billion cost on a matching fund basis. This would be allocated at a rate of $1 billion a year for the next four years, with a reassessment in 1973 of needs for 1975 and subsequent years. Basically this measure will upgrade municipal sewers and sewage treatment plants. But many people in the environmental management field consider the proposal an utter waste of money. Why? Because the government has made no long-term studies of any significant nature, nor attempted to reconceptualize the pollution problem so that it can be solved for the entire nation. The notion seems to be: take these billions of dollars, spend them on pollution and the pollution will disappear.

What is more, the government has been steadily reducing and eliminating research funds. Argonne National Laboratory, for example, which has had many environmental research projects, has been forced to abandon a number of them and even to release some scientific and technical staff members because of budgetary decreases. This uncoordinated shortsightedness reflects government's own frustration: it allows one agency to fund environmental research and another one to cut back on funds. Logically, the government should begin in the national laboratories to study the many complex problems of pollution, and to sponsor independent studies elsewhere, and to develop plans of attack; but these steps are not being taken.

President Nixon's $10 billion proposal for secondary sewage treatment for all urban areas and major industry reflects poor planning and is similar to trying to stop a flood by throwing one shovelful of sand at a time in front of the onrushing water. The Metropolitan Sanitary District of Greater Chicago has had secondary sewage treatment for forty years (and this facility is called one of the engineering wonders of the United States), but it will still require at least $2.4 billion to improve its present system, which is now the most modern in the nation, to meet federal water quality standards over the next ten years. The land area of the district is a little over 860 square miles. Therefore, it would appear that the amount of money that will be required to upgrade the remainder of the nation to the point that Chicago is today would stagger the imagination. It must also be kept in mind that the envisioned $10 billion system will be designed to remove only solid substances and reduce BOD (biochemical oxygen demand) loading, but completely inefficient in coping with dissolved materials and deadly viruses. Obviously something is wrong with this approach. The $10 billion will barely take care of repairs and day-to-day operations over the given time span. What is needed is a new approach, not the spending of more and more billions, which literally will go down the drain.

STATE ACTION OR INACTION

State action too has been ineffective. For example, when the Metropolitan Sanitary District for Greater Chicago (most of Cook County) asked the state of Illinois for permission to tax itself in order to meet state water quality standards. At that time, the state legislature told MSD that it could not receive the money to do the necessary work, which in 1969 amounted to $1.9 billion. The legislature told the MSD that it could receive $380 million, but it could only spend $60 million per year, which would be scarcely enough to keep up to the population growth. Now the cost for the same system amounts to $2.4 billion in 1970 dollars.

UNIVERSITY ACTION

The University of Chicago has taken an official stand against pollution by its recent, very costly conversion from coal to gas in all University buildings and plants, but individual members of the faculty are trying to go beyond that stand by developing formal academic programs to deal with the pollution question. R. Stephen Berry, professor of chemistry and in the James Franck Institute; David P. Currie, professor of law, who has been teaching environmental law for the past several years; John R. Sheaffer, research associate in the Center for Urban Studies, known nationally for his ideas on solid waste disposal; and David Atlas, professor in the Department of Geophysical Sciences, who has served for several years as an advisor to the Chicago Air Pollution Control Department, are all exploring ways to establish a program of environmental study and research, and management. During spring quarter such a course was taught jointly by Berry, Sheaffer, Currie, and Daniel H. Janzen, professor in the Department of Biology and the Committee on Evolutionary Biology. What they hope for eventually is to have a formal academic unit, a committee on environmental studies, that will graduate highly trained environmental managers.

Those who enter such a degree program to achieve competency in environmental management will find the curriculum to be rigorous and very demanding in terms of both time and effort, above and beyond what can be termed normal college work, Berry points out. "In order to deal wtih the complexities of environmental management, an individual will be asked to achieve broad cross-training in the physical and biological sciences, social sciences, and economics. Such a 'manager' will have to know and understand the operations of complex political arrangements such as a city; he will have to discern the relationship between science and industry in association with natural resources, and the fate of wastes; in order to deal with the health problems, he will have to gain insight in biology and public health; to understand the costs involved, he must achieve a firm background in economics; to comprehend the research and development aspects of the technology, he will have to develop at least a familiarity with engineering, which will also enable him to think in terms of realistic approaches and goals. For a basic acquaintance with the legal problems involved, along with necessary punitive actions or other legal steps required, he will have to be cognizant of the law and be able to initiate new approaches in this regard and recommend the sound legislation that will be required for the future. Of course, with problems of this sort there is the social element, therefore, a good background in social science, urban studies, population control, etc., will be of critical importance."

It is very important, now that widespread interest is developing in the problem of pollution, Berry feels, that we take the time to educate ourselves carefully and not rush into stopgap laws and legislation that don't really solve the problem. This has happened too often in American society. "We cannot afford to let this happen now," Berry says, "because we are dealing with something that is too fragile. There is a good possibility that we are approaching a point of no return."

According to one cataclysmic theory, the Greenhouse Effect, as the carbon dioxide concentrations increase, the atmosphere will become transparent to sunlight, but opaque to heat radiation from the earth, thereby resulting in an overall increase in temperature around the world. Berry says that there is a reasonable possibility that by the year 2020 there will be enough carbon dioxide in the atmosphere to create this Greenhouse Effect, which would cause the ice caps to melt and the oceans to inundate coastal areas, including cities around the world. Actually, he added, carbon dioxide concentration rises nearly one ppm per year, or about half of one per cent per year. It should also be remembered that this process may be quickened by increasing pollution of the oceans to the point that they are not as effective in removing the carbon dioxide from the atmosphere.

Another group of scientists have a theory that is to another extreme. They believe that as the amount of particulate matter in the atmosphere increases because of heavy pollution of the upper portion of the atmosphere, there will be increasing opacity resulting in the sun's energy being reflected back into space. This will cause the temperature of the world to drop, and ultimately cause a new ice age.

Berry's own favorite apocalypse is that which could be caused by increasing dosages of lead in the atmosphere. He said present levels supposedly are well below industrial toxic levels, but only by about a fraction of three. "One of the effects of chronic lead poisoning is making its victims stupid. I sometimes think we have more than passed that critical threshold."

THE ROLE OF ELECTRIC GENERATING UTILITIES

Commonwealth Edison made a policy decision several years ago that it would eventually go entirely into atomic power generation of electricity. Therefore, it did not make sense to its managers to maintain its conventional power generating plants in a highly efficient state, only in a state sufficient to meet operational requirements, on a daily basis, caused by the electrical requirements of its subscribers. Consequently, the pollution emitted from the conventional plants increased over the years until pressure from groups at the University and other interested citizens forced a change in this policy.

Thus, heralded and accompanied by many radio and television commercials, Commonwealth Edison has in recent years been attempting certain piecemeal open-ended measures against pollution. For example, Commonwealth Edison has been advertising that it is removing the sulfur dioxide and particular matter from the smoke flowing from its generating plant stacks; but what it does not say is that it is doing nothing to remove the fifty or more hydrocarbons and oxides of nitrogen in the same smoke. It is satisfied only to meet certain standards and not worry about the other pollutants. It wants proof that the other pollutants are causing damage before it will take steps to reduce them. In further proof of its concern for pollution, Commonwealth Edison has been making much of the fact that it is now bringing in low sulfur content coal from out of state. The public is not told that there is already enough low sulfur coal in Illinois to meet their requirements now and in the future, so the measure is meaningless.

In regard to its atomic plant at Zion Commonwealth Edison has fought the proposal that it construct water cooling towers. The company has stated that it had neither the necessary funds and technology nor the land on which to build the towers, and that the water would probably not essentially harm Lake Michigan. It *will* construct cooling towers, if forced to, but by then it may be too late for the lake; the environment may not be able to spring back.

THE CLOSED SYSTEM

The present open-ended or incremental approach to pollution that depends on the variously sluggish consciences of the polluters, has brought the nation to the pass it is in today. In all likelihood such an approach is not going to solve the problem in time, if at all. Dr. John R. Sheaffer and his staff at the Center for Urban Studies have been working on a plan which will not only eliminate pollution throughout the nation but offer tangible economic returns both to the polluter and the community. It is termed the "closed-system" approach. The closed-system concept is basically a simple one: instead of pouring the industrial wastes and sewage into the waterways and instead of puffing smoke into the atmosphere, the pollutants can be converted, chemically and/or mechanically, into other useful, rather than deadly, substances, and put back into the nutrient cycle.

Some years ago the Wisconsin Steel Corporation, one of the smaller manufacturers situated on the Calumet River, for example, switched to a partially closed-system approach. When the company changed over from the open hearth to basic oxygen method of production, the company spent $3 million on an electrostatic precipitator to catch the flue dust from the basic oxygen furnaces, which cost less than $1 million. The precipitator captures 100 tons of flue dust which had formerly gone into the air over Chicago. This dust contains almost sixty to sixty-five per cent iron units, as compared to the approximately thirty-five per cent iron units in the ore taken from the Mesabi Range and it is fed back into the furnaces. For Wisconsin Steel that was money as well as pollution that was going up into the air before the precipitator was installed.

Wisconsin Steel is also using the closed-system approach to water pollution. Because it now cleans, recycles and reuses thirty-eight million gallons of the sixty million gallons of water required for its operations, it has decreased outfalls in the Calumet River from thirteen to five. Total plant reduction of river water use is fifty-four million gallons a day, which compares very favorably to the previous ninety-eight million gallons per day pumped from the river in the north plant's one-through or open-ended system. Water used to cool furnaces is fed to cooling towers and used again. Iron oxide removed from the water is eventually fed back into the blast furnaces instead of into the river.

An excellent example of how industry can stop pollution and how it can utilize the closed-system approach without passing costs on to anyone was dramatically pointed out in the August, 1967, issue of *Coal Age* in an article that predicted that electric utilities will produce approximately forty-five million tons of fly ash per year by 1980. (Fly ash is common to all industries that utilize coal as a combustible.) Only about six per cent of the total fly ash being produced is being utilized to turn out useful products. The remaining ninety-four per cent is being disposed of in some manner at a cost to the producer of about two dollars per ton. But fly ash is a resource in disguise. It is rich in alumina (AL_2O_3), which can be made into high purity alumina, which in turn can be made into aluminum. In fact, out of the forty-five million ton fly ash pile that will be present in 1980, about ten million tons of alumina could be produced, or enough to make about five million tons of pure aluminum metal. (In 1966 the U.S. aluminum industry was producing about three million tons.) About nine million tons of oxides of iron can be obtained from fly ash and about eight million tons of high grade iron ore pellets. Other products that could come from fly ash would be bricks, blocks, cement, and all types of lightweight aggregates. In addition, these chemicals could be extracted: 500,000 tons of high purity titanium dioxide (TiO_2); 500,000 tons of potassium oxide (K_2O); 500,000 tons of sodium oxide (NA_2O); and 400,000 tons of phosphorous pentoxide (P_2O_5); and unknown pounds of uranium (U_3O_8), germanium, and vanadium.

The new closed-system approach is structured around three main concepts: (1) pollutants are resources out of place; (2) pollution management systems must be designed as closed systems; and (3) the environment is a total entity. The present open-system approach can be closed simply by recycling pollutants back into the productive cycle, thereby avoding direct discharges. The final concept is of the total environment as a unit with the elements relating and interacting with each other. The relationships tend to be in balance but are constantly changing; hence, the environment is described as a "dynamic equilibrium."

These three concepts were the basis of the waste water management programs that are being developed and implemented in a plan for Muskegon and Ottawa Counties, Michigan, by Dr. Sheaffer and his staff. The plan calls for a pipeline to be used to transport all wastes from an urban area to a site which environmental and geologic studies have shown to be safe for the operation of a waste water management program. A series of treatment lagoons are being constructed at the site, which will provide settling to remove settleable solids, aeration (oxygen), aerobic bacteria to consume soluble organic wastes, and photosynthetic cells to convert nitrates and phosphates into algal cell material that can be retained by the soil.

The lagoon facility offers several other distinct advantages over the secondary sewage treatment system. First, large amounts of storage can be provided in the treatment lagoon to hold and treat unusually large flows of water generally associated with storm-water run-off and combined sewer overflow. Second, because of the large volume of water held in the lagoon treatment facility, it has the capacity to assimilate toxic shock loads associated with industrial spills. Even if the bacterial colony is killed off by the toxic material, the incoming wastes are stored until another colony can be established. This is quite different from an activated sludge, where a colony kill results in the discharge of partially treated wastes for seven to ten days until a new colony is established. An analysis of a large activated sludge plant in the Midwest showed that such colony kills are likely to occur as frequently as six times per year.

The lagoon treatment is also more effective in virus removal. Research showed that thirty days retention in a lagoon produced seventy per cent negative samples (for viruses) in comparison to the ten per cent positive samples obtained from secondary treatment plant effluent.

After the waste water is treated in the lagoon system, it will be applied to geologically suited land areas. In the Muskegon-Ottawa County plans, these areas are glacial outwash plains, which were unproductive for lack of water and nutrients. The purified waste water will be applied to the land with large automated rotating-spray irrigation rigs and the land will be sown. The harvesting of crops from the irrigation site will complete the treatment process and close the system. In studies by the University of Pennsylvania where similar techniques were used, the corn crop in similarly poor agricultural areas was doubled in terms of bushels harvested.

The availability of land will not be a problem, according to Sheaffer. Only 130,000 acres of land would be required to accommodate a billion gallons of waste water a day. "Assuming the average daily per capita contribution of waste water to be 141 gallons," says Sheaffer, "the land area required for waste water disposal would be 0.0183 acres per person." A preliminary evaluation of the major metropolitan areas in the U.S. strongly suggests that such land areas exist within 100 miles of most metropolitan areas; and, these lands are now generally unproductive, adding little to the economic base of the region.

Environmental researchers at the University of Chicago are not wild-eyed Cassandras wailing in a wilderness of waste and pollution. They are working, like Berry, trying to educate, forming local Clean Air committees, urging measures upon the Chicago City Council, and bringing up legislation at the national level. Or like Shaeffer they are working on concrete proposals such as the closed-system. While a solution is in sight, results can only be obtained by sustained support of such programs, and demands by all citizens for a pollution-free environment.

SOUTH AFRICA—THE UNO—THE CFR, AND THE SOVIETS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. RARICK. Mr. Speaker, are the Council on Foreign Relations and the United Nations trying to incite a war in Southern Africa? In defiance of the ruling by the World Court that South Africa legally maintains the mandate over South-West Africa, the General Assembly of the United Nations on October 28, 1966, voted to take over Southwest Africa.

The Carnegie Endowment for International Peace had been commissioned 2 years earlier by the General Assembly of the UNO to prepare a war plan for the invasion of South-West Africa and in August 1964, began contacting prospective authors for the plan. The plan subsequently released under the title "Apartheid and U.N. Collective Measures" called for a blitz invasion and conquest. See my earlier remarks in the CONGRESSIONAL RECORDS, volume 113, part 8, page 10430; volume 113, part 8, page 10544; and volume 113, part 10, page 13140.

While favoring such an invasion, the Soviet Union until recently never consented to the use of her troops as called for in the plan of the Carnegie Endowment for International Peace. In February of 1970, the Soviets for the first time in the history of the U.N. indicated they would act to enforce a resolution of the Security Council to invade and occupy South-West Africa.

Writing on "The War in Southern Africa" in the October 1969, issue of Foreign Affairs, official journal of the Council on Foreign Relations, an organization instrumental in the creation of the United Nations, Mr. R. L. Howe called for a "swamp of blood" in that area. It should be pointed out that Howe wrote with the editorial imprimatur of fellow CFR members John J. McCloy, McGeorge Bundy of the Ford Foundation, and Henry Kissinger, adviser to President Nixon on foreign affairs.

Is this not strange behavior on the part of the UNO, CFR, and Soviets who purport to favor peace?

I insert in the RECORD remarks by Mary Davison of the Council for Foreign Relations and Susan Huck's article on this subject which appeared in the Review of the News:

BLOOD-SOAKED WAR AND BANKRUPT PROSPERITY

WHAT'S YOURS, IS EVERYBODY'S

An aroused Congress, facing a hot election campaign, has been operating in a situation of frenzy and turmoil. As the economic "depression" deepens, the Supreme Court and the Congress have collaborated in a scheme calculated to abolish property ownership in the United States. First the Court decided that non-property-owners can vote in bond elections—and so they can vote to levy taxes and debt on other people's property. Next, Congress voted to give the vote to 18-year-olds. These actions should assure the passage of all money issues to come before the voters.

WHAT SOME CAN DO—FOR THEIR COUNTRY

In another incident, Congress and the Federal Reserve System cooperated in activities which, taken together, would inevitably bring on an economic crisis. First, Congress enacted, under the appealing title of "The Kennedy Round" a program of the United Nations Conference on Trade and Development. This law called for a gradual elimination of the protective tariff and permits low-wage foreign imports to flood the American market—thus closing our own formerly lucrative world markets and producing vast unemployment with closing of mines and factories.

FORCE YOUNG TO PAY WHOSE DEBTS?

Next, the Federal Reserve System acted to furnish the second item in the distress package, by raising the interest rate. This has made it impossible for people to obtain mortgage money. Extremely high loan rates has added to unemployment in the building trades and their suppliers—thus spreading unemployment throughout the business world. As the expected increase occurs in the army of the unemployed, we hear more and more of a new draft law for "Public Service" and for "Non-Military Service". The young are told they owe a "service to the world". So United Nations devotees in Congress are seriously considering how to force these young people by law to pay their debt. Even as many Congressmen are screaming a demand for the return of their own Constitutional powers—which they themselves voted away to the United Nations supergovernment—they advocate for the young an unconstitutional draft law requiring involuntary servitude—in short, slavery.

When our readers contacted their Congressmen about the meaning of Article 25 of the U.N. Charter, many of the legislators sent the inquiries to the State Department for reply. This resulted in a flood of government form letters saying "We" are not bound by the Article to "accept and carry out" the decisions of the United Nations, but only the decisions of the Security Council! Most of the Congressmen relayed this absurd State Department "reply" to their constituents, apparently seeing nothing wrong with it. The fact that this commitment "to accept and carry out the decisions of the Security Council" (of the United Nations) is without reservation, seems to have escaped them.

HAS CONGRESS DECLARED U.N. WARS IN ADVANCE?

In approving Article 39, Congress already has delegated the power to declare war, and to determine when, where, why or with whom the wars shall be fought, to the Security Council. And they have been trying, for more than a year, to bluff the President into checking with THEM first before *he* commits our Armed forces further. It might be interesting to ask the Congressmen how they interpret their approved Article 39 which, minus some confusing, meaningless verbiage, says:

"The *Security Council* shall determine the existence of any threat to the peace, breach of the peace or act of aggression . . . and shall decide what measures shall be taken . . ."

If any good could be said to have come out of the Viet Nam venture, it could be that the war has finally jolted Congress into a realization that it has thrown away Constitutional powers necessary for the survival of the nation, especially its young men. Before the political "Dealer" era, revisionist historians, carefully refuting the propaganda lies of the past, have shown that wars were never fought, in modern times especially, for the officially-approved reasons—in fact the real story would be ascertained long after the last shot was fired.

LIES CONCERNING VIET NAM WAR CAUSE SOON EXPOSED

In the case of Viet Nam, however, Congress has already learned how it was deceived into adopting the Tonkin Gulf Resolution, based on the false story that our destroyers had been attacked by the North Vietnamese. Repeated demands by Congress for an acceptable reason for our involvement in an Asian war have been met with studied evasion or outright refusal to discuss the matter. In a situation of this kind there is no justification for awaiting revision by future historians.

"REST IN PEACE"—UNO

Congress has already learned also that the United States is "committed" to become involved in wars of more than thirty other nations, if called upon to do so. Some members assert an intention to cancel some of those "obligations." Yet many Congressmen consistently pay tribute to the United Nations as a great "Peace-Keeping" agency despite its record of 25 years. The typical Congressman knows absolutely nothing of what takes place in the U.N. He will not examine the U.N. Charter. From the depths of wilful ignorance he will deny any relation between the Viet Nam "Ambush War" and the UN's activities there and access to confidential American military information.

From its first meeting in 1946, the General Assembly has condemned the racial policies of South Africa, Rhodesia and the Portuguese colonies. In recent years it has passed resolutions to drive out the condemned governments. A peace-keeping plan, perhaps, to UNOWHO. Then, on August 7, 1964, President Johnson bamboozled Congress into endorsing the Tonkin Gulf resolution which was to escalate the war, still raging, in Vietnam. At once the United Nations commissioned the Carnegie Endowment for International "Peace" to prepare a "war plan" (Apartheid and U.N. Collective Measures) for the invasion and occupation of South Africa.

U.S.S.R. AND U.S.A. GIVEN EQUAL BROTHERHOOD WAR RIGHTS BY WORLD GOVERNMENT

Recent ominous developments can only be understood by recalling vital facts previously mentioned. After holding debates the U.N. General Assembly in October 1966 voted in favor of invading and occupying South-West Africa. The peace-keepers' War Plan called for a "blitz" like the June 1967 Israeli attack on the Arabs—and the plan recommended that the military power be provided by *either* the Soviet Union *or* the United States. The President made a hurried trip to . . . the UN front office—following this the New York Times announced editorially: "The United States is committed as never before and could not reverse its direction." Congress learned of this and if the direction was not reversed, it was at least slowed down. (Under Article 43 of the Charter, before United States Forces could be committed, a "Special Agreement" must be negotiated between the UN and the sending nation.)

THE ARRANGEMENT: WHO GETS THE BLAME?

Shortly thereafter, a mysterious sea-air attack was made on the USS LIBERTY by the Israelis who made repeated efforts to sink the ship with all on board. Egypt had severed diplomatic relations with the United States a day or so before; with the ship located in Egyptian waters, and witnesses all murdered, Egypt would have to be blamed. Egypt is in Africa where "incidents" are easily arranged. (Which reminds one of the locale of the popular young U.S. President's tragic end in so-called "right-wing Dallas" during a Moscow-approved drive to destroy all "ultra-Conservative" American patriotic organizations).

Before the United Nations voted for the war in Southern Africa the UN's World Court rendered a long-awaited decision to the effect that South-West Africa belonged to South Africa. But, disregarding this decision of their own Court, the UN General Assembly continued to press for an invasion of the territory. Boycotts and sanctions have been repeatedly levied against both South Africa and Rhodesia in hope that the governments could be weakened or destroyed. But the governments did survive and so the demands of the Asian-African block controlling the General Assembly grew in intensity.

The vote to invade and occupy continue in effect as the Viet Nam war dragged on. The men and war supplies were several thousand miles closer to Southern Africa than to the U.S. mainland. And the Soviet Union, while playing a leading part in demanding an invasion, had never offered use of her Armed Forces as politely suggested by the War Plan of the Carnegie Endowment for International "Peace".

COUP SOON IN SOUTHWEST AFRICA AND NEW U.S. ROLE IN MIDEAST?

As time went on, the UN asserted a claim to South-West Africa, changed the name to Namibia, opened an office in Lusaka, Zambia, and, according to the UN Monthly Chronicle for June 1970 (page 41) a Committee of 24 was created, with the Columbian delegate as Council President. This man said he thinks "it important to keep in mind the special status of the Council which is, in effect, a Government in Exile rather than a Committee of the United Nations." Last February the South African "problem" was transferred from the General Assembly to the Security Council. A resolution was adopted calling for full sanctions against South Africa and expressing the intent of carrying out the decisions to invade and occupy South-West Africa. Immediately, for the first time in UN history, the Soviet delegate rose to say his country would act to enforce the Council decision. Subsequently, the South African Observer reported there was evidence that his country no longer needed to fear attack by the United States Armed Forces—since another plan had been worked out.

While Congress is debating and bewailing loss of its power over foreign policy, our real foreign policy is being worked out for us in the United Nations without the knowledge or consent of Congress.

BUT IS THIS PEACE-KEEPING OR PIECE-GRABBING? WORLD BROTHERHOOD OR CANNIBALISM?

The June issue of the UN Monthly Chronicle reports that, following the adoption of Security Council No. 276—which condemned South Africa and led to the Soviet offer to provide the military muscle for the invasion and occupation of South-West Africa—the American delegate Yost delivered a "very important policy statement concerning Namibia:

"In his statement, Mr. Yost, among other things, said that President Nixon had decided on the following steps:

The U.S. will henceforth officially discourage investment by U.S. nationals in Namibia;

Export-Import Bank credits guarantee will not be made available for trade with Namibia;

U.S. nationals who invest in Namibia on the basis of rights acquired thru the South African government since adoption of General Assembly Resolution 2145 (XX1) will not receive U.S. Govt. assistance in protection of such investments against a future lawful government of Namibia;

The U.S. will encourage other nations to take similar action.

While the directives of the President in implementation of U.N. sanctions will not seriously affect South Africa (applying only to a single state in South Africa) the importance of the move lies in the fact the U.S. has "bought a *piece of the action*" as the international racketeers, gamblers and vice lords would say. WWIII result?

Let us all take immediate action and demand that our Senators investigate the above actions of Mr. Yost and the President.

We know a U.N. General Assembly resolution does become a law mandatory for U.S. officials regardless of their constituents. Congerssmen have refused to "believe" or accept this or have professed not to believe the plain words of the U.N. Charter on the matter. But they signed approval of the Charter as we have noted.

Must they believe the U.N.? Do they want truth or UNtruth? Do they want reliability or UNreliability? Are they acting as servants of the American people—or servants of swarms of anti-Americans using Rockefeller's "former" property on the East River as headquarters for a worldwide conspiracy? They keep telling us the world gets smaller.

We did not invent the facts given above. We have done the research needed to get those facts from authentic sources. And we are not on any Congressman's payroll. All we wanted was the facts, ma'am. And now we want our elected officials to tell us why they have not had their won high-salaried employees get them these facts—and why they have not acted as true servants of the American people.

If our Congressmen (including Senators) want to give us a logical explanation of their negligence, we are glad to grant them a hearing, Ma'am.

For several years the Soviet position has been that the U.S.S.R. has been guaranteeing the peace in the Middle East. The question now is: If the Soviets now send their military to Southern Africa, who will assume the "peace-keeping" role in the Middle East?

Let us hope the role will not be assigned to the United States Armed Forces, regarding us as an ever-ready member of the apparently impartial supergovernment located at U.N. headquarters.

Let us write now and express our opposition to such a plan even before it is announced.

A NICE NEW WAR FOR SOUTHERN AFRICA

(By Susan L. M. Huck)

Well now, who is keen to crank up a nice new war—say in southern Africa? Wouldn't you like to see "a swamp of blood" down there?

The purpose? Progress, of course. How else are you going to replace 20th Century Western Civilization with 19th Century (A.D. or B.C., take your choice) tribal warfare?

It would seem that, every now and then, such a bloodlust overwhelms even the pillars of the Establishment whose names decorate every one of the top editorial positions of *Foreign Affairs*, the quarterly house organ of the super-powerful Council on Foreign Relations.

Foreign Affairs seems to be a fixture in every library; it sits there, forbiddingly thick, drab grey, expensive-looking, and so unread that one must often slit the pages even on the back copies. The trade journal of the pipeline industry is probably more attractive to casual readers. Nonetheless, it is published by and for our ruling-class. Ambitious officials, especially in the State Department, comb its pages for the party-line thinking which can speed them upward, while foreign embassy officials are invariably familiar with articles in *Foreign Affairs* which deal with their own countries.

So it was with "War In Southern Africa," an article in the October 1969 *Foreign Affairs* by R. L. Howe. It is Howe who has called for that "swamp of blood."

Probably not since the Carnegie Endowment for International Peace [*sic*] laid out its military plans for the conquest of the Republic of South Africa in 1965 has the Establishment published anything so blatant in its hostility toward the peoples and nations of southern Africa. When the primitive chant for "Black power! White blood!" surfaces in *Foreign Affairs* under the editorial imprimatur of financier John J. McCloy, McGeorge Bundy of the Ford Foundation, and Henry Kissinger, the man detailed to tell President Nixon what to say and do about foreign affairs, the white blood they have in mind is not, of course, their own. And it would, of course, require a lot of black blood too, to create Mr. Howe's "swamp of blood" in southern Africa.

As for the resulting arrangements, one must look no further than the parts of Africa where our Establishment types have already spread their notions of progress. The banking and foreign trade of the black-ruled countries, where the real money is made, remain in the hands of *non-resident* whites, the international bankers and financiers. All else not vital to their interests is allowed to relapse into a sea of corruption and tribal rivalries, often breaking into vicious open warfare. Timeless though both the corruption and the rivalries are, it is fashionable nowadays to festoon them in the trappings of some swinging ideology or other. But it is the banking *Insiders* who run the show in Africa.

The net effect is to reduce the *number* of economic enterprises (or sources of economic decision-making), and to concentrate in ever-fewer hands, ever-greater economic and political power. This is the goal our "Liberals" share with the Communists. Independent-minded whites *or* blacks (or Asians) are largely wiped out of the game, as planned. Even African businessmen must either pay through the nose for political "protection," or be taxed or "socialized" out of business by unproductive but insatiably greedy politicians.

In most "independent" countries of tropical Africa today, the only whites found there are employees of some government or other, or of the giant monopolies. Among them are many whites born and raised in Africa, but probably *none*, now, who do not have in mind some contingency plan for getting out in a hurry. The *Insiders* they work for don't have to live like that, and their vaunted "humanitarianism" is such that their *Foreign Affairs* mouthpiece will publish articles *recommending* that whites, resident in black-ruled countries be regarded openly as hostages!

For example, the white skilled and technical workers from South Africa who keep the financiers' copper mines running in Zambia are referred to by Mr. Howe as Zambia's "five thousand South African 'hostages' working in its mines." Establishment favorite Howe also notes that nearly a hundred airline flights a week, bound for Johannesburg, stop in other African capitals as well, "putting hundreds of potential South African hostages . . . into the hands of African governments." Mr. Howe then nobly tries to prod African governments into *taking* the hostages!

Russell Warren Howe is white, but he has a black wife now, and lives in Senegal, associating as much as possible with anti-white "liberation" forces. He likes to offer suggestions to them, as we see. He told his *Foreign Affairs* readers approvingly that certain terrorist groups "will borrow Viet Cong techniques—such as mobile cages—to keep prisoners alive." Of course, Mr. Howe's remarkable access to the pages of *Foreign Affairs* as an outlet for his bloodthirsty notions suggests that he is more than just a demented enthusiast; he *works* for "our" Establishment. If his connection with, say, the Central Intelligence Agency, gained wider credibility, it is always possible that he might be in a position to do us an "inside story" on how the mobile-cage idea works out in practice! Out in mobile-cage country, there could be large numbers of lower-ranking terrorists who are understandably confused about whose side the C.I.A. is on.

Mr. Howe disguises himself as a "reporter," although he is so partisan as to make our most rabid TV commentators blanch to neutral grey. He speaks of a "war" in progress in southern Africa, engaging about 275,000 combatants, and deplores the lack of reporting on it. Admittedly, if that many men are in action, we should be hearing more about it. But, as we shall see, Mr. Howe's figures are largely foam. Certain other of his words appear to be largely foam as well.

Reporting over a New York radio station early in 1969 on his excursion to the "front," Mr. Howe stated that he donned a "guerrilla uniform," strapped on a "Russian pistol," and ventured across the Zambezi into Rhodesian territory in the company of the Communist-trained marauders he so admires. That was a very stupid thing to do, if he did it; he had a really excellent chance of being killed, either by Rhodesian police or the large, hungry animals which have patrolled the area since time began. (Mr. Howe can't get into Rhodesia by the *front* door because the Rhodesians, as well as the South Africans, know too much about him.)

Certain of our diplomats also wince at the thought of Mr. Howe being *captured* in that condition—dressed, armed, and accompanied by invaders, and then flapping his U.S. passport at the Rhodesians, demanding privileges and immunities.

But then, perhaps Mr. Howe didn't really cross the Zambezi into Rhodesia. It is quite possible to cross the Zambezi and still be in Zambia. Or to cross the Kafue and think you're crossing the Zambezi—yet still be in Zambia. In any case, when Mr. Howe claims to have crossed the Zambezi into "a land of fat corn cobs [*sic*] and jacarandas," what he is describing is a far cry from the nearly uninhabited, hot bush country of the Valley below Kariba, where he claims to have been. A bloated, ghostly baobab would be the only "fat" thing around, and if Howe was there he would have been more interested in looking out for *boomslangers* than admiring the odd jacaranda tree!

No, even the Rhodesians have their problems in the Valley—like being followed around by lions, or stomped by elephants, or (in the rainy reason) finding the only high ground already occupied by all the poisonous snakes of the neighborhood. And the Rhodesians don't have the Rhodesian police and army chasing them, to top it off!

All Mr. Howe's big figures to the contrary, not many terrorists have crossed the Zambezi line—and hardly any of those survived for long!

Well, then, who *is* fighting the Establishment's slow-fire holy war against those of our friends in southern Africa—against those of our own culture, so willing to be our allies against the Communists, and so potentially valuable?

Authorities seem to agree that Mr. Howe's total of 275,000 men in the lineup includes just about everyone who has ever received any military, police, or guerrilla training, on either side. By far the largest number of active-duty troops are in Portuguese Angola and northern Mozambique, the most exposed areas. Portuguese draftees and native African troops (often in "integrated" units) number fifty thousand or so in each territory. They have an enormous area to cover; it cannot be done by static defense. In Angola, for instance, there is nearly ten square miles of territory for every Portuguese soldier.

With a map and scratch-pad, it is possible to see that "liberation" organizations are accustomed to try to match the government, claiming about ten square miles of territory for every guerrilla they claim to control. What does this mean on the ground, in the bush? It means that a band of ten men—on either side—"controls" a hundred square miles. That is, until a band of *twelve* men comes along! And that's accepting all boasts at face value.

There is no "front"; there is only a great game of chasing around, seeking or avoiding each other, as the case may be. Numbers killed seem to range in the low hundreds per year. One could just *barely* call that a war, although heaven knows it's expensive enough, and it seems to bring out the beast in the propaganda writers. At least it provides a modicum of copy to the global news industry, whose dispatches "feed back" those claims of great and glorious feats of arms so necessary when rattling the can for contributions every year. Assorted leadership battles within the terrorist organizations, and rivalries over who taps which Sugar Daddy governments—or who's getting the World Council of Churches' $200,000 terrorist fund—appear to occupy a good deal of time and space.

Of course, just as a lot of Mr. Howe's supposed combatants turn (upon investigation) into traffic cops, or farmers enlisted in inactive militiatype units, a lot of his "guerrillas" evaporate as well. They very often disappear without a trace, and a prudent move it is, too. In so many cases, the tempting "overseas scholarships" turn into a few months in a foreign "boot camp," after which the lucky recruit is expected to do or die for his Chinese or Russian or Algerian friends. Especially when he discovers what he is up against, he may decide that the disappearing act is the shrewdest move of all.

Whatever the reason, Mr. Howe's phantasmagoric legions—two thousand in Rhodesia, two thousand for South West Africa—certainly aren't there, and if they had been done in by government force one might suppose that someone would have said more about it. Contrary to what might be imagined, the country under dispute affords practically no cover; thin bush stands bare and bone-dry most of the year, when even animals die of thirst—and not only scattered villages, but game waterholes are staked out by security forces. The short rainy season brings its own delights, but at least the bush sprouts cover. (The longer rainy season and thicker bush in the Portuguese territories may favor the guerrillas somewhat.) Certainly that Kalahari-Zambezi line is a tough one to crack by the methods now in use, although a professional army, backed up by modern logistics, would make short work of it. Traversing the country is one thing, living off it is another.

The countries under attack south of that line, Rhodesia and South Africa, have small but very efficient military and police forces in the field. And, they operate with the cooperation of the natives in the affected areas, which is always a source of disappointment to guerrillas led to believe differently. What is more, local support is not always a response to carrot and stick; many Africans, especially in Rhodesia, know from experience that the "nationalist" organizations were accustomed to expending their energies extracting onerous "party dues" from anyone with a job, or tossing gasoline-bombs into the homes of anyone who stood against them, or paying children a shilling apiece to throw stones at people. Most Africans do not prefer the goon-squad "democracy" of alienated young toughs to the venerable authority of their own chiefs.

Then, too, these countries of southern Africa realize that they are under attack. They are not afflicted with the notion that the government has an obligation to extend every privilege and courtesy to those who openly intend to create Mr. Howe's "swamp of blood." By and large, agitators can't do much agitating, activitists can't do much killing, looting, or burning—and cop-killers are *hanged,* period. (During my recent visit to Rhodesia, many people wanted to know how it happened that cop-killer Huey Newton was freed here in sixteen months. I had no rational explanation.) Communists are outlaws, and if they stay in the country they are asking to be locked up. As a result, there is an amazing amount of peace and quiet in southern Africa, despite the "arithmetic" of race. (I spent weeks in a rural area of Rhodesia, while there were 375 Africans and perhaps a dozen whites. Everyone felt perfectly secure at all times—although things were different before Rhodesia seized its independence!) And, while the reasons are mainly economic rather than political, the African border-crossing traffic is from the black-ruled countries into the white-ruled countries—in search of jobs. If this is "oppression," why do the "oppressed" run toward it, rather than away from it?

Naturally, Rhodesia and South Africa have to deal with the Surrender Now types infesting the mass media and the universities, as well as some Big Business circles. These people often willingly collaborate to destroy the host society, but they sometimes discover that espionage is still espionage, and treason is regarded as treason.

Mr. Howe, writing in the C.F.R.'s *Foreign Affairs,* deplores only that the Communists' interference in southern African affairs is more directly disruptive than our own. He points out the ways in which we *do* interfere, but considers them shamefully slight. He says we should abandon any investments there; he thinks $800 million isn't much, less than we lost when we put our hero, Fidel Castro, into the saddle in Cuba. And beyond *that,* Mr. Howe suggested to his betters of the Council on Foreign Relations that they work on southern African whites through "religion" and sports. His suggestions have meanwhile borne fruit in the form of the World Council of Churches terrorist fund, and the ban on South African participation in international athletic events.

As for our N.A.T.O. ally, Portugal, Mr. Howe makes friends for us abroad by writing:

"There are many American diplomats who talk of ridding NATO of its least useful member as a first step toward positive intervention in the area's crisis."

What America should do, he says, is to support the Comrade Hero Ax-Murderers with their alphabet-soup "movements," as we did our pets, Holden Roberto and Eduardo Mondlane. (Holden Roberto is mightily puffed by Mr. Howe, but now seems to be close to "nobody" status. Roberto was doing fine with his massacre until, among other things, Americans began to hear how the Methodist Board of Missions was helping him along. With his church support cut off, he hasn't been able to run even *one* person through the blades of a sawmill since the early Sixties. It's *cruel* to deprive a man like that of his little pleasures: "progressive" churchmen understand these things.) We should betray friends, stab allies in the back, abandon some four million whites to whatever measures the renegade Howe might suggest to his friends of the Council on Foreign Relations, and call it Progress. Maybe even Peace.

THE LATE LUCIUS MENDEL RIVERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. HÉBERT. Mr. Speaker, Admiral Joseph J. Clark, U.S. Navy, retired, has requested that the January 11, 1971, issue of Counterattack be placed in the RECORD.

It speaks of the late L. Mendel Rivers, and I would like to make its message known to all.

THE LATE LUCIUS MENDEL RIVERS

It was with deep regret that we learned of the death of Lucius Mendel Rivers, chairman of the powerful House Armed Services Committee. Mr. Rivers served in Congress for thirty years and in 1965 succeeded his mentor, Carl Vinson of Georgia, as chairman of the House panel which raises and oversees tens of billions of dollars in defense spending each year.

Mr. Rivers believed that freedom in the modern world was tied inextricably to the military might of the United States. As an activist, he did not believe in waiting for the day of judgment. From the point of view of our defense posture, this takes place every day. An Administration achieves wisdom when it realizes that a government is judged by what it does not by what it says. The great Winston Churchill once said, "Democracy is the worst system of government with the possible exception of all the others."

Mr. Rivers was an indefatigable worker who labored long hours at his job. He studied and knew the details of military operations, installations, aircraft, ships, tanks, and other hardware. Although he never served in the Armed Forces, he championed the cause of the enlisted man and often challenged the brass in their cause.

We enjoyed a pleasant relationship with Mr. Rivers who at times published articles from issues of Counterattack in the Congressional Record. His unswerving objective was defense. He was a fierce advocate and never retreated from his convictions once he was convinced of their military necessity. He was unmoved and could not care less about anti-military and anti-war sentiments believing that the majority of Americans approved his judgments. Where Mr. Rivers was most vulnerable to criticism was in the overloading of his congressional district in South Carolina with military installations, such as an Army depot; a Navy base, shipyard, supply center, hospital, weapons center, and submarine base; an Air Force base; a Marine Corps air station and training center; and a Coast Guard station and mine warfare station. The combined government payrolls and defense plant payrolls in the Charleston area are said to account for nearly fifty per cent of the area's total earned income. Congressman Vinson once sagely observed, "You put anything else down there in your district, Mendel, its gonna sink.'"

What synthetic intellectuals of the right or the left often fail to recognize is that other people can disagree with them philosophically without being classified as bad guys. To most politicians and some writers, consensus means agreement with them. Their intolerance to dissent is part of their paranoia. There is many an egghead that houses a bird brain. Cynicism and disillusionment can destroy humanity just as definitely as bombs.

One of the best ways to judge a man's worth is by the enemies he has made. One of the most intellectually disruptable utterances on the passing of Congressman Rivers was published in the "New York Post" on December 30, 1970 under the by-line of one Pete Hamill. Mr. Hamill in the past has made it big by writing in a lachrymal vein on subjects of which he has some expertise, such as: canine feces in the streets of New York; the brutalization of the poor by an inept welfare system; the evils of racism, an advocacy of civil disobedience which has violated law but more often has enriched justice; a justifiable disenchantment with the Administration's economic game policies; a criticism of the newly acquired pseudo-conservatism of the Hard Hats; and support for the disenfranchised minority citizens of Northern Ireland. However, he now makes it small by showing that he has little to do other than to attack someone who can't strike back.

Like St. Francis of Assisi, Mr. Hamill seems to share the lives of his poorest downtrodden contemporaries. However, comparison to the charitable flair of antiquity has been brought to an abrupt stop with Mr. Hamill's eulogy of the deceased Congressman in which he ignored the traditional maxim, "De mortuis nil nisi bonum," by writing:

"Mendel Rivers will be safely tucked into the earth today, accompanied by the usual gushy salutes and the familiar lying rhetoric of death. There is a convention, rigidly adhered to by politicians and editorial writers, that says one must speak only about the nobility and goodness of the dead, no matter how rotten, dangerous or disgusting they were in the flesh; it's as if death and its attendant mysteries could suddenly cleanse a man's history. . . .

"The truth was that Rivers was a common drunk and a nasty, willful, power-dazed man who obtained great power in Washington because of the vile anachronism of the seniority system. As chairman of the House Armed Services Committee, he knelt before the admirals, generals and defense contractors for more than five years. He was such a great patriot that he managed to avoid military service through all his 65 years. . . .

"If there were ever a case for destroying the seniority system, this is it. Meanwhile, there should be no sad songs for the passing of Mendel Rivers. He's gone, and we're better off without him."

We do not believe that the editorials in "The Irish Echo" on the passing of David Lloyd George were as unfair as the foregoing diatribe, nor were the comments in the "The Jewish Daily Forward" as gleeful or vindictive on the occasion of the demise of the notorious Gestapo chief, Heinrich Himmler. While we understand Mr. Hamill's denunciation of the seniority system for selecting chairmen of standing committees in the

Congress, we don't believe that his senior colleague, Jim Wechsler, a responsible liberal journalist, would exhibit the poor taste of tendentious ridicule to vilify the reputation of a deceased, even if unlamented, office holder. Aren't there enough subjects to write about, especially when self-serving politicians are keying their economic and defense policies to the tempo of the 1972 elections?

We are inclined to doubt that Mr. Hamill personally knew the late Mr. Rivers, an honorable man, who did his job in keeping with his convictions. One of the Congressman's most hostile opponents on the committee once admitted, "Mendel's motives are the very highest; I have never ever questioned his motives."

It is our opinion that many of the procedural rules of the Congress are archaic and should be changed. In fact, in spite of tradition, if Congressional speech makers deleted the word "distinguished" from their rhetoric, they could get 30% more work done. While one doesn't need to be young to dislike institutions, we must remember that it was always institutions that have made society work. Notwithstanding the fears of the military-industrial complex, the world has a better chance of ending with a whimper rather than with a bang.

We invite the attention of Mr. Pete Hamill, a maverick Brooklynite, who is usually an objective writer, to the most ultimate advice left as an epitaph to his fellow human beings by the late Aldous Huxley, "Be kinder to one another." That's what the Sermon on the Mount and the Paschal ceremonies are all about in our Judaic-Christian tradition. If all human beings were to lose their sense of glory, wouldn't we be poorer?

CAN WE USE MAX SPENDLOVE'S TRASH MACHINE?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. DINGELL. Mr. Speaker, there is a growing realization that we must look upon solid waste as a resource rather than as material to be burned or buried.

The January 17, 1971, issue of the Sunday Star's Washington magazine carried an excellent article by John Morton reporting on a Federal research project currently underway at Edmonston, Md., which is giving substantial support to the concept that solid wastes can be profitably recycled.

So that my colleagues may have an opportunity to read this article, I am inserting the text at this point in the RECORD.

CAN WE USE MAX SPENDLOVE'S TRASH MACHINE?

(By John Morton)

A quart jar of pickles brings together in one convenient package 16 pickles, a cup of brine, an ounce of metal in the cap, a bit of paper label and 12 ounces of glass. All of these facts do not fill the housewife's mind as she cruises the supermarket aisles. It's the pickles she wants, and that's what her family gets. The rest is thrown away.

A lot of everything else she buys is thrown away, too, after the edible contents are unwrapped from paper, squirted from aerosols, squeezed from tubes and poured from thousands of cans and nonreturnable glass bottles. Truly it is a disposable feast.

Americans throw away 150 million tons of household refuse annually, and the total goes up each year. The cost to collect and dispose of it is staggering—close to $4 billion annually. Some of the junk is burned, some is buried, some is dumped at sea, and a lot of it just blows across the land.

The harvest of refuse is a major headache for cities, which everywhere are plagued by a lack of new dumping sites and the high cost of building and running refuse incinerators. Yet this effluent of our hard-sell, super-packaged marketing system itself offers the answer to the problem of its existence. For if properly treated, all of this junk is worth money.

A federal research project quietly underway in Edmonston, Md., in Prince Georges County, has developed a recycling plant that takes refuse at one end and produces commercially valuable products at the other end—at a profit. The reason a profit can be made is simple: Household refuse is rich in all the materials that were thrown into it—aluminum, iron, copper, brass, tin, glass, paper and plastic. Indeed, for some of these materials, household refuse is a resource richer than ore that is profitably mined and processed in a mill.

A visit to the Edmonston recycling plant is a surprising experience for anyone accustomed to the dirt and obnoxious smell usually found in ordinary refuse-disposal plants. There is plenty of noise—the huge machines used in the recycling process chop, tumble, crush and shake the junk fed into them with an awesome racket. But the refuse is carefully contained along the chain of connected machinery, and water sprays used in the machines to wash out fine particles keep down the dust. The floor is spotless.

The man in charge is Max Spendlove, research director at the U.S. Bureau of Mines' Metallurgy Research Center at the University of Maryland. Spendlove, a serious-faced, orderly man in his 50s who looks as if he might be a high school physics teacher, has a matter-of-fact way of speaking that often harbors wit. Giving directions to his office on the University of Maryland campus, he advised: "Follow Campus Drive until you pass the Student Union Building—that's the one with all the trash out in front—and I'm in the next building on your left."

Spendlove's career as a government metallurgist devoted to getting something valuable out of what appears to be worthless goes back to 1940, long before the disposable explosion in American merchandising began overwhelming municipal trash systems.

His first job with the Bureau of Mines was to figure out a way to extract the valuable metal in the smoke and gases belched out by copper smelters near Salt Lake City, Utah. After World War II he was in College Park, developing techniques for reclaiming aluminum from thousands of scrapped military planes. When Congress enacted the Solid Waste Disposal Act of 1965 with the idea of combating pollution and reclaiming lost resources, Spendlove was appointed to direct the bureau's research under the act. This led to the development of the Edmonston recycling plant, which first started processing refuse on an experimental basis in May, 1969.

So Spendlove is used to looking at the worthless, the discarded objects of America, in a different light. Thus he speaks of household trash with admiration, even a bit of affection, and with an absolutely straight face. To Spendlove, it's not trash, but "urban ore," and he likes to talk about how coat hangers and tin cans are "high" in iron, that broken toys and alarm clocks produce a lot of brass and aluminum, and that all of those throw-away bottles give off a nice quality of marketable glass, if handled right.

He even sounds a little protective of the qualities of his urban ore at the mention of banning throw-away bottles by municipal ordinance, a step recently taken by Bowie, Md.

"What good does it do to ban throw-away pop and beer bottles and not ban them for pickles, vegetables, ketchup, olives and everything else that comes in a throw-away container?" he asks. "What about the shoe box and all the other containers we throw away? Besides, the consuming public will always resist this. They'll just go buy them somewhere else."

Let the people buy and throw away, says Spendlove. Human nature is not easily changed, but recycling plants that make money can be easily built, and the profits can be spent on doing a better job of collecting refuse.

Trash disposal in the United States, for the most part, relies on the same basic processes used centuries ago—burn and bury. Nothing better was ever developed because, until fairly recently, land was cheap enough and plentiful enough to make burn-and-bury a sensible disposal system.

But suburban sprawl, the population explosion and the boom in throw-away packaging have combined to overwhelm existing municipal dumps and make sites for new ones hard to find. Fairfax County in Virginia, for example, is nervously seeking a new dumping site; in about a year, the county's landfill operation west of Fairfax City will have taken about all it can hold.

Similarly in Maryland, Montgomery County should have closed its overstuffed landfill near Rockville a year ago, county officials acknowledge. But land close in is expensive, and few communities farther out are eager to become somebody else's dumping ground. Alternatives being considered by some local governments include baling trash and shipping it elsewhere by rail. The District of Columbia may send its trash on barges 20 miles down the Potomac to Cherry Hill, Va., when its dumping site at Oxon Cove, Md., is filled up.

One method of reducing the sheer volume of refuse is to burn it in an incinerator, which removes the paper, plastic, wood, food, and anything else that will burn. There are now about 400 incinerators in use in the United States, and scores more will be built in coming years. The District has had at least one incinerator since the 1930s, and is planning to build its fifth soon. And there are several others in metropolitan Washington. But incinerators still leave an unburnable residue of metal and glass that must be buried in a landfill somewhere.

The Edmonston recycling plant developed under Spendlove's direction was designed to process this incinerator residue—extract the valuable materials in pure enough form to make them commercially valuable. Using residue collected from incinerators in suburbia, Maryland, Virginia, the District of Columbia, Baltimore, Atlanta and New Orleans, Spendlove and his fellow researchers experimented with machines that chopped, chewed and separated incinerator residue. By November, 1969, six months after they started, they had perfected the process.

Perfecting the process achieved these financial results: The cost in labor, equipment and building to process incinerator residue is $3.52 a ton. The end products—commercial grade metals and glass—are worth $12 a ton. This means that cities with incinerators are burning and burying $77 million worth of resources a year—the recycled value of the 22 million tons of refuse fed to incinerators each year in the United States.

Attracted by reports in technical journals, representatives from the iron, aluminium and glass industries have visited the Edmondston project to see for themselves that the recycling plant can produce valuable material. Other visitors have included officials from several major cities in the United States and abroad.

If money can be made from household trash, and the Bureau of Mines has a plant that proves it, why aren't mayors and city councils all over the country plunging into engineering reports and making feverish plans to build their own recycling plants? Part of the answer is that the Bureau of Mines experiment was so recently completed that word of its successes has not spread out to municipal public works departments. Even in metropolitan Washington, which would seem to have the edge on the rest of the country because of proximity, checks with public works departments failed to turn up any officials who had actually visited the Edmondson project, although there were varying degrees of awareness of it.

Moreover, the public works officials tended to view the whole concept of recycling as something too experimental and far off to be of much use to them in their day-to-day struggles with collection, burning and burying. Says Norman Jackson, director of the District's Department of Sanitary Engineering: "Recycling is a very fundamental principle that we must observe in the future, but I think a lot of work remains to be done on it."

Others apparently were not acquainted with Spendlove's recycling techniques. Both Nicholas Stoliaroff, urban engineer with Prince Georges County, and Frederick Doe, Arlington County's utilities director, asserted that household trash is such a complex mixture of materials that sorting it out never would be profitable. "You can't tell from looking at a can whether it's aluminum or tin," says Doe. The Edmonston plant, however, does not rely on visual identification; it shreds all incoming materials and separates them with mechanical, magnetic and chemical methods.

Doe also refused to accept that tin cans and glass bottles could produce raw materials that would bring a profit, regardless of the cost-profit studies done by the Bureau of Mines. "For example, tin cans have fallen in value considerably because the tin coating on the iron contaminates the new types of steel furnaces being used," he says.

Spendlove acknowledges that the tin contamination problem remains to be solved, along with problems caused by solder from the seams of cans and copper that somehow attaches itself to tin cans during incineration. But the profit figures he cites for his recycling process are based on receiving the low prices that tin-contaminated iron brings on the market. "When we solve the contamination problem, the iron will be good enough to make steel, and then we can make more than $12 a ton profit on incinerator residue," he says.

Spendlove believes there will be two major barriers to overcome before very many communities will be able to put to work the recycling processes developed in Edmonston. "In many cities, just getting out from under the refuse-disposal problems that they have right now will put them off," he says. "And I am assuming that, whenever a recycling plant is built, it will be a combined effort—a combination of city and state or federal governments, and perhaps even some private interest. None of these relationships has been determined, and it will take time. But I'll be surprised if some serious proposals don't start coming in."

As for the recycling process itself, Spendlove emphasizes that no esoteric machinery or unusual new processes are involved "All the machinery we use is conventional," he says "We just use the basic minerals-processing techniques, but we've brought all the techniques together to work on urban ore."

There are three basic operations:

1 Shredding and grinding the incinerator residue into small particles.

2 Separating out different materials with magnets and screens of different sizes.

3 Washing to remove dust particles.

The first machine in the recycling chain is a trommel—a large, rotating cylinder full of 1¼-inch holes that normally is used to sort out gravel. The incinerator residue brought in at the unloading dock is dumped onto a conveyor, which carries it to the trommel; small particles drop through the trommel's holes as it rotates and feeds larger pieces to a shredding machine. In later stages, magnets pull out magnetic metals, and grinding mills crush glass into tiny particles and flatten pieces of nonmagnetic metals so they can be screened out of the glass.

Traditional refining techniques, such as acid leaches and filtration, further separate metals into aluminum, copper, zinc and brass. The glass particles can be used as is to make building bricks and glass wool, but more money can be made from glass that is separated by color, which is done both by magnetic means (color in glass is created by iron and chromium) and with an optical sorter.

The cost and profit figures cited above are based on a recycling plant serving a city of 250,000. A larger plant, say for a city of a million, would use the machinery more efficiently, reducing processing costs to $1.83 a ton. How much to build a plant for a city of a million? About $2.2 million, certainly not unmanageable, especially in view of the profit potential.

"Now that we know how to process incinerator residue and make money at it," says Spendlove, "we're setting up another plant to take refuse straight from the garbage can—no incinerator—because the paper and plastic refuse is valuable, too, and we hate to see it burned up." He expects to spend about a year perfecting the process for raw refuse. "We already know how we hope to do it, but there are always unexpected kinks to work out."

Processing raw refuse both eliminates and raises some problems. It would eliminate the need for an incinerator, which costs about $23 million to build for a city of a million. But it poses expensive difficulties in reclaiming paper and plastics and fabrics. To be separated from other trash, these lightweight articles must be put through what is called air classification.

Essentially, air classification is a stream of air into which the refuse is dribbled. The air blast blows out the paper, cardboard, plastic and other light materials, and in additional air stream can further separate the lightweight materials into distinct grades.

Adding air classification to a recycling plant (the heavier materials would continue to be processed just like incinerator residue) would raise the cost of a plant for a city of a million to about $7.2 million.

This more sophisticated, raw-refuse process is yet to be perfected, however. But Max Spendlove says it's just a question of time. Working on the mechanical problems involved is simple, compared to the obstacles in other phases of waste management—for example, taking almost invisible pollutants out of air and water. "Solid waste is easy to work on," says Spendlove. "You can put your hands on it. You can do almost anything you want with it."

ELI LILLY & CO. OF INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. BRAY. Mr. Speaker, the following article which appeared in Nation's Business for January 1971, was most appropriate for inclusion in that magazine's series on "Great Moments and Great Men of American Business." Written by Mr. Henry F. DeBoest, vice president for corporate affairs of Eli Lilly & Co., I am happy to include it in the RECORD:

THE TRAIN TRIP THAT WAS A TURNING POINT

On Christmas Day, 1921, George Henry Alexander Clowes, Ph.D., a young chemist from England, skipped the traditional family festivities at his home in Indianapolis. Early that morning he packed a suitcase, said good-bye to his family, and boarded a train for New Haven, Conn.

His trip was to be a turning point for Eli Lilly and Co., the pharmaceutical firm that Col. Eli Lilly had founded in 1876.

Dr. Clowes, director of the Lilly Research Laboratories, had heard a few months before that insulin had been isolated at the University of Toronto by Dr. Frederick G. Banting and Charles H. Best. Dr. Clowes had been evaluating many theories that were current about the causes and treatment of diabetes, and had come to the conclusion that this pancreatic hormone might be the most promising approach to complete control of the disease.

A starvation diet was then the only medically acceptable treatment for severe diabetes. Something less stressful for the patient was needed.

With the words "Go to it!" Vice President Eli Lilly (grandson of the company's founder) gave his approval to Dr. Clowes' idea of contacting the Toronto scientists, who were in New Haven presenting a paper on their work.

For the diabetic, eating carbohydrates leads to overproduction of sugar, which the body is unable to use for energy because little or no insulin is available to facilitate its utilization. Dr. Banting and Mr. Best hypothesized that diabetes would be controlled if insulin could be supplied from another source, animal pancreas. But a way to manufacture a stable, standardized insulin product in large quantities would have to be found.

Dr. Clowes convinced the Canadians that Eli Lilly and Co. had the capability to develop a large-scale production method. Scientists worked day and night. Soon procedures for isolating insulin and purifying it in large quantities were discovered.

The purchasing department worked out a supply system with meat packers so animal pancreas glands that slaughterhouses had always discarded would be brought frozen to Indianapolis. Manufacturing facilities were designed and ready for use by the following year. Lilly insulin was marketed in 1923.

The Canadian scientists' discovery of insulin therapy, and its development, constituted one of the great landmarks in medicine, ushering in a new era of cooperation between pharmaceutical industry researchers and university scientists.

Years later, in 1941, Josiah K. Lilly Sr., son of the founder and at that time chairman of the board, wrote: "Insulin revolutionized our place in the industry."

Insulin was to be followed by many other outstanding products developed in the Lilly Research Laboratories. In the 1920s the company discovered the first in a series of barbiturate sedatives and hypnotics and, in association with Dr. George Minot and Dr. William Murphy, developed the first liver extract for control of pernicious anemia, a condition invariably fatal if it is untreated.

Among other contributions were development of a killed-virus poliomyelitis vaccine in association with its discoverer, Dr. Jonas Salk; discovery and development of erythromycin, one of the first of a new class of antibiotics; and development of the cephalosporins, a new family of broad-spectrum antibiotics, following a chemical breakthrough that permitted synthesis of a large number of derivatives of the original cephalosporin.

Early in the 1950s the company began to seek new areas where its research experience in the life sciences could be used.

It entered the agricultural market in 1954 with the introduction of a hormone for promoting growth in beef cattle. Today, Lilly agricultural products include herbicides, fungicides and growth regulators for plants; lawn and garden products; and veterinary medicines and other animal health products.

Throughout its 94 years, the company has made every effort to see that its products reflect the emphasis on quality set by its founder, who turned his back on the popular patent medicines of the day to produce quality products, honestly labeled, for physicians.

Col. Eli Lilly was a remarkable man whose concern for people was eivdenced by his community leadership and service. His view of human worth was reflected in corporate policies that attracted people of talent to his organization at all levels of responsibility.

J. K. Lilly Sr., who followed his father as president, put the Lilly philosophy into words when he said, "The people who make up this company are its most important assets."

That also was the credo of the colonel's grandsons, Eli (now honorary chairman of the board) and J. K. Jr. (who was chairman when he died in 1966), and it remains company philosophy today.

In 1914, when young J. K. Jr. joined the Lilly organization, he was assigned to study the establishment of a personnel department. Two years later, in a 154-page, typewritten report to his father, he recommended a personnel policy that was far ahead of the times:

"The greatest business problem of today is the human problem of labor and the wise handling of employees. . . . Fair wages, reasonable hours, working quarters and conditions of average comfort and healthfulness, and a measure of protection against accident are now no more than primary requirements in every factory."

In 1916 the company's first employment office was established. An industrial medicine department for employees was added the following year. In 1920 the company adopted a pension plan and paid the entire cost for employees. A company cafeteria was started in 1924. Three years later, a health insurance program was arranged.

Under the leadership of the Lilly family, the company has grown from its original four employees to more than 19,000 associates worldwide, and from an 18-by-40 foot building to a large complex of manufacturing plants in the United States and 15 countries abroad.

Its medicinal products have changed from "pills, fluid extracts, elixirs, and cordials" to the broadest line of pharmaceuticals and biologicals in the industry. Company price lists also include hundreds of other products.

In the last decade, annual sales of Lilly products have risen from $178.5 million to $537 million. Such progress is fulfilling the prediction of J. K. Lilly Sr. in 1946 that if the company follows the principles on which it was founded and built, "There are no limits to where we can go."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

PROBLEMS OF POLITICAL MEDICINE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. SIKES. Mr. Speaker, I believe the following report of the American Medical Association's Board of Trustees which was presented and approved by the AMA House of Delegates in Boston in December 1970, is an excellent commentary on the consequences of politically motivated medical care systems.

The article is well worth reading and I now include it in the RECORD for my colleagues information:

PROBLEMS OF POLITICAL MEDICINE: REPORT OF BOARD OF TRUSTEES AMA

A summary of priorities for maximum utilization of physician time in meeting the country's health service needs was adopted by the American Medical Association's House of Delegates during the Clinical Convention in Boston on December 4.

Known officially as "Report U of the Board of Trustees," the document is essentially the comments of AMA House Speaker Russell Roth, M.D. Dr. Roth's comments were presented to the Department of Health, Education and Welfare after the Board of Trustees discussed a national health program with Roger Egeberg, M.D., Assistant Secretary for Health.

The Executive Committee of the Florida Medical Association was particularly impressed by the report and recommended to the editors of the JOURNAL that it be reprinted in this issue. This very well expresses the views of Florida's delegates to the A.M.A.

The report is as follows:

Thesis: The principal resource for meeting the medical service needs of the nation is the existing supply of practicing physicians.

1st priority is for using effectively those practicing physicians we now have.

2nd priority is to do those things which may be done to increase the productivity of physicians.

3rd priority is to augment the number of physicians.

4th priority is to use the physician effectively in his role as a conservator of expenditures by and in behalf of his patients.

Considerations in respect to the 1st priority (effective use):

There has been a substantial "flight from practice," and especially from general practice, which has intensified our problems in the delivery of medical service. The factors which have caused this exodus from direct patient care should be recognized and, to the extent possible, eliminated. There has also been the disturbing fact that although new physicians are being trained at a rate well exceeding the rate of general population growth, these young doctors are not being motivated to enter into direct patient care in the areas of greatest need. If we wish to hold on to our current supplies of active practitioners and to increase them in a rational fashion there are certain things that we should do and a number of things which we assuredly should not do.

1.—In the existing climate of the United States efforts to regiment, conscript, or apply economic sanctions to the medical profession are destined to make matters worse rather than better. They have the effect of driving even more physicians from active practice into research, teaching, administrative medicine, more narrow specialization or premature retirement.

2.—Promises on the part of government that practicing physicians will deliver even more health service to beneficiaries than they are now able to produce under stress conditions force still more physicians to seek refuge from the pressures.

3.—The practicing physician is confronted with increasing costs of living and of doing business. In a generally uncontrolled economy measures which would freeze the income levels of physicians, eliminating their ability to adjust to the economic environment are discriminatory and lead to still further departures from active practice.

4.—The individual physician has limited opportunity or capacity to respond to overall societal demands. These responses are best made by physicians collectively, acting in concert through their professional associations. It is in the best interests of the nation that professional organizations be aided and abetted in their cooperative efforts. To denigrate them and to give them adverse tax treatment reduces their capacities and their resources for constructive input.

5.—It has been proposed in several legislative bills that bonus dollars will motivate physicians to establish practices in rural and urban shortage areas. The fact is that large numbers of physicians who have been providing service in those areas leave lucrative practices for less rewarding circumstances in which the offsets are such things as personal and family security, improved educational facilities, or a lessened pressure of patient demand.

6.—Prepaid comprehensive group practice has been "discovered" as a potential answer to most of the delivery problems. Rechristened "Health Maintenance Organizations," these arrangements for practice are offered as a panacea without recognition of the fact that such groups have been encountering serious problems of their own, that many patients do not wish to enroll in such plans, and that many physicians have no interest in practicing in them. The many variations of this approach deserve support as competitive mechanisms with a chance to prove such superiorities as they may develop in respect to quality, efficiency and economy, but to attempt to force all physicians into a rigid pattern of salaried group practice could be the most destructive move made by government.

7.—Plans which would base the entire delivery system of medical service upon "primary physicians" with responsibility for channelling patients and regulating payments to consultants, specialists and the like betray a lack of understanding as to how medicine is practiced.

8.—The willingness of physicians to participate in and to be subject to peer review in respect to the quality and quantity of their services and the charges made therefor are encouraging. This should be supported, not discounted. The prospect of evaluation by non-medical reviewers, or medical reviewers hired by non-medical agencies is a strong deterrent to cooperation.

In summary, to keep physicians in active practice, rather than to disperse them, government should abandon emphasis on prepaid comprehensive group practice although it may still support it. It should uphold the principle that a physician should be expected to charge his usual fees to all patients and should depend on a strengthened system of peer review to guarantee that such usual fees will conform with customary fees and be kept within the ranges of what can be defined as "reasonable." Mathematical formulae for freezes and arbitrary percentiles should be abandoned. It should probably be accepted that highly trained physicians cannot be attracted into practice in rural areas or in many slum areas, and alternative mechanisms for the provision of adequate medical service should be developed.

Considerations in respect to the 2nd priority (increased productivity):

1.—There is, in general, little opportunity to increase the productivity of the average practicing physician by simple extensions of his working hours. Actually current enthusiasm for group practice formulae seem to be retrogressive inasmuch as it is represented to the physician who is currently working 60–70 hours per week that under group practice arrangements he may reduce this to 50 or less hours per week. Scattered figures may be cited to support the idea that 100 physicians in solo practice actually provide service to more patients per week than do 100 physicians in group practice of any type.

2.—The multiple experimental programs of Medex, Duke University, the American Urological Association, and scores of others to develop support to the practicing physician deserve subsidy and assistance. At the same time serious attention must be paid to the medical practice acts of the several states, to factors of professional liability, insurance coverage, and the like.

3.—Restrictive provisions in such programs as Medicare and Medicaid which make it economically unfeasible for physicians to delegate to others—especially to interns, residents and office assistants—the provision of appropriate services should be eliminated or readjusted.

4.—Government has taken an unproductive and adverse position in respect to those physicians who have appeared to earn "too much" money from federal and state programs. Instead of the antagonistic approach of questioning the financial "take" by such persons, focus should be on requesting "peer review" of the quality of care offered by these mass producers. It may be good.

5.—Many physicians are dissuaded from, or become disenchanted with, efforts to provide medical service for federal and state program beneficiaries because of relatively low compensation, excessive paper work, and an exposure to adverse publicity because of payments received. This should be corrected. Physicians willing to devote themselves to this type of work in volume should be praised rather than denigrated for their efforts.

Consideration in respect to the 3rd priority (augmentation of physician numbers):

1.—Support to the educational roles of medical schools should be clearly separated from support to medical research so that the latter is not used as a subterfuge for the building of a medical school faculty, or the underwriting of medical school operations.

2.—As much attention should be devoted to keeping in clinical practice of medicine those physicians who we have as to the training of more physicians.

3.—A positive program of public relations dedicated to making the clinical practice of medicine attractive to oncoming generations of young Americans would be more productive than a campaign to picture physicians as entrepreneurs requiring regimentation and control.

4.—Serious attention should be given to the problem of professional liability insurance and the jeopardy in which the practicing physician finds himself today. It is no small matter that the new physician finds that he must pay from two to ten thousand dollars per year in malpractice insurance premiums before he feels safe to treat his first patient. It is equally important to recognize that many active practitioners are being forced from practice by the inability to purchase, at any reasonable figure, adequate liability insurance. The answer does not lie in finding new "carriers" for the insurance. It lies in legal reforms governing liability.

Considerations in respect to the 4th priority (conservator of public expenditures):

1.—"Peer Review" is the governing concept which requires support. To dilute it with lip service to consumer representation is not helpful. The medical profession needs to be supported in the outstanding progress which it has made in the past decade in the perfection of peer review techniques.

2.—Indoctrination in peer review should be looked upon as a proper role of national, state and county medical societies for incorporation into medical school curricula and hospital intern and residency training programs.

3.—Techniques of education for the practicing physician in the relationship between hospitalization, physician orders and prescribing practices and the expenditures mandated for patients or those who pay their bills should be advanced.

4.—Considerable attention should be given to the thought that when a physician is salaried, or otherwise divorced from the fee-for-service method of compensation, he is insulated from a specific interest in how his services or his authorizations for service have impact upon the economics of medical care.

CITIZEN GUN REGISTRATIONS ARE FLOP HERE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. DINGELL. Mr. Speaker, the Washington Daily News on Thursday, January 21, 1971, on page 3, in an article by Michael Bernstein, came forward with a news article buttressing something which I have long held to be true, that the restrictive firearms laws do not work.

The District of Columbia statute, perhaps the most restrictive, onerous, burdensome, costly and repressive in the land, has just been characterized by officers of the Police Department of the District of Columbia as being ineffective in combatting crime.

As one officer, Lt. Samuel Wallace of the robbery squad put it:

> The only people who have registered guns are the honest citizens. Holdup men and criminal element don't register guns, they steal them.

Perhaps this belated recognition will cause elimination of some of the burdens on citizens in the District of Columbia and might create some mitigation in demand for further unworkable burdens to sportsmen and law-abiding citizens around the country. In the hope that some of my colleagues will benefit from the information in the article I insert it into the CONGRESSIONAL RECORD at this point:

CITIZEN GUN REGS ARE FLOP HERE

(By Michael Bernstein)

The District's nearly two-year-old gun registration regulations are not keeping firearms out of the hands of criminals, D.C. police say.

As Lt. Samuel Wallace of the Robbery Squad put it, "The only people who have registered guns are the honest citizens. Holdup men and the criminal element don't register guns, they steal them."

The main use of the licensing and registery of guns and rifles, he and other police officers said, is to trace stolen guns to other robberies and original owners. The original owners, however, rarely turn out to be law breakers.

Reacting to the statements, National Rifle Association spokesman said, "The members of the NRA have always opposed gun control because it won't reduce crime. We just don't see the criminal registering his firearm. Registration merely identifies the owner of the firearms. Registration is just another administrative burden on the owner.

Sgt. Fred Barber, head of the department's firearms control unit, had some kinder words for the regulations. "The main selling point of this registration is recovery. With this you have the best chance of returning the gun to the owner. A lot of people fail to see this. They don't place any value on it."

Originally, police estimated there were 75,000 guns in the city, but now they feel this total is high. "That figure was taken from old files and covered not only purchases by District, but Virginia and Maryland residents," he said. Nevertheless, he said, the 35,000 firearms registered so far don't really represent what we have in the city by far.

From 1969 to 1970 some 27,000 to 28,000 guns were registered with the four patrolmen and two police cadets in the firearms section at headquarters. In the last year 7,000–8,000 guns were registered.

In addition to registration, which costs $2 owners of shotguns and rifles must be licensed (have two photos and be fingerprinted) for an additional $2 fee.

The maximum penalty for having an unregistered gun is a $300 fine or 90 days in jail.

Sgt. Barber said in the first 11 or 12 months after the regulations were passed—no total was kept after that—more than 100 persons were charged with registration violations. These were almost always companion charges, with assault with a deadly weapon or some other offense, he said.

Occasionally, tho, the persons have been charged with and sentenced for failures to register firearms, he said.

PUBLIC HEALTH SERVICE HOSPITAL AT SEATTLE SHOULD NOT BE CLOSED

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. PELLY. Mr. Speaker, in 1965, the Surgeon-General and representatives of Health, Education, and Welfare appeared before the House Merchant Marine and Fisheries Committee admitting that consideration was being given to a plan to close down certain Public Health Service hospitals in the United States.

Now, the same idea is being proposed under the same argument that the objective is to consolidate facilities to provide better care.

In retrospect, had action been taken at that time the shortage of beds and the way health service would have deteriorated is beyond belief. Our veterans, especially, would have suffered.

A week ago, a study group from HEW conducted a hearing in Seattle without advance public notice. Dr. Robert Van Hoek, the head of the investigating team, was courteous and indicated he was not on the decision level, but he gave the distinct impression that it had already been decided to close the Public Health Service hospital in Seattle. This is contrary to the testimony of Health, Education, and Welfare Secretary Richardson recently before the House Merchant Marine and Fisheries Committee.

Meanwhile, there is no surplus of beds either in private hospitals in this area or in the Veterans' Administration hospital where there actually is a waiting list.

The facts will show there is no economic or other justification for phasing out this operation. It will deprive those entitled by law to health and hospital services.

And, finally, let me say there is considerable doubt as to whether or not the hospital can be closed legally without consent of Congress.

I am sure the House Committee on Veterans' Affairs will not sit idly by and see our veterans deprived of hospitalization because of any merger of the two institutions.

Finally, I am informed that medical research conducted by the University of Washington will terminate under the discontinuance of the Public Health Service hospital.

I trust all Members of Congress will unite in opposing the closure of Public Health Service hospitals throughout the country.

THE STATE OF THE UNION AND THE CONGRESS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. COLLIER. Mr. Speaker, with the systematic withdrawal of U.S. troops from Vietnam moving ahead of schedule, the new 92d Congress can direct more of its attention to the several domestic problems which have plagued our country for the past decade.

However, it becomes evident in these opening days of the Congress that partisan politics may deter positive action on proposals offered by President Nixon in his state of the Union address given on the second day of the current session.

In this address, the President outlined a domestic program with sweeping reforms that hold the promise of improving service of government at every level while streamlining the cumbersome and duplicatory process of bureaucracy. Although final judgment on certain of his proposals must be withheld until the details are clearly defined, the scope of the changes will provide major innovations in the organization of the Government programs dealing with: environmental protection, improved medical care, welfare, and revenue sharing with the States and cities. Significantly, many parts of the President's reform program provide for a redirection of national energies.

Beginning my 15th year as a Member of the Congress has given me the experience and pragmatism to foresee the inevitable pitfalls of trying to bring about major changes in Government organization. The last Congress delayed and dawdled through the longest session in history without acting upon major appropriation bills and even bypassed action on important measures dealing with social security and international trade which passed the House only to die in the Senate.

As several Senators groom themselves for the national spotlight of the presidential election in 1972, we can expect public rhetoric and legislative maneuvering which may obscure, delay, obstruct, and replace much of the President's program. While these activities would be regrettable, they would merely be an extension of what we witnessed repeatedly in the closing weeks of the last session.

If nothing else, Mr. Speaker, each Member of this body should try to make his position clear on the President's program of reform, not only before this body but in each congressional district. After all it is easy enough for any opposition force to divide its areas of disagreement as long as it does not have to agree on a single constructive alternative.

Although many of the details of the President's program are missing, my general impressions at this stage follow:

First. Welfare reform: Certainly, the present welfare system is in need of drastic overhauling. The family assistance plan as proposed gets the problem of requiring able-bodied welfare recipients to get off the relief rolls and on to the employment rolls. This legislation seeks to remove the inequity of paying a welfare client more to remain idle than the next fellow earns for pursuing steady employment.

Second. Expansionary monetary policies: Since the President did not outline in any detail what this policy will entail and because of my deep concern with habitual deficit spending by the Congress in the past I shall reserve my judgment accordingly.

Third. Environmental program: Very little of the present effort toward cleaning up the environment has been part of systematic planning. During the last Congress the President proposed a 37-point program to clean up the environment. He has now proposed further programs creating an expanded park system which would put recreation areas closer to large urban centers. I shall continue to enthusiastically support this program and its existence and shall reintroduce legislation to implement its goals.

Fourth. New health programs: I will give my full support to increases and a redirection of aid to medical schools to greatly increase the number of doctors and medical personnel who are so drastically needed. Again, however, the President's national health care plan was presented without the essentials needed to formulate a decision on it. We must have a plan to meet the real need where it exists without embarking upon a vast and costly program of socialized medicine.

Fifth. Revenue sharing: I have long favored a plan of revenue sharing with the States and local communities. In fact, I introduced legislation of this type long before the present administration took office. I am now hopeful that this Congress will take positive action in this field before the present financial crisis at the State and local level causes widespread breakdowns of essential services.

Sixth. Reorganization of the Cabinet departments: This proposal is the most sweeping reform of the Federal organization in the history of the United States. The President's blueprint for change calls for reducing the number of Cabinet departments from 12 to eight. This reduction would deeply cut into traditional reigns of power that control the bulging bureaucracy of Federal assistance programs and would greatly aid in dissolving the duplication that presently exists. Starting back in the days when I introduced legislation creating the Hoover Commission, I have been consistently opposed to the creation of wasteful and self-serving extensions of Government. As the President's proposal in this area is sent to the Congress, it will be interesting to see whether those who have preached economy in the past are willing to provide more than lipservice.

I will welcome correspondence from my district regarding the President's message. Please note my new address in writing: Congressman HAROLD R. COLLIER, Suite 1436, Longworth Office Building, Washington, D.C. 20515.

GEN. DOUGLAS MacARTHUR—A TRIBUTE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. RARICK. Mr. Speaker, today on his 91st birthday the Post Office Department issued a special postage stamp in honor of the late General of the Army Douglas MacArthur.

If the United States had heeded the wise suggestions made by General MacArthur at the time of the Korean war, we would not be tied down in the Vietnam war today. Prevented from bringing that sanguinary struggle to an end in the normal way with a "just and honorable peace" in the shortest time and with the least loss of American lives and treasure, he foresaw what would be the consequences of our failure and expressed in clear language what should be our policy.

What General MacArthur said during the Korean war in 1951 before a joint meeting of the Congress is even more applicable today. We ignore it at our peril. I quote one passage:

> The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

Following his immortal address before the Congress, General MacArthur appeared before joint sessions of the Senate Committees on Armed Services and Foreign Relations, May 3–5, 1951, in which he covered every significant policy angle and warned that if the United States did not bring the Korean war to a "decisive and victorious end" it would have to accept "all the consequences of a disastrous defeat." The great number of casualties suffered by the United States after April 1951 and the extension of the Korean war to Vietnam have more than justified his fears.

The testimony of General MacArthur before the Armed Services and Foreign Relations Committees of the Senate, May 3–5, 1951, should be read and reread by all Members of the Congress and officials of the executive branch concerned with the formulation of policy.

At the close of his address, MacArthur made this much quoted statement: "Old soldiers never die, they just fade away." May Gen. Douglas MacArthur never fade away from the memory of the American people; may the true story of this great American be presented to students in their history texts and classes and may God continue to bless America with more men of the caliber of Gen. Douglas MacArthur.

General MacArthur's 1951 address before the Congress summarizes his views that are now more applicable than ever. I recommend not only that it be studied but also that all persons concerned with the formulation of policy listen to a recording of it.

I insert the full text of General MacArthur's address to Congress in 1951:

ADDRESS BY GEN. DOUGLAS MACARTHUR

(From "Reminiscences")

Mr. President, Mr. Speaker, and distinguished Members of the Congress:

I stand on this rostrum with a sense of deep humility and great pride—humility in the wake of those great American architects of our history who have stood here before me, pride in the reflection that this forum of legislative debate represents human liberty in the purest form yet devised. Here are centered the hopes and aspirations and faith of the entire human race.

I do not stand here as advocate for any partisan cause, for the issues are fundamental and reach quite beyond the realm of partisan consideration. They must be resolved on the highest plane of national interest if our course is to prove sound and our future protected. I trust, therefore, that you will do me the justice of receiving that which I have to say as solely expressing the considered viewpoint of a fellow American. I address you with neither rancor nor bitterness in the fading twilight of life with but one purpose in mind—to serve my country.

The issues are global and so interlocked that to consider the problems of one sector, oblivious to those of another, is but to court disaster for the whole.

While Asia is commonly referred to as the gateway to Europe, it is no less true that Europe is the gateway to Asia, and the broad influence of the one cannot fail to have its impact upon the other.

There are those who claim our strength is inadequate to protect on both fronts—that we cannot divide our efforts. I can think of no greater expression of defeatism. If a potential enemy can divide his strength on two fronts, it is for us to counter his effort.

The Communist threat is a global one. Its successful advance in one sector threatens the destruction of every other sector. You cannot appease or otherwise surrender to Communism in Asia without simultaneously undermining our efforts to halt its advance in Europe.

Beyond pointing out these simple truisms, I shall confine my discussion to the general area of Asia. Before one may objectively assess the situation now existing there, he must comprehend something of Asia's past and the revolutionary changes which have marked her course up to the present. Long exploited by the so-called colonial powers, with little opportunity to achieve any degree of social justice, individual dignity, or a higher standard of life such as guided our own noble administration of the Philippines, the peoples of Asia found their opportunity in the war just past to throw off the shackles of colonialism and now see the dawn of new opportunity, a heretofore unfelt dignity and the self-respect of political freedom.

Mustering half of the earth's population and 60 per cent of its natural resources, these peoples are rapidly consolidating a new force, both moral and material, with which to raise the living standard and erect adaptations of the design of modern progress to their own distinct cultural environments. Whether one adheres to the concept of colonization or not, this is the direction of Asian progress and it may not be stopped. It is a corollary to the shift of the world economic frontiers, as the whole epicenter of world affairs rotates back toward the area whence it started. In this situation it becomes vital that our country orient its policies in consonance with this basic evolutionary condition rather than pursue a course blind to the reality that the colonial era is now past and the Asian peoples covet the right to shape their own free destiny. What they seek now is friendly guidance, understanding, and support, not imperious direction; the dignity of equality, not the shame of subjugation. Their prewar standards of life, pitifully low, is infinitely lower now in the devastation left in war's wake. World ideologies play little part in Asian thinking and are little understood. What the peoples strive for is the opportunity for a little more food in their stomachs, a little better clothing on their backs, a little firmer roof over their heads, and the realization of the normal nationalist urge for political freedom. These political-social conditions have but an indirect bearing upon our own national security, but form a backdrop to contemporary planning which must be thoughtfully considered if we are to avoid the pitfalls of unrealism.

Of more direct and immediate bearings upon our national security are the changes wrought in the strategic potential of the Pacific Ocean in the course of the past war. Prior thereto, the western strategic frontier of the United States lay on the littoral line of the Americas with an exposed island salient extending out through Hawaii, Midway, and Guam to the Philippines. That salient proved not an outpost of strength but an avenue of weakness along which the enemy could and did attack. The Pacific was a potential area of advance for any predatory force intent upon striking at the bordering land areas.

All this was changed by our Pacific victory. Our strategic frontier then shifted to embrace the entire Pacific Ocean which became a vast moat to protect us as long as we hold it. Indeed, it acts as a protective shield for all of the Americas and all free lands of the Pacific Ocean area. We control it to the shores of Asia by a chain of islands extending in an arc from the Aleutians to the Marianas held by us and our free allies. From this island chain we can dominate with sea and air power every Asiatic port from Vladivostok to Singapore and prevent any hostile movement into the Pacific. Any predatory attack from Asia must be an amphibious effort. No amphibious force can be successful without control of the sea lanes and the air over those lanes in its avenue of advance. With naval and air supremacy and modest ground elements to defend bases, any major attack from continental Asia toward us or our friends of the Pacific would be doomed to failure Under such conditions the Pacific no longer represents menacing avenues of approach for a prospective invader—it assumes instead the friendly aspect of a peaceful lake. Our line of defense is a natural one and can be maintained with a minimum of military effort and expense. It envisions no attack against anyone nor does it provide the bastions essential for offensive operations, but properly maintained would be an invincible defense against aggression.

The holding of this littoral defense line in the western Pacific is entirely dependent upon holding all segments thereof, for any major breach of that line by an unfriendly power would render vulnerable to determined attack every other major segment. This is a military estimate as to which I have yet to find a military leader who will take exception. For that reason I have strongly recommended in the past as a matter of military urgency that under no circumstances must Formosa fall under Communist control. Such an eventuality would at once threaten the freedom of the Philippines and the loss of Japan, and might well force our western frontier back to the coasts of California Oregon and Washington.

To understand the changes which now appear upon the Chinese mainland, one must understand the changes in Chinese character and culture over the past fifty years. China up to fifty years ago was completely non-homogeneous, being compartmented into groups divided against each other. The warmaking tendency was almost nonexistent, as they still followed the tenets of the Confucian ideal of pacifist culture. At the turn of the century, under the regime of Chan So Lin, efforts toward greater homogenity produced the start of a nationalist urge. This was further and more successfully developed under the leadership of Chiang Kai-shek, but has been brought to its greatest fruition under the present regime, to the point that it has now taken on the character of a united nationalism of increasingly dominant aggressive tendencies. Through these past fifty years, the Chinese people have thus become militarized in their concepts and in their ideals. They now constitute excellent soldiers with competent staffs and commanders. This has produced a new and dominant power in Asia which for its own purposes is allied with Soviet Russia, but which in its own concepts and methods has become aggressively imperialistic with a lust for expansion and increased power normal to this type of imperialism. There is little of the ideological concept either one way or another in the Chinese makeup. The standard of living is so low and the capital accumulation has been so thoroughly dissipated by war that the masses are desperate and avid to follow any leadership which seems to promise the alleviation of local stringencies. I have from the beginning believed that the Chinese Communist's support of the North Koreans was the dominant one. Their interests are at present parallel to those of the Soviet, but I believe that the aggressiveness recently displayed not only in Korea, but also in Indo-China and Tibet, and pointing potentially toward the south reflects predominantly the same lust for the expansion of power which has animated every would-be conqueror since the beginning of time.

The Japanese people since the war have undergone the greatest reformation recorded in modern history. With a commendable will, eagerness to learn, and marked capacity to understand, they have, from the ashes left in war's wake, erected in Japan an edifice dedicated to the primacy of individual liberty and personal dignity, and in the ensuing process there has been created a truly representative government committed to the advance of political morality, freedom of economic enterprise, and social justice. Politically, economically and socially, Japan is now abreast of many free nations of the earth and will not again fail the universal trust. That it may be counted upon to wield a profoundly beneficial influence over the course of events in Asia is attested by the magnificent manner in which the Japanese people have met the recent challenge of war, unrest and confusion surrounding them from the outside, and checked Communism within their own frontiers without the slightest slackening in their forward progress. I sent all four of our occupation divisions to the Korean battlefront without the slightest qualms as to the effect of the resulting power vacuum upon Japan. The results fully justified my faith. I know of no nation more secure, orderly and industrious—nor in which higher hopes can be entertained for future constructive service in the advance of the human race.

Of our former ward, the Philippines, we can look forward in confidence that the existing unrest will be corrected and a strong and healthy nation will grow in the longer aftermath of war's terrible destructiveness. We must be patient and understanding and never fail them, as in our hour of need they did not fail us. A Christian nation, the Philippines stand as a mighty bulwark of Christianity in the Far East, and its capacity for high moral leadership in Asia is unlimited.

On Formosa, the Government of the Republic of China has had the opportunity to refute by action much of the malicious gossip which so undermined the strength of its leadership on the Chinese mainland. The Formosan people are receiving a just and enlightened administration with majority representation on the organs of government, and politically, economically and socially they appear to be advancing along sound and constructive lines.

With this brief insight into the surrounding areas I now turn to the Korean conflict. While I was not consulted prior to the President's decision to intervene in support of the Republic of Korea, that decision, from a military standpoint proved a sound one, as we hurled back the invader and decimated his forces. Our victory was complete and our objectives within reach when Red China intervened with numerically superior ground forces. This created a new war and an entirely new situation—a situation not contemplated when our forces were committed against the North Korean invaders—a situation which called for new decisions in the diplomatic sphere to permit the realistic adjustment of military strategy. Such decisions have not been forthcoming.

While no man in his right mind would advocate sending our ground forces into continental China and such was never given a thought, the new situation did urgently demand a drastic revision of strategic planning if our political aim was to defeat this new enemy as we had defeated the old.

Apart from the military need as I saw it to neutralize the sanctuary protection given the enemy north of the Yalu, I felt that military necessity in the conduct of the war made mandatory:

1. The intensification of our economic blockade against China;

2. The imposition of a naval blockade against the China coast;

3. Removal of restrictions on air reconnaissance of China's coastal area and of Manchura;

4. Removal of restrictions on the forces of the Republic of China on Formosa with logistic support to contribute to their effective operations against the common enemy.

For entertaining these views, all professionally designed to support our forces committed to Korea and bring hostilities to an end with the least possible delay and at a saving of countless American and Allied lives, I have been severely criticized in lay circles, principally abroad, despite my understanding that from a military standpoint the above views have been fully shared in the past by practically every military leader concerned with the Korean campaign, including our own Joint Chiefs of Staff.

I called for reinforcements, but was informed that reinforcements were not available. I made clear that if not permitted to destroy the enemy buildup bases north of the Yalu; if not permitted to utilize the friendly Chinese force of some 600,000 men on Formosa; if not permitted to blockade the China coast to prevent the Chinese Reds from getting succor from without; and if there were to be no hope of major reinforcements, the position of the command from the military standpoint forbade victory. We could hold in Korea by constant maneuver and at an approximate area where our supply line advantages were in balance with the supply line disadvantages of the enemy, but we could hope at best for only an indecisive campaign, with its terrible and constant attrition upon our forces if the enemy utilized his full military potential. I have constantly called for the new political decisions essential to a solution. Efforts have been made to distort my position. It has been said that I was in effect a war monger. Nothing could be further from the truth. I know war as few other men now living know it, and nothing to me is more revolting. I have long advocated its complete abolition as its very destructiveness on both friend and foe has rendered it useless as a means of settling international disputes. Indeed, on the 2nd of September 1945, just following the surrender of the Japanese nation on the battleship *Missouri*, I formally cautioned as follows: "Men since the beginning of time have sought peace. Various methods through the ages have been attempted to devise an international process to prevent or settle disputes between nations. From the very start, workable methods were found insofar as individual citizens were concerned; but the mechanics of an instrumentality of larger international scope have never been successful. Military alliances, balances of power, leagues of nations, all in turn failed, leaving the only path to be by way of the crucible of war. The utter destructiveness of war now blots out this alternative. We have had our last chance. If we will not devise some greater and more equitable system, Armageddon will be at the door. The problem basically is theological and involves a spiritual recrudescence and improvement of human character that will synchronize with our almost matchless advances in science, art, literature, and all material and cultural developments of the past 2,000 years. It must be of the spirit if we are to save the flesh."

But once war is forced upon us, there is no other alternative than to apply every available means to bring it to a swift end. War's very object is victory—not prolonged indecision. In war, indeed, there can be no substitute for victory.

There are some who for varying reasons would appease Red China. They are blind to history's clear lesson. For history teaches with unmistakable emphasis that appeasement but begets new and bloodier war. It points to no single instance where the end has justified that means—where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands, until, as in blackmail, violence becomes the only alternative. Why, my soldiers asked of me, surrender military advantages to an enemy in the field? I could not answer. Some may say to avoid spread of the conflict into an all-out war with China; others, to avoid Soviet intervention. Neither explanation seems valid. For China is already engaging with the maximum power it can commit and the Soviet will not necessarily mesh its actions with our moves. Like a cobra, any new enemy will more likely strike whenever it feels that the relativity in military or other potential is in its favor on a world-wide basis.

The tragedy of Korea is further heightened by the fact that as military action is confined to its territorial limits, it condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment, while the enemy's sanctuaries are fully protected from such attack and devastation. Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against Communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery. Their last words to me were, "Don't scuttle the Pacific."

I have just left your fighting sons in Korea. They have met all tests there and I can report to you without reservation they are splendid in every way. It was my constant effort to preserve them and end this savage conflict honorably and with the least loss of time and a minimum sacrifice of life. Its growing bloodshed has caused me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and in my prayers always.

I am closing my fifty-two years of military service. When I joined the Army even before the turn of the century, it was the fulfillment of all my boyish hopes and dreams. The world has turned over many times since I took the oath on the Plain at West Point, and the hopes and dreams have long since vanished. But I still remember the refrain of one of the most popular barrack ballads of that day which proclaimed most proudly that—

"Old soldiers never die, they just fade away."

And like the old soldier of that ballad, I now close my military career and just fade away—an old soldier who tried to do his duty as God gave him the light to see that duty.

Good-by.

THE NIXON DOCTRINE IS WORKING

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. COLLIER. Mr. Speaker, a recent editorial appearing in the San Diego Union provided a concise and realistic appraisal of President Nixon's efforts to withdraw U.S. forces from Vietnam. The article follows:

U.S. COMBAT ROLE IS ENDING: NIXON DOCTRINE IS WORKING

The recent announcement by Secretary of Defense Melvin R. Laird that the United State of America will cease its offensive combat operations in Vietnam by May 1, is another clear commitment by the Nixon Administration.

Plainly analyzed, the announcement means that the ability of South Vietnam to defend and to govern itself—Vietnamization—is increasing as the Administration has estimated and hoped that it would.

The winding down of the American combat role in Vietnam also calls attention to the fact that the Nixon Doctrine is progressing according to plan. The doctrine promises material aid instead of manpower to friendly nations that are fighting aggression.

It is working. In two short years the United States has brought home 320,000 of its forces from the Pacific Ocean region. In addition to Vietnam, this includes 16,000 troops brought home from Thailand, 20,000 from South Korea, 12,000 from Japan, 5,000 from Okinawa and 6,000 from the Philippines.

All of this, of course, is visible evidence that the United States meant what it said when it set up the Nixon Doctrine as a means of helping our friends toward self-determination, while not dominating them. However, we do not hear applause from the Communists, nor do we see them making meaningful responses to our peaceful efforts.

In carrying this project forward, the United States literally is fighting for time—the time needed by South Vietnam to become even stronger. The Communists of North Vietnam are also fighting for time even more desperately because they are losing the military war, because they can see South Vietnam becoming self-sufficient, and because they are facing economic, social and agricultural deterioration at home. They want us out of Southeast Asia before it acquires stability.

Thus, as we take calculated risks in withdrawing our troops, the Communists attack us with every propaganda weapon because their time is running out and they want the withdrawal race to accelerate.

President Nixon, therefore, is eminently correct in playing his cards as he sees them, not as the Communists want him to play them. Our withdrawal from Southeast Asia must be directly related to the accumulation of power and confidence by the South Vietnamese.

It often is said that Southeast Asia is slowly defusing—becoming less and less of a political issue in the United States. This certainly is so, and it is so because President Nixon has fulfilled his promises to the American people.

ALASKA OIL PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. DINGELL. Mr. Speaker, the oil industry, with the apparent cooperation of the Department of the Interior, is endeavoring to give the American public a snow job with regard to the proposed trans-Alaska pipeline.

The Christian Science Monitor of January 18, 1971, carried a full-page advertisement of the Alyeska Pipeline Service Co., the entity created by the group of oil companies seeking to exploit the North Slope oil discovery, which asked the question, "Will a pipeline ruin their Arctic?" Pictured in the advertisement is a herd of caribou trekking across an unspoiled mountain grassland. Another photograph shows a mother caribou nursing her fawn. Both scenes are very touching. And, the text of the advertisement seeks to leave the impression that the proposed pipeline would do little damage to the caribou habitat.

The same issue of The Christian Science Monitor carried an editorial which places the pipeline issue in a somewhat different perspective. The editorial makes the point that "the Alaska pipeline is as dubious a venture as ever. It will still harm the environment, in many places perhaps disastrously."

Taking note of the Department of Interior's contention that the pipeline should be built because of national security considerations, the Monitor stated:

> From a national security standpoint, the pipeline will be exposed and easily vulnerable to attack. As to America's not wanting to depend on the troubled Mideast for oil, one could as easily argue the other way—that our involvement there perpetuates American presence and pressure for peace.

The Department of the Interior, in response to section 102(C) of the National Environmental Policy Act, has filed an environmental impact statement concerning the proposed pipeline. The Department, in marked contrast to the propaganda contained in the advertisement sponsored by the Alyeska Pipeline Service Co., agrees that the pipeline would do great damage to the Alaskan environment. Nonetheless, the Department recommends that the pipeline be built.

I believe the Department to be in gross error as to the national security aspects of the pipeline and with regard to the requirements of the National Environmental Policy Act. In adopting the National Environmental Policy Act, the Congress intended that its provisions should protect the environment from ecological disasters such as that which would be perpetuated by the proposed pipeline.

Mr. Speaker, I insert the following text of the advertisement and the text of the editorial alluded to above, to appear at this point in the Congressional Record:

Will a Pipeline Ruin Their Arctic?

The discovery of North Slope oil three years ago came as very good news for the American economy. But it also triggered enormous concern for the Alaskan ecology. Could a pipeline be built without irreparable damage to the fragile Arctic environment?

Since that time, we and our shareholder companies have conducted basic research in a number of disciplines affecting both the pipeline itself and the Arctic environment. Geology and engineering are our areas of basic competence. Aided by outside experts, we have now added significantly to our understanding of the biology, botany and zoology of the Arctic. In fact, as a result of these efforts, man's knowledge of the Arctic has been significantly increased in a remarkably short period of time.

What we have learned is highly reassuring to every citizen who is concerned about ecology, conservation and environment. The pipeline *can* be built without ruining the Arctic environment.

The route—In most other parts of the world, planning a route of a pipeline is simply a matter of finding the shortest distance between two points. Planning a route in Alaska is different.

Two physical phenomena have played a crucial role in determining the route of the pipeline: oil pumped through a pipeline stays warm because of energy input from the pumps and surface friction with the interior of the pipe, and, of course, ice melts when exposed to warmth.

To begin with, therefore, both oilmen and ecologists were aware that a warm pipeline couldn't be built through ice-rich permafrost (permanently frozen subsoil) without melting the ice, weakening the supporting strata, and permitting the pipe to sag.

The solution was a route from Prudhoe Bay to Valdez which passed through much terrain that was not ice-rich permafrost. What we sought was dry permafrost—gravel or rock with low moisture content. In this kind of subsoil, the 48" diameter pipe can be safely buried. Although the rock or gravel will thaw in the immediate vicinity, there will obviously be no melting of the rock, no weakening of support, no danger to the natural environment. Of the route we propose, most passes through terrain in which the pipe may be underground. Ground disturbed by trenching will be carefully reseeded to prevent erosion.

As a result of our studies, we have also determined that the pipe can be safely built above ice-rich permafrost so long as the heat from the pipe is isolated by any of a number of proven insulating techniques.

A barrier to wildlife?—Many have been concerned that the aboveground pipe would be a barrier to the normal migration of the caribou herds. In studying the habits of the caribou, it was determined that the animals migrate 25 miles, and frequently up to 40 miles, in a single day's normal grazing—which far exceeds the length of any anticipated barrier caused by an aboveground line.

What we have learned about the Arctic leads us to believe that there is nothing inherently dangerous to the environment providing the line is designed, built and operated in a manner that is considerate of and responsible to the environment. In truth, what's good for the environment is also good for the safety and security of the pipeline. On this you have our pledge: The environmental disturbances will be avoided where possible, held to a minimum where unavoidable and restored to the fullest practicable extent. And we can assure you that the pipeline will be the most carefully engineered and constructed crude oil pipeline in the world. If you would like further information, please write: Public Affairs Division, Alyeska Pipeline Service Company, 2805 Denali Street, Anchorage, Alaska 99503.

Herring in the Pipeline?

It seems odd the Interior Department's conclusion on the Alaska pipeline issue was based not on ecological grounds—the area of expertise of the geological and environmental specialists who spent two years preparing the report—but on the grounds that developing the North Slope was "essential to the strength growth and security of the United States."

Surely there was nothing in the Environmental Policy Act, which requires all government agencies to prepare reports on the environmental impact of projects, that should have led the Interior Department to attempt to strike a balance between the nation's ecological and security interests.

This is particularly troubling because "national security" is one of those emotional arguments raised to shut off debate, not sharpen it, in the search for truth.

One wonders whether it was brought into the Interior Department's report to do just that, whether it reflects a preset, oil-industry-favoring cast to the present government's thought. This suspicion will confuse the public over the objectivity of the otherwise exhaustive and in many areas constructive report.

Pipe-laying regulations specify that only half the 800-mile length of pipe could be laid underground, instead of the 90 to 95 percent the oil companies proposed. And safeguards against spills, crossovers for animals—such requirements could help mitigate the environmental impact of the permafrost-melting line.

But the public will want to know still more. What level of profitability were the requirements based on? If the nation's welfare and not the oil companies' is at issue, should not the requirements, before a pipeline is permitted, be even stiffer—say, requiring an ample insulating sheath for the pipe?

Frankly, in our view, the Alaska pipeline is as dubious a venture as ever. It will still harm the environment, in many places perhaps disastrously.

From a national security standpoint, the pipeline will be exposed and easily vulnerable to attack. As to America's not wanting to depend on the troubled Mideast for oil, one could as easily argue the other way—that our oil involvement there perpetuates American presence and pressure for peace.

And so on. Perhaps the Alaska pipeline decision will be made intuitively by Americans, for arguable immediate reasons. If so the likely eventual judgment on building the pipeline would be that it was wrong. For the progressive line of thought in the country is toward less, not greater impairment of nature for industrial advantage.

THE RUN ON THE ENVIRONMENTAL BANK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. MAZZOLI. Mr. Speaker, although the Congress enacted the Air Pollution Control Act in 1959, and the Federal Water Pollution Act the following year, the dangers to our environment against which both acts were directed have become matters of national concern only in recent years.

Pollution today certainly represents one if not the most important domestic issue confronting the Congress and the Nation. It is important, therefore, that the views of those who speak with authority in this area be heard and heeded.

One such authority on the environmental situation today is Mr. Grady Clay, of Louisville, Ky., editor of Landscape Architecture. Last year, Mr. Clay, in an address to the University of Kentucky Systems Building Seminar entitled "The Run on the Environmental Bank," outlined the history and development of many of the current dangers to our health and well-being.

So that our colleagues may benefit from Mr. Clay's wisdom and experience in this critical area, I include the text of his address at this point in the RECORD:

THE RUN ON THE ENVIRONMENTAL BANK

(By Grady Clay)

The first one died that Saturday at 2 am. Doctors' telephones had been flooded all night with emergency calls. By midnight Saturday, 17 persons were dead. Two more died Sunday before the rains ended what came to be called "the unusual smog episode" in the small industrial town south of Pittsburgh on the Monongahela River in October, 1948. The town was called Donora.

Later, it turned out that 5,910 persons, 42.7 percent of the population of Donora, Pennsylvania, were affected. The "severely affected" numbered 1,440, or 10.4 percent.

Only once before in the world history had there been such an episode, in 1930 in the Meuse Valley of Belgium. Donora became a cause celebre. It was the object of the most thorough study of smog epidemiology in the history of the U.S. Public Health Service.[1]

Some fifteen years earlier, an apparently unrelated series of events took place across the Great Plains of the United States.

In late February, 1936, red snow fell in New England. The Dust Bowl was on the move in the West. It swept across eastern skies, darkened the sunlight over the Capitol in Washington, influenced the vote that created the Soil Conservation Service, and produced one of the greatest internal migrations in American history.

Thus began a retreat from a vast man-made environment. Thus it became apparent in the 1930's that the US contained a large sub-region that could no longer support the civilization built within it. We had pushed the land too far.

Most Americans found the lessons unpalatable. At first, most refused to believe it and preferred to reject the bearers of ill tidings.

"When the young editor of the Dalhart *Texan* finally decided in the summer of 1933 to tell his readers that the sand dunes they used for necking parties and picnics were crawling tides which might destroy the city, he lost $1,000 worth of advertising in a week." [2]

These were new unsetting, unpleasant facts. For, after all, the environment had *made* America. A generation of environmental determinists had said so. Frederick Jackson Turner, the historian, had "proved" that the unique American character was the product of a unique American environment, and a unique experience of "conquering the west." The poetry of America was filled with emotional, vague notions of land mystique, of unlimited horizons, rolling plains and rivers forever, a national character somehow different from all others in the world.

And then . . .

Something quite peculiar began to take place in the 1950's. A slow and at first imperceptible "run on the bank" of land supplies in the United States gradually began. No longer, as Garrett Eckbo tells us, could we view it as a "bottomless pit" on an inexhaustible gold mine.[3]

No one can say exactly when the run started. But gradually, the prices paid for farmland in the U.S. began to exceed the capitalized value of income from crops and livestock off those farms.

At first, the rise was attributed to the federal government's acreage allotment and/or Soil Bank programs. Ownership and control of land was the only way farmers, investors and speculators could get at the federal subsidies. Millions of acres were withdrawn from the farm market—the total is now around 50,000,000 acres held out of production, and therefore artificially limiting the supply.

Beyond that, the average investor in land—and this included hundreds of thousands of city people, doctors, small businessmen, little three-man syndicates taking a flyer—began buying land, prompted by the gradual realization that the stuff, especially the good stuff, was hard to find. Nobody was making any more of it.

Of course it was still "there," But larger and larger chunks of it were in bad condition, or was getting out of reach, bought up for purposes that had little or nothing to do with farming.

Gradually, the idea spread: "Better git while the gittin's good." Prices were pushed upward, just as during the Industrial Revolution in Great Britain, by the flow of surplus capital out of the cities, outbidding dirt farmers especially around metropolitan areas. Those farmers who chose to continue raising crops instead of capital gains moved further away from cities, bidding up prices in that outer ring. The ripple effect spread outward.

One effect was to drive more small farmers off the land, increase the size of the average farm, discourage younger farmers, and turn farming into an old man's occupation.[4] An economic farm unit began to cost something approaching a quarter-million dollars in many parts of the US, and much of this value came from the land itself.

Until fairly recently, it was generally agreed that increased land prices were a good thing. Everybody benefitted—or so it was assumed.

But gradually the question began to be raised: How long could this process continue? Did not rising prices eventually drive up food costs? And if good land was so valuable, was there really enough to go around? Shouldn't more be saved "for a rainy day" when the skies would fall from over-population?

All this was very disquieting to a people accustomed to think their land supply was unlimited. But the evidence piled up. Land itself was the environmental currency easiest to trace—and the prices continued to be bid up as scarcity value became apparent to more buyers.

Gradually, other environmental balances began to be called into question. There was a gradual withdrawal of investor confidence in the larger environment—in water, clean air, a sense of spaciousness, in a healthy outdoors that gradually came to be recognized as one Ecosystem.

By the early 1960's, therefore, the stage had been set for a *substantial run on the American environmental bank.* The conditions for that run were:

First: there had to be dramatic evidence to prove that the supply of environmental currency in the bank was inadequate.

Secondly, there had to be reliable channels for distributing the evidence.

Thirdly, the supply of evidence had to be steady, and continuous before it could affect national policies.

And fourthly, the evidence had to be verifiable by most Americans, first hand, out of their own daily experience.

Only when these four conditions had been met could there be a drastic change in public thinking that is now producing the "run on the bank of the environment," and its after-effects.

Until the 1950's, *any* warning that the US might someday "run out of land" had been dismissed as silly rumor, communist propaganda, or at least as an un-American lack of faith in our ability to create new frontiers within the same old borders.

But in 1953, agricultural zoning came to California.[5] This was a device thought to be strictly for city folks. But it took hold in Santa Clara County where within 7 years, 26 square miles of some of the world's most fertile irrigated cropland went into subdivisions. Karl J. Belser, the county planner, made a national reputation as the leading advocate of zoning to protect the limited agricultural base of good land. A front-page headline in the Santa Clara *Valley Farmer* in February 1950, said:

"It's a Nip-and-Tuck Race to Preserve Some of the Valley's Prime Land; City Boundaries Run Like Wildfire; Cultural, Water, Tax Problems Rise."

In this, as in many other developments, California offered the rest of the U.S. evidence of the political and social impact of a limited environmental base—of a growing "run on the land"—based on a growing distrust of its condition.

Further evidence came from a small-scale but nation-wide phenomenon during the building boom of the 1950's—the disappearance of the familiar vacant lot in most neighborhoods.

Families all over America began to realize that the last vacant lot in their block was gone; the last open-field in the old neighborhood had been subdivided; the last creek or spring had been piped underground or simply bulldozed away (until the next wet spell); the last open view to the hills was now full of houses.

They responded in the classical manner of European and American families for centuries: as soon as they could afford it, they bought more domestic space around their homes. In 20 years, the average lot size for houses built with FHA mortgage insurance increased 50 percent.[6]

During this period, the nation's homebuilders discovered that *they* were running out of land. Hundreds turned themselves into developers, and began bidding up suburban and far-out lands for future building sites. The National Association of Home Builders discovered "cluster development" and began an education/propaganda cam-

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paign for clustering housing into Planned Unit Developments.

By 1960, the U.S. Census confirmed the disturbing trends:

1. The U.S. population was now predominantly urbanized. It had reorganized itself into 173 "daily urban systems" or urban fields linked by commuting patterns. Practically noplace in America was now outside such urbanizing fields.[7]

2. The heart of most large cities had *stopped* growing. One of the few certainties in urban economics—that you could depend on a steady increase in downtown real estate values—was no longer true. Not all the urban renewal in Christendom (or Johnson-dom) could reverse the process. Cities no longer performed their expected jobs. The old friend was broke and all his rich friends had moved to suburbia.

3. Evidence began to pile up that air and water, once thought to be inexhaustible, were no longer so. Environment, like the supply of housing credit, began to be viewed as a "limited pool." Within the two decades from 1950 to 1970, river after river went dry, caught fire, silted up, flooded worse than ever before, or, in September began to stink. The Potomac, one of our least industrialized rivers, turned green with algae. To everybody's horror, it developed that farmers, with their thousands of tons of fertilizer washing downstream, were a major contributor. If you couldn't trust the farmers, whom *could* you trust? Lake Erie was said to have died. Although the announcement of the death was premature, it scared hell out of the public, and when dead alewives by the billions piled up on the Chicago beaches in 1967, the word "ecological balance" began to creep into cocktail conversations in the Midwest. Something drastic was clearly afoot, or awash.

The channels for distributing all this new flood of information had been gradually enlarged. Back in 1958 the Rockefeller Foundation financed the first Conference on Urban Design Criticism at Rye, New York. It was the first to bring together a cross-section of professional worriers about the deteriorating environment. As one of the principal moaners at that bar, I recall our unanimous conclusion that it was virtually impossible to get consistent critical evaluation of the environment into the newspapers of 1958. It was a "jonah" subject. Afterwards, I recall Lewis Mumford saying that the journalism of critical evaluation was like poetry—you had to do it out of love and devotion, or not at all. Nobody would pay for it. And there wasn't much of it.

But in the late 1960's, the floodgates opened. Hundreds of journalists discovered the environment. By the late 1960's every major magazine had a Special Issue, or a Special Editor or a new "Ain't It Awful" section devoted to The Environment. Top people in journalism and education, sensing a new trend, jumped on the bandwagon; new publications entered the act; the Environmental Surveillances Services Administration took over the Weather Bureau and the Coast Guard hurricane scouts, and began churning out press releases about every seismic tremor. Hurricanes got named for girls, thus qualifying for entry into headlines. Foundations gave money to other foundations, and obscure newsletters on "conservation" turned overnight into nation-wide journals for viewing-with alarm. The concept of "irreversible damage" became acceptable.

Thirdly, as I suggested earlier, the evidence that there was a run on the environment had to be steady, continuous and reliable. *And that it was*—discounting the usual quickie headline grabbers, and doom-shouters.

By 1968 a Gallup poll showed 85 percent of Americans to be concerned about the "evils" of air and water pollution.

By 1970, a steady increase in environmental reaction and reporting was underway. The environmental crusade, promoted to the same status with Mother and apple pie, was becoming respectable. Little old ladies in tennis shoes, scoffed at and scorned when they tried desperately to stop a highway through the park in the 1950's, now came to public hearings armed with environmental lawyers, foundation grants, and even an occasional grudging assist from the Chamber of Commerce. President Nixon, who showed he could hardly care less about "ecology" in 1968, was moralizing about our duties to the environment in 1970. The Audubon Society, with an assist from the Ford Foundation, quick-shifted from bird-watching to environmental guardianship. Hundreds of scholarly studies of specific environmental conflicts began getting into print. Cost-benefit ratios moved out of the confines of the U.S. Corps of Engineers dam studies into more complex areas. The idea of "least-social-cost, maximum social benefit" began slowly to find acceptance in the placement of highway routes.[8]

The American language, ever-ready to take absorb a new cause and tempo, responded quickly. An interesting case recently came before the Federal Communications Commission which slapped a fine on an educational FM station in Philadelphia (WUHY–FM). The fine was for allowing what the FCC called "patently offensive" language broadcast from a taped interview with Jerry Garcia.[9] The subject was ecology. The tape goes like this:

"For example, I have friends who I've known like since they started college, you know, and like now it's eight years later and they're all PhD's—stuff like that. It's just coming out in those terms. . . . I know quite a few of these people who have switched their major in the last year to Ecology and that kind of ———, because it's like really important right now. It's a big emergency going on."

The evidence was clear. Ecology had "arrived."

By 1970, environmental surveillance has become a vast enterprise. The moon landings, and above all the view of Spaceship Earth from the moon, had wiped clean the old attitude that we could solve earth-bound problems by escape to the moon. Everybody who watched the landings, and saw that fragile, distant cloud-bound earth off in the vast emptiness knew, for once and for all, that the earth indeed had limits.

Environmental surveillance of this limited domain took on new dimensions:

Satellite photography of the world;

ESSA and improved weather predictability;

Orbital sensing mechanisms;

Jet-flying land speculators;

The Urban Observatory network;

The rise in urban study centers and their research;

Earth Day as a training-event for environmental observers;

New School and University programs in ecology and environmental affairs; and

The heritage of the Natural Beauty program of the 1960's.

All these were being reinforced by new polotical institutions, already making their impact, which now include:

Governors' Councils on Environmental Quality;

San Francisco Bay Conservation and Development Commission;

Connecticut's new conservation act and its town conservation boards;

Hawaii State constitution with its emphasis on environmental quality;

Scores of new decisions in the higher courts, including the Hudson River case which allows parties once considered "outsiders" to have standing in court in environmental damage cases;

And the Environmental Policy Act of 1969, as we shall see.

John Osman of the Brookings Institution recently testified to Congress that "the environmental era will produce a revolution in the policy-making process . . . a reordering in the policy sciences . . . placing new intellectual demands upon the policy-makers and the people."[10]

Given this new and invigorating climate, old facts gave off new voltage, and forced most Americans to begin looking at environmental change from an altered set of assumptions:

(1.) The American standard of living, envied by much of the world, was in fact achieved at fantastic costs, creating debts now coming due. With 6% of the world's population, the US was using up 40% of the earth's non-replaceable resources, including copper, iron, petroleum.[11] How long could this last?

(2.) Freedom to move everywhere cheaply by automobile was being achieved only at the high cost of dangerous air pollution and highway death and damage. These costs were now having dollar signs attached. Hidden costs were being exposed—such as penalties put on poor inner-city residents left with few buses, lousy rapid transit, stinking air, and no escape.

(3.) Our marvelous machines and chemicals were, it turned out, being used to defoliate in Viet Nam an area the size of Massachusetts;[12] and to kill and damage civilians in ways which even the Czechoslovaks overrun by Russians consider barbarous.

(4.) Gradually, our capacity to produce has come to be seen as a dangerous capacity to overproduce. Cars, bottles, sewage, waste of every sort, gave evidence that the US had over-invested in thing-production, and under-invested in the ability to create environments in which people and things could live in long-lasting harmony.

As more Americans began *withdrawing their trust in the environment*, Congress began to stir itself. In 1969 it passed the National Environmental Policy Act (Public Law 91–190). The President then appointed the new Council on Environmental Quality.

Go back to the depression of the 1930's and the widespread failures of banks for a parallel. It then was the practice to set up creditor protection committees, who tried to see that creditors didn't get wiped out by a run on the bank's resources.

This appears to be the function of the new Council on Environmental Quality; to help "restore faith in the currency" by promising to discover wrong-doing, and sounding environmental alarms. Nobody knows whether it can work or not. I do not see that it has any power.

But the Act itself *has* power. Consider items:

Item: On February 5, a federal district judge in Texas issued a temporary injunction stopping the Farmers Home Administration of the U.S. Department of Agriculture from granting a loan to a recreation association to build a golf course on state park land. The basis for the decision was the National Environmental Policy Act of 1969.

Item: On March 3, Secretary of Transportation John Volpe announced he had refused to approve construction of Interstate Highway 93 through scenic and historic Franconia Notch in New Hampshire's White Mountain Forest. The decision was based on the National Environmental Policy Act and the Transportation Act.

Item: On March 13, Volpe said he would not approve use of any federal funds for additional runways at John F. Kennedy International Airport in New York pending an environmental study by the National Academy of Sciences, and would not consider any applications for federal aid for additional

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Footnotes at end of article.

runways at airports in the New York area without assurance that there would be no unacceptable environmental or ecological impact. The Department of Transportation said the decision was in conformity with the National Environmental Policy Act.

Item: On March 26, Secretary of the Interior Walter Hickel announced he would fight construction of a petrochemical plant near Hilton Head Island on the South Carolina coast unless the company guaranteed "non-degradation" of the coastal waters. He said he would oppose a project that did not meet the requirements of the National Environmental Policy Act.

Item: On April 13, in Washington, D.C., a federal district judge issued a temporary injunction forbidding the Interior Department to grant a permit to a group of oil companies to build a road across federal land in Alaska. The road is needed for construction of an 800-mile pipeline across the Alaska tundra. The injunction was based on the National Environmental Policy Act and the Mineral Leasing Act of 1920.

While time and further court tests will determine if these early experiences under the new law mark the beginning of a new era of environmental awareness, the law does indeed seem to offer great promise.

For the first time, a law makes concern for environmental values a part of the charter of every agency of the federal government and requires them to consider the environmental impact of their actions.

For the first time, the law set forth a broad and pervasive national policy of environmental protection, proclaming that "Congress recognizes that each person should enjoy a healthful environment."

For the first time, the law gives the nation an independent body—a three-member Council on Environmental Quality—to oversee environmental problems. And the Council reports to the highest official in the federal establishment—the President himself.

The law gives the public an unprecedented right to information on the environmental impact of proposed federal legislation and actions *before* the fact. This right to know, in turn, gives the public an opportunity to apply pressure to make the system responsive to environmental values.[13]

What this means to the building industry should, by now, begin to be clear.

No longer are the producers of the built environment automatic White Hats. No longer is the subdivider cast in the role, although he dresses in the broadbrimmed hat, boots, and chino britches, of the western pioneer or cowboy—Good Guy.

As in parts of the undeveloped Third World, the word "development" has become synonymous with imperialism, so in much of the United States, "development" has come to stand for, or to warn about, environmental degradation.

This is a climate for the construction industry vastly different from the one that greeted it in 1950. *Then,* the nation was barely getting out of its worst housing shortage in history; the postwar baby boom was creating new business at a fantastic rate; Congress was willing to risk, and got, severe housing scandals through its FHA–608 program, in order to get housing built anywhere anyhow, just built.

Today, there has been a massive withdrawal of confidence in the physical environment itself, and in its capacity to absorb the punishment a high-production, high-technology society can produce.

There is a great and growing residue of distrust in the old environmental bank, its technology and its managers.

There is a growing distrust of large-scale organization; of bigness-for-bigness sake.

And there is a new and potent counterculture of the young people, radicalized by a hideous, needless and still-continuing war in Vietnam and Cambodia. There is new demand for zero population growth.

This is the new climate, in which the building industry must exist in the next decades, and short of a fascistic Agnewvian-George Wallace type repression of all dissent from the accepted cliches, one should expect this climate to be maintained for a long time to come. It is a climate of distrust. The environment and its traditional developers and managers have shown their limitations. Anyone who proposes to develop, remodel, renew and reconstruct the environment does so at greater risk than in the past. His "exposure" is not merely financial.

All environmental changes in the coming decades will take place in an atmosphere conditioned by "Eco-Logic," the current framework of radical environmental thought.[14]

Eco-logic has set up a tension zone within which all discourse will be affected; it sets new rules of debate, a factual and assertive framework that must be dealt with wholly, and not piecemeal. As the Ecology Action journals and recycled papers say, "Everything is connected to everything else."

The new Eco-logic embraces these beliefs, holding them to be both self-evident, and increasingly supported by scientific evidence:

1. The earth is a delicate, closed life-support system that cannot tolerate unlimited growth and its wastes. Nothing really goes away.

2. All environments have a "carrying capacity . . . an erosive tolerance which, like any bank credit, cannot be exceeded without dire penalty."[15]

3. Some environments are inviolable and must not be altered by man.

4. The quality of life is more important than the quantity of things produced. Technology and its productivity threaten human survival. The question is how we survive—not survival alone.

5. Western civilization as we know it has developed anti-survival tendencies. For the environment to survive, society as a whole must be changed by radical solutions—getting to the roots of the problem.

This is the climate into which Operation Breakthrough[16] has been thrown. The building industry may take moral comfort from being likened to Christians thrown to the lions in the Roman arena; but it is certainly a different arena from that of the 1950's. The environment for survival is a tough one, not to mention the environment for producing the current Administration's goal of 2,500,000 dwelling units per year.

What are the environmental shifts since the 1950's that set new conditions for the 1970's?

1. The shift of the United States back toward becoming a nation of apartment-dwellers. (The dominance of single-family home ownership only came during the past two decades. Apparently it may never come again.)

2. The rise in self-determinism among tenant groups, neighborhood organizations, and other new power groups.

3. The increase in "environmental protectionism."

4. The growing national network of federal information systems.

What happens as we continue the shift toward a predominance of apartment-dwellers?

An increasing percentage of Americans will have little or no control over the exterior spaces that go with their interior dwelling space. In 1969, between 40 and 45 percent of the new dwelling units were apartments. For most of these occupants, their privacy was limited to the walls of their apartment, rather than to the outside dimensions of their lot.

This is a significant reduction in a family's freedom to use space as it chooses. As noted earlier, most Americans in the past have bought more space around themselves whenever they could afford it.

What will they buy in its place? Mobility, a car for each member of the family; vacations and second homes? What other repercussions follow this shift into apartment living?

There's growing evidence that tenants are demanding "extras" to make up for the lack of a private outdoor yard for each family. We see the patio-and-pool combination in new garden apartment clusters; the putting greens, lakes, greenways, community clubhouses, etc. installed around the new apartments. This shift to apartment-building is forcing builders to become "community developers," even when this means no more than adding a heated swimming pool, and free beer on Labor Day to stay ahead of the competition.

What happens when developers run out of the cheap-and-easy pool-beer-patio combinations? How many developers can produce state parks next door to their developments, or guarantee the kind of open landscape which only universities, municipalities, and new-town corporations can produce?

What happens when the articulate majority of the public come to view the environment as a fragile, closed system, almost out of control?

The pronouncements of Earth Day give us some clues, as does the growing public withdrawal of confidence in environmental managers. The radar image of this future is not difficult to read:

There is a growing militancy about the future. Future-watching, once confined to Rand Corporations, Hudson Institutes and World Futures Society members, has permeated a suddenly wider public.

There is growing self-determinism among wider segments of the public. The rise of tenant unions in the early 1960's has been followed by increasing militancy among neighborhood organizations, ethnic clusters, and minorities once kept outside significant public debate. As Rex Garrett has observed, "They want their share of the project" and a voice in its design and management.[16a]

Large-scale developments of every sort are distrusted, if not actively opposed. This puts large-scale developers on collision course with interest groups they once could disregard or buy off. It would not be surprising if developers, preferring not to risk encounter with activist groups, flock to the best-located new-town developments strictly in the interest of faster construction time and lower costs.

Side-effects of environmental change are more predictable than ever. More people than ever now assert "there's no such thing as a *side* effect; that's just the developer's dodge to avoid responsibility."

All development is now subject to question and possible attack. Development proposals must show costs as well as benefits, and it can no longer be assumed that all developmental results are beneficial. Look at the proposal by the German dye/plastics firm BASF to build a $100 million plant on Port Royal Sound in Beaufort County, South Carolina. The County and State "had wooed BASF with a passion" and the BASF officials were "treated so well that Senator Fred Hollings later explained, 'You would have thought they were returning astronauts.' "[17] On March 26, Interior Secretary Walter Hickel announced he would fight the construction unless BASF guaranteed "non-degradation" of the coastal waters.

Present limits on development almost invariably follow ownership and political boundaries. But ecosystem thinking jumps such boundaries; it is a way of dealing with all the processes at work within an ecologically coherent area.

Thus in the coming decade, *public discourse on environmental matters "must take into account whatever lands are included in* *particular ecosystems, regardless of who holds title to them."* [18]

Finally, there is a growing necessity to redefine the whole construction process, and include feedback as an essential component. How well does the man-made environment work? What satisfactions does it offer its users, what does it cost its neighbors, what are the downstream effects which are too often concealed?

To these questions, the federal government's new "Operation Breakthrough" has insufficient answers. Speeches at this conference by Messrs. Albert Weinstein and Ralph Warburton [19] show Breakthrough to be a highly skillful, articulated and detailed mass-production program—straight out of the 19th century.

Breakthrough is wholly product-oriented. All its processes concentrate on getting new end-products into place. It sets aside practically no funds or sets up practically no procedures to ensure orderly, systematic review and evaluation of the future environments it produces. All research is front-ended. None guarantees that six or twelve months or 5 years later, there shall be careful and systematic evaluation to see how these environments work. What are the real user-benefits, and how do they compare with the stated intentions of the sponsors/developers before they began? Without such provisions, it is footless to talk about "systems."

In summary, the American public now sees its environment as a limited resource; it perceives that all environment is subject to man's management and influence. The Ecology Action movement is only the latest evidence that the public has begun a long-term run on the environmental bank. It sees all land as invested with the public interest; and that the quality of the environment no longer should be left to whoever happens to own a piece of it. And the public is determined to have increasing voice in decisions about its environment.

There have been few shifts in public attitudes to compare with these. It has become the fundamental pre-condition of all physical development in the coming years.

FOOTNOTES

[1] *Air Pollution in Donora, Pa.* Epidemiology of the Unusual Smog Episode of October, 1948. Public Health Bulletin No. 306, 1949, Government Printing Office.

[2] Article in *Fortune* magazine, quoted by Stuart Chase in Rich Land, Poor Land, 1936, pp. 113–114.

[3] Garrett Eckbo, at University of Kentucky, Systems Building Seminar, May 27, 1970.

[4] Marion Clawson, New Policy Directions for U.S. Agriculture, *Journal of Soil and Water Conservation,* January–February 1970.

[5] "The Conservation of Agricultural Land" by Karl J. Belser, May 3, 1955; "Planning for Land Use and the Zoning Tool as an Implementing Mechanism," speech to San Joaquin Council of the California State Chamber of Commerce Nov. 18, 1955.

[6] William Losoncy of Spindletop Research, Inc., Lexington, Ky., in study of housing supply and demand for the 1970's, for Columbia Gas Company, 1970.

[7] Brian Berry, Professor of Ecography, University of Chicago, in address to the Ohio Valley Assembly, Feb. 27, 1970, Shakertown, Ky.

[8] Ian McHarg, "Where Should Highways Go? Comprehensive Route Selection Gets Most Social Benefit at Least Social Cost," LANDSCAPE ARCHITECTURE Quarterly, April 1967.

[9] ROLLING STONE, April 30, 1970, report by Ben Fong-Torres.

[10] Testimony of John Osman, Senior Staff Member, Advanced Study Program, The Brookings Institution, before the Select Committee on Education of the Committee on Education and Labor, Hearings on HR 14753, April 21, 1970.

[11] Footnote 11 omitted.

[12] George Whiteside, Defoliation, Ballantine Books, Inc., New York, 1970.

[13] Conservation Foundation *Letter,* April 1970.

[14] This summary of Eco-Logic is derived in part from late 1969—early 1970 issues of *The Whole Earth Catalog, Rolling Stone,* newsletters of Environmental Action, Washington, D.C.; Ecology Action in Boston and Berkeley, *The Mother Earth News,* et al.

[15] Patrick Horsbrugh, Notre Dame University, private communication, 1970.

[16] "Operation Breakthrough," Dept. of HUD, 1969.

[16a] Speech to the University of Kentucky Systems Building Seminar, 1970.

[17] "Battle of Beaufort: Conservation Collides with the Jobless," by Arthur Simon, *The New Republic,* May 23, 1970.

[18] "The Ecosystem as a Policy Criterion," by L. K. Caldwell, in *Natural Resources Journal,* p. 205, April 1970.

[19] Albert Weinstein, Assistant Director for Research Planning and Coordination, Department of Research and Technology, HUD, Washington, D.C.

Ralph Warburton, Special Assistant for Urban Design, HUD, Washington, D.C.

THE NATION'S EMERGENCE INTO THE OCEAN AGE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. COTTON. Mr. President, I ask unanimous consent to have inserted in the Extensions of Remarks of the Record an article entitled "One League Past the Crossroads," which appeared recently in the Manager, a Department of Commerce publication.

This article, authored by an outstanding public servant, Under Secretary Rocco C. Siciliano, deals with the functions and responsibilities of the newly created National Oceanic and Atmospheric Administration within the Department of Commerce. It is well written, informative, and deals with a fascinating subject. As Mr. Siciliano well states:

> One of our greatest adventures—the Nation's emergence into the Ocean Age—lies ahead.

I have been closely associated with the developments in marine science over the years, as a member of the President's Commission on Marine Science, Engineering, and Resources and, of course, as a member of the Senate Committee on Commerce which devoted immense amounts of time and energy to the NOAA legislation. It is from more than casual knowledge, therefore, that I invite the Under Secretary's excellent article to the attention of the public at large. It reflects his usual skill in making a complex subject understandable and readable.

There being no objection, the article was ordered to be printed in the Record, as follows:

One League Past the Crossroads

(By Rocco C. Siciliano)

One of America's most exciting and challenging prospects lies in the oceans, our waiting and perhaps our final frontier on Earth.

Our economy, our security, our ability to provide food for a hungry world and raw materials for industry—even our ultimate environmental condition—all are deeply involved with the oceans and the uses we make of them.

Our seas are global hotbeds of enormous problem and potential. On the one hand, as a major portion of the earth's surface, they are being endangered by our ignorance. Our coastal zones, where much of our national wealth and activity are concentrated, are becoming arenas of drastically conflicting, and often dangerous uses. On the other hand, the oceans and their seabeds are one of the great untapped repositories of living and non-living resources remaining to us. And, as a keystone of that part of environment we call the weather, they hold secrets which may one day enable us not only to predict it better, but to exercise some degree of control over it.

The oceans have been much on man's mind over the last generation. There has been a dynamic thrust into the sea in terms of exploration and development. With it has come the sobering realization that man does not begin to know enough about this part of his environment to use or even understand it well, let alone manage it intelligently. He is a David, facing Goliath without a slingshot. The extent and seriousness of our need for more knowledge, a coherent approach, and some degree of management, have come sharply home.

Our Nation has just emerged from more than a decade of Congressional deliberation on how best to tackle the problem. Our National Academies of Science and Engineering, the President's Science Advisory Committee, and many individual groups have considered it at length. Most recently, the prestigious Presidential Commission on Marine Science, Engineering and Resources, headed by the Ford Foundation's Dr. Julius Stratton, has issued a comprehensive blueprint describing our marine needs and recommending a Federal focal point for meeting them.

That focal point now exists. On Oct. 3, the National Oceanic and Atmospheric Administration came into being within the Commerce Department as the result of a reorganization plan proposed by President Nixon.

With the formation of NOAA, the Nation took a right turn at a critical crossroads. At last, a potent governmental mechanism had ben fashioned with the mandate and the capability to undertake an organized marine effort.

NOAA, which will be headed by an Administrator at the Under Secretary level, is composed of elements from several Federal Departments. From Commerce has come the Environmental Science Services Administration with its Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Center, and Research Laboratories. From the Department of Interior have come the Bureau of Commercial Fisheries, Marine Game Fish Research Program, and the Marine Mineral Technology Center. Elements of the Army Engineers' U.S. Lake Survey and the Navy's National Oceanographic Data and Instrumentation Centers have come from the Department of Defense. The National Sea Grant Program from the National Science Foundation, and the ocean data buoy development program of the Transportation Department's Coast Guard are part of the new organization.

These elements, now in the process of reorganization into a potent scientific, technological and service force, bring together some 13,000 scientists, engineers, technicians and others. Their facilities include esoteric research laboratories, some 50 vessels, including the Nation's largest and most sophisticated ocean research and survey vessels; aircraft instrumented to probe the mysteries of the atmosphere, and much more. NOAA is the only agency outside of NASA and the Department of Defense which operates earth-orbiting satellite systems to observe environmental conditions. Its people will be stationed literally from Pole to Pole and will girdle the earth.

NOAA will explore, map and chart the global oceans, their geological cradles, their geophysical forces and fields, and their mineral and living resources. New physical and biological knowledge will be translated into systems capable of assessing the potential yield of the oceans, and into techniques which industry can employ to manage and conserve those resources. It will also monitor and predict the characteristics of the physical environment—the changes of atmosphere and ocean, sun and earth, gravity and geomagnetism. It will protect us against impending environmental hazards. It will monitor and predict such gradual, but important, changes as those of climate, seismicity, marine life distribution, earth tides, continental position, the planet's internal circulation, and man's own effects upon the environment which shelters and sustains him.

Curiosity has been shown by some at the selection of the Commerce Department as the home for this environmental effort. Actually, the Department is one of the government's principal scientific and technological agencies. More than half of our people are engaged in scientific and technological efforts which have critical importance to the economic growth of the Nation. In addition to NOAA, the Department is responsible for the National Bureau of Standards, the Patent Office, and the Maritime Administration.

In administering NOAA, the Department will also have the benefit of extensive and highly capable advice. In proposing the formation of the agency, the President indicated his intention of asking the Secretary to establish a National Advisory Committee for the Oceans and Atmosphere, reporting directly to the Secretary. It will be composed of distinguished representatives of industry, commerce, conservation, universities—all vitally interested segments of society. The Committee will provide advice and counsel on the organization, content and direction of the NOAA program.

With all its information gaps, ocean industry is still an enormously complex and diverse affair. It is estimated by the Battelle Memorial Institute that the total value of our national effort in coastal waters and on the continental shelves exceeds $20 Billion. The annual value of resources taken from waters adjacent to the United States is estimated at well over $2 billion, of which one-half is derived from petroleum and about one-fifth from fishing.

There is an air of excitement about the oceans today. Our daily press and the trade magazines tell us of new and wondrous ventures on, in and under the seas. The Tektite experiment showed the world that man is on his way toward living and working on the ocean floor. There are novel underwater dredges for acquiring sand and gravel from our coastal waters; there are modern vessels for collecting the minerals that lie on the floors of the deep oceans. There are spectacular oil finds in the Arctic Ocean Basin.

Our youngsters are as interested in oceanography as in space. Industry is eager to make its mark on the new frontier.

But the job ahead is tremendous. Overcoming our problems and realizing our potential in the seas are tasks which will test both industry and government. They are tasks which demand a high degree of cooperation among industry, government, and the non-governmental scientific and technological communities—or they will never be accomplished.

The support and services required from the Federal Government by our industrial, commercial and recreational activities are as diverse as the activities themselves. Some marine industries, such as those involved in the development of offshore oil and gas deposits, are mature, healthy, and growing. Others, such as aquaculture, are in the early stages of their careers. Many of our ocean efforts are not as strong as we would wish, such as certain segments of the fishing industry.

Essentially, there are three ways in which government and industry must interact.

The first rests squarely upon government: provision of a range of services such as maps and charts for navigation, resource development and recreational boating; forecasts of ocean and weather conditions; and more and better facilities for providing for life and safety at sea.

The second, involving contributions by government and industry, is the creation of policies and procedures, regulatory and otherwise, encouraging private investment so that industry can meet our national needs for ocean products and, in the process, remain self-sustaining. These industries all depend on the clarification of legal conditions which are changing rapidly in many parts of the world, with nations extending their jurisdictions in varying degrees. The whole question of legal regimes governing oceanic resources is under discussion in the United Nations, and President Nixon has proposed that all nations adopt a treaty renouncing all national claims over the natural resources of the seabeds past the point where the high seas reach a depth of 200 meters.

It is a governmental obligation to negotiate the international arrangements necessary to conduct marine industrial and scientific activities, to conserve resources, and to prevent pollution. The adoption of such policies will give industry guidelines without which it cannot operate well, and will provide encouragement for industry to generate the ideas, capital and methods required to develop ocean resources.

The third area, and one in which industry and universities must play major roles, is the development and building of a truly formidable base of new technological and scientific capabilities, one that will allow us to operate with efficiency and effectiveness in the marine environment.

In encouraging the development of marine industry to constructive growth, the government has other basic obligations: It must, for example, make sure that common resources are used as rationally as possible, and that ways are found to resolve, for the common good, conflicting uses of those resources.

Government also must initiate, support and encourage marine education and training programs so that our Nation will always have sufficient, and sufficiently-trained, manpower to do our work in the oceans.

Government and industry jointly share another, and a vital obligation—to make sure that in developing, using and managing ocean resources, we guard against the kinds of exploitation that once ravished our woodlands and even now menace our coastal zones. We cannot afford another Santa Barbara; we cannot deplete our fishing grounds. Let us remember that, contrary to popular belief, the oceans are not teeming with fish everywhere; great portions of the deep seas are vast, watery deserts. Where we go, let us work cleanly. When a plant is taken, let new seed be sown. Our huge, seemingly-limitless seas are, like the rest of our environment, fragile and vulnerable. The Department of Commerce is deeply committed to effective development of marine resources—but development without ravaging the marine environment.

The road ahead is long, expensive, difficult and often, I am sure, it will be frustrating. But the challenge of our seas is the kind which Americans, and American business and industry in particular, have a history of meeting brilliantly.

We have a tremendous amount of exploration to do—scientific, technological, industrial and conceptual. The essence of exploration is that it deals in the unknown. Americans—and again, American business and industry in particular—are explorers by nature; it is part of the fabric of our national zest for adventure.

One of our greatest adventures—the Nation's emergence into the Ocean Age—lies ahead. In NOAA, *and* in the vitality and genius of our business, industrial and scientific communities, we have a partnership which, I am convinced, will undertake that adventure with distinction.

THE HONORABLE JAMES RUDDER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include a copy of a resolution which was presented by my two good friends, Representative William Heatly and Representative William Presnal in the State Legislature of Texas and subsequently adopted relating to the Honorable James Earl Rudder, deceased president of Texas A. & M. University:

HOUSE SIMPLE RESOLUTION—No. 23

Whereas, On March 23, 1970, the State of Texas and the United States of America was saddened by the passing of one of Texas' most distinguished educators, statesman and citizen, the Honorable James Earl Rudder; and

Whereas, This famous Texan was born on a small farm in Eden, Texas, on May 6, 1910, one of six sons of Dee Forest and Annie Powell Rudder; and

Whereas, His early education was in the public schools of Eden and after graduation from Eden High School in 1927, he enrolled at John Tarleton Agricultural College. In 1930 he transferred to Texas A&M where he majored in industral education and so excelled in football that in 1956 he was named to Sports Illustrated Magazine's Silver Anniversary All American Football Team. He was graduated from A&M in 1932 with a Bachelor of Science degree and was commissioned a Second Lieutenant of Infantry in the Army Reserve; and

Whereas, In 1933 he met Miss Margaret Williamson and they were subsequently married in 1937, after which they returned to John Tarleton Agricultural College in 1938 where Rudder coached football and taught until 1941 when he was called to active duty as a Second Lieutenant; and

Whereas, In June 1943 he organized and trained the 2nd Ranger Battalion which was given the mission of scaling the 100-foot cliffs at Pointe du Hoe during the D-Day invasion of Normandy. To accomplish this mission, Rudder's Rangers suffered over 50 percent casualties and with Rudder being twice wounded during the battle. On December 8, 1944, Rudder took command of the 109th Infantry Regiment, and eight days later the Germans began their last great counteroffensive of the war, now known as the Battle of the Bulge. Led by Rudder, the 109th was credited with a major role in repulsing the German attack. His military decorations at the end of the war included the Distinguished Service Cross, Legion of Merit, Silver Star, Bronze Star with Oak Leaf Cluster, Purple Heart with Oak Leaf Cluster, French

Legion of Honor with Croix de Guerre and Palm, and the Belgian Order of Leopole with Croix de Guerre and Palm. He was released from active duty with the rank of Colonel in April 1946. After the war, he remained active in the Army Reserve until his retirement in 1967 with the rank of Major General; and

Whereas, On January 4, 1955, Rudder was appointed Commissioner of the General Land Office of Texas and during his three-year tenure significantly increased the financial foundation of Texas' educational system through sound management of Land Office resources which enured to the benefit of the Permanent University Fund and the Permanent School Fund. In 1958, Rudder became Vice President of Texas A&M and was named President in July 1959. On September 1, 1965, the Board of Directors of Texas A&M named him President of the Texas A&M University System, consolidating the office of Chancellor with the office of University President. During his period of inspired leadership, the college of 7,526 students expanded to a university of approximately 14,000 students from all sections of the United States and 75 foreign countries; and

Whereas, During his lifetime, many high honors were bestowed upon this extraordinary man in recognition of services to his state and nation, the impact of which is still unfolding. These honors include the Distinguished Service Medal, the nation's highest award for peacetime service; the Good Citizenship Gold Medal for outstanding service in war and peace; the Exchange Club's Outstanding Citizen Award; and the Texas Heritage Foundation's Distinguished Service Medal; and

Whereas, The House of Representatives of the State of Texas wishes to officially recognize a unique and extraordinary career and to acknowledge a debt of gratitude to the services performed for the citizens of the State of Texas by General James Earl Rudder; now, therefore, be it

Resolved, That in tribute to a man who could serve as a model of true excellence to any Texan or American when the House of Representatives of the State of Texas adjourns today, it do so in his honor; and, be it further

Resolved, That copies of this Resolution, under the Seal of the House, be prepared and mailed to his wife, Mrs. Margaret Williamson Rudder; his two sons, James E., Jr., and Robert; his three daughters, Mrs. Anne Walton, Mrs. Edward P. Wollenman and Linda Rudder; his brother, John Rudder; and his two grandsons, Marc and Bradley Walton.

PRESIDENT NIXON'S GOALS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. BYRD of Virginia. Mr. President, in its issue of Monday, January 25, the Richmond Times-Dispatch published an excellent editorial on the goals outlined in President Nixon's state of the Union message.

The editorial points out that many obstacles lie between the announcement of these goals and their achievement; that some of the goals need close examination; and that the prospective budget, termed "expansionary," is by any name a budget with a deficit.

The editor of the editorial page of the Times-Dispatch is Edward Grimsley.

I ask unanimous consent that the text of the editorial, entitled "Six Goals," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SIX GOALS

It was an ambivalent speech, President Nixon's state of the Union address, simultaneously depressing and inspiring.

Few would question the desirability of the six alluring goals Mr. Nixon outlined. His proposals to return more power and money from Washington to the states and their localities, to reform the nation's welfare program, to improve the nation's health care programs, to increase the administrative efficiency of the federal government, to stimulate the nation's economy, and to improve the environment are all laudable objectives.

But how does President Nixon propose to get the nation from Here to There? That is the depressing question. History shows that the route from thought to deed, from proposal to fruition, can be long, steep, twisting and treacherous. Before the nation can decide whether to take the journey, it must wait until Mr. Nixon takes out a road map and marks the route he intends to follow.

Take Mr. Nixon's revenue sharing plan, for example. Anybody who favors the federal system must applaud the general principle of returning federal funds to states and localities. Theoretically, revenue sharing should mean more freedom and greater responsibility—and thus more vigor—for state and local governments. But there are nagging questions. Exactly how "unrestricted" would federal revenue sharing funds be? Would state and local governments tend, through the years, to increase their dependence upon the federal government for funds? And if they did, would they tend to develop more irresponsible spending habits? The less dependent a locality became upon its own local taxpayers for revenue, the less cautious it might become in embarking upon new or expanded programs.

Welfare reform is another troublesome point. As Mr. Nixon said, the existing welfare system is a "bad program." But the proposal he submitted to the last Congress did not seem to promise to improve matters. Does he have a new and better plan to suggest?

That the President intends to submit an expansionary budget is disquieting, to say the least. Stripped of its fancy designation, an expansionary budget is a deficit budget: Mr. Nixon intends to recommend that the federal government spend more during the coming fiscal year than it takes in. The President insists that the deficit spending he proposes will rejuvenate the economy wtihout rekindling the "fires of inflation." Maybe so, but the prospect of having to swallow such bitter medicine is not the least bit cheering.

The President's message, to repeat, aroused hopes and stirred doubts, and we really won't know whether to laugh or to cry until the details of his proposals emerge.

UKRAINIAN INDEPENDENCE DAY A TIMELY REMINDER

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. GRIFFIN. Mr. President, last Sunday it was my privilege to be the principal speaker before nearly 1,500 Americans who are members of Greater Detroit's Ukrainian community. The occasion was the 53d annual observance of the Declaration of Ukrainian Independence.

The event was a moving tribute to the people of the Ukraine for their valiant stand against tyranny on January 22, 1918.

Presiding was Jerry Duzey, chairman of the Organizing Committee of the Ukrainian Congress Committee of America, Inc. I was introduced by Bohdan Fedorak, chairman of the East Detroit-Hamtramck branch.

Mr. President, I ask unanimous consent that excerpts from those remarks be printed in the Extensions of Remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR ROBERT P. GRIFFIN

Chairman Duzey, Mr. Fedorak, Reverend Clergy, distinguished guests, fellow Americans:

It is a privilege to be here with so many American friends of Ukrainian background to join in this observance of an important moment in history—the Declaration of Ukrainian Independence on January 22, 1918.

This is both a solemn and an inspiring occasion—an occasion which serves in a significant way to remind all Americans—of whatever origin—how precious is that spirit of freedom which motivated Shevchenko, Hrushefsky and Petlyura, as it did Washington and Jefferson.

Among the many ties which bind Ukrainian-Americans to this Nation is a moving passage from Shevchenko's poetry, written some 114 years ago:

When will we receive our Washington,
With a new and righteous law?
And receive him we *will* some day!

While that passage may suffer a bit from the process of translation, the thought is poignantly expressive of the American dream. It is steeped in a powerful faith—a faith that the Ukrainian destiny is to live in freedom, however tortuous may be the path to that destiny.

In his poem, *The Dream*, Shevchenko accused Peter the First of "crucifying" the Ukraine and Catherine the Second of "finishing off his victim." Even the Ukrainian poet laureate may have underestimated the staying power of the crucified victim.

It was Peter's army that dropped a curtain of oppression on the Ukrainian people which lasted for two centuries. Incidentally, the world's literature is the loser because Shevchenko lived only 47 years into the second century of that long, dark Ukrainian night. He spent 24 years as a serf, 10 in the Russian army, three and one-half under strict police supervision, and only nine years in freedom.

More than half a century after Shevchenko's death the Tsarist rule finally crumbled in 1917. A few months later, another generation of Ukrainian leaders seized the opportunity to establish an independent state in January 1918. The new Ukrainian nation led a precarious, but courageous existence until 1922.

What a remarkable period of independence that was! We all could take lessons, for example, from the guarantees for minorities which were provided by the freely-elected Ukrainian Assembly.

What statesman today would propose a separate ministry for the Jewish minority? The independent Ukrainian State did that.

What country today would issue its currency in three languages so as to accommodate the diverse tongues in the land? The independent Ukrainian state did that.

Unhappily, in 1922, this interlude of independence came to an end. The Bolsheviks imposed a new brand of despotism on the

Ukraine—and another long, dark night has followed.

It is interesting to speculate on how history might have been altered if, after World War I, the Western powers had been more sensitive to that spirit of freedom which existed in the Ukraine. That spirit has survived—and it will continue to survive until freedom and independence are achieved.

The story of the Ukrainian nation is very important to all Americans, particularly young Americans. As Abraham Lincoln said:

"Our reliance is in the love of liberty which God has planted in our bosoms.

"Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit, and you have planted the seeds of despotism around your own doors."

By renewing our awareness of the plight of more than 45 million Ukrainians, and that of other captive peoples throughout the world, we strengthen our own determination to preserve liberty at home and to help, each in his own way, to bring a brighter day for the oppressed everywhere.

REVENUE SHARING—WITH THE TAXPAYERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. RARICK. Mr. Speaker, we are hearing a lot these days about revenue-sharing proposals and I am happy to announce that I have reintroduced in this 92d Congress three revenue-sharing bills.

My revenue-sharing proposals offer an honest solution to the money problem; not promising to give money back to the people, but by not taking it from them in the first place.

House Joint Resolution 23 is the Liberty amendment which has already been enacted by the legislature of my State. This resolution proposes an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens.

H.R. 351—formerly H.R. 17140 in the 91st Congress—provides for a revesting in the Government of the United States the full, absolute, complete, and unconstitutional ownership of the 12 Federal Reserve banks.

H.R. 428—formerly H.R. 19973 in the 91st Congress—authorizes deduction of social security contributions from income taxes.

I include each of these revenue-sharing bills at this point in the RECORD:

H.J. RES. 23

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

"SEC. 1. The government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"SEC. 2. The constitution or laws of any state, or laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"SEC. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"SEC. 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

H.R. 351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned and controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

H.R. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 164(a) of the Internal Revenue Code of 1954 (relating to deduction for taxes) is amended by inserting immediately after paragraph (5) the following new paragraph:

"(6) Taxes described in subsection (g)."

(b) Section 164 of such Code is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) SOCIAL SECURITY TAXES PAID BY THE SELF-EMPLOYED OR BY EMPLOYEES.—There shall be allowed as a deduction (for the taxable year within which paid) taxes imposed by section 1401 (tax on self-employment income) or section 3101 (tax on employees)."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting immediately after paragraph (9) the following new paragraph:

"(10) Social security taxes paid by employees and by the self-employed."

SEC. 3. Paragraph (1) of section 275(a) of the Internal Revenue Code of 1954 (relating to certain taxes) is amended—

(1) by striking out so much of such paragraph as precedes subparagraph (B) and by inserting in lieu thereof the following:

"(1) Federal income taxes (other than the tax imposed by chapter 2), including"; and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 4. The amendments made by this Act shall apply to amounts paid after December 31, 1970.

OKLAHOMA LEADER POINTS "A WAY TO WALK THE LINE"

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. EDMONDSON. Mr. Speaker, the 1970 chairman of the National Association of Manufacturers, Mr. W. W. "Bill" Keeler, is a longtime friend and constituent. In addition to his duties and responsibilities as chairman of the NAM, Bill Keeler has faithfully served as both chairman of the Board of Phillips Petroleum Co., and as principal chief of the Cherokee Indian Nation of Oklahoma.

On January 22, before the Executives' Club of Chicago, Chief Keeler delivered one of the most thoughtful and timely speeches I have had the privilege of reading in quite some time.

The theme of Chief Keeler's speech is that in order to avoid both anarchy and repression, the citizens of our society must approach each problem or incident in the most careful and well-reasoned manner. We must maintain reasonable limits on protest, without imposing repressive measures which curtail our freedoms of speech, thought, and association.

Chief Keeler wisely points out that "throughout history, dissent has frequently been the forerunner of freedom." Yet he also emphasizes the corollary—that when dissent takes the form of mocking our institutions, intimidating our law enforcement agencies, and defiling national symbols, then it becomes the duty of each citizen to "tune out" the source of illigitimate protest, and not fall prey to the "action-reaction" syndrome upon which such propagandists must depend for their publicity.

Mr. Speaker, I commend Chief Keeler on his very thoughtful and perceptive analysis of this very serious national problem, and I include the text of his speech at this point for the benefit of all my colleagues:

A WAY TO WALK THE LINE

(By W. W. Keeler)

I am pleased to be here in Chicago today. With its strength and vitality, Chicago has always appealed to me as a city representative of the American spirit. Carl Sandburg, who knew the heart of this city better than anyone, called Chicago "Stormy, husky, brawling; City of the big shoulders."

A prime reason behind Chicago's forceful personality has been its stormy heritage of conflict and dissent. From the Haymarket and Pullman riots of the late 1800's to the battle of Michigan Avenue in 1968, Chicago has learned first-hand the immence power of dissent. In the past, Chicago and the nation generally, have been able to refine conflicting ideas and backgrounds into a fuel for progress. But now we seem to have lost this ability to use dissent constructively.

A free society—if it wishes to remain free—must walk a perilously thin line in the way it regards and reacts to dissent. Today I would like to discuss a way to walk this line without veering off into anarchy on one side or repression on the other. Both seem unthinkable. Yet, unless we find ways to deal intelligently with dissent, we may suddenly awaken to the fact that the unthinkable has happened. I imagine many Canadians felt the unthinkable had happened last fall when martial law was declared in their country following two political kidnapings. Canada, like the U.S., has always maintained an atmosphere of free and open dissent. Yet in a matter of a few days, that atmosphere was transformed into a climate of suppression. The Canadian experience poses a sober question for all Americans: "Can it happen here?"

I believe it could happen here. Recent acts of dissent in the U.S. that have destroyed lives and property have driven many Americans to conclude that strong-arm tactics are the only alternative to social chaos. In fact, I think many people feel our society would be a lot better off without dissent or dissenters.

We see dissent everywhere. Between the college student and the college administrator. Between the black and white. Between the businessman and consumer crusader. Between the supporter of the Vietnam war and the opposer. Between the parent and the child.

We seem so threatened by this flood of dissent that we wonder whether our nation can keep afloat without prohibiting dissent altogether. We are frightened, and a frightened people often act irrationally. There is an imperative need for Americans to put dissent into its proper perspective—to stand back and take a long look at what is happening.

Throughout history, dissent has frequently been the forerunner of freedom. When people have lost control of their own destinies, and their grievances have gone unheeded, a dissenter has risen in protest. Martin Luther before the Diet of Worms in 1521 declared, "Here I stand, I can not do otherwise." Five hundred years later another Martin Luther—Martin Luther King—wrote from a Birmingham jail, "Injustice anywhere is a threat to justice everywhere."

These were dissenters of the highest order. Men of courage and conviction who dreamed bold dreams of a better tomorrow; men challenging society to right itself, to give freedom a chance to grow and flourish.

Our nation was founded by dissenters willing to trade their lives for liberty. It is important to remember that these men were dissenters not only in the eyes of the king, but in the eyes of many of their own countrymen. According to John Adams, only one third of the people in the colonies actually favored the revolution.

For nearly 200 years, America has grown great because it has learned not only how to cope with dissent but how to nurture and use it as well. America has opened its gates to the dissenters of the world, and they answered the call to help shape one of man's noblest experiments.

Now, we suddenly find dissent emerging with an ugly face. It mocks our judicial system, intimidates our law enforcement agencies, defiles our national symbols, and wantonly destroys public and private property. Unfortunately, modern technology and communications have given this ugly side of dissent an exposure far beyond its merits.

This was underscored by a comment made by Chancellor Laurence Chalmers of the University of Kansas. Following the appearance of Abbie Hoffman on his campus, the Chancellor said: "Having him here was the best thing we could do to persuade the students that a guy like Hoffman has nothing to offer. Two hours of Abbie Hoffman and you see right through him. But what happens? The media presents Hoffman blowing his nose in the American flag and the people who see that are thrown into a frenzy and blame the university for having him here in the first place. He's a farce . . . but one minute of the media and he's a celebrity who is taken seriously."

There isn't any question that televised episodes of this kind of obnoxious dissent further polarize those who are repelled by what they see. A vicious cycle of action and counter-action is set in motion.

Television by its very nature makes a perfect stage for political showmen. Too often, the sound, reasoned argument doesn't stand a chance against the emotional or the spectacular.

Thus it is up to us as individuals to judge for ourselves what expressions of dissent are legitimate and which ones are not worthy of our attention. The art of "tuning in" those who dissent legitimately and "tuning out" those who do not, will be difficult to learn. But some guidelines may help and I'd like to suggest a few.

First of all, we should not make the mistake of "tuning out" a dissenter simply because of such factors as age, color, dress, hair style, speech background or sex. It is well for us to keep in mind that the President of the United States in the year 2000 may today be about 20 years old, have long hair, prefer Ringo Starr to Bart Starr and the Led Zeppelin to Lawrence Welk, and be a she instead of a he.

However, our criteria must go much deeper than these external factors. We must look into what the dissenter is saying and why he is saying it. Is he sincere, or is he putting us on? Does he appeal to reason, or does he play on emotion? Can he be constructive as well as critical? Does he have a plan with concrete goals? Of special importance, does he recognize the right of others to disagree with his goals? Can he listen as well as talk? When all the facts are in, and it's clear there's room for more than one point of view, is he capable of compromise?

If he meets these criteria, then he is a dissenter in the great tradition of healthy protest in America. We had best hear him out because what he is saying may be important.

In evaluating what the dissenter is saying, we need to maintain an objective approach. We have a tendency to over-react to both the rhetoric and the actions of some dissenters. We need to "keep our cool."

Some good advice was given in the Wall Street Journal following the Kent State incidents of last spring. The Journal said: "When you feel the emotions rise from the riots and burnings on television, turn the blasted thing off, go out in the fresh air and take a walk around your own block. You will make a comforting discovery that you are not personally threatened at all."

I want to make clear that such a viewpoint does not condone violent incidents of dissent. But it does help us keep our perspective. Even widespread incidents on many college campuses do not mean that our educational system is collapsing or that the nation as a whole is gravely threatened.

I believe that if we "keep our cool" and take the right actions, we can maintain a climate that encourages responsible dissent and at the same time limits the destructiveness of irresponsible dissent.

Let's examine what actions should be taken *on the college campus* to achieve this end. I believe that the responsibility for maintaining an atmosphere of creative dissent on the campus rests with both the students and the administration. Therefore, my suggestions involve a continuous working together of these elements.

I suggest that the students and administration of colleges cooperate in drafting guidelines for expression of dissent on their campuses. These guidelines should clarify the kind of conduct that is considered legitimate dissent.

An administrative-student discipline committee should be set up to enforce these guidelines. Violators should be promptly punished by sanctions agreed upon by this committee. If dissent reaches a point which is beyond control of the administrative-student group, then the college should be shut down temporarily and civil authorities relied upon to protect life and property. When it is necessary to resort to outside forces, it is important that they are trained to properly defuse volatile situations. Depending on the length of the shutdown, the administrative-student group should determine how students can make up the time lost and finish their courses.

I believe the alumni also have a role to play in connection with campus dissent. Alumni must realize that college life today is different from the life they knew on the campus. The students themselves are far more concerned about important social and political issues than previous generations of students. And because they feel so deeply about these issues, today's students are impelled to speak out on them. Therefore, the role of the alumni should be to help the colleges maintain a climate for *free* and *responsible* discussion.

Now let's get closer to home, and look at what *businessmen* can do to respond constructively to dissent aimed at the business world.

As many of you may know, some of the chief critics of business are the young people business must have to run the system in the years ahead. One of their principal criticisms is that businesses repress ideas and individual expression, that they make people into robots.

We who have been in business many years know that businesses offer young people great opportunities for creativity, expression, and self-fulfillment. The numerous young executives in our nation's business firms testify to this fact.

However, we must realize that many businesses, like government, have become such bureaucracies that they inhibit the free flow of ideas and information. We businessmen must carefully review our organization's structure and policies. And we must make changes that will allow free flow of ideas and information from the top to the bottom, and from the bottom to the top. This two-way pipeline will not only help the company by tapping the creative ideas and incentives of all its people. It will also help by allowing the expression of legitimate and often valuable dissent within the organization.

The so-called "consumer movement" is another aspect of dissent businessmen must respond to. Many of the young people business must rely upon in the future are sympathetic with this movement. But what is immediately important is that the movement is drawing the support of millions of customers. They are demanding better and safer products, finer service and more reliable warranties.

You and I know that businesses seek to serve the consumer. In the long run, there is no profit in a shoddy product or questionable promotion. The best way for business to respond to dissent coming from the consumer movement is by running hard in the competitive race to meet legitimate consumer demands. If we do not respond in this way, consumers will ask government to intervene even more into the free market. Our customers will be far better served by the constructive results of our own initiative than by the restrictive results of federal regulation.

Still another aspect of dissent which confronts business is reflected in the often heard criticism that business is not really concerned about today's social problems.

This criticism may have been valid 25 years ago but it does not hold water today. I wish I had time to discuss the ways business is applying its strength and resources to help solve the problems troubling our nation. These ways include providing low-cost urban housing, developing complex and often costly methods to curb pollution, improving international relations by trade agreements and by sharing of technology with other nations, and, perhaps most importantly, training and hiring of minority people.

We do not need to justify these actions on the basis of a lofty sense of mission. The reasons behind them are very pragmatic and they are nothing to be ashamed of. A business located in a decaying urban area gets dragged down with the rest of the neighborhood. The industry that pollutes the air despoils the community it helped create. The firm that establishes an overseas operation opens up new markets and develops new customers.

Our training and hiring of minority people is also based on sound business principles. The productive worker is a good customer and a tax payer rather than a tax burden. Let me emphasize that our training and hiring programs are aimed at making people productive workers. Business does not hand out welfare checks—people must earn their pay.

We can best respond to the criticism that business is not concerned with social problems simply by getting the message to the American people that we are sensitive to these problems, but we have sound business reasons to be involved in them, and that we will continue seeking ways to solve them.

I have been encouraged that companies have been publishing articles and booklets and using their advertising space and time to tell the public about their efforts to attack social problems. More of this kind of communication is needed to answer the criticism of the dissenters.

Communication can also be a key aspect of our response to another type of dissent—the dissent between the younger and older generations.

Dissent between the generations of course is not new, nor is it necessarily harmful. It becomes destructive when, instead of being objective and selective, it becomes emotional and all-emcompassing. This is the way dissent between the generations seems to be going today. Too many young people are condemning nearly everything the older generation believes in, and to many of us older people are placing blanket disapproval on nearly all values of the young. The truth is that each of the generations has many values which are worthy guideposts for living.

We in the older generation must realize that many of the new values coming from the young are fine ones which should be nurtured rather than ridiculed. These values may indeed jolt us out of our comfortable assumptions. Perhaps one reason why we have so many social and economic problems today is because we have not questioned the validity of some of our beliefs.

By the same token, many of the established values the older generation believes in are admirable ones, which should be recognized rather than rejected. Young people need these time-proven values to give them stability and a sense of history as they bring change into the world.

What is needed to respond to dissent between the generations, and bring about understanding and acceptance of all worthy values, is an open, continual two-way communication.

On our part, this means viewing young people as allies not as aliens, and establishing contact with them. I suggest we talk with that high school youngster we are training. Talk with the teenager next door. Find a college-age youth—student or not—and spend some time with him. Talk with your own kids. And notice I say "talk with" not "talk to." We need to listen to these young people. This communication can be the first step toward making dissent between the generations a bridge to understanding and constructive change, instead of a chasm of conflict.

Walking the line of dissent without veering off into anarchy or repression is a tough challenge. But it is not an impossible one. And it must be mastered if our nation is to remain free and strong. You are leaders in a great city which knows the power of dissent. You, therefore, have a special responsibility to take actions which will show others the way to walk the line.

WILLIE GEORGE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. CHURCH. Mr. President, on New Year's Day, one of Idaho's most colorful and most noted Indian leaders died at a small home on the Fort Hall Indian Reservation. His name was Willie George and his life was a bridge between the closing of the frontier and the space age.

I counted it a privilege that Willie George was a friend. Among many others who did so was Perry Swisher, a talented newsman who now writes a column for the Intermountain Observer in Boise.

In the January 15 edition of the Observer, Mr. Swisher writes that—

> Willie George was a romantic figure and if the value of his example is immeasurable it is also unquestionable, to the quite young and the quite old, to the fierce and the gentle, the reawakened and the dreamers for whom he embodied the dignity of a race.

Mr. President, I commend Mr. Swisher's column to my colleagues, and I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIE GEORGE

(By Perry Swisher)

The braids of Willie George were thick as tow ropes. Long, lustrous, tight-plaited muscles of hair. His face was strong-boned like that of a Great Plains calendar warrior though softened by the slightly flared Shoshoni nose.

His chest was deep; Willie's shoulders sat wide and squarebladed across a torso wedged solidly in a frame of six feet plus.

Strikingly pleasant to look at, to watch, he possessed a privacy and, in unity with it, a directness in the motion and expression and composition of eyes and face and body. Gene by gene, this son of a chief of the central Shoshonis and a Crow mother was meant from conception to be handsome.

But it was his demeanor, his way of regarding himself, and it was the quietly expert ease with which he threw and dropped and tightened and snubbed his loop on the object of his attention—it was the style of Willie George you noticed most of all as the years went by.

The years went by. One illness, when he was about 50, grabbed him almost mortally by the liver and held on until that chest flattened and the show of power was gone from his shoulders. He recovered. Willie reached his 70's; the braids became thin, gray, shorter; his head remained erect but he was no longer tall and in the eyes, still direct, there was little combustion and much reflection.

No big talker even when in his prime as a leader, Willie accepted age by narrowing his circle from the tribe to the neighborhood and his interests to those of the traditional Indians and to the few surviving whites who had known him in the promising years when the tribe was united behind one leader and that man was Willie.

The times were no longer his times, but for the traditional Indians Willie continued to do what he had done when he was tribal chairman and an active stockman: Be an example. Bound to share what they had with their extended families, including the most prodigal captives of the car and the bottle and impetuous spending, traditional Indians couldn't contend with the monthly payments that attend lights, telephones and contract purchases. As a youth, a showpiece roper and rider and actor in the 101 Wild West Show, Willie twice toured Europe and knew most of the great cities in America. Till his death, in meeting scholars and travelers, Willie was a sophisticate. But as an Indian and a leader, till his death he lived in a small unpainted house without electricity or phone. The traditional Indian can survive most peacefully this way, he was saying. From the time he returned to the reservation he would not drink. Drink is an unmanageable enemy, he was saying.

One September morning in 1969 Willie lay asleep in his orchard when a low-flying plane, trailing a green cloud, throttled back and banked to turn above his home. The spray, to kill potato vines on the white-leased reservation land, fell thick and Willie was wretchedly ill. His pets and chickens and a horse died; a son-in-law who innocently ate plums from the orchard later in the day became sick. For this and other outrages, the council has banned the sprayers from the reservation skies. But Willie was never well again and on New Year's Day at 77 he died.

It took a backhoe to dig his grave in the frozen Gibson cemetery. In the crowd at his burial in subzero weather, I saw six young Indians pile into the battered cab of an old pickup with a broken aerial. I recognized them. They were students, all freshmen, at the university nearby in Pocatello. I looked at the mourners again. Except for dignitaries most were quite young, or quite old.

An anthropologist who has studied the language and descent of the tribe for 30 years became a good friend, but even as death approached, he did not ask Willie for his genealogy. I was a scant acquaintance, but I do write, yet I never managed to ask Willie to describe his "101" days and nights with Will Rogers and Tom Mix. Whatever it was that instilled such restraint was worth the loss of whatever it was we didn't learn. I suspect my view of being romantic, but Willie George was a romantic figure and if the value of his example is immeasurable it is also unquestionable, to the quite young and the quite old, to the fierce and the gentle, the reawakened and the dreamers for whom he embodied the dignity of a race.

PRAYER FOR GUIDANCE IN OFFICE

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. TAFT. Mr. President, the board of the Bethany Covenant Church of Lyndhurst, Ohio, has sent me a copy of "Prayer for Guidance in Office" by Herman Garst. As those of us in elected office reflect upon our responsibilities perhaps the prayer may be of guidance. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR GUIDANCE IN OFFICE

(By Herman Garst)

Dear Lord, the people have elected me
 To speak for them in things
Of state; to Thee
 I come for help
I shall be tempted by

Those men whose goal
Is gain; may I
Be true to country, self, and Thee.

And give me courage to defend
The weak; to work to ban
All things that would destroy
The dignity of man.
Knowing, Lord, that
Thou answeredst prayer when
Humble knee is bent; I ask these things—
But only by Thy will. Amen.

COMMERCE TAPS GRADUATE BUSINESS STUDENTS TO ASSIST NEW EXPORTERS

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, January 27, 1971

Mr. COTTON. Mr. President, I ask unanimous consent to have inserted in the Extensions of Remarks of the RECORD an article which appeared in the January 11 issue of Commerce Today, entitled "Commerce Taps Graduate Business Students To Assist New Exporters."

This program appears to be a sensible and inexpensive approach to helping our manufacturers, particularly smaller businesses, market their products abroad. I think Secretary of Commerce Stans is to be commended for giving it his personal support.

Moreover, I am pleased to note the role played by the New England Regional Commission in this undertaking. As I understand it, the commission recognized the value of a project initiated by Dr. Robinson at MIT invested a relatively small amount of seed money, broadened its impact in New England and, in effect, brought it to national attention. It seems to me that this clearly demonstrates a productive function of the New England Regional Commission. Here the commission played a catalytic role in identifying a problem and finding a workable solution which was adopted at the national level. I would consider that innovative efforts of this kind reflect real credit on the commission and its staff.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMERCE TAPS GRADUATE BUSINESS STUDENTS TO ASSIST NEW EXPORTERS

A new U.S. export program designed to boost foreign sales by small American companies and at the same time give students of business administration practical training in the field of international commerce has been announced by Secretary Stans.

More than 200 graduate students at 21 universities across the United States will research world trade leads for U.S. exporters interested in new foreign markets and for businessmen seeking their first overseas sales.

"This new program has been developed primarily to help small U.S. businesses that feel they lack personnel, know-how or resources to become exporters and, in many cases, are unaware of the profit potential in exporting," the Secretary said.

Referring to a goal set by the Administration to reach an annual U.S. export total of $50 billion by 1973, Secretary Stans said, "This new program is an important part of our national effort to reach that goal. I hope every manufacturer who is not exporting today will join us by taking advantage of this service."

The project will be known as the "MBA Export Expansion Program" because the graduate students involved are working toward masters' degrees in business administration (MBA), specializing in international business. The program will be administered jointly by the universities and Commerce's Bureau of International Commerce.

Universities invited to take part are Boston University, University of California at Berkeley, Columbia, Cornell, George Washington, Georgia State, Harvard, Indiana, Massachusetts, Massachusetts Institute of Technology, Michigan, City University of New York, New York University, Northern Illinois, Northwestern, Pennsylvania, San Francisco State College, Southern California, Syracuse, Thunderbird Graduate School of International Management, and Wisconsin.

Commerce and the participating schools will invite U.S. firms to take part and will compile a list of firms that are interested. (Manufacturers also may get in touch directly with nearby Commerce field offices.) The schools will assign graduate students in business administration to work with each company.

In cooperation with company officials, the student will examine the firm's capacity to begin or expand export operations. The student then will research international business data gathered by the Commerce Department indicating foreign sales opportunities for the firm's product, and will prepare a formal report with recommendations for action.

The study will include such information as estimated size of a foreign market, expected gross margin on sales, extent of competition, data on end-users, and best ways to enter the market. Names and addresses of potential foreign customers, agents, distributors and licensees will be included.

Students will have full access to data at Commerce Department field offices near their schools. BIC personnel in Washington will be available for consultations. Each student will receive $50, jointly contributed by the Commerce Department and his assigned firm, for research expenses on his assignment. Students will be under supervision of an international business faculty member and will receive academic credit for the project.

The program was sparked by the success of a project launched in 1966 for the New England States by Dr. Richard D. Robinson of the Sloan School of Management, Massachusetts Institute of Technology. Last year, in cooperation with the International Center of New England and under sponsorship of the New England Regional Commission, the Sloan School program was expanded to include the Harvard Business School, Boston University and the University of Massachusetts.

ADDRESS OF HON. GEORGE M. LOW, ACTING ADMINISTRATOR OF NASA BEFORE NATIONAL SPACE CLUB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the Honorable George Low, Acting Administrator of NASA addressed the luncheon meeting of the National Space Club on January 26, 1971, on the international aspects of our space program. I trust that it will be read by every Member of this body, as Mr. Low has just returned from meetings around the world dealing with our cooperative efforts in this field.

The address follows:

INTERNATIONAL ASPECTS OF OUR SPACE PROGRAM

(By George M. Low)

I am particularly pleased to have the opportunity today to speak about the international aspects of NASA's space programs. The timing is most appropriate: we are actively engaged with the European nations in defining possible major cooperative efforts for the post-Apollo period; and only last week, we completed discussions with the Soviet Union concerning significant cooperation between the U.S. and the USSR in the exploration of space.

Greater international cooperation in space is one of the six specific objectives of President Nixon's space program, enunciated on March 7 of last year. The President stated: "I believe that both the adventures and the applications of space missions should be shared by all peoples. Our progress will be faster and our accomplishments will be greater if nations will join together in this effort, both in contributing the resources and in enjoying the benefits."

In my discussion today, I will first address cooperation with the Western Nations; then I will discuss our relationship with the Soviet Union.

COOPERATION WITH WESTERN NATIONS

In this area, we have a background of a decade of successful international space projects. These have involved 70 countries, 250 specific agreements, over two dozen joint satellite projects, and a run-out cost in excess of $400 million, with more than a 50 per cent share borne by other nations. The greater part of this work has been with the nations of Europe, although other western and neutral countries are included. This type of rewarding and cost-effective program, worked out in the 1960's, is, of course, continuing.

In the 1970's, however, the opportunities exist for cooperation on a significantly larger scale. In line with the President's emphasis on international cooperation in the exploration of space, we wish to build a foundation for important benefit- and cost-sharing in the major space programs of the future. With this objective in mind, we have invited substantial Western World participation in our post-Apollo projects, the space station.

For over a year, we have made unusual efforts to give the European countries, Canada, Japan, and Australia—the countries having the most obvious potential for post-Apollo work-sharing—every chance to become fully acquainted with our plans and studies. Our purpose has been to provide these countries a proper basis for deciding, at the right time, whether or not they wish to commit their own resources to working with us.

We have been pleased by Europe's initial response in this informational phase. The European Space Conference, in particular, has put several million dollars of its own into studies of post-Apollo program possibilities. Some of its leading member countries have invested still larger amounts in related studies. And British, French, and West German firms, funded in Europe, are working with our prime contractors in the space shuttle design studies.

The problem for the potential participants is a serious one. There is little question that participation in major post-Apollo development tasks would be most rewarding in terms of technology. But Europe considers that it cannot now fund significant participation in the shuttle and fund an independent European booster program at the same time. A choice will most likely be necessary even if

Europe funds only 10 per cent of the shuttle's price tab.

Naturally, if Europe is to give up the development of an independent launch capability to work with us, it wants to know what assurance there is that we will sell launch services for European satellite projects—some of them, perhaps, involving competitive commercial applications. Europe wants to know what the other conditions of its participation might be; for instance, what sort of voice it might have in post-Apollo program management and what access it could expect to program technology. Such questions are entirely understandable.

For us, of course, the detailed answers depend in some degree on the character and extent of European technical participation. This has not yet been defined. Realistic management and political conditions must in the end be fitted to a specific technical program. Nevertheless, when a delegation of the European Space Conference came over here last September, we, with the other agencies concerned, provided the basic answers to the major questions troubling Europe—such as those I mentioned with regard to launch services, technology access and management roles.

We gave positive and generous answers, especially in the absence of even preliminary indications of Europe's potential participation. In summary, we said that we would sell launch services for projects consistent with peaceful purposes and existing international agreements. We said that general technical acecss to the entire program would be available, but that technology at the level of commercial know-how would be transferred in either direction only where one side required it to complete its commitments to the other. We promised broad association in program management, but—since Europe is talking only of a 10 per cent share—we said that we would retain decision-making responsibility except where European costs were directly affected, in which case decisions would be joint.

It seems clear that the next moves are up to our European friends and other interested Western Nations. Our invitation to participate has been clear. Well over a year has been available for information and study. We have provided very broad access in this process, and we have given generous answers to questions regarding the conditions for participation. The urgent needs now are, first, that Europe develop a preliminary expression of its technical interests as quickly as possible. Second, that European personnel sit down with our project personnel to develop this preliminary concept into a joint technical proposition. Third, that we should together apply to this technical package the management and political conditions which are appropriate to it. Finally, the total package would be open for commitment by those nations prepared to go ahead with it.

Whether such a procedure will in fact begin and how far and fast it might then go remain to be seen. These matters must be resolved on the basis of national and international, short-range and long-range interests. If Europe wishes to proceed, we are prepared to do so on any basis consistent with our national program objectives and the requirements of good management. If Europe concludes that its interests lie elsewhere, we will, of course, continue our own programs by ourselves.

We believe that this program, or some other program involving new technology, should become the subject of a Western World joint enterprise: it is important that we in the West learn to work together, soon, on major techincal projects. Our security, in the broad sense, depends on this. Increasingly, the problems of the modern world and its environment require large scale technical solutions along with political solutions. It is important that we learn to cooperate in such matters, so that, in President Nixon's words, we can share both the benefits and the costs of progress.

RELATIONSHIP WITH THE SOVIET UNION

In the case of the Soviet Union (so far as space efforts are concerned), it is particularly important that we give clear recognition to *both* elements of the relationship: competition and cooperation.

We are *competing* with the USSR in the exploration of space, because accomplishments in space represent a measure of the state of our technology; and in today's world, the level of our technology is of first importance, strategically, economically, and politically.

We are striving to *cooperate* with the Soviets in the exploration of space, because we both live in a vast universe that must be explored, where important new knowledge is to be gained, for the benefit of all men, everywhere. It is in the United States interest to cooperate with all nations, including the Soviet Union, to share our resources in gaining this knowledge, and to share the results for the betterment of mankind.

And even though the words "competition" and "cooperation," at first glance, appear to be incompatible, the USSR and U.S. space programs are indeed developing along both of these lines: we were competing in technology, when they first put a man in space, or when we first landed a man on the moon. We are cooperating, for the sake of science, when we exchange lunar samples.

Competition in Space Technology: In 1957, and in the years that followed, we were challenged, publicly, dramatically, and most successfully: Sputnik, Gagarin, and Luna demonstrated that the Soviet system could produce technological results that visibly gave the appearance of leadership.

We accepted that challenge—we decided to compete, to build a strong and powerful space capability for the United States. We built Gemini and Mariner and Saturn V and Apollo. By July 1969, we had clearly established and demonstrated our leadership.

But our leadership is under continual challenge by a capable and determined competitor, as evidenced by Luna 16 and 17, by a continuing Soviet manned flight activity, by the reported development of a new giant Soviet booster, by an R&D expenditure rate that exceeds ours, and by an increased Soviet launch rate while ours is decreasing: in 1970 alone, they placed 88 payloads into space to our 34.

Today the demonstrated lead is still ours, but it will not be an enduring lead without major new initiatives on our part—initiatives like the space shuttle and the exploration of the outer planets proposed in the President's space program for the 1970's.

Cooperation in Science and Applications: We now come to my last subject, one that is particularly timely: cooperative efforts with the Soviet Union. On Monday, Tuesday, and Wednesday of last week, we held detailed discussions, covering a broad spectrum of space research, in Moscow. On Thursday, we jointly initialled a document summarizing the results of these discussions—a document that is to be confirmed by both sides within 60 days and then made public.

The Soviet delegation was headed by Academician M. V. Keldysh, President of the USSR Academy of Sciences. His delegation included 15 top Soviet scientists. I headed the United States delegation and was accompanied by Dr. John Naugle and Mr. Arnold Frutkin from NASA, Mr. William Anders of the Space Council, Mr. Arthur Johnson of NOAA, and Mr. Robert Packard from the Department of State.

At the opening session of our talks, I conveyed President Nixon's desire to expand international cooperation in space with the Soviet Union as well as with other nations.

Our discussions were frank, open, and to the point. The document we prepared, jointly, is quite specific. It spells out certain areas of agreement, and it presents a detailed list of proposals for further discussions, including the following:

Joint consideration of the objectives and results of space research;

The improvement of existing weather data exchanges;

Coordinated research with meteorological sounding rockets;

Techniques for studying the natural environment using space and conventional means;

The expanded exchange of data on space biology and medicine; and

The exchange of lunar samples.

In this last area, we specifically agreed, initially, to exchange three grams of sample obtained from Luna 16, for 3 grams each from Apollo 11 and 12. These relatively small amounts are sufficient for detailed scientific examination of a comparative nature.

We did not, during last week's discussions, hold additional meetings on compatible docking arrangements. This item was not on our agenda, because the docking discussions are well underway, and the planned exchange of information is taking place. We, therefore, merely took note of the fact that those talks were proceeding well.

While in Moscow, we were also invited to visit STAR City, the training area of the cosmonauts. We were welcomed by Cosmonauts Beregovoy, Nikolayev, Leonov, Shatalov, and Valentina Tereshkova. We were shown the Soyuz mission trainer, and were invited to attempt to dock two Soyuz spacecraft in their docking trainer. While there, I also presented a plaque in memory of Yuri Gagarin from the U.S. astronauts. The visit was warm and friendly.

In my remarks in Moscow, after we finished our discussions, I noted that I was pleased with the results. But I also noted that this is only a beginning; that we have now set the framework for cooperative efforts, but that much remains to be done.

Nevertheless, the results of the discussions so far met my hopes and exceeded my expectations. With the framework that has been established, and particularly with the attitudes exhibited and desires expressed by both sides, we have set the stage for substantial cooperation in space research with the Soviet Union, for the benefit of all.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SENATE—*Thursday, January 28, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:30 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, before whom the nations rise and fall, keep us close to Thee in all our ways that we go not astray. Help us to repent of what is wrong. Spare us from repeating old mistakes. Let Thy cleansing grace be with us day by day.

We give Thee thanks for this land which Thou didst give to our fathers as a home for free men. Show us that there is no liberty apart from Thee. Draw us together at this time to do Thy will that our land may be a light to many nations, fulfilling the vision of the holy city on earth where death and pain and crying are no more; where peace abides and nations gather in the light of Thy presence in the one kingdom that is without end.

We pray in the name of the Lord of Life. Amen.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDENT pro tempore proceeded to lay before the Senate the pending motion.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be not called up until the conclusion of the morning business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I do this because commitments have been made, by means of which the distinguished Senator from Oklahoma (Mr. HARRIS) and the distinguished Senator from Maryland (Mr. MATHIAS) will each be recognized for not to exceed 15 minutes.

ORDER FOR RECOGNITION OF SENATOR GRAVEL

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that at the conclusion of their remarks, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I make the latter request because of the fact that the majority leader, who was aware of the request yesterday, failed to make it. It is not to be considered a precedent, because we will try to start work anew.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, January 27, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States during the recess of the Senate until January 29, 1971.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the Senator from Oklahoma will yield to me, with none of his time being taken, would the Senator like the joint leadership to specify the committee assignments now or after he and the Senator from Maryland speak?

Mr. HARRIS. Mr. President, if we might, without taking away any of our time which has been set aside by special order, the Senator from Maryland and I would like to enter into a discussion at the present time with the distinguished majority leader as to what he plans to do with regard to committee chairmen.

We want jointly to submit today a resolution which would amend Senate rule XXIV to provide for the individual nomination, by the relevant caucus, of chairmen and ranking minority members of all Senate committees each 2 years. If we could be assured that this matter would go to the calendar and be voted upon—and I will have the Senator from Maryland speak for himself—we would be willing then to stand aside so that this routine matter of Senate organization, which is a foregone conclusion, might proceed.

If I might, I would yield to the Senator from Maryland at this time to state his plans and intentions.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Oklahoma. I think he has stated what is a fair proposition that if we can be assured by the leadership that the proposal that we have discussed over the period of the past several weeks—a proposal in which we invited every Member of the Senate to join with us in formulating before the end of this session—would be given an opportunity to be discussed and determined by a vote of the Senate, we would have no objection to the orderly conduct of the Senate's business as, I think, proposed by the majority leader.

The PRESIDENT pro tempore. What is the pleasure of the Senator from Montana?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield for that purpose?

Mr. MANSFIELD. Mr. President, did the Senator ask me a question?

Mr. MATHIAS. Mr. President, I merely say to the majority leader that I would not ask him to defer his normal course of business if we could be assured that we would be given time to discuss this proposal and an opportunity for the Senate to vote on it.

Mr. MANSFIELD. Mr. President, I wish I could give a sure-fire answer to that question at this time, but I would like to suggest to the distinguished Senators from Maryland and Oklahoma if they would consider this possibility: That the change in rule XXIV, which they propose, be referred to the Committee on Rules with a stipulation that it be reported back to the floor within a time certain. If that is done, then the joint leadership, as soon as possible, would bring it up on the calendar and bring it to the attention of the Senate for consideration and debate.

This is something in addition to what I have discussed with the Senator from Oklahoma, but since that time I have had other conversations, and I wondered what the reaction of the Senators would be.

Mr. HARRIS. Mr. President, did the Senator have some particular time in mind as to when that resolution might be required to be reported back?

Mr. MANSFIELD. I would say within 10 days or 2 weeks.

Mr. President. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, may I just respond to what the majority leader has said?

When this resolution is called up, if we can have unanimous consent that it be referred to the Rules Committee and reported back to the Senate in not later than 2 weeks, in line with the recommendation of the majority leader, and with his assurance and the assurance of the leadership generally that at that time they would try to call it up as soon as possible, then, for our part, the Senator from Maryland (Mr. MATHIAS) and I are willing to stand aside for the orderly organization of the Senate.

Perhaps Senator MATHIAS would like to respond further to the majority leader in that regard. I am glad to yield to him.

Mr. MATHIAS. No, I feel exactly as does the Senator from Oklahoma. I have utmost confidence in the good faith and sagacity of the majority leader, and I would depend entirely on his assurance in this matter. We all understand there are difficulties and pitfalls in parliamentary procedure, but I am sure we can depend on that assurance, and I would like to go forward on that basis.

Mr. MANSFIELD. May I ask the distinguished acting minority leader for his views?

Mr. GRIFFIN. As I understand, this applies to the selection of chairmen of committees; is that correct?

Mr. HARRIS. And ranking minority members.

Mr. GRIFFIN. And ranking minority members? And the proposal is that there be reference to the Rules Committee, and there be a report within 10 days?

Mr. HARRIS. Two weeks. That is the proposal of the majority leader.

Mr. GRIFFIN. Yes. Well, I am very much interested in this. I had some question in my mind, especially since the committees are not yet established and will take a little while to get underway, as to how quickly they might act in an adequate way on it, but I would assume if they needed some more time, that probably would not be too difficult to achieve.

On the majority side, the greatest interest would naturally lie in the selection of the chairmen. If the majority side is agreeable to that, I certainly think we would have no objection on this side.

Mr. MANSFIELD. May I say I appreciate the remarks of the distinguished acting majority leader, and would point out that this would give us a chance to get the committees established and the names approved.

Mr. President, I send to the desk two resolutions, and ask that they be considered separately.

The PRESIDENT pro tempore. Does the majority leader want the Senate to act on this unanimous-consent request?

Mr. MANSFIELD. Oh, pardon me. What is the unanimous-consent request?

Mr. HARRIS. Mr. President, we could state it if the majority leader wishes. We are in agreement on it. In the meantime, let me make this request:

Mr. President, I ask unanimous consent that the Senator from Maryland (Mr. MATHIAS) and I may yield, despite our special order assigning us 30 minutes time, to the majority leader for taking care of this business, and that immediately thereafter our time begin to run, and we at that time be recognized under the special order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

NUMERICAL MAKEUP OF COMMITTEES

The PRESIDENT pro tempore. The clerk will state the first resolution.

The legislative clerk read as follows:

S. RES. 15

Resolved, That paragraph 1 of rule XXV of the Standing Rules of the Senate is modified to read as follows:

2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	*Members*
Aeronautical and Space Sciences	11
Agriculture and Forestry	14
Appropriations	24
Armed Services	16
Banking, Housing, and Urban Affairs	15
Commerce	18
Finance	16
Foreign Relations	16
Government Operations	18
Interior and Insular Affairs	16
Judiciary	16
Labor and Public Welfare	17
Public Works	16

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDENT pro tempore. The clerk will state the second resolution.

The legislative clerk read as follows:

S. RES. 16

Resolved, That the following shall constitute the majority party's membership on the standing committees, the Select Committee on Equal Educational Opportunity, and the Select Committee on Small Business of the Senate for the Ninety-second Congress:

Committee on Aeronautical and Space Sciences: Mr. Anderson (chairman), Mr. Magnuson, Mr. Symington, Mr. Stennis, Mr. Cannon.

Committee on Agriculture and Forestry: Mr. Talmadge (chairman), Mr. Ellender, Mr. Eastland, Mr. Jordan, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Chiles.

Committee on Appropriations: Mr. Ellender (chairman), Mr. McClellan, Mr. Magnuson, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Montoya, Mr. Inouye, Mr. Hollings.

Committee on Armed Services: Mr. Stennis (chairman), Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. McIntyre, Mr. Byrd of Virginia, Mr. Hughes, Mr. Bentsen.

Committee on Banking, Housing and Urban Affairs: Mr. Sparkman (chairman), Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr. Mondale, Mr. Cranston, Mr. Stevenson.

Committee on Commerce: Mr. Magnuson (chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Spong.

Committee on the District of Columbia: Mr. Eagleton (chairman), Mr. Inouye, Mr. Stevenson, Mr. Tunney.

Select Committee on Equal Educational Opportunity: Mr. Mondale (chairman), Mr. McClellan, Mr. Magnuson, Mr. Ervin, Mr. Randolph, Mr. Inouye, Mr. Bayh, Mr. Hughes, Mr. Spong.

Committee on Finance: Mr. Long (chairman), Mr. Anderson, Mr. Talmadge, Mr. Hartke, Mr. Fulbright, Mr. Ribicoff, Mr. Harris, Mr. Byrd of Virginia, Mr. Nelson.

Committee on Foreign Relations: Mr. Fulbright (chairman), Mr. Sparkman, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Pell, Mr. McGee, Mr. Muskie, Mr. Spong.

Committee on Government Operations: Mr. McClellan (chairman), Mr. Jackson, Mr. Ervin, Mr. Muskie, Mr. Ribicoff, Mr. Harris, Mr. Metcalf, Mr. Allen, Mr. Humphrey, Mr. Chiles.

Committee on Interior and Insular Affairs: Mr. Jackson (chairman), Mr. Anderson, Mr. Bible, Mr. Church, Mr. Moss, Mr. Burdick, Mr. McGovern, Mr. Metcalf, Mr. Gravel.

Committee on the Judiciary: Mr. Eastland (chairman), Mr. McClelland, Mr. Ervin, Mr. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Tunney.

Committee on Labor and Public Welfare: Mr. Williams (chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson.

Committee on Post Office and Civil Service: Mr. McGee (chairman), Mr. Randolph, Mr. Burdick, Mr. Hollings, Mr. Moss.

Committee on Public Works: Mr. Randolph (chairman), Mr. Muskie, Mr. Jordan, Mr. Bayh, Mr. Montoya, Mr. Eagleton, Mr. Gravel, Mr. Tunney, Mr. Bentsen.

Committee on Rules and Administration: Mr. Jordan (chairman). Mr. Cannon, Mr. Pell, Mr. Byrd of West Virginia, Mr. Allen.

Select Committee on Small Business: Mr. Bible (chairman), Mr. Sparkman, Mr. Long, Mr. Williams, Mr. Nelson, Mr. Montoya, Mr. Harris, Mr. McIntyre.

Committee on Veterans' Affairs: Mr. Hartke (chairman), Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston.

Mr. HARRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HARRIS. Under rule XXIV, if a Senator requests it, will there be individual votes on the several chairmen, individually and separately?

The PRESIDENT pro tempore. When the resolution is adopted, it is acted upon as a whole.

Mr. HARRIS. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HARRIS. Does not rule XXIV provide that there be a vote by ballot on each of the chairmen, if that is requested by a Senator?

The PRESIDENT pro tempore. If it is demanded, of course.

Mr. HARRIS. That can be by voice vote.

The PRESIDENT pro tempore. Yes.

Mr. HARRIS. Mr. President, I do so require, saying in advance that I do not intend to vote against any chairman. But I do think it is important to point up this procedure for the future. No effort has been made by anyone to make a case against any individual chairman, but I think the procedure is important. I do not think it is as useful as it would be if the Mathias-Harris rule is adopted, so that individual votes will hereafter be required in the caucuses, where the real choices are made, but to point up the fact that the Senate does elect its chairmen and is responsible for them, and they to the Senate, I think this procedure should be undertaken.

I do require, if I may, under rule XXIV, an individual vote on each chairman listed in the resolution.

The PRESIDENT pro tempore. The Senator is asking for a division of the vote on the resolution as to the chairmanships?

Mr. HARRIS. I invoke rule XXIV of the Senate and thereby require an individual vote on each chairman, again stating to the Senate that I do not intend to vote against any chairman at this time. No effort has been made to make a case against any chairman, but I think the procedure is important.

The PRESIDENT pro tempore. Does the Senator want a voice vote?

Mr. HARRIS. I ask unanimous consent that the votes be by voice vote instead of by ballot.

The PRESIDENT pro tempore. Without objection it is so ordered.

Mr. MANSFIELD. Mr. President, I had not anticipated that this would come up in this fashion. Otherwise, I would have suggested the absence of a quorum and had a live quorum present.

It is my understanding that the move now contemplated would be incorporated in part, in addition to rule XXIV, in the resolution which is to be presented shortly by the two Senators.

The Senator, of course, as the Chair has indicated, is perfectly within his right. The selection of chairmen is subject to a vote in the Senate if it is so desired. But I wonder whether the two Senators at this time would consider the possibility of a unanimous-consent request that all the chairmen be voted on en bloc.

Mr. HARRIS. Let me say, Mr. President, that I do not think it would take long to put those individual questions to the Senate. I certainly did not intend to surprise the majority leader. As I say, I do not intend to try to make any case for stating opposition or casting any vote against an individual chairman. I just thought it was important that we begin this procedure, the kind of procedure which I hope we will follow in the future, and perhaps adopt even in the caucuses.

Mr. MANSFIELD. Mr. President, I withdraw my suggestion. I ask for a vote on each one.

The PRESIDENT pro tempore. The first vote is with respect to the Committee on Aeronautical and Space Sciences, Mr. Anderson, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Anderson's appointment as chairman is agreed to.

The Committee on Agriculture and Forestry, Mr. Talmadge of Georgia, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Talmadge's appointment as chairman is agreed to.

The Committee on Appropriations, Mr. Ellender, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Ellender's appointment as chairman is agreed to.

The Committee on Armed Services, Mr. Stennis, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Stennis' appointment as chairman is agreed to.

The Committee on Banking, Housing and Urban Affairs, Mr. Sparkman, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Sparkman's appointment as chairman is agreed to.

The Committee on Commerce, Mr. Magnuson, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Magnuson's appointment as chairman is agreed to.

The Committee on the District of Columbia, Mr. Eagleton, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Eagleton's appointment as chairman is agreed to.

The Select Committee on Equal Educational Opportunity, Mr. Mondale, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Mondale's appointment as chairman is agreed to.

The Committee on Finance, Mr. Long, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Long's appointment as chairman is agreed to.

The Committee on Foreign Relations, Mr. Fulbright, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Fulbright's appointment as chairman is agreed to.

The Committee on Government Operations, Mr. McClellan, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. McClellan's appointment as chairman is agreed to.

The Committee on Interior and Insular Affairs, Mr. Jackson, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Jackson's appointment as chairman is agreed to.

The Committee on the Judiciary, Mr. Eastland, chairman. As many as favor the appointment will say "aye"; opposed "no."

The ayes have it. Mr. Eastland's appointment as chairman is agreed to.

The Committee on Labor and Public Welfare, Mr. Williams, chairman. As many as favor the appointment will say "aye"; opposed "no."

The ayes have it. Mr. Williams' appointment as chairman is agreed to.

The Committee on Post Office and Civil Service, Mr. McGee, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. McGee's appointment as chairman is agreed to.

The Committee on Public Works, Mr. Randolph, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Randolph's appointment as chairman is agreed to.

The Committee on Rules and Administration, Mr. Jordan of North Carolina chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. The appointment of Mr. Jordan of North Carolina as chairman is agreed to.

The Select Committee on Small Business, Mr. Bible, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Bible's appointment as chairman is agreed to.

The Committee on Veterans' Affairs, Mr. Hartke, chairman. As many as favor the appointment will say "aye"; opposed, "no."

The ayes have it. Mr. Hartke's appointment as chairman is agreed to.

With respect to the remaining membership on each committee, does the Senator from Oklahoma desire that they be voted on separately or en bloc?

Mr. BYRD of West Virginia. Mr. President, before the Senator responds, would he allow me to say one thing?

Mr. President, let the Record show that no negative vote was cast with respect to any chairman.

The PRESIDENT pro tempore. Very well.

What is the pleasure of the Senate?

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MATHIAS. May I inquire what the Senator from West Virginia just said?

Mr. BYRD of West Virginia. I simply asked that the Record show that there was no negative vote—certainly, not audible—with respect to any chairman.

Mr. MANSFIELD. Against any chairman.

Mr. MATHIAS. I am not disposed to question the Senator's hearing. I am wondering whether the Senator from West Virginia would not withdraw that request.

Mr. BYRD of West Virginia. Mr. President, I withdraw my statement. I ask unanimous consent that my statement be withdrawn, at the request of the Senator from Maryland.

The PRESIDENT pro tempore. Very well; the Record will so show.

Mr. SCOTT. Mr. President, reserving the right to object, before the Chair rules, I just use this occasion to say that I am not interposing an objection. This is a function of the majority party. The minority party may or may not have a different point of view. Nothing is to be inferred from this occurrence on the floor whatsoever.

The minority party is in process of preparing its committee list by action of the chairman of the Committee on Committees and the members. That is expected to be reported shortly, and I am unable to state the exact time.

These committees are submitted to our conference for approval, and I hope we can get them in very quickly. But there are certain small, technical matters which need to be developed first, and I make the statement simply so that the Record will show that the full committee list on both sides shortly will be ready, so that the Senate can continue to function.

The PRESIDENT pro tempore. It is the understanding of the Chair that the full committee list of the majority is before the Senate, and the Chair wishes to ask the distinguished Senator——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the membership of all the committees in the resolution be approved en bloc.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

APPOINTMENTS TO FILL CERTAIN VACANCIES ON COMMITTEES

The PRESIDENT pro tempore. The Chair makes the following announcement on behalf of the Vice President:

Under the provisions of section 2251 of title 42, United States Code, the following Senators are to be appointed to fill vacancies of the majority party membership on the Joint Committee on Atomic Energy: Mr. SYMINGTON and Mr. BIBLE.

Under the provisions of section 1024 of title 15, United States Code, the following Senators are to be appointed to fill vacancies of the majority party membership on the Joint Economic Committee: Mr. HUMPHREY and Mr. BENTSEN.

Under the provisions of Senate Resolution 33, 87th Congress, agreed to on February 13, 1961, as amended and supplemented, the following Senators are to be appointed to fill vacancies on the majority party membership on the Special Committee on Aging: Mr. PELL and Mr. EAGLETON.

Under the provisions of Senate Resolution 281 of the 90th Congress, as amended and supplemented, the following Senators are to be appointed to fill vacancies on the majority party membership on the Select Committee on Nutrition and Human Needs: Mr. NELSON and Mr. CRANSTON.

The Chair makes the following announcement:

Under the provisions of section 401 of the Legislative Reorganization Act of 1970, the following Senators are to be appointed as the majority party membership on the Joint Committee on Congressional Operations; Mr. METCALF. Mr. GRAVEL, and Mr. CHILES.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. HUMPHREY). The nomination on the Executive Calendar will be stated.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of ROGERS C. B. MORTON of Maryland, to be Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I rise only to speak of the very high regard I have for ROGERS C. B. MORTON, whom I have known a very long time.

I am strongly of the opinion that his administration as Secretary of the Interior will reflect the same credit on the Government and the Nation as the constructive things made possible by former Secretary of the Interior Hickel.

I wish the new Secretary of the Interior, Mr. MORTON, success in his administration of this position. I am sure that the conservationists, the natural resources people, and all those who have just concerns in this field will find that they are met with complete understanding and cooperation.

I thank the Senator from Maryland for yielding to me.

Mr. MATHIAS. Mr. President, I join the Senator from Pennsylvania in his high regard for ROGERS MORTON as the new Secretary of the Interior. I feel that this is a very important nomination and I am very glad it received the unanimous confirmation of the Senate.

Dr. Samuel Johnson once said:

> In lapidary inscriptions a man is not upon oath.

So it is with many of the things, good and bad, that we in public life say about each other. Many times, what is said is a reflection of the amenities, appropriate for the occasion, rather than a conviction about the facts.

But I do not ask any such latitude today, because it is unnecesary. When I talk about ROG MORTON, I can do so with so much conviction and so much enthusiasm that to say everything I would like to tell you about him would trespass on your patience and on his time. But there are a few things I would like to tell you that may serve as examples of ROG MORTON's dedication and drive and deep-felt devotion to his country.

When I speak of devotion to America I do not speak in abstract terms. ROG is a man who loves the soil, understands its secrets, the springs of its bounty and the discipline it requires. His concern for the earth and all that grows on it and from it is perhaps best encompassed by the word "husbandry" and I cannot think of a better man to lead the Nation in the practice of good husbandry.

ROG MORTON has had experience in nearly all aspects of good husbandry. As a citizen of the Chesapeake Bay country, and later as its representative in Congress, he has learned and practiced the principles of conservation so necessary for a great natural resource that is endangered by the threatening expansion of metropolitan areas. He has become one of the foremost experts in the country on the management and protection of estuarine areas. While he has defined and defended ancient and traditional values, he has been progressive in seeking new and progressive instruments. He has, for instance, been among the first and most vigorous champions of the concept of hydraulic models of vital and endangered bodies of water to scientifically probe the nature of their problems and the sources of their cures.

He has devoted himself to a study of waterfowl and their protection. He and I have drifted on the bay in a silent boat near the thousands of ducks, geese, and swans that come to the Chesapeake and we have shared the pleasure and excitment of recognizing the different species, watching their activity and listening to their calls. Only a man who cares very deeply about nature and appreciates its endless mystery and beauty could respond as he did.

There is a legend on the Eastern Shore of Maryland that when he came there from Kentucky his name was ROGERS CLARK BALLARD MORTON, but that by a process of gradual mutation it has become ROGERS "CHESAPEAKE BAY" MORTON. The mere fact that the legend exists speaks more than any public record about the way his neighbors judge the depth and sincerity of his interest and concern with regard to the bay and the creatures that live in its environment.

But it is not enough to care. It is necessary to know what to do about it. The Department of the Interior is one of the world's larger institutions with sprawling agencies that reach across and beyond the Nation. The ability to administer such an organization is essential to reaching the goals of preserving the earth, the water, and the wildlife of America.

Here again, ROG MORTON has a record of achievement. He has been associated with progressive and successful American business. He knows the patterns of modern management that have given American business its lead over every other national economy. His success in business administration has been recognized by the number of colleges, universities, and foundations that have sought his help as trustee or director at a time when they need to attain the highest level of efficiency and effectiveness.

His record in Government is a further pledge of his prospect for success as Secretary of the Interior. He is a Republican who represents an overwhelmingly Democratic congressional district which gave him 75 percent of the vote in 1970. That means that he has enjoyed unprecedented popularity and must reflect his rare perception of human concerns and the sure touch of his warm responses. Such a man will be able to comprehend the legitimate concern and apprehension of both the Congress and the country about the preservation of the national domain, and will be able to give us both the assurance and the action that will merit our confidence.

President Nixon has found a great source of strength and talent in ROG MORTON. I am convinced that as Secretary MORTON he will provide thoughtful counsel as a member of the Cabinet and vigorous leadership as the head of the Interior Department.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on this subject by the Senator from Colorado (Mr. ALLOTT).

There being no objection, Mr. ALLOTT's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALLOTT

Mr. President, it is my extreme pleasure to rise in support of President Nixon's nomination of Rogers C. B. Morton as Secretary of the Interior.

The Interior and Insular Affairs Committee voted unanimously on Tuesday to recommend confirmation of this appointment and wisely so.

If there were questions about Congressman Morton's qualifications when the hearings commenced, they were quickly dispelled by his knowledge and ability evidenced during the many hours of questioning that ensued.

I heartily recommend confirmation of this nomination.

I am convinced that the Congressional background and experience of Congressman Morton, including, but not limited to, his service on the House Interior and Insular Affairs Committee and the Public Land Law

Review Commission has provided him with a broad comprehension and appreciation of the responsibilities he will assume. Seldom if ever has a nominee come before our Committee who is so well qualified for carrying out the laws enacted by Congress and for achieving the necessary cooperation between the Executive and Legislative branches which must exist if we are truly going to solve the many problems facing our country within the jurisdiction of the Department of the Interior.

It is of utmost importance that, as Secretary of the Interior, Congressman Morton will have the confidence of, and working rapport with, the President.

The experience of Congressman Morton as National Chairman of the Republican Party has contributed to his ability to be a good administrator of the Department of the Interior and its myriad of activities. It will serve him to good stead in performing those duties which he will assume.

One of those responsibilities is overseeing the affairs of the Territories of the United States.

Many problems have arisen in connection with our territorial responsibilities and there no doubt will be many more.

I was, therefore, impressed that the citizens of the Territory of Guam through their representative took the initiative and filed with the Committee a statement in support of Congressman Morton.

Their appraisal of Congressman Morton is that "he is eminently qualified by character, experience and temperament to assume the duties of this high office". I agree with their conclusion.

The President has nominated a man whose background, experience and ability is well known and broadly respected. I am confident that Mr. Morton will serve in this post with distinction.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS

Mr. MATHIAS. Mr. President, I send to the desk a resolution to amend rule XXIV at this time.

The PRESIDING OFFICER (Mr. Humphrey). The resolution will be received.

The resolution reads as follows:

S. Res. 17

Resolved, That the Senate of the United States strike out the existing language of Rule XXIV and insert in lieu thereof the following:

1. In the appointment of the standing committees, the Senate shall proceed by ballot to appoint severally the chairman and ranking minority member of each committee, and the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman and a ranking minority member of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot in the same manner, and a plurality of votes shall appoint. No one shall be appointed chairman or ranking minority member of more than one standing committee.

2. When a chairman, ranking minority member or other member of a committee shall resign or cease to serve on a committee, the vacancy shall be filled in the manner prescribed by Sections 1 and 3 of this rule.

3. The chairman of each standing committee and the other members of the majority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of members of the Senate who are members of the majority party. The ranking minority members of each standing committee and the other members of the minority party necessary to complete its membership on each committee shall be nominated severally by ballot in a conference of members of the Senate who are members of the minority party. In all such nominations, neither conference shall be bound by any tradition, custom, or principle of seniority. A majority of the whole number of votes given shall be necessary to nominate a chairman and a ranking minority member of a standing committee, but a plurality of votes shall nominate the other members thereof. A plurality shall nominate a chairman, a ranking minority member and other members of all other committees.

Mr. HARRIS. Mr. President, for myself and the Senator from Maryland (Mr. Mathias), I ask unanimous consent that this resolution may be referred to the Committee on Rules and Administration, to be reported back to the Senate within 2 weeks.

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. Without objection, the resolution will be received and referred to the Committee on Rules and Administration, to be reported back in 2 weeks.

The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, as chairman of the Subcommittee on Rules of the Committee on Rules and Administration, I offer every assurance to the able Senator from Oklahoma and the able Senator from Maryland, who are the authors of this resolution, that I shall do everything in my power to conduct a day of hearings and will, of course, be bound by the unanimous consent request, if it is agreed to, to report the resolution back to the Senate. I think this is the proper procedure, and the procedure would not circumvent the jurisdiction of the Rules Committee. I think the Committee on Rules and Administration, chaired by the distinguished Senator from North Carolina (Mr. Jordan) and the Subcommittee on Rules, of which I have the honor of being chairman, certainly should have the opportunity to study any proposed change in rule XXIV.

Mr. STENNIS. Mr. President, reserving the right to object, I am in sympathy with the committee considering this proposed change, but I am not a member of the Committee on Rules and Administration. But I do remember that all these resolutions have to be considered by that committee with reference to committee funds. That is no formality, by any means. The case has to be stated. It has to be proved. I know by experience that they very carefully weigh the situation and by no means approve it as a formality. Sometimes it takes days and days and even weeks——

Mr. SCOTT. Will the Senator from Mississippi yield, as I think I could——

Mr. STENNIS. I yield.

Mr. SCOTT. Add some clarification here. As a member of the Committee on Rules, by virtue of the recent rule adopted by the Republican conference, it is necessary that we work out who is to be the ranking member of the Committee on Rules and Administration. We also have to add a new member on that committee. Therefore, at this point, we cannot state with certitude who would be the opposite number to the distinguished Senator from West Virginia on this very important subcommittee handling these matters.

I think early action is imperative, but 2 weeks will take us into the Lincoln-Washington recess. Perhaps we could work out some agreement, say, for March 1.

I do not want to delay it at all, but there are two delays already built in; namely, the recess, plus the new Republican rule, which has to be implemented and will take perhaps a matter of 2 or 3 days to do.

Mr. HARRIS. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I spoke to the Senator from Michigan who will want to reserve his right to object——

Mr. STENNIS. Mr. President, I continue to reserve the right to object just to point out that the chairman of the Committee on Rules and Administration has not been advised of this, as I understand. The minority ranking member does not know of it yet. In deference to the Senator from Oklahoma, under those conditions, I would be compelled to object, but I would not object to a request of more time.

Mr. HARRIS. Mr. President, I hope that the Senator will not object. These matters were discussed here a while ago and both leaders—the distinguished Senator from Michigan (Mr. Griffin) for the minority and the distinguished Senator from Montana (Mr. Mansfield) for the majority—suggested 10 days to 2 weeks, and we took the longer period. We agreed to 2 weeks rather than 10 days. I wonder whether we could not handle it that way. We are not being unreasonable if we could go ahead now with what was a gentleman's agreement, before the Senator from Maryland (Mr. Mathias) and I stood aside to allow the Senate to proceed with some matters. I see no reason for more delay in appointing the minority Republican Member and these other matters coming in there, for instance. If there is reason to lengthen the period, and the distinguished Senator from West Virginia (Mr. Byrd) the chairman of the subcommittee, comes in and says so, then the Senator from Maryland and I will be reasonable in agreeing to some kind of extension, but I wish that we could go ahead now.

We could have protected our rights by not working out any agreement at all until this request was agreed to. We assumed that what the leadership stated would be followed by making this gentleman's agreement with the other Members of the Senate.

I just wonder if we could not follow that kind of procedure.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. HARRIS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Alaska (Mr. GRAVEL) and the two able Senators who presently hold the floor will not be prejudiced by this continued discussion which is already eating into the time of the Senator from Alaska, previously ordered. The senior Senators from Oklahoma and Maryland have yielded part of their time for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, again I say that this is not to be considered as a precedent, as the majority leader stated earlier.

I wonder if the Senator from Oklahoma and his coauthor would consider revising the unanimous-consent request to state that not later than March 1 the resolution be reported back to the Senate from the Rules Committee, which does have jurisdiction. I ask them to request this additional extension in view of what the minority leader has said. I think he was quite correct in interposing the suggestion. If they will do that, I assure them that I will do everything I possibly can to have at least a day of hearings on this proposal and report back to the Senate well in advance, if I possibly can do so, of March 1. I feel that under the prevailing circumstances, the chairman of the full committee, Mr. JORDAN of North Carolina, will approve the procedure which I am proposing to the two Senators.

I have a proposal of my own for a change in the standing rules but I will not offer it until the majority leader gives his approval. My own proposal will be referred to the Rules Committee, and I intend to hold some hearings on my own proposal after the chairman, Mr. JORDAN, authorizes me to do so. So, as the Senator from Oklahoma will see, there will be action in the rules subcommittee.

Mr. HARRIS. Mr. President, I modify my unanimous-consent request as follows: I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration and be reported back not later than March 1.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Rules and Administration and be reported back not later than March 1.

Under the previous order, the Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, the Senator from Oklahoma (Mr. HARRIS) and I have offered the resolution which has been the subject of this discussion after a great deal of thought, after having invited each Member of the Senate to participate in the discussions, after hearing distinguished witnesses from the public, and, let me say very frankly, after hearing the criticisms leveled at the Congress and at the Senate by the President of the United States who was disappointed by the failure of this body to resolve certain questions he had posed to it.

This is not hasty action. We think it is action that is seasonable and necessary.

Mr. President, I think that we did not have as bad a record in the 91st Congress as has sometimes been portrayed to the country. I do not agree with all the criticisms that have been leveled at us. But I would say that a large part of the American public shares with the President some of the doubts he expressed about our operation.

I think this kind of criticism forces us to look at ourselves and to see what we can do to assure that we will be more efficient than we have been in the past, if indeed we have been guilty of this offense. I think that all of us would admit that it is important that this self-examination occur.

One of the most distinguished witnesses appearing before us was the Senator from Arizona (Mr. GOLDWATER). He in his statement recounted his experience covering three terms in the Senate. He felt that the talents and abilities of Senators were not being used as effectively as they could be because of the custom or tradition known as the seniority system. He said that of all the changes that should be made in the Senate, this was the one fundamental change that had to be addressed squarely and honestly. I share those views. I think we have to address them squarely and honestly. That is exactly what the amendment to rule XXIV proposes to do. It gives every Senator a chance to do so.

Aside from this change, let me say that we on the Republican side have been working, effectively, I believe, to bring our side of the aisle into conformity with the wind of change which I sense is blowing.

We have done two very significant things in the Republican caucus. We have brought our conference rules into substantial compliance with the Reorganization Act of 1970 so that the minority leadership has a chance to make minority committee assignments, which will be divided more equally between the minority members.

This has an iceberg aspect to it.

The immediate change would appear to be only a leadership substitution on three standing committees of the Senate. But, in fact, the change is very fundamental. It will not be fully appreciated until the minority committee assignments are announced. It will go all the way through the committee structure on the minority side.

It will give new opportunities to a great many Republican Members of the Senate. It is a change which was adopted by a vote of 35 to 2 in the Republican caucus. I believe that this near unanimity demonstrates not only that the idea was one which was generally accepted, but I think it also demonstrates that many of the Members who might be adversely affected by the change were willing to accept it in the interest of changing not only the image but also the substantive organizational effectiveness of Congress.

I personally would like to pay tribute to those senior members of the Republican Party who did objectively face the challenge and who resolved it despite the impact on their own personal interests.

In addition to this fundamental change on our side, the Republican caucus considered a resolution I offered which points toward the abolition or fundamental change in the seniority system as it deals with any chairmanships and ranking minority memberships.

That resolution was referred to a subcommittee to be appointed by the chairman of our conference. Again it was dealt with objectively and openly. I think there is a real opportunity to bring the congressional machinery into line with the tremendous responsibility every one of us bears. It is paramount that the kind of criticisms that have been leveled against us, to the effect that we are not attending to our business and to the business of the country in the best possible way, cannot and will not be leveled at us in the future.

People will always disagree. There will always be someone who will take a different view on a given issue. But there is no reason why any one of us on either side of the aisle should be forced to plead guilty to a charge that we are not working as effectively and efficiently as the people of America want us to work.

Mr. President, I am happy to yield to the distinguished Senator from Oklahoma who has shown such leadership and has participated so much in considering this difficult and delicate problem in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, I am honored to join with the distinguished senior Senator from Maryland in the joint effort we have undertaken in the way of reform as we see it.

I commend the Senator from Maryland for the excellent work he has done in this field. The resolution which he and I have introduced would continue our joint effort to achieve reform of what we feel is the outmoded seniority system of the Senate.

The senior Senator from Maryland has already outlined some rather major changes that have been made on the minority side of the Senate in the direction of reform.

On the majority side of the Senate we have made some similar advances. The Senate Democratic caucus agreed, on the recommendation of the distinguished majority leader, to regular meetings of the Senate Democratic caucus on the second Wednesday of every month, the first meeting to be held on February 10 next. I think that will prove to be a major step forward toward reform, as has been true in the House.

Second, the majority leader, as he said, at the urging of some of us, for the first time this year submitted for approval by the Democratic caucus in the Senate, all chairmen of the various committees, although en bloc, before those names were submitted by the Steering Committee to the Senate. That is a step forward because it emphasizes the responsibility of chairmen to the majority caucus which selects them.

Third, we have made some advance in the Senate today. Earlier I invoked rule

XXIV requiring a separate and individual vote on each of the committee chairmen in the Senate. This emphasizes that chairmen of committees are officers of and Senate and chosen by a majority of the Senate. I believe that action, together with the new procedure for approval of chairmen in the majority caucus, will have a salutary effect.

The changes which the distinguished Senator from Maryland and I now propose in rule XXIV would require the Senate to go a step forward and elect, one by one, every chairman and ranking minority member of each committee, having first had that kind of separate and individual vote in each of the relevant caucuses. The caucuses under this rule change would nominate each chairman and ranking minority member, and a separate vote on each choice would be required.

I think the issue is public accountability and responsibility in all of these questions of reform; and individual Senators are responsible and accountable for their votes in the Senate. I think the times require there be such things as party responsibility and party accountability and, therefore, by this rule change we want to recognize the existence of the majority and the minority caucuses.

Our proposed change also states that the rule of seniority may not bind the majority and minority caucuses in their decisions.

At our next meeting on February 10 I intend to propose the creation of a committee on seniority reform, and I intend to propose the creation of a committee on qualifications for membership in the Democratic caucus, a matter which is presented to us this year, and I hope the caucus will be willing to establish such committees.

Taken together, these changes go a long way toward opening up the process of choosing committee chairmen and ranking minority members to the direct influence of the full membership of the Senate. The resolution would grant the membership of each caucus and then the full membership of the Senate a real opportunity, not the present illusory opportunity, to decide whether an incumbent chairman had been doing a satisfactory job, whether he had been responding to his own committee members, and to the will of his caucus and the Senate itself on issues and legislation and selection of staff under his committee's jurisdiction.

I believe this resolution will be adopted if the Senate has the opportunity to study it, consider its implications, and vote on it. If we do so quickly—and Senator Mathias and I will be seeking a vote on it just as soon as possible—I believe the very fact of its adoption will have a salutary effect on the way the Senate operates and the way chairmen run their committees, during the 92d Congress.

Mr. MATHIAS. I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska for 10 minutes.

SENATE RESOLUTION 18—SUBMISSION OF A RESOLUTION RELATIVE TO A NEW UNITED STATES-CHINA POLICY

Mr. GRAVEL. Mr. President, the China problem is now closing on the quarter century mark.

A great deal of water has, of course, flowed over the dam since those frightening days in 1949 when the cold war earned its name. For all the rhetoric and emotion, this period has witnessed less enlightened change on the China issue than perhaps on any other major subject of international affairs. Positions formed in the early 1950's have merely hardened with the passing years to a point where they now approach atrophy. Bloodied if unbowed, the China lobby pursues its dreary vision of the PRC as a "non-thing" despite its unquestioned control of over 750,000,000 people, its thermonuclear capability and its fledgling intercontinental delivery system.

After the evacuation of the Nationalist Government to Taiwan in 1949, it appeared likely that the U.S. Government would adopt an essentially hands off position in the matter, whatever our preferences, and would allow the situation to settle as it might. We had no 7th Fleet in the Straits of Formosa and no massive American military presence on Taiwan. Even John Foster Dulles, later a champion of a hard "nonrecognition, no U.N. membership" policy toward the PRC, at the time apparently felt that recognition and U.N. membership would follow in due course, sooner rather than later. The Korean war, of course, changed all of this and our policy quickly became one of maintaining the PRC in a position of international diplomatic quarantine, a pariah among states in the international community. In its essentials, that policy remains the position of the U.S. Government to this day.

It is not, as I have said, my intention to reopen the past or to weigh the arguments, pro and con, which earlier formed our present policy. This has been done in the considerable literature on the subject. I should like, rather, to focus my attention on the present and to view our policy in terms of current international realities.

When the present administration assumed office 2 years ago, it was widely hoped and assumed that the change offered a unique opportunity for a new look and a new direction in our relations with the PRC. The administration has largely ignored the opportunity and has hewed closely to the pattern established nearly 20 years ago. However, on July 21, 1969, the administration did announce a slight easing of travel and trade restrictions with mainland China, thereby relaxing the total embargo which had been in effect since 1950. Six months later, this was followed by limited permission given to subsidiaries of U.S. firms abroad to trade with mainland China in a limited category of nonstrategic goods. These do represent, in theory at least, some gains but have resulted in only a token increase in trade and travel between the two countries when compared, for example, with the volume of trade and travel between our Western European allies and mainland China.

We have also attempted to maintain at least some dialog with the Chinese through the periodic talks at Warsaw which this administration, to its credit, has tried to keep going. But the record of the talks themselves reveal their inadequacy and, indeed, the dangerous limitations of our China policy. In February of 1969, the Chinese canceled the next scheduled meeting, ostensibly over the earlier defection of Liao Ho-Shu, their charge d'affairs in the Netherlands. Nearly a year later, the talks were resumed only to be canceled, once again, by the Chinese after our incursion in Cambodia in April of 1970.

Such an ad hoc approach to serious consideration of crucial problems is nearly as ludicrous as it is uncertain. An entirely unsatisfactory substitute for a continuing discussion in an international forum. These are, moreover, nothing more than a part of our overall efforts to maintain the Chinese cordon sanitaire; to deal with the PRC, when at all, only reluctantly and as second-class citizens in world affairs. How can one fault the Chinese for deeply resenting this disparaging treatment by the United States and tailoring their actions accordingly?

Even as this administration has stood in place, our policy has been overtaken by events as is all to often and unhappily the case. And even as our diplomats have held fast, the people on this country have correctly sensed the need for forward movement and change. In January 1966, 67 percent of those Americans responding to a Gallup poll were opposed to the admission of the PRC to the United Nations. In October 1970, sentiment had come nearly full circle and the figure had dropped to 49 percent. Of those with a college education, 52 percent favored admission. Nonetheless, we continue to perform our yearly dance of the sandchabs at the U.N., barring the PRC from admission while support for our position dwindles away and even our close allies abandon our cause. In the most recent vote in the U.N. General Assembly in November 1970, for the first time a majority of members voting, 51 to be exact, voted to seat the PRC and to expel the ROC. Yes, while all serious observers agree that we will lose this vote within the next several years, and suffer the consequent diplomatic humiliation, we continue to go our increasingly lonely way, self-righteous to be sure but unrealistic most assuredly.

There are still, of course, those who will hold steadfast to that tired old standby that the PRC is not "entitled" to U.N. membership. The PRC has by its conduct, they assert, not measured up to the membership criteria in the U.N. Charter.

If one were to cast stones about the General Assembly, based on the membership criteria, one would strike more than a few of the present members including some of our closest allies. This might result in a smaller and more wieldy forum but one hardly representative of a world organization.

These critics would also have it that the disruptive tactics of the PRC would bring the affairs of the U.N. to a standstill. This, I submit, reveals an unwarranted lack of confidence in the U.N. which has, in the past, survived truly outrageous conduct—the shoe-banging incident comes immediately to mind—and a series of vetoes designed specifically to impede its progress. Such arguments, I suspect, are designed more to cover intense hostility to the PRC than to pass international judgment on a membership question.

If anything, friends of the United Nations should welcome PRC membership as likely to prevent that body from drifting into irrelevance even if the Chinese were disposed to bang their shoes.

Finally, there has been a noticeable and significant change in the apparent outlook of the PRC in recent years while our official attitudes have firmly withstood change.

We are all familiar with the loud attacks by Peking on "American Imperialism" which continue in some degree to this day. Beneath the sound and the fury, however, there has often—one might even say "usually"—been considerable flexibilty. There is, for example, mounting evidence that China in 1965 and 1966 refused to go to the brink with the Soviet Union in responding to escalation by the United States of bombing of North Vietnam. China experts in the United States and elsewhere are now generally agreed that the Soviet Union suggested then that China provide bases from which Soviet planes would defend North Vietnamese Air space. There are also signs that certain Soviet and Chinese officials wanted to cooperate in rattling nuclear missiles at the United States and its allies. In the end, however, the Chinese opted for a stress on long term guerilla warfare as both a safer policy and one which, by getting the United States bogged down on the ground would in the long run be more successful.

Much of the inflation in rherotic and Mao buttons during the cultural revolution, both at home in China and overseas, grew out of the belief that "Soviet revisionists" were trying to use schemes for the defense of Hanoi as a cover to restore their influence inside China by building up a professional military establishment dependent on Soviet money and technology.

Whatever the real reasons behind the cultural revolution, we must not overlook the fact that it covered a policy of great caution toward the Vietnam war. And, since the cultural revolution, Chinese foreign policy generally has begun to stress the value of regular diplomatic relations with foreign nations. As the Members of this body are well aware, in the past year China established diplomatic relations with Italy, Ethiopia, Chile, and equatorial Guinea, as well as with Canada. At least that many other countries are actively exploring the matter.

She has continued to express the warmest friendship for Pakistan despite that nation's long standing military association with the United States and with declared enemies of the People's Republic elsewhere in Asia, a policy which was, incidentally, insulated from attack by China's own McCarthy-like witch hunt during the cultural revolution. Her quiet but consistent expression of continued interest in U.N. membership from the autumn of 1969 onward has been in marked contrast to her statements in 1965 when she endorsed Sukarno's attacks on the U.N. and on the use of U.N. machinery to settle Indonesian-Malaysian territorial disputes in favor of the latter.

The PRESIDING OFFICER. The Senator's time has expired, as agreed to in the previous order.

Mr. GRAVEL. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. May the Chair say that under the previous order the Senate will now proceed to the transaction of routine morning business, with a limitation on statements of 3 minutes, for not to exceed 30 minutes.

Without objection to the previous request, the Senator may proceed.

Mr. GRAVEL. While responding to North Korea's movement away from the U.S.S.R. and closer to her, the People's Republic—in statements, for example, by her military chief of staff, Huang Yung-Sheng—has in the past year carefully refused to associate herself with beligerent remarks by North Korea. Elsewhere in what used to be called the Soviet Bloc, she has resumed ambassadorial relations with those most revisionist of revisionists, the Yugoslavs, and has taken very strong stands against Soviet intervention in Czechoslovakia and other Communist States whatever her reservations about the domestic policies of those states.

The international situation has, moreover, not stood still. China is no longer the "sick man" of Asia but is, rather, one of the five most powerful military nations on this earth. Her standing army is far and away the most powerful in Asia.

Recall that the PRC joined the select nuclear club some 6 years ago in October 1964, and advanced to thermonuclear capability on June 17, 1967.

Current estimates indicate that she is on the verge of deploying medium range ballistic missiles and assuredly intercontinental ballistic missiles will not be far behind. The threat has been sufficiently dangerous for us to prepare for an enormously costly ABM system, at least in part as a defense against China. This action, by maintaining our first strike capacity against China, can only serve to increase Chinese suspicions of and hostility to our intentions. Thus, while our efforts should be directed at bringing the PRC into the international community and, specifically, into international arms control and limitation discussions, our policy of containment and forced isolation works at direct cross purposes to our best interests.

China, to date, has been a party to virtually no arms control and limitation discussions within or without the affairs of the United Nations. Certainly this is, in part, a matter of choice by the Chinese but, by the same token our policy has provided no incentive for the Chinese to reexamine their views. She remains here as in other matters an outsider and potentially a most ominous one.

An adjunct to the overall military situation is the relationship of the PRC with the Soviet Union. Relations between the two deteriorated sharply between 1966 and 1969, bathed in cross vituperation exceeding even that usually reserved for capitalist countries. Whereas the exchange of new Ambassadors signaled a decrease in animosity, current indications are that tensions are again growing with troop buildups on both sides of the 4,200-mile border. And there is even talk of elements in the Kremlin advocating a nuclear preemptive strike. Only the most foolhardy would suggest that the military possibilities of the Sino-Soviet dispute could redound to anything but the disadvantage of the United States and our Government has correctly rejected any such idea. This is, in any case, the type of dispute which might—just might—be defused in the course of consideration in an international milieu. But this, of course, requires at the very least that the parties be brought into an international forum where such discussion might take place. The United Nations could provide the forum.

Sino-Soviet relations then, must be viewed in terms of a three-cornered proposition with ourselves providing the third part of the equation. Both the Chinese and the Soviets view with the greatest interest the state of our relations with the other party. And each positive step we take with one may be interpreted by the other as a provocation. The balance, in short, is a delicate one. All the more reason, I submit, why it is all important to bring our relations with both, to the extent feasible, out of the secretive atmosphere of such as the Warsaw talks and into a multilateral international context.

Whether we like it or not, this country must face the world and the China of 1971. We no longer have the luxury of choosing whether we should adopt a new approach. Indeed, we now scarcely have an option of when to adopt a new policy. China is a thermonuclear power and is now or soon will be capable of triggering nuclear devastation. China will be admitted to the United Nations regardless of our delaying tactics which can only serve to increase her hostility to us and to our efforts to secure peace. China will not remain in economic or diplomatic isolation as even our closest allies have already recognized. The parts will soon be reversed and ours will be the position of isolation.

This administration has not seized the opportunity to build a new policy. I believe it to be of the utmost importance therefore that this body should exercise its traditional role in the formulation of foreign policy and I should like to introduce the following resolution as representing the sense of the Senate:

SENATE RESOLUTION FOR A NEW UNITED STATES-CHINA POLICY

Whereas the People's Republic of China has, for more than twenty years, demonstrated its effective control of the 750,000,000 people on mainland China, representing ¼ of the entire population of the world, and gives every indication of maintaining such control within the foreseeable future; and

Whereas the People's Republic of China is even now among the most powerful nations on earth not only in terms of demographic and economic strength but also, as one of the five thermonuclear states and one on the threshold of possessing an independently developed intercontinental delivery system, in terms of military capability; and

Whereas the People's Republic of China has by its conduct demonstrated increasing willingness to join in both the concerns and activities of the world community of nations; and

Whereas it is in the interest of the United States in support of world peace to encourage this evolution; and

Whereas each year more states of all political persuasions, including some of our firmest free world allies, acknowledge this situation by extending diplomatic recognition to the People's Republic of China or by supporting the admission of the People's Republic of China to the United Nations, or both; and

Whereas the People's Republic of China will be admitted to membership in the United Nations within several years even as the sole representative of China and despite efforts of the United States to bar membership; and

Whereas the United States should exercise its influence in the United Nations through progressive leadership and should not subject itself, through inertia or attachment to the status quo of a vastly different and earlier era, to the role of follower, through a course of diplomatic humiliation; therefore be it

Resolved, That the United States inform both the People's Republic of China and the Republic of China that it is not committed to the indefinite separation of Taiwan from mainland China, and that it shares the expressed interest of both governments in eventual reunification, and that it proposes that those governments attempt by and between themselves to reach a settlement of disputes dividing them and to seek means for accomplishing the eventual peaceful unification of the Chinese people; and be it further

Resolved, That the United States introduce in the twenty-sixth United Nations General Assembly a draft resolution proposing that the People's Republic of China be admitted to membership in the United Nations and all organizations related to it; and be it further

Resolved, That the United States as a permanent member of the Security Council request that the Secretary General of the United Nations consult member nations with respect to the designation of the permanent Security Council seat now occupied by the Republic of China as a permanent Asian seat to be occupied by such Asian countries as the membership may at regular intervals determine.

Mr. President, one part of this resolution you will note, offers directly to seat the PRC in the General Assembly. What it calls for in effect is not the admission of a new member but the return of Communist Chinese representatives. I say "return" for good reasons:

It may surprise some to recall the fact that the 12-man delegation representing the state of China at the San Francisco conference was actually in the nature of a coalition of different parties and one representative, Tung Pi-Wu, was a member of the Communist Party. And the entire Chinese delegation, participated in the signing of the U.N. Charter at the closing plenary session of the San Francisco conference on June 26, 1945.

The representation problem first arose on November 18, 1949, when the newly proclaimed Central People's Government of the People's Republic of China requested the United Nations to divest the ROC of the right to represent the Chinese people in the U.N. It has, of course, been a problem ever since. Between 1950 and 1960, the United States successfully sponsored a resolution to keep the representation issue off the agenda of the General Assembly. Then, in 1961, we adopted a different position, allowing the matter to be placed on the agenda but cosponsoring successfully a resolution declaring the issue an "important question" under article 18 of the Charter requiring a two-thirds-vote for passage. That year, the vote on the substantive issue of seating the PRC and expelling the ROC was 36 in favor, 48 opposed, and 20 abstaining. In the most recent vote on the same question, in November 1970, the vote was 51 in favor, 49 opposed, and 25 abstaining.

Now the resolution which a majority of the GA members voted for last fall explicitly calls for the expulsion of the ROC representatives as well as for the seating of the PRC. You will note that my resolution does not make specific mention at all of the Republic of China, which is already a member of the General Assembly and a permanent member of the Security Council. It is my hope and I am sure it is the hope of other Members of this body to see the continued presence of the Republic of China in the United Nations. The question at hand, however, is how we can in fact take a further step in that direction.

During the two decades the issue has been before the General Assembly, the possibility of a "two China" policy with dual representation in the General Assembly has been treated in almost endless variation by scholars and officials in the field. Some of the proposals have been exceedingly ingenious while others have been simple and straightforward. But all have suffered from one basic and unavoidable flaw. Both the PRC and the ROC have made it abundantly clear on numerous occasions that dual representation is out of the question. Each firmly maintains its claim to represent all of the Chinese people and refuses to sit with the other in the U.N.

In the face of such intransigence on both sides, what then can the Senate and the United States do without further alienating both Chinas and continuing down the road to a defeat on this issue in the U.N.?

As I consider the many varied proposals, it strikes me that one approach has been largely neglected. In their Asia have truly lost sight of this particular forest. We have in the past concentrated largely on what the United States can and should do to provide a careful and by now nearly 20-year study of all the trees, many commentators on solution to the China problem; we have concentrated on questions of how we could exert our strength and influence, perhaps with other outside powers, to reduce the tensions in the area.

Practically nothing has been said about what the Chinese themselves on the mainland and on Taiwan might do toward reaching a settlement. The President did say, in his report to the Congress on a new strategy for peace, that "we have no desire to impose our own prescriptions for relationships in Asia." Yet, our actions have not fully borne out that resolve. Our hand has been in virtually every facet of the relationship between Taiwan and the mainland. And it is my impression that the presence of that hand causes mistrust and fear of domination not only in Peking but in Taipei as well. The Chinese people of whatever era or political persuasion have traditionally resented outside interference and feared outside domination. And history indicates that their fear and resentment have usually been well founded.

This is why the first part of the resolution calls on both Chinas themselves to come up with some solutions. I think we must recognize that ROC fears—in view of the whole history of U.S. involvement in Asia—the day when we might go behind her back to help bring into power on Taiwan a government which is easier to deal with. I do not think any U.S. Government—that I can foresee for the near future—would do such a thing, considering its costs in further and deeper involvement in Taiwan, yet I can understand ROC fears of the possibility. I do not need to elaborate on parallel PRC fears that we might increase rather than decrease our involvement in Taiwan. Why not take a step toward quieting the fears on this point of both parties by taking them at their word and endorsing the eventual reunification of China so long as it is peaceful?

I think that once we have cleared the air on this matter things might eventually begin to move toward the kind of accommodation between both Chinas—whether or not its spelled in some document or open talks—that would allow them to accept each other's presence in the U.N.

The more the United States tries to dictate the terms of a two-China solution to the U.N. problem, the less likely we are, I think, to see such a solution. I do not suggest that the Republic of China now desires the withdrawal of our economic and military presence from Taiwan or the termination of our treaty commitments. I do suggest that in view of their fears of our real intentions that they would likely welcome a statement of our desire that they by themselves seek ways of lessening the tensions in the area, even leading to a peaceful accommodation between the two Chinas. Our stated desire and no more. Beyond that, we should make it clear that we would not interfere. Our position might be conveyed publicly or perhaps privately, whichever the administration feels is most appropriate. But the message should be passed and this resolution would declare it the sense of this body that the administration should so proceed. We have learned from tragic experience in Indochina that Asian solutions are not always best formulated in Washington. Here, I submit, is another area where our bitter experience can be put to good use.

What the first part of my resolution does is make clear to both Chinas that we agree with them on the desirability of their reunification. It promises them that we will not use the Mutual Security Treaty to upset the existing order to the disadvantage of either or both. The second part of the resolution, in this light, is simply an affirmation of our desire to get moving toward better relations with the CPR on terms consistent with our commitments to the ROC.

Both parts move the United States away from efforts to dictate the precise terms of any "two China" solution for the General Assembly. They move in the direction of the kind of atmosphere in which the two Chinas themselves might seek such a solution. The third and final part of my resolution then calls on members of the U.N. apart from the United States to turn their serious attention to the related matter of Security Council membership. Many of these members retain relations with the ROC as well as knowing her in the U.N.; increasing numbers now have relations with the CPR. Neither China has reason to fear their honest suggestions on these matters in the way they both suspect U.S. intentions. Let the United States, then, invite the assistance of other U.N. members in seeking solutions possibly acceptable to both Chinas.

We, therefore, propose, in the resolution, that the Secretary General consult with the U.N. membership about the transformation of the permanent Asian Security Council seat now held by the Republic of China into a permanent Asian seat. Let me elaborate briefly on this proposal.

The Chinese seat has, as I have said, plagued those who advance a balanced solution to the representation question. It may present little difficulty to such as the Albanians who would merely have the People's Republic in and the Republic of China out. But even the Albanians probably realize that the problem is not as simple as they would have it. The issue is loaded with complex legal and technical ramifications. While no one can predict with assurance that will actually happen, it is entirely possible that the problem could provoke a serious crisis by bringing the affairs of the Security Council to a standstill.

There is also the conceptual problem that this presents to Americans dealing with the subject. The simplest solution is to advocate the seating of the People's Republic and the expulsion of the Republic of China on the theory that the People's Republic will accept no other status. The United Nations Association of the United States has, for example, adopted this view. But certainly this treatment of an ally leaves a bad taste even if reason points to its necessity. Is it indeed necessary? I am convinced that it is not.

Creation of an Asian seat in lieu of the Chinese seat is desirable from several points of view. It avoids the either/or dilemma of a continued Chinese seat. But obviously the proposal must be more than simply an easy out for the United States. The proposition has considerable appeal to the other Asian nations who may share in this seating arrangement. The Japanese Government has, for example, already suggested an Asian seat. The growing trend of regionalism in Asia is a factor which we have supported and the creation of a regional seat is in keeping with this trend. The People's Republic has, moreover, rightfully assumed a growing role in the Asian regional context and one can safely assume that it would exert significant influence in determining the representation schema. The Republic of China, as an Asian power, presumably should also play a role. But it is not ours to suggest the constituency for the seat. Let the Asian nations decide this by and between themselves. We have stated our intention of not dictating the "prescriptions for relationships in Asia." We have also supported the growth of Asian regionalism. Here is an opportunity for us to match our actions with our deeds.

We shared last week a feeling of personal loss at the passing of one of the most distinguished Americans ever to serve in this Chamber—Senator Richard Russell. And I can think of no better way to stress the need for this resolution than to use his words. As he put it:

> It's seldom that you cause wars by talking to people, and you sometimes avoid it.

For 20 years we have refused to talk to the People's Republic of China in the United Nations. Let us start talking.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 18) relative to a new U.S.-China policy, submitted by Mr. Gravel, was referred to the Committee on Foreign Relations.

S. 382—INTRODUCTION OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. Cannon), the distinguished Senator from Rhode Island (Mr. Pastore), and myself, I introduce a bill identical to S. 4607 of the 91st Congress—with only minor technical changes—and ask unanimous consent that it be referred simultaneously to the Committee on Finance, the Committee on Commerce, and the Committee on Rules and Administration under the same conditions and terms as the referral of last Congress.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, by unanimous consent the bill will be referred jointly to the Committees on Finance, Commerce, and Rules and Administration.

The bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, introduced by Mr. Mansfield, for himself and other Senators, was received, read twice by its title and referred jointly to the Committees on Finance, Commerce, and Rules and Administration, by unanimous consent.

Mr. CANNON. Mr. President, I am very pleased to be a coauthor and sponsor of the Federal Election Campaign Act of 1971. This bill represents the latest in a long series of legislative proposals designed to strengthen and modernize Federal laws pertaining to election campaigns.

It is common knowledge that the Federal Corrupt Practices Act is obsolete and totally inadequate. Limitations on contributions and expenditures are ignored and the disclosure provisions accomplish nothing of value.

Most campaign money today is used to purchase broadcast time and yet there is neither a limit upon the amount which may be spent nor any required accounting for such expenditures.

Campaign costs are rising astronomically but little energy has been expended in finding new sources of political money. Citizens of the United States should be encouraged to support parties and candidates of their choice.

One method for obtaining greater citizen support is to offer moderate tax credits or deductions. Tax credits and deductions do not place the entire cost upon the Treasury of the United States, as in the case of direct appropriations of funds for the use of political parties and candidates.

Instead, these tax incentives bring about a sharing of the loss in revenues—part of the cost is borne by the taxpayer-contributor and the balance by the Government.

Finally, this Federal Election Campaign Act of 1971 requires full and detailed public disclosure by every candidate and every political committee or organization of all money raised and all money expended.

Information would be available readily concerning the sources from which campaign finances are derived and the manner in which it is spent.

Controls over expenditures for the use of broadcast communications media and nonbroadcast media, coupled with tax benefits to broaden the base of contributions and a complete and open reporting of all political money, will result in greater confidence in the integrity of the Government.

It is my hope that early action will be taken on this bill so that it will be in full force and effect for the elections of 1972.

S. 400—INTRODUCTION OF A BILL TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT

Mr. SAXBE. Mr. President, I, together with Senators MONDALE, BROOKE, and EAGLETON, introduce a bill to be known as the Criminal Justice Reform Act, and ask that it be referred to the Committee on Government Operations and, when reported by that committee, to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, the bill will be received and referred as requested.

The bill (S. 400) to establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform in order to strengthen police protection, improve the prosecution of offenders, expedite overcrowded court criminal calendars and strengthen correctional systems, and for other purposes; introduced by Mr. SAXBE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations, by unanimous consent, and then to be referred to the Committee on the Judiciary when reported by the Committee on Government Operations.

Mr. SAXBE. Mr. President, in introducing this bill, I would like to state that the four of us who introduce the bill are former attorneys general in our States, and we have introduced the bill because we feel that the Federal Government and the States have not undertaken the job of criminal justice and law enforcement to the extent that we feel necessary. This is an effort to bring them into this fight.

When we recognize that only two out of every 100 who are arrested are ever sent to any institution for correction, and when we recognize that at the present felony rate, approximately 3 percent are apprehended, we can see that we are not moving in this area of criminal justice.

This is an inclusive bill, to upgrade law enforcement, to upgrade the courts, and to upgrade the correctional institutions. It indicates an interest on behalf of the Federal Government in meeting this important problem. It is a national problem, and one we must undertake to solve if we are to live without anarchy in this country.

We have worked on this bill almost a year before introducing it. We feel that it does give the incentive to the States that is required to move into this area. It offers financial help. It is a model State program; in other words, it is entirely voluntary, and any State that would be interested could undertake to adopt the plans and to proceed with revamping their entire law enforcement, judicial, and correctional systems.

We want to professionalize the police departments, and we want to make our courts speedy and just, and to make our correctional institutions effective in stopping the spread of crime, and not in spreading it.

THE MODEL CRIMINAL JUSTICE REFORM ACT

Mr. MONDALE. Mr. President, I am joining my colleagues, Senator SAXBE, Senator BROOKE, and Senator EAGLETON, in introducing the Model Criminal Justice Reform Act.

Each of us served as the attorney general of our State. Based on our experience in law enforcement, we know that the best deterrence to crime is an excellent criminal justice system—well-trained and well-paid police, fair and efficient courts, and a modern and flexible corrections program.

Our bipartisan legislation is designed to establish a model criminal justice system in several States voluntarily choosing to participate under this program. Those States would agree to undertake comprehensive reform of their entire criminal justice system, and the Federal Government would pay most of the costs of such reform.

The principle here is simple: Criminal justice must remain primarily the responsibility of State and local governments; but the Federal Government can play a vital role in encouraging and financing reform.

The need for a new attack on crime is clear.

In 1967, the President's Commission on Law Enforcement and Administration of Justice made this gloomy assessment of crime in America:

> There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the Nation. Every American knows that. Every American is, in a sense, a victim of crime. Violence and theft have not only injured, often irreparably, hundreds of thousands of citizens, but have directly affected everyone. Some people have been impelled to uproot themselves and find new homes. Some have been made afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government's ability, or even desire, to protect them.

The situation is no better today. Sundown often brings fear to the streets of our cities. Once peaceful rural areas are now beginning to know this fear.

Each year, crime in America takes its toll in lives, injury, and tension. It has been estimated that crime costs our country between $50 and $100 billion every year.

We have been aware of these frightening facts and statistics for some time. But despite our knowledge, the crime rate continues to spiral.

There are no quick and easy solutions. The causes of crime are complex, and no single proposal will eliminate crime.

Most authorities do agree, however, that crime could be substantially reduced with more well trained and better paid police, speedy and efficient disposition of criminal cases, and corrections programs which rehabilitate offenders. In short, fundamental improvements in the entire criminal justice system of our States and localities would have a direct and dramatic impact on the crime rate in this country.

But the failures and inadequacies of the criminal justice system in most States has been well documented.

The report of the President's Commission on Law Enforcement and Administration of Justice noted this failure:

> The increasing volume of crime in America establishes conclusively that many of the old ways are not good enough. Innovation and experimentation in all parts of the criminal justice system are clearly imperative. They are imperative with respect both to entire agencies and to specific procedures. Court systems need reorganization and case-docketing methods need improvement; police-community relations programs are needed and so are ways of relieving detectives from the duty of typing their own reports; community-based correctional programs must be organized and the pay of prison guards must be raised. Recruitment and training, organization and management, research and development all require reexamination and reform.

A 1969 staff report to the National Commission on the Causes and Prevention of Violence contains the following critical—but I believe accurate—portrayal of the criminal justice process in many States:

> A system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal process, a continuum through which each accused offender may pass: from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back into the street. The inefficiency, fallout, and failure of purpose during this process is notorious. . . .

If any one part of the criminal justice system functions badly the entire system will be adversely affected. An excellent police force is hampered in preventing crime if there are long delays in bringing a defendant to trial; speedy disposition of criminal cases will not prove effective if a convicted defendant is sent to a prison which is only a breeding place for more crime.

As former State law enforcement officials, we realize that most of the crime plaguing this country falls within the jurisdiction of State and local governments—and that the responsibility for law enforcement and the maintenance of an effective criminal justice system begins and ends with those State and local governments. We are firmly committed to the principle that law enforcement must remain a State and local responsibility.

It is difficult to carry out this responsibility without adequate funds, and it is clear that most States and cities simply do not have the resources for meeting the increasingly complex demands being placed on them—from preventing crime to eliminating pollution. Consequently, Federal financial assistance to States and their cities is essential in combating crime. This principle was recognized with the passage of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

Unfortunately, title I of the Safe Streets Act was not designed to remedy the basic defects of the criminal justice system as it exists in most States. This legislation—with its triumvirate leadership in the Law Enforcement Assistance Administration and its use of the block grant funding mechanism with virtually no strings attached—provides little Federal leadership for reform.

Under the Safe Streets Act, grants often have been distributed on a piecemeal basis, and the problems inherent in the overall system generally remain. The Safe Street Act's major omission is its failure to encourage comprehensive reform of a State's criminal justice system with broad Federal assistance.

Without this type of incentive, basic reforms which most experts agree are essential may not be implemented in most States.

As the President's Crime Commission observed:

> Many of the criminal justice system's difficulties stem from its reluctance to change old ways, or to put the same proposition in reverse, its reluctance to try new ones.

It is our belief that with a sufficient financial incentive for undertaking these reforms, some States and their localities would be willing and eager to overhaul their criminal justice system. That is why we have introduced this legislation.

The aim of our legislation is to establish model and experimental programs—hopefully in three or four States—to determine the effect of full-scale and comprehensive reform of the criminal justice system on the crime rate in those States. The program is of course completely voluntary, and no State will be affected by this legislation if it does not choose to enter the program.

There are three essential parts of this bill designed to accomplish meaningful reform. The first is the establishment of broad and flexible standards for reform of each aspect of a State's criminal justice system. The second is the requirement that no State can qualify for this model program unless its plan meets all the standards contained in the bill. And finally, there are the provisions of the bill which specify that the Federal Government will pay most of the total costs incurred in making these reforms.

Title I of this legislation outlines a comprehensive program for reform, with emphasis on law enforcement, the criminal courts, and corrections. States desiring to participate in the program will, with Federal financial assistance, develop and submit a State agenda for the specific implementation of these reforms within their States. Safeguards are built into the legislation to assure that the Federal money is used for the purposes agreed upon by the States and the Federal Government.

Reforms which a State can implement without new legislation or ordinances are classified as "phase I" and those requiring new legislation are classified as "phase II." The State will be given more time to implement phase II reforms, but in no event will a State be given more than 4 years to implement its total plan. The Federal Government will pay 75 percent of the costs of implementing phase I and 90 percent of the cost of implementing phase II.

The State plans will be administered by the chief executive of each State, or by a public agency designated or created for that purpose. At the discretion of participating States, State advisory councils may be appointed to advise the chief executive on the preparation and administration of the State plans, and to evaluate programs assisted under this legislation.

Title II of the bill establishes a new Federal independent agency within the executive branch—the Criminal Justice Reform Administration—to be headed by a single administrator, appointed by the President with the advice and consent of the Senate. This agency will provide technical assistance as needed to the States and localities regarding all aspects of the program. It will also provide for the widest possible dissemination of information obtained under the program—including an annual report to the President on the activities of the Criminal Justice Reform Act.

It should be emphasized that we are not necessarily wedded to all the provisions of this bill in its present form. Rather, it is our hope that the bill will be the subject of extensive hearings; where appropriate, we expect that changes will be made.

We are committed to the basic premises underlying this legislation: That the crime rate will not be significantly reduced unless there is comprehensive reform of every aspect of a State's criminal justice system and that such reform must be planned and implemented by State and local governments with substantial Federal financial and technical assistance.

The standards in our bill are derived from the recommendations of the President's Commission on Law Enforcement and Administration of Justice, various State crime commissions, and studies by those experienced in law enforcement. We believe that they embody broad goals of reform with which most of those involved in law enforcement and the administration of criminal justice can agree.

In introducing this legislation, we do not assume that these standards are cast in bronze. They are, of course, subject to change after hearings and comments by interested individuals and organizations.

Since the standards are crucial to this bill, it might be helpful to summarize some of the more important ones and the problems they were designed to overcome.

LAW ENFORCEMENT

The bill requires uniform standards for recruitment throughout each State seeking to participate in the program. The need for such uniform standards was endorsed by the task force on the police of the President's Commission on Law Enforcement and Administration of Justice:

> Many [police] departments provide little or no training, use ineffectual selection and screening techniques, and have no organized recruiting programs. This results in substantial variation in the quality of police service, not only in different areas of the country, but within the same State.

In Minnesota, the Governor's Commission on Crime Prevention and Control encouraged the use of uniform standards in hiring peace officers.

The bill also calls for appropriate educational requirements for advancement which are uniform throughout each State. Linking education with promotion will simultaneously encourage police officers to pursue advanced education, and improve the quality of the upper ranks of the police service. The Presidents Commission on Law Enforcement and Administration of Justice recommended this approach to improving the quality of law enforcement personnel.

Another important standard would require beginning compensation and increases in compensation which are appropriate for a professional—considering the size of the community for law enforcement personnel and the cost of living in the community in which such individuals serve.

In 1967, the President's Crime Commission produced statistics which showed that the median annual salary for a patrolman in a large city was $5,300; typically, the maximum salary was less than $1,000 more than the starting salary. This was contrasted with the starting salary for nonsupervisory FBI agents of $8,421, with a high of $16,905.

While salaries of the Nation's police have increased since 1967, they are still inadequate. As former U.S. Attorney General Ramsey Clark recently noted:

> Police salaries are woefully low. The average salary of the full-time officer is roughly three-fourths what is required to maintain a family of four at an acceptable standard of living.

The national situation is reflected in Minnesota. According to the task force on law enforcement of the Governor's Commission on Crime Prevention and Control:

> Problems of police compensation hinge to a large extent on the public's attitude toward the police as a profession. Generally speaking, policemen are underpaid in this State. The underpayment, however, is not always reflected in the starting salary, but frequently relates to the top level of salary to which an aspiring policeman can advance.
>
> This is especially true in the large metropolitan area police departments. In the rural areas both the starting salaries and the top salaries tend to be extremely low which, in turn, reflects on the capabilities of officers in small jurisdictions.

Because of their present inadequate level of pay, many policemen in Minnesota and throughout the country are forced to moolight with other jobs in order to support their families. If we want full-time policemen who can concentrate on their law enforcement duties, we must pay a decent wage for such demanding work.

The bill also requires general State standards in a number of other areas relating to police service. For example, several standards are intended to improve existing retirement systems and pension plans.

Finally, the bill calls for a central facility in each State offering short-term preservice and inservice training for all police personnel within the State.

The President's Crime Commission observed that—

> Small rural departments often provide recruits with no training at all. By and large this is a question of money. Training programs are expensive, and they cannot be provided on a local basis for two or three officers at a time.

In Minnesota, the task force on law enforcement of the Governors commission stressed the need for better training facilities. They placed highest priority on the need for quality training—

> Quality training—basic, in-service, and advanced—is in our opinion, the keystone for professional law enforcement.

While the task force lauded the Minnesota Legislature's passage of a bill in 1967 making mandatory the training of new officers who will police a jurisdiction of over 1,000 population, they also noted the lack of both general training funds and facilities:

> Training is now carried on to a limited extent in a few of the larger individual departments or by the training division of the State Bureau of Criminal Apprehension. Needless to say, facilities are inadequate, agencies are woefully understaffed, and there is a gross lack of funds to carry out training programs.

DISPOSITION OF CRIMINAL CASES

The bill contains one basic standard designed to accomplish the expeditious disposition of criminal cases in those States participating in the program. This standard requires that a State—and its localities—implement whatever reforms necessary to insure that the trial of all criminal cases will be commenced no later than 60 days from the date of a defendant's arrest or the initiation of prosecution—whichever occurs first. Failure to meet this standard will result in dismissal with prejudice of the charges against the defendant.

The administrator of this program will specify those periods of delay to be excluded in computing the time for commencement of a trial. For example, delays due to the absence or unavailability of a defendant or hearings on defense motions would probably be excluded from this 60-day limitation.

Underlying this basic standard is the need for States and localities to reform their judicial system in whatever way they deem appropriate to meet the 60-day deadline. Some States might have to increase the number of judges and clerks, and build more courthouses; other States might be able to reach this goal by streamlining their judicial system through the use of professional court administrators and more efficient court procedures. Increasing personnel engaged in prosecuting criminal cases and defending indigents may be another means of reaching this goal.

In any event, the administrator of this act would simply determine whether a State's reform proposals were adequate to insure a speedy trial; the Federal Government would not be dictating a particular scheme for reform.

The speedy disposition of criminal cases is one of the most vital reforms in this bill.

A speedy trial eliminates the unfairness inherent in the lengthy pretrial detention of a defendant—presumed innocent under our system—who cannot raise bail or who is denied bail. Pretrial detention often hampers a defendant in adequately preparing his defense, and while awaiting trial he will usually be confined in an overcrowded institution.

A recent survey by the U.S. Census Bureau revealed the shocking fact that more than one-half of 160,000 inmates in city and county jails throughout the country were being held for reasons other than conviction of a crime. Almost all of the inmates in this category were awaiting trial. These individuals are the proof of inadequate and overburdened judicial systems.

But far more than unfairness to individual defendants results from long delays in disposing of criminal cases. It is clear that such delays are a major cause of our increasing crime rate.

Long delays in bringing a defendant to trial often make it more difficult for the Government to obtain a conviction. Witnesses tend to be less reliable after such delays, and some witnesses are no longer available. And it is the repeat criminal offender who is usually aware of the advantages of a long delay between arrest and trial.

Studies have shown that the longer it takes to bring to trial a defendant out on bail, the more likely it is he will commit a crime while awaiting trial. The pressure for some form of preventive detention would be reduced by more speedy trials.

Finally, it is a truism of criminology that the surest deterrent to crime is the knowledge that its commission will be followed by swift and appropriate punishment. The delays in most judicial systems have obviously negated the impact of this important type of deterrence.

Chief Justice Burger, recognizing the link between increasing crime and court delays, has also recommended a 60-day limit for the commencement of all criminal trials. In a recent interview, the Chief Justice was asked whether delay has been a major factor underlying the rise of crime over the last decade; he responded as follows:

> I cannot think of any judicial factor more important than delay and uncertainty. It's always difficult to assign priorities in this sort of thing, but I know of none I can think of more important than the absence of the sure knowledge that a criminal act will be followed by a speedy trial and punishment.
>
> And that's why I have said that if we could have every criminal trial ready to be presented within 60 days after the arrest or the charge, I think you'd see a very, very sharp drop in the crime rate. It would surely put an end to the large number of crimes committed by men out on bail waiting six months to 18 months to be brought to trial.

As the Chief Justice pointed out, "we cannot blindly cling to methods and forms designed for the 17th and 18th centuries."

CORRECTIONS

In recent congressional testimony, Ramsey Clark described the relationship between our corrections system and crime:

> Of all the activities within the process of criminal justice, corrections has by far the greatest potential to reduce crime, if that is what we want.
>
> The reason is clear. Probably four-fifths of all serious crime is committed by repeaters, persons convicted before of crime, persons identified by the system as having a potential for further crime. At least half of these people, from studies that have now been made, we know could have been rehabilitated, and most of the others could have been kept out of harm's way, if we had cared. But we failed even to try.
>
> Ninety-five cents of every dollar in this Nation that has been spent in penology has been spent for pure custody, iron bars and stone walls, and they don't do the job. We spent 5 cents out of every dollar for rehabilitation, which is crime reduction, and we have manufactured crime in the prisons and jails throughout the Nation. Little wonder we suffer so much crime.

Most authorities would agree with this assessment. As the President's Commission on Law Enforcement and Administration of Justice observed:

> For a great many offenders . . . corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation.

But in corrections, just as in other aspects of the criminal justice system, the recognition of major defects does not automatically lead to meaningful reform.

The President's Crime Commission and other experts have called for the development of a far broader range of alternatives for dealing with offenders. As the Commission pointed out:

> While there are some who must be completely segregated from society, there are many instances in which segregation does more harm than good.

For the incorrigible offender who poses a clear danger to society, maximum security prisons are necessary. But it makes no sense to build an entire prison system designed to serve only the most hardened criminals—thereby forcing all other classes of inmates to adapt to such an institution.

The importance of properly classifying offenders was underlined by the disturbing finding of the President's Crime Commission "that approximately one-fourth of the 400,000 children detained in 1965—for a variety of causes but including truancy, smoking, and running away from home—were held in adult jails and lockups, often with hardened criminals."

As the President's Commission and others have emphasized, a variety of penal institutions and programs are required to meet the special needs of various types of offenders. In particular, the development of community-based correctional facilities—designed to avoid the use of far-removed and isolated insitutions—is considered an extremely valuable rehabilitation tool.

But regardless of how an inmate is classified, it is important that institutions be adequately equipped and staffed to treat the inmates assigned there. Too many of our prisons and jails are overcrowded and understaffed. A recent study of over 3,000 jails by the U.S. Census Bureau found that about 85 percent had no recreational or educational facilities of any kind; about 50 percent had no medical facilities; and about 25 percent had no visiting facilities.

One of the most critical problems in many institutions is the lack of adequate education and vocational training programs. As the President's Crime Commission observed, ex-offenders often cannot secure the jobs for which they were trained in prisons and juvenile institutions. And while more than half of adult inmates in all prisons have not completed elementary school, education programs in our prisons are inadequate.

The President's Crime Commission noted that there are about 6,000 academic and vocational teachers now employed in the Nation's correctional institutions. It was estimated in 1967 that an additional 10,700 were needed immediately to develop effective academic and vocational programs.

Meaningful alternatives to incarceration must be available for various offenders—particularly juveniles and misdemeanants. But parole and probation services in many States do not provide suitable alternatives to incarceration.

In 1967, the President's Crime Commission found that to meet the requirements of both correctional agencies and the courts, there was an immediate need to double the Nation's pool of juvenile probation officers, triple the number of probation officers working with adult felons, and increase sevenfold the number of officers working with misdemeanants.

And as the Commission pointed out:

> These inadequacies can have serious consequences. Lack of community treatment facilities for misdemeanants and juveniles means the neglect of one of the most important lines of defense against serious crimes, since many persons with juvenile or misdemeanant records graduate to graver offenses. Lack of probation facilities also may mean that many minor and first-time offenders, who would be more suitably and economically dealt with in the community, are instead institutionalized. And lack of supervision, particularly through parole, means that the community is being exposed to unnecessary risks and that offenders are going without assistance in reestablishing themselves in jobs and schools.

Another important aspect of corrections reform concerns the treatment and rehabilitation of alcoholics and drug addicts.

In 1965, according to the President's Crime Commission, public drunkenness accounted for one out of every three arrests in America. Since these arrests burden the police, clog the lower courts, and crowd penal institutions, the Commission recommended that communities develop civil detoxification units and comprehensive aftercare programs.

In regard to drug addiction, the President's Crime Commission found that—

> Drug addicts, to support their habits, were stealing millions of dollars worth of property every year and contributing to the public's fear of robbery and burglary. The police, the courts, the jails and prisons and social-service agencies of all kinds were devoting great amounts of time, money and manpower to attempts to control drug abuse. Worst of all, thousands of human lives were being wasted.

It is obvious that many of the old methods for dealing with narcotics addicts simply do not work. Whether an addict is assigned to a prison or to a special treatment facility, he will more often than not return to addiction—and crime to support it—after release.

Some programs—such as methadone maintenance—have proved successful in treating drug addicts. However, a great deal of research must be done before we will know the best methods of eliminating this terrible problem.

It is clear that States and local governments—with Federal assistance—must put more emphasis on programs for treatment and rehabilitation of drug addicts and alcoholics. Such programs should be available both to inmates in institutions and as alternatives to incarceration.

With these problems in mind, our bill provides some broad standards for corrections reform. A State seeking to enter this program must show that it has:

Established a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

Established a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

Provided comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of criminal offenders;

Provided separate detention facilities for juveniles including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

Established standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

Provided parole and probation services for felons, for juveniles, for adult misdemeanants who need or can profit from community treatment, and for offenders who are released from correctional institutions without parole;

Established caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

Established statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of inservice training;

Developed and operated programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration.

There are those who may argue that merely establishing standards for criminal justice reform in congressional legislation will inevitably lead to Federal control over all law enforcement. There are several reasons why this fear is unjustified.

To begin with, the purpose of this legislation is only to establish model criminal justice systems in those few States voluntarily choosing to participate. The legislation is not designed to impose a single type of criminal justice system on the entire country; rather, its aim is to determine the impact of truly comprehensive reform on a statewide basis.

Furthermore, we have insured that the standards contained in this legislation are as flexible and as noncontroversial as possible. There may be some people, for instance, who still believe—in the face of abundant and indisputable evidence to the contrary—that the best way to rehabilitate criminals is to incarcerate them in dungeonlike prisons built in the 19th century and put them to work breaking rocks and digging holes. These people, it is true, will be offended by our recommendations for reform of our dismally unsuccessful corrections programs. But I believe that most will agree that the bill's standards for corrections—like the other standards in the bill—represent the consensus of the best thinking in the field, and that they point to much-needed and long-overdue reforms.

These standards are very broadly drawn—in such a way that the specifics of implementation must be left to the States. And different States can qualify under the bill's standards by implementing entirely different reforms—suited to the particular problems in those States.

For example, the standard for speedy disposition of criminal cases simply establishes a 60-day limit in which a trial must be commenced. To meet this standard, some States may hire court administrators to make their court system more efficient; others might find it necessary in its plan to call for additional judges and court personnel. But whatever the actual reforms, they will be chosen by the State and they will be uniquely designed to solve that State's problems.

Finally, if we are to avoid anything approaching a national responsibility for all law enforcement—which I believe would be disastrous—it is imperative that State and local governments begin the job of reforming their outmoded criminal justice systems. Many Americans are increasingly looking to Congress and the Federal Government for a solution to the problem of crime. And if the crime rate of the 1970's repeats the pattern of the 1960's, there will be greater public pressure to enact Federal criminal laws with an increasingly broad reach, as well as to expand the powers of the Federal Bureau of Investigation. The only way to check this tendency is to strengthen State and local law enforcement.

Our bill, then, is not an effort to make the Federal Government responsible for all law enforcement. Instead, it is based on the assumption that the States and localities—with substantial Federal assistance—can sharply reduce their crime rate by comprehensive criminal justice reforms.

Justice Felix Frankfurter reminded us some years ago that—

> There is no inevitability in history except as men make it.

And yet, for too long, Government has acted as if an increasing rate of crime was inevitable and beyond its reach. We have been overwhelmed by the apparent complexity of the problem, ignoring the obvious relationship between rising crime, on the one hand, and low police salaries, long court delays, and disgraceful prisons, on the other.

Many of the reforms which this bill seeks to encourage are relatively easy to implement; others will take time and require the investment of money and other resources.

But we clearly have the means to carry through all of these reforms and to make them work.

Rising crime need not be a fact of life during the next decade. Only our inaction and inertia will make it so.

Mr. EAGLETON. Mr. President, I am pleased to join today with the senior Senator from Ohio (Mr. SAXBE), the senior Senator from Minnesota (Mr. MONDALE), and the junior Senator from Massachusetts (Mr. BROOKE) in introducing the Model Criminal Justice Reform Act of 1971. This bill is the product of many months of work by these three Senators and myself.

Each of us has served as the attorney general—the chief law enforcement officer—of our respective States. Each of us has witnessed the ever-increasing rise in crime and the continuing inability of local and State governments to stem it.

Despite claims to the contrary, FBI statistics show that crime is on the increase this year—as it was last year—as it has been nearly every year since the 1940's.

Last year, a national Gallup poll found that Americans rate crime as the most serious domestic problem and the problem that should be given the top priority by Government during 1970 and 1971.

Clearly, the Federal Government, on its own, cannot stop street crime—the kind of crime that most affects our citizens and imprisons them in a cage of fear. We do not need, nor do we want, a national police force. Law enforcement is, and must continue to be, primarily the responsibility of State and local agencies. Yet the near bankruptcy of local government in many areas is a demonstrated fact. Our States and cities are having a difficult time even maintaining present essential services, much less improving them.

So the Federal Government can help in this effort—and it can help a great deal. Federal support of local law enforcement began on a small scale in 1965, but the real effort dates from 1967 with the publication of the report of the President's Commission on Law Enforcement and the Administration of Justice. This report, with its far-reaching analyses and recommendations, gave impetus to the movement for large-scale Federal action, culminating in the enactment of the Safe Streets Act in 1968.

Under this act, substantial sums have been funneled to the States through the Law Enforcement Assistance Administration—LEAA—within the Department of Justice. Appropriations for this program have risen from $63 million in fiscal 1969 to $480 million in fiscal 1971. This afternoon the Department of Justice will brief the press on the budget request for fiscal 1972. I am not going to anticipate this event but I will say that the Administration will seek a very sizable increase in LEAA funds.

In sum, nearly $800 million has been distributed to State and local law enforcement agencies since the inception of LEAA. It would be a mistake to claim that these funds have not been useful—in fact, they have.

But it is equally certain that these funds have not brought about the changes in our law enforcement system recommended by the President's Crime Commission that are essential if we are going to do a real job of stopping crime. Under LEAA, Federal assistance has been used simply to reinforce the criminal justice system in its traditional modes of operation.

The bill we are introducing today also envisions the expenditure of substantial sums to assist local law enforcement but it differs from the LEAA program in that the funds must be used to bring about necessary change. Federal funds will be used to pay for improvements—comprehensive reforms of the criminal justice system in every State that elects to participate on a voluntary basis.

The bill does not mandate change in every State. No State is required to participate. But if a State wishes to avail itself of the benefits provided under this bill—payment of up to 90 percent of the total cost of improving its criminal justice system—then the State must undertake to meet certain goals spelled out in the bill.

These goals are based upon the recommendations of a number of law enforcement experts. They encompass the entire criminal justice system—standards for police and other law enforcement personnel, for courts, for corrections, for treating juvenile offenders, and so forth.

The principal source for the goals—or standards, if you will—expressed in this bill is the President's Crime Commission report. We have also utilized the recommendations of a number of State crime commissions. We have been fortunate to have the advice of individuals in the top rank of those who prepared the President's Crime Commission report and also look forward to the assistance offered by the American Bar Association's Special Committee on Crime Prevention and Control, under the chairmanship of Mr. Edward Bennett Williams of Washington, D.C.

No one expects this or any other bill to reform human nature. The causes of crime are many and diverse and I doubt that any legislative program can deal with all of them. Yet there are two things that we know can be done and we know how to do them: First, law enforcement agencies can be improved so that more offenders are apprehended and brought into the criminal justice system; and second, the system can be improved so that punishment will have greater meaning as a deterrent and incarceration will work as rehabilitation.

We are confident that this result can be obtained, Mr. President, if comprehensive reform is instituted. Our experience as law enforcement officers has taught us that the present system is not working. That experience, along with the experience of many other authorities in this field, has taught us what needs to be done. The Model Criminal Justice Reform Act which we introduce today embodies this collective wisdom. We urge its early consideration by the Senate.

S. 397—INTRODUCTION OF A BILL TO EXTEND THE ECONOMIC OPPORTUNITY ACT OF 1964

Mr. JAVITS. Mr. President, for myself and Senators CASE, SCHWEIKER, and MATHIAS, I introduce a bill to authorize appropriations for the programs under the Economic Opportunity Act of 1964, for an additional 2-year period through June 30, 1973; without an extension the authorization will run out this June 30, 1971. In keeping with past practice, the bill which I introduce would also extend for 2 years the general provisions of the act itself; these "durations of program provisions" would expire June 30, 1972.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill will be received and appropriately referred.

The bill (S. 397) to extend for 2 additional years the authorization of appropriations contained in the Economic Opportunity Act of 1964, introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I speak as the ranking minority Member of the Labor and Public Welfare Committee, which handles this legislation. I have heard the President's proposals for reorganization.

The President's state of the Union message suggests what has been expected for some time—that the administration will propose substantial changes in the manner in which programs dealing with poverty are to be conducted and indeed in the agencies which are to be entrusted with their administration. It is now generally anticipated that plans will include a "spin-off" of a number of the functions of the Office of Economic Opportunity into the proposed Departments of Human Resources, Community Affairs, and Economic Redevelopment and an assumption of many activities on behalf of the poor by the States and localities under revenue sharing.

While these proposals are being presented and reviewed—and we can expect that consideration of such far-reaching changes will occupy this Congress for most of its term—we cannot afford to have the existing poverty program undermined and demoralized by an insecure tenure.

We must therefore be open to the possibility that it may be in the best interest of the program to effect early this year a simple extension such as I now propose, to allow for a thorough review of any proposed changes to be made over the long term. It is my hope that both the administration and the members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, will keep that possibility in mind as the overall legislative situation evolves.

However, I wish to make clear that this proposal is offered as much more than an interim measure.

The extension is offered with the conviction that the current method of conducting the poverty program—by the Office of Economic Opportunity on the Federal level and through essentially the community action agencies on the local level—is an effective means of attacking poverty.

The burden will be on the administration in its proposed reorganization to show that both benefits to the poor and the involvement of the poor can be preserved and increased in another framework.

Before indicating what new substantive initiatives I shall propose in the context of the consideration of the extension of the Economic Opportunity Act itself, I wish to comment briefly upon the President's state of the Union message in terms of its implications for the poor of the Nation.

Quite clearly, if properly and adequately implemented, three of the six goals stated by the President—welfare reform, full employment and health care—will contribute substantially to eliminating the gap between promise and reality for many poor Americans. These are most commendable initiatives in areas where I have submitted proposals in the past, and in each case I intend to make every effort to insure that the goals are implemented in the most meaningful attainable manner.

However, the dividends for the poor to result from implementation of the fifth goal—revenue sharing—are still unclear. Revenue sharing itself—that is, the President's proposed $5 billion in new and unrestricted funds for fiscal year 1972—is a needed response to State and local fiscal crises; but that part of the plan to replace the existing grant-in-aid programs with revenue sharing under which funds could be applied for any of six broad purposes—urban development, rural development, education, transportation, job training, and law enforcement—leaves me deeply concerned.

The President assured us in his address that neither he nor the Congress "can permit money which comes from the people to be used in a way which discriminates against some of the people." However, it is not merely discrimination in the application of program moneys that raises the potential of damage, but discrimination as between program priorities on the local level. Experience has shown all too well that permitted the opportunity to decide, States and localities would tend to apply disproportionate funds to transportation or law enforcement over job training or redevelopment of poverty neighborhoods. Moreover, it is axiomatic that State and local governments have traditionally been less sympathetic than the Federal Establishment to minorities—who constitute such a large number of the poor—necessitating the strong Federal role which has characterized our social programs over the last decade.

Mr. President, the reason we put the poverty efforts on the Federal level was because the States and cities did not perform their responsibilities. Now, if we are going to go back, we have to go back on the assurance that they will perform. In the meantime, the poor have to eat, they have to live, they have to be rehabilitated. This is going to take a little time, and, as the act expires this June, Mr. President, I feel the most intelligent and fair thing to do is to give us and the poor a chance to breathe.

It will be necessary therefore, to scrutinize carefully the proposal to shift funds from existing grant-in-aid programs to provide the States and localities, in the President's words "with more money and less interference" since so-called "interference" has been necessary in the past to get delivery of services for the poor which can break the poverty syndrome.

Mr. President, in my opinion, the President has quite properly sensed that a large amount of the current frustration of the American people arises from a feeling that the forces shaping their lives have grown more distant and more impersonal. In response he stated:

> We hear you and will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

The doctrine that those on the local level can best determine what is in their interest cannot stop at the State house or the mayor's office; it must extend to neighborhoods—which irrespective of political jurisdiction—may be said to constitute a "community" for the poor. For it is true today in our society that those who live in the ghettos, barrios and rural poverty pockets of our Nation are more distant from the mayor's office than from the Federal establishment.

Bridging that gap has been one of the underlying purposes of the poverty program and it must be the continued thrust of future legislative initiatives to deal with the problems of the poor.

If we are serious about "putting the power where the people are"—then we must work up and out from where the poor people are—not backward or "downward" from the Federal Government stopping at the States and cities.

I shall submit in the coming weeks as additional amendments to the Economic Opportunity Act, hopefully with other members of the Committee on Labor and Public Welware, three proposals to strengthen the involvement of those at the community level.

First, I shall reintroduce, as an amendment to the Economic Opportunity Act, the Comprehensive Community Child Development Act of 1971. The act, which I first introduced on December 10, 1970, as S. 4577, is designed to provide a comprehensive program of community-based and coordinated child development programs with substantial funding and with the objective of making such programs universally available throughout the Nation. It is drafted on the underlying principle that the essential decisions with respect to child development programs should be made at the community level and that "community" should be defined for that purpose so as to include not only a local governmental area, but a neighborhood or other portion thereof.

It is structured also on the assumption that we must build on the success of the Headstart program. The act contains a number of provisions insuring that agencies administering Headstart programs have the first opportunity to initiate a community council for child care and to be appointed as the administering agency, as well as to comment on all plans.

Second, Mr. President, I hope to join with Senator NELSON and other members of the Committee on Labor and Public Welfare in developing a new and expanded authorization for community-based economic development, and related minority enterprise activities.

In its report of over 2 years ago, the National Advisory Commission on Civil Disorders—the so-called Kerner Commission—recommended a war on poverty on four fronts:

The first, and largest was employment; the second, economic development of poverty areas and encouragement of ghetto business ownership; the third, reform of the present welfare system; and the fourth, a national system of income supplementation. In the context of the consideration of the proposals for a new comprehensive manpower program and for an historic reform in our welfare system, this Congress has the opportunity to move substantially toward implementation of the Kerner Commission recommendations on three of these four fronts.

However, despite growing interest in the slogans of economic development and of minority enterprise and new initiatives by this and previous administrations, we have not developed a comprehensive economic development or minority enterprise strategy.

In this area, as in child care and other areas, I submit that the key is the mobilization of the community with the assistance of business, industry, and other private sector elements generally.

This was the original intention of the special impact program authorized under title I–D of the Economic Opportunity Act, which I coauthored with the late Senator Robert Kennedy. And it has been the thrust of successful efforts in Bedford-Stuyvesant in my own State and in other parts of the Nation. Yet the appropriation for these programs was only $36.1 million in fiscal year 1971 and these efforts clearly have not been given the priority that their maturity deserves.

The consideration of increased community-based economic development—which I hope the Subcommittee on Employment, Manpower, and Poverty will undertake—should be coupled with a review of the adequacy of current institutions to stimulate the influx of low-interest capital into poverty areas.

In 1967, I proposed the establishment of a Domestic Development Bank, a profitmaking corporation authorized to make and participate in long-term, low-interest loans and guarantees and to provide supportive technical assistance, in order to stimulate employment opportunities and minority entrepreneurship in such areas. The proposal envisions the use of governmental funds and resources essentially as levers to move the private sector into a position that can supplement current strictly governmental efforts to fight poverty. I shall reintroduce that proposal for consideration in this session of the Congress.

Third, Mr. President, I shall propose a number of other changes in the Economic Opportunity Act which I hope will advance the concept of decisionmaking at the community level.

In his July 8, 1970, message to Congress, which set forth widely acclaimed recommendations for Indian Affairs, the President said:

> Even as we reject the goal of forced termination so must we reject the suffocation pattern of paternalism. . . . There should be no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the Federal government.

Mr. President, while there are special circumstances involved in the case of the Indians, the same basic philosophy should underlie our policies as to the Nation's ghettos, barrios, and rural poverty pockets. While we must seek an integration of all people and avoid unhealthy, divisive segregation, we must recognize the need for self-determination on the part of those who are seeking to escape from a life of poverty.

To this end, I shall propose that the highest priority in efforts and funding be given to local initiative activities—those programs and activities developed and conducted by the poor themselves through their community action agencies. There are more than 1,000 such agencies in the Nation. These activities may be distinguished from the so-called national emphasis programs, such as Headstart—which though also conducted by community action agencies—are Government initiated and directed by their essentially indigenous nature. Such programs include efforts to provide food or transportation assistance. Local initiative has been a great source of new solutions for the problems of poverty. Nevertheless, according to information prepared by the Office of Economic Opportunity, the percentage of community action funds allocated to local initiative dropped from 48.7 percent in fiscal year 1965 to 34.2 percent in fiscal 1967 and to 31.2 percent in fiscal 1970.

Mr. President, last year—in the Economic Opportunity Amendments of 1969—the Congress made a basic commitment to local initiative by reserving $328,900,000 for that purpose. It is essential that the commitment be maintained—and indeed expanded. An essential part of this year's legislation must be a specific allocation of local initiative funds.

It is unfortunately clear that whatever legislation priority may be given to funds for local initiative, they will still be substantially unequal to the ideas generated and the efforts that could spring from the local level. Accordingly, I shall submit a number of provisions to increase private financial support of such activities, to supplement the Federal contribution.

I intend to submit also provisions greatly to increase the funds available for related purposes to expand funds for the neighborhood center concept.

I should add that in the context of any proposal of the administration it will be appropriate to review the extent to which the so-called Governor's veto provision of the Economic Opportunity Act is itself consistent with the concept of decisionmaking at the community level.

Mr. President, the President has called for a "new American revolution"—a peaceful revolution in which power is to be turned back to the people—and in which government at all levels is made more responsible. As he noted:

> It can mean that just 5 years from now America will enter its third century as a young nation new in spirit, with all the vigor and freshness with which it began its first century.

We will not enter our third century in the manner hoped for unless we have made substantial headway in achieving the goal set forth in the Economic Opportunity Act:

> To eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity to work and the opportunity to live in decency and dignity.

While pollution may be our principal discomfort—and I yield to no one in concern and efforts to work for a better environment—poverty and discrimination continue to be our principal disgrace.

I hope therefore that the administration—in addition to the goals relating to Federal-State relations and the reorganization of the Federal Government itself—will establish certain goals relating directly to poverty so that we can approach our centennial with justified feeling that we are gaining and will eventually win this crucial battle.

In that connection, I hope that the administration will reinstate the practice of preparing a 5-year poverty plan, indicating what the Federal strategy against poverty will be between now and our bicentennial celebration.

THE PROPOSED DISTRICT OF COLUMBIA "RECIPROCAL INCOME TAX"

Mr. **BYRD** of Virginia. Mr. President, once again the government of the District of Columbia is attempting to impose a tax on the earnings of citizens of Virginia and Maryland who work in Washington.

Twice before—once in 1967, and again in 1969—the District Government proposed a "commuter tax" on the wages of suburban Virginia and Maryland residents.

This time, the proposed tax has taken a new form and has a new name: it is called a "reciprocal income tax," and under this proposal Maryland and Virginia also could tax the wages of District residents who work in those States.

But this "reciprocal" arrangement, while it has an appearance of fairness, is in fact inequitable.

According to published estimates, the District of Columbia would take in $51 million, while Virginia would lose $17 million in tax revenues and Maryland $28 million.

The States of Virginia and Maryland can do without that kind of reciprocity.

The real result of any such arrangement would be that Virginia and Maryland, already hard-pressed for funds, would have to increase their own taxes to make up for this loss of revenue.

That would mean that every taxpayer in these two States would be paying a special subsidy to the government of the District of Columbia—over and above the subsidy which every American taxpayer pays to the District through Federal taxation.

It must be kept in mind that each year the Federal Government makes a major contribution to the expenses of the District.

This year the amount of the so-called Federal payment is about $125 million. But according to the Senate Appropriations Committee, this figure represents only a small part of Federal support for the District: The actual total is a staggering $537 million.

And in addition to their own share of the national contribution to the District of Columbia budget, Virginia, and Maryland residents pay sales taxes on items they purchase when they shop in Washington.

Advocates of the proposed new District income tax point to the fact that the individual taxpayer in Virginia and Maryland would receive a tax credit against the amount they would normally owe in their own States. Thus the District tax would be deducted from the State income tax bill of the commuters.

But two observations need to be made about this procedure.

First, the District tax is graduated up to a higher level than the income tax of either Virginia or Maryland. The top rate in the District is 10 percent; in the two States, the highest rate is 5 percent.

Thus, many Virginia and Maryland residents would be paying a higher tax bill.

The second point is this: The loss in revenue for Virginia and Maryland would have to be made up in some way.

It may be trite to point out that money does not grow on trees—trite but true.

The only way Virginia and Maryland could compensate for their loss of tax funds would be to create new taxes, or increase old ones, on their own residents.

I recognize that the District of Columbia, like all cities in the United States, faces financial problems.

But to impose special taxes on the residents of Virginia and Maryland to bail out the District of Columbia is unjust.

The **PRESIDING OFFICER**. The Senator's 3 minutes have expired.

Mr. **BYRD** of Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CHURCH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Is there

objection? The Chair hears none, and it is so ordered.

The Senator from Idaho is recognized.

SENATE CONCURRENT RESOLUTION 3—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR INDIVIDUAL AUTHORIZATION FOR CORPS OF ENGINEERS PROJECTS

Mr. CHURCH. Mr. President, at the time the Senate passed the Omnibus Rivers and Harbors Act last year, I served notice that I intended to introduce legislation early in this session of Congress which would require all major Corps of Engineers projects to be approved on a project-by-project basis in lieu of omnibus legislation.

At that time, Mr. President, I pointed out that under the omnibus approach we approve projects which affect areas so geographically diverse that there is no way one Senator can know the effects of these multiple projects upon the ecological system of the Nation. No one Senator can be aware of the opposition expressed by citizens in particular areas of the Nation to particular projects. Even given the increased awareness of environmental problems over the past several years, it is a rare case when a given corps project attracts sufficient public attention to be noticed by Members of Congress. It is just a simple fact that no one can assess properly the projects that are lumped together in so large a package as the omnibus bill.

It is my feeling, Mr. President, that the time has come for a change in this shotgun approach to authorizations for the Corps of Engineers.

So, today, for myself and my colleague, Mr. Jordan of Idaho, I introduce a concurrent resolution which would require all major Corps of Engineers projects to be approved by Congress on a project-by-project basis.

At present, Corps projects—when they come to the Senate floor—are all packaged together. The present system leaves little room for the Members of Congress as a whole to consider these projects on their individual merits.

At a time when all were agreed on the need to construct—as fast as possible—flood control projects to save life and property, or hydroelectric projects to light our farms, there was a good argument to be made for the omnibus approach. The omnibus bills expedited consideration by Congress.

But those days are largely past. All too often today, projects of the Corps of Engineers are much more marginal in terms of cost-to-benefits ratio, and increasingly controversial.

A list of questionable public works projects could go on for pages, as every Senator knows. Not all of them are Corps projects, but many of them are. That is why, as we move into the last three decades of this century, it is important that we reflect carefully on each new project we build. What will be its impact on the environment? What will it destroy? What will it add? Are economic benefits outweighed by other factors?

To answer these questions wisely, major projects, at least, should be considered individually, as reclamation projects are, so that Senators might vote on them one at a time, after all of the pertinent information is disclosed.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the Record at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. Humphrey). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 3) to provide for individual approval of each Corps of Engineers project by the Congress, was referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. Con. Res. 3

Resolved by the Senate (the House of Representatives concurring), That, on and after the date of the approval of this Concurrent Resolution, projects to be carried out by the Secretary of the Army, through the United States Corps of Engineers, shall be approved by the Congress on a project-by-project basis in lieu of omnibus legislation.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my distinguished colleague, Senator Church, as a cosponsor of a resolution to require separate authorization of Corps of Engineers projects.

Good water resource projects can stand detailed analysis and win acceptance on their merits, without having to be lumped together in an omnibus bill. This has been amply demonstrated in the Federal reclamation program, which has been subjected to separate project authorization since the construction agency was established in 1902. In spite of the requirement for separate authorization by the congressional Interior Committees, the Federal reclamation program has played a major role in helping the arid and semiarid West develop water needed for its rapid growth during the 20th century, and at the same time, accumulating a multibillion-dollar backlog of authorized projects for future funding.

Having served on both the Senate Public Works and Senate Interior Committees, I have no reluctance in urging acceptance of this proposal. Soundly conceived water resource developments are some of the best public investments this Nation makes, returning multiple benefits many times in excess of capital costs. The projects also generally enhance man's environment by providing valuable water-oriented recreational playgrounds, reducing flood damage, providing largely pollution-free power generation and water transportation, and creating oases of irrigated green space in the vast open reaches of our plains and mountain-desert country.

However, when such otherwise soundly conceived projects are combined into an omnibus bill, with projects for every State and congressional district, the public is led to question their validity and to listen to the usually unsubstantiated charges of "pork barrel" legislation.

I urge my colleagues to give this resolution a fair hearing and act to remove the omnibus bill stigma from a most beneficial public works program.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of U.S. Navy Research and Development Procurement Actions

A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting, pursuant to law, the Department of the Navy's semiannual report of research and development procurement actions of $50,000 and over, covering the period 1 July through 31 December 1970 (with an accompanying report); to the Committee on Armed Services.

Proposed Military Selective Service Act

A letter from the Director, Selective Service System, submitting a draft of proposed legislation to amend the Military Selective Service Act of 1967, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Proposed Small Business Amendments of 1971

A letter from the Administrator, Small Business Administration, submitting a draft of proposed legislation to clarify and extend the authority of the Small Business Administration, and for other purposes (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Proposed Defense Production Act of 1950

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, submitting a draft of proposed legislation to amend and extend the Defense Production Act of 1950, as amended (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report of Receipts and Expenditures of the Chesapeake & Potomac Telephone Co.

A letter from the vice president and general manager, the Chesapeake & Potomac Telephone Co., submitting, pusuant to law, a statement for the year 1970 of receipts and expenditures of the Chesapeake & Potomac Telephone Co. (with accompanying papers); to the Committee on the District of Columbia.

Proposed Legislation From the District of Columbia

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation to authorize the Government of the District of Columbia to fix certain fees (with accompanying papers);

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation relating to benefits for employees of the Government of the District of Columbia and for other purposes (with accompanying papers);

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates (with accompanying papers);

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes (with accompanying papers); and

A letter from the Commissioner of the District of Columbia, submitting a draft of proposed legislation to provide for payment of medical or surgical services or hopsital treatment of certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, and the United States Secret Service Division, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Report of Disposed Foreign Excess Property

A letter from the general manager, Atomic Energy Commission, reporting, pursuant to law, on disposed foreign excess property during fiscal year 1970 (with accompanying papers); to the Committee on Government Operations.

Report on Disposals of Foreign Excess Property

A letter from the Assistant Secretary for Administration, Office of the Secretary, Department of Agriculture, reporting, pursuant to law, on the disposals of foreign excess property for the fiscal year ending June 30, 1970 (with accompanying papers); to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve management of the Army's tactical vehicles development program (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report concerning positions in the United States General Accounting Office in Grades GS–16, 17 and 18 and their incumbents, for the calendar year 1970 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Micronesian Claims Act of 1971

A letter from the Under Secretary of the Interior, submitting a draft of proposed legislation to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Activities Carried on by the Geological Survey

A letter from the Under Secretary of the Interior, reporting, pursuant to law, on the activities carried on by the Geological Survey during the reporting period July 1 through December 31, 1970; to the Committee on Interior and Insular Affairs.

Proposed Legislation To Prohibit Interstate Transportation of Matters Harmful to Minors

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors (with an accompanying paper); to the Committee on the Judiciary.

Proposed Legislation From the Department of Health, Eeducation, and Welfare

Three letters from the Secretary of the Department of Health, Education, and Welfare, transmitting proposed legislation (with accompanying papers); which were referred to the Committee on Labor and Public Welfare, as follows:

A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes;

A bill to establish a National Institute of Education, and for other purposes; and

A bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

Proposed Legislation From the Veterans' Administration

Five letters from the Administrator, Veterans Administration, transmitting drafts of proposed legislation (with accompanying papers); which were referred to the Committee on Veterans' Affairs:

A bill to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation for arrested tuberculosis;

A bill to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose;

A bill to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' Administration for non-service-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes;

A bill to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; and

A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on Finance:

"Senate Concurrent Resolution 3

"A resolution memorializing the President of the United States

"Whereas, The economy of the state of New Hampshire is substantially affected by the economic health of its shoe industries; and

"Whereas, The percentage of foreign-made shoes imported into the United States continues to increase rapidly; and

"Whereas, The shoe industries in the state of New Hampshire have been adversely affected from the flood of foreign imports; and

"Whereas, Unemployment has increased alarmingly in the state of New Hampshire in shoe industries because of the lack of quotas or tariffs on foreign imports;

"Now therefore be it resolved by the Senate, the House concurring:

"That we, the members of the New Hampshire Senate, and House of Representatives, do memorialize the President of the United States to establish such quotas and approve such tariffs as may be necessary to insure the preservation and economic health of our domestic shoe industries;

"That signed copies of this resolution be certified by the secretary of state and sent to the President of the United States, the President of the United States Senate and Speaker of the United States House of Representatives."

A concurrent resolution of the General Assembly of South Carolina; to the Committee on Finance:

"Calendar No. S. 7

"A concurrent resolution memorializing the Congress to take such steps as necessary to provide for income tax revenue sharing with the States and their political subdivisions

"Whereas, revenue received by the Federal Government from income taxes is derived from sources in the various states; and

"Whereas, the various states and other political entities therein are in dire need of financial assistance; and

"Whereas, it would be most equitable that a portion of the income taxes collected by the Federal Government be shared with the states and their political entities; and

"Whereas, such sharing should result in more efficient government, as some services now being rendered by the Federal Government could be done by existing state and local government agencies; and

"Whereas, the members of the General Assembly support the principles of revenue sharing and respectfully request the Congress to take such steps as necessary to provide for income tax revenue at the earliest possible time. Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the members of the General Assembly do hereby respectfully request the Congress to take such steps as necessary to provide for income tax revenue sharing at the earliest possible time.

"*Be it further resolved* that a copy of this Resolution be forwarded to the President of the Senate of the United States, Speaker of the House of Representatives of the United States and to each member of the Senate and House of Representatives from South Carolina."

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself, Mr. Cannon, and Mr. Pastore):

S. 382. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; to the Committees on Finance, Commerce, and Rules and Administration jointly, by unanimous consent.

(The remarks of Mr. Mansfield when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. GURNEY:

S. 383. A bill to authorize the Secretary of the Interior to sell certain rights in the State of Florida; and

S. 384. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs.

By Mr. GURNEY (for himself, Mr. Allen, Mr. Sparkman, Mr. Tower, Mr. Thurmond and Mr. Hollings):

S. 385. A bill to preserve the concept of the neighborhood school in American public elementary and secondary education; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Gurney when he introduced the bill appear below under the appropriate heading.)

By Mr. GURNEY:

S. 386. A bill for the relief of beneficiaries of a certain life insurance policy;

S. 387. A bill for the relief of Uhel D. Polly;

S. 388. A bill for the relief of Clara Luisa Meyer y Canton Solaun; and

S. 389. A bill for the relief of Stephen Lance Pender, Patricia Jenifer Pender, and Denese Gene Pender; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 390. A bill to amend the Higher Education Act of 1965 in order to provide for a United States Foreign Service Scholarship Program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Dominick when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD (for himself, Mr. Moss, Mr. Bentsen, Mr. Javits, Mr. Thurmond, Mr. Humphrey, Mr. Jordan of Idaho, Mr. Percy, Mr. Tunney, Mr. Stevens, Mr. Randolph, Mr. Gravel, Mr. Hollings, Mr. Allott, Mr. Packwood, Mr. McIntyre, Mr. Hart, Mr. Pearson, Mr. Inouye, Mr. Gurney, Mr. McGovern, Mr. Church, Mr. Montoya, Mr. Burdick, and Mr. Fong):

S. 391. A bill to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Hatfield when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD (for himself, Mr. Goldwater, Mr. Church, Mr. Cranston, Mr. Hart, Mr. Jordan of Idaho, Mr. McGovern, Mr. Moss, Mr. Packwood, Mr. Pearson, Mr. Percy, Mr. Stevens, and Mr. Taft):

S. 392. A bill entitled "The Volunteer Military Act of 1971; to the Committee on Armed Services.

(The remarks of Mr. Hatfield when he introduced the bill appear below under the appropriate heading.)

By Mr. CANNON (for himself and Mr. Bible):

S. 393. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar taxes presently imposed by a State where the operation of such devices is legal; to the Committee on Finance.

S. 394. A bill to provide for the establishment of a national cemetery in the State of Nevada; to the Committee on Veterans' Affairs.

(The remarks of Mr. Bible when he introduced the bill appear below under the appropriate heading.)

By Mr. CANNON:

S. 395. A bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans; to the Committee on Veterans' Affairs.

(The remarks of Mr. Cannon when he introduced the bill appear below under the appropriate heading.)

By Mr. CANNON (for himself and Mr. Bible):

S. 396. A bill to provide for the construction of a Veterans' Administration hospital in the State of Nevada; to the Committee on Veterans' Affairs.

(The remarks of Mr. Cannon when he introduced the bills appear below under appropriate headings.)

By Mr. JAVITS (for himself, Mr. Case, Mr. Mathias, and Mr. Schweiker):

S. 397. A bill to extend for 2 additional years the authorization of appropriations contained in the Economic Opportunity Act of 1964; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. HARTKE:

S. 398. A bill for the relief of Alfred Hudson David; and

S. 399. A bill for the relief of Albana Strani; to the Committee on the Judiciary.

By Mr. SAXBE (for himself, Mr. Brooke, Mr. Eagleton, and Mr. Mondale):

S. 400. A bill to establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform in order to strengthen police protection, improve the prosecution of offenders, expedite overcrowded court criminal calendars and strengthen correctional systems, and for other purposes; to the Committee on Government Operations, by unanimous-consent order, then to the Committee on the Judiciary when reported by the Committee on Government Operations.

(The remarks of Mr. Saxbe when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. METCALF:

S. 401. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

S. 402. A bill to provide financial assistance to candidates for President and Vice President and candidates for the Senate and House of Representatives to assist in defraying their election campaign expenses, and to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Finance.

S. 403. A bill to prohibit certain combinations and control between electric and gas utilities; to the Committee on the Judiciary.

S. 404. A bill to authorize the U.S. Office of Education to carry out certain activities concerning consumers' education; to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 405. A bill for the relief of Constancia M. Lozano; to the Committee on the Judiciary.

By Mr. COTTON:

S. 406. A bill for the relief of Anna DeAngelis; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 407. A bill to amend section 406(b) of title 37, United States Code, relating to the shipment of household effects; to the Committee on Armed Services.

S. 408. A bill to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Finance.

S. 409. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes;

S. 410. A bill to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee;

S. 411. A bill to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of chanegs of rates in such plans;

S. 412. A bill to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities; and

S. 413. A bill to provide that time spent by a Federal employee in a travel status shall be considered as hours of employment; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Hatfield when he introduced S. 408, S. 410, S. 411 and S. 413 appear below under the appropriate headings.)

By Mr. BURDICK (for himself and Mr. Young):

S. 414. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home; to the Committee on Interior and Insular Affairs.

S. 415. A bill for the relief of Mr. and Mrs. Arvel Glinz; to the Committee on the Judiciary.

By Mr. CASE:

S. 416. A bill for the relief of Mrs. Barbara Joseph; and

S. 417. A bill for the relief of Nicola Galotto; to the Committee on the Judiciary.

By Mr. BAYH:

S. 418. A bill for the relief of Edwin G. Ost;

S. 419. A bill for the relief of Luigi Fornasier, Lucilla Maria Fornasier, and Lucio Fornasier; and

S. 420. A bill for the relief of Fernando De la Rama and Carmen De la Rama; to the Committee on the Judiciary.

By Mr. STENNIS:

S. 421. A bill to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents; to the Committee on Armed Services.

By Mr. BURDICK:

S. 422. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McINTYRE:

S. 423. A bill to limit Federal payments to individual farm producers to $10,000 per crop per farm; to the Committee on Agriculture and Forestry.

S. 424. A bill to require that certain articles of wearing apparel be permanently labelled with laundering and dry cleaning care instructions; and

S. 425. A bill to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. McIntyre when he introduced the bills appear below under the appropriate headings.)

By Mr. RANDOLPH (for himself, Mr. Byrd of West Virginia, Mr. Dominick, Mr. Gravel, Mr. Hart, Mr. Javits, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pearson, Mr. Pell, Mr. Scott, Mr. Stevens, and Mr. Williams):

S. 426. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Randolph when he introduced the bill appear below under the appropriate heading.)

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 427. A bill to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Stennis when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA:

S. 428. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising;

S. 429. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; and

S. 430. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced S. 428 and S. 430 appear later in the Record under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. McClellan):

S. 431. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on the Judiciary, by unanimous consent, and when reported by that committee to be referred to the Committee on Finance.

(The remarks of Mr. Hruska when he introduced S. 428, S. 430, and S. 431 appear later in the Record under the appropriate headings.)

By Mr. HATFIELD (for himself and Mr. Cranston, Mr. Church, Mr. McGovern, and Mr. Proxmire).

S.J. Res. 19. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

(The remarks of Mr. Hatfield when he introduced the joint resolution appear below under the appropriate heading.)

S. 385—INTRODUCTION OF THE NEIGHBORHOOD SCHOOL ACT OF 1971

Mr. GURNEY. Mr. President, today I am introducing the Neighborhood School Act of 1971. This legislation is designed to alleviate some of the problems being faced by our school systems by preserving our traditional neighborhood schools.

It seems to me that as it stands now, our national policy is sacrificing sound educational goals in pursuit of busing and pairing and other ellusive goals. Certainly we cannot discount the fact that our schools were built and supported not by tax dollars alone, but by the combined efforts of parents, teachers, and concerned community citizens. These people look to their local schools and properly so. I am very much afraid that if we continue on our present path, we will succeed in ruining the public school system.

My proposal will allow a student to remain in his neighborhood elementary or secondary school unless he wants to transfer. In other words, no student will be forced to attend a school miles away in a neighborhood where he has no friends or ties for the sole purpose of satisfying a balance of races in the classrooms.

It is evident that however honorable the intention of these HEW policies has been, the only real result has been more confusion, strife and turmoil—and all this at the ultimate expense of the students and parents involved. Furthermore, there has developed a sharp inconsistency in the rules of this game. In many cases, what is permissible in some sections of the country is not allowed in others. The public schools were built to provide education for our young people—this central fact seems to be forgotten in the posturing that is now going on.

Mr. President, I am pleased to note that several of my colleagues who share my interest in this legislation have joined with me in cosponsoring this bill.

The cosponsors are: Senator Allen, Senator Sparkman, Senator Tower, Senator Thurmond, and Senator Hollings.

Mr. President, I ask unanimous consent to have printed in the Record a statement on this subject by the Senator from Texas (Mr. Tower).

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 385) to preserve the concept of the neighborhood schools in American public elementary and secondary education, introduced by Mr. Gurney, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

The material furnished by Mr. Gurney is as follows:

Statement of Senator Tower

Mr. President, I am pleased to support today the measure introduced by the senior Senator from Florida, believing that it is a constructive step toward solving the crisis that is currently facing our nation's school systems. This measure, the Neighborhood School Act of 1971, recognizes that the Neighborhood School is one of the finest traditions in American education and is one that has served this nation and her students extremely well. Most of us in this body have gone to the Neighborhood School, where our classmates were also our neighbors. It is this basic social pattern which we wish to continue through this measure.

Likewise, Mr. President, the Act recognizes that our children have a right and we, the parents, have a right to expect that they would be allowed to attend the school closest to their home, other things being equal. What this act specifically does is define the criteria under which school boards or other bodies may consider the assignment of pupils. It is indeed unfortunate that we in the Congress are forced to seek the enactment of such measures; however, the actions of the Department of Health, Education and Welfare and the lack of rationality of some court decisions on the subject, make this action imperative.

Mr. President, in the last few years the Congress has passed several laws which would prevent H.E.W. from requiring the bussing of students in order to experiment in social theory. Nevertheless, even with a strict legislative history and clarification after clarification, the Department has refused to carry out the intent of Congress. By one means or another, they have consistently required the bussing of students before they would approve a program and clear the district to receive funds under the School Aid Program. What we will do now, is to strictly forbid H.E.W. from interfering with neighborhood schools and allow such school zone configurations where desirable to the districts and where practicable.

Mr. President, I look forward to early hearings on this bill, so that we may clarify any points in Committee which are not readily apparent at this time. Likewise, should sound educational policies indicate any change in the language, it could be accomplished as a result of such hearings. In the Congress, our voice has been clear on how we stand on the subject of neighborhood schools, but our directives have been too often ignored. It is time to spell out in no uncertain terms what is required under departmental guidelines; it is that which we are seeking to do here today.

S. 390—INTRODUCTION OF THE U.S. FOREIGN SERVICE SCHOLARSHIP PROGRAM

Mr. DOMINICK. Mr. President, I introduce a bill to amend the Higher Education Act of 1965 to provide for a U.S. Foreign Service scholarship program.

The essential concept of this bill—to better equip our Government employees to cope with the increasing demands for international understanding—was not new when I first introduced the bill in the House of Representatives during the 87th Congress. Since that time the mechanics of the bill have evolved from an academy, to a corps, to its present structure of a scholarship program, all the while retaining the same purpose. The bill in its present form represents the end product of prior bills which were twice favorably reported out of the Senate Labor and Public Welfare Committee, but which have not been acted upon by the Senate as a whole.

Before its death, S. 939—last year's bill—received comments from prominent educators and acknowledged experts in the field of international affairs and foreign policy, as follows:

Adm. Arleigh Burke:

> I read with keen interest the amendment which you introduced to the Higher Education Act. . . . I hope you are successful in getting it through.

The late Allen Dulles:

> I am thoroughly in accord with the objective you have in mind.

Harrison Brown, Foreign Secretary, National Academy of Sciences:

> In my opinion this is an important step forward and I congratulate you on your foresight.

Stephen Bailey, chairman, Policy Institute, Syracuse University Research Corp., and former dean, Maxwell School of Citizenship:

> I am intrigued and delighted with the notion of a United States Foreign Service Corps which would make use of existing academic institutions in educating and training American citizens for foreign service careers. In my estimation that is a far more efficient way of taking care of the educational needs of existing and prospective foreign service personnel than in the creation of a separate Foreign Service Academy.

Dr. Philip Mosley, associate dean, Faculty of International Affairs, Columbia University:

> It is excellent in both its broad purposes and its realistic provisions for execution of the program. Because of the strenuous efforts made since 1945 by universities and colleges, and by several foundations, the institutions of the country offer a wide range of intensive programs on international affairs generally and on the intensive study of most of the areas of the world. Your bill provides a flexible and efficient way of tapping these large resources of training and research. . . . It could make a tremendous difference in the awareness of our people about our responsibilities in world affairs and in the effectiveness of both the study

> and the conduct of our foreign policy in its very wide ramifications.

William Langer, professor of history, Harvard University, and former member, advisory board, Foreign Service Institute:

> I am well acquainted with the problems of training for service abroad. I have therefore read your bill with great interest. I think it is an excellent bill, that will do much to strengthen our staffs abroad. I trust that it will soon be enacted into law.

T. Keith Glennan, assistant to the chairman, Urban Coalition:

> I am in agreement with the proposal you have made and hope that this activity can be included in the Omnibus Education Act of 1968.

In addition, the late George Allen, former Ambassador and Director of the Foreign Service Institute, testified on behalf of the bill and was an active supporter of it up to the moment of his untimely demise.

The present bill contains essentially the same language as S. 939, except for a new title, several technical changes, and two principal deletions. Deleted was section 1211 which transferred control of the Foreign Service Institute from the Secretary of State and the State Department to the Foreign Service Board of Trustees. The deletion insures the continued jurisdiction of the State Department over the Foreign Service Institute and serves to acknowledge the accomplishments of the Institute under State Department leadership in its present field of expertise. The deletion improves the bill by refocusing its thrust on the training of those potential and present government employees involved in foreign affairs work rather than on training Foreign Service officers. The approximately 3,400 active Foreign Service officers and their replacements presently receive training through the Foreign Service Institute, but the approximately 75,000 other Government employees working with and in foreign countries in various capacities generally do not receive any foreign affairs training before going on the job.

To complete the bill's disentanglement from Foreign Service involvement a provision of section 1209(b) of S. 939 was deleted, thereby returning the selection of all Foreign Service officers to the traditional competitive examination process. The deleted provision would have allowed automatic Foreign officer appointment of students enrolled in the program upon the satisfactory completion of graduate degree work and a year of specialized study.

The deletions redefine the scope and intent of the bill and should serve to eliminate any State Department criticism. It should be noted that the scholarships provided in the bill are not limited to Foreign Service officers of the State Department but encompass all personnel who are interested in seeing the U.S. Government abroad in all other fields be they agriculture, commerce, transportation, tourism, or other facets of our responsibilities aboad.

Without enumerating the numerous similar bills introduced by others, suffice it so say that I personally have introduced predecessors of this bill in four separate congresses. In the course of its history, the bill has been refined by compromise and concession to the point that further modifications seem unnecessary and unwise.

The major strength of the Foreign Service scholarship program is that it is just that—a scholarship program. As such, it is not an academy program involving large capital outlays for buildings, grounds, and equipment, but rather a program concentrating Federal investments in people. A factual cost comparison helps to put this statement in perspective—in fiscal year 1967, it cost $40,200 to commission each student at the Naval Academy, $48,697 at the Military Academy, and $50,933 at the Air Force Academy, while the ROTC program—a scholarship system very similar to that in my bill—costs the American taxpayer about $7,500 to commission each student. The program would utilize the existing 77 institutions in 31 States, the District of Columbia, and Puerto Rico which offer career curriculums in international relations and those 41 other institutions in 21 States and the District of Columbia which have curriculums for foreign service and diplomacy training. The advantage of such a program is that it provides access to the full breadth of disciples taught by the top minds in the country while maintaining the flexibility and independence necessary to maximize opportunities for charting new courses in foreign affairs, education and practice, and altering old ones. It utilizes, rather than competes with, the facilities and academic expertise of educational institutions, public and private, while preserving their control and objectiveness.

Through a comprehensive scholarship program, the bill would make readily accessible to two principal groups the best possible education, training, and research facilities in the country. One group to benefit by the program would be those undergraduate and graduate students who are interested in pursuing approved courses of study or research activities in the field of foreign affairs. In addition to providing the obvious student financial aid, the student scholarship program would serve to acknowledge as a national commitment the recognition of foreign affairs training as an educational equivalent to that of training doctors, teachers, military officers, and football players. This recognition is particularly important because it would attract those talented 18- to 20-year-old students interested in a career in foreign affairs which in the past have, of necessity, accepted scholarships in other educational fields. The net result is that the Federal Government has been limited to competing for graduate-level students from a talent pool depleted by those students who committed themselves earlier in their educational careers.

Second, the student scholarship program would represent a Federal commitment to those talented, economically disadvantaged high school students who heretofore never had the opportunity either to enter or to complete college. The Federal Government would be the true beneficiary of the education of such disadvantaged students who, armed with values and concepts unique to their background, would furnish a new and refreshing dimension to our foreign affairs policy.

The undergraduate and graduate scholarship programs would provide compenastion for tuition, texts, laboratory fees, and subsistence payments for as many as 5,000 qualified students pursuing full-time courses of study leading to a degree at a Board-approved institution. In return for the financial assistance rendered by the Government, the student would be obligated to accept employment with the United States for an amount of time as determined by the Board.

Equally important is the program's statement of national commitment to a program of bettering the Nation's foreign affairs personnel by providing scholarships for education, training, or research for officers and employees of the Federal Government. Also section 1204 provides for orientation and language training at program institutions for members of the families of persons admitted to the program and officers and employees soon to be assigned duties in the field of foreign affairs. Those officers and employees selected for admission into the program by the head of their department or agency would receive compensation for travel, packing, storing, and all necessary education expenses. In return, the employee would be obligated to remain in the employ of the Government for a specified amount of time.

The Congress recognizes that the world and universe are growing smaller in terms of time and space, which necessitates now—and will demand in the future—constant contact, knowledge and understanding among all the peoples of the world in diplomatic, cultural, and commercial exchanges. Success of these exchanges and the survival of the world may depend upon the ability, education, training, and intelligence of the men and women charged with the responsibilities relating to the foreign affairs of the United States. This legislation would assure that there is adequate opportunity for the young men and women of the United States to enter this vast field with the best possible training of their abilities and to advance the education and training of the officers and employees of the government currently engaged in the field of foreign affairs.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 390) to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service scholarship program, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Labor and Public Welfare and ordered to be printed in the RECORD, as follows:

S. 390

A bill to amend the Higher Education Act of 1965 in order to provide for a United States Foreign Service Scholarship Program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) This Act may be cited as the "United States Foreign Service Scholarship Program Act."

(b) The Higher Education Act of 1965 is amended (1) by redesignating title XII and sections 1201, 1202, 1204, and 1205, and all references thereto, as title XIII and sections 1301, 1302, 1303, and 1304, respectively, and (2) by inserting after title XI a new title as follows:

"TITLE XII—UNITED STATES FOREIGN SERVICE SCHOLARSHIP PROGRAM

"ESTABLISHMENT OF SCHOLARSHIP PROGRAM

"SEC. 1201. The Congress recognizes that the world and the universe are growing smaller in terms of time and space which necessitates now, and will demand in the future, constant informed contact, knowledge, and understanding among all the peoples of the world in diplomatic, cultural, and commercial exchanges. The success of these exchanges and the survival of the world may depend upon the ability, education, training, and intelligence of the men and women charged with responsibilities relating to the foreign affairs of the United States. To assure that there is adequate opportunity for the young men and women of the United States to enter this vast field with the best possible training of their natural abilities and to advance the professional education and training of the officers and employees of the Government currently engaged in the field of foreign affairs, there is hereby established, as provided in the succeeding provisions of this title, a United States Foreign Services Scholarship Program (hereinafter referred to as the 'Program'). The members of the Program shall be all students admitted to the Program under section 1205, and all officers and employees of the Government admitted to the Program under section 1207, who are enrolled in a program of education, training, or research, or a course of study approved by the Board under section 1204.

"DEFINITIONS

"SEC. 1202. As used in this title—

"(a) 'Government' means the Government of the United States;

"(b) 'non-Federal institution of higher education' means an institution of higher education which is not owned or substantially controlled by the Government of the United States;

"(c) 'Board' means the Board of Trustees of the Program;

"(d) 'department or agency' means an executive department, a military department, an independent establishment, or a Government corporation as specified in chapter 1 of title 5, United States Code;

"(e) 'training month' means any month during which a member of the Program admitted under section 1205 is taking at least the minimum level of credit hours in a full-time course of study prescribed by the Board, or is taking field training as assigned by the Board; and

"(f) 'dependent', when used in relation to a dependent of a member of the Program admitted under section 1205, means an individual who qualifies as a dependent of such member under section 152 of the Internal Revenue Code of 1954, as amended.

"BOARD OF TRUSTEES

"SEC. 1203. (a) The management and supervision of the Program shall be vested in a Board of Trustees. The Board shall develop and support, as provided hereinafter, programs of education, training, and research in the field of foreign affairs designed to prepare, or advance the qualifications of members of the Program for service with the United States in positions or programs related to such field.

"(b) The Board shall consist of the Secretary of State, four persons experienced in higher education or training and education in foreign affairs, to be appointed by the President, two members of the United States Senate to be appointed by the Vice President, and two members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

"(c) (1) The term of each member of the Board appointed from the Senate and the House of Representatives shall be two years.

"(2) The term of each member of the Board appointed by the President shall be four years; except that of the first four persons appointed by the President two shall be designated to serve for two years and two shall be designated to serve for four years.

"(3) Members of the Board shall be eligible for reappointment.

"(d) Vacancies created by death or resignation shall be filled in the same manner in which the original appointment was made, except that the person appointed to fill the vacancy shall be appointed only for the unexpired term of the trustee whom he shall succeed.

"(e) Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

"ESTABLISHMENT OF SCHOLARSHIP PROGRAMS

"SEC. 1204. (a) In order to carry out the purposes of this title, the Board is authorized and directed to make arrangements with qualified non-Federal institutions of higher education providing for the admission of qualified members of the Program to such institutions for their enrollment in programs operated by and at such institutions which are designed to—

"(1) enable qualified students who are admitted to the Program pursuant to section 1205 to pursue full-time courses of study approved by the Board relating to the field of foreign affairs and leading to the granting of an undergraduate or graduate degree;

"(2) enable qualified officers and employees of the Government having duties or responsibilities in the field of foreign affairs who are admitted to the Program pursuant to section 1207 to pursue, on a voluntary basis and on such terms and conditions as the Board may prescribe, professional education, training and research activities approved by the Board relating to the field of foreign affairs, including selected subjects from a general curriculum, or to pursue full-time courses of study approved by the Board relating to the field of foreign affairs and leading to an undergraduate or graduate degree; and

"(3) enable selected members of the Program to engage in research activities approved by the Board relating to the field of foreign affairs.

In addition, such arrangements shall provide for a program of appropriate orientation and language training by and at such institutions for members of the families of persons admitted to the Program or of officers and employees of the Government who are not members of the Program, but have duties or responsibilities in the field of foreign affairs, in anticipation of, or on account of, the assignment of such members of the Program or officers or employees of the Government to a foreign country or area.

"(b) In carrying out its functions under subsection (a), the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Program, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign affairs approved by the Board as satisfactory of, in order to prepare, or advance the qualifications of members of the Program for service with the United States in positions or programs related to the field of foreign affairs.

"(c) The Board shall, pursuant to guidelines established, after consultation with departments and agencies of the Government concerned with future personnel needs in the field of foreign affairs, determining the number of persons who may receive instructions and training under the Program. Not more than three thousand five hundred students may be admitted under section 1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to an undergraduate degree, and not more than fifteen hundred students may be admitted under section 1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to a graduate degree.

"NOMINATION AND ADMISSION OF STUDENTS INTO PROGRAM

"SEC. 1205. (a) The Board shall provide for the holding of annual competitive undergraduate and graduate examinations to determine the admission of applicants into the Program from among students who are nominated pursuant to subsection (c). Such examinations shall test the intellectual capacities and training of the applicant and his aptitude for service in the field of foreign affairs. The Board shall develop such examinations in consultation with non-Federal institutions of higher education with which it has made arrangements under section 1204.

"(b) Applicants for the annual undergraduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, a public secondary school in, or any private secondary school accredited by, a State, or a public or private secondary school in a foreign country which in the judgment of the Board provides an educational program for which it awards a certificate of graduation generally accepted as constituting the equivalent of that awarded by secondary schools accredited by a State. Applicants for the annual graduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, an institution of higher education in the United States or of an institution of higher education in a foreign country which provides an educational program for which it awards a degree which in the judgment of the Board is generally accepted as constituting the equivalent of a bachelor's degree awarded by similar institutions in the United States. No applicant shall be eligible to take any such examination unless he has first been nominated pursuant to subsection (c).

"(c) (1) A total of eight thousand four hundred and twenty-four applicants shall be nominated each year to take the annual competitive examinations held by the Board as follows:

"(A) two hundred and twenty from the United States at large as follows:

"(i) one hundred nominated by the President,

"(ii) sixty-six nominated by the Vice President, and

"(iii) fifty-four nominated by the Secretary of State;

"(B) thirty from each State, fifteen nominated by each Senator from the State;

"(C) fifteen from each congressional district, nominated by the Representative from the district;

"(D) three from each State nominated by the Governor of the State;

"(E) seven from the Commonwealth of Puerto Rico nominated by the resident Commissioner from Puerto Rico;

"(F) ten from the District of Columbia, nominated by the Commissioner of the District of Columbia;

"(G) three from the Virgin Islands, nominated by the Governor of the Virgin Islands;

"(II) three from Americans Samoa, nominated by the Governor of American Samoa;

"(I) three from Guam, nominated by the Governor of Guam; and

"(J) three from the Canal Zone, nominated by the Governor of the Canal Zone.

"(2) No person may be nominated under clauses (B) through (I), inclusive, of paragraph (1) unless such person is domiciled in the State, or in the congressional district, from which such person is nominated, or in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam if nominated from one of those places. To be eligible for nomination by the Governor of the Canal Zone, a person must be a resident of the Canal Zone, or a member of the family of a resident of the Canal Zone, or a member of the family of a civilian officer or employee of the United States or the Panama Canal Company residing in the Republic of Panama.

"(3) After the initial three years of operation of the program, if the Board determines that the total number of applicants who will be qualified and admitted as new members in the Program prior to the beginning of any academic year under this section for the purpose of pursuing courses of study during such academic year leading to undergraduate or graduate degrees, respectively, will be below the total number of applicants who may be so admitted to the Program in accordance with section 1204(c), the Board may nominate to take a competitive examination held prior to such academic year, and select for admission to the Program, in the order of merit established by such examination, such additional number of eligible applicants as the Board finds will be necessary to meet the needs of the Program in such academic year and will not exceed the limitations set forth in section 1204(c).

"(d) Applicants under this section shall be selected for membership in the Program in the order of merit established by the annual examinations held by the Board pursuant to this section, but no person shall be eligible for admission as a member of the Program unless he is a graduate of a public or private secondary school described in subsection (b) in the case of a student intending to pursue a course of study leading to an undergraduate degree or a graduate of an institution of higher education described in subsection (b) in the case of a student intending to pursue a course of study leading to a graduate degree.

"(e) Except as provided in this section, no competitive or other similar examination shall be required for admission of any person as a member of the Program under this section.

"COMPENSATION AND PAYMENT OF EXPENSES AND SUBSISTENCE FOR STUDENT MEMBERS

"Sec. 1206. (a) Members of the Program who are admitted under section 1205 and are maintaining satisfactory progress in, and taking at least the minimum level of credit hours in, full-time courses of study as prescribed by the Board shall be compensated for tuition, texts, laboratory fees and associated course materials, and shall receive subsistence payments as provided in this section. No compensation or payments shall be made except in accordance with procedures established by the Board to assure their accuracy and appropriateness.

"(b) The subsistance payments which shall be payable under this section are as follows:

"(1) A single student member shall receive $200 subsistence pay per training month.

"(2) A married student member having a dependent spouse shall receive $250 subsistence pay per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(3) Where both a husband and wife member are students under the program and are cohabiting, their joint subsistence pay shall be $300 per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(4) Where both a husband and a wife member are students under the Program and are legally separated they each shall receive the same subsistence pay per training month as would a single student, but if either spouse has a dependent child or children an additional allowance of $30 per training month shall be paid to the entitled spouse for each dependent child.

"(5) Student members shall be granted an additional allowance of $30 per training month for each dependent not a spouse or a child of such student member.

"ADMISSION OF GOVERNMENT OFFICERS AND EMPLOYEES INTO THE PROGRAM; EXPENSES AND COMPENSATION

"Sec. 1207. (a) The head of each Government department or agency is authorized (1) to select officers and employees of such department or agency who may volunteer to be admitted to the Program to pursue education, training or research or a course of study within the Program, (2) to pay all or any part of the pay (except overtime, holiday, or night differential pay) of any such officer or employee so selected for the period of such education, training or research, or course of study, as a member of the Program, and (3) to pay or reimburse such officer or employee for all or part of the necessary expenses of such education, training, or research, or course of study, without regard to section 529 of title 31, United States Code, including the necessary costs of (A) the travel expenses of such officer or employee and the transportation expenses of his immediate family, (B) the expenses of packing, crating, transporting, and temporarily storing, draying, and unpacking his household goods and personal effects to the extent authorized by section 5724 of title 5, United States Code, (C) purchase or rental of books, materials and supplies, and (D) all other services or facilities directly related to the education, training, or research, or course of study of such officer or employee within the Program. The head of each government department or agency shall prescribe, with the approval of the Board, limitations concerning the number of officers and employees of such department or agency who may be selected for admission to the Program at the same time and the period of time which may be spent by such officers and employees in study, training, or research, or a course of study within the Program. The provisions of section 1206 shall not apply to any Government officers or employees admitted to the Program under this section.

"(b) Appropriations made available to any Government department or agency or the payment of salaries and expenses of officers and employees of such department or agency shall be available for making payments under this section to members of the Program selected from such department or agency.

"(c) During any period for which any Government officer or employee who is admitted to the Program under this section is separated from his usual duties of employment with any Government department or agency for the purpose of education, training, or research or a course of study within the Program, such officer or employee shall be considered to have performed service, as an officer or employee of such department or agency at the rate of compensation received immediately prior to commencing such education, training, or research or course of study (including any increase in compensation provided by law during the period of such activity) for the purposes of (1) retirement pensions including when applicable civil service retirement pensions as provided in subchapter III of chapter 83 of title 5, United States Code, (2) life insurance including when applicable Federal employees group life insurance as provided in chapter 87 of title 5, United States Code, and (3) health insurance including when applicable Federal employees group health insurance as provided in chapter 89 of title 5, United States Code.

"(d) Each Government officer or employee who is admitted to the Program under this section shall, on completion of the period of education, training, or research or a course of study within the Program, be entitled to continue service in his former position or a position of at least like seniority and status in the department or agency from which he was selected for such education, training, or research or course of study and shall be entitled to at least the rate of basic pay to which he would have been entitled had he continued in his usual service with such department or agency. On resumption of his usual duties with such department or agency, the department or agency shall restore such officer's or employee's sick leave account, by credit or charge, to its status at the time he commenced education, training, or research or a course of study within the Program.

"AGREEMENT TO ENTER INTO OR CONTINUE GOVERNMENT SERVICE AFTER COMPLETING THE SCHOLARSHIP PROGRAM

"Sec. 1208. The Board shall obtain from each person admitted to the Program, other than members of a family receiving orientation or language training under section 1204 (a), such agreement as the Board may deem necessary to assure that such person will accept employment with the United States, unless already so employed, and will remain in the employ of the United States, wherever assigned by the employing department or agency, for such period after completion of their education, training, research, or course of study within the Program as is prescribed by (1) the Board in the case of students admitted to the Program under section 1205, or (2) the head of the employing department or agency in the case of Government officers and employees selected for admission to the Program from such department or agency under section 1207.

"ASSIGNMENT OF STUDENT MEMBERS FOR FIELD TRAINING AND GOVERNMENT SERVICE

"Sec. 1209. (a) During the course of study leading to an undergraduate or graduate degree, each student admitted to the Program under section 1205 may be assigned at the discretion of the Board for field training with any program of the Government relating to the field of foreign relations conducted by any department or agency of the Government. The period of field training assignment for a member of the Program under this subsection may not exceed two consecutive months in any calendar year during the first three years of undergraduate study, nor more than six consecutive months during the fourth year of undergraduate study or any academic year of graduate study.

"(b) Except as otherwise provided by any law of the United States or regulation prescribed by the Board, each student admitted to the Program under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the Board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the Board (1) for hiring or appointment by the United States in connection with any program of the Government relating to the field of foreign affairs conducted by any department or agency of the Government, or (2) if such member has completed a course of study leading to a graduate degree, for one year of specialized study in a particular foreign country or area in which he may later be assigned for Government service.

"(c) Prior to making any assignments under this section, the Board shall consult with interested departments and agencies of the Government to determine the personnel requirements of their programs relating to the field of foreign affairs. To the extent practicable, members of the Program shall be assigned in accordance with their preferences for a particular Government program.

"ROTATION FOR SERVICE IN THE UNITED STATES

"Sec. 1210. All members of the Program who have satisfactorily completed their education, training, or research, or course of study within the Program and are employed by, or remain in the employment of, the United States under this title shall be assigned to Government duties within the United States for a minimum of one year during every five that they are employed in any Government program in the field of foreign affairs; except that the provisions of this subsection may be waived when the United States is at war as declared by Congress.

"STAFF OF BOARD

"Sec. 1211. (a) The Board may appoint and fix the compensation of a staff consisting of not more than five professional staff members, and such clerical staff members as may be necessary. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Board may designate one member from the professional staff who shall serve as the chief staff officer of the Board and shall exercise, under the supervision and in accordance with the policies of the Board, such of the powers and duties granted to the Board as it deems appropriate.

"(c) The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"ACQUISITION OF REAL OR PERSONAL PROPERTY BY BOARD

"Sec. 1212. The Board shall have the power to acquire and hold property, real or personal, and to receive and accept money or other property, real or personal, bequeathed, devised, or donated, and to use, sell, or otherwise dispose of such property for the purpose of carrying out this title.

"PROHIBITION AGAINST ESTABLISHMENT OF ACADEMY

"Sec. 1213. Nothing in this title shall be construed to authorize the Board to establish any educational institution, or to appoint or hire any person to serve on the faculty or staff of any educational institution.

"AUTHORIZATION

"Sec. 1214. There are hereby authorized to be appropriated to the Board to carry out the purposes of this title (other than section 1207), $15,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $45,000,000 for the fiscal year ending June 30, 1974; and $60,000,000 for the fiscal year ending June 30, 1975; but for the fiscal year ending June 30, 1975, and each succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law."

The analysis presented by Mr. Dominick is as follows:

Section-by-Section Analysis

SECTION 1201—ESTABLISHMENT OF PROGRAM

To provide more widespread opportunity for entering and more adequate training of persons already engaged in the field of foreign affairs, a foreign scholarship program would be established, consisting of students and Government employees selected for admission under the provisions of this title, and enrolled in a program of education, training, or research approved by the board of trustees established hereunder.

SECTION 1202—DEFINITIONS

This section defines the following terms for the purposes of the bill:

(1) Government—the Government of the United States;

(2) non-Federal institution of higher education—an institution of higher education which is not owned or substantially controlled by the Government of the United States. Expressly intended to exempt institutions such as the Armed Service Academies;

(3) Board—the board of trustees of the program;

(4) department or agency—an executive department, a military department, an independent establishment, or a Government corporation as specified in chapter 1 of title 5, United States Code;

(5) training month—any month during which a member of the program admitted under section 1205 is taking at least the minimum level of credit hours in a full-time course of study prescribed by the Board, or is taking field training as assigned by the Board; and

(6) dependent, when used in relation to a dependent of a member of the program admitted under section 1205—an individual who qualifies as a dependent of such member under section 152 of the Internal Revenue Code of 1954, as amended.

SECTION 1203—BOARD OF TRUSTEES

A Board of Trustees consisting of the Secretary of State, four persons experienced in higher education or training and education in foreign relations appointed by the President, two Senators, not of the same political party, appointed by the Vice President, and two Representatives, not of the same political party, appointed by the Speaker of the House. The Board would be charged with management and supervision of the program, and development and support of programs of education, training, and research, designed to prepare, or advance the qualifications of, members of the program for service with the United States in positions or programs related to foreign affairs. Members of the Board would serve without pay, but with reimbursement for travel, subsistence, and other necessary expenses, for terms of 2 years (Senate, House, and first two educator appointees of the President) or 4 years (all other educator appointees of the President, of which two would be appointed every 2 years), and might be reappointed.

SECTION 1204—ESTABLISHMENT OF SCHOLARSHIP PROGRAMS

The Board would be authorized to make arrangements with qualified non-Federal institutions of higher education to admit qualified members of the program to institutions approved by the Board, including—

(1) in any academic year, not more than 3,500 undergraduate and not more than 1,500 graduate student members, for full-time courses of study leading to, respectively; undergraduate or graduate degrees in foreign affairs;

(2) Government employee members for professional education, training, and research activities or for full-time courses of study leading to an undergraduate or graduate degree in foreign affairs;

(3) selected members of the program for research activities in the field of foreign affairs.

The arrangements must include a program for appropriate orientation and language training at the institution for members of the families of persons admitted to the program if it is anticipated the program member will be assigned to a foreign country or area. Such orientation and language training must also be available for members of the families of officers and employees of the Federal Government who are not program members, but who have duties or responsibilities in the field of foreign affairs, when it becomes apparent the officer or employee will be assigned to a foreign country or area.

SECTION 1205—NOMINATION AND ADMISSION OF STUDENTS INTO PROGRAM

The total of 3,500 undergraduate and 1,500 graduate student members of the program authorized for admission in any year would be selected in order of merit by annual competitive undergraduate and graduate examinations held by the Board, to test the intellectual capacity, training, and aptitude for foreign affairs of 8,424 persons eligible to take the examination and nominated in accordance with provisions of this section. (After 3 years, if it appeared in any year that this procedure would not qualify for admission into the program the number of student members who might be admitted, an additional competitive examination would be given to nominees of the Board.)

Applicants for the annual undergraduate examination would be required to be citizens of the United States who had graduated from, or were attending, a public secondary school in, or a private secondary school accredited by, a State or a secondary school in a foreign country with an educational program approved by the Board. Applicants for the annual graduate examination would be required to be citizens of the United States who had graduated from, or were attending, an institution of higher education in the United States or an institution of higher education in a foreign country which awards a degree which in the Board's judgment is generally accepted as equivalent to a bachelor's degree in the United States. (Before admission into the program, a student member would need to have graduated from such secondary school or institution of higher learning, as the case might be.)

The annual competitive examination could be taken only by applicants nominated as follows:

(1) 220 nominated from the United States at large (100 by the President, 66 by the Vice President, 54 by the Secretary of State);

(2) 1,650 nominated from the 50 States (15 by each Senator, three by each Governor);

(3) 6,525 nominated from the 435 Congressional districts (15 by the Representative from each district);

(4) Ten from the District of Columbia, nominated by the Commissioner of the District of Columbia;

(5) Nineteen from outlying areas (seven nominated by the Resident Commissioner from Puerto Rico, three by the Governor of the Virgin Islands, three by the Governor of American Samoa, three by the Governor of Guam, and three by the Governor of the Canal Zone)

Total 8,424.

Except with respect to nominees at large, and from the Canal Zone, nominations could be made only from among persons domiciled in the State, congressional district, or geographical area from which nominated.

SECTION 1206—COMPENSATION AND PAYMENT OF EXPENSES AND SUBSISTENCE FOR STUDENT MEMBERS

Student members of the program admitted under section 1205 and maintaining satisfactory progress in courses of study prescribed by the Board would be compensated for tuition, texts, laboratory fees, and associated course materials and would be eligible to receive subsistence payments in accordance with procedures established by the Board. Subsistence payments per training month would be $200 for a single student or a student legally separated; $250 for a married student with a dependent spouse, and $300 for husband and wife student members who are living together. An additional $30 per training month would be paid for each dependent child of a student member, or for a dependent other than his spouse or child.

SECTION 1207—ADMISSION OF GOVERNMENT OFFICERS AND EMPLOYEES INTO THE PROGRAM; EXPENSES AND COMPENSATION

The head of each Government department or agency would be authorized to select from among its employees volunteering for admission into the program, to prescribe limitations on the number of employees selected, and the length of their course of study. From appropriations made available for the payment of salaries and expenses of employees of such department or agency, employees so selected would be authorized to be paid their regular salaries, and (without regard to 31 U.S.C. 529) to be reimbursed for necessary expenses of such education, training, or research (including travel expense of such employee, transportation expenses of his immediate family, cost of transporting or storing his household goods and personal effects to the extent authorized by 5 U.S.C. 5724, purchase or rental of books, materials, and supplies, and other services or facilities related to his education, training, or research). A Government employee's period of education, training, or research within a program would be deemed to be Government service for purposes of civil service retirement, Federal employees' group life and health insurance, and at the completion thereof, the employee would have reemployment rights to a position of at least like seniority and status in the department or agency from which he was selected, with restoration of sick leave credit, and at the rate of pay to which he would have been entitled if he had continued his usual service in such department or agency.

SECTION 1208—AGREEMENT TO ENTER INTO OR CONTINUE GOVERNMENT SERVICE AFTER COMPLETING THE PROGRAM

Each person admitted to the program (other than a family member receiving language or orientation training under sec. 1204) would make such agreement as the Board deemed necessary to insure that, after completion of his education, training, or research within the program, such person would accept Federal employment, unless already so employed, and remain in Federal employment, wherever assigned by the employing department or agency and for such period as would be prescribed by the Board, in the case of students admitted under section 1205, or by the head of the employing department or agency in the case of Government employees admitted under section 1207.

SECTION 1209—ASSIGNMENT OF STUDENT MEMBERS FOR FIELD TRAINING AND GOVERNMENT SERVICE

The Board might assign any student member of the program admitted under section 1205 for field training with any Government program relating to foreign affairs for not more than 2 consecutive months in any of the first 3 calendar years of his undergraduate study, and for not more than 6 consecutive months during the fourth year of undergraduate study or any academic year of graduate study. Except as otherwise provided by law or by regulation of the Board, a student member who received an undergraduate or graduate degree under the program would be available for assignment by the Board in consultation with interested departments and agencies of Government and, to the extent practicable, in accordance with the student's preferences (1) to be hired by any department or agency of Government for a program relating to the field of foreign affairs, or (2) in the case of a student member who received a graduate degree under the Program, for 1 year of specialized study in a foreign country or area in which he might later be assigned for Government service. As previously discussed, the portion of the section was deleted because of State Department objections to Foreign Service officership upon successful completion of graduate degree study and specialized study without competitive examination.

SECTION 1210—ROTATION FOR SERVICE IN THE UNITED STATES

Except in time of war declared by Congress, program members who satisfactorily completed education, training, or research, or course of study within a program, and who were employed by the United States in the field of foreign affairs, would be assigned Government duties within the United States for at least 1 of every 5 years of such employment.

SECTION 1211—STAFF OF BOARD

Original section 1211 completely deleted with succeeding sections redesignated accordingly and all references thereto because of State Department complaint about transfer of Foreign Service Institute, discussed infra. The Board would be authorized to make appointments in the competitive service and to fix the compensation, in accordance with civil service classification and general schedule pay rates, of not more than five professional staff members (including a chief staff officer of the Board) and such clerical staff members as might be necessary.

The Board would be authorized to procure temporary or intermittent services pursuant to 5 U.S.C. 3109, at rates not to exceed $100 per day for individuals.

SECTION 1212—ACQUISITION OF REAL OR PERSONAL PROPERTY BY BOARD

The Board would have the power to acquire, hold, use, sell, or otherwise dispose of property, real or personal, and to accept gifts or bequests, to carry out the purposes of this title.

SECTION 1213—PROHIBITION AGAINST ESTABLISHMENT OF ACADEMY

The Board would have no authority to establish any educational institution, nor to appoint any person to serve on the faculty or staff of any educational institution.

SECTION 1214—AUTHORIZATION

To carry out the purposes of title XII (except Sec. 1207), appropriations to the Board would be authorized in the amount of $15 million in fiscal 1972, $30 million in fiscal 1973, $45 million in fiscal 1974, $60 million in fiscal 1975, and in fiscal 1976 and each succeeding fiscal year, such sums as Congress might authorize.

S. 391—INTRODUCTION OF A BILL RELATING TO ADEQUATE SEWERS IN SMALL TOWN AND RURAL AREAS

Mr. HATFIELD. Mr. President, in the rural areas and small towns across the country, adequate sewers are not merely an environmental nicety—they are an economic necessity. The problem of adequate sewers in small towns is troublesome to me, as I am sure it is to other Senators.

Adequate sewage treatment plants have received much attention lately, as environmental protection needs are headline items. While I certainly share this concern, I must once again emphasize that it is not for environmental reasons alone that we must assist our small towns and rural areas. We must recognize that adequate water and sewer systems are needed if our small towns are to prosper or survive.

Without satisfactory sewage treatment plants in these areas, economic growth is stifled and economic decay receives unwitting assistance. Small town officials in Oregon have discussed with me the monumental problems they have in attracting any new construction in areas without reliable sewer systems. Mayors, chamber of commerce presidents, economic development officials, and others in Oregon have told me that they are handcuffed in attempting to lure any new enterprises to their areas when no adequate sewer systems exist.

The lack of sewers strangles efforts to introduce new industry, construct new motels, build new homes—anything that would make the area a better place to live. One Oregon small town cannot even build a new park because there is no sewer service for restrooms needed at the park.

Mr. President, I wish today to point out that what has happened is happening, and will continue to happen in small towns and rural areas that are without adequate water and sewer systems.

This lack of facilities strangles local efforts for economic growth. The effects of this are easy to see: young people migrate to large urban centers, where jobs are more plentiful. This lack of a younger population means that the average age of residents rises. Not only are new payrolls lost when younger people move, but also those who remain are more likely to be on fixed retirement incomes.

The lack of a growing tax base serves as a further shackle, for residents often will reject costly bond issues to help solve these problems at the local level.

The problems of rural areas and small towns, however, are not isolated. A man without a job in the country moves to the city. Every person who leaves a small town and moves to a large city adds to the many urban pressures we have discussed so many times on this floor. He may put another car in a city street, he may live in a sprawling suburb, he may be unable to find work and add to the city's welfare rolls.

We discuss urban problems many times in as isolated a framework as we discuss problems in rural areas. The two are intertwined, as I have tried to point out today in these remarks. This relationship between urban-rural problems should receive more attention.

Is a massive infusion of funding to solve urban problems the only way to attack this problem? I think not, and this is one area where I think dollars spent in rural areas can have a multiple effect.

Is overpopulation the problem that some consider it? I think a better way to phrase that would be: Is population concentration a pressing problem? Of course, to this I would say "Yes."

Small towns are pleasant places to live, raise children, work, and retire. We must encourage people to live in these areas. President Nixon stated, in transmitting his Report on Environmental Quality, that—

> First: It is essential that we make rural life itself more attractive, thus encouraging orderly growth in rural areas.

I concur with the President's objectives. We must see that we do not add to urban pressures by avoiding rural problems.

In Oregon, 10 percent of our population lives in areas of under 5,500 population. The Farmers Home Administration reported that 73 percent of all rural communities do not have adequate sewage systems. In addition, 118 new community water systems are needed. This need is compounded by the fact that 64 percent of the rural households have annual incomes of less than $7,000.

Mr. President, we must recognize that these problems are not particular to Oregon alone. Rather, they are representative examples of the problems afflicting rural communities throughout the country.

I believe that Congress should provide substantially increased Federal funding to assist small towns and rural areas in providing adequate water and sewer systems. We owe this to the residents of our small towns and rural areas. If we fail to meet this challenge, we will only have to deal with this neglect in different forms in the future. If we solve this problem, adequate water and sewer systems can provide a stimulus to attract people from the cities back to small towns.

As one example of what happens when young people leave an area, and the average age of the population increases, I quote from a letter referred to twice earlier in statements regarding Rogue River, Oreg.:

> Two thirds of the inhabitants of Rogue River are over age 65 and living on fixed incomes. Five hundred thirty-eight social security checks were mailed to zip code 97537 of which Rogue River is the major part; these checks average $71.46.

This is a good example of the results of young people leaving an area and fixed-income, retired peoples' inability to finance sewer projects and break out of this vicious circle.

Under the bill which I introduced, the authorization ceiling on grants under the Farmers Home Administration for planning and development would be doubled, from $115 to $230 million. This increase, while doubling the present program, represents a modest step toward solving these problems. The money figure is small, when compared to other money amounts—particularly those we are considering under the military procurement bill we currently are debating.

When I looked at the need across the country in rural areas and small towns, I considered a more extensive program with greater funding. I decided that a more modest increase, working within the framework of an established program, represents a better initial step.

In conclusion, I hope that this bill will receive expeditious consideration by this body. I introduced this legislation initially on August 19, 1970, and 20 Senators joined as cosponsors. On the bill I introduce today, 24 Senators have joined in cosponsoring this needed legislation. I hope other of my colleagues will join us in this effort to improve the living and working conditions of the Americans who live in our rural areas and small towns.

I ask unanimous consent that the original cosponsors of this bill be listed in the RECORD at this point, followed by the language of the bill.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill will be received and appropriately referred; and, without objection, the original bill (S. 4265) along with its cosponsors will be printed in the RECORD.

The bill (S. 391) to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities, introduced by Mr. HATFIELD, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The cosponsors and original bill are as follows:

Mr. Moss, Mr. Bentsen, Mr. Javits, Mr. Thurmond, Mr. Humphrey, Mr. Jordan of Idaho, Mr. Percy, Mr. Tunney, Mr. Stevens, Mr. Randolph, Mr. Gravel, Mr. Hollings.

Mr. Allott, Mr. Packwood, Mr. McIntyre, Mr. Hart, Mr. Pearson, Mr. Inouye, Mr. Gurney, Mr. McGovern, Mr. Church, Mr. Montoya, Mr. Burdick, Mr. Fong.

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926 (a)(2)), is amended by striking out $100,000,000" and inserting in lieu thereof "$200,000,000".

(b) Section 306(a)(6) of such Act (7 U.S.C. 1926 (a)(6)) is amended by striking out "$15,000,000" and inserting in lieu thereof "$30,000,000".

S. 392—INTRODUCTION OF THE VOLUNTEER MILITARY ACT OF 1971

Mr. HATFIELD. Mr. President, I rise for the fourth time in as many years to introduce legislation which would form the basis of an all-volunteer military. I ask unanimous consent that at the conclusion of my remarks the remarks of Senator BARRY GOLDWATER, Republican of Arizona, with whom I have the pleasure of cosponsoring this legislation, be printed in the RECORD.

I would also ask unanimous consent that after the conclusion of the remarks of the distinguished Senator from Arizona (Mr. GOLDWATER) the full text of the legislation which I am introducing today be printed in the RECORD.

Mr. President, three times in our history, we have had national military conscription, and each time it has met with strong opposition from those directly affected by it. In response to President Lincoln's announcement in 1863 that a draft was being instituted, there were 10 days of rioting in New York alone, with over 1,000 fatalities resulting. Conscription was again introduced for a short period of time during World War I, and 250,000 draftees failed to appear for induction. The first time that conscription had virtually universal acceptance was during World War II when it was instituted for a third time. The past two decades, however, have marked a new era in American history with the advent of peacetime conscription. Today an estimated 60,000 young men have left this country for Canada and hundreds have gone to prison because of the draft. Yet, the desirability of the draft or any possible alternative has generally gone unquestioned, and our Government has reflected the complacency of the public.

In March of this year a Commission appointed by President Nixon over 1 year ago to study an alternative to the draft, made its findings public. The Commission was headed by former Secretary of Defense Thomas Gates and was composed of individuals from various walks of life, including the economist Milton Friedman, the executive director of the NAACP, Roy Wilkins, and two former Supreme Allied Commanders, Gen. Lauris Norstad, and Gen. Alfred Guenther. Their conclusions were unanimous: the draft is not the best method of maintaining our Armed Forces. It is inefficient, inequitable, and unjust. Their report stated, further, that the best alternative to conscription is an all-volunteer system, which is not only more ideologically compatible with our traditions, but economically preferable as well.

It has been generally assumed that conscription has been and is needed to maintain our Armed Forces, thus perpetuating the idea that the draft is a necessary evil whereby a small percent of our young men are compelled to join the military.

According to the Gates Commission report:

> During the early 1960's, 95 percent of those between the ages of 18 and 35 were excluded from the 1-A and 1-A-O pool. . . . The escalation of the Vietnam War in 1965 once again focused attention on the draft. . . . Of the 6 million men who have served in the Armed Forces during the Vietnam War, 25 percent have been draftees.

But is this a needed inequity? Is conscription absolutely necessary to maintain our national security? The Gates Commission concluded that an all-volunteer military is feasible regardless of the manpower requirements of Vietnam. Today we have approximately 3 million men in our Armed Forces. It is anticipated by the Department of Defense that within 1 year the total force level will be 2.5 million or less. Our present mixed force, draftees, draft-induced volunteers, and volunteers, requires 584,000 annual accessions with 184,000 annual Army draft calls. The Gates Commission projects that the required accessions for the same total strength force, 3 million men, would be 410,000 with 193,000 going to the Army. This lower rate of accessions in an all-volunteer force would be the result of higher retention rates. Higher retention would result from numerous factors, including higher pay, higher reenlistment rates, and the absence of draftees, more than 90 percent of whom leave the Army after serving only 2 years. Furthermore, the report states:

> The higher retention rate for true volunteers inevitably produces a more experienced force. . . . Projections indicate that by 1980 (in an all volunteer force), 45 percent of Army enlisted men will have four years or more of service experience, as compared with 31 percent for a mixed force of the same size. Since experience involves on-the-job training, a more experienced force is more productive than a less experienced one.

Thus, a 3-million-man volunteer force would be more effective than a mixed force of the same number. In other words, because a volunteer force would have fewer noneffective men, it can be smaller than a mixed force and be just as effective.

What must be done to effect an all-volunteer military? The move cannot occur overnight, but the transition can occur within the next year. However, to accomplish this by July 1971, we need to have improved conditions within the military, sufficiently to induce 75,000 more men annually, in addition to the 250,000 true volunteers who are presently enlisting each year. That assumes a force level of 2.5 million men by July 1971. There is an excellent possibility, based upon various statements and possible projections of the Defense Department, that the manpower level will be significantly less than 2.5 million.

Further, Congress could, of course, choose to reduce the manpower requirements. In either case, reductions below the 2.5-million level would reduce further the number of additional needed enlistees above the current 250,000 true volunteers. The additional men will come predominantly from the 1.5 million men who annually turn 19 and who meet the mental, moral, and physical requirements of the Armed Forces. Raising the accession rate to the necessary level will result from reasonable improvements in pay and benefits which, states the Commission, and in which I concur, should occur regardless of the fate of the draft.

To better comprehend this situation one must understand the difference between two methods of taxation that any government may use. The first, which can be called tax-in-kind, is the compulsory rendering of services or property by citizens on the behalf of the government. The other method of taxation is that of bearing the government's cost of goods and services through monetary taxes levied on the general public. Conscription is the first method of taxation—a tax-in-kind. There are few such taxes today in our Nation, and most governments no longer tax through the means of coercing the services of their citizens, or directly acquiring portions of their property. Such tax-in-kind is generally regarded as a medieval and outmoded form of taxation. The draft, however, is a modern-day continuation of such a form of taxation.

In 1970, the average level of basic pay for military personnel was $180 per month. This is approximately 60 percent of what he could be earning in civilian life. In other words, the average first-term enlistee is being taxed 40 percent of what he could and would normally earn. And taking into account the income tax and indirect costs imposed on the enlistee, his total tax rate is in the neighborhood of 51 percent.

The Commission recommended increasing the pay of the first-term enlistee to $315 per month. Including fringe benefits, clothing, food and lodging, the total compensation would rise from $301 per month to $437 per month. This would make the pay within the military roughly comparable to that of civilian life, which, as I stated earlier, should occur irrespective of the fate of the draft. The budgetary cost to effect an all-volunteer force by July of next year would be a maximum of $3.24 billion for fiscal 1971. That is assuming that we maintain the high manpower force level of 2.5 million men by that date. Reductions in this force level would result in significantly lower costs. This maximum estimate of costs would include increases in basic pay of $2.68 billion, proficiency pay increase of $210 million, reserve pay increases of $150 million, additional medical corps expense of $120 million, and recruiting, ROTC and miscellaneous increases of $80 million. Further, this cost does not take into account substantial savings in operation that would be created by a voluntary military.

But one must consider the difference between budgetary cost and actual cost. The first-term enlistee is bearing the burden of 60 percent of the cost of his service. And, as the Commission states in its report:

> When the hidden costs of conscription are fully recognized, the cost of an all-volunteer armed force is unquestionably less than the cost of a force of equal size and quality manned wholly or partly through conscription.

The draft often results in the inefficient use of manpower by the military. A recently released study by the Defense Department points to one aspect of this problem. This report indicated that of the 41,974 college graduates entering the Army in 1969, 5,722 had acquired academic training that would have qualified them for certain military specialties with little or no further training. Of these 5,722 qualified men, only 222, approximately 4 percent, were assigned to the specialty for which they were qualified, while approximately one-third of them were assigned to combat infantry training. Specific examples which the study held to be generally valid included the following:

Of the college graduates who entered the Army last year, 270 had degrees in architecture. Eight were placed in this specialty while the Army had a need for 394 architects.

Sixty-two men who qualified for the Army accounting specialty were placed in those slots, while the Army had 463 openings for accountants and had inducted 912 men who had accounting degrees.

Generally stated, because budget expenses are presently underestimated for the cost of the first-term enlistees, the armed services, as the Commission points out, "are led to use more of them than they otherwise would." With compensation raised to equitable levels, the service would be forced to economize.

Perhaps the most costly factor of the present system is the low reenlistment rates among first-term servicemen, creating unduly high turnover rates. Two factors affect this: First, most inductees and draft-induced volunteers are not interested in military careers; second, the inductees' tour of duty is only 2 years in contrast to 3- and 4-year terms for enlistees.

> With an all-volunteer force—

The Commission concluded—

> these longer terms of enlistment will also reduce turnovers and the need for accessions.

The Commission estimates that the annual turnover rate for a volunteer force would be approximately 325,000 men in contrast to roughly 440,000 for a mixed force of 2.5 million men.

Consequently, real savings will be generated. In terms of dollars, the annual savings caused by increased retention for a peacetime force of 2.5 million men is estimated to be $675 million. Furthermore, there would be an annual savings of $61 million for the same force due to reduced transportation and administrative costs. In terms of manpower, a volunteer military would reduce the required size of the forces, thus reducing the number of men needed. For instance, it is estimated by the Commission that a 2.5-million man force of conscripts and volunteers would be effectively equivalent to an all-volunteer force of 2.44 million men.

Yet there are additional savings that a volunteer force would induce. These would result in eliminating what the Commission calls "subtle costs" of the present system. Although these are difficult to estimate in monetary terms, we can still analyze their potential influence. As the Gates Commission report states:

> The draft erodes ideals of patriotism and service by alienating many of the young who bear the burden. . . . It thwarts the natural desire of youths to commit themselves to society. . . .
>
> Young men distort their career and personal plans to take advantage of opportunities to postpone or avoid being drafted. . . . channeling young men into college, occupations, marriage or fatherhood is not in their best interests, nor those of society in general.

It is these factors and others that indicate the great loss to society that the draft generates. One indirect method of gaging this in economic terms was stated in the Commission's report:

> Prospective inductees also incur costs in their efforts to escape conscription—costs which manifest themselves in a variety of ways such as additional college attendance, movement into occupations which carry deferments, immigration, etc. Indirect evidence suggests these costs may be 1.5 times the implicit tax (i.e., the tax-in-kind borne

> by the draftee) . . . Thus for each $1.00 of tax-in-kind collected, an average of $2.50 is forgone by the public. Quite apart from considerations of equity and freedom, this feature of conscription is enough to call it into question.

The institution of an all-volunteer military is desirable not only from economic and moral points of view, but also from a governmental and constitutional perspective. According to article I, section 8 of the Constitution, the Congress has the power—and the responsibility—to raise the armies and provide for the common defense. A volunteer military is a direct extension of this constitutional responsibility and would draw the military closer to the civilian population in general.

A volunteer force will be highly flexible, as conceived by the Commission, although the need for a great influx of men into the military such as required during World War II is not a realistic possibility because of the highly technical nature of warfare today—whether guerrilla or nuclear war. Nevertheless, the Commission recommended a limited standby registration should a sudden influx of men be required.

Aside from economic questions, one of the most often heard objections to a volunteer military is that it would put an undue burden on the black and the poverty stricken within our society. The assumption here is that with increased pay and benefits in a volunteer system a disproportionate number of our minority groups and depressed people would join the military. The Gates Commission report and other studies before it have amply demonstrated that this would not be the case.

Presently there are more than two times as many whites classified below the poverty line as blacks—17.6 million white compared to 8.3 million blacks by 1967 figures. This year it is estimated that up to 63 percent, 628,740, of the black male population between the ages of 17 and 20—the age group from which first-term enlistments usually originate—will be eligible for military duty—that is, they will pass the physical, moral, and mental requirements for entrance into the Armed Forces. Under our present mixed recruitment system, blacks comprise 10.6 percent of the total force or slightly less than their proportion to the total population.

The Commission, taking these figures into consideration, projects that in a volunteer force of comparable effectiveness to a mixed force of 2.5 million men, blacks would comprise approximately 15 percent of that population—between 5,000 and 10,000 more blacks than a mixed force of the same effective size. In other words, the racial composition of the military will change very little between a mixed force and an all-volunteer force.

Monetary compensation is only one factor in attracting potential employees. Job security, opportunity for advancement, and fringe benefits are other considerations which influence a potential employee. While the attractiveness of the military will increase for the black in a volunteer force, it will increase more greatly among whites.

With present mental, moral, and physical standards of eligibility for military service, 30 percent of the men examined are not acceptable. Of this group a disproportionate number comes from the lower socioeconomic sector of our society. And although a recent study indicates there are over 12,000 military personnel on welfare today, compensation within the Armed Forces in most cases is above the income level of those below the poverty line. Consequently, the monetary attraction to the Armed Forces with regard to those individuals below the poverty level is already existent. To increase pay and benefits regardless of the method of recruitment will induce more qualified individuals to join than are presently attracted. Thus, the general composition of a volunteer military would not be significantly different from a conscripted force.

These facts notwithstanding, objections to an all-volunteer military based on fear of its creating an unfair burden on the black and poverty stricken are misdirected. Not only do these objections question the poor and the black's capacity to make decisions in their own best interest but they also ignore the fact that it is the causes of racism and poverty in our country which should be attacked and not the military or any other institution that may provide people an opportunity for greater economic gain and increased social status.

Just as these questions are ill conceived and shortsighted so are those that assert an all-volunteer armed force would be a group of unquestioning mercenaries who would be loyal only to their commanders, isolated from civilian control, pose a threat to the internal security of our country, and increase the likelihood of foreign adventurism. A mercenary is a foreigner who is hired by another country to fight its wars. This certainly is not the case with a volunteer military. And to argue that there is something regrettable about a professional, equitably paid enlistee is overlooking the fact that our officer corps have been well paid and virtually totally voluntary. To question the loyalty of a soldier because he is paid a fair salary is like questioning the loyalty of doctors, lawyers or any other professionals who are well paid for the services they render. If the country is to have an effective military force, its members should be paid in an equitable manner. And an all-volunteer method of recruitment is one method of insuring this equity.

Critics have argued that a volunteer military would somehow increase the isolation of the military, and that conscription is an effective means of maintaining a civilian influence in the military. The Constitution could not be more explicit about its intention to insure that the army be fully under civilian control. However, it never intended that this be accomplished through military conscription. In fact, appropriations for the military have to be approved every 2 years specifically because the Founding Fathers wanted the entire idea of a standing army to be reviewed that often. The very thought of a peacetime conscription would have been viewed by them as reminiscent of the tyranny of European kings and contrary to the ideals of freedom which caused them to travel to the New World.

Civilian control over the military, as provided for by the Constitution, is to be maintained by the Chief Executive serving as Commander in Chief, and by the very broad powers and responsibilities given to the Congress for raising and supporting the armies. Civilian control should not and cannot be maintained by forcing unwilling citizens to serve for 2 years in the lowest ranks of the army. Further, a volunteer military will not mean that our Armed Forces are suddenly put into some kind of total isolation from civilian life. As I pointed out earlier, the annual turnover rate under a volunteer military a year from now would be approximately 325,000 men. That is a reduction of only about 115,000 from the turnover rate of 440,000 under a mixed force of equal size. Thus, there would still be a very significant flow of men in and out of the Armed Forces each year. So it is fictitious and contrary to evidence to suggest that a volunteer military will in any way create an armed force that is isolated from civilian influence or control.

It may well be that the principle of civilian control over the military is in danger of eroding in our land today. But if that is true, the issue must be solved by perfecting the constitutional relationship between the Congress and the executive branch, and between the Chief Executive and the Armed Forces. Maintaining conscription as a means to preserve civilian control is not only ineffective, but completely contrary to the spirit and the intention of the Constitution.

This is also the case with regard to foreign adventurism. One aspect of the question as to the commitment of troops to war is the preparedness of those troops, and admittedly a volunteer force would be more effective than a conscripted force. However, as the Gates Commission points out:

> Decisions by a government to use force or to threaten the use of force during crises are extremely difficult. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation . . . enter into such decisions. It is absurd to argue that issues of such importance would be ignored . . . To the extent that there is pressure to seek military solutions to foreign policy problems, such pressure already exists and will not be affected by ending conscription.

This pressure is in the form of foreign policy and the already totally volunteer officers corps which makes policy decisions within the Armed Forces. Today we have the worst of two worlds: conscription at the lower ranks and isolation at the upper—to the extent that our officer corps are isolated. An all-volunteer military would have two controls inherent within it that are not present in a conscription force.

First, Congress would control the manpower level of the military by regulating the budget; the economic incentives to join would diminish beyond a certain manpower limit agreed upon by the

President and the Congress. The military could have only a certain number of men in its ranks, which would be an additional constraint on the scope of foreign military involvement. With conscription the President has virtually unlimited manpower resources directly at his command.

This would not be the case with an all-volunteer force. To reinstitute the draft the President would have to make a request to Congress, and conscription could then be reinstituted by the joint resolution of the Senate and House of Representatives. This would be well within the purview of article I, section 8 of the Constitution and be a significant contribution to Congress reassertion of its rights and responsibilities in the area of raising armies, declaring war, and influencing foreign policy.

Another frequently encountered argument is that the abolition of the draft and the institution of an all-volunteer military is important but not as high a priority as eliminating poverty, crime, racism, and other inequities our society needs to resolve. Consequently, the argument continues, we cannot afford at this time to spend the money necessary to create a volunteer armed force. This argument, however, overlooks the major differences between the draft on one hand and the other forms of inequities on the other; conscription is a government institution, created and sustained by the Government which bears the primary responsibility for the Selective Service System, its inequities, injustices, and inefficiencies.

It has been suggested that some form of universal service be implemented in order to equalize the burden among our youth. I favor the concept of service as long as it is voluntary in nature. But compulsory service is not only a contradiction in terms; it is inimical to the fiber of our Republic as well. Compulsory national service, assuming there were no deferments and that it were for 1 year's tour of duty, would mean the employment of 8 million people, if women were to serve, and 4 million if only men. With a conservatively estimated expense of between $4,000 and $5,000 per person, the total annual cost of universal national service would range between $16 billion and $40 billion. As the Gates Commission points out, this would be an amount greater than the entire manpower budget of the Department of Defense and would be highly economically prohibitive.

If universal military training were to be adopted with no deferments, more than 2 million men in noncareer positions would have to be employed in the Armed Forces at any one time, assuming the current eligibility standards and a 2-year tour of duty. One year's service would be unrealistic because most of that year would be spent training. Universal military training would be a radical departure from our founding traditions. It would spread the burden of the tax-in-kind to all of our young men and give the military more men than could be productively employed.

Several sections of the legislation I am introducing today deal with important aspects of a volunteer military. These have not received much attention in the past, but the Gates Commission dealt with them in a very thorough and consistent manner. The military is similar in many ways to a business firm. And some of its jobs could be easily performed by civilian personnel requiring no special military training. Consequently, it is recommended that the Armed Forces increase and expand utilization of civilian personnel through lateral hiring, saving an estimated $100 million.

Furthermore, the Commission proposes an improved and expanded recruiting program for not only enlisted personnel but officers as well. In this connection, ROTC scholarships should be increased from 5,500 to 10,000 per service and specialist educational programs should be expanded as well.

Another important change recommended by the Commission is the formulation of a new pay structure which would provide salary schedules combining basic pay, and quarters and subsistance allowances. The new pay structure should also include another much needed benefit—cash contributions to a retirement system similar to Federal civilian employees. Directions to the Secretary of Defense within this legislation instruct him to have a basic pay table for enlisted personnel and officers developed which will be utilized until the salary system is implemented, although I am hopeful that within the next month and before the final vote on this legislation I will be able to provide such a pay table.

The Gates Commission also called for an increase in combat pay from $65 to $200 for those who are actually taking the primary risks and not merely physically present in a combat zone. This would make combat pay more meaningful for those bearing the primary burden of war—those actually participating in combat—while avoiding some of the misuses of the present method of compensating those in combat zones.

One other aspect of military compensation and organization to which the Gates Commission directed its attention was medical treatment. Within its report the Commission recommends that those physicians serving in the military receive special pay increases, that the utilization of civilian medical facilities be maximized, and that a medical insurance program be created for all military personnel. If implemented, these changes would greatly enhance the medical treatment of military personnel while keeping costs to a minimum.

It is ironic that so unjust and inequitable an institution as peacetime conscription, with all of its inefficiencies, should be maintained by unproven assumptions, groundless fears, and the mere momentum of the past 20 years. Even more unfortunate is how the focus of concern is so easily lost when the issue of conscription is discussed. We always proceed by assuming that the status quo is naturally virtuous and preferable, unless proven otherwise. But in this case especially, the first question to ask should not be, will a volunteer military work, or how much will it cost, or what advantages would it have—rather, the first question to ask is why should we maintain conscription?

There is no institution of our Government more contrary to our democratic ideals, more limiting of our freedom, and more disruptive to the lives of our youth than the draft. Further, the draft is laden with inherent inefficiencies, and seems to be a clearly ineffective manner to provide for our Armed Forces and their needs. This opinion now has the support of a Presidential Commission. At long last, the time has arrived to take the first steps toward restoring military service to the degree of respect and regard and prestige it deserves, and to insure that such service will be the free choice of its citizens. In June of 1971, the Selective Service Act will expire. If we act now, and begin the process of building a volunteer military force, it will not be necessary to perpetuate conscription beyond that time. That must be the aim of all Americans who cherish freedom and value our democratic traditions and who want to meet the needs of our military organization.

The PRESIDING OFFICER (Mr. HUMPHREY). The bill will be received and appropriately referred; and, without objection the statement and bill will be printed in the RECORD.

The bill (S. 392) entitled "The Volunteer Military Act of 1971," was received, read twice by its title, and referred to the Committee on Armed Services.

The statement and text of the bill follow:

TOWARD A VOLUNTEER MILITARY

(Statement by Senator GOLDWATER)

Mr. President, it is with a great deal of pleasure that I again join with the distinguished Senator from Oregon in proposing legislation to establish the goal and foundation for a totally voluntary military service. I might say that I have lived with the idea for many years now that we can have a volunteer military force in this country. I shall explain my reasons briefly today; then once hearings are opened on the draft issue, I hope to develop further thought on it.

Mr. President, the legislation which we are introducing today will implement all the essential recommendations given to the President by the Gates Commission. You will recall this group was charged by President Nixon with developing "a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force." On February 20, 1970, the members of the Commission unanimously concluded the voluntary military concept is feasible and desirable. You may also recall that on April 23, 1970, President Nixon announced his agreement with "the basic conclusion of the Commission." The President unequivocally announced "I agree that we should move now toward ending the draft."

Accordingly, Mr. President, I believe the proposal we present to the Senate today is consistent with the goals and philosophy of the Administration. As I explain the details of our legislation, further areas of agreement will become apparent between the position held by the White House and the Department of Defense and the one suggested today.

First, it is important to emphasize what this bill will not do. It will not end the draft immediately. It will not leave the country defenseless in time of sudden emergency. It will not bankrupt the national treasury. And it will not injure the national security.

It will improve the conditions of military service. It will end the need for the draft. It will provide for the continued registration of all young men after the draft itself expires.

And it will establish a real basis on which to build a working Reserve.

Mr. President, first and foremost, our legislation provides for an immediate 50% increase in the value of basic pay for first term enlistees and a 28% increase for officers in their first 3 years of service. The increase for those in their second term of service is 9%. These increases will give individuals in their first years of service about the same pay as their civilian counterparts are receiving.

Mr. President, before going any further, I will state that this change is needed whether or not we move to an all volunteer military. The hidden tax which is imposed on Americans who are valiantly serving their country should be eliminated whether or not we end the draft. The idea of regarding military personnel as some kind of feudal slaves who are expected to work at 40%—which is what they are now getting—of what the civilian market will pay is unworthy of a modern civilized nation.

Our proposal will also put into effect immediately after its enactment other changes which will make military life more satisfying. For example, there will be an increase in special pay for physicians and dentists; there will be an increase in hostile fire pay from $65 to $200 for those individuals who bear the greatest risk; and there will be a broader basis for payment of special pay to those who are serving in a combat zone but who are not at the front lines. There is an extension of time within which reenlistment bonuses may be paid from 3 months to 6 months. Furthermore, travel and transportation allowances and dislocation allowances will be provided to enlisted members in the lower grades.

In addition, there are other reforms which will go into effect within 3 months after the proposal becomes law. These features are designed to improve the attractiveness of military life and to increase the motivation of persons to regard military services as a rewarding and important profession. They include the expansion of educational opportunities provided for military members, easing the problem of family separation, and providing better housing opportunities. They also include the wider use of proficiency pay and the establishment of an improved retirement program.

Mr. President, the purpose of making all these revisions is twofold. First, they are the essential elements for creating a fully volunteer force. Second, they are required as a matter of equity. Military members deserve to receive the same benefits and life style, as nearly as possible, as that enjoyed by our civilian population.

Mr. President, I have no doubt in my mind that the enactment of this plan will lead to a totally volunteer military. What is often forgotten is the fact that we very nearly have a volunteer force at present. The Gates Commission reported that at least half, or 250,000, or all enlistments are now made up of "true volunteers" each year. A recent Department of Defense study came up with much the same finding. This survey, which was conducted by the University of Michigan in 1968, estimates that "40 to 45 per cent of those who are enlisting are true volunteers." Thus both the Gates Commission and DOD agree there is a sizable group of men who would enlist in the Services even without the pressures of the draft. What is more, the Gates Commission found there are in the military today over 1 million persons who have reenlisted beyond their first term of service. All these individuals are true volunteers.

In fact, the Gates Commission concluded that a completely volunteer force of 2.5 million men can be achieved by inducing merely 75,000 additional men to enlist each year. Surely, the changes we have recommended today would achieve this much of a rise in enlistments if not a great deal more.

Mr. President, this fact bears repeating. No one need fear that we will be forced to attract 2.5 million volunteers all at one time in order to maintain our military force. All it's going to take is an extra 75,000 volunteers a year over what we already are getting.

And let me emphasize that the standard of 2.5 million men is a reasonable guide to test our proposal. The current active duty strength of our forces is already down to 2.9 million men, and the President's budget to be released next week will undoubtedly contain an even lower figure. These reduced numbers are well ahead of the Gates Commission's conservative projections.

What will our proposal cost? Well, starting from a higher Service strength than the actual present figure, the Gates Commission developed an extremely conservative estimate of $3.2 billion in the transition years and $2.1 billion once the volunteer force is operating as a stable system.

Also, it must be understood that the $3.2 billion estimate does not take account of the increased tax collections which will flow into the Federal Treasury. When we consider that the United States will recover $540 million each year in Federal income tax collections, the net cost of implementing the Commission's improvements will drop to $2.7 billion.

Mr. President, it appears to me these cost projections are in the same ball park with the budget increases recommended by President Nixon. If I recall correctly, President Nixon sent a message to Congress less than a year ago in which he promised to request a 20% pay increase for enlisted men with less than 2 years of service, effective January 1, 1971. This action alone was estimated to cost $500 million each fiscal year. In addition, the President pledged to recommend to Congress in January of 1971 an additional $2 billion for added military pay and other benefits.

Therefore, Mr. President, when we compare these 2 sets of recommendations, the one proposed by the Gates Commission and the program outlined by President Nixon, we see they are extremely consistent, both in purpose and cost. The Administration's two requests would add $2.5 billion a year to the budget. The Gates Commission's recommendations would cost $2.7 billion net. Both programs are suggested in order to proceed toward the elimination of the draft.

When we look at the tremendous similarity in these related plans, we can see how truly close the nation is to achieving success for this goal. If all who are interested in ending the draft will only keep their sights on the common goal we share, I am certain this will be the year of victory for the voluntary military proposal.

Mr. President, I might state again that the basic reason for my endorsement of this concept is the element of freedom which is involved. As a conservative, I believe that the most precious and fundamental right of man is his right to live his own life. When force is used to tell a young man how he shall spend several years of his life, I consider this to invade his basic personal liberty.

In this context, I would like to point out something today that many people in the country overlook. We hear the young persons in America say "We want to do our own thing." This is expressing what conservatives have been trying to say for hundreds and hundreds of years; namely "We want to live our lives unoppressed by a central government. We want to choose what we will do with our lives except in times of emergency when it becomes obvious that we have to resort to a tactic such as the draft."

That is the clear lesson I learn as I travel across America and visit with our young people in grade schools, high schools, and colleges. What I am finding in America today is not young people in opposition to the military per se, inasmuch as it might mean serving their country. They are patriotic. They are loyal Americans. I just believe they have become imbued with the one central thought of what began the United States of America: Freedom. The freedom to do what one wants as long as in doing it he does not hurt someone else.

To me, it is as plain as the sun coming up above my Arizona desert. These young people are ahead of us. We older people have got so used to oppressive government, so used to the government running our lives, that we begin to think we can help it no longer. But not these young people, and I admire them for it.

Mr. President, in closing I would like to repeat my feeling that our proposal is practical. By adopting pay increases, and the fringe increases our plan provides, we will have an improved, more attractive, military service. We will not destroy the military by this proposal. We will restore it to its traditional free nature as it has existed throughout most of this nation's history. The bill by itself will not repeal the draft. The draft will end automatically the end of June this year. However, if Congress hopes to allow the draft to expire or ever intends it to end, then we must lay the kind of groundwork which our bill will provide.

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act shall be cited as the Volunteer Military Act of 1971.

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally, and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population;

(3) the military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system;

(4) a voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the Reserve forces should be maintained at adequate strength levels and should be better trained and equipped to meet emergency combat assignments.

CONTROLLED REGISTRATION

SEC. 3. Notwithstanding the delimiting date specified in section 17(e) of the Military Selective Service Act of 1969, the President shall provide for continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines pursuant to section 4 that such action is necessary and legislation authorizing conscription is enacted pursuant to such determination.

ACTION FOR REINSTITUTING CONSCRIPTION

SEC. 4. If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 5(a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority, the Secretaries of the military departments shall, not later than 3 months after the date of enactment of this Act, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay or bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect;

(7) the improvement and expansion of educational opportunities, including associate degree programs and off-duty courses;

(8) ways to alleviate or prevent the problem of family separation for married members of the military services;

(9) the improvement and expansion of housing opportunities; and

(10) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs shall be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than three months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 6. The Secretary of Defense shall formulate not later than the first day of the first calendar month after which this Act is enacted a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel as the Secretary deems necessary and appropriate to insure equitable pay differences between grades. The revised basic pay schedule formulated by the Secretary pursuant to this section shall become effective on the first day of the first calendar month after which this Act is enacted.

ANNUAL INCREASE

	Enlisted personnel	Officer personnel
Years of service:		
1	$1,700	$1,504
2	1,544	2,031
3	804	1,142
4	727	
5	347	
6	344	
7	233	
8	344	
9–10	258	

SPECIAL PAY FOR PHYSICIANS, DENTISTS, AND VETERINARIANS MADE PERMANENT, INCREASE IN SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 7. (a) Sections 302 and 303 of title 32, United States Code, are amended by striking out "and before July 1, 1971." each time it appears in such sections.

(b) Section 302(1) of such title is amended by deleting the comma after "1947" the second time such date appears therein.

(c) Section 302(b) of such title is amended to read as follows:

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(1) $150 a month for each month of active duty if he has not completed two years of active duty in a category named in that subsection;

"(2) $200 a month for each month of active duty if he has completed two years of active duty in a category named in that subsection;

"(3) $450 a month for each month of active duty if he has completed three years of active duty in a category named in that subsection;

"(4) $600 a month for each month of active duty if he has completed four years of active duty in a category named in that subsection;

"(5) $750 a month for each month of active duty if he has completed five years of active duty in a category named in that subsection;

"(6) $900 a month for each month of active duty if he has completed six years of active duty in a category named in that subsection; or

"(7) $1,050 a month for each month of active duty if he has completed seven years of active duty in a category named in that subsection."

MORE EFFECTIVE USE OF PROFICIENCY PAY FOR ENLISTED MEMBERS

SEC. 8 (a) The Secretary of Defense shall, not later than three months after the date of enactment of this Act, promulgate regulations under which the Armed Forces will increase the utilization of proficiency pay authorized by section 307 of title 37, United States Code, for the purpose of attracting and retaining enlished members who are specially proficient in military skills.

(b) Section 307 of title 37, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsction (c) a new subsection (d) as follows:

"(d) Proficiency pay under subsection (a) (1) or (a) (2) of this section shall be made available to enlisted members with critical skills after such members have satisfactorily completed their training in such skill. Proficiency pay under this section shall be paid to enlisted members who qualify therefor without regard to whether they are career members or not."

HOSTILE FIRE PAY INCREASE

SEC. 9. Section 310 (a) of title 37, United States Code, is amended by striking out "$65" and inserting in lieu thereof "$200."

COMBAT ZONE PAY

SEC. 10. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"310a. Special pay: duty in a combat zone."

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

"(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

"(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

"(e) As used in this section the term 'combat zone' means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below "310. Special pay: duty subject to hostile file." the following:

EXTENSION OF TIME WITHIN WHICH REENLISTMENT BONUSES MAY BE PAID

SEC. 11. Section 308(a) of title 37, United States Code, is amended by striking out "within three months" and inserting in lieu thereof "within six months".

TRAVEL AND TRANSPORTATION ALLOWANCES AND DISLOCATION ALLOWANCES FOR ENLISTED MEMBERS IN LOWER GRADES

SEC. 12. (a) Section 406(a) of title 37, United States Code, is amended by inserting ", including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1," immediately after "A member of a uniformed service".

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1—".

ENLISTMENTS AND DISCHARGES

SEC. 13. (a) Section 505 (c) of title 10, United States Code, is amended to read as follows:

"(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years.

The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

"(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows: "§ 1169. Regular enlisted members: limitations on discharge.

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM INCREASE

Sec. 14. Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000
"Navy program: 10,000
"Air Force program: 10,000."

GREATER UTILIZATION OF CIVILIAN MEDICAL FACILITIES AND PERSONNEL

Sec. 614. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, formulate plans for utilization, to the maximum extent practicable, of civilian medical facilities and personnel to serve the medical needs of military personnel and their dependents. In formulating such plans the Secretary shall give consideration to more extensive use of a medical insurance program for retired personnel and their dependents and for the dependents of active duty personnel.

(b) The Secretary of Defense shall submit to the Congress the plans formulated pursuant to this section not more than three months after the date of enactment of this Act, together with such recommendations for legislation as may be necessary to effectuate such plans.

FORMULATION OF NEW SALARY STRUCTURE FOR UNIFORMED SERVICES

Sec. 16. (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a new pay structure for the uniformed services. Such pay structure shall—

(1) provide salary schedules of pay which combine basic pay rates and present allowances for quarters and subsistence;

(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including loss of any tax advantage realized under current law.

The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than three months after the date of enactment of this Act.

EFFECTIVE DATE

Sec. 17. This title shall become effective upon the date of enactment, except that sections 6, 7, 8, 9, 10, 11 and 12 shall become effective on the first day of the first calendar month after which this Act is enacted.

S. 393—INTRODUCTION OF A BILL TO REMEDY A TAX INEQUITY IN NEVADA

Mr. CANNON. Mr. President, on behalf of myself and Senator Bible, I send to the desk, for appropriate reference, a bill designed to remedy a longstanding tax inequity that exists in Nevada.

I first made this proposal, with my colleague, Mr. Bible, in 1965. Our proposal recognizes that since Federal legislation in the field of coin-operated gaming devices is designed for purposes of regulation rather than for the raising of revenue, a more realistic formula should be instituted.

Our proposal stipulates that 80 percent of the occupational taxes collected on these devices be credited for similar taxes imposed by a State where the operation of such devices is legal. In our opinion, this proposal is consistent with the 1965 action taken by the Congress on the New Hampshire lottery. Like New Hampshire and New York, Nevada urgently needs more locally raised revenue to meet the increasing costs of government, especially the demands of our schools.

For several years, the Nevada Legislature has sought to impose an additional tax on coin-operated gaming devices, and I ask that a relevant document from the Nevada Legislature, as well as the text of the bill I am introducing be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without objection, the bill and document will be printed in the Record.

The bill (S. 393) to amend the Internal Revenue Code of 1954 to allow a credit against the occupational tax on coin-operated gaming devices for similar taxes presently imposed by a State where the operation of such devices is legal; introduced by Mr. Cannon (for himself and Mr. Bible) was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter B of chapter 36 of the Internal Revenue Code of 1954 (relating to occupational tax on coin-operated devices) is amended by adding at the end thereof the following new section:

"Sec. 4464. Credit for State-Imposed Taxes.

"(a) In General.—There shall be allowed as a credit against the tax imposed by section 4461 with respect to any coin-operated gaming device for any year an amount equal to the amount of State tax paid for such year with respect to such device by the person liable for the tax imposed by section 4461, if such State tax (1) is paid under a law of the State in which the place or premises on which such device is maintained or used is located, and (2) is similar to the tax imposed by section 4461 (including a tax, other than a general personal property tax, imposed on such device).

"(b) Limitations.—

"(1) Devices must be legal under state law.—Credit shall be allowed under subsection (a) for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 on the place or premises occupied by him does not violate any law of such State.

"(2) Credit not to exceed 80 percent of tax.—The credit under subsection (a) with respect to any coin-operated gaming device shall not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

"(3) Credit not to apply to new taxes.—Credit shall be allowed under subsection (a) for a tax imposed by a State only if such State imposed such tax or a substantially similar tax (whether or not conditionally) on the date of the enactment of this section.

"(c) Special Provision for Payment of Tax.—Under regulations prescribed by the Secretary or his delegate, a person who believes he will be entitled to a credit under subsection (a) with respect to any coin-operated gaming device for any year shall, for purposes of this subtitle and subtitle F, satisfy his liability for the tax imposed by section 4461 with respect to such device for such year if—

"(1) on or before the date prescribed by law for payment of the tax imposed by section 4461 with respect to such device for such year, he has paid the amount of such tax reduced by the amount of the credit which he estimates will be allowable under subsection (a) with respect to such device for such year, and

"(2) on or before the last day of such year, pays the amount (if any) by which the credit for such year is less than the credit estimated under paragraph (1)."

(b) The table of sections for subchapter B of chapter 36 of such Code is amended by adding at the end thereof the following new item:

"Sec. 4464. Credit for State-imposed taxes."

(c) The amendments made by subsections (a) and (b) shall apply on and after July 1, 1969.

The document presented by Mr. Cannon is as follows:

An act to amend chapter 463 of NRS, relating to the licensing and control of gambling, by adding a new section imposing an additional tax upon slot machines contingent upon the allowance of an offsetting federal tax credit and providing other matters properly relating thereto

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this state a tax equal to the amount of any credit which may be allowed against the tax imposed on slot machines by 26 U.S.C. § 4461 for the payment of a state tax. If no such credit is allowed, no tax is payable under this subsection.

2. The commission shall:

(a) Collect the tax annually in advance, prior to June 20, as a condition precedent to the issuance of a state gaming license to operate any slot machine.

(b) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. The commission shall pay over the tax as collected to the state treasurer to be deposited to the credit of the state distributive school fund.

Sec. 2. If the Congress of the United States enacts legislation after January 10 of any calendar year by virtue of which a credit against the tax on slot machines by 26 U.S.C. § 4461 is allowable for a state tax paid during such calendar year, the Nevada gaming commission shall charge and collect, as soon as practicable after the effective date of such federal legislation, a tax on each slot machine licensed in this state equal to the amount of such credit allowable.

Sec. 3. This act shall become effective upon passage and approval.

S. 394—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL CEMETERY IN THE STATE OF NEVADA

Mr. CANNON. Mr. President, on behalf of myself and Senator Bible, I introduce, for appropriate reference, a bill to establish a national cemetery in the State of Nevada. At present there is no national cemetery in Nevada to provide for the burial of deceased veterans. Although national cemeteries came into being during the Civil War to provide for the burial of soldiers who had died in service, most of them are situated where battles occurred and therefore are not evenly distributed in the various States. For this reason the western part of the United States has few national cemeteries, and the many veterans who served during World War II have no place within reasonable proximity to their domicile for burial. During the last World War we had approximately 16 million men under arms, and when you consider their dependents we have a total of about 50 million people who are eligible for burial. Due to the inexorable march of time, the need for this legislation is increasing in urgency. I, therefore, urge that this bill be given serious consideration.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred.

The bill (S. 394) to provide for the establishment of a national cemetery in the State of Nevada, introduced by Mr. Cannon, for himself and Mr. Bible, was received, read twice by its title, and referred to the Committee on Veterans' Affairs.

S. 395—INTRODUCTION OF A BILL TO PROVIDE AUTOMATIC COST-OF-LIVING INCREASES IN CERTAIN BENEFITS FOR VETERANS AND WIDOWS, DEPENDENTS, AND DEPENDENT PARENTS OF CERTAIN VETERANS

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill entitled "a bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans."

The bill proposes to empower the Administrator of the Veterans' Administration to increase veterans' benefits annually by the amount of the cost-of-living index when it has increased by 3 percent for a 3-month period. It would become effective in January 1971, and would have to have had a 3-month consumer index rise prior to September 30 of each year.

It would increase veterans' payments for those who are entitled to compensation benefits. Mr. President, a similar proposal was made last year for social security recipients in H.R. 17550.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred.

The bill (S. 395) to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans, introduced by Mr. Cannon, was received, read twice by its title, and referred to the Committee on Veterans' Affairs.

S. 396—INTRODUCTION OF A BILL TO PROVIDE FOR CONSTRUCTION OF VETERANS' HOSPITAL IN STATE OF NEVADA

Mr. CANNON. Mr. President, I am introducing a bill today for myself and my Nevada colleague, Senator Bible, to provide for the construction of a Veterans' Administration hospital in the southern part of the State of Nevada.

At the present time veterans in Nevada are served by only one VA hospital, located in Reno, in northwest Nevada.

Veterans in more populous southern Nevada, 500 miles to the southeast, have no VA facilities whatsoever and are completely dependent on VA hospitals in crowded Los Angeles, 300 miles away.

I think it is a gross disservice to our veterans to force them to travel to Los Angeles to get treatment for service-related disabilities. In addition, it certainly is not fair to make the veterans of southern California wait for treatment because their facilities are overcrowded.

It is just this inequity that my legislation is designed to overcome. I urge early consideration and passage of this bill.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred.

The bill (S. 396) to provide for the construction of a Veterans' Administration hospital in the State of Nevada, introduced by Mr. Cannon, for himself and Mr. Bible, was received, read twice by its title, and referred to the Committee on Veterans' Affairs.

S. 408—INTRODUCTION OF A BILL TO EXTEND THE KEOGH PLAN TO ALL EMPLOYEES IN AMERICA

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to provide incentives for private individuals who are neither self-employed nor employed by an employer, either corporate or noncorporate, who provides his employees with a retirement plan. The incentive this bill would provide would be in the form of a tax incentive. The tax incentive in the plan I am proposing actually brings about an equity in the present law for persons who neither have tax-free moneys placed into a retirement fund by their employers for them nor have the option of placing a certain portion of their earnings into a pension plan without paying taxes on those moneys. This bill is a logical extension of the Keogh plan sponsored by former Congressman Keogh, of New York, and will equalize the tax treatment of income set aside for retirement by persons not now qualified for such tax treatment and income set aside for retirement by those who participate in either corporate or self-employed plans.

According to an article in the April 1968 issue of the Social Security Bulletin, private pension and deferred profit-sharing plans covered 27.6 million workers as of the end of 1967. Using the average number of workers in private employment during 1967 as a standard—54.4 million—this means some 30.8 million employees do not have any private pension coverage. It should be pointed out that 80 percent of those covered were in manufacturing, transportation, public utilities, and mining, and coverage is generally found in the case of employees of the larger employers. By contrast, a relatively small proportion of employees were protected by pension plans in the trade and service industries at least partly because of such factors as the smaller size of the business involved and the higher rate of turnover.

This bill would particularly benefit employees in my home State of Alaska. Alaska is a growing frontier area in which small business does the major share of employing. In addition, employment in Alaska is seasonal and in many cases is of marginal return to the employer and hence he cannot afford to provide pension plans and hire people at the same time. I feel that it is unfair to residents of my State not to extend the kind of tax treatment enjoyed by employees of larger employers in the rest of the country. In addition, this plan would allow lower income employees, both in Alaska and the rest of the country, to enjoy the same tax treatment that is now enjoyed by more well-to-do employees.

It is the case that the availability of pension coverage with tax benefits becomes more probable as the individual needs it less and less and almost nonexistent for those for whom a pension plan would do the most good. I introduce this bill in hopes that its passage will extend the benefits of tax sheltered retirement plans to those who can least afford to pay taxes on money they set aside for their senior years. It is the individual who works long hours at low pay and who has the most difficult saving for the future, and it is this very group that does not have access to the same kinds of advantages that individuals in the moderately well-to-do sectors of our economy do in saving for retirement. I offer this bill in hopes that we can end these inequities.

Under the plan as I propose it, any individual who wishes to participate may set up a retirement savings plan with any financial institution subject to the approval of the Secretary of the Treasury or he may purchase retirement plan bonds from the Treasury Department as now qualified individuals are presently doing.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 408) to amend the Internal Revenue Code of 1954 to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit sharing, and stock bonus plans) is amended by redesignating subsection (j) as (k), and by inserting after subsection (i) the following new subsection:

"(j) Certain Employees.—

"(1) General rule.—An individual who is not covered under a plan of any employer which meets the requirements of subsection (a) and, if applicable, subsection (d), may elect (at such time, in such manner, and subject to such conditions as the Secretary or his delegate shall prescribe by regulations) to become entitled to the benefits provided by this part to the same extent as if he were a self-employed individual.

"(2) Effect of election.—For purposes of applying the provisions of this part to an individual who makes an election under paragraph (1), such individual shall be treated—

"(A) as an employee within the meaning of subsection (c)(1), as owning the entire interest in an unincorporated trade or business, and as his own employer, and

"(B) as receiving earned income in an amount equal to the compensation paid to him by the employer described in paragraph (1)(A).

"(3) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(b) The amendments made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

S. 410—INTRODUCTION OF A BILL RELATING TO TRAVELTIME FOR FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, across the vast land area of my State are scattered a number of Federal installations. These include naval airbases and radar defense sites, civilian weather stations, flight service stations, and navigation aids. Employees on these sites share an isolation from normal transportation. There are no roads, no railways, and airlines are infrequently scheduled to allow these Federal employees access to the rest of the United States.

Along the outer edges of this country, these employees and their families may have to wait days until a plane arrives to take them to a city with regularly scheduled service to the "outside." As an example, Adak Naval Station on the Aleutian Islands employs 162 civilians. With their dependents, this group comprises 400 civilians who are isolated from regular travel connections.

Leave time is a treasure for these people. Under the current regulations, leave time of Federal employees is consumed even while they are awaiting a flight from their post.

Their return to the base is much more unpredictable. Precious amounts of time must be taken from their vacations to find a flight back to Adak. The bill which I am introducing will insure that Federal employees in all remote areas of the country will enjoy the full amount of their leave time away from their isolated outposts. Under this bill, leave will not include time lost in travel from posts more than 200 miles distant from a city or town with regular transportation access to the "outside."

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred.

The bill (S. 410), a bill to provide that certain traveltime of a Federal employee on annual leave, having a post of duty in a remote area, be excluded from the period of annual leave granted the employee, introduced by Mr. Stevens, was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 411—INTRODUCTION OF A BILL RELATING TO OPEN-SEASON HEALTH INSURANCE

Mr. STEVENS. Mr. President, I am today introducing for appropriate reference a bill which would assure Federal employees fair treatment under current health insurance programs provided by the Federal Government.

My bill would require that any rate increase provided by a health insurance company offering protection to Government employees would have to be announced at least 30 days before the period during which employees can change programs.

According to the Civil Service Commission in each of the last 5 years, four of the five health insurance programs available to Federal employees have increased their rates immediately following the close of the open selection period.

Another feature of this bill would require that an open period be held at least once every 2 years. Between March 1966 and November 1969, Federal employees were unable to change their health insurance programs because no open period was provided.

I ask unanimous consent that this bill be printed in the Record immediately following my remarks.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without, objection, the bill will be printed in the Record.

The bill (S. 411) to amend the provisions of title 5, United States Code, relating to Federal employees health insurance plans, to require periodic open seasons and to require prior notice of changes of rates in such plans, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) No rate charged under any health benefits plan described by section 8903 of this title may be readjusted unless the readjustment is announced at least 30 days prior to the beginning of any time that all eligible employees and annuitants are allowed to enroll in, change their cover under, or transfer their enrollment under, such plans."

Sec. 2. Subsections (d) and (e) of section 8905 of title 5, United States Code, are amended to read as follows:

"(d) An employee or annuitant enrolled in a health benefits plan under this chapter may change his coverage or that of himself or members of his family—

"(1) by an application filed within 60 days after a change in family status;

"(2) at other times (which shall be not less frequently than once every 2 years) and under conditions prescribed by regulations of the Commission; or

"(3) under conditions prescribed by regulations of the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter.

"(e) An employee or annuitant may transfer his enrollment from a health benefits plan described by section 8903 of this title to another plan described by that section—

"(1) at the times (which shall be not less than once every 2 years) and under the conditions prescribed by regulations of the Commission; or

"(2) under conditions prescribed by the Commission, at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter."

Sec. 3. The first sentence of section 8913 (b) of title 5; United States Code, is amended—

(1) by striking out "time" and inserting in lieu thereof "times"; and

(2) by inserting before the period at the end thereof a comma and the following: "except that the times so prescribed shall be not less than once every 2 years or shall be at other times requested by carriers having at least 30 percent of all the employees and annuitants enrolled under all health benefits plans under this chapter".

S. 412—INTRODUCTION OF A BILL TO PERMIT ALL COMPENSATION PAID AT REGULAR RATES TO CERTAIN EMPLOYEES OF THE ALASKA RAILROAD TO BE INCLUDED IN THE COMPUTATION OF THEIR CIVIL SERVICE RETIREMENT ANNUITIES

Mr. STEVENS. Mr. President, today I am introducing a bill that will allow all compensation at regular rates to be used in figuring civil service retirement annuities for trainmen and enginemen of the Alaska Railroad.

Under the present method of civil service compensation, hours worked in excess of 40 hours per week are not subject pay for retirement purposes. However, the trainmen and enginemen of the Alaska Railroad are paid under the mileage system in which a 12½-mile run equals 1 hour of pay.

Because of the system, the trainmen and enginemen make comparable salary, but in many cases must work more than 40 hours a week to do so. By using the 40 hours to figure subject pay, for retirement purposes, these men are being deprived of their right to a proper retirement annuity.

Mr. President, my bill will rectify this situation and allow the trainmen and enginemen to receive proper credit of their wages toward retirement benefits.

I ask unanimous consent that the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 412) to permit all compensation paid at regular rates to certain employees of the Alaska Railroad to be included in the computation of their civil service retirement annuities, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by striking out the word "and" at the end of subparagraph (B) (ii);

(2) by inserting the word "and" at the end of subparagraph (C);

(3) by inserting immediately after subparagraph (C) the following new subparagraph:

"(D) all compensation paid at straight time, regular rates and received by an employee of the Alaska Railroad who is paid under a dual system based on both hours and mileage;" and

(4) by striking out the phrase "subparagraphs (B) and (C)" and inserting in lieu thereof the following: "subparagraphs (B), (C), and (D)".

S. 413—INTRODUCTION OF A BILL RELATING TO TIME SPENT IN TRAVEL STATUS BY FEDERAL EMPLOYEES

Mr. STEVENS. Mr. President, today I am introducing a bill that will treat that time spent in travel status by a Federal employee as hours of employment.

Too often in the past a Federal employee has been required to travel, while on Government business, on his own time. Many instances are documented in which an employee is required to be in a distant city on a Monday morning, necessitating his traveling on Sunday and many times on Saturdays in order to make his business appointments.

In many areas, such as my home State of Alaska, it is difficult to arrange convenient travel schedules to allow travel during normal working hours. In these cases, in order to carry out his job responsibilities, the employee must travel on a weekend or after regularly designated working hours.

Mr. President, it seems to me to be inconsistent to require an employee to sacrifice his personal time, time that could be spent with his family and friends, in order to meet Federal employment commitments.

My bill will correct this glaring deficiency by counting that time spent in travel status, outside of normal working hours, as hours of employment.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record following these remarks.

The PRESIDING OFFICER (Mr. Humphrey). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 413) to provide that time spent by a Federal employee in a travel status shall be considered as hours of employment, introduced by Mr. Stevens, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the Record, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5542(b) (2) of title 5, United States Code, is amended to read as follows:

"(2) time spent in a travel status away from the official duty station of an employee is hours of employment only if an employee is directed to undertake such travel as part of his employment responsibilities."

(b) The last sentence of section 5544(a) of such title is amended to read as follows: "Time spent in a travel status away from the official duty station of an employee subject to this subsection is hours of work only if an employee is directed to undertake such travel as part of his employment responsibilities."

S. 423—INTRODUCTION OF A BILL RELATING TO LIMITATIONS ON FARM PAYMENTS

Mr. McINTYRE. Mr. President, I introduce a bill to limit price support payments under our farm programs.

This bill would amend Public Law 91-524 to limit Federal payments to individual farm producers to $10,000 per crop per farm.

This bill, if enacted, could save as much as $200 million of the taxpayers money.

The basic purpose of farm subsidies is to compensate producers for limiting production. Unlimited production would produce a glut which, in turn, could destroy the entire farm economy.

But, I do not believe the bulk of farm subsidies should wind up in the billfolds of just the major producers. And this is becoming more and more the pattern.

The number of individuals and corporations receiving large farm payments has increased alarmingly year by year.

From 1968 to 1969, for example, there was a 30 percent increase in the number of producers getting farm payments of $25,000 or more for all crops, and the increase since 1966 has been an alarming 60 percent.

This pattern will continue at an accelerated rate unless limitations are imposed.

The big producers collect most of the farm payments. With such a lucrative subsidy for their operations, they are able to buy out smaller producers and collect even larger subsidies on their increased acreage.

The 91st Congress took a step in the direction of the bill I am introducing by providing a $55,000 limitation of payments per crop per farm. But, I do not believe this goes far enough. The law passed last year could still allow payments of as much as $165,000 per farm. The bulk of the Federal funds would still continue to end up in the hands of the major producers, the large farm corporations, and absentee landowners.

In 1969 seven farm companies received in excess of $1 million each in farm payments, 14 received between a half a million and a million, and 54 between a quarter and a half a million dollars.

Obviously these are not small farmers. The J. G. Boswell Co. of California, for example, collected more than $4 million in farm payments in 1969. And we paid the Queen of England $120,000 for not planting cotton on the farmland she owns in Mississippi.

The big producers collect big farm payments and are thus able to buy out smaller producers and collect even larger subsidies on even larger acreage.

This is an unfair, economically wasteful, and discriminating cycle that can only be broken by imposing equitable payment limitations.

I am convinced that we can achieve the same farm production restraint under payment limitations as we do without limitations.

If this is true, and I am certain it is, then there is absolutely no justification for continuing to give more to the "haves" than to the "have-nots." At a time when many other domestic needs are crying out for attention, there is no reason we should continue to make the fat farm cats fatter.

At a time when inflation continues to threaten our economy, I cannot see justification for this unneeded expenditure of Federal funds.

The PRESIDING OFFICER (Mr. Boggs). The bill will be received and appropriately referred.

The bill (S. 423) to limit Federal payments to individual farm producers to $10,000 per crop per farm introduced by Mr. McIntyre, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 424—INTRODUCTION OF A BILL TO HELP THE CONSUMER PROTECT HIS WEARING APPAREL

Mr. McINTYRE. Mr. President, I introduce for appropriate reference, a bill designed to help the consumer get the best use out of his wearing apparel.

In the maze in which the modern day consumer lives the care of his wearing apparel is often a difficult, and confusing problem. Yet every time we try to get a new dress, a new suit, or a new coat cleaned, or a new shirt laundered, we face the possibility that the process we use will not properly clean the garment and in too many cases may shorten its life or actually ruin it for further wear.

Nearly every garment purchased has some form of care labeling attached to it. These cover either washing instructions or drycleaning procedures. But, in all but a very few cases these instructions are attached with a temporary tag which is removed the first time the garment is worn. And, despite the best of intentions the proper instructions for care are quickly forgotten.

This matter has been considered by the President's consumer advisers under both Presidents Johnson and Nixon. The Federal Trade Commission has held extensive hearings on this matter which it has had under consideration since 1966. The FTC is still considering the matter, and I am informed that it is doubtful that the Commission may soon come forth with a ruling and even if such a ruling is made whether it may have the teeth necessary to properly protect the consumer.

Mrs. Virginia H. Knauer, special assistant to President Nixon, recently presented extensive and most significant testimony before the FTC on this subject. I think her testimony is so important, Mr. President, that I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Virginia Knauer

Thank you for the opportunity to be here today to discuss a problem of great concern to American consumers.

The need for proper care labeling on textile products has been a concern of the President's Committee on Consumer Interests since 1965. In the fall of that year, several representatives of the textile industry approached Mrs. Esther Peterson, then Special Assistant for Consumer Affairs, to discuss how the industry could best advance the interests of the consumer. In January of 1966 an Industry Advisory Committee on Textile Information was appointed. The Advisory Committee planned, as its initial assignment, to research how the industry, on a voluntary basis, could provide consumers with permanent care labels on textile products.

After considerable discussion, the Advisory Committee published its "Voluntary Industry Guide for Permanent Care Labeling." The Guide was approved by Mrs. Peterson's successor Betty Furness on September 5, 1967. Miss Furness urged enthusiastic endorsement of the guide from the industry. She also said, and I quote from her letter of endorsement, "The efforts that have gone into the creation and circulation of the Guide will be unavailing if it is not adopted and implemented by the entire industry. Indeed, the utility and rationale of the Guide are premised on industry-wide acceptance, and spotty usage of the Guide by industry might well produce confusion rather than enlightenment of the public."

Since it is never too late to praise when praise is due, I also would like to commend the Advisory Committee for its work. The Guide has been a necessary first step. But, since I must say clearly what I see clearly, the evidence at the point of sale would certainly seem to indicate a rather slow implementation of the good work of the Guide. I hope that, as a result of these hearings, the industry will be able to furnish the FTC with precise current statistics regarding the use of permanent care labels. I believe that until the information gap between the producer and the consumer is bridged, the miracle fabrics developed by our technological cornucopia will bring mixed blessings.

The Federal Trade Commission is attempting to close that gap. I believe that harried housewives and busy businessmen agree that action is necessary. But results so far dim the hope that a solution will come in the near future through voluntary industry action.

Before considering the proposed trade regulation from the viewpoint of the consumer, I would like to consider the business point of view.

When a manufacturer sells a textile product without permanent care labeling, he is in effect competing unfairly with manufacturers of competitive products who do provide such labeling. We are told that some textile products are virtually uncleanable, such as garments made of incompatible materials; in such cases, either a drycleaning or a washing treatment may be disastrous.

If the consumer can't compare cleanability factors, he may purchase such a textile product (unlabeled as to cleaning instructions) with the erroneous impression that it can be cleaned and refurbished. The frustrated purchaser and embarrassed owner of the drycleaning establishment are not the only adversely affected parties. Manufacturers of competing products also lose, since the unlabeled product appeared to be a better buy than it really was. If there is a legitimate market for second-class products whose colors run and whose fabrics separate upon cleaning, it should compete on a fair basis with products capable of withstanding cleaning procedures. If a garment is transformed into a shapeless rag by any and all cleaning procedures, it ought not to be represented as an easy-to-clean garment. To do so is unfair to the buyer and to the competition, whether it is accomplished by inaccurate labeling or by no care labeling at all.

To quote Dr. George S. Wham, Technical Director of the Good Housekeeping Institute, "We believe that a lot of problems could be resolved if manufacturers would spend more time and money in educating consumers. And one of the best ways this can be done is with good informative labeling of garments."[1]

And now I would like to look at the Commission's proposal solely from the standpoint of the consumer.

I do not quarrel with the argument that permanent care labeling is not needed for textile products for which cleaning procedures are already known by consumers. My problem is with the relevance of the statement in light of the many new fabrics, blends of new and old fabrics, chemical treatments of new and old fabrics, permanent press fabrics, and countless new cleaning materials confronting new housewives and future housewives.

If I may quote another expert, Miss Josephine Blandford, the textile technologist for the National Bureau of Standards, "To many consumers the listing of the generic names of fibers and the terms 'wash-and-wear' or 'durable press' on the label only suggest certain charactertistics and minimum care. Without care instructions, the information on this label is insufficient."[2]

For the sake of the consumer, I hope that the Commission will not decide on a "guideline" approach instead of trade regulation rules. If guides using an exception labeling plan are in effect, the absence of labeling may mean one of three things. First, that the manufacturer believes most consumers are aware of the proper refurbishing procedures. Second, that the manufacturer simply does not care to attach the special instructions needed for the particular textile product. Third, that, while special instructions are required to clean the article, the Commission has accepted the view that most consumers would not normally clean the article and that, therefore, it should be exempt from the labeling requirement. It is difficult to simultaneously maintain a case for an exception labeling scheme with exceptions to the exceptions, and yet, at the same time, argue for voluntary guides over mandatory rules.

Lest my comments on the question of guides versus rules be misconstrued, let me say plainly that the competitive reasons for avoiding acceptance of the voluntary industry guide argue strongly for rules rather than "guidelines." Manufacturers who do not know how well their textile products will withstand cleaning procedures, or who know that such products cannot be cleaned properly, are not likely to accept the guide adopted voluntarily by their competitors.

We do perceive some problems if the record of these hearings supports the issuance of trade regulation rules.

For example, there are details regarding the most informative type of labeling which must be worked out before any general labeling rquirement proposed by the Commission could be implemented. A delayed effective date for the rules will, I believe, be justified. It seems unlikely that a sudden demand for permanent care labels throughout the industry could be met and satisfied by the existing facilities. I believe that the expertise and capabilities of the industry will be equal to these two problems given a reasonable period of time. No doubt the Commission will be in a better position to judge a reasonable time for implementing permanent care labeling after the textile industry has been able to testify on the degree of acceptance of the voluntary labeling guide.

Whatever the decision on the timing for implementing a scheme of care labeling, I think it is beyond argument that the consumer is in need of the permanent type label as opposed to any other type. Housewives are not usually skilled in filing or bookkeeping. To expect them to file away and resort to a catalog of labels is unrealistic in the extreme.

I am aware that the Commission has received comment on Rule #2 with regard to the proposed certification required of the manufacturer to the ultimate consumer-purchaser. The view has been expressed that, where the manufacturer has an agreement with the retailer to accept return of articles not performing as represented, it may be redundant to require the certification to run to the consumer-purchaser. I would like to know how many agreements of this type presently exist, and how the consumer's rights are determined. I do not want the consumer to be caught in a cross-fire between the manufacturer and the retailer.

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[1] Dr. George S. Wham, Technical Director, Good Housekeeping Institute, New York, New York; An Address to The Apparel Research Foundation, Inc., October 14, 1969, p. 6.

[2] Josephine M. Blandford, Product Evaluation Division, National Bureau of Standards, Washington, D.C.; an Address to the Apparel Research Foundation, Inc., October 14, 1969, p. 6.

I also regard as reasonable the requests that any rules not be made retroactive or be made to prohibit the consumption of labels developed as a result of industry voluntary care labeling programs. It is obvious too that many textile products are not usually refurbished by consumers and as such should be eligible for exemption from the labeling rules. I am sure that these and other special labeling problems can and should be solved before a rule is made effective.

Before I close, I would like to say that I am sure the textile industry will use the opportunity afforded by this hearing to look closely into the technical factors involved. How can the manufacturer best match the care instructions to the garment? At the heart of this problem is the fact that a good many manufacturers of finished textiles evidently do not know the performance factors of the fabrics used in their products, and thus have a natural hesitation to represent the proper way of care. I therefore wonder why more manufacturers do not adopt at the very least the minimum testing policy advocated by the National Bureau of Standards and the Apparel Research Foundation. It has been reported that for under $900 the manufacturer can buy equipment that will test garments for durability, dimensional stability, colorfastness, and strength.[3] And once the manufacturer has tested his product so that he can meet the wear criteria demanded by customers, it is a logical and certainly not an impossible step to determine the care criteria. And once these criteria are established, the translation into a meaningful terminology can be readily made. Nine hundred dollars is a ridiculously low price to pay for insuring quality.

I recommend that interested manufacturers contact the NBS or the Apparel Research Foundation or, at least read pages 28 and 29 of The November 1969 Issue of the trade Journal *Apparel Manufacturer* describing what even a small manufacturer can do.

Thank you again for the opportunity to be here. It is high time that the textile consumer receives necessary care information in a usable form. The only answer is a permanent care label.

Mr. McINTYRE. Mr. President, this strong appeal for care labeling has been echoed by many consumer experts. Charlotte Montgomery, the consumer columnist for the Good Housekeeping magazine recently returned from an extensive tour around the Nation in which she queried consumers on their greatest needs. She reported:

> Most frequent wish-for by consumers: care labels sewn in clothing.

The bill I am introducing would require that the proper cleaning, washing, and care instructions be permanently affixed to each piece of wearing apparel, moving in interstate commerce, excluding only hosiery, boots, shoes, and other footwear, and jewelry.

I am most hopeful that this legislation can receive early hearings. I hope these hearings will explore this problem in detail. It may well be that these hearings will find that instead of a label on each piece of wearing apparel detailing the care needs for that particular garment, that the most satisfactory arrangement would be to use "exclusion labeling." Under this system labels would only be necessary for garments which might be damaged by ordinary laundering or drycleaning processes. In other words, if the wearing apparel can be cared for with the normal means, no label would be required. If it needs special handling, then a permanent label would have to be affixed.

There is the problem of language difficulties which exist in some communities such as New York City. It may be that the Canadian system of symbols which are used to designate the kind of care needed might be considered.

Mr. President, I do not suggest this bill is the perfect solution. I will be most agreeable to changes if the hearings suggest the need for modifications and if these revisions do not weaken the purpose for which this legislation is drafted.

This is a beginning. The goal is to take another step in helping the consumer.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred.

The bill (S. 424) to require that certain articles of wearing apparel be permanently labeled with laundering and drycleaning care instructions, introduced by Mr. MCINTYRE, was received, read twice by its title, and referred to the Committee on Commerce.

S. 425—INTRODUCTION OF A BILL TO PROTECT THE CONSUMER THROUGH MEANINGFUL WARRANTIES ON THE PRODUCTS HE BUYS

Mr. McINTYRE. Mr. President, I introduce for appropriate reference, a bill to be called the National Warranty Standards and Performance Act of 1961.

Mr. President, this year American consumers will purchase millions of automobiles, many kinds of electrical appliances, transistorized equipment, and scores of varieties of personal products. Most of these items will be accompanied by some kind of warranty in which the manufacturer makes some kind of pledge as to what he will do in case there are defects in the product.

The best lawyer in the largest law firm in the Nation would be hard pressed to decipher the meaning on many of these warranties. The average consumer is completely at a loss as to whether the product he has purchased is guaranteed to give responsible service and will be repaired in some responsible way in case it fails to perform properly.

Too often the purchaser sees some official-looking language under the heading "warranty" and in his optimism believes that this warranty guarantees the reliability of the product and its easy and rapid repair.

His optimism is often ill founded.

In many cases, small type, appropriately hidden at the bottom of the large type, disclaims any implied warranty or fitness of the product for use and establishes all kinds of preconditions for obtaining the services listed. This is hardly consistent with the popular belief that warranties, whether implied or stated, mean that a manufacturer will stand behind his product.

When something does go awry with a warranted item the impact on the consumer is often disastrous. There may be unreasonable and excessive delays in providing repair service. Often, completely unrealistic procedures must be followed in order to obtain repair. For example, there have been warranties which require the return of the item in the original box in which the product was sold to the consumer. That box usually goes in the waste container on the night of the purchase or, at least, is destroyed before the warranty is read and understood.

In some instances, warranties require that the imperfect product must be returned to a distant and difficult to reach specific location to obtain repair under the guarantee. There are many instances of the unavailability of the proper parts to make needed repairs. Often there are unexpected "service charges." In other cases, even after repairs have supposedly been provided, the product still does not perform properly.

Public attention and concern has prompted some improvement in this area and many companies are attempting to improve the understandability of warranties and to fulfill the promises made under them. But such efforts are neither universal nor completely effective. As a result the consumer still does not know how long a product will last, nor can he have full confidence in the manufacturer's ability and willingness to provide repair service.

There were several bills on warranties introduced in the last Congress including the bill I am introducing today. Hearings were held on a bill introduced by the distinguished and able Senator from Washington (Mr. MAGNUSON) the chairman of the Senate Commerce Committee. The bill was reported and finally passed by the Senate. The House did not act on this measure.

I supported the bill by the Senator from Washington. It was another indication of the real dedication the chairman has to protecting the interests of the consumer.

But, Mr. President, I believe that there are some problems consumers face with respect to warranties that even the excellent bill introduced and passed in the Senate by the Senator from Washington would not completely solve.

Most of the previous proposals authorize the setting and publication of standards of warranties. However, there appears to be some question as to whether such standards would have the force and effect of law. My bill, I believe, would provide the force and effect of law and offers a feasible means for enforcement.

Additionally, the standards proposed in most of the legislation previously offered will, I believe, hardly be pervasive enough to insure full disclosure on the myriad of products which might be covered. Another drawback to these proposals is that the regulations would have to be on a case-by-case basis using the cease-and-desist mechanism of the Federal Trade Commission. It would certainly be difficult to prove in court that a warranty is not clear and concise when serious attention is focused upon it and, indeed, there also seems room for argument as to what is clear and concise and to whom.

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[3] November 1968 Issue Apparel Manufacturer, pp. 28 & 29.

Another area not sufficiently defined in previous legislation is what amount of service on a product is necessary in order to be considered adequate and whether a manufacturer can be prosecuted because one of several areas of service falls below accepted standards.

The bill I am introducing today would have as its principal goal to enable the purchaser to understand a warranty and to insure that the manufacturer fulfills his obligations thereunder. This legislation would require clear and concise language as to what is covered and what is not covered in each warranty. The caveats, exclusions, and disclaimers by the manufacturers and the responsibilities of the purchaser will be readily apparent and understood under the provisions of this legislation.

This legislation would also protect against the now common practice of inserting a disclaimer of any implied warranty into an express warranty. I do not believe that manufacturers should be able to avoid in this manner legal obligations which they might otherwise have. I was happy to note that the Chairman of the Federal Trade Commission testified in this same vein when he appeared before the Consumer Subcommittee of the Senate Commerce Committee.

I believe that the bill I am offering today alleviates many of the difficulties implicit in a regulatory program based on generalities. Registration of all warranties, such as I propose, giving the Federal Trade Commission a chance to review them for clarity, conciseness, and full disclosure appears to me to be an efficient, easily administered, and expeditious means of dealing with warranty problems. It would place the major responsibility on the manufacturers, where it belongs, to provide meaningful warranties which they could be required to back up.

Administrative safeguards would be provided to avoid arbitrary decisions by the FTC. There would be an initial period during which all existing warranties would be conditionally registered, pending review. I believe that this initial period for review by the FTC and the knowledge that registration could be revoked if warranties were found lacking would stimulate immediate improvements and accomplish much in a short time.

Mr. President, many of my colleagues joined with me last year in cosponsoring this identical bill. I hope they will join again this year.

I believe this consumer protection is great now, as it was previously. We should take action to assure that the purchaser of goods flowing in interstate commerce is properly guaranteed and that in buying these products the consumer has a reasonable chance of obtaining a product that will give him the service he should have the right to expect.

Mr. President, I ask that the full text of the National Warranty Standards and Performance Act of 1971 be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Boggs). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 425) to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes, introduced by Mr. McIntyre, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Warranty Standards and Performance Act of 1971."

DECLARATION OF POLICY

Sec. 2. The warranty accompanying an article of sale frequently comprises a major element of the total value represented to the consumer. Informative, accurate, clear and fair warranties, backed up by warrantors with quality replacement parts or efficient services warranted, are essential elements of our free market economy. The presentation and content of the warranty prior to sale, and the consistency of performance of warranty obligations after sale, should facilitate value comparisons and promote fair competition. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and business in reaching these goals in the marketing of consumer goods.

FINDINGS OF FACT

Sec. 3. The Congress finds that—

(1) those who warrant goods in an unfair manner or fail to provide for the performance, or fail to perform the warranty made, inhibit fair competition, frustrate value comparisons by consumers and promote disharmony between consumers and business;

(2) in order to facilitate value comparisons by consumers, promote fair competition within the business community, and promote harmony between consumers and the business community it is necessary to provide for the promulgation of standards governing the presentation, accuracy, clarity and elements of disclosure of warranties, and to provide for the registration of warranties accompanying consumer goods;

(3) compliance with the standards set and provisions for performance of obligations of the warranty made should be conditions precedent to the granting of approval of any warranty accompanying consumer goods;

(4) actual performance of the obligations of a warranty should be a condition precedent of the continued registration of any warranty accompanying consumer goods;

(5) to make regulation of warranties for consumer goods in interstate commerce effective, it is necessary to provide for the standardization and registration of all warranties accompanying consumer goods which are likely to enter the channels of interstate commerce and directly affect such commerce; and

(6) regulation of warranties for consumer goods in interstate commerce without provision for standards and registration of warranties for consumer goods distributed only in intrastate commerce would discriminate against and depress interstate commerce in such goods and would adversely burden, obstruct, and affect such interstate commerce.

REQUIREMENTS AND PROHIBITIONS

Sec. 4. (a) Except as otherwise provided by this Act, it shall be unlawful for any person engaged in the manufacture or sale of consumer goods in interstate commerce or affecting interstate commerce to make with respect to such goods any oral or written representation purporting to be a guaranty or warranty unless (1) such representation is a warranty which has been determined by the Federal Trade Commission to conform to standards for presentation, accuracy, clarity and disclosure for warranties which shall be established by the Federal Trade Commission under this Act, (2) such warranty has been registered with the Federal Trade Commission after its determination that the terms and conditions thereof, and the provisions made by the warrantor for the performance of the obligations thereof, conform to the requirements of this Act and of regulations which shall be promulgated by the Commission thereunder, and (3) such registration has not been revoked or suspended.

(b) The Federal Trade Commission shall promulgate such regulations as it shall determine to be necessary to provide effective notice to consumers as to the identity of particular items of consumer goods manufactured or sold in interstate commerce or affecting interstate commerce which, when offered for sale to consumers, are not subject to a registered warranty which is in effect in compliance with the requirement of subsection (a). Such regulations shall specify the identity of the parties required to furnish such notice, the manner in which such notice is to be given, and the contents or substance of such notice. Whenever any person is obligated by such regulations to give that notice, it shall be unlawful for such person to fail to give that notice in compliance with such regulations.

(c) If the Federal Trade Commission determines that, because of the nature, form, or quantity of any category of consumer goods or for any other reason which it determines to be good and sufficient, full compliance with all the requirements prescribed by this Act is impracticable or is not necessary for the adequate protection of consumers, the Commission may promulagte regulations exempting such category of consumer goods and warranties given with respect thereto from those requirements to the extent and under such conditions as it determines to be consistent with the purposes of this Act.

(d) Under such regulations as the Federal Trade Commission shall promulgate in conformity with the provisions of this Act, any person engaged in the manufacture or sale of any item of consumer goods may apply to the Commission for the registration of a warranty which such person intends to offer in connection with the sale of that item to consumers and for which such person proposes to assume responsibility for performance. Each such application shall be accompanied by five copies of the proposed warranty and such evidence of the willingness and capacity of the applicant to fulfill the obligations of the warranty as the Commission may require by regulation. After notice and an opportunity for hearing, the Commission at the earliest practicable time shall enter its order granting or denying the application and transmit a copy thereof to the applicant by registered mail. If the Commission grants the application made as to a warranty, it shall assign to that warranty a serial number which shall be placed upon each copy of the warranty furnished to consumers.

WARRANTY STANDARDS

Sec. 5. (a) Subject to the provisions of section 4(c), no warranty may be approved by the Federal Trade Commission for registration under this Act unless that warranty—

(1) is expressed in simple and readily understandable terms;

(2) clearly and conspicuously discloses the name and address of the warrantor and, where applicable, the name and address of

any person or persons, or the identification of any class of persons, authorized to perform the obligations set forth in the warranty;

(3) contains a detailed statement of the terms and conditions of the warranty, including any limitations on parts covered, the nature of damage or defects covered, the duration of the warranty, any obligations imposed upon the purchaser, and the time and manner of the warrantor's performance of his obligations under the warranty; and

(4) fulfills such other requirements as the Commission may determine to be necessary to provide a full and complete disclosure to consumers of the meaning of the warranty and the remedies provided thereby for the benefit of consumers.

(b) Subject to the provisions of section 4(c), no warranty may be approved by the Federal Trade Commission for registration under this Act if that warranty—

(1) provides or purports to provide for the transfer, by contract or otherwise, to any person other than the warrantor of the obligation of the warrantor to fulfill the terms and conditions of the warranty;

(2) relieves or purports to relieve the warrantor of any obligation—

(A) to correct any damage to or defect in any item of consumer goods which is present at the time of transfer of possession thereof to the first purchaser who is a consumer;

(B) arising under the law of any State with respect to any implied warranty of merchantability or fitness for a particular use; or

(C) with respect to the death of or personal injury to any person, resulting proximately from any damage to or defect attributable to the warrantor;

(3) imposes any legal obligation on a consumer of the product to indemnify or otherwise hold the warrantor harmless from any injury or harm which might arise from the use of any item of consumer goods; or

(4) imposes upon a consumer the responsibility for paying all or a portion of the cost of repairs or replacement which may be necessary within a reasonable period of time after the sale of the product to the first purchaser who is a consumer and which are required because of defects in design, material, or workmanship.

(c) The Federal Trade Commission shall determine, upon the basis of good manufacturing practice within each industry engaged in the production of consumer goods, and prescribe by regulations as to each category of consumer goods, the period of time which shall be deemed to be a reasonable period of time after such sale in which items of each category should not require repair or replacement.

PERFORMANCE STANDARDS

SEC. 6. (a) Subject to the provisions of this section and of section 4 (c), no warranty may be approved by the Federal Trade Commission for registration under this Act unless—

(1) the Commission determines that the applicant for such approval has made adequate advance arrangements to insure that the obligations expressed in the warranty will be expeditiously performed;

(2) the Commission determines that such applicant is currently performing adequately the obligations expressed in the warranty;

(3) the applicant for such approval agrees, as a condition for registration, to take all reasonable measures prescribed by the Commission to inform potential retail purchasers of any limited or complete revocation, or limited approval, of the warranty registration directly affecting such a potential purchaser; and

(4) the applicant for such approval agrees to any special conditions or limitations on the manner of presentation, or reference to the approved registration in advertising or other promotional material, as the Commission shall determine to be required for the protection of consumers.

(b) Whenever the Commission determines that the capacity of an applicant to perform the obligations of a warranty is limited to particular geographical areas or sales outlets, the Commission may approve the warranty for registration subject to the limitation that it may be used only with respect to items of consumer goods which are offered for sale at retail in geographical areas in which, or through sales outlets at which, adequate facilities are maintained for the performance of the obligations of the warranty by or on behalf of the applicant.

(c) Whenever the Commission determines, after notice and an opportunity for hearing, that any person who has registered with the Commission a warranty approved under this Act has refused or failed to perform the obligations of that warranty, the Commission may order the revocation of that registration or the suspension thereof for such period of time as the Commission shall determine to be required to assure future fulfillment of the obligations of the warranty.

PENALTIES

SEC. 7. (a) The making, by any person engaged in the manufacture or distribution of any item of consumer goods in interstate commerce or affecting interstate commerce, of any oral or written representation purporting to be a guaranty or warranty of such item shall constitute an unfair or deceptive act or practice in commerce in violation of section 5 (a) of the Federal Trade Commission Act (15 U.S.C. 45 (a)), and shall be subject to enforcement under section 5 (b) of that Act, unless that item is offered for sale to consumers subject to a warranty approved by and registered with the Federal Trade Commission under this Act and the registration of that warranty has not been revoked or suspended.

(b) Whoever, being a person obligated by regulations promulgated under section 4(b) to furnish any notice described therein, willfully fails to give such notice in compliance with such regulations shall be punished (1) for a first offense under this subsection by imprisonment for not more than one year, or a fine of not more than $1,000, or both, and (2) for each offense under this subsection committed subsequent to final conviction for a first such offense by imprisonment for not more than three years, or a fine of not more than $10,000, or both.

FEDERAL-STATE COOPERATION AND ENFORCEMENT

SEC. 8. (a) In carrying into effect the provisions of this Act the Federal Trade Commission is authorized to cooperate with any department or agency of the United States, with any State, Commonwealth, or possession of the United States, and with any department, agency, or political subdivision of any such State, Commonwealth, or possession.

(b) The Chairman of the Federal Trade Commission is authorized to conduct examinations of facilities for warranty service and investigations into the performance by warrantors of their obligations under warranties through the employment of officers, employees and procedures of the Commission, or through the use of the services of any law enforcement officer of any State, Commonwealth, or possession of the United States, or any political subdivision thereof, made available to the Commission by such State, Commonwealth, possession, or political subdivision.

PROCEEDINGS OF THE COMMISSION

SEC. 9. (a) The promulgation of rules and regulations by the Federal Trade Commission under this Act shall be subject to the provisions of section 553, title 5, United States Code.

(b) Proceedings before the Federal Trade Commission upon applications made under this Act for the approval and registration of warranties, and for the revocation or suspension of warranty registrations under this Act, shall be taken in conformity with provisions of law governing proceedings for the issuance of cease and desist orders under section 15 of the Federal Trade Commission Act (15 U.S.C. 45). Any order of the Commission denying an application for the approval or registration of a warranty under this Act, or revoking or suspending the registration of a warranty under this Act, shall be subject to judicial review in the manner provided by that section with respect to orders issued thereunder.

(c) For the purpose of conducting surveys and investigations under this Act, the Commission shall have all powers which are conferred upon it by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act. The provisions of section 10 of the Federal Trade Commission Act (15 U.S.C. 50) shall apply to the act or omission of any person with regard to any subpena, order, or requirement of the Commission under this Act to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement issued under the Federal Trade Commission Act.

REPORTS TO THE CONGRESS

SEC. 10. The Federal Trade Commission shall transmit to the Congress beginning in the first January after enactment of this Act and in each January thereafter a full and complete description of the activities of the Commission for the administration and enforcement of this Act during the preceding calendar year.

DEFINITIONS

SEC. 11. For the purposes of this Act—

(1) "Commission" means the Federal Trade Commission.

(2) "Interstate commerce" means commerce within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or between any place in a State and any place in another State, or between places in the same State through another State.

(3) "Warranty" means a written instrument by which a manufacturer or distributor assumes legally enforceable liability to refund the purchase price or repair or replace without cost to the consumer, or upon specified terms, any damage to or defects in any item of consumer goods at or after the time of delivery of possession of such item to the first purchaser who is a consumer.

(4) "Warrantor" means a person who gives or has given a warranty respecting a consumer product.

(5) "Person" means an individual and any partnership, corporation, association, or other legal entity.

(6) "Consumer" means the retail purchaser of consumer goods to whom a warranty is given and any other person who is entitled by the terms of the warranty to enforce against the warrantor the obligations stated therein.

(7) "Consumer goods" means any motor vehicle, appliance, device, article or other product which is intended for use primarily by individuals, and which is normally sold at retail for $10 or more.

SAVING PROVISION

SEC. 12. Nothing contained in this Act shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq) or any statute defined therein as an antitrust Act.

EFFECTIVE DATE

SEC. 13. This Act shall take effect six calendar months from the date of enactment; provided, however, that warranties in existence before the effective date shall be conditionally registered until such time as they can be reviewed by the Commission; provided further, that such conditional registration is in the interest of the public and will not continue any frauds, deceptions or misrepresentations. In no event shall a conditional registration be extended for more than 18 months from the effective date of this Act.

S. 426—INTRODUCTION OF THE RADIATION HEALTH AND SAFETY ACT OF 1971

Mr. RANDOLPH. Mr. President, last year, on June 16, I introduced the Radiation Health and Safety Act in response to a growing awareness among public health officials that patients are subjected to more radiation exposure than is necessary.

A recent report in "Modern Hospitals," August 1970, suggests a 27-percent increase between 1964 and 1971 in the X-ray exposure an individual in the United States receives. Should the current nationwide X-ray exposure study verify this increase, then an individual may well be receiving four times as much radiation from a diagnostic X-ray exposure as is necessary or approximately three times the radiation exposure an individual in England receives or 50 times as much radiation exposure from medical X-rays as from the nuclear power industry.

As I mentioned last year, Dr. Karl Morgan, an internationally known scientist and founder of the American Health Physics Society, reports there is strong evidence that there are between 3,000 and 30,000 needless deaths per year in the United States as a consequence of genetic mutations and several forms of somatic damage from these same techniques. Significant benefits are derived from the diagnostic and therapeutic use of radiation; however, to allow overexposures to continue, reflects little credit on our society.

Considering the public health and safety implications of unnecessary human exposure to ionizing radiation, it seems unrealistic to allow the pursuit of professional excellence in radiation technology to remain voluntary. National guidelines for the training and licensure of radiologic technologists are needed. Professional excellence in radiologic technology can only be served by State legislation if the ultimate impact on the profession is national in scope and substance. Therefore, on behalf of myself and Senators DOMINICK, GRAVEL, HART, JAVITS, MCINTYRE, MONDALE, MOSS, MUSKIE, PEARSON, PELL, SCOTT, STEVENS, and WILLIAMS, I introduce the Radiation Health and Safety Act of 1971 and ask that it be referred to the Committee on Labor and Public Welfare.

Mr. President, I ask unanimous consent that the text of this bill and copies of relevant correspondence on this subject be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred; and, without objection, the bill and correspondence will be printed in the RECORD.

The bill (S. 426) to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation, introduced by Mr. RANDOLPH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiation Health and Safety Act of 1971".

SEC. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technologists by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technologists;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technologists; and

(c) provide for State adoption and administration of programs for the accreditations of education institutions training radiologic technologists and programs for the licensure of radiologic technologists, with authority for the Secretary to take necessary action in the absence of State action.

SEC. 3. Title III of the Public Health Service Act is amended by inserting after part F, subpart 3, section 360F, the following:

"SUBPART 4.—RADIOLOGIC TECHNICIANS

"DECLARATION OF PURPOSE

"SEC. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the National Council on Radiation Protection and the International Commission on Radiological Protection and Measurement, it is in the national interest and in the interest of public health and safety to minimize exposures of the public to ionizing radiation from all sources;

"(b) while the operation and use of radiologic equipment and methods is essential in modern medicine, even the most advanced equipment and methods will not adequately protect the health and safety of patients subjected to radiologic diagnosis or therapy and the health and safety of radiologic technologists applying radiologic equipment and methods, including their progeny, unless these technologists are fully trained and qualified in the operation of such equipment or the application of such methods so as to avoid unnecessary exposure to ionizing radiation;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technicians and that any person who operated radiologic equipment or employs radiologic methods should be required to demonstrate competence by training, experience, and examination; and

"(d) that the protection of the public health and safety from unnecessary exposure to ionizing radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal Government."

"RECOMMENDED CRITERIA AND STANDARDS

"SEC. 360H. (a) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic, technologists and minimum criteria for education institutions conducting programs for the training of medical practitioners. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for licensure of radiologic technologists, and such other advice and assistance as he deems necessary. Such criteria and minimum standards may distinguish between medical and dental technologists, radiation therapy technologists, nuclear medicine technologists, photo-roentgen technician, and technologist-in-training. Such criteria and standards shall be published in the Federal Register.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with State health departments and appropriate professional organizations including, but not limited to, the American Society of Radiologic Technologists, the American Dental Association, the American Medical Association, the American College of Radiology, the American Osteopathic College of Radiology, the American Osteopathic Association, the American Board of Health Physicists, the American Association of Physicists in Medicine, and the Health Physics Society.

"(d) The Secretary shall give to the States such other advice and assistance as will encourage them to enact and enforce appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, devise the criteria and standards material issued by him pursuant to this section.

"STATE ACCREDITATION AND LICENSURE

"SEC. 3601. (a) The training and licensure of radiologic technologists who intend to apply ionizing radiation to humans for diagnostic or therapeutic purposes in any State or States shall be subject to the provisions of this section

"(b) Consistent with the policy declaration of this subpart, State and local government shall be encouraged to minimize exposure of the public to ionizing radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsection (c) or (d).

"(c) After receiving any criteria and minimum standards issued pursuant to section 360H for the accreditation of educational institutions conducting programs for the training of radiologic technologists, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum, the standards for accreditation of educational institutions conducting programs for the training of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions for the training of radiologic technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided, and that the State program is consistent with the purposes of the subpart, such State standards shall be the standards applicable to such State.

"(d) Upon application of a Governor, the Secretary may grant an extension under subsection (c) for not more than two years if after review the Secretary determines that good faith efforts have been made by the State and reasonable assurance is provided that an effective program to implement the purposes of this Act will be provided by the State within the period of the extension.

"(e) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technologist or technologists-in-training, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technologists and technologists-in-training issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologic technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this Act, such State standards shall be the standards applicable to such State.

"(f) For the purpose of implementing licensure of radiologic technologists, the Secretary may certify appropriate State or professional licensing organizations.

"(g) The Secretary may make grants to States in an amount up to two-thirds of the first year and one-third of the second year costs of planning, developing, or establishing programs to carry out the purposes of the Radiation Health and Safety Act of 1971.

"(h) The Secretary may make grants to educational institutions under section 314 (E) of this Act—Partnership for Health Amendments of 1967, Public Law 90–174—or the Health Manpower Act of 1968—Public Law 90–490—to carry out the purposes of the Radiation Health and Safety Act of 1971.

"(i) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization when he determines that administration of such State program is inconsistent with the purposes of this subpart or revised criteria and minimum standards issued pursuant to subsection 360H(e)."

"PROHIBITED ACTS

"SEC. 360J. (a) Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for any institution to conduct a program for training of radiologic technologists unless accredited by the Secretary or a State program approved by the Secretary, or for any individual to apply ionizing radiation to humans for diagnostic or therapeutic purposes unless he is a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, holds a valid radiologic technologist's license, or holds a valid photo-roentgen technician or technologist-in-training license and is under the immediate supervision of a radiologist or licensed radiologic technologist.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c)(1) Any violation of this subsection by the owner or operator of an educational institution, or an individual applying radiation to human beings for diagnostic or therapeutic purposes shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

"(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law."

The correspondence, presented by Mr. RANDOLPH, is as follows:

THE AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS,
Chicago, Ill., August 5, 1870.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.:

Thank you for your letter of July 31 concerning S. 3973 and your interest in upgrading the availability and quality of health practices and personnel in the United States. I am a layman but I have been privileged to work for the past eight years as the Executive Director of professional organizations in medicine, dentistry, and pharmacy, as well as the para-medical field. By virtue of my position, I have had the opportunity to see and hear many things that are not available to the general public. To relate them to you would be a violation of trust.

However, I am convinced that the voluntary systems of certification of health professionals is a less effective approach, for the benefit of the public, than a mandatory system. I realize that a mandatory system is not the perfect solution, but by virtue of statute authority it is more effective.

In my opinion, the basic need for S. 3973 stems from the fact that people are what they are before they receive degrees and titles. As a result, these people make their decisions based on what they are, not upon the meaning of any degrees or title.

Based upon my experience the enactment of S. 3973 is desirable and necessary to deliver quality health care to all the people in our country.

Cordially,

ROBERT C. BEST,
Executive Director.

AMERICAN SOCIETY OF MEDICAL TECHNOLOGISTS,
October 31, 1970.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR SENATOR RANDOLPH: As one of your constituents serving in the capacity of Administrative Technologist in the Appalachian Regional Hospital of Beckley, West Virginia, I am most pleased that you have introduced bill S–39–73.

As president of the American Society of Medical Technologists, an organization representing 17,000 of the largest one group of professionals in the current field of allied health, I am most interested in this bill entitled, "Radiation Health and Safety Act of 1970."

The field of medical technology is not directly involved in the practice of Radiologic Techniques other than in the use of nuclear medicine materials in specialized laboratory procedures, but the passage of this bill can do much to open the door to similar legislation in our profession. Medical Technology is the only baccalaureate level allied health profession with accreditation and certification processes under the control of the vested interests of physicians, specifically those specialists in laboratory medicine identified as pathologists.

We feel the vested interests of the physicians prevent the *guarantee* of the highest quality laboratory service in the delivery of health care. We have found it very difficult to overcome these interests in control through individual state governments. The only answer lies in the establishment of the minimum standards through national legislation.

For these reasons, I request the opportunity for our Society to present testimony supporting bill S–30–73. If the date for such a hearing does not interfere with previous presidential commitments, I will give the testimony; otherwise, I will appoint a substitute representative.

Thank you for any consideration you can give to my request.

Yours very truly,

THELMA M. WILSON,
President.

PHILADELPHIA SOCIETY OF RADIOLOGIC TECHNOLOGISTS,
Philadelphia, Pa., August 3, 1970.

Hon. JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: Please accept my sincere gratitude for introducing Senate Bill S. 3973. Public health and safety, with regard to radiation exposure and treatment, has long been of key interest to qualified and responsible radiologic technologists throughout this country. We personally are of the opinion that federal legislation, with individual state administration, will ultimately serve the public interest.

Please continue to strive for the passage of this bill. Concerned technologists support you and are grateful for your efforts in our behalf.

Sincerely,

WANDA E. WESOLOWSKI, R.T. (A.R.R.T.),
Member, Executive Committee.

THE WEST VIRGINIA SOCIETY OF RADIOLOGIC TECHNOLOGISTS,
New Martinsville, W. Va.,
August 3, 1970.

Hon. JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: Would you be kind enough to send me a few copies of S. 3973, which you have introduced. As a Radiologic Technologist it gives me a great deal of pride that a fellow West Virginian sponsors legislation that will upgrade the standards of Radiologic Technology throughout the nation as well as protect the health and well being of all Americans.

Perhaps you have forgotten your stay in Wetzel County Hospital, following your unfortunate accident with Senator Byrd. I had the pleasure of taking your X-rays, and conversing with you while you were there. As you know, my wife, Frances, claims some kinship with you. She sends her regards to you, and also to Louise and Miss Morgan, who we met at Pioneer Days in Marlinton a couple of weeks ago.

The reason I am requesting additional copies of your bill is to get support from our local League of Women Voters, PTA, Rotary, Lion's Club, and other civic minded organizations.

I certainly hope this measure receives favorable action in both Houses, and that it may speedily be acted into law. With kindest personal regards,

Sincerely yours,

HENRY D. CASTILOW, R.T.

THE WEST VIRGINIA SOCIETY OF
RADIOLOGIC TECHNOLOGISTS,
Mullens, W. Va., September 22, 1970.
Hon. JENNINGS RANDOLPH,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: I want to express my appreciation for your kindness in granting audience to myself, Mr. Leslie Wilson, President of the American Society of Radiologic Technologists, and Mr. Robert Best, Executive Director of the American Society of Radiologic Technologists, giving us an opportunity to express our support of S. 3973.

We understand that the possibility of Senate action on this bill at this time is unlikely, but we do feel that hearings to obtain formal commentary on the bill within the next few weeks would be very beneficial. I cannot overstate the urgency of the need for the establishment of federal minimum standards for personnel administering ionizing radiation at the earliest possible time. The advent of exposure to the masses of American population has only come about in the last thirty years, thus the genetic problems have not had time to manifest themselves. The continued administration of ionizing radiation by untrained personnel causes frightening possibilities of a mathematical generic hazard that is too large to comprehend. Even if this bill were to move with all possible speed, the time of its passage to time of complete implementation still leaves a period where millions of Americans would be subjected to radiological examinations of questionable quality and with questionable safeguards to excessive radiation. With this in mind and despite your very busy schedule, I would ask that you prevail upon Senator Yarborough to help arrange hearings on S. 3973 in this Senate session.

In talking with my fellow West Virginians, both technologists and nontechnologists, we are very proud that you have been the one to take this very needed step in the field of radiological health and protection for the American public.

A point that may be of interest to you is, of thirteen institutions in Southern West Virginia that I have surveyed, only five have a full staff of Registered Radiologic Technologists. The other eight are staffed partially with Registered Technologists and partially with personnel ranging from no formal training upward to two years. Five of these institutions do not have daily supervision by a Radiologist for consultation and advice for the untrained personnel. This is not a new nor an unusual occurrence and is a demonstration of the urgent need of the bill you have introduced.

If I, or any member of the West Virginia Society of Radiologic Technologists can be of assistance to you on behalf of this bill, please feel free to call on us.

Thanking you very much, I remain,

Sincerely yours,

RAYMOND T. BUTLER, R.T., *President.*

STATE OF MICHIGAN,
DEPARTMENT OF PUBLIC HEALTH,
Lansing, Mich., August 13, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for the opportunity to comment on Senate Bill #3973 "Radiation Health and Safety Act of 1970". Legislation with regard to uniformity of state statutes is desirable where such state statutes are enacted.

With regard to Bill S. 3973 as it applies to the principal stated above I support the concept of the bill. However, there are practical problems in certain provisions which I feel would do a disservice to a sizable cross section of the public. Modifications could rectify these disadvantages.

My comments relative to the bill are as follows:

SECTION 360 G

(a) "to minimize exposures of the public to ionizing radiation from all sources." While this bill is directed to this end a more significant source of unnecessary public radiation exposure involves the liability, insurance, and profit motive complex and their interdependency. For example, x-rays are taken to "reduce medical liability" without check and balance since x-ray service is also profitable to the hospital and/or the physician. Hospital standing orders are given in event of suspected fracture to not only x-ray the appendage where the suspected fracture occurred but also the opposite one for comparison. While physicians tell us this may be necessary in a limited number of cases, it is also profitable and therefore often becomes a standing order. Dealing with these types of problem effectively would reduce radiation exposure more than any other single radiation control measure.

(b) "unless these technicians are fully trained and qualified in the operation of such equipment so as to avoid unnecessary exposure to ionizing radiation." The basic problem resulting in unnecessary radiation exposure with regard to the practice of radiologic technicians does not, in my opinion, involve academic training or general training using various types of X-ray machines but rather it lies in two areas.

1. Inadequate training on specific X-ray machines. This could result because such a machine just recently came on the market and the salesman spent half an hour showing the technician which buttons to push to operate it or it could be that the machine is so obsolete that the technician's training has not qualified him. Could this problem be handled similiar to pilots requiring checkout on each type of plane by the licensing agency?

2. The problem of attitude. "I don't give a darn." "Who will know the difference?" "I am too busy to take the time." "I have been doing it this way for twenty years", etc. Policing with penalties could cause a change in practice attitudes. Education does not seem to be an effective solution for attitude adjustment and the security of licensure could make adjustment even more difficult.

(c) "any person who operates radiologic equipment should be required to demonstrate competence by training, experience, and examination." How does a chiropractor, a podiatrist, a general physician become trained and tested? Changes in curriculum for these professions are just now taking place to cover the use of X-ray and could be required by law.

(d) "primary responsibility of state and local government, within minimum criteria and standards established by the Federal Government." Having made the above statement the bill proceeds to require the state to enact legislative control in the matter of radiologic technician licensing at states expense, or relinquish its right in favor of federal control.

SECTION 360J (*a*)

The bill would reduce medical service to rural and small town residents making it more costly or inaccessible. For example, many hundreds of rural or small town physicians have x-ray machines for the convenience of their patients, to provide this diagnostic aid without sending the patient on a 100 mile trip to x-ray a limb which may or may not be fractured. These practitioners for the most part limit x-ray diagnostic techniques to possible fractures and an occasional chest. The volume of their x-ray work does not warrant the hire of an x-ray technician and the demand on the physician's time does not permit his operation of the x-ray machine. In Michigan we have about 600 office x-ray machines used in this manner. Additional licensure categories could correct this problem.

SECTION 360L (*c*) AND (*d*)

The bill places radiation health and safety into the political arena since it requires action by the governor of the state at several points. My experience has indicated that such a provision in other legislation has worked to the disadvantage of the public, first, but also to all levels of governmental agencies.

Please pardon the frankness of these remarks. We in state government have a different prospective when it involves federal legislation. We often have a closer look at the effect of legislation on its subjects. I am pleased that you and your colleagues are concerned about matters related to radiation protection. If I can be of further help with redrafting this bill or in any other way, I would be pleased.

Very truly yours,

D. E. VAN FAROWE,
Chief, Radiation Section.

THE CITY OF NEW YORK,
DEPARTMENT OF HEALTH,
New York, N.Y., August 12, 1970.
The HONORABLE JENNINGS RANDOLPH,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for your letter of July 31, 1970. It discusses the Radiation Health and Safety Act of 1970 (S. 3973) recently introduced by you and requests my comments.

I am, indeed, very much interested in any efforts to improve the quality of medical practices and personnel and have been spending many years of my professional life in attempting to do so. I have watched carefully the development of regulations to license X-ray technicians and am much in favor of it. On the other hand, there has been a tendency to draft some regulations in such a manner that it results in a critical shortage of licensed technicians available and permitted to practice and possibly causes some evasion of the regulations. One of my concerns is the increased financial burden and resulting increase in the cost of medical care that could result from an enforced shortage of para-medical health practitioners. I believe that lines 24 and 25 on page 7 of S. 3973 referring to a technician-in-training license would help avoid this.

Another cause of concern to me is the fact that some of the regulations make it virtually impossible for a person to obtain a license to practice technology and also to obtain a college degree within a reasonable time. It is my belief that the technology of many para-medical professions has reached the point where a general scientific college background is advantageous. The same two lines would help permit this.

I do believe that on line 25 (p. 7) I would prefer to see the word "immediate" inserted, to read "under the immediate supervision of a licensed technician", with immediate understood to mean on the premises". This would help to preclude abuses.

I should be very glad to review any other proposed legislation and possibly comment in detail.

Our experience indicates that a licensing program for x-ray equipment installers and servicemen should be considered seriously. We have found some x-ray equipment dangerously installed and often lacking the necessary protective accessories thru the ignorance of the installers or servicemen about basic radiation safety principles and regulations. The same sometimes applies to the designers and installers of structural shielding materials used for x-ray protection. Radioisotopes technicians, I believe should also be licensed but these may already be covered by S. 3973.

I am somewhat concerned about including the American Medical Association among several professional societies that the

Secretary is directed to consult. All of the other societies are truly professional scientific societies but the American Medical Association seems to me to be primarily politically oriented. Besides, it has taken a strong position categorically opposing the licensing of any para-medical health practitioners. The American Dental Association is somewhat marginal in this respect but has made an active effort to promote the protection of patients and practitioners against radiation exposure, and could offer valuable technical comments. I presume that the bill is intended to include dental x-ray use, which I believe is needed.

Should you hold a public hearing on the subject, I shall be quite willing to testify both on the basis of my personal experience and also representing the Conference of Radiation Control Program Directors, of which I am chairman.

Thank you for letting me know of this development and for sending me a copy of S. 3973 which I will study further and discuss with my colleagues.

Sincerely yours,

HANSON BLATZ,
Director.

P.S.—The reference on lines 17 and 18 (page 2) is incorrect. It should be the "National Council on Radiation Protection and Measurements". The next reference on lines 18 and 19 should be the "International Commission on Radiological Protection".

NORTH DAKOTA DEPARTMENT OF HEALTH,
Bismarck, September 10, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Referenced is your letter to this office inviting comments on S. 3973.

In North Dakota, we have long recognized that correction of x-ray equipment deficiencies does not provide assurance that radiation exposure to the operator and the general public is at its lowest practical level. In my estimation, education of the operator to the need for and the means of eliminating unnecessary radiation is the key to obtaining the maximum benefits from the use of diagnostic x-ray with the least human radiation exposure.

A North Dakota X-ray Technician Manpower Survey performed in 1968 found that 49 percent of the x-ray technicians in this State have not attended a planned program of training in a school of radiologic technology and/or are not registered with the American Registry of Radiologic Technologists. Presumably, this group of 49 percent would have received on-the-job training with the emphasis on how to obtain a readable radiograph. The preponderance of these technicians would be out in the more rural areas of this, a rural oriented State. These people serve the small medical facilities across the State with equally small diagnostic x-ray workloads. The workloads are such that a formally trained and registered technologist is not financially attainable. Contrasted to the problems we have observed in the more rural areas, the larger cities of the State have the qualified staff, equipment, and training to provide the medical benefits associated with radiographic and fluoroscopic diagnostic x-ray services as well as to perform x-ray therapy. Our "medical center" cities provide x-ray services equal, from the standpoint of medical and radiation protection aspects, to the best of any of the other 49 states.

In my opinion, the licensing of x-ray operators will not provide an immediate answer to the upgrading of the x-ray operator. The currently registered x-ray technologists, working in the modern medical centers in the State, would have little difficulty in becoming licensed and also in my opinion, a limited effect in upgrading would be observed. Out in the more rural areas, licensing would be a troublesome problem. The licensing organization would either have to issue special permits to the x-ray operators who cannot meet the minimum requirements or effectively deny adequate medical care in some of our more rural areas. It is my opinion, that the licensing of x-ray operators in North Dakota would serve to provide additional paper work with only a limited return in upgrading medical and dental usage of x-ray for diagnostic purposes.

I am in full concurrence with the need and purposes as conveyed in your S. 3973, however, I do have reservations as to the effectiveness of licensing of x-ray operators in North Dakota as a means of achieving these goals. An alternative which has, by our experience, been effective in upgrading the x-ray operator is to, at the time of the physical inspection of an x-ray facility, devote time to explaining what can be done to reduce unnecessary radiation exposure. It has been a long standing policy that in addition to inspecting the facility or equipment for compliance with our regulations that we also educate as well. Another alternative could be statewide regional short courses or seminars on radiological health and/or x-ray protection. In our 1968 survey, over 85 percent of the x-ray technicians responded favorably to this proposal. Regretably we have been unable to follow-up on this or pursue it further due to the traditional "state" problem of lack of staff and funds.

I sincerely appreciate your invitation to comment on S. 3973 and your interest in a nationwide upgrading of medical and dental usage of x-ray.

Sincerely,

GENE A. CHRISTIANSON, *Director.*

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
Harrisburg, August 10, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I have received your letter of July 31, 1970 concerning Senate Bill 3973, the Radiation Health and Safety Act of 1970. Thank you for the opportunity to comment.

I agree with you completely on the need to upgrade standards in the field of radiologic technology. I also feel that, since other licensure programs have been carried out at the state level for medical and paramedical professions, the states should be given the opportunity to continue to do so in this area also.

Presently, many state health departments are working on proposed legislation and subsequent licensing programs. However, as you are aware, the wheels of state government turn slowly, especially where there may be conflicting interests relating to future programs. In addition, we all are suffering from budgetary problems, thereby limiting the resources for such a venture.

Turning to specific comments on the legislation, as you may guess from my previous statements, I would suggest a longer period of time for state implementation, i.e., up to four years from the enactment of specific regulations by the Secretary of Health, Education & Welfare. Some legislatures meet only every other year or for very short periods of time during a year. In those cases only high priority legislation can be enacted.

I would also like to suggest that an appropriation be attached to the legislation, directing the Secretary of Health, Education, and Welfare to provide direct monetary assistance to states for a period of one year to set the wheels of progress in motion. Although the program may be self-supporting through license fees when in complete operation, the machinery needed to begin will require considerable funds for proper execution. Adding this burden to the over-burdened state budgets may be the one reason for lack of state enthusiasm concerning such a program.

With those minor changes, I would wholeheartedly support the legislation.

Thank you for your interest in radiological health. The problem of reducing unnecessary radiation exposure of the citizens of this country is indeed a complicated one. Your proposed legislation is one major step toward that goal.

Sincerely,

THOMAS M. GERUSKY, *Director,*
Office of Radiological Health.

AMERICAN COLLEGE OF RADIOLOGY,
Chevy Chase, Md., September 9, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: On July 31 you addressed the American College of Radiology in regard to S. 3973, the Radiation Health and Safety Act of 1970. We appreciate the opportunity to comment.

The College does not believe that federal legislation is required for the licensure of radiologic technologists. In states in which radiologic technologists and the general medical profession believe that licensure of those working with radiation in medicine is needed and in the public interest, the College supports such local licensure efforts.

In the event that hearings are to be held in regard to this legislation, we will very much appreciate the opportunity of making a presentation and further developing our thoughts.

Sincerely yours,

WILLIAM C. STRONACH,
Executive Director.

J. FRANK WALKER, M.D.,
Atlanta, Ga., September 2, 1970.

DEAR SENATOR RANDOLPH: Your letter asking comments upon the broad proposition in your Bill S. 3973 to provide a federal basis for training and licensing x-ray technicians deserves a thoughtful answer. Thus, I have delayed my response to have an opportunity to read the bill and to confer with my colleagues in medicine and in radiology, plus discussing this with a sampling of Georgia technicians.

As you may be aware, the American Registry of Radiologic Technologists, which is a voluntary accreditation agency for individuals in the field, is sponsored jointly by the American Society of Radiologic Technologists and the American College of Radiology. The new joint review committee for schools of radiologic technology is co-sponsored by the Society, the College and the American Medical Association and is administered by the AMA. You may know, as well, that the volume of programs and of graduates in radiologic technology from the more than 1300 schools now approved by the AMA make this area by far the most productive of the several paramedical training programs.

I have been generally conversant with these efforts thru my participation in both the College and the AMA plus my involvement with technologist organizations in my own state. However, this has not been my own area of personal involvement. My opinions concerning licensure should be taken as my own, though the official policy of either of the AMA or the American College of Radiology could be obtained by your request.

In general and in all respect to your honorable intentions, I would oppose the enactment of S. 3973 on several grounds which I state below. A part of these are based upon the feeling that licensure would not solve the current problems and a part are based upon a concern that licensure would render more difficult the solving of future problems already in sight.

As I see it, the major problem in x-ray technology is the recruitment and training of adequate numbers of well-motivated people to cope with the growing demands for x-ray services. This problem is further complicated because large numbers of young women spend only a short time as technologists before leaving the work force. We have estimated that we are short in raw numbers by 30 to 50 percent of the technologists needed to meet today's demands for x-ray services. Licensure would only make the shortage of people worse by making illegal the accommodation to circumstances which is possible now for physicians and hospitals unable to recruit fully-trained people.

A second significant problem is the variegated needs of health facilities for x-ray technologists to the extent that many of us now seriously question the usefulness of a single standard based upon two years of training.

Those of us who are radiologists must require that level or more to obtain the versatility and often special techniques involved in our practice. Where the technologist must work with isotopes or help to administer radiation therapy, additional training is essential. However, a third of the x-ray services received by Americans are not provided by radiologists. A majority of such services are provided by other physicians with limited facilities and are limited to the simpler procedures, usually not involving fluoroscopy. Many of these physicians practice in rural areas where neither radiologists nor full-trained technologists can be supported by the volume of services needed. This is not to say that persons working in those circumstances should not be trained. However, it is questionable that they should be trained to the same level as the full-time technologist with broader responsibilities. Within the current framework of voluntary standards of training and certification, we can work to adapt our programs to meet our needs. With a single standard for training and licensure, this would be made vastly more difficult.

I should note that I and most radiologists employ only registered technologists and that our organization have supported the upgrading of their training qualifications over the years. Hospital x-ray departments and radiology offices will continue to attract licensed technologists, but many other medical facilities will be unable to find or retain such skilled people for their limited needs.

In a third area of concern, the mandatory requirements that states license schools of x-ray technology are esentially redundant to the existing program of voluntary approval by the American Medical Association. The major problem in expanding schools and starting new ones would not be solved by licensing them or creating procedural difficulties in starting new ones or in changing the curriculum to meet the needs of physicians using x-rays.

Finally, if the imposition of licensure makes an existing shortage even worse, there would be little benefit to the public health in the possibility that some patients would be protected against exposure at the hands of unqualified operators. Regardless of the existence of a licensing law, the main burden of defining and maintaining a standard of good practice must remain with the physician who supervises x-ray examinations and interprets the results. This responsibility cannot be delegated.

It seems to me that your intentions are not inconsistent with our own established objectives and efforts in recruiting and training technologists. It is the nature of legislatures to deal with problems by enacting laws. It is the nature of voluntary organizations to work through education and persuasion. In my opinion, our approach is the preferable one in terms of both the short term and long term needs of the nation.

If I may be of any further help in your consideration of this, please call upon me.

Sincerely,

J. FRANK WALKER, M.D.

AMERICAN HOSPITAL ASSOCIATION,
Washington, D.C., November 12, 1970.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you for inviting me to comment on S. 3973, the Radiation Health and Safety Bill, which you have introduced in the Senate. It is, of course, highly desirable that the public be protected from unnecessary exposure to ionizing radiation in connection with medical and dental usage of X-rays. Your interest in helping to insure that only qualified personnel are permitted to operate X-ray equipment indeed is commendable.

A growing number of occupational groups within the broad category of "health care personnel" are seeking licensure, including physicians' assistants, hospital administrators, occupational therapists, operating room technicians, biomedical technicians, etc. It has been estimated that nearly 200 health occupations now exist and that by 1975 each physician will make use of between 20 and 25 supportive personnel. The trend to providing health services by a delegation of certain tasks, which have been performed in the past by doctors and nurses to personnel having less training, has raised a number of complex issues relating to the licensure of health manpower.

There is need to foster the growth and contributions of the various groups of health personnel and to meet the requirement of patient safety through adequately prepared health manpower. At the same time it is desirable and necessary that the providers of health services be able to utilize health manpower in a flexible and efficient manner. Licensure through its control of both entry into a particular field and its restriction of the scope of functions which may be carried out by such individuals often tends to make more rigid the role of a licensed group. Such rigidity can fractionalize the provision of health services, impede job advancement for some employees, and hinder management in the effective use of manpower. For these reasons it is urgent that a broad and intensive review of the problem of licensure be carried out at the federal level in order to develop alternatives to licensure. Such alternatives should accomplish the laudable and desired goal without introducing the real disadvantages cited above.

About a year ago a special Committee on Licensure of Health Personnel was established within the American Hospital Association to study the problems and trends related to licensure of health care personnel and to develop recommendations for improvements in the licensure system for health personnel. An early announcement is expected regarding the work of this committee and the Association's recommendations with respect to licensing of health personnel. I will be pleased to furnish you a copy of the Association's policy statement on the licensure of health care personnel when it has been approved.

I would also note that the "Health Training Improvement Act of 1970" as approved by the Congress directs that the Secretary of the Department of Health, Education, and Welfare—"Shall prepare and submit to the Congress, prior to July 1, 1971, a report identifying the major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel (including group practice of health personnel), together with summaries of the activities (if any) of Federal agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems and toward maximizing the proper and efficient utilization of health personnel in meeting the health needs of the Nation. Such report shall include specific recommendations by the Secretary for steps to be taken toward the solution of the problems so identified in such report."

This report should bring to the Congress much information that would be invaluable in considering S. 3973 or any similar measure.

I suggest that action on your bill be deferred pending issuance of the Secretary's report on this matter.

I appreciate your providing me the opportunity to express my opinion on your bill.

Sincerely,

KENNETH WILLIAMSON,
Deputy Director.

BERKELEY, CALIF.,
August 10, 1970.

Hon. JENNINGS RANDOLPH,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SIR: Thank you for your letter of July 31st and the copy of Bill S. 3973.

My reply will be lengthy. I will try to keep my arguments organized but on a topic that is so complicated and about which I've thought a great deal (and with so little private time in which to do the actual typing), organization might be one of the virtues sacrificed. And so I request your indulgence.

First, let me introduce myself. I have been an x-ray technician for almost fifteen years, twelve of those fifteen as Chief Technician in the x-ray department at Alta Bates Hospital here in Berkeley. I have served as an instructor at a local college, in the school of x-ray, and am at present serving on the Advisory Committee of that school. During the years I have served on various committees regarding patient-care at Alta Bates and have attended the usual complement of conventions, seminars and workshops, the most important, I would guess, being the national seminar on x-ray technology conducted by the U.S. Public Health Service at the University of Maryland in 1967. I was one of approximately ten technicians invited from California. I helped organize x-ray technicians and for two years was president of the organization which bargained for technicians in eight hospitals in the East Bay. That organization, non-affiliated, has now been replaced by a labor union, of which I am not a member. For about twelve years I have been conducting a lonely battle to expose and stop the practice of over-radiating black patients. Much of my material was used by Ralph Nader two years ago in his own private investigation and his subsequent appearance before the Senate's Commerce Committee. An article on this battle is to be included in a quarterly to be published by Random House later this year or early in 1971. One of my most satisfying accomplishments was participation in organizing and conducting (*helping* to organize and conduct) a two-weekend seminar-workshop devoted to bringing people together from all levels (administrative, medical staff, volunteers, all departments within the hospital and consumers from outside the hospital) to discuss hospital structure and policy, patient-care, work-environment and the improvement of communications and action not just from the top down but from the bottom up. Titled "Project '70", these workshop-seminars have subsequently drawn support and praise from our administration and the officers of the medical staff and also from our fellow-employees.

Now, as to my opinions, most of which will be concerned with your cover-letter and a few of which will be concerned with the Bill itself.

I, too, have been interested in upgrading the availability and quality of para-medical health-practices and personnel in the United States. Naturally my major interest has been concentrated on X-ray departments and personnel.

I am one of a small group of x-ray technicians who, for about fourteen years, fought a losing battle, annually, to gain state licensure for California's x-ray technicians. I remember attending negotiating sessions with the attorney representing the radiologists and the hospitals and being told we were not professionals so long as we were un-licensed (as were nurses and laboratory-technicians) and then having our efforts to gain licensure defeated by radiologists (and not very openly, or strongly, supported by hospital administrators.) A few years ago the State Society of X-ray Technologists (note, please, for the sake of "image", the decision to change, officially, the title of *technician* to *technologist;* later references will be made to "image",) which had joined the radiologists in opposition to state licensure, switched sides and began to support and then to co-opt the struggle for licensure. The Society of Technologists, sensing that some form of licensure was inevitable, decided that they had better join the struggle so they could at least have a hand in the writing of the bill. For about three years the official policy of the State Society of Technologists has been contrary to that of the radiologists but the power of the radiologists still determined the fate (which was defeat) of every licensure bill submitted to the legislature. Then, also aware of the groundswell in support for licensure, the radiologists, and for the same reasons that motivated the State Technologist Society, decided to put through a licensure bill they would write and they could control. They were successful. Governor Reagan signed the bill and it goes into effect in 1971. Many of us who for so many years have been fighting for state licensure not only refused to support the radiologists' bill but sought to have it defeated. It had, in our opinion, several serious faults, one, unfortunately, repeated in your bill. More on this later.

Before we proceed further you should be aware that it is my opinion (an opinion held quite strongly) that much of the progress you refer to that has already been made has been generated by technicians. This opinion does color many of the suggestions I will be making.

Now, as to *national guidelines*. I believe they are absolutely essential. Radiation and patient-protection (and employee-protection) are delicate topics in medical and para-medical circles. Physicians . . . radiologists and nonradiologists . . . possess an almost congenital sense of threat at the prospect of any watchdog, local or state or federal. They insist dogging themselves. But concerning x-ray technicians specifically and x-ray equipment in general (and including the *practice* of x-ray technology) many thousands of technicians feel as I do, that . . . given the existing system and the probability of its resistance to change . . . federal licensure is the wisest, safest and least chaotic solution. Certainly there would be a risk of politics occasionally affecting decisions. But consider the possibility of fifty different governors enforcing fifty different state licensure bills (if, indeed, there ever are fifty or even forty or even twenty states concerned enough to seek state licensure.) With a federal bill the possibility of politicking is reduced by a factor of 49. The protection of our citizens who might become patients in other states is improved by a factor of 49.

I'd next like to touch on x-ray equipment. Professor Karl Morgan, at Oak Ridge National Laboratory (whose advice I'm certain you must certainly have solicited already) has offered me advice and support over the years as I, and others, fought to obtain state-licensure and as I, personally, sought to provoke action to halt the over-radiation to black patients. He has suggested in many of his papers various techniques by which the producers of x-ray equipment might be made more responsible.

The problems involved in training technicians and in orienting new employees and in reducing the incredible number of "re-takes" common to every x-ray department . . . these problems could be substantially reduced by standardizing equipment, by eliminating exotic but essentially useless and expensive gimmickry, by standardizing quality-control techniques, by designing automated (perhaps computerized) equipment that reduces the growing potential for human error, by designing a fault-free beam-collimator and by generally exploiting the technology that has taken us to the moon but has failed to concern itself, to any great extent, with x-ray equipment and x-ray procedures. (How much effort, for example, has gone into researching the production of a fast film that will reduce exposure to a patient and with fine detail on that film which would increase the information available to the radiologist?)

It is apparent to those of us who have had experience with three-phase equipment (as compared to single phase, which continues to be standard in the United States) that the exposure to a patient can be reduced by approximately a third. In a lumbar spine series, for example, which consists, at our hospital, of seven films, the exposure for *each film* is a third less than it would be were we using single phase equipment.

When we purchased equipment for our new department four years ago we decided to invest in three phase Siemens equipment, which is made in Germany. Why did we not purchase equipment produced in the United States?

At the time we were evaluating equipment I sent survey-questionnaires to 60 hospitals all over the country, 51 were returned. The response to my questions left no doubt that the Siemens equipment (and Phillips, made in Holland) were superior to domestic equipment. Less service was required and when it was required it came sooner than, say, Westinghouse or GE or Picker or Keleket, domestic equipment. The Siemens equipment was designed to endure harsh treatment longer, and possessed greater versatility. In an x-ray department "down-time," the time a unit cannot be used because it is out of service, is not only extremely expensive, it means limiting patient-care. Some U.S. companies offered three-phase equipment but they could not offer the experience Siemens and Phillips had at hand. And so we bought three phase equipment, almost a million dollars worth, from Germany. It cost about 12% more but that has more than been recovered by the almost unbroken service the equipment has offered our patients.

Let me describe what now happens in our new department as contrasted to what happened two short years ago in our old department.

Using the old Westinghouse equipment I would have given a patient's pelvis a third more radiation. Using par-speed film in the old department (as contrasted to high speed film in the new) I would have given about a third more radiation, in addition to the previous third. By using low kilovoltage (as contrasted to the very high that is available in the new department) I would have added another third more radiation. By using phototime techniques (in which a photocell determines the exposure cut-off) in the new department we reduce by almost half the probability of a repeat exposure.

In the thousands of x-ray departments in the state and the hundreds of thousands in the country, there are countless variations of the above choices. A patient venturing into an x-ray department is at the mercy of the person who takes his picture. The same patient, were he to have his pelvis x-rayed in twenty different x-ray departments, could pick up dosages of radiation that might vary by as much as 200%. If the pictures were of inferior diagnostic value and had to be repeated that estimate of 200% would rise higher.

Many of us feel that not only should x-ray equipment be standardized but that all equipment dispensing ionizing radiation should be routinely checked and re-checked. Personnel who currently perform this function for California's Department of Public Health could describe equipment they've found in current use that should have been de-commissioned years ago.

Now to your question of how I would upgrade the availability and quality of para-medical practices and personnel and what I now consider the availability and quality of para-medical personnel to be. Please realize that my discussion is exclusively about x-ray technicians.

The pattern of availability of jobs and/or technicians in the Bay Area (Berkeley, Oakland, San Francisco) will vary from day to day. One day there are more technicians than job-openings and the next day there are more job-openings than there are technicians. I know that much opposition to state licensure came from representatives in rural areas because recruitment in rural areas is almost impossible under the best of circumstances now. I think there are people who would be interested in x-ray training who would prefer to remain in rural areas and I know there are, today, many young people, who, given the choice, would prefer to live in rural areas. Should dispensation be written into any such licensure bill? It might be practical but is it necessary? In rural or isolated areas where transportation of patients present problems could there be a force of mobile technicians who could transport mobile X-ray units to the patient's home and thus often postpone or even cancel the need of moving the patient until after a review of x-rays? In depressed areas, such as Appalachia, select residents from the area might be offered training in x-ray with a living wage during their training. Perhaps a select type of para-medical training could produce an x-ray technician also trained in basic laboratory and basic nursing procedures, so a visit by one person could accomplish several tasks (x-rays, collection of specimens, elementary nursing-care, etc.)

The quality of para-medical personnel. Well, given the system of training and the general environment within most x-ray departments, I am astonished that there are as many capable technicians as there are. It is a testimony, I believe, not to the system that controls the fate of the x-ray profession in this country but to the ingenuity and humanity of young people who not only go into the profession but who remain there. I would not hazard a guess as to the number of extra exposures patients have received in order to enable a badly trained technician to develop into an imaginative and conscientious member of the health-care team. Imagine your response to the suggestion that a nurse, in order to have the exact rates of flow on twenty-four IV flows a day was expected to have two or three incorrect; or that in order to have medications correct in one hundred administrations it would be accepted fact that three or four would be incorrect medications. That is what is occurring today in even the best x-ray departments.

The question it seems to me to be natural to be asked is: how can we dare permit such inadequate and chaotic training for people who, in one day in the state of California dispense more radiation to the public than the public has absorbed from the fall-out from all nuclear devices exploded to date? The standard, or so-called guarantee . . . the "R.T.," which is granted by the National Registry of Radiologic Technologists . . . guarantees only that the person possessing the "R.T." has successfully passed an exam that questions him about much material he has studied and will never use in his practice as a technician. And the so-called "accredited" schools in which these technicians have trained are, at the least inadequate and at the most, criminal. Our own hospital is affiliated with the Registry and we've not been examined for four years. In almost every instance the second and third year students we have received from the local junior college with which we are affiliated have had to receive the orientation and training a beginning student would receive were we to have our own training program in our own hospital (a plan we are considering).

Other questions that must be considered relate to the screening processes that can at least weed out those most likely to prove inadequate technician candidates; that relate to the political in-fighting that goes on between radiologists and technicians and the so-called professional societies (the state and national technician societies, for example, represent far less than a third of the practicing x-ray technicians and yet determine policy for all;) that relate to the image of the technician in the radiologist's eye and the administrator's eye and the eye of the technician himself; that relate to the virtual revolution in health care and its consequent ripple-effects on tradition and change as they exist or do not exist in the machinery that grinds out technicians to serve our citizens.

How would I approach the problem? It would require an appeal to experts in many fields to act with dispatch and authority.

First, I would standardize training in all fifty states. Screening tests that would take into account the needs of the profession, the health-needs of the consumers, the social conflicts current in the United States, the compromises we would be willing and able to make . . . such screening tests have to be designed and utilized. Specialists in the needs of 1970 and 1980 America would, or should, examine current curricula and, once again with an eye to sacrifices safe and wise to make, alter existing plans and priorities.

I would suspect that examinations are necessary but I would also suspect that the current technique must be altered. Right now students cramming for a week before the exam usually answer the questions correctly enough to be granted an "R.T." and then must be hired by a department that spends thousands of dollars and months of another technician's time (not to mention the supply of bodies to be practiced on by the recent graduate) before that "R.T." is really able to function alone in most emergencies or even in most routine cases.

There are students who, like myself, just do not perform well in the exam-environment. There should be other devices, such as the oral exam, the practical exam, a delayed exam (after a year, say, in practice.) As is true with almost all technicians, I did not develop into a first-rate technician until about two years *after* I received my R.T. In the intervening twelve years I have become a very able technician. Of course, since I have diverted my energies to the administration of the department my capacities as a floor technician have suffered. They could be revived in less than a month. And I can say now that during those first two years after I received my "R.T." I was so depressed by my failings that I almost deserted x-ray as a profession. I might add that due to what I consider a reluctance of physicians and administrators and radiologists to face up to the responsibilities hospitals have to the communities they serve (especially hospitals that have been awarded huge federal grants, grants which include your and my tax moneys) I have again considered the move to another field. Many good people have left x-ray and nursing and other para-medical professions because of such frustrations and disenchantments but I suspect I will try to stay and try to have my ideas considered. Many para-medical people such as myself . . . after devoting long years of their life to health-care and finding their age a disadvantage (I, for example, am now 47 and have given almost a third of my life to Alta Bates Hospital alone) . . . many such people have no choice but to remain where they are and just simply shut up and never question rules and procedures.

Second, I would strive to have that board which prepares the guidelines and certifies schools and personnel be composed not just of physicians and technologists but of concerned and qualified representatives from other fields, such as education, labor, clergy, welfare and allied para-medical health fields such as nursing. The Board that will regulate the California State Licensure Bill, for example, has drawn a fair amount of criticism for being weighted so heavily with radiologists and with technicians from the State Society of Technologists, which, as I've already indicated, represents a very small minority of the state's practicing technicians and which, for so long, fought against state-licensure. There is no reason to believe that the new State Licensure bill will temper the strong resentments that exist in the field of x-ray. There is no reason to believe that the bill will alter the current inadequacies of California's training program. And there is certainly no reason to believe that the citizens will benefit in terms of increased protection from radiation hazard.

Third, I would examine and seek to improve the jig-saw training now prevailing in the country. There are as many training-plans as there are states and counties. Within the same county programs will vary from hospital to hospital. I think the use of junior college programs can work, I do not believe it does so now. Academic work should occur on campuses when hospitals can not provide that service. But my own experience, after hiring technicians from all over the country for the last twelve years, has convinced me that hospital-based programs are superior. The current waste of time, the duplication of tasks, the re-training after graduation, is not only very depressing but also very expensive.

Fourth, I would recommend that a student be paid a living wage. This would attract more male technicians into the field. A U.S. Public Health survey of about three years ago indicated that over two-thirds of all technicians are women and these women tend to remain in the field less than three years. Who can estimate what this depletion rate costs the profession, the health-care field, the patient?

The topic of salaries and benefits, which serves to affect the profession's "image", could occupy pages. There have been many studies of "professionals" and "professionalism". The large battle here, I feel, personally, is one of disinfection. Until recently x-ray technicians have been treated as second-class citizens of the paramedical profession. Radiologists and the professional societies determined their fates, totally. The result: apathy, transiency, a self-perpetuating state of physical and professional and moral servitude. The Bay Area (Berkeley, Oakland, San Francisco) has been in the forefront of the battle for state licensure and the battle to attain self-determination. The decision of the technicians in seven hospitals in Berkeley and Oakland to unionize has sent shock-waves through the health-care establishment. In one way my job, as Chief of the department, has been made more difficult, in another way it has been made more simpler and easier. The effect on the sixty or seventy technicians involved is very apparent. They have greater job security than they've ever had, they can not be abused by radiologists or chief technicians, they are being treated with a respect significantly absent until now. The big question no one has asked: why was unionization necessary? What was being said that was not being heard (at least to the satisfaction of the technicians) by those who decide the fate of "professionals", in this case technicians deeply devoted to the care of patients?

Fifth: how do we bridge the gap that exists between physicians and all para-medical personnel, not just between radiologists and technicians? Project '70 demonstrated both the existence of the gap and the resistance to closing it as no recent experience has demonstrated. The problems to a great extent, in Berkeley in 1970, are black-white (as all across the country) but there is a great deal more. The whole system that has defined the deification of physicians for hundreds of years has no relevance in 1970 America. We are not saying that physicians should not earn a great deal of money (though we are saying that para-medical personnel ought to earn more) and we are not saying that we have lost respect for physicians. Our respect, if anything, is greater than it has ever been. But that respect is for them as physicians. The trouble, or the problem, is that in 1970 America the line dividing physician from human-being, or person, or people, is so thin as to almost be invisible. Nurses refuse to be cursed by physicians today (at least they do here, at Alta Bates.) technicians refuse to be dictated to or ordered about or have their entire professional lives determined entirely (remember, I say entirely) by someone who, except for his medical training, has no reason to determine the lives of employees.

More black people are coming into para-medical careers. Many of them are from ghettos, speaking the language of ghettos. The new problems appear within departments, within hospitals, within communities. How do we resolve them? It deserves a study unto itself. *Project '70*, incidentally, grew out of the presence and threatened discontinuance of a sensitivity-training group that was brought to our hospital by what I consider to be the most enlightened hospital administration I've every met. Ours is, in the minds of many of us, of most of us, the *best* of hospitals. If there are so many problems about which so many of us feel so strongly in *our* hospital, imagine the conditions in the so-called inferior hospitals.

As the concept of nationalized health-care becomes more of a reality the problems mentioned above will, if anything, magnify and grow more complex. Health-care will be demanded as a right and health-care workers will demand to be treated with dignity and respect. The number of minority patients seeking care will increase, the number of minority workers giving care will increase. Among the many unforeseeable threats to the system of health-care and human relations as we now know it will be the basic problem: how do you incorporate into the system of para-medical professions people who deserve the jobs and will eventually be able to perform them as well or better than anyone else but who, now, because of their being so excluded, are unable to function as students, (unable or unwilling)? My recommendation: minority trainees, while being trained in the basics, receive a living wage (they're paid, in other words, for being in school.) This would be prior to their going into para-medical or even medical schools. What we would be doing would be under-writing the distribution of skilled minority para-medical and medical personnel among the white communities, yes, but more especially among the minority communities where they are accepted and where they would comprehend problems before they arise. This might be considered comparable to what the so-called Black Nationalists are demanding and it could even be described, perhaps, as contributing to ghettoizing or segregation, but after working with black people on *Project '70*, I would suggest the above. But even before expediting the preliminary work on the above, I would get the advice and recommendations of minority people as to whether such a plan is feasible or meritorious. They would make the decisions.

I am enclosing with this . . . I guess that by now it can be called a manuscript, though I intended it to be only a letter . . . a list of recommendations made by *Project '70*. I've referred to *Project '70* throughout these pages. Let me digress for a moment (as if I haven't already) to devote a paragraph to *Project '70*. It is an experiment in democracy that is unique in hospitals and it could probably only have occurred at Alta Bates. But it had such an incredible effect on employee morale and brought so many hospital workers from all levels so much closer together and it covered so many topics that fit into your phrase "upgrading . . . of personnel" that I am presumptuous enough to press it on you. It is an experience that will probably be recurring more often here and elsewhere.

When the sensitivity-training sessions (that included, originally, 60 department heads and administration personnel) was threatened with termination, virtually all who had experienced the sessions (black and white) protested. A few of us met and in talking about what we might do to have the sessions continued, we discovered that we had many problems and interests (hospital-oriented) in common. We decided to meet more often. Before many days there were not only five or ten people but fifty and sixty. At first we had no direction, no plan of action. But then, when the sensitivity-sessions were revived our meetings continued. We began to prepare for two all day workshop-seminars on two different Saturdays in July. We invited employees to fill out questionnaires that would pin-point areas of their work-environment and patient-care that could benefit from open discussion by employees from every level and by physicians and by administration personnel and by volunteers and by members from the community (consumers.)

Alta Bates has an enviable reputation in the state not just for the excellence of patient-care but for the excellence of work-environment. *Project '70* brought to light problems that were lying beneath the surface in this best of institutions. At the seminars exchanges (sometimes quite heated) brought all kinds of people with all degrees of feelings (resentments and pride) together. A list of the recommendations is enclosed, along with copies of evaluations by two invited guest-panelists.

The major disclosure . . . one of two major disclosures, I would say . . . was the incredible gap that exists in hospitals between the physician and the employee. In departments such as x-ray, where physicians (radiologists) control the department, I can verify that the gap is possibly even wider than between nurse and physician or LVN or aide and physician. The effect on efficiency, on morale, on patient-care is direct and immediate.

How do we, in preparing a federal bill that will control the training and licensure of x-ray technicians, build into the machinery of legislation, some action that will bridge the gap, that will bring closer together the two groups . . . radiologists and technicians . . . who probably work together more closely than do physicians and employees in any other department? If the action is left to others the delay will be too great. Not only will the bridge widen, all across the country, but those who will suffer will be the patients your bill is so correctly designed to protect.

Sixth, some means must be found for those technicians who have the talent and the will, to move beyond the button-pushing stage in x-ray. Frustration with contemporary management reluctance to assert itself, with the conditions that have driven female technicians back to the kitchen and male technicians into other careers, must be recognized and dealt with. For those technicians who wish to go beyond button-pushing there ought to be some promise of reward. May I suggest just one.

There is, today, an extreme shortage of radiologists. Those who work are usually over-burdened. The future promises little or no relief. Recently, about a year ago (I've been trying, unsuccessfully, to locate the copy), there were press-stories about a program in which cooks, kitchen-helpers, janitors, maids, etc. were given a short training program utilizing computers and programming. The goal was to produce a person who could relieve the radiologist of some of his load by "reading" elementary x-ray studies. Within a very brief period (two months, I believe) the so-called menials were interpreting films with an accuracy that compared very favorably with the interpretations of the radiologists. Technicians could become such medical-aides, with a status and remuneration adjusted accordingly. And thereby offering some relief to the crisis of the brain-drain in radiology.

Seventh: teaching. Most people currently teaching in schools of X-ray technology are, simply, former technicians. Very few have had the training required for teaching, have the qualifications to be provocative and at the same time humane instructors and/or counsellors.

Also involved here is curriculum. To be pertinent, I and many other technicians sincerely believe that many of the subjects required for X-ray training are un-necessary. The program exists, in the main, so as to prepare a student to pass a test that asks questions relating to material he will never use and need never have studied. The argument here is that this is standard procedure, whether we talk about physicians or engineers or architects. But you and I are not concerned about other careers right now. We are concerned about persons trained to expose the people of our country to ionizing radiation.

The current curriculum (or current curriculums, because there must be fifty) must be standardized, modernized and directed to a different purpose than the passing of an exam. In addition I would recommend the creation of a board of appropriate specialists to study the entire spectrum of contemporary health-care with, in this case, special emphasis on the X-ray profession and the training of X-ray technicians.

My recommendations might be expensive and time-consuming. But we are not talking about the production of automobiles now, or the pollution of water, or the waging of a war. We are talking about caring for the injured and ill human beings who are our fellow-citizens. We are talking about the possibly hazardous pollution of the bodies of our people and the saving of their lives.

In a few short years the Health Care industry will be the primary industry in the nation. We would be ill-advised to stint on either money or personnel.

Now, let me refer to your Bill . . . Bill S. 3973 . . . specifically.

Page 3, lines 4–6. There are as many different ideas as to the meaning of "fully trained and qualified" as there are radiologists and technologists. I've known several technicians who did not perform well in the National Registry's exam but who went on to become very capable and human technicians. I also know very many who passed the test, were awarded their "R.T." and who were so incompetent they could not be turned loose on a patient. The make-up of any test is important but a test should be only one part of graduation. In actuality, most technicians are not "fully trained and qualified" until at least two years after they've completed their training and have worked in a busy and complex department.

Page 4, lines 12–20. I am pleased that you will consult with those organizations listed but I am especially pleased that you are *not limited to* those organizations.

Page 7, lines 21–23. Here we are again. Because a person is a licensed medical practitioner he is not, *ipso facto,* qualified to apply ionizing radiation to human beings. It seems to me that your bill, as does California's current bill, cuts the ground out from under itself. Either your committee is intent on protecting the public or it isn't. In California, as well as in the nation, the great majority of x-ray machines are outside hospitals, outside the control of radiologists, in the offices of veterinarians, osteopaths, chiropractors, urologists, orthopedists, internists, etc. A study by the Assembly's Interim Commission of about eight years ago proved this to be the case in California. In those offices the physician himself does not always (in fact very rarely), use the equipment. It is his receptionist or his book-keeper or his nurse, none of whom have had more than the most rudimentary instruction in the use of x-ray equipment and the protection of the patient. In excluding medical practitioners from the bill's coverage you are exposing the public to a very great hazard. Your bill would be protecting less than half of all of our citizens whose bodies are penetrated by ionizing radiation every day.

I know the medical lobby will fight you tooth and nail should you insist that *everyone* who uses x-ray equipment be compelled to be trained and tested in an accredited institution, but you've taken on the medical lobby before and you must do so again.

You should understand that were the radiologists to have insisted, here in California, or in New York, that their fellow-physicians be covered by the bill, the non-radiologist physicians could have (and almost certainly would have) charged them with a monopoly-practice. I can assure you that when and if I or anyone I love has an x-ray of their body I want those films taken by a concerned and skillful technician and I want the films to be read by a radiologist.

I would make one other recommendation. In the more than twelve years that I've been in charge of the x-ray department at Alta Bates I've interviewed hundreds of technicians from all over the United States as well as from all over the world. I believe that technicians trained in England and Denmark and Sweden and Germany are superior not just in the technical ability but in their general attitude toward patient-care. It would seem to me that a thorough study and evaluation of the training programs in those countries could only benefit your committee and the field of x-ray and, thus, the patients of our country.

Before I conclude, I want to clarify what might be construed as harsh antagonism to radiologists. I have great respect for them. Many radiologists have been of real help to me, personally and professionally. It is difficult for someone like myself to predict how I would react were I in a position of power and relative wealth. I would like to believe I would strive for the greater humanizing of relationships between radiologists and technicians than has been the case generally. It is quite apparent that younger physicians (including radiologists) who are products of a new time, so to speak, do promise to step outside the so-called professional confinement in which not just physicians but many professionals (attorneys, professors, etc.) tend to lock themselves.

I hope that this surprisingly (to me) lengthy reply to your letter will be of help. I support your efforts. And I thank you for considering my thoughts and suggestions.

I should add (I should have added in the third paragraph of the first page) that I am also a novelist. McGraw-Hill published a novel in 1967, I am completing a novel for children and I am working on a long hospital-novel which will include, in fictional terms, much of what is stated and implied here.

Sincere regards,

CHESTER AARON, R.T.

HILLCREST OSTEOPATHIC HOSPITAL, INC.,
Oklahoma City, Okla., August 5, 1970.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. RANDOLPH: By virtue of efforts of the Officers of the American Society of Radiologic Technologists, I am aware of the Senate Bill #3973 which was introduced by yourself and other co-authors. As chairman of the Committee on Technician Registration for the American Osteopathic College of Radiology, I am interested in the content of this legislation and of its intent and impact upon my own professional group and upon the American public at large.

It is my understanding that the request of my professional organization be included within that pool of professional organizations to be consulted by the Secretary, has already been received by yourself, and proper corrections scheduled for the next printing of this Bill.

Acknowledging the advances which have been made in the last several years in the training of technical personnel in general and of radiologic technologists in particular, I am fully aware that no group has evolved to a true national status. There is prejudice and limitation in serving the American public. Opposition to the establishment of national guidelines is therefore not possible, however, it is also recognized that this is not the only solution to the problem, but perhaps the most efficient one at this time. It follows that my main concern would be that the Secretary in following the instruction "shall consult" does not automatically transfer limited view points to the national level, but uses the consultations for the establishment of truly national guidelines for training and licensure of technologists.

This general statement is in response to your letter dated July 31, 1970. I would be happy to comment more specifically on any facet of this legislation that could be helped by my so doing. Any comments I would make would be my personal views, as the Osteopathic College of Radiology does not meet until October of this year.

Respectfully yours,
RAY E. BISHOP, D.O.

DAVIS MEMORIAL HOSPITAL,
Elkins, W. Va., August 7, 1970.
Hon. JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR JENNINGS: I have read the above bill and am somewhat concerned about the requirements that hospitals and doctors who take X-rays in their office be required to have only licensed technicians to take X-rays who have been trained and qualified with minimum criteria and standards established by the Federal Government.

I agree that the quality of technicians should be upgraded and perhaps this bill could include some provisions that would be beneficial, but in its present form I believe it would limit the practice of many small hospitals and doctors on account of the cost that would necessarily be charged to their patients.

I personally know of several small hospitals that would almost be put out of business if they were forced to have registered X-ray technicians because of the extra cost, even if such registered technicians would be available.

With reference to the Davis Memorial Hospital, we have two registered X-ray technicians and a trained nurse aid not registered, all of whom work under the supervision of a qualified radiologist; but many smaller hospitals could not afford that number of registered technicians and a trained non-registered assistant; therefore, would be limited in the service that they now render to their patients.

I believe some of these factors should be seriously considered in your bill, however, I am not trying to dictate to you but to express my views from personal knowledge and twenty-three years experience as a hospital administrator. I feel sure you will understand my interest and intention.

With kindest regards and appreciation of the wonderful service you are rendering to your constituents of which I am proud to be one of.

L. WADE COBERLY,
Administrator.

UNIVERSITY OF NORTH CAROLINA,
SCHOOL OF DENTISTRY,
Chapel Hill, N.C., August 26, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I have just learned of the introduction of your bill (S. 3973) which provides for the development of criteria and standards for training and licensure in radiology.

I have been teaching in dental radiology for 15 years and I am greatly concerned with using the minimal amount of radiation necessary to effective dental care for the American public. It is my observation that state agencies and national agencies such as the American Dental Association have not done all they can to achieve proper protection for the public by insisting on higher training standards. Since your bill appears to offer partial solution for this problem, I will lend my support.

I would like very much to see a copy of the bill for closer inspection. If I may help you in anyway, please let me know.

Sincerely,
CLIFTON E. CRANDELL,
Professor.

THOMAS JEFFERSON UNIVERSITY,
Philadelphia, Pa., August 7, 1970.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: I have your letter of 31 July regarding S. 3973, the Radiation Health and Safety Act of 1970, and I welcome this opportunity to provide you with my personal observations and comments.

While I have certain misgivings and reservations concerning the bill and its implementation, I certainly concur with its basic objective of reducing unnecessary medical exposure to ionizing radiation. I think the bill should explicitly allow the Secretary more latitude in the exercise of his judgment in the application of subsequent regulations in certain gray areas. While I agree that technicians who are expected to operate a wide variety of radiological equipment should meet certain minimum standards of training and experience such as those required by the American Registry of Radiologic Technologists, I do not agree that all technicians must meet the same minimum standards nor must all operators be licensed technicians.

There are several reasons for this opinion. First is the observation that radiologic equipment varies widely as to type and degree of sophistication and degree of competence required of the operator. Some single purpose equipment such as chest photofluorographic units require only a very minimal amount of training to insure minimal exposure to the patient while achieving roentgenograms of adequate diagnostic quality. At the other end of the spectrum is equipment, such as remote controlled image intensified fluoroscopic equipment requiring the degree of competence likely to be achieved only by a highly trained diagnostic radiologist. It is therefore important to recognize on one hand the need for highly trained and educated technologists, with academic degrees in some instances, to carry out the responsibilities for patient care and to participate in all radiological procedures as is frequently required in the larger hospitals and in the offices of private practicing radiologists. Very few technologists today have the formal educational background and radiological training that will be required of those needed to practice at a professional level in the future. Accordingly, if we adopt only a *single* level of minimum standards for the accreditation of educational institutions and for the licensure of radiologic technicians, we may perpetuate a problem that exists today wherein many of the technologists are improperly trained for the responsibility that they are required to assume and other technologists are overtrained or are wasting their training in positions that require very little judgment.

Related to the above problem is the observation that there is at present (and into the forseeable future) an acute shortage of not only highly trained radiologic technologists, but also all other classes of paramedical personnel as well as medical practitioners. Accordingly, if we are to effectively deliver health care while curtailing spiralling costs, we must find more efficient ways of using to the best of their ability all people, including technologists, regardless of their level of training or competence. It seems to me that the only way to accomplish this objective is to provide a range of training levels from the lowest to the most sophisticated so that each individual, regardless of his intellectual or technical limitations, may advance as far up the technical and professional ladder as his ability and initiative permit. By providing a sufficient number of plateaus of training, vertical mobility on the technical and professional ladder will be enhanced and anyone desiring to work in paramedical fields will be able to contribute to the delivery of health care at the level of his training and ability.

It seems to me that the above approach to the problem would help alleviate the high turnover rate of partially or completely trained technologists which are lost to the field for one reason or another. Our present system is very wasteful and inefficient in this regard. A great majority of the radiologic technician trainees are young women fresh out of high school who leave a few years after training to begin raising their families. More men could be attracted into the field if there were a vertical structure for continued advancement. At the same time, many women who leave to raise families might return to the field at appropriate levels, perhaps on a part time basis later in life.

The Congress can constructively contribute to the combined effort of all the radiological professions and organizations to reduce not only unnecessary exposure to the patient, medical, and paramedical personnel, but to reduce also the gross inefficiency and the high cost of the delivery of health care inherent in our present system of modifying S. 3973 to promote the establishment of multiple levels of training and certification or licensure.

There is another gray area that may have been overlooked in the drafting of the bill about which I was reminded recently by several radiological physicists. High energy accelerators for radiation therapy (linear accelerators and betatrons) coming on the market must be operated at least part of the time by highly specialized medical physicists and engineers. While radiation therapy technologists will be trained to carry out most of the routine operation there will be occasions of varying frequency depending upon the sophistication and idiosyncrasies of individual accelerators where the physicist or engineer will have to take over the operation with the concurrence of the responsible radiation therapist if the treatment is to be adequately and safely carried out. Allowance must also be made for the operation of experimental equipment by other than licenses technologists during the developmental stages and early clinical trials, usually in University Medical Centers. While the technologist may often be an important member of the research and developmental team, it is usually the engineer or medical physicist who must work closely with the radiologist in the design, construction, testing, and preliminary clinical evaluation.

I trust these comments will be of some value to you. If you have any questions, I would be glad to respond further.

Sincerely yours,

Robert O. Gorson,
Professor of Medical Physics.

Memorial Hospital for Cancer
and Allied Diseases,
New York, N.Y., December 28, 1970.
Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

My Dear Senator Randolph: I was pleased to receive a copy of your Senate Bill S. 3973. I have reviewed this bill and hope that it will become law. Its impact would be to upgrade the care and precision with which radiation is administered to patients.

I noted that on page 4 in Section 360H(c) that in the establishment of the criteria, the Secretary shall consult with various professional organizations, including the American Association of Physicists in Medicine and the Health Physics Society. I think that this is extremely important and will help to insure intelligent standards. Many of the advances in the radiation devices being used in therapy and diagnosis have been either created by, or greatly contributed to, by members of the American Association of Physicists in Medicine and their advice should be very pertinent in the proper use of these devices.

I should also like to suggest a qualification with respect to Section 360J(a) on page 7 in which the operation of equipment is limited to defined individuals. In some instances, due to the complexity of the apparatus (linear accelerators, betatrons, heavy particle accelerators, etc.), physicists are sometimes employed in the actual operation of the equipment when patient treatment is carried out. This is particularly true with new machines in the experimental stage. Such a psyhicist would likely be largely responsible for the subsequent training of a radiologic technician. However, in order not to make it impossible for the physicist to operate this equipment I would like to suggest the inclusion of "qualified radiological physicists" as well. The term "qualified radiological physicist" has a fairly well defined meaning and refers to a physicist experienced in radiological physics, usually evidenced by certification by the American Board of Radiology.

The number of instances where the present wording of the bill would be restrictive is not large, but I should like to suggest that at some future time, when appropriate, such a modification be considered since in actual practice, operation of this advanced equipment is sometimes carried out by physicists.

I think that the proposed legislation is greatly needed and I wish to compliment you on its formulation.

Sincerely yours,

John S. Laughlin,
Chairman, Department of Medical Physics.

Harvard University,
School of Public Health,
Boston, Mass., August 5, 1970.
Hon. Jennings Randolph,
Senate Office Building,
Washington, D.C.

Dear Senator Randolph: In response to your letter of July 31, 1970, we are pleased to offer the following comments relative to upgrading the availability and quality of medical and para-medical health practices and personnel in the United States.

You are quite correct in citing the need for national guidelines for the training and licensure of radiologic technologists. We support your efforts to develop legislation to provide an opportunity to the States to establish programs to implement these guidelines. In our opinion, however, such efforts should not be limited to the para-medical field. Based on recent data obtained at the Harvard School of Public Health, we believe there is an equal need for the training and upgrading of professional radiation protection personnel in this same area. Since, particularly in larger installations, the professionals are often in charge of the overall radiation protection program, it is just as important that they be aware of proper procedures as it is for the people they supervise.

Recently we issued a preliminary report (copy enclosed) of a study of the backgrounds and experience of 451 candidates who during the past ten years had taken written certification examinations administered by the American Board of Health Physics. Results of this study (which we believe directly relate to S. 3973, the Radiation Health and Safety Act of 1970) are as follows:

1. The need for greater numbers of people working in the field of medical X-ray is well illustrated by the fact that, of the 451 professional radiation protection personnel who have applied for certification, only 9 (about 2%) were employed in hospitals, and only 34 (about 7%) listed "Medical Radiological and Fluoroscopic Installations" as their number one area of competence.

2. On all the written examinations, applicants were given options in selecting questions to answer. The response of candidates to questions on "X-ray Safety" was 54%, the lowest response to any of the twenty subject categories covered. Even though many of the candidates thus "screened out" questions on X-ray Safety," average grades for those who did answer such questions ranked 17th among the 20 categories covered (i.e., grades on only 3 categories were lower).

3. The overall excellence of applicants who had received graduate training support through Federally sponsored programs was clearly demonstrated by the data. For example, students supported through the graduate Radiological Health Specialists program of the U.S. Department of Health, Education and Welfare scored almost 30% higher on questions on "X-ray Safety" than did the total group of applicants. For USDHEW supported applicants, average grades on "X-ray Safety" ranked seventh in the list of twenty categories covered.

In essence then, we see a need for programs of training and certification at all levels within the medical radiation field. We believe the data we have obtained clearly demonstrate the success of Federally supported graduate training programs in this field and we urge that you give consideration to the needs at this level, as well as for para-medical personnel. Additional specific comments on S. 3973 are attached.

Sincerely yours,

Dade W. Moeller, Ph. D.,
Department Head.

Oak Ridge National Laboratory,
Oak Ridge, Tenn., August 6, 1970.
Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Sir: Thank you very much for your letter of July 31, 1970. You are to be congratulated for introducing such a fine bill as S. 3973. I have read it very carefully and see no need for any change. I had received a copy a few weeks earlier and mentioned it in my prepared testimony for the hearings before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works scheduled for August 4, 1970. Unfortunately, this hearing was canceled at the last minute by Senator Muskie. I did, however, at his request send him a number of copies of this testimony and am enclosing a copy for your use. You will note on page 30 of this testimony that I mention this bill which you introduced. Also, in this testimony many of the things I have said strongly support the need for this bill. I feel it is a very important step toward reducing the principal source of exposure to the population of the United States from man-made sources of ionizing radiation. For your convenience, also, I am enclosing copies of testimony I gave on the medical exposure problem before the Senate Commerce Committee in support of S. 2067 on August 28, 1967, and my testimony before the House of Representatives in support of H.R. 10790 on October 11, 1967. In this testimony, I summarize 63 ways by which this medical exposure can be reduced to less than 10% of its present magnitude while at the same time providing better X-ray diagnoses. Also enclosed is a copy of a paper, "Why the 1968 Act for Radiation Control for Health and Safety Is Required," which I presented before the Symposium on Radiation Legislation of the Radiological Society of North America in Chicago, December 1, 1968, and a paper, "The Need for Standardization Procedures in the Application of Ionizing Radiation to Medical and Dental Patients," which I gave at the seminar before the Bureau of Radiological Health, Public Health Service, in Rockville, Maryland. I have written many other papers dealing with this subject but will not burden you with them unless they are requested especially since there is a great deal of repetition in the subject matter discussed.

Again, I am very proud of your accomplishment and stand ready to assist you in any and every way I can. I am confident the passage of this bill will lead to the saving of man thousands of lives of people now living and children yet to be born. Of even greater importance, it will prevent many persons from suffering throughout a considerable portion of their lives with mental and physical handicaps. I think the next and final giant step remains to be taken, namely, to prepare and pass a similar bill directed toward the medical men (primarily practitioners, chiropractors and others) who at present have essentially no education and training in the use of X-rays and yet prescribe their use and in many cases own and operate this equipment. It seem almost unbelievable that more than 50% of the X-ray machines owned and operated in the United States are in the hands of nonradiologists who are not trained for such operations. It is like having 50% of our school buses operated by drivers who do not know for sure where the brake pedal is located. I am still hoping a leader such as the late Senator Bartlett will come along soon and provide appropriate legislation to bring about this final correction. It would be a very difficult job because I am afraid the American Medical Association and the American College of Radiology would not be very cooperative, at least from the start. However, the more important things in life are the most difficult to accomplish but often turn out to be the most worthwhile of our endeavours.

Sincerely,

Karl Z. Morgan,
Director,

Battelle Northwest,
Richland, Wash., August 7, 1970.
Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: Thank you very much for your letter of July 31, 1970, and the copy of Senate Bill S. 3973, and for the invitation to comment on the proposed legislation.

At a recent meeting, I made the observation that when one goes to the barber shop for service, one expects and encounters a certain minimum level of competence due to some system of licensing or accreditation. When one goes for a medical or dental radiological examination, that minimum degree of consumer protection does not exist, although its need is rather more significant. It is the intent of your proposed legislation to provide this protection. This *intent* has my complete support. In my capacity as chairman of the Technical Electronic Product Radiation Safety Standards Committee created by the Radiation Control for Health and Safety Act of 1968, I know that the Committee also strongly supports the need for some type of control over the operation and application of x-ray equipment in the healing arts, without specifying how the need should be met.

Despite the full agreement in principle, I feel that there are some ways in which the legislation could be modified to be more relevant to the common purpose of good protection. My comments on these points are, of course, made as an individual, and not as a representative of TEPRSSC or any other organization.

1. *Persons covered:* S. 3973 relates only to accreditation of radiologic technologists. It is tacitly assumed (e.g. in Sec. 360J(a)) that appropriate competence exists in any licensed medical practitioner, licensed dentist, or licensed dental hygienist. It is impossible to accept this thesis. For this reason, as well as others, I prefer the approach that is being rocemmended by the Bureau of Radiological Health of HEW. Their draft of "Model Legislation for the Use of X-rays in the Healing Arts" satisfactorily addresses itself to minimum standards for practitioner training, as well as technician training.

2. *Graded training of radiologic technicians:* The standard lobbying position of the organizations of technicians is in favor of one national standard of technician accreditation. While I have the highest regard for the contribution that technicians have made to the practice of the healing arts, I do not believe that it is in their best interest to pursue this goal. I am even more convinced that it is contrary to the best interests of the citizens of the United States. Here are some of the factors:

(a) Many of the required x-ray examinations can be performed well from the medical point of view and well from the radiation protection point of view on a routine repetitive basis. This applies to *all* the exposures that should be attempted with the available x-ray equipment in probably a numerical majority of the x-ray offices in the country. To require higher qualification in such cases is wasteful and costly. More importantly, it can be demoralizing to the over-trained technician.

(b) To further reinforce this point, I recommend that you seek the views of Dr. Richard H. Chamberlain, Professor of Radiology, University Hospital, Philadelphia, Pennsylvania. Dr. Chamberlain has recently studied the potential to improve the standard of radiologic performance in developing nations where the possibility of extensive training is negligible. I understand that he is enthusiastic about the relatively high level of performance of radiology that can be achieved with standardized equipment and minimum training, e.g. three months or less.

(c) Such an approach to radiology is needed because of the serious growing shortage of medical and para-medical personnel. Continuing service at a price that the country can afford will only be possible if each para-medical person is used at all times at the full extent of his potential. At one end of the scale, this requires the routine standardized approach whenever that is adequate.

(d) When the routine cases are provided for as above, there is more scope at the other end of the scale for advancement of medicine through complex procedures including highly sophisticated radiology. The technicians in this category should be trained to a level higher than that of the present uniform certification. They are truly irreplaceable para-medics, and their salaries should be in a class commensurate with their services—at least double what is currently available.

(e) Altogether, I would expect that three clearly definable classes of training should be established. With a profession offering this graded opportunity for advancement to those capable of rising to the challenge, I would further expect that in a decade or so there would be a healthier profession.

(f) It is my firm belief that a scheme generally along these lines would have the support of groups (outside the medical profession and outside the present technician ranks) who are best qualified to judge it. Prominent among such groups are many members of the American Association of Physicists in Medicine. Radiological physicists have the advantage of profound personal knowledge of the radiology needs in hospitals and a sound knowledge of radiation protection principles. By contrast, the health physicists generally fail to match their zeal for radiation protection with an equal awareness of the realities of medical service. It would appear appropriate to suggest that the most balanced advice might come from those specialists who are truly experienced in both hospital physics and in health physics.

3. *Operation of equipment by radiological physicists:* S. 3973 currently prohibits the operation of radiologic equipment by trained physicists or engineers, unless they specifically held a technician's license. In general, this would be satisfactory but it could impede the development of new and improved equipment. The beneficial application of cyclotrons, synchrotrons, linear accelerators, and the like would undoubtedly have been impeded if each had not had a period of "electronic weaning" supervised by a trained physicist. I recommend a mechanism to make developmental operation by radiological physicists or engineers permissible.

Very truly yours,

H. M. PARKER,
Senior Staff Consultant.

DAVIS MEMORIAL HOSPITAL,
Elkins, W. Va., August 6, 1970.

Hon. JENNINGS RANDOLPH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: In reply to your letter of July 31, 1970, requesting my views on Senate Bill S. 3973, I would like to offer the following comments:

As a practicing Radiologist serving four small hospitals in Elkins, Buckhannon, Weston and Parsons, West Virginia, I too am interested in upgrading the quality and availability of medical and para-medical health practices in the U.S. and particularly in my own central West Virginia area. However, I have serious reservation that this Bill would accomplish the above purpose, but would in effect create more problems than it would solve in its present reputed form.

I have personally trained and supervised most of the x-ray technicians who are now employed in the several small hospitals listed above, and although only a few of them are registered, they are all doing an excellent job in obtaining quality roentgenograms for my interpretation. They are also continually advised and instructed on safety factors necessary to minimize exposure of ionizing radiation both to the personnel and the patient.

The availability of x-ray technicians in small towns for small hospitals has always been a problem, and I am sure the problem would be enhanced if licensed registered technicians were required in all x-ray departments, including those in doctor's offices or in a small hospital.

The cost for diagnostic x-ray studies would be increased considerably in our several small hospitals if all the x-ray departments were required to employ only licensed registered radiology technicians, and, of course the increased costs would have to be passed on to the patients already high cost of medical care.

Finally, and most important, I am fearful that the x-ray departments in the four small hospitals that I am serving as Radiologist, namely; Davis Memorial Hospital in Elkins, St. Joseph Hospital in Buckhannon, Stonewall Jackson Memorial Hospital in Weston and Tucker County Hospital in Parsons, West Virginia, would not be able to operate adequately and effectively without their present non-registered x-ray technicians.

In view of the above comments, I strongly recommend you consider changes in Bill S. 3973 to protect the interests of small hospital x-ray technician personnel, who are well trained and supervised and perform their duties efficiently and conscientiously, but are not duly registered.

Sincerely yours,

HERMAN SELTZ, M.D.

THE UNIVERSITY OF ROCHESTER
SCHOOL OF MEDICINE AND DENTISTRY,
Rochester, N.Y., August 13, 1970.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR RANDOLPH: The following is written in response to your letter of July 31 concerning the proposed "Radiation Health and Safety Act of 1970" (S. 3973). I write you as the immediate Past President of the Health Physics Society, as a member of the National Council on Radiation Protection and Measurements and as Chairman of their Scientific Committee #34 which is the Committee charged with setting maximum permissible body burdens of radioisotopes and maximum concentrations for intake of isotopes in occupational exposure and by the general population.

There is no doubt that the largest single source of exposure, above background, of the general public to ionizing radiation is in the use of radiation, particularly x-rays, in the practice of medicine and dentistry. This is not because the exposures are necessarily high individually but because of the large number of individuals who receive x-rays or other radiation exposures for the diagnosis or treatment of disease or in routine health evaluations. There is also no doubt that the total dose to the population could be reduced by a very significant factor by the improvement of techniques and equipment. Since the bulk of such work is done by radiologic technologists or other technological personnel under only the general supervision of a licensed professional practitioner of the healing arts, the proposed bill certainly aims in the right direction. On this basis I personally endorse the intent of S. 3973.

Let me comment now on some specific features of the bill.

(1) I note that it is limited to radiologic technicians in the fields of medicine or dentistry and allows for separate criteria for the dental radiologic technician, the medical radiologic technician and technicians in training. (I assume the term "radiologic technician" refers to the individual who uses x-rays primarily in the diagnosis of disease.) Thus the bill would exclude individuals working in the field of nuclear medicine or in therapeutic radiology. For the present I believe this distinction to be a wise one since the training required and the techniques involved are quite different in these areas from those characteristic of the radiologic technician as defined above. Also it is in the

field of diagnostic radiology that the largest numbers of individuals are exposed.

(2) The bill carefully avoids stating the degree to which educational criteria would be divided between didactic academic type work, and the all-important practical training to be obtained in a hospital in direct contact with patients. Again, I believe this is a wise arrangement. However, it would be desirable to have some way in which the bill could make clear that criteria are needed for *both* these important phases of the education and training and that State or other accreditation would need to be for an *entire* program not for either the academic or the practicuum phase *separately*. It is the combination of these which will bring the desired results.

(3) Under Section 360 "State Accreditation and Licensure", lines 3, 4, 5 on page 7 indicate that the Secretary may certify appropriate federal and state professional licensing organizations. What is the intent of this section? Does this exclude the equally important route of certification by a professional society? This is of course not a federal or state organization except by the coincidence of the particular state or states in which the professional society may be incorporated, etc.

Because of my desire to answer your query promptly and because of plans to leave for a vacation this afternoon, I may have missed some specific features of the bill which longer study would have brought out. However for the present these are the specifics which come to mind.

A more general comment needs to be made. This concerns the effect which licensure of radiologic technicians and the development of approval and certification criteria for these programs may have on the immediate supply of such individuals. As you know there are many quite marginal programs currently in operation. Many would be unlikely to meet the criteria of either federal or state agencies should this bill be enacted. Some of these programs could probably be strengthened, others might not ever meet the criteria and then would have to either continue without accreditation or close down. The dilemma is that the shortage of radiologic technicians is so severe that clinical radiologists and hospitals would undoubtedly feel the pinch if the procedures developed under this bill resulted in significant decreases in the supply even temporarily. Thus the deadline for the licensure and accreditation postulated in this bill must be carefully chosen. I urge that this feature be examined very carefully with the College of Radiology and other groups representing the potential users of radiologic technologists to be sure the adjustment period is sufficient to effect a smooth transition to the new and desirable standards. Without this, organized radiology might have to oppose the bill even though in sympathy with its basic purposes.

If I can answer any specific questions or be of any assistance beyond the above, please call upon me.

Sincerely yours,

J. N. Stannard,
Professor of Radiation Biology and Biophysics.

Columbia, Mo.,
September 10, 1970.

Hon. Jennings Randolph,
U.S. Senate, Washington, D.C.

Dear Senator Randolph: I am sorry to have been delayed in responding to your invitation of July 31, 1970, to comment on S. 3973, The Radiation Health and Safety Act of 1970. My problem was that I could not establish a condition of mind over matter and conceded to the need for corrective surgery from which I am now nearly recovered. From this strained posture, I am ready to supply the comments requested and some not requested.

At the outset, I wish to disqualify myself as an unbiased observer. Radiation control is the means of my livelihood, my career, my profession, but I make no judgments of the value of radiation as a tool. Others, far wiser than I, decide the benefit-versus-risk values, and my function becomes that of attempting to minimize the risk within reasonable and practical economic bounds.

There is no doubt in my mind that people are exposed unnecessarily in medical and dental diagnostic procedures. Furthermore, I have no doubt that the *only* way to effect control of this unnecessary exposure is to control use of radiation sources by the licensed practitioner of the healing arts. He is the only person who can make the benefit-versus-risk evaluation; he is the only person who can decide what kind of procedure is required and how it is to be conducted; and he is the only person who can bear legal responsibility for his clinical decisions.

It is a political fact-of-life that the medical profession is a tough antagonist. I am sure you appreciate that better than I. The medical profession claims to be self-policing and, therefore, above public or private criticism. To a considerable extent, I believe this claim is valid; but I also believe there is a massive inertia and resistance to change within the medical profession as well as a monumental confidence in self that walls off critical comment from the outside.

The response of the medical profession to the charges brought forth by K. Z. Morgan and separately by Ralph Nader has followed a classic pattern from shock and innocent surprise to an increasingly critical self-examination. As an example of the latter, I can cite the editorial by John L. McClenahan, M.D., titled "Wasted X-Rays," published in the August 1970 issue of RADIOLOGY, the journal of the Radiological Society of North America. I commend it to your review as the first admission from within the medical profession, of which I am aware, that some exposures of patients to radiation were and are unnecessary.

About the efforts of the Congress and, in particular, the efforts of individual members such as the late Senator Bartlett, Representative Rogers, yourself, and other contributors to P.L. 90–602 and to S. 3973 to attempt to control medical and dental exposures by legislation, I am not convinced you have accomplished anything. First, I believe the significance of the problem has been magnified out of proportion. Second, I believe the control mechanisms should be directed at the practitioner rather than at his subordinate personnel or the manufacturer. Finally, I believe the intent of the legislation, however well conceived, is aborted if the Congress fails to appropriate funds to support the proposed program.

With regard to the relative significance of the risk of the public to deleterious effects of unnecessary medical and dental exposure, how can anyone devote very much attention to the consequences of a 100 millirem annual gonadal dose when over 40,000 of our young men have been killed in Vietnam, over 50,000 of our citizens are killed every year in automobile accidents, over 50,000 more are killed every year in other accidents of various kinds, and, meanwhile, we are suffering the consequences of overpopulation. We, as a nation, seem to have an uncertain standard for the meaning of life. For myself, I think an ordinary, run-of-the-mill life is overvalued. Or, at least, I am very much confused about what the value of a human life should be.

Each of us must, consciously or not, establish a scale of priorities to govern our actions and decisions about things that influence our lives. The Congress does the same thing when it decides on appropriations, when it schedules action on pending legislation, when it determines appointments to committees, and, for that matter, when it conducts any aspect of its business. At the core of my uncertainty about a response to your request for comment on S. 3973 is a lack of confidence in assigning a priority rank for what is proposed by the content of S. 3973. Clearly, you believe it deserves a high rank or you would not have proposed it, but I am less certain.

It seems to me that we, collectively, ask the medical profession to serve us according to standards simultaneously contradictory and impossible of fulfillment.

We insist that life is precious and its continuance must be maintained regardless of consequence, and then we challenge the mechanisms employed. I have a more simplistic attitude. If the average genetic (or somatic) dose can be reduced by practical and reasonable means, I'm in favor of implementing the means. But I do not always know what are practical and reasonable means. What I do know, or think I know, is that I face far more serious risk of life operating an automobile than I do in my occasional exposure to radiation. I accept willingly the risk of operating the automobile for whatever nebulous benefit is derived thereby, and, on a comparative basis, I cannot bring myself to the point of critical concern about exposure to radiation.

Having said these things, none of which you asked for, I should not be inconsistent and comment in detail on the content of S. 3973. In substance, my reaction to the content is that it is directed to the wrong part of the problem and that the problem itself is not too important. I have the same feeling about P. L. 90–602, which your bill seeks to amend. On the other hand, if legislation is not to be forthcoming to control the practitioner and control of exposure is to be attempted by establishing criteria of training for radiologic technologists, I think you should be more specific about these criteria. You may know that the radiologic technologist occupies a position well down in the pecking order of the medical profession. As a group, radiologic technologists have sought and have attained stature for themselves despite harassment from the medical profession. For this reason, they deserve protection. I recommend for your consideration the following addenda to S. 3973:

1. Add to section 360 H.(a). Criteria and minimum standards for accreditation of educational institutions shall be at least as rigorous as those established by the American Medical Association's Joint Review Committee on Educational Programs in Radiologic Technology.

2. Add to section 360 H.(b.). Criteria and minimum standards for licensure of radiologic technologists shall be at least as rigorous as those established by the American Registry of Radiologic Technologists.

While this letter is much too long already, I have several other general comments to offer. Since these other comments are available in publications, I have taken advantage of the opportunity to include reprints rather than restating them here. Selected sections are marked to draw attention to them.

Very truly yours.

John H. Tolan.

Maplewood, N.J.,
August 9, 1970.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: I wish to thank you for the opportunity to read your bill, S 3973. I have always felt that there has been a need to protect the patients from unnecessary doses of ionizing radiation. However, I do not feel that licensure of radiologic technologists is the entire answer. I am sure that you are aware of the fact that a large percentage of x-ray equipment is operated by other than trained and competent technologists. As radiologists, we insist on employing only those technologists who are well-trained and who have passed examinations of their parent societies. We, as radiologists, only make up a small percentage of the actual users of x-ray equipment in this country. I have often voiced the opinion that the owner of the equipment (physician, osteopath, chiropractor, podiatrist, etc.,) should be required to demonstrate competence in the use of the equipment. The group just referred to usually performs their own radiologic procedures without the help of competent technologists.

I refer you to a bill which was recently passed in the state of California and will become law in 1971. To my knowledge, the states that now require licensure of technologists do not penalize the owner of the equipment, but, in fact, do penalize the technologist if any violation of the state law should occur. The bills are without teeth, since there is no policing to insure that the letter of the law be carried out. I am not convinced that the Federal Government should become involved in what is really a public health problem of the state. I would like to re-iterate that in Section 360 J "Prohibitive Acts" you are assuming that all licensed medical and dental practitioners are competent and have been trained in the use of x-ray equipment when this is, in fact, not the case. I am sure that you realize that in the practice of medicine, many specialties require intensive training following graduation from medical school and internship. In the past, the competent and qualified x-ray technologists have always been employed in radiologists offices and departments of radiology in hospitals. We will always continue to hire the best and most qualified technologists regardless of whether any provision for state or federal examinations are made. If I can be of any further help in clarifying any of these points, do not hesitate to contact me.

C. RICHARD WEINBERG, M.D.

UNIVERSITY OF ALABAMA IN
BIRMINGHAM
SCHOOL OF DENTISTRY,
Birmingham, Ala., July 27, 1970.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: May I take this opportunity of congratulating you on introducing Senate Bill No. 3973 cosponsored by other senators listed below to whom a copy of this note will be mailed. I would very much like to receive a copy of the bill.

My information indicates that the bill states or implies that "even the most advanced X-ray equipment will not adequately protect the health and safety of patients or technicians unless these technicians are fully trained and qualified to operate the equipment." As a teacher of dental radiology for over twenty-five years and a senior author of a dental radiology textbook, I certainly can agree with these sentiments. However, if my understanding of the present bill is accurate, I would suggest to you that it does not go far enough because the provisions of the bill are not applicable to licensed medical practitioners, dentists, and dental hygienists. The mere fact that an individual is a licentiate in the healing arts does not make him qualified in the use of ionizing radiations on humans. In my opinion, supervisors of technicians, including physicians and dentists, should be certified to oversee as well as to conduct radiological examinations. Such certification should relate to the intended use of ionizing radiation and should not necessarily encompass, and thus demand competency in, aspects of radiation usage not applicable to the individual's practice.

It is my understanding that the Bureau of Radiological Health, United States Public Health Service, has designed model legislation for possible use by state governments which probably would more nearly satisfy legislative needs as I envision them.

If I can be of assistance to you in expanding these concepts, particularly as they relate to dentistry, I would be glad to be of service.

Sincerely yours,

ARTHUR H. WUEHRMANN, D.M.D.

SENATE JOINT RESOLUTION 19—INTRODUCTION OF A JOINT RESOLUTION TO SET AN EXPIRATION DATE FOR THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. HATFIELD. Mr. President, in 1948 the fundamental structure of the Selective Service System was established by the Congress. Since that time it has undergone some change, one occurring in 1967 with the renaming of the basic law, the "Military Selective Service Act of 1967." In contrast, the Selective Service Act of 1967 amends the basic law, giving the President authority to induct personnel into the Armed Forces. While the Presidential authority to draft is scheduled to expire June 30, 1971, the Military Selective Service Act of 1967 would continue. In other words, the institution of the Selective Service System would continue whether or not the Congress grants an extension of draft authority to the President.

Conscription in any form or degree is abhorrent to the vitality and strength of our society. For more than 160 years of our national history we have had a volunteer military. There is no more reason for us to conscript Armed Forces personnel against their will than there is to conscript postmen—there is every reason not to. Numerous reports from both private and Government sources assert that if military personnel, particularly first-term enlistees, were paid at levels comparable to what they would earn in civilian life, we could easily maintain an all-volunteer military at current and projected manpower levels. Legislation to effect changes in pay and incentives has been introduced. Two basic facts remain, however. The country as a whole must share the cost of maintaining its employees, in this case military personnel; it should not resort to involuntary servitude to have its goals accomplished. Second, if the foreign or domestic commitments of this country cannot be met by the direct or indirect support of the members of our society, those commitments should not have been made nor should they be continued. A draft can be used to facilitate the entrance of men and women into the Armed Forces, or any other institution for that fact, but there should be no imposed penalty for refusing induction. A draft system should be used to expedite voluntary entrance.

Be that as it may, current and projected military commitments can be met by an equitably paid, all-volunteer armed forces. There is no need, consequently, for a Selective Service System. Even if the Congress found it desirable to continue registration, which I feel is unnecessary, the Selective Service System would not be needed. Therefore, Mr. President, I am introducing a joint resolution today which would set December 31, 1971, as the expiration date for the Military Selective Service Act of 1967 and ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. HUMPHREY). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 19) repealing the Military Selective Service Act of 1967, introduced by Mr. HATFIELD, for himself and other Senators, was received, read twice by its title referred to the Committee on Armed Services and ordered to be printed in the RECORD, as follows:

S.J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is repealed effective November 1, 1971.

ADDITIONAL COSPONSORS OF BILLS

S. 155

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from North Dakota (Mr. BURDICK), I ask unanimous consent that, at the next printing, the names of the Senators from Montana (Mr. MANSFIELD and Mr. METCALF) be added as cosponsors of S. 155, to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States or Canada at night or a Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 284

At the request of the Senator from Montana (Mr. METCALF), the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 284, for the relief of Solomon Simtob.

ADDITIONAL COSPONSOR OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 7

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that at the next printing the name of the senior Senator from Texas (Mr. TOWER) be added as a cosponsor of Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or more.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 17

At the request of the Senator from Montana (Mr. MANSFIELD), the Senator from Michigan (Mr. HART) was added as a cosponsor of Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

SENATE CONCURRENT RESOLUTION 3—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR INDIVIDUAL APPROVAL OF EACH CORPS OF ENGINEERS PROJECT BY CONGRESS

Mr. CHURCH (for himself and Mr. Jordan of Idaho) submitted a concurrent resolution (S. Con. Res. 3) to provide for individual approval of each Corps of Engineers project by the Congress, which was referred to the Committee on Public Works.

(The remarks of Mr. Church when he submitted the concurrent resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 15—SUBMISSION OF A RESOLUTION TO AMEND RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD submitted a resolution (S. Res. 15) to amend paragraph 2 of rule XXV of the Standing Rules of the Senate, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 16—SUBMISSION OF A RESOLUTION TO APPOINT CHAIRMEN AND OTHER MEMBERS OF SENATE COMMITTEES

Mr. MANSFIELD submitted a resolution (S. Res. 16) to appoint chairmen and other members of Senate committees, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 17—SUBMISSION OF A RESOLUTION AMENDING RULE XXIV OF THE STANDING RULES OF THE SENATE WITH RESPECT TO THE NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS

Mr. HARRIS (for himself and Mr. Mathias) submitted a resolution (S. Res. 17) to amend rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members, which was referred to the Committee on Rules and Administration with instructions to report back not later than March 1, 1971, by unanimous consent.

(The remarks of Mr. Harris when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 18—SUBMISSION OF A RESOLUTION RELATIVE TO A NEW U.S.-CHINA POLICY

Mr. GRAVEL submitted a resolution (S. Res. 18) relative to a new U.S.-China policy, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Gravel when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 19—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE submitted the following resolution (S. Res. 19); which was referred to the Committee on Banking, Housing and Urban Affairs:

S. Res. 19

Resolved, That the Select Committee on Small Business, in carrying out the duties imposed upon it by S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended and supplemented, is authorized to examine, investigate, and make a complete study of the problems of American small and independent business and to make recommendations concerning those problems to the appropriate legislative committees of the Senate.

Sec. 2. For purposes of this resolution, the committee, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, (4) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, and (5) to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as any such standing committee may provide that assistance under section 202(j) of such Act.

Sec. 3. The expenses of the committee under this resolution shall not exceed $153,000, of which amount (1) not to exceed $500 shall be available for the procurement of the services of individual consultants, or organizations thereof, and (2) not to exceed $750 shall be available for the training of the professional staff of such committee.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL STATEMENTS OF SENATORS

THE CHALLENGE OF CORRECTIONS

Mr. BURDICK. Mr. President, if this Nation is to accomplish anything in its efforts to reduce crime and violence in our society, we must do something to improve our correctional institutions and correctional programs. Until recent months, the public has paid very little attention to corrections. People in jails and prisons and other correctional programs were offenders against society that somehow had been swept under the rug for at least a period of time and there was no public concern about them unless there was a prison riot, a dramatic escape, or a new and violence offense. But the increasing crime rate has taken this luxury away from us. We must examine corrections to see what role it may play in compounding these problems.

As a result of sweeping problems under the rug, at least for a time, certain public myths have grown up about corrections. Among the greatest of these is suggested by the name corrections itself. The simple fact is that there is very solid evidence that the correctional system does not correct. In fact it probably has the latter effect. Many of the people who go through our correctional system—and perhaps as many as two-thirds, according to Chief Justice Burger—are convicted of another crime. They are the repeaters, the recidivists that we talk about.

But this is only part of the problem. Recidivism is like the iceberg, where a large part of it is under the surface and not seen. The larger part in this case may be that our institutions are not revolving doors of crime, but may, in fact, be schools. There is evidence again that the second crime or the third crime may be more violent than the one before. I am suggesting that evidence exists, for example, that the joyrider convicted under the Dyer Act of stealing a car may become sufficiently embittered or educated by the correctional system to return to society as an armed robber.

At the heart of the question of corrections, and the role of corrections in the cause of crime, is the relationship of the individual to his community. When someone commits a crime, it is obvious that something is wrong in that relationship. Something is wrong with his ties to his world, made up of his family and the people and institutions with which he deals.

I believe we can do more to prevent recidivism by strengthening what solid ties an offender may have in his community, and helping him to build the new ones he needs.

We have made some progress in correctional thinking from the time we thought the offender could survive on $30 and a suit of clothes from his release until his first payday. But we still have a great deal to do.

I warn you that there will be no panaceas in corrections. We cannot rebuild a life affected by 30 years in jails and prisons with 30 days of exposure to a modern correctional program.

We must also prevent the breaking of fragile ties to the community that can result from the jailing of someone awaiting trial. Some of the institutions where these people are kept are among the most deplorable. These jails can destroy the community ties of those found innocent, and make the problems of establishing offenders in their communities after release so difficult that the job becomes nearly impossible.

One major problem we face in trying to improve the correctional system is the lack of information. We have few hard statistics about what kinds of people are in our system, what happens to them after they leave the system, and what kinds of things are most helpful in achieving success.

It should be our responsibility to see that correctional agencies carry out the best programs as we know them today, and at the same time experiment and collect the needed information so that we can improve the programs and innovate ways of dealing with the offenders and those awaiting trial to be sure that they are returned to society in such a way that they can lead constructive lives.

Some past efforts to deal with the question of correction have been oriented toward reciting the horrors of those institutions and programs that are at the bottom of the scale. This technique will again attract public attention, but I think we should be concerned about achieving results.

As a result, I have tentatively planned hearings into some of the phases of corrections which I believe need public examination and legislation.

A man for whom I have had a great respect as a correctional administrator is James V. Bennett, a pioneer of the U.S. Bureau of Prisons. He shared with others the dream that the Federal system would serve as a model in experimentation and program quality for State, county, and local jurisdictions to follow in operating their correctional programs. I will initiate hearings this year with an examination of the status of the Bureau of Prisons and its plans for the future.

Other areas we will examine include the standards of treatment accorded inmates of institutions being held for trial, as well as those convicted, and those in community-based programs. We will examine what resources are available, and what others need to be made available, including education and vocational counseling needed for adjustment to life.

As we begin to learn more about the correctional field, I am sure that other subjects will emerge as important enough to schedule hearings and to introduce and to consider legislation. I look upon the task facing the Subcommittee on National Penitentiaries as being very great, because of these problems. I also look upon it as an exciting challenge as we deal with one of the major problems facing our Nation.

THE ADMINISTRATION'S DOMESTIC RECORD

Mr. SCOTT. Mr. President, in the Philadelphia Inquirer recently a column by the Drummonds, Roscoe and Geoffrey, struck my fancy. I will enter it into the Record, but first, Mr. President, I want to extract but a few quotations:

$4 billion more is being spent on education.

Federal civilian employment is down 28,000.

Minority groups' employment is up 4,000.

Median Negro family income is up 12 percent.

Defense spending has dropped from 48 percent 10 years ago to 37 percent for 1971.

The column closes with a quotation by Dr. Patrick Moynihan, who has served the last three Presidents. Dr. Moynihan said that President Nixon is a man of "singular courage and compassion."

Mr. President, I ask unanimous consent to enter this column in the Record, because it is so timely and certainly appropriate to the reordering of priorities by this administration as enunciated by the President in his state of the Union address.

There being no objection, the article was ordered to be printed in the Record, as follows:

Depressing, Frightening Things Are Being Said About the Administration, but Aren't True

(By Roscoe and Geoffrey Drummond)

Washington.—Many Americans think the record of the Nixon Administration on the home front is very slim.

This is understandable because the domestic accomplishments of the President during his first two years have made little impress on the country and have failed to come through with any vividness in the mass media. Just bits and pieces, no full-scale range of achievement.

The record is more wide-ranging, more constructive, more positive than most people realize and far more substantial than the critics have ever been willing to admit.

There are several reasons why the Administration has come off so badly in the public mind and why its image is so much poorer than its act:

The running controversy with a Democratic congress over both foreign and domestic issues has blacked out much of the constructive news from Washington.

Nixon has proved not to be a very effective advocate of his own programs and in the November elections he failed to focus on the positive record.

There is more instinctive hostility toward Nixon among Washington correspondents than there is cordiality and this bears somewhat on how the President's motives and acts come over to the people.

Most critics of the Administration center on condemning it for not doing enough but rarely admit that in many vital areas it is doing much more than its predecessors.

We are not suggesting that the Nixon Administration couldn't be doing more than it is. Its programs certainly do not reach—and couldn't—to ending all poverty, meeting all the educational needs, building enough low-cost housing at once, and wiping the whole stain of racial discrimination from the face of the nation.

But it is already doing a lot and it is only fair to recognize it:

It is spending $4 billion more on education than was being spent when it took office.

It has nearly doubled the number of needy people getting food assistance since 1969 and tripled the number getting food stamps. In the spring of 1969, school lunches were reaching 3 million, now they reach 5.3 million.

Total Federal civilian employment is down by 28,000 while minority groups holding government jobs is up 4000.

Median Negro family income was $5360 in 1969. It was $6000 in 1970—a 12 percent increase.

Until recently, unemployment among black male adults ran twice as high as among whites. Last month, white unemployment was 4.5 percent, black unemployment not 9 percent but 7.2 percent.

More school desegregation has taken place since Nixon became President than in the entire period between 1954 and 1970. Since January, 1970, the number of Negro children in school districts in the South which are legally desegregated rose from 6 percent to 90 percent this year.

Social Security benefits have more than kept pace with inflation.

For the first time in 10 years the percentage of the Federal budget devoted to human resources is greater than that devoted to national defense.

Defense spending has dropped from 48 percent in 1961 to 37 percent in 1971. Human resource spending is up from 30 percent to 41 percent. That's re-ordering priorities.

Mr. Patrick Moynihan, a liberal Democrat who has served Mr. Kennedy, Mr. Johnson and Mr. Nixon, remarked recently in his farewell to the Nixon Cabinet:

"Be of good cheer and good conscience. Depressing, even frightening things are being said about the Administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion."

Each will judge for himself how able and how compassionate. But those who judge should not look only at the distance still to go but also at the distance already covered—and the will to keep going.

REDUCTION OF MORTGAGE RATES

Mr. PELL. Mr. President, at this time when this country is still suffering from its severest recession since 1958, at this time when the unemployment rate is hovering around 6 percent, I am delighted to to bring to the attention of my colleagues a small bit of good news from my own State of Rhode Island.

A bank in the town of Westerly, R.I., has taken an extraordinary step and has voluntarily reduced its interest rates on its outstanding mortgages.

I believe this action by the Washington Trust Co. of Westerly, R.I., reflects a humanitarian concern for the economic well-being of the residents of their community, for many of those citizens, like other Americans across the Nation, are either unemployed or having difficulty handling their debts in this recessionary period.

It is my hope that other banks in Rhode Island and in the Nation will follow the lead of the Washington Trust and provide some relief to the country's overburdened homeowners and reduce their interest rates on outstanding mortgages.

Mr. President, I ask unanimous consent that a news article from the Providence Journal describing the steps taken by the Washington Trust Co. be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Providence (R.I.) Journal, Jan. 21, 1971]

Westerly Bank To Cut Rates on Mortgages

The Washington Trust Co. of Westerly is "arbitrarily and voluntarily" reducing interest rates on most of its mortgages, president Robert B. Berry announced last night.

Starting with Feb. 1 payments, the bank is dropping by one half of one per cent the interest on all mortgages carrying an 8¼ per cent or higher rate.

Mortgages with an 8 per cent rate will have it reduced to 7¾ per cent and the bank is going down to a 7½ per cent rate on new mortgages where they involve prime, one-family dwellings in desirable areas, with top credit and with an adequate down payment, Mr. Perry says.

Nearly 40 years ago, Washington Trust set the precedent for such a voluntary rate reduction when it slashed mortgage interest charges from 6 to 5 per cent.

According to recollection, a number of

other Rhode Island banks followed the lead of the relatively small Westerly institution.

"That was in 1933," Mr. Perry says, "Mortgage rates had held at 6 per cent for a number of years but with the economic situation what it was in the early '30s, Washington Trust decided to help where it could and the rate reduction was decided upon."

He says the understanding was that monthly mortgage payments had to be kept up or the bank would reinstate the 6 per cent charge.

Mr. Perry says the 5 per cent rate prevailed throughout the rest of the 1930s and well into the '40s before yielding to the upward trend which brought it, in the late 1960s, to present high levels.

He says that the present cutback will involve close to $5-million in mortgages carrying the 8 per cent rate or higher.

Since the bank's mortgage portfolio is a bit more than $23-million, this means nearly 22 per cent will benefit by the one half of one per cent rate cut. Most of the mortgages are for a 20-year term.

Mr. Perry said last night that since 1933 the bank's mortgages always have been written in such a way as to enable it to lower the rate. He also said the bank traditionally has permitted pre-payment of mortgages without penalty.

TRIBUTE TO SENATOR RUSSELL

Mr. DOMINICK. Mr. President, the passing of Richard B. Russell is a great loss to this Nation, to the U.S. Senate, to the State of Georgia, and to me. He was a committee chairman without peer; a counselor to Presidents; and a friend to whom we could always turn, regardless of the side of the aisle on which we sat.

Dick Russell was a patient teacher to those of us junior to him. He was a great patriot and exemplified loyalty to the highest traditions of statesmanship.

Every American, regardless of party, should mourn the passing of a great champion of our liberties and the safety of our country. America has lost one of her greatest statesmen; the Senate has lost one of its most beloved leaders; the State of Georgia has lost one of her most distinguished sons. I have lost a respected colleague—a cherished friend.

AGENDA FOR A REFORMED FEDERAL TRADE COMMISSION

Mr. PROXMIRE. Mr. President, the Federal Trade Commission is finally beginning to show signs of life. It has begun to actively protect the long neglected consumers. I think such activity ought to be encouraged and expanded.

However, there is so much to do in order to bring consumer protection up to minimally acceptable levels that we must stop fighting brushfires and start fighting the basic blaze which feeds these brushfires. This means a reallocation of resources and priorities.

The Federal Trade Commission must reassume its function as the Federal Government's principal agency for economic investigation and begin an intensive and extensive study of oligopolistic industries. The Federal Trade Commission has already begun to study the energy and cereal industries, but far more resources have to be committed to these studies and to the other industries which are basically oligopolistic.

According to some reputable economists 90 percent of our inflation is due to the behavior of oligopolistic industries, $60 billion or 6.2 percent of total output is lost from the gross national product because of the behavior of the oligopolistic industries, the high unemployment rate is also attributable to the behavior of the oligopolistic industries and finally a good deal of the bigotry and discrimination that still occurs in American industry occurs in the oligopolistic industries.

The Consumers Education & Protective Association, Inc., 6048 Ogontz Ave., Philadelphia, Pa., 19141, has just published an agenda for the Federal Trade Commission. Although, of course, I do not agree with everything in their proposal, I do agree with the general outline they have proposed and would like to call it to the Senate's attention. I ask unanimous consent that it be printed at the conclusion of my remarks.

I think the Federal Trade Commission ought to undertake an immediate investigation of the primary oligopolistic industries and that we should furnish the Commisison with whatever it takes to obtain this vital information. Even if the Congress or the administration fails to take action on the basis of this information, the mere existence of this information from an authoritative Government source would significantly ease the chore of private individuals in protecting themselves from oligopolistic industries.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

AGENDA FOR A REFORMED FEDERAL TRADE COMMISSION

(Position paper of Consumers Education & Protective Association, Inc., Philadelphia, Pa.)

1. *FTC as Government's Principal Agency for Economic Investigation*—The Federal Trade Commission was once the nation's major economic investigator, its economic investigations having led to the passage of such statutes as the Securities and Exchange Act, the Packers and Stockyards Act, Federal Communications Act, etc., and having been the backbone of such large national inquiries as the TNEC studies.

It should reclaim that key national role. The first step is obviously the development of the necessary economic expertise by (a) acquiring the necessary data on the relevant structure-conduct-performance characteristics of the country's some 430 manufacturing industries (plus the 200 odd industries in the non-manufacturing sector over which the FTC has jurisdiction), particularly the 50 or so major concentrated industries, and (b) orienting and training its personnel, both legal and economic, toward serious economic analysis of important industries rather than legal trivia.

2. *Oligopoly Study* — The Commission should immediately get under way a systematic study of oligopoly in the United States, one that would (a) identify those industries that are non-competitive, i.e., that are charging consumers higher prices than they would be able to charge if they were unconcentrated, and (b) estimate the amount by which each of those industries is overcharging the consumer. (A recent study, Dr. William G. Shepherd, Market Power & Economic Welfare (Random House, 1970), pp. 274–81, lists 94 such industries that are oligopolized and charging super-competitive consumer prices.) One scholar estimates that oligopoly is costing the economy (in terms of lost GNP) some 6.2% of total output, or roughly $60 billion per year. Dr. Frederic M. Scherer, Industrial Market Structure and Economic Performance (Rand McNally, 1970), p. 408. According to Shepherd, supra, approximately $100 billion of the country's total wealth is now in the hands of monopolists (oligopolists) that, if competition was restored in these industries, would return to smaller firms there.

3. *Annual Report to Congress on 'State-of-the-Competitive-Economy'*—The FTC should report to Congress annually at the beginning of each session of Congress on the state of the nation's competitive health, including FTC progress—or lack of it—in reducing the consumer losses associated with the oligopoly industries (see 2, above), together with an appropriate legislative program, including necessary budget. (Made directly to Congress, unmonitored by the Executive.)

4. *Annual Report to Congress and President on Regulated Sector of the Economy*—As the nation's major agency for detailed *economic* investigation (see 1, above), the FTC should report to Congress and the President each year on how well the country's various regulated industries are serving the public interest, *i.e.,* it should assess, along the lines of the oligopoly study mentioned above, the structure-conduct-performance characteristics of those industries such as transportation, energy, regulated agricultural products, etc., that are subject to public regulation. More specifically, the Commission should be prepared to (a) identify those regulated industries that are charging higher-than-competitive prices for their goods and services, and (b) state how much their prices exceed the competitive level, and the total amount the public pays for their regulation.

It has been estimated by reputable scholars, for example, that, by artificially restricting either (a) entry, or (b) output, or (c) both, the Civil Aeronautics Board (CAB) is costing consumers approximately $1 billion annually in higher-than-competitive airline fares (an excess of about 30%); ICC is costing consumers from $2 billion to $6 billion in higher-than-competitive transportation costs; the Agriculture Department is costing consumers approximately $35 billion in higher-than-competitive food prices. (Less than 5% of the population is now on the farms, and no reputable, competent scholar believes this figure can rationally go any way but down still further; we simply have too many people on the farm, living on incomes too small for human decency. The $35 billion subsidy does little to improve the standard of living of the majority of families. The problem of full employment is mentioned below.)

5. *Transfer of "Competition-Monopoly" Problems from Other Agencies to FTC*—As the country's major agency for economic investigation, the FTC should be given jurisdiction to either administer, or at least intervene in other agencies' administration of, economic policy that has a significant "competition-monopoly" aspect to it. For example, it is common ground among serious scholars of the problem that the Agriculture Department, in its role as advocate for its "clients," the farmers, has a plain conflict-of-interest with its supposed role of serving the public at large (the 95% of the population that are non-farmers). Monopolies and cartels thrive under Agriculture Department supervision in such vital industries as milk, orange juice, celery, etc. Hence Capper-Volstead, Packers-Stockyards, etc., should be transferred to FTC or subjected to the discipline of its intervention on behalf of consumers.

6. *"Certification" of Industry "Competitiveness" to Other Public Agencies*—Again as the nation's major economic investigating agency, the FTC should "certify" the state of an industry's competitive health as a precondition to that industry's being eligible

for certain kinds of public subsidy or favoritism. For example, the Tariff Commission maintains entry barriers (import duties) around a host of American oligopolies, thereby giving them the power to charge the consumer prices that greatly exceed competitive levels. Tariff protection should obviously be available only to competitive industries—those not abusing the consumer—not to oligopolies with higher-than-competitive consumer prices.

The FTC should therefore report to Congress, the President, and the Tariff Commission, at least on an annual basis, the degree of competition (or noncompetition) then prevailing in each of the industries protected by tariff barriers. More specifically, the FTC should (a) identify those tariff-protected industries that are charging higher-than-competitive prices to the American consumer, and (b) estimate the amount (10%, 30%, etc.) by which each such industry's prices exceed the competitive level. All tariff-protected industries in which (a) the four-largest firms have 50% or more of domestic sales, or (b) where supply of the product is publicly regulated (e.g., oil), would have to obtain FTC certification of "competitiveness" as a precondition to retaining such tariff (and import quota) protection.

7. *Public Information on Consumer Prices*—Various consumer organizations, public officials, and members of the public have been calling on the FTC in recent months to state whether or not the consumer is in fact paying a competitive price for the goods of certain concentrated industries, e.g., milk, bread, soup, cereals, tires, orange juice, automobiles, gasoline, etc.

Does the FTC, upon inquiry from the public, have a right to say, "We don't know?" It would be hard to name a duty that is more central to the Federal Trade Commission's responsibilities than that of (a) knowing which industries are charging the public higher-than-competitive prices (and by how much) and (b) making that information available to the consuming public. If the citizen does not have the right to expect his government to protect him from monopoly pricing—and to reassure him, on request, that he is so protected—then it seems plain that economic justice is being denied the American public on an unbelievably vast scale.

Can the FTC in fact assure the American consumer that she is paying no more than a competiitve price on the 94 industry-products listed by Dr. Shepherd as being priced at higher-than-the-competitive prices, e.g., bread, milk, cereals, automobiles, gasoline, etc.? It obviously cannot give such assurances, since (a) it is not a fact, and (b) the Commission has not even inquired into the matter.

8. *Advertising, Concentration, and Deception*—The FTC should issue a trade regulation rule requiring the filing with the Commission 60 days in advance of publication all advertisements where:

a. The sponsoring firm is one of the four (4) largest in an industry in which the four largest firms account for 50% or more of a product's total sales; or

b. The percentage of the industry's sales accounted for by the four largest firms has increased by 10 percentage points or more during the preceding 10 years; or

c. The advertising expenditures of the 8 largest firms exceed (say) $10 milion or 1% of their total sales, whichever is smaller; or

d. The sponsoring firm has been found by the FTC to have engaged in false, deceptive, or misleading advertising in the past, i.e., is under an FTC order to stop engaging in false advertising. (Prospective only; should be incorporated in future orders.)

Extensive empirical research of the country's industrial organization economists leaves little doubt that at least half or more of the annual losses of consumers from monopoly (oligopoly) overpricing in the economy is due to a phenomenon called "product differentiation," i.e., to advertising-created monopoly power. The role of high-intensity advertising in creating (a) high concentration, and then (b) higher-than-competitive consumer prices, is now beyond any really serious dispute. See e.g., the FTC's own recent Economic Report on the Influence of Market Structure on the Profit Performance of Food Manufacturing Companies (September 1969). Highly "differentiated" consumer products sold by concentrated industries tend to be, on the average, approximately 20% higher in price than physically comparable products sold under lesser-known or private label brands. See Scherer, *supra*, p. 331.

In short, advertising of a certain kind and intensity has substantially the same concentration-increasing effects as mergers. And should accordingly be treated in the same fashion, i.e., should be prohibited where it has the effect of lessening competition (increasing concentration). The FTC should stringently evaluate the advertising programs of the firms in the above categories and, on a finding that they are likely to increase concentration (maintain an unacceptably high level of concentration), should advise the firms in question that, if published, they will be challenged as contrary to the nation's policy against high concentration as announced in the Supreme Court's merger cases.

9. *Inflation*—The FTC, again as the nation's prime agency for conducting economic investigations, should be prepared to respond promptly to an inquiry from Congress or the President on the inflationary impact, if any, of a given price or wage increase in any industry.

The unemployment rate in the United States has risen some 2.5 percentage points during the past year, from 3.5% in 1969 to over 6% at the present time. With a work force of just over 90 million, a 1-percentage point change in employment means a change of nearly 1 million men. In short, just over 2 million men have been deliberately put out of work in the past year for the sole purpose of fighting inflation. Inflation is caused basically by either (a) excess demand (too much money chasing too few goods), or (b) the presence of monopoly power in certain sectors of the economy. There is currently no excess demand in the American economy—the high unemployment proves that. Knowledgeable industrial organization economists have recently estimated, for example, that as much as 90% of the inflation experienced in the United States in recent years is due almost solely to monopoly (oligopoly). If there was no oligopoly, we could thus have both full employment (about 3% unemployment) and zero inflation.

Put another way, then, we currently have 2 million men unemployed because of our refusal to do anything about the monopoly (oligopoly) pricing power of a handful of giant business firms and their labor-union counterparts in their industries. (Wage gains in excess of productivity gains are possible only because the firms have the power to pass them on in higher prices. And oligopoly-caused "sticky" prices prevent downward price movements in industries which are benefiting most from technological change.)

10. *Pollution, Safety, Racial Discrimination in Employment*—The FTC, as a part of its reporting requirements on economic and industrial matters, should study and report on the association between monopoly (oligopoly) and such current social concerns as pollution, safety, and racial discrimination in employment. Recent empirical studies (e.g., Shepherd, *supra*) have reported that these problems are in fact found almost entirely in the country's highly concentrated industries, rarely in industries that are competitively structured (unconcentrated). Just as the firms in highly oligopolized industries tend to collude (explicitly or implicitly) on price, so they tend to collude on the suppression of technology in matters of health and safety and to indulge the uneconomic preferences of their executives in picking their white-collar employees on the basis of race.

Firms ranking among the 1,000 largest—and all other companies that have a market share in any industry of 10% or more, especially in concentrated industries where the four largest hold 50% or more of total industry sales—should be required to report, as part of their overall social responsibility to the nation, on a product-by-product breakdown of such socially relevant factors as (a) profit rates (as a percent of stockholders' investment), (b) racial composition of employment, (c) advertising expenditures as a percent of sales, (d) research expenditures as a percent of sales, and (e) other facts that the FTC should determine are in the public interest.

11. *Disclosures in Advertising*.—In view of the concentration—increasing effects of certain kinds and degrees of advertising, the FTC should issue rules requiring firms meeting the criteria described in (8), above, to (a) disclose, as suggested in the Chevron matter, prior deceptions; to (b) disclose, as in the recent gasoline "octane" matter, important performance characteristics of their advertised products. In addition, wide publicity should be given to these required disclosures. For example, the Chairman of the FTC should request of the FCC and the TV networks an opportunity to go on the air to the nation on the effective date of the octane-disclosure rule and explain the fact and significance of that ruling to the country's motorists, i.e., the fact that branded gasolines, although costing some 3¢ more, have no more operating utility than unbranded gasolines of the same octane rating.

12. *Concentrated Industries Task Forces*—In view of the significance of certain key industries in the country's overall inflation-unemployment problem (see 9, above), a series of "task forces" of economists, attorneys, and other professionals should be set up immediately, on a "crash" basis, to study the structure-conduct-performance characteristics of the 20 most important industries in this regard. (An estimated 30% of the total amount of the country's inflation in the 1950's was caused solely by the steel industry; automobiles accounted for a very large share of the remainder.) As the preliminary studies of these 20 industries are completed, hearings should be held by the Commission to further explore the competitive performance of those industries. For those that are believed by the Commission to be charging higher-than-competitive prices, the FTC should then either (a) bring whatever antitrust actions might be appropriate to lower prices in those industries to competitive levels, (b) recommend appropriate action by any other public body that might have an effective technique available to it for lowering those prices to competitive levels, (c) recommend appropriate legislation to Congress for securing competitive prices in those industries, and (d) inform the public as to which of those industries are charging higher-than-competitive prices (and the degree of the over-pricing involved), so that the consuming public can take the appropriate steps to minimize its injury therefrom, e.g., by shifting to substitute products, by doing without the products involved, etc.

13. *Top Level Leadership in FTC—Economic Expertise*—The top level staff of the FTC, including a majority of the Commissioners, should be selected on the basis of their capacity to carry out a program oriented toward the nation's major economic problems as outlined above. And this means, of course, that they must have, in addition

to their legal training (for those in the legal bureaus), the appropriate kind and amount of economic training.

Considering the vast stake of consumers in the quality of FTC top staff personnel and Commission members, there should be full consultation with organized consumer groups before such appointments are made. The charge of conflict of interest—of putting business advocates in charge of consumer protection—is too serious to be summarily dismissed.

14. *Overcharging the Poor—Staples* (*Milk, Bread, etc.*)—It is widely recognized that a wide array of staple food items—milk, bread, cereals, soup, soft drinks, etc.—are thoroughly monopolized either at the national level or in most of the major metropolitan areas. These food items account for a disproportionately large share of the total budgets of the poor. Thus while food accounts for just under 20% of family income for the population as a whole, it totals as much as 50% of the income of many poorer families.

A great deal of economic research has already been done in a number of these staple food industries, particularly bread and milk. These industries are highly concentrated, have been repeatedly convicted of price fixing in various cities around the country, and charge consumer prices that have been repeatedly estimated by knowledgeable economists to be 30% or more above the competitive price that consumers should be paying. Total sales of bread and milk amount to roughly $10 billion each per year, or $20 billion for the two of them—nearly 20% of the consumer's $100 billion national food bill. The poor are obviously hit especially hard by price-fixing conspiracies on these two items. In milk, for example, the high prices maintained in such cities as Philadelphia, New Orleans, and the like have caused per capita consumption to drop by as much as 20%, this suggesting that the children of the poor are being prevented from getting adequate quantities of milk as a result of these collusively-fixed exorbitant prices.

It is inconceivable that in an age of presumably advanced social concern that an agency charged with maintaining competitive pricing in the nation's markets should refuse to respond when told that the country's poorest families are being charged collusive prices running an average of 30% above the competitive price for two of their major food staples, bread and milk.

By restoring competitive pricing in milk and bread alone, consumers as a whole would benefit by an estimated $6 billion (30% of $20 billion). The nation's poor need their share of this stolen money returned to them very badly indeed. Why doesn't the FTC get on with the job of seeing that economic justice is done here?

15. *"Legality" of Monopoly Pricing*—The FTC has refused to act against industries known to be charging super-competitive prices to consumers because, as we understand it, the individual members of the Commission deny that the consumer has any legal right to buy at competitive prices. The Commission's members insist that they have no authority under the law to protect consumers from monopoly pricing. Thus FTC Chairman Miles W. Kirkpatrick was recently quoted in a Washington newspaper as saying that he would not recommend or support legal action against an industry that was overcharging the public by as much as 25%—which amounted to $250 million per year in the $1 billion industry he was asked about—so long as there was no proof of "collusion" or other form of "unfair competition" against competing businessmen.

In brief, monopoly overpricing is considered irrelevant in the FTC's work. No effort is made by the FTC to find out what effect the country's industries are having on consumers; "unfairness," save in the case of demonstrated collusion, is not something an industry does to the consuming public but something one businessman does to another businessman.

Is this the law? Does American business have a "right" to go on building their industries to high-concentration levels (oligopolies) and then using that concentration to engage in quasi-collusive "price leadership" that duplicates the economic effects of price-fixing and monopoly without incurring any opposition at all from the FTC's alleged law enforcement program?

If this is the law, then the FTC and the courts have, in effect, "defined away" the problem of monopoly in America. They say a monopoly is a situation where a single firm has 90% or more of the total sales of some industry (citing some outmoded legal precedent). But in America in 1971, there are virtually no such corporate Neanderthals as this. America's law against monopoly is now, it seems, the intellectual equivalent of declaring dinosaurs illegal. There are none, so the FTC can sit back and complacently say, "See, we've done our job; there are no monopolies." In the meantime, every reputable economist in the country tells us that the nation has at least 100 highly effective monopolies (oligopolies)—constituting some 35% of all American industry—and that they are costing the American consumer, in inflated monopoly prices, something on the order of $100 billion per year.

Do the other four FTC commissioners share Mr. Kirkpatrick's view that consumers have no legal right to buy their necessities of life at competitive prices? If so, then their legal or their economic qualifications to hold their jobs ought to be re-examined.

CONCLUSION

If the FTC does not have the duty to do these things—or to at least conduct the necessary investigations to establish the need for them to be done—then it is clear that the Commission has failed in its major mission, that of the nation's primary agency for economy-wide economic investigation. It will also be clear that there is a wide gap indeed between the promise and the reality of economic justice in America.

THE GENOCIDE CONVENTION AND AN INTERNATIONAL BODY OF LAW

Mr. PROXMIRE. Mr. President, the Genocide Convention, in a very narrow sense, concerns itself with the prevention and punishment of genocide. Yet its message goes beyond this—it is one segment of an entire skeleton of international law. A strong body of international law and justice will best guarantee those inalienable rights—life, liberty, and the pursuit of happiness.

Last year my colleague from Wisconsin—Senator Nelson, introduced the following amendment to the Constitution:

> Every person has the inalienable right to a decent environment. The United States and every state shall guarantee this right.

The threat of environmental destruction is as great as the threat of genocide posed in Africa, the Middle East, the Caribbean, the Mediterranean, by ethnic hatred, hunger and famine, war, torture, and repression. If the excesses of World War II have not been repeated, the Genocide Convention may have had a part to play. Certainly, the concerns of this treaty are the concerns of today and tomorrow. It is too late to pretend that this convention does not matter.

The technology that landed men on the moon brought with it clouds of protending doom. The envelope of air surrounding the world became seriously harmed by thick, noxious clouds of pollution. Toxic pesticides and detergents, oil slicks of frightening proportions, uncontrolled waste and effluent spoiled and destroyed our rivers and lakes. Eminent biologists warned us that the precious oceans might be devoid of productive sealife in 50 years at the present rate of pollution.

This policy of trading away the future for the luxurious and easy present led us, perhaps by default rather than by design, to a point where we found ourselves, in the words of Pete Seeger, "standing knee deep in garbage, throwing rockets at the moon."

The issues comprehended within the Genocide convention are almost always associated with threats or breaches of international peace and security because of armed conflict. Yet the threat posed by an environmental catastrophe is just as serious as that posed by genocide or war. The right to a decent environment is protected by the United Nations in its Declaration of Human Rights. Both are vital to preserving human liberty and freedom.

Each day as we read the newspapers, we hear of one more animal being placed on the endangered species list; one more lake or ocean being ravaged by oil; one more timberland being cut to ribbons by the menacing jaws of the lumber industry. We hear of watersheds and grasslands, owned by the public, being destroyed by the hooves and teeth of flocks of sheep. One Member of this body described this tragic state of affairs as buying "environmental disaster on the national installment plan."

Again and again, we hurl crude clubs against the fragile web of life on earth. Again and again, we dismiss the warnings of eminent biologists and scientists. One-third of the world's original forests are gone; over 280 million acres of crop and range land have been degraded in our history as a country one-third of our 9 inches of precious topsoil has been washed away. The industrial nations of the world, like hungry beasts, scour the earth to satisfy their rapacious appetites. In the board rooms of giant corporations, decisions are made that vitally affect the life of millions and the health of Mother Nature herself.

In this decade, it would be wise for us to ponder what it means to go to the moon and still have millions starve; to transplant human hearts, yet continue to refuse "medical aid" for the environment; to travel to Paris a little faster in a giant boondoggle SST, yet find it impossible to travel to work easily and cheaply; to have instant replay for millions of TV viewers, yet find our priceless wilderness areas vanishing from sight, impossible to bring back by any technological feat.

It is clear that international cooperation on an enormous scale is an imperative if mankind is to avert ecological catastrophe. With the ratification of the Genocide Convention, we can take a much needed step toward building a body of international law—a prerequisite for international cooperation. International cooperation is necessary to prevent genocide and preserve human dignity and freedom, yet it is also so extremely important to prevent environmental destruction.

The challenge before us is one of epic proportions. All the talent, resources, and energy of mankind will have to be harnessed if we are to restore the health of Mother Nature. It requires not only a reordering of priorities, but almost a total change in national outlook and thinking; it requires a concern for the quality and not quantity of life; a society that conserves resources and does not consume them at bizarre rates; a society that values its environment as something more precious than all the trinkets of consumerism; a people that cherish all life, animal or human. The environmental crisis affords us, ironically, the opportunity to engage in far-reaching international cooperation, to harness the common concerns of mankind for a healthy, full, and dignified life. Nations who once only spoke to each other with weapons, can open a dialog of international concern over the destruction of the environment. It is to this hope of international cooperation that the Genocide Convention speaks; it is to this dream of mankind that we must address ourselves.

We cannot speak of preventing genocide and preserving human dignity and freedom and ignore the threat of environmental suicide. The challenge of preserving man's health and that of Mother Nature addresses itself to the question of how far man can use knowledge and human resources in shaping his destiny. For too many years, we have stood aloof from this question as regards the Genocide Convention. I hope the Senate will act on the Genocide Convention at the earliest possible opportunity.

YET ANOTHER QUAGMIRE?

Mr. MONTOYA. Mr. President, it is increasingly obvious that the situation in Cambodia is deteriorating alarmingly in military terms. That nation's armed forces are unable to cope with the military situation. Much, if not most, of its territory is under effective Communist control. Phnom Penh, the capital, is in a virtual state of siege, as vital supply lines are choked off. It is useless to deny the actuality of the situation.

In retrospect, incursions of American strike forces into the so-called sanctuaries last year have proven to be futile from a military viewpoint. Our efforts to assist the Cambodians to defend themselves seem to have emerged as a sterile exercise. Yet now it seems that even more substantial American military involvement is underway. As I read matters, this would be a twin mistake. First, it is a violation of restrictions laid upon such involvement by fiat of the Senate of the United States. Second, it is futile in a strictly military sense. We are throwing good resources after wasted ones. If such steps were useful in a political sense, I could see necessity for it. Yet it is not. We are again thrashing about in the interior of Indochina, gaining no significant geopolitical advantage. Further, we are seemingly exchanging one military battlefield in South Vietnam for another in Cambodia and Laos. Just as we seem to be vacating one area of operations where military success was impossible, we are plunging hip deep into a worse place.

The political stability of Cambodia is far less than that we managed to bring into being in South Vietnam. Any involvement in Cambodia brings about almost immediate intertwinement in Laos. Military ability of this inner tier of Indochineses states is as lacking as their political stability and institutions.

We are plunging into the interior of a vast area replete with more geographical obstacles than South Vietnam. Virtually impenetrable jungles. Rugged mountain ranges. Diseases medicine has rarely even heard of. Wildlife that present uncounted dangers to troops. Is this sensible? Has our decade-long involvement in South Vietnam not taught us anything? Are we doomed to repeat past mistakes?

Mr. President, as the military situation deteriorates, we are faced with an easily predictable timetable. All-out air action by our forces has not allowed the Cambodians, even with substantial South Vietnamese military aid, to turn the military tide. Deepening involvement can only drag us in on the ground.

Reports of an airlift of Thai troops into southern Laos adds another ominous aspect to this total picture. The Red Chinese have a substantial military presence in that area. A road has been built from the Chinese border across much of Laos. Thousands of Red Chinese troops are in segments of Laos, guarding that artery. If our surrogates, the Thais, come into actual contact and conflict with these Red Chinese troops, will we back them? Will we open up another theater of war against Red China? The American people have a right to know of these equations and the decisions they may be asked to make.

I feel strongly that we should not exchange one arena of futile combat for another that may prove even more useless and draining. Congress has spoken firmly against commitment to the Indochinese interior of American forces. The administration can and must heed this solemn drawing of lines. I have no desire to see more billions of dollars hurled away into the teeth of an all-consuming Asian wind. Those boys are needed here. Those dollars are desperately required at home—in a thousand cities and towns.

I am not a peace-at-any-price Member of this body. Yet there is such a consideration as the exercise of elementary commonsense.

America's people want an end to our massive involvement in Southeast Asia. Arms and training for our allies are well and good. But another Vietnam? Never.

LABOR UNIONS

Mr. FANNIN. Mr. President, labor unions hold awesome power in our Nation. Labor officials are virtual dictators in a number of industries.

I am concerned about what these unions have done and are doing to American business. Unreasoning demands have driven wages so high as to wipe out many plants, businesses, and even entire industries.

But more important is the fact that these powerful union leaders hold such power over the economic life and death of individual Americans.

I was appalled that the Supreme Court of the United States recently struck down a Georgia law authorizing a person to get off dues checkoff at any time. It is unreasonable to require a person to continue paying union dues for a year or more after he has declared his desire to quit a union.

Another battle against unreasonable union power has been launched by columnist - commentator William F. Buckley, Jr. He is challenging the American Federation of Television and Radio Artists.

The Tucson Daily Citizen, in its January 15, 1971, editions, ran an editorial concerning this suit. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUCKLEY'S BATTLE

The battle that William F. Buckley, Jr. has undertaken in attacking the constitutionality of forced union membership has meaning for all Americans.

The popular editor and columnist (whose column will begin appearing on this page next Monday) has sued the American Federation of Television and Radio Artists. He charges that FTRA's union shop, of which he is an involuntary member in order to moderate the weekly discussion program "Firing Line," results in a "form of vassalage."

Mr. Buckley told a news conference that "the requirement that an individual pay dues to a private organization in order to work is a modern writ of indenture, the requirement that he do the same in order to express an opinion over the public airways involves an act of coercion by a private organization operating under government sanction."

Because Arizona is a right-to-work state, its citizens are not subject to such coercion. Unfortunately for Mr. Buckley, New York is not one of the 19 states that bans the closed shop.

The right to work simply means that an individual has the right to join a union and a corollary right to refrain from joining a union without losing his job.

It is a right that should be in effect in every state. Perhaps that will be the case if Mr. Buckley succeeds in his suit.

Because Mr. Buckley's suit claims that his constitutional rights under the first, fifth and ninth amendments are being breached, its results could have nationwide impact.

A REVISED PROPOSAL FOR DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, nothing is more important to the confidence of the American people and to the permanence and stability of our Government than the just and equitable selection of the President and Vice President. For 5 years I have fought for enactment of a constitutional amendment allowing direct popular election of the President and Vice President. And in the 92d Congress I am introducing a revision of my proposal for electoral reform, designed to maintain this vital principle while recognizing the threat of electoral chaos which we must avert before the 1972 presidential election.

My revised proposal contains three major features.

First, the proposal would retain the fundamental principle of election directly by the people, the only system that is truly democratic, truly equitable, and truly reflective of the will of the majority.

Second, the proposal eliminates the feature of direct election which has provoked the most vocal and repeated criticism, the runoff election. Instead, in the unlikely event that no candidate receives 40 percent of the popular vote, the President and Vice President would be selected in the alternative manner originally suggested by Senators GRIFFIN and Tydings.

Third, because direct election would require a 2-year period for the passage of implementing legislation after ratification, it could not be in effect in time to prevent the danger of electoral misfire in 1972. Therefore, my proposed revision applies the so-called automatic plan to any election during this 2-year interval, eliminating the dangers of the faithless elector and the archaic and undemocratic procedure in elections decided by the Congress.

Arthur Krock wryly commented more than 20 years ago:

> The road to reform in the method of choosing the Presidents and Vice Presidents of the United States is littered with the wrecks of previous attempts.

For more than a century and a half, Mr. President, we have recognized the perils of a system that leaves the choice of President to a group of independent electors—electors whose freedom to disregard the will of the people is presently guaranteed by the Constitution. We have recognized the inequities in a scheme that allocates all of a State's electoral votes to the candidate who wins a popular vote plurality in that State, regardless of whether that plurality is one vote or 1 million votes—a scheme, I should add, that is nowhere to be found in the Constitution itself. We have recognized the grave risks that the popular will of the people can easily be thwarted, either by the strange arithmetic of the electoral system or by the mischievous deeds of a handful of power brokers.

Having long recognized these obvious inadequacies, we have yet to correct them. Why? Because repeatedly in the past we have failed to achieve agreement as to the most desirable route to reform.

For that matter, there has always been near unanimous agreement as to the need for reform, but never before has there been a national concensus as to what specific type of reform was needed.

Today we have that elusive national concensus. That is why now is the best time to reform.

In February 1966, Mr. President, the American Bar Association established a special commission on electoral reform. As some Members of this body will recall, the American Bar Association, with a similar commission, was very helpful to us in preparing the groundwork for the consideration of the 25th amendment, and I thought it would be helpful, and indeed it has proved to be very helpful, for the bar association to appoint another such commission to help us with this different constitutional problem.

The commission was composed of distinguished political scientists, lawyers, legal scholars, public officials, and other leaders from every section of the country and reflecting various political views. It studied the present electoral system and considered all of the various proposals for reform. After an extensive 10-month study, the commission concluded that:

> The existing electoral system is archaic, undemocratic, complex, ambiguous, indirect, and dangerous.

The bar association's blue-ribbon commission further concluded that:

> While there may be no perfect method of electing a President, we believe that direct, nationwide popular vote is the best of all possible methods. It offers the most direct and democratic way of electing a President and would more accurately reflect the will of the people than any other system.

In urging the abolition of the present electoral system and replacing it with direct popular election, the commission foreshadowed an emerging national concensus on the question of electoral reform.

The Harris and Gallup polls have shown, for example, that 78 percent and 81 percent of the American people, respectively, favor direct popular election. The extent of this feeling, it is important to note—is nationwide—and fairly evenly distributed throughout the country. To quote excerpts from one of Mr. Gallup's polls, the figures reveal that 82 percent of the people in the East, 81 percent in the Midwest, 76 percent in the South, and 81 percent in the West think direct popular election is both desirable and necessary.

In addition, direct popular election has been publicly endorsed by a unique and formidable array of national organizations, among them the American Bar Association, the chamber of commerce, the AFL–CIO, the United Auto Workers, the National Federation of Independent Business, the National Small Business Association, and the League of Women Voters—indeed a rather prestigious group of organizations representing broad philosophical and nationwide support.

For years, one of the arguments often raised against direct popular election was that it could not be ratified by the legislatures of three-fourths of the States. In fact, even a few direct popular election supporters, including the late Senator Estes Kefauver and Senator Henry Cabot Lodge, were deterred from pushing it because of their doubts as to whether direct election could be ratified.

In 1966, the distinguished Senator from North Dakota (Mr. BURDICK) dramatically refuted this argument by polling 8,000 State legislators and finding that of the 2,500 who responded, nearly 60 percent favored direct election. The results, once, again revealed very little variation from State to State. More recently, Senator GRIFFIN polled 4,000 legislators from the 27 States thought most likely to oppose direct election—and 64 percent of those responding endorsed direct election.

In September 1969 the House of Representatives reflected this national consensus by approving a constitutional amendment for direct election by an overwhelming 339-to-70 vote. And during Senate debate on Senate Joint Resolution 1—which was cosponsored by 43 Members of the Senate—we came within a handful of votes of breaking the filibuster which denied the American people even a vote on this crucial issue. I believe that only the extreme time pressures at the end of the session kept us from coming to a vote. I believe that in this Congress we can break the filibuster and gain the support to get final passage of this important reform. The people of the United States will not put up with the electoral roulette of the present system. They want reform. They want direct popular election of the President. Now is the time for reform. Now is the time for direct popular election.

There is another equally compelling reason for acting now, Mr. President—before it is too late. Why not eliminate, once and for all, the ominous prospect of elevating to the Presidency a man who is not the choice of the American voters? Why not take an ounce of prevention now, before the antiquated electoral college backfires, and it is too late for the proverbial pound of cure?

I am sure that some of our colleagues not only will express reservations with respect to certain sections dealing with technicalities and how the mechanics of this proposal is to operate, but also will express broad philosophical disagreement with the right of the people to vote directly on a one-man, one-vote basis for the President.

I think there is room for difference of opinion in this body. But today, perhaps more than ever before in the history of our country—at least, since the great War Between the States—the ability of our system to respond and to be a viable system of governing 200 million people is being tested. Some very critical questions are being asked now that were not asked 20 years ago. Hopefully, they will not be asked 20 years from now. But they are being asked today.

Mr. President, what I should like to do now, if I may, is to touch on and briefly review some of the obvious defects and deficiencies of the electorial college that make it such a clear and ever-present danger.

DEFICITS AND DEFICIENCIES IN THE ELECTORAL COLLEGE

There is no need for me to dwell on the historical accidents that led the framers to compromise on the hybrid electoral college system, but it is interesting to note what a makeshift arrangement the framers were forced to devise.

The appearance of political party candidates as early as 1800, for example, meant Alexander Hamilton's original design of a select assembly of independent electors already had lost its purpose only a decade after its embodiment in the Constitution. Alexander Hamilton was one of the original Founding Fathers and he wanted to create electors to be an elite group that had complete freedom of choice. He made no apologies for this. But 10 years after the measure was put on the books, parties developed that had not been anticipated by the Founding Fathers. When the party system did develop, Alexander Hamilton's ideas of a select assembly went out the window. A Senate report published in 1826 caustically noted that:

> The free and independent electors had degenerated into mere agents in a case which requires no agency and where the agent must be useless if he is faithful and dangerous if he is not.

But today, more than 125 years later, the elector still retains his constitutionally guaranteed independence.

The elector is to the body politic what the appendix is to the human body. As Henry Cabot Lodge said:

> While it does no good and ordinarily causes no trouble, it continually exposes the body to the danger of political peritonitis.

The prospect of unknown electors auctioning off the Presidency to the highest bidder remain all too real. That is the lesson of 1968, when the present electoral system brought us to the brink of constitutional crisis. With a shift of only 42,000 popular votes in three States no one would have had an electoral majority on election day. It would have given Wallace, with his 46 electoral votes, the balance of power.

Let me add there that a recent study showed that a change of less than 1½ percent of the vote in one State alone—in California—would have produced the same outcome.

Of course, we could avoid this danger simply by eliminating the independence of the elector. And the proposal I am introducing today would do just that for any election scheduled to take place in the period between ratification of the amendment, and its effective date, a period necessary for the State and Federal Governments to put the direct election plan into operation. But eliminating the independent role of the elector is not a cure-all for what ails our present electoral machinery. The elector, in fact, is merely a symptom of more fundamental flaws in our system of electing the President. We desperately need basic and complete reform of this system.

Among other things, the present system can elect a President who has fewer votes than his opponent and thus is not the first choice of the voters. The present system awards all of a State's electoral votes to the winner of the State popular vote, whether his margin is one vote or 1 million votes. It cancels out all of the popular votes cast for the losing candidates in a State and casts these votes for the winner; it assigns to each State a minimum of three electoral votes regardless of population and voter turnout; and provides for a patently undemocratic method for choosing a President in the event no candidate receives an electoral majority. How can we possibly justify the continued use of such a patchwork of inequity and chance?

One of the major difficulties of the present electoral system is the unit rule, which is not even a constitutional provision. I wonder whether all our colleagues realize that this is the way we operate and have been operating for some time. The State of Maine made a change at its last legislature. How permanent that will be, we do not know, but prior to that time all of the States operated on the winner-take-all unit system, although it is not provided for in the Constitution.

In effect, millions of voters are disenfranchised if they vote for the losing candidate in their State because the full voting power of the State—its electoral vote—is awarded to the candidate they opposed. The obvious injustice of this was pointed out by Thomas Hart Benton—a former U.S. Senator—over a century ago. He said:

> To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

One practical consequence of this disenfranchisement is that it discourages the minority party in traditionally one-party States. Simply stated, where there is no hope of carrying the statewide popular vote, the size of the voter turnout for the likely loser is meaningless. This necessarily leads to the atrophying of the party structure in many States. By the same token, the prospective winner has little incentive to turn out his vote because the margin of victory likewise is meaningless. In sum, the unit rule has the unhealthy political effect of both maintaining weak second parties and discouraging voting. This is reflected most clearly in the poor vote turnout in U.S. presidential elections in comparison to most other democratic nations.

Another byproduct of the unit rule is the distortions it produces in the value of individual popular votes. The unit tends to inflate the voting power of a small number of well-organized voters in the handful of large, closely contested States where blocs of electoral votes can be won on the basis of narrow popular vote margins. A candidate, for example, could win an electoral majority by capturing slim statewide pluralities in the 11 largest States—even if he did not receive a single popular vote in all of the other States. This means, in effect that under the present system in 1968, 25 percent of the popular vote could have elected a President. For these reasons, some of those opposed to direct election urge that the present system be retained because it represents the only effective hold on power that the urban population centers have in the Federal Government today.

On the other hand, some spokesmen for rural America have suggested that the present electoral vote formula should be preserved because it enhances the voting power of citizens of the less populous States. This argument has, I admit, a certain theoretical appeal. The ratio of electoral votes to population indicates that the smaller States would have a voting advantage, because each State is entitled to at least three electoral votes regardless of its size. On this basis, it would appear that a voter in Alaska has five times the power of a voter in California. This argument, however, completely ignores the practical advantage of the unit rule. A careful analysis will show that because of the unit rule an individual voter in a more populous State has greater voting power than his small State neighbor, since his vote could swing a much larger number of electoral votes.

But even if one could conclude—as some apparently have—that the present system favors one citizen over another, one region over another, or one group over another, that would not be the end of the question. There is something more important at stake in the debate over electoral reform—a fundamental question of national fairness. The President represents every American, regardless of region or State, and he should be elected by all Americans, fairly and equitably. Every vote should count the same, urban or rural, black or white, rich or poor, North, South, East, or West. Any system which favors one citizen over another or one State over another is inherently inconsistent with the most fundamental concept of a democratic society.

But despite the seriousness of these defects in the electoral college system, they are not so dangerous as the most fundamental flaw: the fact that the present system cannot guarantee that the candidate with the most popular votes will be elected. This dangerous prospect, more than anything else, condemns the present system as a faulty device for recording the sentiment of American voters. In 1824, 1876, and again in 1888, this system produced Presidents who were not the popular choices of the voters. On seven other occasions in this century, a shift of less than 1 percent of the popular vote would have produced an electoral majority for the candidate who received fewer popular votes.

To give an example of how extreme this can be, in 1948, a shift of less than 30,000 popular votes in three States would have given Governor Dewey an electoral vote majority—despite President Truman's 2 million-plus popular vote margin. I suggest to my colleagues that is the type of malfunctioning which would bring our Nation to its knees.

Good fortune, not design, has produced Presidents who were the popular choices of the people. A glance at past elections reveals that there have been very few elections where the candidates' percentage of the electoral vote reasonably resembled their percentage of the popular vote.

In runaway elections, of course, any system will produce an electoral victory for the popular vote winner. It is the accuracy of the results produced in closely contested elections, however, that determines the true soundness of an electoral system. Based on this criterion, the present system is clearly defective. A recent computer study of Presidential elections over the last 50 years revealed, for example, that in elections as close as 1960 the present system offered only a 50-to-50 chance that the electoral result would agree with the popular vote. For an election as close as 1968, where some 500,000 popular votes separated the candidates, there was one chance in three that the electoral vote winner would not be the popular vote winner as well. According to the evidence, the danger of an electoral backfire is clear and present. And as President Nixon said during the 1968 campaign:

> If the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing.

The tests of an equitable modern electoral system are threefold. First, it must insure that the man who receives the most votes is elected President. Second, it must count every vote equally. Third, it must provide the people themselves with the right to make the choice directly. Only direct popular election meets all three tests.

DESCRIPTION OF SENATE JOINT RESOLUTION 1

Senate Joint Resolution 1 proposes an amendment to the Constitution of the United States to abolish the antiquated electoral college system and undemocratic unit vote system and substitute direct popular election of the President and Vice President. The proposed amendment contains several major features worthy of discussion at this time.

First, the amendment requires the winning candidate to obtain at least 40 percent of the total popular vote. During the past 5 years, questions have been raised as to what percentage of the popular vote, if any, should be required for election. On the one hand, it is necessary to establish a reasonable plurality requirement indicating a legitimate mandate to govern. On the other hand, such a requirement should not be set so high that it would disrupt the stability of our political system.

Requiring a majority of the popular vote for election might too easily proliferate the party system and needlessly trigger the runoff. Historically, 15 Presidents have been elected with less than 50 percent of the popular vote. But only once in our history has no candidate for President received 40 percent of the popular vote: In 1860, Lincoln received 39.79 percent of the vote, although his name did not appear on the ballot in 10 States.

Mr. President, I believe that a 40-percent plurality requirement would assure a reasonable mandate to govern, while not unnecessarily triggering the alternative election procedures. It is extremely unlikely that neither major party candidate would receive a 40-percent plurality—even with a third-party candidate in the race. In 1968, for example, the most significant third-party bid since 1924 could only produce 13.5 percent of the popular vote for George Wallace.

Even more to the point, in 1912, in the face of challenges by an incumbent President and a popular former President, Woodrow Wilson still received more than 40 percent of the popular vote. It should be pointed out that in 1912, 1 million votes went to the socialist candidate, Eugene V. Debs. Yet the winner, Woodrow Wilson, had more than the 40-percent mark provided in Senate Joint Resolution 1. The four-way race in 1948, involving Truman, Dewey, Thurmond, and former Vice President Wallace, likewise produced a candidate with well over 40 percent of the popular vote. The likelihood of a major party candidate receiving the required plurality, therefore, is not confined merely to three-party races but to multiparty contests as well.

The 40-percent requirement, in short, is a prudent cutoff point because it avoids the likelihood of frequent standoffs, places reasonable limits on the growth of third parties, and provides a sufficient mandate to govern.

Since a 40-percent plurality requirement was established, a contingent election procedure was necessary in the unlikely event that no candidate received the requisite 40 percent. During the debate last fall it became clear that there was considerable opposition to the runoff originally provided for in Senate Joint Resolution 1. Some people talked of the mechanical problems of staging a second national election on very short notice, although I am convinced that the experience of many individual States—and several foreign countries—demonstrates that this would not be a problem. Other opponents made the claim that the possibility of a runoff election would convince more candidates to join the race on the assumption that they could keep any candidate from gaining 40 percent of the vote. These opponents argued that the runoff would lead to the growth of third parties and the destruction of our two-party system. I believe that this theory has no merit. The overwhelming weight of the evidence we obtained from political scientists and others about the experiences of individual States and foreign countries leads me to conclude that the runoff would not in any way have weakened—but would in the long run have served to strengthen—the growth of a responsive two-party system. However, I realize that in trying to get final passage of any important piece of legislation—and most especially when dealing with a constitutional amendment—those of us in the Congress have a duty not to let our personal views predominate. Instead we must seek out and develop a broad national consensus of support for the best plan which both achieves the necessary reform and which can be adopted.

I for one do not plan to allow the cause of electoral reform to flounder because of disagreement over relatively minor details.

Therefore, the runoff provision has been eliminated, and the alternative plan introduced by Senators GRIFFIN and Tydings, which gathered wide bipartisan support in the last Congress, has been substituted in its place. Under this plan, if a pair of candidates joined together and running for President and Vice President obtains at least 40 percent of the votes cast, they will be elected President and Vice President. If no pair of candidates received 40 percent of the vote, but if the pair of candidates with the largest popular vote won an electoral college majority—with the votes cast automatically under the unit rule on the basis of the popular outcome in each State—that pair of candidates would be elected President and Vice President. This computation would be purely mechanical, and the Office of Presidential Elector would be abolished once direct popular election took effect.

Finally, if no pair of candidates is selected under either of these alternatives, the final selection would be made by the new Congress, meeting in special session for this and only this purpose. Each Member of both Houses would choose between the two pairs of candidates with the largest numbers of popular votes. Allowing the selection to be made in this way by the newly elected Congress would both insure that the popular will of the majority of the voters would be taken into account and also make sure that the President who was elected would be one who was able to work with the new Congress.

Some opponents of direct election have been concerned that the amendment would have diminished the role of the States. While I do not believe that such a result would have arisen, the State electoral vote will continue to play a part in the revised proposal we will be considering in the 92d Congress. Moreover, by employing the electoral vote and the final resolution by Congress in the case of a standoff, the Griffin amendment should offer a clear indication that those of us who support direct election do not intend to break unnecessarily with our historic traditions.

The proposed amendment strikes a necessary balance between traditional State authority and compelling Federal interests in the conduct of presidential elections. I believe such a balance is workable and sound. The proposed amendment empowers the States to establish voter qualifications and election machinery similar to the responsibilities the States now exercise for the election of Senators, Representatives, and for electors of the President and Vice President. Senate Joint Resolution 1 provides that the qualifications for voting in presidential elections are to be prescribed by State law and shall be the same as those voting for members of the most numerous branch of the State legislature. These provisions are identical to the present constitutional requirements spelled out in article I, section 2, relating to the qualifications for voting for Members of the Congress.

The States are further authorized to prescribe less restrictive residence requirements. This authorization is necessary in order to prevent invalidation of relaxed residence requirements already or hereafter adopted by the States for voting in presidential elections. The Congress is also empowered to establish uniform residence qualifications. This provision does not modify or limit in any way existing constitutional powers of the Congress to legislate on the subject of voting qualifications. This authority would in no way alter the provisions dealing with residence requirements in presidential elections adopted as part of the Voting Rights Act of 1970. The Voting Rights Act abolished residence requirements for voting in presidential elections and established nationwide, uniform standards relating to registration, absentee registration, and absentee voting in presidential elections. See *Oregon* v. *Mitchell* (Dec. 21, 1970, U.S. Sup. Ct.).

The mechanical details of providing for a direct popular election are left to Congress to legislate.

Prescribing the times, places, and manner of holding such elections and provision for inclusion on the ballot remain the primary responsibility of the States. The Congress, however, is given a reserve power to make or alter such regulations. In the event a State attempts to exclude the name of a major party candidate from the ballot, for example, the Congress would have the authority to prevent such arbitrary action. Furthermore, such action appears unlikely in view of the Supreme Court's recent decision in *Williams* v. *Rhodes*, 393 U.S. 23 (1968), holding that the equal protection clause of the 14th amendment and the right of assembly guaranteed by the first amendment impose limitations upon a State's freedom to restrict parties in their access to the ballot.

Mr. President, we must face up to the fact that the State legislatures and the Congress should be given a 2-year period after ratification to pass the legislation necessary to implement direct popular election. Thus we cannot realistically proceed on the assumption that direct election will govern the 1972 election. It is for this reason that I am proposing to utilize the so-called automatic plan for any presidential election occurring more than 90 days after ratification of the amendment but before expiration of a 2-year period for the passage of implementing legislation. This is possible because the automatic plan contained in my proposal can be put into effect, with existing State and Federal implementing laws, very soon after ratification. No further legislation would be required to put it into effect; the 90-day interval between ratification and effective date of the automatic plan is intended to insure time for electors to make appropriate declarations.

As I pointed out earlier, I would not support the automatic plan except as a stopgap element of a broader, more comprehensive scheme designed to bring about true reform in the long run. But it is of value for the near future. The automatic plan I propose for this interim period would eliminate the independence of the presidential elector. All candidates for the office of presidential elector would be required to give a written and sworn public oath as to their choice for President and Vice President. The presidential elector's electoral vote would be counted in accordance with his pledge. The presidential electors would be bound in this manner—rather than abolished altogether—in order to provide the greatest continuity with existing legislation in this area, which is written to apply to individual electors. In case no candidate received a majority of electoral votes, the final choice would be made by a joint session of the new Congress, with each Member of both Houses voting individually. This plan insures that the new President would be a man who could work with the Congress, and would more accurately reflect the will of the populace. While I cannot support the automatic plan for the future, I do support it as an interim measure, to be used until we can put a better plan into effect.

Mr. President, as the chairman of the Senate Subcommittee on Constitutional Amendments, I have been engaged in a thorough study of our electoral system for more than 5 years. As a result of that study, I have concluded that direct popular election is the only authentic reform proposal, the only proposal that guarantees the election of the popular choice, counts every vote equally and works in the manner in which most Americans expect the electoral process to work—directly and democratically.

ALTERNATIVE PLANS

There can be no disagreement that direct popular election would produce these results though some may disagree as to the desirability of such a basic reform. Over the years, several other major plans have been offered. I would like to discuss the drawbacks in these other proposals.

THE DISTRICT PLAN

The district plan would retain the electoral vote, with electors chosen from single-member districts within each State and two electors running at large statewide.

The district plan, like the present electoral system, is based on the winner-take-all principle—merely shifting its application from the State level to the district level. As a result, the district plan would continue to produce significant disparities between the popular vote and the electoral vote. A number of comments have been expressed suggesting that the district plan might even produce a popular vote loser or a minority vote winner. We can play all sorts of games with figures. The best example I have found of the disparity which can be produced in any one election was brought to our attention in the 1964 election. To cite just one example of the consequences of the district plan, compare the returns for the First and 15th Illinois Congressional Districts in 1964. These were adjoining congressional districts. President Johnson carried the first district by 167,458 votes. Senator GOLDWATER, in contrast, won the 15th district by only 71 votes. Under the district plan, each candidate would have received one electoral vote. The unit rule operating at the district level would have wasted a net popular vote margin of 167,387 votes for President Johnson. By wasting large numbers of popular votes, the district system can easily elect a President who is not the popular choice of the voters.

As in the case of the present system, the district plan would discourage the minority party's voters within each electoral district, thus reducing the incentive to work. The district plan, in fact, would operate even more effectively to discourage voters because a larger proportion of congressional districts are safely controlled by one party than are States. Defining a "safe" State or district as one carried by 60 percent of the vote or more, for example, 32 percent of the districts were safe in 1960 and only 10 percent of the States.

Furthermore, despite the specific requirement of the district plan that electoral districts be compact, contiguous, and nearly equal in population it still would be possible for partisan State legislatures to gerrymander electoral units. The impracticality of enforcing this vague constitutional standard is another major obstacle to the district plan.

THE PROPORTIONAL PLAN

The proportional plan would retain the electoral vote, but replace the unit rule with a proportional division of a State's electoral vote on the basis of the popular vote in that State.

Had the proportional system been in effect in 1968, it would have produced the following distortions in two States having the identical number of electoral votes:

First, President Nixon captured 43 percent of the popular vote in Virginia and under the proportional plan this would have produced 5.2 electoral votes. Vice President Humphrey's 43 percent of the popular vote in Missouri, likewise, would have produced 5.2 electoral votes. President Nixon, however, only required 590,315 popular votes, whereas Humphrey had to poll 791,444 votes in order to produce 5.2 electoral votes—a startling difference of 201,129 popular votes.

A similar distortion can be found in both Idaho and Utah, which have four electoral votes. In both States, Nixon captured 56 percent of the statewide popular vote, and this would have entitled him to 2.2 electoral votes under the proportional plan. The interesting point is that it required 238,728 popular votes in Utah to produce the same number of electoral votes as 165,369 popular votes in Idaho.

The practical political consequence of the proportional plan is that it enhances the political influence of the safe States, which traditionally have had poor voter turnouts. Simply, a popular vote in a State where the voter turnout is poor is worth more than a vote in a State of equal size with a heavy voter turnout.

States sharing marked sectional interests, moreover, would have a great incentive to maximize their electoral influence by encouraging one-partyism. As a result, regional third party challenges are likely to be encouraged. In 1948, for example, the States Rights Party polled only 2.4 percent of the total popular vote, but under a proportional plan, it would have received more than three times that percentage of the electoral vote.

Under certain political conditions, the proportional plan would produce a President who was not the popular choice of the voters. If one candidate won handily in most of the States where the turnout was poor and the results in the remaining States were almost evenly divided, it is likely that the electoral winner would have been the popular vote loser. A perfect example of this division occurred in the election of 1896. Bryan captured 46.7 percent of the popular vote and McKinley won 51.1 percent. McKinley's majority of the popular vote under the present system produced 61 percent of the electoral vote. Under a proportional plan, however, Bryan would have won a six-vote electoral victory—despite being a popular vote loser.

A recent computer study presented to the committee examined the electoral results produced under a proportional system in close popular elections. The random survey, based on several thousand two-candidate races with a popular vote distribution varying from a wide 60 to 40 split to a 50 to 50 division, revealed that with a plurality of less than 1 million votes, there was a 14-percent chance of an electoral mishap. In an election as close as 1968, moreover, there was a 25-percent chance—one in four—of electing the popular vote loser.

AUTOMATIC PLAN

The automatic plan would write into the Constitution for the first time the major defect of the present system—the unit rule. It would leave the election of the President to the strange arithmetic of the unit rule and perpetuate the other inequities in the present system—including the distortions in voting power, the built-in advantage for low voter turnout, and above all, the great risk of electing a candidate who is not the first choice of the voters. The adoption of the automatic plan would not only write into the Constitution the evils of the winner-take-all rule, but also would be likely to preclude meaningful reform indefinitely. As I said before, I am only willing to support the automatic plan as a stopgap element—which would end the immediate threat posed by the faithless elector—of a broader, more comprehensive scheme designed to bring about true reform in the long run.

THE FEDERAL SYSTEM PLAN

The Federal system plan would provide that in order for a candidate to be elected he would have to receive at least 40 percent of the popular vote and have confirmed his mandate by achieving a plurality of the votes in more than one-half of the States or in States having at least one-half the total number of voters. If no candidate received such a plurality, the decision would be made on the basis of the distribution of the popular vote in accordance with the present electoral college system. If none of the candidates received a majority of the electoral vote under this proposal, the electoral votes received by candidates other than the two receiving the greatest number of popular votes would be divided among the first two candidates in accordance with the proportion of the popular vote these two candidates received in the State.

This would be an extremely complicated and confusing method of electing the President and Vice President. Moreover, the plan might tend to fragment the presidential election process, with one candidate hoping to confirm his victory by concentrating on the most populous States and the other by concentrating on the smaller States. Such divisiveness should be minimized, not magnified, by the system of selecting our President. Finally, and above all, the plan does not correct the fundamental flaw in the electoral system. It would not prevent the possibility of electing a President and Vice President who had not received the most popular votes.

CONCLUSION

Mr. President, these are the alternative plans. None of them has the support of a significant segment of the American public. None of them has the slightest possibility of securing passage by a vote of two-thirds of the Members of the Senate and the House. None of them would be ratified by three-fourths of the States.

Indeed, Mr. President, if one of these plans were somehow to be adopted, it would in my opinion foreclose all possibility of reform in this Congress—perhaps in this generation.

I recognize that it will be difficult to secure passage of direct popular election in time for ratification before the 1972 election. But there is still a realistic possibility of gaining passage and ratification. At the present time, it appears that at least 35 State legislatures are required by law to meet in 1972. Another five legislatures can easily meet without the calling of a special session. In addition, there are likely to be a number of special sessions in 1972. During 1968 and 1969, there were 38 special sessions in 24 States; the reapportionment required by the 1970 census is likely to make 1972 an even more active year for special sessions.

In any case, these are reforms that the Nation desperately needs. We have stalled too long, we have talked too long, we have fought too long. Now is the time for action. Now is the time to revise our electoral system for 1972, and for generations of Americans to come.

Mr. President, I ask unanimous consent to print in the RECORD the complete text of the amendment and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIRECT POPULAR ELECTION OF THE PRESIDENT

SENATE JOINT RESOLUTION 1—92D CONGRESS

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the total number of votes cast. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the thirty-fourth day after the date on which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session, each Member having one vote, shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes shall be elected President and Vice President. Immediately after such choosing, the special session shall be adjourned sine die.

No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section.

SEC. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs.

SEC. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice President-elect.

SEC. 6. The Congress shall have power to enforce this Article by appropriate legislation.

SEC. 7. Sections one through four of this Article shall take effect two years after the ratification of this Article. In any election ninety days after the ratification of this Article and before the effective date of sections one through four of this Article—Each candidate for the office of Elector of President and Vice President shall file in writing under oath a public declaration of the identity of the persons for whom he will vote for President and Vice President, which declaration shall be binding upon him and upon any successor to his office, and his votes shall be counted in accordance with such declaration; if no person voted for as President receives a number of votes constituting a majority of the whole number of Electors appointed, then the Senate and House of Representatives sitting in joint session, each Member having one vote, shall choose immediately from the persons having the two highest numbers of votes for President, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if no person voted for as Vice President has such a majority, then the Vice President shall be chosen in the same manner as herein provided for choosing the President.

DIRECT POPULAR ELECTION OF THE PRESIDENT

SECTION-BY-SECTION ANALYSIS OF SENATE JOINT RESOLUTION 1—92D CONGRESS

The resolution contains the customary provisions that the proposed new article to the Constitution shall be valid as part of the Constitution only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

Section 1 of the proposed article would abolish the electoral college system of electing the President and Vice President of the United States and provide for their election by direct popular vote. The people of every State and the District of Columbia would vote directly for President and Vice President. This section prevents a candidate for either office from being paired with more than one other person. Candidates must consent to run jointly.

Section 2 provides that voters for President and Vice President in each State must meet the qualifications for voting for the most numerous branch of the State legislature in that State. The term "electors" is retained, but instead of referring to the electoral college, as used in sections 1–6 the term means qualified voters, as it does in existing provisions dealing with popular election of Members of Congress.

This clause also permits the legislature of any State to prescribe less restrictive residence requirements and is necessary in order to prevent invalidation of relaxed residence requirements already or hereafter adopted by the States for voting in presidential elections. The Congress is also empowered to establish uniform residence qualifications. This provision does not modify or limit in any way existing constitutional powers of the Congress to legislate on the subject of voting qualifications. This authority would in no way alter the provisions dealing with residence requirements in presidential elections adopted as part of the Voting Rights Act of 1970. The Voting Rights Act abolished residence requirements for voting in presidential elections and established nationwide, uniform standards relating to registration, absentee registration, and absentee voting in presidential elections. See *Oregon* v. *Mitchell*, (Dec. 21, 1970, U.S. Sup. Ct.).

Section 2 is modeled after the provisions of Article I, section 2, and the 17th amendment to the Constitution regarding the qualifications of those voting for Members of Congress. As a result, general uniformity within each State regarding the qualifications for voting for all elected Federal officials is retained. The District of Columbia is not referred to in section 2 because Congress now possesses the legislative power to establish voting qualifications for the District under Article I, section 8, clauses 17 and 18. Use of the expression "electors of the most numerous branch of the State legislature" does not nullify by implication or intent the provisions of the 24th amendment that bar payment of a poll tax or any other tax as a requisite for voting in Federal elections. The Supreme Court, moreover, has held that a poll tax may not be enacted as a requisite for voting in State elections as well, *Harper* v. *Board of Supervisors*, 383 U.S. 663 (1966).

Section 3 deals with the procedure for determining the outcome of the election. If a pair of candidates obtains at least 40 percent of the whole number of votes cast, they will be elected President and Vice President, as a result of the popular vote alone. The expression "whole number of votes cast" refers to all valid votes counted in the final tally. And the term "whole number" is consistent with prior expressions in the Constitution. The 40 percent minimum was established because it is necessary to establish a reasonable plurality requirement indicating a legitimate mandate to govern and consistent with historical experience, although such a requirement should not be set so high that it would disrupt the stability of our political system. The 40 percent figure was incorporated into the runoff requirement in both primary and general elections for the District of Columbia's recently authorized nonvoting delegate to Congress. See D.C. Code, sec. 1–1110(a)(4), added by Pub.L. 91–405 sec. 203(c).

Section 3 also establishes the procedure to be used if no pair of persons received at least 40 percent of the whole number of votes cast. Under this section, even if the pair of candidates with the largest popular vote total did not receive 40 percent of the votes cast, the pair would still be elected if the pair had an electoral vote majority, with the electoral votes cast automatically on the basis of the popular vote outcome in each state. The office of Presidential Elector would not be retained.

Section 3 further provides that if no pair of candidates receives 40 percent of the total vote, and if the popular vote winners do not have an electoral majority, then the incoming Congress is to meet in special session in the fifth week after the election and choose between the two pairs of candidates who received the largest number of popular votes in the election. Each Member of each House is to vote individually, and all votes are to be publicly announced and recorded. The pair of candidates receiving the greater number of votes shall be elected.

Section 4 embodies provisions imposing duties upon the Congress and the States in regard to the conduct of elections. The first part of the section requires the State legislatures to prescribe the times, places and manner of holding presidential elections and entitlement to inclusion on the ballot—subject to a reserve power in Congress to make or alter such regulations. This provision is modeled after similar provisions in Article I and the 17th amendment dealing with elections of members of Congress. States will continue to have the primary responsibility for regulating the ballot. However, if a State sought, for example, to exclude a major party candidate for appearing on the ballot—as happened in 1948 and 1964—the Congress would be empowered to deal with such a situation.

Section 4 also requires Congress to establish by statute the date of the regular election, which must be uniform throughout the United States, and which may not be later than the first Tuesday after the first Monday in November. This conforms to the present constitutional requirement for electoral voting (Article II, section 1), to which Congress has responded by establishing a uniform day for the election of electors (3 U.S.C. 1). Congress is also required to prescribe the time, place, and manner in which the results of such election shall be ascertained and declared within 30 days after election day. In implementing this section, Congress may choose to accept certain final State certifications of the popular vote as it now accepts electoral vote certifications under the provisions of 3 U.S.C. 15.

Section 5 empowers Congress to provide by legislation for the death inability, or withdrawal of any candidate for President or Vice President before a President or Vice President has been elected. Once a President and Vice President have been elected, existed constitutional provisions would apply. The death of the President-elect would be governed by the 20th amendment and the death of the Vice President-elect would be governed by the procedure for filling a Vice Presidential vacancy contained in the 25th amendment. Section 5 also empowers the Congress to provide by legislation for the case of the death of both the President-elect and Vice-President-elect.

Section 6 confers on Congress the power to enforce this article by appropriate legislation. The power conferred upon Congress by this section parallels the reserve power granted to the Congress by numerous amendments to the Constitution. Any exercise of power under this section must not only be "appropriate" to the effectuation of the article but must also be consistent with the Constitution.

Section 7 provides that the direct election plan shall take effect two years after being ratified by the States. Since State and Federal legislation will be necessary to fully implement and effectuate the purposes of the proposed amendment, a reasonable period of time should be provided between the date of ratification and the date on which the amendment is to take effect. Section 6 of the amendment, which grants Congress the power to set up the machinery to implement the amendment, takes effect immediately upon ratification. This was done to make sure that Congress would not be thought to be precluded from legislating in regard to the "automatic" features described below. Such legislation would not be necessary, but it would seem unwise to leave any doubt about Congress's ability to act if it so wished. This would also make it completely clear that Congress would have the power to create the implementing machinery for the direct popular vote plan in advance of the effective date of that part of the amendment.

Section 7 also deals with the case of an election which takes place 90 days after the ratification of the amendment, but before direct election can take effect. This section would put into effect the "automatic" plan, but only for an election within that time period. Pursuant to section 7, candidates for the office of Presidential Elector would be required to declare in writing and under oath the candidates for whom they would vote if elected. To eliminate the problem of the faithless Presidential Elector, each Presidential Elector's electoral vote would be counted in accordance with his declaration. This section would also reform the present contingency procedure by which the Congress picks the President under certain circumstances. If no candidate received a majority of the electoral votes, the final selection would be made from among the top two candidates by a majority vote of the Members of both Houses of Congress, with each Member voting individually.

The provision would not apply unless ratification were completed at least 90 days before the election, a period intended to ensure time to adjust to the new ground rules and to require appropriate declarations from candidates for Presidential Elector. This section can be effective almost immediately upon ratification because it would require no implementing legislation. Section 7 would make only the changes which are absolutely necessary in order to eliminate the faithless elector and to reform the archaic voting mechanism applicable to Congressional resolution of elections in which no candidate has an electoral majority. Presidential Electors would be bound to their declarations—rather than abolished altogether—in order to provide the greatest continuity with existing legislation in this area which is written to apply to individual electors. See, e.g., Electoral Count Act of 1887, 3 U.S.C. 1 et seq.

PRISONERS OF WAR

Mr. FANNIN. Mr. President, one of the most tragic episodes of our time concerns the plight of American prisoners of war held by the Communists in Southeast Asia.

In addition to the long suffering of these men, there is the mental anguish faced daily by the 1,500 families of those listed as missing in Vietnam and Laos.

President Nixon has made a concerted effort to bring world attention to this problem. It is impossible to gage at this time just how much success has been made in ending the barbaric practices of the North Vietnamese. The enemy still refuses to abide by the minimum regulations which have been agreed on by civilized nations.

Col. Frank Borman, one of our Nation's space heroes, has found foremost in the campaign to win guarantees of humane treatment for American Prisoners of War.

His most recent report is carried as an editorial in the Kiwanis magazine for January 1971. It is appropriate, I believe, that we take another look at this situation during the early days of this new Congress.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FORGOTTEN WARRIORS

(By Col. Frank Borman, U.S. Air Force, retired)

Arma virumque cano—"Of arms and the man I sing"—Virgil began his epic study of warfare, the *Aeneid*, more than two thousand years ago. I, too, have a tale of arms and the man to tell, but the men of whom I speak are those unfortunate combatants left in the nether world between living and dead. They are the prisoners of war—the forgotten warriors left behind when the shooting stops—and seldom in the annals of warfare has their plight been so tragic as in Vietnam today. Indeed, the length of incarceration of many of these men and their wretched existence in imprisonment are humanitarian concerns that all Americans can unite behind, regardless of their opinion of the Vietnam war itself.

Unfortunately, I cannot say exactly how many prisoners share this plight, for never in more than six years have the North Vietnamese issued an official list of any of the men they hold. There are, however, approximately 1500 US citizens missing in Southeast Asia, and from letters, propaganda broadcasts, photographs, and the testimony of returnees we have reason to believe that there are about 376 Americans incarcerated in North Vietnam, seventy-eight in South Vietnam, and three in Laos, a total of 457 of the 1500 missing that we know were at one time alive.

Their conditions of imprisonment are deplorable. After capture prisoners have been beaten, dragged through villages, and in some cases tortured. Those who have been held for any length of time have often lost from 45 to 60 pounds. Like their food, their medical care is designed more to avert death than to promote health.

Many prisoners are held in solitary confinement. Their recreation consists of two daily broadcasts in English by Hanoi radio. Resorting to mental gymnastics, one prisoner constructed a logarithm table mentally. Another was able to salvage bits of paper and make a deck of cards to play solitaire—until it was discovered and destroyed. Meanwhile, at home the wives of these men must somehow be both mother and father to growing children, who in many cases have never seen their father.

In May 1969 President Nixon made a concerted effort to publicize the plight of these American prisoners in hopes that the force of world opinion would encourage more humanitarian treatment of them, and perhaps even lead to their early release. I think this decision was right, and I can confidently say that every member of the executive department and Congress, supported by the overwhelming majority of Americans, are working to insure that our prisoners receive the humanitarian treatment they deserve.

My recent world-wide trip on behalf of these men took me to fourteen world capitals. I wish that I could report that we were able to contact the North Vietnamese or Vietcong directly, but attempts through third parties in three countries were unsuccessful. I did find a vast amount of sympathy around the world, and the North Vietnamese will receive new and additional entreaties from many of these countries.

In the International Red Cross I found an agency that could well serve as a third party for supervising the treatment and release of Vietnam war prisoners, but to date the North Vietnamese have not permitted a representative of the International Red Cross into their country, let alone into their prison camps.

While I was in South Vietnam I visited North Vietnamese and Vietcong prisoners of war and found their treatment in complete accordance with the Geneva Conventions. In addition, representatives of the International Red Cross, both in Geneva and in South Vietnam, are perfectly satisfied with the conditions of the prisoners held by the South Vietnamese. And, in further compliance with the Geneva Conventions the South Vietnamese last July released sixty-two wounded or disabled North Vietnamese prisoners north of the demarcation line.

Why, then, the recalcitrance on the part of the North Vietnamese? In talking with government officials around the world I often heard the comment that the North Vietnamese consider the American prisoners their trump card in the Paris negotiations. In essence, I would say that the prisoners are political hostages. The releases that have been made—nine in the north and twenty-three in the south—have almost always been timed and executed—often through dissident groups in the US—to extract a maximum of propaganda.

On the basis of my trip I can suggest four approaches to the pressing plight of these men. First, it is imperative that every American make a maximum effort to mobilize world opinion in support of humane treatment of prisoners held by North Vietnam and the Vietcong.

Second, we must continue our efforts to convince the North Vietnamese of our sincerity in this regard and of the need to separate the political question of peace in Vietnam from the humanitarian treatment of prisoners.

Third, I believe it is a moral obligation for every American to see that the families of these prisoners receive proper care and support.

Finally, I think that it is important that we continue to press for the use of the International Red Cross to inspect the prison camps in North Vietnam, as they are already doing in the South.

As concerned and involved Americans you in Kiwanis can—and should—play a vital role in this effort, for your support will not only insure the humanitarian treatment of your relatives, friends, and neighbors who have made great sacrifices for you. It will also, I assure you, win for your organization the undying thanks of the men whom you would not allow to be forgotten. Can there be a greater reward?

SENATE JOINT RESOLUTION 8—A CONSTITUTIONAL AMENDMENT TO GUARANTEE EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I rise to urge support for my proposed amendment to the Constitution to guarantee equal rights for men and women.

For almost one-half century we have failed to take action on this amendment and by failing to act have allowed the women of our country, in many respects, to suffer the burdens of second-class citizenship—burdens which by no reasonable explanation can be justified or should be tolerated.

This proposed amendment provides that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The language of the amendment warrants careful study, for there is considerable controversy over what it does or does not mean. It would not eliminate the difference between the sexes. Congressional enactment could not and should not eliminate the natural physiological differences between the sexes. But Federal, State, and local governments can be prohibited from imposing legal distinctions based on sex. That is exactly what the equal rights amendment is designed to do—no more, no less.

As Prof. Thomas I. Emerson, of the Yale Law School, pointed out so eloquently at the hearings:

> The fundamental legal principle underlying the Equal Rights Amendment, then, is that the law must deal with the individual attributes of the particular person, not with a vast overclassification based on the irrelevant factor of sex.

LEGISLATIVE HISTORY

Mr. President, some complaints have been heard that this amendment has been presented without adequate study. No amendment has been more thoroughly studied than this one. The amendment itself is not new. Resolutions proposing this amendment have been introduced in every Congress since 1923. In earlier years, hearings were held by the House

Judiciary Committee in 1948, and by the Senate Judiciary Committee in 1956. The amendment was reported favorably by the Senate Judiciary Committee in the 80th, 81st, 82d, 83d, 84th, and 86th, 87th, and 88th Congresses.

And in the last Congress the Subcommittee on Constitutional Amendments, which I serve as chairman, held 3 days of extensive hearings on the amendment—on May 5, 6, and 7, 1970. We heard 42 witnesses, representing all possible points of view about the amendment, and compiled a record of printed hearings comprising almost 800 pages. These were the first hearings on the amendment in almost 15 years.

Furthermore, the Judiciary Committee held a series of additional hearings, including comments from a series of distinguished law professors, later in the year.

In addition to committee study, Mr. President, there has also been full and complete debate about this measure on the floor of both Houses. The amendment was debated and passed by the Senate in 1950 and in 1953. However, both times it was amended by the addition of the so-called Hayden rider. That rider provided that the amendment "shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex." All supporters of the amendment agreed that the rider effectively destroyed the intended result of the amendment. For it is under the guise of "rights and benefits" that women have all too often been deprived of rights that are available to men. For this reason in the 86th Congress, after the Hayden rider had again been added during the floor debate, sponsors of the bill agreed to recommit it to committee, rather than have it enacted in that form.

During the last Congress both the House and the Senate debated the equal rights amendment at some length. In the House, it was passed by the overwhelming vote of 350 to 15, after being brought to the floor by means of a discharge petition. The Senate considered the amendment over the period of October 7 to November 17. The debate was long and spirited. However, when the operative language of the amendment was altered—by the very narrow vote of 36 to 33—I agreed not to press for further floor action, in accordance with the advice of the women's groups who supported this measure. Once again the amendment had been killed as a result of changes in language adopted on the floor.

Mr. President, I firmly believe that this record of floor debate in both Houses—together with two separate sets of hearings in the past Congress alone—clearly refutes the charge that the equal rights amendment has never been thoroughly studied. This measure has been before us and the subject of general discussion for more than 48 years. And the time for action is long overdue.

NEED FOR AMENDMENT

Some opponents of the equal rights amendment argue that it is unnecessary. They feel that court decisions based on the 14th amendment together with a series of statutes have effectively eliminated the type of discrimination which the equal rights amendment would make unlawful. I disagree. Let there be no doubt about it. We have made considerable progress. Especially in the last few years the courts have taken great strides toward providing the kind of equality I believe is necessary. Earlier this week, to give but one example, the Supreme Court took such a forward step when it reversed the court of appeals' decision in Philips against Martin-Marietta. It said that the lower court "erred" in reading the statute "as permitting one hiring policy for women and another for men." The Court is absolutely correct in its judgment that the law of the land does not permit one hiring policy for women and another for men. Unfortunately, the Court did not have an opportunity to expand upon the rights of women under the 14th amendment, since this case arose under the 1964 Civil Rights Act. The Supreme Court still has a long way to go in striking down sex discrimination under the 14th amendment, but I am confident that the Court is beginning to recognize and remedy the tragic loss of human dignity and valuable resources which our society has suffered as a result of these inequities.

I believe that if given enough time the Court would eventually hold that the Equal Protection Clause of the 14th amendment demands the kind of equality between sexes which the equal rights amendment would guarantee. But that process would take far too long in my judgment. As Professor Emerson pointed out, Congress should act now because "there is, in short, a certain amount of legal deadwood which must be cleared away before the courts will be prepared to make clear cut and rapid progress." Passage of the equal rights amendment would immediately clear away that "deadwood" and allow the courts to move ahead.

Mr. President, the courts have not been alone. In 1963, Congress passed the Equal Pay Act. It provides that no employer subject to the act shall discriminate in salary "because of sex between different employees for equal work on jobs the performance of which requires equal skill, effort, and responsibility." Another important step was taken in title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, in addition to race and national origin.

The State legislatures have also made great forward strides in recent years. Many of them have worked hard to eliminate discrimination against women in terms of limitations on hours and conditions of work, minimum wages, the age of legal majority, jury service, and many other areas.

Indeed, we have made progress, through Federal and State legislation, through judicial decisions, and through executive action. But much remains to be done.

Let me provide only a few examples. If we are really concerned about these mothers and widows and children, let us look at a few examples of the laws that exist today and see how they treat these women and widows and children.

Until 1966, three States excluded women from juries altogether. In one State, women—but not men—must register specially to be eligible to serve on juries.

In one State, there is a statute allowing women to be committed for up to 3 years in the reformatory for offenses such as "drug using" and "habitual intoxication," although men cannot be sentenced to more than 30 days for drunkenness. That hardly seems like equality.

In at least eight States women cannot contract or sign leases until they are 21, while men can do so at 18.

If women mature at an earlier age than men, why should we give the opposite right to men in these States where men are permitted to contract at the age of 18 and women are not permitted until the age of 21?

California and four other States require a married woman to obtain a court order before establishing an independent business. Eleven States place special restrictions on the right of a married woman to contract. In three States, a married woman cannot become a guarantor or surety.

Women continue to be discriminated against in admissions to public colleges. In the fall of 1968, only 18 percent of the men entering public 4-year colleges had received high school grade averages of B-plus or better. But 41 percent of the freshmen women had attained such grades. One State university had published an admissions brochure saying:

> Admission of women on the freshman level will be restricted to those who are especially well qualified.

There was no such requirement made for men.

Sex discrimination still exists in the labor laws of every State in the Union except Delaware. And despite contrary decisions under title VII of the 1964 Civil Rights Act by the Equal Employment Opportunity Commission, two Federal appeals courts, and several State attorneys general, a recent survey showed that 51 percent of major employers continue to enforce these restrictions.

Thirty-nine States and the District of Columbia impose limitations on the number of hours worked by women. These provisions often preclude women from occupying supervisory jobs requiring overtime.

These so-called protective laws which are supposed to give special privileges and rights to women are really "privileging" them right out of meaningful advancement and opportunities in the employment market.

During the hearings the committee was told that 26 States have laws or regulations which completely bar adult women from certain occupations or professions. For example, in nine States, women are not allowed to mix, sell, or dispense alcoholic beverages.

One witness pointed out that the weight-lifting laws in New York only protect women from lifting weights in foundries.

As Prof. Norman Dorsen of the New York University Law School said:

The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weights in other industries will not.

Mr. President, those are a few specific examples of some of the discrimination that is going on. I will not bother the Senate with a further list of detailed acts of discrimination, but it is going on.

Mr. President, it is clear that there is a legal need for the equal rights amendment. But to my mind the most important reason for enacting this amendment is its symbolic value. The amendment will not eradicate, immediately upon passage, all the unduly discriminatory habits and customs of this country. No amendment or statute could immediately solve the whole problem of unfair discrimination based on sex.

The bulk of the prejudice and unfairness against women does not stem from the command of specific statutes. It is much more subtle. It comes from socially engrained ideas about the proper role of women. And Justice Marshall, in his excellent concurring opinion in the Phillips case, has warned of the trap of assuming that we can still permit ancient canards about the proper role of women to be a basis for discrimination.

But I believe that passage of this amendment will go a long way toward providing the kind of dignity and legal status to which every American is entitled. It would prod the courts into taking long overdue action. It would prod many employers into reevaluating their employment practices, to see whether they, too, hire, assign work, and determine pay scales on the basis of sex, instead of making those decisions on the basis of an honest evaluation of each individual's personal abilities.

The addition of this amendment to the Constitution will symbolize the dedication of this country to providing true equality for all. It will show the world that all our citizens are in fact equal in the eyes of the law. We must not minimize the importance of such symbolic action. Even if there were no State discrimination which would be made illegal by the passage of this amendment, I would still be an ardent proponent.

For the past hundred years we have been in the midst of a peaceful revolution, to make sure that all our citizens, whether or not part of a minority, are truly equal. An explicit statement in our Constitution that both sexes are equal before the law is long overdue.

EFFECTS OF THE AMENDMENT

Some critics, Mr. President, have charged that this amendment should not be passed by this body because it would cause chaos in the courts, and upset many relationships in our society. I strongly disagree. When this joint resolution was brought before the House of Representatives, Representative GRIFFITHS explained exactly what the amendment would and would not do. I ask to have an extract from her statement printed in the RECORD at this point in my remarks.

There being no objection the extract was ordered to be printed in the RECORD, as follows:

STATEMENT BY MRS. GRIFFITHS

What will be the effect of the amendment?

The amendment would restrict only governmental action, and would not apply to purely private action. What constitutes "State action" would be the same as under the 14th amendment and as developed in 14th amendment litigation on other subjects. In 1964 Civil Rights Act granted far more rights to women and other minorities that this amendment ever dreamed of. That act applies against private industry. This amendment applies only against government.

Special restrictions on property rights of married women would be unconstitutional; married women could engage in business as freely as a member of the male sex; inheritance rights of widows would be same as for widowers.

Women would be equally subject to jury service and to military service, but women would not be required to serve—in the Armed Forces—where they are not fitted any more than men are required to so serve.

The real effect before this amendment is finally passed would probably be to permit both sexes to volunteer on an equal basis, which is not now the case.

Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e. the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. We have already gone through this in the 15th and 19th amendments.

Examples of such laws include: minimum wage laws applying only to women; laws requiring lunch periods and rest periods only for women; laws which permit alimony to be awarded under certain circumstances to wives but not to husbands would permit the Judge to determine who gets the alimony. Social security and other social benefits legislation which give greater benefits to one sex than the other would extend the benefits to the other sex.

Any expression of preference in the law for the mother in child custody cases would be extended to both parents—as against claims of third parties. Children are entitled to support from both parents under the existing laws of most States. Child support laws would be affected only if they discriminate on the basis of sex. The amendment would not prohibit the requiring of one parent to provide financial support for children who are in the custody of the other.

Where a law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Examples are: hours and weight lifting laws but four States have repealed "so-called" protective legislation which restricts women: Delaware has repealed all restrictive legislation in 1967, and there has never been a lawsuit. The idea that this would cause unlimited lawsuits, is ridiculous. Georgia has repealed its hours law. Oregon and Vermont have repealed their hours laws. Fifteen States have declared such laws unenforceable either through action of their supreme court or by some official of the government: Arizona, District of Columbia, Maryland, Kansas, New Mexico, Michigan, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, North Dakota, Tennessee, Virginia, and Wyoming.

And let me say that there has never been an hours laws which keeps a woman from working more than 40 hours a week. This is just not true. The law prohibits an employer from employing her. She can work 16 hours a day, and there is nobody that protects that woman—certainly not the AFL–CIO.

Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties.

For example, in our present culture the recognition of the right to privacy would justify separate restroom facilities in public buildings.

The amendment would not change the substance of existing laws, except that those which restrict and deny opportunities to women would be rendered unconstitutional. In all other cases, the laws presently on the books would simply be equalized, and this includes the entire body of family law. Moreover, this amendment does not restrict States from changing their laws. This law does not apply to criminal acts capable of commission by only one sex. It does not have anything to do with the law of rape or prostitution. You are not going to have to change those laws.

Mr. BAYH. Mr. President, the statement points out eloquently what this measure will do and what it will not do. One particular passage of importance, I think, is the discussion of the draft. I do not agree with the contention of some persons that if this measure becomes law women will automatically be drafted.

As Mrs. GRIFFITHS pointed out, in some cases the existing legal distinctions based on sex will be retained because of "an overriding and compelling public interest." I think that such an interest is present here. Combat duty is more dangerous and demanding than any other job. Because combat demands absolutely unique abilities, Congress might justifiably decide that women are not physically suited for it, just as it has decided that men without the requisite physical characteristics are not suited. And since all soldiers must be trained for combat duty, there is no reason to believe that women would be drafted any more than men who are not considered, in the judgment of Congress, to be suited, are drafted.

The only likely effect of the amendment would be to prevent Congress from setting arbitrary limits on the number of women who may enlist, unless those limits are directly related to the proven needs of the military. The amendment would thus allow those women who wanted to serve to volunteer.

Some have charged that this amendment would end the benefits that women, particularly in their role as wives and mothers, enjoy. However, the purpose of the amendment is not to cut down benefits accorded to only one sex, but to extend them to both sexes. Prof. Norman Dorsen of the New York University Law School put it this way:

> There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that now are available only to women, rather than invalidating them altogether.

I cite but one example, but it is of significance to all of us. What do we do when we have broken families? There has been much discussion of the problem of alimony. Some say if this measure passes it will prevent the proper support of people from broken homes.

The passage of the equal-rights amendment would not make alimony unconstitutional. It would only require a fair allocation of it on a case-by-case basis. In the great bulk of cases, women would still receive alimony or support payments. I see no reason not to make all men eligible for alimony, as is already the case in nearly one-third of the States. A man might justifiably collect, for example, if the man were disabled and unable to work, and the woman was independently wealthy.

We are suggesting that we should make uniform the practice presently followed in one-third of the States. In those States the questions of who should provide alimony and child support, are decided on a case-by-case basis. In most cases the man would provide it, but in the case I mentioned earlier, if the man were crippled and unable to work, and if the woman has independent sources of income, it seems to me the judge ought to be able to take that into consideration.

One of the most eloquent discussions of the impact of this amendment on family law was given before the full committee hearings by Professor Dorsen.

Mr. President, I ask that excerpts from Professor Dorsen's testimony relative to family law be printed in the RECORD.

There being no objections the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. NORMAN DORSEN BEFORE THE SENATE JUDICIARY COMMITTEE ABOUT EFFECTS OF THE EQUAL RIGHTS AMENDMENT ON FAMILY LAW

Concern has been voiced that women would lose their right to support and alimony if the Equal Rights Amendment passes. There are several answers to this concern. First, as already noted, the right to alimony and support can be extended to men by legislative act or as a matter of interpretation of the Amendment. Indeed, in one-third of the states alimony can be awarded to either spouse, and is based on the circumstances of the particular case, such as relative economic needs, duration of the marriage, and relative contributions to the marriage.

As for the right to support, although it has been much relied on, it is of somewhat illusory value to women. In the first place, in most jurisdictions not until the parties are separated; or sometimes even divorced, does a wife have the right to get a court order for a specific amount of support money. See H. H. Clark Law of Domestic Relations 181, 186, (1968). More important, the chief legal remedy for the wife during marriage—the ability to purchase household "necessaries" and charge them to the husband—is of far less value than is generally believed. As one authority has stated:

"The doctrine of necessaries may once have been an effective way of supporting wives and children (though one doubts it). Today, however, it is hedged about with so many limitations that few merchants would wish to rely on it. More importantly, it is of least value to those most in need of support, those wives and children too poor to be able to get credit. For these reasons the doctrine is of little practical value in the solution of the non-support problem." Clark, supra at p. 192.

The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex.[1] The action by the Commissioners, a respected and prudent body, deserves special consideration.

Their approach—based on individual circumstances and needs—underlies the Equal Rights Amendment also. Put another way, laws which differentiate on the basis of sex are unjust because they arbitrarily treat all members of a class without looking at individual qualifications. State labor laws are unjust and do not protect women because they arbitrarily assume all women have stereotyped and uniform characteristics, which many individual women do not have. Alimony and support laws also have unjust consequences for both men and women when they assume that all women are weak, dependent, caretakers of children. Just as some men may need alimony, some women may prefer to pay maintenance to allow their husbands to be caretakers of children. In this connection, it is worth observing that several states already require a wife to support a husband unable to support himself.

The Uniform Marriage and Divorce Act eliminates definitions based on sex and substitutes those based on function. This is what the Equal Rights Amendment is intended to do. By passing it, we will help insure more genuine protection for those who really need it, and end the many injustices women still face.

Mr. BAYH. Mr. President, protective labor legislation is also an issue in this debate. It has been said that women workers would be exploited if this legislation were nullified by passage of the equal rights amendment. Of course, protection of workers against unethical or unhealthy labor practices is of the utmost importance. Therefore, we were especially careful to explore this charge carefully at our hearings.

Mr. President, I ask to have printed in the RECORD at this point in my remarks the complete statement of Professor Dorsen relating to the problem of protective labor legislation.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. NORMAN DORSEN BFEORE THE SENATE JUDICIARY COMMITTEE ABOUT THE EFFECTS OF THE EQUAL RIGHTS AMENDMENT ON LABOR LEGISLATION

I would like to turn now to the problem most frequently stressed by those opposing the Amendment—the alleged impact on labor laws that protect women but not men. The fact is that the effect of the Amendment on protective labor legislation provides no sound basis for opposing it.

There are three interrelated points here. First, the crazy quilt of existing state protective laws reveal graphically that there is no consensus on what is needed protection for either men or women, and that much of the legislation, instead of providing solutions to the real problems of women workers, actually "protect" them out of jobs they are perfectly capable of fulfilling. Second, under Title VII of the Civil Rights Act of 1964 much state legislation of this type is being invalidated and will be of no long term importance. Third, such laws that confer genuine benefits can and should be extended to men under the Equal Rights Amendment.

First. The pattern across the country of state laws shows that there is no coherent system of protection provided for women. For instance, while women are allowed chairs for rest periods in 45 states, they are given job security for maternity leaves of absence in *no* state and maternity benefits under temporary disability insurance laws in only two states. Women are even excluded from temporary disability benefits for pregnancy leaves in these two states.

Furthermore, in the benefit areas most people would consider most important—a minimum wage and a day of rest—men do receive susbtantial protection already. Only seven states have minimum wage laws for women only, but twenty-nine states, plus the District of Columbia and Puerto Rico, cover both men and women. More important, the federal minimum wage law covers both men and women at *higher* rates than all state laws except one (Alaska).

In contrast, maximum hour laws are a major area where men are not covered. Thirty-eight states cover women only, and three states cover men and women. Since the Supreme Court has upheld the validity of maximum hour legislation for both sexes since 1941, one can only suspect that unions have not pushed for maximum hour legislation, given their success in obtaining nationwide minimum wage laws for both sexes. This analysis would give credence to the EEOC and federal court decisions which have concluded that hour laws have been used as an excuse to keep women out of better-paying jobs.

Opponents of the Equal Rights Amendment often neglect to note the twenty-six states which altogether prohibit women from performing certain jobs. When forty states allow women to be barmaids, but ten bar them from this employment, can anyone seriously propose that women are thereby protected in those ten states? If anyone is protected, it would appear to be male bartenders.

Similar explanations suggest themselves regarding the eighteen states proscribing night work, and the six states prohibiting work for periods before and after childbirth. Women have not campaigned to obtain these "protections." This is for a very good reason.

Women in fact do night work all the time. Nurses, telephone operators, airline reservationists, and scrub women have not been protected from night work. Pregnant women, too, often choose to work right up to the birth date. Who ever heard of a housewife being allowed time off from her housework and small children just because she was pregnant, or of a state law which prohibited her from working.

Weight laws also are of doubtful protection for women. There are only four states with weight limits applicable to all jobs, and these limits are set so low that, if literally applied, they would prohibit women from doing any serious labor, including carrying an unborn child. In the remaining few states with weight limits, they apply only to certain industries. In New York, for instance, women are "protected" from lifting weights only in the foundries. The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weight in other industries will not. Possibly it is the male workers in foundries who are being protected—from job competition.

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[1] Section 308, which deals with maintenance, is typical of the Act's approach:

(a) In a proceeding for dissolution of marriage or legal separation . . ., the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:

(1) lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, and (2) is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

(b) The maintenance order shall be in such amount and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(1) the financial resources of the party seeking maintenance, . . . and his ability to meet his needs independently . . .; (2) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (3) the standard of living established during the marriage; (4) the duration of the marriage; (5) the age, and the physical and emotional condition of the spouse seeking maintenance; and (6) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.

Thus, when all of the state laws applying only to women are examined closely, it becomes clear that they do not provide a coherent system of meaningful protection. Nor do they deal with the real problem for women—exploitation by being underpaid and funneled into the lowest-paying, most menial jobs of our society. State labor laws have never dealt with this problem. Furthermore, the premise that real protection can be based on legislating by sex is fallacious.

Sex is an insufficient criterion to predict with accuracy who needs what protection. If injury due to lifting weights is a problem the answer is to forbid employees to fire individuals—both men and women—who refuse to lift weights above a safe limit. If some men and some women don't want to work overtime, laws should be passed forbidding employers to fire those who refuse overtime; both men and women who do want overtime pay should not be penalized.

In short, analysis of state laws that apply exclusively to women does not establish that they protect women in any important way. In fact, these laws do not protect women in the one area clearly applicable to women only—maternity benefits and job security; they are ineffective in dealing with the exploitation of women through lower pay than men; and they are used to discriminate against women in job, promotion, and higher-pay opportunities. They do not furnish a reliable basis for opposition to the Equal Rights Amendment.

Second. In light of the above it is not surprising that the Equal Employment Opportunity Commission, the federal agency charged with interpreting and administering Title VII, has concluded that state "protective" laws were superseded by Title VII and could not lawfully be enforced. The Commission stated that:

"Such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." 29 C.F.R. § 1604.1(b).

The federal courts are apparently moving in the same direction. These federal district courts—including one within the last month—have now squarely held that Title VII supersedes such restrictive state laws. In addition, both the Fifth and Seventh Circuits have held that company-imposed restriction paralleling state laws—that is, placing private weight limits on women's jobs—also violate Title VII. For instance, in *Weeks v. Southern Bell Telephone & Telegraph Co.*, 408 F. 2d 288 (5th Cir. 1969), the court set a stringent standard for establishing a "bona fide occupational qualification" exception to Title VII. This is the exception under which employers have argued that state laws allow them to discriminate against women workers. The *Weeks* court held that:

The employer has the burden of proving that he has reasonable cause to believe, that is a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

Some states have also taken action under Title VII. Delaware has repealed all its labor laws for women only. So far, there has been no outraged cry from women workers. Five states have repealed their hours laws; in six states and the District of Columbia, the Attorneys General have ruled that state laws are superseded by Title VII or state fair Labor Standards Act are exempted from the state laws; in two states, there are no prosecutions under state laws; in two states, there are exemptions from laws if the employee voluntarily agrees; and in one, the weight lifting regulation has been extended to men. In other words, twenty-two states and the District of Columbia have already repealed or greatly weakened the effect of the state labor laws on women.

Given this action of the EEOC, of the Federal courts, and of the States, can we really say that the impact of the proposed amendment on State labor laws furnishes any basis for opposition to it? We must recognize that these laws are already invalidated or being invalidated. It appears that opponents of the amendment are trying to erect bridges which were crossed five years ago, when Title VII went into effect.

Third and finally with respect to State labor legislation. There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that are now available only to women rather than invalidating them altogether. I recognize that this issue has been the subject of some controversy before the Committee. Nevertheless, I suggest there is ample precedent already on the books to substantiate the conclusion that the fears of wholesale elimination of benefits for women are unwarranted.

In the first place, until Title VII the EEOC has consistently held that laws giving women benefits—such as a lunch break—must be extended to men. The Seventh Circuit has indicated it would be the same, when it held in *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969), that the company-imposed weight limit could be validly extended to men under Title VII, provided the company allowed members of either sex to show he or she could perform the job in question. And Georgia took a similar approach to its weight-lifting regulation, which was extended to men and rephrased to prohibit "strains or undue fatigue" rather than a set weight limit.

In other areas of the law, courts have also indicated a willingness to extend benefits to a class of people unconstitutionally excluded from the benefit, rather than voiding the law under which the class was improperly excluded. As long ago as 1880, in their mother's wrongful death, the Supreme Court ruled that a state constitution giving whites only the vote was not void under the Fifteenth Amendment, but rather that the right to vote must be extended to blacks. Likewise, in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), when a Louisiana statute denied illegitimate children the right to recover for their mother's wrongful death, the Supreme Court held that the Fourteenth Amendment required the extension of protection to them rather than voiding the legitimate children's right to recover.

Clearly, if the courts have authority to extend benefits to an excluded class under the Fourteenth and Fifteenth Amendments, they will have the same authority to extend benefits under the proposed Equal Rights Amendment. Moreover, courts have a general obligation to interpret instruments reasonably. If this means granting a day of rest to men, rather than destroying this right for women, the courts should and presumably will follow that path, especially in view of the very ample expression of opinion by members of the Congress and witnesses that some protective laws should be extended to both sexes rather than voided.

Finally, with respect to this problem, we should not lose sight of the fact that the Congress and state legislatures will have the opportunity to enforce the Amendment and fashion its general command to specific situations in a comprehensive and reasonable manner.

Mr. BAYH. Mr. President, to my mind these arguments effectively refute the charges that the equal rights amendment would disrupt family law and protective labor legislation in the States. I would also, however, like to call to the attention of the Senate the probing analysis of Prof. Thomas I. Emerson of the Yale Law School. He described the effect of the amendment on our legal system as follows:

First, the courts are entirely capable of laying down the rules for a transitional period in a manner which will not create excessive uncertainty or undue disruption. Actually the courts face similar problems every time they hold that part of a statute is unconstitutional, and they have developed detailed rules for handling these issues under the concept of "separability" (or "severability"). The essential question is whether the legislature would have intended the statute to stand in its modified form. In making this decision the courts have the aid of legislative history, which can be supplied in this case. There is no reason to suppose, therefore, that formulation of a coherent legal theory applicable to the Equal Rights Amendment is too complex or too difficult for the legal system to cope with.

Second, there has been a great deal of talk that passage of the Equal Rights Amendment will cause vast changes in many features of our national life. I am inclined to feel that the alarms and warning are, as usual, overplayed. Whether that be the case or not, however, if such great changes do occur it will be only because they are necessary. Those opponents of the measure who stress this aspect of the Amendment are acknowledging that widespread discrimination against women persists throughout our society.

Third, it has been argued that adoption of a constitutional amendment will bring about, almost inadvertently, drastic alterations in important institutions of society before there has been time to work out the major policy changes required by the new provision. The example most frequently given is the Selective Service system. But one need not conclude that, in those few areas where major new policy must be formulated, there is not adequate time in which to do it. If Congress adopts the Equal Rights Amendment it will surely have full opportunity during the period of ratification by the States to take up amendments to the Selective Service Act. Other areas of our law, such as the marriage and divorce laws, may need similar attention from State legislatures. It is not a weakness but a strength of the Amendment that it will force prompt consideration of some changes that are long overdue.

Mr. President, I think that I have shown that there is indeed a great need for the equal rights amendment. We must make it abundantly clear for future years that we will not tolerate discrimination based on sex, instead of the attributes of each individual. I think, further, Mr. President, that there is ample evidence to show that this measure has been fairly and completely studied. It is legally sound. As Professor Emerson concluded:

My conclusion from this survey of the legal problems raised by the Equal Rights Amendment is that the method chosen is the proper one and the instrument proposed is constitutionally and legally sound. I urge the Senate to accept the pending Resolution and submit the Amendment to the States for ratification.

I can only repeat what Professor Emerson said. The amendment is needed. It is sound. We have delayed too long. Now it is time for the Congress to act.

The full text of the amendment follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE—

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SEC. 3. This amendment shall take effect two years after the date of ratification.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HOLLINGS). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDNG RULES OF THE SENATE

The PRESIDING OFFICER (Mr. HOLLINGS). The Chair lays before the Senate the pending motion to proceed to the consideration of Senate Resolution 9, which the clerk will report.

The legislative clerk read as follows:

> Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

ORDER FOR RECESS UNTIL 12 O'CLOCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately after the laying before the Senate of the pending business, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, and that the period itself not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. TALMADGE. Mr. President, those of us who fully respect the assigned constitutional role of the U.S. Senate come once again to defend the rules of the Senate.

We stand to defend the rule that makes the U.S. Senate the most unique legislative body in the world.

The Senate is the only legislative body in the world made up of representatives from sovereign States that cannot be deprived of equal representation—granted them by the Constitution—without their own consent.

"The Senate is the living symbol of the Union of the States." That is the motto enscribed on the new Senate Office Building.

The British statesman Gladstone described the Senate as "the most remarkable of all inventions of modern politics."

One of the outstanding characteristics of the Senate that makes it the greatest deliberative body in the world is freedom of debate. As conceived by the Founding Fathers there was to be virtually no limitations or restrictions placed on the freedom of debate in the Senate. This did not come till 1917, during the national frenzy of World War I and following the defeat of President Wilson's armed ship bill.

Freedom of debate, then, is what makes the U.S. Senate a distinctive body. It is what makes the U.S. Senate a vital part of the checks and balances system of the American Government.

It is what makes the Senate infinitely more than just an extension of the House of Representatives. Since 1917, freedom of debate has been guaranteed by standing rule XXII. Every new Congress since 1917 has seen repeated assaults on rule XXII. These attacks have become almost ritualistic. It sometimes seems to me that we are being asked to adopt as our legislative code the old newspaperman's credo: "Make it brief, make it simple, but make it fast."

I hold, Mr. President, that what is needed in the Congress and in the Government right now is not greater speed. Judging from the disorder—social and economic—and the confusion that exists in our country today, and, I include many hasty and ill-conceived legislative actions of the past that we are still trying to straighten out, the last thing we need is unrestricted speed in the Senate.

I see no virtue whatsoever in a runaway legislative machine.

What we need more than anything else, especially during this time of stress, strain, and turmoil, is more deliberation, more careful study, and more time to digest and hopefully to improve upon programs we already have, without rushing pell-mell into new and extremely questionable ones.

Now I hear the argument that all this may be true, but nonetheless, they say, the majority must not be thwarted in exercising its will.

And when we talk about the majority exercising its will, what we are really saying is that the majority is imposing, even forcing, that will upon the minority.

So in effect, Mr. President, when we speak of permitting the majority to act without any restraints, we actually are talking about giving the majoriy the power to ride roughshod at will over the minority.

That is precisely what happens, in the final analysis, and that is why there must be restraints upon the majority. There must be limiations, for as we all know, the majority at times can be intemperate, overbearing, and even unwise.

There must be safeguards in our system of government, if the liberty and freedom of the American people are to be preserved.

Rule XXII is one of the few restraints left.

The Founding Fathers of our Republic expressed grave concern about the possibility of minorities being oppressed. James Madison, in the 51st Federalist Paper, spoke up for minorities and warned against their oppression in the free American Republic. He wrote:

> It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

Madison believed that the Federal system, with its elaborate set of checks and balances was the best method of protecting the rights of minorities.

Madison realized that primary control of government was dependent upon the people. But, more importantly, he very wisely knew that "auxiliary precautions" would be required.

Hence, the U.S. Senate was conceived as one of the most reliable of "auxiliary precautions" in the American Government.

In the 62d Federalist Paper, said to be written by Madison, he wrote at length on the important role of the Senate as a restraint on passions that can sometimes be unreasonable and misguided.

> Thus far I have considered the circumstances which point out the necessity of a well-constructed Senate only as they relate to the representatives of the people. To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add that such an institution may sometimes be necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next.

I might add, at this point, that in this day of rapid and even instant communication, public passion can be inflamed very quickly. It can spread across the country like wildfire and be a treacherous thing in the hands of an emotional majority. Under such conditions, majorities can assume a dangerous tendency of demanding more and more changes with less evidence and with less study and consideration.

Lyndon B. Johnson pointed this out when he was a Senator from Texas. In his maiden speech to the U.S. Senate, he was a stanch defender of the rules of the Senate, particularly rule XXII.

He pointed out that majority rule may be good, but it is not all good. Delay may be bad, but it is not all bad.

The point is, there must be safeguards. Such a safeguard is rule XXII of the Senate. Rule XXII has been responsible for defeating legislative actions. But it has never kept the Senate from acting on legislation of far-reaching importance to the people of this country when a substantial majority of the Senate wanted to act. A further fact of the matter is that in several instances very bad measures such as Roosevelt's court-packing plan and President Truman's abortive attempt to draft railway strikers were defeated by virtue of extended debate in the Senate.

Extended debate in the Senate has most assuredly been responsible for delay in legislation. And this has also been advantageous to the country. Probably one of the longest periods of extended debate in the Senate came in 1964 over the Civil Rights Act.

Because of extended debate many serious flaws in the bill were exposed.

Arthur Krock, the distinguished columnist of the New York Times, gave an excellent analysis of the role of the filibuster in the civil rights debate, and especially pointed out how the extended debate insured every citizen's right to trial by jury.

Mr. Krock wrote in the New York Times:

> The Senate filibuster, now emphatically terminated by the first invocation in history of closure of debate on equal rights legislation, made possible the exposure and limitation of some of the sumptuary powers granted to the Federal Government in the text approved by the House. The most important check was the requirement of jury trials in the Federal courts for citizens cited in criminal contempt on a judge's finding that they committed acts of discrimination forbidden in the pending measure. (Since this nowhere defines the general offense, the definition is left to the federal judiciary.)
>
> Had it not been for the Senate filibuster the American people would have remained unaware that the very judges who made findings of criminal contempt in enforcing compulsions for a revolutionary change in the social and economic structure of the nation could unilaterally deny to defendants the hard won Anglo-Saxon privilege of trial by jury. And the grave issue presented would not have been effectively projected into the public consciousness if the House measure had been rammed through the Senate without change.
>
> Also, without the filibuster, it would not have been possible for Senator Dirksen to have gained Administration acceptance of his "package" of other amendments. None of these supplies the fundamental limitation of the Federal grant of power that was made by the adoption of the trial-by-jury requirement of the amendment proposed by Senator Morton of Kentucky. But the package temporarily stays the iron hand of the Federal Government where state laws to the same purpose exist and are being enforced.

In forcing the Senate to accept the jury-trial amendment, the filibusters were being faithful to the finest tradition of the Senate as a guardian of minority rights—in this case the ultimate minority, the minority of one. Though he be a minority of one, the right of the defendant to have his trial by a jury of his peers is a cornerstone of the just society. In accepting the Dirksen amendments allowing States to enforce their own civil rights laws, the Senate emphatically demonstrated its role as a forum of the States.

That is what the Senate was intended to be by the Founding Fathers. That is its constitutional assignment. Each State, the large and the small, is equally represented, with each Senator on an equal footing with the other.

The Senator from California has no more power in the Senate than the Senator from Rhode Island, Alaska, Wyoming, or any one of the other least populous States. The few hundred thousand people in these States have the same representation and vested authority in the Senate as the many millions of people who live in New York, California, and Pennsylvania.

If the Senate is to fulfill its constitutional mission as a forum of the States, there must be stability, and there must be safeguards in order to protect the rights of the minority.

The rules of the Senate are its principal guaranty of stability. Stability in the Senate in turn insures stability to the Government, and indeed throughout all the country.

Thomas Jefferson spelled out the importance of rules and procedure in his Manual of Parliamentary Practice. He said:

> As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time.

The Senate was conceived to provide uniformity and order to the U.S. Congress. Because of its rules and adherence to them, the Senate has been able to meet its constitutional responsibilities.

The tragic inconvenience of periodic upheaval in this institution of the Government has been prevented and "uniformity and order" have been insured.

How has this been done?

There can be only one answer in the light of history.

It is that the Senate has functioned through wise and just rules which have withstood the tortuous test of time.

And the guaranty of free debate for all its Members is the most important of them.

If there were any doubt about that point, the Founding Fathers resolved it by writing into the Constitution in article I, section V, paragraph 2 that each House is sole judge in determining the rules of its proceedings.

We have seen from the quotations I have read from "The Federalist" that the Senate is not an "upper house" of the Congress in any sense of the word.

The Senate exercises quasi-executive functions in relation to the treaty-making power.

The Senate sits as a judicial body in impeachment proceedings.

The Senate must give its advice and consent to the appointments of the Executive.

The Senate is the safeguard of state sovereignty on the national level.

The point has been made that the Senate's cloture rule is more liberal than the similar rules of most State senates.

The truth of the matter is that the Senate of the United States cannot legitimately be compared in any terms with either State senates or with assemblies of foreign nations.

To attempt to make such comparisons is to misconstrue totally the unique position which the U.S. Senate occupies in our Federal-State structure.

One who has risen in years past and who rises today to defend the U.S. Senate and its rules is made very much aware of a subtle, but nonetheless devastating, erosion which threatens to undermine this body as the keystone of our republican form of Government.

I refer, Mr. President, to the continuing erosion of the right of freedom of debate in the Senate of which the pending action is a part.

It is an erosion which began as a trickle with the adoption of the Senate's first cloture rule in an atmosphere of war hysteria in 1917.

It is an erosion which reached the

proportions of a washout in 1949, and widened into a gully in 1959.

It is an erosion which, if fed by the flood to which the proposal under consideration would open the gates, can have no conclusion but to render the Senate a parliamentary wasteland in which all opposition will be trampled and gagged by impatient and arrogant majorities of one.

Such an eventuality, Mr. President, would be as disastrous to our form of government as would be the loss of our soil to civilization.

It is the earnest hope of the Senator from Georgia, Mr. President, that this debate will serve to awaken the Senate to the urgent necessity of giving more attention to putting an end to the erosion of constitutional government.

Instead of the broken-record-like agonizings about "majority rule" and "world opinion" which are heard over and over whenever this issue arises, the Senate should give its attention to the historical and constitutional facts of its establishment as one of the principal checks and balances of our unique concept of government.

The distinguished author and columnist, William S. White, who is one of the Nation's foremost contemporary authorities on the constitutional role of the Senate, has observed with great truth that "rarely have so many been so profoundly affected by so grave an issue understood by so few." He puts it into its proper perspective in the following succinct and graphic words:

> The advanced liberals would fundamentally alter the Senate as an institution. This they bitterly deny; but it is historically and demonstrably the truth. For the Senate was deliberately designed, and for nearly two centuries has so operated, as a frank check on unqualified majority rule . . .
>
> The advanced liberals can fairly argue that the Senate ought to be a place of straight majority rule. But they cannot fairly argue that the Constitution has made it such.
>
> The ultimate victims of halting Senate debate by a simple majority would be any or every minority and any or every minority interest or issue, given a favorable atmosphere for the majority.

Over the years, Mr. President, representatives of the various partisan groups advocating gag rule in the Senate have offered lengthy testimony and voluminous briefs purporting to show the circumstances attendant to the adoption of our Constitution and the creation of the U.S. Senate.

No doubt if Thomas Jefferson, Alexander Hamilton, James Madison, and John Jay could return to the scene today they would be shocked at how some of their writings in the Federalist have been distorted out of context.

The entire spirit of the Federalist and its elucidation regarding the foundation of the Senate cries out for the maintenance of freedom of debate in this body.

Properly assaying the true meaning of the Federalist requires an understanding of the times in which the letters comprising it were written.

It must be borne in mind that Hamilton and the other patriots of that day were writing about inadequacies of the loosely drawn Articles of Confederation and in favor of the adoption of a clear-cut new Constitution. In quotations attributed to Hamilton in various briefs offered to support gag rule, he was detracting from the Articles of Confederation in a concerted effort to convince the people that the new Constitution was good for the country and should be ratified by the States.

One of the quotations attributed to Hamilton in one of these briefs was taken from letter 22 in which he stressed the weakness of the requirement that legislation adopted by the Continental Congress receive the approval of three-fourths of all the States.

The quotation, while applicable to that situation, hardly can rightly be applied to free debate in the Senate.

The other quotation attributed to Hamilton, which proponents of majority cloture claim supports their position, refers to the treatymaking power and other "resolutions." There must have been strong sentiment for a constitutional two-thirds requirement before Senate approval, for Hamilton sought to allay the fears of the people by urging the view that a simple two-thirds would be sufficient in such circumstances for protection against abuses.

By no stretch of the imagination can the language quoted from Hamilton in letter 75 be applied to the fundamental right of a State to be heard from fully, through its Senators, in Senate debate.

Thus, Mr. President, it is the grossest distortion when we have those of the present seeking to apply the words of the great patriots of the past in an effort to detract from the Constitution and the principles of government which they established, when, in reality, those quotations when written were in reference to the Articles of Confederation.

It behooves us to examine carefully the Articles of Confederation, the Constitutional Convention, and the Constitution itself. And, if we are to arrive at a proper perspective and present a true reflection of the facts surrounding the origin of our constitutional form of government and the place of the U.S. Senate in it, we must consider each in the light of the other and the conditions prevailing at the time.

The Articles of Confederation, standing alone, proved insufficient for successful operation of a central government.

Each State had one vote in the Continental Congress. And on most major issues a three-fourths vote of all States was required.

The States and their people were wary of the tyranny of central governments and despotic rulers. They were, by instinct, hesitant to surrender any portion of their newly won sovereign powers and their blood-won liberties.

The price at which they agreed to surrender a portion of them was the creation of the U.S. Senate.

We must remember that the delegates to the Constitutional Convention were chosen either by the Governors or the legislatures of their States. They were instructed to press for either revision or amendment of the Articles of Confederation; but, in no event, to give up the principle of sovereignty and equality of the States.

Though the Articles of Confederation afforded no basis for a worthwhile scheme of amendment or revision, many of the delegates nonetheless held fast to the principle that any new Constitution must include equality of state representation.

From first to last the Convention stood for the protection of private economic interests, a stronger central authority, a stabilized monetary system, orderly legal processes and a republican form of government—but not for an unlimited democracy.

The motivating spirit of the Convention—not expressed, but clearly understood—was to make the Nation safe from unlimited democracy. Madison's own notes, as well as the papers of most of the other delegates, make such an intention unmistakable.

Perhaps the clearest exposition of the intention of the Founding Fathers as to the role of the Senate is contained in Madison's own account of his own participating in the debate on the subject. "Madison's Journal" quotes the author, both directly and indirectly, as follows:

> In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led. A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. In this they would be governed by the same prudence which has prevailed in organizing the subordinate departments of government, where all business liable to abuses is made to pass through separate hands, the one being a check on the other.

Mr. President, Madison's transcript of his own words, continues thusly:

> It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, and employed but a small portion of that in public affairs, might err from the same cause. This reflection would naturally suggest that the government be so constituted as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. . . .
>
> It ought finally to occur to a people deliberating on a government for themselves, that as different interests necessarily result from the liberty meant to be secured, the major interest might under sudden impluses be tempted to commit injustice on the minority. In all civilized countries the people fall into different classes having a real or supposed difference of interests. There will be creditors and debtors, farmers, merchants and manufacturers. There will be particularly the distinction of rich and poor. It was true as had been observed by Mr. Pinckney we had not among us those heriditary distinctions, of rank which were a great source of the contests in the ancient governments as well as the modern States of Europe, nor those extremes of wealth or poverty which

> characterize the latter. We cannot, however, be regarded even at this time, as one homogeneous mass, in which everything that affects a part will affect in the same manner the whole. In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce. An increase of population will of necessity increase the proportion of those who will labor under all the hardships of life, and secretly sigh for a more equal distribution of its blessings. These may in time outnumber those who are placed above the feelings of indigence. According to the equal laws of suffrage, the power will slide into the hands of the former. No agrarian attempts have yet been made in this country, but symptoms, of a leveling spirit, as we have understood, have sufficiently appeared in certain quarters to give notice of the future danger. How is this danger to be guarded against on republican principles? How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergences, the preponderance of justice by throwing its weight into that scale.

Madison then goes into a third-person account of the remainder of his presentation on the subject, writing:

> Such being the objects of the second branch in the proposed government, he thought a considerable duration ought to be given to it. He did not conceive that the term of nine years could threaten any real danger; but in pursuing his particular ideas on the subject, he should require that the long period of life, as would render a perpetual disqualification to be re-elected little inconvenient either in a public or private view. He observed that as it was more than probable we were now digesting a plan which in its operation would decide forever the fate of republican government, we ought not only to provide every guard to liberty that its preservation could require, but be equally careful to supply the defects which our own experience had particularly pointed out.

Mr. President, Madison made it clear in even the early deliberations of the Founding Fathers that they were undertaking to establish an entirely new concept of government—one which be neither pure democracy nor pure republic, but rather a product of compromise in which the interests of all groups, present and future, would be fully protected.

He made it equally plain that the second legislative chamber then being devised—and which we now know as the Senate—would be the safeguard of minority thought and interests.

While the question of the ratification of the new Constitution was before the people of the country, Madison, Alexander Hamilton, and John Jay—over the common pseudonym of "Publius"—wrote and published in the press of that day a series of 94 articles explaining the various passages of the new instrument.

Those essays are unrivaled in the whole mass of constitutional literature for clarity, power and illumination. After their appearance they were brought together and published in one volume entitled "The Federalist," a work to which I have earlier referred. That volume is recognized by historians as the most authoritative source of contemporaneous interpretation and construction of the origin of the U.S. Constitution and the institutions of the U.S. Government.

For an exposition of the precise effects of this new form of government, we must turn to letter 9 written by Alexander Hamilton as it appears in the 1787 edition of "The Federalist." In it he wrote:

> The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power.

Hamilton was joined in that view by Madison who later wrote in letter 45 as follows:

> The State governments may be regarded as constituent and essential parts of the federal government; whilst the latter is nowise essential to the operation or organization of the former.

Our Government was not designed or intended to be purely national in character under which unlimited majorities might trample a helpless minority. Madison in letter 39 cited several propositions of constitutional construction to prove that point and concluded in these words:

> The proposed Constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal Constitution, but a composition of both.

Madison explained that ratification of the Constitution by sovereign States was a Federal act; representation in the House, a national act; representation in the Senate, a Federal act; election of the Executive, a compound National-Federal act, with emphasis on the former; in exercising its delegated powers, a Federal act; and in amending the Constitution, again, a compound National-Federal act.

Those, Mr. President, are the checks and balances written into the organic law to protect the people, to protect the people's rights and to protect the sovereignty of the several States.

Discussing the sources from which the powers of the Government were to be derived, Madison said of Congress:

> The House of Representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle as they are in any legislature of a particular State.
>
> The Senate, on the other hand, will derive its powers from the States, as political and co-equal societies; and these will be represented on the principle of equality in the Senate, as they are in the existing Congress.

Mr. President, let us observe closely that part of the language which says: "as they are in the existing Congress."

That reference, Mr. President, is to the Continental Congress and we know that it was based, without exception, on equality of the States as sovereign entities. And that is the heritage of the Senate.

Thus, Mr. President, the Senate was created to be—and is, in fact, today—the great repository of State sovereignty on the national level. So-called majority rule, cloture, and unlimited democracy are as foreign to the constitutional concept of this body as it is possible to be.

The U.S. Senate was created out of compromise.

The delegates to the Constitutional Convention were deadlocked hopelessly over the Virginia plan which was favored by the larger States and the Jersey plan which had the support of the less populous States.

Out of that conflict came a suggestion for resolving the differences. Dr. William Samuel Johnson, of Connecticut, according to the Secret Debates of the Convention, was the first to take the floor; and, in the course of his remarks, made a suggestion which subsequently was adopted and gave a leading character to the Constitution. He observed:

> It appears to me that the Jersey Plan has for its principal object, the preservation of state governments . . . I could have wished that the supporters of the Jersey system could have satisfied themselves with the principles of the Virginia Plan; and that the individuality of the states could be supported. It is agreed that on all hands, that a portion of the government is to be left to the states. How can this be done? It can be done by joining the states in their legislative capacity with the right of appointing the second branch of the legislature to represent the states individually.

With those words, Mr. President, was born the plan for the creation within the National Government of a protective repository for the sovereign powers of the sovereign States. The discussion which followed naturally related to the makeup and composition of the Senate.

Madison urged that the Senate be so constituted as to have "permanency and stability."

The Senate is the safeguard of State sovereignty on the national level.

The point has been made that the Senate's cloture rule is more liberal than the similar rules of most State senates.

The truth of the matter is that the Senate of the United States cannot legitimately be compared in any terms with either State senates or with assemblies of foreign nations.

To attempt to make such comparisons is to misconstrue totally the unique position which the U.S. Senate occupies in our Federal-State structure.

It is essential to our interests as a nation that we keep vital and inviolate our system of checks and balances of which the continuing nature of the Senate and freedom of debate within it are integral parts.

With continuity of direction and unlimited debate in the U.S. Senate, all Americans have the assurance that no act jeopardizing their rights ever will be proposed without some Member of the Senate having the opportunity to resist it and to warn the Nation of its consequences.

Jefferson's reverence for protection of minority opinion through the rules of parliamentary procedure is evidenced by the following quotation from the preface to his Manual:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the ac-

> tions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and have become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.
>
> And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

On a subsequent occasion, Jefferson had this to say concerning the protection of minority interests:

> Bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression.

It is a certainty, Mr. President, that the proponents of gag rule in the Senate can obtain little in the way of aid or comfort from the greatest liberal of all times, Thomas Jefferson.

Mr. President, it is important that the Senate not deceive itself as to what is at stake in this debate.

The fact that opponents of free debate come back session after session with their schemes to stifle free speech in the Senate would indicate that their purpose far transcends the mere revision of rules to be followed in this Chamber.

In fact, Mr. President, the issue is one with ramifications which extend to the very heart of our form of government and candor compels the conclusion that the effect—if indeed not the goal—of these repeated efforts, if successful, would be to repudiate the Senate's assigned constitutional role.

In truth, Mr. President, the pending resolution is an attack upon the Senate itself—upon the stature, prerequisites, and prerogatives of each Senator in national affairs and every other responsibility incident to the senatorship.

It is an attack which threatens the whole fabric of our form of government—which strikes at the very vitals of representative government—which aims a death blow to the States as political entities.

It is part of the continuing attack which seeks to destroy the best aspects of our Federal-national system and substitute, therefore, the worst aspects of a national system—an attack which seeks to centralize more and more power in Washington and to make big government bigger and less responsive to the will of the people.

Mr. President, it is the firm conviction of the Senator of Georgia that the Senate, by further weakening rule 22, will be inviting a sustained campaign to destroy it as a unique and essential institution of government and to turn it into a useless appendage to the House of Representatives. A victory for the advocates of gag rule today will be but a signal for an assault on the seniority system and, in turn, all the other safeguards which have given stability and responsibility to the Senate of the United States.

Through the medium of free debate, Mr. President, the Senate provides the machinery by which all measures affecting the lives, fortunes, and sacred honor of the American people can be put to the critical test of unhurried examination by the collective intellect of a body expressly created as one of our governmental checks and balances.

Those who would destroy that right contend it imperils democracy and thwarts the wishes of the majority. In their zeal they forget that its very purpose is to provide a restraint upon the abuses of unbridled majority rule, and, even more important, to protect the rights of the minorities of this Nation.

Our wise Founding Fathers were aware that the excesses of democracy can be as fearful in their consequences as are the excesses of totalitarianism. To safeguard against both extremes, they gave us our republican government with its delicately contrived system of checks and balances, of which freedom of debate in the Senate is at least an implied, if not actual part.

George Haynes in his book, "The Senate of the United States, Its History and Practices," made this point with the following apocryphal story found on page 4 of his first volume:

> There is a tradition that on his return from France, Jefferson called Washington to account at the breakfast table for having agreed to a second chamber.
>
> "Why," asked Washington, "did you pour that coffee into the saucer?"
>
> "To cool it," quoted Jefferson.
>
> "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

Alexis de Tocqueville in chapter 15 of his book, "Democracy in America," offered this observation on the danger of unbridled majority rule:

> If ever the free institutions of America are destroyed, that event may be attributed to the unlimited authority of the majority, which may at some future time urge the minorities to desperation, and oblige them to have recourse to physical force. Anarchy will then be the result, but it will have been brought about by despotism.

All of the great injustices of history have been committed in the name of unchecked and unbridled majority rule.

The late Senator James A. Reed, of Missouri, in one of the most forceful speeches ever delivered before the Senate, observed with great truth that:

> The majority crucified Jesus Christ.
>
> The majority burned the Christians at the stake.
>
> The majority drove the Jews into exile and to ghetto.
>
> The majority established slavery.
>
> The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.
>
> The majority jeered when Columbus said the world was round.
>
> The majority threw him into a dungeon for having discovered a new world.
>
> The majority said that Galileo must recant or that Galileo must go to prison.
>
> The majority cut off the ears of John Pym because he dared advocate the liberty of the press.

Senator Reed, speaking on the same subject, also declared:

> Strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that if you please. He is a fool, he is every kind of fool that has ever cursed the earth or cursed himself, who thinks that any power will always be used wisely and justly . . . . Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech?

When we hear the cry of majority rule in the Senate, we should take into account a few simple facts about the origin and composition of the Senate.

It is impossible to apply to this body with any degree of accuracy the principle of popular majority rule as we usually consider it. The very composition of the United States where all States have an equal vote prevents such an application.

It is possible for various combinations of 51 Senators to represent anywhere from 20 to 80 percent of the country's population.

The Senate, in the light of history and the Constitution, is much more than another legislative body.

It is, in reality, a continuing council of States sitting as an integral part of the Federal Establishment—a protective repository on the national level for the sovereignty of the sovereign States.

It was with plain design that our Founding Fathers created it as a watchman over all operations of our National Government.

And it was with deliberate intent that they conferred upon it the broadest powers to act as a checkmate on unwarranted centralization of authority.

Our far-seeing forefathers well realized that the House of Representatives would be both too large and too impermanent to fulfill those desired objectives.

They knew there could never be free debate in the House and that important bills would pass that Chamber without sufficient study and deliberation.

And, perceiving those problems, they put their faith in the U.S. Senate and bestowed upon it the major responsibility for keeping faith with posterity.

The Senate has afforded continuity and stability to our Government. The Senate has stood as a bulwark against usurpations of power. Now is no time to forget the lessons of history.

The Senator from Georgia does not share the claim that the United States is "failing freedom" in the world.

The Senator from Georgia does not share their contention that this Senate is a decadent instrumentality "unresponsive to democracy."

The Senator from Georgia does not admit their assertion that any Member of this Senate lacks either vision or patriotism.

The Senator from Georgia is indignant at the implication that he, or any other Member of this Senate, would consent to serve under, let alone defend, any rule of procedure which could to any degree be as reprehensive and alien to the American concept as opponents of rule 22 would picture it to be.

One wonders, Mr. President, whether those who make such assertions include in their reference the distinguished and respected former President of the United States—Hon. Harry S. Truman—who himself served with honor for many years as a Member of the Senate. Undoubtedly they must because Mr. Truman was quoted only 2 years ago as stating:

> The reason I like the Senate and wish I was in it is because it has unlimited debate.

One must also question, Mr. President, whether they also include one of the most outspoken liberals ever to sit in this body—the late Honorable William Langer, of North Dakota—who refused to equate liberalism with advocacy of gag rule.

A cherished letter is one which the Senator from Georgia received from this distinguished public servant several years ago. It is to the point of this debate and, because it summarizes so forcefully the points this speaker would make, I read it as follows:

> Dear Senator Talmadge: I have been advised that another effort will be made to change Rule 22 when the 86th Congress convenes.
>
> After 18 years experience in the United States Senate, I am unalterably opposed to limiting debate in the Senate, the one place left in this world for free and untrampled discussion. My views upon this have been stated so often on the Senate floor that it is not necessary for me to fully restate them here.
>
> Don't you think it mighty strange when old timers like Bob LaFollette and Charles McNary and men of their fine type totally rejected the limitation of debate that some Senators on the pretext of passing some civil rights bill are going to give those opposed to liberal legislation the chance to wreck the passage of liberal bills. As Senator McNary so well stated, "A good bill never has been killed by a filibuster, but many a bad bill has been prevented from becoming law by a few fighting liberals."
>
> To go back even further into the history of unlimited debate in the Senate, I quote Senator Harris of Tennessee, who in 1891, stated as follows: "So I assert with absolute confidence that from the 26th day of March 1806, there has been no proposition to limit general debate in the Senate that has not been rebuked as an attack upon free speech and upon the rights of the States and the legislation as well as to civil liberty. They have been, as they ought to have been invariably defeated."
>
> It is interesting to note from Senator Harris' quotation that unlimited debate is most necessary to protect our civil liberty, whereas today the proponents of the change of Rule 22 would destroy that protection to civil liberties just because they feel that a civil rights bill cannot pass under existing Rule 22.

Mr. President, I interpolate to point out that they are in grave error because we have passed a multiplicity of civil right bills with rule XXII on the books. In fact, we have passed so many that it is doubtful that the mind of man could conceive of any civil rights legislation that the Congress of the United States had not already enacted into law.

I continue reading:

> I would like to reiterate what I said on the Senate Floor on March 11, 1949, in discussing Rule 22 when I stated, "I wish to say that during the eight years I have been here, I have voted for every bill, without exception, calling for the establishment of civil rights in this country. So, today, I wish to make it very plain that I vote to override the decision of the Vice President, I am still a firm, fighting friend of civil rights—just as strong a friend of civil rights as I ever was; and if the Democrats will begin tomorrow or Monday with a really serious effort to carry out Mr. Truman's civil rights program, I assure my friend the distinguished majority leader (Mr. Lucas) that he will find me voting with him every single time. I hope the Democratic party will do that. I hope they begin on it right away, and never quit until they secure the enactment of that civil-rights program. I think they will receive a great deal of support from Senators on this side of the aisle."
>
> I believe that we, the members of the Senate, can best understand the great need to have complete debate on the Senate Floor if we would study the speeches of our predecessors in office.
>
> For example, read the speech of Senator LaFollette of March 8, 1917, beginning on page 40 in the Congressional Record in which he also quotes from Senator George Gray (Delaware); Senator John Coit Spooner (Wisconsin); Senator Henry Moore Teller (Colorado) who spoke on this subject on the 22nd day of January 1891. Speeches by other distinguished Senators can be found in Volume 116 of the Congressional Record, 51st Congress, 2nd Session, beginning on page 1670 and running through pages 1740, where, in 1841, many distinguished Senators from all sections of the country expressed the great need for unlimited debate.
>
> In closing, I regret to see such fine men as the proponents for a change of Senate Rule 22 deceiving themselves in doing something, which if they succeed, I believe they will live to regret.
>
> With kindest regards, I am
>
> Sincerely yours,
>
> William Langer.

Mr. President, there is nothing which the Senator from Georgia might add which would make more forceful the convincing argument which this fighting liberal made in defense of unlimited debate in the Senate. It is the considered opinion of this Senator that, in the space of one short letter, the late revered Senator Langer completely shattered every contention which might be made in the name of liberalism for the imposition of gag rule in the Senate of the United States.

The suggestion of the late Senator from North Dakota that the Senate give attention to the great speeches made by Senators of the past on this subject is well taken. And it shall be the purpose of the Senator from Georgia at this time to do just that.

The speech of Senator LaFollette to which Senator Langer referred in his letter is a classic defense of the role of the Senate in its constitutional perspective and the vital part which free speech within the Senate plays in its maintenance. I read from his words as follows:

> Believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of our free institutions, I shall stand while I am a member of this body against any cloture that denies free and unlimited debate. Sir, the moment that the majority imposes the restriction contained in the pending rule upon this body, that moment you will have dealt a blow to Liberty, you will have broken down one of the greatest weapons against wrong and oppression that the members of this body possess. This Senate is the only place in our system where, no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is opportunity to speak at length, and where, if need be, under the Constitution of country and the rules as they stand today, the constitutional right is reposed in a member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be a violation of the Constitution which Senators have sworn to support. When you take that power away from the members of this body, you let loose in a democracy forces that in the end will be heard elsewhere, if not here.

This dedicated public servant, Mr. President, who was selected as one of the five outstanding Senators of all times, continued in these words:

> The very fact that from its earlier days there has been free discussion in the Senate, and that the ablest and most patriotic statesmanship of the country has overwhelmingly defeated the kind of a rule pending here today, seems to me should make Senators hesitate to bring this resolution and secure its immediate consideration. . . . This rule will furnish an additional incentive to hold back important legislation until the closing hours of a session as it makes the majority certain of success in carrying through its program.

Senator LaFollette then proceeded to quote from the speeches of other great Senators of the past on this subject. He first referred to the words of the late Senator George Gray of Delaware as follows:

> It is all a farce to talk about the reasonable limit of debate in the opinion of majorities, if you are to be content that free speech and liberty of debate have any place longer in American institutions.
>
> You say that the power of obstruction must be put down, must be taken from the minority, that it is intolerable, this opportunity and liberty of obstruction that the minority has, when the majority makes up its mind. Very well. Let us destroy the power of obstruction and you have destroyed free parliamentary government. Obstruction is the very weapon of liberty in all English-speaking countries. There is no unimpeded path for a majority to walk in, no unobstructed road for its will to be worked through, unless that road and that path lead to despotism. Obstruction in parliamentary proceedings by a minority has been the fruitful source of some of the grandest achievements of human liberty that this world has known. You cannot do away with it. You cannot destroy it without at the same time doing away with the muniments of freedom and destroying liberty itself.
>
> We can put up with obstruction, we can pay the price of our liberties, Mr. President: we can dispense with the haste and with the so-called business methods that obtain in some parliamentary bodies, because we are willing to pay the price of liberty. If you

want a smoothly-working machine, if you want a governmental framework that will produce at the least expense and in the shortest time given results, then I say go to your despotism, go to a crowned czar, or go to an unrestrained majority, an unobstructed majority, and there you will get results speedily, quickly and inexpensively, without cost of time. But you will get other results, too. The spirit of freedom will have to die and the spirit of American Liberty will have to suffer a fatal lesion before that desirable state of things can be brought about . . .

We do not need to cross the Atlantic yet for examples to follow in order that we may stifle debate on the floor of the Senate of the United States. That example does not commend itself to the good sense and to the patriotic instincts of the American people. Cloture, this foreigner, with strange air and mein, who can not talk the English-American speech, who has not the accent of liberty on his tongue, comes here and is knocking at the door of the Senate for admission and to be taken in and made at home. It may do in France; it may do in Austria; it may do in Germany; but it will not thrive when transplanted on American soil . . . and I predict it will wither and die before another year has rolled around.

What did Bentham say, that great political philosopher?

"In France the terrible decrees of urgency for the closing of discussion may well be remembered with dread. They were formed for the subjugation of the minority and for the purpose of stifling argument which they dreaded."

And that is the purpose here. It is the purpose everywhere where it has ever been applied. In the countries where it obtained as an institution, censorship of the press went hand in hand with it. You cannot stifle free debate and also keep a free press. You will after a while get impatient of the structures and the criticisms of a free, untrammeled press.

Alien and sedition laws are of kindered blood with this rule. They did not flourish long in American soil. But they were good men who voted for those alien and sedition laws . . . They were somewhat shocked and scandalized at the freedom of the press, and they said, as the Senator from Vermont would say or has said in substance, "Oh, we do not oppose liberty; it is license that we oppose. We do not oppose freedom of debate; it is only unreasonable freedom of debate that we oppose." And so they said, "The liberty of the press is dear to us; but, my friend, you must recollect there is a difference between liberty and license, license will not do. . . .

"Liberty of the press—we grant that. Let us see the article. Well, that may do; it is coming very near the verge of license, though; and, if it does, then the alien and sedition law, scandalum magnatum, must apply, and the editor must abide the pains and penalties. You must recollect in conducting this sheet that you are not to cross the line. Liberty we ought to maintain. Liberty! We all love liberty. Liberty of the press is one of the watchwords of freedom. But license, oh that is a different thing. License tends to the demoralization of the community; license tends to the sapping the foundation of social order, and it will not do to tolerate it."

And so Senators will find, when you attempt to draw the distinction between freedom of debate and what is reasonable freedom of debate that you will run into the same shadowy ground, and you will find yourself trespassing upon the liberties that belong to all American citizens and you will find you cannot erect any standard between liberty and license; you have got to leave it to work itself out by the good sense of the people themselves; and that has served from the beginning until now to save us from the results that were prophesied from untrammeled liberty of the press.

This measure is obnoxious to every sentiment of American freedom. Its companions are such as I have described. It must go hand in hand with alien and sedition laws and with the censorship of the press, as it has in all the countries whence the cloture, this foreigner, this exotic has come.

I do hope, I do believe, I express the confidence now as an American Senator, that there will be no line drawn in that alley that shall separate the friends and opponents of this measure, but that the votes will cross that line and there will be a majority—I trust not a partisan majority, but a majority of American Senators who will continue to vindicate the great principles of American liberty and parliamentary freedom as they have existed for a hundred years in the Senate of the United States.

Mr. STENNIS. Mr. President, is the Senator at a place where he can yield to me?

Mr. TALMADGE. Yes. I am delighted to yield to my distinguished friend from Mississippi.

Mr. STENNIS. Mr. President, first I want to say that I regret very much there are not more in attendance here to hear the Senator's discussion of what I think are some of the fundamental, basic parliamentary principles and mudsills of our form of government and also their very practical application over the years.

I already know the answer to this question, but I would like to ask if it is not true that the Senator from Georgia has been here for a good number of years now when we have had this and directly related questions come up about the proposal to change rule XXII—that is, make it easier, by a smaller vote, to cut off debate?

Mr. TALMADGE. The Senator is entirely correct. In fact, I have been in the Senate now for 14 years. At the beginning of every new Congress someone gets up and proposes to change the rule on free speech. The ultimate goal, of course, is to impose majority cloture, where a majority of one in this body can run rampant, untrammeled, unobstructed, any time they want to, over the other 49 Senators.

Mr. STENNIS. Is it not true that those of us who have consistently opposed this position, or opposed the changing of the rule and defended the rule that permits debate—even though it is under control, it is still a more liberal view for extended debate—even though we are accused of having in mind solely the prevention of the passage of civil rights bills, also have had in mind, as have other Senators who have voted for our position, uppermost in our minds always the idea of the very basic concept of the Senate as a parliamentary institution of our Government, the protection of it, and those elements that go to make its distinguishing characteristics for real, true debate? Is that not true? Will the Senator comment on that?

Mr. TALMADGE. The Senator is entirely correct. Before the Senator entered the Chamber, I read from the Federalist Papers the language of Madison and Hamilton. They conceived the Senate of the United States to be a forum of States, where each State, no matter how large or how small, no matter how populous or how sparsely settled, would have an equal vote. This forum of States would be a checkmate against hasty, intemperate, speedy, impassioned proposals of various kinds. In this forum of States they could consider each proposal deliberately, to protect the various minority groups of this country.

What is a majority today may be a minority tomorrow, and vice versa, as the Senator knows, sometimes on the same subject matter.

We have seen in recent years rapid advances in electronic news transmission, where the passions of the people can be inflamed almost instantaneously. If there is no such body as the Senate to check the Government, speedy legislation can be adopted which the people will regret.

I have already mentioned that free debate in the U.S. Senate had checked the ill-conceived Franklin Roosevelt plan to pack the Supreme Court, whereby he would put on that bench judges who were amenable to his views and would hold constitutional what he thought ought to be held constitutional, and hold unconstitutional what he thought ought to be held unconstitutional.

I also mentioned the ill-conceived plan of President Truman, who was President of the United States when we had a railroad strike, and he proposed putting the strikers into the Army of the United States, I believe that measure passed the House of Representatives with only 16 dissenting votes, without hearings, the same day the bill was proposed. When the measure came to the Senate, the then Senator from Ohio, the senior Mr. Taft, was in the Senate. He was not regarded as a particular friend of organized labor, but it was the senior Senator from Ohio who stopped the hasty adoption of that plan to draft members of the railroad unions into the Army of the United States.

Many examples have been cited on the floor of the Senate where, time after time, that has happened.

On the contrary, I know of no bill that had the support of the people of the United States and a majority of the Senate of the United States that was ever delayed permanently by free debate.

The Senator mentioned civil rights a moment ago. Of course, in the early days when I came to the Senate a great horror was projected by the news media to the effect that rule XXII was thwarting civil rights bills, but, as the Senator knows, rule XXII is still on the books. The Senate has passed a multiplicity of major civil rights bills, beginning in 1964, and about a half dozen since then. So rule XXII has nothing whatever to do with civil rights or any other specific piece of legislation.

But it is proposed to strike down the rules of this body whereby a few Senators, or one Senator, for that matter—it may be one against 99 if he has the courage of his convictions—can stand on this floor and state their convictions with force and clarity, where the news media of this country can pick it up and carry it to the people and can awaken the people of this Nation to the proposal that is under debate. The purpose, as I see it, of rule XXII, is to slow down something that an intemperate majority may demand. We are always ready to vote when we are a majority; we are never ready to vote when we are a minority in the Senate. But a majority may become a minority, and vice versa.

Since I have been in the Senate those who have proclaimed the loudest that they are opposed to rule XXII and want to strike it down are the very ones who use free speech the most. If this rule is ever destroyed, they will be the first to regret it.

Last year, as the Senator knows, our majority leader said we had filibuster upon filibuster upon filibuster, and sometimes a filibuster within a filibuster. That was true. The very ones who engaged in those filibusters were those who shouted the loudest against the filibuster and declaimed the most against rule XXII.

They were within their rights. Thus cloture motions were filed, and they did not get a majority vote in a single instance.

So the Senate at that time thought free debate was much in order, and if they ever strike it down in this body, the character of the Senate, as I conceive it, will totally change, and it will become a useless appendage of the House of Representatives. It will be something like the House of Lords, which is ceremonial only, and no real power is reposed in it.

If we cannot preserve free speech in the U.S. Senate, I think the Senate might as well be abolished, and we go back to a unicameral system and let the House of Representatives handle it all.

Mr. STENNIS. Mr. President, if the Senator will yield right there——

Mr. TALMADGE. I am delighted to yield to my friend.

Mr. STENNIS. On the point that the Senator has just mentioned, should we abolish rule XXII, which does afford this protection, does not the Senator think that it is virtually certain and obvious that the Senate would rapidly become the secondary legislative body in our system of government?

Mr. TALMADGE. I do not think there is the slightest doubt of it. Just as the Senator entered the Chamber, I was reading a speech by former Senator Gray of Delaware. That speech was read to this body by LaFollette the elder of Wisconsin, "Fighting Bob," they called him; his picture is out in the President's Reception Room as one of the five greatest U.S. Senators of all time.

It was the thrust of Senator Gray's speech that with all of the frustrations of free speech, if we ever destroyed it, the liberties of the people would be destroyed.

When I was reading that speech, I thought of the history of France. Senators will remember that when Napoleon Bonaparte was installed, it was done—how? by the French Assembly, through artifice and trickery, with the assistance of Napoleon's brother, who was the presiding officer. They had no rule of unlimited debate in the French Assembly at that time.

Then I thought of one of the greatest books, I think, of all time, at least that I have ever read, William L. Shirer's "Rise and Fall of the Third Reich."

Anyone who really loves liberty and freedom ought to read this book, because it goes into detail, and tells how easily it can be destroyed on page 198 of Shirer's book.

Hitler, you know, achieved power legitimately in Germany. Hindenburg was President of the country, and when a vacancy occurred in the chancellorship of Germany, the President had the appointive power to appoint a Chancellor, and he appointed Adolf Hitler Chancellor.

Hitler had not assumed dictatorial powers at that time. His rowdies were roughing up people and roaming the streets, but they still had civil liberties in Germany.

So Hitler and his Nazi Party came up with the idea of getting the Reichstag, which is the German legislative body, to pass what they called the Enabling Act.

Let me read what Shirer says the Enabling Act was:

> The answer was given two days later, on March 23, in the Kroll Opera House in Berlin, where the Reichstag convened. Before the house was the so-called Enabling Act—the "Law for Removing the Distress of People and Reich (*Gesetz zur Behebung der Not von Volk und Reich*)," as it was officially called. Its five brief paragraphs took the power of legislation, including control of the Reich budget, approval of treaties with foreign states and the initiating of constitutional amendments, away from Parliament and handed it over to the Reich cabinet for a period of four years.

Imagine a bill of five brief paragraphs, that gave Adolf Hitler the power to handle the whole budget as he saw fit, to handle any treaties with foreign countries as he saw fit, and even to amend the German constitution as he saw fit.

What happened? I skip over to page 199 of the same book, where it says:

> The Social Democrats, who bore a heavy responsibility for the weakening of the Republic, would at least stick to their principles and go down—this one time—defiantly. But not the Center Party, which once had successfully defied the Iron Chancellor in the Kulturkampf. Monsignor Kaas, the party leader, had demanded a written promise from Hitler that he would respect the President's power of veto. But though promised before the voting, it was never given. Nevertheless the Center leader rose to announce that his party would vote for the bill. Bruening remained silent. The vote was soon taken: 441 for, and 84 (all Social Democrats) against. The Nazi deputies sprang to their feet shouting and stamping deliriously and then, joined by the storm troopers, burst into the Horst Wessel song, which soon would take its place alongside "Deutschland ueber Alles" as one of the two national anthems:
>
> Raise high the flags! Stand rank on rank
> together.
> Storm troopers march with steady, quiet
> tread. . . .
>
> Thus was parliamentary democracy finally interred in Germany. Except for the arrests of the Communists and some of the Social Democratic deputies, it was all done quite legally, though accompanied by terror. Parliament had turned over its constitutional authority to Hitler and thereby committed suicide, though its body lingered on in an embalmed state to the very end of the Third Reich, serving infrequently as a sounding board for some of Hitler's thunderous pronunciamentos, its members henceforth hand-picked by the Nazi Party, for there were to be no more real elections. It was this Enabling Act alone which formed the logical basis for Hitler's dictatorship. From March 23, 1933, on, Hitler was the dictator of the Reich, freed of any restraint by Parliament or, for all practical purposes, by the weary old President.

Now, there were 84 votes cast against the Enabling Act, but they had no right of free speech and no real debate. If they had had a rule XXII in the German legislative body, it is entirely possible that 84 determined men might have made their voices heard, and they might have thwarted Hitler at that time. But they did not do it. They surrendered their legislative prerogatives to the chancellor. When they did that, the dictatorship began, and the worst tyranny in all human history, resulting in the worst war in all human history.

People may say, "Well, that cannot happen here." It might not. I hope not. But it happened in Germany. It happened in France under Napoleon. Democracy, at some time or other, has died throughout all human history, and the tragic thing about it is that democracy as it did in the German legislative body, committed suicide.

I hope that the Senate will not weaken itself by changing this rule of free speech.

Mr. STENNIS. If the Senator will yield to me——

Mr. TALMADGE. I am happy to yield.

Mr. STENNIS. Mr. President, the Senator has read one of the most tragic chapters in all history, and it is certainly a clearcut warning to our Nation. Even though we have been far more advanced, in a general way, in freedom and liberty than have predecessor German nations, there is a great deal of similarity between our country and its background and that of the fine people of Germany, who found themselves the victims of this aggression. And just think, 12 short years later, after the passage of that act of which the Senator has read, what the whole German people had been brought to: Their nation in rubble and ruin, many of their people destroyed, and countless millions of others who had been destroyed in the wake of the destruction set off by this dictator. I think—and I say this with all the responsibility I have—that it can happen here.

Mr. TALMADGE. It has happened throughout all human history. It has happened to many governments on the face of the earth which were republics and democracies.

Mr. STENNIS. Those people had a Christian background, had many of the common, basic principles of civilization that we have had. It can happen here. I am not saying that it will. God forbid.

Mr. TALMADGE. It happened in Germany. It happened in France under Napoleon. It happened in Italy under Benito Mussolini. It happened in England. Who was the one in England who ran the Parliament——

Mr. STENNIS. Cromwell.

I am not predicting that this is going

to happen unless rule XXII is kept as it is.

Mr. TALMADGE. Neither am I. But if rule XXII is kept in its present form, it cannot happen here, unless the troops come into the Senate and drive us out with bayonets.

Mr. STENNIS. The principle for which rule XXII stands is certainly one of the main pillars of our form of government, especially the legislative branch.

Mr. TALMADGE. That is correct.

Mr. STENNIS. It is a more effective check on the executive branch. We say that we believe in these checks and balances—the independence of the legislative from the judicial and from the executive, particularly.

This is where things have to stop—in the Senate. The stop-look-and-listen sign is always up. Here matters have to stop for examination. The opposition may not be right in its position, as the Senator has said, but it has a chance to be heard and to analyze and to expose the whole proposition to the judgment of millions of others.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. I believe, as one who has been through many of these debates and has been here a long while, that if we change this rule, those of us who defended it the strongest are not going to be the first victims.

Mr. TALMADGE. Oh, no.

Mr. STENNIS. The first victims of this change will be the so-called liberal group—and I use that term respectfully. Those of us who have defended the rule have already been doctored up prettty much so far as the passage of legislation is concerned here. But we are still talking about principles—the mud-sills and the hard rock foundations of our form of government, particularly the legislative branch.

Mr. TALMADGE. As the Senator knows, in the other body they have no rule of free debate. They have the previous question rule. A relatively younger member of the other body cannot even speak 3 minutes unless the chairman will yield him time. So there is no effective check in the other body.

If the Senate changes this rule so that we do not have continued free speech, we will have no legislative body in Congress where speedy action can be thwarted.

Mr. STENNIS. The Senator is correct.

I have great respect for the House of Representatives. As a practical matter, they could not have rule such as this.

Mr. TALMADGE. It was not designed for that purpose. They are elected by the people on the basis of population, whereas Senators represent States.

Mr. STENNIS. The membership in the House is too large to permit the operation of a rule such as this.

A few years ago, on a highly important matter concerning one of my colleagues in the House, highly important to his district, of vital importance, this Representative, in opposition to a measure, was permitted to speak 3 minutes. He had 1½ minutes in his own right, and he was permitted, under the rule, to borrow 1½ minutes from a friend of his from another State. So in that vital, devastating proposition there, he had a total of 3 minutes to get his views over to his colleagues on the floor of the House.

Will the Senator yield to me further for one comment?

Mr. TALMADGE. I am delighted to yield.

Mr. STENNIS. We have very fine men coming into the Senate now, as we have had in years past, every 2 years, and, more and more, is it the Senator's observation that these new Members come in here and some of them are already pledged, perhaps in a campaign, to vote to modify rule XXII? My question is this: Has it been the Senator's observation that after a Senator has been here for some time and has seen the workings and the operations and has seen how these problems unfold and the necessity for exposure and some delay, for better understanding, almost without exception these men modify their views?

Mr. TALMADGE. Certainly.

Mr. STENNIS. And that they have a greater recognition of the need for such a rule than they had before?

Mr. TALMADGE. That is true.

Mr. STENNIS. I am not referring to any individual. I respect all those who have views contrary to mine, and I hope that this vote will not come until the new Members have had a better chance to dig in and find out what the vital issue really is.

Mr. TALMADGE. I thank the Senator for his participation and his contribution.

Mr. President, the Senator from Wisconsin, Senator LaFollette, then proceeded to quote from Senator Henry M. Teller of Colorado, who said:

> I myself will not vote for anything, directly or indirectly, which will indicate the right of the majority to censure the minority, or that will look directly or indirectly to any method, either legal or moral, which may prevent any Senator from exercising his judgment in securing delay whenever he thinks he ought to do so.
>
> I believe there ought to be somewhere in the Government of this country a place where unrestricted and untrammeled debate may be had. I believe it was the purpose of the creation of this body that deliberation and thought and delay might be secured for great questions which might for the time being unduly agitate the public mind, either because of intense partisanship or any other reason . . . I believe that there is nothing which can so secure to the American people righteous and just legislation as the right on this floor to discuss in every way and to delay by every method which shall meet the approval of Senators acting under oath all bills or measures which they think are improper and unwise.

Next Senator LaFollette recited from the speech of Senator John C. Spooner of his own State of Wisconsin. I quote therefrom.

I invite the attention of the Senator from Mississippi to this. This is what Senator LaFollette said to one of his colleagues, John C. Spooner, from his State of Wisconsin:

> There was a time when I was in favor of a cloture. I have been a member of this body now for 12 years. I have been very constant in my attendance upon its sessions; I have been somewhat active in all controversial matters which have been before the Senate. I have seen times when Members of this body impelled not by partisanship but only by the strongest possible motives of conscience, felt constrained to resist the passage of measures which they thought were unconstitutional or which they thought, if constitutional and passed, would be subversive of great public interests.
>
> I am frank to admit that years ago, when I was first a Member of the Senate and a struggle of that kind came, I was very restive under it. I thought that a minority ought not to be able to obstruct the passage of legislation.

So the comment of the Senator from Mississippi was true in that particular instance, and I have no doubt that it is true in many other instances.

Mr. STENNIS. I thank the Senator—if he will yield—for bringing that to our attention and bringing it forward in the RECORD.

Mr. TALMADGE. I continue to read Senator LaFollette's remarks:

> But, Mr President, I do not believe there is any legislative body in this world which accomplishes as much in a deliberate, thoughtful and careful way as the Senate accomplishes under its existing rules. The very freedom which is accorded to Senators here assures debate, which would not occur if we had a previous question. There would of necessity be an exclusion of many from debate.
>
> I have often seen in the newspapers and I have often heard it said that debate is of no effect in this body. That is not true. I appeal to every Senator here if the contrary is not true, as shown at every session repeatedly upon full debate, because Senators desire here to get at the right. Sometimes we are constrained by political prejudice and more or less of partisanship where proposed legislation may have a political phase, but in the matters of legislation almost universally debate in this body has had great weight, and many members have risen and acknowledge a change of view because of a discussion which has taken place. It would be quite absurd to have it understood that debate is of no consequence here.
>
> This power to stop the hasty passage of bills by single objection in the afternoon sometimes when we take up the calendar has been of infinite benefit to the country. We rely largely upon committees. Sometimes the committees act hastily and improvidently—all the committees. Sometimes bills are reported along toward the end of the session by a poll of the members of the Committee, and it has often happened that objection to a bill has delayed it for an hour until the Senator in charge could explain it; and it has often happened the delay brought about a conference which disclosed a defect in the bill which was remedied by amendment.
>
> It is true that when a bill is objected to by a single Senator, it is possible under the rules, to move to proceed to its consideration. I appeal to Senators that that rarely becomes necessary, and by common consent, as a rule, when a measure is objected to, it goes over for examination, and that delay seldom fails to be useful.
>
> For one I have become convinced that under the rules of the Senate as they are the interest of the public, of the whole country, is better subserved than it would be had we a cloture.

The Senator from Wisconsin then proceeded to quote at considerable length from an address by Senator David Turpie of Indiana. It is a magnificent discourse on this subject and I read from it:

> The true rule is there is but one way, and has been but one way since 1806, of procuring or bringing about a vote of the Senate upon any measure, and that way is the way of unanimous consent. Theoretically one might think, if that is the case and one Member of this body may at any time prevent a vote upon any measure, legislation has not been very frequent, has been very rare, has been very uncommon in this branch; but practically it will be seen that the one Member objecting to unanimous consent, this missing unit, has been always absent. He has been conspicuous by his absence. So that votes upon the passage of bills, final votes upon the determination of any questions whatever have been as frequent here as in the other branch of the National Legislature; and taking the whole body of legislation, subjected as it has been to this rule in the Senate that a vote cannot be taken without unanimous consent, whatever other effect the rule has had it has not had the effect to diminish the amount or quantity of legislation or the sum of useful, important and effectual legislation upon all subjects which the people demanded.
>
> It is very often said, sir, that the majority in this country rules—I have heard it repeated, once or twice in the discussion upon the question of cloture—and, therefore, that the majority in this body should rule.
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> That statement is much too broad, whether it be applied to the whole country or to the Senate of the United States. It is much better made in this way, and can be only truly made in this way; the will of the majority expressed under the form of law, or in the form of law, or by the form of law, or in accordance with the form of the law, governs in this country and governs in this body, as will be seen in the sequel.
>
> The first form of law to which the majority is subject is the Constitution of the United States, and with respect to this body the second form of law is in its own rules. The majority in this body controls its action when action is taken. It passes a bill or defeats a bill. But the majority in this bill has never decided either when action shall be taken or whether action shall be taken at all. That has always depended upon the unit, the smallest possible majority. It is the smallest conceivable minority of this body which determines the question when action or whether action shall be taken.
>
> I heard this body characterized the other day as a voting body. I disclaim that epithet very distinctly. I have heard it described elsewhere as a debating body. I disclaim that with equal disfavor. This body is best determined by its principal characteristic. The universal law and genius of language have given a name to this body derived from its principal attribute. It is a deliberative body—the greatest deliberative body in the world.
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> Now voting is an incident to deliberation, and debate is an incident to deliberation; but when a body is chiefly characterized as deliberative there is much deliberation apart from discussion and debate, and wholly apart from what is called the business of voting.
>
> The essence and the spirit of a body like ours, now over a century old, may be best gathered from its rules of action, the body of law governing it always very small, now very brief. Of the 21 rules properly affecting parliamentary procedure in this body, 11 relate to the subject of deliberation. More than one-half relate exclusively to that subject and have nothing to do with debate or voting. I suppose that the form of law under which the will of the majority must control this body embraces at least the rules which govern us. Here is Rule 22, one which touches us every day. I think it is the most frequently operative of any rule in the Senate.

Senator Turpie then proceeded to read the precedence of motions as stated in rule XXII and then continued in these words:

> Now, there is not a single one of these motions which relates to a vote of this assembly, to debate by it, but all relate primarily to the business of this body, which is deliberation. Take, for instance, the motion to adjourn. What relation has that to the merits of any bill or measure pending before this body? Take the motion to adjourn, the first in precedence, taking precedence of any question pending here, what possible relation has that to the merits of any question pending? None.
>
> What is the reason, then, why the motion to adjourn has attached to it this superlative excellence that it shall be first in order and shall precede all others?
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> I have heard it very frequently said the motion to adjourn is always in order, and it is very seldom out of order. The Chair is bound almost in any circumstances to entertain it. It has become almost a maxim, the motion to adjourn is always in order. It has not always been in order. The rule is only as old as the resolution of 1806. Prior to that time the House could not adjourn (I am speaking of another parliamentary body) while the speaker remained in the chair; and the speaker, a servile tool of the Crown, remained in the chair 26, 48 and even at one time, as it is said, 50 hours, failing to recognize the motion to adjourn, refusing to put it, refusing to consider it, and holding the body in session simply by his presence in the chair.
>
> It was under such necessity that the rule now become a maxim, the statute now worn out, has become the common law of parliamentary bodies, that the motion to adjourn shall always be in order; and the reason given for it is that private conference among members is preferable to debate, and that the body must always have an opportunity at least of resorting to privy conference if it so determine.
>
> I might go on and notice each of these nine dilatory motions, in detail to show how every one of them relates solely to deliberation, to show how every one of them relates to deliberation, to show how this Rule 22, connected as it is with all our procedure here, daily hourly, has characterized and will characterize this body as long as it exists as preeminently deliberative.
>
> All these dilatory motions resting in Rule 22 have their foundation in a rule yet older than any in this compilation. It is a rule older than the Senate of the United States itself. All these dilatory motions, relating to deliberation, so carefully guarded, so long observed, so characteristic of the Senate of the United States, are founded upon a rule to which all our rules are subject, sir, the first rule of parliamentary proper, is found in the Constitution of the United States:
>
> "The yeas and nays of the members of either House in question shall, at the desire of one-fifth of those present, be entered on the Journal."
>
> The whole series of dilatory motions and parliamentary action upon subjects here rests for foundation upon the rule I have just read from the Constitution of the United States. I speak of it as the first rule of this body. It is the first. It is older than any of the other rules. It is the first; it is a part of the paramount law of the land.
>
> One might think in reading it casually, that there has certainly been a mistake by the framers of the Constitution; that, as was said by Homer, they nodded when they put such a mere surface, at first thought, provision, into and made it a part of the organic law, as they might have provided in that instrument, sir, that you should arise to your feet when putting a question to the body, or that a Senator in addressing you should rise from his seat.
>
> Sir, this provision does not belong to that class. Why is it found in the Constitution of the United States? Senators have claimed here that a provision that a vote shall be, and must be taken at some state, at a certain state—in other words, the closure—is imperious, is, in the language of the honorable and learned Senator from Connecticut, absolutely necessary to the transaction of what is called the business of the Senate and the business of the country.
>
> Why, then, was not provision made for cloture in the Constitution of the United States? The question may be asked, why should the Constitution makers have concerned themselves at all about a parliamentary rule for the government of this body? But as they have done so, it becomes very legitimate to ask why they did not provide for the cloture and for the cessation of debate, as it is said such rules exceed in necessity and importance all other parliamentary rules.
>
> Let us examine this parliamentary rule in the Constitution. What was the object of it? Some man might say the object of this was to make a record. Sir, there was no necessity of such a provision to make a record. Records were made long before this provision of the Constitution. The majority had always the power to require the record to be made of a vote, and that was the former method; and the minority, a minority of one, had always the power to have his vote entered of record, wither "nay" or "yea," and when all the nays were put in the record the absentees and the yeas were very apparent, and vice versa. There is not the slightest use in the intendment of common parliamentary law of the world then existing to have inserted for such a reason this provision in the Constitution of the United States.

Mr. President, I continue to read from the cogent remarks of the Senator from Indiana as quoted by Senator LaFollette in his famous speech:

> Then it is said that the object of this provision was to assist in the passage of bills, or in other words to assist the business of enactment as distinguished from the business proper of this body, deliberation. Let us look at it in that view. It is not said that the yeas and nays of members shall, at the desire of one-fifth of those present, be entered on any bill pending, on the passage of any bill pending; it is said 'on any question,' the most immaterial, the most irrelevant, the one most remotely connected with the business pending before this body. For instance, on the question of adjournment, the question to postpone indefinitely or to a certain day, the question to amend, on any of these dilatory motions, one-fifth of the Members present may demand a roll call and a record; and that roll call and record was not, as I have shown very clearly, for the purpose of showing how a bill was passed; it relates to any question. Making a record was amply provided for. The reason for the roll call and record is that deliberation is the province of this body. It is the office of this body. Attendance may be compelled; deliberation is compelled by this rule. Voting is not compelled, and cannot be compelled.
>
> This rule, sir, is found, as I have said before in the organic law. It is much aggrandized, it is glorified by the company in which it is associated. This rule that one-fifth of the Members of this body may at any time demand a roll call is placed alongside of the inhibition against bills of attainder

> and ex post facto laws. It is placed alongside of the affirmative power of Congress to declare war, to conclude peace, to contract alliances. It is placed alongside of that great prerogative writ of personal liberty, habeas corpus.
>
> It belongs to that character of legislation, except that of habeas corpus may be suspended, but not even in case of invasion, not even in case of rebellion, can the great power of the potent fifth of the membership here ever be questioned, delayed or ignored, no matter what is pending or how irrelevant it may be to what is called or may be thought the chief business of this body. The object of this rule was not to facilitate the passage of laws; it was not to make a record; it was to compel deliberation. It was to give the minority a day in court. It may be a long day, broken, interrupted, full of excitement, in which a question is tossed from side to side as a ball between two animated bands of players. It is just in the midst of this excitement that the rule of the Constitution comes; that it says with imperious mandate, let this cease. Let the roll be called. Let your communication be yea, yea and nay, nay. It makes a pause. It compels a pause. This rule is and always has been an element of force. It is not the cloture; it forces and compels deliberation, not enactment. It is on the side of the minority, not on that of the majority.
>
> Now take this form of law, the rule in the Constitution which I have just read, in connection with Rule XXII in our body of law to which I have referred. Establish the proper connections between them, as we have often here seen done, and the operative regulations, with the rule in the Constitution compelling a record, a roll call, and with the rule in our body compelling the entertainment in their order of nine different dilatory motions, having no possible reference to merits, it will be seen that under the form of law, the highest possible form of law, deliberation is distinctly the business, province and the office of this body.

Mr. President, I hope that the Senate will not further detract from the constitutional function of this body by making it impossible for men of strong convictions to stand on the floor of the Senate and state their views at some length in order that they might get their message to the country and alert the country to the perils and the weaknesses of proposed legislation.

If this rule is further weakened by this body, the Senate will cease to serve the great function it has served for almost 200 years as a forum of the States and as a deliberative body where hot issues that divide our people can be cooled and where laws that are thrust upon our people have some unanimity of support.

Mr. President, when there is an all-powerful central government and laws are rammed down the throats of people faster than they are willing to accept them, you will find disrespect for the government, anarchy, rebellion, or possibly dictatorship.

I hope our country can continue to serve as a sovereign government of 50 sovereign States where laws are enacted by the elected representatives of those 50 sovereign States and that the laws have the support of our 50 States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my friend and neighbor, the Senator from Alabama.

Mr. SPARKMAN. The Senator will recall that in the early days of this Republic, Thomas Jefferson spoke out very strongly in favor of unlimited debate in the Senate.

Mr. TALMADGE. The Senator is entirely correct. I quoted from Thomas Jefferson before the Senator returned to the Chamber.

Mr. SPARKMAN. As a matter of fact, Thomas Jefferson was the author of Jefferson's Manual of Rules. If I recall correctly. I do not have it before me now. When it came to rules for the House he urged the previous question.

Mr. TALMADGE. The Senator is correct.

Mr. SPARKMAN. When it came to the Senate, it was an entirely different matter.

Mr. TALMADGE. The Senator is correct.

Mr. SPARKMAN. He said the Senate was the place where there should be deliberation. I assume the Senator brought to the attention of the Senate the following quotation, but I wish to take advantage of the opportunity to quote it again. Thomas Jefferson said:

> The rules of the Senate which allow full freedom of debate are designed for the protection of the minority and this design is part of the warp and woof of our Constitution. You cannot remove it without damaging the whole fabric.

Mr. TALMADGE. I am delighted the Senator has brought to the attention of the Senate the quotation to which he has just referred. I did not quote it in my remarks. I have read it on many occasions. The Senator referred to Thomas Jefferson, who is probably the most able man our Nation ever had.

Mr. SPARKMAN. And of course, in many respects, Thomas Jefferson was certainly one of the fathers of our democratic system.

Mr. TALMADGE. The Senator is correct.

Mr. SPARKMAN. If I recall correctly, Thomas Jefferson was a little concerned when he discovered that the Constitutional Convention had decided on setting up two bodies, the House of Representatives and the Senate. He started out with the idea that there should be a legislature which was close to the people, and that was an elected legislature, one elected at frequent intervals. It was hard for him to conceive the idea of a Senate, the Members of which were named by the State legislatures instead of being elected by the people.

There is an old story, and I know the Senator is familiar with it, that when Thomas Jefferson came back from Europe, he said to George Washington, as they were standing and drinking tea, "Why did you devise a Senate?"

George Washington said, "Why did you just pour that tea in your saucer?"

Thomas Jefferson said he had done so in order to cool the tea.

George Washington said, "That is why we created the Senate, to give time for deliberation, consideration, and cooling off."

During the course of our history, there has been a lot of good cooling off in the Senate. Does the Senator agree with that?

Mr. TALMADGE. I do. I thank the Senator for his contribution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REFORM OF DRAFT SYSTEM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Armed Services:

To the Congress of the United States:

On April 23, 1970, in a message to the 91st Congress, I proposed that the nation embrace a new approach to meeting our military manpower requirements—an approach that recognized both the necessity for maintaining a strong national defense and the desirability of ending the draft.

In that message I put forth two sets of proposals.

The first set of proposals dealt with the fundamental question of how this nation should raise the armed force necessary to defend the lives and rights of its people and to fulfill its existing commitments abroad.

After carefully weighing both the requirements of national security and the desirability of reducing infringements on individual liberties, I urged that we should begin moving toward an end of the draft and its replacement with an all-volunteer armed force, with an eye to achieving this goal as soon as we can do so without endangering our national security.

The second set of proposals dealt with reforming the draft system itself, while this continues to be needed in the immediate future to maintain our armed strength as we move toward an all-volunteer force.

Now, more than nine months later, I am even more strongly convinced of the rightness of these proposals. Now, as then, the objective of this administration is to reduce draft calls to zero, subject to the overriding considerations of national security—and as long as we need the draft, to make it as fair and equitable as we can.

Over the past nine months the Secretary of Defense and the Director of Selective Service have initiated a comprehensive series of steps designed to help us achieve that goal. Average draft calls are now substantially lower than they were when this administration assumed office, and we have significantly improved the consistency and fairness of the draft system. We shall continue these actions at an accelerated pace.

However, to continue the progress that now is possible toward both goals—toward ending the draft, and in the meantime making it more nearly fair—legislative as well as Executive action will be needed.

ENDING THE DRAFT

Since my April 1970 message, a 7.9 percent across-the-board increase in the rate of basic pay has been enacted that will raise the pay of members of the Armed Forces by almost $1.2 billion a year. Building on this base, I am submitting a number of legislative proposals (some of which were previously submitted to the 91st Congress) which, together with Executive actions I shall take, would move us substantially closer to the goal of an all-volunteer force.

—I propose that we invest an additional $1.5 billion in making military service more attractive to present and potential members, with most of this to be used to provide a pay raise for enlisted men with less than two years of service, effective May 1, 1971. If approved by the Congress, this action would result in a total additional investment of $2.7 billion for military manpower, and would substantially reduce the present inequity in the pay of men and women serving in the Armed Forces. The proposed pay raise would increase rates of basic pay at the entry level by *50 percent* over present levels. Also, I am proposing increases in the quarters allowance for personnel in the lower enlisted grades.

—I am proposing a test program of special pay incentives designed to attract more volunteers into training for Army combat skills.

—Existing law provides that as general adjustments are made in civilian pay, corresponding increases will be made in military pay. In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make the financial rewards of military life fully competitive with those in the civilian sector.

—The Department of Defense, through Project Volunteer, has been actively engaged in expanding programs designed to increase enlistments and retentions in the services. A fair level of pay, while necessary, is only one factor in increasing the relative attractiveness of a military career. I will propose that approximately one-fifth of the additional $1.5 billion be devoted to expanding our efforts in the areas of recruiting, medical scholarships, ROTC, improvement of housing, and other programs to enhance the quality of military life.

—During the past year, the Department of Defense has reviewed the policies and practices of the military services and has taken actions to emphasize recognition of the individual needs and capabilities of all military personnel. These efforts will be continued and strengthened.

EXTENSION OF INDUCTION AUTHORITY

No one knows precisely when we can end conscription. It depends on many things—including the level of military forces that will be required for our national security, the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, and the attitude of young people toward military service.

Current induction authority expires on July 1, 1971. While I am confident that our plan will achieve its objective of reducing draft calls to zero, even the most optimistic observers agree that we would not be able to end the draft in the next year or so without seriously weakening our military forces and impairing our ability to forestall threats to the peace. Considerations of national security thus make it imperative that we continue induction authority at this time.

Normally, the Congress has extended induction authority for four year intervals. I propose that this Congress extend induction authority for two years, to July 1, 1973. We shall make every endeavor to reduce draft calls to zero by that time, carefully and continually reexamining our position as we proceed toward that goal.

REFORM OF THE DRAFT

As long as we must continue to rely on the draft to meet a portion of our military manpower requirements, we must make the draft as equitable as possible. To that end I am proposing legislation to modify the present draft law, including the resubmission of recommendations I sent to the Congress last year. This proposed legislation would:

—Permit the phasing out of undergraduate student deferments, and also exemptions for divinity students.

—Establish a uniform national call, by lottery sequence numbers each month, to ensure that men throughout the country with the same lottery numbers have relatively equal liability to induction by their local boards.

In addition, the legislation I am proposing includes a number of other amendments which will improve the administration of existing law.

For the immediate future we will need the draft and, moreover, even when the draft has been ended, we will have to maintain some form of a standby system that could be re-activated in case of emergency. Therefore, I urge favorable Congressional action on these proposals to reform the draft and make it as nearly fair as we can for the time it is needed.

While the reforms proposed in our existing draft system are essential, however, it must be remembered that they are improvements in a system that will be used only as long as the draft is necessary.

This Congress has both the power and the opportunity to take an historic action. As I stated in last year's message, with an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

I urge the 92nd Congress to seize this opportunity, and to make the bold decisions necessary to achieve this goal.

RICHARD NIXON.

THE WHITE HOUSE, *January 28, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HANSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. STENNIS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. STENNIS. I thank the Chair.

Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Chair.

Mr. President, I intend to address myself to the pending matter. Primarily, however, I have an announcement to make, which will be of interest to Senators, about a hearing for next week, and I will make this statement now so that it will be distributed to Senators.

NOTICE OF HEARINGS ON SELECTIVE SERVICE ACT

Mr. STENNIS. Mr. President, as the Senate knows, the authority for induction under the Selective Service provisions expires this June 30, and one of the most significant legislative items which will be considered by the Committee on Armed Services this entire session will be the matter of the draft and such related items as may be proposed by the executive branch.

This issue will, of course, be fully debated and discussed in both Houses, and it is essential that the hearings begin promptly in order to resolve this matter well before its expiration date of June 30.

I wish to announce, therefore, that the Committee on Armed Services will start hearings next Tuesday, February 2, at 10 a.m., on the legislation being proposed by the executive branch on Selective Service amendments, together with their proposals on military compensation. The witnesses will be Secretary of Defense Melvin R. Laird, Assistant Secretary of Defense for Manpower and Reserve Affairs Roger T. Kelley, and Director of Selective Service Dr. Curtis Tarr.

The Department of Defense officials will cover the military manpower requirements and the needs for the extension of the draft, together with the military pay proposals. Dr. Tarr will testify on all portions of the bill as well as the extension and will discuss the present operation of the Selective Service System.

Mr. President, it is anticipated that the testimony of the executive branch officials will probably take up the hearings on Tuesday and Wednesday. On Thursday, Senator EDWARD M. KENNEDY will testify before the committee. I am inviting other Senators if they wish to testify on this subject. I extend to them that invitation and ask them to let me know or let the staff know whether they wish to testify, and I will immediately arrange a series of days when they may testify.

This is a highly important piece of legislation. I am anxious that we get the essential principles, as well as basic changes, if any, clearly outlined, spelled out in the record fully, for the benefit of all Senators and the public. To that end, we will hold the necessary hearings. But I do not think that that means that we should have to sit there day after day and carry on for testimony that is highly repetitive.

After we get these broad outlines covered and all Senators who wish to do so have testified, we are going to have some outside witnesses, but not great volumes of repetition. We will admit for the record certain written remarks that witnesses may present. I think that very briefly we can get the Department's testimony on it and move right on in to complete the hearings—not rushing them—but completing them as soon as we can.

Mr. President, following the hearings next week, it is my intention to schedule the opportunity for a limited number of outside witnesses to testify on this matter. It may be that due to the large number of organizations, some may have to submit their statements for the record. The committee will make certain that views are heard on all aspects of this matter.

I should note that the executive branch has not formally transmitted its proposals on either selective service or military compensation. It is anticipated, however, that these items will be received prior to the hearings next Tuesday.

Mr. President, I would like to add to my comments on selective service by stating that following our completion of testimony on the draft, the committee expects to schedule hearings on the new legislation which requires an authorization for the active duty strengths of the Armed Forces for each fiscal year as a condition precedent to the appropriation of funds for this budget activity. As the Senate may recall, this is a new statutory requirement enacted as a part of last year's fiscal year 1971 Procurement Authorization Act.

I would also like to indicate that military procurement authorization hearings for the coming year will be scheduled as promptly as possible following the hearings I have just discussed.

In closing, Mr. President, I would note that the Armed Services Committee workload this session will be increased about 40-percent due to the additional legislative items to be considered this year over the normal workload for the past two sessions. We must, therefore, proceed with dispatch on all items in order to meet our legislative responsibilities on a timely basis. That workload will be increased because the Selective Service Act comes up this year, and that is to be added to the regular procurement authorization and other legislative matters to come before us.

Also, this year there is going to be a special request of the administration—as I understand and read in the newspapers—with reference to the so-called volunteer army, which is going to resolve largely around a special pay bill that will increase considerably the pay of the man who volunteers. I think that is entitled to a chance to be heard fully. The committee proposes to hear testimony on that subject as soon as we finish the testimony on the major principles of the Selective Service Act.

I want to warn Senators and the public at large that we should not become confused or think of these two as merging or one displacing the other. Whatever may be the future, some years ahead, as to a so-called volunteer army—which means all volunteers for all the services, however that may be developed way down the line somewhere—we must keep our eye on the ball and know and realize that what we must have now, for this year and next year and for several years, in my opinion, is a meaningful Selective Service Act. That is the primary problem and the primary legislation that is going to be before us. In my opinion, I believe that that act will have to be extended for a year. It is confusing and I think misleading—although not intended that way—to talk about having a so-called volunteer army any time soon and to go off on a tangent as to what might possibly be done. We must meet the immediate needs for sound legislation, and I think we can.

We will give full consideration to any matter that is brought before the committee, or any other place, with reference to the so-called volunteer army. A number of Senators introduced bills last year, but a full bill never was presented on the subject of renewal of the Selective Service by the administration. The whole matter was carried over until this calendar year.

As I said on the floor last fall, we might be able to hold hearings when we returned following the election, but as we all recall, there was not time with the matters pending to go into subject matters of that kind. This is the earliest start we can make to move this matter along rapidly.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. STENNIS. Mr. President, coming now to the matter pending before the Senate, I do not think we will take up anything this year that will have quite the consequences as the proposals that relate to rule XXII, which covers a principle in parliamentary law and in the function of the Senate and in our form of government, that nothing more far-reaching or more important will be considered and disposed of this year than that very broad and fundamental subject.

It has been debated many times over, it is true. Many efforts have been made to change the rule in the past 15 to 20 years—and even before that time. It has had the utmost consideration, and most of those times, after due consideration, the decision has been to stay the hand of change because it was thought that some rule along that line was needed, that the present rule to apply a two-thirds vote to cut off debate was the nearest to a best rule and the most satisfactory rule that could be obtained and, therefore, the Senate, under its rules, declined further to amend rule XXII.

I think those decisions have been sound during all that period of time when the present rule was in effect in its present form. The so-called liberal legislation, or the so-called civil rights legislation that had been proposed has been passed and is now the law of the land. The salutary principle, though, of a certain amount of extended debate being guaranteed on any subject matter has been preserved. We have seen the pendulum swing to where it is the so-called liberals now—and I use that term respectfully—who are invoking the restrictive features of rule XXII in order to avoid having an immediate vote, or a rapid vote, on a proposal in which they are interested one way or another.

That does delay the Senate sometimes, but it is a very small price to pay. My main point now is that we have swung around to where it is the so-called liberals who are using rule XXII now, more than any other group. If we liberalize that rule and make it easy to cut off debate or to cut it off by a smaller number of Senators being required to vote to cut off debate, then I have no doubt in my mind that the liberals will be the first victims of such a change. However, that is a matter for them to pass judgment on.

I am primarily interested, Mr. President, in the preservation of the Senate, which is a coequal branch with the House of Representatives. The two together compose the legislative authority and the legislative power of our entire Federal Government.

I am vitally concerned that there be some place where, under the rules, any measure or any problem can be stopped long enough to "stop, look, and listen," and examine carefully the situation and weigh the consequences.

Under our system, with a much larger personnel in the House of Representatives than in the Senate—and I have great respect, of course, for the membership in the House, but it is a large membership—theirs is not the practical place to have this safeguard. That is what this principle is, a safeguard. So, either have it here in the Senate or not have such a safeguard at all.

It has been often argued that if we change the rule, a majority will control the disposition of any matter, in a very quick procedure, as is done in the House, so that we will subordinate the Senate, in a way, to the House of Representatives and the Senate will have no real power or influence in the legislative branch of the Government. I do not think that is the main issue at all, however that might go. I think we would lessen our power and the real importance of the Senate, but I think that would be an incidental effect and not the main issue, not the main consequence of such action. The main consequence would be that this is the last place, this is the last forum, this is the last spot in our parliamentary system where a halt can be called and thorough examination made. When we destroy that procedure, there is no other.

I think that has been the basic fight, on the basis of a great deal of the fight over rule XXII for over 50 years, one might say, since there was a rule XXII, because in the old days, of course, there was no limitation. So that we can say that has been the basic issue and the basic principle involved, really, since the origin of our form of Government.

I think it is more important now than ever not to change rule XXII, considering the great increase in our population, the diversity of its citizenship, the diversity of our society today and the conflict in the economy and the competition, that is, one area of the country, in various ways, arrayed against another; but even more than that, the powerful influence of organized groups within our society today.

I think that is the biggest change in our form of Government in a century which has affected the Government so far, more than the changeover to the automotive age, then to nuclear weapons, and even in the field of ordinary electronics. I believe that the powerful impact of organized groups, whether organized for social or economic purposes, or whatever they are, their pressures on the elected representatives in Government are becoming greater every year. With the advent of electronics in communications, it multiplies their power many times over.

I am not afraid of them. I am not running from the problem. But we know it is growing and we should keep our eyes open to how it is affecting us. I use that as one of the main reasons why rule XXII, or the restrictions in it, is a safeguard and should be kept as it is.

Mr. LONG. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Louisiana. I was just making the point about the growing impact of organized groups in this country.

Mr. LONG. I am glad I walked into Chamber at that point because there are things happening in this country that we are just not aware of and the public does not know about. For example, the President sent us a very controversial program which bedeviled a number of people with reference to public welfare. In fact, the first year the program started the cost would be about $4.5 billion, and the number of people on public welfare would be doubled.

We believe that over the period of time that program could cost $50 billion, $60 billion, or even $100 billion. It is fraught with hazards, when we see what would happen if we expanded that program to make it more generous, as undoubtedly pressure would dictate once it went into effect.

It surprised me to find that one-half hour before the President submitted his State of the Union message to Congress, on one of our major networks Mr. Moynihan had prepared a program explaining what the President had in mind. This program was shown across the width and breadth of the country at the very time we were marching to the House Chamber. Not a Member of the Senate and not a Member of the House had any idea what was being published to the American people, even though it was being published to possibly 50 million Americans. People not knowing better, and just hearing one side of the argument, would say that we should vote for it, even though we had not had an opportunity to explain the other side of the argument.

The Senator is well aware at this moment that when one does the best he can to educate the Senate or the country about a matter, other Senators are busy. They have other commitments. They cannot stay here all day to hear some Senator make a speech. A Senator making a speech receives scant attention with the result that one Senator must make his speech three times to get it across to the membership of the Senate.

I am told that some of the great Senators, Senators such as Senator Borah, used to say:

> If you want your speech to be appreciated by a majority of the Senate, you have to make it about three times. You catch one group one time; another group a second time; and a third group the third time. But you cannot catch them all at one time.

We recognize the ability of the Executive to communicate with every Member of the Senate and with every Member of the House. For example, the President can have a nice little social affair and invite all Senators and all Representatives and their wives and have about three meetings. He can invite all of these people to break bread at the White House. He can have his say and have everyone there under a situation where common courtesy would require everyone to go along and even applaud what he has to say if he can do so in conscience. Certainly, it would give him the benefit of the doubt. He can educate his people.

When a single Senator finds that something is wrong with a proposal, he cannot be heard by more than perhaps 10 people the first time he speaks. He has to wage a campaign. It takes time.

Has the Senator from Mississippi ever discovered over a period of time any bill which had compelling logic at all which has been defeated?

Mr. STENNIS. No, I do not think there has been a case where such a bill has been totally defeated. A bill has been delayed some, but time proved the wisdom of that delay and a better bill was generally agreed on. A better bill has come out, because of that delay. When the measure finally became law, it worked better and was a sounder measure than before.

There has been no total defeat of anything that had any merit to it.

Mr. LONG. Mr. President, I applaud what the Senator has said, because, as a practical matter, no measure that had merit has been defeated by long debate. Usually it would be refined and the most objectionable features would be eliminated. The art of compromise would take effect. Bills of that sort may be popular to some people and repugnant to other people in other States. People work those differences out so that the people who are adversely affected do not think it is so adverse as they did in the first instance.

In the long run, it becomes a much better piece of legislation because those who opposed it explained their reasons. Over a period of time someone finds a way to meet those objections.

That is why I found myself compelled to ask the Senator if he knew of a single measure which has been a matter of continued interest over this country that has not ultimately been resolved in the national interest because of the debate, the compromise, and the accommodation that made it possible for some State or for some Senator to adjust their differences and their views to others representing a different area of the country.

Mr. STENNIS. Mr. President, I thank the Senator. I do not know of any case. Perhaps 30-odd years ago there was a proposal called the proposal to pack the Supreme Court that was made by the late President Franklin Roosevelt while he was President.

I do not think there is any doubt that rule XXII kept that proposal from being enacted into law.

On second thought people decided they did not want the Court packed, that they would rather put up with what they had, even though they disagreed with it, than to succumb to the proposal of filling the Court to meet some sentiment of the moment.

That was one of the most signal contributions to our Government that I know of in modern time.

Mr. LONG. Mr. President, my impression was—and I relate this based upon what former Senator Ashurst, who was then chairman of the Judiciary Committee, told me at dinners and luncheon parties that I attended from time to time when I first served here. It is a principle which is parallel and in many respects the same as what the Senator is speaking for.

The fact that those who oppose something could take the time to explain the fallacies involved in this was, because it was not a prolonged debate in the Senate itself so much as the fact that the opponents were successful in delaying this matter in the Judiciary Committee until the public could be aroused and express themselves to the Senators.

When the bill was finally reported, even though Franklin Roosevelt was a very popular President, the country had decided to rise up against this proposal and express themselves to the Senators so that the measure was defeated.

When it finally emerged from the Judiciary Committee, there was a favorable report, but it was in such bad shape with the people of the country that it could not be passed. However, the principle is exactly the same as the Senator has in mind. I ask the Senator if he agrees.

Mr. STENNIS. Yes, I do agree. It was due to the presence of rule XXII that the measure was not rushed on the floor and passed.

I am going to refer to some hearings that were held by our late Senator Russell regarding the dismissal of General MacArthur by President Truman. For example, he was able to cool things off a little and come down from the emotional surge we were in. If there had been a chance to rush in with some kind of a bill and have it passed quickly under the rules, there would have been something done against President Truman, I am satisfied. I was there, and the Senator from Louisiana was there. The presence of rule XXII was the ally that the late Senator Russell had to slow this thing down until we could have a second thought, and when we did, we decided that we had better leave it alone.

Mr. LONG. Mr. President, I have seen what happens in State legislatures, and I say this with all respect to State legislatures. They meet for about 60 days. They have a time limitation, and they have a job to be done. They usually have severe rules which cut off debate in order to reach a vote.

I recall situations where, perhaps, I would be the attorney for the Governor and he would be trying to pass a major tax bill that would not be popular with the people. Perhaps we felt that time would justify our position and we wanted to get the matter to a vote. In that case, about all one could do would be to try to keep the legislators in their seats and hold them there until we could get to a vote. On occasion, I bought club sandwiches for every single member of the State senate and placed a bottle of milk along with the club sandwich on the desk of each State senator, and asked them to stay there for 2 or 3 hours because we wanted to vote on some major measure.

On those occasions, someone would move the previous question. I would not blame anyone for doing the same thing under those circumstances. We wanted to pass our program. But in a State legislature, one is restrained by the State constitution and State laws are subservient to Federal laws. If a mistake is made, the people of the State have the power to correct it in short order.

But I suggest to the Senator that the same thing is not true in the Federal Government. When we make a mistake, it takes a long time to correct it, and sometimes mistakes are never corrected. We deal here on a much broader foundation. It is much better not to make the mistake in the first instance.

Rules which make it possible for the majority to run roughshod to the minority in State legislatures are completely different on a national basis when we are dealing with all 50 States.

Mr. STENNIS. The Senator is correct. The Senator made the distinction that in the State legislature there must be more rigid rules, but here, when we pass a law, it immediately affects and is binding on over 200 million people, and it affects the economy and everything throughout this vast Nation and not just one segment. It affects the entire Nation. This is the only place left where this slowdown for minute examination can be had. I wish to refer to the illustration the Senator has given.

Just a few days before Christmas the press was lambasting and they said there were two filibusters going in the Senate at the same time. It was true. One of them was about the bill to which the Senator referred, that his committee had, the welfare bill.

There was a great deal of publicity about that proposal before it went to the committee. It finally came here in a certain form. There had been much propaganda before the measure got to the floor of the Senate. I know what they told the cities. They said: "We are going to relieve you of the burden. You are bankrupt."

They told the populous States the same thing. They told the so-called poor people: "We are going to double the amount you receive."

They said they were going to put on more than twice as many people. They said that 24 million people were going to be on the welfare rolls rather than 10 million. Those people liked the idea of getting more money. The taxpayers were told: "Well, we are going to put them all to work."

So the taxpayers thought it sounded good to them.

The bill came to the Senate. The committee doubted some of the statements and they found it was not going to work that way. They found facts and figures about it that had not been brought out. I do not say that information had been suppressed or that it was misleading, but it had not been chewed up enough. The only ones who had said anything to the public were those who wanted to put it over. The only real debate was on the floor of the Senate, led by the Senator from Delaware.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. LONG. That was a proposition that involved $4.5 billion a year.

Mr. STENNIS. Yes.

Mr. LONG. That was the amount the public would have to pay for. It reminded me of a story I heard some time back about a lady who was a maid in a household. A marriage proposal was made to her, so she told her boss, who was a judge, that she was going to have to resign her job, because she had met this fine man and he had made to her a proposal of marriage. That was on a Saturday. On Monday morning she was back to see her former boss and she said that she would like his help in filing for divorce.

He said: "Gee, Mary, I do not understand that. You were so enthusiastic about that man. You thought you had met the man of your life, and now you want a divorce after being married only over the weekend."

She said: "Judge, that was the most over-introduced man I ever met in my life."

That is about the case in connection with the so-called welfare reform proposal we have been discussing. When we looked into it it was not reform. Everyone who was already on the rolls of welfare would stay on them, every thief, crook, racketeer, and swindler that could be found. Some people were drawing 20 welfare checks when they did not deserve any. All those people were to be grandfathered in and guaranteed checks for all time to come.

That would have redoubled welfare. States like Mississippi, which is represented by the Senator (Mr. STENNIS) and his colleague, JIM EASTLAND, were going to have 50 percent of their population on welfare. If one were to ask why they did not support the bill, the answer is that you would not get anyone to work with so many people on welfare. The State of Louisiana would have a parallel situation. When one analyzed the matter, it was a rather foolhardy scheme. But it could be brought in and it could be said it was welfare reform. "Either you vote for this or you are against the poor."

The way it turned out, the ability of those who could expose the shortcomings in the measure to have the time available to them to prove their point kept it from becoming law.

I predict that what they sent us then will never become law. We may pass some so-called welfare reform, but it will be real welfare reform and not just some scheme that will grandfather in everything in the welfare system and create even more inequities.

Can the Senator tell me of any bill to eliminate racial discrimination which failed because of unlimited debate in the Senate or because of the requirement of the two-thirds vote to shut off debate?

Mr. STENNIS. No. Some bills were delayed in previous years but sentiment crystallized on them and they settled on certain provisions. The bills passed in 1964 and since then have been consistent. There has been no issue of rule XXII about civil rights.

I would like to pursue further the illustration the Senator gave with reference to the welfare bill. As I said, the taxpayers have been partly sold on this matter because the taxpayers were told that these people were going to be put to work. When the matter came here to be debated on both sides for the first time—and of course, they had the original debate in the Senator's committee room, but there was open debate here—and it was slowed down long enough to debate it both ways and there was a vote on it, it was defeated on the floor of the Senate.

But the big story that went out through the press was that there were two filibusters going on at one time. That bill was defeated. I voted against the bill. But behind me another filibuster was going on. That was a bill that I was a part of. The comanager was the Senator from Nevada. He worked day and night on that matter. That matter was going against me all the time. They worked pretty hard and it looked pretty bad, but it was all done under the rules, and I lived with it. It was a part of the process.

Due to that delay finally we reached a system that might do for the time being and the matter was carried over for further consideration.

At the same time, the judgment of so much of the press was to criticize Congress, and even the President of the United States, in a moment when he was not up as high as he usually is, criticized Congress for wasting a lot of time. As a matter of fact, I am sure his second thought now is that we are really better off to have had some delay.

Those are the most recent illustrations here. Rule XXII works both ways. We have to live with it.

Mr. LONG. Does not that illustrate the point I was making—that the Senator from Mississippi very much felt that the funds for the SST should be voted, and he was expressing the view of the joint conference between the House and the Senate? I believe we had a vote on cloture, and I voted to shut off debate on that. On the other hand, is that not what democracy is all about, the right of both sides to be heard and make their case, and then, if they cannot resolve it because those who have a right to be heard insist on speaking so that they cannot be overwhelmed at the moment, in time one would have a chance to think more about it and see both sides of the argument and men of good will would be brought together?

Mr. STENNIS. The Senator is entirely correct. It is frequently said that we have unlimited debate in the Senate. Nothing could be more erroneous. We have controlled debate and regulated debate in the Senate, but we do have the rule by which we cannot cut off debate precipitately and close down and vote now, regardless of everything else. We have that built-in power for delay. I think we are going to keep it that way for the foreseeable future.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. STENNIS. Yes, I yield for a question.

Mr. LONG. Have we not also moved in the direction of insisting that when one seeks to delay a matter from passage, he must delay it by arguing to the issue? In other words, no longer do we have the situation where a measure is permitted to be delayed by one's talking about extraneous matters; he can be held to the subject matter at least for most of the time he is talking?

Mr. STENNIS. Yes, that is correct. There are many ways to cut off debate. We were trying to cut off the Senator from Wisconsin from debate on the SST, but not enough Members thought it was necessary or that it should be done, and the other one, after a delay and reasonable debate, went on to a vote. So this procedure paves the way to a vote as well as prevents precipitate votes. The Senator has participated in these matters and he has had to deal with many difficult bills, and with great success.

Mr. President, this is another case where we find the opening days of a new session devoted to an effort to water down rule XXII of the Senate. I hope and trust that the effort will be as unsuccessful as it has been frequently in the past.

This year, the situation began somewhat differently, by reason of the fact that we had a precedent from January of 1969. I refer to the repudiation by the Senate as a whole of a ruling by the Chair at that time which would have cut off debate by a simple majority vote. That ruling was rejected out of hand by the yeas and nays of the Senate.

I have great respect for the position of the Chair, the Presiding Officer of this body, and for the difficult decisions that can be encountered by those who occupy it.

I have profound respect and admiration for the then Vice President and President of the Senate, who made the ruling in January 1969, and am delighted that the distinguished gentleman is again with us as a Member of this body.

I will say now, however, as I said then at some length, that I do not agree with the ruling as it was made, in logic, in law, or in equity.

That ruling used two parts of section 2 of rule XXII of the Senate. The first part says that two-thirds of the Senators present and voting shall decide whether debate shall be brought to a close. The Chair ruled that a simple majority would suffice to decide cloture. This said in effect that the Senate is not a continuing body, and exposed to capricious change the very structure which enables it to fulfill its functions under the Constitution.

The second part of the rule says that appeals from decisions of the Presiding Officer shall be decided without debate. This part, the Chair adhered to, halting any debate on the appeal. In other words, there was a rewriting of the rule by the Chair, to be validated without debate.

As I say, there were two prongs to that ruling, and I speak with deference. The first prong did not apply, because it was a new session of the Congress; but he ruled in the second part that the rule did apply. That has not been satisfactorily explained. But that has been passed by now.

I am proud that this procedure was rejected by the Senate, and pleased that the rejection is now available as precedent—that is, that rejection was an appeal from the ruling of the Chair. The ruling was rejected by a majority vote of the Senate.

This year I am pleased that we have a ruling of the Chair that permits full discussion of this problem.

It would be a good thing for this country if extended debate had some other name than "filibuster." It would be even better if any connotation in connection with civil rights could be discontinued. Associating cloture automatically with civil rights matters is no longer accurate. One need only review the various extended debates of the last session to substantiate this fact—in fact, we could say the last session or sessions for almost the last 10 years.

The Senate is a powerful instrument of government. I submit that this is not because of the individual characteristics of the Members, although I have much admiration for the fine qualities of my colleagues, and only wish to emulate them. The Senate is a powerful instrument because of its rules.

It is an institution with great respect for tradition—not for tradition's sake, but because tradition is made up of lessons learned. Among them are some that were bitterly learned. All of the lessons are set forth in the rules of the Senate. They deserve our respect.

Under the Constitution, the Senate was created as a continuing body, with at least two-thirds of its Members remaining in office. It is a continuing body, with continuing rules, and has the opportunity to change the rules after deliberation and debate—this to be carried out under the rules themselves. Otherwise, a scant majority could destroy the rules of the Senate and the Senate itself.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield to the Senator for a question.

Mr. LONG. Is it not true that had it not been for the freedom of debate that exists in this body, one of the Supreme Court advocates of judicial usurpation—that is, legislation by Supreme Court fiat, which means a misconstruction of the Constitution—namely, Abraham Fortas, would in all probability now be Chief Justice of the Supreme Court?

Mr. STENNIS. The Senator is correct. If it had not been for rule XXII, he would be Chief Justice.

Mr. LONG. Furthermore, it is not likely that had it not been for that fact, a man calculated to go along with Justice Fortas in whatever he wanted to do would have been put on that Supreme Court along with Judge Fortas, so that there would be two men now on the Supreme Court to further strengthen those men who feel that their duty requires them to construe the laws in such ways as to tell the people that the Constitution means anything that nobody ever thought it meant at all?

Mr. STENNIS. The Senator is correct. I think it was a turning point in history, and it was not something somebody away off yonder did. It was accomplished by some of the Members of this body, right here on the floor of the Senate. It was not something the President did; it was contrary to the wishes of the sitting President, contrary to the whole administration, contrary, perhaps, to the wishes of a majority of the people at that time, who did not understand the facts or had not had a chance to know the facts.

So here were some men who felt compelled to move in the direction they did; they got the facts together in a very convincing way, and the facts as a whole would not permit this body to vote approval of those men for the Supreme Court of the United States. Other appointments had to be made instead. But if it had not been for rule XXII, their appointments would have been confined and they would have been writing opinions every day since then.

Mr. LONG. Is it not further correct that Justice Fortas had consistently voted for those decisions, some of which were decided by a mere majority of one, which helped to enthrone the criminal over society—such as the Miranda decision, the Escobedo decision, and the Mallory decision, to mention a few—decisions which had given the criminals advantages over the innocent that no one had ever dreamed criminals were intended to possess?

I ask the Senator, does he not believe that those decisions were probably the largest single reason for the 100-percent increase in crime—murder, manslaughter, burglary, theft—that occurred in this country after those decisions took effect?

Mr. STENNIS. Yes, I would say that, as one who had some experience in the courtroom. I think it set the tone of permissiveness of the times, with the thwarting of police power, the authoritative power of the Government in this field of law enforcement, crime, and criminal procedure. There is no doubt about it. Now the emphasis has shifted, in the same Court.

In all fairness, I think we ought to point out here that the nomination of the second nominee involved in those two nominations to the Supreme Court was never considered here in the Senate on its merits, and there was no actual rejection of that nomination or consideration of that man's qualifications, I think the Senator will agree.

Mr. LONG. Yes, that is right.

Mr. STENNIS. Just for the record.

Mr. LONG. I do not care to be critical, but it would not stand to reason that if the man who was the leader in the group of decisions that encouraged permissiveness for criminals to assault society and permissiveness for persons to do all sorts of corrupt acts that had never been permitted before—if that man had been made Chief Justice, I ask the Senator, is it not likely that that trend would have continued? In fact, would it not have been an inspiration for district judges and court of appeals justices hoping to be promoted to feel that that was the order to which they should conform their conduct, if they hoped that they might some day be appointed by the President as court of appeals justices or as Chief Justice of the Supreme Court?

Mr. STENNIS. Certainly such an attitude would have continued to flow from that atmosphere. I think it is rather clear that facts that developed after that action by the Senate were the clincher in proving that the judgment of those who opposed the nomination was correct. Those facts were not before us when we acted.

Mr. LONG. Then would it not be fair to conclude that this wave of permissiveness, this increase in crime, reached its high water mark and subsided, in large measure, because of free debate here on the floor of the Senate?

Mr. STENNIS. I think it was the turning point, yes. And it came right up here and turned off, and veered away in another direction. It was rule XXII and its protection, its slowdown, its safeguard powers that made it possible to do it. Otherwise, it would have gone right on through here, with the power and influence of the President of the United States.

Mr. LONG. Is it not also correct that since the defeat of Justice Fortas, there have been two men named to that Supreme Court in line with what the then minority in the Senate were contending?

Mr. STENNIS. That is right.

Mr. LONG. Namely, Justice Burger and Justice Blackmun, each of whom has remained loyal to his oath to uphold and defend the Constitution; and has that not resulted in some decisions which tend to support this democracy and save this Republic?

Mr. STENNIS. There has been a difference in emphasis; there has been a difference in trend, and the opinions of those two men have been in the majority. They have abandoned this permissiveness trend, and created one more realistic and more stern, as the result of what happened here on this floor.

Mr. LONG. The Senator has mentioned the welfare problem. Just the other day, in Louisiana, a lady went into the welfare office asking to be put on welfare. A little welfare worker, walking in about the time the lady left, said, "I am sorry that lady did not ask for me; I thought I was taking good care of her business."

The person who heard that statement said, "Why, that lady is not the person you were taking care of. That lady is named so-and-so."

The caseworker said, "Gee, I thought she had a different name."

So they got a search warrant, and found that that person was on welfare four times under different names, and applying to go on a fifth time. Her neighbor was on welfare two times, and applying to go on a third; and it was subsequently discovered that there was a tremendous amount of welfare cheating, and about 20 percent of the people on those rolls do not belong on the rolls at all. Every revelation is more shocking than the previous revelation about that kind of corruption.

One of the reasons we could not heretofore do anything about it was that it appeared to be the view of some of those on the Supreme Court that you could not even go into a house and look around to see whether someone deserved to be on the welfare rolls at the taxpayers' expense or not.

Is the Senator aware of the fact that just recently Justice Blackmun, one of those new appointees on the Court, headed up what amounted to a majority who say that you do have a right to inquire about these matters, to see whether someone has a right to be on welfare?

Mr. STENNIS. Yes. I thought it was a very salutary ruling. I thank the Senator very much for his very timely comments.

Mr. President, taking note of the fact that at least two-thirds of the Senators in a new Congress are continuing in office, with a minimum of 2 years of Senate experience, one can well question whether it is a wise course of action to confront the new Members with this cloture decision, without opportunity for deliberations and discussions, and preferably hearings. They have not yet had an opportunity to fully appreciate, by participation, the distinctive characteristics of the Senate. It would be better if this discussion did not come at the beginning of a new Congress.

Freedom of debate is the main quality that makes the Senate distinctive, and differentiates its operations from those of the House. Open and extended debate gives the country the opportunity to join in the issue and for the people to make their will known.

Extended debate usually leads to the exploration of alternatives, to the examination of suitable middlegrounds, and the arrival at constructive compromises. If compromise proves impossible to reach, then it is probable that each side has valid points of principle that cannot be discarded. If the legislation so strongly challenges principles, then there probably is something basically wrong or unjust about it.

Complexities are great in modern government. I do not believe that this means that they should be dealt with in haste. If so, we should have adjourned last October, and with some legislation passed that we might have learned to regret. Let us not confuse haste with efficiency. Let us not take refuge in the omnipotence of the majority—sometimes a transient majority because of illness and absence—to get the legislating over and done with.

Let me point out to my colleagues across the aisle that a willful Democratic Senate, using simple majority vote, could stifle every effort of a Republican President, and of the Senate minority. The rules, and especially rule XXII, make the two-party system work.

Impatience to act can result in settling issues emotionally. Debate is the flywheel that gives stability to the machinery of government.

Instantaneous communications, as we have them today, can feed emotionalism, making it even more essential that we retain our safeguards. Communication can take many forms, and it can present the same information in many ways. Special interest groups, and those who go to the streets and barricades to obtain their way, would like to see rule XXII changed. The people as a whole have voiced little desire for a change to a three-fifths vote on cloture. For those with axes to grind, it presents additional opportunity to try to get bills rammed through that do not in fact meet all the tests of being in the full public interest.

The fact that there are instantaneous communications in the news media complicates our problem. There is daily debate of national issues on television. The word "debate" fits the discussions better than the word "reporting." That debate is very much in the public forum, but the Senate floor is the forum where decisions must be reached, in full scrutiny of the American public. Let us not concede any part of our responsibilities to any other forum. We are obliged to insure that all facts are carefully examined and judged. We can do that here on the Senate floor if we do not gag ourselves with a change of rules.

There is a national preoccupation with hearing minorities of every kind in full, so that their interests may be adequately protected. Why deny it to a minority on the Senate floor? This is a protection that has been respected and observed in the Senate for over 50 years, as a matter of principle. That there is principle involved is demonstrated by the fact that many Members, from all parts of the country, will never vote for cloture, even though they might be out of sympathy with the particular cause against which it is being invoked.

Mr. President, the reference I make to 50 years is the 50 years of the life of rule XXII. Before we had rule XXII, there was no restriction at all, but things were much simpler then, complications much less, society not so complex, the population a great deal less. So that contributed to the formation of rule XXII for the adjustment and some restrictions on debate. Since that time—I think it was 1916 or 1917 that the first one was passed—we have not had unlimited debate, but we have had controlled debate.

Those 50 years of experience show that the present rules offer no real handicap to legislating. In the long run, the majority, if it was right, has governed. But rule XXII has permitted minorities to be heard, and to attempt to persuade others to their views.

In routine matters, the unfettered domination of majority rule is adequate. In those matters that involve the bone and sinew of our Nation, it does not suffice, and the Founding Fathers knew this. For one thing, they said that in one of the two legislative bodies, every State, large or small, should have equal voice, and so founded the Senate.

Incidentally, that is one of the great compromises of the Constitutional Convention. More than any other compromise, it is said to have made possible the writing of a constitution at that time that was acceptable. Further, the Founding Fathers made it impossible for a simple majority of the States to change this by constitutional amendment. No State shall be required to surrender any part of its representation in this body unless by its own agreement.

What is required under the Constitution for the Senate to take its most important actions? Is it a three-fifths vote? No. A two-thirds vote is necessary to override a veto, to pass a constitutional amendment, to ratify a treaty, or to impeach or expel.

There is nothing in the Constitution to commend three-fifths as a particularly meaningful vote. Three-fifths is just the next fractional step in a move from two-thirds toward the simple majority.

That is a long step, Mr. President, over a time-tried threshold into consequences that cannot be fully anticipated, and which place the whole structure of the Senate in jeopardy. I urge the Members of this body not to take that step.

Mr. President, again I want to urge most respectfully that the new Members of this body—they are a very fine group of men—beginning their first term here, search out and determine with painstaking care just what is the true issue involved here. This is not a matter concerning a civil rights bill. This is not a matter that pertains to any particular form or class of legislation. This is a fundamental principle, one of the bedrocks, one of the mud sills, to use an even older expression, of this Senate as an institution of Government, as a coequal part of the legislative power of this Government, which is growing larger and more complicated every day. It is the sole place where the flag can go up, as I have said, for stop and inspection and introspection and contemplation and thought and debate—debate on both sides of the matter.

If we think about it, a bill does not get an official debate before the people of the Nation until it gets here. This afternoon, I announced hearings on a highly important matter, the Selective Service Act, which expires automatically at the end of June of this year unless reenacted. It is not going to be a popular or easy vote to reenact a meaningful Selective Service Act. We are at war on the other side of the world and have serious questions involving our national security, and we have to have enough men of the right talent and intelligence and dedication to fill those obligations, severe as some of them are, and we are going to have to give consideration to that.

That measure has already been debated, in a way, by the executive branch of the Government, over and over again, and tied in with it is the idea of a volunteer army, that we are not going to have to renew the act except for a brief period, after all. If anyone believes that, it is all right with me for them to believe it; but my point is that it has to be debated on its merits—both sides presented and examined and presented here in debate and argument.

We are going to do the best we can in the hearings to develop all the facts and have them in the record for the information of Senators. But the true test is going to be when it gets to the floor of the Senate for debate. That will be the first time in public debate that the measure and the alternatives will have a chance to be heard.

The idea of having rule XXII travel in a direction where majority can cut off debate or cut off those who think the hard road must be traveled, yet someone else will say, "No, let us go the easy way and cut off debate and pass the bill the easy way," is unthinkable.

In my mind, it is unthinkable that we would jeopardize our national security in that way by not having safeguards in our rules that will at least permit proper consideration of all legislation.

S. 427—INTRODUCTION OF A BILL TO AMEND THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. STENNIS. Mr. President, on another matter, and out of order, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, by request, a bill to amend the Military Selective Service Act of 1967, and for other purposes.

I ask unanimous consent that a letter of transmittal requiring the introduction of this bill and an explanation of its purposes be printed in the RECORD immediately following the printing of the bill.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, the bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, together with the explanation, and the letter of transmittal.

Mr. STENNIS. Mr. President, I thank the Chair.

I yield the floor.

The bill (S. 427) to amend the Military Selective Service Act of 1967, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH), by request, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967 is amended as follows:

(1) Section 1(a) is amended to read as follows:

"(a) This Act may be cited as the 'Military Selective Service Act'."

(2) Section 3 is amended to read as follows:

"SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder: *Provided,* That the provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States."

(3) Section 4 is amended by:

(a) Section 4(a) is amended to read as follows:

Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of 18 years and 6 months and 26 years, at the time fixed for his registration, or who attains the age of 18 years and 6 months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided,* That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further,* That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided,* That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of 19 years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title.

No person shall be inducted into the Armed Forces for training and service or shall be inducted for training in the National Security Training Corps under this title until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense: *Provided,* That the minimum standards for physical acceptability established pursuant to this subsection shall not be higher than those applied to persons inducted between the ages of 18 and 26 in January 1945: *Provided further,* That the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points: *And provided further,* That except in time of war or national emergency declared by the Congress the standards and requirements fixed by the preceding two provisos may be modified by the President under such rules and regulations as he may prescribe.

No person shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense or the Secretary of Transportation to be essential to the public and personal health.

The persons inducted into the Armed Forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

Every person inducted into the Armed Forces pursuant to the authority of this subsection after the date of enactment of the 1951 Amendments to the Universal Military Training and Service Act shall, following his induction, be given full and adequate military training for service in the armed force into which he is inducted for a period of not less than four months, and no such person shall, during this four months period, be assigned for duty at any installation location on land outside the United States, its Territories and possessions (including the Canal Zone): *Provided,* That no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed, or ordered to active duty in, the Armed Forces under the provisions of this title.

No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this subsection if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

No person, without his consent, shall be inducted for training and service in the Armed Forces or for training in the National Security Training Corps under this title, except as otherwise provided herein, after he has attained the twenty-sixth anniversary of the day of his birth."

(b) Section 4(b) is amended by substituting the words "the Secretary of Transportation" for the words "the Secretary of the Treasury" wherever they appear.

(c) Section 4(d)(1) is amended by deleting the following: "(except a person enlisted under subsection (g) of this section)".

(d) Section 4(d)(3) is amended by substituting the words "the Secretary of Transportation" for the words "the Secretary of the Treasury" wherever they appear.

(4) Section 5 is amended by:

(a) Subsection (a)(1) is amended by changing the period (.) to a semi-colon (;) and adding the following:

"and (3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(b) Section 5 is amended by adding a new subsection (d) to read as follows:

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section."

(5) Section 6 is amended by:

(a) Section 6(a)(1) is amended by changing the period (.) at the end of the first sentence to a colon (:) and inserting the following words:

"*Provided,* That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101) who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E) or (15)(G) of 101(a) of the same Act but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3, but shall be deferred from induction for training and service for so long as the such occupational status continues."

(b) The second sentence of section 6(a)(1) is amended by substituting the word "twelve" for the word "eighteen" wherever it appears therein.

(c) Section 6(b)(3) is amended by substituting the words "section 5(a)" for the words "section 4(i)".

(d) Section 6(b)(4) is amended by striking out the words "or section 4(g)".

(e) Section 6(d)(1) is amended by substituting the words "the Secretary of Transportation" for the words "the Secretary of the Treasury" wherever they appear and by substituting the words "section 651, title 10, United States Code" for the words "section 4(d)(3) of this Act" wherever they appear.

(f) Section 6(d)(5) is amended by striking out the words "Environmental Science Services Administration" and substituting the words "National Oceanic and Atmospheric Administration" wherever they appear.

(g) Section 6(g) is amended to read:

"(g) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service (but not from registration) under this title."

(h) Section 6(h)(1) is repealed.

(i) Section 6(h)(2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(j) Section 6(i)(1) is amended to read as follows:

"Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest."

(k) Section 6(i)(2) is repealed.

(6) Section 9(j) is amended by substituting the words "or Transportation" for the words "or Treasury".

(7) Section 10 is amended by:

(a) Section 10(a)(3) is amended to read as follows: "The Director shall be appointed by the President, by and with the advice of the Senate."

(b) Section 10(b)(2) is amended by changing the first semi-colon (;) to a colon (:) and inserting immediately thereafter the following: "*Provided,* That no State Director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director of Selective Service;"

(c) Section 10(b)(4) is amended to read as follows:

"(4) to appoint and to fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, the basic pay of such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided,* That the Director is authorized to employ, under the provisions of section 3109 of title 5, United States Code, such experts and consultants as he may deem necessary, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18 under section 5332(a) of title 5, United States Code: *Provided further,* That any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title (except to offices or positions on local boards or appeal boards established or created pursuant to section 10(b)(3)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the armed forces or reserve component thereof, or as such officer or employee in any department or agency of the United States: *Provided further*, That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the 'executive secretary' of the local board or boards;"

(d) Section 10(e) is repealed.

(e) Section 10(f) is amended by substituting "$500" for "$50" therein.

(8) Section 11 is amended to read as follows:

"Sec. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a), title 38, United States Code in any one case."

(9) Section 12 is amended by adding a new subsection (d) to read as follows:

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

(10) Section 15(d) is amended to read as follows:

"Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the Reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director of Selective Service and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their Reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

(11) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Sec. 2. Section 1 of the Act of August 3, 1950, chapter 537 as amended (10 U.S.C. 3201 note) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Sec. 3. Section 9 of the Act of June 27, 1957, Public Law 85-62 as amended (81 Stat. 105) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

Sec. 4. Sections 302 and 303 of title 37, United States Code are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

The letter and explanation, presented by Mr. Stennis, are as follows:

Selective Service System,
Washington, D.C., January 28, 1971.

Dear Mr. President: Enclosed is a bill to amend the Military Selective Service Act of 1967. It provides authority for the President to phase out undergraduate student deferments, to establish a national call by lottery sequence number, to continue induction of young men through July 1, 1973, and for other purposes described hereafter.

This bill is submitted in accordance with the messages from the President on military manpower procurement sent to the Congress today and on April 23, 1970. We urge enactment of this legislation.

The major substantive changes proposed by the legislation are described below. There are several other changes generally administrative or technical in nature. These, as well as the more substantive changes, are explained in detail in an attachment.

NATIONAL CALL

Paragraph (4)(b) of section 1 of the proposed legislation would authorize calls for induction under such rules as the President may prescribe during such times as a random selection system is in use, notwithstanding the provisions of section 5(b) of the Military Selective Service Act of 1967. If this request is enacted, the President proposes to establish a system of uniform national calls inductions. Under this plan, quotas will be assigned to local draft boards so that men with the same lottery sequence numbers will be called at approximately the same time across the nation.

UNDERGRADUATE DEFERMENTS

Paragraphs (5)(h) and (5)(i) of section 1 of the proposed bill would modify the law to restore to the President the authority he had prior to 1967 to prescribe rules and regulations governing student deferments. If these proposals are enacted, the President proposes to phase out deferments for undergraduate students, junior college students, and young men in apprentice and technical training programs.

DIVINITY SCHOOL EXEMPTIONS

Paragraph (5)(g) of section 1 of the proposed bill would repeal the draft exemption now granted to divinity school students. If the provision is enacted, these exemptions will be phased out so that students who enroll in divinity schools after January 27, 1971, will not maintain their exemptions.

POSTPONEMENT OF INDUCTIONS

Paragraph (5)(j) of section 1 of the proposed bill would provide postponement of induction for high school students rather than deferment, and paragraph (5)(k) would repeal a provision of the law which requires that the induction of students who are already in college be delayed until the end of their current academic year. Under current plans, those students entering college after April 22, 1970 who receive a notice of induction would have their service obligation postponed until the end of their current academic semester or term.

EXTENSION OF INDUCTION AND OTHER AUTHORITIES

The current authority for induction expires on July 1, 1971. Normally this authority has been extended for four-year periods. Paragraph (11) of section 1 of the proposed bill provides for the extension of induction authority until July 1, 1973. This limited extension reflects the seriousness of the President's commitment to the All Volunteer Armed Force. It also reflects the President's awareness of the immediate and continuing needs of our national security as he seeks to achieve the objectives of zero draft calls.

Section 2 of the proposed bill provides for the extension of authority to suspend various statutory ceilings on active duty military strengths. Section 3 of the proposed bill provides for the extension of authority to make special calls for the induction of medical, dental, and allied specialists and authority to order reservists in these categories involuntarily to active duty for not more than 24 months. Section 4 of the proposed bill provides for the extension of authority to grant special pay for physicians, dentists, and veterinarians. These authorities are associated with the need for induction and hence are proposed to be extended concurrently with the extension of that authority.

Attached to the enclosed bill is a more detailed explanation of each of the proposed changes.

Sincerely,

Curtis W. Tarr.

Bill To Amend Military Selective Service Act of 1967

EXPLANATION

Section 1 amends the Military Selective Service Act of 1967, as amended.

Paragraph 1

Amends section 1(a) of the Military Selective Service Act of 1967 to change the popular title of the Act to read "The Military Selective Service Act."

Paragraph 2

Amends section 3 of the Act to add a new proviso clarifying which aliens must register for the draft and which are exempt. The present statutory language (" . . . every other male person now or hereafter residing in the United States . . . ") raises diplomatic problems because of its broadness, despite a substantially more narrow interpretation in the regulations, 32 CFR 1611.2(b). The new proviso would explicitly exempt visitors in nonimmigrant status who do not plan to reside permanently in the United States.

Paragraph 3(a)

Amends section 4(a) of the Act of 1967 concerning the training and service of aliens. These amendments, however, are intended to make no significant changes, except to conform more exactly to revised section 3 of the Act. Specifically, the changes do the following:

In the first and second paragraphs the words "every person required to register under section 3" for the words "every male citizen . . . and every male alien admitted for permanent residence . . .";

The third proviso of the first paragraph regarding aliens who are liable and those who may claim exemption from service. Aliens who are liable are already described in the first sentence of section 4(a). "Treaty aliens" may claim exemption from service subject to a bar on future citizenship; thus, there is no need to mention them in this proviso.

The first proviso of the second paragraph for the same reasons stated directly above.

Section 4(a) is also amended to substitute the words "the Secretary of Transportation" for the words "the Secretary of the Treasury". This substitution brings the selective service law into accord with the transfer of authority over the Coast Guard from the Secretary of the Treasurer to the Secretary of Transportation.

Paragraph 3(b)

This amendment is explained above in the last paragraph of the explanation of paragraph (3)(a).

Paragraph (3)(c)

Amends section 4(d)(1) of the Act of 1967 by deleting an erroneous reference to section 4(g). The original section 4(g) in the 1948 Act referred to one year enlistments. This subsection was repealed by the 1951 amendment. A new subsection 4(g) was enacted in 1967, but it describes a National Security Council procedure. The reference to section 4(g) now has no meaning and is unnecessary in the statute.

Paragraph (3)(d)

This substitution is explained above in the third paragraph of the explanation of paragraph (3)(a).

Paragraph (4) (a)

Amends section 5(a)(1) of the Act of 1967 by adding a new clause (3) to the final proviso. This clause prohibits the induction of any alien who is liable for military service until such alien has resided in the United States for at least 12 months. This change would permit such aliens to learn English and orient themselves to American society before they are inducted. It also gives the Immigration and Naturalization Service an opportunity to take exclusion or deportation action against aliens who are not in lawful immigrant or nonimmigrant status before they are inducted and become entitled, for example, to expeditious naturalization.

Paragraph (4) (b)

Adds a new subsection (d) of section 5 of the Act to provide that calls of men to be inducted may be made without regard to subsection (b) of section 5 when the random selection system is used. This will permit quotas of inductees to be determined according to their distribution by sequence number across the nation, thus increasing the likelihood that men with the same sequence numbers throughout the country will be reached at approximately the same time. The present law prevents such an action, since it requires quotas to be determined for each State and "for subdivisions thereof" on the basis of all available I-A men, regardless of differing degrees of vulnerability. The proposal will thus promote more equal treatment among registrants with the same sequence number irrespective of their place of residence.

Paragraph (5) (a)

Amends section 6(a)(1) of the Act of 1967 by inserting a proviso regarding aliens at the end of the first sentence. This addition would authorize the temporary postponement from service of those aliens admitted for permanent residence whose foreign affairs-oriented occupations qualify them for nonimmigrant (and draft exempt) status. This temporary postponement is for the alien who has waived the special privileges incidental to nonimmigrant status and would last only so long as the alien remained in the specified occupation.

Paragraph (5) (b)

Amends the second sentence of section 6(a)(1) of the Act regarding aliens. The amendment reduces the duration of prior military service which would be sufficient to qualify an alien for exemption from liability under our Selective Service Act. The present requirement is 18 months service in the armed forces of an allied nation. The amendment would reduce that to 12 months to reflect the recent policy of several countries, particularly those in Europe, who have reduced their military service requirement below eighteen months.

Paragraph (5) (c)

Amends section 6(b)(3) of the Act to correct an erroneous cross reference to "section 4(i)". That section was terminated as of June 30, 1957.

Paragraph (5) (d)

Is explained in the explanation of paragraph (3)(c).

Paragraph (5) (e)

This substitution is explained above in the last paragraph of the explanation of paragraph (3)(a).

Paragraph (5) (f)

Amends section 6(d)(5) of the Act to reflect the transfer of certain functions by Reorganization Plan No. 4 of 1970 from the Environmental Science Services Administration to the National Oceanic and Atmospheric Administration.

Paragraph (5) (g)

Amends section 6(g) of the Act to delete the mandatory exemption of divinity school students. This amendment will allow the President, under the authority of section 6(h), to treat these students essentially the same as other undergraduates and graduate students. It ties in closely with the President's request for authority to phase our undergraduate II-S deferments: If undergraduate deferments are phased out, the Administration thinks it equitable to expose divinity school students to the draft as well. It is the Administrations' intent, however, to allow continued deferment for those divinity students who are enrolled prior to January 27, 1971; no retroactivity to April, 1970, is intended for these students, unlike regular undergraduates.

Paragraph (5) (h) and (i)

Amends section 6(h) of the Act to restore to the President discretionary authority to provide for the deferment of college students, similar to that which existed under the Act before enactment of the 1967 amendments. Present law requires the deferment of such students if they request deferment. The amendment will permit student deferments to be phased out according to the President's previously announced plan stated in his message of April 23, 1970: those enrolled prior to that date remain eligible for deferment while those who entered school later will be ineligible.

Paragraph (5) (j)

Amends section 6(i)(1) of the Act to provide that a high school student who is issued an order for induction will receive a postponement rather than the more administratively complex I-S(H) deferment until the time of his graduation therefrom, or until he attains the twentieth anniversary of his birth, or until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

Paragraph (5) (k)

Repeals section 6(i)(2) of the Act to conform to the discretionary authority vested in the President by paragraphs (4) and (5). Since section 6(i)(2) requires deferments of college students under certain conditions, it would not be consistent with the proposed revision of section 6(h) and the plan to phase out student deferments. The Administration intends to postpone the induction of students, who are issued induction orders while attending school until the end of the academic term or semester except that students in their last year of school will receive a postponement of induction until the completion of that academic year.

Paragraph (6)

This amendment is explained above in the last paragraph of the explanation of paragraph (3)(a).

Paragraph (7) (a)

Amends section 10(a)(3) of the Act to eliminate the inconsistency with more recent superseding legislation regarding the Director's compensation (5 U.S.C. 5314).

Paragraph (7) (b)

Amends section 10(b)(2) of the Act by adding a proviso to prevent State Directors in the employment of the Selective Service System from accepting additional positions with state or local governments unless they have the approval of the Director of Selective Service.

Paragraph (7) (c)

Amends section 10(b)(4) of the Act to delete the first proviso which presently authorizes the Selective System to fix compensation of local and appeal personnel without regard to the Classification Act of 1949, as amended. The intent of the deletion is to require Selective Service to compensate its employees under the provisions of such Act. The amendment also updates the citation to said Act by referring specifically to "the provisions of Chapter 51 and Subchapter III of Chapter 53 of Title 5, United States Code."

This paragraph also authorizes the Director to employ experts and consultants at a rate not to exceed the per diem rate equivalent to the rate for GS-18.

This paragraph deletes the last proviso of section 10(b)(4) to remove the 10 year tenure provision applicable to Executive Secretaries of local board, thus requiring Selective Service to return to traditional tenure guidelines of civil service.

Paragraph (7) (d)

Repeals section 10(e) of the Act to delete obsolete language which authorized the Chief of Finance, U.S. Army, to act as the fiscal agent of the Selective Service System.

Paragraph (7) (e)

Amends section 10(f) of the Act to substitute the figure "$500" for "$50". The amendment authorizes the Director to make more realistic cash settlements.

Paragraph (8)

Amends section 11 of the Act to increase the amount of funds available for burial expenses for registrants who die while acting under orders issued pursuant to this Act. The amount is tied to a ceiling prescribed in veterans' legislation, specifically section 902(a), Title 38, United States Code. This amount presently is $250.

Paragraph (9)

Amends section 12 of the Act by adding a new subsection (d) which will overcome the result of *Toussie* v. *United States*, 90 S. Ct. 858 (1970). That opinion interpreted the Act to limit the time for prosecuting men who fail to register to five years and five days after a man's 18th birthday. The proposed language will allow the prosecution of a nonregistrant up to five years after his 26th birthday. It does not change the statute of limitations for any other violation of Selective Service law. This change is deemed appropriate not only as a deterrent to nonregistration but also as a reflection of equity to those men who comply with the Act's registration requirements and remain liable at least to age 26.

Paragraph (10)

Amends section 15(d) of the Act to substitute the fact of *issuance* rather than *receipt* of an induction order as the deadline beyond which a man will not be accepted for voluntary enlistment. This change is desirable because the time of issuance of an order to report for induction is more easily identified than is the time of the receipt of such order. This amendment also authorizes the Director of Selective Service and the Secretary of Defense jointly to waive the prohibition against "post-induction order" enlistments. This authorization will be used by the Administration to allow enlistments in the *regular* forces up to the day before induction, but not in the reserves after issuance of an induction order.

Paragraph (11)

Extends the authority to the President to induct persons under the Act for two years.

Section 2 would amend existing law to extend for two years the suspension of active duty military strength ceilings imposed by the Act of August 3, 1950, Chapter 537, as amended (10 U.S.C. 3201, note).

Section 3 extends for two years the authority to make special calls for the induction of persons in medical, dental and allied specialist categories and the authority of the President to order reserves in those categories involuntarily to active duty for not more than 24 months.

Section 4 would amend sections 302 and 303 of title 37 to continue for two years the authority for the payment of special pay of physicians, dentists, and veterinarians in the uniformed services.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that I may speak for not to exceed 20 minutes, notwithstanding the provisions of rule XIX limiting a Senator to two speeches on the same subject, inasmuch as I have already spoken twice on the pending business.

The PRESIDING OFFICER (Mr. BOGGS). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

THE UNFAIRNESS OF THE COTTON PROGRAM

Mr. ALLEN. Mr. President, in view of mounting cost-price pressures on the American farmer, I believe that it is imperative that we consider certain aspects of the commodity programs, especially as they relate to cotton farmers.

Major features of this particular program, reflecting substantial and fundamental change, were announced on December 8th by the U.S. Department of Agriculture.

That was almost 2 months ago, and farmers still are waiting to have these changes explained in an adequate and understandable manner.

I cannot understand why such an explanation—one involving actual operational aspects of the program—should be withheld from farmers.

Is there something to be hidden? Is it possible that having announced with considerable fanfare a new type of program to help farmers, the USDA is now reluctant to come forward with the necessary and truthful explanation that they have cut a sizable chunk out of the farmer's income?

Farmers in Alabama are asking questions. They want to know if their first assessment is right—an assessment that indicates that USDA by administrative decree is cutting their income by about $10 per bale on cotton alone.

It is time that they received firm answers from the Agriculture Department, and that the equivocating statements about program flexibility and market orientation be supplanted with a few hard facts—facts that can be extrapolated into income data.

Mr. President, a totally unnecessary and unfair cut in cotton farmer income is about to occur. It is being brought about not by law, but by administrative action on the part of the U.S. Department of Agriculture.

Mr. President, these administrative cuts can be prevented; there is one basic, safe and certain remedy. And that is the honest and straightforward recognition and admission on the part of Secretary Hardin and other top officials at USDA that they have made a mistake. It is a bad time for false pride because the mistake can be corrected, and the reduction in cotton income of a full $120 million can be avoided.

Frankly, I am somewhat amazed that in announcing the 1971 upland cotton program, USDA apparently attempted to camouflage the single most important point about the new program: that it would, in fact, cut farm income, and to a drastic degree.

For example, farmers have sold their cotton on a gross weight basis for many years. This means simply that they are paid for the full weight of the bale, including the bale wrapping. Generally, the farmer pays about $4.50 for the bagging and ties, which are used to wrap a bale of cotton. Traditionally, he regained this expense when the cotton was sold.

Actually, even now he does not regain the entire expense. The average weight of these packaging materials is about 20 pounds. Assuming that the farmer sold his cotton for 20.25 cents per pound he would regain only $4.25 of the $4.50 outlay when the cotton was sold—sold, of course, on a gross weight basis.

However, the USDA has announced that price support loans will be made only on a net weight basis. That means that farmers will get back nothing for the cost of the bale wrappings. And not only does this apply to cotton held under loan by the Commodity Credit Corporation, but in addition it applies to all cotton moving in normal trade channels.

Why?

Who really in good conscience can support such a proposal? And on what grounds?

Is it merely for the ease and convenience of those who keep the books at USDA?

If so, it is going to be quite expensive from the U.S. taxpayer's standpoint, since the Commodity Credit Corporation currently holds approximately 3 million bales of cotton in inventory or under loan. With USDA's planned, overnight conversion to net weight trading, taxpayer-owned CCC cotton is going to drop automatically in value by approximately $13 million.

That, however, is a pittance compared to the costs in terms of farm income.

The USDA program announcement stated the loan level at 19.50 cents per pound—net weight, standard micronaire—leaving the impression that last year's level of 20.25 cents was being reduced by only 0.75 cent. The Department also stated that if loans were made in 1971 on the basis of bale gross weights, as was the case in 1970 and many earlier years, the 1971 loan rate would be approximately 18.70 cents.

On a comparable basis, the 1971 loan is 18.25 or 2 cents less than the 1970 rate.

Mr. President, that amounts to $10 per bale, or a total loss to cotton farmers of $120 million on a 12 million bale crop.

Unfortunately, USDA officials have yet to report the fact that with the loan fixed at 19.50 cents they have, in effect, eliminated any possibility of an additional payment.

The general farm legislation recently enacted by Congress guarantees cotton producers 35 cents per pound for their cotton, and stipulates that this income is to be derived through a combination of price support loan and a payment. Had the loan rate been continued on a gross weight basis and set at 18.50 cents, the market price probably would have been around 19.50 cents, and an additional payment of one-half cent per pound might have been made to cotton producers.

Following a very consistent pattern of evasiveness and subterfuge, USDA officials have so far concealed that particular aspect of their new program. I assure the Senate that cotton farmers in Alabama do not consider it a minor item because this additional payment would come to $2.50 per bale, or about $29 million.

Also suppressed thus far are warnings sounded months ago in a top USDA policy paper. This paper declared that—and this is a direct quotation—

> The making of loans on a net weight basis would not necessarily prompt the cotton industry to go on a net weight basis for commercial sales. Such was the case in the six year period 1939–44. In 1945, in order to simplify the administration of the loan program and to make loan rates and market prices directly comparable, the loan was changed back to a gross weight basis. If the cotton industry had been willing to go to net weight trading, the loan would have continue on that basis.

That is not the only warning sounded in that paper. It is hardly coincidental that all of the others also have been suppressed.

The fact that these warnings were completely disregarded raises several questions:

Is USDA attempting to dictate trade policies—ones that have already been tried and have already dismally failed once?

Has the Department ignored existing legislation requiring that normal trade practices be followed?

How much, if any, consideration was given to the impact of this policy on cotton farmers—or the impact on the ginners who must explain to farmers why they will no longer get back any part of their expenses for the bale wrappings?

To answer these and other important questions, let us examine one hypothetical example involving a 1970 cotton allotment of 100 acres. In 1970 the farmer received a payment on the domestic portion of his allotment. In this case that would mean a payment on 65 of the 100 acres. Let us assume that he planted those acres. With a national average yield of one bale per acre, he produced 65 bales. Assuming his average bale weighed 500 pounds—and was classified as 1-inch staple, Middling quality and standard micronaire—each bale was worth $107.25 including the market price of the cotton—estimated at 75 cents above the loan—plus the premium of 45 cents, or almost one-half a cent per pound, paid for standard micronaire.

His total of 65 bales brought the farmer $6,971.25, and subtracting the $292.50 he paid for his bagging and ties, he received $6,678.75 for his cotton.

The 1971 program offers that same producer a lower price support loan—19.50 for cotton grading at one inch staple, and so forth—on a net weight basis and with no premium for standard micronaire.

Therefore, the farmer will be paid for 21 fewer pounds in each bale of cotton because of net weight trading. Again, assuming a market price of 0.75 cent above the loan level, or 20.25, the farmer will receive $97 for each bale of cotton. If he again plants 65 acres and produces 65 bales, he will receive $6,305 for them. And subtracting the $292.50 he pays for bagging and ties, he will receive $6,012.50 for his cotton.

That means he will receive $666.25 less in 1971 than he received in 1970.

Mr. President, those figures did not come from USDA, but they are nonetheless real and nonetheless significant.

However, they apparently seemed insignificant to the officials at USDA who are charged with the mission of maintaining and improving farm income.

It is true that farmers will receive payment on 3 percent more acres in 1971, but even so they are confronted with a substantial loss in income.

The figures show clearly that what the farmer receives for his cotton will drop substantially—and so will his payment.

In 1970 the producer in our hypothetical example would have received a payment of $5,460. In 1971, planting the same acreage he will receive a payment of $4,728.75—or a total of $731.25 less.

The overall decrease in income will be at best difficult for producers to sustain. In 1970, the payments and receipts for the cotton brought the farmer in our hypothetical example $12,431.25. The announced provisions of the 1971 cotton program will cut that total to approximately $11,033.75—or a full $1,397.50 less.

This point of course was carefully concealed from farmers.

Fortunately, there is time for the Department of Agriculture to review its announced program, to explore the missing details and to make the needed revisions. Surely this can be done—and will be done—unless USDA is committed to rigid, inflexible and arbitrary program policies that clearly are neither provided for by law, nor are in the best interest of the cotton farmer.

Low price support levels, even lower payment levels, are understandable under certain circumstances. But arbitrary decisions such as that involving net weight trading add needlessly to the farmer's burden, and farmers find them difficult, if not impossible, to accept.

S. 431—INTRODUCTION OF A BILL RELATING TO TAXES ON WAGERING

Mr. HRUSKA. Mr. President, on April 23, 1969, President Nixon sent to the 91st Congress a monumental message, pledging an all-out fight against the menace of organized crime, and asking the Congress to cooperate by enacting certain vital legislation giving Federal investigators and prosecutors new weapons to use against the syndicate.

The 91st Congress responded by enacting the Organized Crime Control Act of 1970 on October 15, 1970. This omnibus measure included all but one of the legislative proposals which the President asked the Congress to enact in his organized crime message. The exception—the proposed wagering tax amendments sponsored by the distinguished Representative from Virginia, Richard Poff, in the House, and by this Senator in this body—came "within a whisker" of enactment in the closing days of the 91st Congress. The Senate bill, S. 1624, was approved by the Judiciary Committee, following hearings on it and other organized crime measures by the Subcommittee on Criminal Laws and Procedures. The companion measure, H.R. 322, was passed by the House with amendments on December 22, 1970, and was approved, as thus passed, by the Senate Committee on Finance on December 29, 1970. Unfortunately, this was just a little too late, and the bill died on the Senate Calendar.

Attorney General Mitchell, on behalf of the administration, has submitted a draft bill identical to the wagering tax bill which passed the House. It is a privilege for me to introduce this bill for myself and Senator McClellan. I ask that it be appropriately referred and I ask unanimous consent that the bill and the Attorney General's letter of transmittal be printed following my remarks.

The PRESIDING OFFICER (Mr. Allen). The bill will be received; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 431) to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes, introduced by Mr. Hruska (for himself and Mr. McClellan), was received, read twice by its title, and ordered to be printed in the Record, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title, etc.

(a) Short Title.—This Act may be cited as the "Wagering Tax Amendments of 1971".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a provision of the Internal Revenue Code of 1954.

(c) Effective Date.—

(1) In general.—The amendments made by this Act shall take effect on the first day of the third month which begins after the date of the enactment of this Act, and shall apply only with respect to wagers placed on or after such first day.

(2) Transitional rules.—

(A) Any person who, on the first day of the third month which begins after the date of the enactment of this Act, is engaged in an activity which makes him liable for payment of a tax imposed by section 4411 of the Internal Revenue Code of 1954 (as in effect on such first day) shall be treated as commencing such activity on such first day for purposes of such section and section 4901 of such Code.

(B) Any person who, before the first day of the third month which begins after the date of the enactment of this Act—

(i) became liable for and paid the tax imposed by section 4411 of the Internal Revenue Code of 1954 (as in effect on July 1, 1970) for the year ending June 30, 1971, shall not be liable for any additional tax under such section for such year, and

(ii) registered under section 4412 of such Code (as in effect on July 1, 1970) for the year ending June 30, 1971, shall not be required to reregister under such section for such year.

Sec. 2. Modifications To Insure Constitutional Rights and Facilitate Collections.

(a) Amendment of Chapter 35.—Chapter 35 (relating to taxes on wagering) is amended to read as follows:

"CHAPTER 35—TAXES ON WAGERING

"Subchapter A. Tax on wagers.
"Subchapter B. Occupational taxes.
"Subchapter C. Miscellaneous provisions.

"Subchapter A—Tax on Wagers

"Sec. 4401. Imposition of tax.
"Sec. 4402. Cross references.

"Sec. 4401. Imposition of Tax.

"(a) Wagers.—There is hereby imposed on wagers (as defined in section 4421) an excise tax equal to 10 percent of the amount thereof.

"(b) Amount of Wager.—In determining the amount of any wager for purposes of this subchapter, all charges incident to the placing of such wager shall be included; except that if the taxpayer establishes, in accordance with regulations prescribed by the Secretary or his delegate, that an amount equal to the tax imposed by this subchapter has been collected as a separate charge from the person placing such wager, the amount so collected shall be excluded.

"(c) Persons Liable for Tax.—The following persons shall be liable for the excise tax imposed by this subchapter:

"(1) Principals and punchboard operators.—Each person who is a principal or a punchboard operator (as defined in section 4421) shall be liable for and shall pay the tax under this subchapter on all wagers placed with him or in a pool or lottery conducted by him.

"(2) Agents.—Each person who is an agent (as defined in section 4421) and who fails to register under section 4412 shall be liable for and shall pay the tax imposed by this subchapter on all wagers received by him.

"Sec. 4402. Cross References.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4425, inclusive, and subtitle F.

"Subchapter B—Occupational Taxes

"Sec. 4411. Imposition of taxes.
"Sec. 4412. Registration.
"Sec. 4413. Certain provisions made applicable.
"Sec. 4414. Cross references.

"Sec. 4411. Imposition of Taxes.

"(a) Persons Liable for Tax.—There is hereby imposed—

"(1) Principals and agents.—A special tax of $1,000 per year to be paid by each person who is a principal or an agent.

"(2) Pickup men, employees, and punchboard operators.—A special tax of $100 per year to be paid by each person who is a pickup man, an employee, or a punchboard operator.

"(b) Limitation.—Any person who, but for this subsection, would be subject to a special tax under both paragraphs (1) and (2) of subsection (a), shall be liable only for the tax imposed by paragraph (1).

"Sec. 4412. Registration.

"(a) Registration Requirements.—Each principal, agent, pickup man, employee, and punchboard operator shall register with the official in charge of the internal revenue district in which such person is principally engaged in the activity which makes him liable for tax under this subchapter. The form of the registration and the information to be provided by such person shall be prescribed by the Secretary or his delegate in such regulations as may be necessary to carry out the purposes of this chapter.

"(b) Firm or Company.—Where under subsection (a) the name and place of residency of a firm or company is required to be provided, the names and places of residence of the several persons constituting the firm or company shall be provided.

"(c) SUPPLEMENTAL INFORMATION.—The Secretary or his delegate may, in accordance with regulations prescribed by him, require from time to time such supplemental information from any person required to register under this section as may be needed for the enforcement of this chapter.

"SEC. 4413. CERTAIN PROVISIONS MADE APPLICABLE.

"Sections 4901, 4902, 4904, 4905, and 4906 shall extend to and apply to the special taxes imposed by this subchapter and to the persons upon whom they are imposed, and for that purpose any activity which makes a person liable for a special tax under this subchapter shall be considered to be a business or occupation referred to in such sections. No other provision of sections 4901 to 4907, inclusive, shall so extend or apply.

"SEC. 4414. CROSS REFERENCES.

"For penalties and other administrative provisions applicable to this subchapter, see sections 4421 to 4425, inclusive, and subtitle F.

"SUBCHAPTER C—MISCELLANEOUS PROVISIONS

"Sec. 4421. Definitions.
"Sec. 4422. Applicability of Federal and State laws.
"Sec. 4423. Disclosure of wagering tax information.
"Sec. 4424. Territorial extent.
"Sec. 4425. Credit for State and local taxes paid by licensed persons.

"SEC. 4421. DEFINITIONS.

"(a) WAGER.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'wager' means—

"(A) any wager with respect to a sports event or a contest placed with a person engaged in the business of accepting such wagers,

"(B) any wager placed in a wagering pool with respect to a sports event or a contest, if such pool is conducted for profit, and

"(C) any wager placed in a lottery conducted for profit.

"(2) EXCEPTIONS.—The term 'wager' does not include—

"(A) any wager placed with, or any wager placed in a wagering pool conducted by, a parimutuel wagering enterprise licensed under State law,

"(B) any wager placed in a coin-operated device with respect to which an occupational tax is imposed by section 4461, or any amount paid in lieu of inserting a coin, token, or similar object, to operate a device described in section 4462(a)(2), if an occupational tax is imposed with respect to such device by section 4461, or

"(C) any wager placed in a sweepstakes, wagering pool, or lottery—

"(i) which is conducted by an agency of a State acting under authority of State law, and

"(ii) the ultimate winners in which are determined by the results of a horserace, but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents.

"(b) LOTTERY.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'lottery' includes the numbers game, policy, and similar types of wagering.

"(2) EXCEPTIONS.—The term 'lottery' does not include—

"(A) any game of a type in which usually—

"(i) the wagers are placed,

"(ii) the winners are determined, and

"(iii) the distribution of prizes or other property is made, in the presence of all persons placing wagers in such game; and

"(B) any drawing conducted by an organization exempt from tax under section 501 or 521, if no part of the net proceeds derived from such drawing inures to the benefit of any private shareholder or individual.

"(c) PRINCIPAL.—For purposes of this chapter, the term 'principal' means any person (other than a punchboard operator) who is engaged in the business of accepting wagers or who conducts any wagering pool or lottery.

"(d) AGENT.—For purposes of this chapter, the term 'agent' means any person who is engaged in receiving wagers for or on behalf of a principal.

"(e) PICKUP MAN.—For purposes of this chapter, the term 'pickup man' means any person who knowingly is engaged in transmitting in any manner wagers, or information, records, or payments relating to wagers, between any principal, agent, pickup man, or employee and any other principal, agent, pickup man, or employee.

"(f) EMPLOYEE.—For purposes of this chapter, the term 'employee' means pay person (other than an agent or pickup man) who knowingly is employed to assist in any capacity in an activity which makes another person liable for special tax as a principal agent, pickup man, or punchboard operator.

"(g) PUNCHBOARD OPERATOR.—The term 'punchboard operator' means any person who accepts wagers only in the form of chances on a punchboard, 'five card draw game,' or similar gaming device for profit, on his own behalf.

"SEC. 4422. APPLICABILITY OF FEDERAL AND STATE LAWS

"The payment of any tax imposed by this chapter with respect to any activity shall not exempt any person from any penalty provided by a law of the United States or of any State for engaging in the same activity, nor shall the payment of any such tax prohibit any State from placing a tax on the same activity for State or other purposes.

"SEC. 4423. DISCLOSURE OF WAGERING TAX INFORMATION

"(a) GENERAL RULE.—Except as otherwise provided in this section, neither the Secretary or his delegate nor any other officer or employee of the Treasury Department may divulge or make known in any manner whatever to any person—

"(1) any original, copy, or abstract of any return, payment, or registration made pursuant to this chapter.

"(2) any record required for making any such return, payment, or registration, which the Secretary or his delegate is permitted by the taxpayer to examine or which is produced pursuant to section 7602, or

"(3) any information come at by the exploitation of any such return, payment, registration, or record.

"(b) PERMISSIBLE DISCLOSURE.—A disclosure otherwise prohibited by subsection (a) may be made in connection with the administration or civil or criminal enforcement of any tax imposed by this title. However, any document or information so disclosed may not be—

"(1) divulged or made known in any number whatever by any officer or employee of the United States to any person except in connection with the administration or civil or criminal enforcement of this title, nor

"(2) used, directly or indirectly, in any criminal prosecution for any offense occurring before the effective date of the Wagering Tax Amendments of 1970.

"(c) USE OF DOCUMENTS POSSESSED BY TAXPAYER.—Except in connection with the administration or civil or criminal enforcement of any tax imposed by this title—

"(1) any stamp denoting payment of the special tax under this chapter,

"(2) any original, copy, or abstract possessed by a taxpayer of any return, payment, or registration made by such taxpayer pursuant to this chapter, and

"(3) any information come at by the exploitation of any such document.

shall not be used against such taxpayer in any criminal proceeding.

"(d) INSPECTION BY COMMITTEES OF CONGRESS.—Section 6103(d) shall apply with respect to any return, payment, or registration made pursuant to this chapter.

"SEC. 4424. TERRITORIAL EXTENT.

"The taxes imposed by this chapter shall apply only in the case of—

"(1) wagers accepted in the United States, and

"(2) wagers placed by a person who is in the United States—

"(A) with a person who is a citizen or resident of the United States, or

"(B) in a wagering pool or lottery conducted by a person who is a citizen or resident of the United States.

"SEC. 4425. CREDIT FOR STATE AND LOCAL TAXES PAID BY LICENSED PERSONS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the taxes imposed by sections 4401 and 4411, in the order provided by subsection (b), the sum of—

"(1) the taxes paid or accrued by a licensed person with respect to wagers placed with him, or in a pool or lottery conducted by him, during any year under a law of a State or political subdivision thereoef which imposes an excise tax or similar tax with respect to wagers, and

"(2) the taxes and fees paid or accrued by a licensed person for any year (or portion thereof) under a law of a State or political subdivision which imposes an occupational tax, license fee, or similar tax or fee on an activity which makes such person liable for payment of a special tax under section 4411.

"(b) ORDER.—The credit allowable under subsection (a) for taxes and fees paid or accrued by a licensed person for any year shall be allowed—

"(1) against the tax imposed by section 4411 on such person for such year,

"(2) if such credit exceeds the tax imposed by section 4411 on such person for such year, against the taxes imposed by section 4401 on wages placed with such person, or in a pool or lottery conducted by such person, during such year, and

"(3) if such credit exceeds the taxes described in paragraphs (1) and (2) for such year, in such amounts as such person may designate under regulations prescribed by the Secretary or his delegate, against the tax imposed by section 4411 for such year on licensed persons who are agents, pickup men, or employees of such person.

"(c) LIMITATION.—No credit shall be allowed under this section for any tax or fee imposed under a law of a State or political subdivision unless such tax or fee is paid not later than the earlier of—

"(1) the last day provided by such law for payment, or

"(2) the last day of the year following the year (or portion thereof) for which such tax or fee was imposed.

"(d) PAYMENT OF TENTATIVE TAXES.—Any licensed person who establishes to the satisfaction of the Secretary or his delegate that, for any year, he reasonably expects to be allowed a credit under this section with respect to the taxes for which he is liable under sections 4401 and 4411, may elect, under regulations prescribed by the Secretary or his delegate, to pay tentative taxes equal to the amount of such taxes reduced by the amount of the credit reasonably expected under this section for such year. Payment of such tentative taxes for any year shall not relieve such person from payment of the liability for the taxes imposed for such year by sections 4401 and 4411, reduced by the credits allowed under this section, both determined as of the close of such year.

"(c) Definitions.—For purposes of this section—

"(1) The term 'licensed person' means a person who (A) is licensed under the laws of a State or a political subdivision thereof to engage in one or more activities with respect to wagers, and (B) solely by reason of such activities, is liable for payment of a special tax under section 4411.

"(2) The term 'year' means the one-year period beginning on July 1, except that, in the case of the period in which falls the date of the enactment of the Wagering Tax Amendments of 1971, such term means the period beginning on the first day of the third month which begins after such date and ending on June 30 following such date."

(b) Clerical Amendment.—Section 6110 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(6) For prohibition on disclosure of wagering tax information, see section 4123."

Sec. 3. Criminal Penalties.

(a) Unauthorized Disclosure by Government Officials.—Section 7213 (relating to unauthorized disclosure of information) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Wagering Tax Returns.—Any officer or employee of the United States who violates section 4423 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the cost of prosecution; and the offender shall be dismissed from office or discharged from employment."

(b) Creation of a New Felony Crime and the Elimination of the Mandatory Minimum Fine for a Misdemeanor Violation.—Section 7262 (relating to violation of occupational tax laws relating to wagering) is amended to read as follows:

"Sec. 7262. Violation of Wagering Excise and Occupational Tax Laws.

"(a) Willful Failure To Pay Excise Tax.—Any person required to pay the tax imposed under subchapter A of chapter 35 who willfully fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or up to treble the amount of the tax with respect to which the failure occurred, whichever is greater, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

"(b) Failure To Pay Excise Tax.—Any person required to pay the tax imposed under subchapter A of chapter 35 who fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $5,000 or up to double the amount of the tax with respect to which the failure occurred, whichever is greater, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

"(c) Willful Failure To Pay Occupational Tax.—Any person required to pay a special tax imposed under subchapter B of chapter 35 who willfully fails to pay such tax at the time or times required by law or regulations shall, in addition to being liable for the payment of the tax, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.

"(d) Doing Any Act Without Having Paid Occupational Tax.—Any person who does any act which makes him liable for payment of the special tax imposed under subchapter B of chapter 35 without having paid such tax shall, in addition to being liable for the payment of the tax, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $5,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution."

(c) Clerical Amendments.—

(1) Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended by inserting "(other than a tax imposed by chapter 35)" after "required under this title to pay any estimated tax or tax".

(2) The table of sections for subchapter B of chapter 75 is amended by striking out the item relating to section 7262 and inserting in lieu thereof the following:

"Sec. 7262. Violation of wagering excise and occupational tax laws."

(3) Section 7609(a) (relating to inspection of books, papers, records, and other data) is amended by striking out paragraph (5) and by renumbering paragraph (6) as paragraph (5).

The letter, presented by Mr. Hruska, is as follows:

Office of the Attorney General,
Washington, D.C.

The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: There is transmitted herewith a draft of a proposed bill to modify the provisions of the Internal Revenue Code of 1954 relating to wagering taxes. The proposed "Wagering Tax Amendments of 1971" would ensure the constitutional rights of taxpayers and would facilitate the collection of taxes on wagering.

The modifications contained in this bill are, in large part, necessitated by the Supreme Court decisions of January 29, 1968, in two companion cases involving the wagering tax laws—*Marchetti* v. *United States,* 390 U.S. 29 (1968), and *Grosso* v. *United States,* 390 U.S. 62 (1968). In substance, the Court held that some of the provisions of the present wagering tax statutes were not "consistent with the limitations created by the privilege against self-incrimination guaranteed by the Fifth Amendment."

In brief, the proposed legislation would—

(1) Ensure the constitutional rights of taxpayers by placing statutory restrictions upon the disclosure and use of information obtained through taxpayer compliance with the wagering tax laws;

(2) Increase the coverage and the amount of the occupational taxes under the wagering tax laws;

(3) Revise the penalty structure to make it consistent with the character of those most often within the coverage of the tax and thus consistent with the severity of the crime of avoiding its payment; and

(4) Provide a credit against the amount of the Federal tax liability for State and local taxes paid by licensed persons under similar provisions in State law.

The draft bill is identical to H.R. 322, 91st Congress, as passed by the House of Representatives on December 22, 1970, and reported in the Senate on December 30, 1970. We are gratified that the Committee concerned in each House approved the bill, and we are hopeful of early consideration and favorable action by the 92nd Congress on this important measure.

The Office of Management and Budget has advised enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

John Mitchell,
Attorney General.

Mr. HRUSKA. Mr. President, because there is an element of taxation involved in this bill, the Senator from Nebraska requests that, in line with what had been done in the previous Congress, the bill be referred to the Committee on the Judiciary in the original instance; that upon its concluding its processing there, it be referred to the Committee on Finance for the purpose of taking care of such aspects of the bill as involve matters within the jurisdiction of that committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, in this connection, the Senator from Nebraska repeats that this is the procedure that was worked out by agreement between the respective committees, and it is expected it will be in good order.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, the Senator would anticipate no objection on the part of the chairman of the Committee on Finance?

Mr. HRUSKA. No such objection is anticipated. If there is any fashion in which he wishes this unanimous-consent request to be modified in any way, the Senator from Nebraska and the chairman of the Committee on the Judiciary will be very cooperative.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. HRUSKA. It might be observed that the senior Senator from Arkansas made the same request with regard to related bills just 2 days ago.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. HRUSKA. Mr. President, illegal gambling is organized crime's most lucrative source of income. Profits from this activity, which are used to finance other illegal activities, are estimated to run as high as $50 billion a year. Thus the Federal tax on wagers, which was first enacted in 1951 as both a revenue and a law enforcement measure, was—until 1968—an important part of the Federal anticrime program. The late Robert F. Kennedy estimated that fully 60 percent of the racketeer convictions obtained during his tenure as Attorney General resulted from investigations conducted by the Internal Revenue Service, mostly for wagering tax violations.

Three years ago the U.S. Supreme Court, in *Marchetti* v. *United States,* 390 U.S. 29 (1968), and *Grosso* v. *United States,* 390 U.S. 62 (1968), held the wagering tax law to be constitutionally unenforceable. The law did not restrict the use the Federal Government or any State government could make of the information required to be filed. Because the gambler could well be in violation of State or other Federal laws, the Court found the registration requirement of the statute to be in violation of the fifth amendment right against self-incrimination. The effect of the decisions has been to bar prosecutions for failing to register and pay taxes, a serious setback to Federal organized crime efforts.

The wagering tax amendments are designed to revitalize the wagering tax law, both as a law enforcement measure and as a revenue producing measure. The principal purpose of the bill is to remove the constitutional infirmity of existing law by prohibiting the Internal Revenue Service from disclosing to outside sources any information submitted by the taxpaying gambler. It is true that this will reduce the number of antigambling prosecutions—principally State—which were the result of disclosures made by gamblers under the law, but this is, as the Justice Department has said, the "price of constitutionality."

The bill will continue the existing 10-percent excise tax on wagers. It will increase the occupational tax from $50 to $1,000 for principals of gambling operations and those who actually accept wagers, and it will create a new $100 tax liability for certain other individuals, mostly employees of such operations, who until now have been exempt.

There is also provided a tax credit for State and local taxes paid under similar provisions in State law, and for increased sanctions for violations of the wagering tax law. These provisions were added to the 91st Congress bill when it was under consideration by the House Committee on Ways and Means. They have the support of the administration, and I add my endorsement to them.

Mr. President, during the hearings conducted by the Subcommittee on Criminal Laws and Procedures on organized crime in 1969, a representative of the American Bar Association's criminal law section described the wagering tax amendments as "the most important single piece of legislation now pending before the Congress." Later that year the ABA house of delegates unanimously approved a resolution approving in principle S. 1624 and H.R. 322, and authorizing the section on criminal law to urge enactment of the legislation. With this endorsement of the legal community added to that of the Justice and Treasury Departments, it remains only for the Congress to put its stamp of approval on the wagering tax amendments. The 3-year delay since the law was rendered ineffective has been inexcusable. I urge the Senate to act promptly and favorably on this legislation.

S. 428 AND S. 429—INTRODUCTION OF BILLS TO REGULATE USE OF THE MAILS AND OTHER FACILITIES OF INTERSTATE COMMERCE FOR THE DELIVERY OF SEX ORIENTED MATERIALS

Mr. HRUSKA. Mr. President, today I am introducing two bills to regulate the use of the mails and other facilities of interstate commerce for the delivery of sex-oriented materials. These proposals were originally recommended by the President and submitted to the Congress by the Attorney General 2 years ago. Both of them were pending in the Committee on the Judiciary when the 91st Congress adjourned.

While we have allowed legislation on this subject to languish in Congress, you can be assured that there has been no lack of vitality in the pornography industry. Over the last 2 years, the nature of materials being sent throughout the country—without regard to whether or not it is wanted or to the age and maturity of the addressee—has gone from that which is merely offensive to that which is unmitigated filth.

I know that many Americans, as I, have been indignant when they review the advertisements for books, magazines, filmstrips, and all manner of sexual devices which are forwarded to us by constituents. They do not understand how they can be made the unwilling recipients of such mail. They do not understand how their names were acquired or why they were used by such business operations. I can tell you they have been so victimized because the pornographer pursues his trade with a callous lack of discrimination. The legislation I am introducing would put an end to that practice. In recent years we have adopted several new laws to regulate interstate commerce in pornographic materials. These two new proposals that I introduce today will complete the job of protecting our citizens from this trash.

One of these would prohibit the use of the mails and interstate commerce for the distribution of unsolicited salacious advertisements. The other would prohibit such distribution, to anyone under 18, of materials which may be harmful to children. Violators of these provisions would be subject to fines of up to $50,000 or imprisonment for not more than 5 years, or both. Second and subsequent violations could result in double these penalties. The language of both bills has been carefully drafted to avoid conflict with constitutional protections. Their approaches have been carefully designed to attack the problem.

It is my sincere hope that we will give these measures early and favorable action. The American public has waited long enough. In the last Congress action on these measures was delayed because Senator ERVIN felt that hearings on the constitutional aspects of these bills should be held. I am in complete agreement with this desire and will do all that I am able to schedule and hold prompt hearings. I am satisfied that these bills are constitutional and have complete confidence that hearings will uphold this position.

At this point I ask to have these bills properly referred and request unanimous consent to have printed in the RECORD the text of the bills and letters of transmittal from the Attorney General.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills and letters of transmittal from the Attorney General will be printed in the RECORD.

The bills, introduced by Mr. HRUSKA, were received, read twice by their titles, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 428

A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 18 of the United States Code is amended by adding a new section 1466 as follows:

"§ 1466. Transportation of salacious advertising

"No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, an unsolicited advertisement that is salacious. An advertisement is salacious within the meaning of this section if it depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, humal genitalia, any act of natural or unnatural sexual intercourse or masturbation or any act of sadism or masochism. An advertisement otherwise within the definition of this section shall be deemed not to constitute a salacious advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"Whoever violates this section shall be fined not more than $50,000, or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned not more than ten years, or both, for a subsequent offense.

"When any person is convicted of a violation of this section, the court may, in addition to the penalty prescribed, order the destruction of all copies of the salacious advertisement seized from the possession or custody of such person, or anyone acting on his behalf, at the time of his arrest."

SEC. 2. The table of contents preceding chapter 71 of title 18 of the United States Code is amended by adding at the end thereof the following:

"1466. Transportation of salacious advertising."

S. 429

A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 71 of Title 18 of the United States Code is amended:

(1) By adding a new section 1467 as follows:

"§ 1467. Transportation or mailing of matter harmful to minors.

"(a) As used in this section,

"(i) 'minor' means a person who has not attained the age of 18 years;

"(ii) 'adult' means a person who is not a minor; and

"(iii) 'matter that is harmful to minors' means a book, magazine, pamphlet, sheet, card, photograph, drawing, film, slide, recording or other thing constitutiing or containing visual, verbal or auditory material that depicts, describes or represents, in actual or simulated form, nudity, sexual conduct or sado-masochistic behavior and which is

"(A) offensive to prevailing standards in the adult community concerning what is suitable material for minors; and

"(B) substantially without redeeming social value for minors.

"(b) No person shall knowingly deposit in the mail, or transport in interstate or foreign commerce, for delivery to a minor, matter which is harmful to minors, or matter constituting or containing an advertisement therefor or information as to where or how such matter may be obtained.

"(c) If deposited in the mail or transported in interstate or foreign commerce for delivery to a residence in which a minor permanently resides, matter which is harmful to minors, or which constitutes or contains an advertisement therefor or information as to where or how such matter may be obtained, shall be deemed to have been deposited in the mail or transported in interstate or foreign commerce for delivery to such minor unless it is contained in a sealed envelope or sealed wrapper that completely conceals the contents and is clearly, specifically and personally addressed to an adult who resides at such residence.

"(d) It shall be an affirmative defense to a charge of violating this section that the defendant reasonably believed that the addressee of the matter in question was an adult residing at the address shown on the sealed envelope or sealed wrapper. Such reasonable belief may be based upon receipt by the person so charged of a purchase order or other declaration which such person reasonably and in good faith believed to have been executed by the addressee, representing such addressee to be an adult, or on other evidence".

"(e) Whoever violates this section shall be fined not more than $50,000, or imprisoned for not more than five years, or both, for the first offense, and shall be fined not more than $100,000, or imprisoned for not more than ten years, or both, for a subsequent offense."

(2) By adding to the table of contents thereof the following:

"1467. Transportation or mailing of matter harmful to minors.".

Sec. 2. The provisions of this Act shall become effective on the first day of the third month which begins after the date of enactment.

The letters from the Attorney General, ordered to be printed in the Record, are as follows:

Office of the Attorney General,
Washington, D.C.

The Vice President,
United States Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal "To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising."

In recent times American citizens throughout the country have become the unwilling recipients of the most blatant commercial advertisements for materials of a salacious nature. While the indiscriminate mailing of sexually-oriented advertisements has been a problem in this country for several years, the text and pictorial content of these advertisements have become so explicit that legislative action in this area should be delayed no longer.

In the 91st Congress, legislation proposed by the President and submitted by this Department was passed by the House of Representatives, with amendments, after extensive hearings. The legislation was not considered in the Senate.

As amended by the House, and as now resubmitted, the proposal would make it a felony to deposit in the mails, or transport in interstate or foreign commerce, an unsolicited salacious advertisement. Violators would be subject to a fine of not more than $50,000, or imprisonment for not more than five years, or both. Second and subsequent offenses could result in double those penalties.

We believe that this measure can be an effective tool to the Federal government in its efforts to curtail the invasion of the smut peddler into American homes. The Department of Justice urges your early consideration and prompt enactment of this proposal.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

John Mitchell,
Attorney General.

Office of the Attorney General,
Washington, D.C.

The Vice President,
United States Senate,
Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to amend title 18 to prohibit the use of the mails or other facilities of interstate commerce for the distribution, to anyone under 18, of material which may be harmful to young people.

In May of 1969 the President proposed to the 91st Congress a measure designed to protect our young people from the large volume of materials of a sexual nature which is being distributed throughout the country. Although extensive hearings were conducted on this legislation in the House of Representatives, neither the House nor the Senate acted on it. We are resubmitting this important legislation for your consideratoin in the 92nd Congress, and we reiterate the need for its enactment.

Although the Supreme Court has recognized that laws specifically designed for the protection of young people from such material may be broader in coverage than those laws which regulate the distribution of material generally, there is no Federal law which is now designed to afford such protection. More than two-thirds of the States have recognized, and responded to, the need for such legislative action. However, their efforts will continue to be frustrated until there is Federal action to prohibit the use of the mails and other channels of interstate commerce for the delivery of sexually-oriented material to our young people.

This proposal would make it a felony punishable by a fine of not more than $50,000, or imprisonment for not more than 5 years, or both, to send to anyone under the age of 18 by mail or other avenues of interstate or foreign commerce, material which may be harmful to minors. Second and subsequent offenses could result in double those penalties. The term "harmful to minors" is defined in the proposal.

As you are aware, hundreds of thousands of our citizens have objected to the nature of materials which are being circulated throughout the States. This proposal, which does not impinge upon the constitutional rights of anyone, is a proper response to the needs of American families who wish to bring up their children in an atmosphere which is free of the influences of pornographers.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

John Mitchell,
Attorney General.

S. 430—INTRODUCTION OF BILL TO AID LAW ENFORCEMENT

Mr. HRUSKA. Mr. President, I send to the desk a bill which I introduced on behalf of the Attorney General. I ask that it be appropriately referred. I ask unanimous consent that the bill and the Attorney General's letter of transmittal be printed in the Record following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the letter will be printed in the Record.

The bill (S. 430) to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record.

(See exhibits 1 and 2.)

Mr. HRUSKA. Mr. President, this bill will give Federal law enforcement officers a means of requiring by court order that suspects appear for certain nontestimonial identification procedures, such as fingerprinting, appearances in lineups, and executing handwriting exemplars. This is a much needed tool in efforts to combat crime. I am convinced that it in no way infringes on any person's constitutionally protected rights. I introduced a similar bill last Congress and joined with Senator McClellan in pushing for the adoption of legislation of this type. It is my hope that the Criminal Laws Subcommittee of the Committee on the Judiciary can schedule early hearings on this and similar proposals.

This bill, as drafted, would aid the law enforcement officer in solving crimes while at the same time protecting the rights of individuals suspected of committing crimes. The bill would not permit dragnets; rather it would require that to perform nontestimonial identification procedures on suspects, there be a court order based on an affidavit that there is probable cause to believe a crime has been committed, that there are reasonable grounds to suspect that the person named in the affidavit committed the crime, and that performance of specific nontestimonial identification procedures will materially aid the determination whether the person named in the affidavit committed the crime.

If the court ordered a person to submit to nontestimonial identification procedures, he would be able to request that the judicial officer change the time and place for performance of the procedures including a request that the procedures, except for lineups, be conducted in his home.

Thus, the bill would provide a procedure in compliance with the fourth amendment of the Constitution which would aid law enforcement officers in obtaining nontestimonial identification of suspects with minimum inconvenience to them.

To date there is no statutory or case-developed method to require a suspect in a criminal investigation to participate in such quickly performed identification procedures as fingerprinting, appearing in lineups, or executing handwriting exemplars, unless there has first been an arrest on probable cause. It is, however, quite apparent that such authority, even though carefully circumscribed, would be of enormous benefit to law enforcement.

The procedures that will be required under this proposal are largely of proven reliability. The 20th century has seen a wide expansion of the use of science in crime solution. More and more often police and other investigative agencies call upon crime laboratories and scientists to examine and analyze clues and evidence. Nowhere has the impact of science on crime solution been greater than in the field of fingerprinting. Fingerprints are recognized as the most reliable form of personal identification known, and their use in this country dates from as early as 1904. This type of identification evidence can be taken quickly and easily. Its use in the Nation's courtrooms is widespread.

Handwriting, blood analysis, hair samples, and the like, have all in recent years proved to be reliable methods of obtaining identification evidence in crime solution. The dependability of these methods of obtaining evidence is established and their use is also widespread.

It is my hope that early consideration and adoption of this bill will be forthcoming.

EXHIBIT 1

S. 430

A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 223 of title 18, United States Code, is amended by inserting immediately after section 3504 the following new heading and section:

§ 3505. *Nontestimonial identification.*

"(a) If a judicial officer finds on the basis of an affidavit setting forth the underlying circumstances that—

"(1) there is probable cause to believe that an offense has been committed;

"(2) there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense and;

"(3) the results of specific nontestimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense—

the judicial officer shall issue an order requiring the person named in the affidavit to appear at a designated time and place for nontestimonial identification. At the request of the person named in the affidavit, the judicial officer shall modify the order with respect to time and place of appearance whenever it appears reasonable under the circumstances to do so.

"(b) If it appears from the affidavit that a person named or described in the affidavit may, upon service of the order to appear, either flee or alter or destroy the nontestimonial evidence ordered, the judicial officer may direct a marshal or other federal law enforcement officer to bring the person before the judicial officer. Such judicial officer shall then direct that the designated nontestimonial identification procedures be conducted expeditiously. After such identification procedures have been completed the person shall be released or charged with an offense.

"(c) Any person who fails without adequate excuse to obey an order to appear served upon him pursuant to this section may be held in contempt of the court which issued the order.

"(d) An order to appear pursuant to this section may be served by a United States marshal or by any other officer authorized by law to excute a warrant. The order shall be served upon the person named in the affidavit by delivery of a copy to him personally. Service may be had at any place within the jurisdiction of the United States.

"(e) An order to appear shall be signed by the judicial officer and shall state—

"(1) that the presence of the person named in the affidavit is required for the purpose of permitting nontestimonial identification procedures in order to aid in the investigation of the offense specified therein;

"(2) the time and place of the required appearance;

"(3) the nontestimonial identification procedures to be conducted and the approximate length of time such procedures will require;

"(4) the grounds to suspect that the person named in the affidavit committed the offense specified therein;

"(5) that the person will be under no legal obligation to submit to any interrogation or to make any statement during the period of his appearance except for that required for voice identification;

"(6) that the person may request the judicial officer to make a reasonable modification of the order with respect to time and place of appearance, including a request to have any nontestimonial identification procedure other than a lineup conducted at his place of residence; and

"(7) that the person, if he fails to appear, may be held in contempt of court.

"(f) Nontestimonial identification procedures may be conducted by any federal investigative agent or law enforcement officer or other person designated by the judicial officer. Blood tests shall be conducted under medical supervision, and the judicial officer may require medical supervision for any other test ordered pursuant to this section when he deems such supervision necessary. No person who appears under an order of appearance issued pursuant to this section shall be detained longer than is reasonably necessary to conduct the specified nontestimonial identification procedures unless he is arrested for an offense.

"(g) Within forty-five days after the nontestimonial identification procedure, a return shall be made to the court from which the order issued setting forth an inventory of the products of the nontestimonial identification procedures obtained from the person named in the affidavit. If, at the time of such return, probable cause does not exist to believe that such person has committed the offense named in the affidavit or any other offense, the person named in the affidavit shall be entitled to move that the court issue an order directing that the products of the nontestimonial identification procedures, and all copies thereof, be destroyed. Such motion shall, except for good cause shown, be granted by the court.

"(h) An order may issue under this section only for an offense as defined by any Act of Congress or triable in any court established by Act of Congress and which is punishable by imprisonment for more than one year.

"(i) As used in this section—

"(1) the term 'nontestimonial identification' includes identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, handwriting exemplars, voice samples, photographs and lineups;

"(2) the term 'judicial officer' means any justice or judge of the United States, any United States commissioner or United States magistrate and any judge of a court of the District of Columbia."

SEC. 2. The analysis of chapter 223 of title 18 is amended by adding after the item relating to section 3504 the following:

"§ 3505. Nontestimonial identification."

SEVERABILITY

SEC. 3. If a provision of this Act is held invalid, the holding shall not affect the validity of provisions which are severable. If a provision of this Act is held invalid in one or more of its applications, the holding shall not affect any other application of the provision.

EXHIBIT 2

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
United States Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend title 18, United States Code, to authorize courts to issue orders requiring the appearance of certain persons for the purpose of having these persons participate in nontestimonial identification procedures.

Under present law no statutory method exists to require suspects in criminal cases to assist in such quickly performed identification procedures as fingerprinting, appearing in line-ups or executing handwriting exemplars unless they have first been arrested on probable cause. Often, however, without such identification probable cause to justify an arrest will be lacking. Similarly, the person will remain a suspect even though such procedures could clear him of suspicion. Early use of these procedures can be of great assistance in law enforcement and in crime solution.

Under the attached proposal a judicial officer will be authorized to issue an order requiring a person to submit to nontestimonial identification procedures. The order must be based on an affidavit which sets out probable cause to believe an offense has been committed, that there are reasonable grounds to suspect that the person named committed the offense even though probable cause to arrest is lacking, and that specified nontestimonial identification procedures would be of material aid in determining whether the person named in the affidavit committed the offense. The court order would then issue requiring the person to appear at a reasonable time and place to undergo the specified identification procedures.

The proposal contemplates that the full range of reasonable identification procedures that can be designated nontestimonial and are not violative of the Fifth Amendment right against self-incrimination may be required under an order to appear. Thus, nontestimonial identification is defined to include fingerprints, handwriting exemplars, blood tests, photographs, line-ups and the like.

Care is taken to protect the rights and convenience of the person required to participate in identification procedures. Thus, he is given the right to have the court direct that the products of his appearance be destroyed if they fail to provide probable cause to arrest him and to request the court for reasonable changes in the time and place of his appearance, including the right to ask that the procedures take place, where possible, at his place of residence.

Enactment of this proposal will provide Federal law enforcement officers with a useful new tool for the investigation of criminal activity and the apprehension of criminals. I urge early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

TWO YEARS OF ACCOMPLISHMENTS OF THE DEPARTMENT OF JUSTICE UNDER ATTORNEY GENERAL JOHN N. MITCHELL

Mr. HRUSKA. Mr. President, just over 2 years ago a new Attorney General moved into the Department of Justice and took over responsibility for this Nation's legal affairs. Since that time that Department has received forthright, progressive, and firm leadership from John N. Mitchell. I applaud him for his past efforts and look forward to the additional years of his public service.

Recently the Department of Justice issued a comprehensive report reviewing the 2 years of accomplishments of the Department under Attorney General Mitchell's direction. I ask unanimous consent that at the conclusion of my remarks the text of this document be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, this Senator would like to comment on three aspects of this report which I feel deserve special recognition.

First, the 91st Congress enacted approximately 70 percent of the Department's legislative program—a remarkable record considering the scope and number of items submitted by the Department. This record is due to the desire of Congress to provide the Department with all the legitimate tools that it could effectively use in order to curb the rising crime rate. Four of these bills deserve particular mention: the Organized Crime Control Act of 1970, the Omnibus Crime Control Act of 1970, the District of Columbia Court Reform and Criminal Procedures Act of 1970, and the Comprehensive Drug Abuse, Prevention, and Control Act of 1970. With the addition of these measures to the law enforcement arsenal, the Department has new authority to move on a wide range of problems which have stymied effective law enforcement in the past. In addition, this new legislation provides at least partial solutions for such old legal stumbling blocks as lack of sufficient financial resources for State and local law enforcement programs, trial delays in the District of Columbia, and inflexible penalty structures for some narcotics infractions. In all the 91st Congress compiled an enviable record on criminal law reforms and it is my hope that the 92d Congress will complete the job by moving rapidly to approve those measures which were left on the committee calendars at the close of the last session.

Second, organized crime has long been one of the most serious sources of law enforcement violations in this country. Estimates of its annual "take" from the Nation's pocketbook have ranged as high as $50 billion. Whereas many administrations in the past have preached about the threats of organized crime, the Nixon administration has actually done something to bring it under control. The evidence on this score presented by the Attorney General in his report is most impressive. Strike forces have been increased from seven to 16; indictments of high-echelon organized crime figures rose from 58 in 1968 to 103 in 1970—a 78-percent increase, the number convicted rose from 20 to 45 in the same period—a 125-percent increase. But it is in the area of wiretaps that the most spectacular results have been achieved. Mr. Mitchell's predecessor refused to use the authority granted him in this area by the 1968 Safe Streets Act. However, the present Attorney General, while mindful of the privacy problems and attentive to constitutional safeguards, went ahead vigorously with a carefully supervised electronic surveillance program. The results are impressive. Let me quote the Attorney General:

> Of the 214 Federal interceptions authorized and executed during calendar 1969 and 1970, nearly all produced incriminating evidence. They have resulted in more than 600 arrests and more than 500 indictments—mostly against organized crime figures. While most of these cases are still in progress, we have already won 30 convictions.
>
> At the same time, there have been no complaints that anyone's privacy was invaded. Moreover, we have strongly enforced the prohibition against private wiretapping contained in the same 1968 act, and as a result complaints of such violations have dropped from nearly 100 a month to about 30 per month.

And third, some progress has been made in an area which concerns me particularly, corrections. The prisons of this Nation, particularly at the State and local level, are in deplorable shape. Physically many of the institutional buildings are literally falling apart. A recent report shows that of 358 State penal facilities for adults in this Nation, 61 were opened before 1900, and 25 of these are more than 100 years old. Operationally too often our jails corrupt rather than correct; contaminate rather than rehabilitate. This Senator sponsored a measure in the last Congress which added a new title to the Law Enforcement Assistance Administration's legislation which insures that top priority as well as substantial monetary resources, as much as $120 million in fiscal 1971, will be devoted to a meaningful program of State and local prison reform. This project has the full blessing of the Attorney General and the Department of Justice and I look forward to real improvement in this area over the next few years. The Federal prison system, already a model, has also received attention from this administration which has developed a 10-year plan for the modernization of plant and program.

Mr. President, these are just three of the areas touched on by the Attorney General in his report. It is an impressive document which I commend in its entirety to all of my colleagues and to the public in general.

EXHIBIT 1

DEPARTMENT OF JUSTICE

TWO-YEAR REVIEW OF ACCOMPLISHMENTS, UNITED STATES DEPARTMENT OF JUSTICE BY ATTORNEY GENERAL JOHN N. MITCHELL, JANUARY 19, 1971

Ladies and gentlemen: This particular date—January 19—has a special significance to me, because exactly two years ago I was still enjoying the blessings of private life. All that changed the following day, however, when Richard Nixon became President of the United States. On that occasion he promised the American people a new beginning in a number of national priorities, including the administration of justice. As he took office, that particular program—designed to bring the machinery of justice into the twentieth century—included:

1. Getting new supporting legislation from Congress.
2. Mounting an effective assault on organized crime.
3. Improving the enforcement of civil rights in all statutory areas.
4. Hitting the narcotics traffic on all fronts.
5. Using all available antipollution enforcement tools to enhance the quality of the environment.
6. Protecting free competition for the benefit of the American consumer and the American economy.
7. Giving new life to the concept of justice by upgrading the processes of enforcement, adjudication, and corrections.

These were the objectives, and in offering you a brief summary of the Department's accomplishments in the past two years, I will leave it to you how well these objectives are being fulfilled. Specific details, including some charts and tables, have been given to you for your information and analysis. Let me touch upon some of the highlights before I entertain your questions.

LEGISLATIVE

Out of some 39 legislative items submitted by the Department, Congress enacted 27 or approximately 70 percent. These included those that we consider the most important, such as the Organized Crime Control Act of 1970, the D.C. Court Reform and Criminal Procedures Act of 1970, and the Comprehensive Drug Abuse, Prevention and Control Act of 1970.

The Department also won Congressional financial support for its intensified programs. From fiscal year 1968 to 1971, Department employment has grown from 34,800 to a projected 43,600—an increase of more than 25 percent—in order to carry out our larger objectives. One agency—the Law Enforcement Assistance Administration—required a budget increase of 6400 percent during the same period, in order to fulfill its program of financial aid to state and local governments. Our needs were substantial, and we were able to win corresponding support from Congress. Department of Justice appropriations for 1968 were $437.5 million. So far in fiscal 1971 the Department has received appropriations of $1,150.6 million—representing a 163 percent increase—and some other necessary appropriations should still be forthcoming. I should point out, of course, that $480 million of the last figure represents funding for the Law Enforcement Assistance Administration which grants aid to state and local organizations; this is a very substantial increase for LEAA over previous years.

ORGANIZED CRIME

In response to President Nixon's call for an all-out war against organized crime, an interdepartmental assault has been made on this national evil. The President established a National Council on Organized Crime, composed of the heads of all Federal departments and agencies who can bring an enforcement effort to bear on the problem, with the Attorney General as Chairman. The Council has developed national strategies against various aspects of organized crime and has provided top-level direction to the interdepartmental strike forces established in most large cities.

In the past two years the Department has put the strike force approach on a permanent basis, has increased the number of such forces from 7 to 16, and is able to report exceptional progress in securing evidence against organized crime syndicates and in bringing prosecutive action. The number of high-echelon organized crime leaders indicted rose from 58 in calendar 1968 to 103 in calendar 1970—nearly 78 percent. The number convicted rose in the same period from 20 to 45—or 125 percent. In the past two years approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicted or convicted.

Our intelligence work tells us that some of the organized crime leaders can't stand the heat and have left their areas of operation.

One of the weapons that has greatly aided this battle has been court-authorized wiretapping, which was provided in the Omnibus Crime Control and Safe Streets Act of 1968, but which the previous Administration refused to use. It was stated at that time that wiretrapping, even when hedged about by Constitutional safeguards, was an invasion of privacy, and that anyway, it couldn't really help at getting evidence.

When President Nixon took office he sanctioned the use of this court-authorized wiretapping, and I am able to report that of the 214 Federal interceptions authorized and executed during calendar 1969 and 1970, nearly all produced incriminating evidence. They have resulted in more than 600 arrests and more than 500 indictments—mostly against organized crime figures. While most of these cases are still in progress, we have already won 30 convictions.

At the same time, there have been no complaints that anyone's privacy was invaded. Moreover, we have strongly enforced the prohibition against private wiretapping contained in the same 1968 act, and as a result complaints of such violations have dropped from nearly 100 a month to about 30 per month.

Another important gain in the war on organized crime has been the intensified use of criminal tax evasion charges against organized crime figures, with indictments increasing by 250 percent and convictions by 53 percent between 1968 and 1970.

OTHER CRIME

In the broader area of crime, including street crime, the Administration has acted decisively wherever its jurisdiction permitted. Employment in the United States Marshals Service has been increased by nearly 55 percent for the 1971 fiscal year. In the past two years the number of Assistant United States Attorneys has been increased by 51.3 percent, compared to a 27.4 percent increase over the entire previous eight-year period. In the District of Columbia the number of Assistant United States Attorneys increased almost 100 percent, paralleling a sharp increase in the D.C. police force. In addition, the Department of Justice supported D.C. authorities in developing an effective drug treatment and rehabilitation program.

The results have been especially apparent in the District of Columbia. Starting in July, and for every month recorded since then, the crime rate has decreased decisively in comparison with the same month a year earlier, reaching a 25.4 percent decrease in September 1970 and a 23.3 percent decrease in November.

A crucial factor in the D.C. criminal justice picture was the D.C. Court Reform and Criminal Procedures Act of 1970, which was drafted by the Department of Justice. Among other things, this Act created many new judgeships to ease the backlog of cases. The Department swiftly processed the proposed appointees for these judgeships, and we can begin to see a reduction of the case backlog. In fact, the huge backlog of approximately 6000 juvenile cases has been virtually eliminated.

To speed the processes of Federal justice throughout the country, the Administration has accelerated the appointment of judges to fill vacancies. President Nixon appointed 115 Federal judges—83 of them in 1970, when the number was the largest in American history. Every one of these was cited as qualified by the American Bar Association. Processing of judgeship candidates, including investigations and recommendations, was accomplished by the Department of Justice at a much faster rate than in the two previous Administrations.

At the same time, Federal grants to help improve local law enforcement agencies have been greatly strengthened within the last two years. Total funding for the agency established for this purpose, the Law Enforcement Assistance Administration, climbed from $63 million in 1969 to $480 million appropriated for fiscal 1971.

While the nationwide crime rate has not yet turned downward as a result of these efforts and those of state and local governments, it is encouraging to note that in the first nine months of calendar 1970 the crime rate did drop in 23 cities of more than 100,000 population, including Baltimore, Kansas City, Pittsburgh, Seattle and St. Louis.

CIVIL RIGHTS

In the field of Civil Rights, the Department of Justice has made an outstanding contribution in the past two years. In the area of education we filed 94 cases compared to 68 over the previous two years. The number of school districts sued jumped from a total of 56 in the two years, 1967 and 1968, to a total of 254 in the past two years—a 350 percent increase. Due in large part to Justice Department negotiation and litigation, the percentage of black school children in the 11 southern states attending desegregated systems increased from less than 6 percent prior to the opening of school in 1969 to 92 percent at the opening of the 1970–71 school year. Of the 50 remaining school districts in this area that are without any desegregation plans, 22 are now under private suits, 16 under Federal suits brought by the Department of Justice, and the remaining 12 are under analysis preparatory to further action.

Let me emphasize that our figures reflect an analysis on a district by district basis, because that is our framework of concern. They are not on an individual school basis. A few days ago the Department of Health, Education and Welfare released figures on this same general subject. Those figures were necessarily different from ours, since they referred to schools and not to school districts. They confirmed not only conversion of the districts, but substantial integration of schools within those districts.

In the housing field, we have successfully implemented a national fair housing program following the 1968 act and its 1969 amendment. In 1969 and 1970, 64 housing cases were filed in 22 states and the District of Columbia. Equally important, negotiation resulted in securing the removal of racial discrimination from the policies of 19 United States title insurance companies. Similar progress has been made through negotiation or litigation with multiple listing services, real estate brokers, apartment operators, and large housing developments.

Achievements in fair employment may best be measured by the cases actually brought to trial, and by the relief won. The number of cases brought to trial moved from two in 1967 to 16 in 1970; appellate arguments, from 0 in 1967 to 11 in 1970; consent decrees entered, from 0 in 1967 to 8 in 1970. These actions included many multi-defendant suits, such as one against five building trade unions and three joint apprenticeship training committees in Seattle, the first of its kind; another state-wide suit against a Power Company; one against an Ironworkers local, resulting in the most comprehensive relief yet obtained in any trade union case. Through negotiation, with more than 80 potential defendants involved, the Department won an anti-discrimination agreement from the movie and television industry in Los Angeles. The Department also filed the first cases alleging discrimination against women, Mexican-Americans and Indians.

In public accommodations, the Department filed the first cases in the North, the first cases alleging discrimination against Puerto Ricans, and the first cases against penal institutions.

I also wish to emphasize that the Civil Rights Division is devoting considerable attention to the Department's Title VI responsibilities. Last year it established a Title VI unit whose sole responsibility is to work with Federal agencies in assuring non-discrimination in federally assisted or funded programs.

Besides the dedicated work of the Civil Rights Division, the Department's Community Relations Service made substantial progress in helping minority groups and organizations in their dealing with other elements of our society, including state and local governments. In its role as conciliator in disputes and as a liaison agent in potential community problems, the Service helped to move minorities forward while promoting peace and stability on the campuses and in the communities. In the past two years CRS has decentralized so that two-thirds of its professional staff is in the field, rather than one-third prior to 1969. The measurable decline of racial outbreaks in the United States over the past twelve months is due to many factors, not least of which is the continuing work of the Community Relations Service.

NARCOTICS

Against the nation's growing narcotics problem the Nixon Administration mounted an all-out campaign on all fronts—at home, at our borders, and at the foreign sources of illicit drugs. This has been the first administration to make narcotics control part of its foreign policy. As a result, new cooperation has been won from Mexico in destroying drugs at their sources and in policing our common border against dope smuggling. At our urging, France and Turkey have stepped up their anti-narcotics efforts.

Through the initiative of President Nixon, broader cooperation has been won from international organizations. Last summer the Committee on the Challenges of Modern Society, an arm of the North Atlantic Treaty Organization, agreed on methods by which NATO could combat the drug traffic. Following that meeting the United Nations Committee on Narcotic Drugs created a special fund for anti-narcotics programs in September 1970. The Director of the Division of Narcotic Drugs of the United Nations Secretariat has already visited Thailand and Burma to start implementing these programs.

At home, narcotics agents have closed down an average of one clandestine laboratory per week for the last two years. With the help of the interdepartmental strike forces they have staged raids against major distribution rings, including one—largest such operation in history—that so far has netted 169 arrests. Prosecutive action against drug traffickers has increased correspondingly—from an average of 486 defendants filed against per month at the end of 1968 to 808 by the last of 1970—an increase of 66 percent.

I should point out that this later figure is even more potent, because we changed our mode of operation to concentrate on the large interstate distributors, leaving to state and local agencies the responsibility for enforcement against local drug peddlers. In the same period the amount of illicit drugs removed from the domestic market increased decidedly from 1969 to 1970. It more than tripled in the case of heroin and doubled in the case of marihuana. Due in large part to efforts by our Bureau of Narcotics and Dangerous Drugs, similar increases are shown in the amount of drugs removed from the international traffic.

Anti-narcotics legislation passed by Congress last October will certainly permit still more effective action against this national menace.

ENVIRONMENTAL QUALITY

As part of the comprehensive environmental quality program initiated by the Nixon

Administration legal action against polluters has greatly intensified, and the battlefield has been expanded to include mercury and thermal violations.

In the past two years the Department has reinstituted the Refuse Act of 1899 as a weapon against polluters. Cases under the Refuse Act increased fourfold in 1970 against the preceding two years. Injunctive suits under this Act were first introduced in March 1970, with 25 suits filed since then, including ten mercury dumping suits—some against very large operators.

The first Federal action to enjoin thermal water pollution was brought against a Florida power company, bringing a landmark ruling that dumping hot water is a form of pollution and is actionable under the Refuse Act.

In the first Federal enforcement of the Clean Air Act, the Department won an order from a Maryland District Court (sustained by the appellate court) to close down a plant because of air pollution.

In addition to these actions by the Land and Natural Resources Division, the Antitrust Division secured a consent decree winning prompt and effective relief in the automobile smog case. Without the expense and delay of a court trial, the decree provided very stiff penalties and requirements against the big four manufacturers, and promises to speed the development of an effective auto smog device.

ANTITRUST

The Department has made significant strides in preserving the free competition that lies at the center of our country's economic system. Through five major conglomerate merger cases, most of which are still pending, the Antitrust Division has helped create a climate in which the incidence of conglomerate mergers has sharply declined. In addition the Department has challenged the systematic practice of reciprocity marketing agreements that have worked against competition among suppliers. Seven such cases have been filed in the past two years, compared to none previously. Altogether, the Department filed 112 Antitrust cases in two years—more than in any two years of the previous Administration. Antitrust cases grew from 55 in 1968 to 67 in 1970.

CORRECTION

In response to President Nixon's 13-point program for Federal corrections reform, the Department developed a 10-year plan to modernize and upgrade the Federal prison system. Not only will this program carry out the judgments of the courts for the protection of the community, but it will also provide custodial care consistent with human dignity and will place greater emphasis on correction of the offender.

Major progress was also made in 1970 on programs to teach industrial skills to inmates, to provide the most advanced therapeutic and psychological help, to provide daytime community work to selective inmates, and to assist in creating a meaningful transition in the return of prisoners to normal life.

In addition, construction funds for a multi-purpose Metropolitan Correctional Center in New York City have been provided. Plans are being drawn for a similar center in Chicago, and for a facility in North Carolina to treat mentally disturbed and violent offenders. The Bureau of Prisons will soon open the first regional staff training center for Bureau employees and for state and local correctional officials.

At the same time, through the Law Enforcement Assistance Administration, the Department is providing funds to improve state, city and county correctional institutions. Such grants have increased from $3 million in fiscal year 1969 to over $100 million for 1971.

TAX ENFORCEMENT

Enforcement of Federal tax laws has been greatly improved in the past two years. Processing of cases has been streamlined, so that in 1970 the processing of a criminal tax case averaged only two months and six days, compared to three months and ten days in 1967—an approximately one-third reduction. The percentage of cases won in the trial courts increased from 73 to 81, in the appellate courts from 79 to 81, and in the Supreme Court from 73 to 85. The number of civil and criminal cases closed both increased in this period, and with special reference to criminal cases the figure rose from 659 to 1005—approximately 50 percent.

As for results, collections by the Tax Division grew from $69 million in 1967 to $76 million in 1970, while the amount of money saved in the same years increased from $85 million to $104 million.

PORNOGRAPHY

Lastly, I want to mention progress against smut peddlers—a campaign that has been at times frustrating, but has always had a significant place in the Administration's program. First let me acknowledge the key role of the Post Office Department, which has generally provided the initial investigations leading to prosecutive action and which has been especially active under Postmaster General Blount. The following figures speak for themselves:

As of January 1, 1969, the Department of Justice was involved in five investigations of major distributors, and eight distributors were under indictment. By January 1, 1971, the figures had jumped to 58 and 55, respectively, or more than 1000 percent for investigations and more than 600 percent for indictments.

In the past 12 months, out of 13 cases involving major distributors, the Government has won 11. Virtually every decision against the defendant is on appeal to a higher court, but several convictions have been sustained at the appellate level, including cases against two of the largest distributors in the country.

As you know, only one of the three anti-pornography bills drafted by the Department and proposed by President Nixon was passed by Congress. We intend to resubmit anti-pornography legislation to the 92nd Congress.

CONCLUSION

Ladies and gentlemen, these are only some of the accomplishments of the men and women of the Department of Justice in the past two years. Limited time prevents my including many others representing equal diligence and dedication by the various divisions, bureaus, and services within the Department. Again, I leave to your candid judgment the degree to which they represent the fulfillment of our goals.

Now I will be happy to entertain your questions, which I trust you will confine to the subject of the Department's two-year achievements.

PERCENTAGE BUDGET INCREASES BETWEEN FISCAL YEAR 1968 AND FISCAL YEAR 1971

(Selected Divisions, Etc.)

Name	*Percentage*
LEAA	6400
Community Relations Service	125
Criminal	112
Civil Rights	107
United States Attorneys and Marshals	76
Bureau of Prisons	76
Bureau of Narcotics	74
Tax	49
FBI	48
Antitrust	38
Immigration and Naturalization Service	38

DRUGS REMOVED FROM ILLICIT MARKET IN THE UNITED STATES BY BNDD

	Fiscal years	
	1969	1970
Heroin (pounds)	140	427
Cocaine (pounds)	73	197
Marihuana (pounds)	8, 825	17, 402
Hallucinogens (dosage units)	24, 579, 436	7, 127, 742
Stimulants (dosage units)	4, 831, 458	7, 196, 481
Depressants (dosage units)	748, 850	2, 339, 590

ARRESTS AND SEIZURES BY FOREIGN AUTHORITIES IN COOPERATION WITH BNDD

	Fiscal years	
	1969	1970
Arrests	214	207
Seizures:		
Opium (pounds)	290. 4	3, 382. 8
Morphine base (pounds)	371. 8	584. 8
Heroin (pounds)	195. 8	299. 7
Cocaine (pounds)	19. 9	78. 5
Marihuana (pounds)	13, 028. 4	62, 080. 0
Hashish (pounds)	200. 2	664. 1
Stimulants (dosage units)	0	5, 000, 000

ORDER FOR RECESS FROM FRIDAY TO MONDAY, FEBRUARY 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 12 o'clock meridian Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 5 o'clock and 34 minutes p.m.) the Senate recessed until tomorow, Friday, January 29, 1971, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 28 (legislative day of January 26), 1971:

U.S. DISTRICT COURTS

Robert V. Denney, of Nebraska, to be a U.S. district judge for the district of Nebraska vice a new position created under Public Law 91–272 approved June 2, 1970.

ENVIRONMENTAL PROTECTION AGENCY

The following-named persons to be Assistant Administrators of the Environmental Protection Agency; (new positions).

Stanley M. Greenfield, of California.

Donald Mac Murphy Mosiman, of Indiana.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The following-named persons to the positions indicated:

Robert M. White, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration; new position.

Howard W. Pollock, of Alaska, to be Deputy Administrator of the National Oceanic and Atmospheric Administration; new position.

John W. Townsend, Jr., of Maryland, to be Associate Administrator of the National

Oceanic and Atmospheric Administration; new position.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Houser, of Illinois, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, to which office he was appointed during the last recess of the Senate.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1970, to which office he was appointed during the last recess of the Senate.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Charles Carlucci III, of Pennsylvania, to be Director of the Office of Economic Opportunity, to which office he was appointed during the last recess of the Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ethel Bent Walsh, of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1975, to which office she was appointed during the last recess of the Senate.

U.S. TARIFF COMMISSION

Chester L. Mize, of Kansas, to be a member of the U.S. Tariff Commission for the remainder of the term expiring June 16, 1974, to which office he was appointed during the last recess of the Senate.

U.S. POSTAL SERVICE

The following-named persons to be Governors of the U.S. Postal Service for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Elmer T. Klassen, of Massachusetts, for a term of 1 year.

Frederick Russell Kappel, of New York, for a term of 2 years.

Theodore W. Braun, of California, for a term of 3 years.

Andrew D. Holt, of Tennessee, for a term of 4 years.

George E. Johnson, of Illinois, for a term of 5 years.

Crocker Nevin, of New York, for a term of 6 years.

Charles H. Codding, of Oklahoma, for a term of 7 years.

Patrick E. Haggerty, of Texas, for a term of 8 years.

M. A. Wright, of Texas, for a term of 9 years.

SMALL BUSINESS ADMINISTRATION

Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration, to which office he was appointed during the last recess of the Senate.

SECURITIES INVESTOR PROTECTION CORPORATION

The following-named persons to be Directors of the Securities Investor Protection Corporation for the terms indicated, to which offices they were appointed during the last recess of the Senate:

Andrew J. Melton, Jr., of New York, for a term expiring December 31, 1971.

Glenn E. Anderson, of North Carolina, for a term expiring December 31, 1972.

George J. Stigler, of Illinois, for a term expiring December 31, 1972.

Donald T. Regan, of New York, for a term expiring December 31, 1973.

Byron D. Woodside, of Virginia, for a term expiring December 31, 1973.

CONFIRMATION

Executive nominations confirmed by the Senate January 28 (legislative day of January 26), 1971:

DEPARTMENT OF THE INTERIOR

Rogers C. B. Morton, of Maryland, to be Secretary of the Interior.

EXTENSIONS OF REMARKS

NATIONAL RAIL PASSENGER SYSTEM

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, January 28, 1971

Mr. METCALF. Mr. President, the following Senate resolution from the Montana State Senate speaks eloquently for adequate rail passenger service through Montana. A copy has been sent to Mr. Volpe and I hope he heeds it in his decision on passenger routes today.

I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

A resolution of the Senate of the State of Montana urging that passenger train service to the State of Montana be included in the basic system of the National Rail Passenger Act of 1970

Whereas, the Congress of the United States by Public Law 91-518 has proposed a complete revamping of the National Rail Passenger System and by such law instructed the Secretary of Transportation to issue a Preliminary Report outlining future rail passenger routes and such Preliminary Report having been published outlining, among other things, as "End Points" the municipalities of Chicago, Illinois, and Seattle, Washington, and proposing that all rail passenger service within the state of Montana be discontinued in its entirety and further proposing that such traffic between the respective points proceed via Omaha, Nebraska, and Green River, Wyoming; and

Whereas, the existing schedules in the state of Montana provide rail passenger service in an east-west direction on both the Burlington Northern Inc. Northern Division routing (formerly Great Northern Railway) and the southern routing (formerly Northern Pacific Railway) and the Preliminary Report of the Secretary of Transportation would terminate such service; and

Whereas, the state of Montana is six hundred (600) miles in length in an east-west direction and approximately four hundred (400) miles in length in a north-south direction; and the current northern routing presently serves ten (10) counties with a population of approximately one hundred twenty-eight thousand (128,000), with nearly two hundred (200) smaller communities completely dependent upon rail transportation because no air service, bus service or other public transportation exists, and such routing provides through rail connection with entrances to Glacier National Park, and such routing constitutes the fastest, most direct route between Chicago and Seattle; and the southern routing through the state of Montana presently serves twenty (20) counties with a population of over three hundred fourteen thousand (314,000) and the major industries of the state of Montana are located along said route; and

Whereas, the Interstate Commerce Commission, the National Association of Railroad Passengers and the Montana Railroad and Public Service Commission have recommended the following program for rail passenger service to the state of Montana.

Now, therefore, be it resolved by the Senate of the State of Montana: That the senate of the state of Montana recognizes that the public interest and convenience of the citizens of the state of Montana require that existing east-west passenger train service be continued, and therefore, urges the Department of Transportation to maintain existing east-west passenger train service through the state of Montana in the Basic National Rail Passenger System; and

Be it further resolved, that if it is absolutely impossible to maintain existing east-west passenger train service through the state of Montana, the senate of the state of Montana urges the Department of Transportation to include in the Basic National Rail Passenger System both the northern Montana route and the southern Montana route, with east-west passenger train service on such routes on alternate days; and

Be it further resolved, that the secretary of state of Montana be instructed to send copies of this resolution to the Department of Transportation; John Volpe, Secretary of Transportation; the Honorable Warren G. Magnuson, Chairman of the Senate Interstate and Foreign Affairs Committee; the Honorable Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee; the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the state of Montana; the Honorable John Melcher and the Honorable Richard Shoup, Congressmen from the state of Montana; and to each officer of the corporation formed to administer the Basic National Rail Passenger System after such corporation is formed.

WATER WONDERLAND ON THE COLORADO RIVER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. HOSMER. Mr. Speaker, following the November elections, my wife and I returned to Washington by automobile, the first time in many years we had taken such a trip.

En route, we stopped at the Grand Canyon area on the Colorado, a region that has consumed a good deal of my legislative time over the past 20 years.

It was readily apparent during our brief stopover that the dams which make water and power available to millions of people in the Pacific southwest also make the Colorado one of America's most sought-after recreation centers.

Over the years, many have argued against damming the Colorado, but it is clear to me that the Congress and the Bureau of Reclamation have significantly enhanced the environment of that region.

A fine article by Lupi Saldana, of the Los Angeles Times, one of the Nation's foremost outdoor writers and environmentalists, reports that the area has been turned into a "water wonderland."

Because I have sincere pride in what we have accomplished there, I am including Mr. Saldana's article in the RECORD:

THE COMPLEAT COLORADO RIVER

(By Lupi Saldana)

History doesn't record it, but the most disappointed explorers to set foot in the west were probably members of the Francisco Vasquez Coronado expedition. Coronado's soldiers of fortune braved the elements and some of the most rugged country in the world in 1540 in their search for the fabled Seven Cities of Cibola, which legend said overflowed with gold and precious gems.

Instead of the cities and the riches, the Spanish explorer's troops discovered a gaping chasm and a muddy river . . . the Grand Canyon and the Colorado River. This was little reward for their troubles, but the discovery earned the expedition a niche in history as the hole in the ground and the river became world renowned.

Today the Grand Canyon has become one of the natural wonders of the world and the muddy Colorado River has been fashioned into a water wonderland winding 903 miles from Utah to the Mexican Border. The backbone of this recreational paradise is the sparkling lakes which sit behind the dams constructed by the U.S. Bureau of Reclamation—Lake Powell, Lake Mead, Lake Mojave, Lake Havasu, Lake Moovalya, Imperial Reservoir and Laguna Reservoir.

Coronado would find the transformation unbelievable. The mud-red river has been tamed and, for the most part, it now flows clean and blue and full of life as it shelters 18 species of game fish. And the scenes the waters have created as they filled the red sandstone canyons are breathtaking.

The combination of natural beauty and unlimited recreation will lure more than 10 million persons to the river area this year. They will come to fish, boat, camp, swim, water ski, hunt, paint, ride the rapids, study nature or just marvel at the magnificent, water-inspired scenery. Yet this is just the beginning, because in the next decade the number of visitors is expected to reach 20 million annually.

One of the main attractions will be the newest jewel in the string of lakes, Lake Powell, which is surrounded by some of the most striking land formations found on the river. Its beauty and its vast array of recreation are only now being discovered by the multitudes.

In addition to the dams, all tributes to America's ingenuity, there is another man-made object which will attract tens of thousands to the river—the transplanted London Bridge. The bridge is beginning to rise at Lake Havasu City on the shore of Lake Havasu, and by the fall of 1971 fishermen may be catching fish under its ancient span.

The beautifully rugged country of the Colorado Plateau and the river were known to man for centuries before Coronado arrived. During the last 2,000 years Indian settlements were founded along the river, but many were abandoned because of the long periods of drought. Later the white man learned that the river was inhospitable in other ways. During the spring the river, which begins its wild descent in the lofty Rocky Mountains in Colorado, often became a raging torrent that destroyed crops, lives and property.

One of the river's most famous floods took place in 1905 when control gates were being constructed on the lower river to bring water to the Imperial Valley. The surging flood destroyed the gates and for two years water poured into the ancient Salton Sink and created today's Salton Sea. This was a blessing in disguise, for the Salton Sea has developed into an outstanding recreational area.

The dreams of taming the "Big Red" began to develop into reality in 1922 when representatives of the seven Colorado River Basin states—California, Nevada, Utah, Colorado, Wyoming and New Mexico—met in Santa Fe, New Mexico, and drafted the Colorado River Compact. This agreement, which did not solve all of the legal problems of water distribution, was a milestone, because it divided use of the river's water between the upper and lower basins and paved the way for construction of projects to control, regulate and utilize the river's natural resources.

Congress gave the program official muscle in 1928 when it passed the Boulder Canyon Project Act authorizing construction of Hoover Dam and the All-American Canal system in the Imperial Valley. The value of the work was graphically demonstrated when Hoover Dam was completed in 1935. Since then there has not been a flood or drought on lands served by the lower river.

When Coronado's explorers arrived, the river contained only a few nondescript species of fish such as hump-back suckers, bonytail chubs and squawfish, also known as Colorado River Minnows. The only fish of any value was the now little-seen squawfish, which were caught by Indians using traps.

Today fishing is the No. 1 recreational attraction on the river. The dams which created lakes behind them and clean, cool streams immediately below them made it possible to introduce an amazing number and variety of game fish.

Thanks to the excellent scientific management being given the lakes and streams by state and federal wildlife officials, all of those species are thriving. The key to the good condition of the fisheries and the excellent growth of the game fish is shad, a forage fish present along the entire river. The shad is a prolific reproducer and the favorite food of the game fish.

Although the original objectives of the dam system were to provide a constant supply of water and electricity for domestic and agriculture use, federal officials have now recognized two other important facets—recreation and environment. As a result, the Bureau of Reclamation has named Al Jonez, veteran biologist for the Nevada Department of Fish and Game, to establish an Environmental Branch. This group will concern itself with the fisheries, wildlife, environment and ecology of the river.

Despite the bureau's new awareness of the public's recreational desires, it is receiving some brickbats from sportsmen who oppose the bureau's channelizing program on the lower river The bureau says the channelizing—straightening the river and lining the sides with concrete—is being done to save water. However, sportsmen claim the small amount of water saved doesn't compensate for the fish and wildlife habitat being destroyed by drying up sloughs and other backwaters. As a compromise, the bureau is creating some man-made backwaters that should benefit wildlife and provide additional recreation.

Another federal unit playing a vital role in the recreational development of the river is the Willow Beach National Fish Hatchery. Since it began production in 1963, the hatchery has poured 14 million fingerling and catchable size trout into the lake and stream areas. These trout plants have been augmented by California, Nevada, Arizona and Utah.

Today the entire river is a year-round playground with all areas providing good facilities for fishing, boating, camping, water skiing, etc.

The major areas follow:

LAKE POWELL

The newest, longest and most spectacular beauty-wise of the lakes along the Colorado River is Lake Powell, which started to fill the giant canyon-studded basin behind Glen Canyon Dam in 1963. The lake is 186 miles long with 1,860 miles of shoreline.

The colorful sculptured shoreline and the lake's blue-green water create scenes that bring lavish praise from visitors. Even the dam, rising 710 feet above bedrock, is an artist's dream.

Fishermen also eloquently praise the lake's fishing in general and largemouth bass fishing in particular. Besides bass, the lake also contains rainbow trout, channel catfish, crappie and kokanee salmon. There are plans to stock striped bass. It has been stocked with more than three million bass and 14 million two to five-inch trout.

Bass fishing is spectacular from April to July when the fish take surface lures. After July, the bass leave the shallow water and return to the rocky ledges of the canyon walls. As the surface water cools, they move deeper and by November the larger fish will be 50 to 60 feet deep. Good bass fishing at the south end of the lake begins at Last Chance and Rock Creek canyons. The best trout fishing is found along the first 15 miles behind the dam from November to May. There is also good trout fishing in the river below the dam.

The south entrance to the lake is in the Page-Wahweap area, which has motels, trailer parks, restaurants, grocery stores, camp sites and other facilities. The dam is in Arizona, but most of the lake is in Utah. At the Wahweap Bay Marina six miles north of Page, there is free boat launching, boat rentals, fuel, fishing tackle, fishing licenses, etc.

Fifty miles north and reached only by water is Rainbow Bridge Marina. At the 92 mile mark is Halls Crossing Marina, which is also accessible by road. Four miles north of Halls Crossing on the opposite side of the lake is Bullfrog Marina, which is reached by a paved road and has excellent facilities. Houseboats are now available at Bullfrog. At the northern tip is Hite Marina, which has lodging, boat rentals and other facilities.

Due to the distances between marinas and the many miles which may be traveled into the deep canyons, boaters are urged to carefully check their supplies, gasoline and other equipment before leaving the dock.

LAKE MEAD

The rugged Grand Canyon, created by the Colorado River knifing its way through the arid West, lies between Powell and Lake Mead. The water then spills into Lake Mead, which backs up for 115 miles behind Hoover Dam. The lake has 550 miles of shoreline.

As the first lake in the chain, Mead became a fisherman's paradise from the beginning. And with the introduction of striped bass, silver salmon and rainbow trout in the last two years, its fishing future is brighter than ever.

Striped bass are not expected to enter the fishery for another year or two. Meanwhile, more stripers will be stocked in order to establish a good fishery.

Largemouth bass are still number one on the Mead fishing parade. The lake has had good spawns of bass for the last three years. Bass average about two and a half to three pounds and fishing follows the same pattern as that in Powell—good in the spring, early summer and fall. Trout and salmon fishing is best in the late fall, winter and early spring.

Major fishing and recreation areas are Boulder Basin, Virgin Basin and Overton Arm. The lake has six marinas—Boulder Beach, Las Vegas Wash, Callville Bay, Echo Bay, Overton Landing and Temple Bar. Developed campgrounds are available at all marinas except Callville Bay and Overton.

Lodging is available at Echo Bay, Overton and Temple Bar. Camping is also available at Bonelli and Detrital camps. All marinas offer free boat launching and there are also improved launching ramps at Kingman Wash, Hemenway Wash and South Cove.

LAKE HAVASU

The area from Davis Dam to Parker Dam—46 mile long Lake Havasu and the river in the Topock Swamp-Needles-Bullhead City sector—is the most heavily developed section of the river. A good example is Lake Havasu City, which is only six years old yet has a population of 6,500 residents. Growth should continue as it is installing a major man-made attraction—the London Bridge, which should be finished late next year.

Stocked in the lake are large-mouth bass, striped bass, crappie, bluegill, catfish, sturgeon and occasionally a trout swims in from the river below Davis Dam. Although the hefty striped bass have caught the fancy of the expert fishermen, the large-mouth bass is still the most popular. Bass average one and a half to three pounds with an occasional six, seven and eight-pound whopper taken.

The best bass fishing months are April, May, June, October and November. The larger fish are taken in the winter months in water 40 to 60 feet deep. Some of the best fishing areas are Pilot Rock, Lava Beds, Sunset Point, Newman's Hole, Chalk Bluffs and the many coves.

Striped bass remain in the deep part of the lake near the dam most of the year. In April they begin their spawning migration to Davis Dam and produce some of the most exciting fishing on the river because the bass average 15 to 20 pounds. The best area in April, May and June is from Blankenship Bend to the dam.

The cool water pouring from below the dam has created excellent fishing conditions for trout near Needles and Bullhead City. State and federal agencies stock this section of the river with rainbows. Spring and fall months are best for trout.

Marinas on the lake are Lake Havasu City, Black Meadow Landing, Havasu Springs Resort, Havasu Palms and Havasu Landing. They all have boat launching ramps, boat rentals, bait, licenses, restaurants and sleeping accommodations.

LOWER RIVER

There is fishing along most of the 138 miles of the river from Parker Dam to the Mexican Border. There are no large lakes in this section, but there are many opportunities for fishing in secluded backwater sloughs and many miles of good boating water, but this sport can be difficult when the flow in the river is reduced.

The best fishing is from Palo Verde Lagoon below Blythe to Imperial Dam. Some of the best producing waters are Lake Martinez, Lake Ferguson, Taylor Lake and Senator Lake. Anglers will find largemouth bass, crappie, bluegill, channel catfish, flathead catfish and an occasional stripped bass in these waters.

The recent addition of the flathead catfish has added a trophy fish to this area, because these "cats" grow large. Heaviest taken so far was a 34¾-pounder.

The best fishing months in this area are spring, early summer and fall. The early summer months produce spectacular largemouth bass fishing as the bronzebacks hit surface lures readily.

These lakes are in a semi-wild area with a minimum of facilities and a boat is necessary. There are boat launching sites at Martinez Lake, Ferguson Lake and Imperial Dam.

EQUIPMENT AND TECHNIQUE

For all fish except striped bass, a six to seven and a half-foot casting rod with a lot of backbone and a sensitive tip is standard. Conventional and closed-faced spinning reels are the most popular, but a level wind reel is recommended for trolling. Line in eight and 10-pound test is fine.

For largemouth bass, bottom bumping lures such as plastic worms and lead-headed jigs with pork rind and deep running lures like Bombers, Mepps, Thin-Fin and Hellbenders and such live baits as mudsuckers and waterdogs are effective most of the time. However, in late spring and summer surface lures like chuggers and poppers produce good results.

One of the deadliest lures has been the plastic worm, which works best when retrieved slowly. Trolling deep running lures is effective when the fish are in water 10 to 30 feet deep. Number four and six hooks are recommended for live bait.

Trout and salmon are taken trolling lures such as Flatfish, Rebels, Rapalas and Hot Shots. These fish also hit Mepps, Super Dupers and red-chrome jigs cast close to shore. Trout, particularly in the river, hit well on cheese baits and salmon eggs. Some of the heaviest trout have been taken at Willow Beach with floating cheese.

Striped bass, being larger and tougher, require a heavier outfit. A light salt water or steelhead rod with 15 or 20-pound line will handle the stripers. They hit best on large trolled lures (six to eight inch Rapalas and Rebels) and threadfin Shad, which do not have to be alive.

Crappie and catfish hit best at night. The crappie are taken around the docks with minnows and go-getter type lures, while the catfish prefer the backwaters and hit best on shrimp, cut mackerel and special catfish bait.

Limits on the river are: three striped bass, minimum size 16 inches; 10 trout or 10 silver salmon, but not more than 10 in the aggregate; 10 largemouth bass; catfish, 10 to 25, depending on state. There is no limit on crappie and bluegill. The season on sturgeon is closed.

THE LEGISLATIVE ROLE IN SCIENCE POLICY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, as the ranking minority member of the Committee on Science and Astronautics, which is in the midst of its 12th annual conference with the panel on science and technology, I should like to call the attention of the Congress to comments made to the panel by the distinguished Senator Allister Grosart of Canada. The paper has particular significance for the Congress since it deals with the complex parliamentary aspects of international science cooperation as well as with the interparliamentary mechanics of promoting it.

Senator Grosart represents Ontario in the Canadian Parliament, and serves as chairman of the steering committee of the special committee on science policy of the Canadian Senate. Senator Grosart was born on December 13, 1906, at Dublin, Ireland. Educated at China Island Mission Schools, Chefoo, North China, 1915–23; University of Toronto 1923–27 politics and law and 1928 postgraduate International Law. Degrees: B.A., Carnegie Fellow of International Law, 1928. Served with Irish Regiment of Canadian 2d Battalion, C.A. (R) with rank of lieutenant to major. Former vice president of McKim Advertising Ltd., Toronto and Montreal; former managing director Peer International—Canada, and former national director P. C. Association of Canada. Member of Royal Canadian Geographic Society, Canadian Bibliographical Society, Canadian Library Association, and National Press Club, Ottawa. Summoned to Senate September 24, 1962. Party politics, Progressive Conservative.

The speech follows:

SPEECH BY SENATOR ALLISTER GROSART OF CANADA

Mr. Chairman and Distinguished Guests, it is a very great honour to have been asked by Chairman Miller to again attend this prestigious Conference convened by his internationally renowned Committee.

I was here last year as a listener and member of the audience. This year I have been promoted to the platform for this occasion. This dual role in these two years recalls the comment of that great English wit, Augustine Birrell, who when asked if a speech he had made had been a success replied: "The speech was a success but the audience was a failure."

I hope that will not be the case today. I am sure it will not, because I can rely on your tolerance towards a layman who, as a very non-scientific member of the Committee on Science Policy of the Canadian Senate, has been lured out of his depth into the deep seas of Science and Science Policy. In that capacity I may say that I am substituting on very short notice for our Chairman, Senator Maurice Lamontagne, a former Cabinet Minister and one of Canada's leading economists.

However, whatever my reception here may be, it will perforce be mild compared to that which the first volume of our Senate Committee's Report has received, in certain scientific quarters in Canada. This is not surprising, of course, in view of the fact that the whole tenor of this first volume is highly critical of Canadian Science policy over the past 50 years, and by implication of many of the individual and institutional policymakers involved. It was not easy to decide to publish the conclusions we had reached because it was inevitable that they would give offence. We did so only because we had become convinced that it would be calamitous if the New Round of Science Policy-making that is about to begin was based on the conventional wisdom of the past rather than on the abundant evidence in our own experience (and in that of other countries) that Canada has not and never had—an overall science policy. We cannot hope therefore to use effectively our limited financial resources in support of Science and Technology (and particularly Research and Development), on the basis of the existing pattern of diffuse, ad hoc, responses to funding and performance claimants on the public purse.

Not without some concern that we would be misunderstood or misrepresented we have come out for an overall Science Policy at the highest political levels—that is to say for a macropolicy approach to Canadian science policy to rationalize in advance the hundreds—perhaps thousands—of micropolicies which have resulted in what we called "Science Policy by Accident".

We found that in comparison with other OECD countries both our public and gross funding of R & D was inadequate; that Canada was at the bottom of the list in both funding and performance of R & D by business enterprise and therefore in innovation generally; that we are doing far too much of our R & D in government laboratories; that we have probably the lowest rate of transfer of R & D to industry from government laboratories and universities; that our new Science Council (1966) is operating "in a vacuum"; that our National Research Council, despite its accomplishments and international repute among scientists, has not fulfilled its intended role in terms of national scientific policy.

I need hardly say that there have been some howls of protests—particularly from fundamental scientists—who seem to find it so hard to understand, that political or public insistence on the application of social, economic and technological criteria to overall national scientific productivity is fully consonant with staunch public support of basic, curiosity-oriented research.

Indeed, from a political point of view it seems to me that pure scientists would have far more to gain than lose from a well planned overall science policy. This is so, because pure science is the one area in which the political decision to spend is exempt from the normal requirement of cost-benefit justification. Here, as nowhere else in the national budget can a case be made that basic research has a clear claim on public funding without strings attached. I need hardly say that all claimants for public funding in science affairs would like their funds "without strings attached". Fortunately or unfortunately, depending I suppose on one's viewpoint, this runs counter to the essential requirement of accountability of all public servants for the expenditure of public funds.

All of which leads directly to the whole question of the role and responsibility of the individual legislator in and for national science policy. I am sure that in most of the countries represented at this Conference, the essence of the control of the executive branch by elected representatives is through the control of the purse—the annual Budget, Appropriations or whatever it may be called.

This, of course, assumes that in each legislature there are individual members or groups of members who have expert knowledge of the many objects of public expenditure as they appear in the annual Estimates. There will be a few, perhaps, who will have a special competence to relate the totality of suggested expenditures to its impact on the national economy and the underlying societal values. But they will be few. The majority of members will have special competence in one or two particular spending areas—agriculture, social welfare, health, education, industry, foreign affairs, justice, resources—and so on. This is so because these have for a long time been major objects of public expenditure. By and large they have high visibility in the sense that the expenditures can be readily apprehended and assessed in relation to the general or regional interests affected. The whole concept of representative government is based on the assumption that all claims on the public purse will have effective examination by members of the legislature. This system, with its checks and balances, claims and counterclaims, has worked tolerably well where the areas of expenditure have grown gradually with matching development of competence on the part of legislators.

The system tends to break down, however, when a completely new and expensive program or project is introduced. Its very newness finds the legislators unprepared to assess critically. It gets easy passage through the legislature because members do not feel qualified to discuss it critically; have neither the time or inclination to do their homework and therefore have no way of knowing its general or regional implications. The history of politics is full of such cases and the inevitable matching story of false starts, colossal waste of public money and even scandals.

The studies we made in the Science Policy Committee of our Canadian record and that of other countries in national science policy seems to suggest that Science and Technology (and their handmaidens Research and Development) are often in this category. Certainly in all the industrialized countries which are engaged in what has been called "the Science and Technology race", there have been in recent years fantastic increases in the public funding of R&D activities. In our own case in Canada from $70 million in 1951 to $583 million in 1970. Here in the United States from $1,301 million in 1951 to $16,922 million in 1970.

If I read the evidence of the countries concerned correctly, I have to conclude that no executive—and certainly no legislature—was even remotely prepared to assess these new and prodigious claims on the public purse, even in such basic decisions as the respective funding responsibilities of the public and private sectors; of the most effective "mix" of performance by government agencies, universities and industry; of a viable distribution of funding between basic and applied research, development and innovation; on the proper roles of decision-makers all the way from the Cabinet through mission-oriented departments, councils, boards, Budget Bureau and Treasury officials, to the individual scientist or institution.

This of course, is what the so-called Great Debate on Science Policy is all about. If one looks at the widely-diffuse answers to these questions that various countries have given one looks in vain for any kind of rationale that could by any stretch of the imagination be regarded as the end product of a national science policy. Certainly not to the same extent that there is a visible fiscal, farm, welfare, or foreign affairs policy.

In Canada we had a Cabinet Science Committee which never met for ten years. We embarked on the public funding of one scientific project which was finally cancelled when there was a change of government. It took ten years for government funding of science in industry to reach the previous level. There are similar cases in other countries.

I make this case for the general impreciseness of national science policies because I believe that some, at least, of the responsibility lies with the members of national legislatures. We did not, in the initial stages of science spending, equip ourselves to make the same kinds of judgments that we were able to make in other policy fields. The reasons are understandable. The suddenness of the technological explosion, as I have already indicated in one. Another is the complexity of the subject itself. A third is the fact that very few scientists become legislators. A fourth is that in most countries the majority of legislators are not yet aware of the fact that national science policy is now the major determinant of the whole future way of life—in both quantitative and qualitative values—of those who have entrusted to their judgment the decisions on which those values rest.

In Canada we have no Ministry of Science, and no overall science estimates. Therefore—under our system—we have no standing Committee on Science or Science Policy. Not only so—but because ours is a system of parliamentary Responsible Government in which members of the Cabinet are in the legislature, there is no Minister a member can question about overall science policy. In other countries there are Ministers with specific Science Policy responsibility.

Two perhaps in Britain (Science and Education and the Ministry of Technology; In France, a Minister of Industrial Development and Science; In West Germany a Federal Minister of Education and Science; In Belgium, the Prime Minister is the Chairman of a Council of Ministers on Science Affairs, and is assisted by a Minister without Portfolio who is responsible for science policy and programs; In The Netherlands, a Minister of Education and Sciences; In Sweden, the Prime Minister is Chairman of the Science Advisory Council; in Switzerland, however, no Minister of Science.

I confine my comparisons here to those countries the Senate Committee had the opportunity to study on the spot.

Most industrialized countries have, of course, legislative Committees which specialize in science policy. It is the exception rather than the rule for any such Committee to have before it an overall Science budget as such, an innovation which, judging from its operation in France, Belgium and the Netherlands, would seem to be a requisite for the full participation of the elected representatives in any country in the development and control of national science policy.

Here in these United States there is, as we all know, no Cabinet Secretary for Science (although there is one for Health, Education and Welfare). There is, I believe, no Science Budget in the European sense, but our American friends have, as would be expected, carried into the science policy field their genius for government by checks and balances. So we have the Bureau of the Budget concept where the science items in the departmental budgets are received as a whole, with the result that there is at least a defacto science budget available sooner or later for examination and assessment by members of Congress.

There is the Science Advisor to the President, the President's Science Advisory Committee (PSAC), the Office of Science and Technology (OST), the Federal Council for Science and Technology (FCST), the National Science Foundation (NSF) and others all making visible inputs to the national policy—illustrating magnificently the usual wonderful American anomaly of a constitutional structure which in theory shouldn't work but which in practice works rather better than some other constitutional structures which should work much better, but don't.

Our Senate Committee visited a number of countries in Europe and met many legislators interested directly in national science policy. We gathered from them that the problems of the average legislator or member of parliament are much the same everywhere:

For example the number of legislators willing to become actively involved in the making of national science policy are everywhere too few. These few make valiant efforts to enlist support from their colleagues but generally without too much success. The science-concerned members are regarded as a bit odd—specialists in the abstract rather than in the bread-and-butter issues of politics.

The subject matter of science policy is so vast, complex and pervasive that it is taken for granted that any overview of the whole is beyond the scope of the ordinary legislator. It is too easy for the Executive to persuade him that the best he can hope to do is to concern himself with it piece by piece as it comes to him as items in the budget of a department or agency.

Which leads to the suggestion that perhaps it is easier to obtain legislative approval of the science budget if it is so fragmented. This has been put forward to justify this approach—but it leaves unanswered the larger question of legislative responsibility for the adequacy of both the quantity and quality of the science budget as a whole.

I think it is Jacques Barzun who gives the amazing example of United States expenditures on Oceanography. Eight different agencies were involved in the input. The Federal Council meshed them into an overall Oceanography support program. This came to Congress redivided into parts in the operating budgets of the agencies. The parts were referred eventually to 13 sub-committees of 7 House of Representatives Committees, 1 Joint Committee and 9 sub-committees of 6 Senate committees.

It could only happen, perhaps, in the United States Congress where, if my survey of comparative legislatures is valid, the U.S. Congressional Committees—substantive and appropriations—have developed a capacity for expert examination of science spending unmatched by any other legislature. I need hardly, in passing, acknowledge the debt of all who are interested in this problem to the Committee on Science and Astronautics which sponsors this meeting, and to its subcommittee on Scientific R & D. When we add the Senate Committees and the Appropriations Committees of both houses—one of them powerful enough to kill the ill-fated Mohole project—it would appear that American legislators, at least, are fully and effectively involved. Yet, as astute an observer as Professor Michael Regan could write as recently as 1969: "Our $17 billion for R & D is still in search of a policy.... No other area of discretionary expenditure is larger in today's budget, yet none is less well rationalized, less satisfactorily justified or distributed among competing claimants . . . overall national policy regarding science and technology is still not clear."

And he makes it clear that he is referring not merely to justification at the executive level but to what he calls an adequate "joint-executive-legislative frame-work".

Harvey Brooks of Harvard says one of the main reasons for a planned science budget is "to get the $17 billion under control".

It has been the privilege of our Canadian Senate Committee to hold two joint sessions with Chairman Miller's Committee and we have, of course, studied the U.S. science legislative frame-work in some detail,—and with considerable envy and much admiration. Compared with other national frameworks, I would have to say that if any should work, it should be it. Professor Regan's comment, therefore, seems to make it clear that we all have a long way to go before any science policy anywhere can be said to be under effective legislative control.

This does seem to me to be cause for alarm given the abundant evidence of the degree to which the interests of our constituents are bound up with national science policy.

The problems, of course, are enormous, the conflicts inevitable. The concept of control by representatives of the public is a political, not a science concept.

Yet as Derek de Solla Price says "the density of our science in our culture is quadrupling during each generation". We know that Science can now make man's environment, his society,—man himself. We know that we must somehow achieve a synthesis between Science and Society—that, whether we like it or not, science policy is science politics. That being so, surely legislators as a whole dare not continue to ignore the overall policy aspects as they appear to have done so far.

Of course, the legislators are only part of whatever control mechanism may be required. Alexander King, the genial science sage of OECD, was one of the "wise men of science policy" who gave our Committee the benefit of their knowledge. He told us that the problem was a mixture of "the naivitie of the natural scientist, the arrogance of the economist, the complacency of administrators and the ignorance of politicians".

And if any politician here present objects to being called "ignorant" on this account, I would suggest that he read the comments by René Dubos in a recent article entitled "The State of Our Ignorance". It was reprinted in that excellent official U.S. Government underground magazine called "Dialogue". He tells us that 70% of the particular contaminants in urban air are still unidentified and suggests that we are chasing a will o' the wisp if we think that even complete control of soot, carbon monoxide and sulphur dioxide would make very much difference to the total state of air pollution. "No one knows which air pollutants are most dangerous or where priority control should be". If these things be so, is it too much to suggest that a lot of legislators in a lot of countries are being led up a lot of garden paths.

"Can the individual and science co-exist?" asks Professor Z. Brzezinski of Columbia. His question might be paraphrased "Can the legislator and science "co-exist." One would hope so.

Andrew Shonfield, Chairman of the British Social Science Research Council, says "it is out of knowledge of Society rather than Technology that the major insights about a quarter of a century away are likely to come."

And again: "Futurology, one must conclude, cannot be turned into a respectable "hard" science merely by getting the economists and technicians to put some numbers to it. These solid-seeming, straightforward, statistical measurements acquire significance only when the speculative social imagination is applied to them".

That may be intended merely as a plea for a greater input of social science into national science policy—a point greatly emphasized in our Senate Committee Report. Yet—inherent, surely, in the concern for this synthesis between science and society, is the responsibility of the legislator—the average, ordinary, back-bench legislator who is, if he is anything, society's representative in the governmental process.

There is more than one side to this. Donald Hornig, a former Science Advisor to the President, tells us that the main reason why the American public has supported government science spending to the point where it constitutes the largest percentage of GNP of any country in the world, is that Science and Technology have been identified in the public mind with political, social and economic goals.

Michael Regan drawing on research by Martha Ornstein and others, points out that the gap or gulf between Science and Society has not always been a problem. In its early days the Royal Society of Britain was a club of non-professional gentlemen interested in science, who were quite competent to discuss 4/5ths of the papers presented by other members. It was 200 years or more before its membership became limited to research scientists. In 1800 there were 100 science journals. Today there are over 100,000 in many different languages.

In the pre-technetronic world—as indeed in the legislatures of some of the newer countries today,—Science as it affected Society was within the knowledge spectrum of the average legislator. How times have changed, at least in the post-industrial world!

"We so refine what we think" said the late Robert Oppenheimer, speaking as a scientist to scientists. "we so change the meaning of words . . . that scientific knowledge today is not an enrichment of the general culture . . . it is not part of the common human understanding."

It is easy, of course, to blame the scientists and technologists for doing, what to them, comes naturally—pushing back the frontiers of science wherever and however they may be pushed back. But Donald Hornig makes a telling point when he says that "putting limits on what people may or may not discharge (into the air and water) is not an R & D problem."

We know whose it is. All the evidence of the failure of voluntary restraints on individuals and institutions throws the problem right back into the lap of the legislator.

Social moralists like Joseph Wood Krutch may tell us that the technologist is a "Sorcerer's Apprentice who does not know how to turn off what has turned on"—but the technologist can be forgiven if he replies that it is not his job to turn it off. Again we come back to the legislator. "Let's design the 'off' switch before we turn on the 'on' switch" we were told in Canada recently by Dr. Athelstan Spilhaus, President of the American Association for the Advancement of Science.

In our Committee's briefings in other countries we were particularly interested, of course, in learning what mechanisms legislators had developed to make themselves better informed on science policy matters.

In general, we found that these broke down into a number of procedures—not all of them, of course, found together in every country. These are:

1. *Standing Committees:* In these, legislators examine officials and sometimes special witnesses (i.e. scientists) on science items but only incidentally to the routine examination of Estimates, Budgets, bills or other matters referred by the legislature.

2. *Special Science Committees:* A good example is the Select Committee on Science and Technology of the British House of Commons constituted in the 1966–7 session and re-constituted each session since. It has unusually wide powers for a House of Commons Committee. Its terms of reference are "to consider Science and Technology and report thereon from time to time". The Congressional committees already referred to are in this category, although each is rather more specialized in its approach than the British Committee.

The Netherlands has a Standing Committee of the Second Chamber (Lower House) on Education and Sciences.

Sweden has a Supply sub-committee dealing with "Research, Education and Technology".

West Germany has a Bundestag Committee for "Science, Education Policy and Journalism". It "prepares the ground for discussion and decision" by the Bundestag. It invites experts as witnesses.

Belgium has a Joint Committee for Science Policy established in 1962 but it is said to meet infrequently.

The U.S.S.R. I find (although our Committee, regrettably was not able to include it in our briefing sessions abroad) constituted in 1967 a Standing Committee of the Supreme Soviet on "Education, Science and Culture". It has the authority, held by no other Science Committee that I know of, to initiate bills as well as to study the relevant items in what, for want of a better word, I will call the state budgets.

Voluntary Committees: 3. A third mechanism for the involvement of legislators in science affairs is the voluntary association (sometimes called a Committee) of legislators. This is a sort of science club of parliamentarians without official constitutional status. The outstanding example is, of course, the Parliamentary and Scientific Committee of the British Parliament, a non-party group which was established as long ago as 1939. It provides "permanent liaison between science bodies and Parliament as a centre for the consideration of science matters in both Houses of Parliament." It provides members of all parties with working summaries of science subjects as they come before Parliament.

Sweden has a similar association called RIFO, its name derived from the initial letters of the words for Parliament and Research. It dates from 1959 and has some 400 members of whom 225 are legislators. A Board of ten constitutes a working Committee.

Denmark has tackled the problem head on, it would seem, by setting up a Committee of 5 legislators and 5 scientists known as the "Contact with Science Group". It arranges regular meetings between scientists and parliamentarians.

These are but random examples to indicates a growing awarness among legislators of the need for more thorough-going immersion of parliamentarians in the deep waters of science than in more traditional subjects of legislative concern.

As far as I know the *International Panel* concept is unique among legislative science committees. It does, however, point up a very important aspect of science involvement by parliamentarians which was quite often brought to the attention of our Canadian Committee when we visited other countries. Over and over again we were asked the question "How do *you* handle it?" in matters ranging all the way from total public funding of R & D to the science brain drain problems of developing countries.

It would be an understatement to say that it was a rewarding experience for the members of our Committee to be able to bounce off some of our assessments of the evidence we had heard at home on fellow legislators in other countries as well. Of course, on Ministers, administrators, industrialists and academics. I would go so far as to say that we could not have written our Report with any confidence without those contacts. Long ago Dr. Killiam of M.I.T., made us aware that one, at least, of the international spin-offs of the S & T explosion was what he called the "eclipse of distance" between nations in both transport and communications. Today we call it the concept of the global village.

We in Canada, for example, are aware of our dilemma in international science created on the one hand by our minimal input into world science (probably not much more than 1%) and on the other by the fact that we exercise political sovereignty over the second largest national land area, and the air and atmosphere above it and much of the Arctic shoreline, and large sectors of the Atlantic and Pacific coasts.

When we meet legislators from other countries in frank discussion—franker perhaps than takes place at any other level of international contact—we are often impressed with the similarity of the concern at our levels about input and output problems of air, sea and soil pollution, weather modification and forecasting, nuclear fall-out and so on.

Such meetings with our colleagues take place under a surprisingly varied set of auspices. In Canada we have delegations of legislators continuing coming and going to meetings of such international associations as the Inter-Parliamentary Union, the Commonwealth Parliamentary Association, the Francophone nations, the NATO Council of Europe, the Canada-United States Parliamentary Group.

I wonder perhaps if the time is not now ripe for the organization of an international Parliamentary Science Association. From the experience of the Canadian Senate Committee the advantages would seem obvious. The Panel meeting we are attending is, I think, a far-sighted recognition by Chairman Miller and his associates of the value of an international meeting of minds concerned with the very great problems poised by national science policies within the clearly evolving pattern of international science policy.

I believe that such an association would make a very real contribution to the great international science problems—the high seas and the ocean floors, disarmament, satellites, population, food and the transfer of scientific and technological resources from the affluent to the developing countries.

I put forward the suggestion today at this important International science meeting in the hope that it might be taken into consideration by some of those who are here from other countries. I know the obstacles because I have had something to do in a small way with similar organizations in other fields. I know, too, how great the rewards can be because of the immensity of the vacuum that exists in the knowledge and understanding between legislators in different countries about the procedures and mechanisms that are developing here and there in this important business of the involvement of parliamentarians in science policy making.

The available information and literature at the moment is minimal—almost non-existent. It has found practically no place in the proliferating literature on the Great Debate about science policy. Everywhere the stress is on the role of government—a syllogistic short cut perhaps but prone to many fallacies. In the long run it will be the generality of legislators in each individual country who will, as the elected representatives and spokesmen for society at large, resolve the conflicts between Science and Society. What a happy "technological innovation" it would be if somehow they were to find a way to join minds and hands across the boundaries of lands and waters to achieve that reconciliation for all men and all seasons.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1500 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Friday, January 29, 1971*

The House met at 12 o'clock noon.

The Most Reverend Mark J. Hundiak, Bishop of Washington, D.C., of the Ukrainian Orthodox Church of the United States of America, offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty and eternal God, we lift up our hearts to You in humble prayer with gratitude for all the blessings You have bestowed upon the United States of America. Bless, O Lord, our President, the Vice President, the Members of both Houses of Congress, and all those in authority. Guide our Government in the crusade for just and honorable peace. Send Your blessings upon our Armed Forces; sustain them in their loyal service; heal the wounded and maimed; give eternal peace in Your kingdom to the souls of heroic dead; and console their bereaved families. Save our country from discord and violence; enlighten the misguided youngsters and adults who are undermining the welfare and future of America. Endow us with the spirit of brotherhood and dedication to the ideals of democracy, upon which this Nation was founded.

Grant, O Lord, that America remain the example and the beacon of hope for all the peoples who are in bondage.

On this day of the 53d anniversary of the proclamation of independence of the Ukrainian National Republic, we offer to you, our merciful Father, humble, and fervent prayers for the Ukrainian people and all captive nations enslaved by the godless and cruel Red regime. Sustain them, good God, in their aspirations and struggles for liberty and independence.

Grant us the privilege of welcoming the dawn of liberty, equality, and brotherhood of all nations and races under Your devine fatherhood. This we humbly ask in Your most holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's sitting and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

WASHINGTON, D.C.,
January 28, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives.

DEAR CARL: First, may I extend to you my heartiest congratulations and best wishes. You are going into a very critical task at a very critical time in the history of our nation. The American people are fortunate that a person of your great qualifications is assuming not only the responsibility of leadership in the House of Representatives, but an important position of succession to the Presidency.

It is with a very mixed feeling of emotion that I leave my seat in the House to move into the Department of the Interior. But I believe it is so important that we bring to people everywhere a new sense of responsibility to the values of our environment and our natural resources.

Please find enclosed a copy of my resignation to the Honorable Marvin Mandel, Governor of Maryland.

Again, with all best wishes, I remain,
Yours sincerely,
ROGERS C. B. MORTON.

The SPEAKER. Without objection, a letter to the Governor of Maryland will be printed at this point in the RECORD.

There was no objection.

The letter is as follows:

WASHINGTON, D.C.,
January 28, 1971.

Hon. MARVIN MANDEL,
Governor of Maryland,
Annapolis, Md.

DEAR MARVIN: It is my sad duty to advise you that I must resign from the House of

Representatives, effective upon my swearing-in as Secretary of the Interior, which is scheduled to take place at 10:00 a.m. on January 29, 1971.

I have been privileged to represent the people of the First Congressional District, and in a larger sense, the people of our great State of Maryland in the House of Representatives during the past eight years. I look forward to serving them still, but in a new relationship.

Please accept this letter as my resignation from the House. Also, may I extend to you my very best wishes and high regard.

Yours sincerely,
ROGERS C. B. MORTON.

APPOINTMENTS TO THE JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER. Pursuant to the provisions of 42 U.S.C. 2251, the Chair appoints as members of the Joint Committee on Atomic Energy the following Members on the part of the House: Mr. HOLIFIELD of California; Mr. PRICE of Illinois; Mr. ASPINALL of Colorado; Mr. YOUNG of Texas; Mr. EDMONDSON of Oklahoma; Mr. HOSMER of California; Mr. ANDERSON of Illinois; and Mr. McCULLOCH of Ohio.

DESIGNATION TO ACT IN BEHALF OF THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 29, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: Under Rule III, Clause 4 (Section 647) of the Rules of the House of Representatives, I herewith designate Mr. W. Raymond Colley, an official in my office, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Mr. Benjamin J. Guthrie, another official in my office, shall similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 92nd Congress or until revoked by me.

Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

THE RIGHT REVEREND BISHOP MARK, ST. DEMETRIUS

(Mr. PATTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTEN. Mr. Speaker, we had the pleasure today of having the opening prayer by His Excellency Bishop Mark of the St. Demetrius Ukrainian Orthodox Church of Cartaret, N.J., which is located in my district.

I felt the Members should know that these people have the love of freedom burning in their hearts as no other group of Americans of which I am aware. They love freedom, and they are great Americans.

I wanted to bring to your attention one other thing. I was on the U.S. bond sales program during World War II, and the Ukrainian people of our area bought more U.S. bonds than any other group. The church had planned to build a new building, but they took $800,000, without a whimper, and bought U.S. bonds with the money which they had set aside for new facilities. They are known as great church builders. I am happy to tell you that I have had the pleasure of knowing Biship Mark for 30 years. Everyone in the district loves him. He is a very personable man, and his church facilities are beautiful.

I am certainly happy that he had the honor of giving the opening prayer today.

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1972—ADMINISTRATION BUDGET PROPOSALS

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I have in my hand the Budget of the U.S. Government for fiscal year 1972, which will be submitted to the Congress by the President in the next few minutes.

The budget is an infallible yardstick to measure the depth and fervor with which any President holds the goals of his state of the Union message. Rhetoric is squared against reality.

President Nixon in his state of the Union message enunciated as one of his goals for the coming year, the restoration and enhancement of our natural environment. His budget, however, recommends an appropriation of zero dollars for water and sewer facilities for next year. The Congress, by way of contrast, last year provided an appropriation of $350 million for 1971—after the President had vetoed an earlier appropriation of $500 million—and an authorization of $1,150,000,000 for 1972 for this highly successful antipollution program.

The President, likewise, listed as one of his goals the improvement of America's health care. His budget nevertheless recommends a reduction from $185 million to $108 million for medical facilities construction, a slash of over 40 percent.

The President also set forth as a goal the strengthening and renewal of local government, and described in rather glowing terms, proposals for increased aid to our hard-pressed municipalities in the field of urban development. Once again, we find the President has failed to back up last week's eloquence with this week's budget. In order to finance a new community development program, there would be a drastic reduction in moneys for urban renewal, and the complete elimination of the model cities program and the water and sewer facilities program. For 1971, Congress appropriated $1,200,000,000 for urban renewal, $575 million for model cities, and $350 million for water and sewer facilities, a total of $2,125,000,000. For 1972, the President recommends but $600 million for urban renewal, together with $1 billion for the new community development grant program, a total of $1,600,000,000. This represents a reduction of $525 million.

The President, in his state of the Union message, attempted to create the impression that there would be substantial additional Federal assistance for local law enforcement. Last year the Congress authorized an appropriation of $1.1 billion for law enforcement assistance in 1972. The President recommends an appropriation of but $698 million.

The President on January 22 spoke eloquently on behalf of a full employment budget and called upon Congress to accept expansionary policies. It appeared he had turned his back on the traditional Republican philosophy of a balanced budget at all times whatever the human costs. Yet, but a cursory reading makes it obvious that he has not in reality sent us a full employment budget. His abandonment of the tribal rites of his political forebears has been but halfhearted. Neither is it a progressive budget. In the grossly deficient areas of health, environment, urban development, and local law enforcement, it is certainly not expansionary in any meaningful sense. The President has not availed himself of the opportunity presented by both a slack economy and the winding down of the war in Vietnam, to redirect this Nation's priorities toward meeting those economic and social deficiencies which cry out for attention. This budget is thus a twofold tragedy.

I would commend to President Nixon the wisdom and council of President Franklin D. Roosevelt, uttered when he took office during the great depression.

> The greatest tragedy about unemployment is that it should exist at a time when there are so many things which need to be done. Surely in a country as great as ours the means can be found to put the unemployed to work doing those things.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Obviously, the majority leader has given the President's budget a very cursory examination, and because it is a cursory examination I will excuse any errors the gentleman has made in his analysis of the budget.

If you will turn to page 412 of the budget of the U.S. Government for fiscal year 1972, you will find under the proposed budget for Environmental Protection Agency construction grants that the President has recommended $2 billion for fiscal year 1972 rather than $1 billion, as appropriated for fiscal year 1971. This particular item in the budget will provide for the doubling of the 1971 program level for the construction of municipal waste treatment facilities.

Mr. Speaker, I hope and trust that in the future my friend, the gentleman from Louisiana, will do more than make a cursory examination of the President's budget before making such erroneous observations and comments.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, the gentleman has referred to grants for treatment facilities only. But the appropriation for water facilities and sewer lines is completely eliminated in the budget. Treatment plants are of no value unless you have the lines to carry the effluent to the plant.

I would also refer the gentleman to pages 332 and 333 of the budget which gives a complete analysis of the subject I have discussed.

Mr. GERALD R. FORD. I would like to make a further comment on the gentleman's observations. His statement was that we have an alltime high inflation. Let me assure the majority leader that if he will go back and check the record, he will find that when this administration took over in January of 1969, we did inherit an alltime high inflation—and if he will notice the inflationary trend in 1970, he will find that the rate of inflation has gone down. The trend is in the right direction and will continue to get better as we go along.

Mr. BOGGS. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I am glad to yield further to the gentleman.

Mr. BOGGS. I would point out to the gentleman, if I understood him correctly, to say that this administration took over in January 1971; did he not?

Mr. GERALD R. FORD. This administration took over in 1970.

Mr. BOGGS. The truth and the fact is that the cost of living is still the highest on record in January of 1971.

Mr. GERALD R. FORD. The truth and the fact is that since we have taken over, we have made a successful fight—and the trend is downward instead of upward as it was when the gentleman's administration left office.

THE PENN CENTRAL COLLAPSE: THE GREAT SOUTHWEST CORP. ADVENTURE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, a number of matters with which the House Banking and Currency Committee has been involved over the last year were brought to mind by two recent articles that appeared in respected financial publications.

One was an article in the January 12, 1971, issue of the Wall Street Journal disclosing that the Great Southwest Corp., a 90-percent-owned subsidiary of the Pennsylvania Co., which is in turn a subsidiary of the Penn Central Transportation Co., announced that it has written down its net worth from more than $157 million on December 31, 1969—prior to the collapse of the Penn Central—to $50 million. This is a dramatic reduction on the books of the Great Southwest Corp. of more than two-thirds, and is a strong indication of the questionable value placed on this company by the Penn Central during its disastrous diversification program. This company represents a $92 million investment for Penn Central.

In another very interesting article in Barron's Weekly of January 11, 1971, Dr. Abraham J. Briloff, professor of accountancy at the Baruch College of the City University of New York, analyzes in detail the highly questionable accounting practices used to "produce" favorable financial statistics for the Penn Central Co. over the last several years. The example he uses is, again, the Great Southwest Corp.

The Banking and Currency Committee, in investigating the Penn Central collapse, put out a staff report on November 2, 1970, discussing the effects of Penn Central's diversification program on the railroad's cash position. This report spotlighted some of the same accounting gimmicks used by the Penn Central to hide the true financial position of the railroad and the serious adverse impact of its diversification program, of which the Great Southwest Corp. acquisition was a major part.

In addition, the Banking and Currency Committee between 1968 and 1970 spurred a proposal to require the development of uniform accounting standards for noncompetitive defense contracts of over $100,000. During consideration of this proposal, which was passed as part of the Defense Production Act Extension and signed into law on August 15, 1970, persuasive testimony was taken from distinguished members of the accounting profession on the need for establishing uniform accounting standards so that the Government could determine more accurately the cost of its purchases. The lack of such standards has also been criticized in regard to the reporting of financial information of interest to the investing public.

Professor Briloff's article dramatically illustrates the need for the accounting profession to reexamine its methods so that the public can obtain more precise and accurate information to protect itself against misleading and inaccurate information. It is hoped that the uniform accounting standards to be developed by a committee under the chairmanship of the Comptroller General of the United States as provided for in the Defense Production Act for defense contracts, can also be used as a guide for the accounting profession to adopt similar standards in carrying out its vital function of accurately reflecting the financial condition of companies in which the public invests.

I include the two articles referred to above in the Record at this point:

[From the Wall Street Journal, Jan. 12, 1971]

PENN CENTRAL CO.'S GREAT SOUTHWEST UNIT WRITES DOWN BOOK VALUE BY $107.7 MILLION

LOS ANGELES.—Great Southwest Corps., a Penn Central Co. affiliate, announced that it has written down its consolidated book net worth by about $107.7 million.

Great Southwest Corp.'s president, Victor H. Palmieri, said in a letter to shareholders that a management review and evaluation of the properties and projects of the company show that its current consolidated book net worth is likely to be less than $50 million. In the company's annual report for the year ended Dec. 31, 1969, the consolidated book net worth was valued at $157.7 million.

In November, Mr. Palmieri had warned shareholders to expect "substantial adjustments" in the value of certain California properties that the company held. Yesterday, Mr. Palmieri said that substantially all of the losses and adjustments relate to impairment of the book value of assets of the company's subsidiary, GSC Development Corp., successor to Macco Corp., and to operating losses and reserves against the assets of I. C. Deal Cos., another unit.

Great Southwest is a 90%-owned subsidiary of Pennsylvania Co., which, in turn, is a subsidiary of Penn Central Transportation Co., the Penn Central Co. unit that filed for reorganization under the Federal Bankruptcy Act in June. Soon thereafter Great Southwest announced its own liquidity problems and brought in Mr. Palmieri and Bruce Juell, owners of a Los Angeles-based real-estate counseling firm, to run the company.

Mr. Palmieri said the depressed condition of the Southern California real-estate economy hurt the properties there, and because of the company's serious liquidity problems over the past nine months, the Macco group of subsidiaries had to curtail substantially their real-estate development operations. This had drastic effects on the value of properties in partially completed projects and joint ventures and on previously capitalized development costs, the executive said.

Mr. Palmieri said these conditions, in turn, affected the value of notes and other receivables held by the company as a result of previously reported sales.

Included in the properties held by the former Macco Corp. are 15 housing and recreational property developments, most of which are in California. Included in the recreational property developments are Lake California, in Northern California; Bryant Ranch, in Southern California, and Timber Shores in Michigan.

Mr. Palmieri said that the report didn't suggest any impairment in the operations of the Six Flags amusement parks operating in Arlington, Texas, and Atlanta, Ga., and one under construction in St. Louis; in the Great Southwest Industrial District, Arlington, Texas; in Richardson Homes Corp., an Elkhart, Ind., maker of mobile homes, or in the Movieland Wax Museum or Japanese Village and Deer Park, Buena Park, Calif.

Mr. Palmieri said the company was continuing its efforts to solve its critical cash position and debt structure. In December the company said it had requested $8 million further financing from a group of banks led by First National City Bank of New York. The new request would be in addition to $11 million in new loans arranged in October as part of an $83 million refinancing agreement.

Mr. Palmieri said that the discussions with the banks are continuing but that "we aren't in a position to report any progress."

[From the Barron's Weekly, Jan. 11, 1971]

SIX FLAGS AT HALF-MAST? GREAT SOUTHWEST CORP. HAS NOT EXACTLY RAISED ACCOUNTING STANDARDS

(By Abraham J. Briloff)

In view of the plight of its corporate parent, the bankrup Penn Central, Great Southwest Corp. and its trouble might rate hardly more than a footnote to financial history. However, the losses suffered by public shareholders in the railroad's 90%-owned realty subsidiary are real enough—the stock, which hit a peak 41½ in '69 (after a 10-for-1 split), now trades around 2. Moreover, Great Southwest's difficulties are far from over. A little over a month ago, the new management which took over last summer disclosed that Great Southwest was faced with a fresh cash squeeze. It was entering the new year, they were told, with all funds committed and the company urgently in need of an infusion of capital. First National City and other lenders were being asked to advance Great Southwest another $8 million to keep going. To add to the woes, the company has warned, "substantial adjustments" are in prospect in the value of certain properties.

CRITICAL QUESTIONS

Yet, while Great Southwest faces an uncertain future, a critical glance back at some of the goings-on, especially in 1969, seems in order. For one thing, it may help shed some light as to how the company reached its present dismal state. For another, and even more important, it reveals clearly how the results of Great Southwest was inextricably woven into the Penn Central's finances. The appearance of Penn-Central's financial viability, I submit, was achieved with the aid of some accounting procedures, which, to put it mildly, raise serious questions. Indeed, there is reason to question the underlying theory on which these accountings were based, as well as the auditing standards applied in the verification of the accounts.

I am mindful, of course, that Fortune magazine got into a controversy when it presumed to attack Penn Central's accounting practices. Let's begin, ironically, by quoting from a letter sent by the auditors, Peat, Marwick, Mitchell & Co., in which they took umbrage at Fortune's article.

THERE BUT FOR FORTUNE

In response to Fortune's assertion that "sales of real estate, which should have been designated as extraordinary items, were credited to normal income . . .," the auditors said:

"Fortune states that gains and losses from sales of real estate . . . are an extraordinary part of Penn Central's operations. This is untrue. Penn Central is one of the largest real estate companies in the world and has substantial real estate transactions every year. . . . Obviously, therefore, as required by Opinion No. 9 of the Accounting Principles Board, these items must be shown as part of ordinary income. Fortune could have avoided this error by simply reading the APB Opinion. Even without the Opinion, common sense and simple logic dictate that something which recurs annually cannot, by definition, be extraordinary."

Now, I have read Opinion No. 9, as well as a very perceptive analysis and critical commentary on it by my colleague, Professor Leopold Bernstein, of the Baruch College. I profess a modicum of common sense and simple logic. And I assert that a gerrymandered, contrived transaction, even if it is made to recur annually, need not, *ipso facto*, be ordinary.

Actually, in a limited respect, I agree with *both* Fortune and the aggrieved auditors. Thus, on the one hand, I agree with the magazine's writers that at least $25 million of Penn Central's 1969 real estate income should not have gone into ordinary income. On the other hand, as the auditors maintain neither should it have gone into extraordinary income. My "common sense and simple logic" tell me that at least $25 million of that reported income from real estate transactions didn't really exist. Including that amount in income makes sense and is logical only if we are willing to presume that our generally accepted accounting principles (GAAP) are nonsensical and preposterous.

At the center of this particular issue is Great Southwest Corp. (GSC). It owns large real estate holdings in Texas, Georgia, California and Hawaii, and as a result of a 1969 merger absorbed the operations of Macco Corp. (formerly an almost wholly owned Penn Central realty subsidiary).

A FEW MISGIVINGS

In 1969, Great Southwest was a prime factor in keeping Penn Central's (the railroad's parent holding company) operating (i.e., "ordinary") income out of the red. Thus, while Penn Central's 1969 "earnings from ordinary operations" were reported to be $4.4 million, it included consolidated profits from real estate property sales and operations of about $82 million. My misgivings here are not with that full sum, of course (some of it came from hotel operations and the like). However, I do quarrel with about $29 million, or 35%, of the total.

Further, while not all the real estate income came from Great Southwest, that unit did contribute most felicitously to Penn Central's reported earnings. As the Penn Central report noted: "Net earnings for Great Southwest Corp. last year set another new high of $34,364,000 after taxes, an increase of 25.3% over 1968 earnings of $27,425,000."

Actually, the statement regarding GSC's contribution to Penn Central's earnings for 1969 may have been understated. Unless I misinterpret the footnotes, the parent washed out the tax reserves established by GSC, which increased the subsidiary's earnings to $51 million, not $34 million. After allowing for the 10% minority interest in the public's hands, Penn Central could be seen to have included net of about $46 million of GSC profits in arriving at its $4.4 million net ordinary operating income for '69.

Let's turn to my "$29 million" complaint. Thus, of GSC's $51 million pre-tax income, about $29 million, or almost 60%, came from a transaction involving the Six Flags Over Texas Amusement Park, a thematic park in the Fort Worth-Dallas area. The Amusement Park was constructed and owned by Great Southwest. In June 1969, however, it was sold to a newly created limited partnership, comprising 152 individuals.

ANOTHER PARTNERSHIP

In June 1969, the partnership—called The Six Flags Over Texas Fund Ltd. (to be referred to as "Fund")—sold publicly subscriptions aggregating $5,950,000 in limited partnership interests. The proceeds were used to purchase the amusement park from GSC on June 30, 1969, coincidentally the last day of GSC's (and Penn Central's) quarterly accounting period. Immediately after the purchase, Fund contributed the property to another partnership ("Flags") in which a new Great Southwest subsidiary, SFOT, became the general partner (with a $1,000 contribution). Fund was the limited partner in the Flags venture. SFOT thereafter became the "sole and exclusive manager of the partnership business."

The nearly $6 million Fund raised among its 152 limited partners was disbursed as follows: $1.5 million as a down payment; another $3,932,670 for "the prepayment of interest"; the next $416,500 covered the underwriter's commission; and the rest (yes, there was something left over—exactly $100,830) to Fund's working capital.

The price tag for the Amusement Park and a covenant by GSC not to compete in that area was set at $40 million. That contrasts with the gross cost of the Amusement Park to GSC of $14,183,175 as of April 30, 1969; after allowing for accumulated depreciation on the Amusement Park of $4,842,647, GSC's carrying value was about $9.3 million. According to the Fund prospectus: "The price of the Amusement Park and consideration for the covenant not to compete was determined through negotiations between Property Research Corp. and GSC. Fund did not participate in any negotiations relating to such price or such consideration for the covenant not to compete. . . ."

WHERE THE MONEY WENT

The $40 million total purchase price was allocated as follows: land, $5,000,000; buildings and improvements and personal property, $25,000,000; GSC's covenant not to compete, $8,000,000; Goodwill and license to use the name "Six Flags Over Texas," $2,000,000.

GSC wound up with the $1.5 million cash down payment, plus an "Amusement Park note" for the remaining $38,500,000. The indebtedness is vital to the accounting analysis which will follow, so let's study it closely. The note carries an interest rate of 6.5% per annum (when money was going for 8% or more to prime borrowers), with principal and interest payable in the combined amount of $2,315,685 annually. The indebtedness would be liquidated by the year 2005 A.D.

Lest I be accused on being "chintzy," and cavilling over whether the rate should have been 6.5% or more, let's read on about the Amusement Park Note. Thus, under "limited liability," the Fund prospectus makes the following point:

"The sole recourse of such holder for the collection of the Amusement Park Note shall be against the property covered by the Amusement Park Mortgage. The Amusement Park Note will provide that neither Fund nor any general or limited partner of Fund shall be liable personally for the payment of the Amusement Park Note or for the payment of any deficiency upon foreclosure under and sale of the property covered by the Amusement mortgage."

This, then, is the way GSC sold to Fund the land, buildings, improvements and equipment (which, as duly noted in a 14-page exhibit to the prospectus, included a Merry-go Round complete with 1 Band Organ, a cannon range with 8 cannons, a Crazy Horse, and a "Casa Magnetica" complete with 1 bed).

Despite the questionable "quality" of the paper taken back on the sale, GSC picked up (with its auditor's blessing) $17.5 million in after-tax income (and about $29 million in pre-tax income) on that $40 million transaction. By way of an aside, it's worthwhile pointing out that the limited partners, who "anted up" almost $6 million (so that GCS could enjoy this $29 million of bookkeeping income) also got a nice slice of pie—but not from GSC; the slice will come out of IRS' hide (to switch the metaphor).

TAX GIMMICKS

At first blush, it might appear they were euchred. Thus, when one looks at Fund's 1969 Form 10K, it's clear that the *entire* $6 million of investment was eliminated by a loss of about $6 million so that the limited partners ended up with a *capital deficit* after six months of playing in the park—all duly certified by Fund's independent certified public accountants. As a result, the limited partners hope to enjoy huge tax writeoffs.

Clearly, what attracted the limited partners was that they were being let in on a tax gimmicked deal. The prospectus informs the potential "investor" that for tax purposes the first $32 million (with certain adjustments) of accumulated net losses (computer without depreciation) will be deemed to be for the account of Fund's limited partners. Further, and especially essential to the tax maneuver, "for tax purposes, all depreciation allowable in respect of the property of Flags and all amortization of intangibles allowable to Flags . . . and all credits allowed to Flags (as investment credits, for example) will be allocated to the Flags Limited Partner" (and thereby to the Fund limited partners who provided the $5,950,000 lubricant).

Also in the prospectus, limited partners are informed that: "In the opinion of counsel for Fund, at least $3,734,405 of the interest to be prepaid on the Amusement Park Note on the Closing Date ($3,932,670), will be deductible by Fund in computing its net income or loss for the year of payment. . . ."

There is some equivocation, as is appropriate for a proper opinion from tax counsel, that this conclusion might be challenged by the Interial Revenue Service. For example, this expert opinion is predicated "upon assumptions and representations to the effect that the consideration for the covenant on the part of GSC not to compete and the purchase price of the amusement park are their respective fair market values arrived at through arm's length negotiations by unrelated parties. . . ."

BAREFOOT IN THE PARK

It's abundantly clear that the sophisticated syndicate investors were not a party to the negotiations leading to the $40 million price. As far as they were concerned, they'd probably say "the bigger the price, the merrier" because they would then be getting even bigger tax write-offs. In fact, they were not paying the $6 million just to become Texas entrepreneurs. This simply was their price for admission to the Tax Planning Gravy Train (not one of the rides open to the general public in the Texas amusement park); as it turned out, they got a handsome return on their investment by the 1969 write-offs alone.

At this point, we should more fully identify Property Research Corp., which conducted the negotiations with GSC leading to the fixing of the $40 million price and its allocation. As noted, Fund's limited partners were not privy to these deliberations and determinations. They were handed a *fait accompli*. The opinion from tax counsel made explicit that their conclusions were predicated on the assumption that the price and allocations were made at arm's length and hence were done independently and objectively. But were they? Judge for yourself regarding the length of the arm:

First, it should be pointed out, Property Research was not licensed as real estate brokers in Texas (GSC, in fact, had to pay a James L. Flowers, Jr., an honorarium to lend his professional credentials to the transaction). Property Research Corp. happens to be the sole owner of Property Research Interstate Inc. (PRI), underwriters of Fund's limited partnership offering. As noted earlier, PRI realized over $400,000 on that sale. And even more interesting (and sweeter), GSC was obliged to pay PRI's parent, Property Research Corp., $1.2 million in cash plus a promissory note in the original principal amount of $750,000 for compensation for services performed by it in connection with the sale of the Amusement Park, if the deal was consummated.

But back to our main theme, which is: Should Penn Central have recognized this whopping sum as income—extraordinary or ordinary? To be sure, since a similar transaction took place on a smaller scale in 1968 with Six Flags Over Georgia, Peat, Marwick, auditors for both Great Southwest and Penn Central, were able to say that this was recurring annual ordinary income. But, to repeat, was this really income of any kind? (For the record, the Georgia deal was reported in 1968 as extraordinary income. Then, sometime in 1969, it was decided such transactions were now going to be perennial, whereupon the auditors' deemed the gains to be ordinary and accordingly restated the 1968 accounts.)

MEETING THE PROJECTION

In all this, I have been using Great Southwest and Penn Central financial statements for the calendar year 1969 as the frame of reference. However, it is probable that the primary focus should be on the interim financial statements. What appeared in the annual reports may really have been entirely anticlimactic. It should be emphasized that there is no indication that the independent auditors knew of, or concurred in, the reporting of the transactions in the interim disclosures. Just when they first learned of them, and their reaction, are not known to me. But it's worth noting that at their May 1969 annual meeting, Penn Central shareholders were told by Board Chairman Stuart Saunders that Penn Central "will have a favorable showing in its second quarter."

As it turned out, Penn Central reported a 7.5% drop in second quarter (1969) earnings, including a loss from its railroad system. On a consolidated basis, Penn Central said it earned $21.9 million, down from $23.6 million in the June quarter of 1968.

If, then, after picking up Penn Central's share of the Amusement Park income (which must have been more than $25 million, after deducting the minority interest) Penn Central could show only $21.9 million, it is safe to say that the consolidated second quarter operations would have shown a deficit absent the Amusement Park deal and such a loss would have been inconsistent, to put it mildly, with Chairman Saunders' prophecy to shareholders.

WHAT SALE?

The fundamental question, though, is whether this $40 million transaction stands up as a sale. Great Southwest, after all, still acts (through SFOT) as the general partner and is solely and exclusively responsible for the management of the operation. Furthermore, was this $38.5 million of non-recourse, 6.5% paper taken on the sale, entitled to be entered in the balance sheet as an asset and, even if so, should it have been carried at face value? Further, should not the auditors at least have spread the $8,000,000 explicitly attributed by the sales contract to the 10-year covenant over the decade in which GSC is constrained not to compete?

And while one might sense the tenuous quality of the GSC earnings in the GSC footnotes, who would be expected to read them since Penn Central owned over 90% of that subsidiary? How, then, could the reader of the ultimately significant Penn Central consolidated statements get even the slightest inkling of this contrived income even after the most careful study of the financial statements and all 15 footnotes, or the euphoric statements of Chairman Saunders included with the 1969 annual report? Should not the independent auditors at least have had the humility to carry over to the Penn Central collage the footnotes (however inadequate in my view) shown by the GSC statement?

What's more, the independent auditors could not here take a "cop-out" by asserting they were merely the auditors for the Penn Central parent and were, therefore, very much like the piano player who had no idea what was going on upstairs. No, the same auditors who certified to the Penn Central statements were the independent auditors for GSC as well. They are also listed as the accounting experts in the Six Flags Over Texas Fund prospectus, and it was they who certified the 1969 statements for that limited partnership.

I cannot but feel that had the GSC auditors stepped back to look at this tangled web as a whole they would have recognized the absurdity of reporting a $29 million profit on this maneuver. They would have seen that the very most that GSC could have realized was the $5 million paid by their new partners, of which $2 million went to the underwriters. They would have seen that at best the extrapolation from $3 million to $29 million was fair only to the extent that GAAP was unfair.

Peat, Marwick's partners have shown some sensitivity to questions regarding the GSC accountings. One partner is quoted as saying that the facts were all in the footnotes. But they were surely not in the Penn Central statements—since there was nothing there regarding this crucial transaction. It wasn't in Penn Central's statements to shareholders nor in the 10K filed with the SEC. As to the GSC statements, statements to which few excepting the most morbidly curious (like this writer) would turn, my response is that it's *not all* there either. The GSC notes disclose naught but the tip of the iceberg—the rest is submerged in the murky waters of GAAP.

This leads to what might well be the crux of this essay. How did the auditors square the absence of any disclosure on the Penn Central statements (and in my view less than full disclosure on those of its subsidiary) with Rule 2.02 of our Code of Professional Ethics, whereby a CPA is enjoined from expressing an opinion on representations in financial statements if he fails "to disclose a material fact known to him which is not disclosed in the financial statements but disclosure of which is necessary to make the financial statements not misleading . . ."?

Somehow this whole saga of income exaggeration, all asserted to be within the ambit of GAAP is remindful of the views expressed six years ago by Leonard Spacek, the distinguished Chairman Emeritus of the Board of Arthur Andersen & Co., and a senior partner of that major accounting firm. Speaking on the subject of the flabbiness of GAAP (which he referred to as "double-standard accounting"), he said:

"How my profession can tolerate such fiction and look the public in the eye is beyond my understanding. I suppose the answer lies in the fact that if your living depends on playing poker, you can easily develop a poker face. My profession appears to regard a set of financial statements as a roulette wheel to the public investor—and it is his tough luck if he doesn't understand the risks that we inject into the accounting reports."

EMERGENCY GUIDANCE BOARD

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the Nation's economy has deteriorated to a critical level. Sharply rising inflation and increasing unemployment with reduced economic activity have characterized the economy for a period of months and in the face of the unwillingness of the executive branch to intervene to restore stability and full employment, it is incumbent on the Congress to act quickly and effectively to achieve these objectives. We should not accept a national unemployment rate at 6 percent, especially with rising volume. The 6-percent level reached in December marked the highest national unemployment level in 9 years, and represented a 75-percent rise in the number of unemployed persons in the last 12 months. The number of unemployed now stands at 4.6 million.

While the number of unemployed persons continues to rise, inflation remains unchecked. In the month of December wholesale prices increased by six-tenths of 1 percent, the highest increase in prices in a year. Last month also marked the first time since the 1958 recession that the Nation's gross national product declined—a net decrease of 0.3 percent.

Clearly, the administration's economic policies are not working, and I am convinced that the utilization of new tools is necessary.

On December 29, 1970, I introduced House Concurrent Resolution 798, setting forth a basic emergency economic program as one approach that would enable the country to come to grips with inflation and recession. This resolution, which I am inserting at the conclusion of my remarks, recognizes that the present economic situation presents an emergency and sets forth a novel solution to retard and control the price-wage spiral.

My program is designed to bring quick, short-term relief during a time when an expansionary monetary policy is being pursued—as it is increasingly by the Federal Reserve—to increase demand. For a long-term solution to rectify the present situation, it is hoped that more traditional economic policies will suffice. The concurrent resolution calls for the creation of an Emergency Guidance Board to set and administer voluntary wage and price guidelines for certain concentrated industries and large labor organizations.

I am today introducing the Emergency Guidance Board Act of 1971 to establish such a program by law. My bill establishes an Emergency Guidance Board composed of five members appointed by the President and subject to confirmation by the Senate. One member with extensive Federal administrative service is to be appointed by the President to be Chairman and the other members are to represent a fair balance between business, labor, and consumer leaders. The life of the Board is limited to 18 months, except that its life may be extended by a concurrent resolution of Congress.

As soon as is feasible after taking office, and after consulting with business, labor, and consumer leaders, the Board will publish a set of basic guidelines for price and wage changes. After the guidelines are published, corporations and labor organizations subject to the mandatory provisions of the act will be required to file an economic justification with the Board indicating how a price increase or wage settlement complies with or departs from the published price and wage guidelines. The mandatory provisions of the act will apply to corporations having capital assets in excess of $500 million or supplying more than 30 percent of any market of substantial volume, and to any labor organization bargaining with such a corporation. In addition, the Board will have discretionary power to require an economic justification from any corporation having capital assets in excess of $100 million or more than 10 percent of any market of substantial volume if the Board determines that an economic justification is necessary to carry out the purposes of the act. A similar grant of discretionary power is granted to the Board over labor unions which, in the Board's determination, obtain wage increases that the Board determines to have a substantial inflationary impact on the economy.

Under the terms of the bill the Board may publish economic justifications filed with it, negotiate with corporations where the guidelines appear likely to be breached, hold hearings, administer oaths to witnesses appearing before it, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. Where a corporation or union refuses to cooperate with the Board by failing to supply documents or neglecting to appear or by refusing to file an economic justification, the Board may apply to a district court of the United States for an order requiring the production of documents, personal appearance or the filing of an economic justification.

It is my belief that business and labor would cooperate with the Emergency Guidance Board, recognizing its merit as a bulwark against inflation, cooperate with it in its task, and voluntarily adhere to any published guidelines, so that the mandatory provisions of this bill would not have to be used.

The administration has started haltingly on this course in setting up a wage board in the construction industry. But as I .W. Abel of the Steelworkers has said, "jawboning" and deterrents should be equally applied to all industries and not introduced after increases have already been achieved in one and withheld from another. The Federal Reserve policy is beginning to steam up the economy and until normal function is resumed, a method of restraining runaway inflation is needed. I believe that my bill provides such a method.

House Committee 798 follows:

H. CON. RES. 798

Whereas the United States has been experiencing simultaneous inflation and recession; and

Whereas the administration's plan to control inflation by creating unemployment of both workers and machines has failed to limit the rise of prices in the more concentrated industries and the rise in the cost of living; and

Whereas the present state of unemployment of 5.8 per centum and industrial activity of 76 per centum of capacity is intolerable; and

Whereas the economy is now operating at a rate of $40,000,000,000 to $50,000,000,000 below its potential; and

Whereas it has taken less than a year to bring the economy from a condition of 3.5 per centum unemployment and 84 per centum of capacity operation to the present low state; and

Whereas the real stock of money, adjusted for its buying power, has declined in the past year; and

Whereas fiscal measures have contributed little stimulation to the economy; and

Whereas a rapid expansion of demand monetary and fiscal measures to achieve full potential, if used alone, would engender further rapid inflation; and

Whereas the real hourly earning of nonagricultural workers have not increased in the past year though national productivity has increased; and

Whereas a major source of continuing inflation arises from the exercise of market power in the more concentrated industries; and

Whereas the recovery to full potential cannot wait on a permanent solution to the problem created by the inflationary tendencies in the economy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the present situation is so serious as to constitute an economic emergency requiring special temporary emergency measures to bring the economy back to its potential within a year and with the minimum of further inflation; and be it further

Resolved, That it is the sense of the Congress that such rapid recovery requires two major lines of action to reach the economy's full potential:

(1) Monetary and fiscal action to bring about a rapid expansion of aggregate demand;

(2) Positive measures to limit the rise of prices and wage rates during the emergency expansion period; and be it further

Resolved, That it is the sense of the Congress that a rapid increase in aggregate demand can be achieved through the existing institutions provided fiscal policy is designed either for a small surplus at full potential or for a deficit and monetary policy should expand the stock of money only to the extent necessary to support the economy at full potential; and be it further

Resolved, That it is the sense of the Congress that the rise in prices and wage rates can be kept to an acceptable minimum while the return to full potential is achieved through a voluntary price-wage guidance program which sets up an Emergency Guidance Board with responsibility for—

(1) Establishing emergency guidelines (after discussion with leaders of business, labor, and consumers) which take account of changes in business costs per unit of output and changes in national productivity and in living costs;

(2) Requiring that any substantial business with substantial market power should file an economic justification for any substantial price increase and any union seeking a wage increase in excess of the increase in national productivity and in living costs should file an economic justification;

(3) Publicizing situations in which substantial price or wage increases appear to exceed the published guidelines; and be it further

Resolved, That it is the sense of the Congress that for the emergency program to be fully successful—

(1) An Emergency Guidance Board should be created by law;

(2) The President should call in the leaders of business and labor and ask them to agree to abide by the guidelines for the year of the emergency program;

(3) The Federal Reserve Board should expand the stock of money to the extent needed to support the operation of the economy at its full potential.

FUNDS FOR PUBLIC HEALTH SERVICE HOSPITALS AND OUTPATIENT CLINICS

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, today I am introducing a House concurrent resolution directing the Public Health Service hospitals and outpatient clinics to remain open and be funded through fiscal 1972. During that time the Secretary of Health, Education, and Welfare and the Congress should explore the resources, capabilities, and position of these facilities in the community to determine which should operate and which, if any, should be closed.

Last month HEW Secretary Richardson said the administration was considering closing these facilities because they could not provide quality care and because the administration objected to spending $140 million to modernize and replace them.

The President's budget, just sent down, does not contain enough money to keep the hospitals open. The budget provides only $81.1 million for patient care and salaries. Last year we appropriated $136.6 million for these items. The President is asking for $55.5 million less; $48.8 million of the cut in the 1972 budget was in the salary category. In 1971 Congress appropriated $63.9 million for salaries for 6,240 employees.

This year the President is asking $15.1 million for 970 employees.

This decision is contrary to the President's commitment in his state of the Union message to improve health care and to provide medical services where they are in short supply.

We have a health crisis on our hands. Congress has not been consulted. We established the Public Health Service in 1798. Now we have to tell our constituents their hospitals are closed, and they will have to go to the Veterans' Administration hospitals on a space available basis or fend for themselves. This will be a hardship on my constituents—the VA hospitals have limited treatment facilities for women, and no facilities for children.

More than 25 of my colleagues—including the majority leader, the Democratic whip, and the Merchant Marine and Fisheries and Armed Services Committees' chairmen and Representatives from every State which has one of these hospitals—except Virginia—have joined with me. I invite the rest of my colleagues to join me in fighting the administration's arbitrary decision.

RAILPAX REVISED

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, it took some doing, but Secretary Volpe has come up with a truly national plan for continuing and improving passenger train service throughout the United States.

In his final designation of the new national rail passenger system, made yesterday, Mr. Volpe has given the Railpax Corp., which will take over the management of passenger service on May 1, a more than adequate blueprint for the great task ahead.

As many of our colleagues will recall, we who represent California and the West were distressed, with good reason we thought, with the first, tentative Railpax system which Mr. Volpe proposed last November 30.

The six Senators from the three westernmost States and 37 of the House Members from California filed strong protests over the omission from that first plan of north-south service along the Pacific coast and a route to link California to the South and Southwest.

Individuals, governments, and organizations also swung into concerted action at the local level, in my home county of San Diego and elsewhere, in the campaign to persuade the Secretary to make the revisions we felt were necessary.

In my area, intercity train service to Los Angeles is no mere frill. Now, and even more so in the future, the passenger train must serve as an essential component of our capability to move people from place to place. The 128-mile corridor stretching from San Diego to Los Angeles is already one of the most congested in the country. The highways and airways joining the two cities now handle nearly 40 million travelers a year, with far greater loads projected in the years ahead.

Clearly, the railroad must be developed as an attractive alternative, for intercity travelers in southern California and elsewhere, if we are to head off the looming possibility of massive traffic jams grinding vital commerce to a halt.

San Diego was excluded altogether from the system initially suggested by Secretary Volpe. Final exclusion would have allowed the one railroad serving San Diego to casually discontinue its present inadequate passenger service to Los Angeles, and would have left San Diego with scant hope for any resumption, much less improvement, of the service in the foreseeable future.

In expanding the Railpax system yesterday by adding five routes, including San Diego-Seattle and Los Angeles-New Orleans, Secretary Volpe has fully met the objections raised by many of us.

He has both laid the groundwork for the National Rail Passenger Corporation, and provided assurance of continuing and hopefully better service for San Diego and other major cities.

The new Corporation will, of course, have leeway to curtail or expand the service now called for the plan. It may not, for instance, prove necessary to operate daily through trains from San Diego to Seattle. But the demand for regular service on intercity segments of this route is certain to grow. And thanks to the inclusion of this route in Secretary Volpe's final plan, the Corporation will be in a position to guide the orderly growth and development of passenger service along the entire length of the Pacific coast.

NATIONAL YOUTH APPRECIATION WEEK

(Mr. MAZZOLI asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, I no doubt speak for all Members of the House of Representatives when I say that I am weary with the unfortunate emphasis given by the news media to the negative aspect of America's youth. Nearly all we see and hear reflects adversely on our Nation's young people, and I believe this must be corrected.

I do not, of course, suggest that the problems of even a small minority of our young people are to be taken lightly. Nor do I suggest that we can afford to be less vigilant or less dedicated in our efforts to cope with problems such as juvenile delinquency, drug addiction, and antisocial behavior. These are realities we cannot overlook.

What I am suggesting, however, is that all too often the commendable and constructive actions of the great majority of America's young people pass unnoticed and receive but scant attention by our country's writers and commentators. I very firmly feel that young people should be officially recognized for the good they do, if they are to be chastised for the problems they create.

I am pleased to report that efforts to adjust this imbalance are currently underway in my home State, the Commonwealth of Kentucky. For each of the past 3 years, groups of citizens from various parts of my State have officially set aside a week during which attention is focused on the useful and constructive activities of our young people and to demonstrate genuine appreciation for their contributions to community, school, and family.

By way of background, in 1967 a number of students from Thomas Jefferson High School in Louisville visited, entertained and donated gifts to children in our local hospitals. Unfortunately, but typically, there was no mention of this gesture by any of the news media in our district. But, these activities did not go unnoticed by local residents, and, as a direct result, the movement for appreciation of our young people originated. The movement is now known as We Appreciate Our Young People.

In 1968, during the Kentucky State high school basketball tournament, the first tribute to Kentucky's young people was made with testimonials and comments carried on the area's radio stations. The following year, 1969, Hardin County devoted the week of February 10–16 to promoting public awareness of the wholesome activities engaged in by our young people.

In September 1969, the Kentucky Federation of Women's Clubs adopted the "We Appreciate Our Young People" concept and, accordingly, in 1971, the 259 Kentucky Women's Clubs across the Commonwealth will observe the weeklong tribute to youth. This has proved to be such a popular means of expressing official thanks to our young that in 1970 three additional States, South Dakota, Maine, and Delaware joined the movement.

This is entirely appropriate, but I truly believe that recognition of the basic worth and basic good of America's young people should be national in scope rather than regional. Therefore, I am today offering a resolution which authorizes the President of the United States to issue a proclamation designating the first week of February of each year as National Youth Appreciation Week. This resolution further encourages the people of the United States to observe this week with appropriate ceremonies and activities involving and devoted to the young people of America.

I urge support of this resolution. Perhaps the disenchantment and discontent of the young will be relieved by the realization that this government and its people recognize the energy, effort and dedication of our young people toward making America a better place in which to live.

The resolution reads as follows:

JOINT RESOLUTION PROVIDING FOR THE DESIGNATION OF THE FIRST WEEK OF FEBRUARY OF EACH YEAR AS NATIONAL YOUTH APPRECIATION WEEK

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the first week of February of each year as "National Youth Appreciation Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

A FIRST GLIMPSE OF THE FEDERAL BUDGET

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the President's 1972 budget, which has just been placed in our hands, will very rapidly become the book of the year—it combines inflation, fiction, and folly. The following items should be of interest:

FOR SALE: CHEAP!

Two distinctive and utilitarian airports. One close-in, near historic national monuments and tourist sites. Plenty of accommodations close-by. Loaded with valuable equipment and federally financed out-buildings. Unique and prestigious investment. Other airport further out in quiet pastoral setting. Unique four-lane highway built specifically for access to airport. Tremendous possibilities for development along access road. Distinctive terminal designed by world-renowned architect. Operations in the black for the first time this year. Bargain at $105 million for both National and Dulles Airports. Easy Terms. Occupancy immediately. Federal financing available.

If your taste is not for airports, consider complete railroad in one of the most scenic parts of North America. Includes track, rights-of-way, equipment, and out-buildings. Located in most untapped, undeveloped part of continent with great potential. Views unexcelled. Challenge unparalleled. Great buy at $100 million for Alaska Railroad. Prices undoubtedly negotiable for both or singly.

Call Uncle Sam at Department of Transportation immediately—before it is too late. These kinds of bargains don't last long.

After having seen these items in the budget, Mr. Speaker, I decided a closer examination of the budget was in order. I wanted to be able to assure my colleagues on the floor and the American taxpayers, who have spent hundreds of millions of dollars for both airports, that our beloved Capitol Building was not for sale at an equally low sum, in an effort to bring some revenue into the Federal Treasury. Up to the present, I have not been able to determine whether the Capitol Building is for sale, because of the complexity of reading the budget, but I shall keep at it.

CANCER RESEARCH IN THE PRESIDENT'S BUDGET

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, as a Member of the House Appropriations Subcommittee for Health Appropriations, I took careful note of President Nixon's announcement in his state of the Union message of a brand new program of $100 million for cancer research which he compared to a program for landing a man on the moon. However, an analysis of the budget submitted today and the details of the program clearly indicate that this was pure Madison Avenue gimmickry and that the net result of shiftings within the budget would leave cancer research at the same level that Congress would have appropriated anyway.

Our formula for appropriations has been to fund all ongoing programs and in addition thereto to fund new applications by research teams which have been approved and recommended by the independent advisory committee of scientists. Last year we appropriated the exact amount that this formula added up to and that happened to be $25 million more than the budget request. The amount needed to fund under this formula in 1972 fiscal year would be $135 million and I can almost guarantee that this would be the amount appropriated by Congress and the administration surely knew this. However, the President's budget only includes $105 million for this purpose. That is $30 million short. In another place in the budget, they include the right to obligate $100 million but only includes a request for an outlay of $30 million in fiscal 1972. This $30 million is exactly the amount by which they had reduced the regular program. The net effect of the budget proposal is that appropriations for cancer research are proposed at exactly the same level as they would have been anyway and all this talk about a brand new program about cancer research turns out to be pure Madison Avenue gimmickry.

I suppose a certain amount of this propaganda is to be expected from politicians but I think it is cruel to use it in connection with health matters and to build up false hopes. It is time more people commit themselves not only to the solution to the health problems but also to telling the American people the true alternatives which exist and are being proposed.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Is it not also true that for almost all the other Institutes of Health, the appropriations for which the committee of the gentleman in the well and myself handle, that he has reduced those amounts over last year's appropriations?

Mr. SMITH of Iowa. Not only have they been reduced, but also there is no offset over on page 491 to put the money back.

Mr. CASEY of Texas. That is correct, so instead of a better health program we will have a rougher one if we stick with the budget the President submitted.

Mr. SMITH of Iowa. That is correct.

ENVIRONMENTAL EDUCATION FOR ALL CHILDREN GOAL OF NATIONAL COUNCIL OF STATE GARDEN CLUBS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, National Council of State Garden Clubs, Inc., announced their civic development project for 1971–72 at a reception held in Washington, D.C., Wednesday, January 27. The goal of the project is to provide teachers with the material necessary to make conservation/environmental education an integral part of the educational activities in every classroom in the United States.

In the weeks and months ahead, members of garden clubs in communities across the Nation will be contacting schools and teachers, neighbors, civic and business leaders for their support of what National Council has termed "one of the most important and far reaching programs ever undertaken by any national organization."

In a statement released at the reception, National Council of State Garden Clubs, Inc., said:

We have committed ourselves to this enormous nationwide task because we firmly believe the greatest single step to safeguard our environment and to improve the quality of life is to provide the children in our schools with the means to understand and appreciate the world they will inherit.

Earnestly seeking the support and aid of friends, neighbors, other civic organizations, businessmen and members of industry, our 387,700 members in over 14,500 Garden Clubs across the nation will work to donate the appropriate volume from the Series of Teachers' Curriculum Guides to Conservation Education, PEOPLE AND THEIR ENVIRONMENT, to teachers in every school in the United States.

People and their environment is a program written for teachers by teachers and designed to make conservation/environmental education an integral part of any school system's curriculum. It was edited under the direction of Dr. Matthew J. Brennan, and is published by J. G. Ferguson Publishing Co., a subsidiary of Doubleday & Co., Inc. Each of the eight volumes in the series was specifically developed for a different grade level and/or subject area. The eight volumes are grades 1, 2, 3; grades 4, 5, 6; science 7, 8, 9; social studies 7, 8, 9; social studies 10, 11, 12; biology; home economics; and outdoor laboratory, 1–12.

Representing National Council of State Garden Clubs, Inc., at the reception were: First vice president and acting president, Mrs. Maxwell W. Steel of Huntingdon, Pa.; vice presidents: Mrs. Howard S. Kittel of Fort Worth, Tex., and Mrs. Vernon L. Conner of Mount Dora, Fla.; treasurer, Mrs. Robert R. Crosby of New York, N.Y.; national projects chairman, Mrs. Lyle Johnsrud of Fort Benton, Mont.; and conservation chairman, Miss Elizabeth Mason of Atlanta, Ga.

The National Council of State Garden Clubs has 14,500 clubs with 387,000 members in 49 States and the District of Columbia. There are approximately 100 clubs in Montana.

The project is described in the following announcement by the council:

NATIONAL PROJECT 1971–72

Believing that Man holds the keys to the future of all life on earth, National Council of State Garden Clubs, Inc., through local member Garden Clubs, has begun what may be the most important and far reaching program ever undertaken by any national organization.

Earnestly seeking the support and aid of our friends, our neighbors, civic organizations, businessmen, large and small companies, the Garden Clubs will work to: Place in the hands of every teacher in public, private, and parochial schools in the United States, the appropriate volume of People and Their Environment, a series of teachers' guides to conservation education.

The National Council of State Garden Clubs have committed themselves to this enormous nation-wide task because we firmly believe the greatest single step to safeguarding our environment and improving the quality of life is to provide the children in our schools with the means of understanding and appreciating the world they will inherit.

In the weeks and months ahead, members of Garden Clubs in communities across the nation will be contacting schools and teachers, neighbors, civic and business leaders for their support.

BUDGET EXPERTS

(Mr. COLLIER asked and was given permission to address the House for 1 minute.)

Mr. COLLIER. Mr. Speaker, after having just been subjected to several minutes of partisan political drivel on the budget I would make one suggestion. Since the budget was just released yesterday it would be well if some of my colleagues on the other side of the aisle who are prone to dispense this type of criticism, ought to do an indepth study of the budget before assuming the role of self-appointed experts on a subject they appear to know little about.

LET MY PEOPLE GO

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, increasingly the cry of "let my people go," is being heard throughout the world. It is in response to the continued oppression of Jews in the Soviet Union.

The ill-treatment of Jews in Russia has been well-documented in the press over the last few weeks, and it is no wonder that the freedom loving people of the free world are reacting with such outrage.

Mr. Speaker, we think that from experience over the ages we gain the basic knowledge of how to improve the life style of our world society, yet we too often find oppression of a certain group of people raising its ugly head. What progress is made in our civilization if we continually revert back to prejudices, abuse and persecution?

Mr. Speaker, I join the movement that is attempting to gain freedom for Jews in the Soviet Union by nonviolently appealing to every man's sense of justice. Let us join our voices to theirs as they demand, "Let my people go!"

NIXON BEHIND THE SCENES

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, the current issue of Newsweek magazine contains an article on the President which I wish to commend to the attention of my colleagues. The article is written by the Secretary of Health, Education, and Welfare, Elliot Richardson—a man highly qualified by many years of close association and intimate contact to give an accurate assessment of the leadership capacity and personal human qualities of the Chief Executive.

I was especially struck by Mr. Richardson's description of the President's effectiveness during the Jordanian crisis. Precisely because this potentially explosive situation was handled calmly and surely, the President's courage and leadership did not receive the wide public acclaim that it merited. Mr. Richardson's revealing insights serve as a timely reminder that quiet competence too often goes unrewarded, and that the measure of effective leadership lies not in brilliant atmospherics, but in the ability to deal circumspectly with difficult and complex matters in a logical, sensitive, and cogent manner.

The text of the article follows:

Nixon Behind the Scenes

(By Elliot Richardson)

(In last week's issue of Newsweek, Washington bureau chief Mel Elfin offered an appraisal of Richard Nixon at midpassage in his Presidency. The White House requested space in the magazine for a reply. The article was written by Secretary Richardson of Health, Education and Welfare.)

To those who do not know the President, or to those who accept the stereotype presented in Newsweek last week, the leadership and compassion shown in the State of the Union address might have come as a surprise—and we can expect the customary interpretations of a "new" Nixon.

But to those who have come to know the real Nixon—as I have over the years, in working with him on foreign affairs and now again on human needs—his "New American Revolution" comes as no surprise at all.

Rather than apply facile labels to a complex and unconventional man, let me simply recount some of my own observations of him over the years.

Jordan.—The most essential quality of a modern President is one that no experience or training can teach: the courage that comes from strength of character.

Moments of high drama, played on a public stage, are not the only times that Presidential courage is needed. I believe future historians will judge the solution of the Jordanian crisis to be one of the high-water marks of the Nixon Presidency.

The story cannot now be told in full. But with Syrian tanks rolling across Jordan's border, with one of the men who holds the key to peace in the Middle East on the brink of disaster, with Israel poised for attack and with both superpowers being drawn toward confrontation, the President of the United States did exactly what Presidents are supposed to do: he took personal charge of the situation, lived with it day and night, used the levers of power calmly and surely and—always behind the scenes—displayed the courage that averts wars.

Because there was no widespread public fear beforehand, there were few accolades and no widespread sense of relief afterward. Which is just as well—the American public and the world public do not need any emotional roller-coaster rides at this time. But the "Middle East war of 1970" is not in the history books largely because of the courage and skill of the American President.

The Eisenhower years.—I recall a time back in 1958, when I worked in HEW in the Eisenhower Administration and when there was a desperate need for more school construction and more college buildings. We had a plan for Federal subsidy of the debt service on new facilities for education, which would not have had great immediate impact on the budget but that would commit the government to a generation of support—and that would get more schools built quickly.

We had exactly one ally in the Cabinet—Vice President Nixon. He saw that problem in terms of schoolchildren and college students in the 1960s and 1970s and he volunteered to take up what had been conceded to be a losing cause.

At a Cabinet meeting where the decision was to be made, the Budget Bureau presented its objections. I was sitting back against the wall, with my resignation in my pocket, and with that sinking feeling that comes when you see heads nodding away thousands of schools.

The Vice President knew that direct confrontation would freeze the opposition. Little by little, in the course of the meeting, he chipped away at the objections, letting the subject be changed, coming back to it later on another tack, never argumentative, always reasonable.

Finally, President Eisenhower said, "I don't see where there can be any strong objection to this, either philosophically or in terms of money. Let's go ahead with it." The pencil the Vice President was holding snapped in his hand, and I reached in my pocket and crumpled up my resignation.

Welfare reform.—Recently, after his speech to the White House Conference on Children—a moving and heartfelt speech—he called me to discuss how else he could show his personal commitment to welfare reform. At 4 in the morning that day, he told me, he had gotten out of bed to add to his speech his memories of his own childhood—how his family may have been poor, but they never felt poor, because they were never subjected to the demeaning indignities of the present welfare system. He could not understand why some people still felt his heart was not in welfare reform—because he knew what it did to human beings, and he has a deep, even a fierce, personal commitment to changing the system. That's why I am certain we are going to get it changed, and soon.

SALT. Our position at the Strategic Arms Limitation Talks was discussed at a series of National Security Council meetings. The President had been given voluminous option books, weighing the implications of each consideration, including the detailed misgivings of some of his military advisers about making a comprehensive proposal—they preferred, instead, a series of individual steps.

I cannot think of a more complex decision that could confront any President, or one with more far-reaching ramifications. The fact that he did his homework was apparent in his questioning. He encouraged argument. He listened a lot. He took his time, thinking about it both alone and aloud with advisers for months. And then, on a sheet of paper with a series of "approve-disapprove" choices, we saw his decision. He incorporated his own modifications and additions and settled on a comprehensive arms-limitation presentation.

Perhaps it will succeed; perhaps only part of it will be accepted, since it is not presented in an all-or-nothing way. But every man who worked on it knows that the one man who is elected to decide has decided on the basis of thinking it through.

Sensitivity.—In 1956, in the midst of the mini dump-Nixon campaign in which Christian Herter was pushed forward as a possible replacement, I was asked by Governor Herter to help draft a speech for him nominating Nixon.

After I had something on paper, I showed it to the then-Vice President and asked if he found it suitable. Politely, he replied: "This says everything that needs to be said." I started to leave with the speech unchanged, but it occurred to me that the Vice President's answer was a little restrained. I asked him if there were other things he would like to have said.

Then, and not until then, he opened up to give me a short and unforgettable lesson in speechwriting. He showed me how to put myself in the shoes of the speaker, standing in front of a live audience of thousands—a political audience that wanted to express itself from time to time. It was a far better speech for his editing, but it would not have been unless he had been invited to edit.

Biafra.—We were discussing what to do about starvation in Biafra. There was a definite danger in straining our relations with Nigeria, then in the final stages of its civil war. The President weighed the problem of Nigerian displeasure against the need of the hungry Ibos; the deciding factor was the humanitarian feelings of the American people. The President owed it to his fellow citizens to make the kind of response that was rooted in the American character: the President's reaction could not be the "correct" diplomatic reaction, it had to be the gut American reaction.

I have seen the President at work, and worked with him. I know that the qualities he has displayed to me over the years are not "new." And they are once again reflected in his speech to the joint session of the Congress last Friday.

In his State of the Union address, the President of the United States revealed himself to be a calmly rational revolutionary—in the sense that the men who founded this nation were revolutionaries.

Without the bravado and fury one associates with a revolution, Richard Nixon outlined a fresh approach to two of the overriding concerns of the American people: the need for the Federal government to do more for the poor and the sick, and the need for each American to have much more of a say in the decisions that affect his life.

That definition of the American character—the evocation of the American spirit—is what Presidents must constantly strive to do. That is what we saw last week in the State of the Union. That is the overriding theme President Nixon repeatedly returns to, in talks on campuses and discussions with his Cabinet and staff.

This is how he put it, off the cuff and off the record, early last week: "There was running through the theme of that constitutional convention, even among the Federalists, let alone the Jeffersonians, the idea that it was important to keep government close to the people, that people had to have a part of the action, that every person did count, that the individual was what was important. That is what we have lost sight of. So now we come to a point 190 years later.

"We are setting forth before the country a whole new approach to government, one which we trust will be good for the next two years when adopted, or the next four years or six years, or through the balance of the '70s, but beyond that it will do as well for this country for the next 100 years as the present system did for the past 190 years.

"This is a great goal. That is one that should inspire us. It is one that should lift us, and it is one also that should build for all of us the strength we are going to need to withstand the barbs of our critics."

When a President speaks that way to the men around him and when you see how fervently he means what he says, you understand why he inspires such loyalty and commitment in the men around him. It needs to be transmitted more widely, which is the hardest task of all, but I believe it will be done.

FUNDS FOR CANCER RESEARCH

(Mr. BOW asked and was given permission to address the House for 1 minute.)

Mr. BOW. Mr. Speaker, a question has been raised about funding for the Cancer Institute and the $100,000,000 referred to in the President's state of the Union message. I believe the statement was made that it is not in the budget.

This is not correct. On page 306 the 1972 estimate for the National Cancer Institute is shown as $232,234,000. This is an increase over 1971.

Then, if Members will look to page 309 of the budget, they will find cancer research initiatives—an additional $100,000,000.

So the President said he would increase this effort by $100,000,000, and it is there. This is in addition to the increase on the National Cancer Institute.

The point about $30,000,000 instead of $100,000,000 is misleading. The $30,000,000 refers to outlays—actual payments to be made from the Treasury during 1971. The full amount of $100,000,000 is requested to be available for obligation or commitment in 1972. No new initiative can ever be spent entirely the first year. Time is required to gear up to this level and prompt action by the Congress on the appropriation bill will be essential. I can assure my colleagues that the staff of the National Cancer Institute are working as diligently as possible to develop careful plans for the use of these funds. Every effort will be made to implement this effort as rapidly as possible, but in a careful and responsible way. I am sure this program will result in real progress against this dread form of disease and prove a credit to both Congress and the administration.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 27, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 5 p.m. on Wednesday, January 27, 1971, said to contain a Message from the President, transmitting the Nineteenth Decennial Census.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

NINETEENTH DECENNIAL CENSUS OF THE POPULATION AND APPORTIONMENT OF REPRESENTATIVES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–38)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Pursuant to the provisions of Title 13, United States Code, section 141(b) and Title 2, United States Code, sections 2a and 2b, I transmit herewith a statement prepared by the Director of the Census, Department of Commerce, showing (1) the population of each State and the District of Columbia as ascertained by the Nineteenth Decennial Census of the population, and (2) the number of representatives to which each State would be entitled under an apportionment of the existing number of representatives by the method of equal proportions.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 28, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:30 p.m. on Thursday, January 28, 1971, said to contain a Message from the President to the Congress on Selective Service Reform and the All-Volunteer Armed Force.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

NEW APPROACH TO MEETING MILITARY MANPOWER REQUIREMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–37)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

On April 23, 1970, in a message to the 91st Congress, I proposed that the Nation embrace a new approach to meeting our military manpower requirements—an approach that recognized both the necessity for maintaining a strong national defense and the desirability of ending the draft.

In that message I put forth two sets of proposals.

The first set of proposals dealt with the fundamental question of how this Nation should raise the armed force necessary to defend the lives and rights of its people and to fulfill its existing commitments abroad.

After carefully weighing both the requirements of national security and the desirability of reducing infringements on individual liberties, I urged that we should begin moving toward an end of the draft and its replacement with an all-volunteer armed force, with an eye to achieving this goal as soon as we can do so without endangering our national security.

The second set of proposals dealt with reforming the draft system itself, while this continues to be needed in the immediate future to maintain our armed strength as we move toward an all-volunteer force.

Now, more than nine months later, I am even more strongly convinced of the rightness of these proposals. Now, as then, the objective of this administration is to reduce draft calls to zero, subject to the overriding considerations of national security—and as long as we need the draft, to make it as fair and equitable as we can.

Over the past 9 months the Secretary of Defense and the Director of Selective Service have initiated a comprehensive series of steps designed to help us achieve that goal. Average draft calls are now substantially lower than they were when this administration assumed office, and we have significantly improved the consistency and fairness of the draft system. We shall continue these actions at an accelerated pace.

However, to continue the progress that now is possible toward both goals—toward ending the draft, and in the meantime making it more nearly fair—legislative as well as Executive action will be needed.

ENDING THE DRAFT

Since my April 1970 message, a 7.9 percent across-the-board increase in the rate of basic pay has been enacted that will raise the pay of members of the Armed Forces by almost $1.2 billion a year. Building on this base, I am submitting a number of legislative proposals (some of which were previously submitted to the 91st Congress) which, together with Executive actions I shall take, would move us substantially closer to the goal of an all-volunteer force.

—I propose that we invest an additional $1.5 billion in making military service more attractive to present and potential members, with most of this to be used to provide a pay raise for enlisted men with less than two years of service, effective May 1, 1971. If approved by the Congress, this action would result in a total additional investment of $2.7 billion for military manpower, and would substantially reduce the present inequity in the pay of men and women serving in the Armed Forces. The proposed pay raise would increase rates of basic pay at the entry level by *50 percent* over present levels. Also, I am proposing increases in the quarters of allowance for personnel in the lower enlisted grades.

—I am proposing a test program of special pay incentives designed to attract more volunteers into training for Army combat skills.

—Existing law provides that as general adjustments are made in civilian pay, corresponding increases will be made in military pay. In addition, I am directing the Secretary of Defense to recommend for the 1973 fiscal year such further additions to military compensation as may be necessary to make the financial rewards of military life fully competitive with those in the civilian sector.

—The Department of Defense, through Project Volunteer, has been actively engaged in expanding programs designed to increase enlistments and retentions in the services. A fair level of pay, while necessary, is only one factor in increasing the relative attractiveness of a military career. I will propose that approximately one-fifth of the additional $1.5 billion be devoted to expanding our efforts in the areas of recruiting, medical scholarships, ROTC, improvement of housing, and other programs to enhance the quality of military life.

—During the past year, the Department of Defense has reviewed the policies and practices of the military services and has taken actions to emphasize recognition of the individual needs and capabilities of all military personnel. These efforts will be continued and strengthened.

EXTENSION OF INDUCTION AUTHORITY

No one knows precisely when we can end conscription. It depends on many things—including the level of military forces that will be required for our national security, the degree to which the combination of military pay increases and enhanced benefits will attract and hold enough volunteers to maintain the forces we need, and the attitude of young people toward military service.

Current induction authority expires on July 1, 1971. While I am confident that our plan will achieve its objective of reducing draft calls to zero, even the most optimistic observers agree that we would not be able to end the draft in the next year or so without seriously weakening our military forces and impairing our ability to forestall threats to the peace. Considerations of national security thus make it imperative that we continue induction authority at this time.

Normally, the Congress has extended induction authority for four year intervals. I propose that this Congress extend induction authority for two years, to July 1, 1973. We shall make every endeavor to reduce draft calls to zero by that time, carefully and continually reexamining our position as we proceed toward that goal.

REFORM OF THE DRAFT

As long as we must continue to rely on the draft to meet a portion of our military manpower requirements, we must make the draft as equitable as possible. To that end I am proposing legislation to modify the present draft law, including the resubmission of recommendations I sent to the Congress last year. This proposed legislation would:

—Permit the phasing out of undergraduate student deferments, and also exemptions for divinity students.

—Establish a uniform national call, by lottery sequence numbers each month, to ensure that men throughout the country with the same lottery numbers have relatively equal liability to induction by their local boards.

In addition, the legislation I am proposing includes a number of other amendments which will improve the administration of existing law.

For the immediate future we will need the draft and, moreover, even when the draft has been ended, we will have to maintain some form of a standby system that could be re-activated in case of emergency. Therefore, I urge favorable Congressional action on these proposals to reform the draft and make it as nearly fair as we can for the time it is needed.

While the reforms proposed in our existing draft system are essential, however, it must be remembered that they are improvements in a system that will be used only as long as the draft is necessary.

This Congress has both the power and the opportunity to take an historic action. As I stated in last year's message, with an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

I urge the 92nd Congress to seize this opportunity, and to make the bold decisions necessary to achieve this goal.

RICHARD NIXON.

THE WHITE HOUSE, *January 28, 1971.*

PRAYER BREAKFAST IN MONTGOMERY, ALA.—ADDRESS BY HON. LAMBERT MIMS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, it is a tradition in Alabama to hold a prayer breakfast in Montgomery prior to the gubernatorial inauguration. At this breakfast, governmental leaders from throughout the State gather to pray to God for guidance. This year's address was given by the Honorable Lambert Mims, a lay leader in the Baptist Church and the public works commissioner of Mobile, Ala. I would recommend that my colleagues read the address of Mr. Mims. I believe there is something in his remarks for each of us:

AMERICA, LET US PRAY

This is a Prayer Breakfast. We have come here today to pray—to recognize the Almighty as our God and Savior—to confess our insufficiencies and our sins—to ask His forgiveness, and to seek His continued blessings upon our lives as individuals, and upon this State, and this Country.

Our coming together in this fashion causes us to admit our dependence upon God, and reaffirm our convictions that without Him, we shall fail.

This State needs God; our new Governor and his Cabinet need God; this new Legislature needs God. We all need Him. America needs Him—and as we think together today, we want to think on the subject, "America, Let Us Pray."

I. AMERICA, LET US PRAY BECAUSE WE NEED PRAYER AS NEVER BEFORE

I am reminded of Georgia's Senator Herman Talmadge's remarks at the Presidential Prayer Breakfast, held last February at the Washington Hilton Hotel. Senator Talmadge said,

"These are difficult and extremely troubled times for Americans and for people throughout the world. The best in all of us is put to the test almost daily. In recent years, it has often seemed to me," he said, "that our nation has gone from one crisis to another, either at home or abroad. The faith of all Americans in freedom, in what is right, in what is good, and in their God, is tested time and again. This is why men must take time from their duties to meet, to pray, and, most especially, to seek divine guidance."

"These are difficult and extremely troubled times," the Senator said. Let us look at these times.

One would not have to look far to see our times troubled by war, a war seemingly unending. For ten years America has been at War in Southeast Asia. For ten years many a mother and father have seen their son go off to war, some never to return. For ten years many a wife has kissed her husband goodbye, with many never returning.

While we meet here today, there are thousands of our servicemen upon foreign soil, and hundreds in Prisoner of War Camps—for you and for me. A time troubled with war, and tensions getting worse!

America, Let us Pray!

Then, one would not have to look very far to see times troubled with crime and violence. Never before has there been so much crime in our Country. In the past ten years, the crime rate has risen ten times as fast as the population—the crime rate rising 131% and the population rising 13%. It is predicted that within the next twelve months, one of every three of us are subject to being a victim of some vicious criminal.

The streets of the average American city are more dangerous than the jungles of Vietnam. In our Nation's Capitol, people are afraid to walk the streets at night. A Washington columnist recently said that there were more murders committed in Washington last year than in Saigon, a city three times its size.

America, Let Us Pray!

Ashamedly we must admit, too, that these are times troubled with drug addiction, when thousands of young people are ruining their lives with pills, and pot, and hard drugs of all types. And if we will take our heads out of the sand, we will see times troubled with permissiveness, promiscuity, and pornography. Hundreds of skin-flick, so-called "art" theaters, grind out sex movies by the hour, and thousands of bookshops and newsstands sell suggestive and hard core pornographic materials in almost every city in America. And in addition to that, your postman delivers unsolicited, obscene materials to your mail box to pollute the minds of your children.

And if that is not enough, you can look a little further, and you see a time troubled with racial unrest; social inequities; poverty; economic strain; polluted air and waters; alcoholism; and dozens more things that should cause the deepest of concern for all Americans.

Yes, America needs to pray because we need prayer more than ever before.

General Douglas MacArthur declared that the basic problems of modern life are theological—meaning that if modern life lacks spiritual dimensions, nothing can save it from decay and death.

America, in my opinion, lacks spiritual dimensions. We are rapidly coming to the place that we don't need God, we think. We live in an age of materialism; a time of things. We do a lot of Church-going, but not enough practicing Christianity. We are losing our spiritual power. We have a form of godliness, but we deny the power thereof. We want to be connected with the Church, but we don't want to be too Churchy in the business world, or in the political world, or in our social lives.

We must face the fact that we are on a downhill course spiritually and this decline will rob us as individuals, and as a nation, of the strength to stand upright.

The things that count most in life are not wealth, public acclaim or high station. It is the simple things that last—things like peace, and love, and being a good neighbor. Things like unity. These are the things that we are losing sight of—the very things that have made us great.

America, Let us pray because we need prayer more than ever before.

II. AMERICA, LET US PRAY BECAUSE OUR FOREFATHERS SET THE EXAMPLE

This Country was founded by men who wanted to pray. Their desire to have the privilege to pray and worship God in whatever way they saw fit, literally drove them to this continent.

The storms of the North Atlantic raged; the food ran out; fresh water was scarce; sickness spread throughout the group. Some died and never made it, but prayer brought most of them to Plymouth. Before setting foot on this soil, they made a covenant glorifying God.

"In the name of God," they began their covenant, "In the name of God." And now there are forces in this Country who are trying desperately to take the name of God out of everything. They have succeeded in taking Him out of the schools. Some are trying to take God's name off our coins, and out of the "Pledge to the Flag", while others are terribly upset because the astronauts read from the Bible when they circled the moon.

The second line of the *Mayflower Compact* begins, "having undertaken for the glory of God, and the advancement of the Christian faith," (not for advancement of yippies, hippies, atheism, communism, or some false doctrine,) "we covenant and combine ourselves together into a civil body politic."

Yes, our Founding Fathers set an example for us to pray.

George Washington, our first President, prayed in the snow at Valley Forge, and said, "This event is in the hands of God." When the battle appeared to be unfavorable, he was asked, "How will it end?" he said, "God will direct."

When the leaders of our Country assembled to write the Constitution, it was suggested by Benjamin Franklin that each session be opened with prayer. Franklin said, "I have lived a long time, and the longer I live, the more convincing proof I see of this truth—that God governs the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it possible for an empire to rise without His aid?"

Heeding Franklin's remarks, the Congress was opened with prayer and our forefathers were led to mention God at least four times in the Declaration of Independence. From that time until now, Congress has been opened with prayer.

Our forefathers have set the example. Let us make sure that we follow their example.

America, Let Us Pray.

III. AMERICA, LET US PRAY BECAUSE IT IS GOD'S WILL THAT WE PRAY

Government is of God. The Apostle Paul made it explicitly clear in his letter to the Romans, that Government is of God. "Let every soul be subject unto the higher powers. For there is no power but of God: The powers that be are ordained of God." He went on to say in Verse 6 of Chapter Thirteen that those in office are God's ministers. "For this cause pay ye tribute also: For they are God's ministers, attending continually upon this very thing. Render therefore to all their dues: Tribute to whom tribute is due: Custom to whom custom: Fear to whom fear: Honour to whom honour."

If Government is of God, then we in Government surely need God's blessings. He wants to bless us, and it is His will that we pray and seek His face.

In the Old Testament we find these words, "If my people who are called by my name will humble themselves and pray and seek my face, and turn from their wicked ways, then will I hear from heaven and will forgive their sin and heal their land." II Chron. 7:14.

And then, in Jeremiah we read, "Call unto me, and I will answer thee and shew thee great and mighty things, which thou knowest not."

In the New Testament, we are exhorted to pray. "I exhort therefore that, first of all, supplications, prayers, intercessions and giving of thanks be made for all men; for Kings, and for all that are in authority, that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God, our Saviour," said the Apostle Paul.

Christ taught us to pray, and ask, "Ask, and is shall be given unto you; seek, and ye shall find; knock, and it shall be opened unto you; for everyone that asketh, receiveth, and he that seeketh, findeth, and to him that knocketh, it shall be opened." Matt. 7:7–8.

America, Let us pray because God wants us to pray.

The Apostle Paul has taught us to "pray without ceasing, and in everything give thanks: For this is the will of God in Christ Jesus concerning you."

And in Phil. 4:6 he said, "Be careful for nothing; but in everything, by prayer and supplication with thanksgiving, let your requests be made known unto God."

I am confident that this very prayer breakfast is pleasing to God. It is His will that we pray, not only today, but every day.

IV. AMERICA, LET US PRAY BECAUSE GOD IS ABLE TO HELP US

We are a Nation under God. "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, *one* Nation, *under God*, indivisible, with liberty and justice for all."

The main trouble with America today, as I see it, is that we are losing our oneness. We have too many hyphenated Americans—the Afro-American; the Spanish-American; the rich-American; the poor-American; the middle-American; the young-American; the aged-American, and on and on.

What is needed more than anything else is godly-Americans, moving forward with one common cause, with one common goal, and that is to do God's will in our lives, looking to Him, who is able to solve our problems.

Some try to pretend that God is dead. Some say that He is outdated. Some say that He has served His purpose, and that God and Christianity is not relevant.

How absurd. God is real. God is alive. He is here today. He is the same yesterday, today, and forever. The same God that spoke the world into existence; the God who put the moon in place; the same God that hung the stars in space, this day, wants us to call upon Him.

"If my people who are called by my name will pray, I will heal their land."

God can and will meet the needs of this Nation if we will meet His conditions.

It is up to us—God's people. I am sure that everyone here today is affiliated with a church. I can't imagine a person holding public office in the State of Alabama who is not a member of, or connected with, some organized church. We are God's people, and God says "if my people who are called by my name" will humble themselves first of all, He will heal.

It is absolutely imperative that we humble ourselves. It is not easy, especially in this day when so much emphasis is put on the material, and when we all have so many blessings, but there is one thing that we all must remember and that is, if we want to have favor with God—if we want to make points with Him—we must be humble. It makes no difference how high the position in politics, or how prestigious a station we attain in our community, or how powerful a spot in our government, what really counts is how humble we are before God. "He that exalteth himself shall be abased but he that humbleth himself shall be exalted."

"If my people will turn from their wicked ways—I will heal." This doesn't mean that we have to rob a bank, or commit murder, to be classified as wicked. Our pride, our selfishness, our unconcern for our fellowman, our malice, our envy, and a multitude of things can keep God from healing our land.

And then, if we will seek His face and pray, he will hear.

Not long ago, David Lawrence, *U.S. News and World Report*, said,

"These are times not for internal strife, but for serious consideration on how America can best serve mankind in a distraught world. We need to awaken the American people to the fact that this is an occasion for prayer, not only on every campus but in every home, every day—a prayer that we may see the right course and carry out the mission which God wishes us to fulfill for human welfare.

"We have been omitting the greatest 'demonstration' of all—mass prayers by young and old together, so that we may sense the spiritual power which can bring salvation to the troubled world of today."

We want to end on this note knowing that these are not the times for internal strife, and knowing that God is able to help in time of need, we want to unite our hearts in prayer for this administration and this legislature so that we may sense the spiritual power which can bring salvation to this troubled State and world.

James said, "If any man lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not: and it shall be given him."

We all need the wisdom of God to guide this State, and there is absolutely no better way to start an inaugural day or a new administration than with a Prayer Breakfast.

We have many new members of the Legislature here. Take it from me, gentlemen, you will need Divine Leadership. You will find yourselves in positions where there is no place else to turn—a hundred of your friends and supporters will be for an issue, and a hundred will be opposed—the only place for you to go is a quiet place of prayer, to seek God's will in the matter. This is what I challenge you to do.

Governor, as you well know, there will be many times when your staff cannot give you the proper answers. You will have to retreat and seek God's answer. These are the moments that count, moments when God's will is sought, and found—the moments when we make Christ our leader.

As we bring this message to a close, let us all, State, County, and Municipal Officials, ask God's forgiveness of our sins and shortcomings, and rededicate ourselves to Christ, our Savior and Leader, and ask Him to help us be the kind of public officials that He wants us to be, and the kind of public officials that our fellow-Alabamians expect us to be.

We trust that our gathering here today in the name of Christ will encourage Alabama and America to pray—not only today, but every day!

ETHNIC HERITAGE STUDIES CENTERS

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, it is quite natural for us to review the record of the 91st Congress and just as President Nixon has done, note what was not accomplished and should properly receive attention in this the 92d Congress.

One such item which deserves objective and, I believe, prompt consideration is a bill which would establish Ethnic Heritage Studies Centers throughout the country.

An article in the spring 1971 issue of the Ukrainian Quarterly by Prof. Lev E. Dobriansky of Georgetown University concentrates on this matter. The article follows:

Cosmopolitan Americanism Via Ethnic Heritage Studies Centers

In the 91st Congress of the United States a couple of multi-sponsored bills were submitted, calling for the establishment of ethnic heritage studies centers throughout the country. One was H.R. 14910, offered by Congressman Roman C. Pucinski and thirteen other Representatives, including the Honorable Edward J. Derwinski of Illinois. The other, S. 3807, was an exact copy of the House bill which Senator Smith of Illinois advanced in the Senate, with the support of Senator Richard Schweiker of Pennsylvania and others. The bills were referred to the respective committees in the two chambers, to the Committee on Education and Labor in the House and the Committee on Labor and Public Welfare in the Senate. Hearings were held on the House bill, but none were conducted on the Senate one.[1] In both cases, the lagging 91st failed to act for passage of these measures.

At this writing, plans are under way for the reintroduction of these bills in the 92nd Congress. It is expected that Congressman Pucinski and his cosponsors will again assume the lead in the House. With the defeat of Senator Smith in the last Congressional elections, it is likely that Senator Schweiker will take the lead in the Senate. Because of the long-term value and vital importance of the bill, it is hoped by many observers that the need for any additional hearings on the bill be expeditiously satisfied so that the subcommittees may adequately consider the measure and report it for full committee consideration. The sooner this is done, the sooner the bill can be reported out for a House vote. In the Senate, where no hearings on the bill were held in the 91st Congress, it would be reinforcing to the anticipated process in the House to have such hearings conducted in the other chamber. A concerted effort should be made in both chambers right from the start of the 92nd Congress.

On the basis of the hearings that have been held so far in the House, there is no need whatsoever to alter the main thrust and objective of this far-seeing bill. Its consummate end is to provide a program for improving the opportunity of students in elementary and secondary schools to study the cultural heritages of the major ethnic groups in our Nation. The funding of the program would be $10 million in the first year, doubled to $20 million in the second year. Subsequent funding would depend on the results of the program's execution. A corollary objective of the bill is to produce educationally a general awareness of the multi-ethnic composition of American society and the respective contrbutions made to the rich diversity of this unprecedented socio-economic organism in the history of mankind. In short, it is proposed to advance and intensify the unity-in-diversity being of the American social organism and, to all intent, to develop the special pride each and every one of us should share in being an American regardless of ethnic background.

THE UNIQUENESS OF AMERICA

The hearings before the General Subcommittee on Education in the House make for highly productive reading and understanding of the subject. Much of the data brought out by them is instructive and substantially supportive. Throughout the testimonies constant references are knowledgeably made to the major ethnic groups in our country, such as the Italians, Irish, Jews, Poles, Germans, Ukrainians, Chinese, Japanese, Negro and others. Along with these references, there are numerous problems that are properly raised. For example, concerning the problem of resource allocation, one witness states, "there are a considerable number of Hungarians in New Jersey, Ohio, and in certain other places. The Ukrainians have a number of different locations and so on. It seems to me that a regional center in Cleveland ought to reflect the spectrum of ethnic groups within the Cleveland metropolitan area."[2] His pitch is for centers of a neutral character, but it can be logically held that if the preparation of materials for primary and secondary school consumption is the prime objective, this kind of locationalizing is really unnecessary. What is necessary is the concentration of expertise.

Another witness, concerned with the problem of inclusion, observes that in his area, New York City, "we have a substantially large Greek community and a substantial Ukranian group, et cetera. Even if we were to get an ethnic study center, we would have to make some decisions as to which one we would include or not, otherwise the money that is available and the resources that you can mobilize make your efforts so very thin that they are not meaningful."[3] In essence, this, too, refers to the fundamental problem of resource allocation. The legislation is specifically directed at "the major ethnic groups in the nation," but the question is where does one draw the line between the major and minor ones? A witness, representing several organizations in Illinois, in effect raises this point: "And I say the majority ethnic groups, like the Poles and Lithuanians, Ukranians, they may get some answer to it. But what will happen to the others, Croatians and Bulgarians, Estonians and Latvians and Byelorussians, and all of those, and they are adamant about their demands?"[4]

What is the answer? Among the many elements and factors supporting the uniqueness of America is the public forum to air out and discuss thoroughly problems and issues of this and like nature. If, as President John F. Kennedy put it, America is "a nation of immigrants," then we are all ethnics, and logically the base of the studies centers should be all-embracing, all-encompassing. And if conceptually this is so, doesn't the whole venture become prohibitive in cost, time and resourcees? Moreover, what of the "melting pot," the assimilation idea in all this? This long-standing idea emerges in testimony after testimony in the House hearings, and from the negative point of view, it isn't always treated cogently and with perspective. Furthermore, would a concentration on differences and contrasts, as the proposed program necessarily entails, intensify them to the disservice of national union and integrality? These and cognate questions must first be adequately resolved before the relatively lesser problems of resource allocation, location and so forth need be considered. In point of fact, the solution of the latter is to the largest extent predicted on the resolution of the former.

One testimony in the House hearings provides several excellent quotations that seem to answer in eloquent form the critical questions raised above.[5] For example, in 1782, Michel de Crevecoeur dubbed the American the "new Adam," and in his *Letters From An*

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American Farmer wrote "Here, individuals of all nations are melted into a new race of men, whose labours and posterity will one day cause great changes in the world." In 1908, a Jewish immigrant by the name of Israel Zangwill put it this way: "America is God's Crucible, the great Melting Pot where all races of Europe are merging and reforming . . . Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians—into the Crucible with you all! God is making the American!" With a different emphasis, Archibald MacLeish said, "America is a symbol of union because it is also a symbol of differences, and it will endure not because its deserts and seacoasts and forests and bayous and dead volcanoes are one mind, but because they are of several minds and are nevertheless together . . . " One can find similar expressions in the writings and observations of Jacques Maritain, Justice Oliver Wendel Holmes, Calvin Coolidge and others.

If reasonable acceptance can be given to the substance of thought in these and similar quotations, then it can be held that the goals and objectives of this Ethnic Heritage Studies Centers bill are thoroughly consistent with the historical basis and the significant nature of our national entity. In maintaining this we have not, of course, resolved the specific problems posed earlier. However, their resolution becomes easier once we establish a satisfactory and realistic concept of America. Without such a concept, rational answers to the pending questions cannot be offered. It is maintained further that the provisions of the measure and their systematic implementation would result in a formidable instrument capable of intensifying the qualitative growth and cultural richness of our nation-state. As the measure's statement of policy emphasizes, a deeper understanding of one's heritage and those of others cannot but contribute to our national cohesion and more harmonious and prosperous, overall development.

What is oftentimes overlooked in such discussion is the fundamental uniqueness of our Nation in the history of the world and the basic need for preserving and cultivating this unprecedented character, which by intent, content and portent this legislation would reinforce. Neither romanticism nor any form of super-patriotism need be invoked to recognize philosophically that on the basis of both historical and political evidence no nation in the history of mankind possessed or possesses the nature and character of our Nation. Historically, from the very beginning and drawn into the very body and soul of America have been people from every corner of the globe, from every race, and from all major religions. Characterized by one of America's outstanding columnists as an historic document, the Captive Nations Week Resolution (Public Law 86-90) begins with this very essential truth: "Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious and ethnic background. . . ."[6]

Politically, and also in sharp contrast to other nation-states of the world, human diversity in developmental unity has been and continues to be another unique characteristic of America. Multi-ethnicity at work in national union has been and is the ever-expanding reservoir of resourcefulness, innovation and challenge in this grand and tremendous historical experiment called the United States of America. This Nation suffered a costly Civil War over 100 years ago, but survived it to become in the next century the most powerful politico-economic entity in the history of mankind. Its salient character of unity-in-diversity is now being tested again by hostile external forces, and the paramount question of our times is whether we can survive this divide-and-conquer operation while America peaceably pursue its Manifest Destiny in technologic progress, economic investment, and constructive creativity both at home and abroad. Then, to parallel, as many do, the USSR and its numerous nations with the U.S. in this unity-in-diversity respect well indicates more than one mark of professed ignorance regarding the nature, composition and development of the empire-state.[7]

With a measure of sober reflection, the ramifications of thought flowing from these fundamental truths cannot but impress themselves on anyone who begins to think in terms of a cosmopolitan Americanism adaptable and fitted to the needs and demands of our global position. It would be foolish to overemphasize the domestic to the exclusion of the international, or the latter to the neglect of the former. The two are intrinsically interrelated, and this fact reinforces further our chief thesis on cosmopolitan Americanism which rests on the two basic truths adumbrated above.

In this framework of understanding, then, the essence of the EHSC bill really extends beyond the passive attainment of understanding ourselves and each other to tap and regenerate the very springs of our national origin, growth and destiny. Clearly, in the global context today, it is surely not a species of putative reasoning to maintain that by its unique nature and all that this implies in terms of human progress and civilization, the presence and consummate power of America are integral parts of God's design for the future of mankind. Zangwill's Crucible and "God is making the American" make far more realistic sense with the foremost empirics at hand—almost all races and peoples, diverse cultural heritages, most powerful nation, decisive bastion of world freedom, manifest technico-economic destiny, societal pluralism, domestic-international balance, and historic experiment—than any so-called naturalistic or humanistic explanation. Whether by faith, reason and will we shall accomplish the demands of this prominent design is actually the titanic test and challenge we today face. The directions paved by EHSC undoubtedly will enable us to meet this challenge more adequately and more successfully.

THE ANSWERS OF COSMOPOLITAN AMERICANISM

Before positive action can be taken on the EHSC bill, the outstanding questions regarding the feasibility of the undertaking must be adequately answered. After having examined carefully the volume of hearings testimony on the subject, one still is left somewhat uneasy about the justification offered in behalf of EHSC. For example, one can easily take to task the bland statement that "the 'melting pot' theory of Herbert St. Jean de Crevecoeur and Israel Zangwill has not worked and today we find that a variety of ethnic and racial groups have combined to form the mosaic of the American social fabric, living in relative peace on the same turf."[8] Isn't a mosaic possible within any organic whole, and what happened to the concept of nation? Grevecoeur's and Zangwill's conceptions do not constitute a theory; they are organic views of an evolving process where successive cultural mosaics are not only possible but also desirable for the unique development of this national, moral organism. Customs and even languages perpetuated in some ethnic communities in the United States have, from one viewpoint, become outdated by the changes sweeping so-called counterpart homelands, and yet they render cultural beauty and richness in an environment that is far advanced educationally, technologically, economically and politically than the given counterpart.

So, then, in what is a far more complex subject than what appears on the surface, answers of a cosmopolitan Americanism can be given to questions such as "Won't a program of this nature prevent ideal assimilation?"; "Wouldn't such a concentration on differences produce disunifying forces, in some instances even to the point of questioned loyalty?"; "If we are all ethnics, shouldn't all be included in the program?"; "How, indeed, is the allocation of resources to be executed?" From the evidence these appear to be the dominant questions raised by some who doubt the wisdom of the proposed EHSC program.

In the broadest perspective, the emergence of the United States these past few decades from a protected stance of splendid isolation to one of necessary worldwide involvement has laid the groundwork for a cosmopolitan Americanism. This new outlook and national bent engender a growing appreciation of cultural differentiation, the need for multi-national exchange and concourse, an awareness of an evolving world community and values of change, relative peace, constructive evolution, and universal bonds. Posited in this expansive reality, the so-called ideal of assimilation becomes an elusive and vague expression, the "melting pot" process shifts more and more on a global scale, and the impact of external forces and influences on American being and existence becomes greater than ever. The assimilative process is inescapable in any changing environment, but the fundamental question is what are we assimilating to? A cosmopolitan American cannot but continually assimilate himself to the progressive realization of the principles of freedom, opportunity and challenge that have made this unique Nation what it is and also to the creative building of a world order and a free community of nations. The unity-in-diversity sought in the latter actually necessitates a resourceful unity-in-diversity in the American environment. And this is the very key to the problem here.

Logically, then, the EHSC program would not impede assimilation, difficult as that is. On the contrary, it would accelerate it in the realistic sense described above, furnishing new energies within for bountiful expression without, especially in the advancement of the numerous freedoms that have always constituted the unfolding "American dream." Likewise, and quite rationally, too, a methodical and selective concentration on differences within would intensify, rather than weaken, unifying forces within, as well as without. In addition, true as it is that America is a nation of immigrants, that by whatever point of generative remotion we are all ethnics, the fact is that by one circumstance or another, some Americans have conserved their ethnical legacies, as manifested in customs, language, community efforts, religion and so forth, providing cultural strains in the ever-evolving cultural embodiment of America and emphasizing America's intrinsic affinity to different parts of the world. It is no accident, for instance, that the prominent listing of these groups spontaneously appears in the volume of House hearings inasmuch as their response to the EHSC bill was well nigh instantaneous.

The problem of resource allocation shouldn't be an insurmountable one if certain dominant criteria are borne in mind. These are: (1) the size of the ethnic group, (2) the books and materials already available on a particular group, (3) existing facilities in a group for ready implementation of the program and (4) the contributory worth of knowledge to Americans in general as concerns our foreign relationships and

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global tasks. These criteria can scarcely be equally weighted, and no logical priority can be imputed to the given order of criteria. For example, if a particular ethnic group is quantitatively large, this would not necessarily warrant a proportionate allocation if (2) and (3) are substantial and (4) is relatively moderate. Certainly, to begin with, a collective, university project of textbook and materials preparation should be undertaken to cover all possible ethnic groups in America, their size, communities, activities, and contributions. In the 50's, an attempt along these lines was made at Georgetown University with the foundation of the Institute of Ethnic Studies, but it was a generation ahead of its time and little public interest produced scant funding.

MEDIA FOR BASIC PROPAGATION

Above this fundamental requirement for an overall textbook, fair application of the given criteria would have to be reasonably flexible so as to maximize the output of results and performance, not to say the maximum justification for the tax-supported program. A few aspects of this problem will be described suggestively here as we conclude on the media for basic propagation and the problem of location.

Regardless of the sources preparing ethnical materials, the media for basic propagation are the elementary and secondary schools. As the writer stressed in his own testimony on the bill, "It is unnecessary to dwell on any psychology or philosophy of education in order to emphasize the primacy and crucial importance of one's early education in the formative years."[9] Since the beginning of man's history this truth has been affirmed and reaffirmed. Hebrew scribes, Chinese sages, Greek philosophers, Jesuit fathers and Red totalitarians have underwritten the basicity of this truth. Most appropriately and wisely, the measure on EHSC is designed to improve and assist elementary or primary and secondary school education in connection with the multiple heritages in our evolving society.

As any educator would attest, lack of such knowledge concerning fellow citizens, their respective backgrounds, their traits and aspirations inevitably leads to misunderstandings, prejudices and biases that take their costly toll on society. Also, mistaken and fallacious preconceptions woven into maturing minds during these early years invariably remain with the students on higher levels of education in later years. Not only do they serve to perpetuate myths and early contrived misceptions but also the millions who form our citizenry and conclude their formal education with high school. Despite the irresistible, normalizing forces of science, technology, and economic development, there has never been, nor cannot thereby, any homogeneity in America, not to speak of other states in the world. The vigorous pluralism of the American environment is a tremendous and necessary asset to be preserved and deepened, and the first appreciation of it should come formally on the primary and secondary levels of our educational system.

When, in this framework of analysis, criterion four is applied, relating all this to the essential security of our Nation, an appalling fact is discovered. As the writer further maintained in his testimony, "Ironically enough, perhaps no subject has been mangled and distorted by perpetuated myths and misconceptions than that of the Soviet Union, its multinational composition and so forth."[10] Or, as pointed out in a quote from another testimony, "Finally, it must be pointed out that there exists a certain abnormality in our universiles which are engaging in the research and teaching of East European history. One may wonder about the training of our future scholars who are denied the start of the history of non-Russian nations even in our largest universities and research centers."[11] Although pluralistic America consists of heritages that in living form signify the contrary, children mistaught that the USSR is "Russia," continue to harbor this myth and all that flows from it for the rest of their lives.

In light of all this, there is little cause for wonderment that even college students today evince an ignorance as to nations such as Estonia, Latvia and Lithuania, despite their independent existence between the two world wars. The dark blemish on America's record and honor in the recent case of the Lithuanian sailor is another startling case in point. As Congressman Daniel J. Flood stated in the House, "when the news broke out concerning the repatriation of the Lithuanian sailor, Simas Kudirka, to Soviet Russian enslavement, in total astonishment and with a sense of outrage every friend of the captive nations and every American honoring our treasured principle of political asylum whom I know, took to the phone or the pen to inquire into this unbelievable incident and to bring it to public account."[12] He stated further, "at this stage I am not satisfied by the probes that have taken place nor by the confused testimonies that have been given. Neither is Congressman Wayne L. Hays who in a probe recommended that "Rear Admiral William B. Ellis take a trip to the USSR to complete his education on Soviet Russian totalitarianism."[13]

The fact is one doesn't have to go to the USSR to learn the difference between a Lithuanian and a Russian. This knowledge to guide our actions resides in America's very pluralism. More, with Moscow being for years and for years to come, the chief threat to the security of our national being, a modicum of common sense would demand that our citizenry become quickly enlightened about the different nations and peoples in the empire-state known as the USSR. With ethnic heritage studies centers dealing with Ukraine, Byelorussia, Lithuania, Estonia, Latvia, Armenia and others, there can be no question that this grave deficiency would be rapidly eliminated, with all the positive benefits that this would entail.

Quite plainly, then, with an eye to the maximum utility of the taxpayer's dollar, it is not enough to seek domestic cohesion through pluralistic understanding and knowledge but also to protect domestic gains through international understanding and knowledge, especially in the direction of the chief source of threat to our cohesive, national being. In applying criterion four, a group, like the Latvians, Estonians, Byelorussians, Georgians or others, may be small in ethnical size, it may have some availability of books and materials, as well as institutional facilities for studies centers. but it would rank high in terms of maximum national purpose. Along these rational lines it is evident that a careful, economical weighing of factors would have to be observed. For example, history courses in our schools cover Western Europe and to a lesser extent Central Europe and "Russia," as well as the Mideast, Asia and Latin America, but who could point to courses on the numerous non-Russian nations in the USSR? Yet in pluralistic America ancestral roots in these nations abound with immense potential good for our Nation as well as the peoples involved.

THE PROBLEM OF CENTERS LOCATION

Extensive discussion in the House hearings is devoted to the problem of locating the centers. For instance, one witness states, "I would be very surprised if the universities in New York City did not have a center for the study of the Jewish culture. I would be very surprised . . . that the study of Chinese culture would not be located in areas where people are more concerned about the Chinese population in terms of cultural heritage and contribution and so on."[14] Actually, there is no necessity for the center to be located in the very ethnic community itself. Are the groups simply to learn about themselves or, more importantly, is the general community there and elsewhere to learn about them? The EHSC bill would be self-defeating, indeed, if only the former were contemplated. As to the basic minimum suggested earlier, the overall textbook project, this could be economically lodged in a revived and sufficiently funded Institute of Ethnic Studies at Georgetown University.

Going beyond the initial project, the guidelines of maximized output and efficient and constructive implementation should be scrupulously observed. Safeguards against uneconomical arrangements with overloaded overhead, waste of resources in being, and fly-by-night operations, such as have characterized other programs in the recent past, can and should be strenuously invoked. To a large extent the anatomy for efficient and sound programming already exists in the case of several major ethnic groups. Unquestionably, what is desperately required is a substantial improvement and beefing-up of the apparatus and structures already in existence, such as the bill implicitly contemplates. This course of action would insure an economical use of resources, certainly as to productive results, and the necessary avoidance of waste in disuse, duplication, and symmetrical arrangements. An asymmetry of arrangement is virtually mandatory to satisfy the guideline for implementation.

The Ukrainian group, for example, is generally recognized as a major ethnic segment. References to it are often made in the House hearings. A familiarity with the organizational network of this group will show that it lends itself to an economical and efficient use of resources. One of the few of its kind, the Ukrainian Congress Committee of America is a unified, national organization to which, with the exception of minor communist elements, organizations, clubs and religious, cultural and academic groups across the country belong in integrated membership. In short, the UCCA is an educational organization of organizations. It enjoys tax exemption and supports schools and studies of Ukrainian history, culture, language, the arts, and religious development.

A thorough study of this major ethnic body would have to extend back to the eighteenth century, before the founding of this Nation, and would trace the socio-economic and other contributions to the development of American society. Such a study and the preparation of materials based on it and projected also into the international dimension could be easily undertaken through the organizational structure of UCCA. Operated from the center in New York and with little or no overhead costs, regional and local Ukrainian heritage studies associates can be formed, serving and assisting our elementary and secondary schools in the immediate areas. Moreover, hundreds of Ukrainian heritage academicians at universities and colleges across the country could be productively enlisted to participate in the undertaking.

Undoubtedly, this example of least-cost implementation can be applied in only a few other instances. Among ethnic groupings in the country UCCA is generally viewed as a unique, organizational vehicle for all Americans of Ukrainian heritage. There isn't the division or fragmentation that has marked other ethnic segments. Where such a condition prevails, the arrangement would, of course, have to be of a more collective, in-

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ter-ethnic type if the least-cost formula is applied and the four mentioned criteria are adroitly employed.

In conclusion, therefore, the idea of ethnic heritage studies centers is a sound and beneficial one. The 92nd Congress should consider it favorably, and the Nixon Administration should offer it its fullest support. Contrary to the doubts of some, the establishment of such centers would enrich the pluralism of our society contribute to more vigorous national cohesion and in the advanced spirit of cosmopolitan Americanism further the interests of our country abroad. For national and efficient operation, an overall project should be instituted, covering all the ethnic segments of our Nation, and an asymmetrical arrangement in use of resources should be introduced in view of existing facilities and the institutional make-up of each major group. The suggested criteria and guidelines, if properly applied, would guarantee the maximization of output that the idea, in its fulfillment, most assuredly deserves.

FOOTNOTES

[1] *Ethnic Heritage Studies Centers,* Hearings, Committee on Education and Labor, U.S.G.P.O., Washington, 1970 pp. 363.

[2] Ibid. p. 91.

[3] Ibid. p. 109.

[4] Ibid. p. 293.

[5] Ibid. p. 154.

[6] Lev E. Dobriansky, *The Vulnerable Russians.* New York, 1967, p. 36.

[7] On this, see Lev E. Dobriansky, *U.S.A. and the Soviet Myth,* Devin-Adair, New York, 1971.

[8] *Ethnic Heritage Studies Centers,* Hearings, p. 252.

[9] Ibid. p. 320.

[10] Ibid. p. 320.

[11] Ibid. p. 232.

[12] "The Simas Kudirka Case and a Special Committee on the Captive Nations," *Congressional Record,* vol. 116, pt. 31, p. 41421.

[13] "Go to Russia, Congressman Tells Admiral," *UPI,* Washington, D.C., December 30, 1970.

[14] *Ethnic Heritage Studies Centers,* Hearings, pp. 88–89.

OIL IN THE SANTA BARBARA CHANNEL

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, around noon on January 28, 1969, a drilling rig over federally leased ocean lands in the Santa Barbara Channel blew out. Thousands of barrels of oil and gas belched from the ocean floor, blackening beautiful beaches, and suffocating wildlife. This spill provided the emotional impetus which thrust the problem of oil pollution onto the national political arena.

Since that time a prima facie pursuance of the Santa Barbara Channel problem has occurred. The Department of the Interior has issued more stringent regulations, the White House convened a panel, the Congress has introduced bills and held hearings, yet the problem still persists. I think it persists because of the apparent dichotomy between, in this case, the need for oil and the need for environmental protection. But I do not think the need for resource development and environmental protection are necessarily conflicting needs that cannot be met simultaneously. Indeed, I think the environmental movement today is realistically aimed at just this—achieving progress and protecting our environment at the same time.

Today, at the 2-year mark since the disaster, I am introducing the Santa Barbara Channel Moratorium and Ecological Preserve Act, which attempts to reconcile the resource and environmental needs. This bill combines and refines the best of the legislative ideas on this which I have previously sponsored in the House. The preserve concept received administration support in hearings last fall; the moratorium concept stemmed from those earlier hearings; and the method of moratorium and termination compensation is unique. I am pleased to introduce this new legislation today with the bipartisan support of the following 29 of my distinguished colleagues:

REPUBLICANS

Mr. MAILLIARD, Mr. MCCLOSKEY, Mr. ANDERSON of Illinois, Mr. CONTE, Mr. GUBSER, Mr. COLLIER, Mr. HANSEN, Mr. DEL CLAWSON, Mr. BROWN of Ohio, Mr. DUNCAN, Mr. THONE, Mr. WILLIAM STANTON, Mr. HALPERN, Mr. BIESTER, Mr. WILLIAMS, and Mr. CLAUSEN.

DEMOCRATS

Mr. SISK, Mr. WALDIE, Mr. LEGGETT, Mr. VAN DEERLIN, Mr. RONCALIO, Mr. DENT, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MATSUNAGA, Mr. SCHEUER, Mr. ABOUREZK, Mr. DORN, and Mr. MIKVA.

This bill does basically three things. First, it terminates the leases seaward of the State created sanctuary and terminates leases adjacent to the channel islands, creating a Federal ecological preserve.

Second, the bill calls for suspension of drilling on the remaining leases. This moratorium concept is a measure designed to meet the dichotomy. It implicitly states that it is necessary to both develop our valuable resources and protect our environment. The moratorium lasts for a leasee only until that oil company develops its technology sufficiently to produce oil and not pollute. There are criteria in the bill which I think can reasonably be met and achieve this goal. No legal rights to the submerged oil are rescinded. I think the moratorium concept is a unique approach because it does not simply rectify past mistakes, but demands that technology afford an assurance of future environmental protection.

Thirdly, this bill's method of compensation is unusual in that, even though this is a comprehensive measure, no funds are appropriated from Treasury receipts. The bill creates its own funding in a special Santa Barbara Channel account and that the account's source of revenue stems from the sale of the U.S. share of oil extracted from such U.S. petroleum reserves or other Federal lands as the Secretary of the Interior designates.

This bill has the support of Santa Barbarans and is a reasonable piece of legislation with no additional costs on our Federal budget. I hope it will be enacted.

I am pleased to note that yesterday California's Senators CRANSTON and TUNNEY introduced a bill almost identical to the legislation which I am introducing today. Our efforts in this, and the bipartisan support my colleagues have offered, indicates that the solutions to environmental problems ought not be a political issue.

The text of the bill follows:

H.R. 2637

A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Santa Barbara Channel Moratorium and Ecological Preserve Act."

SEC. 2. The Congress finds and declares that—

(1) hazards exist in offshore oil and gas production which present a threat of pollution of coastal waters, and that such pollution has occurred in the Santa Barbara Channel of California;

(2) present drilling and production methods and unsightly drilling rigs constitute an environmental and navigational hazard and a threat to Santa Barbara and its submerged lands sanctuary, including the offshore islands;

(3) energy resources in the form of gas and oil do exist in and under Federal lands in the Santa Barbara Channel, and development of these resources must be weighed against the need to protect our environment; and

(4) there exists the need for a drilling moratorium and an ecological preserve in the Santa Barbara Channel.

SEC. 3. All rights on the leases listed in this section issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, are terminated.

The United States shall be vested with all of the right, title, and interest in such leases:

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The area described in such leases shall be deemed to be a Federal ecological preserve, and shall be designated as such.

SEC. 4. (a) The holder of any lease terminated pursuant to this Act may bring an action against the United States for the recovery of just compensation for the lease or leases so terminated and such action shall be brought in the Court of Claims as provided in section 1491 of title 28, United States Code, within one year after the date of enactment of this Act. No part of this Act shall be deemed to divest the Court of Claims from determining whether or not the termination of any such lease is legally compensable.

(b) The amount of any judgment in any such action or of any compromise settlement of such action and any interest accruing thereon shall be certified to the Secretary of the Interior (hereinafter referred to as the "Secretary") by the Department of Justice. There is authorized to be appropriated out of the Santa Barbara Channel account such amounts as may be necessary to enable the Secretary to pay such judgments and compromise settlements and any interest accruing thereon. In the event the funds in the Santa Barbara Channel account are not sufficient to pay any amount so certified and appropriated there is authorized to be appropriated to the Secretary of the Treasury for advance to the Santa Barbara Channel account out of any money in the Treasury not otherwise appropriated, such funds as may be necessary for such payments. The Secretary of the Treasury shall be reimbursed for such advances from funds paid into the Santa Barbara Channel account in accordance with this Act, with interest thereon, at such rates as may be determined from time to time by the Secretary of the Treasury.

(c) There is hereby created in the Treasury of the United States a special account which shall be known as the Santa Barbara Channel account from which the Secretary is directed to cause payments to be made in accordance with the provisions of this Act. In order to provide the funds for the "Santa Barbara Channel account," the Secretary is directed to offer for sale on the open market under such competitive bidding procedures as he may establish, the United States share of the oil extracted from such U.S. Petroleum Reserves or other Federal lands as he may designate pursuant to the provisions of this Act and to pay the funds realized from such sale into the United States Treasury. In each year, sales proceeds equal to the Government's receipts from such reserves or other Federal lands during the twelve calendar months immediately preceeding enactment of this Act shall be credited to the general fund and the remaining sales proceeds shall be credited to the Santa Barbara Channel account. Any sums remaining in the Santa Barbara Channel account after the payments authorized by subsection (b) have been made shall be transferred to miscellaneous receipts of the Treasury, and thereafter the funds realized under this subsection shall be paid into miscellaneous receipts of the Treasury.

(d) Without regard to the provisions of chapter 641, title 10, United States Code, any U.S. official invested with authority over such lands as the Secretary may designate in the above section is authorized and directed to produce, by whatever means he deems necessary, sufficient oil from the designated lands to fulfill the requirement of this Act. Such U.S. official is also authorized to renegotiate and modify existing contracts relating to production of oil from said reserve in such manner as may in his judgment be necessary or advisable to enable such increased production.

Sec. 5. All drilling on the leases listed in this section and issued pursuant to the Outer Continental Shelf Lands Act, in the Santa Barbara Channel, offshore of the State of California, is suspended. Such suspension will remain in effect with respect to any such lease until the Secretary of the Interior finds and reports to the Congress that drilling on any such lease can be accomplished without risk of pollution or hazards to navigation, and Congress so concurs in that finding with respect to the first such lease for which the suspension period is terminated.

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Sec. 6. In making the finding required in section 5 with respect to any lease, the Secretary shall insure that—

(1) the characteristics of the specified geological formation to be drilled and produced indicate sufficient stability to allow for drilling and production without the danger of causing oil seepage from the ocean floor;

(2) the technology of the offshore drilling provides the optimum in pollution prevention for the specific geological formation to be drilled;

(3) the drilling and production plan minimizes the ecological hazards, and the oil spill containment techniques are adequate for local sea conditions (which findings shall be based upon written recommendations of the Environmental Protection Agency, to which shall be annexed plans of the lessees approved by the United States Coast Guard, describing specifically such spill containment techniques);

(4) environmental impact recommendations are filed by appropriate Federal agencies or advisory boards;

(5) underwater completion and production techniques have been perfected and will be used;

(6) the location of the drilling site offers no navigational hazards;

(7) public hearings on these matters are held in Santa Barbara, California.

Sec. 7. (a) The Secretary is authorized to extend the primary term of each lease listed in section 5 for the period of the suspension provided for in section 5 and for an additional period equal to the total length of time of the primary term of the original lease. During the period of suspension the Secretary shall waive all of the rentals and drilling deferment payments with respect to each such lease. After the period of suspension is terminated and at the time the holder begins to produce oil on its leased property, the Secretary shall pay interest to such holder on its total investment in such leasehold for each day of the period of the suspension of such lease, at the rate of six per centum per annum. The total investment in a leasehold shall include the bonus payment for the lease and the expenses incurred in successful explorations on that lease before the suspension began, but shall not include expenses incurred for unsuccessful explorations for oil.

(b) All interest payments referred to in subsection (a) shall be appropriated out of the Santa Barbara Channel account (which was created in section 4(c) of this Act.)

(c) At any time after the period of suspension is terminated for any lease listed in section 5, the Secretary may terminate the period of suspension for any other lease listed in section 5 which satisfies the criteria in section 6.

Sec. 8. (a) The Secretary is authorized under such terms and conditions as he may prescribe to unitize all or any part of the following described leases issued pursuant to the Outer Continental Shelf Lands Act, in the Santa Barbara Channel, offshore of the State of California, if he finds such action is necessary or desirable to prevent or minimize oil spillage, leaks, or other pollution.

P–0241 P–0240 P–0166

(b) The Secretary shall not permit the erection of any further platforms within the leases described in this section unless he finds such erection is necessary to prevent oil leakage, not otherwise contained, and where no other methods are feasible. Before any such platforms are authorized, the Secretary shall comply with requirements of section 6 of this Act.

(c) The Secretary shall provide for and require the orderly removal of all platforms within the leases described in this section when he finds that they can be replaced by underwater drilling or production units.

(d) At such time as the Secretary determines that no further drilling or production is required in leases P–0240 and P–0241 to prevent or minimize oil spillage, leaks, or other pollution, he shall report such fact to Congress in order that it may consider the termination and inclusion of such leases within the Federal ecological preserve as provided in section 3 of this Act.

(e) The Secretary shall terminate and include the lease designated as P–0166 within the Federal ecological preserve as provided in section 3 of this Act at such time as the State of California terminates the lease designated PRC–3150, granted by such State, with respect to adjoining lands in the Carpinteria Offshore Oil Field.

COMMITTEE ON URBAN AFFAIRS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, last week, in a letter to the President, I urged the creation of a White House Council of Municipal Advisers to provide a focal point specifically for the consideration of urban problems. "It is imperative," I wrote, "that an effective, creative and sympathetic mechanism be established to insure that the priority attention that our urban problems require be continued."

There is no less need to insure that the legislative branch also be able to focus on and respond adequately to the problems of our cities, and act on them effectively. We are not now set up to do so. There are at present time no less than nine separate committees in the House which share jurisdiction over various but closely related aspects of urban programs. The Committees on Agriculture, Banking and Currency, the District of Columbia, Education and Labor, Government Operations, Judiciary, Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works all have significant areas of jurisdiction over urban problems, ranging from food stamps to recreation. This system makes it virtually impossible for the Congress to consider urban programs as a comprehensive whole or to offer the coordinated approach necessary to solve them. The diffusion of responsibility prevents us from considering the interrelationships between, for example, housing and education, between transportation and pollution, between highways and open spaces. At times, in fact, this wide dispersal of authority results in our working at cross purposes.

I am, therefore, filing legislation today, with the bipartisan cosponsor of 28 of my colleagues, to create a Committee on Urban Affairs in the House of Representatives. It would consist of 25 Members, and would handle all measures relating to urban areas generally, including housing, urban renewal, and the prevention and elimination of urban blight, the problems of air and water pollution that plague our cities, and transportation. Hopefully its membership would be composed of Members from each of the existing committees now dealing with such problems, thus providing the expertise necessary for a stepped-up, coordinated congressional effort to develop new programs for our cities and to oversee and improve existing ones.

The creation of a Committee on Urban Affairs is not a new idea. I have, in fact, as have many others in the House, been urging action on this since my first year as a Member of this body. It has become increasingly clear, however, that without a more meaningful approach and more effective action than we have had in the past, we will be hard pressed to find solutions to our ever more critical urban situation.

Christopher Morley once wrote:

> All cities are mad but the madness is gallant. All cities are beautiful but the beauty is grim.

But there is nothing very gallant nor very beautiful about the continuing deterioration of the urban condition, and the physical and social decay that is all too visible. Certainly there is much that is grim. It has taken violent upheavals to rivet the Nation's collective attention on problems it has too long neglected—the so-called crisis of the cities has become a national crisis. We must be able to respond to it.

Those joining me today in filing the resolution for a Committee on Urban Affairs in the House of Representatives are as follows:

Mr. Joseph P. Addabbo of New York.

Mr. John B. Anderson of Illinois.

Mr. Les Aspin of Wisconsin.

Mr. Herman Badillo of New York.

Mr. Edward G. Biester, Jr., of Pennsylvania.

Mrs. Shirley Chisholm of New York.

Mr. Hamilton Fish, Jr., of New York.

Mr. Bill Frenzel of Minnesota.

Mr. James G. Fulton of Pennsylvania.

Mrs. Ella T. Grasso of Connecticut.

Mr. Seymour Halpern of New York.

Mrs. Julia Butler Hansen of Washington.

Mr. Michael Harrington of Massachusetts.

Mr. James Harvey of Michigan.

Mrs. Louise Day Hicks of Massachusetts.

Mr. Jack H. McDonald of Michigan.

Mr. Steward B. McKinney of Connecticut.

Mr. Abner J. Mikva of Illinois.

Mr. Parren J. Mitchell of Maryland.

Mr. Bertram L. Podell of New York.

Mr. Roman C. Pucinski of Illinois.

Mr. Charles B. Rangel of New York.

Mr. Ogden R. Reid of New York.

Mr. Howard W. Robison of New York.

Mr. Benjamin S. Rosenthal of New York.

Mr. Edward R. Roybal of California.

Mr. James H. Scheuer of New York.

Mr. Fred Schwengel of Iowa.

CONGRESSIONAL ROLE IN INTERNATIONAL POLICIES

(Mr. MORSE asked and was given permission to extend his remarks at this point in the Record.)

Mr. MORSE. Mr. Speaker, as in the 91st Congress, the issue of reasserting congressional responsibility in the formulation of the basic policies relating to our commitments abroad which affect all Americans will be one of the dominating issues in this new Congress. The debate will, I hope, focus at least in part on legislation which was introduced in the Senate last Monday by Senator Clifford P. Case, of New Jersey, and which I am filing in the House of Representatives today.

It is designed not only to insure that the Congress has adequate information concerning our Nation's commitments abroad so that it may act responsibly and meaningfully in the consideration of important world problems, but also to establish a more stable basis for improved cooperation and communication between the executive and legislative branches with regard to the formulation and the conduct of our foreign policy.

Hopefully, by requiring the Secretary of State to transmit to the Congress the text of any U.S. international agreement other than a treaty as soon as possible after it has entered into force and within 60 days at the latest, it would serve to build greater trust and cooperation in this relationship. Should the President determine that public disclosure of such an agreement is prejudicial to the national security, the bill stipulates that it be transmitted to both the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs under an appropriate injunction of secrecy.

Although similar legislation was first proposed in 1956 by then senate minority leader, Senator William F. Knowland, that initial proposal provided for the transmission of executive agreements to the Senate only. It was passed by the Senate, but was never acted on by the House.

The legislation I am submitting today goes beyond that early version. It includes the House of Representatives as a recipient of the information to be transmitted by the executive, thereby recognizing the rightful and essential role which this Chamber can and should play in the consideration of international issues vital to our national security.

The lessons of the recent past have shown the hazards which arise when the process of foreign policy is isolated from the scrutiny of the people and their elected representatives. Passage of this bill would help to insure that we have the essential information for responsible and enlightened debate concerning our commitments abroad. Working together with the executive branch, we can thus seek to heal the divisions caused by misunderstanding and error, and to cooperate on policies which balance our interests and abilities in striving to achieve a more peaceful world.

FISCAL RESPONSIBILITY ACT OF 1971

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record.)

Mr. BOW. Mr. Speaker, I am today joining with minority members of the Appropriations Committee and the House Republican leadership in introducing a bill entitled "Fiscal Responsibility Act of 1971." This bill provides an effective limitation on the Congress as well as the administration. It is essentially the same bill we introduced last year, but updated to include the 1972 budget estimates.

For years Presidents and Congresses have sought to blame each other for big spending and budget deficits. No matter who wins this political argument, we all know the American taxpayer loses.

We cannot continue along this path. Last year the Congress added over $1.2 billion to the President's budget requests for the Agriculture, Education, Housing, and Labor-HEW appropriation bills.

This bill places a limitation on Federal spending for fiscal year 1972 in a way that would permit Congress to control the results of its own actions on individual appropriation bills from the point of view of the total Federal budget. In order to accomplish this it would provide a means of modifying actions on individual appropriation bills if these actions, collectively, would exceed the limitation proposed in this bill.

Specifically: First, it would provide that congressional increases over the budget on individual appropriation bills that would have the effect of increasing total expenditures above the bill's ceiling would then be subject to automatic reduction according to a formula and by an amount necessary for the budget to remain within the ceiling;

Second, it would make possible the application of this formula in those mandatory spending programs when appropriate and necessary to comply with the limitation and exempt the Government from liability for any differences between the amount appropriated and the amount made available; and

Third, it would only exempt from the ceiling those increase or decreases that result from the so-called uncontrollables—social security trust fund payments, veterans pension funds, and so forth.

We intend to press for prompt consideration of this Fiscal Responsibility Act of 1971 and I trust we will have the support of our colleagues on both sides of the aisle. This bill will give every Member of this Congress an opportunity to vote the same way he talks on the subject of big spending by the Federal Government.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

(Mr. YOUNG of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. YOUNG of Florida. Mr. Speaker, I am proud to join many of my colleagues in sponsoring House Joint Resolution 16, to designate the week of March 21–27 as a "National Week of Concern for Prisoners of War/Missing in Action."

Today, over 1,500 Americans are listed as prisoner of war/missing in action in Southeast Asia. Presumably, these men who have been reported as missing in action are being held captive in North Vietnamese prisoner-of-war camps. However, the facts and information necessary to substantiate this presumption have repeatedly been denied by the Communist government officials in North Vietnam.

Despite ratification of the Geneva Convention in 1957 by the Communists of North Vietnam, they have consistently failed to honor those terms set forth pertaining to the treatment of prisoners of war. They have refused to release a complete listing of those Americans held captive. They have refused to provide adequate medical attention to the sick. They have refused to release the seriously wounded. They have refused to permit impartial inspections of North Vietnamese prisoner-of-war camps. And these Communists have refused to permit the free exchange of mail to and from our American prisoners. These refusals are in direct violation of the requirements contained in the Geneva Convention—requirements which have been flauntingly abused by North Vietnam.

It is for these brave and courageous American fighting men and for their families and loved ones who have suffered endlessly that we propose to set aside a National Week of Concern to focus worldwide attention on this inexcusable, barbaric, and deplorable situation. I am proud to have cosponsored this resolution, and I pray that our message will be heard and, most of all, felt all the way around the world.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Mass production, America's important contribution to the industrial revolution began in Connecticut in 1798 when Eli Whitney, a New England schoolteacher, used machines he had previously invented to make a system of interchangeable parts. He gave impetus to the mass production of inexpensive goods which have created the standard of living we know today.

FEDERAL RESPONSIBILITY IN INDIAN AFFAIRS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MEEDS. Mr. Speaker, I am today introducing, along with 16 other Members of this body, a House concurrent resolution to make clear that termination of Federal responsibility in Indian affairs is not a policy or goal of the U.S. Congress.

Last July, President Nixon recommended in his famous and well-received message on Indian policy, that the Congress "expressely renounce, repudiate, and repeal the termination policy." This is what we seek to do today.

Historically, the U.S. Government made treaties with Indian nations. Tribes often surrendered claims to vast areas of land in return for the Government promising a reservation and health, police, and sanitation services for the community.

In August of 1953, Congress passed House Concurrent Resolution 108 stating that its long-range goal was termination of government responsibility and services. This has often had a retarding effect on tribal progress. The threat that the Government/Indian relationship may end has caused many tribes to shy away from any kind of social, economic, and political autonomy for fear that it will lose the benefits and protection they now enjoy.

The resolution my colleagues and I are introducing today would repudiate the termination policy declared by the 83d Congress. Hopefully, passage of this resolution will give Indians the security necessary to pursue vigorous programs for social and economic betterment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that in view of the fact that the special orders requested by the distinguished chairman and ranking member of the Appropriations Committee refer to the budget, without objection, the Chair will recognize those gentlemen for the purpose of making their statements prior to the call of the regular special orders.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman asking about the program. We have no program for next week for the reason that the House is still not organized committeewise. It is my understanding that your conference will meet on Tuesday, is that correct?

Mr. GERALD R. FORD. Our conference to firm up or finalize committee assignments will probably be held Wednesday morning, and we trust that we can complete action on committee assignments by the Committee on Committees on Tuesday, which action will then be referred to the conference on Wednesday morning.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield further, our Committee on Committees has largely completed its work, but there are still some assignments to be made and we expect to be finished at our caucus on Wednesday or Thursday of next week.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE BUDGET MESSAGE OF THE PRESIDENT, 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 92–15; PART 1 AND 92–16)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed with illustrations:

To the Congress of the United States:

In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, we spent more to meet human needs than we spent on defense.

In 1972, we must increase our spending for defense in order to carry out the Nation's strategy for peace. Even with this increase, defense spending will drop from 36% of total spending in 1971 to 34% in 1972. Outlays for human resources programs, continuing to rise as a share of the total, will be 42% of total spending in 1972.

The 1972 budget has a historic identity of its own.

- *It provides a new balance of responsibility and power in America* by proposing the sharing of Féderal revenues with States and communities on a grand scale—and in a way that will both alleviate the paralyzing fiscal crisis of State and local governments and enable citizens to have more of a say in the decisions that directly affect their lives
- *It introduces a new fairness in American life,* with the development

of national strategies to improve the health care of our citizens and to assure, with work incentives and requirements, an income floor for every family in this Nation.

- *It adopts the idea of a "full employment budget,"* in which spending does not exceed the revenues the economy could generate under the existing tax system at a time of full employment. In this way, the budget is used as a tool to promote orderly economic expansion, but the impact of the resulting actual deficit is in sharp contrast to the inflationary pressure created by the deficits of the late sixties, which were the result of excessive spending that went far beyond full employment revenues. *The full employment budget idea is in the nature of a self-fulfilling prophecy: By operating as if we were at full employment, we will help to bring about that full employment.*

The 1972 budget reaffirms the determination of the Federal Government to take an activist role in bringing about the kind of prosperity that has rarely existed in the American economy—a prosperity without war and without runaway inflation. In the 1972 budget, the Government accepts responsibility for creating the climate that will lead to steady economic growth with improving productivity and job stability.

Of course, our objective of prosperity without inflation cannot be achieved by budget policy alone. It also requires:

—the monetary policy adopted by the independent Federal Reserve System to provide fully for the growing needs of the economy; and

—increased restraint in wage and price decisions by labor and business—in their own and the Nation's interest and as a matter of common sense.

Only by working together can the budget, monetary policy, and common sense in the private sector make orderly expansion the order of the day.

The full employment 1972 budget—expansionary but not inflationary—does its full share to provide a defense strong enough to protect our national security, higher standards of income and care for the poor and the sick, a reorganized and responsive Federal structure, and the basis for a sound prosperity in a full generation of peace.

TOWARD A GROWING NONINFLATIONARY ECONOMY

Economic setting.—When I took office 2 years ago, rampant inflation was the Nation's principal economic problem.

This inflation was a direct result of the economic policies of the period 1966 to 1968, when we were mired in war in Vietnam, and when Federal spending rose sharply. Federal outlays were allowed to exceed full-employment revenues by $6 billion in 1966, $10 billion in 1967, and $25 billion in 1968. Expansive monetary policy in the summer of 1968 helped upset the hoped-for stabilizing impact of an income tax surcharge. The effect of these actions was to turn the thermostat up in an economy that was already hot enough.

My administration acted promptly to move us out of that war and cool the superheated economy.

We controlled Federal spending in 1969 and achieved a budget surplus. Spending was restrained again in 1970. Independently, the Federal Reserve System maintained a monetary policy of restraint which increased in severity throughout calendar year 1969 and continued into early 1970.

The forces of inflation have been durable and persistent—and they remain strong. But their momentum was slowed in calendar year 1969 and early 1970. Excessive demand was eliminated as a source of inflationary pressure during this period. The turnaround of this inflationary trend permitted us to enter the second phase of our plan: to follow more expansive economic policies without losing ground in the battle against inflation.

Budge policy.—Last July, I set forth the budget policy of this administration:

"At times the economic situation permits—even calls for—a budget deficit. There is one basic guideline for the budget, however, which we should never violate: except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment. When the Federal government's spending actions over an extended period push outlays sharply higher, increased tax rates or inflation inevitably follow."

The principle of holding outlays to revenues at full employment serves three necessary purposes:

- It imposes the discipline of an upper limit on spending, a discipline that is essential because the upward pressures on outlays are relentless.
- It permits Federal tax and spending programs to be planned and conducted in an orderly manner consistent with steady growth in the economy's productive capacity.
- It helps achieve economic stability by automatically imposing restraint during periods of boom and providing stimulus during periods of slack.

The budget policy of this administration is to keep firm control over Federal spending. The outlay total of $229.2 billion in 1972 is the sum of spending for programs that were scrutinized carefully to make certain that they would be managed effectively and efficiently, and that they are essential to carry out present laws or to achieve desirable changes in our national priorities.

If this careful scrutiny were not maintained—if we weaken in our resolve to control spending—we would risk permitting outlays to build up a momentum that will carry them beyond full employment receipts in the longer run, and we would risk losing the ability to restrain spending in times when a deficit is undesirable.

SUMMARY OF THE 1972 BUDGET

The budget that I propose for 1972 is consistent with the fiscal policy I announced 6 months ago.

THE BUDGET AT A GLANCE

[Fiscal years, in billions]

Description	1970 actual	1971 estimate	1972 estimate
Budget receipts	$193.7	$194.2	$217.6
Budget outlays	196.6	212.8	229.2
Actual deficit (−)	−2.8	−18.6	−11.6
Full-employment surplus	2.6	1.4	0.1
Budget authority	213.0	236.3	249.0

	1969 actual	1970 actual	1971 estimate	1972 estimate
Outstanding debt, end of year:				
Gross Federal debt	$367.1	$382.6	$407.0	$429.4
Debt held by the public	279.5	284.9	302.5	313.1
Outstanding Federal and federally assisted credit, end of year:				
Direct loans[1]	46.5	51.1	53.8	56.
Guaranteed and insured loans[2]	104.0	106.4	119.4	140.3
Direct loans by Government-sponsored agencies	27.0	37.6	45.4	53.

[1] Including loans in expenditure account.

[2] Excluding loans held by Government or Government-sponsored agencies.

Budget receipts in 1972 are estimated to be $217.6 billion, $23.4 billion more than in 1971, but still below the $229.3 billion of revenue that would be produced if the economy were operating at full employment throughout the year.

The estimates reflect a reduction in revenues of $2.7 billion due to the new tax depreciation rules announced on January 11. These rules are part of our plan to expand the economy and help the Nation achieve full employment without inflation.

Budget outlays in 1972 are expected to be $229.2 billion, an increase of $16.4 billion over the previous year.

The increase in outlays will help move the economy toward higher employment and production. At the same time, outlays are being held to full employment receipts.

I am requesting *budget authority*—the right to make commitments to spend—of $249.0 billion in 1972. Over $170 billion of this total will require new action on the part of the Congress.

REVENUE SHARING: RETURNING POWER TO PEOPLE

During the 1960's, more governmental initiative and power shifted to Washington and away from elected officials in State and local governments. Towards the end of the decade it became apparent that, despite new programs and massive Federal expenditures, government at all levels was not working well.

When this administration took office, I directed that an intensive review of our governmental system be made. We found that State and local governments were breaking down under an incredible fiscal burden. We also found that the red tape involved in the narrow categorical grant system made it almost impossible for the Federal Government to be effective and responsive to the needs of individuals in different localities.

The financial squeeze on State and local governments is acute, and shows no sign of becoming less painful. These governments rely mainly on receipts from consumer and property taxes, which have not grown nearly as fast as the demand for State and local government services. As a result, combined State and local debt has increased by over 600% since 1948.

The Federal Government helped meet some of this demand by increasing its financial aid, largely through grant programs, which now accounts for 18% of State and local revenues.

The results of grant programs have been impressive in some cases. But the grant structure has become a haphazard collection of hundreds of separate programs, each with its own policies, its own requirements and procedures, and its own funding.

Such a complicated method of providing Federal assistance is not only inefficient, but it:

—*restricts the freedom* of State and local governments to spend funds in accordance with their priorities;

—*is unresponsive* to the needs of specific local situations because the funds are distributed and regulated by guidelines that do not—perhaps cannot—sufficiently take account of differences among local communities; and

—*separates resources and responsibility*, because State and local governments have the responsibility for providing services, but, all too often, they do not have the money to provide those services. The Federal Government dominates the field of income taxation, and its redtape restricts the discretion of State and local governments over the services they provide.

Clearly, not enough authority over the use of resources for federally assisted programs is now lodged at the State and local level. More of the power—and the responsibility—for using federally collected funds must be given to elected officials in these governments.

The need for remedying this situation is urgent. The time for reform is now.

Local freedom of action.—I propose a revenue sharing plan to give State and local governments the money they need to deliver the services that can best be performed by government closest to the people.

This is how the the new "freedom of action" plan will work:

In the first full year of the plan, $16 billion will be directed to the States and localities, in a way that will enable them to decide as never before how that money will be spent.

Of this amount, $5 billion will be in the form of *general revenue sharing*, without restrictions. This will all be "new" money, without matching requirements and with the decision on how it is to be used exclusively a State and local matter.

The remaining $11 billion will be in the form of *special revenue sharing*, with the discretion on how it will be used within each of six broad subject areas strictly a State and local matter. These areas are:

—Urban community development,
—Rural community development,
—Education,
—Manpower training,
—Law enforcement, and
—Transportation.

The hobbling restrictions now on much of the Federal aid in these areas would be removed, along with matching requirements that presently force localities to spend their own matching money on low-priority projects for fear of "losing" available Federal aid.

To emphasize the importance of the special revenue sharing funds, the change from the present tightly restrictive categorical grants to special revenue sharing in the six broad areas will be accompanied by an *increase* of $709 million in the amounts budgeted for 1972 for Federal aid to States and localities. But even more important is the fact that these governments would have far greater freedom of action in deciding how money is to be spent within each of the six areas. For example, although the Federal Government would designate the total amount of special revenue sharing for education, the State or local area would decide how much is to be spent on new textbooks, new schools, equipment, or other matters of priority to it in the field of education.

In this way, both general and special revenue sharing will redirect the control of State and local decisions on $16.1 billion to the States and localities affected most by those decisions. This is about half of Federal Government aid, excluding public assistance grants, to States and communities—a historic and massive reversal of the flow of power in America.

Budget authority proposed for revenue sharing plan, first full year

Description	*Billions*
General revenue sharing	$5.0
Special revenue sharing:	
Urban community development	2.0
Rural community development	1.0
Education	3.0
Manpower training	2.0
Law enforcement	0.5
Transportation	2.6
Total	16.1

We must make provision at the outset of this freedom of action plan for both growing State and local needs and growing State and local capacity to manage their affairs.

The new funds for general revenue sharing will grow in years to come because they will be tied to the Federal personal income tax base. As that tax base expands, more unrestricted money will flow to States and localities.

To help State and local governments develop greater capacity to plan and manage their own affairs. I will send to the Congress a planning-management assistance plan, which will provide $100 million to help these governments make their own long-range plans and enhance their capability for the efficient use of their growing revenues.

In essence, this is what revenue sharing will do:

—*for the individual taxpayer*, it will provide a stronger voice in how his tax money is spent locally, new confidence in government that comes from more "citizen control," and the hope that, in some States and localities, taxes may be reduced, or that the rising cost of government can be met without raising taxes;

—*for State and local governments*, it will not only help meet the current financial crisis, but will also wipe out rigidities and delays in Federal aid and permit them to build their capacity to respond to local needs;

—*for our federal system*, it will provide new strength by assigning services to the level of government best equipped to perform them; and

—*for all our people*, it will provide a means of encouraging local diversity and experimentation within the framework of our great national purposes.

Of course, these revenue sharing proposals will nct be the vehicle for any retreat from the Federal Government's responsibility to ensure equal treatment and opportunity for all. The proposals I send to the Congress will include the safeguards against discrimination that now accompany all other Federal funds allccated to the States.

This massive revenue sharing proposal is central to my philosophy of giving people the opportunity to become more involved in the decisions that affect their lives. The magnitude of the problem calls for this kind of bold move; by acting decisively and without delay, we will strengthen our federal system and respond better to the needs of our people.

Welfare reform.—One of the first steps in our review of the federal system was to sort out those activities that are appropriate for the Federal Government from those that are best performed at the State and local level or in the private sector. We decided early on one primary Federal responsibility—providing, with a combination of work incentives and work requirements, an income floor for every American family.

We knew beforehand that the existing welfare system was in desperate need of reform. We also knew that the existing system imposes a crushing and growing financial burden on States.

My welfare reform proposals, described later in this message, are an integral part of our effort to give people the ability to make their own decisions, to build the capacity of State and local government, and to encourage more orderly national growth.

By building a floor under the income of every family everywhere in America with Federal funds, we provide each dependent family a new dignity, we help State and local governments finance what is now their fastest growing expenditure, and we remove one magnet that has already drawn too many persons to our congested cities.

In government operations, form should follow function. Just as revenue sharing decentralizes power to meet one need, welfare reform sets a basic national standard to meet a different need. The decision to centralize or decentralize should be based on which method best serves the larger purposes of 206 million Americans.

Revenue sharing and welfare reform are of a piece: the level of government best equipped to respond should respond in a way that raises standards and contributes to the sum of personal freedom and human dignity.

RESTORING CONFIDENCE IN GOVERNMENT

In seeking ways to reform the federal system, I have paid particular attention to the ability of the executive branch of the Federal Government to produce the results intended by the Congress and the President.

In 1971, the Federal Government will employ almost 2,900,000 civilians, operate thousands of separate programs, and spend $212.8 billion. Through its tax laws, credit activities, grant programs, and in other ways, the Government affects millions of people and influences the disposition of many more billions of dollars than it controls directly.

Toward the end of the sixties, there was mounting evidence that our Government was so complex, clumsy, and unresponsive, that it was becoming unable to meet the needs and priorities of the people or to use efficiently the funds entrusted to it.

This must not be permitted in America.

We have already taken actions to improve the organization and management of the Federal Government and, thereby, make it more efficient and responsive.

But we must do more. The Federal Government is not organized properly to deal with the Nation's most significant problems in the domestic area. Programs that should be joined together to achieve common goals are fragmented among different departments and agencies, impairing the capacity of government to respond effectively to urgent national needs. Modernization of that structure will restore vigor to our federal system, permitting a constructive partnership among Federal, State, and local governments.

In the next few months, I shall propose sweeping legislation to help achieve these goals by merging seven existing departments and several independent agencies into four departments:

—a Department of Natural Resources,
—a Department of Human Resources,
—a Department of Community Development, and
—a Department of Economic Development.

These new departments will match the domestic programs of the Federal Government with the objectives each is intended to fulfill:

—the balanced and constructive use and conservation of the land and other natural resources of the Nation;
—the development and well-being of individuals and families;
—the quality of urban and rural communities as places for people to work and live; and
—the maintenance and strengthening of the American economy.

To continue the modernization of the Federal Government, I will also ask an extension of the President's reorganization authority. We must seek to expand current efforts to shift operating responsibility for Federal programs out of Washington and closer to the people these programs are designed to serve.

To fulfill its responsibilities, the Federal Government must attract, develop, and retain capable career executives. We must have a more effective manpower planning and utilization system. I shall propose legislation to establish a Federal Executive Service which will permit:

—more effective career executive search;
—flexibility in the allocation and assignment of available talent; and
—strengthened executive development programs and policies.

By improving the organization and management of government, we will make it more responsive to the needs of the people and the new priorities of the Nation.

REFORMING THE BUDGET PROCESS

Reform of the budget process is long overdue. Fifty years have passed since the Federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of congressional inaction, it has become a travesty a half-century later.

Enactment of appropriations 6 months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was transmitted 11 months earlier. Even now, as this message is being written, action on last year's appropriations request for one department has not been completed.

I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10- to 12-month period without any goal or determination of the total expenditures that will result after the last bill is passed.

Excess in the number and detail of appropriations often diverts attention to minutiae. It also impairs the ability of agency heads to manage their agencies responsibly and economically.

The budget is our principal instrument for coordinated management of Federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore, we must seek a more rational, orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

Furthermore, Federal credit programs which the Congress has placed outside the budget—guaranteed and insured loans, or loans by federally sponsored enterprises—escape regular review by either the executive or the legislative branch. The evaluation of these extrabudgetary programs has not been fully consistent with budget items. Their effects on fiscal policy have not been rigorously included in the overall budget process. And their effects on overall debt management are not coordinated well with the overall public debt policy.

For these reasons, I will propose legislation to enable these credit programs to be reviewed and coordinated along with other Federal programs.

TOWARD A FULL GENERATION OF PEACE

Our goal is a full generation of peace in which all nations can focus their energies on improving the lives of their citizens.

To achieve this, we must continue to work in close cooperation with our allies, move from confrontation to negotiation with these with whom we differ, and—together with our allies—maintain enough military strength to deter aggression. Sufficient and effective programs of military and economic assistance to help our friends help themselves are an integral part of our program.

National security.—This Nation's strategy for peace will—as it must—be based upon a position of miltary strength. The purpose of this strength is to prevent war; and, to this end, we will negotiate with those whose vital interests and policies conflict with our own.

We are pursuing negotiations on strategic arms limitations, on Vietnam, on Berlin, and on the Middle East. These negotiations are difficult and often slow, but we have the stamina and commitment necessary to proceed with patience and purpose.

As we carry on negotiations, we couple them with other efforts to achieve the same goal. The Vietnamization program is an example, and we are making good progress. By this spring, our authorized troop strength will have been cut approximately in half since the time I took office, and we will continue to bring American troops home.

Supporting these efforts, the military forces of this Nation and its allies will provide the armed might necessary to deter aggression or to deal with it effectively where necessary. We expect our allies to do more in their own behalf, and, in the spirit of the Nixon doctrine, many are taking steps in that direction. But we must also do our share. The kind of partnership we seek to forge works both ways. We have a vital interest in peace and stability abroad and we plan to maintain the capabilities necessary to protect that interest.

Our withdrawals from Vietnam and the change in our general purpose force planning and strategy permit a smaller force structure than in the past. At the same time, the preoccupation with Vietnam has limited our ability to meet some of our military needs elsewhere, particularly in NATO. We must be certain that our military forces are combat-ready and properly equipped to fulfill their role in our strategy for peace. In addition, we face formidable Soviet nuclear and conventional forces, including increased naval forces, and a further rise in the costs of our military equipment and personnel.

For these reasons, I am recommending an increase of $6 billion in budget authority for military and military assistance programs. This Nation has the will and the resources to meet its vital national security needs. At a time when we are urging our allies to do more and when our potential adversaries may seek military advantage, I cannot in good conscience recommend less.

We often think of military strength primarily in terms of equipment and massive organizations. While these are important, attracting and holding able citizens in the Armed Forces is the key to an effective and efficient military force. The service of Americans in uniform is worthy of respect, and I am dedicated to the goal of making all such service voluntary. This budget, and subsequent legislation which I will recommend to the Congress, will make significant progress toward ending reliance on the draft.

Foreign assistance.—Our present foreign assistance programs were established for a world that has long since changed. I will propose legislation to adapt them to the conditions of the 1970's.

We must clearly distinguish the varied purposes of foreign aid—the security of the United States and friendly nations, the long-term development of lower income countries, and humanitarian needs—and make possible a realistic assessment of our progress toward each. In 1972, our assistance programs will:

—promote a strong partnership among nations and a vigorous leadership role for multilateral development institutions;
—recognize that other nations have a growing ability and responsibility to determine their own development priorities;
—continue security assistance at a higher level than in recent years in order to help friendly nations meet the responsibility for their own defense; and
—improve coordination of our humanitarian assistance efforts.

These changes will carry out a major theme of U.S. foreign policy—less direct U.S. involvement in the affairs of other nations, less potential for friction and resentment, and a stable world order more conducive to lasting peace.

MEETING HUMAN NEEDS

The proposals that I submit today are a major step forward in the reform of our Nation's efforts to meet the needs of its 206 million citizens. They will introduce a new fairness into American life by providing:

—a basic income floor under every family with children in this Nation;
—health care to help make needed services possible for all of our people when and where such services are required;
—better systems of support for education and manpower training; and
—continued progress in assuring the civil rights of all citizens, and in controlling crime.

Income strategy.—Last year was one of great promise for the long-term income security of American families. Some of that promise reached fruition in the reform of unemployment insurance and food stamp programs:

- Unemployment insurance was extended to 4.8 million additional Americans, including farmworkers and hospital workers, and special extended benefits were established to be triggered automatically by adverse economic conditions.
- Food stamp benefits were improved by establishing national eligibility standards, requiring family allotments large enough to purchase an adequate diet, providing free food stamps to the poorest recipients, and automatically raising benefits with increases in the cost of living.

However, much of that promise was left unrealized. As I have pointed out, in 1972 I will redouble my efforts to make essential and fundamental reforms in income maintenance programs. First, and foremost, I will seek:

- *Basic welfare reform.*—Last year I proposed that our archaic and demeaning welfare system be reformed. A landmark plan that would have accomplished this was approved by the House but did not come to a vote in the Senate.

  The urgency of the need for welfare reform grows with every passing day. I have already stressed the need for early enactment of the Welfare Reform Act of 1971 by the 92d Congress.

  This plan would remove the principal evils of the existing system by:

  —setting national eligibility standards;
  —balancing strong training and work requirements with equally strong training and work incentives;
  —giving financial relief to the States; and
  —establishing a Federal floor under benefit payments for *all* needy families with children, including those with working fathers, for the first time.
- *Social security improvements.*—I will propose a significant reform of the social security system, providing *automatic* adjustments for increases in the cost of living. Such an adjustment now calls for a 6% benefit, effective retroactively to January 1, 1971, to cover the cost of living increase since January 1, 1970. I will also propose increases in widows' pensions.

Beyond these basic reforms, I will seek to harmonize related income maintenance programs with the principles of our income strategy. This will include:

—reform of services provided to welfare recipients to encourage greater accountability and effectiveness in the use of funds, and to establish national standards for foster care, with new incentives for the adoption of handicapped children; and
—proposals to put railroad retirement funds on a financially sound basis.

Improving health care.—During the current session, I will send a message to the Congress that will set out a national health strategy for the seventies and propose significant changes in the Federal role in the Nation's system of health care.

This strategy will seek to expand preventive care, to train more doctors and other health personnel, and to achieve greater equity and efficiency in the delivery of health services. It will include a new health insurance program for all low-income families with children.

The budget reflects in a preliminary way the emphasis that this administration will place on health in 1971, with:

—an increase of $100 million to accelerate greatly the search for a means of preventing and curing cancer;
—a vigorous effort to find a cure for sickle cell anemia;
—a $95 million increase in Federal support for schools that train our Nation's health manpower; and
—a rational policy of using Federal resources to help bring the rapid increase in medical care costs under control.

The budget also provides for:

—a substantial improvement in the quality of medical care provided to veterans with service-connected injuries;
—expansion of services for mothers and children, Indians and Alaska natives, and women who cannot afford family planning services;
—expanded programs to combat drug abuse and alcoholism;
—emphasis on assuring purity of foods and drugs; and
—encouraging greater use of less costly services and facilities in delivering medical care.

Community safety and crime prevention.—My commitment to the reform and revitalization of our system of criminal justice is supported by this budget. The budget proposes a 32% increase in outlays to improve law enforcement, to make our judicial system fairer and more efficient, and to raise the effectiveness of correction and rehabilitation. In this way, we will:

—step up the war on organized crime and the gambling operations that finance it;
—destroy major criminal systems that import and distribute narcotics and dangerous drugs;
—strengthen local law enforcement through the special revenue sharing fund for this purpose;
—continue the antihijacking campaign to protect the Nation's air travelers;
—expand our correctional improvement programs to develop more innovative correctional institutions, and improve probation, parole, and other community-based services; and
—develop, in cooperation with State and local governments, ways to provide more accurate information on law enforcement activities.

Guaranteeing civil rights.—The ideals of our Nation require that the civil rights of *all* citizens be respected, regardless of race, sex, religion, or national origin.

My budget for 1972 proposes to strengthen our efforts to eliminate discrimination in private as well as Federal employment, in activities supported by Federal assistance to State and local governments and other recipients, in education, in housing, and in other aspects of society.

We will take these specific steps to improve the lives of all our people:

—increase by more than 50% our efforts to prevent employment discrimination by Federal contractors and other private employers;

—increase nearly threefold the Federal assistance to school districts that are desegregating;

—reorganize the field operations of the Equal Employment Opportunity Commission to make more effective efforts to halt discrimination in private employment;

—focus the activities of the Civil Service Commission to assure equal Federal employment opportunities for all our citizens, with special emphasis on opportunity for Spanish-surnamed Americans;

—serve 46 localities with conciliation assistance through the Community Relations Service;

—expand administration of the fair housing and equal opportunity laws to increase residential housing choices for all Americans; and

—increase by 15% funds to agencies to assure nondiscrimination by recipients in their use of Federal assistance.

Education and manpower training.—The education and manpower training programs proposed in this budget reflect my determination to find better ways to carry out Federal programs. Special revenue sharing is proposed for both of these vital areas. I will also submit major reform proposals to:

—reform Federal aid programs for higher education to increase their effectiveness;

—direct more funds to students from lower income working families;

—establish a National Institute of Education for research and development; and

—provide additional training opportunities and strong incentives under the Welfare Reform Act of 1971 for employable welfare recipients to undertake suitable employment or job training.

Research and development on social problems.—The Office of Economic Opportunity will emphasize its leadership role in research, development, and evaluation in social programs.

IMPROVING OUR ENVIRONMENT

The improvement and prudent use of our physical resources is vital to our Nation's prosperity and to the goal of helping all Americans enjoy a clean environment, adequate housing, and a better standard of living. In 1972, outlays to achieve these objectives will increase by $2.4 billion to $26.1 billion. The actions that I am proposing will:

—expand my administration's vigorous efforts to protect and enhance the quality of our environment and recreation resources;

—revitalize housing and community development programs; and

—increase Federal research and development efforts.

Environmental quality.—The primary responsibility for protecting and enhancing the environment lies with State and local governments, industry, and the public, but the Federal Government must—and will—provide vigorous leadership. During the past year, this administration moved forcefully to exercise that leadership:

- Major Federal pollution control and abatement activities were consolidated in a new Environmental Protection Agency;
- The Council on Environmental Quality was given a major role within the Executive Office of the President to advise on environmental problems and on national policies to deal with them;
- New legislation to strengthen national efforts for reducing pollution was proposed to the Congress; and
- Funds for major environmental quality programs were increased significantly.

Pollution control and abatement programs will get even greater attention in the 1972 budget. Outlays will be increased by $764 million. Budget authority will rise even more, by $1.3 billion. The higher amounts will provide for:

—doubling grants for municipal waste treatment facilities;

—curbing pollution from Federal facilities;

—expanding EPA pollution control operations, including implementation of new air quality and solid waste legislation; and

—developing new pollution abatement techniques.

Legislation is again proposed to create the Environmental Financing Authority, which will assist communities that have difficulty in borrowing at reasonable rates to meet their share of the cost of water pollution control facilities.

I shall shortly propose, in a special message to the Congress, a series of further measures to control pollution and improve the quality of our environment.

Recreation.—Greater opportunity for leisure is valued highly in America and, as a result, the demand for recreation facilities is growing. The 1972 budget proposes a substantial increase in grants to help State and local governments provide some of these facilities.

I am recommending that the Land and Water Conservation Fund be fully funded to provide:

—grants of $280 million to help States and localities meet local recreation needs; and

—appropriations of $100 million for Federal acquisition to preserve nationally significant natural and historic areas.

I propose that the urban open space program be more than doubled, to $200 million, to provide more recreational areas in and near our cities.

Cultural activities.—I have again recommended that we double the appropriation for the National Foundation on the Arts and the Humanities, so that we can bring the benefits of these great cultural efforts to an increasing number of people throughout the country.

Housing.—The housing industry has already begun to lead our economic expansion. Fiscal and monetary actions taken in the past year have resulted in a significant easing of mortgage interest rates. Federal policy must help this industry meet the pent-up demand for housing.

The effectiveness of our housing programs will not be improved by merely continuing to increase Federal subsidies. The programs must be simplified and fitted into a rational framework. Inconsistencies must be removed, along with the obsolete rigidities in statutes that at times prevent programs from operating at all.

The administration will again propose legislation to carry out these badly needed reforms, which I urge the Congress to enact.

Community development.—I will also propose reform of the community development programs of the Department of Housing and Urban Development, and of certain economic development programs of the Departments of Agriculture and Commerce. Narrowly defined categorical grant programs in this field have frequently conflicted with local priorities and unnecessarily generated red tape.

With special urban and rural revenue sharing programs, we will permit localities to plan and carry out community development in accordance with their own needs.

Initial funding of the new urban program will begin at a level of $1 billion for the second half of 1972, upon enactment of the necessary legislation. An additional $2 billion appropriation is anticipated for 1973 when the program will be in effect for a full year. Rural development revenue sharing will be $1 billion in the first full year.

Science and technology.—Science and technology can make major contributions to the public by developing creative solutions to a wide range of national problems that will help us all enjoy a better life. I am proposing in this budget a substantial expansion in outlays for federally supported research and development.

While a large portion of this increase is needed to strengthen our defense capabilities I am also recommending substantial increases in civilian areas to:

—make greater use of our scientific and engineering capabilities and resources to cope with major national problems such as pollution, crime, health, transportation, and other environmental and social problems;

—strengthen research essential to the advancement of our technology and economic productivity; and

—increase our investment in fundamental science which leads to the long-term progress of our society.

As an example of the concern of this administration for the use of science and technology in the public service, I am recommending that the budget for the National Science Foundation be increased from $506 million in 1971 to $622 million in 1972. A significant portion of these added funds will be directed to research on pressing national problems.

THE LONGER VIEW

Federal budget decisions must be made with an awareness of their influence on the economy and on resource allocation in the future as well as the present.

Too often in the past, consideration of objectives and priorities focused only on Federal spending. Only immediate issues, rather than longer term goals, were considered. And this fact was ignored: when we increase the priority of some programs, the relative priority assigned to others must be reduced. In short, the sum of the resources allocated to the various functions—such as health, education, defense—cannot exceed the total resources that we command.

Looking to the future, we find that resources likely to be available to the Nation grow more rapidly than the expenditures required by existing commitments. But our freedom to use these resources will shrink as we approach each future year and make financial or program commitments in the interim. Thus, the allocation of each year's resources is largely a reflection of our past priorities.

As we make choices this year, we will be determining the use of our available resources and expenditures in future years.

The resource allocation questions that the Nation will answer—either explicitly or by default—are:

- Shall we increase the available margin by ending some existing commitments?
- Who should use the margin—the Federal Government, State and local governments, or private citizens?
- To what objectives should the available margin be applied?

In answering these questions, the Nation will be setting its priorities for the future.

My preferences are clear. *One great objective of my administration is to increase the role of private citizens and State and local governments in allocating our national resources in accordance with individual and local needs. Another great objective is to set minimum standards to make certain that every American family in every locality is treated with a fairness that reflects the national conscience.*

Ours is not a regimented economy, nor will it be. Yet, we cannot ignore the influence of the budget on the economy and on the use of our national resources in the present and in the future. To do so is to take the chance that government spending will preempt resources that should be left to be used by private citizens or State and local governments.

In the last few decades, the Federal Government, disturbingly, has taken over the determination of how too many of the Nation's resources will be allocated. In spite of the Federal Government's domination, resources have not been appropriately allocated to overall national needs. Instead, they have been allocated by a process in which small additions were usually made in existing programs, and a few new categorical grant programs were created each year. These new grants were generally aimed at alleviating some narrow problem—without reference to the Nation's real need in that general problem area.

I have in this budget proposed the outlines of a new process for allocating funds according to national priorities.

Instead of continuing "more of the same" to more than a hundred narrow categorical grant programs, I have proposed replacing them with six *special* revenue sharing programs designed to deal with major national problems. These are problems that have different characteristics in different parts of the country. With these special revenue sharing funds, State and local governments can set their priorities within the national objective, design a solution fitted to their particular needs, and solve their problems locally.

The *general* revenue sharing program provides unrestricted funds to State and local governments to achieve our Nation's top domestic priority—the creation of a system of government that is effective and responsive to the needs of all of the American people. General revenue sharing will allow State and local governments to overcome their immediate fiscal crises and to come to grips with those problems that concern their citizens most.

The revenue sharing programs which I have proposed result from shared goals, provide federally shared revenues, and involve shared Federal-State-local responsibility for solving America's most important problems. Our system of government must be one of shared goals—shared revenues—shared responsibilities.

CONCLUSION

The 1972 budget befits a strong, free, compassionate, and enlightened Nation.

- It reverses the trend of the past decade toward Federal domination of the Nation's decisions, and begins to make government more responsive to the will of the people.
- It recognizes that a strong defense is vital to all our objectives, most of all to the attainment of peace.
- It provides the resources needed to meet the Nation's commitments at home, with a new standard of fairness to the poor and sick.
- It accepts the principle that budget policy, together with monetary policy and the active cooperation of the private sector, must be used to help achieve full employment in peacetime with relative price stability.

This budget expresses our fiscal program for the New American Revolution—a peaceful revolution in which power will be turned back to the people—in which government at all levels will be refreshed, renewed, and made truly responsive. This can be a revolution as profound, as far-reaching, as exciting, as that first revolution almost 200 years ago.

RICHARD NIXON.

JANUARY 29, 1971.

THE PRESIDENT'S BUDGET

The **SPEAKER**. Under previous order of the House, the gentleman from Texas (Mr. MAHON) is recognized for 20 minutes.

Mr. **MAHON**. Mr. Speaker, now comes the revolution. Something new has been cast into the fiscal arena. I almost said that something shocking has been cast into the fiscal picture.

There is a new imagery and sloganeering. A new face has been put on some of the harsh realities.

FULL EMPLOYMENT BUDGET

The concept of a full employment budget is not new to economists, but it is new as a declared foundation for a Federal budget.

Would full-employment budgets and revenue sharing lead us out of the fiscal and economic woods, or deeper into the woods? The answer is by no means clear. And the dangers of such fiscal policies—embodied in today's budget—are potentially great.

SPENDING IN EXCESS OF REVENUES

This Nation has been overspending for years—either we have been overspending or else we have been undercollecting revenues to pay the bill. Witness the increase in the debt. In the decade of the 1960's the Federal debt rose about $114 billion. State and local debt, according to the message today, rose over 600 percent between 1948 and 1969. During the last 12 months the Federal debt has gone up by $20 billion.

During the current fiscal year 1971, the Federal debt subject to the debt limit, is estimated to increase by nearly $25 billion, according to today's budget.

In fiscal 1972, according to the plans projected and recommended in today's budget, the Federal debt is estimated to rise by some $23.6 billion.

Counting this 1972 budget—and no matter what concept is used—33 of the last 42 budgets were in deficit.

CROSSING THE $100 BILLION MARK

Do you remember that it was in the bleak December of 1964 when President Johnson was agonizing over the submission of his fiscal 1966 budget, and one day the press would report him as in effect saying, "I think I can hold it under $100 billion," and the next day he was reported in doubt as to his ability to do it, and so this teetering on the brink of a $100 billion budget continued for many days. Finally the President, in January of 1965, submitted his 1966 budget, and he kept it under $100 billion. It totaled $99.7 billion. That was the initial spending projection, and I should add, that was on the so-called administrative budget basis, not the unified budget plan now used.

Well, that $99.7 billion sounds very puny in the context of today's budget. Today's spending budget for 1972 is $229 billion—not $100 billion, but $229 billion. That is the so-called unified budget plan which includes all the trust funds such as social security. The new spending authority requested or proposed in this budget for 1972 is $249 billion—a cool one-quarter of a trillion dollars. That is the dollar magnitude of the budget before us today.

DEFICITS, FISCAL YEARS 1970–72

I direct your attention to the totals relating to fiscal years 1970, 1971, and 1972. For the 3 years, including the figures in today's message, the deficit in the unified budget is estimated to be $33 billion, and the deficit in the Federal funds portion of the budget is estimated to be $61 billion. The books are closed on fiscal 1970. They will close this June 30 as to fiscal 1971. And fiscal 1972 has not begun. But those are the tentative totals in today's budget.

THE BUDGET SURPLUS AND DEFICIT SITUATION

[In millions of dollars]

	Trust funds	Federal funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
Fiscal 1972:					
Budget receipts (estimated)	$75,490	$153,720	$229,210	−$11,617	$217,593
Budget outlays (estimated)	63,992	176,857	240,849	−11,617	229,232
Surplus (+) or deficit (−) (estimated)	+11,498	−23,137	−11,639		−11,639
Fiscal 1971:					
Budget receipts (estimated)	66,165	139,137	205,302	−11,109	194,193
Budget outlays (estimated)	59,200	164,665	223,864	−11,109	212,755
Surplus (+) or deficit (−) (estimated)	+6,965	−25,528	−18,562		−18,562
Fiscal 1970:					
Budget receipts (actual)	59,362	143,158	202,520	−8,778	193,743
Budget outlays (actual)	49,065	156,301	205,365	−8,778	196,588
Surplus (+) or deficit (−) (actual)	+10,297	−13,143	−2,845		−2,845
Surplus (+) or deficit (−) all 3 years (estimated)	+28,760	−61,808	−33,046		−33,046

These facts are certainly very sobering as we begin consideration of the President's budget.

We cannot confine ourselves just to needs for spending; we must also look at the financial resources which are available to pay for the spending. We must also look to the revenue side of the budget. The President must do that. The Congress must do that. The committees must do that. And the country must do that.

I do not stand here to lambaste the President or George Shultz of the Office of Management and Budget. They have an incredibly difficult job to perform, and our job is likewise incredibly difficult. The laws which mandate monumental spending are on the books, and they are the product both of the legislative and the executive branches of the Government.

We all recognize, I think, that as a practical matter it was impossible for the President at this time to submit a balanced budget. We know that is not in the cards in the light of the overwhelming deficit with which we are confronted for the current fiscal year. But we must be on guard and recognize that at best we are a nation of spenders. We do not want to add undue and unnecessary fuel to the spending flame, lest spending get completely out of hand.

VARIATIONS FROM ORIGINAL BUDGET PROJECTIONS

Now, a budget is a plan for the times. Budgets embody hopes and expectations. They rest on many contingencies and uncertainties. They rest on a lot of assumptions. They are characteristically rosy and optimistic. This is generally always the case with budgets of all administrations. The present budget is no exception. For a variety of reasons, original budget projections must be taken with huge grains of salt. That is, for a variety of reasons, the final results when the budget year is over are usually billions wide of the original marks—often for the worse.

For example, the budget for the current fiscal year of 1971, when it was submitted to us just a year ago, was tentatively projected to be in the black by $1.3 billion. And now, according to the message presented to us today, it is not in the black by $1.3 billion, but it is in the red—it is in the red by $18.6 billion on the so-called unified budget basis, and it is in the red from the standpoint of Federal funds in excess of $25 billion. The situation in a period of a few months went from a tentatively projected surplus of $1.3 billion to a deficit of $18.6 billion now reestimated in the unified budget.

There were many reasons for this turnabout. The President amended and supplemented his original budget. The executive branch miscalculated and underestimated certain so-called uncontrollables such as interest on the debt. There was a shortfall of several billions on projected revenues because of the sluggishness in the economy. Congress failed to adopt certain revenue proposals. Congress made reductions in appropriation bills, but more than offset that by increases in mandated spending and backdoor provisions in nonappropriation bills. All of these factors contributed.

So this is one of the things that we must be alert to. Will the garment in which this budget is now dressed be the same garment when the year is over? I impugn the motives of no one. I recognize the problems of the budget for every President. But how do we know that the projections will be fulfilled? How do we know whether, instead of having a deficit of Federal funds as projected in the budget which was submitted today of $23 billion for the forthcoming fiscal year, it might not be vastly more? The answer is, We do not know. But we do know that the final results will undoubtedly be vastly different—and could be vastly more serious, judging by recent experience.

Who knows whether or not this would make the inflation of former months look rather unimpressive?

It is a potentially dangerous fiscal situation which confronts this Congress, confronts the executive, and confronts the country.

I include an informative tabulation of variations between original budget projections and final budget results going back over a number of years:

VARIATIONS IN ORIGINAL BUDGET PROJECTIONS

[In billions of dollars]

Fiscal year	Budget receipts			Budget expenditures			Surplus or deficit		
	Original	Actual	Swing	Original	Actual	Swing	Original	Actual	Swing
Administrative budget:									
1955	62.5	60.2	−2.3	65.4	64.4	−1.0	−2.9	−4.2	−1.3
1956	59.7	67.8	+8.1	62.1	66.2	+4.1	−2.4	+1.6	+4.0
1957	65.0	70.6	+5.6	64.6	69.0	+4.4	+.4	+1.6	+1.2
1958	73.1	68.6	−4.5	71.2	71.4	+.2	+1.8	−2.8	−4.6
1959	74.0	67.9	−6.1	73.6	80.3	+6.7	+.5	−12.4	−12.9
1960	76.4	77.8	+1.4	76.3	76.5	+.2	+.1	+1.2	+1.1
1961	83.3	77.7	−5.6	79.1	81.5	+2.4	+4.2	−3.9	−8.1
1962	82.3	81.4	−0.9	80.9	87.8	+6.9	+1.5	−6.4	−7.9
1963	93.0	86.4	−6.6	92.5	92.6	+0.1	+0.5	−6.3	−6.8
1964	86.9	89.5	+2.6	98.8	97.7	−1.1	−11.9	−8.2	+3.7
1965	93.0	93.1	+0.1	97.9	96.5	−1.4	−4.9	−3.4	+1.5
1966	94.4	104.7	+10.3	99.7	107.0	+7.3	−5.3	−2.3	+3.0
1967	111.0	115.8	+4.8	112.8	125.7	+12.9	−1.8	−9.9	−8.1
1968	126.9	[1] 114.7	−12.2	135.0	[1] 143.1	+8.1	−8.1	−28.4	−20.3
Unified budget:									
1969	178.1	187.8	+9.7	186.1	184.6	−1.5	−8.0	+3.2	+11.2
1970	198.7	193.7	−5.0	195.3	196.6	+1.3	+3.4	−2.8	−6.3
1971	202.1	[2] 194.2	−7.9	200.8	[2] 212.8	+12.0	+1.3	[2] −18.6	−19.9
1972	217.6			229.2			−11.6		

[1] Represents "Federal Funds" portion of new unified budget concept totals.
[2] Estimate in 1972 budget.

THE FULL EMPLOYMENT BUDGET CONCEPT

The embracing of a deficit budget, a full employment budget concept, is a potentially dangerous approach to our fiscal situation. At best we are a nation of spenders, "from California to the New York Islands, from the redwood forests to the Gulf Stream waters." We are a nation of spenders, and we do not need any undue encouragement in that direction and I am fearful this budget policy may give encouragement to overspending and thus add to inflationary pressures. To us, restraint is as bitter as quinine. We want to talk about the programs we want to see financed; we do not want to talk about raising the money to finance them. That is too often the approach.

It is potentially dangerous to encourage the Congress to embrace a budget concept that tends to make deficit spending virtuous. How will we ever throw on the brakes when our needs will continue to be so great in so many fields?

If we do not throw on the brakes, what disaster may befall the Nation and wreck all of the programs in which we may be interested? In prior years we have looked with a jaundiced eye on deficit spending, but it is now proposed that we suddenly and affectionately embrace deficits of tremendous proportions with the assurance that this is just what the country needs. Are we making a virtue of spending money which is neither in hand nor in sight? I am afraid that is what this budget may tend to do.

Is the era of vetoed spending bills over? Our capacity for restraint will undoubtedly be severely tested as this Congress proceeds. Today is a day when we need to sound some warning in regard to the problems which confront us.

THE NEED FOR RESTRAINT

Congress watchers will be looking at the Appropriations Committee. We may be described by some as that tight-fisted, seniority-dominated Committee on Appropriations. However, we have been spending all of the money we have had plus additional billions of borrowed funds.

If we could be provided with more funds to meet all the needs of our cities and our environment and all of these other programs, that would be one matter, but we are not offered the additional revenue which might be required for these programs. Under these circumstances, we must be as cautious as possible. We must try to hold the line. Of course, we must try to say no to some programs which would merit funding under more favorable circumstances.

We have held the line rather well in the appropriation bills in recent Congresses. Our problem has been that we have not had the revenues to appropriate to meet all of the requests made. Congress watchers will be looking at spending which may be mandated by nonappropriation bills. In recent Congresses we have reduced the President's budget through appropriation bills, but we have increased the President's proposed spending through nonappropriation bills. We have to watch both avenues of spending if we are to watch our step as this session proceeds.

The Joint Committee on Reduction of Federal Spending will provide periodic scorekeeping reports. They will be authentic in the future as they have been in the past. They will give a clear picture of the spending situation. So here we go again.

The demands upon us will be very great. I must say I feel that any President, and certainly this President, is entitled to have his projected program thoroughly scrutinized and examined. We must give the budget the consideration which it deserves, and it deserves the most profound consideration.

REVENUE SHARING

The question of revenue sharing is something we have had around for quite some time. Is it logical and is it wise for one legislative body to raise the money and then turn it over to another legislative body, the States or the cities, for their expenditure? Is that a practical approach to the problems which confront us? Would it not be better to undertake to find a better solution to the problem? How can we expect the Congress to take the responsibility and the criticism for lending itself to extracting this additional money when tax burdens are heavy and then turning this money over to other levels of government for expenditure? The Congress will look a long time at this proposal. I think it should.

There is no revenue to share. There is a deficit to share for this year and next year. If the pending proposal were adopted, we would be sharing not revenues, but borrowed funds.

THE NEED FOR RESTRAINT

So, I would say, Mr. Speaker, that we have our work cut out for us. Speaking for the Appropriations Committee, I would hope that in the appropriation bills we can do a reasonably workmanlike job of holding the line within the overall figures projected in the budget. I am not familiar with all the figures in the budget, because it was presented only today, but I do know that since we are going in the red and since we are confronted with inflation and so many other problems—I do know it is prudent for us to try to hold the line as best we can.

Of course, big spending in a government such as ours is inevitable, but we must preserve the economy and seek a dollar in value for each dollar expended. It is important that we consider the budget item by item and it is important that we look at the total budget in an effort to better establish priorities.

THE PRESIDENT'S BUDGET FOR FISCAL YEAR 1972

The **SPEAKER**. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 15 minutes.

Mr. **BOW**. Mr. Speaker, it is appropriate that I, as the senior Republican on the House Appropriations Committee, provide comment on the fiscal year 1972 Budget we have just received from our President. Certainly none of us has had sufficient time to study this document in depth. But I do believe this budget request is the most realistic alternative to effectively deal with the problems this Nation now faces, and which must be dealt with in the next fiscal year.

THE TRANSITION TO A PEACETIME ECONOMY

In the past 2 years, the Nixon administration has made remarkable progress in scaling down the conflict in Southeast Asia and curbing the rate of inflation. But this transition to a peacetime economy has not been without its price. It has involved substantial reductions in defense spending and the return of increasing numbers of personnel to the civilian labor force. Both results have had an obvious and expected impact on employment. Because of this the time has now come to carefully stimulate our economy in a way that will accelerate opportunities for the labor force of the 1970's without returning to the inflationary spiral of past administrations. I believe this can be accomplished by prompt consideration of this budget request and the legislative proposals our President outlined in his state of the Union message.

At the same time, I would not pretend to be completely satisfied with this request because, among other reasons, I am not a proponent of deficit financing—and neither is our President. But I do believe most of us would have proposed a very similar budget if faced with the same circumstances. These proposals are only orderly steps in the management of our Nation's economy at this point in time.

AN INSTRUMENT OF POLICY AND REFORM

But, this budget is also much more than just a means of dealing with some of our immediate problems, or continuing the operation of the departments and agencies of the Federal Government. It echos a theme of reform that our President has repeated since the day he took office. It uses the budget as an instrument of policy and realines the Nation's resources to deal with the Nation's problems.

This is particularly important at this point in time. For example, we must reaffirm to the rest of the world our resolve to spend what is necessary for our national security. The President, each of us, and every citizen we represent hope it will not be necessary to spend as much on defense as this budget requests. All of us would prefer to see these funds directed at some of our more pressing domestic problems. But no nation in history ever successfully negotiated strategic disarmament or anything else from a position of weakness. Our allies and others abroad must be assured that, if necessary, we are resolved to spend whatever is required to insure a strong defense in the interests of a strategy for peace. But even with the increase requested for defense, the portion of our total budget allocated for this purpose will drop from 36 percent in 1971 to 34 percent in 1972.

And we can earnestly hope that successful negotiations will even render some of these funds unnecessary before they have to be spent.

The domestic aspects of the budget deserve special attention. Preeminent is the proposed program of providing State and municipal governments with access to additional revenue. Although there may be disagreement about the mechanics of achieving this, there is no controversy over the extent of the problem. And certainly a county commissioner in Stark or Mahoning County in Ohio is more sensitive to the needs and problems of his county than a bureaucrat in Washington born in some other part of the Nation. I believe that only by building up a local revenue base can we ever look forward to reduced Federal taxes in the future.

Similarly, the reform of our welfare assistance programs and steps to improve our systems of health care are, if anything, overdue. A nation of healthy people with the opportunity and incentive to improve themselves is the greatest long-term investment our country can make for its future.

OUTLAYS AND RECEIPTS

We can all expect to hear a substantial amount of politically generated criticism about outlays, receipts, and the Federal funds deficit in this budget. I would like to remind you that the Federal funds deficit for fiscal year 1968, before this administration took office, was $28.4 billion. The estimated Federal funds deficit in this budget is $25.5 billion for 1971 and $23.1 billion for 1972, both still lower than the high of 1968. Under the unified budget concept the deficits estimated for 1971 and 1972 are $18.6 billion and $11.6 billion compared with $25.2 billion in 1968. But the most important point to be remembered is that in 1968 Federal outlays were allowed to substantially exceed full-employment revenues by $25 billion. Under this administration there was a full-employment surplus in 1970 of $2.6 billion and this budget estimates a similar surplus of $1.4 billion for 1971 and $0.1 billion for 1972. So although there is a deficit in this budget, its makeup is significantly different. This is why the President believes this budget will bring about "that kind of prosperity that has rarely existed in the American economy—a prosperity without war and without runaway inflation."

CONGRESSIONAL COOPERATION REQUIRED

The development of the 1972 budget will require more cooperation from Congress than ever before. Over $170 billion of the $249 billion of budget authority requested will require new action on the part of the Congress. In many cases substantial action is required by the legislative committees before the Appropriations Committee can complete its business. The amounts of money that are involved follow:

Recommended 1972 amounts requiring additional authorizing legislation

NOTE.—These amounts are recommended in the 1972 budget, not proposed for separate transmittal following enactment of the authorizing legislation.

[In thousands of dollars]

FUNDS APPROPRIATED TO THE PRESIDENT	
Appalachian regional development programs	107,000
Foreign assistance:	
International security assistance:	
Military assistance	705,000
Foreign military credit sales	510,000
Supporting assistance	778,000
International development assistance:	
Multilateral assistance: International organizations and programs	168,000
Bilateral assistance:	
Grants and other programs	397,000
Development loans	655,000
Contingencies	100,000
Office of Economic Opportunity:	
Economic opportunity program	778,000
Peace Corps	71,200
Total, funds appropriated to the President	4,269,200
AGRICULTURE	
Food and Nutrition Services: Child nutrition programs	32,775
COMMERCE	
Economic Development Administration:	
Development facilities	160,000
Industrial development loans and guarantees	50,000
Planning, technical assistance, and research	20,855
Operations and administration	22,675
Regional Action Planning Commissions: Regional development programs	39,000
Maritime Administration:	
Ship construction	229,687
Operating-differential subsidies	63,129
Liquidation of contract authority	(176,016)
Research and development	25,000
Salaries and expenses	4,048
Maritime training	7,300
State marine schools	2,200
Total, Commerce	623,894
DEFENSE-MILITARY	
Procurement of equipment and missiles, Army	1,430,100
Procurement of aircraft and missiles, Navy	4,069,100
Shipbuilding and conversion, Navy	3,328,900
Other procurement, Navy	206,800
Procurement, Marine Corps	66,200
Aircraft procurement, Air Force	2,897,500
Missile procurement, Air Force	1,944,400
Research, development, test, and evaluation:	
Army	1,932,100
Navy	2,407,100
Air Force	3,001,900
Defense agencies	497,000
Emergency fund, Defense	50,000
Military construction:	
Army	603,158
Navy	353,494
Air Force	278,000
Defense Agencies	25,400
Army National Guard	29,000
Air National Guard	10,600
Army Reserve	33,500
Naval Reserve	10,900
Air Force Reserve	5,700
Family housing, Defense	826,400
Homeowners assistance fund, Defense	7,575
authority to spend debt receipts	4,525
Special foreign currency program	6,744
Total, Defense-Military	24,026,096
HEALTH, EDUCATION, AND WELFARE	
National Institutes of Health: Health manpower	463,457
Office of Education:	
Higher education	1,620,087
Education professions development	134,800
Libraries and educational communications	25,000
Social and Rehabilitation Service:	
Grants to States for public assistance	225
Youth development and delinquency	10,000
Total, Health, Education, and Welfare	2,253,569
HOUSING AND URBAN DEVELOPMENT	
Community development planning and management: Comprehensive planning grants	15,000
Community development: Open space land programs	90,577
Total, Housing and Urban Development	105,577
INTERIOR	
Office of Saline Water	27,025
TRANSPORTATION	
Coast Guard:	
Operating expenses	238,150
Acquisition, construction, and improvements	99,500
Reserve training	3,484
Research, development, test, and evaluation	1,201
Total, Transportation	342,335
ATOMIC ENERGY COMMISSION	
Operating expenses	1,848,380
Plant and capital equipment	276,726
Total, Atomic Energy Commission	2,125,106
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
Research and development	2,517,700
Construction of facilities	56,300
Research and program management	697,350
Total, National Aeronautics and Space Administration	3,271,350
OTHER INDEPENDENT AGENCIES	
Commission Civil Rights	400
Appalachian Regional Commission	1,075
Water Resources Council: Water resources planning	481
Total, other independent agencies	1,956
Grand total, budget authority	37,078,833
Liquidation of contract authority	(176,016)

Again this year the budget also includes a list of programs and activities that are inefficient, obsolete or low priority. In many cases these benefit only a narrow or select part of the population, and all too frequently not those most in need. The $2.9 billion savings that would accrue from terminating or restructuring these programs in 1972 is a significant factor in the economic strategy of this budget. Of this amount, $1.9 billion will require substantive legislation by the Congress. Our cooperation in this aspect of Federal reform is critical.

BUDGET HIGHLIGHTS

The most notable highlight of this budget is the continued trend toward a larger percent of our resources to nondefense needs—even in the face of increased defense spending. The following tables illustrate the priorities of this administration:

BUDGET OUTLAYS BY FUNCTION

[In billions of dollars]

Function	1945	1950	1955	1960	1965	1970	1972
National defense	81.6	13.1	40.2	45.9	49.6	80.3	77.5
Human resources	2.7	14.0	14.5	25.4	35.4	72.8	96.2
Education and manpower	.2	.2	.6	1.1	2.3	7.3	8.8
Health	.2	.3	.3	.8	1.7	13.0	16.0
Income security	1.2	4.7	9.1	18.2	25.7	43.8	60.7
Veterans benefits and services	1.1	8.8	4.5	5.4	5.7	8.7	10.6
Physical resources	5.9	5.9	5.7	10.1	14.5	21.1	25.5
Agriculture and rural development	1.6	2.8	4.0	3.3	4.8	6.2	5.8
Natural resources	.3	1.2	.5	1.0	2.0	2.5	4.2
Commerce and transportation	4.1	1.6	1.1	4.8	7.4	9.3	10.9
Community development and housing	−.2	.2	(1)	1.0	.3	3.0	4.5
Interest	3.5	5.7	6.0	8.3	10.4	18.3	19.7
Other	4.1	6.0	3.3	4.8	11.6	10.6	12.2
International affairs and finance	3.3	4.8	2.0	3.1	4.3	3.6	4.0
Space research and technology	(1)	.1	.1	.4	5.1	3.7	3.2
General government	.8	1.2	1.2	1.3	2.2	3.3	5.0
Allowances							6.0
Deductions and unallocable	−2.7	−1.7	−1.2	−2.3	−3.1	−6.4	−7.8
Total	95.2	43.1	68.5	92.2	118.4	196.6	229.2

[1] Less than $50,000,000.

PERCENT DISTRIBUTION OF BUDGET OUTLAYS BY FUNCTION

Function	1945	1950	1955	1960	1965	1970	1972
National defense	85.7	30.4	58.7	49.8	41.9	40.8	33.8
Human resources	2.9	32.5	21.1	27.6	29.9	36.9	42.0
Education and manpower	.2	.5	.8	1.1	1.9	3.7	3.8
Health	.2	.6	.4	.8	1.5	6.6	7.0
Income security	1.2	10.9	13.3	19.7	21.7	22.3	26.5
Veterans benefits and services	1.2	20.5	6.6	5.9	4.8	4.4	4.6
Physical resources	6.2	13.7	8.3	10.9	12.3	10.7	11.1
Agriculture and rural development	1.7	6.5	5.9	3.6	4.1	3.2	2.5
Natural resources	.3	2.9	.7	1.1	1.7	1.3	1.9
Commerce and transportation	4.4	3.9	1.6	5.2	6.2	4.7	4.8
Community development and housing	−0.2	0.6	(1)	1.1	0.2	1.5	2.0
Interest	3.7	13.3	8.8	9.0	8.7	9.3	8.6
Other	4.3	13.9	4.8	5.1	9.9	5.4	5.3
International affairs and finance	3.5	11.1	3.0	3.3	3.7	1.8	1.8
Space research and technology	(1)	.1	.1	.4	4.3	1.9	1.4
General government	.8	2.7	1.7	1.4	1.9	1.7	2.2
Allowances							2.6
Deductions and unallocable	−2.8	−3.9	−1.8	−2.5	−2.6	−3.2	−3.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

[1] Less than 0.05 percent.

In addition to the commitments to defense, welfare reform, and revenue sharing, a quick review of budget detail shows that allocation of increased resources has been targeted at the most important areas of concern.

For example, the budget includes increased funding for the Environmental Protection Agency and particular emphasis on water quality control, sewage treatment facilities, and pollution abatement in the Great Lakes.

Additional moneys will provide increased numbers of physicians and an intensive research effort to eliminate cancer from the spectrum of disease.

There is a further commitment to Law Enforcement Assistance, veteran's medical care, and the National Science Foundation. Housing programs are to be carefully restructured in order to make them more flexible to local needs. The entire Federal Government is being reconstructed so that it can contribute to progress instead of impeding it.

This then, Mr. Speaker, is a brief initial comment on the 1972 budget.

During the coming months the appropriations committee will commence its detailed review and you may be assured each item will receive deserved consideration. Our prompt and responsible consideration of this budget is an important part of the Government process and a vital step in the management of our economy.

I would also like to make a few observations related to the comments of my distinguished chairman.

Mr. Speaker, when I was elected to this Congress 20 years ago the outlays to operate this Government were $43 billion—$43 billion—you will find that on page 83.

Now, Mr. Speaker, in 20 years we have gone from $43 billion to a request for outlays of $229 billion.

I agree with my distinguished chairman that this is a cause for real concern. But I wonder where all of the responsibility lies for this increase in Federal spending that we have experienced.

In these past 20 years I have been a Member of the majority for only 2 years. For the other 18 years I have been in the minority. During those 18 years I think many of my colleagues will remember that the firm 5-percent across-the-board limitation on spending that I proposed was voted down. My claim that we needed a balanced budget never got very far. All of this time I was in the minority with support on this side of the aisle for trying to keep budgets down. But these budgets were still increased from $43 billion up to this figure that the gentleman from Texas is so concerned about.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I shall be delighted to yield to my distinguished chairman.

Mr. MAHON. I had meant to make clear when I discussed that first $100 billion budget which was submitted in January of 1965, that at that time the budget totals were on the so-called administrative budget basis—roughly equivalent to what is now the Federal funds portion of the budget.

Mr. BOW. Right.

Mr. MAHON. And of course it is not correct to compare the $99.7 billion administrative budget which was submitted by President Johnson in January of 1965 with the current budget, because the current budget——

Mr. BOW. Is a unified budget.

Mr. MAHON. Yes. It is on the so-called unified basis, which includes the trust funds. The trust funds were not included in the $99.7 billion figure. I will make that clear in the revision of my earlier remarks.

Mr. BOW. I think the gentleman would want to do that, and at the same time remember that, under the administrative budget, the Johnson administration left this administration with a $28 billion deficit in 1968 which we tried to reduce, but without success.

So today I hear, from some Members on the other side, all this complaining about some reductions. It was brought up that estimates for certain activities were reduced. Then comes the chairman of the Appropriations Committee chiding us because of some increases. "Consistency—Thou art a jewel." Are we really trying to get the budget under control? I hope we are.

I shall join my distinguished chairman in trying to cut out every bit of unnecessary spending. But let us not use this budget as a political football with some people complaining that in some instances it is not large enough—that we have got to have more—while someone else comes up and says they are shocked because of its size. So I would hope that we can work together, not for the good of one party or the other, but for the good of the country and see if we cannot get some semblance of understanding as to what these large deficits mean for all of us.

Now I have pointed out the size of the deficit estimated for 1972 and that in 1968 the deficit was $28 billion. But there is a difference. In 1968 we had full employment. The war was going on and there were some 500,000 troops in Vietnam. We are now shifting our economy from war to peace. We have been winding down on the war in Vietnam.

We do have a situation of unemployment and we have to do something about it. So an effort is now being made to submit a full employment budget based on 4 percent unemployment. But that condition did not exist in 1968 when inflation was running away because of large deficit spending. At that time we had full employment.

Now, Mr. Speaker, I again say I will join with my chairman and pledge my full support to reduce unnecessary spending. I hope the gentleman and his colleagues on his side of the aisle will help in every way they can.

OVERALL SPENDING CEILING

May I also say at this point—and it will be found in the Record—that I have today again introduced what I refer to as the fiscal responsibility bill. I would hope my distinguished chairman would give me support on this bill. You know we have put a ceiling on the executive department on how much they can spend, but there is no ceiling on the Congress as to how much we can appropriate to force excessive spending over the budget.

The bill I have introduced today would in addition to an executive department ceiling, put a limitation on the Congress on how much we can exceed the budget and force additional spending by legislation.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. MAHON. Mr. Speaker, I believe, along with the gentleman from Ohio, that we must again this year, as we did last year, establish an overall spending ceiling. I think it is important that we do establish it. It has a certain disciplinary value. It is, as the gentleman from Ohio pointed out, binding upon the executive, but it is not binding upon the legislative branch. It is impossible to bind the Congress on an expenditure ceiling because it involves the situation that what Congress may pass today can be modified or repealed tomorow. The only practical way you could have a mandatory ceiling, as I see it, on spending insofar as the Congress is concerned would be for it to be written into some sort of constitutional amendment otherwise it simply does not appear to be effectively possible. It is regrettable that we cannot get a better handle on this. We could enact a measure limiting spending for next year at $229 billion as fixed by the budget but I know of no way to prevent Congress, if it desired to do so, from raising that figure in a subsequent enactment.

Theoretically, I share the desire of the gentleman from Ohio, to fix a more meaningful ceiling but I see no way practical to achieve it. Yet a legislative ceiling tends to have a salutary effect.

Mr. BOW. Mr. Speaker, I suggest to the gentleman that he reconsider and study the bill I have again introduced today to put a ceiling on the Congress. I know the gentleman has been advised by some people that this is not right, but I also have been advised by constitutional lawyers that it is proper. I am sure that we can do it, and if the gentleman will join me in trying to do it, I think it would be a significant step toward establishing fiscal responsibility.

SALMON FALLS DIVISION, UPPER SNAKE PROJECT

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 2474 to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho.

The purposes of this bill are two-fold. First, this project will provide a full supply of water for the irrigation of 64,110 acres of land on the south side of the Snake River in southern Idaho; and second, construction and operation of the division will have a significant beneficial effect on the quality of the human environment, which can be achieved through a fuller utilization of our underemployed natural resources.

For many years the people living on the south side of the Snake River in southern Idaho have attempted to cultivate this fertile but dry land. Though attempts have been made to provide adequate, private facilities for irrigation, these efforts have met with limited success because of an inadequate and undependable water supply.

The available surface and ground water supplies have been fully utilized, but are just inadequate to serve the 49,380 acres presently developed. The facilities which my bill authorizes, along with the present facilities, will provide a full supply of water for the irrigation of 64,110 acres of land on the south side of the river, including the lands now developed.

Though the flows of this intensively used stream are completely appropriated during normal and dry years, during the years of above-normal runoff from the existing storage facilities the excess waters will be available to supplement the existing works in the Salmon Falls area.

My bill provides for the development of an auxiliary well field in the North Side Canal Company's irrigated area north of the river to make the water required for the Salmon Falls division available in the Snake River. Ground water would be pumped into the existing distribution system serving that area, thereby permitting an equivalent amount of Snake River water to be used by the Salmon Falls division. Section 5 of my bill provides an absolute guarantee of protection to water users in the exchange pumping area that the proposed water exchange will not adversely affect their water rights or supply of water, nor will it increase their costs.

For years, Mr. Speaker, the landowners in the area have worked diligently to develop their lands. With a little assistance they will meet with success in their efforts to convert these parched lands into valuable productive farms which would generate income sufficient to repay more than one quarter of the cost of the project. The bulk of balance of the irrigation allocation would be returned from revenues of the Columbia River Federal Power System.

Even though resultant economic benefits are sufficient to compel early passage of this bill, this project is doubly beneficial because of prospects for a greater utilization of currently underemployed natural resources. Development of the Salmon Falls Division will create conditions that would increase upland game and water fowl populations. To this end, plans are being developed for improving the wildlife habitat in areas of low game bird population. This will be accomplished by reserving, for wildlife use, certain nonirrigable public lands within or adjacent to the service area. Some of these tracts will be planted in vegetation to produce both food and cover and be fenced to permit the vegetation to grow undisturbed by livestock.

And so, Mr. Speaker, we see that the development of the project will result in an environmental setting providing for a better use of both the natural and human resources of the area. The resultant water supply, which will be both adequate and dependable, will create a more stable economy with additional crop production and farming opportunities.

More goods and services to handle the needs of the farms will provide more jobs, thereby expanding the taxable base of the county, State, and Nation. To secure these benefits, I trust that the Congress will take early and favorable action on this bill.

As a part of my remarks, I include the text of H.R. 2474:

H.R. 2474

A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the primary purposes of providing irrigation water supplies and the enhancement of fish and wildlife resources, and other purposes, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Salmon Falls division, Upper Snake River project, Idaho. The principal works of the division shall consist of the Milner pumping plant, the Milner-Salmon Falls Canal, relift pumping stations, water distribution facilities, wells to provide supplemental water, drainage facilities, and related works.

Sec. 2. Irrigation repayment contracts shall provide, with respect to any contract unit, for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Sec. 3. The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Salmon Falls division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 4. Power and energy required for irrigation water pumping for the Salmon Falls division shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

Sec. 5. Any exchanges of water which may be required in connection with the operation of the division authorized by this Act shall be made in conformity with applicable State law and shall in no way jeopardize, diminish, or otherwise alter contractual rights and obligations now in existence or water rights acquired under State law, and shall be without prejudice to, but in enjoyment of, the rights of the appropriator participating in the exchange as a user under his original appropriation. Existing water users shall bear no additional costs as a consequence of any exchange in their service area.

SEC. 6. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of the necessary land and rights the sum of $47,252,000 (January 1969 prices) plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said division.

ADMINISTRATION'S BUDGET FAILS NATION'S SOCIAL SECURITY BENEFICIARIES

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD, on the President's proposal recommending only a 6-percent increase in social security benefits.)

Mr. VANIK. Mr. Speaker, in reviewing the President's budget proposals for fiscal 1972, I am shocked and dismayed to learn that President Nixon proposes only a 6-percent increase in social security benefits and apparently recommends that the retirement test be increased to only $2,000.

In view of the spiraling inflation which now has become the complete responsibility of this administration, it is cruel and inhumane for the Nixon administration to disregard the desperate plight of our elderly, so many of whom are endeavoring to sustain life below the poverty level. This Congress should immediately enact a bill which does no less than provide a 10-percent increase across the board, a minimum benefit of not less than $100 and an increase in eligible retirement income to at least $2,400.

SENATOR BENTSEN SPEAKS TO THE WOMEN'S NATIONAL DEMOCRATIC CLUB

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, in November Texans elected a distinguished American to represent them in the U.S. Senate.

Hon. LLOYD BENTSEN of Houston, a former Member of the House of Representatives, was sworn in as the new Democratic Senator from Texas a short time ago.

Senator BENTSEN formerly represented a district in south Texas in the Rio Grande Valley. He served with distinction from 1948 to 1954, when he retired to go into private business.

During his years in the House, Senator BENTSEN supported and introduced a number of progressive measures, including a repeal of the poll tax, major water conservation and reclamation legislation, minimum wage legislation, and Federal housing projects for low-income groups.

He also supported a strong defense posture and practical controls on Government spending.

On January 21, Senator BENTSEN delivered his maiden speech as a Senator before the Women's National Democratic Club.

In what the Washington Post called "a crackling declaration of independence" the new Senator from Texas, the Honorable LLOYD BENTSEN yesterday made his Washington debut in a speech before the Women's National Democratic Club.

In a strong speech tearing down the fiction of ideological labels, Senator BENTSEN served notice that he will be the voice of all Texans. I note with no small amount of pride that the Senator is willing to take on the administration or others, when he deems it to be in the national interest, to support his convictions that this Nation should restructure its priorities in the fields of education, health, environment, unemployment, and inflation, and yet, assuring us of a strong national defense posture.

Mr. Speaker, I know that my colleagues here may not agree with everything that Senator BENTSEN has espoused, but at the same time, I do know that each of us is vitally interested in the Senator's statement of policy. For that reason, I ask that Senator BENTSEN'S remarks be reprinted in the RECORD. After reading his position, I think everyone will agree that here is a man to be reckoned with. The speech follows:

ADDRESS BY SENATOR LLOYD BENTSEN

I'm especially pleased to be with you today at the Women's National Democratic Club.

It took me a whole year to get here, because Texas is one of those states where we not only fight the Republicans, but we Democrats pair off and fight each other.

Believe me, it makes a person appreciate his public office after he's been through all of that.

Some of you may be surprised to see me here in view of President Nixon's comments about my election. You may remember that he called me a member of his "ideological majority" in the Senate and seemed to indicate that he was inordinately pleased with the outcome of the Texas Senate race.

If the Republicans were ready to claim me as a soul-brother, why did they send the whole first team down to Texas to campaign against me, and spend millions trying to beat me?

I will say that the Republican Administration did help me win the election.

They did it by campaigning so hard for my opponent.

Every time I looked up, another Republican official was coming into Texas to jump on the Democrats.

One thing they accomplished, I guess, was to make people aware of who was serving in Mr. Nixon's Cabinet. Up to that time a good many voters thought the only people in the Administration were Richard Nixon, Spiro Agnew and Martha Mitchell.

And then just about the time we discovered Wally Hickel, they dumped him out on his ear.

I understand that President Nixon has been so concerned about his anonymous Cabinet that he placed top priority on finding a way to remind people that he really *had* a Cabinet.

I've been kidding John Connally about it ever since.

A lot of reporters have questioned me about my Democratic Party credentials. I admit to a little irritation about this, because my Republican opponent went to great lengths during the campaign to point out that I helped President Truman when I served in the House during the late forties and early fifties.

Well, I did try to help President Truman. I'm proud to be associated with Harry Truman's ideals, because those ideals are fundamental to what the Democratic Party is all about.

I am grateful for the two-party system, but there has never been any question in my mind about my own identity.

I am not a maverick or a renegade—and I am not the arch-conservative that some have tried to picture me.

I suppose the worst that can be said of me is that I am an Establishment Man—because I am identified with four major Establishments.

I am a Democrat, a Texan, an American, and a United States Senator, and not necessarily in that order.

I take pride in each of these institutions—and I have taken various oaths to uphold and defend them. But I recognize that each of them can stand change and improvement. For example I have made a commitment in my first few days in office to co-sponsor a change in the filibuster rule. I will vote for changing Rule 22 on cloture to the three-fifths vote, rather than the two-thirds required now to cut off debate. This is a change in a great institution which I favor.

Each of these institutions has been changing since birth—and will inevitably and necessarily continue to change. This is true of the Democratic Party, the State of Texas, the United States and the U.S. Senate.

I am here today because I want to have a part in determining the direction of change—and Washington is the best base from which to work.

But I think we should move on to a more contemporary subject, such as the condition of this country in the year 1971 and what we're going to do about making it better.

At the outset of this Republican Administration, Martha Mitchell's distinguished husband urged the people to "judge us by our deeds, not our words."

I'm willing to do what the Attorney General suggested.

I judge the Administration by its deed in de-emphasizing the educational program, both by lower budget requests and the veto of Congressional appropriations. In the 1968 campaign Mr. Nixon said he was not going to shortchange education. His deeds speak louder than his words.

I judge the Administration by its deed in de-emphasizing public health and health research, and by its deed in putting a "now or never" label on cleaning up the environment and then urging the type of action we Texans call bob-tailed.

The President, in fact, requested almost three times as much money for the SST as he did for air pollution control.

In the economic field, the Administration claimed we could cool inflation without suffering from high unemployment.

Yet the unemployment rate was six per cent in December and inflation is still with us. Now the Administration seems to be seeing the error of its ways, if recent jawboning efforts and reductions in the interest rates can be viewed as a changing position.

I could go on with these examples of Administration deeds I feel are short of the mark, but I didn't accept your invitation just to criticize the party which temporarily occupies the White House.

I really came here to tell you something of myself and my views, to talk about issues I think are important in the 92nd Congress, and to review some of my hopes for the future of the Democratic Party in Texas and throughout the country.

Everyone here is a Congress-watcher, so I think you're entitled to analyze what kind of Senator Lloyd Bentsen of Texas will be during these next six years, God willing.

I think you should start with the assumption that I am not an excessively partisan man.

I do not hate Republicans. I do not question their patriotism, their morals or their integrity. I just happen to think that Democrats generally do a better job of running the country.

We have a great many severe problems in America and I think it's going to take the best that all of us have in us, whether we are Democrats or Republicans, to find some workable solutions.

As I have said, I believe President Nixon has made same bad mistakes along the way. When he does something I think is wrong, I'm going to do my best to inform the people of my state on the issue. But at the same time I am going to work as an American to help the President where I can and I am not going to engage in partisan carping just to hear myself talk. I don't think that accomplishes one sensible thing. In fact, I think the President's State of the Union offers promise—but again, we won't accept just good rhetoric, we await the deeds, the programs.

I do intend to be quite partisan, however, in my efforts to strengthen the Democratic Party of Texas, not only for the 1972 elections but also for the long range.

As you know, Texas Democrats have the reputation of operating under a rule-or-ruin philosophy.

Conventional wisdom has it that Democratic factionalism is so deep that the faction losing the primary election will either sit out the general election or work covertly to elect Republicans.

It used to be that the so-called conservatives were especially accused of this. Recently, some of the more liberal elements have decided that party loyalty isn't as sacred as they once declared.

Yet in 1970, Texas Democrats proved they could units to elect their nominees despite a bitter primary and the most highly organized and expensive assault ever waged by the Republicans.

In my race, people who had been avoiding each other on the street for years came into my local campaign offices to work side by side in a common cause.

Regardless of anything else you may have heard, this type of unity is what elected Democrats and defeated Republicans.

It was a positive vote of confidence in our Party and its candidates, and a negative vote against Administration failures. Added together, the election meant simply that most Texans recognize that the Democratic Party embodies the highest aspirations of all of our people.

And that is a sound base upon which to build an even stronger and more unified Party.

I do not for a moment pretend that serious differences among Texas Democrats have faded away. Indeed, there are still serious divisions among Democrats throughout the nation.

But the great strength of our Party is that it can live with differences while the Republican Party apparently cannot.

This diversity within our Party is nothing new, and I reject out of hand any suggestion that the best interests of the country would be served by Democrats turning their backs on one another and abandoning their Party in times of stress and disagreement.

That goes for Texas and it goes for the nation.

Our efforts must be to encourage the participation of larger numbers of people in Party affairs and welcoming the expression of divergent points of view.

In my campaign, I am proud I had the support of the vast majority of those who supported Senator Yarborough in the primary. They supported me not just because I wore the Democratic label, but also because they became convinced that I intended to represent all of the Democrats in my state.

I say to them again that I intend to do exactly that.

I intend to build on the unity we established in 1970 and to strengthen our Party so that we can again carry Texas into the Democratic column in 1972.

In that process, I do not intend to read anyone out of the Party nor do I intend to represent any so-called "faction" of the Party.

That is not what I was sent here to do.

And I feel it would be a tragic mistake for the National Democratic Party to follow the lead of Republicans and purge recalcitrant Senators or Representatives who do not follow the views of the Party leadership.

In the first place, our Party leaders are less identifiable, and those who are identifiable have widely ranging views.

In the second place, Democrats, unlike Republicans, do not function successfully as an exclusive club. We respect the views of all members and attempt to resolve our differences without tearing the Party apart. Sometimes we don't succeed, but we most often do.

Occasionally we have suffered while following that practice, but on the whole we have greatly benefited from it and the country has benefited as well.

Let me add a word here about organization. I am particularly interested in improving our Party organization in Texas and throughout the Nation to assure a broader role for women and for young people. I know it is a popular thing to say that here, but I said the same thing most emphatically in a memo recently sent to all Texas Democratic County and Precinct Chairmen.

I have seen women at work in campaigns, and I know how effective they can be. A dedicated housewife is worth a dozen ward heelers. In all candor, the Republicans have been more successful in the past, at least in Texas, in organizing women for political action.

But we have seen the last of that in Texas, because we are going to assign a very high priority to bringing Democratic women into the political process and utilize the unlimited political skills which they can provide.

In addition, we are going to work hard to bring young people into the system, not simply because of the 18 year old vote, but because they are talented and energetic and because we need them. The 1970 election provided some good news for the Democrats, but one of the disappointing factors was our failure to convince large numbers of young people to work in our campaigns.

That situation has to be corrected. Young people need more than lip service; we must give them authority and responsibility. The last few years have made abundantly clear that the older generation has no monopoly on managerial skills or on knowledge about the vital issues confronting this nation. The young were in the forefront of our struggle to preserve the environment and have played a critical role in our drive to reorder national priorities.

Now it is incumbent on us to channel those energies into effective youth organizations controlled in large measure by the young themselves.

Now let me shift gears for a moment and talk about some of the issues that particularly concern me and that will be the focus of my concern during the 92nd Congress. I do not pretend to make an exhaustive list, nor do I intend to go into great detail describing my remedies. I simply want to give you some idea of the direction in which I will be moving.

I know that all of you were pleased to hear the President offer his National Health Plan last week.

I think everyone will agree that this great nation, despite all of its progress in medicine, must renew its commitment that all Americans are entitled to the best health care it is possible to achieve.

The Congress recognized this need and I am pleased that the Administration also is taking positive steps.

Over the last five years we have witnessed a rise of 82% in the cost of hospital care.

We have a shortage of 50,000 doctors and a steadily declining percentage of the population going into the medical profession.

This has resulted in our country ranking 16th in life expectancy, 15th in infant mortality, sixth in maternal mortality, and 21st in the control of heart disease.

For America, that is totally unacceptable.

At the present time, I am reviewing the various plans for National Health Insurance offered during the 91st Congress as well as the proposal made by the President last week. Though I am not wedded to any particular plan, I do have some prejudices.

In the first place, I am convinced that no plan can be successful unless it includes a major role for the creativity and the economic discipline of private enterprise. A health insurance program totally under government sponsorship and control is not only alien to our system, it would also deny us the obvious flexibility and the incentive for quality improvements that are inherent in the present system when it is utilized properly.

But most of our present problems do not lie in the *mechanism* of providing health insurance; they lie in our inability to keep down health costs or to improve our efficiency in health services.

I believe that we have to provide incentives in new legislation which would encourage reforms in the health profession.

In the first place, we have to gear ourselves to providing programs of preventive care so that we can keep down the incidence of hospitalization and encourage procedures which will discover potentially dangerous medical conditions before they become serious.

In the second place, I believe that we have to expand our aid to medical schools and to medical students to alleviate our critical shortages in health care personnel.

These points are essential, it seems to me, if we are to attack the problem of rising health costs while at the same time improving the delivery of health services.

I also attach a high priority to education and research. Had I been in the Senate, I would have voted to override the President's veto of the Office of Education appropriation bill in 1970 as well as his veto of the Labor-HEW money bill in 1969.

In both instances, the President claimed that the bills were inflationary, but it was never clear to me why education and health should bear the brunt of the battle against inflation.

In fact, by vetoing education money bills the President was disregarding the advice of his own Task Force on Education.

When you cut government spending, there are certain programs that must be protected—and education is near the top of the list.

Now let me share with you some of my particular interests in education.

As many of you know, for six years in the House of Representatives, I represented a district in South Texas which has a predominant population of Mexican-Americans, so I have seen the problems of bilingual education first-hand.

In 1967, President Johnson provided the impetus for the passage of the Bilingual Education Act, an imaginative piece of legislation that opened the door to expanded Federal aid to school districts for programs to meet the special needs of children who have a limited knowledge of the English language.

Yet the promise of the Bilingual Education Act has never been fulfilled, for the program has generally been funded at less than one-half of the authorized level.

We cannot do an adequate job of working with children and adults who have language difficulties when we talk about that kind of money. I would remind you that an estimated 2½ million children in the United States are currently in need of bilingual education programs and that presently we are spending less than $10 per child.

So we have to improve our funding in this area, and we have to strengthen the Bilingual Education Act so that we can train more teachers who are capable of teaching bilingual courses and develop the curricula to use in those courses.

Otherwise we perpetuate the same dreary cycle of frustration and failure which confronts many Mexican-American children who are incapable of coping with a school system which is unprepared to accept them.

On a related subject, I favor more adequate funding for Federal-State efforts in vocational education. It is nothing less than a national tragedy that 25% of the white and 35% of the black males between the ages of 16 and 19 who are out of school are unemployed, and that 27% of the white and 48% of the black girls in the same age bracket are in similar straits.

Yet our programs of vocational education are funded at less than 50% of their authorized levels.

We have to target more funds for vocational education programs and work to change the laws so that very poor school districts do not have to match Federal grants with local funds. Under the present system, the areas of highest unemployment are frequently unable to initiate meaningful programs of vocational training because their low tax base does not allow them to meet the 10%–50% Federal matching requirement.

I intend to support legislation which will allow the poorer districts to compete on an equal basis with more affluent districts and which will give vocational education the priority it deserves in the spectrum of our public concerns.

These are but a few of the educational issues that interest me.

I would also like to see more emphasis on programs of early childhood education. Several bills were introduced in the last Congress that would extend the benefits of Head Start type programs to a broader section of the American population.

The number of working mothers with children under the age of 5 is skyrocketing and by 1980 there will be approximately 5.3 million of these women in the work force. That will represent an increase of 43% in only ten years.

Many women want to work, yet they are tied to the responsibility of caring for very young children. Other women have to work; in nearly one-third of the families in which both parents work, the husband's income is less than $5,000.

Yet the working mother is virtually ignored in Federally-aided early childhood programs.

I don't believe that we should arbitrarily exclude children from these programs simply because their parents' income happens to be above the poverty level.

So I tend to support somewhat broader early childhood programs than the President proposed in his Family Assistance Plan, which provides day care services only for the children of working welfare mothers. And I will be studying the various proposals to determine which is the most realistic and responsive to our needs.

Now let me say a few words about Federally supported research, especially in the fields of education, science, and health.

This country attained a preeminent position in science during the late fifties and early sixties laregly because we were willing to invest substantial resources in basic scientific research. But over the last few years, these policies have been abandoned. Everywhere the mood seemed to be one of retrenchment—of cutting back on fundamental scientific research. I was pleased to note in Monday's *Washington Post* that the President has been reassessing the government's role in funding basic research and that the situation is due to improve this year; I certainly hope so.

Dr. Philip Abelson, director of the Carnegie Institute's geophysical laboratory in Washington, said recently that cutbacks in government research during the last five years have dealt a devastating blow to the nation's colleges and reduced our total scientific research effort by at least 30%.

In health, the situation is equally serious.

In education, we have cut back research budgets and are now spending only ½ of 1% of the education dollar on research efforts.

The total picture shows a decline of Federally supported research and development—from $17 billion in fiscal 1968 to $15.7 billion in fiscal 1971.

That's a decline from 3.5% of our gross national product of 2.7%.

I believe it would be both shortsighted and dangerous for us to continue a policy which will be harmful in the long run to our efforts in science, health, and education.

To reverse this situation, we have to reestablish priorities for basic research in the fields I've mentioned to insure that we have objective and innovative people with fresh ideas to revitalize the approaches we take to solving our problems.

I support President Nixon's announced plan to develop a National Institute of Education to provide a permanent staff of scientists, social scientists, and educators to engage in research on how to make our educational system more effective.

And I will vote to expand the funds for our vital programs of health research.

All of these steps are essential if we are to meet the challenges posed by the critical problems in all of these fields.

On another subject, I am keenly interested in legislation to provide tax incentives to encourage industry to locate in rural areas.

With an increasing number of people leaving the farms, we presently have a need to create some 550,000 rural non-farm jobs every year. If we fail to so, we will be faced with a continuing out-migration of young and talented people from the rural areas to the metropolitan areas, which are already growing at a rate of 15% every five years.

I do not have to tell you about the dilemmas we now face in our cities—the overcrowding, the loss of dignity, the expanding welfare roles, and the environmental decay. It has been estimated that over one-fifth of the growth of the central cities has been due to out-migration, almost entirely from the rural areas.

To reverse this trend, it seems imperative to me that we make our rural areas more attractive to young people by locating industry and jobs where there are accessible to those now living there. Tax location incentives are a logical method to offset this change and these incentives should be accompanied by others which would allow industry tax credits for training rural workers to participate in new occupations.

In this coming decade I hope to have a part in bringing stability to our national life and institutions.

By stability, I do not mean status quo. I do mean orderly change, without the violent rocking of the pendulum that creates a lot of noise and motion—but makes little real progress.

You know Saul Alinsky said the greatest social treason is to commit an act that provokes a more extreme reaction.

I believe this is true.

And I believe it is the responsibility of leaders to conduct themselves in such a way that the waste motion of extremism is avoided.

I have great respect for the institutions of government and the genius that gave us the framework that permitted this democracy to grow and develop for 200 years.

But the times have changed, and these institutions—which have been changing all the while—must continue to change.

And we must get on with the business at hand—

To restore full employment in the land;

To get the economy functioning in the way it should in a rich and diversified nation;

To reform our welfare system;

To attack the health crisis that is a national disgrace;

To shore up our failing educational institutions;

To clean up our environment and establish safeguards that will keep it clean; and

To make equality of opportunity a reality to all Americans.

Let me close now with a philosophical reflection.

A new Senator is always the object of a good deal of speculation from political writers and commentators, particularly those who are in the business of attaching labels describing his political philosophy.

I realize there is no way we can escape labels; they are a convenient shorthand method of slipping men into categories. Frankly, I believe they are going out of style, and I would caution you about attaching a label to me.

My approach to politics is to judge each issue on its merits and to avoid closing my mind to alternative solutions, provided they are reasonable and in the best interests of the people affected.

There is one label, however, that I accept proudly, and that is the label of my political party.

You and I both realize that the Democratic Party provides the kind of leadership and talent that this country needs to move safely through the seventies. And more of our countrymen are getting the message every day.

I hope that you—as members of the Women's National Democratic Club—and I—as a new United States Senator—can work together to strengthen and unify the Democratic party as it prepares once more to assume the leadership of this government in the years immediately ahead.

Thank you.

EQUIPMENT INTERCHANGE ACT

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I would like to introduce in the 92d Congress a bill that I have introduced in the past, the Equipment Interchange Act. Although no hearings were ever held on this legislation or a related bill introduced by the Department of Transportation, I feel that the goal of this bill is such that I must reintroduce it. At a time when various modes of our transportation industry are undergoing radical changes and problems, we must start looking for new ways for better transportation. Proper legislation can help the transportation industry innovate new streamlined, more efficient methods of serving the public.

There are many problems with regulations affecting freight shipments. The Equipment Interchange Act attempts to reach some of these difficulties. My bill would provide a way to expedite containerized shipments which utilize more than one mode of transportation. The bill would allow carriers of different classes—rail, motor, water, and air, to obtain authority for agreements with a carrier or groups of carriers in another class on the interchange of cargo containers, highway trailers, and related intermodal equipment. This would include establishment of procedures to determine per diem rates on such interchange equipment and the controlling regulations. To assure that the agreements would not be subject to antitrust violations, the Equipment Interchange Act would grant immunity when such agreements were approved by a joint board composed of members each from the ICC, FMC, and the CAB.

This approach would be a substantial step in simplifying our administrative proceedings on those transactions which cut across the lines of more than one regulatory agency.

In this session, I hope that the need for this legislation becomes apparent to all Members of the Congress, and we can see some action along these lines.

HOUMA, LA., HAS ACTED AGAINST SMUT

(Mr. CAFFERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. CAFFERY. Mr. Speaker, as the virulence of pornography invades the country, I would like to tell this body about one place where it has been stopped, and how it was stopped.

Houma, La., is one of the major communities in my congressional district, and it is a matter of great pride to me that I am here in the halls of Congress representing the citizens of that fine city. Houma is a place where people care about their town, their neighbors, their families, and, particularly, their children.

Recently a bookstore attempted to open in downtown Houma to sell smut. The citizens of Houma immediately sprang into action. The Houma people got together and said they were not going to let it happen to their town. They rolled up their sleeves and went to work. The churches joined in, the public officials acted—quickly and responsibly. The city's newspaper, the Houma Daily Courier, under the leadership of publisher Ray Dill put its full resources into the fight. A committee was formed to fight smut. As one would expect whenever a city supports its law enforcement officers, the bookstore was soon closed and closed for good.

The city of Houma is now secure in the knowledge that its citizens will not have such a center of smut and filth spreading in its midst.

I have just turned over to the Judiciary Committee petitions signed by over 6,000 people of Houma asking that something be done about the traffic in pornography. These expressions of intent from the people of this fine city should surely aid the committee in the drafting of stronger Federal legislation on this subject.

In the 91st Congress we enacted legislation, which become effective February 1, to provide a means whereby citizens can have their names removed from the mailing lists of those who distribute sex-oriented advertisements. I hope the Post Office Department will make this new law known to citizens throughout the country so that they may take advantage of its procedures.

Enactment of that law was an important step toward protecting the privacy of the home. But I believe that stronger laws are necessary and I believe that we should take firmer steps in the 92d Congress in response to the requests of our citizens.

Our constituents are speaking ever louder in their demands for action. The example of Houma, La., stands before each of us in this distinguished body and deserves our closest attention, our most careful consideration, and our most earnest efforts and well-directed action.

THE 53D ANNIVERSARY OF UKRAINE'S INDEPENDENCE AND 30 YEARS OF UCCA

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 1 hour.

Mr. PATTEN. Mr. Speaker, the gentleman from Pennsylvania (Mr. FLOOD) is not present. He has asked me to take over the direction of his special order. I ask unanimous consent that I may be permitted to do so.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PATTEN. Mr. Speaker, Mr. FLOOD would have said on this occasion of the 53d anniversary of the independence of Ukraine, it is of singular importance to bring to the attention of our fellow Americans the cultural repressions and the attempts on the part of Russian Moscow to perpetrate national genocide in Ukraine, the largest non-Russian nation both in the Soviet Union and in Eastern Europe.

As part of its imperial consolidation program since 1964, which is a component of its overall design for expanded influence and eventual control in the Mideast, Africa, Latin America, and elsewhere, Moscow has victimized and arrested scores of Ukrainian intellectuals, writers, and freedom activists because of their "bourgeois nationalist tendencies." On previous occasions, I have supplied a long list of these victims. I append to my remarks a most recent example provided in the report, "The Culture Decimators Are At Work."

THE 30 YEARS OF UCCA

Before dwelling on the highlights of Ukraine's drive for national independence and freedom, it is important to take note, too, of the work in this direction by the Ukrainian Congress Committee of America, led by Dr. Lev. E. Dobriansky of Georgetown University and representing the convictions of over 2 million Americans of Ukrainian ancestry.

Its work in behalf of our national security these past 30 years cannot but draw the admiration and praise of every alert American. Although the causal reasons are different, in the recent period UCCA was one of the first to speak out against the sentencing of Valentyn Moroz in Ukraine, Moscow's anti-Semitism and the harsh sentencing of the so-called Jewish hijackers, the scandalous extradition of the Lithuanian sailor, Simas Kudirka, and now the death sentences imposed on the would-be Lithuanian hijackers Vitautas Simokaitis and his pregnant wife. These cases are all interrelated in Moscow's consolidation program and the reality of captive nations in the U.S.S.R., but in these repressive acts the differentiating cause of non-Russian nationalism in that empire must be carefully distinguished. For some indication of this, I also append to my remarks the informative pamphlet "Three Decades of UCCA: 1940–1970."

Mr. Speaker, to do intellectual and political justice to these and certainly forthcoming events of like nature, it is imperative that in this 92d Congress we establish a Special House Committee on the Captive Nations. In thought and action we must prepare ourselves for similar inevitable events in the dismal world of the Red empire and the over 2 dozen captive nations. The measure I propose and append to my remarks here will be cosponsored by many of my colleagues in the 92d Congress. The work of such a committee can also have a most salutary and contributory effect on the preconceptions of the present administration as regards the nature and composition of the U.S.S.R. For instance, although I do not agree with several observations made by Dr. Dobriansky's review of the President's "U.S. Foreign Policy for the 1970's," I believe in this particular respect he advances a vital point worth considering in depth, and for the RECORD I append this review to my remarks:

UKRAINE'S STRUGGLE FOR FREEDOM

Just over 50 years ago a band of brave and patriotic Ukrainians unfurled the banner of revolt against their oppressors and proclaimed the Ukraine's independence. As the result of the revolution and the overthrow of the czarist regime in Russia, it was only natural that the largest non-Russian ethnic group in Russia's loosely-held polyglot empire should be the first to assert its freedom and proclaim its national independence. But wartime events over which Ukrainians had no control and unforeseen, sweeping postwar international convulsions which quickly succeeded one another proved disastrous and tragic to the newly-found Ukrainian independent state. Even before the end of the war it was attacked by the Poles in the north, and at the end of the war it was too weak to withstand the deadly onslaught of Russia's communists. The sad result was that in the fall of 1920, a little over two years after achieving national independence, the Ukraine was forced to yield to the Red Army, thus bringing to a close a short but momentous chapter in its modern history.

Today the Ukraine is the second largest Soviet Socialist Republic in the Soviet Union, second only to the Russian Soviet Socialist Republic. The approximately 45,000,000 Ukrainians constitute about one-fifth of the Soviet Union's total population. The country has always been one of the most fertile grain-producing areas in Europe. As a matter of fact, the whole Soviet Union is dependent to a great extent for its grain supply and for a large variety of other foodstuffs on the Ukraine. Without the food produced by the hard-working Ukrainian peasants, the people of the Soviet Union would be living on the verge of famine.

It is tragic that so many millions of Ukrainians, constituting such an important and large segment of Eastern Europe, do not enjoy in their historic homeland many of the elemental amenities of a good life which are considered in free societies as the birthright of all human beings. If the Ukrainian people were living under normal conditions—if they were somehow able to realize their national aspirations—there is no doubt that they would once again seize the opportunity to establish a democratic government based upon those freedoms which are essential to full intellectual and spiritual development. Unfortunately, however, for nearly five decades conditions have not been normal in the Ukraine. The unhappy Ukrainians have lived under conditions not at all suitable for the wholesome development of political, social and economic life as we know it. They have been persistently denied the attainment of their supreme goal: to determine the form of their national political life.

The Ukraine's geographical location and modern international politics have largely determined the course of recent Ukrainian history. Situated between powerful political groups of Europe and Eurasia, the Ukrainian people have not been allowed to pursue an independent national existence. Though older than the state of modern Russia, the Ukraine became a part of that country in the middle of the 17th century through the workings of power politics. Thereafter, until the rise of the Russian Soviet regime, the Ukrainians made the best of a bad situation and managed to get along as best they could with the Russians. Since the advent of the communist regime, however, this has been especially hard. Today, oppressed by their communist overlords, they long to throw off the yoke.

It is hard to believe, and sad to think, that these 45,000,000 patriotic and sturdy Ukrainians would have put up with the most despotic of all contemporary forms of government for nearly fifty years. It is even harder to imagine that the free world would allow this to happen. Yet that is one of the sad commentaries on our age. We in the free world have become victimized by such terrible dangers that we dare not raise a finger in defense of those suffering under alien regimes and under inhuman tyrants. Still, I firmly believe that there is hope in the Ukrainian struggle against communist tyranny, and as long as the Ukrainians retain that hope, and abide by their spirit for independence, their righteous cause shall never die.

For over fifty years Communists have ruled Ukraine with an iron hand. They have turned that fair land into a large prison house. Since 1920 there has not been any semblance of freedom in the country. The tyrants in the Kremlin have seen to it that there will be no trace of any Western trappings in the country. In this darkness and depression there is one indestructible, ineradicable element of encouragement. That is the Ukrainian's innate and inborn desire for freedom and independence, his undying yearning for liberty. Fortunately neither the tyrants in the Kremlin, nor their minions in the Ukraine, can extinguish this spirit. As long as it is kept alive, as long as the ideal of national freedom is cherished by the Ukrainian people, no dictatorship can rob them of their right to freedom. And as long as they cling to that spirit, they will never give up their resistance to the Communist tyrants.

I am indeed glad to take part in the observance of the 53rd anniversary of Ukrainian Independence Day. I ardently hope that the oppressed Ukrainians will soon regain their freedom and live in peace in their beloved homeland.

Mr. Speaker, I herewith submit as part of my remarks today the material that was previously referred to in my statement:

[From America, Jan. 4, 1971]

The Culture Decimators Are at Work

(By Edith Kermit Roosevelt)

WASHINGTON.—A singular document has been smuggled out of the Soviet Union. It is a protest by Valentyn Moroz, a teacher and historian in Ukraine, over the calculated destruction of priceless and irreplaceable Ukrainian works of art.

Last month, the Associated Press reported that Moroz, about 35, had been tried near Lviv, near the Polish border, and sentenced to nine years in a prison camp on charges of writing anti-Soviet "propaganda." The particular document that he authored, entitled "A Chronicle of Resistance in Ukraine," is one of his pamphlets used in evidence against him. Moroz already has served a six-year prison sentence on an identical charge.

DELIBERATE DESTRUCTION

Moroz's 14-page account, which is being distributed by the Ukrainian Information Service Smoloskyp (P.O. Box 6066, Patterson Station, Baltimore, Md., 21231), describes how the destruction of Ukrainian cultural and religious symbols is deliberately plotted and carried out for political reasons by the KGB or Communist secret police.

By the destruction of Ukrainian culture, Russian Communists seek to destroy forever the potential for building a Ukrainian nation. About 30 million Ukrainians reside in the territory of the Ukrainian Soviet Socialist Republic. Like other nationalities in the USSR, they are a breeding ground for dissent that the Kremlin must consider in pursuing its aggressive foreign policy. (In 1918, Ukraine enjoyed a brief period as an independent Republic incorporated again into the Russian empire).

In his account, Moroz tells how in 1969 the works of Michael Boychuk, a Ukrainian painter who died in a Russian concentration camp, were burned under the orders of Vasyl Lyubchyk, a Communist official who was in charge of cultural monuments and libraries in Lviv.

SCULPTURE AND GRAPHIC ART

Moroz charges that in the same year, works burned by Communist authorities from the Lviv Museum included those of Alexander Archipenko, a Ukranian-American sculptor known for abstract figures and Yury Narbut, a graphic artist. Narbut's works were banned in Soviet Ukraine during Stalin's time and later rehabilitated. Now, in this era of a supposed "thaw," we have witnessed their actual physical destruction.

Moroz's account of the destruction of Ukrainian art treasures reveal the thoroughness with which this is being undertaken. He writes:

"The Lviv Museum of Ukrainian Art organized a special section of 'ideologically harmful' art (virtually a death chamber) . . . composed of Ukrainian classics."

Moroz relates how Lyubchyk received orders to prepare lists of the art to be destroyed. A government commission reviewed these lists. Not only were the century-old Ukrainian graphics in the Lviv Museum ordered destroyed by fire last year but more recently, the libraries in Kiev, Kartu, Ashkhabad and Samarkand also were burned down by government decree.

FEMALE DECIMATOR

Lyubchyk, Moroz says, has a feminine counterpart known simply as "Lituyeva." As former curator of the Stanislaviv Regional Museum, "Lituyeva" carried out her role as "cultural decimator." Beginning in 1953, she destroyed such unique art objects as those by the famous Ukrainian potter, Alexander Bakhmetyuk, and the works of Yuri Shkrblyak and his sons, Vasyl and Mykola, engravers from the Carpathian region.

According to Moroz, former KGB officials, identified as Atamanyuk and his successor, Derevyanko, were given responsibilities in the Ivano-Frankivsk region in Ukraine for religious matters—meaning for the destruction of synogogs, churches and crosses. Last year, he relates, a wooden crucifix dating back to the 15th Century was thrown from a height of eight meters during an aeronautical construction project in Zhydachiv, in the Lviv region.

The KGB also is paying bands of young Communist "activists" 25 karbovantsi (about $25) to destroy the remaining crosses which can be found at crossroads in Western Ukraine. These are known as "crosses of freedom" because they were erected at the time when serfdom was abolished.

AGREEMENT IN UNESCO

Ironically, during the second session of the UNESCO's General Assembly, the Ukrainian Communist delegation supported the "basic agreement of mutual recognition of art valuables." Western delegates to UNESCO now have the opportunity to bring up the question of how the burning of libraries, art works and crosses in Ukraine violates that agreement.

Three Decades of UCCA: 1940–70

FOUNDING OF UCCA

In this year of 1970 the Ukrainian Congress Committee of America (UCCA), a nationwide organization of over 2,000,000 Americans of Ukrainian descent, is completing three decades of a fruitful and dynamic existence.

The UCCA was founded on May 24, 1940 in Washington, D.C., when 805 delegates from 168 localities, representing 2,000 Ukrainian organizations, decided to form a permanent body of Americans of Ukrainian origin which would seek a unified effort on behalf of the captive Ukrainian nation.

In one of its Resolutions, the newly-founded UCCA stated·

"We again declare to America and to the whole world that Ukraine wants to be, can be, and must be an independent state; that recognition of its rights to self-determination and independence on an equal footing with other peoples is in the interest of its people and in the interest of peace in Europe . . ."

The UCCA supported fully the United States in its war efforts against the Axis Powers and pledged its unswerving dedication to the principles of the American way of life and the republican form of government.

BRIEF HISTORY OF UCCA

First Congress of UCCA: Was held on May 24, 1940 in Washington, D.C., which gave birth to the UCCA. Nicholas Murashko, then president of the Ukrainian National Association, was elected first president of the UCCA.

Second Congress of UCCA: On January 22, 1944, 230 delegates gathered in Philadelphia, Pa. for the Second Congress. It approved a Ukrainian American war bond drive, authorized the establishment of the United Ukrainian American Relief Committee (UUARC), instituted The Ukrainian Quarterly, and decided to send a delegation to the conference of the United Nations in San Francisco, which was to be held immediately after the war. Stephen Shumeyko was elected president of the UCCA.

Third Congress of UCCA: On May 31, and June 1, 1946, the Third Congress was held in Washington, D.C. with 322 delegates attending. The Congress adopted the By-Laws of the UCCA and authorized its reelected president, Stephen Shumeyko, to go to Paris and present a memorandum on the plight of Ukraine to the Peace Conference.

Fourth Congress of UCCA: Was held on November 5 and 6, 1949 in Washington, D.C. at which 308 delegates took part, among them many newly-arrived Ukrainian refugees and displaced persons. One of the most important features of the Congress was the establishment of the *Ukrainian National Fund* (UNF) which became the financial basis of all UCCA activities and operations. *Dr. Lev E. Dobriansky,* professor of economics at Georgetown University, was elected president of the UCCA.

President Truman's message to the UCCA

On November 2, 1949, President *Harry S. Truman* sent a message to the Fourth Congress of the UCCA, which stated:

"The fourth national gathering of leaders of various groups from all American citizens of Ukrainian origin offers a suitable occasion to congratulate you and the men and women you represent upon your fine contributions to American life.

"You are to be commended for your interest in and participation in our democracy and also for your interest in and efforts to aid your kinsmen overseas who are not able to enjoy the benefits of a society which we in the United States are fortunate to enjoy . . ."

Fifth Congress of UCCA: On July 4, 5 and 6, 1952 the Fifth Congress was held in New York City, in which 799 delegates, representing 599 organizations, took part. *The New York Times,* in its editorial on July 4, 1952 praised the UCCA, *"for those of Ukrainian origin in this country have played a proud and useful role among the many peoples whose blending has made our country great . . ."* A special consolidation platform was adopted in order to draw the remaining Ukrainian organizations into the fold of the UCCA. The Hon. *Oscar L. Chapman,* Secretary of the Interior, was the principal speaker at the banquet. *Dr. Lev E. Dobriansky* was reelected president of the UCCA.

Sixth Congress of UCCA: Was held on May 28, 29 and 30, 1955 in New York City, with 430 delegates and 35 members of the UCCA Board of Directors attending. *Dr. Lev E. Dobriansky* and *Dmytro Halychyn* were elected chairman and president of the UCCA, respectively.

President Eisenhower's message to the UCCA

On the occasion of the 40th anniversary of Ukraine's independence, President *Dwight D. Eisenhower,* on January 19, 1958, sent a telegram to the UCCA, which read:

"To Members and Guests of the Ukrainian Congress Committee of America, I send greetings.

"The Ukrainians who have emigrated to this country have brought with them cultural and spiritual values which have contributed much to the American heritage. Holding in common the right of all peoples to determine freely their own form of government, we share a basic concern for the privileges and responsibilities of freedom . . ."

Seventh Congress of UCCA: Was held on February 21, 22 and 23, 1959 in Washington, D.C., with 331 delegates attending. Vice President *Richard M. Nixon,* Secretary of State *Christian Herter,* and former President *Harry S. Truman* sent messages. *Dr. Lev E. Dobriansky* and *Dmytro Halychyn* were reelected chairman and president of the UCCA, respectively.

Eighth Congress of UCCA: Was held on October 12, 13 and 14, 1962 in New York City, with 339 delegates attending. At this Congress it was decided that individual contributors to the UNF would be entitled to send their delegates to the UCCA Congress, along with delegates from member-organizations. *Dr. Lev E. Dobriansky* was elected president of the UCCA.

President Kennedy's message to the UCCA

On October 12, 1962 President *John F. Kennedy,* in a telegram to the Eighth Congress of the UCCA, stated:

"It is both natural and desirable that, while entering wholeheartedly into their responsibilities as members of the American community, those of our citizens who share a proud common heritage should voluntarily join together in free association to honor that heritage and to advance shared interests. It would be surprising and also contrary to American traditions if our citizens of Ukrainian descent failed to retain interest in their former homelands or to show concern for the fate and future of Ukrainians there . . . In accord with such sentiments and expressing the will of the American people, the United States Government strongly supports the just aspirations and rights of all peoples to national independence, governments of their own choosing and the employment of fundamental rights and freedom . . ."

Ninth Congress of UCCA: Was held on October 7, 8 and 9, 1966 in New York City, with 517 delegates attending. For the first time delegates chosen from contributors to the UNF took part in the Congress. Five of 58 central organizations abstained from taking part in the Congress, but remained in the system of the UCCA. The gathering received greetings from His Eminence Joseph Cardinal Slipy, Archbishop-Mayor of the Ukrainian Catholic Church. Dr. Lev E. Dobriansky was re-elected president of the UCCA.

President Johnson greets Ukrainian American community

On May 22, 1965, President Lyndon B. Johnson, in a congratulatory telegram on the completion of the Shevchenko Monument in Washington, D.C., stated:

"May thousands who will look upon this monument to Taras Shevchenko be ever reminded of his dedication to the ideas of human rights and the equality of mankind. May they be reminded, too, that this is a cause which has not yet been fully won as long as there are still bonds of servitude which keep men from enjoying their rights and their liberties anywhere in the world . . ."

Tenth Congress of UCCA: Held on October 24, 25 and 26, 1969 in New York City, drew 510 delegates from 1,200 societies, clubs and organizations, and was dedicated to the late Prof. Roman Smal-Stocki, outstanding Ukrainian scholar and statesman. The work of the Congress itself was carried out by convention committees. At the banquet the principal speaker was the Hon. John H. Chafee, Secretary of the Navy, who read a message from President Richard M. Nixon. Dr. Lev E. Dobriansky was reelected president of the UCCA for the seventh consecutive term.

President Nixon's message to the UCCA

Dated October 16, 1969, the message of President Richard M. Nixon to the UCCA, read:

"My warm greetings to all who are taking part in the Tenth Triennial Congress of Americans of Ukrainian Ancestry.

"In a nation whose greatness is derived in large measure from its diversity, you have played a most constructive and meaningful role.

"Your rich culture, customs and patriotic spirit have been matched only by your industry and willingness to serve the public good.

"As President, I am deeply grateful for the support and encouragement I derive from within your ranks. And I welcome your assistance in the years ahead as we seek together to build the kind of society—and world—in which we have committed our hearts as well as our minds and hands . . ."

PRINCIPAL UCCA OFFICERS DURING THREE DECADES

Presidents: Nicholas Murashko (1940–44) (†); Stephen Shumeyko (1944–49) (†); Dr. Lev E. Dobriansky (1949–70).

Executive Vice Presidents: Dmytro Halychyn (†) and President (1955–1961), Joseph Lesawyer.

Vice Presidents: Anthony Batiuk, Stephania Bodnarchuk, V.R. Msgr. Myroslaw Charyna, Anna Cherniavsky, Philip Demian, Michael Dutkevich, Lev Futala, Dr. Walter Gallan, Helen F. Lototsky, Volodymyr Masur, Theodore Mynyk, John Panchuk, Esq., Stephania Pushkar, Dr. Volodymyr Pushkar, Eugene Rohach, Vasyl Shabatura, Olena Stogryn (†), and Prof. Michael Vetukhiv (†).

Secretaries: Anthony Curkovsky (†), Stephen Kurlak, Eva Piddubchyshyn, Theodore Mynyk, Ignatius M. Billinsky, Dr. Matthew Stachiw, Dr. Mykola Cenko, and Stephen Sprynsky.

Treasurers: Stepan Korpan, Michael Piznak, Esq., Joseph Lesawyer, Dr. Jaroslaw Padoch, and Peter Pucilo.

Executive Director: Stephen J. Jarema, Esq.

General Counsels: Michael Piznak, Esq. and John H. Roberts, Esq.

Editors: The Ukrainian Quarterly: Dr. Nicholas D. Chubaty (1944–1957); Dr. Walter Dushnyck (1957–).

The Ukrainian Bulletin: Dr. Walter Dushnyck (1948–1970); Roman Olesnicki, Esq. (interim: 1954–1955).

Auditing Committee (Chairmen): Vasyl Shabatura, Roman Slobodian, Dr. Roman Huhlewych, and John Wynnyk.

Office Managers: Julian Revay, Vasyl Mudry (†), and Ivan Bazarko.

Staff Members: Vera A. Dowhan, Secretary, Washington Bureau of UCCA, Volodymyr Hirniak (†), Dr. Volodymyr Kalyna (†), Theodore Kachaluba, Dr. Roman Klufas, Eleanor Kulchytsky, Roman Olesnicki, Esq., Andrew Lastowecky, Dr. Ivanna Mirchuk-Ratych, Victor Paclawsky (†), Victor Prychodko, Peter Sahaidachny, Dr. Vincent Shandor, George Tamarsky, and Maria Zuk.

PRESENT EXECUTIVE BOARD OF UCCA

President: Prof. Lev. E. Dobriansky, Georgetown Univ., Washington, D.C.

Executive Vice President: Joseph Lesawyer, Jersey City, N.J.

Vice President: Anthony Batiuk, Scranton, Pa.

Very Rev. Msgr. M. Charyna, Philadelphia, Pa.

Lev Futala, Yonkers, N.Y.

Stephania Pushkar, Philadelphia, Pa.

Secretaries: Ignatius M. Billinsky, Philadephia, Pa.

Stephen Sprynsky, Philadelphia, Pa.

Treasurer: Peter Pucilo, Jersey City, N.J.

Administrative Director: Ivan Bazarko, New, York, N.Y.

General Counsel: John H. Roberts, Esq., New York, N.Y.

Youth Coordinator: Mykola Semanyshyn, Irvington, N.J.

Editor: Dr. Walter Dushnyck, New York, N.Y.

Members: Prof. Bohdan T. Hnatiuk, Philadelphia, Pa.

Dr. Bohdan Kowal, New York, N.Y.

Dr. Walter Gallan, Philadelphia, Pa.

Theodore Mynyk, Scranton, Pa.

Volodymyr Masur, Pittsburgh, Pa.

Dr. Matthew Stachiw, Scranton, Pa.

William Dubetz, New York, N.Y.

Bohdan Shebunchak, M.D., Bloomfield, N.J.

Petro Samojliw, New York, N.Y.

Ewhen Lozynskj, New York, N.Y.

Prof. Petro J. Stercho, Narberth, Pa.

Leonid Pacholuk, New York, N.Y.

John Chomko, Passaic, N.J.

Dementij Melnyk, New York, N.Y.

Dr. Edward Zarsky, New York, N.Y.

Andrij Chornodolskyj, Baltimore, Md.

Omelan Pleszkewycz, Chicago, Ill.

Staff Administrator: Ivan Bazarko, New York, N.Y.

HIGHLIGHTS OF UCCA ACTIVITIES IN THREE DECADES

First Decade—1940–50:

The most outstanding activities of the UCCA in the first decade of its existence are summarized briefly below:

Reactivization of the UCCA during World War II (1944);

Founding of The Ukrainian Quarterly (1944);

Establishment of the United Ukranian American Relief Committee (UUARC) in 1944;

UCCA delegation to the U.N. Conference in San Francisco in 1945 (Stephen Shumeyko, Prof. Alexander A. Granovsky and Bohdan Katamay);

UCCA delegate at the Peace Conference in Paris in 1946 (Stephen Shumeyko);

UCCA helped in establishment of Pan-American Ukrainian Conference (PAUC) in 1947;

Founding of The Ukrainian Bulletin (1948);

Campaign for the enactment of the Displaced Persons Act (1948);

Campaign for the establishment of the Ukrainian Section of the "Voice of America";

Establishment of the Ukrainian National Fund (UNF) in 1949.

Second Decade—1950–60:

Establishment of UCCA Office and administrative staff in 1950, and network of UCCA branches throughout the United States;

UCCA efforts for ratification of the Genocide Convention by the U.S. Government (1951);

UCCA participation in U.S. psychological warfare program; UCCA Mission to Europe: Lev E. Dobriansky, Dmytro Halychyn, Walter Dushnyck and Stephen J. Jarema (1952–1953);

UCCA witnesses before the Kersten Committee on Communist Aggression, in Washington (1954);

UCCA participation in American political party conventions: Democratic Party (Stephen J. Jaremo, Walter Dushnyck and Joseph Lesawyer) and Republican Party (Lev E. Dobriansky, Dmytro Halychyn, Michael Piznak, John Duzhansky and Walter T. Darmopray in 1952, 1956 and 1960 (and also in 1964 and 1968);

UCCA arranged annual observances of Ukrainian Independence anniversaries in the U.S. Congress;

UCCA delegate (Walter Dushnyck) to the Preparatory Conference for the World Anti-Communist Congress in Mexico City, in March, 1958;

UCCA hearings in U.S. Congress (Dr. Lev E. Dobriansky, Prof. Roman Smal-Stocki), and several other leaders (The Crimes of Khrushchev, Part II, in 1959);

UCCA participants at Colgate University Foreign Policy Conferences (Dr. Lev E. Dobriansky, Dr. Vincent Skandor and Walter Dushnyck);

UCCA campaign for "Captive Nations Week Resolution" which, authored by UCCA President Lev E. Dobriansky, was enacted by the U.S. Congress on July 17, 1959 (Public Law 86–90);

UCCA directed nationwide protests against the visit of Nikita S. Khrushchev to the United Nations in New York in 1959.

Third Decade—1960–70:

Mass protests and demonstrations by UCCA against Khrushchev's second visit to the United States (1960);

UCCA secured recognition of Ukraine and the Ukranian language in the U.S. Population Census;

UCCA sponsored U.S. Congressional Resolution on Shevchenko Statue (Public Law 86–749), enacted on September 13, 1960;

Establishment of the "Shevchenko Memorial Committee of America" and the "Shevchenko Freedom Award"; in a decade 54 awards were presented to various Ukrainian and American leaders, including former Presidents Harry S. Truman and Dwight D. Eisenhower.

Ground-breaking ceremonies at the Shevchenko Monument site on September 21, 1963 in Washington, D.C.;

Unveiling of the Shevchenko Monument on June 27, 1964 in Washington, D.C., in which ceremony over 100,000 persons took part, and at which former President Dwight D. Eisenhower was principal speaker;

UCCA Resolution in support of the Ukrainian Catholic Patriarchate (1964):

Editor of UCCA publications, W. Dushnyck was accredited correspondent at Ecumenical Council in Rome (1963 and 1964);

The UCCA sponsored a "Festival of Ukrainian Dance and Music" at the New York's World Fair in 1964 and 1965; at the 1964 program there was also a fashion show of historical Ukrainian women's folk costumes;

Annual participation of UCCA President Lev E. Dobriansky in the Asian Peoples' Anti-Communist League conferences in Taipei, Manila, Seoul, Saigon, Tokyo and Bangkok;

Active UCCA participation in All-American Conference to Combat Communism, Conference of Americans of Central and Eastern European Decent (CACEED), and American Committee for the Liberation of the Non-Russian Peoples of the USSR;

His Eminence Joseph Cardinal Slipy, Archbishop-Major of the Ukrainian Catholic Church, Metropolitan John Theodorovich of the Ukrainian Orthodox Church in the U.S.A. and Metropolitan Ambrose Senyshym of the Ukrainian Catholic Church in the United States, greeted the IXth Congress of the UCCA, which met in the fall of 1966 in New York;

UCCA contribution to establishment of the World Congress of Free Ukrainians (WCFU) and its General Secretariat, in November, 1967 in New York; members of the Presidium for 1970–72 are Joseph Lesawyer—president; Ignatius M. Billinsky—secretary general; Dr. Bohdan Hnatiuk—treasurer; and Dr. Matthew Stachiw, Julian Revay and Archbishop Mstyslav Skrypnyk—members of the Secretariat;

UCCA-led protests against arrests and trials of Ukrainian intellectuals by the Communist regime in Ukraine; participation of UCC delegate Dr. Walter Dushnyck at the U.N. International Conference on Human Rights, held in April–May, 1968 in Teheran, Iran;

UCCA welcomed warmly His Eminence Joseph Cardinal Slipy during his triumphant visit in the United States in July and August, 1968;

UCCA protest against renewed persecution of Ukrainian Catholic Church as revealed by arrest and trial of Archbishop Vasyl Welychkovsky and many priests in Ukraine in 1969; protest sent to U.N. Secretary General U Thant:

UCCA delegation at audience with His Eminence Maximilian Cardinal de Furstenberg, Prefect of the Sacred Congregation for the Eastern Churches, during which a memorandum to the Holy Father was submitted in support of a Ukrainian Catholic Patriarchate;

UCC supported relief campaign for Ukrainian victims of earthquake in Banja Luka, Yugoslavia in 1969; visit to Yugoslavia by UCCA officers, J. Lesawyer, UCCA executive vice-president, and Dr. Walter Gallan, executive board member.

UCCA PUBLICATIONS

(a) Regular Publications:

In this era of mass communication media, UCCA publications play a vital and important part in making the Ukrainian problem known throughout the world.

The Ukrainian Quarterly, founded in 1944, has served as an important medium of UCCA enlightenment and educational policies and information. By December 1969, the 25th anniversary of The Ukrainian Quarterly, a total of 98 issues had appeared with an impressive number of 224,000 copies. It reaches hundreds of the most important libraries, government and newspaper offices, universities and scientific institutions in the United States and Canada, and 62 other countries, including several behind the Iron Curtain. The greatest compliment paid the UCCA journal came from the organ of the Czechoslovak Academy of Sciences (Slovansky Prehled, No. 3, 1966), which listed the UCCA and The Ukrainian Quarterly among 12 top American "Kremlinologist" centers.

The Ukrainian Bulletin, founded in 1948 (which was merged with The Ukrainian Quarterly at the beginning of 1970), had been appearing as an organ of the PAUC (1948-1951); from 1951 as the organ of the UCCA. All in all, some 1,615,000 copies have been distributed throughout the world, with unbiased information on Ukraine and the Ukrainian people.

In addition, the UCCA publishes the Congress News (Kongresovi Visti) and UCCA News (Visti UKKA), which have been appearing for the past 20 years as supplements of Svoboda, America, Narodna Volya and the Ukrainian National Word.

(b) Books and Pamphlets:

During its 30 years, the UCCA has published a great number of books, pamphlets and Congressional reprints, which were disseminated throughout the world. Most important among them are:

Ukrainian Resistance; Experience with Russia (Vasyl Hryshko); Ukraine in Foreign Descriptions and Commentaries (Volodymyr Sichynsky); In Quest of Freedom (Walter Dushnyck); Persecution and Destruction of the Ukrainian Church by the Russian Bolsheviks (Gregory Luznycky); The Origins of the Soviet Regime in Ukraine and Ukraine and Russia (Matthew Stachiw); Ukrainians and Jews; Father Agapius Honcharenko: First Ukrainian Priest in America (Theodore Luciw) and others.

Among Congressional reprints the most important are: Communist Takeover and Occupation of Ukraine; The Crime and Khrushchev, Part II; Europe's Freedom Fighter: Taras Shevchenko, 1814-1861; and several Ukrainian Independence Day and Captive Nations Week brochures.

UCCA EDUCATIONAL COUNCIL

The UCCA Educational Council, headed by *Dr. Edward Zarsky*, is one of the very vital sectors of UCCA activities. It has under its jurisdiction *75 Ukrainian schools*, with *495 classes* and *392* teachers.

Over 29,000 pupils receive instruction in the Ukrainian language, history, literature and geography in Ukrainian schools in the U.S.A. The UCCA Educational Council supervises 75 Ukrainian schools with over 5,000 pupils; the Ukrainian Orthodox Church in the U.S.A. operates 38 Ukrainian schools with 1,300 pupils and 43 Sunday schools with 2,000 pupils; the UCCA Educational Council cooperates with the Supreme School Council (*Holovna Shkilna Rada*) of the Ukrainian Orthodox Consistory;

It also cooperates with the Ukrainian Catholic diocesan school authorities which have 20,000 pupils in 30 full-day parochial and 257 Saturday schools and 22 kindergartens;

It publishes textbooks, embracing over 30 titles with a total of *150,000 copies*. These textbooks are used by Ukrainians in several countries.

It trains qualified teachers in a number of pedagogical institutes in New York, Detroit, Philadelphia, Cleveland and Chicago.

UCCA YOUTH DEPARTMENT

The UCCA Youth Department, headed by coordinator *Mykola Semanyshyn*, has the following objectives:

To coordinate common activities of youth organizations within the system of the UCCA;

To initiate its own general programs;

To provide forums for the exchange of views and seek solutions of common problems, and to make contact and maintain friendly relationship with other organizations;

To serve as a link between the UCCA Executive Board and youth organizations.

The UCCA Youth Coordinator operates through the Conference of Youth Organizations, consisting of the following members: Ukrainian Scouts Association (PLAST), Ukrainian Youth Association of America (SUMA), Federation of Ukrainian Student Associations of America (SUSTA), League of Ukrainian Orthodox Youth, League of Ukrainian Catholic Youth, Ukrainian Youth League of North America (UYL-NA), Association of Ukrainian Student Youth (TUSM), Academic Association (ZAREVO) and the Union of Ukrainian American Sports Associations (SUAST).

UKRAINIAN NATIONAL FUND

In 1970, the UCCA is also observing the 20th anniversary of the Ukrainian National Fund (UNF), established in 1949 at the Fourth UCCA Congress, but put in effect in 1950.

The UNF is the financial basis of all UCCA activities and operations. From January 1, 1950 to December 31, 1969 the UNF collected a total of $1,708,320.25, which makes an average of $86,000.00 a year, contributed by the Ukrainian community for the UCCA. The average yearly contribution was between $5.00 and $10.00 from a total of 12,000 contributors, which is hardly adequate, to say the least;

On the basis of conservative estimates, the UNF should have at least 100,000 contributors a year, who should donate a minimum of $1,000,000 per year. In comparison with other ethnic groups in the United States, the Ukrainian group is not on a par with them as far as financial contributions are concerned.

On the 30th Anniversary of the UCCA and the 20th Anniversary of the UNF, the UCCA is striving to increase the number of its contributors who would insure the financial basis of the UCCA so that it could operate more effectively and attain its objectives;

If there are over 2 million Americans of Ukrainian descent in the United States, there must be found at least 100,000 of them who understand and support the objectives of the UCCA.

UCCA BRANCHES

The UCCA is carrying out its objectives through close cooperation with its branches and member organizations. In 1955 there were a total of 134 UCCA Branches; at the 10th Congress of the UCCA in 1969, the UCCA had 59 national or central organizations, and 93 UCCA Branches.

The UCCA Branch is a pivotal unit of the UCCA. It implements all decisions of the UCCA, such as observances of "Ukrainian Independence Day," "Captive Nations Week," contacts U.S. legislators, local press, radio and TV media, and collects funds for the UNF.

UCCA Branches are operating in the following states: Arizona—1; California—2; Colorado—1; Connecticut—9; Delaware—1; District of Columbia—1; Illinois—1; Indiana—3; Kansas—1; Maryland—1; Massachusetts—2; Michigan—3; Minnesota—1; Missouri—1; Nebraska—2; New Hampshire—1; New Jersey—12; New York—19; North Dakota—1; Ohio—7; Oregon—1; Pennsylvania—17; Rhode Island—2; Texas—1; Utah—1; and Wisconsin—1.

Not all UCCA Branches are effective and responsive. Some of them, however, are known for specific activities.

The UCCA Branches in New Haven, Conn. (president *Dr. Michael Snihurovych*) and in North Dakota (president *Dr. Anthony Zukowsky*) maintain excellent contacts with American press, radio and TV media. UCCA Branches in New York (president *Dr. Roman Huhlewych*, and fund collectors *Stephen Chuma* and *E. Manatsky*), Philadelphia (president *Dr. Ivan Skalchuk* and fund collector *T. Teshchuk*), in Newark (president *Yaroslav Rak*, fund collector *M. Kornylo*) and in Detroit-East and Hamtramck (president *Walter Tustaniwsky* and fund collector *A. Kobylansky*) *are best known for their* effective fund-raising. UCCA Branches in Lorain, Ohio (president *Prof. A. Karmazyn* and fund collectors *B. Kraichyk* and *S. Shuya*) and in Willimantic, Conn. (president *M. Tymkiw* and fund collector *V. Holovach*) succeeded in embracing the entire Ukrainian community into the system of the UNF. The League of Americans of Ukrainian Descent in Chicago, a branch of the UCCA (president *Taras Shpikula*, fund collector *Volodymyr Nychay*) contributes to the best organized "Captive Nations Week" observance each year. The President of the UCCA Branch in Minneapolis, Minn., *Prof. Alexander A. Granovsky*, is one of the outstanding Ukrainian political and cultural leaders in the United States.

These are only a few examples, but there are many other UCCA branches which are very active and effective, but it is impossible to enumerate them all, for lack of space.

HOW CAN YON HELP THE UCCA?

Any American of Ukrainian background who shares the political and educational objectives of the UCCA, could become a UCCA member by:

Being a regular contributor to the UNF by donating *at least $15.00* each year;

Taking part in all UCCA activities, on the local and national levels;

Subscribing to its publications;

Responding to all its appeals and supporting its activities for the beenfit of the captive Ukrainian people and the preservation of the United States as a free and independent nation.

VOICE FROM BEHIND THE IRON CURTAIN

The UCCA and *The Ukrainian Quarterly* were listed among 12 top American universities and institutes engaged in serious studies on the Soviet Union, by the official journal of the Czechoslovak Academy of Sciences in Prague. The article, written by *Emil Sip*, titled "American 'Kremlinologists,' Their Activities and Institutes," appeared in the No. 3, 1966 issue of *Slovansky Prehled* (The Slavic Review), published by the Czechoslovak Academy of Sciences in Prague.

Other U.S. universities and institutes mentioned are the Russian Institutes at Columbia and Harvard, the Hoover Institution, the M.I.T., the RAND R & D Organization, and special research institutes at the Universities of Pennsylvania, George Washington, and Berkeley, the "Free Europe" Committee and the Council on Foreign Relations. The article stated:

"We are concerned with the serious publications, the result of scientific work at universities and scientific institutes, produced by groups and individuals . . . [This] serious scientific work is based on the collection and study of the greatest amount of available facts, which are credible and which endeavor to arrive at the most reliable and objective conclusions . . ."

In 1962 the Ukrainian Congress Committee of America and the Shevchenko Memorial Committee of America established the "Shevchenko Freedom Award" to be presented to those outstanding Americans, Americans of Ukrainian descent, and others in recognition of their distinguished service to the cause of Ukrainian freedom and that of the captive nations in general. The first recipients were presented the award during the VIIIth Congress of Americans of Ukrainian descent, held in the fall of 1962, and others during the ground-breaking ceremonies and the unveiling of the Shevchenko statue in Washington, D.C. In 1963 and 1964, respectively, and subsequently during observances of Ukraine's independence anniversaries on January 22, during the World Congress of Free Ukrainians in 1967, finally, during the IXth and Xth Congresses of Americans of Ukrainian Descent, held in 1966 and 1969.

Thus far 55 distinguished individuals, including two U.S. Presidents and a head of foreign state, received this historical award. They are, in alphabetical order, as follows:

The late Hon. Alvin M. Bentley; Prof. Anthony T. Bouscaren; Ignatius M. Billinsky; Rev. Dr. Bernard Braskamp; the Hon. William G. Bray; the Hon. John H. Buchanan; Generalissimo Chiank Kai-shek, President of the Republic of China; the Hon. John H. Dempsey; the Hon. Edward J. Derwinski; the Right Hon. John G. Deifenbaker, former Prime Minister of Canada; the late Hon. Everett M. Dirksen; Prof. Lev E. Dobriansky; the Hon. Thomas J. Dodd; the Hon. Peter N. Dominick; the Hon. Thaddeus J. Dulski; Dr. Walter Dushnyck; the late John Duzansky; the late Gen. Dwight D. Eisenhower, President of the United States; the Hon. Leonard Farbstein; Hon. Michael A. Feighan; the Hon. Daniel J. Flood; the Hon. Gerald R. Ford; Dr. Walter Gallan; Prof. Alexander A. Granovsky; the late Dmytro Halychyn; Rev. Dr. Frederick B. Harris; the Hon. Hubert H. Humphrey, former Vice President of the United States; the Hon. Jacob K. Javits; the Hon. Paul Jones; the Hon. Kenneth B. Keating; the Hon. Edna F. Kelly; the Hon. Charles J. Kersten; the Hon. John Lesinski; Joseph Lesawyer; Robert J. Lewis; Rev. Edward J. Latch; Helen F. Lototsky; the Hon. Ray J. Madden; Prof. Clarence A. Manning; the Hon. John W. McCormack; Dr. Edward M. O'Connor; the late Hon. Barratt O'Hara; Prof. Michael S. Pap; the Hon. William Proxmire; the late Dr. Volodymyr Radzykevych; Julian I. Revay; the Hon. Howland H. Sargeant; the Hon. Hugh Scott; the late Prof. Roman Smal-Stocki; Dr. Matthew Stachiw; Rev. Clarence W. Stangohr; the Hon. Samuel S. Stratton; Prof. Augustine Shtefan; the Hon. Harry S. Truman, former President of the United States, and the Hon. Milton R. Young.

The design of all individual award plaques as well as this tableau was prepared by Dr. Roman S. Holiat of New York.

SIGNIFICANCE OF UCCA

The UCCA, as a nationwide representative organization of Americans of Ukrainian descent, is a symbol of unity for Ukrainians in other countries and a beacon of hope and expectation for Ukrainians in the captive land.

It embraces over 1,000 Ukrainian organizations, such as fraternal benefit lodges, women's, students, youth, veteran associations, scientific and cultural associations, as well as sports, and other social groups and organizations.

Its uncompromising anti-Communist stance is a sharp thorn in the Soviet side, evoking charges that the UCCA is a "tool of Wall Street and American imperialists."

In the fall of 1969 a scathing pamphlet, titled "In the Backyards of History," published in Kiex, assailed the UCCA as a center of Ukrainian bourgeois nationalists in the United States" and condemned all UCCA activities as the "products and inspiration of U.S. intelligence sources."

For 30 years the UCCA has stood firmly in defense of the Ukrainian people and defended their rights to freedom and independence.

Its further success will depend largely on your support and generosity, and your unwavering belief that the UCCA will continue to play an important role in the preservation of freedom in America and in regaining freedom and independence for captive Ukraine.

H. RES. 102

Whereas on the all-important issue of colonialism the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamation designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas the nationwide observances in the nine anniversaries of Captive Nations Week have clearly demonstrated the enthusiastic response of major sections of our society to this Presidential call; and

Whereas following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of an interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the new famous U–2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas in pursuit of a diplomacy of truth we cannot for long avoid bring into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas in the implementing spirit of our own congressional Captive Nations Week resolution and the eight Presidential proclamations it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all of the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a nonpermanent committee which shall be knowns as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1969.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The committee shall enjoy a nonstanding status, performing its duties in the course of the Ninety-first Congress and subject to renewal only as determined by needs in the completion of its work and further purposes of the House of Representatives.

THE UKRAINIAN QUARTERLY, 1971

(U.S. Foreign Policy for the 1970's. A New Strategy for Peace. A Report to the Congress by Richard Nixon, President of the United States. The White House, 1970, pp. 160.)

This extensive report on U.S. foreign policy has been cast in book form and is must reading by all who are concerned with the security of our Nation. The report was originally submitted to the Congress in February 1970. It was the first of its kind by the President of our country. Now it circulates as a book. Although many questions remain after a careful reading of it, it cannot, however, be said that the chief directions and main principles of the Nixon Administration's foreign policy aren't clearly spelled out. Moreover, if some harbor any doubt about the most fundamental principles underlying our foreign policy, their enunciation in this couldn't be more unequivocally stated.

Since the publication of *Khrushchev Remembers* many observers and analysts have seized upon the theme of Moscow's influence on U.S. election results. Khrushchev boasted about the Kremlin's influencing the election of President Kennedy at the beginning of the 60's. Now much speculation and talk is centered on Moscow's attitude toward President Nixon. Analysts seem to agree that the Kremlin would enjoy a Nixon defeat in '72 so to be able to pursue more liberally its designs in the Middle East, Asia and Latin America. There can be little doubt that the Kremlin strategists have examined meticulously the passages of this work.

Quite a number of issues raised in the book are subject to controversy and debate. It may be that the preparation of this report in the White House, rather than the scotched one done in the Department of State, was attuned to the general character of the Congress, particularly on the Senate side. Too many compromising points are raised on subjects that deserve a more decisive and accurate statement. For example, in context, we are told, "Then, we were confronted by a monolithic Communist world. Today, the nature of that world has changed—the power of individual Communist nations has grown, but international Communist unity has been shattered. Once a unified bloc, its solidarity has been broken by the powerful forces of nationalism" (pp. 2–3). Now, in terms of historical accuracy, this is plainly a myth. In point of fact, there was never "a monolithic Communist world," even within the Soviet Union itself; the forces of nationalism were powerfully at work in the USSR since the 20's; and, objectively, there is no such thing as an individual Communist nation. A captive people under an imposed Red regime isn't suddenly transformed into a Communist nation. Furthermore, to immediately refer to the "Soviet Union and Communist China" after this quoted statement would indicate that the USSR is concerned as one of the "individual Communist nations," which of course is patent nonsense.

It is points such as these that render this work vulnerable to detailed critical attack. The work can be said to rest on four paramount "N's"—New era, Nato, Nixon doctrine, and Negotiations. If we were to elaborate further on the criticism made above, demonstrating the primacy of imperial Soviet Russian power and the ultimate survival dependence of all the Red regimes, including Peiping, on this power, it would become evident that the so-called "New Era" just appears to be so. From a realistic viewpoint, the basic issues of conflict are the same, the fundamental sources of power are the same, and the dominant drives for world domination on the part of Moscow are the same. To content oneself with the monolith myth is to blind oneself to these basic identities of twenty years ago and now.

Another mythical notion that certainly is not supported by Russian military doctrine is the mutual co-destruction thesis of the nuclear age. In this work it is stated, "There can be no gain and certainly no victory for the power that provokes a thermonuclear exchange. Thus, both sides have recognized a vital mutual interest in halting the dangerous momentum of the nuclear arms race" (p. 3). Obviously, there is no empirical proof for this. Assuming requisites of missile accuracy and the like, damage on both sides might be great, but this in itself doesn't foreclose the prospect of victory as the war shifts from nuclear weapons to conventional and revolutionary ones. Also, a technologic breakthrough in nuclear missilry could produce swift victory either preemptively or by blackmail. In short, the mythical notion of no victory goes back to the Korean War and literally predates the missile race. It has overshadowed the nuclear arms phenomenon as well as Vietnam and our other involvements. It is not the result of arms nuclearity but rather of a progressive deterioration in national will and moral dedication and assertiveness.

In the light of established Russian Cold War tactics, issue can also be taken with bland statements of this order: "The insecurity of nations, out of which so much conflict arises, will be eased, and the habits of moderation and compromise will be nurtured" (p. 5). The notable fact is that in all the critical areas conflict is not the result of the insecurity of nations, but that the latter results from the former, which is essentially and critically fomented by Moscow and Peiping, either directly or via proxies, such as Havana, Hanoi and others.

Other important highlights of the work include Nato, the Nixon doctrine, the national security council system, and area applications of U.S. foreign policy. The President minces no words about the strategic importance of Western Europe when he states that for "the foreseeable future, Europe must be the cornerstone of the structure of a durable peace" (p. 27). The strengthening of NATO is emphasized, and the creation of the Committee on the Challenges of Modern Society is hailed as a new dimension. As for the much-discussed Nixon doctrine, its essence is defined in these terms: "Its central thesis is that the United States will participate in the defense and development of allies and friends, but that America cannot—and will not—conceive *all* the programs, execute *all* the decisions and undertake *all* the defense of the free nations of the world" (p. 6). This low-profile and economical pitch has the merit of inducing others to assume a fair share of the defense burden, but what if another Vietnam emergency arises on other continents, will we abstain to involve ourselves because of the errors of the besieged country? This would be a sure way of extending the already long list of captive nations.

In line with the doctrine it can easily be stated, "Our cooperation with Asian nations will be enhanced as they cooperate with one another and develop regional institutions" (p. 8). But the real question is, "By virtue of the fact that 'We are a Pacific power' (p. 54) and our power far surpasses all others in the aggregate, doesn't positive leadership based on this power call for a catalyst to Pacific solidarity?" As to leadership and the national security council system, the President is correct in saying that "Every view and every alternative must have a fair hearing. Presidential leadership is not the same as ratifying bureaucratic consensus" (p. 18). However, on the subject of the captive non-Russian nations in the USSR, it can be held that no fair hearing has as yet been extended for this vital issue.

Pertinent to the preceding observation, the sections on the USSR and Eastern Europe show the same faulty notions that have characterized our policy in the past. Just a few strictures here. The statement that the "Communist world in particular has had to learn that the spread of Communism may magnify international tensions rather than usher in a period of reconciliation as Marx taught" indicates a complete misreading of Marx, not to mention his total systemic irrelevancy to the current situation, and no appreciation of Soviet Russian imperio-colonialism. Moreover, to imply that the Soviet Union is a country like other countries (pp. 136–137) and that a monolithic national such as "the Soviets" (p. 138) exists, reveals further the groundless conceptions underlying the so-called "pursuit of negotiation and detente." Briefly, the constant reiterations of the desire to negotiate, to pursue peace, and to create a stable world order are politically necessary and discreet, but little is told here about the strategy and tactics of both Moscow and Peiping to undermine these objectives and at the same time to advance their imperialist goals. Quite simply, the people aren't being told the harsh facts of our international life.

The work virtually concludes on this basic note: "The pursuit of peace means building a structure of stability within which the rights of each nation are respected: the rights of national independence, of self-determination, the right to be secure within its own borders and to be free from intimidation" (p. 157). To support this positively requires detailed concern for its negation in the very area that counts in the final analysis, namely the captive non-Russian nations in the USSR itself. This necessary step has yet to be taken by our President. It is not accommodated in this work.

Mr. Speaker, I rise today on behalf of my friend and colleague, the Honorable Daniel Flood, who has asked me, in his absence, to lead my colleagues in our commemoration of the 53d anniversary of Ukrainian independence. I know this is an occasion close to his heart, and I am honored that he has asked me to represent him.

Mr. Speaker, we are here again today to commemorate an anniversary of independence which should certainly be a joyous occasion. Yet, this 53d anniversary of Ukrainian independence will not even be officially recognized in the Ukraine, because that nation is under Soviet occupation and oppression. Therefore, it is up to the free world to see that this anniversary is not forgotten and to dedicate ourselves to the struggle of the Ukrainians to once more see their homeland free.

The Ukrainian Congress Committee of America—UCCA—represents over 2 million Americans of Ukrainian ancestry in this struggle to free the Ukraine. A resolution passed in 1940, when the UCCA was founded, states:

> We again declare to America and to the whole world that Ukraine wants to be, can be, and must be an independent state; that recognition of its rights to self-determination and independence on an equal footing with other peoples is in the interest of its people and in the interest of peace in Europe.

These words to me reflect the struggle of our own nation almost 200 years ago. We know the joys of independence and freedom. In fact, we sometimes take them for granted, because they are so much a part of our daily lives. It is because we know and experience freedom, however, that we should be encouraged to lead the fight for those who would know freedom too.

I am very close to the people of Ukrainian descent in my own Congressional District in New Jersey. All of us present today have been lead in prayer by one of the most distinguished members of this group, my good friend, Bishop Mark. Through these friends I have come to know of the personal struggles which they have endured to enjoy freedom.

Americans of Ukrainian ancestry have contributed much to our own heritage. Yet they have not forgotten those who have remained behind in the Ukraine. This dual role of American citizen and fighter for Ukrainian freedom has been noted and commended by every President since Truman. Dr. Lev. E. Dobriansky of Georgetown University, president of UCCA since 1949, has supplied me with a pamphlet entitled: "Three Decades of UCCA: 1940–1970." I would like at this time to place in the Record quotes from that pamphlet from our last five Presidents so that my colleagues, and all American citizens, will be reminded of the high regard our leaders have had for our citizens of Ukrainian descent and for their cause.

President Truman's message to the UCCA:

> On November 2, 1949, President Harry S. Truman sent a message to the Fourth Congress of the UCCA, which stated:
>
> The fourth national gathering of leaders of various groups from all American citizens of Ukrainian origin offers a suitable occasion to congratulate you and the men and women you represent upon your fine contributions to American life.
>
> You are to be commended for your interest in and participation in our democracy and also for your interest in and efforts to aid your kinsmen overseas who are not able to enjoy the benefits of a society which we in the United States are fortunate to enjoy . . .

President Kennedy's message to the UCCA:

> On October 12, 1962, President John F. Kennedy, in a telegram to the Eighth Congress of the UCCA, stated:
>
> . . . It is both natural and desirable that, while entering wholeheartedly into their re-

> sponsibilities as members of the American community, those of our citizens who share a proud common heritage should voluntarily join together in free association to honor that heritage and to advance shared interests. It would be surprising and also contrary to American traditions if our citizens of Ukrainian descent failed to retain interest in their former homelands or to show concern for the fate and future of Ukranians there . . . In accord with such sentiments and expressing the will of the American people, the United States Government strongly supports the just aspirations and rights of all peoples to national independence, governments of their own choosing and the enjoyment of fundamental rights and freedom . . .

President Eisenhower's message to the UCCA:

> On the occasion of the 40th anniversary of Ukraine's independence, President Dwight D. Eisenhower, on January 19, 1958, sent a telegram to the UCCA, which read:
>
> To Members and Guests of the Ukrainian Congress Committee of America, I send greetings.
>
> The Ukrainians who have emigrated to this country have brought with them cultural and spiritual values which have contributed much to the American heritage. Holding in common the right of all peoples to determine freely their own form of government, we share a basic concern for the privileges and responsibilities of freedom . . .

President Johnson Greets Ukrainian American Community:

> On May 22, 1965, President Lyndon B. Johnson, in a congratulatory telegram on the completion of the Shevchenko Monument in Washington, D.C., stated:
>
> May thousands who will look upon this monument to Taras Shevchenko be ever reminded of his dedication to the ideals of human rights and the equality of mankind. May they be reminded, too, that this is a cause which has not yet been fully won as long as there are still bonds of servitude which keep men from enjoying their rights and their liberties anywhere in the world . . .

President Nixon's message to the UCCA:

> Dated October 16, 1969, the message of President Richard M. Nixon to the UCCA, read:
>
> My warm greetings to all who are taking part in the Tenth Triennial Congress of Americans of Ukrainian Ancestry.
>
> In a nation whose greatness is derived in large measure from its diversity, you have played a most constructive and meaningful role.
>
> Your rich culture, customs and patriotic spirit have been matched only by your industry and willingness to serve the public good.
>
> As President, I am deeply grateful for the support and encouragement I derive from within your ranks. And I welcome your assistance in the years ahead as we seek together to build the kind of society—and world—in which we have committed our hearts as well as our minds and hands . . .

Mr. Speaker and my colleagues, let us go forth today rededicated to the fight for Ukrainian independence and the fight for freedom everywhere. We must win this fight if our own freedom is to survive.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. PATTEN. I am glad to yield to the gentleman from Maryland.

Mr. HOGAN. I should like to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, I am pleased to add my voice to help commemorate the 53d anniversary of the Ukrainian Declaration of Independence.

I am scheduled to make a speech Sunday in my district before the Washington Metropolitan Chapter of the Ukrainian Congress Committee of America.

Whenever I attend a function of this nature, sponsored by the relatives and friends of the thousands of people living in the captive nations, I come away with a deep feeling of gratitude that they are so active and dedicated. If only their enthusiasm and spirit would communicate itself to those Americans who seem so unaware of the plight of the thousands and thousands of people who still live under Communist domination and oppression.

Because of this country's involvement in Southeast Asia, there has been a growing awareness in the last few years on the part of many Americans of the strategic importance of the captive nations with respect to U.S. national security and to the security of the free world. I am, however, still appalled at the many misconceptions which prevail among some Americans about the captive nations concept. Despite the worldwide publicity given to the U.S. Captive Nations Week resolution 10 years ago and the annual reaffirmations of it since, it still remains a mystery why so few in the free world comprehend the concept.

I said here on the House floor during Captive Nations Week last year that it seems very ironical that the free Asian people have come to understand the meaning and significance of the captive nations concept far more perceptively than many of our own people. This awareness on the part of the Asians was most evident to me during my 1969 tour of several Southeast Asian countries. I was impressed with their grasp on this problem while so many Americans, who should espouse freedom and self-determination more than any other people in the world, openly scoff at the sincere warnings of those Americans who have witnessed Communist tyranny firsthand.

The answer to this paradox, of course, lies in the fact that when your very life and existence is directly threatened, as it is in all of free Asia, you view the total struggle more acutely, more sharply, and with greater insight.

I was heartened to read that this difficult lesson was learned by a student group who had just returned to the United States last summer after a vacation-study trip to several East European counties. These young people came back to the United States with sincere gratitude that they were Americans and were able to leave the countries they had just visited without any governmental restrictions about their departure or return. These young people experienced for the first time, and firsthand, what it means to live under Communist rule. They quickly became disenchanted with their contemporaries who espouse the doctrines of Soviet regimes. They returned to our great country, proud to be Americans and to be able to enjoy the freedoms which the American Delaration of Independence accords them.

I fervently hope that the relatives of those living in captive nations will not give up hope for the eventual freedom of their loved ones.

Mr. Speaker, nearly 2 years ago, when I was first elected to the House of Representatives, I was asked to help in whatever way I could to secure the release of an elderly and ill Russian woman who had received a life prison sentence in 1962 for currency speculation. This lady's relatives in Philadelphia and Washington asked for my assistance because they were convinced that she was not guilty of the charges and felt that her case should be reviewed by the Soviet Presidium. Her husband was given a death sentence on the same charge and was executed. She had also, many years before, lost her two young daughters in the Nazi terror.

I became interested in the case and initiated action with the Soviet Embassy here in Washington, with the State Department, with the Lithuanian Presidium, and, indeed, even with Premier Kosygin of the Supreme Soviet. Our attempts in her behalf were, at first, barely heeded by the Soviet authorities, and later received only a cursory acknowledgment. But today I was informed that the Soviet Union had, at long last, released this poor woman from her prison cell in Russia. Let us hope and pray that this humanitarian attitude will accelerate.

When Bishop Mark Hundiak prayed at the opening of this session today:

> On this day of the fifty-third anniversary of the proclamation of Independence of the Ukrainian National Republic, we offer to you, our Merciful Father, humble and fervent prayers for the Ukrainian people and all captive nations enslaved by the godless and cruel Red regime. Sustain them, Good God, in their aspirations and struggles for liberty and independence.

I, too, prayed that the Ukrainian-Americans in this country would not give up hope: that they would not lose faith but will continue their efforts to bring the plight of these poor people to the forefront of the public eye. I hope that the case I just mentioned will bolster their resolve and give them the needed inspiration not to give up the struggle.

Mr. GERALD R. FORD. Mr. Speaker, I am proud to join with my colleagues in observing the 53d anniversary of Ukrainian independence—the day when Ukrainians declared themselves a free people only to be subsequently taken over by Bolshevik invaders.

The burden of the totalitarian rule imposed on the freedom-loving Ukrainian people weighs heavily on the spirits of all of us who cherish liberty. Our hearts go out to those Ukrainians who vigorously protest that the government forced upon them by the Communists is simply an administrative arm of the Soviet Union and not their government.

The spirit of liberty and truth lives on in the Ukraine, and it is this which gives us hope that this people and the other captive peoples behind the Iron Curtain will some day again be free.

Americans must never forget the nations which live under the hand of the dictator. We must do everything within our power to see that the fires of liberty are never extinguished in these suffering lands.

I personally marvel at the determination of freedom-loving Ukrainians, their fervent resolve to stand up to the iron fist of dictatorship. For their dedication to truth and freedom, I salute them. I share with them the hope that one day they will cast off their bondage and regain the independence which is rightly theirs.

Mr. COLLIER. Mr. Speaker, I thank my distinguished colleague. Before beginning my remarks, I want to commend him and the able gentleman from Pennsylvania for arranging this observance of Ukraine's independence.

On January 22, 1918, while World War I still raged, Ukraine ended centuries of Russian domination by declaring its independence from its giant neighbor. Following the Russian Empire's negotiation of a separate peace with the German Empire, the Romanoff dynasty had been ousted and a provisional government set up. The new administration did not last long, being overthrown by the Bolsheviki.

Ukraine's freedom proved ephemeral. Whether Russia was ruled by the czars or the commissars made little difference to the Ukrainian people, who were taken over by the Soviet Union in 1920.

No fewer than 69 nations have gained independence since the end of World War II. Fifty-one of them are smaller geographically than Ukraine, which is 232,046 square miles in area.

Only three of the 69 countries—Pakistan, Indonesia, and Nigeria—have populations that exceed Ukraine's 47 million. Nauru, which achieved independence in 1968, has 8 square miles of territory and 6,500 inhabitants.

Like all lovers of freedom, liberty, and independence, I have rejoiced when the peoples of new nations severed the ties that had previously bound them to colonial empires such as those held by Belgium, France, Great Britain, Italy, Japan, the Netherlands, and Spain. I was pleased when the United States granted independence to the Philippines.

Mr. Speaker, how much longer must Ukraine and other Soviet colonies, such as Estonia, Latvia, and Lithuania, remain on the sidelines as the parade of newly independent nations marches by? Let us insist, the next time the Soviet Empire asks us to sign any sort of treaty, convention, or other agreement, that she demonstrate her good faith by granting independence to Ukraine and the other captive nations.

As part of my remarks, I include a table which lists the countries that have secured their freedom since World War II, together with the dates of independence, areas, and populations, as well as the nations which formerly controlled them:

Nation	Secured independence from—	Date of independence	Area in square miles	Population
Algeria	France	1962	919, 591	13, 349, 000
Barbados	Great Britain	1966	166	260, 000
Botswana	do	1966	275, 000	629, 000
Burma	do	1948	261, 789	26, 980, 000
Burundi	Belgium	1962	10, 747	3, 475, 000
Cambodia	France	1953	69, 898	6, 701, 000
Cameroon	France-Great Britain	1960	183, 581	5, 680, 000
Central African Republic	France	1960	236, 293	1, 518, 000
Ceylon	Great Britain	1948	25, 332	12, 240, 000
Chad	France	1960	495, 753	4, 000, 000
Congo	Belgium	1960	905, 563	17, 100, 000
Do	France	1960	132, 046	880, 000
Cyprus	Great Britain	1960	3, 572	630, 000
Dahomey	France	1960	43, 483	2, 640, 000
East Germany	Germany	1949	41, 659	17, 096, 000
Equatorial Guinea	Spain	1968	10, 852	286, 000
Fiji	Great Britain	1970	7, 055	519, 000
Gabon	France	1960	102, 089	485, 000
Gambia	Great Britain	1965	4, 005	357, 000
Ghana	do	1957	91, 843	8, 600, 000
Guinea	France	1958	94, 925	3, 890, 000
Guyana	Great Britain	1966	83, 000	742, 000
Indonesia	Netherlands	1949	735, 865	116, 000, 000
Israel	Great Britain	1948	7, 993	2, 822, 000
Ivory Coast	France	1960	127, 520	4, 195, 000
Jamaica	Great Britain	1962	4, 411	1, 959, 000
Jordan	do	1946	37, 500	2, 160, 000
Kenya	do	1963	224, 960	10, 506, 000
Kuwait	do	1961	6, 178	570, 000
Laos	France	1949	91, 429	2, 893, 000
Lesotho	Great Britain	1966	11, 716	930, 000
Libya	Italy	1951	679, 358	1, 869, 000
Malagasy Republic	France	1960	228, 000	6, 643, 000
Malawi	Great Britain	1964	36, 100	4, 398, 000
Malaysia	do	1963	128, 430	19, 583, 000
Maldives	Great Britain	1965	112	108, 000
Mali	France	1960	464, 000	4, 881, 000
Malta	Great Britain	1964	122	318, 000
Mauritania	France	1960	419, 231	1, 140, 000
Mauritius	Great Britain	1968	720	800, 000
Mongolia	China	1945	592, 664	1, 240, 000
Morocco	France-Spain	1956	172, 834	15, 050, 000
Nauru	Great Britain	1968	8	6, 500
Niger	France	1960	489, 189	3, 750, 000
Nigeria	Great Britain	1960	356, 669	63, 870, 000
North Korea	Japan	1948	46, 540	13, 300, 000
North Vietnam	France	1949	61, 293	20, 700, 000
Pakistan	Great Britain	1947	365, 529	132, 000, 000
Philippines	United States	1946	115, 707	37, 158, 000
Rhodesia	Great Britain	1965	150, 333	5, 090, 000
Rwanda	Belgium	1962	10, 166	3, 500, 000
Senegal	France	1960	75, 750	3, 780, 000
Sierra Leone	Great Britain	1961	27, 699	2, 512, 000
Singapore	do	1965	225	2, 033, 500
Somalia	Great Britain-Italy	1960	246, 201	2, 730, 000
South Korea	Japan	1948	38, 004	31, 130, 000
South Vietnam	France	1955	65, 948	17, 867, 000
Southern Yemen	Great Britain	1967	112, 000	1, 220, 000
Sudan	Great Britain-Egypt	1956	967, 500	15, 186, 000
Swaziland	Great Britain	1968	6, 704	410, 000
Tanzania	do	1961	363, 708	12, 926, 000
Togo	France	1960	21, 850	1, 815, 000
Tonga	Great Britain	1970	269	83, 000
Trinidad and Tobago	do	1962	1, 979	1, 040, 000
Tunisia	France	1956	63, 378	5, 027, 000
Uganda	Great Britain	1962	93, 981	9, 500, 000
Upper Volta	France	1960	105, 869	5, 278, 000
Western Samoa	Great Britain (New Zealand)	1962	1, 130	141, 000
Zambia	Great Britain	1964	290, 586	4, 208, 000

Note: Population estimates are all 1969 except Barbados, Mauritius, Nauru, Niger, and Philippines, all 1970, and North Vietnam, 1968.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it is unfortunate that I must continue a tradition I began 18 years ago when I took a seat in this honorable body. I say, "unfortunate," because each year that I helped mark Ukrainian Independence Day, there was hope in my heart that next year it would not be necessary; that perhaps at long last, the freedom-loving people of the Ukraine would finally have achieved independence, liberty, and self-determination.

That phrase, "self-determination," has been much abused by the Soviet Union when it speaks of nations far from its shores. But what about the captive peoples it holds subjugated within its borders? Who speaks of them? Who thinks of them?

Who, Mr. Speaker? I do. We do. We, the Members of this body, as evidenced by our recognition this year—as we have in past years—of Ukrainian Independence Day, of which January 22 was the 53d anniversary.

It marks the short-lived but gloriously independent Ukrainian Republic. True, it stood less than 3 years and was overwhelmed by hordes of Soviet troops.

But time is only relative. The spark of independence, of patriotism, of love for the motherland was not lost in the 300 years of Russian domination that preceded January 22, 1918, nor in the 50 years of remembered subjugation which has followed.

And it will never be lost; not in the hearts of Ukrainian people in the Ukraine, nor in the hearts of millions of Ukrainians in this Nation who fled their native land to seek freedom here for their descendents.

Let us hope—let us indeed pray—that next year such statements will no longer be necessary.

Mr. ADDABBO. Mr. Speaker, today Members of the House are joining in the observance of the 53d anniversary of the independence of Ukraine. Each year we mark this observance by statements indicating our continuing concern for the 47 million people of the Ukraine and our support for their continued desire to realize freedom from oppression.

Some may question the usefulness of this annual observance but I believe that the hopes of these people must be rekindled by the knowledge that other people around the world understand their plight and pray for their freedom.

Recently, we witnessed the very real and practical impact which world opinion, when mobilized and expressed, can have on the policies of a nation—even a dictatorship. The problem of Soviet Jewry has not lessened but the incivilized treatment of those accused of treason has been reduced solely because of world opinion. This then is ample reason why we cannot afford to turn away from oppressed people in any corner of the globe.

This then is the purpose of observing Ukranian Independence Day—to hold out a small ray of hope to people in all captive nations and to let them know that we have not forgotten them.

Mrs. GRIFFITHS. Mr. Speaker, today, I am proud to join my colleagues in commemorating the 53d anniversary of Ukrainian Independence. It is a day on which peoples of the free world can rejoice, for in that declaration by the Ukrainian patriots 53 years ago, there was manifest once again man's dedication to the principle of self-determination. At a time when many people in the world live under varying stages of tyranny, it is appropriate for all of us to recall the valiant struggle for freedom and independence which Ukrainians have waged for centuries.

At the end of World War I, when the czarist regime was overturned and the Russians were unable to hold the Ukrainians in check, then the people of the Ukraine proclaimed their independence and established their national government in the newly created Ukrainian Republic. On January 22, 1918, in the city of Kiev the Ukrainian state declared its independence in the tradition of our own American Revolution. But the tyranny of the czars was soon replaced by the tyranny of the Communists. Independence was short lived and the Bolsheviki quickly moved back in 1920 and took over where they left off before World War I. Independent Ukraine ceased to exist, and the country became part of the Soviet Union. They were deprived of their freedom, yet they still clung to their ideals of freedom and independence, only by keeping alive the spirit of freedom can captive citizens ever hope to be free. Today, the Ukrainians continue to cherish the memories of that short-lived period of freedom.

On this occasion it is fitting that we pay tribute to the Ukrainian people and to their never-ending quest for national sovereignty. As Americans, we must ever remember that as long as any nation remains subjugated to another, as long as any man is denied the inalienable rights of life, liberty, and the pursuit of happiness, our task is not done.

Mrs. HICKS of Massachusetts. Mr. Speaker, I urge every American today to join the 2 million Americans of Ukrainian descent in celebrating the 53d anniversary of the independence of Ukrainia. Their devotion to the cause of freedom and the dignity of mankind is a source of inspiration to all nations that strive for liberty.

Ukrainians have been acknowledged leaders in the cause against the spread of communism. Their unique knowledge of this enslaving philosophy has kept this country constantly aware of the threat it poses to our security. The people of this country are truly grateful for their vital concern for democracy.

Ukrainians are a proud and cultured people. Their history is illustrious and dotted with the glorious deeds of heroes and events. They have brought with them to this country this same pride and cultural values which have played such a vital role in molding the American heritage.

Mankind's need for freedom has never been greater and with this in mind, I salute the achievements of the Ukrainian Americans, who have been the greatest leaders in this cause.

Mr. ST GERMAIN. Mr. Speaker, for more than 50 years the Ukrainian people have been suffering under Communist totalitarianism imposed upon them by the Kremlin. It is one of the ironies and tragedies of contemporary history that these gallant and gifted people, totaling close to 50,000,000 have been fated to suffer under alien tyrants in their homeland for so long. As a matter of fact, the modern history of the Ukrainian people is the story of their ceaseless struggle for their inalienable birthright, freedom and independence.

These hardworking and rugged folk of the fertile steppe land in Eastern Europe tilled their bountiful farmlands for centuries and enjoyed the fruits of their labor in full freedom. This was true from the late Middle Ages down to the middle of the 17th century. Then in the year 1654 an unfortunate event brought about a change in their status, a fateful change whose consequences have been tragic to the people of Ukraine.

In that year a treaty of alliance was signed between the Russian czar and the Ukrainian leaders. At the time the leaders of the Ukraine construed this as a mutual aid treaty, but soon the wily Russian czar gave it a different twist, declaring that by that treaty Ukrainians had placed their country and their fate under his care. Unfortunately, the Russians being more powerful, their view prevailed, Ukrainian independence was jeopardized, and soon the Ukraine became part of Russia and its people subjects of the czar's autocratic regime.

Most of modern Ukraine's misfortune and the misery of its people stem from that fateful treaty, the unilateral interpretation given to the terms of that treaty by the treacherous Russian czar. Thenceforth, the Ukrainians were forced to abandon their national traditions and be attached to the great Russian family. In other words, the czar's government set out to Russianize, by compulsion if necessary, all Ukrainians. Imperial decrees banned the use of Ukrainian as the official language. In schools the teaching of Ukrainian was not permitted, and the whole country was treated as a colonial possession of the imperial Russian Government. And that Government ruled over it with an iron hand, through its callous and ruthless agents, for some 250 years.

Fortunately, however, the Russians were not able during that long period to denationalize and Russianize the Ukrainians. The more oppressive the hand of the alien regime, the more the Ukrainians resented and resisted its rule, and rebelled against their overlords. At the same time their fervent yearning for the return of their glorious days was manifest by their desire to keep alive their national spirit as a potent and living force in the country. The ideals of freedom and independence were kept alive by their dedicated and patriotic leaders, and the people nursed these ideals in their hearts. Finally, after enduring the czarist autocracy for some two and a half centuries, they witnessed the birth of the independent Ukrainian National Republic early in 1918. January 22 of that year, the birthday of the Republic, became a memorable landmark in Ukraine's checkered history.

The precarious existence of the Ukrainian National Republic did not last long. After valiantly struggling for its life for about 2 years, the newly created state was robbed of its freedom by its implacable foes. The Red Army attacked and invaded the country in November 1920, and by the end of that month independent Ukraine ceased to exist. Forthwith it was made part of the Soviet Union, and so it remains to this day.

Today, the Ukrainian people, living in one of the most fertile parts in Eastern Europe and constituting there one of the largest ethnic groups in all Europe, are denied their most cherished birthright, the freedom to live according to their wishes and to work for their own salvation in their historic homeland. But even under abominable, almost unbearable, conditions the dauntless people of the Ukraine have not given up their hope for freedom. On the observance of the 53d anniversary of Ukrainian Independence Day we pray for their deliverance from Communist tyranny and for the attainment of their national goal, their freedom.

Mr. HELSTOSKI. Mr. Speaker, January 22, 1971, marked the 53d anniversary of Ukrainian Independence, a proclamation which has great significance for all freedom-loving people. The Ukrainian nation had finally attained the freedom it was so cruelly denied during centuries of czarist domination.

Tragically, Ukrainian freedom was to be short lived, for although its independence was recognized by many countries, including Soviet Russia, the Russian Government soon invaded the Ukrainian state. Heroically, the Ukrainians, devoid of foreign assistance, resisted the incursion of Soviet Russia for almost 3½ years in a struggle against a numerically superior force.

The Ukrainian nation was unjustly stripped of its sovereignty, but the spirit of its citizens survived political subjugation. Durng the Second World War, the Ukrainian people organized an active resistance movement, the Ukrainian Partisan Army, which fought against both Hitler's and Stalin's regimes. Ukrainians were punished harshly for such acts of patriotism, and this persecution continues today with the repression of Ukrainian youth and intellectuals. The strength of the Ukrainian spirit has rendered these measures ineffective, and Ukrainian culture remains alive because the Ukrainian nation is steadfast in its resistance to totalitarian Soviet force.

In recent weeks, Soviet oppression has

again been evidenced in the harsh sentences announced for the alleged hijackers in Leningrad and Soviet insensitivity to the outcries of Polish workers against economic hardships. These injustices further demonstrate Soviet Russia's ongoing policy of ruthlessly denying basic human freedoms to those under the yoke of Moscow.

Americans of Ukrainian ancestry can take comfort in the example set by the Ukrainian people in their resistance to Soviet domination. Although a captive nation, Ukraine can rightfully be proud of the dauntless spirit and courage of its people in the face of vicious overlords. May the unswerving resolve of Ukrainians be an inspiration to us all. I share in their hope that they may regain the freedom and independence they so manifestly deserve.

Mr. YATRON. Mr. Speaker, I am grateful for this opportunity to observe the 53d anniversary of Ukrainian independence.

On January 22, 1918, a national council at Kiev declared the Ukraine a free and sovereign republic. Although this great dream was soon transformed into a nightmare of Russian domination, no amount of military force or political repression could destroy their vision of independence.

Many Ukrainians fled their homeland to escape tyranny, but each carried with him a strong sense of nationalism and an unswerving commitment to freedom. Despite five decades of Soviet oppression, the idea of self-determination has endured and flourished.

It is a privilege to be able to join my colleagues, my countrymen and freedom-loving people throughout the world in commemorating the 53d anniversary of Ukrainian independence. Let us never forget the sacrifices these patriots have made for the cause of freedom. And let us always remember the ancient precept that so long as some men are enslaved, none of us are truly free.

Mr. GIAIMO. Mr. Speaker, 53 years ago, the Ukrainian people declared their freedom and independence. Today, we commemorate the anniversary of this proclamation with a mixture of sadness and hope.

It is a time for sadness, Mr. Speaker. The flame of independence has not burned in the Ukraine for half a century. A brave nation has been thrust into darkness, and only a few of her people have ever seen the light of freedom. To historians, 50 years is but a fleeting moment; to those without freedom, it is an eternity.

Yet, Mr. Speaker, we must not doubt for a moment that the desire for freedom still burns in Ukrainian hearts. We need look no further for our inspiration than the deeply meaningful words of Ukrainian poet Taras Shevchenko in "My Legacy":

When I shall die, pray let my bones
High on a mound remain
Amid the Steppeland's vast expanse
In my belov'd Ukraine;
That I may gaze on mighty fields,
On Dnieper and his shore,
And echoed by his craggy banks
May hear the Great One roar.
When from Ukraine that stream shall bear
Over the sea's blue sills
Our foemen's blood, at last shall I
Forsake the fields and hills
And soar up to commune with God
In His eternal hall,
But till that Day of Liberty—
I know no God at all.

Thus, this solemn occasion must also be a time of hope and renewed dedication. Those of us who have our freedom must continue to hold the torch for those who do not. The brief moment of Ukrainian independence 53 years ago must serve as a beacon for the future, not a reminder of the cruel past.

As the brave Ukrainian people continue their quest for freedom, we must remain always at their side. That is the purpose of today's observance—to let them know that we are with them. In the name of freedom, in the name of humanity, we can do no less.

Mr. DINGELL. Mr. Speaker, the Ukraine is the largest Slavic country in Eastern Europe, and it has the second largest Slavic ethnic group in the huge land mass extending from Eastern Europe to the Pacific Ocean. The Ukrainians number close to 50,000,000 today, but these dauntless fighters for freedom have not been successful in staving off fatal threats to their national existence. That is why, since the middle of the 17th century, they have been compelled to endure the oppressive yoke of czarist Russia, and then the even more oppressive yoke of Communist Russia. But there was a short and happy interlude of about 2 years, in 1918–20, when they seemed masters of their own fate and captains of their national soul.

As the result of the Russian Revolution and the defeat of imperial Austria in the First World War, the autocratic forces which had been holding down the Ukrainians were overthrown, and so the Ukrainians had the golden opportunity of asserting their freedom. On January 22, 1918, they proclaimed their independence. Then the democratic government instituted in the new Ukrainian National Republic did its utmost to cope with the new state's multiple problems, but it had neither the manpower nor the resources to cope with these effectively. In the meantime the Ukraine's inveterate foes, now in Communist garb, were preparing for the kill. Before the Ukrainian National Republic could master sufficient force with which to stave off impending threats to its existence, the country was attacked by the Red Army in the fall of 1920 and overrun. In late November of that year it became part of the Soviet Union. Thus ended the brief 2-year period of independent existence for the Ukrainian people.

Since those fateful days of 1920 the whole world has been radically transformed in many respects, but unfortunately the Communist yoke imposed upon the Ukrainian people by the men in the Kremlin has not changed. The Communist Russians are more masters of the Ukraine today, and more firmly entrenched there, than they were in the 1920's. On the 53d anniversary of Ukrainian Independence Day we pray for the elimination of Communist tyranny in Ukraine, and for the eventual freedom of the Ukrainian people.

Mr. PEYSER. Mr. Speaker, January 22, 1971, marks the 53d anniversary of Ukrainian independence, a day on which we honor the valiant Ukrainian people. They are a people who have struggled to maintain their national integrity for hundreds of years, and even now, under conditions which call for the utmost courage and faith, they persist in their fight.

This persistence is inspired by the ever-fresh memory of an independent Ukrainian state. That independence goes back to the Middle Ages, before the Ukrainians were subjected to the domination first of the Poles, and then of the Russians. Over the long centuries of subjugation, Ukrainians never lost that dream of independence, and never bowed to the yoke of oppression. Their fondest hopes were realized when, on January 22, 1918, an independent National Ukrainian Republic was proclaimed.

These hopes were soon to be dashed. The new Soviet Union, which at first recognized the Ukraine, turned on the fledgling state as soon as it felt strong enough to do so, and reconquered it. A Communist tyranny more grinding than even that of the czars, settled over this unhappy land. Many Ukrainians made their escape to more hospitable climes, but they never abandoned their love for their homeland, and their burning desire to see it free. Even today within the Ukraine itself, there are patriots who work for that freedom, and who know the significance of January 22, although they cannot celebrate it openly.

For us, in this free country, there is a particular signifiance on this anniversary. It reminds us forcefully that there are people in this world who cherish freedom, just as we do, and who do not cease to struggle for it under the most adverse conditions. It reminds us that the United States has always been the champion of freedom and self-determination. The Soviet Union, on the other hand, professes to believe in wars of national liberation, but refuses to liberate its own subject nationalities. I would hope there is an object lesson in this which is not lost on the newly independent countries of the world. I would further hope that our country can draw increased devotion to the spirit of freedom from the eloquent example furnished by the Ukrainian people, which is symbolized in their independence day.

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues today in paying tribute to the great Ukrainian people.

On January 22, 1918—53 years ago—these valiant and proud people declared the independence of their native land, and freed themselves from the bondage of their Russian masters.

Tragically, their period of independence was short-lived. After 3½ years of fighting, their ferocious and heroic efforts were overwhelmed by the massive and brutal onslaught of their Communist attackers. Tragically, the noble people of the Ukraine were brought under the domination and tyranny of the Soviet Socialist Republic.

Persecution, oppression, and banish-ment followed. But despite their suffering and tragedy, the great Ukrainian people have not lost sight of their driving dream of freedom.

It is my hope that the freedom and liberty we enjoy in the United States will become a way of life for the Ukrainian people, and all others who exist in lands now controlled by Communist oppressors.

Mr. ZABLOCKI. Mr. Speaker, it is a pleasure and an honor to join my esteemed colleagues, the Honorable Daniel J. Flood and the Honorable Edward J. Derwinski, in commemorating the 53d anniversary observance of the independence of the Ukraine.

Although this freedom was short, its memory lingered in the hearts of the Ukrainians; and, as we celebrate this historic date, so too, it is celebrated in the hearts of the Ukrainian people everywhere. Obviously, when the principle of individual freedom is tasted, it is a craving not easily forgotten because of involuntary abstinence.

The Soviet policy of imperial colonialism has been repeatedly in evidence in Eastern Europe and around the globe. This denial of the rights to self-determination and personal liberty is not merely historical data. Just recently the scandalous extradition of the Lithuanian sailor, Simas Kudirka, the sentencing of the Jewish hijackers, Russian anti-Semitism, the plight of the rioting Polish workers and the systematic Russian penetration in the Mideast and Latin America have again demonstrated to us what the people of the Ukraine have been suffering for 53 years.

Yet, there is no doubt in my mind that increased contact with the countries behind the Iron Curtain has been largely responsible for the growing assertion of dissatisfaction with their Communist oppressors and liberalization movements in such countries as Poland, Czechoslovakia, Yugoslavia, and the Ukraine. The desire for freedom remains strong and vibrant in these captive peoples.

Ukrainians still hold firm to the vision of their homeland as an independent nation, at will to chart its own national course. It is encouraged, I believe, by the American ideal which underlies the foundation of this country: the idea of the dignity and worth of the individual man. It is this alternative—that of free voices raised with truth to combat, in some measure, the injustice and totalitarianism of Soviet Russia—to which the people of the Ukraine turn. It is, therefore, Mr. Speaker, our duty to communicate this idea to people everywhere.

To accomplish this, the channels of dialog already open must be expanded and new ones must be found and nurtured. The ultimate result would be greater freedom for the people of the Ukraine and other captive nationalities in Eastern Europe. It is to this goal that we must sincerely rededicate ourselves upon this anniversary of Ukrainian independence.

Mr. RODINO. Mr. Speaker, today marks the 53d anniversary of Ukrainian Independence Day. On this occasion I wish to reaffirm my support for a permanent and just solution to the plight of the Ukrainian people who have been denied the basic human rights of freedom and self-determination.

Those who are the custodians of democratic institutions have a sombre responsibility to those who have been repressed—to restore human dignity and spirit through the expansion of free thought and the continued search for social and human justice for all men.

I join in commemorating the just, but shortlived, freedom of the Ukrainian people.

Mr. LINK. Mr. Speaker, today is the day set aside by the House for the observance of the 53d anniversary since the Proclamation of Independence of the Ukrainian National Republic and the 52d anniversary of the Act of Union, whereby all Ukrainian territory was united into one independent and sovereign state of Ukraine. The Independence of Ukraine was proclaimed in Kiev, the capital of Ukraine, on January 22, 1918, and the Act of Union took place 1 year later.

The Ukrainian National Republic was recognized by foreign governments including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years the Ukrainian people waged a gallant struggle in defense of their country but it was subdued to a puppet regime of the Soviet Socialist Republic.

The freedom-loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During the Second World War the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army—UPA—which fought not only against the Soviets but the Nazi regime as well.

The present Kremlin leadership continues to persecute Ukranian intellectuals, professors, poets, writers, scientists, and commentators. The international press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

Available evidence from Western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people.

Both the U.S. Congress and the President have expressed their concern over captive non-Russian nations in the U.S.S.R. by enacting the "Captive Nations Week Resolution" in July 1959.

On behalf of the approximately 25,000 Americans of Ukrainian descent now living in North Dakota, I insert a proclamation of "Ukrainian Independence Day" issued by North Dakota Gov. William L. Guy in the Record at this point:

Proclamation

Whereas, on January 22, 1971, Ukrainians in North Dakota and throughout the free world will solemnly observe the 53rd anniversary of the proclamation of a free Ukrainian state, and

Whereas, after a defensive war lasting 4 years, the Ukrainian state was destroyed in 1920 and a puppet regime of the Ukrainian Soviet Socialist Republic was installed, later becoming a member state of the Soviet Union, and

Whereas, the once free Ukraine is now no more than a colony of Communist Russia and its vast human and economic resources are being exploited for the purpose of spreading communism, and

Whereas, the United States Congress and the President of the United States of America have recognized the legitimate right of the Ukrainian people to freedom and national independence by respectively enacting and signing the Captive Nations Week Resolutions in July, 1959, which enumerated Ukraine as one of the captive nations enslaved and dominated by Communist Russia, and

Whereas, some 25,000 Americans of Ukrainian descent now living in North Dakota have made significant contributions to both state and nation.

Now, therefore, I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim Friday, January 22, 1971, as "Ukrainian Independence Day" in North Dakota and urge all citizens to demonstrate their sympathy with an understanding of the aspirations of the Ukrainian nation to again achieve its rightful inheritance of freedom and independence.

In witness whereof, I have set my hand and caused the Seal of the Great State of North Dakota to be affixed this 13th day of January, 1971.

William L. Guy,
Governor.

Attest:

Ben Mier,
Secretary of State.

Mr. DERWINSKI. Mr. Speaker, I am honored to join the distinguished gentleman from Pennsylvania (Mr. Flood) in commemorating today the 53d anniversary of the Ukrainian independence.

Today, while we are preoccupied with Communist aggression in Southeast Asia and the Middle East, we pause to remember the fate of another people—who also struggled, who lost, but who have not given up hope. January 22 was the 53d anniversary of Ukrainian independence, an independence proclaimed in 1918, only to be lost again in 1920.

The people of the Ukraine suffered as a divided nation under the role of Russian czars for over 300 years. When the czarist regime crumbled during 1917, the long-awaited opportunity for independence came. A group of Ukrainian patriots declared their intention to seek independence in December 1917, and declared it achieved on January 22, 1918. The newly independent Ukraine was a war-torn country and the preservation of independence was to prove impossible. The Red army invaded the Ukraine in the spring of 1920. In 1923, the Ukraine was forcibly made a constituent republic of the Soviet Union, making the Ukrainians among the first victims of a new imperialism, through which the Soviet Union has now become the world's greatest colonial power.

The Ukraine experienced no respite during World War II. Its land again became a battlefield for the contending forces of East and West. The Soviets withdrew only to be replaced by other cruel masters—the Nazis. Following World War II, Soviet authority was reasserted, and tightened. Cruelest of ironies, the Ukrainians, on Soviet insistence, were given a delegation to the United Nations. But this delegation is a sham. The facade of independence cannot disguise the ugly fact of subservience.

With a population of more than 45 million, the Ukraine has a territory which exceeds in area that of several Western European nations combined. Rich in human and material resources, the Ukraine's history and culture are more than a thousand years old. In an era which has seen the rise of many new nations, some of them throwing off colonial bonds after long periods of subjugation, is it not a singular injustice that the Ukrainians, along with their neighbors in Eastern Europe, continue to be subject to exploitation by the worst colonial system of modern times?

Today, Mr. Speaker, our attention is riveted to Soviet manipulations in the Middle East and continuing Communist military activity in Laos, Cambodia, and South Vietnam. Directing public attention to the people of the Ukraine and other victims of Communist aggression is an extremely proper reminder for us.

I am very pleased to note the interest of the Members of the House in today's commemorative events since it signifies the growing awareness of true conditions within the Soviet Union and further recognizes that the dictators in the Kremlin, for that matter, cannot be peaceful law-abiding statesmen due to the fundamental falsehood of the Communist philosophy.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of this special order.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE PENN CENTRAL RAILROAD

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 1 hour.

GENERAL LEAVE

Mr. ADAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of this special order.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ADAMS. Mr. Speaker, last December it was necessary to bring to the floor of the House a bill designed to keep the Penn Central Transportation Co. operating so that railroad service would not collapse in the northeast section of the United States in January of 1971. In my remarks to the House at that time, I indicated that the bill being considered was an interim emergency program and the Congress would have to consider again in the 92d Congress the whole matter of the financial collapse of the United States largest railroad.

I have taken this time today to report to the membership of the House the present situation regarding the Penn Central Railroad and to remind the Members that the problems of the Penn Central have not been solved and that further action will undoubtedly be necessary this year in order to maintain railroad service in the georgaphic area of the triangle measured by Chicago, Boston, and Washington, D.C.

As you are aware, the Penn Central Transportation Co., which is the railroad operating portion of the Penn Central Co., is under a section 77 reorganization before the Federal court in Philadelphia. The trustees for the court testified to the Interstate and Foreign Commerce Committee in December that they would be unable to continue operating through the month of January unless they received some form of financial relief because the day-to-day operating cash of the company would be exhausted during January 1971.

The enactment of Public Law 91–663, the Emergency Rail Services Act of 1970, made available a Government guarantee for trustees' certificates concerning railroads that were undergoing reorganization. The predictions of the trustees regarding the financial crisis proved to be true, and pursuant to Public Law 91–663 the trustees requested the Secretary of Transportation to guarantee $100 million worth of trustees' certificates. I have discussed this matter with the Secretary of Transportation and with the trustees. The establishment of this guarantee has been completed and on January 26, 1971, the trustees drew down the first $15 million made available by these trustees' certificates in order to pay obligations due during the month of January.

The trustees have also indicated to me that on February 2 they will be required to draw down an additional amount for the payment of the retroactive wage award. By March 1 they will have drawn down $68 million to pay current operating costs and to complete payment of the retroactive pay award. They have further indicated to me that during the months of March and April they will be required to draw down the remaining amount of the $100 million trustees' certificate fund.

I have inquired as to the form of these certificates and I wish to report to the Members that these certificates are being sold through a syndicate by Merrill Lynch, Pierce, Fenner, and Smith and a number of other brokers and investment bankers and they will be sold to corporate investors and others in the form of trustee notes; $50 million of these notes are in the form of 5-year certificates bearing interest at 6.125 percent. The remaining half of the certificates are in the form of 15-year certificates bearing interest at the rate of 7.05 percent.

The trustees also report to me that they have attempted to sell assets of the corporation but this has proved to be very difficult because of the claims of creditors on the nonoperating assets of the company. These creditors have threatened litigation if any of the assets are sold and the values are uncertain.

For example, the trustees have attempted to sell the Great Southwest Co., a subsidiary of the Pennsylvania Co. As reported in the public press last week it was found that the assets in this company had been considerably overvalued and the prospective purchaser decided not to purchase the property.

There also exists the threat of the creditors of the Great Southwest Co. to stop any sale that threatens their security. The Buckeye Pipeline Co. and Arvida Corp. are other nonrailroad subsidiaries that could be sold. The creditors of these corporations say these assets should not be sold if that were to endanger the structure of the subsidiary company. These corporations are also subsidiaries of the Pennsylvania Co., which is in turn a subsidiary of the Penn Central Transportation Co. The creditors of the Pennsylvania Co. have threatened litigation if there is any attempt to sell off the stock of its subsidiaries such as Arvida or Buckeye Pipeline and any proceeds are used for any purpose other than protecting the creditors' rights and assets of the Pennsylvania Co.

A third difficulty is that the stock of the Pennsylvania Co. subsidiary is pledged for an amount in excess of $300 million and the creditors who have this stock as a pledge have threatened litigation if any funds from the sale of assets are taken from the Pennsylvania Co. into the Penn Central Transportation Co., which might jeopardize the value of the Pennsylvania Co. stock.

I mention these hurdles to demonstrate the difficulty in selling the assets of the Penn Central complex and realizing a substantial cash flow into the railroad operations in the immediate future. As the Members are aware, the problem of the Penn Central Transportation Co. during the next 6 months will be to maintain a sufficient operating cash flow to pay the wages of the men and the day-to-day operating expenses. This is why legislation guaranteeing trustees certificates was necessary in December and is the reason why the Congress will probably be faced with a collapse of service in the area served by the Penn Central during the middle of this year.

I have available in my office the most recent income statement of Penn Central Transportation Co. which was given to the trustees and filed by the trustees, which gives a comparison for the months of November 1969 and November 1970. I have not included this in the record because the Interstate Commerce Commission is completing an investigation of the accuracy of these figures and the propriety of certain accounting methods which have been used in the past by this company. I would be most happy to make these figures available to any Member who wishes to examine them, but I do not wish to place them in the record at this time because I am not certain that they provide an accurate picture of the cash position of this company. I can say, however, with some accuracy that a large day-to-day operating loss is continuing.

I am not recommending at this time any particular solution, but instead I am making this report to the membership of the House so they may suggest whatever solutions they may deem appropriate. In the debate on the certificate guarantee bill—Public Law 91-663—in December, many Members criticized the bill and suggested that this was not the manner in which to approach the imminent collapse of the Penn Central. No one, however, had a specific solution to offer as to what should be done. I earnestly hope that the Members who are interested in developing a solution to this problem will do so immediately and make those of us on the Interstate and Foreign Commerce Committee who must deal with this matter aware of their suggestions.

I know that Chairman STAGGERS of the Interstate and Foreign Commerce Committee is aware of this problem. It will undoubtedly be necessary to hold further hearings on this matter later in the spring. We hope to have the Members' suggestions prior to that time.

I would simply like to sound a note of caution to those who believe that an easy solution is to simply nationalize this railroad and have it operated by the U.S. Government. The Supreme Court decided in the case involving the New Haven Railroad that a condemnation or other seizure by the Government of the operating properties of that railroad would require a payment of just compensation to all the owners and creditors of that railroad. Thus it was required that millions of dollars be paid for the New Haven Railroad properties even though the New Haven Railroad was in bankruptcy and had operated at a loss for many years.

Regardless of the accuracy of the balance sheet of the Penn Central Transportation Co., it can be assumed that the total book value of the assets and shareholders' equity of the Penn Central Transportation Co. is probably in excess of $4 billion. The most recent balance sheet for November 30, 1970, lists total liabilities and shareholders' equity at $4,653,652,191. There is great danger, therefore, if the Government were to simply condemn or nationalize the Penn Central Transportation Co. that the taxpayers would be required to pay several billion dollars for this property even though it is in reorganization and is sustaining a continuing operating loss. Any solution, in my opinion, should not require the taxpayers of the United States to pay this kind of money to insure the continued operation of the Penn Central Transportation Co.

I would point out that no single railroad entity or combination of railroads in the United States is capable of buying the Penn Central Railroad from the trustees. I know of no combination of financial interests in the private sector which has expressed any interest in buying out and thereafter operating the Penn Central Railroad. Its sheer size and complexity probably means that the Federal Government must be involved in some fashion in continuing railroad service unless some miracle occurs. I might suggest that it may be that a public corporation involving both the industry and the Federal Government will have to be considered as a means for operating this system while the assets that are not essential to maintaining railroad service are liquidated. This could take the form of a Comsat-type corporation or another type of semipublic corporation which would combine the operating experience of the Nation's railroads with the financial resources of the Federal Government. I do not in any way propose this as the solution to the problem, but offer it as a possible alternative to either outright nationalization or the chaos of collapse with operations being continued through a Federal department such as the Department of Defense or Department of Transportation for the movement of essential goods.

In conclusion, my sole interest in this matter is to maintain railroad service for the public in the Northeast and Midwestern sections of the United States. I think the solution will be a very difficult and complex legislative matter and I hope that all of my colleagues will be considering alternative solutions and will give to those of us on the committee the benefit of their thinking as to how we should proceed.

Mr. COUGHLIN. Mr. Speaker, in the near future, Congress will have to decide what must be done to help the Penn Central Transportation Co. out of its financial and spiritual morass.

Most important to me and my constituents is Penn Central's mass transit operations. The behavior of the Penn-Central in this regard has been, at least as long as I have been a commuter, inexcusable. For years, I, and thousands of other commuters like me, have been subjected to—among other things—the indignities of late trains, "annulled" trains, dirty trains, unsafe trains, heated trains in summer, unheated trains in winter, misleading information, wrong information, no information, unanswered phones, deteriorating facilities, and archaic ticketing systems. This is nothing new; these conditions are obvious to anyone using Penn Central commuter facilities. It is also clear that many of these inconveniences were deliberately allowed to occur by the Penn Central in order to convince the ICC that these services should be dropped.

Over the years, the human cost, in terms of missed appointments and frazzled nerves, has been heavy; the economic cost, in terms of business lost, is incalculable.

This deplorable situation cannot be allowed to continue, and it would be inconceivable to allow this passenger service to be discontinued or to deteriorate further.

I realize that the Penn Central cannot solve the mass transit problem along its rights-of-way by itself. It will take a heavy joint effort by the Penn Central and the Federal and State and local governments. It has been stated that more money is spent in 6 weeks on highways than on mass transit in the last 6 years. This represents a ratio of 37 to 1. In 1969, $5 billion was spent on highways and only $200 million on urban public transportation. The figures for 1970 are a slight improvement but they still indicate that Government, which historically has assumed responsibility for all basic intercommunity transportation, must devote a greater share of its resources to solving this problem.

Significant contributions must be made in the years ahead by labor and management, the Department of Transportation, the ICC, various State utility commissions, regional transportation authorities such as SEPTA, the Penn Central itself, and the general public.

I also believe that the ultimate solution to the problems of commuter railroads requires a permanent source of financing. One of the many possible methods is indirect financing such as is now in operation on the Philadelphia-suburban New Jersey Lindenwold Line, which is essentially underwritten by the Philadelphia Port Authority and its bridge tolls.

But whatever Congress decides to do to help the Penn Central, we must not fail to come away from our deliberations without some clear plan of action to expand and upgrade the quality of all our mass transit systems around the country, including those systems along the Penn Central right-of-way, and regardless whether or not it is decided that Penn Central should or should not run those mass transit systems for which it is currently responsible.

With the imminent establishment on May 1 of the National Railway Passenger Corporation—RAILPAX, designed to salvage our long-haul passenger service, we must now turn our full attention toward both saving and improving our national medium and short-haul passenger services.

Mr. PEYSER. Mr. Speaker, in an age of manned space travel, the conditions to which we subject our commuters who ride the Penn Central to work daily are unforgivable. The poor passenger service on the Penn Central has made the suburbs like Siberia.

While the Penn Central asks for the fare increases, stories of 1- and 2-hour delays in service are commonplace. How can fare increases be justified unless the railroad can demonstrate some improvement in service.

The men and women who ride the Penn Central to work every day have become fed up with the constant stream of excuses which they receive for a lack of civilized treatment. A passenger rebellion is now brewing. The paying passengers of the Penn Central are asking the railroad for an end to the slow torture that they are now confronted with. They have been patient for long enough. As one who has ridden the railroad for 20 years, I understand their plight.

As the fare has constantly risen the service has degenerated. Passengers are treated like cattle. There are late trains, stalled trains, jam-packed trains and no trains; broken rails, burning rails and loose rails.

Safety precautions are all but forgotten. The lack of fire extinguishers and first aid kits is appalling.

The situation has regressed to a point that many commuters can no longer make morning appointments in New York City because the arrival time for trains has become so undependable. Dinners grow cold at night and parents no longer see their children because of the constant late arrival of trains.

Mr. Speaker, the plight of Penn Central's commuter should be declared a disaster. The New York State Public Service Commission should not grant the Penn Central further rate increases until such time as they can demonstrate a sufficient improvement in passenger service and safety to justify such increases.

To illustrate the plight of these abused commuters I would like to call the attention of my colleagues to the following newspaper articles:

[From the New York Times, July 4, 1970]

Fire Halts Trains Under Park Avenue—Penn Central Commuters Evacuated Near 72d Street

(By Grace Lichtenstein)

Three city-bound Penn Central commuter trains had to be evacuated in the tunnel under Park Avenue near 72d Street last night after they were trapped because of a smoky third-rail fire. No one was injured.

A spokesman for the railroad said it could not determine how many passengers had been evacuated.

A spokesman for the Fire Department later charged that there had been a long delay in putting out the fire because no one could tell where the train or the fire were located inside the tunnel.

No Penn Central commuter trains are equipped with radios, according to a spokesman for the company, so that once a train enters the tunnel at 96th Street there is a communication blackout until it appears at Grand Central Terminal.

Thousands of commuters, both inbound and outbound, were delayed by the fire, the third involving the Penn Central in the last week.

Power on the line's two inbound tracks was shut off shortly after 7 P.M. It was restored on one track at 8:24 P.M. but remained out on the other. The line hoped to complete repairs on the damaged track in time for the morning rush hour, the railroad spokesman said.

RADIO EQUIPMENT URGED

"We feel each train should be radio-equipped in this day and age to eliminate any panic conditions," Deputy Fire Chief Christopher Matkovic declared.

A spokesman for the railroad conceded that the trains probably were without radios. "We don't have proper communications right now," he said. "We admit our communications lack something."

The railroad "contemplates" installing radios in all its trains when the Metropolitan Transportation Authority takes over operations, he added.

The railroad said it could not find out until morning which three trains had been evacuated or how many passengers had been involved. "Our dispatchers are too busy," explained the spokesman.

At 9 P.M., the railroad reported delays of 20 minutes on all divisions. However, commuters reported trains arriving in the city up to an hour and a half behind schedule.

One passenger who was on the 6:43 to Croton-on-Hudson when the fire occurred said flames had licked the side of his train as it moved past the blaze inside the tunnel. A few people screamed, he said, but a conductor came through and calmed them down. The passengers who were evacuted walked a short distance along the tracks to an exit at 72d Street.

CONFUSION ON FIRES START

There was some confusion as to how the fire started. The railroad said it assumed that the 5:15 train from Brewster, which came into Grand Central minus a third rail shoe, had started it.

However, some fire officials at the scene said the cause was a rubbish fire in the tunnel that spread to the third rail.

The fire alarm was received at 6:51 P.M., fire officials said, but firemen were unable to locate the blaze in the tunnel until 7:28 P.M.

The Penn Central has suffered four crippling mishaps in the last three weeks. A week ago Monday, 25,000 commuters were delayed during the morning rush hour by a fire in the Park Avenue tunnel, which also started on the third rail.

The next evening, a blaze broke out on a Harlem Division train near the Fordham station in the Bronx.

On July 13, a major fire on the Harlem River drawbridge snarled Penn Central commuter service for two hours during the morning rush hour.

[From the New York Times, Wednesday, Sept. 9, 1970]

6,000 Commuters Are Delayed by Penn Central Fire

(By Nancy Moran)

The sixth major fire in two months delayed 6,000 Penn Central commuters from Westchester and Connecticut for up to 73 minutes during the morning rush hours yesterday.

Several hundred passengers ran coughing and gagging out of a burning train just north of the Melrose station, at 162d Street and Park Avenue in the Bronx. The fire was caused by a short-circuit in the undercarriage of the train's first car. North and south of the station, 28 trains stood still.

No one was injured, but dozens of passengers on the 8:30 A.M. train from Fleetwood said they had been badly frightened by thick smoke and shooting sparks. Witnesses said that many tried to escape by smashing windows.

"The passengers panicked and started hitting the windows—they broke about four—and tried to jump out, said Junior Cruz, who helped lead people from the burning trains. Mr. Cruz, works at Century Iron Works, ran across the street to the railroad tracks when he heard an explosion shortly before 9 A.M.

"There was a lot of noise and smoke. The ladies cried, 'Oh, my God,' and wept and the men ran out of the car as fast as they could. I told everyone to keep calm, that it was only a short-circuit, and then they quieted down," Mr. Cruz said.

Firemen arrived on the scene at 9:02 A.M. and ordered all power on the line to be shut off so they could extinguish the blaze. Power was shut off between 150th and 200th Streets in the Bronx, causing trains on the Harlem and New Haven division to slow down or stop moving. Service on the Hudson division was not affected.

A spokesman for the Penn Central said the short-circuit was caused by a metal object that popped up under the train, causing the metal third rail shoebeam to short-circuit.

The shoebeam encases the cables that carry power from the third rail to the car's motor. The short-circuit started a fire in the cables' insulation that spread instantly to the rest of the undercarriage.

The fire was extinguished by 9:30 A.M. and power restored before 10 A.M. Service was back to normal by noontime, according to the railroad.

Asked to comment on why there had been five fires in two months on the line, William McLaughlin, the spokesman said:

"Most of the fires have been short-circuits or trash fires. I attribute them to bad luck and a dry summer, not defective equipment."

More than 25,000 commuters were delayed up to three hours on July 13 and more were delayed on July 27 by fires on the tracks. Fires caused shorter delays on July 21, July 28 and Aug. 3.

Yesterday, while the power was off, hundreds of commuters on trains stalled north of the Melrose station swarmed over the tracks, searching for a way to the street 20 feet above them. A railroad foreman, who asked that his name not be used, said "people were running all over the tracks like chickens."

"The conductors didn't seem to know what was going on, so most of us got off the train walked into the station and hiked to the subway," said Thomas Klippstein, a welfare caseworker who was on the 8:30 A.M. train from North White Plains. His train was stalled directly behind the disabled train.

"The delay annoyed the hell out of me—I'm not a regular commuter—but other passengers seemed to take it in stride," he said. "I guess you get used to shoddy treatment."

[From the New York Times, Nov. 4, 1970]

Commuters Delayed In 4-Train Tie-Up Over Loss of a Shoe

Four Penn Central commuter trains from Westchester County and Connecticut were stalled in the Park Avenue tunnel yesterday morning for three and a half hours after one of the trains lost a third-rail contact shoe.

Hundreds of riders from the halted trains were led out of the tunnel shortly after the mishap. However, 200 commuters who had been given the choice of leaving their trains or waiting in them until repairs were made chose the latter course. They arrived at Grand Central Terminal shortly before noon.

The trouble occurred at about 8:25 A.M., when the 7:57 from Fleetwood on the Harlem Division lost the contact shoe and tore up about 200 feet of third rail. The train halted at 72d Street. Three other trains on the same track, the 6:19 from New Haven, the 7:52 from New Rochelle and the 7:55 from Crestwood, had to stop behind the first train.

A third-rail flash fire, apparently not connected with the train delay, developed at about 8:30 A.M. near 96th Street and Park Avenue, just outside the tunnel. It was quickly put out by city firemen.

[From the New York Times, Nov. 26, 1971]

1,000 Evacuated in Penn Central Fire

(By Robert Lindsey)

A fire in a locomotive on the Penn Central tracks under Park Avenue at 72d Street halted all service in and out of Grand Central Terminal for an hour last night.

The fire broke out in one of two locomotives pulling the Penn Central's 5:09 from Grand Central to Stamford, Conn., delaying the commuters and holiday travelers aboard the train for two hours.

About 1,000 passengers on the 5:09 and the 5:13 to Rye, N.Y., which was halted in the tunnel behind it, were evacuated through an emergency exit in the tunnel at Park Avenue and 59th Street.

Several thousand more passengers, according to police estimates, were left stranded in Grand Central by the fire. No passengers were injured, but half a dozen Penn Central employes were treated for smoke inhalation.

Power in the tunnel was shut off while firemen worked on the blaze. It was restored at about 7:40 P.M. on several tracks. A passenger on the 5:49 train on the Harlem Division said the train sat at the platform in Grand Central for 45 minutes, then moved slowly through the smoke-filled tunnel.

EVACUATION GOES SMOOTHLY

Passengers on the two trains halted in the tunnel by the blaze said the evacuation went smoothly. Brian Ford, an electrical engineer from Rye, who was on the second train, said that a little smoke drifted through the cars and that firemen then came through the train telling everyone to get off.

Passengers on both trains said one reason panic was averted was that they could hear all the plans for evacuation over a recently installed public address system.

Some passengers grumbled about the delay when they emerged from the tunnel at 59th Street, but most were in good humor. Some passengers on the second train said they had been told that another engine would pull their train out.

After power was restored, the two empty trains and another behind them that had not been evacuated were towed back to Grand Central. The police patrolled the tunnel after the evacuation to make certain that all passengers had been removed.

The evening delay was one of several that plagued rail commuters on both sides of the Hudson River yesterday as thousands of New Yorkers prepared for the Thanksgiving weekend.

The Penn Central said more than 26,000 New Jersey commuters had arrived up to an hour late at Pennsylvania Station because of a derailment and sabotage to the railroad's switching system by a man who broke into a railroad substation. The police said the intruder had contended that "Mr. Thompson" had pulled the switches "to get heat and light."

Meanwhile, many of the 69,000 commuters on the Penn Central's New Haven, Harlem and Hudson Divisions arrived in New York City up to 30 minutes late, and in a few cases even longer, because two trains broke down and blocked the tunnel leading to Grand Central Terminal.

THINGS BETTER ON L.I.R.

On the Long Island Railroad, things were comparatively better.

A spokesman for the line said it experienced no serious difficulties except for the cancellation of the 7:23 A.M. train from Long Beach to Penn Station because of mechanical problems. In New Jersey, problems began Tuesday night, when several cars of a Jersey Central freight derailed at Hazlett on the Long Branch line between Bayhead Junction and Woodbridge. The line is used both by the Jersey Central and the Penn Central.

Although one of the two tracks blocked by the derailed cars was cleared at 5:30 A.M., traffic moved slowly, and riders bound for New York and Newark were delayed for as long as an hour.

At 6:25 A.M., troubles hit the Penn Central's main line. The railroad said electric power to its switches and signals was suddenly lost on a 17-mile stretch between Metuchen, N.J., and a point north of Newark.

The railroad investigated and discovered that levers controlling the flow of power had been switched off in an unattended substation at North Elizabeth. Railroad guards said they went to the substation and arrested Edward M. Zemaitis, 23, of Newark, who they said had apparently gained access to the locked facility through a window. The railroad said it was reviewing security procedures to prevent recurrence of the breakdown.

POWER RESTORED AT 7:38

Although electricity was not shut off to the trains' propulsion systems, loss of power to the switches and signals caused the railroad to impose special safety procedures that sharply slowed up traffic. Power was restored at 7:38 A.M.

On the other side of the Hudson, the Penn Central said the 5:21 A.M. train from New Haven stalled en route to Grand Central because of a broken air hose.

Later, the 6 A.M. train from Stamford, and the 7:17 A.M. train from Tarrytown broke down within a few minutes of each other in the Park Avenue tunnel just north of Grand Central.

The Stamford train arrived 50 minutes late and the Tarrytown train 37 minutes late. Meanwhile other inbound trains had backed most of the rush hour. The problem also caused cancellation of some inbound trains.

[From the Washington Post, June 4, 1970]

Pennsylvania Public Utility Commission Decries "Filth, Decay": Penn Central Attacked for Neglect

Philadelphia, June 3 (AP).—Penn Central, the world's biggest privately owned railroad company, was accused by a state official today of operating "filthy" trains that are frequently late and of maintaining "decaying" stations.

Commissioner James McGirr Kelly of the Pennsylvania Public Utility Commission, which is investigating Penn Central's commuter service, said in an interim report to the PUC, that passenger complaints "disclose a pattern of neglect bordering on contempt for the public."

Kelly said that last winter's performance, including wholesale cancellations of trains because of weather, can only be averted if Penn Central spends the summer months repairing equipment.

Kelly said the PUC should make periodic inspections to make sure proper maintenance procedures are followed.

Penn Central and the Reading Railroad receive subsidies from the Southeastern Pennsylvania Transportation Authority to provide increased commuter service at reduced fares. Penn Central has been fined more than $34,000 for service failures, while the Reading has a credit of nearly $8,900 for providing better than minimum service, the PUC said.

Penn Central has said its passenger train business is a losing proposition, that the only thing that can save it is government take over or heavier subsidies.

THE DANIEL AND PHILIP BERRIGAN MATTER

The SPEAKER pro tempore (Mr. Smith of Iowa). Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, late on the night of December 9, 1970, charges were raised here in this Chamber concerning the testimony of FBI Director J. Edgar Hoover before a Senate subcommittee in which he named Daniel and Philip Berrigan, convicted destroyers of U.S. Selective Service records, as leaders of a group which was plotting to blow up underground electrical conduits and steampipes in Washington and to kidnap a high Government official. Several of my colleagues and I pointed out at the time that it was not Mr. Hoover who made this information public; it was the Senate subcommittee. His testimony had been given in a closed session.

The gentleman from Tennessee (Mr. Anderson), who raised those charges, declared Mr. Hoover could "vindicate himself by an apology" if the charges against the Berrigans were false. He also declared that if the charges "are not false or careless, then we have a right to expect the Justice Department to institute Federal grand jury proceedings promptly."

Well, the Justice Department did just that, and a grand jury in Harrisburg, Pa., on January 12, 1971, indicted Philip Berrigan and five others on charges of conspiring to kidnap Presidential adviser Henry A. Kissinger and to blow up a part of Washington's heating system. Daniel Berrigan was named as a coconspirator but not a defendant.

One would think that would be the end of the charges about the case being tried in the press. In fact, Mr. Anderson was quoted just after the indictment was announced as declaring, "An open adjudication of the allegations against the Berrigan brothers has been my prime concern from the beginning."

But if one is to believe an Associated Press report from Louisville, Ky., published in the Washington Post of January 25, 1971, Mr. Anderson apparently is not satisfied to allow justice to take its course through the courts. This report says Mr. Anderson on January 24, 1971, told some 250 churchmen at the general board meeting of the National Council of Churches that the "issue of political repression is inherent" in the prosecution of the Berrigan brothers. He also is quoted as saying political repression was manifest in the brothers' "trial by headlines" when Mr. Hoover detailed the charges prior to the indictment.

I remind the gentleman Mr. Hoover's comments were made in the confines of a closed Senate subcommittee hearing, not at some public gathering like the general board meeting of the National Council of Churches.

If "trial by headlines" is sinister is not "defense by headlines" equally threatening to justice?

Mr. Speaker, I insert at this point the article from the Washington, D.C., Post on January 25, 1971, along with editorials from the Chattanooga News-Free Press of January 13, 1971, and the Phoenix Gazette of January 15, 1971.

[From the Washington Post, Jan. 25, 1971]

Oppression Seen in Case of Two Priests

Louisville, Ky.—Rep. William R. Anderson (D-Tenn.) told representatives of the nation's major Protestant Orthodox churches today that the "issue of political repression is inherent" in the prosecution on conspiracy charges of brothers Philip and Daniel Berrigan.

He said the case against the two Roman Catholic priests, "like Jesus and his apostle Paul before them, has caused an awakening of national conscience."

The 250 churchmen at the general board meeting of the National Council of Churches gave him a standing ovation.

The two priests, now in federal prison for destroying draft records, have been charged in a new grand jury indictment with plotting to kidnap presidential aide Henry Kissinger and blow up heating systems in some federal buildings.

Philip Berrigan was named among seven defendants and Daniel Berrigan among six coconspirators not cited as defendants.

Anderson said political repression was manifest in the brothers' "trial by headlines" when FBI director J. Edgar Hoover detailed the charges prior to the indictment.

Anderson is a former Navy hero and critic of the Vietnam war.

[From the Chattanooga (Tenn.) News-Free Press, Jan. 13, 1971]

Berrigans, Hoover, Representative Anderson

With terrorist political kidnapings and hijackings going on throughout the world today, many Americans have fearfully watched for signs that some elements within our country might seize a prominent American and hold him in an effort to gain surrender to their demands.

When he was appearing before a Senate subcommittee on Nov 27, 1970, FBI Director J. Edgar Hoover explained the increased challenges to his agency in these words:

"Willingness to employ any type of terrorist activities is becoming increasingly apparent among extremist elements. One example has recently come to light involving an incipient plot on the part of an anarchist group on the East Coast, the so-called 'East Coast Conspiracy to Save Lives.'

"This is a militant group self-described as being composed of Catholic priests and nuns, teachers, students, and former students who have manifested opposition to the war in Vietnam by acts of violence against government agencies and private corporations engaged in work relating to U.S. participation in the Vietnam conflict.

"The principal leaders of this group are Philip and Daniel Berrigan, Catholic priests who are currently incarcerated in the Federal Correctional Institution at Danbury, Conn., for their participation in the destruction of Selective Service records in Baltimore, Md., in 1968.

"This group plans to blow up underground electrical conduits and steam pipes serving the Washington, D.C., area in order to disrupt Federal Government operations. The plotters are also concocting a scheme to kidnap a highly placed government official. The name of a White House staff member has been mentioned as a possible victim. If successful, the plotters would demand an end to United States bombing operations in Southeast Asia and the release of all political prisoners as ransom. Intensive investigation is being conducted concerning this matter."

Strangely this serious revelation prompted Rep. Bill Anderson, D-Tenn., to take the floor in the House of Representatives to make an attack on the FBI's Mr. Hoover and an impassioned defense of the jailed Berrigan brothers, who had jumped bail and were locked up only after a lengthy search. Rep. Anderson, who has been charting a peculiar and erratic course from admired naval hero to a leftwinger in his public career, reportedly had read some of the Berrigans' writings and had visited them in prison, becoming very much impressed with them. Therefore, he took their side against J. Edgar Hoover. A challenge was issued that if Mr. Hoover's grave allegation were supported by facts, there should be prosecution of the charges.

Yesterday, the news came out with the serving of papers that a Federal Grand Jury had indicted Philip Berrigan and five others on charges of conspiring to kidnap presidential adviser Henry A. Kissinger and plotting to blow up heating systems of five Washington buildings next Feb. 22. Daniel Berrigan and six others were named as co-conspirators but were not indicted.

Now the stage is set for the defendants to be brought into court on these very serious charges and for a full and fair trial to be given on the evidence.

Rep. Anderson responded to the indictment by asserting, "An open adjudication of the allegation against the Berrigan brothers has been my prime concern from the beginning." Tennesseans should be particularly interested in the partisanship of Rep. Anderson in this case as well as being concerned over possible threats to the safety of governmental officials.

[From the Phoenix Gazette, Jan. 15, 1971]

Apologies to Hoover

There is a campaign by the Communist-loving New Left not only to force J. Edgar Hoover out of his job as director of the Federal Bureau of Investigation, but to smear his name so badly in the process that nobody would ever again pay any attention to anything he might say.

It is understandable that the actual American Reds and their conscious sympathizers would participate in the effort. Hoover is one of their most capable and dangerous enemies, and to get him out of their way would be a momentous victory. It is more difficult to find cause for the actions of some other Americans who seem to have joined the get-Hoover vendetta.

We have in mind the columnists, TV commentators and politicians who whooped up a storm of derision for Hoover after he testified under questioning at a U.S. Senate hearing Nov. 27 that a plot to kidnap a highly placed government official was under investigation, and that the inquiry involved the draft-protesting, bond-skipping priest, the Rev. Philip Berrigan and his brother, Daniel, also a priest. You'd have thought that Hoover had viciously, irresponsibly and untruthfully manufactured a fiction out of whole cloth for some devious purposes of his own. Hoover, they shrieked, should resign.

Well, sir, a federal grand jury in Harrisburg, Pa., has now indicted the Berrigan brothers and four others on charges that they conspired to kidnap presidential foreign policy adviser Henry Kissinger and blow up heating ducts in government buildings. We remind our readers that an indictment is not a conviction, and we are not commenting here on the truth of charges that are made. Guilt or innocence will be properly decided in a courtroom.

What we are pointing out is that Hoover said an investigation was under way, what it involved, who it involved, and that he was the country's top police officer making an official report to a committee of the U.S. Senate on a matter of grave national concern. He told it the way it was. His detractors owe him an apology.

FUNDS TO FIGHT LEAD-BASED PAINT POISONING

The SPEAKER pro tempore (Mr. Smith of Iowa). Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, on January 14, 1971, the President signed into law the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695. This brought to successful culmination efforts of hundreds of individuals and organizations across the country, who have been working for creation of a Federal anti-lead-based paint poisoning program. Almost 2 years ago, I introduced a package of three bills to create such a program. The enactment of the Lead-Based Paint Poisoning Prevention Act brought that effect to fruition.

Now, the need is for funds. Ten million dollars has been authorized for fiscal year 1971 for the new law, and $20 million for fiscal year 1972. It is essential that these funds be appropriated.

Lead-based paint poisoning is a disease afflicting some 250,000 children across the Nation. It causes illness, brain damage, and even death. Yet the disease is preventable. It need not take this terrible toll, a toll exacted from small children who eat the lead-tainted paint and plaster which falls from the walls and ceilings of their slum dwellings.

Some local anti-lead-based paint poisoning programs have begun. Some of them are quite successful. But in many localities, no program exists or, if it does, it is inadequate. The Lead-Based Paint Poisoning Prevention Act can help to create effective programs, and that is why it must be funded.

Title I of the new law authorizes the Secretary of Health, Education, and Welfare to make grants to units of general local government for the purpose of developing and carrying out local programs to detect and treat lead-based paint poisoning. For fiscal year 1971, $3,330,000 is authorized, and for fiscal year 1972, $6,660,000.

Title II authorizes the Secretary of Health, Education, and Welfare to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out programs to eliminate lead-based paint poisoning. For fiscal year 1971, $5 million is authorized; for fiscal year 1972, $10 million.

The third title of the new law authorizes the Secretary of Housing and Urban Development to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing. $1,670,000 is authorized for fiscal year 1971; $3,340,000 for fiscal year 1972.

The amount of money authorized is not large. If appropriated, it would be only a negligible portion of the Federal budget. But the good that can be accomplished is enormous. To secure these funds, I and my distinguished colleague from New York (Mr. Halpern) have introduced legislation to provide for full funding of the Lead-Based Paint Poisoning Prevention Act. Forty-seven of our colleagues have joined us in cosponsoring this legislation—H.R. 1748, companion bills H.R. 1749, H.R. 1750, and H.R. —— and H.R. 1751, companion bills H.R. 1752, H.R. 1753, and H.R. ——. The 49 Members sponsoring this legislation are:

Mrs. Abzug, Mr. Badillo, Mr. Biaggi, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Burton, Mr. Chappell, Mr. Clay, Mr. Cleveland, Mrs. Chisholm.

Mr. Conte, Mr. Conyers, Mr. Delaney, Mr. Dellums, Mr. Diggs, Mr. Dow, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Fulton of Pennsylvania.

Mr. Gibbons, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Koch, Mr. Kyros, Mr. Leggett, Mr. Lent.

Mr. McKinney, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Morse, Mr. Moorhead, Mr. Nix, Mr. O'Neill, Mr. Pepper, Mr. Peyser.

Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Scheuer, Mr. Symington, Mr. Tiernan, and Mr. Wolff.

We urge the quickest possible appropriation of funds for the Lead-Based Paint Poisoning Prevention Act. The children of America are waiting.

REVENUE SHARING TO IMPLEMENT PROGRAMS TO AID INDIVIDUAL COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McDonald) is recognized for 15 minutes.

Mr. McDONALD of Michigan. Mr. Speaker, revenue sharing is a means to restore to local government the power and authority to conceive and implement programs beneficial to each individual community.

It is not a temporary answer to the many problems facing local government; it is a permanent solution. I believe firmly in the concept, and because of that belief

I rise today to take issue with recent comments by several of my colleagues against revenue sharing.

The arguments presented against revenue sharing have been filled with ifs. As a consequence of this iffy rhetoric, the conclusions presented are far from valid.

The power and authority—or self-reliance—of local government has eroded to a dangerous point. Local elected officials—those closest to the electorate—are hard pressed to perform up to their capabilities for one major reason: Lack of adequate funds.

Over the past few decades, the Federal Government has tried to help local communities by offering categorical grants for specific areas of concern. That philosophy has helped many communities in providing partial funding for certain basic services.

I served as Redford township supervisor in Michigan before coming to Congress. During my 6 years as a local public official, I saw problems develop on my doorstep. Because of my close contact with the residents of that community, I was able to ascertain each problem as it surfaced, and establish a system of priorities.

Unfortunately, the Federal funds available for that community's use did not always fit the need. For instance, I would go to the Federal catalog to see what funds were available to fulfill community needs. We built a fire station, but what we really needed was firefighting equipment.

So the decisions as to how local funds were to be used were not always left up to the local officials held responsible for public spending.

Revenue sharing will reduce this gap between promise and performance.

It will put money into the hands of local authorities to spend where it is needed. In many instances, Federal funds which are available to solve a local problem cannot be used because the community does not have the matching funds necessary to qualify.

Most of our national domestic problems are due to lack of action at the local level. It is not that local authorities will not solve the problem. They cannot solve it.

In the past few days, I have heard much against this concept.

Mr. Speaker, I wonder what rationale was used by some of my colleagues in reaching the apparent conclusion that a Congressman has some special talent for determining what is good and what is bad for local government.

Just because I am a Member of Congress, I do not consider that I am any more qualified today to spend public funds than I was while serving as Redford township supervisor.

Our system of government is the best on the globe because it leaves local decisions to local authorities. It is people in individual communities who require basic services. They foot the bill, and in return expect certain standards of service from those they pay to serve.

Self-determination is the key word in our Republic. It is time that all Members of Congress remember that we are sent here to serve, not to rule. I trust it will not come as a shock to some Members that in this Nation the people govern.

The Federal Government is sharing billions of dollars with local governments in an effort to combat the many serious problems facing all communities. But is our spending effective? In allocating these funds, I fear we have fallen short of our goal.

If a local community wants to build a swimming pool with their tax dollars, why should Congress stand in its way? I say if there is a need for sewers, or firefighting equipment, or more policemen, let the people determine spending priorities through locally elected officials.

There are two key provisions in the proposed revenue sharing plan which I should mention at this time. One is that no city or county will receive fewer Federal funds than they do at present.

The second provision is that revenue sharing funds cannot be used in a way which discriminates against some of the people.

In recent days I have heard and read statements listing the winners and losers under revenue sharing. These statements simply are not true. Far too often criticism comes before a close examination is made of the proposal.

According to a recent article in the Washington Post, a spokesman for an organization of State legislatures said 20 State legislatures either had passed, or were considering, a resolution petitioning Congress for a constitutional convention on revenue sharing.

This indicates to me a high degree of interest in State, county, city, and local governments for revenue sharing. It seems only fair that this idea be fully explored before any decision is made as to its benefits or drawbacks. It is an exercise in futility to condemn a concept without benefit of full and complete knowledge of it.

I plan to introduce the President's revenue sharing plan in this session of Congress as a cosponsor. I introduced a similar measure last year.

My colleagues have expressed several uncertainties about revenue sharing and raised many questions about the plan and its effect on our fiscal and economic posture.

I recognize the areas of doubt, and share with my colleagues the desire to bring into public view the benefits and the dangers of such a plan. But I also share with my colleagues and with the people of this country the knowledge that there are critical fiscal problems which are seriously affecting the quality of life. We cannot brush aside an idea that appears to offer relief.

Revenue sharing is a bold and innovative approach designed extricate State and local governments from the quagmire of financial crisis. To the wage earner, and to the homeowner, it offers an opportunity to escape from escalating property and sales taxes. To those of us in Congress, it offers an historic opportunity to invest some of the funds for which we are responsible into the heart of America.

I have faith in our form of government, and in the people who have made it strong. I am willing to reinvest that faith in the American ideal of self-determination. And I urge my colleagues to join me in reaching out to the Nation to form a partnership with local governments—a partnership based on trust. Our Government is of, by, and for the people—is it not?

THE SANTA CLARA PLAN CAN PRESERVE A PRECIOUS NATIONAL RESOURCE WHICH IS VITAL TO THE PROBLEMS OF THE 1970'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, at the present time in my congressional district and in dozens of other districts like it, there are thousands of highly trained and technically competent scientists and engineers in the unemployment lines. These are men and women who were encouraged by this Government to become scientists and engineers following the shock wave which reverberated across the Nation when Russia launched its sputnik. These are the scientists and engineers who built the great weapons systems which today guarantee our national security.

Prolonged unemployment is a social problem of catastrophic proportions to the person who is unemployed, to his community, and his country. But in a broader sense, prolonged unemployment of scientists and engineers means breaking up a scientific base of expertise which can only be replaced at great expense. When individuals with the talent to solve our tremendous environmental problems continue to drive taxicabs and work for $2.50 an hour as department store clerks and Santa Clauses, we are wasting a great natural resource. I might add, Mr. Speaker, that these are the professionals who are systems oriented and can approach the great environmental problems of mass transit, solid waste disposal, air and water pollution, and produce the same degree of success as when they approached our defense requirements of the nuclear and space age.

As each day passes and the unemployment lines grow longer, we will be dissipating one of our greatest national assets.

I recognize, Mr. Speaker, that redirecting the talents of these unemployed scientists and engineers into environmental fields cannot be accomplished overnight. But the time has come to make a start and to try.

The so-called Santa Clara plan, which I will describe during the course of these remarks, is such a start. It is innovative, and is something far more than a WPA for scientists and engineers. It is geared to the private enterprise system and the needs of a nation which is suffering growing pains in the 1970's.

The plan has been developed by Mr. Harries-Clichy Peterson, distinguished businessman and scientist, who is listed in "Who's Who in America," above a long list of accomplishments as a business consultant all over the world. He has developed this plan and has been ably assisted by Miss Vera Moldt, chairman of Professional Employment Search Cooperative and Experience Unlimited, self-help organizations of unemployed scientists and engineers in the San Francisco Bay area.

To this point, the Small Business Administration has shrugged off the proposal with the usual answer that funds are not available, and the law would not allow Government sponsorship of the Santa Clara plan. In addition, the Secretary of Labor and other departments have all paid the plan lipservice saying that it is interesting and intriguing, but after their expression of approval nothing has happened. Such is the way of bureaucratic big government. Everybody nods approval of a nice idea, but nobody seems to do anything about it.

Mr. Speaker, the Santa Clara plan is unusual. It deserves more than the usual bureaucratic brush-off and for this reason I am addressing the House today hoping that my remarks will be noticed by someone in this sprawling Government of ours who will do something constructive about an honest proposal which is in the national interest.

The most effective manner in which I can present the Santa Clara plan is to read a paper offered by Mr. Harries-Clichy Peterson entitled "Entrepreneurial Grubstakes for Idled Dynamos." In this paper Mr. Peterson clearly describes the problem and cogently offers his plan as a partial solution. Mr. Speaker, under my previous permission to revise and extend my remarks, I offer this paper by Mr. Peterson. The paper follows:

ENTREPRENEURIAL GRUBSTAKES FOR IDLED DYNAMOS

(By Harries-Clichy Peterson)

I.

A strange cleavage is splitting the professional middle class in America.

On one side stands the educated, successful, affluent American. Confident in self and community, this modern squire works a comfortable 40-hour week, returns home evenings happy with family, and relaxes graciously on weekends, a better man for the next week. Inflation curbs are beginning to improve his living standards. Politicians cater for his vote. Merchants kowtow for his money.

The splinter group lives in sharp contrast. Each work week confronts the head-of-household with depressing discouragement, evenings humble him before family, and weekends yield no spiritual recovery, leaving him a worse man for the next week. Inflation curbs have destroyed his livelihood. Politicians disregard his small vote. Merchants shun his uncertain credit.

The affluent group is employed; the other, not. That is the simple difference.

Expendable Elite. Professional unemployment in many parts of the USA has risen sharply and apprehensively. The resulting plight is both unprecedented and unexpected. Company after company has announced layoffs of professional workers. Very few hire. Resumes inundate employment offices. An occasional aerospace scientist is seen tending a bar, hacking a cab, or peddling something in home parties—and usually doing an awkward job of it. The real unemployment problem, however, is hidden by the proud, but desperate professional living off past savings and trying to eke out survival masquerading as a "consultant", while endlessly job-searching.

Immediate damage resulting from the evident demoralization and economic wasteage of such unemployment has created numerous family disasters, reaching national significance. Moreover, the Nation's investment in professional education and experience is a resource whose continued full utilization is essential to America's future progress.

What went wrong? Why have the ravages of up-and-down roller coaster employment so characteristic of blue collar work in heavy industry in Detroit and Pittsburgh now struck the big city headquarters office and the suburban research firm, laying off professionals whose employment traditionally has been secure?

The root cause is our fight against inflation, but de-militarization and "de-professionalization" add significant aggravation.

No Painless Deflation. We haven't yet found an easy way to halt inflation. We just blindly hoped that transitional hardships would be mild and short-lived. Yet, once credit is turned off, an inevitable cascade of trouble follows: housing starts decline, industry slashes capital expenditures, and finally demand slackens for all goods and services except the most basic consumer necessities. Under these condition., employment, too, drops. Worst of all today—with the unemployed caught helpless in the middle—one political party denies that any correction of its past administration was necesary, while the other disavows the existence of any real recession under its current administration.

There must be a better way to have full employment and steady prices, but we seem not to dare to innovate where social and economic controversy may result. It appears easier just to sit still and suffer, rather than upset old patterns.

De-Militarization. Despite de-escalation of the Vietnam War effort, overall U.S. military expenditure continues to rise, a billion dollars more this year than last. What most affects high-technology professional employment, however, are peculiar distortions within the military budget. It is sophisticated weaponry that bears the heaviest cuts.

Military operational expenditures have risen, mainly due to the recent years' surge of inflation, plus some attendant mismanagement. But the expenditures concerned with the constant betterment of our military machine versus that of Russia and China have been severely cut. This was easy to do when many people are sick of Vietnam and since the consequences—such as inferior air and sea craft—do not show up immediately. We taxpayers had wanted neither to quit Vietnam nor recognize it as a real war deserving a wartime economy with high taxes and rationing to drain off the inflationary effect of defense spending. As is so often the case, indecision gives the worst of all alternatives: Vietnam fired inflation and smothered long range military preparedness.

If Vietnam had not existed, it is quite likely that military expenditures would have continued strong in the high technologies and advanced research so well carried out by America's professionals. The obvious position of political self-interest for them is to stop the war and restore long range military preparedness versus Russia and China. However, Hanoi does not cooperate with the first and newly perceived, pressing domestic needs and our deficit economy hinder the second. Therefore, no major restoration of sophisticated weaponry programs seems likely.

Limitations of Defense Contractors. Criticism can also find its way to those who were in position to anticipate the aerospace slash. Some will argue that defense industries exist to serve the military customer and in no real sense at all to serve employees. Thus, when the government wants to turn it off, the defense machine should respond quickly and save taxpayer money. Similarly, those who took higher pay to enter this volatile industy, should have foreseen or been forewarned of associated risk and the need to reserve savings and maintain alternate employment possibilities.

Some critics have even taken the view that government has been far too liberal in pumping money into the educational system, doing so faster than civilian business could employ graduates, then funding the aerospace industry beyond real need just to create a "welfare" means to absorb the surplus professionals, and that it is time to halt this self-serving university-military-industrial alliance.

In any case, defense contractors are conspicuously inept to adjust to down-side need of the market place. When government wants military or space goods, they staff up lavishly, escalate costs, underprice to get startup orders, then reprice, renegotiate and by haggling and lobbying succeed to carry on a chaotic business of inconstant employment. This is not to deny that in their heyday our nation's defense contractors represented massive aggregates of power, able to deliver goods quickly, in huge volume, and often to incredibly high performance standards. It does say that the industry also produced a "negative product" of ephemeral employment that was not fully felt until recently.

By contrast, many non-defense firms regularly employ corporate development and new product managers to give perpetual vitality to their enterprises. The oil and minerals industry give themselves reserves for a decade or more. Forest industries plan up to fifty years ahead to assure business continuity. Many of America's most successful manufacturers maintain—out of their own pretax profits—scientific and market research facilities designed to create a reserve of new products. For example, Cincinnati Milacron, the nation's largest machine tool maker has found it more profitable to reserve funds during good times in order to retain its best men during slack times, than to fire, rehire, and retrain. These funds are not used for welfare or make-work tasks, but to push modernization and diversification. Has any major defense contractor ever seriously tried such an approach? Has any ever bothered to argue the case for special contract and tax treatment to facilitate a conversion reserve?

The point here is that defense contractors do not feel any real obligation for the continuity of their business, employment, or even market-need fulfillment. They respond mainly to requests for bids. They seldom initiate, even to meet commonly perceived needs. Fettered by high overhead, they dare not compete against civilian entrepreneurs. Probably this is natural and, in the long run, good. Who wants the clumsy, often harshly regimented bureaucracy of a Lockheed or General Dynamics in civilian business life?

De-professionalization. With technology the prime dynamic of our age, professional workers have become a significant business expense, one no longer sacred in times of cost cutting. But an even more powerful, although subtle, influence has also been at work. The bull pens of today's administrative offices corral many college graduates who are no longer professionals at all; they are merely "personnel" with somewhat above average pay.

They waded through college and got degrees as passports to jobs. After enduring oversize college classes, computerized testing, and personal worth according to Go or No-Go stereotypes, the graduate quickly learned the "name of the game" and discarded his professional independence. He stepped into a squire's life immediately upon leaving college. Maintaining this good life then became his first daily imperative. Traditional, arduous professional building blocks were looked upon as no longer necessary. He catered to office politics and his boss's demands for "practical" expediencies. He became a good "team member," surrendering risky line responsibilities and initiative to those already in charge.

As college laxity de-emphasized personal responsibility, business too tended to slight the value of professional independence. "Staff" became synonomous with "yes men", comfortable, busy, yet superfluous and increasingly removed from sense of responsibility for business profit and destiny. Some firms tried to fight this by setting up separate profit centers and delegating profit responsibility downward. But the mass of bureaucracy remained resistant.

In many cases, if the professional had fought—and won—the battle to keep his integrity and cost-effectiveness, he would today be in a vastly stronger position. Consider the self-reliant, independent accountants, engineers, economists, lawyers, etc. They aren't an employment problem. Over the years they built up private practices, providing genuinely needed services. Now they can survive economic cycles better than their captive counterparts in industry.

Perhaps there is a lesson here: American industry may have over-captured professionals, to the detriment of industry and human. Management should accomplish more staff work via temporary, truly independent professionals that sometimes talk back; less via tame, permanent personnel.

In defense-oriented technical offices, a professional distortion has occurred just as undesirable, but opposite to that of administrative offices. Driven by ceaseless military demand for combat-winning performance, the defense professional has perfected his skills to historically unprecedented achievements in science and technology. Yet, through excessive specialization, he lost contact with the means to commercialize his skills. An especially unfortunate consequence is that today's high-technology professional, instead of being welcomed in old-line industries as a potential innovator breathing in new progress, is often feared as being too costly in working methods and product design. At director and top management level, there can be deep reluctance to gear up old methods to sophisticated, bold, new approaches that also carry unaccustomed risks. Sometimes personal resentment and jealousy can also hinder talent conversion.

II.

Who Gets Fired First? The businessman confronted with sagging sales, first tries to maintain earnings by cutting costs. He begins by borrowing from the future, trimming research, development, and advertising. Then, he prunes personnel down to the basic core of sales, production, and accounting. Out go staffers who solve general problems or create new opportunity. These functions can be carried on at reduced rate by those who remain, or be deferred until business recovers.

Management begins pruning with the less efficient, less necessary, and more cheaply replaced people. In practice this usually means fire old, hire young. Out goes the $2000 per month age–48 hard-tiger-become-soft bureaucrat. In comes a freshly schooled, young tiger, age–28, carrying a $1000 per month price tag. Youth has been asking for a better chance at promotion, for an end to rank by seniority. Now, competitive conditions are giving youth its due.

For professionals, seniority rules established by unions to protect family life do not apply. In fact, the opposite occurs and the top manager would be foolish not to take advantage of today's recession to rejuvenate his professional team.

Just as the housewife in a free market selects her purchases on value alone and never the factory working conditions under which they were made, the stockholder demands rising per share earnings and remains quite indifferent to any employee hardship or other "negative product" or "social pollution" the pursuit of profit entails. He expects management to isolate him from such concerns. Thus, companies, as now motivated, can have no real responsibilities—when the chips are down—for the social consequences of their personnel actions, no matter how nice were the platitudes uttered in good times.

Are today's unemployed professionals an across-the-board sampling of merit, or bottom-of-the-barrel dregs? In many instances whole work sections, regardless of individual merit, were laid-off due to defense project termination. In other instances, human nature may have retained some men because of important factors of office politics. But in other cases, one gets the distinct impression that much of today's firing was selective. Certainly, good management requires firing by inverse merit. So, some of today's professional unemployed probably were among the less effective people in their former jobs. For them, being laid-off, while harsh, is a means to force taking stock of one's own personal cost-effectiveness and going about the hard task of downgrading, or of improving personal worth to an employer, and doing so against competition that is now very aggressive.

In a sense, all this reconfirms America's enduring strength and fairness: Reward the best. No job is a sinecure. Title and position alone can not forever defend an incumbent against competitive assessment of his real worth to an employer.

The re-employment battle. The ease of professional job recapture varies inversely with age. Admittedly, there are laws against discrimination on account of age, but employers neatly side-step this. For example, specifying that only five years experience is required, translates to "we want a man under thirty." Even governments quite commonly limit entry age for uniformed forces, and strongly hint at preferred age limits elsewhere.

For the young professional, age 25 to 35, re-employment prospects can be reassuring. In normal times, this age "sells nicely", as the people brokers. Even in today's recession, the young professional has no cause for alarm. An aggressive résumé campaign, a little patience, and, at worst, perhaps taking a small pay cut or moving to a new locality will land him a job.

People in the 35 to 45 age bracket fall into a more difficult situation. First the 35–45 man must recognize that industry has suddenly tired of the senior staffer sure that the world owes him a living because of his "professional" status. Paper shuffling, representing his firm on expense account at conferences, and a few astute pontifications are not enough. In today's tough job market, re-employment will probably be as a staffer, not supervisor. Hence, the employer, confronted with recession pressures, will demand performance and innovation of clear value to him here and now. Once the professional understands that how many times he can pay his upkeep is the game now, he is on his way to re-employment.

For the man over 45, offering merely his general professional ability on a résumé, steady re-employment at anything approaching his former boom-time pay is virtually impossible. If he does not have money saved up to buy a job in a small business, or is unwilling to retire to humble work, only two alternatives remain: Take a job in sales or small unit management where compensation depends solely on measureable daily results, such as real estate or securities sales, store or motel management; or, create his own job, individually or in a group.

An example of professional job creation would be the offering of a novel system of inventory control, assuring immediate cash savings several times outweighing the professional's upkeep. When faced with pragmatic cash advantage, an employer may over look age. True, there is little grace and dignity in this hard, constantly competitive work. But when it succeeds, the economic rewards build self-confidence in the strongest and most enduring way. An extension of the job creating alternative would be to team up right from the start with an entrepreneurial group seeking to form a new business. If the chronologically older man has special skills and youthful attitudes and can-do drive, the pragmatic intimacies of such a group can often readily and quite wholesomely absorb him profitably.

Bankrupt Palliatives. Many unemployed professionals are joining hand-holding, self-help groups such as Forty Plus Clubs or Experience Unlimited Chapters. Organizing can contribute strength, but only if means to goals are realistic. The present organizations of professional unemployed usually focus on more intensified job search, retraining, or seeking consulting assignments.

These steps are not good enough for today's needs. What real gain can there be in better job search when the unemployed professionals greatly outnumber openings? In retraining, where is there an excess of jobs lacking qualified applicants? Is it socially acceptable to retrain down to displace others? In consulting, is it reasonable for an employer—under present concepts of professional utilization—to pay out extra cash for an outsider, when he has surplus insiders? The conclusion must be that these steps are palliatives at best.

Moving to another area sometimes helps, but where now are there jobs open? For every firm hiring, such as Litton in their DX naval ship program in Los Angeles, there are hundreds of well-qualified résumés per job opening. Also, in a down-market, many home-owners can not sell their homes quickly enough and at a good enough price to get out of their mortgage and pay for the cost of moving. They are trapped. Finally, there is the question of area loyalty. Some professionals, particularly those in the attractive environments so popular with aerospace employers, fiercely resist moving "backward".

III.

Clearly, America needs a modern, effective tool for redeployment of unemployed professionals under conditions that are politically, socially, and economically acceptable.

The need is quite distinct from bringing into the mainstream of American economic (and hence social) life disadvantaged minorities who first need to be brought up to employable standards. Today's professional unemployed has already developed his ability to contribute and his eagerness to work make him a "good buy" for an employer. Yet we have no working tool for professional redeployment and the pallatives of better job search, retraining, etc. are bankrupt. They just sound nice. If nothing bolder is undertaken, professional unemployment will aggravate a sharp and potentially explosive social cleavage. Moreover, we waste the fruit of years of professional education and experience, a national asset that underlies our military and economic strength and personal living standards.

Political Priorities. Today's unemployed professionals do not like being an expendable elite. They want jobs and challenges now, not after an "adjustment" has run its course. However, as a class seeking special consideration, they face substantial political handicaps: First taxpayer money spent in the ghettos returns more votes. Second, many politicians feel a deep moral obligation to help disadvantaged minorities, before helping the middle class. Third, many voters resent the seemingly overpaid and underworked life that the professional has traditionally enjoyed, perhaps even at the ordinary guy's expense, and see no reason now to help a fallen elite.

What can the unemployed professional do to gain some political priority? He must forget appeals to sympathy and for help. Instead, he must find new means to be of service. And, he must organize to speak with a louder voice.

The argument the unemployed professional should sell is: that America has pressing needs, that established firms are slow to respond, that today's unemployed professionals have skills to meet those needs, and that new business creation is what the nation requires. This argument will get him a share of available resources.

An extraordinary opportunity to fulfill needs. America has newly perceived, but already very pressing, needs for new goods and services in housing, the city, transportation, law and order, education, ecology, health, and others. It has insatiable desire for greater material convenience in daily living. It wants wholesome leisure and recreation. Ever more mechanization and automation are needed to constantly boost productivity. We will also continue to need improved military systems and, in underdeveloped areas abroad, new tools for nation-building.

These needs have been critically publicized, but established organizations seem to be dragging their feet. Automobile manufacturers and oil refiners, for example, resisted public cries against pollution and even now seem responsible only to forceful legislation. The rigid structure of vested interests into which such old-line organizations have naturally hardened makes quick, major changes too risky to undertake.

Yet, an extraordinary opportunity to fulfill these needs is at hand. Never before has there been such an availability of professionals. They have been advancing science and technology in atomic energy, computers, electronics, medicine, space, etc. They have mastered systems approaches to heroic as well as mundane tasks. They stand ready to tackle America's new needs now.

Not only do we have defense industry engineers and scientists available, but in the central cities we have many generalist management professionals made surplus by the current retrenchment to a hard core of basic operations. For "me too" products the combination of these two complementary, but unfamiliar, people may be unrealistic to immediately stand up to competitive necessities. But for the unusual needs of developing pioneer products, where all is new and to be learned, such combination could be very practical and effective.

Today's unemployed professionals—particularly the high-technology elite—have an abundance of ideas to meet America's needs. Some of the new business ideas circulating in the San Francisco area, for example, concern pollution measurement, control, and abatement; solid-state electronics for home, car, office, and factory; instruments for medical diagnosis, crime fighting, traffic control, and civic information exchange and digestion; high-performance composite materials; modular housing; wheeled vehicle electric propulsion; etc. In services, several different groups have well thought-out ideas for local recreational projects and tourist attractions, educational systems, and cargo and passenger transportation management. Most are realistic in market assessment, even under today's general retrenchment.

Neither defense or commercial firms have succeeded in fully exploiting this available technology and human talent. The unworked alternative is the entrepreneurial, or new business creation, channel.

After all, the purpose of having an economy is to successfully match work and savings with human needs. Start-up endeavors represent imaginative ways to meet genuine needs. When a good project succeeds, it usually carriers the bad one, as far as net social and economic gain to the community are concerned.

Moreover, by according the entrepreneur a hero's role, we can awaken creative energies and provide fresh, disciplined inspiration to the unemployed and to disillusioned youth. This is because many Americans feel trapped in hopeless ruts of routine and complain that creativity for them is impossible. Attaching on this front, lead by a new breed of entrepreneur operating in a modernized system, could begin to effect the national liberation in quality of life on the job that many of America's internal critics advocate, but have not been able to engineer. Conversely, failure of government to supply the leadership to unite the now obvious ingredients for a great step forward would diminish its authority.

Stalled Entrepreneurial System. An entrepreneur is the person who creates new business. He does this by bringing together an idea, a balanced team of key men, a business plan, and the money to carry it out.

Ideas don't always come from the lead entrepreneur. They often arise in the minds of technical men or marketing men, who soon team up with men of strong will, broad business management skills, and some kowledge of how to get money. Today, our technology pool in the universities, the defense community, and industry is running over with exploitable opportunity.

Creative by nature and occupational experience, many professionals have very specific ideas for meeting today's needs. Often, in their former employ, these men could not have gotten such ideas accepted. Defense management responds to government requests for bids, seldom initiates, and its overhead and management philosophy hardly equip it to exploit new ideas at its own risk. Commercial management usually has its own backlog of new products fitting hierarchial momentum and is slow to accommodate inputs direct from individuals, even if in-house staff. In other cases, the ideas may have originated by team effort, but did not happen to meet immediate company plans and thus were shelved. Sometimes, simply too much bureaucratic "paralysis by analysis" killed development initiative. The alternative was to leave the company.

As little as two years ago, a man willing to leave corporate employ and possessing a good idea and team of people qualified to execute it, enjoyed a seller's market. Venture capital sources and often investment bankers would compete to provide financing. The founders might have retained as much as 75% ownership, even in a startup situation. 25% ownership, the entrepreneur must have dropped to a third. And, just to retain a 25% ownership, the entrepreneur must have a very exceptional project. Finally, very, very few of these exceptional projects get financed today. While much of our economy rolls on, although at reduced pace, the American entrepreneurial system is today inoperative concerning startups

Seed money has dried up. Unless the would-be entrepreneur has his own or family's savings to start up independently, he must abandon his idea. Such conditions constitute the severest blow to American entrepreneurship sustained since the 1930 depression. The would-be entrepreneur needs initial capital, or seed-money, to carry out studies and other preparatory work essential to obtain conventional financing. Without it he is helpless to begin. It is exactly at this point that our entrepreneurial system has stalled.

The drying up of venture capital results from the general curtailment of credit, compounded by the inability of ventures started several years ago to get expansion money from conventional sources, thus forcing the venture capitalist to apply whatever funds he can get to protecting earlier investments, not starting up new ones. In addition, those who do have extra funds, find it more attractive to seize opportunities to buy existing businesses in financial trouble at distress prices, than to invest in startups.

Typically, investor interest in startups does not reach its peak until the height of a business boom, when the price of a going business becomes unreachable and it is cheaper to start a new one, or when he can sell an earlier investment at such profit that he can afford to pay for a new startup.

Unfortunately, this understandable cycle of interest in startups is exactly opposite to national need, and it accords no influence to the availability of ideas and needs and professional talent. It accentuates booms and busts.

The utilization of new business ideas is important for our national strength, not only materially and economically, but also for the spiritual needs of many people to be innovative, or to simply find refreshing change in work opportunities. College youth resents business because of its irresponsiveness to outside ideas and difficulty to enter except as conforming hirelings. Seasoned employees still feel frustration to business reluctance to change. For both, any morally successful business system must provide some real hope, even if very slim, that an able, strong willed individual can exert change. Once this hope dies, the system ceases to support human happiness on the job, although it may go on producing goods.

The present virtual cessation of new venture startups is proof that we need a new, revitalized entrepreneurial system in America. Education of investor attitudes, education of entrepreneurs in startup disciplines, and seed-money availability are the keys to a better system.

"Just an Idea". The first institution created especially to finance new ventures was American Research & Development Corporation, in Boston, in 1946. It pioneered new concepts with mediocre profit for twenty years until a fortuitous success in a computer firm boosted its assets ten-fold in several years. Some wealthy men, notably Rockefeller and Whitney, formed private venture capital firms which more quickly became successful.

In 1958, Congress enacted the Small Business Investment Act, which offered, two-to-one, government funds to match private venture capital in "Small Business Investment Companies". SBIC's. There was, and is, a grossly inadequate body of knowledge to guide these operations. At first, many investors used the SBIC's for government leverage in personal real estate deals, until nipped by a 1965 law limiting real estate investments to one-third of total. By many SBIC's did succeed in mobilizing completely new sources of venture capital.

In the natural struggle for competitive profit, the SBIC's gradually learned how best to exploit existing laws. They saw themselves, of course, less as instruments of social change, than engines of profit. Accordingly, they evolved patterns of operation which moved as close to conventional financing as possible without giving up government advantages. This generally means to back only going enterprises with actual sales and, preferably, earnings. They came to consider only on a very exceptional basis startup situations.

To become an exception, the startup entrepreneurs must have a proven "track record", already have substantial cash in their project, have a readily sellable "me too" product with specific sales lined up, and a comprehensive business plan showing high profit probability. Lesser situations would be discussed, but generally to broaden the investor's education, not to provide financing.

At times, this boiled down to little more than raiding a successful firm, inducing a department head to leave with his entire staff, and set up a new shop on the other side of town. Typically, this was a far cheaper way to acquire participation in a successful industry than to buy existing shares. It was exciting and it provoked more intense competition for talent, but it did nothing to help create new businesses with pioneer products.

Compared to such opportunities, the sincere, but naive, innovator with a good idea and some solid technology and market sense behind it, would be sidetracked as "having nothing at all, just an idea". Yet, without ideas, collateral, track record, and all the other substance of a "real" business do not create progress. It is the intelligent, prudent, commercial management of the two assets—tangible and intangible—that advances us. The would-be entrepreneur is told "when you get your seed money from someone else and have some sales, come back and see us". That "someone else" is a sop, a polite fiction. It isn't available.

How does the exceptionally creative man break out of the confining walls of bureaucracy, peer jealousies, riskless department budgets? Is it sound for society to wait for the creative man to first fight his way up out of the jungle by political and administrative drive to make his track record and accumulate substantial cash before his ideas become credible? New means to competitively take from substantial men, even if without substantial cash, their best ideas and convert them into new business reality are needed today. Moreover, these men often know the much more difficult job of pioneering a new business, where search for new solutions can be more important than already knowing proven routine.

Another preconception, not always valid, is that technical men make poor lead-entrepreneurs. If they are prima donnas and blind to profit ingredients, this is true. Yet, in many new business situations, technology creates the first dynamic force and can become so important that the technologist should enjoy the motivation of playing the leading role, hiring salesmen, money men, and general business administrative managers as his subordinates. All that is needed is a balanced team of equals, without prejudice for the leader's background. If the would-be technologist-entrepreneur recognizes the need for a balanced team, he can be an outstandingly successful head of enterprise.

Educational Gap. Wildcatting oil wells has a low success ratio. So do entrepreneurial wildcats. Yet, the oil industry is constantly improving its skill in assessing a geological situation to determine whether it warrants investment. Is venture capital doing the same?

Venture capital firms, placing the bulk of their money in already established firms, rely mainly on conventional analysis of financial data. To this they add technology assessment, usually by an outside consulting expert, and a somewhat greater research into future projections than normal in conventional financial analysis. This works well, in the key sense that many venture capital firms are quite profitable.

But they haven't solved the analytical challenge of the start-up. They avoid it, or insist on track record and founder cash. These are just familiar, not real, confidence builders. What is important is the comprehensiveness of the pre-investment study and founder strength to fight unexpected obstacles in an uncharted environment.

The preinvestment study is *the* most powerful argument the enterpreneur can use to get money. Yet, there is no textbook or course taught on how to prepare it. No SBIC offers anything other than a brief chapter outline, or checklist. The pre-investment study deserves more attention from the educational community. In fact, the whole process of getting an idea, organizing for new business creation, financing a startup, and managing it is neglected by our colleges and educational firms. The art of entrepreneurial practice should be taught on an adult, extension basis. The difficulty of raising startup capital proves the weakness of present systems of project evaluation. Here is a critical focus to improve new venture average success ratio.

To help assure sound project development, some training and coaching in entrepreneurial practice by successful entrepreneurs is needed not only now, but, as the recession continues to discourage forward business planning, it will be even more needed as we face a shortage of new business projects.

Improving entrepreneurial techniques for unemployed professionals would have important benefits for programs to stimulate minority enterprise. The point here is: How can we hope to create black entreprenuers when we still haven't really got any system working to create entrepreneurs out of white people who are already well educated and professionally experienced?

Entrepreneurial grubstakes to make ideas bankable. A grubstake is funds furnished a mining prospector on promise of a share in his discoveries. It became famous as a wealth generator in California and Alaska. By analogy, this is the keystone need to modernize America's entrepreneurial system, to broaden its reach.

We have come to accept generally that substantial personal cash is indispensable to advance a new idea. This is just too simple and lazy. It is extravagant neglect of opportunity to revitalize the pace of progress.

The heavy-weight professional, with a well thought-out new business idea should have means to obtain seed-money at concept stage to prepare his idea for conventional financing. This early money is not for bricks and mortar, nor for invention, nor for fundamental research. It is for organizing for execution an already developed idea, for costing production, for verifying markets, for rounding out a balanced founder team, for calculating pro forma profitability, for documenting claims and logic. The purpose is to enable would-be entrepreneurs to do the work necessary to seek conventional venture capital.

A partial precedent is that charitable foundations and government research and scientific agencies give project research grants on a competitive basis. For new business situations there are compelling reasons to conduct the provisioning of seed-money on a profit-seeking basis. The prime reason is to assure commercial disciplines at all stages. The next reason is to provoke the dynamic motivation of self-interest. Another reason is to tap broader money sources.

What specifically is proposed are regionally located, investment promotion, or seed-money, corporations. Their mission: Raise freshly motivated venture capital for carefully selected new business ideas at concept stage. The seed-money corporations would couple the creativity of unemployed professionals coalescing into entrepreneurial project groups with sophisticated financial support. This could help restore confidence in American new business vitality, as well as pioneer in creating a redeployment tool useful at other times and places.

Reenforcing private capital with government money. The basic economic element needed for the regional seed-money corporation to succeed is, of course, private capital. No region is devoid of capital, even today. Money is just very short and very demanding. Some private capital sources have been sounded out. They expressed guarded, tentative interest in the concept. Before taking a firmer position they want to see a clearly organized plan, evidence of forthcoming government support, and documented examples of potentially viable new business ideas.

What can be done to induce the employed affluent as well as wealthy individuals and institutions—the usual source of venture capital—to invest venturesomely Pious appeals to civic spirit do not arouse as much as simple appeals to greed. The answer, therefore, is to sweeten the deal, to reduce risk and boost reward.

The role of government is seen as catalyzing private investment into action by temporarily multiplying its effectiveness via reduced risk and higher reward. Reenforcing private funds with government money should arouse the needed private interest. The exact ratio and conditions should be high enough to do the job, no more. They should change as conditions change. Government money would be as loans, enjoying favorable terms, but eventually repayable. Private money would be as equity.

As to government funds, they would have to come from either special emergency sources, or from existing programs whose charter could be interpreted to cover the seed-money program. Federal, state, county, and perhaps even city money would be sought, but the main emphasis would have to be "Washington", where the bulk of taxes are controlled and where perhaps a certain detachment from local limitations can permit bolder, more innovation, long range programs.

The Labor Department and the Commerce Department's Small Business Administration would appear logical focuses for action, but they are not. Labor is authorized only to help train and match people for jobs. It has no authority to help create jobs.

At present, the SBA is virtually without funds for new projects, but more critical is the fact that existing support generally provides incentives sufficient only to serve the capital needs of previously started up small businesses needing expansion money. SBA support to small business is not enough to stimulate the availability for seed-money. For this, new incentives and structures are needed. The proposed specifics follow:—

TWELVE SALIENT FEATURES OF PROPOSED SEED-MONEY CORPORATIONS

(1) Private investors would provide equity money.

(2) Government would provide reenforcing funds as loans: in amounts up to three times the private capital paid-in, bearing no interest for the first two years and then at prime rate, and not amortized for the first five years and then extended over ten years.

(3) The Corporation would provision only seed-money, or start-up money, and not invest in already operating businesses. Usual investment at concept stage would approximate $25,000 to $50,000 per venture, on a cash-for-shares basis.

(4) All applications for investment would be competitively decided strictly on criteria of probable commercial profitability. Applicants must comprise an already organized entrepreneurial team including, at the minimum, marketing, manufacturing, and financial talent with overall spokesman or President designated.

(5) The Corporation would not acquire over 49 percent ownership, or voting shares, in any single venture.

(6) To reenforce the Corporation's judgment, each of its investments would be accompanied by a cash investment from other sources at least equal to 10% of the Corporation's own investment.

(7) To test venture founders' sincerity and sacrifice, they would not receive salaries from the venture exceeding half their highest rate when last regularly employed, until venture is conventionally financed.

(8) To keep its funds recirculating, the Corporation would sell at least one-third of its original investment in a given venture at each subsequent round of conventional financing that the successful venture obtains.

(9) Investments failing to secure additional financing one year after seed-money funding, could be taken by the Corporation as losses and when this occurs government loan repayment obligation can be reduced by half the amount of such loss.

(10) The Corporation would conduct, and/or foster, training classes in organizing new business startups, such classes to be eligible for training grants. The Corporation would publish annual reports of operations, analyzing specific failures and successes. The Corporation would maintain open liason with local business schools, provide case material, etc. to encourage research to improve America's entrepreneurial system.

(11) To simplify new business initiation, the Corporation's investment should serve to excuse venture groups from further compliance with state and federal corporation and securities laws and regulations, until the venture receives its first conventional financing.

(12) The Corporation would cover regions within 100 miles of major trading areas, rich in educational facilities and professional population. Additional Corporations in the same region would be supported upon need.

The Strength of an Exciting New Frontier. A skeptical man could ask: Why disburse taxpayer money at all, if national policy has been to "cool it", to stop business expansion? Such man would probably assert that professional unemployment is a needed adjustment, one that will level off, if given time.

The true situation is that today's level of professional unemployment is unhealthy, that entrepreneurial development under the conditions proposed could boost productivity and morale and not be inflationary. It would return its cost in reduced welfare, new personal and corporate taxes generated, and eventual loan repayment.

The proposal does aim at an immediate problem and, on this basis, it should be considered for emergency, experimental action right away. But, the proposal also offers a long range means to revitalize America's entrepreneurial system.

Remember, the proposal requires strict commercial criteria in assessing the merits of rival applications for seed-money. It requires personal sacrifice from founders. It does not put unemployed professionals back to their former jobs; it puts them to work making new, often pioneer goods and services overlooked or neglected by established firms.

The plan maintains individual self-respect by helping founders form their own natural groupings, propose their own projects, rely on their own talents, and then competitively fight for funds at each stage of financing. It is humanly far better for an unemployed professional to put his mind to work creatively, than to be handed a dole, or to turn in desperation to menial chores, or join destructive forces.

Properly managed, the proposal would realistically release great new creative energy in our age of technology and urban concentration, much as new land frontiers did in our earlier history.

Mr. Speaker, I recognize that this has been a long presentation, but it concerns a problem which has been directly created by the U.S. Government. It was Federal enticement that brought scientists and engineers into this field and a cutback of Federal procurement which caused their unemployment. Environmental deterioration is a national problem which persists as we watch teams of professional people, who could be working on a solution, dissipate and erode away. In the national interest we should preserve this great base of expertise.

The Santa Clara plan is one meaningful step which the Federal Government can take. It represents an investment in our future. I sincerely hope that my remarks will be read by the agencies of Government who have a concern in this field and that an honest effort will be made to find some means of cutting bureaucratic red tape and giving this innovative and imaginative plan a fair trial.

REPRESENTATIVE REID OF NEW YORK INTRODUCES BILL TO INCREASE SUBSTANTIALLY THE CIVIL PENALTY FOR POLLUTION OF THE WATER BY OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. REID) is recognized for 5 minutes.

Mr. REID of New York. Mr. Speaker, I am today introducing a bill designed to increase substantially the civil penalty for pollution of the water by oil. Recent large oil spillings in San Francisco Bay and Long Island Sound underscore the urgent need to deter and prevent future such disasters to our environment.

Present law, the Water Quality Improvement Act of 1970, provides a maximum penalty of merely $10,000 for each unlawful discharge of oil into U.S. navigable waters, shoreline areas, and contiguous waters. It further limits in some cases the liability of an offender for the costs of cleaning up an oil spillage.

My bill would amend the present law so as to—

Increase the maximum criminal penalty for failure to report an oil spillage from $10,000 to $100,000;

Make any "willful or negligent" discharge of oil into the water a violation;

Require the Secretary of the department in which the Coast Guard is operating to appoint an Oil Pollution Hearing Board to investigate any violation and make findings of fact;

Require the Secretary to assess a civil penalty against any persons—including a corporation—whom the Board finds to be a violator, the amount of the penalty being fixed as $10 multiplied by the number of gallons of oil discharged into the water—as found by the Board;

Make a violator liable for the entire cost of cleanup, without limitation.

Mr. Speaker, the purpose of a penalty system is to deter potential violators by making a violation relatively costly. To a large corporation, the sum of $10,000 is trifling and therefore hardly a deterrent to negligent or willful conduct which might result in oil spills. A potential penalty of several million dollars is far more likely to encourage the care in the handling of oil necessary to avoid the disastrous spillages to which we are becoming altogether too accustomed.

Under my bill the recent San Francisco Bay spill would have cost the responsible party approximately $8.4 million in penalty, based upon the estimated number of gallons reported to have been spilled. Under present law the maximum penalty will be only $10,000.

By removing a ceiling on the penalty, my bill has the further advantage of establishing a correlation between the amount of damage done and the size of the penalty.

Whereas present law leaves the amount of the penalty in the discretion of the Secretary, my bill sets a fixed amount which depends only upon the number of gallons of oil spilled. This insures that the size of the penalty is not dictated by, and that the Secretary is protected from, political pressures.

In the belief that the American taxpayer should not be required to foot any expense of cleanup when oil is negligently or willfully spilled by a private corporation, my bill makes the offender fully liable for such costs.

Finally, my bill clarifies some ambiguous language in the present law by specifically making violators liable for negligent as well as willful discharges. This is intended to include simple, as well as gross, negligence.

Mr. Speaker, if we really want to improve the quality of our waters, we must put some real teeth into our antipollution laws. My bill would accomplish that, and I hope we can have hearings on it at the earliest possible opportunity.

BLACKBURN INTRODUCES FREEDOM OF CHOICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, today it is my pleasure to introduce legislation which will preserve the right of Federal employees to form, join, or assist a labor organization or to refrain from such activities. Thirty-seven Members have joined me in cosponsoring this legislation.

When a person decides to work for the Federal Government he has an obligation to his agency. It would be wrong if his first obligation were to a union over that to the Government for which he works. Furthermore, it is also wrong that any person be denied the right to serve this Government because he does not desire to join a Government employees union.

Both Presidents Kennedy and Nixon have reaffirmed this principle many times by issuing Executive orders proclaiming this right. This House during the debate on the Postal Reorganization Act added language which specifically guaranteed the right of Federal employees to refrain from joining a Government employees union. The language of my bill is identical to that which was passed by this House.

I have been informed that the Government employees unions will ask the Congress to pass legislation giving them the same bargaining rights as those granted to postal workers. However, the Federal Government employees unions do not desire to have a freedom of choice provision found in this bill. I, therefore, would urge my colleagues to go on record as being in favor of the concept of freedom of choice for all Government employees.

HUMAN RIGHTS VIOLATIONS IN SOVIET-OCCUPIED UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, January 22, 1971, marked the 53d anniversary of the independence of Ukraine. The observance was postponed until January 28, because on January 22, President Nixon delivered his state of the Union message.

Tragically, the President made no mention of the sufferings of the Ukrainians nor of the enslaved peoples of other captive nations whose freedom as human beings is in the best interest of the security of the United States.

The Ukrainian Congress Committee of America, Inc., of 301 W. 13th Street, New York, N.Y. 10014, has for three decades worked on behalf of over 2 million Americans of Ukranian descent for the freedom of Ukrainian people and for a more realistic United States-U.S.S.R. relation.

In recent months, the committee has spoken out against the barbarous extradition of the Lithuanian sailor, Simas Kudirka, the death sentencing of the so-called Zionish hijackers and Russian anti-Semitism, the plight of Polish workers rioting over food prices, and systematic Russian aggressions in the Middle East and Latin America.

These recent events again prove, first, free voices raised with truth can curb in some measure the injustices and practices of Soviet Russian imperio-colonialism and totalitarianism; and, second, underlying each of the aforementioned events is the inescapable reality of the captive nations in toto.

These recent lessons justify more than ever before the formation in this 92d Congress of a Special House Committee on the Captive Nations so that a knowledgeable, concentrated focus on the captive peoples in and outside the U.S.S.R. would lessen or preclude these injustices through an aroused public opinion. The works of such an indispensable committee would also serve to dissolve the many myths engulfing U.S.-U.S.S.R. discussions, as, for example, referring to the Jewish renaissance in the U.S.S.R.

The indisputable evidence produced by Ukranians in exile of the many violations of human rights by the Soviet Union is so conclusive that I have reintroduced House Concurrent Resolution 64, expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

I urge all Members who believe in human rights to join me in this humanitarian endeavor. For our colleagues' perusal, I insert at this point the memorandum of evidence presented on behalf of the people of the Ukraine, an article written by Dr. Alexander Sas-Jaworsky, an outstanding American of Ukraine descent, of Abbeville, La., on the subject of human rights violations by the Soviets in occupied Ukraine and the text of House Concurrent Resolution 64:

MEMORANDUM

(Submitted by American Friends of Anti-Bolshevik Bloc of Nations, Washington Metropolitan Chapter, and Organization for the Defense of Four Freedoms for Ukraine, Washington, D.C.)

FEBRUARY 21, 1968.

To: The Court of World Public Opinion, Washington, D.C.

As members of the original delegation which presented the summons and indictment to the Soviet Embassy in Washington, D.C., on November 7th, 1967 but were denied the opportunity to present competent witnesses at the moot trial of International Communism we, the Organization for the Defense of Four Freedoms for Ukraine and the American Friends of Antibolshevik Bloc of Nations in Washington, D.C., submit to the court the following evidence of overt and conspiratorial crimes by the Russian Communist Party against Ukrainians and humanity, and plead that this evidence be fully examined by the Court of World Public Opinion and considered in the arrival at a verdict.

We accuse the Russian Communist Party and equally the Russian Communist Government of the following crimes against the Ukrainian people:

ARMED AGGRESSION

Armed aggression against the Ukrainian National Republic, an independent and sovereign state, in 1918. (see Exhibits: A; B; C; D. pp. 14–19; O; P.)

POLITICAL SUBJUGATION AND PERSECUTION

a. The invasion and occupation of the Ukrainian National Republic by Russian Communist forces in 1918–20 (see Exhibits: A; B; C; D, pp. 7–48; N; O; P.) in full violation of international treaties and solemn agreements as follows:

Treaties of Brest Litovsk (Feb. 9, 1918) and (March 3, 1918). (see Exhibits: A, pp. 80–133, 185–198; B; C; D, pp. 16–17; O.)

De facto recognition of Ukraine by France and Britain. (see Exhibits: A; B, pp. 182–3; C; D.)

De Jure recognition of the Ukrainian National Republic by the Russian Soviet Government, Dec. 17, 1917. (see Exhibits: A, 22–25, 128–133, 158–9, 186–198; B, pp. 184–5; C; D, pp. 14–15; O.)

b. The invasion and occupation of Ukraine in the Second World War in 1939–45. (see Exhibits: B; C; D, pp. 36–42; O; P.)

c. The imposition by force of arms of a puppet Communist Government upon people of Ukraine. (see Exhibits: A; B; C; D, pp. 15–20; G; O; P.)

d. The destruction of democratic political and social forces in Ukraine by forcibly imposing an alien, totalitarian, one party system. The Communist party became the only legal party in the new political structure and non-members of the communist party reduced to second class citizens. (see Exhibits: B; C; D, pp. 19–23; G; O; P.)

RELIGIOUS PERSECUTION

a. The destruction of the Ukrainian Autocephalous Orthodox and the Ukrainian Catholic Churches, (see Exhibits: C; D, pp. 111–138; E; F. pp. 5–51; O; P.)

b. The deaths, through brutality, imprisonment or execution, of the Ukrainian Catholic and Orthodox hierarchy and clergy. (see Exhibits: C, pp. 32–3; D, pp. 111–138; E; F, pp. 5–51; O; P.)

c. The closing of substantially all churches in Ukraine. (see Exhibits; C, p. 21; D, pp. 119, 125; I; F, pp. 5–51; G; M; O; P.)

d. The closing of all Ukrainian Seminaries and religious institutions, schools, and publications. (see Exhibits: C; D; E; F; G; O; P.)

e. The stripping of Ukrainian Churches of their religious and art treasures (see Exhibits; D, p. 119; E, pp. 43–45; M; O.)

f. The destruction of many ancient and historical church buildings in Ukraine. (see Exhibits; C, p. 21; D. p. 119, pictures; E; M; O; P.)

g. The persecution of other Ukrainian Christian denominations, Ukrainian Jews and adherents of the Islamic faith; the closing of their houses of prayer; and arrest of religions in Ukraine. (see Exhibits: C; D, pp. 111–138; F, p. 58; G, pp. 23–25; O; P.)

h. The creation of militant atheist institutions for waging a relentless war against all religions in Ukraine. (see Exhibits; C, D, pp. 111–138; E. p. 44; F., pp. 5–51; G.)

GENOCIDE

a. Creating a famine in 1932–33 to subdue the entire Ukrainian nation and to force collectivization on the Ukrainian farmers resulting in the deaths by starvation of seven million Ukrainians. (see Exhibits: C; pp. 17–20; D, pp. 69–84; G, pp. 15–18; H; I; O; P.)

b. The executions of hundreds of thousands of Ukrainians for political dissent by the State Security Police, Cheka, GPU, NKVD, NVD, & KGB), (see Exhibits. C; D, pp. 49–68, 85–110, 139–146, 169–198, 207–450; G; O; P.)

c. The deportation of millions of Ukrainians to Asia (Khrushchev stated at the XXth Communist Party Congress in 1956 that Stalin wanted to "deport all Ukrainians"). (see Exhibits: C; D; F, pp. 52–59; G, pp. 51–22, 65–66; O; P.)

d. The murder of 12,000 Ukrainians in Vinnytsia by NKVD. (see Exhibits: G, pp. 26–28; D, pp. 147–168; J, see The Court—Medical Report on pp. 15–18; G; O; P.)

e. Executions, imprisonment and the deportation of members of the Union for the Liberation of Ukraine (SVU), the Association of Ukrainian Youth (SUM), the Ukrainian Military Organization (UVO), the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA). (see Exhibits: C; D, pp. 49–68, 85–100, 139–146, 169–198, 207–450; G; O; P.)

POLITICAL MURDERS

Murders of Ukrainian leaders by the Soviet Security Police operating in the free countries:

a. Simon Petlure, head of the Ukrainian government-in-exile, assassinated on May 25, 1926 in Paris, France. (See Exhibits: D, pp. 451–82; L; O; P.)

b. Col. Eugene Konovalets, head of the OUN, assassinated on May 23, 1938 in Rotterdam, Holland. (See Exhibits: D, pp. 451–466, 483–90; L; O; P.)

c. Dr. Lev R. Rebet, a Ukrainian nationalist writer, assassinated on October 12, 1957 in Munich, Germany. (See Exhibits: D, pp. 451–466; K; L; O; P.)

d. Stepan Banadera, head of the OUN, assassinated on October 15, 1959 in Munich, Germany. (see Exhibits: D, pp. 451–466, 525–8; K; L; O; P.)

CULTURAL PERSECUTION AND RUSSIFICATION

a. The waging of a relentless war against Ukrainian cultural and social institutions, and progressively limiting the number of Ukrainian language publications. (see Exhibits: C; D, pp. 49–68, 85–110; G; O; P.)

b. The down-grading of the Ukrainian language. The imposing of the Russian language upon Ukrainian schools, institutions and administration in Ukraine. (see Exhibits: C; D; G; O; P.)

c. Denial of the enjoyment of Ukrainian cultural life to 8 million Ukrainians residing in the Russian Soviet Federal Socialist Republic and other parts of the USSR by prohibiting Ukrainian schools, Ukrainian language publications and the development of Ukrainian institutions. (see Exhibits: C; D; G; O; P.)

d. Conducting a population policy detrimental to the Ukrainians. (see Exhibits: C; D, p. 291; G; O; P.)

e. Conducting purges against Ukrainian intellectuals resulting in the death of thousands of Ukrainian scientists, writers, poets and educators. (see Exhibits; C; D, pp. 49–68, 85–110; 139–146, 280–282; G; O; P.)

f. The deliberate destruction of Ukrainian historical documents and records; archival treasures; and historical and ancient monuments. (see Exhibits: C, p. 21; D, pp. 110–138; E; G; M; O; P.)

ECONOMIC EXPLOITATION

a. The economic exploitation of Labor and National resources of Ukraine by the Russian Communist Government and the Russian Communist Party. (See Exhibits: C; D, pp. 119–124, 219–223; G; O; P.)

b. The destruction of a traditional free farming system in Ukraine and imposing collectivization against the will and welfare of the Ukrainian people. (See Exhibits: C; D, pp. 24–29, 69–84; G; O; P.)

c. Taking indiscriminately from Ukraine all industrial and agricultural output with little or no return. (See Exhibits: D; D, pp. 24–29, 69–84, 219–224; G, pp. 15–18; O; P.)

SECRET TRIALS IN 1965–67

For conducting illegal secret trials (1965–67) at which hundreds of Ukrainian intellectuals (writers, scientists, and educators) were sentenced to imprisonment or deported to slave labor camps. (See Exhibits Q and R.)

Volodymyr Y. Mayewsky,
Chairman, Organization for the Defense of Four Freedoms for Ukraine, Inc., Washington, D.C., Branch 17.
Colonel William Rybak,
Acting Chairman, American Friends of Antibolshevik Bloc of Nations, Washington Chapter.

LIST OF EXHIBITS

Exhibit A: Stachiw, Matthew. *Ukraine and Russia.* New York: The Ukrainian Congress Committee of America, 1967.

Exhibit B: Margolin, Arnold D. *From a Political Diary: Russia, The Ukraine, and America, 1905–1945.* New York: Columbia University Press, 1946.

Exhibit C: U.S. House of Representatives. Select Committee on Communist Aggression. *Communist Takeover and Occupation of Ukraine.* Special Report No. 4. H. Res. 346 and H. Res. 438, 83rd Cong., 2nd Sess., Washington: GPO, 1954.

Exhibit D: *Russian Oppression in Ukraine: Reports and Documents.* London: Ukrainian Publishers, 1962.

Exhibit E: Luznycky, Gregory, *Persecution and Destruction of the Ukrainian Church by the Russian Bolsheviks.* New York: The Ukrainian Congress Committee of America, 1960.

Exhibit F: "The Destruction of the Ukrainian Catholic Church in the Soviet Union," *Prologue,* New York Vol. IV (Spring-Summer 1960).

Exhibit G: U.S. Senate. Committee on the Judiciary *The Soviet Empire: Prison House of Nations and Races.* A study in Genocide Discrimination, and Abuse of Power. Eighty-Fifth Cong., 2nd. Sess., August 18, 1958. Washington: GPO, 1958.

Exhibit H: U.S. House of Representatives. *Famine in Ukraine;* A. H. Res. 399. 73rd Cong., 2nd Sess., May 28, 1934, New York: United Ukrainian Organizations of the United States, 1934.

Exhibit I: Solovey, Dmytro. *On the 30th Anniversary of the Great Man-Made Famie in Ukraine.* Jersey City, N.J.: Svoboda, 1963.

Exhibit J: *The Crime of Moscow in Vynnytsia.* Edinburg: Scottish League for European Freedom, 1952.

Exhibit K: Germany. The German High Court. *Opinion of Federal High Court of West Germany in the Trial of Soviet Agent Bogdan Stashynsky for Murder in Munich, Germany, of Ukrainian Leaders Stepan Bandera and Lev Rebet,* Karlsruhe, October 19, 1962.

Exhibit L: U.S. Senate. Committee on the Judiciary. *Murder International, Inc. Murder and Kidnaping as an Instrument of Soviet Policy.* Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary United States Senate, Eighty-Nine Congress, First Session, March 26, 1965. Washington: GPO, 1965.

Exhibit M: Sichynsky, Volodymyr. *Destruction of Ukrainian Monuments of Art and Culture Under the Soviet Russian Administration Between 1917–1957.* New York: The Ukrainian Congress Committee of America, 1958.

Exhibit N: Smal-Stocki, Roman, *The Captive Nations,* New York: Bookman Associates, 1960.

Exhibit O: World Congress of Free Ukrainians. *Captive Ukraine: Challenge to the World's Conscience,* New York, November 16–19, 1967.

Exhibit P: World Congress of Free Ukrainians. *Memorandum.* Submitted to the Secretary General of the United Nations, New York, November 16–19, 1967.

Exhibit Q: Worthington, Peter: "New Russian Injustices." *The Weekend Telegram,* Toronto, January 6, 1968.

Exhibit R: Karavansky, Svyatoslav Y. "To the Council of Nationalities of the USSR," *The New Leader,* New York, Vol. LI, No. 2, January 15, 1968.

THE WAY I SEE IT

(By Dr. Alexander Sas-Jaworsky)

THEY DID NOT BELIEVE IT COULD HAPPEN TO THEM

In January of 1918, after the collapse of the Czarist Russian Empire, many nations emerged as free and independent countries, among them my native, Ukraine. At that time, those people never even dreamed that the yoke of the Czar of Russia would be replaced by the yoke of the Russian Communists. But today, we all know that this is an accomplished fact.

For years, I am pleading with high elected officials and the U.S. State Department to bring the issue of slavery, inside the Soviet Union, to the forum of the United Nations. But the response from United States Congressmen (with the exception of a few) and United States Senators amount to nothing. It is hard to judge if this is a result of ignorance or indifference, but the fact remains that slavery under the Russian Communists is "off limits" to American diplomats, Congressmen, Senators. etc.

Because I deal with this issue every year about this time and because some of the Congressmen and Senators might be tired of receiving similar communications from me, I would like to inject an anecdote which will explain why I am repeating this similar message every year.

"Parishioners of a certain Catholic parish decided to send a delegation to the Bishop and ask him to remove their priest. The Bishop received the delegates very courteously and asked them for a reason for their request. One of the delegates said, 'Our priest tells us the same sermon every Sunday.' The Bishop then asked, 'And what is he saying?' The delegates, looking at each other, could not explain what their priest was preaching. 'Well, my friends,' the Bishop exclaimed, 'when you return home, ask your priest to repeat the same sermon again.' "

The 53rd Anniversary of the Restoration of the Independence of Ukraine, which will be observed on January 22, is a reminder to the whole free world that what happened to the Ukraine and other enslaved nations can happen to the today's free nations, including the United States. But what should concern us the most, is the truth that the freedom and independence of Ukraine will serve the best to the security of the United States.

Walter Lippmann, famous and perhaps the most knowledgeable American columnist, explained in his essay, "Shield of the Republic," the reasons of American traditional pro-Russian foreign policies. Says Lippmann, "*For over a century and a half, we supported Russia and considered her our potential friend behind our potential enemies which at various times were England, Germany, and Japan. Now with the elimination of Germany and Japan as the first-class powers, the situation changed to the extent that behind our potential friends, Germany and Japan, we have a potential enemy—the Soviet Union.*" Let us learn from the changed situation and act accordingly.

In the name of God and humanity, I am pleading again not to remain silent and indifferent at a time of mortal struggle—freedom versus slavery—for, according to philosopher Dante, "those who choose to remain silent and indifferent in times of crisis, deserve to be placed in the hottest spots in hell."

H. CON. RES. 64

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

PRESIDENT'S REVENUE-SHARING PROPOSAL OUT OF STEP WITH THE TIMES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, in his message on the Federal budget for fiscal year 1972, proposed to the Congress today, the President devotes a great deal of attention to his plan for revenue sharing with the States. On balance, however, there are more questions raised by the proposal than answers supplied.

The President indicates that he would like to share with the States, without any strings attached, $5 billion during the first full year of the program.

The President indicates only roughly how each State's share would be determined. The budget prescribes a formula "primarily on the basis of the population of each State."

The President fails to indicate the source of these new funds. Indeed, given the President's projected $11.6 billion deficit for fiscal year 1972, it is not "revenue" that can be shared with the States. And if the President is no more accurate than he was last year in forecasting tax collections for the coming year, that deficit will be about $8 billion greater than what the President predicts.

Among the measures passed by the 91st Congress, President Nixon vetoed the education appropriations bill, the hospital construction bill, the comprehensive manpower bill and the bill to provide more family doctors. These measures, he said, would contribute directly to inflation, by adding to the Federal deficit.

It is truly difficult for most Americans to understand why spending to provide needed educational, manpower, and health resources would have been so inflationary as to require a Presidential veto only a few months ago, while spending $5 billion by revenue sharing is now acceptable and, as characterized by the President, "historic in scope and bold in concept."

Hopefully, the President has rejected the suggestions for financing this major outlay made by his chief assistant for domestic affairs who earlier this week told the press that—

> We are not going to raise taxes or cut existing programs.

As in every other State, Hawaii's local governments are in dire need of additional revenues. But is this new program of unrestricted grants to the States the best way to deal with this troublesome problem?

Chairman WILBUR MILLS, of the House Ways and Means Committee, in a thoughtful speech last Tuesday on the floor of the House, pointed out one of the chief flaws of the plan proposed by the President. Nowhere is the factor of relative need considered. The money is to be distributed according to population, whether a particular State needs additional revenue or not. Surely, all of the States could use more funds, but clearly some have greater and more urgent needs than others.

Within each State, the problem of distribution to the various counties and local jurisdictions presents the same question: Will their relative needs be a factor in deciding how much each locality gets?

Some States have made heroic efforts to raise revenues to cover the increased demand for services; others have been less diligent. Should unrestricted Federal funds be distributed without regard to the efforts each State has made to tax its own citizens?

Several years ago, when the concept of revenue sharing first became widely known, it was based on the prediction that the Federal Government would soon have a surplus of revenues it would not know what to do with. Magazines carried dozens of articles discussing alternative uses for "the $50 billion fiscal dividend," or surplus which the Federal tax structure would soon generate. The central idea was "Instead of lowering Federal taxes, why not share the revenue surplus with the States?"

For a variety of reasons, as everyone now realizes, that dividend never materialized.

The Vietnam war, the economic downturn, the increased aid to State and local governments, have combined with other factors not only to dissipate any potential surplus, but to create an $18.6 billion deficit for the current fiscal year.

In addition, Congress will soon be called upon to evaluate a number of proposed new Federal initiatives—welfare reform, expanded manpower programs, an all-volunteer Armed Force and national health insurance, to name but a few—which promise to be anything but inexpensive.

It is in this significantly altered atmosphere that we should consider the President's revenue-sharing proposal. If adopted without deliberate consideration, it may prove to be a prelude to a drastic reduction in funds for ongoing Federal programs. The President should first tell the Congress where he intends to get the $5 billion he proposes to share with the States. As responsible legislators we must insist that he do this before we take any action.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MAHON, for 20 minutes, today.

Mr. BOW, for 15 minutes, today.

Mr. VANIK, today, for 10 minutes, to revise and extend his remarks and to include extraneous material.

(The following Members (at the request of Mr. KYL), to revise and extend their remarks and to include extraneous matter to:)

Mr. MCDONALD of Michigan, today, for 15 minutes.

Mr. SAYLOR, today, for 5 minutes.

Mr. GUBSER, today, for 30 minutes.

Mr. REID of New York, today, for 5 minutes.

Mr. PRICE of Texas, today, for 15 minutes.

Mr. BLACKBURN, today, for 5 minutes.

(The following Members (at the request of Mr. MAZZOLI), to revise and extend their remarks and to include extraneous matter to:)

Mr. MONAGAN, today, for 15 minutes.

Mr. RARICK, today, for 10 minutes.

Mr. MATSUNAGA, today, for 10 minutes.

Mr. DOW, on February 4, for 60 minutes.

Mr. MIKVA, on February 4, for 60 minutes.

Mr. RYAN, on February 4, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. COLLIER in four instances and to include extraneous matter.

Mr. GROSS and to include newspaper articles.

Mr. BOW asked and was given permission to revise and extend his remarks.

Mr. MAHON asked and was given permission to revise and extend his remarks and to include certain tables and pertinent extraneous material.

(The following Members (at the request of Mr. KYL), and to include extraneous matter:)

Mr. KEATING in two instances.

Mr. BROWN of Michigan in two instances.

Mr. SCHERLE in four instances.

Mr. BROOMFIELD.

Mr. PEYSER.

Mr. ZION.

Mr. GOLDWATER in two instances.

Mr. ROBISON.

Mr. ASHBROOK in three instances.

Mr. ZWACH.

Mr. PRICE of Texas in three instances.

Mr. HOGAN.

Mr. MORSE in two instances.

Mr. LANDGREBE.

Mr. GERALD R. FORD in three instances.

Mr. HOSMER in two instances.

Mr. VEYSEY in three instances.

Mr. BOW in three instances.

Mr. TEAGUE of California.

Mr. THONE.

Mr. EDWARDS of Alabama.

Mr. HORTON.

Mr. TALCOTT in two instances.

Mr. SCHMITZ.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. MOORHEAD in eight instances.

Mr. CLAY in six instances.

Mr. FOLEY.

Mr. SARBANES in three instances.

Mr. ROYBAL in five instances.

Mr. FRASER in three instances.

Mr. CULVER in five instances.

Mrs. HANSEN of Washington.

Mr. EDWARDS of California in four instances.

Mr. DINGELL.

Mr. HARRINGTON in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. NATCHER in two instances.

Mr. MADDEN in three instances.

Mr. RARICK in three instances.

Mr. KYROS in two instances.

Mr. PATTEN.

Mr. BINGHAM in two instances.

Mr. BENNETT in two instances.

Mr. NICHOLS in two instances.

Mr. RODINO in three instances.

Mr. MCCORMACK.

Mr. PICKLE in eight instances.

Mr. GALLAGHER.

Mr. UDALL in 10 instances.

Mr. BOGGS.

Mr. RONCALIO in two instances.

Mr. RYAN.

Mr. HALEY in two instances.

Mr. HANNA.

Mr. O'NEILL in three instances.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, February 1, 1971, at 12 o'clock noon.

JANUARY 22, 1971.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from June 30, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it.

Name of employee	Profession	Total gross salary during 6-month period
Christine S. Gallagher	Clerk	$15,098.88
Hyde H. Murray	Associate counsel	16,967.80
George F. Missibeck	Printing editor	8,963.76
Lydia Vacin	Staff assistant	8,073.72
Betty M. Prezioso	Secretary to general counsel.	8,073.72
Martha S. Hannah	Subcommittee clerk	8,073.72
Catherine L. Bernhardt	Calendar clerk	8,073.72
Marjorie B. Johnson	Secretary to associate counsel.	8,073.72
Louis T. Easley	Staff consultant	12,247.86
Lacey C. Sharp	General counsel	15,098.88
Investigative staff:		
Fred T. Ward	Assistant staff consultant.	8,386.20
Bert Allan Watson	Staff assistant	2,816.70
Mildred P. Baxley	do	8,073.72
Doris Lucile Farmarco	do	5,968.74
Mary P. Shaw	do	5,968.74
John A. Knebel	Assistant counsel	13,511.94
Doris R. Swischer	Staff assistant	5,46.29

Funds authorized or appropriated for committee expenditures	$200,000.00
Amount of expenditures previously reported	135,140.68
Amount expended, June 30–Dec. 31, 1970	52,842.51
Total amount expended, Jan. 1, 1969–Dec. 31, 1970	187,983.29
Total amount expended, Jan. 1, 1969–Dec. 31, 1970	187,983.29
Balance unexpended as of Dec 31, 1970	12,016.71

JANUARY 15, 1971.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Paul M. Wilson	Clerk and staff director	$16,671.37
Jay B. Howe	Staff assistant	16,507.32
Robert M. Moyer	do	16,507.32
G. Homer Skarin	do	16,507.32
Eugene B. Wilhelm	do	16,507.32
Samuel R. Preston	do	16,507.32
Hunter L. Spillan	do	15,568.56
Aubrey A. Gunnels	do	15,325.62
Henry A. Neil, Jr	do	15,325.62
Keith F. Mainland	Staff assistant to chairman.	14,649.66
George E. Evans	Staff assistant	14,649.66
Earl C. Silsby	do	14,649.66
Peter J. Murphy, Jr	do	13,671.66
William G. Boling	do	11,780.22
John M. Garrity	do	11,549.64
Robert B. Foster	do	11,549.64
Milton B. Meredith	do	10,259.64
George A. Urian	Staff assistant	9,072.06
Dempsey B. Mizelle	do	9,072.06
Robert C. Nicholas, III	do	9,072.06
Thomas J. Kingfield	do	9,072.06
Donald E. Richbourg	do	9,072.06
Thayer A. Wood	do	$7,402.08
Gary C. Michalak	do	5,843.88
John G. Plashal	do	2,077.43
Byron S. Nielson	do	1,947.96
Samuel W. Crosby	Special assistant	16,507.32
Lawrence C. Miller	Editor	11,780.22
Paul V. Farmer	Assistanf editor	8,140.92
Francis W. Sady	Administrative assistant.	6,727.68
Austin G. Smith	Clerical assistant	6,727.68
Gerard J. Chouinard	do	6,337.92
Judith A. McClure	do	5,464.56
Dale M. Shulaw	do	5,464.56
Daniel V. Gun Shows	do	4,444.38
Gemma M. Hickey	Clerk-typist	978.19
Randolph Thomas	Messenger	5,138.16
Gerald F. Meyer	Minority clerk	13,253.40
Enid Morrison	Staff assistant to Minority.	9,343.20
Naomi A. Rich	Clerk-stenographer	6,008.58
Patrick M. Hayes	do	2,640.80
Mary H. Smallwood	do	6,337.92
Catherine M. Voytko	do	6,337.92
John F. Walsh	do	6,337.92
T. Robert Garretson	do	6,337.92
Margarita V. Turner	do	6,337.92
Leta M. Buhrman	do	6,337.92
Margaret A. Riley	Clerk-stenographer	5,089.20
Forrest O. Tate, Jr	do	6,337.92
Vincent Rizzutto	do	6,161.87
Judith S. Strachan	do	4,347.36
Peggy C. Ehringhaus	do	6,337.92
Jimmy R. Fairchild	do	6,337.92
Patricia E. Hutchinson	do	6,337.92
Carmen Bergstrom	do	3,168.96
Katherine D. Coupe	do	6,337.92
Barbara B. Blum	do	6,337.92
David H. Kehl	do	6,304.98
Ronald A. Rash	do	5,942.70
William E. Martin	do	910.76
Helen W. Philipsborn	do	6,173.25
Keith E. Heiberg	do	5,170.80
Karen Lee Sahlin	do	5,281.60
Linda Steele	do	3,168.96

Total amount expended, July 1–Dec. 31, 1970	$547,552.24

GEORGE MAHON,
Chairman.

JANUARY 15, 1971.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Surveys and investigations staff:		
Paul J. Mohr	Director	$15,001.68
Cornelius R. Anderson	First Assistant Director.	14,185.98
Leroy R. Kirkpatrick	Second Assistant Director.	13,103.46
Mary Alice Sauer	Clerk-stenographer	6,769.20
Frances May	do	5,000.25
Janet Lou Dameron	do	607.68
Barbara E. Keikkinen	do	1,963.44
Agriculture, Department of:		
Burton, R. L., Jr	Investigator	3,872.99
Army Audit Agency:		
Dunn, R. J	do	6,705.40
Fukutome, B. T	do	3,971.05
Central Intelligence Agency:		
Morrow, C. W	do	4,518.04
Commerce, Department of:		
Specht, D. H	do	$8,742.36
Defense Contract Audit Agency:		
Herron, M. A	do	10,088.00
Federal Bureau of Investigation:		
Baber, J. R	do	7,421.04
Bennett, C. L	do	12,165.12
Bosko, A. P	do	10,660.48
Brummitt, D. A	do	11,309.76
Carroll, G. C	do	7,817.76
Carson, D. W	do	12,450.24
Christensen, J	do	6,050.16
Fenstermacher, H.E., Jr	do	9,123.84
Franklin, R. M	do	11,594.88
Funkhouser, P. K	do	9,551.52
Goedtel, J. G	do	11,711.52
Groover, L. C., Jr	do	10,141.44
Hansen, J. F	do	2,970.00
Hieronymi, N. H	do	771.68
Ivy, C. M	do	11,625.12
Law, W. C	do	12,355.20
McGahey, H. B	do	12,165.12
Magee, E. H	do	12,165.12
Maher, M. F	do	12,165.12
Malyniak, J., Jr	do	4,259.52
Mansfield, J. P	do	8,696.16
Michalski, J. E	do	11,625.12
Sanderlin, C. H	do	4,040.64
Schaum, E. V	do	9,925.92
Scully, J. E	do	11,594.88
Shannon, A. J	do	12,165.12
Smith, H. J	do	1,141.92
Szoka, C. E	do	11,594.88
Torrence, R. E	do	11,880.00
Welch, W. H., Jr	do	12,450.24
Wetzel, R. G	do	6,486.32
Wood, H. B	do	12,165.12
Health benefits		1,392.73
Life insurance fund		1,076.71
Retirement fund		18,616.85
National Aeronautics and Space Administration:		
Dorn, R. J	Investigator	1,316.57
Driver, C	do	8,172.90
Hollingsworth, R. T	do	14,860.80
Transportation, Department of: Dailey, W. J	do	2,077.29
Veterans' Administration: O'Brien, J. F	do	5,763.40
Travel expenses		90,004.73
Miscellaneous expenses		535.85

Funds authorized or appropriated for committee expenditures	$1,015,000.00
Amount of expenditures previously reported	
Amount expended, July 1, 1970 – Dec. 31, 1970	540,588.32
Total amount expended, July 19, 1970–Dec. 31, 1970	540,588.32
Balance unexpended as of Dec. 31, 1970	474,411.68

GEORGE MAHON,
Chairman.

JANUARY 3, 1971.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, for the permanent committee staff, and July 1, 1970, to January 2, 1971, for the Investigating staff, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$17,752.50
Frank M. Slatinshek	Assistant chief counsel	17,623.98
Earl J. Morgan	Professional staff member.	17,266.74
William H. Cook	Counsel	17,266.74
Ralph Marshall	Professional staff member.	13,671.66
John J. Ford	do	13,671.66
George Norris	Counsel	13,127.16
James F. Shumate	do	13,127.16

Name of employee	Profession	Total gross salary during 6-month period
William H. Hogan, Jr	do	$9,015.24
Oneta L. Stockstill	Executive secretary	10,570.63
Mary Jo Sottile	Counsel (through July 15).	729.60
Berniece Kalinowski	do	8,600.94
L. Louise Ellis	do	8,600.94
Edna E. Johnson	do	8,600.94
Dorothy R. Britton	do	8,600.94
Doris L. Scott	do	8,600.94
Innis E. McDonald	do	6,453.45
Brenda J. Gore	Secretary	$5,366.64
Ann R. Willett	do	5,366.64
Emma M. Brown	do	5,335.44
Nancy Sue Jones	Secretary (from Oct. 12).	1,815.74
D. Carleen Poole	Secretary (through Oct. 31).	3,731.20
Constance E. Hobart	Secretary (through Sept. 13).	1,915.03
James A. Deakins	Clerical staff assistant.	6,503.30
Issiah Hardy	Messenger	4,664.86
Staff, Armed Services Investigating Subcommittee (through Jan. 2, 1971) (pursuant to H. Res. 105, H. Res. 106, and H. Res. 750, 91st Cong.)		
John T. M. Reddan	Counsel	$17,458.59
John F. Lally	Assistant counsel	13,259.66
Richard A. Ransom	Professional staff member.	12,683.22
H. Hollister Cantus	do	8,679.12
Thomas J. O'Brien	Professional staff member (from Aug. 10).	7,084.61
Albert R. Simonds	Professional staff member (through Sept. 30).	2,868.42
Rose C. Beck	Secretary	6,525.19
Adeline P. Tolerton	Clerk	5,294.26
Joyce C. Bova	Secretary	4,542.84
Diane W. Trowbridge	do	4,019.59
Sally A. Moore	do	4,183.09
William B. Short	Clerical staff assistant.	7,138.46
Sanford T. Saunders	Security officer	6,575.54
Kenneth W. Thompkins	Clerical staff assistant (through Aug. 31).	800.80
Suzanna H. Davis	Clerical staff assistant (from Sept. 28 through Oct. 15).	200.50

Funds authorized or appropriated for committee expenditures, H. Res. 106 and H. Res. 750	$425,000.00
Amount of expenditures previously reported	238,059.08
Amount expended, July 1, 1970–Jan. 2, 1971	104,953.51
Total amount expended, Jan. 3, 1969–Jan. 2, 1971	343,012.59
Balance unexpended as of Jan. 3, 1971	81,987.41

PHILIP J. PHILBIN,
Chairman.

DECEMBER 31, 1970.

HOUSE COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director.	$17,752.50
Orman S. Fink	Minority professional staff member.	17,752.50
Charles B. Holstein	Professional staff member.	$16,474.50
Curtis A. Prins	Chief investigator	14,961.18
Benet D. Gellman	Counsel	16,474.50
Joseph C. Lewis	Professional staff member.	17,673.84
Mary W. Layton	Secretary to minority	9,764.22
Donald G. Vaughn	Administrative assistant.	8,269.02
Total		119,122.26
Investigative staff (H. Res. 271):		
Jeanne M. Abrams	Secretary	3,505.32
Richard C. Barnes	Assistant clerk	7,956.24
Jane N. D'Arista	Research assistant	3,458.10
James F. Doherty	Counsel	15,341.82
Dolores K. Dougherty	Research associate	7,737.96
Carolyn A. Easter	Secretary	4,754.64
Robert J. Geline	Assistant clerk	5,835.60
Linda R. Hechtman	do	5,366.64
Laurance G. Henderson.	Professional staff member.	17,673.84
Helen C. Hitz	Administrative assistant.	8,260.56
Linda L. Hoff	Secretary	4,656.72
Joseph J. Jasinski	Professional staff member.	13,111.38
Mary-Helen Kesecker	Secretary	4 242.24
Mary E. Kirk	Assistant clerk	4,656.72
Mildred S. Mitchell	do	8,698.44
Richard H. Neiman	do	2,759.76
Graham T. Northup	Professional staff member, minority.	16.433.46
Margaret L. Rayhawk	Research associate	7,118.16
Gayle L. Peabody	Secretary	700.16
Yan Michael Ross	Minority staff member	7,435.68
Alicia F. Shoemaker	Minority staff secretary.	9,499.62
Elizabeth Stabler	Professional staff. member.	11,134.50
Peter D. H. Stockton	do	11,056.88
Gary Tabak	Counsel	10,600.98
Lester Carl Thurow	Professional staff member.	5,335.66
Robert L. Torrance	Assistant clerk	4,218.00
Total		201,549.08

Funds authorized or appropriated for committee expenditures	$773,600.00
Amount of expenditures previously reported	538,415.77
Amount expended, July 1, 1970 to Dec. 31 1970	224,765.10
Total amount expended, Jan. 3, 1969 to Dec. 31 1970	763,180.87
Balance unexpended as of Dec. 31, 1970	10,419.13

WRIGHT PATMAN
Chairman.

DECEMBER 31, 1970.

SUBCOMMITTEE ON HOUSING, HOUSE COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Housing Subcommittee (H. Res. 272):		
Terrence Boyle	Minority research associate.	$7,502.82
Jean Clarkson	Secretary	5,007.60
Michael T. Corbett	Assistant clerk	8,260.56
Patricia Eley	do	4,779.12
David Glick	Counsel	17,515.98
George Gross	do	15,670.43
Emily Hightower	Secretary	6,099.12
Casey Ireland	Minority staff member	17,515.98
Barbara Kling	Minority secretary	$5,440.08
Margaret Leary	Secretary	8,698.44
John J. McEwan, Jr	Housing consultant	4,352.24
Gerald R. McMurray	Research associate	13,994.38
Catherine Smith	Minority secretary	4,242.24
Doris Young	Assistant clerk	8,040.18
John Zuccotti	Special counsel	6,003.24
Total salaries paid from July 1, 1970 to Dec. 31, 1970		133,122.41
Credit adjustment for repayment by John Nicholson		1,016.12
Total salaries after adjustment		132,106.29

Funds authorized or appropriated for committee expenditures (H. Res. 272 and 784)	$600,100.00
Amount of expenditures previously reported	378,844.34
Amount expended, July 1, 1970–Dec. 31, 1970	139,139.65
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	517,983.99
Balance unexpended as of Dec. 31, 1970	82,116.01

WRIGHT PATMAN,
Chairman.

JANUARY 14, 1971.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to January 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$13,316.58
Clayton D. Gasque	Staff director	11,472.78
Leonard O. Hilder	Investigator	10,259.64
James T. Clark	Clerk	14,977.38
Othello Steinkuller	Secretary	8,260.56
Betty C. Alexander	do	7,637.16
Peggy L. Thornton	do	7,637.16
Sara Anna Watson	Assistant counsel	9,007.08
John E. Hogan	Minority clerk	11,998.62
Camille G. Butler	Secretary	4,974.96
Whitney L. Turley	Investigator	8,552.22
Marcellus C. Garner	Clerk-typist	3,762.54
Pat Friedman	Secretary (terminated Sept. 1).	1,535.36
Charles E. Jackson	Investigator (terminated Sept. 1).	1,658.32
Michael L. Payne	Temporary clerk-typist (terminated Sept. 1).	896.70
Harriet Coleman	do	1,095.08
John A. Roberts	Temporary (terminated July 31).	21.45
Kay A. Martin	Temporary clerk-typist (terminated Nov. 1).	1,674.51
Marsha L. Miller	Temporary clerk-typist (terminated Oct. 1).	1,642.62

Funds authorized or appropriated for committee expenditures	$110,000.00
Amount of expenditures previously reported	71,231.40
Amount expended, July 1, 1970–Jan. 1, 1971	32,722.14
Total amount expended Jan. 1, 1969–Jan. 1, 1971	103,953.55
Balance unexpended as of Jan. 1, 1971	6,046.45

JOHN L. McMILLAN,
Chairman.

JANUARY 15, 1971.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Majority:		
Donald M. Baker	Associate counsel (Labor) (July 1-Dec. 31, 1970).	$17,752.50
Louise Maxienne Dargans.	Research director (July 1-Dec. 31, 1970).	17,752.50
William F. Gaul	Associate general counsel (July 1-Dec. 31, 1970).	17,752.50
Hartwell D. Reed, Jr	General counsel (July 1-Dec. 31, 1970).	17,752.50
Benjamin F. Reeves	Editor of committee publications (July 1-Dec. 31, 1970).	17,358.00
Austin P. Sullivan, Jr	Legislative specialist (July 1-Dec. 31, 1970).	13,715.67
Louise M. Wright	Administrative assistant (July 1-Dec. 31, 1970).	11,672.58
Marian R. Wyman	Special assistant to the chairman (July 1-Dec. 31, 1970).	15,034.08
Minority:		
Michael J. Bernstein	Minority counsel for education and labor (July 1-Dec. 31, 1970).	17,752.50
Charles W. Radcliffe	Minority counsel for education (July 1-Dec. 31, 1970).	17,752.50

Funds authorized or appropriated for committee expenditures	Contingent Fund
Amount of expenditures previously reported	$446,177.11
Amount expended, July 1-Dec. 31, 1970	164,295.33
Total amount expended, Jan. 1-Dec. 31, 1970	610,472.44
Balance unexpended as of Dec. 31, 1970	Contingent Fund

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeannine M. Anderson	Secretary (July 1-Oct. 31, 1970).	$3,403.68
Carole J. Ansheles	Assistant clerk (July 1-Aug. 14, 1970, and Dec. 15-31, 1970).	1,278.32
Goldie A. Baldwin	Legislative assistant (July 1-Dec. 31, 1970).	6,603.06
Dean Gregory Barker	Assistant clerk (from July 1-Aug. 31, 1970).	869.28
Donald F. Berens	Administrative assistant (July 1-Dec. 31, 1970).	11,019.42
William H. Cable	Legislative assistant (July 1-Dec. 31, 1970).	6,881.81
Elizabeth A. Cornett	Administrative assistant (July 1-Dec. 31, 1970).	8,260.56
Lelia T. Cornwell	do	$6,603.06
Stephen J. Dryden	Assistant clerk (July 1-Aug. 31, 1970).	869.28
Margery H. Engel	Research assistant (July 1-Oct. 16, 1970).	2,121.34
Eydie Gaskins	Administrative assistant (July 1-Dec. 31, 1970).	6,603.06
Katherine Clark Gibbons	Research assistant (Sept. 1-Dec. 31, 1970).	4,000.20
S. G. Lippman	Special counsel, labor (July 1-Dec. 31, 1970).	2,519.76
Shirley R. Mills	Secretary (July 1-Dec. 31, 1970).	6,918.78
David E. Pinkard	Assistant clerk (July 1 Aug. 21, 1970).	738.89
David B. Putnam	Staff assistant (July 1-Dec. 31, 1970).	4,278.63
Thomas F, Remington	Assistant clerk (July 1-Dec, 31, 1970),	2,607.84
Peter Schott	Assistant clerk (Dec, 1-31, 1970),	450.46
Cathie Sue Shepherd	Assistant clerk (July 1-Sept, 21, 1970),	1,173.53
Michael D, Sherman	Assistant clerk (July 1-Aug, 7, 1970),	536.06
Mary L, Shuler	Secretary (July 1-Dec, 31, 1970),	6,156.78
Jeanne E, Thompson	Legislative assistant (July 1-Dec, 31 1970),	9,007.08
Nancy J, Tyler	Junior researcher (July 1-Sept, 30, 1970),	1,351.38
Philip S, Uesato	Assistant clerk (Sept, 8-Dec, 31, 1970),	1,696.73
John E, Warren	Junior researcher (July 1-Dec, 31, 1970),	4,201.80
Minority:		
Robert C, Andringa	Minority professional staff assistant (July 1-Dec, 31, 1970),	10,595.66
Sheldon J, Batchelder	Research assistant (July 1-Sept, 12, 1970),	1,485.79
Browardine R, Broyhill,	Secretary (Dec, 1-31, 1970),	1,250.47
Mark Burnstein	Research assistant (July 1-Aug, 31, 1970),	1,000.96
Philip Bursley	do	800.80
Glenda D, Campbell	Secretary (July 1-26, 1970),	439.82
Norma P, Chiriboga	Research assistant (Sept, 1-Dec, 31, 1970),	5,165.50
Albert Edwin Clark, Jr	Research assistant (July 1-Sept, 4, 1970),	1,295.06
Robert L, Durst, Jr	Minority research assistant (July 1-Dec, 31, 1970),	5,288.43
Andrew S, Effron	Research assistant (Nov, 1-Dec, 31 1970),	2,500.94
Louise W, Finke	Secretary (July 1-Dec, 31, 1970),	6,619.66
Anita M, Gerhardt	do	5,605.04
Thaddeus Garrett, Jr	Minority research assistant (Aug, 1-31, 1970),	800.60
Crawford C, Heerlein	Minority clerk (July 1-Dec, 31, 1970),	13,337.16
Will Henderson	Assistant clerk (July 1-Dec, 31, 1970),	5,469.26
Martin L, LaVor	Minority legislative coordinator (July 1-Dec, 31, 1970),	12,059.75
Joyce C, Lindsey	Secretary (Sept, 21-Dec, 31, 1970),	1,708.50
Silvia J Rodriguez	Secretary (July 1-Dec, 31, 1970),	4,334.69
Mary Ann Rospendowski.	do	3,042.68
Dean W. Rudoy	Research assistant (July 1-Aug. 31, 1970).	905.14
Walter J. Sears III	do	1,214.12
Dorothy L. Strunk	Administrative assistant (July 1-Dec. 31, 1970).	5,611.59

Funds authorized or appropriated for committee expenditures, 1969-70	$819,200.00
Amount of expenditures previously reported	491,189.58
Amount expended, July 1-Dec. 31, 1970	196,004.27
Total amount expended, Jan. 3, 1969-Dec. 31, 1970	687,193.85
Balance unexpended as of Dec. 31, 1970	132,006.15

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 1

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Janet Allemand	Secretary (July 1-Dec. 31, 1970).	$3,602.28
Richard Feeney	Research assistant (Dec. 1-31, 1970).	2,278.61
Daniel A. Greenberg	Education specialist (July 20-Dec. 31, 1970).	8,610.55
Harry J. Hogan	Counsel (July 1-Dec. 31, 1970).	11,112.76
Sally K. Kirkgasler	Research assistant (July 1-Dec. 31, 1970).	5,984.90
Lillian D. Leahy	Secretary (Sept. 1-Dec. 31, 1970).	2,833.56
Ricki Lynn Ninomiya	Research assistant (July 1-31, and Nov. 1-30, 1970).	869.85
Bernice Sandler	Education specialist (Aug. 17-Dec. 31, 1970).	5,026.92
Betty L. Shupp	Clerk-typist (July 1-Dec. 31, 1970).	2,031.60

Funds authorized or appropriated for committee expenditures 1969-70	$120,000.00
Amount of expenditures previously reported	76,104.95
Amount expended, July 1-Dec. 31, 1970	42,557.58
Total amount expended from Jan. 3-Dec. 31, 1970	118,662.53
Balance unexpended as of Dec. 31, 1970	1,337.47

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont.	Clerk (July 1-Dec. 31, 1970).	$8,071.75
Hugh G. Duffy	Counsel (Dec. 1-Dec. 31, 1970).	2,042.61
Charles K. Dutcher	Research assistant (July 1-Aug. 31, 1970).	752.26
Carl Elliott	Special counsel (Aug. (Aug. 1-Dec. 31, 1970).	536.30
James C. Hedden	Research assistant (Nov. 4-Diec. 31, 1970).	950.91
Thomas C. Keeney	Research assstant (July 1-Aug. 31, 1970).	800.80
Seth Kelsey	Research assistant (Oct. 1-Dec. 31, 1970).	453.66
Effie Nicholakis	Research assistant (July 1-Aug. 24, 1970 and Oct. 1-Oct. 5, 1970).	590.25

Name of employee	Profession	Total gross salary during 6-month period
William George Phillips.	Staff director (July 1–Nov. 30, 1970).	$12,133.20
Daniel H. Pollitt	Special counsel (Sept. 1–Dec. 31, 1970).	3,286.08
Daniel Rutledge Pollitt.	Research assistant (July 1–Aug. 15, 1970).	526.58
Ernest Robinson	Assistant clerk (July 1–Aug. 31, 1970).	214.52
Mary Lee Stein	Research assistant Oct. 1–Dec. 31, 1970).	750.78

Funds authorized or appropriated for committee expenditures 1969–70	$120,000.00
Amount of expenditures previously reported	78,449.40
Amount expended, July 1–Dec. 31, 1970	32,191.93
Total amount expended, Jan. 3–Dec. 31, 1970	110,641.33
Balance unexpended as of Dec. 31, 1970	9,358.67

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (July 1–Dec. 31, 1970).	$7,435.68
S. G. Lippman	Special counsel (July 1–Dec. 31, 1970).	2,085.78
Mary F. McAndrew	Research assistant (Oct. 1–Dec. 31, 1970).	2,008.56
John T. Ridilla	Assistant clerk (July 1–July 23, 1970).	230.10
Robert E. Vagley	Director (July 1–Dec. 31, 1970).	14,617.74

Funds authorized or appropriated for committee expenditures 1969–1970	$120,000.00
Amount of expenditures previously reported	77,708.94
Amount expended July 1–Dec. 31, 1970	27,991.90
Total amount expended Jan. 3–Dec. 31, 1970	105,700.84
Balance unexpended as of Dec. 31, 1970	14,299.16

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 4

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Gerber	Assistant clerk (Nov. 1–Dec. 31, 1970).	$1,601.20
Sharlene P. Hirsch	Education specialist (Dec. 1–31, 1970).	1,400.87
John F. Jennings	Counsel (July 1–Dec. 31, 1970).	12,433.70
Thomas E. Johnson	Research assistant (Dec. 1–31, 1970).	700.30
Alexandra J. Kisla	Clerk (July 1–Dec. 31, 1970).	7,928.42

Funds authorized or appropriated for committee expenditures	$120,000.00
Amount of expenditures previously reported	91,469.02
Amount expended, July 1–Dec. 31, 1970	25,465.99
Total amount expended, Jan. 3–Dec. 31, 1970	116,935.01
Balance unexpended as of Dec. 31, 1970	3,064.99

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

SELECT SUBCOMMITTEE ON LABOR, NO. 5

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	(Clerk July 1–Dec. 31, 1970).	$6,868.92
Scott L. Gordon	(Research Assistant July 6–July 31, 1970).	417.07
Daniel H. Krivit	(Counsel July 1–Dec. 31, 1970).	12,559.44
Mary F. McAndrew	(Research Assistant Aug. 3–Sept. 30, 1970).	967.60
Marcia Sue Nelson	(Research Assistant July 1–Dec. 31, 1970).	5,572.14
Catherine R. Romano	(Secretary July 1–Dec. 31, 1970).	3,926.89

Funds authorized or appropriated for committee expenditures, 1969–70	$120,000.00
Amount of expenditures previously reported	81,791.57
Amount expended July 1–Dec. 31, 1970	30,713.56
Total amount expended, Jan 3–Dec. 31, 1970	112,505.13
Balance unexpended as of Dec. 31, 1970	7,494.87

CARL D. PERKINS,
Chairman.

JANUARY 15, 1971.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 6

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (July 1–Dec. 31, 1970).	$11,055.88
Ruth L. Eliel	Assistant clerk (July 1–Aug. 31, 1970).	529.02
Mary K. Gillespie	Assistant clerk (July 1–Sept. 30, 1970).	321.78
Arlene Horowitz	Staff assistant (July 1–Dec. 31, 1970).	4,454.80
Toni Rita Immerman	Assistant clerk July 1–Dec. 31, 1970).	3,572.54
Ronald L. Katz	Research assistant (July 1–Dec. 31, 1970).	6,672.82
David Lloyd-Jones	Research assistant (Aug. 17–Dec. 31, 1970).	3,029.50
Anne W. Risdon	Assistant clerk (July 1–Aug. 31, 1970).	600.26
Curtis C. Wilkie	Assistant clerk (Nov. 17–Dec. 15, 1970).	103.68

Funds authorized or appropriated for committee expenditures, 1969–70	$120,000.00
Amount of expenditures previously reported	84,479.89
Amount expended, July 1–Dec. 31, 1970	35,240.44
Total amount expended, Jan. 3–Dec. 31, 1970	119,720.33
Balance unexpended as of Dec. 31, 1970	279.67

CARL D. PERKINS,
Chairman.

DECEMBER 31, 1970.

FOREIGN AFFAIRS COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator (retired Dec. 10, 1970).	$6,027.30
Roy J. Bullock	Senior staff consultant (became staff administrator Nov. 23, 1970).	17,752.50
Albert C. F. Westphal	Staff consultant	17,752.50
Franklin J. Schupp	do	16,917.84
Harry C. Cromer	do	16,671.36
Philip B. Billings	do	12,985.08
Marian A. Czarnecki	do	16,671.36
Melvin O. Benson	do	14,034.12
Everett E. Bierman	do	13,356.00
John J. Brady, Jr	do	11,349.78
John H. Sullivan	do	11,349.78
Robert J. Bowen	Clerical assistant (retired July 31, 1970).	1,076.95
Kenneth W. Cowell	Clerical assistant (effective Oct. 13, 1970).	1,974.96
Ray Sparks	Staff assistant (effective Nov. 19, 1970).	1,936.89
June Nigh	Senior staff assistant	12,411.48
Helen C. Mattas	Staff assistant	11,042.28
Helen L. Hashagen	do	10,145.82
Louise O'Brien	do	9,854.04
Dora B. McCracken	do	8,140.92
Jean E. Smith	do	6,436.86
Nancy D. Peden	do	6,436.86
Paula L. Peak	do	8,140.92
Diane Gallagher	do	3,879.68

Funds authorized or appropriated for committee expenditures	$350,000.00
Amount of expenditures previously reported	209,169.89
Amount expended, July 1, 1970, to December 31, 1970	86,361.31
Total amount expended, January 1, 1969 to December 31, 1970	295,531.20
Balance unexpended as of December 31, 1970	54,468.80

THOMAS E. MORGAN
Chairman.

JANUARY 26, 1971.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to January 2, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses—July 1, 1970–Jan. 2, 1971:	
Full committee	$1,231.89
Special investigative staff	38,507.63
Military Operations Subcommittee	43,764.84
Government Activities Subcommittee	45,303.74
Intergovernmental Relations Subcommittee	49,723.39
Executive and Legislative Reorganization Subcommittee	39,147.38
Foreign Operations and Government Information Subcommittee	65,194.84
Legal and Monetary Affairs Subcommittee	38,884.32
Conservation and Natural Resources Subcommittee	65,295.84
Special Studies Subcommittee	71,463.72
Total	458,517.59

Name of employee	Profession	Total gross salary during 6-month period
Salaries, full committee—July 1–Dec. 31, 1970:		
Christine Ray Davis	Staff director	$17,752.50
James A. Lanigan	General counsel	17,752.50
Herbert Roback	Professional staff member.	17,752.50
Miles Q. Romney	Associate genera counsel.	15,115.08
Lawrence P. Redmond	Professional staff member.	10,236.90
Dolores L. Fe'Dotto	Staff member	8,260.56
Ann E. McLachlan	do	8,006.58
Catherine S. Cash	Staff member (from Aug. 1, 1970).	5,467.90
Charlotte C. Bickett	Staff member (to July 31, 1970).	1,228.09
John Philip Carlson	Minority counsel	17,752.50
William H. Copenhaver.	Minority staff member	13,545.36
Expenses, July 1, 1970–Jan. 2, 1971, Full committee, Hon. Chet Holifield, chairman:		1,231.89
Total		1,231.89
Special investigative staff, Hon. Chet Holifield, chairman:		
Thomas H. Saunders	Minority staff member.	8,214.39
Clara Katherine Armstrong.	Minority research assistant.	7,450.41
Annie M. Abbott	Secretary	6,600.78
Alan Kreshtool	Investigator	5,310.76
Mabe C. Baker	Staff member	4,939.48
John L. Dodson	Clerical staff	4,898.23
Catherine S. Cash	Secretary (to July 31, 1970).	1,093.58
Total		38,507.63
Military Operations Subcommittee, Hon Chet Holifield, Chairman:		
Douglas G. Dahlin	Staff attorney	11,141.68
John Paul Ridgely	Investigator	9,933.26
Joseph C. Luman	Defense analyst	9,422.02
Catherine L. Koeberlein.	Research assistant	7,645.64
Kathryn McQ. Rosenbaum.	Clerk-stenographer	4,823.97
Expenses		798.27
Total		43,764.89
Government Activities Subcommittee, Hon. Jack Brooks, Chairman:		
Ernest C. Baynard	Staff administrator	$14,812.43
C. Don Stephens	Research analyst	9,918.15
William M. Jones	Counsel	9,653.28
Lynne Higginbotham	Clerk-stenographer	6,634.39
Michael McGettigan	Investigator (to Oct. 31, 1970).	2,300.08
Irma Reel	Clerk (to July 31, 1970)	1,093.58
Expenses		891.83
Total		45,303.74
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, Chairman:		
James R. Naughton	Counsel	14,812.43
Delphis C. Goldberg	Professional Staff member.	14,812.43
Gilbert S. Goldhammer	Consultant	9,700.77
Bebe B. Terry	Clerk-stenographer	6,241.87
Marjorie W. Vanderbilt.	Secretary	4,003.27
Expenses		152.62
Total		49,723.39
Executive and Legislative Reorganization Subcommittee, Hon. John A. Blatnik, chairman:		
Elmer W. Henderson	Counsel	15,471.33
I. Warren Harrison	Legal assistant	8,548.66
Veronica B. Johnson	Clerk	7,450.41
Gilda K. Calderone	do	4,019.59
Ralph T. Doty	Clerical staff	3,218.61
Expenses		438.78
Total		39,147.38
Foreign Operations and Government Information Subcommittee, Hon. John E. Moss, chairman:		
Vincent J. Augliere	Staff administrator	14,812.43
Norman G. Cornish	Professional staff member.	14,812.43
Jack Matteson	do	13,344.79
Harold F. Whittington	do	11,374.82
E. Jayne Bodecker	Secretary	6,634.39
Martha Myers	Stenographer	3,642.31
Expenses		573.67
Total		65,194.84
Legal and Monetary Affairs Subcommittee, Hon. Dante B. Fascell, chairman:		
Charles A. Intriago	Assistant counsel	9,696.87
R. Michael Finley	Professional staff member.	9,696.87
Stuart E. Bossom	Legal assistant	8,231.37
Millicent Y. Myers	Clerk	6,634.39
Frances M. Turk	Stenographer	4,289.38
Expenses		335.34
Total		38,884.32
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	14,812.43
Laurence A. Davis	Assistant counsel	12,139.89
David B. Finnegan	do	12,139.89
F. Clement Dinsmore	Legal assistant	6,408.34
Josephine Scheiber	Research analyst	7,628.65
Catherine L. Hartke	Stenographer	6,634.39
Dorothy M. Vance	Stenographer (from Sept. 21, 1970).	2,041.30
Dianne W. Quander	Stenographer (Aug. 1–Sept. 30, 1970).	1,200.76
Nancy Rochelle Johnson.	Stenographer (July 1–31, 1970).	600.38
Expenses		1,689.81
Total		65,295.84
Special Studies Subcommittee, Hon. John S. Monagan, chairman:		
Louis I. Freed	Staff administrator	14,812.43
Jacob N. Wasserman	Counsel	13,624.10
Herschel F. Clesner	do	13,568.22
Peter S. Barash	Legal analyst	9,438.70
Charles P. Witter	Staff member	7,815.44
Marilyn F. Jarvis	Stenographer	7,180.51
Wileen O. Moore	do	3,642.31
Expenses		1,382.04
Total		71,463.72

Funds authorized or appropriated for committee expenditures H. Res. 214 and H. Res. 752, 91st Cong	$1,750,000.00
Amount of expenditures previously reported	1,270,525.80
Amount expended, July 1, 1970–Jan. 2, 1971	458,517.59
Total amount expended, Jan. 3, 1969–Jan. 2, 1971	1,729,043.39
Balance unexpended as of Jan. 2, 1971	20,956.61

CHET HOLIFIELD,
Chairman.

JANUARY 2, 1971.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$17,748.00
Robert D. Gray	Auditor	15,001.68
David S. Wolman	Personnel analyst	14,847.84
S. Arnold Smith	Counsel	10,115.52
Louis Silverman	Assistant clerk	9,072.06
Robert H. Frank	Legal counsel	8,649.66
Mary F. Stolle	Assistant clerk	6,074.46
Gurney S. Jaynes	do	5,464.56
Dianna Sue Gaujot	do	3,450.12
Margaret H. Schuler	do	1,416.78
Melvin M. Miller	Minority clerk	14,847.84
John C. d'Amecourt	Staff director, Subcommittee on Library and Memorials.	8,755.26
Thomas A. Tangretti	Printing clerk	6,910.44
Judith D. Holes	Assistant clerk	5,244.24
Gwenda R. Green	do	5,195.28
Paula Scruggs	do	5,040.24
Mary Susan Mattson	do	3,853.29
Judith L. Vargas	Assistant clerk (minority).	2,508.36
Catherine Ann Adelman	Assistant clerk	3,322.10
Thomas J. Hart	Assistant printing clerk.	2,478.36
Thomas S. Foster	Elections clerk	3,002.36
Stuart G. Weinblatt	Assistant clerk	2,127.04
Sylvia Meyer	do	2,398.75
Eric Honick	do	982.81
Randall Perry	do	604.03
Evelyn Hange Wilson	do	865.88
R. Marilyn Lee	do	667.96
John P. Padden	do	382.29

Funds authorized or appropriated for committee expenditures	$800,000.00
Amount of expenditures previously reported	154,593.50
Amount expended, July 1–Dec. 31, 1970	465,731.51
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	620,325.01
Balance unexpended as of Dec. 31, 1970	179,674.99

SAMUEL N. FRIEDEL,
Chairman.

JANUARY 15, 1971.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff Director and ch:ef clerk.	$17 673.84
William L. Shafer	Consultant on mining, minerals, and public lands.	16,277.64
Lewis A. Sigler	Counsel and consultant on Indian affairs.	15 584.76
Charles Leppert, Jr	Assistant counsel and consultant on territorial affairs.	14 425.86
Lee McElvain	Assistant counsel and consultant on national parks and recreation.	11,951.94
Dixie S. Barton	Clerk	8,552.22
Patricia Ann Murray	do	8,552.22
Patricia B Freeman	do	7,536.42
Susan A. Gardner	do	6,960.37
Kathleen Sandy	do	6,960.36
Salaries paid pursuant to H. Res. 117 and H. Res. 786—91st Congress:		
Jim T. Casey	Consultant on irrigation and reclamation,	13,671.66
Miriam Waddell	Clerk	5,810.94
Marston L. Becker	Printing c'erk	7,469.28
Edward Gaddis	Messenger	4,250.34
Milton A. Pearl	Special counsel on public lands (from Dec. 23).	773.32

Funds authorized or appropriated for committee expenditures	$195,000.00
Amount of expenditures previous.y reported	110,607.06
Amount expended, July 1, 1970–Dec. 31, 1970	50,662.67
Total amount expended Jan. 3, 1969–Dec. 31, 1970	161,269.73
Balance unexpended as of Dec. 31 1970	33,730.27

WAYNE N. ASPINALL,
Chairman.

JANUARY 14, 1971.

COMMITTEE ON INTERNAL SECURITY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the six-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald G. Sanders	Chief counsel	$16,335.06
Richard L. Schultz	Associate chief counsel (to standing Aug. 1, 1970).	10,742.00
Alfred M. Nittle	Legislative counsel	13,789.53
Glenn E. Davis	Editorial director	14,585.70
Robert M. Horner	Chief investigator	11,996.46
William G. Shaw	Research director	11,953.14
Juliette P. Joray	Recording clerk	10,411.32
Mary M. Valente	Administrative secretary.	8,617.18
Anniel Cunningham	Chief, files and reference section.	8,082.17
Helen M. Gittings	Research analyst	8,056.98
Lorraine N. Veley	Secretary (resigned July 31, 1970).	1,056.32
Investigating committee:		
Victoria Appell	Clerk-typist (resigned July 31, 1970).	395.80
Martha Beck	Information classifier (appointed Nov. 6, 1970).	994.91
Margie D. Biggerstaff	Secretary	4,525.26
Charles Bonneville	Investigator (appointed Dec. 26, 1970).	208.41
Daniel Butler	Assistant documents clerk.	4,713.84
Mary Jo Chapman	Clerk-stenographer	3,139.55
S. Janice Coil	Secretary	5,407.44
Harry T. Cone	Information classifier (resigned Aug. 31).	951.56
Sue Daniels	Information analyst	3,802.31
Florence B. Doyle	Clerk-stenographer	$4,308.31
Elizabeth L. Edinger	Editor	7,309.74
Rochelle E. Epstein	Clerk-typist (resigned Aug. 31, 1970).	1,051.38
Ellen Farley	Clerk-typist (appointed July 1, 1970; resigned Nov. 11, 1970).	2,369.70
Daniel R. Ferry	Assistant counsel	8,755.26
James L. Gallagher	Research analyst	7,754.76
Ruth Ann Gerbec	Information classifier	3,361.98
Isobel Hurwitz	do	3,361.98
Leo William Ivory, Jr	Assistant documents clerk.	2,917.92
Doris R. Jaeck	Information analyst	4,770.96
Mildred V. James	Clerk-typist	3,345.96
Joan Keller	Secretary (appointed July 15, 1970).	3,860.46
Bernice King	Financial secretary (appointed Nov. 16, 1970).	1,875.69
Gail B. Lewis	Information classifier (resigned Oct. 31, 1970).	2,241.32
John F. Lewis	Coordinating editor	12,731.74
Virginia Masino	Receptionist	3,796.76
B. R. McConnon, Jr	Investigator	8,311.56
Elizabeth B. Medina	Secretary (resigned Oct. 16, 1970).	2,771.12
David E. Muffley, Jr	Documents clerk	4,606.08
Maureen P. Ontrich	Information analyst	4,193.70
Alma T. Pfaff	Research analyst	4,819.92
Peggy F. Pixley	Editorial clerk	4,770.96
William T. Poole	Research analyst	4,795.44
Robert Poos	do	8,425.46
Stuart Pott	Investigator	5,878.15
Martha C. Poulton	Clerk-typist (appointed Nov. 6, 1970).	994.91
Josephine S. Randolph	Secretary	5,252.40
Audrey Rollins	do	4,150.64
Herbert Romerstein	Investigator	8,040.18
Stephen H. Romines	Assistant counsel	8,755.29
Karen Sue Russell	Information classifier.	3,361.98
Jean W. Rutledge	Information classifier (resigned Aug. 14, 1970).	1,349.99
Richard L. Schultz	Associate chief counsel (resigned investigating committee July 31, 1970; appointed standing committee Aug. 1, 1970).	2,148.40
Thomas Q. Simmons	Investigator (resigned July 31, 1970).	1,016.52
Linda E. Spirt	Clerk-stenographer	4,452.48
John Stratton	Investigator (appointed Dec. 27, 1970).	166.73
Barbara C. Sweeny	Clerk-stenographer	4,129.08
Neil E. Wetterman	Investigator (retired Nov. 30, 1970).	5,824.20
Richard A. Shaw	Investigator	8,065.74

Funds authorized or appropriated for committee expenditures	$850,000.00
Amount of expenditures previously reported	590,654.14
Amount expended, July 1, 1970–Dec. 31, 1970	230,437.02
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	820,871.24
Balance unexpended as of Dec. 31, 1970	29,128.76

RICHARD H. ICHORD,
Chairman.

JANUARY 7, 1971.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$17,752.50
Kenneth J. Painter	First assistant clerk	14,186.00
Marcella Johnson	Assistant clerk	8,563.04
Frank Mahon	Printing editor	9,334.98
Mary Ryan	Clerical assistant	6,774.76
Mildred H. Lang	Clerical assistant (C.O.B. Nov. 15, 1970).	4,995.90
Hazel J. Collie	Staff assistant	8,521.12
Elsie M. Karpowich	Clerical assistant	6,774.76
Edwin Earl Thomas	Staff assistant	6,324.44
Marion M. Burson	Staff assistant (minority).	14,185.98
Professional staff:		
William J. Dixon	Professional staff member.	17,752.50
James M. Menger	do	17,752.50
Robert P. Guthrie	do	17,752.50
Kurt Borchardt	do	17,752.50
Additional temporary employees under H. Res. 116, 320 and 815:		
Lewis E. Berry, Jr	Minority counsel	17,752.50
Helen M. Dubino	Staff assistant (minority).	13,300.74
Barbara L. Bullard	Clerical assistant (minority).	5,860.32
Additional temporary employees unde: H. Res. 116, 320 and 815:		
Darlene G. McMullen	Clerical assistant (minority).	3,805.62
Diane R. Tretter	Clerical assistant (minority from Nov. 1, 1970).	1,470.68
Eleanor A. Dinkins	Clerical assistant	6,774.76
F. Martin Kuhn	Staff assistant	11,672.58
Michael A. Taylor	do	11,672.58
Walter J. Graham, Jr	do	11,672.58
James T. Glenn	do	11,672.58
Theodore H. Focht	Special counsel	14,337.90
Christine M. Fawcett	(Clerical assistant (minority C.O.B. Oct. 31, 1970).	2,941.36
Joseph T. Kelley	Messenger (to C.O.B. Sept. 14, 1970).	1,090.32
Violet M. McCarthy	Clerical assistant	5,297.94
Maurice Nachlas	Clerical assistant (July 20, 1970 through Aug. 25, 1970).	690.58
Anne P. Lebbon	Clerical assistant (from July 14, 1970).	3,635.81
Stuart A. Chalew	Clerical assistant (C.O.B. July 18, 1970).	300.29
Dennis C. Shumaker	Clerical assistant (from Sept. 1, 1970).	2,337.44
Special Subcommittee on Investigations:		
Robert W. Lishman	Chief counsel (to C.O.B. Dec. 14, 1970).	16,174.50
Daniel J. Manelli	Attorney	13,292.88
William T. Druhan	Staff assistant	13,292.88
James F. Broder	Special assistant	12,325.80
James R. Connor	Staff assistant	12,325.80
James P. Kelly	Chief investigator	13,292.88
Banjamin M. Smethurst.	Special assistant	13,292.88
Robert L. Rebein	Staff attorney	13,292.88
Mark J. Raabe	Attorney	11,944.14
Michael F. Barrett, Jr	do	10,638.90
Thomas D. Hart	Legislative assistant (from Dec. 1, 1970).	1,747.87
Elizabeth G. Paola	Clerical assistant	6,717.98
Lucy M. Gossett	do	6,001.70
Elizabeth A. Eastman	do	6,001.70
Russell D. Mosher	Staff assistant	4,942.32

Funds authorized or appropriated for committee expenditures	$1,060,000.00
Amount of expenditures previously reported	720,941.98
Amount expended, July 1, 1970–Dec. 31, 1970	291,301.67
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	1,012,243.65
Balance unexpended as of Dec. 31, 1970	47,756.35

HARLEY O. STAGGERS,
Chairman.

JANUARY 15, 1971.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$17,752.50
Benjamin L. Zelenko	General counsel	16,967.70
Herbert Fuchs	Counsel	16,474.50
Garner J. Cline	do	14,577.72
R. Frederick Jett	do	13,356.00
Donald G. Benn	Associate counsel	12,504.90
Jerome M. Zeifman	Counsel	12,092.10
Frances Christy	Clerical staff	9,359.64
Jane C. Caldwell	do	8,584.68
Gertrude Clara Burak	do	7,637.16
Carrie Lou Allen	do	7,226.22
Lorraine W. Beland	do	7,226.22
Roberta E. Eisenberg	do	6,727.68

SALARIES PAID JULY 1, 1970 THROUGH DEC. 31, 1970 PURSUANT TO H. RES. 93, 118, 780, AND 1065, 91ST CONGRESS INVESTIGATIVE STAFF

Employee	Position	Salary
Joanne E. Bell	Clerical staff	$3,602.28
Pearl L. Chellman	do	4,501.02
Stephen R. Conafay	Clerical staff (through Aug. 28, 1970).	665.47
James J. Faris	Counsel	9,285.60
Paul S. Fenton	Associate counsel	7,001.88
Howard W. Fogt, Jr	Assistant counsel	8,006.58
William B. Forti	Economist	10,745.10
Austin T. Fragomen, Jr	Assistant counsel (through Oct. 12, 1970).	3,963.01
Mary Shea Gaffney	Clerical staff	4,379.70
Alma B. Haardt	do	6,008.58
William Thomas Hutton	Assistant counsel	6,403.62
Jane F. Johnson	Clerical staff	3,975.42
Katherine Ely Kaplan	do	4,673.04
Michael Kelemonick	do	6,337.92
Florence T. McGrady	do	6,337.92
Thomas E. Mooney	Assistant counsel	6,835.68
Franklin G. Polk	Associate counsel	12,504.90
Mary G. Sourwine	Clerical staff	5,613.24
Annelie Tischbein	Associate council	3,975.42
Louis S. Vance	Messenger	4,452.48
Rosalie C. Werback	Clerical staff (through Nov. 14, 1970).	2,568.42
John F. Winslow	Assistant counsel	7,838.64

Funds authorized or appropriated for committee expenditures	$530,000.00
Amount of expenditures previously reported	381,377.43
Amount expended, July 1, 1960–Dec. 31, 1970	520,893.54
Balance unexpended as of Dec. 31, 1970	9,106.46

EMANUEL CELLER,
Chairman.

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance, June 30, 1970	$75,454.20
Expended, July 1–Dec. 31, 1970	32,480.98
Balance, Dec. 31, 1970	42,973.22
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance, June 30, 1970	2,762.02
Legislative Appropriation Act, 1971	150,000.00
Total	152,762.02
Expended, July 1–Dec. 31, 1970	27,914.53
Balance, Dec. 31, 1970	124,847.49
C. Revision of the laws, 1971:	
Legislative Appropriation Act, 1971	35,000.00
Expended, July 1–Dec. 31, 1970	16,433.46
Balance, Dec. 31, 1970	18,566.54

DECEMBER 31, 1970.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert J. Ables	Chief counsel	$17,752.35
Ned P. Everett	Counsel	14,233.98
Ernest J. Corrado	do	11,664.91
Richard N. Sharood	Minority counsel	12,279.06
Robert J. McElroy	Chief clerk	16,080.77
William B. Winfield	Clerk	11,196.01
Frances P. Still	Assistant clerk	8,649.68
Vera A. Barker	Secretary	8,277.54
Virginia L. Noah	do	7,838.66
Albert J. Dennis	Investigator	9,554.63
Ralph E. Casey	Special counsel	17,752.35
Thomas A. Clingan, Jr	Counsel	4,712.68
Donald A. Watt	Editor	9,039.60
Norman M. Barnes	Investigator	4,779.11
Lucye L. Summers	Secretary	5,810.92
Diane G. Kirchenbauer	do	4,779.11
Jane C. Wojcik	do	6,630.72
Pauline M. Dickerson	do	7,334.93
Ronald W. C. Watt	Assistant clerk	3,203.41

Funds authorized or appropriated for committee expenditures	$310,000.00
Amount of expenditures previously reported	212,080.29
Amount expended, July 1–Dec. 31, 1970	73,531.12
Total amount expended, Jan. 1, 1969–Dec. 31, 1970	285,611.41
Balance unexpended as of Dec. 31, 1970	24,388.59

EDWARD A. GARMATZ
Chairman.

JANUARY 15, 1971.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Johnson, Charles E	Chief counsel and staff director.	$17,752.50
Martiny, John H	Counsel	17,491.08
Bray, Bun Benton	Associate staff director.	17,491.08
Irvine, William A	Assistant staff director.	17,491.08
Kazy, Theodore J	Senior staff assistant	17,491.08
Smiroldo, Victor C	do	15,171.78
Fortune, Francis C	Coordinator	13,040.34
Thornton, Elsie E	Chief clerk	11,557.26
Wells, Barbara M	Secretary	7,838.64
Simons, Blanche M	do	7,553.22

Name of employee	Profession (Standing or Select Committee)	Total gross salary during 6-month period
Investigative staff, pursuant to H. Res. 268, 301, and 869 of the 91st Cong., 2d sess.:		
Barton, Richard A	Staff assistant	$10,305.18
Bates, Kathryn E	Secretary	5,654.46
Bebick, Joan E	do	4,673.04
Borger, Deanne L	do	5,293.20
Brown, Lorraine L	do	4,673.04
Ciaravella, Jo Ann	do	4,673.04
Coultrap, Ray H	Staff assistant (minority).	$6,403.62
Davis, Stewart A	Staff assistant	9,592.08
Devlin, Ralph J	do	12,890.40
Dowd, Maureen B	Intern (to Aug. 31, 1970).	668.66
Fisher, Mitchell Jeffrey.	Intern (to Aug. 16, 1970).	613.95
Fuchs, Thomas	Intern (to Sept. 7, 1970).	776.37
Fussell, Glenda J	Intern (July 8, 1970–Oct. 31, 1970).	1,885.14
Gabusi, John B	Staff assistant	10,509.96
Gould, George B	do	11,672.58
Green, Thelma R	Secretary	6,337.92
Griffith, Thomas B	Intern (to Aug. 15, 1970).	488.67
Harding, Delois	Secretary	2,428.31
Higgins, Michael A	Intern (to Sept. 15, 1970).	1,083.98
Hitchcock, John E	Intern (to Aug. 31, 1970).	668.66
Howard, Alton M	Printing editor	8,755.26
Kennedy, Thomas R	Staff assistant	10,585.80
Lloyd, Max T	do	15,171.78
Maginnis, Mary E	Intern (to Aug. 31, 1970).	867.18
Marmon, Victor Ira	Intern (to Aug. 16, 1970).	613.95
Miller, W. Kenneth	Intern (to Aug. 31, 1970).	867.18
Myers, Lois G	Secretary	5,827.38
Napier, Margaret G	do	4,673.04
O'Hare, Mary V	Intern (to Aug. 31, 1970).	867.18
Palmer, Fred D	Research assistant	7,427.28
Pendleton, Maria R	Document clerk	7,544.82
Peters, Dorothy L	Assistant document clerk.	6,445.14
Potts, Loren Christi	Intern (July 20,–Aug. 31, 1970).	592.57
Quigley, Michael A	Intern (Aug. 31, 1970)	668.66
Raymond, Anthony J	Staff assistant (minority).	10,729.92
Rutan, Jeanne Marie	Intern (Sept. 5, 1970)	1,321.08
Snipes, Justine P	Secretary	6,727.68
Strickland, Elizabeth M.	Intern (Aug. 31, 1970)	1,000.96
Sullivan, Mary Kathryn.	Secretary (Aug. 1–Nov. 30, 1970).	2,170.72
Ward, Sara L	Secretary	7,583.16
Williss, Donna L	Secretary	4,673.04

Funds authorized or appropriated for committee expenditures	$806,000.00
Amount of expenditures previously reported	544,864.88
Amount expended, July 1–Dec. 31, 1970	[1] 218,182.58
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	763,047.46
Balance unexpended as of Dec. 31, 1970	$42,952.54

THADDEUS J. DULSKI
Chairman.

[1] Includes $39.04 refund in June 1970 for salary overpayment.

JANUARY 8, 1971.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Richard J. Sullivan	Chief counsel	$17,337.96
Lester Edelman	Counsel	14,058.12
Lloyd Rivard	Engineer consultant	14,585.70
Clifton W. Enfield	Minority counsel	17,183.70
Stephen V. Feeley	Subcommittee clerk	10,866.48
Dorothy A. Beam	Executive staff assistant.	9,734.28
Meriam R. Buckley	Staff assistant	8,674.02
Sterlyn B. Carroll	do	6,403.62
Investigating staff:		
Richard C. Peet	Assistant minority counsel.	14,585.70

Name of employee	Profession	Total gross salary during 6-month period
Audrey G. Warren	Subcommittee clerk	$10,434.12
Sheldon S. Gilbert	Associate minority counsel.	9,516.12
Augusta P. Peterson	Subcommittee clerk	8,087.22
Robert F. Spence	do	8,140.92
Joseph A. Italiano, Jr	Editorial assistant	7,880.64
Erla S. Youmans	Minority staff assistant.	7,754.76
Sara B. Hilber	do	5,162.64
Linda L. Williams	do	4,673.04
Nancy Brayer Vitali	Staff assistant	4,606.08
Peggy Lynn Clements	do	4,476.72
Harvey C. Simms, Jr	Clerical assistant (as of July 1, 1970).	2,766.06
Maryann D. Conway	Staff assistant	5,810.94
Emily B. Loosier	do	5,268.72
Cynthia J. Van Sant	do	3,714.48
Rosemari E. Gaughan	do	3,610.32
Frederick S. Beckman, Jr.	Clerical assistant (terminated Aug. 31, 1970).	922.02
Patricia Maguire	Minority clerical assistant.	2,766.06
Robert G. Marshall	Subcommittee clerk (as of Sept. 1, 1970).	4,164.92
Special Subcommittee on Federal-Aid Highway Program:		
Walter R. May	Chief counsel	17,482.74
John P. Constandy	Assistant chief counsel.	16,277.64
Salvatore J. D'Amico	Associate counsel	12,279.06
John P. O'Hara	do	12,279.06
Carl J. Lorenz, Jr	do	12,465.96
Robert G. Lawrence	do	10,001.65
George M. Kopecky	Chief investigator	15,293.22
Sherman Willse	Professional staff member.	12,279.06
Paul R. S. Yates	Professional minority staff member.	13,584.84
Kathryn M. Keeney	Chief clerk	7,737.96
Stuart M. Harrison	Staff assistant	9,302.04
Mildred E. Rupert	do	1,050.83
Agnes M. GaNun	do	6,107.34
Shirley R. Knighten	do	5,260.56
Martha E. Downie	Minority staff assistant	5,703.90
Betty Hay	Staff assistant (as of Sept. 1, 1970).	4,203.32

Funds authorized or appropriated for committee expenditures:	
H. Res. 259	$486,000.00
H. Res. 801	587,000.00
Total	1,073,000.00
Amount of expenditures previously reported	780,948.83
Amount expended, July 1, 1970–Dec. 31, 1970	291,422.16
Total amount expended, Jan. 3–Dec. 31, 1970	1,072,370.99
Balance unexpended as of Dec. 31, 1970	629.01

GEORGE H. FALLON,
Chairman.

JANUARY 14, 1971.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Waller Batson (to Oct. 31, 1970).	Professional staff member (P).	$6,413.24
Laurie C. Battle	Counsel (P)	17,752.50
Robert D. Hynes, Jr	Minority counsel (P)	16,433.46
Mary Spencer Forrest	Assistant counsel (P)	10,123.08
Winifred L. Watts	Secretary (C)	7,645.56
Jonna Lynne Cullen	do	6,662.10
Margaret Bundick (Oct. 1 to Oct. 31).	do	752.02
William W. Belcher (to Oct. 31).	Messenger (C)	660.72
Total		66,442.68

Funds authorized or appropriated for committee expenditures	5,000.00
Amount of expenditures previously reported	2,728.67
Amount expended, July 1, 1970-Dec. 31, 1970	122.70
Total amount expended Jan. 1, 1970–Dec. 31, 1970	2,851.37
Balance unexpended as of Dec. 31, 1970	2,148.63

WILLIAM M. COLMER,
Chairman.

JANUARY 14, 1971.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the six-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and Chief counsel.	$17,752.50
John A. Carstarphen, Jr.	Chief clerk and counsel.	16,892.94
Philip B. Yeager	Counsel	16,892.94
Frank R. Hamm II, Jr	do	16,220.22
James E. Wilson	Technical consultant	15,487.56
Mary Ann Robert	Secretary	6,777.54
Emily Dodson	do	6,495.00
Carol F Rodgers	do	6,337.92
June C. Stafford	do	6,337.92
Virginia Robison	do	6,337.92
Investigative staff:		
Richard P. Hines	Staff consultant	15,487.56
Harold A. Gould	Technical consultant	15,487.56
Philip P. Dickinson	do	13,427.06
Wilfred H. Boone	do	16,892.94
William G. Wells, Jr	do	12,890.40
K. Guild Nichols, Jr	Staff consultant	8,755.26
J. Thomas Ratchford	Science consultant	14,050.14
James A. Rose, Jr	Minority staff (to Aug. 15, 1970).	2,916.23
Stanley J. Trachta	Minority staff (Aug. 16–31, 1970).	972.08
Victor Showers	Minority staff (Sept. 9–Oct. 5, 1970).	1,425.71
William L. Offutt	Minority staff (from Nov. 23, 1970).	1,477.86
Frank J. Giroux	Printing clerk	8,260.56
Elizabeth S. Kernan	Scientific research assistant.	7,620.42
Martha N. Rees	Secretary	3,634.38
Denis C. Quigley	Publications clerk	6,702.72
Kieran U. Cashman	Secretary	5,244.24
Patricia Schwartz	do	4,673.07
Richard J. Shullaw	Assistant publications	1,552.86
George J. Feldman, Jr.	Clerical assistant (to 13, 1970).	430.19

Funds authorized or appropriated for committee expenditures	$715,000.00
Amount of expenditures previously reported	543,471.44
Amount expended, July 1–Dec 31, 1970	152,322.54
Total amount expended, Jan. 3, 1969–Dec. 31, 1970	695,793.98
Balance unexpended as of Dec. 31, 1970	19,206.02

GEORGE P. MILLER,
Chairman.

JANUARY 20, 1971.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$17,752.50
Bennett Wolfe	Assistant staff director	14,178.00
Robert G. Allett	Senior staff member	16,039.80
Mariann R. Mackenzie	Secretary	8,982.72
Tempie W. Whittington	Assistant clerk	4,242.24

Funds authorized or appropriated for committee expenditures (H. Res. 204; Mar. 12, 1969	$20,000.00
Amount of expenditures previously reported	5,837.02
Amount expended, July 1, 1970–Dec. 31 1970	159.60
Total amount expended Mar. 12, 1969–Dec. 31, 1970	5,996.62
Balance unexpended as of Dec. 31, 1970	14,003.38

MELVIN PRICE
Chairman.

JANUARY 15, 1971.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing Committee:		
Oliver E. Meadows	Staff director	$17,673.84
Edwin B. Patterson	Counsel	16,474.50
John R. Holden	Professional staff member.	14,617.74
Billy E. Kirby	Professional aide	14,617.74
George W. Fisher	Clerk	16,474.50
Helen A. Biondi	Assistant clerk	10,229.28
Alice V. Matthews	Clerk-stenographer	7,060.02
Morvie Ann Colby	do	6,860.58
Marjorie J. Kidd	do	6,561.48
Investigative staff:		
Helen Lee Fletcher	do	3,081.30
Audrey A. Powelson	do	5,170.80
Patricia J. Wilton	do	5,170.80
Philip E. Howard	Investigator	14,521.80
Candis L. Graves	Clerk-stenographer	4,234.20
Vance L. Gilliam	Records clerk	4,088.64
Lisa Rae Schulberg	Clerk-stenographer	1,266.85
Russell L. Love	Intern	1,251.20
Michael A. McHone	do	989.52

Funds authorized or appropriated for committee expenditures	250,000.00
Amount of expenditures previously reported	155,192.65
Amount expended, July 1–Dec. 31, 1970	61,956.77
Total amount expended, Jan. 1, 1969–Dec. 31, 1970	217,149.42
Balance unexpended as of Dec. 31, 1970	32,850.58

OLIN TEAGUE,
Chairman.

JANUARY 4, 1971.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr	Chief counsel (C)	$17,752.50
Richard C. Wilbur	Minority counsel (P)	17,673.84
John Patrick Baker	Assistant chief counsel (P).	16,121.82
Robert B. Hill	Professional staff (P)	10,335.48
William Kane	do	14,847.84
James W. Kelley	do	14,847.84
Harold Lamar	do	14,847.84
Florence Burkett	Staff assistant (C)	6,165.00
Virginia Butler	do	8,056.98
William C. Byrd	do	5,391.12
Mary Clare Fitzgerald	do	4,926.00
William Fullerton	do	14,847.84
Grace Kagan	do	8,056.98
June Kendall	do	8,860.86
Jerry W. Knebel	Staff assistant (C) to Oct. 25.	3,392.19
Elizabeth Price	Staff assistant (C)	5,860.32
Jean Ratliff	do	4,606.08
Gloria Shaver	do	7,385.28
Arthur Singleton, Jr	do	14,569.74
Eileen Sonnett	do	6,686.16
Shirley Vallance	do	5,309.52
Judith Van Der Schaaf	Staff assistant (C) from Dec. 14.	474.65
Carole Vazis	Staff assistant (C)	5,464.56
Hughlon Greene	Document clerk (C)	6,403.62
Walter Little	do	6,403.62

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	13,979.06
Amount expended, July 1, 1970–Dec. 31, 1970	5,013.35
Total amount expended, Jan. 1, 1969–Feb. 31, 1970	18,992.41
Balance unexpended as of Dec. 31, 1970	31,007.59

W. D. MILLS,
Chairman.

JANUARY 11, 1971.

SELECT COMMITTEE ON CRIME

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Elkan Abramowitz	Special counsel (July 2[1])	$130.04
Stephen N. Abrams	Press assistant	5,007.60
Weston Adams	Associate counsel	11,944.14
Stuart R. Allen	Chief investigator	12,504.90
Avanell K. Bass	Office manager	6,255.60
Leroy C. Bedell, Jr	Staff investigator	7,956.24
Beverly Bondy	Secretary	4,088.64
Arthur E. Cameron	Associate counsel and assistant to the chairman (Dec. 30[1]).	7,001.07
Marian Canty	Secretary to the chairman.	5,522.70
Frederick B. Collison	Investigator	6,627.96
Alliene E. Correll	File clerk (Nov. 6[1]).	2,782.79
Joseph M. Cribben	Associate chief investigator.	11,672.58
Elsworth D. Dory	Investigator	7,754.76
M. Fayne Downey	Secretary	3,292.50
Lina Mabel Duran	do	5,031.36
Hazel K, Edwards	Secretary to the executive director.	5,301.36
Robert H. Fleming	Information director (Nov. 9[1]).	10,447.37
Paul B. Galvani	Special counsel (July 31[1]).	1,950.56
Roberta S. Gerson	Secretary to the chief counsel.	5,301.36
Mary M. Goulart	Finance officer	5,852.10
Deborah Hastings	Research assistant	4,088.64
Patricia C. Hester	Secretary	4,242.24
Lake E. High, Jr	Researcher (Oct. 15[1])	4,176.51
John F. Kane	Chief hearings officer (Dec. 15[1]).	9,335.47
Alvin J. Lorman	Investigator	7,427.28
Raphael J. Madden	Research assistant	$3,506.16
Paul Louis Perito	Chief counsel	17,499.36
Michael D. Petit	Press officer (Aug. 1[1]–Sept. 9[2]) (Nov. 30[1]–Dec. 5[2]).	7,399.82
Mary G. Poore	Secretary	5,301.36
Andrew Radding	Assistant counsel	7,586.82
Larry T. Reida	Associate chief counsel.	14,577.72
Paul K. Rooney	Special counsel (July 3[1]).	195.06
Alberta E. Sandel	Secretary	4,088.64
Margaret M. Schauer	do	5,040.24
Arnold G. Shulman	Assistant counsel (Oct. 30[1]).	5,507.04
James F. Southerland	Executive director	15,001.68

Funds authorized or appropriated for committee expenditures H. Res. 399 and 808	$975,000.00
Amount of expenditures previously reported	623.461.53
Amount expended, July 1, 1970–Dec. 31, 1970	291,476.61
Total amount expended, July 1, 1969–Dec. 31, 1970	914,938.14
Balance unexpended as of Dec. 31, 1970	60,061.85

[1] Termination.
[2] Appointment.

CLAUDE PEPPER,
Chairman.

JANUARY 28, 1971.

SELECT COMMITTEE ON HOUSE RESTAURANT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$8,481.66
Judy A. Crowe	Secretary	3,419.37
Total		11,901.03

Funds authorized or appropriated for committee expenditures	$40,000.00
Amount of expenditures previously reported	18,865.26
Amount expended, July 1970–Dec. 31, 1970	13,459.37
Total amount expended, August 1969–Dec. 31, 1970	32,324.63
Balance unexpended as of Dec. 31, 1970	7,675.37

JOHN C. KLUCZYNSKI,
Chairman.

DECEMBER 31, 1970.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Linda Kay Wells	Secretary	$5,176.24
Emilia E. Parrish	do	3,441.76
William A. Keel, Jr	Research analyst	17,082.06
Marlyn Wilkinson	Secretary	$4,258.44
Myrtle Ruth Foutch	Clerk	7,922.62
Donna Santoro	Secretary	3,723.06
T. J. Oden	Counsel	7,805.10
Charles E. O'Connor	General counsel	17,713.17
Susan B. Graves	Staff assistant	2,332.44
Donald B. Roe	Counsel	8,006.61
Howard Greenberg	Staff director	17,509.18
Joanna G. O'Rourke	Secretary	4,379.70
Henry A. Robinson	Counsel	14,938.28
Bryan H. Jacques	Staff director	2,945.64
Christine A. Santoro	Secretary	3,244.72
Justinus Gould	Counsel	14,938.28
Michael R. Lemov	Consultant	8,224.95
Carol Ann Fowkes	Secretary	3,183.24
Susan E. Driggers	do	3,714.48
Melissa L. Ravenel	do	1,753.26
Leslie R. Pennington	Printing editor	2,685.66
Mary Eileen Owens	Clerk-typist	2,652.12
Clifford E. Payne, Jr	Staff assistant	2,569.85
Robert Michael Walker	do	3,496.16
Wilma H. Housewright	Secretary	1,500.34
Roger M. Golden	Assistant minority Counsel.	4,243.62
Margaret L. Carpenter	Secretary, minority	4,974.96
John M. Finn	Assistant minority counsel.	10,688.82
Fred Wertheimer	Minority counsel	6,445.20
Bernadette O. Romanesk.	Staff assistant, minority.	4,149.27

Funds authorized or appropriated for committee expenditures	$905,000.00
Amount of expenditures previously reported	575,418.20
Amount expended, July 19, 1970–Dec. 31, 1970	203,253.76
Total amount expended Jan. 3, 1969–Dec. 31, 1970	778,671.96
Balance unexpended as of Dec. 31, 1970	126,328.04

JOE L. EVINS,
Chairman.

JANUARY 28, 1971.

SELECT COMMITTEE ON U.S. INVOLVEMENT IN SOUTHEAST ASIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas R. Harkin	Staff investigator	$990.46
Rebecca D. Moore	Secretary	708.39

Funds authorized or appropriated for committee expenditures	$30,000.00
Amount of expenditures previously reported	None
Amount expended July 1, 1970–Dec. 31, 1970	3,897.03
Balance unexpended as of Dec. 31, 1970	26,102.97

G. V. MONTGOMERY,
Chairman.

DECEMBER 31, 1970.

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from August 4, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John Warren McGarry	Chief counsel	$14,399.25
Marietta Ethier	Clerk	3,640.93
Emily DeSimone	Secretary	3,290.11
Mary Agnes Gildea	Clerical help	780.69

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	None
Amount expended, Aug. 4–Dec. 31	22,110.98
Total amount expended from January–December	22,110.98
Balance unexpended as of Dec. 31, 1970	52,889.02

THOMAS P. O'NEILL, JR.
Chairman

JANUARY 6, 1971.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to December 31, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$14,649.66
Charles S. Brewton	General counsel	14,393.88
George T. Ault	Professional staff member.	9,973.80
Cary H. Copeland	do	8,140.92
Thomas L. McNamara	do	6,337.92
Mattie I. Echols	Secretary	5,162.64
Lee Sherman Cox	Clerk assistant	1,015.40
Steven M. Barnard	do	595.70

Funds authorized or appropriated for committee expenditures	$118,800.00
Amount of expenditures previously reported	
Amount expended, July 1 to Dec. 31, 1970	60,299.92
Total amount expended, July 1–Dec. 31, 1970	60,299.92
Balance unexpended as of Dec. 31, 1970	58,500.08

JOHN SPARKMAN,
Chairman.

JANUARY 12, 1971.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from July 1, 1970, to January 1, 1971, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Deputy chief of staff	18,000.00
Dennis P. Bedell	Assistant chief of staff.	14,034.12
Arthur Fefferman	Chief economist	18,000.00
Nicholas A. Tomasulo	Legislation counsel	15,867.54
Robert R. Smyers	Refund counsel	15,859.32
Herbert L. Chabot	Assistant legislation counsel.	$12,684.06
James H. Symons	Statistical analyst	15,260.82
John Germanis	do	12,208.98
Meade Emory	Legislation attorney	13,253.40
Albert Buckberg	Economist	12,473.76
Michael D. Bird	do	12,473.76
Harrison B. McCawley	Refund attorney	11,672.58
John Broadbent	Legislation attorney	11,226.78
Joseph P. Spellman	do	10,214.10
Anastasia Connaughton	Statistical clerk	9,854.04
Joseph E. Fink	do	9,854.04
Bernard M. Shapiro	Legislation attorney	9,072.06
Harold Dubroff	do	8,065.31
Leon W. Klud	Economist	8,260.56
Carl E. Bates	Refund attorney	7,847.10
Joanne McDermott	Secretary	7,318.14
Linda Savage	do	5,835.60
Blanche Nagro	Secretary (refund)	5,778.00
Mary W. Gattie	Secretary	5,572.14
Jamie L. Daley	do	5,236.08
June Matthews	do	4,836.24
Amelia Del Carmen	do	4,803.60
Marcia B. Rowzie	do	4,589.94
Wanda D. Fraser	Secretary (as of Sept. 1, 1970).	2,903.64
Sharon M. Feinsilber	Secretary (refund)	3,805.62
Linda B. Pruitt	Secretary (through Aug. 8, 1970).	1,007.20
Katherine Keller	Secretary (through Sept. 4, 1970).	814.55
Helen Strosnider	Secretary (as of Dec. 1, 1970).	750.52

Funds authorized or appropriated for committee expenditures	$657,715.00
Amount of expenditures previously reported, Jan. 1–July 1, 1970	304,515.95
Amount expended, July 1, 1970–Jan. 1, 1971	320,460.49
Balance unexpended as of Jan. 1, 1971	337,254.51

W. D. MILLS,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

91. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

92. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

93. A letter from the Under Secretary of Agriculture, transmitting the third annual report on operations under the Food Stamp Act of 1964; to the Committee on Agriculture.

94. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the first quarter of fiscal year 1971 on receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

95. A letter from the Director, Selective Service System, transmitting a draft of proposed legislation to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

96. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of abaca from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

97. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of antimony from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

98. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of celestite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

99. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

100. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of metallurgical grade chromite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

101. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of columbium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

102. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

103. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

104. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of kyanite-mullite from the national stockpile; to the Committee on Armed Services.

105. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

106. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of magnesium from the national stockpile; to the Committee on Armed Services.

107. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

108. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of selenium from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

109. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of sisal from the national stockpile; to the Committee on Armed Services.

110. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of vanadium from the national stockpile; to the Committee on Armed Services

111. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

112. A letter from the Deputy Chief of Naval Materiel (Procurement and Produc-

tion), transmitting the Department of the Navy's semiannual report of research and development procurement actions of $50,000 or more, covering the period July 1 through December 31, 1970, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

113. A letter from the Chairman and Members, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for fiscal year 1970, pursuant to sections 4(b), 5, and 6 of the Bretton Woods Agreement Act, as amended; (Doc. No. 92–1–39); to the Committee on Banking and Currency and ordered to be printed.

114. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

115. A letter from the Secretary of the Treasury, transmitting a report of the audit of the Exchange Stabilization Fund for fiscal year 1970, pursuant to the Gold Reserve Act of 1934; to the Committee on Banking and Currency.

116. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a draft of proposed legislation to amend and extend the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

117. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

118. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July-October 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

119. A letter from the Vice President and General Manager, Chesapeake and Potomac Telephone Co. transmitting the statement of receipts and expenditures of the Chesapeake & Potomac Telephone Co. for 1970, pursuant to chapter 1628, acts of Congress 1904, together with a comparative general balance sheet, pursuant to paragraph 14 of the act of March 4, 1913; to the Committee on the District of Columbia.

120. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a report on progress in processing black lung benefit claims under the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

121. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the texts of International Labor Organization Convention No. 130 and Recommendation No. 134, concerning medical care and sickness benefits (Doc. No. 92–1–40); to the Committee on Foreign Affairs and ordered to be printed.

122. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a quarterly report on the programing and obligation of contingency funds by AID, covering the period July 1 through September 30, 1970, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

123. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombatant claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

124. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a report on the disposal of foreign excess property by the Department of Agriculture for fiscal year 1970, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

125. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a report on the disposal of foreign excess property by the Atomic Energy Commission for fiscal year 1970, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

126. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

127. A letter from the Under Secretary of the Interior, transmitting a report of Geological Survey activities outside the United States during the period July 1 through December 31, 1970, pursuant to 43 USC 31(C); to the Committee on Interior and Insular Affairs.

128. A letter from the Secretary of Transportation, transmitting the final report designating a basic system of intercity rail passenger service, pursuant to section 202 of the Rail Passenger Service Act of 1970; to the Committee on Interstate and Foreign Commerce.

129. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Commission's implementation and administration of the Fair Packaging and Labeling Act during fiscal year 1970, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

130. A letter from the Chairman, Interstate Commerce Commission, transmitting final valuations of properties of various carriers subject to the Interstate Commerce Act, pursuant to section 19a of the act; to the Committee on Interstate and Foreign Commerce.

131. A letter from the Attorney General, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

132. A letter from the Attorney General, transmitting a draft of proposed legislation to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

133. A letter from the Attorney General, transmitting a draft of proposed legislation to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

134. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

135. A letter from the Director, Community Relations Service, U.S. Department of Justice, transmitting a report of the activities of the Community Relations Service for fiscal year 1970, pursuant to section 1004 of the Civil Rights Act of 1964; to the Committee on the Judiciary.

136. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

137. A letter from the Director, Federal Bureau of Investigation, U.S. Department of Justice, transmitting a report on positions in the FBI in grades GS–16, GS–17, and GS–18, during calendar year 1970, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

138. A letter from the Chairman, Railroad Retirement Board, transmitting a report on positions in the Board in grades GS–16, GS–17, and GS–18, during calendar year 1970, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

139. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend the act of June 1, 1948, to increase the jurisdiction and policing power of the General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government; to the Committee on Public Works.

140. A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, in order to authorize the Administrator to make advance educational assistance to certain veterans; to the Committee on Veterans' Affairs.

141. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' Administration for non-service-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes; to the Committee on Veterans' Affairs.

142. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose; to the Committee on Veterans' Affairs.

143. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to repeal the savings provision of Public Law 90–493 protecting veterans entitled to disability compensation for arrested tuberculosis; to the Committee on Veterans' Affairs.

144. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; to the Committee on Veterans' Affairs.

145. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; to the Committee on Ways and Means.

146. A letter from the Chairman and members, U.S. Atomic Energy Commission, transmitting the annual report of the Commission for 1970. pursuant to the Atomic

Energy Act of 1954; to the Joint Committee on Atomic Energy.

147. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

148. A letter from the Comptroller General of the United States, transmitting a report on the need to improve management of the Army's tactical vehicles development program; to the Committee on Government Operations.

149. A letter from the Comptroller General of the United States, transmitting a report on the administration of Metroliner and Turbo-Train projects by the Federal Railroad Administration, Department of Transportation; to the Committee on Government Operations.

150. A letter from the Comptroller General of the United States, transmitting a report on fair prices paid for small purchases by the Department of Defense; to the Committee on Government Operations.

151. A letter from the Comptroller General of the United States, transmitting a report on positions in the General Accounting Office in grades GS-16, GS-17, and GS-18 during calendar year 1970, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 2448. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. ASPINALL:

H.R. 2449. A bill to provide for a national land-use policy to be administered by the Secretary of the Interior and implemented by the States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 2450. A bill to declare a portion of the Delaware River in Philadelphia County, Pa., nonnavigable; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL:

H.R. 2451. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits or the disability freeze; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 2452. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 2453. A bill Voluntary Military Manpower Procurement Act of 1971; to the Committee on Armed Services.

H.R. 2454. A bill to amend section 2(3), section 8c(2), and section 8c(6)(1) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

H.R. 2455. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. COLLIER:

H.R. 2456. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

H.R. 2457. A bill to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 2458. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER (for himself and Mr. O'NEILL):

H.R. 2459. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 2460. A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar and nicotine content; to the Committee on Ways and Means.

H.R. 2461. A bill to amend the Social Security Act to provide that future increases in social security, railroad retirement, veterans', and other Federal benefits shall be disregarded in determining an individual's eligibility or need for aid or assistance under any of the Federal-State public assistance programs; to the Committee on Ways and Means.

H.R. 2462. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged, and to amend such part and all the public assistance titles of such act to require that drugs provided under the programs involved must be prescribed and furnished on a nonproprietary or generic basis; to the Committee on Ways and Means.

H.R. 2463. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 2464. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 2465. A bill to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable; to the Committee on Ways and Means.

H.R. 2466. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 2467. A bill to amend the National Labor Relations Act to exclude nonprofit private educational institutions from its jurisdiction; to the Committee on Education and Labor.

By Mr. EDWARDS of Alabama:

H.R. 2468. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. GERALD R. FORD:

H.R. 2469. A bill to amend the Tariff Act of 1930 to provide for the duty-free entry of certain hollow reinforcing bars; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Mr. MONAGAN, Mr. GIAIMO, and Mr. COTTER):

H.R. 2470. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GREEN of Pennsylvania (for himself, Mr. BYRNE of Pennsylvania, Mr. CLARK, Mr. DENT, Mr. FLOOD, Mr. MOORHEAD, Mr. NIX, Mr. GAYDOS, Mr. ROONEY of Pennsylvania, Mr. VIGORITO, and Mr. YATRON):

H.R. 2471. A bill to provide for the establishment of the Tinicum National Urban Park in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANNA:

H.R. 2472. A bill to amend the Internal Revenue Code of 1954 to exempt from gross income the first $1,000 of interest or dividends on deposits and withdrawable accounts of individuals in banks and domestic building and loan associations; to the Committee on Ways and Means.

H.R. 2473. A bill to better enable savings and loan associations to serve the public; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho (for himself and Mr. MCCLURE):

H.R. 2474. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division; Upper Snake River project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 2475. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 2476. A bill to amend the Military Selective Service Act of 1967, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 2477. A bill to designate January 15, the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

H.R. 2478. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 2479. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 2480. A bill to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks for nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services; to the Committee on Post Office and Civil Service.

H.R. 2481. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING:

H.R. 2482. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. LENNON:

H.R. 2483. A bill to amend the Agricultural Adjustment Act of 1938 to authorize the sale of tobacco acreage allotments under certain conditions; to the Committee on Agriculture.

H.R. 2484. A bill to promote safety in the operation of submersible vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 2485. A bill to prohibit the use of interstate facilities, including the mails, for transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 2486. A bill to amend title 10 of the United States Code on the assignment of members of the Armed Forces to new duty stations, and for other purposes; to the Committee on Armed Services.

H.R. 2487. A bill to provide for a national cemetery at Fort Bragg, N.C.; to the Committee on Veterans' Affairs.

H.R. 2488. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

H.R. 2489. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

H.R. 2490. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2491. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

H.R. 2492. A bill to provide for the effective management of the Nation's coastal and estuarine areas; to the Committee on Merchant Marine and Fisheries.

H.R. 2493. A bill to assist the States in establishing coastal and estuarine zone management plans and programs; to the Committee on Merchant Marine and Fisheries.

By Mr. McFALL (for himself, Mr. BLATNIK, Mr. REES, Mr. CARTER, Mr. ANDREWS of North Dakota, Mr. THOMPSON of New Jersey, Mr. VANIK, Mr. PUCINSKI, Mr. FRASER, and Mr. BERGLAND):

H.R. 2494. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McMILLAN:

H.R. 2495. A bill to encourage and assist private industry to provide needed new parking facilities, employment opportunities, and housing units, and a strengthened and expanded tax base in the District of Columbia, and for other purposes, pursuant to skyline studies for the National Capital Planning Commission in 1964, and parking studies for the Bureau of the Budget to provide needed parking facilities in the District of Columbia; to the Committee on the District of Columbia.

H.R. 2496. A bill to provide that health regulations of the District of Columbia shall extend to the restaurants of the U.S. Senate and the House of Representatives; to the Committee on the District of Columbia.

H.R. 2497. A bill to amend the District of Columbia Redevelopment Act of 1945 by directing the establishment of orderly procedures for the modification of an urban renewal plan and requiring adherence thereto by the District of Columbia Redevelopment Land Agency, by requiring that provision be made in each redevelopment contract for timely construction of public streets and facilities; to the Committee on the District of Columbia.

H.R. 2498. A bill to authorize banks, savings and loan associations, and other regulated lenders in the District of Columbia to charge or deduct interest in advance on loans to be repaid in installments; to the Committee on the District of Columbia.

H.R. 2499. A bill to authorize realistic, economic, and modern building heights and bulk in the District of Columbia, to provide new business and employment opportunity for all, to expand the tax base, to stimulate and assist efforts to break the poverty cycle and strengthen the economy, to provide parking, to rebuild and renew blighted, slum, burned-out, and underdeveloped areas, to conserve and make the best, and maximum, use of land, to achieve the best design, to save tax funds, and for other purposes; to the Committee on the District of Columbia.

H.R. 2500. A bill to provide public assistance to mass transit bus companies in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MILLER of Ohio:

H.R. 2501. A bill to provide for small farm participation in the feed grain program; to the Committee on Agriculture.

By Mr. MONAGAN (for himself and Mr. McFALL):

H.R. 2502. A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MORSE:

H.R. 2503. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof; to the Committee on Foreign Affairs.

By Mr. MOSS:

H.R. 2504. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to the application of the public information and disclosure provisions of such chapter; to the Committee on Government Operations.

H.R. 2505. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans; to the Committee on Veterans' Affairs.

H.R. 2506. A bill to amend title 5, United States Code, to provide that a retiring employee or member may elect to receive a full annuity without annuity for the surviving spouse only on submission to the Civil Service Commission of evidence of the knowledge of the spouse of such election; to the Committee on Post Office and Civil Service.

H.R. 2507. A bill to amend the Civil Service Retirement Act to provide equality of treatment with respect to widows and widowers of certain employees who die in service; to the Committee on Post Office and Civil Service.

H.R. 2508. A bill to amend title 5, United States Code, to provide salary step advancements for employees moving from prevailing rate pay systems to the classification and General Schedule pay system, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2509. A bill to require tribal consent to all grants of right-of-way over Indian tribal land; to the Committee on Interior and Insular Affairs.

H.R. 2510. A bill to amend the Civil Rights Act of 1957 to extend the duties of the Civil Rights Commission; to the Committee on the Judiciary.

H.R. 2511. A bill to provide equality of treatment for married women employees of the Federal Government and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 2512. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 2513. A bill: Natural Gas Act Amendments of 1971; to the Committee on Interstate and Foreign Commerce.

H.R. 2514. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. O'HARA:

H.R. 2515. A bill to establish a national cancer authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 2516. A bill to promote the safety of workers engaged in making asbestos products for shipment in commerce, and for other purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 2517. A bill authorizing the construction, repair, and preservation of certain public works on rivers for flood control; to the Committee on Public Works.

H.R. 2518. A bill to amend the Economic Opportunity Act of 1964, as amended; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 2519. A bill to facilitate equipment interchange between and among the several modes of transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 2520. A bill: Manpower Development and Training Act of 1971; to the Committee on Education and Labor.

H.R. 2521. A bill to amend the Higher Education Act of 1965 to provide a comprehensive program for the training of attorneys and related personnel in order to improve the legal services available to the community; to the Committee on Education and Labor.

By Mr. REID of New York:

H.R. 2522. A bill to amend the Federal Water Pollution Control Act to increase the penalty for pollution of the water by oil; to the Committee on Public Works.

H.R. 2523. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

H.R. 2524. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RONCALIO:

H.R. 2525. A bill to provide for the equalization of the retire pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania:

H.R. 2526. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and dental care to dependents of certain members of the uniformed services for a period of 90 days after the date of separation of such members from active duty; to the Committee on Armed Services.

H.R. 2527. A bill to amend title 10 of the United States Code so as to permit members of the Reserves and the National Guard to receive retired pay at age 55 for nonregular service under chapter 67 of that title; to the Committee on Armed Services.

H.R. 2528. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 2529. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuation of certain benefits to mentally retarded and physically handicapped dependents of members of the uniformed services after the death of such member or after his discharge or release from active duty for a service-connected disability to the Committee on Armed Services.

H.R. 2530. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2531. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

H.R. 2532. A bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

H.R. 2533. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

H.R. 2534. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

H.R. 2535. A bill to provide Federal financial assistance to States to enable them to pay compensation to certain disabled individuals who, as a result of their employment in the coal mining industry, suffer from pneumoconiosis and who are not entitled to compensation under any workmen's compensation law; to the Committee on Education and Labor.

H.R. 2536. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

H.R. 2537. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

H.R. 2538. A bill to provide additional authority to the Secretary of the Interior for land acquisition in the Delaware Water Gap National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. ROYBAL:

H.R. 2539. A bill to authorize the Secretary of Housing and Urban Development to provide or to guarantee any bid, payment, or performance bond applied for by or on behalf of a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

H.R. 2540. A bill to provide for the establishment of not less than seven regional law enforcement academies, and for other purposes; to the Committee on the Judiciary.

H.R. 2541. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

H.R. 2542. A bill to amend section 242 (b) of the Immigration and Nationality Act to require special deportation proceedings in connection with the voluntary departure from the United States of any alien who is a native of a country contiguous to the United States; to the Committee on the Judiciary.

H.R. 2543. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

H.R. 2544. A bill to equalize the retired pay for members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 2545. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

H.R. 2546. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

H.R. 2547. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

H.R. 2548. A bill to authorize the Secretary of the Treasury to carry out a program of research and development relating to devices and techniques for the detection of illegal importation of dangerous drugs into the United States; to the Committee on Ways and Means.

H.R. 2549. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself and Mr. CORMAN):

H.R. 2550. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself and Mr. EDWARDS of California):

H.R. 2551. A bill to amend section 312(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 2552. A bill to establish certain policies with respect to certain use permits for national forest lands; to the Committee on Agriculture.

By Mr. TALCOTT:

H.R. 2553. A bill to amend title 38 of the United States Code to include within the parental beneficiary class under the servicemen's group life insurance program persons who stood in loco parentis to a deceased insured; to the Committee on Veterans' Affairs.

H.R. 2554. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 2555. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 2556. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes certain periods of service in the armed forces of a government-in-exile allied or associated with the United States in World War II, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 2557. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. TALCOTT:

H.R. 2558. A bill to establish a Select Commission on Nationality and Naturalization; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 2559. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

H.R. 2560. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey (for himself, Mr. BRADEMAS, Mr. SCHWENGEL, Mr. HARVEY, Mr. CRANE, and Mr. NEDZI):

H.R. 2561. A bill to rescind authority for construction of a sculpture garden in the Capitol Mall; to the Committee on Public Works.

By Mr. THOMSON of Wisconsin:

H.R. 2562. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

By Mr. ULLMAN:

H.R. 2563. A bill to authorize the study of certain rivers and river segments for addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 2564. A bill to strengthen State and local tax systems by providing for a credit against individual income taxes for 40 percent of State and local taxes, and by authorizing the Secretary of the Treasury to enter into agreements providing for Federal collection of State income taxes; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 2565. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 2566. A bill to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands; to the Committee on Armed Services.

By Mr. WYATT (for himself, Mr. DELLENBACK, Mrs. GREEN of Oregon, Mr. WALDIE, Mr. ESHLEMAN, Mr. MYERS, Mr. PELLY, and Mr. MATSUNAGA):

H.R. 2567. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON (for himself, Mr. RIEGLE, Mr. HENDERSON, Mr. BEGICH, Mr. WILLIAMS, Mr. EDWARDS of California, Mrs. CHISHOLM, Mr. HALPERN, Mr. KYROS, Mr. ROYBAL, Mr. BURTON, Mr. MCKINNEY, Mr. CAREY of New York, Mr. MORGAN, and Mr. RARICK):

H.R. 2568. A bill to amend the Military Selective Service Act of 1967 to provide an exemption thereunder to the only son of any veteran with a service-connected disability of 70 percent or more, and the sole surviving son of any veteran who had such a disability at the time of death; to the Committee on Armed Services.

By Mr. BLACKBURN (for himself, Mr. ARCHER, Mr. BAKER, Mr. BUCHANAN, Mr. COLLIER, Mr. CRANE, Mr. DANIEL of Virginia, Mr. DAVIS of Georgia, Mr. DENNIS, Mr. DERWINSKI, Mr. DICKINSON, Mr. ERLEBORN, Mr. FISHER, Mr. GRIFFIN, Mr. HALEY, Mr. HALL, Mr. JARMAN, Mr. KUYKENDALL, Mr. PREYER of North Carolina, Mr. RARICK, Mr. SCHMITZ, Mr. SCHERLE, Mr. SCOTT, Mr. SIKES, and Mr. SPENCE):

H.R. 2569. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. ABBITT, Mr. BARING, Mr. GOODLING, Mr. GROSS, Mr. HASTINGS, Mr. LENNON, Mr. MICHEL, Mr. RHODES, Mr. ROBINSON, Mr. SATTERFIELD, Mr. STEIGER of Arizona, Mr. STEPHENS, and Mr. WINN):

H.R. 2570. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BOW (for himself, Mr. GERALD R. FORD, Mr. ARENDS, Mr. RHODES, Mr. CONABLE, Mr. SMITH of California, Mr. JONAS, Mr. CEDERBERG, Mr. MICHEL, Mr. ROBISON, Mr. SHRIVER, Mr. ANDREWS of North Dakota, Mr. WYMAN, Mr. TALCOTT, Mrs. REID of Illinois, Mr. RIEGLE, Mr. WYATT, Mr. EDWARDS of Alabama, Mr. DEL CLAWSON, and Mr. SCHERLE):

H.R. 2571. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1972, and for other purposes; to the Committee on Government Operations.

By Mr. CELLER (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mr. CHISHOLM, Mr. DELANEY, Mr. HALPERN, Mr. KOCH, Mr. MURPHY of New York, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, and Mr. WOLFF):

H.R. 2572. A bill for the relief of the city of New York; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN (for himself, Mr. DEVINE, Mr. LATTA, Mr. DAVIS of Georgia, Mr. STAFFORD, Mr. DAVIS of Wisconsin, Mr. QUIE, Mr. MCCLURE, Mr. MIZELL, Mr. KEE, Mr. KYL, Mr. SEBELIUS, Mr. CAMP, Mr. TEAGUE of California, Mr. HANSEN of Idaho, Mr. WYATT, and Mrs. HECKLER of Massachusetts):

H.R. 2573. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and to restrict expenditures from the airport and airway trust fund to the purposes for which it was established; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 2574. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 2575. A bill to amend title II of the Social Security Act to provide under the retirement test a substantial increase in the amount of outside income permitted without loss of benefits, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for purposes of such test; to the Committee on Ways and Means.

H.R. 2576. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. DRINAN, Mr. GONZALEZ, Mr. KAZEN, Mr. KYROS, Mr. STEELE, and Mr. WHITE):

H.R. 2577. A bill to amend section 103 of the Social Security Amendments of 1965 to provide hospital insurance benefits (under title XVIII of the Social Security Act) for certain uninsured individuals who are not otherwise eligible for such benefits; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 2578. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. FOUNTAIN (for himself, Mr. GROSS, Mrs. GREEN of Oregon, Mr. FULTON of Tennessee, Mr. PICKLE, Mr. BUCHANAN, Mr. BROWN of Michigan, Mr. MATHIAS of California, Mr. PETTIS, Mr. SCOTT, and Mr. HANSEN of Idaho):

H.R. 2579. A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation; to the Committee on Government Operations.

By Mrs. GRIFFITHS:

H.R. 2580. A bill to amend title 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Mr. HARRINGTON (for himself, Mr. BURTON, Mr. CHAPPELL, Mr. CLAY, Mr. FORSYTHE, Mr. HECHLER of West Virginia, Mr. MIKVA, Mr. ROUSH, and Mr. SEIBERLING):

H.R. 2581. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 2582. A bill to amend title 10 of the United States Code to provide that members of the Armed Forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

H.R. 2583. A bill to provide early educational opportunities for all preschool children, and to encourage and assist in the formation of local preschool districts by residents of urban and rural areas; to the Committee on Education and Labor.

H.R. 2584. A bill: Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 2585. A bill to amend the act of September 27, 1944 (58 Stat. 746), an act "to authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 2586. A bill to amend title 5, United States Code, to provide that the entire cost of certain minimum health benefits for employees and their families shall be paid by the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENNON (for himself, Mr. MOSHER, Mr. GARMATZ, Mr. MAILLIARD, Mr. PELLY, Mr. ASHLEY, Mr. KEITH, Mr. DOWNING, Mr. DELLENBACK, Mr. ROGERS, Mr. RUPPE, Mr. GOODLING, Mr. HATHAWAY, Mr. MCCLOSKEY, Mr. FREY, Mr. HANNA, Mr. LEGGETT, and Mr. JONES of North Carolina):

H.R. 2587. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCLORY:

H.R. 2588. A bill to improve judicial machinery by providing for the appointment of a district court executive for each district court having six or more authorized permanent judges; to the Committee on the Judiciary.

H.R. 2589. A bill to amend section 1869 of title 28, United States Code, with respect to the information required by a jury qualification form; to the Committee on the Judiciary.

By Mr. MCMILLAN:

H.R. 2590. A bill to prohibit the intimidation, coercion, or annoyance of a person officiating at or attending a religious service or ceremony in a church in the District of Columbia; to the Committee on the District of Columbia.

H.R. 2591. A bill to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest; to the Committee on the District of Columbia.

H.R. 2592. A bill to amend the act entitled "An Act to regulate the employment of minors in the District of Columbia," approved May 29, 1928; to the Committee on the District of Columbia.

H.R. 2593. A bill to amend the act entitled "An Act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914; to the Committee on the District of Columbia.

H.R. 2594. A bill to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000; to the Committee on the District of Columbia.

H.R. 2595. A bill to amend the act entitled "An Act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended; to the Committee on the District of Columbia.

H.R. 2596. A bill to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police Force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes; to the Committee on the District of Columbia.

H.R. 2597. A bill to amend the District of Columbia Minimum Wage Act to authorize the computation of overtime compensation for hospital employees on the basis of a 14-day work period; to the Committee on the District of Columbia.

H.R. 2598. A bill to authorize the acquisition, training, and maintenance of dogs to be used in law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 2599. A bill to amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property; to the Committee on the District of Columbia.

H.R. 2600. A bill to equalize the retirement benefits for officers and members of the Metropolitan Police Force and the Fire Department of the District of Columbia who are retired for permanent total disability; to the Committee on the District of Columbia.

By Mr. MEEDS (for himself, Mr. Udall, Mr. Andrews of North Dakota, Mr. Murphy of New York, Mr. Bow, and Mr. Melcher):

H.R. 2601. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 2602. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 2603. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE (for himself, Mr. Anderson of California, Mr. Biaggi, Mr. Burke of Massachusetts, Mr. Burton, Mr. Byron, Mr. Cleveland, Mr. Daniel of Virginia, Mr. Dow, Mr. Drinan, Mr. Esch, Mr. Gallagher, Mrs. Grasso, Mr. Horton, Mr. Hungate, Mr. McCloskey, Mr. Nelsen, Mr. Sandman, Mr. Shriver, and Mr. Steele):

H.R. 2604. A bill to amend title 10 of the United States Code to provide that members of the armed forces be assigned to duty stations near their homes after serving in combat zones; to the Committee on Armed Services.

By Mr. MOSS:

H.R. 2605. A bill to amend title 44, United States Code, to provide for consumer, labor, and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes; to the Committee on Government Operations.

H.R. 2606. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

H.R. 2607. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

H.R. 2608. A bill to amend title 5, United States Code, to correct certain inequities with respect to the details of civilian employees of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2609. A bill to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 2610. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 2611. A bill to amend the Railroad Retirement Act of 1937 to permit an annuitant to receive his annuity even though he renders compensated service for the outside employer by whom he was last employed before his annuity began to accrue; to the Committee on Interstate and Foreign Commerce.

H.R. 2612. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 2613. A bill to authorize the Commissioner of Education to make vocational education opportunity grants; to the Committee on Education and Labor.

H.R. 2614. A bill to provide for the recognition of the Polish Legion of American Veterans by the Secretary of Defense and the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. QUIE:

H.R. 2615. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 2616. A bill to amend section 203(a)(2) of the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas; to the Committee on the Judiciary.

H.R. 2617. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 2618. A bill to require the Secretary of the Army to permit the use of recreational areas at Lake Texoma for nontransient mobile homes; to the Committee on Public Works.

By Mr. ROONEY of Pennsylvania:

H.R. 2619. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

H.R. 2620. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 2621. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 2622. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 2623. A bill: Voluntary Military Manpower Procurement Act of 1971; to the Committee on Armed Services.

H.R. 2624. A bill to amend the Internal Revenue Code of 1954 to permit airline tickets and advertising to state the amount of tax on air transportation; to the Committee on Ways and Means.

H.R. 2625. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. Halpern, Mr. Badillo, Mr. Burton, Mr. Dellums, Mr. Diggs, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Mitchell, Mr. O'Neill, and Mr. Rangel):

H.R. 2626. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal year 1971; to the Committee on Appropriations.

H.R. 2627. A bill making appropriations to carry out the lead-based paint poisoning prevention program for the fiscal years 1971 and 1972; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. Burton, Mr. Danielson, Mr. Podell, and Mr. Rangel):

H.R. 2628. A bill to amend the Truth in Lending Act to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

H.R. 2629. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billing, and to require that statements under open-end credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. ST GERMAIN:

H.R. 2630. A bill to repeal the provisions of the Economic Opportunity Act of 1964 which limit the terms of office of Community Action Boards; to the Committee on Education and Labor.

By Mr. SAYLOR (for himself, Mr. Obey, Mr. Lennon, Mr. Don H. Clausen, Mr. Downing, Mr. Edwards of California, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Dingell, Mr. Goodling, Mr. Hanna, Mr. Karth, Mr. Kyros, Mr. Lent, Mr. McCloskey, Mr. O'Hara, Mr. Pelly, Mr. Reid of New York, Mr. Rogers, Mr. Biaggi, and Mr. Keith):

H.R. 2631. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHMITZ:

H.R. 2632. A bill to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2633. A bill to amend the Voting Rights Act of 1965 by repealing the provisions with respect to 18-year-old voting; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 2634. A bill to amend section 301(a)(7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 2635. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2636. A bill to amend the Food, Drug, and Cosmetic Act to strengthen consumer protection with respect to fish and fishery products and to assist the States in administering related programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. Teague of California (for himself, Mr. Mailliard, Mr. Anderson of Illinois, Mr. Sisk, Mr. Gubser, Mr. Waldie, Mr. Del Clawson, Mr. Van Deerlin, Mr. J. William Stanton, Mr. Brown of Ohio, Mr. Matsunaga, Mr. Leggett, Mr. Hansen of Idaho, Mr. Scheuer, and Mr. Williams):

H.R. 2637. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. Teague of California (for himself, Mr. McCloskey, Mr. Roncalio, Mr. Conte, Mr. Dent, Mr. Duncan, Mr. Thone, Mr. Collier, Mr. Dorn, Mr. Miller of California, Mr. Harrington, Mr. Abourezk, Mr. Helstoski, Mr. Mikva, Mr. Halpern, Mr. Biester, and Mr. Don H. Clausen):

H.R. 2638. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 2639. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; to the Committee on Armed Services.

H.R. 2640. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 2641. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. WHALLEY:

H.R. 2642. A bill to permit the reading of verses from the Holy Bible at certain times in the public schools throughout the United States; to the Committee on Education and Labor.

H.R. 2643. A bill to cut off Federal benefits for conviction of rioting and prohibiting entitlement to such benefits thereafter; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 2644. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. WRIGHT:

H.R. 2645. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 2646. A bill to amend chapter 1 of title 18 of the United States Code to permit the publication and dissemination of information relating to the sweepstakes conducted by any State or the District of Columbia; to the Committee on the Judiciary.

H.R. 2647. A bill to exempt receipts, tickets, and other acknowledgments of any State or the District of Columbia in connection with any sweepstakes operated by such State or the District of Columbia from the provisions of section 1953 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 2648. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 2649. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.J. Res. 221. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. CELLER:

H.J. Res. 222. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 224. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day; to the Committee on the Judiciary.

By Mr. DELANEY:

H.J. Res. 225. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 226. Joint resolution proposing an amendment to the Constitution of the United States providing for a 4-year term for Senators; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 227. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 228. Joint resolution to establish a National Week of Concern for Prisoners of War/Missing in Action; to the Committee on the Judiciary.

By Mr. HALEY:

H.J. Res. 229. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 230. Joint resolution to designate the 3d week of April of each year as "Earth Week"; to the Committee on the Judiciary.

H.J. Res. 231. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LENNON:

H.J. Res. 232. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President; to the Committee on the Judiciary.

H.J. Res. 233. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. LENT:

H.J. Res. 234. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 235. Joint resolution designating the 3d week of April of each year as Earth Week; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.J. Res. 236. Joint resolution providing for the designation of the 1st week of February of each year as National Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. MORGAN:

H.J. Res. 237. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.J. Res. 238. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 239. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.J. Res. 240. Joint resolution providing for the designation of the last Monday in October of each year as Peace Officers Appreciation Day; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 241. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 242. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. de la GARZA:

H. Con. Res. 96. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Con. Res. 97. Concurrent resolution authorizing the printing of a revised edition of the publication entitled "History of the United States House of Representatives", and for other purposes; to the Committee on House Administration.

By Mr. LONG of Maryland (for himself, Mr. Boggs, Mr. Hébert, Mr. Garmatz, Mr. Mitchell, Mr. Sarbanes, Mr. Don H. Clausen, Mr. Murphy of New York, Mr. Anderson of California, Mr. O'Neill, Mr. Addabbo, Mr. Kuykendall, Mr. Pelly, Mr. Badillo, Mr. Jones of North Carolina, Mrs. Hicks of Massachusetts, Mr. Burton, Mr. Pucinski, Mr. Rarick, Mr. Mikva, Mr. Brooks, Mr. Gibbons, Mr. Begich, Mr. Helstoski, and Mr. Harrington):

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress with respect to the continued operation of Public Health Service facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland (for himself, Mr. Van Deerlin, Mr. Eckhardt, and Mr. Hastings):

H. Con. Res. 99. Concurrent resolution expressing the sense of Congress with respect to the continued operation of Public Health Service facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM (for himself, Mr. Anderson of Illinois, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Diggs, Mr. Harrington, Mr. Hawkins, Mr. Leggett, Mr. Mikva, Mr. Moorhead, Mr. Morse, Mr. Nix, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Stokes, and Mr. Udall):

H. Con. Res. 100. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr. in the Capitol; to the Committee on House Administration.

By Mr. MATSUNAGA:

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that military activity of the United States in Southeast Asia be strictly limited to defensive actions and that total withdrawal of all U.S. Forces be completed by December 24, 1971; to the Committee on Foreign Affairs.

By Mr. MEEDS (for himself, Mr. Fraser, Mr. Camp, Mr. Kastenmeier, Mr. Riegle, Mr. Moss, Mr. Duncan, Mr. Clark, Mr. Obey, Mr. Bingham, Mrs. Hansen of Washington, Mr. Bergland, Mr. Andrews of North Dakota, Mr. Lujan, Mr. Halpern, Mr. Wolff, and Mr. Hastings):

H. Con. Res. 102. Concurrent resolution to declare the sense of the U.S. Congress with respect to the Federal administration of Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H. Con. Res. 103. Concurrent resolution providing for the printing of the report entitled "Investigation and Hearing of Abuses in Federal Low- and Moderate-Income Housing Programs"; to the Committee on House Administration.

By Mr. RYAN (for himself and Mr. Burton):

H. Con. Res. 104. Concurrent resolution to establish a Joint Congressional Committee on foreign policy; to the Committee on Rules.

By Mr. CELLER:

H. Res. 161. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; to the Committee on Rules.

By Mr. COLLIER:

H. Res. 162. Resolution to establish a select committee to be known as the "Committee on the House Restaurant"; to the Committee on Rules.

H. Res. 163. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. GALLAGHER (for himself, Mr. Horton, Mr. Koch, Mr. Murphy of New York, and Mr. Yates):

H. Res. 164. Resolution establishing the Select Committee on Privacy, Human Values, and Democratic Institutions; to the Committee on Rules.

By Mr. MORSE (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Aspin, Mr. Badillo, Mr. Biester, Mrs. Chisholm, Mr. Fish, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harrington, Mr. Harvey, Mrs. Hicks of Massachusetts, Mr. McDonald of Michigan, Mr. McKinney, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Pucinski, Mr. Rangel, Mr. Reid of New York, and Mr. Robison):

H. Res. 165. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. MORSE (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, and Mr. Schwengel):

H. Res. 166. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. NATCHER:

H. Res. 167. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. REID of New York:

H. Res. 168. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 169. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 170. Resolution authorizing the Committee on Interstate and Foreign Commerce to make studies and investigations within its jurisdiction; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2650. A bill for the relief of Rafael Ching (also known as Tong Kit Chat); to the Committee on the Judiciary.

H.R. 2651. A bill for the relief of Long Kam Soi also known as Guiloermo Ching; to the Committee on the Judiciary.

H.R. 2652. A bill for the relief of Essie Christopher; to the Committee on the Judiciary.

H.R. 2653. A bill for the relief of Milicent E. Christopher; to the Committee on the Judiciary.

H.R. 2654. A bill for the relief of Raphael Christopher; to the Committee on the Judiciary.

H.R. 2655. A bill for the relief of Angelo Duca; to the Committee on the Judiciary.

H.R. 2656. A bill for the relief of Paul Hyppolite; to the Committee on the Judiciary.

H.R. 2657. A bill for the relief of Fen Iang Kuo; to the Committee on the Judiciary.

H.R. 2658. A bill for the relief of Shing Gee Kwan; to the Committee on the Judiciary.

H.R. 2659. A bill for the relief of Gaspare LaMarca; to the Committee on the Judiciary.

H.R. 2660. A bill for the relief of Frank Morgan; to the Committee on the Judiciary.

H.R. 2661. A bill for the relief of Kheng Hoon Ng (also known as Yu Chu Sun Ng); to the Committee on the Judiciary.

H.R. 2662. A bill for the relief of Mary Martha Thompson; to the Committee on the Judiciary.

H.R. 2663. A bill for the relief of June Vernon; to the Committee on the Judiciary.

H.R. 2664. A bill for the relief of Virgil Vernon; to the Committee on the Judiciary.

H.R. 2665. A bill for the relief of Teresa Giacoboni Volpe; to the Committee on the Judiciary.

H.R. 2666. A bill for the relief of Eleftheria Yiannitsiadis; to the Committee on the Judiciary.

H.R. 2667. A bill for the relief of Ng Chio Kwan, also known as Daniel Yong; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 2668. A bill for the relief of Chan Ku Lee, his wife, Young A., and daughter Eun Kyung; to the Committee on the Judiciary.

By Mr. ARENDS:

H.R. 2669. A bill for the relief of John R. Forsythe; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 2670. A bill for the relief of Constantin Koumantakis; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 2671. A bill for the relief of Giacomo Bianco and Maria Giovanna Trombino Bianco; to the Committee on the Judiciary.

H.R. 2672. A bill for the relief of Ignazio Bono, Rosetta Caterina DiPiazza Bono, and Santina Bono to the Committee on the Judiciary.

H.R. 2673. A bill for the relief of Rosalia Carcione, Rosaria Carcione, and Elena Carcione; to the Committee on the Judiciary.

H.R. 2674. A bill for the relief of Concetta D'Amico; to the Committee on the Judiciary.

H.R. 2675. A bill for the relief of Giovanni Di Maggio, Calogera Di Maggio, and Calogero Di Maggio; to the Committee on the Judiciary.

H.R. 2676. A bill for the relief of Guiseppe Di Martino; to the Committee on the Judiciary.

H.R. 2677. A bill for the relief of Andrea DiStefano; to the Committee on the Judiciary.

H.R. 2678. A bill for the relief of Angelo Grella; to the Committee on the Judiciary.

H.R. 2679. A bill for the relief of Pasquale Lo Duca and Giuseppe Lo Duca; to the Committee on the Judiciary.

H.R. 2680. A bill for the relief of Mrs. Giovanna Maria Lunetta and Michele Filippo Lunetta; to the Committee on the Judiciary.

H.R. 2681. A bill for the relief of Loreto Mancino; to the Committee on the Judiciary.

H.R. 2682. A bill for the relief of Vito Gullo, Giuseppa Gullo, and their child, Baldassare Gullo; to the Committee on the Judiciary.

H.R. 2683. A bill for the relief of Giuseppe Mannino; to the Committee on the Judiciary.

H.R. 2684. A bill for the relief of Rosalia Mannino; to the Committee on the Judiciary.

H.R. 2685. A bill for the relief of Andrea Parrino; to the Committee on the Judiciary.

H.R. 2686. A bill for the relief of Marco Pezzino and Rosaria Pezzino; to the Committee on the Judiciary.

H.R. 2687. A bill for the relief of Francesco Randazzo; to the Committee on the Judiciary.

H.R. 2688. A bill for the relief of Guiseppe Caracchiolo; to the Committee on the Judiciary.

H.R. 2689. A bill for the relief of Francesco Rosa; to the Committee on the Judiciary.

H.R. 2690. A bill for the relief of Ignazio Santangelo; to the Committee on the Judiciary.

H.R. 2691. A bill for the relief of Girolamo Sassano; to the Committee on the Judiciary.

H.R. 2692. A bill for the relief of Giuseppe Sassano; to the Committee on the Judiciary.

H.R. 2693. A bill for the relief of Stefano Vaccaro; to the Committee on the Judiciary.

H.R. 2694. A bill for the relief of Andrea and Sabina Ventilato and Maria Teresa Ventilato; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 2695. A bill for the relief of Elio Domestici; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 2696. A bill for the relief of Domenico Calderone and Carmela Magazzu Calderone; to the Committee on the Judiciary.

H.R. 2697. A bill for the relief of Antonino Venuto; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 2698. A bill for the relief of Angiolino Agriesti; to the Committee on the Judiciary.

H.R. 2699. A bill for the relief of Emanuel Ambeliotis; to the Committee on the Judiciary.

H.R. 2700. A bill for the relief of Maria Athanassiou; to the Committee on the Judiciary.

H.R. 2701. A bill for the relief of Giana Antonietta; to the Committee on the Judiciary.

H.R. 2702. A bill for the relief of Jaime R. Bagis; to the Committee on the Judiciary.

H.R. 2703. A bill for the relief of Mrs. Concepcion Garcia Balauro; to the Committee on the Judiciary.

H.R. 2704. A bill for the relief of Leonora Bascos Basconcillo and her children, Abelardo Basconcillo, Jr., and Maria Lourdes Basconcillo; to the Committee on the Judiciary.

H.R. 2705. A bill for the relief of Jose Ylaya Bayani; to the Committee on the Judiciary.

H.R. 2706. A bill for the relief of Miguelito Ybut Benedicto; to the Committee on the Judiciary.

H.R. 2707. A bill for the relief of Lizette Bhak; to the Committee on the Judiciary.

H.R. 2708. A bill for the relief of Gaetano Biradelli; to the Committee on the Judiciary.

H.R. 2709. A bill for the relief of Galicano Miguel Bondoc; to the Committee on the Judiciary.

H.R. 2710. A bill for the relief of Teodosia Bocoboc Bueno; to the Committee on the Judiciary.

H.R. 2711. A bill for the relief of Benjamin Mueca Cadalin; to the Committee on the Judiciary.

H.R. 2712. A bill for the relief of Mrs. Soo Ok Koo Campbell; to the Committee on the Judiciary.

H.R. 2713. A bill for the relief of Antonio Wong Campoy; to the Committee on the Judiciary.

H.R. 2714. A bill for the relief of Mrs. Kayo N. Carvell; to the Committee on the Judiciary.

H.R. 2715. A bill for the relief of Cecilia Frances Chan; to the Committee on the Judiciary.

H.R. 2716. A bill for the relief of Peh-An Chang; to the Committee on the Judiciary.

H.R. 2717. A bill for the relief of Elie Louis Charalabopoulos; to the Committee on the Judiciary.

H.R. 2718. A bill for the relief of Quan Woon Chee; to the Committee on the Judiciary.

H.R. 2719. A bill for the relief of Mo Lau Cheong; to the Committee on the Judiciary.

H.R. 2720. A bill for the relef of Pearl K. H. Chun; to the Committee on the Judiciary.

H.R. 2721. A bill for the relief of Ciriaca G. David; to the Committee on the Judiciary.

H.R. 2722. A bill for the relief of Norma de Castro; to the Committee on the Judiciary.

H.R. 2723. A bill for the relief of Adelina Del Barrio; to the Committee on the Judiciary.

H.R. 2724. A bill for the relief of Marino Del Frate; to the Committee on the Judiciary.

H.R. 2725. A bill for the relief of Fredi Robert Dreilich; to the Committee on the Judiciary.

H.R. 2726. A bill for the relief of Manuel Catiloc Duran; to the Committee on the Judiciary.

H.R. 2727. A bill for the relief of Visitacion Daa Estaris; to the Committee on the Judiciary.

H.R. 2728. A bill for the relief of Bartolome A. Federico; to the Committee on the Judiciary.

H.R. 2729. A bill for the relief of Louis Kai Fei; to the Committee on the Judiciary.

H.R. 2730. A bill for the relief of Emdrita G. Francisco; to the Committee on the Judiciary.

H.R. 2731. A bill for the relief of Evangeline Tolentino Gragera; to the Committee on the Judiciary.

H.R. 2732. A bill for the relief of Caterina Grimaldi; to the Committee on the Judiciary.

H.R. 2733. A bill for the relief of Nemesio Berino Gubatan, Jr., and his wife, Perla Santos Gubatan; to the Committee on the Judiciary.

H.R. 2734. A bill for the relief of Cheng Ken Han; to the Committee on the Judiciary.

H.R. 2735. A bill for the relief of Fong Hong; to the Committee on the Judiciary.

H.R. 2736. A bill for the relief of Peter Yu-Ju Huang; to the Committee on the Judiciary.

H.R. 2737. A bill for the relief of Abdulla Ali Hussein; to the Committee on the Judiciary.

H.R. 2738. A bill for the relief of Mrs. Serafia R. Impang; to the Committee on the Judiciary.

H.R. 2739. A bill for the relief of Isidro M. Jimenez (also known as Sid Jimenez); to the Committee on the Judiciary.

H.R. 2740. A bill for the relief of Lim Yue Kung; to the Committee on the Judiciary.

H.R. 2741. A bill for the relief of Manuel Laygo Gillermo (also known as Manual Gullermo Laygo); to the Committee on the Judiciary.

H.R. 2742. A bill for the relief of Mrs. Kay Sue Lee; to the Committee on the Judiciary.

H.R. 2743. A bill for the relief of Wing Chong Lee; to the Committee on the Judiciary.

H.R. 2744. A bill for the relief of Dapen Liang, his wife, Alice Tsai-hung Y. Liang, and their children, Gladstone C. K. Liang, Nancy C. C. Liang, Dora C. F. Liang, May C. M. Liang, and John C. P. Liang; to the Committee on the Judiciary.

H.R. 2745. A bill for the relief of Shirley Evelyn Lim; to the Committee on the Judiciary.

H.R. 2746. A bill for the relief of Kurt Friedrich Link; to the Committee on the Judiciary.

H.R. 2747. A bill for the relief of Antonino Lococo; to the Committee on the Judiciary.

H.R. 2748. A bill for the relief of Hem Chow Loo; to the Committee on the Judiciary.

H.R. 2749. A bill for the relief of Norma M. Lucas; to the Committee on the Judiciary.

H.R. 2750. A bill for the relief of Dditha Alumisim Madrona; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 2751. A bill for the relief of Franco Magnani; to the Committee on the Judiciary.

H.R. 2752. A bill for the relief of Francisco A. Magno (also known as Frank Magno); to the Committee on the Judiciary.

H.R. 2753. A bill for the relief of Yolanda Alamares Malasmas; to the Committee on the Judiciary.

H.R. 2754. A bill for the relief of Wong Hong, his wife, Chung Choi Kum, and their children, Wong Yiu Chung, Wong Lai Mui, and Wong Ching Man; to the Committee on the Judiciary.

H.R. 2755. A bill for the relief of Severina Viray Manansala and her husband, Ciriaco Anicete Manansala; to the Committee on the Judiciary.

H.R. 2756. A bill for the relief of Alice Paz Z. Manlucu; to the Committee on the Judiciary.

H.R. 2757. A bill for the relief of Roberto A. Marcos; to the Committee on the Judiciary.

H.R. 2758. A bill for the relief of German Mauleon; to the Committee on the Judiciary.

H.R. 2759. A bill for the relief of Roberta Figueroa Mercado; to the Committee on the Judiciary.

H.R. 2760. A bill for the relief of Isais Sanabria Montalvan; to the Committee on the Judiciary.

H.R. 2761. A bill for the relief of Joaquin Morales Monterrey and his wife, Dora Morales Monterrey, and their child, Cynthia Morales Monterrey; to the Committee on the Judiciary.

H.R. 2762. A bill for the relief of Ada G. Morco; to the Committee on the Judiciary.

H.R. 2763. A bill for the relief of Claude Rene Marc Moreau; to the Committee on the Judiciary.

H.R. 2764. A bill for the relief of Bartolome M. Moreto; to the Committee on the Judiciary.

H.R. 2765. A bill for the relief of Pedro Tijan Munoz; to the Committee on the Judiciary.

H.R. 2766. A bill for the relief of Edmond Sae Nee; to the Committee on the Judiciary.

H.R. 2767. A bill for the relief of Shek Chi Ng; to the Committee on the Judiciary.

H.R. 2768. A bill for the relief of Roberto D. Nubla; to the Committee on the Judiciary.

H.R. 2769. A bill for the relief of Miguel Angel Ortiz; to the Committee on the Judiciary.

H.R. 2770. A bill for the relief of Choon Ki Paik; to the Committee on the Judiciary.

H.R. 2771. A bill for the relief of Mi Ja Paik; to the Committee on the Judiciary.

H.R. 2772. A bill for the relief of Felipe A. Pastrana; to the Committee on the Judiciary.

H.R. 2773. A bill for the relief of Antonio Piazza; to the Committee on the Judiciary.

H.R. 2774. A bill for the relief of Socorro Guillen Picado; to the Committee on the Judiciary.

H.R. 2775. A bill for the relief of Tong Yee Kam Po; to the Committee on the Judiciary.

H.R. 2776. A bill for the relief of Porfiria Pantas Pragas; to the Committee on the Judiciary.

H.R. 2777. A bill for the relief of Sillas Raisakis; to the Committee on the Judiciary.

H.R. 2778. A bill for the relief of Heydar Reghaby; to the Committee on the Judiciary.

H.R. 2779. A bill for the relief of Grace M. Reyes; to the Committee on the Judiciary.

H.R. 2780. A bill for the relief of Luz Mayugba Reyes; to the Committee on the Judiciary.

H.R. 2781. A bill for the relief of Jesus Mora Ruiz; to the Committee on the Judiciary.

H.R. 2782. A bill for the relief of Ponciano Salvador; to the Committee on the Judiciary.

H.R. 2783. A bill for the relief of Gianfranco Sandri and his wife, Fiorella Borgatti Sandri; to the Committee on the Judiciary.

H.R. 2784. A bill for the relief of Roger David Scullion; to the Committee on the Judiciary.

H.R. 2785. A bill for the relief of David Kenneth Sham and his wife, Juliet L. K. Ng Sham; to the Committee on the Judiciary.

H.R. 2786. A bill for the relief of Siu Won Shew; to the Committee on the Judiciary.

H.R. 2787. A bill for the relief of Ruth Dela Cruz Sioson; to the Committee on the Judiciary.

H.R. 2788. A bill for the relief of Benedetto Spoletini, his wife, Maria Spoletini, and their children, Tommas Spoletini and Marco Spoletini; to the Committee on the Judiciary.

H.R. 2789. A bill for the relief of Ali Mohammad Tabatabaian-Kashani; to the Committee on the Judiciary.

H.R. 2790. A bill for the relief of Mrs. Silvia Bautista Tendero; to the Committee on the Judiciary.

H.R. 2791. A bill for the relief of Leong Tin; to the Committee on the Judiciary.

H.R. 2792. A bill for the relief of Juanita Savedia Varela; to the Committee on the Judiciary.

H.R. 2793. A bill for the relief of Carmen Esperanza Centeno Vasquez; to the Committee on the Judiciary.

H.R. 2794. A bill for the relief of Silvia Italia Vassallo-Pastor; to the Committee on the Judiciary.

H.R. 2795. A bill for the relief of Miss Apollonia Redy Vettore; to the Committee on the Judiciary.

H.R. 2796. A bill for the relief of Catalina Rubang Villaluz; to the Committee on the Judiciary.

H.R. 2797. A bill for the relief of Rogelio Villegas and his son, Michael Villegas; to the Committee on the Judiciary.

H.R. 2798. A bill for the relief of Mrs. Severa Salonga Virag; to the Committee on the Judiciary.

H.R. 2799. A bill for the relief of Yu Sau Wah; to the Committee of the Judiciary.

H.R. 2800. A bill for the relief of Maung Win; to the Committee on the Judiciary.

H.R. 2801. A bill for the relief of Lee Seung Woo; to the Committee on the Judiciary.

H.R. 2802. A bill for the relief of Hee Ngew Yee; to the Committee on the Judiciary.

H.R. 2803. A bill for the relief of In Kyong Yi; to the Committee on the Judiciary.

H.R. 2804. A bill for the relief of Miss Mamako Yoneyama; to the Committee on the Judiciary.

H.R. 2805. A bill for the relief of Kiyoko

Yoshizawa; to the Committee on the Judiciary.

H.R. 2806. A bill for the relief of Aida G. Yuzon; to the Committee on the Judiciary.

H.R. 2807. A bill for the relief of Helen E. Zamora; to the Committee on the Judiciary.

H.R. 2808. A bill for the relief of Galal Hassanein Zanati; to the Committee on the Judiciary.

H.R. 2809. A bill for the relief of Gilberto Oropa Zapanta and his wife, Lilia Ong Zapanta; to the Committee on the Judiciary.

By Mr. BLANTON:

H.R. 2810. A bill for the relief of Antonio Plameros; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 2811. A bill for the relief of Lt. Col. Edward J. Flatley, 02289403; to the Committee on the Judiciary.

H.R. 2812. A bill for the relief of Leopold Morse Tailoring Co.; to the Committee on the Judiciary.

H.R. 2813. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

By Mr. BYRON:

H.R. 2814. A bill for the relief of Rea Republica Ramos; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 2815. A bill for the relief of Thelma Enriquez; to the Committee on the Judiciary.

H.R. 2816. A bill for the relief of Rose Minutillo; to the Committee on the Judiciary.

H.R. 2817. A bill for the relief of Louise Adda Phillips; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 2818. A bill for the relief of Adam J. Golau; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 2819. A bill for the relief of Maria Luisa Gorostegui deDourron, M.D.; to the Committee on the Judiciary.

H.R. 2820. A bill for the relief of Boleslaw Juchniewicz; to the Committee on the Judiciary.

H.R. 2821. A bill for the relief of Dr. Renigio G. Lacsamana; to the Committee on the Judiciary.

H.R. 2822. A bill for the relief of Herbert W. Lindsay and Marie Lindsay; to the Committee on the Judiciary.

H.R. 2823. A bill for the relief of Carmen Pinto; to the Committee on the Judiciary.

H.R. 2824. A bill for the relief of William T. Thompson; to the Committee on the Judiciary.

H.R. 2825. A bill for the relief of Aleyda Arias Veru; to the Committee on the Judiciary.

H.R. 2826. A bill to authorize the conveyance of the mineral rights and interests of the United States in certain real property to Jesse W. Yawn; to the Committee on Interior and Insular Affairs.

By Mr. CLEVELAND:

H.R. 2827. A bill for the relief of Filippo Sardo; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 2828. A bill for the relief of Mrs. Rose Scanio; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 2829. A bill for the relief of Barbara Padmore Benning (nee Barbara Kathleen Batson); to the Committee on the Judiciary.

By Mr. DOW:

H.R. 2830. A bill for the relief of John Jaros; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 2831. A bill for the relief of Carelena K. Goodman; to the Committee on the Judiciary.

H.R. 2832. A bill for the relief of Ruhollah Sayyah; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 2833. A bill for the relief of Judith Novella Matthew; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 2834. A bill for the relief of Giovanni Bonfantino; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 2835. A bill for the relief of William E. Carroll; to the Committee on the Judiciary.

H.R. 2836. A bill for the relief of Lu-Yin Chen, Julie Chen, and Edward Chen; to the Committee on the Judiciary.

H.R. 2837. A bill for the relief of Luigi DeFlora; to the Committee on the Judiciary.

H.R. 2838. A bill for the relief of Tomaso Masella; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 2839. A bill for the relief of Alfredo Fugaccia and his family: Anna Maria Franchi Fugaccia (wife), Alberto Fugaccia (son), Isabella Fugaccia (daughter); to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 2840. A bill for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 2841. A bill for the relief of Francesco and Alfonso Acierno; to the Committee on the Judiciary.

H.R. 2842. A bill for the relief of Mrs. Marie Acierno and her children, Regina, Giuditta, and Diana Acierno; to the Committee on the Judiciary.

H.R. 2843. A bill for the relief of Raul B. Rodriguez Berrey; to the Committee on the Judiciary.

H.R. 2844. A bill for the relief of Sofia Buitrago; to the Committee on the Judiciary.

H.R. 2845. A bill for the relief of Ioro, Olga, Mario, and Maria Carreiro; to the Committee on the Judiciary.

H.R. 2846. A bill for the relief of Roy E. Carroll; to the Committee on the Judiciary.

H.R. 2847. A bill for the relief of Dr. Pablo Cordero; to the Committee on the Judiciary.

H.R. 2848. A bill for the relief of Blanca Esther Montoya Davila; to the Committee on the Judiciary.

H.R. 2849. A bill for the relief of Nellie Hyacinth Davis; to the Committee on the Judiciary.

H.R. 2850. A bill for the relief of Dr. Marianne Dierks; to the Committee on the Judiciary.

H.R. 2851. A bill for the relief of Maria T. Egea; to the Committee on the Judiciary.

H.R. 2852. A bill for the relief of Joaquim Esteves Fernandes; to the Committee on the Judiciary.

H.R. 2853. A bill for the relief of Alvaro Rau'l Goncalves; to the Committee on the Judiciary.

H.R. 2854. A bill for the relief of Rosa P. Goncalves; to the Committee on the Judiciary.

H.R. 2855. A bill for the relief of Adolfo and his wife, Almerinda Henriques; to the Committee on the Judiciary.

H.R. 2856. A bill for the relief of Rosemarie Huguette and daughter, Vivian Labus; to the Committee on the Judiciary.

H.R. 2857. A bill for the relief of Guiseppe Landolina; to the Committee on the Judiciary.

H.R. 2858. A bill for the relief of Fiorvante Leo; to the Committee on the Judiciary.

H.R. 2859. A bill for the relief of Chee Mon Lau; to the Committee on the Judiciary.

H.R. 2860. A bill for the relief of Pasquale Mancinelli; to the Committee on the Judiciary.

H.R. 2861. A bill for the relief of Louis Botelho Motta; to the Committee on the Judiciary.

H.R. 2862. A bill for the relief of Ferdinando Neola; to the Committee on the Judiciary.

H.R. 2863. A bill for the relief of Anthony O'Brien; to the Committee on the Judiciary.

H.R. 2864. A bill for the relief of Dr. Roger Pasimio and family; to the Committee on the Judiciary.

H.R. 2865. A bill for the relief of Stephen Pearson; to the Committee on the Judiciary.

H.R. 2866. A bill for the relief of Francesco Pecchia; to the Committee on the Judiciary.

H.R. 2867. A bill for the relief of Angelo M. Petitto; to the Committee on the Judiciary.

H.R. 2868. A bill for the relief of Caerina Frattoletto Petitto; to the Committee on the Judiciary.

H.R. 2869. A bill for the relief of Felice Angelo Petitto; to the Committee on the Judiciary.

H.R. 2870. A bill for the relief of Jose Joaquim Rezendes; to the Committee on the Judiciary.

H.R. 2871. A bill for the relief of Degennaro Sabato; to the Committee on the Judiciary.

H.R. 2872. A bill for the relief of Alberico Suriano; to the Committee on the Judiciary.

H.R. 2873. A bill for the relief of Vincent Suriano; to the Committee on the Judiciary.

H.R. 2874. A bill for the relief of Carmela Tarantino; to the Committee on the Judiciary.

H.R. 2875. A bill for the relief of Nicola Tarzia; to the Committee on the Judiciary.

H.R. 2876. A bill for the relief of Franca Tolusso; to the Committee on the Judiciary.

H.R. 2877. A bill for the relief of Antonio Trinchese; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 2878. A bill for the relief of Giuseppe Cavallo; to the Committee on the Judiciary.

H.R. 2879. A bill for the relief of Fermina Marinas; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 2880. A bill for the relief of Panagiotis Bozionelos; to the Committee on the Judiciary.

H.R. 2881. A bill for the relief of Pasqua Porzia; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 2882. A bill for the relief of Antonietta Maria Caione; to the Committee on the Judiciary.

H.R. 2883. A bill for the relief of Stefania Chaber; to the Committee on the Judiciary.

H.R. 2884. A bill for the relief of Maria Giraldi Favretto; to the Committee on the Judiciary.

H.R. 2885. A bill for the relief of Franco Geralmo Giraudo; to the Committee on the Judiciary.

H.R. 2886. A bill for the relief of Carmelo Macauda; to the Committee on the Judiciary.

H.R. 2887. A bill for the relief of Iolanda C. Masotta; to the Committee on the Judiciary.

H.R. 2888. A bill for the relief of James Vincent Melia, his wife Eugenia Melia, and their children, Sarafina Melia, Rocco Fernando Melia, and Nicola Melia; to the Committee on the Judiciary.

H.R. 2889. A bill for the relief of Michelangelo Morrelli; to the Committee on the Judiciary.

H.R. 2890. A bill for the relief of Leonardo Riccio; to the Committee on the Judiciary.

H.R. 2891. A bill for the relief of Giovanni Sari; to the Committee on the Judiciary.

H.R. 2892. A bill for the relief of Michele Sorbara; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 2893. A bill for the incorporation of the Merchant Marine War Veterans Association; to the Committee on the District of Columbia.

H.R. 2894. A bill to incorporate Paralyzed Veterans of America; to the Committee on the District of Columbia.

H.R. 2895. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; to the Committee on the District of Columbia.

By Mr. MADDEN:

H.R. 2896. A bill for the relief of Constanin Demetre Caralis; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 2897. A bill for the relief of Nguyen-Van-Tien; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 2898. A bill for the relief of Filippo Butera; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 2899. A bill for the relief of Louis M. Lamothe; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 2900. A bill for the relief of Cristina, Guiseppe, Agostino, and Francesco Abbate; to the Committee on the Judiciary.

H.R. 2901. A bill for the relief of Antonio Accardo; to the Committee on the Judiciary.

H.R. 2902. A bill for the relief of Guiseppe and Angela Agate; to the Committee on the Judiciary.

H.R. 2903. A bill for the relief of Kamal Akley; to the Committee on the Judiciary.

H.R. 2904. A bill for the relief of Angela Alamia; to the Committee on the Judiciary.

H.R. 2905. A bill for the relief of Calogero, Guiseppa, and Paola Alba; to the Committee on the Judiciary.

H.R. 2906. A bill for the relief of Rocco Alfonzetti; to the Committee on the Judiciary.

H.R. 2907. A bill for the relief of Benedetto and Valeria Amato; to the Committee on the Judiciary.

H.R. 2908. A bill for the relief of Vito Amato; to the Committee on the Judiciary.

H.R. 2909. A bill for the relief of Satoru Ando; to the Committee on the Judiciary.

H.R. 2910. A bill for the relief of Teresa Antonaglia; to the Committee on the Judiciary.

H.R. 2911. A bill for the relief of Joseph Assal; to the Committee on the Judiciary.

H.R. 2912. A bill for the relief of Angel and Azucena Avila; to the Committee on the Judiciary.

H.R. 2913. A bill for the relief of Antonino Badalamenti; to the Committee on the Judiciary.

H.R. 2914. A bill for the relief of George Mikland Badro; to the Committee on the Judiciary.

H.R. 2915. A bill for the relief of Veronica Barnes; to the Committee on the Judiciary.

H.R. 2916. A bill for the relief of Paolina Barone; to the Committee on the Judiciary.

H.R. 2917. A bill for the relief of Juan Battista Biazzo, Margarita Biazzo, Juan Tomas Biazzo, and Carolos Antonio Biazzo; to the Committee on the Judiciary.

H.R. 2918. A bill for the relief of Accursia Billera; to the Committee on the Judiciary.

H.R. 2919. A bill for the relief of Mark Bitar; to the Committee on the Judiciary.

H.R. 2920. A bill for the relief of Pietro Bivona, Accursia Bivona, Giuseppina Bivona, and Enza Bivona; to the Committee on the Judiciary.

H.R. 2921. A bill for the relief of Stavros Bounas; to the Committee on the Judiciary.

H.R. 2922. A bill for the relief of Vincenzo, Anna Rosa, and Giuseppe Bozzi; to the Committee on the Judiciary.

H.R. 2923. A bill for the relief of Nadia Canducci; to the Committee on the Judiciary.

H.R. 2924. A bill for the relief of Guiseppe and Nicola Caputo; to the Committee on the Judiciary.

H.R. 2925. A bill for the relief of Francesco Catanzaro, Calogera Catanzaro, Gaspare Catanzaro, and Vita Catanzaro; to the Committee on the Judiciary.

H.R. 2926. A bill for the relief of Vito Cimino and Gaetana Cimino; to the Committee on the Judiciary.

H.R. 2927. A bill for the relief of Rita Louise Clarke; to the Committee on the Judiciary.

H.R. 2928. A bill for the relief of Habibollah Cohen; to the Committee on the Judiciary.

H.R. 2929. A bill for the relief of Giovannina Maria Cona and Angelina Cona; to the Committee on the Judiciary.

H.R. 2930. A bill for the relief of Vincenzo Covello; to the Committee on the Judiciary.

H.R. 2931. A bill for the relief of Paulina Crisci; to the Committee on the Judiciary.

H.R. 2932. A bill for the relief of Lauretta Cunningham; to the Committee on the Judiciary.

H.R. 2933. A bill for the relief of Shlomo, Bella, and Rachel Dagan; to the Committee on the Judiciary.

H.R. 2934. A bill for the relief of Radouan G. Dakki; to the Committee on the Judiciary.

H.R. 2935. A bill for the relief of Bartolome Catelo and Marietta Alonso De Castro; to the Committee on the Judiciary.

H.R. 2936. A bill for the relief of Michele Derosa; to the Committee on the Judiciary.

H.R. 2937. A bill for the relief of Anna DiStefano; to the Committee on the Judiciary.

H.R. 2938. A bill for the relief of Guiseppe DiStefano; to the Committee on the Judiciary.

H.R. 2939. A bill for the relief of Dr. Azak Serf Eryol; to the Committee on the Judiciary.

H.R. 2940. A bill for the relief of Assuntina, Angela, and Raimondo Fiorica; to the Committee on the Judiciary.

H.R. 2941. A bill for the relief of Alonso Gonzalez-Palacio; to the Committee on the Judiciary.

H.R. 2942. A bill for the relief of Giovanni and Terrana Grottadauria; to the Committee on the Judiciary.

H.R. 2943. A bill for the relief of Gerlando Quarantino Iacono; to the Committee on the Judiciary.

H.R. 2944. A bill for the relief of Giuseppe, Giuseppa, Rosa, Pietro, Rosario, and Santa Inzerillo; to the Committee on the Judiciary.

H.R. 2945. A bill for the relief of Michel G. Issa; to the Committee on the Judiciary.

H.R. 2946. A bill for the relief of Alan Kaadi; to the Committee on the Judiciary.

H.R. 2947. A bill for the relief of Fayez Khanji; to the Committee on the Judiciary.

H.R. 2948. A bill for the relief of Jai Doh Kim; to the Committee on the Judiciary.

H.R. 2949. A bill for the relief of Simone Laboeuf; to the Committee on the Judiciary.

H.R. 2950. A bill for the relief of Maria Concetta Lettera; to the Committee on the Judiciary.

H.R. 2951. A bill for the relief of Dr. Hong-Chien Lin, Tzu-Yung Lin, and Hong-Yih Lin; to the Committee on the Judiciary.

H.R. 2952. A bill for the relief of Rosa E. Llobell; to the Committee on the Judiciary.

H.R. 2953. A bill for the relief of Heide Lomangino; to the Committee on the Judiciary.

H.R. 2954. A bill for the relief of Carlos Abel Majia-Herrera; to the Committee on the Judiciary.

H.R. 2955. A bill for the relief of Calogero Mallia; to the Committee on the Judiciary.

H.R. 2956. A bill for the relief of Crisanto G. Mamaril; to the Committee on the Judiciary.

H.R. 2957. A bill for the relief of Domenico Mammana; to the Committee on the Judiciary.

H.R. 2958. A bill for the relief of Filippo Mandala; to the Committee on the Judiciary.

H.R. 2959. A bill for the relief of Elena I. Manzanera; to the Committee on the Judiciary.

H.R. 2960. A bill for the relief of Mr. and Mrs. Domenico Marino and their children, Ciriaco, Adelaide, Gaetano, Elvira, Gerardo, and Carmine; to the Committee on the Judiciary.

H.R. 2961. A bill for the relief of Elena Monteza; to the Committee on the Judiciary.

H.R. 2962. A bill for the relief of Giuseppe, Paola, and Antonella Muce; to the Committee on the Judiciary.

H.R. 2963. A bill for the relief of Oussama Mohamed Naja; to the Committee on the Judiciary.

H.R. 2964. A bill for the relief of Costa Youssef Najjar; to the Committee on the Judiciary.

H.R. 2965. A bill for the relief of Guiseppe Neri; to the Committee on the Judiciary.

H.R. 2966. A bill for the relief of Giuseppe Novello; to the Committee on the Judiciary.

H.R. 2967. A bill for the relief of Emilia Oliveri; to the Committee on the Judiciary.

H.R. 2968. A bill for the relief of Calogero and Maria Piro; to the Committee on the Judiciary.

H.R. 2969. A bill for the relief of Gaetano and Gaetana Porcello; to the Committee on the Judiciary.

H.R. 2970. A bill for the relief of Marina B. Profeta; to the Committee on the Judiciary.

H.R. 2971. A bill for the relief of Guillermina Pulgar; to the Committee on the Judiciary.

H.R. 2972. A bill for the relief of Aurora Ramos; to the Committee on the Judiciary.

H.R. 2973. A bill for the relief of Vincenzo Randazzo; to the Committee on the Judiciary.

H.R. 2974. A bill for the relief of Juana Reyes; to the Committee on the Judiciary.

H.R. 2975. A bill for the relief of Leonor Muirragui Robalino; to the Committee on the Judiciary.

H.R. 2976. A bill for the relief of Carmelo Rodio; to the Committee on the Judiciary.

H.R. 2977. A bill for the relief of Jacob, Rivka, Eliyuhu, Moshe, Rina, and Ilan Rouach; to the Committee on the Judiciary.

H.R. 2978. A bill for the relief of Mouhamad Safa; to the Committee on the Judiciary.

H.R. 2979. A bill for the relief of Javier Salazar-Ruiz; to the Committee on the Judiciary.

H.R. 2980. A bill for the relief of Hector and Iolanda Scafati; to the Committee on the Judiciary.

H.R. 2981. A bill for the relief of Luigi Scattarreggia; to the Committee on the Judiciary.

H.R. 2982. A bill for the relief of Michele and Rosa Scotti; to the Committee on the Judiciary.

H.R. 2983. A bill for the relief of Luis Enrique Sierra-Gonzalez; to the Committee on the Judiciary.

H.R. 2984. A bill for the relief of Wong Wah Sin; to the Committee on the Judiciary.

H.R. 2985. A bill for the relief of Dr. Lalendra Kumar Sinha; to the Committee on the Judiciary.

H.R. 2986. A bill for the relief of Theresa Somma; to the Committee on the Judiciary.

H.R. 2987. A bill for the relief of Desbina Souri; to the Committee on the Judiciary.

H.R. 2988. A bill for the relief of Margherita Suglia; to the Committee on the Judiciary.

H.R. 2989. A bill for the relief of Faez Elias Tayar; to the Committee on the Judiciary.

H.R. 2990. A bill for the relief of Victoria Tellas; to the Committee on the Judiciary.

H.R. 2991. A bill for the relief of Nunzia Uccellatore; to the Committee on the Judiciary.

H.R. 2992. A bill for the relief of Juan Artavia Villarreal; to the Committee on the Judiciary.

H.R. 2993. A bill for the relief of Francesco Vultaggio; to the Committee on the Judiciary.

H.R. 2994. A bill for the relief of Jock Min Woo; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 2995. A bill for the relief of Francesca Biccheri; to the Committee on the Judiciary.

H.R. 2996. A bill for the relief of Salvatore and Rosa Cassero; to the Committee on the Judiciary.

H.R. 2997. A bill for the relief of Giovannina Cefalo; to the Committee on the Judiciary.

H.R. 2998. A bill for the relief of Angiolina Chioccariello; to the Committee on the Judiciary.

H.R. 2999. A bill for the relief of Michele D'Aleo; to the Committee on the Judiciary.

H.R. 3000. A bill for the relief of Teresa Galli D'Aleo; to the Committee on the Judiciary.

H.R. 3001. A bill for the relief of Joaquin Da Costa; to the Committee on the Judiciary.

H.R. 3002. A bill for the relief of Maria Salome da Cunha; to the Committee on the Judiciary.

H.R. 3003. A bill for the relief of Antonio Malheiro Ferreira da Silva; to the Committee on the Judiciary.

H.R. 3004. A bill for the relief of Antonio Pereira Da Silva; to the Committee on the Judiciary.

H.R. 3005. A bill for the relief of Clarinda Duarte Da Silva; to the Committee on the Judiciary.

H.R. 3006. A bill for the relief of Rita Maria da Silva Costa Bettencourt and her minor children, Victor Manuel Costa Bettencourt da Silva and Mario Costa Bettencourt da Silva; to the Committee on the Judiciary.

H.R. 3007. A bill for the relief of Mario DeNicola; to the Committee on the Judiciary.

H.R. 3008. A bill for the relief of Irvia DiFiore; to the Committee on the Judiciary.

H.R. 3009. A bill for the relief of Guiseppe and Acursia Friscia; to the Committee on the Judiciary.

H.R. 3010. A bill for the relief of Antonio Iula; to the Committee on the Judiciary.

H.R. 3011. A bill for the relief of Luisa Clelia La Pietra; to the Committee on the Judiciary.

H.R. 3012. A bill for the relief of Angelo Marchio; to the Committee on the Judiciary.

H.R. 3013. A bill for the relief of Domenico, Serafina, and Maria Mazzei; to the Committee on the Judiciary.

H.R. 3014. A bill for the relief of Lise, Martine, Florence Marie, and Fritz, Jr., Momplaisir; to the Committee on the Judiciary.

H.R. 3015. A bill for the relief of Giovanni and Maria Rita Morello and their minor children, Maria Concetta, Salvatore, and Vincenzo; to the Committee on the Judiciary.

H.R. 3016. A bill for the relief of Theodore Panagiotakopoulos; to the Committee on the Judiciary.

H.R. 3017. A bill for the relief of Armando Pisaniello; to the Committee on the Judiciary.

H.R. 3018. A bill for the relief of Amalia Placidi; to the Committee on the Judiciary.

H.R. 3019. A bill for the relief of Americo Placidi; to the Committee on the Judiciary.

H.R. 3020. A bill for the relief of Rosalia Romano; to the Committee on the Judiciary.

H.R. 3021. A bill for the relief of Italo Rosati; to the Committee on the Judiciary.

H.R. 3022. A bill for the relief of Guiseppe, Garofalo, Gino, and Guiseppe Rullo; to the Committee on the Judiciary.

H.R. 3023. A bill for the relief of Saverio Scalzi; to the Committee on the Judiciary.

H.R. 3024. A bill for the relief of Antoine Elias Srour; to the Committee on the Judiciary.

H.R. 3025. A bill for the relief of Paul Stavropoulos; to the Committee on the Judiciary.

H.R. 3026. A bill for the relief of Franca Zazzera; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 3027. A bill for the relief of Deb Kumar Das; to the Committee on the Judiciary.

H.R. 3028. A bill for the relief of Maria Soledad dela Cruz; to the Committee on the Judiciary.

H.R. 3029. A bill for the relief of Dominador G. Ferreria; to the Committee on the Judiciary.

H.R. 3030. A bill for the relief of Ildefonso L. and Paulita K. Origenes; to the Committee on the Judiciary.

H.R. 3031. A bill for the relief of Norma M. Sasi; to the Committee on the Judiciary.

H.R. 3032. A bill for the relief of Irving D. Smith; to the Committee on the Judiciary.

H.R. 3033. A bill for the relief of Simplicio Velasco; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 3034. A bill for the relief of Mrs. Rosa Zimmerman; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 3035. A bill for the relief of Vincenzo Lombardo and his wife, Gaetana Castrogiovanni Lombardo; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 3036. A bill for the relief of Maria Casamento and her minor son, Sergio Casamento; to the Committee on the Judiciary.

H.R. 3037. A bill for the relief of Francesco Di Domenico; to the Committee on the Judiciary.

H.R. 3038. A bill for the relief of Mariano Scavuzzo; to the Committee on the Judiciary.

H.R. 3039. A bill for the relief of Giovanni Tavano and his wife, Natalina Tavano; to the Committee on the Judiciary.

H.R. 3040. A bill for the relief of Vincenzo Vindigni; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 3041. A bill for the relief of John Harwin Parrish, postmaster at Gladewater, Tex., and for Mary James Kates, owner of the Gladewater Daily Mirror; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 3042. A bill for the relief of Carmelo Andolina; to the Committee on the Judiciary.

H.R. 3043. A bill for the relief of Raffaele Antoci; to the Committee on the Judiciary.

H.R. 3044. A bill for the relief of Mr. and Mrs. Giovanni Battista Asaro; to the Committee on the Judiciary.

H.R. 3045. A bill for the relief of Carlo Bieco; to the Committee on the Judiciary.

H.R. 3046. A bill for the relief of Maria Luisa Bona; to the Committee on the Judiciary.

H.R. 3047. A bill for the relief of Sister Amelia Callegarin; to the Committee on the Judiciary.

H.R. 3048. A bill for the relief of Giuseppe Cappello; to the Committee on the Judiciary.

H.R. 3049. A bill for the relief of Mrs. Lucia Tommasi and Maria Carbonaro; to the Committee on the Judiciary.

H.R. 3050. A bill for the relief of Francesco Ciarfella; to the Committee on the Judiciary.

H.R. 3051. A bill for the relief of Giuseppe D'Amico; to the Committee on the Judiciary.

H.R. 3052. A bill for the relief of Anna D'Angelo; to the Committee on the Judiciary.

H.R. 3053. A bill for the relief of Orazia Dierna; to the Committee on the Judiciary.

H.R. 3054 A bill for the relief of Mario Di Leo; to the Committee on the Judiciary.

H.R. 3055. A bill for the relief of Germain Francois; to the Committee on the Judiciary.

H.R. 3056. A bill for the relief of Domenico Graziadio; to the Comimtee on the Judiciary.

H.R. 3057. A bill for the relief of Carmelo Intili; to the Committee on the Judiciary.

H.R. 3058. A bill for the relief of Consolata Monti; to the Committee on the Judiciary.

H.R. 3059. A bill for the relief of Delia Petracca; to the Committee on the Judiciary.

H.R. 3060. A bill for the relief of Benedetto Trifiro; to the Committee on the Judiciary.

H.R. 3061. A bill for the relief of Emanuela Trovato; to the Committee on the Judiciary.

H.R. 3062. A bill for the relief of Dora and Rosa Vasile; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3063. A bill for the relief of Adolfo J. Torres; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 3064. A bill for the relief of Arie Aviv (also known as Arie Abramovich); to the Committee on the Judiciary.

H.R. 3065. A bill for the relief of Silvia Carbone; to the Committee on the Judiciary.

H.R. 3066. A bill for the relief of Sylvia Cavada Guzman; to the Committee on the Judiciary.

H.R. 3067. A bill for the relief of Vicenta Aida Manjon; to the Committee on the Judiciary.

H.R. 3068. A bill for the relief of Hemayack Meghrigian; to the Committee on the Judiciary.

H.R. 3069. A bill for the relief of Teruko Morino; to the Committee on the Judiciary.

H.R. 3070. A bill for the relief of Manuel Silvestre Lara Ortiz; to the Committee on the Judiciary.

H.R. 3071. A bill for the relief of Ekaterina Pyramidou and Evanthia Pyramidou; to the Committee on the Judiciary.

H.R. 3072. A bill for the relief of Esmeralda Antonia Ramierez y Pena; to the Committee on the Judiciary.

H.R. 3073. A bill for the relief of Gershon George Rijwan; to the Committee on the Judiciary.

H.R. 3074. A bill for the relief of Juana V. Then-Rodriguez; to the Committee on the Judiciary.

H.R. 3075. A bill for the relief of Elma Eiola Tobitt; to the Committee on the Judiciary.

H.R. 3076. A bill for the relief of Margarita Abreu Winkler and Gernot Winkler; to the Committee on the Judiciary.

H.R. 3077. A bill for the relief of Anton B. Wojcicki; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 3078. A bill for the relief of Bernaldo Acupan; to the Committee on the Judiciary.

H.R. 3079. A bill for the relief of Harold P. Conroy; to the Committee on the Judiciary.

H.R. 3080. A bill for the relief of Wilda M. Kilburn; to the Committee on the Judiciary.

H.R. 3081. A bill for the relief of Herta Margarete Helene Monden; to the Committee on the Judiciary.

H.R. 3082. A bill for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris; to the Committee on the Judiciary.

H.R. 3083. A bill for the relief of Jose Olmos-Flores; to the Committee on the Judiciary.

H.R. 3084. A bill for the relief of Harry Woo, Margaret Woo, and Paul Woo (alias Woo Yee Chien, Woo Cheong Yow Dai, and Woo Diu Kuo); to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 3085. A bill for the relief of Mr. and Mrs. Vincenzo Culotta, Rosaria Culotta, and Fortunata Culotta; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 3086. A bill for the relief of Mrs. Constancia D. Saso; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 3087. A bill for the relief of Robert L. Stevenson; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 3088. A bill for the relief of Ralph Gallo; to the Committee on the Judiciary.

H.R. 3089. A bill for the relief of Nicolo Giammarresi; to the Committee on the Judiciary.

H.R. 3090. A bill for the relief of Antonio Masucci; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 3091. A bill to confer certain benefits under subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; to the Committee on the Judiciary.

H.R. 3092. A bill for the relief of Milivoy Jankovic; to the Committee on the Judiciary.

H.R. 3093. A bill for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 3094. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired); to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H. Res. 171. Resolution to refer the bill H.R. 2812, entitled "For the relief of Leopold Morse Tailoring Co." to the Chief Commissioner of the U.S. Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

By Mr. CELLER:

H. Res. 172. Resolution to refer the bill (H.R. 2402) entitled "A bill for the relief of Joseph W. Harris," to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

5. By the SPEAKER: A memorial of the General Assembly of the State of South Carolina, relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

6. Also, a memorial of the General Assembly of the State of South Carolina, relative to amending the National Environmental Policy Act of 1969; to the Committee on Merchant Marine and Fisheries.

7. Also, a memorial of the Legislature of the State of New Hampshire, relative to the establishment of such quotas and tariffs as may be necessary to protect the domestic shoe industry; to the Committee on Ways and Means.

8. Also, a memorial of the Legislature of the State of New York, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

9. Also, a memorial of the Legislature of the State of West Virginia, relative to Federal-State revenue sharing; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

18. Mr. CASEY of Texas presented a petition of Mrs. Rosey Marshall and 10 residents of Houston, Tex., to urge that January 15 be made a national holiday in honor of Martin Luther King, Jr.; to the Committee on the Judiciary.

SENATE—*Friday, January 29, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God, as we pause before Thee at noonday, we ask for quiet hearts, clear minds, and spirits strong enough to match the awesome times in which we live and serve. Make us quick to discern needs, wise in solving problems, firm in defense of the right, considerate and helpful to one another. Keep ever before us the needs of the whole Nation. May the vision never be dimmed of the kingdom of God that shall yet come on earth. Send us to our tasks, anointed by Thy spirit, so to live and work that we shall leave behind us a fairer world in which the family of man may grow and flourish.

We pray in the Master's name. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, January 28, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPUBLICAN COMMITTEE ASSIGNMENTS

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 20

Resolved, That the following shall constitute the minority party's membership on the standing committees of the Senate for the Ninety-second Congress.

On Aeronautical and Space Sciences: Mr. CURTIS, Mrs. SMITH, Messrs. GOLDWATER, WEICKER, BUCKLEY.

On Agriculture and Forestry: Messrs. MILLER, AIKEN, YOUNG, CURTIS, DOLE, BELLMON.

On Appropriations: Messrs. YOUNG, MUNDT, Mrs. SMITH, Messrs. HRUSKA, ALLOTT, COTTON, CASE, FONG, BOGGS, PERCY, BROOKE.

On Armed Services: Mrs. SMITH, Messrs. THURMOND, TOWER, DOMINICK, GOLDWATER, SCHWEIKER, SAXBE.

On Banking, Housing and Urban Affairs: Messrs. TOWER, BENNETT, BROOKE, PACKWOOD, ROTH, BROCK, TAFT.

On Commerce: Messrs. COTTON, PROUTY, PEARSON, GRIFFIN, BAKER, COOK, HATFIELD, STEVENS.

On Finance: Messrs. BENNETT, CURTIS, MILLER, JORDAN of Idaho, FANNIN, HANSEN, GRIFFIN.

On Foreign Relations: Messrs. AIKEN, MUNDT, CASE, COOPER, JAVITS, SCOTT, PEARSON,

On Government Operations: Messrs. MUNDT, JAVITS, PERCY, GURNEY, MATHIAS, SAXBE, ROTH, BROCK.

On Interior and Insular Affairs: Messrs. ALLOTT, JORDAN of Idaho, FANNIN, HANSEN, HATFIELD, STEVENS, BELLMON.

On the Judiciary: Messrs. HRUSKA, FONG, SCOTT, THURMOND, COOK, MATHIAS, GURNEY.

On Labor and Public Welfare: Messrs. JAVITS, PROUTY, DOMINICK, SCHWEIKER, PACKWOOD, TAFT, BEALL.

On Public Works: Messrs. COOPER, BOGGS, BAKER, DOLE, BEALL, BUCKLEY, WEICKER.

On District of Columbia: Messrs. MATHIAS, WEICKER, BUCKLEY.

On Post Office and Civil Service: Messrs. FONG, BOGGS, STEVENS, BELLMON.

On Rules and Administration: Messrs. PROUTY, COOPER, SCOTT, GRIFFIN.

On Veterans' Affairs: Messrs. THURMOND, HANSEN, COOK, STEVENS.

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with this resolution, an addendum in the form of a listing of the Republican leadership together with the membership on the respective conference committees.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

REPUBLICAN LEADERSHIP, 92D CONGRESS

Margaret Chase Smith, Chairman of the Conference.

Norris Cotton, Secretary of the Conference.

Hugh Scott, Floor Leader.

Robert P. Griffin, Assistant Floor Leader.

Gordon Allott, Chairman of Policy Committee.

POLICY COMMITTEE

Gordon Allott, Chairman.
Margaret Chase Smith
Norris Cotton
Hugh Scott
Robert P. Griffin
Wallace F. Bennett
Peter H. Dominick
John G. Tower
Roman L. Hruska
J. Caleb Boggs
Clifford P. Case
John Sherman Cooper
Carl T. Curtis
Karl E. Mundt
Strom Thurmond

CAMPAIGN COMMITTEE

Peter H. Dominick, Chairman.
J. Glenn Beall, Jr.
Bill Brock
James L. Buckley
Robert Dole
Paul J. Fannin
Hiram L. Fong
Barry Goldwater
Charles McC. Mathias, Jr.
William V. Roth, Jr.
William B. Saxbe
Robert Taft, Jr.
Lowell P. Weicker, Jr.

COMMITTEE ON COMMITTEES

Wallace F. Bennett, Chairman.
George D. Aiken
Henry Bellmon
Edward W. Brooke
Marlow W. Cook
Edward J. Gurney
Clifford P. Hansen
Mark O. Hatfield

Jacob K. Javits
Len B. Jordan
Jack Miller
Robert W. Packwood
James B. Pearson
Charles H. Percy
Winston L. Prouty
Richard S. Schweiker
Ted Stevens
Milton R. Young

PERSONNEL COMMITTEE

Roman L. Hruska, Chairman.
Howard H. Baker, Jr.

CALENDAR COMMITTEE

Paul J. Fannin, Chairman.
Howard H. Baker, Jr.
Lowell P. Weicker, Jr.

The PRESIDENT pro tempore. Is there objection to consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

APPOINTMENT TO SPECIAL COMMITTEE ON AGING

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Idaho (Mr. CHURCH) chairman of the Special Committee on Aging.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period of not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET MESSAGE

The PRESIDENT pro tempore. The Chair lays before the Senate the President's budget message. Without objection the message will be printed in the RECORD without being read and will be appropriately referred.

The message was referred to the Committee on Appropriations, as follows:

To the Congress of the United States:

In the 1971 budget, America's priorities were quietly but dramatically recorded: For the first time in 20 years, we spent more to meet human needs than we spent on defense.

In 1972, we must increase our spending for defense in order to carry out the Nation's strategy for peace. Even with this increase, defense spending will drop from 36% of total spending in 1971 to 34% in 1972. Outlays for human resources programs, continuing to rise as a share of the total, will be 42% of total spending in 1972.

The 1972 budget has a historic identity of its own.

- *It provides a new balance of responsibility and power in America* by proposing the sharing of Federal revenues with States and communities on a grand scale—and in a way that will both alleviate the paralyzing fiscal crisis of State and local governments and enable citizens to have more of a say in the decisions that directly affect their lives.
- *It introduces a new fairness in American life,* with the development of national strategies to improve the health care of our citizens and to assure, with work incentives and requirements, an income floor for every family in this Nation.
- *It adopts the idea of a "full employment budget,"* in which spending does not exceed the revenues the economy could generate under the existing tax system at a time of full employment. In this way, the budget is used as a tool to promote orderly economic expansion, but the impact of the resulting actual deficit is in sharp contrast to the inflationary pressure created by the deficits of the late sixties, which were the result of excessive spending that went far beyond full employment revenues. *The full employment budget idea is in the nature of a self-fulfilling prophecy: By operating as if we were at full employment, we will help to bring about that full employment.*

The 1972 budget reaffirms the determination of the Federal Government to take an activist role in bringing about the kind of prosperity that has rarely existed in the American economy—a prosperity without war and without runaway inflation. In the 1972 budget, the Government accepts responsibility for creating the climate that will lead to steady economic growth with improving productivity and job stability.

Of course, our objective of prosperity without inflation cannot be achieved by budget policy alone. It also requires:

—the monetary policy adopted by the independent Federal Reserve System to provide fully for the growing needs of the economy; and

—increased restraint in wage and price decisions by labor and business—in their own and the Nation's interest and as a matter of common sense.

Only by working together can the budget, monetary policy, and common sense in the private sector make orderly expansion the order of the day.

The full employment 1972 budget—expansionary but not inflationary—does its full share to provide a defense strong enough to protect our national security, higher standards of income and care for the poor and the sick, a reorganized and responsive Federal structure, and the basis for a sound prosperity in a full generation of peace.

TOWARD A GROWING NONINFLATIONARY ECONOMY

Economic setting.—When I took office 2 years ago, rampant inflation was the Nation's principal economic problem.

This inflation was a direct result of the economic policies of the period 1966 to 1968, when we were mired in war in Vietnam, and when Federal spending rose sharply. Federal outlays were allowed to exceed full-employment revenues by $6 billion in 1966, $10 billion in 1967, and $25 billion in 1968. Expansive monetary policy in the summer of 1968 helped upset the hoped-for stabilizing impact of an income tax surcharge. The effect of these actions was to turn the thermostat up in an economy that was already hot enough.

My administration acted promptly to move us out of that war and cool the superheated economy.

We controlled Federal spending in 1969 and achieved a budget surplus. Spending was restrained again in 1970. Independently, the Federal Reserve System maintained a monetary policy of restraint which increased in severity throughout calendar year 1969 and continued into early 1970.

The forces of inflation have been durable and persistent—and they remain strong. But their momentum was slowed in calendar year 1969 and early 1970. Excessive demand was eliminated as a source of inflationary pressure during this period. The turnaround of this inflationary trend permitted us to enter the second phase of our plan: to follow more expensive economic policies without losing ground in the battle against inflation.

Budget policy.—Last July, I set forth the budget policy of this administration:

> "At times the economic situation permits—even calls for—a budget deficit. There is one basic guideline for the budget, however, which we should never violate: except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment. When the Federal government's spending actions over an extended period push outlays sharply higher, increased tax rates or inflation inevitably follow."

The principle of holding outlays to revenues at full employment serves three necessary purposes:

- It imposes the discipline of an upper limit on spending, a discipline that is essential because the upward pressures on outlays are relentless.
- It permits Federal tax and spending programs to be planned and conducted in an orderly manner consistent with steady growth in the economy's productive capacity.
- It helps achieve economic stability by automatically imposing restraint during periods of boom and providing stimulus during periods of slack.

The budget policy of this administration is to keep firm control over Federal spending. The outlay total $229.2 billion in 1972 is the sum of spending for programs that were scrutinized carefully to make certain that they would be managed effectively and efficiently, and that they are essential to carry out present laws or to achieve desirable changes in our national priorities.

If this careful scrutiny were not maintained—if we weaken in our resolve to control spending—we would risk permitting outlays to build up a momentum that will carry them beyond full employment receipts in the longer run, and we would risk losing the ability to restrain spending in times when a deficit is undesirable.

SUMMARY OF THE 1972 BUDGET

The budget that I propose for 1972 is consistent with the fiscal policy I announced 6 months ago.

THE BUDGET AT A GLANCE

[Fiscal years, in billions]

Description	1970 actual	1971 estimate	1972 estimate
Budget receipts	$193.7	$194.2	$217.6
Budget outlays	196.6	212.8	229.2
Actual deficit (—)	—2.8	—18.6	—11.6
Full-employment surplus	2.6	1.4	0.1
Budget authority	213.0	236.3	249.0

	1969 actual	1970 actual	1971 estimate	1972 estimate
Outstanding debt, end of year:				
Gross Federal debt	$367.1	$382.6	$407.0	$429.4
Debt held by the public	279.5	284.9	302.5	313.1
Outstanding Federal and federally assisted credit, end of year:				
Direct loans [1]	46.5	51.1	53.8	56.5
Guaranteed and insured loans [2]	104.0	106.4	119.4	140.3
Direct loans by Government-sponsored agencies	27.0	37.6	45.4	53.2

[1] Including loans in expenditure account.

[2] Excluding loans held by Government or Government-sponsored agencies.

Budget receipts in 1972 are estimated to be $217.6 billion, $23.4 billion more than 1971, but still below the $229.3 billion of revenue that would be produced if the economy were operating at full employment throughout the year.

The estimates reflect a reduction in revenues of $2.7 billion due to the new tax depreciation rules announced on January 11. These rules are part of our plan to expand the economy and help the Nation achieve full employment without inflation.

Budget outlays in 1972 are expected to be $229.2 billion, an increase of $16.4 billion over the previous year.

The increase in outlays will help move the economy toward higher employment and production. At the same time, outlays are being held to full employment receipts.

I am requesting *budget authority*—the right to make commitments to spend—of $249.0 billion in 1972. Over $170 billion of this total will require new action on the part of the Congress.

REVENUE SHARING: RETURNING POWER TO PEOPLE

During the 1960's, more governmental initiative and power shifted to Washington and away from elected officials in State and local governments. Towards the end of the decade it became apparent that, despite new programs and massive Federal expenditures, government at all levels was not working well.

When this administration took office, I directed that an intensive review of our governmental system be made. We found that State and local governments were breaking down under an incredible fiscal burden. We also found that the red tape involved in the narrow categorical grant system made it almost impossible for the Federal Government to be effective and responsive to the needs of individuals in different localities.

The financial squeeze on State and local governments is acute, and shows no sign of becoming less painful. These governments rely mainly on receipts from consumer and property taxes, which have not grown nearly as fast as the demand for State and local government services. As a result, combined State and local debt has increased by over 600% since 1948.

The Federal Government helped meet some of this demand by increasing its financial aid, largely through grant programs, which now accounts for 18% of State and local revenues.

The results of grant programs have been impressive in some cases. But the grant structure has become a haphazard collection of hundreds of separate programs, each with its own policies, its own requirements and procedures, and its own funding.

Such a complicated method of providing Federal assistance is not only inefficient, but it:

—*restricts the freedom* of State and local governments to spend funds in accordance with their priorities;

—*is unresponsive* to the needs of specific local situations because the funds are distributed and regulated by guidelines that do not—perhaps cannot—sufficiently take account of differences among local communities; and

—*separates resources and responsibility*, because State and local governments have the responsibility for providing services, but, all too often, they do not have the money to provide those services. The Federal Government dominates the field of income taxation, and its redtape restricts the discretion of State and local governments over the services they provide.

Clearly, not enough authority over the use of resources for federally assisted programs is now lodged at the State and local level. More of the power—and the responsibility—for using federally collected funds must be given to elected officals in these governments.

The need for remedying this situation is urgent. The time for reform is now.

Local freedom of action.—I propose a revenue sharing plan to give State and local governments the money they need to deliver the services that can best be performed by government closest to the people.

This is how the new "freedom of action" plan will work:

In the first full year of the plan, $16 billion will be directed to the States and localities, in a way that will enable them to decide as never before how that money will be spent.

Of this amount, $5 billion will be in the form of *general revenue sharing*, without restrictions. This will all be "new" money, without matching requirements and with the decision on how it is to be used exclusively a State and local matter.

The remaining $11 billion will be in the form of *special revenue sharing*, with the discretion on how it will be used within each of six broad subject areas strictly a State and local matter. These areas are:

—Urban community development,

—Rural community development,

—Education,

—Manpower training,

—Law enforcement, and

—Transportation.

The hobbling restrictions now on much of the Federal aid in these areas would be removed, along with matching requirements that presently force localities to spend their own matching money on low-priority projects for fear of "losing" available Federal aid.

To emphasize the importance of the special revenue sharing funds, the change from the present tightly restrictive categorical grants to special revenue sharing in the six broad areas will be accompanied by an *increase* of $709 million in the amounts budgeted for 1972 for Federal aid to States and localities. But even more important is the fact that these governments would have far greater freedom of action in deciding how money is to be spent within each of the six areas. For example, although the Federal Government would designate the total amount of special revenue sharing for education, the State or local area would decide how much is to be spent on new textbooks, new schools, equipment, or other matters of priority to it in the field of education.

In this way, both general and special revenue sharing will redirect the control of State and local decisions on $16.1 billion to the States and localities affected most by those decisions. This is about half of Federal Government aid, excluding public assistance grants, to States and communities—a historic and massive reversal of the flow of power in America.

Budget authority proposed for revenue sharing plan, first full year

Description	*Billions*
General revenue sharing	$5.0
Special revenue sharing:	
Urban community development	2.0
Rural community development	1.0
Education	3.0
Manpower training	2.0
Law enforcement	0.5
Transportation	2.6
Total	16.1

We must make provision at the outset of this freedom of action plan for both growing State and local needs and growing State and local capacity to manage their affairs.

The new funds for general revenue sharing will grow in years to come because they will be tied to the Federal personal income tax base. As that tax base expands, more unrestricted money will flow to States and localities.

To help State and local governments develop greater capacity to plan and manage their own affairs, I will send to the Congress a planning-management assistance plan, which will provide $100 million to help these governments make their own long-range plans and enhance their capability for the efficient use of their growing revenues.

In essence, this is what revenue sharing will do:

—*for the individual taxpayer*, it will provide a stronger voice in how his tax money is spent locally, new confidence in government that comes from more "citizen control," and the hope that, in some States and localities, taxes may be reduced, or that the rising cost of government can be met without raising taxes;

—*for State and local governments*, it will not only help meet the current financial crisis, but will also wipe out rigidities and delays in Federal aid and permit them to build their capacity to respond to local needs;

—*for our federal system*, it will provide new strength by assigning services to the level of government best equipped to perform them; and

—*for all our people*, it will provide a means of encouraging local diversity and experimentation within the framework of our great national purposes.

Of course, these revenue sharing proposals will not be the vehicle for any retreat from the Federal Government's responsibility to ensure equal treatment and opportunity for all. The proposals I send to the Congress will include the safeguards against discrimination that now accompany all other Federal funds allocated to the States.

This massive revenue sharing proposal is central to my philosophy of giving people the opportunity to become more involved in the decisions that affect their lives. The magnitude of the problem calls for this kind of bold move; by acting decisively and without delay, we will strengthen our Federal system and respond better to the needs of our people.

Welfare reform.—One of the first steps in our review of the Federal system was to sort out those activities that are appropriate for the Federal Government from those that are best performed at the State and local level or in the private sector. We decided early on one primary Federal responsibility—providing, with a combination of work incentives and work requirements, an income floor for every American family.

We knew beforehand that the existing welfare system was in desperate need of reform. We also knew that the existing system imposes a crushing and growing financial burden on States.

My welfare reform proposals, described later in this message, are an integral part of our effort to give people the ability to make their own decisions, to build the capacity of State and local government, and to encourage more orderly national growth.

By building a floor under the income of every family everywhere in America with Federal funds, we provide each dependent family a new dignity, we help State and local governments finance what is now their fastest growing expenditure, and we remove one magnet that has already drawn too many persons to our congested cities.

In government operations, form should follow function. Just as revenue sharing decentralizes power to meet one need, welfare reform sets a basic national standard to meet a different need. The decision to centralize or decentralize should be based on which method best serves the larger purposes of 206 million Americans.

Revenue sharing and welfare reform are of a piece: the level of government best equipped to respond should respond in a way that raises standards and contributes to the sum of personal freedom and human dignity.

RESTORING CONFIDENCE IN GOVERNMENT

In seeking ways to reform the federal system, I have paid particular attention to the ability of the executive branch of the Federal Government to produce the results intended by the Congress and the President.

In 1971, the Federal Government will employ almost 2,900,000 civilians, operate thousands of separate programs, and spend $212.8 billion. Through its tax laws, credit activities, grant programs, and in other ways, the Government affects millions of people and influences the disposition of many more billions of dollars than it controls directly.

Toward the end of the sixties, there was mounting evidence that our Government was so complex, clumsy, and unresponsive, that it was becoming unable to meet the needs and priorities of the people or to use efficiently the funds entrusted to it.

This must not be permitted in America.

We have already taken actions to improve the organization and management of the Federal Government and, thereby, make it more efficient and responsive.

But we must do more. The Federal Government is not organized properly to deal with the Nation's most significant problems in the domestic area. Programs that should be joined together to achieve common goals are fragmented among different departments and agencies, impairing the capacity of Government to respond effectively to urgent national needs. Modernization of that structure will restore vigor to our federal system, permitting a constructive partnership among Federal, State and local governments.

In the next few months, I shall propose sweeping legislation to help achieve these goals by merging seven existing departments and several independent agencies into four departments:

—a Department of Natural Resources,

—a Department of Human Resources,

—a Department of Community Development, and

—a Department of Economic Development.

These new departments will match the domestic programs of the Federal Government with the objectives each is intended to fulfill:

—the balanced and constructive use and conservation of the land and other natural resources of the Nation;

—the development and well-being of individuals and families;

—the quality of urban and rural communities as places for people to work and live; and

—the maintenance and strengthening of the American economy.

To continue the modernization of the Federal Government, I will also ask an extension of the President's reorganization authority. We must seek to expand current efforts to shift operating responsibility for Federal programs out of Washington and closer to the people these programs are designed to serve.

To fulfill its responsibilities, the Federal Government must attract, develop, and retain capable career executives. We must have a more effective manpower planning and utilization system. I shall propose legislation to establish a Federal Executive Service which will permit:

—more effective career executive search;

—flexibility in the allocation and assignment of available talent; and

—strengthened executive development programs and policies.

By improving the organization and management of government, we will make it more responsive to the needs of the people and the new priorities of the Nation.

REFORMING THE BUDGET PROCESS

Reform of the budget process is long overdue. Fifty years have passed since the Federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of congressional inaction, it has become a travesty a half-century later.

Enactment of appropriations 6 months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was transmitted 11 months earlier. Even now, as this message is being written, action on last year's appropriations request for one department has not been completed.

I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10- to 12-month period without any goal or determination of the total expenditures that will result after the last bill is passed.

Excess in the number and detail of appropriations often diverts attention to minutiae. It also impairs the ability of agency heads to manage their agencies responsibly and economically.

The budget is our principal instrument for coordinated management of Federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore we must seek a more rational, orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

Furthermore, Federal credit programs which the Congress has placed outside the budget—guaranteed and insured loans, or loans by federally sponsored enterprises—escape regular review by either the executive or the legislative branch. The evaluation of these extrabudgetary programs has not been fully consistent with budget items. Their effects on fiscal policy have not been rigorously included in the overall budget process. And their effects on overall debt management are not coordinated well with the overall public debt policy. For these reasons, I will propose legislation to enable these credit programs to be reviewed and coordinated along with other Federal programs.

TOWARD A FULL GENERATION OF PEACE

Our goal is a full generation of peace in which all nations can focus their energies on improving the lives of their citizens.

To achieve this, we must continue to work in close cooperation with our allies, move from confrontation to negotiation with those with whom we differ and—together with our allies—maintain enough military strength to deter aggression. Sufficient and effective programs of military and economic assistance to help our friends help themselves are an integral part of our program.

National security.—This Nation's strategy for peace will—as it must—be based upon a position of military strength. The purpose of this strength is to prevent war; and, to this end, we will negotiate with those whose vital interests and polices conflict with our own.

We are pursuing negotiations on strategic arms limitations, on Vietnam, on Berlin, and on the Middle East. These negotiations are difficult and often slow, but we have the stamina and commitment necessary to proceed with patience and purpose.

As we carry on negotiations, we couple them with other efforts to achieve the same goal. The Vietnamization program is an example, and we are making good progress. By this spring, our authorized troop strength will have been cut approximately in half since the time I took office, and we will continue to bring American troops home.

Supporting these efforts, the military forces of this Nation and its allies will provide the armed might necessary to deter aggression or to deal with it effectively where necessary. We expect our allies to do more in their own behalf, and, in the spirit of the Nixon doctrine, many are taking steps in that direction. But we must also do our share. The kind of partnership we seek to forge works both ways. We have a vital interest in peace and stability abroad and we plan to maintain the capabilites necessary to protect that interest.

Our withdrawals from Vietnam and the change in our general purpose force planning and strategy permit a smaller force structure than in the past. At the same time, the preoccupation with Vietnam has limited our ability to meet some of our military needs elsewhere, particularly in NATO. We must be certain that our military forces are combat-ready and properly equipped to fulfill their role in our strategy for peace. In addition, we face formidable Soviet nuclear and conventional forces, including increased naval forces, and a further rise in the costs of our military equipment and personnel.

For these reasons, I am recommending an increase of $6 billion in budget authority for military and military assistance programs. This Nation has the will and the resources to meet its vital national security needs. At a time when we are urging our allies to do more and when our potential adversaries may seek military advantage, I cannot in good conscience recommend less.

We often think of military strength primarily in terms of equipment and massive organizations. While these are important, attracting and holding able citizens in the Armed Forces is the key to an effective and efficient military force. The service of Americans in uniform is worthy of respect, and I am dedicated to the goal of making all such service voluntary. This budget, and subsequent legislation which I will recommend to the Congress, will make significant progress toward ending reliance on the draft.

Foreign assistance.—Our present foreign assistance programs were established for a world that has long since changed. I will propose legislation to adapt them to the conditions of the 1970's.

We must clearly distinguish the varied purposes of foreign aid—the security of the United States and friendly nations, the long-term development of lower income countries, and humanitarian needs—and make possible a realistic assessment of our progress toward each. In 1972, our assistance programs will:

—promote a strong partnership among nations and a vigorous leadership role for multilateral development institutions;

—recognize that other nations have a growing ability and responsibility to determine their own development priorities;

—continue security assistance at a higher level than in recent years in order to help friendly nations meet the responsibility for their own defense; and

—improve coordination of our humanitarian assistance efforts.

These changes will carry out a major theme of U.S. foreign policy—less direct U.S. involvement in the affairs of other nations, less potential for friction and resentment, and a stable world order more conducive to lasting peace.

MEETING HUMAN NEEDS

The proposals that I submit today are a major step forward in the reform of our Nation's efforts to meet the needs of its 206 million citizens. They will introduce a new fairness into American life by providing:

—a basic income floor under every family with children in this Nation;

—health care to help make needed services possible for all of our people when and where such services are required;

—better systems of support for education and manpower training; and

—continued progress in assuring the civil rights of all citizens, and in controlling crime.

Income strategy.—Last year was one of great promise for the long-term income security of American families. Some of that promise reached fruition in the reform of unemployment insurance and food stamp programs:

- Unemployment insurance was extended to 4.8 million additional Americans, including farmworkers and hospital workers, and special extended benefits were established to be triggered automatically by adverse economic conditions.
- Food stamp benefits were improved by establishing national eligibility standards, requiring family allotments large enough to purchase an adequate diet, providing free food stamps to the poorest recipients, and automatically raising benefits with increases in the cost of living.

However, much of that promise was left unrealized. As I have pointed out, in 1972 I will redouble my efforts to make essential and fundamental reforms in income maintenance programs. First, and foremost, I will seek:

- *Basic welfare reform.*—Last year I proposed that our archaic and demeaning welfare system be reformed. A landmark plan that would have accomplished this was approved by the House but did not come to a vote in the Senate.

  The urgency of the need for welfare reform grows with every passing day. I have already stressed the need for early enactment of the Welfare Reform Act of 1971 by the 92d Congress.

  This plan would remove the principal evils of the existing system by:

  —setting national eligibility standards;

  —balancing strong training and work requirements with equally strong training and work incentives;

  —giving financial relief to the States; and

  —establishing a Federal floor under benefit payments for *all* needy families with children, including those with working fathers, for the first time.

- *Social security improvements.*—I will propose a significant reform of the social security system, providing *automatic* adjustments for increases in the cost of living. Such an adjustment now calls for a 6% benefit, effective retroactively to January 1, 1971, to cover the cost of living increase since January 1, 1970. I will also propose increases in widows' pensions.

Beyond these basic reforms, I will seek to harmonize related income maintenance programs with the principles of our income strategy. This will include:

—reform of services provided to welfare recipients to encourage greater accountability and effectiveness in the use of funds, and to establish national standards for foster care, with new incentives for the adoption of handicapped children; and

—proposals to put railroad retirement funds on a financially sound basis.

Improving health care.—During the current session, I will send a message to the Congress that will set out a national health strategy for the seventies and propose significant changes in the Federal role in the Nation's system of health care.

This strategy will seek to expand preventive care, to train more doctors and other health personnel, and to achieve greater equity and efficiency in the delivery of health services. It will include a new health insurance program for all low-income families with children.

The budget reflects in a preliminary way the emphasis that this administration will place on health in 1971, with:

—an increase of $100 million to accelerate greatly the search for a means of preventing and curing cancer;

—a vigorous effort to find a cure for sickle cell anemia;

—a $95 million increase in Federal support for schools that train our Nation's health manpower; and

—a rational policy of using Federal resources to help bring the rapid increase in medical care costs under control.

The budget also provides for:

—a substantial improvement in the quality of medical care provided to veterans with service-connected injuries;

—expansion of services for mothers and children, Indians and Alaska natives, and women who cannot afford family planning services;

—expanded programs to combat drug abuse and alcoholism;

—emphasis on assuring purity of foods and drugs; and

—encouraging greater use of less costly services and facilities in delivering medical care.

Community safety and crime prevention.—My commitment to the reform and revitalization of our system of criminal justice is supported by this budget. The budget proposes a 32% increase in outlays to improve law enforcement, to make our judicial system fairer and more efficient, and to raise the effectiveness of correction and rehabilitation. In this way, we will:

—step up the war on organized crime and the gambling operations that finance it;

—destroy major criminal systems that import and distribute narcotics and dangerous drugs;

—strengthen local law enforcement through the special revenue sharing fund for this purpose;

—continue the antihijacking campaign to protect the Nation's air travelers;

—expand our correctional improvement programs to develop more innovative correctional institutions, and improve probation, parole, and other community-based services; and

—develop, in cooperation with State and local governments, ways to provide more accurate information on law enforcement activities.

Guaranteeing civil rights.—The ideals of our Nation require that the civil rights of *all* citizens be respected, regardless of race, sex, religion, or national origin.

My budget for 1972 proposes to strengthen our efforts to eliminate discrimination in private as well as Federal employment, in activities supported by Federal assistance to State and local governments and other recipients, in education, in housing, and in other aspects of society.

We will take these specific steps to improve the lives of all our people:

—increase by more than 50% our efforts to prevent employment discrimination by Federal contractors and other private employers;

—increase nearly threefold the Federal assistance to school districts that are desegregating;

—reorganize the field operations of the Equal Employment Opportunity Commission to make more effective efforts to halt discrimination in private employment;

—focus the activities of the Civil Service Commission to assure equal Federal employment opportunities for all our citizens, with special emphasis on opportunity for Spanish-surnamed Americans;

—serve 46 localities with conciliation assistance through the Community Relations Service;

—expand administration of the fair housing and equal opportunity laws to increase residential housing choices for all Americans; and

—increase by 15% funds to agencies to assure nondiscrimination by recipients in their use of Federal assistance.

Education and manpower training.—The education and manpower training programs proposed in this budget reflect my determination to find better ways to carry out Federal programs. Special revenue sharing is proposed for both of these vital areas. I will also submit major reform proposals to:

—reform Federal aid programs for higher education to increase their effectiveness;

—direct more funds to students from lower income working families;

—establish a National Institute of Education for research and development; and

—provide additional training opportunities and strong incentives under the Welfare Reform Act of 1971 for employable welfare recipients to undertake suitable employment or job training.

Research and development on social problems.—The Office of Economic Opportunity will emphasize its leadership role in research, development, and evaluation in social programs.

IMPROVING OUR ENVIRONMENT

The improvement and prudent use of our physical resources is vital to our Nation's prosperity and to the goal of helping all Americans enjoy a clean environment, adequate housing, and a better standard of living. In 1972, outlays to achieve these objectives will increase by $2.4 billion to $26.1 billion. The actions that I am proposing will:

—expand my administration's vigorous efforts to protect and enhance the quality of our environment and recreation resources;

—revitalize housing and community development programs; and

—increase Federal research and development efforts.

Environmental quality.—The primary responsibility for protecting and enhancing the environment lies with State and local governments, industry, and the public, but the Federal Government must—and will—provide vigorous leadership.

During the past year, this administration moved forcefully to exercise that leadership:

- Major Federal pollution control and abatement activities were consolidated in a new Environmental Protection Agency;
- The Council on Environmental Quality was given a major role within the Executive Office of the President to advise on environmental problems and on national policies to deal with them;
- New legislation to strengthen national efforts for reducing pollution was proposed to the Congress; and
- Funds for major environmental quality programs were increased significantly.

Pollution control and abatement programs will get even greater attention in the 1972 budget. Outlays will be increased by $764 million. Budget authority will rise even more, by $1.3 billion. The higher amounts will provide for:

—doubling grants for municipal waste treatment facilities;

—curbing pollution from Federal facilities;

—expanding EPA pollution control operations, including implementation of new air quality and solid waste legislation; and

—developing new pollution abatement techniques.

Legislation is again proposed to create the Environmental Financing Authority, which will assist communities that have difficulty in borrowing at reasonable rates to meet their share of the cost of water pollution control facilities.

I shall shortly propose, in a special message to the Congress, a series of further measures to control pollution and improve the quality of our environment.

Recreation.—Greater opportunity for leisure is valued highly in America and, as a result, the demand for recreation facilities is growing. The 1972 budget proposes a substantial increase in grants to help State and local governments provide some of these facilities.

I am recommending that the Land and Water Conservation Fund be fully funded to provide:

—grants of $280 million to help States and localities meet local recreation needs; and

—appropriations of $100 million for Federal acquisition to preserve nationally significant natural and historic areas.

I propose that the urban open space program be more than doubled, to $200 million, to provide more recreational areas in and near our cities.

Cultural activities.—I have again recommended that we double the appropriation for the National Foundation on the Arts and the Humanities, so that we can bring the benefits of these great cultural efforts to an increasing number of people throughout the country.

Housing.—The housing industry has already begun to lead our economic expansion. Fiscal and monetary actions taken in the past year have resulted in a significant easing of mortgage interest rates. Federal policy must help this industry meet the pent-up demand for housing.

The effectiveness of our housing programs will not be improved by merely continuing to increase Federal subsidies. The programs must be simplified and fitted into a rational framework. Inconsistencies must be removed, along with the obsolete rigidities in statutes that at times prevent programs from operating at all.

The administration will again propose legislation to carry out these badly needed reforms, which I urge the Congress to enact.

Community development.—I will also propose reform of the community development programs of the Department of Housing and Urban Development, and of certain economic development programs of the Departments of Agriculture and Commerce. Narrowly defined categorical grant programs in this field have frequently conflicted with local priorities and unnecessarily generated red tape.

With special urban and rural revenue sharing programs, we will permit localities to plan and carry out community development in accordance with their own needs.

Initial funding of the new urban program will begin at a level of $1 billion for the second half of 1972, upon enactment of the necessary legislation. An additional $2 billion appropriation is anticipated for 1973, when the program will be in effect for a full year. Rural development revenue sharing will be $1 billion in the first full year.

Science and technology.—Science and technology can make major contributions to the public by developing creative solutions to a wide range of national problems that will help us all enjoy a better life. I am proposing in this budget a substantial expansion in outlays for federally supported research and development.

While a large portion of this increase is needed to strengthen our defense capabilities I am also recommending substantial increases in civilian areas to:

—make greater use of our scientific and engineering capabilities and resources to cope with major national problems such as pollution, crime, health, transportation, and other environmental and social problems;

—strengthen research essential to the advancement of our technology and economic productivity; and

—increase our investment in fundamental science which leads to the long-term progress of our society.

As an example of the concern of this administration for the use of science and technology in the public service, I am recommending that the budget for the National Science Foundation be increased from $506 million in 1971 to $622 million in 1972. A significant portion of these added funds will be directed to research on pressing national problems.

THE LONGER VIEW

Federal budget decisions must be made with an awareness of their influence on the economy and on resource allocation in the future as well as the present.

Too often in the past, consideration of objectives and priorities focused only on Federal spending. Only immediate issues, rather than longer term goals, were considered. And this fact was ignored: when we increase the priority of some programs, the relative priority assigned to others must be reduced. In short, the sum of the resources allocated to the various functions—such as health, education, defense—cannot exceed the total resources that we command.

Looking to the future, we find that resources likely to be available to the Nation grow more rapidly than the expenditures required by existing commitments. But our freedom to use these resources will shrink as we approach each future year and make financial or program commitments in the interim. Thus, the allocation of each year's resources is largely a reflection of our past priorities.

As we make choices this year, we will be determining the use our available resources and expenditures in future years.

The resource allocation questions that the Nation will answer—either explicitly or by default—are:

- Shall we increase the available margin by ending some existing commitments?
- Who should use the margin—the Federal Government, State and local governments, or private citizens?
- To what objectives should the available margin be applied?

In answering these questions, the Nation will be setting its priorities for the future.

My preferences are clear. *One great objective of my administration is to increase the role of private citizens and State and local governments in allocating our national resources in accordance with individual and local needs. Another great objective is to set minimum standards to make certain that every American family in every locality is treated with a fairness that reflects the national conscience.*

Ours is not a regimented economy, nor will it be, Yet, we cannot ignore the influence of the budget on the economy and on the use of our national resources in the present and in the future. To do so is to take the chance that government spending will preempt resources that should be left to be used by private citizens or State and local governments.

In the last few decades, the Federal Government, disturbingly, has taken over the determination of how too many of the Nation's resources will be allocated. In spite of the Federal Government's domination, resources have not been appropriately allocated to overall national needs. Instead, they have been allocated by a process in which small additions were usually made in existing programs, and a few new categorical grant programs were created each year. These new grants were generally aimed at alleviating some narrow problem—without reference to the Nation's real need in that general problem area.

I have in this budget proposed the outlines of a new process for allocating funds according to national priorities.

Instead of continuing "more of the same" to more than a hundred narrow categorical grant programs, I have proposed replacing them with six *special* revenue sharing programs designed to deal with major national problems. These are problems that have different characteristics in different parts of the country. With these special revenue sharing funds, State and local governments can set their priorities within the national objective, design a solution fitted to their particular needs, and solve their problems locally.

The *general* revenue sharing program provides unrestricted funds to State and local governments to achieve our Nation's top domestic priority—the creation of a system of government that is effective and responsive to the needs of all of the American people. General revenue sharing will allow State and local governments to overcome their immediate fiscal crises and to come to grips with those problems that concern their citizens most.

The revenue sharing programs which I have proposed result from shared goals, provide federally shared revenues, and involve shared Federal-State-local responsibility for solving America's most important problems. Our system of government must be one of shared goals—shared revenues—shared responsibilities.

CONCLUSION

The 1972 budget befits a strong, free, compassionate, and enlightened Nation.

- It reverses the trend of the past decade toward Federal domination of the Nation's decisions, and begins to make government more responsive to the will of the people.
- It recognizes that a strong defense is vital to all our objectives, most of all to the attainment of peace.
- It provides the resources needed to meet the Nation's commitments at home, with a new standard of fairness to the poor and sick.
- It accepts the principle that budget policy, together with monetary policy and the active cooperation of the private sector, must be used to help achieve full employment in peacetime with relative price stability.

This budget expresses our fiscal program for the New American Revolution—a peaceful revolution in which power will be turned back to the people—in which government at all levels will be refreshed, renewed, and made truly responsive. This can be a revolution as profound, as far-reaching, as exciting, as that first revolution almost 200 years ago.

RICHARD NIXON.

JANUARY 29, 1971.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 42 United States Code 2251, the Speaker had appointed Mr. HOLIFIELD, Mr. PRICE of Illinois, Mr. ASPINALL, Mr. YOUNG of Texas, Mr. EDMONDSON, Mr. HOSMER, Mr. ANDERSON of Illinois, and Mr. MCCULLOCH as members of the Joint Committee on Atomic Energy, on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECEIPTS AND DISBURSEMENTS TO APPROPRIATIONS FROM DISPOSAL OF MILITARY SUPPLIES, EQUIPMENT, AND MATERIEL, AND LUMBER AND TIMBER PRODUCTS, DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for the quarter ended September 30, 1970 (with an accompanying report); to the Committee on Appropriations.

Proposed Legislation To Establish the Federal City Development Corporation

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

Final Report on Basic National Rail Passenger Service

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report designating a basic system of intercity rail passenger service, dated January 28, 1970 (with an accompanying report); to the Committee on Commerce.

Report on Final Valuations of Properties of Certain Carriers

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on the final valuations of properties of certain pipeline carriers (with an accompanying report); to the Committee on Commerce.

Report of the National Advisory Council on International Monetary and Financial Policies

A letter from the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, their annual report, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller of the United States, transmitting, pursuant to law, a report on fair prices paid for small purchases by the Department of Defense, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

Report of the Railroad Retirement Board

A letter from the Chairman, United States of America Railroad Retirement Board, transmitting, pursuant to law, a report on positions in grades GS-16, 17, and 18 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report of the U.S. Atomic Energy Commission

A letter from the Atomic Energy Commission, transmitting, pursuant to law, a report of the Commission for 1970 (with an accompanying report); to the Joint Committee on Atomic Energy.

Proposed Legislation To Charge Federal Agencies Fees for the Licensing of Nuclear Power Reactors

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors (with accompanying papers); to the Joint Committee on Atomic Energy.

GENEVA PROTOCOL OF 1925—EXECUTIVE UNDERSTANDING NO. 1

Mr. NELSON submitted Executive Understanding (No. 1); which was ordered to be printed in the Record as follows:

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare

Understanding intended to be proposed by Mr. Nelson with respect to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925:

At the end of the resolution of ratification, insert the following: "It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the protocol, that the terms of the protocol prohibit the use in war of chemical herbicides."

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 432. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jordan of Idaho when he introduced the bill appear below under the appropriate heading.)

By Mr. BENNETT:

S. 433. A bill for the relief of Weldon Thompson; to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. Dominick, Mr. Griffin, Mr. Javits, Mr. Packwood, Mr. Saxbe, Mr. Scott, and Mr. Schweiker):

S. 434. A bill to establish a National Institute of Education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Prouty when he introduced the bill appear below under the appropriate heading.)

By Mr. ERVIN:

S. 435. A bill for the relief of Fan Zu Ming; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 436. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

S. 437. A bill for the relief of Mrs. Maria Jose Pereira; to the Committee on the Judiciary.

S. 438. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Hollings when he introduced S. 436 and S. 437 appear below under appropriate headings.)

By Mr. SPONG:

S. 439. A bill granting and ceding to the city of Alexandria, in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River; to the Committee on the Judiciary.

By Mr. CHILES:

S. 440. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

(The remarks of Mr. Chiles when he introduced the bill appear below under the appropriate heading.)

By Mr. McGOVERN:

S. 441. A bill for the relief of Blandina Salvador;

S. 442. A bill for the relief of Christina Bangcawayan;

S. 443. A bill for the relief of Sotirios Zontanos;

S. 444. A bill for the relief of Miguel Apaza; and

S. 445. A bill for the relief of Sam C. H. Shum; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 446. A bill to establish the National Advisory Committee on the Oceans and Atmosphere; to the Committee on Commerce.

(The remarks of Mr. Hollings when he introduced the bill appear below under the appropriate heading.)

By Mr. ANDERSON:

S. 447. A bill to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 448. A bill to provide that the appropriation requests of certain regulatory agencies be transmitted to Congress; to the Committee on Government Operations.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 449. A bill to repeal section 372-1 of title 25, United States Code, relating to the appointment of hearing examiners for Indian probate work, to provide tenure and status for hearing examiners performing such work, and for other purposes;

S. 450. A bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian community; and

S. 451. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 452. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

S. 453. A bill to amend the Tariff Schedules of the United States to accord the Trust Territories of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States;

S. 454. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; and

S. 455. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Finance.

S. 456. A bill to amend the War Claims Act of 1948 and the Trading With the Enemy Act to provide for the submission of certain claims and the reinstatement of certain claims, and

S. 457. A bill to provide cost-of-living allowances to judicial employees stationed outside the continental United States or in Alaska and Hawaii; to the Committee on the Judiciary.

S. 458. A bill to provide credit under the Civil Service Retirement Act for periods of separation from the service of certain employees of Japanese ancestry during World War II; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Inouye when he introduced S. 453 and S. 455 appear below under the appropriate headings.)

By Mr. INOUYE (for himself and Mr. Fong):

S. 459. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 460. A bill to provide that unincorporated territory of Guam shall be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

S. 461. A bill to require the payment of prevailing rates of wages on Federal public works on Guam; to the Committee on Labor and Public Welfare.

S. 462. A bill to include Guam within the purview of the Federal Unemployment Tax Act and related provisions of the Social Security Act; to the Committee on Finance.

(The remarks of Mr. Inouye when he introduced the bills appear below under the appropriate heading.)

By Mr. MONDALE:

S. 463. A bill for the relief of Lau Siu Chsung;

S. 464. A bill for the relief of Freny Rustom Irani;

S. 465. A bill for the relief of Mrs. Hang Kiu Wah;

S. 466. A bill for the relief of John R. Cochrane;

S. 467. A bill for the relief of Teresa Blaszczyk;

S. 468. A bill for the relief of Miss Inkeri Perkkio;

S. 469. A bill for the relief of Bernard Claude Mignot;

S. 470. A bill for the relief of Peter Nicholas Pagotelis;

S. 471. A bill for the relief of George Buentipo; and

S. 472. A bill for the relief of Rachid Jabbra; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 473. A bill to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States; to the Committee on Commerce.

(The remarks of Mr. Inouye when he introduced the bill appear below under the appropriate heading.)

By Mr. INOUYE (by request):

S. 474. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize air carriers to engage in bulk air transportation of persons and property; to the Committee on Commerce.

By Mr. INOUYE:

S. 475. A bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States during peacetime; to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 476. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for an identification system for prescription drugs for human use; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Nelson when he introduced the bill appear below under the appropriate heading.)

By Mr. COOK (for Mr. Tower):

S. 477. A bill to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands; to the Committee on Armed Services.

(The remarks of Mr. Cook when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS:

S. 478. A bill for the relief of Rosa Luisa Giordano;

S. 479. A bill for the relief of Carmela LaGalia;

S. 480. A bill for the relief of Mr. Migirdic Civan; and

S. 481. A bill for the relief of Fabio Costantino; to the Committee on the Judiciary.

By Mr. PELL (for himself and Mr. Towers):

S. 482. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

(The remarks of Mr. Pell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. KENNEDY:

S. 483. A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HATFIELD (for himself, Mr. Church, Mr. Cranston, Mr. McGovern, and Mr. Proxmire):

S. J. Res. 20. Joint resolution repealing the Military Selective Service Act of 1967; to the Committee on Armed Services.

(The remarks of Mr. Hatfield when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. ANDERSON (for himself, Mr. Metcalf, Mr. McGovern, Mr. Burdick, Mr. Moss, Mr. Fannin, Mr. Montoya, and Mr. Gravel):

S.J. Res. 21. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

S. 432—INTRODUCTION OF A BILL AUTHORIZING THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE PROPOSED SALMON FALLS DIVISION, UPPER SNAKE RIVER RECLAMATION PROJECT

Mr. JORDAN of Idaho. Mr. President, on behalf of myself and my distinguished colleague Senator Church of Idaho, we introduce for appropriate reference, a bill to authorize the construction, operation, and maintenance of the proposed Salmon Falls Division, Upper Snake River reclamation project, Idaho, as described in the Secretary of the Interior's feasibility report on the project, House Document No. 91–359.

The lands of the Salmon Falls Division lie on the south side of the Snake River in southern Idaho. The landowners have been struggling for many years to wrest a living from these fertile but water deficient lands. Their immediate neighbors, whose lands are served by the Twin Falls canal system, have enjoyed the prosperity and socioeconomic benefits of a highly successful irrigation project. The plan of development proposed by the Bureau of Reclamation would offer a similar irrigation water supply to the lands of the Salmon Falls Division, which lie adjacent to but higher than the Twin Falls Canal.

The problem in this area was primarily one of finding an adequate source of water and a means of delivering it to the land. The landowners have attempted to provide their own facilities to irrigate these lands. They have drilled wells and utilized the limited surface runoff to the maximum extent, but the water supply is both inadequate and undependable, and very severe shortages, especially of late-season water, occur nearly every year.

The Snake River in southern Idaho is one of the Nation's most intensively used streams. The natural regimen of the river has been extensively altered by operation of storage reservoirs which conserve spring floodflows for irrigation season use. Only in years of above-normal runoff are there flows in the river which are surplus to existing water rights and needs. In normal years and dry years the natural and regulated flows of this reach of the Snake River are completely appropriated.

However, north of the river, under the Snake River plain, lies an enormous and productive ground water aquifer, easily capable of providing all the water needed to supplement the existing works in the Salmon Falls area so that the lands may realize their full productive capacity. The Bureau's plan would include a pumping plant near Milner Dam on the Snake River, a main canal and distribution system, and an auxiliary well field. Water would come from three major sources: existing ground water and surface water facilities within the service area; Snake River flows, when available, with regulation in existing reservoirs; and ground water pumping from an auxiliary well field to the extent needed each year to supplement the other sources.

The Secretary of the Interior's feasibility report suggests that the auxiliary well field might be developed in the North Side Canal Co.'s irrigated area north of the river to make the water required for the Salmon Falls Division available in the Snake River. The pumped water could be delivered to the North Side canals and laterals, thus reducing the quantity of water the company would need to divert from the Snake River and making that quantity of water available for use by Salmon Falls Division. Section 5 of the bill is designed to provide absolute guarantees of protection to the rights and interests of the water users if this plan for exchange of water is adopted. If it should prove to be too difficult to obtain the agreement of the North Side Canal Co.'s landowners to this plan, the Bureau's studies of alternative plans indicate that other well fields can be developed to accomplish the same purposes at no greater construction cost than the recommended plan.

The Salmon Falls Division would enhance the ecologic and environmental resources of the area. The parched lands naturally support only desert-type vegetation, and the limited use of the land under present conditions is not conducive to social and recreational activities or to desirable living conditions.

The idle lands provide some favorable habitat for upland game and birds. The plan would improve wildlife conditions by developing nonirrigable areas with small water impoundments, protective vegetation, and other habitat enhancement measures.

The landowners are practically unanimous in their support for this reclamation project, and in their willingness to operate and maintain the system when it is finished and to pay as much as they can toward the construction costs. I am very proud of these people for their industry, persistence, and patience over the years as they have tried to develop their lands and to force the desert to produce.

They deserve all the help we can give them.

I hope the Congress will see fit to enact this legislation during this session. It will provide an effective use of a land and water resource, thereby contributing to the well-being of the local, regional, and State economy and enhancing the environment. It has a favorable benefit-cost ratio, even under today's stringent criteria, and the reimbursable costs will be repaid by the beneficiaries with financial assistance from revenues derived from the Federal Columbia River power system as provided by law.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 432) to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls Division, Upper Snake project, Idaho, and for other purposes, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I join my colleague from Idaho (Mr. JORDAN) in introducing a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls Division of the Upper Snake River reclamation project.

The proposed Salmon Falls Division is located south of the Snake River in the vicinity of Twin Falls, Idaho.

Lands in the project have been farmed for many years. The Salmon tract area of the project was developed for irrigation under the Carey Act and first received irrigation water in 1910. Unfortunately, the project area has always suffered from an insufficient water supply. Records show that the existing Salmon River Canal Co., in spite of repeated and costly measures to conserve water and develop new supplies, has never had an adequate supply for its entire service area, and in a great many years less than half of the area can be adequately served.

The proposed Salmon Falls Division offers the only hope of developing a full water supply. The present supplies of the Salmon River Canal Co. would be augmented under the project plan by additional surface supplies from the Snake River and a tributary and, in times of severe shortages, through the development of ground water sources.

When a similar bill was introduced in the last Congress, concern was expressed by some of the local people, and in the comments of the Bureau of the Budget as well, about the proposal in the plan to exchange groundwater supplies for surface water now being used by irrigators north of the Snake River. Additional studies by the Bureau of Reclamation have shown that a feasible project plan can be developed without the exchange arrangement. In view of this further information the Office of Management and Budget stated that it has no objection to enactment of the bill. I am confident that the project will receive widespread local support as well.

The existing irrigation supplies to 49,400 acres will be supplemented and full supplies will be provided to 14,700 acres. The project will also offer an opportunity to enhance the habitat for upland game birds. The costs of fish and wildlife measures would be shared by the Idaho Fish and Game Department.

The Bureau of Reclamation's studies show that the plan is technically feasible and that the irrigation costs can be returned to the Treasury in full from water user payments and available hydroelectric power revenues as required by law. The project has a ratio of total benefits to costs of 2.31 to 1.00.

The economy of the project area is basically agricultural. The important communities of the area are heavily dependent upon farm produce processing plants. Irrigation is an essential factor in balanced operations, and the Salmon Falls Division will help to stabilize and expand this rural area's economic base.

Mr. President, I hope my colleagues will recognize the benefits which accrue to the Nation from the ability of small cities and rural areas to absorb population growth. I urge them to support sound development programs such as this, and hope that this measure will receive speedy and favorable action by the Senate.

S. 434—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL INSTITUTE OF EDUCATION, AND FOR OTHER PURPOSES

Mr. PROUTY. Mr. President, it is a pleasure for me as the ranking minority member of the Education Subcommittee to introduce today my first education bill during the 92d session of Congress. In doing so, I join with the President in again proposing that we establish a National Institute of Education. Those who join with me as cosponsors are Senators DOMINICK, GRIFFIN, JAVITS, PACKWOOD, SAXBE, SCOTT, and SCHWEIKER.

During March of last year, the President delivered an address calling for education reform. Among the recommendations he made at that time, was one calling for the establishment of a National Institute of Education to carry on research and development. In support of the President, I was proud to sponsor legislation that would authorize the creation of such an agency. A number of the members of the Education Subcommittee joined me then and I hope that all will do so now.

Unfortunately, action was not taken on that bill last year, even though response to this idea was quite favorable. Therefore, I am again requesting my colleagues to join in support of this measure. I do so with increased conviction that we need a centralized agency to carry out the education research that can revitalize our educational system. At the present time, our research efforts in education are fragmented and there is no focal point or coordinating body to effectively utilize what little work is being done in this area. With the creation of a unified agency related to the Office of Education, I believe we can expand our activities in educational research and, more importantly, utilize the results in a better manner.

Last year the President noted that we spent less than one-half of 1 percent of our education budget on research compared with 5 percent of our health budget and 10 percent of our defense budget. Since then, there has been little improvement. However, there has been substantive analysis of the ways in which a National Institute of Education could improve the situation. Such an analysis was conducted as a special study by the Office of Education. The final report of that study is due January 31 of this year.

Although plans for a National Institute must continually change to reflect new needs, even the preliminary findings and recommendations are helpful.

The report spells out in clear language four major areas of concern to the Institute. These are: First, pressing educational problems such as compensatory education; second, basic education R. & D.; third, education techniques and practice; and, fourth, research coordination and dissemination of information.

The need for a special agency organized to handle these concerns is also addressed in the report. We have a formal education system comprised of nearly 20,000 school districts and 2,500 institutions of higher education. Although each of these independent operational units is dependent upon new ideas and techniques for continual growth, there is no centralized source of such information or authority. Within many of these units independent attempts are made to attack the problem. However, coordination of operating programs is difficult and overall planning for long-term objectives is practically impossible. Within the Office of Education itself, research efforts are also somewhat fragmented. There is also room for better coordination with research activities conducted in other agencies.

The need is as the President stated it last year—our educational institutions "need an objective national body to evaluate new departures in teaching that are being conducted here and abroad and a means of disseminating information about projects that show promise."

I am convinced that the National Institute proposed in this bill can do the job. It would be able to conduct basic and applied research in-house with a staff nucleus of interdisciplinary experts. Present problems of insufficient staff resources would be relieved by giving the Director special authority to hire and compensate staff exempt from civil service regulations in accordance with models established by NIH and NSF. It would also conduct a major portion of its research by contract with universities, nonprofit institutions, and other organizations. It would also coordinate activities with other agencies and help set priorities for research and experimentation.

The internal structure of the Institute as envisioned in the study would reflect these program areas by consisting of three main directorates paralleling objectives one through three.

Even though such projections are only tentative, they indicate how existing fragmented efforts could be more efficiently united.

Overall, the agency would assume responsibility for research activities now conducted by the National Center for R. & D. in the Office of Education. As a separate agency, the NIE would complement the operational programs run by the Office of Education. Led by an executive level V Director, the NIE would have a distinct organizational identity to enhance its visibility and flexibility. Coordination with OE would be assured by delegating responsibility for the NIE within HEW to the Commissioners of Education. A National Advisory Council of distinguished scientists, educators, and laymen would also insure that educational research in the Institutes achieves a high level of sophistication and efficiency consistent with its goals.

Mr. President, it is a great tragedy that there is still so much we do not know about the learning process itself. Education is the key to equal opportunity and to an open democracy. We cannot tolerate continual inefficiency and timelags in knitting new ideas and techniques into practice. We need to concentrate our efforts on improvement of the educational system and money alone will not help. As we increase our research expenditures in the future, we must be sure to have a mechanism capable of absorbing and directing this growth. I believe the National Institute of Education proposed can help us to take these steps forward. I ask unanimous consent at this time to have the bill, a section-by-section analysis, and other material relating to the bill included in the Record after my remarks.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis and other material relating to the bill will be printed in the Record.

The bill (S. 434) to establish a National Institute of Education, and for other purposes, introduced by Mr. Prouty, for himself and other Senators, was received. read twice by its title, referred to the Committee on Labor and Public Welfare and ordered to be printed in the Record, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Education Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress hereby declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or economic status. Although the American educational system has pursued this objective, it has not attained it. Inequalities of opportunity to receive high quality education remain pronounced. To achieve equality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process. The purpose of this Act is to establish a National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the Nation.

ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

Sec. 3. (a) There is established in the Department of Health, Education, and Welfare a National Institute of Education (hereinafter referred to as the "Institute"). The Institute shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate. The Director shall perform such duties as are prescribed by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary").

(b) Section 5316 of title 5, United States Code, relating to positions in Level V of the Executive Schedule, is amended by adding the following paragraph at the end thereof: "Director, National Institute of Education, Department of Health, Education, and Welfare."

FUNCTIONS OF THE INSTITUTE

Sec. 4. The Secretary, through the Institute, shall conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this Act the term "educational research" includes research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education.

EMPLOYMENT OF PERSONNEL

Sec. 5. The Secretary may appoint and compensate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND DEVELOPMENT

Sec. 6. (a) The President shall appoint a National Advisory Council on Educational Research and Development which shall—

(1) review and advise the Secretary and the Director on the status of educational research in the United States, and present to the Secretary such recommendations as it may deem appropriate for the strengthening of such research and the improvement of methods of collecting and disseminating the findings of educational research;

(2) advise the Secretary and the Director of the Institute on the development of programs to be carried out by the Institute and on matters of general policy arising in the administration of this Act;

(3) conduct such studies as may be necessary to fulfill its functions under this section; and

(4) prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary shall transmit to the President with such recommendations as he may make.

(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of 15 members appointed for terms of three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office shall begin upon enactment of the Act, and shall expire as designated at the time of appointment, five at the end of three years, five at the end of two years, and five at the end of the first year. One of such members shall be designated by the President as Chairman. Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates to be determined by the Secretary, but not exceeding the per diem equivalent for GS–18 for each day so engaged, including travel time and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Director of the Institute shall also serve on the Council ex officio.

(c) The Secretary shall provide to the Council such professional, clerical, and other assistance as may be required to carry out its functions.

(d) The Council is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, to employ and fix the compensation of such personnel as may be necessary to carry out its functions.

The Council is further authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, and it may enter into contracts for the conduct of studies and other activities necessary to the discharge of its duties.

GENERAL PROVISIONS

Sec. 7. (a) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution, in accordance with agreements between the Secretary and the head thereof, on a reimbursable basis or otherwise.

(b) Payments under this Act to any individual or to any organization, institution, or agency may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) The Secretary is authorized to accept gifts to the Institute and to apply them to carry out his functions under this Act; and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(d) Funds available under this Act shall be available for transfer to any other Federal department or agency (including constituent agencies of the Department of Health, Education, and Welfare) for use (in accordance with an interagency agreement) by such agency (alone or in combination with funds of that agency) for purposes for which such transferred funds could be otherwise expended by the Secretary under this Act, and the Secretary is likewise authorized to accept and expend funds of any other Federal agency for use under this Act.

(e) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-

5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

APPROPRIATIONS AUTHORIZED

SEC. 8. There are authorized to be appropriated for the fiscal year ending June 30, 1972 and for each fiscal year thereafter, such sums as may be necessary to carry out this Act, which shall remain available until expended.

The material submitted by Mr. PROUTY is as follows:

SECTION-BY-SECTION ANALYSIS OF NATIONAL INSTITUTE OF EDUCATION ACT

SECTION 1. SHORT TITLE

Section 1 of the bill provides that this legislation may be designated by the short title of "National Institute of Education Act".

SECTION 2. FINDINGS AND DECLARATION OF POLICY

Section 2 declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. In order to further this purpose the bill would establish the National Institute of Education to conduct and support educational research, and disseminate educational research findings throughout the Nation.

SECTION 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF EDUCATION

Section 3 would establish a National Institute of Education within the Department of Health, Education, and Welfare, under a level V Director appointed by the President with the advice and consent of the Senate.

SECTION 4. FUNCTIONS OF THE INSTITUTE

Section 4 would direct the Secretary, acting through the Institute, to conduct, and collect and disseminate the findings of, educational research (defined to include research, planning, surveys, evaluations, investigations, developments, and demonstrations in the field of education); to train individuals in such research; to aid such research through grants to, or other appropriate arrangements with, public or private organizations or individuals; and to promote the coordination of educational research and research support within the Federal Government. The section would also authorize the Secretary to construct or provide for the construction of facilities required to accomplish the bill's purposes. The Secretary may procure through appropriate contract any of the functions (such as conduct of research) that the section would instruct him to perform directly.

SECTION 5. EMPLOYMENT OF PERSONNEL

Section 5 would authorize the Secretary to appoint and compensate, without regard to the civil service and classification laws, such technical and professional personnel as he deems necessary to accomplish the functions of the Institute. The provision is modeled upon 42 U.S.C. 1873(a), which provides a similar authority to the Director of the National Science Foundation. It is contemplated that one way the Secretary will make use of this authority is to appoint persons of distinguished qualifications in the field of education, or in a field having application to education or research, as Fellows of the National Institute of Education.

SECTION 6. NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND DEVELOPMENT

This section would provide for the establishment of a National Advisory Council on Educational Research and Development. The Council would advise the Secretary and the Director of the Institute on the status of educational research in the United States, and present appropriate recommendations to the Secretary with respect thereto, as well as advise the Secretary and the Director on the development of programs to be carried out by the Institute and on matters of general policy arising in the administration of the bill. The Council would also prepare an annual report to the Secretary on the current status and needs of educational research in the United States, which the Secretary would transmit, with his recommendations, to the President.

SECTION 7. GENERAL PROVISIONS

Section 7 contains general administrative provisions which include authority in the Secretary to utilize the services and facilities of the Federal Government and of public or non-profit private agencies or institutions, authority to accept gifts, and a provision making the Davis-Bacon Act applicable to construction projects assisted under the bill.

SECTION 8. APPROPRIATIONS AUTHORIZED

The bill would authorize to be appropriated for the fiscal year June 30, 1972, and thereafter, such sums as may be necessary, which would remain available until expended.

NATIONAL INSTITUTE OF EDUCATION ACT

The Act would create a high level new agency in the Department of HEW devoted to research and development in education: The National Institute of Education. The Institute would have authority to carry out a wide range of research and related activities: research, development, demonstration, dissemination, planning, evaluation, researcher training, construction, and coordination among other agencies. Public and private agencies and individuals of all varieties are eligible for funds.

The bill makes special provision for a high level director and staff:

An Executive level V Director, Presidentially appointed with advice and consent of the Senate;

A staff which may, at the Secretary's discretion, be exempt from regular civil service requirements;

A Presidentially appointed National Advisory Council on Educational Research and Development to advise on policy issues.

Funds available to the Institute could come from several sources:

The authorization of such sums as may be necessary for each fiscal year beginning with FY 1972;

The authority allowing the Secretary to accept gifts to the Institute;

The authority allowing transfer of funds from other Federal agencies to the Institute. The Institute may also transfer its funds to other agencies for the purposes of the Act.

THE NATIONAL INSTITUTE OF EDUCATION

In March 1970, the President called for the creation of a National Institute of Education as a "focus for educational research and experimentation in the United States." Pointing to the pressing need for reform and revitalization in American education, the President declared, "As a first step toward reform, we need a coherent approach to research and experimentation. Local schools need an objective national body to evaluate new departures in teachings that are being conducted here and abroad and a means of disseminating information about projects that show promise."

Our system of educational research and development has produced a number of important breakthroughs affecting the state of education. And yet research and development in education has never received enough attention to make it the full partner for progress our schools need so poignantly. In comparison to health research for example, it has commanded meager resources and recruited but a small community of researchers.

Since 1959, the Nation has spent less than $1 billion on educational research—and $14 billion on health research.

Today research and development receives barely three percent of the education dollar—and 4.6 percent of the health dollar.

In 1968, the number of man-years devoted to research and development came to 5,390 in education—and 59,500 in health.

The number of researchers working on education is only four or five thousand—and 30,000 receive support from the National Institutes of Health.

Insufficient resources and personnel have not been the only hindrances to a vigorous educational research and development effort. Education researchers have traditionally been associated with psychology, sociology, and the like—few have been drawn from a range of other disciplines now understood to have particular relevance to education—physiology, chemistry, computer sciences, statistics, etc. Education research has been concentrated too heavily on a few university campuses—most of it has been conducted in some 200 such institutions. Very little has emerged from other kinds of institutions.

Finally, education research has lacked the leadership of its own national agency with high visibility and favored institutional status. The creation of a National Institute of Education would place leadership in just that kind of agency.

The Institute would have power to carry on a broad range of research and development activities, including most of those now carried out in the Office of Education's National Center for Educational Research and Development. The new agency would be placed within the Department of HEW as an entity separate from the Office of Education. Although responsibility for it would be delegated to the Commissioner of Education for coordination purposes, the Institute's distinct organizational identity would permit it special visibilty and flexibility.

The Institute would be led by an Executive level V director, to be appointed by the President and confirmed by the Senate. A National Advisory Council on Educational Research and Development, also Presidentially appointed, would bring together prominent representatives of education, research, science, business, and the public to advise the Director on Institute policy.

The Director would have special authority to hire and compensate staff exempt from civil service regulations. This would permit the Institute to evolve the kind of special staffing patterns other outstanding reasearch and development agencies such as National Science Foundation and the National Institutes of Health have found so successful in attracting top researchers. For example, this civil service exemption will allow distinguished scholars and educators whose permanent career commitments are to universities or school systems to serve at the Institute on a short-term basis.

Most of the activities now vested in National Center for Educational Research and Development would be the complete responsibility of the Institute. The NIE would take responsibility for basic research and development, research and development centers and regional education laboratories, researcher training, and experimental schools. In addition to these activities, the NIE would conduct a small portion of in-house research. And the new agency would devote more resources to exploring radically new approaches to education's critical problems. The Office of Education would probably retain responsibility for education, policy research relating to OE programs, statistical gathering, some demonstration, and a share of dissemination activities serving both agencies.

An increase in funds for educational research and development would accompany establishment of the NIE. $90 million is now spent under the Cooperative Research Act. In FY 1973, the first year of the Institute's full operation, the agency's budget is expected to begin at $150 million rising to about $250 million in five years.

In conclusion, the NIE will have special qualities enabling it to exert leadership for a more vigorous and effective educational research and development system. Its high level directorship will allow it particularly distinguished leadership. Its personnel authority and separation from the Office of Education will allow the Institute flexibility in evolving patterns of staffing and operation suited to a successful research and development agency. And its visibility as a new and distinct agency will help it to draw national attention to itself and, in the process, to progress in educational research.

Undoubtedly, these changes will come gradually, quietly; we cannot ask more. Without taking the giant forward step of creating a National Institute of Education, we can expect little impetus for far-reaching improvements in the capacities of educational research and development, and in our capacity to find better methods to educate Americans.

S. 436—INTRODUCTION OF A BILL TO ALLOW A TAX CREDIT AGAINST INCOME TAX TO INDIVIDUALS FOR CERTAIN EXPENSES INCURRED IN PROVIDING HIGHER EDUCATION

Mr. HOLLINGS. Mr. President, the future of America is, I believe, directly dependent upon the education of its citizens. As our population grows, more and more demands are made for an educated people to meet the challenges of our complex society. As our standard of living increases, more and more people are demanding to be educated. But our Nation faces one of the greatest financial anomolies of our time. Although more people need to be educated and want to be educated, we do not have the financial wherewithal to accomplish it.

College age students throughout our Nation are faced with the prospect of not being able to pursue higher education because their parents simply cannot afford the financial burden; banks are not granting educational loans because they can get better interest rates elsewhere, and the cost of education continues to soar. The cost of education will continue to grow. As high as college expenses are at the present, the amount to cover tuition and fees now covers, on the average, only one-third of the total instructional cost for 1 year at a private college and only one-fourth of these costs at a public college.

Clearly, without endowments, public funds, contributions from alumni and private foundations, most of our institutions of higher learning would be financially bankrupt. Long overdue pay increases for college professors and instructors and the rising cost of constructing new buildings increase total cost factors. The increasing number of high school graduates from lower income brackets are demanding a college education, which in turn absorbs immense amounts in the form of scholarships and loans. While private donations are rising, they still do not meet the demand. In 1969, three out of every four colleges raised their tuition to meet these costs. The institutions cannot possibly absorb the greater share of these costs. Consequently, parents and students must shoulder the burden of these educational expenses.

Crippling inflation has in many cases wiped out long-term savings plans of parents for the college education of their children. High interest rates and tight money preclude adequate student loan programs. In my own State of South Carolina there are 56,000 students enrolled in higher education, which is 3,000 higher than the year before. I have literally hundreds of letters in my files from students and parents complaining that they will not be able to continue their education without the benefit of some financial assistance. I am sure that this experience is true throughout the Nation. The most frightening fact, in reality, is that educational costs are spiraling above the normal increases in the cost of living, and higher than average wage earner's salary.

Today I am reintroducing a bill which I feel offers a realistic step in solving some of the financial problems relating to higher education. It is clearly within our national means to achieve. This bill would embody the elements of tax reform and relief by permitting a tax credit for money spent on higher education. It would have the merit of removing some of the demands on existing Federal and private loan, grant, and scholarship programs. I do not believe that strong argument will be found against the proposition that the future of America rests in the minds and abilities of her youth. If this country, through its economic policies, permits a condition to exist which precludes college education even to middle-income families, we have taken a backward step in preparing for our future. To those who would argue that such a plan would cut the Federal budget as another expenditure, I would suggest to them that it is an investment we cannot afford to ignore. Although we have over 8 million people enrolled in institutions of higher learning, at this present minute there are literally hundreds of thousands more who would like to be so engaged but are financially precluded. Certainly the likelihood of a young man or woman attending college is directly related to family income. On the other hand, when the family is faced with the prospect of spending in excess of $15,000 for a 4-year education per child, it is unrealistic to imagine that a population can continue to maintain the staggering financial burden for college education.

Mr. President, unless we take such measures to adequately prepare today's youth for tomorrow's leadership, we will be depriving our Nation of the substance that has helped to make this Nation great. It is incumbent upon the Congress to not only recognize the problem, but affirmatively act to solve it.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred.

The bill (S. 436) to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. Hollings, was received, read twice by its title, and referred to the Committee on Finance.

S. 438—INTRODUCTION OF A BILL TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. HOLLINGS. Mr. President, I am introducing a proposal similar to one which I introduced last session (S. 4096), but which the Senate was not able to consider owing to shortness of time. My proposal is for a simplification of the manner in which public eating places notify patrons when they serve margarine which is colored yellow. This involves a small, but, I believe, useful change in the Federal Food, Drug, and Cosmetic Act, one which will benefit all parties concerned.

The present law requires that an eating place do two things to notify patrons when it is serving yellow margarine. It must post a sign on the wall or make a statement in the menu, and it must identify each serving by appropriate labeling or by a triangular shape.

I know of no other law, Federal or State, which requires such a double notification. Single notification should be ample. My bill, like that of the last session, would simply require that any single one of three forms of notice must be followed.

Margarine has become an established food in the American diet. Per person consumption of margarine is estimated by the Department of Agriculture to reach 11 pounds this year; that of butter, 5 pounds. One reason for the increasing need for and use of margarine is that butter consumption has been generally decreasing as our dairy farmers have found better markets for their milk in fluid milk, cheese, and ice cream. Another reason is that butter is price supported and is, therefore, not actively competitive with margarine in the consumer market. The average retail prices of margarine and butter in principal cities for the period January–November 1970 is reported by the Bureau of Labor Statistics to have been 30 cents and 87 cents, respectively.

Certainly, we all take pride in the growth of our modern dairy industry. It is one of our basic agricultural enterprises. Milk is one of the basic foods used by man. My proposal in no way is intended to burden the marketing of dairy products. I believe it is a step toward easier and, therefore, improved compliance and enforcement of the margarine notice law.

The status of margarine is vastly different now from what it was when the existing law was enacted in 1950. Margarine has become the leading table spread, used by most American families. In recent years, it has drawn the recommendation of many physicians for certain dietary purposes. At the same time, many more Americans than ever before are taking their meals out. The American restaurant business is preparing and serving a larger proportion than ever before of the meals Americans consume.

The double notice in the Federal law stems from a desire in Congress to assure that patrons would be informed as to whether they were receiving margarine or butter. Some prefer one, some the other, and the aim was to inform. However, the double notice has been difficult to enforce. Undoubtedly, many restaurant managers have been confused by it. It is an unnecessarily complicated way of achieving the object of notification. As such, it is a burden on those eating places which for one reason or another may wish to make margarine available to patrons. To the extent that it discourages eating places from making this particular food available to patrons who desire it, it is burdensome to consumers. It cannot be said that the Federal double notice has been very successful.

We are in an era of increasing consideration of consumer protection. During the past several years Congress has considered much labeling legislation and has approved important changes in our laws. Not once has any one suggested double labeling or double notice for any product. It does not make sense. On the contrary, a real objective has been to seek the greatest possible uniformity between Federal and State laws, so as to make consumer information simpler to provide and easier for consumers to use.

In this respect the double notification requirement for margarine is not uniform. It is obsolete. Most States have a legal requirement in this specific area and must have found some single form of notice sufficient. Several, in the course of making basic changes in their margarine laws after the old Federal taxes were removed in 1950, as a subordinate consideration and mainly for legislative convenience adopted the double requirement. But most States saw no reason to do so. The result is an even greater complication of one area of consumer protection law.

The enforcement agency, the Food and Drug Administration, in a hearing on August 10, 1970 by the House Interstate and Foreign Commerce Committee on a similar proposal, (H.R. 12061) concurred with the single notice change. Indeed, the agency is seeking to encourage States to enforce this part of the Federal law as a part of its effort to improve enforcement generally. The result is that most States find they must enforce the Federal double requirement on top of their own single requirement.

My bill would initiate simplification at the Federal level. I am sure that those States with single notice will be helped in their enforcement by this change, and that those with double notification will feel freer to go to single notification if they believe this will be advantageous to consumers.

The bill I am introducing differs from the one I introduced last session in one particular: it allows the restaurant manager to use any one of three notices—wall sign, menu notice, or identification of serving. It does not include the option to use, also, triangle-shaped servings. I am dropping the triangles in concurrence with the decision of the House.

I recognize that there are some who wish to expand the area of the Federal law to extend notification to other products. I am sure such proposals will receive careful consideration. However, my proposal is concerned only with margarine, and I urge it be kept separate and distinct, and on its own merits. The margarine law, itself, should not be modified to include other products. It is a very special law, and there are basic differences between margarine and other products which are generally classed as nondairy or imitation.

First. Margarine is a food with a long-established Federal definition and standard of identity. The products usually referred to as nondairy or imitation have no such legal basis. Margarine is in law and in modern acceptance not nondairy or imitation but margarine or oleomargarine. This is an important distinction in consumer law and should be maintained.

Second. Margarine is a staple food in wide use for many years. Its form, packaging, and functions are relatively simple and clearcut. The terms "nondairy" or "imitation" are blanket terms to cover a considerable variety of products. They are completely different from margarine in form and function. Their consumption importance is not comparable.

Third. Margarine notification is well founded in Federal and in most State laws. The product itself is the subject of special laws in most States which spell out labeling, packaging, composition, and other aspects in detail. There is no such comparable body of regulatory law for these and other products. State laws in this area are difficult to rationalize in a uniform sense; they appear to range from outright prohibitions to ordinary regulatory measures. Perhaps this subject deserves more study before any Federal legislation is enacted. At any event, to bracket such products with margarine in Federal law is to introduce complexity and possibly confusion.

For these reasons I earnestly urge those who wish to propose regulation of these other products to keep them separate from the margarine law. They will receive careful consideration as a separate subject, which indeed they are.

This bill is a simple, technical change which has three objectives: First, to provide better consumer protection by making the law easier to comply with and to enforce, second, to simplify in one respect the burden of regulations on our expanding and important eating-out industry, and third, to encourage uniformity in Federal and State regulation in this area.

Mr. President, I ask unanimous consent that certain portions of Report No. 91–1526 issued September 29, 1970, from the House Committee on Interstate and Foreign Commerce concerning H.R. 12061 be printed in the Record, together with the bill I now introduce.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill and portions of the report will be printed in the Record.

The bill (S. 438) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes, introduced by Mr. Hollings, was received, read twice by its title, referred to the Commitee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407(c) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347(c)), is amended by deleting the language thereof and substituting the following:

"(c) No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place, or (2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine."

The material presented by Mr. Hollings is as follows:

OLEOMARGARINE IDENTIFICATION IN PUBLIC EATING PLACES

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 12061) to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, beginning on line 8, strike out ", or (4) each separate serving thereof is triangular in shape".

PURPOSE OF LEGISLATION

The purpose of this legislation is to provide for adequate notice to patrons of public eating places that colored oleomargarine is being served.

CHANGES IN EXISTING LAW

Under the existing provisions of Section 407(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 237(c)), a public eating place is required to give dual notice that colored oleomargarine is being served. (1) The restaurant must display either a conspicuous sign stating that colored margarine is served or have a statement on the menu to that effect, and (2) the establishment must also mark each individual serving of colored oleomargarine or cut each individual serving into triangular shapes.

The bill does not eliminate the Federal requirement of notification; it merely simplifies the required notification by replacing the present dual-notice requirement with a single-notice requirement.

COMMITTEE AMENDMENT

Your committee agrees that simplification of the notice requirement that colored oleomargarine is being served to customers in a public eating place is desirable. The present requirement of dual notice makes enforcement unnecessarily complicated and is not needed to adequately inform customers. It is also hoped that simplification of the Federal requirement will encourage uniformity among the various State laws on this subject.

The bill, as introduced, would have required a single notice to customers by any one of the four methods set forth in existing law. In the course of its deliberations, however, your committee concluded that servings of colored oleomargarine in triangular shape would not alone serve as adequate notice to the customer that eleomargarine was being served. Therefore, your committee amended the bill to remove the fourth alternative type of notice.

The bill, as amended, provides that the notice to the customer that the eating establishment is serving colored oleomargarine should be given by any one of three methods: (1) a notice displayed prominently and conspicuously in the eating establishment and in such manner as to be likely read and understood; or (2) a notice on the menu set forth in type or lettering not smaller than that normally used to designate the serving of other food items; or (3) a label on each separate serving identifying it as oleomargarine.

HEARINGS

Hearings were conducted by the Subcommittee on Public Health and Welfare on August 10, 1970. All interested persons were given an opportunity to be heard and a number of additional statements in support of this legislation were filed for the record. All witnesses who testified or who submitted statements supported this legislation.

AGENCY REPORTS

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 10, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of June 13, 1969, for a report on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act, and for other purposes."

This Department recommends that the bill be passed.

The bill provides for the identification of colored oleomargarine, when served at a public eating place, by:

1. A prominently displayed notice;
2. A notice on each menu;
3. A notice on each individual serving; or
4. Cutting individual servings into triangular shapes.

The present act requires identifying colored oleomargarine served in restaurants by:

1. A prominently displayed notice or a notice on each menu; and
2. A notice on each individual serving or by cutting individual servings into triangular shapes.

The bill would allow restaurants to use any one of the four identification options. We feel this is adequate to protect the public from being misled or deceived.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., February 4, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This in in response to your request for the views of the Bureau of the Budget on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act, and for other purposes."

The bill would permit restaurants to give notice that oleomargarine is being served by one of four alternatives: (1) displaying a conspicuous notice; (2) printing a notice on the menu; (3) identifying each separate serving with a label; or (4) serving each portion in triangular shape. Section 407(c) of the Federal Food, Drug, and Cosmetic Act presently requires that notice be given by one of the first two alternatives and additionally by one of the second two alternatives.

Reports on H.R. 12061 are being forwarded to your committee by the Department of Agriculture, Commerce, and Health, Education, and Welfare.

In its report HEW indicates that any of the first three alternatives should adequately protect the consumer. It recommends, however, against the inclusion of the fourth alternative since it doubts that this option alone sufficiently informs the customer that he is being served oleomargarine.

We concur generally in the views of the Department of Health, Education, and Welfare on the bill.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

DEPARTMENT OF COMMERCE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., March 23, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department with respect to H.R. 12061, a bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes.

H.R. 12061 would amend the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 347(c), as amended); that act presently requires the server to identify colored oleomargarine or margarine served at a public eating place by following two of the four identification methods specified in the act. Either a notice that oleomargarine or margarine is served must be prominently and conspicuously displayed or this information must be printed on the menu. In addition, the margarine or oleomargarine must either be labeled as such or be served in a triangular pat shape. These provisions were enacted as part of the so-called 1950 oleomargarine amendments to the Federal Food, Drug, and Cosmetic Act to protect the consumer from having margarine substituted for butter with no identification of the substitution provided (U.S. v. 856 cases, labeled "Demi", D.C.N.Y., 1966, 254 F. Supp. 57). H.R. 12061 would require a server to comply with only one of these four provisions, rather than a combination of two of the four.

The Department of Commerce has no objection in the enactment of H.R. 12061.

We understand that there is less concern today than previously as to the need for identifying oleomargarine and margarine in a public eating place. The use of margarine has reached an increasingly high degree of acceptance by the consuming public because of such considerations as price, improvement in the product, and the belief that margarine has a lower cholesterol count than butter.

The extent to which public eating places would choose to use the triangular shape for margarine pats as the sole means of identification is difficult to determine. (This is the only one of the four alternatives that does not identify margarine in writing.) Consumers, as yet, may not be generally aware that the triangular shape of pats signifies margarine.

On balance, however, we believe that requiring notification by any of the four alternatives should afford reasonable protection to those persons who wish to know if margarine rather than butter is being served.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

JAMES T. LYNN,
General Counsel.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 20, 1970.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of June 13, 1969, for a report on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act" concerning the serving of oleomargarine in public eating places.

This bill would provide that no person shall serve colored oleomargarine or colored margarine at a public eating place, regardless of whether there is a charge, unless (1) a notice that oleomargarine or margarine is served is displayed conspicuously, or (2) a notice that oleomargarine or margarine is served as set forth in the menu in type not smaller than that used to list other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (4) each separate serving is triangular in shape.

Section 407 of the Federal Food, Drug, and Cosmetic Act presently requires a dual notice to restaurant customers that margarine is served. A restaurant may use either a conspicuous sign or a menu statement, in conjunction with either serving portions with labeling identifying the article as margarine or serving portions which are triangular in shape.

H.R. 12061 would amend the Act to permit restaurants to choose any one of the four ways stated above to give notice that margarine is served, rather than the two options now required.

We would have no objection to amending the Act to require only a single notice in restaurants that margarine is served. A prominently displayed sign, a conspicuous notice in the menu, or labeling stamped on or accompanying individual portions should adequately protect the customer against deception. However, we would recommend against inclusion of the fourth option, i.e., serving individual portions which are triangular in shape. We doubt that this option alone sufficiently informs the customer that he is being served margarine.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration program.

Sincerely,

ROBERT H. FINCH,
Secretary.

S. 440—INTRODUCTION OF A BILL TO INCREASE EARNINGS ALLOWED WITHOUT PENALTY TO SOCIAL SECURITY BENEFITS

Mr. CHILES. Mr. President, my face-to-face contact with many thousands of people in my home State of Florida, a State with a large number of retirees, has strongly reinforced my conviction that we must increase the amount of money an individual may earn without being penalized on his social security payments. I am convinced this situation has reached the critical stage for our elderly citizens. Therefore, I am introducing today a bill which would allow an annuitant to earn $3,000 per year, as compared to the present amount of only $1,680, without suffering deduction from his benefits. I would hope we could act expeditiously on this matter in the interest of our senior citizens.

It seems to me that our present requirements severely discourage people from working who want to work and need to work. It is difficult, if not impossible, for our retirees to exist on their small fixed incomes. It is not fair to ask them to forfeit the social security benefits they have earned; it is not fair to suffer the indignity of living without even the necessities. We cannot ignore the fact that while these people have only small fixed incomes, today's living costs continue to spiral.

Another factor of almost equal importance is that these restrictions on social security earnings are causing us to lose valuable talents that could benefit business and industry and discourage the concept of self-sufficiency, a concept we should be encouraging in every possible way.

Mr. President, the bill I am introducing is intended to at least ease these conditions. It is little enough that we allow our elderly to work at an honest job and earn up to $250 per month without losing some of their social security benefits. It is my sincere and earnest hope that this legislation will gain necessary attention from and action by my colleagues to provide deserved relief for our senior citizens.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 440) to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. CHILES, was received, read twice by its title and referred to the Committee on Finance.

S. 446—INTRODUCTION OF A BILL TO ESTABLISH THE NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

Mr. HOLLINGS. Mr. President, I am introducing today a bill to establish a National Advisory Committee on the Oceans and Atmosphere. This bill would establish a committee of 21 members, to be appointed by the President and drawn from State and local government, industry, science, and other appropriate areas. Members would serve 3-year terms. The committee would undertake a continuing review of marine and atmospheric science and service programs of the United States, advising the Secretary of Commerce with respect to the program's purpose of the National Oceanic and Atmospheric Administration. My bill calls for an annual report to the President assessing the status of the Nation's marine and atmospheric activities. And if the President requests, other reports may be submitted by the Committee from time to time.

Mr. President, the National Oceanic and Atmospheric Administration was established pursuant to Reorganization Plan No. 4 of 1970, and came into effect on October 3, 1970. NOAA brings together the principal civilian agencies of the Federal Government involved with increasing our knowledge and use of the marine environment and its resources. While the recommendation for such an agency originated with the Commission on Marine Science, Engineering, and Resources, it is to the special credit of the Nixon administration that they saw the worth of the recommendation and took the action to put it into effect.

In submitting his Reorganization Plan No. 4, the President recognized the importance of establishing an advisory group to NOAA. The President stated that, upon approval of Reorganization Plan No. 4 he would request the Secretary of Commerce to establish a National Advisory Committee on the Oceans and the Atmosphere. Those of us in the Senate and the House of Representatives who have been supporting the efforts to create a strong national oceanic and atmospheric program have felt that the Advisory Committee should have a statutory foundation, and that the members of the committee should be appointed by the President in order to attract men of the highest caliber and professional qualifications. The bill that I introduce has been endorsed by the administration. It has been drafted in a spirit of bipartisan cooperation to insure the enactment of legislation that will fulfill the recommendations of the Commission on Marine Science, Engineering, and Resources and of President Nixon.

Mr. President, this Nation's involvement in the oceans is a partnership between many elements of government, both Federal, State, and local, of industry, conservation interests, and many other private organizations. Each is contributing substantially to the fulfillment of the promise of the oceans, each has a significant role to play in the future. The National Advisory Committee will provide a mechanism for interchange of views between the Federal Government and the broad national marine community. Periodic appointment of new members at 3-year intervals will insure that fresh ideas are available to the Secretary of Commerce and to the National Oceanic and Atmospheric Administration. The establishment of NOAA and the Advisory Committee is a first step toward a coordinated national oceanic and atmospheric program which promises to pay great dividends for the United States.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 446) to establish the National Advisory Committee on the Oceans and Atmosphere, introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Commerce.

S. 453—INTRODUCTION OF A BILL TO ACCORD TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS THE SAME TARIFF TREATMENT AS IS PROVIDED FOR INSULAR POSSESSIONS

Mr. INOUYE. Mr. President, the neglect of our responsibilities to the citizens of the Trust Territory of the Pacific Islands has been a shameful chapter in our history. Their welfare has been entrusted to the United States, but except for recent periods of concern, their needs have been ignored and forgotten.

We have a special obligation to the inhabitants of the Trust Territory of the Pacific. Under a United Nations mandate, we are responsible for the welfare of the people there. Many, if not most, Americans are probably unaware that the United States even has a trusteeship for this vast area. Fewer still know that we have not fulfilled our fiduciary responsibilities in a manner that befits the wealthiest and most powerful nation in the world. The economy of the scattered islands is poorly developed, as are educational and sanitation facilities.

As a first step to remedy that situation, I am today introducing a bill to exempt most goods of the trust territory from the tariffs and duties now imposed on such goods entering the United States from this area. American Samoa, Guam, and the Virgin Islands currently enjoy tariff preferences for the entry of their goods into the United States. A proposal to treat the trust territory similarly has been made in previous Congresses but has always failed to be enacted. Equal treatment for the people of the trust territory is long overdue, and I urge expeditious consideration of this bill.

The trust territory has few duties, and these apply only to specific commodities such as tobacco, liquors, and petroleum. Of the $13,572,052 imported into the trust territory in fiscal year 1968, the American share was approximately 50 percent. Trade is not a one-way street, and reciprocal treatment of trust territory products is only just.

Concern in the past has been expressed about the possibility that tariff preference areas will become an assembly point for foreign produced goods, thereby giving them an advantageous position in the American market. To prevent this, the bill would provide for a 50 percent foreign materials limitation on the duty free goods imported into the United States. Similar restrictions exist on goods imported from Guam and the Virgin Islands.

We can demonstrate our intent to fulfill our obligation to the people of these islands and to end the neglect which has marred our past relationship. The time to act is now.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 453) to amend the Tariff Schedules of the United States to accord to the Trust Territory of the Pacific Islands the same tariff treatment as is provided for insular possessions of the United States introduced by Mr. INOUYE, was received, read twice by its title and referred to the Committee on Finance.

S. 455—INTRODUCTION OF A BILL TO ALLOW A DEDUCTION FROM GROSS INCOME FOR CERTAIN EXPENSES INCURRED IN THE ADOPTION OF A CHILD

Mr. INOUYE. Mr. President, today I am introducing for appropriate reference a bill that would permit a taxpayer who adopts a child to receive a deduction from gross income for the medical, legal, and other expenses incurred in the adoption process to a maximum of $1,000.

This bill is being introduced to equalize tax treatment of parents who expend funds in having children. Natural parents are allowed a deduction on all medical expenses in having a baby. However, a taxpayer who adopts a child may not treat his expenses in a similar manner. Enactment of this bill would only be a matter of equity.

Under this bill, the taxpayer may deduct up to $1,000 for expenses incurred in accordance with applicable State or Federal laws. These include social or adoption agency fees, court costs, attorney's fees, and other necessary expenses. In some cases these costs can be prohibitive; 10 percent of income is not unusual. For young families these expenses can be sufficient to deter adoption since they usually face other financial obligations.

In addition to equitable tax treatment, this bill would also have the desirable effect of encouraging adoptions. On the whole, the number of adoptions lags behind the number of children available. This problem is particularly serious among minority groups. By increasing the number of adoptions, we can also relieve city and State adoption agencies of the high costs of raising a child in foster homes or institutions.

This measure is a companion bill to that introduced by Representative CLEMENT ZABLOCKI. The bill has received the endorsement of numerous adoption agencies throughout the Nation. I hope that Congress gives this bill serious study and favorable consideration in this session.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 455) to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer, introduced by Mr. INOUYE, was received, read by its title, and referred to the Committee on Finance.

S. 460, S. 461, AND S. 462—INTRODUCTION OF BILLS RELATING TO THE TERRITORY OF GUAM

Mr. INOUYE. Mr. President, the territory of Guam has been a U.S. possession since 1898 and became an organized, unincorporated territory in 1950, when Congress enacted the Guam Organic Act. At that time Guamanians became U.S. citizens and were granted certain powers of self-government. A 21-member unicameral legislature biennially elected at large, passes laws on local matters. However, Guam does not have a Representative in the U.S. Congress, although it does have an official, elected representative to serve as a liaison between the people of the territory and the Congress. In November 1970 the citizens of Guam voted for their first popularly elected Governor and Lieutenant Governor.

All these events have been evidence of the growing political maturity of Guam. I am happy to see that increasing attention and assistance are given to Guam, but the people of Guam are still being denied the benefit of a number of laws which other citizens of the United States enjoy. The people of Hawaii can understand well the difficulties which Guamanians face, for we also labored for many years under the burdens placed upon us as inhabitants of a territory.

Today I am introducing three bills to correct a number of inequities Guam's citizens face. The first bill would provide for a Territorial Deputy to represent Guam in the House of Representatives. The Deputy must be 25 or older, a qualified voter of Guam, a resident of the territory for at least 5 years prior to the election. Furthermore, he may not be a candidate for any other office at the election in which he seeks election as Deputy and may not have been convicted of a felony unless he has received a pardon. Guam's Deputy would receive the same privileges of the Resident Commissioner for Puerto Rico except for staff size and staff salaries. I believe that it is only just for citizens of the United States to have representation in the Congress which passes the fundamental laws by which their lives are governed.

My second bill would extend to Guam the provisions of the Davis-Bacon Act. This act provides that laborers and mechanics employed on the construction or repair of public buildings of the United States and the District of Columbia be paid what is known as the prevailing wage in the area. This bill would include the territory of Guam under the coverage of this act. When both Hawaii and Alaska were territories, the provisions of the Davis-Bacon Act were extended to them in June 1940. The workingmen of Guam deserve no less consideration from the Congress.

My third bill would include Guam under the national unemployment compensation program that is administered by the Federal Government. Hawaii and Alaska benefited from this act at the start of the program. I have received a petition from the 10th Guam Legislature requesting that Guam be included under this program. The cost of this measure to the Federal Government will be minimal since the employers and employees of Guam would pay into the fund and benefits would not be received until 2 years after the date of the first collections.

I hope that the Congress will move rapidly to consider these long overdue bills.

The PRESIDING OFFICER (Mr. CHILES). The bills will be received and appropriately referred.

The bills were received, read twice by their titles and referred as follows:

S. 460. A bill to provide that the unincorporated territory of Guam shall be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

S. 461. A bill to require the payment of prevailing rates of wages on Federal public works on Guam; to the Committee on Labor and Public Welfare.

S. 462. A bill to include Guam within the purview of the Federal Unemployment Tax Act and related provisions of the Social Security Act; to the Committee on Finance.

S. 473—INTRODUCTION OF A BILL TO EXTEND THE AUTOMOBILE DISCLOSURE ACT TO THE TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Mr. INOUYE. Mr. President, today I am reintroducing a bill to extend the provisions of the Automobile Disclosure Act to the territories and possessions of the United States: the Trust Territory of the Pacific Islands; American Samoa; Guam; the Virgin Islands; and Puerto Rico.

The Automobile Disclosure Act of 1958 requires the manufacturer of a new automobile, prior to the delivery of any new automobile, to attach a label to the windshield of the automobile with certain price data concerning the particular automobile. One required piece of information, for example, is the suggested retail price of the automobile. Other information includes the suggested retail price of optional equipment and shipping costs. This law has been in effect since 1958 for all 50 States and the District of Columbia. The bill that I am introducing today would extend this labeling requirement to those cars sold in the U.S. territories and possessions.

Many residents of these noncontiguous territories have contacted me to urge that such legislation be adopted. The legislature of Guam has adopted a resolution requesting the Congress to extend the provisions of this Automobile Disclosure Act to Guam. The Governors of the Commonwealth of Puerto Rico and the Virgin Islands have also expressed to me their support of the legislation.

Last year the Committee on Commerce received a favorable report from the Department of Transportation, which endorsed the objective of the legislation.

I believe that the citizens of these areas are entitled to the same protection and information as their counterparts in the 50 States. Although no action was taken in 1970, I hope that my bill will receive expeditious action in the current Congress.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the posessions of the United States, introduced by Mr. INOUYE, was received, read twice by its title and referred to the Committee on Commerce.

S. 476—INTRODUCTION OF THE DRUG IDENTIFICATION ACT OF 1971

Mr. NELSON. Mr. President, today I am reintroducing legislation which I first proposed in October of 1969, to establish a uniform coding system for all prescription drugs to make immediate identification of a drug possible in cases of accidental or intentional overdose.

This measure was introduced in the 91st Congress as S. 3096. Prior to this first introduction such a plan had been endorsed by the then Secretary of Health, Education, and Welfare, Robert Finch, after he had reviewed a blue ribbon report on prescription drugs.

I am now happy to see that this concept was also specifically endorsed by President Nixon in his first special message to the 92d Congress on January 26, 1971. It is my hope that these and other bipartisan expressions on behalf of this legislation, combined with the widespread public support which exists for the concept of drug identification, will insure that this subject receives early consideration in the new Congress.

Immediate identification of a drug could mean the difference between life and death when a young child or mentally disturbed person takes an accidental or intentional overdose.

Symbols and numbers should be imprinted on each and every drug today to tell what drug it is, who made it and what strength it is.

The National Drug Identification Act would require all prescription drugs—tablets and capsules—to bear a specific designation assigned by the U.S. Department of Health, Education, and Welfare to indicate the name of the drug, the name of the manufacturer, the dosage and the manufacturer's lot number.

With an identifying code on every tablet and capsule, proper treatment or antidote could be administered without delay in case of an overdose.

The tremendous increase in the number of different drugs now being dispensed to the American public clearly points to the need for a national system of drug identification. When different dosage forms are included in the count, the number of prescription drugs now available comes to approximately 21,000.

The code system which I am proposing would make it possible for a physician to identify a drug prescribed by another physician in a different city or State and could help in avoiding potential errors or substitution in medication.

Hospitals and nursing homes would benefit by being able to collect already distributed but unconsumed drugs and return them to their pharmacies for future use.

Several large pharmaceutical companies have already initiated coding systems by stamping designations on individual tablets and capsules.

Drug firms could use the coding system to facilitate the recall of unsafe or ineffective drugs, as well as improving information on sales, marketing, and standardizing designations for prepaid plans, insurance claims, welfare programs, and data processing.

Under this plan, a comprehensive drug code index would be compiled by the Department of Health, Education, and Welfare and distributed to hospitals, nursing homes, poison control centers, State and local health departments, physicians, and pharmacists. The Department has already begun implementation of a voluntary drug code system, which could form the basis for this expanded drug identification plan.

I ask unanimous consent that the bill be printed in the Record.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 476) A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for an identification system for prescription drugs for human use, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Identification Act of 1971."

DECLARATION OF POLICY

Sec. 2. For the purpose of protecting the public health the Congress hereby finds and declares that there is a vital need to provide for the ready identification of prescription drugs in order to facilitate drug recalls and prevent drug mixups. Identification of drugs is also necessary so that the proper treatment when such drugs are accidentally ingested. Clear and distinct coding of prescription drugs in interstate commerce without the corresponding identification of drugs in intrastate commerce would seriously depress and burden interstate commerce in drugs. Therefore the Congress further finds and declares that the identification of drugs in intrastate commerce is necessary to make the identification of drugs in interstate commerce effective.

Sec. 3. The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 503 the following new section:

"IDENTIFICATION CODE FOR PRESCRIPTION DRUGS

"Sec. 504. (a) All drugs subject to section 503(b)(1) of this Act shall individually bear a logotype, symbol, or other identifying mark which shall be conspicuously and legibly placed on such drug and clearly identifying the manufacturer, compounder, processor, or other source of such drug. Such manufacturer, compounder, processor, or other source of such drugs shall register such logotype, symbol, or other identifying mark with the Secretary. The Secretary may refuse to register or revoke such registration if such logotype, symbol, or other identifying mark does not, in the opinion of the Secretary, clearly identify the source of such drug.

"(b) In order to prevent drug mixups, facilitate drug recalls, and provide for the ready identification of drugs accidentally ingested by children so that the proper antidote or treatment can be quickly administered, all drugs subject to section 503(b)(1) of this Act shall individually bear in a conspicuous manner, a code, which if known, would show the identity of the particular drug, and the strength (dosage form) of such drug. Such code shall use only numbers or letters (or any combination thereof) in accordance with regulations which the Secretary is hereby authorized to promulgate.

"(c) The Secretary may, pursuant to regulations, establish a uniform code or system of coding for the purposes of this section and may require registration and advance approval of a code prior to its use in accordance with this section.

"(d) The Secretary may, pursuant to regulation, when he deems it to be in the public interest, require that the code also identify the particular lot from which the drug was manufactured in addition to the information required in subsection (b) of this section.

"(e) The manufacturer (or other source) of a drug subject to section 503(b)(1) of this Act shall make available upon request to all persons licensed to administer or dispense such drugs an index of the code required pursuant to this section which shall list the drugs, strength (dosage form) or any other information the code may be required to identify pursuant to this section which such numbers, letters (or combination thereof) represent.

"(f) The index to the code required to be made available shall identify the trade name and established name (as defined in section 502(e)(2) of this Act) of the drug together with the applicable code numbers, letters or combination thereof.

"(g) Registration of a logotype, symbol, or other identifying mark, or an identification code (including coding for manufacturing lot numbers) as required pursuant to this section or regulations promulgated under this section shall be registered (together with an index to such code as required pursuant to subsection (e) of this section) with the Secretary as an appendix to the registration required under section 510 of this Act, unless the Secretary shall designate otherwise.

"(h) No person shall manufacture, process, sell, deliver, or otherwise dispose of any drug subject to section 503(b)(1) of this Act which does not bear (1) a logotype, symbol, or other identifying mark which is properly registered with the Secretary pursuant to subsection (a) of this section, and (2) a code of numbers, letters (or any combination thereof) which shall identify the source, name, and manufacturing lot number of such drug as required under this section.

"(i) No person shall manufacture, process, sell, deliver, or otherwise dispose of any drug which is marked with a code, if the numbers, letters (or combinations thereof) which are used do not correspond with the designation for such product in the index of such code.

"(j) The Secretary shall exempt from the operation of this section (1) drugs in liquid or ointment form and (2) any other drugs or class of drugs if it is impracticable for such drug to bear an identifying mark or code because of the size, composition, or other relevant aspect of such drug: *Provided,* That no exemption shall be granted under this section if, in the opinion of the Secretary, such exemptions would be inconsistent with the protection of the public health.

"(k) The Secretary may authorize manufacturers, compounders, and processors of drugs subject to section 503(b)(1) of this Act to comply with this section by placing the logotype, symbol, or other identifying mark and the coding required by this section on individual packets or packages containing no more than one capsule or tablet.

Sec. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

"(r) The manufacture, compounding, processing, sale, delivery, or other disposition of a drug in violation of section 504."

(b) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof the following:

"(p) If it is a drug subject to section 503(b)(1) of this Act and fails to bear a logotype, symbol, or other identifying mark or an identification code in accordance with the provisions of section 504 of this Act."

Sec. 5. Section 301(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(0)) is amended by inserting "(1)" immediately after "(o)" and adding at the end thereof the following:

"(2) In the case of a drug subject to section 503(b)(1) of this Act which is distributed or offered for sale in interstate commerce, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any person licensed by applicable State law to administer or dispense such drug a copy of an index to the code required pursuant to section 504 of this Act, if such person has made a written request for such index."

S. 477—INTRODUCTION OF A BILL RELATING TO TRANSFER OF LAND BETWEEN THE STATE OF TEXAS AND THE DEPARTMENT OF THE ARMY

Mr. COOK. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I am introducing a bill to give authority to the Secretary of the Army to transfer certain land in the city of El Paso, Tex., to the State of Texas. I ask unanimous consent that a statement, prepared by the Senator from Texas (Mr. TOWER) be printed in the RECORD, together with a letter from Mr. Harry B. Kelton, Director, Texas National Guard Armory Board, explaining this transaction.

The PRESIDING OFFICER (Mr. CASE). The bill will be received and appropriately referred; and, without objection, the statement and letter will be printed in the RECORD.

The bill (S. 477) to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands, introduced by Mr. COOK (for Mr. TOWER), was received, read twice by its title, and referred to the Committee on Armed Services.

The statement and letter are as follows:

STATEMENT BY MR. TOWER ON TRANSFER OF LAND BETWEEN THE STATE OF TEXAS AND THE DEPARTMENT OF THE ARMY

Mr. President, I am sponsoring today a measure which would give authority to the Secretary of the Army to transfer certain land in the City of El Paso, Texas, constituting part of Fort Bliss, to the State of Texas in return for a similar piece of land near the Fort Bliss area. I have been assured that this language is agreed upon by the Secretary of the Army and the proper authorities in the State of Texas. The terms of the transfer are succinctly stated in the measure, and the needs of the United States Army are adequately safeguarded.

This measure is designed to improve the facilities and the capabilities of Fort Bliss, the Texas National Guard, as well as the City of El Paso itself. This measure has been preagreed to by the concerned parties, and it is my hope that the Senate will be able to proceed to an early consideration of this request. I thank the Senators for their attention.

TEXAS NATIONAL GUARD
ARMORY BOARD,
Austin, Tex., December 18, 1970.

Re: Request for Land Exchange, Fort Bliss, Texas

Hon. JOHN TOWER,
United States Senate,
Washington, D.C.

DEAR SENATOR TOWER: On 15 July 1970, the Commanding General, Fort Bliss, initiated a request, which has been forwarded through military channels to the Secretary of the Army, concerning an exchange of land consisting of 20 acres on Fort Bliss for some 18.275 acres of property owned by this Board in near downtown El Paso, adjacent to Fort Bliss.

It is our understanding all intermediate headquarters have approved the exchange and the matter is being held in the office, Chief of Engineers, pending approval of Congressional Armed Services Committees (since the values of the lands exceed $50,000.00).

This is to request your assistance in expediting the forwarding and early Congressional consideration of the land exchange in view of the fact that we have plans approved for the construction of a new armory on one of the two sites, depending on the Committees' actions, and expect Federal matching construction funds in the immediate future. See attached copy of National Guard Bureau letter.

Incidentally, the 18.275 acres the Army would acquire from this Board is a part of a 25-acre tract, and the remaining six acres are to be conveyed to the City of El Paso for an important City-State-Federal freeway. If the exchange is not considered favorably, and it would then become necessary to build the armory on the present site, this Board may be forced to require the City to provide a very expensive access to the freeway before it would agree to the highway conveyance.

It has been our experience in matters of this urgency that interest usually is generated by a Congressional inquiry. Therefore, this is to suggest contact with the office, Chief of Engineers, as mentioned above.

Thanking you in advance, I am
Sincerely yours,
HARRY B. KELTON,
Director.

SENATE JOINT RESOLUTION 20—INTRODUCTION OF A JOINT RESOLUTION TO REPEAL THE MILITARY SELECTIVE SERVICE ACT OF 1967

Mr. HATFIELD. Mr. President, yesterday I introduced legislation which if passed would repeal the Military Selective Service Act of 1967. However, there was a misprint in the legislation, so I would like at this time to reintroduce the joint resolution in its correct form. In order that there be as little misunderstanding as possible, I ask unanimous consent that the proposal be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CHILES). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 20) repealing the Military Selective Service Act of 1967, introduced by Mr. HATFIELD (for himself and other Senators), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is repealed effective December 31, 1971.

ADDITIONAL COSPONSORS OF A BILL

S. 31

At the request of the Senator from Wisconsin (Mr. NELSON) the names of the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 31, to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

SENATE RESOLUTION 20—SUBMISSION OF A RESOLUTION TO APPOINT MINORITY MEMBERS TO THE STANDING COMMITTEES

Mr. SCOTT submitted a resolution (S. Res. 20) to appoint minority Members to the standing committees, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 21—ORIGINAL RESOLUTION REPORTED TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. MANSFIELD (for Mr. MCGEE), from the Committee on Post Office and Civil Service, reported the following original resolution (S. Res. 21); which was referred to the Committee on Rules and Administration:

S. RES. 21

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Post Office and Civil Service, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government Department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such Department or agency

SEC. 2. The expenses of the Committee under this resolution shall not exceed $225,000.

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

SENATE RESOLUTION 22—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to report on behalf of my able senior colleague (Mr. RANDOLPH) from the Committee on Public Works, a resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations.

The PRESIDING OFFICER (Mr. CHILES). The report will be received.

The resolution (S. Res. 22), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 22

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under Rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $600,000, of which amount not to exceed $32,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29th, 1972.

Sec. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

SENATE RESOLUTION 23—SUBMISSION OF A RESOLUTION CONTINUING, AND AUTHORIZING ADDITIONAL EXPENDITURES BY, THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, I send to the desk a resolution authorizing expenditures and continuing the Select Committee on Nutrition and Human Needs. Yesterday the select committee voted unanimously, by a vote of 9 to 0, to offer this resolution.

In order to expedite consideration of the resolution, I have conferred with the chairman and the ranking minority member of the Committee on Labor and Public Welfare. With their approval, and without establishing a precedent under the procedures of the Senate, and with clearance of the leadership on both sides, I ask unanimous consent that the resolution be referred directly to the Committee on Rules and Administration.

The PRESIDING OFFICER (Mr. Chiles) Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 23), which reads as follows, was referred to the Committee on Rules and Administration, by unanimous consent:

S. Res. 23

Resolved, That the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 29, 1972.

Sec. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

Sec. 3. The expenses of the committee under this resolution shall not exceed $280,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants or organization thereof.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 24—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

Mr. EAGLETON, from the Committee on the District of Columbia, reported the following original resolution (S. Res. 24); which was referred to the Committee on Rules and Administration:

S. Res. 24

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 3. Expenses of the committee under this resolution, which shall not exceed $155,850, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 25—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE FOR INQUIRIES AND INVESTIGATIONS

Mr. HART (for Mr. Magnuson) submitted the following resolution (S. Res. 25); which was referred to the Committee on Commerce:

S. Res. 25

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $———, of which amount (1) not to exceed $——— shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $——— shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 26—SUBMISSION OF A RESOLUTION TO PROVIDE FOR A STUDY OF MATTERS PERTAINING TO FOREIGN POLICY OF THE UNITED STATES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT submitted the following resolution (S. Res. 26); which was referred to the Committee on Foreign Relations:

S. Res. 26

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $———, of which amount (1) not to exceed $——— shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended); and (2) not to exceed $——— shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 27—SUBMISSION OF A RESOLUTION CONTINUING, AND AUTHORIZING ADDITIONAL EXPENDITURE BY, THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH submitted the following resolution (S. Res. 27); which was referred to the Committee on Rules and Administration:

S. Res. 27

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through February 29, 1972.

Sec. 2. (a) The committee shall make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

(b) A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

Sec. 3. (a) For purposes of this resolution, the committee is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to require by subpena or otherwise the attendance of witnesses and the production of correspondence, books, papers, and documents, (5) to administer oaths, (6) to take testimony orally or by deposition, (7) to employ personnel, (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, and (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) The minority shall receive fair consideration in the appointment of staff personnel pursuant to this resolution. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

Sec. 4. The expenses of the committee under this resolution shall not exceed $380,000, of which amount not to exceed $17,000 shall be available for the procurement of the services of individual consultants or organizations thereof.

Sec. 5. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972. The committee shall cease to exist at the close of business on February 29, 1972.

Sec. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 28—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION FOR A STUDY OF MATTERS RELATING TO PRIVILEGES AND ELECTIONS

Mr. BYRD of West Virginia (for Mr. Cannon) submitted a resolution (S. Res. 28), authorizing additional expenditures by the Committee on Rules and Administration for a study of matters relating to privileges and elections, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. Byrd of West Virginia when he submitted the resolution appear later in the Record under the appropriate heading.)

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, how much time remains under the previous order for the transaction of routine morning business?

The PRESIDING OFFICER. About 2 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SENATORS TO SUBMIT NAMES OF COSPONSORS OF BILLS AND RESOLUTIONS AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, for the remainder of the first session of the 92d Congress, all Senators may be authorized to submit names of cosponsors of bills and resolutions at the desk without having to make such request from the floor.

The PRESIDING OFFICER (Mr. Chiles). Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF MAJORITY LEADER AND MINORITY LEADER IN EACH DAILY SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the remainder of the first session of the 92d Congress, immediately following disposition of the reading of the Journal in each daily session there be 3 minutes set aside for the recognition of the majority leader and 3 minutes set aside for the recognition of the minority leader, or those acting on their behalf, if they so desire, prior to the recognition of other Senators.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, my request anent recognition of the majority and minority leaders at the beginning of each daily session is made with their approval.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

APOLLO 14

Mr. COTTON. Mr. President, on Sunday, the attention of all the world will be focused again on Cape Kennedy, where three courageous American astronauts will be rocketed into orbit aboard Apollo 14 for a flight to the moon.

The prayers and hopes of people everywhere go with Navy Capt. Alan B. Shepard, Navy Comdr. Edgar D. Mitchell, and Air Force Maj. Stuart A. Roosa, who are privileged to embark upon one of mankind's greatest adventures. All of the preparations and all of the scientific knowledge in the world cannot take away from the fact that they do this at great personal risk.

I feel certain that the State of Texas and the community of Hereford are, indeed, proud of their native son, Commander Mitchell.

I am equally confident that the State of Colorado is as proud of Major Roosa, the man from Durango.

And finally, this I can convey with absolute assurance. There are no bounds to the pride the State of New Hampshire and the community of Derry have in Alan Shepard.

That is the subject to which I will address myself today.

It is an appropriate quirk of destiny that New Hampshire, which opened the gate to American independence 200 years ago, also provided the native son who opened the whole universe to these United States. Alan Shepard was the Nation's first man in space. On May 5, 1961, he soared into the atmosphere aboard Freedom 7, a vehicle which, by today's standards, probably is considered horse and buggy. His ride was a short one—15 minutes—and he traveled only 302 miles.

He exclaimed: "Boy, what a ride!"

As months passed and space science and space vehicles became more sophisticated, Americans wondered what had become of Alan Shepard. They were disturbed to learn that he had developed an ear infection and had been sidelined. There were reports that he never would fly in a space vehicle again. Somehow, it seemed he deserved more than that.

They can tell you something about persistence in the Granite State—and Alan Shepard is a true native son. For 9 productive but painfully frustrating years, the man who had pioneered space for the Nation stayed with the program, contributing to other flights from the ground but biding his time in an often forlorn hope of one more space journey. He became America's oldest astronaut.

Now Alan Shepard's impossible dream is about to come true. His health has returned and on Sunday he will be in command of Apollo 14—destination, the moon. If I may echo his own comment made 9 years ago,

> Boy, what a ride!

Today, on behalf of the State of New Hampshire—and all America—I salute Alan Shepard, a man whose dedication and determination inspire the world.

My hopes for smooth sailing go out to Apollo 14 and its crew and I join in earnest prayer for their safe return.

THE CALIFORNIA RURAL LEGAL ASSISTANCE PROGRAM

Mr. MANSFIELD. Mr. President, the decision on whether the California rural legal assistance program is to continue is imminent. I believe that the record of this organization and the services that have been provided to the rural poor by it have been described as exemplary by members of the California bar. When the legal services program was established by the Congress, its purpose was to provide the same type of legal assistance to the poor which can be readily afforded by the rich. There should be no inhibition on the part of those providing these services as to the type of case they may bring to protect the rights of the poor; this should be especially true if a State agency is abridging the rights of an individual and an appropriate civil remedy is available; if the wealthy could under the circumstance bring a civil action against the State, the poor should have that remedy as well. The California rural legal assistance program on occasion has provided such a service.

I strongly urge and hope that a decision will be made by the administration to continue to provide these services and to fund the California rural legal assistance program. At a time when the institutions of our society are being questioned by a growing segment of the population, it is organizations such as the legal services program which bring a new dimension of viability to our legal institutions. To deny that added dimension at this time can only be considered regressive.

THE PRESIDENT'S BUDGET PENTAGON SPENDING

Mr. HART. Mr. President, while the President's budget which we received today may include several innovations, it appears to be business as usual when it comes to Pentagon spending.

Those who might have thought the Nation was approaching a turn of the corner of military spending will find little to encourage them in the new budget.

The administration seeks $77.5 billion in Pentagon-related spending—up about $1 billion.

Equally disturbing, the administration request for new Pentagon spending authority—authority which influences spending in future years—is up about $6 billion to $80 billion.

We will be told that as a percentage of the total budget, Pentagon spending is decreasing, and that in light of inflation, the Pentagon budget request for an increase is modest indeed.

Those arguments would have more merit if all our pressing domestic needs were being met. That, of course, is not the case.

Those arguments would have more merit if the Nation did not possess already an overkill capacity and if there had not been so many cases of waste involved in the process of creating that overkill.

Those arguments would have more merit if the Nation were not in the process of winding down its costly military involvement in Southeast Asia—at least I pray that is still our policy.

It now appears that any "peace bonus" resulting from our withdrawal from Southeast Asia is going into the Pentagon rather than the domestic budget. In other words, the $1 billion increase in the overall Pentagon budget represents only a portion of the increase in non-Vietnam Pentagon spending.

And the argument that inflation justifies an increase in the Pentagon budget might have more merit if Pentagon spending were not so inflationary.

Speaking of the proposed budget deficit, the President said:

> The full employment budget idea is in the nature of a self-fulfilling prophecy: By operating as if we were at full employment, we will help to bring about that full employment.

I have no argument with that statement, but the concept of self-fulfilling prophecies should not be used selectively.

The contention that inflation justifies an increase in Pentagon spending also is an idea in the nature of a self-fulfilling prophecy: By continuing to expand Pentagon spending we continue to expand the most inflationary type of Government spending which in turn creates a new justification for an inflation-induced increase in the Pentagon budget next year.

Mr. President, just in terms of the economy, a dollar spent on Pentagon hardware adds a dollar to the economy but no goods or services to the marketplace.

A dollar spent on education helps prepare people for more productive employment; a dollar spent on renewal of our cities and our housing adds to a community's tax base; a dollar spent on improving the delivery of health care helps reduce the soaring cost of medical care.

Those are the areas into which we should put any Vietnam "peace bonus" and an even greater percentage of our resources.

Certainly we need an adequate Pentagon budget, but in determining the scope of such a budget, Congress should study the Pentagon requests as closely as it will study revenue-sharing proposals. Many of us intend to do just that.

LEGAL SERVICES FOR THE POOR

Mr. ALLOTT. Mr. President, among the many problems which have made people—in the President's words—"fed up" with Government are problems associated with misguided and sometimes illegal activities by persons involved in providing federally sponsored legal services for the poor. Fortunately, the Nixon doctrine for domestic affairs, outlined eloquently in the President's state of the Union address, points to the real source of the problem and to the most promising path to a solution.

Mr. President, it is now clear that there is a Nixon doctrine in domestic affairs as well as in foreign affairs.

In both kinds of affairs the purpose of the Nixon doctrine is to place responsibility and power where it belongs—in the hands of the local citizens and their local representatives. In foreign affairs the Nixon doctrine calls for helping determined people to solve their own problems, while avoiding commitments which require the U.S. Government to try the impossible task of solving all problems by itself.

In domestic affairs the Nixon doctrine calls for using Federal resources to enable local governments to solve problems at a local level.

As the President said in the state of the Union address:

> The idea that a bureaucratic elite in Washington knows best what is best for people everywhere and that you cannot trust local governments is really a contention that you cannot trust the people to govern themselves.

With this statement, the President stated an enduring theme of Republican philosophy—the doctrine that that government is best which is closest to the people.

Mr. President, I want to urge that special priority be given to applying the Nixon doctrine in domestic affairs to the problem of reorganizing, and thereby improving legal services for the poor.

In Louisiana, in California, in Colorado, and in numerous other States the story is the same. There is a general feeling that the various federally sponsored legal services programs are not serving the poor with maximum efficiency.

From every region in this Nation come reports that the efforts of some legal services offices are being misdirected, and sometimes used in ways that are patently contrary to the letter and intent of the law.

There is enough smoke of criticism and dissatisfaction to indicate that there is a fire of real abuse in the legal services operation. For this reason I urge the Office of Economic Opportunity to cooperate with Governors and other State and local officials in recasting the legal services programs along lines which reflect the best thinking of those officials who are closest to the problems in particular localities.

It is particularly important that we respect the wisdom and judgments of Governors in this matter. It would be most unfortunate if, with the eloquent words of the President still fresh in our minds, the Federal bureaucracy insisted on ignoring and overriding the recommendations of local officials who have become increasingly exasperated by the inefficiencies and abuses associated with certain facets of the legal services programs.

The central theme of the Nixon doctrine for domestic affairs is that it is time for the Federal Government to stop dictating and start listening to and learning from local leaders. I suggest that the place to begin applying the Nixon doctrine is in dealing with federally sponsored legal services.

SENATOR KENNEDY RESPONDS TO 1972 BUDGET PROPOSAL

Mr. KENNEDY. Mr. President, the hallmark of the new budget is the shadow of the 1972 election which hangs over it. In this case, at least, political necessity seems to be the mother of economic invention. The full employment budget is the result, and it represents an abject surrender of the game plan we have heard so much about in the last 2 years.

In fact, with only a $0.1 billion difference between proposed spending and full employment receipts, the President is pushing the concept of the full employment budget to the limit of its logic. The threat of a new round of inflation has become more ominous, and there is special urgency now in our repeated calls in Congress for the administration to adopt a realistic program of voluntary wage and price restraints.

I am also concerned over the harsh way in which the budget treats some of our most important domestic programs. Predictably, defense spending is reverting to its old upward habit. Vital urban programs are being cut to make way for revenue sharing. There is no move toward an innovative job and employment program. And, even the $1 billion increase proposed for health programs is an empty promise when we realize that the vast majority of the funds will go for uncontrollable costs in medicare and medicaid, instead of into realistic health reform.

I look forward to analyzing the details of the budget, but I am apprehensive that our important priorities are not being met.

DR. ROBERT M. WHITE

Mr. HOLLINGS. Mr. President, yesterday the President submitted the nominations of Dr. Robert M. White to be Administrator of the newly formed National Oceanic and Atmospheric Administration, Mr. Howard W. Pollock, former Congressman from Alaska to be Deputy Administrator of NOAA, and Dr. John W. Townsend, Jr., to be the Associate Administrator of NOAA.

I need not repeat to this body how important the oceans are to the United States. I have spoken about it frequently in the past year as we have tried to foster marine programs and strengthen our Federal administration of those programs. I am particularly pleased that the President has nominated Dr. White to be the first Administrator of the National Oceanic and Atmospheric Administration, and I want to compliment the President on his wise choice. Dr. White joined the Government as head of the Weather Bureau when my distinguished friend Luther Hodges was the Secretary of Commerce. When the Weather Bureau, the Coast and Geodetic Survey, and the Central Radio Propagation Laboratory were reorganized in 1965 to become the Environmental Science Services Administration, Dr. White was named its first Administrator. And an excellent Administrator he proved to be. As a member of the Commission on Marine Science, Engineering, and Resources he performed distinguished service, devoting long hours and providing much of the energy that led to that excellent blueprint for the future of marine programs, "Our Nation and the Sea." I wish to announce that the Committee on Commerce will hold confirmation hearings on these three nominations, as well as on that of Dr. James Wakelin to be Assistant Secretary of Commerce for Science and Technology, on Tuesday, February 9, beginning at 11 a.m.

Mr. President, the President has made a superb choice in nominating Dr. Robert White to be the first Administrator of NOAA. Now I hope the Administration will support Dr. White's budgetary requests for a strong, innovative program of marine science and services.

THE 53D ANNIVERSARY OBSERVANCE OF THE INDEPENDENCE OF THE UKRAINE

Mr. DOMINICK. Mr. President, despite the suffering and subjugation which resulted from World War I, it was a time for countries such as the Ukraine to break the chains which had held numerous nationality groups under alien regimes in their homelands in eastern and central Europe. On January 22, 1918, the Russian czar was overthrown, and the Ukrainian leaders proclaimed their independence, bringing into existence the Ukrainian National Republic.

From its beginning, the new Republic was faced with serious threats and difficulties, the most severe of these being the Communist government in the Kremlin. Freedom for the 40 million Ukrainians was short-lived, as they were soon beset with a series of invasions and raids on their rich natural resources from Germany, Austria-Hungary, France, Poland, and finally the Soviet Union. In November 1922, the Republic bowed to Russian control, and since that time, the country has been effectively sealed off from the main stream of the world. Today, the desire for independence survives through the efforts of the Congress of the Organization of Ukrainian Nationalists who are celebrating the 53d anniversary of the independence of the Ukraine.

It is hard for those of us who live in a free land to believe that such examples of colonialism and subjugation of nationalities can exist. To Americans, suppression and colonialism have become anachronistic terms in an enlightened age. Yet the Ukrainian struggle for independence demonstrates vividly the plight of many of our Eastern European neighbors.

No government can turn its back on the denial of human rights to any people or nation, nor can we remain indifferent as we see native cultures, languages, and intellectual leadership systematically eradicated. For this reason, I am glad to join with my colleagues in saluting the courage and drive of the Ukrainian people who still celebrate their brief rise to independence in hopes that once again they may realize their goal of freedom.

URBAN COALITION PREPARES ALTERNATIVE NATIONAL BUDGET

Mr. PROXMIRE. Mr. President, this morning we have received the President's budget message. It is a very comprehensive message which will require careful study. I am sure we will have many questions about it and doubtless some disagreements.

FULL EMPLOYMENT BUDGET CONCEPT

There is one respect in which we already know that the President's budget accepts a concept which economists and the Joint Economic Committee have been advocating for over 2 decades. This is in its use of the full employment budget concept as an analytic tool. For some 20 years or more, the Joint Economic Committee has urged the use of a full employment budget concept. By this is meant the examination of revenues and expenditures as they would be if the economy were at full employment. This year these estimates have been included in the budget document. This is an important step forward. One of its main features is that it places a ceiling on expenditures.

This week the Joint Economic Committee heard testimony regarding another document which I consider historic. Mr. Sol Linowitz, the chairman of the National Urban Coalition, appeared before the committee and described the alternative budget formulation which the coalition is preparing. In preparing this document, the coalition has consulted with urban leaders throughout the country and found out what they think our budget priorities should be. Their full budget document will be available in a week or two.

When the Urban Coalition's budget becomes available, we will have for the first time an explicit and carefully spelled out alternative to the President's budget. This is precisely the type of framework for choice which the Joint Economic Committee has worked so hard to promote through its extensive studies of national priorities. This framework will enable us to choose systematically between alternative patterns for use of limited Federal resources. This will be an immense help in promoting an orderly annual assessment of our spending priorities.

DEFENSE CUT ADVOCATED

The main outlines of the Urban Coalition's budget are included in Mr. Linowitz' testimony this week before the Joint Economic Committee. He projects both our needs and our resources for 5 years ahead. One important conclusion that he reaches is that a $20 billion cut in defense spending is both possible and desirable within the next 5 years. The Urban Coalition did not pick this number out of a hat. It was developed in consultation with outstanding experts, including several former high Defense Department officials. Their assessment of our real national security requirements will be invaluable.

I ask unanimous consent to have Mr. Linowitz' testimony before the Joint Economic Committee printed in the RECORD. I hope every Member of Congress will study it, and I hope every Member of Congress will also obtain and study the Urban Coalition's full budget when it becomes available.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SOL M. LINOWITZ

Mr. Chairman, I welcome this opportunity to appear before your Committee and to participate in the Committee's continuing efforts to discover more democratic and rational procedures for making public choices. Your hearings have helped stimulate a long overdue reexamination of the ways in which we govern ourselves.

The dominant theme to emerge from the recent period of American critical self-analysis has been the call for a systematic formulation of national priorities. Increasingly, it has been recognized that rational government decision-making is impossible without clearly stated goals and priorities to guide resource allocation.

From its inception in the riot-torn summer of 1967, the National Urban Coalition emphasized this need for explicit consideration of where we wish to go as a nation. The Coalition's original statement of purpose expressed the conviction that reordered national priorities were a prerequisite to the achievement of the Coalition's principal objectives: the restoration of America's deteriorating cities and the reunification of our divided society.

More than three years have elapsed since that declaration. Both the Johnson and Nixon Administrations have endorsed the call for an open and systematic review of the nation's priorities. And the great majority of public interest organizations in this country have reaffirmed those endorsements.

But very little has happened.

Instead of producing reordered national priorities, this avalanche of talk has produced more talk.

Instead of becoming a guide to new public decision-making processes, the call for new priorities has become a fashionable cliche.

Everyone has been quick to brandish the phrase "reorder national priorities" when pressed about his or her program for solving America's problems. But no one has yet demonstrated how to transform this slogan into substantive public policy changes.

Our failure to move beyond rhetoric stems from repeated attempts to define national goals in the abstract rather than in terms of the public resources required to achieve those goals. Resources are limited; choices must be made; and priorities are therefore necessary.

In short, if future talk of new priorities is to serve as more than balm for social conscience, we must apply it to our single most important instrument for relating goals to scarce resources: the national budget.

Defining national priorities without reference to the national budget is like trying to interpret a constitution without reference to the institution it is to govern. Nothing is left but platitudes, empty rhetoric which everyone accepts but which has no real meaning.

Confusing the demand for change with the substance of change leads to a politics of incantation. It is a politics that relies on the repetition of general demands rather than concrete plans for allocating public resources to produce desired social change.

And not surprisingly, the result has been the frustration, disillusionment and despair we have witnessed in recent years.

To escape this rhetorical dead end, the National Urban Coalition embarked on a project never before attempted by a non-governmental organization—the effort to construct a comprehensive alternative federal budget matching revenue and expenditures for each of the next five years.

Our main purpose was to demonstrate how resources would have to be reallocated both within the federal budget and between the private and public sectors to accomplish our goal of making the cities better places in which to live.

But this was not our sole purpose for undertaking this ambitious project. We also wanted to focus attention on two fundamental flaws in the present budget-making process which interfere with the re-ordering of national priorities.

The first is what might best be called the "let's-see-what-we-gave-them - last - year-and-give-them-a-little-more-this-year" approach. Encrusted in the fragmented committee system of Congress, this approach to marking up each successive federal budget makes major resource reallocations by the legislative branch virtually impossible. Congress today can do little more than tinker with bits and pieces of the budget handed to it by the Administration.

The second flaw is the lack of public participation in the budget process.

Both the executive branch's federal budget proposal and the Congress' appropriations response are written behind closed doors. America's most important public decisions are reached in secret—implying that the public is either not sufficiently competent or trustworthy to have a say in such critical national choices.

Recent opinion polls published by Louis Harris reveal that the American public, in fact, does hold views which ought to play a prominent part in setting public priorities.

For example, 61% of all Americans would like to see less federal money spent for national defense and the space program; only 14% want more resources devoted to these areas. Yet spending for both is expected to increase in the President's forthcoming budget.

Twice as many Americans oppose cutting funds for anti-poverty programs than favor cuts. Yet there are indications that there may be sizeable cutbacks in the war on poverty.

Why then should public officials be surprised at the fact that a growing number of citizens feel alienated from their government?

In composing its alternative federal budget, the Urban Coalition sought to demonstrate on a microcosmic level how the budget process could be opened to broad public participation.

Our constituents—the members of the Coalition—were actively involved every step of the way. They initiated, rejected, revised and reexamined. No goal or concommitant allocation of resources was adopted without their careful scrutiny. Draft after draft was discussed at length with leaders representing business, labor, local government, Blacks, Mexican-Americans, American Indians, White ethnic groups, religion, education, youth, women, local Urban Coalitions, and social-welfare organizations. On January 11, the National Urban Coalition Steering Committee culminated these months of deliberation by approving a statement of national priorities setting forth six major goals to pursue between now and 1976:

To achieve full employment with a high level of economic growth and reasonable price stability—all of our other policy goals depend upon it.

To provide all citizens with an equal opportunity to participate in American society and in the shaping of governmental decisions affecting their lives.

To guarantee that no American will go without the basic necessities: food, shelter, health care, a healthy environment, personal safety, and an adequate income.

To rectify the imbalance in revenues between the federal government and state-and-local government.

To assure adequate national security against military threats from abroad.

To meet our obligations to assist in the economic development of the world's lesser developed nations.

Within the next two weeks the complete version of this alternative budget will be ready for release. I would be pleased to provide a copy to the Committee at that time for possible inclusion in the record.

One central fact emerged from this budget-writing experience: *proposals for solving major national problems are useless unless advanced in the context of the realities of the American economy and the federal budget.*

For example, everyone concedes that the financial plight of our states and cities is a critical national problem: projections of the 1975 gap between state and local expenditure needs for providing high quality services and expected revenues range as high as $100 billion. And nearly everyone is prepared to place the provision of additional revenue to eliminate that gap high on the list of national priorities.

But unless this commendable "wish" to rescue our states and cities is followed by concrete proposals for reallocating public resources, nothing is accomplished. This, I might add, is why we have so little to show for our urban restoration efforts in recent years other than volumes of rhetoric and broken promises.

There are a number of possible strategies for filling this revenue gap expected by 1975. President Nixon suggested the broad outlines of one approach in his State of the Union message last Friday. He proposed a 25 percent increase in present federal aid to states and localities, with $5 billion of the total $7 billion in the form of "no-strings-attached" shared revenue distributed to states primarily on the basis of population.

Final judgment on the proposal will have to await the announcement of more details. The President's suggestions, properly structured, could provide an important element in a federal effort to fill the present revenue gap. I would like to outline briefly a more comprehensive strategy for the next five years based on the Coalition's alternative federal budget. For in order to deal with the fiscal problems of the states and cities on more than a piecemeal basis, a multi-year approach is necessary.

Economic growth is the first prerequisite of our strategy. If the economy returns to a full employment level by 1973 and stays there, state and local tax revenue under existing laws will increase by $6 billion a year as a result of increased corporate and personal income. As you know, state and local tax revenue registered no growth in 1970 as a result of the stagnating national economy.

Second, shifting certain present state and local expenditure responsibilities to the federal level would reduce the gap substantially. State and local spending for welfare and Medicaid will reach approximately $30 billion by 1975. Our alternative federal budget proposes a cash assistance program and a National Health Insurance program to replace the present welfare system and Medicaid respectively. Both of these programs would be financed entirely by the federal government.

This shifting of responsibilities would cut the revenue gap $30 billion by 1975.

Third, we believe the federal government can and should expand its grant-in-aid programs to the states and localities. Subtracting current federal expenditures for welfare and Medicaid—programs whose costs would be absorbed in the future by our cash assistance and National Health Insurance proposals—federal grants-in-aid now total $19 billion.

Our budget calls for increasing that total to $34 billion by 1975, a proposal which would reduce the projected 1975 revenue gap another $15 billion.

Fourth, a public service employment program such as the one recently vetoed by President Nixon represents another important form of fiscal relief. It would provide states and cities with the funds to train and hire employees needed to staff essential services state and local budgets cannot now support in areas of real demand such as health, education, police protection and pollution control.

We recommend a public service employment program by 1975 of 875,000 jobs at a cost to the federal government of $4 billion.

Implementing all of the above proposals would still leave a sizeable disparity between state and local expenditure needs and revenues in 1975 should the states and localities succeed in substantially increasing the quality of their services.

It is unrealistic to expect Washington to make good whatever difference remains even if federal resources of that magnitude were available. For Congress might understandably be hesitant to turn over huge sums of discretionary federal tax dollars without assuring they contribute to the achievement of nationally defined objectives.

Therefore it is highly probable that restoring fiscal health to state and local governments will require increased revenue-raising efforts by these jurisdictions themselves. The federal government can help and encourage. But it cannot and should not do the job alone.

Accordingly, we are recommending two modest revenue sharing programs which will contribute to bridging the expenditure-revenue gap while providing incentives for states and cities to increase the yields from their own tax base:

The first is a general sharing plan to divide $5 billion in federal revenue among those states with graduated state income taxes. States without such a tax would be ineligible to receive any of these funds. Pass-through provisions to ensure the cities a fair share of the funds also would be mandatory.

The second program is one of general aid to education. It would provide the states and localities with an additional $4 billion by 1975. Like our general sharing plan, this education assistance would be tied to changes in state and local tax practices: under our proposal, states would have to assume at least 55% of combined state and local education costs to be eligible. This would have the dual effect of reducing the pressure on overburdened local property taxes while providing public education a tax base with greater growth potential.

Specifying the forms federal relief could take, however, is only half the task. Any responsible proposal for rescuing our states and cities from their financial duress must include a plan for raising the additional resources required for this fiscal relief as well as for the other expenditure increases we recommend in our budget.

To summarize, this additional revenue could be collected from the following four sources:

First: vigorous national economic growth which would produce additional federal tax revenues of nearly $75 billion between now and 1975.

Second: cuts in existing federal programs such as our recommendations to reduce the military budget $20 billion by 1975 and the agricultural subsidy program by $1 billion.

Third: elimination of inequities in the federal tax system.

And fourth: a federal 10% tax surcharge on personal and corporate income beginning in 1974 which, given our assumptions about economic growth and tax reform, would yield about $17 billion in additional federal revenues by 1975. Imposition of this surcharge would only make sense *after* we had returned to a full-employment economy and *after* reform had rendered the federal income tax graduated in reality as well as in theory.

Mr. Chairman, the content of this strategy is subject to debate. But the process for devising it is not.

Public problems cannot be attacked nationally except in terms of conflicting needs competing for limited resources. At the national level this means defining problems in the context of the entire federal budget; calculating expenditure decisions both in terms of available resources and spending alternatives.

Yet, as this Committee is well aware, Congress lacks a vantage point for such a comprehensive view. For at no time is the federal budget considered in its entirety on Capitol Hill.

Therefore, it is clear that a necessary condition for reordering national priorities must be the creation of appropriate structures in Congress for examining the budget as a whole.

Towards this end, the National Urban Coalition will welcome the opportunity to present our alternative budget in public sessions before the full Appropriations Committee of each house. If the members of this Committee believe it would be helpful to establish this precedent we would be pleased to have your assistance.

LEGAL VIEW OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on April 2, 1969, Senator J. WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, indicated that in his view the committee could resume consideration of the Genocide Convention at any time the members wished. He noted:

> The committee's disposition may be influenced if the American Bar Association were to recommend ratification.

On December 9, 1969, the Section on Individual Rights and Responsibilities of the American Bar Association, under Chairman Jerome J. Shestack, recommended that the ABA house of delegates enact a resolution calling for the ratification of the Genocide Convention by the Senate. The 41-page report which accompanied the resolution expanded on five major areas:

The Genocide Convention is a document of human liberty consistent with and in furtherance of the American tradition.

An international convention or treaty is the most suitable form of addressing the dangers of genocide.

The Genocide Convention properly focuses both on states, and on individuals.

The Genocide Convention is in all respects consistent with the Constitution, the laws and the ideals of the United States.

The Genocide Convention remains an issue of current importance.

On February 19, 1970, just a few days before the house of delegates of the American Bar Association was to vote on whether to change its position on the subject of ratification, President Nixon requested the Senate to renew its consideration of the Genocide Convention and to grant its advice and consent to ratification. The President asserted:

> We should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever. By giving its advice and consent to ratification of the Convention, the Senate of the United States will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice.

Secretary of State Rogers, in his report to the President on the Convention, recommended "an understanding to make clear that the U.S. Government understands and construes the words 'mental harm' appearing in article II(9b) of this Convention to mean permanent impairment of mental facilities."

Unfortunately, on February 23, 1970, the American Bar Association house of delegates voted, 130 to 126, to adhere to its 1949 position against Senate ratification of the Genocide Convention.

Meanwhile, the Senate Foreign Relations Committee took action to reconsider the Convention. A special subcommittee of the Genocide Convention, chaired by Senator FRANK CHURCH of Idaho, was appointed on March 20. The subcommittee held hearings on April 24 and April 27, 1970. In addition, hearings were briefly held on May 22, 1970.

It is my intent this morning to answer some of the particular questions and objections presented to the subcommittee as arguments against action on the Convention.

I would first like to quote an observation of my colleague from New York, Senator JAVITS, concerning this matter:

> The protection of human rights is indeed a matter of international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, The United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967) and the Supplementary Convention on Refugees (1968).

Charles Yost, U.S. Representative to the United Nations, testifying on April 24, 1970:

> It is my strong belief that ratification of the Genocide Convention by the United States would substantially serve our national interest in two ways: First, by its impact on world opinion, and second, by its impact on world law.

It has been argued that under the Genocide Convention individuals as well as persons exercising governmental power would be subject to trial and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations.

George H. Aldrich, Deputy Legal Adviser, Department of State, in a statement presented to the Genocide Convention Committee, replied in part to the above criticism:

> I shall direct my comments to the types of acts the Convention deals with and to the ways in which such acts would be tried and punished.

In particular, the Ambassador wished to clear up any misunderstanding regarding extradition.

On the subject of U.S. interpretation and policy as regards extradition, he said:

> United States law provides for extradition only when there is an extradition treaty in force. The Convention does not purport to be an extradition treaty. It would require only that the United States provide for extradition for genocide in new extradition treaties which we might negotiate or in revisions of existing extradition treaties.

Mr. Aldrich added that there are no such treaties now in existence in any country; that is, those countries making genocide an extraditable offense. He assured the committee that the United States would not negotiate such treaties until Congress had passed legislation making genocide a crime in the United States because it was our policy not to make an offense extraditable unless it is a crime in both states involved.

Another factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords the persons who may be extradited a fair trial. Basic procedural protections have been built into the treaty at the beginning. For example:

> (1) any extradition treaty will require the State requesting extradition to produce sufficient evidence to persuade both a United States Court and the Executive that the person sought would be held for trial under United States Law if the offense has been committed here;
>
> (2) any extradition treaty will assure the person sought the right to the remedies and recourses provided by the law of the requested State (for example habeas corpus) and
>
> (3) any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

Mr. Aldrich also pointed out that in reference to article VI, on the trying of persons accused of genocide in the state where the act was committed, that—

> This provision contemplates the obligation of that State and does not exclude trial by other States having jurisdiction. The negotiating record of the Genocide Convention makes clear, in particular, that trial for acts committed in a foreign country could be held in the State of which the defendant is a national. We believe that the statute implementing the Convention should cover not only acts committed in the territory of the United States, but, in addition, acts committed anywhere by American Nationals.

In the event that a case is presented involving an American national before criminal proceedings have been initiated in the United States, we would reserve discretion to initiate proceedings ourselves, rather than extradite.

Furthermore, in answer to questioning concerning the policy of the Department of State on ratification of the convention and congressional passage of implementing legislation called for in article V of the convention, Mr. Aldrich referred the subcommittee of the intentions of the State Department, as enunciated in a letter to the chairman, Senator FRANK CHURCH, of May 22, 1970, as follows:

> It is the Department's intention to recommend to the President that this instrument of ratification to the Genocide Convention not be signed, and if signed not to be deposited, until after implementing legislation for the Convention has been enacted.

The subcommittee chairman, Senator CHURCH, also pointed out some legal precedents which undertook to define and establish an international crime and the obligations assumed by each signatory to pass domestic law that would conform. The Convention of Slavery was cited and the State Department furnished for the record conventions to which the United States is a party and in which the United States has undertaken an international obligation to punish as certain crimes certain actions described therein. These included the four Geneva Conventions on Protection of War Victims (1949); the Convention for the Protection of Whaling (1935); the International Convention for the Prevention of Pollution of the Sea by Oil (1954); and the single Convention on Narcotic Drugs, (1961).

In summary, I would like to add the reply of the American Bar Association's Section of Individual Rights and Responsibilities:

> One criticism of the Convention arose out of the possibility that under Article VI, a person accused of genocide could be tried by an international penal tribunal possibly without trial by jury and other safeguards to which a United States citizen is entitled under the Constitution. Again, the answer is simple. No such tribunal has been established. If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advise and consent of the Senate by two-thirds vote.

Lastly, I sincerely doubt that a tribunal of International Law, set up under the auspices of the United Nations, would fail to have safeguards and protections inconsistent with the UN Charter or the Universal Declaration of Human Rights. In this sense, such a tribunal would undoubtedly be consistent with the American legacy of safeguarding each and every individual's sacred rights and liberties.

I again urge this body to ratify this extremely important document. Our failure to do so can only set back the noble concept of international law and world peace.

DEVELOPMENTS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of statements by administration officials relating to developments in Cambodia which was prepared by the Library of Congress at the request of the Committee on Foreign Relations.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

U.S. POLICY TOWARD CAMBODIA SINCE MARCH 1970

(Statements by President Nixon, Secretary of State Rogers, Secretary of Defense Laird)

1970, PRESIDENT RICHARD NIXON

March 21—News conference:

". . . we have . . . established relations on a temporary basis with the government which has been selected by the Parliament and will continue to deal with that government as long as it appears to be the government of the nation.

". . . we respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality. And we hope that whatever government eventually prevails there, that it would recognize that the United States' interest is the protection of its neutrality."

April 30—Address to the Nation:

"Ten days ago . . . I announced a decision to withdraw an additional 150,000 Americans from Vietnam over the next year. I said then that I was making that decision despite our concern over increased enemy activity in Laos, in Cambodia, and in South Vietnam.

". . . I warned that if I concluded that increased enemy activity in any of these areas endangered the lives of Americans remaining in Vietnam, I would not hesitate to take strong and effective measures to deal with that situation.

"Despite that warning, North Vietnam has increased its military aggression in all these areas, and particularly in Cambodia. . . .

"American policy since [1954] has been to scrupulously respect the neutrality of the Cambodian people. . . .

"North Vietnam, however, has not respected that neutrality. . . .

". . . North Vietnam has occupied military sanctuaries all along the Cambodian frontier with South Vietnam . . . They are used for hit and run attacks on American and South Vietnamese forces in South Vietnam. . . .

"For 5 years, neither the United States nor South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the territory of a neutral nation. Even after the Vietnamese Communists began to expand these sanctuaries 4 weeks ago, we counseled patience to our South Vietnamese allies and imposed restraints on our own commanders. . . .

"North Vietnam in the last 2 weeks has stripped away all pretense of respecting the sovereignty or the neutrality of Cambodia. Thousands of their soldiers are invading the country from the sanctuaries; they are encircling the capital of Phnom Penh. Coming from these sanctuaries, as you see here, they have moved into Cambodia and are encircling the capital.

"Cambodia, as a result of this, has sent out a call to the United States, to a number of other nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could return from combat without fear of retaliation. . . .

"Now confronted with this situation, we have three options.

"First, we can do nothing. Well the ultimate result of that course of action is clear. . . .

"If North Vietnam also occupied this whole band in Cambodia, or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area, as well as the South Vietnamese, would be in an untenable military position.

"Our second choice is to provide massive military assistance to Cambodia itself. Now unfortunately, while we deeply sympathize with the plight of 7 million Cambodians whose country is being invaded, massive amounts of military assistance could not be rapidly and effectively utilized by the small Cambodian Army against the immediate threat.

"With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian Army of 40,000 needs and can use for its defense. But the aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality and not for the purpose of making it an active belligerent on one side or the other.

"Our third choice is to go to the heart of the trouble. That means cleaning out major

North Vietnamese and Vietcong occupied territories . . .

"Now faced with these three options, this is the decision I have made.

"In cooperation with the armed forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border.

"A major responsibility for the ground operations is being assumed by South Vietnamese forces. For example, the attacks in several areas, including the Parrot's Beak that I referred to a moment ago, are exclusively South Vietnamese ground operations under South Vietnamese command with the United States providing air and logistical support. . .

"Tonight, American and South Vietnamese units will attack the headquarters for the entire Communit military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Vietcong for 5 years in blatant violation of Cambodia's neutrality.

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

"These actions are in no way directed at the security interests of any nation . . .

"We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire."

"I know that what I have done will accomplish the goals that they [those who protest] want. It will shorten this war. It will reduce American casualties. It will allow us to go forward with our withdrawal program . . . It will in my opinion serve the cause of a just peace in Vietnam. . . .

"I found that the action that the enemy had taken in Cambodia would leave the 240,000 Americans who would be there a year from now without many combat troops to help defend them, would leave them in an untenable position. That is why I had to act. . . .

Q. "Do the South Vietnamese abide by the same pull-out deadline as you have laid down for the American forces?"

The President. "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them.

"The action actually is going faster than we had anticipated. The middle of next week the first units, American units, will come out. The end of next week the second group of American units will come out . . . Americans of all kinds, including advisers, will be out of Cambodia by the end of June. . . .

". . . it is my belief, based on what we have accomplished to date, that we have bought at least 6 months and probably 8 months of time for the training of the ARVN, the Army of South Vietnam. We have also saved, I think, hundreds, if not thousands, of Americans . . . by buying time, it means that if the enemy does come back into those sanctuaries next time, the South Vietnamese will be strong enough and well trained enough to handle it alone.

"I should point out too, that they are handling a majority of the assignment now in terms of manpower.

Q. "What is your policy toward Cambodia's future?"

The President. "The United States is, of course, interested in the future of Cambodia. . . . However, the United States, as I indicated in what is called the Guam or Nixon Doctrine, cannot take the responsibility and should not take the responsibility in the future to send American men in to defend the neutrality of countries that are unable to defend themselves.

"In this area, what we have to do is to go down the diplomatic trail . . . [to find] methods through which the neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves, to see that that neutrality is guaranteed without having the intervention of foreign forces."

June 3—Report to the Nation:

". . . Between April 20 and April 30, Communist forces launched a series of attacks against a number of key cities in neutral Cambodia. Their objective was unmistakable—to link together bases they had maintained in Cambodia for 5 years in violation of Cambodian neutrality. . . .

"This posed an unacceptable threat to our remaining forces in South Vietnam. . . .

"I directed that American troops join the South Vietnamese in destroying these major enemy bases along the Cambodian frontier. . . .

"As of today I can report that all of our major military objectives have been achieved. . . .

"General Abrams advises me that 17,000 of the 31,000 Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American air support, logistics, and military advisory personnel.

"The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

"Our discussions with the South Vietnamese Government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.

"When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect. . . .

". . . Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese Army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding. . . .

"Secretary Rogers and I have been particularly encouraged by the resolve of 11 Asian countries at the Djakarta Conference to seek a solution to the problem of Cambodia. Cambodia offers an opportunity for these 11 Asian nations, as well as other countries of the area, to cooperate in supporting the Cambodian Government's effort to maintain Cambodia's neutrality, its independence, and its territorial integrity. We shall do what we can to make it possible for these Asian initiatives to succeed."

June 30—Report by the President:

"Together with the South Vietnamese, the Armed Forces of the United States have just completed successfully the destruction of enemy base areas along the Cambodian-South Vietnam frontier. All American troops have withdrawn from Cambodia on the schedule announced at the start of the operation.

"The allied sweeps into the North Vietnamese and Vietcong base areas along the Cambodian-South Vietnamese border:

Will save American and allied lives in the future;

Will assure that the withdrawal of American troops from South Vietnam can proceed on schedule;

Will enable our program of Vietnamization to continue on its current timetable;

Should enhance the prospects for a just peace. . . .

"In assessing the April 30 decision to move against the North Vietnamese and Viet Cong sanctuaries in Cambodia, four basic facts must be remembered.

"It was North Vietnam—not we—which brought the Vietnam War into Cambodia. . . .

"It was the presence of North Vietnamese troops on Cambodian soil that contributed to the downfall of Prince Sihanouk. . . .

"It was the government appointed by Prince Sihanouk and ratified by the Cambodian National Assembly—not a group of usurpers—which overthrew him with the approval of the National Assembly. . . .

"It was the major expansion of enemy activity in Cambodia that ultimately caused allied troops to end five years of restraint and attack the Communist base areas. . . .

"The prospect suddenly loomed of Cambodia's becoming virtually one large base area for attack anywhere into South Vietnam along the 600 miles of the Cambodian frontier. . . .

"We thus faced a rapidly changing military situation from that which existed on April 20. . . .

"Our military response to the enemy's escalation was measured in every respect. It was a limited operation for a limited period of time with limited objectives. . . .

"We have eliminated an immediate threat to our forces and to the security of South Vietnam—and produced the prospect of fewer American casualties in the future. . . .

"We have ended the concept of Cambodian sanctuaries, immune from attack, upon which the enemy military had relied for five years. . . .

"Now that our ground forces and our logistic and advisory personnel have all been withdrawn, what will be our future policy for Cambodia?

"The following will be the guidelines of our policy in Cambodia:

1. There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

2. There will be no U.S. advisers with Cambodian units.

3. We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

4. We will turn over material captured in the base areas in Cambodia to the Cambodian Government to help it defend its neutrality and independence.

5. We will provide military assistance to the Cambodian Government in the form of small arms and relatively unsophisticated equipment in types and quantities suitable for their army. To date we have supplied about $5 million of these items principally in the form of small arms, mortars, trucks, aircraft parts, communications equipment and medical supplies.

6. We will encourage other countries of the region to give diplomatic support to the independence and neutrality of Cambodia. We welcome the efforts of the Djakarta group of countries to mobilize world opinion and encourage Asian cooperation to this end.

7. We will encourage and support the efforts of third countries who wish to furnish Cambodia with troops or material. We applaud the efforts of Asian nations to help Cambodia preserve its neutrality and independence. . . .

"Our understanding of Saigon's intentions is as follows:

1. South Vietnamese forces remain ready to prevent reestablishment of base areas along South Vietnam's frontier.

2. South Vietnamese forces will remain ready to assist in the evacuation of Viet-

namese civilians and to respond selectively to appeals from the Cambodian Government should North Vietnamese aggression make this necessary.

3. Most of these operations will be launched from within South Vietnam. There will be no U.S. air or logistics support. There will not be U.S. advisers on these operations.

4. The great majority of South Vietnamese forces are to leave Cambodia.

5. The primary objective of the South Vietnamese remains Vietnamization within their country. Whatever actions are taken in Cambodia will be consistent with this objective. . . ."

July 1—Television interview:

Q. "Do you feel that you can give categorical assurances now that we will not send ground troops back into Cambodia no matter what?"

The President. "I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time. . . .

"The President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

"When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary. . . .

"With regard to the South Vietnamese [in Cambodia], I pointed out on April 30th that our air support would stop and there would be no advisers with the South Vietnamese, that any activities of the South Vietnamese after we left would have to be on their own. . . .

"Cambodia is in the same category as Indonesia. It is a neutral country. It is a nonaligned country. We have no treaty with it.

"As far as Cambodia is concerned, our only commitment to Cambodia is the commitment that the United States for 190 years has held to the principle of international law that a country that chooses to be neutral should have its neutrality respected.

"Now that means that we are furnishing, as you know, small arms to them for their own defense. It means that, in addition to that, we are trying to give them the moral support that we can. We are supporting the initiative of the 11 Asian nations who are attempting to stand with that government in its neutrality, but as far as military support, the United States moving forces into Cambodia for the purpose of helping them defend against enemy attack—that we are not required to do under treaty and that we do not intend to do. . . .

". . . I am not as bearish as some commentators have been about the future of Cambodia. If I could digress a moment, I think this is a question that our listeners would be interested in—Cambodia's chances of surviving as a neutral country are infinitely better now than they were on April 30th. And they are better, first, because the North Vietnamese have a 600-mile supply line rather than a 40-mile supply line back to the sanctuaries which we have destroyed.

"They are better, also, because the Cambodian Government has far more support among the people, and the reporters from Phnom Penh generally have reported that. They are better, too, because the Cambodian Government also has support from the 11 Asian nations, representing 300 million people, and I think also they are better for the reason that the South Vietnamese have been very effective when they have taken on the North Vietnamese in the Cambodian area. . . .

". . . we do not plan to go back into Cambodia. We do plan, however, and I will use this power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam.

"That is my role of defending American men. . . .

Q. "Mr. President, in view of the Cooper-Church Amendment passed yesterday in the Senate, do you feel now obliged to suspend the negotiations with Thailand about our paying and equipping their troops that they were going to send into Cambodia?"

The President. "Fortunately, our Founding Fathers had great wisdom when they set up two Houses of Congress. . . .

"I think the performance of the Senate over the past seven weeks, going up and down the hill on Cooper-Church, has not particularly distinguished that august body, and the Cooper-Church that came out was not a particularly precise document, and was somewhat ambiguous.

"Now, fortunately, it now goes to the House . . . And I believe that the conference of the Senate and the House, when they consider all of these factors, will first be sure that the power of the President of the United States to protect American forces whenever they come into attack is in no way jeopardized. . . .

"If this [the Cambodian operation] had been what some thought it was, an attempt to expand the war into Cambodia, to launch a war into Cambodia, then of course, I would have gone to the Senate. You can be sure that in my administration we are not going to get involved in any more Vietnams where we do not get the approval of the Congress. I will not do this because I think we need Congressional support for our actions, and I trust we do not have to go to the Congress for that kind of support.

"But when we have this limited, very precise action which was limited in terms of the time, limited in terms of 21 miles as far as we were going to go, and which had for its purpose the protecting of American lives, I had to take the action when I did . . ."

October 7—Address to the Nation:

"When I authorized operations against the enemy sanctuaries in Cambodia last April, I also directed that an intensive effort be launched to develop new approaches for peace in Indochina. . . .

"I am tonight announcing new proposals for peace in Indochina.

"This new peace initiative has been discussed with the Governments of South Vietnam, Laos, and Cambodia. All support it. . . .

"First, I propose that all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold. . . .

"A cease-fire should encompass not only the fighting in Vietnam but in all of Indochina. Conflicts in this region are closely related. . . .

"A second point of the new initiative for peace is this:

"I propose an Indochina Peace Conference . . . North Vietnamese troops are not only infiltrating, crossing borders and establishing bases in South Vietnam—they are carrying on their aggression in Laos and Cambodia as well.

"An international conference is needed to deal with the conflict in all three states of Indochina. The war in Indochina has been proved to be of one piece; it cannot be cured by treating only one of its areas of outbreak.

"The essential elements of the Geneva Accords of 1954 and 1962 remain valid as a basis for settlement of problems. . . ."

November 18—Message to the Congress Proposing Supplemental Foreign Assistance Appropriations:

"The operations in the Cambodian border sanctuaries in May and June helped assure the continued success of Vietnamization and of our troop withdrawal programs. As we knew at the time would be the case, the operations seriously impaired the enemy's ability to operate in South Vietnam, and contributed to the progress which has reduced our casualties there to the lowest level since 1965. Continuing operations by South Vietnamese and Cambodian forces in the border areas will make possible continued progress.

"Cambodia itself has mobilized its own manpower and resources in defense of its independence and neutrality. . . . It is essential that we supplement Cambodia's own efforts by providing resources which are critically needed to enable it to continue to defend itself. Its ability to do so is a vital element in the continued success of Vietnamization.

"Cambodia's needs have been urgent, and as Congress has been informed, I have directed that funds be transferred from other already severely limited programs to meet these critical needs. I am requesting $100 million to restore funds to such vital programs as those for Taiwan, Greece and Turkey. . . .

"To meet Cambodia's urgent needs for the remainder of this fiscal year, I require that the Congress provide $155 million in new funds to be directly allocated to the Cambodian program. . . ."

December 10—News conference:

Q. ". . . Can you foresee any circumstances whatever under which we would use ground troops in Cambodia?"

The President. "None whatever. . . .

Q. "Mr. President, how do you plan to keep your quarter billion dollar aid program for Cambodia from escalating into a guarantee of the survival of the Cambodian Government?"

The President. "The quarter billion dollar aid program for Cambodia is, in my opinion, probably the best investment in foreign assistance that the United States has made in my political lifetime.

"The Cambodians, a people, 7 million only, neutralists previously, untrained, are tying down 40,000 trained North Vietnamese regulars. If those North Vietnamese weren't in Cambodia, they'd be over killing Americans. That investment of $250 million in small arms of aid to Cambodia so that they can defend themselves against a foreign aggressor—this is no civil war, it has no aspect of a civil war—the dollars we send to Cambodia saves American lives and enables us to bring Americans home. . . ."

1970, SECRETARY OF STATE WILLIAM ROGERS

March 23—News conference:

"In Cambodia we recognize the neutrality, sovereignty and independence of Cambodia. We had nothing to do, directly or indirectly, with the events that transpired in Cambodia. We would hope that the events that transpired in Cambodia will not cause the war to be widened in any way . . . our program in South Vietnam . . . will not be affected by the events in Cambodia. . . ."

Q. "Regarding the neutrality of Cambodia, I believe the policy of the United States still is to sanction American troops going across the border if they are threatened. Does this in any way compromise U.S. respect for the neutrality and sovereignty of Cambodia?"

A. "Not at all; and I don't believe that any troops, since the change of government, have gone into Cambodia. But we respect fully the neutrality of Cambodia and its territorial independence . . . Cambodia has not made any request for military assistance . . . No request has been made, and we don't anticipate that any request will be made. . . ."

Q. "Do you endorse the idea of having the ICC return to Cambodia to check on what is happening?"

A. "Well, we don't endorse it, because this is a proposal made by Cambodia without any discussion with us or any activity on our part at all. As I say, this is a problem that primarily concerns Cambodia. We do think it is a very sensible idea. . . ."

Q. "Is military aid [to Cambodia] inconsistent with neutrality?"

A. "No, I didn't say that neutrality and aid were inconsistent . . . Cambodia has not requested any such aid and we don't anticipate they will. If they do, we will have to consider it on its merits."

April 18—Speech to the Cornell Alumni Association:

"The rise of Cambodian hostility over the North Vietnamese presence came rapidly and dramatically. Most governments, including ours, were surprised at the ouster of Prince Sihanouk by the Cambodian Parliament. This was an internal Cambodian development . . . the Cambodian government remained committed to a policy of neutrality and did not seek alliance with the West.

"A year ago, before we reestablished diplomatic relations with Cambodia with a small mission, we affirmed publicly our recognition and respect for the 'sovereignty, independence, neutrality, and territorial integrity' of Cambodia within its present frontiers. The policy we expressed toward Cambodia then remains our policy toward Cambodia now . . . We respect recent Cambodian proposals to seek diplomatic measures of protection through United Nations actions and through a return of the International Control Commission established by the 1954 Geneva accords. . . .

"The possibility of overt warfare in Cambodia [has] understandably caused concern among Americans. They ask if the war in Southeast Asia is widening . . . They wonder if this means that the period of American involvement will be lengthened . . . The objective of the Nixon administration is to avoid both these results.

"It is true, of course, that we cannot be indifferent to the military pressures by North Vietnam on the independence and neutrality of Laos and Cambodia. They affect the safety of our own forces in South Vietnam . . . We continue to believe that an ultimate settlement to the Vietnamese war must take Laos and Cambodia into account. However, we are determined not to reverse the long-term direction of our policy toward fostering more self-reliance among Asian states. . . ."

April 25—Speech to American Society of International Law:

". . . The violations of those accords [1954 Geneva accords] by North Vietnam in Laos and Cambodia are explicit, uncontested, open, and without any shred of international sanction. Is it not time for nations which are signatures to international agreements actively to support them?. . . ."

May 3—Television interview:

"The reason [for the Cambodian operation] was to protect the lives and safety of American men fighting in Vietnam . . . It's limited in the extent, purpose and duration . . . We're not going to exceed those limitations of the sanctuaries on the border . . . the purpose is to destroy the sanctuaries themselves . . . The President has made it clear that it's not going to last more than 6 to 8 weeks at the most . . . At that point the American troops and the South Vietnamese troops will withdraw from Cambodia. . . .

"We made every possible effort to get negotiations started in good faith, negotiations dealing with Laos and Cambodia . . . We would hope, now that it's clear that the North Vietnamese have invaded Cambodia and it's clear that we've taken this action, that all states would become interested in discussing what they can do to guarantee the neutrality of Cambodia. . . .

". . . this is a limited action. If we were going to stay in Cambodia on any sort of a permanent condition, permanently, or even of longer duration, then obviously we'd have to have the support of the American people. But I think the American people are going to support the President. . . ."

May 13—News conference:

"What is the policy of the United States Government on South Vietnamese military assistance or cooperation with the Lon Nol government in Cambodia?"

A. "There is some cooperation between the two governments. Naturally, we encourage that. The whole Nixon doctrine as pronounced at Guam is that the Asians should work with each other to take care of their common problems . . . I think there's a limit to what we should say about what South Vietnamese troops are going to do. Originally, it was contemplated that most of the troops would be out of Cambodia by the end of July, but I don't know that I'd want to make a commitment on behalf of the South Vietnamese . . . the American troops will be out of Cambodia by the 1st of July and all the American troops will be out, including advisers. . . .

"I said that if we did that, if we got involved in the support of the present government of Cambodia or any other government, that it would be inconsistent with the policy of the government . . . to withdraw our troops in an orderly way from South Vietman . . . the United States has no intention of getting involved in Cambodia with American troops in support of the present government of Cambodia or any other government of Cambodia. . . .

"Are we concerned if South Vietnam becomes active in Cambodia with their troops, if that will make it more difficult for us to withdraw our troops from South Vietnam . . . Yes, we have made that point to South Vietnam, and they fully understand that. In other words, that is not going to disrupt the Vietnamization program. . . .

Q. "Could you clarify for us the operation off the coast of Cambodia. . . .?"

A. "Its purpose is limited. Its purpose is to intercept shipments of ammunition and supplies to the base areas in Cambodia which would be conducted by the North Vietnamese or the Vietcong. It does not apply to other powers, it applies only to reshipment of supplies and ammunition to sanctuary areas. . . .

"How the Cambodians and the South Vietnamese cooperate in the future is going to have to be worked out between them. Obviously, we will play a role in that; but whatever role we played would not be inconsistent with the policy we have announced, of getting out. . . .

Q. "Are all those American operations, including the coastal patrols, to be stopped, as far as the Cambodian theater of operation is concerned, by the end of June?"

A. "Well, I wouldn't want to say that. I think we've said enough when we've said what we are going to stop.

"Insofar as the riverine operation is concerned, the Americans have not exceeded the 21-mile limit, and we don't intend to.

"Insofar as getting Americans out of the river in Cambodia is concerned, the answer is: 'Yes, that would be included.'

"So far as patrolling international waters is concerned, that's different. I'm not sure what we will do. My guess would be that we will continue. We have had a patrol of international waters all the time—this is just extending it a little bit—so I don't want to make any predictions about that. . . .

Q. "Mr. Secretary, are you ruling out—or not ruling out—U.S. air activity over Cambodia past the June 30 deadline?"

A. "No, I haven't ruled it out at all. We had air activity over Cambodia before the change of the government, and we haven't said anything one way or the other about it.

Q. "And it also seems possible that the air support, however, interdicting the sanctuaries may continue. What about airpower in support of the Cambodian effort?"

A. "Well, that would apply, too. We don't intend to become involved militarily in the support of the Lon Nol government or any other government. . . .

"Now, in terms of assistance, military assistance by way of supplies or otherwise, the President has announced that we are going to provide some assistance consistent with the present authority that we have.

"Obviously, any larger program would require congressional approval. I don't think we have crossed that bridge. We have no present plans to embark on that kind of a program.

Q. "What you're ruling out, only, is that we will not get involved directly, militarily, in supporting the Lon Nol government.

A. "That's correct. . . ."

June 8—"Face the Nation":

"We certainly hope that the government [of Cambodia] doesn't fall; but the President has made it perfectly clear . . . that we will not support the Lon Nol government with U.S. troops. . . .

"It is possible that the war will be fought in a different place and it is possible that it will continue with South Vietnamese forces and Cambodian forces, and even possibly Thai forces, fighting a common enemy. But that doesn't mean that the United States forces will be enmeshed in a combat in Cambodia. . . .

"I think it is interesting that for the first time the countries in the area—Thailand, Cambodia, Laos, and South Viet-Nam—are all working together. . . .

"The South Vietnamese have made it clear that if the enemy tries to return to the sanctuaries, they will reenter the sanctuaries. . . .

"If the government of Cambodia came into Communist hands, it would be an unfavorable development. We would hope that that doesn't happen.

Q. "Would it be 'unacceptable' "?

Secretary Rogers: "No, not unacceptable in the sense that we would use American forces to support the government. . . .

Q. "Then it is irrevocable that there will never again be American troops used in Cambodia, no matter what?"

Secretary Rogers: "There is no intention of using American forces in Cambodia. . . . Our forces are going to be out of Cambodia by June 30. We will have no military people there at all, advisers or anything else. And we have no intention of having any American forces return to Cambodia. Now, South Vietnamese forces may return. The President said we may use air interdiction to protect our forces, but we will not use American forces in Cambodia. If we did, it would enlarge the war, and it might mean that we'd be there on a semi-permanent basis, and we're not going to do that. . . ."

June 9—Statement before House Foreign Affairs Committee:

"The President decided that an attack on the sanctuaries was necessary so that Vietnamization and the withdrawal of our forces from Viet-Nam could proceed. As far as Cambodia is concerned, we want for it what it wants for itself—to be free, sovereign, neutral, and unmolested.

"Our operations, as the President said last Wednesday, have achieved our major military objectives and will facilitate and ensure the success of our overall Viet-Nam policy. I might add that the effectiveness with which the South Vietnamese have fought in Cambodia increases our confidence that Vietnamization is the right course to follow. . . ."

June 25—News conference:

"The President's policy on air interdiction is that at the present time and after our troops leave Cambodia, our Air Force will be used, be permitted to interdict the supply lines and communication lines in Cambodia. . . .

"It is obvious, of course, that there will be times when, in the process of interdicting supply lines or communication lines of the enemy, that that will be of direct benefit to the present government in Cambodia. But I think the main thrust of our policy is to use our Air Force for the purpose of interdicting supply lines and communication lines to protect Americans in South Viet-Nam.

Q. "Mr. Secretary, I believe yesterday a spokesman for the Cambodian Military Command stated that American fighter bombers were flying missions in direct support of Cambodian forces. Now, was he mistaken, or do I perceive a change in our policy?"

A. ". . . I think that I can see very well why a Cambodian might think it was helpful to the government when we fly those missions.

"But our purpose is to interdict communications and supply lines of the enemy. As I say, that's our purpose. That is our policy. Obviously, it may have a dual benefit; it may serve our purposes and at the same time serve the Cambodian Government. . . .

Q. "Mr. Secretary, you said that the main purpose of American air activity in Cambodia would be to protect American troops in South Viet-Nam. Is it not essential to the security of American troops that the government of Lon Nol, or at least some government not unfriendly totally to the United States, remain in Phnom Penh?"

A. "I'm not sure it's essential, but obviously it's quite helpful if the government in Cambodia is neutralist and if there's stability in Cambodia. . . .

"Obviously, we have a great interest in the welfare of people all over the world, and we are assisting in some ways in Cambodia. But our purpose was not to affect the course of events in Cambodia as far as politics are concerned. . . .

Q. "Mr. Secretary, if it is our policy to desire a neutral or friendly government in Cambodia, are we willing to provide arms and money to keep such a government in power?"

A. "We have encouraged Asian nations to do what they could to help other Asian nations. We are encouraged by the fact that Cambodia, for the first time in many years, has friendly relations and diplomatic relations with all of its neighbors. . . .

"As you know, the United States has provided, and is providing now, assistance to Cambodia. In this fiscal year it's amounted to $7.9 million, and we are now considering the program for next year. We do want to do what we can to support the neutrality of Cambodia, but we want to be sure that it's not done in a manner which suggests that we take over the responsibility militarily to maintain any government in office. We would hope, and we are somewhat encouraged by events, that Cambodia will remain neutral. . . .

Q. "Can you state, Mr. Secretary, that American aircraft or American pilots will not fly close air support for Cambodian units or South Vietnamese units defending Cambodian positions?"

A. "I am not going to make any statement that might limit the use of our airpower except what I have already said. And I don't see any reason why the United States should constantly be put in the position where we tell the enemy exactly what we are going to do. Our policy is as I have stated. And we also have said that we would expect that most of the air flights of that type will be flown by South Vietnamese forces. . . .

Q. "Mr. Secretary, can you tell us the status of negotiations to send Thai troops into Cambodia to support the government?"

A. "Well, Thailand now has that under consideration. Whether they will, and to what extent, and so forth, they haven't made a decision on it yet. So we haven't made any decisions on our support.

"If we support Thai troops in Cambodia, we would have to do it from Cambodian MAP funds. . . ."

July 7—Conference for Editors and Broadcasters:

"Our purpose in Cambodia was limited—to strike the North Vietnamese sanctuaries which were used by the enemy to conduct the war in Viet-Nam and to capture and to destroy his supplies and equipment. . . .

"The military operations in Cambodia, we believe, have succeeded. First, the capacity of the enemy to conduct attacks against our forces in Viet-Nam has been severely damaged. Two, there has been a dramatic increase in the confidence and capability of the South Vietnamese forces. And three, prospects for the Vietnamization program have been increased. . . .

"The North Vietnamese are attempting to use Cambodian territory to reestablish their disrupted lines of supplies and communication to carry on the war in South Viet-Nam. American airpower is being used to frustrate these efforts. President Thieu has said that South Vietnamese forces may continue to engage the enemy in Cambodia; thus—and I think this is a point that should be underscored—thus the enemy can no longer count on a safe haven in Cambodia to attack our forces. . . .

"We are providing limited amounts of small arms to the Cambodians and will continue to provide additional amounts of arms and other equipment to help them maintain their independence and neutrality.

"We support and encourage Cambodia's expressed desire to remain neutral. We have no other objective than to have its neutrality respected by all nations. We have no desire to associate it with SEATO or to seek to have it aligned with ourselves or with anyone else. . . .

"Some have asked if our efforts in Cambodia modified our basic policy in Viet-Nam. The answer is no. We will, of course, adjust our actions in the light of events, and President Nixon has made it clear that if the enemy takes action which endangers our troops, he will respond. But our policy remains constant: We would prefer a negotiated settlement which results in all foreign troops leaving South Viet-Nam. . . .

"The situation in Cambodia has, of course, highlighted the regional aspects of the Viet-Nam war. . . .

"We are continuing to press our effort for negotiations on the problems of Indochina. . . .

"There's nothing about a war that's pleasant, and we have made every effort to avoid any civilian casualties. And certainly in Cambodia we've made very strenuous efforts to be sure that they wouldn't occur.

"But the Government of the United States regrets the whole war. . . .

"We believe . . . that the difference between the future and the past is that in the future they [the Communists] will have to face Cambodian troops, South Vietnamese troops, and possibly interdiction by American airpower—whereas before, they could maintain these sanctuaries with complete safety. They didn't have to concern themselves with the safety of their bases, which probably was an anomaly of warfare. . . .

Q. "If the war goes badly against the present government in Cambodia, and if the Communists win, as they seem to be doing right now, will the United States do nothing except provide air support?"

"I think we've been pleasantly surprised about the stability of the Cambodian Government up to this time, and I would not want to make any prediction about the military future in Cambodia except to say that we are pleased at the way the young people are supporting the present government, the way the intellectuals are supporting the present government, and the way the present government has been able to recruit armed forces. . . .

"We will not send American ground troops into Cambodia again . . . We will use our airpower to interdict the supply lines, the communication lines, but we will not use American ground troops. Our policy, both in Cambodia and South Viet-Nam, is to replace American troops with Asian troops. . . .

"We hope that the present government, or at least a neutral government of Cambodia, continues to survive in Cambodia. . . ."

July 15—News conference:

"In Japan we had a meeting, as I said, with the Ambassadors from 14 nations in the area. . . .

"In the course of my discussions, we had a lot of time to deal with the topic of the future of Cambodia; and although we didn't make direct requests of any government, we did make it clear that we thought that the Asian nations should help the present Government of Cambodia maintain its neutrality. And contrary to some of the stories that I've seen written, I feel quite confident that there will be good results from those discussions.

"I am not at all pessimistic about the prospect of Asian nations assisting Cambodia, because they recognize the importance of the neutrality of Cambodia to the security of that area. . . .

"I think that the success of the incursion in Cambodia, because it contributes to the success of Vietnamization, does increase the probabilities that the enemy, somewhere along the line, will negotiate. . . .

"The South Vietnamese forces are quite strong now. They have well over a million men well equipped, well trained; and now they've—at least to some extent—have proven themselves in Cambodia. And they have a morale that didn't exist at all last year . . . So we think it's quite possible that they can defend themselves against the common enemy. . . .

"I found that the Asian nations . . . realize that the only obstacle to the neutrality of Cambodia is the presence of North Vietnamese troops. . . ."

October 9—News conference:

"We haven't attempted to make any statement about who might attend an Indochina peace conference, because we think it is premature. We do feel that the principal parties are the governments now in power and those who are opposed to them on the battlefield.

"As far as Sihanouk is concerned, he doesn't enter the picture, I think, here. The forces in Cambodia facing the present Government of Cambodia are North Vietnamese. . . ."

October 11—"Issues and Answers":

"Our troops are not going back into Cambodia. President Nixon has made that quite clear. We think that the Cambodian Army and the South Vietnamese Army, working together, can handle any situation that might develop there. . . ."

November 25—Statement before the House Committee on Foreign Affairs:

"Cambodia's involvement in war is the result of events over which that small country has had little control. The North Vietnamese, who had long occupied Cambodia along the border provinces, decided last April to compound their violations of Cambodia's territories by undertaking actions throughout much of the country. This left the Cambodian Government no choice but to defend itself. Realizing this would require a good deal of outside help, the Cambodians reacted initially by submitting to us a request for $400 million in assistance. The aid they asked for would have included many expensive and sophisticated weapons.

"Sympathetic as we were to Cambodia's plight, and much as we realized that what it contemplated doing would contribute to our own goals in Viet-Nam, we did not agree to this approach. We recognized that if we complied with the Cambodian request we might have had to establish a large American presence to go along with the aid. We were concerned that we would be gradually sucked into greater and greater involvement as we had been in Viet-Nam and finally would be pressured into extensive use of ground forces.

"Instead, we decided to use our aid in a totally different way, taking advantage of Cambodia's principal assets: its strong sense of nationalism and patriotic determination to repel the North Vietnamese invaders. Thus it was that our cross-border operations last spring were limited in time, in area, and in objective. They succeeded in depriving the North Vietnamese of free use of the border-sanctuary areas, and they greatly assisted our troop withdrawal program in Viet-Nam. They also gave the Cambodian Government an opportunity in cooperating with other neighboring nations to establish its own substantial military forces.

"Since last spring, our aid to Cambodia has taken the form of providing weapons and ammunition that the Cambodians are fully capable of using themselves . . . We have no military forces or advisers in Cambodia, nor do we intend to send any.

"The Cambodians have made it clear that they want to do the job themselves. . . .

"But despite a high degree of national unity, Cambodia still lacks the wherewithal to carry on the fight . . . For the immediate future—and particularly in the face of a possible enemy offensive during the coming dry season—additional aid will be urgently needed.

"The $70 million requested for economic assistance is essential to sustain the Cambodian defense effort and is designed only in part to offset the loss of normal export earnings. Cambodia is not creating an elaborate military machine. Rather it is set on keeping in the field units that can be rapidly trained to cope with the North Vietnamese efforts to reestablish supply lines and harass the Cambodian Government wherever possible.

"Over 70 percent of the military assistance request for Cambodia is for ammunition. The remainder will be used for small arms, trucks, a small number of propeller-driven aircraft, communications equipment, river patrol boats, and similar items.

"The United States is not alone in providing help. Military or humanitarian aid has also been forthcoming from neighboring South Viet-Nam and Thailand, and from Australia and Japan. . . .

Our basic objective in Cambodia is to protect Vietnamization and our withdrawal program . . . We believe the best way to gain the objective is to assist—with air support and aid, not military advisers or ground troops—Cambodia's efforts to defend itself. This request for military and economic assistance would do just that. If Cambodia proves unable to withstand North Vietnam's aggression, Vietnamization and the troop withdrawal program will suffer a serious setback . . . In my testimony before Congress last April . . . I stressed our determination to avoid a lasting military presence and a military commitment to the Cambodian government. I made clear that we had no intention of letting Cambodia become, in terms of American involvement, another Vietnam. . . .

"We adhere to those principles. . . .

". . . we feel that the money involved is certainly a small price compared to what we believe is the safety of American lives . . . We have not planned, and we have no present plans for providing, any sophisticated military equipment . . . They are also getting help from South Vietnam, so we believe that they will be able to maintain their armed forces successfully with this help.

"The Cambodians provide intelligence information to the South Vietnamese. And we in turn get that information. Now we still are pursuing a policy which is to prevent Cambodia from being used as a base for attacks against our forces, and in that connection we try to interdict supply lines and communication lines. So from time—and there has never been any hesitation in saying this—we do bomb in Cambodia, and I can see why some Cambodian might have said that he has sent word out to the South Vietnamese about the presence of North Vietnamese troops and later on attacks were made.

"We have no treaty obligation with Cambodia, and we have made no commitment with them . . . we do not plan to build up a large mission in Cambodia. We are going to do it with a modest number of people . . . we are going to do all we can to keep our presence small . . . we are not considering the type of operation that we considered in Vietnam."

December 10—Testimony before Senate Foreign Relations Committee:

"It is my judgment that the incursion into Cambodia has increased the prospects for a negotiated settlement . . . I think the incursion into Cambodia would have increased that incentive. . . .

Q. "When did we first get an urgent request for arms and material from Cambodia?"

A. "It was . . . sometime in March of this year . . . the Cambodian government has reduced the amount that they have requested by a great deal, and they have completely changed the character of the equipment they asked for . . . the request they make is now quite realistic . . . I think it would be a very serious matter for the Cambodian government if this supplemental is not approved . . . But I think the intelligence that we get indicates that the present government is doing quite well . . . this request will undoubtedly be followed by other requests. The magnitude of those requests will depend on events . . . when we ask for military assistance and economic assistance for Cambodia, we certainly do take on some obligation for some continuity.

"We have not taken on any commitment to the government of Cambodia. We have explained to them clearly that any fighting has to be done by the Cambodians and by the South Vietnamese and not by American forces. . . .

"We do not intend to have a MAAG or an aid mission . . . We do not intend to use military advisers. . . .

"What would happen if our troops in any particular spot were imperiled, I wouldn't want to say. That would be up to the President. But I think that, in view of the placement of our troops, that is not likely . . . I don't think we would get deeply involved in Cambodia and certainly not in war unless we send U.S. troops in. . . .

"Some Cambodians will be trained in South Vietnam, but they will be trained largely by the South Vietnamese . . . There will be some training in Thailand. . . ."

1970, SECRETARY OF DEFENSE MELVIN R. LAIRD

May 6—News briefing:

". . . I supported fully the operations to destroy the facilities in the sanctuary areas. I supported the use of Americans as required to carry out this very important mission, which I thought was needed and necessary in order to protect our Vietnamization program and also to reduce the possibility of American casualties. . . .

"In the Parrot's Beak area, gentlemen, it's a little different mission because you have to use tactical air there. You cannot use the B-52s because of the civilian population that's involved. There is no Cambodian population in this other area, it's completely occupied by North Vietnamese and VC forces. When you're in these targets, that sort of operation has to be approved by me. . . .

"Many people fail to realize that we [had] had incursions into the sanctuary areas. These particular incursions started during the month of April and they were carried on an in-and-out basis entirely by the South Vietnamese and by the Army of the Republic of Vietnam forces. As far as going forward with the introducing South Vietnamese and American troops for 7–10 day operations, that particular plan had been worked on and I had presented it to the National Security Council but the National Security Council decision and the Presidential decision to implement the pl..n did not actually take place until Monday evening or Tuesday morning. . .

Q. "Mr. Secretary, was there any amphibious undertaking under consideration regarding Sihanoukville at any time? . . . "

A. "I tell you, we have all sorts of contingency plans. . . .

"I want to make it clear . . . We're not going to become bogged down in these sanctuaries. . . .

Q. "Why didn't you ask Congress for approval for the Cambodian operation before you did it?"

A. "It was not necessary because this Cambodian operation is a part of the Vietnam program. . . .

May 22—Television interview:

". . . the time table which has been set by the President for the withdrawal of American troops from the Cambodian sanctuary operation will be met in every respect. I think it would be a mistake, however, to make a firm time table and establish it here for the Vietnamese forces. I personally feel as Secretary of Defense, if the occasion should arise when the South Vietnamese forces could go into the sanctuary areas at a time when the sanctuaries are rebuilt; when there are North Vietnamese occupying the particular territory, I would recommend that they be used if they so desire. It would be a decision that would be worked out in cooperation with the Cambodian Government and the South Vietnamese . . .

"There will be no American advisors in Cambodia after June 30th. The President has made this clear. This operation has been a great tactical success and it has exceeded the expectations of General Abrams thus far, as far as destroying facilities, uncovering ammunition and food. This was the primary mission from a tactical standpoint . . .

". . . One of the things that had a tremendous influence, I think, on this whole operation has been the successes of the South Vietnamese . . . the morale has been tremendous—the morale buildup—they'll be able to go in-country and strengthen their security efforts within country . . .

"Every American will be out of Cambodia by the 30th of June. We've already reduced the American presence in the sanctuary areas, and the only place they have operated has been in the sanctuary areas—the occupied territory of Cambodia which is occupied by the North Vietnamese . . . The South Vietnamese have had the major responsibility . . .

"I think our primary interest in Cambodia and Laos is the effect that Cambodia and Laos have upon our Vietnamization program and the American presence and the safety and protection of the American troops which are in Vietnam . . .

"As far as rebuilding the Army of Cambodia, this would be a very long process. You cannot go forward in the matter of weeks or months to modernize that particular army. So the problem that we have to look at here is the effect of the North Vietnamese invasion and occupation in certain areas of Laos and certain areas of Cambodia on our Vietnam program . . ."

June 4—"Meet the Press" (with General Earle G. Wheeler, Chief, JCS):

Q. Mr. Chancellor: "Will the South Vietnamese withdraw from Cambodia completely?"

A. Secretary Laird: "I would not anticipate that the South Vietnamese would use the same time table that the United States forces do. However, the South Vietnamese have indicated that they have a primary mission within their country, and I would assume that they would soon be back within their country.

Q. "General, last night the President said, 'The only remaining American activity in Cambodia will be air missions to interdict the movement of enemy troops and material where I,' said the President, 'find this is necessary to protect the lives and security of our forces in South Vietnam.'

"Does that mean helicopter gun ships or B-52s or what is the military prognosis on that?

A. General Wheeler: "I think he was talking primarily, Mr. Chancellor, about the use of fighter-bomber aircraft, or larger aircraft than the helicopter gun ships. Again, however, I would not like to foreclose on the President's options, because it will depend upon the type of target which would be the better instrument of war to use.

Q. Mr. Chancellor: "Theoretically, sir, a number of people are worried that if a unit of the South Vietnamese Army is in trouble in Cambodia, there might be incalculable pressures on the United States to come to the aid of that unit. Can you foresee that happening in the months or years to come?

A. General Wheeler: "I can only cite what the President said. He said he was going to use air power to interdict the movement of enemy supplies and men within Cambodia, if that proved necessary to protect the lives of American troops. I don't think I could, with propriety, go any further than that, Mr. Chancellor.

Q. Mr. Beecher: "Mr. Laird, I would like to follow up a little bit on that question about American air power in Cambodia against infiltration and supply targets following the withdrawal of our ground troops there at the end of the month.

"May we assume that such air strikes will not be limited to the approximate depth of 21 miles from the Vietnam border that applied to our ground combat forces, but in fact could extend far into Cambodia if the targets are far into Cambodia?

A. Secretary Laird: "We will carry on the best kind of air interdiction campaign we possibly can. Whether that air interdiction can be carried on the best in Laos or in Cambodia is a question that will have to be resolved after the 30th of June, when all Americans will be withdrawn from Cambodia.

Q. Mr. Beecher: "In other words, if I understand you, sir—let me ask this as a question: Should the North Vietnamese establish a new supply system deeper inside Cambodia, might we apply air power there as we have along the Ho Chi Minh Trail in Laos for some time?

A. Secretary Laird: "I think a judgment would have to be made at that time, and I would not want to make that judgment on this program. But it would seem to me that the interdiction might be carried on more reasonably in the Ho Chi Minh Trail because of the few number of choke points that would be involved. But I don't believe that it would serve any useful purpose for us to discuss the specifics of operational orders. These orders will be carried out in the best way that they can be carried out in order to protect Americans that are serving in Vietnam, and the purpose of any air interdiction of supplies or material coming down from North Vietnam through the Ho Chi Minh Trail through Laos into Cambodia, the purpose of any interdiction campaign will be to protect Americans and reduce American casualties, as long as Americans are present in South Vietnam.

Q. Mr. Brandon: "General Wheeler, would you rule out the reentry of American ground troops into Cambodia?

A. General Wheeler: "I would have to, because the President has said that we will withdraw from Cambodia, and while I can't foresee all of the circumstances that might arise in the future, I think his intent is that we will not reenter Cambodia.

Q. Mr. Brandon: "We have also been told that the North Vietnamese are now building up a new sanctuary in South Laos. I wonder how important is it and what you plan to do about it?

A. General Wheeler: "What they are actually doing, Mr. Brandon, is that they are extending the base complexes farther to the north, in a sense, but also farther to the south, and we will take the appropriate action that we have taken against other base areas, both in Laos and in Cambodia. In other words, we will use air power against that sanctuary area, or that base area.

Q. Mr. Brandon: "Only air power?

A. General Wheeler: "That is correct, sir.

Q. Mr. Novak: "Secretary Laird, when you were a Republican Congressman you were very critical of the Democratic Administration for not telling the truth about how much money the war was costing. Could you say how much this Cambodian army—this Cambodian exercise is going to cost, over and above what the Vietnam war was costing otherwise?

A. Secretary Laird: "There will be no additional cost as far as the Vietnam operations are concerned. This is budgeted in the 1970 operational budget for our troop operations within Vietnam. . . .

Q. Mr. Novak: ". . . Do you think they (the South Vietnamese) could have handled the incursion into Cambodia without the help of U.S. troops?

A. Secretary Laird: "No, the operations could not have been carried out as successfully, but I do not want to take away from the South Vietnamese by answering that particular question.

Q. Mr. Novak: ". . . Why do you say it couldn't have been carried out without American troops, since they have done so well?

A. Secretary Laird: "In the Fish Hook area we would have had to move the 25th division or the First Air Cavalry Division because they had the security responsibility opposite that area. So we would have had to move the Americans out and move the South Vietnamese in. It would have been a tremendous logistics problem. . . .

Q. *Mr. Novak:* "Wouldn't the logistical inconvenience have been worth it, considering the political damage done to your Administration at home?

A. *Secretary Laird:* "Personally, I believe that the political damage that you talk about will be non-existent in a few months, because this operation can be judged on the short term tactical successes, which have been tremendous. But the operation really will be judged on the long term strategic successes, and that will be based on the progress towards Vietnamization. . . .

Q. *Mr. Spivak:* ". . . Our operation in Cambodia highlights the importance of having a friendly government there. What will the U.S. do if the government is militarily threatened by the enemy, as it may well be?

A. *Secretary Laird:* "Personally, as Secretary of Defense, I believe that we best keep our eye on the ball, and that is Vietnam. I believe that the success of the Cambodian operation should be judged in terms not of the success of the government in Cambodia, but the success of the Vietnamization program and our withdrawal program. Personally, as Secretary of Defense, I believe that the emphasis must be on the Vietnamization program and not on the rise or fall of any other government.

Q. *Mr. Chancellor:* ". . . What if the Russians are reading the ability of the American President to move in an unpredictable way, a way that the policy planners cannot predict? This was at least part of the Cambodian operation. And if it makes this country have a sort of nervous breakdown, as it went through for a few days after this operation, do you believe that that limits the options of the President for acting in other parts of the world? . . .

A. Secretary Laird: "I first want to say that it never was anticipated by anyone that there would be a Kent State or a Jackson situation developing, and that was indeed an unfortunate tragedy in both cases. But I do feel that the important thing that is being accomplished in this Administration is the establishment of credibility, as far as this war is concerned. And the important judgment will be made on the 30th of June that we meet this deadline, the time that has been set by the President of the United States, just as he has met every other deadline on troop withdrawal. I think this is the important thing in the long run, to restore this credibility, as far as Southeast Asia is concerned, and to move forward towards the Nixon doctrine, which has as its overriding goal the avoidance of this kind of ground involvement in Southeast Asia. . . ."

June 26—Interview by Newsmen:

Q. ". . . has the policy of interdiction and bombing of Cambodia been extended to include the combat air support of both the ARVN and the Cambodian armies in Cambodia?

A. "I made it very clear, as I testified before the Foreign Relations Committee back early in May, a policy that our government would pursue as far as air support was concerned. After the Cambodian operation, which will end as far as Americans are concerned on the ground on June 30, we will carry on an air interdiction campaign and any airpower that is used in Cambodia will be based upon the interdiction of supplies, or personnel, that threaten the Vietnamization program, that threaten Americans, that are engaged in military operations in Vietnam. The primary emphasis will be on the interdiction of supplies, materiel and personnel.

". . . the primary reason for the air activities will be the protection of Americans in South Vietnam, but I would be less than frank or candid with you if there would not be a side effect as far as Cambodian and South Vietnamese troops operating within Cambodia, but the primary reason for the air operations still will be in accordance with the testimony which I gave to the Foreign Relations Committee of the United States' Senate. . . .

Q. "Do you rule out close air support for the Cambodians in the future?

A. "I do not believe that it's good practice as far as military planning is concerned to give flat answers on operating orders as far as the future is concerned. I can assure you, however, that the primary reason will be as I stated before the Foreign Relations Committee, the primary reasons for carrying on air activities in Cambodia, will be the interdiction of supplies and materiel, interdiction of personnel, to protect Americans in Vietnam, to protect our Vietnamization program, to make withdrawals of American troops a continuing process and to reduce American casualties.

". . . the supply routes through Cambodia have had in the past, and could have in the future, an effect as far as our Vietnamization program is concerned, and we will continue to carry on an interdiction campaign in this area in order to protect our Vietnamization program. . . .

Q. ". . . would a Communist takeover of Phnom Penh jeopardize . . . Vietnamization seriously?

A. "We have had periods of time when the supplies coming in through Cambodia were a very serious problem as far as the IV Corps and the III Corps area is concerned, and I would be less than frank with you if I did not indicate that the supplies through Cambodia, coming through Sihanoukville, have had an effect, a very substantial effect, on the war effort in Vietnam, and we are going to do everything we can to see that our interdiction campaign of these supplies and personnel is successful in order to protect our Vietnamization program. . . ."

July 23—Speech:

"As the threat from the Cambodian sanctuaries has been blunted, and as the Vietnamization Program continues to move forward, evidence multiplies that the President's strategy and his doctrine are producing the desired results. Concern for the lives of our servicemen and for their safe return to the United States was the key deciding factor that caused the President to conduct the limited operation in Cambodia. . . ."

August 6—News conference:

Secretary Laird: "I think the situation in Cambodia today is better than I had expected it would be at this time. . . .

"As far as the improvement of the Cambodian Army, I think they have shown good progress. . . .

". . . I am concerned about the use of the sanctuaries, the use of supplying forces that can attack Americans and can jeopardize the Vietnamization program, and our troop withdrawals, and the reduction of American casualties. . . .

". . . I also am concerned about the use of the harbor at Sihanoukville—and the use that was made of that harbor for logistics support operations, both for the VC and the North Vietnamese. It is very important—and it has been of considerable help—to have that avenue of logistics support shut off. I certainly feel it is to the interest of our program in South Vietnam to keep the sanctuaries shut off, to interdict the supplies and personnel, whether they are coming through the opening of the Ho Chi Minh Trail on down through Laos, the use of the Mekong, or efforts to reopen Sihanoukville.

Q. "There has been some rather explicit reporting out of Cambodia that American airplanes are providing direct combat support to the Cambodian troops.

Secretary Laird: ". . . I am not going to discuss operating orders, but I can tell you that we will continue to interdict supplies, personnel and logistic routes. There will be certainly ancillary benefits, too, that will affect Cambodian operations; however, our primary mission, as far as the use of our air—whether it be in the southern part of Cambodia or along the sanctuary areas, or along the river routes—will be interdiction of supplies and personnel. I have been noticing these newspaper stories. I would just direct your attention to when I was hit at Andrews Air Force Base as I came back from my trip to Europe and the NATO meetings. I outlined that policy very clearly at that time. [See June 26 entry]. I have had personal contacts with General Abrams, prior to his going to the hospital, about the use of air interdiction in Cambodia. We are still following that policy.

Q. "Mr. Secretary, I am very much distressed . . . at the difference between the policy that we are told exists and the perfectly obvious implementation of it, and most specifically John Wheeler's story from the scene this morning in great detail . . . That is not interdiction by any stretch of the imagination, sir; that is close air support operations. All the talk between the airplanes and the ground controllers was recorded in this dispatch. How do you square the difference between what is reported by an eye witness with long experience with the stated policy of interdicting only those things which can jeopardize us in the South? This is an operation in a new part of Cambodia. . . .

Secretary Laird: "Well, in that particular area it is very much related to the opening up of the sea area for supplies, etc. I would merely state that the decision was made by the Commanders in the field that it was an important interdiction mission to destroy—I believe, in this case, personnel. But this is a decision which certainly can be made by the commander. COMUSMACV has that authority to interdict personnel and to interdict supplies.

"We have stayed by that authority and he (COMUSMACV) has used that authority. I have no criticism of the use of the authority in Cambodia. I saw one report that every request was adhered to. That certainly is not the case. These interdiction missions are flown when it is felt personnel, or supplies, or the buildup is of sufficient magnitude, or it has an effect upon the overall program which we have in Vietnam.

Q. "But 300 yards in front of ground forces under control of forward ground controller in an OV–10, sir, is not interdiction.

Secretary Laird: "Well, it depends on what you refer to as an interdiction, I think. I believe it is. It is very difficult to get these forces together in large numbers and to get concentrations of supplies. The VC and the North Vietnamese are now following the policy of trying to concentrate their supplies and their buildup of supplies, material and men around population centers. You have to have forward air controllers, so that you can be in a position where you can protect civilians.

"I can assure you that COMUSMACV in his use of this interdiction authority is making every effort, with absolute, positive control, so that civilians will not be involved in any way with the interdiction missions flown by the United States Air Force. I believe that it was wise to use forward air controllers under conditions, such as these, in order to protect the lives of innocent people.

". . . I know that it has been helpful to us as far as our program in Vietnam is concerned. Now as far as giving a factual assessment of its effect on the Cambodian situation, I am sure it has been helpful, but I can't give you a percentage nor give you that kind of a judgment. . . .

". . . MACV's judgment, is based upon its effect upon our operations.

Q. "I'm just trying to find out how serious the military situation was in Cambodia. Could that government have survived without the benefits they received, the side benefits they received from our interdiction?

Secretary Laird: "I would think that this would have helped materially, but I can't make the positive judgment on it and give you percentages. I think, certainly, the ancillary benefits have been helpful from the interdiction campaign.

Q. "Mr. Secretary, are there many cases where they asked for help that they would consider close air support and we denied it to them, because it was not to our benefit to do so?

Secretary Laird: "Yes, of course, there are cases. There are cases where we can't positively control the aircraft where we would be in a position where we would not use them.

Q. "Can you break that down with any kind of percentage basis, of X number, or total number of requests, how many are honored?

Secretary Laird: "I can't give you the percentage. No, but it is a substantial number that aren't, because they don't fit in with our overall guidelines in this area and our overall operations. . . ."

September 2—News conference:

"When I have been asked the questions, even before the Senate Foreign Relations Committee, in early May, whether there would be a limit on the use of airpower in Cambodia and whether the same limit applied to ground forces, I answered that very categorically that there would be no such limit. I just don't believe that anyone can find a case where I've shied away, have not given you complete and full information.

"The number of sorties is a matter which I have not released, and we are not releasing the sortie levels . . . we're using air power in Cambodia to destroy supplies, to destroy buildups, to destroy personnel buildups as well as supply buildups, because we feel that this is important from the standpoint of our activities in Vietnam. I've told you that we have a commitment to Cambodia, our commitment was a free and open commitment, it's $8.9 million in military assistance in Fiscal Year 1970."

Q. "Did you say there was a commitment to Cambodia?"

A. "$8.9 million as far as military assistance, this is a commitment that we have made. It is $40 million of military assistance in Fiscal Year 1971 and that commitment soon after it was made, as soon as I was asked about, I told of that commitment. In addition to that, we have a commitment which has been made on several occasions by the United States, as well as the Soviet Union, to the neutrality of the Government of Cambodia. This was made on April 16, we came out and outlined this commitment through the Australian Ambasador in Phnom Penh. . . .

". . . When I was asked the question of whether we had a military commitment as far as the use of American manpower to Cambodia . . . I answered that question in the negative because as far as military manpower is concerned, we have no commitment there. The SEATO commitment that was implied by the SEATO agreement when the SEATO treaty was signed, that particular military commitment was renounced by the Cambodian Government itself. This is a matter of record. I can go through this and document every statement I have made in regard to Cambodia. Now, when you ask me about sortie rates, I've always said we weren't going to announce the sortie rates. . . ."

October 11—Television interview:

"That question of [Communist] control over that land area is merely a control because the Cambodian Army is not making a challenge in the area. . . .

"[in] the question of control in a standpat, or an inplace cease-fire, I don't think you would find that the North Vietnamese are in a position where they would actually truly control that land area. They are controlling certain sections of the land area because they are not being challenged at the present time except along the Vietnamese border. They are being challenged along the Vietnamese border by South Vietnamese forces and by some Cambodians that have been trained in South Viet-Nam. . . ."

October 12—News briefing:

"Every effort is being made by our forces to interdict supplies and personnel as they move into Laos and as they move within Cambodia. This interdiction campaign is progressing very well and the results have exceeded our expectations. . . ."

Q. "would we consider going back to prevent them [the Cambodian sanctuaries] from building back up"?

A. "The South Vietnamese have come in contact with North Vietnamese operating along the border areas of Cambodia. There have not been substantial movements, however, of North Vietnamese forces and Viet Cong forces into these sanctuary areas. The contact in these areas is being made by the South Vietnamese at the present time and we believe that the South Vietnamese forces can handle the situation very adequately."

November 25—Statement before the House Foreign Affairs Committee:

"The support we have provided them [Cambodia's forces] is directly related to our own interests because Cambodia's ability to defend itself is a vital element in the continued success of Vietnamization. Of particular importance is the fact that the diversion of thousands of North Vietnamese main-force troops to Cambodia has resulted in a sharp drop in U.S. casualties in Military Region III of South Viet-Nam. . . .

"I am firmly convinced that our continued support of Cambodian self-defense is a matter of high priority. As an indication of the urgency of this request, I would mention that 70 percent of the supplemental funds will be used for ammunition. . . ."

November 25—Testimony before the House Committee on Appropriations:

"It is not believed that the increase in military and economic assistance to Cambodia is getting the United States too deeply involved in Cambodia. We have made and are making every effort to restrict our presence and involvement in Cambodia. We have provided military assistance to maximize the capacity of the Cambodians for 'doing it themselves' as envisaged under the Nixon doctrine. As the President explained on June 30, we have no ground personnel in Cambodia except for the staff of the Embassy, which is small, nor do we have any U.S. advisers with Cambodian units. We do conduct air interdiction in a portion of Cambodia, but this is to protect our forces in South Vietnam. In sum, our aid is designed to give the Cambodians the wherewithal to fight the North Vietnamese, rather than us doing it for them. The Cambodians have shown good morale and great resolve to run their own affairs...

"We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam. . . .

"There are approximately 50,000 of the enemy operating in Cambodia. It is of very great importance to our Vietnamization program that the Cambodians have the capability to meet this military force. We are confident that the Cambodians can make the kind of effort that is necessary to protect themselves if we can go forward with this military asistance program.

"At the time of the Cambodian sanctuary operation, in which American forces were involved along with South Vietnam forces, there was a total of about 38 North Vietnamese battalions engaged in that area. Cambodian forces, along with some help from the South Vietnamese forces, are meeting that military challenge at this time. If we are going to continue our troop reductions in Vietnam beyond the May 1 announcement which has already been made by the President of the United States, it is absolutely essential that we keep the enemy's Cambodian logistic supply route to Vietnam closed, particularly the port formerly called Sihanoukville. This has a substantial effect on the protection of the lives of American service personnel, and stability of III and IV Corps as far as Vietnam is concerned.

"Prior to the change of policy by Cambodia and the shutting off of the logistic supply routes, most of the logistic supplies for III and IV corps came in through Cambodia. Closing these routes has been of very great assistance to the forces in Vietnam. It is a real plus as far as providing increased possibilities for further troop reductions in Vietnam are concerned. It is a very small investment to provide this money in the form of military assistance to the forces of Cambodia, when one considers the daily cost of the war in Vietnam, particularly at its high level of 1968 . . ."

December 11—Testimony before the Senate Foreign Relations Committee:

"In Cambodia at the present time, the Cambodian regular forces are tying down over 40,000 regular North Vietnamese forces. In addition to that, they are tying down 10,000 or more VC forces that are operating within their country . . . We believe that when the Cambodian government has the volunteers, but does not have the military equipment they need, it is better for us to equip those volunteers to meet this force than to involve American combat forces. . . .

Q. "If Cambodia is in danger of falling . . . what would you recommend that we do?"

A. "Well the first thing that I would recommend . . . would be to encourage a greater use of South Vietnamese forces should they be requested by the Cambodian government . . . There are no approved contingency plans which contemplate the use of Americans in Cambodia as ground combat forces. . . .

"If you take the situation that existed earlier this year, the air war in Cambodia has decreased. It has substantially increased during the past month as far as the South Vietnamese forces are concerned, but the number of missions flown by U.S. pilots, as compared with South Vietnamese pilots, is much smaller. . . .

"The U.S. Air Force is flying interdiction missions in Cambodia. These interdiction missions are limited to ground concentrations, movement of supplies, et cetera . . . The South Vietnamese are conducting some close air support. We do not have U.S. ground spotters positioning our U.S. Air Force attacks. We have very stringent rules . . . Those rules provide that there will be no use of interdiction missions by the U.S. Air Force near villages or cities where there are concentrations of population . . . If a target involving personnel or logistic supplies is in an area where it can be hit without damage to civilians or populated areas, we do use air power to destroy it. . . .

". . . We have flown interdiction missions in all areas of Cambodia at the request of the Cambodian government. . . .

"The only involvement we have with Cambodia is in the military assistance area, and in the economic area . . . I would assume that we would continue for some period of time to give military assistance and economic assistance, but that is the extent of our involvement . . . ."

1971, SECRETARY OF DEFENSE MELVIN R. LAIRD

January 11—On Arrival at Hickam A.B., Hawaii:

Q. "Mr. Secretary . . . could you give us an idea if in fact, it seems to you that the Communists are switching focus of their offense in South Vietnam to Cambodia?"

Secretary Laird: "I think the enemy threat in South Vietnam is not as great as it was a year ago. The threat in Cambodia remains about the same, but the threat in South Laos has increased considerably during the last twelve months. . . .

". . . members of my party visited Cambodia and reports on the progress being made with the new military assistance program, which has been approved by the Congress by an overwhelming vote, would indicate that the military situation was improving, and that the Cambodians were making some progress with the Military Assistance Program. Of course, it's only had about four weeks to be implemented, but the progress thus far, I believe, is adequate. . . .

Q. "Sir, do you read the Congressional mandate on the non-use of American troops in Cambodia to permit the use of American airpower that you feel is necessary to break the stranglehold on the highways around Phnom Penh?"

Secretary Laird: "Yes, I do. . . .

Q. "Is there going to be an airlift in Phnom Penh?"

Secretary Laird: "There has been an airlift in Phnom Penh. There has been material that has been airlifted. The South Vietnamese have had several airlifts in there, and I would assume that air, waterway, the other means, would be used to deliver the military equipment that has been authorized by the Congress. I think it was a rather substantial development as far as the Congress was concerned, that we had this overwhelming vote in favor of the Military Assistance Program for Southeast Asia. It shows the true application of President Nixon's Guam Doctrine, in which we move from military manpower in Southeast Asia to military assistance. . . ."

January 20—News conference:

"Members of my party, including Admiral Moorer, visited Cambodia. In Cambodia we are seeing the Nixon Doctrine at work. Asian nations are joining together in ground combat against the Communist aggression. These nations are providing the manpower for their own defense. As has been stated repeatedly since the President enunciated the Nixon Doctrine in Guam in 1969, the United States would be and is prepared to provide material assistance and air and sea assistance to our allies and our friends in Asia.

". . . They [the Cambodians] have the support on the ground of their neighbors, the forces of the Republic of Vietnam. The people of Cambodia know that there will be no (American) ground combat forces committed to their country, but they also know—and this is most important—that they have the support of the American people as expressed in the overwhelming vote of the United States Congress in favor of military assistance to that country to help themselves in their defense.

"In short, the United States is fulfilling its pledge under the Nixon Doctrine to assist our friends and allies, but not become involved in ground combat. This is really a case of ground combat personnel, no; military assistance, yes. It is a case of manpower, no; but assistance, yes. . . .

Q. ". . . In June of 1970, Mr. Nixon and others in the White House indicated that there would be an end to combat air support and our logistics support directly in Cambodia once our troops on the ground had left there. This policy seems to have changed in recent weeks. Can you explain what this change in policy is?"

Secretary Laird: " . . . the President said, I believe on June 30, that air support would not be used or not necessary during the termination of those sanctuary operations. This was a correct statement, because the South Vietnamese Air Force at that time felt that they could perform the air support that was needed and necessary to finish up those sanctuary operations prior to the rainy season setting in, which of course terminated that phase of the Cambodian operation as far as the South Vietnamese were concerned.

"We did, however, use air power in Cambodia, and we have continued to use it, although it was not directly related to the South Vietnamese sanctuary operation. We have continued and as the President said in that same statement on June 30, he said we will conduct with the approval of the Cambodian Government—I am paraphrasing this—air operations against enemy forces as they move supplies and personnel through Cambodia towards South Vietnam and reestablish their sanctuary areas.

"I don't want to get into a semantic problem here of what this mission is called, or that mission. I have always called it 'air activities,' 'air support' as far as Cambodia is concerned, and I don't care to get into a question of semantics on that. We will use air power, and as long as I am serving in this job, I will recommend that we use air power to supplement the South Vietnamese forces, as far as the air campaign in South Vietnam, Laos and Cambodia. . . .

"The South Vietnamese will be in a position, as the Cambodians will be in a better position. The South Vietnamese are acquiring the air capability, and the movement that we've made with the transfer of well over 300 helicopters in this last year, I think is significant progress. The progress we are making as far as the fixed wing aircraft is concerned is important. But we are going to supplement as far as air power is concerned.

"I don't want anyone to leave this room with any other understanding. I have outlined that to the Congressional committees. We have this authority. It was spelled out clearly in the Congressional legislation which passed. The authors of the amendments which limit ground combat activities, which I support, and which I will see are lived up to by this Administration and by the Department of Defense.

"We will follow those Congressional mandates. But as far as air and sea activities, the law is very clear that as far as the sanctuaries or as far as protecting the Vietnamization program, protecting American lives, insuring withdrawal, all of these terms are written very emphatically and clearly into the Congressional legislation, which passed in this last session of Congress. We will abide by those Congressional mandates and we are living within those Congressional mandates today. . . .

". . . supplemental air power has been used to supplement the forces of South Vietnam . . . the vast majority of all of the supplies that moved into III and IV Corps did originate in that area near the Port of Sihanoukville . . . This route to the sea is important, and every effort will be made to see that it cannot be used as far as a supply route by the enemy.

"The South Vietnamese contrary to some reports went into this area on the ground, and there has been some airlift within the area, which both the South Vietnamese and the United States have provided. There has been air support flown by the South Vietnamese, the Cambodians, and the United States Air Forces, I consider this an important use of air power, and believe that it is important to see that the logistics supply routes and the restocking of the sanctuaries be made as difficult as possible during this very important dry season . . . We have recently received a favorable vote, an overwhelming vote from the House and the United States Senate to support a military assistance program for Cambodia. . . .

Q. "Mr. Secretary, you are talking about the Nixon Doctrine and you are talking about material assistance. Have you broadened it by saying it also includes air assistance and seapower assistance?"

Secretary Laird: ". . . We are making it clear . . . that our assistance will be in the way of material; will be maintained in the form of sea and air power, but that we do not place the reliance on the commitment of ground combat forces that the previous administration did in this area. . . .

Q. "Are you saying that the Nixon Doctrine only precludes the use of ground combat forces, period?"

Secretary Laird: "The Nixon Doctrine applies to building up the strength of our allies in that area and performing the needed and necessary support requirements in order for us to maintain an adequate deterrent as we move towards peace in that area, and it does place the emphasis on the idea of partnership and strength.

Q. "Does that mean an open ended commitment to all countries of the Southeast Asia with the exception that no combat ground troops will be committed there? . . ."

Secretary Laird: ". . . the emphasis shifted away from the reliance on American ground combat forces. We're not using any ground combat forces in Cambodia. And I can assure you that we will not.

Q. ". . . Does this mean that there might be other ground forces introduced? Secondly, does the Nixon Administration feel that no matter what has been said at one time, that it has no right to change its mind and take a different step if the exigencies of the situation demand it and it is not outlawed by Congress?"

Secretary Laird: "I think it is important that we maintain our relationships as clearly as possible and live within the Congressional mandates that we have and we are doing that . . . We are going to do our best here in the Department of Defense and within this Administration to assure that this military assistance program will be carried out as effectively and as efficiently as possible.

"This will require, of course, that we audit the delivery of equipment and ammunition under the military assistance program . . . that audit responsibility will be carried out by our military equipment delivery teams . . . we will keep the military delivery assistance teams at a very minimum level. I think you will probably find that the General Accounting Office will have more people checking it than we do because we are making an all-out effort to keep the military presence, as far as the military delivery teams are concerned, to the absolute minimum.

Q. "Mr. Secretary, is it your contention that if anyone is surprised at the use of helicopter gunships and/or other aircraft, which appear to be providing close air support, that they did not understand properly what you and Secretary Rogers said in your appearance on the Hill when some people got the impression that what you were saying is that you planned to reduce or sharply limit or indeed even ban the American use of close support air power to avoid getting us involved deeper in Cambodia?"

Secretary Laird: "As I have said here before, I don't want to get into the semantics over what we call it. I have called it 'air support.' It's to stop the movement of personnel; to stop the movement of supplies; to put a halt to enemy buildups and to give the kind of air and logistics support that are needed and necessary where the South Vietnamese forces cannot supply it for themselves and the priority first goes to the South Vietnamese forces to use their air asset and, as they are acquiring more and more, they will have more and more responsibility in this area.

". . . If you will read over the 'Meet the Press' statement, with all due apologies to you, in which I was on a program with Senator Church and Senator Goodell, you will find that both of them in interpreting the most restrictive language that had been proposed . . . indicated . . . that that language did not limit air support.

Q. "Mr. Secretary . . . is it a fair inference to conclude that if the South Vietnamese in any operations get in over their heads in the area of transporting troops or supporting them with firepower from the air, that we will help them out?"

Secretary Laird: ". . . I think you will find that we did not give air support as the sanctuary operations closed up, as far as the South Vietnamese were concerned, but we were flying air operations in Cambodia, Laos, South Vietnam. I think there must be a misunderstanding on the part of some over the number of sorties. The number of sorties being flown at the present time, in the last two months, or compared with the sorties flown during the summer of last year, there were more sorties flown last summer than are being flown today in Cambodia. The situation is such that we have de-escalated the war . . .

Q. "Mr. Secretary, have we got ourselves committed to the defense of Cambodia, to the point that if it appeared about to fall because of its importance to the continuation of the Vietnamization program, you might have to consider going to Congress and ask permission for them to use American ground combat troops in Cambodia.

Secretary Laird: "No, there are no such plans. The situation is, first, we are going to make every effort to see that this military assistance program, which was approved by such an overwhelming vote, is successful as far as Cambodia.

"Secondly, and I will repeat this, we will not—and I repeat it again, not—commit U.S. ground combat forces to Cambodia directly or indirectly.

"In the third place, as far as Cambodia is concerned, we are supporting the ARVN in Cambodia with air activities which are designed to prevent the reestablishment of the sanctuary areas and the logistic supply routes into those sanctuary areas.

"It is obvious, I think, that these air and logistic activities help all of the friendly ground forces as far as Cambodia is concerned. But the primary emphasis, as far as we are concerned and as far as our Government is concerned, is that this is being carried on as part of the overall effort to interdict and to stop the flow of enemy forces which would have an opportunity to attack U.S. personnel stationed in Vietnam.

"I recognize that there are those that criticize this position which I take and which is the position of the Administration. But so long as I am Secretary of Defense and have this responsibility, I would much rather endure the criticism than to permit the enemy by an uninhibited flow of supplies and personnel to be in a position where they could inflict casualties and attacks on American military personnel as we continue to remove Americans from South Vietnam.

Q. "You haven't said what we would do if Cambodia falls, Mr. Secretary.

Secretary Laird: "I don't anticipate that Cambodia will fall if our military assistance program is successful. This is a critical period, as I have said earlier. When you go from 30,000 to over 200,000 in the military force, they have the will, they have the desire to meet the enemy, the invaders from the North. I am confident that they will be successful in their efforts. But I want to make it abundantly evident to you, Bill, that there are no ground forces involved and there will be no ground forces involved.

Q. "Mr. Secretary, as I read the President on June 30, he would permit interdiction activity in Cambodia after the withdrawal of our troops, but would preclude both close support and logistic support. As I understand you today, you say that close support and logistic support, however described, are now permitted.

Secretary Laird: "I don't use those terms. I talk about air support. I have always talked about air support.

Q. "That kind of activity, however described, is permitted by two things: One, a definition of what the Nixon Doctrine is really all about; and, two, the fact that the Congress didn't preclude this kind of activity in voting a supplemental and restricting ground combat activity?"

Secretary Laird: "You are correct in both cases. The Congress did not preclude this, and it has always been anticipated by me in all of my testimony that air support would be used.

"The use of helicopter gun ships and the improvements that we have made in the last year on the helicopter gun ship has been important. It's been much more effectively used, and some of the other gun ships are much more effective than they were a year ago as far as stopping logistic movement. . . .

Q. "Do you anticipate that this commitment of air support, as you put it generally, is going to be semi-permanent or for the next several years?"

Secretary Laird: "No, I don't. As a matter of fact, first, we are in this period when the Cambodians are building up their military strength and they are going forward with that program and have made what I believe is good progress for a short six months.

"As far as Phase II of the Vietnamization program which I have discused with all of you many times, that program does take longer than to turn over of the ground combat responsibilities because of the training that is involved. But the South Vietnamese will be in a position where they will not have to call on additional assets in the not too distant future.

"I don't want to give the number of months or the amount of time that's involved in that, because we are not making forecasts or projections in this department as long as I am Secretary of Defense. We make certain statements and we deliver on them, but I am not setting up some target goals that we can't deliver on. I can assure you that the progress is good with that training. As far as fixed wing aircraft is concerned and as far as rotary aircraft, the South Vietnamese are indeed making good progress.

Q. "Does the letter and the spirit of your mandate from the Congress and from the President include U.S. ground forces in Cambodia which are not combat troops? In other words, would your mandate permit the sending of a communications unit or a field hospital or some unit which is not directly combat connected?"

Secretary Laird: "So far as the law is concerned, it would not prohibit that. It does not prohibit of course military assistance delivery teams. It does not prohibit search and rescue operations. . . .

"The spirit and the letter of the law would be followed and you could do the things that you outlined . . . I don't want to give the impression that we have plans to go beyond the military delivery teams which we will have supervising the programs.

Q. "How many of those will be involved?

Secretary Laird: "The number of people?

Q. "Yes, sir.

Secretary Laird: "The number of people involved at the present time in military delivery—don't hold me to this too closely; three or four on either side, give me a little leeway—is 12.

Q. "As the legislation is drawn, as you are discussing it, do you consider yourself precluded from operating, say, division or regimental level advisers, to the Cambodians and the South Vietnamese operating in Cambodia?"

Secretary Laird: Yes.

Q. "Mr. Secretary, how much more air power are we prepared to use in Cambodia above present levels?"

Secretary Laird: I would doubt that we would get up to the level of last year, but we could. I don't want to be in a position of putting a sortie limitation as far as Cambodia, if that is what you want. I am not going to do that. Because I have told General Abrams that I want him to do everything he can to continue to keep American casualties low.

Q. "Mr. Secretary, does that mean that there are no inhibitions of any kind on the use of American air power in Cambodia?"

Secretary Laird: "I don't care to discuss the operating orders. I have never discussed the operating orders which I have approved in substance. I can only say to you that there are certain protections written into those orders; there are certain controls that are written into those orders."

"ECONOMICS OF AGING" REPORT PRESENTS GRIM FACTS

Mr. WILLIAMS. Mr. President, the Senate Special Committee on Aging has, within recent days, released a report called "Economics of Aging: Toward a Full Share in Abundance."

That report follows a 2-year inquiry during which the committee took more than 2,000 pages of testimony and exhibits. In addition, the committee received eight working papers or information sheets prepared by task forces or individual authors.

It is no exaggeration to say that the committee effort is the most searching congressional evaluation of what might be called the personal economics of aging. Our goal was to show exactly what is happening to individual older Americans who must attempt to live on inadequate, fixed income while expenses of daily living steadily rise. The committee took much testimony, not only from authoritative experts, but from the elderly themselves. Our final report includes extensive excerpts from the testimony of both groups.

To summarize very briefly, the report:

Declares that poverty increased among 65-plus Americans by 200,000 between 1968 and 1969, and by 12,000 for those from ages 60 to 64. For all other age groups, poverty declined by 1.2 million. Older Americans are twice as likely as younger persons to be poor; 4.8 million 65-plus individuals were living in poverty in 1969.

Emphasizes that aged Americans live on less than half the income of those under age 65, despite the stopgap 15-percent social security increase of December 1969.

Reports that a new group of aged poor may be in the making among those now 55 to 59, because one out of every six men now in that age group will be out of the work force by the time he reaches his 65th birthday if present trends continue.

Points out that so-called older workers—those 45 years or older—are hard hit by current unemployment. Since January 1969, the number of jobless men in this age group has jumped from 596,000 to 1,017,000. The report says:

> Their unemployment lasts longer than that of younger workers, and the older person has greater difficulty in finding work at the same pay level after a prolonged layoff.

Describes the problem of the elderly homeowner who finds it increasingly difficult to pay property taxes, including one woman who paid more than half of her total income of $1,958 for taxes and a special assessment. Household costs take about 34 percent of the average retired couple's budget.

Criticizes the forthcoming increase, from $5.30 to $5.60 a month, in the medicare part B premium. The report says that the average health bill in fiscal year 1969 was $692 for a person past age 65, six times that for a youth and 2½ times that for persons from 19 to 64. Medicare pays less than half of the total medical care costs of the elderly.

Warns that inflationary pressures are especially severe on elderly homeowners because of the direct relationship between the local property tax and high-cost local government services.

Among the recommendations made in the report were the following:

That Congress speedily enact the social security amendments adopted by the Senate, modified to include the House-passed provision for financing cost-of-living increases.

That the 92d Congress gives early attention to major changes in social security benefit levels that are needed to provide meaningful economic security for those who retired and to assure that workers retiring in the future will realize their full stake in retirement security.

That serious consideration be given to the use of general revenues in the financing of the social security program, with the share identified through a formula spelled out in the legislation.

That the Federal commitment to the elderly undertaken through the Family Assistance plan be translated into a wholehearted commitment, with 100 percent Federal financing and Federal administration.

Turning to private pensions, the committee recommended that immediate attention be given to the special problem of safeguarding the retirement income of workers who lose their jobs as a result of plant shutdowns, commonly after long service and who—like the deteriorating plants that are first to be shut down—are likely to be middle aged and older.

That the 92d Congress give prompt consideration to legislation—establishing an Institute on Retirement Income. The committee said this Institute is proposed not for the sake of more study or because this committee is uncertain about the need for action, but because such an institute can provide as-yet unavailable information that will help the Congress and the executive branch to make hard decisions on specific, concrete issues.

Reiterating an earlier stand that acceptance of a national health insurance program for all age groups is more likely if medicare is perfected, the committee also suggested that appropriate congressional units consider the possibility of establishing—a task force which will, within a specified time period—such as six months—assemble analyses of various proposals, cost estimates of these proposals, evaluations of the adequacy of existing technical knowledge about subproposals designed to increase the efficiency of our health care system, and other issues which will face any legislator who considers national health insurance.

Calls for expansion and improvement of medicare, particularly by including prescription drugs essential for the treatment of the chronically ill, by covering disabled beneficiaries, and by merging parts A—hospital insurance—and B—supplementary medical insurance—and financing the merger through taxes on rising payrolls and general revenues rather than from premiums.

Advises the 92d Congress to retain the provision in the Social Security Act which would require States to have comprehensive medicaid programs by 1977 and that other necessary steps be taken to improve the medicaid program.

Urges that the Age Discrimination in Employment Act of 1967 be fully implemented, and that a middle-aged and older workers employment act be promptly enacted and fully funded.

Renews its recommendation for enactment of legislation establishing an Older Americans Community Service Program.

Declares that problems of the elderly homeowner and renter have now reached emergency proportions, requiring Federal action either directly—in terms of payments to States which provide tax relief for homeowners or renters—or indirectly; that is, aid to education or other high-cost service needs now paid largely by the property tax.

Strongly recommends that we maximize the opportunity provided by the 1971 White House Conference on Aging to develop a basic national policy and the commitment essential to carrying out this policy.

Mr. President, I believe that the preface and the introduction to that report present arguments and conclusions which should reach the attention of Members of the Congress and the general public as well. I ask that they be reprinted at the conclusion of these remarks.

I also ask unanimous consent for publication of three editorials—one from the Evening Bulletin, Philadelphia, one from the Courier-Post, Camden, N.J., and one from the Home News, New Brunswick, N.J.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

PREFACE

Americans, more, and more, are confronted with issues which cry out for fresh thinking and early solution.

We must concern ourselves about an economy which—while surpassing the trillion dollar mark in gross national product—nevertheless is subject to alarming inflationary pressures and recessionary decline at one and the same time.

We must attempt to "unwind" a war while guarding our security throughout the world.

We must attempt to understand the causes of dissensions which spring up among youth, among minority groups, and even among specialists who look at the same set of facts and arrive at totally differing conclusions about such matters as a supersonic transport airplane or water pollution.

How, then, to catch the attention of the Nation and focus it upon a largely unnoticed crisis which now affects a majority of 20 million persons already aged 65 and over, and which threatens to engulf many more millions now nearing retirement age?

That "unnoticed crisis" springs from generally inadequate retirement income; it is intensified by new demands upon that income; and it is made more desperate by the fact that we have yet to declare a genuine national commitment for dealing with this crisis.

In fact, we as yet seem unprepared to make that commitment, or even to recognize the true dimensions of the crisis.

For 2 years, the United States Senate Special Committee has been at work on an exhaustive inquiry into the "Economics of Aging: Toward a Full Share in Abundance."

Our goal was to make a broad-based evaluation of those public and private programs, social and economic forces and other considerations related in any way to what might be called the *personal* economics of aging.

We wanted to know what is happening, and what will happen, to *individual* Americans who must make the adjustment from employment income to retirement income.

To do that, we had to go far beyond any one program, even one as monumental as Social Security.

We also had to concern ourselves with the promise, and limitations, of the private pension system.

We had to consider the drains on retirement income: illness (Medicare covers less than half the total medical bill of the elderly); the high cost of shelter; the dwindling opportunities for employment even *before* age 60, special consumer needs of the elderly, and much more.

We had to give some thought to special problems of minority groups, but much more intensive attention is still needed here.

To manage so formidable an undertaking, the Committee resorted to two devices.

One was the mobilizing of subcommittees within this Committee to take on individual tasks. Thus, Senator Frank Church, as Chairman of the Subcommittee on Consumer Interests, conducted a hearing on consumer aspects of our subject. Similar hearings, also on specialized aspects of the overall inquiry, were conducted by: Senator Edmund Muskie, Chairman of the Subcommittee on Health (Health Aspects); Senator Frank Moss, Chairman of the Subcommittee on Housing (Homeownership Aspects); and Senator Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes (Employment Aspects). These hearings, and others conducted on behalf of the full Committee, provided a hearing record of considerable magnitude and depth. To all those who participated as witnesses or as commentators whose views were transmitted by mail,[1] the Committee offers heartfelt thanks.

In addition to dividing the responsibility among subcommittees, the Committee also made intensive use of "working papers" prepared in advance of hearings in order to summarize major facts and to present recommendations by knowledgeable specialists from several fields. These Task Force members, and individual authors of several papers, also have the deep appreciation of this Committee. They were generous with their time and their concern about the issues before the Committee, and they served without fees of any kind. This "honor roll" has the following members:

"Economics of aging: toward a full share in abundance", a working paper prepared by a task force:

Miss Dorothy McCamman, *Consultant on the Economics of Againg, Special Committee on Aging;*

Juanita M. Kreps, Ph. D., *Dean of Women's College, Duke University;*

James H. Schulz, Ph. D., *Associate Professor of Economics, Brandeis University;*

Agnes W. Brewster, *Consultant on Medical Economics;*

Harold L. Sheppard, Ph. D., *Staff Social Scientist, W. E. Upjohn Institute for Employment Research.*

"Health aspects of the economics of aging", a working paper prepared by an advisory committee:

Agnes W. Brewster, *Consultant on Medical Economics;*

S. J. Axelrod, M.D., *Director, Bureau of Public Health Economics, University of Michigan;*

Melvin A. Glasser, *Director, Social Security Department, United Auto Workers;*

Bert Seidman, *Director, Department of Social Security, AFL–CIO.*

"Homeownership aspects of the economics of aging", a fact sheet prepared by:

Herman B. Bortman, *Chief, Research and Statistics, Administration on Aging, Department of Health, Education, and Welfare.*

"Economics of aging in Bergen County", a fact sheet prepared by:

Gladys Ellenbogen, Ph. D., *Professor of Economics, Montclair State College;*

"Social Security for the Aged: International Perspectives", a working paper prepared by: George F. Rohrlich, *Professor of Political Economy and Social Insurance, Temple University School of Business Administration.*

"Employment Aspects of the Economics of Aging", a working paper prepared by the National Council on the Aging's National Institute of Industrial Gerontology: Harold L. Sheppard, Ph. D. (*Upjohn Institute for Employment Research*), *Chairman* Norman Sprague, *Director;* Irma R. Withers, *Deputy Director.*

"Pension Aspects of the Economics of Aging: Present and Future Roles of Private Pensions", a working paper prepared by: James H. Schulz, Ph. D., *Associate Professor of Economics, Brandeis University.*

"The Stake of Today's Workers in Retirement Security", a working paper prepared by: Nelson H. Cruikshank, *President, National Council of Senior Citizens.*

Many of the Economics of Aging working papers were prepared under intense deadline pressure. In almost every case, the preparation of the documents was feasible only because the Committee was fortunate enough to have Miss Dorothy McCamman as consultant for this study. She was on hand when help was needed throughout this entire effort, from beginning to end. In a field to which she has already made many substantial contributions as a staff person within the Executive Branch and as advisor to private organizations, Miss McCamman has now added another major achievement which—it is hoped—will help lead this Nation more quickly to a goal she has long sought: true security for older Americans.

That same goal is sought by this Committee, and—as the following pages declare—that goal is attainable within the early part of this decade.

A clear-cut call to action is advanced in this report. It is in the interest of *every* American, whether now old or far from retirement, to heed that call.

HARRISON A. WILLIAMS, Jr.,
Chairman.

INTRODUCTION

"Aging is not easy to 'sell', to raise high in a list of national priorities. Much of America still looks for the fountain of youth . . . it is true that a minority of the national population is in the later years today—one in ten Americans is an older American. But 70 of every 100 babies born today may expect to live into their 70s . . . and so we truly speak for a majority.

"Let us speak well and loudly".—John B. Martin, U.S. Commissioner of Aging and Special Assistant to the President on Aging, in an address, Denver, Mar. 19, '70.

THE SELLING OF A SOLUTION

If, as is said in the excerpt above, aging is difficult to "sell" as a priority matter for national concern, it is all the more essential for this Committee to declare, as forcefully as it can, that:

Our Nation, during this thirty-fifth anniversary year of the Social Security program, has not yet resolved retirement income problems which severely damage the economic status, morale, and even the health of millions of Americans, including many well above the poverty line,

But that:

It is within the power of this Nation, if it takes full advantage of several unique opportunities during the remaining eleven or so months before the White House Conference on Aging—and in the months immediately following that Conference—to make the 1970's the decade in which this Nation will achieve its declared goal of "an adequate income in retirement in accordance with the American standard of living." [1]

In other words, the "selling of a solution" can be *made* to happen in 1971, and implementation can begin soon after.

As basis for these declarations, the Committee draws upon 2,000 pages of testimony, "working papers" prepared by task forces or individual authors, and from the data or counsel generously provided by dozens of others who have expert knowledge or direct personal association with the problems and programs described.

I. The persistence of crisis

This Committee began its inquiry into the Economics of Aging in December 1968. In the months that followed, during preparation of the first "Working Paper," it became clear that the Committee had an obligation to declare that the retirement income *problem* in the United States had become a retirement income *crisis.*

Not only were more Americans entering into retirement; they were spending more years as retirees because of a trend toward early retirement and because of sharp increases in the number of the "aged elderly," those past age 70. Not only was today's crisis visibly worsening, there was every reason to believe that—in terms of sheer numbers of people affected—it would most certainly become even more severe unless major policy changes were made.

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[1] Names of witnesses and others who sent statements may be found in the index which appears at the end of this report.

[1] As cited in the Older Americans Act, Public Law 89–73, July 14, 1965.

In December 1970, this Committee must report that, even with passage of a stop-gap 15 percent Social Security increase late in 1969, the crisis still exists. Details are provided in the next section, but the essential facts are these:

Two years ago, the aged had less than half the income of those under age 65. The same holds true today.

Two years ago, approximately 4.6 million people aged 65 and over lived below poverty levels. In December 1969, the latest date for which statistics are available, that number had *increased* by 200,000—and the number from ages 60–64 had also increased by 12,000: *it was only among these older Americans that the number of people living in poverty rose.*

Two years ago, the Committee received information that an alarming number of workers are retiring before age 65 and accepting reduced Social Security benefits, not because they preferred this form of "retirement", but because they had no choice. They were out of work, ill, or in marginal employment. There is good reason to believe that this trend is not slowing at all, but actually increasing.

Closely related to the trend above is widespread unemployment among workers who are 45 years old or older. Since January 1969, the number of jobless "older workers" has just jumped from 569,000 to 1,017,000. Their unemployment last longer than that of younger workers, and the older person has greater difficulty in finding work at the same pay level after prolonged "layoff." If current labor force participation trends continue, one out of every six men in the 55 to 59 category will no longer be in the work force by the time he reaches his 65th birthday. Ten years ago, this ratio was only one of every eight. *A new group of "aged poor" is in the making.*

Two years ago, this Committee expressed concern about the Medicare Part B Premium, which then cost the elderly $3 a month. It has now been announced that a new increase in 1971 will raise the monthly premium for the Medicare recipient to $5.60, or nearly double the original amount. And yet, the "Economics of Aging" hearing transcripts are crowded with statements on the hardships imposed upon many elderly who cannot really afford to pay any premiums at all.

During those same two years, price inflation for medical care was intense: the index rose from 147.4 in October 1968 to 167.9. Medicare provides less than 50 percent of all health care costs of the elderly; and for some individuals, the costs of uncovered care continue to be catastrophic.

Inflationary pressures in general are far more severe in 1970 than they were in 1968: the overall Consumer Price Index rose from 122.9 in October 1968 to 137.4. For elderly homeowners, the effects of inflation were especially severe because of the direct relationship between high-cost local government services or expenses (education, increases in public employees' salaries, etc.) and the local property tax.

II. Rationale for action in 1971

This report has already declared that the stage could be set in 1971 for early resolution during this decade of our retirement income crisis. That statement is based upon these facts:

Not since early 1960, when this Nation prepared for a White House Conference on Aging, has there been such nationwide interest in older Americans. As 1971 begins, plans are well-advanced for another White House Conference which could—if expressed intentions of the Administration on Aging are fulfilled—be even more incisive and more well-disciplined in terms of focusing upon a limited, but carefully chosen number of issues.

Surely, retirement income is one such issue.

This Committee, in the section which follows, offers specific recommendations which will set the stage for optimum effectiveness of the White House Conference on this issue. These actions would help assure that the White House conferees would grapple with the problems on terms which will help assure solutions in the 1970's.

The President of the United States has, within recent months, received a Task Force Report[2] which recommended revision of the proposed Family Assistance Program to raise all older Americans above the poverty line, far-reaching innovations in the private pension system, and major changes in Social Security. The Committee does not wholly agree with every proposal advanced by the Task Force, but does recognize that its report issues a clear call for action on a scale as yet unattempted in this Nation. The Task Force report builds upon the programs advanced by the President and his two predecessors. It is a major event in the development of a national policy on aging.

Within the Congress, a proposed cost-of-living adjustment mechanism within the Social Security System—sought by both Presidential candidates during the 1968 campaign, sought by the present Administration, sought by many individual and influential legislators—was passed by the House of Representatives. This action alone is a harbinger of more far-reaching actions that could be taken to reform Social Security.

But this Committee urges that the automatic adjustment mechanism have as a base more adequate benefit levels than those advanced in 1969 by the Executive Branch, and that the financing for any such measures be based primarily upon growth of the Social Security trust fund, rather than on additional, regressive taxes upon employee-employer contributions.

Congressional units, and the Executive Branch, have recognized that legislation should be enacted during the 92nd Congress for improvement of private pension coverage. This interest, culmination of several years of close scrutiny of the pension system, could produce additional, and important, impetus in our progress to a national commitment on retirement income.

Even more important than the factors described above is that action *must* be taken early in the 1970's because the problem is so grave.

To those who say that major reform is not possible in a Nation which is fighting a war, inflation, and at least semi-recession at the same time, this Committee points out that it is far more reasonable to assume that we in this Nation will resolve these problems, rather than succumb to them. It is also reasonable to assume that we will resolve them fairly early in this decade.

And therefore it is imperative that we be prepared to act in a spirit of confidence, rather than despair—to have an action plan ready to become reality.

On the pages that follow, several recommendations are made for legislative action. Several proposals are also made for what appear to be fact-finding mechanisms. Actually, the Committee is not calling as much for fact-finding as it is for problem-solving. An "Institute on Retirement Income," for example, is proposed—not for the sake of more "study" or because this Committee is uncertain about the need for action—but because such an institute can provide as-yet unavailable information that will help the Congress and the Executive Branch to make hard decisions on specific, concrete issues.

Here, within our grasp, are ingredients for a solution which now must be "sold" to policy makers within government, to informed persons throguhout the field of aging, no matter what their specialty; to older Americans, and to each young person who will some day find that today's solution for others will be his, too, in fewer years than he thinks. As a first step toward the "selling" of this solution, the Committee now offers its recommendations, followed by two sections in which witnesses and others who contributed to the study are quoted at some length.

[From the Philadelphia (Pa.) Evening Bulletin, Jan. 21, 1971]

POVERTY HITS THE AGED

It's not a reassuring picture that the Senate's special committee on aging draws of the income problems of millions of Americans getting up in years—

Inflation digging away at the base of their security; health and hospital costs constantly threatening financial disaster; unemployment depriving many now aged 55 to 59 of the last productive years they have remaining to set aside a nest egg.

According to the commitee, nearly five million persons over 65 are already existing in poverty conditions, and the number is steadily increasing.

Since January, 1969, the number of jobless men 45 and older has doubled to over a million. As bad as unemployment is for the young, it is akin to catastrophe for anyone too old to be easily retrained or too rooted to move where jobs might be available.

The report points out that unemployment for this age group lasts longer than it does for the young. Persons over 45 represented one-third of those out of work longer than 15 weeks and nearly 43 percent of those out of work for more than six months.

Thousands have not only lost work but also pension coverage when plants shut down. They have found it increasingly difficult to keep up premium payments on insurance which they planned as part of their retirement income.

Meanwhile, it has been ascertained that Medicare pays less than half the total medical care costs of the elderly, which averaged $692 during 1969 for a person over 65.

This grim report, two years in the making, should arouse support in Congress for a much-needed hike in Social Security. Sen. Harrison A. Williams Jr., New Jersey Democrat and chairman of the committee, plans to reintroduce his bill upping benefits by 10 percent.

But along with a boost in benefits, Congress might also look into ways of protecting private pension funds when plants fold and workers are caught without a vested interest; some better health insurance plan is overdue, not to mention adequate housing and nursing facilities for the elderly.

Senator Williams called the problems of the aging an "unnoticed crisis." With the report of his committee, the nation is now on notice. The question is, will the crisis be met?

[From the Home News, New Brunswick (N.J.) Jan. 20, 1971]

THE AGED POOR: A NATIONAL CRISIS

After two years of study, a Special Senate Committee on Aging, headed by Sen. Harrison A. Williams Jr. of New Jersey, has issued a report painting a dark and depressing picture of millions of older Americans living in poverty and ill health.

Declaring that "the retirement income problem in the United States has become a retirement income crisis," the report warns that both the number and the proportion of aged poor increased between 1968 and 1969, with one out of every four Americans 65 and over now forced to live on a poverty-level income.

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[2] "Toward A Brighter Future For the Elderly," The Report of the President's Task Force on the Aging, April 1970.

Senior citizens are especially hard-hit by rising medical costs, still inadequately covered by Medicare, and have suffered greatly because of the economic slowdown. Many older workers and their families have lost "more than their jobs," the report says. "Thousands have also lost their pension coverage—even though they may have worked most of their lives to provide a 'nest egg' for retirement."

While warning that a "new group of aged poor" might be in the making, the report expressed optimism that the 1970s could be "the decade in which this nation will achieve its declared goal of 'an adequate income in retirement in accordance with the American standard of living."

To reach that goal, the report suggested that Congress create an institute on retirement income, urged that a minimum income be set for Americans of all ages and proposed that "serious consideration be given to the use of general revenues in the financing of the Social Security system."

Senator Williams, in a preface to the report, appealed to the 92nd Congress to approve a 10 per cent increase in Social Security in 1971, a measure which died in a conference committee of the 91st Congress.

If this country is to give its older citizens the honor and dignity and security they deserve, more than lip service must be paid to the recommendations of this exhaustive report.

And beyond the obvious moral obligations of society to provide adequately for its senior citizens, the commission members reminded today's young person: "Today's solution for others will be his, too, in fewer years than he thinks."

Economics of Aging

A report by the Senate's Special Committee on Aging, headed by New Jersey's Sen. Harrison Williams, has come up with a pretty grim picture of income problems among older Americans.

Coming after a two-year study of the economics of aging, the report finds that poverty increased among Americans over 65 years of age by 200,000 between 1968 and 1969, and by 12,000 for those from ages 60–64. For all other age groups, poverty declined by 1.2 million.

Older Americans are twice as likely as younger persons to be poor.

Aged Americans live on less than half the income of those under age 65, despite the stopgap 15 per cent Social Security increase of December 1969.

Our nation, says the report, has not yet resolved retirement income problems which severely damage the economic status, morale, and even the health of millions of Americans, including many well above the poverty line.

The report presents a clear case in favor of speedy enactment by Congress of the Social Security amendments adopted at the last session by the Senate, modified to include the House-passed provision for financing cost-of-living increases.

Social Security increases early in 1971, are a must.

Sen. Williams, whose record in Washington long has been distinguished by his efforts in behalf of the elderly, also had some pertinent comments on the report.

If there was any doubt about the crying need for Social Security reforms, he said, this report should dispel it.

Williams tells of what he calls the "unnoticed crisis" that springs from generally inadequate retirement income. He says it is intensified by new demands upon that income, and it is made more desperate by the fact that we have yet to declare a genuine national commitment for dealing with the crisis.

The new Congress should look to the Williams committee report for guidance in its determinations on the wide-ranging needs for Social Security reform.

THE TREATMENT OF JEWS IN THE SOVIET UNION

Mr. ALLEN. Mr. President, on Tuesday, December 29, 1970, the Birmingham Post-Herald editorially condemned repression in Russia with particular reference to sentencing two Jews to death for allegedly conspiring to hijack a Soviet airliner in an effort to escape to freedom. It is true, Mr. President, that the death sentences have since been commuted. However, the entire system of repression remains, Soviet secret police remain, firing squads remain, the crude barbarisms of extorted confessions remain, and a repressive system of Communist Party dictatorship remains, and the plight of Russia's unfortunate Jews remain. Mr. President, the editorial deals with these and other related questions. Hopefully, the editorial will serve to refresh our memories on the fundamental nature of Russian communism. It is for this reason that I commend the editorial to the thoughtful consideration of Senators and the public in general. Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Judicial Murder in Russia

Sentencing in Leningrad of two Jews to death and nine other persons to prison camps for allegedly planning to hijack a Soviet airliner is a brutal, repressive act that tells much about the Kremlin's police state.

We utterly oppose aerial hijacking—whether by Soviet Jews, Arab guerrillas, Black Panthers or assorted psychopaths. It is a crime that endangers innocent passengers and deserves to be punished.

But in the Leningrad case no hijacking took place. The worst that can be charged against the 11 defendants, nine of them Jews who wished to emigrate to Israel, is that they plotted to seize a Soviet plane and fly it to Sweden. To put two "Zionists" before a firing squad for that is savagely excessive punishment.

We have no idea if the 11 are even guilty as charged. Naturally, the trial was closed to the foreign press. No trial record has been or will be made public. The Soviets say all 11 "confessed, pleaded guilty and repented their crimes."

That means less than nothing. After a few weeks in the hands of the Soviet secret police, anybody will confess to anything. This is proved by writings ranging from Arthur Koestler's great novel Darkness at Noon to Khrushchev's famous secret speech to the 20th Soviet Communist Party Congress in 1956.

Also, the efficiency with which the KGB rounded up the Leningrad 11 and some 20 other Jews indicates that the police knew about the alleged "plot" all along. It is even possible that a police agent instigated the escape effort: the tradition of police provocations is strong in Russia, going back to Czarist times.

Interestingly, the Leningrad Jews are charged with violating article 64A of the Russian federation criminal code. This makes it treason to flee the country. All we can say is any country that makes it a capital crime to try to leave is not a country, but a concentration camp.

Recently, the Kremlin has been frightened by the stirrings of the more than three million Soviet Jews, many of whom wish to escape from government fostered anti-Semitism in the Soviet Union and go to Israel.

The reaction of the ruling clique of Communist hierarchs, secret police satraps and Soviet army marshals is in the purest tradition of the late despot Stalin: Arrest, beat, exact confessions, stage show trials, execute—and thus terrorize the survivors into docility.

The new repression is not only aimed at Russia's unfortunate Jews. It is also meant to silence non-Jewish dissidents, scientists, writers and intellectuals who have courageously demanded civil rights and the freedom to think and speak.

In Russia there are no independent courts or judges in political cases. The guilty verdict and death sentences in Leningrad were decided by the Communist Politburo. If Mark Dymshits and Eduard Kuznetsov die before a firing squad, mankind will remember that the trigger fingers belonged to Brezhnev, Kosygin and their cohorts.

PRIVATE-SECTOR INVOLVEMENT IN INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, almost a year ago, after the issuance of the final report of the Special Subcommittee on Indian Education, I became interested in the extent of involvement of the private sector, as well as the Federal Government, in Indian affairs. Information on who in the private sector was doing what had never been brought together. Thus I initiated a survey of various private entities so that the Government, the private sector, and American Indians would have a fuller awareness of what the private sector was doing—and could do—to assist the Indian people.

A number of church groups have been extremely active in assisting American Indians and Alaska natives. Sectarian involvement in Indian affairs includes the Bureau of Catholic Indian Missions, the United Presbyterian Church, the National Council of Churches, the American Baptist Home Missions Society, the Episcopal Church, the Methodist Church, the American Friends Service Committee, the Reformed Church in America, and the United Church of Christ. These church organizations expend annually over $8 million on projects relating to Indian affairs.

Foundations have also played an increasingly important role in supporting programs and projects relating to Indians. Last spring I wrote over 120 of the largest foundations asking for a description of past involvement with Indian projects and current plans that were or might be related to Indians. I have compiled a preliminary list of those foundations who have demonstrated or suggested an interest in Indian matters. Category A represents the highest degree of involvement in Indian projects. Category B contains those foundations with limited involvement in the area; and the final category C consists of foundations who indicated an interest in Indian affairs but who have not in the past 5 years been involved in this field. Mr. President, I would like to have this list, along with brief descriptions of some of the activities of those foundations listed in the first category, printed in the RECORD at the end of my remarks.

A large number of letters come into my office daily concerning American Indians. Many of them contain proposals for programs that need funding. I hope that the list of foundations below will aid these correspondents in finding sources of funding for their projects. Of course, the Federal Government makes a large number of grants for projects relating to Indians and Alaska Natives, generally through the Bureau of Indian Affairs, the Office of Education, the Public Health Service, and the Office of Economic Opportunity. These agencies, whose relevant offices are listed below also, have proved to be valuable resources for funding useful and imaginative proposals.

A number of colleges and universities are also becoming more and more involved with Indian affairs—not through the traditional approach of studying the Indian, but through special studies programs, and community outreach programs. I fully support such efforts and hope that alumni and other funding sources will respond to the needs in this area by supporting these college and university programs.

A few national organizations with general membership, who are involved in promoting and supporting the programs and efforts of native Americans, have played an important role. Their activities should be recognized and applauded, and I have always found them helpful and responsive in matters in which they were involved that are related to my own activities. A listing of these organizations are attached also.

Mr. President, I realize that I have probably inadvertently left certain organizations or offices off my lists. I do not pretend to be presenting an exhaustive and complete survey of those who are involved in Indian matters on a national level. But I hope that this presentation will prove useful in spurring greater involvement in Indian matters by the private sector, and as well in directing Indians, tribes, and groups to those who may be helpful.

I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. FOUNDATION INVOLVEMENT AND INTEREST IN INDIAN AFFAIRS

CATEGORY A—HIGHEST FUNDING

Arrow, Inc., 1346 Connecticut Ave., N.W., Washington, D.C.

William H. Donner Foundation, Inc., Franklin A. Johnson, President, 711 Lincoln Building, 60 East 42d St., New York, N.Y.

The Field Foundation, 100 East 85th St., New York, N.Y.

W. K. Kellogg Foundation, Philip E. Blackerby, President, 400 North Ave., Battle Creek, Mich.

Louis W. and Maud Hill Family Foundation, Robert W. Bonine, Assistant Executive Director, W–975 First National Bank Building, Saint Paul, Minn.

Max C. Fleischmann Foundation, Julius Bergen, Chairman, 405 Union Federal Savings and Loan Assoc. Bldg., 195 South Sierra St., Reno, Nev.

The Luke B. Hancock Foundation, 770 Welch Road, Courtney J. Catron, Chairman of the Board, Palo Alto, Calif.

Carnegie Corp. of New York, Barbara D. Finberg, Executive Associate, 437 Madison Ave., New York, N.Y.

The Ford Foundation, Siobhan Oppenheimer, Program Officer, 320 East 43d St., New York, N.Y.

CATEGORY B—LIMITED INVOLVEMENT

Great Western United Foundation, Michael C. Moore, Program Director; Equitable Building, Denver, Colo.

Humble Oil and Refining Co., Public Affairs Department, Legislative and Political Affairs, Kenneth P. Fountain, Coordinator, P.O. Box 2180, Houston, Tex.

Josiah Macy, Jr. Foundation, 227 Park Ave., New York, N.Y.

Presbyterian Medical Services, P.O. Box 2384, Jack Schacht, Development Director, Santa Fe, N.M.

Wieboldt Foundation, R. M. Johnson, Executive Director, 29 South La Salle St., Chicago, Ill.

New York Foundation, Bernard L. Friedberg, Senior Associate, 4 West 58th St., New York, N.Y.

The Glenmede Trust Co., Allyn R. Bell, Jr., President, 1608 Walnut St., Philadelphia, Pa.

Richard King Mellon Foundation, Elston R. Law, Associate Director, 525 William Penn Pl., Pittsburgh, Pa.

The Arthur Vining Davis Foundation, William R. Wright, Executive Director, Box 2238, Miami, Fla.

Raskob Foundation for Catholic Activities, Inc., Gerard S. Garey, Executive Secretary, 1205 Hotel Du Pont, Wilmington, Del.

The Danforth Foundation, W. David Zimmerman, Vice President, 222 South Central Ave., St. Louis, Mo.

Rama, Inc., Suite 905, The Watergate Office Building, 2600 Virginia Ave. N.W., Washington, D.C.

Rosenberg Foundation, Mrs. Jackson Chance, Executive Director, 210 Post St., San Francisco, Cal.

Joint Foundation Support, Inc., Mrs. Elizabeth W. Troubh, Executive Director, 575 Madison Ave., New York, N.Y.

The New York Community Trust, Miss Isabella H. Sommerhoff, 415 Madison Ave., New York, N.Y.

The Cleveland Foundation, Greater Cleveland Associated Foundation, Seymour Slavin, Foundation Associate, National City Bank Building, Cleveland, Ohio.

The Kresge Foundation, William H. Baldwin, President, 211 Fort St. West, Detroit, Mich.

Boettcher Foundation, John C. Mitchell, Executive Director, 818 Seventeenth St., Denver, Colo.

The Charles E. Merrill Trust, David A. Thomas, Administrator, P.O. Box 488, Ithaca, N.Y.

The San Francisco Foundation, L. A. White, Associate Director, 425 California St., San Francisco, Calif.

Phoebe Waterman Foundation, Inc., 330 Boulevard Building, Richard K. Bennett, 1819 John F. Kennedy Blvd., Philadelphia, Pa.

United States Steel Foundation, Inc., Howard B. Barr, Vice President and Executive Director, 71 Broadway, New York, N.Y.

CATEGORY C: THOSE WITH NO INVOLVEMENT SINCE '65 BUT WITH INTEREST

Lilly Endowment, Inc., Mr. John S. Lynn, General Manager, 914 Merchants Bank Building, Indianapolis, Ind.

The New World Foundation, Mr. Vernon Eagle, Executive Director, 100 East 85th St., New York, N.Y.

El Pomar Foundation, Mr. William Thayer Tutt, President, Broadmoor, Colorado Springs, Colo.

The Louis Calder Foundation, Mr. Reinhold Dreher, Trustee, 10 Rockefeller Plaza, New York, N.Y.

The Andrew W. Mellon Foundation, Mr. Charles S. Hamilton, Jr., President, 140 East 62nd St., New York, N.Y.

Edward John Noble Foundation, Mr. Alger B. Chapman, Executive Director, 32 East 57th St., New York, N.Y.

Independence Foundation, Mr. Robert A. Maes, President, 2500 Philadelphia National Bank Building, Philadelphia 7, Pa.

Alfred P. Sloan Foundation, Mrs. Muriel P. Gaines, Assistant Secretary, 630 Fifth Ave., Rockefeller Center, New York, N.Y.

The Grant Foundation, Inc., Mr. Philip Sapir, Director, 130 East 59th St., New York, N.Y.

Rockefeller Brothers Fund, Dana S. Creel, Office of the President, 30 Rockefeller Plaza, New York, N.Y.

Zale Foundation, Mr. Warren D. Bachelis, Executive Director, 512 South Akard, Dallas, Tex.

Firestone Foundation, Mr. Joseph Thomas, Executive Director, 1225 West Market St., Akron, Ohio.

The Hazen Foundation, Paul J. Braisted, President, 400 Prospect St., New Haven, Conn.

Woodrow Wilson International Center for Scholars, Mr Albert Meisel, Smithsonian Institution Building, Washington, D.C.

Charles Stewart Mott Foundation, Mr. C. S. Harding Mott, 500 Mott Foundation Building, Flint, Mich.

Stern Fund, Mrs Marilyn Klein, 21 East 40th St., New York, N.Y.

DESCRIPTION OF ACTIVITIES OF CATEGORY "A" FOUNDATIONS

ARROW, INC.—A REPORT ON CURRENT PROGRAMS

The programs that Arrow is currently sponsoring reflect our long-standing emphases on the areas of American Indian life that we feel are most crucial and to which we feel we can best make our contribution: management training in all aspects of Indian commuity life, economic development of Indian lands, and assistance to Indian youth.

Though limitations of staff and funds make it impossible to pursue each of these areas fully and constantly, Arrow has made a significant contribution to each. Through cooperation with other organizations, both private and government, and through careful concentration of Arrow's assets in the areas where they will provide maximum returns, we have made noteworthy progress with all our programs.

I. Management training institute program

Management training for Indian leaders, has, to date, been sorely neglected by both private and government groups. Training programs sponsored by the government reach less than 20% of the approximate 2500 elected Indian leaders annually. As the management of, or the potential management of, almost a half million Americans who live on and own 52 million acres of land, Indian leadership is analogous to the "management groups" in private business. And almost all large business groups in the nation, many of which have less resources and potential than the American Indians, have regular training and review sessions. It is widely accepted that these sessions contribute significantly to the efficiency and productivity of businesses.

Training for Indian leaders requires regular workshop sessions in management that are geared to today's American Indian. It requires both knowledge of and sensitivity to the unique forces in Indian community life: isolation of reservation areas, lack of proper communication, and the traditional outlooks of the Indian people. Arrow's Management Training Institute program concentrates on providing training for Indian leaders upon those leaders' requests, utilizing the talents of men and women who have a good understanding both of management techniques and of the American Indian's way of life.

Since the summer of 1968, Arrow has sponsored fourteen Management Training Institutes covering a wide range of topics. A total of over 275 Indians have participated in them, and each institute has been judged successful by its participants. Following are descriptions of a few of the most important of those sessions. (A complete report on each Institute is available at the Arrow office.)

Indian Elders Management Training Institute, Denver, Colorado. Co-sponsored by The Myrin Institute for Adult Education.

During the course of the Myrin Institute conference on Indian lore, six elderly American Indians, all of whom have held positions of authority within their Tribes, spoke at length with Mr. Sylvester Morey and Dr. Franz Winkler of the Myrin Institute of New York. The elders were asked to speak about their early spiritual training, their people's traditional religious beliefs, and their attitudes toward nature, mankind, and white society. Both Mr. Morey and Dr. Winkler have a deep interest in American Indian life. Mr. Morey has written an article entitled "American Indians and Our Way of Life," in which he suggests that a melange of some seemingly irreconcilable facets of Indian and Anglo life could lead to a healthy, harmonious life style for all American people. The discussions at the Indian Elders' Institute were all recorded, and with the help of Dene Curtis (Cherokee) of the BIA in Washington, they were transcribed. After some editing work on the part of the Myrin Institute and some gathering of biographical data on the elders on the part of Arrow, the 156-page transcript is now ready for publication. Robert L. Bennett has written an introduction to the volume.

Indian Court Judges' Management Training Institutes

The Management Training program for Indian Tribal Court Judges has yielded some particularly exciting results since its inception in June, 1968. At the Washington, D.C. Institute March 26–28, the Judges elected a Board of Directors and incorporated as the National American Indian Court Judges Association (NAICJA). The Washington meeting also afforded the Judges an opportunity to discuss in depth with government agency officials the potential funding available to the Association and to individual courts from the federal government. Representatives of the Law Enforcement Assistance Administration in the Justice Department, the Juvenile Delinquency Office of HEW, and the Federal Judicial Center made lengthy presentations.

At the Denver Institution, May 14–16, the Judges provided substantial information on what they feel their courts need most. That discussion covered everything from judicial robes to expanded staff and facilities and comprehensive probation and parole programs.

During the Albuquerque Institute, June 16–19, each of the Directors of NAICJA led an institute session followed by a discussion period. Fifty-seven court officials from the Albuquerque, Navajo, and Phoenix Areas were in attendance; all requested further information on NAICJA and membership therein. The Custer Institute, held September 12–14, met with similar success. Interest in finding more about and in joining the new Judges' Association was again universal, and Institute sessions were judged extremely educational by the 54 participants. Robert L. Bennett, past Commissioner of Indian Affairs; Gorden Mydland, South Dakota State Attorney General; and James Gamble, professional staff member of the Senate Interior and Insular Affairs Committee, were present at Custer.

A third expanded Indian Judges training institute is being planned for late this year. Invitees to this institute will include members of the Northwest Judges Association. (Arrow's Executive Director and NAICJA members had the opportunity to speak with representatives of the Northwest Judges Association at the National Congress of American Indians convention, held October 6–10 in Albuquerque. At that time, the Northwest group expressed definite interest in working closely with the national Judges' Association as a group.) The next Judges' institute should complete NAICJA's canvass of Indian judges throughout the United States, and prepare the Association for future efforts on a national basis.

NAICJA's emphases are on research, education, and communication, all of which it hopes to foster through the Judges' institutes. Its purpose is to upgrade the tribal court system in the United States through professional advancement and continuing education.

Navajo Agricultural Products Industry Management Training Institute, Farmington, New Mexico—August 14–16, 1969

One of Arrow's most recent Management Training Institutes was for the directors of the Navajo Agricultural Products Industry, an organization that will put to use the resources provided by the Navajo Indian Irrigation Project. Arrow's Executive Director attended the Institute, which included a tour of the Irrigation Project area and of former Arizona Governor Bolack's "B Square" Ranch, a model of agricultural accomplishment in desert regions.

The Navajo Indian Irrigation Project is now 16% complete based on the ratio of funds expended for project cost. When completed, it will place San Juan County, New Mexico among the top thirty counties in the United States in irrigated acreage, and it will bring an improved living standard to an estimated 30,000 Navajos through increased employment.

Members are now being selected to serve on the Board of Directors of the Navajo Agricultural Products Industry, which is a recent offshoot of the Irrigation Project. The Industry seeks to provide sound business management for the development of Navajo Reservation lands to their fullest potential. This will include overseeing the raising, processing, and marketing of produce grown at Navajo, the attraction of industry to the area, and the training of young Navajos in the management of the Industry to assure its self-perpetuation. One of the programs discussed at the Farmington Institute with which Arrow hopes to be helpful in the future is the training of selected representatives of the Industry in desert irrigation and agricultural production techniques. A training mission to Israel has been proposed for approximately six Indians to learn first-hand what the most effective techniques are.

II. Economic Development

"Tools for Training" Project

The ideal of each of Arrow's Management Training Institutes is positive concrete follow-up, especially in the field of economic development. During an Institute held at Idaho State University in Pocatello in 1968, a discussion was held on concrete follow-up at the reservation level. The Institute participants listed a number of ideas for economic development projects which could be initiated and carried through on reservations. A repeated observation of this discussion was that machinery, such as drills, grinders, cutting implements, etc., was needed in order to set up training for any project. Arrow's Director pursued this problem in further talks at Pocatello.

As a result, Arrow obtained donations of tools and machinery that were obsolete by the companies' standards, but still in good working order. The results have been heartening. We have not only distributed a number of tools and tool sets in Indian country, but we have put into motion the "Tools for Training" program sponsored by Arrow.

Operation Mainstream Project

Last fall, at the request of Tony Lincoln, a Navajo economic development official, Arrow negotiated a contract with the Navajo Concentrated Employment Program (under the Navajo Office of Economic Opportunity) to undertake sponsorship of Operation Mainstream. This program is designed to employ, on a short-term basis, Navajos for whom the conventional sources of employment assistance are closed. (Some of this program's participants had never held a permanent job before.)

An Arrow-Operation Mainstream office was set up in Gallup, New Mexico, and Mr. William Collins, Jr., a Navajo, was chosen as Project Director. The projects to which Operation Mainstream enrollees were assigned to assist other Navajos and included cleanup work, remodeling of chapter houses, and assistance in schools and in U.S. Public Health Service hospitals on the Reservation. Enrollees were held in Operation Mainstream projects until a place was found for them in vocational training programs, which in turn availed them of the opportunity to find permanent employment in the area. By last July, when Arrow's contract for Operation Mainstream sponsorship expired, the program was operating at full capacity with approximately seventy-five enrollees per week. It had an all-Navajo staff, including the Project Director, office personnel, and regional project supervisors. Mainstream was transferred to sponsorship by the Navajo Concentrated Employment Program, where it continues to provide the above-mentioned services. Arrow is pleased to have been helpful in getting Mainstream started; we feel that its approach and aims are most important to the Navajo Reservation.

III. Youth

One of Arrow's major interests continues to be in American Indian youth. All Arrow programs are designed to contribute to a better future for Indian people; Indian youth *are* that future.

Summer Youth Work-Experience Program, 1969

The Summer Youth Work-Experience Program has finished its second highly successful year of placing Indian youth in positions in National Parks and Monuments in the Southwest. Dr. Irving Handlin, who spent many hours with the program again this year, has provided us with a lengthy report on the summer of 1969. Through the efforts of Dr. Handlin, Jerry Tuttle (United Pueblo Agency, Albuquerque), Elizabeth Marcus and James Atcitty (Neighborhood Youth Corps), Frank Kowski (Regional Director of the National Park Service), and many others, ninety-four Indian youth were employed this summer, an increase of 50% over last summer. New positions were created for these young people not only with the National Park Service, but also with the General Services Administration and with the U.S. Forest Service, the last two being new to the program this year. Over twenty Indian youth will return with full-time jobs in the National Park Service next summer, as a result of the work they did this year. As during last year's program, this year's employees utilized their talents in a variety of ways. Some, for example, worked on horse patrol, some conducted tours, some gave live demonstrations of Indian craft work, and some took on heavy laborers' tasks.

The fact that the 1969 summer program was even more successful than the 1968 program despite a cut in operating funds speaks highly not only of the program itself but of the dedication of everyone directly involved with it. When there was no money to transport the summer employees to and from the parks, a number of concerned people offered their own time and gasoline to provide that service. There was volunteer counseling, willing provision of housing for the young people, and a good deal of initiative used in just plain scrounging some needed equipment and supplies.

Suggestions have been made for next year's program, and plans are now being made as well. It is hoped that next year's summer park employees will be better prepared ahead of time to meet the challenges of working away from home with minimal housing and general supplies (although next year's group could hardly be more determined than this year's was to meet those challenges once faced with them). It is also hoped that more individual counseling can be provided for next year's employees and their families. One most interesting prospect for the 1970 program is the initiation of a study on future permanent positions for young Indian people with the U.S. Forest Service.

Supplemental Scholarship Assistance Program, 1969–1970

Arrow has had the privilege of administering scholarship funds in larger amounts this year than in previous years. With funds from several sources, including the Jonathan Winters-Andy Williams benefit performance held last year in Los Angeles, Arrow has so far assisted more than thirty young Indian students with $5900. The scholarship fund from the benefit performance is earmarked for Indians living and/or attending school in California, and is still relatively full at this time. We continue to receive requests for financial assistance and to send our scholarship forms and make evaluations as they are returned. We are limiting our assistance to supplemental scholarships, modest in amounts. In this way we can assist a larger number of students for whom a small grant can make the difference between being able to attend college and not being able to attend.

We have given assistance both on the undergraduate and the graduate level, to Indian students pursuing studies in law, public health, psychology, art, and a number of other fields. One of our most recent grants was to provide transportation to Albuquerque for two students chosen by the Phoenix Indian School student council, so they could attend the Judges' Association meeting and the National Congress of American Indians conference October 6–10.

Poster Contest, March 11, 1969

At a luncheon held March 11th at the Congressional Hotel in Washington, Arrow presented awards to the four Indian students whose posters were judged the best of 159 entries in the BIA-Arrow sponsored Poster Contest. Robert L. Bennett, then Commissioner of Indian Affairs, Congressmen Ben Reifel and Ed Edmondson, and Mrs. Stewart Udall were on hand to congratulate the winners and help present the awards. The posters were all on the Contest theme, "Discover America With The First Americans." The students had combined ancient Indian motifs and coloring with modern design to produce exceptional artistic work. The awards, all provided by Arrow, included $300 in scholarships.

After the luncheon, the students visited Congressman Ray Madden and Congresswoman Julia Butler Hansen in their offices. Tours of Washington, D. C., and New York City were arranged for the students with the help of Arrow and BIA personnel. The three top prize-winning posters are now being marketed by the BIA; they are available to the general public, as well as to Indian interest organizations who may wish to resell them.

Other Youth Interests, 1969

Arrow continues to maintain its ties with, and interest in, the Council of National Organizations for Children and Youth, and the United States Youth Council.

We continue to work with Ray Sweazey of the Boy Scouts of America on Indian scouting programs. We recently provided scholarship grants of $50 each to four recipients chosen at the Spearfish, South Dakota Twelfth American Indian Tribal Leaders' Conference on Scouting.

A national social sorority with chapters all over the country, is now engaged in a fund-raising campaign, the proceeds of which are to go to Arrow. We have, since last spring, been providing small amounts of assistance to individual families and to several programs with funds raised by the sorority. A portion of the funds raised this year will hopefully be contributed to the Agricultural Products Industry for the study mission to Israel described above.

Keyette International, a branch of the nationwide high school girls' service and scholastic honorary, has recently chosen Arrow, Inc. as its annual social service project. We are now awaiting word from Keyette's social service chairman as to when their fund-raising activities will begin.

Miscellaneous

To the best of our ability Arrow responds to requests from Indians and Indian leadership. A number of requests have been filled such as: (a) An Indian's house with everything in it burned to the ground and there was no insurance. We provided clothing and emergency funds; (b) Several hundred dollars was provided to a Reservation area where heating homes in the winter is a major problem. This money paid for transportation costs and hourly wages to Indians for their services to cut and haul fire-wood to many of the homes, most of which do not have central heating as we know it in the cities; (c) A speaker to provide the Indian point of view was needed at a national sorority convention and Arrow provided the speaker; (d) The Independent Order of Forresters gathered, screened, cleaned and pressed 2,500 lbs. of clothing to be donated to Indians. Arrow arranged for its proper distribution and provided the shipping costs; (e) A local church needed a small amount of money to complete the financing of their summer youth work-camp at the Northern Cheyenne Reservation, Arrow provided the needed supplemental finances; (f) Arrow participated in the President's Commission on Human Rights meeting; (g) is now participating in preliminary planning meetings to prepare for its role in the 1970 White House Conference on Children and Youth; and (h) Arrow is considering ways in which to be of assistance to Indians who have relocated to urban areas.

Finances

Unlike many Foundations—such as Ford and Rockefeller—Arrow does not have a fixed or certain source of income. All Arrow money must be raised either through appeals for contributions or through proposals to Foundations, government agencies, or individuals for grants usually for specific projects. Your Executive Director has been and continues to provide both the fund raising and the program organization and administration services. Therefore, you can understand when I express my appreciation to each of you for having assisted in one way or another during 1969. Nancy—now Mrs. Nancy Tune—has provided us with excellent help during this year but she will be leaving in December to locate in the San Francisco area with her husband, Dr. Tune. I will be employing one full and/or two part time Indian assistants in an effort to modernize Arrow's files and records, as well as to carry on our current programs. Hopefully, we will move into somewhat larger quarters in the near future.

The Executor of the Custer Estate in Phoenix is not yet ready to discuss preliminary details of the proposed Custer Library project. However, your Executive Director will be meeting with the bank and their attorneys during the next two months and will have a report about the first of the year. The Executive Director has suggested that the first step be to obtain the preliminary research needed to develop basic definitions, content, direction and alternative location sites for the Custer library. Nor has the Executor made a final report on the gift from Mrs. Sexton. However, funds received from this source, which is now in restricted status by action of the Board, are to be invested in U.S. Treasury Bills and draw 7 percent plus interest. Funds raised through contributions are also to be placed into the reserve fund authorized at the April and May, 1969, Board of Directors meetings, to assure financing for Arrow overhead and administration for the immediate years ahead.

CARNEGIE CORPORATION
OF NEW YORK,
New York, N.Y., May 15, 1970.

Hon. EDWARD M. KENNEDY,
United States Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Alan Pifer has referred your letter of April 28 (which for some reason did not reach us until May 11) to me for reply because of my particular interest in Indian affairs. We are glad to provide the information necessary for your survey of activity by the private sector in Indian affairs and look forward to receiving a copy of the survey.

The grants that Carnegie Corporation has made for Indian programs since 1965 are:

United Scholarship Service—For a counseling and fellowship program for graduate work for Indian and Spanish-American college students, $150,000—1967.

National Indian Youth Council—For a study and demonstration project in Indian education; grant administered by the Far West Regional Laboratory for Educational Research and Development, $95,000—1967.

Far West Laboratory for Educational Research and Development—For completion of the program in Indian education begun under the auspices of the National Indian Youth Council and transferred, at its request, to the Laboratory. The report of the study is expected to be available in June; we have asked the Laboratory to send you a copy as soon as it is published, $73,800—1968.

National Indian Training and Research Center—For support of the Center's program to develop Indian leadership and to orient those working with Indians to Indian life and culture in order that Indians may improve their educational, social, and economic conditions through self-help programs, full use of the resources available to them, and the stimulation of new resources, $100,000—1969.

Dine, Inc.—For the development of Navajo curriculum materials at Rough Rock Demonstration School, $75,500—1969.

The Corporation is a foundation primarily concerned with education, and our interest in Indians has derived from our interest in the education of the disadvantaged. Our grants reflect our preference for projects that have been developed and conducted by Indians and that have implications and perhaps applications beyond the immediate project. These include an interest in the higher education of Indians to provide leadership, services, and models to their own people, which was the principal reason for our making the grant to the United Scholarship Service, Inc. We do not, as a general policy, make grants for undergraduate scholarships, and even general graduate fellowship support, such as the USS grant, is rare for the Corporation. Grants for graduate study are usually related to specific program developments as, for example, the development of new competencies in early childhood education or medical economics.

We have appreciated your interest in Indian education, for in this area, as in all other Indian programs, the public and private sectors need to examine much more carefully our real objectives in Indian affairs and the alternative methods open to us to achieve those goals.

Yours sincerely,

Barbara D. Finberg.

WILLIAM H. DONNER FOUNDATION, INC.

Re Formation of an American Indian Scholarship Corporation.

Introduction

1. This memo is designed to ascertain the views of the Board of Trustees on my initiating action to set up, and fund, with other foundations, for a three to five year period, a national organization whose limited purpose would be the award of scholarships, fellowships and research grants to American Indian students and scholars. This item will be on our January Board of Trustees meeting agenda, but I welcome your comments beforehand.

Need

2. In the 2½ years of William H. Donner Foundation's interest in Indian affairs, in which $998,500 in grants has been appropriated,* I have observed with dissatisfaction both the national Indian associations and the Bureau of Indian Affairs in their educational work on behalf of Indians. The reasons need not be detailed here, but the fact is that the moneys available to Indians, especially at the graduate and professional level, from both public and private sources, is pitifully small. One reason is lack of effective raising of money for this purpose, and this in turn is partly due to the absence of a nationwide private organization to do so. Of the two national bodies which could do so, one is discredited in the eyes of whites and Indians alike by a propagandistic policy (besides a chief concern for secondary students), the other is solely interested in the secondary level. I am exploring further a third remote possibility, the fledgling National Indian Training and Research Institute.

3. Yet a desperate need for funds lies just ahead—Bureau of Indian Affairs aid now goes to 4,200 undergraduates, yet not over $3,850,000 of federal funds (10 times that of 10 years ago) is available to these students. Only 1.1% is available from BIA, and virtually nothing from other agencies, for graduate students. The dropout rate among Indians is very high, twice the national average, but it is dropping, and so we can see ahead a horde of graduate students, many being responsible older persons with families, whose leadership and skills are sorely needed, but who cannot afford to seek masters and doctors and law degrees. (Estimates are that we have about a dozen practicing Indian lawyers, 15 Ph. D's and Ed. D's, and 30 physicians, in 1969, 241 Indians got bachelor's degrees with BIA aid.) As the BIA seeks more Indians for ranking jobs, the scarcity of the qualified persons will worsen. The present and past Commissioners of Indian Affairs inform me that there is little likelihood of increased BIA funding soon; even now funding undergraduates is by the term, not year, for financial reasons. In a Report to the Commissioner requested by Bob Bennett (December 31, 1968), it is pointed out that little opportunity for urban Indians for academic higher education, contrasted to vocational education, is available (pp. 11, 12, 14, 33). Although the creation of an organization such as is sketched below stretches the immediate resources of the William H. Donner Foundation, I have reluctantly concluded that the need warrants creation of a new body of limited purpose.

A conference of heads of 16 leading university Indian programs, called on December 8 at Albuquerque by the Foundation, clearly showed both a growing academic expertise and interest, and a concern about the Indian talent unable to find financial help in the usual university scholarship programs.

We now have before us proposals from colleges concerning Indian scholarship programs; we have approved two thus far, at Brigham Young University and Wisconsin State University.

Organization and functions

4. The corporation would consist of a Board of Trustees, Executive Director, and a staff of one or two. The trustees would consist of representatives of the sponsoring foundations, the Executive Director, the Commissioner of Indian Affairs, and a minimum of one-third the total membership selected from the Indian community.

The Executive Director, preferably an Indian respected by the tribes, and experienced in student scholarship and financial aid matters, would assay applications, handle grants coordinated with the Bureau of Indian Affairs scholarship efforts, deal with universities, and raise funds. His headquarters should be in the West, probably Albuquerque, which is central to Indian students and is also the site of the Bureau of Indian Affairs' national scholarship office. Details of this entire operation should be developed after consultation on methods with the National Merit Scholarship Corporation, the Woodrow Wilson Foundation, and others.

Finances

5. The William H. Donner Foundation would expect to provide the initial organizing, and a grant of $100,000 p.a. for a minimum of three years, for both scholarship funds and overhead. We would need the cooperation and help of others, such as Mrs. Moses, the Arthur Vining Davis Foundation, the Doris Duke Foundation, and the Hancock Foundation.

Recommendation

6. What I should like at the January Board of Trustees meeting would be an authorization to research further the solution to this problem, with full understanding of costs we might eventually incur.

The Field Foundation,
New York, N.Y., June 30, 1970.

Senator Edward M. Kennedy,
United States Senate,
Washington, D.C.

Dear Senator Kennedy: We delayed replying to your inquiry of April 28 until after our June board meeting, knowing that several Indian matters would be on the agenda of that meeting. The attached listing gives, therefore, an up-to-date report of our grants since 1965 and one that is complete through our 1970 fiscal year.

With best regards,

Sincerely,

Leslie Dunbar.

THE FIELD FOUNDATION, INC.

Grants for American Indian programs made since October 1, 1964–June 30, 1970

All Indian Pueblo Council, Albuquerque, N. Mex. (with administrative support from NCAI Fund, Washington, D.C.): Toward the Council's community development programs (1966—$24,650; 1967—$25,000; 1968—$25,000; 1969—$25,000; 1970—$25,000), $124,650.

American Indian Development, Boulder, Colo.: To help meet costs of six-week summer workshops for American Indian college students on Indian culture, history and current problems. (1965—$5,000; 1967—$15,000; 1970—contingent $15,000), $35,000.

Bacone College, Bacone, Okla.: For in-service training of faculty at this American Indian college and for on-reservation summer remedial program for its American Indian students, during 18 months beginning 1/1/66, $6,600.

Citizens Advocate Center, Washington, D.C. (with administrative support from Center for Community Change, Washington, D.C.): For the Advocate Center's Indian Task Force Project, which assisted in the preparation and publication of study titled: *Our Brothers' Keeper,* $25,365.

Commission on Indian Affairs of State of New Mexico, Albuquerque, N. Mex. (with administrative support from University of New Mexico Law School, Albuquerque): Toward the Commission's project to help tribes of New Mexico in their programs to reform and strengthen tribal governments (1968—$25,000; 1969—$20,000; 1970—$15,000), $60,000.

Eight Northern Pueblos Organization, Santa Fe, N. Mex. (with administrative support from American Friends Service Committee, Philadelphia, Pa.): Toward cost of the Eight Northern Pueblos Organization's tribal information program, during 1968, $1,500.

National Indian Youth Council, Albuquerque, N. Mex.: For central administrative costs, year beginning 6/1/69, and year beginning 6/1/70, $79,300.

NCAI [National Congress of American Indians] Fund, Washington, D.C.: Grants were made toward establishing the Fund (1965–$10,000) and toward its general support (1966–$45,000; 1967–$46,000; 1968–$40,750), $141,750; Toward legal costs of gaining official tribal status for the Tigua Indians, El Paso, Texas, $3,000.

University of New Mexico Law School, Albuquerque: Toward program planning for the Indian Law Center during 1968, $10,000; toward support of American Indian work carried on by the School's Legal Research Services Department, 1969–70, and 1970–71, $40,000.

Original Cherokee Community Organization, Tahlequah, Okla.: (with administrative support from NCAI Fund, Washington, D.C.): For pilot project in legal education by Stuart Trapp, Esq., $24,600; For support during 1967–68 of OCCO newsletter and other tribal communications, $10,000; Toward general support during 1968–69, $42,584.

Original Cherokee Community Organization, Tahlequah, Okla.: For a legal education program ($29,500) and toward central administrative costs ($13,000) during 1969–70, and 1970–71, $85,000.

Phillips Brooks House Association, Cambridge, Mass.: Toward 1966 costs of American Indian Project and support of American Indian participants, $6,075.

Rough Rock Demonstration School, Ariz. (with administrative support from DINE, Inc., Chinle, Ariz.): Toward prospective deficits of this innovative Navajo Reservation School, occasioned by cutback of federal funds, for academic years 1968–69 ($40,000) and 1969–70 ($30,000), $70,000.

NAACP Legal Defense & Educational Fund, New York, N.Y. Planning grant (in 1969) for an American Indian Legal Defense Fund, $5,000.

United Scholarship Service, Denver, Colo. Studies of child custody laws and welfare administration for Indian clients (1970). $12,400.

Total of grants listed above, $782,824.

Max C. Fleischmann Foundation,
Reno, Nev., May 11, 1970.

Hon. Edward M. Kennedy,
United States Senate,
Washington, D.C.

Dear Senator Kennedy: As requested in your letter of April 28th, enclosed you will find our list of grants for the benefit of American Indians and Alaska natives since 1965.

We have no current plans specifically related to Indians, but we do receive applications right along from many minority groups, all of which are considered on their individual merits.

Sincerely yours,

Julius Bergen III,
Chairman.

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*1968—$305,000. 1969—$693,500.

MAX C. FLEISCHMANN FOUNDATION

Grantee, purpose, and grants since 1965

American Indian Development, Inc., Denver, Colorado: Scholarships for Indian students, $5,000.

Department of Education, State of Nevada, Carson City, Nev.: Indian scholarships $60,000.

Fort Simcoe Area Council, Boy Scouts of America, Yakima, Wash.: For camp improvements (Indian Scouts), $9,060.

Inter-Tribal Council of Nevada. Reno, Nev.: Toward operating expenses (Alcoholism program), $1,600.

Midnight Sun Council, Boy Scouts of America, Fairbanks, Alaska: To support scouting in outlying Alaska native villages, $29,700.

Nevada State Museum, Carson City, Nev.: For Archaeological Study of Pyramid Lake Indian Reservation, which specified that employees be Indians, $89,292.

Reno-Sparks Indian Colony Park Improvement and Beautification Trust Fund, Reno, Nev.: To improve conditions at Reno-Sparks Indian Colony, $37,500.

Total, $241,152.

NOTE.—Additionally, many of our other grants for Nevada high school, Fish & Game and Forestry Scholarship programs, Nevada Hospitals, youth organizations, parks, swimming pools and other recreational projects, have benefited both Indians and non-Indians.

THE FORD FOUNDATION,
New York, N.Y., May 15, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Mr. Bundy has requested that I respond to your letter of April 28 regarding Ford Foundation grants in aid of American Indians and Alaskan Natives.

We share your concern for the welfare of all native Americans and have made the following grants to assist efforts by American Indians to strengthen multi-tribal organizations, to encourage cooperation among Indian leaders, to increase awareness of their cultural heritage, and to take greater advantage of educational and economic-development opportunities. The grants are:

1965—University of Alaska, $579,000.

1967—National Indian Youth Council, $27,500.

1966-1970—Leadership Fellow (18 Indians participated—total # fellows—198), $1,500,000.

1968—National Congress of American Indians, $310,000.

Alaska Federation of Natives, $100,000.

Center for the Arts of Indian America, $150,000.

University of Alaska, $56,500.

1969—Citizens Crusade Against Poverty, $38,000.

National Congress of American Indians (American Indians United), $90,000.

1970—Oklahomans for Indian Opportunity, $54,450; Navajo Community College, 250,000; American Indian Historical Society, 52,852; Demonstration in Navajo Education Inc., 100,152; Whatcom Museum of History and Art, 10,000.

I am enclosing press releases announcing these grants which briefly describe the activities of each organization as well as short summaries of those grants which were not announced by our offices. I shall forward releases on the 1970 grants as they become available.

Our current emphasis is on the development of potential Indian leadership—preparing Indians to manage their own affairs both on the reservation and in urban settings. Additionally, we are concerned that all scholarship money available to Indians be utilized.

If I can be of further assistance to you, please do not hesitate to communicate with me further. I look forward to reading a copy of your final report. I am confident that it will prove to be a valuable resource to Indian organizations as well as to those who are active in the field of Indian Affairs.

Sincerely,

SIOBHAN OPPENHEIMER,
Program Officer.

NEWS FROM THE FORD FOUNDATION

New York, Dec. 18—The Ford Foundation today announced grants totaling $654,500 to assist efforts by American Indians to strengthen multi-tribal organizations, to encourage cooperation among Indian leaders, to increase awareness of their cultural heritage, and to take greater advantage of educational and economic-development opportunities. They are:

$310,000 to the National Congress of American Indians Fund, the major national Indian tribal organization, to stimulate economic and community development. (Details follow.)

$100,000 to the Alaska Federation of Natives, a Native-run organization established last year to coordinate efforts of widely dispersed tribes. In Alaska, the term "Natives" includes Indians, Aleuts, and Eskimos—all groups directly or indirectly governed by Federal Indian policies. (Details follow.)

$150,000 to the Center for the Arts of Indian America, to introduce Indian art, literary, and theatrical programs into the curricula of predominantly Indian schools both on and off reservations. (Details follow.)

$38,000 to the Citizens Crusade Against Poverty, for an exchange program between ten American Indian leaders and ten leaders of the Maoris of New Zealand. (Details follow.)

$56,000 to the University of Alaska, for support of the first International Conference on Cross-Cultural Education in the North, to be held in Montreal in August, 1969. (Details follow.)

"The American Indians, beset with staggering problems of unemployment, education, health, and housing, are by any measure, save cultural heritage, the country's most disadvantaged minority group," McGeorge Bundy, president of the Foundation, said today. "Their efforts to overcome their depressed state are growing stronger, and they want more than ever to do things for themselves, rather than to be heavily dependent upon the white majority. The important inter-tribal Indian organizations are evidence of that determination. Our grants are designed to support efforts by American Indians, wherever they live, to enter the mainstream of modern American society without sacrificing—indeed, by capitalizing on and enriching—their own culture and tradition. The assistance seeks to help them implement those desires for self-government, economic independence, educational, cultural, and community development, and enable them to take initiative in shaping new Federal programs offered through the Bureau of Indian Affairs, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity."

The *National Congress of American Indians* includes all of the major U.S. tribes, except the Navajos, and many of the small tribes. It will use the Foundation's grant to strengthen its Washington office, which assists tribes in working with Federal agencies, and to develop a field office in Denver.

The field staff will concentrate its activity on small, generally overlooked tribes. Some of these tribes are recognized as Indian groups by Federal agencies, but have been ineffective in taking advantage of available Federal benefits. Another group consists of tribes not now considered a Federal responsibility, and therefore unable to receive much help; these include "state tribes" and those which have been terminated by Federal action.

The *Alaska Federation of Natives*, organized in 1967 by representatives from twenty regional and community Native associations, will use its Foundation support to strengthen its organizational capacity and expand its efforts to establish a communications network among the various Indian communities through additional field staff and regional meetings. A small portion of the funds will be used for a special project in the Bristol Bay area of western Alaska, where Natives will be trained for work in the building trades.

Of all U.S. Indians, the 50,000 in Alaska live under the worst conditions. The harsh climate, great distance between cities and villages, and higher living costs than in the rest of the United States compound their problems. For example, the incidence of tuberculosis is twenty-five times the rate in other states. Infant mortality is twice as high, and life expectancy is thirty-nine years as compared to sixty-nine. Only 12 per cent of Native children now complete high school. For many, the nearest high school may be located hundreds—or even thousands—of miles from home. Of the few who enter college, only one out of twenty-four can be expected to graduate. Lack of education and job skill training, cultural differences, and isolation help account for the fact that although Natives represent more than 20 per cent of Alaska's population, they hold less than 10 per cent of the jobs. Their unemployment rate is 60 per cent.

The *Center for Arts of Indian America* was organized by cultural leaders in 1965 to promote Indian visual, performing, and literary arts, and to carry those arts to the Indians themselves, who have little access to museums, libraries, theaters, and concert halls.

The Foundation's grant will supplement the center's contract with the Bureau of Indian Affairs to organize and develop cultural programs. A committee of Indians will work with the center's staff on programming in bureau and public elementary and secondary schools in Arizona, New Mexico, and South Dakota. Funds will be used to employ part-time performers, to train Indians as art education and drama specialists for Indian schools, and to provide technical assistance for the preparation of exhibits and displays. The grant will also enable the center to furnish instructional materials and to conduct teacher-training sessions in the schools visited by the exhibits and performers.

The Foundation grant to the *Citizens Crusade Against Poverty* will cover the expenses of an exchange program for ten Indian and ten Maori leaders, representing a cross-section in terms of age, urban and reservation residency, and general philosophy. Each group will spend twenty-eight days visiting reservations, urban centers, and government agencies with a local group leader. At the end of the program, all participants will meet for a two-day evaluation session.

Like the American Indians, the history of the Maoris of New Zealand includes wars fought and lost, land confiscated, and placement on reservations. Since World War II, however, through the passage of legislation and other special measures, the Maoris have virtually achieved equal rights while retaining their racial identity, language, and culture. By the early 1960s, approximately one-third of the Maoris, like their American counterparts, lived in urban areas.

Through the maintenance of tribal governments, U.S. Indians have long had a formal leadership structure, but this has been limited to individual tribes and reservations. There has been little opportunity for leaders to broaden perspectives and to cooperate in confronting common issues. The exchange program should provide for participants this overview currently lacking in most Indians perceptions of their people and their problems.

The first International Conference on Cross-Cultural Education in the North, cosponsored by the *University of Alaska* and the *Arctic Institute of North America*, will review the common problems and educational programs for Eskimos, Indians, and natives in Alaska, northern Canada, and Greenland. Approximately 100 government administrators, educators, and social scientists will attend the conference, to be held at McGill University, Montreal, in August 1969. Delegates from Canada, Greenland (Denmark), and the United States will participate. Because they have similar northern region problems, educators from the Soviet Union and the Scandinavian countries will also be invited. The Foundation's grant will cover the expenses of eighty delegates and other conference and administrative costs.

Another grant to assist Indian educational development was made by the Foundation in 1967, when the National Indian Youth Council received $27,500 to assist Indian communities in organizing summer programs and intercultural education studies.

Additional summaries of grants to American Indians

Whatcom Museum of History and Art

This $10,000 grant to a museum in Bellingham, Washington is for support of a program encouraging young Lummi boys to learn the fine crafts and associate traditions of their ancestors. The program will run between May 1, 1970 and October 31, 1970. During that time the participants will be instructed in carving and traditions by the two remaining master carvers in the Lummi tribe. The grant is designed to preserve skill and tradition and to thus allow the continuing development of a craft that has been passed down from generation to generation for hundreds of years.

Oklahomans for Indian Opportunity

This $54,450 grant is support for the development of program curriculum and training for the seventy-five OIO-sponsored Indian Youth Councils. The grant has enabled OIO to hire a Curriculum Development Coordinator who will undertake the development of a manual of program options, a program of Indian studies and a training program for Adult Indian Volunteer Council sponsors.

American Indian Historical Society

This grant supported a convocation of Indian professionals and youths this past March at Princeton University for an in-depth exploration of the problems and concerns of American Indians. The conference consisted of small panel discussions wherein specific subjects of concern to Indians were explored in open exchanges of views between the older scholars and established leaders and the students and potential leaders.

This conference provided an all-Indian forum wherein tribal leaders, youth and intellectuals could come together to explore options and design strategies, philosophies and programs against the day that they achieve greater decision and policy making authority.

Navajo Community College

This grant represents initial support to the Navajo Community College for an American Indian Leadership Training and Development Program which will incorporate technical assistance with in-service training techniques. Teams of professionals and student interns will work alongside tribal leaders in actual problem-solving situations in the fields of health, education, housing and economic development. A library consisting of current Indian information, data and materials necessary for long-range planning, as well as Indian training materials, are also planned as components of the program.

National Congress of American Indians—$90,000 grant, in support of urban Indian centers. The program, which will be focused on the development of centers to serve low-income Indians who live in cities of the middle West and far West, will be operated by American Indians-United, a group of forty-nine urban Indian organizations. The centers will conduct activities in education, employment, health, economic development, fund raising, and political participation to improve the status of urban Indians.

Leadership Fellows—a $1.5 million appropriation for a program, begun in 1966, to develop the leadership potential of rural educators by providing them with fellowships for a year of study, travel, observation of innovative school programs, and work with established educational leaders. Fifty-eight young educators have received awards to date under the program.

National Indian Youth Council—$27,500 grant, for a planning staff to develop education programs better adapted to the diverse cultural traditions of the nation's some 300 American Indian tribal groups, in hopes that such programs will reduce the present drop-out rate from conventional public and private (mostly mission) schools of more than 50 percent by grade twelve.

University of Alaska—$579,000 grant, to support the training of teachers for remote rural schools in Alaska, where Aleutian, Eskimo, and Indian children face education problems similar to those of disadvantaged youngsters in other states. The university, in cooperation with the Alaska State Department of Education and the Bureau of Indian Affairs, will use the funds to establish and test a new recruiting and training program for approximately fifty candidates a year. These will attend eight-week summer sessions which will include language training, anthropology, and courses in health and community service. Trainees will also spend time in rural communities working as assistants to specially selected teachers in summer-school programs. The university will set up an educational-service center to supply materials and instruction on new teaching methods.

***Demonstration in Navajo Education, Inc.*—$110,152 grant, for an internship program at the Rough Rock Demonstration School to train American Indian education leaders.**

The grant to *Demonstration in Navajo Education, Inc.* will support an internship program at Rough Rock Demonstration School to prepare American Indians as leaders of elementary and secondary schools on Indian reservations. Rough Rock, near Chinle, Ariz., is a resident school serving 400 children and about 60 adults in the community under a locally elected school board composed exclusively of Indians from the area. The bilingual and bicultural education includes the reading and writing of Navajo, Navajo history and religion, and Navajo Indian crafts. The only school of its kind in the United States, it is jointly funded by the Office of Economic Opportunity and the Bureau of Indian Affairs.

The grant will sppport annually four interns at the sechool who will specialize in curricula, bilingual education, English as a second language, or adult education as well as acquire general leadership and organizational experience.

The Luke B. Hancock
Foundation,
Palo Alto, Calif., May 14, 1970.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: In response to your letter of April 28, 1970, we are enclosing a schedule of grants made in support of various American Indian projects by the Luke B. Hancock Foundation.

The Foundation has been very concerned for a number of years about the plight of the American Indians and has responded to a number of appeals, as noted in the attached schedule. We are particularly proud of the results of the $100,000.00 grant made for economic and social development at the Ft. McDermitt Indian Reservation. The Foundation located an electronic company that was willing to build a branch plant making highly sophisticated electronic components and doing semiconductor subassembly work on the reservation. The company currently has approximately 25 male and female employees and expects to have 80 on the payroll by the end of 1970. Since the Ft. McDermitt Reservation has less than 400 residents, this amount of employment is having a significant economic impact in addition to increasing the morale and outlook of the American Indians.

The Foundation would like to receive a copy of your report when it is available, and congratulate you on focusing in on the American Indian problem.

Sincerely,

Courtney J. Catron,
Chairman of the Board.

THE LUKE B. HANCOCK FOUNDATION

Grants to American Indians 1962–1970

Date, Agency and Amount—[Asterik indicates grants by American Friends Service Committee]

January 1962: A.F.S.C.*–Pyramid Lake Indians, Toward construction of a community center for Paiutes in Nevada, $1,000.

April 1964: A.F.S.C.–Intertribal Friendship House, Oakland, For Youth Worker, $5,500.

April 1965: A.F.S.C.–Intertribal Friendship House, Oakland, For Youth Worker, $5,000.

April 1965: A.F.S.C.–Hoopa Valley Work Camp, Set up teenage camp to repair flood damage of 1964, $2,500.

May 1966: A.F.S.C.–Intertribal Friendship House, Oakland, Toward purchase of their new building, $10,000.

October 1966: ARROW, INC., Washington, D.C., Leadership Training Program, Idaho State University, $2,500.

October 1967: A.F.S.C.–Intertribal Friendship House, Oakland, American Indian Staff leadership training program, $8,212.

October 1967: Inter-Tribal Council of Nevada, Reno: (a) Lovelock Community Building Improvement, $5,000; (b) To establish Arts and Crafts Program, $5,000.

October 1967: ARROW, Inc., Washington, D.C., Leadership Training Program, $2,500.

July 1968: Inter-Tribal Council of Nevada, Reno; Ft. McDermitt Reservation Community Building, $10,000.

October 1968: A.F.S.C.–Intertribal Friendship House, Oakland, American Indian Staff leadership training program, $8,212.

February 1969: ARROW, Inc., Washington, D.C., American Indian Management Training Institutes, $10,000.

April 1969: Inter-Tribal Council of Nevada, Reno, For the social and economic development of Ft. McDermitt Indian Reservation, $100,000.

April 1969: Bureau of Indian Affairs, Stewart Indian School, Stewart, Nevada, For emergency funds to needy orphans and disadvantaged students at the Indian school, $5,000.

April 1970: Humboldt County School District, Nevada, For Teaching aids at Ft. McDermit School, $1,000.

April 1970: Bureau of Indian Affairs, Stewart Indian School, For emergency funds to needy students at the Indian boarding school, $5,000.

April 1970, ARROW, Inc., Washington, D.C., American Indian Management Training Institutes, $10,000.

April 1970: Inter-Tribal Council of Nevada, Reno, For economic development at Ft. McDermitt Indian Reservation, $16,000.

Total grants, $212,424.

LOUIS W. AND MAUD
HILL FAMILY FOUNDATION,
St. Paul, Minn., May 15, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Attached to this letter you will find information that meets your request for a list of Hill Family Foundation's programs that have the American Indian as a major focus. You should be advised that the Foundation has funded a number of programs that seek to aid minority groups, but it is difficult to determine the benefited parties; hence, the attachement may be overly inclusive.

Of greater interest is your request for "a description of your current plans that are or might be related to Indians." It is to this subject that I wish to make comment.

Hill Family Foundation has long evidenced its concern and support for Indian-related programs. It is amazing, however, how few, well-structured requests are received by our office. Consequently, the Foundation is forced to begin the self-initiated search for Indian-related programs to support. Normally, foundations are loath to seek "business," but it is time to rise above petty concerns.

At this writing, Staff of the Foundation is pursuing the possibility of marrying the rural health-care delivery problem with the Indian "problem." The rationale behind this marriage is that health-care delivery is the foremost rural problem and when one views the Indian problem it is, in large part, a rural problem. This is not to ignore the urban Indian, but rather to focus on the most pressing issues.

The Foundation hopes to perform the role of broker to persuade those parties that could be of assistance to focus on the aforementioned problems. I am convinced that key components of the University of Minnesota's Health Sciences Center will be anxious to cooperate, particularly as Minnesota politicians continue to berate the health-care professionals for their failure to bring adequate health care to rural Minnesota. The University of Minnesota can soften the harsh criticism of Minnesota Legislature, aroused over student unrest, by unveiling health-care delivery models that soothe the complaints of rural constituents. And, most importantly, I am convinced that these delivery systems can be structured to dramatically assist Indians in Minnesota and the Dakotas.

I would like very much to see a report of your efforts as outlined in your letter and we thank you for your interest.

Sincerely,

ROBERT W. BONINE,
Assistant Executive Director.

HILL FAMILY FOUNDATION PROGRAMS—CONCERNING AND RELATED TO MEMBERS OF MINORITY GROUPS

Grants authorized

[Asterisk indicates Indian-related projects]

1963–64

*Blackduck, Minnesota School District: Vocational training of unemployed youth, $5,500.

College of Saint Thomas: Inter-college program for the improvement of Negro higher education—Planning Grant, $2,500.

*Palo Alto Medical Research Foundation: Research on problems of academic underachievers, $21,242.

1964–65

Hennepin County Department of Court Services: Experimental program in group therapy for juvenile delinquents, $48,810.

*Minnesota Foundation: Production of a documentary film on Blackfeet Indian dances and rituals, $1,500.

*Minneapolis Public Schools: Development of curriculum and instructional materials for low achievers, $22,500.

College of Saint Thomas: Inter-college program for the improvement of Negro higher education, $221,220.

*Palo Alto Medical Research Foundation: Additional grant for academic underachievers, $2,155.

*Saint Paul Metropolitan Improvement Committee: Home improvement demonstration program, $12,500.

1966–67

Saint Paul Urban League: Publishing report of study on Low Income Negro Families in Saint Paul, $1,500.

*Museum of the Plains Indian: Assist Blackfeet Indian tribal council in production of a pageant, $4,000.

1966–1967

Carleton College: 1966 and 1967—A Better Chance Program related entirely to underprivileged youth from the Northwest, $70,000.

Independent School Talent Search Program—Boston: A Better Chance Program Related entirely to underprivileged youth of the Northwest, $50,000.

Shakespeare in the Street: Mobile Theatre for the inner-city, $5,000.

Carleton College: A Better Chance, no figure supplied.

Oregon Museum of Science and Industry: Program to enrich disadvantaged children's scientific concepts. Children drawn from the model schools of inner-city, $50,550.

University of Minnesota: Pilot program in advanced training for medical trainee at Howard University, $1,200.

Liberty Plaza Corporation: Advanced financing for a nonprofit housing development to be financed under the National Housing Act, $60,000.

1968–1969

*Community Development Corporation of Greater Saint Paul: To establish a reserve for a Development Fund to encourage and aid a private, nonprofit organization to undertake multi-family medium income housing projects, $60,000.

Inner-City Youth League: To establish a reserve for support of a special youth program in the Summit-University area, $150,000.

Minnesota Foundation: Saint Paul Police Department Community Relation Center, $2,000.

*Saint Paul YMCA: To establish a Saint Paul American Indian Center, $43,090.

*Assumption College and Abbey, Richardton, North Dakota: Major James McLaughlin (Indian Agent) Papers, $17,100 (first grant).

*Assumption College and Abbey: Major James McLaughlin (Indian Agent) Papers, $9,000 (second grant).

1966–1967

College of Saint Thomas: To provide a training course for police instructors, $3,750.

Southern Education Foundation: In support of a program focused on strengthening the libraries of selected Negro colleges, $34,000.

Summit-University Teen Center: Development of a program for the Loft Teen Center, an inner-city recreational program, $35,000.

1969–1970 to date

University of Minnesota: Community University Health Care Center, $90,000.

*Archdiocese of Saint Paul and Minneapolis: Inner-City Nonpublic School System, $50,000.

Southern Education Foundation (May 1969): Strengthening the Libraries of Negro colleges, $15,000.

Southern Education Foundation (June 1969): Strengthening the Libraries of Negro colleges, $177,900.

*Dana College, Blair, Nebraska: Hidatsa Cultural Ecology, $6,825.

W. K. KELLOGG FOUNDATION,
May 14, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We were glad to have your letter of April 28 expressing interest in this Foundation's activities and plans relating to the needs of American Indians and Alaskan Natives. We also appreciated the opportunity to review the very comprehensive and interesting report of your subcommittee's investigation of this problem.

We have noted your request for information concerning the W. K. Kellogg Foundation's activities since 1965, as they pertain to the special needs of these population groups, and I am enclosing a short summary statement which describes a major Foundation project at the University of Alaska which we believe has important implications for the developing economy of that region, with particular reference to the Eskimo.

Our staff is currently giving considerable thought to ways in which we might assist in improving the social, economic and educational status of the Indian population. While the Foundation has not previously been extensively involved in this problem area, we recognize its importance and will look forward to receiving suggestions from your committee, as well as from other sources, as to how we might contribute constructively to its solution.

For your further information, I am enclosing a copy of the Foundation's latest Annual Report summarizing our current activities in the general fields of health, education and agriculture.

If we may be of further assistance in the very important work of your committee, please let us know.

Sincerely yours,

PHILIP E. BLACKERBY.

Project: Domestication of Musk-oxen.
Grantee: University of Alaska, Fairbanks.
Amount of Foundation aid: $726,619 over the ten-year period, 1964–74.

This project of the University of Alaska is concerned with the well-being of Alaskan Natives, especially Eskimos. Musk-oxen, native to the Arctic tundra, are being domesticated as an economic resource. Qiviut, the animal's soft underwool, is utilized by Native women in producing articles for sale. The village councils will assume responsibility for the herds; a cooperative is being established by Native leaders for the marketing of products. See the Foundation's 1969 Annual Report for further detail.

GOVERNMENT OFFICES WITH INDIAN-RELATED GRANT PROGRAMS

(1) Bureau of Indian Affairs (202–343–7445), Office of Public Information, 1951 Constitution Avenue, NW., Washington, D.C. 20242.

(2) Office of Education, Education for American Indians Office (202–963–5894), Department of Health, Education, and Welfare, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(3) Economic Development Administration, Indian Desk (202–967–4322), Department of Commerce, Room 7313, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

(4) Office of Economic Opportunity, Indian Division (202–254–5960), 1200 19th Street, NW., Washington, D.C. 20506.

(5) Office of Manpower Development and Training, Indian Desk, Labor Department

(202-961-3911), 14th and Constitution Avenue, NW., Washington, D.C. 20210.

(6) Public Health Service, Indian Health Service (301-443-1097), 5600 Fishers Lane, Rockville, Md., 20852.

NATIONAL INDIAN-INTEREST ORGANIZATIONS

(1) Americans for Indian Opportunity, 1820 Jefferson Place, N.W., Washington, D.C. 20036.

(2) Association on American Indian Affairs, 432 Park Avenue South, New York, N.Y. 10016.

(3) Indian Rights Association, 1505 Race Street, Philadelphia, Pa. 19102.

(4) National Congress of American Indians, 1346 Connecticut Avenue, N.W., Washington, D.C.

(5) National Indian Education Association, 1605 West Pine Street, Stillwater, Minn. 55082.

(6) National Indian Youth Council, 3102 Central S.E., Albuquerque, N. Mex.

(7) United Scholarship Service, P.O. Box 18285, Capitol Hill Station, Denver, Colo. 80218.

ENVIRONMENTAL LAW

Mr. HOLLINGS. Mr. President, in the past 2 years, a new body of law has been developing that has great importance for all of us. In the new field of environmental law, no man has contributed more to the evolution than Prof. Joseph L. Sax of the University of Michigan Law School. Author of several books and articles, such as "Defending the Environment," Professor Sax presented a keynote paper to the Environmental Law Seminar sponsored by the Smithsonian Institution and the American Law Institute-American Bar Association. Said Sax in the course of his paper:

> An environmental law problem is presented when there is a loss of effective control over the impact of human activity on natural communities. And the job of the environmental lawyer is to restore that control. The key word in this formulation is control.
>
> The job of the law is to promote the attainment of knowledge which will permit us to *determine* whether the proposed activity is injurious, not simply to tell us how to act when we don't know (i.e., to tell us who wins the game of ignorance). In other words, to set out 'control' as the fundamental legal principle, is to make it the function of law to promote the search for knowledge which permits rational decisions to be made. To require a showing of knowledge, i.e., control, is not only to help assure that correct decisions will be made, but it is to use the law's coercive leverage to develop the tools for making rational decisions, and not . . . simply to resolve disputes . . .

Professor Sax's contribution is one of the most refreshing pieces that has appeared in this important field to date. It is clear and forward looking in a way that I know will be helpful to all legislators.

Mr. President, I ask unanimous consent that Professor Sax's paper, "Introduction to Environmental Law," be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Introduction to Environmental Law

(By Joseph L. Sax)

I have been asked to begin my comments with a definition of environmental law. Much as I dislike making myself so easy a target, I will try to comply. But first, I must say a few things by way of preface so as to stake out my own perspective, and to say thereby that any such effort—at this early stage in our history—must be more a credo than a description.

In the most important sense, there is no body of environmental law today. The significant history is yet to be written by lawyers such as those sitting in this room; and their success will, in my judgment, be measured by the degree to which this history goes beyond traditional legal aspirations. While it would, of course, be foolish to suggest that the *problems* with which we must deal are unique to legal experience, I do suggest that they call for approaches which are sharply distinct from the legal milieu in wihch we are accustomed to working.

Having sounded this rather extreme note of introduction, let me begin to explain myself by attempting to define what we ought to mean when we think about environmental problems and the law.

An environmental law problem is presented when there is a loss of effective control over the impact of human activity on natural communities. And the job of the envronmental lawyer is to restore that control. The key word in this formulation is control.

Probably the best known example of such a phenomenon is the buildup of pesticides in species other than the target organisms. This build-up, in man and birds for example, is uncontrolled in several respects. It develops at a rate and in a manner that is not intended or desired, and with consequences that are not well understood; in this sense the use of the pesticide is uncontrolled. How about harmfulness? Must it also be *proven* harmful to meet my test of being uncontrolled? The answer is no; for what you do not know you do not control.

From this formulation, I hope to make clear that I would not view every unintended and undesired consequence of human activity as presenting an environmental legal problem. For a side-effect, though undesired and unintended, the consequences of which are fully understood and considered acceptable in the achievement of some goal is quite within our control. As an example, consider a pharmaceutical drug for the control of disease, which has been fully studied, and whose undesired side-effects are known and deemed tolerable as a price for achieving the drug's central purpose. Such a situation does not present a problem of the kind I am discussing.

Let me also make it clear that what I call an environmental legal problem does not encompass everything that might be viewed as an environmental problem from a scientific or public policy perspective. If, for example, with full understanding and knowledge, and with the most adequately informed public consent, it were decided to destroy the Great Lakes as living systems and to convert them into waste sinks, that would not be an environmental legal problem, though it would surely be an environmental disaster of a high order.

Having thus briefly outlined a definition of the problem as one of control over the impact of human activity on natural communities, I would like to try to flush out the meaning of this definition by some of its implications for the development of environmental law, explaining why I think the task before us reaches quite far beyond a retouching of those legal doctrines and traditions which have, historically, dealt with the use or misuse of air, land and water resources.

Let us examine first an element of the problem which has often been noted in the context of environmental controversies, but has not been very deeply examined: The burden of proof. It is often said that we must lift the burden of proving harm from those who oppose developments or the use of potentially harmful substances, and impose it on the proponents of action. A number of practical reasons have been given in support of this suggestion, such as the generally superior economic and scientific capacity of industry or government developers; the reasonable expectation that they should already have done studies on potential harm and feasible alternatives before they come forward with a proposal, and should be prepared affirmatively to defend the conclusions they should already have drawn.

I personally find these arguments persuasive, but I think the issue is much more fundamental and far reaching than is implied by any such conventional legal dispute about the allocation of burden of proof. For if the essence of the problem is *control* then it seems to me indispensible (and not merely preferable) that the proponent of action which will affect natural communities be prepared to demonstrate that he is in control of the consequences of his conduct—which is to say, that he knows enough about the consequences to make possible a fully informed rational choice. Unless we are prepared to demand this, we evince a willingness to let control slip out of our hands, and thereby to give away the very heart of the principle upon which environmental law must, if it is to have any real meaning, be built.

From this perspective, much of the law which we now call environmental law is sorely deficient. As an example, I cite to you the water pollution statute and its current interpretation in my own state of Michigan. The statute, which seems conventional enough, reads in relevant part: [1]

It shall be unlawful . . . to discharge into the waters of the state any substance which is or may become injurious to domestic, commercial, industrial, agricultural, recreational or other uses which are being made or may be made of such waters; or which is or may become injurious to the value or utility of riparian lands; birds, fish, aquatic life or plants . . .

While this may seem a very broad mandate, in 1968 the Attorney General gave the following interpretation:[2]

The Water Resources Commission is vested with power to issue orders restraining discharges that may be made into the waters of the State so that they do not cause the injuries specified. It should be noted that any order so issued must be based on a finding of fact that the discharges unless restricted may cause any or all of the injuries specified. . . . Thus, to deprive a riparian owner from discharging any substance into the waters of the state it must be shown that such a discharge is or may become injurious . . .

This formulation is not simply a manipulation of the rules of evidence. To speak, as the Attorney General's memorandum does, in terms of proof of injury, impiles that there may very well be ignorance or uncertainty about consequences. That is to say, no one may be able to prove either that there will be injury or that there will not be. In such a case, assuming lack of sufficient information, the burden of proof is simply allocated to one, rather than the other, party to the controversy. Of course one can debate endlessly about how this burden (let us call it the burden of ignorance) should be allocated. The Attorney General, having allocated this burden (by interpretation) considers the legal job accomplished.

My point is that the function of law in this situation is now an allocative one at all, but is an innovative one. The job of the law is to help assure that decisions are not made in ignorance to any greater extent than is absolutely necessary and to prevent accepting ignorance as a stable fact.

The job of the law is to promote the attainment of knowledge which will permit us to *determine* whether the proposed activity is injurious, not simply to tell us how to act when we don't know (i.e., to tell us who wins the game of ignorance). In other words, to

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Footnotes at end of article.

set out "control" as the fundamental legal principle, is to make it the function of law to promote the search for knowledge which permits rational decisions to be made. To require a showing of knowledge, i.e. control, is not only to help assure that correct decisions will be made, but it is to use the law's coercive leverage to develop the tools for making rational decisions, and not—as is so commonly stated—simply to resolve disputes (as by making burden of proof rules). Thus, one principal task of environmental law is to promote research.

Of course, the problem I am discussing does not arise only in the context of proof of injury, and the allocation of the burden of ignorance. It arises also in what might be called the "state of the art" defense which is so commonly encountered in pollution cases. If a factory, for example, is charged with creating an air pollution problem, a common response is that they have already installed the best pollution control equipment available and are in compliance with the fullest state of the pollution containment art now known.[3]

In light of the definition I began with, acceptance of this defense must be seen as an utterly unsatisfactory response, even more deficient as a legal technique than the allocation of the burden of ignorance. For such a defense does not merely accept as given the state of knowledge, but goes beyond it to accept—in some instances—the present state of commercial availability of equipment, which may be at a far lower state than even the existing state of knowledge could produce.

An environmental law which develops along these lines not only fails to promote innovation, but may even stifle it by locking in as acceptable the available commercial hardware which can be purchased on the market. The dangers of this approach have already been well recognized in an excellent article by Professor Milton Katz.[4]

In that article, Professor Katz calls attention to many old tort cases, particularly in the law of nuisance. One brief excerpt will suggest the usefulness of reading this article in regard to the comments I have made. Referring to an air pollution case from Oregon in 1963[5] he says:

> "The court's painstaking scrutiny of the evidence relating to the plant's equipment and processes, and its references to the general problem of air pollution and to national policies concerning pollution, suggest how the concepts and methodology of technology assessment can be absorbed into tort law.
>
> "In appraising the defendant's equipment and chemical processes, the court applied standards derived from the better contemporary practice among qualified manufacturers. Perhaps no more was needed to give the plaintiff the relief he required. The opinion contained no intimation that the court might be prepared in an appropriate nuisance case to test the performance of a manufacturer not only by the criteria of technology actually available and in use, but also by the efforts he may (or may not) have made to find new alternative technology through the potentialities of research. . . . The path lies open, and the step may yet be taken; the balance of reconsiderations in nuisance cases may yet be broadened to include an appraisal of the defendant's search for possible new scientific discoveries or engineering designs.

The Katz article, in the rather modest context of analyzing standards for reparations in ordinary tort cases after the fact, identifies one essential task which lies before environmental lawyers. Lack of knowledge, or current technology, must no longer be accepted as the given, static, fact; the search for knowledge (and I would go further and say its attainment) must be set out as guiding principles of environmental law. In short, the first job, if we define our task adequately, is to move from a static function of rulemaking for conflict resolution upon facts accepted as given, to a prod and force for innovation of new knowledge which alone permits conflict to be resolved rationally. Only in this way can human activity be brought under control.

In saying this, I hope I will not be misunderstood. I recognize full well that in any human endeavor there is always a significant element of uncertainty. I do not propose either that all human activity be constrained unless and until we have absolute knowledge of all its consequences. Nor do I envision the enactment of statutes which say, in essence, that a party must go out and invent the lightbulb, or cure cancer, within thirty days on penalty of being remanded to the custody of the sheriff. I am speaking, rather, of the thrust and direction of legal activity in the environmental area, and am suggesting that the goal of law must be to prod the search for as much knowledge as is reasonably possible as a prerequisite for action.

This suggests that the central question in environmental legal controversies will be essentially these: (1) If you wish to act, do you know enough to give us reasonable assurances about the consequences so that we can make an informed decision about whether we are willing to tolerate those consequences? (2) If not, can you satisfy us of the urgency of going forward without waiting upon that knowledge? In answering this second question an inquiry will be required into the alternative solutions available by which we might buy some time during which information can be made available. This question will in turn require us to ask about the need for the proposed activity; the reasons why the information required as to consequences is not now available, and how it can be made available. These, I feel confident, are the right questions, and they are not now being asked often enough.

How, exactly, one goes about devising techniques for promoting innovation is at this point the most important question awaiting the skills of environmental lawyers. We do have a few rather rudimentary experiments that provide a useful starting point. In the Katz article, which I mentioned earlier, it is suggested that the potential of successful damage claims, if based upon a failure to explore and use technology either present or available within the scientific community, would itself act as what the author calls a form of therapeutic deterrence. This is surely an approach worth pursuing, though I am afraid it will at best fall far short of our need, and for two reasons. The level of successful dollar damage claims, under the rubric of torts like nuisance and strict liability, even with a much enlarged ambit of liability, is likely to be very small compared with the magnitude of the problem. The large transaction costs in pursuing damage litigation, the narrow scope of recoverable damages under present interpretations, the narrowness of the plaintiff class entitled to damages under nuisance law, all suggest serious difficulties—or at least inefficiencies—in putting heavy reliance upon traditional tort remedies.

There is a more elemental difficulty too. Tort damage suits almost inevitably focus upon immediate and visible injury, whereas many of the most troublesome environmental problems are of a sort where the dangers are spread out over quite long time spans, and are diffused among exceedingly diverse populations. Thus, while it is easy to conceive of tort damage cases as a useful device in dealing with certain immediate problems arising from industrial air pollution—such as damage to houses and cars, and even some human health problems to those in the vicinity of the plants—it is obviously going to be extremely difficult to adapt the damage action technique to the dissemination of pesticides, or radioactive substances, or to the gradual degradation of oceanic resources.

If such techniques are to be tried, however, lawyers will have to cope with very sticky technical problems, such as the class action for damages. We are now in the midst of some perplexing experiments with that very problem in the area of consumer class actions under the antitrust laws. I call particularly to your attention the following case: *Eisen* v. *Carlisle and Jacquelin*,[6] an action on behalf of nearly four million purchasers of odd lot securities, which is going forward but under circumstances of extreme unease by the court. See also *Hacket* v. *General Host. Co.*,[7] a case on behalf of one and a half million retail consumers of bread, where Judge Weiner said:

> It is our considered opinion that under the facts of this case, the problem of management of the proposed class is clearly insurmountable. The class is so large that it would be unmanageable and could only result in many, knotty complicated and unnecessary problems.

A similar case, involving millions of purchasers of gasoline, is presently pending.[8]

To be sure not every such case has been disposed of in this manner. For example, in *In Re Multidistrict Treble Drainage Action Involving Motor Vehicle Air Pollution Control Equipment*,[9] Judge Real said:

> Manageability of the classes alleged herein may certainly tax the imagination and ingenuity of the litigants, counsel and the court. But until management is recognized as impossible or near impossible, the Court will depend upon the ingenity and aid of counsel to solve the complex problems this litigation may bring. If successful, the economics of time, effort and expense will more than compensate the effort.

See also *Siegel* v. *Chicken Delight*,[10] where 650 franchisers sued; or *West Virginia* v. *Chas Pfizer and Co.*,[11] the tetracycline case where a settlement fund was created for the benefit of a very large class of purchasers.

I cite these cases (which deserve careful study by environmental lawyers) and the impediments to such large scale damage actions, for it is cases of this kind that will have to be developed if the damage approach is to show truly far reaching results in the environmental area. And I think it fair to say that a major environmental damage case, such as one involving pesticides, is likely to be considerably more difficult than even the most expansive antitrust case—both in terms of the numbers of people involved in the plaintiff class, and in the difficulties of proving damages. While some cases of this general type have been instituted in the environmental area, none to my knowledge has yet survived.[12]

Some other devices, with which there is now a little experience, may offer more efficient possibilities for promoting innovation and needed research. One is the effluent charge, which has been long used in Germany to deal with water pollution,[13] is now getting its first test in the United States under a recently enacted Vermont Law.[14] The effluent charge can take many forms, but in its most important sense it is an economic device with two important functions. By charging those who discharge defiled water into a stream, it imposes some of the external costs or social costs (that is, the costs incurred by downstream users) on the discharger. If the charge is skillfully set and administered, it gives the discharger an immediate and continuing economic incentive to seek means for reducing the costs to others—by process changes in the plant, or by treatment of his wastes before discharge; and thus it presses him to bring his wastes under control, in the sense that I have used that term in this discussion.

Footnotes at end of article.

If used correctly, the effluent charge provides the innovation-prodding benefits of tort damage litigation without the problems of litigation. In essence it requires an administrative determination of damages (and in a broader sense than damages are usually understood in a tort case) and it imposes what is probably the most efficient means of collecting those damages—that is, the tax approach. By requiring the immediate and continuing payment of these charges, it also puts the burden of delay upon the user.

Another legal device, similar in concept to the effluent tax, through it has never been employed to the best of my knowledge, appears in the legislation of my own state of Michigan.[15] Section 10 of our Water Resources Act provides that anyone (except a municipality) which discharges substances into the waters of the state in violation of law shall be guilty of a misdemeanor, and

> In addition to the minimum fine herein specified the Attorney General, at the request of the Department of Conservation, is authorized to file a suit in any court of competent jurisdiction to recover the full value of the injuries done to the natural resources of the state by such violation.

While I do not consider this provision of law to be efficient, in the sense in which I spoke of efficiency earlier, the provision does offer a most important opportunity to bring into environmental law the idea of social cost as a recoverable element of damage, and thus to mute the inevitable criticism directed at one trying to expand traditional damage concepts. The statute explicitly recognizes such damages and provides an express mechanism for their recovery.

Finally, as to techniques, let me call your attention to a provision in the new federal air quality act that addresses itself in a most interesting way to the promotion of research and innovation. The provision in essence provides that beginning with the 1975 model year any new light duty vehicle shall be required to meet emission standards which at a minimum shall represent a 90 per centum reduction from allowable emissions for 1970 model year vehicles or engines.[16]

The discussion which took place in the Congress over this provision was fascinating. Its proponents were asked whether they were not decreeing, in effect, that the light bulb be invented by a certain date, and what exactly they planned to do if the decree were not executed by the automobile companies. Obviously, it was suggested, they were not going to close down the automobile industry.

Senator Muskie replied,[17]

> Since the late 1940's, a quarter of a century ago, the industry has been occupied with the problem by its own statements. Every time it is pressed to apply the technology, it pleads for time. It says it is not possible. It said this to California in 1964. It said this to us in the hearings in 1964 and in 1965. It says it again now.
>
> What we need in this five year period is a period not only for production line work but also time for development of the concepts which have been on the drawing boards all these years. Because that is time the committee does not want to reduce, that is why we fix a time.
>
> The first responsibility of Congress is not the making of technological or economic judgments—or even to be limited by what is or appears to be technologically or economically feasible. Our responsibility is to establish what the public interest requires to protect the health of persons. This may mean that people and industries will be asked to do what seems to be impossible at the present time. But if health is to be protected, these challenges must be met. I am convinced they can be met.

I note this response by Senator Muskie because it is one of the few examples to be found in legislative records of what I would call the dynamic, as opposed to the static, view of the role of law. Senator Muskie is making the point that if we are to obtain innovation, it may be necessary to demand in law the product of innovation not yet available, for that demand may itself be the very thing which, as a practical matter, will produce the innovation. This view is nothing more, of course, than a congressional recognition of the old saw that necessity is the mother of invention.

I see the elaboration and sophistication of this attitude as one primary task of environmental law. To be sure, it is easier to say it than to implement it in workable fashion, for the legal system cannot afford to get the reputation of making unreasonable demands or futile threats.

It is hard to think realistically of closing down the automobile industry, but there may be devices available to create credible pressures toward producing control over the impact of the automobile on environmental quality. In this context, the leverage for control may lie in creating some balance between the pressures for growth and development of the industry and the need for research.

We do have some experience with efforts to use legal tools to bring these two elements into balance. In a number of states proceedings have been instituted—in the area of water pollution control—to constrain the granting of further building permits unless and until the sewage treatment facility, already overloaded, was brought up to capacity to deal with potential new developments. Court orders to that effect have been obtained in New Jersey in some well known cases.[18]

The idea behind this technique seems to me an extremely sound one. Development must be brought into phase with the public facilities needed to service that development; this is one means of obtaining control over the impact of human activities on natural communities. The goal is to give an advantage to those communities which are ready and able to provide adequate facilities, and to press others to move forward with such facilities in order to accommodate development.

I have heard reports, and they have been repeated in the press, to the effect that this approach, at least in the short run, has had an adverse impact on needed housing. I should think, however, that in the larger and longer term sense, the communities here hold the key to their liberation, in that by providing the required services they can go forward.

One can conceive of an adaptation of this idea to problems like that of the automobile industry. Might it not be possible to condition growth in the registration of additional automobiles upon the industry's meeting the air pollution problem? Or might not constraints be imposed as of some fixed future date upon the size of new automobiles, so as to limit the total use of fuels conditioned upon the same solution? Might not even the large investment in such relatively unimportant things as cosmetic new model design be suppressed temporarily as an incentive to invest in environmental research?

Plainly I do not set out these thoughts as fully considered proposals, but as possible sources of leverage to promote invention. I suspect that in such ways we will have to fashion practicable devices for implementing the broad and far reaching idea of control.

I have spoken thus far about the fundamental task of environmental law, as a lengthy commentary on my definition, and about some techniques which might realistically be built into the legal system for the fulfillment of that task. Now let me turn briefly to the question how one knows when he has a problem that calls for the imposition of these, or other, such rigorous measures. I said earlier that I was not suggesting a halt in all human activity which might have any effect on natural communities simply because we lacked absolute and certain knowledge about consequences. The problem is, how do we know when we have a problem that calls for cautionary action?

The very elaborate concerns I have expressed need not be applied to every form of activity which affects existing natural communities—every excavation for a building, every road, dam or bridge. It must be remembered that as to many such enterprises we have a great deal of knowledge, based on long experience and observation. While serious environmental problems are presented by many prosaic enterprises, the problem of control as to these is not of the burden-of-ignorance type to which I called attention earlier, but relates to control of the governmental and political mechanisms for decision making, and that area of control I will come to in just a few moments as the last part of my comments.

I am now speaking of the question of identification of those environmental controversies where control is an issue in the sense that no one is presently prepared to assert knowledge of the consequences. How do we know when we have one of these problems, and when, thus, we ought to worry about loss of control by default?

Not long ago, in talking to some people in the scientific community, a definition was tentatively suggested that seems to me most helpful in beginning to address ourselves to this problem. It was suggested that we define pollution as the input of substances in amounts or concentrations for which natural communities have had no evolutionary experience. The idea of using evolutionary experience as an indicator of problems seems to me a particularly felicitous one, for a modification of a community for which there is no experience is surely a danger sign of a situation likely to be out of control, in the sense that I have been using that term.

It is, more significantly, an indicator which arises out of a scientific concern about the problem of manipulating natural communities, which is the central issue, rather than—as is so often the case—an indicator formulated as a legal convenience that is then imposed upon a scientific problem. Moreover, because we are concerned with controlling potentially grave problems, rather than merely with regulating completed harms, it is a desirable improvement over the conventional legal test of proven or provable injury. It is a way of helping us to get the legal system into a posture where it can look ahead to long range problems.

This is most important, for one test of the efficacy of environmental law will be its ability to enlarge its perspective to grasp large scale, long term, cumulative problems. For this it must begin to develop indicators of danger—of which this definition is simply a helpful illustrative example—that suggest the points at which significant issues of control are likely to be presented.

Earlier in my discussion I mentioned the dissemination of pesticides and radioactive substances as particularly obvious examples of important matters for environmental law, and I think it clear that a definition of the sort I just mentioned can be tested by noting that it plainly identifies them as problems. Another example might be the development of electric generating plants around the southern Lake Michigan shoreline, which has raised considerable concern about thermal discharges. Rather than asking, as our Michigan Attorney General's memorandum would seem to, whether an objector can point to injury, it might be much more frutiful to begin by asking whether those who would make such discharges can point to any such experiences by way of assurance that we are in control of the consequences; and from that point begin to inquire into the need for developing information about such experiences,

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Footnotes at end of article.

the time we can buy to develop such information, and the alternatives available during such a time period that would not impose insufferable consequences upon the consumers of electric power. This is the perspective toward which we should, I believe, be moving, and this is the context for which we have to build legal standards and decisional techniques.

I now want to turn to a quite different aspect of the control issue, what might be called political control of the consequences of human activity. For even if we are able to formulate the right questions—and that is what I have been talking about thus far—it is still essential that we assure that those questions are asked, and asked fairly and fully, and that decisions be based upon the answers to those questions.

I shall limit my comments on this last element of my discussion, for this aspect of the control question is one to which I have addressed myself at some length in my book, *Defending the Environment*,[19] and in an article I wrote last year in the Michigan Law Review.[20]

In my judgment, it is not possible to move in the directions I have been suggesting unless and until the legal regime begins to recognize a much more ample conception of the idea of public rights. While it is true that the law is full of declarations about public rights, it is also unfortunately true that when environmental controversies come before legal tribunals for resolution, the protection of the private property right of individuals or industrial users is very much the center of attention. While it is routinely noted that these rights are not absolute, they are used as the baseline for decision-making in a way that should not be allowed to persist. Let me give you a few examples to illustrate what I am saying. Once again I refer to the opinion of our Michigan Attorney General, who in speaking of the requirement that injury be shown in water pollution cases, emphasizes that any other rule would probably be an unconstitutional taking of the property of the riparian owner, with his right to discharge into the waters of the state.

Nowhere in that opinion is it said that the waters of the state into which wastes are to be discharged need to be considered as of equal dignity to the riparian owner's property right. I say this not to suggest that in a technical sense one need speak of a taking of the property of the state in the water (though such issues have been raised in litigation)[21] but rather to indicate that the focusing of attention on private property and not on coequal public and private rights gives a tone and bias to conventional legal analysis that tends to undervalue commonly held resources such as air and water.

To illustrate this difference, let me point to one area of law—broadcasting—where courts have been quite explicit and emphatic in speaking of public rights. In the first WLBT case[22] Judge (now Chief Justice) Burger said:

> A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. . . . After nearly five decades of operation the broadcast industry does not seem to have grasped the simple fact that a broadcast license is a public trust . . .

Many years earlier, Justice Frankfurter noted "the Communications Act is not designed primarily as a new code for the adjustment of conflicting private rights through adjudication. Rather it expresses a desire on the part of Congress to maintain . . . a grip on the dynamic aspects of radio transmission."[23] The Second Annual Report of the Federal Radio Commission, issued in 1928, had already said:[24]

> The emphasis must be first and foremost on the interest, the convenience, and the necessity of the listening public, and not on the interest, convenience, or necessity of the individual broadcaster or advertiser.

It is this conception, unfortunately, which still remains to be understood four decades later by most of those who are responsible for the regulation of natural resources. It is still the necessity—and even the convenience—of the private user which dominates their thinking. While the scope of regulatory authority itself is no longer much questioned, the old persistent enamourment with private rights, and a discounting of public rights remains.

Today that bias in attitude is often cloaked in what are said to be constitutional concerns with property rights. The potential for enlarging opportunities for the service of public rights within the constitution's limitations have hardly begun to be explored. Indeed, there are few fields of law in which those opportunities are greater than in that dealing with natural resources. Even in its most traditional format, the law of water resources is full of statements that private rights are to be considered only usufructary, and are not to be confused with the more rigorous property law tradition that had elsewhere prevailed.

The navigation servitude, deeply rooted in our law, is a conception of enormous importance and promise, that has hardly begun to be examined in the context of contemporary environmental concerns. The statement of the United States Supreme Court sixty years ago in the *Chandler-Dunbar* case[25]—"that the running water in a great navigable stream is capable of private ownership is inconceivable"—is an invitation for the contemporary study of environmental law, with vast implications. This task is yet to be undertaken and applied to contemporary problems.

Even more ancient than the navigation servitude, and part of its doctrinal paternity is the centrally important doctrine of the public trust. I am happy to report that the public trust doctrine is beginning to be revived and brought to the attention of courts in environmental cases,[26] and I am confident that it will pay large dividends.

But the job is just beginning; thus far we have paid a heavy price for our lack of public-rights consciousness, and that price is reflected in many contemporary judicial decisions in problem areas such as strip mining[27] and wetlands protection.[28] Restraints on private users have too often been found unconstitutional because of a fixation on the notion that regulations which deprive a private owner of the *present* opportunity to make some profit from his land must be an infringement of his constitutional rights.

If we were to take another look at such cases in the context of a legal system concerned with promoting innovation, they would appear quite differently. To demand, as a matter of constitutional law, that a landowner be allowed to take a profit from his land with existing technology is to deprive the law of the opportunity to create pressures for publicly advantageous technological improvements. It is, in essence, to raise the state of the art defense to a constitutional level. Not only is this unwise, but it is unnecessary as a matter of constitutional law.

It is, of course, commonplace to condition the use of property on the adoption of safety devices, or expenditures therefor, despite the economic impact they may have upon the affected person. In this respect, it is well to remember Justice Holmes' comment in the *Erie Railroad* case—where the railroads argued that regulations requiring them to pay for grade separations might bankrupt them and must therefore be held unconstitutional—"That the states might be so foolish as to kill a goose that lays golden eggs for them has no bearing on their constitutional rights."[29]

Surely this approach can be adapted to activities such as strip mining and to the promotion of innovation, by requiring the adoption of protective measures (even if not now available on the market) sufficient to assure the protection of public resources such as lakes and streams into which there is mine drainage.

Another device for achieving this end might be the requirement of a bond to assure compensation for the full costs to the public of the miner's operations. Such an approach would be similar to the statute I mentioned earlier which allows the Attorney General to collect the damages done to the state's natural resources. If the costs to public resources were adequately calculated, and bonds set at a sufficiently high level to reflect the problems of existing technology, it might well be that mining would at present become prohibitively expensive. But this would not be a prohibition on the use of the miner's land; it would simply assure that coal would be mined only when the value of the coal exceeded the true costs of recovering it, including the costs to public resources.

It hardly seems likely that this is forbidden by the constitution, for such a technique would merely follow the old tradition of nuisance cases which favored a big and valuable property interest against a smaller one, protecting the greater interest even at the expense of the smaller.[30] The format would be the same, but the result might differ, because for the first time the right and values on the other side of industry would be seen not merely as a single individual's home, for example, but as the much larger public right in the water resource as a living community.

As a final comment on problems such as surface mining, it is worth calling attention to an ironic fact about technology and constitutional rights. Were it not for the modern development of huge machinery which makes strip mining profitable under present legal standards, the land now being mined would no doubt be sitting idle, producing nothing but—as some courts put it—the right to pay taxes. The asserted constitutional right to profit from the land as a source of surface mined coal is no ancient expectation, but the product of a speculative investment that awaited technological development.

In this sense, any constitutional right recognized is itself the result of one kind of technological innovation. An innovation that degrades public resources. Is there any reason to refrain from demanding that the opportunity to profit from the land wait until we have a technology which will also protect those resources?

Finally, I turn to that aspect of the control issue which relates to participation of citizens, and their access to the decision making process. As I said earlier, because my book deals with this question at some length I will not belabor it here. I note only two points by way of emphasis. First, if control is to be the lodestar of our concern, it is essential that we think not only of scientific knowledge as a source of control, but of control over human activity in light of the opportunity for all interested segments of the public to have a genuine opportunity for participation.

The present administrative process—by which we now manage environmental controversies almost exclusively—can hardly be said to be a successful implementation of that principle. There are few administrative officials who do not view their role principally as one of quiet and friendly negotiation; a role which may get him the maximum results within the limited powers available to him, but hardly a role consonant with that which a claimant of legal

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Footnotes at end of article.

rights (such as a property owner) should and does assert when his rights are put in jeopardy. This is simply to say in brief fashion that the institutional structure we have, and rely upon so greatly, itself reflects the failure in our public-rights consciousness that I have just been discussing.

It is in large part to reorient our sense about public rights, and about their status, that it seems to me useful to spend a good deal of energy in the courtroom, for all its limitations as an efficient place for decision making. It is, despite those limitations, preeminently a forum in which rights-consciousness is at a high level, and it is that tone which needs to be strongly emphasized for at least the short term and intermediate future.

Another failing in the administrative system is that it creates a middleman between the rights holder (the public) and his opponent. The citizen comes to a regulatory agency as a supplicant, requesting that they undertake to examine and to pursue his rights. In a courtroom, he comes directly and as a claimant; there is no insulation of administrative discretion between him and his claims. This too is a matter of tone and of emphasis, but one of very great importance.

Finally, there is at least in one important sense an element of directness about the litigation process that is lacking in the usual administrative process. If one is to be in control, it is, after all, important that he have the opportunity to affect action with a certain directness and forthrightness. The suit for immediate injunctive relief is a forthright institutional tool. The usual administrative process is loaded down with an incredible weight of procedural baggage which often brings it to a halt as an effective tool. The ordinary range of conferences, hearings, preliminary orders, negotiation, delay, more hearings, stipulations, more conferences, and finally—perhaps—an order which can then be taken to court for litigation, is endemic to the regulatory process.

The laws under which administrators operate usually compel at least a good deal of this plodding, with the result that problems are frequently drawn out over many years. The consequence is that the system loses control over the problem. During the past year, I have had students examining the time chart of a number of environmental controversies, and the mere chronological facts are appalling.

Let me cite you one such example, as an illustration. I am sure it has its counterparts in every state of the country, and in the federal system as well:

The company operates a rendering plant, slaughter house and meat-packing facility. The plant is located about one mile south of the limits of Traverse City. Numerous citizens complained of a nauseating and putrid smell emanating from the plant. In some cases the smell caused vomiting or fainting (1) and was noticeable one and a half miles from the plant (2).

1963

July 18: Engineer for the State Department of Health visited the company subject to a complaint referred from a local health department. It appeared that there had been an equipment breakdown and dead animal bodies and other foul and decaying matter created a severe odor. There was, at that time, no air control legislation and the State Health Department felt it had no power to pursue the matter. The State Department of Agriculture, although it licensed the company, was only interested in the quality of the animal food.

July 26: The Public Health Department sent a detailed report indicating measures to be taken. The company reduced the odor problem somewhat, but made no attempt to control the release of non-condensible gases from its cookers.

1968

May: A neighboring business complained to the Department of Health that odors from the rendering plant were making its employees ill. The plant said the problem would be resolved shortly.

1969

Spring: A new complaint was made by the neighboring business. Increasing numbers of citizen complaints were received by state and local officials concerning a severe odor coming from the company.

August 16: An Engineer for the new Air Pollution Control Commission wrote the company and asked for a resolution of the odor problem by November 1. He indicated that the matter would be brought to the attention of the Air Pollution Control Commission if progress was not forthcoming.

September 4: Air Pollution Control Commission informs Assistant Attorney General of the rendering plant situation and asks for an advance draft of a notice of violation against the company for consideration by the Commission. There is no response from the Assistant Attorney General.

September 16: At a Commission meeting, although a Staff Report recommended that the company be cited for violation of the Air Pollution Control Act, the company was given a 30 day variance to devise a control program. The Commission noted four major improvements for the company to follow. The company agreed to implement each factor.

1970

January 23: Attorney for the company submits a progress report. After-burner required by Commission is not yet installed.

April 14: The County government urges its citizens to direct complaints to the Commission. A petition with more than 1900 signatures requested the Commission to stop the noxious odors.

April 21: At a Commission meetings, it is recommended that the company be cited for violation of the Air Pollution Act. It is noted that no afterburners were installed, but rather unsatisfactory substitute equipment was used.

June 12: Air Pollution Commission returns a complaint for violation of the Air Pollution Act to Assistant Attorney General who is to be told *in a few days* whether to process the complaint. No subsequent correspondence is in the files.

July 21: A prominent Traverse City citizen complains about the odor problem in letters to—Governor Milliken, Senator Hart, Senator Griffin and Commissioner Soet. The citizen has heard that the citation for contempt of the Commission's rulings is being held up by an Assistant Attorney General and he asks, "Why?" On this same date the Commission adopts a complaint against the company.

August 28: A referee's hearing is held on the complaint. Public complaints were still being received.

August 30: The referee's decision is sent to the company. It is recommended (*inter alia*) that the company be ordered to take all necessary steps to remedy the situation or discontinue its rendering operations.

November 17: A hearing is set for action on the referee's findings.

The Commission, at its November 17 meeting, noted to accept the referee's findings and to request the Attorney General "to proceed with a notice of complaint and violation." However, the agency, probably, will not have the Attorney General take immediate action since the Commission also directed the company to submit abatement plans by January 4, 1971, to initiate installation of control devices by February 15 and to obtain total operational compliance by May 1, 1971.

Sad as it is to hear such recitations, everyone who has followed environmental controversies nods his head knowingly. Yes, that is—though perhaps in aggravated form—the pattern. The agencies somehow cannot seem to pull themselves out from this pattern. There is in here a lesson for those who are concerned about having control of problems, rather than simply having elaborate rules in the statutes.

There must be some institutional means for circumventing this process, some way in which control of problems can be grasped quickly and effectively.

It is interesting to note in this regard the kind of response that is made to a problem when a sense of urgency comes to surround it. The mercury problem and the federal government's response is an interesting example. Though the old, nearly forgotten, Refuse Act[31] was little used in the federal water pollution control effort, the task having been left to the rather leaden footed processes of FWQA, when the mercury issue broke,[32] the federal government—with some urging by members of Congress[33]—sent federal attorneys directly into the courtroom for injunctive relief under that law.[34]

To have a working, responsive system that permits control to be obtained over the problem, it was necessary to cut through the elaborate, elephantine "modern" system of water pollution control, and revert to a simple old equity action. There are some powerful lessons in these experiences, if only we will keep our eye upon the genuine aspirations of a system of environmental law—we are trying to bring ourselves into control over the effect of human activity on natural communities, of which we too are members. To lose that control is to make ourselves the involuntary white mice in a series of experiments in new evolutionary experiences; I don't think we want—or need—to be participants in that risky enterprise.

FOOTNOTES

[1] Mich. Comp. Laws Ann. § 323.6(a).

[2] Memorandum to L. F. Oeming, Executive Secretary, Water Resources Department, from N. V. Olds, Asst. Attorney General, Michigan, Feb. 19, 1968 (unpublished).

[3] E.g., *People v. Atchison, T.S.F. Ry Co.*, **268 Cal. App. 2d 501, 74 Calif.** Rptr. 221 (1968) (State of the art defense).

[4] Katz, The Function of Tort Liability in Technology Assessment, 38 U. Cinn. L. Rev. 587 (1969). See also Note, The Role of the Courts in Technology Assessment, 55 Corn. L. Rev. 861 (1970); Technology: Processes of Assessment and Choice, National Academy of Sciences (Govt. Print. Off., 1969).

[5] *Renken v. Harvey Aluminum Co.*, 266 F. Supp. 169 (D. Ore. 1963).

[6] *Eisen* v. *Carlisle and Jacquelin*, 391 F.2d 555 (1968) (conspiracy to monopolize odd lot training).

[7] *Hackett* v. *General Host Corp.*, Civ. Action No. 70–364 (E.D. Pa., July 30, 1970) (suit on behalf of consumers of bread in Philadelphia market).

[8] *Philadelphia* v. *American Oil Co.;* Civ. Action No. 647–68 (D. N.J.) (suit on behalf of millions of gasoline purchasers); *Lah* v. *Shell Oil Co.*, 50 F.R.D. 198, 200 (S.D. Ohio, 1970) suit on behalf of 140 Shell dealers).

[9] M.D.L. No. 31, 1 Env. Rptr. 1643, (C.D. Calif., Sept. 4, 1970).

[10] *Siegel* v. *Chicken Delight, Inc.*, 271 F. Supp. 722 (N.D. Calif., 1967), mod. 412 F. 2d 830 (9th Cir. 1969) (suit on behalf of hundreds of restaurant franchisers).

[11] *West Virginia* v. *Chas. Pfizer and Co.*, 314 F. Supp. 710 (S.D. N.Y., 1970) (settlement of tetracycline drug antitrust case).

[12] *Diamond* v. *General Motors Corp.*, No. 947, 429 (Super. Ct., Calif., filed April 15, 1969) (suit for large damages for air pollution; dismissed); for a report of a criminal pollution case, in which a million dollar fine was assessed, see New York Times, Aug. 27, 1970, at 1, col. 1.

[13] See generally A. Kneese and B. Bower, *Managing Water Quality: Economics, Tech-*

nology, Institutions, Pt. III, ch. 6, 7 (Johns Hopkins Press, 1968) (effluent charges).

[14] Vt. Stat. Ann., tit. 10, § 912a(e) (1970 Supp.); Comment, Water Pollution Control in Vermont: A System of Effluent Charges, 4 J. Law Reform 135 (Fall, 1970).

[15] Mich. Comp. Laws. Ann., § 323.10 (recovery of damages to natural resources of state from violation of water pollution law). See *California v. Union Oil Co.*, No. 84594 (Super. Ct., Santa Barbara, filed February 1969) (suit for $560 million for harm to property, fish and wildlife from oil spill); Note, Liability for Oil Pollution Cleanup and the Water Quality Improvement Act of 1970, 55 Corn. L. Rev. 973 (1970); "Pollution Suits Filed," Wall St. Journal, March 16, 1970, at 6, col. 1.

[16] Clean Air Act, P.L. 91–604, §202.

[17] CONGRESSIONAL RECORD, vol. 116, pt. 24, p. 33088; and p. 32902.

[18] *Dept. of Health v. City of Jersey City*, No. C–2902–67, Ch. Div., Super. Ct., Hudson Co., N.J. (July 12, 1968); New York Times, March 3, 1969, at 62, col. 6. See also *Virginia Water Board v. Supervisors*, Ch. No. 31671, Cir. Ct. Fairfax Co., July 28, 1970, 1 Env. Rptr. 1482; *Westwood Forest Estates v. Village of Nyack*, 23 N.Y.2d 424, 297 N.Y.S.2d 129, 244 N.E.2d 700 (1969). See generally, 1 Env. Rptr., Highlights, pp. 245–8, July 10, 1970.

[19] J. L. Sax, *Defending the Environment*, (Alfred A. Knopf, Inc., 1971).

[20] Sax, The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention, 68 Mich. L. Rev. 471 (1970).

[21] E.g., *New Hampshire v. AEC*, 406 F. 2d 170, 176 (1st Cir., 1969), cert. denied 395 U.S. 962 (1969).

[22] *Office of Communication of the United Church of Christ v. FCC*, 359 F. 2d 994, 1003 (D.C. Cir., 1966); *Citizens Committee v. FCC*, No. 23, 515 (D.C. Cir., Oct. 30, 1970) ("commonly-owned public resources").

[23] *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940).

[24] P. 170.

[25] *United States v. Chandler Dunbar Co.*, 229 U.S. 53, 69 (1913).

[26] E.g., *West Virginia Highlands Conservancy v. Island Creek Coal Co.*, No. 15, 028, U.S. Ct. App., 4th Cir., Brief for the Appellee at 50; *City of Long Beach v. Mansell*, L.A. No. 29, 700, S. Ct. Calif., Reply Brief of the State of California to Respondent's Return to Alternate Right of Mandate at 10, 14; *Paepke v. Public Building Comm'n.*, — Ill. 2d. —, 263 N.E. 2d 11, 16 (Sept. 29, 1970).

[27] *Dept. of Forests and Parks v. George's Creek Coal Co.*, 250 Md. 125, 242, A. 2d 165 (1967); *Mullins v. Beatrice Pocahontas Co.*, — F. 2d —, 1 Env. Rptr. 1693 (4th Cir., 1970). Compare *Stewart v. Chernicky*, — Pa. — — A. 2d —, 1 Env. Rptr. 1357 (1970); *Samsell v. State Line Development Corp.*, —W. Va. — S.E. 2d —, 1 Env. Rptr. 1304, 1970).

[28] *MacGibbon v. Duxbury*, —— Mass. —, 255 N.E. 2d 347, 1970); *Maine v. Johnson*, — Me.—, 265 A. 2d 711 (1970).

[29] *Erie R.R. v. Public Utilities Commr's.*, 254 U.S. 394, 410 (1921).

[30] *Madison v. Ducktown Sulphur, Copper and Iron Co.*, 113 Tenn. 331, 366, 83 S.W. 658, 666 (1904). Compare *Hulbert v. California Portland Cement Co.*, 161 Cal. 239, 251, 118 P. 928, 933 (1928). Jurgensmeyer, Control of Air Pollution Through the Assertion of Private Rights, 1967 Duke L. J. 1127.

[31] Rivers and Harbors Act of 1899, 30 Stat. 1152, 33 U.S.C. § 407.

[32] Detroit News. April 9, 1970, The Other Section, at 2, col. 3; New York Times, May 11, 1970, at 40, col. 4.

[33] CONGRESSIONAL RECORD, vol. 116, pt. 18, p. 24530; 1 Env. Reptr., Current Developments, Highlights, p. 272, July 17, 1970, p. 354, July 31, 1970; Report No. 91–917. U.S. House of Representatives, Committee on Government Operations, Subcommittee on Conservation and Natural Resources, March 18, 1970; Hearings Before the Subcommittee on Energy, Natural Resources and the Environment, U.S. Senate Committee on Commerce, on Environmental Protection Act of 1970, S. 3575, 91st Cong., 2d Sess. (1970), Serial 91–90, at 135–6.

[34] 1 Env. Rptr., Current Developments, Highlights, p. 349, July 31, 1970, p. 509, Sept. 11, 1970.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the laying before the Senate of the pending business and the approval of the Journal, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that that period for the transaction of routine morning business be limited to not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have made this request today in order that all Senators may be aware that on Monday, even though we will convene following a recess, there will be a period for the transaction of routine morning business and they can be present with their statements and ready to present them.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER (Mr. CHILES). The Chair lays before the Senate the pending motion to proceed to the consideration of Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I speak today against the imposition of a stifling gag rule on this body. Once again, in the name of reform, we are asked to tinker with arrangements that have helped us over troubled waters time and time again. I speak specifically of the proposal to allow three-fifths of the Senators present and voting to shut off debate on any bill. More generally, I speak about the protection of minority interests in this country.

Mr. President, it is interesting to be able to speak for the majority. The distinguished Presiding Officer (Mr. CHILES), coming from the Southland, will be interested to know that while many who speak on this particular subject characterize it as southern, and characterize our efforts as obstructionist, the fact of the matter is that the South is no longer a minority, but a majority area, with, according to the 1970 census, 61.5 million persons. We are growing faster than any other section of the United States, forming into metropolitan areas, urbanizing faster than any other. In the past decade, more persons moved into the South than out of the South, for the first time in the past 100 years. We are the youngest section. According to the Carnegie Institute on Higher Education, our schools offering graduate degrees compare favorably with those of other sections of the country.

We have shown far more advancement in public education. Now that the civil rights battle is over and done with and the task of implementation is at hand, no one can think of any law—I say to the distinguished Senator from Alabama—no one can think of any civil rights law to introduce, because if he could, he would put it in. The matter of Southern obstructionism is moot; and we pass on to the majority section of the country, and we look to really what is obstructing progress in the United States. It is not seniority and it is not rule XXII.

The fact is, Mr. President, that what we really should do is mechanize and put in business procedures—computerize, if you please—as modern business has done. Congress does not have an Attorney General. We cannot tell how a bill is going to be ruled upon.

If we took the Executive's Attorney General, we would never have had an 18-year-old voting. We just had to do that on our own muscle, under the leadership of the distinguished Senator from Montana.

We do not have an analysis section for Congress. We pass a bill, and often we think the problem is solved, and it is merely identified. Coming back 4 or 5 years later, we find that the intent, the problems to be solved, have all been disregarded; and there is no real study-analysis section to tell what has occurred or to understand from a computerization standpoint what is likely to occur.

One of the greatest hangups, on a major piece of legislation was the family assistance program. Who could really tell what would happen if we voted that into law this afternoon? We certainly cannot tell from the administration's witnesses. They do not know. They do not have any idea, and they contradict each other; and every time you get them and put them in a position where they are obviously misinformed or do not have the facts, they say, "Wait a minute. We'll come back and give you a different bill."

That has been the trouble—not a filibuster, not rule XXII, but the lack, really, of business procedures in legislation.

The House Members really should have 4 years rather than 2 years, so that they would have time to legislate rather than just politic around the country. That is, practically, their burden.

The rollcall system, took last year over 2 workweeks of time to just vote—an average of 20 minutes on a rollcall. There are many other ways we could institute business procedures in the Senate, to cut down, to streamline, to prevent obstructionism. It is not seniority and it is not rule XXII.

What we talk for today, Mr. President, is to protect a substantial minority, so that the substantial minority can be heard. Do away with rule XXII? With the minority interests of this country so diverse, with the multiplicity of interests that we have and difference in sections and sectional interests, there will be no protection; there will be no chance to be heard.

While the Gulf of Tonkin resolution did not employ rule XXII, I think, in hindsight, that there still is tremendous doubt in this Chamber as to whether we, as a deliberative body, took time enough to consider really whether we were under attack. Did we go about this in a deliberate fashion? I believe the majority of the Senate think we did not.

I believe that the employment of extended debate in the last year by the minority leadership—specifically, the present chairman of the Republican Party, the distinguished Senator from Kansas—on the Cooper-Church amendment is in point. While I stood on the other side and voted for the Cooper-Church amendment, I readily have to acknowledge that the fact that he stood there, the fact that he talked, the fact that he required more deliberate consideration of this all important measure, gave us, in the U.S. Senate—and, thereby, in this Government and in this land, a chance to see what really was at hand and whether we were really just going into sanctuaries or spreading the Vietnam experience to a third Southeast Asian country.

The House devoted 3 hours and 40 minutes to debate on that issue and agreed that it was just sanctuaries. In the 7 weeks that ensued thereafter, we went from 9 miles to 20 miles to 90 miles inland, finding that 10-mile sanctuary and looking for COSVN headquarters. We went from no support to air support to every other kind of support.

Then they began to realize in this country that the President was not on all fours with the sanctuary story that he was giving; rather, that we were in danger of getting into another war and another Vietnam in Southeast Asia.

At the same time, we proved the need for rule XXII and extended debate as constituting the last vestige within our republic form of government to slow down, to listen, to deliberate, and to consider things objectively.

If I had my way—but I know I would be laughed out of court—I would extend this rule rather than cut back, the two-thirds requirement. If I had my way, I would go in the other direction and require three additional Senators and say that when 70 percent must consider a matter then to be terminated and have no longer any reason to debate it, therein and therein alone shall debate be terminated. Under the modern development of communications, the pressures from the White House, and the accession to power of the executive branch of Government, I believe what we really ought to guarantee, in essence, is that 30 percent in this country, constituting what we would call a substantial minority will be heard.

The trend should be the other way. We should not be using this salami approach of a little slice here and a little slice there to get down to 51–49 government. That is what we are talking about. We are not talking about civil rights. We are not talking about the Southland. We are not talking about obstructionism. We are talking about protecting the rights of the individual. We do not find that in headlines and stories. We will not ever hear it or see it.

The question, among some of our colleagues is that they do not want to believe it, because they might have the label of being an obstructionist and a bigot and a southern filibuster.

That is all they call it—the southern filibuster continues on today—when in essence we are protecting majority rights, because the Senator from Michigan is beginning to live in a minority area.

We, in representing the majority of our country and our Southland, have spoken out time and again against these efforts to deprive Senators of their right to debate the important issues confronting our Nation. The Senate was designed for careful and deliberate debate, and its history is filled with examples of the minority wisely tempering the haste of an overly zealous majority. If the Senate should now allow 60 of its Members to gag the other 40, the advocates of cloture will not rest until 51 of them can silence the remaining 49. And if ever the Senate is reduced to the sad point where a minority of its members have no freedom to speak on behalf of their constituents, then we are in grave peril. Those who came before us understood that unrestrained power is bad, whether it is wielded by one, a few, or a majority. They knew that we are a country not just of individuals, but of varied and diverse groups. We are laborers and farmers, lawyers, and teachers, businessmen and clergymen. The interests of farmers must be safeguarded, for instance, even though farmers represent only a minority of the population. Obviously we cannot say to the farmer that his interests are to be sacrificed because he does not constitute 51 percent of the populace. The interests of each and all of our diverse groups must be shielded from the whims of 51–49 Government. The Founding Fathers established a government to protect the rights of all the people, and they insisted that minority rights be protected whether that minority be 49 percent of the total or one-half of 1 percent.

Thomas Jefferson, the founder of our Democratic Party and our democratic system, once said:

> The rules of the Senate which allow full freedom of debate are designed for the protection of the minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric.

If any changes are going to be made, we ought to consider going in the opposite direction—of requiring a 70-percent vote rather than 67 percent to shut off debate. Never before have there been such opportunities to sway the sentiments of the people. Demagogs and radical schemers perform before an audience of millions every night on television—they are given every opportunity to propagandize their cause. A real demagog, a man on horseback shrewd enough to make maximum use of the media, could pose a real threat to the institutions of this Republic.

One has only to look at the history of the past quarter century to understand the importance of preserving open and free debate in the Senate. These have been years of steady growth in the executive branch, and of the gradual erosion of legislative authority. The executive branch has assumed powers galore in these years, and as a result it is increasingly difficult for Congress to make itself heard. The executive has a vast array of tools and levers to influence the formation of public opinion. The Congress has very few. In short, Mr. President, it is far easier today for an administration to influence public opinion, form majorities on a particular issue, and then ram its legislative proposals through Congress. One of the best defenses Congress has to ward off this type of instant legislation is deliberate debate. It must safeguard, perhaps even strengthen, that weapon. Instead of making it easier for hastily put together majorities or the executive to push legislation through Congress, we ought to make it more difficult. Hence my suggestion that we increase the number required to invoke cloture from 67 percent to 70 percent in view of the changed conditions of the past 25 years.

The tradition of open debate has surely not weakened the role of the Senate. On the contrary, it has made reality out of the dreams and visions of this country's Founding Fathers. The Senate was not intended to to be a rubber-stamp to the changing whims of successive administrations. Quite the contrary, Mr. President—the Senate's primary role in American history has been to provide a check on hasty administration action, and on hasty legislative action by the lower House of Congress. One weapon to check such haste has been the tradition of free and open debate. Indeed, not until 1917 did the Senate inaugurate cloture procedures to limit debate. In the years before 1917, the United States progressed to greatness.

I might interject at that point, Mr. President, because the distinguished Senator from Michigan (Mr. GRIFFIN) is in the Chamber with us now, what I said concerning the headlines on rule XXII, calling it a "southern filibuster," "obstructionism," and "bigotry from our section," In addition to the extended debate we had on the war in Vietnam and the incursion into Cambodia, we also had extended debate on a judicial appointment. If we had not had that extended debate on the appointment of Justice Fortas to be Chief Justice, and Judge Thornberry to be Associate Justice, those two gentlemen would be on the Supreme Court today. I would have preferred the two gentlemen who are now there, Chief Justice Burger and Justice Blackmun. I believe the distinguished Senator from Michigan (Mr. GRIFFIN) will readily acknowledge that had we not had the advantage of extended debate, that would have occurred.

Looking at that, perhaps our distinguished minority whip would join us in our cause, having enjoyed the benefits of extended debate, and come with us now from other sections of the country so that it will not look like a sectional thing, and maybe, the great State of Michigan and South Carolina can be integrated on this point.

Mr. GRIFFIN. Mr. President, will the Senator from South Carolina yield at that point, without losing his right to the floor and without having it constitute a second speech?

Mr. HOLLINGS. I am glad to yield to the Senator from Michigan under those conditions.

Mr. GRIFFIN. I rather have the impression that the distinguished Senator from South Carolina may be seeking some response from the junior Senator from Michigan. Let me acknowledge that the junior Senator from Michigan as well as others in this body who favor a change in the rules have, nevertheless, taken advantage of the existing rules when to do so would serve our particular point of view in a given situation. There is no denying that.

I would be the first to agree with the distinguished Senator from South Carolina that it is absolutely necessary and in the national interest to make certain that there is adequate debate on the great issues which come before this body, open and full debate. However, I would not want the rhetoric to cloud over a basic difference in our point of view: I do not equate the opportunity for full and open debate with the proposition that we can never get to a vote on an issue in this body; and that seems to be the practical result.

I must say, I am rather startled by the suggestion of the distinguished Senator from South Carolina that we move in the opposite direction, away from reform, and require a three-fourth rather than a two-third vote of the Senate before we could terminate debate. I think it would be very unfortunate if we were to move in that direction.

Mr. HOLLINGS. Does not the distinguished Senator agree——

Mr. GRIFFIN. My response to the Senator is that while I would join him in securing procedures which guarantee adequate debate so as to make sure the Senate does not move too hastily on important issues, still, I believe we must have procedures which permit us, after a reasonable period of time, to get to a vote.

Mr. HOLLINGS. Does not the distinguished Senator from Michigan agree that the power of the President specifically, not hypothetically, in the Fortas appointment came to bear when the President submitted this particular question to the Senate? At the very time that appointment was sent up, 75 percent of Senators, generally speaking, were ready, willing, and prepared to vote for confirmation. It was only the Senator from Michigan's careful perusal and study, and bringing the facts to light that held that up and, as a result, finally, the nomination was not confirmed. But, therein, the Senator saw, felt, and knew the power of the executive. The Senator from Michigan was a definite minority, probably within 20 percent, rather than 33⅓ percent. Therein is whereof I speak. The Executive does have this power. With the news media and all the ramifications connected with it, the Senator and I both know what the ill of the Government is, that the executive branch has preempted the legislative branch by completely ignoring its Cabinet and Cabinet officers when it talks about the reorganization of the Government and the institution of new departments.

I believe that the first new department that should be instituted would be "a department of lost articles." I dealt with the Secretary of Commerce for a year, trying to get something on textiles, but until they started to do something with the Japanese, it was over at the White House.

On the question of food stamps, I dealt with the Secretary of Agriculture and when we started to get results, they transferred that over to the White House. I can give the Senator example after example after example, such as the Secretary of the Interior did on his departure, when he said, "I have not been able to see the President."

Everyone knows that the State Department does not formulate foreign policy. Last year's message on the state of the world was written, prepared, and delivered during the time the Secretary of State was over Africa, some 30,000 feet in the air, and did not even know it was coming up, to his embarrassment.

Therein we see congealed more and more into the White House all these various things. Perhaps it is wise. Perhaps it would be better to get rid of the Secretary of Labor and let the President make decisions about the Labor Department, and forget and abolish the Labor Department. But all we are doing is getting an all-powerful executive branch which has all the resources, all the facts, and all of the authoritative information to back up the position taken. All the news media jump on that. And bam, bam, we look like we are dragging our feet. We should stop to think in this body as the Senator from Michigan stopped to think on the Fortas matter. As the Senator knows, history was made in that matter, and the Senator is proud of that, I am sure.

Mr. GRIFFIN. Mr. President, will the Senator yield further for a comment?

The PRESIDING OFFICER (Mr. EAGLETON). Does the Senator yield for a comment to the Senator from Michigan?

Mr. HOLLINGS. I yield.

Mr. GRIFFIN. Mr. President, of course, I appreciate the very generous comments of the Senator from South Carolina concerning my work with respect to the Fortas nomination. I am proud of the Senate and its judgment in that case.

I might say I hold the view now, as I did then, that as in the case of treaties which require two-thirds approval, it would be a good reform of our procedures to require a two-thirds approval vote on Supreme Court nominations.

I say that even though I realize my suggestion might not be too welcome at the other end of Pennsylvania Avenue where, at the moment, a President of my own party happens to be in the White House.

I believe it would be in the national interest if every appointment to the Supreme Court sent up to the Senate had substantially more than just 51 percent support.

Mr. HOLLINGS. I agree.

Mr. GRIFFIN. Aside from what we might do with respect to voting on legislative issues, a great deal can be said for a two-thirds voting requirement with respect to Supreme Court nominations. But I do not think that the same reasoning or logic applies with equal force to other matters which come before the Senate. For example, in the last session of the Congress the Senate was tied up with filibusters on such matters as conference reports and appropriation bills.

The Senator has asked for my comment on some of his suggestions; I would like to throw a question back at him. Does not the Senator from South Carolina think there should be some limitation on debate so we could get to a vote in the case of conference reports or an appropriation bill, upon which the functioning of our Government absolutely depends.

Could we afford to allow the Government itself to come to a halt because we cannot get to a vote on an appropriation bill, for example, which would make it possible for the Government to proceed? I think that increasing the cloture requirement to 75 percent would be very unfortunate, particularly in those areas.

Mr. HOLLINGS. Mr. President, in response to my distinguished colleague, the Senator from Michigan refers specifically to the appropriations and the conference report on transportation and the other appropriation bills. The bill containing the SST came up at the very end of the session and they made a successful filibuster. I cannot think, other than on this particular issue in and of itself; namely, rule XXII, that we could not have had a vote on the SST if there had been time. The conscience of the Senate will see to that.

On an appropriation of x or y dollars, there is always room for compromise. The only lever the distinguished Senator from Wisconsin had on us was time. He did a good job and brought a lot of facts to the surface. We saw him arraigned against the entire White House and Pentagon with all their authority. He was in the back of the Chamber with two administrative assistants. He was sitting back there for several weeks and was bringing out the facts.

I believe if there would be a compromise on an appropriations measure, it would be fine, because we have to appropriate funds.

We would not have a minority that was

not heard. I am talking about minority interest, minority groups as individuals and population groups, minority sections. Those issues just could not come out which, I believe, responds to the logic of my distinguished colleague relative to a Supreme Court Justice appointment requiring two-thirds.

The Senator and I know the significance of that. But therein he recommends a two-thirds vote. If he feels that strongly on that particular point, I suggest that he should feel just as strongly about minority interests and their particular concerns and their particular sections.

I believe the two-thirds requirement should be adhered to. If there is to be a change, I categorically state that it should be in the other direction as a result of the history of communication and the handling of the press that every President has been accused of. President Johnson was accused of manipulating the press. They accuse every President of it. But the President has everyone right there.

Look at the situation we had on the west coast in the last election, in San Jose. It was characterized as the most heinous situation. When I read it, I thought it was one of the worst things I had ever heard. It was not like that at all when the matter was investigated. We had the media respond at first blush by saying that such and such happened. But when we have the press make a careful and competent investigation as to what went on, then we have the truth and we begin to realize what happened.

This rule XXII is the only protection within this body of representative government in America. By it, I think we create stability in our Government.

If the ones who write the headlines do not understand it that way, they say we are dragging our feet in the Senate. Those things could be expedited in many other ways than the one safeguard we have in representative government in America.

We can all be represented here. No one has an inherent fear of a majority vote, 51 percent. We are trying to get it down to 60 percent. The Senator and I can never agree on that. They will say "What about 55?" We practically have a 51-percent Government, a bare majority can ram it down the throat of practically all of the country, 49 percent.

Therein you instill instability, which is something the Senator and I, as Senators, have been under the gun about in the last several years with respect to representative government and the confidence of the people in representative government for the past several years.

Mr. GRIFFIN. If I may comment further, I wish to indicate that while I believe we should be able to get a vote on conference reports, I was opposed to the SST. If we had been allowed to vote on the transportation conference report in the last session, along with the Senator from Wisconsin, I would have voted against it.

Nevertheless, in the interest of the orderly workings of the Senate and of the Government of the United States, I believe it is vitally important that we be able to get to a vote at some point on such matters as conference reports and appropriation bills. I rather gathered from some of the comments of the Senator from South Carolina that he may agree to some extent with the proposition that these measures are of a different order or standing than authorization bills, for example, which are presented to determine policy, in the first instance.

Once we have worked our will and voted on an authorization bill and established policy, I believe we should be able to get to a vote more easily in deciding the amount of money to be appropriated for that particular purpose.

Mr. HOLLINGS. If my distinguished friend would discuss this matter further, is it not a fact that really it is not rule XXII which is involved but rather the matter of expedition in both parties, and the executive branch itself? We have always been able to vote on everything. But when we got to the appropriations for the SST, family assistance, social security, and foreign trade, they all occurred in December. Why did it all occur in December? It occurred in December because, for instance, the appropriation for the Transportation Department hearings did not commence until midyear. We did not get the bill until approximately election time. We tried to expedite hearings and get out a bill. That occurred not because of rule XXII.

I do not think we should ram anything through in the closing weeks. I feel the solution to that problem, which the Senator and I feel keenly about, is on our shoulders to make certain we start hearings as soon as possible with, perhaps, a deadline of midyear so that the hearings can be completed around June, July, or August, and the bills can be reported. Then, we will not be faced with these matters in the closing days just before Christmas. That is what recently occurred.

I would yield somewhat on the appropriation bills. Included therein are new matters. We are talking about issues and concerns of the people, and not the money amount.

Therefore, while three-fifths is maybe six less votes, who are we playing with? We are trying to play with the headlines without relation to the principle as to why it was there. How is a matter decided on just six votes, or by saying that 60–40 or three-fifths is the rule? That sounds pretty good. That will satisfy the crowd in the galleries. That will satisfy the news media.

They will say that we are finally getting progress and that we are moving on; but it would not be progress at all. The Senate would really be running roughshod over the rights of individuals in this country when you start tapering or cutting back to a 51 to 49 government.

Therein is the real danger. The Senator and I know how things are manipulated and backgrounded, and that we do not have the information at hand. I might relate this to another matter. In connection with garnering the facts and statistics, they might tell us how the price increases relate to productivity in America. Who in this Congress knows? No one. They do not have that information. You can get any opinion you want from the executive branch on economics. But what do we need? We do not need a change in rule XXII. We need the information. Rather than arguing back and forth we need to try to get to the truth.

With respect to the recommendation of a wage price guidelines board in the legislative branch, the distinguished leadership on both sides of the aisle was interested. By overseeing the work of that particular board you are going to get a pretty good nonpartisan objective judgment, and that is what we need. But we continue to cut back and we fail to adopt business-like methods here. The editorial writers back home and the headlines grab off the easy things. It has also been employed by some people in my part of the country on civil rights matters.

It should come through clear but, unfortunately, the question is asked when they sit before the lights, "Are you joining the southern filibuster on the rules?" That is like asking, "Have you stopped beating your wife?" It is one of those double questions, and a Senator runs because he does not want to get into a constitutional argument in a 1-minute squib on the television tube. Those who feel keenly about the matter find themselves in this situation, but we can bring it to the attention of our colleagues.

Not until 1917 did the Senate inaugurate proceedings to limit debate. The United States became the foremost power on earth and its institutions were performing admirably in the light of all the many changes which were occurring. I submit that our march to greatness was helped, not hindered, by the deliberate debate of public issues. And I submit also that one reason our varied minorities fit in so well was because they knew their voices and problems were being heard in the highest councils of government.

I might add, Mr. President, that this lesson has relevance today. We all know that there is much anger in the land, that people are shouting and demonstrating and generally losing confidence in government. If this great country of ours is to be bound together to see it over the next few, troubled years, the restoration of confidence must receive the highest priority. No minority can be expected to acquiesce in the decisions of government unless it knows it has had its day in court. Majority rule rests upon minority acceptance. And rule XXII is a guarantee that minority voices will be heard and minority rights respected.

I believe that the Constitution itself specifically prohibits total rule by a simple majority and the deprivation of anyone's right to full expression, and I believe those who fought the first battle—the framing of an acceptable document to weld a jealous, loosely knit set of far-flung colonies together—recognized this. There is ample evidence that this is so.

The framers provided in many instances for votes requiring a majority of two-thirds.

No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present. That can be found in article I, section 3.

Each House, with the concurrence of two-thirds, may expel a Member. That too is in article I, section 5.

In section 7 of this same article, it is provided that a bill returned by the President with his objections may be repassed by each House by a vote of two-thirds.

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. The Constitution provides for this in article II, section 2.

The Constitution further provides that Congress shall call a convention for proposing amendments to this document on the application of two-thirds of the legislatures of the several States.

The 12th amendment to the Constitution provides that when the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union. This same amendment further provides that a quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators.

So, Mr. President, I say again, to argue that the Constitution of these United States provides for rule by a simple majority is wrong.

There are too many instances where much more than a simple majority was specifically required for constitutional acceptance for this not to be so. If the framers of the Constitution—men who spent much more time debating the merits and demerits of each word, every phrase and every idea than we—had intended that a simple majority should rule, they would have said so.

They said no such thing because they meant no such thing. It is as plain as that. They knew something about government and they also knew something about human nature. They knew that the government they were establishing was novel in many respects, and they knew that some theorists had doubts about whether a representative government could be held together. They understood that factionalism and discontented minorities could endanger the fabric holding the Nation together. What they understood was that without the confidence of all the people, democratic government was doomed. So they designed an intricate and ingenious set of checks and balances to safeguard the rights of every American citizen. Those checks and balances tided the country over stormy seas and innumerable crises over the years, but we always made shore safely. A major reason was that minorities knew, even when legislation went the other way, that their voices had at least been heard, their opinions discussed, their sentiments solicited. If we now suddenly tear down one of the prime methods of recourse left to minorities, confidence will erode and the national well-being will be jeopardized.

A great but obscure writer once said that the strength of this great Nation lies not in the views of her manageable majority but in the ideas of her unmanageable minority.

Somewhere, Mr. President, there must be a solid line of defense against total rule by a simple majority.

There must be a safeguard somewhere to assure that the strength of an emotional majority can be tempered with the reflections of a differing minority.

It makes no difference, Mr. President, what the issue is or who constitutes the minority. That consideration is irrelevant to this discussion.

I would defend just as vigorously the right of minorities who differ with me to engage in extended debate as I would the rights of those who agree with me.

The many are not always right, just as they are not always wrong. All I ask is a safeguard to insure that when they are wrong and the few are right that the ideas of the few have time to be heard, to be planted, and to grow.

As James Roscoe said:

> The individual champion of a cause is more likely to have thought seriously and safely than the blind followers of partisan leaders. The world's history is strewn thick with such incidents. Nearly all of the great issues have been lamentably in the minority and the men who have stood in the front of them have had to bear abuse.
>
> The great consideration is not the voices of today but the voices of the tomorrows into which will be streaming the light of accomplished facts.
>
> It is safe to assume that the voice of progress will be vindicated by the ages. To protest small concepts, to champion great proportions is sure prophecy. It is out in that direction that we find the purpose and plans of God. It is out in that direction that we follow the orbit of large and noble human events.
>
> The right to be heard is inherent in man and fundamental in his free land. The right to be followed must depend upon what reason and sound arguments he makes known.
>
> If no age, neither his own nor any succeeding one, hears him, he has spoken in vain. If he utters truth and wisdom, somewhere at some time it will accomplish that whereunto it is sent. It will not return void. If it proves to be a mistake, nevertheless he who speaks his convictions has the ennobling satisfaction of having obeyed the command of duty as he saw it.

Careful, thorough, and prolonged debate in the Senate provides the best insurance that laws, which must be obeyed, correspond with the prevailing judgment of people in all parts of the country about what men owe to other men. The framers of the Constitution regarded the power to make laws as a power to be exercised only with the greatest deliberation. They understood that government ought to govern by the consent of the people rather than by force. They understood that laws, to be truly effective, must take effect in the minds of the people through their recognition of what is just. They understood that laws must, therefore, express a consensus—a general agreement about what is just and right—among people everywhere in our great country. They wished to preclude the danger to order and tranquillity of radical, sweeping, arbitrary legislation unsupported by a matured consensus among the people and rammed through the legislative branch without the adequate consideration which would have revealed that people everywhere in the country were not with it. For the framers knew that laws which do not command the consent of people through their recognition of what is just must be given effect, if at all, by force or threat of force.

The remarks I make today, Mr. President, center around the thesis that our Senate rule XXII has been and continues to be perhaps the last great barrier to oppression by the majority and to the destruction of the personal liberties of this country's minority views. It is certainly no exaggeration to say that this and all previous attacks on rule XXII seek to emasculate the very fabric of our constitutional system.

Mr. President, the annals of history are filled with testimonials to the free and unfettered exchange of opinion, to the benefits flowing from the protection of minority rights, and to the role of the Senate in safeguarding the interests of every American. Such have come from the North and South, East and West. They have come from Democrat and Republican. Too often, Mr. President, the views of a southern Senator on the subject of cloture are curtly dismissed. Today we should refresh the minds of our colleagues from the country as a whole of what their own predecessors had to say on the subject of cloture.

Senator George T. Hoar of Massachusetts—a Senator from Massachusetts, mind you—speaking in this very Chamber in a key speech against cloture said:

> There is a virtue in unlimited debate, the philosophy of which cannot be detected upon surface consideration.

Deeper consideration on this matter has brought a change in attitude to many former opponents, many former crusaders for strict cloture to the realization reached by Senator Key Pittman of Nevada, one of the crusaders:

> Experience, through long years of legislative practice, has forced me to the conclusion that I was in error.

He went on to note of the House cloture procedure that—

> It must be admitted that bills of great importance, containing thousands of different items, are passed within a few hours and without sufficient debate or consideration. It has been the extended and full debate in the Senate that advised the country with respect to vital legislation and, through this information, molded public opinion. The Senate was founded as a part of our institutions for the protection of minorities, not alone minority parties but minority populations and minority principles. To establish a cloture such as they have in the House would nullify the very purpose of the United States Senate.

Therefore, Mr. President, we appeal to the Senate. We look at this, not as an assault upon parliamentary procedure or a procedural maneuver employed by certain Senators at certain times; we look at this assault upon rule XXII as an assault upon the integrity of the U.S. Senate as a constitutional body.

I agree also, Mr. President, with Senator Albert J. Beveridge of Indiana, who challenged those who were at that time pushing for cloture to show him "a single great wrong that has been perpetrated upon the American people," because of unlimited Senate debate and to name "a single great benefit which has been denied the American people" because of it.

I would ask Senators, particularly the

proponents for the change of the rule embodied in Senate Resolution 9, even at this particular hour—some years later—to name one single bill, one single important matter of legislation, that has been defeated by rule XXII, which they cannot do.

On the other hand, we can name proposed bill after proposed bill which has been held up—proposed reactions, proposed misdeeds, and proposed wrong courses, that have been held up by rule XXII.

That same test, mentioned by that distinguished Senator, could be applied this very day, to the last 12 months or 24 months, and its effect on the procedures of this U.S. Senate, which is the thrust of the proposed change embodied in Senate Resolution 9.

Senator Pittman agreed with this point when he said:

> Let those who contend for the cloture point to particular instances, if they can, wherein the Rules of the Senate have been destructive of the progress of our people. It is possible that our country suffers from too much legislation, rather than too little.

That was never more valid than it is today.

All the bills, all the legislation, all the progress—notwithstanding a President who talked of the great society and the great progress of history—was under rule XXII. All the civil rights measures were passed under rule XXII. What has been defeated? What has been foreclosed? Nothing

The filibuster is a commonsense way to get a thing in shape so people can understand it, and they will know what we have done in this body. They certainly do not on the House side.

The Secretary of Health, Education, and Welfare came before the Senate Finance Committee, and made a miserable appearance—a very distinguished man, and a very erudite one. Finally, he admitted that he was not prepared. Then later he came back and made a creditable presentation. But it was not until we in the Senate, under our deliberate procedures, held it up, and even more so on the floor of this body, a holding up that finally brought it to the attention of individual Senators that what was being sold in the name of welfare reform was actually going to constitute welfare deform—we were really going to deform the welfare process, and abuse the causes of the hungry poor in this land by all the provisions in that bill that had never been worked out as a human problem.

All we had was the wheel and the spokes; we were going to put in x dollars for hunger, y for shelter, z for health, and add so much for clothing and so much for job training and say, "Here, that adds up to $452 a month, you take the money."

That sounds fine in theory, but where does a man buy himself a hospital? Where does he buy himself a job training center?

My distinguished colleagues know that you have got to deal with the problems directly; there has got to be local supervision and education for all to see.

It sounds nice to throw out money. It sounds very convenient, because we have not been holding back too much money up here. That should have been done long ago. But it is a human problem, that has to be dealt with in a human fashion.

Senator Hiram Johnson of California in a scathing speech opposing cloture contended that—

> The last place in all this world where freedom obtains, the place where freedom of speech may be abused, abused and abused again, but the last free forum in that day will then have been destroyed and we here this day have commended and made easy that destruction.

This was a Senator from California. This was not a sectional partisan of the filibuster, but an authority for those who seek to understand the principles of parliamentary government and the unique role the U.S. Senate has played in having made our republican form of government succeed.

In 1917, during the debate on the first cloture rule, Senator Robert LaFollette, Sr., from Wisconsin—maybe he had Senator PROXMIRE in mind, his distinguished successor from Wisconsin, who last employed rule XXII—made one of his most hard hitting and lasting speeches in this Chamber. He said:

> Mr. President, believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of free institutions, I shall stand while I am a member of this body against any cloture that denies free and unlimited debate. Sir, the moment the majority imposes restrictions contained in the pending rule upon this body, that moment you shall have dealt a blow to liberty; you shall have broken down one of the greatest weapons against wrong and oppression that the members of this body possess. This Senate is the only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is an opportunity to speak at length and where, if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is reposed in a member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support. When you take that power away from the members of this body, you let loose in a democracy forces that in the end will be heard elsewhere, if not here.

Many, many of our predecessors in this body have vigorously opposed any cloture. The great names of Borah of Idaho, Mayfield of Texas, Townsend of Michigan, Smoot of Utah, Phelan of California, Brandegee of Connecticut, Reed of Missouri—have made a lasting impression on my own mind and I beg you all to take heed to those who have gone before us.

The agonizing consequences which would be the inevitable result of a majority cloture were pointed out in 1926 by George Norris, the former Senator from Nebraska:

> The Senate is the only forum in our country where there is free and fair debate upon proposed legislation, and it is the forum where the legislation of the country is made. If we adopted majority cloture in the Senate as they have in the House, the last vestige of fair and honest parliamentary consideration would entirely vanish.

Mr. President, the thrust of Senate Resolution 9 to change the rule is to drive to 51 to 49 government and resolve this body into a House of Lords and let the House of Representatives rule supreme. Then we would have the same rules, and we would just have majority approval. We would have a majority, and we would all stay in office, and the country would be destroyed.

While the distinguished Senator from Missouri is now gracing the chair, I think it is well that we quote from Senator James Reed of Missouri.

He speaks strongly. The Senators from Missouri have not changed too much. I quote him:

> Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and, if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.
>
> As long as we can keep this forum free, as long as a vigorous and determining minority can prevent the passage of a statute, so long this country will be safe, reasonably safe at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.
>
> But strike down this safeguard of public discussion, apply the gag, and imagine if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the distinguished Senator from Idaho.

Mr. CHURCH. I am wondering, since I have just come into the Chamber and have not had the advantage of hearing the Senator's address in full, what he is referring to by the term "gag rule." Certainly, he is not referring to the resolution that has been offered by Senator PEARSON and myself. He would not characterize that resolution as a gag rule.

Mr. HOLLINGS. Of course, Mr. President, I have yielded under the unanimous-consent agreement, and I have not lost the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I think it ultimately comes to that. You cannot say, in essence, when you take off and jockey the number of one or two or three Senators, what is good, by the change of a few Senators.

It almost becomes a gag. But I think that is exactly it. This is what the Senator from Missouri thought it was, yes, when they tried to change it at that time from two-thirds.

But in response to the previous colloquy we had in the early part of my discussion here—yes, coming to 51 to 49 would be gag rule. One just could not be heard.

Mr. CHURCH. As the Senator well

knows, the resolution that is pending would require three-fifths of the Senators present and voting to impose the limitation on debate. I do not know how that kind of resolution could fairly be characterized as a gag rule.

Mr. HOLLINGS. I hope to try to characterize it as fairly as I can by characterizing it accurately. Accurately stated, when you get down to 60-to-40 government, where you have the executive, where you have the mass media, where you have the communications explosion, then minority rights are endangered. I recall the commitments resolution that the distinguished Senator from Idaho appealed for, to try to put this whole governmental process back in kilter—specifically, to make the Senate a coequal body and a check on the executive. Why do we need that check? Because, with all the developments I have mentioned, the Executive, by a few phone calls, a TV appearance, repeal or veto on TV on the 7 o'clock news, is far, far more persuasive and powerful than a nominal debate of a few hours in this body. It takes time for us to deliberate and to get to the truth of many of these things.

As I have suggested earlier in my discussion, if anything, the persuasion from experience and the actual developments call for an extension of the rule in the other direction, the whole purpose being to protect a substantial minority.

Really, what is a substantial minority? In the two-thirds requirements that I outlined—over a dozen of them in the Constitution—the Founding Fathers thought that one-third constituted a substantial minority.

I think that with the urbanization, the growth, the trends, the speed of communication, and other such things, we ought to put three or four more votes on the other end of the spectrum. It ought to be 70 to 30 rather than 60 to 40, if we are going to change the two-thirds rule at all. Thirty percent, feeling as keenly as they do in this country, ought to be protected and heard—their principles, their beliefs, their sections, their concerns. There should be an inner feeling that somehow this Government is not so big that you cannot get at it and not be heard. That is the frustration in the ghetto.

Mr. CHURCH. Let me say to the Senator that if his principal concern is to see to it that a minority is heard, that questions of great moment are adequately debated, then I fully concur with him. I think that one of the most important functions of the Senate is to allow, whenever necessary, lengthy, careful, considered debate, for the purpose of better informing ourselves and the country.

But, in all candor, I say to the Senator that the opportunity for extended debate is not being placed in the slightest jeopardy. It is so deeply imbedded in the habits of the Senate that no one seriously thinks of even attempting to invoke rule XXII until several weeks of debate have transpired. If the rule were amended to permit three-fifths instead of two-thirds of Senators present and voting to impose limitations on debate, I do not believe that would change the ingrained habits of this body. We would continue to permit lengthy debate before an attempt was made to limit it.

But there comes a time when the legislative business of the Senate must be dispatched. Once an extensive debate has taken place, then at least a substantial majority of the Senate should be entitled to proceed to the merits of an item of legislation, to get a vote, in sum, to transact the public business.

I have heard a great deal, in the last 2 or 3 days, about the "tyranny of the majority." I must say it is a curious notion, particularly so when no one has mentioned any tyranny of the minority. It is possible for tyranny to express itself in both ways. It lies not in the exclusive possession of the majority. I suggest to the Senator that the present rule gives to one-third of the Senate plus one the right to prevent two-thirds of the Senate less one to act. Is that not a form of tyranny; specifically, is that not a tyranny of the minority?

If one were to choose between the right of the majority to act, as against the right of the minority to block, which is the greater tyranny?

Mr. HOLLINGS. When has that occurred?

Mr. CHURCH. That occurs whenever——

Mr. HOLLINGS. When did that occur? When has that prevented good legislation from being enacted?

Mr. CHURCH. Every time an attempt has been made to secure cloture, and that attempt has failed because of the votes of a minority of 34 or more Senators——

Mr. HOLLINGS. That is a numerical answer. But what bill?

Mr. CHURCH. This rule, as now written, can prevent 66 Senators from proceeding to a vote on any measure that comes before the Senate. What this establishes, in truth, is minority rule, the right of the minority to govern. Now I assure the Senator that, for reasons he and I are very familiar with, I think it would be a mistake to adopt a majority cloture rule.

I recognize there is merit in his argument: whenever a question of such great gravity is before this body that it evokes visceral and inflammatory opposition, then such a question, for the good of the country, and for the unity of the country, should better not be decided by one vote. I agree. For that reason, I never have endorsed, nor do I foresee the time when I will vote for a majority cloture rule. But I say to the Senator that I sometimes grow impatient with the constant reference to the tyranny of the majority in this body or the threats of the majority, when the whole operational effect of the present rule is to permit 34 Senators at any time, on any bill, to prevent the Senate from reaching a vote and discharging its responsibilities.

We are here primarily to legislate. I think the rules of the Senate should be such that we can legislate in a way that gives adequate opportunity for careful, lengthy deliberation. But I think the rules should not remain in such form that, once that deliberation has taken place, a substantial majority is not enabled to proceed with the public's business. Yet, that is our present condition. There is proof of that. In the 54 years we have been operating under rule XXII, attempts to limit debate have been tried 49 times and only on eight occasions has it been possible to secure a two-thirds vote.

Mr. HOLLINGS. And where has that——

Mr. CHURCH. This is practically an insurmountable barrier——

Mr. HOLLINGS. Where has that really killed good legislation? In the 49 times the Senator spoke of, has it not been employed for the good of the country generally and not for the bad? I ask my distinguished colleague from Idaho to name any time it was employed for the bad.

Mr. CHURCH. I would be happy to identify those occasions. I do not pretend that I could recite at this moment each occasion during the last 54 years.

Mr. HOLLINGS. Make it the past 10 years.

Mr. CHURCH. I can tell the Senator that during the 1970 session of Congress, we had before the Senate legislation that I regarded as highly meritorious. It reflected the view of 80 percent of the American people—if the public opinion polls can be trusted—that the electoral college has become an anachronism and the direct election of President and Vice President by the people is desirable.

I thought that was an extremely timely and important legislative proposal to amend the Constitution. The Senator from South Carolina may have disagreed with that proposal. But because of a filibuster we were unable to reach a vote on the merits of this constitutional amendment even though 60 percent of Senators approved the amendment. That is the most recent example of the harsh effect of rule XXII as it is presently written.

Mr. HOLLINGS. Does the Senator have any more than just the electoral college, because I have some comments on that?

Mr. CHURCH. The most recent example was the funding for the SST. I do not know what the Senator's position on the SST is. I personally oppose it. I will cast my vote against it, but once there is full and considered debate, pro and con, at that point, I think the Senate should be entitled to proceed to vote on the SST, regardless of the outcome. That, after all, is the essence of the democratic process.

Suppose the Senator faced rule XXII in the elections in South Carolina? Suppose he could not get elected if one-third of the people plus one voted against him? Does that recommend itself to the Senator as being consistent with the democratic process?

Mr. HOLLINGS. I have enjoyed the experience where I could not get a majority, much less two-thirds. In fact, the other fellow got the two-thirds.

Mr. CHURCH. Surely, but would the Senator really endorse an electoral system that requires a two-thirds vote to elect a candidate to office?

Mr. HOLLINGS. No one put that in. We have to have a majority of the votes on the candidates themselves.

Mr. CHURCH. The principle is the same.

Mr. HOLLINGS. The principle could not be the same. If it is the same in the distinguished Senator's mind, then I must differ. As to issues, principles, and concerns, yes, but not on candidates. They are completely different. We have to have a majority vote, or win or lose. In fact, we have a minority President. We have a difficult time getting a majority. If we had rule XXII, it would be completely impossible. The Senator knows that. Now, let us get to some other points——

Mr. CHURCH. The distinction may be clear to the distinguished Senator from South Carolina, but it is not clear to the Senator from Idaho. The effect of rule XXII is to permit 34 Senators, a third of the Senate, plus one, to block a measure that the other 66 Senators support.

Mr. HOLLINGS. Let us clear that up.

Mr. CHURCH. That is the effect of the rule. The Senator would agree with that. Let us assume we took that rule and applied it to an election in South Carolina. In that event, one-third of the voters plus one could block the election of any candidate. If that situation prevailed, there would be revolution in South Carolina.

Mr. HOLLINGS. I am afraid——

Mr. CHURCH. Yet, that is how the XXII operates in the Senate.

Mr. HOLLINGS. I am afraid my distinguished colleague is appealing to the weakness of his argument. He could not contend that the matter of candidates, winning or losing, 51 to 41, would hold. With 51, 52, or 53, shall we say, or more over 60 percent, we might get it. The Senator from Washington, I think, got almost 70 percent. The President himself is a minority President.

Here we are talking about issues, we are talking about minorities, we are talking about concerns, we are talking about sections of the country.

I ask, Is it my distinguished friend's contention that the addition now, all of a sudden that we are an undeliberate body and we cannot get on with our business, but the mere addition of six Senators kills that in the Senator's mind? Make it 60. Make it 40. Does the Senator think the problem has been solved? Is that right?

Mr. CHURCH. No. I simply say that the philosophical basis for the Senator's argument is——

Mr. HOLLINGS. Ah.

Mr. CHURCH. That protection is needed from the tyranny of the majority. It is an argument I cannot reconcile with the whole philosophical basis of democratic government.

Let me say to the Senator that I know there are reasons I respect for not adopting a majority cloture rule in this body. I think that if we were to settle on a three-fifths voting requirement, this continuing controversy over cloture might be resolved for many years to come. I think a three-fifths formula is a happy balance that we could strike. It would tend to satisfy most Senators and we could then lay this issue to rest. However, if we are not able to do this, or worse still, if after a prolonged debate we are denied the opportunity to reach a decision on the merits, then I say to the Senator that the issue will not only remain alive, but sentiment will grow for majority cloture with each passing year.

If the Senator really wants to jeopardize the traditions and the historical role of the Senate, rigid resistence to any change in rule XXII is the way to do it.

Such a circumstance came to the Senate in 1917 when our country faced the question of war in the Atlantic. The overwhelming majority of the people favored the arming of our merchant ships. A prolonged debate—a filibuster—prevented the Senate from reaching judgment on that question. The first cloture rule was established in response to the wrath of the American people.

If the Senate persists in retaining rule XXII, unchanged, the day may come again when such public anger at the Senate will rise up in such form that all of us will scurry for cover. We will then see the Senate transformed radically, even as it happened in 1917 when, after a long period of time during which there was no possibility of limiting debate, the Senate scurried for cover and in March, by a vote of 76 to 3, imposed the cloture rule.

I do not want to see that happen again. I think it is too important to the country to preserve the essential character of the Senate. I want to see its historical role safeguarded. That is why I believe that tempering this rule now is the best insurance we could offer the Senate for preserving its historic role as a deliberative assembly.

I, therefore, believe it would be a mistake to insist that we adhere rigidly to a barrier so high that in 49 attempts to limit debate, we have managed successfully to hurdle it on only eight occasions.

Let us not ask for another crisis of the kind that occurred in 1917, leaving everyone sorry at the consequences.

Mr. HOLLINGS. I had been hoping that the science of reverse English had not come over from the Pentagon to the Senate floor and that we would begin not to advance but to retreat, or not to retreat but to advance, and that the best way to build was to destroy and that the best way to destroy was to build. We have come all the way around.

The best way to protect is to adhere this to what all of the others have done who have come before us from the various sections of the country, from Wyoming and elsewhere, on what is fundamental; namely, that a substantial majority shall receive protection and protection alone. That does not mean a government of tyranny by a minority. My distinguished colleague cited the electoral college. I differ. I said it had always been employed for the good. I think it was employed for the good. I disagree with the 80 percent.

I think that a far greater majority of the Senators are opposed to the proposed change in the electoral college as it was then proposed on the Senate floor.

I think additionally that when the Senator from Idaho moves into the various other arguments, like the one in which he alluded to the election or nonelection of candidates themselves, as to whether they receive a majority vote, and when he asked what we would do if we were required to get a two-thirds vote, that is specious and without substance whatever.

Over two-thirds of the Senators in the present body were elected with somewhere between a 50- and 60-percent vote. Therefore, we would not even have a U.S. Senate if we were to apply that rule.

He tried to come around to the point that we do not have any real concern because we have never even in the present instance tried to apply two-thirds cloture, that what we really want is a matter of form because we are not going to do it anyway.

I would agree as to the present form. And I agree with respect to all of it as it concerns the present leadership. I think the leadership is distinguished. It is outstanding. Our distinguished majority leader, the Senator from Montana, has done a wonderful job in these days in these times in considering everyone.

When we come right down to it, as long as we have our present distinguished majority leader, I would just as soon do away with all of the rules.

I used to pride myself on the rules and on presiding. I do not pursue them as rigorously anymore. I know that as a junior Senator I will be heard and I will not be cheated. But we will not have the distinguished majority leader forever.

Referring back to the former distinguished majority leader, Lyndon B. Johnson, if we were to ask him to apply that principle, how many times does the Senator think we would be heard as junior Senators?

How many times were things ramrodded through this particular body? We cannot change the rules with the leaders. The principles of the minority are involved and the integrity of the Senate. The present persuasion of the Executive and the very action taken on the commitments resolution of the Senator from Arkansas in this body indicates how 10 extra votes can be picked up by wheeling and dealing.

The danger is not that we have too many or too few, in order to get the business done. The danger is that the minority is in great danger in that 20 or 30 percent constitutes a minority that must be protected. We have the development of the mass media and the communications explosions as I stated before.

The Senator from Idaho says that six would satisfy him. What about the other Senator from Idaho? I do not know about him. What about the Senator from Idaho 10 years from now? Would six satisfy him? Perhaps he would say seven.

We are talking about a 51-percent Government and the distinguished author of Senator Resolution 9 knows it. That is what they have been asking for. They have been asking to create a House of Representatives in the U.S. Senate with the rules of the House and vote by majority and get on with the business and rubberstamp it.

Mr. CHURCH. Mr. President, the Senator has suggested that the intention of the Senator from Idaho is to move this body toward a 50-percent cloture rule. I feel constrained to remind him that I made the argument only a few minutes ago against majority cloture. That is not the intention or the purpose of the Senator from Idaho. I can speak no more plainly—I am opposed.

So far as I know, I can say quite confidently that it is not the intention of the distinguished majority leader or of the distinguished minority leader in endorsing the pending resolution. I think most of us who have joined in the cosponsorship of this resolution would not endorse a majority cloture rule.

Therefore, it does not follow——

Mr. HOLLINGS. Mr. President——

Mr. CHURCH. It, therefore, is not correct to state the end objective we proponents of change have in mind is a 51–49 cloture rule in this body. I also remind the Senator of the other argument I made based on historical experience.

The eruption in the Government in 1917 with respect to the armed ship bill was the thing that caused the Senate to retreat from the principle of unlimited debate and to overwhelmingly adopt the first cloture rule. It is altogether likely if we keep the barrier as high as it is today we will find ourselves once more in that kind of crisis and the ensuing public eruption in the country against us will force us to a revision of the present rule far more drastic than I or the Senator from South Carolina would want to see.

Such a situation could, unfortunately, bring us to majority cloture. A modest reduction in the two-thirds cloture requirement, as Senate Resolution 9 contains, is insurance against majority cloture. As history bears me witness, that is a better way to protect the historic rule of the Senate than the position the Senator from South Carolina has taken.

Mr. HOLLINGS. I do not doubt the motives of the Senator from Idaho in his plea now for three-fifths rather than two-thirds, but taking a page from the book of our distinguished leader, President Richard M. Nixon, who said that it is what we do and not what we say, when you cut off the six you join with that group that wants to cut it down to a 51–49 Government. That is where the Senator is headed and that is what we have to watch in this country.

Mr. President, I ask unanimous consent that I may yield to my distinguished colleague from Arkansas (Mr. FULBRIGHT) without losing my right to the floor, and without my subsequent remarks counting as two speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I thank the Senator. I was very interested in the comments of the Senator from Idaho and his profession of intention that it was not majority rule. That reminds me very much of the present intention of the administration to get out of Southeast Asia.

The question is not the intention of the Senator from Idaho or any other sponsors as to what will take place or happen. If the Senator is so convinced this is going to cause an eruption such as the revolution in 1917, all he needs now is two-thirds. I do not know why he does not bring cloture; it is perfectly open to him now.

It strikes me this argument has been going on for a long time, and I think it often gets off on an aspect that is not the crucial one. It is not a question of how many hours anyone wants to speak or that we do not have enough opportunity to talk at length under the present rules or any other rules. The question should be put in a slightly different context.

The Senator from South Carolina has stated the matter and all I can do is perhaps rephrase it. This is a great country with 200 million-plus people, 50 States, great diversity among the people, and there is a tremendous impetus toward centralization of government and, in fact, toward dictatorship of the Executive. There is no other country in the world that I know of with a divided government; that is, an Executive apart from the legislative branch, which still has any degree of democracy in it. They have all become dictatorships of one kind or another, either civilian or military dictatorships. If we can make this system continue to operate it will be a miracle. No country as big as this country has ever had a democracy, unless one could refer to the British Empire, which consisted of a great many colonies. Britain, however, is a relatively small and homogeneous country.

The problem is to keep functioning with our system, unless we change it. The question of changing it to a parliamentary system is a different problem requiring constitutional amendment and I do not care to go into that at this time since I am not proposing it. My problem is to make the country we have function properly.

In 1949, Walter Lippmann, who was then at the height of his intellectual powers, wrote a column on this subject. It has occurred to me it might be well to recall that column. Many of the newer Members are not as well acquainted with Walter Lippmann, but for 50 years or more he was one of the leading commentators and one of the most respected analysts of governmental affairs. He was a very great intellectual leader. He has retired now and is not writing as much as he did.

He wrote a column on this matter at the height of the controversy over civil rights. Most people were astounded when he wrote the column in defense of rule XXII. I would like to read the column for the benefit of some of the newer Members. The column should be included in this debate just as it was in that debate. This was March 1949.

I hope the Senator from Idaho, if he has time, would listen to this particular statement because I am sure he does remember it. Even though he is much younger than I, he does remember Walter Lippmann.

The column by Walter Lippmann reads as follows:

> Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government.
>
> The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried, the existing power of a minority of the States to stop legislation will have been abolished.
>
> "Stripped of all mumbo-jumbo and flag waving," says the New York Times, "the issue is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision." This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.
>
> In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision—

I think that is a very significant passage—

> The American idea of a democratic decision has always been that important minorities must not be coerced. When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debate is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.
>
> The issue has been raised in connection with the civil-rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, I think that column, in the inimitable manner of Mr. Lippmann, summarizes what I believe to be the real principle involved in this debate. It is not a question of whether you can speak for 10 hours, or 24 hours, or 100 hours, or 1,000 hours; it is a question of whether or not a transient majority, as he says, is to be given the power to coerce the minority.

Now, if we were a small country of 5 million, or even 1 million people, or if we were a county court, or a city council, and we wanted majority rule, I think there would be no danger in that. That would be small and homogeneous in nature and the problems would be small and limited in nature. But when you are dealing with a country of 200 million people, a country which has the capacity to destroy the world, so to speak, you are dealing with a great, diverse population, and one of the serious problems is to avoid serious mistakes made, as Mr. Lippmann says, by a transient majority.

In my own experience here, of course I have often regretted that I did not use the capacity to resist given by rule XXII. I just simply did not recognize at the time how serious the situation was. I cite one which is well known, the Gulf of Tonkin matter. If I had known then what I know today about the Gulf of Tonkin, I would have used rule XXII. Of course, I did not know then what I do today, and I did not realize what we were getting into.

I want to dissociate rule XXII from any substantive piece of legislation, whether it is civil rights or any other measure. We have recently had the example of the capacity of the Senator from Wisconsin (Mr. PROXMIRE) in another area. The only reason why the Senator from Wisconsin was able to stave off the ultimate decision on the SST was that he knew he could use rule XXII. I believe in the past he has been in favor of changing it. But, in an emergency, he took advantage of the rule, and the fact that there was this rule avoided or prevented his being coerced, along with, of course, the rest of us. He was not alone in that. He was the main spokesman. The rule prevented the coercion, in the last minutes of the last Congress, of the Senator from Wisconsin and the majority of his colleagues.

I think he was absolutely correct. I am quite sure history will show that his judgment in that issue, along with that of others, was correct on the merits.

I believe the question is dissociated from the merits of any substantive issue. The case of the arming of the merchant ships has been cited in connection with this issue. I can hardly think of a more trivial subject to get excited about. That is cited as an example of the need of the destruction of this great principle. That is what has preserved the Senate as a unique body in the world. The distinguishing characteristic of this body is that it has the capacity to force a compromise or to resist immediate action by majority rule, such as they have in the House.

So I would like, if possible, to examine it, and cause others to examine it, not with regard to any substantive issue, but as to the nature of the role of the Senate in our constitutional system. As has already been said so often, the Senate is the only upper body I know of that has any scintilla of power left when every other upper body is ceremonial, or at most has a very limited power of delay. I believe the British House of Lords has limited power to delay certain kinds of issues. I do not think they can even delay what we call money bills—appropriation measures. But I do not want to go into that now. In any case, their function is largely ceremonial. It is used to reward people for public service. They are made Members of the House of Lords.

In Canada they also have a senate which is very limited in power, if it has any. It also is, to a great extent, a place of dignity for elder statesmen.

I do not wish to derogate any of these bodies, but they do not have the kind of political power to influence legislation or government decisions that the Senate has. It is the only body, to my knowledge, in a bicameral system which has retained any authority.

What happens if you change the rules? We will be subject to being managed by any executive that comes in, just as I believe the other body to be, and as they largely are. It is true that occasionally, on some domestic matter, there may be a difference, but on major issues, especially in the field of foreign relations, in a field that involves what is called the Commander in Chief's war powers, if he has any, that authority has been almost eliminated, or certainly temporarily subdued. I hope it has not been eliminated, because I hope the Senate will reassert its constitutional rights and responsibilities. That is a subject on which I shall have something to say later.

The Executive has, since World War II, and during the period of either preparation for or prosecution of war, assumed so much power that it has been able to override us to a great extent, even with the existence of rule XXII. But if we remove that power Senators will gradually realize that they really do not have any power to resist any Executive. That would be true of a Senator like the Senator from Wisconsin or any other Senator who feels strongly. Of course, he had support; he was only the spokesman; he had very substantial support behind him. He could not and would not dare do it, by himself, I think. And he could not, as a physical matter, do it by himself. He has to have assistance. He would know that, entering into a fight in opposition to the Executive power, if he did not have this capacity to require a two-thirds vote, he would have very little chance of success.

In other words, whenever you enter into a contest with the Chief Executive, under any system, it is not a very pleasant thing to do; you usually do not get any reward for thwarting any executive, especially our Presidents, now that they have become almost the equivalent of the royal court—they have all the appurtenances. As George Reedy puts it, it is like a royal court now—they have all the privileges and perquisites that the oldtime emperors had, and have become insulated from all the ordinary influences that work upon political figures.

But when you consider taking up a contest against any President, you would be a very foolish man to undertake it if you did not have the requirement that he has got to get two-thirds. I am speaking, of course, of important matters. You do not contest on trivia in this field. It has to be something important, unless you are completely without a feeling of responsibility. I know that there have been very few occasions in which the issues involved have not been of great importance.

Sometimes we read in the newspapers that some individual filibustered for 24 hours. Well, that is not a filibuster; that is just an act of eccentricity. A real filibuster is forcing a compromise. That is the only thing that qualifies as a filibuster, if you want to use that word, or a delay to force a compromise and force the majority either to get two-thirds or to lay the matter aside for further consideration and probable compromise, or to put the burden upon the majority to persuade the minority.

That is the essence of the democratic system. I cannot put it any better than Walter Lippmann. I can only try to apply it to our present conditions.

I think anyone would be blind not to recognize today that it is certainly an uphill battle, a very difficult undertaking, to challenge in an important area the Executive of the moment. I am not speaking just of this present President or his predecessor. Any of them, certainly, since World War II, if they chose to use all the power at their command, could subvert the independence of the Senate.

We have had some experiences with the type of organization which is at their disposal, in contrast to what Members of the Senate can do in appealing to the public and in appealing for support. We had the Starbird memorandum. I cite that only as an example of how it is possible for the military establishment to muster the full force of the industrial establishment and the political and journalistic establishments of this country in the promotion of a particular program which they wanted, which in that case was the ABM. Of course the effort proved successful.

More recently, I have read stories—although there is not a convenient name like the Starbird memorandum—of orders which have gone out to do much the same thing in selling the President's present program.

I am not saying, in this latter case, that there is anything wrong with that. Certainly he has a perfect right to try to sell his program. I cite it only as an example of the tremendous power, in organization and number of people at his disposal, to sell something, in contrast to what we have in the Senate in the way of staff assistants, and so on. There are 2 million employees of the Federal Government at the disposal of the President. They have experts of all kinds. As I say, I am not objecting to all this; I am only citing it as an example, in modern days, of the tremendous development of the ability of the Executive to influence public opinion and, directly or indirectly, the Senate. They have the capacity to invite Senators and give them briefings, and so on. I wish to say again, I am not saying that is illegal, improper, immoral, or anything of the sort. It is a fact of life.

What does the Senate have to preserve

its independence, we will say, and its capacity to analyze and give advice, if you like, to the Executive? Really, one of its principal weapons is the preservation of rule XXII. Because otherwise they can come up here and, within a day or 2 days or whenever they like, force a matter to a vote, and it would be done before we ever have an opportunity to even consider it, or the country to understand it.

This is a most important tool for the preservation of the integrity of the legislative branch of Government. We are not disposed to criticize the House of Representatives, and I do not mean it in any critical way, but merely for comparison—under House rules, as Senators know, they can bring in bills and, with a few hours' debate, they have to vote them up or down. It may be an extremely technical bill, with all kinds of different propositions. I think that practically nullifies the capacity of the House of Representatives to refuse a determined executive branch. And they do not. It is very rare indeed that they do. Practically all the resistance that has developed, particularly in the foreign field, but in others as well, has been in the Senate, as Senators know, and the reason for that is because of this capacity to resist a measure, up to the point of the required two-thirds.

This argument about, "Well, we are only asking for three-fifths," to me is a wholly fallacious one. We might as well go on down to a majority, and get the misery over, if we are going to go to three-fifths. This is just taking it a little way at a time. The principle Lippman speaks of is not dependent upon whether it is two-thirds or three-fifths; it is the principle of the preservation of the right of a substantial minority to require that there be further consideration, or a compromise, or a delay, that they can resist the immediate enactment of whatever it may be. Without that, I would say, the ordinary Member of this body would be extremely foolhardy ever to undertake to resist, because he is very likely to be defeated, to begin with, with regard to any administration. It would remove, one might say, the principal hope that anyone has of the assurance that, if he has a good case and he thinks he can make it if we give him an opportunity to persuade his colleagues, he will have the opportunity to do so. If he does not have that opportunity, he will be emasculated, he will be run over immediately and he will look very foolish when you undertake to contest with a power as great and as all pervasive as the power of our Executive.

I think it is extremely important for a country as large as this, especially in this period of uncertainty and turmoil growing out of the war, that we preserve this basic right of the Senate to force consideration by the majority of whatever views we may have on important issues. I do not think this has been abused. There have been extremely few cases—I would not say there have been none, but there have been extremely few—in which the interest of the country has been jeopardized by delay. In most cases, it has benefited by delay and further consideration. When the Senator cites the fact that there are so few cases in which they have gotten cloture, well, the answer to that is that they should not have had cloture, because the matter was not meritorious enough to warrant it. That is no argument against it, merely because they have not gotten it. It can just as well be stated, "Surely, they did not get it because they did not deserve to get it, in the judgment of the Senate." It was not worthy of forcing it through and coercing, as Lippman says, the minority.

I again want to emphasize that I think one of the great mistakes of some of the sponsors of this resolution is confusing it with the substantive issue of civil rights. For all practical purposes, that issue is over. Practically every bill that anybody can think of in this field has been passed, and I would predict that if they bring in any other bills, they will be passed. Those of us from the South know that our views have been overridden, that the decision has been made. I stated in my last election, and I state again, that I recognize that we were defeated. The ideas of how to deal with this most difficult problem of another section of the country have prevailed. I accept it, and I will do the best I can to make it work, to make it acceptable, to make it as effective as I can. Whatever influence I have within my own State or here I have tried to use, although I still have some reservation about the wisdom of the approach. Nevertheless, I accept the decision. So that is out of the way.

Many other issues are coming up. Many of them, ironically enough, will be considered the liberal side, we will say. I dislike to use these words, because they can easily be distorted. That is not really the right word. I am thinking of the case of people who are unorthodox, I should say, perhaps, who are not conformists. They are often called liberals. I am not sure whether they are liberals or not. The word "conservative," it seems to me, is usually abused, and I dislike to use it as applicable to many individuals.

I think the shoe is going to be on the other foot. Traditionally, before, it was civil rights. Usually, those who were considered progressive, enlightened, beyond their day, perhaps, or unorthodox—I do not know how one would describe people like LaFollette, Borah Norris and others. These were the kinds of people who relied upon their capacity to force further consideration of what they believed to be ill-considered measures. I think it would be very difficult to cite any great harm that came to this country by the delay.

If we leave out civil rights I think we would be hard put to make any case at all that the general welfare of this country has been prejudiced.

In contrast, on the other side, is it not remarkable that in the entire world, with some 127 countries—I think there are more than that, but there are about 127 members of the U.N.—none is comparable to this country, with a body such as the United States Senate? Most of the big countries today are not ruled by anything resembling a democratic system. Start with Russia, if you like, or China. China has a highly restricted Communist system, similar to that of the Russians. It certainly is not democratic in the way we use that term.

Then consider the countries in South America, such as Brazil. They tried a democratic system. They have suspended it and have a general running the country. The same is true in Argentina. More recently, the generals took over in Peru, in Panama, and so forth. I do not know how I would describe the recent Chilean situation. Apparently, it is as democratic as some others and perhaps most.

It is not a matter that we should take as a matter of course, that the Senate can continue to be effective, that we can preserve our system, if we destroy the capacity of the Senate of the United States to have an influence upon the major issues, especially in the field of foreign relations; because, under our Constitution, the Senate is given a special responsibility in the field of foreign relations.

It is the only body that considers treaties, for example. However, the Executive is beginning to erode even that power by calling anything of importance an executive agreement and not submitting it to the Senate. If it is something trivial, they call it a treaty and send it for approval—something dealing with a minor question of reciprocity in taxation or some kind of border controls or mutuality in radio wavelengths. But if it involves something like the installation of military bases and basic commitments to the defense of a country, as in Spain, it is an executive agreement.

What are we going to do about it? I am at a loss to know. We cannot directly prevent it. There is no practical way to prevent that kind of action. If we are going to have any influence upon this kind of treatment, it will have to be indirect. It will have to be through appropriations or some other way. This is not easy to do.

We have made some valiant fights in recent years. The Senator from Idaho made a valiant fight last year on the Cooper-Church amendment. It was adopted, and he has already seen how utterly ineffectual it has been. It was easy to evade it. I congratulate him on his effort. I supported it, because I did not know any better way to try to do it. Of course, his original idea, which was much better, was emasculated or changed because of a difficulty with the House, and the one finally enacted was not the one he really preferred. It was only what he could get. It is simply a demonstration, in a more recent way, of the extreme difficulty the Senate has in influencing any of these matters.

We had our battle on the ABM. It was really all-out, and we failed by a tie vote. I only cite it to show that, even with this capacity, the ultimate capacity, requiring two-thirds, we still are to a great extent impotent in really important issues.

On a number of smaller, local things, we can on occasion influence the legislation, especially in domestic matters. If it is a matter of public works, there is a considerable unanimity among the Members, and we can usually get two-thirds, as a matter of fact, on issues of this kind, and we can override a veto. But when we get into the other field, which is not as close to the Members, we have much more difficulty.

When we are dealing with foreign relations, many Members perhaps are unduly modest. They think, and they are told, that the President and his advisers know more than they do. They say that they have access to intelligence reports, and an illusion is built up that in some mysterious way they are smarter than Members and some Members hesitate to follow their own best judgment. This is a great handicap to Members of Congress.

I do not think it is true—if we stick to the major issues—that they know more at all. We are not talking about day-to-day tactics on how to dispose of troops, but the major issue of whether or not we should go to war, the major issue of whether or not we should intervene, whether we should follow the course, say, of policies on NATO. These are major, overall policies of our attitude toward Western Europe. There is no mystery about it. One need not know the latest report of the CIA. Commonsense tells us that our vital interests are involved in certain areas. There never has been any serious difference of opinion about our interest in and the preservation of the independence of Western Europe.

This type of issue does not need any particular information from the CIA. I cite that only to show how difficult it is for a body like ours, whose Members come from the various States and who may not have any particular background in this area, even to have the opportunity to be informed or to have any opportunity to influence the course of events through forcing an adequate explanation and forcing consideration by the Senate as a whole, and also the country, by the exercise of its rights under rule XXII. As I say, this has not been done too often but yet the very fact that it exists is sufficient to have great effect upon the attitude of the Senate as well as the Executive, knowing that there is the power to require two-thirds. The executive branch will hesitate to try to force us because they themselves will be restrained by the very existence of the rules. But they would know, if this rule is changed, that they do not need to have two-thirds, that all they need is to muster a majority, and they can find ways to do that because of the many favors and prerequisites which they have, in addition to party loyalty and the normal support they would have anyway. Thus, it would be much easier for them and, therefore, they would not bother even to analyze what were the wishes or the views of many Senators—which means many of the people in this country.

In a nutshell, what this is all about is whether the Senate is to continue to be a significant influence in the governmental structure of the country. I think it comes down to that.

When we talk about is 90 hours enough talk or 100 hours enough talk, that is entirely beside the point. The point is, it has nothing to do with how many hours of debate may take place but whether the proponent of a proposition—which in our case normally would be the executive branch—have to muster two-thirds on these important matters which are the only ones that really inspire genuine opposition.

I do not know how I could exaggerate the significance of this issue to the continuation of the Senate as an important and functioning body in our Government. So I would hope that as we proceed to develop this issue—I do not know how long it is intended for it to go on—but as we do, I would like at least for the proponents to approach it in this fashion and to answer the argument that to change this rule would not weaken the influence of the Senate.

I want to say that I do not see how they can possibly argue the idea that there will be a revulsion or a virtual revolution against the Senate if we do not change the rule. I think that is absolute poppycock. There is nothing whatever to indicate that. To the contrary, the question today, if presented in the proper light, is whether the Senate should be preserved as an influence in this country.

I firmly believe that the great majority of the people of this country believe the Senate does play a significant role. I do not believe it is a question of great revulsion against the Senate. It is true, when we read editorials such as the one in this morning's Washington Post, and like the one Walter Lippmann referred to in his article, that the people would get a distorted view on this particular issue that does not relate it to the real basic influence of the Senate. This is a very inflammatory, prejudicial editorial about the Senate's stalling, interrupting the business of the Government, and so forth, that is nonsense. They completely miss the point of what this rule is all about. None of us, really, likes long speeches, but that is not what we are talking about here at all. I do not like long speeches any more than I like editorials such as the one written by the Post editorial writer. He did not even touch upon the principal issue involved here.

Does he really believe that the Senate, as an institution, should be eliminated? If he really believes that, then let him make a case for it.

Perhaps the Senate should be eliminated. I do not think it should be. It strikes me that the way they should ap-approach it, if they really are for this change in the rule, is to begin by saying, "The Senate has served its usefulness. We now need only the House of Representatives to fill in the details of what the executive wants, so that we can get through our business more efficiently. Let us get rid of the Senate and have only the House of Representatives and the great, enormous bureaucracy to prepare the bills, and we can get it all done in 30 to 60 days." Then everyone will be happy. There would be no grumbling. If that is the kind of country we want, then make a case for it. But grumbling about delay, while at the same time pretending that the Senate would still be an instrument of significance is nonsense, because I am quite sure it would not be. There would be no point in having a Senate, really, if it is not to perform its function of forcing real consideration, in depth, of controversial issues. I do not mean just ordinary, routine bills. We do some good there, of course, but we do our greatest good when it comes to the controversial matters that involve profound issues, either in the social, the foreign policy, or the military field—anything which involves the life and death of the Nation.

That is the real justification for the Senate. That is the role the Senate must play when it comes to the controversial issues of our time, the profound differences of opinion that may exist among the people of the great 50 States.

We had one civil war, and it was a bad one. Outside of that civil war, I would say our country has never found itself in greater difficulty than it does today, suffering now from disillusionment, dissension, and dissatisfaction with our overall policies. Our economic situation, I think, is very critical. I do not know of any other period that has been more disturbing and more serious for us than the present, so that I think it would be a great mistake, under the circumstances, to begin fiddling with our rules and changing the character of the basic structure of our Government. In 5 more years, we will celebrate the 200th anniversary of the founding of this country. That is a record few countries can match, outside of Great Britain, France, and a few other small countries, like Sweden, which have admirable societies—but none of them have our system, by the way. They have all survived. They have a continuing history. Most of the countries today have relatively new forms of government. I maintain that we have one of the oldest systems of government. I would be prepared to defend the proposition that one of the principal reasons is that the Senate was in a position to do what Walter Lippmann said, to force the majority to persuade the minority and not to ram down their throats whatever the transient majority happened to think was in the national interest.

Thus I think it would be most untimely and a great disservice to this country and to its constitutional system to change the rules at this time. I can see that if we did, almost immediately there would be quite a change in the attitude of Senators. I certainly would share the feeling that any effort to resist whatever the Executive wants me to do would be futile.

If I wished to continue—and I am not sure it would be any great distinction to continue in a body that is no more influential than the Senate would be if we were to change the rule—it might be all right if I wanted a place in which to retire and could go to international meetings and have no responsibility. It would be a nice place, like the House of Lords. But it certainly would not be the kind of office that would warrant a strenuous campaign. It would be the kind of office one would expect to be awarded if he had given $1 million to a college or something like that.

I think it most serious with a country as large and as diverse and that experiences as much conflict as this one does if we were to change the rules. I am afraid that it would be a real step toward a dictatorship and complete domination by the executive branch, which is true of about 75 percent of the people on the earth today. They are ruled by what I would call a dictatorship. That is an untrammeled executive rule. We could call it by a different name. China and Russia have that kind of rule.

We have some hybrid situations that are difficult to understand—such as the so-called one-party democracy. That is certainly not our kind of democracy.

I am not sure that there is any great distinction between them. We look upon some of those as being antidemocratic. After all, the Communist Party is a one-party state. They have elections within the country. They have a collective leadership, the Politburo. The Politburo has much more influence upon Mr. Kosygin than the Cabinet has upon the President. Mr. Kosygin or Mr. Brezhnev cannot advise the members of the Politburo, if I am properly informed.

So, it is on a different level. There are many bases of comparisons. But what we conceive of as participation in the policies of our government at all levels is a very rare phenomenon. Outside of a few parliamentary instances it is very rare.

Mr. President, I certainly appreciate the Senator from South Carolina yielding to me. I will now yield the floor to the Senator from Idaho.

Mr. HOLLINGS. Mr. President, if I may, I wish to maintain the floor. I ask unanimous consent that I may yield to the Senator from Idaho without losing my right to the floor and without the resumption of my remarks constituting a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, may I add at this particular point, and say very sincerely that he has focused on this problem with a bull's-eye. It is not a parliamentary thing. It is not a matter of rushing through with the debate. It is not a matter of getting on with the business. It is a matter of the Senate and its integrity as a legislative body itself.

I do not know of anyone who has spoken more persuasively on this matter than the Senator from Arkansas has in the informal discussion he has just had.

I hope that the news media will give just as much attention and headlines and coverage to the remarks of the Senator from Arkansas concerning this southern viewpoint, as they characterize it, as they do on the war and on the Senator's other viewpoints that my distinguished friend, the Senator from Arkansas, has expressed.

Mr. FULBRIGHT. Mr. President, I am afraid that is a vain hope. They do not consider that newsworthy.

Mr. HOLLINGS. I hope they do write an editorial about it.

Mr. President, I yield now to the Senator from Idaho under the conditions stated.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, if I entertained the slightest misgivings that the enactment of the pending resolution would work a profound and far-reaching change in our form of government, as the distinguished Senator from Arkansas has contended, I would oppose it.

The fact is that it is a very modest alteration in the cloture rule, one that would work no transformation in the character of this body, one that would not jeopardize the right of extended debate, one that would not permit a mere majority to force controversial legislation upon a large and determined minority.

There is nothing in this resolution that threatens the Senate as an institution, nothing at all. In fact, if history is any teacher, we would be best advised to accept this modest alteration of rule XXII, the better to insure that the Senate can continue in its historic role, than to adhere rigidly to the existing rule which raises a practically insurmountable barrier even to the right of a large majority to do the business of the Senate.

In a colloquy with the distinguished Senator from South Carolina about an hour ago, I pointed to an historic piece of evidence. Prior to 1917, there was no limitation at all on debate in the Senate. This institution prided itself in having no rule whatever that could, under any circumstances, limit the right of any Member to protract proceedings and prevent votes. But a time of national crisis came, and when a few Senators insisted on exercising their prerogative, when a handful of men combined together in a prolonged debate which prevented the Senate from coming to a vote on a bill to arm our merchant ships, when they were even then under attack from German submarines in the Atlantic, there was a reaction against the Senate in this country so severe that the Members who had stood up so resolutely only months before for the right of unlimited debate, scurried for cover.

In the face of that popular reaction against what the American people regarded as an abuse of senatorial prerogative, we saw the first limitation of debate established and made part of the rules of the Senate.

Mr. President, I appeal to those who say they want to maintain the traditions of this body to think about that, to ask themselves if their vision of the future is so clear that they can assure us that what happened in 1917 will not happen again.

I ask them to look down the road to a time when another national crisis might arise, and a large majority in the Senate is denied the right to act, and a reaction sets in throughout the country against the Senate, forcing them to scurry for cover and to radically revise the rules in the very way they fear, making of this body another House of Representatives.

So I suggest, in the name of preserving the traditions of the Senate, we would be well advised to consider so prudent a change in this rule. What will happen if we adopt it? Will the pillars of this institution crumble? Is the present rule so sacrosanct? Is it sanctified by holy writ?

I recall a time, within my experience in this body, when a man, never thought to be an enemy of the Senate or its hallowed traditions, our distinguished former majority leader, Lyndon Johnson, later President of the United States, assumed the lead in modifying rule XXII. That was 12 years ago. Prior to that time, the rule was written in such a way that a constitutional two-thirds of the membership was required to impose a limitation on debate, and no limitation whatever could be imposed on debate if the matter related to a change in the rules. Well, those two provisions were changed, the latter provision being stricken entirely from the rule so that cloture is now applicable to proposals to modify the rules, as to all other matters; and the requirement for limiting debate was reduced from the constitutional two-thirds of the Senate to two-thirds of those present and voting.

Mr. President, did the pillars of this institution come tumbling down? Did the traditional character of the Senate disappear? Did the right of extended debate no longer characterize our proceedings? Did all these terrible things envisioned by the distinguished Senator from Arkansas and the Senator from South Carolina take place? I suggest the history of the past 12 years constitutes a pretty effective rebuttal to such arguments as these.

No, Mr. President; I support this prudent modification of the rule, already endorsed by 51 Members of this body, a constitutional majority, who have affixed their names to this resolution. I support it because I believe certain unfavorable consequences presently flow from Senate rule XXII as now written. The unfavorable consequences, in my judgment, are three in number:

First. The impairment of the legislative process within the Senate itself.

Second. The frequency with which legislation, vital to the well-being of the American people, is made hostage to the cloture rule.

Third. The consequential loss of esteem which the Senate has suffered.

This situation has bedeviled the Senate for many years. But, I suggest, this is an explanation of a condition—not an excuse for its continuation.

We as Senators have many tasks and responsibilities. But essentially we are elected to legislate. The right to debate a question broadly, of course, has been recognized by the Senate from the first meeting of this body 182 years ago. But when the rules of the Senate, intended to provide a deliberative method for legislating, are used—or misused—to raise an all but impassable barrier to the enactment of legislation, then these rules should be corrected.

We shall be remiss, in my judgment, if we fail to seize upon this opportunity to modify—in a prudent way—the cloture rule. The harmful effects of rule XXII, as presently written, is not a well-kept secret known only to Senators. It is public knowledge. The headlines of the daily newspapers proclaim it; the televised evening news informs the American people about our flawed condition. My constituents write me about it; citizens of other States write me about it; visiting members of national assemblies in other lands discuss it perplexedly with me. And the conclusion of all of these diverse observers is essentially this:

> The Senate has suffered a loss of reputation because of the legislative casualties caused by the application of the filibuster, as fortified by rule XXII or by the threat of the filibuster.

Both the rules and traditions of the Senate grant its Members the right of extended, virtually unfettered debate. We all agree that thorough, detailed, and reasoned discussion is a distinguishing virtue of this body. I also appreciate the view of one Founding Father, George Washington, I believe, that the Senate was to be the saucer in which is cooled the hasty actions of the "people's assembly," the U.S. House of Representatives. But the Senate can fulfill its role as a forum for unhurried and reasoned discussion without reducing itself to a state of paralysis and immobility.

Every good practice can be rendered a vice when carried to extremes. For many years, debate in the Senate was unlimited. This indulgence led to a popular upheaval against the Senate when a handful of Senators refused to permit a vote upon President Wilson's request for legislation to arm our merchant fleet, even then under attack by German submarines. The country, believing Senators had abused their privilege, demanded that a restraint of some sort be established upon unlimited debate.

As a consequence, in March 1917, the Senate voted by the overwhelming margin of 76 to 3 to establish the existing rule XXII. The world of the Senate did not fall apart when this was done, nor will it fall apart if we further modify the rule, as I hope we will do in this Congress.

The need is obvious. Forty-nine times, the Congressional Research Service informs us, cloture has been sought during the 54 years that the present two-thirds rule has been in effect. Only eight attempts have been successful. If the three-fifths formula, which we seek to adopt, had been in effect instead, there would have been a doubling of the number of successful cloture attempts. Even so, a three-fifths vote requirement would still have denied cloture two out of every three times.

But as it stands now, an attempt to stem the tide of unlimited debate by resort to rule XXII in its present form, is about like trying to stop a rising elevator by holding back the floor indicator.

The need to extricate ourselves from this situation is compelling. And I hope it is done before the demands for change from the outside become so pressing that we are forced to change too drastic.

I worry, Mr. President, at the continued refusal of those who defend rule XXII to let us come to a vote. If we are not going to be permitted to vote, even when 51 Senators have put their names to this resolution, and others besides have indicated they are willing to vote for it, the frustration in this Chamber is going to grow to where we shall find a way to break out of the straitjacket, by parliamentary means, one way or another. Then, in effect, you will have majority cloture, the very thing you most want to avoid, and you will have brought it on yourselves.

My concern for this body is such that I would hope this will not happen. That is why I plead for so temperate a change in the rule as the one now pending. But most of all, I ask that we have a chance to vote. I just do not agree with those who, in their praise of this institution, would follow the old adage, "to admire the plumage and ignore the dying bird."

The Senate resolution now pending, as I have said earlier, would make one simple but useful change in rule XXII. It would reduce the number of Senators reqired to limit debate from two-thirds to three-fifths of those present and voting.

The resolution thus envisions no radical change. It is a moderate proposal. It is in no way a rash alteration. It would not undermine the essential character of the Senate as a deliberative body. It would not jeopardize the opportunity for extended debate.

Indeed, I would make the converse argument against the cloture rule as it now exists. I suggest it is a harsh rule—a rash rule. It erects a barrier so high as to be virtually insurmountable and verges on the arbitrary.

Modifying the cloture formula to three-fifths will temper the unduly harsh effects of the present filibuster rule. Even then, the filibuster—unknown in any other parliament that I am aware of—will be crown prince, but no longer king of the Senate. Far from diminishing the stature of the Senate, such a change would raise the Senate in esteem by making it better able to proceed, after full and fair debate, with the proper disposition of the Nation's legislative business.

I am not unmindful of the importance we must attach to safeguarding the privilege of extended debate. This is a deliberative body—it should remain so.

Tom Wicker of the New York Times is correct when he wrote last December:

> Actually, there is a strong rationale for a certain kind of unlimited debate in a deliberative body that represents the major subdivisions of a continental democracy. It affords some protection, on great sectional and constitutional issues, against narrow or vindictive majorities, and it is occasionally useful in slowing or halting precipitate action until sober second thoughts can prevail.

Thorough and lengthy debate on public issues of major importance, extending over a period of weeks, can help to inform the people and, on occasion, can even influence the ultimate vote. Therefore, the educational function of debate, within and without the Senate, is not inconsequential. It is because of this strongly held feeling of mine, that I oppose those who would amend the cloture rule to permit the limitation of debate by a mere majority vote. I believe it would not serve the national interest to permit a simple majority of Senators to shut off debate on a bill that affronts a large segment of the country. A three-fifths rule, in my judgment, strikes a proper balance. It would reduce the hazard of legislative paralysis, on the one hand, and the pitfall of precipitate action, on the other.

It is often argued that rule XXII somehow protects the rights of small States as against the large States.

But it is the Senate as an institution which protects the small States, not any particular rule regulating the Senate's business.

In terms of representation in the Senate, unlike the situation in the House, there are no large or small States. Each State is represented by two Senators. In fact, the number of Senators from small States is greater than the number from large States, so that no rational argument can be made that small States stand in need of some special protection under the rules of this body.

Moreover, the history of the filibuster speaks quite clearly against the assertion that rule XXII somehow operates to protect the less populated States. On those occasions, when cloture under rule XXII has been attempted, the issues at stake have had little or no bearing on the States by virtue of their size. The first cloture attempt under rule XXII related to ratification of the Versailles Treaty. The last cloture sought in this Chamber came in December 1970, last month, and related to the supersonic transport. On such questions, a State's size or population is not even relevant.

Recognition that the times call for modification of our rules reaches to the highest levels. President Nixon, himself a former Senator, shares that view. On January 5 of this year, he said:

> Further, the Congress may wish to consider revision of the "turn-of-the-century" work schedules and procedures that now obtain on Capitol Hill. While there are many excuses for Congressional inaction—there are no good reasons.

In my judgment, it would be a serious error to leave rule XXII unchanged. As now written, it renders the Senate vulnerable to legislative paralysis at some future time of national crisis. If such a crisis occurs and we are unable to act with reasonable dispatch, or indeed rendered unable to act at all, the Senate could again become the victim of public anger so unrestrained as to force a radical revision of the Senate rules, and the loss of its customary role in our political life.

Mr. President, the rules of the Senate are not sceptered sovereigns reigning over us. We are not Gullivers to our rules. We should free ourselves from that fixation. Those who do not learn from the past, someone has said, are condemned to repeat it. The lesson of our times informs us that shortsighted rigidity in the face of legitimate need for change is a foe, not a friend, of our system of government.

Mr. President, I ask that there be printed at this point in my remarks in the RECORD eight articles relating to the filibuster—five editorials from the Washingon Post, a column by Roscoe Drummond in the Christian Science Monitor, and one by Tom Wicker in the New York Times, to which I previously referred, along with an editorial from the Baltimore Sun.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 19, 1970]

THE FILIBUSTER SENATE

For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.

The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.

Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.

The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusterers themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on anything.

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

[From the Washington Post, Dec. 20, 1970]

THE SHAME OF THE CONGRESS

One watches the end-of-the-session performance each year, and each year the performance gets worse. It was—all last week—as if there had been some gigantic shipwreck and spotlights were searching the waters for survivors. The welfare bill? The SST? Food stamps? Cambodian aid? The trade bill? The emergency school aid act? For days at a time no one could describe, even approximately, the status and/or prospects of any of these measures. The parliamentary situation—to use a phrase too dignified for the fun and games that went on—was such that veteran legislators professed themselves at a loss to understand it. And meanwhile, holiday and farewell parties—yes, *parties*—went their merry and irrelevant way, irrelevant, that is, except when they contributed to some unfortunate result on the floor or some equally unfortunate lack of one. Senator Mansfield told his colleagues in midweek that they were in danger of "looking foolish," but he understated the case terrifically. For something far more important and substantive than "looking" was involved, and something well beyond folly was at stake. Irresponsibility and degradation of government are among the alternative terms that come to mind.

We offer, as a crystallization of the week's events, a quotation of two paragraphs from one of our news accounts, which—taken in sequence—tell their own story:

"Liberals offered amendments. Conservatives, who had amendments to offer, demanded quorum calls. Many members were in the Longworth House Office Building at a party for McCormack, who is retiring. Those remaining finally gave up and adjourned.

"The bill would authorize the first federal aid of any size to help local school districts ward off or reduce racial isolation, and is the one major new form of federal aid to education that Mr. Nixon has proposed."

That was Thursday; by Friday, the Emergency School Aid Act of 1970 was thought to be salvageable only by some act of divine intervention. The bill itself, a dead serious effort to deal with a dead serious issue, was disposed of in a last minute access of congressional attention—mostly horseplay. It had been before the Congress, however, since last spring.

That is a fair description of much of the other legislation that has got caught up in the undignified and thoughtless hi-jinks of the past week. There are measures involved of which we approve and others of which we do not, but there seems no point commenting on the substance of such legislation just now when its fate is confused and when the *manner* of its disposition by Congress has itself become an issue. Much more than reform of the cloture procedure is indicated for the next Congress. Whether or not the last-minute extraordinary measures taken over the weekend in the Senate avail any order or output, we are all entitled to depend on something more stable than eleventh hour caucuses inspired by a fear of looking foolish for our results. These are grown men—and well-paid men, at that; this is a crucial part of the United States government. You would not know it to watch.

[From the Washington Post, Jan. 7, 1971]

THE TIME FOR CONGRESSIONAL REFORM IS NOW

As members of Congress take a much-needed rest between the turbulent end of the 91st and the uncertain beginning of the 92nd on Jan. 21, demands for reform are filling the air. The seven filibusters in the Senate during the last days of the 1970 session were too much for even a long-suffering public to swallow. The country is painfully conscious also of the fact that much of the most vital legislation considered last year failed because of antiquated rules and customs in both houses. The pile of unfinished business that will have to start afresh in the 1971 session includes the Social Security and welfare bills, aid for desegration, revenue sharing, draft reform and the proposed constitutional amendment for direct election of the President.

In the face of widespread demands for action, Congress played games and tied itself into ridiculous tangles. As Senator Mathias has pointed out: "The Senate floor, like Alice's Wonderland, was a topsy-turvy place where you had to run faster and faster to stay where you were and where the unexpected was to be expected at any moment."

The outcome was such a blow to public confidence that both houses are faced with the necessity of mending their rules in the new session as a means of restoring public confidence.

The chaotic happenings of the last month were no accident; nor can the blame be heaped upon any individual leader or committee. Rather, they represent an institutional failure. Congress allowed the makings of a legislative crunch to build up throughout the session and had absolutely no means of controlling the situation when the final showdown came after the Christmas recess. The leaders of the Senate could not bring order out of bedlam because that body has steadfastly refused to give them the tools of responsible leadership.

In our view the new Congress ought to meet this critical problem head-on. There is no reason to believe that the performance of 1971 will be any better than that of 1970 unless the conditions under which Congress operates are improved. The time has come for Congress to put its own house in order. The country cannot afford to risk further surrender of power to the executive because the legislative branch insists on following outworn practices devised in a less complex century for a small agricultural country.

Probably the most pervasive deficiency afflicting both houses is the seniority system. Both houses allow their committee chairmen to dominate the legislative process, and these key men are chosen by the blind operation of seniority. If an incompetent in a backwoods district can get himself elected over a long period, he is certain to become the chief keeper of the legislative gate in a vital area of policy-making. And he may well occupy that powerful position after age has sapped his awareness of what the country at large is thinking and doing.

Some inadequate proposals have been made in both the Democratic and Republican Parties in the House for changes in the House for changes in the seniority system. We shall examine these in more detail in later editorials. But it is evident to every student of the problem that they fall short of what is desirable. It is our hope that leaders on both sides of the Capitol will see that basic reforms and not mere poultices are needed.

Another critical problem that came into sharp focus in the closing days of the 91st session is unrepresentative conferees. This defect is closely related to seniority because the almost invariable practice is to name the oldest committee members in point of service as conferees. Frequently they are not representative of the Senate or of the House, as the case may be. The furor over the SST was complicated by the fact that a majority of the Senate conferees, who favored building the supersonic transport plane, simply ignored the position the Senate had taken in opposition to it. Opponents of the SST then felt compelled to filibuster to counteract this abuse of seniority, thus deepening the quagmire resulting from antiquated rules.

In many respects the filibuster is the most intolerable carryover from an easy-going and uncomplicated past. As it now operates, it not only prevents Congress from getting its work done. Again and again it results in minority decisions because a few senators can kill vital measures by long-windedness. Unlimited debate has become only another name for frustration and defeat of the will of the majority. It is an undemocratic practice which threatens to drag our entire system into disrepute.

In our view the time has come to take this choke off the neck of representative government regardless of any filibuster that may be launched to save the filibuster. Senator Mansfield is ready to demand a new cloture rule when the Senate meets, and he ought to have a tidal wave of support from the country. We think the outlook would be far more promising, however, if he would go all the way and ask for a rule that would let a majority of the Senate decide when time-wasting debate should end.

The new Congress has the best opportunity in many years to put aside its outworn gimmicks and to transform itself into the responsive legislature that it ought to be.

[From the Washington Post, Jan. 21, 1971]

THE SENATE CONFRONTS THE FILIBUSTER

The first big issue before the Senate, as it begins a new session today, is modification of its rule permitting unlimited debate. The experience of the 1970 session should be sufficient to convince the Senate that a change is imperative. After 12 months of almost continuous work the Senate failed to pass a number of momentous bills; it had to bow to one filibuster after another for the simple reason that it has no effective means of cutting off debate when the votes ought to be taken.

The issue arises now because of the growing conviction that the Senate has a constitutional right to adopt new rules at the beginning of a new session. President Nixon indicated, when he presided over the Senate as Vice President, that he would so rule, and former Vice President Humphrey did so rule in 1969. Nothing came of it, however, because the Senate failed by a vote of 53 to 45 to sustain Mr. Humphrey. One reason for that vote was a feeling that a heated controversy over the filibuster ought to be avoided at the beginning of a new administration.

There are powerful reasons for Vice President Agnew to follow the Nixon-Humphrey view when the right of the Senate to control its own procedures comes to him for a ruling. It is no longer a question of disrupting the Nixon honeymoon, which ended long ago. Now it is a question of modifying a rule that prevented several segments of the Nixon program from coming to a vote. Beyond this is the basic right of the Senate to control its own operations. We think the Constitution gives it that right and that it cannot in perpetuity relegate its authority in this matter to a minority of one-third.

A favorable Agnew ruling would be only a beginning, as was the Humphrey ruling two years ago. The Senate has a right to accept or reject that ruling, and it is feared that once a debate on this issue gets under way there will be no way of stopping it short of cloture by a two-thirds vote, which is not attainable. Some senators believe that a challenge to the Vice President's ruling should not be debatable, but this view has never gained majority acceptance because of the importance of the issue. Surely there ought to be some means of bringing this question of the Senate's rule-making power to a vote after reasonable discussion, without permitting a filibuster to thwart the Senate's constitutional right to end filibusters.

If the Senate has a constitutional right at the beginning of a session to adopt rules by majority vote, it seems to follow logically that it has a right to cut off debate by majority action so that a vote on that issue can be taken. Why should not the Majority and Minority leaders press for action on this basis? Both favor at least some measure of reform against the filibuster. Could they not get agreement among a majority of their colleagues to end debate by majority vote on the procedural questions, after allowing ample time for discussion?

As for the new cloture rule to be adopted, if the Senate can ever get around to the substantive issue, the best that can be hoped for at this time is the application of cloture in the future by a three-fifths vote of those present. The leaders of both parties have endorsed this modest reform. Although it stops short of giving a majority the means of working its will, it would be a substantial improvement over the present requirement of a two-thirds vote to end debate.

The Senate could, of course, insure itself against any possibility of an arbitrary cutoff of discussion by allowing cloture with a two-thirds vote after, let's say, one week of debate, cloture by three-fifths vote after perhaps two weeks or by a simple majority after, say, three weeks. But the less complex three-fifths rule seems to have the right-of-way. The Senate will take a long step forward if it can establish its right to adopt new rules by majority action at the beginning of a session and then demonstrate that right by lowering the requirement for cloture to a three-fifths vote.

[From the Washington Post, Jan. 29, 1971]

FILIBUSTER TO SAVE THE FILIBUSTER

The enlistment of 51 senators behind a new cloture rule in the Senate is a major achievement. For the first time a majority of the Senate appears to be firmly committed to ending a filibuster whenever three-fifths of those present think the debate has gone on long enough. If these men are willing to stand together, they can at least in some measure relieve the Senate of its most troublesome handicap.

The only remaining impediment to this essential reform is the filibuster that is now under way. The minority that for many years has thwarted majority rule in the Senate and often paralyzed the legislative branch in the face of urgent national requirements is again trying to perpetuate its power. But the tide of public opinion is running strongly against it, and the Senate can ill afford to bow to mere windbaggery at a time when its image is already seriously tarnished.

There is some disappointment that Vice President Agnew decided not to rule that the Senate is entitled to make new rules by majority vote at the beginning of a session. As a practical matter, however, Mr. Agnew's decision to leave this issue to the Senate itself is of little significance. In 1969 Vice President Humphrey's ruling designed to let the Senate deal with the matter by majority vote was rejected on the floor. A similar Agnew ruling would be rejected now. It would not even be supported by Senate Majority Leader Mansfield, who is one of the chief sponsors of the cloture-by-three-fifths reform. In these circumstances there are some advantages in not having the issue raised on a technicality which might close other more promising avenues to the needed reform.

The Vice President has indicated that, instead of getting personally into the fight, he will leave to the Senate the question of whether it can cut off a filibuster by majority vote when the question is the adoption of new rules at the start of a session. This leaves the door open to unlimited debate, unless the existing Rule 22 can be invoked. Fortunately, there seems to be considerable hope that the filibuster can be broken by this means. In any event, it is worth a determined try. The country is fed up with filibustering, and we doubt that a filibuster to preserve the filibuster can succeed if the majority plays its cards skillfully.

Incidentally, a head-count in the Senate indicates that two-thirds of the Democrats now favor cloture by a three-fifths vote, compared to only one-half of the Republicans. If this essential reform should fail, therefore, the blame would fall chiefly on the GOP at a time when the filibuster is a formidable weapon against the President's program. Repeated talk-fests in the Senate at the end of the congressional session last December were a major cause of the legislative failures that the President has been complaining about. Do half of the Republican senators want to leave the filibuster untouched so that it can continue to be used against legislation the President has asked for?

The key man in the outcome may therefore be Sen. Hugh Scott, the Republican leader, who is a sponsor of the proposed reform. As the debate warms up, will he be able to induce six members of his "team" to line up for a more expeditious procedure? If Senator Pearson's estimate is correct that about 60 senators would support cloture for a change in the rules, at least six more votes will be necessary for a two-thirds majority. The Republicans in the Senate who do not wish to be labeled as saboteurs of their own party's program will need to do a good deal of soul searching in the crucial struggle ahead.

[From the Christian Science Monitor, Jan. 9, 1971]

CAN THE SENATE REFORM?

(By Roscoe Drummond)

WASHINGTON.—At the end of the last session of the 91st Congress Senators Mike Mansfield and Hugh Scott, the Democratic and Republican leaders, stood disheveled and dismayed, shaking their heads at the mess which the Senate had made of itself and the harm it had done to the nation.

It must not happen again—and the Senate leaders know it.

PAINFUL YEAR

What happened is that for months on end the Senate failed to transact the public business.

And that's its duty, its sole duty.

It isn't that the Senate did things wrong. It just didn't do its job. Most of the time it just talked—at cross-purposes, to partisan ends, and while the Senate talked, any actions which crucially needed to be taken faltered and foundered.

Unable to govern itself, the Senate showed for a painful year at least that it wasn't doing its part to help govern the country.

Clearly something adequate needs to be done to enable the Senate to transact the public business responsively and responsibly, efficiently and effectively.

It can be done and when the 92nd Congress convenes Jan. 21, there will be a propitious opportunity to press changes in rules and procedures which have been long needed and long repulsed.

These changes are desirable: make it easier to end a filibuster; reduce the dictatorial powers of committee chairmen; modify the seniority system which forces able, new senators to wait years before getting responsibility equal to their talents.

TRIALS OF TODAY

Such reforms are needed, but I suggest that the primary need is not to reform the Senate but to reform the senators.

And that isn't impossible if the many, able, dedicated senators, Democrats and Republicans alike, will take the lead in self-reform. If they do, their influence can be powerful.

The reason is that the time for self-reform in the Senate as well as the time for rules reform is at hand.

What is needed is a clear and present awareness that the United States is in the midst of one of the most difficult and critical challenges to democratic government in its whole history. The trials of Lincoln were relatively easy compared with the trials of today.

Lincoln's challenge was to make the American dream possible.

Our challenge is to make the American dream come true:

By wiping the stain of minority discrimination from the face of the nation.

By using the resources of affluence to meet the too long neglected needs of our society.

By the President's and Congress's joining to create a climate of cooperation and constructive legislative compromises.

By demonstrating that American democratic government can govern capably and compassionately.

THE MOOD

We can't do any of these things if the Senate repeats the empty performance it put on last year.

We can do all of these things if the majority of senators begins to act on the crucial truth that politics-as-usual is unacceptable, intolerable, and unequal to the crisis through which America is now going.

Far more important than changes in the

Senate rules is the achievement of a state of mind in the Senate where the will to do the job, the goodwill to do the job well and an awareness that anything less will be profoundly harmful to the nation—this achievement will transcend all others.

If this can be the mood of the new Congress, if this is to be the mood of President Nixon, then all things needed will be attainable.

And in 1972 the voters will have the opportunity to reward those who have done it best.

[From the New York Times, Dec. 24, 1970]

A PLAGUE ON BOTH, ET CETERA

(By Tom Wicker)

WASHINGTON, December 23.—"When I was a Congressman I never realized how important Congress was," President Kennedy told the Economic Club of New York in 1962, "but now I do." As he gazes with the rest of us on the bald failure of Congress to get its work done, President Nixon must feel much the same, for if Congress is impotent, what of the nation itself?

In the brief Christmas recess, we are at least being spared for a while the dreary sight of so much ineptitude, indifference, frustration, selfish interest and lack of order in the name of order. But this momentary relief will not stop many an American from saying, with real feeling, "A plague on both your houses!"

There is little else to be said of a Congressional performance that includes but unfortunately is not limited to—

The sloth, delay and partisan infighting that left so complex and important a matter as welfare reform to be settled—but in fact frustrated—in the final week of a Congress that has been considering the matter for a year and a half

The kind of personal autocracy that allowed Chairman Long of the Finance Committee to construct at his leisure a legislative monstrosity that lumps together welfare reform, Social Security benefits, trade legislation and medical insurance.

The supine showing of Senate conferees who allowed House conferees with weaker mandates but stronger spines virtually to reverse Senate decisions on the SST and food stamps.

Prevention by the Rules Committee of the House's right to vote on important consumer legislation and on strengthening laws against racial discrimination in employment.

There may be those who think that, at least, what they consider bad measures—import quotas, SST development funds, welfare reform—are not being passed. But even if their judgment of these items is accepted, the tie-up of the Senate (which incapacitates the House, too) still cannot be defended.

Perhaps never before has unlimited debate been seen more nakedly for what it has become in the Senate—a device to prevent action on anything against which a minority of one-third plus one can be rounded up. And that is made no more defensible when the frustrated action is seen as undesirable.

Actually, there is a strong rationale for a certain kind of unlimited debate in a deliberative body that represents the major subdivisions of a continental democracy. It affords some protection on great sectional and constitutional issues, against narrow or vindictive majorities, and it is occasionally useful in slowing or halting precipitate action until sober second thoughts can prevail.

In recent years, on major civil rights questions, it also was shown that a filibuster could not long be sustained against an aroused public opinion; given that imperative, unlimited debate might therefore be accepted as useful, not pernicious, in rare cases of grave national importance. But that is an intellectual concept that requires the tacit agreement and political restraint of those to whom the filibuster is available.

That concept has been so severely abused in the Senate as to mock the pretensions of those who argue the case. Filibusters are staged on almost any subject, on almost any occasion and without a shred of justification except the views and interests of those who prevent action. This year, a filibuster was mounted against a constitutional amendment to change the Electoral College—a parliamentary absurdity, since the amending process is itself the lengthiest, most difficult and most safeguarded of all American political procedures.

When Congress slunk off the public scene for Christmas, a filibuster was going against the SST conference report and against welfare reform. Another was threatened against trade legislation. Still another may be mounted against the food stamp conference report.

An ultimate of sorts may be reached next week if a $1.5-billion authorization to speed school integration is filibustered by liberals who think it soft on the South and by Southerners who consider it soft on the North—a strange sectional issue, indeed.

In every case, the filibusterers may have worthwhile causes, and the criticism is not so much of them as it is of a Congressional system—in which unlimited debate is only one part—designed primarily to prevent action rather than to take action. If Congress wonders why it has lost so much power to the executive, there is a major reason. And in a nation already racked with mistrust of its Government, the Congressional mess itself may be more than the fate of any or all the bills caught in it.

[From the Baltimore Sun, Jan. 28, 1971]

RULE XXII

The problem in the United States Senate is that it seems to take a two-thirds majority to decide that a three-fifths majority should be enough to limit debate; that is, to force an end to a filibuster. The Senate has been wrestling with this problem for years. It deals with modification of No. 22 of the Senate's rules of procedure, and it has become customary to debate the matter at the opening of a new Congress, before the rules are adopted.

Senators who are now arguing for a modification of Rule 22 are urging merely that a three-fifths majority, rather than two-thirds as at present, be required to shut off debate. A three-fifths majority of course is easier to obtain than two-thirds, and to that extent the authority to filibuster would be weakened. This is a modest, sensible change in our view, and we believe the Senate should approve it. The principle of unlimited debate, which can be restricted only by something more than a simple majority, would be continued, as it should be. But a filibuster would become a bit more difficult to sustain, and this, in our view, would help the Senate to do its work better.

Mr. HART. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, under the previous unanimous-consent agreement, I still have the floor.

Mr. CHURCH. Mr. President, the Senator from South Carolina has the floor. With his permission, I would like to yield to the Senator from Michigan.

Mr. HOLLINGS. I yield for that purpose.

Mr. HART. I thank the Senator.

Mr. President, I rise to express appreciation to the Senator from Idaho for a balanced and persuasive explanation of the reasons for which a number of us—51 in all—have been moved as cosponsors of this resolution.

Over the years I may have, by my association with legislation which itself was filibustered, lost any claim to being an objective witness on this subject, and I am almost hesitant to commend the Senator from Idaho lest it weaken the resolve of some of those who have more recently joined us in the effort to change rule XXII.

Indeed, I have heard from some of those who in earlier years were associated with me in the effort to achieve constitutional majority cloture that they now entertain very serious doubts that cloture by a constitutional majority would be desirable. The Senator from Idaho, over the years, has always taken the position that he opposes and would strongly oppose a constitutional majority permitting the closing of debate.

The reasons that disturb some of those who in earlier years supported majority cloture is that, as the Senator from Idaho has noted, legislation dealing with the problem of civil rights is largely behind us, and occasionally there are signs that suggest that a mood might develop across the country that would put pressure upon this body to act on legislation that might be described as anti-civil-liberties legislation. Given the law-and-order theme of last fall, if domestic turbulence struck this land, they fear, and it is altogether possible, that we would be under very strong pressure to legislate away the first 10 amendments; and then those of us who feel that the Bill of Rights means what it says, and support the Supreme Court in the interpretation of it, ourselves would be compelled to turn to a filibuster to prevent that ugly mood from sweeping this body.

None can deny that that day might come. But certainly the modification that is proposed by the Senator from Idaho and others, cutting the required majority from two-thirds to three-fifths, does threaten the right of any large minority in this body to maintain the floor and continue to present its case. Although acknowledging the possibility of an ugly mood that might put pressure on us, I continue to feel that all that any Member can claim by way of right is the assurance that he has the opportunity fully to present his case, and then the other right intervenes: the right of the majority to make its decision.

History is clear that the majority on occasion is wrong. But to hang tight on the existing rule XXII is to resolve the dilemma in favor of the minority always being right, and this just does not add up. It is for that reason, Mr. President, that I hope that this body will act favorably on this opportunity to modify rule XXII down to three-fifths.

The country is outraged just at the sight of the results of the failure to protect that second right; namely, the right of the majority to act. This Nation will not long continue tolerant of a Senate that falls into the disarray that was the scene here in November and December of last year. The danger is very great that, absent the modification as proposed by the Church-Pearson resolution, we shall see repetition after repetition of that scene of November and December.

As the Senator from Idaho has stated, given the repetition of that scene, the mood of this country could parallel that which in 1917 turned this body around, and, by a vote of 73 to 3, enacted the cloture rule. If the mood reaches that peak, I think the Senator from Idaho is correct: the danger is great that the action will not be to adopt a three-fifths cloture rule, but a constitutional majority rule. At very least, a parliamentary means then will be found whereby a majority can bring rule change to a vote.

I think the Senator from Idaho, in his presentation this afternoon, has compressed all of the arguments, and, in a style which all of us here and many throughout the country recognize as uniquely his, has done it in language, in words which ring bells.

Why are not 51 Members of the Senate permitted to have the Senate take up the consideration of this rule change? Procedurally, that is what we are hung up on now. Let us be permitted to take it up. If there is more explanation of why it is imprudent or unwise, let us hear it, and then permit the Senate to act. I shall be here to permit the minority to have its say, if there is anything that is yet unsaid, but then let them join the Senate in the Senate's decision.

I thank the Senator from Idaho.

Mr. CHURCH. I thank the Senator from Michigan very much for his generous comments.

It seems to me that there are two probable ways majority cloture might come to this body. One way is by a repetition of the kind of crisis that occurred in 1917, when the Senate was immobilized at a time when the people felt vehemently that it should act. In the stormy aftermath, a radical change in the rules was forced upon us, as those who so stoutly had upheld the traditional view retreated in the face of public pressure. Look at the vote, 76 to 34.

That is one way majority cloture could come. The other way is more subtle, but perhaps more likely: If a substantial majority in this body, time after time, are denied the right to vote on so prudent a modification of this rule, blocked by the continued refusal of a majority of Senators to let us vote on it, then I am certain that a parliementary way will be found, in due course, to permit the vote to take place on the basis of a majority decision. Once that happens, the majority precedent is established. From that point on, in effect, we have majority cloture.

So I again appeal to those who believe strongly not only in the right of extended debate, but also in the need to protect a minority against decision being made by a mere majority. I appeal to them to reconsider their inflexible stand on rule XXII as presently constituted. I appeal to them to allow the Senate to come to a judgment, once this question has been thoroughly debated. I think this, in the long pull, would surely serve their cause the best.

Mr. President, I have no further remarks at this time. I want to thank the distinguished Senator from South Carolina for yielding me the floor. His unfailing courtesy is well known to this body. However, we may differ on this subject. I assure him of my affection and regard.

Mr. HOLLINGS. I appreciate that very much.

Mr. President, the distinguished Senator from Idaho has raised many matters that should be clarified. The Pastore rule has expired, and two Senators would like to make presentations at this time, brief as they are.

However, I want to join issue for a moment, before the distinguished Senator leaves the floor, on the idea that the country is wrathful, the people are in wrath, and if you do not give this salami slice of six votes, then, look out, because you are going to pull down, as Samson did, the temple walls, and ruin us all. Nonsense, absolute nonsense.

Let us go back to the fact. Let us go to the fact of last year's experience that allegedly got the people wrathful. Extended debate was employed three times, not necessarily rule XXII. On the Carswell appointment it was slightly less than 7 weeks. It was an Executive appointment. For all intents and purposes, they had 51 votes before they sent it over here, and it took 7 weeks to bring some colleagues around to a change of mind.

We had approximately 7 weeks on the amendment of the distinguished Senator from Idaho, the Cooper-Church amendment, and only 3½ weeks at the close of the session on the SST and the logjam with family asistance, trade, social security, along with everything else. The logjam at the end, which made us look powerless and indecisive, is an accessory after the fact. We had worked our way into that position for varied reasons. We do need streamlining. We do need computerization. We do need changes in the procedures. But rule XXII is not the culprit. These other things are. The Senator is about to convict the accessory after the fact, I would submit, and let the culprit go free.

Let us go back specifically to the 7 weeks of education under this rush and lack of deliberation, under the present-day circumstances. When the invasion into Cambodia occurred, the distinguished Senator showed us what it really constituted and what we are debating today—another Vietnam in Southeast Asia, which none of us wanted, hawk or dove. At that time, we had the pressures from the executive department, with the officers of the American Legion, and the VFW calling us all Communists, with the leadership on the other side—now national chairman of his party—going down to my State, saying that the actual introduction of such an amendment was not only an affront to him as a veteran but was also an affront to him as an American. And 7 weeks later he voted for it. But that is history.

What really occurred in that 7 weeks? Many people think we wasted 7 weeks. I am of the opinion that we brought stability to the country in that 7-week period. If we had voted, we would have had 51 Senators, after the week of May 8—whether or not to support the Commander in Chief, whether or not to get another Gulf of Tonkin, and we would have had another Gulf of Tonkin. We would have supported the Commander in Chief, as I was prepared to do. I listened. I was one of that group of Senators who changed in judgment, hawk that I am, to realize the issue involved.

The Senator would not have received a majority vote. But this was extended debate, exercising the deliberative nature of this body and the facets under rule XXII, to bring the truth to the American people, to bring the American people to their senses, and to reinstill confidence in representative government.

If there is one reason why we do not have as many riots, as many burnings, and as many campus disorders today as we have had during the past 10 years, it is that 7-week period when the young leadership of this Nation could come to Washington, could talk to their Senators, could be heard, and realized that we were not pellmell for hell and just going down the road with whatever the Executive wished. I think it is very salutary, and that is what we are pleading for.

The Senator is talking about a logjam, with all kinds of legislation and issues coming up in the last 3 weeks. But that is not what really has caused the loss of respect for the Senate. Getting on with the business? What does the distinguished Senator from Idaho mean when he says that? Does he mean hurry up and get a vote?

The distinguished Senator from Michigan said, "Why cannot we consider it?" We are, We are considering it now. He knows that. We are not blocking anything from being considered. We are discussing the merits of this thing. But we are fearful, due to the rulings of the Chair, with a 51 vote and already a majority. He and I know that, and the Senator from Idaho knows that, and it is begging the question.

We are not blocking consideration. It is not undemocratic. We are really trying to protect the Senate as an institution, its integrity as a legislative body—different, if you please, from the House of Representatives; different, if you please, from any other form of government. While the youngest of governments, we are the oldest of democracies. And why? Because of rule XXII and the unique nature of the U.S. Senate. Therein, I think, is the issue—whether or not we are going to have any individual rights, and minority views.

We have not blocked them. Look at history. One time, 7 weeks was used to try to hurry a vote at first and then to hold up a vote in the end, and they completely flipped over because they could not get a majority. The other time, 7 weeks was used, first to hold up the vote at the beginning, and then, at the end, under the deliberate nature of this body, so that we could consider all the elements, used it to try to thwart the will of the people of this country. Finally, it surfaced on a vote on June 30, with a July 1 cutoff of the employment thereafter of troops in Cambodia without the approval of Congress.

So when the Senator from Idaho says the people are wrathful, I think they are not wrathful about that. They are not even concerned with partisan politics. They are concerned with all this dancing around the fire about form and the fault of substance.

The fault is not in the number of departments in Government and that they must be renamed and reorganized. The President of the United States knows that that is not going to happen in the next 10 years. He knows that and he is kidding the people, to make that suggestion. Any of us in politics can sit down, and I can give various forms and various departments in reorganizing government. That is not leadership. That is not the trouble today. The trouble has been consensus government of, No. 1, getting 51 percent and laying it before you and not even having any debate.

Why are not our colleagues here? Because they have made up their minds. They are ready to vote, because the TV fellow says, "Are you for the southern filibuster?" What does the Senator from Idaho think the answer is going to be? "No, I am not for the southern filibuster." But I am for the U.S. Senate as an institution.

I wonder what the Senator from Idaho really means when he says, "Get on with the business."

Was that obstructionism under the Cooper-Church amendment, for that 7 weeks?

Mr. CHURCH. Mr. President, if I may respond——

Mr. HOLLINGS. Yes.

Mr. CHURCH. The Senator from South Carolina, in what I would regard as a brilliant display of forensic pyrotechnics, would have us believe that the Senator from Idaho has the fair maiden of the Senate by the neck and is determined to strangle her. He would have us believe that I would gag the Senate, prohibiting extended discussion and debate in this body. He would have us believe that anyone who does not oppose the resolution I have introduced sets himself against the traditional role of the Senate in our public life. None of that is true. None of it follows from anything I have said.

The distinguished Senator points to the logjam at the conclusion of the past session, suggesting it was on this basis that I have tried to make my case. But it is not so.

The illustration I used was 1917, in a national crisis, and the incapacity of the Senate to act——

Mr. HOLLINGS. If the Senator from Idaho will yield at that point.

Mr. CHURCH. If I may finish——

Mr. HOLLINGS. The Senator discussed the people being wrathful in 1917.

Mr. CHURCH. The Senator misunderstood the point I made. The people may be perplexed—even disappointed—but I do not believe the people are wrathful at the Senate today.

Mr. HOLLINGS. Then I misunderstood. I thought the Senator said that if we did not do this, that the other is going to happen that we were going to majority rule.

Mr. CHURCH. I was talking of the historical situation that occurred in 1917, one that could occur again. If history teaches us anything, we should take its lantern of the past to peer into the future. I am going back to 1917 and picking up the lantern and using it to peer into the future. In 1917, there was no limitation on debate. The Senate prided itself on having no limitation whatever, but when that condition paralyzed the Senate, in a moment of national crisis, the public uproar against the Senate was so great that the very men who had pledged themselves to preserve the right to unlimited debate went scurrying for cover and adopted the first limitation on the debate in the form of rule XXII.

Now, having looked back into the past, having picked up the lantern, and peering now into the future, I say to the Senator from South Carolina, that the same thing could happen to us again.

I say to the Senator that the present barrier to limiting debate is so high that only 8 times in 54 years have we invoked it. I think such a barrier is too high. It does not follow that I want to substitute a barrier that is too low. I am not arguing for majority cloture. Most Senators will not even entertain the notion of majority cloture unless, as in 1917, a situation develops which will force them to it.

I plead the case for preserving the traditional role of the Senate with as much fervor and conviction as the distinguished Senator from South Carolina. I differ with him on how best to safeguard the role of the Senate. I think history gives me some evidence for my side of the argument.

Now, Mr. President, suppose we were to adopt the three-fifths rule; is the fair maiden of the Senate then strangled? If we take that rule and apply it, as if it had been in effect over the past 54 years, we would have invoked cloture 15 times instead of eight times in 49 attempts. Two out of every three times we could not have secured three-fifths of the Senate to agree to a limitation on debate. So the maiden would remain in good health even if, should the Senator from South Carolina give us the chance to pass judgment, the pending resolution were adopted. Yes, she will remain in good health—in radiant health. She will go on talking at length, as before.

Mr. HOLLINGS. One last summary point. If we allow this fair maiden of the Senate to be seduced by six Senate votes, I daresay she will not be virtuous any longer. Rather, she will have become impregnated. How long it will take to deliver 10 or more, I do not know. But, we will be back with the 51 to 49 rule.

Mr. PELL. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. PELL. I just have one comment on one point the Senator from South Carolina made in his dialog with the Senator from Idaho, where he referred to this country as having the youngest of governments but the oldest of democracies.

I think, in fact, we are about the oldest unchanged government as well as the oldest among democracies. So it is a question of academic interpretation here.

Mr. HOLLINGS. I thank the Senator from Rhode Island.

Now, Mr. President, under the unanimous-consent agreement, I am now delighted to yield to my distinguished colleague from Massachusetts (Mr. KENNEDY), notwithstanding the requirement of the Pastore rule of germaneness.

S. 483—INTRODUCTION OF SELECTIVE SERVICE ACT OF 1971

Mr. KENNEDY. Mr. President, in June of this year, the Selective Service Act expires and Congress must confront the complex of controversial issues surrounding the future of the draft. For many, the basic question to be decided is whether to continue the draft or to establish a volunteer army. For my part I continue to believe that a volunteer army is not now in the best interests of the United States.

This is not an easy conclusion. Historically, the draft was rejected by succeeding Congresses and Presidents and only in 1940, when the German Army occupied France, did the Congress vote to establish the first peacetime draft. The draft remains unpopular with the public and it would be much more comfortable today to advocate a volunteer army.

As I have stated before, I would support a volunteer army in peacetime. But when, as now, we are engaged in a major war effort, I do not believe a volunteer army is either wise or equitable.

First, it is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the Army by the attraction of higher military pay. Second, it is unwise to insulate from the horrors of war, middle and upper class Americans who might lead the protest against senseless foreign adventures. I frankly would question, for example, whether the current pressure for deescalation of the Indochina war would be as great if young men from every social background were not threatened with service in that war. Third, when, as now, we have pressing budgetary problems and domestic needs, I think a volunteer army may be too costly.

I recognize that, because of present deferment policies, the present draft system contains many of the inequities of a voluntary system. But the draft can be made more equitable as the bill I shall introduce today demonstrates. A wartime volunteer army is inherently inequitable.

There are some who argue that we never would have become involved in a large-scale war in Indochina, if there had been no draft. This is sheer speculation. The one certain fact is that we are in Indochina now, and the process for determining who shall serve there must be fair.

Some suggest that if the draft were ended, American involvement in Indochina would have come to a grinding halt. This too is speculation. In any event if the Congress wishes to end the war, it can do so by legislation directly aimed at that goal—such as last year's McGovern-Hatfield amendment.

I wish to emphasize that the cost of moving to a volunteer army is at least $3.2 billion in the first year. When the Nation must resolve the despair of the ghetto, and clean the filth from its air and its rivers, I sharply question whether a volunteer army, even if desirable, should rank so high on our list of national priorities. The $3.2 billion additional cost would be greater than the total Federal support for elementary and secondary education in fiscal 1971. It is three times greater than the total Federal expenditures for law enforcement and the fight against crime. It is six times greater than the Federal expenditures for control of air and water pollution. When we are no longer spending billions of dollars in the madness of the Indochina war, we will be better able to afford a volunteer army.

However, there is one advantage to the concept of the volunteer Army as proposed by Senators HATFIELD and GOLDWATER which appears to me immediately desirable. It provides greater congressional control over military adventures by the Executive since it would deprive the President of the power to call up unlimited manpower through the draft. Instead, it would require the President to come to the Congress to reinstate a draft.

I believe, however, that the same benefit of congressional control can also be assured under a draft system. In my bill, I would restrict the number of inductees to 150,000 men for each of the 2 years of the proposed draft extension. This would be slightly higher than the Defense Department budget estimate of 125,000 as their upper limit on the number of men that would have to be drafted during the next fiscal year to meet its manpower needs. By setting a specific ceiling on inductees, which can only be raised by joint congressional resolution, we would reinstate an important aspect of congressional control.

The draftee ceiling would not hamper the President's ability to conduct foreign policy since he has immediate control over all those already in the armed services and the Reserves. Also, since the timelag between induction and combat readiness is 5 to 6 months, the necessity of coming back to the Congress for action would not directly affect the President's ability to respond to an immediate crisis. More important, this action would reinstate the intent of the Founders of this Republic when they specified in article I, section 8 of the Constitution: "The Congress shall have the power—to raise and support armies." They believed that the responsibility lay with the Congress rather than the President, and I believe that much of our difficulty during the recent involvement of the United States in Indochina has resulted from our permitting a distortion in the balance between executive and congressional responsibilities in this area.

The primary purpose of the bill I am introducing today is draft reform. Such reform is necessary for as long as we continue the draft. It is necessary if we move to a voluntary army: Because even then, a standby draft will be required.

Over the past 30 years, the movement for draft reform rarely has achieved organized public support. But the various elements in Congress and in the larger society coalesced and began to gather momentum as the monthly draft calls increased during the Vietnam war. It became clear to many Members of Congress and to much of the Nation that our draft system had basic and glaring defects.

It permitted many registrants, in general the more educated and the more affluent, to escape service altogether through a variety of student and occupational deferments.

Local draft boards had such enormous discretion in making classification decisions that there was a complete lack of national uniformity. A busdriver in San Francisco might be deferred but one in Boston would not. A teacher in Peoria might be deferred while one in Chicago would face the draft.

It relied on a selective service organization which did not always have the expertise or manpower to deal with its broadened responsibilities.

It denied registrants basic procedural safeguards.

These were just a few of the defects that caused me to join with Senators and others to call for reform when the Universal Military Training and Service Act, the successor to the 1940's Selective Training and Service Act, was due to expire on June 30, 1967. Then the Congress was called upon to make either a simple extension or an extension and revision before that date. Preliminary hearings were held by the House Armed Services Committee in June 1966, at which I and others urged a comprehensive reform of the law, to include a random selection system, uniform standards and restricted deferments.

In July 1966, President Johnson appointed a National Advisory Commission on Selective Service, chaired by former U.S. Assistant Attorney General Burke Marshall, to make a thorough public study of draft reform. The chairman of the House Armed Services Committee, Mendel Rivers, appointed a civilian advisory panel on military manpower procurement, chaired by retired Army Gen. Mark Clark, for a similar purpose.

Following these two reports, the President on March 6, 1967, sent to the Congress his message on selective service. This message recommended adoption, either legislatively or by Executive action, of most of the major reforms proposed by the Marshall commission. Earlier I had introduced in the Senate a concurrent resolution—on February 23, 1967—which would have declared it to be the sense of the Congress that these reforms were necessary and that the President should institute them by Executive action.

During March, April, and May 1967, three congressional committees held hearings on draft reform: the Senate Subcommittee on Employment, Manpower, and Poverty; the Senate Armed Services Committee; and the House Armed Services Committee. The hearing in the Subcommittee on Employment, Manpower, and Poverty, which it was my privilege to chair, concerned themselves with the manpower implications of selective service; the other hearings were concerned more directly with the military implications.

On May 4, 1967, the Senate Armed Services Committee reported out an extension and revision of the draft law. This bill would have left wide discretionary authority with the President to institute the reforms recommended both by the Marshall commission and the President himself, and it explicitly endorsed many of them. The Senate passed this bill on May 11, 1967.

Unfortunately the House Armed Services Committee greatly changed the Senate-passed bill, adding many punitive and restrictive provisions. The House adopted its committee's bill with little change, on May 25, 1967. Virtually all of these provisions were adopted in the Senate-House conference, and this conference bill was accepted by the Senate on June 14 by a vote of 72 to 23. I was strongly opposed to accepting the conference bill. In light of the suggestion by some individuals that it would be unpatriotic to vote against any draft bills, while fighting was going on in Vietnam, I think it was some measure of Senate feeling that 23 Senators voted against the conference report. The House accepted the conference bill on June 20, 1967, and it was signed by the President in this form on June 30, 1967, the day it was due to expire.

But precisely because this bill did not make any of the badly needed reforms, and, in fact, made the draft law more restrictive and punitive, there have been subsequent efforts to change it. In February 1968, I introduced a bill which would have completely revised the draft law, instituting a random selection system, drafting the youngest first, and accepting the other basic reforms recommended by the Marshall commission. Also, in February 1968, the Senate Subcommittee on Administrative Practices and Procedures held hearings on a bill to afford draft registrants the right to be present at proceedings affecting them, and to have counsel present. Neither my bill nor the right to counsel bill was enacted.

In February 1969, I again introduced a bill to institute a random selection system and adopt the other reforms recommended by the Marshall commission. The need for reforms was substantiated by extensive hearings held by the Senate Subcommittee on Administrative Procedures, of which I am chairman, in the fall of 1969.

Seven days of testimony by expert witnesses as well as the responses from 4,000 questions sent to the local boards and State directors showed once again the inequities of deferment policies which favored the more affluent Americans. In early 1970, the subcommittee issued a study of the Selective Service System which in addition to recommending structural reforms and changes in deferment policy called for new procedural safeguards for registrants.

As a result of these pressures for reform, some significant changes in the Selective Service System have been made. In 1968, graduate student deferments were abolished by Executive order. In 1969, Congress authorized and the President implemented a random selection system. In 1970, occupational deferments were eliminated by Executive order. It is with great pride and sense of accomplishment, that those of us who have labored long for an end to the most blatant inequities of the Selective Service System, witnessed these changes. I welcome the recent recommendations of the President concerning a national call and an end to undergraduate deferments. However, even with these additions the task of reform is still not complete. That is why today I am introducing a comprehensive new selective service reform.

Let me summarize its major provisions:

First, my bill would make the random selection system by which the youngest are drafted first as a legislative rather than merely as an administrative requirement.

Second, it alters the existing lottery by requiring that calls for induction be made on a national basis.

Third, it would eliminate all new student deferments beyond high school, although it would not affect undergraduates who now hold deferments.

Fourth, it would abolish all occupational deferments as a statutory requirement.

Fifth, it broadens the definition of conscientious objectors to conform to the recent Supreme Court decision of *Welsh* v. *U.S.*, 398, U.S. 333.

Sixth, it restores the role of the Justice Department in reviewing conscientious objector cases.

Seventh, it affords new legal rights to registrants including the right to counsel and the right to present witnesses at all selective service proceedings.

Eighth, it legislatively prohibits use of the draft as a punishment for protest activities by limiting the definition of draft delinquency.

Ninth, it eliminates previous statutory restrictions on judicial review of questions of law regarding classification proceedings.

Tenth, it reorganizes the Selective Service System along the lines recommended by the Marshall Commission.

Eleventh, it requires that all selective service officials be civilians, as recommended by the Marshall Commission.

Twelfth, it prohibits discrimination of any kind in the makeup of any selective service panels which determine an individual's draft status.

Thirteenth, it calls for a thorough public study of a national service corps, in which individuals seeking nonmilitary service might fulfill their obligation of service to the Nation.

Fourteenth, it calls for a thorough public study of military youth opportunity schools, which would offer special educational and physical assistance to those falling below induction standards who desired to volunteer for military duty.

Fifteenth, it calls for a thorough public study of the ramifications of granting amnesty to those young men who were convicted for refusing induction or who fled the country rather than face the draft.

Sixteenth, it calls for a thorough public study of all aspects of the issue of selective conscientious objectors.

The changes I have summarized are the major reforms in my bill and because certain of them are particularly far-reaching, I would like to discuss them in detail.

DRAFT LOTTERY

As a longtime supporter of random selection, I applauded the President's speedy initiation of a draft lottery following Congress' action in removing the previous restriction in November 1969. However, I believe the lottery can be improved.

The call of inductees should be on a national basis so that everyone with the same lottery number would be called at the same time. Under the present local quota system, a young man with a number of 195 may be drafted in Worcester, Mass. But if he lived in a neighboring town with a different draft board he might never be called. Last year, the range of numbers went from 166 in some towns to a high of 195.

DEFERMENTS

This bill abolishes the undergraduate deferment although permitting a student now receiving an undergraduate deferment to retain it until he completes his undergraduate studies. I have argued that student deferments are grossly inequitable. Seventy-six percent of college students come from families whose income is above the median. In wartime, it is patently unfair that these wealthier registrants should be permitted to stand on the sidelines while their less affluent contemporaries face death on the battlefield.

But even in peacetime, I can see no reason why college students alone should be permitted to pursue their life plans without any interruption while all other young men must have their personal lives and their careers interrupted by military service.

Our experiences in World War II and Korea demonstrate that the problems created by an interruption of college education can be overcome, particularly if Congress provides GI education benefits. Thus, there is no overriding national interest in permitting college deferments, whether in peacetime or in wartime.

CONSCIENTIOUS OBJECTORS

In *Welsh* v. *The United States*, 398 U.S. 333, the Supreme Court interpreted our present conscientious objector laws to mean that any registrant shall be exempted from combatant training and service in the Armed Forces of the United States. If by reason of religious beliefs or by reason of moral or ethical beliefs which are held with the strength of traditional religious convictions, he is conscientiously opposed to participation in war in any form. I believe the Supreme Court's interpretation was constitutionally required and I believe that the statute should now be rewritten to conform to the Court's interpretation. This will permit selective service officials to properly assess an individual registrant's claim that he is a conscientious objector.

Treatment of conscientious objectors has been unequal throughout the country as testimony before the Subcommittee on Administrative Practices and the Marshall Commission demonstrated. Some State systems simply do not agree with the congressional position on conscientious objectors and refuse to confer that status on qualified registrants. My bill would help establish greater uniformity by requiring the Justice Department to play a key role in cases where conscientious objector status has been denied.

PROCEDURAL SAFEGUARDS

Under the current Selective Service System, registrants have neither the the right to counsel nor the right to present witnesses in classification proceedings. Yet, a lawyer and witnesses often are required to present the legal and factual basis for a registrant's claim to conscientious objector status or a hardship deferment.

Under my bill, registrants are accorded the right of a personal appearance, the right to present witnesses and the right to a lawyer at every stage of the classification process.

It has been argued that extending these rights to registrants would greatly complicate the task of the Selective Service System and cause lengthy delays. However, with the establishment of a lottery system from a pool of 19-year-olds and the elimination of most deferments, the Selective Service System will have more time to concentrate on protecting due process in the fewer classification decisions which remain. When the nation threatens a citizen with the possibility of loss of life or liberty, then surely all of the due process guarantees of the Constitution must be afforded him.

DRAFT AS PUNISHMENT

I am opposed to using the draft as punishment for those who engage in activities protesting either the Vietnam war or the draft itself. If a protestor has in fact taken part in illegal activity, then he should be prosecuted under the law's criminal provisions. If found guilty, he should be punished accordingly. But under no circumstances, do I see any justification for local draft boards to reclassify protestors and subject them to immediate induction for their protest. The Supreme Court adopted this position in *Gutknecht* v. *U.S.* 396 U.S. 295. My bill would conform the statute to the Supreme Court decision by prohibiting the use of the draft as punishment.

JUDICIAL REVIEW

My bill would permit judicial review of classification proceedings as to questions of law by eliminating section 10(b)(3) of the 1967 law. This section foreclosed judicial review of classification decisions except as a defense in a criminal proceeding or except in a habeas corpus proceeding after induction. Permitting an expanded judicial review would not unduly hamper the work of the Selective Service System, particularly since the number of deferments has been sharply reduced.

DRAFT SYSTEM REORGANIZATION

My bill incorporates the recommendations of the Marshall Commission regarding reorganization of the Selective Service System, as follows:

A national office, similar to that now existing;

A series of regional offices, perhaps eight in number, corresponding for national security reasons to the eight regions of the Office of Emergency Planning;

A series of area offices, numbering 300 to 500, corresponding to the 231 standard metropolitan statistical areas, the 149 cities over 25,000 outside these SMSA's, with at least one area office in every State;

Appeals boards operating contiguous to these three types of offices.

Under this plan, registration and classification would be handled at the area offices. Local boards would be retained, but their function would be changed. The local boards would become the registrant's court of first appeal, and they would have the authority to sustain or overturn classifications made in the area offices. This insures that the great strength of the local boards—a group of citizens divorced from the Federal system—would be applied where it is most critical.

This new structure will increase the likelihood that the draft law will be administered not by rules of discretion, but by rules of law.

LOCAL BOARD DISCRIMINATION

Before the current draft law was enacted in 1967, local board members were all men. The present law prohibits discrimination on the basis of sex; but it says nothing about discrimination on racial grounds.

Consequently, it is not surprising to see that 97 percent of all local board members in 1966 were white, while only 3 percent of the 16,632 board members were Negro, Spanish, Puerto Rican, oriental, or Indian. However, the following year, some 16 percent of all inductees were from these ethnic minorities.

Although since 1966, some progress has been made, 1969 figures still showed black representation on the local boards at 6 percent while their representation in the total population was 12 percent.

My bill requires the membership of all local boards to represent all elements of the public it serves. My bill also prohibits discrimination based on sex, race, creed, or color.

I believe that the question of a national service alternative to military service when world tensions lessen might be a desirable national policy. However, there is a need to explore questions of length of service, wage levels, and other factors relating to equity if we are to permit a national service such as the Peace Corps or Teacher Corps to be an alternative to the military. For these reasons, I believe we should have a public study of this also. My bill would require it, and the President would have to submit his report to the Congress in 1 year.

MILITARY YOUTH OPPORTUNITY SCHOOLS

Consistent with the legitimate desire to increase the incidence of voluntarism, I believe we must look more closely as ways to achieve the best use of all of the Nation's manpower resources. Although some 2 million men reach draft age each year, our military manpower needs now call for only about 150,000 as draftees. However, another 600,000 men are found to be unqualified for service because of their inability to meet minimum physical and mental standards for active duty. It is estimated that there are more than 5 million men between the ages of 18 and 34 who are unfit for military service.

The Marshall Commission studied the implications of these truly "alarming statistics" and concluded that they reflect weaknesses within our society and directly affect the national security. The Department of Defense responded to this situation in 1966 by instituting Project One Hundred Thousand.

By accepting men who otherwise would have been disqualified because of mental qualifications or easily correctable physical defects and providing them extra tutorial and training assistance, a substantial number have successfully completed basic training. A total of 275,000 men have been accepted into the program through December 1969 who otherwise would have been disqualified. In the first 2 years of the program, some 162,600 men were accepted and 96 percent successfully completed basic training. More than 60 percent went on to receive training in technical specialities which will permit them to return to civilian life after military service with useful and marketable skills.

Unfortunately, thousands of young men still are rejected each year and remain in civilian life unable to compete effectively and prey to the frustrations of all those who are isolated from the mainstream of a society.

My bill would require the Secretary of Defense, in consultation with the Secretaries of Labor and Health, Education, and Welfare, to study and investigate the feasibility of establishing military youth opportunity schools. These schools could build on the successful experience of Project one hundred thousand adding to the number of men who would be eligible for military service, but just as important, adding to the pool of talented and capable men within the Nation.

AMNESTY STUDY

One of the most difficult public policy issues facing the Congress today involves the thousands of young Americans who fled the country or accepted conviction rather than face the draft. Students place this issue on the same high level of moral concern that determines their views about Vietnam, about civil rights, about the draft, and about the quality of American life.

The number of our young men now living outside this country is uncertain. They face criminal prosecution with a sentence up to 5 years and a fine up to $10,000 should they ever return home. Some 4,000 have decided to stand trial, as did Thoreau, and accept the consequences of their opposition to the war. Many are serving Federal prison sentences. In the past, this Nation has been magnanimous enough to grant amnesty following a war. President Andrew Johnson decreed amnesty in 1868 to the southerners and President George Washington did the same in the 18th century to those involved in the Whisky Rebellion.

We must ask whether following the conclusion of the Indochina war, we shall have a permanent band of exiles who cannot return to the United States because they would have to face criminal prosecution for acts long past. We also must consider the equity of permitting amnesty during the war when thousands of young men who did not leave the country or avoid the draft have fought and died in Vietnam.

These are complex issues that cannot be simply answered. It would be extremely helpful to the Congress if we received the thoughts of a special commission on this subject. My bill would require the President to establish the study and to report its conclusions to the Congress within 6 months.

SELECTIVE CONSCIENTIOUS OBJECTORS

A substantial proportion of those Americans who have chosen exile or prison in the face of induction are not opposed to all wars. But they would accept those consequences rather than fight in a war which they regard as immoral. Although there are serious philosophical and administrative problems if we were to consider granting an exemption to persons who oppose a particular war, I believe that Congress and the President should at least consider the question.

I would emphasize that selective conscientious objector's would not need to be exempted from all military service, but only from direct participation in the war they oppose. However, even this limited exemption might severely impair the effectiveness and the morale of the Armed Forces. Furthermore unless every registrant's claim was taken at face value, selective conscientious objector exemptions might present insuperable burdens for the Selective Service System. These are the issues which a study would consider. My bill would require such a study by the President and a report to Congress within 6 months.

CONCLUSION

In conclusion, I believe that my bill completes the work of draft reform begun by the initiation of random selection and the abolition of occupational deferments. It creates a draft system which as far as practicable is equitable, uniform and procedurally fair. I believe this draft system must remain in effect for at least the next 2 years and that it should provide the guideposts for any standby draft we establish in the future.

My bill also increases congressional control over the conduct of foreign affairs by placing a ceiling on the number of persons the President can induct without further congressional action. This provision should receive the support of congressional proponents of the volunteer army legislation.

Mr. President, I ask unanimous consent that the bill I am introducing today be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and without objection, the bill will be printed in the Record, as requested by the Senator from Massachusetts.

The bill (S. 483) to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the uniform application of Selective Service policies, to raise the incidence of volunteers in military service, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Selective Service Act of 1971."

TITLE I—PURPOSE AND DEFINTIONS

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Sec. 320. Bounties; Substitutes; Purchases of Release
Sec. 321. Reemployment
Sec. 322. Right To Vote
Sec. 323. Civil Relief
Sec. 324. Notice of Title, Voluntary Enlistments
Sec. 325. Repeal of Conflicting Laws; Appropriations
Sec. 326. Aliens

TITLE IV—MISCELLANEOUS

Sec. 401. Military Youth Opportunity Schools
Sec. 402. National Service Corps Study
Sec. 403. Amnesty Study
Sec. 404. Selective Conscientious Objector Study

SHORT TITLE

SEC. 101. This Act may be cited as the "Selective Service Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) The Congress finds that the maintenance of an adequate armed force is essential to the security of the United States.

(b) The Congress further finds that so long as all eligible persons are not required to serve in the Armed Forces, those who are required to serve should be selected under a system which is fair, just, and adequate to meet the needs of the national defense and at the same time consistent with the enhancement of an effective national economy.

(c) The Congress further finds that the military manpower needs of the Nation should be met to as high a degree as practicable by reliance upon voluntary accessions to military duty.

(d) The Congress further finds that civilian personnel shall be used wherever practical in noncombat positions within the military establishment, and that women should be encouraged to serve both in the Armed Forces and in civilian positions in support of such forces.

(e) It is, therefore, the purpose of this Act to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation.

DEFINITIONS

SEC. 103. When used in this title—

(a) The term "between the ages of eighteen and twenty-six" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States", when used in a geographical sense, means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term "Armed Forces" includes the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term "district court of the United States" includes the courts of the United States for the territories and possessions of the United States.

(e) The term "Director" means the Director of the Selective Service System.

(f) (1) The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly ordained minister of religion" does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect, or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed of principles of his church, sect, or organization.

(g) The term "organized unit", when used with respect to a reserve component, means a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(h) The term "reserve component of the Armed Forces" includes, unless the context otherwise requires, the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the Armed Forces.

SAVINGS PROVISION

SEC. 104. Nothing in this title shall be deemed to amend any provision of the National Security Act of 1947 (61 Stat. 495).

EFFECTIVE DATE

SEC. 105. This title shall become effective immediately.

TITLE II—SELECTIVE SERVICE SYSTEM

ORGANIZATION

SEC. 201. (a) (1) There is hereby established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall be composed of (A) the National Selective Service System Office, to be located in Washington, District of Columbia; (B) eight regional headquarters distributed throughout the United States; and (C) such area offices, appeal boards, and other agencies as are hereafter provided.

(3) The Director shall be appointed by the President for a term of six years, with the advice and consent of the Senate, and shall not be eligible for more than two terms.

(4) The Director and all other officers and employees of the Selective Service System shall be civilians.

(5) The Selective Service System shall, to the maximum extent practicable, utilize automatic data processing equipment in carrying out the provisions of this title.

(6) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office of Selective Service Records are hereby transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are hereby transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking of effect of the provisions of this title: *Provided,* That, effective upon the termination of this title and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is hereby reestablished on the same basis and with the same functions as obtained prior to the effective date of this title, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this title;

(2) to appoint a regional director for the Selective Service System for each regional headquarters, who shall be in immediate charge of the regional headquarters; to employ such number of officials as may be necessary for the administration of the national and of the several regional headquarters and area offices of the Selective Service System;

(3) to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of the Selective Service on a population basis. Each area office shall consist of an area director, assisted by appropriate staff.

Each area director shall have the power within the respective jurisdiction of such an area office to hear and determine, in strict conformity with the rules and regulations prescribed by the President, and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or examination or deferment from training and service under this title, of all individuals within the jurisdiction of such area offices, together with such other duties as may be assigned under this title; and

(4) to create and establish within the Selective Service System local boards as well as such other agencies of appeal, as may be necessary to carry out its functions. Each local board shall function in conjunction with an area office as provided in section 24(b)(3) of this title and shall consist of three or more members. The local board shall, under rules and regulations prescribed by the President, and under appropriate precedents have the power within the jurisdiction of such area office to hear and determine appeals from the decisions of an area director subject to the right of further appeal to the appeal boards herein authorized and all other questions relating to inclusion for, or exemption or deferment from, training and service arising under this title. There shall be not less than one appeal board, together with such additional separate panels thereof as may be prescribed by the President, located within the area of each regional headquarters of the Selective Service System. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President.

(c) No citizen shall be denied membership in any component of the Selective Service System established pursuant to this section on account of race, color, creed, or sex. Composition of the membership on local and appeal boards shall represent, as far as practicable, all elements of the public which the board serves. No citizen shall serve on any such component for more than twenty-five years, or after he has attained the age of sixty-five years.

(d) No person who is an officer, member, agent, or employee of the Office of Selective Service Records, or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this title, by reason of his status as such officer, member, agent, or employee.

(e) The President is authorized—

(1) to appoint pursuant to the provisions of title 5, United States Code, and to classify and pay pursuant to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such officers, agents, and employees as he may deem necessary to carry out the provisions of this title: *Provided,* That their compensation may be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(2) to utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this title;

(3) to purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this title, with or without advertising or formal contract;

(4) to prescribe eligibility, rules, and regulations governing the parole for service in the Armed Forces, or for any other special service established pursuant to this title, or any person convicted of a violation of any of the provisions of this title;

(5) subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this title and Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517; 40 U.S.C. 278a), shall not apply to any lease entered into under the authority of this title;

(6) subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this title; and, in order to accomplish the purpose of this title, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the title by the Attorney General as required by section 355, Revised Statutes, as amended;

(7) to delegate any authority vested in him under this title, and to provide for the subdelegation of any such authority.

(f) In the adminstration of this title, gifts of supplies, equipment, and voluntary services may be accepted.

(g) The Chief of Finance, United States Army, is authorized to act as the fiscal, disbursing, and accounting agent of the Director in carrying out the provisions of this title.

(h) The Director is authorized to make final settlement of individual claims, for amounts not exceeding $50, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(i) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request.

EMERGENCY MEDICAL CARE

SEC. 202. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed an amount to be determined by the President.

PENALTIES

SEC. 203. (a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this title, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said title, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this title, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the Armed Forces or any of the requirements of this title, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the Armed Forces or any of the requirements of this title, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this title, or rules, regulations, or directions made pursuant to this title, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this title or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this title unless such person has been actually inducted for the training and service prescribed under this title or unless he is subject to trial by court martial under laws in force prior to the enactment of this title. Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, upon request of the Attorney General, be advanced on the docket for hearing at the earliest practicable date.

(b) Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien's certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this title, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this title, or rules and regulations promulgated hereunder, which he knows to be falsely made, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this title or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed $10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

NONAPPLICABILITY OF CERTAIN LAWS

SEC. 204. (a) Nothing in section 203, 205, or 207 of title 18 of the United States Code, or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 of such Act.

SELECTION

SEC. 205. (a) The selection of persons for training and service will be made in a fair and impartial manner from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

(b) The order of induction of registrants found qualified for induction shall be determined as follows:

(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

(2) The term "prime selection groups" means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are nineteen years of age and not deferred or exempted;

(3) A person shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. But no person shall remain in the prime selection group for any period or periods totaling more than twelve months.

(4) The order of call for induction from among those persons in the prime selection group shall be determined as follows:

Under such rules and regulations as the President shall prescribe—

(A) the Selective Service System shall publish a list of days randomly arranged, corresponding to the days in the year;

(B) those persons first called from the prime selection group for the particular year will be those whose day of birth is the same as the first day on the list; those next called will be those whose day of birth is the second day on the list; and this procedure shall be followed until the particular year's quota is met;

(C) the Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in clause (B) just above does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call; and

(D) the determination of order of call shall be made upon a national basis.

(b) The President shall have the power to provide, through appropriate rules and regulations, for the orderly transition to the random selection system enacted herein from any such system already in existence on the effective date of this Act.

(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this title or in the interpretation and execution of any provision of this title.

(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest.

(f) Notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this title, shall be held to be ineligible for appointment as a commissioned officer of an armed force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citiezn of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 1331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe.

(g) For the purposes of regulations issued under this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder.

AUTHORITY TO ORDER RESERVE COMPONENTS TO ACTIVE FEDERAL SERVICE

SEC. 206. Until July 1, 1953, and subject to the limitations imposed by section 2 of the Selective Service Act of 1948, as amended, the President shall be authorized to order into the active military or naval service of the United States for a period of not to exceed twenty-four consecutive months, with or without their consent, any or all members and units of any or all Reserve components of the Armed Forces of the United States and retired personnel of the Regular Armed Forces. Unless he is sooner released under regulations prescribed by the Secretary of the military department concerned, any member of the Inactive or Volunteer Reserve who served on active duty for a period of twelve months or more in any branch of the Armed Forces between the period December 7, 1941, and September 2, 1945, inclusive, who is now or may hereafter be ordered to active duty pursuant to this section, shall upon completion of seventeen or more months of active duty since June 25, 1950, if he makes application therefor to the Secretary of the branch of service in which he is serving, be released from active duty and shall not thereafter be ordered to active duty for periods in excess of thirty days without his consent except in time of war or national emergency hereafter declared by the Congress: *Provided*, That the foregoing shall not apply to any member of the Inactive or Volunteer Reserve ordered to active duty whose rating or specialty is found by the Secretary of the military department concerned to be critical and whose release to inactive duty prior to the period for which he was ordered to active duty would impair the efficiency of the military department concerned.

The President may retain the unit organizations and the equipment thereof, exclusive of the individual members thereof, in the active Federal service for a total period of five consecutive years, and upon being relieved by the appropriate Secretary from active Federal service, National Guard, or Air National Guard units, shall, insofar as practicable, be returned to their National Guard or Air National Guard status in their respective States, territories, the District of Columbia, and Puerto Rico, with pertinent records, colors, histories, trophies, and other historical impedimenta.

TITLE III—THE INDIVIDUAL AND THE SELECTIVE SERVICE SYSTEM

REGISTRATION

SEC. 301. (a) It shall be the duty of every male citizen of the United States, and of every male alien in the United States in the status of an alien admitted for permanent residence, upon attaining the eighteenth anniversary of his date of birth to register with the Selective Service System in accordance with such rules and regulations as may be prescribed by the President. Any male alien in the United States in the status of an alien admitted for permanent residence who has not heretofore registered with the Selective Service System shall be required to do so within six months after the date of enactment of the Selective Service Act of 1969.

(b) It shall be the duty of every registrant to keep the Selective Service System informed as to his current address and changes in status according to the terms of such rules and regulations as the President may prescribe.

CLASSIFICATION, TRAINING, AND SERVICE

SEC. 302. (a) Except as otherwise provided in this title, every person registered under the provisions of section 3 of this title who is between the ages of eighteen years and six months and twenty-six years shall be liable for training and service in the Armed Forces of the United States.

(b) Each registrant shall be liable immediately for classification and examination, and shall, as soon as practicable following his registration, be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. Each registrant shall be classified on the basis of such examination to indicate his availability for induction for training service in the Armed Forces.

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for a physical and mental examination in order to determine his suitability for induction in the Armed Forces, shall continue to remain liable for such examination and induction until relieved of this liability under such conditions as the President shall prescribe.

(d) Any alien admittted for permanent residence shall not be liable for training and service until he has resided in the United States for a total period of one year: *Provided*, That any alien relieved from liability for training and service under an existing treaty shall be permanently ineligible to become a citizen of the United States: *Provided further*, That any alien shall be relieved from liability for training and service under this title if, prior to his induction, his status is adjusted to that of a nonimmigrant, but any alien who obtains such an adjustment pursuant to section 247(c) of the Immigration and Nationality Act, as amended, shall be permanently ineligible to become a citizen of the United States: *And provided further*, That any alien who has been in the United States as a nonimmigrant and whose status is adjusted to that of a permanent resident, or who is readmitted to the United States as a permanent resident within one year of his departure shall have his liability for training and service extended as if he had been deferred and his liability had been extended under the provisions of this title.

(d) Nothing in this section shall be construed as superseding the provisions of any existing treaties of the United States.

PROCEDURAL RIGHTS

SEC. 303. Each registrant shall be afforded the opportunity to appear in person before the area office, regional office, local board, or other agency of the Selective Service System to present testimony or other evidence regarding his status. He shall also have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe. Each registrant shall further have the right to be represented before such office, board or other agency by private counsel. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.

A quorum of the office, board or other agency shall be present during the registrant's personal appearance. Every decision by such office, board or other agency shall be accompanied by a written opinion setting forth the reasons for the decision.

INDUCTION; LIMITATIONS

SEC. 304(a) The President is authorized to induct for training and service in the Armed Forces 150,000 persons each year unless authorized to induct a greater number by a joint resolution of the Congress. This authorization shall obtain whether or not a state of war exists and shall be exercised in the manner provided in this title.

(b) Persons inducted into the Armed Forces for training and service under this title shall be assigned to stations or units of such forces. Persons inducted into the land forces of the United States pursuant to this title shall be deemed to be members of the Army of the United States; persons inducted into the naval forces of the United States pursuant to this title shall be deemed to be members of the United States Navy or the United States Marine Corps or the United States Coast Guard, as appropriate; and persons inducted into the air forces of the United States pursuant to this title shall be deemed to be members of the Air Force of the United States.

(c) Every person inducted into the Armed Forces pursuant to the authority of this section shall, following his induction, be given full and adequate military training for a period of not less than four months, and no such person shall, during this four months period, be assigned for duty at any installation located on land outside the United States, its territories and possessions (including the Canal Zone).

(d) No person in the medical, dental, and allied specialist categories shall be inducted under the provisions of this section if he applies or has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and is or has been rejected for such appointment on the sole ground of a physical disqualification.

(e) No person, without his consent, shall be inducted for training and service in the Armed Forces, except as otherwise provided in this title, after he has attained the twenty-sixth anniversary of the day of his birth.

(f) No person shall be inducted into the Armed Forces for training and service under this title until his acceptability in all respects, including his physical and mental fitness, has been satisfactorily determined under standards prescribed by the Secretary of Defense. The physical and mental standards which a person must meet in order to qualify for induction shall be no lower than those prescribed for persons who voluntarily enlist for service in the Army of the United States.

(g) No person shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations for such persons as may be determined by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) to be essential to public and personal health.

(h) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction until relieved of this liability under such conditions as the President shall prescribe.

LENGTH OF SERVICE

SEC. 305. (a) Each person inducted into the Armed Forces under the provisions of this title shall serve on active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) or as otherwise prescribed by this title. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of Transportation with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by this section of individuals who have volunteered for and are accepted into organized units of the Army National Guard, the Air National Guard, and other reserve components of the Armed Forces.

(b) Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed and serves for a period of less than three years in one of the Armed Forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: *Provided*, That any such person who completes at least twenty-one months of service in the Armed Forces and who thereafter serves satisfactorily (1) on active duty in the Armed Forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the Armed Forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the Armed Forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

ENLISTMENT

SEC. 306. (a) Any person between the ages of eighteen years and six months and twenty-six years shall be offered an opportunity to enlist in the Regular Army for a period of service equal to that prescribed in this title: *Provided*, That, notwithstanding the provisions of this or any other Act, any person so enlisting shall not have his enlistment extended without his consent until after a declaration of war or national emergency by the Congress after the date of enactment of the Selective Service Act of 1971.

(b) Any enlisted member of any reserve component of the Armed Forces may, during the effective period of this title, apply for a period of service equal to that prescribed in section 6 of this title, and his application shall be accepted if his services can be effectively utilized and his physical and mental fitness for such service meet the standards prescribed by the head of the department concerned. Active service performed pursuant to this section shall not prejudice the status of any such as a member of a reserve component. Any person who was a member of a reserve component on June 25, 1950, and who thereafter continued to serve satisfactorily in such reserve component, shall, if his application for active duty made pursuant to this paragraph is denied, be deferred from induction under this title until such time as he is ordered to active duty or ceases to serve satisfactorily in such reserve component.

(c) Any person between the ages of eighteen years and six months and twenty-six years shall be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5, but any person who so volunteers shall be inducted for such training and service, so long as he is deferred after classification, only as prescribed by the President.

(d) Any person after attaining the age of seventeen shall, with the written consent of his parents or guardian, be afforded an opportunity to volunteer for induction into the Armed Forces of the United States for the training and service prescribed in section 5.

PAY AND ALLOWANCES

SEC. 307. (a) With respect to the persons inducted for training and service under this title, there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the Armed Forces to which they are assigned. Section 3 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), is hereby amended by deleting therefrom the following: "Act of March 7, 1942 (56 Stat. 143–148, ch. 166), as amended". The Act of March 7, 1942 (56 Stat. 143–148), as amended, as hereby made applicable to persons inducted into the Armed Forces pursuant to this title.

(b) Notwithstanding any other provision of law, any person who is inducted into the Armed Forces under this Act and who before being inducted, was receiving compensation from any person may, while serving under that induction, receive compensation from that person.

DECREASE IN PERIOD OF SERVICE

SEC. 308. (a) Upon a finding by him that such action is justified by the strength of the Armed Forces in the light of national and international conditions, the President, upon recommendations of the Secretary of Defense, is authorized by Executive order, which shall be uniform in its application to all persons inducted under this title but which may vary as to age groups, to provide for (1) decreasing periods of service under this title but in no case to a lesser period of time than can be economically utilized, or (2) eliminating periods of service required under this title.

MEDICAL AND DENTAL OFFICERS

SEC. 309. (a) The President may order to active duty (other than for training), as defined in section 101(22) of title 10, United States Code, for a period of not more than twenty-four consecutive months, with or without his consent, any member of a reserve component of the Armed Forces of the United States who is in a medical, dental, or allied specialist category, who has not attained the thirty-fifth anniversary of the date of his birth, and has not performed at least one year of active duty (other than for training). This subsection does not affect or limit the authority to order members of the reserve components to active duty contained in section 672 of title 10, United States Code.

(b) For the purposes of computation of the periods of active duty (other than for training) referred to in subsection (1), credit shall be given to all periods of one day or more performed under component orders, except that no credit shall be allowed for periods spent in student programs prior to receipt of the appropriate professional degree or in intern training.

(c) Any person who is called or ordered to active duty (other than for training) from a reserve component of the Armed Forces of the United States after September 5, 1950, and thereafter serves on active duty (other than for training) as a medical, dental, or allied specialist for a period of twelve months or more shall, upon release from active duty or within six months thereafter, be afforded an opportunity to resign his commission from the reserve component of which he is a member unless he is otherwise obligated to serve on active military training and service in the Armed Forces or in training in a reserve component by law or contract.

(d) Any physician or dentist who meets the qualifications for a Reserve commission in the respective military department shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty (other than for training) of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a Reserve commission shall be ordered to active duty (other than for training) for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled.

(e) Notwithstanding any other provision of law, any qualified person who—

(1) is liable for induction; or

(2) as a member of a reserve component is ordered to active duty,

as a physician, or dentist, or in an allied specialist category in the Armed Forces of the United States, shall, under regulations prescribed by the President, be appointed, reappointed, or promoted to such grade or rank as may be commensurate with his professional education, experience, or ability: *Provided*, That any person in a needed medical, dental, or allied specialist category who fails to qualify for, or who does not accept, a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade.

EXEMPTIONS FROM REGISTRATION, TRAINING, AND SERVICE

SEC. 310. (a) Foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.

(b) Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(c) Commissioned officers of the Public Health Service and members of the reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to any endeavor which the President determines is necessary to the maintenance of the national health, safety, or interest shall be exempted from training and service, but not from registration.

VETERANS' EXEMPTIONS

SEC. 311. (a) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title.

(b) No person who served honorably on active duty between September 16, 1940, and the date of enactment of this title for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this title, if—

(1) the local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(2) the local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the Armed Force in which he served.

Nothing in this paragraph shall be deemed to be applicable to any person to whom subsection (a) of this section is applicable.

(c) Notwithstanding any other provision of this Act, no person who (1) has served honorably on active duty after September 16, 1940, for a period of not less than one year in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (2) subsequent to September 16, 1940, was discharged for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard, or (3) has served for a period of not less than twenty-four months (A) as a commissioned officer in the Public Health Service or (B) as a commissioned officer in the Environmental Science Services Administration (previously the Coast and Geodetic Survey), shall be liable for induction for training and service under this Act, except after a declaration of war, or national emergency made by the Congress subsequent to the date of enactment of this Act.

(d) No person who is honorably discharged upon the completion of an enlistment pursuant to section 7 shall be liable for induction for training and service under this title, except after a declaration of war or national emergency made by the Congress subsequent to the date of enactment of this Act.

(e) For the purposes of computation of the periods of active duty referred to in paragraph (a), (b), or (c) of this subsection, no credit shall be allowed for—

(1) periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

(2) periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(3) periods of active duty as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of such academies;

(4) periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in paragraph (2) or (3); or

(5) periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

RESERVE COMPONENT'S EXEMPTIONS

SEC. 312. (a) Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration.

(b)(1) Any person, other than a person

referred to in subsection (d) of this section, who—

(A) prior to the issuance of orders for him to report for induction; or

(B) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

(C) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction, under this title;

enlists or accepts appointment, berfore attaining the age of twenty-six years in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Notwithstanding the provisions of section 16, no person deferred under this paragraph who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year.

(2) A person who, under the provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

(3) Except as provided in section 13 and the provisions of this section, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

(4) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511 (b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining the age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87–378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who mails to serve satisfactorily during his obligated period of service as a member of such a Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.

OFFICERS' TRAINING; OFFICIALS; MINISTERS OF RELIGION

SEC. 313. (a) (1) Within such numbers as may be prescribed by the Secretary of Defense, any person who (A) has been or may hereafter be selected for enrollment or continuance in the senior division, Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corp, or the Naval Reserve Officers' Training Corps, or the naval and Marine Corps officer candidate training program established by the Act of August 13, 1946 (60 Stat. 1057), as amended, or the Reserve officers' candidate program of the Navy, or the platoon leaders' class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or appointed as ensign, United States Naval Reserve, while undergoing professional training; (B) agrees, in writing, to accept a commission, if tendered, and to serve, subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the United States Coast Guard), not less than two years on active duty after receipt of a commission; and (C) agrees to remain a member of a regular or reserve component until the eighth anniversary of the receipt of a commission in accordance with his obligation under the first sentence of section 4(d) (3) of this Act, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 4(d) (3) of this Act, shall be deferred from induction under this title until after completion or termination of the course of instruction and so long as he continues in a regular or reserve status upon being commissioned, but shall not be exempt from registration. Such persons, except those persons who have previously completed an initial period of military training or an equivalent period of active military training and service, shall be required while enrolled in such program to complete a period of training equal (as determined under regulations approved by the Secretary of Defense or the Secretary of Transportation with respect to the United States Coast Guard) in duration and type of training to an initial period of military training. There shall be added to the obligated active commissioned service of any person who has agreed to perform such obligatory service in return for financial assistance while attending a civilian college under any such training program a period of not to exceed one year. Except as provided in paragraph (5), upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of, or subsequent to, such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of active duty for training of not less than three months or more than six months (not including duty performed under section 270(a) of title 10, United States Code), as determined by the Secretary of the military department concerned to be necessary to qualify such person for a mobilization assignment. Upon being commissioned and assigned to a reserve component, such person shall be required to serve therein, or in a reserve component of any other armed force in which he is later appointed, until the eighth anniversary of the receipt of such commission pursuant to the provisions of this section. So long as such person performs satisfactory service, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.

(2 In addition to the training programs enumerated in paragraph (1) of this subsection, and under such regulations as the Secretary of Defense (or the Secretary of Transportation with respect to the United States Coast Guard) may approve, the Secretaries of the military departments and the Secretary of Transpotration are authorized to establish officer candidate programs leading to the commissioning of persons on active duty. Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an officers' candidate school of such armed forces shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.

(3) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military department having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the Environmental Science Services Administration instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the Environmental Science Services Administration for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the Environmental Science Services Administration. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty

for such period that, when added to the period he served on active duty as a commissioned officer of the Environmental Science Services Administration, equals two years.

(4) Fully qualified and accepted aviation cadet applicants of the Army, Navy, or Air Air Force who have signed an agreement of service shall, in such numbers as may be designated by the Secretary of Defense, be deferred, during the period covered by the agreement but not to exceed four months from induction for training and service under this title but shall not be exempt from registration.

(c) The Vice President of the United States; the Governors of the several States, territories, and possessions, and all other officials chosen by the voters of the entire State, territory, or possession; members of the legislative bodies of the United States and of the several States, territories, and possessions; judges of the courts of record of the United States and of the several States, territories, possessions, and the District of Columbia shall, while holding such offices, be deferred from training and service under this title in the Armed Forces of the United States.

(d) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service (but not from registration) under this title.

DEFERMENTS

SEC. 314. (a)—

(1) Any person who is satisfactorily pursuing a course of instruction at a high school or similar institution of learning shall be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) As of the effective date of this act, no person shall be deferred because he is a student at a post-secondary school except for those persons already deferred on the ground that they are satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution: *Provided*, that any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall be deferred (A) until the end of such academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier, unless the President, through appropriate rules and regulations, orders otherwise.

(b) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient of defective. For the purpose of determining whether or not the deferment of any person is advisable because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place in each area office a list setting forth the names and classifications of those persons who have been classified by such area office. Notwithstanding any other provision of this title the President shall establish national standards and criteria for the classification and deferment of persons registered under this title. Such standards and criteria shall be administered uniformly and impartially throughout all levels of the Selective Service System.

CONSCIENTIOUS OBJECTORS

SEC. 314. (a) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious beliefs or by reason of moral or ethical beliefs which are held with the strength of traditional religious convictions, is conscientiously opposed to participation in war in any form.

(b) Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the Selective Service System shall, if he is inducted into the Armed Forces under this title be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by the Selective Service System, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 305 of such civilian work contributing to the maintenance of the national health, safety, or interest as the Selective Service System pursuant to Presidential regulations may deem appropriate. Any such person who knowingly fails or neglects to obey any such order from the Selective Service System shall be deemed, for the purposes of section 203 of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

(c) Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearings. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. If after such hearings the Department of Justice finds—

(1) that the objections are sustained, it shall make recommendations to the appeal board in accordance with the procedures of subsection (b) of this section; or

(2) that the objections are not sustained, it shall so recommend to the appeal board. The appeal board shall, in making its decision, give consideration to but not be bound to follow the recommendation of the Department of Justice, together with the record on appeal from the local board.

DURATION OF EXEMPTION OF DEFERMENT

SEC. 316. No exception from registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.

MINORITY DISCHARGES

SEC. 317. Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the Armed Forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

MORAL STANDARDS

SEC. 318. No person shall be relieved from training and service under this title by reason of conviction of a criminal offense, except where the offence of which he has been convicted may be punishable by death, or by imprisonment for a term exceeding one year.

SOLE SURVIVING SON

SEC. 319. If the father or one or more sons or daughters of a family were killed in action or died in the line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction.

BOUNTIES; SUBSTITUTES; PURCHASES OF RELEASE

SEC. 320. No bounty may be paid to induce any person to be inducted into an armed force. A clothing allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 4 may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

REEMPLOYMENT

SEC. 321. (a) Any person inducted into the Armed Forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 6 shall be entitled to a certificate to that effect upon the completion of such period of training and service. Such certificate shall include a record of any special proficiency or merit attained. Upon the completion of each such person's period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains: *Provided further*, That, if upon completion of training and service under this title, such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the armed force concerned determine that the physical examination is warranted.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c)(1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the Armed Forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b), subsection (c)(1) or subsection (g) the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, specifically to require such employer to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action: *Provided,* That any such compensation shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions. The court shall order speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof specifically to require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against any person who may apply for such benefits: *Provided further,* That only the employer shall be deemed a necessary party respondent to any such action.

(e)(1) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, by any agency in the executive branch of the Government or by any territory or possession, or political subdivision thereof, or by the District of Columbia, shall be so restored by such agency or the successor to its functions, or by such territory, possession, political subdivision, or the District of Columbia. In any case in which, upon appeal of any person who was employed immediately before entering the Armed Forces by any agency in the executive branch of the Government or by the District of Columbia, the United States Civil Service Commission finds that—

(A) such agency is no longer in existence and its functions have not been transferred to any other agency; or

(B) for any reason it is not feasible for such person to be restored to employment by such agency or by the District of Columbia,

the Commission shall determine whether or not there is a position in any other agency in the executive branch of the Government or in the government of the District of Columbia for which such person is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists or by the government of the District of Columbia, as the case may be. The Commission is authorized and directed to issue regulations giving full force and effect to the provisions of this section insofar as they relate to persons entitled to be restored to positions in the executive branch of the Government or in the government of the District of Columbia, including persons entitled to be restored under the last sentence of paragraph (2) of this subsection. The agencies in the executive branch of the Government and the government of the District of Columbia shall comply with such rules and regulations and orders issued by the Commission pursuant to this subsection. The Commission is authorized and directed whenever it finds, upon appeal of the person concerned, that any agency in the executive branch of the Government or the government of the District of Columbia has failed or refuses to comply with the provisions of this section, to issue an order specifically requiring such agency or the government of the District of Columbia to comply with such provisions and to compensate such person for any loss of salary or wages suffered by reason of failure to comply with such provisions, less any amounts received by him through other employment, unemployment compensation, or readjustment allowances: *Provided,* That any such compensation ordered to be paid by the Commission shall be in addition to and shall not be deemed to diminish any of the benefits of such provisions, and shall be paid by the head of the agency concerned or by the government of the District of Columbia out of appropriations currently available for salary and expenses of such agency or government, and such appropriations shall be available for such purpose. As used in this paragraph, the term "agency in the executive branch of the Government" means any department, independent establishment, agency, or corporation in the executive branch of the United States Government.

(2) Any person who is entitled to be restored to a position in accordance with the provisions of paragraph (A) of subsection (b), and who was employed, immediately before entering the Armed Forces, in the legislative branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces. In any case in which it is not possible for any such person to be restored to a position in the legislative branch of the Government and he is otherwise eligible to acquire a status for transfer to a position in the classified (competitive) civil service in accordance with section 2(b) of the Act of November 26, 1940 (54 Stat. 1212), the United States Civil Service Commission shall, upon appeal of such person, determine whether or not there is a position in the executive branch of the Government for which he is qualified and which is either vacant or held by a person having a temporary appointment thereto. In any case in which the Commission determines that there is such a position, such person shall be restored to such position by the agency in which such position exists.

(3) Any person who is entitled to be restored to a position in accordance with the provisions of pargaraph (A) of subsection (b) and who was employed, immediately before entering the Armed Forces, in the judicial branch of the Government, shall be so restored by the officer who appointed him to the position which he held immediately before entering the Armed Forces.

(f) In any case which two or more persons who are entitled to be restored to a position under the provisions of this section or any other law relating to similar reemployment benefits left the same position in order to enter the Armed Forces, the person who left such position first shall have the prior right to be restored thereto, without prejudice to the reemployment rights of the other person or persons to be restored.

(g)(1) Any person who after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise, performed by him after August 1, 1961, does not exceed four years (plus in each case any period of additional service imposed pursuant to law).

(2) Any person who, after entering the employment to which he claims restoration, enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within thirty-one days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall upon request be granted a leave of absence by his employer for the period required to perform active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his discharge from hospitalization incident to that training, such employee shall be permited to return to his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes. He shall report for work at the beginning of his next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following his release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period shall make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work. If that employee is hospitalized incident to active duty for training or inactive duty training, he shall be required to report for work at the beginning of his next regularly scheduled work period after expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control, or within one year after his release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training, but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(5) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination his physical fitness to enter the Armed Forces of the United States. Upon his rejection, upon completion of his preinduction or other examination, or upon his discharge from hospitalization incident to that rejection or examination, such employee shall be permitted to return to his position in accordance with the provisions of paragraph (4) of this subsection.

(6) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under sections 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or sections 206(a) (b), and (d), 301(f), 309(c), 402(f), and 1002(a)-(d) of title 37, United States Code, is considered inactive duty training.

(h) The Secretary of Labor, through the Bureau of Veterans' Reemployment Rights, shall render aid in the replacement in their former position of persons who have satisfactorily completed any period of active duty in the Armed Forces of the United States or the Public Health Service. In rendering such aid, the Secretary shall use the then existing Federal and State agencies engaged in similar or related activities and shall utilize the assistance of volunteers.

(i) The Secretaries of Army, Navy, Air Force or Treasury shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

RIGHT TO VOTE

SEC. 322. Any person inducted into the Armed Forces for training and service under this title shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election.

CIVIL RELIEF

SEC. 323. Notwithstanding the provisions of section 604 of the Act of October 17, 1940 (54 Stat. 1191), and the provisions of section 4 of the Act of July 25, 1947 (Public Law 239, Eightieth Congress), all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, including specifically article IV thereof, shall be applicable to all persons in the Armed Forces of the United States, including all persons inducted into the Armed Forces pursuant to this title or the Public Health Service, until such time as the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is repealed or otherwise terminated by subsequent Act of the Congress: *Provided*, That, with respect to persons inducted into the Armed Forces while this title is in effect, wherever under any section or provision of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed while such Act is in force, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

NOTICE OF TITLE; VOLUNTARY ENLISTMENTS

SEC. 324. (a) Every person shall be deemed to have notice of the requirements of this title upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3.

(b) If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of the title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(c) Except as provided in this Act, nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has received orders to report for induction and except that, whenever the Congerss or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

(d) It shall be the duty of the Director to inform every registrant of all rights and procedures available to him under this title regarding classification, deferment, and exemption. Such information shall be in writing and shall be given to every person who registers under this title at the time of his registration, and shall in addition be available subsequently upon request of such registrant.

REPEAL OF CONFLICTING LAWS; APPROPRIATIONS

SEC. 325. (a) Except as provided in this title all laws or any parts of laws in conflict with the provisions of this title are hereby repealed to the extent of such conflict.

(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

ALIENS

SEC. 326. (a) Section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(15)), is amended by changing the period at the end thereof to a semicolon and adding thereafter the following:

"(K) an alien who has requested and received an adjustment of status under section 247(c) and who is not a nonimmigrant within any of the classes (A) through (J) thereof: *Provided*, That any alien whose status has been adjusted to this class (K) shall depart from the United States within one year from such adjustment: *And provided further*, That any alien who is in this class (K) shall not be eligible for any further adjustment of status whatsoever."

(b) The Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), is amended by adding at the end of section 247 thereof the following new subsection:

"(e) The status of an alien lawfully admitted for permanent residence may be adjusted by the Attorney General, under such regulations as he may prescribe, to that of a nonimmigrant in class (K) under section 101(a)(15) of this Act, or in any other class under section 101(a)(15) for which he may be eligible, if such alien requests an adjustment of status in order to be exempted from the requirements of the Universal Military Training and Service Act, as amended."

(c) Section 248 of the Immigration and Nationality Act, as amended (8 U.S.C. 1258), is amended by inserting immediately after the words "paragraph (15) (D)" the words "or paragraph (15) (K)".

(d) Subsection (a) of section 315 of the Immigration and Nationality Act, as amended (8 U.S.C. 1426), is amended to read as follows:

"(a) Notwithstanding the provisions of section 405(b), any alien who is granted exemption under an existing treaty or any alien who requests and obtains an adjustment of status under section 247(c) or who applies or has applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground that he is an alien, and is or was relieved or discharged from such training or service on such basis, shall be permanently ineligible to become a citizen of the United States."

TITLE IV—MISCELLANEOUS

MILITARY YOUTH OPPORTUNITY SCHOOLS

SEC. 401. (a) The Secretary of Defense, with the cooperation and assistance of the Secretary of Labor and the Secretary of Health, Education, and Welfare, and other appropriate Federal agencies, shall conduct a comprehensive study and investigation to determine the feasibility and desirability of establishing and operating military youth opportunity schools which would provide special educational and physical training, for a period not exceeding one year, to volunteers who fail to meet the minimum physical and mental requirements for military service in order to enable such volunteers to qualify for service in the Armed Forces.

(b) The Secretary of Defense shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The Secretary of Defense shall include in such report, findings with respect to—

(1) the average annual number of volunteers for military service who fail to meet the educational and physical standards for such service, but who, with a maximum of one year's training in opportunity schools of the kind referred to in subsection (a) of this section, could qualify for military service;

(2) an estimate of the costs and benefits to the Department of Defense of establishing and operating such opportunity schools;

(3) the administrative capacity of the Department of Defense to carry out such a program;

(4) an estimate of the reenlistment rate which could be expected from volunteers trained in such opportunity schools;

(5) the advisability of requiring longer enlistment periods for volunteers receiving training in such opportunity schools; and

(6) the most effective means and measures for implementing a program of the kind described in subsection (a) of this section.

NATIONAL SERVICE CORPS STUDY

SEC. 402. (a) The President shall conduct a study and investigation to determine the feasibility and desirability of establishing a national service corps in which citizens of the United States who are mentally and physically able and who desire to perform nonmilitary services designed to combat disease, ignorance, and poverty at home and abroad may serve.

(b) The President shall submit a written report to the Congress of the results of such study and investigation, together with such recommendations as he deems appropriate, not later than one year after the date of enactment of this section. The President shall include in such report such information as he deems appropriate, and in the event it is determined that the establishment of a national service corps as described in subsection (a) of this section is feasible and desirable, he shall specifically include in such report—

(1) a review of existing voluntary Federal service programs (nonmilitary) in which hardships are endured by the participants or extraordinary service is required of the participants, such as the Peace Corps and the Volunteers in Service to America, in order to determine the feasibility of establishing an expanded national service program with the broadest possible participation;

(2) a consideration of what the nature and scope of a national service program should be;

(3) the number of service opportunities which would be generated by such a program;

(4) the relationship of such a service system with the Selective Service System and the feasibility of authorizing service in such a national service corps program as an alternative to peacetime military service;

(5) the most effective means by which such a service program might be coordinated with appropriate private, local, and State programs of a public service nature;

(6) the impact of such a service program upon the labor force and the economy of the United States;

(7) the effect of such a service program upon secondary education and higher education;

(8) the role of women in such a service program;

(9) the cost of establishing and operating such a service program; and

(10) the mental and physical standards for participation, if any, and the duration of service in such a service program.

AMNESTY STUDY

SEC. 403. The President shall conduct a study to determine the appropriateness of granting amnesty in the near future to those registrants convicted for refusing induction and those presently outside the United States who are liable for prosecution under section 203 of this title. In conducting this study, the President shall consider the number of such registrants, the implications for the morale of the Armed Forces granting such amnesty would raise, the historical precedent for granting such amnesty, and such other factors as he deems appropriate. The President shall report the results of this study to the Congress, together with appropriate recommendations, within six months of the enactment of this section.

SELECTIVE CONSCIENTIOUS OBJECTOR STUDY

SEC. 404. The President shall conduct a study to determine the desirability and feasibility of permitting registrants to object to participation in a particular war because of religious, ethical or moral beliefs. In conducting this study, the President shall consider the possibility of requiring selective conscientious objectors to serve in the Armed Forces but in areas other than the war zone; the implications for the effectiveness and morale of the Armed Forces of granting such an exemption; the burden on the Selective Service System of determining who qualifies as a selective conscientious objector; and such other factors as he deems appropriate. The President shall report the results of this study to the Congress, together with appropriate recommendations within six months of enactment of this section.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from Idaho without losing my right to the floor and without my subsequent remarks being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR SPECIAL COMMITTEE ON AGING TO FILE REPORT

Mr. CHURCH. Mr. President, I ask that the time for filing of the report of the Special Committee on Aging be extended to March 10, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island (Mr. PELL) without losing my right to the floor and without my subsequent remarks being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 482—INTRODUCTION OF A BILL TO ESTABLISH A COMMISSION TO STUDY THE USAGE, CUSTOMS, AND LAWS RELATING TO THE FLAG OF THE UNITED STATES

Mr. PELL. Mr. President, for decades—indeed, throughout the history of our Nation—there has been some degree of confusion and disagreement over the proper procedures for display and usage of the flag of our country.

In recent years, it is true, these disagreements have been sharply accentuated by deep divisions among the American people on vital issues of both foreign and domestic policy. Questions of custom and protocol regarding the display of the flag have become accentuated through efforts by various groups to utilize our flag as a symbol of support or opposition to policies.

I think it is important to recognize, however, that the recent disputes over the flag only underscore a long-standing problem: We do not have a standard, comprehensive code prescribing accepted procedures for display of our national emblem.

We have an ambivalent flag code, and confusion is compounded by conflicting formal and informal regulations, procedures, and interpretations promulgated by individual Government agencies and private organizations.

I believe a single, comprehensive uniform code for display and usage of the flag of the United States would be welcomed by all Americans.

To provide for such a code I am introducing today, on behalf of myself and the senior Senator from Texas (Mr. TOWER) a bill providing for establishment of a commission to study and make recommendations regarding the usage, customs, and laws relating to the flag of the United States. Actually, the Senator from Texas and I have introduced legislation on this subject in the previous three Congresses.

The bill being introduced today, Mr. President, is identical to legislation introduced in the last Congress by the senior Senator from Texas and myself. It proposes that a commission be created comprising 10 members appointed by the President: Two from the Senate, two from the House, one from the Department of Defense, and five from private life.

Mr. President, our flag is a symbol of a dynamic nation unprecedented in its accomplishments, yet also beset by certain faults. As a symbol of our Nation, it represents a people constantly striving to rectify such problems. The flag we display today is thus an emblem of a nation which has endeavored to preserve what is good while also attempting to correct what is imperfect. It represents a people who look to the future but do not forget their past. In essence, the flag is therefore a symbol of our national life, a symbol of cumulative contributions of sacrifice, of courage, of love, and of labor that have shaped and will continue to shape and form our national life.

It is with this respect for the flag that I introduce with Mr. TOWER for appropriate reference this bill.

Mr. President, the senior Senator from Texas has long advocated a comprehensive review of the customs, laws, and regulations relating to the flag. I ask unanimous consent that a statement by Senator TOWER, as cosponsor of this bill, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

I join again today in the sponsorship of a bill to establish the United States Flag Commission. Over the years, there has been much confusion in this country over just what is the proper method for displaying the Flag of the United States. As an example of this confusion, all branches of the Armed Services have their own codes, which differ considerably from each other. Some say that the Flag must not be flown at night; others say that it is all right to do so. Some codes say that the Flag must not be flown in inclement weather; others contend that this is all right as long as an all-weather flag is used. Also, it is not completely settled where the proper place of honor is for the Flag of the United States. Some authorities say that it should be in the middle, while others say that it should always be to the right of all other standards. I could go on and on with examples, but I believe that this will give Senators a good idea of the current situation.

For the past few years, the Senator from Rhode Island, (Mr. Pell), and I have been sponsoring legislation that would correct this situation. Stated very simply, it would provide for the establishment of a commission called the United States Flag Commission made up of representatives of the Congress, the Executive Branch and certain lay members who have particular expertise in this matter, to be appointed by the President. This commission would be empowered to review the entire matter of a United States Flag Code and to present to the Congress its report which would recommend specific legislation to correct this confusing situation. The Congress could then determine, with the help of the commission's report, a Flag Code for the United States.

With the fast approaching date for the Bicentennial of the United States, I believe that it is becoming critical that the commission begin its work at the earliest possible moment. I ask that the Judiciary Committee give this matter expeditious consideration, if at all possible, so that the full Senate may consider the measure. The time has come to clear up this confusion and establish a viable Flag Code for the United States.

The PRESIDING OFFICER (Mr. CHILES). The bill will be received and appropriately referred.

The bill (S. 482) to establish a commission to study the usage, customs, and laws relating to the flag of the United States, introduced by Mr. PELL (for himself and Mr. TOWER), was received, read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. HOLLINGS. Mr. President, resuming my comments and still responding to my distinguished colleague from Idaho (Mr. CHURCH), I am not sure that the country is up in arms and entirely disenchanted with the Senate as a body. I think sometimes we lose perspective and become exercised about the actual terms entailed in coming to grips with certain issues and we downgrade the accomplishments of the last Congress. It was stormy and it did take a long time. Two things that took the longest time; namely, the Carswell nomination and the Cooper-Church amendment, were not involved with what some Senators are involved with here in trying to change rule XXII.

In the January 24, 1970, issue of the Charlotte Observer, there was published a lengthy editorial. I will not read it all but I do wish to relate the editorial to the Senate because it outlines the accomplishments of the 91st Congress.

I submit we did accomplish much and that the country is not up in arms. They are looking to us to get on with the job and not dance around the fire each year in these spurious efforts to change the rules that have not caused our trouble, but rather to look at things that have made this a unique body.

The editorial from the Charlotte Observer of January 24, 1971, reads as follows:

THE 91ST CONGRESS WAS STORMY BUT IT ACCOMPLISHED MUCH

Sen. Hugh Scott of Pennsylvania spoke "the two most beautiful words" in the legislative language Saturday, and the 91st Congress adjourned, "sine die," after one of the longest, stormiest sessions in years.

Yet, despite its long sessions and the quarrelsome character it wore throughout, the 91st Congress left behind an impressive record of solid achievement—and some unfinished business.

As a Democratic legislature working under a Republican executive, the 91st Congress seemed more contentious than most, and perhaps it really was. It might be characterized as "the hard-nosed Congress."

In foreign affairs especially, and to an encouraging degree in domestic affairs, the 91st challenged the administration and the nation to make good on their claims and promises and reasserted the legislative branch's co-equal right to oversee the nation's business.

As the first President in this century to take office against an opposing Congress, Richard Nixon had to bear the brunt of these challenges. In the process he lost some of the battles he wanted most to win—his Supreme Court nominees from the South, his plan to reform the welfare system, his political promise to ease import pressure on the Southern textile industry.

He had other goals compromised by the Congress. His options in the Indochina war were limited, his deployment of Safeguard antiballistic missiles was scaled down, his pace in winding down the Vietnam war was seriously questioned as Congress asserted itself in foreign affairs.

The Congress also zeroed in on the Pentagon and the industrial community. Defense spending was cut $2.1 billion, the C–5A transport plan was revealed as an expensive error, and the fate of the supersonic transport (SST) was left hanging in serious doubt.

But this was not a negative Congress. It was busy in the fields of housing, education, health and welfare, writing a $2.5-billion housing program, appropriating $24.6 billion in aid to education over the next three years, renewing the Hill-Burton hospitals program for three more years and writing a $9.5 billion manpower training bill, all of which Nixon vetoed. His veto was overridden on hospitals and aid to schools.

Also, the Congress extended and broadened the food-stamp program, wrote a $285 million family planning program, doubled the school lunch program, brought 4.4 million more workers under the unemployment insurance laws and increased Social Security benefits by 15 percent.

In the area of reform, it wrote the first major revision of the U.S. tax code since 1913, imposed a strong set of regulations against air pollution, passed a comprehensive coal mine health and safety act and the nation's first occupational safety act. It also reformed some of its own procedures and left the door open for further changes in the next Congress.

In addition, it extended voting rights to 18-year-olds, refused to junk the Electoral College and said the issue of women's rights needed more definitive legislation than what was offered.

These and other accomplishments, including aid to mass transportation, a reorganized railway system and the creation of a public-private postal corporation, redound to the congressional credit, though they are perhaps obscured by the arguments and filibusters that marked the "lame duck" session.

That is exactly what caused the trouble. The lameduck session caused confusion by inserting all kinds of legislation, and major pieces of legislation, such as family assistance, foreign trade, social security, the SST, all into one omnibus bill, which, before Christmas, rule XXII did hold up a vote on.

It is not because of rule XXII that the people are up in arms. I think that the editorialists should heed the admonition of the distinguished Senator from Arkansas that it is not the matter of hours, but the matter of the Senate as an institution itself which is in issue. We would come to grips then with moving on to the people's business and realize what Senator Dirksen, former minority leader of this body, said so often in debate on this matter: Point out one good piece of legislation that was completely thwarted and completely defeated, on account of rule XXII. Sometimes held up, yes, for refinement, for better phraseology, for better content, but ultimately never completely thwarted by rule XXII. On the contrary, rule XXII has saved the land from many, many bad pieces of proposed legislation.

Many, many of our predecessors in this body, as I have pointed out, have vigorously opposed cloture. I have cited the great names of Borah of Idaho, Mayfield of Texas, Townsend of Michigan, Smoot of Utah, Phelan of California, Brandegee of Connecticut, Reed of Missouri, and on down the list.

Having quoted several of them I would now like to go to President Woodrow Wilson, whose name can be added to the voices of those who have spoken in behalf of the principle of free debate in the Senate, when he wrote—and I would hope that the news media and those who write editorials would take time to see that this is not a southern filibusterer I am quoting. Civil rights legislation is over and gone; the issue is the Senate itself. President Wilson had this to say:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and the will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the dispositions of the administrative agencies of the government, the country must be helpless to learn how it is being served and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.
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> The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, the only really self-governing people is that people which discusses and interrogates its administration.

Mr. President, it was extended debate on Cooper-Church which brought stability to the Republic at the time of the crisis of last year. It was in the debate on the Cooper-Church amendment when, rather than all of us being labeled "Communists", by questioning the Commander in Chief, we brought the whole thing from out of kilter and into the perspective of what we all were fearing, and that was another Vietnam in Cambodia.

There is the informing nature of the Senate. How else can you get the information to the people except through extended debate? What the Senator from Idaho said the week after May 8, after the invasion of Cambodia, was no different from what he said the last week of June, just prior to the passage by a substantial majority of this body of that amendment; but what he said the last week of June, by the informing process, was listened to, finally understood and appreciated and, as I said, brought stability to all of us and brought respect for representative government.

And of course no recitation of the history of the protection of minority rights would be complete without mention of the great John C. Calhoun. In his learned and still much-quoted "A Disquisition on Government," the famed South Carolina statesman wrote:

> There are two different modes in which the sense of the community may be taken: one, simply by the right of suffrage, unaided; the other, by the right through a proper organism. Each collects the sense of the majority. But one regards numbers only, and considers the whole community as a unit, having but one common interest throughout; and collects the sense of the greater number of the whole, as that of the community. The other, on the contrary, regards interests as well as numbers;—considering the community as made up of different and conflicting interests, as far as the action of the government is concerned; and takes the sense of each, through its majority or appropriate organ, and the united sense of all, as the sense of the entire community. The former of these I shall call the numerical, or absolute majority; and the latter, the concurrent, or constitutional majority.
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> As there can be no constitution without the negative power, and no negative power without the concurrent majority—it follows, necessarily, that where the numerical majority has the sole control of the government, there can be no constitution; as constitution implies limitation or restriction,—and, of course, is inconsistent with the idea of sole or exclusive power. And hence, the numerical, unmixed with the concurrent majority, necessarily forms, in all cases, absolute government.

Recently, Mr. President, another giant has walked in our midst. He was the foremost legislator of the century. As I remarked on the occasion of his death last week, one would have to harken all the way back to the days of Clay, Calhoun, and Webster to find his peer. I speak, of course, of Richard Brevard Russell. How many times I sought his counsel, which was always given with wisdom and generosity. Richard Russell addressed himself to the very problem we are discussing today, and he did so with his usual insight. I deem it a service to bring his cogent remarks made on January 12, 1967, to your attention today, and I deem it an honor to be able to do so. On that day, the Senator from Georgia said:

> This proposal goes much deeper, Mr. President, than the right of an individual Senator or a group of Senators to engage in a prolonged discussion that might be labeled a filibuster. The real issue, the real nub of the question before the Senate, is whether we are to alter the role and the position of this body in our great scheme of government.
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> Mr. President, it was said on the floor of the Senate yesterday that the Senate is the only parliamentary body in the United States where a Senator could not rise to his feet and make a motion that could be carried by a transient majority of one, to gag the other Members of that body and prevent them from speaking. It was said that rule existed in all other parliamentary bodies on earth, including the House of Commons of the British Parliament, by which a motion carried by one vote would gag the remainder of the body. And that statement is true.
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> It is true, Mr. President, because the Senate has individuality. It has qualities that are different from those of any other parliamentary body ever created by the mind and ingenuity of man.
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> Mr. President, the greatest difficulty confronted by the Constitutional Convention that wrote our basic charter—a charter which receives rather short shrift these days, not only in the courts but here in the Congress and at the hands of the executive departments, and, indeed, at the hands of some of the teachers of political science—the greatest difficulty they encountered in reaching agreement and accord on the basic charter of our liberties and the bulwark of our rights, the Constitution of the United States, was on the question of the composition of the parliament of this country, or, as they designated it, the Congress of the United States. The little States would not go along with the proposition that it should be based purely on population, and it took a long time to work out a compromise.
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> The compromise they eventually reached places on this body an indelible stamp that differentiates it from any other parliamentary body on earth; because under that agreement, the smallest State has the same representation in this body as the largest and most populous.
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> That is true today. Not only did they make that provision, but they provided the only limitation in the Constitution that is not subject to amendment without the consent of the States, because they went further and said in article V:
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> "And that no State, without its consent, shall be deprived of its equal suffrage in the Senate."
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> So when Senators speak lightly of invoking a gag rule in the forum of the States of this Union, on the ground that it is different from other parliamentary bodies, I say Mr. President that there is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any state, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.
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> Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.
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> Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days they were referred to as ambassadors of their respective states. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the Senate of the state of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.
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> Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.
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> Here we are. Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own states, and preventing their States from being represented properly here.
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> It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years. The last one proposed, the open housing bill, did not pass. I do not know whether or not it would have been enacted if we had had the majority gag cloture rule that is being urged

on the Senate. But we passed bills that dealt with every other subject. We voted on, I think, some 70 amendments in 1964, dealing with every facet of the relationships between the races, and between the races and the government, and we did it under the present rules of the Senate.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have sat in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority, of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our government, the judicial, the legislative and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

Mr. President, when they talk about amending the rule because it is necessary to pass civil rights bills, that is sheer hypocrisy. It has been demonstrated that they can pass such bills under the present rules. Not only that but a determined majority in the Senate has passed every bill they desired to pass when in the hearts and minds of the majority of the Senators they wanted the bill, since I became a member of this body.

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days, of the early life of this Republic and I admit that but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. The Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments, to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvass of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Mr. President, I shall not delay the Senate much longer.

I have sat in this Chamber with men who were real liberals. They did not have to get a big badge and write on it, "I am a liberal," and run around saying, "I am a liberal. Look at it. Here is my badge." I mean men like Bill Borah, George Norris and Hiram Johnson. I did not serve with the elder LaFollette, but I served with his distinguished son, who was completely indoctrinated with his father's political philosophy. Every one of them defended the right of free speech in this body as the last defense of a minority that might be oppressed.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those large States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small states were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an

> election. It is not true in the other body. It is true only in the Senate of the United States.
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> Let those who wish to have gag rule that is more inflexible than the existing rule 22 bring a bill of particulars, and say: Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States .
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> Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to shortcut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.
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> In spite of all that, this drive goes on and on and on. I can understand it on the part of Senators from the very large States.
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> Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on the earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so drastically change the rules.
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> As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterwards, in connection with the so-called armed-ship bill and two or three other measures, rule 22 has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.
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> I realize that there are those who are committed to the doctrine that the States no longer serve any useful purpose and that it would be better to have everything, from parking regulations on up to the treaties that under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.
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> That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.
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> If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Mordecai and was hanged on it himself.

Those are words of sagacity, Mr. President, and I would hope that we are wise enough to heed them today.

Of all those statesmen I have quoted today, two or three have been from the South, the remainder from other sections of the land. Deliberate debate is not a sectional issue, it is not the particular weapon of one geographical area against the other. To prove this assertion, I have only to point to the record of the recently concluded 91st Congress. During the last session, the tactic of extended debate was used by both liberals and conservatives. It was used to forestall the improvident dismantling of the electoral college, and it was used to block funds for the supersonic transport, the SST. It was used during the discussion of the family assistance plan and it was used by those seeking to limit Presidential authority to commit American troops to military action abroad. In brief, extended debate cut across party lines, ideological lines, and sectional lines. The filibuster, Mr. President, is section-blind, color-blind, and policy-blind. And its demise would be a cruel blow to the American way of government.

Some of the statements put forward by the advocates of easy cloture could lead people to believe that the Senate has unlimited debate right now. That, of course, is not true. Rule 22, for the information of those unfamiliar with the tangle of legislative affairs, provides that debate can be shut off when two-thirds of all Senators present and voting decide to end it. And under rule 22, debate has been shut off on more than one occasion. In the last 10 years alone, the rule has been invoked a dozen times. In fact, Mr. President, it has been invoked more in the past 10 years than in the preceding 50. These were, by and large, occasions during which the national consensus was against those using extended debate. Thus cloture was achieved and the debate was shut off. So those who argue that a small minority can hold up legislation in the face of an overwhelming majority to the contrary would do well to get their facts and their history straight.

Another argument proffered by advocates of limited debate is that the House of Representatives gets along without it. To those people I reply that the House and the Senate are two very different bodies.

Before any change in the present cloture rule is made, I suggest that Members consider that they, as Senators, represent the people in a somewhat different way than do Members of the House of Representatives. Seats in the House are apportioned among the States on the basis of population, and the House may be said therefore to represent the American people as such, on a national basis. The Senate also represents the people, but it represents the people of the States, and the people of each one of the States have the same number of Senators to represent them as the people in every other one of the States. The State of Delaware has as many Senators as the State of California. And this is how it should be. This is federalism, the system of government under which we have functioned since the 18th century. The Senate itself is not only a national, but a federal body. It is responsible at once to the people and to the States as States.

I would also point out that the House was purposely designed to be more responsive to the ever-changing opinion of the people. That is why Representatives are elected every 2 years—to represent the moods of public opinion. The Senate was designed to provide a check on these changes being carried too swiftly into law. The Founders knew full well that unrestrained majoritarianism would lead to chaos, with new laws appearing every day, and with Government policy becoming a never-ending series of dizzying somersaults. The Senate was their response—a Chamber wherein careful deliberation would focus the spotlight on haste and waste, a body where the rights of all, inalienable rights, could be given the protection envisioned at Philadelphia in 1787. George Washington himself embraced this concept of the Senate. He expressed his feelings to Thomas Jefferson by pointing out that occasionally the House of Representatives would act in haste and that the Senate would be needed to cool things off, to make legislation more palatable to the many interests that were represented by the Senate.

The Members of the Senate are intended to have more opportunity to immerse themselves in the intricacies of complex legislation. The Members eventually go to the ultimate court of opinion—the people—but they have, theoretically, at least somewhat more independence. They have, theoretically at least, somewhat more insulation from the pressures exerted by the executive branch. A large body like the House tends more often than not to go along with the administration in power, although there are obviously many exceptions to that. That was true last session, for example, with regard to the SST and also to electoral reform. In the Senate matters turned out otherwise, some would say for the better, others would argue for the worse. But the fact remains that although the Senate was less efficient timewise in acting on the legislation, it was more deliberative in its studies. Open debate has thus helped maintain the independence of the Senate, and the integrity of representative government.

I am concerned, Mr. President, that the Senate preserve for its Members the right to listen and the obligation to learn. These rights and obligations are particularly important for new Members with less experience. The business of Congress is to formulate legislation for the entire country. But the fact is that most new Members of Congress have more knowledge about their own people and their own area than they have about the opinions of other people in other areas. That is only natural. But my point is that free, frank, and open debate provides the opportunity to learn.

Is there any Senator possessed of such detailed and comprehensive knowledge of every section of our country that without further education of a kind—the kind of education to be derived from thorough debate—he can give full consideration to interests shared by people in States of the East and West, North and South? Is there any Senator who would presume to propose laws binding on the people of a State far distant from his own without giving careful and patient attention to Senators from that

State who have the most direct and intimate knowledge of the problems and needs and achievements of the people whom they represent?

Or should any group of Senators, because they are in the majority or because the combined numbers of people they represent are a majority of the Nation, feel justified on the basis of numbers in denying to other Senators freedom to make known to the majority the points of view and the communities of interest shared by people in their own States?

The answers to these questions are obvious, they are self-evident, if we simply pause long enough to reflect upon them. And that is what this whole debate is all about—shall we guarantee that the opportunity for that pause always exists, or shall we throw away the opportunity for reflection?

Mr. President, let me cite one example of what restrictions on free debate can bring. And although this event occurred far away under different circumstances, few in that country thought it could happen to them. I am speaking of the circumstances surrounding Adolf Hitler's climb to power. Hitler, as you will recall, was appointed Prime Minister through the orderly process of the law. Hitler had a majority in the German Parliament upon coming to power, and he soon sent up a measure called the Enabling Act. The Enabling Act gave Adolf Hitler the power to amend the Constitution by decree. It gave him the power to raise and spend money, to negotiate treaties, and much more. In the Parliament were significant numbers of representatives who opposed the Enabling Act. Unfortunately for them, there was no rule of free debate in the Reichstag and so the Enabling Act was rammed through. And when it was, Adolf Hitler became the overlord of Germany with all the fateful results that had for the rest of the world. Yes, Mr. President, the Senate is a unique legislative body with its open debate—thank God it is.

Mr. President, I am tired of being put on the defensive year after year because of my defense of freedom of deliberation for the Senate. This is not a matter for which I should apologize, it is not an attitude that causes me any discomfort. On the contrary, I hold that open and unfettered debate is a positive good, not a detriment. I believe that it is a curbstone of representative government, not a useless appendage.

I am tired of hearing those who disagree with me single out one side of the political spectrum and one section of the country for their attacks. I believe I have shown today that such assumptions are historically wrong and politically prejudiced. Indeed, it is nothing short of hyprocisy to engage in such attacks. I am proud of the privilege, the right to engage in free debate on behalf of those I represent. And I will mourn not only for this Chamber, but for the entire Nation, if ever that right is denied any Member of the Senate.

For some reason, Mr. President, those who seek to curtail the liberty of debate have come to be identified in the public mind as the apostles of good, the agents of reform, the harbingers of some brave new world. They symbolize change and movement, but unfortunately change for the sake of change is too often equated with meaningful reform. This identification is largely the creation of superliberals so impatient with things as they are that they welcome any movement as a sign of advance and progress. Certain agents of the communications media have fallen victim to this prostitution of true liberalism and, as a result, millions of Americans are daily subjected to their analyses.

Given the growing pervasiveness of this dogma, politicians find it more and more difficult to caution against undue haste, more and more difficult to stand on the principles and institutions of the past. If they so much as dare to, they are immediately dragged before the unrelenting glare of the communications spotlight and are identified as symbols of the dead past, relics of an age that supposedly has no lesson for our own enlightened era.

It is time to speak out frankly, Mr. President, if we are to get away from the tired cliches and pat ideology that too often passes for reform or progressivism. It is time to insist that the case against cloture be given the same attention as the case for cloture. Yet in preparing materials for my talk today, I noted with disappointment that the news media give significantly more heed to the advocates of limiting debate than they do those on the other side of the argument. This is just one more example of what I discussed earlier—the ability in the modern era to form ephemeral majorities who, unarmed with all the facts, insist on misguided change. It is one more argument in favor of free and open debate in the U.S. Senate.

Summing up, Mr. President, I will briefly present what I feel are the overriding arguments which favor freedom of debate in the U.S. Senate.

First. Minorities have rights which no majority should override. Government is constituted to protect minorities against majorities. A strategy of delay is justifiable as a means of preventing a majority from trampling upon minority rights until a broad political consensus has developed.

Second. A Senate majority does not necessarily represent a consensus of the people or even of the States. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed. Prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus. The confidence of the people is essential to representative government, but such confidence cannot be retained when minority rights are not fully protected.

Third. It is the special duty of the Senate, sitting in an appellate capacity, carefully to inspect proposed legislation, a duty that cannot be adequately performed without freedom of debate. In our system of government, where legislation can be gaveled through the House of Representatives at breakneck speed with only scanty debate under special rules framed by a partisan committee, it is essential that one place be left for thorough-going debate.

Fourth. Free and open debate really do not prevent needed legislation, because almost every important measure defeated by prolonged debate has been enacted later. No really meritorious measure has been permanently defeated and some vicious proposals have been killed, thanks to the deliberate nature of senatorial debate.

Fifth. It is a unique function of the Senate to act as a check upon the Executive, a responsibility it could not perform without full freedom of debate. Unrestricted debate in the Senate is the only check upon Presidential and party autocracy. It is justified by the nature of our governmental system of separated powers.

Sixth. Majority cloture in the Senate would destroy its deliberative function and make it a mere annex of the House of Representatives.

Seventh. Simple majority cloture would have brought many a decision which would have accorded ill with the sober second thought of the American people.

Eighth. The Senate, without majority cloture, actually passes a larger percentage of bills introduced in that body than does the House of Representatives, with cloture.

Ninth. Unlimited debate is essential whenever a vital, fundamental, constitutional question is presented and a majority is trying to override the organic law of the United States. Under such circumstances, Senators as ambassadors of the States in Congress have a duty to protect the rights of the States.

Tenth. People from all sections and representing all shades of political opinion have used prolonged debate in the past and the rights guaranteed us in the Constitution have been the better for it. I submit that all these groups will have occasions to utilize the safeguard we are discussing many times in future years.

It is neither prudent nor rational to overthrow processes and institutions which have served us well over the years. Why exchange the proven institutions of past and present for an ill-considered scheme which could disrupt government as we have been practicing it since our independence? Do we need this change? Obviously not, Mr. President. It is simply change for the sake of change. It is not reform at all. It is simple, unadulterated regression. And I shall have no part of it. I most sincerely hope that upon reflection, and thanks to the opportunities afforded us by free debate, my colleagues will arrive at a similar conclusion. Then we can get on with the many pressing problems which the country has summoned us to confront.

Mr. President, I yield the floor.

SENATE RESOLUTION 28—INTRODUCTION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION FOR A STUDY ON PRIVILEGES AND ELECTIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to submit, on behalf of the Senator from Nevada (Mr. CANNON), a resolution authorizing additional expenditures by the Committee on Rules and Administration for a study of matters relating to privileges and elections.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be received and appropriately referred.

The resolution, which reads as follows, was referred to the Committee on Rules and Administration:

S. RES 28

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $113,000 to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the election of the President, Vice President, or Members of Congress;

(2) corrupt practices;

(3) contested elections;

(4) credentials and qualifications;

(5) Federal elections, generally; and

(6) presidential succession.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12 NOON ON MONDAY, FEBRUARY 1, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 4 o'clock and 46 minutes p.m.), the Senate took a recess until Monday, February 1, 1971, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

HALTING BROADCAST ABUSES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1971

Mr. ROSENTHAL. Mr. Speaker, the poor quality of radio and TV broadcasting is almost universally acknowledged. TV programing, in particular, has appropriately been called a "vast wasteland." This situation is due largely to the absence of effective monitoring by the FCC of the 7,500 broadcast stations in this country, which often leads to flagrant and continuing violations of stations' public responsibilities.

A highly imaginative petition to correct these abuses was filed with the FCC on January 8 by students of consumer spokesman, John F. Banzhaf III of the George Washington University Law Center. Adopting the acronym STATIC—Student Taskforce Against Telecommunication Information Concealment—the students' petition, if adopted, would require stations to broadcast spot announcements informing the listening public of station programing requirements and procedures governing renewal of broadcast licenses.

Armed with this knowledge the public could critically monitor the stations and make both the FCC and the individual stations aware of violations. In my view such action could lead to increased efforts by the stations to serve the public interest, and ultimately to significant improvements in radio and TV broadcasting.

The petition follows:

HALTING BROADCAST ABUSE—BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

In re: Public Rights in the Broadcasting Media.

PETITION FOR RULEMAKING

JANUARY 8, 1971.

Pursuant to 5 USC Section 553, the statutory authority, and 47 CFR Section 1, 40(a), the Commission authority, STATIC, Student Taskforce Against Telecommunication Information Concealment, a group of students from George Washington University Law School, as members of the general public, respectfully requests that the Commission adopt as part of their Rules and Regulations requirements for licensees designed to give the public effective notice of their rights vis a vis the licensees as established by statute, administrative policies and decisions, and judiciary review decisions.

II. SUMMARY OF THE PROBLEM

The Federal Communications Act of 1934 was passed in part in recognition that the electronic mass media should serve the public. The Act empowered the Federal Communications Commission to regulate the use of the frequency spectrum. The rights of the public to complete coverage of controversial subjects and to inoffensive and factual transmission of news were included in the statutory language.[1] Correlatively, the licensee, as a condition of being granted the license to broadcast, has the duty to serve the public interest by respecting these rights.

The duties the licensee owes the public have been further delineated since 1934 through administrative policy statements and judicial review. The licensee's programming, it is now recognized, must be balanced and fair, and

"THAT THE LICENSEE RESPONSIBILITY IS TO BE EXERCISED IN THE INTEREST OF, AND AS A TRUSTEE FOR THE PUBLIC AT LARGE."[2]

Furthermore, the public has standing at Commission hearings. Nonetheless, the public is not made aware of their rights, and they are unable to fully protect their interests. The duties of the licensee must include informing the public of its rights through the media. Otherwise, the statutory rights of the public serve merely to protect the licensees from competition. They will not insure that the interests of the public be served.

The Commission does not have the resources to effectively monitor and identify the licensees who violate the public trust. In the thirty-six years of existence, the Commission has expanded the personnel in its broadcast bureau three-fold, while the number of licensed stations has increased ten-fold. The Commission requires the licensee to ascertain the community needs and program accordingly. In this way the licensees satisfy their statutory requirement of public service. The Commission cannot independently evaluate each community's needs, and should not depend solely on the licensees evaluation of its own performance.

Therefore, as a mode of illucidating the public interest the Commission should invite the licensee to open direct avenues of communication with the public.

III. PROPOSED SOLUTION

In order to actualize the statutory intent and purpose it is necessary that the licensees be required to inform the public of its rights and of the duties owed by the licensees. In order to effectively administer the Act, and present Commission policy, the Commission should adopt our petition for rulemaking which would require the licensees to give effective notice to the public of its rights.

IV. THE RATIONALE OF THE PRESENT SYSTEM

The original Federal Radion Commission (1927) and the succeeding Federal Communi-

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Footnotes at end of article.

cations Commission (1934) were created in response to two problems involving the allocation of the frequency spectrum: the prevention of technical interference and the choice of who is to operate upon the limited number of frequencies.[3] The allocating mechanism adopted by Congress was licensing.

The problem of preventing technical interference was easily solved. The FCC limited the number of licenses to transmit and regulated their power and frequency transmission.

The second problem was more intractable. The Commission is instructed to grant or renew a license "if in public interest, convenience, or necessity."[4] This language was taken from public utility legislation and lacked any definite criteria for the Commission.

The relationship between the broadcast industry and the public is special and unique. The FCC could not issue licenses on a first come basis and depend upon competition to protect the public interest. The major theorem of the competitive model is that the interaction of buyers and sellers insures the interest of each one is maximized. However, in commercial broadcasting, the licensees are the sellers and the advertisers are the buyers. Therefore, the public interest is not directly considered if the broadcasting industry is unregulated.

Moreover, the technically limited frequency spectrum created an oligopolistic industry structure which necessitates regulation.

However, regulating the profits of the licensee as if he were a common carrier or public utility was quickly rejected. It was felt that this type of regulation would in no way protect the public interest.

On the other hand if the public was merely a third party beneficiary of a contract between the owner of the broadcast station and its advertisers who pay to broadcast, the public would not have any rights cognizable in a judiciary forum. This is not the case.

Thus, the vague language of the statute considering the "public interest" must involve a special kind of regulation. One side argued for precise legislative standards for licenses while the other side advocated permitting administrative discretion.[5] The statutory language permits administrative discretion.

The FCC enabling legislation, subsequent FCC policy statements and decisions, and judicial review decisions have better defined the rule of the public and formalized the relation among the parties of interest.

V. THE RIGHTS OF THE PUBLIC

Numerous conflicting policies and actions can be rationalized under the rubric of public interest. Nonetheless, some definite meaning to "serving the public interest" has been acquired, since the Federal Communications Act of 1934, through administrative policy decisions and judicial review.

The statutory language explicitly defined three aspects of what would serve or insure the public interest: the airways were to be fully utilized;[6] controversial subjects were to be covered completely;[7] offensive and unfactual transmission of news was prohibited.[8]

The function of the FCC is not only to issue and renew licenses, but as importantly to insure that the public interest is considered by the licensee. To those who argued that we should "regard the Commission as a kind of traffic officer, policing the wave lengths to prevent stations from interfering with each other, Mr. Justice Frankfurter answered:

"But the Act does not restrict the Commission merely to supervision of traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. And since Congress itself could not do this, it committed the task to the Commission.

"The Commission was, however, not left at large in performing this duty. The touchstone provided by Congress was the 'public interest, convenience or necessity.'

". . . The facilities of radio are limited and therefore precious; they cannot be left to wasteful use without detriment to the public interest. . . . The Commission's licensing function cannot be discharged, therefore, merely by finding that there are no technological objections to the granting of a license. If the criterion of 'public interest' were limited to such matters, how could the Commission choose between two applicants for the same facilities, each of who is financially and technically qualified to operate a station? Since the very inception of federal regulation of radio, comparative consideration as to the services to be rendered have governed the application of the standard of 'public interest, convenience or necessity.' "[9]

In subsequent proceedings the Commission further defined the statutory language. Full utilization of the airways means in part that the public is to be protected from overcommercialization.[10] The licensee's programming must be balanced; thus, the Commission identified fourteen areas in which the licensee must provide programming. These areas include programming of religion, education, politics, sports, entertainment, news, agriculture, weather and public affairs, editorializing, service to children and minority groups, opportunities for local expressions, and development and use of local talents.[11]

Recognizing the importance in a democracy of public response to controversial issues, the Commission formulated the Fairness Doctrine.[12]

The licensee's programming must be relevant to the community. In Simmons v. F.C.C. 169 F. 2d 670 /1948/, the D.C. Court of Appeals upheld an F.C.C. ruling that a licensee who makes no effort to structure its programs to the particular needs of the community does not satisfy the public service responsibility of a broadcast licensee. A licensee must not only be cognizant of the community needs, but his programming must reflect the various interests of the community.[13]

In the Office of Communication of United Church of Christ v. FCC, 359 F. 2d 994, it was recognized that the public does have standing before the FCC to enforce its rights. Thus the court recognized the public as an active participant in broadcasting. In order to make this participation more effective the public must be informed of its rights.

Considering that the airways are public property which the licensee is merely given permission to use at nominal cost, the duties the licensee owes the public are not oppressive. They do not even endanger the licensee's monopoly profits.

VI. IN RESPECT OF THE RIGHTS OF THE PUBLIC

The rights of the public are essential in the mass communication media industrial structure, and yet the licensees appear to pay more lip service to the public's needs and interest. To realize how true this statement is, students of the mass communication media consider it axiomatic that the present performance of licensees with respect to public service can be improved.[14]

Thus, under the present system. the rights of the public are well documented and recognized, and yet there is no effective mechanism to insure that these rights are honored.

Unsurprisingly, the public has not acted vigorously to protect its own rights. In fact, most of the public is unaware of its rights.

"Most people believe that radio and television are like the weather. Bad weather exists. But it is no one's fault. Accordingly, nothing can be done about it. The same is widely believed to be true of radio and television."[15]

The public may also be apathetic to the duties the licensee owes them. Even if the people are apathetic, an opinion that no one has taken the trouble to verify, their apathy is no excuse for not informing them of their rights. Democracy is principled upon the proposition that the public has rights and has the freedom and information to exercise those rights. Rights of which the public has no knowledge are not rights at all.

VII. THE TREND TOWARD ACTIVE PUBLIC PARTICIPATION

The broadcast license is issued by the FCC for a three year term. Upon expiration, the licensee is eligible to renew.[16] The statutory criterion for licensing is: "whether the public interest, convenience and necessity will be served by the granting of such application."[17] Since the statutory language of licensing criterion is vague, the Commission has had to develop its own operational criteria consonant with the statute.

As recently as ten years ago, the Commission's criteria was criticized as confusing. The reason, Judge Friendly argued, was that the Commission mistook evidentiary items for elements of policy. He sought to isolate two main elements of policy: the community should have the programming best adapted to its needs, and ownership of the mass communications media should be diversified.[18] The FCC officially adopted similar guidelines.[19] The evidentiary items such as local ownership, integrated ownership management, and management participation in civic affairs are supposed to relate to an applicant's ability to achieve the policy goals.[20] For example, the local applicant was considered better aware of the community needs, and therefore more likely to be able to program in accordance with those needs. It was even better if the local applicant participated in civic affairs, because that indicated an awareness and interest in the welfare of the community. Furthermore, the fulltime participation by the applicant in the station's operation was of substantial importance because that enhanced the probability the station would be responsive to public needs and demands.

The use of such propositions to develop evidentiary items is understandable in hearings for new licenses. In an application for a license, empirical evidence concerning the relevance of the proposed programming to the community's needs is not available. However, in a license renewal hearing, the public's evaluation of the licensee's programming is readily available, is pertinent, and should be ascertained.[21]

The 1970 Policy Statement directly addresses this issue in the first step. In addressing this issue, the Commission has neglected to create a mechanism by which it can obtain an objective evaluation of the public's needs. It must be remembered that the adversarial function within the administrative system is different from that within the courts. The Commission has two roles—advocate for the public—and judge. The Commission cannot independently assess the public's interest and needs, so it gives that duty to the licensee. The licensee is required to complete FCC Form 303 Sec. IV–B Part I which asks: "to state the methods used . . . to ascertain the needs and interests of the public served by the station (and to identify) representative groups, interests, and organizations which were consulted." To satisfy this requirement, a licensee need simply talk to many important ("representative") people and organizations in the community.[22] The applicant is also asked to list typical programs which "have served public needs and interest." Still missing is any well defined idea of what are the public needs and interests to be served. More bla-

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Footnotes at end of article.

tantly missing is the use of any general public response in order to ascertain the needs and interests of that public. Unsurprisingly, two commissioners concluded in 1968 that the licensee's local surveys were useless.[23] Nonetheless, in determining whether the licensee's programming has been "substantially attuned," the Commission relies upon the licensee's own local surveys.

It is unquestioned that the FCC lacks the resources to properly police the licensees as the representative of the public. In 1969, the Commission's broadcast bureau staff was only three times larger than when it began operations. That staff was responsible for more than 7500 operating broadcasting stations, an amount ten times greater than the number of operating stations when the Commission began operation. Although the Act of 1934 provided for "any party in interest (to) file with the Commission a petition to deny any application," the public was not considered a party in interest until 1966. Chief Justice (then Judge) Warren Burger recognized that the Commission lacked resources and that:

> The theory that the Commission can effectively represent the listener interest in a renewal proceeding . . . is no longer a valid assumption.[24]

The remedy was to extend standing to intervene in license proceedings to "responsible spokesmen for representative groups in the listening community." It remains for the public to protect its own interests in light of Chief Justice Burger giving judicial recognition to the right of the public to protect its rights.

The trend toward public participation in the mass electronic media is not complete. The FCC requires the licensees to consider the public interest in forming its programming by consulting representative public groups. It is our contention that the community's needs cannot be ascertained adequately by delegating the duty to the licensee. A more efficient means would be to give the public the duty to protect its rights.

Therefore, we propose that the FCC adopt the following rule:

I. The licensee shall be required to provide a specified period of time, to be determined by the FCC, to broadcast informative, impartial and effective notice to the public at large of its rights and the licensee's duties under existing statutes and administrative policy decisions. Such broadcasts shall be aired at intervals specified by the FCC, but in no event less than once every six months, and shall be made during the prime hours of 7:00 to 10:00 P. M.

II. Such broadcasts should be designed to impartially and effectively inform the public at large of its rights and licensee's duties including the following topics which are not meant to be exhaustive.

a) The Fairness Doctrine including:

1) right to reply to controversial programs, editorials, or opinions aired or expressed by licensee.

b) right to reply to personal attacks made by persons whose views have been broadcast by the individual licensee. Such time being provided by such licensee.

c) complete coverage of controversial subjects or programs.

d) right to unoffensive and factual transmission of news.

e) right to complaint either to station itself or to the FCC concerning any and all grievances felt by individual members of the community by licensee.

f) right to intervene in licensee renewal proceeding including:

1) right to petition against granting of said license

2) right of complaint to licensee or FCC

3) explanation of the requirements under Rule 1.580 concerning license renewal.

(g) the licensee's duty to provide balanced programming in the interest of public spirit and taste without overcommercialization by such licensee's sponsors

(h) the licensee's duty to actively elicit public opinion concerning its overall operation

(i) activities of other groups contesting renewals

In order to insure the public's right under the proposed rule we recommend that each individual licensee be required to maintain a log of all responses made by the public to said licensee concerning all aspects of the licensee's performance as well as the action taken by the licensee regarding such responses. The maintainance of such a log would greatly facilitate the interaction between the licensee and the community being served as well as providing an effective aid in determining a licensee's performance in regard to the license renewal procedure. By having the individual licensee be responsible for maintaining a record of public response and actions taken accordingly, a large portion of the burden of policing the broadcast frequencies would be handled by the public at large, thereby reducing the role of the FCC in this area.

Thus, we believe that the individual licensees and the communities they serve, could through the operation of the proposed rule reach a considerably higher level of mutual discourse and cooperation while furthering broadcast standards, community interest, and effective utilization of the broadcast frequencies. This proposed rule will also make Rule 1.580 more effective by giving the public information upon which to make complaints.

We do not believe that this rule would be followed by increased dependence of the public on the Commission or an increased workload on the Commission's staff. Rather, just the opposite will occur. This rule will encourage critical monitoring and discourage frivolous complaints by the public because the public will be aware of what the licensee's duties are. Furthermore, this rule will encourage the formation of responsible civic groups which can open avenues of discourse with the licensee, and when necessary, provide the means to make program agreements like those in Rochester and Texarkana, bypassing the Commission.

Unlike the Illinois committee,[24] the present petition for rulemaking does not ask the licensees to delegate to an outside organization the right to broadcast announcements. It does not depend on the FCC finding license renewal a controversial issue falling under the Fairness Doctrine but rather follows the Commission's implicit suggestion that the proper method through which to enlarge the licensee's requirement for publication of information is the rulemaking procedure.

Wherefore, these arguments considered, the Commission is respectfully requested to issue an appropriate notice of proposed rulemaking.

Respectfully submitted,

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FOOTNOTES

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[1] 47 U.S.C. 315a 303 m/1/d.

[2] Office of Communication of the United Church of Christ v. FCC 359 F. 2d 994 (1966).

[3] Coase, Federal Communications Commission, 2 J. Law & Econ. 8 Oct. '59.

[4] 47 U.S.C. 309a.

[5] McDonald, Need for Standards in Selection of Licensees, 17 L.R. 61 Fall '64.

[6] 47 U.S.C. 303.

[7] 47 U.S.C. 315a.

[8] 47 U.S.C. 303/m/1/d.

[9] National Broadcasting Co. v. United States, 319 U.S. 190, 213, 215–17 (1943).

[10] 317 FCC Annual Report 92 (1963).

[11] 25 Federal Regulation 7291, 7295 (1960).

[12] In the Matter of Editorializing by Broadcast Licensees, Docket No. 8516 13 FCC 1246 (1949) Sec. 3.

[13] Capital Broadcasting Co.

[14] Barrow, The Attainment of Balanced Program Service in Television, 52 Va. L. R. 633 (1966).

[15] Broadcasting in America and the FCC's License Renewal Process: An Oklahoma Case Study. A Statement by Commissioners Kenneth A. Cox and Nicholas Johnson, 14 FCC 2dl (1968).

[16] 47 U.S.C. 307.

[17] 47 U.S.C. 309a.

[18] The Fed. Admin. Agencies, 1962, 57–9.

[19] 1 FCC 2d 393, 1965.

[20] Ibid. p. 58.

[21] One reason the 1970 Policy Statement omits diversification of ownership as an item of policy is because diversification is a surrogate measure of the likelihood of diverse programming designed to meet the community needs. In license renewal proceedings, direct evidence of licensee's past record is available to evaluate whether his programming was substantially attuned to the community needs, and surrogate measures are not needed.

[22] WHDH: The FCC and Renewal Proceedings, 82 Harv. L. Rev. 1693 (1963).

[23] 14 FCC 2d 9.

[24] Federal Communications Commission reply to Illinois Citizens' Committee for Broadcasting, FCC 70 1141 Oct. 21, 1970.

WELFARE REFORM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, January 29, 1971

Mr. BYRD of Virginia. Mr. President, one of the most pressing problems which the Government faces today is reform of the national welfare system.

Last year, during hearings conducted by the Senate Finance Committee, an outstanding contribution to understanding of this problem was made by the distinguished former Senator from Delaware, John Williams.

In the January 27 edition of the Northern Virginia Daily, an excellent editorial was published outlining the problems of welfare reform and paying tribute to the great role played by Senator Williams.

The Northern Virginia Daily is published at Strasburg, Va. Its editor is James J. Crawford.

I ask unanimous consent that the text of the editorial, entitled "Welfare Reform," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELFARE REFORM

Because of his penetrating insight and his dogged insistence that legislative boondoggling be exposed for what it entails rather than for what it appears to be, recently retired Senator John Williams of Delaware had been described as the "conscience of the Senate."

It was a high compliment. Sen. Williams had earned it because through the years he appeared to put the people's right to know before legislative maneuvering and political dealing. He was one of that relatively small group of congressmen in both chambers to whom personal ambition is less important than the public trust.

The Delaware senator followed this course to the end of his tenure. One of the last services he performed for the nation was his expose of what is involved in the Administration's welfare reform.

The welfare reform which President Nixon proposed in his State of the Union message is essentially a revival of the family assistance and so-called work incentive plan introduced by the Administration in the 91st Congress last year. This bill, which passed the House last session but died in the Senate, had as its base a federal relief allowance of $1600 a year for each family of four. The new Administration bill has not yet reached the Hill, but when it does it is expected to be largely a replay of last year.

Stressing the fact that since not one welfare recipient in any state of the Union would receive one dime less under the expected Nixon proposal than he is now getting under existing laws and after having this finding collaborated by the Secretary of HEW, Sen. Williams concluded:

"We therefore proceed on the premise that there is no reform in this bill, assuming there are abuses now. Quite to the contrary, all the inequities in existing law will be frozen into the new program, plus some more being added."

Human Events reported what would happen under the currently awaited new welfare reform legislation which will also have as its base $1600 per year per family of four. Though the figures would vary somewhat from state to state, here are decidedly impressive reasons why Sen. Williams and others opposed the Nixon plan last year in the Senate, and why those remaining will probably oppose it again.

Human Events compressed much of the reasoned opposition to the Nixon Administration's concept of welfare reform into the following two paragraphs:

The program would work in the following way. The federal government would furnish $1,600 for a family of four on welfare, but this sum is only the beginning. For the federal subsidy would automatically trigger mandatory supplementary payments. In New York, for instance, the $1,600 payments triggers in $2,156 additional state supplemental payments, 70 percent of which is paid for by the federal government. This brings the family's cash income to $3,756, tax-exempt. But this isn't all. The family can also collect food stamps worth $312, Medicaid benefits averaging $1,153 annually, plus another $989 in rent supplements or public housing. This is a total of $6,210 for this family in New York City.

But suppose, said Wiliams, "the city letter carrier that is delivering this welfare check has a family of four. His income is taxable, and after he pays taxes he has $6,209 left, or $1 less by working and earning $7,000 a year than the same size family gets if on relief. Is that a work incentive?"

Instead of acting as a work incentive measure, the Administration's new bill "will pay a premium to the man who slides back into welfare." In addition, it will cost untold new billions of dollars more than present welfare costs, which already threaten to engulf many large cities. But, worst of all, it will be a way to give away more money—not reform.

This newspaper has supported the need for welfare reform for many years. Heaven knows, reform is overdue. But, except for the fact that it is labeled "reform," there isn't much to recommend the Administration's expected proposal.

Work incentive? People being people, how can we inspire the average welfare recipient to go to work and to improve his job skills if he can continue to have as much money coming in without working.

BOY SCOUTS 61ST ANNIVERSARY

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. NATCHER. Mr. Speaker, beginning on Monday, February 1, the Boy Scouts of America will launch a month's observance of the anniversary celebration of this outstanding organization. As you know, in the past we have had a national week in which attention was focused on the activities and accomplishments of the Nation's largest youth organization, but now this celebration will extend for a full month.

This year marks the 61st official birthday anniversary of this worldwide movement which was incorporated here in Washington on February 8, 1910. Certainly I think it is entirely proper to designate this longer period of time for mental protection, and during this annual anniversary, and once again I am proud and pleased to take this opportunity to express my wholehearted interest in and genuine admiration for this splendid organization.

Since it was founded in 1910, the Boy Scouts of America has been teaching and practicing conservation and environmental protection, and during this anniversary celebration a year-long program identified as Project SOAR—Save Our American Resources—will be initiated. It is estimated that over 6 million boys and their leaders will join forces with organizations and agencies at the community, Federal, State, and citizen levels to aid in saving our American resources. What better evidence do we need to illustrate the overall aim of scouting to make this splendid organization thoroughly relevant to the needs and interests of our youth and our Nation?

The long-range dynamic expansion plan known as Boypower 1973, which was adopted by the Boy Scouts of America last year, is going forward extremely well and will continue until 1976 which year will mark the 200th anniversary of the founding of our country.

As I have stated on previous occasions, I always enjoy recalling with true appreciation the many fine and interesting experiences which were mine as a Boy Scout, and I firmly believe that the basic concepts of this organization cannot fail to generate a sincere realization of one's duty to God and country as well as a keen respect for the fundamental rights of all people.

The fact that presently one out of four boys of Scout age is a member of the BSA fully supports the meaningful slogan "America's manpower begins with boypower" and reassures us that scouting is definitely one of the best proven methods of developing individual character and the qualities of leadership.

In Kentucky the scouting movement has expanded significantly and I am naturally pleased with the progress that has been made in the Second Congressional District.

Mr. Speaker, our Boy Scouts continue to be among our greatest assets and as they undertake a month-long observance of their 61st birthday I consider myself both fortunate and privileged to have this opportunity to congratulate them and to wish each and every one of them continued success in all their future endeavors.

CONVERSION: THE NEW MANAGEMENT GAME

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MORSE. Mr. Speaker, a perceptive and enlightening contribution to the current discussion of economic conversion was recently made by Dr. Albert J. Kelley, dean of the Boston College School of Management, and chairman of the Massachusetts Board of Economic Advisers. In a speech delivered on January 21, 1971, before the Smaller Business Association of New England, Dr. Kelley pointed out the vital need for action by the Federal Government to assist companies in adjusting from defense-contract work to civilian-oriented production. Since the conversion problems cited and some of the solutions offered by Dr. Kelley are directly relevant to the Economic Conversion Act which I have reintroduced at this session, I would like to share the speech with my colleagues.

The speech follows:

CONVERSION: THE NEW MANAGEMENT GAME

(By Dr. Albert J. Kelley)

Conversion is a popular word these days. It is a subject about which there is lots of talk and little action. It reminds me of the way many problems are approached in the academic world these days. Many academicians feel that if they have talked about a problem long enough they've solved it. We're far from a solution to this increasingly important subject and the basic causes underlying it.

The problem is, of course, the deep cutbacks by the federal government in defense and space spending. In order to attack a problem and attempt to find solutions for it, we must first define it and admit it exists.

These cutbacks are having a very serious impact, an impact which will become more serious over the next year when one analyzes the three most recent federal budgets. The latest publicity on shipyard phase-outs, while important and even alarming in itself is only a manifestation of a problem that we all know has existed for some time.

Thus far, we have not seen a willingness on the part of our Administration in Washington to admit cutback problems exist, let alone tackle them. There seems to be a feeling in Washington that the impact on industry, from Government defense and space cutbacks, is either not the Government's problem, or will go away if we don't worry about it, or will be taken care of by overly optimistic projections of an upturn in economy.

Let me state categorically from studies that we at Boston College and others have run and my own personal review of federal and state information, that these cutbacks create a serious problem to our national and local economy, a problem which is going to get worse before it gets better. There are measures that the federal and state government can undertake. I will propose a few of them before this talk is over. I hope to elicit more from you before this meeting is adjourned.

Many are worrying about individual unemployment and some are doing something about it. I will concentrate my attention in this meeting on the *unemployed company* and what we might do to help it.

Small business has many unique problems in this current cutback situation. Many of our small companies are sub-contractors, often to prime contractors located out of state. The sub-contractor is hit a double blow in a cutback situation.

When the prime contract is reduced, he is immediately reduced by his proportionate share. In addition as you all well know the prime contractor then begins to "pull in his horns", to do more work in-house, and to sub-contract less. His "make or buy" decision becomes much easier, in fact, often obvious.

In order to best solve our regional economic and unemployment problem, we must get at the *root cause* and insure that industrial corporations maintain economic and industrial health with reasonable profit margins. If we can do this, maintaining strong companies, we can cut back on unemployment by causing less people to be released from the payroll and providing plenty of new job opportunities for those who are in transition.

Whether or not to convert and what to convert to is, of course, an individual corporate decision. I think it is important however, that each and every corporation decide for itself fairly quickly what market and product mix it desires to have over the next few years. It may be that a company, as many have, will decide to retrench and continue as a solely government contractor; it may be that a company will decide to go into wholly commercial markets; or it may be that a company will decide to establish some mix between government and commercial markets, the important thing is the company have a strategy and a plan.

A few general principles to help separate fact from fiction in your conversion decision and serve as an input to your own thinking:

It is fact that there is a serious cutback in government defense spending. It is fiction that there is non-defense government funding which will pick up the slack or differential.

Despite all the publicity in Washington about shifting our defense industries to environmental control transportation, urban systems, etc. etc., etc., neither I nor anyone else has been able to find significant or meaningful governmental funding in these new areas which could be considered in any way a dollar volume substitute for defense dollars eliminated from recent federal budgets.

It is fact that many new technologies have been developed under the Department of Defense and NASA's programs. It is fiction that these technologies have only to find the right problems in other areas and we will solve all our earthly woes.

We have too many technology solutions and advocates of them going around looking for problems to solve. We need more applications orientation. more down to earth market analysis. Sophisticated technology developed for military and space applications will not alone solve our problems. Mundane applications of it together with *good management* and realistic problem-solving might.

It is fact that many sophisticated management techniques have been developed under DOD and NASA sponsorship such as systems analysis, PERT, etc. It is fiction that these are a panacea for non-aerospace enterprises and management operations.

Many of these techniques are indeed excellent and have great potential for other applications. We have only begun, however, to sift out those which have real transferability from those which are applicable only to the unique military-industrial-space project.

It is fact that marketing is the key to any successful business operation. It is fiction that there is any similarity between government and commercial marketing.

The dissimilarity in different types of markets presents, in my opinion, the greatest problem for a company wishing to convert out of a defense dependence. It is a primary reason why many companies who have been in both markets have had to run essentially two different operations. It is a primary reason why very few people, even within a company, have crossed lines between the government and commercial divisions.

Conversion is easy to define but hard to accomplish. But, before we accomplish we still must define the differences between the business environment a company is in now and business environment it wishes to enter.

Let's look at the government contractor for a minute and assess his business environment. He deals with a very sophisticated customer—the Federal Government. This customer writes good specifications and knows what he wants, sometimes almost too much so, down to the last comma, decimal point and fraction.

Marketing is largely of a personal nature, depending heavily on personal contacts and the reputation of the company. The market is very narrow and very deep. That is, a company expects to get relatively few contracts over a period of years, that is, make few individual sales, but expects these to run for some time and lead to follow-on contracts.

There is a unique budgeting, costing and contracting process in government business. Different financial incentives exist for a corporation in government business as compared with a commercial enterprise. While profit may be very small, return on investment for a government contractor can be very large—that is the name of the game.

On the other hand, the commercial company deals largely with a relatively unsophisticated customer. Market characteristics are quite different. Usually a higher number of sales of smaller dollar value are required to achieve the same market volume. The markets are diffuse and often fractionated.

There is a different cost approach and attitude in a commercially oriented company with tighter financial controls, which are not subject to government regulation and inspection and permit more ingenuity on the part of the manager and greater operating flexibility. Corporate management must run leaner than with the overheads allowable on Government contracts and the resulting numbers of middle managers.

In the commercial company there is a greater financial risk from the external investment viewpoint and from the internal financial control viewpoint. Profit and other performance measures are more directly tied to management performance and decisions.

By and large, it should be easier for the small company to convert than for the large defense contractor. The large aerospace companies have had a great deal of difficulty, as you know, in conversion. Their basic problem, in my opinion is they are accustomed to large overhead and large management and staff structures, so that they approach these other markets with all the complexity and overhead which they have been used to on large government contracts.

As a result, they often over-kill the problem and bring to it a solution that requires a budget in the seven and eight figures when only a six figure budget is available. This six figure budget, in turn, may be ideal for a small company, which can turn around fast and run lean and hard.

In addition to the decision and subsequent action by the individual company, I think there is much that can be done by the federal and state governments to help ease this conversion and turn-around situation. There has been little done up to this point, and I see no reason why an organization such as SBANE could not provide information and apply appropriate pressure on government officials to help bring some action about.

Let me propose here a few steps which would be taken. They are not necessarily the best, the list is by no means complete. They are a few that I think can work and which our government can take action on relatively quickly. First the federal government:

We should take a hard look at the defense budget. Have we cut, in fact, too deep? In my opinion, we are dangerously close. At the time of the Cambodian invasion eight months ago the President released information indicating that a large gap was emerging between the defense strengths of our country and the Soviet Union. His own budget should serve to close this gap, not widen it.

The Federal Government should put money into conversion projects if it expects government defense contractors to work in these new areas, to turn around, to make the conversion. It should invest some seed money to get them started so that they can tackle these new problems in the business environment—that is government contracting—in which they've been previously involved.

The Federal Government should help reduce the risk conversion by providing some form of government guaranteed loans such as World War II and post War V-Loans. The commercial financial institution would provide funds, but their risk would be considerably reduced by a government-backed guarantee. This would stimulate more money flow into high risk conversion.

Take steps to reduce foreign competition in those areas to which American companies can convert. It makes no sense to have American capital, technology, and management spend the energy and take the risk to move into new areas when foreign competition could come in shortly thereafter and clean up the market, as we've seen too often recently.

There are many things that states and regions such as Massachusetts and New England can do.

Provide seed money and initial subsidy for academic institutions to institute training programs for executives *in companies*. Massachusetts is engaged in helping the unemployed retread or convert, and this is good. But, we must be careful that we don't spend all our energy trying to catch the horse after he leaves the barn. It's just as important to help *executives learn new management techniques* for new markets and businesses *while they are in the company so that they can convert the company as well as themselves.*

Provide industry-wide and individual corporate assistance to companies who are interested in converting. This could consist of state sponsored market surveys, assistance in locating government contracts, and many peripheral services which the smaller company is not able to provide for itself, either because of lack of information or funds.

Provide incentives to attract private risk capital to turn-around situations or new ventures. This could take the form of tax incentives, investment incentives, steps which would attract the private investor to conversion situations.

I think that we in the universities can help in this situation also. We have already taken steps at Boston College. In our School of Management we formed a Management Institute over two years ago to work with small and medium size companies by providing educational services such as seminars and courses.

Now that the economic situation has changed and we have matured our programs, we think we can provide a valuable service to the community and are in the process of doing this.

We have run two national and international seminars on venture capital and management, the joining of technology, management and money.

We have run evening programs on such subjects as financial management for technical executives and modern marketing methods.

Under the sponsorship of the New England Regional Council, we have put on a program to educate regional and industrial development officials in New England on the process of forming new companies and of joining the entrepreneur with the financier.

We are putting on, in cooperation with the Institute of Electrical & Electronic Engineers and the American Institute of Aeronautics and Astronautics a seminar series beginning February 9 on the organization and management of new enterprises. By new enterprises we mean not only new companies, but new divisions and new projects in existing companies. This seminar is keyed specifically to new market areas and, therefore, conversion.

We have just started to work with individual companies who need updating or reorientation on modern business methods and techniques, particularly in new business and market areas. Our first program will start late in February, a four-day seminar for a well-known, and fast-growing technology company.

Until recently, I believed that the conversion problem was one which industry had to solve by itself and could solve by itself.

I am convinced now, however, that conversion requires some form of federal assistance. The alternative is to deal a serious blow to our economy on a national scale.

The snowballing and multiplier effect of a high technology community out of business cannot be isolated. It affects every element of our national and international strength and posture.

Also, I feel, the Federal Government has a duty and an obligation to assist high technology government oriented companies in the transition to other business areas.

The "management shock" of moving into a new business area, while at the same time assimilating new business methods and criteria, is just too much to expect many of these companies to absorb. Either one, new products or new business methods, would be difficult in itself. The cummulative combination of these two is a lot to absorb and a lot to expect.

There is much which groups such as SBANE can do to help bring about this government support. I would be glad to work with you in any way I can.

HELP FOR OUR ELDERLY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. ZWACH. Mr. Speaker, in the 91st Congress we acted on, and passed the social security amendments. Contained in that bill were provisions to provide an increase in benefits along with an automatic cost-of-living increase. We also provided that the allowable income levels would be raised to $2,000.

These were steps in the right direction, and we, of course, still have to enact this legislation. I do believe, however, that we can go further to help our elderly citizens who are living on low fixed incomes.

Many of our people who have retired, or semiretired, still want to work and many of them must work in order to supplement their retirement income. A needed benefit that we should provide to our retired citizens is to increase the allowable income.

I have supported in the past, and I am again introducing today, legislation to increase the allowable income to $3,000. With this increase, our elderly will not have to take a reduction in their social security benefits and this would certainly help them in meeting their expenses in these inflationary times.

I hope my colleagues here in the House of Representatives will join with me in supporting this legislation.

THE LATE HONORABLE L. MENDEL RIVERS

HON. JAMES A. HALEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. HALEY. Mr. Speaker, the death of Mendel Rivers has removed from the House a man the Congress, the Nation, and indeed the whole free world can ill afford to lose. I join my colleagues and his family in a deep sense of personal loss and grief.

As the Chairman of the House Armed Services Committee, Mendel Rivers was a controversial figure, in the Congress and in the news media, but I would believe that there are few if any Members of this body or of the general public who would believe that this eloquent son of South Carolina was other than totally dedicated to his State, his country, and to his beliefs and principles.

His vigorous and eloquent support of those beliefs and principles—the belief in his country as the greatest country in the world and the principle that to remain in that role in this competitive world it must be always prepared to defend itself against any aggressor—was in fact the reason he became a controversial figure.

Men who fight, as Congressman Rivers always did, for their beliefs tend to become controversial. But the attacks of his opponents never daunted Mendel Rivers. He believed devoutly in what he believed, and he never deviated in the face of opposition. And even those who disagreed with some of his positions respected him for this.

Some of Mendel Rivers' opponents in the news media sought to portray him as the slave of the high brass in the military machine. But the truth—the demonstrable truth—is that he, more than any man in my memory in Congress, fought more vigorously and consistently in defense of the constitutional principle of civilian control of the military and in defense of the constitutional powers of the Congress with respect to civilian control.

Nor was Mendel Rivers the "slave" of the high brass when it came to the enlisted personnel of the armed services. They, rather than the officers, were always his first concern. He was always their friend—and they knew it, as witness the flood of tributes paid him by the rank-and-file soldier and sailor both before and after his death.

Mendel Rivers was an intensely human person. He was devoted to his family and to his people—and, properly so, they to him. He was a prophet not without honor in his home country.

This House will sorely miss his eloquence, his forcefulness, his determination, his wisdom, and his all-encompassing knowledge of his legislative field.

REVENUE SHARING

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, January 29, 1971

Mr. SPONG. Mr. President, yesterday representatives of Virginia's urban communities met with members of the Virginia congressional delegation to discuss ways of helping cities meet their financial crisis. One spokesman for that group was Dr. Joseph L. Fisher, chairman of the Arlington County Board, who submitted a statement on revenue sharing. While details of the administration's proposal still are not known, I nevertheless wanted to share with the Senate Dr. Fisher's views and I ask that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON REVENUE SHARING FOR VIRGINIA'S URBAN 12 TO VIRGINIA CONGRESSMEN

(By Joseph L. Fisher)

We in State and local government need revenue sharing, urban people deserve it, and Virginia's Urban 12 will work for it. The time has come to nationalize the Federal Income Tax and make it the American Income Tax.

The revenue sharing bill proposed by President Nixon and described generally in his State of the Union Message offers the best hope on the horizon for municipal governments to meet their fiscal crisis, which is an excruciatingly severe one. Local governments in 1971 are victims of inflation to a degree beyond anything they have ever known. Local revenue systems are not equal to these inflationary pressures. Property tax bills are skyrocketing, but local governments are still in deep trouble. In most instances, they cannot bleed property for more money and they cannot realistically expect to get much more from the State, so they must look to the Federal Income Tax for help.

Arlington—my community, one with admittedly well above average resources—today faces a short-fall of $7.1 million in its budget for the fiscal year 1971–72, and this does not include salary increases for its employees and school teachers.

The revenue sharing bill soon to be considered by the Congress has several features that strongly appeal to Virginia's Urban 12. First, the distribution formula bases the share of each local government on its present local general revenue in relation to total State and local general revenue. Urban centers are where the people and the problems are; the Urban 12 jurisdictions have necessarily exerted a strong tax effort. Consequently, their revenue sharing distributions would also be relatively high and reasonably related to their pressing needs. The distribution formula puts the money where the people and problems are.

The second intriguing feature of the bill is the ten per cent incentive that a State and its local governments can qualify for if they can jointly agree on a new State-local fiscal system. In our judgment, this is a powerful incentive for causing Virginia State and local governments to sit down to consider seriously whether revenue sources should be reallocated and whether there should be transfers of expenditure responsibilities between the State and its local government. They could evaluate the financing of education, welfare and transit, and consider such revenue system changes as an increased local sales tax, an income tax surcharge for local governments, gasoline tax changes, and perhaps others. Reduction or stabilizing of property tax bills would, of course, be a foremost objective. The governmental climate in Virginia augurs well for reaching a creative solution.

Under revenue sharing, the political accountability of State and local officials to the electorate would stand as a powerful and natural defense against wasteful fiscal practices. Local policymakers are keenly aware of a hard political fact—that they would be forced to ask their constituents to pay higher taxes if they frittered away revenue sharing funds. They are not, as has been claimed, evading responsibility for raising taxes to cover increases in expenditure programs.

We know that as revenue sharing grows, categorical aid programs may shrink in number and size. Arlington would welcome this shift. From Arlington's point of view the certainty of an annual revenue sharing allocation is infinitely preferable to the uncertainties of grantsmanship, which occupies key urban personnel and which often leads to dashed hopes, long project delays, and painful financial strain when the local share must be produced. We also know that local governments, when spending local dollars, start programs on a modest basis and build them cautiously. When they make one-shot Federal aid applications, they have then to contend with large and sudden increases if and when the Federal grant ceases. Revenue sharing, in short, promises certainty, flexibility, real economies, and the opportunity for orderly financial planning.

In conclusion, it should be underscored that the leading organizations that represent the States, the counties, and the cities have reached agreement that revenue sharing is the preferred and workable method of distributing Federal funds to meet problems at the State and local level. They are committed to presenting their case now in the hope that the 92nd Congress will go down in our history as the "Revenue Sharing" Congress.

WELCOME TO THE CLUB

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. LANDGREBE. Mr. Speaker, last week we heard in this Chamber a report by President of the United States on the state of the Union. A few nights later, we were treated to the Democrat version of the state of the Union. We were told that the Democratic Party had requested this equal time, yet the distinguished Speaker of the House had decided not to appear and the majority leader of the other body stated flatly that he was appearing only under protest. This leads to a question whether this time had really been requested by the Democrat Party, as the network said, or by the networks themselves. This suspicion was compounded by the aftermath of the presentation. The distinguished majority leader, a man with no presidential ambitions, was quite conciliatory in his approach and even made so bold as to utter the heresy that the Republican President of the United States actually placed country over party. For his moderation, the Senator from Montana was subjected, at least by CBS, to the snide and somewhat brutal instant analysis heretofore usually reserved for Republicans. To the distinguished majority leader of the other body, I can only offer my sympathies and say, "Welcome to the club."

FULFILLING THE AIMS OF THE CONSTITUTION

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. ZION. Mr. Speaker, I am deeply gratified when a young man or woman takes an active interest in our Constitution. Too few understand this magnificent enabling document. A dedicated 14-year-old high school freshman from my district recently won the American Legion oratorical contest, using the theme "Fulfilling the Aims of the Constitution." I am proud of Bennie Lee Varner who has received this award from the Perry County 213 American Legion Post in Tell City.

Our Nation needs more Bennie Lee Varners with an abiding interest in our Nation's Foundation Document. I would like to share young Mr. Varner's timely remarks with my colleagues and include this winning essay in the Record at this point:

Fulfilling the Aims of the Constitution

(By Bennie Lee Varner)

The Preamble to the constitution states: "We the people of the United States of America, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

This is in essence what our forefathers tried to do in writing the constitution. They wanted to set up a government that was firm enough to be a strong government, yet pliable enough to be a lasting government. Now I will go back through the preamble and take each section discussing in depth the ideas behind its writing.

"We the people"—this is a whole group meaning everyone in the United States. In today's society you find a lot of people thinking of themselves as black, white, protestant, Catholic, Jewish, poor, middle income or rich.

But when our forefathers wrote this preamble, their desire was to be Americans. Maybe they themselves were broken down into groups, but they did not want their children broken down into these superficial classifications.

Next they wanted a more perfect union. Our forefathers knew that beyond a doubt their country was not perfect, but they believed through hard work they could make it one of the better ones.

The third part of the preamble says to establish justice. Work toward this goal can be seen in several of the amendments to the constitution.

Amendment 13 abolished slavery. It made all men free in the eyes of the United States Government. Amendments 14, 15, and 19 furthered this cause by making all people born in the United States citizens and by giving all citizens over twenty-one years of age the right to vote.

Through Civil Rights laws and many rulings by the Supreme Court, an attempt to establish justice has been made. Whether this justice can become a fact instead of a quote on a piece of paper will be left to you and me and our descendants.

By establishing justice our forefathers hoped to insure domestic tranquility. They desired a land free from nationwide riots and protests. They did not want to necessarily stop these practices, because this would be an infringement on our basic freedoms. But these authors of the constitution did want a land free from the social problems which cause upheavals in our society.

We, in today's society, are faced with the exact misfortunes that the constitution tried to guard against. Our country, through the past decade, has been racked by protests, riots and demonstrations. People have become vociferous about everything from sex education in public schools to finding decent housing for the poor and aged population. Our government has passed laws upon laws to try and deal with these situations. Before these laws can really become effective the people of the United States are going to have to believe in their government with all their heart and all their soul.

To have perfect domestic tranquility is a Utopian fantasy that will always remain a dream. Yet you cannot just throw away this plan and expect to find something better, because of a few idiosyncrasies that you as an individual do not like on some interpretations of the constitution. The idea is to have a policy laid down by the people to work toward gaining this dream.

"To provide for the common defense"—This statement is a most integral part of the constitution. This historic document was written in a time when the United States was a very weak country. We had just finished the first major war on our land and to say, provide for the common defense, was a very large and unpopular assignment. The framers of the constitution, such as Washington, Madison, Franklin and some of the other famous citizens who worked on this historic document, set up a rather rough goal for themselves. On September 17, 1787, they put their plan into final form and signed it.

In only a few years after the acceptance of the constitution, the United States found itself in another war, this one being the War of 1812. And so it has continued, one war after another up to and including the present time. All the wars have been fought using the principle that it was for the common defense. Even the present war in Viet Nam is a war for the common defense and needs the physical and moral support of our nation as has all previous wars. In all wars the United States has participated in, there has always been a group which has dissented and refused to perform their obligated battle for their country, but today, the news media, in many instances, is taking up the views of the dissenters and giving them mass news coverages with the choice time spots on the airwaves and favorable coverage in their publications in many instances. In so doing, this has led to many of our younger people who are grasping at something to rebel at in their families, schools, and local communities to use this as their scapegoat. Maybe at this particular time it might be wise for us to remember a quote from President Richard M. Nixon's inaugural address, when he said: "To a crisis of the spirit, we need an answer of the spirit. And to find that answer we need only look within ourselves." I believe this is what our forefathers were doing when they were framing this wonderful and precious document for all humanity, especially to those of us living in the United States.

The writers of the constitution had already put down their ideas about establishing justice, insuring domestic tranquility and providing for the common defense when they began to think about promoting the welfare of the people. By accomplishing the first three this last statement was practically provided for. Establishing justice tried to give equality to the people. Insuring domestic tranquility kept a calm over the land by helping them to understand their government. Through the defense clause their protection was assured. But there were still three things which plagued this new found government; hunger, poverty and illiteracy. To this day, they still play a big part in our nation's problems. The presidents of the United States have been aware of these stains on our pride. A few have tried to do something about it, particularly the last three, including Mr. Nixon. This past decade has seen many government programs begun, such as Job Corps, Vista, Headstart, Medicare, and the more recent Environmental Protection Agency. These agencies were set up to deal with the soaring domestic problems of our nation. Whether they have been effective or not will be answered in the next decade.

The last section of the preamble says to secure the blessings of liberty to ourselves and our posterity. Liberty was a new word to the writers of the constitution. They had never experienced a lifetime of freedom. They had, until the Revolutionary War, lived under a government which was stationed 3,000 miles away. While writing this composition, I am sure they wondered if in some future time their children might not come under foreign rule again. Yes! To secure liberty was a blessing, but it was also a challenge. The United States of America, consisting of thirteen small states, was trying to do in a limited amount of time what took larger countries many years to accomplish. Our forefathers wanted to write an ideal document. When you read and study this constitution you find it isn't perfect, but it is the best the present world has, and I am proud to have the opportunity to grow up under it and will likewise be afforded the opportunity to defend it, thus fulfilling the aims of the constitution, while working with you as adults, hand in hand today.

DANGERS IN U.S. ROLE IN CAMBODIAN WAR

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. KYROS. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared in the Maine Sunday Telegram of January 24, 1971. In doing so I would like to stress that the author of this editorial, Mr. William Caldwell, has excellent and firsthand knowledge of this subject. He has just returned from a 3-month visit to Cambodia, Laos, Thailand, and South Vietnam. During this visit he spoke frequently with statesmen and soldiers alike and had numerous opportunities to observe both military and diplomatic aspects of our Nation's involvement in Indochina.

Maine citizens are fortunate to have as editor of their Sunday newspaper such a well-informed and well-traveled journalist. More important, however, is the importance to our entire Nation of Mr. Caldwell's well-informed and timely observations which I insert below:

DANGERS IN U.S. ROLE IN CAMBODIAN WAR

The United States is vastly increasing its direct military and economic involvement in the war in Cambodia, though no official announcements of the present size or future limits have been made.

As long as Cambodia is under major attack from North Vietnamese forces (which may be a long, long while) and as long as Cambodia cannot herself repulse such attacks (which is likely to be forever), there is a risk that American air, naval and logistic powers may become ever more heavily committed to support of the Lon Nol government now virtually beseiged in Phnom Penh.

Reports that the U.S. military was already heavily involved in the Cambodia war, and forecasts that the U.S. involvement would increase further were made in this newspaper last November, in news dispatches filed from Cambodia by the Telegram's Bill Caldwell. At that time he reported that 40,000 North Vietnam troops were in Cambodia, controlling over 40 per cent of the territory of that "neutral" nation. His articles in the Telegram reported last November that U.S. C–119 cargo planes, flown by South Vietnamese, were already flying U.S. made ammunition many times a day into Phnom Penh for use by the Cambodian army, plus air force ordnance for use by the tiny Cambodian Air Force. Last November the Telegram articles stated that the U.S. was then a huge, although indirect, supplier of weapons and training to the rapidly expanding Cambodian Army, and that three Cambodian divisions had been trained and reequipped in South Vietnam and others in Thailand.

Following an interview in Saigon last November with President Thieu, Caldwell reported the President as saying, that South Vietnam was ready to train 10,000 more Cambodian troops by December. In other dispatches, Caldwell reported that U.S. planes were even then flying direct tactical support missions for Cambodian ground troops in specified areas.

This week, the intensity and escalation of this direct U.S. involvement in this war in Cambodia has been widely reported in the newspapers and television.

Army helicopters are reported enaged in the battle for Route 4, over which oil supplies from Cambodia's only port are transported. B–52 bombers are reported in action over Cambodia, a U.S. helicopter carrier and other supporting vessels are reported off the Cambodia coast in the Gulf of Siam, playing a key role in Cambodia fighting.

Many thousands of U.S. trained and equipped South Vietnamese ground forces are now fighting deep inside Cambodia, which of course means that these troops cannot fight to repulse any attacks launched inside South Vietnam.

News reports from the area also say that the planned withdrawals of U.S. Air Force squadrons from South East Asia have been stopped. The planned withdrawal of Air Force planes from bases in Thailand have been frozen. These measures have been taken, to insure a large presence of U.S. air strength in the region. U.S. air strikes into Cambodia are over 50 a day, and increasing.

We recite these facts to underscore three points which deserve wide public attention.

1. The conspicuous absence of any official announcements from the White House of the present or future scope of U.S. involvement in Cambodia, although this has been mounting swiftly since last Fall. This is a mistake. For before long President Nixon may desperately need public understanding of the role U.S. air, naval, liaison and supply forces are playing in Cambodia, and why they are needed there. If he refuses to put these cards on the table, we believe the President risks another major confrontation with the Congress, the colleges and the public over increasing U.S. involvement in Cambodia. This could occur at the very moment that a major U.S. air assault in Cambodia may be necessary, in the President's judgment, to protect the withdrawal of U.S. troops at the rate to which he is so firmly committed. Therefore the President should prepare the ground now.

2. There is an inherent danger to the U.S. future in Asia if we continue wiping out whole Cambodian towns and cities with massive air strikes to achieve a short term reopening of one highway. (The once thriving provincial city of Prey Totung with 6000 inhabitants is now bombed to rubble.) There is an equal danger to the U.S. future in Asia if we continue aiding and supplying massive incursions into Cambodia of South Vietnamese troops. These troops can, in the short run, repulse the North Vietnamese far more competently than can the Cambodians. (The Cambodian Army, with U.S. assistance, has multiplied from less than 30,000 last March to over 180,000 spirited volunteers today. But it is no match for the North Vietnamese). But the danger is that Cambodians and the Vietnamese (be they from the North or South), are traditionally bitter enemies. Thus the huge presence of hated South Vietnamese inside Cambodia, sponsored by the U.S., could in the longer run drive Cambodians into war with South Vietnam and make them bitterly hostile to the U.S.

3. Perhaps the bitterest irony of all is that the Highway 4, now the scene of the bloodiest battles in the Cambodian war, is a U.S. highway, built with U.S. money and American engineers. Indeed this road was named the Khymer-American Friendship Highway. Indeed it was built to link that American-built port of Sihanoukville to the capital city of Phnom Penh. Since that time—so recent—we have swapped horses. We encouraged the overthrow of our former friend Sihanouk. And now the port and the highway which we built for him have become Cambodia's worst battlefield and the means by which the North Vietnamese are trying to throttle Cambodia.

The way Highway 4 has turned into a boomerang may be a warning. Massive U.S. bombardment of Cambodia today may also boomerang, working against future U.S. hopes of bringing any political and military peace to the area.

It is our belief that for the time being at least North Vietnam does not intend to deny to the Cambodians, to the Americans, to the South Vietnamese safe use of the major highways in Cambodia. If we force Hanoi to loosen their stranglehold on the oil road from the port to the capital, Hanoi will then tighten their grip on the rice road, which runs north and south from the capital. If they relax on oil, they tighten up on food. Then, on other occasions, Hanoi will try to put the stranglehold on the third major road, which links South Vietnam to the capital. Hanoi can in short lay siege to Phom Penh.

If each of these threats, as they arise, is to be countered by a combination of South Vietnamese ground troops and the United States air support, the danger should not be hidden from the American public. The embroilment of the U.S. and South Vietnam into long war in Cambodia may open a new and horrifying Pandora's box.

Our belief is that it is against U.S. interests

> to see the ARVN, so long and expensively trained and equipped by us, embark on any major commitments in Cambodia. Stories from Saigon clearly report that the South Vietnamese government is asking for $20 millions in U.S. funds to pay for just the current ARVN operations on Highway Four. It is certainly not in U.S. interests to see American air power "blackmailed" into destroying more Cambodian cities and farm land. Our goal is peace, not expanded war, in Indochina.
>
> But as long as there are U.S. troops and bases in the area, the dilemma will always plague us. For we must protect them. They are, in this way, hostages; and the price of their ransom may always be raised at will by the enemy. Hanoi, with Soviet and Chinese support, could make it a policy to keep the U.S. involved.
>
> Thus, we believe the White House should define precisely to the Pentagon, the Congress and the public, the limits of U.S. involvement in Cambodia. For we are suffering today for our failure to define such limits many years ago in Vietnam. Let us not forget so soon that the Tonkin Gulf resolution, so innocently approved by Congress, ended up with 550,000 U.S. troops involved in the longest, losingest war in our history.

CONGRESSIONAL HOUSE SELECT COMMITTEE ON CRIME A GREAT SUCCESS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MADDEN. Mr. Speaker, the news media has reported in the last few days that crime statistics in most major cities, and especially over the Nation, have recorded a percentage of decrease. This is certainly good news. The Federal Government, States, and municipalities should expand further their fight on crime and the causes thereof.

The Special Select Committee on Crime created by the House in the last session has contributed greatly to this recorded decrease in lawlessness. This committee has held hearings all over the Nation and especially in major cities from coast to coast during the last session. The newspaper, television, and radio publicity in the various localities where hearings were held extended wide information and encouragement to the law-enforcing bodies in these localities. One of the great results of the work of this committee has been through the news media inculcating into the minds of millions of our youth the dangers of the use of drugs to the human body and contribution of drugs toward "the making of criminals."

Mr. Speaker, I would like to take this opportunity to call the attention of this body to a resolution, House Resolution 115, introduced by our colleagues, Chairman CLAUDE PEPPER of Florida and Minority Chairman CHARLES WIGGINS of California that would reauthorize this Select Committee on Crime, which we created in the 91st Congress. Congressman PEPPER served as the able chairman of the Select Committee on Crime, and Mr. WIGGINS was the ranking minority member. That these two men have joined to sponsor the reconstruction of the committee is a sign of the harmony and dedication with which Members of both parties worked as they guided the Select Committee on Crime through its first 20 months of life.

Mr. Speaker, all of us realize that much work still must be done to reduce the appalling incidence of crime in America. Chairman Pepper said in a letter to his colleagues:

> While I am highly pleased with the work the Select Committee on Crime has done in its short life, I am cognizant that we could not have ever begun to "solve" the problem of crime in so short a time. That is why I am asking you to support my resolution to reconstitute the Committee. If the House acts favorably on my resolution, the Crime Committee would continue its investigation into synthetic analgesics for morphine and blockage drugs for heroin addicts as well as the effects such drugs as methadone have on decreasing the crime rate. Our attention will also turn to the increasing penetration and infiltration of organized crime into the ranks of legitimate businesses. And we would like to conduct a major investigation into the ever worsening state of our correctional institutions.

Mr. Speaker, I have followed closely the activities of the Crime Committee since its formation and I would like to briefly review its work for the benefit of our new colleagues.

In its 20 months of life during the 91st Congress, the committee held 14 public hearings in 12 cities and towns across the Nation as well as here in the Capital. These hearings have delved into drug abuse and criminal justice, marihuana, illicit and dangerous drugs, amphetamines, organized crime, court delay, juvenile justice and corrections, street crime, juvenile delinquency, heroin paraphernalia, and youth gang warfare.

As a result of this intensive and exhaustive study and investigation, the Select Committee on Crime also issued four comprehensive reports to the 91st Congress: Marihuana, Heroin and Heroin Paraphernalia, Juvenile Justice and Corrections, and Amphetamines. Members of the committee made available 40,000 copies of the Marihuana report for their colleagues to send to interested constituents. The last three reports, issued last month, contain bold and imaginative proposals for dealing with grave problems facing our Nation.

The committee also produced and made available at no cost to Members of this body an excellent radio documentary, "Facts and Fables of Drug Abuse," which was distributed to and broadcast by more than 500 radio stations throughout the Nation.

The Crime Committee, mindful of the jurisdiction of standing committees, has been most cooperative when its investigations disclosed information that might be of interest to other committees. The committee's study of amphetamine abuse, for example, disclosed that the U.S. military was purchasing large quantities of these drugs. This information was conveyed to the Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Similarly, when a Crime Committee investigation in Philadelphia, Pa., uncovered possible violations of FHA regulations, this information was turned over to the Banking and Currency Committee for their consideration and further investigation.

Mr. Speaker, I believe that the record of the Select Committee on Crime warrants its request to be able to complete the job it has so ably begun. In an area where there is often more rhetoric than action, the Crime Committee has built a record of solid accomplishment. At a time when crime is on the mind of citizens everywhere, I think this body needs its own committee to investigate crime. I think the 92d Congress can meet the challenge by reconstituting the Select Committee on Crime. I intend to support House Resolution 115, and I urge my able colleagues to join me in this worthy effort.

THE NIXON ECONOMY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. GERALD R. FORD. Mr. Speaker, the decision by President Nixon to formulate a full employment budget, which he amplified today in his budget message, has been widely accepted as a desirable means of stimulating the economy. However, it is less well known that the concept of balancing the budget at full employment has long Republican antecedents.

This point was made recently in an article in the New York Times entitled "The Nixon Economy." The author was Mr. Herbert Stein, a member of the President's Council of Economic Advisers. I insert Mr. Stein's article in the RECORD:

> THE NIXON ECONOMY: I
>
> (By Herbert Stein)
>
> WASHINGTON.—Many observers seem puzzled by Mr. Nixon's espousal of the idea of balancing the Federal budget at full employment, with its implication that large actual deficits for the next year are not only tolerable but a positively good thing. Some regard it as a deathbed conversion from the obsolete Puritan ethic to the brilliant discoveries of the New Economics. Others consider it a politically motivated lapse from fiscal virtue to demagoguery. Some of my more adroit friends have it both ways—on the general principle that what was the New Economics for JFK is only the Old Politics for RMN.
>
> In fact, the idea of a budget that would be balanced when the economy is operating at full employment and have a deficit when the economy is operating below that has a long, conservative, Republican pedigree. Although there were vague antecedents, the first full development and exposition of the idea was made by a group of businessmen and bankers, overwhelmingly Republican, the Committee for Economic Development, in 1947. The principle of balancing the budget at full employment was considered by its authors, in 1947, a correction of errors even then no longer new but later identified as the New Economics. These included overemphasis on fiscal policy relative to monetary policy, exaggerated confidence in the ability of economists to fine-tune the economy and disregard of the political pressures that divert the budget from the economists' chosen path. The CED businessmen who wrote this

statement recognized that they had abandoned the traditional idea of annual budget-balancing. However, by 1947 most of them realized that the traditional idea was already long dead and the problem was to find a workable substitute.

The idea of the full employment budget was also presented in an article in the American Economic Review in 1948 by an economist who was then young but was neither then nor later a New Economist—Milton Friedman.

Although these early sources of thinking full-employment budget-balance were Republican, the idea soon acquired bipartisan support. In 1949 Senator Paul Douglas's subcommittee of the Joint Economic Committee recommended its use. President Truman in his January 1950 Budget Message explained his program by referring to its effects at high employment.

President Eisenhower was not an annual-budget-balancer. He expressed wonder at the belief that our financial affairs should be attuned to the time it takes the earth to get around the sun. His affirmative views, however, ran more to balancing the budget over the business cycle, or some such period as five years, rather than to balancing at full employment. But his Secretary of the Treasury, Robert Anderson, gave a detailed exposition of the full-employment balance philosophy as a description of the Administration's position on fiscal policy. Of more interest today is the statement on budget policy of the Cabinet Committee on Price Stability for Economic Growth of which Vice President Richard Nixon was chairman. That statement, issued in October 1959, endorsed the full-employment balance idea, with its accompanying automatic deficits when the economy was low.

During the 1940's and 1950's, those who later became the New Economists maintained a tolerant but superior attitude toward the notion of full-employment balance. They regarded it as commendable progress for businessmen and Republicans because it was a step away from their primitive beliefs. However, it was not, in their opinion, reaching the basic truth that by any definition balancing the budget was irrelevant to economic policy.

When the New Economists came to Washington with President Kennedy they found the idea of full-employment balance convenient. It helped to sell expansionist fiscal policies, which could be defended to those who cared about such things as leaving the budget balanced, at full employment. However the requirement that the expenditures should not exceed revenues that would be obtained at full employment was not seriously regarded as a limit. When we moved into the Vietnam War we also moved into large deficits at full employment.

The Nixon Administration did not have to search the files left by their predecessors to find the full-employment balance idea and they did not have to abandon any deep Republican convictions to use it. President Nixon's previous connection with the idea has already been mentioned. The Chairman of President Nixon's Council of Economic Advisers, Paul McCracken, was a supporter of the full-employment balance rule long before the inauguration of President Nixon. One member of the Council, Herbert Stein, had been chief researcher and draftsman of the original CED statement in 1947.

However, the point is not that the Nixon Administration is applying some patented Republican remedy. The point is that the idea is now in the public domain and has been for many years, that its value has been endorsed by many bankers, businessmen and economists, conservatives and liberals, and that it only remained for someone to make a definite decision to put it into effect. That the President has done.

VETERANS' HOSPITALS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. TEAGUE of California. Mr. Speaker, there has been considerable discussion in recent months about the Veterans' Administration hospital system. Much of the discussion has centered on budgetary limitations that have been imposed on the veterans' medical care program for the past several years. It is true that adequate funds are essential if the Nation's veterans are to receive the highest quality of medical care possible.

Equally important to the successful accomplishment of this worthy objective, however, is the need to recruit and retain highly qualified professional health personnel. It is readily apparent that the Nation's increasing demand for medical manpower has seriously impaired the Veterans' Administration's ability to compete in recruiting and retaining doctors and nurses.

If the Veterans' Administration is to continue rendering the high quality medical care to which the Nation's veterans are entitled, they must be able to compete in today's market for the services of talented and skilled professional medical personnel.

Accordingly, I am introducing a bill today that is designed to make medical service careers in the Veterans' Administration more attractive.

This bill, Mr. Speaker, will establish a minimum staffing ratio; that is the ratio of hospital staff to patients, in each of the Veterans' Administration hospitals.

To help maintain these staffing ratios, the bill authorizes the Administrator, upon the recommendation of the Chief Medical Director, to establish higher maximum rates of pay for physicians, dentists, and nurses on a nationwide, local, or other geographic area basis where required to meet competitive pay practices.

The bill will authorize night and holiday differential pay for nurses, and nursing assistants. A pay scale for licensed vocational nurses would be established under the terms of the bill. The pay scale would be equivalent to the pay of classified employees ranging from GS–3 to GS–6.

The Administrator, under this bill, would be authorized to pay the preemployment interview expenses for prospective employees having technical or professional skills in a shortage category. Under existing law, this authority is limited to payment of the preemployment expenses for physicians, dentists, and nurses only.

The Administrator would also be authorized to pay the travel and transportation expenses of a new appointee and his family from his place of residence to his first duty station if the individual has technical or professional skills determined to be in the shortage category by the Administrator.

These are the principal provisions of this bill, Mr. Speaker. It is a reasonable bill and it will enable the Veterans' Administration to better meet the problem of recruiting and retaining scarce categories of health personnel.

THE PRESIDENT AND YOUTH

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. THONE. Mr. Speaker, there can be no doubt that President Nixon's recent address to the faculty and students of the University of Nebraska will stand as a benchmark of the first 2 years of his administration. The speech was particularly remarkable for the perfect matching of form and content, which is rarely achieved even in a presidential address.

In a recent editorial entitled "The President and Youth," the Christian Science Monitor termed the President's University of Nebraska address "the finest speech of his Presidency." I insert this editorial in the RECORD.

THE PRESIDENT AND YOUTH

President Nixon gave the finest speech of his presidency at the University of Nebraska.

It was a healing speech, statesmanlike and fatherly. It reminded one of those moments in history when, moved by the vision of a common sonship and purpose, an antagonist rises above the sense of division and extends the hand of reconciliation:

"There can be no generation gap in America. The destiny of this nation is not divided into yours and ours—it is one destiny. We share it together, we are responsible for it together and, in the way we respond, history will judge us together."

And he backed this up with a concrete instrument for a continuing reconciliation—a new voluntary agency that would absorb the Peace Corps and VISTA: "an agency through which those willing to give their lives and their energy can work at cleaning up the environment, combat illiteracy, malnutrition, suffering and blight, either abroad or at home."

The radically changed tone in the President's speech was far removed from what many charged were the youth-baiting and imprecations of last fall's campaign. Perhaps he has sensed a positive change in youth activism, discussed in the adjacent editorial, or realizes he must better help channel the energies of youth's idealism. Perhaps he felt he must welcome the newest members of the voting public, the 18-year-olds.

But in any event, the country will welcome this leadership in downwinding the contention between the young and the old. Given the problems of the cities, of rural America, of education and technology enumerated by the President himself, the country surely needs no generation gap to try its patience and will.

A month ago Mr. Nixon had said, "divisions in this country are never going to end. . . . There's always going to be a generation gap." Having just said this, and knowing full well that in the public view his administration is at odds with youth, and recognizing the risks of skepticism, it may have been far harder for Mr. Nixon to take his peacemaking stance than it was two years ago, when he promised the country that reconciliation would be the keynote of his administration.

But the President nonetheless is giving it a try. This will make it easier for the older and younger at universities, in businesses,

and in homes to give getting on together another try too. Perhaps it is in the encouraging of such fresh starts that the essence of presidential leadership is revealed.

THE HONORABLE L. MENDEL RIVERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. NICHOLS. Mr. Speaker, in the February issue of Naval Affairs, which is the magazine for career enlisted personnel of the U.S. Navy, Marine Corps, and Coast Guard, a special tribute was paid to our late departed colleague, the Honorable L. Mendel Rivers of South Carolina, which I found to be most inspiring.

Chairman Rivers' entire career in the Congress was spent improving the life of the U.S. servicemen and he often stated that—

> Servicemen in uniform don't have a lobby like some of the other people have. The only lobby servicemen have is the Committee on Armed Services.

I am sure that my colleagues and the readers of the RECORD will find this tribute to be both a fitting and apropos commendation to this great American:

THE HONORABLE L. MENDEL RIVERS: THE U.S. SERVICEMEN'S CONGRESSMAN AND A SHIPMATE

Shipmate L. Mendel Rivers of Charleston Branch 50, Chairman of the U.S. House of Representatives Committee on Armed Services, joined the Staff of the Supreme Commander at 0240 E.S.T., Monday, 28 December 1970 while recovering from cardiac surgery at the University Medical Center in Birmingham, Alabama. Chairman Rivers underwent open heart surgery by Dr. John Kirklin on 11 December to replace a leaking mitral valve in his heart with a plastic valve. His post-operative recovery was progressing normally until 20 December when he suffered heart stoppage and was revived by chest massage. Thereafter, his condition remained critical, but improved slightly, until his demise.

The National Charter of the Fleet Reserve Association will be draped for thirty days. All Branches of the Fleet Reserve Association will drape their Charters for the same period commencing on 30 December 1970 in accordance with Section 2707 of the Fleet Reserve Association "Rituals."

Chairman Rivers was born on 28 September 1905 on a farm in Gumville, South Carolina, near a place called Hell Hole Swamp, in the low country of that state's coastal plain. His father farmed and operated a small turpentine still. When Mendel (he never used his first name "Lucius") was eight his father died. His mother lost the family home and moved her six children to North Charleston where she took in boarders.

Young Mendel grew up determined to be a lawyer. He clerked in a country store, delivered papers pony-back, played outfield for a semi-pro baseball team and worked in the Charleston Navy Yard. He attended the College of Charleston and the University of South Carolina but was economically forced to quit his formal education. He gained employment in a Charleston law office where he pursued his law studies. He passed the South Carolina bar examination in 1932 before obtaining a law degree.

He served in the South Carolina Legislature from 1933 to 1936. From 1936 to 1940 he served as a special attorney in the United States Department of Justice; and was admitted to practice before the Supreme Court of the United States.

In 1940 he ran for Congress against the advice of seasoned and influential local politicians. He campaigned against "the Charleston crowd" and drew heavy support from the rural areas of the district. To the surprise of all, he won and thereafter never faced serious opposition. He had opposition in only two or three of his subsequent fifteen successful campaigns for reelection.

In the second session of the 88th Congress in 1964, The Honorable Carl Vinson, then Chairman of the House Committee on Armed Services, announced his retirement. Representative Rivers was the ranking Democrat on that Committee and he succeeded "Uncle Carl" as Chairman upon the convening of the 89th Congress in January 1965.

Shipmate Rivers was always a strong advocate of legislation beneficial to military personnel. He played a key role in the House's passage of the provision to restore the principle of recomputation of military retired pay for those who retired prior to 1 July 1958 in the 1963 military pay bill. He was Chairman of the House Armed Services Subcommittee on Military Medical Benefits in 1964. His leadership resulted in the enactment of Public Law 89–614 establishing the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) in 1966.

As Chairman of the House Armed Services Committee he immediately began to exert strong influence for the improvement of military pay, allowances and benefits. The first test of his leadership was the successful passage and enactment of a military pay raise that was twice the amount proposed by the Administration in its 1965 budget. Following that victory, military personnel knew they had found a champion and their benefits increased each year because of his legislative innovations, expertise and dedication to his philosophy, "The Serviceman and his family are entitled to a standard of living equal to the standard of living they're defending."

Chairman Rivers left no stone unturned and he never missed an opportunity to act in behalf of all military personnel. His record of military personnel legislation enacted is almost legendary in the annals of legislative history. He fought tremendous odds, including two Administrations, to provide our nation with an adequate military defense.

Chairman Rivers was a member of the Grace Episcopal Church in Charleston, South Carolina. Funeral services were held there at 1300, Wednesday, 30 December 1970 and interment followed in the town of St. Stephen, South Carolina. St. Stephen was the home of the Chairman's parents and is forty-six miles from Charleston. Shipmates National President Robert L. Bastian and National Executive Secretary Robert W. Nolan represented the Fleet Reserve Association at the church and graveside services.

His 82,500 Shipmates of the Fleet Reserve Association, indeed, all military personnel, active duty and retired, deeply mourn his passing. His beloved wife, Margaret, his daughters, Mrs. Robert Eastman and Marion, and young Lucius Mendel Jr. can take great pride in the Chairman's service to his nation and the Free World during the past thirty years. Dr. Albert Einstein said,

ONLY A LIFE LIVED FOR OTHERS IS A LIFE WORTH WHILE

Shipmate Chairman Rivers' life is the epitome of that statement. It will be a space of time before another like him walks with us and carries our burden to make the way easier for us, his Shipmates.

The family has requested that those who wish to remember Chairman Rivers in a special way may wish to address their remembrances to the L. Mendel Rivers Heart Surgery Research Fund, Department of Surgery, Alabama Medical Center, University of Alabama, Birmingham, Alabama. Messages of condolence may be addressed to: Mrs. L. Mendel Rivers, 640 Federal Building, Charleston, South Carolina 29403:

"As the years roll by, one by one, we end our cruise. The anchor is dropped to rise from the waters no more.

"Shipmate L. Mendel Rivers sailed through life's cruise, meeting more than his share of calms and storms, adverse tides and favoring winds; his ship of life has come to its final anchorage in a harbor still uncharted by mortal men. We who remain do not know the waters there, but we do know the course to steer and we believe that our Shipmate, setting his course by those beacons that have been given us, has found that harbor safely. To those loved ones whom our departed Shipmate has left behind, awaiting their own day of departure and voyage to that same harbor of eternal mercy, we can only offer our sympathy in this time of separation and loneliness. There are many words that could be used at this time to describe the good and outstanding qualities of the one who has gone before, but we of the Fleet Reserve Association, of which he was a member, sum it up in one word: Shipmate. That word, when spoken by naval men, embodies all that can be said of any man. Chairman L. Mendel Rivers was a Shipmate.

"We who remain to carry on should not think of Shipmate Rivers as gone from us, but rather that he has been transferred to another ship or station where we all hope to be Shipmates again."

FLORIDA FRONTIER RIVERS NATIONAL CULTURAL PARK—A NEW CONCEPT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BENNETT. Mr. Speaker, there is a story of 400 years of history from the Huguenots to the astronauts waiting to be told about a tiny strip of land in north Florida.

While our Nation is preparing to celebrate our 200th birthday in 1976, the roots of America's beginnings actually began 400 years ago along 50 miles of the Florida coast adjoining the Atlantic Ocean.

This can be an exciting story for the millions who annually pass through the area but know little of what transpired there. The sum of all the parts of the history belongs in four centuries of exploration, settlement, and reaching for the moon: An American kaleidoscope from the 16th century to the 21st.

Here we have between three river basins near present-day Jacksonville—Florida's largest city—the first settlement by men and women for religious freedom in the New World, the oldest city in America, the first road, the southernmost battles of the American Revolution, and important Civil War events. In all, 10 sovereignties have held this land or parts of it.

But the total picture of this colorful area of antiquity and modern day involves more than the ancient and current history of North America. It also includes a unique ecological environment which must be preserved and protected for the enjoyment of future generations.

The Congress should establish the proposed Florida Frontier Rivers National Cultural Park. Legislation has been introduced in the U.S. Congress by the members of the Florida congressional delegation to bring this about. Because of the area's environmental geography and the role it played in our history, this new concept suggested by a study team of the National Park Service should be approved. As a sponsor of the bill to accomplish this, H.R. 586, pending in the House Interior and Insular Affairs Committee, I am working toward that end.

The Florida Frontier Rivers National Cultural Park would be a first of its kind—preserving and interpreting the natural, historic, and economic assets of a broad area in a cultural park. This concept of a national park is a new one, as it would coordinate, not take over, local, State and, even private facilities, together with federally owned facilities, under a broad cultural park umbrella.

The rivers involved in this proposed park include the majestic St. John's River, which flows northward some 300 miles along the east coast of Florida; the Nassau River, which still retains most of its pristine and primeval beauty of centuries, and the St. Marys River, the boundary between Florida and Georgia. The boundaries of the proposed park are the St. Marys River on the north and St. Augustine and environs on the south.

The initial legislation proposes clustering the virtually unimpaired Nassau River estuary, possessing important scenic, natural, ecological, historic, and scientific values, the St. Augustine's Castillo de San Marcos National Monument, the Fort Mantanzas National Monument, and Fort Caroline National Memorial, 10 miles east of Jacksonville. Four centuries ago this 50-mile stretch witnessed the first conflict between Europeans in North America. Today, not far from where the St. Johns River reaches St. Augustine—the southern boundary of the proposed park—astronauts have blasted off from Cape Canaveral to reach the moon. They have a common bond with their fellow explorers, the French Huguenots who founded Fort Carolina in 1564 under the leadership of Rene Laudonniere; for both sought to expand the geographical limits of man in an environment at first hostile.

It is in the national interest to establish the Florida Frontier Rivers National Cultural Park, which would explain the historical and cultural developments of the area heretofore only casually understood or investigated. Existing national park facilities would be included under the proposed bill, and cooperative agreements would be arranged with the State of Florida to include its many significant historical points, and only a small portion of land would be needed for a permanent facility to tell the whole story of the area. The thousands of acres of untapped and unharmed estuarine marshes and streambeds in the Nassau Valley could perhaps be obtained through donation and other lands purchased by the Federal Government. The State of Florida and the city of Jacksonville own much of the land in the estuarial portions of the proposed park.

The peninsula of Florida is the cradle of America. Discovered and claimed for Spain in 1513 by Ponce de Leon, who named the land "Pascua Florida" because of its discovery "in the time of the Feast of Flowers," it was not until Laudonniere established Fort Caroline here that the permanent settlement by Europeans of what is now the United States began.

This began the European power struggle in Florida, stemming from the French toehold at Fort Caroline, which led to the founding of St. Augustine in 1565 by Pedro Menendez, who was sent by Philip II to wipe out the French. This history is marked already in National Park Service facilities, forming the basis of the new park idea.

The St. Augustine-St. Johns-Jacksonville area is one where we should have strong concern for preserving the environment and keeping alive the sweep of history in our area. Hard on the Atlantic Ocean, the northeast section of Florida is crossed with tidal rivers, covered with swamps, dotted with hammocks of hardwoods and pine flatlands, and cut with highly indented estuaries. Wildlife and vegetation abound throughout. At the sea are numerous long sand dune islands.

Besides the strong Spanish influence in Florida that excluded the French and the British for most of three centuries—except for the beginning at Fort Caroline by the French and the 20-year British occupation after the French and Indian War—the area is alive with the past.

In the proposed park location visitors and tourists would be able to travel the oldest road in America, which was first carved out of the wilderness on September 16, 1565, by Pedro Menendez and his Spanish soldiers from St. Augustine to Fort Caroline. As a result of a law passed by Congress in 1968, the Department of Interior is now considering the possibility of placing the route of the ancient trail in the National Trails System.

Other possible historic attractions which might be included in the Florida Frontier Rivers National Cultural Park:

The 1777 battle at Thomas Creek and the 1778 battle at Alligator Bridge, the southernmost battles of the American revolution.

Sawpit, where Sawpit Creek comes into Nassau Sound on the northeast side of Black Hammock Island, the Colonials rendezvous for the Battle of Thomas Creek. Nearby is the site of the 18th century Fort Dos Hermanos, on Talbot Island.

Amelia Island, where on its north end is located Old Fernandina and the site of the Spanish fortification, Fort San Carlos, and restored Fort Clinch, started in 1847 as one of the series of Atlantic and gulf masonry forts. Fernandina was at times held by pirates; and the flags of Mexico and Venezuela flew over it.

Fort George Island, Big and Little Talbot Islands, the land first sighted by Frenchman Jean Ribault, when he sailed into the St. Johns River, May 1, 1562, laying the groundwork for Fort Caroline's establishment 2 years later.

Kingsley Plantation, whose owner Zephaniah Kingsley took over a Fort George Island fortified by James Oglethorpe in the early 1700's. Kingsley developed it into an extensive plantation for the training of slaves for resale.

Yellow Bluff Fort, built by the Confederates and then abandoned to Union forces in the fall of 1862.

The famous Citizen Genet incident, which sought to establish the French Republic in Florida in 1795 in this area. Then there were two other local republican grassroots movements in the early 19th century.

These are some of the places and events—stimulated by men hungry for power and fame, some bidding the wishes of kings and queens, which would form the Florida Frontier Rivers National Cultural Park. It should be established.

A copy of the legislation follows:

H.R. 586

A bill to authorize the establishment of the Florida Frontier Rivers National Cultural Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND DECLARATION OF PURPOSE

SECTION 1. The Congress finds that the three estuarine rivers of northeastern Florida—the Saint Johns, Nassau, and Saint Marys—unify a nationally significant cultural heritage with roots in four centuries of rich colonial and national cultural development. The Congress further finds that the virtually unimpaired Nassau River estuary is the only one of the three that graphically illustrates the historic setting and natural enivonment that shaped this heritage and in addition possesses important scenic, natural, ecological, scientific, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress concludes, therefore, that it is in the national interest for the United States to join with State and local government and private institutions, groups, and associations to preserve and interpret the Nassau River estuary and associated cultural and historic sites and buildings of northeastern Florida in such manner and by such means as shall achieve public understanding and appreciation of the heritage fashioned by the past and present interaction of man with this environment.

ACQUISITION OF PROPERTY

SEC. 2. In furtherance of this objective, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or by exchange, not to exceed eighty-five thousand acres of lands and waters and interests therein, of which not more than ten thousand acres may be other than estuarine marshes and streambeds, in the Nassau River estuary which in his judgment are necessary to preserve the historic setting and natural environment of said estuary from development adverse to the purposes of this Act. In addition thereto, the Secretary is authorized to acquire not to exceed one hundred and fifty acres at various locations in northeastern Florida for administrative and visitor information facilities. Lands, waters, and interests therein owned by the State of Florida or any political subdivision thereof may be acquired only by donation. Any Federal property designated by the Secretary may, with the concurrence of the head of the administering agency, be transferred without consideration to the jurisdiction of the Secretary for purposes of this Act.

ESTABLISHMENT

SEC. 3. When the Secretary determines that he has acquired sufficient lands or interests therein to insure the realization of the purposes of this Act, he shall by publication in the Federal Register establish the Florida Frontier Rivers National Cultural Park to consist initially of the Nassau River estuary and the Castillo de San Marcos National Monument, Fort Matanzas National Monument, and Fort Caroline National Memorial. Pending such establishment and thereafter, he shall administer the Federal property under his administrative jurisdiction in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

STUDY AND DESIGNATION OF ADDITIONAL SITES

SEC. 4. (a) The Secretary shall study and may designate additional sites in non-Federal ownership for incorporation within the Florida Frontier Rivers National Cultural Park in order to provide a unified interpretation and commemoration of the cultural heritage of the Florida Frontier Rivers country. The sites to be studied for designation shall include, but need not be limited to: Thomas Creek Battlefield; Alligator Bridge Battlefield; Kingsley Plantation. Huguenot Memorial, and other sites on Fort George Island; Fort Clinch, Old Fernandina, and other sites on Amelia Island; Yellow Bluff Fort; Spanish Coquina Quarries; Saint Augustine Historic District; and the route of historic King's Road between Saint Augustine and Saint Mary's River. Designation of any site pursuant to this subsection for incorporation within the Florida Frontier Rivers National Cultural Park shall become effective upon publication of notice to that effect in the Federal Register.

COOPERATIVE AGREEMENTS

(b) In furtherance of the purposes of this Act, the Secretary may enter into cooperative agreements with the State of Florida, its political subdivisions or agencies, public and private corporations, associations, or individuals pursuant to which such parties agree to protect, preserve, maintain, and operate such additional properties as may be designated by the Secretary in accordance with subsection (a) of this section, and he may assist in the preservation, renewal, and interpretation of such properties: *Provided*, That any such cooperative agreement shall contain, but need not be limited to, provisions that: (1) the Secretary has right of access at all reasonable times to all public portions of the properties for the purpose of conducting visitors through them and interpreting them to the public; and (2) no changes or alterations shall be made in the historic properties, including buildings and grounds, without the written consent of the Secretary.

INTERPRETIVE MARKERS

(c) To facilitate the interpretation of the Florida Frontier Rivers National Cultural Park, the Secretary is authorized, with the concurrence of the owner, to erect and maintain tablets or markers at cultural or historic sites designated pursuant to subsection (a) of this section or along public thoroughfares in accordance with the provisions contained in the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

RESTORATION OF THE INVESTMENT TAX CREDIT

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. FULTON of Tennessee. Mr. Speaker, in his state of the Union message, the President spoke hopefully and promisingly of an upturn in the economy during the year of 1971.

He promised a full employment budget to help spur the economy even though such spending will run a tremendous deficit.

He spoke of reducing unemployment and he promised further pressure to reduce interest rates and halt inflation.

Certainly, all Americans join with him in this hope and look forward to fulfillment of these promises.

However, in the state of the Union message we were offered only the framework of the President's proposed program for 1971. We have yet to see the details. The flesh and muscle has yet to be added to the bare bones.

Thus, while we can hope with the President and with the American people that 1971 will breathe new life into a sick economy, we, the Congress, must move ahead without waiting for the initiatives to come from the administration.

The fact is that today, regardless of what tomorrow hopefully brings, the economic indicators are still pointing to danger.

Unemployment is at 6 percent.

Inflation continues to rise after marking an increase of 5.6 percent in 1970.

Interest rates are still high and the cost of borrowing to business and consumer is still excessive.

We must act quickly, therefore, to stimulate the economy.

Recently the administration announced, and I applauded, plans to accelerate the depreciation allowance for business and industry.

Back in the early 1960's, the accelerated depreciation was used to stimulate business expansion, creating the demand for more goods and services and new jobs.

Another economic tool which was applied at that time was the application of the 7½-percent investment tax credit.

This was repealed in 1969, but today I am introducing legislation to reinstate this tax incentive for economic expansion.

When the investment tax credit was repealed in 1969, it was done so for several important reasons:

First. At a time when the economy was dangerously overheating and posed the threat of runaway inflation, business was expected to expand at an alarming 14 percent compared to 4 percent in 1968 and 2 percent in 1967.

Second. The Federal Government was threatened with a growing deficit and the repeal of the investment tax credit would provide badly needed Federal revenues.

Third. Repeal of the credit was seen as an important tool in the effort to take the big push out of the economy and ease inflationary pressures.

Today, much of what we hoped for has been accomplished but perhaps not as we wished or predicted.

Business certainly has cut back on expansion. However, with this has come rising unemployment and widespread wage increases often without corresponding increase in productivity which have lead to increased inflation.

Today, we find ourselves, I believe, in an economic situation 180 degrees from that we were experiencing in 1969.

Business needs to expand because this will create more employment and the demand for more goods and services.

At the same time, further inflationary pressures must be eased and this is where a restoration of the investment tax credit can play an additional role.

In manufacturing, over the decade through 1969, the liberal application of new equipment increased output per man-hour almost 40 percent at a time when wholesale prices were increasing 10 percent. In industries in which modernization moved slowly, prices rose more rapidly.

If we will recall, it was the need for modernization and increased productivity which was a prime factor in the establishment of the tax credit.

Thus, I believe, that restoration of the credit, coupled with the new liberalization in the depreciation allowance will give the economy a lift which can help 1971 to be a year of stable economic growth.

Also included in this bill is a provision to apply the investment tax credit to the purchase of used machine tools. To the large manufacturer the need is most often for new equipment and machinery. But to the small businessman, the cost of this equipment is often beyond his reach. Thus, the used machine market for many small businessmen is the only market available. Yet, under previous legislation, the tax credit was not available to the small businessman because there was a $50,000 limitation on these purchases.

The small businessman has just as much need of additional equipment to modernize, but he has often been discriminated against in the past because he could not afford new equipment and the used equipment that was within his means did not qualify for the investment tax credit.

This legislation will relieve this discrimination which existed in the previous law:

A bill to restore the investment tax credit and to liberalize the credit available for used machine tools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 49 of the Internal Revenue Code of 1954 (relating to termination of investment tax credit) is amended—

(1) by inserting "AND RESTORATION" after "TERMINATION" in the heading for such section,

(2) by inserting "and completed before January 1, 1971," after "1969," in subsection (a) (1),

(3) by inserting "and before January 1,

1971," after "1969," in subsection (a)(2); and

(4) by repealing subsection (d) (relating to property placed in service after 1975).

(b) Section 46(b)(5) of such Code (relating to carryovers) is amended by inserting "and before January 1, 1971," before "shall not exceed 20 percent".

SEC. 2. (a) Section 48(c)(2) of the Internal Revenue Code of 1954 (relating to dollar limitation on used section 38 property) is amended by adding at the end thereof the following new subparagraph:

"(E) Exception for machine tools.—For purposes only of applying the dollar limitation provided by this paragraph, machine tools shall be treated as property which is not used section 38 property. For purposes of the preceding sentence, the term 'machine tool' means a nonportable power-driven machine used to shape metals and materials by cutting or forming under pressure, impact, electrical techniques, or a combination of these processes."

(b) The amendment made by subsection (a) shall apply to property acquired after December 31, 1970, in taxable years ending after such date.

NEW INFLATION VIEWS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. ROYBAL. Mr. Speaker, I would like to bring to the attention of my colleagues a recent economic study which documents the urgent need for passage of H.R. 102 entitled the "Public Works Acceleration Act" which I have jointly introduced with 21 other Congressmen. Conducted by Dr. George L. Perry of the Brookings Institution, the economic analysis in question suggests that a more detailed structural view of the labor market which reveals the relative degree of unemployment among the various segments of the labor force must be adopted if we are to deal effectively with the rising rate of unemployment in this country. The Perry study points out that the job market for young workers is much tighter than the current rate of unemployment would indicate. Between 1956 and 1969, for example, the percentage of total unemployment accounted for by youth under 25 years of age has gone up from 31 to 50 percent.

This sharp increase in the number of unemployed young people is nowhere more apparent than in the building trades industry where young men predominate in the pick and shovel category. The Public Works Acceleration Act will greatly assist this often overlooked segment of our unemployed work force by providing public works projects in those most depressed areas of the country. The spiraling rate of unemployment among our youth, as described in the following article from the Washington Post—January 26, 1971—requires that the Congress take immediate action on this problem by enacting H.R. 102.

NEW INFLATION VIEWS: BROOKINGS STUDY ANALYZES LABOR'S EFFECT

(By Hobart Rowen)

A given rate of unemployment today puts less downward pressure on wages—hence has less of an impact on inflation—than was the case 10 or 15 years ago.

That is the main conclusion of a new study by a leading Keynesian economist, George L. Perry, of the Brookings Institution. In broad terms, Perry's analysis of the anomaly of high wage rates and inflation persisting in the face of high unemployment is that those out of work today are more concentrated among women and young people who don't have much influence on the wage structure.

Between 1956 and 1969, says Perry, the percentage of total unemployment accounted for by youth (under 25 years) has gone up from 31 to 50 per cent. Turn that around, and what it says is that only 5 out of 10 jobless workers today are adults, instead of 7 out of 10 fourteen years ago.

Perry's conclusion is likely to suggest to some that the nation can live with a higher rate of unemployment than it once did; that perhaps a 5 percent unemployment rate is as tolerable as 4 percent used to be.

But the Brookings economist was careful during a press conference to reject such an interpretation. He indicated, rather, that the old Keynesian notion that a booming economy would "soak up labor" would have to be supplemented with a "better and more intensive structural approach to labor markets."

Perry's study, "Changing Labor Markets and Inflation," was published today as part of the third issue of the Brookings Papers on Economic Activity, edited by him and economist Arthur M. Okun. Perry's and other papers reflect individual views, not necessarily the institutional judgment of Brookings.

But at a conference in December, other distinguished economists accepted the broad thrust of Perry's conclusions, although some had their own explanations for the worldwide phenomenon of high wages accompanied by high unemployment.

What Perry did was to break down the over-all unemployment rate, and show that it is not the best index of labor market tightness. By counting all individuals the same, the overall index implies that an unemployed teen-ager or a woman exert the same downward pressure on wages as a male adult in the prime age brackets.

Since there is not in fact this one-for-one relationship, Perry developed a "weighted" index of his own.

This shows that a 4 percent official unemployment rate today would mean a much tighter labor market than 4 percent jobless in the 1950s because more teenagers and women are in the labor market today (working) and a greater percent of them is unemployed.

In commenting on Perry's observations, M.I.T. professor Robert M. Solow said: "According to his calculations, it takes 3½ teenage girls to push on wages as much as one prime-age man."

In the jargon of economists, Perry is offering proof of what has been suspected in recent years—a worsening of the "trade-off" between unemployment, (called the Phillips curve after the British economist) and inflation. The shift, or deterioration, Perry says, is about 1.7 percentage points since the mid-1950s.

Thus, in the 1950s, it was calculated that a 4 per cent unemployment rate would be consistent with an inflation rate of about 2.8 per cent and annual wage gains of about 5.5 per cent.

But today, says Perry, the "trade-off" for a 4 per cent jobless rate would have to be inflation of about 4.5 per cent and wage increases close to 7.5 per cent.

Looking at it the other way around, in order to reduce inflation to about the 2.8 to 3.0 per cent range, unemployment would have to average around 5.5 per cent.

Former Budget Director Charles Schultze, at the December conference on the Brooking papers, suggested that there may be an additional sociological reason for higher unemployment rates among some age-sex groups than others—what Perry calls "unemployment dispersion."

"Among teenagers and young adults in the inner cities," said Schultze, "there may have been a revolution of rising expectations . . . (They) are inclined to say: 'I don't want those sweat jobs.' "

A similar point was made in a related paper by Robert E. Hall titled "Why is the Unemployment Rate So High at Full Employment?" Hall observed that the kind of jobs obtained by young blacks (and most white women) offer little hope for advancement.

Perry offered this table to show the deterioration in the unemployment rates of various age-sex groups as a ratio in which the males 25 to 64 have a unit value of 1.0.

SEX AND AGE GROUP—RATIO TO PRIME MALE UNEMPLOYMENT RATE

	1960	1965	1969
Male:			
16 to 19	3.7	5.6	6.8
20 to 24	2.1	2.4	3.1
25 to 64	1.0	1.0	1.0
65 and over	1.1	1.5	1.3
Female:			
16 to 19	3.0	5.7	8.0
20 to 24	2.1	3.1	3.8
25 to 64	1.3	1.8	1.9
65 and over	.5	.8	1.3
Total male	1.3	1.5	1.7
Total female	1.5	2.3	2.8

The worsening unemployment rates for women and men has grown in a period when the relative number of prime-age men in the labor force has diminished. (From 1960 to 1969, the prime age male group dropped from 53.4 per cent to 48.2 per cent of the labor force.) What has happened, Perry says, is that the substitution across age-sex groups has not been sufficient: ". . . employers have pushed the already low unemployment rate of this group (prime-age men) even lower rather than expanding further the employment of other workers."

GUNS AND THE AMERICAN ENVIRONMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BINGHAM. Mr. Speaker, in a remarkable address given recently before audiences in various parts of the country, Mr. David J. Steinberg, executive director of the National Council for a Responsible Firearms Policy, makes some noteworthy points about the growing proliferation of guns into irresponsible hands. For example:

> In the seven decades since President McKinley was assassinated at the turn of the century, more Americans have been killed by gunfire in the United States than in all our wars since the Declaration of Independence.

And again:

> Our national environment is polluted with countless guns that are just "around"—guns for which no one assumes strict and legal accountability and which can move, and too often do, into the hands of others who do not assume responsibility for them, lack the essentials of responsible gun ownership and may too often use them illegally.

They have easy access to this pool of guns via purchase, loan or easy theft. The pool gets bigger, uncontrollably it seems, with every passing day. It was from this pool that Sirhan Sirhan easily obtained the gun he used to kill Senator Robert Kennedy. Acquired by its original owner as "protection" following the Watts riots, it passed from one person to another as easily as a lawn mower or a sewing machine.

Mr. Steinberg deals at length with the points raised by opponents of gun consible gun owners who oppose reasonable regulation are not serving their own interests.

I wish that all Members of Congress who oppose stronger Federal gun control laws would take the time to read Mr. Steinberg's address, the text of which follows:

GUNS AND THE AMERICAN ENVIRONMENT

(By David J. Steinberg)

Moving at last to reverse the long neglect that produced our environmental crisis, the nation is still mired in long neglect of a different environmental problem: escalating violence, the growing proliferation of guns into irresponsible hands, and the threat posed by both in combination. The price of this negligence in lives, lawlessness and the declining quality of American life keeps going up. Lacking the will to stop this inflationary spiral, the world's best educated and most affluent society moves mindlessly toward an imponderable peril point, the limit of its patient permissiveness. How high the price of negligence will have gone by that time is anyone's guess, as are the circumstances that will trigger determination to do what is long overdue. How far the nation will then decide to go will be strongly influenced by the cost of past neglect and the enormity of whatever national tragedies may spark its tardy resolve. Those who now oppose "gun control" thus have a vested interest in getting effective gun control *now* before the atmosphere becomes emotionally charged by some unpredictable event, with unpredictable consequences.

Understandably shaken by the rising level of armed violence in their midst, the American people have been roused only sporadically, and still inadequately, to corrective action. And then only by climactic tragedies—the assassination of public figures—that sear the national conscience. The thousands of run-of-the-mill tragedies in between are accepted almost as routine news, like the ball scores and the stock market quotations. The aggregates are striking, but apparently not yet striking enough.

In the seven decades since President McKinley was assassinated at the turn of this century, more Americans have been killed by gunfire in the United States than have been killed in all our wars since the Declaration of Independence. The criminal use of guns substantially exceeds the criminal use of any other weapon, and has risen more rapidly. In 1969, guns were the weapons used in 9,480 murders, 73,500 assaults short of murder, and 112,400 armed robberies besides thousands of suicides, accidental deaths and nonfatal accidents.

There are, of course, many other ways to meet violent death or suffer serious injury. The shocking statistics of automobile accidents suggest a glaring example. But the automobile is rarely used deliberately to kill, threaten or assault anyone. And of all the weapons of either deliberate or accidental danger to people, the gun is the most easily used and the most destructive. According to FBI estimates, it is about 700 percent more destructive than all other personal weapons combined. Its potential for rising levels of violent crime on the highways and byways and in the hallways of America is obvious. The possibilities of self-destruction or the accidental shooting of bystanders are tragically and extensively documented.

Half the households of this country have guns. There are 200 million people in the United States, and there may be nearly as many guns as people. Fear and distrust grip the nation. Countless millions arm themselves against whatever it is they fear, without fearing the consequences for the nation's safety and their own.

The gun problem is thus not just a crime problem. Those who possess firearms are not simply divisible into qualified gun owners on the one hand and criminals on the other. A very large percentage of those who have guns for sport, protection, collections, or any of these in combination, possess the basic credentials of responsible gun ownership. Too many others, however, do not, many of them law-abiding citizens. Large numbers or guns are owned and still being acquired by people whose attitude toward gun ownership is at best casual, too often careless, not the attitude of conscious and cautious responsibility it ought to be. Our national environment is polluted with countless guns that are just "around"—guns for which no one assumes strict and legal accountability and which can move, and too often do, into the hands of others who do not assume responsibility for them, lack the essentials of responsibile gun ownership and may and often do use them illegally. They have easy access to this pool of guns via purchase, loan or easy theft. The pool gets bigger, uncontrollably it seems, with every passing day. It was from this pool that Sirhan Sirhan easily obtained the gun he used to kill Senator Robert Kennedy. Acquired by its original owner as "protection" following the Watts riots, it passed from one person to another as easily as a lawn mower or a sewing machine.

The easy availability of guns tends to escalate the violence of urban and suburban disorders, just as it has long been magnifying the general problem of crime across the nation. Riots may largely be a matter of internal combustion. But the easy availability of guns to those bent on violence contributes dangerously to the igniting of these explosions as well as to their level and duration. It also tends to trigger violent reactions against provocation far removed from the purpose for which these guns may originally have been acquired. It is too often true that just as the finger pulls the trigger so the trigger pulls the finger.

This environmental crisis demands but is not getting the closest attention of officials, legislators and concerned citizens everywhere. We need to clean our air, clean our waters and clean our communities. *But we also need to cleanse our society of violence, and the possession of the most destructive of weapons by those not equipped to use them responsibly.*

Nowhere in the United States does government convey to gun owners or prospective gun owners standards of firearms responsibility that society expects and indeed requires of them. Nor have most states and localities made a determined effort toward effectively keeping guns out of irresponsible hands. It was only after the assassination of a President, a religious leader and a United States Senator within the short span of 4½ years that the Federal government bestirred itself to convert the highly perforated sieve of Federal firearms laws into a policy more in tune with the nation's needs. The assassination of a President had itself not been enough to produce the needed reform of laws which were already out of date when they were enacted a third of a century before and had become increasingly and deplorably archaic. Even the Federal gun legislation enacted in 1968 is seriously inadequate.

The Gun Control Act of 1968 tightened Federal controls over the sale of guns by Federally licensed dealers. It tightened controls over the movement of guns in interstate and foreign commerce, and over mail-order shipments both within and between states. This went a considerable distance toward closing the interstate channels through which state and local firearms regulations, abysmally inadequate most everywhere, were being bypassed. But state and local laws can still be bypassed via interstate channels without great difficulty.

The main reason is that Federal law does not effectively reach the private movement of firearms across state lines, and most states (the exceptions are exceptional) do not themselves deal adequately with private gun transfers within their borders. In most states, guns of one kind or another can even be purchased from licensed dealers by criminals, drug addicts, the mentally sick, and individuals awaiting trial on criminal charges, although such sales are illegal under the new Federal law and sometimes state and local laws. This can happen because too often dealers have no effective way to check the identity of the purchaser. Private sellers are even less equipped. Besides, they are less obligated to practice caution, there being no business license at stake if they are noticeably negligent. Some states require brief waiting periods and some form of licensing to acquire handguns. But most of even these states leave rifles and shotguns virtually unregulated. And the handgun regulations are usually limited to acquisitions from dealers.

Five laws were broken—aside from the final horrendous act that shocked and shamed the nation—when Sirhan Sirhan acquired the gun he used against Robert Kennedy. Not one of these laws required him to provide definitive identification as a qualified person—a license to possess a gun—before the transfer could legally be made. There was no law requiring the person who gave him the gun to insist on seeing a license, at the risk of a sizeable penalty (including loss of his own license to possess a gun) for failing to do so. It took five years and two more nationally traumatic assassinations before a law was passed making illegal the mail-order gun transaction that led to the assassination of John F. Kennedy. No step has yet been taken to counter the kind of gun transaction that led to the assassination of Robert F. Kennedy.

In recent years, the escalating problem of firearms misuse has been given a new, highly dangerous push by the growing acquisition of guns for supposed protection against criminals and other objects of fear and suspicion.

Calls to arms are sounded from the extremes of the nation's color spectrum. Extremists at one end issue a call to arms against blacks, and sometimes against "reds" (appearing to cloak themselves with the mantle of those who fought redskins and redcoats in the early years of the Republic). Extremists at the other end arm themselves against hostile elements known to be armed, sometimes against the police to protect themselves against what they regard as unjustified use of firepower. The arming of one group, whatever its motive, triggers a call to arms from others.

The calls for arming Americans against other Americans come, not just from extremist groups at the fringes of our society, but from cathedrals of firearms responsibility that regard themselves as pillars of the nation's strength and promise. The largest and best-known of these organizations, the National Rifle Association, proclaims that "the armed citizen represents a potential community stabilizer." Every gun group and firearms magazine in the country appears to agree. But not one of them urges government policies to help ensure that *armed* citizens are *responsible* citizens, whatever their potential as community stabilizers. The gun organizations oppose effective gun control. So do the extremists of left and right. What a motley crew of bedfellows.

Many steps are necessary to slow down the domestic arms race.

The effectiveness and prestige of the police as the chosen instrument of public protection must be enhanced. More, better paid and better trained police are urgently needed. And restraint consistent with the demands of effective self-defense should condition their use of firepower. Otherwise, police practices may themselves contribute to the arms race.

Another necessity is quick and fair administration of justice by the courts, and a penal system that effectively, fairly and constructively punishes the guilty and keeps incarcerated those not clearly capable of returning to society as responsible citizens. Fulfillment of these needs will go far toward deterring groups and individuals from taking the law into their own hands. Even when such private assumptions of police power are motivated by the best of intentions, they are often counterproductive. Posing serious dangers to public order and safety, they may foster the very instability they are intended to counter.

A very high priority on this agenda for national defense against violence must be a massive effort to solve the economic, social and political problems—to stop the economic, social and political violence—that breed much of the violent crime and other afflictions of late-20th century America.

Indispensable and too long neglected is a national firearms policy that truly meets the needs of our time. The following are the essentials of such a policy:

(1) enforceable state codes establishing standards of responsible gun ownership in accordance with minimum Federal guidelines;

(2) state licensing of legitimate gun owners and users in accordance with minimum Federal standards—the license reflecting an obligation to adhere to the state code, at the risk of losing the license and whatever guns are involved if there are serious violations;

(3) strict accountability of every licensed gun owner for every gun in his possession until its sale or gift to another licensed individual (or to a minor for whom a licensed individual assumes full responsibility)—or the gun's loss or theft—is properly reported to the appropriate law enforcement agency;

(4) strict Federal controls over the production of handguns now banned from foreign sources by the 1968 law;

(5) stiff, practical penalties for the criminal use of guns (permitting an appropriate degree of court flexibility consistent with the demands of effective law enforcement and fair administration of justice);

(6) comparable regulations on the acquisition and use of explosives.

Enforcement of these rules should feature the simplest, fairest and most inexpensive procedures, including provisions for appeal. The program should place no unreasonable burden on legitimate gun owners. On the contrary, it should be designed to win their confidence as well as that of the general public. It may even provide the basis for loosening, perhaps removing, the present stricture banning all interstate movement of firearms except between Federally licensed dealers and manufacturers. Without a nationwide system of gun-owner licensing and accountability, this rather harsh provision of the 1968 law was the only effective way to combat the heavy flow of guns across state lines in violation of state and local laws, however inadequate.

We are a long way from such a national firearms policy, and making no progress in shortening the distance. The Administration has nothing to offer, not even a bill to prohibit the escalating production of handguns now banned from foreign sources. It has in fact helped Congress weaken the Gun Control Act of 1968. Less than a year after the law took effect, and without a minute of hearings, both houses voted by huge majorities to cut back its identification requirements for the purchase of ammunition. The Administration supported this move. More whittling may be in the offing.

The strong national majorities that favor strict firearms policies seem unready to compel the necessary national commitment via political pressure and ultimately the ballot. They seem to be waiting for a White House initiative that will not come soon—or another shock to the national conscience they pray will never come. Yet an effective campaign against violence urgently requires such a commitment. And the life of private gun ownership in America depends on it. For it is only through effective firearms laws adequately serving the overall public interest that private gun ownership can be ensured an optimistic future.

The organized gun and hunting interests, and large numbers of individual gun owners, are not yet alert to this reality. They, too, are opposed to guns falling into irresponsible hands. But they propose no effective way to minimize this danger. They appear to place their faith and hope in one basic proposition: stiff, mandatory jail sentences for using guns in crime. That is, a stiff, mandatory sentence in addition to whatever sentence is imposed for committing the crime itself. It is possible that such sentences may to some extent deter the criminal use of firearms. But let us have no illusions that this can effectively deal with the problem.

The history of penology, including the effect of special penalties now imposed for committing violent as against non-violent crime, belies the expectations of those who press this as a solution. Nor does the proposal meet the need to deter and minimize criminal access to guns in the first place. Nor does it meet the need to encourage and in fact require conscious concern among all gun owners with keeping, using and disposing of guns responsibly, and to deny possession to those who are not ready to assume such obligations. Moreover, it is the judgment of the Department of Justice (stated in a letter of April 27, 1967 to the Chairman of the House Judiciary Committee and reflecting the views of many with long experience in the law) that "harsh mandatory or minimum sentences often tend to deter juries from rendering guilty verdicts."

Realistic supporters of strict gun control have no illusions about how much can reasonably be expected from the policies they advocate.

There is admittedly no air-tight way to deny criminals, the mentally ill, drug addicts, children and others who lack the basic credentials of responsible gun ownership access to firearms. But neither is there an air-tight way to keep unlicensed drivers and defective automobiles off the roads or to prevent excessive speeds. Yet who would deny the need for these regulations on the use of automobiles?

There are many other weapons available for criminal purposes (metal objects, wooden objects, even hands and fists). But the unique destructiveness of the gun is a fact of life, and several hundred percent more likely to be a fact of death than injuries inflicted in any other way.

Realistic advocates of strict gun control also understand that, because of variations in the economic and social conditions of different parts of the country, firearms laws do not have to be the same everywhere. But those who oppose strict gun control oppose it everywhere. They fail to recognize that no state has been spared the violent misuse of guns against its citizens, or is immune to the advancing forces of economic change and the many social complexities that follow. The firearms policies outlined above would permit variations among the various states—stricter controls in New York than New Mexico, or in Massachusetts than Montana. But mobility of people from one state to another makes minimum Federal standards necessary to protect the residents of all fifty.

Opponents of strict gun control place great emphasis on the rights of legitimate gun owners, invoking the Second Amendment of the Constitution to support their claim that gun ownership is a fundamental right of citizenship. Less attention is given the right of the public at large to protection against irresponsible possession of firearms. Responsible gun owners themselves need such protection, both on and off the hunting range. Besides, the "right to keep and bear arms" in the Second Amendment does not establish the constitutional right of an individual to acquire firearms. The history of the Amendment, as well as court interpretations down the years, support this view. Even if the Amendment did establish an individual right, such a right, as with any other right, is not absolute. The right to free speech does not convey the right mischievously to shout fire in a crowded theater. The right to religious freedom does not convey the right to practice polygamy, or to sacrifice a lamb in the town square. The sanctity of rights must be handled with great care. But it is compelling and constitutional for society to give appropriate weight to the needs of the overall public interest. These are reflected in the objectives of the Constitution summarized in its preamble: "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

One of these liberties is freedom from violence and from the fear of violence, eloquently illuminated in a Presidential message to Congress on September 11, 1970:

". . . there is no greater need in this free society than the restoration of the individual American's freedom from violence in his home and on the streets of his city or town. . . . The issue of crime is freedom. When individual citizens are the direct victims of violence, or the indirect victims when they are forced to restrict their own movements out of fear of violence, fundamental liberties are abridged. A government that fails to protect those liberties is not worthy of the name."

The government responsible for this eloquence has been less than responsible in its attention to the clear and present need for strict control over the acquisition and possession of the most destructive instruments of violence. By its own definition, the government has in this failing called into question its worthiness of the name.

It is ironic that those who *advocate* strict firearms policies seem more aware of the destructive potentialities of firearms—and the special credentials that ought to be required of those legally allowed to possess guns—than do the gun interests who *oppose* such proposals at every turn. One would have expected these interests to be aware of the danger of guns in irresponsible hands, and to take such pride in the skills and responsibilities of legitimate gun ownership, that they would not oppose—but in fact advocate—laws limiting legal gun ownership to those who possess carefully delineated qualities of skill, maturity and responsibility. Yet they block even the moderate proposals I have outlined—proposals which, contrary to the claims and suspicions of many who oppose them, carry no ulterior motives such as increasingly severe controls leading ultimately to confiscation

There are other ironies in the "gun control" controversy

It is ironic, for example, that many who oppose strict gun control emphasize the value of private gun ownership as a line of defense against possible tyranny. Yet, in their opposition to laws that would restrict legal gun ownership to responsible gun ownership, they tend to foment anarchy that is a breeding ground for the tyranny they fear.

They oppose the growth of Federal power, but in blocking efforts being made at state and local levels to serve the overall public interest, they in effect have invited Federal action to solve a growing national problem that now makes such action essential.

They stress the merits of gun safety in the home and in hunting, and the need for improved programs to promote it. Yet their commendable awareness of the danger of firearms in unskilled hands does not extend to the need for laws that encourage, indeed require, conscious as against casual attention to the duties and obligations of proper possession of guns, and that limit legal possession to those who possess certain basic credentials.

It is also ironic that those who are so concerned with the Second Amendment fail to appreciate that, without strict gun-control laws, the "unorganized militia" (the armed citizenry) in which they place such store would be, not the *"well-regulated* militia" highlighted in the Second Amendment, but a disorganized militia, a danger to its own safety and that of the nation.

The obstacle to effective firearms laws in the overall public interest is not just the myopia and obstructionism of those who oppose such policies. It is also the insufficient determination of the public at large to press for the changes most of them know are long overdue. The strong support for strict gun control shown in public opinion polls (even among gun owners) is not expressed in sustained political pressure. What will it take to get the general public to stick up for *its* rights (including the right to life itself) with the intensity so evident in the other side's dedication to what *it* sees as *its* rights?

Many who understand the problem are not waiting to be aroused by more national tragedies in the assassination class. They are already sufficiently aroused by the national tragedy they see in the escalating statistics of gun deaths, gun assaults and armed robbery, and in the violence and potentials of violence that plague the nation. Policies to deal effectively with these current and continuing desecrations of our country and its ideals may go far toward preventing the political assassinations that have come to punctuate this rising trend of violence with frightening frequency.

"It is in this way—with vigorous Federal leadership, with active enlistment of Governments at every level, with the aid of industry and private groups, and above all with the determined participation by individual citizens in every state and every community—that we at last will succeed in restoring the kind of environment we want for ourselves, and the kind the generations that come after deserve to inherit."

This is what the President told the Congress in his call for action against pollution. Nothing less is needed from the Administration to solve another environmental crisis of our time. But nothing approaching it is in the offing. The Administration is waiting. The Congress is waiting. America is waiting. The powder keg gets bigger, in an atmosphere itself combustible. And the fuse flickers on.

UKRAINIAN INDEPENDENCE OBSERVANCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. ROBISON. Mr. Speaker, as visitors to this great land come to Washington, the seat of our National Government, they are often heard to remark at length about the freedoms which those of us who are Americans enjoy. We have, throughout our history as a Nation, enjoyed liberty and freedom and it is difficult for us to imagine how life would be were we to be deprived of those same privileges. For us, such thought is merely a mental exercise; however, for many millions of people it is a fact of life. Today, we are observing the 53d observance of the struggle of Ukrainians for independence and freedom. For those women and men who currently are living under the Communist domination of the Soviet Union, independence is something that others—relatives and friends—have died for, and freedom a long unanswered prayer. It is only fitting that we today recognize their struggle and that we impart to them—in spirit, at least—our hopes that they will soon be able to control their own destiny and to direct their own affairs.

It is wise that we remember the plight of the Ukrainian people, for it is too easy in this complicated world to forget the tragedies of the past and the continuing agonies of the present. But, past wrongs do not fade away—and in every American of Ukrainian descent, the hope survives that his fatherland will be restored again to the full status of a free and proud nation. For us, today, there is a signal relevance to such hope. For no matter how dark are stained the affairs of men, if we remember past injustice, and recommit ourselves to fighting that injustice, a truly "new world" will be inherited by future generations of Ukranian—and of all men everywhere.

HOW THEY VOTED: CONGRESSMAN UDALL'S LEGISLATIVE QUESTIONNAIRE OF DECEMBER 1970

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. UDALL. Mr. Speaker, last month I sent a questionnaire to all the residents of the Second Congressional District of Arizona. Approximately 32,000 of my Arizona neighbors responded, and I think my colleagues will find their views on some of the important issues facing the 92d Congress as interesting as I do. Before looking at the findings as a whole, I would like to comment on some of the highlights and take note of those responses which I think are most significant.

In conducting a survey of this kind I think it is important to realize that the people who mail in questionnaires are not necessarily representative of the total population. Obviously, they are people who take a more active interest in public affairs than some of those who do not respond. However, I believe that when as many as 32,000 persons in a constituency express their views overwhelmingly on a given question, that may be taken as a pretty good indication that a majority of the residents of that district hold the same view.

Where responses are tabulated by demographic groupings, the structure of the public opinion on a given question becomes all the more clear. In this survey I found a number of real surprises which would not have been so evident if the results had not been tabulated in this way.

Among the more interesting results of the survey was the evidence of a shift in opinion toward early termination of the U.S. effort in Vietnam. Whereas past surveys have shown general support for the war, this survey found a majority—56 percent—favoring either immediate withdrawal—25 percent—or withdrawal on a fixed timetable with a deadline such as December 1971—31 percent.

I was also struck by the evidence of very substantial opinion favoring recognition of Red China. I could not have anticipated such a result, nor could I have anticipated that such a policy would be advocated by every demographic group in the survey—members of all parties, all ages, and so forth.

I was also impressed by the sizable opposition to continued funding of the proposed supersonic transport, SST. I found that fully 69 percent of my constituents responding to this questionnaire opposed further Federal funding for the aircraft. Only 26 percent favored the SST; 5 percent had no opinion.

Because I had room on the computer in tabulating the questionnaire responses to the Vietnam war question as a basis for tabulating all other responses. The result was most interesting. Generally, I found that "doves" and "hawks" agree on most other issues of the day.

Let me explain how I arrived at the grouping of "doves" and "hawks." On the Vietnam question, my constituents were asked which of four policies came closest to their own view. The precise language of these options is set forth in the tables below. Those who chose the first two options are classified as "doves." Those who chose the fourth option I classified as "hawks." I felt it would be unfair to classify those who chose option No. 3 in either group, and I excluded them from the "dove-hawk" grouping on the other eight questions in the survey.

Earlier this week I issued two press releases concerning the results of this survey, and without objection I will insert the text of those press releases and the detailed results of the questionnaire tabulation at this point in the RECORD:

QUESTIONNAIRE RESULTS

WASHINGTON (Special).—A survey conducted by Rep. Morris K. Udall, D-Arizona, reveals substantial bi-partisan opposition to continued federal funding of the supersonic transport (SST), the congressman reported today.

The survey, sent last month to all residents in Arizona's 2nd Congressional District, showed that 69 per cent of Udall's constituents oppose further support for the controversial aircraft. Only 26 per cent favored the SST; 5 per cent had no opinion.

About 32,000 persons responded to the questionnaire. They included about 4,000 from Cochise County, 23,000 from Pima, 2,000 from Pinal, 500 from Santa Cruz and 2,500 from Yuma.

Opposition to the SST cut across party lines, with 76 per cent of the Democrats and 60 per cent of the Republicans opposing further federal funds for the aircraft. Existing appropriations expire in March, and a lively debate is expected when the 92nd Congress takes up the issue soon.

Udall, who voted against the SST last year, said he was pleased to have a "renewed mandate" to oppose the program.

The survey also indicated that residents of Southern Arizona are willing to help pay the bill for an improved environment. They were asked whether they would support strict standards on automobile exhaust emissions if that meant an increase of $200 "in the price of your next car."

Eighty-six per cent of Udall's respondents voted in favor of tougher standards. There was no difference between Republicans and Democrats on the question.

In another environment-related question, 71 per cent of the respondents said they favor the proposed Environmental Protection Act. The measure, sponsored by Udall and other members of both parties, would permit citizens to seek court orders to stop practices that damage the environment without having to prove that they, themselves, were suffering specific economic loss.

On the great controversy of recent years, the Vietnam War, Udall noted a shift toward early termination of the U.S. effort there. Whereas past surveys have shown general support for the war, this survey found a majority (56 per cent) favoring either immediate withdrawal (25 per cent) or withdrawal on a fixed timetable (31 per cent) with a deadline such as December, 1971.

Twenty-four per cent favored gradual withdrawal of troops over as many years as are needed to "Vietnamize" the war, while 16 per cent chose sending more American troops to achieve a military solution.

One of the "real shockers" of the Survey, Udall said, was the response to a question on recognition of Red China. Fully 70 per cent of his respondents said they favor recognizing the Communist regime.

Udall said this represented a major shift in opinion of his constituents in the past decade. The question of recognition was approved by Democrats, Republicans, members of the American Independent party, those with no party affiliation, by all age groups, by men and women, by newcomers to Arizona as well as old-timers, and by residents of all five counties in the district.

The option which drew such massive support read as follows:

"Like it or not, the government in Peking is the government of ⅓ of the world's population. It is unwise not to recognize its existence and try through diplomatic and trade contacts to find ways of reconciling differences, as we are now doing with some 20 other Communist countries."

Udall said he takes the response as indication that public opinion in this country will give the President the freedom to pursue initiatives toward Red China when he deems it in the national interest. In the past 20 years, he said, the opposite has been true.

Another shift in public opinion was revealed in responses to a question Udall asked on the draft law. The congressman said he was surprised to find only 11 per cent of his constituents voting for continuation of the draft system as it operates today. Nineteen per cent voted to extend the draft while ending student deferments.

Two alternatives to the draft drew stronger support. Twenty-nine per cent voted for establishing a volunteer army, while 38 per cent said they prefer giving young men a choice: volunteering for two years of military service, taking their chances on the lottery, or volunteering for three years of civilian service in the Peace Corp, etc.

Udall took particular note of responses from constituents who are under 21 years of age—those most concerned with the draft. Of this group, 52 per cent chose the volunteer army, 36 per cent the choice of military or civilian service, 8 per cent the ending of student deferments, and 4 per cent the continuation of the existing system.

Armed Services Committees of the House and Senate will begin hearings soon on the draft. The current draft law expires July 1.

On other issues Udall's constituents:

Favored, 60 to 33, attempts to rescue U.S. prisoners-of-war held in North Vietnam.

Approved, 75 to 21, amending the Constitution to abolish the Electoral College and elect the President by direct, popular vote.

Favored, by a margin of 64 to 33 per cent, a plan to abolish residency requirements in voting for President and Vice President. The plan would require the Census Bureau to make door-to-door canvasses every four years to ensure that every eligible citizen has an opportunity to register and vote.

SPECIAL ANALYSIS WITH QUESTIONNAIRE

WASHINGTON (Special).—How deep are the divisions among Americans? How polarized is our society? To what extent do people who disagree on Vietnam disagree on other issues of the day?

Answers to those questions were hinted at in a special analysis made by Rep. Morris K. Udall, D-Arizona, of constituent replies to his annual legislative questionnaire. Results of that survey, reflecting the views of about 32,000 Southern Arizonans, were released today.

As usual, Udall had answers to the nine questions on his "opinion ballot" tabulated by age, sex, political affiliation and other factors. But, because he had "room on the computer," Udall also had answers to eight of the nine questions tabulated to show how Vietnam "doves" and "hawks" looked on other controversies of the day.

"Overall," Udall said today, "I found very little evidence of the polarization that many people would have us believe exists. And there were a few real surprises."

For example, he found that both "doves" and "hawks" agree that the United States should recognize the government of Red China.

For another, both "doves" and "hawks" oppose continued federal funding for the supersonic transport (SST).

To make his special analysis Udall first tabulated responses to a question on Vietnam policy. His constituents were asked which of these policies come closest to their own views:

1. Withdraw all troops from Vietnam immediately.
2. Fix a deadline for withdrawing all troops—say December, 1971—and stick to it.
3. Withdraw troops but take as many years as are needed to turn the war over to the South Vietnamese.
4. Send more troops to Vietnam and step up the fighting, invade North Vietnam or take whatever steps are necessary to achieve a military solution.

Overall, 25 per cent approved of the first option; 31 per cent the second; 24 per cent the third; and 16 per cent the fourth.

For purpose of his analysis Udall grouped the respondents who chose No. 1 or 2 as "doves", and those who chose No. 4 as "hawks." He concluded it would be unfair to characterize those who chose No. 3 with either label.

Eighty per cent of the "doves" and 53 per cent of the "hawks" gave their approval to recognition of Red China.

Similarly, majorities of both groups agreed on three questions relating to the environment. These included:

—The supersonic transport (SST). Eighty-three per cent of the "doves" and 54 per cent of the "hawks" voted to cut off further funding for development of the airplane.

Environmental Protection Act. This proposal, of which Udall is chief House sponsor, would allow citizens to seek court orders to halt acts of pollution without having to prove specific economic damage. The plan drew support of 83 per cent of the "doves" and 53 per cent of the "hawks".

Automobile pollution. Ninety per cent of the "doves" and 78 percent of the "hawks" voted for tougher air pollution standards even if this meant an increase of $200 in the price of automobiles. There was general agreement, too, on the question of what Congress should do to replace the current Selective Service law, which expires June 30. Udall asked his constituents to choose one of four options:

1. Extend the draft law pretty much as it is.
2. Extend the draft but end student deferments.
3. End the draft and establish a voluntary army.
4. Keep the draft but require young men to choose one of the following: (a) volunteer for two years of military service, (b) take chances with the draft lottery, or (c) volunteer for three years of service in a police force, VISTA, the Peace Corps, etc.

The proposal to extend the draft law as it stands fared worst among "doves" and "hawks" alike. Only 9 per cent of the "doves" and 16 per cent of the "hawks" chose this option.

Surprisingly, both groups also agreed on the option they most prefer. Forty per cent of the "doves" and 32 per cent of the "hawks" chose the plan which would give young men a choice between military and civilian service.

The other two options drew differing support. "Doves" preferred the volunteer army to a modified draft system, 36–13 per cent. "Hawks" took the opposite view, preferring the modified draft to a volunteer army, 31–19 per cent.

On other issues "hawks" and "doves":

Split on the advisability of attempting more prisoner-of-war rescue missions. Eighty-eight per cent of the "hawks" approved of such missions compared to 49 per cent of the "doves." Of those "doves" favoring immediate withdrawal such missions received only 32 per cent approval.

Agreed that the Electoral College should be abolished and that the President should be elected by direct, popular vote. Eighty-five per cent of the "doves" and 57 per cent of the "hawks" voted for the change.

Agreed that residency requirements be abolished in voting for President and Vice President, and that the Census Bureau should make door-to-door canvasses to get people registered. The plan won support of 69 per cent of the "doves" and 63 per cent of the "hawks."

A. VIETNAM WAR

Americans continue to be divided about the right course for us to take in Vietnam and Indochina. Which of the following policies comes closest to your own view?

1. Withdraw all troops from Vietnam immediately.
2. Fix a deadline for withdrawing all troops—say December, 1971—and stick to it.
3. Withdraw troops but take as many years as are needed to turn the war over to the South Vietnamese.
4. Send more troops to Vietnam and step up the fighting, invade North Vietnam or take whatever steps are necessary to achieve a military solution.

[In percent]

	1	2	3	4	No opinion
Male	25	31	26	16	2
Female	25	33	22	16	4
Under 21	40	32	16	12	0
21 to 29	22	34	24	19	1
30 to 39	28	25	24	18	4
40 to 49	25	39	20	15	2
50 and up	25	30	26	14	3
Democrat	31	36	16	13	3
Republican	13	29	37	18	3
American Independent	34	19	17	28	2
Other	40	35	7	16	2
Overall	25	31	24	16	3

B. ENVIRONMENTAL PROTECTION ACT

Under existing law it is difficult for ordinary citizens to play an active role to protect their environment. For example, to get an air pollution case into our court citizens usually must show that they have suffered *specific economic damage*—often impossible to do. The proposed Environmental Protection Act would change this, permitting citizens to seek court orders to stop polluting activities without having to prove economic loss. Proponents see this as a way to get prompt action against serious threats to the environment. Opponents contend it would permit harassment of industry and immobilize our courts with too many cases. Would you generally (1) favor or (2) oppose legislation of this kind?

[In percent]

	1	2	No opinion
Male	71	73	5
Female	24	19	7
Under 21	72	16	12
21 to 29	75	21	4
30 to 39	71	25	3
40 to 49	80	15	5
50 and up	67	25	9
Democrat	77	17	6
Republican	65	29	6
American Independent	66	30	4
Other	84	16	0
"Dove"	83	12	5
"Hawk"	56	37	8
Overall	71	22	7

C. AIR POLLUTION STANDARDS

Most scientists agree that the worst contributor to air pollution is the automobile. Suppose we could reduce this pollution drastically by imposing new standards on automobiles—but that this would mean an increase of $200 in the price of your next car. Would you (1) favor or (2) oppose a law to set such standards?

[In percent]

	1	2	No opinion
Male	87	11	3
Female	87	11	2
Under 21	76	20	4
21 to 29	92	7	1
30 to 39	91	8	2
40 to 49	94	5	1
50 and up	80	16	4
Democrat	87	10	3
Republican	87	11	2
American Independent	85	11	4
Other	93	7	0
"Dove"	90	8	2
"Hawk"	78	20	1
Overall	86	11	2

D. UNIVERSAL VOTER ENROLLMENT

In national elections only about 60% of U.S. adults vote, compared to 80–85% in other free countries. Our poor performance comes, in part, from restrictive voter registration laws. A proposal before Congress would abolish residency requirements in voting for President and Vice President, and would require the Census Bureau to make door-to-door canvasses every four years to ensure that every eligible citizen has an opportunity to register. Would you (1) favor or (2) oppose such a system of universal voter enrollment?

[In percent]

	1	2	No opinion
Male	63	34	3
Female	63	32	5
Under 21	64	28	8
21 to 29	76	22	2
30 to 39	61	37	3
40 to 49	62	35	3
50 and up	59	37	5
Democrat	68	29	4
Republican	57	41	2
American Independent	77	21	2
Other	79	21	0
"Dove"	69	27	5
"Hawk"	63	36	1
Overall	64	33	4

E. POLICY TOWARD CHINA

A recent vote in the United Nations indicates that Communist China may get the votes to be admitted as a member next year. This raises anew the question of U.S. recognition of the Peking government. Which of the following statements comes closest to your view?

1. The government of Peking is not the legal government of China. It is Communist. It aids our enemies. We should not recognize it or have any trade or contact with it until it changes its ways.

2. Like it or not, the government in Peking is the government of one-fifth of the world's population. It is unwise not to recognize its existence and try through diplomatic and trade contacts to find ways of reconciling differences, as we are now doing with some 20 other Communist countries.

[In percent]

	1	2	No opinion
Male	23	73	4
Female	26	67	7
Under 21	32	64	4
21 to 29	27	70	4
30 to 39	26	69	5
40 to 49	23	73	4
50 and up	22	71	7
Democrat	19	75	5
Republican	30	64	5
American Independent	30	66	4
Other	16	79	5
"Dove"	16	80	4
"Hawk"	43	53	4
Overall	24	70	6

F. SELECTIVE SERVICE

The Selective Service law expires next year, and Congress will have to act. Several proposals have been made. Which of the following would you tend to favor?

1. Extend the draft law pretty much as it is.

2. Extend the draft but end student deferments.

3. End the draft and establish a volunteer army.

4. Keep the draft but require every young man to choose one of the following: a) volunteer for 2 years of military service, b) take chances with the draft lottery, or c) volunteer for 3 years of civilian service in a police force, VISTA, the Peace Corps, etc.

[In percent]

	1	2	3	4	No opinion
Male	12	20	31	35	2
Female	11	17	26	41	5
Under 21	4	8	52	36	0
21 to 29	6	11	27	53	2
30 to 39	15	14	33	36	2
40 to 49	9	15	33	42	1
50 and up	13	26	26	30	5
Democrat	11	19	29	37	4
Republican	13	19	25	41	2
American Independent	4	15	36	40	4
Other	5	16	37	37	5
"Dove"	9	13	36	40	2
"Hawk"	16	31	19	32	1
Overall	11	19	29	38	3

G. SUPERSONIC TRANSPORT

The Supersonic Transport (SST) will require $1 billion or more of government subsidy in order to be built. Supporters argue that the SST is needed to continue U.S. leadership in aviation, that it would help our balance of payments in world trade, and would create thousands of American jobs. Foes say this money could better be spent for pressing domestic needs and raise questions about pollution of the upper atmosphere and sonic booms. Do you (1) favor or (2) oppose continued Federal funding for the SST?

[In percent]

	1	2	No opinion
Male	29	67	3
Female	23	72	5
Under 21	40	56	4
21 to 29	20	74	6
30 to 39	27	71	3
40 to 49	27	69	4
50 and up	29	68	3
Democrat	20	76	4
Republican	36	60	3
American Independent	15	77	9
Other	23	77	0
"Dove"	84	13	3
"Hawk"	44	54	2
Overall	26	69	4

H. PRISONER RESCUE MISSIONS

Recently the United States sent a commando-type force far into North Vietnam in an unsuccessful attempt to rescue some U.S. prisoners of war. Critics said this might endanger the lives of Americans held prisoner there, but supporters said this shows concern for the prisoners and that we "mean business" in Vietnam. The Administration has indicated it might try such raids again, Would you (1) favor or (2) oppose further operations of this kind?

[In percent]

	1	2	No opinion
Male	62	33	5
Female	59	33	8
Under 21	64	28	8
21 to 29	66	29	5
30 to 39	75	22	3
40 to 49	56	40	5
50 and up	55	37	8
Democrat	50	42	8
Republican	75	20	4
American Independent	66	28	6
Other	51	49	0
"Dove"	43	51	6
"Hawk"	88	8	4
Overall	60	33	6

I. DIRECT ELECTION OF PRESIDENT

Congress will be asked again next year to abolish the Electoral College in order to elect the President by direct, popular vote. Some argue that Arizona and other small states would thus lose some of the extra weight they now have in national elections. Those who want to abolish the Electoral College claim that the present system could result in the election of a candidate who lost the popular vote; also, that a third-party candidate could bring about a deadlock. Do you (1) favor or (2) oppose amending the Constitution to abolish the Electoral College and elect the President by direct, popular vote?

[In percent]

	1	2	No opinion
Male	75	21	4
Female	75	21	4
Under 21	84	16	0
21 to 29	80	16	4
30 to 39	75	21	4
40 to 49	77	19	4
50 and up	71	25	4
Democrat	79	18	3
Republican	68	27	5
American Independent	83	15	2
Other	86	9	5
"Dove"	86	11	3
"Hawk"	57	37	6
Overall	75	4	4

ON SAVING SAN FRANCISCO BAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to include in today's RECORD a recent editorial from the San Jose Mercury emphasizing the importance of the proposed San Francisco Bay National Wildlife Refuge—H.R. 111—to the preservation of San Francisco Bay, one of the great natural resources of this Nation. There are few cities in the world that rival San Francisco in charm and beauty. The climate and geography of the surrounding area, from Marin County on the north to southern Santa Clara County, make it one of the most desirable places in the world in which to live. The bay itself, because of its esthetic beauty, its potential for recreation, and its effect on the climate of the area, must be preserved. It is now severely threatened by industrial and municipal wastes, oil spills and excessive landfills which have reduced its surface area by one-third during the past century. There is no indication that this process of spoilage has been halted or reversed, although many environmental organizations and agencies are working on the complex and, no doubt, expensive solutions to the problems. Pollution-free solid waste disposal facilities must be built. Industrial polluters must be controlled with appropriate laws backed up by rigorous enforcement. The wildlife refuge bill is an essential part of the third problem area—the problem of preventing further landfills. It is true that the refuge has great potential as a recreation area. It is true that it will save a number of species of endangered birds and wildlife. It will also provide access to the bay for the several million people who live within an hour's drive of the proposed refuge site. But more important, I believe, than any of these other important considerations is the prevention of further landfills which, if allowed to continue as before, will radically alter the climate of the area and perhaps make it as unhealthy a place to live as our unfortunate neighbor to the south, Los Angeles.

We Members of the House, and particularly those of us from California, have it within our power to determine whether San Francisco will remain a queen jewel among cities, set in an emerald bay, or whether the entire bay area will become a cancerous urban sprawl encircling a shrinking cesspool. I urge my colleagues, therefore, not to look upon this refuge bill as a matter of narrow local concern, but as part of a national effort to save a great natural resource. With that, I would like to present the Mercury editorial.

[From the San Jose Mercury, Jan. 25, 1971]

BAY WILDLIFE REFUGE BADLY NEEDED

Seven Northern California Representatives, including San Jose Democrat Don Edwards and Gilroy Republican Charles S. Gubser, have reintroduced the San Francisco Bay wildlife refuge bill.

It is greatly to be hoped that hearings will be scheduled early in the 92nd Congress on this particular piece of legislation, which would establish a permanent wildlife refuge on 21,000 acres of marshes, tidal flats and sloughs in Santa Clara, Alameda and San Mateo counties.

Development of the bay, particularly filling it for industrial and commercial use, has endangered a number of species of migratory birds by eliminating their feeding grounds. San Francisco Bay is an integral part of the bird world's northwest flyway.

Preservation of the bay is in the interest of man as well as bird, and Congress should establish the San Francisco Bay wildlife refuge as quickly as possible.

SOCIAL SECURITY DILEMMA FACING OUR SENIOR CITIZENS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. RONCALIO. Mr. Speaker, the dilemma of social security facing the growing segment of our population 65 and over is a problem that must be faced by this Congress and faced now.

The following letter from Mr. R. E. Knipe, of Cheyenne, Wyo., gives you some indication of the basic inequities in medicare payments today and attacks head on the fiction of setting a basic for additional medical coverage at a given time.

The only cost that counts on a fixed base income is the present cost of medical service. Any other rule is really a sham.

CASPER, WYO., *January 14, 1970.*

Congressman TENO RONCALIO,
Cheyenne, Wyo.

DEAR SIR: I would like to call your attention to a couple of instances in regard to our Social Security.

As you know, the Social Security Administration is charged, by Congress, to pay Medicare claims based on 'reasonable charges' for a particular area. The Jan. 1971 News Bulletin of the American Assoc. of Retired Persons, (membership quite a number of millions of people) states, and I quote: "Medicare is supposed to pay 80% of 'reasonable charges'. Six months ago, a Social Security Administration decision, never publicly announced, limited Medicare payments to the 1968 'reasonable charge' level, ignoring rising costs of doctor fees". End of quote.

The bulletin gave two instances of the lowered payments. They figured to about 60% of the actual costs. The excuse was that there is, pending in Congress, a bill to change the payment basis, probably to lower them, and that therefore the 1968 basis should be used for now.

You know yourself that the phrase, "reasonable charges" in regard to medical costs is just a cruel travesty of words. The retired person, with the drastically declining purchasing power of a fixed income, has to pay the *present* costs. Medicare was supposed to be his life saver and many company medical insurance plans, like mine with Marathon Oil, which were good for life, were terminated with retirement on the theory that Medicare would be sufficient. Now, if a completely fictitious basis, such as 1968, or next time 1948, or 19xx, can be used, a retired person has no other choice than to go into the insurance market and buy additional medical coverage, on a single person, (not group) basis for himself and his wife. He cannot stand 40% of today's medical costs. Surely this prospect cannot be hidden in a pending bill—if it is please seek it out and kill it.

In the pending health bill, which the Senate did not consider, there is an item concerning catastrophic health insurance for people *under 65*. I have not seen the bill; I am quoting only from the newspapers, but they gave the provision as being limited to those *under* 65. This measure is supposed to safeguard against a prolonged illness—a cost that no insurance will pay. But those *over* 65 have no such safeguard; medicare lasts for 90 days only (with 60 more emergency days spread over a life time); and this has always been one of its failings. Surely Congress would not exclude from this coverage, the group that needs it the most. I cannot believe that this is the case but nevertheless this is what the papers carried. And it just might happen that things could wind up with the over-65 group the only one with no safeguard against such costs. Would you please consider this angle and please see that this does not happen?

Yours very truly,

R. E. KNIPE.

FIFTY-FIVE HOUSE MEMBERS URGE 15-PERCENT INCREASE IN SOCIAL SECURITY BENEFITS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. FRASER. Mr. Speaker, one of last session's major items of unfinished business was the passage of the 1970 Social Security amendments, H.R. 17550. Our failure to enact this legislation was a serious disappointment to America's 26 million social security recipients who have been particularly hard hit by a rampant inflation.

The rise in the cost of living during 1970 has already eaten away the 5-percent increase in benefits that H.R. 17550 would have provided. And even before the consumer price index began to rise so sharply, millions of elderly recipients were living in poverty. The Senate Select Committee reports that the incidence of poverty is rising steadily among older people. Today, one out of every four Americans 65 and over must live on a poverty level income, according to the Senate Committee.

Fifty-five of us in the House have agreed that a 15-percent increase in social security benefits is warranted in view of the severe financial pressures confronting older Americans. We have also endorsed special increases in monthly minimum benefits and the annual earnings limitation.

Below is a copy of a letter to Ways and Means Chairman WILBUR MILLS which outlines our views:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 26, 1971.

Hon. WILBUR MILLS,
Chairman House Ways and Means Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to note that your committee intends to act on a social security increase early in the session.

A significant increase in benefits is essential to the well being of America's 26 million social security recipients who were particularly hard hit by the rapid rise in the cost of living during 1970.

Now that the rising cost of living has surpassed the 5% increase in benefits provided in the 1970 Social Security Amendments, H.R. 17550, we feel that major improvements must be made in the 1971 bill.

More specifically, we urge adoption of the

1. A 15% across-the-board increase in benefits retroactive to January 1, 1971.

2. An increase in monthly minimum benefits from $64 to $100.

3. An increase in the annual earnings limitation of $2400.

Thank you for your consideration.

Sincerely,

James Abourezk, Brock Adams, Joseph P. Addabbo, Glenn M. Anderson, Les Aspin, Herman Badillo;
Bob Bergland, Jonathan B. Bingham, John Brademas, Frank J. Brasco, Phillip Burton, Charles J. Carney;
Shirley Chisholm, William Clay, John Conyers, Jr., Jorge L. Córdova, Dominick V. Daniels, John G. Dow;
Robert F. Drinan, Joshua Eilberg, William D. Ford, Donald M. Fraser, James G. Fulton, Ella T. Grasso;
Michael Harrington, William D. Hathaway, Ken Hechler, Henry Helstoski, James J. Howard, Robert L. Leggett, Mike McCormack;
Ray J. Madden, Spark Matsunaga, Abner J. Mikva, Joseph G. Minish, Patsy T. Mink, Parren J. Mitchell;
John E. Moss, Lucien N. Nedzi, David R. Obey, Bertram L. Podell, Roman C. Pucinki, Charles B. Rangel, Thomas M. Rees;
Henry S. Reuss, Benjamin S. Roenthal, Edward R. Roybal, William F. Ryan, Fernard J. St Germain, James H. Scheuer;
John F. Seiberling, Robert O. Tiernan, Jerome R. Waldie, Lester L. Wolff, and Gus Yatron.

FORT DETRICK—A NATIONAL ASSET

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BYRON. Mr. Speaker, in November 1969 President Nixon announced the end of offensive biological warfare research. The facilities at Fort Detrick, Md. which were involved in the offensive biological warfare function are now available for other, peaceful uses. These facilities at Fort Detrick and the men who man them are unique and should be considered a national asset to be employed for the benefit of all Americans. The following article from Science magazine gives an excellent description of Fort Detrick's physical and manpower assets and outlines the problems of conversion:

Fort Detrick: A Top Laboratory Is Threatened With Extinction

Fort Detrick, a biological warfare center which is probably the nation's largest and most sophisticated facility for research in microbiology and acrobiology, is headed for mothballs and can be taken over for a song. Yet no one seems to want it—at least not badly enough to pay the cost of operating the mammoth complex in Frederick, Md., some 50 miles northwest of Washington, D.C.

Detrick has been nervously awaiting its death sentence ever since President Nixon announced, on 25 November 1969, a total renunciation of offensive biological warfare. The Army subsequently declared Detrick "surplus" and a number of high-level scientific committees and government officials have trooped through the place seeking to determine whether the military laboratories might be converted to civilian work.

CIVILIAN USE RECOMMENDED

Several agencies, notably the National Institutes of Health, the Department of Agriculture, and the old Environmental Health Service (which has since been transferred to the new Environmental Protection Agency), indicated last year that they could, indeed, make good use of parts of the Detrick complex. What's more, two expert scientific committees that studied Detrick—a panel of the President's Science Advisory Committee and a group put together by the National Academy of Sciences—unequivocally concluded, according to Detrick and congressional sources, that the facilities are so valuable that they should be saved and put to use. Yet, in the 14 months since Nixon's announcement, all efforts to find the $15 million or so in annual operating costs needed to keep Detrick going seem to have failed.

Last fall the Army publicly stated that it planned to cut the number of civilian employees at Detrick to a minimal level of 240 personnel by 30 June 1971, thus essentially closing down the biological research facilities. Detrick could still be saved by a last-minute infusion of funds from any number of sources—the White House, the Office of Management and Budget, the Congress, or even the Defense Department itself. But Detrick's supporters on Capitol Hill acknowledge that the installation's fortunes are "at a low ebb" and that the prognosis is not particularly favorable.

Meanwhile, the staff and facilities are shriveling away. The number of degree-holding scientists and engineers has dropped by roughly 25 percent, from about 400 to about 300, since Nixon's announcement 14 months ago, while the total number of civilian employees has dropped by 33 percent, from about 1600 to about 1050. (There are also about 160 military personnel at the laboratories, a number which has not changed greatly over the past year.) With the exodus of personnel, 63 of Detrick's buildings have been vacated, including 21 laboratory buildings which have been decontaminated to render them safe for occupancy by another tenant. Ironically, two brand new facilities—a $1.6-million microbiology wing and a $2.2-million animal holding laboratory—could end up being abandoned shortly after completion.

In the eyes of some scientists who know Detrick well, mothballing the facility would amount to a blunder of tragic proportions. J. Roger Porter, chairman of microbiology at the University of Iowa College of Medicine and chairman of the Academy team which looked into Detrick, considers the facilities "one of a kind in the world." Porter told *Science* that Detrick is a "national asset" which could easily be converted to civilian work and he expressed "disappointment" that Detrick seems to be withering away because of "interagency squabbling" over who is willing to pick up the tab for operating the place. "The whole damn bureaucratic system is so bogged down that it's producing a sad situation for science and for everyone else," he complained. Similarly, another prominent scientist who has looked closely at Detrick called it "very shortsighted" to let the place close down for lack of a few million dollars in annual operating funds. "If Detrick is mothballed or dismantled it will probably be a long time before that kind of capital investment is made again," he warned. "In a number of fields, facilities such as those at Detrick will be required before important progress can be made."

Riley Housewright, former scientific director at Detrick and former president of the American Society for Microbiology, is even more emphatic in his denunciation of the fate that seems to be befalling Detrick. He says it would be "a blunder—a terrible mistake—to let all those facilities just rust because no one has had the forethought to plan for conversion." Housewright is rather bitter that the pressures to abandon biological warfare became so great that the Administration was "more interested in seeing Detrick closed than in making any constructive move to determine what else it could be used for." As a result of discouragement over the nation's repudiation of the kind of work he had performed at Detrick for 26 years as well as discouragement over his inability to line up any substantial amout of civilian work for Detrick, Housewright resigned his position last summer to take a job as vice-president and scientific director of Microbiological Associates, Inc., a private firm in Bethesda, Md. "I didn't care to preside over the demise of the place," he explained.

WHAT DETRICK HAS

What has Detrick got that makes some scientists wax so enthusiastic over its potentials for civilian use? The answer is that it has some facilities which appear to be unique, at least in terms of scale, and others which are certainly scarce. It also has a competent research staff, which has pioneered in the science of aerobiology, developed a number of vaccines and toxoids, as well as lethal germ weapons, and published some 1400 or 1500 papers in the open literature since 1946. However, most scientists who proclaim Detrick's possibilities think primarily of the extraordinary facilities and only secondarily of the personnel.

Detrick occupies some 1230 acres of federally owned land, about half of which is used for buildings and half of which is open land currently leased to local farmers. The post contains some 460 structures, with a total area of 2.2 million square feet, ranging from sophisticated laboratories to decaying housing to a bowling alley. The replacement value of the land, buildings, and equipment was estimated at $190 million on 30 June 1970.

The part of the installation which is in danger of being mothballed is that which has been exclusively concerned with biological warfare. The post also has several smaller tenants—an Army medical research institute devoted to infectious diseases, an Army reserve armory, and a Signal Corps communications center—that will apparently not be affected by whatever happens to the main part of Detrick.

The installation's most striking facilities include the following:

The most sophisticated containment facilities for handling infectious materials that Housewright has ever seen or heard of. Many Detrick laboratories are a maze of barriers designed to permit men, animals, equipment, air, liquids, and solid wastes to move in and out without permitting the passage of microorganisms. The buildings are subdivided into areas of different degrees of contamination; the movement of air is always from less contaminated to more contaminated areas; and there are ultraviolet air locks, change rooms, and disinfectant showers separating the various zones. Detrick makes wide use of the so-called "Class III" safety cabinets—gas-tight enclosures which have rubber gloves attached and a system of pass boxes and autoclaves (superheated steam devices) designed to contain hazardous materials completely. All effluents—liquid, air, and solid—are heat or steam sterilized, and local lore has it that a post commander once offered to drink Detrick's sewage to prove to skeptical reporters that, while it might taste bad, it was perfectly safe to ingest. Detrick's safety features are considered so advanced that a two-volume book of design criteria developed at Detrick has been used as a model for building such other high-hazard facilities at the Lunar Receiving Laboratory in Houston, the National Cancer Institute's Emergency Virus Isolation Facility, and the Department of Agriculture's National Animal Disease Laboratory, among others.

A 1-million-liter gas-tight sphere which an official Army publication claims is "unique in the free world." The sphere is the largest in a series of chambers at Detrick that have been used for studying what happens to aerosols of pathogenic microorganisms under varying conditions of humidity, temperature, and pollution. Animals can be exposed to controlled aerosols in many of these chambers and then held for subsequent observation and testing. One laboratory has a mirror which follows the sun and directs its light into an aerosol chamber so as to observe the effect of sunlight on airborne organisms. Detrick scientists believe the various spheres could be used to study the transmission of respiratory diseases or the behavior of air pollutants.

Pilot plants which can produce bacteria, viruses, and tissue cultures on a scale which "very few places, if any, can match" in Housewright's opinion. Housewright notes that work on several viruses implicated in cancer has been seriously slowed by lack of a large supply of the viruses. "People doing the work have had to stop and grow them," he says.

Extensive animal facilities. In addition to the new $2.2-million holding laboratory, which is designed to house animals that must be observed for months or even years, Detrick has an animal farm which can produce annually some 900,000 mice, 50,000 guinea pigs, and 2500 rabbits and can at the same time condition some 4000 monkeys. There is also a large "corral" area for holding larger animals such as horses, cattle, and sheep.

ROADBLOCKS TO CONVERSION

If Detrick is such a red-hot facility, what's been blocking its conversion to civilian uses? The chief problem, it seems, is money. Pentagon officials say the Department of Agriculture has agreed to take over a tiny part of the complex devoted to plant studies. And the National Institutes of Health has said it would like to perform a small amount of research at Detrick. But apparently no agency wants to divert from its existing budget the $15 million or more needed to keep Detrick functioning at a reasonable level. And neither the Office of Management and Budget nor the Congress has thus far been willing to provide special funds to any agency to take over Detrick. Last year the Senate passed an amendment, sponsored by Maryland senators, that would have given the Department of Health, Education, and Welfare (the parent agency of NIH) $15 million to operate the facility in fiscal 1971, but the amendment was killed in a budget-paring House-Senate conference.

Other problems which are said to be blocking the conversion of Detrick include Detrick's inconvenient distance from metropolitan Washington; the reluctance of some civilian scientists to be associated with a place that once engaged in the "dirty" business of biological warfare; and the fear by some agencies that Detrick, once taken on, would become an albatross that could not easily be dropped should budgets get even tighter in the future.

DETRICK TOO EXQUISITE?

Another key problem—cited by officials at NIH, the agency which has generally been regarded as most likely to find use for Detrick—is that "Detrick may be more than we need—it may be just a little too exquisite." Leon Jacobs, assistant director for collaborative research at NIH, said NIH probably "couldn't use" the 1-million-liter aerobiology sphere effectively in the study of airborne infections, though some of the **smaller chambers might serve admirably.** Moreover, contrary to some opinions expressed, Jacobs said Detrick is "not the hottest facility in the world. It needs a lot of repair work. Just because it's there doesn't mean it couldn't be improved upon considerably if you started from scratch." Jacobs also said that while some of Detrick's personnel might fit into any program NIH mounts there, he did not contemplate that NIH would want to take over the entire Detrick staff.

Still, the Detrick facilities could obviously be of unique value. NIH, in fact, has concluded that several high priority studies could be performed as well or better at Detrick than anywhere else, and the agency would consequently be willing to fund these studies out of its own budget. The studies would include research on extremely hazardous viruses, such as the Machupo, Marburg, and Lassa viruses; research on certain "slow" viruses which may cause chronic disease in man but which can only be studied if there are facilities for long-term holding of experimental animals; and various studies that would benefit from Detrick's large-scale pilot plant production of bacteria, viruses, and tissue cultures. Robert Marston, director of NIH, told *Science* this work would probably cost only $2 to $3 million a year—not enough to provide a "critical mass" at Detrick. Marston also said that if NIH were given additional funds and a particular justification, beyond the scientific opportunities presented, for using Detrick (such as the desire to make Detrick a "model" of conversion), then NIH could do additional "useful work" there.

A number of separate forces are still struggling to save Detrick. Maryland's two Republican senators—Charles McC. Mathias and J. Glenn Beall—were recently joined by Democratic Senator Edmund S. Muskie, of Maine, in advocating conversion; a group of young microbiologists at Detrick has formed a committee to lobby for conversion; and some labor union officials have recently been exploring the possibility of locating a new occupational health institute at Detrick. The Defense Department is also considering several plans to keep certain unclassified research at Detrick so as to avoid shutting the place down completely. Several knowledgeable officials doubt that there will be any special money allocated for the conversion of Detrick in the fiscal 1972 budget that President Nixon will soon make public. But the question of an allocation for Detrick will definitely be considered by Congress during appropriations hearings on that budget later this year.

The ultimate fate of the installation thus remains to be determined. But the Detrick case has already made one thing painfully clear: conversion from war to peace is difficult to accomplish—even when one is dealing with a scientific facility that could redirect its programs almost overnight.

—Philip M. Boffey.

LEGISLATIVE SUMMARY, 91ST CONGRESS, SECOND SESSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. GOLDWATER. Mr. Speaker, I would like to take this opportunity to present a brief summary of the major legislation passed by the 91st Congress, which I feel will be of interest to my constituents in the 27th Congressional District of California:

Legislative Summary, 91st Congress, Second Session

H.R. 18546 (PL. 91–524), the Agriculture Act of 1970: imposes for the first time a ceiling ($55,000) on the amount of subsidy payable to any producer, for any crop, for any year: continues certain farm subsidy programs and milk marketing quotas.

H.R. 4249, (PL 91–285), Voting Rights Act of 1965 Amendments: continues 1965 Act's provisions relating to Federal intervention to register voters in certain States; lowered the voting age to 18 for Federal, State, and local elections (Supreme Court sustained lowering only for Federal elections); banned, nationwide, all literacy tests as a requirement for voting; established uniform, minimum residence requirements for voting in presidential elections.

S. 2163, (PL 91–405), Not-Voting Delegate in the House for the District of Columbia: Provides, for the first time in nearly a century, representation in the House of Representatives for the residents of the District of Columbia.

H.R. 514, (PL 91–230), Elementary and Secondary Education Act Amendments: continues basic Federal-aid programs for public schools, for adult education, and for bilingual education programs and authorizes over a three-year period approximately $24.6 billion for these and other programs.

H.R. 14252, (PL 91–527), Drug Abuse Education Act: authorizes over a three-year period $29 million for grants to local educational agencies, and other organizations, for development of programs to disseminate information about the dangers of drug abuse: authorizes another $29 million for community education projects.

S. 3318, (PL 91–600), Library Services and Construction Amendments: extends for five years programs which enable communities to construct libraries and offer services to their residents: the programs funded by this Act have benefited approximately 85 million people to date.

H.R. 17255, (PL 91–604), Clean Air Act Amendments: authorizes $1.1 billion in Federal aid over three years to assist States in developing air pollution control programs: requires State and local programs to comply with national air pollution standards; provides that by no later than January 1976 automobile manufacturers must develop a minimally polluting automobile.

H.R. 4148, (PL 91–224), Water Quality Improvement Act: establishes legal requirements for cleaning up polluted waterways; provides that owners of vessels guilty of oil discharge may be held liable for costs of cleaning up spoilage if negligence can be proven; establishes Office of Environmental Quality and authorizes $348 million through fiscal 1972 for costs connected with programs it undertakes.

H.R. 18260, (PL 91–516), Environmental Quality Education Act: authorizes $45 million through fiscal 1973 for development of new programs for environmental education.

H.R. 11833, (PL 91–512), Resource Recovery Act: authorizes a three-year, $462.75 million extension of Federal Solid Waste Disposal programs and promotes development of programs to recycle and recover materials and energy from solid waste.

S. 3598, (PL 91–343), Public Land Utilization Programs: to authorize Federal assistance for executing, as well as planning fish and wildlife or recreational programs to ensure that American communities will have access to such areas.

H.R. 15770, (PL 91–559), Water Bank Act: to ensure protection of wetlands used by migratory birds for nesting and breeding.

S. 1076, (PL 91–378), Youth Conservation Corps: establishes a pilot three-year program to employee 3,000 youths in summer jobs connected with conservation work.

H. Con. Res. 454, Vietnam Prisoners of

War: calls upon North Vietnam and the National Liberation Front (Vietcong) to treat American prisoners of war humanely, in compliance with the Geneva Convention, and urges them to consider releasing American POWs.

H.R. 17070, (PL 91–375), Postal Reorganization and Salary Adjustment Act: establishes the U.S. Postal Service as an independent agency in the Federal Government, to be governed by an 11-member board, nine appointed by the President who then select the Postmaster General and, with him, a Deputy Postmaster General; the board to have authority over postage rates, rates of pay, and services provided by the Postal Service; collective bargaining authorized, 8-percent pay raise provided.

H.R. 17654, (PL 91–510), Legislative Reorganization Act: revises committee and floor procedures in both Houses of Congress; requires additional fiscal and budgetary information to be supplied to the Congress; expands information resources and services for the Congress.

H.R. 11102, (PL 91–296), Medical Facilities Construction and Modernization Act Amendments: to authorize $2.79 billion in grants over the next three years for construction and modernization of hospitals and other health facilities.

S. 2264 (PL 91–464), Communicable Disease Control and Vaccination Assistance Amendments of 1970: to continue programs which assist State and local governments in eliminating diseases controllable by vaccination and to control other communicable diseases such as VD.

S. 3835 (PL 91–616), Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act: to provide grants which will assist States and communities in developing programs for dealing with alcoholism.

S. 4106 (PL 91–623), Emergency Health Personnel Act of 1970: to authorize assignment of Public Health Service officers to communities and areas in critical need of health services.

H.R. 19436 (PL 91–609) Housing and Urban Development Act of 1970: to continue Federal housing programs through fiscal 1972; to authorize Federal crime insurance in any State where it is not available or prohibitively expensive after August 1, 1971, to authorize a program for urban growth and new community development.

S. 3685 (PL 91–351), Emergency Home Finance Act of 1970: to authorize funds to encourage and expedite the construction of new housing, and the financing of existing housing, through bolstering of the mortgage market.

H.R. 17795 (PL 91–431), Emergency Community Facilities Act: to authorize $1.35 billion through fiscal 1972 to assist communities in the construction of water, sewage, and other public health facilities.

S. 30 (PL 91–452) Organized Crime Control Act: to authorize means by which Federal, State, and local law enforcement agencies can cope with and control organized criminal activities including stricter penalties and improved evidence-gathering processes.

H.R. 17825 (PL 91–644), Omnibus Crime Control and Safe Streets Act Amendments: to authorize $3.15 billion through fiscal 1973 for programs administered by the Law Enforcement Assistance Administration to ban unauthorized entry into a building where the President is residing; to make it a Federal crime to assassinate, kidnap, or assault a Member of Congress, to impose stricter penalties for carrying a firearm while committing or attempting to commit a Federal felony.

H.R. 18583 (PL 91–513), Comprehensive Drug Abuse Prevention and Control Act of 1970: to provide for expanded drug treatment and rehabilitation programs to revise Federal narcotics laws so as to increase penalties for drug sellers but decrease them for incidental drug use; to provide for better enforcement tools.

S. 2224 (PL 91–547), Investment Company Amendments Act: to limit mutual fund sales charges and to establish broader authority for Federal regulation of mutual fund industry.

H.R. 19333, (PL 91–598), Securities Investor Protection Act: to protect investors against total loss of cash and securities held by their brokers who bankrupt by establishing a Securities Investor Protection Corporation which will guarantee losses up to $50,000 ($20,000 in cash and the rest in securities).

S. 3154, (PL 91–453), Urban Mass Transportation Assistance Act: commits the Federal Government over the next 12 years to a $10 billion urban mass transportation program.

H.R. 14465, (PL 91–258), Airport and Airways Development Act: authorizes a 10-year program for expansion and improvement of the Nation's airport and airway network to be financed in large part through the Airport-Airways Trust Fund; the Fund to be financed by taxes on users of the airways.

H.R. 17949, (PL 91–518), Rail Passenger Service Act of 1970: creates a National Railroad Passenger Corporation to ensure rail service between cities; authorizes Corporation to accept transfer to intercity passenger operations from railroads no longer able to maintain them.

H.R. 16710, (PL 91–506), Veterans' Housing Act of 1970: permits WW–II veterans to continue to apply for VA housing loan guarantees; establishes a program to guarantee purchase of mobile homes.

H.R. 11959, (PL 91–219), Veterans' Education and Training Assistance Amendments of 1970: provides a 34-percent increase in monthly educational allotments among other things.

S. 3342. (PL 91–370), Disability Compensation Increase: provides for an average 10-percent increase for in-service-connected rates of disability compensation.

H.R. 693, (PL 91–500), Veterans' Medical Care: removes requirement that veterans 65 or older must certify inability to pay in order to be treated for a nonservice-connected disability in a VA hospital.

H.R. 18582, Food Stamp Act Amendments: continues Food Stamp program, allows family of four with less than $30 per month income to get free food stamps, requires all able-bodied adults in family to accept available work in order for family to receive food stamps; mothers with dependent children exempted from work requirement.

THE 18-YEAR-OLDS VOTE DECISION EMPHASIZES NEED TO CURB TYRANNY BY POLITICAL JUDICIARY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. RARICK. Mr. Speaker, from the October term of 1954 through the October term of 1968 the U.S. Supreme Court issued 214 five to four decisions—a rule of law by democracy of one vote. These decisions have had momentous impact upon the daily lives of the American people as well as the future of their children. These rulings and others have torn down barriers against Communist penetration, taken from States and citizens control over their own property and livelihood, and handcuffed law-enforcement officials and State courts in the execution of their duties. Instead of following judicial precedent and the Constitution in arriving at decisions, the Supreme Court has in some cases relied upon the myth of sociological testings and its own power by consensus in arriving at its decisions.

We must curb the judicial tyranny of the runaway members of the U.S. Supreme Court. The issue is whether the people shall be protected by a written Constitution which is subject to change by their will or whether that Constitution shall be rewritten by unelected Supreme Court Justices to subvert our society and to remake the U.S. Constitution to suit their personal or ideological whims and fantasies.

I have, therefore, reintroduced the following legislation to curb the power being exerted by members of the Supreme Court and to return the ultimate power of government to the people:

H.J. Res. 152. A joint resolution proposing an amendment to the Constitution of the United States providing that a Justice may be removed from office by a majority of voters in a congressional election.

H.J. Res. 153. A joint resolution proposing an amendment to the Constitution of the United States to provide that appointments of judges to the Supreme Court and judges to all other Federal courts, as established under section 1 of article III, be reconfirmed every 6 years by the Senate; and to require 5 years' prior judicial experience as a qualification.

H.R. 373. A bill to amend title 28, United States Code, relating to limiting the power of the Supreme Court to pass on the constitutionality of provisions of State and Federal statutes and of State constitutions.

H.R. 381. A bill which provides that no court of the United States shall have either original or appellate jurisdiction in any action in which the case or controversy involves exemption of a bona fide religious institution from taxation.

H.R. 382. A bill providing that no court of the United States shall have either original or appellate jurisdiction in any action in which the Congress, or either House thereof, in its official capacity, is a party.

H.R. 390. A bill denying appellate jurisdiction to the Supreme Court to decide any provision of a statute of the United States, a State statute, or a State constitution is invalid because it is in violation of any provision of the Constitution of the United States; or to reverse, alter or modify any decision or rule of law made by the Supreme Court, except upon the concurrence of full membership of the Court.

The recent 5-to-4 decision which by one vote enfranchised 18-year-olds to vote violates the rights expressly reserved to the States by the U.S. Constitution in the area of voting.

The Court has spoken. What has it said to the States? That the right of 18-year-olds to vote given by Congress applies only to Federal elections—not to State elections. If we are now to have two kinds of elections—Federal and State and two kinds of voters—Federal and State, why should the States concern themselves with registering the new Federal voters or with financing and conducting new Federal elections?

Why should the States pay for or concern themselves with any field of political endeavor which even the Supreme Court by one vote says does not apply to the States?

Thomas A. Lane, major general, U.S.

Army, retired, and former Commissioner of the District of Columbia, has written a provocative column for his series, "Foreign Affairs," prescribing what States can do to rectify this latest judicial dictatorship by one vote. General Lane's Public Affairs column follows:

States React to Court Decision

(By Thomas A. Lane)

Dear Mr. Speaker: If the States are to preserve any of the authority and dignity reserved to them by the United States Constitution, they must resist such crass encroachment on their powers as is embodied in the unconstitutional attempt of the United States Congress to enfranchise 18 year olds. The spectacle of some state officials hastening to accommodate the encroachment of Congress and Court does little to honor our state governments.

The Constitution clearly provides that electors for federal offices shall have the same qualifications as electors for "the most numerous branch of the State Legislature". The opinion of Justice Black that this constitutional provision is not binding in federal elections defies law and fact. This binding rule qualifying federal electors was adopted by the framers of the Constitution in order to avoid the cost and confusion of having two sets of electors and separate elections for state and federal offices.

If the Court rule is to be accepted, the States should now refuse to conduct federal elections. If Congress is to assume the Court-granted authority over federal elections, the States should withdraw from the field. It would be imprudent for the States to conduct elections in which the qualifications of electors were subject to the whim of Congress. They should instead conduct only their state elections and leave entirely to Congress the conduct of federal elections. Congress would of course have to set up federal election machinery in every precinct in the country.

That costly duplication of election machinery, implicit in the Court's decision, should not be embraced before other remedies are exhausted. There is reason to believe that the Court acted precipitately in issuing its order. Eight of the nine opinions opposed the conclusion which the Court reached. The Attorney General of the United States and the Attorneys General of the States should now petition the Court for a rehearing so that argument against the Black opinion may be entered.

There is also a federal legislative remedy for the chaos projected by the Court decision. Congress can repeal its legislation enfranchizing the 18 year olds and proceed by constitutional amendment to put the issue before the States for ratification.

It seems clear that Congress did not intend what the Supreme Court has wrought—the creation of separate sets of electors for state and federal elections. Congress should therefore go back to its original purpose of establishing uniform qualifications for all electors. It should act in the way which is open to it—by constitutional amendment.

Unless either the Court or the Congress repeals what has been done, the country faces a period of electoral chaos. Some states will doubtless reject amendments to state constitutions to enfranchise 18 year olds. If they also refuse to conduct federal elections, Congress will be forced to set up federal election machinery for those states.

The individual state should not therefore suppose that hurried amendment of the state constitution is the way to repair the damage of these Court and congressional actions. It should first petition the Court and the Congress to correct their damaging measures. This the Court and Congress can and should do.

Failing that remedy, the state should notify the President and the Congress that the state will not conduct federal elections until the constitutional uniformity of electoral qualifications is restored.

GOVERNOR SHAPP'S INAUGURAL ADDRESS DRAWS MOORHEAD PRAISE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MOORHEAD. Mr. Speaker, it is with pleasure that I introduce in the Record for the edification of my colleagues, the inaugural address of Milton J. Shapp, the new Democratic Governor of Pennsylvania.

Governor Shapp's remarks were brief and to the point. He made few promises but those that he did offer were welcome.

He promised that his next 4 years in office were going to be marked by innovation.

This is certainly good news to a State that has suffered from a paucity of leadership and innovation.

And Governor Shapp promised to rescue Pennsylvania from its growing fiscal crisis.

I believe that Milton Shapp is the man for this mammoth assignment. He has met and overcome challenges in the past and by employing that same skill and determination, plus a little help from his friends, I think Milton Shapp will put Pennsylvania back on the track of economic well-being.

The following are the Governor's remarks:

Here's Shapp's Inaugural Speech Text

A century ago, this nation settled the question of legal freedom as opposed to human slavery. But we have yet to deliver full justice and equal opportunity under law to all our people.

At Gettysburg, only 30 miles from here, Abraham Lincoln called the Civil War a time of testing. Could any nation conceived in liberty and dedicated to the proposition that all men are created equal, long endure?

America is being tested again today.

The circumstances are different. But the question is the same.

Today we are confronted by civil unrest. The generations are not at peace with one another; the races do not live in harmony; the gap between rich and poor widens constantly.

And another war, in a distant part of the world, has for too long contributed to our internal division.

DESTINED FOR FOREFRONT

I could state in ringing phrases that it is Pennsylvania's destiny to be in the forefront of the nation. But Pennsylvania is not some abstract idea nor is it a geographic or economic entity seeking prominence on an artificial rating scale.

Pennsylvania is 12 million people seeking a better way of life.

Pennsylvania is 12 million people seeking to educate its youth, to provide comfortable housing for all, to care for its young and old, to clean up its environment, and to make equal justice and equal opportunity a reality.

Solutions to our problems are not obvious. But solutions can never be found if we throw up our hands and bow under the weight of our problems.

TASKS OUTLINED

There is much to be done, and there is an urgent need to start at once.

We can—and will—rescue Pennsylvania from its current financial crisis. Then we can—and will—prove the workability of state government and achieve genuine progress.

We can—and will—restore the people's faith in their government and close the widening gap that now separates those who are governed from those who govern.

Our first task is tough, realistic and immediate: We must take a government on the brink of bankruptcy and return it to solvency—not because of the need for dollars alone but because those dollars are needed to meet the needs of our people.

And our second responsibility is as important as the first: To turn the encrusted bureaucracy of state government into a responsible instrument for human services.

PUBLIC INTEREST GUIDE

Trite as it may sound, we shall succeed only if we are guided by the public interest and if we never forget that we who lead the commonwealth are here only because the people have put us here.

We do not govern by divine right. We do not hold office by grace of any special interest.

Thomas Jefferson said it plainly in the Declaration of Independence: This government exists only by consent of the governed.

We will be the servants of our government only so long as the legitimate needs of the people are met.

Let me sound the note now: This administration—in spirit and in action—will be the people's advocate—in the legislature, in the courts of justice, and before the boards, commissions and agencies which regulate our social and economic life.

Our institutions face severe tests because they have become too remote from the people.

In our lifetime the world has changed more radically than in all the centuries past. Before age 6, the vast majority of today's children—well-to-do, poor; city, farm; white, black—have seen much more of the world via television than most of their grandparents saw in their entire lifetime.

The irony is that science has raised the aspiration of all people but government has failed to use science to create opportunities for achievement for many.

Our government agencies, designed for a slower-moving, simpler world, have not kept pace with the swift changes affecting our society.

The demands for human services not only far outrun today's financial resources but also overtax our existing governmental machinery.

CENTURIES IN CONFLICT

Stated simply, the problems of the last half of the 20th century are coming into 19th-century solutions.

Unmet needs collide with obsolete institutions.

Fragmented local governments seek more aid from the states. And because of limited sources of revenue, the states and cities plead for help in Washington, but the national government seems unable or unwilling to act.

The demand for services may indeed have outstripped the capacity of our institutions, but it will never outstrip our determinations, our ingenuity and our commitment.

America today faces economic stagnation, unemployment and inflation. And because we do not live in isolation, Pennsylvania suffers serious consequences.

We are part of a great nation. We must

solve our problems in harmony with all America.

We shall continue to press for additional aid from Washington, but there is much we can and must do ourselves.

The next four years will be a time of innovation for Pennsylvania.

We must—and will—improve the delivery of human services.

We cannot accept the traditional existence of any state agency, department, bureau or procedure.

Instead, we shall first ask whether a particular function is necessary. If it is, we shall then ask whether that necessary function is really being met. If it is, then we shall ask if there is a simpler, more economic way to achieve that goal.

We shall, in short, put the operation of this government on a streamlined, business-like basis.

There is no contradiction between efficiency and compassion. The first is imperative if delivery of services is to be truly humane.

Let us never forget that this state is a commonwealth of 12 million individuals who live together.

The young child in the ghetto whose life may be changed by our concern for his education, his health and his entire environment.

The 18-year-old whose vote may bring him into the system which determines his future.

The college student who questions the impersonality and hypocrisy of government

INEQUITABLE TAXATION

The workingman, tired of neglect and of inequitable burden of taxation, and fearful of his job.

The businessman who seeks a favorable climate for enterprise.

The housewife who feels the impact of inflation and wonders why.

The elderly citizen who sees his golden years tarnished by the dwindling value of pensions and savings.

The farmer who believes more and more that he is the forgotten member of our society.

And yes, the woman I met as I walked off the train during my whistle-stop tour on a gray day last September.

She told me she was thankful that her son was home from Vietnam but unhappy that he couldn't stay in Pennsylvania because he could not find a suitable job.

OPPORTUNITY ELSEWHERE

He moved to another state that offered a better opportunity and wanted her to go with him. But she didn't want to leave her friends and the home she had lived in all her life.

She asked what I would do if I were elected governor to make it possible for her son to work near home.

What could I say to her?

Statistics show that many thousands of young Pennsylvanians are forced to leave our farms and cities each year to seek opportunity elsewhere.

But how can I as governor talk to a lonely mother, a victim of these statistics? All I can do is work with all my strength to reverse this trend and make Pennsylvania once again a state with a future.

Eight years ago I wrote a book about Pennsylvania—its people, its natural resources and its transportation systems. The book was called "New Growth . . . New Jobs for Pennsylvania."

RESOURCES UNLIMITED

On the cover of that book, I wrote: "Our state was blessed by nature. Man was blessed with intelligence, skill and imagination. There is no limit to the wealth that can be produced if we but combine natural resources and human talent."

Today I stand here as your Governor, prepared to implement the words I wrote in 1962. They still embody my aspirations for Pennsylvania.

This is not a time for personal pride, although I am filled with gratitude to the people of Pennsylvania who have bestowed upon me the highest honor they can give.

It is a time only for the reaffirmation of personal commitment—by me, by you and by all the citizens of this state.

Let us work together—not as Democrats or Republicans but as Pennsylvanians and Americans.

Let us prove—as Lincoln did—that we are ready for our time of testing.

It will not be easy. We shall be bucking adverse national economic tides.

But we must work with all our intelligence, strength and capacity.

There is no other course.

And, with the help of God, we shall succeed.

ALUMINUM INDUSTRY OFFERS PROCESS TO RECYCLE WASTE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. DINGELL. Mr. Speaker, the New York Times of January 26, 1971, carried an article by David Bird describing a solid waste recycling proposal which has been put forward by the Aluminum Association. The article also discusses proposals for improved handling of solid wastes by the city of New York.

I find both of these proposals to be of interest and I include the text of the article at this point in the RECORD:

ALUMINUM INDUSTRY OFFERS PROCESS TO RECYCLE WASTE

(By David Bird)

The aluminum industry presented a plan yesterday for a recycling plant that could take in all municipal garbage as a raw material and process it into reusable material ranging from sand and paper to various types of metal.

Such a plant, for which the industry has completed feasibility studies, is designed to solve the disposal problem by turning every bit of garbage into something useful.

In another aspect of the garbage-disposal problem, Mayor Lindsay signed into law yesterday a bill that would allow plastic and paper bags to replace the familiar metal garbage can.

In a City Hall ceremony the Mayor said the bags would contain the garbage better and simplify collection. As a result, he said, "we anticipate a cleaner and quieter city."

A COMPLETE PROCESS

The proposal for a recycling plant, which was described by the Aluminum Association at a news conference in the Biltmore Hotel, is one of the first for a process that would take care of all garbage, not just part of it.

So far, individual industries, under pressure from environmentalists who are concerned about the growing mounds of waste, have tended to concentrate on salvage drives to recover just their own products that become waste.

These were piecemeal salvage drives—the Boy Scouts for example, bringing back old bottles. Gradually, it became evident that such drives were not going to be enough to solve the waste problem.

The recycling operation proposed by the Aluminum Association would be a $15-million pilot plant that could handle 500 tons of garbage a day, about the amount produced by a community of 175,000 to 200,000 people.

The Aluminum Association would not actually build the plant. Rather, it hopes that its engineering studies showing that such a plant could allow a community to make a profit out of its garbage will spur others into action.

The plant itself would need no new technology because it combines existing processes to grind up garbage, ranging from potato peels to old refrigerators, and then separate it into its valuable components.

Any material that could not be recycled into a raw material, such as plastics or some paper, would be burned to generate steam or electricity.

The aluminum industry is pushing the plan because aluminum is worth $200 a ton as scrap, or more than ten times as much as paper or glass. The aluminum industry reasons that if a community wants to make more profit out of its garbage it will encourage its citizens to use more things like aluminun cans and other aluminum packaging.

Richard D. Waughan, director of the Federal Bureau of Solid Waste Management, who was at the news conference yesterday, praised the recycling concept. But he said that aluminum prices could become depressed if collections were stepped up significantly.

David P. Reynolds, vice president of Reynolds Metals Company, said, however, that his industry would buy all the aluminum that could be collected at the $200-a-ton price.

KRETCHMER SOUGHT LAW

The legislation allowing plastic and paper bags that was signed by the Mayor had been sought by Jerome Kretchmer, the city's Acting Sanitation Commissioner.

Mr. Kretchmer, who was at the ceremony, said tests had shown that when bags were used instead of metal cans there was less litter, fewer litter fires, a substantial reduction in flies and a 20 percent increase in productivity of sanitationmen.

Also at the ceremony was John J. DeLury, president of the Uniformed Sanitationmen's Association, who warmly endorse the bag legislation. He said it was the only issue on which "we had a unanimous decision by 11,000 sanitationmen." He cautioned, however, that the bags would have to be picked up from the sidewalks before they were kicked open by small boys.

The bags, which must meet tougher strength standards than for those that have been generally offered for sale so far, are expected to be in the stores as early as this week. Approved bags will carry a drawing of a hand with the thumb and forefinger forming the letter "C."

J. EDGAR HOOVER: AN UNTARNISHABLE RECORD OF SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 1971

Mr. CRANE. Mr. Speaker, at the first of this month, this Nation's esteemed FBI Director, J. Edgar Hoover, observed his 76th birthday and the onset of his 47th year of dedicated public service. Some newspaper columnists, politicians and other self-styled critics used the occasion to level criticism in Mr. Hoover's direction with some even calling for his resignation. To me, it seems far more appropriate at this time to focus attention on Mr. Hoover's outstanding record and to thank him for his continued efforts in preserving the Nation's peace and safety.

A recent newspaper editorial praising Mr. Hoover's record of service was headlined: "J. Rock of Gibraltar Hoover." Such a billing is appropriate: During the years in which he has molded the world's most efficient law enforcement agency, Mr. Hoover has been acclaimed for his unalterable adherence to the principles of objectivity, honesty and fairness. In taking the directorship of the FBI 46 years ago, his first acts eliminated favoritism and corruption in the then small and inept agency. Since that time, Mr. Hoover has battled domestic subversives who would resort to violence to alter our form of Government. He has faced the problems of skyrocketing crime, and at 76, he remains active and vigorous, fully directing his agency.

I am sure many of my colleagues join me in wishing Mr. Hoover well in his continuing years of service to the Nation.

ENVIRONMENTAL POLLUTION

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BROOMFIELD. Mr. Speaker, the recent disclosures of mercury contamination in tuna and swordfish should convince the remaining skeptics in our Nation of the very real threat posed by environmental pollution. For the first time, ecology became an immediate and critical concern to all Americans—not just a matter for another day in smog-choked cities or dying harbors. It touched our lives closer than ever before, and the evidence stared down at us from supermarket shelves across the Nation.

Less dramatic incidents occur regularly, but with considerably less public outcry. They occur for one simple reason: there are, as yet, no standards to regulate the dumping of waste products in our waters. This cannot continue.

I am introducing two measures which will go a long way toward solving this problem. The first will provide for the orderly regulation of dumping into the coastal waters of the United States; the second, for the creation of a standing Committee on Environment in the House of Representatives.

At present, the Army Corps of Engineers, by authority of the Rivers and Harbors Act of 1899, has the responsibility to set standards for the dumping of waste materials in our navigable waters. In the early years, they concentrated solely on activities that would impede navigation. In recent times, they have been directed to consider as well their effect on the wildlife and ecology of the area.

Yet, in one 15-mile stretch off the Atlantic coast they granted permission for the dumping of 35 pounds of mercury, 750 pounds of beryllium, 1,000 gallons of sulfuric acid, and hundreds of gallons of other dangerous chemicals. The Army Corps of Engineers is simply not taking this matter seriously.

And it is a serious matter. The coastline of the United States, including the Great Lakes, is 99,613 miles long. Seventy-five percent of our population lives in the 30 States that comprise the coastal zone. Forty-five percent of our urban population lives in coastal counties. Twenty-five percent of our entire population lives within 50 miles of the coast. As you can see, the pollution of our oceans directly affects more than 150 million people in this country.

Our scientists tell us that the oceans hold the key to our survival. We hear that our food supply may eventually come in greater proportion from the ocean than from the land. As a source of oxygen and industrial minerals, the oceans are of crucial importance to our future existence.

But, if dumping continues unregulated, there is a real danger that our coastal waters will be irreversibly damaged for many generations. Nature has a tremendous capacity to recover from the abuses of pollution—but only up to a certain point. We are stretching that capacity too far and too fast. We are approaching the breaking point.

Mr. Speaker, we need a nationwide program to prevent the pollution of our oceans and Great Lakes, and we particularly need to restore those areas where dumping has already caused serious harm. That is the purpose of the bill I have introduced.

Persons wishing to dump will be required to prove that their materials do not endanger the natural environment of the area. Up to now the burden of proof rested on the Government alone. It is high time that this expense be borne by the private concern, not the taxpayer.

Strict standards will be set for dumping, and violators will be subject to fines as high as $10,000. All Americans must realize that this is a matter of the utmost urgency—a matter of survival. If we continue to allow indiscriminate dumping into our coastal waters, not only will we seriously endanger our own lives, but we will have to spend billions more to clean up the mess. We may even go beyond the point of being able to correct our mistakes. That is not my idea of sound policy. I urge that this bill receive the immediate attention it truly deserves, so that we may begin at once the crucial effort to restore our natural surroundings.

For the same reason, I ask my colleagues to pass the second measure I have introduced; the measure to create a standing Committee on Environment in the House of Representatives.

The proposed committee will deal with air pollution, water pollution, solid waste disposal, herbicides, and pesticides. It will have full legislative authority to report bills to the floor, and it will have the benefit of a professional staff whose primary concern would be environmental legislation.

Of course, there are already committees with jurisdiction over these problems. But that is precisely the issue: there are too many such committees. Rarely, have they been able to provide the concerted effort so necessary to solve the crisis of our environment. Too often, our approach has been fragmented—with considerable loss of time and efficiency.

The various environmental threats we face are closely related to one another, and they demand a concerted attack by the Congress. Just as an army must be tightly coordinated to face a military threat, so too, Mr. Speaker, the Nation must have the advantage of unity, if it is ever to win the war on pollution. Our survival as a people depends on it.

TECHNOLOGY ASSESSMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. PRICE of Texas. Mr. Speaker, I am honored to join with the distinguished chairman of the House Science and Astronautics Committee, Mr. MILLER, and other concerned members of the committee in sponsoring legislation establishing an Office of Technology Assessment.

This concept is not a novel one; neither is this proposal. The deliberations which gave rise to it have spanned the last 5 years. Countless committee meetings have been held, numerous advisory panels and public seminars have been convened, and two comprehensive sets of congressional hearings have been conducted. All have pointed up the same need: If science and technology is to be productively utilized and guided in the future, Congress must be provided with an organized method of gathering, organizing, and utilizing relevant information regarding the effects of science and technology upon man and nature.

This need is a relatively new one in point of time. It is new because until recently, scientific advances occurred infrequently and without conscious anticipation of their long-range effects on society. Man could afford to look upon the acivities of scientists with some complacency. Innovations came slowly. They were put to use in a relatively leisurely fashion. Their side effects developed at a sufficiently modest pace so as to allow society to adjust to them without undue stress or strain.

All this has changed, however. It is history. Man has learned some critical lessons. He has learned, for example, that the advancement of knowledge does not automatically improve the human condition. He has learned that society can no longer blindly adopt scientific discoveries and technological advancements on the assumption there will be ample time to iron out any bugs. He has learned that although science and technology have brought western civilization to heights undreamed of by ancient man, science and technology have also combined to create certain significant social and economic problems.

Paradoxically, where science and

technology have expanded man's problems, it may take more scientific understanding and more technological advancement to surmount them. A cure for the pollution of rivers by detergents is the use of nonpolluting detergents. A cure for bad Federal program design is better Federal program design.

I am confident science and technology can continue to be modern man's horn of plenty, but only if they are guided in directions that are consistent with the public and national interest. To facilitate this process, to provide a device by which these twin engines of progress can be harnessed for the good of man, I propose that an Office of Technology Assessment be established. I make this proposal because in my view, technology assessment is a vital necessity. During the past few years, man has used technology to dominate nature. But in the absence of rational planning and guidance, technology may well eventually dominate man.

Mr. Speaker, the only constant feature of life in this, the latter third of the 20th century, is change. Thus, probably few human institutions will continue as they are for another half century. If they are not changed in response to the problems of today, they may well be changed to avoid the problems of tomorrow.

The future will surely bring widespread alterations in everything from our styles of living to our philosophies of man. But, will the future unfold on a world where individual freedom and democracy prevails? Will it unfold on a nightmare like George Orwell's 1984? Or will it unfold on a postnuclear wasteland dotted with grotesque monuments to the folly of man?

The decisions of science policy and the acts of legislative leadership during the next few years will significantly determine the answers to these future possibilities. This is why Congress needs the best possible information upon which to base its enactments. This is why Congress needs an Office of Technology Assessment.

REPORT ON COMMITTEE STAFFING

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BOW. Mr. Speaker, under leave to extend my remarks I include the text of a report to my constituents on the subject of committee staffing:

A shocking act of political perfidy marred the opening of the 92nd Congress last week.

After passing the Legislative Reorganization Act of 1970 with great fanfare last fall, the Democratic majority in the House of Representatives voted to repeal one of its major reform provisions before it could take effect.

At issue was the question of providing minority members of House committees an allocation of funds for the employment of committee staff members who would work for the minority. In the past, this arrangement has been left to the discretion of the committee chairmen. Some have been generous in providing minority staff assistants, but more have refused to do so.

Last fall, when some of the polls indicated the possibility that Republicans would become the majority party in 1971, the Democrats in Congress embraced as a reform provision an amendment to the House rules providing for the employment of one-third of committee professional staff members by the minority. Republicans, in the minority for most of 40 years, welcomed the decision, and it became law in the glow of bi-partisan reform.

As everyone knows, the polls were wrong and the Democrats retained their majority. Almost their first official act was the repeal of the minority staffing section of the reorganization law. It no longer served their purpose. Indeed, one chairman frankly stated that it would cost the jobs of three or four of his long-time patronage employees.

Too often, it seems to me, our reformers seem to think that men's natures and men's motivations will change if the rules are changed. This should be a lesson in practical politics, indicating the futility of some of our reform efforts when a sincere desire for reform is lacking.

HANFORD REACTOR SHUTDOWN MUST BE REVERSED

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. McCORMACK. Mr. Speaker, the President's proposed budget for fiscal 1972 calls for the immediate deactivation of the two operating nuclear reactors at Hanford, Wash.—"K" reactor and "N" reactor. There are no budgeted funds for operation or closedown of these reactors in the 1972 budget. The Atomic Energy Commission has been directed to initiate deactivation procedures at once with present operating funds so that operation of both reactors will be terminated by the end of the current fiscal year. The reactors were shut down this morning.

The President's plan, if carried out, will have a catastrophic effect on the thousands of scientists, technologists, and craftsmen and their families in the Hanford area; on the brainpower pool which will be so desperately needed for research in advanced power reactor technology during the decade; and on the availability of electric power presently being supplied to the residents and industries of the Northwest through the Northwest power pool. There obviously will be a loss of plutonium production for the Defense Establishment.

I cannot really believe that the President understood the implications of his budget recommendation with respect to Hanford.

The loss of plutonium produced by these two reactors for the Defense Department may be significant. This information is, of course, classified, and cannot be discussed here.

The impact on an already depressed community where unemployment is now near 11 percent—it is much higher in much of the rest of Washington State—cannot be overestimated. The thousands of scientists, technologists, and skilled craftsmen who have partially paid mortgages on their homes, and children in school in the Hanford area, will be forced onto unemployment rolls and will be forced to seek new jobs in communities hundreds or thousands of miles away.

It is estimated that approximately 5,000 jobs will be lost in the Hanford area and that unemployment may reach 30 percent.

Aside from the personal tragedy involved in this sort of abrupt loss of income, the damage to the Nation will be even greater. These men and women constitute one of the finest brainpower pools for nuclear research and operation on earth. They will be desperately needed during the coming decade for research in advanced power reactor technology, which is almost certain to be carried out at Hanford. It seems to me that one must weigh the cost of continuing this program against the consequences of terminating it at this time in terms of the national interest, as well as the interest of these scientists and their families.

Deactivating the dual-purpose "N" reactor would, in addition to causing a loss of plutonium production, remove 800,000 kilowatts of electric power from the northwest power pool. The Congress has had no opportunity to evaluate the impact of this power loss on the economy of the West. It is obvious that certain basic industries, such as aluminum reduction, would lose power now available to them. The loss of employment and production in these industries scattered throughout the West has not been determined. Both unemployment and production loss would be serious in certain areas. The loss of 800,000 kilowatts of power will affect the amount of power available to California and the Southwest during their peak load periods this summer. The impact of this situation has not been appraised by Congress.

It has been projected that without the power currently being produced by "N" reactor, there will be a 300-kilowatt deficit of electricity in the northwest power pool during the winter of 1971–72 if all other factors are ideal and if the winter is warm. In the event of a severe cold winter and/or reduced river flow, this deficit could be much more severe. John Nassikas, Chairman of the Federal Power Commission, speaking in Richland, Wash., in 1970, was critical of the low reserve of power in the Northwest at that time, assuming the production of "N" reactor would be continuing.

The unilateral and deliberate withdrawal of 800,000 kilowatts from the northwest power pool at this time, and without consulting the Congress, is utterly unthinkable.

In view of the reasons stated above, I am convinced that it is in the interest of the Nation, as well as the Northwest, that the President's budget recommendation with respect to deactivating the Hanford reactors not be implemented until the Congress has had an opportunity to evaluate its consequences.

As a matter of record, Mr. Speaker, "N" reactor at Hanford, if it had not been shut down today, would have produced by Sunday night next, the 31st of January, 533 million kilowatt-hours of electricity during this month of January. This is more electricity than has ever been produced by any nuclear power reactor on earth. It is power that stabilizes the northwest power pool in the winter and provides firm power for the demands of the Southwest in the summer.

I call upon the President now to withdraw his order for the immediate shutdown and deactivation of "N" reactor. The impending energy crisis faced by all areas of this Nation is a matter of common knowledge. This is no time to throw away the production of the largest nuclear power reactor on earth.

REVENUE SHARING IS ESSENTIAL

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. HARRINGTON. Mr. Speaker, last week President Nixon formally announced that revenue sharing would be one of the six major objectives of his administration in the coming year.

I congratulate the President for his strong support of the revenue sharing concept and eagerly await the full details of his plan. Revenue sharing is absolutely essential for the States, cities, and towns in this country. Without it, some will go bankrupt or cut back on essential services and the ensuing fiscal chaos is neither tolerable nor necessary.

The President and many Senators, Representatives, Governors, mayors, and State and local officials support revenue sharing. But revenue sharing is not limited to elected officials alone. The Gallup poll conducted on January 9 and 10 found that 77 percent of the public supports the concept of revenue sharing, with only 14 percent expressing opposition.

Mr. Speaker, Gallup has polled the American public on this subject for over 4 years. As early as January 1967, 70 percent of those polled favored revenue sharing. It is obvious that a clear majority of the American people, favor this plan. Hearings must be held on the legislation—and not with intent of "killing" the bill. Revenue sharing is the best solution to the financial problems besetting the States. It has been said that "nothing can stop an idea whose time has come." The time for revenue sharing has come.

The Boston Globe published the results of the poll on January 24. I would like to include the article at this point in the RECORD:

TAX SHARING WINS BROAD PUBLIC SUPPORT

GALLUP POLL

PRINCETON, N.J.—Although President Nixon's plan to share Federal income tax receipts with state and local governments may face rough sledding in Congress, the concept has the overwhelming support of the American people.

A Gallup survey of the nation's adults conducted Jan. 9–10 finds 77 percent of the public in support of the concept of revenue sharing, with only 14 percent expressing opposition. Nine percent do not express an opinion.

Public support for the revenue sharing idea has reached its highest point to date, with the percentage in favor up six points from a year ago.

Favorable reaction to the concept cuts across party lines, with large majorities of rank-and-file Democrats (77 percent), Republicans (81 percent), and Independents (73 percent) in favor of the plan.

In Friday's State of the Union message, the President made a strong plea for revenue sharing. The plan would return a small percentage of Federal income tax receipts to state and local governments. This would represent a basic shift from the present practice of rigidly allocated Federal grants to states and municipalities for welfare, hospitals, housing, highways and other programs.

The idea of revenue sharing was first advanced in 1964 by Walter Heller, then chairman of President Johnson's Council of Economic Advisors.

In the latest survey, a total of 1502 adults were interviewed in person in more than 300 scientifically selected areas of the nation Jan. 9–10. The following question has been asked of representative samples of the nation's adults five times during the last four years to determine attitudes on revenue sharing:

It has been suggested that 3 percent of the money which Washington collects in Federal income taxes be returned to the states and local governments to be used by these states and local governments as they see fit. Do you favor or oppose this idea?

(The 3 percent figure in the question is based on plans that had been proposed prior to President Nixon's State of the Union message).

The latest results and four-year trend follow:

TAX SHARING

January 1967—70 percent favor plan; 18 percent oppose plan; 12 percent had no opinion.

April 1967—70 percent favor plan; 15 percent oppose plan; 15 percent had no opinion.

July 1967—72 percent favor plan; 17 percent oppose plan; 11 percent had no opinion.

January 1969—71 percent favor plan; 17 percent oppose plan; 12 percent had no opinion.

Latest—77 percent favor plan; 14 percent oppose plan; and 9 percent had no opinion.

The thinking of the man-in-the-street is indicated by the following comments.

"Housing, road construction, education—problems like these—are really all local problems. I can't see why the Federal government has to get involved with huge programs that often don't work." This was the view of a 36-year-old tax appraiser.

A middle-aged laboratory technician commented: "I'm against the idea of revenue sharing until I see rigid guidelines as to how the money is to be spent. The possibility of state and local corruption could greatly increase with all that money to be used."

Congressional proponents of revenue sharing argue that the program would halt the increasing centralization of power in Washington. Others support the idea in the belief that state and local governments are closer to the social and economic problems for which money is needed.

Opponents of the plan in Congress believe that state governments are no more likely to be efficient in dealing with social and economic problems than the Federal government has been.

Gallup Poll editors sought the views of mayors of 20 large cities in the nation on the subject of tax sharing. The mayors interviewed were in general agreement that anything to help the cities, would be welcome, but some expressed concern that the money might not get to the cities that need it most because of state and local "red tape."

The views of Mayor William J. Ensign of Toledo, O., typify the attitudes of many of the urban mayors contacted:

"Any means by which some of the local money now going to Washington can be returned to our cities and states would be welcome relief. The President's proposal sounds good, but I would like to see a lot more cash and much less conversation.

"Cities, such as Toledo, cannot survive under their present financing formulas. A revenue sharing plan, minus the usual strings and red tape, could mean the difference between satisfactory municipal services (police, fire, sanitation) and continued municipal problems."

GALLAGHER REINTRODUCES RESOLUTION FOR SELECT COMMITTEE ON PRIVACY, HUMAN VALUES, AND DEMOCRATIC INSTITUTIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. GALLAGHER. Mr. Speaker, today I reintroduce a resolution to establish a Select Committee here in the House of Representatives on what I believe to be one of the most important, and most overlooked areas of concern to the Congress. Mr. FRANK HORTON of New York, Mr. SIDNEY YATES of Illinois, Mr. JOHN MURPHY of New York, and Mr. EDWARD KOCH of New York, join me today as cosponsors.

For 6 years I have been conducting my privacy studies within the House Committee on Government Operations and while we have been effective in the major investigations we have pursued—psychological testing, the computer, and the National Data Bank, initiating congressional concern with the credit reporting industry, and the threatening expansion of giving behavior modification drugs to grammar schoolchildren—I believe the time has come for the House to recognize the magnitude of the task we face and to form a Select Committee with major support.

One area which we were forced to give only the most cursory attention to was the Federal funding for programs to identify young men who had the XYY chromosome, allegedly a creator of antisocial activity. The disclosure of the dangerous aspects of this program was largely the work of Miss Diane Bauer of the Washington Daily News who disclosed that young men thus identified in the preliminary research phase were not to be protected against having their names released into the criminal justice system and that consent forms were not required from the parents or guardians.

When the information was brought to my attention, I issued several statements about the question of preordained doom for young men based on the incredibly shallow supporting knowledge which exists. The facts now show that my doubts were based on substantially accurate independent scientific opinion. I attach at the end of my statement today a news item from the Christian Science Monitor of December 2, 1970. This article reports a British conference which debunks the entire idea of proceedings with our present state of knowledge to brand young men as potential criminals. It further discloses something I had not realized: abortions have been based on such genetic garbage.

As in so many cases, we are tampering with the basic physical makeup of human beings and doing unknown, probably untold, harm to future generations of people.

As in the matter of giving drugs to alter schoolchildren's behavior and the late, unlamented proposal of Dr. Arnold Hutschnecker to test every 6- to 8-year-old in the Nation for possible future criminal behavior, to cite just two additional examples, the privacy study's original insights were correct. Just 1 week after my hearing of September 29, 1970, into the drug issue, the Department of Health, Education, and Welfare announced that a "blue ribbon" panel would be convened to discuss the issues we had raised, and the day after I had announced I was considering hearings, HEW reported unfavorably on the Hutschnecker plan and it was dropped.

However, Mr. Speaker, because my privacy study has not as yet become a major part of the Committee on Government Operations ambit, plans have gone forward which radically alter the cohesiveness of American society and which pollute the political atmosphere just as much as more tangible technologies have polluted our natural atmosphere.

At the risk of redundancy, let me elaborate on that point. I believe there is a campaign against the human spirit being waged here in the United States. Its loci of power are diverse: academic circles, the military industrial complex, the medical educational complex, Federal, State and local bureaucracies, private industry, and last but not least, a Congress which is unprepared to cope with an influx of data. I would ask my colleagues in the House how many times you have voted for authorized and appropriated funds for projects which you were vaugely uneasy about but which you just did not have the expertise and solid data to question, My point is that all the power, all the experts, all the funds are on the side of those who wish to see short range success of a narrowly defined mission and we here in the Congress, whose concern it should be to evaluate long range effects on human values and democratic institutions, spend next to nothing on keeping ourselves relevant.

This is the basic reason why I have offered again a resolution to establish a Select Committee on Privacy, Human Values and Democratic Institutions. We here in the House are particularly vulnerable to failures in Federal policy for we must go to the people every two years. Yet, those who create many of the programs which cast so much discredit on the American government are buried deeply within the middle, almost mindless stretches of the bureaucracy and they are seldom if ever, identified or held accountable. The glacial indifference of these structures was well criticized when James Farmer left his position at HEW, but the problem far exceeds one man's frustrations and disillusionments. It is in the process of destroying the trust the governed must have in those who govern. It is fracturing the fragile interrelationships between citizens and their leaders and it will, in my opinion, ultimately lead to anarchy and its handmaiden, dictatorship.

Naturally, no such select committee as I propose could ameliorate all the malaise which so obviously grips America. But I think it will show that we are serious about what Americans are serious about: the deteriorating quality of life. I recently keynoted a conference on the computer and the data bank society in London and the headline of the article from the Sunday Times of November 22, 1970, which I will insert at the end of my remarks, sums up what I believe to be the basic purpose of my proposed select committee. It is headlined, "Self-Protection in the Age of Aquariums." Truly, the Age of Aquarius is going to be the Age of Aquariums in which every action takes place in a fishbowl and unless we take steps to protect ourselves, all the good we have done here in the Congress will be drowned in a cataract of disenchantment. For those who wish a much more complete discussion of my concerns, a full treatment of these themes appears in the CONGRESSIONAL RECORD, volume 115, part 26, pp. 34942–34946.

I would urge my colleagues to join with me by cosponsoring the resolution. Mr. Speaker, I include the text of the resolution and the two news reports referred to earlier in the RECORD at this point:

RESOLUTION

Whereas the development of technology is advancing at an unparalleled rate of speed and is rapidly coming to affect every level of American life; and

Whereas the operations of industry and Government are coming more and more to rely on highly sophisticated computer technology to assist them in their operations; and

Whereas the full significance and the effects of technology on society and on the operations of industry and Government are largely unknown; and

Whereas computers and other technological innovations aid in the gathering and centralization of massive information of all kinds on individuals and, consequently, call into question the effect of technology on the right of privacy; and

Whereas Congress needs a committee ready and able to evaluate the effects of technology on the operations of Government, on the democratic institutions and processes basic to the United States, and on the basic human and civil rights of our citizens: Now, therefore, be it

Resolved, That there is hereby created a select committee to be known as the Select Committee on Privacy, Human Values, and Democratic Institutions to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

The committee is authorized and directed to conduct a full and complete investigation and study of the development and proliferation of technology in American society, including the role and effectiveness of computer technology in the operations of industry and Government, the consequences of using computers to solve questions which traditionally have been addressed without the assistance of computers and other machines, and the effects of technology and machines on democratic institutions and processes. The committee shall also study the use of computers and other technical instruments in gathering and centralizing information on individuals and the effect of such activity on the human and civil rights.

For the purpose of carrying out this resolution the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary; except that neither the committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee shall report to the House as soon as practicable during the present Congress the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

[From the Christian Science Monitor, Dec. 2, 1970]

BIOLOGISTS DEBUNK CRIMINAL GENE

(By Robert C. Cowen)

LONDON.—Geneticists feel embarrassed by the so-called "criminal" chromosome.

It is a human genetic factor that recently, and falsely, was thought to make its possessor criminally inclined.

This notion was introduced in American courts as an indication of criminal "insanity." It has been used, in Britain at least, as reason for abortion of unborn children.

All of this was the result of an erroneous conclusion drawn from bad statistics.

Now geneticists are concerned lest people again be improperly stigmatized as "abnormal" on equally hazy genetic grounds as medical centers build up files on the genetic background of adults and children.

This is one of the dangers cited at a meeting here on the social implications of biology, a meeting convened by the British Society for Social Responsibility in Science.

In this instance, the "criminal" chromosome story provided an archetypal example.

Chromosomes are objects seen within bodily cells which carry the blueprint of how the body is constructed. Some of them determine sex. Thus a female usually has two so-called "X" chromosomes. A male has one X and one called "Y."

Occasionally, extra sex chromosomes turn up. In the case in point, males have an extra Y—the "criminal" chromosome.

Studies made over the past five years at certain penal and mental institutions indicated what seemed an abnormally high percentage of males with the XYY chromosome set among inmates. This was taken as evidence that the extra Y inclined its possessors toward aggressive criminality.

As experts pointed out at the meeting, geneticists now consider such a conclusion scientific rubbish. It was drawn without any knowledge of or reference to the proportion of XYY males in the "normal" population. It was drawn with no knowledge whatsoever of how the extra Y chromosome actually does manifest itself in bodily structure or human behavior. Finding this out would take massive research, which has scarcely begun to be tackled.

Yet invalid as the concept of the "criminal" chromsome may have been, it had begun to be used publicly as a criterion for judging people. This, said Prof. Geoffrey Beale of Edinburgh University, has shocked geneticists. They just had not been aware of what the social consequences could be when they relased socially sensitive research information.

While valid as research, the XYY studies were no basis for social decisions. Scientists, he said, must exercise more control over how much information is released to the public.

MEDICAL DATA PILING UP

He added that he is particularly concerned about the data some medical centers now gather and record about the chromosome sets of new born babies and adults. "Who is to have access to these data?" he asked. "How are they to be used?" There must be stringent safeguards to make sure that the data are not used to label people.

Dr. R. C. Edwards of Cambridge University picked up this point, too. He pointed out that genetic studies are made of unborn children. Decisions then are sometimes made on whether or not to abort the fetus. In other words, he said, unborn children are being judged unfit to live on genetic grounds that are often poorly understood. Here, he said, both biology and society "are on very thin ground."

Dr. S. Lal, an official of the British Society for Social Responsibility in Science, asked Dr. Edwards, "why label people as anomalous? . . . Why start eliminating people in the womb on the basis of social need for certain genetic constitutions? Doesn't this violate the concept of individual worth and sanctity," he asked.

Dr. Edwards replied that he is specifically concerned about this. Labeling people as "anomalous" because they possess the XYY chromosome set has been a warning. There are many XYYs walking around today who are perfectly normal, he said.

[From the Sunday Times, Nov. 22, 1970]

Self-Protection in the Age of Aquariums

(By John Fryer)

The computer, which the public once feared would quickly gobble up their jobs, has now assumed a much more sinister threat: as a machine keeping a watchful eye on their lives. But, paradoxically, it is now not the public that is so concerned, but the men who are actually running the computers. So much so that they have jointly called on the Government to act.

Fifty of Britain's leading computer men, plus a similar number of academics and civil servants, met in London last week to discuss what is being called the Data Bank Society. Data banks are stores of electronically-controlled information files whch can give a rundown on a person's history in a matter of seconds. It was little wonder that the conference, called by the National Council for Civil Liberties, saw them as a step towards George Orwell's 1984.

There is already evidence of what they can do. Like the case of the American General, wounded five times in Vietnam, who found his name listed in a data bank operated by the U.S. Army as a possible anti-war protester. It came as a surprise to him, and indeed the army, for he had previously been recalled from Vietnam for fighting so hard that too many of his men were getting killed.

The army later discovered that the General's name had found its way into the data bank after a junior soldier jokingly wrote it on the subscription form for an "underground" newspaper. But it is "mistakes" such as these that a growing section of Britain's computer industry fear could get out of hand.

Data banks already exist here: the Giro and motor licensing authorities both have them. Next year the police and social services hope to switch on similar systems.

If the police, social services and inland revenue could all feed information into a central data bank, so the argument runs, it would then be possible to build up a complete profile of a person from birth.

An American Congressman, Cornelius Gallagher, told the conference that in 1966 a plan was unearthed for a "hook up" between a number of government departments. It had been arranged behind the scenes by the permanent officials and, according to Gallagher, even the President did not know until the late stages what was going on. The plan has now been shelved.

Gallagher sees the problem of data banks intertwined with the growing menace of electronic surveillance equipment, such as bugging and wiretapping devices. This, he says, could lead us into the "Age of Aquariums, in which every action takes place in a fishbowl."

Britain, Gallagher assures, is about three years behind America. But surveillance systems here are already being built up. There are at least 1,000 private detective agencies in Britain, as well as personal dossiers on employees, and blacklists of bad debtors. A Parliamentary Committee is investigating how much this affects the privacy of the individual.

So where does this leave Britain's computer men? The NCCL was obviously surprised by the response to the conference, which included delegates from IBM, Honeywell and ICL. It reflected an underlying feeling amongst the hardware manufacturers, software houses and programmers themselves that they will be the first to face any public opinion backlash. In America, for instance, the recent blowing up of a computer by students is seen by some as an omen for the future.

The industry is convinced that ultimately the Government will have to control data banks, but precisely how it cannot say. The delegates, however, made it clear that they are in business to make (albeit small) profits, and will not "dictate other people's morals" by deciding who they should or should not supply with data bank equipment.

The industry claims it can provide adequate technical safeguards on computers to stop "pilfering" by inquisitive civil servants plugging into the necessary program. John Hargreaves, IBM's director of public affairs, says these safeguards, including scrambling devices, are already available. He says: "There is an industrial responsibility. I believe it is being discharged."

So, it seems the ultimate decision to control data banks must be political. But the industry seems to be waiting for the conventional British drive of public opinion to force through legislation that could, for instance, license data bank operators. Public opinion, despite the NCCL's efforts, is not yet so mobilized. However, it may gain strength soon, if, as is rumoured, Lord Crowther's committee recommends the setting up of a national credit data bank.

The computer men, who have surrounded themselves with an esoteric shell of Newspeak technical terms, want the public to know the dangers but they have difficulty explaining what they are. It will be sad if we have to wait for a British General to be classified as a pacifist before Parliament is forced to face up to the problem.

TO MAKE SAVINGS AND LOAN ASSOCIATION SERVE THE PUBLIC BETTER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. HANNA. Mr. Speaker, the last decade has taught us all a number of important lessons. The Congress would do well to consider in particular, however, the experience of the Sixties as it relates to the financial needs of the American public. I think the reading of this experience will indicate some rather salient deficiencies. The first and most obvious deficiency has been that the flows of capital to consumers have waxed and waned at incredible rates. The early 1960's saw periods of almost unprecedented low interest rates on home loans. This was followed by a period of terrible stringency in 1966 and 1967, which was repeated in 1969 and 1970. We find ourselves now on the threshold of this new decade once more with a rapid shift of funds to the consumer sector and a rapid decline in the interest rates situation, but with the surplus of funds in the hands of commercial banking institutions, a situation which has resulted, in large measure, from the policies of the Federal Reserve Board.

The second lesson that needs to be learned from the 1960's is that the housing industry is increasingly a cyclical activity, generally running counter to prevailing economic trends. Historically, housing activity has increased substantially during periods of economic malaise. However, the 1960's saw this historical pattern exaggerated with housing starts rising and falling at precipitous rates, along with the attendant cost of the allocation, disallocation, and reallocation of resources. The fact that housing activity has fluctuated so rapidly is of course in like measure a function of the cost of money and availability of money. No institution has been more vulnerable to the flows of funds and their availability than the savings and loan associations, whose activities are closely linked to the housing sector, and whose investments are in the form of long-term fixed interest rates mortgages—which deny it the flexibility to adapt its portfolio to changing economic conditions. Hence, when interest rates rise rapidly, and, as a result, likewise the rate at which depositors in savings and loans expect to secure payment on their accounts, savings and loans are rickshawed by reason of their investments being in mortgages which were written at a time when rates were lower and which do not yield a sufficient timely return in an amount to permit the savings and loans to pay a competitive yield. This, of course, is part of the rationale for regulations—two—on the ceiling on interest rates.

As we approach the 1970's, it is evident that something must be done to even out the hills and valleys which afflict both the consumer in his capacity as a borrower for essential purchases and the savings and loan in its capacity as a primary home mortgage lender. Of course, if both of these problems can be solved through a single step, it is simpler and more efficient. The proposal that I have advanced, calling for the establishment of consumer banks, is just such a step. These consumer banks would be somewhat different from the commercial banks. A commercial bank well deserves its name. Its function is largely to serve the mercantile sector. The extent to which commercial banks acknowledge that to be their function has been well evidenced during the 1960's. During that time, in periods of monetary stringency, their financial flows were shifted away from the consumer lending activities and toward lending to business and industry. The consumer bank, on the other hand, would have as its sole function servicing the needs of individuals and families. The powers that this act proposes to extend to consumer banks would permit them to offer the public the full range of banking services required by a family. This change in the law is in no way intended to exclude the commercial bank from exercising its powers to serve consumers. It is, however, to embody the well-seasoned American nostrum that competition breeds better services, and what better way to encourage competition than to establish an institution which, in its functions, competes with commercial banks in serving the public.

The savings and loan association has traditionally been a family-oriented financial institution. Going back to their earliest beginnings, the associations were founded to help individuals to acquire homeownership. This is a function which they still play a most important role in performing. The act which I propose to the Congress today would permit the savings and loans to continue to furnish that service, and also to serve the public by offering a broad array of services including checking accounts, trust services, small business loans, insurance, and credit cards. By extending the powers of savings and loans into these areas and thereby making them a consumer bank it would not only be possible to secure to the savings and loan the ability to better serve the American public, but it would also be possible to buttress the savings and loan against the vulnerabilities which in the past have jeopardized its existence. Historically, as I have noted, savings and loans have suffered during periods of economic stringency. During those times the demand for home mortgage loans has diminished, thus reducing the opportunity for savings and loans to make profitable investments of the funds available. At the same time, the requirement for the savings and loan to pay competitive interest rates has increased, thus putting savings and loan associations in a profit squeeze. The proposal that I offer today would permit the savings and loan association to engage in a number of areas of activity which would bring it substantial profit centers and permit it to gird its financial loins and thereby be better prepared to perform its original and still primary function of financing home mortgage lending. It is imperative that in the 1970's housing activity be increased substantially. For that goal to be obtained, it is necessary that increased supplies of funds be made available, in all sectors, not only in the subsidized housing area, but also in the market-rate housing area. The proposal that I offer today will substantially strengthen savings and loans and thereby help assure an adequate flow of funds into conventional home mortgage lending.

To sum up, this proposal assists in dealing with two very serious problems that were made manifest during the 1960's. My proposal would provide financial services which, it has become evident, are not available to consumers during periods of financial tightness/monetary stringency. Secondly, it would insure to the savings and loans the viability that comes from having a broader economic base. It would help the savings and loans survive in periods of tight money, periods which, in the past, have jeopardized the very existence of the savings and loan business. In short, my proposal offers better service to the American public, and at the same time offers needed support to an institution which has clearly demonstrated in the past the ability to serve well the American public, both in the aggregate and as individuals and families.

Mr. Speaker, I am including at this time a copy of the bill and a section-by-section summary to be inserted in the RECORD at this point:

A bill to better enable savings and loan associations to serve the public

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Consumers Bank Act of 1971".

SEC. 2. Declaration of Purpose. It is the sense of the Congress that the needs of the public for financial services could be better served. Toward that end the following powers are added to those presently possessed by the savings and loan industry.

SEC. 3. Federal Stock Associations.

(a) Subsection (a) of section 5 of the Home Owners' Loan Act of 1933 is amended—

(1) by deleting the word "mutual" both times it appears therein, and

(2) by inserting "(1)" immediately after "(a)", and by adding at the end thereof the following:

"(2) An association may be chartered either as a mutual institution or as a corporation having capital stock. Except where otherwise indicated by the context, references in this Act to 'associations' refer to both mutual associations and stock associations.

"(3) In the case of a stock association, the capital stock shall represent the permanent capital of the association, subordinate to all other liabilities and capital of the association. Stock may be issued only in accordance with the regulations of the Board.

"(4) Upon the written application of a mutual association, the Board may permit the association to convert into a stock association if the Board determines that—

"(A) two-thirds of the association's directors have voted in favor of the proposed conversion;

"(B) two-thirds of the votes cast by account holders in person or by proxy have been cast in favor of the conversion at a meeting duly called and held not more than six months prior to the filing of the application with the Board; and

"(C) the conversion will be conducted pursuant to a plan which is approved by the Board as fair and equitable."

(b) Paragraph (2) of subsection (b) of section 5 of said Act is amended by deleting therefrom the parenthetical expression "(except capital stock)".

SEC. 4. Demand Deposits.

(a) Subsection (b) of section 5 of the Home Owners' Loan Act of 1933 is amended by renumbering paragraph (2) as paragraph (3) and by adding thereto the following new paragraph (2):

"(2) An association may also raise capital in the form of demand deposits, as authorized by regulations of the Board, may issue such evidences of such demand deposits as are so authorized and may honor requests for withdrawal of demand deposits in the form of checks or drafts or otherwise as so authorized. Every association that receives demand deposits shall establish and maintain reserve balances equal to not less than 10 per centum and not more than 22 per centum in the case of any association in a reserve city and not less than 7 per centum and not more than 14 per centum in the case of any association not in a reserve city of the aggregate amount of such demand deposits held by it, all as determined from time to time by the Board. Either in individual cases or by regulation the Board, on such basis as it may deem reasonable and appropriate in view of the character of business transacted by the association, may make applicable in reserve cities the reserve ratios prescribed for associations not in reserve cities. Such reserves shall be maintained in one or more of the following forms:

(1) demand deposits in one or more Federal Home Loan Banks.

(2) demand deposits in one or more Federal Reserve Banks.

(3) demand deposits fully insured by the Federal Deposit Insurance Corporation in one or more commercial banks.

(4) marketable securities having unexpired terms of not more than 7 years, that are issued or guaranteed by a pledge of the full faith and credit of the United States.

(5) items in transit, as defined by the Board, to the extent demand deposits in the association are increased by such items.

(6) coins and currency of the United States.

The Board is authorized for the purposes of this subsection to define the terms "demand deposits" and "reserve city." The Board is further authorized to suspend for a period not exceeding thirty days and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirement specified in this subsection. No association shall, directly or indirectly, by any device whatsoever, pay any interest on any demand deposit."

(b) The first paragraph of section 13 of the Federal Reserve Act is amended by inserting "or savings and loan association" immediately after "nonmember bank or trust company" both times those words appear therein.

SEC. 5. Trust Powers. Section 5 of the Home Owners' Loan Act is amended by inserting the following new provisions as subsection (d):

"(d)(1) The Board shall be authorized to grant to any association applying therefor a permit to act as trustee of a trust where the trust res at the time of appointment of the association as trustee does not exceed one hundred thousand dollars in value, and to act as executor, administrator, registrar of securities, guardian of estates, assignee, receiver, committee of estates of lunatics or in any other fiduciary capacity where the amount to be initially administered by the association in any one of such capacities does not exceed one hundred thousand dollars in any individual case.

"(2) Associations exercising any or all of the powers enumerated in this subsection shall segregate all assets held in any fiduciary capacity from the general assets of the association and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this subsection. The State official or body having supervisory authority over State-chartered savings and loan-type associations in the State may have access to reports of examination made by the Board insofar as such reports relate to the trust department of such association, but nothing in this subsection shall be construed as authorizing such State official or body to examine the books, records or assets of such association.

"(3) No association shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange or other items for collection or exchange purposes. Funds deposited or held in trust by the association awaiting investment shall be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Board, and the association is hereby authorized so to set aside such bonds or other securities.

"(4) In the event of the failure of such association the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claims against the estate of the association.

"(5) Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law. Associations in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of the State.

"(6) In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, treasurer, or trust officer of such association may take the necessary oath or execute the necessary affidavit.

"(7) It shall be unlawful for any association to lend any officer, director or employee any funds held in trust under the powers conferred by this section. Any officer director or employee making such loan, or to whom such loan is made, may upon conviction be fined not more than $5,000 or imprisoned not more than 5 years or may be both so fined and imprisoned, in the discretion of the court.

"(8) In passing upon applications for permission to exercise the powers enumerated in this subsection, the Board may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the need of individuals in the community to be served and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly.

"(9) Any association desiring to surrender its right to exercise the powers granted under this subsection or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts or for any other purpose, may file with the Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the Board, after satisfying itself that such association has been relieved in accordance with State law of all duties as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private or other appointments previously accepted under authority of this subsection may, in its discretion, issue to such association a certificate certifying that such association is no longer authorized to exercise the powers granted by this subsection. Upon the issuance of such a certificate by the Board, such association (A) shall no longer be subject to the provisions of this subsection or the regulations of the Board made pursuant thereto, (B) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (C) shall not exercise thereafter any of the powers granted by this subsection without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this subsection.

"(10) The Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the powers granted therein."

SEC. 6. Small Business Loans. Section 5 of said Act is amended by inserting the following new provisions as subsection (e):

"(e) An association may make any loan for a business purpose in a principal amount not exceeding twenty-five thousand dollars; provided, however, that to extend the portion of such a loan in excess of twenty-five thousand dollars has the benefit of insurance by the Small Business Administration, the principal amount may be increased to not exceeding one hundred and fifty thousand dollars."

SEC. 7. Credit Cards. Section 5 of said Act is amended by inserting the following new provisions as subsection (f):

"(f) An association may issue credit cards, either directly or through a corporation in which it has a proprietary interest, under such conditions as shall be provided in regulations to be issued by the Board."

SEC. 8. Insurance. Section 5 of said Act is amended by inserting the following new provisions as subsection (g):

"(g) Insurance. Any association may act as agent for any fire, life or other insurance company of any type authorized by the authorities of the State in which the association is located to do business in said State, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the association and the insurance company for which it may act as agent."

SEC. 9. Relettering. Section 5 of said Act is amended by relettering subsections (d) to (k) as subsections (h) to (o), respectively.

SECTION-BY-SECTION SUMMARY

A bill to better enable savings and loan associations to serve the public

THE SAVINGS AND LOAN ACT OF 1971

SEC. 2. Declaration of Purpose. More public needs should be served by savings and loan associations, so the following additional powers are granted to such association.

SEC. 3. Federal Stock Associations. Amends section 5(a) and (b) of the Home Owners' Loan Act of 1933 to authorize the Federal Home Loan Bank Board to charter Federal stock savings and loan associations as well as Federal mutual associations and to authorize that Board to permit conversion of a Federal mutual to a Federal stock association. (Existing statutory provisions continue in effect that authorize a State-chartered mutual association to convert to a Federal charter which could be either mutual or stock under this bill; and that authorize a Federal association (either mutual or stock under this bill) to convert to a State-chartered association. See section 5(i), Home Owners' Loan Act of 1933.)

SEC. 4. Demand Deposits. Amends section 5(b) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to accept demand deposits. Parallels the Federal Reserve Act in allowing Federal Home Loan Bank Board to require reserves against such deposits in the range of 10 to 22% in reserve cities and 7 to 14% in non-reserve cities. Allows Federal Home Loan Bank Board to define reserve city and demand deposits and allows it to let non-reserve requirements apply to associations in reserve cities on basis of the character of business transacted. Lists 6 classes of media in which reserves can be held; namely, demand deposits in Federal Home Loan Banks, Federal Reserve Banks or FDIC-insured banks, full faith Federal obligations maturing within 7 years, items in transit and U.S. coins and currency. Prohibits payment of interest on demand deposits. Allow Federal Reserve Banks to receive from associations checks and other paper for exchange or collection.

SEC. 5. Trust Powers. Amends section 5 of Home Owners' Loan Act to authorize the Federal Home Loan Bank Board to permit Federal savings and loan associations to exercise full trust powers for trusts originated for not over $100,000. In acting upon applications for trust powers, Board must follow same criteria used by Comptroller of the Currency in acting on applications for trust powers submitted by national banks. These include sufficiency of capital and surplus and needs of the community to be served. Other requirements parallel those applicable to national banks, with the Federal Home Loan Bank Board serving as the regulatory agency for Federal savings and loan associations.

SEC. 6. Small Business Loans. Amends section 5 of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to make loans for business purposes up to $25,000 each (or up to $150,000 each if the excess over $25,000 is insured by the Small Business Administration).

SEC. 7. Credit Cards. Amends section 5 of the Home Owners' Loan Act of 1933 to authorize Federal Savings and loan associations to issue credit cards under Federal Home Loan Bank Board regulations. Issuance may be by the association directly or through a corporation in which it has an ownership interest. This parallels the similar authority extended to national banks by regulations issued by the Comptroller of the Currency.

SEC. 8. Insurance. Amends section 5 of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to act as agents for any insurance company authorized to do business in the State where the association is located. The associations could solicit and sell insurance, collect premiums and receive fees from the company for its services.

SEC. 9. This is a technical provision to accomplish relettering of subsection numbers made necessary by the amendments the bill makes to section 5 of the Home Owners' Loan Act of 1933.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

PRESIDENT'S 1972 BUDGET

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. VANIK. Mr. Speaker, in reviewing the 1,112 pages of the appendix to the President's budget which is the size of the Cleveland telephone book, I have found it to be a document containing elements of surprise and mystery.

We have been advised that the budget provides an $11.6 billion deficit. If the estimate of the 1972 deficit is as erroneous as the nonexpansionary deficit estimate of 1971, the real deficit spending should be in the area of $20 to $25 billion.

Every American must be concerned with the manner in which a planned deficit is spent. Our experience has shown that deficit spending can lead to full employment and recovery—a desirable goal—or it may lead to accelerated inflation, depression, and vastly increased unemployment and the resultant erosion of savings.

The question which this budget poses is—which shall it be and where will it lead?

It has always been my belief that unemployment could be best challenged by stimulating consumer spending to bring factories up to their capacities. At present, factories are at 75-percent capacity while unemployment is at 6 percent.

Just before submitting this budget, the President—by a single stroke of his pen—gave all industries and corporations an additional $3.5 to $4 billion annual tax writeoff in depreciation, in an effort to stimulate the increase in productive capacity which was already 25-percent idle.

DOES THE NIXON BUDGET FOR 1972 STIMULATE DEMAND?

For example, the President recommends a 6 percent increase in social security benefits. This recommendation completely ignores the added inflationary impact of 1970—a year in which there was no new social security legislation. The elderly have a decreased spending and support capacity. Administration policies have forced new millions of our elderly into poverty.

Last year Congress passed a $9.2 billion manpower training program to provide jobs in the public service. This was a clear congressional mandate resulting in gainful employment for millions of people. The allocation for this program would have provided a multiplier effect many times the Federal investment. Although the President vetoed this approach, there appears to be no alternative approach in the expansionary budget to reach the large number of unemployed.

The budget approach increases defense spending by about $3 billion.

Obviously there is no peace dividend from our reduced combat force and disengagement. There are indications that the savings in reduced American combat forces are being utilized to pay our way out of Vietnam. For the second year, we are paying $2.5 billion to: First, support Vietnamese and other free-world forces in support of Vietnamese forces; second, local forces in Laos and Thailand.

A detailed examination of military procurement shows case after case of increased requests:

Modification of combat aircraft—$269.3 million to $439 million.

Navy auxiliaries—$382 million to $1.017 billion.

Air Force ballistic missiles—$587.2 million to $842 million.

Increased spending is outlined in almost all categories in page after page of the budget. It seems that every office in the Department of Defense is asking for an increase at a time when we are supposed to be deescalating the war in Southeast Asia.

There are some encouraging proposals in the budget. For example, the Public Health Service Act provides for a substantial increase—almost doubling previous allocations. The commitment of $100 million to cancer research is helpful—even though only one-third will be committed in fiscal year 1972. Headstart allocations are increased—although this is difficult to reconcile with reduced and terminated programs of Headstart and day care in my own community.

The start-up costs for welfare reform are estimated at $580.7 million—probably for a half year—with no projection for future costs.

One of the budget mysteries is how medicaid can be reduced by $495 million by providing a proposed preventive medical program with no price tag.

In addition, the budget provides a medicare saving of $450 million through a cost control program suggesting use of most efficient providers of service. It is my hope that this bill will not result in an increased assumption of the cost of medical care to patients.

This budget anticipates an extensive sell-off of Federal property as a means of providing a one-time credit to the budget. For example, the budget proposes a sale of National and Dulles Airports and the Alaska Railroad at their depreciated value—$205 million will buy these three items. For the sake of this credit to the budget, the taxpayers of America stand to lose as much as $400 million. In addition, the budget contemplates the sale of $635 million in surplus property—an event which many of us in Congress have long demanded, if the sale price and terms are fair to the taxpayer.

One touchy economy in the budget is the elimination of the free milk program which provides some nutrition to all children.

I am, of course, pleased that the President's budget maintains the levels of the school lunch program, the school breakfast program, and the nonschool lunch program which I authored. That program served 100 million meals to more than 500,000 children in America during the last year.

I am, of course, pleased that the budget terminates the helium procurement program which saves the taxpayer $42 million per year for the duration of the contracts—thus estimated to save a total of $436 million during the life of the contracts.

There appears to be substantial increases in allocations for capital facilities grants for mass transit—$129.4 million to $381.3 million. The total capital obligation has been increased from $246 million to $600 million. After long years of struggle, the President is asking for $2 billion per year for pollution control and the construction of waste treatment plants. This is $500 million less than the proposal which I supported in Congress.

In recapitulating the budget, my fears remain that the higher deficit expenditures will not achieve the goals of recovery.

Higher spending without direction does not necessarily increase employment. Misdirected spending can wreck the economy by fueling inflation while joblessness continues. At this reading of the budget, the thrust of the President's budget program must be subject to serious question.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR/MISSING IN ACTION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. GONZALEZ. Mr. Speaker, I am very proud to introduce a resolution which has received wide, bipartisan support for Members of the House of Representatives, designating the week of March 21 to 27 as a "National Week of Concern for Prisoners of War/Missing in Action."

In the last Congress, I stood before this body in support of a concurrent resolution expressing our strong concern at the lack of compliance with the requirements of the Geneva Convention relating to the treatment of our captured men. I am glad to recall that both the House and the Senate overwhelmingly approved the resolution. Seemingly, public opinion has at least stirred up North Vietnam to the extent that there have been some unofficial communications regarding certain of our POW's. These actions fall far short of the requirements that should be met. However, it is indicative of the force that public opinion can have.

Accordingly, I wholeheartedly support focusing both public and political concern for the present situation. I am sure that the 18 families in the San Antonio area part of which I represent, and their 31 children, join me today in urging that we swiftly consider and pass this resolution. I am sure that the relatives and friends of the over 1,600 Americans listed as prisoners of war/missing in action in Southeast Asia earnestly welcome our support for this resolution. Let us reassert our commitment that we have not forgotten our POW/MIA's.

BENIGN NEGLECT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. CLAY. Mr. Speaker, the "White House Negro" is no longer with the President—but Mr. Nixon, in his hour-long discussion with four newsmen recently, left no doubt that the policy of benign neglect of black Americans shall prevail through this new year and new Congress.

The President said Daniel P. Moynihan, who coined the phrase "benign neglect" in his most public memo on race relations, got a "bad rap" for his recommendation that the administration not "react" to racial "violence" or to "extremists"—but act. And then Mr. Nixon asserted that Mr. Moynihan was so committed to racial justice that he was called the White House Negro by fellow staff members.

Well, Mr. Speaker, we never did misunderstand the recommendation—which is why we took issue with it. Certainly, the observation that Nixon turned "benign" neglect into "malignant" neglect of black Americans can be made. And it should be pointed out that whether any policy or move made by the Federal Government constitutes an "action" or "reaction" is a matter for academic debate.

What would we term the new environmental protection laws and regulations—if not a reaction? The coal mine safety law, the postal reform law, the new consumer protection laws, aid to Cambodia and Israel—do these laws and policies constitute "acts" or "reaction." The Federal Government, in each case, was responding to a need it deemed legitimate and critical.

Quibbling over whether this administration will "react or act" in behalf of racial justice is pointless. Defense or discussion of the Moynihan memo is a similar waste. Obvious in all this and in the President's comments on fair housing and school desegregation enforcement is that black Americans can look forward to more of the same from this administration—call it a punitive backlash or call it pure racism.

The President has refused audience to the black Members of Congress as we have repeatedly requested—on the grounds that we, the elected and legitimate representatives of 25 million Americans, are "extremists." And in every area of our most critical needs—housing, education, employment, and job training—the President has either vetoed or cut funds and programs.

An extremist to this administration is anyone who voices views opposed to those of the President—and that puts the black populace on the shelf alongside the Kerner Commission report—to collect dust. The belief held by this administration that black Americans can be dismissed because "they" know what is best for us is not only pathetic, but a dangerous contributor to the potential for violence which exists in the black communities of the Nation.

The President proclaimed that 1971 will be a "good year," second only to 1972 which he claims will be a "very good year." If one is white, educated, able, and free, he might put some stock in the President's words. But if you are black, jobless, and raising a family in a slum housing infested by rats, the turnover in the calendar year will go unnoticed.

The current leadership of this Nation has engineered a time machine for black Americans, like a treadmill. Racial justice to this President means doing what Federal civil rights laws passed before his term absolutely require—giving strict interpretations to the limits of fair housing and desegregation laws—and strict adherence to the minimums necessary.

NATIONAL FARMERS ORGANIZATION

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. CULVER. Mr. Speaker, recently my colleague, Senator Harold E. Hughes, addressed the annual convention of the National Farmers Organization in Louisville, Ky. His remarks called needed attention to the frequently overlooked problem of the family farmer in an increasingly urbanized society. Moreover, I believe the Senator's address deals with some of the basic challenges facing institutions and individuals in American society today, and I welcome the opportunity to share his perceptive observations with the Members of the Congress. I insert it in the Record:

REMARKS OF SENATOR HAROLD E. HUGHES, NATIONAL FARMERS ORGANIZATION ANNUAL CONVENTION, LOUISVILLE, KY., DECEMBER 17, 1970

You know—some of my friends keep saying:

"We've got to get Hughes off the drugs!"

They think I've concentrated so much on the subject of drug and alcohol abuse, since I went to the Senate 23 months ago, that I'm in danger of becoming a one-issue Senator.

I *am* a one issue Senator.

And I see no danger in it.

For there is only one issue.

The survival of America.

The real tragedy about drug and alcohol abuse in America is not that it is a problem.

The tragedy is that—for increasing millions of Americans—drug and alcohol abuse is the *answer*.

The evidence is everywhere—in broken minds and bodies and lives—that it is a sad and lonely and unhappy answer.

The wrong answer.

But it is the only answer for millions.

So confused and so leaderless have we become that the answer has been mistaken for the problem; and the answer, being the wrong answer, has been added to the problem.

The challenge for America's leadership—whether in the rural areas of our country or in the great cities, in the Congress or in the White House—the challenge is to identify the real problems in America today, and to seek the real answers.

And to do this with understanding, faith, and feeling—not with meanness and divisiveness.

What are the real problems?

What are the best answers?

It would be better for you to tell me, than for me to try to tell you.

The only justification for a United States Senator to go criss-crossing the country, as I have been doing for nearly two years, is not to preach to the people, but to listen to them.

To gather strength from people like you. From people who care.

Former Secretary Hickel was asked on national TV the other day whether President Nixon was a man who cared.

Hickel replied in effect that the President did care—insofar as he was able to care—considering the limited input of compassion from those around him.

The implication of that statement—that the President is surrounded and isolated by those who keep him from caring—is as chilling as anything I have heard in the long months of hearings by my Subcommittee into the loneliness and suffering and alienation that turns people to the abuse of drugs and alcohol.

The tendency toward isolation is an inbuilt hazard of high office. This applies especially to the presidency of the United States, the most powerful office in the world . . . and the loneliest.

Only by reaching out with powerful compassion can the Commander-in-Chief surmount the isolation and feel the problems that people have. Knowing the awesome burdens of the office, we can only pray that every President will, at some point, find the way to pierce the walls of his high office and communicate with the people on the level of personal feeling. This is what our nation needs desperately now. In the midst of old and new anxieties, we, the people, are lonely and isolated too . . . reaching for leadership that cares.

And no group in our country is pleading more passionately for leadership and for a fair understanding of their real problems than the American farmers. Unfortunately, the pleas of the farmers often fall on deaf ears in Washington, these days.

They should build a statue to the fellow who dreamed up the new bumper sticker that reads: "The Majority Is Not Silent—The Government Is Just Deaf."

* * * * *

It was just one hundred years ago—in 1871—that the first rumblings of discontent began to be heard across the American hinterland.

These were rumblings about the growing concentration of wealth and power accumulating in the hands of industrial giants—rumblings about government institutions that were growing increasingly unresponsive to the needs of the individual.

These rumblings were to intensify over the following twenty years into a full-scale uprising by the American farmer—a farmer-revolution—a revolution against powerful interests that were abusing their power and, in the process, strangling the farmer.

The victories won in that first farmer-revolution are well-known: control over the railroads, political reforms that made government more responsive to the individual, economic reforms that enabled the farmer—for a while at least—to prosper.

One hundred years later—as we enter 1971—the American farmer faces a similar crisis. But unfortunately, this time he does not have the luxury of twenty or thirty years to achieve the second farmer-revolution. And let us make no mistake, no less than a second farmer-revolution—peaceful but forceful—will be necessary to *save* the American family farmer.

The farmer-revolution of the last century was accomplished for one reason. The small farmers, faced with extinction, united and organized. Together they constituted a counter-force, as powerful and effective as the massive conglomeration that they were fighting.

Today, the dangers are just as serious, the opposition just as powerful, and the stakes—survival—just as high. But the odds *have* shifted. A *majority* of the population one hundred years ago, the farmer now represents a shrinking minority. And for embattled minorities, even more than for embattled majorities, *organization* is imperative.

This is the nature of the second farmer-revolution—the one being spearheaded by the National Farmers Organization. "Farmer power" through organization.

The forces which confront the American farmer are not *unlike* those in that earlier struggle. Buyers, processors, and retailers of farm products are even more concentrated today than before. Perhaps on the surface they show less guts than the moguls of the 1870's, whose attitude was capsulized by Cornelius Vanderbilt's answer to his critics: "What do I care about the law? Ain't I got the power?"

Today, there are better public relations departments.

But the fact remains that farmers are helpless in the marketplace unless they work together. Together, they have a chance to control their own livelihoods, their own destinies. Divided, they will, as Ben Franklin said, all hang separately.

This, I believe, is the fundamental importance of the National Farmers Organization, and the guiding principle of the new farmer-revolution.

This is by no means to say that government does not have a vital role to play. Farmers can only bargain together effectively if government helps in the task of keeping production in balance with consumption.

Government—the federal government specifically—must clearly and unequivocally dedicate itself to the proposition that those who produce our food and fiber have an unquestioned right to economic equality with those who consume it. And government must step in to avoid economic exploitation of the farmer by those who have been able to concentrate economic power in their hands.

But farmers are now learning the lesson that James Madison offered as we launched this nation nearly 200 years ago: "It is in vain to say," he wrote, "that enlightened statesmen will be able to adjust these *clashing interests* and render them all subservient to the public good. *Enlightened statesmen will not always be at the helm.*"

Yes, the second farmer-revolution needs the assistance of government. It's foolish to junk the old car until you have a new one in the driveway. But farmers are now realizing that—as the current phrase has it—they must "get themselves together," because as Madison said—and we have discovered—enlightened statesmen are not always at the helm.

Let there be no illusions about what is at stake—no less than the survival of the family farmer in this country.

Now, some say—and others quietly believe without saying—that there is no room in this country for the family farmer. That is a proposition which I totally reject.

Some would say that the family farmer must be sacrificed on the altar of some "higher economics." From some corners comes the notion that in the name of Efficiency, we should return to the jungle of a modern-day survival of the fittest. And one of the bitter ironies is that such notions are advanced by those who claim to speak on *behalf* of farmers. Our society has come too far to retreat so fully.

It is simply untrue that efficiency is increased when family farmers are "adjusted" out of business. It is *decreased*. And when the farmer folds, he is often forced to leave rural America for the city, taking with him other rural nonfarmers who depend upon him for *their* livelihood.

Our cities are already sinking. And you cannot bail out a sinking ship if it has a hole in its bottom. Eighty percent of the nation's population *already* lives on 10 percent of our land, suffering from innumerable pollutions, personal tensions, and deteriorating living conditions. There are eleven acres of land for every man, woman, and child in this country, but most people exist on only a few square yards.

A recent Gallup poll showed that six of every ten people living in our metropolitan areas would rather live in the country. But how can we reverse that flow unless, as a nation, we can save the livelihoods of those who are already living in our rural areas, the working farmers, and make their economic situation prosperous enough to keep young people from leaving?

We must save the family farmer, then, because we must save our rural areas and save our cities. But there is a deeper reason, a reason that goes to the essential fiber of American life.

The basic question which we face in the 1970's is whether individuals can retain control of the kind of lives they wish to live.

The farmers forced off their land do not want to leave. I have never seen a happy farmer boarding up his barns. The struggle is for no less than self-determination, the right of each man to choose the kind of life he wishes to lead—on the farm if that is his choice; or in the city, but *only if that is his choice*.

This is the challenge we face: Can we save America for Americans? It is the *same* question posed by those who wish to drive in safe automobiles and therefore fight to make our large corporations responsive to their customers' desires. It is the *same* question posed by those who wish to breathe clean air and drink clean water and therefore fight against giant industrial entities who would disregard the human costs of irresponsible practices.

We have spent the lives of 50,000 American boys and 170 billion American dollars for the principle—we are told—of establishing self-determination for the *Vietnamese* people. We face in the 70's the challenge of establishing that right for the *American* people. This is why we must save the family farmer in this country.

The plight of the small farmer reminds me in some ways of the famous legend of Sisyphus. You remember that Sisyphus was fated to the task of pushing a giant rock to the top of a very steep mountain. But each time he almost reached the top, the weight of the rock overpowered him and pushed him down to the bottom again.

In the case of the American farmer, unfortunately, *some* farm people seem to be sitting on the rock instead of pushing.

The National Farmers Organization has begun to get farmers together for the long push. It is a vital one, one that I fully endorse, and one to which I pledge my continued support.

When I first came to Washington, some of my new Eastern friends had hopes that I might turn out to be the best of the West.

When they found that I wouldn't reform my rough ways, they concluded that I had become the Beast of the East.

Seriously, I believe it is time for people to speak bluntly, using the right words.

It is true that this nation is faced with critical, overpowering problems today—some of which, like the drug epidemic, we have not faced before.

It is equally true that this nation has the resources to meet those problems—and meet them we will, I am convinced.

The sun will come up ten years from today over Paducah, Kentucky, and Corning, Iowa, just as it came up today.

This nation will experience declines—it's in a beauty right now—but it is not going to fall like the Roman Empire.

Why?

Because we may act like fools a good share of the time, but in the long run we have the strength of heart and hand to pull ourselves out of it.

Early in this Administration, President Nixon made what I considered one of the greatest statements made by any President—that he was going to raise the *quality* of living for all Americans.

Unfortunately, that pledge seems to have been forgotten, but the concept is still great.

For in this land, founded on concepts of freedom and equality, it is the *quality* of life that has made us a great people—not the bigness or the power.

I thought of this yesterday when I read the morning headlines telling of President Nixon's announcement that the Gross National Product had passed the trillion dollar figure.

With pomp and circumstance, Mr. Nixon hailed "the first trillion-dollar economy for any nation in the history of the world."

It is ironic that this lavish announcement came at a time when industrial production had dropped for the fourth straight month to the lowest level since the 1960–61 recession; when unemployment is nearing six per cent; when farm prices are at their lowest parity level since the depression years of the 1930's; when farm debt is at an all time high; when the human value programs of education, health care, medical research, equal opportunity, and pollution control are being cut back so that we can sink billions into such foolish luxuries as the supersonic transport.

As Edward Abbey put it, "Growth for the sake of growth is the ideology of the cancer cell."

The real priority is not magnitude or power or splendor . . . but quality of living for all Americans.

I have no doubt that we can and will get back on the mainline again toward fulfilling that dream of this special kind of greatness that is in the hearts of all Americans.

I am encouraged by this great meeting here.

If I am any judge, you did not come here to participate in the surrender of America's future.

OPERATION LIFELINE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mrs. HANSEN of Washington. Mr. Speaker, I wish to rise in support of the bill presented by my distinguished colleague, the gentleman from California (Mr. McFALL), H.R. 100, to provide grants-in-aid to assist in building needed municipal facilities.

Mr. McFALL's bill will begin to do something that I have long suggested as a remedy for the ills of our economy—stimulate the economy by investing public funds in building vitally needed facilities. I can think of no nobler way for Congress to invest money than to build the pollution control facilities that could be aided by this bill. Let us continue to do as this bill provides—put our money where our real needs are.

Restoring an active economy is the sincere desire of both parties. I sincerely hope, therefore, that Members on both sides of the aisle will join me and Mr. McFALL in supporting this meaningful bill. Let us give the unemployed workers in America a chance to engage in work that will build things of lasting value—and a chance to have a firsthand pride in themselves and America again.

ALCOHOLICS ANONYMOUS FOUNDER DIES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. O'NEILL. Mr. Speaker, I would like to call the attention of my colleagues to a recent article in the Washington Post by Mr. Donald E. Graham concerning the passing of Mr. William G. Wilson. Known to thousands of thankful admirers and followers as Bill W., Mr. Wilson was the cofounder of Alcoholics Anonymous, the organization which has provided guidance, hope, and a new start to those individuals striving to rid themselves and their families of the crushing burden of alcoholism.

Bill W., himself an alcoholic, dedicated the final 36 years of his life to helping others deal with their alcohol problems. Perhaps the greatest tribute that can be paid to Mr. Wilson lies in the outstanding success of Alcoholics Anonymous. Presently the organization has half a million members, a shining example of the worthiness of the program Bill W. founded and of the faith individuals place in its methods.

Mr. Wilson, however, was not one to think his success was total. His humility and his concern for the number of alcoholics not reached by Alcoholics Anonymous was demonstrated at a Senate hearing in 1969. He stated that his organization had just made "a scratch on the surface" in attacking the problem of alcoholism.

The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 was recognition of the seriousness of the alcoholic problem. It was Bill W.'s fervent wish that this bill and the focusing of Government attention on the problem of alcoholism will greatly aid those individuals suffering from the hardships of alcoholism.

Mr. Speaker, many Americans owe a debt of gratitude to the dedication and concern of Bill W. Congress has recognized the extent of the problem and I sincerely hope that we continue to work to solve the problem that Mr. Wilson recognized and strove to conquer. I am inserting Mr. Graham's article in the RECORD for the consideration of my colleagues:

KNOWN TO THOUSANDS AS BILL W.: ALCOHOLICS ANONYMOUS FOUNDER DIES

(By Donald E. Graham)

Scores of thousands of people learned for the first time the name of the man who helped them recover from alcoholism when William Griffith Wilson died of pneumonia in a Miami Hospital Sunday night.

The New York headquarters of Alcoholics Anonymous announced that Mr. Wilson, a retired securities analyst, was the man known as Bill W., who co-founded the AA in 1935.

Mr. Wilson lived in Bedford Hills, N.Y. He was 75.

Thirty-six years ago, Mr. Wilson took his last drink, ending a career of alcoholism that dated back to his days as an officer in the First World War.

Mr. Wilson went into a New York City hospital and was detoxified—but fell into a severe depression:

"Finally it seemed to me as though I were at the very bottom of the pit," he later wrote. "All at once I found myself crying out, 'If there is a God, let him show himself! I am ready to do anything, anything!' "

"Suddenly the room lit up with a great white light. It seemed to me, in the mind's eye, that I was on a mountain and that a wind, not of air, but of spirit was blowing. And then it burst upon me that I was a free man.

"I thought to myself, 'So this is the God of the preachers.' "

Bill W. did not wait long before sharing his experience with a friend, AA's other cofounder, Dr. Robert Holbrook Smith of Akron, Ohio. Once Smith stopped drinking, the two men felt they knew that alcoholics could help each other recover.

They went to an Akron hospital and met a patient who had come in suffering from delirium tremens. He too got off and stayed off, and helping fellow alcoholics recover became the AA tradition.

"They started a chain reaction, one drunk helping another," Nancy O., a congressional assistant, said yesterday. "The hand that reached out to me when I appealed for help was a link in the chain going gack to Bill W. and Dr. Bob.

Bill A., an Arlington businessman, recalled that in December, 1939, when Alcoholics Anonymous was a small, little-known group, he went to New York to meet Mr. Wilson. The next month Mr. Wilson helped start an AA chapter here, the fourth in the country.

"He came here many times to help us with our problems," Bill A. said, and later, when the national AA organization faced a financial crisis, the Washington chapter came up with the funds to rescue it.

Alcoholics Anonymous now has half a million members worldwide. "It's by far the most successful resource of help in terms of the number of people they've treated," said Augustus Hewlett, executive secretary of the North American Association of Alcoholism Programs.

Mr. Wilson retired as director of the organization in 1962.

His first book, "Alcoholics Anonymous," written when the group had only 100 members, has sold more than 800,000 copies since it was first printed in 1939. His other books were "Twelve Steps and Twelve Traditions," "Alcoholics Anonymous Comes of Age," and "The A.A. Way of Life."

Mr. Wilson went to great lengths to preserve his anonymity. When he testified in 1969 before a congressional committee investigating alcoholism, television cameras were barred and photographs were permitted only from behind.

He turned down honorary degrees and refused to have his picture on the cover of Time magazine in order to preserve his group's tradition of avoiding publicity as individuals.

Mr. Wilson never gave up his efforts at helping alcoholics recover. One desperate alcoholic once committed suicide in Mr. Wilson's home. Thousands of others stopped drinking and resumed the lives that alcoholism had interrupted.

Mr. Wilson was not boastful about his successes. "When you consider the enormous ramifications of this disease, we have just made a scratch on the surface," he told a Senate committee in 1969.

He was pleased by the increased government attention to alcoholism that followed the election of Harold Hughes, a recovered alcoholic, as senator from Iowa. "This is splashdown day for Apollo," he said when Hughes first held hearings on alcoholism. "The impossible is happening."

One Washington member of AA said yesterday, "I don't think there's a person in AA, from Harold Hughes to the man on the Bowery, who doesn't know that if it wasn't for Bill W. and what he started, we'd all be dead."

Mr. Wilson is survived by his wife Lois, who remained with him during his period of drunkenness and helped start the "Al-Anon" program for families of alcoholics.

THE ADMINISTRATION'S PROPOSED CLOSING OF U.S. PUBLIC HEALTH SERVICE HOSPITALS A SERIOUS MISTAKE

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. SARBANES. Mr. Speaker, I am distressed to see in the Federal budget submitted today by the President that it is proposed to close the Nation's Public Health Service hospitals. These facilities, which are located in eight cities—Boston, New York, Baltimore, Norfolk, New Orleans, Galveston, San Francisco, and Seattle—have consistently provided first-class medical care to seamen, active and retired personnel of the uniformed services—Army, Navy, Air Force, Marines, Coast Guard, Public Health Service, and Environmental Science Services Administration—and dependents of such personnel. In addition, the Public Health Service hospitals have increasingly played a significant role in meeting the other health-care needs of the communities in which they are located.

For a number of weeks there have been rumors, confirmed today with submission of the budget, that the administration was planning to close the Public Health Service hospitals. Upon first hearing these reports I sent the following letter to Secretary Richardson of the Department of Health, Education, and Welfare expressing my concern about this matter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 23, 1970.

HON. ELLIOTT L. RICHARDSON,
Secretary, U.S. Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As a Congressman-elect, I am writing this letter to follow up conversations I have had with members of your staff over the last few days concerning the rumors that the Department intends to close the nation's Public Health Service hospitals. In response to my expressions of grave concern about such a step, I was assured by your departmental representatives that no decision has yet been made in this matter. This "no-decision" status was, of course, confirmed by you yesterday morning in your telegram to Chairman Garmatz of the House Committee on Merchant Marine and Fisheries.

In that telegram you also stated a willingness to discuss this matter with Chairman Garmatz—and I assume other members of the Congress—before proceeding to take any action. In light of this undertaking and the fact that no decision has been made I should like to bring to your attention certain information concerning the activities of the Baltimore Public Health Service Hospital and the medical care situation generally in the Baltimore area.

The Public Health Service Hospital in Baltimore was built in 1932 and provides, pursuant to law, services for the classes of people for whom the Federal Government has assumed medical care responsibility. These include seamen (the original beneficiaries of the public health service), personnel—both active and retired—of the Uniformed Services (Army, Navy, Air Force, Marines, Coast Guard, Public Health Service and Environmental Science Services Administration), and dependents of such personnel. Since Baltimore is one of the nation's major ports and since this area has a great number of facilities involving the Uniformed Services, e.g. Coast Guard station, military establishments, etc., the number of people entitled to Public Health Service care under existing Federal law is quite large. Last year approximately 4200 people were admitted to the Hospital and there were over 108,000 clinic visits. The Maryland Hospital Association in telegrams to the Administration has clearly stated that private hospitals in the Baltimore area would be unable to absorb the caseload of the P.H.S. hospital should it be closed. Furthermore, any thought of shifting such a caseload to the Veterans Hospital is illusory because that hospital is already confronted with severe problems in meeting its current responsibilities.

Perhaps of greater importance in considering the role of the Baltimore P.H.S. hospital is that it has been one of the most innovative hospitals in the state. The Department hardly needs reminding that the provision of medical care is one of the primary issues facing the country. The P.H.S. hospital in Baltimore is an outstanding facility which has taken the lead and initiative in a number of respects:

1. The Hospital has been involved in planning with community groups for the establishment of comprehensive prepaid health program in an inner city area where the availability of private medical services is almost non-existent. This area, Homestead-Montebello, is a changing neighborhood (now 75% black) and the Hospital, in cooperation with the community, has evolved a plan which is now ready for implementation. A newspaper article describing this important development is enclosed herewith. Closing of the hospital would terminate this breakthrough in medical care delivery, dash the hopes and expectations of neighborhood people who have worked hard to evolve the program, and intensify already severe health care problems.

2. Early this year the Hospital established a Health Evaluation Center which gives patients comprehensive health examinations, including an evaluation by a physician, in just two and one-half hours. Through the use of automated procedures the Health Evaluation Center is able to provide health examinations and evaluations in a fraction of the time and with fewer personnel than would be required in a conventional clinic. This Center makes use during evening hours of the Hospital's general clinic space, thereby maximizing the use of existing hospital facilities. I am certain you will agree that this emphasis on preventive medicine is one very important way by which the cost of medical care can be reduced.

3. The only school for Medical Record Librarians in Maryland is at the Public Health Service Hospital and I believe it is the only such school under the jurisdiction of the Federal Government. The program is generally acknowledged to be of outstanding quality and again represents a significant contribution to an improved health care delivery system.

4. The Hospital has close working relations with the schools in the area, including not only the medical schools but also the community colleges Such efforts to develop health care personnel through community college programs is generally viewed as a significant way to meet the critical shortage of personnel in the field. Furthermore the Hospital in cooperation with the Baltimore City Department of Education under a grant pursuant to the Manpower Development and Training Act has trained over 150 hard-core unemployed poverty people as nurses aides, all of whom were subsequently placed in jobs.

5. The Baltimore Cancer Research Center which is financed by the National Institutes of Health is located at the Hospital and is jointly administered by N.I.H. and the Hospital. Closing of the Hospital would terminate this major research center into one of the major sources of death and illness confronting our population.

There are a number of other important activities in which the Hospital is engaged but I will forbear adding to the length of this letter. It should be noted that the Hospital employs 661 persons and, more importantly, that over 40% of the civilian employees are minority group members. The Hospital has had a very active equal employment opportunity program which has achieved very significant results Employee morale at the Hospital is extremely high in large part, I believe, because of the recognition by the Baltimore community of the Hospital's high quality.

Given the medical care problems facing the nation today the closing of the Public Health Service hospitals, as typified by the one in Baltimore, would be a most short-sighted and regrettable step backwards. It would mean that Baltimore would lose a dynamic forward-looking medical institution which is playing a major role in facing and meeting the health care problem. Furthermore, to the extent that economy reasons are advanced for the proposed closing, the reasons are spurious for there would merely be a shifting of health costs elsewhere at greater total expense.

Before the Department proceeds any further in this matter I request that responsible officials of the Department, including Dr. Vernon E. Wilson, Administrator of the Health Services and Mental Health Administration, Dr. Jesse Steinfeld, Surgeon General, and a personal representative of yours (the Assistant Secretary for Health and Scientific Affairs or some other appropriate designee) meet with responsible local public and private representatives including the medical community and consumers of health care to discuss the Department's reasoning and in order to bring clearly to the attention of the Department the contribution being made here by the Public Health Service Hospital. I would be glad to undertake responsibility for arranging locally for such a meeting.

There has been no independent public study recommending the closing of the Baltimore Public Health Service Hospital. In fact, the last such study, some five years ago, recommended that the facility be improved and modernized and that its programs be strengthened and extended. Surely if the Department decision now rumored to be in the offing has merit it can withstand public scrutiny and examination. I strongly urge that any decision in this matter be deferred until such scrutiny and examination can take place.

Sincerely,

PAUL S. SARBANES,
Congressman-Elect, Maryland Fourth Congressional District.

The President's state of the Union address with its emphasis on health care as one of the administration's great goals offered the prospect that the rumored closings would not be carried out. Unfortunately, the budget submitted today proposes actions which run counter to the objectives enunciated by the President a week ago. Consequently, I have sent the following letter to the President:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 29, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to express my deep concern over the closing of the U.S. Public Health Hospitals proposed in the budget submitted today to the Congress. As I understand it, the Administration intends to close out the eight Public Health Service Hospitals and the thirty outpatient clinics in Fiscal 1972 and will seek to shift the burden of furnishing health care now being met by these facilities to other providers of medical services.

While I can only speak in detail about the activities of the Public Health Service Hospitals in Baltimore, I do believe, based on the Baltimore situation, that the proposed closings are an action directly contradicting in many respects your State of the Union address on January 22, 1971. In that address you set forth the improving of America's health care as your fourth great goal and specifically mentioned the need to get more medical care resources into those areas that have not been adequately served.

The Baltimore Public Health Service Hospital, in addition to providing medical services for those classes of people for whom the Federal Government has assumed medical care responsibility, has been involved in planning with community groups for the establishment of a comprehensive prepaid health program in an inner city area where the availability of private medical services is almost non-existent. Furthermore, the hospital has been actively engaged in training medical personnel and has been carrying out your admonition for new programs to encourage better preventive medicine by establishing a unique Health Evaluation Center. All of these activities are described in greater detail in the enclosed letter which was sent some weeks ago to Secretary Richardson when rumors about the proposed closings first became public.

In your State of the Union address you also indicated that you would ask for an extra $100 million to launch an intensive campaign to find a cure for cancer. The Baltimore Cancer Research Center, a clinical facility of the National Cancer Institute, is located at the Public Health Service Hospital in Baltimore. This research center has been doing outstanding work in the chemotherapy treatment of cancer and is an integral part of the research effort being carried on by the National Cancer Institute. Over a period of time outstanding research facilities and, more importantly, an outstanding research team have been developed, all of which are now jeopardized by the proposed action concerning the Hospital. Surely a total national commitment to achieve the goal of conquering the dread disease of cancer requires keeping his major cancer research unit in being.

Finally, I am particularly disturbed by the lack of in-depth study by the Department of Health, Education and Welfare and the Office of Management and Budget which seems to lie behind this decision to close the Public Health Service Hospitals. Only after the decision had apparently been reached did the Department send out fact-finding teams to look into and evaluate the particular situation in each area. At no time has there been consultation by the Department with local health planning agencies who are charged with responsibility for comprehensive health planning under the "partnership for health" concept contained in Federal legislation.

The proposed closings raise, I believe, very substantial questions as to how the Federal Government shall proceed in achieving the highly desirable goal of improving America's health care. I very much hope the Administration will recognize these questions and re-evaluate the position it has taken on the Public Health Service Hospitals.

Respectfully,

PAUL S. SARBANES,
Fourth, Maryland.

Mr. Speaker, we are told in the budget documents that the sick and disabled who have traditionally used the Public Health Service hospitals will be serviced at private and Veteran's Administration hospitals through "service agreements." Yet, it is well known that in many areas, including Baltimore, the VA hospitals are facing difficulties in meeting their present responsibilities and the private hospital sector is in no position to assume this additional burden. Consequently, it may well be the beneficiaries for whom the Federal Government has medical care responsibility who will suffer.

Furthermore, the proposed budgetary action would terminate the many innovative activities in community health care and in medical education which Public Health Service hospitals across the country have undertaken. It undercuts the expanded role for the Public Health Service envisioned by the Emergency Health Personnel Act of 1970 which was signed into law by the President on December 31, 1970. It makes more difficult the achieving of the great national goal of improving America's health care. I trust that the Congress will not allow this Executive decision to stand.

HARVEY CANAL INDUSTRIAL ASSOCIATION FIGHTS FOR LOUISIANA

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BOGGS. Mr. Speaker, the Second Congressional District of Louisiana, which I have the honor of representing, includes a remarkable waterway known as the Harvey Canal.

This canal, which provides a vital link in the Intracoastal Waterway, is an important factor in the economy of our region, for its banks are lined with a rich variety of industries, principally related to the petroleum industry.

Serving this area is an outstanding organization known as the Harvey Canal Industrial Association. A recent edition of Oil magazine was entirely devoted to the membership and work of this fine industrial association. I am inserting an article from that issue which describes the Harvey Canal Industrial Association, and calling it to the attention of my colleagues:

HARVEY CANAL INDUSTRIAL ASSOCIATION FIGHTS FOR LOUISIANA

The Harvey Canal Industrial Association is a service organization aimed at promoting the development of business and industry in the Harvey Canal area, a prime service center for the Louisiana offshore-onshore oil industry.

Its members comprise a cross section of companies providing service and supplies to the oil patch. These services include drill pipe, drilling mud, geophysical, engineering and architectural services, transportation via rail, barge, truck and plane. It includes construction companies, both marine and onshore; suppliers of pumps, generators and a multitude of other equipment.

New officers serving the association are: Lowell Reeves, Gautier Towing Co., president; George Douglas, Loumiet Enterprises, Inc., first vice-president; Smiley Whittington, Wall Shipyard, second vice-president; Gene Bowen, Louisiana Gas Service, Inc., secretary; and Phil De Amore, Phil's Place, treasurer. Lowell Reeves succeeds John Hooper, Intracoastal Terminals, as president.

Committee chairman are: Lowell Reeves, Steering Committee; George Neilson, Drainage Comm.; Bob Becker, Roads and Bridges Comm.; George Douglas, Membership Comm.; Victor Baker, Legislative Comm.; and John Hooper, Scholarship Comm.

The drainage committee's function is to assist the members through its contacts with parish officials responsible for good drainage around the businesses in the area. The Roads and Bridges Committee seeks improved access to the expressway from service roads on either side of the Harvey Canal Tunnel and keeps in touch with state and local highway and bridge authorities. Legislative matters including the recent demands of the Louisiana oil industry to the U.S. Department of the Interior to reopen lease sales is a concern of the members handled by the Legislative Committee. Selection of the outstanding West Jefferson High male student planning to attend college will be conducted in the spring and the Scholarship Committee will award the student with a $1200 plus scholarship.

DEFICITS AND INFLATION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1971

Mr. COLLIER. Mr. Speaker, many people would like to paraphrase Charles Dudley Warner's famous remarks, "Everybody talks about the weather, but nobody does anything about it," by substituting "inflation" for "the weather," but this would not be correct. Some of us in the Congress have tried to do something about the serious problem of inflation.

If we are just a bit patient, the weather will ameliorate. Today's lightning and thunder will be followed by the rainbow and tomorrow's sunny skies. Unfortunately, the control of inflationary forces will not be brought about automatically, but will require a tremendous amount of self-discipline. It is up to each and every one of us to do his or her part if we want to avoid another catastrophic economic depression such as the one that continued from 1929 to 1940.

The major cause of inflation has been the irresponsible manner in which the Congress has voted for bloated authorizations and appropriations year after year, thus creating annual deficits. Those of us who worked, spoke, or voted for economy in an effort to achieve balanced budgets were severely criticized in many quarters and particularly by the left-wing news media.

It is an ironic paradox that, when the chickens have come home to roost, those who are the most vociferous in denouncing inflation are the same individuals who were the most ardent supporters of the deficit spending that inevitably led to inflation. Let us hope that they will not limit their opposition to inflation to loud and empty rhetoric. Let them instead give encouragement and support to those of us who will be laboring throughout this Congress for fiscal reponsibility.

Mr. Speaker, one of the best items that I have read in a long time on the subject of inflation appeared in the December 3 issue of Iron Age. This editorial, which came from the pen of the publication's able editor-in-chief, Gene Beaudet, is so full of commonsense that I want to make it available to my colleagues:

WHO SAYS IT CANNOT HAPPEN HERE?

(By Gene Beaudet)

It is slowly dawning on the American people that the Tooth Fairy is not going to save them from inflation.

When they wake up tomorrow, they will still see their savings dwindling and their jobs gone. They'll be less secure and even the best laid plans for old age will be going up in smoke.

We are not talking only about the current inflation situation. The grim fact is that inflation in this country occurs more often, lasts longer and hits harder every time it appears.

Who's to blame?

Everybody in government is—from the county seat to the nation's capital. Party lines don't mean a thing.

Everyone is pushing his own projects. Budget restraint is left to the other guy.

No pet cause, project or boondoggle is left unsupported or without funds as the value of the dollar goes down the drain. This, more than anything else, is what causes inflation.

Still, sadly enough, many people in and out of government have gotten the idea that inflation will somehow be overcome. And it is not really a long-term problem at all.

The future will always be better, they believe. The dollar will always be sound. Devaluation will never occur.

But is this true?

History is studded with examples of countries brought to their knees by spending beyond their means. Spending more than you take in, after all, is what inflation is all about.

With chronic overspending, it is only a matter of time until inflation runs wild and currency is devalued. Chaos, revolution and changes of government often follow.

What makes this country think it can defy history? No country that persisted in living beyond its means has escaped this grim, final outcome.

Yet what do we see in the United States today?

Inflation seems to be getting worse, and no one seems willing to join in common cause to fight it.

The Administration, the Senators and Representatives of 50 states are simply not united in their thinking and efforts to defeat this most serious of all threats to our national security.

Everyone in government has his own ideas how to beat inflation—as long as they don't conflict with the furthering of his special interests.

Fences are mended while the house is burning down.

This all adds up to spending by the billions for "very important" causes—spending beyond our ability to pay.

Where does the nation's welfare come in? How can this kind of selfish thinking cure inflation?

It hasn't. It isn't. And it won't.

What can cure inflation is a higher level of personal integrity and dedication by all the men who run the country—no matter what the political cost.

NAVY'S "DOLPHIN"—A PRODUCT OF GOOD WORKMANSHIP

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. WYMAN. Mr. Speaker, I have previously reported to this body on the deep-diving submarine *Dolphin,* AGSS 555, which was designed and built by the Portsmouth Naval Shipyard and is the most sophisticated deep submergence vehicle to date. Forerunner of the very deep diving combat submarine, the *Dolphin* will be able to make explorations in ocean areas where acoustic conditions are favorable for listening, ranging and detection, and collect scientific data in these hithertofore deep unexplored waters for the development of an appropriate weapons system.

The outstanding performance of this small but important ship is set forth in excerpts from a letter from the commanding officer who describes a recent voyage from Portsmouth, N.H., to San Diego, Calif.:

"DOLPHIN" SUBMARINERS REPORT ON SHIP'S PERFORMANCE ON TRIP FROM PORTSMOUTH TO SAN DIEGO

The Portsmouth-built submarine Dolphin (AGSS555) is assigned to Submarine Development Group One and now operates out of the Naval Underseas Research and Development Center, San Diego, Calif. Dolphin sailed from Portsmouth September 10, 1970 after completion of post shakedown availability. "Although we have successfully completed sea trials, a real test of the ship will be our transit to San Diego. You will hear from us upon our arrival in San Diego on the performance of Dolphin during the trip," stated Commander John R. Seesholtz, Commanding Officer, in a letter received by Captain Donald H. Kern, Shipyard Commander, just before Dolphin headed for sea.

Commander Seesholtz and the submariners who operate Dolphin rated work performance by Shipyard craftsmen "outstanding" before sailing and sent back another "outstanding" in the following excerpts from a letter just received by Captain Kern:

"The route selected was via Bermuda, San Juan, Panama, Acapulco and Mazatlan, Mexico. Ocean currents and prevailing winds were the primary reasons for selecting this route as Dolphin is a relatively slow speed ship. Staying close to the East Coast would have meant fighting the Gulf Stream and would have lengthened the trip by at least several days.

"As Dolphin has many unique systems and limited storage aboard, unusual supply problems were anticipated and encountered. To provide some additional logistic support an escort, the USS Apache (ATF-67), accompanied Dolphin from Panama to San Diego, since no Naval Support Facilities were available to assist the ship in the ports visited on the Pacific part of the trip. In the Atlantic, some support was available in each port.

"Considering Dolphin's design characteristics and intended mission, the crew felt the Dolphin performed generally very well throughout the trip and know the ship will be prepared to carry out her mission in the Pacific very capably. She is now assigned to Submarine Development Group One and is doing sonar and oceanographic work under technical direction of the Naval Underseas Research and Development Center."

RICHARD N. GARDNER'S "FREE TRADE BY 2000"?

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. REUSS. Mr. Speaker, Prof. Richard N. Gardner, Henry L. Moses, Professor of Law and International Organization at Columbia University, has written in the January 18, New York Times of the overwhelming challenges facing U.S. world trade worldwide:

FREE TRADE BY 2000 A.D.?

(By Richard N. Gardner)[1]

We are in deep trouble in our foreign trade policy. Faced with high rates of unemployment and inflation, key sectors of American labor and industry are clamoring for import quotas. Our competitive position has deteriorated. The internationalist constituency, which once supported liberal trade initiatives necessary for America's world leadership, has been demoralized and divided by Vietnam. Many young people and intellectuals, looking inward, see free trade as a threat to disadvantage groups and social goals.

Across the Atlantic, a new economic superpower challenges what was once a U.S.-dominated trading system. Britain and three of its partners in the European Free Trade Area are likely to join the Common Market by 1973, bringing membership in the European Community from six to ten. The common external tariff and highly protectionist Common Agricultural Policy will then embrace a Community of 260 million people. And this is not all. In the process of enlargement the Common Market, which has already made preferential arrangements with more than 20 countries of the Mediterranean and Africa, is likely to make additional arrangements of this kind with the European neutrals and Commonwealth countries in Africa and the Caribbean. Thus the United States may well face a discriminatory trading bloc of fifty nations by the middle of this decade.

To complicate matters further, our trade relations have been deteriorating or at least stagnating with other key elements in the world economy. We have pressured Japan to limit her exports of woolen and manmade textiles, while we have made only modest progress in our efforts to get this new economic giant to dismantle her own restrictions on imports and foreign investment. We have made scant progress in eliminating our barriers to the primary products and light manufactures of the developing countries, and the Administration's modest legislative package of tariff preferences for these countries faces an uncertain future in Congress. In our trade relations with the Soviet Union and Eastern Europe, we remain locked in attitudes and restrictions of the Cold War era while the Europeans get the business.

These and other challenges to our trade policy seemed to overwhelm us in 1970. The Executive branch was in an unprecedented state of disarray, with no strong leadership from the White House. Into this policy vacuum came the Mills Bill, which would have legislated quotas on textiles and shoes and paved the way for restrictions on many other products. Mercifully, the Bill did not pass, but we face similar legislation in 1971 unless there is a strong lead from the President.

There are two hopeful developments on the trade front which could help him give this lead. One is the imminent establishment of a new Foreign Economic Policy Council in the White House to develop a unified U.S. policy in place of the frequently contradictory and piecemeal efforts of the major executive agencies. The second is the report of the President's Commission on International Trade and Investment Policy which is due May 31. The findings of this group of economists, businessmen and labor leaders is designed to help the Administration develop a new trade policy for the 1970s.

What are the alternatives? Essentially, there are three main directions we can take.

The first approach is to give way to protectionist demands and adopt restrictions on a wide range of products. Internationally, this would provoke foreign restrictions against our exports—most of them quite legal—and possibly against our foreign investment. It would exacerbate the present trend toward trading blocs and disrupt the world-wide economic links which have made possible the impressive postwar growth of living standards. It would isolate us politically, as well as economically, from our friends. Domestically, it would mean that all of us as consumers would be paying higher prices to subsidize a privileged few. Our domestic inflation would be aggravated, our international competitiveness further reduced. Any gain in the relatively low-wage jobs in our import-competing industries would be offset by the loss of relatively high-wage jobs in our export industries resulting from foreign retaliation. We would have less real wealth with which to solve our pressing social problems.

The second approach, which is the one the Executive branch has followed since 1967, would be to seek authority from the Congress for very small steps forward while buying off the most insistent demands for protection with "voluntary" quotas or other special deals. This may have something to be said for it as a temporary device. But in trade policy, as in other fields. you can die from an overdose of "pragmatism." For one thing, this approach leads to arbitrary and inequitable results, since decisions tend to be made not on the merits but on the basis of political "clout". Moreover, history suggests that without some kind of "grand design" with political as well as economic appeal, it is difficult to contain protectionist pressures, much less make significant progress.

The third approach would be to establish a bold objective attached to a target date sufficiently distant to be realistic, with a program of inter-related measures to move us irresistibly forward toward this goal in stages over the years ahead. Without underestimating the difficulties involved, I believe that objective can only be free trade among the industrialized countries, the benefits to be available without reciprocity to the developing countries on an accelerated timetable and to the Communist countries in return for appropriate economic concessions from them.

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[1] Richard N. Gardner, Moses Professor of Law at Columbia, is the author of "Sterling-Dollar Diplomacy: The Origins and the Prospects of Our International Economic Order."

When the Kennedy round tariff cuts are completed in 1972, the majority of tariffs in Europe and the United States will be 10% or less. A free trade treaty could provide for the dismantling of these in annual installments over a period of up to ten years and the elimination of the higher tariffs over a period of up to twenty. In a very limited number of politically sensitive areas the beginning of the reductions might be delayed until 1980, but all barriers would have to be eliminated by the end of the century. With this very gradual approach, severe displacement of labor and capital would be avoided, yet there would be an irrevocable movement toward trade freedom on the basis of which people could plan.

Tariffs, of course, are now only a small part of the trade problem. A free trade program would have to include the systematic dismantling of such non-tariff barriers as quotas, subsidies, and government procurement favoring domestic producers. It would also have to deal with a type of non-tariff barrier whose importance seems destined to grow in the next few years—restrictions on imports designed to protect health, consumer safety, or the environment. Progress here will require an unprecedented degree of harmonization of domestic policies so that the countries with the lowest environmental standards do not get more than their share of trade and investment. The elimination of non-tariff barriers will be an extraordinarily complex and difficult business, but it would be facilitated if it were done pursuant to an overall free trade program.

Agriculture presents the most difficult problem of all, but one that is unavoidable since the United States and other countries will not be able to move very far toward free trade in industrial products without concessions on the agricultural side. Although prospects at the moment may seem dim, pressures are building up in the U.K. and this European Community for major reforms in the Common Agricultural Policy. We should aim for an international negotiation within the next few years to reduce the level of domestic price supports and eventually phase out agricultural protection.

To make such a bold program possible would require bold moves in other areas—a greatly expanded program of assistance for workers, communities and firms adjusting to international competition; new international rules covering the rights and responsibilities of multi-national companies and the conflicting efforts of governments to regulate them; and improvements in the international monetary system providing sufficient liquidity and some greater flexibility in exchange rates.

For a free trade program of this dimension to succeed would also require a substantial strengthening of international institutions. The General Agreement on Tariffs and Trade, now in a sadly undernourished state, needs new rules on non-tariff barriers, faster procedures, new voting arrangements, and conciliation machinery with teeth. The International Monetary Fund and the Organization for Economic Cooperation and Development will have to become forums, not merely for consultation, but for the negotiation of "adjustment packages" in which surplus and deficit countries take firm commitments to modify undesirable internal and external policies.

Such a program will be called "impractical". It is—except when compared with the alternatives. I do not see any other approach that can contain protectionist forces here and abroad, reconcile European integration with the interests of the United States and other outsiders, and provide the open trading world essential to economic and social progress.

This "grand design" for free trade cannot get underway until we throw off the economic and psychological burdens of Vietnam and restore reasonable health to our domestic economy. It will probably have to wait also until the Kennedy round cuts are completed and the European Community completes its negotiations with the U.K. Thus it is a program for 1973, not 1971. Nevertheless, its endorsement now by political and business leaders around the world could transform the present grim climate of economic diplomacy.

The interdependence of nations has outpaced the development of economic policy. We must find economic policies to match the facts of interdependence if the benefits of interdependence are not to be sacrificed. This is an assignment for the century second only to the search for lasting peace.

CAMBODIA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. RYAN. Mr. Speaker, 6 years of tragic history have apparently taught this administration no lesson. More than 50,000 dead American servicemen, hundreds of thousands of Vietnamese dead, 8 million Asian refugees, have apparently taught no lesson. The location now is Cambodia, but the plot line is a familiar one—we have seen it wrung out on our television sets and in our newspaper headlines for 6 long years now.

Last June 30, the President, announcing the end of the U.S. incursion into Cambodia, told the American public that "there will be no U.S. air or logistics support" for South Vietnamese forces in Cambodia. Nor would there "be U.S. advisers on these operations." At the same time, he said there would be "air interdiction" missions.

Congress, mindful of the past contortions of rhetoric, subsequently adopted the modified Cooper-Church amendment in the Supplemental Foreign Assistance Authorization Act, Public Law 91–652. This provides, in section 6:

> (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.
>
> (b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

Now, the Secretary of Defense has a new line. He disdains "semantics" and pronounces that "as far as Cambodia is concerned—we will use air power, and as long as I am serving in this job, I will recommend that we use air power to supplement the South Vietnamese forces." This he said just last week.

The line becomes even grimmer. On Tuesday, January 26, the Secretary released a statement prior to his appearance before the Senate Armed Services Committee in which he maintained:

> Under the Nixon Doctrine, we have, we will maintain, and will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

If we did know that this scenario only means deeper involvement in a dead end war, we might think we were reading lines from a comedy—a comedy of errors.

We must end the war. The administration extends it. We must stop the death and destruction. The administration increases it. We must spare the people of Southeast Asia added misery. The administration promises more.

On the opening day of Congress I introduced House Concurrent Resolution 50, calling for an immediate halt to U.S. offensive operations, and complete withdrawal of American forces from Southeast Asia by June 30, 1971. Its passage will end the war; Congress must exercise its full powers to achieve this end.

I include in the Congressional Record two editorials, one from the January 25 edition of the Buffalo, N.Y. Courier Express and one from the January 27 edition of the Washington Post. They are apt; they are compelling. I commend them to my colleagues:

[From the Buffalo (N.Y.) Courier Express, Jan. 25, 1971]

War Policy: Congress Hurt Again

The latest example of Defense Department trickery, in expanding military operations in Indochina, should teach Congress once and for all that it cannot take anything for granted in its efforts to halt escalation of the war. The leaders of the House and Senate will be tragically remiss if they do not at once launch full-scale enquiries into the obvious policy shift involving tactical air strikes in Laos and Cambodia.

A tentative start in the right direction has been made by 64 House members who have petitioned for specific legislation curbing funds for such air attacks as the use of American helicopter gunships to support friendly Cambodian, or Laotian, or Thai, troops of offensive missions. But many congressmen, and others, thought this curb was accomplished in the Cooper-Church resolution last year which banned funds for the use of American combat troops or advisers in Cambodia.

Now Defense Secretary Melvin R. Laird claims that since Congress did not specifically ban the air support when it voted a $1-billion military-aid bill, in effect Congress sanctioned the attacks. Laird also contends this shift from "interdiction" of North Vietnamese supply lines to full-scale air support of ground troops is in line with the Nixon Doctrine outlined at Guam in 1969. But others insist that policy statement warned that we should not let ourselves get drawn into step-by-step war involvements as we did in Vietnam. Yet that's what has happened in Cambodia.

Last June, President Nixon promised, after our troops had ended Mr. Nixon's invasion of Cambodia that there would be "No United States air or logistics support" for further South Vietnamese operations in Cambodia. That seemed clear enough. Now, Secretary Laird, not wanting to get involved, he says, in the "semantics" of the issue, blandly vows he'll use all facets of U.S. air power in both Cambodia and Laos. In tandem with renewed bombing strikes against North Vietnam, this does not spell de-escalation of the war.

It seems that "assurances" from the president means very little; it is naive to rely on such assurances. Or to plead for more of them. We need more than pious assurances; we need some legal safeguards. Only Congress can supply those. When the apparent intent and spirit of an act such as the Cooper-Church resolution can be so callously perverted, then this administration has erected a credibility gap as frightening as anything preceding it, then the executive branch has reached the stage when solemn treaties can be shrugged off as mere scraps of paper.

American "liaison" soldiers (not advisers?) have been photographed with our gunships on the ground in Cambodia. The excuses used by the Pentagon to try to justify the new policy are incredible inversions of logic and reason. There is no justification, so far, that is acceptable for resuming the bombings of North Vietnam. We think the administration wrong if it believes the public and Congress will swallow, without question, the latest escalation of the war in Indochina under the illusion that it really means withdrawal from that war.

[From the Washington Post, Jan. 27, 1971]

CAMBODIA: TRUTH OR CONSEQUENCES

At the top of the right hand column on this page today we are printing, For the Record, some pertinent excerpts from President Nixon's definitive speech on Cambodia last June and we suggest you glance at them before reading on. What you will discover, in comparing what Mr. Nixon promised with recent reports of official briefings in Saigon and Phnom Penh and recent pronouncements by the White House and the Secretary of Defense, is that the administration is not doing what it said it was going to do in Cambodia or *is* doing what it plainly promised it would *not*—even while steadfastly denying that it is doing anything of the sort.

One way or the other, we are once again not being told the truth about this war. And once again we are—all of us—suffering the consequences of dissembling—the disquiet which breeds dissent which prompts the congressional hearings which feed administration defensiveness; the breakdown of public trust and the imputations of disloyalty which fan debate; the political division which robs our efforts of their force by conveying irresolution to the enemy. The Nixon administration would have us believe that this is all the fault of the war critics but those who have been around this vicious circle more than once in recent years are in little doubt about where the process begins. It begins with solemn pledges from the highest government officials which are not fulfilled. Then comes the fine print and the fancy rhetoric and the political finagling which cannot quite be put down—and probably shouldn't be—as lies or even calculated deceit, but yet have that look. And so the value of the next pledge depreciates.

What is a senator or a citizen to make, for example, of today's reassurances of a strictly limited American role in Cambodia. Only seven months ago the President told us there would be "no U.S. ground personnel in Cambodia except for the regular staff of our embassy in Phnom Penh" and yet, a day or so ago, an Associated Press photographer caught on film an American in combat dress running to a helicopter. The President tells us in June that there will be no U.S. advisers with Cambodian ground troops; in January they are discovered hovering just overhead in helicopters, calling in air strikes, and there are reports of "military equipment delivery teams" at work.

In June, Mr. Nixon drew a careful distinction between U.S. air interdiction missions specifically aimed against efforts to reestablish the Cambodian sanctuaries along the South Vietnam frontier and U.S. air support for South Vietnamese incursions into Cambodia. "There will be no U.S. air or logistics support," for these South Vietnamese operations, he declared emphatically. Yet, in January the Secretary of Defense disdains "semantics" and taunts the Congress with the promise that "as far as Cambodia is concerned . . . we will use air power, and as long as I am serving in this job, I will recommend that *we use air power to supplement the South Vietnamese forces* . . ." The simple fact of the matter seems to be that we are using air power, including close-in support from helicopter gunships, not just in support of the South Vietnamese in Cambodia, but in support of embattled Cambodians as well, anywhere local American commanders see a need to help the Cambodians with their own defense. And American military aid, of course, is no longer talked of in terms of $5 million dollars for "small arms and relatively unsophisticated weapons"; already, it has ballooned into a mammoth, across-the-board, $250 million affair.

The administration has an easy answer to all this, of course, which is that it is not violating any laws or exceeding the letter of congressional restraints and while this may be technically true, it is also beside the point. For if the President chooses to determine on his own that the fate of "Vietnamization" runs with the fate of Cambodia and that it all somehow relates to buying time for the safe withdrawal of American troops—if that is where we are now, by contrast with where we were in June—then he can probably get away with it, legally. But there is some fairly recent history that suggests this is an exceedingly dangerous business politically—and even militarily. The experience of the early days of President Johnson's stealthy expansion of our Vietnam effort surely tells us this. Yet Mr. Laird airily refuses to deal in "semantics" and lets it go at that.

We doubt, somehow, that the Senate Foreign Relations Committee will let it go at that when hearings on Cambodia get under way tomorrow. But we also hope that those proceedings do not bog down in raucous debate over congressional-vs-presidential prerogatives. What we need to know now is what happened between June and January and how we got where we are in Cambodia and why, and where we are headed. If this administration has learned nothing else about Vietnam, it should have learned by now that the truth, whatever it is, will be easier to live with than the consequences of not telling it.

OPPOSE BILL TO ALLOW ABORTION ON DEMAND

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. HOGAN. Mr. Speaker, on January 28, 1971, I presented testimony to the Maryland State Legislature opposing a proposed bill which would allow abortion on demand.

This is an issue of such great import on the National, State, and local levels that I insert the testimony I presented on that occasion at this point in the RECORD for the information of all Members.

I hope that Marylanders will rise up in righteous indignation and let their representatives in the State legislature know their opposition to this bill.

The testimony follows:

TESTIMONY OF U.S. CONGRESSMAN LAWRENCE J. HOGAN

My name is Lawrence J. Hogan. I live in Landover, Maryland, and represent the 5th District of Maryland in the U. S. House of Representatives.

I thank you for this opportunity to testify in opposition to H.B. 100, which is an "abortion-on-demand" bill. We are all aware of the tremendous public interest in this topic and of its very serious nature. Undoubtedly, this will be the most important piece of legislation before this Committee during the current session—and may well be the most important legislation before the entire legislature. If this bill passes, abortion in the State of Maryland will be practically unrestricted and a public policy stated that is permeated with serious social, economic, and moral problems.

One hundred and ninety-five years ago, Marylanders and other Americans joined hands and declared themselves a free people. In so doing, they set forth in writing a statement of the principles and attitudes which joined them together and which have ever since expressed the common philosophy of our Nation. The first of these principles, they wrote, is self-evident: all men are created equal. Early drafts of the Declaration of Independence had used the phrase "all men are born equal," but after considerable discussion, the framers of the document decided that they wanted to go on record as accepting that human beings possessed personal dignity, individual worth, and inalienable rights from the time of their creation—from the time of conception. This is history.

Today, in Maryland as elsewhere, that principle is under attack. I rise to defend it. In so doing, I do not mean to question the motives of those who disagree with me, or to demean their deep concern about personal and social problems.

The issues raised by H.B. 100 are no less important than those raised by the Declaration of Independence itself. H.B. 100 reflects its proponents' concern about the rights and health and comfort of pregnant girls and women. It does not, unhappily, treat the rights and health and comfort of other interested parties—most basically, the living unborn child within the womb. Nor does it treat the rights of the father of this new life . . . nor does it treat the concerns of the parents of the pregnant girl where she is a minor child. These omissions would not matter, however, if we could be certain that the life inside the womb was somehow not fully human. But the contrary is true! Scientific evidence is overwheming that from a very few days after conception, the fetus is a full human person. His circulatory and digestive systems are his own. His genetic make-up is complete—and, incidentally, unique. It can never be duplicated. He is in no way a part of his mother and hence cannot or should not be treated as if he were, regardless of the intensity of his mother's wishes.

Of course, this fetus is tiny, and therefore vulnerable. He lacks full physical development, and may, in the eyes of some, be unattractive. His personality does not express itself in ways intelligible to most adults of his species, and so he may seem to have none. Are feebleness, unattractiveness, helplessness valid reasons for attack, rather than for defense?

Who among us can say this his conception was planned? That the news of his beginning was welcomed by his parents without question? Who can say for certain that he would even exist if it had not been for the protection of our customs and laws which have revered life at all its stages? The pages of human history are filled with contributions and accomplishments of unwanted, illegitimate children.

Because the fetus is a human being, he should be accorded the same rights that other human beings enjoy. Maryland's current law already accommodates the real concerns for the health of the mother of an unborn child; the present bill would give her the power of life or death over another member of our society, one who lives within her and depends on her for defense. Such power would be given to any pregnant girl or woman by this proposed bill.

H.B. 100 allows abortion upon the request of the mother up to twenty weeks after conception, and thereafter only if it "is deemed necessary in the judgment of the treating physician." This is a distinction without a difference. Any time requirement is illusory rather than real. Rarely does a girl know exactly when she became pregnant and, even if she does, what's to prevent her from lying about when she got pregnant? What it boils down to is this: any pregnant female may obtain an abortion if she finds a doctor who will agree to do it. Is this something our consciences can live with?

You and I share in the privilege and responsibility of formulating public policy and making laws for our fellow men. Without trying to be exhaustive about good lawmaking, I wish to criticize this bill from the point of view of what must go into a good law. It seems to me a law dealing with such a complex social, biological, economic and moral issue ought to have these characteristics:

First, *it should reflect the best medical and scientific judgment available*. We deal with human life at its beginning. If the physicians and scientists tell us—as they do—that the fetus, at say, 15 weeks, is definitely a *human person,* how can we kill that human person without guilt? This is the hardest question to answer in the abortion argument, but one we must face up to: if biological science declares that a 15-week-old fetus is a person, then our law can allow intentionally killing such an innocent person only when another human life is at stake. This bill, by permitting abortion up to twenty weeks would make legal the killing of fetuses which science tells us are *undoubtedly* human persons, and which, in many cases, would even be viable. There are numerous instances when such aborted children have lived.

Second, *a good law does not help solve one social problem by creating others*. Besides the problem of the unborn, unwanted child, we have the problem of "back-alley" abortions and the problem of death or injury to the aborting mother through improper surgical techniques. The New York experience since last July indicates that a so-called "liberalized" abortion bill does not solve these: it creates an "abortion mentality" which fosters thousands of unnecessary abortions and it appears there have been *more* deaths than before, rather than fewer. We should not go down New York's road until we have time to study their experience and see where that road leads.

Another problem in Maryland is the increasing difficulty of adoption. The "demand" by would-be adopting parents, I understand, far surpasses the "supply" of babies. Instead of encouraging and legalizing unnecessary abortions, perhaps we should by tax credits or subsidies during pregnancy, help the woman to carry her child to term and then put him up for adoption. We should also adopt a more compassionate attitude toward the unwed mother.

Third, *a good law should harmonize the rights of all interested parties*. Here the proposed bill completely overlooks the uncontroverted fact that the child in the womb is not just a growth in someone's body, like tonsils or an appendix, but is a real human being who, in my opinion, has the right to life. According to inheritance law and tort law, that child has legal rights and should have the right to not be deprived of life and liberty without due process of law. The *father* also has rights in this matter: indeed, the bill before you creates the anomaly that the father might have to pay, involuntarily, a $500 medical fee to a doctor *for killing his child*. Your bill does not even require his written consent. The *parents* of the unwed, minor mother have similar interests, but they are not even mentioned in the proposed bill.

Fourth, *a good law should not foster crimes or put honest people into impossible crises of conscience*. Under similar laws in other states and in England, frequently an intended abortion results in the birth of a living child. Nurses are told to put him into a bucket and toss him into the incinerator. Thus the public policy of the given jurisdiction actually promotes what its laws define as *manslaughter*—and requires conscientious hospital personnel to witness or even help in the killing of a living human being, contrary to all their training, instincts, and moral convictions.

Fifth, *a good law respects the common morality of a pluralistic community*. We are not talking about contraception here; we are talking about *killing*—not just "obtaining," as the Act euphemistically puts it—a baby *after* conception. A large segment of the people of Maryland—and I am included in that group—believe this proposed law would legitimize the killing of other human beings. To allow this "on demand," is to depart from the common law tradition which allowed the killing of other persons only in self-defense situations; or, more recently, in the strict therapeutic-abortion situations where the actual physical life of the mother was certain to be jeopardized by the pregnancy's continuance.

This Act would change that common morality and require a good portion of our population to collaborate, indirectly through their taxes, in what our criminal code punishes as the worst of all possible crimes.

Sixth, *the right to live is as basic a right as one could imagine*. How far will we go? As a result of the abortion mentality arising in this country, I am told a bill has been introduced in Florida to permit the euthanasia of the elderly under certain conditions. The arguments of population-control, in many people's minds, apply to *anyone* "unfit to live." We are close to Huxley's *Brave New World*—a very dangerous and inhumane place to live—when we declare by statute that two persons in a doctor's office can decide who shall live and who shall die, with often the sole motive being only the personal convenience of one of them.

Seventh, and finally, *a good law emerges out of sound common sense and not emotionalism*. At the outset I acknowledged the sincerity of this bill's proponents and I reiterate that acknowledgement now; but it is common knowledge that emotionalism plays a good part in the pressure for this bill. One aspect of it is the population-control argument; yet demographers tell us that our population growth, probably because of contraception, is practically stable. And in any event, in the U.S. the problem is not numbers of people but *distribution* of those people. Two-thirds of this country is practically empty of people, while they leave the farms and small towns and pile into the cities. We need an incentive policy to encourage the repopulation of the rural areas—not abortion-on-demand. . . . Another argument is women's rights—but, appealing as it is, it is unrealistic to make this point in a vacuum, without considering biological and legal truths which remind us that the unborn child also has rights. Yes, let's be attentive to women's rights, but what about baby's rights? Who speaks for those unborn constituents? In a very real sense I am here today testifying for that unrepresented group of humanity who has no lobby group, who can't write you letters. They ask nothing more from you than what is their basic right—the most cherished right that any of us possess—the right to life.

Some time ago, we were all shocked to see on television pictures of grown men killing baby seals by beating them to death with clubs. Our shock and disgust were justified. But what about the destruction of human babies? Haven't they more worth than baby seals? It is sad that we cannot get the conservationists aroused over destruction of human life. The burning by saline solution, the dismembering, the torture and agony of the tiny, but sensitive, fetus are so real and so revolting that one hesitates to describe them. But the scientists assure us that the cry of an unborn infant is still a shriek of pain even if it is muffled, and it should be on the consciences of the legislators and citizens as much as it is on the ears of the nurses and doctors who hear these shrieks.

Can you treat life so recklessly, so callously? Can you give legal sanction to those who would disregard the dignity and very life of one human being for the convenience of another?

This legislation is not worthy of our past and is a disservice to our future.

I urge you. I plead with you, in the name of humanity, in the name of those unborn innocents whose death warrant you would be signing, to defeat this bill.

CUBA—SOVIET LAUNCHING PLATFORM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. SCHMITZ. Mr. Speaker, the following two articles concerning the Soviet presence in Cuba should be of great interest to everyone who is interested in such things as Soviet presence.

Cuba becomes a substantial strategic threat to the people of the United States when integrated into the Soviet psychopolitical and nuclear military warfare operations plan. One well-informed commentator has aptly termed Cuba a "900-mile-long launching platform."

Allowing the Soviets to acquire significant military and political advantages is not going to lead to the reduction of tensions as some sources would have us believe. Tensions arise directly from Soviet goals and activities directed toward achieving these goals to which all Americans who are in favor of national sovereignty and a free society are in absolute opposition. To permit the Soviets to obtain operational bases off the coast of Florida, which increases the scope and intensity of their tension-producing activity, is contrary to the entire concept of reducing tensions.

For those interested in preventing a nuclear war, especially one which introduces the North American Continent into the strategic equation as the primary battlefield, it should be quite clear that failing to oppose Soviet advances in the Caribbean is not particularly conducive toward this end.

The SALT talks will hardly become more productive if we allow the Soviets to maintain and fortify bases in Cuba which increase their strength. If Soviet unimpeded advance in the Caribbean can be achieved by talks in Europe then it is quite likely that the Soviets will drag out the talks in order to increase their real and material advance in this area.

The first article is by investigative reporter Paul Scott and appeared in Review of the News magazine of January 27, 1971, and the second was written by three well-known experts in the field of Latin American affairs, Dr. Manolo Reyes, Dr. Herman Portell-Villa, and Dr. Guillermo Belt, and appeared in the American Security Council's "Washington Report" for January 25, 1971.

The articles follow:

THE COMING CUBAN CRISIS

(By Paul Scott)

There is a difference as great as night and day between that highly reassuring public statement of President Nixon on Soviet naval activities in and around Cuba and the information gathered by U.S. Naval Intelligence.

While the President sees no Russian naval base in Cuba, our Navy is privately warning that for all intent and purpose the Soviets now have a base at Cienfuegos, Cuba, capable of handling missile-firing, nuclear submarines. The U.S. Navy also gathered hard evidence that the Cienfuegos base is partly operational and was used recently to service Russian submarines operating in the Caribbean.

This is the ominous conclusion of the latest Naval Intelligence estimate of Soviet naval capabilities and intentions in Cuba waters now being circulated at the highest levels of the Nixon Administration.

The highly classified document was prepared before President Nixon made his astonishing statement over nationwide TV while being interviewed by four network correspondents. In discussing Cuba and Soviet naval activities in the area, the President stated:

"Well, I can tell you everything our Intelligence tells us, and we think it's very good in that area because as you know, we have surveillance from the air, which in this case is foolproof, we believe.

"First, let's look at what the understanding is. President Kennedy worked out an understanding in 1962 that the Russians would not put any offensive missiles into Cuba. That understanding was expanded on October 11, this year, by the Russians when they said that it would include a military base in Cuba and a military Naval base. They, in effect, said that they would not put a military Naval base into Cuba on October the 11th.

"Now in the event that nuclear submarines were serviced either in Cuba or from Cuba, that would be a violation of the understanding. That has not happened yet. We are watching the situation closely. The Soviet Union is aware of the fact that we are watching closely. We expect them to abide by the understanding. I believe they will.

"I don't believe that they want a crisis in the Caribbean and I don't believe that one is going to occur, particularly since the understanding has been clearly laid out and has been so clearly relied on by us, as I stated here today."

In sharp contrast to this Presidential "fig leaf," the highly classified Naval Intelligence document reveals that late in December a Soviet submarine tender operating from Cienfuegos, Cuba, carried out "servicing exercises" with three Russian submarines. The operational rendezvous of the Soviet surface ship with the submarines, including one nuclear powered sub, was the first of its kind for the Russians in Cuba waters. The bold "servicing exercises," photographed by U.S. reconnaissance aircraft, took approximately two hours and included the loading of supplies from the Soviet tender to one of the three submarines.

At least a dozen members of the submarine crew were exchanged during the operation. Those leaving the submarine were taken to Cienfuegos for "rest and recreation" or flown from Cuba back to the Soviet Union. Several high-ranking Soviet naval officers who had been flown to Cuba from the Soviet Union took part in the exercise.

Naval submarine analysts who studied the Intelligence estimate say the "servicing exercises" definitely show that the Soviets can and are planning to use Cienfuegos as a submarine operating base.

Although the actual rendezvous took place outside of Cienfuegos Harbor, all supplies transferred to the submarine from the Russian tender were first picked up at the Cuban port. This clearly indicates that the Kremlin plans to use Cuba as a major supply base in the Western Hemisphere. Soviet naval crews housed in barracks at Cienfuegos Harbor were used to load the supplies on the Soviet submarine tender. Several members of the Soviet land-based crew went aboard the tender and took part in the "servicing exercises."

In addition to the carefully planned supply operation, the submarine tender and the submarines were in direct radio contact with a newly built naval communication center at Cienfuegos. Cuban refugees report that the center is completely manned by Russians. The high-powered radio at Cienfuegos is already being used to transmit weather and coded messages to Soviet missile-firing submarines now believed to be stationed off the Atlantic Coast as well as in the Caribbean and Gulf of Mexico.

The original copy of this Naval Intelligence estimate was forwarded to the White House during the recent holidays where Dr. Henry Kissinger, the President's National Security Advisor, indicated that it would be carefully used in the formation of any Cuban action deemed necessary. Yet, while the Intelligence finding leaves no doubt that the Russians are using the Port of Cienfuegos as a submarine base, there has been no official determination of this at the White House policy-making level. All Naval officials involved in the drafting of the estimate have been able to learn is that the estimate is now in the hands of Kissinger's foreign policy staff in the White House for "further analyzation and study." *No National Security Council meeting has been called to discuss its ominous implications.*

President Nixon's unexpected TV statement on Cuba not only surprised and shocked Naval Intelligence officials, but they had no inkling that the President would discount the Soviet naval activities in the Cuba area, nor could they fathom his reasons for doing so. The President's statement highlights the often frightening gap that exists at times between those who have responsibility for gathering the facts and those who interpret them for use in policy-making.

The position the President is taking has been interpreted by these Naval officials as an indication that President Nixon and his policy-makers haven't been able to agree on what to do about the new Soviet threat. If they accept the hard facts of the Naval Intelligence estimate, it is pointed out, the President and his advisors must conclude that the Russians have double-crossed them and violated the "understanding" not to use Cuban ports or bases for their submarines. That finding might trigger a new U.S.-Soviet "confrontation" over the use of Cuba as a base for offensive weapons—a "confrontation" that the Nixon Administration apparently is not willing or ready to face at this time, or which it wants delayed for reasons that are only known at the White House level.

Significantly, Mr. Kissinger recently asked Secretary of State Rogers again to sound out the Soviets on whether the submarine tender now operating in Cuba's waters will permanently use Cuban ports. Naval intelligence officials say the answer is clear by the fact that the submarine tender has been operating out of Cuban ports for the past three months and another is en route to replace it.

Two other parts of President Nixon's statement on Cuba also bother officials at Naval Intelligence. One was his pronouncement that he believed the Russians would keep the "understanding" not to put a naval military base in Cuba. In effect, the President by saying this publicly was accepting the private assurances of Soviet Foreign Minister Gromyko and Ambassador Dobrynin over the hard facts gathered by the Navy. Yet, Gromyko and Dobrynin are both known to have lied to the late President Kennedy during the 1962 Cuban missile crisis. At the time the Russians were sneaking I.R.B.M.s and medium-range bombers into Cuba, Gromyko and Dobrynin were assuring Kennedy that the Soviets had no intention of putting offensive weapons on the island.

To most military Intelligence experts it is a little frightening that President Nixon would even consider discussing Cuba with the two Soviet diplomats after their earlier deceptions. And to accept their word now, as the President says he has, is considered folly of the most dangerous kind. Especially in light of the Intelligence that the President has access to on Soviet activities in Cuba.

The other disturbing statement by the President was his contention that U.S. surveillance of Cuba from the air is foolproof. None of the Intelligence services have claimed that. For months, Defense Intelligence officials have been urging that more use be made of Cuban refugees so that the government wouldn't be caught "off guard" as it was before the 1962 Cuban crisis. Despite the high degree of accuracy of new U.S. reconnaissance cameras and devices, they still can't determine what is hidden under camouflage facilities and in storage areas. It is pointed out that daily reconnaissance flights would be needed over Cuban ports to determine if any Soviet submarines were using them. Now, if there are two reconnaissance flights a week this is considered high. And still unknown to U.S. officials is what the Russians have succeeded in hiding in the hundreds of caves being used as military storage areas on the island.

This lack of vital intelligence about Soviet activities in Cuba is privately admitted by rank and file American Intelligence officers. They claim it is the result of policy restrictions placed on the methods they can use to gather information on Cuba. An example of these restrictions is the White House bar against financing Cuban refugee operations to gather firsthand data on Soviet activities on the island. White House aides take the position that this type of intelligence gathering is prohibited by the 1962 "understanding" on Cuba reached by U.S. and Soviet officials.

The only sure way that the U.S. can learn the full Soviet capability in Cuba, these Intelligence officials say, is to use anti-Castro refugees to do the spying. "As long as the policy-makers have the preconceived idea that Russia has no plans to use Cuba as a military base," stated one military Intelligence officer, "it is impossible to convince them that a round-the-clock surveillance of Cuba is needed."

There are increasing signs that the President's handling of Cuba is closely tied to his strategy for the Strategic Arms Limitation Talks (S.A.L.T.) with the Russians. Drafted by Presidential Aide Kissinger, the S.A.L.T. strategy calls for the U.S. to avoid any direct confrontation with the Soviets until it can be determined if the Russians are serious about curbing defensive and offensive weapons delivery systems. Kissinger privately takes the position that a U.S. admission that the Russians now have an operational naval base in Cuba could trigger demands in Congress that immediate action be taken to force the Soviets out of Cuba.

Such a U.S.-Soviet confrontation in turn would force a complete breakdown of the S.A.L.T. negotiations, which have been given the Administration's highest foreign policy priority. President Nixon is counting on reaching a missile agreement with the Soviets before the 1972 Presidential campaign.

During the recent Helsinki round of the S.A.L.T. negotiations (November 2 to December 19), the Soviet delegation showed its diplomatic interest in Cuba. The Soviet negotiators noted that Russia had every right to put a military base in Cuba if she so desired. They contrasted a Soviet base in Cuba to U.S. bases in Europe or the Mediterranean. The inference was that the Russians would be willing to forego any Cuban base if the U.S. pulled its aircraft carriers out of the Mediterranean or gave up its air and naval bases in Spain. The Soviet negotiators' argument is in line with the main Russian S.A.L.T. demand. It states that the U.S. must include its aircraft bases in Europe and aircraft carriers in the Mediterranean in any overall agreement covering both offensive and defensive weapons.

This use of Cuba as a S.A.L.T. bargaining weapon clearly highlights the importance that the Kremlin attaches to its naval activities on that strategic Caribbean island. In light of this use of Cuba, Intelligence officials would like to see President Nixon adopt a more realistic view of what the Russians are up to in the Caribbean. Unless the President acts quickly, they see the Kremlin using Cuba to blackmail this country into either pulling its Naval forces out of the Mediterranean area or forcing the U.S. to make other concessions.

The American Intelligence community sees the Soviet naval base in Cuba as part of a network of naval bases the Russians are now establishing around the world. These include Mersa Matruh, and Alexandria, in Egypt; the Socotra Islands at the mouth of the Red Sea; and, a former French base in Algeria. The expanding Soviet navy also has acquired the right to use the Port of Modisio in Somaliland, Trincomalee in Ceylon, the Mauritius Islands in the Indian Ocean, and one or more ports in Nigeria.

The establishment of this network of bases by the Soviets is being cited by Intellience officials as evidence that the Kremlin has adopted a forward military strategy designed to control the strategic waterways of the world. This forward strategy also will permit the Soviet's missile-firing nuclear submarines to remain on stations constantly within the defenses of the U.S. and other N.A.T.O. nations. Its potential for blackmail, alone, is enormous!

If viewed in this light, the construction of the Cienfuegos base in Cuba is an even more ominous development than the attempted deployment of Soviet nuclear missiles on Cuban bases in 1962.

The Cienfuegos base would be needed if really large numbers of nuclear submarines were to be continuously off the coast of the United States. That is the true threat of the base. Which suggests in turn that the Soviets are now planning continuous deployment of very large numbers of "Yankee" class and other nuclear submarines in the Caribbean and along the American coast. The Cienfuegos operation reveals an undoubted Soviet intention to gain a solid "capability" to knock out the Panama Canal and the entire land-based bomber component of the U.S. deterrent, plus the controls of the "Safeguard" A.B.M. system.

The most horrifying single aspect of the story of the Cienfuegos base is still the response with which the bad news was met at the White House and in Congress. Consider a simple comparison. In 1962, the Congress was in flames over reports of Soviet missiles in Cuba, even before the presence of those missiles was confirmed by U-2 reconnaissance photographs. Contrast this with the near Congressional silence that has engulfed the news from Cienfuegos ever since it first came out that the Russians were building a base there.

And then think of the Nixon Administration's response to *this* news, that is even more alarming! Consider President Nixon's reassuring statement that the Russians have no plans of doing what our Intelligence people say they are doing.

The obvious intent was, and is, to prevent the American public from growing alarmed, when we should be deeply alarmed. The question each of us should personally ask the White House and our Representatives in Congress is: Why is the full story of Soviet activities in Cuba being withheld from the public?

If enough of us raise our voices, we can force the Nixon Administration to take the necessary measures to dismantle the Soviet nuclear submarine base in Cuba before it is used as a serious *blackmail* threat!!

One wonders what the outcome of the first Cuban missile crisis would have been if the late President Kennedy had delayed the Naval blockade of Cuba and warning to the Russians until after the Soviets had their missiles operational. How serious would Soviet blackmail have become? Intelligence leaks, some of them by the same sources that provided information for this article, forced Kennedy to act sooner than he originally had planned. Many involved in the first Cuban missile crisis believed that had Mr. Kennedy delayed his blockade decision a week or ten days the outcome would have been different.

What *does* Mr. Nixon's procrastination mean? Certainly no answer comforting to those concerned about American security is possible!

CIENFUEGOS: THE TIP OF THE SOVIET ICEBERG IN THE WESTERN HEMISPHERE

(A Report by the Cuban Watch Committee on Cuba)

(EDITOR'S NOTE.—This analysis which assesses the strategic implications of the stepped-up level of Soviet activity in Cuba, has been released by three respected members of the growing Cuban community of 600,000 persons who have been forced into exile in the United States by Castro's Communist government It takes into account numerous intelligence reports, including those reaching them from various Cuban underground sources which in the past have proven reliable, and evaluates them against the broad background of their own personal experience in the fields of diplomacy, international law, politics, education, economics, and public affairs.)

SOVIET MILITARY ACTIVITY NOT CONFINED TO CIENFUEGOS

Since mid-1968 Cuban underground sources have been reporting regularly on Russian progress in converting Cienfuegos, on the southern coast of Cuba, into a key Soviet naval base in the Caribbean.[1] However, this did not come to the attention of the American public until a Soviet naval flotilla visited there on September 9–12, 1970. This event forced the White House to remind the USSR of the 1962 agreement between President Kennedy and Premier Krushchev that peace in the Caribbean could only be assured if Soviet nuclear missiles and bombers were not reintroduced into the Hemisphere. This incident itself is but one aspect of the greatly accelerated over-all Russian military program in Cuba. Reports from the underground which underline its alarming scope include.

The Soviet plan to develop the island of Cuba into a major naval operating base. This involves the modernization of the harbors of Nipe, Caribarien (Cayo Frances), Matanzas, Havana, Mariel, Cabanas, and Bhia Honda, all on the northern coast, and Santiago de Cuba and Cienfuegos on the southern coast. Mariel, 20 miles west of Havana, already has submarine pens that are operational; construction crews are working day and night at Caibarien and at Cayo Alcatraz in Cienfuegos Bay. Two Soviet admirals and three high-ranking civilian engineers were flown there non-stop from Russia in the long-range Soviet TU-95 Bear aircraft the first week of December, 1970, to supervise the naval construction program

In accordance with an agreement reached on January 8, 1969, between the USSR and Communist Cuba, the Nuclear Institute in Managua reportedly is now staffed with some 760 Soviet technicians. One noncritical nuclear plant is said to be already in operation and a second, capable of producing military quality fissionable material, is expected to become operational during this year.[2]

As of September, 1970, the Soviet Army strength in Cuba was estimated by the Cuban underground to be between 20,000 and 22,000 soldiers. They conduct regular maneuvers in Pinar Del Rio province, in the mountains near Candelaria, San Cristobal and San Diego on the Rosario Sierra.

An important Soviet Army military complex is being developed in the mountains at La Cubilla, near the towns of Cumanayagua and Seibabo, complete with electrified wire fences, pill-boxes, trenches, artillery emplacements and mysterious mounds covering entrances to underground installations. No Cuban is allowed to enter this area; the construction has been carried out entirely by Russian troops.

Soviet Army engineers have constructed a modern, eight-lane military highway from Havana and San Antonio de los Banos to Cienfuegos and are maintaining and improving the 400 mile stretch of strategic road from Cienfuegos to Santiago.

SOVIET MILITARY INSTALLATIONS GOING UNDERGROUND TO AVOID U.S. AERIAL SURVEILLANCE

Having learned a lesson in 1962 when the U-2 photographs foiled their effort to smuggle nuclear missiles into Cuba, all Soviet military installations, except those naval facilities which cannot be placed underground, are being built in caves or tunnels interconnecting the caves. Cuba has more than 3,000 natural or man-made caves which the Russians have already inventoried and explored. Marshal Grechko, the Soviet Defense Minister, visited many of these caves himself during his visit to Cuba in November, 1969. These provide the Soviets' answer to U.S. photographic surveillance of the island.

Ninety percent of the fuel reserves in Cuba are underground as are the major ammunition depots. Underground hospitals have been built at the Sierra de Cristal, near the Nipe and Levisa Bays in Oriente province, and in la Loma de San Vincente just off the road which runs between Santiago de Cuba and Guantanamo. Of particular importance are the various underground complexes lying within the quadrangle formed by Minas de Bajurayabo, Jaruco, Herradura and Mariel. Included in this area is the Nuclear Institute at Managua. Other locations where caves have been reinforced with concrete linings of up to six feet are the Sierra de Lupe, Oriente province; the Altura Central on the Isle of

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[1] Broadcast by Radio Free America of the American Security Council, July 11, 1968.

[2] See "Washington Report" No. 69-6, February 10, 1969.

Pines which contains a number of large marble caves ideally suited for underground installations.

Underground missile bases are reported in the mountains of the Gobernadora, near Mariel; in Manicaragua, Las Villas province, at a place the Russian soldiers call "La Campana"; at San Cristobal and in the Sierra de los Organos in Pinal del Rio province. The latter has been of considerable interest to the Russians for some time. In April, 1969, eight extremely heavy, square wooden boxes were unloaded at night from Soviet ships at the Casablanca Arsenal docks under maximum security precautions, placed on large, 20-wheel flatbed trucks and driven off in a Soviet Army convoy in the direction of the Sierra de los Organos. This operation was repeated the last week in January, 1970, when another eight boxes, each 32 by 9½ by 13 feet, with a peaked, roof-like construction running lengthwise, were loaded on large trailers and convoyed by Soviet troops toward the same destination.

CONCLUSION

On the basis of our analysis of these reports, the "Watch Committee on Cuba" has reached several significant conclusions:

1. Soviet activities in Cuba suggest a sense of urgency which prompts them to accept increasing tensions with the US in order to achieve their goals.

2. The importance of Cuba as the prime Soviet base for directing Communist activities in the Western Hemisphere has *increased* and justifies a higher level of Soviet military investment.

3. While recognizing that their increased level of military activity in Cuba cannot be completely concealed, the Soviets are making every effort to hide the full scope of their program from the U.S.

4. As "hard" intelligence becomes more difficult to acquire, greater attention must be given to reports from the Cuban underground and to developing a more realistic assessment of Soviet revolutionary strategy for Latin America.

5. There are signs that the Soviets, emboldened by their greatly increased strategic nuclear capabilities since 1922, including their newly acquired, but fast growing Polaris-type submarine fleet may be preparing for a new test of will with the US involving another experiment in *fait accompli* nuclear power politics.

6. Should the President of the United States be confronted with a new Cuban missile crisis, he will find that the stakes are even higher, the hard photographic evidence of Soviet military capabilities will not be available, and his room for maneuver considerably reduced by the new balance of strategic power.

BOLDNESS, THE KEY TO SOVIET POLICY TOWARD LATIN AMERICA

Although Khrushchev takes credit for conceiving the missile gambit and for presenting it, as Premier, to the Politbureau, he emphasizes that the decision to pursue this dangerous course was an act of collective leadership. This is borne out by his candid admission (made to Dr. A. McGehee Harvey in 1969) that after the U–2 crisis in the spring of 1960, he was no longer "calling the shots"; that after Powers was shot down, his own ascendency during the next four years was over. Thus the policies followed by the USSR during this perilous period were not in any sense imposed by Khrushchev upon his colleagues in the Kremlin as Stalin might have done, but were indeed a coldly calculated collective acceptance of the risks inherent in his proposal.

CHANGES AFFECTING THE POLITBUREAU'S ASSESSMENT OF THE CUBAN SITUATION IN 1971

While undoubtedly there are wider considerations affecting Soviet foreign policy than those cited below—for example, intellectual unrest at home, economic unrest within the European satellites, and the continuing possibility of a war with Communist China—the Watch Committee believes the following changes which have occurred since 1962 have an important bearing on the Politbureau's assessment of the Cuban situation today:

The balance of strategic nuclear power in the world has shifted, just as Khrushchev had predicted, in favor of the Soviet Union. Consequently the U.S. would be even less likely than before to risk nuclear war with the USSR.

Communism now has a base on the continent of South America—Chile. But, like Castro, Allende's government faces attack by enemies from within and without.

The Castro regime, unable to solve even its own internal economic problems, has lost the support of the overwhelming majority of the Cuban people, including the rank and file of Castro's army. The possibility of internal revolt within the coming year cannot be discounted.

The forces of revolution in Latin America, particularly in Bolivia, Peru and Colombia are ripe for Communist exploitation provided the continental base in Chile can be maintained.

As a result of the protracted Vietnam War, the U.S. public has forced the Administration to announce a policy of non-involvement in local conflicts in the less developed areas of the world.

OPTIONS AVAILABLE FOR POLITBUREAU CONSIDERATION IN 1971

The Watch Committee wishes to emphasize that a Soviet policy of boldness paid off in 1962 and that today's balance of power would tend to encourage rather than inhibit new Russian adventures in brinkmanship. The expanded Soviet military program for Cuba clearly involves improving the USSR's nuclear capabilities in the Western Hemisphere.

In the discussions on Cuba between Secretary of State Rogers and Foreign Minister Gromyko on October 19, followed up as they were by the New York meeting between Dr. Kissinger and Foreign Minister Gromyko and Soviet Ambassador Dobrynin on October 22, the Nixon Administration reconfirmed the earlier Kennedy-Khrushchev "understanding". To many Latin Americans these talks, in effect, regularized the Soviet military presence on a Communist base in the Caribbean. Certainly they have not resulted in a permanent reduction of Soviet naval power in the Caribbean. The Russians are still standing behind their Tass statement that they have not been, and are not building *their "own"* military base in Cuba.

The Watch Committee recalls that the original Kennedy-Khruschev" understanding" called for international inspection in Cuba to confirm the withdrawal of the Soviet missiles. This never took place because the Communist government in Cuba refused to allow inspection teams into the country. Taking into account the changes that have occurred since 1962, particularly the United States' loss of clear-cut strategic superiority over the USSR; the fact that on site inspection is still not permitted by Castro; and the great number of reports from members of the Cuban resistance that the Soviets are secretly installing nuclear missiles in underground installations; the Watch Committee believes that in the interest of national security prudent U.S. policymakers have little choice but to presume the worst. The Committee suggests, therefore, that appropriate preparations should be made to deal with any of the following possible Soviet courses of action:

The clandestine deployment of nuclear weapons systems into Cuba.

The overt use of Cuba as a nuclear submarine base (thus doubling the on-station time in the Western Atlantic for these subs) but maintaining the fiction that Russian Polaris-type submarines are merely observing their international port-of-call rights by visiting Castro's naval base at Cienfuegos whenever necessary to meet their operational requirements.

Emphasizing Cuba's role as the political and military base for all Soviet revolutionary expansion in Latin America by letting it be known that the nuclear weapons deployed to Cuba will be used, if need be, in direct support of Chile or any other Communist regime that may come to power in the Hemisphere if they are invaded by external armed forces, whether these forces are acting unilaterally or as members of the Organization of American States.

From the Cuban Watch Committee on Cuba:

Dr. Manolo Reyes,
Dr. Herminio Portell-Vila,
Editor, Radio Free Americas.
Dr. Guillermo Belt,
Former Ambassador to the United States, the United Nations, and the Organization of American States.

GROWING DRUG PROBLEM IN ALLEGHENY COUNTY CITED BY REPRESENTATIVE MOORHEAD

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MOORHEAD. Mr. Speaker, a Senate panel recently completed a series of drug hearings in Pittsburgh.

The panel heard from many experts and community spokesmen about the evils of drugs and their debilitating nature on all community life. But the missing factors in the hearings were the drug users and addicts themselves.

Reporter Al Donalson, writing in the January 24 Pittsburgh Press, takes a look at Pittsburgh's, and Allegheny County's, drug dilemma, noting last week's hearings.

We all have heard that drugs are now everybody's problem, no longer just another scourge in the ghetto.

The latest drug death figures from Allegheny County points that up with surprising equality.

The racial and sexual breakdown of Allegheny County's 38 drug deaths last year was: 19 whites, 16 male and three female; and 19 nonwhites, 16 male and three female.

These fatalities represent more than a 100-percent increase on 1969's figures. There is small doubt that the drug problem in our area is growing at a rapid rate.

As one of those interviewed in Mr. Donalson's article says, the only way the problem is going to be licked is through more money for research and technology.

At this time I would like to put Mr. Donalson's article into the Congressional Record for the information of my colleagues:

Here's Real Drugs Story Missed By Probers Here

(By Al Donalson)

A team of Senate probers headed by U.S. Sen. Richard S. Schweiker, R-Pa., came to town last week and got this word:

Drug abuse here has reached epidemic proportions, and more federal money is needed to curb an alarming increase in the number of drug addicts in Allegheny County.

The word came from a procession of witnesses representing government, industry, law enforcement and public health agencies.

However, with the exception of an 18-year-old Ross Twp. drug user, the U.S. Senate subcommittee members didn't hear any testimony from addicts or those who have been victimized by addicts.

Schweiker said the panel tried to get drug users to testify but was "regrettably unsuccessful."

TRAGEDY ILLUSTRATED

There are hundreds of tales available which illustrate the tragedy and despair of the local drug scene.

Item. "Hoss," a Hill District jitney driver, picked up two passengers and took them to Homewood.

When his passengers reached their destination, Hoss didn't get his fare. His payoff was having the pair rob him of his wallet, car and clothes.

"They was junkies, man," said Hoss.

"And I felt stupid walking three or four blocks damn near naked in broad daylight to get to the fire station in Homewood.

"People out there was staring at me like I was crazy," he said.

CAR SURROUNDED

Item. On a recent weekday afternoon, a white Cadillac stopped on Centre Avenue in the Hill District, and was surrounded immediately by scores of addicts.

They clustered around the car with money clutched in their hands.

The driver of the car was selling heroin. One bag for $7, two bags at a bargain rate—$13.

One of the buyers ripped open one of his bags and dabbed a bit of the white substance on his thumb. He then licked the powder off his thumb and told his partner:

"Yeah man, this is some good stuff, let's split."

They hurried up Centre Avenue like two kids with a new Christmas toy, leaving dozens of other buyers crowded around the car trying to place their orders before the supply ran out.

Item. A numbers writer watching this scene slowly shook his head and said:

"Man, I don't understand it with these young dudes. Can't nobody tell them nothin'.

"Like, dig, I know a young brother named Blood who's about 19. Heavy (brainy) young dude, too. The cat was going to college. But he got kicked out when he was caught mainlining.

"Like, man, the cat's habit is $300 a day now. Square business, $300 a day.

ALWAYS HUSTLIN'

"The dude can't even afford to sleep because he's always got to be hustlin' to get his bread (money) together for his habit.

"His Jones (urge for drugs) came down last week and he went to Oakland on a tip. He busted an old gray (white) dude in the head and took about $1,000 from him.

"Man, Blood was hell on wheels for about three days with that grand. But his main man who was selling him good stuff got busted. So, like, Blood got some bad stuff from another pusher.

"It had a lot of flour mixed up in it. Blood damn near died behind that stuff," said the numbers writer.

Item. A Hill District businesswoman takes a pistol out of her purse and clicks off the safety when leaving her store in the evening.

There is usually a group of at least 15 to 20 junkies hanging around the outside of her door.

"When they see the gun and hear the safety click off, they know I mean business and don't bother me," she said.

"I know it's like the Wild West to pull out a gun. But that's what it's like down here—a jungle."

Similar tales, originating in wealthy suburbs as well as the inner city ghettos, can be told.

Drug abuse is now no respecter of person. It cuts across racial and class lines in rural areas as well as the cities and suburbs.

123,000 USING IN HIGH SCHOOL

A recent survey published in a Pennsylvania Department of Health journal revealed that at least 123,000 high school students in the state are regularly using drugs.

This number, which represents about 11 per cent of the total high school student population, does not include those who only occasionally use drugs.

It was also discovered that 70 per cent of the regular users come from "upper socio-economic" families, and that 25 per cent live in rural areas.

County Coroner Cyril Wecht's 1970 report shows 19 of the 38 narcotics deaths last year in Allegheny County were suffered by whites.

In 1969, when there were 17 narcotics deaths, only three of the victims were white.

This shift of drug abuse from the ghetto to the suburbs is thought to be one of the main reasons for the increased interest in combating addiction.

Many in the black community are bitter about this late interest exhibited by whites. Their sentiments are articulated by Charles Mikell, a specialist on alcoholism and drug abuse for Community Action Pittsburgh.

"As long as the junkies were those niggers in the Hill District, no one paid any attention to the problem. But now that drugs have spread to the lily white suburbs, everyone now is very upset and wants to know why something isn't being done," Mikell, himself black, says.

"The only way the problem is going to be licked is through more money for research and rehabilitation."

ANSWERS STILL IN FUTURE

Mikell's plea for more funds for research and rehabilitation was shared by every witness who testified this week during the hearings.

However, any answers through research are probably a year or two away. The federal Harrison Act of 1914 stifled drug research in the United States.

Designed then to stem a rising flow of narcotics, the statute proved to be punitive to any physician who attempted to treat an addict. Hundreds of doctors were jailed as a result of the act.

Although the law isn't as vigorously enforced as in the past, its influence can still be felt.

IRS OKAY REQUIRED

Any scientist who wishes to do research on marijuana must be approved as a researcher by the Internal Revenue Service (IRS).

To be eligible, a researcher must be legally authorized by state law. Physicians with unrevoked licenses and state universities are eligible by state law.

But others, like pharmacologists, chemists and private universities must go through a tangle of bureaucratic red tape to become registered.

Once registration has been granted, the researcher then must purchase marijuana, through IRS, from the National Institute of Mental Health.

If the researcher intends to use human subjects, he must then deal with the Food and Drug Administration (FDA) and the Bureau of Narcotics and Dangerous Drugs in addition to the other two agencies.

SECURITY MEASURES PRESCRIBED

The researcher must also adopt a carefully prescribed set of security measures. If any marijuana is lost, the researcher must document the circumstances surrounding the loss.

At all times, the researcher must maintain exact records of the amount of marijuana used, and for what purpose.

Some of these restrictions will be loosened when the recently enacted Comprehensive Drug Abuse Prevention and Control Act of 1970 becomes effective May 1.

Section I of the act guarantees protection from prosecution to certified researchers and subjects who use marijuana and other drugs in legitimate scientific research.

THE NEED FOR A COMPREHENSIVE NATIONAL HEALTH INSURANCE PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 1971

Mr. FRASER. Mr. Speaker, the desire for the improvement in the delivery of health services is universal. The number of legislative proposals already introduced in these early days of the 92d Congress is ample evidence of this fact.

And yet, even the most comprehensive proposals, those which deal with the skyrocketing costs of medical care, the distribution of medical personnel, and the Federal role in the delivery of health care including the financing of this program only touch the surface of the problem. As the following article by Mr. Howard Lewis shows, another concern is the laws of the States under which medicine is practiced. Any comprehensive medical program that is enacted by Congress must also deal with the serious legal problems which Mr. Lewis discusses.

Mr. Thomas J. Watson, the chairman of the board of the International Business Machines has also written an excellent article in which he sums up the hard evidence in favor of a comprehensive national health insurance program. As Mr. Watson says:

> We need a national health insurance law.

What follows in these two articles are two views on the state of medicine today, both thoughtfully developing proposals and details with which the Congress must deal:

The Problem Doctors

(By Howard Lewis)

(Note.—Howard Lewis is a consultant to government agencies and co-author, with his wife, of "The Medical Offenders.")

If you are like most laymen, you take comfort in the belief that doctors of medicine are closely regulated by stringent laws, rigorous government agencies and exacting professional groups.

Of course, the typical physician's own conscience inspires him to practice with competence and honor. He fully deserves the confidence and respect he receives from his patients.

However, the fact is that the privately practicing physician is largely a free agent, scarcely subject to regulation once he secures a license. The laws governing medical practice are shot through with loopholes. Even where restrictions are clear, enforcement is spotty.

It merits pointing out that medicine's disciplinary vacuum creates no problem in regard to the vast majority of M.D.'s. Nonetheless, on at least one ground the typical physician can be faulted: he seldom enforces among errant colleagues the high standards of conduct he personally upholds. The lack of effective discipline in medicine has produced an anomalous fringe group—licensed M.D.'s who constitute a hazard to patients.

Dr. Harold B. Jervey, past president of the Federation of State Medical Boards, has estimated that between 15,000 and 20,000 physicians in private practice repeatedly commit acts unworthy of the profession. He estimated 2,500 to 7,500 are actually breaking the law through narcotic violations, fraud and other felonies. These offenders account for about fifty million patient visits a year.

The problem doctors include those who are guilty of negligence and incompetence, abandonment of the patient, and assault through unauthorized procedures—the major causes of civil malpractice actions.

There are also physicians who seize upon medical service as a means of exploiting patients: fee gougers who levy unconscionable charges; "overtreaters," who perform unnecessary services; the fee splitters; quacks, who betray the canons of scientific medicine.

Also there are the mentally ill, including the senile. Mental illness is one of medicine's most widespread disciplinary problems, and its handling illustrates the weakness in medical licensing.

In sixteen jurisdictions insanity is not even grounds for suspending a physician's license. In most other states the license can be suspended only if the physician is actually in a mental institution.

I recently came across one doctor who is often incapable of maintaining a rational train of thought, much less a competent medical practice. Other doctors in his community regard him as a psychotic and try to steer patients away from him. He nontheless sees a large number of patients, and they sustain an alarming number of injuries. The way the law is now, he can continue practicing indefinitely.

I mentioned this doctor while testifying at a New York State Senate committee hearing on medical malpractice. Joseph Jaspan, the committee counsel, added: "We know of a practicing physician who has to spend six months of every year in a mental hospital." The state licensing board has not acted against him, and even if it did it's doubtful that the weak state law would uphold them.

No state law limits a physician to his area of medical competence or requires him to keep up with medicine. Nor does any state check on physicians likely to be incapacitated because of age. One retired doctor in his eighties is nearly blind and has long since lost touch with medicine. He keeps up his medical license by paying an annual registration fee.

The profession as a whole is loath to act on disciplinary matters. In New York State there are conservatively an estimated 1,200 to 2,700 licensed M.D.'s unfit to practice medicine. Last year the New York State Board of Medical Examiners—actually more active than most licensing boards—took a grand total of nine disciplinary actions. The Medical Society of the State of New York took not a single one, an achievement shared by 31 other state societies.

Thus the laws and professional codes that are supposed to protect the patient actually protect the medical offender. There needs to be immediate reform to plug loopholes in the law, to secure more vigorous disciplinary action. In Washington State and in California, this occurred with the cooperation of the state medical societies.

But for the profession to be spurred there first needs to be an outcry from the lay community. Until medical licensing laws are overhauled, selecting a physician can be hazardous for the patient.

The Right to Life

(By Thomas J. Watson, Jr.)

(Note.—Thomas J. Watson Jr. is chairman of the board of International Business Machines. These remarks are excerpted from a speech delivered in Rochester, Minn., on the Mayo Foundation's Industry Day.)

I have become increasingly appalled to read of a country which during the past two decades has dropped from seventh in the world to sixteenth in the prevention of infant mortality; in female life expectancy from sixth to eighth; in male life expectancy from tenth to twenty-fourth; and which has bought itself this unenviable trend by spending more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth.

The country I am talking about is our own U.S.A., the home of the free, the home of the brave, and the home of the decrepit, inefficient, high-priced system of medical care.

I know experts disagree over our precise international standings. I realize that medical problems here and abroad are not identical. I know American medicine has scored many brilliant triumphs.

But on the evidence, we are clearly moving in the wrong direction; failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

What must we do to restore that right?

First, as the Carnegie Commission said in October, we have to beef up our arsenal: Train more doctors, more nurses, more paramedics; bail our medical and dental schools out of their deep financial troubles; break ground for new hospitals and cilnics; in a word, spend more money.

Second, we must have better management, better organization, more efficiency.

I find it shocking to read of legal roadblocks against comprehensive prepaid group practice, which has repeatedly delivered better care at lower costs; of slums without a doctor; of highly trained medical corpsmen who, if they want to enter medicine as a civilian career, find just one job open to them—hospital orderly.

We cannot continue to live with facts like these.

Third, we must put health care within reach of every American.

Under our present system, the poor—especially the non-white poor—suffer by far the most. Non-whites have a life expectancy six years shorter than whites; twice the whites' infant mortality rate; four times the whites' maternal death rate.

How do we extend coverage for medical bills to everyone? By stretching the umbrella of private health insurance which still doesn't come close to covering Americans today? No. We need a far more thoroughgoing reform.

That brings us up against an old taboo, "socialized medicine." I completely believe in the American free enterprise system. But when the system fails to produce I think we should not flinch from looking to some sort of government intervention.

That, in American medicine today, means some new form of national health insurance.

Twenty-one years ago President Truman urged a national health system. In 1949, as a dyed-in-the-wool free enterpriser, I accepted the argument that we didn't need it. But I cannot accept that argument in 1970.

A variety of health insurance bills have been introduced in the Congress. But no comprehensive plan appears to be moving very fast. We do not need national health insurance as a political football in 1972. We need a new national health insurance law. I hope the Administration will put this at the top of its priority list for 1971.

To get that legislation, the partisans of varying plans—in the Congress, the American Medical Association, the A.F.L.-C.I.O.—must get together. To speed such compromise, I believe all of us as citizens should start now to build a bonfire of persuasion—to speak out, to demand change, and not stop until we get the legislation we need.

We can take pride in our system of universal public education, social security, and work laws.

The time has now arrived for us to have a system of universal public medicine to do for us what the Scandinavian and British systems have done for those countries: Put them medically at the top of the world.

We must bring the fullness of American medical care to all the American people. As the greatest nation in the world I believe we can do no less.

JUNTA STRIKES OUT AGAIN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to insert in the Record the following article by Rowland Evans and Robert Novak on the latest act in the Greek tragedy, and to commend these Washington Post columnists for their continuing efforts to keep the American public informed on the true nature of the regime to which this country is giving its full military and diplomatic support. The handling of Demetracopoulos affair by Ambassador Tasca and the Greek generals was sickening, to say the least, and leads one almost to conclude that with enemies like the Greek generals the Communists who would like to foment true revolution in Greece really do not need any friends. The generals appear to be doing a very adroit job of cutting the ground from beneath their own feet. I only hope U.S. policy in Greece will be redirected before we find ourselves in another "brush fire" conflict in the name of freedom and democracy. With that I submit the Evans-Novak report:

[From the Washington Post, Dec. 23, 1970]

Another Greek Tragedy

In their handling of the death of an old man whose son is a self-exiled leader of the anti-junta resistance movement. the Greek military dictatorship has now demonstrated an arrogant attitude toward the U.S. Senate that has cost it dearly here.

That attitude casts doubt on the wisdom of the Greek colonels and the wisdom of the United States in recently restoring full military aid to Athens. What's more, the event casts shadows on U.S. ambassador to Athens, career diplomat Henry Tasca.

The incident was triggered with the fatal illness of the 81-year-old father of Elias Demetracopoulos, a prominent Greek journalist who fled to the United States in 1967. On Dec. 11, three liberal Democratic senators signed an extraordinary request to Col. George Papadopoulos, Greek prime minister, asking that Demetracopoulos be given 48-hour safe passage to visit his dying father. The message went through the State Department to Tasca.

For nine days there was no answer to the senators. Finally, on Dec. 20, four days after Demetracopoulos's father died, alone and untended, the three senators—Mike Gravel of Alaska, Frank Moss of Utah, and Quentin Burdick of North Dakota—received a telegram from the Greek Embassy here.

That response, incredibly enough, said Demetracopoulos should have routinely applied to the Embassy for his "safe conduct" pass. Had he done so, say those familiar with his role as a major anti-junta resistance leader, he might have been held in the Embassy on trumped-up charges, a Greek citizen with no recourse to U.S. assistance.

Five days earlier, on Dec. 15, Tasca cabled the State Department echoing the Greek Embassy's message to the three senators—that the Greek Embassy had been instructed to handle Demetracopoulos's appeal. But when high State Department officials asked the Embassy to elaborate on Tasca's bland cable, they were informed no message had been received from Athens.

Accordingly, on the evening of Dec. 15, the department wired Tasca again, this time instructing him to see Prime Minister Papadopoulos and to cable back yes or no on the safe-conduct request. To that message, there apparently was no answer at all.

Thus, on Dec. 16, the day the old man died, the three senators wrote President Nixon asking his personal investigation. They wanted to know whether Tasca and the Greek government deliberately stalled until the case had become moot with the death of the father. As we write this, there has been no reply from the White House.

In the background of this miserable affair, two circumstances bear deeper scrutiny.

First, Demetracopoulos personally prevailed on many anti-junta senators to postpone the confirmation of Tasca in 1969. His argument: Filling that post, vacant since January 1969, would place the United States fully behind the junta despite its grossly antidemocratic practices. That might have influenced the Council of Europe not to expel Greece.

The long Senate delay in Tasca's confirmation scarcely endeared Demetracopoulos to him. Some State Department officials believe Tasca dragged his heels in handling the safe-conduct request.

Far more important to U.S. diplomats is what the affair reveals about the colonels' inability to understand their powerful opposition in the United States. The request was a rare opportunity for Papadopoulos to make a dramatic gesture proving his boast that the junta is moving toward democratic procedures. As one top diplomatic operative told us: "If that government had any sense of security, they would have given Demetracopoulos red-carpet treatment, but they didn't have the nerve."

Instead, they apparently feared political trouble from the arrival of a resistance leader under the emotional circumstances of his father's death. Papadopoulos promised over television last weekend that all political prisoners would be freed next spring—if peace and order prevail. The return, if only for two days, of an exiled resistance leader to Athens might have brought new outbreaks.

Whatever the reason, the squalid handling of the affair is raising new questions in the Senate about the junta and its full backing by the U.S. government.

THE NEED FOR ACTION ON CONVERSION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. HARRINGTON. Mr. Speaker, one of the gravest problems facing my district, the Commonwealth of Massachusetts and many other sections of this Nation is economic instability caused by a decrease in Federal expenditures on certain space and defense activities.

Without prompt congressional attention, it will be only a short time until many persons will face unemployment because of current efforts to reorder national priorities and to move from a military-oriented to a civilian-oriented economy.

I have filed two economic conversion proposals which will launch a broad-based, comprehensive effort to ease this transition. These bills will provide immediate relief for the highly skilled worker by retraining scientists and providing technical assistance to small businesses to achieve conversion. Funding is earmarked for State and regional conversion planning commissions so that action on the local level can get underway. In addition, Federal funds will be provided for conversion research, subsidies to industry, and direct aids for recruitment of unemployed scientists and engineers into the Government. Legislation similar to this has been filed in the Senate.

It is imperative that conversion legislation be passed this year if we are to check the steadily increasing unemployment among the highly skilled scientific, engineering, and technical professions.

Rapid action on these bills and speedy implementation of these proposals is needed before our technological community is dismantled and the job situation grows even worse.

It is time for Congress to stop theorizing and start acting.

OATH OF OFFICE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BYRON. Mr. Speaker, Mrs. Arita Van Rensselaer, one of my constituents and an experienced hand on Capitol Hill, has written a poem in honor of my taking the oath of office as a U.S. Congressman and in honor of the 92d Congress. I would like to commend Mrs. Van Rensselaer for her originality and honesty in her poem and thank her for her loyalty and devote patriotism. The citizens of Keedysville, Md., can be proud of such a distinguished citizen.

The poem is as follows:

OATH OF OFFICE

(By Mrs. Arita Van Rensselaer)

Across the plaza—and beneath the dome
The new ones come—they have just left home.
They glance toward Freedom, as she stands on high
Towering in the sunlight, against the cold wintry sky.
They know at first they must enter her school
And learn to legislate democracy rule by rule.
They stand up tall, to hear the opening prayer
For family and friends, watch from the gallery there.
It is a moment of awe when the gavel falls
And a great thrill when the new name he calls.
After the oath a stir and commotion reflects in the faces
So many, so very many from all the strange places,
As well as close by—some were known before
But all have entered by that one open door—
The choice of the people—the chosen ones in the land
Only these may enter the chamber, at the Speaker's well to stand.
It is thrilling—yet appaling and mingled with fear
For this is a term that lasts only to the second year.
Now the ordeal descends, each vote must be right
To please all the factions, and bring Peace in sight.
Yet, what about conscience, what about the balance of trade,
What about international relations, and the enemies we have made?
What to do about poverty, misplaced persons, young people and things
They all want to be happy, carefree and enjoy privileges of kings.
The impossible right now is the imperative demand
From marchers and demonstrators on every hand.
How do we tell parents that citizens must be trained from birth
If we want to create a paradise of equality on this earth
That citizenship is a challenge of self control with pride
And that the real revolution must take place inside
The individual, within his heart, and his very soul.
He alone sets the standards, and must reach for the goal
Of the general good—the welfare of all.
Let's see what happens, now, comes the first roll call.
Taxation is a problem we resented in colonial days
Now, it has become the monster that is before us always.
Taxes upon taxes, an astronomical sum
Yet the budget will not balance, and so the protests come.
Committees, Committees, Oh which will it be?
Try to get on a committee that benefits the constituency.
"Public Service" is a phrase, that is much overworked
But who knows what, if some of these duties are shirked.
There are constituents and clients, and lobbyists galore
And the only way to dodge them is to be speaking from the floor.
So, that maiden speech brings forth enthusiastic applause
But can it truly help to make and preserve our laws?
The new session comes in like a Happy New Year
With a burst of applause, and an exultant loud cheer.
And all these remarks could be "Revised and Extended" to many more
But only if there is "Consent" to all that has gone before.
While the Spirit of Freedom stands high over all
Unchanging in purpose, all evil to forestall.
All good to the nation her light has inspired
True guidance and faith for the new leaders acquired.
Congratulations and dreams echo down through the halls
While plans for real work begin as darkness falls
The future of the nation only Freedom can foretell
But, if "In God is our Trust"—all will be well.

NEIGHBORHOOD HEALTH CENTERS: BRINGING HEALTH CARE BACK TO THE PEOPLE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. FRASER. Mr. Speaker, as medical and hospital costs skyrocket, the average American is finding that its harder than ever to locate high quality health care—particularly if he lives in a central city or a sparsly settled rural area.

Now that the days of the house call are behind us, access to medical care is limited on evenings and weekends even in those communities where doctors are abundant. People who need care after the working day are often forced to resort to overcrowded hospital emergency rooms where admissions have shot up by 250 percent during the past 20 years.

One new approach to health care delivery, the neighborhood clinic, may help reverse this unfortunate trend. Many of these new consumer-oriented health facilities have been established by local public health agencies with the backing of the U.S. Public Health Service and the Office of Economic Opportunity. But Federal aid for a neighborhood-based clinic is not always essential as the residents of the Beltrami neighborhood in Minneapolis have found. In this older but still vital community, residents set up their own part-time clinic staffed by volunteer doctors, nurses, and pharmacists. The following article from the Minneapolis Tribune tells how it was done:

FREE CLINIC SERVES NORTHEAST RESIDENTS

(By Sam Newlund)

The Beltrami Health Clinic is a place where you can't tell the medical staff from the patients without asking, and where lab technician Kim Williams wears her blue denim shirttail outside her jeans.

That's enough to make the clinic, at 759 Pierce St. NE., somewhat offbeat.

It's also different because it's free, and because its freewheeling, socialistic approach to community medicine is practiced in a northeast Minneapolis neighborhood more noted for its conservatism than for giveaway programs.

The clinic's rooms are mostly upstairs in a building occupied by Margaret Barry Neighborhood House. Although not nearly as big, the health clinic bears some resemblance to a free community clinic in the Cedar-Riverside neighborhood.

Miss Williams, 25, is one of a number of volunteers—including doctors, nurses, pharmacy students and others—who donate varying amounts of time to the clinic. Her regular job is medical technician (bacteriology) at University of Minnesota Hospitals.

In the free clinic, the medical lab is a kitchen. Coffee simmers on a stove next to a table where Miss Williams examines specimens under a microscope loaned by the university.

While she was doing that one day recently, a doctor down the hall was attending to a squalling infant in one of the offices that have been converted into examining rooms.

Downstairs, in a small room called "the pharmacy," three pharmacy students and a girl volunteer were cataloging donated drugs and filling bottles with pills taken from sample packages distributed by drug firms.

In a waiting room, community organizer Ed Lambert tossed an indoor Frisbee with a 12-year-old boy.

The clinic was Lambert's brain-child. As head of community organization for the East Side Citizens Community Center, an antipoverty agency run by Mobilization of Economic Resources (MOER), Lambert began promoting the clinic idea after the failure of an effort to form a citizens lobby to push property tax reform.

Lambert and others surveyed the Beltrami Park Neighborhood and found that an overwhelming majority of those contacted favored a free, non-emergency medical clinic to battle the rising cost of medical care.

Nearly half of those questioned reported transportation problems in getting medical service. Nearly half of the job-holders said they had trouble getting to a doctor when the need arose.

With help from a number of sources—drugs and equipment, for example, from drug firms, private doctors and the university—the clinic has been open since Dec. 8.

But nobody came that first day except the staff.

Since then, roughly half a dozen to 15 or so patients have shown up for each clinic session. The clinic is open from 7 p.m. to 10 p.m. on Tuesdays and 12:30 p.m. to 5 p.m. Saturdays.

The clinic is the city's newest example of a growing interest in community-based public medical care. Pilot City Health Center on the North Side is a more fully developed example.

Advocates of community clinics still hope for "outreach centers" operated as branches of the new Hennepin County General Hospital, although that concept's prognosis is in doubt.

Experimenters like Lambert put great store in "neighborhood-managed" clinics as a means of reaching clients early enough to make use of effective preventive medicine. The belief is that grass-roots involvement and management are more apt to yield greater use by patients.

In the Beltrami Clinic's case, the "neighborhood managers" are a board of directors including members who have been staunch supporters of conservative causes.

One of these is Mrs. Charlotte Capra, president of Concerned Residents of Beltrami, a precinct chairman in Mayor Charles Stenvig's election campaign and a member of the conservative Taxpayers ("T") Party.

Mrs. Capra and her husband helped lead a successful fight last summer to block an urban renewal project in the Beltrami neighborhood.

In an interview, Mrs. Capra said she wants to keep an eye on the clinic "because of the socialistic trend in this type of thing." She said she doesn't want the clinic used by "people who don't need it," although she doesn't believe that has happened yet.

"We are an independent people," Mrs. Capra said of her Beltrami neighbors, "and we're used to paying our own way."

One policy set by the board is not to dispense birth-control pills or contraceptives to unmarried women unless, in consultation with a doctor, they are deemed necessary for medical reasons.

According to Mrs. Gertrude Goodacre, a Stenvig supporter and chairman of the clinic board, the board was influenced in that decision by a neighborhood Roman Catholic priest.

Nobody asks your income when you come to the Beltrami clinic, despite the board's desire to help only the needy.

A recent visitor was Mrs. Ray Barclay, 444 NE. Filmore St. She brought her 8-month-old daughter, Tammy, who was suffering from a severe cold.

Mrs. Barclay said she was pleased with the service. "I don't have to sit here and wait like you usually do," she said. Before the clinic opened, she took her child to a private medical clinic in Fridley where, she said, a routine examination and shots cost $17.

Antibiotics were prescribed for Tammy, and although they weren't on hand at the moment, her mother was told they would be brought to her home.

Mrs. Barclay said she plans to make a private donation to the clinic.

THIRD SILVER STAR FOR FARNHAM

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MORSE. Mr. Speaker, there is perhaps no greater and more meaningful honor that any man can receive than the respect and commendation of the citizens of his hometown, the place where he was born and raised.

I am delighted, therefore, to note that on February 19, the Chamber of Commerce of Wilmington, Mass., will honor Maj. Donald W. Farnham for his outstanding gallantry in the Vietnam conflict. A dinner will be held for that purpose, and the Board of Selectmen of Wilmington are to proclaim the day as Maj. Donald W. Farnham Day.

Major Farnham enlisted in the U.S. Army 13 years ago. The recent recipient of his third Silver Star, the Nation's third highest award for valor, the holder of six Purple Hearts for wounds received in action and numerous other awards and medals of commendation, he is said to be the most decorated soldier of the Vietnam war.

The record of his tremendous courage and bravery, and his devotion to his fellow men speaks for itself, and I am happy to be able to share it, as it appeared in the Wilmington Town Crier, with my colleagues in the House:

THIRD SILVER STAR FOR FARNHAM

Major Donald W. Farnham of Wilmington who enlisted in the Army about a dozen years ago, has been awarded his third Silver Star, the nation's third highest award for valor.

The award was made at the Miami Military Academy, in Florida, where Farnham is currently teaching in the ROTC.

His most recent award was for conspicuous gallantry and heroism above and beyond the call of duty, in action against a hostile force, while serving as aircraft commander and armed helicopter unit commander.

He was escorting lift helicopters into a landing zone and the flight came under intense automatic weapons and small arms fire. His aircraft received numerous hits and Farnham was wounded. In spite of the extensive aircraft damage and wounds received, he remained on station, in support of the ground forces, until his aircraft was shot down by enemy ground fire.

Farnham was evacuated from the landing zone and returned to the staging area. He refused medical assistance and insisted on returning to the landing zone. As his aircraft approached the landing area, it again was subjected to a withering fire from the enemy.

After he had expended all his ammunition Farnham attempted to evacuate some of the wounded soldiers from the area. Although the evacuation was successful, his aircraft was hit by automatic weapons fire and Farnham was wounded a second time. He managed to fly his crippled aircraft back to the staging area, where he immediately transferred to a replacement aircraft and returned to the landing zone to continue support of the beleagured ground forces.

On each pass across the area Farnham's aircraft was subjected to a murderous volume of small arms fire and automatic weapons fire from a village adjacent to the landing zone. Farnham flew his aircraft on a succession of low-level attacks on the heavily entrenched enemy forces.

The North Vietnamese were deployed throughout the area in trenches, buildings and fortified positions and, despite the heavy enemy fire and without regard for his personal welfare, Farnham continued his attack. He made firing passes, flying directly into the mouth of a cross fire from machine gun emplacements set up facing the landing zone.

Throughout the day Farnham flew individual support for the ground forces, unescorted, making low-level firing passes along the perimeter of the landing zone in order to deliberately divert the enemy fire from the ground forces.

By this time the enemy had directed all his fire toward Farnham's aircraft and automatic weapons fire brought his aircraft down. Due to the enemy situation and the onset of darkness, it was impossible to evacuate Farnham.

Throughout the night Major Farnham organized and lead the ground forces on successive attacks against the enemy and on two occasions was forced to engage in hand-to-hand combat.

Despite what appeared to be insurmountable odds, his unit gained the momentum required to suppress the enemy.

DONALD FARNHAM HAS SIX PURPLE HEARTS

Major Donald W. Farnham, the most decorated soldier of the Vietnam War, has six Purple Hearts, for wounds received in action.

Thirteen years ago the then sixteen-year-old Wilmington boy enlisted in the U.S. Army before graduating from Wilmington High School. He enlisted to become a paratrooper, and the military life appealed to him. He soon attained non-commissioned rank, and became a sergeant, after which he enrolled in an Army Helicopter School.

Farnham was one of the first helicopter pilots to go to Vietnam, and he spent a total of 47 months in active service in that war-stricken country.

It was for him a very interesting experience. He evolved new methods of fighting with helicopters, and was shortly one of the outstanding helicopter pilots in the U.S. Army, always being foremost in combat with the enemy.

"I don't think anyone enjoys killing anybody else", he told the Miami Journal a few weeks ago. "But we are interested in saving our own people. Those who dislike the war the most are the people in the military, because they are the ones who have to fight it".

During the 47 months of combat flying Farnham picked up, in addition to the six Purple Hearts, three Distinguished Flying Crosses, the Bronze Star, the Air Medal with 43 Oakleaf Clusters and two "V" devices, the Joint Services Commendation Medal, two Army Commendation Medals, the Navy Commendation Medal, as well as the three Silver Stars.

Other decorations include the Vietnamese Cross for Gallantry with two palms and two silver star devices, the Presidential Unit Citation, Valorous Unit Citation, Meritorious Unit Citation, Navy Unit Commendation Medal, and the Vietnamese Honor Medal. There are others.

Skydiving was his favorite hobby, until he broke his back in 1967.

SENATE—*Monday, February 1, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 12 o'clock meridian on the expiration of the recess and was called to order by the President pro tempore (Mr. Ellender).

The Reverend Billy H. Cline, pastor, Merrimon Avenue Baptist Church, Asheville, N.C., offered the following prayer:

Our Father and our God, we give thanks for the assurance that Thy ways are steadfast and reliable. We pray that we may be conscious of Thy eternal presence and of our daily need of Thee. Forgive us that we are not always strong in the consciousness of Thy presence.

Bless this Senate that each Member may find strength for every time of need, and help each Member to be aware of the needs, cares, and anxieties of people everywhere. Reveal to them the solutions to the overwhelming problems of our Nation and the world.

Deliver us from animosity, hatred, and prejudice, and help us to establish lines of communication so that we can make our contribution toward the betterment of mankind and peace throughout the world.

Help us to respect ourselves and one another for Thou hast created us.

Through Jesus Christ our Lord we have prayed together. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, January 29, 1971, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 484—INTRODUCTION OF A BILL DESIGNATING LINCOLN BACK COUNTRY IN MONTANA AS A NEW WILDERNESS AREA

Mr. MANSFIELD. Mr. President, my able colleague, Senator Lee Metcalf, and I work together on many projects and problems of interest to the people of the State of Montana. One of the most popular proposals in recent years was our bill which would designate the Lincoln Back Country in Montana as a new wilderness area. The Lincoln Back Country in Montana is one of the finest examples of wilderness—an area of unsurpassed beauty. People of the State, conservationists, and friends from all over the country support this program to preserve the area in its natural condition. This legislation had virtually unanimous support and was passed by the Senate in 1969. Unfortunately, the House of Representatives did not consider the measure because of their insistence that they have a mineral survey completed prior to the enactment of the measure. We are now informed that the mineral survey will be available this spring.

Senator Metcalf and I have sent to the desk identical legislation which would authorize the extension of the national wilderness program to the Lincoln Back Country. We are hopeful that the legislation will again receive unanimous support here in the Senate and that our colleagues in the House of Representatives will be able to favorably consider the measure during this first session of the 92d Congress.

Mr. President, I ask unanimous consent to have the text of this legislation printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 484) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes, introduced by Mr. Mansfield (for himself and Mr. Metcalf), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and

Clark and Lolo National Forests specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

FALSE ECONOMY

Mr. AIKEN. Mr. President, the administration in a paradoxical quest for what it calls "economy" in the new inflationary budget for fiscal 1972, has endorsed a supposed "saving" of $45 million by eliminating 800,000 kilowatts of power from the already power-starved Pacific Northwest.

In preparation for this saving, the Atomic Energy Commission shut down the last two of nine big reactors at the Hanford nuclear complex at Richland, Wash., last week.

This action robs the Pacific Northwest-Southwest electric intertie system of power that is critically needed.

The effect of this shutdown will mean greater power shortages from the State of Washington all the way to Arizona.

The giant aluminum companies are the first to be affected, but this is only the beginning.

A crippling effect will be felt in the entire Pacific coast area.

In my own region of New England, on the other side of the continent, electric generating plants are barely able to keep up with the demand for power, but our problems in the Northeast, so far, do not compare in severity with those facing the Northwest.

The area served by Hanford has the lowest power reserves in the Nation, even before the cutoff of 800,000 kilowatts was ordered.

This decision by the White House budget office is, on the face of it, utterly senseless.

While the administration seeks to save $45 million by cutting of 800,000 kilowatts of critically needed electric power, we hear disturbing reports of negotiations at the White House to bail out a nuclear operation that is a proven failure.

I refer to the Enrico Fermi plant which was backed by Detroit Edison and other utilities.

These companies, spurred by the bailout of Penn Central Railroad, now want their Fermi plant reactivated—with Federal subsidy, of course.

The minimum cost to renew this proven failure is said to be in excess of $100 million.

Mr. President, there is one logical explanation to the decision to close down Hanford.

This is the desire of competitive fuels and their friends to achieve a monopoly in the energy supply of the Nation.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time the Senator from Pennsylvania (Mr. Scott) is recognized.

Mr. SCOTT. Mr. President, I yield back my time.

SEVENTY-THREE PERCENT OF THE AMERICAN PEOPLE SUPPORT McGOVERN-HATFIELD TROOP WITHWITHDRAWAL AMENDMENT

Mr. McGOVERN. Mr. President, a Gallup poll, the results of which appeared in yesterday's Washington Post, indicates that 73 percent of the American people favor the so-called McGovern-Hatfield proposal to end U.S. troop involvement in Vietnam by the end of this year. This represents a dramatic increase from the 55 percent of the American people who indicated support for the proposal last September.

In view of President Nixon's recent challenge to return "power to the people," I very earnestly hope that both the Senate and the President will listen to this admonition and will grant the people their wishes on this matter of withdrawing our forces from Indochina.

It should be noted that representatives of the National Liberation Front and Hanoi have said flatly that if we would set such a terminal date for the withdrawal of our forces, they would begin immediately discussions leading to the release of our prisoners. They have also said that they would give assurances as to the safe withdrawal of American forces. These are the two objectives that we ought to be most interested in securing. They can be secured by the McGovern-Hatfield amendment pledge to withdraw all American forces no later than December 31 of this year.

By contrast, even if the President's Vietnamization policy works, which is to reduce the number of American forces in Vietnam and to keep the war going under Vietnamese direction, this would still leave our men in prison in North Vietnam. It would also leave tens of thousands of American forces in great danger on the ground in South Vietnam. It would leave still other Americans in great danger flying combat missions over all of Indochina. Worst of all, it continues this immoral, senseless, barbaric war. It simply shifts the form of the war to a greater reliance on aerial bombardment and less reliance on U.S. ground forces.

I urgently hope that the Senate will listen to the voice of the American people and listen to the voice of reason in passing the McGovern-Hatfield troop withdrawal proposal.

I ask unanimous consent that the text of the article carrying the results of the Gallup poll be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Seventy-Three Percent Support Proposal To Withdraw All Troops This Year

(By George Gallup)

Princeton, N.J.—Public support for the Hatfield-McGovern proposal to end U.S. troop involvement in Vietnam by the end of this year has grown dramatically—from 55 per cent last September to 73 per cent in the latest survey, conducted in mid-January.

The proposal was introduced last year in a Senate bill, sponsored by (R-Ore.) Sen. Mark Hatfield and (D-S.D.) Sen. George McGovern.

Personal interviews were conducted on an 9–10 with a total of 1,502 adults in more than 300 scientifically selected localities across the nation. This question was asked:

A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your congressman vote for or against this proposal?

The following table compares the latest percentages saying their congressmen should vote in favor with those from September:

	January 1971 (percent)	September 1970 (percent)	Percent pt. ch.
National	73	55	+18
Men	67	46	+21
Women	78	64	+14
Republicans	64	48	+14
Democrats	78	61	+17
Independents	71	53	+18
College	60	47	+13
High school	75	57	+18
Grade school	80	61	+19

Note: 1971, American Institute of Public Opinion.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may be recognized for an additional 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I would have to object. We have been objecting, heretofore, may I say to the able Senator from South Dakota. It is a new procedure that we are trying to enforce. I am getting a letter around today—I have been authorized to do so by the majority leader—to acquaint all Democratic Senators concerning it; therefore, I wonder whether the Senator from South Dakota would relinquish the floor now and later seek the floor again to be recognized for another 3 minutes.

Mr. McGOVERN. Will the parliamentary situation be such that I shall be able to do that then?

Mr. BYRD of West Virginia. Yes.

Mr. McGOVERN. I thank the Senator, and I shall do that.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDENT pro tempore. Objection is heard.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President on the economic state of the Union. The message will be printed in the RECORD and the report will be properly referred.

The report was referred to the Joint Economic Committee.

The message from the President is as follows:

To the Congress of the United States:

1970 was the year in which we paid for the excesses of 1966, 1967, and 1968, when Federal spending went $40 billion beyond full employment revenues. But we are nearing the end of these payments, and 1971 will be a better year, leading to a good year in 1972—and to a new steadiness of expansion in the years beyond.

We are facing the greatest economic test of the postwar era. It is a test of our ability to root out inflation without consigning our free economy to the stagnation of unemployment. We will pass that test. But it is a real test and we shall pass it only by doing all we are capable of doing.

The key to economic policy in 1971 is orderly expansion. While continuing to reduce the rate of inflation, total spending and total output should rise as rapidly as possible to lift the economy to full employment and full production. Fiscal policy must play its full and responsible role, and the economy's course in the year ahead will also reflect the extent to which the monetary and credit needs of economic expansion are met. With the stimulus and discipline from the budget that I have put forward, and with the Federal Reserve System providing fully for the monetary needs of the economy, we can look forward confidently to vigorous and orderly expansion during 1971.

At the same time we must be relentless in our efforts toward the greater stability of costs and prices that is the foundation for an enduring and full prosperity. Much has already been accomplished. Prices in the market place have been rising less rapidly, and some that usually change early have actually declined, responding to changing pressures in the market.

In some cases the response of costs and prices has been slow, as the result of insulation from market forces. Often these market problems have been created by the Government itself. Accordingly, the Government has a responsibility to prevent misuses and imbalances of market power which impede orderly operation of our free economic system. This Administration intends to carry out that responsibility fully and fairly.

To get the economy rising at the right rate, neither too rapidly nor too slowly, is never an easy task. Economic policy does not operate with the precision needed to keep the economy exactly on a narrow path. But fortunately absolute precision is not required. What is required is that we operate within a range where both unemployment and inflation are moving unmistakably downward toward our goal. The full resources of Government, with the understanding and cooperation of the citizens, can accomplish that.

THE DUAL TRANSITION OF 1970

Faced with one of the largest inflations in American history we have sought first to stop its rate from speeding up and then to get the rate down. This has been done. The annual rate of increase of the consumer price index, which was 6.0 percent from June 1969 to June 1970, dropped to 4.6 percent in the last half of 1970. Wholesale prices, which usually move before the prices consumers pay, have slowed down even more, from a 5.3 percent rate in the first half of 1969 to a 2.1 percent rate in the second half of 1970. Because productivity began to rise, after earlier sluggishness, labor costs per unit of output rose much less in 1970 than they did in 1969, and this contributed to slower price increases.

While the Nation was making the transition to a less inflationary economy it was also making the transition to a lower level of defense spending. Men released from the Armed Forces have been out of touch with the civilian labor market and need to readjust. Workers laid off from defense production are likely to be concentrated in particular areas, which are often not the areas where nondefense activity is expanding. Their curtailed purchasing power further tends to lower employment of others in their area. During 1970, the number of persons in military and civilian employment for defense was reduced by about 1 million. Most of these people have found work, and others will soon do so. But during the transition many were unemployed, and their number added to the total unemployment rate.

These two simultaneous transitions, from a wartime to a peacetime economy and from a higher to a lower rate of inflation, would inevitably be accompanied by some decline in output and rise in unemployment. The aim of our policy was to keep the decline in output and the rise in unemployment as small as possible.

Fiscal and monetary policy both became more expansive early in 1970, in order to get output rising again while the cost of living slowed its rise. This result was achieved. Total output declined only 1 percent from its high reached in the third quarter of 1969 to the first quarter of 1970; it leveled out in the second quarter and rose in the third. Fourth-quarter output was held down by the auto strike; without it, another increase would have been shown.

The timely shift of policy limited the decline of output; it also helped counter the increase in unemployment caused by the dual transition. The average unemployment rate for the year was 4.9 percent. At the end of the year, partly as a result of the auto strike, the unemployment rate was about 6 percent. About half of the unemployed had been without work for less than 6 weeks. Most of the unemployed who had lost their most recent job were receiving unemployment compensation.

THE ROAD TO ORDERLY EXPANSION

Our first task now must be to assure more rapid expansion and so to reduce the unemployment rate. We are now in a position to do that, while the progress against inflation continues. The restraint of 1969 and the slowdown of 1970 have set in motion strenuous efforts at cost reduction. These actions, as the pace of the economy quickens, will bear fruit in better productivity and costs. Prices have begun to rise less rapidly. There are the first faint signs of a retardation in wage increases in some sectors. Much of the anti-inflationary effect of the 1970 slowdown still has to be felt. And if the expansion is properly controlled in 1971 the conditions for further slackening of the inflation rate will remain. The expectation of continued rapid inflation has been weakened by the firm policies of the past 2 years and we must strengthen this growing confidence in the future value of money.

Forces now present in the economy, partly resulting from policies of 1970, make economic expansion in 1971 probable.

—The greater supply and lower cost of mortgage money has stimulated a 40-percent increase in the rate at which construction of new houses is started.

—Improved financial conditions are leading to a strong increase of State and local spending.

—Interest rates have dropped; the prime rate is down sharply from its peak of 8½ percent.

—Consumers' after-tax incomes have increased and their saving has been high.

—In the early part of 1971 the economy will get a boost as the production lost during last year's auto strike is made up.

—Exports have been strong, and in 1970 were 14 percent above those of a year earlier.

These are powerful upward pressures, but existing and foreseeable expansionary forces in the economy are not strong enough to assure that output will rise as much as is desired and feasible. These forces must, therefore, be supplemented by expansive fiscal and monetary policies.

The full employment budget that I have submitted will do its full share in stimulating a solid expansion. Outlays will rise by $16½ billion, or about 7½ percent, between the current fiscal year and the next—appropriate for orderly expansion, but far short of the inflationary 15 percent average annual increases from 1965 to 1968. In addition, receipts have been reduced $2.7 billion by the depreciation reform which I have initiated to stimulate investment, jobs, and growth.

In fiscal 1971, the Federal Government will spend $212.8 billion, which is equivalent to the revenues the economy would be generating at full capacity. The actual deficit is expected to be $18½ billion. In fiscal 1972, also, the planned expenditures are equivalent to the revenues we would get at full employment. How big the actual deficit will be next year, in fiscal 1972, will depend on economic conditions. If the economy follows the expected path of a vigorous, noninflationary expansion, the deficit will decline to $11½ billion. This combination of deficits is appropriate to the situation through which the economy has been passing. The budget moved into deficit during calendar 1970 as the economy lagged below its potential. Accepting this deficit helped to keep the decline in the economy moderate. It was a policy of not subjecting individuals and businesses to higher tax rates, and of not cutting back Federal spending, when the economy is weak because such actions would have weakened economic conditions further.

To say that deficits are appropriate in certain conditions is not to say that deficits are always appropriate or that the size of the deficit is ever a matter of indifference. Such a policy of free-for-all deficit financing would be an invitation to inflation and to wasteful spending.

As I stated last June, we need to abide by a principle of budget policy which permits flexibility in the budget and yet limits the inevitable tendency to wasteful and inflationary action. The useful and realistic principle of the full employment budget is that, except in emergencies, *expenditures should not exceed the revenues that the tax system would yield when the economy is operating at full employment*. The budget for fiscal 1972 follows this principle.

Balancing the budget at full employment does not deny or conceal the deficit that will exist this year and almost certainly next year. It does, however, avoid large deficits when they would be inflationary, like the swing to a big deficit in fiscal 1968. It means that even when the economy is low we must not allow our expenditures to outrun the revenue-producing capacity of the tax system, piling up the prospect of dangerous deficits in the future when the economy is operating at a high level. Moreover, to say that expenditures must not exceed the full employment revenues draws a clear line beyond which we must not raise the budget unless we are willing to pay more taxes. This is an irreplaceable test of the justification for spending. It keeps fiscal discipline at the center of budget decisions.

Fiscal policy should do its share in promoting economic expansion, and our proposed budget would do that. But fiscal policy cannot undertake the responsibility of doing by itself everything needed for economic expansion in the near future. To try to do that would drive taxes and expenditures off the course that is needed for the longer run. The task of economic stabilization must be accomplished by a concert of economic policies. The combined use of these policies, starting near the beginning of 1969, finally checked the accelerating inflation that had kept the economy overheated for years. A turn of fiscal and monetary policies in a more expansive direction at the beginning of 1970 limited the economic decline and initiated an upturn. Concerted policies of expansion are needed now to lift the economy fast enough to make rapid progress toward full employment, and these needs will be fully met.

PRICE STABILITY AND FULL PROSPERITY

In a fundamental sense, as I have always emphasized, the control of inflation and the achievement of full employment are mutually supporting, not conflicting, goals. Nothing would contribute more to the new expansion than confidence that the threat of inflation is fading. As part of my program of expansion I propose to justify that confidence.

The basic conditions to bring about a simultaneous reduction of unemployment and inflation are coming into being. We are going to continue to slow down the rate of inflation in the middle of an orderly expansion. And we are going to do it by relying upon free markets and strengthening them, not by suppressing them. Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever. I do not intend to impose wage and price controls which would substitute new, growing and more vexatious problems for the problems of inflation. Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not. Instead, I intend to use all the effective and legitimate powers of Government to unleash and strengthen those forces of the free market that hold prices down. This is a policy of action, but not a policy of action for action's sake.

The process of reducing inflation is a process of learning. Business and labor must learn a pattern of behavior different from the one they have learned and practiced during the inflationary boom. Labor contracts and price lists cannot embody the expectation that prices will continue rising at the peak rates of recent years. Businesses cannot expect to pass all cost increases along in higher prices. The ritual of periodic increases in prices has no place in an economy moving toward greater stability.

These lessons are being learned. Most of all they are being taught by the facts of economic life today. Consumers are already imposing stern discipline in markets where sellers have not begun to adapt their pricing to the new, less-inflationary conditions of the economy.

But there are cases where these lessons are not being learned and actions have been taken or are under review. In those cases the Government will act to correct the conditions which give rise to excessive price and wage increases.

Actions were taken to augment the supply of lumber, and to deal with domestic copper prices that were out of line with world markets. To restrain increases in the price of crude oil, this Administration took steps to permit greater production on Federal offshore leases and to increase oil imports. Faced with inflationary price increases for some steel products, I have ordered a review of the conditions which permit or cause such increases, and threaten jobs in steel-using industries.

We have been particularly concerned with increases in the costs of construction. It is now more critical than ever to check inflationary wage and price increases in an industry where unemployment is high. The 1972 Budget provides for a large increase in construction expenditures. This should support increased employment in construction, but will do so only if the larger appropriations are not eaten up by higher wages and other costs. I have asked the leaders of labor unions and contractors in the industry to propose a plan for bringing the behavior of construction wages, costs, and prices into line with the requirements of national economic policy. A workable voluntary plan will avert the need for Government action.

Those of us who value the free market system most cannot disregard the cases where it is being kept from working well. In some of these cases it is Government which limits the free market's effectiveness and Government has the means to make it work better. We must constantly review our economic institutions to see where the competitive market mechanism that has served us so well can replace restrictive arrangements originally introduced in response to conditions that no longer exist. We must also devise efficient solutions to problems that have become more urgent recently, such as those of pollution and adequate health care. Where inadequate market arrangements are delaying our advance toward full employment with price stability, we have a responsibility now to correct them.

In our market-oriented policy, our domestic goals and our international goals are interrelated. Success in our struggle against inflation will help to safeguard our international economic strength, and allow our highly productive enterprises and workers to compete in world markets. The liberal policy with respect to international trade to which this Administration is committed will help keep price increases in check here while giving our farms, factories, and banks a profitable market abroad. At the same time we have to make sure that the burden of adjustment to changing conditions in world markets does not fall entirely on a few exposed industries.

With the cooperation of the private sector, an expansionary public economic policy will achieve a goal we have not seen in the American economy in many years: full prosperity without war, full prosperity without inflation.

In the record of progress toward that new prosperity, I am convinced that economic historians of the future will regard 1970 as a necessarily difficult year of turnaround—but a year that set the stage for strong and orderly expansion.

RICHARD NIXON.

FEBRUARY 1, 1971.

THE NEED TO STOP THE NUCLEAR ARMS RACE

Mr. HUMPHREY. Mr. President, today, I want to speak briefly about the most important problem facing our Nation, and the world: the awesome need to stop the nuclear arms race. Not to speak out at this time would be shirking what I recognize to be a public duty. I have consistently maintained an informed interest in the field of arms control, including my advocacy and support for what is now known as the nuclear test ban and nonproliferation treaties, as well as the formation of the Latin American nuclear free zone. And now I find our country once again facing a historic opportunity to control the terrifying uncertainties of nuclear weapons. What is most disturbing, however, is that the present administration has not thus far availed itself of that opportunity, despite the encouragement of numerous experts in the field. In fact, reports indicate that the President has rejected the sound recommendations of his advisory committee for the arms control and disarmament agency, a bipartisan panel of men who have a distinguished record of experience in national security and arms control questions.

For more than a year, we have engaged in strategic arms limitation talks with the Soviet Union; yet, both powers persist in raising the stakes in an arms race which can only be harmful to their mutual self-interests, and, hence, to the security of the entire international community. At this very moment the President and his principal advisers are considering proposals for building more offensive and defensive strategic weapons, likely to affect our negotiating posture at the next round of SALT talks.

What he decides may hold the promise of an agreement to halt this deadly race, or it may simply herald another round in the piling up of new and ever more frightening weapons.

At this critical juncture, therefore, I would like to outline my own thinking on this subject in the hope that by working together, thoughtful and reasonable men may find their way to a sensible solution to this terrible problem.

The United States is pressing forward with the Safeguard ABM system; we are deploying MIRV's—multiheaded independently targeted reentry vehicles—on Minuteman III missiles, capable of bringing several separate targets under simultaneous attack. And we will soon launch the first of our Poseidon submarines, each packing a punch of 160 individually targeted nuclear weapons. In short, we have been escalating the arms race through military means at the same time the administration has attempted to slow it down at the SALT negotiations.

The Russians also have a tremendous arsenal of nuclear forces, including nearly 300 of the giant SS–9 missiles. The total number of Soviet land-based missiles, old and new, may now be greater than our own and their missile submarine program has also expanded appreciably.

In recent months the picture of the Soviet arms program has changed. We now have evidence that the Soviet Union is no longer rushing forward, hellbent in the construction of massive land-based missiles. The Department of Defense recently released information indicating that the SS–9 drive had virtually ground to a halt.

What do these recent developments mean? Should we be optimistic, believing that the end of this arms race is within our reach?

None of us can know exactly what the Russians intend by suspending their construction program. They may be only facing technical problems and waiting until they can perfect and install their own MIRV warheads; or they may be trying to tell us with deeds instead of words that they want to slow down or halt the race in land-based missiles.

Deciphering the true motives for Soviet action is not absolutely necessary. We only need to know the hard facts concerning their construction of land-based missiles. We have those facts. And we will continue to get them by means of our own secure and accurate techniques of satellite reconnaissance.

This kind of information gives us a great opportunity—an opportunity to match Soviet restraint, day by day, month by month, and not to impair or weaken our own security. There are two steps that we can take:

First. We can begin by suspending work on the Safeguard ABM system, a system which the administration says is important to defend our Minuteman missiles against a future threat from the SS–9. There are many Members of the Senate who would question the administration's reasoning on the ABM in any event—thoughtful men who argue that Safeguard is unworkable, unneeded, or provocative. It is not necessary for us to debate that issue again at this time. It is only necessary for us to realize that, whatever the arguments for the ABM, we can now, with all safety and security, suspend work on it for at least as long as the Russians refrain from building more land-based missiles.

Second. We can also suspend deployments of our Minuteman III and Poseidon missiles equipped with MIRV warheads. The administration continues to push ahead with this program, justified on the basis of the failure, thus far, for the United States and the Soviet Union to agree on a formula for the banning of MIRV's.

Is this justification any more valid than the one used for the ABM program? Once again, I find the logic of the administration's rationale very shaky. Here, too, we would run no risks, as long as the Russians fail to build an effective ABM system of their own, and as long as they refrain from building offensive weapons which could threaten our deterrent capabilities.

We are in a privileged and fortunate position today. At no cost to ourselves—and with absolute guarantee of our own security—we can stop our part of the nuclear arms race, in response to actions already taken by the Soviet Union.

For whatever reasons the Russians have decided to suspend or halt the building of land-based missiles, we can follow suit. This is not a unilateral moratorium. It is a moratorium that is fully mutual, fully inspected with each country's own means, and fully secure.

I urge the President to declare this mutual moratorium—in the interests of our own country's security; in the interest of all mankind.

The alternative presents grave problems.

The President has long demanded that the United States commit itself to the building of weapons systems, such as the Safeguard ABM and MIRV, which could serve as "bargaining chips" at the SALT talks. Last year, a reluctant Senate agreed to support him for phase II of the Safeguard system. Today, however, any value it might have had as a bargaining chip has vanished. The Russians are no longer building the SS–9; they have given up their chip. If we continue to retain ours, its value will merely be a provocation for Soviet retribution.

If we fail to accept a mutual moratorium, we, therefore, will not be helping to stop the arms race; we will be forcing the Soviet Union to resume it. This is too high a price to pay for a position of "superiority" and of supremacy that can only fuel the next and most deadly round in this futile race.

The same is true for our deployment of missiles with MIRV warheads. Even when the Russians were building more land-based missiles at a great pace, our MIRV program guaranteed that we would out-distance the Soviet Union in number of deliverable nuclear warheads. It also guaranteed that we could counter an effective Soviet ABM system—a system the Russians never built. Today, when the Soviet Union is no longer building the SS–9 and has not expanded its ABM system beyond a minimal and ineffective defense around Moscow, our deployment of MIRV is becoming a massive and one-sided escalation of the arms race.

We cannot long expect the Soviet Union to suspend its own land-based missile programs while we surge ahead. Soon the Russians will follow our example, and resume the escalating tempo which we are setting.

The President has reportedly decided that he will not consider an agreement at SALT on MIRV warheads without full and complete inspection. This is tantamount to preventing any agreement on MIRV's at all because of historic Soviet reluctance to permit direct, on-site inspection, and because of the technical problems involved.

An overall limit on the total number of missile launchers maintained by each side would make any demand for on-site inspection unnecessary.

Moreover, the demand is premature, and disguises the fact that we are already deploying MIRV's and the Russians have not even fully developed them. The technical modalities for an agreement to ban MIRV's can, therefore, wait, but our own suspension of this weaponry cannot.

The President's advisory committee in order to speed up the SALT agreements or reverse the arms race has already recommended that we drop our demand for on-site inspections. It is not essential due to the technical efficiency of our reconnaissance satellites which identifies missile launchers. He has rejected their advice. I urge him to reconsider. I urge him to accept the true promise that is before us today—a mutual moratorium on the building of land-based systems that can bring a vital part of the arms race to a halt—today and not in the gray distance of tomorrow.

I look forward to the day that we will have a formal agreement at SALT, which I strongly support, to be fully assured that the arms spiral is being unwound. Perhaps we can accomplish the same thing by a continuing process of discussions and simultaneous coordinated, unilateral acts. Be that as it may, the fact remains that the only real way to stop the arms race is to do just that—stop it. With a month-by-month moratorium, with continued vigilance and preparation, we can respond with safety and security.

We now have the chance and it is my duty and the duty of this body as a public forum to convince the President that we must take it.

WHERE ARE THE SALT TALK ALTERNATIVES?

Mr. President, in today's Post, Marquis Childs discusses the SALT talks and the U.S. lack of negotiation alternatives. The column entitled, "Annihilation Gamesmanship" underlines the fact that the U.S. negotiators have been discussing arms limitations and arms reductions, while the Defense Department is moving ahead full-blast with both MIRV and ABM.

In my prepared remarks today, I have called for a moratorium on both ABM and MIRV deployment. We have the technology and the know-how to deploy these weapons effectively. What is to be gained by their installation during a time of most delicate negotiation? We do not need any new version of "brinkmanship" in the 1970's. We need diligent, sincere and reciprocal negotiations that will enable the United States and the Soviets to begin the diversion of resources to development of the best in man rather than threaten to the destruction of the species.

Mr. President, I ask unanimous consent that the column by Marquis Childs, appearing in the Washington Post of February 1, 1971, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNIHILATION GAMESMANSHIP

(By Marquis Childs)

You sit staring at your typewriter and you ask yourself how you can make the most vital subject in the world at least partly intelligible. How to break through the shopworn expressions, the barrier of secrecy? How to convey some sense of urgency?

The subject is nuclear arms control and disarmament and, as the days and the weeks slip by with no apparent progress, the hope of any limitation seems to the eye of the outside observer to be all but vanished. The sessions of the Strategic Arms Limitation Talks (SALT) tend to be reported as a kind of nuclear basketball game. They're ahead, we're behind, we're ahead. Insofar as the outsider can pierce it together, the current critical stage developed as follows:

At Helsinki in late 1969 the United States delegation put on the table a comprehensive plan for the limitation of both offensive and defensive missiles. The Russians asked a number of questions as they continued to do at Vienna in 1970. But they did not give any real response. It became known, however, that the Russians had slowed the deployment of the SS-9, the giant missile that was America's chief worry.

Vienna ended in stalemate. Then at Helsinki, two and a half weeks before Christmas, the Russians put on the table a proposal to limit antiballistic missiles to protection of the two capitals, Washington and Moscow. This was a clear-cut limited proposition.

But time was running out and apparently the U.S. delegation had no contingency plan that might have made at least a tentative response possible. So far as is known, no answer has yet been formulated, and the Vienna talks are only six weeks away.

This can become a public controversy. Editorialists and others are already asking why such a limited agreement would not be at least a step away from the multi-billion-dollar arms race. The public demand for some form of ABM agreement promises to grow louder in Congress and in public opinion.

The resistance comes from the Pentagon whether with the sanction, or at any rate the tolerance, of the White House no one can say. The White House and the Pentagon won a great victory after a furious battle when the Senate, with five votes to spare, approved Phase II of the antiballistic missile program. That meant construction of four protective missiles at four Minuteman sites in four states. The Pentagon goal is 12 at a cost of more than $12 billion.

TO AGREE to the Russian proposal would mean scrapping the four sites, on two of which construction is progressing, as well as the over-all program. It would surrender the Pentagon conviction that U.S. offensive missiles must be protected against a Soviet first strike.

As the game is played in Washington the Pentagon almost always scores. At the crisis point with time running out in the quest for a decision on how to respond to the Russian offer the Pentagon comes out with a convenient leak. The Defense Department has urged the White House to back an ABM defense for Washington as well as the four sites in the West. That is what is called putting the ball in the opposition's court.

The Pentagon goes right on scoring. According to the latest count, 50 Minutemen-2 have been converted to Minutemen-3 by adding multiple independently targeted warheads (MIRV). This means a stepup of from three to seven times in nuclear striking power. The conversion of Polaris missiles to Poseidons by the same MIRVs—adjustable up to 10—was delayed by a strike so that only one submarine is deployed with 16 Poseidons. But spring will see a wholesale conversion to Poseidons with a range up to 2,800 miles.

No sky-borne inspection is possible once the warheads are locked into a missile. That means agreement on abolishing or limiting this newest round of weaponry is all but out.

MIRV, ABM, SALT—this is the language of the professionals. For the uninitiated it conveys little of what the game means in billions spent on a mythical "defense" or on the ultimate test.

FBI AGENT'S DISMISSAL CALLS FOR INVESTIGATION

Mr. McGOVERN. Mr. President, on Wednesday, a suit was filed in New York by the American Civil Liberties Union which charges FBI Director J. Edgar Hoover with a "vindictive act of personal retribution" against a former agent of the FBI, Mr. John F. Shaw. The suit charges that Mr. Hoover failed to observe civil service procedures in suspending Mr. Shaw and has violated the agent's rights under the first, fourth, fifth, sixth, and ninth amendments.

This lawsuit follows the first revelation of the circumstances of Mr. Shaw's dismissal which was published in a news story in the Los Angeles Times on January 17 written by Mr. Jack Nelson. It related that Mr. Shaw, an agent with an exemplary record, was enrolled with a group of FBI special agents in the John Jay College of Criminal Justice. After his professor had voiced some criticism of Mr. Hoover's administration, Agent Shaw wrote his professor a letter in which he articulated his own opinions on both the strengths and shortcomings of Mr. Hoover's administration. Mr. Hoover was able to obtain a copy of the letter. And from that time forward, Mr. Shaw has been forced to undergo an ordeal which has included the termination of his employment with the FBI and the effective preclusion from further employment.

After being informed of these circumstances, I wrote to Mr. Hoover requesting his explanation of the events described. His reply was fundamentally inconsistent with the facts reported, and it contradicted his own previous statement of the reasons for the dismissal of Mr. Shaw from the FBI "with prejudice."

Following the receipt of Mr. Hoover's explanation, my office contacted Mr. Shaw. It became clear that the personal tragedy involved was even more serious than at first appeared. Mr. Shaw continues to be refused employment as potential employers are made aware of the prejudicial action by his former Director. Mr. Shaw is the father of four children. Last week, medical tests on his ailing wife established that she is very seriously ill.

The injustice which this man has suffered cannot be tolerated with respect to any citizen in a free society. But even beyond consideration of the personal tragedy, the persecution of Shaw, despite excellent public service, involves the integrity of our Government and the effective enforcement of its laws. Mr. Hoover's action in this matter indicates that he is willing to jeopardize the rights of agents of the FBI as well as effective law enforcement to repress criticism of his administration.

Such vindictiveness is intolerable on the part of an important Federal official. Any reasonable man reading Shaw's letter to his professor will regard it for what it is—a well-intentioned attempt by a loyal agent of the FBI to engage in constructive criticism. Indeed, Mr. Shaw's comments included a vigorous defense against those criticisms of the Bureau which he regarded as ill-founded.

Mr. President, I ask unanimous consent that the following documents be included in the RECORD: The original news story by Mr. Jack Nelson of the Los Angeles Times, my letter to Mr. Hoover and his reply, and Mr. Shaw's letter to his professor, the sole basis for Mr. Hoover's action.

Here is an injustice that cries out for remedy. I am, therefore, asking the Senate Subcommittee on Administrative Practice, chaired by Senator KENNEDY, to initiate an immediate investigation. Also, a few days ago I wrote the Attorney General, expressing my concern over the inconsistencies in Mr. Hoover's response to my letter, and requesting that the Attorney General rectify the prejudicial action. I ask unanimous consent that this letter also be included in the Record.

I call upon my colleagues to review the documents I have submitted. They disclose an appalling situation which we cannot ignore.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, Jan. 17, 1971]

Letter Ends FBI Career: Hoover Blackballs Ex-Agent Who Was Critical of Him

(By Jack Nelson)

New York.—It had the earmarks of a routine FBI investigation—agents sifting wastebaskets and piecing together parts of a letter, then calling in a suspect for interrogation.

But it was not routine. The investigation occurred in the FBI office in New York and the suspect was an FBI agent.

Jack Shaw, 37, of Hillsdale, N.J., a former Marine captain with an unblemished record of seven years with the FBI, was studying for a master's degree at John Jay College of Criminal Justice here. He had written a letter to Prof. Abraham S. Blumberg discussing the FBI and asking advice on a possible thesis.

The letter was critical of FBI Director J. Edgar Hoover and the FBI on some points, but also defended Hoover and the bureau against critics and Blumberg's classroom criticism on other points.

The FBI was able to piece together less than half of the 15-page, single-spaced letter, which was never mailed. But it was enough to wreck Shaw's career and to prompt Hoover to blackball him in the law enforcement field.

Since resigning under pressure last Sept. 24, Shaw, a father of four, has been unable to find a law enforcement job. He says several job opportunities collapsed when his would-be employers learned Hoover had accepted his resignation "with prejudice."

Shaw contended his letter contained private thoughts of an academic nature. Blumberg, who was furnished a copy, described it as the work of "a man who was troubled by his role in life, who had some questions about the institution for which he was working, but was basically loyal."

The letter is a rambling, free-wheeling critique, factual in places and highly opinionated in places, humorous in some places and deadly serious in others. Shaw released a copy of the letter at the request of a Los Angeles Times reporter, declaring:

"I don't want to further complicate my problems and cause more damage to my family. But I want to set the record straight. I'm trying to deal in good faith with prospective employers."

Shaw had ended his letter with a request that Blumberg keep it "in complete confidence, otherwise I shall be obliged to begin preparing my defense before some governmental court of inquisition . . . in the bureau's eyes, of course, however academically intended, my statements would constitute a prima facie case of heresy. I would prefer not to be martyred this calendar year."

CRITICISM BY HOOVER

Hoover, who still has seen only parts of the letter, accused Shaw of "atrocious judgment" in criticizing the FBI and in failing to report Blumberg's classroom criticism to the FBI.

Shaw was suspended without pay for 30 days, put on probation and transferred to Butte, Mont., a purgatory for agents who have incurred Hoover's displeasure.

Rather than accept the transfer, Shaw resigned, citing "personal considerations affecting the health, welfare and happiness of my family." (His wife, who had been ill intermittently during the previous two years, is now in a hospital awaiting major surgery).

In the letter Shaw agreed with critics that a Hoover "personality cult" guides the FBI and stymies change. He also criticized the FBI for lagging in the fight on organized crime, for too strictly regimenting and controlling agents, and for directing a vociferous public relations program that emphasizes accomplishments of 25 and 35 years ago.

DEFENDS FBI

At the same time he defended the FBI against critics who accuse it of keeping dossiers for political purposes and of engaging in Gestapo-type excesses. He also defended Hoover's integrity and character.

Overall, he wrote, the FBI has "kept fairly well abreast" of its responsibilities and has provided effective law enforcement.

John Jay College, as well as Shaw, felt repercussions from the classroom criticism of Hoover and the FBI. Hoover directed that all 15 agents attending John Jay withdraw unless the college fired Blumberg. College officials backed Blumberg and more than 1,000 of the college's students petitioned Atty. Gen. John N. Mitchell to investigate the entire incident and to order that the 15 agents be permitted to return to classes.

The John Jay student publication, Lex, edited by Michael J. Fleming, a New York City policeman, urged Hoover to reconsider his order and said he should realize that any institution which holds itself above criticism will soon drift beyond the realm of reality . . . John Jay, without a doubt, has to be one of the most conservative colleges in the country. If the FBI cannot function here, then it would appear that it cannot function at all."

The college has been strongly supported by the Department of Justice, which includes the FBI, and receives $900,000 annually from the department's Law Enforcement Assistance Administration programs. The college's 5,000 students include 3,500 in-service personnel—city and state police, federal agents (CIA), narcotics, customs, military, etc.) and other law enforcement personnel.

Shaw has bachelor degrees in law and philosophy and has completed all requirements, except for a thesis, for a master's degree in criminal justice at John Jay where he was studying under FBI auspices.

As a student, he had finished second in his Russian language class at the Monterey, Calif., branch of the Defense Language Institute in 1966 and later that year served as interpreter for Alexei N. Koygin's UN visit and the Russian premier's visits with President Lyndon B. Johnson at Glassboro, N.J. Shaw was climbing the FBI ladder when he fell from grace. He and two other agents had been selected from 76 who applied for advanced study at John Jay to qualify as instructors at the prestigious FBI National Academy.

CRITICIZED HOOVER

His downfall last July when Blumberg, author of three books on criminal justice, criticized Hoover during a lecture on law and society. As Blumberg recalls it, he said "something about the cult of personality and that Mr. Hoover had been in power too long."

Shaw decided to write Blumberg about the professor's classroom criticism of the FBI and began researching the pros and cons of it. By Sept. 15 he had drafted the letter and turned it into the typing pool of the New York FBI office for final typing.

His ordeal began about 4:30 p.m. last Sept. 17, he said, when an agent friend "said he had passed the typing pool and heard considerable talk about a letter I had written."

"He was ashen-faced," Shaw continued. "He asked, 'Did you write a letter to a professor at John Jay? Christ, a lot of questions are being asked and about 10 agents are making a methodical search through the trash baskets."

The agents found and put together all or parts of eight different pages, according to Shaw, who was confronted by John Malone, special agent in charge (SAC) of the New York office and Joseph K. Ponder, SAC for administration in the office.

"I began to sweat profusely," Shaw said. "My whole career went before my eyes. I thought about my wife and children."

His superiors demanded that he turn over to them the complete copy of the letter.

"I tried to tell them that it was academic freedom," Shaw continued, "and I said, 'Mr. Malone, you get into an academic discussion and nothing is clearcut—there are pros and cons to everything.' I said that I was entitled to the privacy of my thoughts."

"TIP OF YOUR TOES"

But Malone, according to Shaw, said, "You're an FBI agent from the top of your head to the tip of your toes and anything you write belongs to the FBI."

Shaw said, "They kept questioning me and said I would be off the hook if my letter met Mr. Hoover's approval. They said if I had written a letter refuting an attack on Mr. Hoover, they said they would send it to Mr. Hoover and I would be rewarded for it."

After four hours of interrogation, Shaw said, he finally told them he would give them an answer the next morning. When he returned the next day he told his superiors he had decided the unmailed letter was a private document and he had destroyed it.

They told him he was suspended indefinitely and ordered him to turn in his gun, badge and FBI recreation association card (which, among other things, entitles agents to discounts at certain commercial establishments).

Malone, who commands the FBI's largest field office, responded to an inquiry about the case by saying only, "Any comment will have to come from Washington." An FBI spokesman in Washington said, "There are no FBI offices which are administratively considered unpopular or 'disciplinary' offices for purposes of assigning personnel. All transfers are made on the basis of the needs of the service."

SENT TO BUTTE

Four days after the New York office suspended Shaw, Hoover transferred him to Butte and wrote him: "It has been determined that you exercised atrocious judgment by preparing a communication for transmittal to an individual not employed by the bureau which correspondence contained material critical of the FBI. Your reasons for acting as you did are without merit. Having been put on notice that this person had been critical of the bureau, you had a responsibility to make this matter known to your superiors immediately and you failed to do so. Your derelictions are inexcusable.

"In view of the above, the suspension from duty without pay . . . is being continued through Oct. 18, 1970. You are also being placed on probation. While on a probationary status, favorable consideration will not be given any within-grade salary increase for which you would otherwise become eligible . . ."

Shaw replied with a letter to Hoover saying, "for the first time in seven years, personal considerations affecting the health, welfare and happiness of my family demand priority of considerations and this precludes my acceptance of an office transfer to the Butte office under present circumstances . . .

"I have served the FBI with consistent application and considerable pride and devotion since July, 1963, but in view of certain issues raised recently by my administrative superiors in my regard, leading up to and resulting in my office transfer at this time, I consider it necessary to resign."

Back came a telegram from Hoover advising "your resignation is accepted with prejudice . . . action being taken in view of your atrocious judgment."

Shaw, after finding that the black mark was stifling his employment chances, finally wrote Hoover on Dec. 10 asking that he consider removing "with prejudice" from his employment record.

"This prejudicial qualification has either sharply limited or otherwise adversely affected my opportunities for employment," Shaw wrote. "Further continuation of this action on your part would undoubtedly add to the burden already assumed by my family and myself."

On Dec. 17 Hoover replied in a letter, "You may be sure that this matter has been given careful consideration; however, this is to advise that the action previously taken in accepting your resignation with prejudice must stand."

Shaw does not recall all of the parts of the letter the FBI retrieved and reassembled so he does not know the relative amount of pro and con Hoover saw. Nor does he recall whether Hoover saw some of the sharpest barbs, such as:

"We are not simply rooted in tradition. We're stuck in it up to our eyeballs. And it all revolves around one key figure—the life and exploits of J. Edgar Hoover."

Shaw wrote that while a personality cult extends through the FBI's management, "I do not think the cultists infect every area of bureau operations. The field operations generally proceed without undue concern for the personal edification of the director. Of course, in the handling of personal promotions . . . the cult of personality does play an important role . . adulation of the director in some form or other provides the main catalyst in the process of administrative advancement."

He also wrote, "Hoover's grip on the FBI remains vise-like (some say 'stranglehold') and the net effect is . . . frustrating needed changes and inhibiting the range and thrust of current operations. With the director's position perennially secure, the infusion of new life and new direction is a moot point."

HOOVER'S REPUTATION

According to Shaw's letter, however, "whatever faults may be attributed . . . it is still quite a task to impugn his character and integrity on defensible grounds. Personal idiosyncracies, perhaps. But character defects, hardly. Hoover's reputation has . . . survived well under the poisoned pens of the sharpest critics of the D.C. circuit . . ."

Shaw criticized "Monday-morning quarterbacking" of field operations from Washington and said it is not uncommon for FBI headquarters to approve a field operation and then, because of bad publicity, contend it has been mishandled and discipline the agent involved.

"Thus in the Lee Harvey Oswald case," he wrote, "the bureau publicly refused to accept any blame in the handling of its investigation of Oswald; but after the Dallas debacle had generally lost front-page news coverage, the bureau censured, suspended and transferred the special agent to whom the Oswald case had been assigned. The agent's guilt was that he had failed to 'property administer' his case. There simply is no excuse in the organization for bad publicity or any investigative act which results in 'embarrassment to the bureau.'"

Shaw touched lightly on another controversial matter involving Hoover—the director's repeated allegations concerning the personal behavior of Dr. Martin Luther King who had criticized the FBI for its performance on civil rights cases in the South. Shaw suggested that both Hoover and the late civil rights leader might be vulnerable to criticism—Hoover, if he used "information in official files to silence Dr. King's criticism of the FBI" and Dr. King if he "was in fact so vulnerable to compromise."

IMAGE CONSCIOUS

Shaw wrote that the bureau is so conscious of its image and promotes, it so "vociferously" that effectiveness is impaired.

"I suggest that if avoidance of criticism becomes the chief consideration of an agency, there is little likelihood that its members will be distinguishable for the imagination, initiative and aggressive action. There is a haunting phrase that echoes through the bureau: 'Do not embarrass the director."

Quoting "reliable sources," Shaw wrote that brief personal interviews with Hoover figured heavily in agents' promotions and added: "I would even argue that a mental incompetent (provided only he wore a dark suit and were otherwise well-groomed) could play an impressive role for so brief a span. Even granting Mr. Hoover posseses extraordinary powers of intuition and judgment, I nevertheless doubt that he could safely pass on good horseflesh after only a five-minute examination of the brute."

Shaw commended Blumberg for "the excellence" of his course and, in a facetious vein, advised that his first move after becoming an instructor at the FBI National Academy would be to invite the professor "to appear as a guest-lecturer . . . to deliver your expanding series on the FBI—well, anyway to appear as a lecturer within your academic specialty."

Concerning criticism that the FBI keeps dossiers for political purposes, Shaw wrote, "I seriously question whether so much information . . . is being maintained for the express purpose of political blackmail. In the hands of an unscrupulous person, practically any sensitive information uncovered in the course of an FBI investigation might serve some sinister purpose. But such has simply not been the proven case in the bureau's history."

TWO BOOKS CRITICIZED

He also criticized two books written by former FBI agents as "sensationalism," declaring, "they cited everything from Hoover's puritanical outlook on sex to his penchant for bugging the johns in the Justice Department; from agents cutting-up on duty, to matters of gross incompetence. Both books were apparently poorly documented and poorly written 'exposes' by agent-authors who had served less than a year in the bureau . . ."

Other verbatim excerpts from the letter follow:

"The bureau projects its image with the deft subtlety of a sledge-hammer. But I also take exception to the manner in which criticism is sometimes leveled at us. The critic who resurrects the Gestapo ghost to cite supposed excesses of the FBI is . . . appealing to pure emotionalism and wallowing in the cheapest form of rhetoric.

"Woe to the special agent in charge in Indianapolis, Butte, Buffalo, or San Francisco if some 'independent remark' or prepared press release is later construed by headquarters as out-of-line with 'established bureau policy.'"

DILLINGER DAYS

"Tradition has its place, but in the bureau apparently this means dragging out the skeletal remains of John Dillinger, Baby Face Nelson and Machine-Gun Kelly at every law enforcement luncheon, and today when there is justifiable concern over international espionage, who is really impressed with the FBI's capture of bumbling Nazi saboteurs landing off a U-boat during World War II?

"Only recently has the bureau begun to develop an intelligence network for a coordinated attack on organized crime. For decades the bureau refused to believe or chose to ignore the fact that the criminal underworld had not only invaded the world of legitimate business but was operating with the efficiency and expertise of 'big business.'

"The internal power structure of the FBI has been too rigidly set in its own ways to conceive or implement a novel program of action involving cooperation with outside agencies. Professional jealousy is not an uncommon FBI shortcoming.

"The bureau's answer to any criticism from within is 'follow procedures or find a new job.'

"Internal discipline in the bureau is swift and harsh. Unfortunately, too, it is often quite arbitrary."

JANUARY 12, 1971.

J. EDGAR HOOVER,
Director, Federal Bureau of Investigation,
Washington, D.C.

DEAR MR. HOOVER: It has been brought to my attention that certain FBI agents were withdrawn from the John Jay College of Criminal Justice as a result of remarks critical of the administration of the Federal Bureau of Investigation. In particular, I have been informed that one of these agents, a Mr. Jack Shaw, has resigned from the FBI, and that you accepted his resignation noting formally that the acceptance was "with prejudice."

The description of this episode which has been related to me has caused concern about the personnel procedures of the Bureau. Therefore, I would very much appreciate information as to the reasons why Mr. Shaw and the other agents were withdrawn from John Jay College, and a statement of the circumstances resulting in the acceptance of Mr. Shaw's resignation "with prejudice."

Many thanks for your cooperation.

Sincerely yours,

GEORGE MCGOVERN.

FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., January 15,1971.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I have received your letter of January 12, 1971, concerning the withdrawal of FBI Special Agents from John Jay College of Criminal Justice and the acceptance of the resignation of former Special Agent John F. Shaw, Sr., with prejudice.

The Special Agents were withdrawn from the college after Mr. Shaw, who took a course last summer at the college, reported that the professor would not give him ample opportunity to reply in class to derogatory statements about the FBI which this professor had made in class. I could only conclude that such an academic environment was not conducive to the objective pursuit of law enforcement studies.

The voluntary resignation of Mr. Shaw was accepted with prejudice in view of the atrocious judgment he displayed in this matter.

Sincerely yours,

J. EDGAR HOOVER.

SEPTEMBER 15, 1970.

Prof. ABRAM F. BLUMBERG,
John Jay College of Criminal Justice, Graduate Division, New York, N.Y.

DEAR PROFESSOR BLUMBERG: I did not want the summer to slip by without having acknowledged the excellence of your course at John Jay on *Law and Society*. I would have made this comment earlier but, under the circumstances, my motives might have been questioned. At this late date, I presume that my academic grade will not be affected one way or the other by my observing that I enjoyed your lectures and found your remarks interesting, on-point and certainly thought provoking.

I should quickly add that I was not always in full agreement with the legitimate inference drawn by you in presenting your material, particularly that portion relating to the FBI. I decided a letter might offer the best format for expressing my own viewpoint in this area of mutual interest, since presumably a letter could best be read at your leisure. I have made some concerted effort to be both precise and reasonably brief in my presentation. But if I tend to ramble Doctor, it is because I have taken only the limited time available to prepare my "apologia".

As an FBI agent who has plied his peculiar trade for seven years, I am offering personal observations based on my own experience. I do not pose as an expert in FBI affairs, because the average agent-employee simply is not privy to the formulation of Bureau policy, and has no *precise* conception of how the internal power structure of his organization actually functions. In this sense, I suppose the Bureau can be considered "secret" in its operations. Still the interested "student" of Bureau affairs, even from cursory examination, can attain some knowledge of the FBI's structure, administration and operation not accessible to the layman (citizen.).

Basically the Bureau pulse-beat is transmitted coast-to-coast through 55 geographically spaced field offices which operate as partially autonomous cells. A Special Agent in Charge (SAC) is *technically in command* at each of these 55 locations. Actually, an SAC is not generally known for his independence of action or his propensity for original thought. He is probably best recognized as a "sounding-board" for the Director's policies, thoughts, and directions and as a "competent administrator" in the daily routine of his office. Operational control of the FBI is centralized in Washington, D.C. When the Director dictates, 55 scribes take notes and these notes are soon translated into "standard operating procedure". Centralized authority, maintained through high-speed communications between Seat of Government (Headquarters) and the field offices, is the key to the Bureau's operational control, uniformity and efficiency (?).

How centralized is this control? Well, woe to the Special Agent in Charge (SAC) in Indianapolis, Butte, Buffalo, or San Francisco if some "independent" remark or prepared press-release is later construed by Headquarters as out-of-line with "established Bureau policy". Washington is always in the enviable position of placing its own interpretation on all communications and information it receives from its field offices. Washington weighs, evaluates and passes judgment on the results of investigation submitted; and effectively assumes the role of "Monday morning quarter-back." It is not an uncommon phenomenon that a field investigation which started out well with Washington's full approval, suddenly hits a snag and is judged to have been mishandled or poorly administered in the light of some intervening bad publicity. Thus in the Lee Harvey Oswald case, the Bureau *publicly* refused to accept any blame in the handling of its investigation of Oswald; but *after* the Dallas debacle had generally lost front-page news coverage, the Bureau censured, suspended and transferred the Special Agent to whom the Oswald case had been assigned. The agent's guilt was that he had failed to "properly administer" his case. There simply is no excuse in the organization for bad publicity or any investigative act which results in "embarrassment to the Bureau."

The Bureau, as is perhaps true of any para-military organization, embodies characteristics and relies on methods which simply do not appeal to the mind of the philosopher, the social scientist or the professor. I think a similar rift exists, by way of analogy, between the *practical* and the theoretical sciences, perhaps to a lesser degree. Within the FBI "system" there *is* regimentation, which necessarily circumscribes the area of free expression and independent choice of action. The area of allowance within which an agent can legitimately question prescribed policies, methods and goals, is extremely limited for the sake of discipline, control, and uniform procedure. Without question, the lack of some centralized administration would eventually lead to chaos in the field divisions. The simple Bureau response, of course, even to implied opposition to "one-man-centralized" authority is "follow procedures or find a new job."

The fact is that an agent is an *agent*—an instrument for executing what has been transmitted down through the chain-of-command. His job is fairly pragmatic. The rules and regulations are *amply,* if not *clearly,* spelled-out, and so are the penalties for violating, ignoring or misconstruing the "letter of the law". Internal discipline in the Bureau is swift and harsh. Unfortunately, too, it is often quite arbitrary. Punishment is usually meted out in direct proportion to the amount of bad publicity generated by the particular mistake or incident.

The difficulty with the Bureau's rigid system of control and discipline, however, is exactly the point you made in class: Personal initiative and aggressive action tend to be blunted *up* and *down* the line. It is an inherent defect in the bureaucratic process (perhaps in human nature, for that matter) "to fulfill the minimum requirements; to take the minimum action necessary" in a given situation; to avoid the pitfalls of the past and follow the proven "safe-route". In the Bureau, as anywhere else, the letter of the law can receive much undue emphasis while the spirit of the law is seemingly forgotten. Mediocrity *can* survive quite successfully within the system.

One effect of the Bureau's promoting its image so vociferously through publicity is the acquired characteristic of "Over-caution". I believe it is possible for an organization to become so conscious of its public image—its unsullied reputation—that it is actually reduced in its effectiveness. At a time when the entire governmental "establishment" is under assault, the Bureau of course is even more sensitive to criticism from any quarter. I suggest that if avoidance of criticism becomes the *chief* consideration of an agency, there is little likelihood that its members will be distinguishable for their imagination, initiative and aggressive action. There is a haunting phrase that echoes throughout the Bureau: "Do not embarrass the Director." This has been so widely interpreted and liberally applied that there is some question today what action or conduct cannot be considered "embarrassing", "indiscreet", "imprudent" or "ill-timed".

This brings me to the question of *"Public Relations"* which is an integral a part of the FBI as it is of any modern corporation with a product to sell or a service to provide to the public. The Bureau obviously depends on strong public cooperation for success in its investigations. Without public cooperation and receptiveness, the Bureau could not expect to obtain the information it solicits and needs on a day-to-day basis in meeting its responsibilities.

Whether its public relations program is *excessive*—and to what degree—is a question open to some debate. I would argue for continued good publicity, responsive to *current* needs, and based on *current* noteworthy accomplishments. But dispense with the uninspired stream of gangster stories that relate back to the roaring 20's and 30's. Through dogged repetition the Bureau sometimes creates the impression—inadvertently—that it has done nothing particularly worthwhile since Hoover personally disarmed Alvin Karpis in 193(?). Tradition has its place, but in the Bureau, apparently this means dragging out the skeletal remains of John Dillinger, "Baby Face" Nelson and "Machine-Gun" Kelly at every law enforcement luncheon, and today when there is justifiable concern over international espionage who is really impressed with the FBI's capture of bumbling Nazi saboteurs landing a U-boat during World War II?

We are not simply rooted in tradition. We're stuck in its up to our eye-balls. And it all revolves around one key figure, viz., the life and exploits of J. Edgar Hoover. On the other hand, to knock the Bureau for fostering *any* kind of publicity program is to say in effect: "It doesn't pay to advertise." It not only pays, but if the FBI is to continue to operate openly and effectively, a balanced approach to public relations is indispensable.

I think, however, that the Bureau offends the sensitive critic by the way in which it projects its image—with the deft subtlety of a sledge-hammer. But I also take exception to the manner in which criticism is sometimes leveled at us. I think it is one thing to raise a point of difference or to request closer scrutiny of a particular area of operation, but it is another matter altogether to raise the spectre of Nazi Germany in stating a case against the Bureau. The critic who resurrects the Gestapo ghost to cite supposed excesses of the FBI, is, in my opinion, appealing to pure emotionalism and wallowing in the cheapest form of rhetoric. I would have to dismiss such a contrived comparison as inflated oratory a-la-Joe McCarthy, in the absence of more documentary evidence than has been forthcoming to date. It is regrettable to me that the "big smear" tactics of the McCarthy era find a resurgence today whenever supposedly "intelligent" debate is joined. The FBI is certainly open to criticism and public scrutiny. But, whatever deficiencies the critic may raise, the Bureau's record speaks for itself . . . and that record does not warrant a slander campaign led by some demagogue equally the match of Hoover. (e.g. Robert Kennedy, if you will).

The Bureau is always in the path of criticism because of the sensitive nature of its responsibilities. In recent years, Washington columnists have raised speculation about "dangerous, extraneous information" in the secret files of the FBI accumulated in the course of its investigations, but not strictly germane to those investigations. You, yourself, mentioned "personal dossiers" compiled by the FBI on political figures in Washington, D.C. circles; possibly on every congressman on Capitol Hill. Not to minimize the inherent danger of such files, if they exist, but their compilation presumably on a continuous basis would require a massive amount of manpower that might *just* exceed the manning level of the FBI. I seriously question whether so much information of the "little black-book" variety is either "on deposit" or is being maintained for the express purpose of political black-mail. In the hands of an unscrupulous person, practically any sensitive information uncovered in the course of an FBI investigation *might* serve some sinister purpose. But such has simply not been the proven case in the Bureau's history. Periodic wild speculation in this area has not built a conclusive case against the FBI, nor raised the imputation of wrong-doing in our regard *convincingly.*

Whatever faults may be attributed to Hoover, whatever criticism can be attached to his tenure as Director, however much displeasure (hate) his longevity may arouse, it is still quite a task to impugn his character and integrity on defensible grounds. Personal idiosyncrasies, perhaps. But character defects, hardly. Hoover's reputation has been exposed to, and has survived well, under the poisoned pens of the sharpest critics on the D.C. circuit, never particularly known for their quality of mercy.

This brings us to the Hoover—King confrontation of past fame and the still unconfirmed stories that the Washington press corps has speculated into fact and fanned into national controversy. What is evident in the stories alleging that Hoover "blackmailed" King into silence, under threat of an expose of personal misconduct, is that *somebody somewhere* has *lied*. But there are as many possibilities here as there are actors in the cast. Why pin the rap on Hoover? It is interesting to note that Mrs. Coretta King *insists* that the news stories have no substance in fact; that whatever differences existed between Hoover and Dr. King, the matter did not involve "political blackmail" on the grounds of immorality.

Suppose in this instance Hoover *did* confront King with evidence of personal indiscretions, gathered in the course of an FBI invesigation of Dr. King's activities (as alleged by the press). I am then left with a sick feeling on two counts that I find *equally* disturbing: 1) that Hoover would elect a dangerous expediency and use information in official files to silence Dr. King's criticism of the FBI and 2) that King, who was proclaimed as a great religious and moral leader in his own right, was in fact so vulnerable to compromise. If the implications of the Hoover-King episode are founded in fact, is it not consistent in rendering fair judgment (strict justice) to attach equal weight to the hypocrisy of King as to the ruthlessness of Hoover? If it comes down to a question of personal integrity, whose integrity should be attacked to exonerate the other's? It seems patently unfair to me in this issue to crucify (figuratively) Hoover for gross defects of character in the misuse of public office, on the the one hand; and to canonize (figuratively) Dr. King despite a few reported "peccadillos" in the discharge of his ministry, on the other. It is just possible that truly objective criticism could destroy either man with equal effectiveness. But Hoover has his work cut out for him now in any continuation of the Hoover-King controversy, because his adversary from this point on will be a recognized, national hero who died as a martyr for his particular cause. These are tough odds even for a seasoned bureaucrat like Hoover.

In judging the merits of the FBI, I foresee a problem if the examiner refuses to distinguish between *Hoover* and the *agency*. (Although, I admit, Hoover probably doesn't recognize the distinction himself.) Yes, a "personality cult" does extend through the echelons of management in the FBI. But I do not think the cultists infect every area of Bureau operations. The field operations generally proceed without undue concern for the personal edification of the Director. Of course, in the handling of personal promotions up the ladder into the Bureau hierarchy, the cult of personality does play an important role. It is certainly no "military secret", though I am sure, not widely published either, that adulation of the Director in some form or other provides the main catalyst in the process of "administrative advancement". There are some pretty funny success stories in the annals of the FBI, but I will ignore them today due to the limitations of time and space.

But how does one merit promotional consideration within a paramilitary system professedly based on merit? Well, there are lots of ways. Requesting a "personal interview" with Mr. Hoover, however, is probably the most frequently used avenue to advancement. Within the allotted few minutes of time, apparently countless Bureau executives today were able to impress "the man" with their latent leadership capabilities. Other stories circulate, too, that some aspirants have unfortunately been identified as truck-drivers in the course of their interviews, and cast out forever into the outer darkness.

I cannot draw on personal experience in this area, but from "reliable sources" I am led to believe that the personal interview with Mr. Hoover runs as follows: 1) Preliminary greeting and hand-shake 2) the agent expressing his desire for promotional consideration (previously cleared in writing for an appointment) 3) a brief "sounding out" and shop-talk about current cases of national interest 4) posing for the official full-profile, colored photograph and 5) farewell hand-shake. Within this brief period (reportedly timed by stop-watch buffs between 3 to 5 minutes) the Director passes on the merit of the candidate and jots his cryptic analysis on a memo attached to the government personnel file. There are no statistics available on how many of the current Bureau hierarchy were catapulted onto the promotional ladder by the formula described above. Speculation is that a considerable number were. Of course once afforded the initial opportunity, the candidate must technically "swim or sink" (for himself)—but I suggest that the talents required for this aquatic exercise may be dangerously *minimal*.

In today's 20th Century world of management techniques, and especially within an organization attaching great weight, publicly, to merit and ability, I believe that there may be a more sure and efficient way of recognizing latent leadership assets, than during the first impressions of a 3 to 5 minute interview. I would even argue that a mental incompetent (provided only he wore a dark suit and were otherwise well-groomed) could play an impressive role for so brief a span. Even granting that Mr Hoover possesses extraordinary powers of intuition and judgment I nevertheless doubt that he could safely pass on good horseflesh after only a 5 minute examination of the brute.

The above "formula for promotion" is probably not all-inclusive nor are my remarks meant to stigmatize all who advance within the system. But I have seen the formula applied in some instances and, I tend now to be persuaded that too many "qualified leaders" are selected for advancement on a modicum of merit and ability. Other factors take precedent. And it is too easy a temptation to rely on the tested formula of fawning flattery and thereby select the course of least resistance to "the top".

A cynical observation by a disappointed office seeker? Perhaps. But I had decided several years ago that advancement by the route described offered little in the way of actual rewards or job satisfaction, and could never compensate for the real damage inflicted on the family. Simply stated, the more promotions in the Bureau, the more physical relocations. Transfers at inopportune times have a way of disrupting the entire family circle.

By a quirk of fate, however, the Bureau has begun to up-grade its position of Agent-Instructor for the staffing of a new Academy under construction in Quantico, Virginia. Barring some turnabout, I have been selected (without requesting a personal interview) for assignment to Virginia upon the completion of the buildings there. Once securely (?) established, I thought one of my first moves as a fledgling instructor would be to extend you an invitation to appear as a guest-lecturer, Doctor, to deliver your expanding series on "the FBI"; well anyway, to appear as a lecturer within your academic specialty.

At this point it seems logical to ask how the FBI actually developed into the organization it is today. In due respect to Hoover it is accurate to state that the record of the Bureau prior to 1924 was not an enviable one. Internal corruption was a matter of national disgrace. Hoover was instrumental in establishing, then in gradually expanding, the role of a select, disciplined, and comparatively well-trained body of investigators. Gradually, the Bureau's responsibilities have been expanded to the breadth and scope we recognize today. Part of the current "problems" of the FBI . . . and I cannot see where the fault in this area attaches to Hoover—owes to the enlarged area of its jurisdiction, from once solving bank robberies and interstate thefts to now catching spies and protecting the Smokey Bear emblem! (Now who in hell decided the FBI should protect Ol' Smokey?)

Regardless of critical acclaim to the contrary, the FBI numbers only about 7,000 Special Agents. At the same time, the Bureau is charged with the investigation of approximately 180 separate violations of federal law, (only one of which, for instance, concerns violations of the Civil Rights Act of 1954). Overall the record will show that the Bureau has kept fairly well abreast of its responsibilities, amid the growing complexity of the laws. The criticism, if any is warranted, is not in the direction of over-aggressiveness", in my opinion, but "conservatism" in the Bureau's approach to its responsibilities. The Bureau tends to seek new "successes" only in areas where it has met similar successes in the past, by the same tried formulas. Patterns develop. Consequently agent manpower continues to be focused on stolen car cases, on "petty" thefts, and on bank robberies (etc), because these types of crime have produced high statistical success in the past. Sameness sets in. Read the Appropriations for 1971, and it will seem like a carbon copy of Appropriations for 1970. Only the names have been changed to protect the guilty.

Only recently has the Bureau begun to develop an intelligence network for a coordinated attack on organized crime. Bank robberies and "top-ten fugitives" have always taken precedence, perhaps because they generated headlines in the nation's press. But now the pendulum has swung. Bank robbers are a dime-a-dozen, because there are so many banks waiting to be robbed. Bank robbers are now "small apples" compared to the annual rake-in of organized crime. For decades, the Bureau refused to believe or chose to ignore the fact that the criminal underworld had not only invaded the world of legitimate business but was operating with the efficiency and expertise of "big business". The Bureau was slow to cooperate in the organization of coordinated Federal Strike Forces, which are at least a novel approach to an old stalemated problem. The Bureau generally refuses to recognize "sophisticated methods" of combatting crime which are outside its own arsenal. At the same time, the internal power structure of the FBI has been too rigidly set in its own ways to conceive or implement a novel program of action involving *cooperation with outside agencies*. Professional jealousy is not an uncommon FBI shortcoming.

At this point, Dr. Blumberg, I submit the enclosed copy of "FBI 1971 Appropriation" as fairly well representative of the Bureau's current worth and effectiveness, in outlining its area of concentration. The reader may not agree with the ways in which the FBI is expending its budget but, objectively the reader should at least concede that Bureau expenditures are pretty clearly spelled out. Supporting statistics appear in profusion. Now whether the FBI should re-orient its emphases in particular areas, whether entire areas of criminal activity should be reevaluated, whether some existing federal statutes should be discarded altogether—these are all debatable issues. The Bureau at least sets forth the entire spectrum of its operations in a logical, straightforward manner, for whatever comments and/or criticism the Congressional Appropriation Sub-Committee wishes to make. The budget is thus *technically* subjected to close scrutiny. But as you can see by reviewing the issue enclosed, the current FBI was accepted by the sub-committee without any criticism and with only superficial inquiry.

This brings us once again to the person of Mr. Hoover. It is practically impossible to divorce him from any academic discussion of the Bureau, particularly Bureau administration. It is here that arguments both *pro* and *con* the FBI tend to lose their objectivity. I believe that many critics just don't possess enough material facts about Bureau policies to critique them effectively or argue intelligently; and thus resort to invective or villification. I likewise admit that the Bureau employee is not the best person to act as Defender of the Faith in most instances. The facts he possess are simply too limited and too one-sided to afford him a balanced view of the world "outside" the Bureau. Cliches abound in arguments *for* and *against* the FBI and inevitably "open" discussion leads to an exchange of snide rewards, with neither side bolstering its argument with many facts or much logic.

Thus, in recent years two disgruntled agents by the name of Jack Levin and Norman Olstead wrote books purporting to be glaring exposes of the FBI and irrefutable indictments of Hoover. The authors, probably in an effort to capture the reading public, struggled for sensationalism. They cited everything from Hoover's puritanical outlook on sex to his penchant for bugging the johns in the Justice Department; from agents cutting-up on duty, to matters of gross incompetence. Neither book has sold much, which may speak well yet for the literary appetite of the American public. Both books were apparently poorly documented and poorly written "exposés" by Agent—authors who had served less than a year in the Bureau which they so *expertly* criticized. *No one* ferrets out book-length material on any agency as complicated and diverse as the Bureau in a year's time. Certainly no aspiring pulp writer. The Bureau may well be open to some long-awaited studied analysis, but literary pap of the Levin-Olstead school is certainly not the answer to the FBI's problems or the public's needs.

Acknowledging a certain degree of ignorance right from the start, I argue that the Bureau is an effective law enforcement agency in spite of the fact that one man has been at the helm for more than 40 years. Unquestionably, Hoover's grip on the FBI remains vise-like (some say "strangle hold") and the net effect is without a doubt frustrating needed changes and inhibiting the range and thrust of current operations. With the Director's position perennially secure, the infusion of new life and new direction is a moot point. Whether justified or not, the Director also seems to have the House Sub-Committee on Appropriations in his hip pocket, and this body technically controls the fiscal life-line of the FBI. How else can one explain the *pitifully* weak line of questioning carried on by the committee year after year at appropriation time? Either this committee has hopelessly blind faith and confidence in Hoover's direction of the Bureau or else, due to fumbling incompetence, this committee cannot even identify a problem when it sees one. Their familiar acquiescence persists year after year, in Hoover's favor.

In either case, I do not believe that the 100 or more pages of testimony serve the purpose for which they were originally intended; viz, to oversee Bureau operations and expenditures and to evaluate their net worth. But this annual *cake-walk* before Congress does not reflect so poorly on the FBI as it does on the competency (and moral stamina) of governmental administration. It is not the duty of the Bureau, after all, to *demand* closer scrutiny or more aggressive, open-minded inquiry into its operations. I suggest that the esteemed committee screwed up in failing to exercise its own legislative prerogatives for "other considerations". A cursory reading of the Director's testimony suggests a carefully rehearsed game of charades, with Mr. Hoover surfacing as the dominant character and the various congressmen as supporting players in rather perfunctory roles.

I cannot accept the argument, however, that the Director is never openly opposed on any issue 1) because of his awesome bureaucratic power and 2) because of potentially ruinous evidence in the files of the FBI. The implication here is that the entire Congress of the United States is intimidated on the basis of compromising facts in the hands of Hoover. You, yourself, mentioned that critics of the Bureau among Congress would "axe" the Director in a minute, if their hands were not tied. Tied by whom? In what way? We are apparently back to the argument for the existence of secret dossiers on persons in high places. Great Scott! Is it really possible that the *whole* Congress of the United States is barred from criticizing the Bureau because of skeletons hidden in Congressional closets? That many skeletons? Isn't there at least one Lancelot among them who is not susceptible to blackmail or who is not a John Bircher? Such sweeping statement implies 1) that our body of elected officials consume an inordinate amount of time concealing skeletons, thus dabbling in immorality and the black-arts and 2) that they pursue these past-times so notoriously or carelessly that Bureau agents *on all sides* collect the data and compile "campy" dossiers, for later use. Assuming that each new increment of congressmen is as corruptible as its predecessor, the Bureau must then concentrate significant agent manpower on a regular basis to amass current evidence for its files. This would hardly leave the Bureau enough manpower to carry out its normally authorized duties elsewhere. In these days of sensational journalism, one wonders why the first irate *retired* congressman hasn't come forward yet to publish his account of "How I was black-mailed into silence by the FBI".

In the course of your summer lectures, Professor, you also made passing mention of the fact that certain professional colleagues had been ruined by the FBI, and deprived of their academic livelihood. Out of context and without documentation that statement is tantamount to Joe McCarthy saying in his inimitable fashion "I have here a list of names of *Communists* in high places." What Professors? Under what circumstances? The subjects of prosecutive cases?

I have periodic official contact with eminent members of the academic community at various levels, including the university, and am specifically aware of Bureau procedure in handling such contacts. If anything, the Bureau treats these contacts with extreme delicacy. The basis for this delicacy, of course, is the Bureau's conscious avoidance of infringing on the area of academic freedom surrounding members of the teaching profession. This is not to say, however, that such persons must lie totally outside the legitimate responsibility of the federal government in matters of investigation.

I suggest that if the FBI had half the power of suppression credited in your (sweeping) allegation, "campus unrest" could have been snuffed out years ago coast-to-coast at the personal whim of the Director. It would thus have been a simple operation for the Bureau to have identified faculty and student dissidents nationwide and to have "eliminated" them from the scenes of campus disorder.

I *have* encountered Professors who were seriously concerned about the basis of a particular Bureau investigation or inquiry, but I have encountered none who indicated, either at the time or subsequently, that he felt intimidated or threatened by our presence.

I submit that the FBI has never *countenanced* under any circumstances, either tacitly or explicitly, the persecution, harassment or ruination of an academician, even though he might have been the legitimate subject of some official investigation. If an agent was in fact *known* to have acted in this direction, contrary to Bureau guidelines, I am positive that his actions did not escape censure and that he was "hanged" in the outcome. It is *possible*, however, that in the Bureau's own traditional way of "rectifying" a situation, the execution may *not* have publicly acknowledged. But it is difficult to deal in generalities.

If you wish to cite a specific instance of "persecution", I will be glad to conduct further research for you along these lines. Within my own span of service, however, I am not aware of *any situation* that would lend credence to your statement of "malicious prosecution" by the Bureau.

In conclusion, Dr. Blumberg, I hope that my statements will provide some basis for further discussions with you in the near future. I have yet to decide on a thesis topic at John Jay and had planned to seek your assistance in this direction. There was a rumor circulating in the summer, however, that you would not be returning to John Jay for the Fall semester, having commitments elsewhere. It was in the face of this possibility that I originally started reducing my scattered thoughts to writing; and finally drafted this *omnium-gatherum*.

If you can find time in your academic schedule, I am extending you a standing invitation to lunch, fully subsidized, at your convenience. Perhaps an informal luncheon would afford you the opportunity of pursuing any of the points I have raised in my rambling dissertation. None of my statements was intended to offend your own academic position in the same area. And where my treatment seems particularly light and frivolous, take into consideration the overall complexity of the problems confronting the FBI today—problems which are deep, constitutionally involved and pondersome and which reach far beyond the narrow confines of my remarks.

I feel certain that all of what I have said will be construed by you fairly and, for my obvious further benefit, retained by you in complete confidence. Otherwise, I shall be obliged to begin preparing my defense before some governmental court of inquisition weighing the merits of my remarks. In the Bureau's eyes of course, however, academically intended, my statements would constitute a prima facie case of *heresy*. I would prefer not to be martyred this calendar year.

In the event you wish to accept my invitation for an informal lunch or for discussing a thesis topic, my office phone number is included for your convenience.

LE 5–7700, Extension 230.

Sincerely yours,

Jack Shaw.

January 20, 1971.

Hon. John N. Mitchell,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Attorney General: I have followed with great concern reports of the withdrawal of FBI Special Agents from the John Jay College of Criminal Justice on the grounds that criticism of the administration of the Bureau was voiced in a class at the college. In particular, I have noted reports that one of these agents, a Mr. John F. Shaw, Sr., was induced to resign from the FBI and was effectively barred from future employment by Mr. Hoover's acceptance of Mr. Shaw's resignation "with prejudice" because Mr. Shaw criticized Mr. Hoover's administration in a private letter to his professor.

I have written to Mr. Hoover, requesting a statement of the reasons for his action in this matter. He has replied that the agents were withdrawn from John Jay College because Mr. Shaw "reported that the professor would not give him ample opportunity to reply in class to derogatory statements about the FBI which the professor made in class." Mr. Hoover adds that Mr. Shaw's resignation was accepted "with prejudice" because of the "atrocious judgment" he displayed.

There is no indication, in any of the reports of this matter, that Mr. Shaw acted inconsistently with what appears to be an exemplary record of service. Indeed, Mr. Hoover's answer to my letter appears to be inconsistent with the facts. Mr. Hoover's statement that Mr. Shaw reported the criticisms of his professor is contradicted by Mr. Hoover's own letter to Shaw. According to the *Los Angeles Times* of January 17, 1971, Mr. Hoover was quoted as telling Mr. Shaw that he was being suspended because, "Having been put on notice that this person (Shaw's professor) had been critical of the Bureau, you had a responsibility to make this matter known to your superior immediately and you failed to do so. Your derelictions are inexcusable."

On the contrary, it appears to me that Mr. Hoover's actions are inexcusable if the press reports of this matter are accurate. They assert, and this has been confirmed by a telephone call from my office to Mr. Shaw, that he was suspended because he himself had criticized Mr. Hoover's administration in a private letter to his professor which Mr. Hoover was able to obtain. Mr. Shaw also denied stating that his professor prevented the expression of opinion favorable to Mr. Hoover's administration.

Mr. Hoover's actions in this matter have made it clear that it is his policy to bar any criticism of his administration by an FBI agent, regardless of the private nature of this criticism, regardless of its constructive intention and substance, and regardless of the lack of any conflict with the best interests of the FBI as a law enforcement body. More generally, and more important, in terms of the individual tragedy involved, the inconsistency of Mr. Hoover's statements with regard to Mr. Shaw, and the persecution of Mr. Shaw for his criticism of Mr. Hoover's administration, indicate that Mr. Hoover has sacrificed the best interests of the FBI and its employees to protect his own reputation.

I am calling your attention to this tragic situation in the hope that it may be rectified. I am requesting that you investigate the circumstances of Mr. Shaw's resignation and countermand Mr. Hoover's prejudicial action with respect to Mr. Shaw's future employment.

Sincerely yours,

George McGovern.

P.S.—For your information, I am enclosing a copy of the letter I sent to Mr. Hoover and Mr. Hoover's reply. Also, in response to my inquiry, Mr. Shaw mentioned that on September 18, he submitted a signed statement recounting the circumstances of the withdrawal of the agents from John Jay College. I would appreciate receiving a copy of that statement.

VIETNAM WAR VICTIMS MUST NOT BE ABANDONED

Mr. McGOVERN. Mr. President, some time ago Life magazine devoted several pages of one of its weekly issues to the pictures of one week's American dead in Vietnam. I can recall no more profound statement of the dreadful costs of that conflict to our own society.

The current issue of Life, dated January 29, 1971, contains a similar message, conveyed through the stories of two living victims of the war. This time they are Vietnamese, one 11 and one 10 years old. They tell us, again by way of representation, of the terrible toll this same war has exacted from the innocent people who occupy the battlefield.

Nguyen Lau and Ngu Van Xia were fortunate enough to be discovered by the Committee of Responsibility, a group of Americans who have been able to evacuate and treat some 76 severely injured children since 1967. Some months ago a number of us joined in an effort to prevent interruption of their humanitarian work by a hostile South Vietnamese government. But no one knows how many thousands of Vietnamese children have suffered injuries as bad or worse than those of Nguyen Lau and Ngu Van Xia but have not been cared for at all. It is estimated that at least one million South Vietnamese civilian casualties have been claimed by this cruel and pointless war.

Life's pictures and the accompanying text give further compelling testimony to the reasons why this war must end. They convey, too, why we cannot escape the moral consequences of the conflict through solutions, like Vietnamization, which would merely change the color of the bodies, in a war which our involvement has turned into a massive slaughter. I have long opposed our participation in this immoral and senseless barbarism. I now advocate again our withdrawal. But this does not relieve us of a long and continuing moral obligation to assist in healing the horrible scars that our presense has helped to open. We must offer increased assistance to repair the human and environmental damage done in pursuit of what we have seen as our interests.

Although they agree that we are "getting out of Vietnam militarily and politically, the editors of Life note that:

> Slow as that process may seem, our other obligations there are going to take us an even longer period of time. These include some care and concern for the war's civilian victims, however, they were injured.

I commend Life magazine for its insight and its concern, and I ask unanimous consent that the article and the editorial to which I have referred be printed at this point in the Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

A Small Casualty of War Is Rehabilitated in the United States: Lau Goes Home to Vietnam

Nguyen Lau was 7 years old and playing in a rice field one day in 1967 when a soldier—name and army unknown—quick-handed a bomb into a mortar tube. The explosion sent jagged metal fragments scything through the paddy. One by chance found Lau's puny backbone. Slicing through his spinal cord, it paralyzed him from the waist down and left him to face slow death in a wretchedly equipped Vietnamese hospital. Eight months later, Lau was rescued. An American group called the Committee of Responsibility (COR), which is dedicated to helping child war victims, flew him to the U.S. for special treatment. Surgeons salvaged what they could of his body, psychiatrists and a kindly foster family eased the horrors from his mind. An elaborate harness of straps and braces, backed up by Lau's own sturdy will, put him back on his feet. Despite his handicaps, he thrived. But a fresh ordeal lay ahead. As with the 76 other children treated by COR, the agreement with Lau's parents called for his eventual return to Vietnam. Now, three years after he was wounded, the time had come. Speaking only English, remembering only dimly the place he was born and raised, he set off—with his crutches, a year's supply of medicine and an air of heart-wrenching bravery.

REUNION WITH A FAMILY OF STRANGERS

The odds were hugely against Lau in Vietnam, where the best intentions are often no match for the natural cruelty of circumstances and war. Through no one's fault, planning for the boy's care broke down. The return became an emotional agony for Lau and a dilemma for COR's idealistic young field worker in Vietnam, Jerry Berge. An uncle living in Danang had promised to give Lau a home. The area was safe and there was a hospital nearby. But the uncle backed down when he realized how complex a responsibility Lau was. Besides not being able to walk or move his bowels unaided, Lau ran a constant risk of infection. Reluctantly, Berge tracked down Lau's parents in the remote, insecure area of Quangnam province where they eked out a precarious living fishing and farming. Berge asked them to claim their son. Lau's father, once a Vietcong, surrendered to the government forces, and behind the barbed wire of a Chieu Hoi (open arms) center with hundreds of curious villagers looking on, the family was reunited. As the mother and grandmother probed the extent of Lau's handicap with searching fingers, their initial happiness faded to a disillusioned sadness. Amazement at his survival yielded quickly to dismay and apprehension. How would they feed so helpless a mouth, sustain so vulnerable a life? Lau's close-hauled assurance cracked, and he wept in spite of himself. Later he asked to be taken back to America. After patiently and persuasively dealing with Lau's parents, Berge withdrew, hoping time would bring a solution. The majority of COR's children have readjusted successfully to life in Vietnam, but Lau's case was unusually difficult.

Realization that life at home might indeed be impossible came to Lau and his parents in a succession of small but infinitely hurtful defeats. The brace with which he could stand and, by spending enormous energy, even walk was impractical in the village. It wore badly and he fell repeatedly. The chrome wheelchair, so smooth-running on concrete, mired uselessly in the muddy path. In the cleanliness of an American home, Lau had been able to take his pills, change his diapers regularly and keep a lookout for cuts and bruises on his nerveless legs. Now, in Thanhdong, without the comforts of candy, television and friends who could understand what he was saying, his determination faltered. The love his mother and father lavished on him unstintingly, the money they spent to make sure he got as much food as he was used to were not enough. Left in their care, he withdrew emotionally and went into a physical decline that Berge on his return some time later found "frightening."

AFTER TORMENT, ANOTHER HOSPITAL

His world shrunk to the area of the small raffia mat he sat on, the bright, questing child of two weeks before spent hour after hour morosely fidgeting with spent cartridge cases. The village children had tormented him and pushed him over, he said, so his brace hung unused at the head of his bed. Berge's fears for the boy were confirmed by a telltale pressure sore and some traces of irritation. "If my son could go back to the U.S., we would agree," his father said. "I see a very sad, very dark future for him here." In November, suffering from a urinary infection, Lau was taken by Berge into a German-sponsored hospital. Now recovered, he remains there while COR tries to place him at a vocational training school for older children. The school, not yet equipped to handle paraplegics, is near Saigon—meaning that Lau may be separated once again from his family. Courageous as Nguyen Lau is, his ordeal stretches ahead.

THE FAR HAPPIER CASE OF XIA

The COR dossier on Ngu Van Xia tells a happier and fortunately more typical story than Lau's. Orphaned by the war—his soldier father was killed in action and his mother died in a mine-blasted bus—Xia was critically injured in December 1967. Flaming kerosene from an overturned lamp burned 25% of his body. When COR evacuated him to the U.S., doctors found him to be in poor condition and suffering from a dislocated knee. Two and a half years later, healed and healthy, Xia returned to his village just outside Saigon. In his case there were none of the agonies Lau went through. Looking exactly like an American 11-year-old, Xia ran to his foster mother's side, and 10 minutes later was playing barefoot in the dusty street. Except for his skin graft scars and a leg brace that he must wear for three years, he was indistinguishable from the other boys of the hamlet.

Xia may be among the last of Vietnam's injured children to be treated in the U.S. by COR. While improving medical facilities within Vietnam are slowly reducing the need for evacuation, the organization is locked in controversy with the government of South Vietnam. COR's supporters have made no secret of their moral opposition to the war. Apparently angered, the Saigon regime last year barred further COR evacuations, claiming that the children were being politically exploited. Negotiations continue, but the Vietnamese insistence on widening the scope of the scheme to include pediatric cases would require COR to exceed its original charter, and is thus unacceptable. Other critics of the COR scheme, while agreeing that the 76 children evacuated since 1967 have received superb treatment, maintain that the $700,000 spent could have been better spent in Vietnam. COR argues simply that the choice never existed, and points to the children saved as living justification for the program.

Whether or not it is able to take new cases, COR's work will still go on. Twenty-seven children have yet to be returned to Vietnam, and the follow-up program will continue indefinitely. Lau's misfortunes have hastened one innovation: alarmed, the committee is setting up a halfway house in Saigon to accommodate the nine paraplegic cases still in the U.S.

THE VICTIMS CAN'T BE ABANDONED

On the preceding pages we take a look at the disrupted lives and uncertain futures of two crippled Vietnamese children. Their stories are individual, but their experiences are not isolated: they are two of an estimated one million civilian casualties of the Vietnam war. Nearly a quarter of all the civilian victims are children. Their existence poses a haunting question that the U.S. has been reluctant to face in its overwhelming desire to get out of Vietnam.

We *are* getting out militarily and politically, but slow as that process may seem, our other obligations there are going to take us an even longer period of time. Those include some care and concern for the war's civilian victims, however they were injured.

The problems of medical care and rehabilitation will not wind down at the same pace and same degree as our participation in the fighting. Even after U.S. military involvement ends, some kind of warfare, or at least disruption and terrorism, is likely to continue in Vietnam, adding new casualties. Many of the present victims, including paraplegics like young Lau, will indefinitely require medical equipment and treatment which is highly sophisticated by Asian standards and beyond the present Vietnamese capacity to sustain.

Despite all this, the U.S. Agency for International Development found its medical care budget in Vietnam sharply reduced from $10.5 million in 1967 to $2.7 million this year. In the same period, authorization for USAID civilian medical personnel in Vietnam has fallen from 390 to 133; none of those remaining are practicing physicians. For the official record, Washington claims that these and other sharp cutbacks are justified by improved civilian medical care provided by the South Vietnamese. We will also be turning over to Saigon some first-rate hospital units but, according to Dr. Norman Hoover, director of the American Medical Association overseas projects, to do so without American medics and financing "is like giving a Rolls-Royce to a poor man and expecting him to maintain it."

No one would describe the existing civilian treatment facilities in Vietnam as anywhere remotely near adequate, and AID's director of health administration for Vietnam, Dr. Malcolm Phelps, candidly admits: "Although more is needed in terms of health care, our medical people still must participate . . . in the overall 'Vietnamization' reductions. It is part of the Administration's policy."

If so, such a policy is not worthy of a nation which, from the Marshall Plan to Biafran relief flights, has never been indifferent to people in trouble anywhere, whether from natural disasters or from the aftermaths of war. Why the indifference over war's victims in Vietnam? It may be that people who normally insist that Washington undertake humane international obligations for moral reasons are—for the same reason—totally preoccupied with washing their hands of any American role in Vietnam.

In getting cut militarily, President Nixon realizes that a vital part of the U.S. record in Vietnam will depend on the manner of our leaving, and so has chosen "Vietnamization" instead of quick withdrawal, which the Administration calls "bug-out." The President's timetable for troop withdrawal is related to Saigon's ability to stand on its own feet. We think a separate—and necessarily much slower—schedule for "Vietnamizing" medical care is called for. The last task in Vietnam the U.S. should be tempted to "bug out" on is alleviating the suffering of the war's civilian victims.

NEW HONORS FOR AUDRA PAMBRUN

Mr. MANSFIELD. Mr. President, last year a Montana nurse, Audra Pambrun, was selected as the Nation's most involved nurse. Audra has been providing nursing care on the Blackfeet Indian Reservation for a number of years.

I am delighted to report that Audra Pambrun has now been selected for three additional honors. This nurse and founder-director of Crisis Intervention Center at Browning, Mont., will be addressing the 1971 California Red Cross Conference. She has been invited to present a paper in Moscow, U.S.S.R., next July, and a current issue of Harpers Bazaar magazine will feature her as one of 100 American women "in touch with our times."

I am delighted and pleased that Audra Pambrun is expanding her charm, know-now, and talent beyond the confines of Montana. She has been doing an excellent job and is deserving of these tributes and honors.

Mr. President, I ask unanimous consent to have a story from the January 11 issue of the Great Falls Tribune printed at this point in my remarks in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE HONORS BESTOWED ON STATE NURSE

Audra Pambrun, Browning Community Action Program nurse and founder-director of the Crisis Intervention Center there, is the recipient of three separate honors this month.

She has been invited to address the 1971 California Red Cross Conference in San Diego Jan. 15 on the topic "Involving and Serving the Entire Community."

She has received an invitation to present a paper in Moscow, U.S.S.R., next July under sponsorship of the National League of Nurses. Topic of her paper is to be "Tuberculosis on an Indian Reservation."

Another honor accorded the Browning native and Columbus Hospital Nursing School alumna is her selection in a Harpers Bazaar magazine feature this month as one of 100 American women "In Touch With Our Times."

Miss Pambrun, en route to San Diego, will visit the Crisis Center in Spokane and the Inland Empire Division of the American Red Cross and speak to Spokane area nurses. She also will visit the Los Angeles Crisis Center.

After years of serving her own people through the U.S. Department of Public Health and the Bureau of Indian Affairs and as a school nurse and staff member for private institutions in Wyoming, California and Montana, Miss Pambrun began her work in the OEO Community Action program at Browning in 1968.

In May, 1970, she gained national attention as winner of the American Nurses' Association $2,000 award as the "nation's most involved nurse" among the membership of 207,000. It was in recognition of her training of health aides, mostly Indians, and with them serving nearly every home on the Blackfeet Reservation and principally for her establishing, directing and training all the aides for the Crisis Intervention Center. Suicides dropped from five in eight months before she came to the area to two in the full year after she came, and suicide attempts lessened notably.

Miss Pambrun, soon after her national honor, was a guest of President Nixon in the White House.

In an interview here she called OEO a "lifeline to the people." She noted that Indians and other low-income people learn through Community Action Programs what is available to them, learn to make their own choices and get involved in their own future. This reveals that she is not only "most involved" but is most involved in getting others involved for their own betterment.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar under rule VIII be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, it is reported that the administration will seek to eliminate the Appalachian Regional Commission program, and rechannel the funds which have been going to the ARC into the proposed revenue-sharing plan.

As I understand the proposal, the abolition of the ARC would take place at the end of the current year. The fiscal year 1972 budget, which has just come to Congress, contains $282 million for the Appalachian Regional Commission programs, compared with $293 million budgeted for the current fiscal year.

Mr. President, I will vigorously oppose any efforts to abolish the Appalachian Regional Commission. The ARC, in itself, a new idea in Federal-State relations. And it has represented a successful idea, although, in the 5 years that the program has been operative, it has not had sufficient time to realize its full worth.

The Appalachian Regional Commission grew out of an unusual Federal-State concept that the Federal Government ought to assist underdeveloped areas of our country to realize their full potential—a concept as valid as the revenue-sharing proposal which the administration has asked Congress to consider.

Many important projects such as highway construction are underway or in the planning stages, and it would be foolish, in my judgment, to change the signals now. To undertake a program with the special aim of assisting a relatively poor region to pull itself up economically, and then to terminate the program before it has time to accomplish its objective, would be most unwise.

The Appalachian Regional Commission programs are necessarily long range; and they put the emphasis exactly where the administration has said it wants the emphasis put—on local planning and initiative. No Appalachian program can be undertaken unless it springs from the grassroots. That is part of the concept, and it is what the administration has said it wants to achieve in its revenue-sharing plan.

If the special status of the Appalachian Mountain region is removed by abolishing the ARC, then I fear that the emphasis which has been placed on the very real needs of the region will be swallowed up by the demands for revenue which are sure to come from all 50 States.

Mr. President, not only should this unique program not be abandoned, it should also be expanded to other underdeveloped areas; and, indeed, that was the original idea. In my judgment, the Appalachian Regional Commission should be extended for a period sufficient to allow completion of the entire program that is currently underway; and, in addition, consideration should be given to the possible creation of other Appalachian-type programs in other parts of the country.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, do I have time remaining?

The PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have asked the Senator to yield only for a moment so that I may express my entire agreement with him on the statement he just made with respect to the Appalachian Regional Commission. My position in this respect may be unique. I was one of the first and I am one of the most ardent backers of Federal revenue sharing, the concept set forth in the President's state of the Union message. I intend to introduce a bill to implement the first of those two objectives.

I am also an advocate of the regional concept as developed by the Appalachian Regional Commission over the years. I do not think the two concepts are inconsistent. I think they can exist side by side.

I thank the Senator from West Virginia for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

THE WAR IN SOUTHEAST ASIA

Mr. GOLDWATER. Mr. President, recently our distinguished and esteemed colleague from South Dakota (Mr. McGovern) was interviewed on the NBC show "Today" and discussed his resignation as chairman of his party's reform commission to clear the way for him to seek the nomination for the Presidency in 1972. In the course of his comments there were a few remarks that could mislead the 8 to 15 million people who watch that program for news and information. Possibly it was an excess of zeal to launch his campaign in a manner to gain instant exposure that caused him to offer the following comments about the war in Southeast Asia that I cannot leave unchallenged:

> He (the President) has reduced some of our forces, but the war continues at a very high level. The aerial bombardment is much heavier today than it was two years ago.

The picture suggested by those remarks would be dismal indeed, but what are the facts? Regarding the reduction of U.S. forces in Southeast Asia, the latest announced authorized strength target, which Secretary of Defense Laird has stated publicly will be met on or before the scheduled date of May 1, represents approximately a 47-percent cutback from the start of this administration's Vietnamization program. The authorized strength 2 years ago had reached 543,000 American military personnel. The new ceiling target is 284,000, which represents a major reduction as part of a continuing withdrawal plan on the part of the President.

The gentleman from South Dakota did not indicate by what measure he determined "the aerial bombardment is much heavier today than it was 2 years ago." Again, what are the facts; facts, by the way, that would have been made readily available had our colleague requested them. The official records reflect the Air Force, which flies the major portion of bombardment sorties, in 1970 flew 33 percent fewer attack sorties than in 1969, and 14.7 percent fewer in 1969 than in 1968. For all services, the 1970 attack sorties were 32.5 percent less than 1969 and in 1969 they were 18.8 percent less than in 1968. Or looking at it another way, Air Force air munitions tonnages delivered during 1970 decreased 29.4 percent compared with 2 years earlier, 1968, tonages. For all services, the tonnages decreased by 33 percent in comparison with 1968 tonnages.

In view of these facts I do not understand how our esteemed colleague could conclude that aerial bombardment today is heavier than it was 2 years ago. The evidence does not support that assertion. While I uphold each individual's right to draw his own conclusions about the future course of events, I am convinced we would all provide greater service to the people if we would insure that our public statements about recorded events are in reasonable accord with the sensible records of those events.

Mr. President, I ask unanimous consent that a transcript of that portion of the news interview which I referred to in my remarks be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Transcript of News Interview With Senator McGovern, NBC Today Show, January 8, 1971

Frank Blair. Senator George McGovern, one of the leading Senate doves on Indochina confirmed yesterday he will run for President in 1972. McGovern, who was in the race for a time in 1968, announced his resignation as chairman of the democratic party's reform commission to clear the way for another attempt, because he said: President Nixon has failed to get the country out of the war.

McGovern. Well, I think he had a great opportunity to bring an early end to the war two years ago when he came into office. For various reasons, he's seen fit to continue the war. He has reduced some of our forces, but the war continues at a very high level. The aerial bombardment is much heavier today than it was two years ago. The military operations in Cambodia and Laos are heavier than they were two years ago and I don't see any early end to the war if we continue on our present course.

Mr. CHURCH. Mr. President, I suggest the absence af a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JORDAN of Idaho. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation From the Department of Defense

Three letters from the Deputy Secretary of Defense transmitting drafts of proposed legislation (with accompanying papers); which were referred to the Committee on Armed Services:

A bill to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned recruiting duties for expenses incurred in recruiting of personnel;

A bill to amend title 37, United States Code, to make military pay more equitable and for other purposes; and

A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Air Force, or Marine Corps for at least 3 years.

Report of Audit of the Exchange Stabilization Fund

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of audit of the Exchange Stabilization Fund for fiscal year 1970, (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation by the District of Columbia

Three letters from the Assistant to the Commissioner of the District of Columbia, transmitting drafts of proposed legislation (with accompanying papers); which were referred to the Committee on the District of Columbia:

A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

A bill to establish a revolving fund for the development of housing for low and moderate income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; and

A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

Proposed Legislation From the Department of the Treasury

Three letters from the Secretary of the Treasury transmitting drafts of proposed legislation (with accompanying papers); which were referred, as indicated:

A bill to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Finance.

A bill to authorize payment and appropriation of the second and third installments of the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank; and

A bill to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Foreign Relations.

Report of Balances of Foreign Currencies Acquired Without Payment of Dollars

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1970 (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems in programs for managing high-level radioactive wastes, Atomic Energy Commission, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for better use of United States-owned excess foreign currency in India, Department of State, Agency for International Development, Department of the Treasury, and Office of Management and Budget, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the need to strengthen management control over the basic research program administered by the Air Force Office of Scientific Research, Department of the Air Force, dated January 29, 1971 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Provide Relief in Patent and Trademark Cases Affected by the Emergency Situation in the U.S. Postal Service Which Began on March 18, 1970

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation, to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970 (with accompanying papers); to the Committee on the Judiciary.

Report of the Community Relations Service

A letter from the Director, Community Relations Service, Department of Justice, transmitting, pursuant to law, a report of the Service for fiscal year 1970 (with an accompanying report); to the Committee on the Judiciary.

Report of the Subversive Activities Control Board

A letter from the Chairman, Subversive Activities Control Board, transmitting, pursuant to law, the 20th annual report of the Board, for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on the Judiciary.

Report Pertaining to Fair Labor Standards in Employment in and Affecting Interstate Commerce

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to fair labor standards in employments in and affecting interstate commerce, dated January 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report Pertaining to Activities in Connection With the Age Discrimination in Employment Act of 1967

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to activities in connection with the Age Discrimination in Employment Act of 1967, dated January 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on Positions in Grades GS-16, 17, and 18, Federal Bureau of Investigation

A letter from the Director, Federal Bureau of Investigation, transmitting pursuant to law, a report with respect to positions in the Federal Bureau of Investigation in grades GS-16, 17, and 18, dated January 27, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on GS-17 Positions, Administrative Office of U.S. Courts

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, the duties of the four GS-17 positions allocated to this agency have not changed since their report of last year; to the Committee on Post Office and Civil Service.

Report of the Ozarks Regional Commission

A letter from the Federal Cochairman, the Ozarks Regional Commission, transmitting, pursuant to law, a report of the Commission, for the year ended December 31, 1970 (with an accompanying report); to the Committee on Public Works.

Report of the Coastal Plains Regional Commission

Letter from Federal Cochairman of the Coastal Plains Regional Commission transmitting, pursuant to law, a report of the Commission for fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Public Works.

Report of the New England Regional Commission

A letter from the Federal Cochairman, New England Regional Commission, transmitting, pursuant to law, a report of the Commission, transmitting, pursuant to law, a report of the Commission for fiscal year 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, praying for the withdrawal of all poison-gas weapons; to the Committee on Armed Services.

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, remonstrating against an accident in Itoman; to the Committee on Armed Services.

A resolution adopted by the Okinawa Mayor's Association, Naha, Okinawa, opposing the building of a ball firing range within a State forest in Kunigami-Son; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, Washington, D.C., praying for the enactment of legislation to strengthen the internal security posture of the Nation; to the Committee on the Judiciary.

A resolution adopted by the Common Council of Buffalo, N.Y., praying for the enactment of legislation to make January 15 "Martin Luther King, Jr., Day"; to the Committee on the Judiciary.

A summons of the U.S. District Court for the Eastern District of Pennsylvania, the Senate and the House of Representatives of the United States, plaintiff, against Charles F. Eckert, defendant; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 484. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Mansfield when he introduced the bill appear earlier in the Record under the appropriate heading.)

By Mr. GOLDWATER (for himself, Mr. Anderson, Mr. Baker, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Buckley, Mr. Cranston, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Hart, Mr. Hollings, Mr. Inouye, Mr. Javits, Mr. Mansfield, Mr. Mathias, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Packwood, Mr. Pell, Mr. Randolph, Mr. Taft, Mr. Thurmond, and Mr. Young):

S. 485. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Commerce.

By Mr. TAFT:

S. 486. A bill to exclude from gross income the first 500 of interest received from savings account deposits in lending institutions; to the Committee on Finance.

(The remarks of Mr. Taft when he introduced the bill appear below under the appropriate heading.)

By Mr. BAKER:

S. 487. A bill for the relief of Alexandre Daniel Leczinsky; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 488. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jordan of Idaho, when he introduced the bill, appear below under the appropriate heading.)

By Mr. PERCY (for himself, Mr. Stevenson, Mr. Allott, Mr. Hatfield, and Mr. Goldwater):

S. 489. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Percy, when he introduced the bill, appear below under the appropriate heading.)

By Mr. PERCY:

S. 490. A bill for the relief of Gioacchino Gino Buttita; and

S. 491. A bill for the relief of Mrs. Cancey Louise Thurton; to the Committee on the Judiciary.

By Mr. CHILES:

S. 492. A bill for the relief of Aleyda Arias Veru; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 493. A bill to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS (for himself and Mrs. Smith) (by request):

S. 494. A bill to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel;

S. 495. A bill to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; and

S. 496. A bill to amend title 37, United States Code, to make military pay more equitable and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. Stennis when he introduced the bills appears below under the appropriate heading.)

By Mr. HATFIELD:

S. 497. A bill to create one additional permanent district judgeship in Oregon; to the Committee on the Judiciary.

(The remarks of Mr. Hatfield when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 498. A bill to authorize the Secretary of the Interior to engage in a feasibility study of a water resource development;

S. 499. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Monmouth-Dallas division, Willamette River project, Oregon, and for other purposes;

S. 500. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Illinois Valley division, Rogue River Basin project, Oregon, and for other purposes;

S. 501. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Olalla division of the Umpqua project, Oregon, and for other purposes;

S. 502. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; and

S. 503. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain water resource development proposals; to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 504. A bill for the relief of John Borbridge, Jr.;

S. 505. A bill for the relief of Ruby S. Coyle;

S. 506. A bill for the relief of Allen D. Ray;

S. 507. A bill for the relief of Willis Lucien; and

S. 508. A bill for the relief of Angeles Palaginog; to the Committee on the Judiciary.

(The remarks of Mr. Gravel when he introduced S. 504 and S. 505 appear below under the appropriate headings.)

By Mr. MONDALE:

S. 509. A bill to provide for increased international control of the production of, and traffic in, opium, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. Mondale when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS:

S. 510 A bill for the relief of Angela Rodriguez de Chavez; to the Committee on the Judiciary;

S. 511. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Harris when he introduced the bill appear below under the appropriate heading.)

By Mr. McCLELLAN:

S. 512. A bill for the relief of Vincenzo Li Mandria; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 513. A bill for the relief of Maria Badalamenti;

S. 514. A bill for the relief of Professor Anthony D'Souza; and

S. 515. A bill for the relief of Kyriaki (Carol) Frouml; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 516. A bill for the relief of Miss Marvin Louise Danlag Obregon; and

S. 517. A bill for the relief of Miss Susan Evanado Tumaliuan; to the Committee on the Judiciary.

S. 518. A bill to provide for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station; to the Committee on Commerce.

(The remarks of Mr. Packwood when he introduced S. 518 appear below under the appropriate heading.)

By Mr. BENNETT:

S. 519. A bill for the relief of Julio Rojas and his wife, Juana Rojas; to the Committee on the Judiciary.

By Mr. TAFT:

S.J. Res. 22. Joint resolution designating the 7-day period beginning on the Sunday starting the last full week in October, each year, as Cleaner Air Week; to the Committee on the Judiciary.

(The remarks of Mr. Taft when he introduced the joint resolution appear below under the appropriate heading.)

By Mr. PERCY:

S.J. Res. 23. Joint resolution to authorize the President to designate the period from March 21, 1971, through March 27, 1971, as "National Tropical Fish Week"; to the Committee on the Judiciary.

By Mr. BENTSEN:

S.J. Res. 24. Joint resolution authorizing the President to proclaim the period February 14 through 20, 1971, as "LULAC Week"; to the Committee on the Judiciary.

(The remarks of Mr. Bentsen when he introduced the joint resolution appear below under the appropriate heading.)

S. 486—INTRODUCTION OF BILL TO EXCLUDE FROM GROSS INCOME THE FIRST $500 OF INTEREST RECEIVED FROM SAVINGS ACCOUNT DEPOSITS IN LENDING INSTITUTIONS

Mr. TAFT. Mr. President, we are all aware that in order to meet the housing needs of the 1970's, it is essential that there be an adequate supply of mortgage money for homes. While the administration recognizes the crisis faced by the housing industry, more assistance must be given to thrift institutions which specialize in home mortgages. Savings and loans have provided approximately 45 percent of all the home loan money in the United States. Unless enough funds are provided through savings in thrift institutions which engage in the financing of homes, our housing crisis is going to be with us for a long time. Anything short of providing increased deposits to these institutions would only serve as a short-term solution to this problem.

Today, I am introducing for appropriate reference, a measure aimed at revitalizing the housing market by excluding from gross income the first $500 of interest received from savings account deposits in lending institutions. Of course, in all fairness it should be pointed out that exempting the first $500 of earnings paid to savers might mean an initial loss to the U.S. Treasury of approximately $1 billion annually. However, that figure would be more than offset by increased taxes as a result of the added employment in the building trades along with the reduction in Federal appropriations necessary to subsidize many of the Federal housing programs under consideration. Such a tax exemption would provide an immediate spur for investment in these institutions and would tend to break the inflationary trend in the economy and would certainly be the best means of solving the crisis the housing industry faces in the 1970's. I ask unanimous consent that the text of my bill be printed in the Record following my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection the bill will be printed in the Record.

The bill (S. 486) to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions, introduced by Mr. Taft, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That part III of subchapter B of chapter I of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 123 as section 124 and by inserting after section 122 the followin new section:

"Sec. 123. Dividends From Savings Account Deposits in Lending Institutions.

"(a) General Rule.—Gross income does not include amounts received by, or credited to the account of, a taxpayer as dividends or interest on savings deposits or withdrawable savings accounts in lending institutions as this term is defined by section 581 of part I of subchapter H of chapter 1 and by section 591 of part II of subchapter H of chapter 1.

"(b) Limitation.—The exclusion allowed to each taxpayer under this section shall in the aggregate not exceed $500 for any taxable year, and shall be allowed only once for taxpayers filing a joint return.

Sec. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of enactment of this Act.

S. 488—INTRODUCTION OF A BILL RELATING TO A MORATORIUM FOR DAMS ON THE MIDDLE SNAKE RIVER, IDAHO

Mr. JORDAN of Idaho. Mr. President, I introduce today, for appropriate reference, on behalf of myself and my distinguished colleague, Senator Church of Idaho, a bill which will declare a moratorium on the granting of a Federal Power Commission license for any dam on the Middle Snake River, between the existing Hells Canyon Dam and the authorized Asotin Dam. The moratorium would extend to September 30, 1978, a date which marks the termination of an existing 10-year statutory moratorium on reconnaissance studies to augment the surface water supplies of the Colorado River Basin from outside that basin.

This bill is an updated version of S. 940, also cosponsored by the Idaho Senators, which was approved without opposition by the Senate last May 15. The Senate-approved bill was referred to the House Committee on Interstate and Foreign Commerce, where it remained without further action when the 91st Congress ended.

Our colleague, Representative Orval Hansen of Idaho's Second Congressional District, is introducing a companion bill in the House.

Mr. President, this bill is designed purely and simply to keep open the options for the development of Idaho's limited future water supplies in the Snake River, the State's major source of surface water.

We began to worry about these options in the 1950's, when power companies started filing applications for a Federal Power Commission license to develop large hydroelectric dams on the Middle Snake. This sustained licensing effort is now in its final phases before the FPC, and a decision on the latest application may be handed down this year.

I am aware that the State of Idaho has been permitted to join as a party of interest in the application of Pacific Northwest utilities which are seeking to build a hydroelectric dam at the High Mountain Sheep site, and the application has been modified to make power production subordinate to water development. But I assert that this belated recognition of Idaho's interest in the energy potential of a river rising largely from the State's own watersheds appears to have come about largely because of the introduction of our moratorium bill last session and not out of the corporate generosity of the downstream utilities which have the greatest stake in this proposed development. Moreover, a proviso in the bill protects the status and rights of the applicants involved in this FPC licensing application and permits completion of the pending hearings.

The time scope of this bill with the remainder of the 10-year moratorium on interbasin water diversion planning incorporated in the Colorado River Basin Act of 1968 is not a mere coincidence. The planning moratorium was inserted in the Colorado River bill at the insistence of the Members of Congress from the Pacific Northwest who had become concerned at talk of diverting the Columbia River or its Snake River tributary to the water-short Pacific Southwest.

This diversion scare prompted needed interest on the part of my State in its future requirements for water and the means to protect the sources of this needed water. As a result, the State of Idaho established a water resources board and immediately embarked upon a series of studies which will result in formulation of our first State water plan. These multiple planning studies will not be completed until the mid-1970's—another reason for the 7-year moratorium timespan.

Mr. President, I shall conclude with the observations I made 2 years ago when I introduced the predecessor bill, S. 940:

Idaho is now at a water supply crossroads. The stakes are high. Within 7 years we must decide which direction to take, whether it be toward achieving our high reclamation potential by full development of the Middle Snake or to maintain an open river. We do not have to make this decision now. Nor do we wish to be forced into a decision by others who are motivated by the single purpose, power. Bear in mind, there are many sources of power, including nuclear or fossil fuel generation, but the one essential element in making the desert bloom is water.

In Idaho we have a double loyalty in our great love for our vast forests, mountain meadows, open ranges, lakes, and streams. We are determined to protect our great wildlife and recreation resources and we are equally determined to utilize the natural resources of these areas to help us grow and develop fully our industrial and agricultural potential. I believe that these objectives are not incompatible and I hope that Congress will help us reach these objectives by granting a moratorium against further development until our studies have been completed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 488) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam at any time before September 30, 1978, introduced by Mr. Jordan of Idaho for himself and Mr. Church, was received, read twice by its title and referred to the Committee on Commerce.

SEVEN-YEAR MORATORIUM FOR MIDDLE SNAKE

Mr. CHURCH. Mr. President, I join in the sponsorship of this bill introduced by my distinguished colleague from Idaho (Mr. Jordan) to prohibit licensing of any dams on the Middle Snake River before September 30, 1978.

As already mentioned, this measure was approved by the Senate in the last Congress, but did not receive House consideration. The measure then had, and I hope will have again, the endorsement of the administration.

The purpose of the bill is simple and logical: To provide a period for further appraisal of the Middle Snake River in the context of changing time and need. It would allow for studies, some of them already in progress, to determine the rivers' highest and best public use.

Mr. President, I am presently persuaded that construction of a high hydroelectric dam in the Middle Snake would not contribute greatly to the development of Idaho. The power would be sold almost entirely outside the State to large urban centers. An alleged benefit to the fishery has yet to be proved, or even accepted by the best informed sportsman groups. Federal appropriations for water development projects are limited, and I think it is very important to arrange our priorities in such a way that multipurpose projects which include irrigation, navigation, and flood control benefits, as well as electric power, and which contribute most to the general growth of the economy, are built ahead of those projects which contribute the least.

This magnificent stretch of the river has long been a source of controversy between individuals and organizations who want it preserved in its natural wild state and those who want it developed. Central to much of the controversy has been the unique scenic and recreational values of the Middle Snake and its critical importance to the anadromous fish and wildlife resources of the Columbia River.

Mr. President, this is indeed a remarkable geographic area, including a canyon deeper than the Grand Canyon of the Colorado, with great peaks that rise 8,000 feet above waters that often churn white between sheer rock walls. The area is remote, and thousands of elk and deer graze in here in the wintertime. Salmon, steelhead, bass, and the mighty sturgeon are taken from the river. Wild turkeys, migratory waterfowl, golden eagles, grouse, and many other birds flock along the river. Domestic livestock also graze in the area. Hells Canyon of the Middle Snake is internationally known to white water boatmen. Jet boats reach it from Lewiston, Idaho, and trails also lead to the river from either the Idaho or Oregon side.

We need time, Mr. President, to assess the possibility of preserving the salmon and steelhead runs, which are of major importance to not only Idaho, but to the States of Oregon and Washington. Finally, there is the consideration which must be given to the likelihood that nuclear technology will continue to advance at such a pace as to outmode such high hydroelectric dams. When there are so many multipurpose projects that might be completed in the interim, it seems hardly sensible to rush to judgment on building a single purpose—or at most, a dual purpose—dam on this stretch of the river.

Senator Jordan and I are not prejudging the issue in seeking a 7-year moratorium on licensing any dams on the Middle Snake. We are only seeking to make sure, before the options are foreclosed, that this incomparable stretch of the river is dedicated to its highest and best use. I hope we can obtain early and favorable action on the bill.

S. 489—INTRODUCTION OF A BILL TO ESTABLISH THE LINCOLN HOME NATIONAL HISTORIC SITE IN SPRINGFIELD, ILL.

Mr. PERCY. Mr. President, I am pleased to introduce a bill which will establish the Lincoln Home National Historic Site in Springfield, Ill. Joining me in this effort are the Senator from Illinois (Mr. Stevenson) and the Senator from Colorado (Mr. Allott) and the Senator from Oregon (Mr. Hatfield).

I was particularly proud when Senator Hatfield indicated to me his interest in this bill. He is well known among his Senate colleagues as an authority on the life of Lincoln and he serves with Senator Allott on the committee that will consider this proposal.

The bill I am offering authorizes the Secretary of the Interior to acquire the Lincoln home at 8th and Jackson Streets, Springfield, Ill., its properties and lands in the vicinity that can be developed as a part of the historic site to be operated by the National Park Service. A feasibility study has already been conducted by the Department of the Interior and it was announced last November that the Advisory Board on National Parks recommends implementation of the master plan.

The plan calls for a unique and creative interpretive program to portray Lincoln's life and career in Springfield. More than 650,000 visitors each year tour the Lincoln home and its related sites. A careful restoration and reconstruction of the four-block area is, therefore, planned to insure its preservation and to give it a living quality reminiscent of the times. The historic zone is bordered on the north and south by Capitol Avenue and Edwards Street and on the east the west by 9th and 7th Streets. Although it has been a quiet residential area since the days that Lincoln and his family lived there, many of Springfield's residents have expressed concerns that it is becoming heavily commercialized and the Lincoln home itself is deteriorating despite continued efforts of private groups and the State.

The two-story frame home will be restored to reflect the spirit of the late 1800's. Many of the original Lincoln furnishings will be brought back from various museums in the State to be placed among the remaining items found in the home in 1861 when the Lincoln's moved to Washington. Other period buildings of the four-block area will also be reconstructed and the thoroughfare of Eighth and Jackson Streets will be confined to pedestrian traffic only. Under Park Service control the Lincoln home will provide for children and adults a more extensive interpretation and educational experience through the use of guided tours, audio recordings, and special information centers.

It was in Springfield that Lincoln developed as a skillful country lawyer, an able politician, and a gallant statesman. The only home he ever knew was this one, and he left it with great reluctance when he moved from Springfield to Washington in 1861 to take the oath of office as President. In the years between 1844 and 1861, Abraham Lincoln was an active lawyer, well known to the community for his record in the 8th judicial circuit. During those years Lincoln got to know Illinois well, its picturesque life and its changing appearance. Springfield and Chicago were growing from small frontier towns to bustling cities, leaders in commerce and industry. Lincoln was a part of this youthful America when forceful and dynamic leaders were essential to the preservation of the Union. The atmosphere of change in Illinois undoubtedly influenced Lincoln's character as a politician and public figure. Considering himself an ambitious man, Lincoln wrote to the people of Sangamon County in later years, that:

> I have no other (ambition) so great as that of being truly esteemed of my fellowmen by rendering myself worthy of their esteem.

He did merit their esteem although he was not always popular. Such unpopularity, it is thought, could be attributed to Lincoln's ability to think independently and stand by his convictions. Even so, Lincoln maintained a deep appreciation for the simple life of his farming neighbors in Springfield and a respect and confidence in country people generally.

Mr. President, I believe we have a responsibility to adequately preserve the Lincoln home and other sites like it which reflect on an age or a man that is gone. I am, therefore, hopeful that this bill can be quickly acted upon by both Houses. Congressman Paul Findley is introducing an identical bill in the House today, with more than 80 cosponsors and significant support. It is a matter which we both know has the full support of Illinois' citizens.

Mr. GOLDWATER. Mr. President, if I may have the attention of the Senator from Illinois, Arizona was first a territory of the Confederacy, and under President Lincoln. we became a territory of the Union on February 24, 1863. Because I was born in the territory of Arizona, I have great pride in Mr. Lincoln in connection with my territory and my State. I should like to ask that my name be included as a sponsor of the Senator's measure.

Mr. PERCY. I should be honored to have the Senator from Arizona as a sponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill will be received and appropriately referred.

The bill (S. 489) to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, introduced by Mr. Percy (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 493—INTRODUCTION OF THE MINAM RIVER WILDERNESS BILL

Mr. HATFIELD. Mr. President, today I am reintroducing a bill to add approximately 82,000 acres to the Eagle Cap Wilderness in northeastern Oregon. The area encompasses the Minam River drainage, and the bill is commonly known as the Minam River Wilderness bill.

I first introduced a version of this bill in the 90th Congress. No action was taken on the bill. I reintroduced the bill on February 25, 1969. In July 1969, Washington hearings were held on the bill, and in July 1970, field hearings were held in La Grande, Oreg. I want to repeat my thanks to my good friend and colleague from Idaho (Mr. Church), who is chairman of the Public Lands Subcommittee of the Interior Committee, for arranging for field hearings. I know of the many requests for field hearings and I certainly appreciated his assistance in this case.

Following the field hearings, I realized that the wording of the bill was generating undue opposition, due to misinterpretation of its terms. Basically, it drew an area by townships of approximately 144,000 acres and would have had the Secretary of Agriculture carve out a wilderness area of up to 100,000 acres.

I saw that this lack of specificity was hindering the goal I sought: preserving the Minam River drainage as a wilderness area. Before discussing the bill in executive session, the committee staff and I revised the bill to tighten it up.

The bill, S. 1142, approved by the committee and passed by the Senate October 13, 1970, followed the ridges above the drainage, as does the bill I introduce today.

I point this out because the language of the bill refers to the "official map," and it is somewhat difficult to see the bill because of this.

Described at its simplest, the bill follows the drainage line of the Minam and Little Minam, and this totals about 82,000 acres.

If I were to explain its boundaries to someone with a map before him, I would describe the area as beginning on the East side at the boundary of the National Forest very near Alder Spring. The east boundary goes up Cougar Ridge until it meets the boundary of the existing Eagle Cap Wilderness.

It follows the Eagle Cap boundary until Cartwheel Ridge, and from this point it runs to Deadhorse Flats. From here, the boundary runs to Bald Mountain, where it starts back down the west side of the drainage. The boundary follows the ridge far above the Little Minam River—toward the Minam from Moss Springs recreation site, between Dunns Bluff and Castle Ridge to Pine Butte. From then, the boundary passes Point Prominence, and from there, follows the ridge line to Mount Moriah and on to the edge of the National Forest.

Although this description appears wordy, my friends at the Forest Service assured me that it is easier to describe the area this way and with an official map than by surveyors marks, which would have covered pages.

Merely looking at a map of the area reminds me of the tremendous feelings I had when I was along the Minam River in the area covered by this bill. At the risk of luring too many people there, I heartily urge my colleagues here today to consider a vacation near the Minam—it is as beautiful and relaxing a place as I know.

I am not going to address my remarks today to why the area should be classified as a wilderness area, for I plan a later speech on this subject. I would, however, ask unanimous consent to have appear at the close of these remarks portions of my statement before the Interior Committee on July 11, 1969, and language from the Senate Report, 91–1317, which my colleagues had the opportunity to review before the Senate passed S. 1142 on October 13, 1970.

In closing, I think I speak for the vast majority of the people of my State when I ask for expeditious consideration of this bill by both Houses of the Congress. I am pleased my colleague from Oregon, Mr. Packwood is cosponsoring this bill.

I yield the floor.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the portion of the statement and language from the report will be printed in the Record.

The bill (S. 493) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes introduced by Mr. Hatfield (for himself and Mr. Packwood), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The material furnished by Mr. Hatfield is as follows:

Mr. Hatfield. The Minam River Canyon is an area of unspoiled National Forest land that is located in the northeastern section of my State of Oregon. It borders the northwest corner of the 220,000 acre Eagle Cap Wilderness, established by the Wilderness Act of 1964. The Eagle Cap embraces some of Oregon's highest peaks—up to 10,000 feet in elevation—and includes some of the best fishing waters in eastern Oregon.

The Minam River Canyon is a logical addition to the Eagle Cap Wilderness. The river itself is pure, cold and crystal clear. It wanders through broad meadows in the valley bottoms and through spectacular multicolored canyon walls. Fish and game are bountiful.

I believe we must preserve the Minam River Canyon. We have a chance today to avoid steps which would forever alter the character of this beautiful and quiet valley.

I am convinced these untouched and magnificent lands in the Minam River Canyon will be worthy additions to the Eagle Cap Wilderness and the National Wilderness Preservation System.

Thank you for this opportunity to speak on both of these bills.

Senate Report of the Interior and Insular Affairs Committee: To Classify as a Wilderness Area in Oregon the Minam River Canyon

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1142) to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area known as the Minam River Canyon and adjoining area, in Oregon, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE

This bill, S. 1142, as amended, would add up to 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, and which was established by the Wilderness Act of 1964. The Minam River Canyon area borders the northwest corner of the Eagle Cap Wilderness. The latter area embraces some of Oregon's highest peaks—up to 10,000 feet in elevation—and includes some of the best fishing waters in eastern Oregon.

DESCRIPTION

The Minam River itself is pure, cold, and crystal clear, splashing and wandering through spectacular multicolored canyon walls, merging with the Wallowa River at the town of Minam. Originating at Minam Lake on the alpine slopes of the north-central Wallowa Mountains, the Minam River courses nearly 50 miles and drains approximately 240 square miles.

The bill would designate as wilderness that part of the drainage within the Wallowa-Whitman National Forest, from the boundary, approximately 8 miles from the mouth of the Minam, upstream to the boundary of the Eagle Cap Wilderness. The elevation decreases from approximately 7,500 feet at Minam Lake to 2,540 feet where the Minam enters the Wallowa. In 1968 more than 5,000 persons enjoyed over 30,000 days of wilderness-type hunting and fishing in the Minam. This is one of the remaining quality elk hunting areas in Oregon where large mature bulls may still be found, and where trophy buck deer hunting is enjoyed by hunters willing to climb the steep and rugged ridges of the canyon. The river provides an important spawning and rearing area for a substantial run of Columbia River chinook salmon and steel head. Other wildlife found in the canyon include cougar, mountain goat, bear, bobcat, fisher, marten, turkey, ptarmigan, bald eagle, and harlequin ducks.

Fears have been extensive and this area might be roaded, which could give rise to slides and earth movements that would cause siltation, result in destruction of the spawning beds of salmon, steelhead, and trout, and place barriers across natural game trails to prevent their use by the Minam River elk herd and other animals. The Minam fishery is of major significance. Steelhead, one of the most highly prized game fish in the Nation, enter the Columbia River from the Pacific Ocean in the summer months and reach the Minam and its tributaries the following May. Chinook and some Coho salmon arrive and spawn in the summer and early fall. Formerly, 29 percent of all salmon which passed McNary Dam spawned in the Snake River system above Hells Canyon Dam. Now no fish are able to pass Hells Canyon Dam, giving greater importance to the remaining spawning areas in the lower rivers such as the Minam.

The beauty of the lower Minam is partly in its gentle character, and the ease with which people, especially families with children, can hike through the valley. There are numerous flats and parklike areas in the evergreen forests along the sparkling stream. The climate is superior to the high lakes and accessible during the spring and early summer when the higher regions are blocked by snowdrifts and flooding streams.

Two other canyon areas, the Little Minam and Bear Creek, are part of the Minam watershed, and offer remote wilderness experience, with unique beauty spots. They contain numerous meadows, family camping areas, and offer smaller waters for good fishing.

LEGISLATIVE HISTORY

The bill, S. 1142, was introduced by Senator Hatfield on February 25, 1969, and referred to the Senate Committee on Interior and Insular Affairs. Senator Packwood is a cosponsor of the legislation. Hearings were conducted in Washington on July 11, 1969, and field hearings at La Grande, Oreg., on July 27, 1970, by the Senate Subcommittee on Public Lands.

At the Washington hearing, as at La Grande, there was extensive support from conservation and outdoor organizations favoring inclusion of the Minam in the wilderness system. The Forest Service, at the Washington hearing, voiced objection on grounds that the area had not been subject to the review procedures set out in the Wilderness Act, and pointed out there were remaining stumps as evidence of old logging activity, and that there were two private resorts in the canyon each served by an airplane landing strip. There was enthusiastic local support for the proposal at the La Grande hearing, although lumbering, and other interests expressed concern that wilderness classification for the Minam might result in reduction of the allowable timber harvest on the area's national forest land. Prior and subsequent to the La Grande hearing the Senate committee received a large volume of correspondence from Oregon resident urging approval of S. 1142.

AMENDMENTS

The committee amended the bill to reduce the wilderness area authorization from a maximum of 100,000 to 80,000 acres. It also deleted the legal description of the area in favor of a map reference. A requirement that after classification the Secretary of Agriculture transmit to the Congress a map and legal description was changed to direct that these be submitted to the Interior and Insular Affairs Committees of the U.S. Senate and House of Representatives, provided that correction of minor clerical and typographical errors in such legal description and map may be made. Another amendment would make the area part of the Eagle Cap Wilderness.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee favorably reports S. 1142, and recommends its enactment.

S. 494, S. 495, AND S. 496—INTRODUCTION OF BILLS TO MAKE MILITARY PAY MORE EQUITABLE, TO PROVIDE FOR PAYMENT OF ENLISTMENT BONUSES, AND TO AUTHORIZE REIMBURSEMENT OF EXPENSES INCIDENT TO RECRUITING DUTIES

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine, Mrs. SMITH, I introduce, by request, three bills from the Department of Defense to make military pay more equitable, to provide for payment of enlistment bonuses, and to authorize reimbursement of expenses incident to recruiting duties.

I ask unanimous consent that letters of transmittal requesting introduction of these bills and explaining their purpose be printed in the RECORD immediately following the listing of the bills.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the letters of transmittal will be printed in the RECORD.

The bills (S. 494) to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; (S. 495) to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; and (S. 496) to amend title 37, United States Code, to make military pay more equitable and for other purposes; introduced by Mr. STENNIS, for himself and Mrs. SMITH, were received, read twice by their titles and referred to the Committee on Armed Services.

The letters presented by Mr. STENNIS are as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation, "To amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the armed forces who are assigned recruiting duties for expenses incurred in recruiting of personnel."

This proposal is a part of the Department of Defense Legislative Program for the 92nd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress. This proposal is also being sent to the Speaker of the House of Representatives.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide reimbursement to members of the armed forces on recruiting duty for actual and necessary out-of-pocket expenses incurred by them incident to their recruiting duties.

In recruiting work, personnel on recruiting duty must project themselves as being willing to discuss their service's selling qualities with any interested party at almost any hour. Consequently, luncheons, snacks, coffee, and even dinner engagements with prospects or their families are not unusual. Parking fees while at itinerary stops, telephone calls while working away from the office, purchase of photostatic copies of vital documents for prospective recruits and candidates, and other small but necessary expenditures are costs that the serviceman must pay from his own pocket.

All of the above items of expense represent costs incurred in the recruitment of personnel for the armed forces. None of these costs are borne by the Government for whose benefit they are incurred. Members of the armed forces assigned to recruiting duty find themselves obliged to bear these costs out of their own pockets in order to do the most effective job of recruiting personnel for the armed forces. The members receive no reimbursement for these out-of-pocket expenses. Enactment of this legislation would assist the member in meeting costs he incurs in the performance of his recruiting duties and would, therefore, contribute substantially to the total recruitment effort.

If the proposed legislation is enacted, it is anticipated that reimbursement would be accomplished within existing reimbursement procedures, that is, by an individual voucher supported by a documented claim by the recruiter who incurred the expenses. The Secretaries of the services concerned would promulgate regulations to insure that reimbursements are made only for such expenses as are necessary to the performance of a recruiter's duty.

COST AND BUDGET DATA

The costs necessary to implement this legislation are as follows:

Army	$1,105,000
Navy	806,000
Marine Corps	366,420
Air Force	663,120
Total	2,940,540

Additional funding for the proposed legislation will not be requested in fiscal year 1972.

Sincerely,

DAVID PACKARD,
Deputy.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.
Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least three years." This proposal is a part of the Department of Defense legislative program for the 92d Congress. The Office of Management and Budget has advised that the enactment of this proposal is in accordance with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to provide a flexible authority to the Secretary of Defense to stimulate enlistments into military occupations characterized by chronically inadequate volunteer levels, such as the combat arms of the Army where currently about 65 percent of the members are draftees. This bonus would be offered to the prospective enlistee and paid after he has completed qualifications for the military occupation in question. It would not necessarily be awarded to any military occupation continuously, but could be used as needed in any occupations that might experience shortages.

PLANNED IMPLEMENTATION

Initially on a test basis, the Department of Defense would offer this bonus to enlistees for the Army combat arms (i.e., infantry, artillery, and armor) only. It is proposed to offer a bonus of $3,000 payable in three equal installments, to enlistees who agree to serve in the combat arms for at least three years. The first installment would be payable upon completion of training and upon being qualified for and awarded the appropriate military occupational specialty (MOS). A proportionately higher bonus payment would be made for longer terms of enlistment up to six years.

To avoid a potential disincentive for enlistment during the period of consideration of this proposal by the Congress and implementation of the legislation if enacted, a retroactive effective date of not earlier than February 1, 1971 is recommended. This would permit certain persons who enter the service on or after February 1, 1971, for example, to be offered the bonus contingent on their agreement to serve in the military occupation in question for at least three years.

The proposed legislation would also make it possible to offer certain members in their initial period of active military service a proportionate part of the bonus contingent upon a minimum of one year extension of their current tour of duty.

COST OF BUDGET DATA

While the effect of the proposed enlistment bonus must be based on an estimate, for FY 1972 it is anticipated that a $3,000 enlistment bonus paid in annual installments to enlistees for the Army combat arms would result in an estimated maximum first year cost of approximately $40,000,000. This amount has been provided in the FY 1972 Department of Defense budget.

Sincerely,

DAVID PACKARD,
Deputy.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 29, 1971.
Hon. SPIRO AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To amend title 37, United States Code, to make military pay more equitable and for other purposes." The Office of Management and Budget has advised that the enactment of this proposal is in accordance with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to initiate action to carry out the President's proposal to reduce draft calls to zero by making more equitable the basic pay of enlisted members and certain officers serving their first two years in the armed forces and to eliminate the necessity for Dependents Assistance Act allowances.

For background purposes, it is appropriate to briefly review basic pay increases since 1952. During the period 1952 through 1964, military managers proposed "selective increases" to improve career retention. Adoption of these proposals resulted in significant raises at critical career decision points and small, or no raises at other points in the normal military career. Since the draft and draft pressure from 1952–1964 provided the required numbers of first term enlisted personnel, it was not considered necessary to make the early years of service financially attractive. Further, because of the in-kind benefits received by young enlisted members, there did not appear to be a compelling economic need for greater compensation. Accordingly, for 13 years or during four consecutive raises in basic pay (1955, 1958, 1963, and 1964), the basic pay of enlisted members with less than two years of service remained fixed at the 1952 levels. Only in 1965 did the "less than two years' service" enlisted group receive a higher percentage increase than the remainder of the force. This increase was intended to recognize the fully productive status of enlisted members in pay grades E–3 and above and to relate the pay rates to job responsibility. However, the 1965 increase was not sufficient to make up for the inequity that had resulted from previous compensation policies.

A similar situation exists for the officer with less than two years of service. During the three consecutive pay raises of 1955, 1958, and 1963 the basic pay of the officer with less than two years of service remained fixed at the 1952 levels. In 1964 and again in 1965, the "less than two years' service" officer group received a higher percentage increase than the remainder of the force. However, these two increases, while significant in size, were not sufficient to make up for the inequity that had resulted from previous compensation policies.

Since 1966, members with less than two years of service have received flat across-the-board percentage increases in the same manner as the remainder of the force. It is significant to note that these "across-the-board" pay increases only permitted the junior members to maintain their relative position with respect to the rest of the force. Consequently, the inequity previously introduced has persisted to the present day.

The increase in basic pay proposed in this legislation will provide a significant increase in the basic pay for the first term members over and above the 7.9 percent increase granted on January 1, 1971 pursuant to Executive Order 11577. The following are the increases in basic pay proposed for the most populous first term pay grades:

Under 2 enlisted

	Percent
E–4	22
E–3	35
E–2	50
E–1	40
E–1 (under 4 months)	50

Under 2 officer

O–2	9
O–1	10

In order to grant an increase of the size proposed without causing pay inversions or undue compression in the structure of service pay it was necessary to increase the pay of some "over two years of service" members. Where increases are proposed for "over two years of service" members, the expressed purpose is to maintain appropriate intergrade and interlongevity pay differentials.

The legislative proposal recommends providing Basic Allowance for Quarters to present recipients of Dependents Assistance Act (DAA) allowances and repeal of that Act.

Prior to 1950, enlisted members of grade E–4 with less than four years of service and below were considered in law to be without dependents. With the onset of the Korean War reservists with family responsibilities were mobilized and called to active duty and it became necessary to draft married men into the armed forces. It was therefore unrealistic to continue to consider military members in pay grades E–4 and below as without dependents. Congress responded to this situation with the passage of the Dependents Assistance Act of 1950 which provided a financial supplement to the income of young enlisted military families related to the number of dependents. Because of the continuing need for this income supplement, the Dependents Assistance Act of 1950 (DAA) has been retained to the present date.

This proposal provides an appropriate quarters allowance for the single and married E–4 and below in exactly the same manner as they are provided for the remainder of the force. The proposed allowances will provide increases for approximately 270,000 junior enlisted personnel now receiving DAA allowances.

The legislative proposal should not be construed solely as a move which will reduce reliance on the draft. Also, it is designed to remove the present inequity in pay of members serving their initial two years in the uniformed services.

This bill affects approximately 50,000 officers and 1,400,000 enlisted members on active duty of whom 443,000 are estimated to be inductees. In addition, because reserve drill pay is based on basic pay, approximately 6,500 officers and 518,000 enlisted drilling Reservists and National Guardsmen will receive the same percentage increases in pay as their counterparts on active duty. In addition, when on active duty, Reservists and National Guardsmen will receive the new quarters rates.

It is recommended that the effective date of this legislation be May 1, 1971.

COST AND BUDGET DATA

At projected manning levels, the proposed increase will cost $180 million in FY 1971 and $987 million in FY 1972. Funds for this purpose will be included in the 1971 pay supplemental. The overall DoD outlay estimates for FY 1971 would not be changed. Provision has been made for this increase in the FY 1972 budget.

Sincerely,

DAVID PACKARD,
Deputy.

SECTIONAL ANALYSIS

Section 1 supersedes certain basic rates now in effect under Executive Order 11577 of January 8, 1971 for certain members of the uniformed services. The proposed new basic pay rates reflect pay increases for all enlisted members with less than two years of service, eliminates pay grade E–1 (under four months) and eliminates longevity increases for pay grades E–1 and E–2. The pay rates provide increases for two junior officer grades (O–1 and O–2) as well. In order to preserve an acceptable interlongevity step differential, pay grade O–1 reflects a modest adjustment in the "Over 2" longevity step column; while the pay grades E–3 and E–4 reflect additional adjustments in the "Over 3" and "Over 4" columns and the pay grade E–4 in the "Over 6" column.

The rate changes in the "2 or less" column are substantial, ranging from a 50.0% increase in basic pay for members in the pay grade E–1 to 8.8% for members in the pay grade O–2. The rate changes proposed to maintain the interlongevity balance are modest, ranging from 5.7% for the pay grade E–1 (Over 2) to 2.1% for the pay grade E–4 (Over 6). These changes in the rates of basic pay are a first step in reforming compensation policy to reduce reliance on the draft, and follow the policy stated by the President in his April 23, 1970 statement to the Congress on ending reliance on the draft to procure manpower for the armed forces.

(7) The rates for enlisted members in pay grade E–3 with "2 or less", "over 2", and "over 3" years of service are $244.20, $260.10, and $277.80, respectively, and $288.90 for all remaining pay steps.

(8) The rate for enlisted members in pay grade E–2 in any pay step is $222.90.

(9) The rate for enlisted members in pay grade E–1 in any pay step is $201.90.

(10) Pay grade E–1 (under 4 months) is abolished.

SEC. 2. Section 403(a) of title 37, United States Code, is amended (1) by striking out the last sentence and (2) by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E–1, E–2, E–3, and E–4 (4 years or less service) and inserting in place thereof the following new table:

"Pay grade	Without dependents	With dependents
"E–4	$70.20	$105.00
E–3	60.00	105.00
E–2	60.00	105.00
E–1	60.00	105.00"

SEC. 3. The Dependents Assistance Act of 150 (50 App. U.S.C. 2201 et seq.) is repealed.

SEC. 4. This Act is effective on May 1, 1971.

S. 497—INTRODUCTION OF A BILL TO CREATE ONE ADDITIONAL PERMANENT DISTRICT JUDGESHIP IN OREGON

Mr. HATFIELD. Mr. President, today I am reintroducing a bill I introduced in the 91st Congress which would create a position for a fourth Federal judge for Oregon.

That bill, S. 3361 , was introduced as a result of my belief that Oregon needs and deserves an additional Federal judge at the earliest possible time.

The statistics alone support this belief: the third Federal judge position was created in 1949. In 1951, U.S. District Court in Portland had filed 392 civil cases and 105 criminal cases.

In 1970, this had risen to 898 civil cases and 304 criminal cases. This dramatic increase has been accompanied by an increasing complexity in nearly all areas of Federal jurisdiction.

If one examines only the backlog and delay between filing and trial dates, the results are misleading. The relatively short backlog is due primarily to the diligence and hard work of Judges Gus Soloman, Robert Belloni, John Kilkenny—a former district court judge and currently on the Ninth Circuit Court of Appeals—and recent appointee Alfred Goodwin. This tends to give a distorted view of the need for an additional judgeship.

At its most recent convention last October, the membership of the Oregon State bar supported S. 3361 and I ask unanimous consent that a letter from Randall Kester, chairman of the judicial administration committee, the bar report, and the resolution passed by the membership be printed at this point in my remarks.

There being no objection the material was ordered to be printed in the RECORD, as follows:

UNION PACIFIC RAILROAD CO.,
TRANSPORTATION DIVISION LAW DEPT.,
Portland, Oreg., October 23, 1970.

Re: S. 3661.

Hon. MARK O. HATFIELD,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: This will confirm what I presume you already know, that the Oregon State Bar, at its Annual Meeting held in Eugene, Oregon, October 9, 1970, adopted a resolution supporting your bill (S. 3661) which would create a fourth position on the United States District Court for Oregon.

For your files, I am enclosing copy of a portion of the report of the Committee on Judicial Administration discussing this matter (pp. 128–129), and also copy of the resolution as adopted (Exhibit B, p. 145).

In due course Mr. Holloway will be sending you a copy of the resolution with proper authentication by the officers of the Oregon State Bar. If there is anything that members of the Bar can do to help in the passage of this bill, I am sure you will find them cooperative.

Sincerely,

RANDALL B. KESTER.

COMMITTEE REPORTS OF THE OREGON STATE BAR—1970

Senator Hatfield in the winter of 1969–1970 introduced Senate Bill 3661, which would create a fourth position on the Federal District Court of Oregon. The Committee, after examining the supporting statistics, voted unanimously to recommend that the Bar support Senator Hatfield's bill, or other legislation leading to the creation of a fourth position. The consensus was that Oregon needs the fourth Federal judge now.

The third and last position created on the Oregon District Court was filled in 1949, and although population has risen from 1,511,200 to an estimated 1970 figure of 2,076,000, a 37.3 per cent increase, no serious attempt has been made during the intervening twenty-one years to create a new Federal Court position.

Since 1949, judicial workload in the Federal Court, as measured by every standard, has increased at a rate in excess of the rate of population increase. Combined civil and criminal filings have risen from 497 cases in 1951 to 1,060 in 1969. Trials have risen between 1962 and 1969 from 137 to 205. In addition, these figures do not take into consideration the fact that the Oregon judges have also met their obligation to help other districts when called upon to do so.

Along with the numerical increase in cases filed, cases tried, and cases disposed of, there has been a corresponding increase in complexity and in new types of cases, which these statistics do not take into account. For example, in the last ten years, Oregon had its share of cases involving anti-trust, patents, fraud, mass torts, and civil rights. Prisoner cases have tripled, and, contrary to the practice permitted in the fifties before recent U.S. Supreme Court decisions, these cases are generally tried and almost always are disposed of by opinion. This increase in complexity and in opinion work has taken its toll upon the available judge time in the Federal Court.

The Administrative Office of the Federal Courts has attempted to compare statistically the size and complexity of the case input per judge of the various districts by weighing the type of cases filed. The resulting statistical figure is called "weighted caseload per judge" and has proven helpful in enabling Congress to compare the workload per judge between the larger urban districts and the smaller non-urban districts. A comparison was made between the weighted caseloads and numbers of trials in Oregon and the forty-five districts authorized new judicial positions by the Senate under last year's Omnibus bill, and these figures were presented to the Committee.*

Oregon has a greater weighted caseload per judge than half of the districts included in the Omnibus bill which are receiving new judges. In addition, Oregon has tried more cases than half of the Omnibus districts, even though over half of those districts trying less cases had more judges. The backlog of pending cases in Oregon has substantially increased and will continue to increase, even though the Court has demonstrated a capacity to try more cases and dispose of more cases than other comparable districts.

Oregon needs a fourth Federal judge now.

A form of Resolution is submitted as Exhibit B, which, if adopted, will be transmitted to Sen. Hatfield in support of his bill.

RESOLUTION REGARDING A FOURTH FEDERAL JUDGESHIP FOR OREGON

Whereas, S. 3661, introduced in the 91st Congress by Sen. Mark O. Hatfield, would create an additional permanent district judgeship for the U.S. District of Oregon, making a total of 4 Federal Judges for the District of Oregon;

and Whereas, the third and last position on the U.S. District Court for Oregon was filled in 1949; and since that time the population of the state has increased substantially, and the volume of judicial business in the U.S. District of Oregon has increased at an even greater rate than the population; and the complexity of such judicial business has caused the judicial workload to be increased even more than the number of cases would indicate;

and Whereas, by every standard the District of Oregon urgently needs, and is entitled to, the addition of a fourth permanent U.S. District Judge;

Now, Therefore, The Oregon State Bar, assembled at its 1970 Annual Meeting, hereby

Resolves: That it supports the passage of S. 3661, or other legislation that would cause the addition of a fourth permanent U.S. District Judge for the District of Oregon, and requests that such legislation be given urgent consideration by the Congress at the earliest possible time;

And it is further resolved, that copies of this Resolution be transmitted to the Oregon Congressional delegation; and the officers of the Oregon State Bar are authorized and directed to lend every assistance to secure the passage of such legislation.

Mr. HATFIELD. Mr. President, I also ask that at this point in the RECORD there be printed a letter detailing the situation in 1970 from Chief Judge Gus J. Solomon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

US. DISTRICT COURT,
DISTRICT OF OREGON,
Portland, Oreg., February 5, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: My colleagues and I appreciate your having introduced legislation to provide for one additional District Judge for the District of Oregon.

We need the extra judge now.

In October, 1949, I was appointed to the third position created by Congress earlier that year. At that time Oregon's population was estimated at 1,511,200. Now, in 1970, Oregon's population is estimated at 2,076,000. This is a 37.3 per cent increase.

The work of the Court has increased more rapidly than population. For the fiscal year 1951, 392 civil cases and 105 criminal cases were filed for a total of 497 cases.* In 14 of the next 18 years the caseload for each year was greater than that of the preceding year. In fiscal 1969, there were filed 723 civil cases and 337 criminal cases for a total of 1060. This trend is continuing. In the first six months of the 1970 fiscal year, there were filed 378 civil cases and 206 criminal cases for a total of 584 cases. In other words, since the third judge for Oregon was authorized, our civil filings have almost doubled and the criminal filings have tripled.

With the increase in filings, there has been a corresponding increase in trials. Between 1962 and 1968, the trials increased from 137 to 205 and the weighted caseload per judge from 231 to 305. We believe the increase will continue at an accelerated rate because many more defendants in criminal cases are now pleading not guilty and demanding trials. Habeas corpus cases in Oregon, as well as nationally, are increasing. In Oregon, a substantial percentage of the prisoner petitions are tried rather than decided on the pleadings. Although this is more time-consuming for us, it makes for a better record and lightens the work of the Court of Appeals.

We have compared the weighted caseloads as well as the trials in Oregon for the years 1962 to 1968 with the districts now included in the Omnibus Bill. The enclosed chart, prepared by our Clerk, shows that Oregon's weighted caseload and the number of trials per judge exceed that of most districts included in the bill. For example, in 1968 in the Eastern District of Michigan, eight District Judges tried a total of 202 cases. In Oregon in the same year, with three judges, 205 cases were tried. Michigan's per judge weighted caseload was 250 as against Oregon's 305. The Tydings Committee has recommended and there is included in the Omnibus Bill two additional judges for the Eastern District of Michigan. The Eastern District of Missouri, the Western District of Louisiana, and the Middle District of Pennsylvania all have the same number of judges as the District of Oregon. The weighted caseload and the number of trials in Oregon are greater than any of the three other districts. The most comparable district to Oregon is that of the District of Colorado. In 1968, Oregon tried 30 more cases than Colorado, but the weighted caseload in Oregon was 305 as against Colorado's 314. However that was the only time since 1962 in which Colorado's weighted caseload exceeded that of Oregon. Colorado, as well as the three other three-Judge districts mentioned above, will be given a new judge in the Omnibus Bill, but Oregon is omitted.

These statistics require some additional explanation. Neither the number of trials held in the district nor the weighted caseload takes into consideration either the help that the district received from visiting judges or the help that the local judges gave to other districts. Many districts, like the District of Arizona and the three districts in California, have often received continuous help from the julges of other districts. Oregon has received little help and has given much more than it has received. (I do not intend to disparge the work done in any of those districts. I have tried cases in all of them, and I know the great need for additional judge power on a permanent basis.)

It is not good policy to require judges to do as much work as we in Oregon have had to do over a period of many years. As you know, I usually work six days, and often seven days a week. My health has suffered as a result. More serious for the courts is my inability to keep up with legal literature or even new case law.

Thanks again for all your help. If you want additional information about the District of Oregon, please call on my colleagues or me.

Best regards.

Sincerely yours,

GUS J. SOLOMON.

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*(Note: Since preparation of this portion of the report, the Congress has passed S. 952, which became P.L. 91–272, approved June 2, 1970, authorizing 57 new permanent district judgeships.)

[*I omit the 1950 figures because that was the year cases arising out of the Vanport flood were filed. Although they were handled as one consolidated case, for statistical purposes they were handled as approximately 200 civil cases.]

Mr. HATFIELD. In closing, I hope that this bill will receive consideration for we in Oregon need a fourth Federal judge now. The backlog statistics are misleading and it is only when one examines the cases-per-judge numbers that the true picture emerges. I also ask unanimous consent to have printed an editorial in support of the bill from the Oregon Journal and my earlier remarks of January 30, 1970, when I first introduced this bill.

There being no objection, the editorial and remarks were ordered to be printed in the Record, as follows:

The Case for Another Judge

A bill introduced in Congress by U.S. Sen. Mark O. Hatfield, R-Ore., has begun the usually long process of creating a fourth federal district judgeship for Oregon.

An article in The Journal's recent "Shape of the '70s" series reviewed some of the reasons why another judge will be needed on the federal bench here before long. Growing population and the attendant rise in court business are the heart of the matter.

Oregon had a little over 1.5 million population in 1950, when a judge last was added to the bench here. Now it has passed 2 million, and is expected to go to 2.2 million by 1975. In 1962 the three federal judges here presided at 137 trials. By 1968 their total had risen to 205, and the average difficulty of the cases, measured by a scale the federal courts use, had risen, too. The three present judges work hard.

Inevitably there are partisan political angles to the creation of a new federal judgeship and the appointment of a man to fill it. It's a difficult job, but one of high prestige and lifetime tenure and, at present, the pay is a comfortable $40,000 a year.

But the political implications should not overshadow the basic need to get the court's business done well and on time. Sen. Hatfield's bill is timely.

S. 3361—Introduction of a Bill To Create One Additional Permanent District Judgeship in Oregon

Mr. Hatfield. Mr. President, I introduce a bill to create a fourth U.S. district court judge position for the District of Oregon. I do this because I am concerned that justice afforded by a prompt trial must not be jeopardized by a long delay before a case can be heard.

Currently, Oregon has three hard-working district court judges. The senior and chief judge, Judge Gus J. Solomon, is known throughout judicial circles as one of the hardest working district court judges in the country. In fact, when one examines the caseload of the Oregon court, it is a tribute indeed that three men can handle the caseload as expeditiously as they do.

Mr. President, Oregon enters the 1970's facing predictions of rapid population growth. The addition of a fourth judge would guarantee that Oregon citizens will be afforded prompt access to the Federal courts.

Although I am not a lawyer, I am aware of the growing complexity of Federal court cases. A glance at the docket shows many cases dealing with very complex and difficult issues. This means that a judge is removed from normal case disposal, often for weeks at a time, to hear and decide these multifaceted and hydraheaded lawsuits.

Mr. President, I ask the Congress to act in a prompt way to insure that we will act before Oregon faces a crisis situation in its Federal courts. In closing, I draw attention to a recent article in the Portland Oregon Journal, by Ken Jumper, which discusses the caseload problem. I ask unanimous consent that this article be printed in the Record.

The Acting President pro tempore. The bill will be received and appropriately referred; and, without objection, the article will be printed in the Record.

The bill (S. 3361), to create one additional permanent district judgeship in Oregon, introduced by Mr. Hatfield, was received, read twice by title, and referred to the Committee on the Judiciary.

(The article presented by Mr. Hatfield follows:)

Fourth Federal Judge Due in 1970's To Ease Heavy Workload in Oregon

(By Ken Jumper)

Some time in the 1970's Oregon probably will acquire a fourth federal judge.

It needs one now, according to statistical evidence and to the testimony offered by persons who are intimately involved in the federal judicial system as it pertains to Oregon.

The awareness that Oregon does need an additional federal judge is not new but it has received little public discussion. Last November, during ceremonies renaming the Old Pioneer Post Office, Chief U.S. District Court Judge Gus J. Solomon made a fleeting reference to the impending need. Other than his brief statement, there has been virtually no "on-the-record" talk about it.

But statistics, coupled with the evaluation offered by persons who run the courts and practice in them, point to a steadily increasing caseload which to some extent mirrors a corresponding rise in the state's population.

In brief, Oregon's three federal judges are, and have been for some time, overworked. The pressure on them is reflected in tight courtroom procedures and a corps of lawyers who are not permitted the luxury of rhetoric.

Oregon's third judgeship was created in 1949–50 when the state's population stood at 1,511,200, according to U.S. Bureau of Census figures.

By 1960 the population had climbed to 1,768,687, a 17 per cent increase. And it is projected that by 1975, the population will have swollen to 2,239,000.

With more people come more court cases.

In 1962, Oregon's three federal judges presided at 137 civil and criminal trials and each judge had a weighted caseload of 237.

Those figures have mounted steadily since and in 1968, the three judges presided at 205 trials and each had a weighted caseload of 305.

A statistical method of evaluating and rating various cases based on a formula with several integral parts is used to weigh each case. A zero to four scale is used and the more complicated a case is, the higher it is ranked on that scale. A Dyer Act Violation, for instance, would rate lower than a complicated antitrust case in the area of weighting.

But despite the high number of trials and large weighted caseload, Oregon judges are doing good work—and more of it—than many of their peers in the nation's 89 districts which have 323 judgeships. In fact, Oregon's judges rank among the highest in the nation when it comes to productivity.

Take New Jersey, for instance. That district now has eight judges and is seeking one more on a fulltime basis and one in a temporary position. Yet in 1968, those eight judges handled only 170 criminal and civil trials and had a weighted caseload of 225 each, both figures considerably lower than Oregon's.

Ohio is another example. Seven judges (the state wants another judge) in 1968 presided at 196 trials and had a weighted caseload of 255, statistics that again are substantially lower than Oregon's.

There are many other instances where the same condition prevails.

Admittedly, Oregon's federal courts do not get as many or large complicated cases as do some districts in the East or other large metropolitan areas. And because traffic problems in Oregon are not as serious as in larger metropolitan districts, the courts here can work juries longer hours.

Where other districts may take two or three days for a jury trial, Oregon's federal courts find that one day is usually sufficient.

This means, of course, that "the judge must run a good, tight court," Solomon says.

"We can't enjoy the luxury of letting a lawyer talk ad infinitum, nor can we spoonfeed them," Solomon notes.

Judge Robert C. Belloni says that "his schedule is so tight that he has no time for outside and necessary scholarship. Maintaining this kind of a schedule eventually results in a judge losing his effectiveness," Belloni says.

U.S. attorney Sidney I. Lezak says the presure under which the judges operate here is "reflecting in the sometimes frantic efforts of lawyers to comply with standards of performance that are extremely high. The atmosphere in the courts here cannot frequently be described as relaxed," although there are individual differences between judges in this respect.

"We joke a lot about the speed with which things are required to be done here, but the humor is a veneer for more tension than is experienced in most courts," Lezak says.

Lawyers who have a great deal of practice in federal court tend to agree with Lezak's appraisal.

"They call Solomon 'Fast Gavel Gus' and he's probably the fastest in the West," one lawyer quips, but he turns serious and adds, "but I don't see that he has any choice with the amount of work that he has to do."

And, says another attorney, "it's going to get worse before it gets better." In addition to burgeoning population, we're getting more and more government participation and impingement in virtually all areas of experience.

"Look back to 1949 when Oregon's last judgeship was created and see how many new types of cases that we have in the courts now that were never even heard of then," he notes.

Creation of a fourth judgeship for Oregon is the responsibility of Congress. It is a slow and cumbersome process and to date there has been no concerted drive on the part of any interested parties to get the ball rolling.

But if the state is to get the court it needs, that drive had better be initiated soon if it is to come within the next decade. A study shows that the average time between the initial drum beating and final creation of the judgeship is six years.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 497) to create 1 additional permanent district judgeship in Oregon introduced by Mr. Hatfield, was received, read twice by its title and referred to the Committee on the Judiciary.

S. 504—INTRODUCTION OF A BILL FOR THE RELIEF OF JOHN BORBRIDGE, JR.

Mr. GRAVEL. Mr. President, I reintroduce today a private bill for the relief of John Borbridge, Jr., of Anchorage, Alaska. Mr. Borbridge was paid the sum of $1,639.61 which represents the cost of moving Mr. Borbidge, his family, and his household goods, from Juneau to Anchorage to accept a position in the Indian Health Service. GAO rules that the Department of Health, Education, and Welfare in which the Indian Health Service is incorporated had no right to either advise Mr. Borbridge or pay Mr. Borbridge for his moving expenses because Native Affairs Officer, the position to which Mr. Borbridge had been accepted, was not listed as one in which a manpower shortage existed. Therefore, the Government had no liability for the costs of moving Mr. Borbridge incurred and which the Government subsequently and erroneously paid. However, Mr. Borbridge made this transfer to Anchorage with the assurances of the agency that he would be paid for his moving expenses. It seems grossly unjust to continue to hold Mr. Borbridge liable for these expenses. Therefore, this bill will relieve Mr. Borbridge of said liability and repay him any moneys received or withheld from him because of his pending liability.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 504) for the relief of John Borbridge, Jr., was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 505—INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF MRS. RUBY S. COYLE

Mr. GRAVEL. Mr. President, I introduce today a private bill for the relief of Mrs. Ruby (Stonestreet) Coyle of Kenai, Alaska, for the purpose of including her period of employment with the Works Progress Administration—WPA—toward Federal civil service retirement.

Mrs. Coyle was employed in North Carolina, from November 3, 1939, to May 8, 1943, on Project No. 3783, under the WPA.

The civil service retirement law applies to employees in or under the Federal or District of Columbia governments. This has been construed by the Civil Service Commission to include only persons who: First, are engaged in the performance of Federal functions; second, are appointed or employed by a Federal officer. In the application of this test, the Civil Service Commission has held that service in the WPA on the administrative force of the central and field offices is creditable for retirement purposes. However, project employment is not creditable.

Mr. President, through agency interpretation, Mrs. Coyle has been denied credit of 3½ years toward Federal civil service retirement. No doubt others are similarly affected. I feel that Mrs. Coyle is entitled to credit for the period of her employment with the WPA, which at the time was a Federal agency.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 505) for the relief of Ruby S. Coyle, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 509—INTRODUCTION OF THE "INTERNATIONAL OPIUM CONTROL ACT"

Mr. MONDALE. Mr. President, this country is in a deadly struggle with international drug traffic.

And we are losing.

Drug addiction is killing thousands of our people, ruining a half million lives, stripping as much as $8 billion every year from our economy, and right now destroying our great cities in a holocaust of crime and degradation.

It is dreadful enough that all this is happening to us. The unbelievable, disgusting irony is that we are letting it happen.

Opium is grown and made into heroin in a chain of corruption that links countries which are friends and allies.

For example, an estimated 80 percent of the heroin entering America comes from opium grown in Turkey, a NATO ally and recipient of $5½ billion in U.S. aid since 1946.

Tons of this powdered death are processed each year in laboratories in France, another NATO ally and beneficiary of massive help from this country after World War II.

We have guarded the security of these nations. They are pledged to guard ours. Yet the heroin traffic—a threat within our common ability to control—continues to endanger the United States as much as any military invasion.

We cannot tolerate this horrible absurdity.

I am introducing here comprehensive legislation which would build an international quarantine to stamp out heroin traffic. The bill provides means to do this through fair cooperation with other countries. It offers assistance in diversifying crops and a major U.S. contribution to an international police campaign to break the drug network of processing and distribution.

But if this cooperation is not forthcoming, if others show evasion or indifference in our emergency, then my bill would call for strict penalties—the suspension of all U.S. military, economic, and other assistance, and ultimately an action to impose United Nations sanctions.

I know these are harsh measures. They are made necessary by the harsh realities of what the heroin traffic is doing to our Nation.

Though we have spent a half billion dollars on much-needed treatment over the past 3 years, the mounting heroin traffic mocks our effort. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, told the U.N. in September that it was "a situation which is impossible for us to handle alone. Every time one heroin addict is cured, more take his place because of the ever-increasing amount of heroin available."

The number of new drug addicts nationwide doubled between 1968 and 1969. The total number now may be as high as a half million, and it grows by thousands every year.

Addiction is rising astronomically in many regions. For example, in the last decade the increase in new addicts was 668 percent in Connecticut, 1,600 percent in Florida, 982 percent in Louisiana, 425 percent in Michigan, and 559 percent in Virginia.

On the basis of a half million addicts and data gathered in New York and Washington on drug-inspired crime, all this addiction may cost us $8 billion a year in theft, criminal justice proceedings and related expenses. And studies show that over 90 percent of criminal addicts are users of heroin.

Even if that $8 billion is reduced by half, the heroin traffic would still cost us each year 7 times what we now spend to fight air and water pollution, nearly 4 times our budget for health research, almost twice our investment in elementary and secondary education.

From 1965 to 1969, there were 3,000 drug deaths in the United States, a 10-fold increase over the 1960–65 period.

Every day in New York three people die because of drug addiction. In the last decade, 3,565 men from New York State died in Vietnam. Over the same period, 4,254 died from narcotics in New York City alone. Heroin is now the greatest single cause of death for 18- to 35-year-olds in New York.

What have the administration and other governments done to stop this carnage of Americans?

As usual, too much of what we have done here is hidden from public and congressional view. There are claims of success. At the outset of the administration, a high official told the Washington Post that stopping drug traffic would be a prime foreign policy objective. If heroin smuggling persisted, he reportedly said:

> You can mark it down a failure of this Administration.

Now, 2 years later, the real measure of our diplomatic efforts—the rising rates of addiction, deaths, and crime—is plain. Our failure to overcome diplomatic inertia and take serious action to stop the drug traffic amounts to a national scandal.

Though the Attorney General testified to the Congress last July that he would welcome legislation authorizing sanctions against opium-growing countries, the State Department promptly repudiated his words the next day in response to a protest from the Turkish Government.

Despite recurring press speculation that the United States would undertake a serious $10 million program to diversify Turkish crops, I have authoritative information that any steps on this scale have been stifled within the administration for "diplomatic reasons."

Though the United States gave Turkey $3 million loan last March to encourage" a change from opium, and though Turkey claims progress on the basis that opium-growing provinces have been reduced from 21 to 4 over the last decade, the actual acreage under opium cultivation in Turkey will have increased by 5,000 acres between 1969 and 1971.

According to the New York Times, the real effect of this celebrated reduction in provinces has been to double the amount of opium actually produced in Turkey because of more intensive cultivation and illegal planting.

Yet in spite of this deception, the United States quietly approved this past summer a $40 million aid loan to Turkey with no conditions regarding the eradication of opium production.

Though France is the site of most of the processing of heroin, and though the administration claims that we have moved the French to step up their antidrug efforts many-fold, the New York Times reports that France still has only 30 policemen to combat the enormous international drug network, only one-tenth the number of officers they assign to domestic drug abuse.

Though the French claim large numbers of arrests and heroin seizures over the last year, the Associated Press reports that these arrests are in reality small drug addicts, that France will not pressure Turkey on the drug traffic, and that enforcement efforts have yielded no specific results in eliminating the big laboratories where most of the heroin is made for shipment to the United States.

Though the administration promised to make the heroin traffic a prime objective, it has continued to treat the effort as a bureaucratic stepchild. The Secretary of State's Special Assistant for Narcotics has had no staff, and important dealings with foreign governments have remained, as in the past, largely an adjunct job of the Department's legal adviser. Incredibly, our Government's liaison with Interpol, a key agency in fighting the world drug traffic, has been a low ranking official in the Treasury Department, hardly a sign of high priority to foreign governments or our own bureaucracy.

Interpol, the only international police organization with any chance of fighting drug traffic, continues as a skeleton communications organization with a total budget of less than $850,000, staff of only 44 people, and no specific narcotics personnel. The United States is now 1 year behind in our contribution to Interpol.

Not only does all this have murderous results today in this country, but actually adds to the international problem. Because Turkey and others continue the heroin traffic unabated, Iran recently lifted its 13-year ban on opium production. This deplorable setback will mean probably 500 more tons of opium to poison America and other societies.

What can and must be done?

The answer, Mr. President, is broad, firm legislation from the Congress that will at last fulfill the unmet promise of this administration in fighting drug traffic.

We must act as we would combat any foreign invasion or the infection of a fatal bacillus. We must attack the heroin traffic at its source in opium cultivation. We must break the chain of drug traffic which processes and transships heroin. And we must find the means to stop the spiral of drug addiction and crime in this country.

I will shortly introduce a bill to deal with this latter problem of drugs and crime. Today, I am introducing legislative measures to quarantine the international heroin traffic.

In summary, the principal elements of my bill would amend foreign assistance legislation to:

First, help assist any country to make the economic adjustment in eliminating all but minimal medicinal production of opium, through aid to growers in diversifying crops and to governments for enforcement.

I want to be very clear on this provision of my amendment. This is not a proposal to buy up an opium crop, which would only encourage production. This is not a subsidy to foreign farmers to forego opium cultivation, which would be a waste of money.

My amendment calls for the immediate eradication of illegal opium crops. The legislation then provides for assistance to the opium-growing country—over a 5-year period—to help the affected farmers find a new livelihood and to help cushion the overall economic adjustment in the country.

The total cost of Turkish conversion from opium, for example, has been estimated at $10 million. We now give Turkey $200 million yearly in military and economic aid while their opium crop flourishes.

Second, for any country which continues to allow the cultivation or processing of illegal opium—except a strictly limited and controlled crop for medicinal export—the President shall prohibit all military economic and other forms of U.S. assistance forthwith.

Third. If these penalties do not induce compliance, the President should institute action in the United Nations looking toward the imposition of international economic sanctions against the opium-growing or processing state, on the grounds that narcotics traffic is a threat to the peace and security of a member nation of the United Nations.

Fourth, make compliance, penalties, compensation, a policy matter to be recommended to the President by an Executive Committee on International Narcotics composed of the Secretaries of State and Treasury, the Attorney General, a member of each party from both the House and Senate, and two public members to be appointed by the President—to be chaired by the Secretary of State; the Committee to report its findings and recommendations to the President and the Congress, at least annually, at such time as to allow prompt application of their recommendations in legislation, executive action, and so forth.

Fifth, urge the President to propose and help institute a special narcotics staff in Interpol. The United States should provide initial funding over a 5-year period. Funding should be adequate to mount a concerted attack on the international narcotics organizational apparatus.

The U.S. role in Interpol, would be coordinated by committee at the Under Secretary level, which would endeavor to establish liaison with other members at the same level of government.

Also, the President should seek an international treaty to arrive at uniform standards of enforcement and punishment for narcotics offenders.

Sixth, urge the President to negotiate an international treaty providing uniform world standards for enforcement and punishment of opium producers, processors, and dealers. This would replace the present jumble of laws which inhibits effective legal cooperation among nations in fighting drug traffic.

As I said at the beginning of these remarks, I realize very clearly that this legislation carries harsh measures. It is directed at no single country, yet the fact is inescapable that it could affect our relations with Turkey, France, Mexico and other long-time friends.

As a strong supporter of aid to developing countries and of a close Atlantic Alliance, I took the decision to introduce this bill only with long and difficult reflection.

But there is just no doubt of the fundamental international equities in this terrible problem.

We are talking about 110,000 Turkish opium farmers, and as many as 500,000 American drug addicts.

We are talking about opium adding $5 to $10 million each year to Turkey's economy, and as much as $8 billion yearly as the total social costs of hard drug addiction to the United States.

We are talking about a criminal empire in France which is literally murdering hundreds of our young people before our eyes.

Other governments often tell us that drug addiction is an "American problem."

I ask the Turkish Government: would the export from the United States of a poison which killed 3,000 Turks in the past 5 years be only a Turkish problem?

I ask the French Government: would the destruction of Paris by a poison processed in America—as New York is being destroyed today by heroin processed in France—be only a French problem?

And I ask the President and Secretary of State to show the American people that any imaginable defense contribution by Turkey to our security could outweigh the damage done the United States each year by the Turkish opium crop.

We can stop international drug traffic through friendly, fairly compensated cooperation among countries. But it must be stopped, one way or another. Director Ingersoll has said it plainly:

> As long as illicit narcotic drugs are available, our problem will continue despite the energy and determination with which we attack the demand for the illicit traffic.

The Congress must act now with all the urgency and determination the drug crisis requires—before it is too late for our children.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 509) to provide for increased international control of the production of, and traffic in, opium, and for other purposes, introduced by Mr. MONDALE, was received, read twice by its title, and referred to the Committee on Foreign Relations.

S. 511—INTRODUCTION OF A BILL TO PROVIDE AN EQUITABLE SYSTEM FOR FIXING AND ADJUSTING RATES OF PAY FOR PREVAILING RATE EMPLOYEES OF THE GOVERNMENT

Mr. HARRIS. Mr. President, the 91st Congress passed legislation which would have set up a more equitable system for fixing and adjusting rates of compensation for wage board employees. The measure enacted by the Congress did not embody all of the features I feel are necessary adequately to compensate and protect the more than 800,000 wage grade and nonaffiliated fund employees who would have been covered thereby. It was, however, a beginning.

President Nixon chose New Year's Day, 1971, to veto the measure. This came one day before the 91st Congress adjourned, and left no time for the supporters of wage board legislation to act against his veto. The veto was, in my opinion, an unjust treatment of the needs of the blue-collar employees of the Government. For many years, these workers have been governed by a system allowing discrepancy in pay for wage board employees and others performing identical functions within the same community.

I am, therefore, introducing today the Prevailing Wage Rate Determination Act of 1971. This will once more present the question of treatment of wage board employees to the Congress. I feel that early consideration and enactment of this legislation should be of primary importance to the 92d Congress.

This bill is of vital concern to more than one-fourth of all employees of the Federal Government. It directly affects their wages, their individual rights, and obligations as well as the rights and obligations of their union representatives who will represent them on the various wage board committees established by this act.

Basically, my bill is intended to organize and to standardize the Federal Government's procedure for fixing the rates of pay of employees working under the so-called prevailing rate system. I have received information from wage board employees from various parts of Oklahoma, which reveal serious discrepancies between rates of pay for wage board employees working in the same community performing identical services for the Government. Of the approximately 55,000 Federal employees in my State of Oklahoma, almost 21,000 are paid according to the standards of the wage board system. This bill would reduce the possibility of discrepancies and inequity for these workers.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the "prevailing wage" system. It thus is not a modification of the wage board system itself, but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys, and to adjudicate differences.

This bill I am introducing will set up 10 steps in pay differential. This will provide a sufficient range of pay rates to make Federal wage board employees more in line with similar employees in private enterprise. The bill also provides for pay differentials for hazardous duty, and for shift work.

A statutory foundation will be provided by this bill for improved procedures for Wage Board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created standing committee known as the Federal Prevailing Rate Advisory Committee. This 11-member Committee has as its Chairman a person appointed by the President for a 4-year term; this person shall hold no other Government position. Five Committee members shall be appointed by the Chairman of the Civil Service Commission, from among labor organizations representing the largest number of prevailing rate employees under exclusive recognition in Government service. One employee of the Civil Service Commission, appointed by the Chairman of the Commission shall serve, along with the department head, or his designee, of each of the four executive agencies and military departments—not including the Civil Service Commission—having the largest number of prevailing rate employees.

A most important feature of this bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the Wage Board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. This will remove the illogical distinction which results in variances in pay for an employee merely because he is paid from a different source of funds.

The Congress has already spoken on the need for change in the area of wage rate determination. Let us act swiftly to reenact this legislation to develop a fair and equitable method of wage determination for workers who so well deserve our consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 511) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 518—MORATORIUM OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A COAST GUARD AIR STATION AT COOS BAY, OREG.

Mr. PACKWOOD. Mr. President, inasmuch as the representatives of our country and the U.S.S.R. have been meeting in Washington for renegotiation of the agreement regarding fishing in the eastern Pacific Ocean, this seems a good time to air the whole question of foreign fishing vessels off the Pacific coast, and to introduce legislation designed to help correctly gather and report incidents of intrusion in our waters; and, therefore, ease somewhat the tension resulting from past experiences.

The bill I am introducing provides for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station. In addition to providing proper surveillance of the Oregon coast, this air station would supply the search and rescue operations so needed in the area. Coos Bay has become in recent years one of the most active ports on the Oregon coast, with increased recreational activities as well as an access point to the Coos County timber yield.

I will be the first to admit that my primary purpose in desiring to establish a Coast Guard air station at Coos Bay is to cope with the reported intrusions by foreign fishing vessels into our territorial waters. This issue can no longer be so lightly explained away to our American fishing industry. It hardly heals the wound to say "our representatives are negotiating with the Russians or the Japanese, or the Koreans" while our west coast fishermen continue to report seeing those foreign vessels within our limits and hauling in the fish.

Since coming to the Senate 2 years ago I or my staff have discussed with officials of the Departments of State, Transportation, and Interior on numerous occasions the overall situation as well as particular incidents. We have always received deeply sympathetic words and very little action.

Now we find the United States preparing for a full-scale conference of the sea on an international level in 1973. At that time I assume the representatives of participating nations will tackle the problem of territorial limits, coastal fisheries, and seabed exploitation. Other difficult problems such as passage through straits will arise. But what are we going to do in the meantime? How are we going to point the direction our actions will take? Are we going to go into that conference with a backlog of unsuccessful negotiations which illustrate in an alarming manner our passive attitude where our own fishing and fishery resources are concerned?

We are standing by while Ecuador periodically seizes and fines one American tuna boat after another because they stray into the 200-mile limit the Ecuadorans have set for themselves; while back at the ranch we have no realistic means to prohibit the foreign fishermen from intruding into our 12-mile limit and depleting our natural fishery resources at an alarming rate.

A Coast Guard air station at North Bend, Oreg., temporarily established during the last fishing season—in a very limited fashion—demonstrated the effectiveness of a permanent installation at that location. The foreign vessels knew increased surveillance was in operation, and reports of intrusions ceased.

That kind of patrolling needs to be a permanent establishment; and my bill will authorize such an installation. Justification of such an installation is assured when we consider the search and rescue requirements of the area, which have grown rapidly in the last several years.

Mr. President, I ask unanimous consent to have my bill printed in full in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 518) to provide for the establishment of a Coast Guard air station at Coos Bay, Oreg., and the operation of an air unit from such station; introduced by Mr. PACKWOOD, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of improving the ability of the Coast Guard to carry out its functions in the Pacific Northwest coastal area, particularly for the purpose of protecting and enhancing the fishery resources of the United States along such coast, the Secretary of Transportation shall establish an air station at Coos Bay, Oregon, and provide for the operation of an air unit from such station.

SEC. 2. There is authorized to be appropriated for the purpose of establishing the air station pursuant to the first section, an amount not to exceed $4,200,000 and such additional appropriations as are necessary are authorized for the operation of such air station.

SENATE JOINT RESOLUTION 221—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING THE LAST FULL WEEK IN OCTOBER, EACH YEAR, AS CLEANER AIR WEEK

Mr. TAFT. Mr. President, each year, during October, communities throughout the country focus attention on what has come to be recognized as one of our most serious domestic problems—air pollution. I believe it is essential to bring about an awareness on the part of every individual of his involvement in the problem and his personal stake in its solution. Today, I introduce, for appropriate reference, a joint resolution calling for national observance of Cleaner Air Week and ask unanimous consent that the text be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 22) designating the 7-day period beginning on the Sunday starting the last full week in October, each year, as Cleaner Air Week, introduced by Mr. TAFT, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas air pollution, including dust, fumes, gas, mist, smoke, and vapor is a serious problem in many American communities; and

Whereas preventable air pollution in any form is a public hazard which can be corrected through intelligent action involving engineering, equipment, research, and education; and

Whereas the populations of our cities are constantly increasing, with an attendant increase in airborne waste products; and

Whereas the highly industrialized economy of the United States requires the consumption of large quantities of fuels and the United States cannot afford to waste these fuels through inefficient combustion and firing methods; and

Whereas for these reasons the abatement of the air pollution nuisance is of utmost concern to every American citizen: Now, therefore, at the request of the Air Pollution Control Association, which for more than half a century has led the efforts of American communities in solving their air pollution problems, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the seven-day period beginning on the Sunday starting the last full week in October, each year, is hereby designated as Cleaner Air Week.

(b) The President is authorized and requested to issue a proclamation—

(1) calling upon every American citizen to undertake a year-round campaign to abate destructive air pollution from all sources, including smoke, soot, fly ash, noxious fumes, and gases in homes, factories, and communities;

(2) requesting that State and local governments; the Air Pollution Control League; the Chamber of Commerce of the United States; business, labor, churches, schools, civil groups, and agencies of public information (including newspapers, magazines, and radio, television, and motion-picture industries) cooperate fully in the observance of Cleaner Air Week; and

(3) directing the appropriate agencies of the Federal Government to assist in arousing public awareness of the need for active participation in the fight for clean air, and to conduct an intensive, continuous, public educational program for air sanitation throughout the Nation.

SENATE JOINT RESOLUTION 24—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM THE PERIOD FEBRUARY 14 THROUGH 20, 1971, AS LULAC WEEK

Mr. BENTSEN. Mr. President, I introduce today a joint resolution to authorize and request the President of the United States to proclaim the period February 14 through 20, 1971, as LULAC Week.

LULAC is the official designation of the League of United Latin American Citizens, a nonprofit, civic organization seeking on the one hand to relate the full meaning of citizenship to all Americans of Spanish-speaking background, and seeking on the other hand to assure these citizens full access to the rights, privileges, and benefits of American citizenship.

LULAC, founded on February 17, 1929, originated in south Texas when Mexican-American leaders met to unite and organize their fledgling fight against policies that segregated Spanish-speaking children in the public schools. This marked the beginning of a civil rights movement by the Mexican American in Texas that subsequently spread throughout the entire Southwest.

Since then, LULAC councils have been established in 19 States across the Union, and their sphere of interest and activity has expanded beyond civil rights to include programs in the areas of education, manpower training, community action, and so forth.

This organization of concerned and capable people has made great strides toward bringing the Spanish-speaking citizen out of the shadows of American affluence and into the glow of the American promise.

Perhaps LULAC's finest virtue, however, is that it fosters economic and social advances without forcing the Mexican and Spanish American to reject his noble heritage—indeed, LULAC's success is predicated on the strength of the individual's identification with this heritage. By making the individual aware of the dignity and meaning inherent in his Latin American identity, LULAC forms a firm foundation for economic and social progress.

It is interesting to note that the Operation Headstart program of the Office of Economic Opportunity is largely adopted from a LULAC program called Little School of 400. It is this sort of innovative thinking in response to real needs that has earned LULAC its outstanding reputation, not only among its constituency, but among all peoples concerned with the underprivileged of the United States.

Mr. President, during the week of February 14 through 20, 1971, LULAC will pause to reflect on 42 years of accomplishment by and for those Americans of Mexican and Spanish heritage. During this progressive period, LULAC has provided much of the initiative, leadership, and support to make these accomplishments possible.

One of the greatest causes for distinction, is that LULAC, in all its efforts to seek redress for the many grievances, has always followed the democratic processes: arbitration, negotiation, and litigation. Although firm in its convictions and determined in its efforts, LU LAC has always observed the policy of brotherly love, seeking a mutual understanding through peaceful procedures.

Mr. President, this joint resolution affords this Congress the opportunity to recognize and honor the proud past and promising future of LULAC. This organization is a credit to the noble people it serves, and I am pleased to offer this legislation in the Senate, just as my distinguished colleague, Representative ABRAHAM KAZEN, JR., has introduced it in the House. I urge quick and favorable consideration so that next February 14 through 20 may be Presidentially designated "LULAC Week."

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred

The joint resolution (S.J. Res. 24) authorizing the President to proclaim the period February 14 through 20, 1971, as "LULAC Week," introduced by Mr. BENTSEN, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 71

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Nevada (Mr. BIBLE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 71, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 17

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

SENATE RESOLUTION 29—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. SPARKMAN submitted the following resolution (S. Res. 29); which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 29

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $——— to examine, investigate and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $——— shall be available for a study or investigation of—

1. Banking and currency generally.
2. Financial aid to commerce and industry, and other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Federal Reserve System.
5. Gold and silver, including the coinage thereof.
6. Issuance of notes and redemption thereof.
7. Valuation and revaluation of the dollar.
8. Control of prices of commodities, rents, or services.

SEC. 4. Not to exceed $——— shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. The committee shall report its findings together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 6. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 30—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES FOR INQUIRIES AND INVESTIGATIONS

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution (S. Res. 30); which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) common defense generally;

(2) the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally;

(3) soldiers' and sailors' homes;

(4) pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces;

(5) selective service;

(6) size and composition of the Army, Navy and Air Force;

(7) forts, arsenals, military reservations, and navy yards;

(8) ammunition depots;

(9) maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone;

(10) conservation, development, and use of naval petroleum and oil shale reserves;

(11) strategic and critical materials necessary for the common defense; and

(12) aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

SEC. 2. The expenses of the committee under this resolution shall not exceed $420,000, of which amount not to exceed $5,700 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)) of the Legislative Reorganization Act of 1946, as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent funds of the Senate upon vouchers approvided by the chairman of the committee.

SENATE RESOLUTION 31—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS FOR INQUIRIES AND INVESTIGATIONS

Mr. McCLELLAN submitted the following resolution (S. Res. 31); which was referred to the Committee on Government Operations:

S. RES. 31

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $1,399,200 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. (a) Not to exceed $746,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or indi-

viduals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity or the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) of all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; and

(5) of riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States.

Of such $746,000 specified in this subsection, not to exceed $5,000 may be expended for the procurement of the services of individual consultants or organizations thereof. Obligations incurred on and after February 1, 1971, shall be charged to this section only, notwithstanding the provisions of Senate Resolution 504, agreed to December 31, 1970, as modified by Senate Resolution 13, agreed to January 27, 1971.

(b) Nothing contained in this resolution shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from February 1, 1971, through February 29, 1972, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 5. Not to exceed $175,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(2) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(3) the adequacy of present intergovernmental relationships between the United States and international organizations of which the United States is a member; and

(4) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 6. Not to exceed $245,200 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86–380, approved by the President on September 24, 1959, as amended by Public Law 89–733, approved by the President on November 2, 1966.

SEC. 7. Not to exceed $233,000 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein; and

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities;

of which amount not to exceed $7,500 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,409,200, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 32—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY FOR INQUIRIES AND INVESTIGATIONS

Mr. MCCLELLAN (for Mr. EASTLAND), from the Committee on the Judiciary, reported the following original resolution (S. Res. 32); which was referred to Committee on Rules and Administration:

S. RES. 32

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the Judiciary, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on the Judiciary, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, to expend not to exceed $3,941,800 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurements of the services of individual consulants or organizations thereof (as authorized by sec. 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $335,500 shall be available for a study or investigation of Administrative Practice and Procedure, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants of organizations thereof.

SEC. 4. Not to exceed $788,100 shall be available for a study or investigation of Antitrust and Monopoly, of which amount not to exceed $5,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. Not to exceed $248,500 shall be available for a study or investigation of Constitutional Amendments.

SEC. 6. Not to exceed $280,000 shall be available for a study or investigation of Constitutional Rights, of which amount not to exceed $3,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 7. Not to exceed $210,000 shall be available for a study or investigation of Criminal Laws and Procedures.

SEC. 8. Not to exceed $9,500 shall be available for a study or investigation of Federal Charters, Holidays, and Celebrations.

SEC. 9. Not to exceed $243,500 shall be available for a study or investigation of Immigration and Naturalization.

SEC. 10. Not to exceed $259,400 shall be available for a study or investigation of Improvements in Judicial Machinery.

SEC. 11. Not to exceed $620,000 shall be available for a study or investigation of Internal Security, of which amount not to exceed $3,900 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 12. Not to exceed $323,300 shall be available for a study or investigation of Juvenile Delinquency, of which amount not to exceed $5,800 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 13. Not to exceed $140,000 shall be available for a study or investigation of Patents, Trademarks, and Copyrights.

Sec. 14. Not to exceed $74,900 shall be available for a study or investigation of National Penitentiaries.

Sec. 15. Not to exceed $165,500 shall be available for a study or investigation of Refugees and Escapees.

Sec. 16. Not to exceed $63,600 shall be available for a study or investigation of Revision and Codification.

Sec. 17. Not to exceed $180,000 shall be available for a study or investigation of Separation of Powers between the Executive, Judicial, and Legislative branches of Government, of which amount not to exceed $10,800 may be expended for the procurement of individual consultants or organizations thereof.

Sec. 18. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 19. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 33—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 91-1496, ENTITLED "TFX CONTRACT INVESTIGATION"

Mr. McCLELLAN submitted the following resolution (S. Res. 33); which was referred to the Committee on Rules and Administration:

S. Res. 33

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of a report by its Permanent Subcommittee on Investigations entitled "TFX Contract Investigation" (S. Rept. 91-1496).

SENATE RESOLUTION 34—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR INQUIRIES AND INVESTIGATIONS

Mr. BYRD of West Virginia (for Mr. Jackson) (for himself and Mr. Allott) submitted a resolution (S. Res. 34) authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations, which was referred to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Byrd of West Virginia when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 35—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. RANDOLPH (for Mr. Williams) submitted the following resolution (S. Res. 35); which was referred to the Committee on Labor and Public Welfare:

S. Res. 35

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972 to expend not to exceed $——— to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections.

Sec. 3. Not to exceed $——— shall be available for a study or investigation of all matters within its jurisdiction under Rule XXV of the Standing Rules of the Senate, of which amount not to exceed $——— may be expended for the procurement of individual consultants or organizations thereof.

Sec. 4. Not to exceed $——— shall be available for an examination, investigation, and complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds, with special emphasis on the need for protection of employees covered by these funds, of which amount not to exceed $——— may be expended for the procurement of individual consultants or organizations thereof.

Sec. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 6. Expenses of the committee under this resolution, which shall not exceed in the aggregate $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business, with statements limited therein to 3 minutes, be extended for an additional 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

THE APPALACHIA PROGRAM

Mr. ERVIN. Mr. President, I want to join my good friends, the Senators from West Virginia and Tennessee, in their high appraisal of the Appalachia program. Like them, I would deplore the termination of regional programs like Appalachia for the purpose of implementing any sharing-of-the-revenues plan.

The Appalachia program represents Federal-State cooperation in the finest sense of that term. The first great characteristic of this program is that it was devised by the Federal Government and the Governors of the States embraced by Appalachia, and was not dictated to the States by Washington. The second significant characteristic of the program is that, instead of authorizing a lot of boondoggle and the waste of Federal funds for monetary purposes, it contemplates the making of permanent improvements which will serve not only this generation but all future generations in Appalachia.

It devotes funds allotted to it to the building of permanent hospitals, to the building of permanent medical clinics, to the construction of highways, and to other programs of permanent value which will redound to the benefit of generations of the people of these areas.

We have a great many counties in my State included in Appalachia, and I have had ample opportunity to observe the worthwhileness of the work it is doing.

For these reasons, I join the Senator from West Virginia and the Senator from Tennessee, who also represent areas embraced within Appalachia, in their praise of the value of this great program.

The PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CURRENT DROP IN FARM PRICES

Mr. SYMINGTON. Mr. President, last fall some of us made a last minute effort to block passage of the tragedy that is the present farm bill, a bill driven through the Congress by this administration.

At that time we were accused by certain apologists for the executive branch of trying to prevent the passage of what they termed a farm bill which would aid the now precarious financial position of the American farmer.

In that some of the returns resulting

from this bill are already in, let us now examine the assistance currently being given some of the farmers in my State of Missouri.

A letter from Mr. F. M. Bell, farmer from Rich Hill, Mo., makes the point.

On January 5, 1970, Mr. Bell sold 23,385 pounds of live hogs on the St. Joseph, Mo., market for $5,234.26. One year later, on January 4, 1971, he sold 23,685 pounds of live hogs on the Kansas City market for $2,823.96.

In other words, in a single year the price of live hogs dropped almost 50 percent.

In that the value of the dollar dropped 5.5 percent during the past 12 months, the reduction in Mr. Bell's return was actually greater than 50 percent.

Today, the American consumer spends a smaller percentage of his disposable income for food than ever before; and this, in effect, "food bargain" in large measure results from the productive genius of the American farmer.

In spite of this unprecedented efficiency, however, the people of American agriculture are in deepening financial trouble. They are suffering, rather than prospering, because of their own productive capacity.

Farm prices have risen very little in the last two decades; but the prices—the cost—of goods purchased by farmers—interest, taxes, farm wages—have increased by over 50 percent.

No one can longer deny that the cost-price squeeze which robs the American farmer of any benefits he might expect to receive from his increased productivity, cheats him of the opportunity to earn a just return on his investment, and the efforts of him and his family.

Mr. President, I ask unanimous consent that the letter from Mr. Bell be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 5, 1971.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: On Jan. 5, 1970, I had 23,385 lbs. of live hogs on the St. Joseph market, which brought $5,234.26. On Jan. 4, 1971, I had 23,685 lbs. of live hogs on the Kansas City market which brought $2,823.96. I am paying more taxes, labor, feed than last year. The price of pork at retail is not too much different from last year, or so I have been told. I heard the President speak last night, Jan. 4, saying things are getting better. At this rate of prosperity I will go broke!

Very truly yours,
F. M. BELL, *Rich Hill, Mo.*

ORDER FOR RECESS UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 11:15 a.m. tomorrow.)

ORDER TO PERMIT THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the laying before the Senate of the pending business and the approval of the Journal, if there is no objection, there be a period for the transaction of routine morning business not exceeding 45 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SENATOR RICHARD B. RUSSELL

Mr. STENNIS. Mr. President, among the many fine editorials concerning our late friend and former colleague, Richard B. Russell, a splendid one appeared in the Twin City Sentinel of Winston-Salem, N.C., on January 23, 1971. It was written by an esteemed and highly respected editor and publisher, Mr. Wallace Carroll. With his fine perception as to our problems in self-government in our times and with his penetrating analysis of the man and the type of leadership necessary in our system of Government. Mr. Carroll has made a real contribution by his comments on Senator Russell and his remarkable career. I, therefore, ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

In an Age That Often Confuses Celebrity With Stature, Richard Brevard Russell Was That Rarest of Creatures—A Truly Great Man

They were almost a physical type, those tall, lean, hungry-looking southern boys who came out of the canebreak country, the small towns, the worn-out bottom land of the South to guide their stricken region toward a better future.

There is an old picture of the late Sen. Olin D. Johnston of South Carolina, then serving as a young aide to Gov. Cole Blease. He is wearing a period collar and high-button shoes and a suit he must have purchased that morning in some crossroads jot-'em-down store; but hovering above this uniform of the country bumpkin come to town was that stubborn mouth and the slightly mad eyes of a visionary—eyes that made the men around him seem dull and somehow irrelevant.

And there is an even older picture of Walter George of Georgia, probably in his first celluloid collar, hiding a mind that was like the cutting edge of a trimmer saw behind a clumsy, self-consciously homely exterior; and you wondered if the men of his time knew what demons of ambition possessed and drove him, as they drove the others like him, all of the poor boys rising from the devastation and poverty and bewilderment of a broken rural South to make their impress on the world beyond.

But the prototype—and the best of them—was Richard Brevard Russell of Winder, Georgia. A political animal in the pure Aristotelian sense, Sen. Russell entered the Georgia legislature at the age of 23, left it as Speaker of the Georgia House to run for governor 10 years later, and left that office to become, through labor and dedication, the greatest American parliamentarian of his age and the equal of any who preceded him.

More than the others, Richard Russell seemed to embody the spiritual loneliness—the sense of isolation—that marked his region. A lifelong bachelor, he was never the gregarious, arm-squeezing southerner of popular legend. His most enduring characteristic was an integrity that one could almost feel, and it was his armor as well. Former Sen. Wayne Morse, often Russell's opponent on the floor, once said that the senior senator from Georgia was "the most virtuous of legislators." It was a fitting compliment, for his pride of self, his honesty and integrity did add up to something very much like virtue.

This did not mean he was made of cotton candy. Throughout the long civil-rights debate of the 'Fifties and 'Sixties, Russell was the most feared of senators. Armed with an incisive knowledge of procedural rules and precedent and custom, he used his 14 southern colleagues like a guerrilla army, watering down this civil-rights bill, killing that one outright, shelving another, altering the substance of all of them.

He was a segregationist, representing a people who knew nothing else, but here again there were contradictions. Never in floor debate or in private statement did he resort to the racist language that characterized even liberal southerners like Olin Johnston; and no man on Capitol Hill did more to encourage and help implement the desegregation of the armed forces—a transition that Sen. Russell could have easily frustrated as ranking member and later, chairman of the Senate Armed Services Committee.

He was a great man. It is a term one cannot honestly apply more than a few times in a lifetime, but it can be applied to Richard Brevard Russell. It was a greatness buffeted by an age that demanded things of him he could not conscientiously give, even to be president.

But the worth of this man was written so large that it endured the setbacks, the defeats and the painful humiliations that were his due—surviving all of these things to give that lean, lanky Georgia boy in the celluloid collar an enduring place in our history

EDITORIAL TRIBUTE TO FORMER SENATOR NYE, OF NORTH DAKOTA

Mr. YOUNG. Mr. President, one of our leading North Dakota newspapers, the Bismarck Tribune, recently published an editorial tribute to one of our former colleagues, Senator Gerald P. Nye. The occasion for the Tribune's editorial was Senator Nye's 78th birthday anniversary, as well as the 26th anniversary of his farewell speech to the U.S. Senate, which was given on December 19, 1944.

The editorial very appropriately alludes to the foresight and wisdom of Senator Nye when in a number of speeches on the Senate floor he warned that the Soviet Union, an ally of ours at that time, could not be trusted. Senator Nye was denounced in some circles for the position in which he so strongly believed. The events of history, however, have been very much in accord with what Senator Nye often stated.

I ask unanimous consent that the Bismarck Tribune editorial of December 31, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Nye Harks Back 26 Years

In Washington, D.C., recently friends and long-time admirers gathered to honor a former United States senator from North Dakota whom many still regard as a prophet before his time.

For Gerald P. Nye, the date, which was December 19, was an anniversary of double significance.

It was his 78th birthday, which provided the occasion for the gathering of his farewell speech to the United States Senate.

Present in the Senate when he made that speech was former Sen. Burton K. Wheeler of Montana, who was present again for the birthday party, as were a number of former Army and Navy officers, veteran Washington correspondents, government big-wigs and others. Wheeler, along with Nye, Vandenberg of Michigan, LaFollette of Wisconsin, Norris of Nebraska, Shipstead of Minnesota, Borah of Idaho, and others, formed the antiwar block that opposed American involvement in World War II.

Nye went to the United States Senate in November, 1925, appointed by then Gov. A. G. Sorlie to fill the vacancy created by the death of Sen. Edwin F. Ladd. He was so "liberal" that the conservative Chicago Tribune used to label him (Rad-ND). But along came Franklin Roosevelt's effort to "pack" the United States Supreme Court and later to involve this country in the war being fought in Europe, Nye won the "conservative" tag. He was damned as an isolationist.

And so, on Aug. 10, 1937, Nye stood on the Senate floor and called for a stop to export of American scrap iron to Japan. There is, he said, "the probability that one day we may receive this scrap back home here in the flesh and in the bodies of our men." He was roundly condemned for such scare-mongering, of course, but what he said proved eventually to be true.

He made other predictions, but perhaps the most interesting was one he made in his valedictory Dec. 19, 1944, a month and a half after his defeat for re-election.

First he said that the war in Europe had already cost America $200 billion and that before it was over it would cost us $100 billion more. He was, of course far low in his estimate. "And where will the United States be when this comes to pass?" he asked, "Holding the bag as usual. Our people will be staggering under a debt that may even go beyond the $300 billion mark." Again he was moderate, since the permanent federal debt now approaches $380 billion.

Then he warned that Russia, regarded by many in 1944 as a trusted ally that would work harmoniously with America to create a better world, could not be trusted. Within 10 years, he said, "we shall be told that we must go into a European war to keep Russia from seizing control of the world."

It didn't take that long for the Cold War to start, and so did fighting to save Greece from communism, followed by the Berlin airlift, the war in Korea and then the war in Vietnam, the enemy in each instance being supplied with arms and technology by that same Russia.

Nye was denounced then, of course, as "irresponsible" and "reckless," but today his words have the edge of prophecy. Had he been listened to some of the problems we face today might have been avoided.

AMATEUR RADIO RIGHTS FOR RESIDENT ALIENS

Mr. GOLDWATER. Mr. President, in 1964 Congress passed legislation which gave visitors from foreign lands the right to operate amateur radio equipment in the United States. Today, I will propose extending the same privilege to American immigrants.

As many of the Members present will recall, the earlier law arose out of a bill which I had introduced, for myself and 17 of my colleagues, to allow visitors from abroad to operate ham radios here if their home countries gave reciprocal rights to U.S. citizens.

Mr. President, I am pleased to report that during the past 6 fiscal years, more than 1,700 alien radio operators have received authorizations pursuant to the reciprocal program. In fact, by fiscal year 1970 the number of aliens receiving radio privileges had jumped to more than 500 a year.

However, after the inauguration of the new system, I was surprised to learn an important group of aliens had been excluded from its benefits. While the law worked well for temporary visitors, it did nothing for permanent residents. This works a particular inequity in the case of immigrants who are so strongly attracted to the United States that they wish to become American citizens.

Let me assure my colleagues there is nothing intentional about this. Frankly, it is the unfortunate result of a technical oversight. These prospective citizens have fallen into a wide legislative gap which, on one side, benefits temporary visitors, and on the other side, American citizens. Today I shall seek to close this gap by introducing legislation which will provide full amateur radio rights to American immigrants.

Mr. President, the bill I propose is identical to S. 1466 which I had introduced in the 91st Congress. That measure passed the Senate in November of 1970 and received a favorable nod from the Subcommittee on Communications of the House Commerce Committee a month later. But then the national rail strike and other emergency problems burst before the committee and S. 1466 had to be set aside in the dying days of the 91st Congress.

In order to revive the measure, I am reintroducing an identical bill today. It is my hope a good part of the momentum that swept the proposal along so far in the last Congress will continue into the current one. I am encouraged to think it will from the warm support the bill already has received from the many Senators who wish to cosponsor it. In fact, it is my great pleasure to announce that 29 Senators from 22 different States will join today as sponsors of the amateur radio bill. To my mind, this indicates an extensive nationwide interest in assisting our immigrant radio amateurs.

Mr. President, it is right that this degree of interest exists. For the present law stands as an unfortunate legal barrier that denies many of our future citizens the full measure of trust and recognition to which they are entitled.

The odd thing is that if an amateur radio hobbyist is merely visiting the United States on a tourist visa, he can operate an amateur radio station while he is here. But, once the same person decides to settle in this country, he becomes promptly disqualified from all right to enjoy his amateur radio pursuits.

But this is not the only inequity presented. Unfortunately, there are other ways in which a double standard is applied to our immigrants. For example, U.S. immigrants are subject to the payment of American income tax. They also are subject to compulsory military service in the Armed Forces of the United States. And, in fact, many permanent residents who serve in the military are required to use Government radio transmitters.

So, we have the unusual situation where American immigrants are trusted enough to be admitted to our shores for permanent residence. They are required to pay U.S. taxes. They are inducted into the military. And, they are asked to operate military radios as part of their duties. And yet the very same people are not allowed to operate an amateur radio station.

This is downright discrimination, of course, and it is high time Congress took action to correct the matter.

In short, the bill we introduce will achieve this purpose by authorizing the Federal Communications Commission to issue an amateur radio operators license to any resident alien who has declared his intent to become a U.S. citizen. While there are no precise statistics available, I would estimate this authority will benefit less than 500 persons each year. While their numbers are not large, I consider these persons to be deserving of our attention nevertheless. There are human needs and human interests at stake and this is always important.

Mr. President, if we were to put ourselves in the position of American immigrants, and consider that it was us who were faced with a change in our citizenship, we could imagine some of the practical and emotional concerns that would confront us. There is no reason to add to these, in the case of permanent residents, by refusing to allow amateur radio enthusiasts among them the right to operate their equipment for several years while they await American citizenship.

There is no opposition to this measure. It is completely noncontroversial. It is equitable. It will improve our foreign relations image. And it is supported by a wide group of amateur radio clubs and organizations across the globe.

In particular the American Radio Relay League and the International Amateur Radio Union have each endorsed the proposal. The ARRL represents most of the 300,000 American amateur radio operators and the IARU is composed of national amateur radio societies from 55 other countries around the world.

In closing, Mr. President, I urge my colleagues to take prompt and favorable action on behalf of our immigrant radio amateurs.

THE FEDERAL BUREAU OF INVESTIGATION

Mr. TALMADGE. Mr. President, periodically a small group of the Nation's commentators, columnists, politicians, and others resurrect a collection of time-worn cliches, half-truths, and discredited statements in an effort to generate some support for their never successful but never forgotten campaign to smear the Federal Bureau of Investigation and its distinguished Director, J. Edgar Hoover. Each renewed smear campaign generally results in some "new" approach to the "get-Hoover drive."

This year the popular method seems to be what one columnist has referred to as an "FBI-type" investigation during which Mr. Hoover's trash has been searched, he has been followed and attempts have been made to eavesdrop on his conversations in public places. But once again the best efforts of these individuals have revealed little more than the fact that Mr. Hoover takes a very strong stand against crime and all types of subversive activities and insists upon a very strict code of conduct for the men and women in the FBI. Thank God he does.

And then there is always the point of Mr. Hoover's age. His critics never fail to emphasize this as though the mere fact that he is 76 automatically should relegate him to the pages of history.

I am sure I do not need to remind my fellow Senators that age alone is no criteria on which to judge a man. Some individuals reach the age of reason and maturity at a very young age while others never seem to reach that plateau. Others are "over the hill" at a very early age while some of this Nation's most prominent leaders in all fields of endeavor have functioned with outstanding abilities into their seventies and eighties. Mr. Hoover, I think, is such man.

Mr. President, Mr. Hoover certainly has far more supporters than detractors. He is held in particular esteem in my State and as evidence of this I would like to include at this point in the Record two recent editorials from newspapers in Georgia.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Moultrie (Ga.) Observer, Jan. 5, 1971]

The Two Misunderstood Hoovers

Historians within recent years have been delving deeper into the background and record of Herbert Hoover, during whose administration the nation experienced its worst economic depression in U.S. history. The general conclusion has been that Hoover may have been the "most misunderstood man in American public life."

Hoover was maligned from coast to coast, and he was the butt of ridicule and hateful comments for more than 30 years. Yet he apparently was a wealthy mining engineer of great reputation and compassion for his fellowmen. He was, to quote many of the historians and economists, a victim of circumstance in the midst of an economic avalanche which nobody could control until it hit bottom.

Now it appears that certain forces have directed their guns on J. Edgar Hoover, who for almost 47 years has headed the Federal Bureau of Investigation—one of the greatest law investigative forces ever put together by civilized countries.

There are those among us in America, and with support from anti-American links in other nations, who would now hold FBI Director Hoover up to ridicule and public animosity. All sorts of stories and wild allegations are being made—a recognizable form of the whispering campaign to spread propaganda and falsehoods.

Attempts are also being made to link Hoover, a bachelor, with wealthy widows and others in secret love affairs.

Certainly the man, being human, must have felt emotionally about women who "turned him on" during his lifetime. Hoover, like others, is bound to have made mistakes in judgment and in his zeal to preserve the democratic principles he is sure to have stepped on many toes—including those of powerful political personalities.

Director Hoover celebrated his 76th birthday a short time ago, and he will reach his 47th anniversary as FBI chief in May.

Could it be that by the time he retires from office he may be the second to be chronicled by history as a "misunderstood Hoover?"

[From the Augusta (Ga.) Chronicle, Jan. 12, 1971]

A U.S. Bulwark

Despite the best record in history by the Nation's top law enforcement agency, the Federal Bureau of Investigation, the United States as it enters the new year faces grave threats from criminal and subversive elements.

Airplane hijackings continue with a total of 85 diversions of American aircraft since the start of 1963—last year bringing 18 such cases. The past year has brought a series of bombings—some accompanied by deaths—for which the Weatherman spin-off from the Students for a Democratic Society has claimed credit, or been charged. The Black Panther Party, which supports the communistic violence of aggressor nations, advertises in its weekly paper a "how-to" book on revolution, using the slogan. "We have to draw pictures that will make people go out and kill pigs (police)." Viet Cong sympathizers under the control of communistic groups have planned an ultimatum to the U.S. government demanding total withdrawal from South Vietnam by May of this year, on threat of closing down Washington—the methods for which one may easily surmise. Campus violence continues, with property alone from 12 arson cases, nine bombings and 23 assaults on ROTC facilities totaling $3.3 million. The Communist Party has formed a new front organization in which it hopes to enlist more American youth.

Along with these more spectacular threats to American lives and safety, a steady climb in number of murders, robberies, rapes and other major crimes means that law-abiding citizens need the protection of law enforcement agencies as never before.

In light of the critical danger to peace and security, Americans' appreciation for their police should be deepened and strengthened. That appreciation should be especially marked for the FBI, which has just completed its finest year in tracking down violators of federal law, in training of other police and in making available nationwide a mass of data on criminals which is essential to local law enforcement. Some highlights:

An all-time high of more than 32,000 fugitives was located by the FBI, including about 2,700 sought at the request of state and local authorities after fleeing across state lines.

FBI investigations resulted in conviction of 468 persons, with cases against about 1,200 others in various stages of prosecution.

More than 30,500 cars, worth more than $52 million, were recovered and more than 100 major automobile theft rings were investigated.

More than 5,000 miscellaneous civil rights cases were investigated, not including 943 cases of alleged discrimination at places of accommodation and 358 cases involving discrimination in housing.

A computerized criminal history file was started in cooperation with state officials.

FBI training officers helped in 9,300 police training schools, attended by more than 299,000 police.

FBI fingerprint records identified nearly 40,000 fugitives, and more than 6.5 million new fingerprint cards were recovered for filing during the year.

Recoveries of property and money, plus fines, resulted in a saving for the Nation of $1.60 for every dollar spent on FBI operations.

These are only the high points. When one delves into individual cases, the record of efficiency, courage and dedication to America's people is one that is amazing.

The FBI's annual report presents a record that merits thanks to the entire organization, and especially to its director, J. Edgar Hoover, whose vision, ability and perseverance have made it what it is.

ALABAMA CASUALTIES OF THE VIETNAM WAR

Mr. ALLEN. Mr. President, I have placed in the Record the names of 1,069 Alabama servicemen who were listed as casualties of the Vietnam war through September 30, 1970. In the period of October 1 through December 31, 1970, the Department of Defense has notified 19 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,088.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the Record the names and the next of kin of these 19 Alabamians.

There being no objection, the list of casualties was ordered to be printed in the Record, as follows:

List of Casualties Incurred by U.S. Military Personnel

(From the State of Alabama in connection with the conflict in Vietnam, October 1, 1970, through December 31, 1970)

ARMY

1st Lt. Warren L. Lawson, husband of Mrs. Patricia A. Lawson, 2806 20th Street, West, Birmingham, 35208.

Capt. Mark A. Babson, Jr., husband of Mrs. Joan L. Babson, Lot 25, Ideal Trailer Park, Ozark, 36360.

Cpl. David E. Bryant, son of Mrs. Rebecca W. Brookings, 417 Mobile Street, Montgomery, 36104.

Sp4. Lamar McLeod, son of Mr. and Mrs. William W. Renfroe, Route 3, Box 80A, Union Springs, 36089.

Sgt. Carter Parker, Jr., husband of Mrs. Barbara J. Parker, 1015 Day Street Road, Apt. L, Montgomery, 36108.

Sp5 Will D. Billings, son of Mr. and Mrs. Will Billings, P.O. Box 98, Helena, 35080.

Sgt. William R. Ellis, husband of Mrs. Mary C. Ellis, Route 2, Box 138, Brewton, 36426.

Sp4. Perry A. Mitchell, son of Mrs. Pearlie M. Mitchell, 405 1st Avenue, Athens, 35611.

Sgt. Samuel L. Gantt, husband of Mrs. Meritha Gantt, 1627 Pauline Street, Montgomery, 36110.

S. Sgt. James R. Howell, husband of Mrs. Shirley A. Howell, Sunlake Mobile Homes, Lot 3, Daleville, 36322.

Sp4. Sammie J. Long, son of Mr. and Mrs. Joe Long, Route 2, Box 83, Seale, 36875.

Sgt. Clayton G. Craig, husband of Mrs. Francis K. Craig, c/o Mrs. Herbert Pugh, Route 1, Lester, 35647.

WO1 Avon N. Mallette, husband of Mrs. Lillian F. Mallette, 2618 B. Kittyhawk Avenue, Mobile, 36606.

Pvt. Roy Anderson, Jr., husband of Mrs. Sheila C. Anderson, 1223 2nd Court, West, Birmingham, 35208.

Pvt. Ervin J. Murrell, son of Mr. and Mrs. Hustell Murrell, 13 6th Avenue, West, Birmingham, 35204.

AIR FORCE

Capt. Robert W. Brunson, husband of Mrs. Beverly A. Brunson, 3122B Napoleon Court, Birmingham, 35243.

Capt. John L. Stallings, husband of Mrs. Judy E. Stallings, 830 O'Connor Drive, Tuscaloosa, 35401.

MARINE CORPS

Cpl. William E. Berryman, husband of Mrs. William E. Berryman, Route 2, Leighton, 35646.

1st Lt. John I. Lassitter, husband of Mrs. John I. Lassitter, 614 Thornton Avenue, Prichard, 36610.

ADDRESS BY SENIOR U.S. DISTRICT JUDGE LUTHER W. YOUNGDAHL

Mr. MONDALE. Mr. President, the great aching needs of America go much deeper than any of the partisan divisions in our politics.

In part, this is because we all feel the pain of unsolved problems. When you are robbed on the street, when what you buy is so often shoddy, when the air we breathe, the water we drink and the food we eat are poisonous, when transporting yourself to work every morning is a torment, it just does not matter whether you are a Democrat or a Republican.

And it does not matter either to the American voter. Whenever government stands by while the needs go unmet, the people in every State and region are marking their ballots on performance rather than party tradition.

All public officials are very much in the same battered boat.

In recognition of that fact, I recommend to Congress a wise speech recently given by Luther W. Youngdahl, a former Republican Governor of Minnesota and now senior U.S. district judge during the inaugural of Governor Anderson of Minnesota.

Judge Youngdahl reminds us that the time has come to work together if anything in government is going to work at all. His advice should be heeded in public service at every level from counties and towns to the House and Senate.

I ask unanimous consent that former Governor Youngdahl's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY LUTHER W. YOUNGDAHL

It is good to be home. It is good to be back here in Minnesota and breathe in the zestful air that quickens your step and inspires action. To state that it is an inspiration to address this distinguished group of Minnesotans would indeed be an understatement. For me this is also an occasion which brings recollection of a time when I, too, had to make many hard decisions, develop the specifics of my program and chart a course which would assure progress for my constituents. No sweet words, no crocodile tears, no quackery could help me escape what the law decreed I should do and Governor Anderson I, as a judge, cannot tide you over these difficult days with any kind of writ, order or release.

In this regard you are not unlike the soldier who recently called on the clerk for a marriage license. He had come home on a month's leave to get married and believing he had plenty of time had put off obtaining this most essential bit of paper. He had been home only a few days when one Friday morning he received a telegram telling him to report to his unit the following Monday. He and his bride to be decided then upon immediate marriage which brought him to the clerk. As the marriage license was handed to the bridegroom, the clerk told him it could not be used for three days as that was the waiting period prescribed by law. The soldier and his bride protested, asked if there was not some way this could be avoided, looked at each other sadly, whispered and remonstrated further with the clerk. The clerk again said he knew of no alternative but there was a kind judge down the hall who might be able to help. But the judge after thumbing through a few books, said there was no possible way to arrange a valid marriage until the following Monday. The soldier thought a moment and then he said: "Judge, try to think of a few words that will tide us over the week-end."

And there are no words of mine, Governor, that can tide you over this day of decision. It involves for you, as it did for all of us past Governors, the necessity of drawing up a list of priorities for this state and indirectly for the nation. In your task, Governor Anderson, you have made a most auspicious start. The delightful dinner at the Ramsey House, which you so thoughtfully arranged in honor of the past Governors, set a new precedent for unity and augurs well for the success of your administration.

Coming here for this reunion of old friends has caused me to reflect on the differences and similarities from the days—almost 20 years ago—when I had the honor of serving as Governor of this great State.

Of course, there were obvious differences: We did not have women's lib, diet soft drinks, or electric toothbrushes for one thing: on the other hand, the threads of continuity are striking.

Let me read a few brief passages from my inaugural address to the legislature delivered January 3, 1951. The speech opened with the words, "the world is in turmoil and crisis." Nothing new there. It then went on to note that, "the spiral of inflation and the zooming costs of our military establishment reduce the value of the dollar and limit the sources of revenue for the operation of state government." Sound familiar? and should there not be continuity in the problem areas outlined in my January 3, 1951 inaugural message such as:

1. Mental and public health.
2. Education.
3. Youth conservation and conservation of natural resources (the label has changed here, we now refer to this as the "environment issue").
4. Human relations.
5. Agriculture.
6. Crime and law enforcement (surprised to hear that one? Much as some would have us believe that crime appeared for the first time in 1970, it was with us as a significant problem 20 years ago too).

As I sit on the bench in Washington I frequently ask myself whether our whole system of criminal justice is on the brink of a breakdown. Can we make the adversary system work and yet preserve our hard won procedural safeguards, the right to be secure in our homes against unreasonable searchers and seizures; the right to a fair and speedy trial and so on. Now, in many cases in the large cities of our nation it takes two years to obtain a jury trial in a sharply contested case.

However, there is one phase of law enforcement, Mr. Governor, that will not be a matter of your concern and that is the slot-machine racket. With the passage of the anti-slot-machine bill in the first legislative term of my three administrations the racket was driven out of our state and it hasn't returned because the people like it the way it is and wouldn't permit its return. And I might add that I had bipartisan support for this legislation, including the moral support I received from the distinguished former Vice President and now United States Senator Hubert Humphrey who, I might add, simultaneously drove out the rackets in Minneapolis when he was mayor, at the time I was Governor. And it might also be said that some States are still struggling with this problem. As a matter of fact just recently it came to light that the slot-machine racket had become involved in our Armed Forces.

Moreover, let me make it crystal clear that when I mention law enforcement I am not talking about the "law and order" concept of certain individuals—lay people and political leaders alike—who hold to the simplistic concept that we can solve the crime problem merely by getting speedier trials, as important as that is, and by putting people away in penal institutions without providing the resources in those institutions to rehabilitate the inmates and more importantly failing to give leadership to the elimination of the causes of crime such as the ghettos, slums, poverty, illiteracy, unemployment, discrimination and prejudice and other causes. Obviously we cannot condone lawlessness and violence. It must be vigorously dealt with by law enforcement officials and courts alike, but if we do not provide leadership in attempting to change our penal institutions, being graduate schools for recidivists and to eliminate the causes or crime, this whole issue of crime will be a vicious circle.

The fact that these problems are still with us does not mean we have not made progress. We have. But it does mean that we have not progressed fast enough.

I believe that faster progress will be made if

(1) Political leaders spend less time fighting partisan battles among themselves; and

(2) If these leaders get together and involve their constituents in the solutions; and

(3) If the citizens themselves become involved in the solutions of these problems.

Now I do not mean to imply that partisanship does not have its place, it does. The two party system plays a crucial role in making our system work. We fought hard election campaigns in my day, and judging by your recent campaign, Minnesotans are still fighters. Yet when the election battles are over the big problems are too great for any one political leader or any one political party. And, that to get things accomplished both parties must put politics aside and work together.

To involve the people in the solutions of their problems is not easy, of course. Sure it takes more time, and is more frustrating, to sound out the views of citizens across the State or Nation, and to attempt to educate them as to the advantages and disadvantages of each alternative approach to a special problem.

It is much easier for the "experts" to get together and decide just what life style everyone else should adopt. But taking the easy way out is both undemocratic and, in my opinion, counterproductive. People who are "told" some program is best for *them* will be indifferent or antagonistic to the program from the start. People who are brought in on the planning stage and who help to formulate a program they believe in will fight for it and will make it work. The concept or what is now called "participatory democracy" is both good government *and* good politics. Not only must the political leaders seek to get people involved in helping to produce good government but the people themselves must be willing to give of their time and efforts to become involved. As a member of the National Crime Commission, as well as a member of the Board of Directors of the Joint Correctional Manpower Commission set up to study the State and Federal penal institutions, I can speak advisedly how frustrated the members of these two commissions felt at the apathy and indifference of people generally in governmental problems. One of the main thrusts of the two reports from these commissions was the necessity of more people becoming actively involved in helping to constructively resolve the issues for the betterment of all the people.

Now, as always, the essential ingredient in effective, vital democracy is one thing alone, individual willingness to shoulder responsibility for the conduct of government. Lose that and we are doomed to crumble and deteriorate from within. The saving of our way of life is not a job delegated solely to a group of young men and women fighting and dying in Vietnam or in other parts of the world. It is a job delegated to every citizen.

Too many citizens are afflicted with the disease of spectatoritis—sitting in the grandstand and knowing just what play ought to be called—finding fault—making scapegoats.

People have come to associate odious motives and practices with politics. Politics is the art of making government work. It is the machinery by which society makes its moral decisions. The story is told of the sage and the cynic. The cynic came to the wise old man with his fists closed and asked, "What have I got in my hands?" The wise man responded, "A bird." The cynic then asked, "Is it dead or alive?" Thinking surely he would trap the old man, for if the sage responded "alive", the cynic would crush the bird to death in his hands, and if he responded, "dead" the cynic would open his hands and allow the bird to fly away, proving in any event that the wise man was wrong; but the sage responded, "Just as you will my son, just as you will." And so as I have so many times told our good people of Minnesota we get just as bad government as we are willing to stand for and just as good government as we are willing to fight for.

In approaching the problems of today you start with a great advantage that we did not have 20 years ago. People in 1971 generally agree that pollution, poverty, bigotry and discrimination, and the delivery of reasonably priced health care, are problems that government, both State and Federal, has a significant role to play in solving them. Twenty years ago *many people* disagreed that these were even areas for concern, let alone areas of governmental responsibility. So, we *have* come a long way.

Today, when a Republican administration is proposing a family assistance plan calling for a guaranteed minimum income and when the Democrats are calling for revenue sharing with the States and decentralization of government, we are not all that far apart.

The opportunity is here:

To rise above partisan politics,

To be candid with the public about what we can and cannot deliver,

To take the people back into our confidence and to work *with* them in meeting the problems of the day.

However, as John Gardner recently has written:

"If Americans continue in their present path, their epitaph might well be that they were a potentially great people—a marvelously dynamic people—who forgot their obligations to one another."

Paradoxically enough, after we have made great progress in many fields of public interest, yet there is growing concern and anxiety that we may be unable to cope with many of our problems.

Obviously we can't do everything at once. But as a man I admired, Harry S. Truman, once said, "in periods where there is no leadership, society stands still." And for a person to lead he must make decisions as to the opportunities he will seize and the issues to be given precedence.

What, for instance, shall we do about pollution of our environment? It is an easy question to ask, to be sure, but how do we go about preserving and protecting the air we breathe, the water we drink, and preserve the beauty and inspiration of the woods, the fields, and the streams of this state we all love? Take another example of our concern. Is there any practical answer to meeting the challenges of the poverty stricken, the unemployed, the illiterate, how to house decently the underprivileged and disadvantaged of our great cities and the problem of striking down bigotry and prejudice that exist among our people?

And what are we to do about drug abuse among young adults that in the past five years has increased at a geometric rate? Think of it, in Washington, New York, Chicago, Los Angeles, 60% of all crime is drug related. Where does this problem belong on our priority listing? Control of drug abuse is closely allied to what we broadly call education and training of our children and youth. How do we give body and substance for the goals we have set for our schools? We want enlightened learning opportunities provided the poor, as well as the rich, the black as well as the white, but where do we get the funds, the resources?

I was about to go on and direct your thoughts to other disturbing aspects of our era—inflation, taxation, revenue sharing, full employment, health care, transportation, population control, consumers protection, and a dozen other items we should consider in our priority list when it occurred to me to slow down cataloguing all these problems.

We want this meeting to be a happy occasion and not one blinded by fear that this is to be the winter of discontent or that our new governor will take to the woods.

Let's not look to our anxieties and fears as insoluble. Surely we can do a great deal about each of these if everyone of us will become involved, concerned, and identify constructive courses of action which we individually can forward. At least we can cooperate without giving up our right to dissent or needle our institutions. We can develop new means and new dimensions for citizen action without invading the office of so affable a man as heads this table. Our agenda for the next four years for Minnesota is not a program of action for one party, one group, one age. It is an agenda for all Minnesotans, all Americans, all our citizens, all our citizens, whether young or old, black or white, city dweller or farmer.

Obviously these items are on our list. These challenges to our times, demand a sustained and undeviating effort. They do not yield to quick and simplistic measures. Continuity of effort and drive are the watchwords. It really goes without saying that a long range program of attacking most of the problems I have enumerated are necessary.

Once we agree upon our goals we have no use for the short winded, the dropouts, the defeatists. The first step on the long, hard journey we agree upon is commitment, moral commitment, steadfast dedication. To be sure, these must be buttressed by resources and action, but these will surely come if our objective is clear and our strategy sound. We can begin now because we will need all our wisdom, all our imagination, all our strength to win the struggle to place man in command of and not subservient to the wondrous technology he has created. As Governor Anderson said, with such relevance in his excellent inaugural message this morning, our task is to inaugurate an age in which our will is equal to our hopes.

I feel sure, Governor Anderson, that you will have the cooperation of the citizens of our State regardless of party affiliation in your efforts to build a better State, a State noted not for its complacency but for its stubborn adherence to the fulfillment of its destiny. Perhaps all we seek will not be achieved but we will get satisfaction and reward for having tried. The great Federal Judge Learned Hand put it this way:

"Man is a projector, a designer, a builder, a craftsman. His regard is not so much in the work as in its making; not so much in the prize as in the race. We may win when we lose, if we have done what we can; for by so doing we have made real at least some part of that finished product in whose fabrication we are most concerned—ourselves."

We Minnesotans have for many years set a high standard for the rest of the country and I am confident that *working together* we can show the Nation how to make this great democracy work. I am sure also that these distinguished citizens who have served our State as Chief Executive would want me to express to you, Mr. Governor, in their behalf, their best wishes for your continued good health and for a successful administration, as Governor of our beloved North Star State.

TENNESSEE'S 1-MINUTE MESSAGE TO THE NORTH VIETNAMESE AND VIETCONG

Mr. DOLE. Mr. President, tonight a special announcement will be made by Mrs. Wayne Fullam, Tennessee coordinator for the National League of Families of American Prisoners and Missing in Southeast Asia. Speaking from Jackson, Tenn., at the opening of POW–MIA of Tennessee offices, Mrs. Fullam will give details of "Tennessee's 1-Minute Message to Communist Vietnam."

This project, to be undertaken by a volunteer group of POW–MIA families and other concerned Tennesseeans, will aim at alerting the 4 million people in Tennessee and as many Americans from other States as possible of a 1-minute pause from daily activity on Good Friday, April 9, 1971. This 1-minute pause will be a massive message to the North Vietnamese and the Vietcong to abide by the terms of the Geneva Convention on prisoners of war and to provide the families of missing and captured servicemen with information about their loved ones.

Mr. President, this project has great potential for making a substantial impact upon the North Vietnamese and Vietcong as well as for arousing the conscience of freedom-loving people throughout the world. This is the type of broad-based, grassroots effort to which the Communists do pay attention and which refutes their callous proposition that Americans do not care about "a mere 1,500" of their fellow citizens.

I take this opportunity to wish the sponsors and organizers of Tennessee's 1-minute message success in their endeavor and to encourage Americans everywhere to support similar efforts on behalf of our POW's and MIA's.

U.S. INTELLIGENCE WORK BEHIND ENEMY LINES

Mr. INOUYE. Mr. President, our country has had many great men throughout our history who have engaged in intelligence work behind enemy lines. Beginning with Nathan Hale in the American Revolution, this practice has continued in every war from that date to this. We had such soldiers on both sides in the Civil War. We had such soldiers in the Spanish American War and in World Wars I and II.

These gallant men have gone behind enemy lines in civilian garb at great personal risk for they knew full well that their presence in civilian garb was clear and irrefutable evidence of their status as a spy. They knew full well that if found out, they were subject to instant execution. Their purpose was to fool the enemy as to their origins and their allegiance and to work surreptitiously to our Nation's advantage.

But today, Mr. President, I am concerned. In recent days, we have seen on our television screens American military forces in civilian garb operating in areas where no American soldiers are presumed to operate, and I am moved to ask why.

In the past, such operations have always been for the purpose of fooling the enemy—the opposing forces. Now, I do not think anyone will try to convince me that American soldiers operating in civilian garb in Cambodia are so operating in an effort to fool the North Vietnamese or Vietcong troops.

Painfully, I must presume that our servicemen are so clad in an effort to deceive us. Does this mean that we are now the enemy? Are we to believe that the Department of Defense has now declared war on the people of the United States? I certainly hope not, but I do think they owe us an immediate explanation, and I call for such an explanation.

U.S. CONCERN FOR POW'S AND MIA'S

Mr. DOLE. Mr. President, recently Richard G. Capen, Assistant to the Secretary of Defense for Legislative Affairs, spoke to a joint session of the Washington State Legislature and discussed the historical perspectives and present realities of U.S. efforts on behalf of American servicemen who are prisoners and missing in action in Southeast Asia.

The plight of these men, as well as the anguish of their families and loved ones here at home, have increasingly become the subject of national attention and concern. This heightened awareness has spread to every corner of the country and throughout the world chiefly as a result of volunteer efforts and the resolve of our Government—especially by officials in the Department of Defense—that our captured and missing men will not be forgotten.

Mr. Capen has been closely involved with all phases of our efforts to obtain information, release, and better treatment for POW's and MIA's, and he speaks with a clear understanding of the overall situation. It is important to emphasize one critical point made by Mr. Capen, and it is that these prisoners and missing men are not all in North Vietnam. Indeed approximately one half are Army and Marine ground troops and air crewmen missing and captured in South Vietnam. The mistaken impression—one shared by some high public officials as well as the general public—is that the North Vietnamese are the only enemy involved in these breaches of international law. But the Vietcong and Pathet Lao are equally at fault and should be condemned with the same force.

Mr. Capen's remarks express the heartfelt concern of all Americans. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. RICHARD G. CAPEN, JR.

It is a privilege for me to have the honor today of addressing this important joint session of the Washington State Legislature. Your desire to unite in expressing concern for American prisoners of war and missing in action servicemen is greatly appreciated by those who are working relentlessly to resolve the prisoner problem.

We commend you for your dedication to our efforts in the Defense Department to assure humane treatment of prisoners of war and the identification of all those who are missing in action.

Your support means more than you will ever know to the wives, children, and parents who have lived so long not knowing whether their loved ones are dead or alive. I know, because I have met personally in cities across the country with more than 2,500 of these brave American relatives. There are more than 125 relatives living right here in the State of Washington.

The Nixon Administration has made it absolutely clear that our goal is to restore peace in Southeast Asia. Time and time again the President has reaffirmed his willingness to seek an early end to the war through negotiation.

Regretfully, there has been no progress in the Paris peace talks. Realizing this possibility in early 1969, the Nixon Administration moved forward with a viable alternative: Vietnamization. Through the Vietnamization program significant progress has been made in turning the combat responsibility over to the South Vietnamese. By this Spring, the South Vietnamese forces will have the capability of assuming virtually all of the combat role in their country.

As a result, the President has set six targets for American troop withdrawals. To date, five targets have been reached ahead of schedule and the sixth will be met or beat by May 1st. At that time the authorized troop ceiling of U.S. forces will have been reduced by more than 260,000 Americans.

Through the President's forthright peace initiatives and, alternatively, his successful efforts in bringing American troops home from Southeast Asia, I believe he has convinced scores of other nations—friendly and critical alike—that the United States does intend to withdraw American forces from South Vietnam.

As other countries understand our desire to end the war, they also fully recognize our nation's determination to seek the humane treatment of American prisoners of war, an official accounting for those who are missing, and importantly the immediate release of all prisoners of war. In short, we are proving to others our desire to restore peace, thereby gaining significant support for the humane treatment of war prisoners. Other nations have become increasingly intolerant of the enemy's cruel handling of the prisoner question.

Prior to 1969, very little has been said publicly about these captured and missing men. Their families had been advised to remain in the background. There was very little public comment by responsible officials.

The government's position was that quiet, low key diplomatic efforts were more likely to achieve results than public discussion of the problem. Regretfully, this approach brought no significant progress.

As a result of a thorough review of POW policy directed by Secretary Laird, change in basic policy with regard to prisoners and missing men was approved. We believed that these men should no longer go virtually unnoticed and unremembered.

This was particularly critical when realizing that, in early 1969 some of the men had been listed as prisoners or missing for nearly five years. The vast majority, of course, were lost prior to November 1, 1968 when the extensive bombing of North Vietnam was being carried out.

It has been hoped that the new approach undertaken by President Nixon would focus public attention here and abroad on the callous and inhuman attitude of Hanoi and its Communist apparatus in Sotuheast Asia.

In a series of agreements stretching back for more than 100 years, civilized nations have generally agreed to abide by a code of conduct that prohibits the barbarous treatment of war captives.

The most current formulation of this code is contained in the Geneva Convention Relative to the Treatment of Prisoners of War.

This standard requires prompt identification and reporting prisoners of war when they are captured. It requires the impartial inspection of prisoner of war facilities. Furthermore, it states that there should be an immediate release of seriously sick and wounded prisoners; and finally, it provides that prisoners and their families should be allowed to correspond freely and regularly.

The enemy has not made even the slightest pretense toward compliance with the humanitarian requirements of the Geneva Code. There never has been a complete and official list of known prisoners. There never has been an impatrial inspection of any North Vietnamese, Viet Cong or Pathet Leo prisoner camp. Only one seriously sick or injured prisoner has ever been released, yet we know many of our men were injured at the time of their capture.

Mail flow, while showing some improvement in recent months, has been severely restricted and carefully censored. Of the 80 men known to be prisoners in South Vietnam and Laos only one has ever been allowed to write a letter.

Although the other side has announced that families may send small packages to prisoners every other month, there is evidence that certain items are removed.

In recent months a number of incomplete lists of men reported to be held in North Vietnam has been released to the public. Tragically, those lists have indicated that some men apparently have died in captivity. Even then the enemy has refused to provide essential information about the circumstances of death. What possible reason could the enemy have for refusing to identify men who died three or four years ago.

Our negotiators in Paris and diplomatic representatives around the world have done much to see that the plight of American prisoners of war and our country's concern for their welfare are understood. Colonel Frank Borman was sent by the President to 14 capitals to present the facts to the leaders of other nations and to encourage parallel efforts on their part toward easing the plight of the prisoners and their loved ones.

President Nixon has made a comprehensive peace proposal, including the immediate exchange of all prisoners. This offer, made in October, would result in the release to the other side of ten times as many men as would be returned to the U.S. and to our allies.

Unhappily, the response of the enemy to this generous offer has been negative, despite the fact that the prisoner of war question has been brought up in Paris every single week since March of last year.

In contrast to the enemy's continued refusals, the South Vietnamese have abided by the Geneva Convention. Today, the Republic of Vietnam holds some 38,000 North Vietnamese and Viet Cong prisoners. I have visited one of these camps and can attest to the humane treatment of these POW's, a fact verified regularly by ICRC inspection teams.

The South Vietnamese, as seen only this past weekend, have repeatedly moved forward to release sick and injured prisoners. To date, some 200 have been returned despite numerous obstacles set up by the other side. Just this week the South Vietnamese government proposed the immediate release of disabled prisoners on all sides.

It is urgent that all POW's be released. Time is running out for these men and their families have suffered far too long.

For that reason, the President and the Secretary of Defense approved last November the raid of a prisoner of war camp at Son Tay, deep in enemy territory. We have no regrets for having proceeding with the rescue effort despite the fact that there were no prisoners in the camp at the time of the raid.

We believe we owe it to our men and to their families to attempt such rescue operations even recognizing the risks involved.

We will continue to consider all attempts to resolve the prisoner of war problem including further possible rescue attempts. The later option becomes increasingly important as we continue to receive information that Americans apparently are dying in enemy prison camps.

Furthermore, the passage of time bears down on the problem. Let me cite a few statistics.

Today, there are 1,550 men who are listed as prisoners of war or missing in action. About one half are Army and Marine ground forces and air crewmen who are missing or captured in South Vietnam or Laos. The remainder are Air Force, Navy and Marine Corps airmen whose planes were shot down over North Vietnam during the extensive bombing raids three and four years ago.

Some of these men have been held prisoner by the enemy for more than six years. One man, believed to be a prisoner in South Vietnam, will pass in March his seventh year of captivity.

More than 300 of these brave Americans have been captured or missing longer than any U.S. serviceman was held prisoner during all of World War II.

It is not difficult to understand the severe emotional distress that results to the wives and children who have lived with uncertainty for so many years. Many children are now four and five years old and have never seen their fathers. At least four wives of these men have suffered accidental deaths and a number of others are seriously ill and even terminally ill.

In the past 20 months more than 300 wives and children have knocked on embassy doors in various parts of the world in a futile search for information on their loved ones. Some 100 relatives have had face-to-face meetings with North Vietnamese officials at Paris and in other foreign capitals.

Some have been subjected to a heavy barrage of enemy propaganda, and to a series of false promises. How tragic it has been that the enemy has chosen to exploit these relatives.

The plight of these families has reached the hearts of millions of Americans who have participated in letter writing campaigns and major civic efforts to express their commitment to the cause of justice for American prisoners of war.

This concern shown by so many people has been deeply gratifying and it has had some effect. Letters now flow more freely between prisoners in North Vietnam and their families. More packages from home are getting through to the prison camps, and Hanoi recently has sought to convince a very skeptical world that American prisoners are receiving proper treatment.

Even those nations and individuals sympathetic to the North Vietnamese Government have exhibited little patience for the enemy's cruel and inhuman treatment of our men and their families. These war critics have been hard pressed to justify the enemy's handling of American prisoners.

The International Committee of the Red Cross has voted, without dissent, a resolution supporting humane treatment of war prisoners. The United Nations has approved another resolution calling for humanitarian treatment of prisoners of war. In addition, the Congress of the United States has devoted considerable attention to the prisoner subject, passing a number of resolutions and holding an unprecedented joint session to hear a report by Colonel Frank Borman on his global trip as Special Emissary of the President on behalf of the prisoners of war.

We have had continued support from the various news media through newspaper editorials, magazine feature stories, and television news coverage.

One should not be deceived when viewing the limited number of highly controlled and censored interviews which Hanoi released during the Christmas season. They included only a brief glimpse of a very small number of men.

The interviews were carefully controlled. Only those who outwardly appeared healthy were shown, and only four questions were permitted. The questions had to be submitted in advance. Even then, the North Vietnamese found it necessary to censor some of the comments made by the prisoners.

The comments made were limited to superficial, broad generalities which really did not address the problem. There was no news about any of the other prisoners. In fact, those shown were among the small number who have been paraded before cameras from time to time.

The films themselves are a violation of the Convention which prohibits the exploitation of prisoners of war for propaganda purposes and exposing them to public curiosity.

The public support which you have shown today and which we have seen for so many months has served as strong encouragement and hope to the thousands of wives, parents and children; but their tragedy endures with little response by the enemy.

If the North Vietnamese and Viet Cong are truly providing humanitarian treatment for our men, why should they believe it necessary to release carefully controlled prisoner films? Why should they be afraid to permit ICRC inspection tems into the camps? Why should they continue to claim humane treatment when we know that men have been held in isolation for prolonged periods; when we know of instances where broken bones have been rebroken, where fingernails have been removed, where medical attention has been denied, and where proper diets have been ignored.

Communist authorities have referred to our prisoners of war and missing men as "just 1,550 men." They can't understand how we in America can be so concerned about "just 1,550 men."

What they forget is that our American way of life is founded on the value, dignity and freedom of every single human life. Our nation has a long history of voluntary efforts to defend the right to freedom. Millions of Americans have served their country around the world for this cause.

Thousands of Americans have served their country in Southeast Asia. Many have risked their lives. Many volunteered for duty knowing that they risked capture.

Today, we are here to defend helpless Americans who have made those sacrifices and who, as a result, are prisoners of war and missing in action.

Despite the physical hardship, the mental and emotional suffering, the long, long separation from loved ones, and the seemingly hopelessness of their situation, those Americans who have been released or escaped tell us that they never gave up hope. They have survived through a strong faith in God, an unending dedication to their country, and a devoted love of family. They have proven their faith in America. Have we proven our faith in them?

We in the Defense Department are deeply indebted to these servicemen for their dedication and sacrifice. We insist that everything possible be done to assure the proper treatment of our men in captivity, to obtain their eventual release, and while they are gone, to give every possible assistance to their wives, children and parents.

We appreciate your concern as expressed in this session today and hope you will join with us in our determination to resolve the plight of these men whose courage we so deeply admire and whose sacrifice we so greatly respect.

These men have served our country well. Their families have suffered long, but I can assure you that these brave men will not be forgotten.

EARTH WEEK

Mr. MONDALE. Mr. President, Earth Day last April was a nationwide success, dramatizing the environmental concern of the millions of Americans from grade school students to elderly citizens who participated.

Without a doubt, Earth Day marked a turning point in the environmental awareness of the whole country. Now the environmental issue is recognized from townhall to Congress as one of the gravest challenges we face.

But as the Senator from Wisconsin (Mr. NELSON), who originated and cosponsored Earth Day, has pointed out, stopping the incredible waste and environmetal destruction is going to require a sustained ethical, financial, political, and technological commitment on a scale unprecedented in this country's history.

To continue and strengthen the nationwide environmental effort and concern, Senator NELSON has proposed that the third week of April—the 19th to 25th—be designated Earth Week nationwide. He and Representative PAUL MCCLOSKEY, JR., the Earth Day cosponsors, have introduced a congressional resolution for the Earth Week. And the National Governors' Conference has unanimously adopted a resolution recommending that each Governor proclaim Earth Week in his State.

As Senator NELSON said in a recent Senate speech, the purpose is a continuing education effort, an occasion for the country to focus special attention for a week on the environmental accomplishments of the past year and to plan for the future.

In particular, he noted, an Earth Week would afford an opportunity for all the schools across the Nation to bring to culmination their environmental education efforts for the school year.

The proposal for Earth Week merits and is rapidly gaining support countrywide. I ask unanimous consent that three excellent editorials strongly endorsing this important proposal be printed in the Record. The editorials are from the Washington Post, the Denver Post, and the Milwaukee Journal.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Jan. 27, 1971]

The Need for Earth Week

Measured by the calendar, it is a long way to April and Earth Week, which this year will be from Monday, April 19 to Sunday, April 25. But it is not so far when measured by the urgency of pollution; hardly a day passes that another grim fact of environmental neglect, threat or abuse is not reported. Early in the new session of Congress, Sen. Gaylord Nelson and Rep. Paul McCloskey, Jr., last year's co-chairmen of Earth Week, will call for a congressional resolution recommending that the event be held annually. This is a worthy idea. In 1970, Earth Week was the cement that joined together the ecology efforts on 2,000 college campuses, 10,000 elementary and high schools and of some 2,000 local community groups.

A resolution by Congress setting aside a week for one cause or another often means little more than a fancy bow in a useless minuet. But the environment is not just another cause (even though many still put it down, as in an editorial comment in this week's Advertising Age about "the ecology kick"). It is a serious movement; those who doubt its power need only reflect on the SST debate and how the politicians probably would have handed over the funds if public awareness had not been aroused by this threat to the fragile environment.

A push by Congress to get behind Earth Week may be the kind of torch-like symbol that local groups need to set their ecological awareness on fire. It can be a way of getting the news media to make the environment a matter of daily coverage, not merely specialized reporting. In short, if we are going to celebrate such days as July Fourth, when the nation was born, why not a week of dedication and planning to make sure that the nation remains livable.

[From the Denver Post, Oct. 20, 1970]

Let's Hear It for Earth Week

One of the happy surprises of 1970—there haven't been many in that the lofty resolutions and high enthusiasm generated by Earth Day last April haven't dissolved into oblivion. The energetic commitment to a better environment that most skeptics chalked up as another all-American fad has proved to have staying power. It's even become good politics.

Now the man who started Earth Day wants to put it on the calendar. Sen. Gaylord Nelson, D-Wis., has introduced a joint resolution in the Senate that would designate the third week in April as Earth Week. Rep. Paul McCloskey, Jr., R-Calif., who served with Nelson as cochairman of Earth Day, has introduced the same measure in the House.

There's already a precedent for such a move. Last August, the National Governors' Conference unanimously adopted a resolution that each governor would declare the third week in April to be Earth Week in his respective state. But that won't have the status of congressional sanction.

A federal commemoration, Nelson told the Senate, would create "an opportunity for a regular assessment of progress from the community level up towards improving environmental quality."

Earth Day, he said, symbolized a new nationwide awareness of the growing ecological crisis, and a resolve to turn the tide. The challenge now, he declared, is to encourage continued efforts on all levels of American life.

Earth Week sounds to us like a fine idea. It would inspire more ambitious projects than the admirable but limited one-day crusade last spring, and it would keep the issue in the hands of the people, diluting the exploitive tendencies of lobbyists and politicians.

As long as we're celebrating the day Columbus discovered America, it makes sense to spend a week marking efforts toward preserving it.

[From the Milwaukee Journal, Oct. 15, 1970]

Earth Week a Good Idea

Considering how the first environmental "teach in" mushroomed into Earth Day last April, it is not too early to talk about a similar movement for 1971, nor too ambitious to suggest expanding it to Earth Week.

Wisconsin's Sen. Nelson has made such a proposal, along with Rep. Paul N. McCloskey, Jr. (R Calif.). The two were co-chairman last spring.

The first Earth Day was marked on 2,000 college campuses and in 10,000 elementary and high schools. Some 2,000 community groups were formed specifically for the cause. Earth Day activities prodded congressmen by the dozen to clamber aboard the environmental bandwagon. It injected environmental problems into politics and help set the stage for major legislative gains.

By all means, let's have an Earth Week. It is a logical step toward Giving Earth a Chance year round.

MODEL CRIMINAL JUSTICE REFORM ACT, S. 400

Mr. SAXBE. Mr. President, last Thursday, I, together with the Senator from Massachusetts (Mr. Brooke), the Senator from Minnesota (Mr. Mondale), and the Senator from Missouri (Mr. Eagleton), introduced the Model Criminal Justice Reform Act (S. 400).

The bill, which was more than a year in the planning and drafting stage, is aimed at spurring comprehensive reforms in police professionalism, our courts, and our correctional institutions.

My staff, together with the staffs of Senators Brooke, Mondale, and Eagleton, have prepared a section-by-section analysis of the bill. At this time, I should like to extend a grateful expression of thanks to those staff members who worked so diligently on the proposed legislation. A particular salute should go to Steven Engelberg (Mondale), Alex Hewes and Richard Cohen (Brooke), and James Murphy and Douglas Bennett (Eagleton), as well as to my own staff.

I ask unanimous consent that a section-by-section analysis of S. 400 be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Analysis of the Model Criminal Justice Reform Act (S. 400)

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM

Program authorized

Section 101. Authorizes Administrator of the Criminal Justice Reform Administration (CJRA) to make grants and to provide technical assistance to states and localities.

Eligibility of assistance

Section 102(a). To be eligible for assistance, a state or locality must establish within 4 years from the date of enactment the following with regard to their law enforcement personnel:

1. uniform standards for recruitment—statewide;
2. uniform educational requirements for advancements—statewide;
3. compensation appropriate for a professional based on the size of the community and the cost of living in that community;
4. uniform retirement system and a pension plan—both statewide;
5. to the extent possible, uniform promotional policies—statewide;
6. to the extent appropriate, standard operational procedures—statewide;
7. lateral entry amongst local law enforcement agencies and amongst federal, state and local agencies located within the state, with appropriate conditions on the period of initial service; and
8. a central facility offering short-term mandatory (statewide) training.

To be eligible, a state or locality must also establish whatever reforms are necessary including increases in court personnel to insure that the trials of all criminal offenses (excluding juvenile offenses) are commenced within 60 days from the date of arrest or charge, whichever occurs first. Provision must be made to insure that failure to commence trial, in the absence of exceptions spelled out initially by the Administrator, will result in a dismissal of the case with prejudice.

To be eligible, a state or locality must also establish

1. a system for classifying persons charged with or convicted of criminal offenses;
2. a range of adequately equipped and staffed correctional facilities to treat the various classifications of inmates assigned there, including community-based correctional centers;
3. a comprehensive vocational and educational program designed to accommodate the needs of each class of criminal offenders;
4. separate detention facilities for juveniles including shelter facilities outside the correctional system for abandoned, neglected, or run-away children;
5. standards applicable (statewide) for local jails and misdemeanant institutions to be enforced by the appropriate state corrections agency;
6. parole and probation services for felons, juveniles and adult misdemeanants who need or can profit from community treatment;
7. caseload standards for parole and probation officers based on the needs and problems of the offenders;
8. statewide job qualifications and compensation schedules for correctional officers and probation and parole officers, along with a mandatory system of in-service training; and
9. treatment and rehabilitation programs for persons suffering from alcoholism and drug abuse. These programs must be available both to inmates and as an alternative to incarceration;

To be eligible for assistance a state or locality must also have under study, by an appropriate and responsible group, the application and the propriety of the application of their criminal laws to alcoholism, drug abuse, gambling, vagrancy and disorderly conduct and other related offenses. The state or locality must report the findings to the Administrator not later than 2 years after the approval of the state plan. A similar study of the consolidation of law enforcement agencies, suited to the particular needs of the State, is also mandated.

Section 102 (b). This requires the Administrator to classify the eligibility criteria of subsection (a) in the following manner:

1. Phase One—all requirements which the state can reasonably assure will be met without the enactment of legislation (ordinances where appropriate) or those which the Administrator determines can be met in a relatively short period of time.

2. Phase Two—all requirements which such state specifies will require the enactment of legislation (ordinances where appropriate) or those which the Administrator determines will require more time than is specified for Phase One.

Project applications approval

Section 103 (a). This section provides that grants may be made pursuant to an approved state plan and upon application by the state. The application must;

1. Contain assurances that the applicant will supervise the administration of the activities and services for which assistance under this title is sought,

2. set forth a program consistent with the requirements of section 102,

3. set forth policies and procedures that will insure that the federal money will only be spent on the cost of reform,

4. provide that, in the case of construction projects,

A) title will be in a state or local public agency;

B) consideration will be given to excellence of architectural design;

C) the requirements of section 305 will be complied with;

5. provide for appropriate fiscal control and fund accounting procedures,

6. provide for making an annual report and such other reports containing sufficient information to enable the Administrator to evaluate the effectiveness of the Act.

Section 103 (b) Provides that an application by a locality may be approved by a state only if it is consistent with this title and;

1. they meet the requirements of subsection (a); and

2. such state has on file a state criminal justice reform plan approved by the Administrator.

Section 103 (c) If approval is denied to a locality under subsection (b), the locality may file a written appeal within 10 days with the Administrator. If it is determined that the denial was unreasonable or not consistent with that states' criminal justice reform plan, the Administrator shall negotiate a resolution of the differences between such state and locality on which the denial was based.

Section 103 (d) Amendments of applications shall, except as the Administrator may otherwise provide, be subject to approval in the same manner as original applications.

State plans

Section 104. (a) Requires that a state desiring assistance under this title shall submit a state plan consistent with the appropriate regulations. Each plan must—

(1) provide for the administration of such plans by the chief executive of such State or by a public agency designated, established or created for the purposes of this act;

(2) set forth a comprehensive program which maintains the requirements of Section 102 including the assurances enabling the Administrator to determine the federal share for the cost of any portion of such program;

(3) with respect to any State project, service, or activity which is substantially similar to any such project, service, or activity for which a locality within such State is eligible under this title, set forth provisions identical to the provisions of the application required under section 103;

(4) set forth policies and procedures which assure that the federal funds will be used to pay the cost of reform beyond those funds that, in the absence of federal funds, would be made available by the state for the purposes for which the state plan is submitted;

(5) Provide for the appropriate fiscal control and fund accounting procedures;

(6) provide reasonable notice and an opportunity for a hearing to localities before an application is denied; and

(7) provide that the state will make periodic reports to the Administrator evaluating the effectiveness of the payments received and to enable the Administrator to perform his functions under the title. A state must also assure that it will keep records that are made accessible to the Administrator for the purpose of verifying such report.

Section 104 (b) requires the Administrator to approve a plan, initially and annually thereafter, which meets the requirements of subsection (a) of this section. He cannot disapprove a plan except after reasonable notice and an opportunity for a hearing to such State.

Regulations

Section 105. Requires the Administrator to issue the appropriate regulations. Under this section the Administrator shall consider the recommendations of each of the states and the purposes of this Act.

Financial assistance for planning comprehensive criminal justice reform plans

Section 106. (a) Authorizes the Administrator to pay 50% of the costs of planning and developing state plans and project applications under this title.

Section 106 (b) Financial assistance will be provided under this section only if—

(1) the chief executive of this state has approved such application, and

(2) the Administrator is convinced that sufficient administrative machinery exists through which the coordination of all related planning activities of localities can be achieved.

Technical assistance

Section 107. This section authorizes the Administrator to make arrangements, financial and otherwise, for technical assistance to states and localities in the planning, developing and administering of their programs.

State advisory council

Section 108. (a) Provides that any state desiring assistance under this title may establish a State Advisory Council;

Section 108 (b) Such Council shall

(1) be appointed by the chief executive of the state and be broadly representative of law enforcement personnel employed within the state, the criminal courts of the state, the correctional system of the state, and laymen with sufficient knowledge in the field;

(2) advise the chief executive of the state on the planning and administering policies that develop from the state plan;

(3) review and recommend to the chief executive of the state the action to be taken with respect to applications for grants to localities;

(4) evaluate programs, services and activities assisted under this title;

(5) submit through the chief executive of the state a report of its activities, recommendations and evaluations to the Administrator; and

(6) obtain such staff as may be necessary to carry out its functions under this section.

Section 108 (c) Authorizes the Administrator to pay all the reasonable and necessary costs of the State Advisory Councils which meet the requirements of this section;

Section 108. (d) Authorizes an appropriation not to exceed $10 million in any fiscal year for the purpose of carrying out the provisions of this section.

Payments

Section 109. (a) Requires the Administrator to pay to each state with an approved plan the federal share of the cost of such plan as determined by him.

Section 109. (b) The federal share of programs and projects covered by the state plan which are in Phase One under the provisions of section 102 (b) shall be 75 per centum for any fiscal year. The federal share for programs and projects covered by the state plan which are in Phase Two shall be 90 per centum for each fiscal year.

Section 109 (c) requires the Administrator to pay 75 percent of the technical assistance applications that have been approved under Section 107.

Section 109 (d) provides that payments under this section may be made in installments, in advance or by way of reimbursements, with necessary adjustments on accounts of overpayments or underpayments.

Section 109 (e) provides that grants made under this section pursuant to a state plan shall not exceed 25% of the aggregate amount of funds authorized to be appropriated under section 307.

Consultation

Section 110. In carrying out the provisions of this title, including the establishment of regulations under Section 105, the Administrator shall consult with the Attorney General and the heads of such other federal agencies as he determines will assist in carrying out the provisions of this Act.

TITLE II—THE ADMINISTRATION

Section 201. An independent agency within the executive branch of the government—to be known as the Criminal Justice Reform Administration—will be established.

It shall be headed by an Administrator and Deputy Administrator, each appointed by the President with the approval of the Senate.

Section 202. The Administration shall

(1) Make grants to states for comprehensive criminal justice reform programs.

(2) Provide technical and financial assistance for planning and administration of the program.

(3) Make known information gained as a result of the program.

(4) Cooperate with the Attorney General in carrying out his functions under the LEAA program.

(5) Prepare an annual report to the President including recommendations, where appropriate.

Section 203. The Administrator has authority to—

(1) Appoint and set the salary of personnel and consultants of the agency.

(2) Appoint advisory committees as may be desirable.

(3) Set rules and procedures to carry out the functions of the Administration.

(4) Utilize, with their consent, the services of other public and private agencies.

(5) Enter into agreements as may be necessary in the conduct of his functions.

(6) Request information from other federal agencies, which shall be directed to make services available to the greatest possible extent.

Section 204. The Administrator shall be paid at executive level four. Title 5, Section 5316(a)

TITLE III—GENERAL PROVISIONS

Section 301. Definitions.

Section 302. Withholding of grants. Administrator may withhold grants for so long as, after reasonable opportunity for a hearing, he finds

(1) Failure to comply with any part of the state plan, or

(2) Failure to comply with any requirement set forth in the application of a locality, or

(3) Failure to comply with any applicable provision of the Act.

Section 303. Federal recovery of payments used for construction of facilities for the purpose of the Act shall be permitted within 20 years where the facility is no longer being used in accordance with the act.

Section 304. The Administrator and U.S. Comptroller General shall have power to review and audit any records of grant recipients.

Section 305. Fair labor standards shall be met in the construction of facilities under the Act.

Section 306. Nothing in the Act shall be construed to prevent the administration of any other provision of Federal law.

Section 307. Such sums as may be necessary to carry out the Act are authorized to be appropriated.

SECRETARY LAIRD'S TESTIMONY BEFORE THE ARMED SERVICES COMMITTEE

Mr. DOLE. Mr. President, Secretary of Defense Melvin Laird appeared before the Senate Committee on Armed Services on January 27 to report the current situation in Southeast Asia and on his recent trip to Paris and Indochina.

I believe his comments provide a clear and up-to-date picture of the state of U.S. programs and policies in Southeast Asia and their relationships to the larger issues of peace and security in the world under the Nixon doctrine.

Mr. President, I ask unanimous consent that Secretary Laird's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY OF DEFENSE MELVIN R. LAIRD, BEFORE THE SENATE ARMED SERVICES COMMITTEE, WEDNESDAY, JAN. 27, 1971

Mr. Chairman and Members of the Committee: It is a pleasure and privilege for me to appear before the Senate Armed Services Committee today in Executive Session to give you a report on my trip to Paris and Southeast Asia, to report on the current situation there, and to respond to any questions you may have.

I thought it would be appropriate to prepare these brief opening remarks to place our past and future activities in Indo-China in perspective, particularly as they relate to the goals of:

Reducing American casualties;

Continuing the withdrawal of Americans from Southeast Asia;

Accelerating Vietnamization;

Implementing the Nixon Doctrine;

Maintaining our obligations and interests in Asia as we seek to move toward a generation of peace.

I know that members of this Committee share my desire and that of our President to implement those policies that have the best chance of leading to a generation of peace through strength, partnership and a willingness to negotiate.

In the formal hearings on our FY 1972 Budget, I will want to discuss with you how the Department of Defense is moving to implement the President's program for peace, while at the same time assuring adequate defenses for our national security and adequate capabilities to meet our commitments and obligations around the world.

What we are witnessing today as we press forward with our program to terminate U.S. involvement in the war in Southeast Asia, is the Nixon Doctrine at work in a most effective way.

When President Nixon assumed office, Mr. Chairman, we established for Southeast Asia a fundamental objective: to reverse the process of ever-increasing American involvement in Southeast Asia and to begin a rapid reduction in 1) American casualties, 2) American military activities, 3) actual American presence in Asia, and 4) general American involvement in that war. We have been trying to achieve these goals in a way that can lead to lasting peace.

We have never swerved from that objective.

By any measurement of our overall activities in Southeast Asia since the start of Vietnamization, the thrust of American activity has been downward.

American casualties are down from peaks as high as five hundred a week to averages below fifty a week. We cannot and will not be satisfied until we reach our goal of no American casualties.

By next May, American troop strength in Vietnam will have been reduced to almost half the authorized troop strength at the time I became Secretary of Defense, and I am confident, as a result of my trip with Chairman Moorer, that we can bring home additional thousands of American military men.

As to American attack sorties in Indo-China during 1970, they were down almost 50% from peak 1968 levels, and even in Cambodia they are approximately half this month what they were seven or eight months ago.

American budget costs for SEA have also been cut approximately in half from peak war costs of 1968.

In short, American involvement by any measure—casualties, operations, manpower levels, budget—is significantly down. At the same time, security in Vietnam is markedly up, and Vietnam's neighbors are making determined efforts to defend themselves. That is what the Nixon Doctrine is all about.

I am sure that every member of this Committee supports our efforts to end U.S. combat involvement in IndoChina and to stop the loss of American lives there.

I think it is time, Mr. Chairman, for us to shift the discussion and debate over semantics and statistics to the larger and fundamental issues that are involved. These larger issues include moving away from war and toward peace; away from a wartime economy and toward a peacetime economy; away from lopsided budget priorities and toward a better balance in our use of national resources; and away from confrontation and toward negotiation and lasting peace in Asia and throughout the world.

Under the Nixon Doctrine and the President's Strategy for Peace, I am convinced that the United States is moving in the right direction and making significant progress in all these areas.

My trip earlier this month included meetings with our negotiators in Paris. I want to emphasize that the Administration continues to pursue negotiations vigorously in Paris. A negotiated setttlement would be the quickest way to end the war. I wish I could tell you that prospects are good for a negotiated solution to the war, but I must, unfortunately, report that a negotiated settlement does not appear to be in sight.

On the other hand, I am pleased to report that my visits to Thailand and Vietnam and my Staff's visit to Cambodia and Laos, reaffirmed what I have been discussing with this Committee and other Committees in Congress for the past 18 months, namely, that Vietnamization, the first crucial step in implementation of the Nixon Doctrine, is proceeding on schedule or ahead of schedule in all military respects.

Some have mistakenly labeled President Nixon's Vietnamization Program as merely a disguised retreat; others have called it a "myth."

Let me reiterate to members of this Committee that what we are doing today in Southeast Asia is an indispensable building block in President Nixon's Strategy for Peace. In essence, as the President has said repeatedly, we are not going to retreat from the responsibilities of leadership in the world. In designing and implementing our program for peace, we have tried to face the realities of the world in which we live. Our Vietnamization program and our activities in Indo-China reflect these realities which must be faced if we are to achieve the twin objectives of maintaining our obligations while ending American ground combat involvement in Asia and also reducing further the total American military presence in that part of the world.

As the President and I have made clear publicly and privately on many occasions, while we continue the reduction of American ground involvement in Indo-China, we will take whatever actions are necessary and appropriate—in compliance, of course, with Congressional actions—to hasten the end of U.S. involvement in the fighting with a minimum loss of American lives.

There will be some who will criticize the specific actions we will take, but I want to repeat that so long as I am Secretary of Defense, so long as I am responsible for the lives of our men and women in uniform, so long as I share responsibility for the safety of our nation and its interests, I will continue to recommend necessary and appropriate measures to achieve our foreign policy and national security objectives at the lowest possible cost in lives and resources. I know that I can continue to count on the understanding and support of this Committee and of this Congress in doing the job that I think all Americans want done—to continue our steady movement toward a generation of peace and an end to the killing, through the effective policy instruments of partership, strength, and negotiations.

The Cambodians understand that American ground combat forces and American advisors will not be introduced into their country. Our objective for the future is that the United States will not need to rely on its own manpower to achieve the objective of self-determination for our friends and allies in Asia, and to thwart Communist aggression in that part of the world. Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.

I can report to this Committee, as I reported to the President, that most of the leaders of Asian nations with whom I and members of my group talked, share this determination. They told us that with U.S. material assistance, such as that recently voted overwhelmingly by Congress for Cambodia, they want to do the defense job themselves to the maximum extent possible. I was heartened by their enthusiastic acceptance of the Nixon Doctrine in action, and I would simply say at this time that it is this spirt and determination on the part of our friends and allies that will form a crucial foundation of our Strategy of Realistic Deterrence for the 1970's.

In the coming weeks, the President in his Foreign Policy Report, the Secretary of State in his reports and I in my Defense Report will, of course, address the concepts and programs associated with the President's Strategy for Peace.

Finally, Mr. Chairman, I want to say again that I welcome this opportunity to visit and consult with this Committee and I am now prepared to answer your questions.

THE BIG THICKET NATIONAL PARK

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD the text of statements prepared by the Senator from Texas (Mr. TOWER) and a copy of a bill which he introduced last week.

There being no objection, Senator TOWER's statement and the text of the bill were ordered to be printed in the RECORD, as follows:

Mr. TOWER. Mr. President, I would like to set forth in the RECORD a full text of the bill S. 378 which I introduced on January 27, 1971, regarding the establishment of a Big Thicket National Park in east Texas. My remarks at the time of introduction are also included for convenient reference.

STATEMENT OF SENATOR TOWER

Mr. President, I rise to offer a new approach to the establishment of a Big Thicket National Park in East Texas which I believe merits early approval by the Congress and the broad support of Texans.

Last year, the Senate approved legislation in this regard, but the bill was not considered by the House of Representatives. The legislation passed by the Senate had been offered by our former colleague, Senator Ralph Yarborough. But before Senate passage it was amended to limit the area of the proposed park to 100,000 acres. The original version of the bill had called for a park of at least 100,000 acres.

The new senator from Texas, Mr. Bentsen, has now re-introduced the bill in the form in which it passed the Senate last year.

Mr. President, that legislation leaves, in my opinion, much to be desired in terms of satisfying the realities of requirements for establishment of a Big Thicket National Park in East Texas.

I support the concept of a national park to preserve a portion of the ecologically unique areas of the Big Thicket so that future generations may enjoy them and so that scientists will not be deprived, through the encroachment of civilization, of the opportunity to observe and study this area.

At the same time, I recognize the need for increased recreational opportunities in East Texas. And I recognize that legislation passed by the Congress should not be so drawn as to stifle the East Texas economy by unreasonably hampering existing commercial operations.

Mr. President, I did not support the Big Thicket bill originally offered in the Senate because I thought it left too many unanswered questions. The bill did not specify a boundary for the proposed Big Thicket National Park. Also it failed to rectify the cross purposes of preservation and recreation. Additionally, I feel that a huge expanse of land larger than 100,000 acres would be detrimental to the economic growth and general welfare of East Texas.

After listening to many various park advocates for the past few years, I have been working during recent weeks to draw up a legislative proposal which would preserve the Big Thicket and simultaneously provide for increased recreational facilities in East Texas, all without undue economic hardship to existing industry.

Today, I am offering the result of that work.

My bill would authorize the Secretary of the Interior to establish a Big Thicket National Park of 81,472 well-defined acres in two adjacent parcels in Hardin, Polk and Liberty counties in East Texas.

One parcel has been known previously as the Profile Unit of the String of Pearls concept earlier put forward as a Big Thicket National Park. The String of Pearls concept however, composed of nine separate land parcels, has been generally discounted, I believe quite correctly, since the separate parcels would be extremely difficult to administer. It would be particularly difficult to enforce the preservation aspect of a national park composed of so many non-contiguous areas. Thus the basic preservation goal of the national park would be subverted.

The profile Unit begins near Saratoga in Hardin County and extends generally northward to touch, but not include, the Alabama-Coushatta Indian Reservation in Polk County. A section of this unit also juts into Liberty County.

The second parcel defined in my bill to be included in the park is a rough triangle of acreage touching the Profile Unite near Saratoga and having its remaining corners near the communities of Kountze and Sour Lake in Hardin County.

My discussions with East Texans indicate that a contiguous park composed of these two parcels will provide the protection required for a portion of the Big Thicket representative of the area and including most of the most ecologically unique areas.

The bill I am now offering also authorizes increased development of recreational areas in East Texas in conjunction with Lake Livingston, Sam Rayburn Reservoir and Toledo Bend Reservoir, and the four National Forests of East Texas: Sam Houston National Forest, Davy Crockett National Forest, Angelina National Forest and Sabine National Forest.

The bill specifies that the additional acreages for recreational areas plus the defined acreage for the Big Thicket National Park shall not exceed 100,000 acres.

It is my belief that the Secretary of the Interior should be allowed discretion in establishing the recreational areas in order to best meet the needs of East Texans. It may be that in some cases, a trade-off of National Forest land, administered by the Secretary of Agriculture, may be made with the Interior Department to most satisfactorily provide the national recreational areas authorized by my bill.

I am also hopeful that the State of Texas will cooperate to meet the growing recreational requirement for East Texas through the development of state parks within the area which will complement my proposed federal action.

Mr. President, I ask that my bill be referred to the Senate Interior and Insular Affairs Committee, the committee which took testimony last year regarding the establishment of a Big Thicket National Park and thus the committee with the most experience in this effort.

I am hopeful that the Committee will call early hearings on this measure and that the Interior Department and interested parties in Texas will move rapidly to prepare their advice and counsel on this legislation.

I stand ready to work with all interested parties to achieve the establishment of a Big Thicket National Park which will provide protection for an adequate expanse of the ecologically unique areas of the Big Thicket, and simultaneously provide for increased recreational opportunities, all without undue hardship on existing industry. I believe my bill would achieve these goals.

S. 378

A bill to authorize the establishment of the Big Thicket National Park in the State of Texas as a natural area, and to provide for recreational areas for public benefit adjacent to man-made reservoirs; Sam Rayburn, Toledo Bend, and Lake Livingston, in the State of Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the educational, inspirational, and recreational needs of this generation and future generations, certain unique natural and recreationally attractive areas in east Texas, the Secretary of the Interior is authorized to establish the Big Thicket National Park and Recreational Areas. The boundaries of the park and recreation areas shall be generally depicted on the map entitled "Big Thicket National Park and Great Lakes of Texas Recreational Areas", and copies of said map shall be on file and available for public inspection in the offices of the National Park Service, Department of Interior. The Secretary of the Interior may make minor revisions in the boundaries of the natural and recreational areas from time to time; however, the boundaries of such areas shall in no event encompass more than 100,000 acres.

SEC. 2. Definitions and Purposes.

a. Natural Areas. Preservation of the grandeur of the natural environment and ecological communities is paramount. Wilderness is recognized and respected. Human uses which would not impair the environment shall be accommodated.

Boundary Description. Being 81,472 acres of land, located in Polk, Liberty and Hardin Counties, State of Texas, and being more particularly described in Two Parcels as follows:

Parcel one: Being 63,292 acres of land, in Hardin County, Texas, and being all land located within an area which is bounded on the North by State of Texas Farm Road No. 770, on the East by State of Texas Highway No. 326, and on the South and West by State of Texas Highway No. 105; and being that area more commonly known as "Kountze, Sour Lake, Saratoga Triangle". Generally being a triangle created by the intersections of aforementioned State Farm Road 770 and State Highway 326 and 105.

Parcel two: Being 18,180 acres of land, located in Polk, Liberty and Hardin Counties, known as the "Big Thicket Profile Unit", and generally depicted on the drawing entitled "Boundary Map, Proposed Big Thicket National Monument" numbered NM BT 7101 and dated February 1967, which shall be on file and available for public inspection in the office of National Park Service, Department of Interior. The boundaries of this Unit have their beginning at the Alabama Coushatta Indian Reservation on the North, thence following the meandering of Big Sandy Creek, Menard Creek, and Pine Island Bayou, generally terminating near the intersection of State Farm Road No. 770 and State Highway No. 105, adjacent to Parcel No. 1—described as the Kountze, Sour Lake, Saratoga Triangle.

b. Recreational Areas. Emphasis is placed on active participation in outdoor recreation. Certain physical developments in natural areas might enhance and promote the full use of recreational resources available. Extended camping areas, boat launching improvements, and other facilities would aid in providing for full utilization of recreation potential and should be provided for.

Area Description: Being up to 18,528 acres of land within or adjacent to any or all of the following four National Forests, namely, the Sabine National Forest, the Angelina National Forest, the Davy Crockett National Forest, and the Sam Houston National Forest, or adjacent to any or all of the three water bodies associated with three of the aforementioned National Forests, namely, Lake Livingston, Sam Rayburn Reservoir, and Toledo Bend Reservoir.

SEC. 3. Within the boundaries of said parks and recreational areas, the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by donation, purchase, or exchange. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries may be transferred to the jurisdiction of the Secretary of the Interior without consideration for purposes of the park and recreational areas.

SEC. 4. The Federal Government, through the Department of Interior, shall provide for payment in lieu of ad valorem taxes to political subdivisions in cases where such private-owned lands are removed from tax rolls in establishment of such parks and recreational areas such as not to unnecessarily burden existing taxpaying citizens within the affected jurisdictions. Such payment shall be arrived at by study of existing tax cost per acre, plus negotiation of increased increments at various intervals determined by said negotiation.

SEC. 5. In order to provide access to recreational facilities, and to provide for the interpretation of the ecology in the parks and recreational areas, the Secretary of the Interior is authorized to construct and maintain facilities and roads to and within the boundaries of said park and recreational area. The scenic roads and related facilities herein authorized shall be designed, constructed, and operated so as to avoid permanent adverse effects to the ecology of the park and adjacent areas. The scenic roads and related facilities authorized herein shall be administered as a part of the park and recreational areas, subject to special regulations as the Secretary may deem necessary to carry out the purposes of this section.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NIXON BEHIND THE SCENES

Mr. BENNETT. Mr. President, I have just read a most thought-provoking and enlightening article on President Nixon, appearing in the latest Newsweek magazine.

The article, written in requested space by Secretary Elliot Richardson of the Department of Health, Education, and Welfare, illumines publicly the man I have known in private since 1950 when then-Senator Nixon and I were both freshmen in this body.

In my opinion, few men in public life are more distorted by the media than is President Nixon. I believe Secretary Richardson's excellent article sheds an interesting and truly revealing light on the Richard Nixon many of us have come to know well and admire greatly.

I ask unanimous consent that the article entitled "Nixon Behind the Scenes," from the February 1 issue of Newsweek, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON BEHIND THE SCENES

(By Elliot Richardson)

In last week's issue of NEWSWEEK, Washington bureau chief Mel Elfin offered an appraisal of Richard Nixon at midpassage in his Presidency. The White House requested space in the magazine for a reply. The article was written by Secretary Richardson of Health, Education, and Welfare.

To those who do not know the President, or to those who accept the stereotype presented in NEWSWEEK last week, the leadership and compassion shown in the State of the Union address might have come as a surprise—and we can expect the customary interpretations of a "new" Nixon.

But to those who have come to know the real Nixon—as I have over the years, in working with him on foreign affairs and now again on human needs—his "New American Revolution" comes as no surprise at all.

Rather than apply facile labels to a complex and unconventional man, let me simply recount some of my own observations of him over the years.

JORDAN

The most essential quality of a modern President is one that no experience or training can teach: the courage that comes from strength of character.

Moments of high drama, played on a public stage, are not the only times that Presidential courage is needed. I believe future historians will judge the solution of the Jordanian crisis to be one of the high-water marks of the Nixon Presidency.

The story cannot now be told in full. But with Syrian tanks rolling across Jordan's border, with one of the men who holds the key to peace in the Middle East on the brink of disaster, with Israel poised for attack and with both superpowers being drawn toward confrontation, the President of the United States did exactly what Presidents are supposed to do: he took personal charge of the situation, lived with it day and night, used the levers of power calmly and surely and—always behind the scenes—displayed the courage that averts wars.

Because there was no widespread public fear beforehand, there were few accolades and no widespread sense of relief afterward. Which is just as well—the American public and the world public do not need any emotional roller-coaster rides at this time. But the "Middle East war of 1970" is not in the history books largely because of the courage and skill of the American President.

THE EISENHOWER YEARS

I recall a time back in 1958, when I worked in HEW in the Eisenhower Administration and when there was a desperate need for more school construction and more college buildings. We had a plan for Federal subsidy of the debt service on new facilities for education, which would not have had great immediate impact on the budget but that would commit the government to a generation of support—and that would get more schools built quickly.

We had exactly one ally in the Cabinet—Vice President Nixon. He saw that problem in terms of school children and college students in the 1960s and 1970s, and he volunteered to take up what had been conceded to be a losing cause.

At a Cabinet meeting where the decision was to be made, the Budget Bureau presented its objections. I was sitting back against the wall, with my resignation in my pocket, and with that sinking feeling that comes when you see heads nodding away thousands of schools.

The Vice President knew that direct confrontation would freeze the opposition. Little by little, in the course of the meeting, he chipped away at the objections, letting the subject be changed, coming back to it later on another tack, never argumentative, always reasonable.

Finally, President Eisenhower said, "I don't see where there can be any strong objection to this, either philosophically or in terms of money. Let's go ahead with it." The pencil the Vice President was holding snapped in his hand, and I reached in my pocket and crumbled up my resignation.

WELFARE REFORM

Recently, after his speech to the White House Conference on Children—a moving and heartfelt speech—he called me to discuss how else he could show his personal commitment to welfare reform. At 4 in the morning that day, he told me, he had gotten out of bed to add to his speech his memories of his own childhood—how his family may have been poor, but they never felt poor, because they were never subjected to the demeaning indignities of the present welfare system. He could not understand why some people still felt his heart was not in welfare reform—because he knew what it did to human beings, and he has a deep, even a fierce, personal commitment to changing the system. That's why I am certain we are going to get it changed, and soon.

SALT

Our position at the Strategic Arms Limitation Talks was discussed at a series of National Security Council meetings. The President had been given voluminous option books, weighing the implications of each consideration, including the detailed misgivings of some of his military advisers about making a comprehensive proposal—they preferred, instead, a series of individual steps.

I cannot think of a more complex decision that could confront any President, or one with more far-reaching ramifications. The fact that he did his homework was apparent in his questioning. He encouraged argument. He listened a lot. He took his time, thinking about it both alone and aloud with advisers for months. And then, on a sheet of paper with a series of "approve-disapprove" choices, we saw his decision. He incorporated his own modifications and additions and settled on a comprehensive arms-limitation presentation.

Perhaps it will succeed; perhaps only part of it will be accepted, since it is not presented in an all-or-nothing way. But every man who worked on it knows that the one man who is elected to decide has decided on the basis of thinking it through.

SENSITIVITY

In 1956, in the midst of the mini-dump-Nixon campaign in which Christian Herter was pushed forward as a possible replacement, I was asked by Governor Herter to help draft a speech for him nominating Nixon.

After I had something on paper, I showed it to be the then-Vice President and asked if he found it suitable. Politely, he replied: "This says everything that needs to be said." I started to leave with the speech unchanged, but it occurred to me that the Vice President's answer was a little restrained. I asked him if there were other things he would like to have said.

Then, and not until then, he opened up to give me a short and unforgettable lesson in speechwriting. He showed me how to put myself in the shoes of the speaker, standing in front of a live audience of thousands—a political audience that wanted to express itself from time to time. It was a far better speech for his editing, but it would not have been unless he had been invited to edit.

BIAFRA

We were discussing what to do about starvation in Biafra. There was a definite danger in straining our relations with Nigeria, then in the final stages of its civil war. The President weighed the problem of Nigerian displeasure against the need of the hungry Ibos; the deciding factor was the humanitarian feelings of the American people. The President owed it to his fellow citizens to make the kind of response that was rooted in the American character: the President's reaction could not be the "correct" diplomatic reaction, it had to be the gut American reaction.

I have seen the President at work, and worked with him. I know that the qualities he has displayed to me over the years are not "new." And they are once again reflected in his speech to the joint session of the Congress last Friday.

In his State of the Union address, the President of the United States revealed himself to be a calmly rational revolutionary—in the sense that the men who founded this nation were revolutionaries.

Without the bravado and fury one associates with a revolution, Richard Nixon outlined a fresh approach to two of the overriding concerns of the American people: the need for the Federal government to do more for the poor and the sick, and the need for each American to have much more of a say in the decisions that affect his life.

That definition of the American character—the evocation of the American spirit—is what Presidents must constantly strive to do. That is what we saw last week in the State of the Union. That is the overriding theme President Nixon repeatedly returns to, in talks on campuses and discussions with his Cabinet and staff.

This is how he put it, off the cuff and off the record, early last week: "There was running through the theme of that constitutional convention, even among the Federalists, let alone the Jeffersonians, the idea that it was important to keep the government close to the people, that people had to have a part of the action, that every person did count, that the individual was what was important. That is what we have lost sight of. So, now we come to a point 190 years later.

"We are setting forth before the country a whole new approach to government, one which we trust will be good for the next two years when adopted, or the next four years or six years, or through the balance of the '70s, but beyond that it will do as well for this country for the next 100 years as the present system did for the past 190 years.

"This is a great goal. That is one that should inspire us. It is one that should lift us, and it is one also that should build for all of us the strength we are going to need to withstand the barbs of our critics."

When a President speaks that way to the men around him and when you see how fervently he means what he says, you understand why he inspires such loyalty and commitment in the men around him. It needs to be transmitted more widely, which is the hardest task of all, but I believe it will be done.

CONGRESSIONAL POWER UNDER THE CONSTITUTION

Mr. PROXMIRE. Mr. President, last Friday, I discussed the objections to ratifying the Genocide Convention concerning legal protection of persons that might be tried by an international tribunal for the crime of genocide. At the same time, I also discussed the question of extradition, fully explained by George H. Aldrich, Deputy Legal Adviser to the Department of State.

Today, I would like to concern myself with an examination of the constitutional basis of support for U.S. ratification of the Genocide Convention, and whether such support alters in any way the power of Congress under the Constitution. These two points have been the topic of much criticism and objection of the U.S. potential ratification of the Genocide Convention. I hope to show that these criticisms and objections are wholly unfounded.

The McMahon Subcommittee, in 1950, heard from the then Under Secretary of State Dean Rusk, who made some key points concerning the Genocide Convention.

He pointed out that in the history of the Convention in the United Nations, the members of that international organization have twice declared that genocide is a matter of international concern and that genocide is a crime under international law. All have declared that international cooperation is needed to stop this practice and that States have a duty to stop such practices within their own borders. Thus, genocide is a subject within the constitutional power of the Federal Government—the Congress—to define and punish offenses against the law of nations. Article I, section 8, clause 10, U.S. Constitution.

Under Secretary Rusk also noted that:

> The Genocide Convention does not represent the first instance in which the United States has cooperated with other nations to suppress criminal or quasi-criminal conduct which has become a matter of international concern.

Among the other treaties referred to are those agreements relating to the protection of submarine cables—1884—the preservation and protection of fur seals in the North Pacific—1911—suppression of the slave trade and slavery—1926—the suppression of the abuse of opium and other drugs—1912—all of which call for the punishment of those who commit a crime defined in the treaty.

I would like to turn to the excellent testimony of Solicitor General Philip B. Perlman pertaining to the constitutional basis for support for the U.S. ratification of the Genocide Convention:

> (I) The treaty power. In our view the United States has complete authority to enter into the Genocide Convention. The treaty power is being invoked, and "that the treaty power of the United States extends to all proper subjects of negotiation between our government and the governments of other nations is clear (*Geofrey* v. *Riggs*, 133 U.S. 258, 266 (1890); *Asakura* v. *Seattle*, 265 U.S. 332, 341 (1924). The treaty making power is broad enough to cover all subjects that properly pertain to our foreign relations * * * (*Santovincenzo* v. *Egan*, 284 U.S. 30, 40 (1931)."
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> The contention advanced by some of the critics of the Convention that these subjects must be exclusively "foreign" or "international" or "external" overlooks the whole history of treaty-making which has, from the first, dealt with matters having direct impact on subjects intimately of domestic and local concern.

To cite at some length from his testimony, we can see that:

> Genocide is . . . a subject appropriate for action under the treaty-making power seems to us an inescapable conclusion. The historical background of the Genocide Convention indicates the view of the representatives in international affairs of practically all the governments of the world on the appropriateness and desirability of an international agreement to "outlaw the world-shocking crime of genocide." This government has shared in this view; in fact, has taken a leading part in shaping the convention.

Mr. Perlman next addressed himself to the question of constitutional limitations on the treaty power:

> It is accurate to say that the treaty power extends to all proper subjects of negotiation with other governments, and that genocide or the Genocide Convention appears to be such a proper subject of negotiation. However, it has been suggested by critics of the convention that the treaty power is not without limitations, and that the convention or parts of it may conflict with these. The arguments are grounded principally in a statement contained in the case of Geofroy v. Riggs (133 U.S. 258, 267 (1890)):
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> "The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. * * * But with these exceptions, it is not perceived that there is any limits to the questions that can be adjusted touching any matter which is properly the subject of negotiations with a foreign country."

The constitutional restraints or limitations suggested by this statement appear to be of two kinds—express prohibitions, and those implied from the nature of Government and the States. As a matter of fact the Supreme Court may have whittled down the breadth of the suggestion, in its later opinion in *Asakura* v. *Seattle* (265 U.S. 332, 341 (1924)) when it said:

> The treaty-making power of the United States is not limited by any express provision of the Constitution, and though it does not extend "so far as to authorize what the Constitution forbids," it does not extend to all proper subjects of negotiations between our Government and other nations.

In *Missouri* v. *Holland* (252 U.S. 416 (1920)), the Supreme Court specifically eliminated the 10th amendment to the Constitution as a possible limitation on the treaty power. What Mr. Justice Holmes had to say for the court on the existence of limitations on the treaty power generally is also of importance:

> Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. It is open to question whether the authority of the United States means more than the formal acts prescribed to make the convention. We do not mean to imply that there are no qualifications to the treaty-making power; but they must be ascertained in a different way. It is obvious that there may be matters of the sharpest exigency for the national well-being that an act of Congress could not deal with but a treaty followed by such an act could, and it is not lightly to be assumed that, in matters of requiring national action, "a power which must belong to and somehow reside in every civilized government" is not to be found. * * * The case before us must be considered in the light of our whole experience and not merely in that of what was said 100 years ago. (252 U.S. at 433).

It is significant, in this respect, that no treaty of the United States has been held unconstitutional.

I would like here to delve into the question of the express power of Congress to define and punish offenses against the law of nations and whether this is a limitation on the treaty power. Again referring to Solicitor General Perlman's testimony, we find:

> An argument is made by those who oppose the Genocide Convention as a whole that Article 1, section 8, clause 10, of the Constitution, confers on Congress the power "to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; and that for the President and the Senate to bind this country to a treaty obligating the United States to punish an offense under international law (per. art. I of the Convention) is a usurpation of the legislative power, particularly if the treaty is self-executing.

> In order not to obscure the real argument with assumptions that are not factual, it should be observed at once that article V of the Convention specifically contemplates domestic legislative action, in particular to prescribe penalties since none is provided. This part of the convention, requiring as it does legislative action, is not self-executing under the principles laid down by the Supreme Court, Foster v. Neilson (2 Pet. 253 (U.S. 1829)); and for the United States to enact the necessary legislation to give effect to the provisions of the convention "in accordance with . . . (its) Constitution(s)" (convention art. V.), and to try guilty persons "by a competent tribunal of the State in the territory of which the act was committed" (convention art. VI), requires action by Congress prescribing the offenses punishable and conferring criminal jurisdiction on the courts of the United States. (As regards self-execution, see the excellent analysis prepared by the senior Senator from New York, Jacob Javits, on page 220–221 of the Genocide Convention, May 22, 1970.)
>
> This is not to say that Congress may not, in its discretion, use the definitions of the offenses under international law, in this case as contained in the convention, just as it has validity provided punishment for the crime of privacy "as defined by the laws of nations" (United States v. Smith, 5 Wheat. 157 (U.S. 1820)).
>
> Thus, as the result of the situation created by the very terms of the convention itself, there is removed from consideration any notion that the treaty, if accepted, will bypass the Congress, or will in itself legislative Federal criminal laws (p. 30–31, Hearings).

Last, Mr. President, I would like to concern myself with the relationship of State jurisdiction in criminal jurisprudence to the genocide convention.

Again I turn to the testimony of Philip Perlman before the McMahon Subcommittee on Genocide in 1950:

> "The passage from the case of Geofroy V. Riggs which speaks of restraints arising from the nature of Government and the States, and restraint against change in the character of the Government or in that of one of the States, is used as another argument for the existence of a constitutional limitation on the treaty power. It is argued against the convention as a whole that to impose a new body of treaty law which will become the domestic law of the United States is a change in the structure of the relation of the States and the Federal Government, and that to deprive the States of a field of criminal jurisprudence and place it in Federal jurisdiction as to be in violation of the Constitution.
>
> If there were matters of criminal jurisdiction confided to the States so vital to their existence that a change by the Genocide Convention would destroy our dual system of government, conceivably the problem suggested might be more than hypothesis. The fact is quite the opposite. Congress is invested by the Constitution with the power to provide criminal sanctions for offenses against the law of nations, Constitution, article I, section 8, clause 10. It has had that power since 1789, and the States expressly committed that field of jurisprudence to the Federal government. It is therefore of little or no consequence in comparing the effect of the exercise of Federal criminal jurisprudence upon residual State criminal jurisdiction that Congress may exercise its power to punish genocide pursuant to the authority provided in article I, section 8, clause 10, of the Constitution, or pursuant to both sources of power. It is wholly unwarranted to say that, because another offense has been added to the list of the few now punishable as offenses against the law of nations, the States have been deprived of a field of criminal jurisprudence. This area of the field they never possessed.

Last year, in hearings before the subcommittee presided over by the Senator from Idaho (Mr. CHURCH), Rita E. Hauser, U.S. Representative to the United Nations Commission of Human Rights, pointed out that "ratification of the Genocide Convention is a proper exercise of the treaty power." The convention flows from the provisions of the U.N. Charter on human rights by which an international organization was established but which also comprises a code of conduct binding to all members. The scope of treaties since 1945 has been diverse; genocide is a matter of concern to all states and one requiring common treatment. Massive horror anywhere affects all the world and is usually associated at some point with threats to or breaches of international peace and security. The fact that 75 states have entered into a treaty on genocide in and of itself makes the subject one of international concern. And, if genocide is a matter of international concern, then the United States has the constitutional power to enter into a treaty on the subject. In addition, the Constitution grants to the Congress in article I, section 8, power to define and punish "offenses against the law of nations." The world community by its widespread ratification of the Genocide Convention has defined genocide as a crime against the law of nations.

I strongly urge the Senate to consider the Genocide Convention not only a body of international law, but a building block of a world order, of a faith in the government of law and not of men. This convention is neither the first nor will it be the last convention we evaluate. It is my fervent hope that it is one of a long line of international law which will rid this earth not only of the scourge of genocide, but war, famine, repression, and barbaric government.

I again urge the ratification of this convention.

THE TOLL OF THE AIR WAR IN CAMBODIA

Mr. CHURCH. Mr. President, as American air operations above Cambodia expand, many thousands of peasants are added to the list of helpless victims of the widening Indochina war. In a perceptive column, Mr. Marquis Childs points this tragedy out:

> The voiceless, defenseless peasants in the jungle and the rice paddies have no protection from the destruction rained down from the skies. Even the choice of defection from the Vietcong, if they should want to defect, is denied them, since the bombs and the napalm know no political distinctions.

More and more, U.S. conduct in Indochina is being seriously questioned by many American citizens. Mr. Childs concludes his column by raising this issue:

> One of the serious charges leveled against the "good" Germans, the solid middle class, under the Nazis was their professed ignorance of or indifference to the systematic extermination of the Jews. Will the time come when we, the Americans, suffer in world opinion the charge of shutting our eyes to mass suffering and something like extermination?

I ask unanimous consent that Mr. Childs' column, entitled "Cambodia Air War: The Toll Grows," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIA AIR WAR: THE TOLL GROWS

(By Marquis Childs)

The expanded air war in Cambodia, contradicting the President's pledge of June 30, is adding new thousands of helpless victims to the awful toll of the conflict in Indochina. The voiceless, defenseless peasants in the jungle and the rice paddies have no protection from the destruction rained down from the skies. Even the choice of defection from the Vietcong, if they should want to defect, is denied them, since the bombs and the napalm know no political distinctions.

The plight of thousands—probably over the five years of the bombing hundreds of thousands—of men, women and children is a grim side of the war to which most of us shut our eyes. When to this is added the hapless state of several hundred thousands of refugees, together with the destruction of one-fifth to one-fourth of the productive land by defoliation, a whole people is seen to be nearing a point of no return.

As was shown in World War II, bombing is notoriously hit-or-miss, despite the charts and maps of highly organized areas. Where the targets are jungle trails and vaguely defined villages on indeterminate maps, it is a rigged form of Russian roulette.

The ultimate form of this deadly roulette is the free-fire zone. In Laos, and perhaps now also in Cambodia, such a zone is an open target where bombs may be unloaded indiscriminately.

So devastating is the impact of the suffering civilians seen at firsthand that Americans working in Vietnam were moved recently to speak out. Forty-six doctors, teachers, nurses, social workers—some with U.S. government agencies, others with voluntary groups—wrote President Nixon and United Nations Secretary General U Thant. The letter is a deeply disturbing document that got far too little attention.

It points to repeated violations of the Geneva and other conventions, including the charter of the Nuremberg Tribunal, covering the conduct of war. The letter quotes from a paper of the Military Assistance Command describing the effects on the Communist troops of the bombing of two Vietcong hospitals in the Queson mountains south of Danang. "The two-hospital finds could seriously hurt the NVA (North Vietnamese) and VC (Vietcong) operating in the Queson area by almost eliminating any chance of intensive medical care."

Article 19 of the Geneva Convention of 1949 states that "fixed establishments and mobile medical units of the medical service" shall under no circumstances be attacked but shall at all times be respected and protected.

"Nearly a third of the people of South Vietnam and Laos have been moved from their homes," the letter says. "Most of them are the victims of forced transfers by the allied military or saturation bombing or are farm people who have seen their land become unproductive because of the defoliation."

It is, to be sure, a guerrilla war—a war of unmitigated cruelty, the booby trap, the land mine. The inhumane treatment of American prisoners of war violates the Geneva Convention on many scores. But, presumably, someday this conflict will end and the question is what will happen to a people ground down so close to the survival line by years of war.

Sen. Edward M. Kennedy's subcommittee on refugees has been almost the only focus of concern for the plight of helpless civilians showing how empty is the official American rhetoric out of Vietnam about refugees resettled in supposedly pacified areas have been underwritten by the General Accounting Office.

One of the serious charges leveled against the "good" Germans, the solid middle class, under the Nazis was their professed ignorance of or indifference to the systematic extermination of the Jews. Will the time come when we, the Americans, suffer in world opinion the charge of shutting our eyes to mass suffering and something like extermination

This is not willful extermination, as with the Nazis, but in theory is the prosecution of a war. In the GI term the victims are gooks, faceless Asian peasants. But they are also human beings as capable of suffering and sorrow as though their skins were white.

TRADE POLICY FOR THE 1970'S

Mr. BENNETT. Mr. President, in a speech given by Mr. Harold B. Scott, Deputy Assistant Director of the Bureau of International Commerce on January 11, he sets forth considerations for a new trade policy for the 1970's. Mr. Scott outlined several new ideas, which I found to be interesting, informational, and deserving of our attention.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TRADE POLICY FOR THE SEVENTIES—A NECESSARY COMPONENT OF A COMPREHENSIVE U.S. FOREIGN ECONOMIC POLICY

With the increasing complexity of world affairs, U.S. foreign economic policy is attracting worldwide attention. In addition to our traditional preoccupations with the chronic problems of international monetary policies; the role in international affairs of the multinational corporations and a possible international convention governing their activities; the increasingly fierce competition for access to the world's resources of raw material and a viable economic role for the less-developed countries, there is now emerging a new awareness of the need to reexamine traditional U.S. trade policy.

The rush of events and the swiftness of their impact on the entirety of our international interests both political and economic, and both at home and abroad, compel a reassessment. It is still too early to forecast the position on which we shall finally settle, but for those who can look on this subject objectively (and there are few who achieve such Olympian detachment), 1970 was an interesting year.

Of course the Trade Bill was the catalyst which brought to the surface not only the most urgent trade problem (import policy) which now troubles our businessmen and government, but also this debate revealed a surprising depth of emotion. Strong and differing views abound. This is a healthy and overdue development; further I believe we are seeing only the beginning.

In the press, the speechmaking, Congressional hearings, and executive lunchrooms, there has been a strong tendency to relate the solutions to our present problems to past history. The Trade Bill has been likened to the Smoot-Hawley high tariff era of 1930 and staunch advocates of open borders recall with affection the days of the Kennedy Round. While, of course, there is much to be gained from an examination of trade policy history, circumstances today are quite different and we should take a fresh look at all aspects of trade policy with full realization that policies which stood us in good stead during the post-war years today may be obsolete. Also, I suggest that the traditional cliche of free trade versus protectionism is no longer applicable to today's problems. Such shibboleths have lost clear definition.

Because the controversy surrounding the Trade Bill really deals with only import policy, it limits the debate's focus and obliterates larger issues. Therefore, we badly need the time and forum for a lively and complete debate of all the major foreign economic issues. The Commission on International Trade and Investment appointed by the President should provide this. From this and similar studies, there should emerge a much better understanding of the full problem, its underlying causes, and finally the realization that new solutions on a scale far larger and more enduring than is presently being contemplated are necessary.

Let's very briefly dispose of history in this limited area of trade. During the post World War II years, the United States enjoyed unchallenged economic supremacy both in terms of the size of our base and our technology. We offered the world better products at better value and there was no one to challenge us seriously on either count. Also, we had developed unique marketing skills which further enhanced our near monopolistic position. Under such circumstances, we developed a voracious appetite for new markets, large or small, developed or otherwise. This so-called free trade policy served well our expansionist objectives. During this same period, we also enjoyed a clear superiority in capital resources. When we could not reach a market via export, we had the capital to invest in plant and marketing facilities; the multinational companies, a new and powerful economic concept, came into being, grew and prospered. Here again the United States was preeminent.

In this golden era our trade account showed large surpluses and until recently our balance of payments, unencumbered by the heavy military obligations of Vietnam, posed no serious monetary problem. The world moved with us towards freer trade. We encouraged the formation of the Common Market. Through our AID programs we built infrastructures, first in the war devastated industrialized countries and then in the developing areas. We watched with pride the emergence of Japan as an economic power—a tribute, we thought, to our enlightened military occupation. The Kennedy Round of tariff reductions marked a new high water mark of the freer trade era.

In the late 1950's, the first signs of difficulty developed in balance of payments, and with it came a vague awareness that all was not well with our foreign economic policies. The problem, of course, was principally due to the drain on the economy occasioned by the high cost of Vietnam; unaware at that time of either the duration or the depth of problem, quite naturally we reacted tentatively—first, by exhorting the business community to place greater emphasis on exports and later by imposing restrictions (first voluntary and later obligatory) on the amount and rate of overseas investment.

Imperceptibly, in the early 1960's, and with increasing rapidity in recent years, difficulties in the trade account revealed a deeper and more fundamental problem—a loss of competitive advantage. The U.S. businessman, who formerly considered the home market his private preserve and other world markets virtually his for the taking, now finds himself in hotter competitive water. Abroad, the U.S. share of world markets has declined from 21.0% in 1960 to 18.4% in 1969. At home, the rate of imports increases significantly, and inflation is not the only reason. The vast U.S. market once considered so large, so complex, and requiring such extraordinary commitments of talent and money, as to be beyond the reach of all but a handful of powerful foreign companies has now responded to overseas ingenuity and energy to the point where some industries find themselves genuinely imperiled. To survive they need either protection or a total overhaul in terms of technology, traditional management/labor concepts and profit expectations. Whatever the solution, adequate time for adjustment is essential. At present, the labor intensive industries such as shoes and textiles are the most affected. There is evidence, however, that in the foreseeable future many other industries will feel foreign competitive pressure. The Japanese, for example, have embarked upon a program to produce large and advanced civil aircraft. Computer technology in Europe is well advanced and in time can be expected to rival ours. Japan and Russia also have ambitious plans for advanced computer production—and so it goes.

With this background let's now examine some of the underlying causes common both to the relative deterioration of our participation in world markets and the surge of certain import categories:

The technological advantage so frequently discussed in terms of U.S. supremacy is fast disappearing. Both Japan and Europe have or shortly will achieve parity.

The "Japanese phenomenon" combines low labor cost with high technology, a formidable competitive advantage.

The development of new attitudes in the United States toward international trade has lagged behind events. Since the U.S. earns only approximately 4 percent of its GNP from trade, neither the government nor the business community attaches as high a priority to exporting as is done in competing countries. Our overall policies, both public and private, have generally been formed without consideration of the impact they may have on our ability to export. Conversely, our competitors, who generally derive much more of their GNP from trade, take great care to frame their policies so as to facilitate their trade. The obvious result is that U.S. exporters are put at a disadvantage. There is a growing awareness of this problem, and the Government is seeking to create a more competitive environment for exporters through such proposals as the Domestic International Sales Corporation and the effort to remove the Export Import Bank from the Federal Budget.

Businessmen must also readjust their perspectives; despite their strong international interest, they still remain primarily oriented in terms of product and traditional management concepts to the U.S. market. Few have awareness that in many vital areas other nations have devised "better mousetraps," particularly in intangible procedures and concepts. For example, how many of our corporate executives have an in-depth knowledge of the Japanese system and have decided whether or not they could usefully emulate parts of the Japanese system.

Until recently the United States has not recognized its vital need for more trade as concomitant support to both its international and domestic objectives, as have all other developed nations.

Britain for balance of payments reasons;

Japan as an urgent aspect of renascent national status;

Germany because its economic appetites cannot be satisfied within its confining home market.

Nations that rely heavily on international trade long ago learned the importance of close collaboration between business and government so as to achieve maximum advantage in overseas dealings. We in the United States have not yet fully learned this lesson. We can benefit a breat deal by closer collaboration and by adopting such of those policies as are compatible with our overall economic structure.

There is only beginning realization in the United States of the greatly increased speed of change and its critical effects. We have not yet adjusted our decision-making machinery accordingly, but we are making an effort to improve our performance in this area.

To this description of trade problems, I add two other foreign economic problems uninvolved in the Trade Bill debate over import policy but still critically important:

While we accept among ourselves that we do have a serious balance of payments problem we are reluctant to accept suggestions from foreign sources that we give greater visibility to our awareness of this problem. We would do well to realize that as the Common Market and Japan grow and we approach economic parity, it is desirable to have a common dialogue on matters of mutual concern in order to create the vital sense of participation so necessary to healthy international trade.

Probably most important of all is the relative capability of the United States to continue its world leadership role.

In formulating policy if we accept as fact that the dominant role of the United States is diminishing (and I think this may be beneficial for the world as a whole), then we must be intensively realistic in terms of our trade and investment policies. We have no choice as to whether or not we wish to compete, we cannot avoid it. But in so doing we must recognize realities both at home and abroad and build our policies on the world as it is, not as we would have it in our dreams. While the United States must continue working with other trading nations to further the realization of freer trade and investment, it can no longer afford the handicap of a double standard—one set of rules for the United States and a more relaxed code of conduct for the nations it competes with.

In accepting as fact that the United States does indeed have serious balance of payments problems, we must face this challenge head on by committing ourselves to working toward its solution by increasing exports; accordingly, our trade policy must provide a special environment for exports substantially equal to that of other nations. Specifically they need—

Via the private sector, adequate export financing at competitive rates of interest and continuation of the revitalized role played by the Export-Import Bank. As I mentioned before, we are getting a start on this problem by trying to move the Export-Import Bank out of the Budget.

Competitive taxation of export earnings. The DISC proposal is a good start in this direction.

Closer teamwork between government and business to pursue an aggressive trade development policy. We are currently looking for the best means of achieving this goal.

Once we create adequate motivation to export, I am confident U.S. business can do the job effectively.

As to imports, what is important is acceptance of the fact that if we are to maintain an integrated economic base, industries suddenly affected by massive imports must be given adequate time to adjust so as to compete or diversify. We do not seek a built-in system of protection or subsidy that breeds inefficiency.

A clear and consistent trade policy should recognize that the trade and investment activities of the multinational companies are strongly interrelated. Not only is their continued growth an important element of basic U.S. economic strength but also their activities contribute very substantially to our exports. Therefore, continuing restrictions on the rate of our overseas investments or international convenants restricting the activities of multinationals works to the detriment of our international economic growth.

Similarly related is the question of monetary adjustment. If only from the standpoint of maintaining our trade negotiating strengths, we must solve our balance of payments problems ourselves. Too often we read suggestions that the best solution to the U.S. balance of payments problem is a revaluation upwards of the currencies of our major competitors. If we persist in such suggestions, the U.S. will weaken its legitimate and pressing claims in other important trade and investment areas.

To restate in summary, events are moving swiftly. Both government and business must show great flexibility in adjusting policies to meet changing circumstances. We must face candidly the fact that in world markets, including the United States, our products are losing share of market. Government must continue to develop policies that provide competitive climate for exports and investments. Given such appropriate climate, business must accept the challenge to compete. Government and business must work together as an effective team. Once our strengths are effectively harnessed there is no question that we can do the job.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDENT pro tempore. The period for the transaction of routine morning business having expired, the Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I rise to support the motion of the distinguished Senator from Alabama (Mr. ALLEN) that consideration of the motion of the distinguished Senator from Kansas (Mr. PEARSON) to take up the proposed change in rule XXII be postponed until the next legislative day.

Mr. President, Mark Twain is reputed to have said:

> Truth is precious. Use it sparingly.

But on this occasion I do not propose to take Mark Twain's advice. Instead, I expect to be rather extravagant in the use of truth, both in the amount of the dosage which I should like to give to the Senate and also in the number of words which I expect to employ in administering it.

I expect to look to history, despite the fact that some of my brethren have said we should not look back to the words of Jefferson or Washington or the other great men of the past.

Indeed, I sometimes suspect that some of my brethren entertain the opinion expressed by the late Henry Ford when he was sued for libel. He stated that he considered history to be bunk; and when asked who Benedict Arnold was, he confused him with a popular writer of the day, Arnold Bennet, and said he was a novelist.

Mr. President, I am not the only person who has some veneration for history. The founder of the Democratic Party, Thomas Jefferson, said, on one occasion:

> History informs us of what bad government is.

One of my purposes in looking back to history is to let Senators know what some may have forgotten. In times past, we have had some bad government in our great Republic.

The great French philosopher Lamartine said:

> History teaches everything, even the future.

One of the reasons I expect to look backward to history is that we may know from the history of the past what the future may be.

The great German philosopher Von Schlegel emphasized that point. He said:

> A historian is a prophet looking backward.

The reason I wish to look back to history is in the hope that we might avoid the misfortune which George Santayana predicts for those who ignore the lessons of history. He said:

> Those who cannot remember the past are condemned to repeat it.

So I look to the past—that is, to history—because I want the Senate to look to the future and appreciate what the result might be, if the Senate should repudiate all of its history since 1789, and change rule XXII so that Senators can be silenced in the hope that impatient men and organizations will get their way.

When the rulers of the Nation ignore the lessons of history, they condemn the Nation to repeat the mistakes of the past.

I wish our country to have a great future. I wish my seven little grandchildren and their contemporaries to enjoy life in a nation which has institutions that safeguard the people against governmental tyranny. Every time a new Congress comes to Washington, we repeat the performance we are witnessing concerning rule XXII. I am convinced that there is no popular demand abroad in our land for a change in rule XXII. I think that the effort which is made every 2 years by those who seek to change the rule and to destroy the only thing that makes the Senate a distinctive legislative body comes from a few organizations dominated by impatient and, I fear, sometimes intemperate men. If it were not for such organizations, dominated by impatient, and, as I fear, sometimes intemperate men, the Senate could proceed immediately to its work whenever a new Congress convenes, and not be engulfed by a demand that it destroy a landmark which makes the Senate the greatest deliberative body on the face of the earth and the only legislative body now remaining in our precarious world which allows a minority a reasonable opportunity to debate and convert itself into a majority.

We live in a rather dangerous age for America, because we have abroad in our land many men who give their allegiance to what may be called the cult of conformity. For some strange reason, those men no longer put value on such things as the right of any American to dissent from the views of the majority. If they had their way, they would compel every American to quit thinking his own thoughts and to adopt theirs, and they would compel every American to conform his actions to their wishes rather than to his own honest convictions.

We sometimes see the cult of conformity accepted among men in high places. The impatient organizations which demand that the Senate lay aside its work every 2 years and discuss a proposed change in rule XXII apparently suffer under the delusion that if they could find some way to keep Senators from pointing out the folly of some of the notions they entertain, they could induce the Senate to put their ideas of conformity into law and impose them upon all the American people. They suffer under a delusion, because I think the reason Members of the Senate will not vote for their proposals is that Senators recognize that the proposals are unwise. Senators will possess the power to make other Senators think that the notions of these impatient men in the cult of conformity are unwise, so long—and only so long—as the Senate retains rule XXII in its present form and thereby secures to the minority of the Senate an opportunity to enlighten their colleagues and the country at large with respect to the unwisdom of proposals for legislation made by impatient and, as I have said, intemperate men and organizations.

As I have stated, there is a controversy about rule XXII every time a new Congress meets.

I have been much intrigued by the reasons given in times past, during my service in the Senate, by those who seek a change in this rule.

When I first came to the Senate the proponents of change in rule XXII said that we should change the rule because the southerners thwarted the will of the Senate. I do not claim to be an expert in mathematics, but I have not been able to comprehend how anyone can delude himself into believing that 22 southerners can thwart the will of 78 other Senators. As a matter of fact, rarely do 22 southerners stand together on this proposition or any other. Usually several secede from the Confederacy. The charge that a few sinful southerners who never number more than 22 can thwart the will of 78 other Senators is preposterous. It always makes me think of the story which I have told before in the course of these discussions.

I think all Senators have enjoyed at times seeing the cartoons which depict Jiggs and his wife Maggie. On one occasion one of these cartoons showed Jiggs and Maggie on a visit to Spain. They were walking along the streets of Madrid when Maggie became irritated with Jiggs and proceeded to visit her irritation upon his person. It happened that a few days before Jiggs had learned about the existence of a society in Spain called the Kazooks. The Kazooks were composed of married men who had developed some idea of forming a self-protective organization to guard themselves against injury at the hands of their wives. Jiggs had become a member of this organization. Each Kazook had taken a blood oath to come to the relief of any brother Kazook when that brother was threatened by his wife and gave the word of distress, "Kazook." On this occasion when Maggie started to vent her irritation upon Jiggs, Jiggs remembered this fine and great organization which he had joined, so he gave the word of distress, "Kazook." The cartoon then showed about a thousand fellow Kazooks come running to Jiggs' assistance. The cartoon then depicted the fact that Maggie took her umbrella and laid all the Kazooks out. The last picture in the cartoon on that occasion showed Jiggs in the hospital, all bandaged up, and philosophizing thus:

> The idea behind this Kazook Society is pretty good, but the trouble with the society is it hasn't got enough members.

That is one trouble about the southern Members of the Senate. I think it would be a good thing for the country if there were more of them in the Senate, provided they entertained the same sound views on all subjects that I do. I am bound to confess, however, they do not all do that.

When I first came to the Senate the excuse was that rule XXII had to be destroyed, that the freedom of debate that has existed in the U.S. Senate since George Washington was inaugurated as President, had to be abolished, to keep 22 sinful southerners from thwarting the will of all other Senators. That excuse became somewhat threadbare when a person used only a little mathematics, so the proponents of rules change abandoned that insupportable contention as the basis for demanding a rules change.

And well they should, because the Senate obtained cloture under rule XXII and enacted every conceivable law which tends to reduce the erstwhile States of the old Confederacy to the status of conquered provinces.

The next thing the proponents of rules change did was to come in at the beginning of a session of a new Congress with a very eloquently phrased document saying that the rules of the Senate had to be changed, particularly rule XXII, because the rules of the Senate were conceived by the minds and written by the hands of men who were sleeping in "the tongueless silence of the dreamless dust." The proponents of rules change evidently came to the conclusion that there was no wisdom on earth until the present generation arrived.

I may be guilty of some heresy in saying this, but I happen to entertain the view that there was a considerable amount of wisdom on this earth before my colleagues and I reached this earth or reached the U.S. Senate; but the proponents of rule changes came in at the opening of the particular Congress to which I refer with the demand that the rules of the Senate be rewritten, and particularly rule XXII, because they were conceived by the minds and written by the hands of dead men.

This movement did not get very far in that particular Congress, because, after some days of debate, it slowly began to dawn upon certain Members of the Senate that the Ten Commandments were brought down off Mount Sinai by Moses, and that Moses had been sleeping the everlasting sleep on the top of Mount Nebo for many generations. So that conviction, which came to Members of the Senate as the debate progressed, tended to weaken the contention that the rules of the Senate had to be changed merely because some of them had been written by men who had passed into the Great Beyond.

Then, after some days of debate, it occurred that those who embrace most of the great religions of the earth, and particularly Christianity, received their religious doctrines from the Man of Galilee and His successors, such as St. Paul and St. Peter and the rest of the Apostles and Disciples. It dawned upon the Senate, after some days of debate, that the Man of Galilee, St. Paul, St. Peter, and the rest of the apostles and disciples, had vanished from human life, in their physical persons, many centuries ago. The realization of that truth tended to minimize the appeal of those who urged that rule XXII ought to be changed, and that other rules of the Senate ought to be rewritten because they had been conceived by the minds and written by the hands of men now dead.

It was further called to the attention of the Senate, during the debates on that occasion, that the barons who exacted Magna Carta from King John at Runnymede in about the year 1215 had also descended into the "tongueless silence of dreamless dust" many generations and centuries ago; and even those who did not like documents such as the Senate rules, which had been conceived in the minds and written by the hands of men now dead, had to concede that there were some things in Magna Carta that they were not willing to rewrite, or to alter.

As the debate on that occasion continued, the contention that the rules of the Senate had to be rewritten because they were conceived in the minds and written by the hands of men now dead became even weaker. It suddenly dawned upon the proponents of rule changes in that session that Thomas Jefferson, the author of the Declaration of Independence, as well as all the men who framed the Constitution of the United States, were likewise sleeping in the "tongueless silence of dreamless dust." So the effort to rewrite the rules of the Senate, and particularly rule XXII, because they were written in part by the hands of men now dead, lost its driving force; and the majority of the Senate decided that perhaps, after all, the Ten Commandments, the Gospel, Magna Carta, the Declaration of Independence, the Constitution, and the rules of the Senate had much virtue in them notwithstanding that the hands which wrote those great documents or those great rules originally had tumbled into dust in the grave.

The next argument that was made to justify a change in the rules was that rule XXII prevents majority rule. This argument is based fundamentally on the proposition that the way the Government ought to be conducted is not on the basis of debate, not by reason, not by adherence to principles, not by correctly appraising the welfare of the American people, but by counting the number of noses on one side and the number of noses on the other side of a proposition.

So the proponents of rules changes say, "We want majority rule. We want to count the noses on this side of the question and the noses on the other side of the issue and decide the issue on that basis, without adequate debate, without reasoning together, without determining an intellectual conclusion on which side wisdom lies and on which side folly is to be found."

Mr. President, the Founding Fathers were great students of the history of men's bitter struggle for the right of self-rule. They know that man had wrested every right he had in this area—the right of freedom, the right of freedom of speech, the right of freedom of religion, the right of self-government—from tyrants. Anyone who reads the Constitution of the United States and studies the speeches and writings of the men who framed that immortal document, and anyone who studies the debates which raged around the ratification of that document by the States, and anyone who reads "The Federalist" knows that the Founding Fathers were seeking to establish a government to preserve liberty and prevent tyranny.

We are told on the floor of the Senate by some of the proponents of the proposed rule change that our Government does not work fast enough, that it does not pass laws fast enough, and that it is not efficient enough. Those who make these assertions overlook one thing which was well known to the Founding Fathers, and that is that if we want an efficient government, we must have a dictatorship. If the Founding Fathers had been concerned primarily with establishing an efficient government, they would not have established a House of Representatives and a Senate; they would have established only one legislative body. One legislative body can pass a law a great deal faster than two legislative bodies.

This is particularly true if the one legislative body had rules similar to those of the House where it is virtually impossible for any Member to speak for more than 5 minutes on any issue and where sometimes bills are passed under a closed rule which forbids any Representative of the 435 Representatives, who are supposed to represent 200 million people, from even proposing an amendment to a proposed law.

However, the Founding Fathers knew that any one legislative body can make mistakes. Therefore they created the Senate, in order that the Senate might remedy the mistakes in legislation committed by the House, and they created the House, in the hope that the House might cure any errors which the Senate might make in legislation.

Some days ago the able and distinguished senior Senator from Texas (Mr. TOWER) called to our attention the historic incident when Jefferson returned from France and had a conversation with George Washington, who was the Presiding Officer of the Constitutional Convention. George Washington and Thomas Jefferson were drinking coffee on that occasion. Thomas Jefferson, in accordance with the fashion of the day, had poured some of his coffee into the saucer to cool it.

Thomas Jefferson asked George Washington why the Convention had created the Senate, instead of reposing all legislative power in the House of Representatives. George Washington replied: "The Convention created the Senate in order that it might do the same thing that your saucer is doing. You are cooling off your hot coffee in your saucer. The Constitutional Convention created the Senate in order that the hot legislation passed by the House might be cooled before it is poured down the throats of the people of America."

A few days ago a very distinguished Member of this body who had been reelected to it after having served with distinction as the Vice President of the United States—namely, my good friend, the distinguished junior Senator from Minnesota (Mr. HUMPHREY)—was interviewed by Chuck Quinn on the program entitled "New Faces in the Senate."

In the course of that interview the junior Senator from Minnesota (Mr. HUMPHREY) said this:

> But I think you have to take into consideration that the Senate and the House are not only political institutions; they are human institutions. The Senate has a personality of its own, no matter who occupies the chair of the Senate; it's one of the truly great American institutions. When we speak of free speech, we speak of freedom of choice. I think the Senate symbolizes all of this. Actually, Senators are very individualistic.

The distinguished junior Senator from Minnesota put his finger on the thing for which those of us who oppose any change in rule XXII are fighting.

We are desirous of keeping the Senate as a unique institution where Senators have a right, in the words of the Senator from Minnesota, to be different and in which even a minority of Senators have a right to free speech. We wish to preserve the Senate as the only legislative body on the face of our precarious world in which a minority of the Members have an opportunity to speak for a reasonable period of time and thus to convert itself into a majority.

I wish to quote further from the interview with the distinguished Senator from Minnesota by Chuck Quinn, to which I have alluded. I quote these additional remarks of the Senator from Minnesota:

> If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the first amendment, particularly as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution.

Those of us who oppose any change in rule XXII are fighting to keep the Senate the kind of body which the Senator from Minnesota (Mr. HUMPHREY) rightly praises as a legislative body fulfilling most adequately the provisions of the first amendment which guarantee to Americans freedom of speech, freedom of religion, freedom of the press, and freedom to assemble and petition Government for a redress of grievances.

I would like to read to the Senate, and particularly to the present occupant of the Chair (Mr. STEVENSON), a very wise statement made by a great American, Adlai E. Stevenson, who served the American people as Vice President under Grover Cleveland. Vice President Stevenson said:

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls to conserve, to render stable and secure the rights and liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits of its own powers. Of those who clamor against the Senate, and its methods of procedure, it may truly be said; "They know not what they do." In this chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgement, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Mr. President, that is the end of the quotation by Vice President Adlai E. Stevenson. To the view expressed by Vice President Adlai E. Stevenson, the Senator from North Carolina says a hearty "Amen," and takes pride in the fact that some of the ancestors of Vice President Adlai E. Stevenson resided in North Carolina. Many of his relatives who still reside there are personally known to the Senator from North Carolina as outstanding North Carolinians.

Now, with respect to majority rule, anyone who reads the Constitution of the United States discovers that there are many provisions in the Constitution which forbid a majority to take action. For example, the Constitution provides that each House, that is, the Senate and the House of Representatives, may expel a Member. It declares, however, they cannot expel a Member by less than a two-thirds majority.

The Constitution also provides that the House of Representatives may impeach a President or other civil officer of the Federal Government for treason, bribery, or for other high crimes and misdemeanors; that power to determine the truth or falsity of the impeachment charges is reposed in the Senate, and the Senate cannot convict a President or other civil officer of the Federal Government of the charges embraced in the impeachment charges by the House except by a two-thirds majority. Moreover, the Constitution provides that Congress cannot submit proposed constitutional amendments to the States except by a two-thirds majority.

The Constitution also provides that the President can negotiate treaties, but that such treaties shall have no binding force unless they are approved by a two-thirds vote of the Senate. The Constitution also provides that each House may make rules for its own proceedings. Under this Constitutional provision the Senate makes rules for its proceedings which, under the rules, continue from Congress to Congress unless they are changed, in accordance with the provisions of the rules.

Now, I have heard it asserted on the floor of the Senate that a majority of the Senate can change the rules of the Senate at the opening of a new Congress.

With all due respect to those who profess allegiance to this doctrine, I say it is without validity. This is true because the Senate has exactly the same power to change its rules on the last day of the session that it has on the first day of the session. The power of the Senate under the Constitution is exactly the same in this respect each moment during a session of Congress. And I challenge any human being on the face of this earth to point out any provision of the Constitution which provides to the contrary.

If the Senate can change its rules by a majority vote on the first day of the session, it can change them by majority vote on every day of the session, and is without constitutional power to adopt any rules which would prevent a majority acting at any time on any subject, without any notice to anybody.

Going back to the question of majority rule, in a book entitled "The Essential Lippmann," the editors set forth some observations which the great journalist and commentator, Walter Lippmann, had to say on this subject. I read from pages 217, 218, 219, and 220 of that book. Mr. Lippmann said this:

> It is generally assumed that it is rather undemocratic and disreputable to carry on a filibuster in the United States Senate. The filibuster is, of course, a weapon of the minority. It is a device for prolonging the debate in order to prevent the majority from voting to pass a bill, and those who feel that democracy means that any majority should be able to do whatever it chooses whenever it chooses naturally condemn the filibuster.
>
> They are, I think, mistaken. It can be shown, I feel sure, that the filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and that it is one of the very strongest practical guaranties we possess for preserving the rights which are in the Constitution.

Then Mr. Lippmann points out that where a strong majority of the Senate really wants to put an end to debate, it can do so. Then he adds these remarks:

> Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole Constitutional system is based on a conscious and deliberate rejection of that principle, and the insistence, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy. . . .
>
> Thus there is no guarantee in the Constitution—of freedom of conscience, of the press or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did five years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic system or the Constitutional rights of the individual.
>
> That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people. That is what is meant by the checks and balances of the American Constitution. That is why we have a Constitution which limits the power of Congress, of the President, of state legislatures and of governors. That is why the Constitution is interpreted by an independent judiciary. That is why this Constitution cannot be amended until an enormous and deliberate majority speaking through two-thirds of both houses of Congress and three-quarters of the states consents to the amendment. And that is why in one of these houses, the Senate, we have the jealously guarded tradition of unlimited debate, and why a majority of the Senate is very reluctant to apply cloture and stop debate.
>
> No frame of government can absolutely guarantee human liberty. But the American system, whatever its other faults may be, is the most ingeniously and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion.
>
> If we ask ourselves how we are to know when a minority is justified in using the mechanism to obstruct the majority, the answer is, I think, clear enough. Only a minority with deep convictions facing a majority with weak convictions can under the present rules conduct a filibuster.

That is the end of the present quotation from Mr. Lippmann. I would like to emphasize his statement that the American system is the most ingeniously established and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion. With all due deference to the advocates of a change in rule XXII, I am compelled to say that, either consciously or unconsciously, they seek to destroy the one thing which makes it possible for a minority of the Senate to effectively fight any effort to abolish liberty in a gust of popular passion.

Two days ago I remarked that, in their ultimate results, there is virtually no difference between cloture by a majority and cloture by a three-fifths majority. I say that for the reason that the President of the United States has power which beggars description to work his will on a substantial majority of legislators in the Congress of the United States. He can influence some of them by agreeing to appoint their friends to Federal judgeships, to Cabinet posts, or to other high offices. Moreover, the President of the United States has the power to dictate the terms of all contracts whereby Federal money is to be expended for public purposes.

I am compelled to say that by reason of this tremendous power over the public funds, the President of the United States has the power to obtain the support of some Senators, by allocating the expenditure of public funds to the States which they have the honor to represent. By these methods, I state my honest conviction, and I state it with reluctance, that an activist President would have very little difficulty in converting a simple 51 majority of the Senate to a three-fifths majority, and thus take control of the Senate of the United States, which is the last legislative body on the face of the earth where a substantial minority can put an end to the tyranny of the majority, or limit the powers of the President.

I read further from the statement of Walter Lippmann:

> In the American system of government the right of "democratic decision" has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of "democratic decision."
>
> The American idea of a democratic decision has always been that important minorities must not be coerced. When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision—to respect the opposition and then to accept the burden of trying to persuade it.
>
> For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by the vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the "democratic decision" has produced hypocrisy and lawlessness.
>
> This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device, to prevent large and determined communities from being coerced.
>
> The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by Constitutional amendment but by a subtle change in the rules of the Senate.
>
> The issue has been raised in connection with the civil rights legislation. the question is whether the vindication of these civil rights requires the sacrifice of the American limitation on majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

As I stated a few moments ago, there is no longer any necessity to change rule XXII in order to obtain the enactment of civil rights bills. Those who advocate such bills have secured cloture on virtually all recent occasions, and have enacted every conceivable civil rights bill that can be devised by the mind of man. Hence the question now is whether minorities—liberal minorities, conservative minorities, minorities of taxpayers, minorities of farmers, or any other minorities of Americans—are going to be denied what Walter Lippmann calls the democratic decision process, and are to be coerced by transient majorities. It can no longer be considered a southern weapon, except insofar as southerners seek to preserve its benefits for other Senators and the country.

On one occasion, a great Senator from Missouri, Senator James Reed, had something to say in respect to majorities. He pointed out the dangers of unchecked and unbridled majority rule, and he gave us this trenchant resume concerning what majorities have done in times past. He said:

> The majority crucified Jesus Christ.
>
> The majority burned the Christians at the stake.
>
> The majority drove the Jews into exile and to the ghetto.
>
> The majority established slavery.
>
> The majority chained to stakes and surrounded with circles of flames martyrs through all the ages of world's history.
>
> The majority jeered when Columbus said the world was round.
>
> The majority threw him into a dungeon for having discovered a new world.
>
> The majority said that Galileo must recant or that Galileo must go to prison.
>
> The majority cut off the ears of John Pym because he dared advocate the liberty of the press.

I shall subsequently quote remarks by a wise Frenchman on the question of the wisdom of the majority.

The Founding Fathers did two things to preserve liberty and to prevent tyranny. They used what is properly called the doctrine of the separation of governmental powers in the Constitution. They also inserted in the Constitution what we know as the system of checks and balances. Why did the Founding Fathers do that when they drafted our Constitution and created the Government of the United States? They did it because they had read the history of man's long and bitter struggle to escape from governmental tyranny, and they had found this lesson written in letters of blood on each page of history: "Government itself is the deadliest foe of liberty."

The Founding Fathers separated the powers of government in a twofold manner. In the first place, they separated the powers of government between the Federal Government and the States by assigning to the Federal Government the powers necessary to be exercised on a national level, and by preserving to the States the powers which in equity and in good conscience ought to be exercised on the local level. They employed the doctrine of the separation of powers in the second sense by separating the powers of the Federal Government among the executive department, the legislative department, and the judicial department of the Federal Government.

In their wise efforts to establish a government under which men could remain free, and enjoy a government of laws rather than of men, they also inserted in the Constitution what we call the system of checks and balances.

The Constitution provides that all the legislative power of the Federal Government is vested in Congress, but the Founding Fathers wanted to put some check on possible abuses in legislation by Congress, so they vested in the President the power to veto measures. Then, in order to put a counter check upon the President and thus prevent the President from vetoing wise legislation as distinguished from foolish legislation, the Founding Fathers inserted in the Constitution the provision that Congress could override Presidential vetoes by a two-thirds vote.

Another illustration of the system of checks and balances placed in the Constitution by the Founding Fathers to prevent governmental tyranny is found in the provisions which say that the President is the Commander in Chief of the Army and the Navy, but that Congress shall have control of the power of the purse and make appropriations for the Army and Navy, but that no appropriation made by Congress for the Army or the Navy shall endure for more than 2 years.

The purpose of that provision was to prevent a President from being able to become a dictator by complete control of the Armed Forces of the Nation.

I could go on at great length to point out how careful the Founding Fathers were to draw a Constitution which would prevent oppression of the people by any governmental power.

One of the finest documents on government, particularly on the American system of government, was written by a Frenchman who visited America and acquired a very profound knowledge of our system of government, and who already possessed a profound knowledge of human nature. I refer to Alexis de Tocqueville's book "Democracy in America." This is a book which contains some very sage advice for those of us who believe the Founding Fathers were wise in recognizing that the most important thing they could do for the benefit of their fellow Americans was to establish a system of government which would be devoted primarily to the preservation of liberty, rather than efficient government.

We talk about majority rule, which, as I have said, in the eyes of those who disagree with us who think we should debate public questions, is regarded as a counting of noses rather than the use of human reason and human powers of persuasion. Such majority rule is fraught with danger. De Tocqueville, on page 259 of volume 1 of his "Democracy in America," said this concerning the fact that majorities cannot safely be trusted:

> A majority taken collectively is only an individual, whose opinions, and frequently whose interests, are opposed to those of another individual, who is styled a minority. If it be admitted that a man possessing absolute power may misuse that power by wronging his adversaries, why should not a majority be liable to the same reproach? Men do not change their characters by uniting with one another; nor does their patience in the presence of obstacles increase with their strength.

That is a very sage observation. I am very much impressed by what the writer said, that the impatience of men does not increase with their power. I believe there are reasons to believe that some of the fine Members of the Senate are somewhat impatient.

They wish to put their reforms into effect before the sun goes down and are willing to destroy the only thing that makes the Senate a distinctive legislative body in order to do so.

That is why the Founding Fathers sought to set up a government which would prevent the tyranny of the majority. They had studied the history of man's long struggle for the right of self-government, and they had found, as a result of reading, that no man or set of men on this earth can be safely trusted with unlimited governmental powers.

I have been reading from the book entitled "Democracy in America," written by Alexis de Tocqueville. I will read another passage on the same subject. He is discussing the unlimited power of the majority. I now read from page 260:

> Unlimited power is in itself a bad and dangerous thing. Human beings are not competent to exercise it with discretion. God alone can be omnipotent, because His wisdom and His justice are always equal to His power. There is no power on earth so worthy of honor in itself or clothed with rights so sacred that I would admit its uncontrolled and all-predominant authority. When I see that the right and the means of absolute command are conferred on any power whatever, be it called a people or a king, an aristocracy or a democracy, a monarchy or a republic, I say there is the germ of tyranny, and I seek to live elsewhere, under other laws.
>
> In my opinion, the main evil of the present democratic institutions of the United States does not arise, as is often asserted in Europe, from their weakness, but from their irresistible strength. I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny.

Here one of the securities against tyranny is rule XXII of the U.S. Senate, which provides that the votes of two-thirds of the membership of the Senate are required to silence those who wish to speak for the welfare of their country. The proponents of the rule change seek to destroy the last remaining security to guard the liberty of America.

Although a Member of the Senate is not supposed to speak in a disparaging manner about the House of Representatives, I cannot forbear thinking that we have in the House of Representatives an illustration of how gag rules impede intelligent action.

In the House a system of rules has grown up under which it is almost impossible for the average Member to get an opportunity to make a speech. When he does get the opportunity to make a speech, ordinarily he cannot speak for more than 5 minutes. Under what is called the closed rule, a Member cannot even get the right to offer an amendment to a bill. The more power that is given to an individual the more power he wants, and the less liberty he is willing to give to other people.

As I have stated previously, cloture by 60 percent is only one step on the road to a system of cloture under which 51 percent of the Senate would deprive the other 49 percent of the Senate of their right to represent their States in the Senate.

Stating this proposition in another way, if the proposal embraced in the resolution of the distinguished Senator from Idaho and the distinguished Senator from Kansas were to be adopted, Senators representing 30 States in this Union could absolutely deny Senators representing the other 20 States any effective means for representing those 20 States in the Senate.

I stated at the outset of my remarks that I thought that, in the last analysis, there is no pronounced demand from the country at large for any change in the Senate rules; on the contrary, the demand comes, every time a new Congress assembles, from three to four organizations which are dominated by very impatient and, as I have said, sometimes intemperate men.

In other words, they want to impose their will upon the American people before the sun goes down. We are in a peculiar situation in America today. We used to have legislative bodies which passed laws to regulate the external actions of people when such external actions injured other people. We have today in the United States an almost overpowering demand from these impatient organizations for the passage of laws which would impose on all men the legal duty that they think thoughts similar to what they are thinking, and to commit such acts as those who are pressing for the changes want them to commit. They would destroy freedom of speech and freedom of thought for everyone who disagrees with them. In other words, they belong to the cult of conformity. Some of the men have tremendous power. Not only can we not trust men with unlimited governmental power; we cannot trust men with unlimited power to control the Government—at least, we cannot do so safely.

I shall read one more extract from page 269 of De Tocqueville's book entitled "Democracy in America." It relates to the dangers of majorities. De Tocqueville said:

> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority.

I want to repeat that:

> If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority.

I have discussed three of the reasons advanced for asking for rule changes. The first was that a rule change is needed because there is a danger that a few sinful southerners, who at most never constitute more than 20 percent of the membership of the Senate, are controlling the other 80 percent. As a matter of mathematics, that contention is without foundation.

Then I discussed their contention that the rules of the Senate should be changed because some rules of the Senate, like the Ten Commandments, the Bible, Magna Carta, the Declaration of Independence, the Constitution, and George Washington's Farewell Address to the American people, were written by men whose hands have crumbled into dust in the grave.

The third reason given for a change was that rule XXII prevents majority rule in the Senate.

There was another argument, which was made a few years ago. It was said that the Senate was like a kind of governmental atom, sailing aimlessly upon the sea of chaos. It was said that the Senate, like the House of Representatives, had no rules at the beginning of a new Congress; that the Senate is not a continuing body; that actually it had no rules and had to adopt rules at the beginning of a new Congress.

If I may change the metaphor, the proponents of a change in the rules were saying, in effect, that the Senate was like Josh Billings' mule: It "didn't kick according to no rules"; and the reason why the Senate could not act was, like Josh Billings' mule, that the Senate had no rules. This is what we were accustomed to hearing at the beginning of every new Congress.

There were several weeks of debate, during which those who proposed rule changes did most of the speaking. They said that since the Senate had no rules, the majority of the Senate had constitutional power to change the rules or to adopt rules at the beginning of a Congress, but did not have that power at any other time in a Congress. Of course, as I have remarked, that argument had no validity, for two reasons. In the first place, the Senate came into existence in 1789. It adopted rules in 1789. It has had the rules ever since 1789, and those rules have been changed on several occasions—four in number, as I recall.

The Senate has always proceeded according to those rules at the beginning of each new Congress, as well as at the latter stages of each Congress. So the proponents of a rule change who said the Senate had no rules were confronted with the fact that the Senate had had rules long before they were born, and that the Senate had always regarded those rules as continuing from session to session.

Another obstacle confronted those who advanced this argument. They argued that the Senate could change its rules by a majority vote at the beginning of each session, but not later in the session. It is an obvious absurdity that the Constitution of the United States changes its meaning from the first part of a session to other stages of a session. The constitutional truth is that the Senate is empowered to make the rules of its own proceedings, and this provision of the Constitution applies at the beginning of a session and during every day of the session. So far as the Constitution itself is concerned, it applies when there is no session of Congress, because the Constitution does not change from day to day, as the advocates of this very fantastic proposal contend.

I shall discuss another reason that is given for the proposed rule change. Some of the proponents stand upon the floor of the Senate and say that the reason why a change is needed in rule XXII is that under the rule the Senate cannot give any consideration to so-called civil rights bills. There is a great deal of propaganda in the world. Those who advocate changes in the rule have been listening to their own propaganda for so long that they have actually reached the point where they accept it.

Their propaganda reminds me of a custom we have in the rural areas of North Carolina. At certain times of the year, it is customary in North Carolina for people whose relatives are buried in the little country cemeteries to meet and clear out the weeds which have grown up. It happened on one occasion that a man, somewhat like the Senator from North Carolina, who was somewhat opposed to too strenuous physical work, attended a gathering at a little country churchyard to assist in removing the weeds from the cemetery. Being opposed to strenuous physical labor, he hired a boy named George to go along with him and do his work for him. George was down on the ground, pulling the weeds off the grave. All at once he burst into laughter.

The man who had employed him said, "George what are you laughing about?"

George said, "I am laughing about the funny words written on this tombstone."

George's boss said, "I don't see any funny words written on the tombstone."

George said, "Boss, just look there at what it says. It says, 'Not dead but sleeping.' "

The boss said, "I don't see anything funny in that."

George said, "He ain't foolin' nobody but himself."

When the proponents of this rule change tell us that it is necessary to change the rule in order to have civil rights bills considered, they are fooling nobody but themselves.

This is true because Congress has enacted into law virtually every proposed civil rights bill which could be conceived in the mind of the most imaginative Member of Congress.

Mr. President, I have thus far today discussed the reasons assigned by the proponents of the proposed rule change to justify their position. I respectfully submit that for the reasons I have already stated none of those arguments made in favor of the rules changes is valid. I shall now devote myself to showing that the history of our country shows the advisability of having safeguards which will prevent hasty and impatient and intemperate action by those in positions of authority. It is my purpose to refer to American history for a striking illustration of the desirability, nay, the necessity, of protecting the people of this Nation against impatient and intemperate actions on the part of their officials.

Rule XXII of the Senate is one of the few restraints left. Many of the great Senators of the past have stated that no good legislation has ever been prevented by the rule of the Senate permitting free debate, but that, on the contrary, much bad legislation has been prevented by this rule.

I call attention to a similar rule that is in the Constitution of the United States. First I wish to read from section 4 of article II of the Constitution these words:

> The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

It will be noted that this paragraph in the Constitution sets forth three conditions, and three conditions only, for which a President, a Vice President, or a civil officer of the United States can be impeached. They are: treason, bribery, or other high crimes and misdemeanors.

The other provisions of the Constitution relating to impeachment are found in subsections 6 and 7 of section 3 of article I of the Constitution. I read subsection 6 of section 3 of article I:

> The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the Members present.

Subsection 7 of section 3 of article I reads as follows:

> Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

I shall later discuss these constitutional provisions in more detail. At present, however. I wish to emphasize that the provision of subsection 6 of section 3 of article I of the Constitution, which prescribes that "no person shall be convicted without the concurrence of two-thirds of the Members present," is the only thing which saved the United States at one of the most crucial hours of its history from witnessing a total blackout of constitutional government.

In speaking for the retention of rule XXII in its present form, I say it is not beyond the realm of possibility that the two-thirds provision of rule XXII may serve like subsection 6, section 3, article I of the Constitution, and some day again prevent a total blackout of constitutional government in the United States.

The scene which I propose to discuss in this connection was enacted in this very Senate Chamber. If it had not been for the two-thirds provision of subsection 6, section 3, article I, and the courage of a handful of Senators, constitutional government in the United States would have been destroyed on the very floor of the Senate.

In order to discuss this subject, I shall have to go back a little into American history. On one occasion on this continent and in this Nation a terrible fratricidal war occurred, in which thousands of the flower of the youth of our land, both in the South and in the North, died. My study of American history has convinced me that that terrible war and its carnage would never have occurred if it had not been for intemperate and impatient men in the North and impatient and intemperate men in the South. If ever there was an event which ought to teach all Americans the virtue of patience, it was that terrible war and the terrible carnage it caused.

One of the great men in American history was Abraham Lincoln. I often wonder what would have happened to Lincoln, after Lee's surrender, if he had not fallen by an assassin's bullet. I suspect that perhaps he would have been more maligned at the hands of Members of Congress and at the hands of the American press than any other man in our history. Sometimes a tragic event, such as Lincoln's assassination, spares the man who suffers such an event from great future tragedy. Abraham Lincoln was a merciful man. He was a man who loved his fellow men.

After the surrender of Lee at Appomattox, the question naturally arose as to what was to be done to adjust the relations between the Union and the 11 Confederate States. Lincoln had a very fine plan for the rebuilding of the relationship between the Union and the 11 so-called Confederate States. I shall read a brief statement of his plan from page 804 of the Concise Dictionary of American History, which was edited by Wayne Andrews and published by Charles Scribner's Sons:

> In his proclamation of December 8, 1863, President Lincoln offered pardon, with certain exceptions, to those who would take oath to support the Constitution of the United States and abide by Federal laws and proclamations touching slaves. When oath-takers equal in number to one-tenth of the State's voters in 1860 should "re-establish" a government in a seceded commonwealth, Lincoln promised executive recognition of such government without commitment as to congressional recognition. Both the "plan" and the whole southern policy of Lincoln were denounced as far too lenient, and there followed a storm of controversy with the Radical Republicans who by their control of Congress prevented any settlement of this vital question during Lincoln's life. The hopeless deadlock between President and Congress was seen in the Radical Wade-Davis bill which Lincoln killed by a pocket veto. After this Lincoln issued a proclamation (July 8, 1864) explaining that he could not accept the Radical plan as the only method of reconstruction and was promptly answered by Wade and Davis in a truculent manifesto.

It would be quite interesting to know why Lincoln pocket-vetoed the Wade-Davis bill. Those who advocate majority rule on the spur of the moment and in haste ought to ponder the Wade-Davis bill which Lincoln denounced and vetoed.

Now I read a very brief description of the provisions of that bill, from the "Encyclopedia of American History," by Richard B. Morris, on page 246:

> The Wade-Davis bill, which was passed by Congress on the 4th of July, 1864, represented the congressional blueprint for reconstruction. It required a majority of the electorate in each Confederate State to take an oath of past as well as future loyalty as a condition precedent to restoration.

That condition precedent to restoration, under the Wade-Davis bill, would have prevented any of the 11 Southern States from again being admitted to their rights as States of the Union, because that bill required the taking of an oath of both present loyalty and past loyalty; and a majority of the people of the Southern States could not have truthfully taken such an oath. This is very well illustrated by the situation in the State of North Carolina. In 1860, North Carolina had a total population of approximately 629,000, counting all the men, women, and children, and both the white people and the Negro people. Out of that population, North Carolina had sent into the Confederate Army 125,000 of its men and boys—a number far in excess of the total electorate of that State. Under that condition of the Wade-Davis bill, it would have been impossible for any more than a very negligible part of the electorate of North Carolina to have taken the oath required by the terms of the bill as a condition precedent to readmission as part of the Union. In fact, the bill was designed to prevent any of the Southern States from being readmitted to the Union.

Mr. President, a moment ago, when I said that perhaps the assassin's bullet spared Lincoln from much abuse and suffering, I had in mind the fact that even during his lifetime he was maligned by the authors of the Wade-Davis bill and by the other supporters of that bill for his wise action in vetoing it.

After the assassin's bullet felled Lincoln, Andrew Johnson, the Vice President during Lincoln's administration, who was a native of Tennessee, succeeded Lincoln to the Presidency. At that time there was in existence what was known as the Joint Committee on Reconstruction. It was composed of six Senators and nine Members of the House of Representatives, and was dominated by Thaddeus Stevens, a Member of the House of Representatives from the State of Pennsylvania. That Joint Committee acquired domination over Congress; and it was not long before the Joint Committee found itself able to ride roughshod over Members of the Senate and Members of the House of Representatives who did not agree with its plans.

Some day, Mr. President, history will recognize that Andrew Johnson was one of the truly great men of America. When he became President of the United States, he undertook to carry into effect Lincoln's plan for the so-called reconstruction of the Confederate States. Andrew Johnson made a slight modification in the plan, in that he added a provision that those who had been disqualified as electors in those States by the Lincoln plan for reconstruction of the States should include those who owned $20,000 or more in property. But Andrew Johnson did a superb job in carrying out that plan, which, in effect, provided that the persons residing in those States who were qualified to vote by State laws should establish a State government, should outlaw the debts incurred by the Confederate States for war purposes, and should approve the laws and the amendment abolishing slavery.

Andrew Johnson was privileged to act, by reason of the fact that Congress was not in session at the time he assumed the Presidency and at the time he undertook to put into effect Lincoln's plan for reconstruction, and before Congress assembled in December 1865, all of the 11 Southern States, except Texas, had reorganized their State governments in accordance with the presidential plan of reconstruction and were maintaining law and order within the borders of their

States and were operating civil courts for the trial of civil and criminal cases. The last Confederate soldier had laid down his arms and returned to peaceful pursuits. The people of the Southern States were looking forward to resuming their old place in the Union.

But Congress met. Congress immediately entered into a controversy with Andrew Johnson, claiming that the Congress, and not the President, had the power to reconstruct the governments in the Southern States.

About that time the Supreme Court of the United States entered the picture by handing down the most courageous decision ever rendered by that body. I refer to the decision in Ex parte Milligan (4 Wall. 2 (1866)).

Ex parte Milligan was a case which involved a civilian who was a resident of the State of Indiana. He had been tried before a military commission created by President Lincoln as Commander in Chief of the Army. Milligan had been convicted of treason and other charges and had been sentenced to death. Milligan's attorneys filed a petition in the circuit court for habeas corpus, contending that the courts of Indiana were open for the trial of criminal cases that Milligan was not within the jurisdiction of the military commission, and that Milligan was surrounded by the protection of the constitutional provisions which required indictment by a grand jury and conviction by a petit jury before he could be punished for the charges preferred against him.

Milligan was defended in the Supreme Court of the United States on the review of the habeas corpus proceeding by Jeremiah Black, one of the greatest lawyers of America. The opinion of the Supreme Court in Ex parte Milligan was written by one of the greatest judges our Nation has ever known—Judge Davis, an Associate Justice of the Supreme Court. He was known not only for his great legal learning and his devotion to constitutional government, but also for his great courage, which never failed him.

Before reaching the main body of his opinion, Judge Davis set out some of the facts. Incidentally, his opinion is reported in 4 Wallace. The case begins at page 1 and runs through to page 142. The opinion of Judge Davis covers only a portion of those pages. It begins on page 107 and ends on page 131. It is an opinion which every person who believes in constitutional government ought to read and reread.

Beginning on page 118, Judge Davis said:

> The controlling question in the case is this: Upon the facts stated in Milligan's petition, and the exhibits filed, had the military commission mentioned in it, jurisdiction, legally, to try and sentence him? Milligan, not a resident of one of the rebellious States, or a prisoner of war, but a citizen of Indiana for 20 years past, and never in the military or naval service, is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission, organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?
>
> No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime, to be tried and punished according to law. The power of punishment is, alone through the means which the laws have provided for that purpose, and if they are ineffectual, there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country, or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers, or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our government were familiar with the history of that struggle; and secured in a written constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct, to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution which says, "That the trial of all crimes, except in case of impeachment, shall be by jury;" and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure; and directs that a judicial warrant shall not issue "without proof of probable cause supported by Oath or affirmation." The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property, without due process of law." And the sixth guarantees the right of trial by jury, in such manner and with such regulations that with upright judges, impartial juries, and an able bar, the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor; and to have the Assistance of Counsel for his defence." These securities for personal liberty thus embodied, were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and, but for the belief that it would be so amended as to embrace them, it would never have been ratified.

I now come to the portion of this opinion which I think contains the greatest judicial language ever uttered on this continent. Judge Davis continued:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

Then, after discussing the fact that men in naval and military service were subject to trial by military courts rather than by juries in civil courts, Judge Davis says:

> All other persons, citizens of States where the courts are open, if charged with crime, are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of State or political necessity. When peace prevails, and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those instructed with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.

Judge Davis then proceeded and showed that in the military trial Milligan had been denied his constitutional rights to be indicted by a grand jury before he could be put on trial, and his constitutional right to a trial by jury, and held that his trial before a military commission was a nullity under our Constitution.

As I speak in favor of the retention of rule XXII, which is one of the safeguards erected not for the benefit of individual Senators but, as former Senator Joe O'Mahoney said, "for the benefit of our country," I cannot help thinking that we ought to heed the words of Judge Davis when he said:

> Those great and good men—

Who drew up our Constitution—and the same applies to the great men who wrote the rules of the Senate—

> foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper.

As I have said, in my judgment this was the greatest decision ever handed down by the Supreme Court of the United States. It proclaims a great constitutional principle. It was written by a judge of the highest legal learning, of the greatest character, and of the stanchest courage.

When this decision was handed down the Joint Committee on Reconstruction and the other radicals in the Congress of the United States, and a considerable portion of the American press, heaped vituperation upon the Supreme Court of the United States. As a result of this decision the radicals, in control of the Congress, concluded that the Supreme Court of the United States had entered into a conspiracy with the President, Andrew Johnson, to thwart the will of the radicals.

They came to that conclusion because the purpose in the minds of the radicals was to destroy the State governments which had been erected in the Southern States under the Presidential plan of reconstruction and to establish military government in the South.

So, in July 1866 the radicals in Congress enacted a law for the purpose of keeping President Johnson from filling any vacancy on the Supreme Court. At that time there was one existing vacancy, and President Johnson had designated as his appointee for the vacancy Henry Stanbery, one of the greatest lawyers this country has ever known. When the bill was brought up in the Congress, one of the Representatives, who was piloting the bill through the House, was asked if the bill was intended to keep Stanbery from becoming a member of the Supreme Court. He frankly said, "Yes; and to prevent further appointments from being made by President Johnson."

The bill would have reduced the number of judges on the Supreme Court Bench by two, so as to take care of the then existing vacancy and those which might occur in the future during Johnson's Presidency.

Not only did the radicals in Congress make this proposal to prevent President Johnson from filling vacancies on the Supreme Court, but they began to demand that the Supreme Court be reorganized. They threatened to take away all of the appellate jurisdiction of the Supreme Court, and some of them went so far as to threaten to abolish the Supreme Court by constitutional amendment.

The radicals in Congress had such complete control over Congress that they would undoubtedly have been able to carry out their threat, so far as Congress was concerned, to enact a proposed constitutional amendment, by a two-thirds vote, with a view to abolishing the Supreme Court of the United States.

It is not altogether surprising that some of the members of the Supreme Court began to lose their courage. The court handed down only two other courageous opinions in this period. One was the decision in the case of *Cummings* v. *Missouri*, (4 Wallace 277 (1867), and the other was the decision in Ex Parte Garland (4 Wallace 533 (1867)).

The first of these decisions involved the law of the State of Missouri. The legislature of that State had enacted a law providing that no man could practice his profession unless he was able to take an oath to the effect that he had never aided the Confederacy in any way.

It is a rather strange thing that the Missouri law was applied to a preacher. Cummings was a preacher, and he undertook to preach the gospel. For some reason, the legislature of Missouri thought it was better for sinners to go to the devil than to be brought to the Lord through the agency of a minister who could not take an oath that he had not aided the Confederacy in any manner. It is a rather strange conception that the State legislature could ever reach the conclusion that a man ought not to be able to preach the gospel of Christ if he had had anything to do with the Confederacy. The legislature of Missouri had evidently forgotten something of the record of Saul of Tarsus, who became Paul, the great apostle to the gentiles.

The other case involved one of the great lawyers of this Nation, Augustus H. Garland, who was noted for his appearances in many cases before the Supreme Court of the United States.

In those two cases, the Supreme Court, which had not been frightened entirely away from courageous action by radicals in Congress, held that the law of Missouri and a Federal statute enacted by Congress which attempted to apply the same rule to attorneys were ex post facto laws and therefore unconstitutional, and, I might add the Supreme Court also adjudged these statutes to be unconstitutional as bills of attainder.

But thereafter too much courage was not exhibited by the members of the Supreme Court, with the possible exception of Judge Davis, Judge Grier, and one or two others, because, as Benjamin R. Curtis, a great lawyer from Massachusetts, wrote about this time:

> The Congress, with the acquiescence of the country, has subdued the Supreme Court as well as the President.

In other words, the radicals in Congress had threatened to impeach members of the Supreme Court or to rob them of their jurisdiction, and even to abolish the Court by a constitutional amendment, because they were displeased with the courage the Court had displayed in Ex parte Milligan, in Cummings against Missouri, and in Ex parte Garland. That was the way they dealt with the Supreme Court.

Just to elaborate on that particular point, let me say that the radicals in Congress took control of the Congress and rode roughshod over those Members of Congress who dared to oppose them. They subdued the Supreme Court to such an extent that it practically withdrew from the constitutional field insofar as the Southern States were concerned. They prevented the Southern States from defending themselves by denying them representation in the Senate and in the House of Representatives. Then they undertook to enact laws under which they would take charge, through military forces, of local government in any of the Southern States except Tennessee. Tennessee was allowed representation in the Senate and in the House, while the other 10 Southern States were denied such representation, because Tennessee had ratified the 14th amendment and the other 10 Southern States had rejected the 14th amendment.

In March 1867 the radicals, who controlled Congress, passed the most monstrous legislation ever passed in American history.

I refer to the so-called Reconstruction Acts under which all Southern States, except Tennessee, were placed under military government. Also at that time a statute was enacted which was directed against President Johnson. I refer to the Tenure of Office Act.

President Johnson had inherited, as a part of Lincoln's Cabinet, the Secretary of War, Edwin M. Stanton, who proved himself to be in alliance with the radicals in Congress and unfaithful to his chief, the President.

The radicals in Congress were afraid that President Johnson would do what any person in his situation desired to do, and remove Stanton from office as Secretary of War. Therefore, Congress passed the Tenure of Office Act, which provided in substance that the President could not remove from office any appointee whose appointment had been confirmed by the Senate. Andrew Johnson felt that this act was unconstitutional, and he removed Stanton from his post as Secretary of War. That act on his part was the chief cause of his later impeachment by the House of Representatives, controlled as it was, by the radicals.

I come now to the Reconstruction Acts, which I consider the most monstrous and unconstitutional legislation ever enacted in this Nation.

I should like to read from a book written by one of my former teachers of history, Dr. J. G. de Roulhac Hamilton, entitled "Reconstruction in North Carolina." The book was published at Columbia University in 1914. But before I read a passage from that book, I wish to state that the 10 Southern States, when they were represented by legislatures elected by voters possessing constitutional qualifications, that is, qualifications prescribed by State law, all rejected the 14th amendment.

I now read from pages 216 to 219 of "Reconstruction in North Carolina":

> The fate of the 14th amendment, when submitted to the North Carolina Legislature, has been noticed.[1] It met with rejection in all the other Southern States except Tennessee. When Congress met in December 1866 enough of the Southern States had rejected the amendment to show the prevailing opinion in the South, and consequently the question at once arose as to what policy should be adopted. The uncertainty in regard to this became less as the

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[1] Cf. supra, p. 187.

remaining Southern States in turn rejected the amendment. Consequently, in February 1867 it became a determined fact that the State governments, as organized by the President, should be superseded by others organized under military authority; that the political leaders of the Southern States should be disqualified from taking part in the reorganization of the governments; and that the right of suffrage should be extended to the Negro by national legislation, in utter defiance of the constitutional right of the individual States in the matter.

I digress from a reading of the text to say that in North Carolina there had been an election in 1865, conducted under the Presidential plan for reconstruction, and the State government had been reestablished by its people, with officers coming largely from those North Carolinians who had opposed secession from the Union. The State Legislature of North Carolina, like the State legislatures of other Southern States, had ratified the 13th amendment prohibiting slavery, and had outlawed the Confederate debt, and it also accepted in good faith all the other conditions prescribed der the Presidential plan for reconstruction.

This Government had been in existence for approximately 2 years when the first of the Reconstruction acts was passed.

I now resume my reading from Reconstruction in North Carolina," by Dr. Hamilton:

In pursuance of this determination, the act of March 2, 1867, "to provide for a more efficient government of the rebel States," was passed. It was vetoed by the President, but was passed over the veto on the same day. Declaring in the preamble that no legal State governments or adequate protection for life or property existed in the 10 "rebel" States, the act provided that these States should be divided into 5 military districts, each under an officer of the army of not lower rank than brigadier general, and made subject to the military authority of the United States. North Carolina and South Carolina formed the second district. The commander of each district was required to protect all persons in their rights and to suppress insurrection, disorder, and violence. In the punishment of offenders, he was authorized to allow the civil tribunals to take jurisdiction, or if he deemed it necessary, to organize military commissions for the purpose. All interference with such tribunals by the State authorities was declared void and of no effect. It was further provided that the people of any of the said States should be entitled to representation whenever they should have framed and ratified a constitution in conformity with the Constitution of the United States. This constitution must be framed by a convention elected by the male citizens of the State, regardless of race, color, or previous condition, with the exception of those disfranchised for participation in rebellion or for felony. Those persons on whom disabilities would be imposed by the proposed 14th amendment were disqualified from holding a seat in the convention and from voting for delegates. The constitution thus framed, and containing the provision that all persons whom the act of Congress made electors should retain the electoral franchise, must then be approved by Congress. Whenever representatives should be admitted, the portion of the act establishing military governments would become inoperative so far as concerned the State in question. Until the completion of this reconstruction, the existing civil governments were declared provisional and liable at any time to modification or abolition.

On March 23, a supplementary act was passed. The original act left the whole matter of the initiation of reconstruction very indefinite. The supplementary act provided that the district commanders should cause a registration to be made of all male citizens who could take a required oath as to their qualifications as electors. The election of delegates to a convention should then be held by the commanders. For the sake of giving at least an appearance of following the will of the people, the act provided that the question of holding a convention should be submitted to them at the same time. Unless a majority of the registered voters took part in the election and a majority in favor of holding the convention resulted, no convention should be held. Provision was made for boards of election composed only of those who could take the ironclad oath. Finally, it was provided that a majority of those registered must take part in the voting on the ratification of the Constitution in order to make it valid. This act was also vetoed by President Johnson and promptly repassed by the required majorities.

In July, Congress met again. In the meantime Attorney General Stanbery had sent to the President an interpretation of the act, which closely restricted the power of the military commanders. At once another supplementary act was passed, as an authoritative interpretation of the former acts. It gave the commanders full power to make any removals from office that they might see fit, and authorized the boards of registration to go behind the oath of an applicant for registration whenever it seemed to them necessary. District commanders, the boards of registration, and all officers acting under either were relieved from the necessity of acting in accordance with the opinion of any civil officer of the United States. The executive and judicial officers referred to in the imposition of disabilities were declared to include the holders of all civil offices created by law for the administration of justice or for the administration of any general law of a State. An extension of time for registration was authorized, and also a revision of the lists of registered voters before the election. This act, as was now the customary thing, had to be passed over the President's veto.

Such was the most important legislation enacted for the restoration of the South. Questions of precedent and of constitutional law were alike disregarded in their passage, and justification found for all.

Mr. President, I have read a synopsis from Dr. Hamilton's book, setting forth the provisions of the Reconstruction Acts. These acts provided for military government in the South. They provided that the South should be garrisoned. A garrison was stationed in my hometown until 1874, if my recollection of history serves me right. I have heard older men in my county tell how they had to file through the ranks of soldiers of the army of occupation in order to vote in 1868, and saw their leaders, on whose advice they had relied in times past, sit on rail fences and not vote because they were not allowed to hold office.

The gentleman in charge of each of those five military districts was given the power to decide whether civilians should be tried by military commissions or in civil courts. They were given the power to remove from office any of the State or local officials who had been placed in office under Presidential reconstruction. They were given charge of the election machinery of those States and charge of the elections and of registration of voters They were even excused by act of Congress from paying any attention to any advice they received from any civil authorities at the National or State level.

Of course, those States tried to get an interpretation of the Reconstruction Acts and to get a decision from the Supreme Court of the United States as to their constitutionality. The first of these attempts was made on April 5, 1867, when three great lawyers, Robert J. Walker, Augustus H. Garland, and William H. Sharkey, applied to the Supreme Court for leave to file a bill in equity to enjoin "Andrew Johnson, a citizen of the State of Tennessee and President of the United States, and his officers and agents appointed for that purpose, and especially E. O. C. Ord, assigned as military commander of the district * * * from executing or in any manner carrying out the acts of March 2 and 25, 1867."

The Supreme Court refused to allow those attorneys, who were representing the State of Mississippi, to file such a bill in equity in the Supreme Court; and that first attempt to secure a decision in regard to the constitutionality of the Reconstruction Acts failed. On April 15 the Supreme Court held that it would not permit a bill in equity to be filed, because it did not wish to pass on the delicate issue as to the power of the Court to control Executive acts; and, therefore, the Court denied the leave sought.

A few days later another application was made to the Supreme Court for permission to file a bill in equity to challenge the constitutionality of the Reconstruction acts; and the Supreme Court granted that application. However, after argument, a few days later the Court entered a decision dismissing the suit—on the ground that it called for adjudication, not of the rights of persons or property, but of rights of a political character affecting the sovereignty or corporate existence of a State; and the Court said it had no jurisdiction over such a controversy.

Then it appeared possible that by a curious twist of fate a case which did reach the Supreme Court of the United States would require the Court to pass on constitutionality under a statute which the Radicals had had passed in Congress on February 5, 1867, for the benefit of Federal officials and so-called loyal persons in the South. That statute was so phrased that it gave the Federal circuit courts jurisdiction in all cases in which any person was restrained or deprived of his liberty, in violation of the Constitution or in violation of any treaty or law of the United States. It happened that at that time there was in Vicksburg, Miss., an editor, named McCardle, who had published in his newspaper an editorial criticizing the military government then in vogue in Mississippi and in other Southern States. The Radicals in Congress had no respect for the right of freedom of speech, which was supposed to be secured by the first amendment of the Constitution to persons who disagreed with them; and McCardle was arrested, at the instance of the military authorities, for speaking ill of them. He was imprisoned, and was held for trial before a military commission. He applied to the circuit court for habeas corpus for his release, on the ground that his arrest and detention under the Reconstruction acts violated the Constitution. When the circuit court refused to grant him his liberty, he appealed to the Supreme Court of the United States. He was asserting a constitutional right as a person; and the Supreme Court of the United States clearly had jurisdiction of his case, and the case clearly made it necessary—if the Supreme Court was to discharge any judicial function whatever—for it to rule on the constitutionality of the Reconstruction acts. That situation sent a good deal of fear into the hearts of the Radicals who then controlled Congress, because I think their actions showed time and time again that they were conscious of the unconstitutionality of the Reconstruction acts. So the Radicals introduced in Congress a bill which provided that in any case involving the constitutionality of an act of Congress, unless two-thirds of the judges of the Supreme Court agreed that the act was unconstitutional, the Court could not hand down such a decision. That bill was defeated because of the terrible criticism it received at the hands of the American bar.

So, at the instance of Thaddeus Stevens, the radicals then introduced in the Senate a bill which forbade the Supreme Court of the United States to take jurisdiction of any case in law or equity which arose out of the Reconstruction acts. That bill also caused a violent reaction in the press and among the lawyers of the North, and the bill was laid aside.

Finally, the McCardle case was argued before the U.S. Supreme Court, and the Supreme Court took it under advisement. When that happened, the radicals saw it was necessary for them to take some drastic action immediately. As I have pointed out, McCardle had done nothing except exercise his right of free speech, and he was applying for a writ of habeas corpus to free him from his imprisonment—which he claimed was illegal and unconstitutional—under the Reconstruction acts. He was seeking the greatest right of all—the right to secure the liberty of a person against unlawful imprisonment—that had ever been developed in any legal system on the face of the earth.

So what did the radicals in Congress do in their attempt to keep the Supreme Court of the United States from handing down a decision as to the constitutionality of the Reconstruction acts under which McCardle was arrested and held for trial, before a military tribunal, for exercising the right of freedom of speech and for condemning something which ought to have been condemned? The radicals in Congress succeeded in having passed a statute which robbed the Supreme Court of the United States of its jurisdiction to review habeas corpus proceedings brought under the act of 1867.

Mr. President, in that connection, a certain amount of criticism can justly be leveled at the Supreme Court of the United States, because the Court had heard arguments in that case and had taken the case under advisement before that measure was brought up in Congress, and the bill was passed through the House, in the first instance, by a sneak action, in which a Member of the House obtained unanimous consent to have the House take up a bill, then on the calendar, which had no relationship to this matter. It was taken up, following a statement that it was an innocuous bill, but then the bill was amended so suddenly in that way that scarcely any other Member of the House knew what had happened. The bill was then passed by both Houses of Congress, but was vetoed by President Johnson, and it was passed over President Johnson's veto, in the course of a heated debate in which the opponents of the bill—such as Senator Reverdy Johnson and others—correctly characterized the bill, and in no uncertain terms condemned the action of the radicals in having it passed.

So the Supreme Court missed a glorious opportunity to hand down a decision on that act. On the contrary, apparently the majority of the Court postponed action so that Congress could act, thus enabling the Court to escape making a decision. That statement does not apply to some of the judges, because some of them wanted to take action.

The bill was passed by the Congress while the impeachment trial of Andrew Johnson was in progress in this very Senate Chamber. The greatest exhibition of courage of the most sublime character ever given by any President of the United States was given by Andrew Johnson at that time. He was actually being tried at the instigation of the radicals who controlled Congress in an impeachment proceeding which could have resulted in his removal from office and his inability ever to occupy another office under the Federal Government. Despite that fact, Andrew Johnson signed a magnificent statement vetoing the act of Congress which would have robbed the Supreme Court of jurisdiction to review the McCardle decision. He said in his great veto message:

> It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with their willing acquiescence in its provisions, which is necessarily harmonious and efficient execution or any law.

In other words, at the very time when his political life was at stake in the impeachment proceeding, that President, a man who had fewer opportunities in life than any other man who has attained that high office, had the courage to veto the bill which most of his judges had assisted in passing through the Congress.

Some time ago I said that I favored the retention of the two-thirds requirement of rule XXII, because the history of the Nation showed that at one time the constitutional provision requiring a two-thirds vote to remove a President had prevented the total blackout of constitutional government in the United States.

Let us stop and think a moment of that impeachment proceeding. The Members of Congress who were controlled by the radicals knew that Andrew Johnson had not done anything to merit impeachment. They knew that Andrew Johnson had not been guilty of treason. On the contrary, they knew that Andrew Johnson had been trying to save the Constitution and constitutional government from destruction at their hands. They knew that Andrew Johnson had not been guilty of bribery. They knew that Andrew Johnson had not committed any high crime or misdemeanor. They knew that the only offense of which Andrew Johnson was guilty was his fidelity to the oath which he had taken to uphold the Constitution of the United States. They knew that the only thing they really had against Andrew Johnson was that he had vetoed acts of Congress which were entirely inconsistent with the Constitution and which were absolutely repugnant to free government in the United States.

Those were tragic days. The greatest tragedy lies in the fact that they showed that partisans will yield to temptation in times of stress and turmoil. This entire tragic story illustrates beyond any doubt that if liberty is to be preserved in our Nation, there must be some safeguards which will restrain impatient and intemperate acts on the part of those in authority in times of stress, strain, and turmoil.

Despite the fact that all of the Members of the House of Representatives knew that Andrew Johnson had not committed treason, bribery, or any high crime or misdemeanor as grounds for impeachment under the Constitution, the House of Representatives, by an overwhelming majority, impeached him on false charges, the main charge being that he had violated the Tenure-of-Office Act. Incidentally, at this point, I add that Andrew Johnson made repeated efforts to obtain a decision from the Supreme Court of the United States as to the validity and constitutionality of the Tenure-of-Office Act. He was unable to obtain such a decision because, as Benjamin R. Curtis has said, the radicals had subdued the Supreme Court, at least temporarily.

Andrew Johnson was the only public official in our Nation who was able to stand between a radical Congress and a complete blackout of constitutional government in the United States.

So he was impeached because he was resisting the radical Congress and its unconstitutional measures. They reasoned that if they could get rid of Andrew Johnson and remove him from office, he would be succeeded, in all probability, by Senator Wade, one of the chief leaders of the radicals, who would do the will of the radicals.

Impeachment proceedings were brought against Andrew Johnson in the House of Representatives. He was tried in the Senate Chamber. In all human probability, Chief Justice Salmon P. Chase, as the Presiding Officer at the impeachment trial of Andrew Johnson, sat in the seat now occupied by the Presiding Officer, the distinguished Senator from Ohio (Mr. SAXBE).

Chief Justice Chase was a man of rare ability. As Chief Justice he did many things which manifested his courage. He presided over the impeachment trial of Andrew Johnson in an extremely fair and legal manner. However, I feel that he missed greatness by a narrow margin, because of his ambition to be President of the United States. On rare occasions he had a tendency to fail to match his great ability with what was right. He yielded to the temptation to trim his sails to fit the political winds.

The trial occurred in this Senate Chamber.

Subsection 6 of section 3 of article I of the Constitution saved this Nation from a most disgraceful event. That was because it provides that when the Senate of the United States sits as a court of impeachment the person being impeached cannot be convicted without the concurrence of two-thirds of the Members present. In other words, the constitutional requirement for conviction in case of impeachment is identical with the requirement for cloture under rule XXII of the Senate.

Andrew Johnson was saved from impeachment by the vote of one Senator, because those voting for his conviction lacked one vote of having the constitutionally required two-thirds majority.

One of the most eloquent of American Presidents, President Kennedy, has written a very fine chapter in his book entitled "Profiles in Courage," on one of the Senators who voted with the minority. President Kennedy wrote of Edmund G. Ross. It has always seemed to me there was another Senator who voted with the minority who deserved great credit. I think the other Senator was James W. Grimes, a Member of the Senate who had a stroke of paralysis and who had himself carried into this Chamber in order that he might vote against the unjust impeachment of a President of the United States who was standing between a radical Congress and complete destruction of constitutional government in America.

At the risk of being somewhat tedious, I shall read what President Kennedy said about this trial and particularly what he said about Senator Edmund G. Ross. It is a stirring chapter. It is a stirring chapter because it deals with a man who had the courage to vote with the minority for what was right in the face of what was probably the greatest popular demand for an unjust act that this country has ever witnessed.

President Kennedy said:

> In a lonely grave, forgotten and unknown, lies "the man who saved a President," and who as a result may well have preserved for ourselves and posterity constitutional government in the United States—the man who performed in 1868 what one historian has called the most heroic act in American history, incomparably more difficult than any deed of valor upon the field of battle—but a U.S. Senator whose name no one recalls: Edmund G. Ross of Kansas.

Mr. President, I digress from President Kennedy's statement for a moment to say that if the radical Congress had been successful in the conviction of Andrew Johnson and had removed him from office, this would have set a precedent for other partisans and other radicals in the control of the Congress to follow, and we might have seen constitutional government in this country become as unstable as it is in many other parts of the Americas.

I resume the reading of the President's article:

> The impeachment of President Andrew Johnson, the event in which the obscure Ross was to play such a dramatic role, was the sensational climax to the bitter struggle between the President, determined to carry out Abraham Lincoln's policies of reconciliation with the defeated South, and the more radical Republican leaders in Congress, who sought to administer the downtrodden Southern States as conquered provinces which had forfeited their rights under the Constitution. It was, moreover, a struggle between executive and legislative authority. Andrew Johnson, the courageous if untactful Tennessean who had been the only southern Member of Congress to refuse to secede with his State, had committed himself to the policies of the Great Emancipator to whose high station he had succeeded only by the course of an assassin's bullet. He knew that Lincoln prior to his death had already clashed with the extremists in Congress, who had opposed his approach to reconstruction in a constitutional and charitable manner and sought to make the legislative branch of the Government supreme. And his own belligerent temperament soon destroyed any hope that Congress might now join hands in carrying out Lincoln's policies of permitting the South to resume its place in the Union with as little delay and controversy as possible.
>
> By 1866, when Edmund Ross first came to the Senate, the two branches of the Government were already at each other's throats, snarling and bristling with anger. Bill after bill was vetoed by the President on the grounds that they were unconstitutional, too harsh in their treatment of the South, an unnecessary prolongation of military rule in peacetime or undue interference with the authority of the executive branch. And for the first time in our Nation's history, important public measures were passed over a President's veto and became law without his support.
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> But not all of Andrew Johnson's vetoes were overturned; and the radical Republicans of the Congress promptly realized that one final step was necessary before they could crush their despised foe (and in the heat of political battle their vengeance was turned upon their President far more than their former military enemies of the South). That one remaining step was the assurance of a two-thirds majority in the Senate—for under the Constitution, such a majority was necessary to override a Presidential veto. And more important, such a majority was constitutionally required to accomplish their major ambition, now an ill-kept secret, conviction of the President under an impeachment and his dismissal from office.
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> The temporary and unstable two-thirds majority which had enabled the Senate radical Republicans on several occasions to enact legislation over the President's veto was, they knew, insufficiently reliable for an impeachment conviction. To solidify this bloc became the paramount goal of Congress, expressly or impliedly governing its decisions on other issues—particularly the admission of new States, the readmission of Southern States and the determination of senatorial credentials. By extremely dubious methods a pro-Johnson Senator was denied his seat. Over the President's veto Nebraska was admitted to the Union, seating two more anti-administration Senators. Although last minute maneuvers failed to admit Colorado over the President's veto (sparsely populated Colorado had rejected statehood in a referendum), an unexpected tragedy brought false tears and fresh hopes for a new vote, in Kansas.
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> Senator Jim Lane, of Kansas, had been a conservative Republican sympathetic to Johnson's plans to carry out Lincoln's reconstruction policies. But his frontier State was one of the most radical in the Union. When Lane voted to uphold Johnson's veto of the civil rights bill of 1866 and introduced the administration's bill for recognition of the new State government of Arkansas, Kansas had arisen in outraged heat. A mass meeting at Lawrence had vilified the Senator and speedily reported resolutions sharply condemning his position. Humiliated, mentally ailing, broken in health and laboring under charges of financial irregularities, Jim Lane took his own life on July 1, 1866.
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> With this thorn in their side removed, the radical Republicans in Washington looked anxiously toward Kansas and the selection of Lane's successor. Their fondest hopes were realized, for the new Senator from Kansas turned out to be Edmund G. Ross, the very man who had introduced the resolutions attacking Lane at Lawrence.
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> There could be no doubt as to where Ross' sympathies lay, for his entire career was one of determined opposition to the slave States of the South, their practices and their friends. In 1854, when only 28, he had taken part in the mob rescue of a fugitive slave in Milwaukee. In 1856, he had joined that flood of antislavery immigrants to "bleeding" Kansas who intended to keep it a free territory. Disgusted with the Democratic Party of his youth, he had left that party, and volunteered in the Kansas Free State army to drive back a force of proslavery men invading the territory. In 1862, he had given up his newspaper work to enlist in the Union Army, from which he emerged a major. His leading role in the condemnation of Lane at Lawrence convinced the Radical Republican leaders in Congress that in Edmund G. Ross they had a solid member of that vital two-thirds.
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> The stage was now set for the final scene—the removal of Johnson. Early in 1867, Congress enacted over the President's veto the tenure-of-office bill which prevented the President from removing without the consent of the Senate all new officeholders whose appointment required confirmation by that body. At the time nothing more than the cry for more patronage was involved, Cabinet members having originally been specifically exempt.
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> On August 5, 1867, President Johnson—convinced that the Secretary of War, whom he had inherited from Lincoln, Edwin M. Stanton, was the surreptitious tool of the Radical Republicans and was seeking to become the almighty dictator of the conquered South—asked for his immediate resignation; and Stanton arrogantly fired back the reply that he declined to resign before the next meeting of Congress. Not one to cower before this kind of effrontery, the President one week later suspended Stanton, and appointed in his place the one man whom Stanton did not dare resist, General Grant. On January 13, 1868, an angry Senate notified the President and Grant that it did not concur in the suspension of Stanton, and Grant vacated the office upon Stanton's return. But the situation was intolerable. The Secretary of War was unable to attend Cabinet meetings or associate with his colleagues in the administration; and on February 21, President Johnson, anxious to obtain a court test of the act he believed obviously unconstitutional, again notified Stanton that he had been summarily removed from the office of Secretary of War.
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> While Stanton, refusing to yield possession, barricaded himself in his office, public opinion in the Nation ran heavily against the President. He had intentionally broken the law and dictatorially thwarted the will of Congress. Although previous resolutions of impeachment had been defeated in the House, both in committee and on the floor, a new resolution was swiftly reported and adopted on February 24 by a tremendous vote. Every single Republican voted in the affirmative, and Thaddeus Stevens of Pennsylvania—the crippled, fanatical personification of the extremes of the radical Republican movement, master of the House of Representatives, with a mouth like the thin

edge of an ax—warned both Houses of the Congress coldly: "Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity."

With the President impeached—in effect, indicted—by the House, the frenzied trial for his conviction or acquittal under the Articles of Impeachment began on March 5 in the Senate, presided over by the Chief Justice. It was a trial to rank with all the great trials in history—Charles I before the High Court of Jutice, Louis XVI before the French Convention, and Warren Hastings befor the House of Lords. Two great elements of drama were missing: the actual cause for which the President was being tried was not fundamental to the welfare of the Nation; and the defendant himself was at all times absent.

But every other element of the highest courtroom drama was present. To each Senator the Chief Justice administered an oath "to do impartial justice (including even the hotheaded Radical Senator from Ohio, Benjamin Wade, who as President pro tempore of the Senate was next in line for the Presidency). The chief prosecutor for the House was Gen. Benjamin F. Butler, the "butcher of New Orleans," a talented but coarse and demagogic Congressman from Massachusetts. (When he lost his seat in 1874, he was so hated by his own party as well as his opponents that one Republican wired concerning the Democratic sweep, "Butler defeated, everything else lost.") Some 1,000 tickets were printed for admission to the Senate galleries during the trial, and every conceivable device was used to obtain one of the four tickets allotted each Senator.

From the 5th of March to the 16th of May, the drama continued. Of the 11 articles of impeachment adopted by the House, the first 8 were based upon the removal of Stanton and the appointment of a new Secretary of War in violation of the Tenure of Office Act; the 9th related to Johnson's conversation with a general which was said to induce violations of the Army Appropriations Act; the 10th recited that Johnson had delivered "intemperate, inflammatory, and scandalous harangues * * * as well against Congress as the laws of the United States"; and the 11th was a deliberately obscure conglomeration of all the charges in the preceding articles which had been designed by Thaddeus Stevens to furnish a common ground for those who favored conviction but were unwilling to identify themselves on basic issues. In opposition to Butler's inflammatory arguments in support of this hastily drawn indictment, Johnson's able and learned counsel replied with considerable effectiveness. They insisted that the Tenure of Office Act was null and void as a clear violation of the Constitution; that even if it were valid, it would not apply to Stanton, for the reasons previously mentioned; and that the only ways that a judicial test of the law could be obtained was for Stanton to be dismissed and sue for his rights in the courts.

I digress at this point to say that since that time the Supreme Court has held in many cases that a President has the constitutional power to remove from office any person he appoints to an office, regardless of whether that persons' appointment has been confirmed by the Senate. So the position of Johnson's lawyers in the impeachment proceedings that the Tenure of Office Act was unconstitutional has been confirmed many times.

I continue to read:

But as the trial progressed, it become increasingly apparent that the impatient Republicans did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

Twenty-seven States (excluding the unrecognized Southern States) in the Union meant 54 Members of the Senate, and 36 votes were required to constitute the two-thirds majority necessary for conviction. All 12 Democratic votes were obviously lost, and the 42 Republicans knew that they could afford to lose only 6 of their own Members if Johnson were to be ousted. To their dismay, at a preliminary Republican caucus, six courageous Republican indicated that the evidence so far introduced was not in their opinion sufficient to convict Johnson under the articles of impeachment. "Infamy," cried the Philadelphia Press. The Republic has "been betrayed in the house of its friends."

But if the remaining 36 Republicans would hold, there would be no doubt as to the outcome. All must stand together. But one Republican Senator would not announce his verdict in the preliminary poll—Edmund G. Ross, of Kansas. The Radicals were outraged that a Senator from such an anti-Johnson stronghold as Kansas could be doubtful. "It was a very clear case," Senator Sumner, of Massachusetts, fumed, "especially for a Kansas man. I did not think that a Kansas man could quibble against his country."

From the very time Ross had taken his seat, the radical leaders had been confident of his vote. His entire background, as already indicated, was one of firm support of their cause. One of his first acts in the Senate had been to read a declaration of his adherence to radical Republican policy, and he had silently voted for all of their measures. He had made it clear that he was not in sympathy with Andrew Johnson personally or politically; and after the removal of Stanton, he had voted with the majority in adopting a resolution declaring such removal unlawful. His colleague from Kansas, Senator Pomeroy, was one of the most radical leaders of the anti-Johnson group. The Republicans insisted that Ross' crucial vote was rightfully theirs and they were determined to get it by whatever means available. As stated by DeWitt in his memorable "Impeachment of Andrew Johnson." "The full brunt of the struggle turned at last on the one remaining doubtful Senator, Edmund G. Ross."

When the impeachment resolution had passed the House, Senator Ross had casually remarked to Senator Sprague of Rhode Island, "Well, Sprague, the thing is here; and, so far as I am concerned, though a Republican and opposed to Mr. Johnson and his policy, he shall have as fair a trial as an accused man ever had on this earth." Immediately the word spread that "Ross was shaky." "From that hour," he later wrote, "not a day passed that did not bring me, by mail and telegraph and in personal intercourse, appeals to stand fast for impeachment, and not a few were the admonitions of condign visitations upon any indication even of lukewarmness."

"Throughout the country, and in all walks of life, as indicated by the correspondence of Members of the Senate, the condition of the public mind was not unlike that preceding a great battle. The dominant party of the Nation seemed to occupy the position of public prosecutor, and it was scarcely in the mood to brook delay for trial or to hear defense. Washington had become during the trial the central point of the politically dissatisfied and swarmed with representatives of every State of the Union, demanding in a practically united voice the deposition of the President. The footsteps of the anti-impeaching Republicans were dogged from the day's beginning to its end and far into the night, with entreaties, considerations, and threats. The newspapers came daily filled with not a few threats of violence upon their return to their constituents."

Ross and his fellow doubtful Republicans were daily pestered, spied upon and subjected to every form of pressure. Their residences were carefully watched, their social circles suspiciously scrutinized and their every move and companions secretly marked in special notebooks. They were warned in the party press, harangued by their constituents, and sent dire warnings threatening political ostracism and even assassination. Stanton himself, from his barricaded headquarters in the War Department, worked day and night to bring to bear upon the doubtful Senators all the weight of his impressive military associations. The Philadelphia Press reported "a fearful avalanche of telegrams from every section of the country," a great surge of public opinion from the "common people" who had given their money and lives to the country and would not "willingly or unavenged see their great sacrifice made naught."

The New York Tribune reported that Edmund Ross in particular was "mercilessly dragged this way and that by both sides, hunted like a fox night and day and badgered by his own colleague, like the bridge at Arcola now trod upon by one army and now trampled by the other." His background and life were investigated from top to bottom, and his constituents and colleagues pursued him throughout Washington to gain some inkling of his opinion. He was the target of every eye, his name was on every mouth and his intentions were discussed in every newspaper. Although there is evidence that he gave some hint of agreement to each side, and each attempted to claim him publicly, he actually kept both sides in a state of complete suspense by his judicial silence.

But with no experience in political turmoil, no reputation in the Senate, no independent income and the most radical State in the Union to deal with, Ross was judged to be the most sensitive to criticism and the most certain to be swayed by expert tactics. A committee of Congressmen and Senators sent to Kansas, and to the States of the other doubtful Republicans, this telegram: "Great danger to the peace of the country and the Republican cause if impeachment fails. Send to your Senators public opinion by resolutions, letters, and delegations." A member of the Kansas Legislature called upon Ross at the Capitol. A general urged on by Stanton remained at his lodge until 4 o'clock in the morning determined to see him. His brother received a letter offering $20,000 for revelation of the Senator's intentions. Gruff Ben Butler exclaimed of Ross, "There is a bushel of money. How much does the damned scoundrel want?" The night before the Senate was to take its first vote for the conviction or acquittal of Johnson, Ross received this telegram from home:

"Kansas has heard the evidence and demands the conviction of the President.

"D. R. Anthony and 1,000 Others."

And on that fateful morning of May 16 Ross replied:

"To D. R. Anthony and 1,000 Others": I do not recognize your right to demand that I vote either for or against conviction. I have taken an oath to do impartial justice according to the Constitution and laws, and trust that I shall have the courage to vote according to the dictates of my judgment and for the highest good of the country.

"E. G. Ross."

That morning spies traced Ross to his breakfast; and 10 minutes before the vote was taken his Kansas colleague warned him in the presence of Thaddeus Stevens that a vote for acquittal would mean trumped up charges and his political death.

But now the fateful hour was at hand. Neither escape, delay or indecision was possible. As Ross himself later described it: "The gallaries were packed. Tickets of admission were at an enormous premium. The House had adjourned and all of its members were in the Senate chamber. Every chair on the Senate floor was filled with a Senator, a Cabinet Officer, a member of the President's counsel or a Member of the House." Every Senator was in his seat, the desperately ill Grimes, of Iowa, being literally carried in.

It had been decided to take the first vote under that broad 11th article of impeachment, believed to command the widest support. As the Chief Justice announced the voting would begin, he reminded "the citizens and strangers in the galleries that absolute silence and perfect order are required."

But already a deathlike stillness enveloped the Senate Chamber. A Congressman later recalled that, "Some of the Members of the House near me grew pale and sick under the burden of suspense"; and Ross noted that there was even "a subsidence of the shuffling of feet, the rustling of silks, the fluttering of fans, and of conversation."

The voting tensely commenced. By the time the Chief Justice reached the name of Edmund Ross 24 "guilties" had been pronounced. Ten more were certain and one other practically certain. Only Ross' vote was needed to obtain the 36 votes necessary to convict the President. But not a single person in the room knew how this young Kansan would vote. Unable to conceal the suspense and emotion in his voice, the Chief Justice put the question to him: "Mr. Senator Ross, how say you? Is the respondent Andrew Johnson guilty or not guilty of a high misdemeanor as charged in this article?" Every voice was still; every eye was upon the freshman Senator from Kansas. The hopes and fears, the hatred and bitterness of past decades were centered upon this one man.

As Ross himself later described it, his "powers of hearing and seeing seemed developed in an abnormal degree.

"Every individual in that great audience seemed distinctly visible, some with lips apart and bending forward in anxious expectancy, others with hand uplifted as if to ward off an apprehended blow * * * and each peering with an intensity that was almost tragic upon the face of him who was about to cast the fateful vote. Every fan was folded, not a foot moved, not the rustle of a garment, not a whisper was heard. * * * Hope and fear seemed blended in every face, instantaneously alternating, some with revengeful hate * * * others lighted with hope. The Senators in their seats leaned over their desks, many with hand to ear. It was a tremendous responsibility, and it was not strange that he upon whom it had been imposed by a fateful combination of conditions should have sought to avoid it, to put it away from him as one shuns, or tries to fight off, a nightmare. I almost literally looked down into my open grave. Friendships, position, fortune, everything that makes life desirable to an ambitious man were about to be swept away by the breath of my mouth, perhaps forever. It is not strange that my answer was carried waveringly over the air and failed to reach the limits of the audience, or that repetition was called for by distant Senators on the opposite side of the Chamber."

Then came the answer again in a voice that could not be misunderstood—full, final, definite, unhesitating, and unmistakable: "Not guilty." The deed was done, the President saved, the trial as good as over and the conviction lost. The remainder of the roll-call was unimportant, conviction had failed by the margin of a single vote and a general rumbling filled the Chamber until the Chief Justice proclaimed that "on this article 35 Senators having voted guilty and 19 not guilty, a two-thirds majority not having voted for his conviction, the President is, therefore, acquitted under this article."

A 10-day recess followed, 10 turbulent days to change votes on the remaining articles. An attempt was made to rush through bills to readmit six southern States, whose 12 Senators were guaranteed to vote for conviction. But this could not be accomplished in time. Again Ross was the only one uncommitted on the other articles, the only one whose vote could not be predicted in advance. And again he was subjected to terrible pressure. From "D. R. Anthony and others," he received a wire informing him the "Kansas repudiates you as she does all perjurers and skunks." Every incident in his life was examined and distorted. Professional witnesses were found by Senator Pomeroy to testify before a special House committee that Ross had indicated a willingness to change his vote for a consideration. (Unfortunately this witness was so delighted in his exciting role that he also swore that Senator Pomeroy had made an offer to produce three votes for acquittal for $40,000.) When Ross, in his capacity as a committee chairman, took several bills to the President, James G. Blaine remarked: "There goes the rascal to get his pay." (Long afterward Blaine was to admit: "In the exaggerated denunciation caused by the anger and chagrin of the moment, great injustice was done to statesmen of spotless character.")

Again the wild rumors spread that Ross had been won over on the remaining articles of impeachment. As the Senate reassembled, he was the only one of the seven "renegade" Republicans to vote with the majority on preliminary procedural matters. But when the second and third articles of impeachment were read, and the name of Ross was reached again with the same intense suspense of 10 days earlier, again came the calm answer, "Not guilty."

Why did Ross, whose dislike for Johnson continued, vote "Not guilty"? His motives appear clearly from his own writings on the subject years later in articles contributed to Scribner's and Forum magazines:

In a large sense, the independence of the executive office as a coordinate branch of the Government was on trial. If * * * the President must step down * * * a disgraced man and a political outcast * * * upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the Government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy. This Government had never faced so insidious a danger * * * control by the worst element of American politics. If Andrew Johnson were acquitted by a nonpartisan vote * * * America would pass the danger of partisan rule that intolerance which so often characterizes the sway of great majorities and makes them dangerous.

Mr. President, I do not think that one could emphasize too much the tragic historic event which shows how a two-thirds requirement for conviction in impeachment cases saved the United States, by a single vote of a stouthearted Senator, from a total blackout of constitutional government. If Edmund G. Ross had voted for the impeachment of Andrew Johnson, his act would have resulted in a two-third majority of the Senate, converting the United States from a constitutional republic into a dictatorship such as all too often has triumphed in certain Latin American countries.

I resume the reading of President Kennedy's article:

The "open grave" which Edmund Ross had foreseen was hardly an exaggeration. A Justice of the Kansas Supreme Court telegraphed him that "the rope with which Judas Iscariot hanged himself is lost, but Jim Lane's pistol is at your service." An editorial in a Kansas newspaper screamed:

"On Saturday last Edmund G. Ross, U.S. Senator from Kansas, sold himself, and betrayed his constituents, stultified his own record, basely lied to his friends, shamefully violated his solemn pledge * * * and to the utmost of his poor ability signed the death warrant of his country's liberty.

Mr. President (Mr. PACKWOOD), I digress to remark that, instead of signing a death warrant of his country's liberty, as this editorial charged, Edmund G. Ross saved constitutional government in America and merits immortality for so doing. Those of us who oppose changing the two-thirds requirement of rule XXII are fighting for the preservation of constitutional government in America no less than Edmund G. Ross fought for it when he voted "not guilty" to the impeachment charges preferred against one of America's greatest Presidents, Andrew Johnson.

I resume reading from President Kennedy's article which continues the quotation from the editorial from the Kansas newspaper.

This Act—

That means the act of Edmund Ross, in being true to his oath to give Andrew Johnson a fair trial—

was done deliberately, because the traitor, like Benedict Arnold, loved money better than he did principle, friends, honor and his country, all combined. Poor, pitiful, shriveled wretch, with a soul so small that a little pelf would outweigh all things else that dignify or ennoble manhood."

Ross' political career was ended. To the New York Tribune, he was nothing but "a miserable poltroon and traitor." The Philadelphia Press said that in Ross "littleness" had "simply borne its legitimate fruit," and that he and his fellow recalcitrant Republicans had "plunged from a precipice of fame into the groveling depths of infamy and death."

I digress to remark that the writer of that editorial has passed into complete obscurity while every man who loves stouthearted men acclaims the courage which prompted Edmund G. Ross to cast the vote which prevented a total blackout of constitutional government in this Nation.

I return to President Kennedy's article.

The Philadelphia Inquirer said that "They had tried, convicted, and sentenced themselves." For them there could be "no allowance, no clemency."

Comparative peace returned to Washington as Stanton relinquished his office and Johnson served out the rest of his term, later—unlike his Republican defenders—to return triumphantly to the Senate as Senator from Tennessee. But no one paid attention when Ross tried unsuccessfully to explain his vote, and denounced the falsehoods of Ben Butler's investigating committee, recalling that the general's "well-known groveling instincts and proneness to slime and uncleanness" had led "the public to insult the brute creation by dubbing him 'the beast.'" He clung unhappily to his seat in the Senate until the expiration of his term, frequently referred to as "the traitor Ross," and complaining that his fellow Congressmen, as well as citizens on the street, considered association with him "disreputable and scandalous," and passed him by as if he were "a leper, with averted face and every indication of hatred and disgust."

Neither Ross nor any other Republican who had voted for the acquittal of Johnson was ever reelected to the Senate, not a one of them retaining the support of their party's organization. When he returned to Kansas in 1871, he and his family suffered social ostracism, physical attack, and near poverty.

Who was Edmund G. Ross? Practically nobody. Not a single public law bears his name, not a single history book includes his picture, not a single list of Senate "greats" mentions his service. His one heroic deed has been all but forgotten. But who might Edmund G. Ross have been? That is the question—for Ross, a man with an excellent command of words, an excellent background for politics, and an excellent future in the Senate, might well have outstripped his colleagues in prestige and power throughout a long Senate career. Instead, he chose to throw all of this away for one act of conscience.

But the twisting course of human events eventually upheld the faith he expressed to his wife shortly after the trial: "Millions of men cursing me today will bless me tomorrow for having saved the country from the greatest peril through which it has ever passed, though none but God can ever know the struggle it has cost me." For 20 years later Congress repealed the Tenure of Office Act, to which every President after Johnson, regardless of party, had objected; and still later the Supreme Court, referring to "the extremes of that episode in our Government," held it to be unconstitutional. Ross moved to New Mexico, where in his later years he was to be appointed Territorial Governor. Just prior to his death when he was awarded a special pension by Congress for his service in the Civil War, the press and the country took the opportunity to pay tribute to his fidelity to principle in a trying hour and his courage in saving his Government from a devastating reign of terror. They now agreed with Ross' earlier judgment that his vote had "saved the country from * * * a strain that would have wrecked any other form of government."

Those Kansas newspapers and political leaders who had bitterly denounced him in earlier years praised Ross for his stand against legislative mob rule: "By the firmness and courage of Senator Ross," it was said, "the country was saved from calamity greater than war, while it consigned him to a political martyrdom, the most cruel in our history. Ross was the victim of a wild flame of intolerance which swept everything before it. He did his duty knowing that it meant his political death. It was a brave thing for Ross to do, but Ross did it. He acted for his conscience and with a lofty patriotism, regardless of what he knew must be the ruinous consequences to himself. He acted right."

* * * * *

I could not close the story of Edmund Ross without some more adequate mention of those six courageous Republicans who stood with Ross and braved denunciation to acquit Andrew Johnson. Edmund Ross, more than any of those six colleagues, endured more before and after his vote, reached his conscientious decision with greater difficulty, and aroused the greatest interest and suspense prior to May 16 by his noncommittal silence. His story, like his vote, is the key to the impeachment tragedy. But all seven of the Republicans who voted against conviction should be remembered for their courage. Not a single one of them ever won reelection to the Senate. Not a single one of them escaped the unholy combination of threats, bribes, and coercive tactics by which their fellow Republicans attempted to intimidate their votes; and not a single one of them escaped the terrible torture of vicious criticism engendered by their vote to acquit.

William Pitt Fessenden, of Maine, one of the most eminent Senators, orators and lawyers of his day, and a prominent senior Republican leader, who admired Stanton and disliked Johnson, became convinced early in the game that "the whole thing is a mere madness."

The country has so bad an opinion of the President, which he fully deserves, that it expects condemnation. Whatever may be the consequences to myself personally, whatever I may think and feel as a politician, I will not decide the question against my own judgment. I would rather be confined to planting cabbages the remainder of my days. Make up your mind, if need be, to hear me denounced a traitor and perhaps hanged in effigy. All imaginable abuse has been heaped upon me by the men and papers devoted to the impeachers. I have received several letters from friends warning me that my political grave is dug if I do not vote for conviction, and several threatening assassination. It is rather hard at my time of life, after a long career, to find myself the target of pointed arrows from those whom I have faithfully served. The public, when aroused and excited by passion and prejudice, is little better than a wild beast. I shall at all events retain my own self-respect and a clear conscience, and time will do justice to my motives at least.

The radical Republicans were determined to win over the respected Fessenden, whose name would be the first question mark on the call of the roll, and his mail from Maine was abusive, threatening, and pleading. Wendell Phillips scornfully told a hissing crowd that "it takes 6 months for a statesmanlike idea to find its way into Mr. Fessenden's head. I don't say he is lacking; he is only very slow."

Fessenden decided to shun all newspapers and screen his mail. But when one of his oldest political friends in Maine urged him to "hang Johnson up by the heels like a dead crow in a cornfield, to frighten all of his tribe," noting that he was "sure I express the unanimous feeling of every loyal heart and head in this State," Fessenden indignantly replied:

"I am acting as a judge * * * by what right can any man upon whom no responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment, and even the sentence, should be? I wish all my friends and constituents to understand that I, and not they, am sitting in judgment upon the President. I, not they, have sworn to do impartial justice. I, not they, am responsible to God and man for my action and its consequences."

On that tragic afternoon of May 16, as Ross described it, Senator Fessenden "was in his place, pale and haggard, yet ready for the political martyrdom which he was about to face, and which not long afterward drove him to his grave."

The first Republican Senator to ring out "not guilty"—and the first of the seven to go to his grave, hounded by the merciless abuse that had dimmed all hope for re-election—was William Pitt Fessenden of Maine.

John B. Henderson, of Missouri, one of the Senate's youngest Members, had previously demonstrated high courage by introducing the 13th amendment abolishing slavery, simply because he was convinced that it would pass only if sponsored by a slave-state Senator, whose political death would necessarily follow. But when the full delegation of Republican Representatives from his State cornered him in his office to demand that he convict the hated Johnson, warning that Missouri Republicans could stomach no other course, Henderson's usual courage wavered. He meekly offered to wire his resignation to the Governor, enabling a new appointee to vote for conviction; and, when it was doubted whether a new Senator would be permitted to vote, he agreed to ascertain whether his own vote would be crucial.

But an insolent and threatening telegram from Missouri restored his sense of honor, and he swiftly wired his reply: "Say to my friends that I am sworn to do impartial justice according to law and conscience, and I will try to do it like an honest man."

John Henderson voted for acquittal, the last important act of his senatorial career. Denounced, threatened, and burned in effigy in Missouri, he did not even bother to seek reelection to the Senate. Years later his party would realize its debt to him, and return him to lesser offices, but for the Senate, whose integrity he had upheld, he was through.

Peter Van Winkle, of West Virginia, the last doubtful Republican name to be called on May 16, was, like Ross, a "nobody"; but his firm "not guilty" extinguished the last faint glimmer of hope which Edmund Ross had already all but destroyed. The Republicans had counted on Van Winkle—West Virginia's first U.S. Senator, and a critic of Stanton's removal; and for his courage, he was labeled "West Virginia's betrayer" by the Wheeling Intelligencer, who declared to the world that there was not a loyal citizen in the State who had not been misrepresented by his vote. He, too, had insured his permanent withdrawal from politics as soon as his Senate term expired.

The veteran Lyman Trumbull, of Illinois, who had defeated Abe Lincoln for the Senate, had drafted much of the major reconstruction legislation which Johnson vetoed, and had voted to censure Johnson upon Stanton's removal.

But, in the eyes of the Philadelphia Press, his "statesmanship drivelled into selfishness," for, resisting tremendous pressure, he voted against conviction. A Republican convention in Chicago had resolved "That any Senator elected by the votes of Union Republicans, who at this time blenches and betrays, is infamous and should be dishonored and execrated while this free government endures."

Mr. President, I digress from reading the article of President Kennedy to remark that free government would not have continued to endure in the United States had it not been for the requirement of the Constitution requiring the affirmative vote of two-thirds of Members of the Senate before any President of the United States could be convicted upon impeachment charges and removed from office.

I resume the reading of President Kennedy's argument:

And an Illinois Republican leader had warned the distinguished Trumbull "not to show himself on the streets in Chicago; for I fear that the representatives of an indignant people would hang him to the most convenient lamppost."

But Lyman Trumbull, ending a brilliant career of public service and devotion to the party which would renounce him, filed for the record these enduring words:

"The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential office, nor whether it is fit that he should remain in it. Once set, the example of impeaching a President for what, when the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important. What then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone. I cannot be an instrument to produce such a result, and at the hazard of the ties even of friendship and affection, till calmer times shall do justice to my motives, no alternative is left me but the inflexible discharge of duty."

Joseph Smith Fowler, of Tennessee, like Ross, Henderson, and Van Winkle, a freshman Senator, at first thought the President impeachable. But the former Nashville professor was horrified by the mad passion of the House in rushing through the impeachment resolution by evidence against Johnson "based on falsehood," and by the "corrupt and dishonorable" Ben Butler, "a wicked man who seeks to convert the Senate of the United States into a political guillotine." He refused to be led by the nose by "politicians, thrown to the surface through the embers of the departing revolution." Threatened, investigated, and defamed by his fellow Radical Republicans, the nervous Fowler so faltered in his reply on May 16 that it was at first mistaken for the word "guilty." A wave of triumph swept the Senate—Johnson was convicted, Ross's vote was not needed. But then came the clear and distinct answer: "not guilty."

His reelection impossible, Fowler quietly retired from the Senate at the close of his term 2 years later, but not without a single statement in defense of his vote: "I acted for my country and posterity in obedience to the will of God."

James W. Grimes, of Iowa, one of Johnson's better and influential foes in the Senate, became convinced that the trial was intended only to excite public passions through "lies sent from here by the most worthless and irresponsible creatures on the face of the earth" (an indication, perhaps, of the improved quality of Washington correspondents in the last 87 years).

Unfortunately, the abuse and threats heaped upon him during the trial brought on a stroke of paralysis only 2 days before the vote was to be taken, and he was confined to his bed. The Radical Republicans, refusing any postponement, were delightedly certain that Grimes would either be too sick in fact to attend on May 16, or would plead that his illness prevented him from attending to cast the vote that would end his career. In the galleries, the crowd sang "Old Grimes is dead, that bad old man, we ne'er shall see him more." And in the New York Tribune, Horace Greeley was writing: "It seems as if no generation could pass without giving us one man to live among the warnings of history. We have had Benedict Arnold, Aaron Burr, Jefferson Davis, and now we have James W. Grimes."

But James W. Grimes was a man of great physical as well as moral courage, and just before the balloting was to begin on May 16, four men carried the pale and withered Senator from Iowa into his seat. He later wrote that Fessenden had grasped his hand and given him a "glorified smile. * * * I would not today exchange that recollection for the highest distinction of life." The Chief Justice suggested that it would be permissible for him to remain seated while voting—but with the assistance of his friends, Senator Grimes struggled to his feet and in a surprisingly firm voice called out "not guilty."

Burned in effigy, accused in the press of "idiocy and impotency," and repudiated by his State and friends, Grimes never recovered—but before he died he declared to a friend: "I shall ever thank God that in that troubled hour of trial, when many privately confessed that they had sacrificed their judgment and their conscience at the behests of party newspapers and party hate, I had the courage to be true to my oath and my conscience. Perhaps I did wrong not to commit perjury by order of a party; but I cannot see it that way. I became a judge acting on my own responsibility and accountable only to my own conscience and my Maker; and no power could force me to decide on such a case contrary to my convictions, whether that party was composed of my friends or my enemies."

Mr. President, I have read President Kennedy's article which illustrates so well how the provision of the Constitution that no President can be impeached and removed from office unless convicted by two-thirds of the Senate, saved this Nation from a constitutional blackout in one of the most troublesome times of our history. We cannot say with any assurance that times like these will not occur again, for if history teaches us anything, and I think it teaches much, it teaches that what has happened in the past is likely to occur in the future.

I have read the very dramatic story written by President Kennedy about the occasion in the Senate when a rule requiring a two-thirds vote in the Senate saved the reputation of the Senate and constitutional government in our Nation. In light of that circumstance, with that warning of history before me, I expect to stand for a rule of cloture which will require a two-thirds vote of Senators to silence any Senator who feels that his duty to his country and his God, and to his conscience, demands that he stand upon the floor of the Senate and say what he believes he should say.

There is an old saying that, "The saddest epitaph which can be written for the loss of any right is that those who had the saving power failed to stretch forth a saving hand while there was yet time."

In closing, I appeal to Senators to remember this tragic event from the history of our past and to stand by a rule of the Senate which will require a two-thirds vote before any Senator can be prevented from speaking what he honestly believes in his heart is necessary for the welfare of his country.

Mr. President, I have much more to say on the pending business. For this reason, I ask unanimous consent that what I have heretofore said be not counted as a completed speech and that I be accorded the right to resume this discussion in the future and have my past and future remarks counted as a single speech.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

(The following proceedings, which occurred during the delivery of Mr. Ervin's address, are printed here by unanimous consent:)

ORDER OF BUSINESS

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina (Mr. Thurmond) without losing my right to the floor and without having my subsequent remarks counted as a second speech on the pending business, and that I not be otherwise prejudiced in my rights.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, may I inquire if the statement which the Senator from South Carolina proposes to make is germane to the pending business?

Mr. THURMOND. The remarks I propose to make are on the continuation of the draft. I realize the time is not quite up. If there is objection, I wish to say I understand the rules and I shall abide by them.

Mr. BYRD of West Virginia. Mr. President, I appreciate the splendid attitude of the Senator from South Carolina. I would be constrained to object.

Mr. THURMOND. I understand. I will wait until the clock goes around a little before making my remarks.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. ERVIN. Mr. President, so that my remarks may appear unbroken in the Record, I ask unanimous consent that the colloquy between me and the Senator from South Carolina, and the colloquy between the Senator from South Carolina and the Senator from West Virginia be printed in the body of the Record after my remarks are concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Missouri (Mr. Symington), with the understanding, first, that by so doing I shall not lose my right to the floor; second, that by so doing, my subsequent remarks shall not be counted as another speech upon the pending business; and, third, that any statement which the Senator from Missouri may make will be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Packwood). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I appreciate the gracious courtesy of the Senator from North Carolina. I appreciate his kindness in yielding to me. Inasmuch as I do not happen to agree with him on this issue, I would appreciate its being printed in the Record at the conclusion of his remarks for the reason that his oratory is so great that my very short statement probably would be completely nullified if it were put between some of the able sentences he uses in presenting his cause.

SYMINGTON URGES ADOPTION OF THREE-FIFTHS CLOTURE RULE

Mr. SYMINGTON. Mr. President, tradition has it that Senators are Members of the world's greatest deliberative body. We take pride in that legend and the power of extended debate.

Many of the American citizens we represent, however, now question whether Senate deliberations are, as often as not, synonymous with Senate obfuscations.

Debate that serves to explore and expose both the weaknesses and the strengths of legislative proposals can lead to needed delay or desirable revisions. In democratic institutions, there is also need to expound and preserve the views and rights of minorities, and the openness of debate serves that purpose.

When the popular tide is running high, it is also important to have available a tool which would serve as a reasonable brake on what otherwise might be precipitate action on hastily considered proposals. But a time arrives when there really is nothing more of value to be said on the merits of an issue and the Senate should be permitted to act, or not to act, as may be decided by the votes and convictions of individual Senators.

Since 1917 the Senate has had a cloture rule—a means by which debate can be limited so as to bring a matter to a vote. At that time a rule was adopted to permit two-thirds of Senators present and voting to place a limitation on further debate. That rule remained until revised in 1949 to require two-thirds of duly chosen and sworn Senators to invoke cloture.

In 1959, the rule was changed again so as to enable two-thirds of the Senate present and voting to end debate and bring a pending question to vote.

I believe the time is at hand to further modify the rule in order to permit three-fifths of the Senate present and voting to end debate and proceed to vote on the pending issue; therefore I am glad to be a cosponsor of Senate Resolution 9 and hope the Senate will adopt the modification for this 92d Congress.

I believe the proposed 60-percent rule on cloture would continue to safeguard the important principle involved in extended debate, but at the same time permit the Senate, in a more constructive and orderly manner, to work its will on the issues the Senate is obligated to decide.

(This marks the end of the proceedings which by unanimous consent were ordered to be printed in the Record at this point.)

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the rule of germaneness in order at the moment?

The PRESIDING OFFICER. The rule of germaneness has expired.

THE TFX AIRPLANE CONTRACT INVESTIGATION

Mr. McCLELLAN. Mr. President, on Demember 18, 1970, on behalf of the Senate permanent Subcommittee on Investigations, I submitted the subcommittee's report on the TFX airplane contract investigation, which was the longest investigation ever conducted in the history of the U.S. Congress. My comments at that time about the report and the investigation, and those of my distinguished colleagues who participated in the discussion, will be found in the Congressional Record, volume 116, part 31, pages 42376–42381.

Subsequently, on December 30, 1970, I made some comments on the Senate floor about a number of editorials from the Nation's press which had been written following the submission of the subcommittee's report. With one exception, the editorials which I placed in the Record, pages 44038–44040, were complimentary, recognizing both the value and the significance of the subcommittee's 8-year arduous and unpleasant task.

Mr. President, some other editorials and commentaries from the Nation's press have since been brought to my attention. Again with one exception, their writers have commended our report as an accurate and significant record of the management blunders in the Pentagon during the administration of former Secretary of Defense Robert S. McNamara.

One of the editorials, in Aviation Week & Space Technology for January 4, 1971, calls the report "a monumental work of legislative probing." The publication says further:

> We recommend it as required reading for anybody dealing with the military procurement process and also for students of the Pentagon management policies of former Defense Secretary Roberts S. McNamara.

The other editorials are from the Shreveport Journal for December 23, 1970, written by Alice Widener, and from the Times-Picayune of New Orleans for December 25, 1970, written by Edward W. O'Brien.

Mr. President, I request unanimous consent to have the editorial and the commentaries printed in the Record at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Aviation Week & Space Technology, Jan. 4, 1971]

THE TFX VERDICT

(The report on the TFX contract of the Senate Committee on Government Operations made by its permanent subcommittee on investigations chaired by Sen. John L. McClellan (D.-Ark.) is a monumental work of legislative probing. It took eight years and covered the history of the TFX (now the F–111) development from contract award to service use. The full report (No. 91–1496) is available from the Government Printing Office in Washington, D.C. We recommend it as required reading for anybody dealing with the military procurement process and also for students of the Pentagon management policies of former Defense Secretary Robert S. McNamara. Chairman McClellan deserves the appreciation of the taxpayers whose interests he so ably represented for his dogged thorough and lucid pursuit of the facts in the face of equally dogged Pentagon obfuscation. The subcommittee counsel, Jerome S. Adlerman and staff members John Brick, Charles Cromwell, John J. Walsh and Thomas A. Nunnally also did noteworthy work.

(We present the conclusions of this report below and will have further comment on them at a later date. In addition to Chairman McClellan, the report was signed by Sens. Henry Jackson (Wash.), Sam Ervin (N.C.), Abraham Ribicoff (Conn.) and Lee Metcalf (Mont.), all Democrats, and by Republicans Karl Mundt (S.D.), Charles Percy (Ill.) and Edward Gurney (Fla.), Sen. Edmund Muskie (D.-Me.) filed a dissent defending Mr. McNamarra's integrity and Sen. Jacob Javits (R.-N.Y.), added a demurrer that the conflict of interest judgment on Mr. McNamara's former deputy Defense Secretary Roswell Gilpatric was too harsh.—R.B.H.).

The TFX program has been a failure. The federal government will spend more than $7.8 billion to procure about 300 aircraft, although the original production schedule called for more than 1,700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100 (the F–111Fs) come reasonably close to meeting the original standards. Spending so great a sum for so few aircraft represents a fiscal blunder of the greatest magnitude. It is clear that vital financial resources were squandered in the attempt to make the TFX program produce satisfactory results.

The billion-dollar savings in the TFX program, so grandiloquently promised by Secretary of Defense McNamara, became instead a directly unaccountable waste of more than one-half billion dollars spent on the F–111B, the F–111K and the RF–111 versions of the plane, all of which are unacceptable and had to be canceled and abandoned before production. The total failure of the attempt to produce a satisfactory F–111B has caused a long and unnecessary delay in filling the Navy's requirement for a new carrier-based fighter. The lack of fighter maneuverability in the Air Force versions of the F–111 plane made it necessary to undertake the development of another fighter—the F–15—to fill this role for the Air Force in the 1970s. The excessive costs of the Air Force versions forced drastic cutbacks in the numbers of aircraft which can be procured to fill the tactical and strategic inventory. The long delays in getting the F–111s into operational use certainly have had an adverse impact on our defense posture.

Aside from the serious impact which the TFX program has had upon our national security and aside from the obvious waste of scarce resources, the TFX case also has affected public confidence in our defense establishment. As this report makes clear, the primary cause of the TFX fiasco was mismanagement. A series of management blunders made for various reasons, compounded errors with more errors and caused the failure of the program. The management blunders were made at the highest echelons of the government. Top presidential appointees in the Dept. of Defense during the McNamara era overrode expert device to impose personal judgments on complex matters beyond their expertise. These same officials then made extraordinary efforts to conceal the results of their errors in the TFX case. These efforts included deliberate attempts to deceive the Congress, the press, and the American people. Understandably, this sorry record has done nothing to enhance public confidence in the integrity with preserving the national security. Nor has it improved the public image of the Dept. of Defense.

What should be done to correct these conditions? Announcements have already been made of greater decentralization of the management system within the Pentagon so that technical aspects of weapons development programs would be managed where they should be—by the individual services which eventually will be responsible for using in combat the weapons that they develop. There is stated to be increased awareness of the need for current and valid assessments of program status and progress. There also is stated to be concern with the problems of conducting research and development concurrent with early production.

The subcommittee believes that these trends in management policies, if diligently followed, could lead to improvements in the weapons acquisition process and in management effectiveness within the Pentagon.

The subcommittee is hopeful that the civilians who now run the Dept. of Defense, as well as those who will follow, will be committed to a policy of candor and truthfulness in their relations with the press, the public, and the Congress.

Such a policy, if observed, should do much to improve public confidence in the credibility of the Pentagon.

It would be foolhardy, however, to assume that such errors as are exemplified in the TFX program could not be repeated. A major lesson of the TFX case is that the Congress must not hesitate, in the exercise of its oversight function, to examine major procurement procedures, decisions, and programs, particularly whenever there is obvious deviation from established practices. The Congress must be ever watchful, because there could be recurrences of the serious and damaging mismanagement that attended the TFX program from its inception, as reflected in the subcommittee's hearings and as summarized in this report.

[From the Shreveport Journal, Dec. 23, 1970]

McNamara Wrong—TFX, Costly Lesson

(By Alice Widener)

New York.—In the years-long investigation of the F-111, the eight-billion-dollar American fighter-bomber plane known as the Tactical Fighter Experimental (TFX), editor Robert M. Bleiberg of Barron's National Business and Financial Weekly has been proved right in his crusade against the plane, and the Kennedy-Johnson Administrations' No. 1 Whiz Kid, former Defense Secretary Robert S. McNamara has been proved wrong.

The Senate Permanent Investigating Committee, Sen. John L. McClellan chairman, issued its final report on the TFX this month, calling McNamara's flying Edsel a "fiscal blunder of the worst magnitude" and accusing Mr. McNamara of deliberate attempts to "conceal the truth" about the TFX. The Senate Committee also accused McNamara's No. 1 aide, Deputy Defense Secretary Roswell L. Gilpatric, of "flagrant conflict of interest" because of his close legal association with General Dynamics, to which the TFX contract was awarded though Boeing Company's bid was lower and design better for the fighter-bomber.

The horrendous consequences of the TFX scandal are upon us, for McNamara's and Gilpatric's insistence on the unsatifactory plane—over the unanimous objection of our Joint Chiefs of Staff—has had what the Senate Committee declares to be an "adverse impact on our defense posture." This is exactly what Mr. Bleiberg predicted, again and again, in his front page Barron's editorials that appeared in July and August, 1965, August, 1966, September, 1967, and May, 1970, under headlines telling the whole disgraceful story:

"Flying Edsel—The TFX May Wind Up Satisfying Neither Buyers Nor Sellers;"

"Wing and a Prayer—the TFX 'Best Plane Ever Built' (McNamara) May Not Be Good Enough;"

"Point of No Return—The TFX Program Has Gone From Scandal to Disaster;"

"Moment of Truth—It's Time the Nation Cut Its Losses in the TFX;"

"Incredible Contract—General Dynamics' Gain Is Nation's Loss;" and finally "F-111 Fiasco."

If the nation comes to learn the real significance of the TFX eight-billion-dollar scandal, then—let us pray—it might be worth the bitter lesson so costly in money and so damaging to our national defense.

The first thing we must learn, once and for all, is "Put not our military defense trust in egghead civilian Department of Defense disarmament advocates." That is exactly what President John F. Kennedy did when he appointed Robert S. McNamara, Roswell L. Gilpatric and Jerome B. Weisner respectively as Secretary and Deputy Secretary of Defense and Science Adviser. All three pitted their own conceited opinions in military matters against our Joint Chiefs.

The second thing we should learn from the TFX fiasco is not to permit our biased liberal broadcasting commentators and discussion-show directors to affect our opinions on major issues. For years and years, the networks afforded McNamara and Gilpatric every possible opportunity, free of informed opposition, to air their views and dismissed the cogent criticisms of the TFX made by Sen. Barry Goldwater, by Newton H. Fulbright, investigative reporter for the New York Herald Tribune, and by Robert Bleiberg.

The third thing we must do is to urge President Richard M. Nixon to use his influence for the removal of Robert S. McNamara as President of the World Bank.

[From the New Orleans (La.) Times-Picayune, Dec. 25, 1970]

TFX Fiasco Was Civilian

(By Edward W. O'Brien)

Washington.—Though it is Christmas, what follows is said not out of charity but in justice to this country's men in millitary uniforms.

Last week the Senate's McClellan committee published a report on its longest investigation, the inquiry into the TFX airplane program. In 93 pages, based in turn on thousands of pages of testimony over eight years, the committee wrote the documented story of one of the most disgraceful and costly episodes in American history.

The $7.8 billion program to design and build fighter planes for the Air Force and Navy has been a failure and a fiasco, the committee report showed. Most of the money was squandered, lives have been lost in crashes, immense technological talent and resources have been wasted, and a serious hole was left and still exists in national defense.

Those conclusions by the committee members of both parties are beyond dispute.

Who was to blame for the TFX scandal? Again, the precise facts have been spread on the record in sworn testimony and in the committee's report. The guilty were not four-star generals and admirals, bumbling colonels and captains, or even uncouth lieutenants and ensigns.

For once, those culpable were explicitly identified, and they turned out to be the prestigious civilians who were giving orders for years to the men in uniforms.

"The primary cause of the TFX fiasco was mismanagement," the senators said.

"A series of management blunders, made for various reasons, compounded errors with more errors and caused the failure of the program. The management blunders were made at the highest echelons of the government.

"Top presidential appointees in the Department of Defense during the era of Secretary Robert S. McNamara overrode expert advise to impose personal judgment on complex matters beyond their expertise.

'These same officials then made extraordinary efforts to conceal the results of their errors in the TFX case. These efforts included deliberate attempts to deceive the Congress, the press, and the American people."

The basic mistake was in giving the contract to General Dynamics Corp. for an inferior design. This decision was made by four civilians—McNamara, Defense Deputy Secretary Roswell Gilpatric, Air Force Secretary Eugene Zuckert, and Navy Secretary Fred Knorth.

In handling the contract to General Dynamics, the civilians rejected the unanimous recommendation of their military advisers, who had determined through four rounds of competition that Boeing Co. offered a better plane for less money.

Not only did the four secretaries reject the advice from the military experts. They did not consult with the officers or even tell them of their decision until days later.

As the TFX sank deeper and deeper in ineptitude, and failure, Pentagon military officers and career civil service experts on many occasions proposed changes that would salvage part of the program. But, as before, their opinions were scorned, and McNamara and Co. plunged on toward final disaster.

Ironically, it was Secretary McNamara and a number of his intimate civilian associates who did much to begin the undermining of public confidence in the military establishment—a process that continues and could have momentous consequences.

But at least on the TFX, justice has finally prevailed, thanks to Sen. John L. McClellan, Sen. Henry M. Jackson and other committee members, and an able and devoted staff headed by counsel Jerome S. Adlerman.

Mr. McCLELLAN. One of the editorials which I placed in the Record on December 30, 1970, was highly critical of the subcommittee and of its staff. That editorial appeared in the Washington Post for December 29, 1970. It was titled "The End, We Hope, of the TFX Affair." The editorial admitted that there had been many errors, blunders, mistakes in judgment, and mismanagement of the TFX program during the Pentagon administration of Robert S. McNamara. In my comments about the editorial, I suggested that its title was misleading and inaccurate. I said that, in my opinion, a more suitable title would have been "An Editorial Apology for the Blunders of Secretary McNamara."

Mr. President, the second of the twin McNamara defenders, the New York Times, published an editorial on January 2, 1971, quite similar in tone and content to the one which had appeared earlier in the Washington Post. The New York Times editorial was titled "Blame for the F-111." The Times also admitted some of the McNamara blunders and mistakes, but it concluded with this remarkable absolution for him:

> The F-111 fiasco—

I call attention to the fact that they admit it was a fiasco—

> was ultimately a failure of General Dynamics to deliver on its original design.

Of course, failure to deliver on the original design was the consequence of the blunders made at the Pentagon, at the Secretary of Defense level.

The record of our hearings proves the inaccuracy of that statement.

The ultimate failure was due to the inability of General Dynamics to deliver on its original design.

The record shows that the principal cause of the TFX disaster was the original decision to try to build a single plane for two completely divergent and different missions.

The decision was that the plane was to be a bomber-fighter. This plane is not a fighter. It could not hold its own in combat with any modern fighter of any other large power today at all, absolutely; and, as a bomber, it has one particular feature that can be said to be good if the plane is ever made safe. Of course, as a naval reconnoitering plane to guard the Navy as an outward sentinel to protect the fleet, it is not only a complete failure; it has been rejected and the plane was never purchased for that purpose. Congress forced the cancellation of the contract as to the naval plane.

Secretary McNamara made that decision, and he rejected the counsel of aircraft experts who said that the TFX, as he envisioned it, was not technically feasible. He rejected the advice of the Defense Department's experts, both civilian and military, and overruled their recommendation for source selection. Secretary McNamara chose General Dynamics to build the TFX, and thereafter repeatedly refused to accept the advice of both contractors and Defense Department experts who recommended several times that the airplane be redesigned.

They advised the Secretary and advised the Defense Department repeatedly that, as designed and as originally contracted for, the plane would not be able to carry out—certainly would not be able to perform—the mission of the Navy. Secretary McNamara personally managed the program after many serious problems developed, and he was familiar with those problems when he ordered the plane into production. Since our report was issued, another F-111 has been lost on a test flight, and neither the plane nor its crew has been found. Instead of blaming the fiasco on General Dynamics, the Times should have placed the blame squarely where it belongs—upon the group of civilian administrators who were arbitrarily led by Robert McNamara.

I might note that ever since this last plane went down, the one that has not been found—it went down only since the filing of the report—another defective part has been found in the plane, which raises further serious questions as to the safety of it as a weapon.

The Times editorial, like the one printed in the Post, was highly critical of the subcommittee. In fact, the newspaper suggests that our report is so one-sided that it should be called "The Revenge of the Military-Industrial Complex."

The military-industrial complex did not need to seek any revenge against Mr. McNamara. The military-industrial complex, of which General Dynamics is a part, undertook to build a plane according to Mr. McNamara's dictation and management, which has proven to be impossible.

Since title-changing seems in order, Mr. President, I suggest another title for the Times, as I did previously for the Post. In my opinion, a more suitable title would have been "Another Feeble Editorial Apology for Mr. McNamara's TFX Fiasco."

Mr. President, I too, hope, like the writer of the Post editorial, that we may see an end to this TFX fiasco. But if we are to see an end to it—and I would like to hear no more about it—a miracle will have to be performed. Something miraculous will have to take place in the industry and by the contractor that has the responsibility for producing this plane, in order to make the plane the weapon that our Government purchased, the weapon that the contractor agreed to deliver, and the weapon for which we are paying, and paying dearly—in fact, paying three or four times what Mr. McNamara estimated the cost to be.

I do not anticipate that any such miracle will occur.

Mr. President, I request unanimous consent to have the New York Times editorial printed in the Record at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Blame for the F-111

The final report of the Senate Permanent Investigations Subcommittee on its long inquiry into the F-111 airplane contract might well be called "The Revenge of the Military-Industrial Complex."

The career officers in the Pentagon, the businessmen in defense industries and the influential politicians on Capitol Hill who resented Robert McNamara's strongwilled ways during his nearly seven years as Secretary of Defense can read this one-sided, savagely worded report and feel satisfied. But those with a more balanced attitude toward the McNamara record are likely to agree with Senator Muskie's dissenting view that this report does "a disservice to the cause of more efficient defense management."

There is no doubt that the F-111 has been excessively expensive and that, on balance, it has to be regarded as one of Mr. McNamara's failures. The disagreement is over the reasons for that failure. The investigating subcommittee's final report, released by Senator McClellan last week, has the "I told you so" quality of participants in a bitter dispute who have the last word and use it to drive home the notion that they were right all along.

But a fair-minded reading of the evidence set forth in the report does not support the angry caricature of Mr. McNamara which Senator McClellan and his colleagues have drawn. Some of the "major management errors" which they depict, for example, are simply Mr. McNamara's managerial virtues turned upside down.

As part of his successful effort at the Pentagon to make civilian control a functioning reality for the first time, he cut across routines and rivalries to insist, wherever possible, on the concept of "commonalty"—use of the same weapon or equipment by all the services.

In the case of the F-111, the Air Force and the Navy each wanted its own plane but he insisted that a single plane could meet the essential needs of both. Only an aggressive, ambitious manager would have moved so boldly. In this instance, Mr. McNamara's reach exceeded his grasp. A plane with a variable sweep wing was too new, too close to the margin of technological knowledge at that time to yield to his stringent cost control efforts. When problems and costs rose inexorably, Mr. McNamara, a perfectionist, betrayed the perfectionist manager's characteristic weaknesses—a tendency to overcentralize decision-making in his own hands and a stubborn refusal to admit error.

The mistakes which Mr. McNamara made in this instance qualify but do not offset his many brilliant successes in managing the huge Pentagon establishment and increasing its effectiveenss by these same managerial methods.

The subcommittee provides insufficient evidence to support its harsh conflict-of-interest charges. It hints at but does not document the rumors that President Kennedy favored General Dynamics over Boeing, the rival bidder, because he was politically indebted to its principal stockholder or because its plant was in Vice President Johnson's home state. No evidence substantiates these rumors. Deputy Secretary of Defense Roswell L. Gilpatric was less than frank in relating his prior relationship with General Dynamics to the subcommittee; he would have been prudent to disqualify himself from consideration of this contract. However, neither Mr. Gilpatric nor Secretary of the Navy Fred Korth, another target of subcommittee criticism, appears to have played a major role in a decision which was primarily the responsibility of Mr. McNamara.

The F-111 fiasco was ultimately a failure of General Dynamics to deliver on its original design. It is impossible to know whether Boeing would have encountered similar difficulties if it had been awarded the contract. What is clear is that the mistakes and setbacks which plagued the development of the F-111 cannot blot out the many substantial accomplishments achieved by the Defense Department under the leadership of Robert McNamara.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Arkansas (Mr. McClellan) for his excellent work as chairman of the Committee on Government Operations and of the Permanent Subcommittee on Investigations. I feel that the distinguished chairman of the committee and of the subcommittee, the members of the subcommittee, and the staff have shown great ability, great dedication, and great perseverance in the investigation of the TFX affair, and I feel that they have done a great service to their country, and that through this investigation, they have reflected great credit upon themselves and upon the Senate of the United States.

Speaking as the junior Senator from Alabama, I commend the distinguished chairman of that committee, the Senator from Arkansas (Mr. McClellan) for his great patriotic work as chairman of that committee and for being the great patriot that he is.

Mr. McCLELLAN. I thank my distinguished colleague. He is very gracious in his commendation of the work of the committee and of the chairman.

I might say, Mr. President, that if one or two editors do not want to hear more about the TFX fiasco, they can contribute to that aspiration by simply stop writing editorials apologizing for the fiasco, trying to place the blame improperly on those on whom it does not belong, and trying to protect those where the blame rests.

ORDER OF BUSINESS

Mr. ALLEN. Mr. Presilent, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 34—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to submit, on behalf of the Senator from Washington (Mr. Jackson), for himself and the Senator from Colorado (Mr. Allott), a resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations.

The PRESIDING OFFICER. Without

objection, it is so ordered. The resolution will be received and appropriately referred.

The resolution (S. Res. 34), which reads as follows, was referred to the Committee on Interior and Insular Affairs:

S. RES. 34

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from February 1, 1971, through February 29, 1972, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $200,000, of which amount not to exceed $6,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ORDER FOR RECESS UNTIL 11:15 TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SWEARING IN OF A NEW SENATOR FROM THE STATE OF GEORGIA

Mr. BYRD of West Virginia. Mr. President, tomorrow morning a new Senator from the State of Georgia will be present to take the oath of office before entering upon his official duties. I, therefore, ask unanimous consent that immediately after the laying before the Senate of the pending business and the approval of the Journal if there is no objection, there be a brief period to permit the new Senator to be sworn in.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATORS JAVITS AND FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the swearing in of the new Senator from Georgia, the able Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that upon the conclusion of the remarks by the Senator from Arizona (Mr. FANNIN), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, an order for a period for transaction of routine morning business not exceeding 45 minutes, with statements therein limited to 3 minutes, has already been agreed to and entered.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS UNTIL 11:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:15 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, February 2, 1971, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 1 (legislative day of January 26), 1971:

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-4):

Thomas H. Bruce
William D. Clemons, Jr.
Gerald H. Conner
William C. Corbett
Roy H. Crawford
Ernest Crocker, Jr.
Orville H. Duncan
Jo E. Kennedy
Glenford A. Newtown
Robert H. Russell
Aaron W. Spikes
James T. Williams
Robert V. Williamson
John A. Witkoski

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W-3):

David P. Abrams
Robert L. Adams
Bruce M. Albert
Bruce D. Alexander
Raymond L. Anti
Robert E. Atwood, Sr.
Willard E. Bailey
Donald N. Barber
William W. Barber
Harold E. Bartell
Donald R. Bean
John C. Beier
Donald C. Blackwood
Earl C. Blount, Jr.
Leon J. Bochenski, Jr.
Robert L. Bonifay
William B. Bovee
Robert G. Bradley
Richard C. Brassington
Ernest V. Bridges
Ferris D. Brown
James E. Brown
Frederick A. Buelow
Ernest A. Burgett
Glydon C. Burkett
James M. Burns
Louis G. Bushnell
Jackie M. Carter
Thomas J. Caulfield, Jr.
Wallace E. Cavett
Howard J. Christenson
William J. Cipperly
Roy L. Clark
Jarrett Colbert, Jr.
William C. Conrardy
Darrell H. Cook
Robert G. Darroch
Frederick E. Daubenspeck
Ralph D. Davies
Carroll C. Davis
James S. Davis
Leslie B. Dehaven
Harold E. Dexter
Kenneth M. Douglas
Richard H. Dyberg
Charles D. Eicher
John B. Emeney
Phillip M. Estes
Carroll G. Fain
Robert L. Fain
Joseph R. Frawley
Harold W. Frazier, Jr.
William F. Flom
Henry D. Flood
Donald L. Fogg
Ronald L. Foster
Alvin E. French
Howard E. Funk, Jr.
Cecil O. Gage
James R. Gauthier
Marvin J. George
William E. Gilbert
Carroll S. Gipson
Donald S. Giusto
William H. Gordon
Donald B. Greenlaw
Eugene W. Gregorius
Kevin J. Griffin
Morton L. Hall
Carl D. Hamilton
Troy W. Hancock
Robert C. Hankinson
Tommy A. Harmon
William R. Hayes, Jr.
James E. Hill
Ronald G. Hoffman
Eugene S. Holmberg
Harvey D. Houck, Jr.
Edward M. Hughes
Douglas W. Hughs
Earl M. Jennings
Erich J. Johnston
Edward T. Jones, Jr.
Richard L. Keil
Kenneth K. Keller
James E. Kendall
George P. Kenniston
Stephen F. Kiselicka
Herbert S. Kondo
Earle L. Lambert
Claudie J. Ladner
Jamts E. Lake
Roger E. Larvie
David W. Lathrop, Jr.
Charles A. Lawrence
Earl C. Lee
Thomas J. Lesh
Karl F. Liebert
Joel F. Lindsey
Roy F. Little
William D. Llewellyn
Edward P. Loftus
Robert M. Ludwig
Robert B. Mackenzie
Ronald T. Macy
Paul M. Manning
William A. Masker
Ronald J. Mayes
Bernard L. McIlnay
Bruce Mellon
Ralph C. Miller, Jr.
Tom A. Mix
John E. Moody
Johnney W. Moody
Bobby W. Morgan
Alan L. Morrill
Dewey E. Mueller
Billy D. Nicholas
Fredrick D. Norton
Roy M. Oehlers
David T. Penman
Richard E. Phillips
James R. Pippin
William A. Poe, Jr.
Cleon H. Rafferty
Emma G. Ramsey
Edmond W. Reeder
Alfred J. Reyer, Jr.
John L. Rhodes
Martin J. Riley, Jr.
Harold L. Ritter
Clarence A. Robinson, Jr.
Rodger J. Rodick
Leonard Ross
Edward P. Rotchford
Clark H. Rowe
Richard K. Sanders
Stanley F. Sanders
Charles W. Savage
Salvatore J. Scalzo
Adolph Schmid
William W. Schuon
Norvel M. Scott
William G. Sexton
Daniel L. Siemion
Stanley A. Skalski
Richard G. Shore
Frank E. Smith
George M. Smith, Jr.
Arlon Solomon
Anthony J. Soltes
Robert E. Spiker
Peter N. Stavros
William T. Steinken, Jr.
Richard F. Storch
Edward G. Tardif
Kenneth E. Taylor
John L. Thacker
Edgar D. Thomas
John G. Tinney
Harry J. Tobin
Richard L. Turcott
Thomas W. Turner
Jimmie Veater
Norman J. Walker
Richard H. Wallace
Robert H. Wallace
Calvin R. Waters

Price I. Watkins
Eric P. Watson, Jr.
John C. Watts
John L. Wenrich, Jr.
Charles D. Wheeler
Donald L. Whisnant
Thomas A. White
Vance E. White
James E. Wright
Clyde V. Wright
Howard C. Wolfe
Veo S. Yon
George A. Zettler

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer (W–2):

Charles W. Adams
George L. Anderson
Charles M. Banks
Robert Barber, Jr.
John E. Baughman
Thomas J. Berryhill
Roy H. Bixler
Donald R. Book
Clyde P. Boudreaux
Lawrence C. Brinkman
James J. Brisson
William C. Brown, Jr.
Walter J. Bruderer
Joseph A. Bryant
Dudley L. Burgess
Christopher P. Butler
Gary G. Carley
James T. Chaffee
Marion L. Cotten
Patrick C. Coulter
Raymond L. Dedual
Oscar Delagarza, Jr.
Acie N. Derossett
Joe H. Driver
Orlando Fernandez
Franklin A. Field III
Donald H. Finley
Carl J. Fisher
Richard F. Fleming, Jr.
Jack W. Flynn
Robert W. Forsiberg
Rose J. Franco
John A. Frank
John B. Funk
Carl H. Gassoway
Louis P. Glassburner
Robert K. Gorning
James W. Gray
James A. Grebas
Johann Haferkamp
Franklin R. Hester
Louis A. Hoch, Jr.
Michael P. Hudson
William J. Janning
Charles J. Julian
John J. Keenan, Jr.
John S. Keene
Robert J. Keller
Floyd M. Kennedy
Albert Lane, Jr.
Enrique Lariosa, Jr.
Ronald J. Lauzon
Bernard L. Lee
Gary A. Lucus
John G. Lyle, Jr.
Michael T. Mallick
Thomas H. Marino
Larry A. Martin
Jack L. Matlack
Raymond C. Matthias
Charles A. McCartney
Jerome M. McGuire
Benjamin H. McNutt
Kenneth H. Medeiros
John M. Miller
Jimmy Miranda
Patrick J. Mongoven
William R. Moody
David D. Moore
John V. Morris
James E. Mulloy, Jr
Louis N. Panchy
Roger L. Peterson
Carl W. Polk
Raymond G Prefontaine
Ivan D. Puett
Wade A. Robinson, Jr.
Alfred R. Rocheleau
Gerald L. Rodden
Mack I. Rogers
Tommie D. Rose
William H. Rosser
Frederick W. Schaffer
John R. Shultz, Jr.
Arthur W. Seabury, Jr.
Coburn L. Sergent
Henry L. Singer
Billy W. Smith
Charles L. Staigle
John A. Steward, Jr.
Richard A. Teeter
Raymond D. Tevis
Richard J. Tyler
John E. Upah, Jr.
Bruce W. Vance
Cullen R. Vinson
William J Walker
Frederick M Waller
Napoleon K. Weaver
Willis D. White
Dennis Wilczewski
Nathaniel C Wilson
Larry L. Wine
James W. Wofford, Jr.
Rudolph E. Woltner, Jr.
Frank C. Zubiate

The following-named officers of the Marine Corps for temporary appointment to the grade of captain:

Peter A. Acly
James R. Acreback
Jerald R. Agenbroad
Richard L. Akin
William S. Alexander
James J. Allamon
Charles R. Allison III
David S. Althaus
John F. Amend, Jr.
Lester E. Amick III
Gene F. Ammons
Christen V. Anderson
Gordon E. Anderson
James L. Anderson
Timothy J. Anderson
James F. Andrews III
Clarence T. Anthony, Jr.
John W. Anuszewski, Jr.
Russell E. Appleton
Rodney A. Arena
Michael J. Arent
Willard P. Armes
Rufus A. Artmann, Jr.
Ashton D. Asensio
Michael D. Ashworth
George B. Atkinson
Stephen L. Austin
Richard G. Averitt III
Paul C. Bacon
Marion R. Baggs
Robert L. Bailey
Ronnie J. Bailey
Steven D. Bailey
David L. Baker
Raymond F. Baker
Sam R. Baker II
Wheeler L. Baker
David W. Baldwin
John J. Banning
John C. Barber
Peter J. Barber
Richard E. Barber
Robert Barber, Jr.
Harry E. Bare
William H. Barnetson, Jr.
Charles J. Barone
Odis L. Barrett
John L. Barry
James J. Barta
Allen C. Bartel
Richard J. Bartolomea
John M. Basel
Douglas L. Bash
Clarence E. Bates, Jr.
Gordon W. Bauer, Jr.
Michael J. Baum
Arthur S. Bausch
David C. Beaty
James H. Beaver
Emil R. Bedard
William A. Beebe II
Lawrence C. Begun
Stephen E. Beiser
Joseph A. Bekeris III
James D. Bell
Charles A. Bellis, Jr.
Gerald L. Berry
Timothy L. Berry
Thomas J. Berryhill
Donald L. Best
Joseph A. Betta
Archie J. Biggers
John L. Bilodeau
Richard A. Bircher
Willie R. Bishoff, Jr.
Donald R. Bishop
Richard J. Bishop
Walterrobert Bishop
William R. Black, Jr.
Patrick C. Blackman
William B. Blackshear, Jr.
John P. Bland
Michael P. Boak
Robert J. Boardman
Alec J. Bodenweiser
David A. Boillot
John A. Boivin
George J. Bolduc
George P. Bond
James N. Bonner
Jay F. Boswell
Jack B. Bounds
Michael S. Bowling
Lamar Boyd
Lynn L. Boyer III
Frank A. Bozanich
Thomas A. Braaten
Kenneth L. Bradley
Bernard F. Bradstreet
Clifford A. Brahmstadt
Ian Brennan
Robert R. Brewton
William R. Brignon
Melvin J. Brinkley
James A. Brinson, Jr.
Larry W. Britton
Michael V. Brock
George M. Brooke III
Richard C. Brookes
Charles V. Brooks
John W. Brooks
Homer W. Brookshire, Jr.
Arthur J. Brown
David L. Brown
David T. Brown
Jon L. Brown
Michael B. Brown
Paul E. Brown
Ray A. Brown
Richard M. Brown
Thomas M. Brown
Kenneth H. Bruner
Charles P. Brust
Fred B. Bryant, Jr.
James F. Buchli
Paul D. Budd
Robert J. Buechler
Roger D. Bullard
Mark C. Bunton
Victor L. Burgess
Phillip G. Burke
Robert P. Burkholder
Dwight E. Burns
Patrick M. Burress
Michael A. Burrous
Ronald L. Burton
Larry E. Butler
Donald J. Buzney
Mark A. Byrd
James P. Byrnes
Rocco J. Caldarella, Jr.
Douglas Caldwell
Carl P. Campbell
Edgar M. Campbell
Wayne P. Campbell
Raymond M. Campos
John C. Cargill
Thomas M. Carlin
Joseph R. Carlisle
George A. Carlson
Daniel M. Carradice
Edgar M. Carson
Jackie R. Carter
Michael R. Carter
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Robert E. Caudill
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Harvey W. Cawthorn
Mario E. Cecchetti
Lee A. Cerovac
Merritt N. Chafey IV
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Andrew L. Charlson
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Jonathan C. Chase
Bruce B. Cheever II
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Maurice L. Chevalier
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James P. Clark
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Clelland D. Collins, Jr
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William C. Conrad, Jr.
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Stephen P. Cook
Thomas M. Cook IV
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Fletcher R. Cosby
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Stephen E. Cox
Steven L. Cox
Bradford L. Craddock
James P. Craig II
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Crane Davis
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Elmer H. Davis, Jr.
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James H. Davis
Jimmie F. Davis
William P. Davis II
Carson R. Day
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Samuel C. Decoteau
Terence T. Deggendorf
Jack E. Deichman
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John N. Holladay
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Frederick L. Huntington
James W. Hust
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William P. Isbell
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Ronald P. Johnson
Russell H. Johnson, Jr.
Russell L. Johnson
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James L. Jones, Jr.
Larry Jones
Norfleet V. Jones
Stuart C. Jones, Jr.
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William R. Keefe
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Joseph A. Kelleher
Richard A. Keller
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Philip C. Kellogg
Michael B. Kelly
Jack H. Kemeny, Jr.
Floyd M. Kennedy
Edward R. Kenney
Lloyd E. Kenney
Harold C. Kern III
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John A. Kieffer, Jr.
Gary J. Kiel
Raymond R. Kielhofer
John P. Kiley
Ernest M. Kimoto
Richard C. Kindsfater
Charles W. King
Gary W. King
Virgil G. Kinnaird III
John S. Kinsman
Patrick Kirk
John J. Kispert, Jr.
Jack W. Klimp
Richard L. Kline, Jr.
William R. Knapp
Harold W. Knotts
Manfred A. Koebig, Jr.
Nicholas L. Kopchinsky
Donald E. Koppenhaver
Walter J. Kowalewski
Ellsworth R. Kramer
Peter L. Kranker
Jon J. Kratz
Randall D. Krekeler
Earl A. Kruger
Leo E. Krusemark, Jr.
Michael L. Kudalis
Richard H. Kunkel, Jr.
Richard C. Kurth
Gregory S. Kuzniewski
Albert S. Kyle
Robert C. Labbe
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Michael L. Langston
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Luther L. Lawson III
Kenneth J. Leahy
Martin Lebowitz
Fitzhugh B. Lee
John S. Leffen, Jr.
Stephen B. Leslie
Edward G. Lewis
Francis E. Lewis
Fred M. Lewis
James T. Lewis
John A. Lidyard
Richard F. Liebler
Regenald F. Lightsey
Richard E. Link
Ralph Lippe
Robert W. List
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Robert K. Lunday, Jr.
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Michael T. Mallick
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Eugene F. Mares
Wesley R. Marks, Jr.
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Ronald W. Marsteller
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Gerald E. Martin
Justin M. Martin II
E. T. Mattke
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Francis A. Mauro, Jr.
Bernard J. Maxik
Douglas B. May
Robert J. MacNamara
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Gerald B. McDowell
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Robert F. McKiernan
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James R. McNeece
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Paul N. Meier
David E. Melchar
Stephen N. Melgaard
William R. Melton
James C. Metcalfe
Richard Metli
Robert F. Meyers
Patrick A. Michel
Fred L. Migliorini
John C. Millen
Charles G. Miller
Eugene D. Miller III
Richard E. Miller
Rodney A. Miller
Edward H. Mills
Wallace W. Mills
Jimmy Miranda
Frank G. Misemer
David L. Mix
Michael R. Mohr
Carl W. Monk, Jr.
John W. Monk, Jr.
David D. Moore
James B. Moore, Jr.
Freddie M. Morgan
Michael D. Morgan
Ronald H. Morgan
Elliott L. Morio
Peter S. Morosoff
John A. Morrison
Michael K. Morrison
Paul H. Morrissey
Michael K. Morrow
Bobby J. Morton
Gary W. Moser
Robert J. Mott
Cyril V. Moyher
Larry S. Mueller
Richard G. Mueller
Michael R. Mullen
James E. Mulloy, Jr.
John J. Munn
Stephen A. Munson
Edward J. Murphy
James E. Murray
Clifford O. Myers III
James S. Myers
John K. Narney
Richard O. Neal
Rafael Negron, Jr.
Ellis S. Nelson
James H. Nelson
Robert R. Nelson
Robert B. Newlin
John N. Newman
Roy D. Newman
Howard B. Nielsen
Thomas E. Noel
Oliver L. North
Raymond J. Norton
Henry K. Nowicki
Thomas G. Nulty
Lon P. Oakes
Patrick P. Oates
James M. O'Brien, Jr.
John J. O'Brien, Jr.
William P. O'Brien, Jr.
Kent R. Oehm
William W. Ogdahl
John J. O'Leary
Wilbert E. Orem, Jr.
Robert J. O'Rourke
C. K. Osborn
Edward M. O'Shaughn
Harold B. Overton
James E. Owens
Mackubin T. Owens, Jr
Eugene M. Ozment
Jerry G. Paccassi II
Peter Pace
Anthony J. Pack
Robert A. Packard, Jr.
Leslie M. Palm
Walter S. Panchison, J
Louis N. Panchy
John A. Panneton
Joseph F. Parker
Matt Parker III
Paul D. Parker II
Michael L. Parks
Anthony J. Paruzynski
David B. Peake
Richard E. Peasley
Charles A. Pelletier
James M. Pendergast
William C. Peoples
Donald N. Persky
Anthony J. Pesavento
Arthur R. Peter, Jr.
David W. Peters
Ross T. Petersen
Gary D. Peterson
Linn B. Peterson
George M. Pfeiffer, Jr.
Lloyd O. Phelps
George Philip III
James B. Phipps, Jr.
Vincent J. Pilck III
Ralph A. Pineda
Richard W. Pipe
Richard L. Piper
Bernard H. Plassmeyer
Robert C. Plunkett
Bernard T. Polentz
Jimmy D. Pope
Richard J. Popps
John C. Powers
Paul B. Pratt, Jr.
Gary A. Prentice
Kenneth D. Pricer
Ronald E. Pruiett
Kenneth R. Ptack
Henry P. Purdon
Robert H. Quinter, Jr.
Harry Q. Radcliffe
Sepp D. Ramsperger
William E. Ransbottom
Charles D. Raper
James W. Rattigan
Leonard D. Raub
David G. Ray
Charles L. Redding
Robert L. Redfield
John D. Reed
Nathaniel H. Reed
Charles E. Reeves
Richard C. Regan
Joseph D. Reich
Thomas L. Reilly
Joseph H. Reinhardt
Andrew D. Reistetter
Joseph F. Renaghan
Richard L. Reuter
William B. Reynolds
Lawrence G. Richard
James S. Richardson
Orin J. Riddell IV
William W. Riggs
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Clyde A. Rilea
Durwood W. Ringo, Jr.
Robert K. Ripperger
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Joseph W. Roach
Martin E. Roach
James M. Roark
Daniel K. Roath
Marlen C. Robb, Jr.
Larry E. Roberson
Benjamin T. Roberts
Kenneth M. Roberts
William E. Roberts
Joe D. Robinson
John K. Robinson
Wade A. Robinson, Jr.
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Ralph E. Sinke, Jr.
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Franklin B. Smith
Gilbert E. Smith
Michael D. Smith
Ray L. Smith
Richard M. Smith
Terrance L. Smith
Robert L. Snelson
Frederick G. Snocker
John S. Snoddy
Dennis L. Snook
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Kenneth A. Solum
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Richard D. Spitz
Michael L. Spivey
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Jonathan B. Stad
Norman S. Stahl
Charles L. Staigle

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Ray B. St. Charles
Charles Steele
Martin R. Steele
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Peter R. Stenner
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Edmond C. Stevenson
John G. Stevenson
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Eugene O. Wright II
William S. Wright
John W. Wuethrich III
William R. Wyser, III
James F. Wzorek, Jr.
James A. Yorg
Kenneth W. Young
Walter R. Young
Richard I. Zabovnik
George A. Zahn, Jr.
Edward R. Zaptin
Michael V. Ziehmn
Albert J. Zima
David W. Zimmerman
Lawrence R. Zinser

HOUSE OF REPRESENTATIVES—*Monday, February 1, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good, a stronghold in the day of trouble: And He knoweth them that trust in Him.—Nahum 1: 7.

Be gracious unto us, our Father, and bless us as we wait upon Thee on this the first day of a new month. Guard our country and guide our leaders, that this land may ever be a stronghold of peace and good will in our world. Strengthen the ties of fellowship among our people and increase the bonds of friendship between us. In every soul, plant the living virtues of Thy loving spirit, and in every home may the love of Thy dear name hallow every heart.

We commend to Thy keeping all who are giving their lives on our behalf that through their sacrificial efforts peace may come. Particularly do we pray for our prisoners of war. Keep them strong in spirit, steady in soul, patient in purpose, faithful to their faith, and hopeful in heart looking for the end of war. Bless their families and may Thy grace be their comfort as with loyalty and love they live through these days of separation.

Bless our astronauts. May they land on the moon and return safely to earth.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had made the following appointments:

The Vice President, pursuant to Public Law 91–405, appointed Mr. Jayson Newman and Mr. James J. McIntyre to the Commission on the Organization of the Government of the District of Columbia.

The Vice President, pursuant to title 15, United States Code, section 1024, appointed Mr. Humphrey and Mr. Bentsen as members, on the part of the Senate, of the Joint Economic Committee.

The Vice President, pursuant to title 42, United States Code, section 2251, appointed Mr. Symington and Mr. Bible as members, on the part of the Senate, of the Joint Committee on Atomic Energy.

The President pro tempore, pursuant to section 401 of the Legislative Reorganization Act of 1970, appointed Mr. Metcalf, Mr. Gravel, and Mr. Childs as members, on the part of the Senate, of the Joint Committee on Congressional Operations.

SWEARING IN OF MEMBER

The SPEAKER. The Chair understands the gentleman from Virginia (Mr. Whitehurst) desires to take the oath of office. If he will present himself, he may be sworn in at this time.

Mr. WHITEHURST presented himself at the bar of the House and took the oath of office.

LUTHERAN CHURCH—MISSOURI SYNOD ASKS FOR HUMANITARIAN TREATMENT FOR AMERICAN POW'S AND MIA'S IN INDOCHINA

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, the Reverend Dr., J. A. O. Preus, international president of the 3-million-member Lutheran Church—Missouri Synod, this morning issued a statement concerning the American POW's and MIA's in Indochina. This statement is most significant because this is the first time that a president of a major religious denomination has developed a program aimed at obtaining humanitarian treatment of the POW's held by the Communists in Southeast Asia. It is even more significant, in my opinion, because he calls on us all to use the most effective, and often the least used, weapon at our command—the power of prayer.

Dr. Preus has designated Sunday, March 14, 1971, as a Day of Prayer for the POW's and MIA's in the 6,000 congregations under his direction and has called on all other religious leaders in this Nation to join him in this effort. He has mailed out a litany to be used by all of the pastors in his denomination and invited the other denominations to use this litany or to adapt it to their particular situations. I am convinced that the prayers of millions of our people will prevail mightily before the throne of God because our God hears and answers the prayers of His people.

I am encouraged by Dr. Preus' offer to lead a group of religious leaders, with pastoral and humanitarian concerns, into North and South Vietnam and Laos to inspect the POW camps. It will indeed be difficult for the Communist leaders to turn down the request of such a delegation of men of God with no political motivations to visit their POW camps and offer an unbiased report to our country and to the world about the conditions of these camps.

I wish Dr. Preus and the other religious leaders who may join him Godspeed in this undertaking, and I introduce his statement and litany into the Record for the information of the Members:

Statement by President J. A. O. Preus Concerning the American POW's and MIA's in Indochina

As the president of one of the major Protestant denominations in this country I believe that it is incumbent upon me to speak out on certain vital issues facing our nation today. The Lutheran Church—Missouri Synod, which now has 3 million members and some 6,000 congregations, was founded 124 years ago, and I am now the eighth president to serve this church body. The Lutheran Church—Missouri Synod has always had a strong commitment to the separation of church and state and has consistently stayed out of politics. I agree with this principle and respect this tradition. However, I am convinced that the church must be concerned about basic moral values in our society and must feel compassion for humanitarian concerns all over the world. It is for this reason that I have chosen to become involved in an effort to do what I can to help obtain humanitarian treatment for the American prisoners of war in southeast Asia and ultimately to hasten their release.

For all too long church leaders, including myself, have busied themselves with their own parochial concerns and ignored serious problems confronting our nation and our world. Perhaps the best example of this is the fact that our churches have all but ignored the plight of the American POW's held by North Vietnam and the Viet Cong and by Communist forces in Laos. If public opinion has been aroused, it has been due to the efforts of other groups rather than the church.

I have no intentions of trying to defend or condemn our right to be in Vietnam. This is not my role as a church leader. The fact is that we have been there for a number of years and have sent several million men into this country, 50,000 of whom will never return. But as a Christian church president I am concerned about the families and loved ones of the men who are in POW camps and are still listed as missing in action as well as for the men themselves. Therefore, I firmly intend to use the facilities of my office and whatever influence I might have in an effort to obtain the names of the Americans who are prisoners of war in Indo-China. I also shall endeavor to ascertain the type of treatment they are receiving, to seek to improve those conditions which we know are bad (such as the denial of the right to regularly send and receive mail), and to hasten the release of these men, especially the sick and wounded.

The Vietnamese are an old and proud people who for 2,500 years have placed great importance on the family structure and have followed religious principles which recognize human compassion and humanitarian principles. I am a devout Christian who accepts Jesus Christ as the Savior of the world, and I accept Christian values and Christian ethics. But I am not appealing to these people only from my own value structure and ethical principles. The ethics of Buddha and Confucius, as well as those of all other founders of world religions, contain humanitarian principles that relate to this situation. For that matter, the ethics of most nonbelievers include basic principles of human concern. The Declaration of Independence of the Democratic Republic of Vietnam, written by Ho Chi Minh in 1945, borrows portions from our own Declaration of Independence. I refer specifically to the opening words, which state: "All men are created equal, they are endowed by their Creator with certain inalienable Rights; among these are Life, Liberty, and the pursuit of Happiness." It is certainly significant that even Ho Chi Minh stated that every human being does have from birth such basic rights. By any failure to grant full humane treatment to POW's the Vietnamese Communists are denying their own heritage.

The statement on the treatment of prisoners of war contained in the Geneva Conventions of 1949, which were accepted by North Vietnam in 1957, should be followed not only because it is a recognized legal agreement between nations but because it contains the most basic provisions of humanitarian behavior that must be respected by all civilized nations. Listing prisoners promptly, releasing the sick and the wounded, humanitarian treatment of the prisoners (such as allowing them to correspond with loved ones at home on a regular basis) are very uncomplicated principles that could easily be followed by any civilized nation. It is very difficult for a compassionate nation to accept the fact that some of our men have now been held as prisoners of war under such conditions for over six years. It is even more difficult to comprehend the fact that we have reason to believe that many of them have been held in solitary confinement during their entire captivity.

I do not have a philosophical or legal background in these matters, but I do have a pastoral concern. I am concerned about human suffering and mistreatment. I feel great compassion for any of our men who are suffering cruel and unreasonable treatment in POW camps. I know something of the anxiety and the heartaches experienced by the wives, the sons and daughters, and the parents of the men who are missing in action, because they do not even know if their husband, father, or son is dead or alive. The cruel uncertainty of not even knowing about the fate of a loved one (some men have been listed as missing in action for as long as 6½ years) leads to anguish of heart and mind that is as cruel as any physical punishment. I know something of the lonely and sleepless nights they spend, not knowing what kind of cruel treatment their loved one might be experiencing in a distant country. This is not a political or ideological concern, this is a human concern. If I can make even the smallest contribution to relieve any of their suffering, it will be more than worth any effort or expense.

The Communist leaders contend that our prisoners are receiving humane treatment. We have no facts to confirm their contentions and to relieve some of our anxieties. We know that they have not released the names of all those who are POW's nor informed us about all the men missing in action whom they know to be dead. We know there are almost 1,600 American men who are held captive or are missing in action in southeast Asia. This is a wide and unreasonable range. What possible justification could any nation have for withholding the names of their prisoners for any extended length of time. We know for a fact that they have not released the sick and the wounded. We know for a fact that they have not allowed any impartial inspection of their prison camps. We have heard nothing from the few prisoners who have been released except accounts of horror and inhumane treatment. This is an intolerable situation for the people in our country and for people in civilized nations around the world.

Today, I announce to you a five-point program that I intend to undertake in order to do what I can for these men and their families.

Number One: I intend to declare Sunday, March 14, a Day of Prayer for the American Prisoners of War in the 6,000 congregations of The Lutheran Church—Missouri Synod throughout this nation. I have mailed out a Litany especially prepared for this Sunday with a cover letter to all of our pastors, urging them to devote this Sunday to the purpose of interceding for the POW's and MIA's before the throne of God.

Number Two: I am calling for a sustaining program of education and prayer within our churches on behalf of the American POW's and MIA's. I have asked them to include in their Sunday prayers on a regular basis for a year a special prayer for these men. I have also informed them that I will send additional material on the subject along with special prayers to be said by all congregations on the same Sundays.

Number Three: I have sent a letter to the leaders of all major Christian denominations, Catholic and Protestant, urging them to join us in this effort to start a similar effort in their particular denominations. I have also urged The Lutheran Hour (which is sponsored by my own denomination), The Hour of Decision, which features Billy Graham, The Catholic Hour, This Is the Life (which is also sponsored by The Lutheran Church—Missouri Synod), Oral Roberts, The Baptist Hour, The Mennonite Hour, The Voice of Prophecy, Back to the Bible, The Sacred Heart Program, The Christopher Program, and numerous other important religious radio and TV programs to include special prayers on their programs for the POW's and MIA's. In addition, I am asking the various denominational heads to urge the editors of their church publications to include articles on the treatment of American POW's and MIA's.

I am calling for an extensive program of prayer in the churches because I believe very strongly that God hears and answers prayers. Certainly the prayers of millions of Christians throughout this land being said on behalf of these men will not go unheard and unanswered. I also believe that through a program such as this Christians all over our land can let the prisoners, their families, our citizens, and the world know that we do really care. I also feel that the God who tells us to take our problems to Him in prayer expects us to use all of our abilities to accomplish what we can. Therefore, I also will add two additional points to the program.

Number Four: Since I represent a large Lutheran body in this country, I am also contacting Lutheran leaders in all the countries in the world who accepted the Geneva Conventions of 1949 and urging them to use their influence to bring public opinion in their countries and their governments to bear on the North Vietnamese and other Communist leaders in order that they might be moved to follow the humanitarian treatment of prisoners of war as stated in these Conventions.

Number Five: I shall endeavor to organize a group of church leaders in this country and around the world who are willing to join me in an offer to the President of North Vietnam and other Communist leaders in southeast Asia to allow us to inspect the POW camps in their countries in order that we can bring an unbiased account to the American people and the world of the conditions that exist in these camps. I believe that these Communist leaders will be hard pressed to deny permission for a visit from a group of religious leaders with completely altruistic motives.

Concern for the treatment of our POW's in southeast Asia has now touched the hearts of people with human compassion around the world. The church should have started and led this effort. This has not been the case. I only hope that we can now motivate Christians in this country and around the world to do whatever they can to express their Christian compassions in this very serious situation.

A LITANY FOR OUR POW'S AND MIA'S

MINISTER

Let us now pray, all of us together,
For our people who are prisoners of war,
For our people who are missing in action,
Lost in a strange, strange land.
Lord, our Lord, in Your mercy:

PEOPLE

Hear our prayer!

MINISTER

Lord, sustain them with Yourself,
Your own love in a day's bread and a day's care.
Give them to find in Your own hand
Meaning in this maze of suffering:

PEOPLE

Hear their prayer!

MINISTER

Warm even the hearts of their captors;
Remind them of their bond of humanness.
And from all hatred of Communist Indo-China
Holding secret the names of our sons and brothers and fathers:

PEOPLE

Free us in Your forgiveness, our Lord!

MINISTER

Give our leaders Your own wisdom
To speed the freeing of our loved ones
From strange coldness of an Asian war
That seems so terribly far away:

PEOPLE

Deliver them, our Lord!

MINISTER

Almighty Father, their silent Partner in a thousand cells,
Jesus Christ, Eternal Savior of Your People
Holy Spirit, All-Comforter in our fiercest grief,
O Savior, Redeemer, Feeler of all human anguish:

PEOPLE

For Your own sake, release them!

MINISTER

To those who wait here helplessly
Grant faith not to question the quietness,
Or lose their sight of You in separation—
But know that You are here
Even to the end of the world:

PEOPLE

Comfort us who wait, our Lord!

MINISTER

May millions of Your people come today,
Begging Your benediction of peace, of freedom!
May our Litany fill the hidden corners of the globe
With the fresh new joy of hope and love
And faith! And faith in spite of all!

PEOPLE

Fill us with faith, our Lord!

ALL

Amen, Amen

END THE WAR IN INDOCHINA NO LATER THAN JULY 4, 1971

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous material.)

Mrs. ABZUG. Mr. Speaker, as my first official act in Congress representing the voters of the 19th Congressional District in New York, I have introduced a resolution calling on the President to set the date for total withdrawal of all American armed forces from Indochina, and specifying that this date be no later than July 4, 1971.

The 92d Congress has no more urgent business than to end the war and to get on with the task of meeting the domestic crises that have resulted from decades of neglect of human and urban needs.

SET-THE-DATE RESOLUTION

With the administration's decision to resume the bombing of North Vietnam and the massive escalation of the U.S. air role in Laos and Cambodia, it is essential that the Congress call a halt once and for all to a war that has been overwhelmingly repudiated by the American people.

There is a growing realization among Americans that, unless the administration agrees to set the date for the withdrawal of all U.S. Armed Forces from Southeast Asia, we face the very grim possibility of an open-ended conflict that may go on for years and erupt once more into a full-scale war.

This is a prospect that will rule out any attempt to deal realistically with our enormous domestic problems of urban decay, poverty, health care, housing, transportation, and the fight against pollution.

Furthermore, if the administration allows the war to drag on indefinitely, it will at the same time be consigning to indefinite detention the American prisoners of war now held in North Vietnamese jails. In the talks at Paris, the North Vietnamese have repeatedly stated that negotiations for release of these prisoners will take place only after the American Government sets a date for termination of its participation in the war.

I am pleased to announce that the following Members of Congress are cosponsoring the set-the-date resolution, the text of which follows:

List of Cosponsors

Mr. Abourezk, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Mr. Bingham, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Halpern.

Mr. Hechler of West Virginia, Mr. Jacobs, Mr. Kastenmeier, Mr. Koch, Mr. McCloskey, Mr. Mikva, Mrs. Mink, Mr. Mitchell, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, and Mr. Waldie.

H. Res. —

Whereas, the war in Vietnam is entering its second decade with no end in sight, and has spread to Laos and Cambodia.

Whereas, the administration has resumed the bombing of North Vietnam and bases its Vietnamization policy upon the open-ended use of American airpower in Indochina, with the continuing threat of even greater escalation.

Whereas the administration has announced plans to maintain a residual force of unspecified size in Indochina for an indefinite period although it has become clear that American prisoners of war there will not be released until our government sets a specific date for total withdrawal,

Whereas, the war has brought unimaginable suffering to the people of Indochina and has squandered the lives and resources of the American people, making it impossible adequately to meet domestic human needs, and

Whereas, there is no constitutional or moral basis for continued American involvement in this war: Now, therefore be it

Resolved, That the President set the date for completing the safe and systematic withdrawal of all American armed forces from Vietnam, Cambodia and Laos, and that this date be no later than July 4, 1971.

Mr. Speaker, it was particularly moving to me that on the opening day of the new session of Congress, more than 500 women, members of unions, civic and peace groups, and residents of the 19th Congressional District traveled to Washington to express their support for the Set-the-Date peace resolution.

In their presence on the Capitol steps, I took a special peace pledge to demonstrate my commitment to the goals of peace and a reordering of our national priorities. Among those present on the steps were Representative SHIRLEY CHISHOLM, who administered the pledge, Representatives WILLIAM F. RYAN, Democrat from New York; SEYMOUR HALPERN, Republican from New York; RONALD DELLUMS, Democrate from California; EDWARD KOCH, Democrat from New York; HERMAN BADILLO, Democrat from New York; BENJAMIN S. ROSENTHAL, Democrat from New York; ROBERT DRINAN, Democrat from Massachusetts; JONATHAN BINGHAM, Democrat from New York; and JOHN DOW, Democrat from New York, and representatives of Women Strike for Peace, the Voice of Women, the Women's International League for Peace and Freedom, the New Democratic Coalition, Business Executives Move Against the War, Hotel and Drug Employees Local 1199, the Furriers Joint Board, Concerned Citizens of Nassau County, Women's Liberation groups from Washington, D.C., and a group of youngsters from Harlem who had won an essay contest sponsored by the Brotherhood for Better Citizens.

I am including in the RECORD the welcoming remarks made by Representative CHISHOLM, the peace pledge, and my speech at the Set-the-Date rally on the Capitol steps:

STATEMENT BY REPRESENTATIVE SHIRLEY CHISHOLM

Friends all. This is a wonderful moment right now in the history of this Congress. In terms of the troubles and problems that confront us in our nation today, it is very, very necessary to have voices in the U.S. House of Representatives that will cry out for peace. I am glad that Bella Abzug has now entered the House of Representatives in order to be able to help those of us who believe so deeply and firmly that we have a job to do on our home front first of all.

I want to ask Bella to take a special oath in your presence so that you will know that she and I, and some of the other Congressmen here, will try to reorder the priorities of our nation. Bella, will you please take this peace Pledge:

"I pledge to seek peace for my country and for all nations I pledge to devote my time, my energy and my abilities—in and out of Congress—to help end the war in Indochina and to bring all of our men home, the sooner the better. I pledge to work for new priorities to heal the domestic wounds of war and to use our country's wealth for life, not death.

"I make this pledge to the women in the peace movement, from which I come, to my constituents in the 19th congressional district, whose needs are so desperate, to the young people, and to all men and women who work for a sane, healthy, and peaceful America."

Mrs. Abzug repeated the Pledge, and then made the following speech:

We have a new year, a new Congress, and the same old war. For more than a decade now, Vietnamese have been slaughtered by the hundreds of thousands, and our own young men have been killed, wounded, corrupted, and made sick in conscience and heart, by this dirty, immoral war.

From our President's military leaders and leading statesmen we have gotten lies and deceptions. They manipulate words as though they were playing parlor games instead of dealing in human suffering. We are now living through a B-movie re-run of the Johnson script, which promised "no wider war" and brought just that. President Nixon who was elected by outright deception, tells us he is winding down the war, he bids us rejoice that only 40 young Americans were killed last week. He tells us that this is going to be a clean, no-hands war and so what if it goes on and on? No ground troops, he says. Just thousands of bombers dropping thousands of tons of bombs on innocent villagers—men, women and children—the civilians of Cambodia and Laos who are experiencing the same blessings of civilization that we bring to Mylai and Vietnam.

From Melvin Laird and other government officials, the word leaks out, Vietnamization is fine, they say, but we are going to have to keep some troops in Indochina for a long, long time, and we are going to need more money for the Pentagon, and we are going to have to keep our nuclear bombs dry.

And with this gruesome prospect, President Nixon—the wind-up or wind-down mechanical man, call him what you will—thinks he is going to be able to fool the American people.

Well, they already showed in the 1970 election that they are not fooled by Mr. Nixon and Mr. Agnew, and I predict right now that President Nixon will be defeated in 1972 because the American people are way ahead of him in their aspirations, their genuine idealism, and their desire for positive change. Only they will not wait until 1972 to show that they are fed up with President Nixon's policy of war, recession, and inflation.

Our cities are in crisis and erupting. Just a few days ago, New York City was on the verge of a general strike. It is worth noting, that at the same time that the policemen were responding to the pressures of inflation by striking for more pay, President Nixon was congratulating U.S. Steel for raising prices by *only* 6 percent.

Unemployment is close to 5 million, and in the Black and Puerto Rican ghettos the jobless rate is as high as 50 percent. In my own district, people are desperate for decent housing, jobs, for health care, for better transportation, for child care centers, for rehabilitation of drug addicts who are responsible for so much of the crime that is terrorizing our neighborhoods.

The pot is boiling, the issues are getting sharper, and the demand for change, for peace, for an end to this war will ring out louder, and louder—and it will be heard in Congress.

As your Representative, my first act today after being sworn in as a member of the 92nd Congress was to introduce a Resolution calling on President Nixon to set the date for withdrawal of all—I repeat all—American troops from Indochina, and specifying that this withdrawal be completed by July 4th, 1971. I think July 4th is a fitting date for a 2nd Declaration of Independence—Independence from a war that has been overwhelmingly repudiated by the American people.

I felt a special responsibility to take this action, and I am pleased to announce that Congressmen Bob Eckhardt-D., Texas; Benjamin S. Rosenthal-D., New York; Shirley Chisholm-D., New York; Charles Rangel-D., New York; Ken Hechler-D., West Va., Ed Koch-D., New York; Joseph Addabbo-D., New York; Parren Mitchell-D., Md.; Herman Badillo-D., New York; William F. Ryan-D., New York; Abner Mikva-D., Illinois; James Abourezk-D., S. Dak,; William Claw-D., Missouri; John Dow-D., New York; Paul N. McCloskey-D., Cal.; John Conyers, Jr.-D., Mich.; Thomas Rees-D., Cal.; Phillip Burton-D., Cal.; Jerome R. Waldie-D., Cal.; Jonathan Bingham-D., New York; Andrew Jacobs-D., Ind.; Donald M. Fraser-D., Minn.; Robert F. Drinan-D., Mass.; Les Aspin-D., Wis.; Seymour Halpern-D., New York; Ronald Dellums-D., Cal.; Robert W. Kastenmeier-D., Wis.; and Patsy T. Mink-D., Hawaii, are cosponsoring the Resolution. There are, of course, many other members of Congress who feel the same way and who are introducing similar "End the War" Resolutions. We will keep on doing so and speaking out on this issue and voting against military appropriations until we stop the war and then we will have to make sure that the people—not the Pentagon—benefit from the peace dividend.

If that is to come to pass, we will have to act on the conviction that this is our building, that this Capitol is our Capitol, that Congress' function is to represent all the people. Congress is not nearly responsive or reflective of the real America as it should be, and we have to work much harder to move it in that direction. We need more women in Congress, more Blacks and Puerto Ricans, more young people—the age floor for the House is 25—more trade unionists and working people.

We have to reclaim our institutions and make them work for all of us and I have set as my personal goal to challenge the hold of the Pentagon on the House Armed Services Committee. The late Mendel Rivers described this Committee as "the only voice, official voice, the military has in the House of Representatives."

Well that Committee is supposed to represent the interest of the electorate—not the Pentagon. It is supposed to act as a check on the military, not to give it a blank check—and if it were fulfilling its duties we would not have the scandalous situation of the Army spying on thousands of Americans, spying on the Democratic Convention, spying on the NAACP and Women's Strike for Peace, spying on anyone and any group that dares to question what the military-industrial complex is doing to our country. We would not have the Committee holding secret hearings on the draft—which should be repealed—and authorizing billions of dollars for useless weapons.

I have requested assignment to the Armed Services Committee, and I ask all of you to join in a campaign to demand that I and other Representatives of the majority peace sentiment in the United States be added to the Committee.

That can be a significant fight, and I need your help. But I recognize, as we all do, that the real movements for change do not start in the Congress, they start in your neighborhoods, in your communities, your organizations and in the streets. And so I call on you to join in building a coalition for peace and priorities, a coalition that will bring together the women—who are the majority of the population and the biggest pro-peace force in this country—the youth, the young veterans who are holding hearings to expose the atrocities committed in Vietnam, the Black people and other minorities, the poor, the elderly, who are among the most helpless victims of inflation, the unemployed and the working people who are moving more and more into activity.

Together, this adds up to millions of Americans who can be a positive force for ending the war, for peace, for using the wealth and genius and creativity of our great country to benefit people. People in action create a contagion of courage and that is what we need here in Congress and all over our land.

DEFICIT FINANCING

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. RARICK. Mr. Speaker, does the President of the United States propose to run the country in violation of the law?

In his state of the Union address and again in his budget report, the President, as Chief Executive, outlined a full employment economy to be thrust on the American people without new taxes or additional source of Federal income—except by a promise of additional deficit spending—the cruelest tax of all—inflation.

To accomplish his proposed goal, the President and his financial experts confess that the Federal Establishment will end the fiscal year with an additional deficit of $11.6 billion. Other knowledgeable national leaders estimate the deficit for the year may be as high as $25 to $30 billion.

The national debt, the mortgage the politicians have put against our people's future earnings, as of January 27, was $393,141,662,732.63. The additional proposed deficit for the President's programs would increase the national debt to an estimated $404.7 billion.

The Federal Government has no money; so, for every proposal of spending in excess of the legal debt ceiling, the Secretary of the Treasury must sell U.S. bonds to raise revenue by pledging the full faith and credit of the U.S. Government.

The Congress, on June 3, 1970, at the President's request, increased the permanent debt ceiling to $380 billion and the temporary ceiling to $395 billion—authorizing the executive branch to sell U.S. bonds and pledge future tax revenues to that extent.

I am surprised that none of our economic experts or interpretive advisers has raised the question, of how the President proposes to finance his programs. Through deficit spending in excess of the legal debt ceiling—an ultra vires act of de facto legality against the laws of Congress sought by and established for the President himself

True, the President can legalize his full economy budget program by simply getting Congress to again increase the debt ceiling—that is, if Congress passed the measure. But, he has not even asked us yet.

He has asked the independent Federal Reserve System to come up with enough new money to reach a projected increase in the GNP by $88 billion in order to achieve his "objective of prosperity without inflation." This, the President would accomplish through an "expansive monetary policy" using the primary cause of inflation, printing press money, to combat inflation.

The greater difference to be expected between the upcoming inflation under the Republicans than was experienced under the Democrats will be new money flowing more heavily into the public sector than into the private sector of our economy. And that going into the private sector can be expected to be more heavily laden with Government controls than ever before experienced by private citizens and free enterprise.

The President needs to be reminded that the Constitution, article 1, section 7, clause 1, commences:

> All bills for raising revenue shall originate in the House of Representatives. . . .

The Federal Reserve is not an agency of Government. It is a private banking monopoly.

This may well be the first instance in our Nation's history where the President looks to the Federal Reserve bank rather than the people's Congress for new revenue to make good on his administration's political promises.

As I have said many times before, the policies of the monarch are always those of his creditors.

When the sale of bonds exceeds the legal debt ceiling, the contracts, and interest thereon, would seem to be subject to legal attack in any court of law and sales of new bonds would seem to be subject to prohibitive injunctive relief at the request of taxpayers.

Think of the chaos on the money market if U.S. bonds become subject to attack and judicial review—the issuance of bonds as well as their redemption and interest may prove not secured by the full faith and credit of the U.S. Government?

The experts tell us money no longer needs intrinsic value, it needs only the confidence of the people. The confidence of the people in their money, as well as in their government, may well be shattered by these money shenanigans.

The President relies heavily on the advice and consent of his experts and intellectuals. History fails to record any nation established by experts and pseudointellectuals. However, I fear we may be watching them destroy a great country.

And what action has the President laid himself open to?

The American people, the descendants of those who made this country great, are watching.

Mr. Speaker, I include a newsrelease and a quotation by Gary Allen, as follows:

[From the Chicago (Ill.) Tribune, Jan. 10, 1977]

TIPS FOR A KEYNESIAN CONVERT

President Nixon has made it official. According to ABC's Howard K. Smith, the President acknowledged after his recent television interview that "I am now a Keynesian in economics."

The revelation really shouldn't be surprising. As we have already noted, Mr. Nixon's comments have begun to acquire a Keynesian ring, especially when he talks of pumping up the money supply and of the "full employment budget." The latter means that the government estimates tax revenues on the basis of a booming economy and then spends accordingly even if actual receipts prove less than estimated. The Keynesian reasoning is that if the economy is running at less than capacity, the deficit spending automatically tends to stimulate business and employment and thus to push it back up toward capacity.

Even John Kenneth Galbraith, a noted but somewhat disillusioned Keynesian, has observed that Mr. Nixon is turning belatedly and unwisely to Keynesianism.

The first thing to say about Keynesianism is that it means different things to different people. Some of the late Lord Keynes' theories have been generally accepted. Some have been so distorted that he probably wouldn't recognize them himself. One common misconception that appeared in the stories about Mr. Nixon's confession is that Keynes "denied that a balanced budget is necessary for economy health." What Keynes said was that deficits were justified in bad years on the assumption that they would be offset in good years. These deficits have never been offset since Keynesianism became fashionable under the New Deal, and the likelihood of a balanced budget in the foreseeable future is slim. Keynes himself was upset, later in life, to realize that his theories were being used to create perpetual deficits and perpetual inflation.

The real objection to Keynesianism, however, has less to do with the abstract merits of his theories than with the implicit assumption that any handful of government officials—especially men dependent on the whims of politics—can be depended on to control the economy successfully by the application of any theory, Keynesian or otherwise.

In the past, Mr. Nixon has been well aware of this pitfall. He has repeatedly stressed the advantages of an economic system based on the decisions of many rather than a few. He has properly blamed many of our ills on the growth of a centralized government, "a burocratic monstrosity, cumbersome, unresponsive and ineffective."

Mr. Nixon lapsed momentarily two years ago, in his inauguration address, when he said that we have "learned at last to manage a modern economy to assure its continued growth." As we suggested at the time, the evidence of the previous years hardly supported such confidence. Nor does the experience thus far of Mr. Nixon's administration. Unemployment is still rising, having just reached 6 per cent; but despite efforts to restrain inflation, prices are still rising, too. Interest rates are going down, partly because of the normal reduction in demand for capital during slow times but also, unfortunately, because of a conscious effort to push them down.

Once again, it seems, the original goal of price stability is being abandoned for the sake of full employment, even tho price stability is of greater long range importance to us all, including the unemployed, and even tho a great many means have been devised since the 1930s to soften the blow of unemployment.

We don't know just what Mr. Nixon's definition of Keynesianism is. But if he means that he now has more faith in burocratic wisdom and less fear of perpetual deficits, then he is buying the worst of both worlds of Keynesianism, the real and the distorted.

[From American Opinion, Jan. 1971]

RICHARD NIXON: PROFESSOR GALBRAITH CALLS HIM A SOCIALIST

(By Gary Allen)

". . . 'The directors of the Council on Foreign Relations make up a sort of Presidium for that part of the Establishment that guides our destiny as a nation,' . . . And Richard Nixon . . . has not only been a member of that 'Presidium' of *Insiders*, but during his 1968 Presidential campaign wrote an article for *Foreign Affairs*, the official C.F.R. journal. At last count, more than one hundred members of the 1,400-member *Council on Foreign Relations* held key positions in the Nixon Administration."

THE VETO OF THE CRLA— A STEP BACKWARD

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, in 4 years, we will celebrate our second century as a nation. Nearly 200 years ago, Thomas Jefferson stated that "all men are created equal." What did he mean and how have we progressed toward implementing Jefferson's words?

In 1855, Abraham Lincoln deplored the degeneracy of our Nation by declaring that the statement meant to many that "all men are created equal, except Negroes."

In 1954, the Supreme Court ruled that "separate but equal" educational facilities were inherently unequal and, in so doing, ruled that segregation was unconstitutional. But, today, the administration has taken a step backward. By allocating the California rural legal aid program only half of its funds and by passing the buck to a study-commission, the administration has agreed to strangle this program for the poor. By their action, the administration has adopted the philosophy that "some men are more equal than others." By denying legal assistance to the poor, the administration has concurred with Governor Reagan that equality is not a goal, but a word to receive lipservice and to be applauded.

It seems that our Nation has not progressed very far in attaining the goals as espoused by Thomas Jefferson. It seems that today "all men are created equal, except those who cannot afford to hire a lawyer."

A 200-MILE LIMIT: PERSPECTIVE OF A CONTROVERSY

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PELLY. Mr. Speaker, charges and countercharges have been made in recent weeks between the United States and Ecuador because of that Latin America country's latest rash of seizures of U.S. fishing boats. The root of the trouble, of course, is the claim by Chile, Ecuador, and Peru of a 200-mile territorial limit off their coasts.

Mr. Speaker, this matter should be placed in a proper perspective. It has too long been mentioned only superficially.

There is no question that American fishermen aboard vessels under the American flag have been fishing off Ecuador. They have every legal right to do so. The United States developed these fishing grounds back in 1933 which are south of the equator off the coast of Ecuador. It is here that the Humboldt Current coming from the Antarctic mixes with equatorial currents and produces rich food for fish.

Most all fish there are caught by either American-flag vessels based in Peru, or Canadian- and Panamanian-flag vessels owned by Americans and based in Peru also. There are no Peruvian-flag vessels.

What is either overlooked or not known is that Peru has no tuna fishery of its own. They have no tunaboats and Ecuador has no tunaboats.

So, Mr. Speaker, the question arises: What is their complaint?

It would appear that it simply is the presence of Americans off their shore that they do not want, not a fishery question at all.

This, then, brings us to the desire of U.S. fishermen to have a 200-mile fishing zone established around our own country. The Latin Americans have taken great glee in calling this plan "inconsistent," in light of our opposition to their 200-mile territorial limit.

There is a great difference, Mr. Speaker, in that Chile, Ecuador, and Peru claim sovereignty over 200 miles of international waters whereas U.S. fishermen desire an extension of the fishing zone off America's shores as a conservation move to protect species of fish. This zone would not preclude foreign nations from fishing on our Continental Shelf or inside the 200-mile limit so long as they comply with such regulations as are deemed necessary for conservation purposes.

Mr. Speaker, I submit that our plan is reasonable and proper, and further that the position taken by Chile, Ecuador, and Peru is arbitrary and illegal. The failure of our own State Department to abide by laws passed by this Congress has played a large part in the continued harassment of American fishermen off Latin America. But, now, the time for name calling should end. I strongly urge four-party talks and that they be directed expressly at the issue of the 200-mile territorial claim.

In the meantime, Mr. Speaker, I believe the U.S. fishermen's plan for extending our own fishing zone is deserving of immediate attention and action. An excellent statement of position is included in a letter to me from George Johansen, secretary-treasurer, Alaska Fishermen's Union, which, for the information of my colleagues, appears at this point of the RECORD:

ALASKA FISHERMEN'S UNION,
Seattle, Wash., January 27, 1971.

Congressman THOMAS M. PELLY,
Rayburn House Office Building,
Washington, D.C.

DEAR TOM: In relating to the controversy resulting from the seizure of American tuna vessels by Ecuador, questions have been raised regarding the position of American fishermen in demanding a 200-mile fishing limit off our coasts and the position of the United States government in rejecting the 200-mile principle in South American waters.

In answering these questions, we must examine the position taken by the major segment of the American fishing industry and also that taken by the South American countries which have invoked the 200-mile limit off their coastlines. In doing this, we make it clear we are speaking for the fishermen here in the Pacific Northwest, not our federal government. Fishermen in Alaska and the Pacific Northwest have endorsed wider fishery limits. We have asked for such extended jurisdiction, not to gain additional territorial waters but to safeguard conservation of United States coastal stocks of fish.

We would not preclude foreign nations from fishing on our continental shelf or inside the 200-mile limit. We would require such foreign nations to obtain a license to fish in these waters, and, while engaging in their fishery operations, to comply and be in conformity with such regulations as deemed necessary for conservation purposes. Violations of regulations and fishing upon species which may be in a depleted stage would, of course, bring about termination of the license to fish.

The South American countries—as we understand their position—have invoked a flat 200-mile limit. It cannot be said that this limit has aything to do with conservation as they have presented no evidence to our knowledge that the seized tuna vessels have over-fished and thus caused depletion of certain species of fish in their coastal waters. We do not believe any country has a right to extend its territorial waters to two hundred miles, unless this is done for conservation purposes. Under these circumstances, we must consider the position taken by Ecuador as a method of extorting money from American tuna fishermen, and of doing it under the guise of a phony legal pretext.

The harassing tactics against the tuna fishermen on the part of some South American countries is in extreme bad taste, considering the benefits they have obtained from the United States for many years. Part of the blame, however, must rest upon our own government which has failed to enforce laws stipulating that fines levied by South American governments against our tuna vessels can be deducted from such foreign aid as they may receive from us.

Unbelievable as it may seem, American gunboats on loan to some of these countries have been used to force American tuna vessels into South American ports. We have as yet not demanded that these gunboats be returned to us. It is small wonder then that there is no respect for American rights, and certainly we can take no pride in the State Department's handling of these matters.

Your insistence that we take such action as may be necessary to protect the legitimate interests of American fishermen should be applauded.

All of the circumstances regarding what is actually taking place and how our vessels are operating in South American waters should be carefully checked. We have an obligation to recognize conservation in any waters in which American fishermen may operate and we will demand the same of foreign fishermen operating in United States coastal waters. In this case, there is no evidence our American tuna fishermen have violated any conservation principles which refer to tuna. Hence, they are entitled to protection, and we would hope our government will provide whatever safeguards are needed to prevent these regrettable occurrences in the future.

Sincerely yours,
GEORGE JOHANSEN,
Secretary-Treasurer.

WEEK OF NATIONAL CONCERN

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. CEDERBERG. Mr. Speaker, I would again like to address the Members of this body on the topic which shakes the conscience of each one of us, regardless of our differing philosophies and sentiment over the Vietnam conflict. That topic is the plight of our men being held by the North Vietnamese Government as POW's.

The debate over the rights and wrongs of any conflict in the world will continue but the war itself is not at issue here, only the protection of our POW's. We as a nation must insist that the combatants in any conflict strictly comply with the international conventions to which they are a party and for those parties to conform to generally accepted standards of international conduct. It is easy to agree in peacetime to conventions regarding the conduct of war; however, they are futile if they are not observed in war.

To date the North Vietnamese have blatantly refused to abide by these conventions. For example, the convention provides that—

> Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family. . . .

In spite of this provision there are more than 1,200 American families who now live with the anguish of not knowing whether their husbands and fathers are alive or dead, because the requirements with respect to notification of capture are not observed.

The North Vietnamese Government continually claims that the prisoners are "humanely" treated. If this is the case, then why do they not permit inspection by the International Red Cross or by a neutral government or other humanitarian organization? From these actions there can be no other conclusion, than to assume that these men are to become "political pawns" at the negotiating table. This must not be allowed to happen and we as a nation must do all we can to see that these Geneva Conventions are observed in this period of conflict.

I am today joining my colleagues in introducing a resolution to designate the week of March 21 to 27 as a "National Week of Concern for Prisoners of War/Missing in Action." This week will be set aside for the purpose of focusing American and world attention on the plight of our prisoners of war.

It is my hope that by continuing to focus attention on this problem, pressure will be brought to bear on the North Vietnamese to abide by the Geneva Conventions which assures the isolated and lonely prisoners the right to grasp some line of communications with his family.

This resolution is a call to the American people to observe such a week with appropriate ceremonies and activities and in doing so reflect our deep and united support for captured U.S. military men.

ADMINISTRATION OF OATH OF OFFICE TO REPRESENTATIVE-ELECT JOHN DOWDY, SECOND DISTRICT OF TEXAS

The SPEAKER laid before the House the following communication dated January 27, 1971, and received on January 30:

JANUARY 27, 1971.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives,
Washington, D.C.

SIR: In accordance with your designation of me, pursuant to House Resolution 11, Ninety-second Congress, adopted by the House of Representatives, to administer the oath of office to Representative-elect John Dowdy, of the Second District of Texas, I have the honor to report that on the 27th day of January, 1971, at Athens, in Henderson County, State of Texas, I administered the oath of office to Mr. John Dowdy in the form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mr. Dowdy subscribed.

I have the honor to be,
Yours respectfully,
WINSTON REAGAN,
County Judge.

OATH OF OFFICE ADMINISTERED TO HON. JOHN DOWDY

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 173) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 173

Whereas the Honorable John Dowdy, a Representative from the State of Texas, from the Second District thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Honorable Winston Reagan who was authorized by resolution of this House to administer the oath, and

Whereas the said oath of office has been presented to the House and there being no contest or question as to his election; Therefore be it

Resolved, That the said oath be accepted and received by the House as the oath of office of the said Honorable John Dowdy as a Member of this House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA RECIPROCAL INCOME TAX HIGHLIGHTS NEED FOR HUNT BILL

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, the District of Columbia's recent proposal for a reciprocal income tax on commuters across the District line highlights a problem affecting multistate taxation of individual incomes that is becoming increasingly prevalent and a source of great irritation to those involved.

Among the difficulties involved are, first, the inequities that fall upon the individual for having to pay income taxes in multistate jurisdictions without the benefit of a standard to reflect the fractional benefits outside the State where he lives; second, the net loss of tax revenues by the jurisdiction where the individual is domiciled or is resident, third, the strong possibility of retaliation between States where an accommodation is not reached, impacting most adversely on the individual taxpayers; and fourth, the fact that the individual taxpayer is the unfortunate pawn in this game of numbers with a voice in only one of the States that taxes him.

This is an especially appropriate opportunity, therefore, for me to call your attention to a proposal I have introduced that deals with these problems fairly and equitably. I might add that this proposal is the first attempt to set a universal standard by which the many and varied schemes of State and local taxes may be imposed on the incomes of out-of-State residents, notwithstanding a move in this direction by a House-approved amendment to the Interstate Taxation Act in the 90th and 91st Congresses.

As for the particular case of the proposed District of Columbia reciprocal income tax, reportedly only a forerunner of an even more one-sided commuter tax, my proposal would not be a bar to the tax if the Congress should by some remote chance see fit to approve it. However, approval of the tax within the framework of my proposal would require the District government to make an appropriate adjustment to recognize that commuters to the District from Maryland and Virginia do not receive benefits commensurate with those available to residents.

Because this situation, brought to our immediate attention by the District of Columbia reciprocal income tax proposal, is becoming more and more common across the Nation, I invite your attention to my proposal. I urge and solicit your cooperation in developing a universal standard in this area of interstate taxation that has, to date, been subject to widespread abuse in the absence of mutual State agreements that exist in only a very few States.

THE PRESIDENT'S ECONOMIC MESSAGE

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, the President's economic message views our national economy through a prism producing a picture whose degree of accuracy and reality is on a par with the fantasy world featured in Lewis Carroll's immortal classic, "Alice in Wonderland."

The President paints the economic landscape in rose-tinted hues. His prognostications as to the future are presented in even more glowing terms. In reality, economic stability has proven as elusive a goal for President Nixon as was that prosperity just around the corner for another Republican occupant of the White House some 40 years ago.

The message is devoid of a sense of urgency. It endeavors to lull the Congress and the Nation into a false sense of complacency. I find it particularly notable for what it does not say, for its total failure to deal forthrightly with the dismal economic state in which we now find ourselves.

Among the pertinent, if painful, facts blithely ignored by the President's economic message are the two most recent economic reports to emerge from the administration's own Labor Department.

On the recession front, only last Thursday, the Bureau of Employment Security reported that eight additional areas had been added to the list of those experiencing substantial unemployment, that is 6 percent or higher. These include the major metropolitan centers of Atlantic City, N.J., Buffalo, N.Y., and Kalamazoo, Mich. There are now 40 such major areas experiencing substantial unemployment; a year ago there were only six. During the same period, the number of smaller areas having at least 6-percent unemployment shot up from 493 to 622. Nationwide, unemployment in December 1970 stood at 6 percent; 2 years earlier, it had been only 3.3 percent.

Apologists for the Nixon administration have endeavored to draw solace from the fact that unemployment in 1961 was at a somewhat higher level than the current 6 percent. It is true that President Kennedy inherited a 6.7-percent unemployment level from the outgoing Republican administration. However—and this cannot be emphasized too strongly—there was a steady decline in that unemployment level to 3.3 percent when President Johnson left office. Total employment increased by some 10 million workers from 1960 to 1968. Since President Nixon took office, by way of contrast, unemployment has increased by well over 2 million workers.

When we turn to the inflation front, the story is equally distressing. Last Friday, the Bureau of Labor Statistics announced that the Consumer Price Index for December 1970 was up at an annual rate of 6 percent from November. It is obvious that recent Pollyanna statements by the President and other administration spokesmen are totally unfounded. The tide of inflation has not been turned. Rather, the rise in prices during recent months has accelerated. When one combines this latest reported increase with the rise in wholesale prices of over 7 percent in January, there is further evidence of the bankruptcy of the present administration's anti-inflation policies.

Republican spokesmen have attempted to lay the blame for our current inflation at the door of the previous Democratic administration. This is utter nonsense. The worst inflationary rate under the Democrats was 4.7 percent in 1968 and the average for the 8 years of Democratic rule was approximately 2 percent. Consumer prices have skyrocketed by 11 percent in the past 24 months. Under Republican auspices, the real earnings of the average workingman's family have declined some 6 percent. Homeownership costs have increased over 20 percent. Fuel and utility prices have increased over 8 percent and the spiral is still rising. Public transportation costs have risen over 20 percent.

Last week, the President transmitted to the Congress what purported to be a "full employment budget." This budget accepts a deficit of $11.6 billion—in the interest of returning the Nation to full employment. The President is likewise reported as having told his interviewers on a recent TV show that he is a "Keynesian."

Deficit financing on the part of the Federal Government, for the purpose of promoting and maintaining economic growth and stability, has been espoused by my party for a generation. I sincerely salute the President for belatedly turning his back on Adam Smith, William McKinley, and Herbert Hoover.

Nevertheless, what we are witnessing here is the intellectual lag of the Republican Party which historically has been its fatal weakness. Of graver importance, that intellectual lag has also uniformly resulted in disastrous consequences for the Nation's economy whenever that party has controlled the White House. Here we are entering the 1970's and we Democrats and the country are forced to take satisfaction and congratulate our Republican friends on accepting an economic policy which was new and innovative some 35 years ago.

Yes, Keynesian economics is infinitely superior to traditional Republican laissez-faire. It has by and large served this country quite well during the past generation. It is not however by itself competent to provide all the answers to our current situation. Our present unhappy economic paradox of inflation and recession at the same time, will not yield to overall fiscal and/or monetary actions. More is needed—it is imperative that we utilize more modern supplementary tools.

The Congress is to be congratulated that it has taken the initiative in this area. Frankly, President Nixon's record by way of contrast leaves much to be desired. In 1969, we gave the President standby credit controls. Had he chosen to exercise this authority, he could have rationed credit to items of high social priority such as housing and community facilities, and away from excessive business investment. Because of this failure, now when expanded business investment is needed to sustain the economy, it is not there because business was allowed to expand at will during the past 2 years.

Last year, Congress also granted the President standby authority to freeze prices and wages. The President has disdained the use of this authority. Nor has he utilized the inherent powers and prestige of his office to curb price gouging by semimonopolies who are all but immune from the effects of tight money. He has failed to exploit the gigantic economic leverage which the Federal Government possesses as this Nation's No. 1 purchaser of goods and services. The powers possessed by the Justice Department and the Federal Trade Commission to combat economic concentration have been permitted to atrophy.

The authors of the Full Employment Act of 1946 expected more from the President's economic message, mandated in that statute, than a mere inventory of the Nation's economic condition, no matter how technically proficient. Mindful of the catastrophic depression which had engulfed this Nation in the early 1930's, they envisioned the annual economic message of the President as an authoritative blueprint to insure full employment and economic stability. Of paramount importance, it was to be a clarion call by the Chief Executive to rally the Congress and the Nation to take those steps necessary to insure that full employment and economic stability.

President Nixon's economic message for 1971 is gravely deficient in both these areas.

THE ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–28)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed, with illustrations:

To the Congress of the United States:

1970 was the year in which we paid for the excesses of 1966, 1967, and 1968, when Federal spending went $40 billion beyond full employment revenues. But we are nearing the end of these payments, and 1971 will be a better year, leading to a good year in 1972—and to a new steadiness of expansion in the years beyond.

We are facing the greatest economic test of the postwar era. It is a test of our ability to root out inflation without consigning our free economy to the stagnation of unemployment. We will pass that test. But it is a real test and we shall pass it only by doing all we are capable of doing.

The key to economic policy in 1971 is orderly expansion. While continuing to reduce the rate of inflation, total spending and total output should rise as rapidly as possible to lift the economy to full employment and full production. Fiscal policy must play its full and responsible role, and the economy's course in the year ahead will also reflect the extent to which the monetary and credit needs of economic expansion are met. With the stimulus and discipline from the budget that I have put forward, and with the Federal Reserve System providing fully for the monetary needs of the economy, we can look forward confidently to vigorous and orderly expansion during 1971.

At the same time we must be relentless in our efforts toward the greater stability of costs and prices that is the foundation for an enduring and full prosperity. Much has already been accomplished. Prices in the market place have been rising less rapidly, and some that usually change early have actually declined, responding to changing pressures in the market.

In some cases the response of costs and prices has been slow, as the result of insulation from market forces. Often these market problems have been created by the Government itself. Accordingly, the Government has a responsibility to prevent misuses and imbalances of market power which impede orderly operation of our free economic system. This Administration intends to carry out that responsibility fully and fairly.

To get the economy rising at the right rate, neither too rapidly nor too slowly, is never an easy task. Economic policy does not operate with the precision needed to keep the economy exactly on a narrow path. But fortunately absolute precision is not required. What is required is that we operate within a range where both unemployment and inflation are moving unmistakably downward toward our goal. The full resources of Government, with the understanding and cooperation of the citizens, can accomplish that.

THE DUAL TRANSITION OF 1970

Faced with one of the largest inflations in American history we have sought first to stop its rate from speeding up and then to get the rate down. This has been done. The annual rate of increase of the consumer price index, which was 6.0 percent from June 1969 to June 1970, dropped to 4.6 percent in the last half of 1970. Wholesale prices, which usually move before the prices consumers pay, have slowed down even more, from a 5.3 percent rate in the first half of 1969 to a 2.1 percent rate in the second half of 1970. Because productivity began to rise, after earlier sluggishness, labor costs per unit of output rose much less in 1970 than they did in 1969, and this contributed to slower price increases.

While the Nation was making the transition to a less inflationary economy it was also making the transition to a lower level of defense spending. Men released from the Armed Forces have been out of touch with the civilian labor market and need time to readjust. Workers laid off from defense production are likely to be concentrated in particular areas, which are often not the areas where nondefense activity is expanding. Their curtailed purchasing power further tends to lower employment of others in their area. During 1970, the number of persons in military and civilian employment for defense was reduced by about 1 million. Most of these people have found work, and others will soon do so. But during the transition many were unemployed, and their number added to the total unemployment rate.

These two simultaneous transitions, from a wartime to a peacetime economy and from a higher to a lower rate of inflation, would inevitably be accompanied by some decline in output and rise in unemployment. The aim of our policy was to keep the decline in output and the rise in unemployment as small as possible.

Fiscal and monetary policy both became more expansive early in 1970, in order to get output rising again while the cost of living slowed its rise. This result was achieved. Total output declined only 1 percent from its high reached in the third quarter of 1969 to the first quarter of 1970; it leveled out in the second quarter and rose in the third. Fourth-quarter output was held down by the auto strike; without it, another increase would have been shown.

The timely shift of policy limited the decline of output; it also helped counter the increase in unemployment caused by the dual transition. The average unemployment rate for the year was 4.9 percent. At the end of the year, partly as a result of the auto strike, the unemployment rate was about 6 percent. About half of the unemployed had been without work for less than 6 weeks. Most of the unemployed who had lost their most recent job were receiving unemployment compensation.

THE ROAD TO ORDERLY EXPANSION

Our first task now must be to assure more rapid expansion and so to reduce the unemployment rate. We are now in a position to do that, while the progress against inflation continues. The restraint of 1969 and the slowdown of 1970 have set in motion strenuous efforts at cost reduction. These actions, as the pace of the economy quickens, will bear fruit in better productivity and costs. Prices have begun to rise less rapidly. There are the first faint signs of a retardation in wage increases in some sectors. Much of the anti-inflationary effect of the 1970 slowdown still has to be felt. And if the expansion is properly controlled in 1971 the conditions for further slackening of the inflation rate will remain. The expectation of continued rapid inflation has been weakened by the firm policies of the past 2 years and we must strengthen this growing confidence in the future value of money.

Forces now present in the economy, partly resulting from policies of 1970, make economic expansion in 1971 probable.

—The greater supply and lower cost of mortgage money has stimulated a 40-percent increase in the rate at which construction of new houses is started.

—Improved financial conditions are leading to a strong increase of State and local spending.

—Interest rates have dropped; the prime rate is down sharply from its peak of 8½ percent.

—Consumers' after-tax incomes have increased and their saving has been high.

—In the early part of 1971 the economy will get a boost as the production lost during last year's auto strike is made up.

—Exports have been strong, and in 1970 were 14 percent above those of a year earlier.

These are powerful upward pressures, but existing and foreseeable expansionary forces in the economy are not strong enough to assure that output will rise as much as is desired and feasible. These forces must, therefore, be supplemented by expensive fiscal and monetary policies.

The full employment budget that I have submitted will do its full share in stimulating a solid expansion. Outlays will rise by $16½ billion, or about 7½ percent, between the current fiscal year and the next—appropriate for orderly expansion, but far short of the inflationary 15 percent average annual increases from 1965 to 1968. In addition, receipts have been reduced $2.7 billion by the depreciation reform which I have initiated to stimulate investment jobs, and growth.

In fiscal 1971, the Federal Government will spend $212.8 billion, which is equivalent to the revenues the economy would be generating at full capacity. The actual deficit is expected to be $18½ billion. In fiscal 1972, also, the planned expenditures are equivalent to the revenues we would get at full employment. How big the actual deficit will be next year, in fiscal 1972, will depend on economic conditions. If the economy follows the expected path of a vigorous, noninflationary expansion, the deficit will decline to $11½ billion. This combination of deficits is appropriate to the situation through which the economy has been passing. The budget moved into deficit during calendar 1970 as the economy lagged below its potential. Accepting this deficit helped to keep the decline in the economy moderate. It was a policy of not subjecting individuals and businesses to higher tax rates, and of not cutting back Federal spending, when the economy is weak because such actions would have weakened economic conditions further.

To say that deficits are appropriate in certain conditions is not to say that deficits are always appropriate or that the size of the deficit is ever a matter of indifference. Such a policy of free-for-all deficit financing would be an invitation to inflation and to wasteful spending.

As I stated last June, we need to abide by a principle of budget policy which permits flexibility in the budget and yet limits the inevitable tendency to wasteful and inflationary action. The useful and realistic principle of the full employment budget is that, except in emergencies, *expenditures should not exceed the revenues that the tax system would yield when the economy is operating at full employment*. The budget for fiscal 1972 follows this principle.

Balancing the budget at full employment does not deny or conceal the deficit that will exist this year and almost certainly next year. It does, however, avoid large deficits when they would be inflationary, like the swing to a big deficit in fiscal 1968. It means that even when the economy is low we must not allow our expenditures to outrun the revenue-producing capacity of the tax system, piling up the prospect of dangerous deficits in the future when the economy is operating at a high level. Moreover, to say that expenditures must not exceed the full employment revenues draws a clear line beyond which we must not raise the budget unless we are willing to pay more taxes. This is an irreplaceable test of the justification for spending. It keeps fiscal discipline at the center of budget decisions.

Fiscal policy should do its share in promoting economic expansion, and our proposed budget would do that. But fiscal policy cannot undertake the responsibility of doing by itself everything needed for economic expansion in the near future. To try to do that would drive taxes and expenditures off the course that is needed for the longer run. The task of economic stabilization must be accomplished by a concert of economic policies. The combined use of these policies, starting near the beginning of 1969, finally checked the accelerating inflation that had kept the economy overheated for years. A turn of fiscal and monetary policies in a more expansive direction at the beginning of 1970 limited the economic decline and initiated an upturn. Concerted policies of expansion are needed now to lift the economy fast enough to make rapid progress toward full employment, and these needs will be fully met.

PRICE STABILITY AND FULL PROSPERITY

In a fundamental sense, as I have always emphasized, the control of inflation and the achievement of full employment are mutually supporting, not conflicting, goals. Nothing would contribute more to the new expansion than confidence that the threat of inflation is fading. As part of my program of expansion I propose to justify that confidence.

The basic conditions to bring about a simultaneous reduction of unemployment and inflation are coming into being. We are going to continue to slow down the rate of inflation in the middle of an orderly expansion. And we are going to do it by relying upon free markets and strengthening them, not by suppressing them. Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever. I do not intend to impose wage and price controls which would substitute new, growing and more vexatious problems for the problems of inflation. Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not. Instead, I intend to use all the effective and legitimate powers of Government to unleash and strengthen those forces of the free market that hold prices down. This is a policy of action, but not a policy of action for action's sake.

The process of reducing inflation is a process of learning. Business and labor must learn a pattern of behavior different from the one they have learned and practiced during the inflationary boom. Labor contracts and price lists cannot embody the expectation that prices will continue rising at the peak rates of recent years. Businesses cannot expect to pass all cost increases along in higher prices. The ritual of periodic increases in price has no place in an economy of moving toward greater stability.

These lessons are being learned. Most of all they are being taught by the facts of economic life today. Consumers are already imposing stern discipline in markets where sellers have not begun to adapt their pricing to the new, less-inflationary conditions of the economy.

But there are cases where these lessons are not being learned and actions have been taken or are under review. In those cases the Government will act to correct the conditions which give rise to excessive price and wage increases.

Actions were taken to augment the supply of lumber, and to deal with domestic copper prices that were out of line with world markets. To restrain increases in the price of crude oil, this Administration took steps to permit greater production on Federal offshore leases and to increase oil imports. Faced with inflationary price increases for some steel products, I have ordered a review of the conditions which permit or cause such increases, and threaten jobs in steel-using industries.

We have been particularly concerned with increases in the costs of construction. It is now more critical than ever to check inflationary wage and price increases in an industry where unemployment is high. The 1972 Budget provides for a large increase in construction expenditures. This should support increased employment in construction, but will do so only if the larger appropriations are not eaten up by higher wages and other costs. I have asked the leaders of labor unions and contractors in the industry to propose a plan for bringing the behavior of construction wages, costs, and prices into line with the requirements of national economic policy. A workable voluntary plan will avert the need for Government action.

Those of us who value the free market system most cannot disregard the cases where it is being kept from working well. In some of these cases it is Government which limits the free market's effectiveness and Government has the means to make it work better. We must constantly review our economic institutions to see where the competitive market mechanism that has served us so well can replace restrictive arrangements originally introduced in response to conditions that no longer exist. We must also devise efficient solutions to problems that have become more urgent recently, such as those of pollution and adequate health care. Where inadequate market arrangements are delaying our advance toward full employment with price stability, we have a responsibility now to correct them.

In our market-oriented policy, our domestic goals and our international goals are interrelated. Success in our struggle against inflation will help to safeguard our international economic strength, and allow our highly productive enterprises and workers to compete in world markets. The liberal policy with respect to international trade to which this Administration is committed will help keep price increases in check here while giving our farms, factories, and banks a profitable market abroad. At the same time we have to make sure that the burden of adjustment to changing conditions in world markets does not fall entirely on a few exposed industries.

With the cooperation of the private sector, an expansionary public economic policy will achieve a goal we have not seen in the American economy in many years: full prosperity without war, full prosperity without inflation.

In the record of progress toward that new prosperity, I am convinced that economic historians of the future will regard 1970 as a necessarily difficult year of turnaround—but a year that set the stage for strong and orderly expansion.

RICHARD NIXON.

FEBRUARY 1, 1971.

FULL-EMPLOYMENT BUDGET PROPOSED BY PRESIDENT NIXON LONG NEEDED TO BRING SOME RATIONALITY INTO OUR BUDGET SYSTEM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the full-employment budget proposed by President Nixon is a long-needed move to bring some rationality into our budget system. The past history of budgets presented to the Congress is that they are set at some arbitrary level which may or may not be valid. And that level is often exceeded.

As the President has pointed out, the full-employment budget has some built-in and very desirable advantages over the previous system. First, it automatically sets an upper limit on expenditures which is easily definable and not arbitrary. With the many conflicting demands on Federal funds, this limit is essential if discipline in spending is to be preserved.

Second, it permits orderly planning and management of Federal tax and spending programs. The full-employment budget also helps achieve economic stability by automatically imposing restraint during boom periods and providing stimulus during periods of slack.

We have learned to expect sound management principles from the Nixon administration. The full-employment budget is another example of the administration's success in bringing order to the Federal Establishment.

J. EDGAR HOOVER PRAISED BY MIRROR

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, J. Edgar Hoover, the great and talented Director of the Federal Bureau of Investigation, seems to be on the receiving end of more and more critics—most of them "dissenters," misguided, professional bleeding hearts, do-gooders, or just social reformers. In any event it is refreshing to read the true and favorable facts about this great American, and I am happy to include the following material published in the Victoria, Tex., Mirror of December 3, 1970:

J. EDGAR HOOVER PRAISED BY MIRROR

A good public official who has and is doing an outstanding job these days in the field of law enforcement, one who directly is opposed to crime, is almost constantly a target of the "Dissenters" and those who would have you believe that a government like "Castro's Cuba" or the "Soviet captured slave countries" is better than the United States and its system of government and law enforcement.

Many elected officials in our nation's capitol, those who seek headlines and have indicated a choice of supporting and honoring some who are known law breakers and those with ideologies that would call for the over-throw of our form of government as well as some newspaper editorial writers, radio and television commentators have been guilty of joining in with their frequent condemnation of one of the greatest Americans and one who has consistently been doing an outstanding job in the field of national security for all Americans for the past forty-six (46) years.

These commentators and editorial writers are frequently heard expounding their criticism and demands and they are either wittingly or unwittingly contributing to dissension in our government and even what could amount to the downfall of our nation. They are condemning this great American and raising their voices of dissension, frequently demanding that he be "retired" and "replaced" in his most important job, which is more important today than ever before.

We are but a small weekly newspaper, however thousands of people read our columns and it is considered a privilege and our patriotic duty to devote this small space to repudiate those commentators, editorial writers and others and their ideals, their warped thinking concerning patriotism and their demands to replace this great patriotic American and man who has dedicated himself to the efficient and excellent conduct of the high office he holds.

This great American to whom all citizens owe a debt and gratitude of thanks should be better known to our public and a brief biography of the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation in Washington, is as follows:

No law enforcement investigating agency; ever established, can equal the Federal Bureau of Investigation, headed by J. Edgar Hoover. It is an agency known and highly respected throughout the world.

Although J. Edgar Hoover is well known throughout this country and the world, it is believed that data on his personal background is important and of interest.

J. Edgar Hoover was born on January 1, 1895, in the District of Columbia.

He was educated in the public schools in the District of Columbia and received his Bachelor of Law and Masters of Law from George Washington University in 1916 and 1917.

He has received many honorary degrees from many of the nation's leading colleges and universities, which include; Pennsylvania Military College, Westminister College, Georgetown University, Notre Dame, Rutgers University, Seton Hall College, Marquette University, Pace College, New York University, Oklahoma Baptist University, Drake University, St. Johns University of Law, University of Arkansas, Holy Cross College, Kalamazoo College, Morris Harvey College, and Catholic University of America.

He is a member of the Bars of the District Court of the United States for the District of Columbia, the United States Court of Claims, and the United States Supreme Court.

Mr. Hoover entered the United States Department of Justice in 1917, as Special Assistant to the United States Attorney General and in 1919, he became Assistant Director of the Federal Bureau of Investigation. He became Director of the Federal Bureau of Investigation in 1924, a position he holds today.

He is also a trustee of George Washington University and a member and honorary member of numerous clubs in America, including: The Boys Club of America, Honorary Member of the National Council of Boy Scouts of America, Advisory Council of Girl Scouts of America, Law Enforcement Organizations, and various fraternities.

He has received countless numbers of awards from national and international groups. He is a member of the Presbyterian Church, Honorary 33d degree Mason, a Shriner, and an active member of the Grand Council Order of the DeMolay, and the author of three books.

Mr. Hoover has served under eleven (11) United States Presidents, and under twenty (20) United States Attorneys General. He is a bachelor and a man of high morals and integrity and of excellent character.

Those who know J. Edgar Hoover, readily admit that he is a man of warm personality, possessing tremendous drive and energy, and that he is devoted to his job as the Director of the Federal Bureau of Investigation. Last but not least, he is a dedicated, patriotic American.

Mr. Hoover's birthday is soon coming up, January 1, 1971, it would indeed be a small token of recognition of this great public servant, J. Edgar Hoover's years of service to you to remember his birthday with a card or letter of "Thanks". His address is Hon. J. Edgar Hoover, Director of the Federal Bureau of Investigation, U.S. Department of Justice Building, Washington, D.C.

On May 17th, 1962, the Victoria Mirror ran the following editorial observing the thirty-eight (38) years of dedicated service to the people of the United States. We feel at this time it might be well to repeat this editorial as follows:

"J. EDGAR HOOVER MARKS 38 YEARS OF DEDICATED SERVICE

"Thursday, May 10, 1962, marked the 38th year of unprecedented faithful and patriotic service to the United States of America and its citizens by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

"Nowhere in the government records is there recorded the years and extraordinary service as has been rendered by this dedicated man who heads one of the most important offices in our government.

"Without the excellent security to United States citizens as well as foreigners provided through the investigations and work done by the F.B.I., this country might have lost many of its freedoms.

"Mr. Hoover's objective is and always has been to 'find out the truth' and 'to get the job done.' His department is sworn to duty that would protect with all its facilities and strength, the internal security of this Nation—Mr. Hoover has relentlessly conducted a fight against subversion and betrayal of our country from within—

"Within one year's time, his department alone receives requests, numbering nearly two million from different sources, concerning information of a security type, individuals, and organizations.

"J. Edgar Hoover throughout the years in his excellent organization and effective administration of the F.B.I. affairs has considered his responsibilities as a 'sacred trust' with a full and complete determination to 'do the job.' This muchly honored man's responsibilities are dedicated ones, in the protection of America.

"We are truly grateful and send to J. Edgar Hoover our sincere best wishes on this important anniversary." (The Victoria Mirror.)

APPOINTMENT AS MEMBERS OF COMMITTEE ON THE HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of section 105(c), Public Law 624, 84th Congress, the Chair appoints as members of the Committee on the House Recording Studio the following Members of the House: Mr. STEED, of Oklahoma; Mr. BOLLING, of Missouri, and Mr. CRANE, of Illinois.

CHICAGO LEADS FIGHT AGAINST PHOSPHATE POLLUTION—NOW CONGRESS MUST ACT

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, the city of Chicago today took a giant step in attempting to reverse the deterioration of our natural water resources. Today marks the effective date of a new ordinance passed by the city council removing all laundry detergents which have a phosphorous content greater than 8.7 percent. Chicago is the first city in the Nation to enact such an ordinance.

Mayor Richard J. Daley, the city council—especially the energetic and hard-working alderman of the 11th Ward, Michael A. Bilandic—and the director of the city's department of environmental control, Mr. H. W. Poston, are to be commended for their efforts in combating pollution. Mayor Daley's energetic leadership in saving our water resources has paved the way for many communities throughout America to pass similar ordinances and State statutes. Mayor Daley and Alderman Bilandic deserve the gratitude of our entire Nation for their initiative and leadership.

But, the continuing decline in the quality of our water is a national problem and requires a national solution.

I have introduced, therefore, H.R. 1059, a bill to amend the Federal Water Pollution Control Act to ban phosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents.

As we all know by now, phosphates are capable of wreaking total havoc on marine ecology. A substantial percentage of every pound of laundry detergent used in this country, with but rare exception, is composed of phosphates which promote the growth of algae.

The unrestricted and unimpeded growth of algae, by consuming the available oxygen, inevitably suffocates fish and other marine life until a given body of water begins literally to age and die.

Lake Erie is, of course, the most graphic case. An estimated 26 million pounds of phosphates from detergents enter Lake Erie annually. One pound of phosphorus will support the growth of 82.6 pounds of algae. It is not surprising then to find, during the summer months, parts of Lake Erie covered by algae mats extending over hundreds of square miles to a thickness of 2 feet.

As I have said, city officials in Chicago are trying to prevent the killing of Lake Michigan. But local communities such as Chicago, Detroit, Akron, and Suffolk County, N.Y., cannot succeed unless this Congress acts favorably to ban all phosphates from detergents. Just last week, the efforts of Akron were stymied by a temporary injunction against enactment of its ordinance banning phosphates after June 30, 1972. We here in Congress can achieve through one piece of legislation the same results which thousands of local government units could achieve working separately. And we have no time to spare.

In 1969, the Federal Water Quality Administration said removal of phosphates from detergents was absolutely necessary to combat water pollution.

Our own House Committee on Government Operations reported last year:

> America's lakes and streams are being polluted by phosphorous. Detergents containing phosphorous contribute the largest share coming from any man-made source. Eliminating phosphate from detergents would bring about a substantial decrease in the rate of phosphorous pollution of lakes and streams.

This Congress must act now and say no to any further brutalization of our environment.

The detergent industry is working to find alternatives to phosphates. There is no doubt in my mind that if this Congress bans sale of detergents with phosphates after June 30, 1972, the industry will receive additional impetus to finding acceptable alternatives. My legislation provides $10 million a year in Federal assistance to help find nonpolluting detergents. The Environmental Protection Agency has awarded a $344,000 grant to a research institute to develop phosphate-free detergents. So I am certain that we have the scientific know-how. After all, American technology did not reach its zenith when phosphates were added to detergents.

Unless we act—and act now—to control the polluting of our water resources, we will continue to degrade our waters beyond the point of no return. We will have destroyed a basic link in our ecology cycle.

Mr. Speaker, the text of H.R. 1059 follows:

H.R. 1059

A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Detergent Pollution Control Act of 1971."

DECLARATION OF POLICY AND PURPOSE

SEC. 2. The Congress finds and declares that—

(a) the surface and ground waters in the United States are being seriously polluted and degraded by the continuing discharge into such waters of synthetic detergents whose ingredients feed polluting green algae, deprive lakes and rivers of lifegiving oxygen, decompose slowly or not at all, and can be toxic to fish and wildlife and pose human health hazards;

(b) to abate and control the pollution and degradation of surface and ground waters in the public interest, it is necessary to insure that the components of synthetic detergents which are offered for introduction or delivery into interstate commerce in the United States, or imported into the United States, and which may eventually be discharged into such waters, not cause or contribute to the pollution or degradation of such waters;

(c) research published in 1966 by scientists of the United States Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March 1967, and the report of the Technical and Advisory Boards to the United States-Canada International Joint Commission of September 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of water pollution, accelerating beyond control the growth of algae which interfere with fishing, navigation, recreational use of water, and degrade the water to the detriment of our water resources and the environment generally;

(d) published findings in the patent and scientific literature and recent public scientific testimony before Congress confirm that nonphosphorous based ingredients have been found which perform at least as well as the present polyphosphate ingredients in synthetic detergents and soaps;

(e) Congress must require the use of nonpolluting substitutes for detergent polyphosphates in order to protect our lakes and rivers from further degradation from this pollution source;

(f) there are strong indications that the wetting agents in detergents such as the linear alkylbenzene sulfonates (LAS) and alkylphenoe derivatives are not adequately degradable in septic tanks and continuously operated biological treatment units and they are toxic to a degree which affects lower forms of aquatic life; and that the recently added enzyme ingredients in presoak compounds and laundry detergents have been found to pose health hazards to humans on direct exposure, and may also act as disease carriers if they are not free from live spores;

(g) in order to eliminate wherever possible massive damage to the environment from unforeseen or ignored consequences of the products and byproducts of our society, and to minimize public expenditures frequently required to restore the damaged environment, it is necessary that national standards be established that require all ingredients, present and proposed, in detergents be tested for environment and health protection before they enter the environment;

(h) Congress must direct the establishment of standards of detergents, biodegradability, water eutrophication ability, toxicity, and effects on the public health and welfare, to achieve pollution-free detergents;

(i) to accelerate the development and manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitutes, are pollution free, there is a need for the Federal Government to inventory and report on the presently available technology on the substitutes for polyphosphates in detergents and other technology relating to the development of pollution-free detergents, and to provide assistance for research and development of new technology where needed.

SEC. 3. The Federal Water Pollution Control Act is amended by redesignating section 19 as section 23 and by inserting after section 18 new sections as follows:

"DEFINITIONS

"SEC. 19. For the purposes of this section and sections 20, 21:

"(a) The term 'synthetic detergent' or 'detergent' means a cleaning compound composed of inorganic and organic components, including surface active agents, soaps, water softening agents, builders, dispersing agents, corrosion inhibitors, foaming agents, buffering agents, brighteners, fabric softeners, dyes, perfumes, enzymes, and fillers, which is available for household, personal, laundry, industrial, and other uses in liquid, bar, spray, tablet, flake, powder, or other form.

"(b) The term 'polyphosphate builder' or 'phosphorus' means a detergent ingredient used principally as a water softening and soil suspending agent made from condensed phosphates, including the pyrophosphates, the triphosphates (frequently called tripolyphosphates) and the glossy phosphates or metaphosphates.

"(c) The term 'Secretary' means the Secretary of the Interior.

"BAN OF PHOSPHORUS IN DETERGENTS

"SEC. 20. (a) It shall be unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus.

"(b)(1) Any detergent containing phosphorus imported or manufactured in violation of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such detergent is found.

"(2) Such detergent shall be liable to seizure by process pursuant to the libel, and the procedures in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any detergent condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such detergent shall not be sold under such decree for a use which would result in the pollution of the navigable waters of the United States; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such detergent shall not be sold or disposed of contrary to the provisions of this section, the court may by order direct that such detergent be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the detergent under bond.

"(4) When a decree of condemnation is entered against the detergent, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the detergent.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction; and

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court, or upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(e) The Secretary of the Treasury and the Secretary shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (g) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(f)(1) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this section.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which detergents are manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold such detergents; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge. If the owner, operator, or agent in charge of the factory, warehouse, establishment, or vehicle refuses to permit the Secretary's designee to enter, inspect, or obtain samples as authorized by this subsection, the Secretary's designee may seek a warrant from any court or magistrate to enter, request, or obtain samples as authorized by the subsection, and such warrant shall be granted if the court or magistrate finds probable cause to believe that detergents containing phosphorus which were imported or manufactured in violation of this section are in the factory, warehouse, establishment, or vehicle.

"(g)(1) The Secretary of the Treasury shall deliver to the Secretary, upon his request, samples of detergents which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such detergent contains phosphorus, such detergent shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such detergent refused admission unless such detergent is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a detergent being imported or offered for import, the Secretary of the Treasury may authorize delivery of such detergent to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

"DETERGENT STANDARDS

"SEC. 21. (a) The Secretary shall establish standards of water eutrophication ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents, according to the procedures prescribed herein.

"(b) The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae and other undesirable aquatic plants, will substantially decompose or degrade in municipal, industrial, and other sewage treatment processes without impairing the efficiency of such processes, will not pollute surface or ground waters receiving effluent from such processes, will not be toxic to, or threaten or interfere with the conditions of the reproduction or the survival of fish and other forms of aquatic life, and will not pose hazards to human health.

"(c) The standards shall be based on studies which shall include a water eutrophication ability test in algae growth basal media containing each of the individual components of synthetic detergents, and a biodegradability test which shall truly simulate the operation of municipal and industrial sewage treatment processes employing biological treatment with practical and typical retention times in order to predict the concentration of undegraded or undecomposed components of synthetic detergents which would enter the waters receiving the effluent from such processes, and other tests which the Secretary determines may be appropriate.

"(d) The Secretary shall, on or before June 30, 1971, prescribe and publish in the Federal Register, pursuant to section 553 of title 5, United States Code, such standards and rules and regulations as are necessary to carry out the policy of this section.

"(e) Any detergent which after June 30, 1972, does not conform with standards, rules, and regulations prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district in the United States within the jurisdiction of which such detergent is found.

"(f) The Secretary and the Secretary of the Treasury shall jointly promulgate rules and regulations that prohibit the importation of any synthetic detergent which fails to meet the standards as established herein.

"(g) Any person who willfully violates any provision of rules and regulations established pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $5,000 and for any subsequent offense to a fine of not more than $20,000.

"(h) In carrying out the purposes of this section, the Secretary is authorized to make grant and contracts.

"(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"FEDERAL ASSISTANCE

"SEC. 22. (a) To accelerate the development and manufacture of detergents that are free of phosphorous and whose other ingredients, including the phosphorous substitute, are pollution free, the Secretary shall inventory and report existing technology on substitutes for polyphosphates in detergents, and other technology relating to the development of pollution free detergents, and shall also assist in the research and development of formulations which will eliminate pollution from detergents. In carrying out the purposes of this subsection, the Secretary is authorized to make grants and contracts.

"(b) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year beginning July 1, 1971, and for each of five subsequent fiscal years, $10,000,000".

THE PRESIDENT'S PLAN TO REFORM OUR SYSTEM OF GOVERNMENT

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, it is part of the enduring strength of the American political system that a minority view, if legitimate, can ultimately be transformed into majority action.

When a dissident minority of Americans shouted the slogans of "revolution" and "power to the people" they were properly rejected by most of our citizens because they were accompanied by epithets and other, more harmful missiles. Yet a wise leader listens, and tries to channel popular concern and energy into constructive paths. In fact, a majority of Americans are, in the words of President Nixon, "fed up with Government."

I believe it is a credit to President Nixon's deep understanding of our problems that he referred to the slogans of dissent in his state of the Union message to the Congress. But two points should be made:

First. The President's revolution is a peaceful one. It will have a far-reaching effect on the processes of government without a violent upheaval of our social, political or economic structure.

Second. Through his plan to return Federal revenue to the States and localities the President would invest a very significant power in the people. He has not offered a placebo; but the most basic decision of Government—to determine how public funds shall be spent—will be returned to the people.

In the very best sense then, we are again witnessing the great strength of our political system—its ability to respond without destructiveness or repression. The President has listened and he has offered the means to correct a growing fault in our present governmental structure. It is now up to the Congress. If we act promptly and responsibly then we will have proved again the underlying worth of our democratic system of government.

REPRESENTATIVE MONTGOMERY'S MOST RECENT TRIP TO SOUTHEAST ASIA AND HIS FINDINGS IN RELATION TO PREVIOUS TRIPS

The SPEAKER. Under a previous order of the House the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 1 hour.

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I appreciate the opportunity to discuss my most recent trip to Southeast Asia and my findings in relation to my previous trips. This past Christmas marked the fifth time I have been to Southeast Asia and the fourth Christmas I have spent visiting with our U.S. servicemen stationed in Indochina.

Prior to my departure, last December 18, I sent each Member of the House, plus newly elected Members, a questionnaire in order to determine what aspect of the Vietnam situation holds the most concern for my colleagues. Replies were received from 85 Members.

The plight of our American prisoners of war headed the list. Morale of our troops ranked second and Vietnamization was third.

The fourth most often mentioned area of concern was use of drugs, troop withdrawal was fifth, economy of South Vietnam was sixth, VA programs was seventh and pacification was eighth.

In the remarks that follow, I will try to touch on only those areas that were mentioned most often by my fellow Members of the House. I certainly hope my colleagues will join in the discussion and feel free to ask questions or make comments at any time.

GENERAL SITUATION

Our present policy of ending American involvement in South Vietnam is working and is ahead of schedule in most cases. I consider it most important that we withdraw most of our combat troops by the end of 1971.

As we continue to bring our servicemen home, I do not envision any takeover by the North Vietnamese or Vietcong, although I do expect increased guerrilla attacks in the more isolated sections of the country.

If the South Vietnamese people have a true desire for self-determination, I believe they will be able to succeed with a minimum of U.S. air, technical, and logistical support. These past few years, we have provided them the military equipment, manpower and expertise. It is now up to them to prove that they do have a sincere desire for freedom. I do believe the South Vietnamese have the potential to become a strong and free democratic nation similar to South Korea.

CAMBODIA

My two trips to Cambodia within the last 6 months have left me with a feeling of concerned optimism for their future. I realize that my impressions are probably tempered somewhat by the optimism and dedication of the Cambodian people. They are resolute to the death in their conviction that they do not want or intend to come under the domination of the North Vietnamese or other Communist nations under the guise of the deposed Prince Sihanouk.

I feel that the Cambodians will be able to survive the aggression of the North Vietnamese, although there will be dark days of doubt. But in order to survive. Cambodia will have to receive air support, financial aid, and military equipment from her allies.

Just as the Cambodians are resolute in their desire to win, I am equally resolute in my opposition to any further involvement of American ground troops on Cambodian soil. Any manpower needed by Cambodia can be realistically provided by South Vietnam.

One fact we often tend to overlook is the importance of the closing of the port of Kompong Som—Sihanoukville—to North Vietnamese supplies. This action by the Lon Nol Government has been of immense benefit in saving American lives and has made it possible for a speedier withdrawal of U.S. combat troops.

AMERICAN PRISONERS OF WAR

The plight of American prisoners of war and those listed as missing in action continues to be the thorniest problem of the entire Southeast Asia situation facing the American people and Government leaders.

The most significant development in the POW/MIA issue to emerge from my recent trip was the fact that I was provided an opportunity to conduct almost 2 hours of unofficial negotiations with Nguyen Giap, charge d'affaires at the North Vietnamese Embassy in Vientiane, Laos. I considered this significant because I have generally been classified as a conservative on the war and have no connections with any of the so-called peace groups.

There has been some softening in the North Vietnamese position on prisoners of war which is a result of the vast outpouring of public opinion through letters and petitions from Americans to officials in Hanoi and Paris.

I certainly did not accept everything the top man at the North Vietnamese Embassy told me as truth and fact, but I do believe there is reason to think that the treatment of U.S. servicemen they hold captive has improved somewhat. After reading between the lines of information presented me, I believe there has been some improvement in the following three areas: first, physical condition of POW camps; second, time for recreational activities; and third, freedom for religious services.

There is a possibility an unofficial representative group from Congress will be permitted to inspect POW camps in North Vietnam within the next few months. I believe because of the possible inspection visit, the North Vietnamese have improved the treatment of U.S. servicemen in order to present them in the best possible light.

It should be noted here that I received information while in South Vietnam that the Vietcong are moving American POW's now held in South Vietnam to North Vietnam. The reasoning behind this rumor is not clear nor can the rumor be verified.

I regret I was not able to obtain what I consider an official and accurate list of all U.S. servicemen being held captive by the North Vietnamese, Vietcong, and Pathet Lao. I strongly urge renewed negotiations to obtain such a list and to obtain the eventual release of all prisoners.

VIETNAMIZATION

Our present policy of training the South Vietnamese army, air force, and navy to accept the full responsibility for defending their country is progressing on schedule. Vietnamization is working and I believe it will continue to work.

To put it more bluntly, bolstered by the will and determination of the South Vietnamese, Vietnamization will have to work in order to prevent future domination by the North Vietnamese and Vietcong through military power.

Virtually all in-country naval operations are now being performed by South Vietnamese units. All offensive land operations by combat troops are now being performed by South Vietnamese except in certain few portions of the northern part of the country. The United States is turning over more and more of the helicopter missions to the South Vietnamese.

USE OF DRUGS

This is an area that has caused me quite a bit of consternation. The press bombards us constantly with what they term a "serious drug problem" among American troops in South Vietnam, yet I have never seen the problem in this light in my own firsthand observations. One reason might possibly be that this is one problem servicemen are least likely to discuss with a Congressman, even in private.

The use of drugs by U.S. servicemen must be placed in the proper context and in relation to the use of drugs in all other parts of the world. While talking with Cardinal Cook in Saigon, the cardinal noted that the problem of drugs among U.S. servicemen in South Vietnam was no worse than it was among any other nationality in any other part of the world.

My own estimation is that some 30 percent of our servicemen have used some form of drugs to the point they are having a personal problem with the situation. If you were also to include those servicemen who have smoked at least one marihuana cigarette as a "kick," the figure would probably be close to 50 percent. I feel the number using hard drugs is quite small in relation to the total number of men stationed in South Vietnam. Fortunately, the vast majority of drug use is confined to troops with idle time on their hands.

We must realize that many of the young men being sent to South Vietnam have had experience with marihuana in their hometowns as civilians. Also, marihuana grows wild in the fields of South Vietnam and it can be purchased on almost any street corner in the major cities at a nominal price. Another way of putting drug use into the proper perspective is to remember the American troops who raided wine cellars in Italy and France during World War II. This, too, caused problems during that day and age.

This is not to say we do not have a drug problem among our servicemen. If only one American smoked a marihuana cigarette or was a mainliner, we would have a problem. But I believe the military authorities are moving quickly in the right direction to bring the situation under control and are pursuing a stepped-up program on drug education.

MORALE OF U.S. TROOPS

There has been a noticeable decline in the morale of American servicemen within the last 6 months, although it has not declined enough to cause concern. There are probably two major reasons the morale is not as high as it was during the Cambodian operations or even a year ago. First, our troops are not as busy as before because of decreased enemy activity and our policy of turning more and more of the search and destroy missions over to the South Vietnamese. Idleness on the part of our troops contributes to morale problems.

Second, none of our servicemen desire the dubious distinction of being the last American wounded as we press toward the goal of withdrawing our combat troops by the end of this year. They are quite justified in this feeling and I can readily understand how it could contribute to a decrease in morale. I do believe that if we should reverse our present troop withdrawal policy or slow down the rate of withdrawal, we would have a sharp decline in troop morale.

Mr. Speaker, the purpose of my remarks today has been to update my colleagues on the war in Southeast Asia as I see it. Because young Americans are risking and giving their lives, this war has got to be the most important issue facing the Congress today.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to my distinguished friend from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding and I want to commend the gentleman in the well for the dedication which he has shown with reference to our Southeast Asian involvement. I believe the gentleman has been to the Vietnam area perhaps as often, if not more often, than any Member we have. The gentleman sent me a report, as he did others, and I found the report extremely interesting, particularly the very frank discussion about the problem that exists with reference to drugs and also the general area of the morale of our troops. I found it to be very helpful and I commend the gentleman for his diligence.

Mr. MONTGOMERY. I thank the gentleman from Texas for his comments and for his reading the report and writing me such a nice letter after he had read the report.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Speaker, I want to congratulate our distinguished colleague now in the well, and I want to thank him for the time he has given to this trip he makes to Vietnam each year. Having just come back from Southeast Asia, I can tell the Members that a trip to Vietnam is certainly no junket. It requires many sacrifices. The fact that the Congressman from Mississippi is willing to go at Christmas time and spend this time with our troops over there is certainly commendable, and I want to thank him on behalf of those Alabamians who serve in Vietnam whom he has visited from time to time.

I should like to comment also on the observations the gentleman made with reference to the use of drugs by the military in Vietnam. Regrettably, Mr. Speaker, the use of drugs in Vietnam is on the increase. On the plus side I am pleased to state to the gentleman in the well that the military itself seems to be aware of this increase in the use of drugs and seems to be making every attempt to try to get at the seat of the problem and to do something about it.

Again I compliment the gentleman and thank him for all the fine services he has rendered to this Congress and to our military by his trips to Southeast Asia.

Mr. MONTGOMERY. I thank the gentleman for his kind remarks.

I might say, as the gentleman mentioned, he went to Vietnam in January with a special committee from the Armed Services Committee and made a study on the drug problem in Southeast Asia with respect to American servicemen now serving there. I look forward to a further report from the special committee.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, I appreciate the gentleman's yielding to me.

I, too, wish to compliment my colleague now in the well. I recall very well that a few years ago the gentleman from Alabama, who just spoke, the gentleman from Mississippi and I came to this body and we together, along with others of our colleagues, had meetings and press conferences to express ourselves on the Vietnam war. The three of us were considered to be more hawkish and wanted to achieve a military victory in Vietnam.

Today I believe we find ourselves all united behind the Commander in Chief in respect to Vietnam, hoping for an early solution to that war and that problem.

I wanted also to rise to say that the people of my district, in Columbus, Ga., and the area bordering the Chattahoochee River in Alabama and Georgia, are fiercely patriotic people. Over the past few weeks I have been handed petitions containing signatures of some 15,000 people. They are doing everything within their power to let the Congress know that this body has the support of the people of this area in seeking to get the release of our prisoners of war and in seeking to bring this conflict to an end.

It does me good and does my morale good to have the support of the people of my district. It is also good to see my colleagues in this body render the kind of service they are rendering toward helping the people in that land and also in trying to extricate ourselves from that war.

I compliment the gentleman in the well for having gone to Vietnam during the vacation season for the past 4 years. I commend him on behalf of the people of the Third District of Georgia.

Mr. MONTGOMERY. I thank the gentleman for his remarks.

I might say that I do receive a benefit from going to Vietnam to see the young Americans over there during the Christmas season. They are glad to see someone from home.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. RANDALL. I am proud to associate myself with those who have spoken earlier in commendation of the gentleman from Mississippi, the chairman of the select subcommittee, on his good work.

I must say that I would be less than sincere if I were to leave the impression I supported his effort to establish the subcommittee when it was before the House. I voted against it, because I thought it would lead to nothing more than another trip to Southeast Asia.

I should have known, that a trip to Vietnam is not a junket because I have been there a couple of times. Certainly a trip to Vietnam is not a pleasure trip.

Mr. Speaker, the gentleman has brought us something of value. I shall study his report very carefully. I know it was a personal sacrifice to devote the time he has to make this time-consuming trip.

Now what I am about to say might be a little premature, because it has not been approved by the House, but nonetheless I would take this occasion to welcome the gentleman as a member to be of the Committee on Armed Services of the House. I am sure that the House will approve the action of our committee on committees. As a member of the Armed Services Committee, let me say to him he will now have the benefit of some facts and information that will supplement his present work and enable him to continue his investigation even though the select committee should happen to expire.

Again I congratulate the gentleman on his good work. We are all indebted to him.

Mr. MONTGOMERY. I thank the gentleman for his comments, and if it is not premature, I would like to thank him for having the opportunity to serve on the Committee on Armed Services and the opportunity to serve with the gentleman.

I now yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. I thank the gentleman from Mississippi for yielding to me.

Mr. Speaker, on Thursday, January 14, I had the privilege to be a party to a highly successful speaking engagement in behalf of American servicemen held captive or missing in Southeast Asia. Under the sponsorship of the Ohio chapter of the National League of Families of American Prisoners and Missing in Southeast Asia, I accompanied Air Force Col. Norris Overly, one of only nine men to be released to date by the North Vietnamese, and Mrs. Robert Smith, whose husband has been missing in action for more than 16 months, on a four-stop, 300-mile speaking tour of the 10th Congressional District. Stops included Zanesville, Marietta, Ohio University at Athens, and Lancaster, Ohio, and it is estimated that either directly or through the media, Colonel Overly's graphic remarks along with a joint appeal from myself and Mrs. Smith for more public concern and community action in behalf of POW's and MIA's, reached more than 800,000 citizens in Ohio, West Virginia, and northern Kentucky. Our purpose with this speaking tour was to underscore the fact that these men have been in Communist hands too long—much too long. Seven years ago, Mr. Speaker, college seniors were in the midst of their sophomore year in high school. Seven years ago, the Apollo moon program was little more than a group of diagrams on a drawing board. Seven years ago, the Super Bowl did not exist. Comparatively speaking, 7 years is a long time. Yet in the jungles of South Vietnam and behind the bamboo curtain north of Indochina's 19th parallel, some Americans are beginning their seventh year away from home. I have found, Mr. Speaker, that it is oftentimes all too easy to assume an out of sight, out of mind attitude about matters in which a personal interest is not vested. But the POW/MIA issue does involve us all. While it is a national issue, it is nevertheless an issue to which the answer may well rest at the grassroots level of our society. On this reasoning, it was decided to take the story of missing or captured men directly to the people of southeastern Ohio in the first person, and in the present tense. Response was warm and sincere at every stop. We encountered near capacity audiences at each engagement. And the mail we are continuing to receive is proof that the undertaking was more than worthwhile. In Zanesville, Marietta, Athens, and Lancaster we asked townspeople, high school and college students to join us in generating a united chorus of concern and protest that will be overwhelming in volume and unmistakable in intent. I think the candid remark of one housewife made at our last stop of this long, but rewarding day, best describes the parting impression of those who came, heard and questioned us on January 14:

> My apathy on this issue has ended.

I appreciate the time which the gentleman from Mississippi has yielded to me and want to express my concern for the very subject that he has been discussing and for all of the work that he has done in trying to bring home our prisoners of war.

Mr. MONTGOMERY. I thank the gentleman for his timely remarks.

Mr. Speaker, I would like to comment upon what the gentleman from Ohio has said and point out the fact that certainly petitions and letters from Americans has had some effect, in my opinion, in bringing about better treatment for the prisoners of war being held in North Vietnam. Therefore, I am sure that the people of Ohio will continue to maintain this activity and will continue to send petitions to Paris and will continue to send letters to Hanoi. I say this because I do think it has brought about improved treatment for the American prisoners of war.

In fact, Mr. Speaker, only 2 years ago the North Vietnamese were dragging American prisoners up and down the streets of Hanoi and throwing rocks at them. We do know that some Americans now are permitted to participate in sports, playing basketball and volleyball. So in some areas the treatment is better. Of course, we cannot take everything for granted that the North Vietnamese have told us about the treatment of Americans. Certainly, we will have to weigh everything they say. However, I do believe that the treatment has improved because the people in this country are speaking up and it has had some effect.

Mr. Speaker, if there are no other comments, I would like to thank you for this time and I yield back the balance of my time.

OBSERVANCE OF GROUNDHOG DAY, 1971

The SPEAKER pro tempore (Mr. HALEY). Under a previous order of the House the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 5 minutes.

Mr. SAYLOR. Mr. Speaker, I know that Members of the 92d Congress will want to remember that tomorrow, February 2, is Groundhog Day. Early tomorrow, on Gobbler's Knob near Punxsutawney, Pa., the Nation's foremost weather prognosticator will emerge from his underground home to determine what the elements have in store for us in the ensuing 6 weeks. Should our furry friend see his shadow, button up your overcoats, we are in for frigid times. However, should our famous Punxsutawney meteorologist not find his shadow, you can rely on a relaxation of the rigors of the current winter season.

The roots for America's Groundhog Day go back to medieval European folklore. This particular date, which is also the feast of Candlemas, has been associated with weather prediction since the Middle Ages. The time was believed to mean that all hibernating animals came to the surface to observe the weather. If the German badger came to the outside and was frightened by his shadow on a sunny day, the animal returned to its burrow for more hibernation. This eventually came to mean that 6 more weeks of cold, but a cloudy day minus the shadow meant that spring and pleasant weather were just around the corner.

The badger gave way to the groundhog as the tradition was brought to America. Since that time, Punxsutawney, Pa., has become the "groundhog capital of the world." Many societies and organizations help to celebrate this famous day throughout the country, but the observances in Punxsutawney are recorded as the longest continuous observance as befits a "capital" area. Since 1880, Punxsutawney, which lies in Jefferson County, has provided the lead in the annual celebration.

Unfortunately, I will not be able to attend this year's festivities in my district but I will do the next best thing. Those of you who wish to join me on the Capitol Grounds early tomorrow morning to observe this year's predictions are more than welcome.

With that, Mr. Speaker, I invite you one and all to assist me and my constituents of Punxsutawney in the solemn observance of Groundhog Day and all it promises for the rest of the winter.

COMMITTEE ON URBAN AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I am privileged to join with my distinguished colleague from Massachusetts (Mr. MORSE) and other Members in sponsoring legislation today to establish a Committee on Urban Affairs in the House of Representatives.

Such action is long overdue and it is ridiculous that we have not created a full-fledged committee in the Congress to deal solely with the multiple, complex, and vital problems of the Nation's cities and metropolitan areas.

What makes this fact all the more ludicrous is that Congress, recognizing the important role of our cities in the governmental structure, established in 1965 the Department of Housing and Urban Affairs, a top level Cabinet post in the executive branch.

Yet, Congress shirked its own responsibilities by failing to establish a congressional committee to deal with the same problems.

Most of the legislative activity in urban matters has been carried out by a mere subcommittee of the House Banking and Currency Committee. This is absurd with 70 percent of the Nation's population living in metropolitan areas and with the crisis rising every day, the only modicum of recognition that Congress has given to this vital segment of American life is a subcommittee status.

Beyond the Banking and Currency Committee no less than nine separate committees in the House have shared jurisdiction over various, but closely related, aspects of urban programs. This system makes it virtually impossible for the Congress to consider urban programs as a comprehensive whole, or to offer the coordination necessary to solve them.

The diffusion of responsibility prevents us from considering the interrelationships, for example, between housing and education, between transportation and pollution, between highways and open spaces.

The new committee I propose would consist of 25 Members, and would handle all appropriation measures relating to urban areas generally; including housing, urban renewal, prevention and elimination of urban blight, air and water pollution, and transportation.

Hopefully, membership would be composed of Congressmen from each of the existing committees now dealing with such problems, thus providing the expertise necessary for a stepped-up, coordinated congressional effort, developing new programs that would be capable of overseeing and improving existing programs.

I intend to be relentless in pressing for rapid consideration of this proposal. And I sincerely hope my colleagues join with me in that pursuit.

CREATING JOB OPPORTUNITIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce the Human Investment Act of 1971. As we are all aware, the Nation's manpower problem knows no color, knows no creed, and knows no regional boundaries. It is a problem that must be faced; it is a problem that must be overcome.

During the past several years the Federal Government has tried to alleviate the problems of the unemployed and the underemployed by resorting to various manpower training programs. On balance, however, Federal efforts in this area have left much to be desired. For this reason I believe attention must be given to the possibility of focusing the creative energies of private enterprise on the employment problems of the Nation.

The bill I am introducing today would help assist men and women find new job opportunities. Businesses would be encouraged to establish, operate, and maintain in-house job training programs, programs designed to provide needed job skills for the unemployed and to upgrade job skills for those interested in career advancement.

To accomplish these goals I propose that businesses be given a tax credit to offset part of the expenses attached to their conducting a job opportunity program. This credit, with certain ceiling limitations, would amount to 10 percent of the employee training expenses incurred during any taxable year.

In my mind, shifting the emphasis in manpower training from the Federal Government to private enterprise would have at least four main benefits: First, the amount of Government involvement in the private commercial sector would be reduced; second, participating businesses would give individuals better targeted training than is now common among Federal programs, because businesses usually know their job needs better than Government officials do; third, individuals would receive more beneficial assistance because private enterprise would substitute modern management techniques for traditional bureaucratic practices; and finally, with more people on payrolls, general economic activities would be increased, welfare costs would be reduced, and additional tax revenues would be generated.

In sum, Mr. Speaker, the Human Investment Act of 1971 focuses the responsibilities for providing employment opportunity programs in the private sector where they belong. The business of business is business. The business of government is governing. Each should do what it is particularly qualified to do best.

LINCOLN HOME BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, on February 11, 1861, Abraham Lincoln said farewell to the citizens of Springfield, Ill., and went to assume his new burdens as President of a divided nation soon to be engulfed in civil war. Behind him he left the only home he had ever owned and the neighborhood which helped to give him the foundation for greatness. His own words best express his feelings toward Springfield and his life there:

> My friends, no one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended Him, I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me, and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

The State of Illinois owns the Lincoln Home, at the corner of Eighth and Jackson Streets in Springfield. The city government has acquired several nearby properties with the view to area restoration. The home is just as it was the day Lincoln left for Washington. Much of the original furniture is still in place.

However, the area surrounding the home for years has been threatened with deterioration and commercialization. These pressures continue to mount.

Each year the Lincoln Home is one of the 10 most popular historic sites in the country. People come from all over the world to visit it. Steps must be taken to preserve the home and its environs for future generations of Americans.

In the 91st Congress, with 64 cosponsors, I introduced a bill to create the Lincoln Home National Historic Site. The Department of the Interior conducted an indepth study of the homesite and developed a master plan for its development. It was approved by the review committee and given departmental endorsement.

Today all Members of the Illinois delegation in the House are reintroducing the bill to create the Lincoln Home National Historic Site. In addition, the distinguished chairman of the House Interior Committee, the Honorable WAYNE ASPINALL, and the ranking Republican, the Honorable JOHN P. SAYLOR, have also agreed to cosponsor the bill, along with other Members of Congress. House sponsors today total 83.

A similar bill will also be introduced today in the Senate by Senators PERCY and STEVENSON. It has the wholehearted support of Illinois Gov. Richard B. Ogilvie and Springfield's Mayor Nelson Howarth.

I am indeed hopeful that early consideration can be given by the Congress to this bill and that this most important Lincoln shrine—Lincoln's only home—will join others in the national park system.

The text of the bill and a list of cosponsors follows:

H.R 3117

A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit of the people the home of Abraham Lincoln in Springfield, Illinois, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the property at the northeast corner of Eighth and Jackson Streets, in the State of Illinois, including improvements thereon, together with such adjacent lands and interests therein as the Secretary may deem necessary for the establishment and administration of the property as a national historic site. The Secretary is further authorized to acquire by any of the above means personal property used and to be used in connection with the national historic site.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Lincoln Home National Historic Site, and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however $5,860,000 (February 1970 prices) for development of the area, plus or minus such amounts, if any as may be justified by reasons of ordinary fluctuations in construction cost as indicated by engineering cost indices applicable to the types of construction involved herein.

COSPONSORS OF LINCOLN HOME BILL

John B. Anderson, Republican, of Illinois.

Frank Annunzio, Democrat, of Illinois.

Leslie C. Arends, Republican, of Illinois.

Wayne N. Aspinall, Democrat, of Colorado.

Ben B. Blackburn, Republican, of Georgia.

John Brademas, Democrat, of Indiana.

Frank J. Brasco, Democrat, of New York.

Don. H. Clausen, Republican, of California.

Harold R. Collier, Republican, of Illinois.

George W. Collins, Democrat, of Illinois.

Robert J. Corbett, Republican, of Pennsylvania.

Jorge L. Córdova, Republican, of Puerto Rica.

James C. Corman, Democrat, of California.

Philip M. Crane, Republican, of Illinois.

Dominick V. Daniels, Democrat, of New Jersey.

Edward J. Derwinski, Republican, of Illinois.

William Jennings Bryan Dorn, Democrat, of South Carolina.

John J. Duncan, Republican, of Tennessee.

Joshua Eilberg, Democrat, of Pennsylvania.

John N. Erlenborn, Republican, of Illinois.

Marvin L. Esch, Republican, of Michigan.

Edwin D. Eshleman, Republican, of Pennsylvania.

Paul Findley, Republican, of Illinois.

O. C. Fisher, Democrat, of Texas.

Peter H. B. Frelinghuysen, Republican, of New Jersey.

James G. Fulton, Republican, of Pennsylvania.

Edward A. Garmatz, Democrat, of Maryland.

Ella T. Grasso, Democrat, of Connecticut.

Kenneth J. Gray, Democrat, of Illinois.

James R. Grover, Jr., Republican, of New York.

Seymour Halpern, Republican, of New York.

James F. Hastings, Republican, of New York.

Ken Hechler, Democrat, of West Virginia.

Henry Helstoski, Democrat, of New Jersey.

Lawrence J. Hogan, Republican, of Maryland.

Frank Horton, Republican, of New York.

Albert W. Johnson, Republican, of Pennsylvania.

Harold T. Johnson, Democrat, of California.

Carleton J. King, Republican, of New York.

John C. Kluczynski, Democrat, of Illinois.

John Kyl, Republican, of Iowa.

Robert McClory, Republican, of Illinois.

James A. McClure, Republican, of Idaho.

Spark M. Matsunaga, Democrat, of Hawaii.

Romano L. Mazzoli, Democrat, of Kentucky.

Robert H. Michel, Republican, of Illinois.

Abner J. Mikva, Democrat, of Illinois.

William S. Moorhead, Democrat, of Pennsylvania.

Thomas E. Morgan, Democrat, of Pennsylvania.

F. Bradford Morse, Republican, of Massachusetts.

Morgan F. Murphy, Democrat, of Illinois.

John T. Myers, Republican, of Indiana.

Otis G. Pike, Democrat, of New York.

Alexander Pirnie, Republican, of New York.

Melvin Price, Democrat, of Illinois.

Roman C. Pucinski, Democrat, of Illinois.

Tom Railsback, Republican, of Illinois.

Charlotte T. Reid, Republican, of Illinois.

John J. Rhodes, Republican, of Arizona.

Donald W. Riegle, Jr., Republican, of Michigan.

Howard W. Robison, Republican, of New York.

Dan Rostenkowski, Democrat, of Illinois.

Charles W. Sandman, Jr., Republican, of New Jersey.

John P. Saylor, Republican, of Pennsylvania.

Fred Schwengel, Republican, of Iowa.

George E. Shipley, Democrat, of Illinois.

Garner E. Shriver, Republican, of Kansas.

William L. Springer, Republican, of Illinois.

Vernon W. Thompson, Republican, of Wisconsin.

Robert O. Tiernan, Democrat, of Rhode Island.

Morris K. Udall, Democrat, of Arizona.

Guy Vander Jagt, Republican, of Michigan.

Victor V. Veysey, Republican, of California.

William B. Widnall, Republican, of New Jersey.

Charles E. Wiggins, Republican, of California.

Lawrence G. Williams, Republican, of Pennsylvania.

Jim Wright, Democrat, of Texas.

Sidney R. Yates, Democrat, of Illinois.

C. W. Young, Republican, of Florida.

William L. Hungate, Democrat, of Missouri.

John N. Happy Camp, Republican, of Oklahoma.

Goodloe E. Byron, Democrat, of Maryland.

Tim Lee Carter, Republican, of Kentucky.

SPECULATION, FRAUD, AND BANKING PRACTICE—II

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a few years ago, a study by the Committee on Banking and Currency revealed that large urban banks were buying up control of small-town and rural banks, or were sponsoring persons who were buying control of such banks. Indeed, nearly one bank of every 10 in this country changed hands in a 2-year period, and of those more than half were acquisitions financed by other banks.

The committee warned then that this could lead to serious consequences.

After all, it took no genius to see that if he had 10 cents, a bank stock loan would give him the other 90 he needed to buy up a bank. So what, you might ask. Well, if you figure out how much assets you could get control of with your dime, you could see that you had multiplied your capital power not just nine times, but more like 99 times. In other words, for a penny invested you could get control over a dollar in somebody else's assets. Leveraging like that makes the criminal rackets look like child's play by comparison.

For the fact is that in the one period of bank buying that the committee studied, men who had just $30 million of their own to invest wound up owning the control of $3 billion in assets.

This kind of leveraging obviously has its attractions. It is a game that is played between sharks and other fishes.

What is happening today is not merely that big banks are buying up or sponsoring the buying up of little banks. Instead we see huge banks buying big banks.

Stock raids today, especially bank raids, seem to be ruthless beyond compare.

In one case that has happened or is happening in San Antonio—it is hard to tell which tense to use, because the struggle is going on beneath the surface—the Bank of the Southwest, which is a huge bank in Houston—has loaned $5.5 or $6 million to people who want to buy control of the Groos National Bank of San Antonio—a bank that has served the city since 1854 or so.

With that chunk of money, the stock raiders commenced to buy Groos Bank stock at anywhere from a few dollars above the regular market price up to three times the value of the stock. As usual, the record will show that those who needed the big price the most got the least, while those who had big blocks of stock and greater sophistication, and who by definition probably needed the bonanza least, got the most.

There was no effort in this stock raid to see that the stockholders who were willing to sell got anything like equal or fair treatment. It was a deal worthy of Jay Gould himself.

Now the problem with all this is that the man who got the loan to buy the Groos Bank apparently was not even qualified to sit on its board of directors, due to the unfortunate fact that he was convicted on a plea of guilty of a Federal felony crime.

Aside from that, the bank that made the stock loan will probably want the Groos stock as collateral, and, more important, will want the power to name a few directors to the Groos Bank—in order to protect their investment.

So in essence this stock raid did more than push a bank stock up to three times its normal value, and result in a great deal of speculation. It was carried out by a fellow who might not even get to sit on the board of the bank he wants to own. And the silent partner is another bank.

Banks in Texas cannot own branches, and this kind of bank stock loan skirts very close to the edge of illegality. Such bank stock loans as the one I have just described violate the spirit of a host of statutes and regulations pertaining to sound banking practices, and they may very well violate the letter of the law as well.

I am, accordingly, asking the appropriate Federal agencies to investigate this entire matter to determine whether there has been a violation of Federal statutes or regulations in the case of the Groos Bank stock raid.

Moreover, I am asking that a similar investigation be made into the fantastic stock loans and other maneuverings of another Houston bank, the Sharpstown State Bank, now closed and in receivership. This latter bank seemed to specialize in loans to elected officials who were in a position to do favors for the bank owner, who manipulated stocks he also owned. all for the benefit of his friends. The dealings of that bank are already the subject of Federal actions, including court proceedings brought by the Securities and Exchange Commission.

Finally, I am drawing up a bill that would prohibit banks from making stock loans to finance bank stock raids. Such loans only divert needed credit from productive channels, invite the wildest kind of speculation, and result in the pyramiding of control of capital resources—pyramiding that neither State laws nor Federal laws encourage.

Banks must have the confidence of the public. They cannot have, and do not deserve that confidence if they indulge in questionable loans, if they attempt to buy up or buy off public officials, and if they play financial crap games with depositors' funds.

Mr. Speaker, for the information of the House I enter into the Record my letters to Federal regulatory agencies concerning the wheelings and dealings of the Sharpstown Bank, and the Bank of the Southwest:

Washington, D.C.,
January 27, 1971.

Hon. Wright Patman,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Chairman: I want to thank you for making the services of the Committee staff available to assist me in ascertaining the facts surrounding the stock raid being conducted on the Groos National Bank of San Antonio.

This particular stock raid, is as has been characteristic of bank takeovers in recent years, being financed through loans from a larger bank. However, contrary to the pattern revealed in the 1967 Committee report, this case concerns a large urban bank being taken over through loans from a still larger urban bank. In the past, the pattern was for urban banks to take control of, or finance the takeovers of small towns and rural banks. I consider this an important change, since it indicates the possibility of an extremely rapid concentration of control of financial resources in Texas and states similarly situated.

Aside from this I am profoundly disturbed by reports of immense unsecured loans made from the Sharpstown State Bank of Texas—loans which appear to have been made solely for the purpose of manipulating stock in companies controlled by the bank owners. Many loans were made to high state officials, wholly unsecured, and used for speculative stock purchases in these same companies. As you know, revelation of these loans caused a run on the bank, and the Sharpstown bank was closed yesterday by order of its directors.

These banking practices are indefensible. They represent the diversion of immense amounts of badly needed loan funds from productive purposes into useless and extremely dangerous speculation. The fact that a large urban bank and a small state bank have simultaneously engaged in such questionable practices is evidence that abuses in bank lending and management may be very widespread.

Therefore I respectfully request that you continue to make available to me the resources of the Committee staff to develop further information into the Groos Bank stock raid, including inormation on the character of the principal person inolved in the raid, since he allegedly has a criminal record.

I also request that the Committee, through your own good offices request the Securities and Exchange Commission and Federal Deposit Insurance Corporation for full information on the aforementioned cases, together with their recommendations on any changes that may be needed in legislation or regulations to protect the public against further such malpractices, and to prevent the diversion of depositor money from productive purposes into speculative loans and unsecured loans made to public officials, apparently for the sole purpose of befriending or controlling such officials to the detriment of the public interest and the public trust.

Again I appreciate your help in this matter, and will be most grateful for your continued leadership. Certainly the events of the past few days make the Committee's 1967 report on changes in bank ownership seem prophetic.

With every good wish, I am,

Sincerely yours,
Henry B. Gonzalez,
Member of Congress.

Washington, D.C.,
January 27, 1971.

Hon. William B. Camp,
Comptroller of the Currency,
Washington, D.C.

Dear Honorable Camp: I am certain that you are aware of the current scandal in Texas created by the filing of charges by the Securities and Exchange Commission, wherein it is alleged that several banks, individuals and companies, all having close relations, conspired to manipulate stocks, defraud the banks, companies and certain individuals, and possibly schemed to influence certain legislation that would have removed Texas state banks from the oversight of the Federal Deposit Insurance Corporation.

There is evidence, according to the SEC, that at least one state bank, and possibly two others made very large unsecured loans to finance stock speculation by certain elected Texas officials. It is possible that this series of transactions involved national banks, and I request that you carefully investigate this entire matter to determine if this is so, and to determine whether the condition of any national bank has been damaged by this extensive and incredible scheme, which has already resulted in the closing of one bank, the Sharpstown State Bank of Texas.

Within the past few days, I have learned that the well known practice of banks making stock loans for the purpose of purchasing control of other banks is continuing and perhaps growing. In this case, a stock raid on the Groos National Bank of San Antonio, Texas, has been financed to the tune of perhaps $5.5 million in loans from the Bank of the Southwest, located in Houston. The principal beneficiary of these loans, one Clinton Manges, appears to have a criminal record and might well be ineligible to serve on the board of the Groos National Bank.

In the period 1964–1967, better than 400 banks were bought by bank stock loans. This diverted $206 million from normal, productive loans into bank stock loans, and resulted in the ability of the purchasers to control $3 billion in bank assets while putting up only $30 million of their own money. As the Committee on Banking and Currency observed at that time, the diversion of such huge amounts of credit from productive loans into speculative channels was impossible to defend, and could lead to dangerous consequences.

The Groos stock raid reveals that contrary to past practice or urban banks helping buy up small town banks, very large banks are now trying to buy up middle-sized and large urban banks. It is a kind of latter-day utilities pyramiding—and you know what that led to.

These cases indicate that banks in Texas both large and small may be making large numbers of unsecured loans and loans for the purpose of speculating in stocks or merely to agglomerate capital. It is certainly possible that the loans used in the Sharpstown case were unsound—indeed likely. It is also possible that bank stock loans, as described in the Groos Bank raid, and discussed more fully in the attached correspondence, represent less than desirable banking practice.

I would appreciate your undertaking a full review of these matters, and initiating such corrective action as may be necessary. If legislative action is required to curb dangerous or excessive practices that you may find, I would be happy to have your recommendations.

With best wishes, I am,
Sincerely yours,
HENRY B. GONZALEZ,
Member of Congress.

WASHINGTON, D.C.,
January 27, 1971.

Hon. FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation, Washington, D.C.

DEAR MR. CHAIRMAN: I have been distressed to learn in recent days that certain Texas banks have been discovered dealing in huge unsecured speculative loans, apparently made for the purpose of manipulating certain stocks, and for the purpose of befriending or enriching certain key state officials. Moreover, there is evidence that Texas banks continue to divert large amounts of loan resources away from productive loans into stock loans, make for the purpose of acquiring control of other banks, either directly or indirectly.

I understand that in the case of one bank, the Sharpstown Bank, depositors lost confidence upon learning of the amounts of large unsecured stock loans made to key Texas officials. These loans had been criticized as being completely unsound, and the bank has now been closed by its directors, according to reports.

I would appreciate knowing whether depositors of this bank will be protected by the FDIC.

What is more distressing even than the unsound practices of the Sharpstown Bank is the fact that Securities and Exchange Commission and charges are that the bank loans were made in an apparent effort to influence state officials, to obtain passage of legislation aimed at taking the Sharpstown and similar state banks out of coverage by your regulations. Are you aware of any similar efforts in other states to remove state banks from FDIC coverage?

I have also learned in recent days of efforts being financed by the Bank of the Southwest of Houston, Texas, to purchase control of the Groos National bank of San Antonio. Perhaps $5.5 million in loans are involved in this stock raid. Stockholders of the Groos have been offered prices for their stock ranging up to three times the quoted price.

As you know from the Banking and Currency Committee report on changes in bank ownership in 1967, in the period 1964–67 some 900 banks changed hands—close to ten percent of all banks. More than half these takeovers were financed through stock loans. As you will recall, the purchasers of these banks put up less than ten percent cash; for thirty million dollars of their own money, coupled with two hundred million in loans, they gained control of three billion dollars in assets.

Such stock loans represented, in the Committee's view, indefensible diversions of loan resources from productive purposes into pyramiding of capital. The pattern then was for city banks to buy or finance the purchase of small town banks. In the case of the Groos Bank, a very large bank is financing the takeover of another large bank—which could lead to a very rapid concentration of banking resources in Texas.

What is more disturbing is the report that the principal involved in the Groos Bank stock raid has a criminal record and cannot sit on the board of that bank without a special waiver from the FDIC.

I find this report so disturbing that I must request that you furnish me with full particulars on this situation, and that you keep me advised of any actions taken to seat this individual on the board of the Groos National Bank.

Finally, I would appreciate knowing from you whether you believe any regulatory changes, or any legislative changes might be needed to curb future practices such as revealed in the Sharpstown case, or whether regulations might be needed to curb bank stock loans such as described in the case of the Groos National Bank stock raid.

With every good wish, I am,
Sincerely,
HENRY B. GONZALEZ,
Member of Congress.

WASHINGTON, D.C.,
January 27, 1971.

Hon. HUGH S. OWENS, *Acting Chairman, Securities and Exchange Commission, Washington, D.C.*

DEAR MR. CHAIRMAN: I was profoundly shocked to learn of the Commission's recent charges concerning manipulation, fraud and other malpractices by certain Texas individuals and companies in securities dealings.

According to newspaper reports, the former attorney general of Texas, the present Governor of Texas, a former governor, the present Speaker of the House, the present lieutenant governor, two or more legislators and others may have been involved directly or indirectly in stock speculation financed by the defendants through banks controlled by the defendants; that the defendants defrauded individuals and looted banks and companies they controlled; and that various other activities of a questionable or illegal nature took place. From the newspaper accounts I am reminded of the stock pools and machinations of an earlier era, before the Securities and Exchange Commission was created.

It would be most helpful to me if you would furnish me a copy of the complaint filed by the Securities and Exchange Commission in Federal Court, wherein the alleged activities are described. I would also like to have copies of other information that may be pertinent to explaining what happened, when and how.

I have asked the Chairman of the Committee on Banking and Currency to investigate this matter, and to request of your Commission such information and recommendations as may be deemed appropriate. I am anxious to see what can be done either by regulation or through new legislation to prevent further such manipulation and fraud, since the public has a clear right to be protected against recurrences of such schemes as this.

I congratulate the Commission on its firm action, and hope that you will pursue this matter with the utmost diligence and thoroughness.

With every good wish, I am,
Sincerely yours,
HENRY B. GONZALEZ,
Member of Congress.

LOUISIANA TEACHERS' ASSOCIATION FILES SUIT AGAINST NEA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, the Louisiana Teachers' Association has filed suit charging the National Education Association with racial discrimination, violations of the Civil Rights Act and of the constitutional and procedural rights of LTA members, and unlawful combination and conspiracy in restraint of the complainants' trade. The suit results from the expulsion of the LTA from affiliation with the NEA last April 30.

Named as codefendant with the NEA is the National Council of State Education Associations—NCSEA. The NCSEA has also expelled the LTA from affiliation.

By its action expelling the LTA, the NEA acted outside all bounds of reason. The action was unjust, as well as unreasonable and revealed the racism of the NEA and its prejudice against white southerners in action to its highhanded, undemocratic, and dictatorial manner of operating.

Four complaints are made against the NEA. These charge the NEA with unfairness and inequitable treatment of the LTA under the NEA's own bylaws, rules, and procedures; with violations of due process and rights guaranteed by the 14th amendment to the U.S. Constitution; with unlawful combination and conspiracy in violation of the Federal antitrust statutes, and with racial discrimination in violation of Federal civil rights statutes.

The suit asks the Court to order the NEA to reinstate the LTA as a fully affiliated association within the NEA and to permanently enjoin and restrain all defendants and their agents from conspiring and combining to interfere with the free exercise of plaintiffs of their trade.

The controversy grew out of efforts by the NEA to mandate a plan for the merger of the LTA and the Louisiana Education Association. The LEA membership is made up predominantly of Negro educators. Prior to May 1, 1970, the LEA and the LTA both were affiliated State associations with the NEA. In 1965, the NEA called for a merger and complete integration of the affiliated associations in every State. The LTA worked for such a merger and complied with requirements established by the NEA during the period of negotiations with the LEA for the merger. However, because of the grossly discriminatory, arbitrary, unreasonable, and unfair provisions prescribed by the NEA for the merger, the LTA decided it had no honorable choice but to reject them.

Any reasonable person reading the NEA resolutions on merger would have to conclude that the object of these resolutions was to unify the teaching profession and to eliminate race as a consideration in professional affairs. However, the terms mandated by the NEA would have given the smaller association equal representation on the governing board and major committees of the merged association for an interim period, and would have required a racially structured government for the new association in perpetuity. The NEA plan would have required classification of members and candidates for office by race or previous associational membership, and would have required that the governing board be elected on a racial basis forever. Initially, each LEA member was given a vote, representation and influence on the governing board and major committees equal to more than two LTA members.

Far from eliminating race as a factor in professional affairs, and far from making the equal and common professional interest of all members the basis for the activities and decisions of the merged association, the terms mandated by the NEA executive committee would have perpetuated and memorialized racial classifications and distinctions, and would have made race the presumptive basis for every official action of the new association for generations to come.

The LTA–NEA controversy should interest every educator, parent, school board member, and other citizen desiring to retain local control of public schools. It is a revelation of the purpose of an educational heirarchy in Washington to establish centralized, monopolistic control over public education in this country. It is another example of the NEA heirarchy attempting to extend its hegemony and thereby further its centralized influence over a public school system.

The NEA, which works closely with the U.S. Office of Education, apparently seeks Federal control over public schools and thereby to establish a central authority—a plan which would be completely alien to our whole American tradition. Monopolistic power is aggressive and dangerous. The gradual merging of school organizations into one great centrally dominated unit with the far-reaching influence it entails—as in the case of NEA—is a threat to local autonomy that is basic to our American tradition of locally controlled schools.

The leaders of the Louisiana Teachers' Association are to be lauded for their initiative in filing suit against the NEA. Their cause in the interest of academic freedom and education is right and just. It is time that someone called the hand of the NEA.

Since this suit should be of interest to all Members who are concerned with quality education, I ask that it follow my remarks.

[U.S. District Court, Eastern District of Louisiana, Baton Rouge Division]

Louisiana Teachers' Association, Kenneth B. Payne, Thomas G. Holliman, Lemas L. Fulmer and Horace C. Robinson, Individually and for All Others Similarly Situated, Plaintiffs, Versus the National Education Association of the United States, et al, Defendant

COMPLAINT

The complaint of the Louisiana Teachers' Association, Kenneth B. Payne, Thomas G. Holliman, Lemas L. Fulmer and Horace C. Robinson, individually and for all others similarly situated, respectfully represent:

I. JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to the Constitution and laws of the United States of America, particularly the provisions of:

(a) 28 U.S.C. 1332, being a complaint between citizens of different states;

(b) 28 U.S.C. 1331(a), being a complaint brought to redress deprivations arising under the Constitution and laws of the United States;

(c) 28 U.S.C. 1337, being a complaint brought to redress a deprivation arising under the laws of the United States regulating commerce and protecting trade, and more particularly, 15 U.S.C. 15 and 26, being a complaint brought to redress a deprivation to trade and commerce against unlawful restraints; and

(d) 28 U.S.C. 1343(4), being a complaint brought to secure equitable or other relief under the laws of the United States protecting civil rights.

II. PARTIES

2. The Louisiana Teachers' Association is a corporation organized under the laws of the State of Louisiana, domiciled in East Baton Rouge Parish. Its principal place of business is in Baton Rouge, Louisiana.

3. Kennth B. Payne, Thomas G. Holliman, Lemas L. Fulmer, and Horace C. Robinson, all being citizens of lawful age of the United States and the State of Louisiana, residing therein, are each a member in good standing of the Louisiana Teachers' Association, and each also an active or life member of the National Education Association of the United States. Kenneth B. Payne, Thomas G. Holliman, Lemas L. Fulmer, and Horace C. Robinson, bring this action under Rule 23 of the Federal Rules of Civil Procedure, individually, and on behalf of each and all persons similarly situated who are members of both the Louisiana Teachers' Association and active or life members of the National Education Association of the United States. Members of such class of plaintiffs are so numerous that joinder of all members is impractical. There are questions of law and fact common to all such members of the class. Active and life members have identical interest in this action and constitute one class. The claims of the representatives of the class are typical of the claims of the class, and the representative plaintiffs will fairly and adequately protect the interests of all of the members of the class. Moreover, a prosecution of separate actions by individual members of such class would create a risk of an adjudication with respect to individual members of the class which would, as a practical matter, be depositive of the interests of the other members not parties to the adjudication. The National Education Association of the United States has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

4. Defendant, the National Education Association of the United States (hereinafter referred to as "National Education Association" or "NEA") is a body corporate of the District of Columbia, incorporated by Congress in 1906. The principal place of business of the National Education Association is Washington, District of Columbia. The National Education Association is not licensed to do business in Louisiana and has not appointed an agent for service of process in Louisiana. However, it is actually doing business within the State of Louisiana.

5. Defendant, the National Council of State Education Associations (hereinafter referred to as "NCSEA") is a body corporate of Washington, D.C. The principal place of business of the National Council of State Education Associations is Washington, D.C. The National Council of State Education Associations is not licensed to do business in the State of Louisiana, and has not appointed agents for service of process in Louisiana. However, it is actually doing business within the State of Louisiana.

III. FIRST COMPLAINT

6. Plaintiffs are all citizens only of the State of Louisiana. Defendant, National Education Association, is a citizen only of Washington, District of Columbia, and defendant, National Council of State Education Associations, is a citizen only of Washington, D.C. The claims of all of the plaintiffs are common and undivided, although separable as between themselves. The matter in controversy, exclusive of interest and costs, exceeds Ten Thousand and 00/100 ($10,000.00) Dollars.

7. The National Education Association is a non-stock corporation existing under a charter found on page 804, Vol. 34, Part I, Public Laws, 59th Congress, 1906, a copy of which is attached hereto. Section 5 of such charter states that the classifications, rights, and obligations of the members of the National Education Association shall be prescribed in the By-Laws of the NEA. The charter further provides in Section 12 that the NEA may, by amendment to its By-Laws, provide that the powers of the active members exercised at the annual meeting in the election of officers and transaction of business shall be vested in and exercised by a representative assembly composed of delegates apportioned, elected, and governed in accordance with the By-Laws.

8. Article 1, Section 1 of the By-Laws, a copy of which is attached hereto and incorporated herein, decrees that membership in the NEA is limited to any person who is actively engaged in the profession of teaching or other educational work, or any other person interested in advancing the cause of education. There are seven types of membership in the NEA. Article 1, Section 3 of the By-Laws provides that an active member is a person who qualifies for membership in the NEA and who earns a Bachelors or higher degree or holds a regular vocational or technical certificate, and, where required, holds or is eligible to hold a regular legal certificate of any kind except an emergency sub-standard certificate or permit. Additionally, beginning with the membership year 1968–69, any new active member must also be, and remain, a member of the local and state affiliated associations, where available. Kenneth B. Payne is an active member of the NEA. A life member is any member who pays an amount in cash equal to twenty times the active member dues, or twenty-two times the annual active membership dues if paid in equal installments over a period of ten years. Thomas G. Holliman, Lemas L. Fulmer, and Horace C. Robinson are life members of the NEA. All members of the class on whose behalf this action is brought are active or life members of the NEA.

9. In addition to the seven types of individual membership, the By-laws of the NEA provide for affiliated organizations. Article IX of such By-Laws, which basically govern affiliated associations, states that they may be of two classes: State and Local. The Louisiana Teachers' Association, prior to May 1, 1970, was a State-affiliated association with the NEA.

10. An active or life member in the NEA is entitled to serve as a delegate to the representative assembly, to hold elective or appointive office, and to vote for delegates to the Representative Assembly. (Article I, Section 3(c) of the By-Laws). Only those persons having the rights and privileges of active members shall be eligible to serve as delegates or ex-officia delegates to the Represenative Assembly. (Article VII, Section 2 of the By-Laws).

11. Article VII of the By-Laws deals with the composition of the Representative Assembly, the legislative and policy forming body of the NEA. The representative assembly consists of delegates selected by the state and local affiliates of the association (Article VII, Section 1 of the By-Laws). Each affiliated state organization is entitled to one state delegate and one alternate for each hundred (100) of its members, or major fraction thereof, who are active or life members of the association up to and including the first five hundred (500) (Article VII, Section 4 of the By-Laws). Each affiliated state association is also entitled to one delegate and one alternate delegate for each additional five hundred (500) members. The individual active or life member, such as the parties plaintiff making up this class, does not have any voting power in the Representative Assembly unless he is sent there as a delegate of a state or local affiliate.

12. Article IV of the By-Laws creates a Board of Directors which is in charge of the general policies and interests of the Association, except those entrusted to the Executive Committee.

13. Article V of the By-Laws creates and regulates the Executive Committee which acts and represents the Board of Directors in all matters affecting the general policy and professional interest of the Association between meetings of the Board of Directors.

14. There are no provisions in the Articles of Incorporation relating to suspension and expulsion of members or affiliates. However, Article VII, Section 3 of the By-Laws asserts that following the advice and recommendation of the Board of Directors, the Representative Assembly may create and discontinue affiliated associations, and shall adopt

procedures to be followed in disqualifying, censuring, or reinstating an affiliate. Article V, Section 3(c) of the By-Laws asserts that the Executive Committee shall have the power to censure, suspend, expel, or reinstate an affiliate pursuant to procedures adopted by the Representative Assembly (Article IX, Section 1, dealing with affiliated associations, states the same).

15. The Louisiana Education Association (hereinafter referred to as LEA) is another state affiliated association of the NEA. The LEA represents teachers in the State of Louisiana and has historically been comprised of members primarily of the Negro race. Plaintiff, Louisiana Teachers' Association, represents teachers in the State of Louisiana and has historically been comprised of members primarily of the Caucasian race.

16. For a number of years (prior to May 1, 1970), the LEA and the Louisiana Teachers' Association have been co-existing in Louisiana representing teachers, and both have been affiliated state associations with the NEA. In 1965 the Representative Assembly of the NEA, in Resolution 65–12, called for a merger and complete integration of the affiliated associations in every state. Resolution 65–12, a copy of which is attached hereto, stated that affiliated associations had until July 1, 1966, to revise their Constitution and By-Laws and to take whatever steps were required to remove all restrictivve labels and present a jointly developed plan to effect the complete integration and merger of their associations.

17. The Louisiana Teachers' Association removed the restrictive "white" from its By-Laws in 1966. The Louisiana Teachers' Association worked continuously and actively to effect its merger with the LEA as desired by the NEA. The representatives of the Louisiana Teachers' Association attended every meeting with NEA and LEA representatives called to consider issues relating to merger, responded to all NEA requests, and when humanly possible met all deadlines and reporting requirements established by the NEA. On the other hand, representatives of the LEA did not meet important deadlines, did not respond or make timely reports at critical points in the negotiations and have been recalcitrant and evasive throughout. Further, representatives of both Associations agreed in the course of negotiations to make a full financial disclosure of assets and liabilities as an indispensable condition of effecting a merger. The Louisiana Teachers' Association offered a financial statement to the Louisiana Education Association, but the LEA did not at any time offer or provide such a statement to the LTA.

18. The LEA has demanded that before it would merge with the Louisiana Teachers' Association, it must be given fifty (50%) per cent control of the legislative and policy-making body of the merged association, even though the members of the existing LEA would comprise approximately one-third, or considerably less than fifty (50%) per cent of the merged association. Acquiescence in this demand would have resulted in a dilution of the vote of the membership of the existing Louisiana Teachers' Association, and would not have been in compliance with resolution 67–12 of the 1967 NEA Representative Assembly relative to merger which stated in part: "The Association believes every educator has the right to participate fully in the professional association of his choice in any community or state." Such a demand as a condition for merger would have violated both the spirit and the letter of the applicable NEA Resolutions relative to merger of dual state affiliates, as well as the Constitution and laws of the United States cited in Section I of this complaint. Therefore, the membership of the Louisiana Teachers' Association has refused to accept this demand or condition for merger.

19. The Louisiana Teachers' Association has made numerous concessions, including:

(a) It agreed to a proportional representation on the legislative and policy-making body of the merged association for a limited interim period.

(b) It agreed to accept all members of both the LEA and the Louisiana Teachers' Association staffs and to pay them salaries at least equal to what they were receiving.

(c) It agreed that one of the two executive secretaries should be the executive secretary of the merged association and that the other would be an associate executive secretary.

(d) It agreed to committee appointments in reasonable proportion to the membership of the two associations.

(e) It agreed to an antidiscrimination clause in the Constitution of the merged association.

(f) It later agreed, upon request of the NEA President to review its basic positions on merger and to make additional proposals in a final effort to resolve the impasse. The LTA did in fact offer, through the NEA President, important new proposals and concessions concerning the basic issue of representation on the governing board and committees, but the LEA made no such proposals of its own, and made no response to the LTA proposals.

20. In March, 1969, the NEA informed the Louisiana Teachers' Association that a Fact Finder would meet with both the LTA and LEA officers to prepare a recommendation for merger. There was no agreement with the LTA as to the identity of a Fact Finder, and no opportunity was afforded to the LTA to accept or reject the Fact Finder. The selection was made entirely by the NEA.

Each Association was asked by NEA to outline the issues as seen by that Association in a letter to be sent to the Fact Finder prior to meeting with him on April 1, 1969. The LTA did so. The LEA did not. At the meeting with the Fact Finder on April 1, the LTA presented a complete proposal for merger which stated an affirmative position on every issue.

The NEA asked each Association to study the report and recommendations of the Fact Finder and to reply by April 30, 1969. The report was not received by LTA until late in April. However, the LTA governing board convened promptly, and sent a comprehensive and detailed reply to every proposal of the Fact Finder before the April 30 deadline. The LEA did not reply by the April 30 deadline.

The proposal by the Fact Finder contained, inter alia, the provision that representation on the executive body or council of the merged association would be on the basis of fifty per cent (50%) representation from the LTA and fifty per cent (50%) from the LEA for the first year, and in addition, the NEA Director would be a member. Persons who are not teachers, including dentists, physicians, and lawyers presently belonging to the LEA, would be allowed to belong to the merged association during the first year. The Fact Finder proposed that, for the next three years, representation of the governing body would be on a sixty per cent (60%) representation from the LTA and forty per cent (40%) from the LEA, and that thereafter, without limitation as to time, representation would be apportioned periodically between the "white" group and the "black" group.

The merged Association would be required to seek unified dues, involving compulsory NEA membership for teachers joining the new association, by 1973. Such a requirement was not imposed by NEA on other state NEA affiliates in 1969. Only eleven per cent of the eligible public school employees in Louisiana joind NEA in 1969, and this requirement could have operated to cripple or to destroy the merged association. It was, therefore, an unreasonable and arbitrary provision which would have exploited the merger in Louisiana to increase NEA membership at the expense of membership in the merged association. The Fact Finder proposed other features in the structure and government of the merged Association which were not features of the present government of either LEA or LTA.

The terms imposed by NEA in Louisiana differed from terms accepted by the NEA Executive Committee in other states affected by the same NEA Resolutions directing merger of dual affiliates not merely as to details and mechanics which might necessarily or logically vary from state to state, but fundamentally as to basic principles affecting the rights and status of members of the Louisiana Teachers' Association in the merged association as compared with their counterparts in these other states.

The Louisiana Teachers' Association found these and other specific proposals by the Fact Finder unacceptable, for reasons which were set forth in detail in the communication sent to the NEA Executive Committee. Major objections raised by the LTA were: That certain of these proposals made changes and requirements not desired or suggested by either Associtaion; that, far from eliminating race as a factor in professional affairs, the proposed terms would perpetuate, memorialize, and institutionalize race and make race rather than common professional interest the presumptive basis for the government of the proposed merged Associations for generations to come; that the terms proposed would deny equal status, vote and representation to LTA members as compared with LEA members; that comparable terms were not required in other states where mergers had been effected under the NEA resolutions directing merger; and that the Fact Finder's plan would effectively deny to LTA members that right "to participate fully" in the professional association of their choice which was repeatedly set forth as a prime objective of the NEA Resolutions which directed NEA affiliates to merge.

A number of critically important questions were raised to the NEA Executive Committee concerning the meaning and application of the Fact Finder's recommendations. These included such simple and fundamental questions as whether all members of the merged Association would be entitled to vote for all elected officers, or whether only former LEA (or black) members voted in elections to fill the mandatory allocation of black officers and only former LTA (or white) members voted in elections to fill the allocation of white officers. In view of the fact that some LTA members are black, and many new members having no previous associational membership are added each year, other questions were raised as to whether the proposed allocation of officers would be solely on the basis of race, or whether the allocation would be solely on the basis of the previous associational membership of those persons who continued membership in the merged association. Related questions were raised concerning the system of racial certification and accounting required and the eligibility of new members and black LTA members to hold or to become a candidate for elective offices in the merged Association.

The Fact Finder's report and recommendation, when later approved by the NEA Executive Committee, became the NEA plan and requirements for merger of the two state associations in Louisiana and this fact is recognized and stated in the resolution of the NEA Executive Committee expelling the LTA effective April 30, 1970. It was stated by the NEA Executive Committee that failure to accept the NEA plan would result in disaffiliation of one or both Associations. It was particularly important, therefore, that the major requirements and the effect of the plan upon the members of the merged Association be clearly and specifically stated. The questions and objections raised by the LTA were relevant and important. It is self-evident that no person or group of persons can contract or agree to that which is undefined or unknown. The NEA plan constructed by the NEA Fact Finder was, with regard to certain significant and relevant questions raised by the LTA, inscrutable, inexplicable, and invalid as a basis for agreement on the matters about which the questions were raised.

The NEA Executive Committee delayed action of the Fact Finder's report until May 19. By letter dated May 20, and received by the LTA on May 22, the NEA informed the LTA that NEA had received no report from the LEA as to their actions or comments on the Fact Finder's report. The minutes of a telephone conference of the NEA Executive Committee held on Monday, May 19, 1969, show that Mr. Alan West, Associate Executive Secretary, reported that no response had been received from the LEA ". . . despite requests by phone, letter and telegram." The NEA stated that the NEA Executive Committee had, nevertheless, approved the Fact Finder's report, subject to any amendments to that report which might be jointly agreed to by the LEA and the LTA. The NEA sent a copy of the written reply made by the LTA to the LEA, thus divulging the responses and the position of the LTA on every item in the Report of Factfinding at a critical stage in negotiations without giving or requiring the LEA to give a comparable statement to the LTA. The LEA was thus enabled to act on acceptance or rejection of the Fact Finder's report and recommendations with full advance knowledge of the LTA position on each item and provision thereof, whereas the LTA was not provided with advance knowledge and evidence as to the position of the LEA on each such item and provision. The NEA did not answer or comment upon any of the questions raised to the NEA by the LTA about the meaning and effect of the Fact Finder's proposals.

21. On June 16, 1969, the Louisiana Teacher's Association was notified by the National Education Association that unless the fact-finder's report was submitted to and ratified by the Louisiana Teachers' Association delegation prior to the annual meeting of the NEA Representative Assembly at Philadelphia, the NEA Executive Committee would "probably" suspend the Louisiana Teachers' Association. That same day a telegram was sent to the NEA by the Louisiana Teachers' Association which asserted that "The L.T.A. Executive Council accepts your report of the N.E.A. fact-finder subject to further clarification, negotiation, and amendment by agreement with the L.E.A., as well as the development of means for implementation, for referral to the membership at the next L.T.A. convention."

22. On June 18, 1969, the NEA was again notified that its Executive Committee had never furnished the Louisiana Teachers' Association with a clarification of the important questions previously raised concerning the fact-finder's report.

23. On June 25, 1969, the NEA Executive Committee notified the Louisiana Teachers' Association that it and the LEA were both suspended with a loss of delegate representation at the Philadelphia Representative Assembly and would remain suspended until December 31, 1969, at which time, if the merger plans to achieve a single association for all Louisiana educators had not been given final approval by the governing bodies of each association, disaffiliation proceedings would be initiated. The Louisiana Teachers' Association was not afforded a hearing prior to this suspension by the NEA. This action by the NEA Executive Committee without a hearing was arbitrary and prejudicial to further efforts to consummate a merger.

24. At the time of the suspension of the LTA, there were no procedures in the NEA, By-Laws or procedures which had been adopted by the Representative Assembly of the NEA for the suspension of affiliated state associations. However, the NEA Executive Committee was required by Article V, Section 3(c) of the NEA By-Laws to follow such procedures, which were non existent at that time, in the censuring, suspension or reinstating of affiliates.

25. During the 1969 Philadelphia meeting of the NEA Representative Assembly, held on July 1, 1969 to July 5, 1969, procedures for disciplining affiliates were adopted for the first time:

"Procedure for Disciplining Affiliates: In accordance with Articles V and IX of the NEA Bylaws the Executive Committee may censure an affiliate or suspend or terminate the affiliation of any affiliate at any duly called meeting of the Executive Committee: provided, that the Executive Committee shall first find upon duly presented evidence that such affiliation is prejudicial to the best interest of the National Education Association; provided further, that the affiliate in question shall have had opportunity upon notice at of least 30 days, or a lesser time as may be mutually agreed upon, to show cause why it should not be censured or why the affiliation should not be suspended or terminated as provided in Articles V or IX of the Bylaws. Upon such termination affiliation dues paid for the current year shall be returned."

26. In late 1968 and in the earlier months of 1969, several "mediation" sessions were held between representatives of the LEA, the LTA and mediators selected by the NEA. Although the LTA was given to understand that the mediators would be persons having no connection with or interest in any of the parties, the most prominent "mediator" assigned to Louisiana was Peter M. Fishbein, attorney, of New York City. (The published minutes of a meeting of the NEA Executive Committee held on March 2, 1968, show that the Committee allocated $2 million for the "relief" of Florida public school teachers involved in a statewide strike, and that Mr. Peter Fishbein was the NEA attorney who had advised NEA President Braulio Alonso in connection with this matter.) The mediation proceedings did not result in agreement.

When agreement on merger terms had not been reached after many months of negotiations, a meeting between officers of the LTA, LEA, and the NEA was held in Baton Rouge early in October, 1969. This meeting was arranged by the President of the NEA, who had been given personal authority and responsibilty for negotiations in Louisiana by the NEA Executive Committee. At this meeting, the NEA President asked officers of LTA and LEA to review their positions and report to him as soon as possible any new proposals or concessions which might resolve the impasse. The LTA did make additional proposals and concessions on major issues, and reported these to the NEA promptly. The LEA did not. In a letter dated November 7, and received by LTA on November 14, 1969, the NEA President reported that he had not received a decision on further negotiations from the LEA.

By letter dated October 1, 1969, the LTA Executive Secretary once again asked the NEA to clarify the questions which the LTA had raised as to the meaning and effect of important provisions of the Fact Finder's report and recommendations. The report had been formally approved by the NEA Executive Committee on May 19, 1969, and these provisions were thus mandatory NEA terms for merger, unless changes were agreed to by all parties. This letter was answered by the NEA Executive Secretary by letter dated October 9, 1969, and received by the LTA on October 13, 1969. The NEA again failed to give any answers to the questions raised about the terms which the NEA Executive Committee had imposed, and could only suggest another meeting with the Fact Finder. However, it was indicated that this would be only an initial step, and it was not stated that the Fact Finder had any authority to give any further interpretations on behalf of the NEA Executive Committee.

The NEA had established the end of the school session as a deadline for acceptance of the Fact Finder's recommendations by the members or delegate assemblies of the Associations. The NEA did not meet its announced timetable for the fact-finding process in Louisiana, and the action of the NEA Executive Committee on the Fact Finder's report was not known by LTA until May 22, which was already at the end of the school session. It was impossible for the LTA to have called a convention of its members in time to meet the deadline, even if the questions raised by the LTA as to meaning of the Fact Finder's report had been clarified. The questions were not answered, and by its own delays the NEA had made compliance with its mandate a practical impossibility. By telegram dated February 14, 1969, the NEA Executive Committee had stated that the NEA would "share" in the expenses of such a meeting or convention. However, no commitment to the LTA for the sharing of such expenses was ever made by the NEA.

Subsequently, in the fall of 1969, the Louisiana Teachers' Association held its annual convention and at that time the membership voted against the merger plan demanded by the NEA, because the demands made were in violation of the principles of justice enunciated in the Constitution of the United States and of the State of Louisiana. However, the LTA Convention was recessed rather than adjourned, in order that it might be reconvened, should a further agreement be reached upon merger, or should other developments merit the calling of another Convention.

27. The Louisiana Teachers' Association was notified of a hearing set for March 21, 1970, before the Executive Committee of the NEA to show cause why the Louisiana Teachers' Association should not be disaffiliated from the NEA. The Louisiana Teachers' Association immediately requested the NEA to state whether this hearing was considered by the NEA to be a part of the procedure for disciplining affiliated associations in accordance with the resolution passed by the Representative Assembly in 1969 at the Philadelphia Convention and, if so, to state the precise part of that procedure to which the hearing pertained.

More particularly, the NEA was requested to notify the Louisiana Teachers' Association if the Executive Committee had already determined upon duly presented evidence that the affiliation of the Louisiana Teachers' Association with the NEA was prejudicial to the best interests of the NEA, and, if so, then a complete transcript of that previous hearing was demanded along with an explanation as to why the Louisiana Teachers' Association was not notified of such hearings. On the other hand, if the NEA considered the meeting scheduled for March 21, 1970, to be that hearing at which evidence would be duly presented relative to the disaffiliation of the Louisiana Teachers' Association with the NEA, it was demanded that the NEA furnish the Louisiana Teachers' Association with the name of the entity that was acting as accuser or prosecutor, the name of the independent entity that would serve as the fact-finding tribunal, the name, address, and summary of the testimony to be presented by all witnesses who would or may be produced by the accuser, a description of the exhibits which would or may be introduced by the accuser, and a statement of rights which would be afforded the Louisiana Teachers' Association and its legal counsel to participate in the hearing, examine all witnesses, call its own witnesses, and otherwise participate in the hearing. The NEA responded through its President, by stating that the purpose of the hearing was to provide the Louisiana Teachers' Association with an opportunity to show cause why it should not be disaffiliated from the NEA. The NEA stated that it was not intended that this be an adversary proceeding and that there would be no accuser or prosecutor, and the NEA did not plan to present witnesses or testimony. However, the procedure adopted by the NEA Representative Assembly in 1969, for the censuring, suspension or termination of the affiliation of an NEA affiliate required that the Executive Committee ". . . shall first find upon duly presented evidence that such affiliation is prejudicial to the best interest of the National Education Association . . ."

28. The hearing was held and the NEA presented no witnesses or testimony while representatives of the Louisiana Teachers' Association were present. However, upon receiving a copy of the transcript of the proceedings, it was learned that a Mr. Don Pierce testified before the Executive Committee and requested expulsion of the Lousiana Teachers' Association. But the Louisiana Teachers' Association had not been notified of this subsequent meeting, was not given an opportunity to be present, and was not allowed to cross-examine or rebut the testimony of Mr. Don Pierce. On May 1, 1970, the Louisiana Teachers' Association was notified that it was expelled effective April 30, 1970.

29. Plaintiffs show that the action of the NEA in suspending and expelling the Louisiana Teachers' Association was arbitrary, capricious, and inequitable, and failed to follow the NEA's own By-Laws, Resolutions, standards and procedures. There was no hearing held at which evidence was duly presented establishing that the affiliation of the Louisiana Teachers' Association with the NEA was violative or prejudicial to the best interests of the NEA. The NEA refused to call witnesses and present evidence at any hearing at which the Louisiana Teachers' Association was present or represented, to establish that the affiliation of the Louisiana Teachers' Association with the NEA was violative or prejudicial to the best interests of the NEA. The one witness called to testify against the Louisiana Teachers' Association did so outside of the presence of the representatives of the Louisiana Teachers' Association and without the knowledge of the representatives of the LTA. The LTA was not given opportunity for reply, rebuttal, or cross examination. The NEA proceedings were conducted before a biased tribunal, influenced by the ex parte investigation and prejudgment of members of the Executive Committee, the biased investigations and recommendations of the staff, and the prejudicial ex parte testimony and recommendations of influential members. The NEA Executive committee performed the simultaneous roles of prosecutor, judge, and jury at the hearing. Additionally, the requirement imposed upon the Louisiana Teachers' Association by the NEA that there must be an equal voting power between "blacks" and "whites" in the merged association for the first year is unconstitutional for it dilutes the votes of those members comprising the Louisiana Teachers' Association. Additionally, the demand of the NEA which effectively mandated that in the future an accurate count must be maintained of "blacks" and "whites" is unconstitutional and precipitates and requires classification based upon race. A transcript of the "hearing" of the NEA Executive Committee, including a list of the exhibits introduced on behalf of your complainants, and the decision of the Executive Committee of the NEA is attached hereto as an exhibit.

30. Such arbitrary, capricious, inequitable, and unconstitutional proceedings on the part of the NEA are in violation of the laws of the State of Louisiana, and of the Constitution of the United States of America; the plaintiffs have been deprived and shall continue to be deprived unless defendant is enjoined, of their rights under the Constitution and laws of both the State of Louisiana and the United States of America. The National Education Association should be required to give its members the same substantive and procedural protection that are afforded in Federal and State courts of law by specific pleadings, specific charges, discovery, and due process of law. The Constitution and By-Laws of the NEA are lacking in due process and void for vagueness.

31. All administrative remedies available to plaintiffs through the procedures afforded them by the defendant, NEA, have been exhausted. The damage and injury inflicted to plaintiffs by the defendant, NEA, by reason of being deprived is continuing and irreparable and there is no adequate remedy at law.

32. The value of the plaintiffs' rights which they seek to protect and the injury which they seek to prevent, exclusive of interest and costs, exceeds the sum of ten thousand and 00/100 ($10,000.00) dollars.

IV. SECOND COMPLAINT

33. The NEA is the largest professional teaching organization in the world, and the only over-all professional organization for teachers in the United States. Through affiliation of local, state, and territorial associations, the NEA represents the interests of more than 1,740,000 teachers. The NEA engages in the formulation of and influences national policies and decisions concerning education. The NEA offers to state affiliated associations the services of regional and national field staff. It also offers salaried professional negotiators, instructional and public relation consultants. It provides publications, films, and materials for special events including, but not limited to, NEA Handbook, NEA Proceedings, research publications, and reports of ACT, news bulletins of ACT, and travel tour announcements. It also offers to or in cooperation with affiliated state associations financial loans or grants and legal counsel in tenure or ethics cases. It offers NEA research data to support legislative programs and negotiations.

The NEA provides staff assistance to its state and local affiliates for negotiations with employing school boards on salaries, working conditions, and other matters, and should, under the provisions of the Landrum-Griffin Act (Labor Management Reporting and Disclosure Act) be treated as a "labor union" or a "labor organization." It also provides staff assistance to its affiliates in connection with local elections held for the selection of bargaining agents entitled to represent teachers before their employing agencies, and should, under the provisions of the Landrum-Griffin Act (Labor Management Reporting and Disclosure Act) be treated as a "labor union" or a "labor organization." It offers and has provided staff assistance, financial assistance, publicity, grants, interest-free loans, and legal services in cooperation with its state and local affiliates in major state educational controversies or crises. The allocations for such assistance have totalled as much as $2 million in a single state in connection with one major crisis.

The actions of the NEA in censuring, suspending, or expelling an affiliated association are intended to have and do have an effect upon the viability of that association. Such actions by the NEA impose upon the affected association and its members a stigma, and the NEA expects and intends that the association and the members which compose it shall be diminished in status and reputation in the eyes of the profession. These expected and intended effects are plainly set forth in a communication from the NEA Executive Secretary dated October 9, 1969. Whatever diminishes the status and reputation of a professional association in the eyes of the profession can be reasonably expected to have effect upon the professional standing and future employment opportunities of the members and officers of that association.

The NEA has invoked so-called "sanctions" against entire school systems and school districts, and has given these sanctions national publicity. These sanctions have involved the citing of alleged deficiencies, and the circulation of advisories and warnings to teachers who might apply, or be considered, for employment in such school systems or districts.

The NEA attempts to advise federal agencies on educational matters, and to influence the planning of educational programs by federal agencies. The NEA actively attempts to promote or influence the passage of educational legislation by the Congress. To these ends, it maintains a headquarters Office of Legislation and Federal Relations and an NEA Legislative Commission. It has filed amicus curiae briefs in the United States Supreme Court and in other courts in connection with lawsuits arising out of the desegregation of the public schools, property tax elections, voting cases, and constitutionality of state aid to parochial schools. The NEA Executive Committee has taken a public position on the nomination or confirmation of Justices of the Supreme Court of the United States. The NEA has endorsed and sponsored Federal legislation which would establish a plan and system of "professional negotiations" in the public schools of every state. This legislation would mandate a form of "collective bargaining" and would encompass the right to strike, under certain conditions.

The activities of the NEA, however they may be viewed and whatever their merits, affect all teachers, and are calculated to influence and do influence the working conditions of teachers, and particularly the relationships of public school teachers with public employers.

34. The position of education in the society of the United States today is a matter of national concern. The NEA has achieved a position of great influence in United States education. It is a power instrumentality which sets or influences policies in an area of vital concern to the public and to all members of the teaching profession. No teacher can escape its prevasive influence and power. The NEA performs a state and national function and exercises delegative powers of a governmental nature. The NEA assumes responsibility not only to its membership, but also to society. The NEA, therefore, is subject to the restraints of the United States Constitution.

35. A state affiliated association may send delegates to the NEA Representative Assembly and may select members of the NEA Resolutions Committee. It may share in nominating and electing the NEA officers, including the Vice President, President-Elect, Treasurer, and members of the Executive Committee. Its organization of classroom teachers may send delegates to the Delegate Assembly of the NEA's Association of Classroom Teachers and to ACT conferences or workshops open to affiliates. Individual members of the NEA themselves, separate and apart from the state affiliated associations, do not have these rights. Only acting through their affiliated associations can they exercise such rights.

36. Disaffiliation of the Louisiana Teachers' Association from the NEA deprives the Louisiana Teachers' Association of important rights, services, and opportunities. It loses access to the vast network of programs and servces available to any other NEA affiliates. The association loses contact with groups and individuals that influence the policies of an organized professional group. Disaffiliation of the Louisiana Teachers' Association from the NEA also affects the individual members of the Louisiana Teachers' Association. Although the individual plaintiffs and the other members of their class are still members of the NEA, they have effectively lost their right to participate in the national education scene or to share in the decisions which determine the disposition and allocation of their NEA dues unless they join not only the NEA, but another association designated by the NEA.

37. The LEA and NEA have imposed certain requirements upon the Louisiana Teachers' Association which they maintain must be accepted in the proposed merger. LEA has demanded, and the NEA has sup-

ported such demand, that there be equal representation of the members of the LEA and members of the Louisiana Teachers' Association on the governing board of the merger-created association. This demand is made even though there would not be equal numbers of former members of the LEA and the Louisiana Teachers' Association in the newly created merged organization. Such a requirement dilutes the votes of the members of the Louisiana Teachers' Association in the newly merged association. This requirement of a dilution of vote is violative of the Fourteenth Amendment to the Constitution of the United States which provides in part:

". . . nor shall any state . . . deny to any person within its jurisdiction the equal protection of the laws."

38. Additionally, the NEA has allowed dual associations in all other states containing dual associations, except Mississippi, to merge without placing the same or similiar onerous or unconstitutional requirements on them. Only in Louisiana and Mississippi have the onerous requirements been made that there be an equal representation on the governing boards and committees of the merged association, regardless of the proportion of the members of the former associations. There is no reasonable basis for this arbitrary, capricious, and discriminatory demand. Such arbitrary, capricious, and discriminatory acts on the part of the NEA are violative of the Fourteenth Amendment of the United States Constitution.

39. In suspending the Louisiana Teachers' Association from the NEA, the Executive Committee of the NEA never afforded the Louisiana Teachers' Association the opportunity to defend itself, to examine the witnesses to be called, or participate in the proceedings brought against it. In expelling the Louisiana Teachers' Association from the NEA, the Executive Committee of the NEA failed to follow even its own rules and regulations. There was no hearing at which evidence was duly presented establishing that the affiliation of the Louisiana Teachers' Association with the NEA was violative and prejudicial to the best interest of the NEA. At the one hearing conducted by the Executive Committee of the NEA, at which the Louisiana Teachers' Association was allowed to attend, no witnesses were called. Accordingly, if any witnesses were called by the NEA, the Louisiana Teachers' Association was not afforded the right to appear and observe the proceedings and cross-examine the witnesses. The proceedings of the NEA were brought and conducted before the same biased tribunal, influenced by the ex parte investigation and prejudgment of its members. There was no independent tribunal which was presented the matter in order that it be resolved in a manner consistent with essential fairness. A transcript of the "hearing" before the NEA Executive Committee, including a list of the exhibits introduced on behalf of your complainants, and the decision of the Executive Committee of the NEA has been attached hereto as an exhibit. The actions of the NEA in expelling the Louisiana Teachers' Association in this manner were violative of the Fourteenth Amendment of the United States Constitution which provides in part:

". . . nor shall any state deprive any person of life, liberty, or property without due process of law . . ."

40. The plaintiffs have exhausted all administrative remedies made available to them by the defendant, NEA. The damage and injury inflicted to plaintiffs by reason of being deprived of their constitutional rights is continuing and irreparable. There is no adequate remedy at law.

41. The value of the plaintiffs' rights which they seek to protect and the injury which they seek to prevent, exclusive of interest and costs, exceeds the sum of ten thousand and 00/100 ($10,000.00) dollars.

V. THIRD COMPLAINT

42. Each of the defendants maintains an office, or transacts business or is found, or is subject to suit within the above District and Division of this Honorable Court.

43. At all times hereinafter mentioned, the Louisiana Teachers' Association and the individual plaintiffs and the other members of the class were and still are engaged in the business and trade of offering educational services.

44. The Louisiana Teachers' Association and the individual plaintiffs and all the other members of the class, carry on their trade and commerce in a myriad of programs, methods and operations. The enormous expenses attendant to the educational services provided by plaintiffs attest to the commercialization which exists in the trade of education. The mobility and liquidity of the plaintiff educators, the other related personnel, and the students engaged in the pursuit of education, as well as the national purposes and requirements for an educated populace, evidence that plaintiffs' trade is directly related to and affects interstate commerce within the meaning of 15 U.S.C. 1.

45. The NEA is a corporation whose stated purpose is to elevate the character and advance the interest of the profession of teaching and to promote the cause of education in the United States. As previously alleged, the enormous size of the NEA, its ability to influence or control national policies in the field of education, and the aid it can and does give to its affiliated associations, create a situation in which educator's trade is affected if he does not belong to the NEA or one of its affiliates.

46. As previously alleged, the NEA has arbitrarily, capriciously, and inequitably disaffiliated the Louisiana Teachers' Association. The effect of this disaffiliation was to impose a restraint on the trade and commerce of plaintiffs.

47. Defendant, the National Council of State Education Associations, (hereinafter termed NCSEA) is a corporation whose stated purpose is to advance education in the United States, by (a) assisting officers and staffs in improving the organization, administration, and activities of state associations, and (b) providing the means whereby state education associations shall be more instrumental in bringing about a closer constructive working relationship with the NEA.

48. Beginning on or during the year 1969, the exact date being unknown, and continuing up to and including the date this complaint was filed, the NEA and the NCSEA, as well as the Student National Education Association (SNEA), together with other persons unknown, engaged in the continuing unlawful combination and conspiracy to restrain the trade and commerce of plaintiffs. Such restraint of plaintiffs' trade affected interstate commerce and is violative of the applicable federal statute (15 U.S.C. 1, 2, and 3).

49. The aforesaid unlawful combination and conspiracy between the NEA, the NCSEA and the SNEA has consisted of a continuing agreement and concert of action, the substantial terms and objects of which include a requirement that the plaintiffs capitulate and accept the above described unlawful merger conditions with the LEA; and, upon failure of plaintiffs to accept such unlawful merger conditions, the NCSEA, on January 28, 1970 and the SNEA on November 12, 1970, pursuant to a continuing agreement with the NEA, arbitrarily, capriciously, and inequitably suspended the Louisiana Teachers' Association and its affiliated organization, the Student Louisiana Teachers' Association. No changes were presented to the LTA, and the LTA was not afforded a hearing prior to its suspensions. Such suspensions were designed to and actually restrains plaintiffs' trade, and such restraints of trade affect interstate commerce in violation of applicable federal statutes. In addition, plaintiffs reasonably anticipate that the NEA will attempt, in the future, to use and follow the same procedures in having other professional organizations to which plaintiffs belong institute similiar suspensions and expulsions, all of which are in the restraint of trade and in violation of applicable federal statutes.

50. By reason of the aforesaid actions on the part of defendants, plaintiffs have been caused a loss of educational services and benefits, and have sustained a grievious loss of good will and injury to their reputation, and their ability to exercise and apply their educational trade has been decreased. Such damage is continuing and irreparable and there is no adequate remedy other than a cessation of defendant's unlawful activities.

VI. FOURTH COMPLAINT

51. Plaintiffs and all members of the class are citizens of the United States of America not subject to any foreign power. As such, they have the same right to the full and equal benefit of all laws and proceedings for the security of property as is enjoyed by all other citizens of the United States.

52. The NEA has demanded that all "white" educators and all "black" educators be numbered and accounted for in Louisiana. The NEA has demanded that the "black" educators as a whole have an equal vote on the governing board of any merged organization of Louisiana educators, thus diluting unconstitutionally the vote of the individual "white" educators as a whole. The NEA has demanded that, after a period of time, there be forced proportional representation of "blacks" and "whites" on any such governing board without limitation as to time, thus preserving and fostering distinctions based on race or color. The NEA has not proposed any constitutional test for determining who shall be declared "white" and who shall be declared "black." These demands on the educators in Louisiana discriminate against the so-called "whites" in favor of the so-called "blacks."

53. The NEA has arbitrarily, capriciously and inequitably discriminated and steadfastly continues such discrimination, against the "white" educators in Louisiana, to which group belong numerous of the plaintiffs.

54. This unlawful discrimination on the part of the NEA against plaintiffs deprives them of the equal benefit of the law for the security of their property and civil rights, in violation of applicable federal law (42 U.S.C. 1981 et seq), and of the right, as individuals with privileges of national citizenship, to equal protection under the law. This unlawful discrimination is continuing and plaintiffs have no adequate remedy at law other than a cessation of defendants' unlawful activities.

Wherefore, Plaintiffs pray that:

1. After due proceedings, the NEA be ordered perpetually to have the Louisiana Teachers' Association reinstated as a fully affiliated association; and

2. That all defendants and the officers and the agents of each of them and all persons combining with or acting in concert with them or under their direction be permanently enjoined and restrained from conspiring and combining to interfere with the free exercise by plaintiffs of their trade.

By Attorneys:

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THE ADMINISTRATION'S ECONOMIC GAME PLAN: INFLATIONARY AND IRRESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 15 minutes.

Mr. REUSS. Mr. Speaker, the administration's economic game plan, as it stands revealed in the newly released budget and economic reports is inflationary and irresponsible.

It reflects the fact that the administration is disregarding inflation in its frantic effort to induce a 9-percent growth rate. As Wall Street is now signaling, inflationary expectations are being rekindled by the prospective huge deficits. Workers will want ever-larger wage increases to catch up; and management will feel it can buy peace by raising prices.

What is needed is not reckless and unfair jawboning, but an immediate temporary freeze on prices, wages, and salaries pending the working out of voluntary wage-price guidelines with management and labor for the longer term. Congress last August authorized the President to impose such a wage-price freeze. While the authority runs out on March 31, 1971, I plan shortly to introduce legislation continuing the freeze power.

While the administration budget is jiggered so as to give the appearance of a precarious full employment balance, the budget is likely in practice to produce a whopping full employment deficit, and an actual deficit closer to $25 billion than the $11 billion actual deficit predicted. The administration guessed wrong on this year's budget by $20 billion. How far off are they going to be in fiscal 1972?

The administration's budgetary error is due to a great shortfall in actual GNP for fiscal 1972 over the administration's estimate. The administration's revenue expectations are based on a $1,065 billion GNP for fiscal 1971. But a reading of the Economic Report shows that this is simply wishful thinking. For example, on page 84, the Council of Economic Advisers lets the cat out of the bag:

> It seems more likely that with present policies the outcome would be higher than ($1,045 billion-$1,050 billion) and could be as high as $1,065 billion.

By making an extreme guess the norm, the administration is able to inflate its revenue estimates. On the other hand, it is able to lower its estimates of expenditures by underestimating inflation.

In fact, Mr. Nixon's economics is not revolutionary, as he describes it, but reactionary—in the sense that it goes back to the universally discredited fiscal sins of his Democratic predecessor and the 1968 $25 billion deficit, from which our present woes in large part stem. By flirting with another deficit like 1968's, the administration is refusing to learn from past errors.

What is needed is real full-employment balance, which can be produced by round II of tax loophole-plugging. If the administration will put together a tax reform package to yield approximately $6 billion in additional revenue, which it can readily do, Congress will respond as it did in 1969.

END OF INDOCHINA CONFLICT COULD BE 1971 CHRISTMAS GIFT FOR PEOPLE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Hawaii (Mr. Matsunaga) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, last Friday I introduced a resolution which I believe merits the attention of this body. I refer to House Concurrent Resolution 101.

This resolution concerns an important issue, perhaps the single most important issue with which the 92d Congress must deal, but the very existence of which, as an issue, is denied by the administration. I speak of the war in Southeast Asia.

Over the past weeks, events in Vietnam, and particularly in Cambodia, have greatly disturbed large numbers of thinking Americans. A very serious question has been raised in their minds as to whether or not the military tactics employed in Cambodia violate the spirit and intent, if not the letter, of the recently passed law, more commonly known as the Cooper-Church amendment, which prohibits the use of U.S. ground forces or advisers in Cambodia.

Last June 30, President Nixon told the American people: "There will be no U.S. air or logistic support" for South Vietnamese military operations in Cambodia. The President also pledged that there would be "no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh."

But now the administration admits to use of our Air Force and even disguised ground troops in Cambodia. It appears that in Cambodia the administration is taking us down that same road which led to the quagmire of South Vietnam.

For this reason, on the first legislative day of this Congress, I joined more than 60 of my colleagues in introducing a resolution to prohibit the use of U.S. air and sea support forces in Cambodia.

But as responsible Members of Congress we must do more. Fifty thousand Americans have died in Southeast Asia. Hundreds of thousands of South Vietnamese have also been killed. More than a hundred billion dollars have been diverted to that war from urgent domestic needs.

The war must end. Congress must move to reassert its constitutional responsibilities to "raise and support armies" and to "declare war."

Toward both of these goals, Mr. Speaker, I introduced House Concurrent Resolution 101, which calls for an immediate halt to all but defensive actions by U.S. forces in Southeast Asia, and their complete withdrawal by December 24, 1971.

This, I believe, is a moderate and reasonable proposal, in keeping with the President's own announced intention to withdraw all our forces as quickly as possible.

During the last Congress, I introduced legislation calling for complete U.S. withdrawal by July 1, 1971. A great number of my colleagues have introduced similar legislation in the 92d Congress. But I believe that intervening events, or more accurately, nonevents, seem to indicate that the end of this year, rather than the middle, is a more realistic deadline for complete withdrawal which the administration can be expected to meet.

Admittedly, any deadline publicly announced presents disadvantages. The North Vietnamese, for instance, might become even more intractable at the Paris peace talks, although the accomplishment of this feat may be open to speculation. The advantages, however, are substantial. The current Government of South Vietnam would be made to understand that they will be solely responsible for supplying personnel to defend their own country at some definite future date. The light at the end of the tunnel would no longer be illusory, once we set the limit to the length of that tunnel.

Incredible as it sounds when stated, we have marked the beginning of our second decade of involvement in the Vietnam war.

We must end our involvement in that interminable war.

My resolution calls for complete withdrawal of all U.S. troops by December 24, 1971. By adopting my resolution, the Congress could present the people of this Nation with the most cherished Christmas gift since the end of the Korean conflict.

TO PROVIDE THAT THE FISCAL YEAR OF THE FEDERAL GOVERNMENT SHALL COINCIDE WITH THE CALENDAR YEAR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. Michel) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, on January 21, I introduced, with 68 bipartisan cosponsors, legislation to change the fiscal year of the Federal Government to coincide with the calendar year—H.R. 1458, H.R. 1459, and H.R. 1460.

At that time I made a statement on behalf of myself and the bill's cosponsors setting forth the basic reasons why such a change is necessary and why we believe our proposal represents a better way of carrying on the business of government than does our present system. That statement and the text of the legislation can be found on page 22 of the Congressional Record of January 21.

I will not, at this point, repeat those arguments, but I would like to quote two paragraphs which really go to the heart of the matter and sum up very concisely, I feel our purpose in making this recommendation:

> It would appear on the surface that the use of the calendar year instead of the present fiscal year would make little substantive difference in Federal budgetary and appropriation procedure. It would, in fact, make little difference in the actual physical operation of the Congress. The importance of this change, however, lies in the fact that it would push the start of the fiscal year 6 months into the future, providing more time for hearings, more time for calm deliberation, more time for debate on the floor and more time for oversight of Federal expenditures.
>
> Most important, millions of Americans as individuals, groups, organizations and, above all, the 50 States would be far better off knowing in advance what the Federal budget for the next fiscal year will be. They would be able to plan to better advantage and they would be in a position to obtain the greatest return for each Federal dollar appropriated. The real significance of this change would be in giving the various instrumentalities of government, including State and local as

well as Federal, time to budget their funds properly, spend their money wisely and make their dollars go further.

The President, in his recent budget message, also discussed the urgent need for reform of the budget process. His very appropriate and timely comments provide additional support for our proposal, and underscore the importance of early action on this legislation.

Reforming the Budget Process

Reform of the budget process is long overdue. Fifty years have passed since the Federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of congressional inaction, it has become a travesty a half-century later.

Enactment of appropriations 6 months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was transmitted 11 months earlier. Even now, as this message is being written, action on last year's appropriations request for one department has not been completed.

I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10- to 12-month period without any goal or determination of the total expenditures that will result after the last bill is passed.

Excess in the number and detail of appropriations often diverts attention to minutiae. It also impairs the ability of agency heads to manage their agencies responsibly and economically.

The budget is our principal instrument for coordinated management of Federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore we must seek a more rational, orderly budget process. The people deserve one, and our Government, the largest fiscal unit in the free world, requires it.

Today, Mr. Speaker, I am introducing two more bills identical to H.R. 1458 to H.R. 1460, with 35 additional cosponsors. This means that 104 of us have now pledged our support for this legislation, and many more of our colleagues have either introduced similar legislation or have given verbal expressions of their support for changing the fiscal year to coincide with the calendar year.

Once again, I urge the rest of my colleagues to give this proposal their attention, for its merits can be quickly seen. I would hope that action on this legislation will be prompt and expeditious.

Mr. Speaker, a complete list of all cosponsors follows:

List of Cosponsors

Mr. Addabbo, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Arends, Mr. Badillo, Mr. Bevill, Mr. Biester, Mr. Blackburn, Mr. Broomfield, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Carter, Mrs. Chisholm.

Mr. Collier, Mr. Collins of Texas, Mr. Conable, Mr. Conte, Mr. Cleveland, Mr. Corbett, Mr. Crane, Mr. Daniel of Virginia, Mr. Dennis, Mr. Derwinski, Mr. Dickinson, Mr. Dingell, Mr. Donohue.

Mr. Duncan, Mr. Edwards of Alabama, Mr. Erlenborn, Mr. Esch, Mr. Eshleman, Mr. Findley, Mr. Forsythe, Mr. Fountain, Mr. Frelinghuysen, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mr. Gaydos, Mr. Goldwater, Mr. Gubser.

Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hosmer, Mr. Hunt, Mr. Hutchinson, Mr. Keating.

Mr. Keith, Mr. Kluczynski, Mr. Kyl, Mr. Kuykendall, Mr. Latta, Mr. Lent, Mr. McClory, Mr. McDade, Mr. McKevitt, Mr. McKinney, Mr. Mailliard, Mr. Mann, Mr. Mathias of California, Mr. Matsunaga, Mr. Mikva, Mr. Morse, Mr. Moss.

Mr. Murphy of New York, Mr. Myers, Mr. Nedzi, Mr. Pirnie, Mr. Powell, Mr. Price of Illinois, Mr. Pucinski, Mr. Quie, Mr. Railsback, Mrs. Reid of Illinois, Mr. Riegle, Mr. Robinson, Mr. Robison, Mr. Rogers, Mr. Roush.

Mr. Rousselot, Mr. Sandman, Mr. Scherle, Mr. Scheuer, Mr. Schneebeli, Mr. Scott, Mr. Sebelius, Mr. Seiberling, Mr. Shriver, Mr. Skubitz, Mr. Stratton, Mr. Talcott, Mr. Thompson of Georgia, Mr. Thone, Mr. Williams, Mr. Wyatt, Mr. Yates.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The difficult process of nation building in the United States was aided by several important events that were basic to the economic success we have experienced. It was John Fitch who in the early years of this Nation constructed and operated the world's first regularly scheduled steamboat. Fitch's enterprise showed the way for a more efficient mode of transportation which cut costs and opened the vast Western part of the country to the national economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Murphy of New York (at the request of Mr. Dent), for the week of February 1, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, on Tuesday, February 2; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include therein extraneous matter:)

Mr. Saylor, for 5 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Kemp, for 30 minutes, on Thursday, February 4.

Mr. Price of Texas, for 15 minutes, today.

Mr. Findley, for 5 minutes, today.

(The following Members (at the request of Mr. Miller of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. Michel, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. McKay) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes today.

Mr. Rarick, for 15 minutes, today.

Mr. Reuss, for 15 minutes, today.

Mr. Matsunaga, for 15 minutes, today.

Mr. Mitchell, for 15 minutes, February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross, and to include extraneous material.

Mr. Madden, and to include extraneous material.

Mr. Gerald R. Ford immediately following the Economic Report of the President.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mrs. Heckler of Massachusetts.

Mr. Broomfield.

Mr. Scherle in 10 instances.

Mr. Steiger of Wisconsin.

Mr. Blackburn.

Mr. Sebelius in two instances.

Mr. Brown of Ohio in two instances.

Mr. Price of Texas in three instances.

Mr. Schwengel in two instances.

Mr. Rhodes.

Mr. Fulton of Pennsylvania in five instances.

Mr. McClory.

Mr. Derwinski in seven instances.

Mr. Minshall in three instances.

Mr. Harvey in two instances.

Mr. Hosmer in two instances.

(The following Members (at the request of Mr. Miller of Ohio) and to include extraneous material:)

Mr. Coughlin in six instances.

Mr. Baker.

Mr. Steiger of Arizona.

Mr. Wyman in two instances.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Jones of Tennessee.

Mr. Corman.

Mr. Mollohan in five instances.

Mr. Scheuer in two instances.

Mr. Biaggi in 10 instances.

Mr. William D. Ford.

Mr. O'Hara.

Mr. Rarick in three instances.

Mr. Fisher in six instances.

Mr. Miller of California.

Mr. Bingham in five instances.

Mr. McCormack.

Mr. Anderson of California in two instances.

Mr. Pickle in five instances.

Mr. Rodino in two instances.

Mr. Karth.

Mr. Kazen.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.), the

House adjourned until tomorrow, Tuesday, February 2. 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

152. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to make military pay more equitable, and for other purposes; to the Committee on Armed Services.

153. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide for the payment of an enlistment bonus to certain persons who enlist in the Army, Navy, Air Force, or Marine Corps for at least 3 years; to the Committee on Armed Services.

154. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; to the Committee on Armed Services.

155. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

156. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

157. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide for the payment of medical or surgical services or hospital treatment for certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protection Service, and the U.S. Secret Service Division, and for other purposes; to the Committee on the District of Columbia.

158. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

159. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; to the Committee on the District of Columbia.

160. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

161. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation relating to benefits for employees of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

162. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Alcoholic Beverage Control Act, and for other purposes; to the Committee on the District of Columbia.

163. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

164. A letter from the Secretary of Labor, transmitting a report on fair labor standards in employment in and affecting interstate commerce, pursuant to section 4(d) of the Fair Labor Standards Act of 1938, as amended; to the Committee on Education and Labor.

165. A letter from the Secretary of Labor, transmitting a report on activities under the Age Discrimination in Employment Act of 1967, pursuant to section 13 of the act; to the Committee on Education and Labor.

166. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to transfer to the Government of the Republic of the Philippines funds for making payments on certain pre-1934 bonds of the Philippines, and for other purposes; to the Committee on Foreign Affairs.

167. A letter from the Secretary of the Treasury, transmitting the semiannual consolidated report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1970, pursuant to section 613(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

168. A letter from the Chairman, Subversive Activities Control Board, transmitting the 20th annual report of the Board; to the Committee on Internal Security.

169. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report on positions in the Department of Defense in grades GS–16, GS–17, and GS–18, during calendar year 1970; to the Committee on Post Office and Civil Service.

170. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report that the duties of the four GS–17 positions allocated to that Office have not changed in the last year, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

171. A letter from the Librarian of Congress, transmitting a report on the positions of senior specialists in the Congressional Research Service of the Library of Congress, pursuant to 5 U.S.C. 5108(b)(1); to the Committee on Post Office and Civil Service.

172. A letter from the Federal Cochairman, New England Regional Commission, transmitting the annual report of the Commission for fiscal year 1970, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

173. A letter from the Federal Cochairman, Ozarks Regional Commission, transmitting the annual report of the Commission for calendar year 1970, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

174. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

175. A letter from the Comptroller General of the United States, transmitting a report on the need to strengthen management control over the basic research program administered by the Air Force Office of Scientific Research, Department of the Air Force; to the Committee on Government Operations.

176. A letter from the Comptroller General of the United States, transmitting a report on opportunities for better use of U.S.-owned excess foreign currency in India, Department of State, Agency for International Development, Department of the Treasury, and Office of Management and Budget; to the Committee on Government Operations.

177. A letter from the Comptroller General of the United States, transmitting a report on progress and problems in programs for managing high-level radioactive wastes, Atomic Energy Commission; to the Joint Committee on Atomic Energy.

178. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize payment and appropriation of the second and third installments of the U.S. contribution to the Fund for Special Operations of the Inter-American Development Bank; to the Committee on Banking and Currency.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 3095. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.; to the Committee on Interior and Insular Affairs.

H.R. 3096. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general-purpose boxcars owned by the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 3097. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

H.R. 3098. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 3099. A bill to amend the Internal Revenue Code of 1954 to allow a 30-percent credit against the individual income tax for amounts paid for tuition, fees, or services to certain public and private institutions of higher education or for occupational training or retraining; to the Committee on Ways and Means.

By Mr ASPINALL (for himself and Mr. HALEY):

H.R. 3100. A bill to provide for the settlement of certain land claims of Alaska natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 3101. A bill to assist school districts reduce crime against children, employees, and facilities in the elementary and secondary schools by providing financial assistance for the development and implementation of locally approved school security plans; to the Committee on Education and Labor.

By Mr. BOLAND:

H.R. 3102. A bill to establish a National Cancer Authority, and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

H.R. 3103. A bill to establish annual import quotas on certain textile and footwear articles; to the Committee on Ways and Means.

H.R. 3104. A bill to amend title I of the Social Security Act to provide a 10-percent across-the-board benefit increase, with a $100 minimum primary benefit and subsequent benefit increases based on the cost of living, and to raise the amount of outside earnings a beneficiary may have without suffering deductions from his benefits; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 3105. A bill to provide that the flag of the United States of America may be flown for 24 hours of each day in Evergreen, Colo.; to the Committee on the Judiciary.

By Mr. BUCHANAN:

H.R. 3106. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

H.R. 3107. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 3108. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring a national registration of firearms, establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 3109. A bill to designate the Washington National Airport as the "Dwight David Eisenhower National Airport"; to the Committee on Interstate and Foreign Commerce.

H.R. 3110. A bill to amend the Legislative Reorganization Act of 1964 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 3111. A bill to amend title 28, United States Code, to limit the appellate jurisdiction of the Supreme Court in certain cases relating to the apportionment of population among districts from which Members of Congress are elected; to the Committee on Judiciary.

H.R. 3112. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3113. A bill to restrict travel in violation of area restrictions; to the Committee on Judiciary.

H.R. 3114. A bill to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 3115. A bill to designate the dam and reservoir on the Coosawattee River in the State of Georgia as the "Richard B. Russell Dam and Reservoir"; to the Committee on Public Works.

By Mr. DERWINSKI:

H.R. 3116. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in Cook County, Ill.; to the Committee on Public Works.

By Mr. FINDLEY (for himself, Mr. Rostenkowski, Mr. Arends, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Collier, Mr. Collins of Illinois, Mr. Crane, Mr. Derwinski, Mr. Erlenborn, Mr. Gray, Mr. Kluczynski, Mr. McClory, Mr. Michel, Mr. Mikva, Mr. Murphy of Illinois, Mr. Price of Illinois, Mr. Pucinski, Mr. Railsback, Mrs. Reid of Illinois, Mr. Shipley, Mr. Springer, and Mr. Yates):

H.R. 3117. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY (for himself, Mr. Aspinall, Mr. Blackburn, Mr. Brademas, Mr. Brasco, Mr. Don H. Clausen, Mr. Corbett, Mr. Córdova, Mr. Corman, Mr. Daniels of New Jersey, Mr. Dorn, Mr. Duncan, Mr. Eilberg, Mr. Esch, Mr. Eshleman, Mr. Fisher, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Garmatz, Mrs. Grasso, Mr. Grover, Mr. Halpern, Mr. Hastings, and Mr. Hechler of West Virginia):

H.R. 3118. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY (for himself, Mr. Saylor, Mr. Helstoski, Mr. Hogan, Mr. Horton, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. King, Mr. McClure, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Morgan, Mr. Morse, Mr. Myers, Mr. Pike, Mr. Pirnie, Mr. Rhodes, Mr. Riegle, Mr. Robison, Mr. Sandman, Mr. Schwengel, Mr. Shriver, and Mr. Thomson of Wisconsin):

H.R. 3119. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY (for himself, Mr. Kyl, Mr. Tiernan, Mr. Udall, Mr. Vander Jagt, Mr. Veysey, Mr. Widnall, Mr. Wiggins, Mr. Williams, Mr. Wright, Mr. Young of Florida, Mr. Hungate, Mr. Camp, Mr. Byron, and Mr. Carter):

H.R. 3120. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FUQUA:

H.R. 3121. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; to the Committee on the District of Columbia.

H.R. 3122. A bill to create a national commission to study quality controls and manufacturing procedures of medical devices, surgical instruments, artificial organs and limbs, therapeutic instruments and devices, and other medical and hospital equipment; to determine the need for and the extent of Federal regulation of such medical devices; to determine the need for clarification of the definition of medical devices in Federal laws; and to recommend to the President and to the Congress methods for determining constructive minimum performance standards and feasible methods for Federal regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 3123. A bill to restore the investment tax credit and to liberalize the credit available for used machine tools; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, Mr. Burton, Mr. Dellums, Mr. Hicks of Washington, Mr. McCormack, Mr. Podell, Mr. Rangel, Mr. Roncalio, Mr. Seiberling):

H.R. 3124. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 3125. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3126. A bill to provide for drug abuse and drug dependency prevention, treatment, and rehabilitation; to the Committee on Interstate and Foreign Commerce.

H.R. 3127. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 3128. A bill to establish a national urban bond program to provide an effective means of financing the construction of needed urban housing; to the Committee on Ways and Means.

H.R. 3129. A bill to amend the Social Security Act to increase OASDI benefits by 15 percent (with a $100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 3130. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 3131. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. LANDGREBE (for himself, Mr. Nelsen, Mr. Esch, and Mr. Brown of Ohio):

H.R. 3132. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. McFALL:

H.R. 3133. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 3134. A bill to amend section 1034 of the Internal Revenue Code of 1954 to provide an additional 1-year period for first using a new residence which was purchased during the period provided in such section 1034; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Biester, Mr. Brown of Michigan, Mrs. Chisholm, Mr. Collins of Texas, Mr. Corbett, Mr. Dickinson, Mr. Eshleman, Mr. Forsythe, Mr. Fountain, Mr. Frelinghuysen, Mr. Frenzel, Mr. Gaydos, Mr. Gude, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hunt, Mr. Kluczynski, Mr. Latta, Mr. Lent, Mr. McDade, Mr. McKevitt, Mr. Mann, Mr. Mathias of California, and Mr. Matsunaga):

H.R. 3135. A bill to provide that the fiscal year of the United States shall coincide with the calendar years; to the Committee on Government Operations.

By Mr. MICHEL (for himself, Mr. Nedzi, Mr. Powell, Mr. Price of Illinois, Mrs. Reid of Illinois, Mr. Robinson, Mr. Rogers, Mr. Roush, Mr. Rousselot, Mr. Sandman, Mr. Thompson of Georgia, and Mr. Wyatt):

H.R. 3136. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. MINISH:

H.R. 3137. A bill to amend part A of title IV of the Social Security Act to make the program of aid to families with dependent children a wholly Federal program, to be administered by local agencies under federally prescribed terms and conditions (embodying the eligibility formulas currently in effect in several States but designed to encourage such States to apply nationally uniform standards), with the cost being fully borne by the Federal Government; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 3138. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

H.R. 3139. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

H.R. 3140. A bill to amend title 38 of the United States Code to provide that term insurance be automatically converted to modified life insurance under certain circumstances, to inform term insurance policyholders periodically of the current and estimated future costs for such insurance, to provide for reduced paid-up policies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRICE of Texas:

H.R. 3141. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide for insured operating loans, and for other purposes; to the Committee on Agriculture.

H.R. 3142. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans; to the Committee on Agriculture.

By Mr. RONCALIO:

H.R. 3143. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 3144. A bill to amend the Federal, Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3145. A bill to extend certain Veterans' Preference Act benefits to civilian employees of the former War Department interned as prisoners of war during World War II; to the Committee on Post Office and Civil Service.

By Mr. SISK:

H.R. 3146. A bill to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system; to the Committee on Agriculture.

By Mr. STEED:

H.R. 3147. A bill to declare that the United States holds certain lands in trust for the absentee Shawnee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

H.R. 3148. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316 and 193; to the Committee on Interior and Insular Affairs.

H.R. 3149. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

H.R. 3150. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. STEED (for himself, Mr. Edmondson, and Mr. Camp):

H.R. 3151. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3152. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 3153. A bill to establish in the State of California the Toyan National Urban Park; to the Committee on Interior and Insular Affairs.

By Mr. TIERNAN:

H.R. 3154. A bill to amend the Watershed Protection and Flood Prevention Act of 1954, as amended; to the Committee on Agriculture.

H.R. 3155. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 3156. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces; to the Committee on Armed Services.

H.R. 3157. A bill to authorize the Federal National Mortgage Association to purchase conventional mortgages, and for other purposes; to the Committee on Banking and Currency.

H.R. 3158. A bill to extend the well-established concept of the free public school system to provide the broadest educational opportunities possible to all students as a matter of right by authorizing the U.S. Commissioner of Education to award scholarships to undergraduate students to enable them to complete 2 academic years of higher education; to the Committee on Education and Labor.

H.R. 3159. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

H.R. 3160. A bill to amend part 1 of the Interstate Commerce Act to require the installation of sanitation devices in railroad cars to prevent the discharge from such cars of sewage; to the Committee on Interstate and Foreign Commerce.

H.R. 3161. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 3162. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

H.R. 3163. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3164. A bill to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3165. A bill to amend the act of May 14, 1948, to permit the burial of veterans in national battlefields, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3166. A bill to repeal certain provisions of the Airport and Airway Development Act of 1970; to the Committee on Ways and Means.

H.R. 3167. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of ultilization, charges, and quality of medical service; to the Committee on Ways and Means.

H.R. 3168. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself and Mr. Pike):

H.R. 3169. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968; to the Committee on Armed Services.

By Mr. TIERNAN (for himself, Mr. Hathaway, and Mr. Eckhardt):

H.R. 3170. A bill; Utility Consumers Counsel Act of 1971; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Addabbo, Mr. Blanton, Mr. Brasco, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Don H. Clausen, Mr. Córdova, Mr. Dent, Mr. Donohue, and Mr. Fulton of Pennsylvania):

H.R. 3171. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. Garmatz, Mrs. Green of Oregon, Mr. Harrington, Mr. Hathaway, Mr. Kyros, Mr. Mailliard, Mr. Moss, Mr. Murphy of New York, Mr. O'Neill, Mr. Rooney of Pennsylvania, and Mr. St Germain):

H.R. 3172. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 3173. A bill to extend benefits under the civil service retirement system to certain former Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. BOLLING:

H.J. Res. 243. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.J. Res. 244. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 245. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

H.J. Res. 246. Joint resolution proposing an amendment to the Constitution of the United States relating to the ratification of treaties; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 247. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; to the Committee on the Judiciary.

By Mr. KAZEN:

H.J. Res. 248 Joint resolution authorizing the President to proclaim the period February 14 through 20, 1971, as "LULAC Week"; to the Committee on the Judiciary.

By Mr. MOSS:

H.J. Res. 249 Joint resolution proposing an amendment to the Constitution of the United States to provide for a national primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. TIERNAN (for himself and Mr. CONTE):

H.J. Res. 250. Joint resolution to authorize the erection of a Seabee Memorial in the District of Columbia; to the Committee on House Administration.

By Mr. HELSTOSKI:

H. Con. Res. 105. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H. Con. Res. 106. Concurrent resolution support of gerontology centers; to the Committee on Education and Labor.

By Mr. WYATT:

H. Con. Res. 107. Concurrent resolution to authorize the President to proclaim the week of April 19, 1971, through April 23, 1971, as "Students' Week Against Drug Abuses"; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. CULVER, Mr. ROSENTHAL, Mr. NICHOLS, Mrs. HICKS of Massachusetts, Mr. THOMPSON of Georgia, Mr. LENT and Mr. ARCHER):

H. Res. 174. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. CELLER:

H. Res. 175. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. COLLIER:

H. Res. 176. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes to the Committee on Rules.

By Mr. HALL:

H. Res. 177. Resolution creating a select committee to conduct an investigation of certain activities of William Orville Douglas, Associate Justice of the U.S. Supreme Court, to determine whether impeachment proceedings are warranted; to the Committee on Rules.

By Mr. JOHNSON of Pennsylvania:

H. Res. 178. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. SCHEUER:

H. Res. 179. Resolution to amend the Rules of the House of Representatives to abolish the Committee on Un-American Activities and to enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. SCHWENGEL:

H. Res. 180. Resolution amending the Rules of the House of Representatives to set aside a portion of the gallery for the use of scholars engaged in studies of the House of Representatives; to the Committee on Rules.

H. Res. 181. Resolution to suspend the Rules of the House relative to photographing the House in session; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3174. A bill for the relief of Giuseppe and Stella Ambroselli and minor child, Michael Ambroselli; to the Committee on the Judiciary.

H.R. 3175. A bill for the relief of Lorenzo Ardizzone; to the Committee on the Judiciary.

H.R. 3176. A bill for the relief of Francesca and Antonio Ardizzone; to the Committee on the Judiciary.

H.R. 3177. A bill for the relief of Argyrios Bambakaris, also known as Argirios Vambakaris, and his wife, Kyroussia Bambakaris, also known as Soula Vambakaris, and their minor children, Nicoletta, Marie Elpis, and Leonardo Bambakaris; to the Committee on the Judiciary.

H.R. 3178. A bill for the relief of Calogero Cabibi; to the Committee on the Judiciary.

H.R. 3179. A bill for the relief of Pietra LoDico Calabrese; to the Committee on the Judiciary.

H.R. 3180. A bill for the relief of Vittorio and Rita Campolattaro; to the Committee on the Judiciary.

H.R. 3181. A bill for the relief of Lorenzo Canale; to the Committee on the Judiciary.

H.R. 3182. A bill for the relief of Antonio and Beatrice Candela and minor child, Giovanni Candela; to the Committee on the Judiciary.

H.R. 3183. A bill for the relief of Antonio Cardillo; to the Committee on the Judiciary.

H.R. 3184. A bill for the relief of Rosario Corrao; to the Committee on the Judiciary.

H.R. 3185. A bill for the relief of Arturo Cortina; to the Committee on the Judiciary.

H.R. 3186. A bill for the relief of Lucia and Domenico Cortina; to the Committee on the Judiciary.

H.R. 3187. A bill for the relief of Pietro DeVita; to the Committee on the Judiciary.

H.R. 3188. A bill for the relief of Francesco and Elisa Fidilio and minor children, Salvatore, Sebastiano, and Guiseppe Fidilio; to the Committee on the Judiciary.

H.R. 3189. A bill for the relief of Anna Fodera; to the Committee on the Judiciary.

H.R. 3190. A bill for the relief of Dominico Fodera; to the Committee on the Judiciary.

H.R. 3191. A bill for the relief of Vito and Giacoma Gancitano and their minor children, Antonino and Matteo Gancitano; to the Committee on the Judiciary.

H.R. 3192. A bill for the relief of Calogero, Maria, and minor child, Fabio Lauria; to the Committee on the Judiciary.

H.R. 3193. A bill for the relief of Carmela and Salvatore Levante; to the Committee on the Judiciary.

H.R. 3194. A bill for the relief of Guiseppe LoBuono; to the Committee on the Judiciary.

H.R. 3195. A bill for the relief of Faro Luccese; to the Committee on the Judiciary.

H.R. 3196. A bill for the relief of Diego and Maria Melodia and their minor son, Ignazio Melodia; to the Committee on the Judiciary.

H.R. 3197. A bill for the relief of Ahmet Edman, also known as Omid Osmanovic; to the Committee on the Judiciary.

H.R. 3198. A bill for the relief of Salvatore Polizzi; to the Committee on the Judiciary.

H.R. 3199. A bill for the relief of John Lee Tin; to the Committee on the Judiciary.

H.R. 3200. A bill for the relief of Maria Vallone; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 3201. A bill for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and Frederick L. Baston; to the Committee on the Judiciary.

H.R. 3202. A bill for the relief of Mr. and Mrs. Arvel Glinz; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 3203. A bill for the relief of Giuseppe Calafiore, his wife, Anna Calafiore, their son, Salvatore Calafiore, and their daughter, Beatrice Calafiore; to the Committee on the Judiciary.

H.R. 3204. A bill for the relief of Salvatore Calafiore, his wife, Aida Calafiore, their son, Giuseppe Salvatore Calafiore and their daughter, Salvatrice Calafiore; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 3205. A bill for the relief of Janis Mikelis Blumenaus (also known as Jon Michael) and his wife, Carol Diane Blumenaus; to the Committee on the Judiciary.

H.R. 3206. A bill for the relief of Emil Glaros; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 3207. A bill for the relief of James L. Baker; to the Committee on the Judiciary.

H.R. 3208. A bill for the relief of Yip Shing Butt, his wife, Kum Wah Chan Butt, and their minor daughter, Siu Wah Butt; to the Committee on the Judiciary.

H.R. 3209. A bill for the relief of Dominador Villena Calip; to the Committee on the Judiciary.

H.R. 3210. A bill for the relief of Du-Nam Lee Chung; to the Committee on the Judiciary.

H.R. 3211. A bill for the relief of Victor Amaro Cuco; to the Committee on the Judiciary.

H.R. 3212. A bill for the relief of Mrs. Jasmine T. Dillon; to the Committee on the Judiciary.

H.R. 3213. A bill for the relief of James F. Nugent and Catherine F. Nugent; to the Committee on the Judiciary.

H.R. 3214. A bill for the relief of Kyung Hie Won and his wife, Jung Hie Rhee; to the Committee on the Judiciary.

H.R. 3215. A bill for the relief of Mrs. Milagros Acuna Ross; to the Committee on the Judiciary.

H.R. 3216. A bill for the relief of William Young; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 3217. A bill for the relief of Mr. and Mrs. Logan Porter Dickinson; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 3218. A bill for the relief of Charles Verbeke; to the Committee on the Judiciary.

By Mr. ROGERS:

H.R. 3219. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 3220. A bill for the relief of Marina J. Kollias; to the Committee on the Judiciary.

H.R. 3221. A bill for the relief of Guillermo O. Rumingan and his wife, Febe A. Rumingan; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 3222. A bill for the relief of Thomas O. Hunsucker and his wife, Eva Newman Hunsucker; to the Committee on the Judiciary.

H.R. 3223. A bill for the relief of Francisco Moreno-Santa Cruz; to the Committee on the Judiciary.

H.R. 3224. A bill for the relief of Atanasio Perez; to the Committee on the Judiciary.

H.R. 3225. A bill for the relief of Adelio F. Villaruel; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 3226. A bill for the relief of Antonino Calamina, his wife, Antonina Calamina, and their minor daughter, Claudia Calamina; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 3227. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force; to the Committee on the Judiciary.

MEMORIAL

Under clause 4 of rule XXII,

10. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to the labeling of imported beef and pork or pork products as such; to the Committee on Agriculture.

EXTENSIONS OF REMARKS

REPRESENTATIVE MOORHEAD SUPPORTS STEELWORKERS' ALCOHOLISM REHABILITATION PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MOORHEAD. Mr. Speaker, there has been much attention given in the news in the past year to the ever-increasing drug problems in our country.

This is as it should be. However, in this new attack on drug addiction and drug use, let us not forget that the Nation still has a massive alcoholism problem.

Alcoholism is an illness. Knowledgeable people do not look upon it as anything else. Illnesses should be treated just like other diseases by trained physicians in hospitals.

The United Steelworkers of America have taken a very enlightened view toward alcoholism. In many of their recent contracts worked out with industry, this union has inserted a clause that binds the company and the union into a cooperative plant-level program on alcoholism rehabilitation. I think the Steelworkers deserve praise for their progressive work in this area.

At this time, I would like to introduce into the RECORD the testimony of William George, the USWA mental health and addiction coordinator, presented in Pittsburgh before the Senate Special Subcommittee on Alcoholism and Narcotics:

TESTIMONY OF WILLIAM L. GEORGE

I sometimes wonder why man has allowed himself to reach these complexities of life, and what motivates him to escape into alcoholism, which detracts him from facing reality? Is it his spouse, family, friends or pressures brought upon him in his home, on the job or society in itself? I hope someday this question may be answered, but as of today the only important question is; what can be done for, or how can we help the alcoholic and his family? We must not forget that alcoholism is not only an individual illness, but is also a family and social sickness.

I think one of the answers is to broaden the public's understanding through the news media and educational programs, and ask for a more sophisticated identity of the alcoholic.

The United Steelworkers of America, which I represent, regards alcoholism as an illness. At our last two International Conventions (August 1968, in Chicago, Illinois and September 1970, in Atlantic City, New Jersey) we had an exhibit booth expressively for the education of our members about the illness of alcoholism and the drug problems facing our nation today.

During negotiations in 1968 with the basic steel companies, an alcoholism clause was negotiated under safety and health, in most basic steel contracts, which reads as follows: "Without detracting from the existing rights and obligations of the parties recognized in other provisions of this agreement, the Company and the Union agree to cooperate at the plant level in encouraging employees afflicted with alcoholism to enter under a Coordinated Program directed to the objective of their rehabilitation." The clause I have just mentioned has also been negotiated in a number of other agreements.

During 1971, the United Steelworkers of America will be negotiating contracts with Can, Aluminum, Non-ferrous, Basic Steel and many fabricating companies. Our negotiating committees will seek the following clause into each contract, which reads as follows: "Without detracting from the existing rights and obligations of the parties recognized in other provisions of this Agreement, the Company and the Union agree to cooperate *in the development of a sound policy and procedure* at the plant level in encouraging employees afflicted with *the illness* of alcoholism to undergo a coordinated program directed to the objective of their rehabilitation."

With all the contracts and programs that can be agreed upon, there still is the need for the improvement of community treatment facilities. For without the proper facilities to help the alcoholic, then all the agreements and programs are meaningless.

I think it is about time that labor takes a good look at the myth of the so-called "Six Billion Dollar Industrial Hangover." For years leading organizations in the field of alcohol behavior that deal in education, prevention and treatment of alcoholism have had the same hang-ups about this so-called hangover, and the monies lost due to alcohol-related drinking problems in industry.

If we take a realistic approach to this problem we will find that first labor, then the general public pay the high price for this so-called hangover.

During collective bargaining with a company, labor uses the fiscal profit as one of the margins in negotiating a contract for the betterment of our members.

We know that alcoholism is one of the cost factors which decreases the profit that is used to negotiate with. This cost includes absenteeism, tardiness, sick leave, fringe benefits, accidents, inefficiency, poor work performance, loss of trained manpower, etc. This means that the package negotiated is smaller due to alcoholism.

After signing the contract with the Union, in many cases the Company increases the cost of its product, which is handed down to the consumer. In reality, instead of calling alcoholism an industrial hangover, we should say that alcoholism is an inflationary cost to this nation.

In one way or another we're going to pay for alcoholism. It can be paid for in dollars and cents, or we can pay for it by working together in combating this dreaded illness.

Industry speaks of their financial losses due through alcoholism; and labor speaks of their energies lost through grievance of disciplinary cases, involving those suffering from alcoholism. At a meeting with grievance-men of a large local union, I made a statement that 60 percent of all disciplinary grievances were caused because of alcoholism, and I was told by the chairman of the grievance committee that I used a conservative figure. I feel, personally, that the most important thing is not the dollars that industry loses nor is it the energy labor expends, but what is important is the man who is suffering from alcoholism. Alcoholism is a disease that may take his life; and not only does the alcoholic suffer, but those close to him, his family, his close friends, and his community.

It is here where we must start to establish a better understanding so that jointly labor, management and community can sit down and establish a workable program that will not only help rehabilitate or habilitate those suffering from alcoholism, but will also be a stepping stone for better communications for all other community problems.

The problem of alcoholism is multiplex; its eventual control demands a multilateral approach. To work with the alcoholic is to realize the complexity and variety of its causes, and, in too many cases, to experience the frustration that comes with the absence or inadequacy of community facilities and services.

To admit that this major health problem is multiplex and its resolution depends on multi-dimensional treatment programs, is to underscore the necessity for joint labor-management programs. More than this, both labor and management must relate their efforts to the broader community. The work behavior and job performance of the problem drinker is the immediate concern of labor and management. This is the starting point, but their concerns for the alcoholic employee will usually take them into the community. Both labor and management must be concerned with availability, accessibility and the quality of community treatment facilities, services, and personnel.

Looking back over the past decade we can view with feelings of deep satisfaction the enormous strides that have been made to see and treat alcoholism as a medical problem. A measure of that progress is this very series of Senate Sub-committee hearings. Twenty-five years ago the only relationship between government and alcoholism involved the police and the courts.

However, despite these advancements, I would like to underscore that our biggest task in the area of employment is to reach and sensitize the spokesmen of both labor and management as to the problem and the fact that there are things they can do together. There have been attempts to establish programs for the rehabilitation, or habilitation of the alcoholic by labor and industry, and some of these programs are successful today. From our experience, the success of these alcoholism programs established in industry depends upon the personalties involved.

But it is also true that there are many more plants and firms without such programs. We read about a few case histories in such magazines as *Fortune* or a report by the *National Industrial Conference Board* and believe that such enlightened policies on alcoholism are the rule rather than the exception. It would appear that the opposite is true. Our first job is to convince more firms to adopt forward-looking policies and programs. The educational phase of our work is far from over. In fact, this must be a continuing activity.

Labor must stand united with management, and the community in establishing a joint program for the prevention and treatment of alcoholism. Without the total cooperation of all, I do not see how a successful program can be developed.

The Labor-Management Committee of the National Council on Alcoholism, of which I am a member, has developed a Cooperative Labor-Management Approach to Employee Alcoholism Programs. This program was developed for the pre-treatment phase of alcoholism instead of treatment itself.

As we all know with adequate treatment facilities, then all that is needed is the motivation of the alcoholic on problem drinkers to treatment, the pre-treatment that I referred to in the N.C.A. program.

We feel that Labor and Management can strive forward with the new N.C.A. program, since this program was developed with the coordination of both leaders of Labor and Management.

We need to realize that all the pamphlets, guides and conferences cannot substitute for our own motivation, observation, and experience. There is still much to be learned about the work situation and alcoholism.

If there is one aspect of the trade union movement which has survived several generations of social, economic and political change in this country, it is the maxim that in unity there is strength. Many of our older members are not reluctant to use the term solidarity, and now many of our new and younger members have come to know the practical meaning of the word. And it is this which we have sought to apply to the acceptance of alcoholism as a disease by the medical and social service communities, with a positive extension of this assessment to our union concept that in numbers and in a bond of fraternity, difficult objectives become attainable.

The alcoholic does not share the respectful regard for statistics and charts which many of us do in our zeal to depersonalize the problem as it involves our various sectors of concern. He knows only that he is faced with a terrible, overpowering burden, and the worst of this may be the realization—however without foundation—that he is *alone*. And this we know may be the worst of all negative human experiences. More than others, he is in need of others. The alcoholic actively *requires* companionship, understanding and love of his fellow man. And it is this recognition by our union, and the tradition of fraternity which is involved in the trade union perspective which provides a basis for a unique strength in this area; the knowledge of those affected by this disease that they are *not alone*.

LULAC WEEK

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. KAZEN. Mr. Speaker, I am pleased to introduce today a joint resolution which requests and authorizes the President of the United States to proclaim February 14–21, 1971, as "LULAC Week."

This resolution proposes recognition of the League of United Latin American Citizens, a nonprofit organization with two major goals. LULAC seeks to relate the full meaning of citizenship to all Americans of Spanish-speaking backgrounds, and also to assure to these citizens full access to the rights of American citizenship.

The organization was founded February 17, 1929, in south Texas, and in the past 42 years has developed councils in 19 States, with important influence in the fields of education, civil rights, manpower training, and community action. It has enabled people of a proud heritage to make economic and social contributions to our Nation. Indeed, our country's headstart program was largely adopted from a LULAC program in my State called The Little School of 400. In association with the American GI Forum, LULAC organized Jobs for Progress, Inc., an important and innovative manpower program.

We in the Congress will do well to honor the proud past and the promising future of this organization. I am pleased that the distinguished junior Senator from Texas, Lloyd Bentsen, is offering this same resolution in the other body. I urge prompt action so that the President may issue this proclamation.

THE DISTRICT OF COLUMBIA HOME RULE ISSUE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. RARICK. Mr. Speaker, many Americans are aware of a request for home rule for the occupants of Washington, D.C., nerve center of the United States. Many are sympathetic because they have been conditioned to so believe by emotional propaganda movements.

The present promotion of home rule for the District of Columbia is generated by two basic forces—the right to vote, and local self-government.

On the other hand, the only reason for the creation of, and therefore necessity for, a Federal City, Washington, D.C., was as a neutral, nonpolitical sanctuary as the seat of our Government where Federal representation from every State and of every political persuasion could meet in safety to legislate the laws of our Republic.

The framers of the Constitution were aware of the threat to republican government which existed in Philadelphia when the Continental Congress was surrounded and imperiled by a mob from which it was powerless to protect itself. The Constitution, therefore, provided for the creation of a Federal district, the District of Columbia, over which the Congress should have plenary and exclusive legislative power. This requirement was simply to make us masters in our own house. The men who wrote our Constitution knew what they were doing. They had seen Congress, sitting where it did not rule, surrounded and besieged by a mob demanding back military pay.

In the very same sentence our Constitution requires us to "exercise like authority over all forts, magazines, arsenals, dockyards, and other needful buildings."

The framers of the Constitution recognized that the Nation's Capital belonged in the same category as these other essential properties. It serves the people of the Nation, is supported and maintained by the people of the Nation, and must be controlled and governed by the people of the Nation. The District of Columbia never has been self-supporting, it is not now able to pay its own way, and it never will be able to do so. It has no more entitlement in logic or in morality to "home rule" than do Fort Polk, Redstone Arsenal, the Brooklyn Navy Yard or the Chicago Post Office.

Learning nothing from the failures of the radicals who made the same mistakes a hundred years ago, we again experiment with "home rule."

Unfortunately, Congress in its wisdom never saw fit to proclaim the District a reservation granting residency as a privilege limited solely to people in Government and those having legitimate business with the agencies of the Government or its facilities.

Such shibboleths as "home rule," "democracy," and "government by the people" have caused us to forget this lesson and to relinquish step by step our responsibility and authority over the Nation's Capital to residents whose inability to operate a city of this size and complexity has made Washington an international laughing stock.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized foreign service people. It is a little disturbing to find that our own Capital—the seat of government of the foremost nation in the world—is regarded as a hazardous duty station by the personnel of many of the foreign embassies resident here.

It is pointless to recite again the weekly report of armed robberies, assault, and other crimes of violence which have occurred within the city.

It is important for us to take note of the fact that the so-called government of the District of Columbia is obviously unable to do anything to reduce this shameful toll.

The recent announcement of a slight crime drop in the District of Columbia is unimpressive and nonconvincing. There is no decrease in crime, but rather the victims of crime are not reporting the incidents. The victims have learned that reporting crime accomplishes nothing but to compile statistics for the local authorities, while they in turn are intimidated and harassed, and the judicial establishment does not punish the offenders.

No legislator can say that the District of Columbia is an independent, impartial community, nor a safe place to work in the interests of his constituents. Nor is the District any model city nor is it indicative of a cross-section of the American society since it is overwhelmingly disproportionately out of racial balance.

Washington, D.C., no longer qualifies as a neutral sanctuary for those about the business of our country.

Therefore, the purpose for it being an open city, detached from a State, no longer exists.

The pending issues of home rule and voting rights can easily be disposed of by retroceding that portion of Washington, D.C., back to Maryland from whence it came. District of Columbia citizens will then be able to vote and as a city of Maryland will enjoy home rule just as exercised by the citizens of Maryland, Virginia, and any other State.

I include my bill, H.R. 355, to retrocede a portion of the District of Columbia to the State of Maryland and also include a newsclipping at this point:

H.R. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of the District of Columbia ceded to the United States by the State of Maryland and not included within the Federal area described in section 3 of this Act, and all the rights and jurisdiction ceded to the United States by the State of Maryland in connection therewith, are hereby retroceded and relinquished to the State of Maryland effective as of the date of the acceptance thereof by the State of Maryland.

Sec. 2. (a) Nothing in this Act shall be construed to vest in the State of Maryland any property right in any real or personal property situated in that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act and held by the United States or by any person, except as such property may be transferred to the State of Maryland by the United States or by such person, as the case may be.

(b) The jurisdiction of the United States and of the government of the District of Columbia, and the laws in effect in the District of Columbia as of the date of acceptance by the State of Maryland of the retrocession provided for by the first section of this Act, shall remain in full force and effect until the State of Maryland shall provide by law for the extension of its jurisdiction and judicial system over that portion of the District of Columbia retroceded to the State of Maryland under the first section of his Act.

(c) The United States shall retain jurisdiction over the real and personal property held by it, and situated within that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act, in the same manner and to the same extent as the United States exercises jurisdiction over property held by it situated within the various States.

SEC. 3. (a) The Federal area referred to in the first section fo this Act is more particularly described as that portion of the District of Columbia situated within the boundary line described as follows:

Beginning on the east side of Rock Creek where it meets the Potomac River and running generally north and east to a point where P Street Northwest intersects Rock Creek;

thence east on P Street Northwest to Florida Avenue;

thence following Florida Avenue to Fifteenth Street Northeast;

thence south of Fifteenth Street Northeast to C Street Northeast;

thence east on C Street Northeast to the East Capitol Street Bridge;

thence east on the East Capitol Street Bridge to the point where it intersects the middle of the Anacostia River channel;

thence generally south and west down the midchannel of the Anacostia River to that point in the channel that is due south of Hains Point;

thence due west to the present Virginia-District of Columbia boundary at the shoreline of Washington National Airport;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to a point parallel to the northernmost projection of Theodore Roosevelt Island;

thence east to the confluence of Rock Creek and the Potomac River.

(b) Where the Federal area described in subsection (a) is bounded by streets such streets shall be under the exclusive jurisdiction of the Federal City and the Federal jurisdiction shall extend to the sidewalks of the distant side of the street.

SEC. 4. Effective as of the date of the acceptance by the State of Maryland of the Federal area retroceded to it under this Act, the State of Maryland shall be entitled to one Representative in addition to the number of Representatives to which it is otherwise entitled, until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives, as now prescribed by law. Until otherwise provided by the State of Maryland, such additional Representative shall be elected from the Federal area retroceded under this Act. Such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the Eighty-third Congress and each Congress thereafter.

[From the Washington Star, Jan. 28, 1971]

D.C. POPULATION 71 PERCENT BLACK, 1970 CENSUS FIGURES SHOW

The black population of the District rose from 54 to 71 percent between 1960 and 1970, according to prelimiary Census figures.

In the suburbs, the black population rose by more than 80,000, from 6.4 to 7.9 percent.

The rise is small compared to the over-all suburban population here, but more substantial than increases in other cities throughout the country.

The white population in the District dropped by 133,427 during the 1960s and grew by 709,287 in the suburbs. The suburban population growth in the decade was 9 to 1 white.

The over-all suburban population rose from 705,670 in 1950 to 2,104,613 in 1970. The District's population dropped from 763,956 to 756,510, but the number of black residents went from 411,737 to 537,712.

THE SOVIET THREAT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. GOLDWATER. Mr. Speaker, in recent weeks, we have seen the passing of two great Americans, Congressman L. Mendel Rivers and Senator Richard Russell. Here were two men who realized the importance of maintaining a strong national defense at a time when we are seeing our defense posture come under heavy attack. Let me hasten to say that I concur with many of my colleagues that wasteful Government spending, particularly in the Department of Defense, must stop. Under the Nixon administration, there have been some great strides made in this area, but at the same time some politicians, for reasons unknown, have sought to criticize necessary military programs. Therefore, I wish to present the words of our late colleague, Mr. Rivers of South Carolina, who had the occasion to address this distinguished body on September 28 of last year regarding the Soviet threat. I believe it would be beneficial for all of us to seriously consider his remarks again:

THE SOVIET THREAT

Mr. Speaker: Never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this nation.

The fears that I have are those that must be shared by every American regardless of his political or social philosophy or his economic status.

All Americans have been given the blessed and priceless heritage of freedom—a freedom which I am convinced is in terrible jeopardy.

My critics, who are legion, will attempt to dismiss what I say today by categorizing them as the shrill cries of a hawk who is suffering the agonies of reduced defense expenditures.

If this occurs, I will have failed my purpose since I believe that these critics, who love America no less than I, will, if they assess my words carefully, find that we not only have a common concern, but a common and frightening peril.

The Congress is now engaged in a great and protracted debate over foreign policy and the defense budget.

Unfortunately, the debate in the other body has again distinguished itself by its indecisiveness and, regrettably, its apparent sense of hopelessness. Thank God that this body, despite its uninhibited free swinging debate, continues to be capable of making clear cut and courageous decisions when our nation's security is at stake.

My words today are therefore intended as much for the members of the other body as they are for you and, perhaps even more importantly, they are intended for the American people. For in the last analysis, it is the American people who stand to lose everything if we fail to discharge our awesome responsibilities in respect to our national defense.

Consideration of the defense budget, contrary to what some would have us believe, is not a question of assigning relative priorities between defense and domestic programs.

Decisions on the defense budget should be based on the simple question of national survival—and nothing more.

The issue should be "what is required to survive?"; and not "how should we allocate the national budget between defense and domestic programs?"

The final measure of our ability to survive as a nation in a hostile world will not be how well we have managed our domestic resources and domestic programs, but whether or not we have avoided and frustrated the forces of evil which would draw us into the crucible of war with the Soviet Union.

If we fail in that endeavor, we will have failed in everything.

It is this circumstance which demands that we maintain a level of strategic and conventional military capability that will ensure against any misunderstanding by the leaders in the Kremlin of our intentions to survive.

Regrettably, the leaders in the Kremlin are now evidently unimpressed by both our military capability and our national determination to survive.

That our determination to survive is suspect requires no elaboration. The dissident voices in our nation who would destroy the very fabric of our society are being interpreted by the leaders in the Kremlin as the voices of the American people. This fact together with our evident unwillingness to support a defense establishment geared to national survival has created a very dangerous atmosphere in which the Soviet Union may be tempted into actions which can only ultimately result in a nuclear holocaust.

Since the deterioration of our military capability vis-a-vis the Soviet Union is no secret to the Kremlin, I believe it is high time that we tell the American people the facts of life. I plan on doing that today.

First, since we all recognize the vital importance of being a maritime nation, and because of our dependence on the free use of the seas, let me tell you some sobering facts about Soviet naval strength.

The Soviet Union is now one of the world's two leading sea powers—and possibly the leading power. When Admiral Gorshkov assumed command of the Navy in 1956, it was largely a water-borne adjunct of the ground forces. Today, it is a well balanced modern force which is equally at home on the high seas as it is in coastal waters.

Soviet naval units now frequent waters which only a few years ago were considered the private preserve of Western naval forces.

It was only in 1964 that the Soviet Navy began continuous deployments in the Mediterranean; now, since the Arab-Israeli war of 1967, a flotilla of nuclear submarines and missile-armed surface ships have been continuously operating there.

This Mediterranean presence has at times attained a flotilla strength of 65 naval vessels, including submarines and support ships.

As a consequence, today Soviet naval forces constitute a major political and military presence in the Mediterranean.

This naval presence has also been extended into the Indian Ocean, and the farthest reaches of the Atlantic and Pacific Oceans.

Soviet submarines and warships equipped with missiles now operate off the coast of the United States, as well as the Caribbean and off the coast of Africa and Southeast Asia.

The world-wide Soviet naval operation "Ocean" which was conducted during April of this year involved more than 200 ships and submarines, and was their announcement to the world that they have developed and intend to flex their naval muscle simultaneously in the four corners of the world.

The Soviet surface fleet now includes two helicopter carriers, about 24 cruisers, 35 guided missile destroyers, 50 gun-armed destroyers, more than 100 destroyer escorts, and literally thousands of smaller ships, minesweepers, coastal escorts, support craft, and intelligence collectors.

The greatest Soviet naval strength is in its submarine force—the largest ever created in the history of the world. The fleet presently has approximately 350 submarines, 80 of which are nuclear-powered.

The new Soviet Polaris-type submarine can fire 16 ballistic missiles to a range of at least 1300 miles; at least 13 units of this class are already operational, and these units are being produced at the rate of 8 to 10 each year. They are testing a new submarine ballistic missile estimated to have a range of 3000 miles. This missile will probably be back fitted into the existing Soviet submarine fleet.

At the present rate of construction, the Soviet fleet of these Y-class ballistic missile submarines will surpass the United States fleet of 41 Polaris submarines by 1973 or 1974.

In addition to the Y-class ballistic missile submarine, the Soviet navy has approximately 40 older ballistic missile submarines which carry three launchers each.

Nine of these submarines are nuclear-powered, and are probably targeted against European or Asian targets, whereas the more modern Y-class missile submarines are, for the most part, targeted against the United States.

The Soviet navy also has about 65 submarines, 35 of which are nuclear powered, equipped with supersonic cruise missiles, some having ranges up to 400 miles. These submarines are designed to attack both naval and merchant ships. In addition, the Soviet Union has about 240 other submarines which are designed for torpedo attack mission against surface ships or other submarines. Twenty-two of these are nuclear-powered.

In evaluating the Soviet submarine fleet, it must be remembered that the German submarine fleet which almost won the battle of the Atlantic, included only 57 diesel submarines in the early months of World War II.

The Soviet nuclear submarine construction capability now is about 20 units a year based on working one work shift a day; by working 3 shifts a day they have the ability to produce 35 nuclear submarines a year. Today they are building at a rate of from 10 to 14 per year. One Soviet yard alone has several times the area and facilities of all the United States submarine yards combined.

The Soviet Union is expanding its production of Y-class nuclear-powered ballistic missile submarines, and I estimate that approximately 50 units of this new missile class will have been completed by as early as mid-1974.

By contrast to Soviet submarine strength, the United States today has only 147 operational submarines of which 88 are nuclear-powered, and of which only 47 are configured as submarines primarily designed to combat the Soviet submarine threat. The other 41 nuclears are our Polaris missile firing submarines.

Despite the 47 United States nuclear attack submarines designed and available to combat the Soviet submarine threat, the latest Soviet nuclear submarines have a submerged speed which is *significantly higher* than anything we previously contemplated or expected.

It is this chilling fact that has compelled the Committee on Armed Services to insist that we go forward immediately on the construction of the new nuclear-powered 688-class submarine which we hope will be able to cope with this significant and deadly Soviet capability. However, regardless of how rapidly we proceed on the construction of this new class of submarines, it will be years before they become operational in significant numbers, and in the meantime Soviet technology will undoubtedly strive to maximize this almost unbridgeable gap in our defensive response to this Soviet submarine threat.

This existing and ever-widening gap in our defensive capability to meet the Soviet submarine threat is simply a current reflection of the past unwillingness of defense budgeteers to provide for a modern Navy.

Practically every surface ship in the Soviet fleet has the Styx missile. Now for you who don't know what the Styx missile is, let me tell you a few shocking facts. This is a short-range missile which travels at approximately sonic speed and can be carried on almost the smallest type of naval craft. It has tremendous reliability and, most unfortunately, we have little in the way of a reliable defense against this type of missile attack.

These surface-to-surface missiles enable small torpedo boats to duel with cruisers and large combatant surface vessels by outranging the conventional naval artillery on these ships.

Unfortunately, we again do not have a missile of this capability in our own operational inventory.

The surface naval vessels of the United States are, as compared to the Soviet Union, if anything, in worse condition than those of the undersea fleet. No purpose would be served in attempting to detail these deficiencies except to point out that the Comptroller General of the United States recently submitted a secret report to the President of the United States and the Congress on the impaired combat readiness of the Navy's Atlantic and Sixth Fleets.

In that report, the Comptroller General in commenting on the readiness of these naval vessels stated, and I quote:

"Approximately 80% of the major ships in the Atlantic Fleet are over ten years old, and 50% are over 20 years. In April 1969, the average age of the ships of the Sixth Fleet was 18.3 years."

The Comptroller General, in commenting on the relationship of the age of our naval vessels and their inability to maintain combat readiness pointed out that "prior to 1964 engineering casualties" represented approximately one-quarter of the circumstances which required immobilizing a ship, but because of the advancing age of the vessels "in 1964 the engineering casualties began to increase, and by the end of 1968, they accounted for about 50% of the total casualties."

The Comptroller General went on to say that "this trend was evidence of the fact that the ship's platforms and associated propulsion systems were being affected by excessive age, plus a lack of parts for equipment, which in some instances, was no longer being manufactured."

The sum total of the General Accounting Office's secret report is that under current conditions fleet readiness for sustained wartime operations is, "at best, marginal due to the lack of qualified personnel, poor logistical support and the need for modern ships. The fleets are capable of handling a contingency but are only marginally capable of maintaining a high level of sustained operations."

Without revealing information which would give aid and comfort to the Soviet Union, I also feel compelled to tell this House that not very long ago I was told that the combat condition of our cruisers and destroyers in the Atlantic Fleet was so bad, both from a materiel breakdown and personnel shortage viewpoint, that more than half of them were in a condition that would have seriously affected their combat capability. As a matter of fact, some of these ships could not have engaged in any kind of naval confrontation.

I cannot over-emphasize the seriousness of this situation. Yet, I know that there are people in the Congress of the United States who will say "so what?" I can only warn the Members of this House that we are on the brink of disaster and I have never before been so concerned in all the years I have served in the Congress of the United States.

We must therefore acknowledge the fact that our naval vessels are today simply not capable of discharging their war-time mission requirements if called upon to do so.

I believe these facts are as close to proof positive as I can make available to the American people that if we are not already a second-rate naval power, we are perilously close to becoming so.

I needn't emphasize that in a war with the Soviet Union there will be little solace in being in second place.

As sure as I stand before this House, there will be a confrontation in the Mediterranean between the Soviets and ourselves. They will create the incident to suit their convenience. And how will we respond? At the rate we are going now, considering the condition of the Sixth Fleet, in fact the entire Atlantic Fleet and the tremendous strides made by the Soviet naval forces, we would be forced to back down. Why do I say this? What did we do recently when a Russian trawler came within 200 yards of the nuclear submarine James Madison, off Cape Kennedy? We postponed the test launching of a Poseidon missile—and this in our own backyard! Moreover, when we finally made the test launch of the Poseidon missile, the Russians literally moved into the test area and attempted to preempt our recovery of important fragments of the missile launch.

For years the Navy, in particular, has been accused of reporting Soviet submarines off our coasts just about the time the Defense Appropriation bill is debated on the Floor. While these sightings have invariably turned out to be accurate, nevertheless those who oppose appropriations for the Navy always found it convenient to ridicule these intelligence reports which coincided with the consideration of appropriations for the Navy.

So now I would like to say to the doubting Thomases, if there are any remaining in the House, that if you would care to see for yourself a Soviet Task Force in the Caribbean, all you have to do is fly around the Caribbean area and you will see a Kresta-class guided missile light cruiser, with surface-to-surface and surface-to-air missiles; a Kanin-class guided missile destroyer, with surface-to-air missiles; a Soviet tanker and a Soviet submarine tender. I need not tell you that a submarine tender tends submarines. There are three other Soviet surface vessels in the Caribbean area: an LST; a salvage ship and a rescue ocean tug.

For those of you who have scoffed at the constant warnings that have been issued by the House Committee on Armed Services with respect to the rise of Soviet sea power, let me remind you that the Soviets deployed combatant ships to the Caribbean area in July and August of 1969, and again in May of this year.

In 1969, the Soviet Task Force consisted of three guided missile ships (a cruiser, a frigate, and a destroyer); two attack submarines, one nuclear powered attack submarine; a submarine tender, and two tankers.

In May of this year, the Soviets deployed a guided missile light cruiser, a guided missile destroyer, two attack submarines, a nuclear powered cruise missile, a submarine tender and a merchant tanker.

All of these ships have conducted operations in the Caribbean area.

The deliberate and calculated offensive plans of the Soviet Union are now becoming crystal clear with the release of information by the Administration of evidence of new Soviet activity in Cuba. I have no doubt that the Soviets are now building a missile-launching nuclear submarine naval base in Cuba.

We, as a nation and a free people, can not ignore or accept this latest military action of the Soviet Union.

On October 23, 1962, President Kennedy issued a proclamation which reasserted the principle of the Monroe Doctrine as it applied to the Western Hemisphere and the introduction of nuclear weapons by a foreign power.

At that time, President Kennedy delivered an ultimatum to the Soviet Union to remove their nuclear offensive weapons capability from Cuba, or in the alternative such weapons would be removed forcibly by our military forces.

Regrettably, we are once again confronted with a crisis of the same gravity despite the waffled rhetoric which we may hear on the subject.

We can not live with this new Soviet threat at our very doorstep.

We can not permit the cities of the eastern seaboard to become hostages of the Soviet Union.

We must take every diplomatic, and if necessary military, step to excise this cancer from the body of the Western Hemisphere.

We must do it quickly and decisively if we are to maintain some shred of credibility as a world power—and the American people are willing to accept any action to accomplish this end.

You are eye-witnesses to the rise of Soviet sea power which is inexorably pushing us out of the Mediterranean; is firmly entrenched in the Indian Ocean; and is now established in the Caribbean.

And yet there may still be some among you who would deny additional funds to rebuild our Navy, which is fast becoming a second-rate naval power. The Soviets learned their lesson from the blockade that we threw around Cuba. Why is it that they have learned their lesson so well while our memories remain so short?

Mark my words well—one of these fine mornings we are going to be told by the Russians, in the most unmistakable terms, to get out of the Mediterranean.

In 1962 we had the power and the Soviet Union knew it, to reject such a challenge—I can tell you that today we don't have that superiority—the Soviets know it—and it's high time the American people know this bitter fact of life, and start worrying about its implications.

Do not be misled into believing we can make up for this frightening loss of naval superiority by relying upon a superior strategic nuclear capability, vis-a-vis the Soviet Union. Since 1965 the Soviet Union has engaged in a major effort to change the balance of power in this area of military capability. In that period it has more than tripled its inventory of strategic offensive nuclear weapon launchers from about 500 to 1700, including some 200 nuclear heavy bombers in both.

In the same period, the United States has made no increase in its established level of 1710 strategic nuclear missile launchers, and has reduced its heavy bomber strength from 780 to less than 600.

In 1965, the Soviets had none of the monster SS–9 missiles operational. Today, the USSR has more than 200 SS–9s operational, with an ultimate total of approximately 300 when current construction effort is completed.

Although the 300 SS–9s will represent considerably less than half of the total inventory of the Soviet land-based ICBMs, this portion of the Soviet ICBM inventory will alone be capable of delivering a megatonnage in nuclear weaponry which exceeds the combined total nuclear weapon megatonnage delivery capability of *all* of our existing strategic delivery systems, including not only our ICBM force, but our Polaris force, as well as our heavy bomber force. Certainly this fact alone ought to raise serious questions concerning the alleged "defensive" posture of the Soviet Union.

We have no counterpart for this huge Soviet nuclear weapon delivery system.

A few weeks ago an article appeared in a prominent weekly news magazine in which the writer dismissed U.S. concern over the SS–9 missile by saying that "comparison of the Soviet SS–9 and the U.S. Minuteman is misleading; they are different weapons systems designed for different purposes . . .". The clear inference which the writer attempted to establish was that the Soviet SS–9 would only be used by the Soviets as a defensive missile against our Minuteman strike capability; whereas our Minuteman is designed to attack cities, and consequently this tremendous difference in the megatonnage of the two weapons really was unimportant.

It is this type of wishful thinking with which some of our so-called "civilian military experts" in the news media confuse the American public. The fundamental fact remains that the Russian options on utilization of their nuclear capability has been immeasurably increased by the addition of the SS–9 to their operational inventory. The real and deadly threat to United States security therefore remains regardless of how we may temporize or sugar coat this simple but unpalatable fact.

In 1965 neither the Soviet Union nor the United States had a depressed trajectory ICBM or a fractional orbital bombardment system (FOBS). Today, the Soviet Union has tested both, and could very well have operational versions of these weapons systems already deployed. Both of these developments have far-reaching implications on our defense capability.

Unfortunately, we have nothing like these, and to the best of my knowledge, none on our drawing boards.

Today the Soviets can launch over 200 ballistic missiles from their nuclear-powered submarines. Two years from now 400 to 500 of these Polaris-type missile launchers are expected to be operational, and by early 1974, this Soviet submarine-launched ballistic missile force will inevitably exceed the constant U.S. force we now have of 656 Polaris launchers. Further, most of our major cities are close to our coasts within short range of their potential submarine stations. Thus they can launch their attacks with little time for us to react before being hit.

Up to the present time, the Atlantic and Pacific Oceans have served to protect us from foreign attack. Today these very same oceans afford the Russians a ready means of surreptitiously bringing their missile launching submarines close to our cities from whence they can launch a deadly attack.

Our tactical air capability, when compared to the Soviet capability, also raises serious questions as to our ability to cope with the Soviet Union in a conventional confrontation. For example, since 1954 the Soviets have designed and produced 18 new types of fighter planes—13 of these models we have actually photographed in flight. In the same time frame, the United States has not produced a single new air superiority fighter, and actually we have not had one on order until this year.

Now, after an unforgiveable delay, we have two fighters underway—the F–14 and the F–15, but they will not be a part of our inventory for several years.

We have dilly-dallied for years until the Soviets now have an air superiority capability which we will be hard pressed to match. Yet, there are those in and out of Congress who would stop the production of our F–14s and F–15s.

The Soviet Union has at least three VSTOL fighter aircraft that have flown successfully. These are aircraft with a vertical and short takeoff capability. We are just now in the process of acquiring some Harriers which will give us this VSTOL capability. The Harrier is the only operational aircraft of its type in the free world.

Yet, there are those who would create roadblocks for the purchase of these aircraft, one group opposing their procurement on the theory that it is a British aircraft, and the other opposed on the grounds that it will be manufactured in the United States at a higher price than it could be purchased from the British. Obviously, we can't please everyone.

And yet, procurement of this aircraft is essential if we are going to revolutionize naval air operations in the years ahead.

There are only two areas in our whole national security program in which we may have a superiority as yet unchallenged. We are the only nation that is building attack aircraft carriers. So the argument is made that since the Soviets do not have carriers we should not build any more or we should lay up those that we have.

To some, it is a crime for the United States to be ahead of the Soviets in any area.

Then, there is the Multiple Independently Targeted Re-entry Vehicle (MIRV). We are now deploying the MIRV and in this area we appear to be ahead of the Soviets. For this very reason, there are those who would eliminate any further deployment of MIRVS and even remove those already deployed. The rationale is that this would appease the Soviets and would lead them to the conclusion that we have no aggressive plans.

And while this type of specious reasoning is being propagandized throughout the United States, the Soviets continue to increase their deployment of the most powerful ICBM ever constructed, the SS–9.

I say to this House that the future of this nation hangs by a thread.

We are in a far more serious situation than many would have you believe. Our way of life is not only being challenged from within, it is being very definitely threatened from without.

Yet sincere, conscientious people of good will will look you straight in the eye and say, "We must solve all of our domestic problems with the money we are using for national defense because we are really not threatened from without, or the threat from without is far less serious than the threat from within."

Scoff if you will; laugh if you wish, but it is your children and grandchildren who will pay the penalty for your timidity or your naivete!

You may well ask "Why, with a defense budget in recent years which has exceeded $70-billion do we find ourselves in this position with the Soviet Union?" The answer, very simply stated, is that the Soviet Union is spending relatively more on its military effort than are we.

Let me give you some of the facts:

In 1955 defense-related research and development effort in the United States was $3-billion; within the USSR it was $2-billion.

In 1960, the U.S. spent $7-billion; the USSR spent $5-billion.

In 1965, the U.S. spent $13-billion; the USSR $10-billion.

In 1968, the U.S. spent $14-billion; the USSR $14-billion.

In 1969, the U.S. spent $14-billion; the USSR $15-billion.

In 1970, the U.S. will have spent $13 to $14-billion, while the USSR will have spent $16 to $17-billion.

These figures in the R&D area alone reflect Soviet determination to match and pass the United States in the incorporation of advanced technology into military hardware.

Despite the increased effort expended by the Soviet Union in defense related R&D, there has been no corresponding reduction in the resources the Soviet Union has allocated towards the R&D effort in the civil industrial base.

Thus, contrary to the effort in the United States of reducing the Defense Department's R&D effort and allocating it to civilian agencies, the Soviet Union continues to fund both efforts at progressively increasing levels.

The significance of the greater R&D effort being made in the Soviet Union is that technological advances developed by this greater R&D effort will only be evident 4, 5, and 10 years from now, but at a time when we will be incapable of catching up to match these technological improvements and advancements.

Stated another way, if we permit the Soviet Union to create hardware which will negate our existing technological capability in offensive and defensive weapons, the Soviets will so exceed us in power as to preempt any possible influence we may in the future hope to exert among the family of nations.

The deterioration in our military capability as contrasted to that of the Soviet Union has resulted from a combination of the Vietnam war, inflation, and the pressures of new and increased costs of our domestic programs.

In order to place this matter in better perspective, let me provide you with a few facts on this matter:

Since FY 1968 the Department of Defense has attempted to combat inflationary forces with DOD reductions, totaling $17.3 billion in constant dollars.

In this same period, a reordering of national priorities has resulted in a re-allocation of federal resources from defense to other programs in amounts greater than the DoD reductions.

The FY 1971 defense program in constant dollars is only $5 billion above the pre-war FY 1964 level. Yet, the incremental cost of the war in FY 1971 is undoubtedly more than double the $5-billion budget increase. Thus, what has occurred is that the difference in funding of the Vietnam War has been accomplished by *deferring weapons modernization, plant maintenance,* and by *reductions in operational readiness.*

The impact on these factors is actually greater than these figures indicate since with inflation and a combination of pay and price increases, personnel costs have increased tremendously, wiping out even the most intensive economies achieved by the Defense Establishment.

For example, in 1965 with a military manpower level at 2.6 million, military pay cost $13.9-billion.

Under today's higher costs and with projected pay increases, if we had 2.6 million men in FY 1971 and we now have in excess of 3 million, the personnel costs for FY 1971 would be approximately $29-billion. Thus, personnel costs alone will have more than doubled since 1965, without regard to manpower levels. This gives one an idea of how severely manpower costs and the effort to reduce defense costs have detracted from our ability to maintain a modern technologically advanced military capability.

Let me hasten to add that these military pay increases which have been and will continue to be provided by the Congress are absolutely necessary. Moreover, additional compensation increases will, in the future, be necessary if we hope to reduce reliance on the draft, or keep any semblance of a career force which is absolutely essential as our weapons systems become more and more complex.

In terms of gross national product, our defense budget has gone from 9.7% in 1968 to 7% in 1971, while at the same time the domestic parts of our national budget have increased their share of the gross national product from 12.8% to well over 13.4% in the same time-frame.

The 7% portion of the gross national product which is allocated to our national defense represents the smallest allocation of our gross national product to national defense purposes in 20 years. Surely no American would argue that we can put a price tag on the lives of our people. I'd rather be alive at 10% than dead at 7.

Now let me summarize for a moment. I have outlined to you that our former 5 to 1 margin in nuclear strategic weapons has in a few short years vanished. The Soviet Union now has a nuclear strategic weapon capability in excess of ours, and this superiority will continue to increase if we do not take dramatic action to stem the tide. We can no longer look upon our threat of nuclear war as a satisfactory deterrent to aggression with conventional arms, as we could in the two decades past. From here on if we threaten nuclear war in response to aggression, we risk our own destruction.

Moreover, I pointed out that the Soviet Union has within a few short years negated our naval superiority. This same accomplishment is evident in other areas of conventional warfare, including our ground and air capabilities.

As a matter of fact, while Congress is still debating the necessity for building an advanced manned strategic bomber, the B–1, we now know that the Soviet Union has already built such an aircraft, and it should be coming into their operational inventory at least 3 to 4 years before we can hope to have our B–1 operational.

The circumstances of the B–1 bomber debate in this country illustrate the reasons why we seem hell-bent on national suicide. While we debate the question of maintaining our military capability, the Soviet Union quietly but openly forges ahead.

It may be that the gap which has now been created in our defense capability can never be bridged. The Soviets have the bit in their teeth, and make no mistake about it, are both capable and determined to maintain this newly-developed superiority.

Perhaps I can best put into perspective the determined accelerated effort being made by the Soviet Union to eclipse the United States in strategic capability, both offensive and defensive, by giving you a concrete measure of this effort.

In calendar year 1969, the United States spent a total of $7.5-billion on strategic offensive and defensive weaponry. During that same period, the Soviet Union expended approximately $13-billion for the same effort. Thus, it is evident that the Soviet Union in a single calendar year has spent approximately $5.5-billion more for increased strategic capability than did the United States.

I recognize that a $5.5-billion added effort is somewhat difficult for laymen to comprehend. However, since the cost of a single Minuteman missile is approximately $4.8-million, the added Soviet effort is roughly equivalent to the procurement of a thousand Minuteman missiles.

All of this in one calendar year!

Can anyone consider this anything but an obvious effort to give the Soviet Union an insurmountable advantage in strategic weaponry over the United States before the conclusion of the SALT talks?

As a matter of fact, this circumstance alone illustrates the cold and calculating master plan of the Soviet Union, who in entering the SALT negotiations hope to freeze the United States in an inferior position in strategic weaponry.

I pray to God that the American people, and the Congress in particular, will soon awaken to these realities and recognize that the question confronting us is no longer one involving the relative allocation of priorities in spending between defense and domestic programs, but rather the fundamental question of national survival.

We can not as a nation afford to spend one penny less on national defense than that amount which is required to ensure that you and I, and our children, can convince the Soviets they dare not pull the trigger when a Soviet gun is placed against our heads.

The issue therefore is very simply how much money must we spend to insure our survival—since if we fail to demonstrate to the Soviet Union our determination to survive—the amount of money we spend for domestic programs will become merely an academic exercise.

I plead, and I beg you, my colleagues who collectively have the responsibility of the security of our nation in your hands, to ponder these facts which I have brought to you today. They are proof positive that we are in serious trouble. Unpleasant as these facts may be, you can not ignore them, for if you do, you are failing not only your constituency but also all the peoples of the world who, in the final analysis, look upon the United States as the fountainhead and guardian of the highest aspiration of genuine freedom in this chaotic world.

These are the facts that confront our President, our Congress, and our defense planners.

These are the facts which reflect the prophetic wisdom of an observation once made by a gentleman by the name of Mr. Richard M. Nixon, when he said:

"If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on earth."

I'm afraid that that day has already arrived.

MONROE BUSINESS INSTITUTE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BIAGGI. Mr. Speaker, as the unemployment situation deteriorates many Government officials are searching for ways to channel unproductive members of the work force into meaningful, well-paying jobs. The Federal Government has been called upon to spend millions of dollars to retrain large numbers of Americans. However, across this Nation many private enterprises are already at work attacking the problem of job retraining. These institutes are performing an essential service to the community and their efforts will complement any emerging Federal programs.

The Monroe Business Institute, located in the Bronx is an excellent example of these fine educational institutions. Established in 1933, Monroe has three schools in the Bronx. They are accredited by the New York State Department of Education and by the accrediting commission, which is recognized by the U.S. Office of Education.

The school offers training in all phases of business including IBM keypunching, computer programing, NCR accounting, electric typewriting, stenography, accounting, and all related subjects. These are all good-paying fields and honorable professions.

They work with several Federal and State training programs including manpower training, vocational rehabilitation, veterans' programs, and the work incentive plan.

Additionally, Monroe has had outstanding success in training disadvantaged students. They combine basic English, spelling, and math training in all their programs where good placement depends on satisfactory use of these skills.

The school has also been invited by three Presidents to attend the Conference on the Employment of the Handicapped in recognition of Monroe's outstanding work in the training and placement of the handicapped.

Their emphasis on close personal supervision and concern with the success of each student has produced the kind of results that any program, whether public or private, would be proud of. Hopefully, Federal job training experts will take cognizance of the work being done by the private sector in this area and profit from the fine programs offered by such schools as the Monroe Business Institute.

POSITION OF ASSOCIATION OF THE U.S. ARMY ON EXTENSION OF SELECTIVE SERVICE LEGISLATION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 1, 1971

Mr. THURMOND. Mr. President, tomorrow the Senate Committee on Armed Services will begin hearings on the extension of the Military Selective Service Act.

In connection with the extension of this act, the Association of the U.S. Army has issued a position paper stating its views on draft extension, the all-volunteer army, zero draft, and pay increases.

Mr. President, the views of AUSA are well stated and worthy of the attention of Congress and the Nation. I ask unanimous consent that the position paper be printed in the Extensions of Remarks.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

EXTENSION OF SELECTIVE SERVICE LEGISLATION

The Association of the United States Army is firmly convinced that the defense of the United States requires that a substantial portion of the young men of the country must serve, at some time, in the Armed Forces. We feel further that it is unlikely that the manpower requirements of the Armed Services can be met, at least for the foreseeable future, entirely by voluntary enlistments. We therefore reiterate the position we took in our 1970 resolution that Selective Service legislation must be extended until such time as actual experience has proven that qualified personnel in sufficient numbers, properly distributed within the services, including the National Guard and Army Reserve, can be provided without the motivation of Selective Service.

We strongly support every effort to make military service so attractive that the need to draft anyone can one day be eliminated. Yet the effort to reach an all-volunteer force has a long way to go. Until that goal is reached we feel it is essential that a viable, fully operational Selective Service System remain in force. The national safety requires it.

In taking such a firm position in support of Selective Service extension, AUSA is mindful of the very active efforts under way to greatly enhance the challenge and attractiveness of military service. We support these efforts.

However, thus far the total efforts in this direction have been those undertaken by the services themselves, a bootstrap operation if you will. The Army has recognized that there are a number of actions which should be undertaken which involve little cost and do not require substantial reprogramming or new money. Many long standing customs and practices have a high irritant quotient with no corresponding usefulness in the modern Army. These should be and many are being eliminated. Such actions contribute to making everyday life in a military more worthwhile and attractive.

The Army should and is making a greater effort to increase the professionalism in the military. The young people who look at the military as a possible career should see clearly more challenge and responsibility than has been visible in the past. Today's young leader requires a sense of dedication, adaptability, and sentitiveness to the needs of his men even greater than was needed in the past. It will take a professionally rewarding organization to attract the type of young leader the Army needs.

With all of the changes and experiments which the Army has undertaken, there are other key ingredients, over which the Army can exercise only minimal control, that will be needed in any plan to reach a zero draft. Among other things these involve public attitudes about the military and the consistent appropriation by Congress of the additional money which will be necessary to get at the root problems of declining service attractiveness.

Increased pay (including expanded pro-pay for the combat arms), improved housing, medical and dental service, insurance, equitable retirement benefits, modern equipments, and relief from menial non-military tasks, are some of the items that will require substantial appropriation if they are to make military service competitive with civilian life for the high-type young people our Services require. For example, it is estimated that civilianizing kitchen police would cost about $115 million a year. To give our soldiers increased privacy in their barracks is estimated to cost at least $50 million. Young people do not contend with these irritations in civilian pursuits.

One of the reasons we feel so strongly about the extension of Selective Service is our apprehension that it will take a considerable period of time before appropriations of the size required will be passed by the Congress. While there is a great reservoir of esteem and good will for the Services in Congress, there are in its membership many vocal antimilitarists. There is also amongst those in Congress who are friendly to the military Services, an openly expressed cynicism or doubt about the efficacy or practicability of an All-Volunteer Force. In this climate our visualization of a gradual, long-term effort to reach the goal of zero draft seems to be realistic.

There is another basic problem which cannot be solved by the Services alone, and that is the attitude of many Americans, particularly the young, toward military Service. Public esteem for our Armed Services has reached a low ebb. Hopefully, some of the program now underway in the Services will improve matters. Probably the further winddown of the war in Vietnam will moderate some of the virulence which has been so unjustly directed at the military. But others outside the Services are going to have to help.

We urge that the Commander-in-Chief take a more active role using the full machinery of his administration to enhance the prestige of the Services. Congress can, of course, do a great deal not only through their appropriations, but by more actively and publicly refuting the garrulous minority who feel that there is political capital to be made by vilifying the military who cannot fight back. Leaders in business and industry can take a more active, positive and public posture in support of the military.

But most of all, many members of the religious and academic communities have the greatest responsibility to make restitution for the damage which they have done to the dedicated individuals who through their military Service have shouldered the burdens of executing our national policy while they had no voice in its direction. The anti-military activities of large numbers among the religious and academic communities have been a national scandal and have seriously demeaned their own institutions as well as doing grave injustice to those who serve their country as good citizens. We cannot have the All-Volunteer Force they profess to desire so passionately if they at the same time do all they can to discredit and vilify those who wear the uniform.

If those who so ardently oppose Selective Service will channel a portion of their energies toward making military Service more prestigious and attractive, the day may come when the draft will no longer be needed. Until then, we Americans can't have it both ways. We can't insist that Selective Service must be abolished and fail to support those measures needed to create a Modern Volunteer Army. American colleges can't protest their love of freedom and permit a radical minority on campus to deprive others of the freedom to choose a military profession through ROTC. And American citizens, for whose security the military serves, cannot fail to insist that military personnel be treated with decency, dignity and respect through out our society.

Involuntary military service has never been popular since its instigation in 1792. However, without it our country would have been lost. Much is being done to make military service less onerous, but such involuntary service through a viable, operative Selective Service System will be required until we have proven that we can maintain quality Armed Forces of sufficient size to meet our National Security requirements without it.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CONGRESS IS NO LONGER A RUBBERSTAMP

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BROOMFIELD. Mr. Speaker, the Congress is no longer a rubberstamp. In the last 10 years alone I have noted a growing unwillingness in this body to accept passively the recommendations of the executive branch. No proposal, regardless of how innocent it may seem, is taken for granted, and all are subjected to the most intense congressional scrutiny.

This is, I believe, an important advance, but it is not without its drawbacks. Such close scrutiny takes time; hour upon hour of the day must be devoted to hearings and debates. As a result, most of the appropriations that should have been enacted by July 1 are delayed until the close of the session—6 months later. During the past four Congresses, for example, only eight of 102 regular appropriations bills have become law before the beginning of the fiscal year. During the 91st Congress not one regular appropriations bill was enacted before the fiscal years beginning July 1, 1969, and July 1, 1970.

This is an important problem. It disrupts not only the Federal budget, but the planning and budgets of State and local jurisdictions as well. These units depend upon Federal grants for substantial portions of their spending. If they do not know how much money they will receive from Washington, they cannot plan in advance for the year ahead. Educational institutions, hospitals, and housing programs all must wait for word from Congress before they can begin their important tasks.

I do not believe this is a sound policy. Yet, a return to our former status as a mere rubberstamp would be just as unsound, if not more so. We are left, therefore, with but one alternative: Extend the Federal fiscal year to allow us an extra 6 months to review these appropriations. In this way, there will be ample time for State and local planning as well as calm congressional deliberation.

The bill I have introduced this past week will give us that time. It provides that the fiscal year for the Federal Government will coincide with the calendar year, Discussion of appropriations will begin in January and end in December, not July, as is the present case.

To me this makes good sense. Under the existing system Federal agencies operate on continuing resolutions, spending at the prior year's level without knowing whether they are overspending or underspending.

When they finally receive their appropriation, they must use it all at once, if they expect to receive equal or higher funding in the following year. Naturally, appropriations are judged on their usefulness; if all the money is not used, then it is assumed that all of it was not necessary. So, billions of dollars in appropriations must be spent in a very short time—a 2-, 3-, or 4-month span. The result of this huge injection of funds into the economy is highly inflationary. It is no small wonder we have been unable to solve completely the crisis of our economy.

I am not saying, Mr. Speaker, that the new Federal calendar will be a perfect answer to our problems. But it seems, at the very least, a much better way of doing business than our present system. I urge my colleagues to lend this measure their full support in the 92d Congress.

COPTER MOVE HOUSE? CAN DO

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BLACKBURN. Mr. Speaker, during the past 2 years, one of the major goals of the Subcommittee on Housing of the House Banking and Currency Committee has been to fulfill the pledge made by the Congress in 1968 to provide 10 million new housing units before 1980.

In order to try to fulfill this goal, the Housing Subcommittee has investigated many new and revolutionary forms of housing construction.

Recently, an article appeared in the Atlanta Constitution regarding a firm in my area which has constructed a house which can be delivered by helicopter. Whether or not this method will help us solve our problems, I am not sure. However, I believe it is an attempt in the right direction. For the information of my colleagues, I am inserting the article in the RECORD:

COPTER MOVE HOUSE? CAN DO

(By Sallye Salter)

The latest way to get a house delivered is to fly it in—not with its own wings but by helicopter.

The technique had a trial run in Connecticut in November, and it worked. It has potential for solving the problem of highways cluttered with widening modular and mobile homes.

The 28-by-44-foot house that passed the helicopter test was built by a Decatur firm and was the culmination of a 25-year dream of Frank Putnam of Decatur.

The demonstration, using a S–64–E Skycrane, built by Sikorsky Aircraft, a division of United Aircraft, was also a dream come true for aircraft pioneer, Igor Sikorsky, who had predicted in a 1959 speech in Tokyo that his helicopters would someday be used for delivering houses.

A company spokesman said this was one of a series of tests to be conducted by Sikorsky with the heavy-lift helicopter to evaluate the feasibility of the revolutionary system.

GREAT POTENTIAL

He said the company foresees a far-reaching potential for the technique in "Operation Breakthrough" of the Department of Housing and Urban Development.

Putnam, president of Utility Services, Inc. in Decatur, said his father was in the construction business and was frequently plagued by rain which stopped the work.

"I always thought we should build homes like automobiles, and we could build them in a plant all the time," he said.

While working for an aluminum firm, Putnam designed his house which he was sure could be delivered by air. He looked into the feasibility of delivering it by blimp, but was advised this was too inaccurate.

Then two years ago, Putnam saw films of the Skycrane lifting heavy construction equipment for the military, and he decided this was how his house could be flown.

BUILT DUPLICATE

With very few changes in the basic design he created 25 years ago, Putnam had the house built on the premises of his Decatur firm, and a duplicate of it built in Stratford, Conn., for the test flight there.

Now that the house has earned its "wings" it will be put into plant production.

The yet-to-be named company, with Putnam, Charles R. Shetterly, and Aubrey Couch as partners, is currently considering plant sites in the metropolitan area, plus other sites for subdivisions for the homes.

TWENTY PER DAY

The plant will turn out 20 houses per day when it goes into production, and delivery by helicopter will probably be limited to 40 to 50 miles in the metropolitan area, according to Couch, although it would be possible to deliver as far as 500 miles.

The 1,236-square foot house has an aluminum frame with all of the support at the four corners of the house. The cable is hooked on at the roofline for corners lifting.

Putnam said the house is built like an airplane with the roof trusses welded by the space age methods used for planes.

It will sell for about $16,000 including delivery by helicopter but excluding land and foundation costs.

HOWARD WAID OF TRUSSVILLE, ALA.

HON. JAMES B. ALLEN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Monday, February 1, 1971

Mr. ALLEN. Mr. President, in these days of increasing use of motor vehicles on the highways of our country, it is encouraging to hear of drivers who have operated vehicles for many years and over many miles without a single accident.

Greyhound Lines—East, one of the major commercial passenger operators in the United States, recently honored Mr. Howard Waid of Trussville, Ala., who has driven for the company 25 years without a chargeable accident.

A news release concerning this award and reporting Mr. Waid's strong theories about driver safety, has been issued by the National Association of Motor Bus Owners. Because I fervently believe that emphasis on highway safety must become a daily way of life for all drivers. I ask unanimous consent that the news release be printed in the Extensions of Remarks of the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

HOWARD WAID OF TRUSSVILLE, ALA.

BIRMINGHAM.—Greyhound is honoring Howard Waid of Trussville, Ala., for driving a Greyhound 25 years without a chargeable accident.

"Waid has compiled a remarkable road safety record," according to Walter Weiss, director of safety for Greyhound Lines—East.

"Remarkable because of Greyhound's stringent safety standards. If there's even a scratch on a bus, Greyhound records it. Preventable accidents are always charged to the driver," Weiss adds.

During his long years on the road, Waid has developed strong theories about driver safety.

"The most common mistakes made by nonprofessional drivers," he says, "are speeds too high for prevailing conditions, tailgating and switching lanes without signaling. Countless accidents could be avoided if drivers would watch these basic problems."

"Intense concentration is also needed—you have to constantly try to anticipate the other guy's moves. And never believe the signal of the driver in front of you!" he adds.

According to Weiss, Waid's philosophy pays off for Greyhound and the public: National Safety Council studies show travel by Greyhound is 17 times safer than driving yourself.

Waid, 52, started his career in 1941.

A native of Gaylesville, Ala., he lives at 113 Lake Street with his wife and five children. Waid is a member of the local Athletic Booster Club. He is also manager of a little league baseball team.

Greyhound has a continuing program to honor drivers who compile outstanding safety records. Last year, more than 150 Greyhound drivers were commended for accumulating 25-year or better safety records.

EIGHTEEN-YEAR-OLD VOTE—MAKE IT UNANIMOUS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, as a longtime advocate of the 18-year-old vote, I was extremely proud when the 91st Congress passed legislation which at last enfranchised all Americans between the ages of 18 and 20 with full voting rights. This legislation was passed by an overwhelming majority in both the House and the Senate. It was vigorously supported by Representatives and Senators from both political parties and by advocates of diverse political persuasions, ranging from the conservative views of Senator BARRY GOLDWATER to the liberal views of Senator EDWARD KENNEDY.

However, the recent Supreme Court decision has now left Michigan and most other States with the unfortunate situation in which 18- to 20-year-olds may vote for their President, but not their Governor, for their Senator and Congressman, but not their State or local legislators, nor even their hometown mayor. The present situation is neither realistic nor sensible. It simply does not make good sense to allow our new young voters to participate in national elections which predictably involve the most distant, complex, and far-reaching issues of the day and then deny them the right to participate in local elections involving issues with which they are much more familiar, and, in most cases, which are much less complex.

For these reasons, Mr. Speaker, I have joined with 34 of my colleagues in introducing a House joint resolution proposing a constitutional amendment which would provide for full enfranchisement of the 18- to 20-year-old voter.

However, in light of the length of time normally involved in amending the U.S. Constitution, alternative measures to bring about immediate full enfranchisement of these young voters should also be considered. Perhaps the best manner to accomplish this in Michigan would be the consideration of a constitutional amendment by the Michigan State Legislature.

Mr. Speaker, a convincing case was recently made on behalf of this alternative in an excellent editorial which appeared in the Mellus newspapers published in my congressional district in Michigan. I would like to insert this article into the RECORD for the benefit of my colleagues:

MAKE IT UNANIMOUS

Although we have been consistently opposed to lowering the voting age to 18, basing our stand on reasons we felt to be reasonable and logical, we would prefer, by far, to see the young people have full balloting rights then the halfway "mess" that prevails at present.

It simply makes no sense that those 18 through 20 should be permitted to vote for the nation's president in an election involving issues and personalities with which they can be only remotely familiar, but deny them the right to participate in local and state elections, where it would be possible for them to know much more about issues and personalities.

From the standpoint of providing an expression of public opinion on vital national and world problems and programs, the national elections are the most important that our citizens take part in. Generally speaking, the claims and counter claims on vital issues and on the experience, capabilities and personalities of the principal candidates are far more complex and confusing—and remote—than those in city, school, county or state political campaigns.

If we are to have an "apprenticeship" system for voters, "breaking them in" with limited privileges at the age of 18 and expanding their voting rights as they gain in age and experience, with full citizenship privileges at 21, we seem to be going at it backwards by giving them the most serious responsibilities first.

An apt parallel might be the methods employed in "bringing along" athletes to compete in major league baseball or in the top professional football conferences.

In baseball, prospective big leaguers get their starts on the sandlots or in high schools and colleges. If they show promise, they move on to minor-league teams and finally those with the necessary talent make it to the "big leagues."

Denying Michigan's approximately 500,000 young men and women 18 through 20 the opportunity to vote on local, county and state issues and candidates while national law grants them balloting privileges in presidential elections seems pretty much the same as starting a young fellow on a major league team and then, after one to three years of trial, allowing him to join a minor-league squad.

Since the United States Supreme Court has ruled that 18 years is a proper age for the voting franchise to be exercised (making this the law of the land in federal elections), Michigan should bow gracefully to the inevitable and extend full voting rights.

Aside from the apparent inequity of granting only partial voting privileges at 18, there is the problem of the confusion that is bound to develop when national elections happen to fall on the same day as state and local balloting.

With some registered voters allowed to pass on all candidates and issues while others can act only on national candidates, separate ballots or special voting procedures will be required to make certain that only those entitled to full privileges enjoy them.

Experience has shown that even with the old system of one age limit for all voters, our ballots and balloting practices have been sufficiently confusing to foul up many an election.

We contemplate with horror the chaos that could develop with the "double-standard" of voting in an election involving national and other candidates and issues. What a field day challengers could have, demanding that local, county and state election boards prove that no person under 21 had voted on other than national candidates.

By the time the results of such an election could be straightened out, it might be almost time for the next one.

Since the next presidential election is nearly two years away, Michigan has time to remedy this situation before facing such a situation. We believe the State Legislature should take immediately whatever steps are necessary to grant full voting rights to those aged 18 through 20. If this requires a referendum, then the legislature should place the matter on the ballot as soon as possible, even if a special election is required.

RECLAMATION AWARDS CLOUD SEEDING RESEARCH CONTRACT FOR CONCHO RIVER WATERSHED IN TEXAS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FISHER. Mr. Speaker, a 3-year $850,000 program of summer cloud seeding to develop techniques aimed at increasing rainfall, has been announced by the Bureau of Reclamation. This is a significant move to determine whether scientific techniques can cause rain to fall in cloud covered arid areas. The results will be followed with much interest.

Under leave to extend my remarks, I include the release by Reclamation. It follows:

RECLAMATION AWARDS CLOUD SEEDING RESEARCH CONTRACT FOR CONCHO RIVER WATERSHED IN TEXAS

The Bureau of Reclamation has awarded a contract to the Texas Water Development Board for a 3-year program of summer cloud-seeding to develop techniques aimed at increasing rainfall, the Department of the Interior announced today.

A result of the research is expected to include increased runoff of the Concho River above Twin Buttes Reservoir, a major unit of Reclamation's multiple-purpose San Angelo Project. The City of San Angelo has experienced severe water shortages, resulting in rationing of water in recent years.

Commissioner of Reclamation Ellis L. Armstrong said the $850,000 project will involve the seeding of suitable convective clouds during the period from April to September through 1973. Seeding will be conducted by aircraft over a 4,600 square mile area west and northwest of San Angelo, in central Texas.

The Texas Water Development Board is expected to contract with a qualified scientific-meteorological firm for the actual seeding to begin this summer.

The effort is a part of the Bureau of Reclamation's Project Skyward, a program of scientific research begun in 1962 to explore whether cloud-seeding can produce additional supplies of water efficiently, economically, and in a socially acceptable manner.

Project Skywater contractors currently are studying the treatment of summer convective clouds with field projects in Arizona, North Dakota, and South Dakota. Winter projects concerned with the seeding of cold orographic storms are in progress in California, Colorado, Nevada, New Mexico, Montana, Utah, Washington, and Wyoming.

Conventional ice phase seeding with silver iodide, as generally practiced in other weather modification projects, is not applicable to the types of clouds most frequently found in the San Angelo region. Here, Commissioner Armstrong said, an additional technique—that of warm could-seeding—will be explored.

This technique involves the use of water-absorbing chemicals to accelerate the rain-forming process within clouds. These materials will be released into air currents feeding suitable clouds. Urea and ammonium nitrate are ideal for this purpose.

The Concho River watershed was proposed both by the Texas Water Development Board and by officials of the City of San Angelo as the site for a seeding project. It offers excellent prospects for accurate evaluation of results because of a low level of atmospheric pollution and by the presence of an extensive network of rain and stream gauges already in place.

Seeding generally will be confined to those convective clouds which, left untreated, would produce only marginal precipitation in the form of light showers. Criteria will be established dictating when and under what circumstances seeding will be conducted.

A preliminary survey of summer cloud climatology for the San Angelo area was made last year to determine the frequency with which warm convective clouds develop; their size and water yield; and other factors required to assess their seeding potential.

Both warm and cold clouds occur in the area during the spring and summer months, with a predominance of the warm type. Both are amenable to seeding, and both varieties will be treated during the course of the project.

REASONABLE PAY FOR OUR SERVICEMEN CAN BRING AN END TO THE DRAFT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in his message on the draft last Thursday, President Nixon stated that:

> With an end to the draft we will demonstrate to the world the responsiveness of our system of government—and we will also demonstrate our continuing commitment to the principle of ensuring for the individual the greatest possible measure of freedom.

Eleven months ago, the President's Commission on an All-Volunteer Force found that we could end the draft by establishing a reasonable pay scale for military personnel in their first term of service. The Commission, headed by the distinguished former Secretary of Defense, Thomas S. Gates, also declared that regardless of the draft, the recommended pay raises were justifiable on the grounds of equity alone.

In a recent article in the Air Force Times, editor Bob Schweitz, a noted expert on military personnel matters, graphically depicted the discriminatory treatment of first-termers. According to Mr. Schweitz, the Armed Forces received cumulative pay hikes of 154.3 percent since 1952, but junior enlisted men have been raised by only 86 percent in that period. He added that:

> The spread in monthly pay between the recruit's mere $134.40, the supergrader's roughly $750–975, the colonel's $1,800, and the four-star general's nearly $3,000, appears entirely out of line and totally unrealistic. Yet officialdom in recent years has allowed it to take place with apparently little concern or protest.

It is clear that our "totally unrealistic" military pay structure has been allowed to develop because the draft enables us to compel men to serve at extremely low rates of pay. We can correct this inequitable treatment of junior enlisted men, and help the President fulfill his commitment for an all-volunteer force, by enacting the pay structure recommended by the Gates Commission. I commend this item to your attention:

UNDER-2 PAY GAP GREW DURING 13-YEAR DROUGHT

(By Bob Schweitz)

WASHINGTON.—The reason the military pay system is so out of kilter has been the reluctance of past Administrations and Congresses to face up to the realization that new recruits and draftees also deserve adequate pay. From 1952 to 1965 there were no pay raises for enlisted men with fewer than two years of service. The raises for all other grades since 1952 have more than doubled those for the "under twos."

Overall, the military force has received a cumulative basic pay hike of 154.3 percent since 1952, while the junior enlisted men have received only 86 percent, including the raise effective Jan. 1, 1971.

Even as late as 1969, when the Hubbell pay group was functioning, the nation was still of the opinion that the draft would continue indefinitely, so little attention was paid to increasing pay in the lowest ranks.

The problem is more than one of percentages. It is also one of the cold cash differences spelled out by the percentages.

For example the January 1 raise was 7.9 percent across the board in basic pay. At the E–1 recruit level it meant a $9.90 monthly increase. For an O–6 with 26 years, the same 7.9 percent meant a $132 raise. Thus the raise of the O–6 alone totaled almost as much as an E–1s present monthly basic pay of $134.40.

The "spread" in monthly basic pay between the recruit's mere $134.40, the supergrader's roughly $750–$975, the colonel's $1800 and the four-star general's nearly $3000, appears entirely out of line and totally unrealistic. Yet officialdom in recent years allowed it to take place with apparently little concern or protest.

Defense, of course, has asked Congress to give EM with under two years service another 20 percent in basic pay, but even that would add only $26 a month for a monthly pay of $161 for a recruit. Not much of an incentive to volunteer.

Nevertheless, $134.40 or a $161 per month figure for the hundreds of thousands of servicemen with under two years service, represents a tremendous amount of money.

A 20 percent basic pay raise for enlisted men with fewer than two years of service is budgeted at half a billion dollars next year, and now it appears Defense may ask for a bigger raise.

Other pay grades will be getting raises, too. And while there should be savings in training costs brought about by increased retention resulting fom higher pay, no one is certain the hikes will have that effect.

A number of factors influence volunteerism and retention. Among these are the job market on the outside, the public attitude toward the military and the presence or absence of a shooting war. It is not yet clear what the recent slump in the civilian job market is doing to retention.

Defense, of course, is looking for more efficient ways to spend pay dollars than across-the-board increases in basic pay.

The variable reenlistment bonus is one example of the kinds of services which are more "cost effective." The VRB lets manpower planners put the dollars precisely where the need is.

The proposed pro pay for men volunteering for the combat arms is another such device, as is the newly advanced idea to give "Continuation Incentive Pay" (COIN) to many officers. Payments similar to COIN already are being made to physicians and to Navy nuclear submarine officers.

As reported in the January 20 AFTimes, the idea is to expand such payments to give line officers up to $15,000 and more to sign up for five years beyond their obligated service.

PROGRESS THROUGH UNDERSTANDING

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. WYMAN. Mr. Speaker, those who truly seek sound progress and mutual understanding among Americans deplore accent on racism whatever the source. They also decry permissivism toward pornography or violence in our society.

From time to time columnists assist in placing the common good in perspective. I believe the renowned columnist Al Capp has done this in the following column reprinted recently in the New Hampshire Sunday News:

HOLLYWOOD LIBERALS MAKE RACIST MOVIE

(By Al Capp)

For those with sick minds, Hollywood has come up with a nice change from the regular run of sex movies—a racist movie called "Little Big Man."

I'm sure Dustin Hoffman, the star, and Arthur Penn, the director, didn't intend it to be racist. They are both leading Hollywood-New York liberals, our largest group of unintentional racists.

Racism—and I'm sure Hoffman and Penn will agree with me—is the conviction that human inferiority is decided by skin color.

"Little Big Man" is the story of the U.S. Cavalry in the Indian Wars, the white man versus the red man.

The white man is portrayed as decidedly inferior in humanity, honesty and generosity.

Even the liberal New Yorker magazine predicted that white audiences would be insulted. Black audiences might be, too.

After a century of ignoring the gallant role blacks played in the winning of America, we now know that 20 per cent of U.S. Cavalry troops in the Indian Wars were black.

I haven't seen "Little Big Man" for the same reason I don't attend Klan meetings, and so I don't know if Hoffman and Penn's U.S. Cavalrymen are all white. If they are, that would, of course, spare blacks from the film's racism, but it revives another form of racism—the denying of credit to blacks.

I can't imagine red Americans enjoying the anti-white, or anti-both black and white racism of "Little Big Man" much either. They, more, perhaps, than any of us, have learned that whatever race is the victim of racist propaganda, no matter how unintentional, all of us are hurt.

It isn't easy to be a Hollywood-New York movie liberal. But, then, it wasn't easy to be George Lincoln Rockwell. He was in the same business, and he wound up dead. His Hollywood new competitors merely wind up dead at the box office.

They tell us the new "involved" attitude of parents toward education will produce better kids than the simple old attitude.

When I was a kid, my parents had a simple attitude toward education and that was that all schools were good for kids, and that all school teachers were smarter than kids.

Back then, our mothers didn't snoop around other schools to find out if they had the slightest advantage your school didn't have, and if there was the slightest suspicion of it they didn't mobilize into militant mobs and storm city hall.

Back then, when you reached first grade age, your mother pointed the way to the nearest school, and told you to come back in eight years with a diploma.

Kids who did that were good kids.

Those who didn't weren't worked over by social workers and called culturally maladjusted. They were worked over by the flat of their father's hand, and called little bums.

The old attitude toward education gave us Marian Anderson and Jonas Salk.

The new one has given us Angela Davis and Jerry Rubin.

The scene: a fine old Indiana University, newly liberalized.

STUDENT. Mr. Capp, why don't you admit your capitalist society is based on greed?

ME. I'm forced to admit it. The evidence is all around us. For instance, your father obviously was greedy that you have a better education than average, or he wouldn't have sent you to such an expensive university. Clearly, your mother is greedy, too. Greedy that you have a better chance in life than average. That's why you have the unmistakeable glow of a better-than-average-cared-for-kid. I've looked around the grounds here and the evidence is that this university is greedy, too. Greedy that you, and the other kids here, have a better-than-average environment. That's why we're speaking to each other in this beautiful new chapel, and that's why you'll be able to go on griping about the greatness of this society, later, in that handsome dormitory across the way. You may call it greed, son. There are other names for it. One is concern. Another is love.

Every forward-looking American sleeps better at night knowing we have Ed Muskie to prevent us from developing supersonic speed by pointing out its possible hazard to the environment.

But when we really needed him was when the automobile was being developed. He might have stopped that, too, by pointing out its possible hazards, and we'd have stayed where we belonged—on the horse.

But didn't they, occasionally, menace the environment?

THE PRESIDENT OFFERS A BOLD PACKAGE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BROWN of Ohio. Mr. Speaker, on January 22 in his state of the Union address President Nixon outlined the basis for a "new American revolution" to speed the process of returning more power and responsibility to State and local governments—and therefore to the citizens where government is closest to them—after decades of power and responsibility flowing in the other direction: to Washington.

As the specific proposals come before the Congress, the next months will be spent in deciding just how and how far we go in this new direction. To arrive at the best decisions—those that will be best for America—Members of Congress will need to become well aware of the "thinking" of the Nation. To assist my colleagues in this task, I include in the RECORD at this point a thoughtful editorial from the January 25 edition to the Dayton, Ohio, Journal Herald:

STATE OF THE UNION: THE PRESIDENT OFFERS A BOLD PACKAGE

President Nixon's State-of-the-Union message is the kickoff not only for a new Congress—the 92d—but also for what may be one of the most bruising two-year eras in the political history of that Union.

His proposed program is not wildly innovative or radical in the sense that it raises issues never before considered, but it is a bold attempt to make real some of the philosophies that have been bantered about as theories.

The President's "six great goals" by now require only capsulization. (1) His welfare plan combines the long-sought objectives of aid without humiliation to those unable to help themselves with a program of work incentives. (2) His objective of full employment in peacetime restates the obviously desirable twinning of peace with prosperity. (3) The effort to systematize land use recognizes that man, not man's economic system, is central in using natural resources. (4) The President embraces the principle that the right to health care is not determined by individual ability to pay. (5) The revenue-sharing concept expresses the belief that tax revenues, no matter where collected, belong to the taxpayer and not his government, and they should be used at the respective levels of government where they can be most effective. (6) The final general proposal is to transform the federal governmental structure from its present focus on functions, a system which fosters the irony of conflicting practices between departments in some fields and overlapping projects in others, and substitutes a structure based on program areas.

The principles stated by the President are indisputable. The methods, as he himself noted, are open to debate, and the tone that the debate assumes may well determine how close the nation is to solving some of its more nagging domestic problems.

The signs are not good. The Republican Party finds trouble in forging diversity into a common strength. The Democratic Party is in an amorphous state—a host of characters looking for a theme. Numerous hopefuls are emerging to joust for the 1972 presidential nomination, and the prospects are for many individual attempts by Democrats to upstage not only the President, but rival contenders for the nomination as well.

Then, too, the President's program steps hard on the entrenched bureaucracy. Reforms in government structure, although passed by Congress and signed by the President, do not necessarily cause the ship of state to jibe in another direction. Unification of the armed services was an example of this sluggish response.

Oddly perhaps, the one program likely to get broad backing in Washington is the one which gives us pause. The economy of the country is, we believe, still fighting a perilous wage-price undertow that runs counter to the tide of recession shown by economic indicators. Although the President has given subtle signs that he is exerting pressure on prices and wages, he has only begun the battle and the outcome is far from certain. The nation cannot afford economic gains which are illusory and thereby temporary, and the price for a President's election based on economic illusion is sometimes paid by his party for a generation after the illusion crumbles. We urge caution on massive deficit spending.

But in total, the President's program is a forward-looking and necessary one, and it would be a national disservice were irrational partisan and bureaucratic intransigence to thwart consideration of it on its merits.

MORSE PROPOSES URBAN COUNCIL

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a member of the Massachusetts delegation, and as one who has long been deeply concerned with the problems plaguing so many communities in the Commonwealth and throughout the Nation, I was indeed pleased to note the initiative recently taken by my colleague the gentleman from Massachusetts (Mr. MORSE) to insure that our urban problems continue to receive the top-level, priority attention that they require.

The gentleman from Massachusetts (Mr. MORSE) has recommended to the President that he create a White House Council of Municipal Advisers, which would provide a focal point for the consideration of urban problems.

His proposal merits broad support, and will, I am convinced, be eagerly received by city government leaders and the people they serve.

The following editorial from the Lynn, Mass., Daily Evening Item speaks most persuasively to the critical need for the kind of effective and creative mechanism suggested by Mr. MORSE, and to the enthusiastic endorsement it deserves:

MORSE PROPOSES URBAN COUNCIL

Local communities are beset by so many problems these days that any suggestions to ease their burdens are eagerly received.

One of the latest is that of Cong. F. Bradford Morse, R-5th District.

The Lowell representative, in a letter to President Nixon over the weekend, recommended creation of a White House Council of Municipal Advisers as a focal point for the consideration of urban dilemmas.

Morse suggested the proposed council be set up along the lines of the present Council of Economic Advisers. He expressed confidence in the latter body, headed by John Ehrlichman, but told the President that a group with "a narrower charter may be necessary to insure that our municipalities receive top-level attention."

The departure of Dr. Daniel P. Moynihan, who was an expert on urban affairs, makes it imperative, in Morse's view, that "an effective, creative and sympathetic mechanism be established to insure that the priority attention that our urban problems require be continued."

Morse suggested a three-man council with extensive practical experience at the municipal level of government. He said such a council would "accord well with the president's expressed desire to encourage and assist local government."

Lynn, of course, would have an interest in the creation of such a council. Obviously, a three-man body could not spread itself thinly enough to find cures for all the specific problems of all the municipalities in the nation.

But by studying some of the major problems common to all cities at a given time—financial woes at the moment, for example, the proposed council could come up with broad general policies to effect some degree of relief.

The fact that it would have direct access to the White House would be a tremendous plus factor.

And the President himself would benefit by having expert advisers on urban affairs part of his intimate official family to keep him constantly informed on the needs of local government.

WHAT RIGHT TO DISSENT?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. GROSS. Mr. Speaker, the two newspaper articles which I will insert in the Congressional Record as a part of my remarks, raise the grave question as to whether there remains the right to dissent on the part of valued Federal employees.

The articles comprise two columns written for the Des Moines Register by the well-known journalist, Clark R. Mollenhoff, chief of the Register's Washington Bureau and Pulitzer Prize-winning reporter.

In one of his columns, "Watch on Washington," Mollenhoff details the story of Philip I. Ryther, senior safety evaluator for the Federal Aviation Agency, who tried repeatedly to warn his superiors of impending air disasters unless tighter safety regulations were applied. For his foresight and courage, Ryther was driven out of Government.

In another of his columns, Mollenhoff describes the fate of Kenneth S. Cook, an Air Force weapons analyst, who accused superiors of distorting scientific reports and was promptly made the object of repeated mental examinations.

Mr. Speaker, the right to reasonable dissent and the right to make reasonable recommendations must be protected if Federal employees are to be more than mere rubber stamps in the service of their Government. Congress ought to lose no time in investigating the facts in each of these cases as a simple matter of justice.

The articles follow:

Safety Chief Forced From Job With FAA

(By Clark Mollenhoff)

Washington, D.C.—Department of Transportation officials reprimanded, threatened and finally forced the resignation of the senior safety evaluator of the Federal Aviation Agency (FAA) who tried to warn of impending air disaster.

The story will be the subject of Senate hearings in February or March.

The tightening of air safety regulations for charter flights recommended by safety evaluator Philip I. Ryther in April, 1970, was not incorporated into an FAA regulation until last Oct. 27—25 days after the crash in Colorado that killed 31 Wichita State University football players.

Those athletes were among hundreds killed in crashes of chartered planes between April, when the FAA evaluation division recommended the change, and October when top FAA officials finally recognized the problem.

Even if there had been no safety issue that required urgent attention, the bureaucratic pressure used against the senior FAA safety official is inexcusable. It is comparable to the firing of cost expert Ernest Fitzgerald by the Air Force after he called attention to cost overruns on the C5A aircraft, or the State Department's firing of security expert Otto F. Otepka for calling attention to lax security.

When the FAA finally did tighten the air safety regulations, the rules were virtually the same recommendations Ryther had made after a four-month study that ended in March, 1970.

Both Ryther's recommendations and the final FAA rules called for increasing the frequency of aircraft inspection and also tightened pilot-training restrictions. The rules were aimed especially at requiring pilots to be familair with the specific type of charter aircraft they are flying.

Following is the chronology of events:

1. In early April the recommendations by Ryther were submitted to Archie W. League, FAA assistant administrator for appraisal, for immediate action.

2. Throughout April and early May, League took no action. Ryther appealed above League. FAA Deputy Administrator Kenneth Smith set up a meeting on May 26 attended by Bertrand Harding, the FAA's associate administrator for manpower, League, and Ryther.

3. A few days after the meeting, Smith rejected Ryther's plea as "not sufficiently urgent." He sent the problem back to League, who immediately started to dismantle the safety evaluator's office, and directed Ryther to go on an extended inspection trip.

4. Ryther declined to go, and continued to appeal for tighter safety restrictions to FAA Administrator John H. (Jack) Shaffer and also to Under Secretary James M. Beggs. Both brushed off Ryther's complaints, declined to intervene, and again turned the safety decision back to League.

5. On Aug. 19, 1970, League filed 11 pages of charges against Ryther. Harding then conferred with Ryther on the charges, and advised that he could save himself money, worry and wear and tear on his health by resigning. Harding indicated FAA officials could easily get access to Ryther's federal tax returns, but that if he resigned the charges against him would be dropped. Ryther insisted he had nothing to hide.

6. In September, Ryther's doctor told him the frustration fight at FAA had affected his health, and advised that he resign. Ryther agreed to resign on a disability pension and the charges were dropped on Sept. 16, 1970—just 15 days before the crash that killed a Wichita State football team and dramatized the need for tighter rules on charter flights.

In October the FAA engaged in a hurried rewrite of the April safety recommendations. Approval was given and the new restrictions to bring chartered aircraft up to airline standards were printed in the Federal Register of Oct. 27. They included the following precede:

"A recent accident has highlighted the need to regulate more strictly the leasing of large airplanes by educational institutions for the carriage of student groups, as for example football teams and choral groups."

Ryther, 55, is a career government employe who had more than 26 years in government when he retired. His GS–16 salary of $30,972 was a result of a recent promotion he had received in connection with some bureaucratic negligence he had uncovered in 1969.

Ryther, who had never gone outside of the government chain of command before, was outraged in 1969 at the evidence that the FAA was not taking the necessary steps to modernize radar and other equipment. He took his complaint to the top administrator in his area, and over the heads of his immediate superiors.

On that occasion, a board of inquiry was established that confirmed the correctness of the complaints by Ryther and resulted in three superior officers being retired from government.

His success in correcting that problem gave him courage to tackle the job of tightening FAA regulations when his four-month study came across the laxity that existed in inspections of charter planes and regulations dealing with pilots flying those planes.

Ryther is a native of Park Rapids, Minn., and a graduate of New York University, where he received a B.S. degree in 1940 in business and management.

One Man's Battle

Washington, D.C.—The four-year ordeal of Kenneth S. Cook, a 57-year-old Air Force weapons analyst, should concern every member of Congress who seeks to protect the rights of career government employes.

Cook's ordeal started in 1966 when he complained that then Lt. Col. Roderick W. Clarke, acting commanding officer at Holloman Air Force Base in New Mexico, was distorting scientific reports on the defense against intercontinental ballistic missiles (ICBMs), Cook said he was neither pro-antiballistic missile (ABM) or anti-ABM, but believes that whatever decision was made should be made on honest scientific reports.

MASTER'S DEGREE

At the time of his complaint, Cook, a physicist and mathematician with a master's degree from the University of Indiana, was a $16,152-a-year government scientist with an outstanding record. He had been listed in American Men of Science since 1954.

Today, Cook is struggling to exist on a $300-a-month pension while fighting for a hearing on an Air Force finding that he is mentally incapable of carrying out his government duties.

The fact that the top Air Force psychiatrist, Lt. Col. Paul Grissom, has stated it is an injustice hasn't caused any effort to correct the record by either the Air Force or the Civil Service Commission.

Dr. Grissom said "a review of all available reports of phychiatric evaluation and the medical board report rendered at Holloman Air Force Base disclosed no evidence of a psychotic or severe chronic neurotic condition in Mr. Cook. (These reports) do not support the conclusion, on any sound medical basis, that Mr. Cook was incapacitated for performance of his duties."

Grissom did say that Cook, a perfectionist in his work and punctual in work habits, is "relatively inflexible."

QUESTIONED BY SENATORS

The question of misuse of the mental incapacity finding was raised by several senators in a letter to John Macy, then chairman of the Civil Service Commission. Senator Sam Ervin (Dem., N.C.) wrote, "It would appear from the record that officials at Holloman Air Force Base, displeased with Mr. Cook's policy criticisms of their operations, may have taken advantage of the many loopholes in the laws and regulations affecting the rights of the individual."

Cook charges that an Air Force clique at Holloman conspired to fire him for mental disability and to bar him from a public hearing. Cook contends a little more diligent investigation by the Air Force or Civil Service Commission into the records would prove his case.

Since 1967, Cook has spent $9,000 fighting the case in which the Air Force says it has no authority now that the Civil Service Commission is in the case. The commission says it now considers the case "closed."

James B. Goode, the deputy assistant secretary of the Air Force for personnel policy, said where "mental instability" is an issue "we couldn't turn the case around if we wanted to do it. It is in the hands of the Civil Service Commission."

The friction between Cook and Colonel Clarke at Holloman existed for months when Cook took his complaint to Washington in a "confidential" letter to Brig. Gen. Ernest Pinson, commanding officer in the Office of Aerospace Research at the Pentagon. In that Oct. 31, 1966, letter, Cook charged that Colonel Clarke had engaged in "information manipulation" and "a general degradation of civilians" at the base.

HE IS SUMMONED

He asked General Pinson for "decent management" and specifically asked that he "get this Clarke out of here immediately and get rid of this officers' plague."

On Nov. 22, 1966, Clarke summoned Cook to his office, told him he had a copy of the letter to Pinson and stated he would run Cook out of the Air Force and the government. Clarke withdrew Cook's security clearance on the spot and detailed him to inconsequential work.

A week later, Clarke's secretary called to tell Cook to report to Lt. Col. Dwight Newton, who headed the base hospital. Cook knew Dr. Newton to be a friend and neighbor of Clarke.

"We are going to find out what makes you tick," Dr. Newton allegedly told Cook.

Newton asked Cook if he would "agree" to submit to an examination by base doctors. Cook would not agree, but when Dr. Newton replied he could order him to do it, changed his mind and said the examination would "prove my case."

One week later, Cook was examined by Dr. Herbert H. Reynolds, the base psychologist. A week after that, he was examined by Capt. Martin Reite, a base psychiatrist.

BEFORE BOARD

Cook spent about 40 minutes before the Holoman Medical Board on Jan. 25, 1967. He was not permitted to have his lawyer with him on order from Colonel Clarke. The five-man board included Dr. Reynolds, Dr. Reite and three other medical men from the base.

Cooke heard nothing from the board until April 17, 1967, when Clarke directed him to report to Dr. Newton. Dr. Newton bluntly stated the board was unanimous in finding him physically and mentally "incapable of performing further service for the Air Force or for the government."

In late April and early May, Cook consulted his own doctors—Dr. George M. Schlenker, of El Paso, Tex., and Dr. W. Thomas Holman, of Los Cruces, N.M. Dr. Schlenker said Cook "may be paranoid tinged" but added that he was neither potentially dangerous nor a security risk. He said the Air Force should be able to find use for his talent and experience.

Dr. Holman was much stronger in his support of Cook. He declared that Cook had the kind of "obsessive-compulsive personality" that drives many "outstanding individuals (to) great feats on behalf of mankind." He pictured it as a "valuable" trait, and added he found "no abnormal content of thought" in the Air Force analyst and urged that he be put back to work with a pay raise.

Despite that record, and the corroboration from the office of the Air Force Surgeon General, neither the Air Force nor Civil Service Commission has given Cook a hearing. Nor has either taken into account the evidence from others who left the base in 1965 and 1966 that there was lying and falsification of records in personnel cases.

The Air Force and Civil Service Commission have given inaccurate reports to members of the Senate and House, and have contradicted themselves. They have disregarded the pleas of Senator Clinton Anderson (Dem., N.M.) and Senator Ervin that they try to do "justice" because "a man's life is at stake."

THE SAFE SCHOOLS ACT OF 1971

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BINGHAM. Mr. Speaker, the problem of crime in the schools has grown to such proportions that it now threatens the very viability of our educational system in many communities of the Nation, especially in urban areas. I have listened with great concern to many parents and students in my own district describe the seriousness of this problem, and I have recently reviewed in some detail the situation in the rest of the country. On the basis of that review, and my own experience with the problem in New York, I have developed legislation to deal with the situation which I am introducing today. It is legislation that will be controversial. But I am convinced it is badly needed and long overdue. As far as I am aware, it is the first legislation of its kind ever introduced in the Congress.

The following chart summarizes the dramatic increase in crime in the schools:

INCREASE IN SOME CATEGORIES OF CRIME IN ELEMENTARY AND SECONDARY SCHOOLS FROM 1964 TO 1968

Category	1964	1968	Percent increase
Homicides	15	26	73
Forcible rapes	51	81	61
Robberies	396	1, 508	306
Aggravated assaults	475	680	43
Burglaries, larcenies	7, 604	14, 102	86
Weapons offenses	419	1, 089	136
Narcotics	73	854	1, 069
Drunkenness	370	1, 035	179
Crimes by nonstudents	142	3, 894	2, 600
Vandalism incidents	186, 184	250, 549	35
Assaults on teachers	25	1, 801	7, 100
Assaults on students	1, 601	4, 267	167
Other	4, 796	8, 824	84

Source: 1970 survey of 110 school districts, Senate Subcommittee on Juvenile Delinquency.

Crime in most categories at least doubled between 1964 and 1968, and increases as high as several thousand percent occurred in some important categories in that short time. If anything, those statistics are conservative. Many youngsters are afraid to report crimes committed against them. If they were not, nearly every child in New York and many other cities could tell his own story of being shaken down, mugged, or worse.

For the school systems, and for the taxpayers who support them, it is extraordinarily costly. The National Education Association has estimated that school vandalism alone currently is costing the Nation's schools about $200 million a year. The cost of vandalism just in New York City in 1969 was estimated at over $5 million.

But vandalism by no means represents the total cost of crime in the schools. Vandalism figures, for example, generally do not include the cost of equipment and supplies stolen from the schools. In 1966, that amounted to $800,000 in New York City, and it is now running at about $1 million a year.

Vandalism costs also leave out the costs of lost instruction. Every time a typewriter, a tool, or a piece of athletic equipment is stolen or damaged students are unable to carry on their work until the item is replaced or repaired. That is often weeks or months. The real cost of this wasted time for students and teachers is difficult to calculate. But it is considerable, and it must be taken into account as part of the total cost of school crime.

The psychological and material cost to students, teachers, and school employees who become victims of crime in the schools is similarly incalculable, but certainly extensive and serious.

Finally, there are the costs of efforts to reduce and prevent these deplorable acts. Until recently, such costs for most school systems were so small that separate figures were not kept. Recently, however, security and crime control has become a major category of school expenditures. New York, in 1970, requested and received separate security funds for the first time—$500,000 for a 170-man special security force. For 1971, the city has requested $1,000,000. The trend is similar in other cities.

Like it or not, the schools are in the crime control business, and by necessity they are in it in a big way. Given the financial limitations on many school districts, it is highly questionable whether they will be able to free sufficient funds to deal effectively with crime. And every dollar they do free to fight crime is a dollar less devoted to their major purpose—providing youngsters with a quality education. Yet the schools themselves simply must succeed in controlling crime in the schools. Where they fail we face unthinkable developments—the collapse of the educational system, or the emergence of educational garrisons.

To help the schools out of this dilemma and to relieve parents, teachers, and children who are bravely trying to continue with education despite increasing terror in the schools, we must provide the schools with needed additional funds. These must be funds apart from those already available for direct educational purposes. They must be funds explicity and exclusively for restoring safety from crime in the schools.

That is the essence of the legislation I am introducing today. It would provide, for the first time, a program of Federal grants to local school districts and other educational agencies to meet school crime control needs. It is a new program, separate from any existing programs of Federal aid to schools.

With all the Federal educational and law enforcement programs now on the books, no Federal assistance has been made available for this purpose.

My legislation, the Safe Schools Act of 1971, does not propose or seek to impose any single or precise solution to the school crime problem. It provides, instead, flexible resources to enable and induce individual school districts to develop and improve their own solutions, based on their own special needs and circumstances, without having to make sacrifices in educational programs to do so. Within broad limits, the use of the Federal funds I am proposing to make available is up to local school officials and their communities.

Now it will be tempting for some to look upon this legislation rather suspiciously as a "police in the schools" bill. It is no such thing. School crime control projects funded under this legislation will have to be fully considered and evaluated by the parents of the children to be affected. Parent and community support is one of the major criteria for the granting of funds. I am confident that most parents, particularly if given other alternatives, do not want to bring police into the schools. The fact is that there are plenty of alternatives short of bringing police into the schools that can increase the safety of the school community. Those alternatives need to be explored, tried, and improved upon. New ones need to be developed. That is the intent of this bill, and I am confident that is how it will be used by State and local jurisdictions.

In those instances where a local community may determine that uniformed personnel are needed in the schools, this legislation will help assure that that decision is made responsibly, with full community participation, and with full attention to necessary safeguards. My proposal, for example, specifies that no Federal funds under any circumstances shall be used to support firearms, other weapons, or chemical agents in the schools.

What are some of the other ways we might stop the crime wave in the schools? In my judgment, after some study of the problem, there are several promising possibilities:

First. Greater professionalization and expansion of school security forces. Sadly, perhaps, but undeniably, the days of the grandfatherly school custodian-watchman, shuffling wearily about his chores to supplement his pension, are over. It is time we recognize that the job of making schools safe is a delicate and demanding one. It requires special skills, techniques, and equipment which neither teachers nor school administrators nor the average "cop on the beat," possess. We must define the responsibilities and role of security personnel in the school community, and we must provide them with appropriate special training and facilities. The head of security in a major city school system in the Midwest told me his people lack even basic rapid communications equipment that would enable them to report or summon help when trouble is encountered. Some school systems have hesitated to provide needed security equipment because its security forces are not adequately trained to use it properly. So one inadequacy leads to another. And our children and teachers are the losers.

Second. Increased adult presence in the schools through the use of trained parent patrols. On the basis of an independent study of school disruption—including crime—for the National Association of Secondary School Principals, the Syracuse University Research Corp. strongly recommended increased use of paid, neighborhood-based security aides in the schools. Use of parent security aides has been tried successfully in schools in Cleveland, Berkeley, and elsewhere. Their effectiveness was found to be enhanced by their neutrality—that is, their lack of identification with either school officials or the police. Here again, of course, special training is necessary, especially in the area of fundamental constitutional rights. Without such training parent patrols could do more harm than good. But with proper training, it appears that they can make an important contribution. Funds under the legislation I am proposing could be used to set up such parent patrol programs, to train participants, and to pay their salaries.

Third. Installation of basic surveillance and alarm systems as crime deterrents. One special area where this type of equipment might be particularly helpful is with regard to school crimes involving firearms. As you will note on the chart, there has been a particularly alarming increase in crimes with firearms in the schools—they have increased 136 percent over the past 4 years on the basis of a study by a U.S. Senate subcommittee from which these figures are taken. That is a reflection, of course, of the great traffic and oversupply of firearms in our society in general. But we have moved swiftly and decisively through the use of sophisticated surveillance devices to cut down and deter airline passengers, for example, from harboring firearms which might be used in hijackings. Is the safety of our schoolchildren and teachers any less important? Should we not move equally quickly to make use of these methods as much as we can to stop firearms and other lethal weapons at the schoolhouse doors? I think we should. And I would hope and expect that a great many local school districts would elect to use some of the funds under my legislation to purchase and install unobtrusive, carefully managed, but effective surveillance equipment for use in stopping weapons from entering the school.

It would be a mistake to expect too much in the way of total crime reduction only from the installation of even the most sophisticated alarm systems. Nevertheless, they are of some value as deterrents. Schools that do not have them constitute extremely inviting crime targets, and resources should be available to outfit all schools with at least basic equipment of this type.

Fourth. Improved student identification and accounting methods. One of the most astounding and disturbing facts about the increase in school crimes is the extent to which such crime is committed by outsiders—people who do not belong in the schools in the first place. Such crime by outsiders increased 2,600 percent between 1964 and 1968 in the 110 school districts sampled by the Senate Juvenile Delinquency Subcommittee.

Difficult as it sometimes is to distinguish "outsiders" from "insiders," especially in large, crowded schools, better attempts must be made. We can no longer permit school children and personnel to be such easy prey for intruders who find schools convenient settings for crime. We must, in every school, at least be able to spot individuals who clearly do not belong—and spot them quickly. Several of the other measures I have mentioned under this legislation would help. In addition, more elaborate methods of student identification, attendance, scheduling, and accounting might be effective. With a capability efficiently and continually to identify all bona fide students absolutely, perhaps through a photo identification badge, it would be that much easier to identify intruders.

Fifth. Improved school-community liaison. Every school crime control program should include systematic efforts to inform citizens near each school of the problem, and should attempt to enlist their support. A number of communities have experimented with public participation programs under which citizens are alerted to report strangers in or near schools, to report any information they may obtain about illicit activities involving schoolchildren, and so forth. In some communities, parent canvassers have been sent out regularly to request, gather, and study such information in conjunction with school security officials. In the Bronx, students have organized both to curb crime within the school and to alert the community to the problem and enlist their help in stopping it. Such efforts should be encouraged, and my legislation would enable the schools to support, implement, and expand them.

None of these potential programs under the Safe Schools Act will solve the problem of crime in the schools. They are immediate emergency measures to save the schools and those who work and study in them from further terror and injury. But school crime, like crime anywhere, can only be eliminated by getting at its causes. With that in mind, and with my support and that of most of my colleagues in the House, the Congress passed, for example, the Juvenile Delinquency Prevention and Control Act in 1968. Since then we have appropriated $30 million to aid, treat, and rehabilitate delinquents.

To solve the problem of crime in the schools we need more programs like that along with improved programs in housing, health care, and job opportunities. And we need to invest more funds in them. But rehabilitation works slowly, especially in view of our limited efforts. Often, we must try to keep delinquents in the schools and work at rehabilitating them there. In so doing, however, we increase the needs of the rest of the school community for protection. And our responsibility to the potential victims of crime is certainly no less than our responsibility to those who may perpetrate it.

In my judgment, the Safe Schools Act of 1971 is a constructive step toward better meeting our responsibilities to those who bear the brunt of crime. It provides a framework for increasing and improving protection and safety of one of our most important and vulnerable institutions—our schools. It would assure that this increased effort is undertaken—without hysteria, with full attention to essential constitutional safeguards, with the initiative and power in the hands of the people most affected, not as a substitute, but as a supplement for programs directed at the causes of crime and the rehabilitation of potential criminals.

I want to note that, in preparing this proposal, I have benefited from advice and assistance from a number of national and local organizations, including the National Association of Secondary School Principles, the National Association of School Administrators, the National Committee for Support of the Public Schools, the International Association of School Security Officials, the National Council of Big City Boards of Education, and the National Congress of Parents and Teachers. The International Association of School Security Officials, an organization which was recently formed for the purpose of professionalizing and improving the school security field, already has given this proposal a formal and enthusiastic endorsement. A number of other organizations are studying it for possible endorsement.

I commend this proposal to the attention of my colleagues in the House, many of whom, I am sure, share my concern over school crime and may find the idea of specific Federal grants for this purpose worthy of support. In particular, I hope that the Members of the relevant subcommittee of the Education and Labor Committee will give this legislation prompt and favorable consideration so that full House action on it will be possible in the near future.

CHARLIE HUGGINS DAY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. JONES of Tennessee. Mr. Speaker, on January 30, 1971, the people of Gleason, Tenn., located in the congressional district which I represent, honored their mayor with a "Charlie Huggins Day."

Mr. Huggins has spent many years in faithful service to his town, county, State, and Nation. Although he is a strong Democrat, he has always placed the interests of his people above partisan politics. The people, in return, have set aside this one day to pay a nonpartisan tribute to the man for his distinguished service.

The event was announced in a story which appeared in the January 26, 1971, issue of the Memphis, Tenn., Commercial Appeal. At this point I include in the RECORD the story which was written by Mr. Tom Williams:

"GET TOGETHER" AT GLEASON WILL HONOR MAYOR

(By Tom Williams)

GLEASON, TENN., January 25.—Friends, relatives, politicians and his fellow townsmen will honor longtime Mayor Charles Huggins at a banquet and informal "get-togethers" Saturday in the Gleason High School gymnasium.

"It's hard to explain exactly why we are having the program. It is something we simply felt ought to be done, so we are doing it," said Dudley Sanders, the mayor's nephew and a teacher at the high school.

"Part of the reason may be that 'Charlie' isn't a typical mayor. He doesn't spend all his time in the office. When you see him, he's helping with the street patching or mowing grass alongside the OEO (Office of Economic Opportunity) workers in the city park. But he does more than a man half his age."

The mayor is not an ordinary 74-year-old man.

His hands are thick and worn, suggesting years of working the brown Weakley County soil.

Mayor Huggins offers no explanation for the special occasion. However, he did say that when they "decided to name the city park Charlie Huggins Park they went a little too far."

Mayor Huggins said he was born on a farm in the community of Catfield, between Dresden and Greenfield, and that with 11 children in the family, "times were not always good."

As the second eldest child he helped his father with farming to provide for the other children, which meant he had to end his formal education after the third grade.

"Young people today just don't realize how hard we had it back then and how easy it is to get an education today," Mayor Huggins declared.

In 1922 he got a job with the Wabash Railroad and stayed with it 15 years.

After a layoff in 1937, he moved to Gleason and took a $30-a-month job in an auto parts business.

Two years later he bought one-third interest in the business, and during the next 10 years the company opened parts stores in seven West Tennessee towns.

The business was then divided. Mr. Huggins became owner of the store in Gleason, and the store is still in operation.

Since 1963 when he became mayor, he has spent much of his time working to improve government services and to attract industry to Gleason.

"I took the job because I thought I could do something for the town, and not for the salary ($30 a month)," he said.

"When I became mayor the city hall was a crowded, rundown building and completely inadequate. No one thought we could afford to build a new building, but I took the job with that aim."

Shortly after he became mayor, an agreement was reached with the Weakley County Municipal Electric System to share half the cost of a new building and a $40,000 structure was erected.

The mayor also cites with pride a $300,000 water and sewer system completed last year, major street repairs and expansion of the city limits.

Gleason's population grew from 900 in 1960 to 1,314 in 1970.

The mayor says he dearly loves politics.

"I've been a Democrat all my life, and I'll always be a Democrat," he declared.

He was a delegate to the last two national Democratic conventions and says the Democratic Party is "the South's only hope for the future."

One of the persons already reserving a seat for the Saturday celebration is Mrs. Annabelle Clement O'Brien, sister of the late Gov. Frank Clement. Mayor Huggins said he and Mr. Clement were "close friends."

"Every Democrat from Hubert Humphrey down has been invited to the program," said Mr. Sanders.

He and Robert Owen, who helped organize the program, said it would be up to the Democrats to make the program a success, since they both are Republicans.

"We are not selling tickets and there will be no charge for the supper. We are trying to make it attractive to everyone, and we want everyone to come," Mr. Sanders said. "The day is for 'Charlie' and for simple expressions of thanks."

REMARKS OF THE PRESIDENT AT THE DEDICATION OF THE DWIGHT D. EISENHOWER NATIONAL REPUBLICAN CENTER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. RHODES. Mr. Speaker, On January 15, 1971, a dream was fulfilled for the Republican Party when President Nixon dedicated the Dwight D. Eisenhower National Republican Center on Capitol Hill. This was a truly historic occasion as it marked the first time that any American political party has taken up residence in a permanent home.

In dedicating the Eisenhower center, President Nixon called for the Republican Party "to be the party of the open door, a party with its doors open to all people of all races and of all parties, those who share our great ideals about the future of America and the future of the world."

In choosing these words, President Nixon could not have paid a more fitting tribute to a great American. I include the President's remarks at the dedication of the Dwight D. Eisenhower National Republican Center at this point in the RECORD:

REMARKS OF THE PRESIDENT AT THE DEDICATION OF THE DWIGHT D. EISENHOWER NATIONAL REPUBLICAN CENTER

Chairman Morton, Mrs. Eisenhower, Members of the Congress, Members of the National Committee and our very special guests this morning:

I feel that it is a very great honor to have the opportunity to participate in this ceremony that I understand has been going on for some time before I arrived.

I don't know whether there was any significance in the fact that they gave the dollar away before I got here.

But, in any event, the remarks that I will make will be brief and quite personal, as I think General Eisenhower would have wanted them to be on such an occasion.

We have here a building and we think of how it came into being. And we know that it came into being because men helped to build it, men who knew things about bricks and mortar and superstructure and architecture and all of that. And we are very proud that they built such a good building.

It also came into being because one man in particular had a dream. I know that his name has been referred to previously, but let me refer to him in the terms that General Eisenhower, I think, would have referred to him.

I will recall a conversation I had with General Eisenhower right after he became President and I became Vice President in 1953. We were riding back from Quantico after a meeting there of various members of the Armed Services with regard to our Defense budget. The General was reminiscing about some of the great days of the victory in Europe and about some of the men who served under him and with him.

And I asked him that if he had to select one quality in an individual for an organization, above everything else what would it be? And he thought a moment and answered, "Selflessness." He said, "Of course, other things matter. You want brains and dedication and hard work." But he said the most important quality that you can have in an army, whether it is an army in war or an army in a political campaign or an organization in a great national administration, is "selflessness," the willingness to go out and do hard and tough jobs in a completely unselfish manner; the willingness to sacrifice one's self for a greater cause than himself.

I think Jim Auchincloss was a selfless man. I remember 20 years ago when I was in the House and later in the Senate and then as Vice President and when I was out of office, I could always expect a call from Jim Auchincloss about the Eisenhower Center.

And he spoke about his dream, the necessity to get support for it, ideas that didn't seem to have any chance of succeeding. But he drove on and on and others then joined him and eventually this great building, the Center for all of the Republican National Committee's activities finally came into being.

And a selfless man, Jim Auchincloss, and all the other selfless people with him, and many of them are right here in this audience, I think General Eisenhower would want me especially to pay tribute to this morning.

The other thing I think the General would say today is something about the Party of which he was a member, and the Party to which he had such dedication and what he would like for it in the future. And perhaps he would speak of this Party the way he used to speak about the Party and its organization to the Members of the Cabinet and to me during those occasions when we were in political campaigns in '54, '56, '58 and then again in 1960. He often used to emphasize the necessity for the Party to expand, to get more people, more troops to join with us. And he pointed out what was actually a very great truth, that by itself neither political party in this country could win an election. In order to win, it is necessary to pick up enough independents and enough members of the other Party to get the majority.

And President Eisenhower, for that reason, would emphasize the necessity in speaking to a Party organization and all of us, you, our Party organization people here today, to say organize the Party well, but be sure you organize it in a way that you can bring others into the Party and allow others to have allegiance to it and to our cause even though they may not be members of the Party.

And I think on that score one thing that General Eisenhower used to say in talking about the party on those occasions when he saw a tendency that might be too introverted was that, he said, the tendency of most organizations is to organize fewer and fewer better and better.

And that, of course, is the great danger of any party organization. It is the great danger of any club. It is the great danger of any association of people to be more interested in the organization as a goal and an end in itself rather than an organization as simply a base to do something, do something bigger than itself, an organization that will grow, an organization that will have an influence on the community and on the State and on the nation and even on the world.

And so I think General Eisenhower would have said, "Organize this Republican Party well. But organize it in a way that it can grow, that it can attract independent voters and Democratic voters, that it can attract Americans in all walks of life so that we can become an organization that will be an effective instrument for doing better things for America and better things for the world."

As a matter of fact, I noticed as I came out onto this platform today—which, incidentally is heated by the television lights—but in any event, I noticed as I came out that door was open. And now it is closed.

Symbolically, what I would like to say as this new building is officially dedicated is that I would like this building to be the building of the open door, a party with its doors open to all people of all races and of all parties, those who share our great ideals about the future of American and the future of the world.

That is how the Republican Party came into being. It was a party then that brought into it not just a group of people who believed certain very narrow things, but people who differed about a great number of things, but who were united on one principle; they wanted union. They believed in the unity of this Nation. They believed in the freedom of men.

And, so our party has great principles, principles that are far bigger than the Republican Party. They are big, as all of America itself. But our party will not grow unless it is the party of the open door, open to all people, all people who share our principles, who want to work with us for the betterment of America and the betterment of the world.

And so I think these are the two thoughts that General Eisenhower would have wanted me, who was proud to be his Vice President during the eight years he was President of the United States, to convey to you, this very distinguished audience today:

First, an appreciation to all of you who have been selfless in your work for our Party in campaigns. Sometimes we won. Sometimes we lost. But you gave everything you had. That is, of course, the greatest attribute an individual can have.

And, second, his advice that ours should be the party of the open door, open to all people, all parties, all faiths, all races.

That is the kind of a party he would want and that is the kind of a party we are, and that we shall be in the years ahead.

UKRAINIAN INDEPENDENCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. WOLFF. Mr. Speaker, on January 22, the 53d anniversary of the independence of Ukraine was celebrated by over 2 million Americans of Ukrainian ancestry. Unfortunately, the independence which they celebrated, and which I now join in commemorating, was short-lived, for the Ukraine's dream of freedom was transformed into a nightmare of Soviet domination less than 3 years after the national council at Kiev declared the Ukraine a sovereign republic in 1918.

Nevertheless, the dream of freedom has never been extinguished in the hearts of 47 million Ukrainians. Despite the hardship and anguish which they have experienced, they still cling to the conviction that the reality of freedom will again be theirs.

I am delighted to join with my colleagues in paying tribute to the courage of the Ukrainians, and in reconfirming our dedication to the task of bringing freedom to the Ukraine and to all the other captive nations. Each of us has a stake in the future of these nations—for without a firm commitment to freedom for all, we can never hope to establish lasting world peace.

Along with freedom-loving people everywhere, I hope that those who now struggle against tyranny will soon win their battles, and that next year's celebration of Ukrainian independence will be celebration of a fact, and not just a dream.

SOCIAL SECURITY BENEFIT INCREASE NEEDED NOW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. SCHWENGEL. Mr. Speaker, in conjunction with my efforts to secure passage of an increase in social security benefits, I have obtained a copy of a fairly thorough comparison of the social security system and other retirement programs. The article was written by Walter W. Kolodrubetz of the Office of Research and Statistics, Division of Economic and Long-Range Studies in the Social Security Administration. It is entitled: "Private and Public Retirement Pensions: Findings From the 1968 Survey of the Aged." It appeared in the September 1970 issue of the Social Security Bulletin.

Inasmuch as the article is so pertinent to the question of increasing social security benefits, I intend to insert parts of the article into the RECORD over the next few days:

PRIVATE AND PUBLIC RETIREMENT PENSIONS: FINDINGS FROM THE 1968 SURVEY OF THE AGED

(By Walter W. Kolodrubetz[*])

The Federal social security program is today the major source retirement income for the aged population. For a sizable and growing group, however, private and other public group retirement programs have considerable effect on the maintenance of income. In 1967, private pensions were received by about 1.8 million aged couples and nonmarried persons, almost all of whom were receiving monthly cash benefits under the old-age survivors, disability, and health insurance (OASDHI) program. Retirement programs for Federal (civilian and military), State, and local government employees and for railroad workers provided support for an additional 1.5 million aged units, two-thirds of whom were also receiving OASDHI benefits.

Examination of the sources of retirement benefit income of the aged population reveals the role of private and other public pension programs (excluding veterans' pension programs) in supplementing the basic OASDHI program. About one-fifth of the aged couples (with one or both members aged 65 or older) reported receiving private pension payments that supplement their OASDHI benefits (table 1). Seven percent of the couples, had, in addition to their OASDHI benefits, a retirement pension through another public program, and 3 percent received only a public pension other than OASDHI in retirement benefit income. For more than three-fifths of the couples, however, OASDHI benefits were their only periodic retirement benefit. Nine percent of the couple's received no retirement benefits but relied mainly on employment as the source of their income; presumably most of them were qualified to receive OASDHI benefits and, in some cases another public pension or a private pension.

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[*] Office of Research and Statistics, Division of Economic and Long-Range Studies.

The same general configuration of sources of retirement benefit income prevailed for the aged nonmarried. The degree of supplementation of OASDHI benefits through other pension plans was far less than it was for couples, however. The proportion of the nonmarried dependent on OASDHI only for retirement benefits was therefore larger, especially for nonmarried women. Of the 2.4 million aged nonmarried men, 13 percent had private pension income—more than twice the proportion among the 7.4 million nonmarried women. For both men and women the proportion receiving public pensions such as those under Federal, State, and local government systems was not significantly different from that for the couples.

Since practically all jobs with private pension coverage were also covered under OASDHI, only rarely would a private pension be payable but no OASDHI benefit. All but 3 percent of all aged units reporting private pension income were also OASDHI beneficiaries in 1967, and that proportion is probably even lower today. Yet, since Federal employees and some State and local government employees did not have concurrent OASDHI coverage, only two-thirds of the aged units reporting receipt of a public pension other than OASDHI were also receiving OASDHI benefits. In some cases, one member of an aged couple might be receiving OASDHI benefits and the other member might be getting a different public pension.

TABLE 1.—SOURCE OF RETIREMENT BENEFITS: AGED UNITS WITH MONEY INCOME FROM SPECIFIED SOURCES 1967

Source of retirement benefit	All units	Married couples	Nonmarried persons		
			Total	Men	Women
Number of units (in thousands)	15,779	5,989	9,789	2,356	7,434
Number with—					
OASDHI and—					
No other pension [1]	10,942	3,702	7,240	1,626	5,615
Private group pension [2]	1,801	1,136	666	308	358
Other public pension	942	447	495	133	362
Public pension other than OASDHI	509	166	343	109	234
No retirement benefit [1]	1,584	538	1,046	182	865

[1] Includes a small number of units who did not report whether they received private pensions.

[2] Includes 16,000 married units and 38,000 nonmarried persons not currently receiving OASDHI benefits, according to beneficiary records. Also includes 66,000 married beneficiary units and 14,000 nonmarried beneficiaries reporting both a private pension and another public pension.

A few of the couples and nonmarried persons, according to the Survey findings, were getting three or more pensions. An estimated 80,000 aged units—most of them OASDHI beneficiaries—were receiving a private pension and, in addition, a public pension based on government or railroad employment.

The wide differences in median annual income for the groups receiving various types of retirement benefits point up the powerful influence of dual pensions in the financial position of the aged population in 1967, as the following summary shows.

Source of retirement benefit	Median income of—			
	Married couples	Nonmarried persons		
		Total	Men	Women
OASDHI and—				
No other pension	$2,752	$1,254	$1,488	$1,195
Private group pension [1]	4,257	2,418	2,580	2,331
Other public pension	4,424	2,435	2,848	2,319
Public pension other than OASDHI	3,746	1,649	(2)	1,290
No retirement benefit	6,270	1,020	1,175	1,007

[1] Includes a small number of units not receiving OASDHI benefits and a small number also receiving other public pensions.

[2] Not shown where base is less than 100,000.

The most fortunate among the retired aged population were the nearly 1.6 million couples receiving OASDHI benefits and a public or private pension as well. For them, median total income was above $4,200. Dual pensions usually mean the difference between a less than modest and a fairly comfortable income position, but even dual pensioners had lower incomes than those still working. The median income of the 1.2 million elderly nonmarried persons with dual pensions was about $2,400—about $2,000 lower than that of married couples, yet their economic position was markedly better than that of others among the nonmarried.

For the married couples in the small group of the aged with a railroad or government retirement pension but no OASDHI benefit, the median income was $3,745—roughly $500 below that for couples with two pensions. Their median income was $1,000 above the median of couples whose only pension was from the OASDHI program.

For the bulk of the aged units, OASDHI benefits represented their only retirement benefit income. This group (3.7 million couples and ——— million nonmarried persons) fell in the lower end of the income-position balance sheet. They had median incomes of $2,750 and $1,255, respectively—amounts $1,000–$1,500 below the medians of their counterparts with two pensions. The median for these couples with OASDHI as their retirement benefit was just a little higher than that for nonmarried persons with OASDHI benefits and supplementary pensions.

At the lowest end of the economic scale were the 1 million elderly nonmarried not receiving any retirement benefit; their income averaged a little above $1,000. Some of these nonmarried persons were employed, but they were not as likely as the married couples to have high earnings. For these nonmarried persons, the most disadvantaged were among the 865,000 women without a spouse, a high proportion of whom had to rely on public assistance during old age.

The public and private retirement benefits paid to 9 out of 10 aged units in 1967 accounted for an estimated 42 percent of the aggregate income of persons aged 65 and over and their spouses. The Survey findings reveal that the role of retirement benefits was substantially larger for the nonmarried than for the couples.

These findings of the overall retirement benefit status of the aged were obtained from the 1968 Survey of the Demographic and Economic Characteristics of the Aged (DECA). The Survey was designed to provide information similar to that obtained from the 1963 Survey of the Aged[1] on private and other public pension income, as well as other characteristics of the aged population.

The first article on the DECA Survey gives a detailed definition of income and discusses the problems of measuring income size.[2] A statement about the Survey design, rough approximations of the standard error of selected estimates, and a discussion of nonsampling errors are included in the technical appendix to that article. Confidence levels of medians pertinent to the data presented here are shown in table I on page 21 of this article.

This article analyzes detailed information on the characteristics of the aged population in 1967 with various retirement benefits. Particular attention is devoted to the factors that account for the contrasting economic positions of aged persons with and without retirement benefits that supplement OASDHI benefits.

The Survey did not permit distinction between veterans' disability and pension payments. This important source of retirement income was thus necessarily omitted from the detailed analysis of pensions.

Since practically all the units receiving private pension payments received OASDHI benefits, examination of sources and size of income of private pensioners is restricted to OASDHI beneficiary units receiving private pensions. A substantial number of other public pensioners were not receiving OASDHI benefits, however, and their characteristics differ from those of units receiving two public pensions. Separate analysis for these groups was therefore neecssary.

The analysis in the remainder of the article is restricted to regular OASDHI beneficiaries who received at least one check by January 1967. Inclusion of part-year beneficiaries, those transitionally insured, and special "age 72" beneficiaries would have distorted comparisons.

MODERNIZING FARMERS HOME ADMINISTRATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce two bills designed to affect needed changes in the operation of the Farmers Home Administration. One raises operating loan limits from $35,000 to $50,000; the other transfers funding of the operating loan program itself from the Federal budget to the private money market.

In the last Congress I introduced legislation which, among other things, would have accomplished these two goals. I was gratified a portion of these proposals were adopted, and that farm ownership loan limits were raised from $60,000 to $100,000. As a result, young farmers who are just starting out and more established farmers who want to expand their operations now better meet their financial needs, at least as far as FHA real estate loans are concerned.

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[1] Lenore A. Epstein and Janet Murray, *The Aged Population of the United States: The 1963 Social Security Survey of the Aged* (Research Report No. 19), Social Security Administration, Office of Research and Statistics, 1967.

[2] Lenore E. Bixby, "Income of People Aged 65 and Over: Overview From 1968 Survey of the Aged," *Social Security Bulletin,* April 1970.

With the farm ownership loan program reasonably updated, I think Congress should turn its attention to the farm operating loan program and make those changes necessary to bring it too in line with the demands of today's economy.

Perhaps the most basic change that is needed concerns the method by which the farm operating loan program is funded. At present, money for the program is taken out of the Federal budget and appropriated by Congress. For some time I have thought this to be an inefficient mechanism. And after analyzing the problem in detail I have concluded that the taxpayers interests would be best served if operating loan funds were generated from the private money market rather than from the Federal tax dollar. This I discovered could be accomplished by transfering funding from the budget to the agricultural credit insurance fund, a change which has also been earnestly sought after by the extremely capable Administrator of the Farmers Home Administration, James V. Smith. Moreover, not only have I found approval for my idea at FHA, the Bureau of Management and Budget and the President have been equally receptive and a mutually acceptable legislative proposal has been arrived at. The importance the President attaches to this proposal is demonstrated by the fact that it is one of the 40 specific legislative requests he sent to Congress earlier this week.

In summation, transferring the FHA operating loan program from the Federal budget to the Agricultural Credit Insurance Fund, as proposed in my bill, would save tax dollars. And with program funds being generated through the sale of FHA paper in the private money market, the interests of governmental efficiency and would be well served.

Mr. Speaker, my second bill raises the limits on farm operating loans from the $35,000 ceiling established in 1960, to $50,000. I think this change is vital to the ongoing success of this particular FHA loan program.

By way of general background, FHA was established to provide supplementary loans to small farmers unable to obtain commercial credit. For three decades these loans have enabled farmers to obtain vital financial assistance; and as a result, many successful farmers owe their beginnings to FHA loan programs. Incidentally, financially this program has been as successful for the Government as it has been operationally for the farmer. I say this because, not only have the FHA loans been repaid with interest, rural borrowers have had an outstanding repayment record.

With regard to the operating loan program specifically, it was established for the purpose of assisting farmers develop efficient and profitable farming operations. Although this program has provided a needed function; perhaps its greatest single problem is, since the costs of farm machinery, equipment and supplies have risen along with the cost of living, the 1960 limits are inadequate now. By way of illustration, during the last 7 years, the capital investment costs for farms and ranches have climbed 79 percent. Annual outlays for fertilizers have increased 64 percent; costs of various pesticides are up 20 percent; and, feed costs have risen 33 percent.

These increases have had dramatic consequences for the farm sector as a whole. To cite but a few examples, in 1967 the average grade A dairy farm in Wisconsin required well over $50,000 operating capital compared to the $30,000 that was required between 1957–59. The average hog or beef fattening farm in the corn belt required more than $84,000 in 1967, compared to $44,000 in 1957–59. Finally, in 1967 the average cattle ranch in the Southwest required an operating capital investment of nearly $60,000, as contrasted to the $38,000 that was needed between 1957–59.

If these statistics are coupled with the fact that inflation has jacked up operating costs considerably since these figures were gathered, all but the unconscious can get a pretty good idea of the financial problems facing farmers today.

Turning to my proposal, I would like to see farm operating loan limits raised from $35,000 to $50,000. Abstractly, this does not sound like much of an increase, but I have been assured by FHA officials that this extra amount would enable the loan program to fulfill the credit needs of most small farm borrowers.

Additionally, I would like to stress that if the funding of the operating loan program were transferred to the private money markets, as I have proposed, then raising loan limits would not cost the taxpayer anything. In this connection, I have been assured that, pending this transfer, FHA could provide for some increase in the level of program funding in accordance with the new loan limits without relying on any additional appropriations. Such an approach I find eminently suitable.

In conclusion, Mr. Chairman, I urge my colleagues to expedite these two proposals. Transferring the funding of the operating loan program from the Federal budget to the private money market has the full support of the administration. Increasing the outside limits on operating loans would give FHA officials greater flexibility in meeting the credit needs of this Nation's hard-pressed farmers. Both are worthy goals; both deserve prompt congressional approval.

REMARKS OF DR. E. E. DAVID, JR., SCIENCE ADVISER TO THE PRESIDENT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. MILLER of California. Mr. Speaker, the meetings of the Advisory Panel on Science and Technology of the Committee on Science and Astronautics on the 26th, 27th, and 28th of January were distinguished by many, many outstanding presentations by eminent scientists of our panel and the visiting guest panelists from many portions of the world. Those presentations on international science policy were brilliantly highlighted by the remarks of Dr. E. E. David, Jr., science adviser to the President, who addressed the Panel members and committee guests at a luncheon on the 27th of January. His penetrating views on the need for international science policy and scientific cooperation between the nations of the world were amplified by his concepts by which international scientific cooperation can be implemented and made a reality. It is very easy to agree that international scientific cooperation is good for the peoples of the world. It is indeed another thing to make the hard decisions that will make international scientific cooperation an actuality. I daresay not a Member of the House accepts the idea that science and technology are the predominant ingredients of modern society. I am also sure the Members will agree that whereever political leaders join with their science counterparts and transcend the ever present nationalism and begin working for the welfare of the world—not just for their own particular country—the peoples of the world would inevitably become the beneficiaries. I urge every Member to read and meditate upon the words of Dr. David.

The address follows:

REMARKS OF DR. E. E. DAVID, JR.

It is a great pleasure today to address this distinguished audience of members of the House Science and Astronautics Committee, its Panel on Science and Technology, members of the AIAA, and the foreign guests who have been participating in this three-day session on International Science Policy.

I must compliment the members of the Committee and particularly Chairman Miller for organizing these annual meetings. In so doing, you continue to demonstrate your deep interest in the health of science and technology, not only in this nation but also internationally.

Before I proceed, let me recognize the splendid efforts of the Committee and your Subcommittee, formerly headed by Mr. Daddario and now in the hands of Mr. Davis, to develop the issue of domestic science policy. Your hearings have been invaluable, your questions have been searching, and your reports have been thoughtful and provocative. We will draw on them heavily.

Since World War II there have evolved in most of the developed nations small but dedicated bureaucracies promoting international scientific and technical cooperation. The cliches which motivate them read something like this: science is international by nature; international cooperation makes good international relations; hence, international science is good international politics and good human relations and should be promoted at every opportunity.

I personally am very susceptible to the logic of these phrases. In my own professional career in communications and computing, I have found that wherever I have traveled throughout the world, regardless of language, culture, tradition, or degree of political tension between my country and my hosts, mutual interests in engineering and science immediately provided a common ground for useful communication.

President Nixon is also a strong believer in the value of functional partnership relations among nations in science and technology. Since he took office two years ago, new or greatly expanded cooperative programs have been developed with Romania, Yugoslavia, France, and most recently with Spain, all related to visits of the President to those countries.

But a deep feeling that international science is good is still, I confess, not sufficient to stir the elephantine bureaucracy of our government into responsive action, nor to persuade the Congressional wardens of the appropriations process that the small, but finite quantity of federal monies required to turn these convictions into realty are justified. There is no phrase that passes from the lips with less effort than "international scientific and technical cooperation" nor any budget request that is harder to secure through our present process of funding domestic, mission-oriented agencies to participate in these activities. There are reasons for these difficulties. They run the gamut from pure chauvinism to a gross misunderstanding of the delicate processes of creative technical work. We must confront these difficulties. In short, I am suggesting that we need a U.S. policy for international science and technology. I see that as a direct and logical extension of our national scientific and technical policies.

The President has asked me to submit to him in May of this year the first of what may become an annual report on science and technology. This I shall do and if it meets with his approval, I would expect it to be transmitted to the Congress and to the nation as the first attempt by Executive to blueprint our national R&D priorities. In that report we intend to have a chapter on international scientific and technical cooperation. What I would like to do today is to tell you some of my personal views on the subject. I assume that these will be reflected to some degree in our official posture.

Basically, we understand the advantages to be gained in scientific cooperation—we understand much less about the benefits and costs of technology transfer between nations. In addition to the much-discussed difficulties of technology transfer, how do we balance proprietary loses in technology against the intangible benefits of cooperative ventures? It is a difficult question, but I believe that the only way for our country to sustain technological leadership is to use fully our excellent R&D enterprise—that is, to outperform our competition through excellence. This view can facilitate international cooperation since it encourages the flow of information and techniques, yet insists on a quid pro quo. Let me discuss some of these thoughts more fully.

Cooperation in matters scientific has a long and honorable history. The free exchange of information and research results is the basis of our scientific and professional societies and archival journals. Even here, however, there are protective mechanisms so that individual workers and inevitably their countries are recognized for their accomplishments. In the commercial world, patents and copyrights are also an important protective mechanism. Make no mistake these mechanisms make possible the sharing of scientific information through such activities as professional meetings. In terms of federal government policy, the support of domestic research by our government implies a willingness to finance the international exchange of knowledge, at the same time insisting on proper protection. We recognize, too, that often a researcher traveling abroad can acquire a fact or hint from a foreign colleague that can save months of effort at home. It is clear, however, that this process implies tight management to assure that foreign travel is not abused. It is not easy to decide how much is enough in this area. Perhaps these three-day discussions will shed some light on the subject. We also need the views of other nations on the extent to which we should finance exchanges and cooperation in these areas of "little science."

Basic research in big science provides another motivation for cooperation. High energy physics, optical radio astronomy, space and oceanography require such immense investments in facilities that we are approaching the stage where no single nation, even the largest, can afford to build all that is desirable or even necessary for its own research community. A deliberate move toward international sharing of major facilities is indeed appropriate. Again, however, with careful attention to the accepted protective mechanisms.

The Western Europeans with their highly successful CERN venture have set one example of effective cost-sharing in high-energy physics. Already France and Britain are cooperating with joint user groups for certain large national facilities. While laboratories in most countries have traditionally received visiting foreign scientists, I believe it is no longer adequate to consider the construction of a large new facility as a matter of only national concern. At the very minimum, we should stimulate in the scientific community a global approach to facilities construction and discuss frequently on an intergovernmental basis national plans and priorities for major new developments. The purpose would be to stagger these developments in the big science fields so that each becomes available to the best of the world's scientific community at a time which will maximize its productivity and usefulness.

Space research facilities, such as an orbiting space laboratory or an orbiting astronomical observatory, also could well qualify for cooperative support.

So much for basic science. There are also areas of applied research and engineering of direct social or public benefit which governments in all countries are financing. For example, effective action against drug abuse, evaluation of the long-term effects of trace chemicals or pesticides on plants and animals, solutions to urban transit snarls, improvement in the delivery of health care, protection of environmental quality and combating of pollution are all areas of common concern. In these areas we can minimize our national investments and maximize our results by attacking these problems together. Indeed, there are some problems which cannot be solved at all without international cooperation. For example, controlling pollution in Lake Erie or the North Sea requires a coalition of governments. In cases where multilateral cooperation between governments is needed, international organizations can supply the means for cooperation. This approach, however, can become fragmented. For example, I am told that many international organizations—some 26 of them, now have pieces of the international environmental problem. We need a strategy for managing these efforts and for guiding the work of these organizations. We have thought a great deal about this issue in the United States and will have a U.S. position to discuss in the framework of the 1972 U.N. Conference on the Environment in Stockholm.

The environment is only one example of the scientific and technical issues being dealt with today in international organizations. Furthermore, new issues are arising all of the time and as the thrust for development of the Third World accelerates, there will be increasing burdens placed on our international machinery. This international machinery must be adequately supported and cultivated. This will not be a popular issue with Congress and many people in the United States. There has been and continues to be a feeling that money spent in the area of foreign affairs of international organizations means waste, soft-headedness, and a lack of return. I believe that this can be offset to a great extent by responsible actions in protecting the proprietary aspects of science and technology, using the accepted mechanisms which I mentioned earlier.

Another facet of the problem involves the developing nations. We in the developed world have an obligation to encourage and aid their peaceful development. Secretary Rogers yesterday mentioned the President's proposal to create an International Development Institute as a future focus for our bilateral technical assistance efforts. This promising proposal will lay a new foundation for effective technical cooperation between the U.S. and developing countries. It will provide a unique instrument for bringing the best of U.S. scientific and technological talent to bear and in a way which will strengthen, not supplant indigenous institutions in those countries. It is very clear here that we have much to learn about how to make such efforts truly effective. I will have a bit more to say about this later, but basically I believe the key lies in creating competences within the developing societies relevant to their own needs.

As we progress in this discussion from basic research toward the applied side, the problems of nationalism, national security, and proprietary interest become greater. Again, I believe that we can confront these problems responsibly and still maintain effective interactions among us.

One of the key challenges facing this nation, and other nations as well, is finding means by which technology can be advanced, shared, and applied to common problems without restricting our individual national ability to compete for markets with the products of this technology. There are some fine examples of how this can be done. One of the most cogent is the application of communications satellites for global point-to-point communication. Here we have seen the initial research blossom into a demonstrated capability and then into an international cooperative venture. This effort follows a long tradition of international cooperation in communications, including joint ownership of Transatlantic and Transpacific cables which preceded the satellite technology and which are still being installed. The Intelsat story indicates that we should have no illusions about the readiness of nations to give up competitive advantages without compensating return. At the same time it is fair to say that we have seen there a willingness to accept indirect as well as direct benefits. By indirect benefits I mean such things as enhanced national security resulting from international stability, an enriched quality of life, and better understanding of man as a biological entity. This is a hopeful sign and it is a point of view which I think needs to be emphasized and cultivated. Similar promising opportunities and potential problems can be seen in several other programs involving space-based systems now being discussed as part of post-Apollo cooperation. Dr. Low mentioned these yesterday. However, there is a specific field from my own experience which I would like to comment upon.

It is the area of computing. Here is an area of intense international competition on a commercial basis. Yet a group of us over the last few years have found a topic within this field which is right for international cooperation in the best sense.

As you know, computers must have programs in order to operate. The principal international competition concerns the computer hardware itself and not the software, which is so vital. In fact, all countries recognize that the use of computers to solve their problems, public or private, is limited today not by the capabilities of the machines themselves but by the lack of an adequate software technology for programming. A group in Western Europe, Canada, and the United States has been studying for the past four years the possibility of an international institute of software engineering. The purpose of this institute would be to develop a technology for the production of software. It would not develop software itself but would only provide the means whereby programs could be produced economically and reliably. The well-being of nations in the next twenty years will hinge on software.

For example, the problems of privacy, air traffic control, government operations, scholarship, and education are all going to be dependent on economical, reliable softwear. The concept of the institute illustrates what I consider the vital features of technological cooperation. A central institutional group would carry out the core work to develop software engineering technology. Associated with this central group would be at least one institution from each member country. These members would, in turn, adapt the centrally-developed techniques to their particular local needs. This approach draws on the strengths of all countries, at the same time permitting individual countries to reinforce their own capabilities. I believe this offers a powerful model for technological cooperation.

Returning to my original comments, I believe we can suggest a policy basis for international scientific cooperation. It is simply that nations' international programs should aim to maximize the use of worldwide R&D resources and also to encourage the development of new resources where they do not now exist. If this objective were accepted, I believe national and proprietary interests could be protected and at the same time the synergistic effects of cooperation could be attained.

SAGINAW JUNIOR LEAGUE HONORED FOR TV PROGRAM

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HARVEY. Mr. Speaker, recently an issue of the nationally circulated Junior League magazine was called to my attention because of a special article relating to the success achieved by the Saginaw Mich., Junior League for its part in a highly popular public affairs television program aired over the educational television station connected with Delta College, channel 19, and the following day on a Saginaw radio station, WFAM.

Not only was I happy to read of the accomplishment of the league because its activity encompasses the largest city in our Eighth District, but also because the originator of the program, Mrs. Barbara Opperman, is most deserving of this national recognition. My wife June, who was most active in the Saginaw league, and I have great admiration for Mrs. Opperman's talents and dedication to league efforts.

The Junior League's panel-type TV program is called TNT—the acronym for "Thursday Night at Ten"—and is designed to stimulate the community toward indepth thinking on many of today's issues and potential problems.

Viewers are invited to call in at the conclusion of the live panel discussion with pertinent and timely questions. On occasions, the response has been so great that the hour-long show has spilled over into the next half-hour time slot. The next day a civic-minded radio station replays the program.

There have been many noteworthy achievements of this program. Not the least of these have been those which helped establish better communications between two welfare organizations, and the establishment of active ecology groups in the local high schools.

The Junior League has been assisted by the League of Women Voters and the Association of University Women.

Mr. Speaker, it is genuine pleasure for me to salute the Saginaw Junior Leaguers as well as the members of the other assisting organizations, for their signal accomplishments through this vital community service program.

The magazine article, a real success story, is as follows:

TNT—SAGINAW'S TV SUCCESS STORY

Overheard on a Michigan educational television station:

"But should deviant behavior be explained in the classroom? Suppose a teacher goes through the chapter on masturbation with his students, and then one day he sees a boy in the back of the classroom doing the very thing the book's been talking about."

"Good land, I should hope he would say in no uncertain terms that you don't do that in the classroom, and tell the boy to get his fanny down to the principal's office."

"That's part of the problem though. The schools can't teach sex in a moral manner. I believe sex education is a parental responsibility because only the family can explain it in terms of the principles of Christian morality."

The program is "TNT" (the acronym for "Thursday Night at Ten"), a live discussion of controversial issues that encourages viewer telephone calls to spur on the panel. Conversations like the one above, on sex education, are dynamite on television, that medium of the innocuous, of Doris Day pink-filtered puritanism, and the calls come in so hot and heavy that the hour-long show often spills over into the next half-hour slot.

Barb Opperman, who's been a member of the Junior League of Saginaw for "ten holy long years" started the program in October 1969, serving as producer-coordinator for her League placement. "It's been so incredibly fun that I feel guilty because it's not League placement. I mean, it can't be—it's too much fun."

The program is done "for no money" on Channel 19, an educational television station connected with Delta College, and is rebroadcast the following day over WFAM, a Saginaw radio station which hits Saginaw, Bay City, and Flint. Despite her non-existent budget, Barb has managed to produce an extraordinary effective opening for the program: "I did that in my backyard. My husband's a pyrotechnic. He has a wholesale fireworks company, so he built a sign for us with little lances all fused together. When we lit it, the letters 'TNT' just took off."

IN THE BEGINNING

The Saginaw League's present deep involvement in television was preceded by a year devoted to studying the entire TV media in the area. The research committee was convinced after this survey that "TV is a wonderful and unlimited field in which the surface has barely been scratched, and that the Junior League should be strongly involved and take full advantage of the many opportunities it offers." Barbara and her TV committee of six took a course in TV Production before plunging into the enormous task of creating community service programs.

"Something has come out of almost every 'TNT' program we've had," says Barb. "For example, we did a program on welfare, with a panel that included people from the welfare department and people from the Welfare Rights Organization. The WRO and the people here had been somewhat at odds. They really hadn't communicated well; but after they appeared together on the program, communications were established and some positive things are beginning to come out of it. As a result of our ecology program, a number of high school action groups were formed. And recently, something really exciting happened. We had Dick Lugar, the mayor of Indianapolis, up talking about metropolitan government. (His wife is a League member.) Now the city assessor of Bay City here wants to bring the mayor of Nashville, a democrat, up to show that the ideas of Unigov crosses party lines. He's willing to pay his way to appear on 'TNT'."

GETTING THE IDEA

Barbara got the idea for this kind of League community service from a Channel 19 presentation last spring concerning mileage; she watched the telephone/question procedure and liked the immediacy of it, seeing this method of presentation as a way to bring issues out into the open.

Barb talked with Channel 19's William J. Ballard and together they laid out the basic two-segment format. The initial program offers background material on a subject; it is followed the next week with the call-in panel discussion. Ballard asked if the Junior League would produce the program, and suggested that perhaps other groups, also concerned with public affairs, would be interested. The League of Women Voters and the American Association of University Women were approached in each of the tri-cities. All were enthusiastic.

"One huge mass meeting" was held to discuss and decide upon topics. Volunteers for subjects ranging from abortion through pollution and housing code enforcement were determined, and time slots filled.

Responsibility for presentation is divided. Channel 19 (NET) gets the film and material for the first segment, while the organization assigned to that subject lines up a fair panel. Three or four volunteers answer the phones and relay questions. M. Anderson Rapp, one of the station's commentators, is moderator.

The League Public Affairs Committee, chaired by Margaret Clark, handles the League's responsibilities for panel and publicity. Just promoting the program has proven an immense project. Newsletters and monthly bulletins have been sent to schools, churches, and to asserted civic groups, depending on the program's topic. Delta College's public relations department and local newspapers have been cooperative in promoting and lauding the service venture and its results. Radio announcements are given regularly, and in January four billboards in the area advertised 'TNT."

Response by the public has been excellent. That is, at least people are watching. The phone-in average is 50 calls per program. Response seems to depend on the controversial nature of the subject: the program on sex education, for example, generated some 100 calls.

THEY COME IN THREES

"TNT" is but one of the three programs in which the Saginaw League is involved, and Barbara Opperman is connected with all of them. One is "Marquee," a program promoting the arts. The television committee produces, acts in, and writes scripts for this program. One girl even works on camera. "It's just fabulous," says Barbara. "We do things like pop art and wine as an art as well as the symphony and the ballet. We have people who are really knowledgeable—from the area or from the state—come in and talk to us. I'm one of the hostesses, as well as producer-director of the program; Mary Princing, also of the Saginaw League, does alternate shows. Mary and I ask the dumb questions that everyone else would ask, you know, and then we have a host, Mr. Henderson, who is the arts editor of the *Saginaw News*. He's the solid person on the show; he gets into the meat, the drag-it-down-into-the-depths sort of thing."

"The other program is called "Introspect." I'm the hostess and producer for that one too. We present a person who has a hobby that is really different and exciting, but completely remote from his education or vocation. We had a dentist who's a magician, and a guy who runs a trucking company and collects fire engines, real ones, and also builds little teeny models."

In addition to coping with three television programs—quite a load for a professional, let alone a housewife—Barbara has three children: a boy, 7, and two daughters, 5 and 3. It's a corny question, but how does she manage?

"My house is dirty sometimes. But I think the more you have to do, the more organized you get. If I get up in the morning and I don't have anything to do that day, it takes me all day to get the house picked up and the dishes out of the dishwasher. But I have a meeting at 9:30 a.m., everything is done by 9:00. Besides, I only tape 'Marquee' once a month, two shows at a time. 'TNT' is at 10:00, so the kids are in bed by that time. And I started taping 'Introspect' last summer, so there wasn't that much to do this winter. I do most of the work coordinating 'TNT' on the phone at home. I'm not really out much."

NEXT YEAR: PROJECT BRITE

"Next year I'll just be doing a little bit of television. But I'll be working mostly in inner-city schools. I'm involved in a project down there that's really going to pan out to be something neat. It's Project Brite (Bridging Resources to Improve Teaching for Everyone). We're starting with a very deep inner-city school. The Board of Education began this, and I've been working as a volunteer. We've done things like the Career Orientation program. I've gone out and gotten tapes of black community leaders who have made it—ministers, drug store owners, beauticians, and so on, who give about two minutes of peptalks on tape. We play maybe two a week on the speaker system in the school, and the kids feel like the people are in there. The tapes just say, 'each day in school is important.' It's a black voice and a black person whom they know, at least by name. The point is to motivate the kids to bigger things.

"Then every other week we have a successful black come into the school to talk to the fourth and fifth graders. Like one week we had a program on ministers. First the kids studied a little bit about what a minister does, and then we had a minister come into the classroom and he talked to the kids. Each minister had three half-hour sessions with them. It was great because it was double reinforcement, both for the minister and the kids. I sat in on one session featuring a girl who works for the Wicks Corporation. She's black, an accountant. She explained what she did, and what sort of education she needed. Just sort of a general career talk, and then the kids asked questions.

INDIGENOUS PUPPETS

"And then . . . the neatest thing now is that we're starting a puppet program. We're actually making black puppets. We've hired an artist who makes black heads. First, the heads were molded out of clay and then we made plaster of paris molds. We're in the experimental stage now to see if we should use latex, ceramic, plastic wood or papier mache. We'll test the puppets this summer, using black voices on tape, to see which puppets are most successful, and which method goes over best. We'll send it out into the school system next fall. We're writing the scripts ourselves, using everything from reading concepts, math concepts, dental hygiene, family problems, social situations, or just fun. Just everything. We're working in conjunction with Saginaw Valley College and the Board of Education on this program. It may go throughout the country if it works.

"So it's really just kind of . . . well, I guess you could say . . . the Saginaw League is really moving."

HERE WE GO AGAIN ON EAST-WEST TRADE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. ASHBROOK. Mr. Speaker, several years ago over 120 Members of the House cosponsored legislation to establish a select committee to review this Nation's policies regarding trade with Communist countries. Unfortunately, as in the case of many other proposals, the legislation was not enacted. This proposal was based on the experiences of the House Select Committee on Export Control in 1961 and 1962 which reviewed and appraised grandiose recommendations for increased trade with Communist countries involving chemical processing equipment, machine tools and electronic equipment. As a result of the extensive work of the select committee, not only military but economic restrictions were made a basis for future policies.

In late December and January two excellent articles appeared in Barron's, the business and financial publication, which update developments in this all important field. Written by Shirley Scheibla, Barron's alert and inquisitive investigative reporter, this material provides ample arguments for the establishment of another House select committee to review our present policies in this area. For a sobering look at what the State and Commerce Departments have in store for us in the East-West trade field, I include at this point the two articles appearing in Barron's issues of December 28, 1970 and January 4, 1971:

[From Barron's, Dec. 28, 1970]

Busy Bridge-Builders—Commerce Officials Push Plans for Expanding East-West Trade

(By Shirley Scheibla)

Washington.—For the past few months, the Commerce Department's Director of International Commerce has been quietly urging U.S. industrialists to make business deals with Romania, Bulgaria and other Communist countries.

The proposals include factories for the manufacture of electronic components and ball bearings, as well as several chemical plants. These ventures and others are on so-called Communist shopping lists which Director Harold Scott obtained during a trip he and three other Commerce officials made last summer to Eastern Europe to look into the prospect of expanding East-West trade. Ever since, Mr. Scott has been traveling throughout the United States, making the same speech in which he reports on his mission and seeks to whip up business sentiment for increased trade with Communist Europe.

LOW-KEY PROGRAM

So far the speech is the only visible sign of an intensive low-key program designed to achieve what once was known as bridge-building between East and West. Both the Commerce and State Departments already have taken policy positions in favor of new legislation to extend Export-Import Bank financing and most favored nation (MFN) treatment to Eastern Europeans. (MFN treatment offers tariff advantages, while Exim financing, terms of which are below-market, amounts to a subsidy.) Except for Yugoslavia, which enjoys both advantages, and Poland, which gets MFN treatment, both now are outlawed for Communist countries.

Commerce wants legislative authority to empower the President, at his discretion, to grant Exim financing and MFN treatment for any European country in the Communist bloc. State, going even farther, seeks legislation authorizing both advantages for all Communist nations with which the U.S. has diplomatic or trading relations (and State, by the way, favors trading with Red China.)

Commerce argues that the establishment of "normal" trade with Eastern Europe will be impossible without the legislation it advocates. The measures, it contends, would encourage U.S. exporters to promote sales in Eastern Europe and enable the European Communists to expand their purchases from the U.S. On this score, Mr. Scott also obtained a list of everything the European Communists are willing to export to the U.S. Christopher Stowell, one of his assistants, told Barron's the list includes 100 products, such as ham, fish, tomato sauce, cheese, wine, fresh fruit, furniture and glass. Quite a quid pro quo for ball bearings and transistors.

BALANCE OF PAYMENTS

Contrary to long-standing contentions of the bridge-builders, trade with Communist Europe, either with or without new legislation, is unlikely to have much effect on the U.S. balance of payments—it is not expected to constitute more than 1% of total U.S. exports. According to official projections, U.S. exports to Eastern European countries are put at between $500 million and $700 million by 1975, compared with total U.S. exports of between $55 billion and $60 billion for that year.

State, in advocating broader Communist trade legislation than Commerce, reasons that, if the Administration is going to make the effort on Capitol Hill, it might as well seek broad authority. Moreover, the Department argues that such authority would help President Nixon carry out his policy of negotiating with the Communists.

Contrariwise, the Defense Department has consistently maintained that State and Commerce have failed to provide adequate justification for seeking such changes. Defense is not convinced that the U.S. should reverse its policy of not lending or guaranteeing loans to countries with records of defaults on debts, confiscation of property without adequate compensation and supplying countries engaged in hostilities with the U.S. (According to Senator Thurmond, the Soviet Union and its Eastern European satellites furnish Hanoi with over 80% of the materials used in the Vietnam war.)

If the Administration opts for MFN treatment, Defense suggests asking Congress for it for only one Communist country at a time—and then only when assured of reciprocal gain. Like Defense, the National Aeronautics and Space Administration and the Atomic Energy Commission are leery of the whole idea.

"TEMPTATION PERSISTS"

But Commerce's Harold Scott talks as if he has a Congressional mandate for promoting U.S.-Communist trade. "The Export Administration Act said to encourage trade with the Communists, and we started with that when it went into effect the beginning of this year," he told Barron's. In that speech, which Mr. Scott has made so many times, he says he undertook his trip to Communist Europe "in conformance with the spirit of the present Export Administration Act." He adds, "While in the Commerce Department it is not our mission to dream of bridge-building, the temptation persists. . . ."

Close reading of the Act, however, indicates that Mr. Scott interprets it liberally indeed. The law states: "It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States."

The three Commerce Department officials who accompanied Scott on the three-week mission last June were Rauer H. Meyer, director of the Office of Export Control; Ernest Rubin, director of the Eastern European division of the Bureau of International Commerce; and Robert Simpson, director of the Office of International Commercial Relations. They visited Bulgaria, Czechoslovakia, Hungary, Poland, Romania and Yugoslavia.

SHOPPING LISTS

In his speech, Mr. Scott says, "from each country visited, we obtained so-called shopping lists consisting of major technology or plants which each country is interested in buying or co-venturing. Using these shopping lists we are making contact with qualified American companies to determine interest and arrange introductions. We are trying hard to be an effective broker."

During a phone conversation with Mr. Scott, Barron's sought to learn more about the lists. At that point, he abruptly said, "The Secretary (of Commerce) is calling me, and I have to go immediately." He then hung up. Subsequent calls to his office brought the response that he was out of the country.

The aforementioned Mr. Rubin told Barron's, "We're not in a position to make available to you lists which have been made available to us by other governments." Asked why he couldn't let Barron's see them if he was showing them to industry, Mr. Rubin explained that Commerce is giving only parts of the lists to particular companies. "See the Romanian Embassy for the list," he suggested.

Reminded that we wanted lists covering more than Romania, Mr. Rubin replied, "There were only one or two other countries besides Romania which gave us lists. I can't remember who they were."

CONFIDENTIAL INFORMATION?

When we quoted the part of Mr. Scott's speech in which he stated that his travel group (including Mr. Rubin) obtained shopping lists from each country visited, Mr. Rubin declared, "I have to go; Mr. (Christopher) Stowell will take care of your questions." Mr. Rubin then hung up.

Mr. Stowell said, "I'm not positive I'm allowed to say which countries gave us lists. The information is confidential. What are you driving at? What conclusions are you trying to support?"

Finally, we were advised by Mr. Rubin that if we would make a request in writing for the lists, he would take the matter up with the general counsel of the Commerce Department and others and "try to get a ruling."

Two weeks after mailing such a request to Mr. Rubin, and sending a copy to Commerce Secretary Maurice Stans, we received a reply from Mr. Scott which said, in part, "The disclosure of this trade information to U.S. firms has only been made at the express request of the government concerned, only to the extent that government requested, and only to U.S. firms selected by that government. On this basis, I am sure you will understand that disclosure of these lists would constitute a breach of our pledge of confidentiality to these governments which could have most adverse consequences to United States foreign relations with Eastern Europe."

Barron's has managed to obtain the shopping lists of Romania and Bulgaria. The Bulgarian list says that country wants American-built plants for the large-scale production of such items as benzine, kerosene, polyester filament, melamine, acetaldehyde and isoprene. The Romanian list has the following proposal for American firms to supply technology and build Romanian factories, with 51% Romanian and 49% U.S. ownership:

GETTING THEIR BEARINGS

A radial bearing plant, with a capacity of 30 to 35 million bearings per year, to begin operations in 1976. Technological lines in the factory for which Romania wants U.S. help include forging, lathing, primary heat treatment, grinding, secondary heat treatment, assembly bearing case manufacturing and roller bodies manufacturing. Payment would be made in bearings.

Production lines for electronic component parts, including six kinds of resistors, for development in 1971–75.

Equipment for freeze drying in a vacuum capable of producing 1,000 metric tons a year. Romania would handle the construction and pay for the equipment with freeze dried products.

Offshore drilling platform capable of drilling in 270 feet of water, with construction to start in 1971. "American Partner would provide for the equipment and materials which are not manufactured in Romania, as well as the necessary technical documentation and licenses and technical assistance for construction and personnel training. The Romanian Party would pay the American Party for its participation by supplying the same with Romanian-made goods. The credit would be paid within a period agreed upon by both parties. An offer for such offshore drilling platform has been received so far from the Offshore Co., U.S.A."

Commerce has labeled the Romanian proposals "joint ventures." According to State, "'Joint ventures' or, as the Communists call them, 'industrial cooperation agreements,' have been increasingly pushed by Communist Europe since 1964. They consist of various cooperative business arrangements, usually contracted at the company or enterprise level, that involve a greater degree of Western assistance or East-West interdependence than provided in traditional commercial transactions . . . Joint ventures located in the Communist partner's territory often require difficult and protracted negotiations, and they are covered by a heterogeneous collection of complex agreements. The main reasons for this are the anomalous position of joint agreements in a planned economy, and the absence of the legal and economic institutions covering foreign investment in a Communist country . . . The Communist partner obtains capital and know-how from the Free World without incurring fixed charges on loans which might be needed to finance outright purchase; repayment is from profits or in goods. Furthermore, the technology may be quite advanced or unique, and not for sale."

Since items on the Romanian list would require licensing for export, Mr. Meyer has sent the list to the Operating Committee, an inter-agency group which considers export control problems and has members from State, Defense, NASA, AEC, Interior Department, Agriculture Department, and an advisor from the Central Intelligence Agency. Mr. Meyer asked the Committee to give the Romanian list urgent consideration.

Mr. Meyer told Barron's that the U.S. government is giving Romania preferential treatment, without any explicit quid pro quo, because the country is pursuing an independent foreign policy. He said that when the President of Romania was in Washington recently to visit President Nixon, Commerce arranged for him to talk with four or five businessmen at the Department.

[From Barron's, Jan. 4, 1971]

ARSENAL OF COMMUNISM?—BRIDGE-BUILDERS CHANNEL STRATEGIC MATERIALS, EQUIPMENT TO THE REDS

(By Shirley Scheibla)

WASHINGTON.—The Congressional Joint Atomic Energy Committee, headed by Rep. Chet Holifield (D., Calif.), may soon try to stop the export to the Soviet Union of computers which could spur the development of its nuclear weaponry.

Washington newspapers recently reported that when British Prime Minister Edward Heath was at the White House last month, he asked President Nixon to approve the sale to the Soviets of $25 million worth of British computers now embargoed by NATO countries through the Co-ordinating Committee (CoCom). Rep. Holifield told Barron's that he has directed his staff to look into the proposed sale. If it involves advanced computers not otherwise readily available, the Committee, he said, probably will lodge a protest.

NUCLEAR EDGE

From other sources (who requested anonymity), Barron's has learned that the computers are the most modern the United Kingdom is capable of producing; they would take the place of similar U.S. equipment involved in a deal killed a year ago by the Joint Committee. That latter's interest reflects its belief that superior computers are the main reason for any nuclear edge this country and its allies may have over the Reds.

A bitter intra-Administration feud has raged over the British request for months, with the State Department leading the vanguard of proponents. According to one Capitol Hill opponent (not Rep. Holifield): "If we lose this one, we've lost the whole ball game, because this case can serve as a precedent for giving all Communist countries the advanced technology they need to equal our nuclear and other might."

Though plainly the most dramatic case, the proposed U.K. computer deal is only one facet of a widespread campaign by East-West bridge-builders within the Administration to achieve a massive liberalization of export controls. For example, the shock waves are still reverberating in some quarters over the bold bid of the Commerce Department (still pending) for sole authority to rule on exports of U.S. computers to Communists. Commerce admittedly lacks the expertise of such agencies as the Defense Department, Central Intelligence Agency, Atomic Energy Commission and National Aeronautics and Space Administration.

POLICY DECISIONS

Several other significant export control cases call for policy decisions on dealing with Communists. They involve French integrated circuit manufacturing technology for Poland (now embargoed by CoCom); electro-dynamic vibrators for Poland which could be used in guided missiles and a MIG plant in that country; computer components for Poland and Romania; integrated circuit manufacturing equipment for Hungary; microwave equipment for Czechoslovakia.

The bridge-builders already have scored some notable "victories," including computers and a rolling mill for Russia, trucks for Red China and calculators and a petroleum refinery for Romania. Opponents, however, have succeeded in defeating plans for the export of catalytic cracking technology to Poland; a computer, oil extraction equipment, trucks and gear-making equipment for the Soviet Union; and machinery for microwave equipment for Czechoslovakia.

Those British computers, manufactured by International Computers Ltd., are roughly equivalent to third-generation American units which substitute integrated circuitry for solid-state electronics. (The fourth generation (Barron's, November 2) went on the drawing boards in this country without any breakthrough in the state of the art.) The Russians would use the British computers at their science center at Serpukhov. Early in 1969, the Soviets offered the U.S. time on their 76 Gev particle accelerator at Serpukhov in exchange for delivery of the CDC 6600 computer made in the U.S. by Control Data Corp. The Departments of State and Commerce almost pushed the deal through about a year ago when the Joint Atomic Energy Committee stopped it.

CENSORED VERSION

The story unfolds in a censored version of Committee testimony taken last March and released in July. M. C. Greer of the Atomic Energy Commission told the Committee, "It still is one of the most powerful computers in the world."

According to Rep. Holifield, the Russians said, "We just want to use it. You can put a padlock on it, and we won't steal the technology or anything like that." Commented Rep. Holifield, "You should know what that would amount to."

Vice Admiral Hyman G. Rickover, the Navy's Director of Naval Reactors, testified that an Atomic Energy Commission study of the proposal "underestimated the risks and did not address several important considerations. . . . The fundamental element in modern technology is computers. If you give your best computer away, you are giving the competition the opportunity to develop the technology just as rapidly as you do. . . . Even if we furnished the Soviets a U.S. computer and could insure it was not used for defense purposes, having this powerful unit at Serpukhov would probably free up other computers of Soviet design for weapons use. For many years this committee has seen this issue more clearly than any other committee and any branch of the executive department. Had it not been for this committee, the Defense Department, the AEC and the State Department would have long ago given away this vital technology."

Sometime this month, President Nixon is expected to rule on whether the U.S. should approve that $7 million French deal involving integrated circuits for Poland. Like the British computers, the circuits are the subject of an intra-Administration feud.

LONG-TERM CREDIT

The French company would provide the plant, manufacturing machinery and engineering know-how and would train the Polish technicians. The French government would provide long-term credit, with repayment by barter. Reportedly the transaction would furnish enough technology to enable Poland to meet the military and civilian need for these circuits for all the countries of Communist Eastern Europe.

The French think they have two precedents to assure them of U.S. consent. For one thing, this country already has approved the first stage of a deal in which the circuits would be the final step. This one involved supplying Poland with $2 million worth of silicon transistor manufacturing machines.

The other precedent is U.S. sanction of the export of two British 4–70 computers, valued at $5 million, to a research institute in Moscow. These are second-generation computers which replace tubes with transistors.

The French argue that if the U.S. has approved the export of computers to Moscow, why not computer parts like integrated circuits for Poland? However, they fail to mention that Moscow got a second-generation computer, while integrated circuits are for the third. Moreover, the Moscow deal stipulated surveillance by U.S. technicians to see that no military use be made of the computers, while the proposed Polish venture involves no such deal, whatever it may be worth in a closed society.

MAY BE A PRECEDENT

The outcome of the French proposition, in turn, is apt to serve as a precedent for action on a pending United Kingdom request for exemptions from CoCom embargos to allow export to Hungary of $141,000 worth of integrated circuit manufacturing equipment and a $72,000 thermo-compression ball bonder used for producing transistors and integrated circuits.

The push by the Commerce Department for sole authority to rule on exports of U.S. computers to Communists is based on a contention that present U.S. controls are ineffective. The U.S. has its own list with many more items than that of CoCom. Commerce maintains, however, that if a computer or computer part isn't on the CoCom list, there is no point in controlling it because the Communists can get it from one of the numerous allied countries. Thus, Commerce authority over exports of computers only on the U.S. list would mean no control at all.

In rebuttal, the Defense Department argues that since most of the allies' computers are dependent upon this country for vital parts, the U.S. exercises effective control over where most computers, even if not on the CoCom list, go. Any foreign computer using U.S. parts cannot be exported to another country without U.S. permission. For those computers not requiring U.S. parts, Defense contends there has been inadequate examination to determine whether they are the equal of American makes (unlikely, since this country's computer technology is superior to that of the rest of the world).

ASTONISHED OTHER AGENCIES

Commerce has further astonished other agencies by authorizing a $1.5 million Friden calculator program for Romania without obtaining the assent of other federal agencies concerned. The program involves manufacturing equipment and technology for desk calculators using solid-state transistors. Commerce simply assumed that consent would be a matter of course and told the other agencies after the fact. Now the Department is trying to talk them into approving the export to Romania of insertion machinery which estensibly would be used for the manufacture of calculators but which also could help make components for third-generation computers.

Another pending computer component case involves a U.K. request for an exception to a CoCom embargo to permit it to sell Poland the technology for manufacturing strategic line printers. The U.S., which finds itself divided on the case, has not yet made known its position. Opponents contend that many of the printers manufactured with this technology would be exported to Russia and other Eastern European countries and would enable them to transform a completely inadequate precision mechanics sector of the computer industry into one equal to that of the Free World.

Last July the bridge-builders won a notable victory when President Nixon approved the export to Red China of $30 million worth of Perlini trucks made in Italy with General Motors engines, overruling opponents who pointed out that the trucks could serve military purposes. Reportedly, he was persuaded by the argument of State and Commerce that maintaining good relations with Italy was more important. Now Commerce is citing this case as a precedent for allowing the export of about $2.5 million worth of French trucks to Red China made with U.S. parts, including GM and Cummins engines and Allison transmissions.

The East-West traders also scored at the White House in October 1969, when President Nixon, overruling objections by the Defense and the Interior Departments, authorized an $8 million American petroleum refinery for Romania.

Just a few days ago the State Department won a fight for approval of a $613,700 Japanese rolling mill for Russia despite the likelihood that the end user will be the Serp I Molot Plant, one of the leading Soviet producers of high-quality steel for strategic purposes. In any event, experts explain that a mill of that size and type is capable of rolling hard steel and titanium used in military and space equipment.

However, the bridge builders have suffered defeats, too. In September 1969 and again in April 1970, President Nixon ruled against exporting $25 million worth of Gleason gear-making equipment to the USSR which could have been used to manufacture military vehicles.

Defense apparently was responsible for killing a deal early last year under which an American firm would have designed and installed a $26 million system for oil extraction and gathering for Russia.

The Interior Department, its Petroleum and Petrochemical Task Force Group and the Defense Department successfully blocked a plan by Universal Oil Products Corp. of Chicago to transfer catalytic cracking technology to Poland. Officials pointed out that, with no quid pro quo, it would have contributed significantly to the industrial capability for military support and that the technology is not readily available abroad. It would have served the growing petrochemical complex at Plock, where oil from the Soviet Union is refined into such products as high octane gasoline.

WITHDREW APPLICATION

Despite disagreement among the agencies, that dispute did not require a White House decision. In the face of what is considered overwhelming opposition, Universal simply withdrew its application. Now Interior's aforementioned Task Force is trying to draw up guidelines for similar future cases.

State and Commerce maintained the venture was justified on the basis of special U.S. relations with Poland. Those "special relations" emanated from the Polish uprising of the 'Fifties. Nevertheless, there has been no official reversal of U.S. policy regarding Poland, despite the latter's participation in Russia's 1968 march into Czechoslovakia and, of course, prior to the widespread riots in Poland and their brutal suppression.

The first article in this series discussed how the State and Commerce want Export-Import Bank financing and most favored nation tariff treatment for Communist nations. If the two departments obtain these goals, further liberalization of export controls and trade with Communists is bound to result.

So far the agencies have failed to reconcile their advocacy of more East-West trade with present policies regarding Rhodesia and South Africa. While neither poses a military threat to this country, the Administration bans military exports to South Africa and maintains such strict embargos against Rhodesia that it deprives the U.S. of vitally-needed chromite.

Foes of the bridge-builder point out that, instead of encouraging independence which Communism does not encompass, additional help from the West will stave off collapse of inefficient Socialist systems and enables them to continue to concentrate on arms production. Without help, the Reds would be forced to produce more non-military items to earn the foreign exchange for imports to offset the shortages of their own making under a system inferior to free enterprise.

Barron's closing comment in an editorial on East-West trade, published on January 16, 1967, bears repeating today: "There remains a final, supreme consideration for any American businessman who may still hanker after elusive profit from selling to the Communists. He must decide in his own private conscience whether the profit is worth the personal risk that some day, soon or late, on some near or distant battlefield, his neighbor's son or his own may be struck down by a weapon which his zeal for trade put into an enemy's trade put into an enemy's hand."

LAWRENCE WELK SPEAKS OUT ON GUARANTEED INCOME

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FISHER. Mr. Speaker, the renowned orchestra leader and television personality Lawrence Welk recently made some interesting comments on the proposed guaranteed annual income. He said:

The most destructive aspect of the guaranteed wage plan, it seems to me, is the fact that it endangers our free-enterprise system . . . and I believe with all my heart that this is the best system the world has ever known.

In an article in Christian Economics, Mr. Welk aired his views on this subject in these words:

Numerous spokesmen today are advancing the theory that a guaranteed annual wage plan for every person in the United States would solve our hard-core unemployment problem and dramatically alleviate the suffering of our poor. I share very deeply the common concern we all feel for these terrible conditions . . . but I believe there is a better solution than a guaranteed annual wage.

I speak not as a politician or a statesman . . . but simply as a father, a business man, an orchestra leader and a concerned citizen of this country which I love so very much. I have known extreme poverty in my lifetime, and I have been blessed with a measure of success, and I have had a unique opportunity during these past forty-five years in show business to observe human nature at work. I base most of my objections to the wage plan on the lessons I have been able to learn through practical experience and observation.

Under the guaranteed annual income plan four thousand dollars has been suggested as the minimum amount for a family of four. If the head of the household earns part of that sum, the government will make up the difference. If, however, he earns nothing at all . . . the government will pay him the full amount.

To my way of thinking this is a negative approach which does not solve the basic problem. Instead of inspiring and helping a man fulfill his potential by working to support himself and his family, it actually encourages him to sit back and do nothing, secure in the knowledge that the government will take care of him. This destroys his initiative and his will to succeed. It robs him of his natural human dignity, and even the right to direct his own life.

I am also concerned about the effect such a guaranteed wage plan would have on our children. A child raised in an atmosphere of defeat and apathy, and taught to expect that his every need will be taken care of whether he works or not, stands little chance of developing a strong character. His own natural eagerness to learn and to grow and to excel is cut off at the very beginning of his life, and he may never know the thrill of achievements on his own. A child who is encouraged early to earn extra pennies, by shining shoes or selling newspapers or doing household tasks, stands a much better chance of reaching them than a child who is taught to do nothing.

We have achieved a higher standard of living, given more, helped more, and been more alert to the needs of our citizens than any people, under any other form of government in the history of the world . . . and I, for one, do not want to lose it. I believe one of the reasons our country has been able to accomplish so much is that our founding fathers and early immigrants had the freedom to dream great dreams and work hard to achieve them. We must not lose this right.

Rather than give a man money, simply because he exists . . . let us educate him to the glory that can be found in work . . . and then bend every effort towards helping him find and hold a job. I do not think it is ever too late to help a man accomplish this, no matter what his condition in life. We can start right now by educating our people to the fact that this is still the land of opportunity, and that any job . . . no matter how lowly . . . can lead to a successful and happy life if it is performed with spirit and enthusiasm. Our primary goal should be to build the character of the man who is doing the job, for in this way we will build the character of the nation as well.

We have made tremendous progress in the fields of science and technology. We have learned how to send a man to the moon and probe the underside of the sea. We have learned how to split the atom and harness the energy of the sun. We have built giant computers that do incredibly complex jobs for us. But we have neglected our most important obligation. We have neglected our primary duty to build men.

I think we began to get into serious trouble when we took God out of our schools and out of our hearts. We need to re-introduce basic moral values into our lives. We need to affirm again those American verities of hope and courage and faith . . . the principles of fair play and integrity, and an honest day's work for a day's pay.

Somehow I feel that the real answer to our difficult problems can best be found in the teachings of Christ. He spoke of the dignity of the individual human being. He demonstrated through the love and compassion of his own life how valuable each human soul is.

A human being is far too valuable to be paid off in money. A human being grows and prospers through the dignity of work.

SURPRISE FRIEND FOR PASSENGERS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. SEBELIUS. Mr. Speaker, today we hear of constant concern and interest regarding the obvious need for our Government to respond to the needs of our Nation and its people. There is a great tide of support for reform and responsible change throughout our Government.

Of course, reform and change are needed, but I think we also need to pay attention to what our Government is doing right and to make sure we do not reform or change ourselves into more bureaucracy, more unneeded expense and more problems.

In this light, I would like to bring to the attention of my colleagues an article from the New York Times. The article concerns the Interstate Commerce Commission, a Federal agency that has received quite a bit of criticism of late and has been a topic of interest to professional reformers for some time.

The New York Times points out the ICC, under the direction of its new Chairman, Mr. George Stafford, has become a public defender of passenger service. Seldom, if ever, do we hear of a Government agency that is so public oriented—an agency that goes out of its way to defend the public's right.

In my home State of Kansas, an area most vulnerable to any change in rail service, the Commission's latest defense of passenger rights is most welcome and appreciated. So often our governmental agencies are the subjects of criticism, both from the executive branch and the Congress, and so often neither group offers any constructive suggestions or direction. In light of recent criticism, it is most gratifying to see the Interstate Commerce Commission protecting the public.

Mr. Speaker, I commend this article to the attention of all of my reform-minded colleagues:

SURPRISE FRIEND FOR PASSENGERS

The most remarkable aspect of the Interstate Commerce Commission's attack on the inadequacy of the projected national railroad passenger network is the source of the criticism itself. The I.C.C. has a spotty, not to say imperceptible, record as a public defender of passenger service. It often seemed more accommodating to the railroads' desire to discontinue trains than to the passengers' need to ride on them.

Thus the commission's charge that the rail network proposed by the new, quasi-governmental National Railroad Passenger Corporation is far too limited only underscores the extent of those deficiencies. In his letter to the Department of Transportation, I.C.C. Chairman George Stafford argues rightly that the determination of proper passenger service entails more than cost-accounting. The railroads' role in the battle against automotive poisoning of the air must surely be taken into account in any federally subsidized restructuring.

Introduction of Metroliners on the New York-Washington run demonstrates that even a modest venture into technological improvement can turn the tide. Efficient train service through all of Western Europe has proven that the railroads can be both a national asset and a boon to tourism. It is a devastating commentary on the American deterioration of rail service that the United States today has fewer than 400 intercity passenger trains, compared with 1,000 in Britain, 850 in France and over 500 in West Germany. Governor Rockefeller's warning that the proposed rail network would isolate upstate New York and cut virtually all rail travel links with Canada further emphasizes the total inadequacy of existing plans.

The I.C.C.'s defense of passenger rights makes it imperative that Transportation Secretary John Volpe come forward with a much more comprehensive design. Failure to do so would show blatant disregard for the public interest.

REORGANIZATION PLAN "MAKES SENSE" TO DOMESTIC AFFAIRS EXPERT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HAMILTON. Mr. Speaker, Joseph Califano, President Johnson's special assistant for domestic affairs, has commented favorably on the Federal Government reorganization scheme presented in President Nixon's state of the Union address. Mr. Califano notes that:

> . . . man's technology and aspirations have changed so much faster than his institutions that we face a major crisis if these institutions cannot be adapted to serve him.

His remarks from the January 29, 1971, New York Times, follow:

THE NIXON PLAN MAKES SENSE

(By Joseph A. Califano, Jr.)

(Joseph A. Califano Jr., now a Washington attorney, was President Lyndon Johnson's special assistant for domestic affairs)

WASHINGTON.—The President's proposal to reorganize eight of the Cabinet departments into four departments—human resources, community development, natural resources, and economic development—will raise the hackles of virtually every special interest group in Washintgon.

But the plan should make abundant good sense to conservatives and liberals alike. It should be particularly appealing to those of us who believe in a strong Presidency and who have struggled with the problems of conducting coherent domestic policies in the present organizational framework.

For conservatives, the four new departments offer opportunities to eliminate overlapping programs and for more efficient operation and cost reduction. For liberals the proposed organizational changes could be a long step forward in our ability to convince the American taxpayer that we are providing government machinery capable of giving them something for the taxes they are paying.

Twentieth-century problems will not be solved with nineteenth-century organizations. The Federal Government cannot hope efficiently to administer over 400 major domestic programs with an organization that was set up to handle forty.

The time is long overdue to rearrange the old-line agencies. As anyone who has worked in the Federal Government discovers, coordination is no substitute for getting the boxes in the right place, for giving to the President one man with enough authority to be held responsible for natural resource development, human resources, or community development.

Smaller agencies respond to Presidential leadership only in the minds of the most naive students of government administration. Under the myth of reportnig directly to the President, these agencies operate as independent fiefdoms.

The Nixon proposals come out of the work of task forces that have studied this problem in both the Johnson and Nixon Administrations. Anyone who looks at the present organization of our domestic departments begins to ask the same questions. For example:

Where does education end and job training begin? Where does health end and nutrition begin? Should all education and skill-giving programs, as well as nutrition and health programs, be in one department of human resources?

What are the distinctions that require one Cabinet department to handle parklands and another forest lands? What are the distinctions that require one department to handle wilderness areas and another recreational areas? Should all these functions be combined in one department of natural resources?

The answers are likely to be just about those that the Administration has reached. But institutional change must not stop at the last page of the Federal Government organizational manual.

The problems of our society are increasingly multijurisdictional. To plan and execute economic development programs in terms of a state boundary is as arbitrary as the line the Pilgrims drew some three hundred years ago. The resources and conditions that affect prosperity and poverty extend over entire regions—New England, the Great Lakes, Appalachia.

The problems of pollution, water and power supplies and transportation span huge areas. New levels of cooperation in which resources can be pooled and shared must replace egocentric and bureaucratic lines.

The responsibility of states must not be clouded by archaic notions of sovereignty. Economic development is much more effective on a regional basis; water and air pollution problems cannot be solved without cleaning the whole river basin or the entire airshed.

The web of government extends into the county commissioner's office, city hall and the local neighborhood. Here the confrontation between the citizen and his government can become a most horrendous maze.

Bureaucratic problems between mayors and other metropolitan officials must be submerged. New taxing jurisdictions must be devised. The parasitical relationship of suburbanites with the large tax base to inner city residents with the decreasing tax base must be re-examined. Suburban workers and visitors in the central city must bear a fair share of the services they use. Moreover, scarce human and physical resources must be pooled.

Within the cities themselves, lines of authority and control must be established with clarity, fairness and firmness. Mayors must be given more power vis-a-vis city councils, city departments and county officials. James Reston put it as well as anyone in his column calling New York's Mayor "a goat called scape." If we are going to hold our mayors responsible for so much, we should give them the authority to fulfill that responsibility.

Institutional and organization problems tend to be considered dull and superficial. At this time in the development of our government—at every level—this is far from the case. Indeed, man's technology and aspirations have changed so much faster than his institutions that we face a major crisis if these institutions cannot be adapted to serve him. President Nixon appears to have proposed a good start at the Federal level. Let's hope it will inspire similar efforts throughout the states, cities and counties of our nation.

CONSTANT PERSECUTION OF NON-RUSSIAN PEOPLE IN U.S.S.R.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DERWINSKI. Mr. Speaker, it is important for us to keep in mind that the Soviet Union is in fact a giant slave state in which constant persecution is committeed against the non-Russian people within the U.S.S.R.

Therefore, it was impressive for us to note that spokesman for the numerous non-Russian people within the Soviet Union rallied in support of the Jews who have recently been subject to trials and other forms of persecution.

Of special interest was the following release issued by the American Latvian Association on the subject of persecution of minority people within the U.S.S.R.:

PERSECUTION OF JEWISH AND OTHER MINORITY PEOPLE BY THE SOVIET RUSSIAN REGIME

The Board of Directors of the American Latvian Association in the United States passed the following resolution at its meeting on January 9, 1971 in New York, N.Y.

"We protest the recent sentencing of eleven Jews in the Soviet Union to death or long imprisonment. Their only crime was to try to leave the Soviet Union to go to Israel, their spiritual and historical homeland. In our judgment that is no crime but an attempt to exercise individual freedom and choice.

The Jewish and other minority people in the Soviet Union are persecuted because of their religious beliefs and national aspirations. There is abundant evidence that this persecution is well planned and has as its goal a complete obliteration of all religious groups and ethnic units. Such process started in Latvia, Lithuania and Estonia after the Soviet Russian Military invasion of these independent Baltic states in 1940. It is continuing today and the deported and killed Latvians, Lithuanians and Estonians are replaced by Russians.

We are aware that the Soviet government is planning trials of more Jews in Riga and elsewhere because of their aspirations and attempts to go to Israel. This persecution of Jews and other minority people constitutes a genocide. Therefore, we ask all people to join us in our protests about the persecution of Jews, Latvians, Lithuanians, Estonians and other minority people in the Soviet Union.

The defender of individual and civil rights Jan Yachimovics, before he was imprisoned by the Soviet authorities in Latvia, wrote a public letter. In it he gave a long account of the Soviet persecutions and encouraged people to protest the imprisonment of thousands of Latvians in the Mordovian and Siberian slave labor camps. The regime is strong only because the people are down on their knees, he cried out and invited people to stand up and be counted. Today Jachimovics is imprisoned in an insane asylum.

American Latvian Association, representing Americans of Latvian heritage, takes a stand to promote individual and national freedom of all people suffering under an unjust and cruel rule.

NEWARK MAYOR GIBSON TESTIFIES ON URBAN CRISIS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. RODINO. Mr. Speaker, Newark, N.J., Mayor Kenneth A. Gibson in testifying before the Joint Economic Committee last week explicitly enunciated the gravity of the crisis with which Newark and our Nation's cities are plagued. And, I would like to bring to the attention of my colleagues the following recent editorial from the Star-Ledger:

URBAN PETITION

Mayor Gibson certainly did not pull any punches in his appearance before the Joint

Congressional Economic Committee, depicting Newark as the "most decayed and financially crippled city in the nation."

The mayor put it in blunt terms in describing the harrowing conditions that afflict urban communities. It will take nothing less than a "bold affirmative commitment" from Congress "before it is too late" to prevent the complete collapse and deterioration of the nation's cities. Mr. Gibson made it eminently clear that this urban catastrophe could only be averted by massive infusions of federal funds.

Newark's problems may be aggravated, but they serve as a graphic microcosm of America's urban ills. What has occurred in the state's largest city is an old and oft-told story that could be applied with chilling parallel to any other large municipality.

You name them—New York, Los Angeles, Chicago, Cleveland, Detroit, ad infinitum. The list is long, and it keeps getting longer.

In appealing for greatly expanded federal subsidies, Mr. Gibson was in effect speaking for mayors of all large cities afflicted with widespread physical obsolescence, social blight, unemployment, astronomical costs and shrinking revenue bases, rising welfare caseloads, soaring crime rates and changing population composites.

The mayor, in his relatively short time in office, has become intimately—and painfully—aware of the debilitating syndrome of the ailing big city. And he has sought to impress the gravity of the urban crisis on federal legislators and members of the Nixon Administration. All that he has been able to evoke thus far is sympathetic understanding and little, if nothing, in the way of tangible commitments.

But Mr. Gibson appears to be indomitable; he is determined to keep petitioning at the seat of power in Washington until he gets more in return than lip service, a historical staple in the nation's capital.

APOLOGIES TO HOOVER

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. STEIGER of Arizona. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the Phoenix Gazette, January 15, 1971:

APOLOGIES TO HOOVER

There is a campaign by the Communist-loving New Left not only to force J. Edgar Hoover out of his job as director of the Federal Bureau of Investigation, but to smear his name so badly in the process that nobody would ever again pay any attention to anything he might say.

It is understandable that the actual American Reds and their conscious sympathizers would participate in the effort. Hoover is one of their most capable and dangerous enemies, and to get him out of their way would be a momentous victory. It is more difficult to find cause for the actions of some other Americans who seem to have joined the get-Hoover vendetta.

We have in mind the columnists, TV commentators and politicians who whooped up a storm of derision for Hoover after he testified under questioning at a U.S. Senate hearing Nov. 27 that a plot to kidnap a highly placed government official was under investigation, and that the inquiry involved the draft-protesting, bond-skipping priest, the Rev. Philip Berrigan and his brother, Daniel, also a priest. You'd have thought that Hoover had viciously, irresponsibly and untruthfully manufactured a fiction out of whole cloth for some devious purposes of his own. Hoover, they shrieked, should resign.

Well, sir, a federal grand jury in Harrisburg, Pa., has now indicted the Berrigan brothers and four others on charges that they conspired to kidnap presidential foreign policy adviser Henry Kissinger and blow up heating ducts in government buildings. We remind our readers that an indictment is not a conviction, and we are not commenting here on the truth of charges that are made. Guilt or innocence will be properly decided in a courtroom.

What we are pointing out is that Hoover said an investigation was under way, what it involved, who it involved, and that he was the country's top police officer making an official report to a committee of the U.S. Senate on a matter of grave national concern. He told it the way it was. His distractors owe him an apology.

STRIKES BY PUBLIC EMPLOYEES ENDANGER THE NATION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. McCLORY. Mr. Speaker, when the Boston police went on strike in 1919, the then Governor of Massachusetts Calvin Coolidge called out the State militia, who took over the policing of the city.

Governor Coolidge won national recognition for his prompt and decisive action. Shortly thereafter he was elected Vice President and then President of the United States. Coolidge declared:

> There is no right to strike against the public safety by anybody, anywhere, any time.

While Coolidge's position continues to have general acceptance, the current wave of strikes by policemen, firemen, and other public employees seems to have caused relatively little concern among citizens—or public officials.

State police and National Guard personnel have been called out in many instances to protect the public where the public safety has been ignored by strikes of public employees.

An editorial which appeared in the Chicago Tribune issue of Friday, January 29, draws attention to the threat which could result if police in a number of localities should go on strike simultaneously. This kind of threat, uttered by a militant leader of a police "union," should revive support for the firm position taken by Governor Coolidge—which is as clearly applicable—and vital—today as it was in 1919.

The Boston police of that day were underpaid and overworked to a far greater degree than any police in America today. Still, the grievances today may be as great as those of the Boston police.

But there is no surer way to produce martial law, national curfews—or worse, than for strikes by public employees to proliferate to the point where citizens will demand protection—even at the sacrifice of individual freedoms.

The Tribune editorial articulates a message that needs to be heard—particularly by public employees who feel that they must "strike." This timely editorial follows:

NO IDLE THREAT

John Flood, president of the Combined Counties Police Association [CCPA], has given the Labor Laws Study Commission further reason to submit a substantial report in the near future. Flood's organization, formerly known as the Cook County Police Association [also CCPA], has reacted strongly to what befell it in Waukegan. After getting what it wanted in a series of suburban police strikes, CCPA hit a snag. Waukegan did not knuckle under as expected; when 54 policemen refused to obey an order to return to work, the city Civil Service Commission fired them. Mayor Robert Sabonjian asked for and got the services of Illinois state troopers to fill the vacuum.

Now Flood says, "instead of taking 70 guys out at once we'll have to go out with hundreds." The strategy is to get numerous police forces mobilized to strike simultaneously, in numbers prohibitive of even the briefest replacement by state troopers. Policemen in New York and Milwaukee have just demonstrated that policemen are entirely capable of the mass walkouts Flood is planning for Illinois municipalities.

This state [among others] needs new, unequivocal legislation concerning strikes by public employes. We urge the Labor Laws Study Commission to act with dispatch, and the legislature to define quickly the statutory public interest where strikes by public employees are concerned, in new law with explicit teeth. We cannot conceive that any legislature, even in this permissive age, is prepared to countenance strikes by policemen, firemen, and prison guards. Are sanitary district workers' services much less essential? Teachers'? Prison guards'? The assignments of mental hospital staffs? Wherever the legislature draws the line, it should state severe penalities for disregard of the law, and these penalties must be rigorously enforced.

Of course, public employes are not slaves. Public employment has to offer pay adequate to attract qualified applicants. But it is intolerable to permit incumbent public employes to extort ever higher salaries for themselves by threatening to disrupt essential public services if their demands are not met. Experience in numerous cities, in Illinois and elsewhere, has shown that these threats are not idle. The possibility of making such threats must be eliminated.

THE 1971 SENATE YOUTH PROGRAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HOGAN. Mr. Speaker, I feel very privileged to have been able to participate today in the 1971 U.S. Senate youth program sponsored by the William Randolph Hearst Foundation.

This program, created by a Senate resolution nearly 10 years ago, is a richly satisfying experience both for the young people who come to the Nation's Capitol to learn the machinery of the Federal Government firsthand and for those of us who are able to share our experiences in government with them.

I was proud to learn, Mr. Speaker, that one of my constituents, Luis L. Granados III, of Takoma Park, Md., was selected to participate in this 1971 program. I congratulate Luis for the scholastic and extracurricular accomplishments which merited him the opportunity to participate in this program.

Mr. Speaker, I would like to offer my congratulations to another person associated with the Senate youth program, and that is Mr. Ira P. Walsh, the director of the program. He has done an outstanding job in coordinating these programs. My own association with Ira Walsh goes back much farther than the 10 years that the program has been in existence. Ira Walsh was my mentor back in high school when I served as the first editor-president of the Scholastic Sports Association which he founded while he was associated with radio station WWDC here.

Mr. Speaker, last year the members of the Senate Advisory Committee for the U.S. Senate youth program stated the following:

> With few exceptions over the years, the delegates and their Senate representatives have apparently experienced little of the much discussed "generation gap" or "lack of communication." Indeed, at the height of the question-and-answer periods, it seemed that communicating was thick and fast while the maturity and knowledge of the students bridged whatever "generation gap" may have existed.

This is very heartening, Mr. Speaker. In fact, in meeting with these young people today, I began to believe that we may very well be experiencing a return to those qualities of life which have made this Nation what it is. Perhaps the freaked-out generation of the 1960's is dying with the birth of the 1970's. Let us hope so.

I have always been convinced, even during the height of the disturbances on our Nation's college campuses and high schools, that the great majority of our young people espouse the same beliefs that most loyal Americans espouse, far different from their counterparts who, for such a long period of time, have been the featured attraction on the evening news. This belief is reaffirmed again every time I participate in programs such as the Senate youth program. The great majority of our young people are good, rational, and humanitarian patriots who are conscientiously seeking the best quality of life for themselves and their fellow men.

This point was made most eloquently in an editorial in the Christian Science Monitor last April which stated as follows:

> Even if we confine ourselves to that proportionately small segment of youth which is most active in questioning today's inherited values, we by no means find that the majority are copping out, placing vague mysticism above rationality or reason, or avoiding their fellow human beings in favor of animals. And to imply that this is true of all youth is the height of irresponsibility.
>
> Such accusations against youth are an example of missing the forest because of a few trees. It cannot be denied that the increased tempo, the greater nervousness, the speed of various kinds of permissiveness, the problems which rack contemporary society have produced a higher degree of alienation among youth than formerly. But we are convinced that the great majority of young people, regardless of higher hemlines and lower hairlines, are still hard-headed and hardworking. To say otherwise is no service to anyone.

I think most of us heartily concur in these sentiments.

ELIMINATING DRUNK DRIVERS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BAKER. Mr. Speaker, it was most encouraging to me to learn that Secretary of Transportation John Volpe and Secretary of Health, Education, and Welfare Elliot Richardson recently signed an interagency alcohol safety countermeasures agreement to reemphasize to the American public the danger inherent in drinking and driving on our highways. They will have my support in the advancement of any joint effort to eliminate drunk drivers from the Nation's highways.

As a member of the Tennessee General Assembly, I had the honor of sponsoring and seeing enacted our implied-consent law which requires any person arrested for driving under the influence of an intoxicant to submit to a mandatory test or have his license revoked.

The breath-testing requirement of our law has been in operation since December 1, 1970. The highway patrolmen in all districts have been trained to give the tests. They collect breath specimens and submit them to one of three alcohol testing laboratories, each of which is supervised by an M.D. or Ph. D. with special training in toxicology and alcohol testing.

It is the plan of the department of public health, which supervises this activity, to hold a series of educational seminars throughout the State dealing with the implied consent law, alcohol effects, and the laboratory support program. We have 75 percent of our counties submitting breath samples to the laboratories now. Through this educational program, we hope to have 100 percent participation soon.

It is probably too early to see what effect this law is going to have in reducing the number of drunk drivers in Tennessee. A great deal will depend upon the enforcement it receives. Our State program can benefit from the thrust which is put behind the national program Secretary Volpe and Secretary Richardson have in mind.

By the same token, Tennessee's program could become a part of the national effort which must be made if we are going to deal effectively with this problem.

The prospects for making further gains in reducing highway deaths is good. As evidence, I wish to call attention to an editorial appearing in the January 24 edition of the Chattanooga, Tenn., Times. Under leave to extend my remarks, I include the editorial "Safety Gains" in the Appendix of the RECORD:

SAFETY GAINS

> Safety-minded officials and organizations once said they concentrated on the "three E's" as a formula for reducing auto fatalities. They were "education, engineering and enforcement."
>
> Now, Transportation Secretary John Volpe has revamped the expression of major emphases in this field to "the man, the machine and the highway."
>
> In many ways, the two mottoes are saying the same thing.
>
> "The man," that is, the driver, is still the key factor in the equation. The current attention to getting the drunken driver—and, in many circles, the word has been changed from "drinking" to "drunken" on the theory it is the habitual, the problem, the heavy drinker who is the cause of so many mishaps, rather than the social imbiber who might be called a "drinking driver"—involves both education and enforcement.
>
> There must first be the effort to keep the true alcoholic from behind the wheel through impressing him or his associates with the dangers involved; then there must be the enforcement followup to impose penalties heavy enough to be deterrents for those who are guilty of driving while drunk.
>
> The element of engineering nowadays is present both in the improved highways, built to carry heavier traffic loads with greater safety, and in the automobiles themselves, built to comply with higher federal safety standards.
>
> But, of course, words are meaningless without results. Secretary Volpe can point to the fact that 1,100 fewer fatalities occurred in 1970 than in the previous year despite more cars and more miles driven. That's progress, anyway it is expressed.

NIXON'S OMISSIONS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. ROSENTHAL. Mr. Speaker, an historian, Thomas H. Greer, has written a brief and perceptive analysis of the state of the Union message of President Nixon. Professor Greer has, with a perspective eminently appropriate to his calling, described in a recent letter to the editor of the New York Times, what the President's message did not say. His letter follows:

NIXON'S OMISSIONS

> TO THE EDITOR:
>
> In his State of the Union address on Jan. 22 President Nixon produced a kind of masterpiece. He himself suggested that his speech was perhaps the greatest message presented to Congress since the founding of the Republic, and in one sense he was correct. It was a masterly evasion of the central problems of our time.
>
> What are the central problems of our time? First and foremost, there is the problem of war—the present war in Asia and the wars for which we are preparing. Next is the all-devouring arms race which continues to threaten human existence and to drain away our human, physical and financial resources. Third is the problem of creating effective international controls to provide global order, health, food and the other necessaries or life for an exploding world population. All of these problems profoundly affect the state of the Union.
>
> On the strictly domestic scene, these are the central needs: a drastic reordering of United States patterns of production, consumption and life style in keeping with our diminishing resources and mounting pollution. Needed are the elimination of poverty

> and unemployment, rebuilding of the national rail network, provision for mass transit in urban communities, rehabilitation of the core cities and ghettos and accelerated programs for sound low-cost housing. We must have sweeping reform of our antiquated court and prison systems, improved and universal health service, purification of air and water and guarantees of immediate and powerful aid to the nonwhite and other "trapped" groups. Students and educational instituions at all levels must have more funds. A general de-escalation is called for of threats, violence, and repression throughout the society.
>
> What did we hear in the speech? While the President touched upon some of the central problems facing the nation, he gave chief attention to matters of secondary importance (e.g., revenue sharing and Cabinet reorganization). He also declared that the place in history of the 92d Congress will depend upon how well it carries out his proposals.
>
> As an historian I should say, rather, that its place will depend upon how quickly the Congress disposes of the President's diversionary agenda—and what it does about the central problems of our time.

OUTSTANDING PUBLIC SERVANT RETIRES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FASCELL. Mr. Speaker, the same qualities by which dedicated public servants merit recognition usually cause them to shun it. Such has been the case with Haley Sofge, the executive director of the Department of Housing and Urban Development for Metropolitan Dade County, Fla.

To the regret of all who have been privileged to know him and the many thousands who have benefited from his labors in the field of public housing, Haley Sofge is stepping down for reasons of ill health.

I want to add my word of praise to the tributes being paid to this man. His guiding philosophy has always been pro bono publico, and the example he has set for others in public life will be a permanent legacy.

Mr. Speaker, I commend the attention of our colleagues to a recent editorial from the Miami Herald concerning Haley Sofge and the outstanding contribution he has made to Dade County:

> SUCH GIFTS OF PUBLIC SERVICE BESTOW GREATNESS ON AMERICA
>
> Many thousands of Miamians who were touched by the works of Haley Sofge probably do not know him. He is the self-effacing, dedicated executive director of the Metro Department of Housing and Urban Development, who has retired because of ill health.
>
> The event, we think, is an opportunity to pay tribute to the good and faithful servant of the public, wherever he is, as exemplified by Mr. Sofge's career.
>
> He won national attention in Nashville, Tenn., by helping rid the Tennessee capital city of its worst slums. A dozen or so years ago, these hovels marched by the thousands up the slope of Capitol Hill from the valley below and burgeoned in other areas of what has since become a lovely city. After his departure for Miami the area was cleared and now is a model part of downtown. He had a major hand in it.
>
> In proportion the blight of Greater Miami probably is greater. In the 14 years since Mr. Sofge first became assistant director of the old Miami Housing Authority 4,500 public housing units have replaced some of the worst shacks and shanties.
>
> Progress also has been made at the private level. In neither sector is it sufficient. The expressways have displaced thousands of slums dwellers without creating any housing replacements.
>
> But Haley Sofge's example surely will challenge the community to pursue as avidly his goals. "He really was emotionally and intellectually committed to the public housing process," attests Martin Fine, an attorney who has been in the forefront of the housing program for many years. "He was an innovator, he was creative and he was daring. And all of these are minimum statements about Haley."
>
> Indeed, they are. They encompass as well his leadership in the construction of housing, much of it architecturally distinguished, for senior citizens.
>
> The citizen (to say nothing of the newspaper) often grouses with good reason about government employes. Too often both are slow to recognize excellence and to acknowledge dedication.
>
> Thomas Jefferson could say in the last years of his Presidency that "I have the consolation of having added nothing to my private fortune during my public service, and of retiring with hands as clean as they are empty." Of such stuff were the nation's first public servants.
>
> In a time of cynicism, suspicion and doubt surrounding public service, it is not a small thing but a large one to be able to bestow tribute where it belongs. In truth it is the Haley Cofges, in public life or private, over the generations who have made America.

A TOAST TO THE PRESIDENT OF THE UNITED STATES

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HARVEY. Mr. Speaker, I believe my colleagues will find of interest a most unique occurrence which has been a tradition of the Saginaw Club, Saginaw, Mich., for almost 60 years now. It is the annual toast to the President.

On the first day of each new year at exactly 12 o'clock noon, the members have gathered with their sons, sons-in-law, and grandsons in the club's ballroom to hear a speaker deliver a timely address and offer the annual toast to the Nation's President.

By tradition, the identity of the speaker is kept secret from the membership and the public until the moment he is introduced by the club president.

The 1971 toast was delivered by William J. Edwards, president of the Lake Huron Broadcasting Corp. Mr. Edwards was introduced by C. Ward Lauderbach, the president of the Saginaw Club.

Annually, the address is broadcast live by all Saginaw radio stations and the text is published in its entirety the following day in the Saginaw News. Furthermore, a copy of the address is sent to the President of the United States each year.

I found of particular interest, while noting this latest address, Mr. Edwards' remarks where he said:

> You and I know, but let us make every effort to have young people understand that we know, that we have every reason to be ever grateful for our heritage as Americans. It is right and proper for all to be proud, humbly proud, to be Americans. I hope we adults will never cease to be as long as we live, and I have a hope for you young persons present and those of your generation across the land.
>
> I hope you will never become so sophisticated that you will consider true patriotism to be old-fashioned and outmoded. I hope your love for your country and respect for its ideals will grow as you grow in knowledge and experience in life, that you will do your part to make America ever better in the years to come. I hope you will never fail to keep the American dream alive in your hearts despite all the disappointments that you may come so that others to follow after you will have the same grand opportunity.
>
> For this is the greatest nation on earth. The wealthiest. The most powerful. The most charitable. And, with all of its human frailties, the noblest of all.

Mr. Speaker, believing that my colleagues will find the entire address by Mr. Edwards timely and of interest, I insert it at this point in the RECORD:

> Thank you, Mr. President.
>
> I am grateful for this privilege to have a part in keeping alive a cherished tradition that has existed in our club for fifty-eight years. Just as were those other members, who have stood here on the first day of years past, I am humbly proud to offer the Annual Toast to the president of our nation.
>
> Like them all, I am honored to address my fellow members of the Saginaw Club, your sons, your sons-in-law and your grandsons and to extend my warmest wishes to each of you for the New Year.
>
> Down through the years, speakers have used this occasion to reflect upon the past and contemplate the future and many of them have incorporated into their remarks a warning of the dangers confronting the nation at that point in history.
>
> As we prepare to offer the fifty-ninth annual tribute to our chief executive, it is not my desire to preserve that part of our tradition that warns of national peril. It seems to me, however, that reality compels its inclusion on this first day of 1971 for these are disconcerting times in which we live.
>
> We are hearing the impatient demand for change all about us and experience tells us that the certainty of change is always accompanied by the twin certainties of delight and despair. At once, we recognize the never-ending need for constructive change on one hand, and we see unreasonable demands for change creating new frustrations on the other.
>
> We are reminded of our weaknesses as a people and certainly we have our share. We hear that young people are disenchanted and unmotivated, and sometimes, we gain little comfort in recalling that Socrates also worried about young people nearly twenty-four centuries ago. We see a broad decline in moral values and that is reason for our concern in a very real sense.
>
> We have cause to be mindful of many threats to man's existence on this globe. No thinking person can ignore the rapidly increasing problem of over-population of the earth and the whole family of attendant threats to food supply and pollution of the air we breathe and the water we must have to survive. The consequences of failure to meet these threats to the continued existence

of mankind are almost beyond comprehension. The magnitude of the problem and the relentless speed of its movement may very well force man to put aside his devisive interests and unite in the common fight for survival.

Because of the priceless advantages of a free press and an unparalleled system of mass communication, we are not only exposed to much unpleasant news every day, we find it almost impossible to avoid becoming at times frustrated and frequently discouraged about the future of our country.

We know that organized crime continues to grow more powerful by the day in our land, that crime in general is increasing, and we reason that public apathy is at least partially responsible for that condition. We are constantly reminded of the tragedy of Southeast Asia, and we yearn for an end to war. We are becoming more fully aware of the imperfections within our social order, and we witness the mounting unrest that results from injustice. In the midst of widespread affluence for most, we see pockets of want for the few. We see and hear alarming reports of the increasing use of drugs among young people and we frantically hope for an awakening that will decisively put an end to that destructive practice. We see decaying inner cores of great cities and we know that answers must be found to that gigantic problem, for a whole new set of social ills multiply in such an atmosphere of despair.

We have seen dramatic changes in our time and we see the need for changes to come, but for many of us, some of the changes have been most difficult to accept.

We are having our traditions discarded, our values challenged, our beliefs subjected to ridicule, our ideals discounted and our institutions attacked. Moreover, we are becoming increasingly uneasy about the forces among us that would change everything we hold dear as a people.

I am persuaded that the permissive atmosphere prevalent throughout much of the land and the growing unlawful activities of the militant few that continues to threaten our personal safety and national security are reasons for our deep concern.

It is no longer a strange experience to hear from the mouths of native-born Americans revolutionary rhetoric that was framed in Marxist camps beyond our shores. We have come to expect violent civil disruption whenever and wherever it serves the purposes of those who can cause it. We have observed outbursts of brutality and destruction disguised as peaceful dissent and we have seen those evil activities hastily excused as understandable reaction to social injustice. We have also heard those willful acts described as the justifiable right of citizens to freely express their dissatisfaction with the system.

We have known our courts of law to become stages for obscene derision, insult and disdain. In the midst of the clamor against police brutality, officers of the law have become living targets for the assassin's gunsight.

We have witnessed our country's constitutional guarantees mockingly employed by those who would destroy those very guarantees. We have come to know about vandalism, arson, riots and even murder in the streets of our cities and on the once-quiet campuses of colleges and universities. We have seen our proud flag publicly desecrated, burned and trampled under foot, and we have seen the red banner of the communist enemy openly flaunted by Americans, on American soil, at a time when American men are still dying in Vietnam.

What appears to be a concentrated campaign by a handful of radical leftists has left a trial of kidnappings, murders, hijackings and sabotage in various parts of the land. In the minds of many of us, there is no longer any doubt that subversives are at work in our midst. There is the widening realization that a small, but ruthless, revolutionary segment of our society is waging a deadly war of terrorism, and that a determined effort to put an end to it is long overdue.

I believe the present condition will not be tolerated by the great majority of citizens, indefinitely. The choice of total anarchy on one hand or heavy-handed repression on the other is no choice at all for a free people, and the time has come to avoid both, it seems to me.

Let me hasten to add that I do not advocate the suppression of dissent. Our system guarantees our right to protest, as well as support, government action and policy. I do not urge the maintenance of the status quo by any stretch of the imagination, for I know that change is inevitable and indeed necessary to avoid stagnation.

I cannot deny that injustice exists in our society as it does in all others to varying degrees. As individuals, we are not without sin and our nation, like others, reflects its citizenry.

I do not even challenge the right of the volatile few to proclaim their discontent and stridently voice their demands for immediate change. Let the day never dawn in this country when men and women canot safely swim against the mainstream current when opposing views, as unpopular as they may be, cannot be openly and fearlessly expressed, when you and I cannot risk being wrong without suffering dire consequences.

What I suggest must be eradicated without further ado from the American scene is the ruthless terrorism that is designed to destroy our way of life and our nationhood. Regardless of the worthinese of some causes, blatant lawlessness cannot continue to be endured. The time has come when outrageous demands by unreasonable militants must be rejected forthrightly. Violators of the law must be prosecuted promptly in order to protect the public interest and to insure that justice is served. Roving trouble-makers must no longer be allowed to invade peaceful college campuses and disrupt the education of law-abiding students. Faculty members who foment unrest and advocate the forceful overthrow of government must be made responsible for their illegal acts and subjected to the penalty of the law. The unlawful occupancy of premises and the willful destruction of private and public porperty must be punishable, upon conviction, in a court of law, regardless of the causes espoused by the guilty ones.

I am convinced these steps must be taken despite the to-be-expected protest that they represent the suppression of personal liberty. I believe they will not jeopardize the civil right of any law-abiding citizen nor endanger the precious right of free expression. To the contrary, I believe that failure to uphold the law will cause our cherished liberties to erode and pass into oblivion. For I think that protest, to be valid, must be peaceful in America's free society; that dissent, to be effective, must not threaten the lives and property of others, that change, to be usefully and meaningfully sought, must not be designed to violently destroy a system that by its very nature and heritage accommodates the idea of change and recognizes the need for constant improvement.

I believe, too, that we must work for constructive change that will enrich all of our lives and increase our understanding and appreciation of each other for the common good, but I also believe that we must resist the forceful imposition of change, for the sake of change, by those who would rather destroy the present system than contribute to the building of a better one.

I think we must strive to be compassionate especially for the less-fortunate among us without embracing the permissive attitude that prevails so widely today. I refer to that state of mind that easily accepts whatever comes as natural and inevitable, that tolerates indecency and law-breaking as lamentable signs of the times, that somehow manages to provide ready excuses for public violence and usually sympathizes more with the offender than the offended on the grounds that so much injustice exists in the country. I think we have another responsibility. We must make a better effort to communicate our beliefs with respect to the problems of our time to the generation that follows a step behind us, not in a feeble attempt to defend this system, but because they have the right to know our thoughts.

There are those who cite unrest among young people as the classic sign of internal decay in America. They argue that a deep distrust of their elders is universally shared by them all. They warn that there is widespread resentment and almost total disenchantment among young persons, because they are tired of adult hypocrisy, tired of corruption in high places, tired of profiteering in a capitalistic economy and tired of an oppressive and unjust social structure.

You and I cannot deny, of course, that some young people are totally committed to the obliteration of our way of life. They represent, however, but a tiny percentage of today's youth. By any measure, the overwhelming majority of young men and women today are decent, patriotic and God-fearing people. If they were not, there would be no promise for the future, no hope for human development.

Many of them at their impressionable ages, however, are being subjected all too frequently to the dramatic exhibitions of the activists, who are admittedly tired of the way things are. They must also be confused at times, if not discouraged, by the apparent absence of adult concern about the important issues and events of our time. Perhaps, they would welcome some timely expressions of opinion from our generation. If so, I would not presume to represent a broad opinion of my contemporaries. I would merely pass on a personal view in the hope that it might have some worthiness for consideration. I would start by saying that I, too, am tired of some things. I am tired of hearing so much about all the things that are wrong with this system of ours.

We adults know that we have many faults and there are wrongs to be corrected but there are some right things about this beloved land that cry for recognition. Admittedly, we have a social problem of monumental proportions that surely must be the concern of all men of good will. It serves no useful purpose to cite that all majorities have historically imposed their wills on the minorities in their midsts and we cannot truthfully deny that some of our fellow Americans have been shamefully exploited. What is important is this. Discrimination for reason of race, color or creed is unlawful in this nation. That is national policy and it is proof that we, as a nation as painful as it has been for some, are committed to the proposition of equality of opportunity and justice for all citizens. Let me further say that I know of no other successful attempt in history to assimilate such a large minority into a nation's mainstream of life. We have by no means won the battle against discrimination, and we most certainly do not always live up to the high ideals of our nation, but we are trying and progress is being made in our time. Brotherhood in the fullest sense remains much more of an ideal than a reality but, at least, it is still an ideal in the good land of many people.

The view is often expressed that a mistake of massive proportions occurred when our military forces were first sent to Vietnam. That decision may not have been in our best interest, but keep in mind that Americans did not go off to war in Southeast Asia in pursuit of the spoils of war. We did not go to conquer a free people, to force our will on another nation or to annex real estate in that part of the world. We responded to the call of a friendly government to protect it from the ravages of a communist takeover, and we went because it appeared to serve our national interest and that of all free men to halt the spread of red aggression in Vietnam, just as we did more than a decade earlier in Korea.

Let me say to responsible young people that I am tired of having my country described by some of its home-grown critics as imperialistic. Let them produce just one case in history where a single nation has borne the heavy burden of defending so many from the imperialistic design of another.

I am tired of the often-voiced accusation that we are a completely materialistic and decadent society that places the dollar above all else. We are the wealthiest nation, to be sure, but we are for the most part a spiritually-motivated people undergirded with an abiding faith in God and our churches are living proof of it. We are condemned for failing to eradicate poverty, for not caring enough for the weak and the poor among us. Can anyone show us a people of any other period in history that shared more? We are branded because ours is the highest living standard ever known to man, and yet privation still lingers to haunt our people, but who can truthfully say that condition is the result of callous disregard for our fellow men? What other citizens have ever been so generous and charitable at any time? If this is a materialistic society, how can its heart be so compassionate when it comes to helping its own and reaching out to alleviate human suffering in other lands?

This nation is castigated for being militarily strong by the enemies of freedom. It is branded a war-mongerer and the Pentagon is depicted as a symbol of man's evil against man. Yet, this country continues to seek peace hopefully as it serves by necessity as the single bulwark against communist aggression on many fronts.

We are criticized for spending so much money on space exploration when there are so many unmet needs here on earth. But, American feet made mankind's very first and only impressions on the surface of the moon, and who can belittle that unprecedented achievement in human history?

I am tired of hearing the American ideal described as hypocrisy by the cynics among us, because even now there are lofty goals as yet unattained. And finally, I am tired of the complaint by some that there is no freedom in this bastion of liberty, we call the U.S.A.

You and I know, but let us make every effort to have young people understand that we know, that we have every reason to be ever grateful for our heritage as Americans. It is right and proper for all to be proud, humbly proud, to be Americans. I hope we adults will never cease to be as long as we live, and I have a hope for you young persons present and those of your generation across the land.

I hope you will never become so sophisticated that you will consider true patriotism to be old fashioned and outmoded. I hope your love for your country and respect for its ideals will grow as you grow in knowledge and experience in life, that you will do your part to make America ever better in the years to come. I hope you will never fail to keep the American dream alive in your hearts despite all the disappointments that may come so that others to follow after you will have the same grand opportunity.

For this is the greatest nation on earth. The wealthiest. The most powerful. The most charitable. And, with all of its human frailties, the noblest of all.

And now, in keeping with our long-established tradition, let us stand together and propose a Toast to the Chief Executive, Richard Nixon.

Gentlemen, to the President of the United States!

"1985"—A MESSAGE FOR AMERICA

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. BROWN of Ohio. Mr. Speaker one of the gravest concerns that has faced Americans as a major issue during many months, now, has been the question of arresting the destruction of our physical environment: purifying the air we breath, cleaning up the water we drink, reducing the stinking piles of garbage we throw out, reducing the noise that threatens our hearing and nervous systems, finding pesticides and herbicides that do only their intended jobs, saving green space. If we do not find answers to many of these problems, the quality of life Americans have enjoyed since the first settlers arrived in this Nation is seriously in danger. How much danger and how long we have to reverse the trend is a question no one can answer.

In a remarkable public service television program, aired for the first time last June 1, the Metromedia network attempted to give Americans a view into the future if the Nation failed to come to grips with the many environmental problems and the worst happened. "1985" was an hour-long dramatized newscast that used film footage of present situations to show what a day in 1985 might be like if all of the destructive forces of our environment were to suddenly overtake the environment's ability to cope with them. It was a chilling account that left little to the imaginations of viewers all too well aware of the picture before them on their TV sets.

I have collected a number of previews and reviews of the program, and insert them in the Record at this point for the attention of my colleagues who may not have seen either the program or the articles. After reading them, I would hope my colleagues would take any opportunity to view the program if it is ever again made available. It and others like it project what could happen if we fail to complete the job begun in protecting and preserving our environment. This is an impressive example of the power of the television medium to dramatize a real problem—hopefully to a positive purpose. Metromedia is to be congratulated for its great and effective public service.

The articles follow:

[From the Broadcasting magazine, June 1, 1970]

"1985" Seeks To Inspire Action on Pollution

Orson Welles's 1938 adaptation of H. G. Wells' "War of The Worlds" led some listeners to near hysteria before the realization that it was fiction calmed them. In 1970, Metromedia television is adapting the Orwellian, "1984" theme to the *Mercury Theater's* dramatized newscast in the hopes that it will stir people into action. Orson Welles advanced his wordly holocaust one year to 1939. His modern-day counterpart, Zev. Putterman, director of program development for Metromedia television, has done the same to product "1985." a one-hour special on what can result from continued pollution of the atmosphere, the seas and the land.

"The entire concept is based on what some ecologists and environmental scientists say could happen within 15 years if pollution continues at its present rate," according to Mr. Putterman. The dramatized newscast makes use of Metromedia's facilities and anchormen in New York, Washington, Kansas City and Los Angeles and details not what has occurred, but what could.

A total of 30 video "crawls" will advise viewers throughout the broadcast that "1985" is a fictionalized newscast taking place in the future. During the actual broadcast, a similar disclaimer will be voiced in Spanish for metropolitan viewers who may not read English. Local programs, focusing on the specific problems in their markets, will be aired by the Metromedia stations immediately following the special.

The various pollution topics covered by the special include air pollution in Los Angeles, water pollution in New York and Washington and damage to the land caused by insecticides in the Midwest.

Worldwide ramifications of pollution are also presented. Although fictional, each segment discussed on the special will be based on research already conducted and prognostications made by ecologists during the past year. The format of the programs following "1985" are designed to be solution oriented, according to Mr. Putterman.

The program is being offered to other stations free of charge and Mr. Putterman expects between 50 and 100 stations to request copies. Metromedia is also preparing a booklet based on the script of the program to be sent to members of Congress and various civic, business, educational and political leaders around the country.

"While we don't want to panic people into doing something rash as a result of the program, we do want to move them into action," says Mr. Putterman.

"We will be painting a picture of reality as some scientists predict it will be and hopefully, sounding an alarm that will get people to head off what has been prophesied."

Metromedia stations will air the program June 1 at 8 p.m. with their local specials following at 9 p.m.

[From the Washington Post, May 31, 1970]

"1985" on Metromedia: A Preview

(By William E. Smart)

"1985," a fictionalized news documentary portraying the United States in the midst of a worldwide environmental crisis, will be telecast Monday at 8 p.m. on Metromedia Television's four television stations (Channel 5 locally).

The hour-long program is not unlike Orson Welles' 1938 radio broadcast of "The War of the Worlds." Unlike that program, which caused widespread panic by listeners who thought the United States had been invaded by Martians, the enemy in "1985" happens to have been created by man himself.

The enemy is pollution—the massive pollution of the atmosphere, the earth and the oceans.

Here's how the fictionalized story goes: The United States is in the middle of a national catastrophe. The President has just spoken to the nation. All television and radio stations are operating around the clock to relay official instructions and report the developing crisis.

At Metromedia, anchorman Mark Evans

(Metromedia's vice president for public affairs) summarizes the President's message, then introduces reports by Metromedia newsmen across the country—George Putnam in Los Angeles, Bill Jorgensen and Ken Gilmore in New York, Glen Hanson in Kansas City and Alan Smith and Maury Povich in Washington.

As each newsman tells his bleak story, the viewer sees film of actual air, land and water pollution that exists today. The footage accompanying reporter Alan Smith's report on starvation deaths in Africa is stark. It isn't pretty.

Near the end of the program, reporter Jorgensen comments on the concern voiced by people beginning in the late Sixties and the lack of action that followed: "And so the best intentions on earth are not enough—not until people couple them with enough action. That's the lesson we've learned—too late."

"1985" producer Vernon Hixon sums up the program with a warning: "The things we will describe have not actually happened but they could!"

Immediately after the simulated newscast the independent group's stations will present locally produced hour-long discussion programs relating to current pollution problems. WTTG–TV's discussion program, entitled Status "70," was produced by Ed Scherer.

[From the Los Angeles Herald-Examiner, May 28, 1970]

A Message To Ponder

(By Morton Moss)

People, in general, are so constituted that, if they aren't hit personally amidships with a problem, they find it remote, theoretical and unreal.

Pollution of the planet, excessive human breeding are such problems. Conditions that build toward a catastrophe continue to pile up. These conditions lead logically to frightful disaster.

But the disaster hasn't struck. Meanwhile, there are only occasional ominous irritants. There's no emotional sense of emergency. Ignored, the logic of catastrophe doesn't go away but proceeds relentlessly toward its predestined conclusion.

We've had the impression about these documentary essays on man's rape of his environment that they somehow just graze the target. This isn't because they fail to present the data that contrives a strong intellectual case. They do. But the emotions must be reached, the jolt of immediacy achieved.

This is done with shocking impact by "1985," an hour's piece of Metromedia theater about a catastrophe that embroils planet earth in that year. Fictionalized reality and prophecy, it attains a cutting edge through a simulated newscast, anchored in Washington, D.C., and moving electronically around the map of the United States and the world.

Mark Evans, Metromedia vice president for public affairs, plays anchor man in an exceptional telecast that shows on KTTV-11 Monday night at 8. Producer Vernon Hixon took the bold conception and forged a winner. Metromedia utilizes newcasters and commentators from its television stations here, in New York, Kansas City and Washington. Evans and Maury Povich, George Putnam, Bill Jorgensen and Ken Gilmore, Glen Hansen and Alan Smith lend an alarming imaginative dimension to the real.

At intervals, reminders are given that the events aren't actually occurring but are dramatizations of what might occur in the absence of measures to avert them.

The program so successfully mimics reality that the frequent interruption serves to avoid possible serious public misapprehension. Panic stirred in the late '30s by Orson Welles' radio fiction of a Martian invasion has left an indelible memory.

Man's technological miracle, its demands to be properly tended shugged off by stupidity, greed, lust for anarchic sensation, has crumbled worldwide.

An appalling state of chaos reigns. The president, advised to leave Washington, stays on seeking to concoct a way out of the environmental Armageddon. He has been assigned extraordinary powers but all the signs point to a further deterioration, even amid the depletion of food stocks, to a threat of cannibalism.

In Los Angeles, the death toll from the toxic fumes of a great air inversion is already 11,000 and expected to climb fast. Against orders, a despairing rush starts in an effort to flee the city.

CONSTRICTED INTO DEATHTRAP

This increases the tragedy. Jammed freeways constrict into a mazy death trap. Caught in the nightmare, cars honk a mad chorus. They contaminate the air all the more with their exhaust.

From New York to Boston, electric power is gone and the cities are ghostly. Garbage piles high. Police and fire fighting breakdowns mount as toxic smog saturates 47 American cities.

The midwest agricultural heartland is rank, deserted Poisons like DDT, industrial disposal, sewage have made a diseased muck of the rivers, killed the fish and the birds which ate those fish. The soil is poor, its produce scanty and that a prisoner of life. Even the oceans have been fouled.

Epidemic hovers, airports are closed and mobs, rioting and looting, swirl around helpless National Guardsmen. The tooth of need has been sharpened unbearably by gigantic population expansion in the U.S. and overseas. Beyond U.S. borders, governments topple, humans lose their humanity and rage berserk from elementary deprivation.

Evans maintains a special optimism. He asks his newscaster lineup its assessment. One by one, contact with them snaps. He still speaks of options that remain open. As Evans mentions hopeful developments in the Pacific northwest, he suddenly flicks off the screen which goes blank. It then conveys a message to ponder:

The End.

[From the Baltimore Sun, June 1, 1970]

Look and Listen With Donald Kirkley

George Orwell's ominous prediction of a world made hideous as the result of human stupidity, as contained in his frailty and novel "1984," has been superseded by a television documentary called "1985," to be aired on WTTG-Channel 5 tonight, 8 o'clock to 9 o'clock. It will be followed by another hour of discussion and comment by a panel of experts concerned with the problems of ecology.

The program is a scoop for WTTG, and an important one. This production by Metromedia News is the first in the field of dramatized documentary, which has been overlooked by the networks and independent stations. It is, indeed, the best of the many specials which have been telecast since the environmental crusade was launched by CBS-TV last March. It is also the most frightening of the documentaries on the subject.

As seen in a preview in Washington, "1985" went far beyond earlier warnings of clear and present dangers to mankind than any of its predecessors. That is because it embodied all the pollutions in one hour of "fictionalized news." The script, written by Don Bresnahan and Vernon Hixon, was based on the idea that 15 years hence, the various threats to mankind—smog, population explosion, befoulment of the earth, air and water, poisoning by DDT—all came to a climax at a certain time.

The story begins at the end of a presidential message describing the situation. Mark Evans, news announcer for WTTG, and anchorman for the special, gives a summary of the telecast from the White House. Uncounted thousands have been killed by smog in Los Angeles. The highways leading from the city have been jammed by refugees and impassable for two days. Over the nation, 130 other cities are suffering from the same cause. In other continents, a cumulative wave of starvation, rioting and other ills is continuing. The Northeast United States has been in the grip of a total power blackout from Boston to New York for a week.

All this is conveyed to the viewer in an ingenious way. The regional situations are reported by the Metromedia News men: Bill Jorgenson in New York; Alan Smith and Maury Povich in Washington; George Putnam in Los Angeles; and virtually every other member of Metromedia's staff.

In addition to their coverage of the fictionalized disasters, they remind viewers of the reasons for them and the inadequacy of the minimal efforts to prevent them which began circa 1970. They overlooked some of the causes: for example, the indifference to the warnings on the part of many people, such as the ladies of the D.A.R. who thought the whole thing was a Communist plot; people who didn't believe the scientists; those who disregarded the warnings as a passing fad, and fat-headed politicians.

Remembering the near-panic which was set off by Orson Welles and his fictionalized tale of that martian invasion, Producer Hixson and his staff were careful to include frequent reminders that what was appearing on the screen was not factual. This was a necessary weakening of the illusion. For someone tuning in later after the introduction, the pictured disasters might have seemed all too plausible. There have been fatal smogs, dangerous power blackouts and documentaries about starvation in the United States and other nations.

This might have been an unduly talkative program, but it wasn't. The reports of the various correspondents are copiously illustrated, with photographs and film clippings. Some of these, such as starving children in Biafra and records of the actual blackout several years ago, may be viewed apprehensively as prophetic of worse things to come. Also, "1985" builds up suspense from start to finish.

After it is aired tonight, it should cause quite a stir and it may have interesting repercussions.

[From the New York Times, June 2, 1970]

TV: A Frightening Look at the Problems In "1985"

(By George Gent)

Taking a note from Orson Welles' celebrated 1938 "War of the Worlds" radio scare, Metromedia television and WNEW–TV took a brave look into the future last night and discovered—the Apocalypse.

The two-hour study of the problems of pollution—present and future—was an exciting exercise in journalistic imagination, with the first-futuristic hour the more interesting and valuable. It attempted to show through a dramatized documentary—not unlike those usually seen on TV with Metromedia reporters covering a disaster—what the world of 1935 will look like if present population trends and environmental neglect continue.

It was a harrowing vision of thousands of smog deaths, power failures, depleted rivers, barren lands and smothered oceans.

Famine stalked most of the underdeveloped world and food riots tore the major

Asian capitals, the United States Government was seeking legislation for compulsory abortion and sterilization, while large bonuses were being asked for childless couples and heavy taxes for the fruitful.

The reporters and commentators did not blink at the tough controversial, moral and philosophical reevaluations that would have to be made if their bleak vision was not to become a reality.

The major problem, of course, is that such prophecies can become self-fulfilling. The aim of "1985" was to frighten and it did. But it was notably short on rational solutions on how to avert disaster and always opted for the most pessimistic projection of events. It raised many more questions than it answered, but perhaps that should be accounted a major virtue. The program was a frontal assault on the complacency, and in terms of its limited objective it was brilliantly successful.

Channel 5 reported that 42 calls—about equally divided, for and against—were received during and immediately after the show. The objectors protested what they regarded as the program's scare tactics. A few, having just missed the opening caution, called in to ask if the events portrayed were actually happening.

However, the program scrupulously interrupted the narration every five minutes to warn that the program was a dramatization and also inserted streamers in the lower portion of the screen during particularly frightening portions.

Police and radio stations had been alerted to forestall public panic and avert the problems created for Mr. Welles by his famous broadcast.

"Nineteen Eighty-five" was produced by Vernon Hixson, with Zev Putterman, executive producer.

TELEVISION REVIEW

[From the Hollywood Reporter, June 3, 1970]

(By William Tusher)

Does off network television really hold promise? Is there any evidence that if the prime time siphoning goes through, the public won't be cheated, as critics claim? The implications for the multiple program source doctrine of the FCC couldn't have a more persuasive friend in court than Metromedia's absolutely shattering. Orwellian documentary on the ecology crisis, "1985."

We've had television warnings coming out of our ears on the encroaching dangers of polluting ourselves into extinction. Here is a documentary that meets head-on the gamble of being yet another anti-climactic echo, the repetition of which risks leaving the public more numb than alert to the perils. The inescapable apprehension is, "What—yet another soap operation on environmental survival?"

Given all those built-in handicaps, Metromedia, in "1985," has exceeded in impact anything done by the networks on this critical—yet curiously safe and apolitical—issue, and the networks on the whole have done well, indeed. In a massive effort involving the key news personnel of MM's owned and operated stations in Los Angeles, New York, Kansas City and Washington, D.C., "1985" projects the galloping pollution crisis 15 years forward and gives it such immediacy and impact as to defy any lingering pocket of indifference or skepticism.

So real that it is reminiscent of the Orson Welles Martian scare that shook up radio three decades ago, "1985" takes warranted precautions against panic by periodically billboarding warnings that the events being portrayed aren't actually happening. That could be pretentious as hell—except that the simulation of a world strangling in its death rattle is so starkly believable.

The fictionalized news drama, as it is aptly called, starts in the wake of an emergency address by the president. People, fish and wildlife are perishing by the millions all over the world—suicidal victims of a world which blindly ignored all warnings and indulged itself into self-destruction. Fantasies of optimism, daydreams of miracles, mystic faith in Yankee ingenuity, naive faith that God won't let ths happen to his errant children find stubborn adherents until the end as anchorman Mark Evans loses contact with one remote feed after another. Finally he is blacked out himself while mouthing, to the last, the ritual optimism that things can't be as bleak as they seem.

It is as shattering and jolting an experience as television is capable of serving up—and it is masterfully achieved. All the Metromedia correspondents—anchorman Evans and Bill Jorgensen, Glenn Hansen, Alan Smith, Maury Povich, Ken Gilmore and George Gilmore—heighten the impossible to distinguish from their daily newscasts.

Don Bresnahan and Vernon Hixon have written a taut and controlled script. They artfully combined documentation with science fiction, keeping the viewer on the edge of his seat every second of the alloted 60 minutes. A virtuoso team job of film editing, charging narration with almost unbearable visual impact, is registered by Densil Allen, Joe Dialon, Ben Foti, Joe Rizzo, Vincent Russo and Bob Taylor. They make simply remarkable use of stock film and footage supplied by the Environmental Control Administration of the U.S. Public Health Service, the American Museum of Natural History, the U.S. Senate committee on public works, Empathy Graphics and Airlie House. And they do stitchless wonders integrating the camera mark of Metromedia cinematographers Steve Alexander, Dick Herrera, Jerry Kahn, Jack Leppert, Jerry McGallicher and Leroy Parker.

Every conceivable technique is employed to advance the illusion of the day the world realized it waited too long. The sense of anchorman Evans pulling in reports from across the country and other parts of the world, with live remotes from far-flung disaster areas, is flawlessly and chillingly realized. There's no make-believe abouts it. The television set becomes a suction tube swallowing all in its path. Side crawls keep flashing bulletins of proliferating disasters and warnings to citizens who may be tempted to take to highway, water or air.

With Zev Putterman as executive producer, with authenticity heightened by Ken Gilmore's special science reports, with excellent graphics by Mark Cantor and Jack Crawford it is a fine group effort. A monumental achievement for Metromedia television, for producer Hixon, for art director Jerry Bailis, and especially for directors Russ Segel in New York, Joe Nagy in Washington and Larry Cazaran in Kansas City. The Los Angeles cut-ins, directed by Lennie Blondheim, well voiced as they are by Putnam, lacked the impact of the others.

This one should most assuredly be placed in a time capsule—just in case there are any post-1985 inheritors. A smasher from every point of view.

[From the Variety, June 5, 1970]

"1985": TELEVISION REVIEWS

With Mark Evans (anchorman), Alan Smith, Maury Povich, Bill Jorgensen, Ken Gilmore, George Putman, Glen Hanson.

Exec. Producer: Zev Putterman.
Producer: Vernon Hixon.
Writers: Hixon, Don Bresnahan.
60 Mins., Mon. 8 p.m.
Metromedia-TV.

Metromedia's view of the environment, as shown on all its tv stations except in San Francisco, is daring, vivid, and much more pessimistic than television stations are wont to wax. The one amusing aspect, in fact was a conscious or unconscious parody of tv documentaries. At the end of the show, Mark Evans, anchoring a news show from pollution-ridden 1985, is pathetically polling his correspondents for optimistic predictions while, one by one, city interconnection is lost and finally the screen goes dark in the middle of a sentence.

Metromedia solves the "War of the Worlds" syndrome—"My God, Bev, the world's coming to an end"—by flashing frequent disclaimers on the screen, warning the audience that they are watching fiction. Several devices are extremely effective in diluting the play-acting atmosphere, however, including using as actors fulltime newsmen from the various Metromedia cities, who do essentially what they would be doing if the drama were actually happening and running unrelated news bulletins across the screen warning of airport closings, etc., while Evans talks.

It's encouraging that the pseudo-documentary pulls no punches in showing the role that industries and particularly autos play in pollution—probably a good reason why there was no commercial interruption. The program attempts to show what will happen to this country if the worst that is predicted happens, and without passing on the validity of the research done, it all seems logical and frightening. Air pollution is lightening only because industry is at a virtual standstill, much highway traffic is outlawed, the exploded population is starving because all food sources are polluted, the President has been given dictatorial power (only implied), poler blackouts and looting are rampant—in other words, just like 1970, only worse.

All the outlets, by the way followed the hour show with local hours devoted to market environmental problems.

MICK.

[From the Chicago Tribune, June 25, 1970]

TELEVISION NOTES

"1985," a Metromedia fictionalized news report of the end of the earth owing to pollution of air, land, and water, will be aired at 11:30 p.m. Saturday on channel 32.

Mindful of the panic created by Orson Welles' drama about a Martian invasion of the earth on a 1938 radio broadcast, the producers of "1985" will include video scrawls across the screen to assure the viewer that this is fiction.

The documentary is based on what some ecologists and scientists predict will happen in 15 years if serious measures are not taken now to stop the pollution of our environment.

Metromedia newsmen across the country report on the envisioned ecological disaster much as when they cover major news disasters today. Reports of power failures, smog deaths, spoiled waters, famine in an overpopulated world, rioting and looting, and the toppling of foreign governments come in to anchorman Mark Evans, who bleakly hunts for some shred of hope.

Altho this is strictly a dramatization, the program seeks to make people acutely aware of the magnitude of pollution problems, hoping to inspire the steps necessary to avert the doom portrayed in "1985."

RADICALS MAKE UP 1 PERCENT OF NATION'S YOUTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DERWINSKI. Mr. Speaker, the Aurora, Ill,, Beacon-News of Tuesday, January 12, carried a column by Dumitru Danielopol, a Copley Press columnist who is a thorough student of radical activities at home and abroad. His comments in this column are based on persistent study of the subject and I believe this particular column gives an accurate summary of our Nation's youth.

The item follows:

RADICALS MAKE UP 1 PERCENT OF THE NATION'S YOUTH

(By Dumitru Danielopol)

During the past few feverish years of student unrest, many polls have been taken in an effort to find out just what it is students want, what they think.

The results show that the radicals—the ones who profess hatred of the system and a desire to destroy it—make up about 1 per cent of the nation's youth.

Yet the polls have somehow failed to impress. Sample opinions expressed in cold percentages offer little reassurance amid firebombs, rioting and the nosey rhetoric of the radicals.

More convincing—and far more encouraging—is the picture gained by one who is able to travel widely and converse on the spot with many of this country's youth.

I have met and talked to young representatives of all points of view, to would-be wreckers of our system who refer to police as "pigs," and to others who love their country, respect the law and support those who risk their lives in order to enforce it. For the latter, the policeman is not an enemy but a friend. If the word "pig" is applied to him, they say, it would stand for "patriotism, integrity and guts."

These youngsters are well in the majority, I found. They are as keen as steel to stand up and be counted in support of what they consider to be the basic ingredients of a lawful society. Said one:

"The loudmouthed few wish to start from scratch. The vast majority accept the world as it is and work out problems with examples taught by history."

I talked to representatives of the "Heartland Youth for Decency," a Californian group formed in May 1969 by a number of youths who are fed up with campus unrest, moral laxity and street violence. They decided to do something about it.

They work on many worthy projects in their community. They have collected and sent gifts to our servicemen, visited hospitals, helped rebuild an orphanage which was destroyed by fire, and initiated a veterans memorial monument in La Mesa, etc., etc.

Their singing group, "Freedom Sounds," has performed at more than 100 functions in Southland.

Their most recent and probably most spectacular activity is on behalf of U.S. prisoners of war.

Working in conjunction with the "Concern for Prisoners of War, Inc.," they have helped collect millions of letters, petitions and signatures addressed to the Communists in Hanoi asking for the improvement of the conditions of U.S. prisoners in North Vietnam.

With the help of some U.S. labor unions—such as the Teamsters Union—and other interest groups, some 50 tons of mail and a roll of petitions one mile long will be transported to Paris.

The youths hope to be able to deliver that mail in front of the building housing the North Vietnam delegation at the Paris peace talks, in order to dramatize the concern of the American people for the fate of their fellow Americans now in enemy hands.

It is not the Yippies, the Hippies, the Vietnick and other such demonstrators that represent America. They are freaks in our society.

It is the kids who build rather than burn who are the heart of this nation.

SIX VIRTUES OF THE SENIORITY SYSTEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. CRANE. Mr. Speaker, this week a large delegation of young Christian men and women are visiting Washington and Capitol Hill.

Under the auspices of the National Association of Evangelicals, over 100 upper-class students from evangelical liberal arts colleges across the country are participating in a Federal service seminar. These young Christians are here to study our American system of government first-hand, and to explore career opportunities in the Federal service.

This morning the seminarians were led in a stimulating and thought-provoking question and answer session by my friend from Libertyville, Ill., Donald E. Deuster, who serves the Nixon administration as a congressional relations officer.

Mr. Deuster took the opportunity this morning to outline six virtues of the seniority system as it operates in Congress. He spoke from his years of practical political experience on Capitol Hill as well as from the perspective of a committed Christian involved in the public service.

Because the controversial seniority system is so rarely defended in public by anyone, I am certain that my colleagues will be especially interested in the thoughtful and philosophic remarks by my Illinois friend:

SIX VIRTUES OF THE SENIORITY SYSTEM

(By Donald E. Deuster)

My fellow Christians, good morning and welcome to Washington.

Your wise leaders, Clyde Taylor and Judith Brown of the National Association of Evangelicals, both suggested that I speak briefly on some controversial subject, and then, respond to your questions.

Accordingly, let me say a word about "your friend and mine," that great historic and distinctively American custom—the Congressional System of Seniority.

The Seniority System is not only currently controversial, but it seems to be eternally so. Ten years ago in 1961 as President John F. Kennedy took his oath of office, and as Congress organized itself, Chairman Emanuel Celler of the House Judiciary Committee felt compelled to make this statement:

"It is a rare session of Congress that does not produce its share of proposals to abolish that perennial red herring—the so-called 'seniority rule.' This long-standing Congressional tradition, under which the House and Senate organize their working committee, has become as popular a target as sin itself.

"It is intermittently bombarded by Democrats and by Republicans, by liberals and by conservatives, depending largely upon whose ox is being gored."

Yes, indeed, even today the Seniority System still serves as a whipping boy for the frustrations of everyone whose favorite legislation somehow fails to sail as swiftly, as smoothly and as unceremoniously through Congress as its proponents would like.

Few practices of our Congress are so continuously controversial, so widely criticized, so generally misunderstood and so rarely defended.

It seems to me that we Christians especially should befriend and defend the System of Seniority. We remember that Jesus said "Blessed are the peacemakers" and we often repeat the prayer of Saint Francis of Assisi, "Lord, make me an instrument of thy peace." If there is one great instrument which contributes to an atmosphere of peace on Capitol Hill, in my humble judgment it is the time-honored System of Seniority.

Speaking as a friend of this beneficial American tradition, and speaking as one who serves as a "professional peacemaker" for President Nixon on Capitol Hill, allow me to simply outline six virtuous qualities that the Seniority System contributes to the functioning of our Congress:

1. Harmony.
2. Efficiency.
3. Stability.
4. Continuity.
5. Familiarity.
6. Maturity.

What is this Seniority System? How does it inject these virtues into the workings of Congress? What is the basis of my opinion? How is the cause of good government served by Seniority?

WHAT IS THE SENIORITY SYSTEM?

First, you will not find the Seniority System in the Constitution, in the Rules of the Senate or House, in Jefferson's Manual, nor in any other official document. It is not a law nor a rule of Congress but simply a practice observed and respected by both political parties in the House since 1911 and in the Senate for over a century.

Simply, Seniority means that in each of the committees of Congress—twenty-one in the House and sixteen in the Senate—the Member of the Majority Party with the longest continuous service on that committee automatically becomes Chairman.

What does it mean to be Chairman? Essentially, the Chairman is the presiding officer of the committee. He is responsible for the efficient functioning of his committee. He schedules hearings, invites and welcomes witnesses, presides over public hearings and executive sessions, supervises the work of the professional staff, and symbolically he sits in the big chair under the flag and holds the gavel.

Can he be a dictator? Not for long. Yes, the Chairman has powers, but they are usually overrated. Yes, he hires the professional staff. But, since the Legislative Reorganization Act of 1946 most of the professional staff are able to stay on in their jobs notwithstanding changes in the chairmanship.

Should the Chairman become tyrannical or obstreperous, the majority of his committee has the power to change the rules and strip him of his power. And, it has been done.

Can the Chairman kill a bill? Not if a determined majority inside his committee or in the Congress want to pass it. Any time the Chairman or even his entire committee refuse to report out a bill, a simple majority of the House or Senate may sign a discharge petition and bring the bill to the floor for a vote. And, that goes for the Rules Committee of the House as well.

HOW DOES SENIORITY PRODUCE HARMONY?

The Seniority System contributes to the internal harmony and peace inside the Congress by quietly, quickly and automatically elevating the most senior and experienced Majority Party Member to the Chairmanship.

This avoids having a rough and tumble political campaign inside each of the thirty-seven Congressional committees at the start of every Congress. Seniority avoids the wheeling and dealing, the power plays, the intrigue, the deals, promises, back-slapping, apple-polishing and vicious personality clashes that such election campaigns can produce.

HOW DOES SENIORITY MAKE FOR EFFICIENCY?

Seniority enables Congressional committees to organize quickly and get on with the public business. No time need be wasted in agonizing and debilitating political campaigns for the chairmanship, nor in healing the resulting wounds and bitterness.

Enough time and difficulty is associated with the assignment of the new freshmen Members to the committees. At the beginning of this 92nd Congress all fifty-six freshmen House Members and eleven freshmen Senators—sixty-seven ambitious men and women—receive a committee assignment. This task alone calls for juggling and sorting the conflicting desires of new and old Members alike to join the most prestigious and politically attractive committees.

Furthermore, we do have election campaigns for Republican and Democratic Party leadership positions in both the House and Senate. Your banquet speaker this evening, my good friend Congressman John B. Anderson of Illinois, was re-elected Chairman of the House Republican Conference last month by the very close margin of 89–81, over another able House Republican, Congressman Samuel Devine of Ohio. And, Senator Robert Byrd of West Virginia defeated Senator Edward Kennedy of Massachusetts for the position of Senate Majority Whip.

These high-level political campaigns take time and sometimes create lasting dislocations repercussions and hostilities. The Seniority System shields the working committees from such time and energy-consuming conflicts.

HOW DOES SENIORITY BRING STABILITY?

Seniority rewards those Members who stick with one committee and thereby move up the leadership ladder. The system discourages hopping about from one committee to another depending upon where the political grass looks greenest at the moment.

Seniority avoids the waste attendant upon drastic changeovers of committee personnel. By enticing Members to stay with one committee and one general subject matter area, the custom guarantees relative stability in a political world that is generally characterized by change and job insecurity.

Members of Congress come and go depending on the election day desires of the American voter. To the extent that some stability can be woven into the management structure of our national affairs, the Seniority System helps immeasureably.

WHY DOES SENIORITY MEAN CONTINUITY?

Most of our national problems creep up on us gradually. It may take ten or twenty years for local problems to become national in scope. Hearings may be held one year by a Congressional committee and no Federal law passed for another three or four years. This was the case with the famous Medicare program.

This was so with the new landmark Rail Passenger Service Act of 1970, one single piece of legislation that has occupied my time for almost two years. Our passenger trains have been dying off since World War II over a period of thirty years—longer than most of you have been alive.

Furthermore, even after a law is passed, it must be implemented, administered and enforced. Finally, Congress must exercise some oversight to see that the law they passed really did solve the problem. This entire process may cover forty or fifty years.

The Seniority System encourages Congressmen to stay on one committee and thus become experts in one subject area. Thereby, they acquire through personal experience great knowledge concerning the development and long-term solution of our national problems.

This beneficial system assures us that the leadership of our legislative committees will be in the hands of men with the greatest experience. The system insures expertise and continuity.

HOW DOES SENIORITY BRING ABOUT FAMILIARIRY?

Committee Members not only become familiar with the scope of problems under their subject matter jurisdiction, but also the full Membership of the House and Senate, the leaders of the Executive branch, and the leaders of the American public become familiar with the committee leaders.

Many a committee—indeed, most committees—are highly respected on the floor of the House and Senate because of the personal prestige, character, expertise and reliability of the committee chairman, and also his various subcommittee chairmen. Over the years we learn that a chairman's word and judgment can be trusted.

The longer you are in Washington, the more you appreciate that this government and world of ours is so complex and so immense that no one person can know everything. You absolutely must trust the advice of someone else. Consider such highly technical and complicated matters as our space flights to the moon, our anti-ballistic missile defense system, the aeronautical and atmospheric aspects of the supersonic transport aircraft, and the whole field of defense, military intelligence and international affairs.

In such a world as this, the Seniority System helps assure us that the committee leaders in Congress will be men and women with the greatest experience, expertise and familiarity with the immense problems confronting us.

SENIORITY MEANS MATURITY

Critics call it th System of Senility. Perhaps a few old men are as feeble and senile as a few young men are rash and foolish. Yet, in my personal experience, the great preponderance of committee chairmen and the older Members of Congress are wise, alert, intelligent, mellow, kindly, moderate and mature.

On a personal note, my young Christian friends, let me tell you this. If the Good Lord allows me to live to the ripe age of eighty-one, and I am as alert, wise, aware of the world about me, and as responsive to the needs of my country, as is Chairman William M. Colmer of the House Rules Committee, my cup shall be running over with gratitude to Almighty God for his blessings.

Through the years these senior Members of Congress see Presidents come and go. For example, wise, experienced and mature Congressman Les Arends, Republican Whip of the House, was first elected to Congress in 1934 when Franklin Delano Roosevelt was President. I was five years old and you were not born. Mr. Arends has served in Congress under six Presidents.

These many senior Congressmen have seen many Administrations come to town with various notions of how to bring about the millenium. Also, they see freshmen Members of the Senate and House arrive on the Hill, filled with enthusiasm, and stamped by their electorate with ever-changing concepts of what America needs.

Through these long years of wrestling with national and international problems—the depression, war, defense, foreign aid, taxes, civil rights, poverty, welfare, and more recently, the environment and the need for reform of the Federal bureaucracy and revenue sharing with the states and local governments—Members of Congress develop deep philosophic perspectives, great wisdom and maturity.

SENIORITY WILL SERVE ON

In summary allow me to predict that the Seniority System will serve America for many more years to come. Probably your grandchildren will visit Washington in the future and ask some questions about Seniority.

Yes, at the opening of this Congress both parties did take action to allow the custom of Seniority to be modified. The House Democrats voted to conduct a caucus vote on nominations for committee chairmen whenever demanded by ten Members. The House Republicans agreed to hold a secret vote of the entire Republican membership to determine who will serve as ranking minority Members of the committees.

Furthermore, both parties wrote into their caucus rules a statement that their respective Committees on Committees need not follow seniority in drafting lists of committee assignments for caucus approval.

Nonetheless, my Christian friends, even in view of these actions to more easily enable exceptions to be made to the Seniority System, my expectation is that the custom will—and should—be followed for many, many years to come.

As Chairman Colmer of the House Rules Committee said to me in the corridors just a few days ago, "The Seniority System is not perfect, but no one in one hundred years has conceived of a better one."

And on this line of thought, I am reminded of a speech that Winston Churchill made in the House of Commons on November 11, 1947, in which he said:

"Many forms of Government have been tried, and will be tried in this world of sin and woe . . . no one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."

Likewise, let me say that so far the System of Seniority is the best humanly conceived arrangement for assuring some basic harmony, tranquility and peace on Capitol Hill to offset the tendencies for partisanship and hostility.

My hope is that you, and other informed Christians, will appreciate the virtues of the Seniority System, and beyond that, my hope is that you will defend and befriend this beneficial institutional instrument of political and legislative peace.

UKRAINE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, January 22 marked the 53d anniversary of the ill-fated declaration of independence of the freedom-loving people of the Ukraine. After centuries of domination by the czars who were overthrown in the name of freedom and to usher in a new era free from the tyranny of the oppressor, the Ukrainians—long-suffering and courageous persons that they were—seized the occasion to realize the nurtured hopes of centuries and declare their national identity and independence. Alas, the dancing in the streets was premature. The new Russian Government lost no time in giving the lie to their slogans as they ruthlessly put down the experiment in freedom. Soon the streets echoed only with the marching feet of soldiers, the clatter of horses hooves of invading armies, and the cries of dying heroes. The new breed of Russians—the Communists—had lost none of the czarist zeal for foreign domination and showed early on in the Ukraine, what they have shown so many times since, that they do not hesitate to roll across national boundaries to suppress the flames of independence. Early on, it was made clear for all to see that the so-called Union of Soviet Socialist Republics was at its very heart built on ruthless force and denial of independence. The U.S.S.R. rose from the ashes of czarist Russia; however elaborate the disguise about a new order, it was made perfectly clear that little intrinsic had changed with regard to the fate of millions of subject peoples. The monolithic exterior of the U.S.S.R. has come to be a standard feature of the international landscape the past half century. Commentators have grown accustomed to describing it, referring to it, and watching it from the outside and not surprisingly, the impression has been created of a giant political hegemony that moves with one accord and is a union of diverse people who have surrendered their national feelings in return for a concerted effort to bring about a new world order.

That is understandable. That is also why it is good to pause on this anniversary each year—to recall the tragic events of years ago and the noble sentiments of those early Ukrainian heroes, to be sure; but more important, perhaps to be mindful that the monolith is not as monolithic as it seems. Within this forced union, hundreds of forces are at work pulling in opposite directions and away from the center, which is Moscow. For memories of an independent Ukraine, which survived the centuries of Czarist domination have not dried up and disappeared in so short a time as half a century of Russian Communist domination. National identity, cultural heritage, pride in one's country, centuries of ethnic tradition cannot be legislated away with an act of Congress—not even the powerful Soviet congresses. Today behind the outside wall the Russians have thrown up around their so-called Union, the flames of national identity still burn and if one looks closely the mortar of the wall is loose and cracked and with each month and year the cracks are getting deeper and wider.

This country, the new home of countless Ukrainians, has only to listen to these outstanding citizens of America to know of what proud stuff these mortals be and with what determination they face not only the past but also the next 53 years.

ALUMINUM INDUSTRY PREVIEWS NEW RECYCLING PLANT: ANSWER TO MODERN WASTE DISPOSAL PROBLEMS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. MOORHEAD. Mr. Speaker, the aluminum industry has come up with a concrete, realistic answer to one of this Nation's largest pollution problems—garbage.

Previewed in New York the other day, this proposal, a recycling plant that would produce everything fed into it to a valuable reusable substance, is one that should receive the attention of all concerned with pollution problems.

One of the more encouraging aspects of this idea is that the plant would demand no more technology and know-how than we already possess. In other words with a push from the right direction, we could begin in the very near future constructing these plants that would solve this Naton's massive garbage disposal problem, and the many other environmental concerns connected with our increasing accumulation of garbage.

David Bird, writing in the New York Times, discusses this engaging idea.

I would like to introduce Mr. Bird's article into the RECORD at this time:

ALUMINUM INDUSTRY OFFERS PROCESS TO RECYCLE WASTE

(By David Bird)

The aluminum industry presented a plan yesterday for a recycling plant that could take in all municipal garbage as a raw material and process it into reusable material ranging from sand and paper to various types of metal.

Such a plant, for which the industry has completed feasibility studies, is designed to solve the disposal problem by turning every bit of garbage into something useful.

In another aspect of the garbage-disposal problem, Mayor Lindsay signed into law yesterday a bill that would allow plastic and paper bags to replace the familiar metal garbage can.

In a City Hall ceremony the Mayor said the bags would contain the garbage better and simplify collection. As a result, he said, "we anticipate a cleaner and quieter city."

A COMPLETE PROCESS

The proposal for a recycling plant, which was described by the Aluminum Association at a news conference in the Biltmore Hotel, is one of the first for a process that would take care of all garbage, not just part of it.

So far, individual industries, under pressure from environmentalists who are concerned about the growing mounds of waste, have tended to concentrate on salvage drives to recover just their own products that become waste.

These were piecemeal salvage drives—the Boy Scouts, for example, bringing back old bottles. Gradually, it became evident that such drives were not going to be enough to solve the waste problem.

The recycling operation proposed by the Aluminum Association would be a $15-million pilot plant that could handle 500 tons of garbage a day, about the amount produced by a community of 175,000 to 200,000 people.

The Aluminum Association would not actually build the plant. Rather it hopes that its engineering studies showing that such a plant could allow a community to make a profit out of its garbage will spur others into action.

The plant itself would need no new technology because it combines existing processes to grind up garbage, ranging from potato peels to old refrigerators, and then separate it into its valuable components.

Any material that could not be recycled into a raw material, such as plastics or some paper, would be burned to generate steam or electricity.

The aluminum industry is pushing the plan because aluminum is worth $200 a ton as scrap, or more than ten times as much as paper or glass. The aluminum industry reasons that if a community wants to make more profit out of its garbage it will encourage its citizens to use more things like aluminum cans and other aluminum packaging.

Richard D. Waughan, director of the Federal Bureau of Solid Waste Maangement, who was at the news conference yesterday, praised the recycling concept. But he said that aluminum prices could become depressed if collections were stepped up significantly.

David P. Reynolds, vice president of Reynolds Metals Company, said, however, that his industry would buy all the aluminum that could be collected at the $200-a-ton price.

KRETCHMER SOUGHT LAW

The legislation allowing plastic and paper bags that was signed by the Major had been sought by Jerome Kretchmer, the city's Acting Sanitation Commissioner.

Mr. Kretchmer, who was at the ceremony, said tests had shown that when bags were used instead of metal cans there was less litter, fewer litter fires, a substantial reduction in flies and a 20 per cent increase in productivity of sanitationmen.

Also at the ceremony was John J. DeLury, president of the Uniformed Sanitationmen's Association, who warmly endorse the bag legislation. He said it was the only issue on which "we had a unanimous decision by 11,000 sanitationmen." He cautioned, however, that the bags would have to be picked up from the sidewalks before they were kicked open by small boys.

The bags, which must meet tougher strength standards than for those that have been generally offered for sale so far, are expected to be in the stores as early as this week. Approved bags will carry a drawing of a hand with the thumb and forefinger forming the letter "C."

MRS. SHARON JOHNSON—"WOMAN OF THE YEAR"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. ANDERSON of California. Mr. Speaker, this past Friday night, January 29, the Lawndale Coordinating Council selected Mrs. Sharon Johnson as the "Woman of the Year" in recognition of her unselfish efforts for the betterment of the community.

Her work with our youth deserves special praise. As a member of the Advisory Board of the Lawndale Youth Council, Mrs. Johnson was instrumental in the success of the 1970 cancer drive, and the October "clean-up" drive. In addition, she has been an assistant leader for the G.S.A. Brownie Troop; assistant den mother for the Cub Scouts; and is currently a member of the Lawndale Little League Association.

In the community, Mrs. Johnson has been equally active. For the past few years, she has worked on the local cancer fund. In 1968, she worked in the YMCA fund drive. Mrs. Johnson was a volunteer worker in the pediatrics section of the Los Angeles County Health Services, and has worked in tuberculosis and respiratory disease mobile units in the last few years.

For the past 5 years, Mrs. Johnson has worked in the Lawndale Chamber of Commerce Christmas festivals, serving as chairman, cochairman, and committee chairman. She was the entertainment chairman for the Lawndale 10th anniversary and city hall dedication. She has been instrumental in the success of the Lawndale Youth Day Parade, and had the honor of serving as the Easter bunny in the 1969 parade. In that parade, she was the cograndmaster with Santa Claus.

Her active participation in the Lawndale "Monday Eves" has resulted in her election to most official positions in that organization. She served as toy loan coordinator and helped to form this worthwhile project.

In the Lawndale Women's Club, Mrs. Johnson is the current chairman of "Operation SAM." For the past 5 years, she has been on the Lawndale Coordinating Council where she has served as president and treasurer.

Her efforts have not gone unnoticed. She was the recipient of the Lawndale Chamber of Commerce President's Special Award for 1969–70 for a nondirector.

But most importantly, Mr. Speaker, Mrs. Johnson is a wife and mother. While she may not receive recognition in this area, I am sure that her diligence and conscious efforts are well received by those who know her best and have loved her longest.

Mr. Speaker, it gives me great pleasure to recognize Mrs. Sharon Johnson for her contributions to the community. I congratulate the Lawndale Coordinating Council in their choice and I ask my colleagues to join me in commending Mrs. Sharon Johnson for donating her time, and her efforts to improve our community.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, FEBRUARY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events of the National Gallery of Art for the month of February 1971.

Once again the National Gallery of Art has planned outstanding exhibits and events. The American people, and especially those living in our Nation's Capital are very fortunate to have this excellent gallery to visit and enjoy.

The calendar follows:

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, FEBRUARY 1971

HOGARTH: PAINTINGS FROM THE COLLECTION OF MR. AND MRS. PAUL MELLON

This exhibition is the fourth in the series of works by British artists in the collection of Mr. and Mrs. Paul Mellon. Twenty-nine paintings by William Hogarth (1697–1764), the renowned pictorial dramatist and social commentator of the early 18th century, have been selected for this exhibition, on view on the main floor from February 12 through May 30. The most important picture shown is *The Beggar's Opera*, which reflects the artist's passionate interest in the theater. This painting will be the subject of the Sunday lecture, February 14 to be given in the National Gallery Auditorium by Ronald Paulson, Chairman, Department of English, The Johns Hopkins University, Baltimore.

Also chosen from Mr. and Mrs. Mellon's collection for this exhibition of Hogarth works are portraits, genre scenes, a preliminary sketch for the Foundling Hospital altarpiece, and the set of twelve paintings illustrating *Hudibras*, a poem by Samuel Butler satirizing the Puritans. A fully illustrated, fifty-page catalogue of the exhibition ($2.50) has been prepared and annotated by Ross Watson.

A selection of Hogarth's prints, to go on view in March in Gallery G–19, will complement the exhibition of Hogarth's paintings.

CONTINUING ON VIEW

Ingres in Rome, Special Exhibition Galleries, ground floor, through February 20; *Käthe Kollwitz: Prints and Drawings*, Gallery G–19, ground floor, through February.

A NEW DIRECTOR'S TOUR ACOUSTIGUIDE

J. Carter Brown has recorded a new *Director's Tour* of the National Gallery, which includes discussion of some of his favorite paintings and a number of personal anecdotes. This forty-five minute Acoustiguide will be available from the rental desk on the main floor at the Mall Entrance.

GALLERY AND CAFETERIA HOURS

The Gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:00 p.m. The Cafeteria is open weekdays, 10:00 a.m. to 4:00 p.m.; luncheon service 11:00 a.m. to 2:30 p.m.; and Sundays, dinner service 1:00 to 7:00 p.m.

A. W. MELLON LECTURES

"Vasari, the Man and the Book" is the subject of the 20th annual A. W. Mellon Lectures in the Fine Arts, to be delivered this year by the distinguished British art historian and educator, T. S. R. Boase. Dr. Boase's lectures will explore the life and influence of one of the most colorful personalities of the Renaissance: Giorgio Vasari (1511–1574), the biographer, painter, collector, and founder of modern art history. Since the 15th century, Vasari's often-amusing *Lives of the Artists* has been the major source book for students of Italian Renaissance painting. The series of six consecutive Sunday lectures will begin February 21 at 4:00 in the National Gallery Auditorium with a discussion of "Vasari, the Man." There is no admission charge to these lectures, which are open to the public.

Dr. Boase, Chairman of the British School at Rome since 1965, was educated at Rugby School and Magdalen College, Oxford, and has served as a Professor of the History of Art at the University of London and Director of the Courtauld Institute of Art (1937–47). He was president of Magdalen College from 1947–1968. His publications include *Boniface VIII* (1933), *St. Francis of Assisi* (1936—new edition 1968), and numerous articles in the Journal of the Warburg and Courtauld Institutes. He is also editor of the *Oxford History of English Art*.

The A. W. Mellon Lectures in the Fine Arts began in 1952 through grants from the Avalon and Old Dominion Foundations. Their purpose is to "bring to the people of the United States the best contemporary thought and scholarship bearing on the subject of the fine arts." The A.W. Mellon Lectures are published in the Bollingen Series by the Princeton University Press. Previous lecturers include Sir Nikolaus Pevsner, the British architectural historian, and Kenneth Clark, author and narrator of the "Civilisation" series, whose lectures in 1953 later were published as *The Nude: A Study in Ideal Form*.

EXTENSION SERVICE

A new slide lecture, "The Creative Past: Art of Africa," is now available to schools and community groups through the Gallery's Extension Service. Based on the highly-acclaimed African sculpture exhibition held at the Gallery in February 1970, this new program offers a basic introduction to the subject through text, recording and seventy-eight color slides.

Three revised slide lectures also offered through the Extension Service. "The Artist's Eye: Pictorial Composition," "The Artist's Hand: Five Techniques of Painting," and "Color and Light in Painting" are now available. The Extension Service, which reached over 3,000 communities last year, also provides movies, film strips and traveling exhibits with over sixty titles ranging from the Byzantine period to the 20th century.

Monday, Feb. 1, through Sunday, Feb. 7

Painting of the week.—(11" x 14" reproductions with texts for sale this week—15 cents each. If mailed, 25 cents each)—Redon. *Evocation of Roussel* (Chester Dale Collection) Gallery 84—Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week.—The Exhibition of Ingres in Rome, Central Gallery—Tues. through Sat. 1:00; Sun. 2:30.

Tour.—Introduction to the Collection, Rotunda—Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture.—The Styles of Ingres. Guest Speaker: Robert Rosenblum, Professor of Fine Arts, New York University, New York—Auditorium 4:00.

"Civilisation," VI—Protest and Communication—Saturday & Sunday, 12:30 and 1:30.

Sunday concert.—Richard Morris, Pianist—East Garden Court, 7:00.

Monday, Feb. 8, through Sunday, Feb. 14

Painting of the week.—11"x14" reproductions with texts for sale this week—15 cents each. If mailed, 25 cents each—Vigée-Lebrun. *The Marquise de Pezé and the Marquise de Rouget with Her Two Children* (Gift of the Bay Foundation) Gallery 55—Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week.—View Painting Prior to Ingres. Rotunda—Tues. through Sat. 1:00; Sun. 2:30.

Tour.—Introduction to the Collection. Rotunda—Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday letcure.—Hogarth's "Beggar's Opera," Guest Speaker: Ronald Paulson, Chairman, Department of English, The Johns Hopkins University, Baltimore—Auditorium 4:00.

"Civilisation," VII—Grandeur and Obedience—Saturday and Sunday, 12:30 and 1:30.

Sunday concert.—Elizabeth Kirkpatrick, *Soprano* Marjorie Yates, *Flute,* assisted by Meredith Little, *Harpsichord;* Loren Kitt, *Clarinet;* Glenn Garlick, Cello—East Garden Court, 7:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office.

Monday, Feb. 15, through Sunday, Feb. 21

Painting of the week.—8" x 10" black-and-white photographs with texts for sale this week—75c each. Vuillard. *Public Garden,* (Lent by Nathan Cummings) Gallery 76—Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00.

Tour of the week.—Artists in Rome. Rotunda—Tues. through Sat. 1:00; Sun. 2:30.

Tour.—Introduction to the Collection. Rotunda—Mon. 11:00, 1:00 and 3:00; Tues. through Sat. 11:00 and 3:00; Sun. 5:00.

Sunday lecture.—Vasari, the Man and the Book: The Man, Guest Speaker: T. S. R. Boase, A. W. Mellon Lecturer in the Fine Arts—Auditorium 4:00.

"Civilisation," VIII.—The Light of Experience Saturday and Sunday, 12:30 and 1:30.

Sunday concert.—Shoshana Shoshan, *Soprano,* Allan Rogers, *Pianist*—East Garden Court, 7:00.

Monday, Feb. 22, through Sunday, Feb. 28

Painting of the week.—11" x 14" reproduction with texts for sale this week—15 cents each. (If mailed 25 cents each)—Gilbert Stuart. *The Skater* (Andrew Mellon Collection), Gallery 60B—Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00.

Tour of the week.—Ingres and Neoclassicism. Central Gallery—Tues. through Sat. 1:00; Sun. 2:30.

Tour.—Introduction to the Collection. Rotunda—Mon. through Sat. 11:00 and 3:00; Sun. 5:00.

Sunday lecture.—Vasari, the Man and the Book: The Book, Guest Speaker: T. S. R. Boase, A. W. Mellon Lecturer in the Fine Arts—Auditorium 4:00.

"Civilisation," IX.—The Pursuit of Happiness—Saturday and Sunday, 12:30 and 1:30.

Sunday concert.—Sheila Henig, *Pianist*—East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

A HOPEFUL SIGN IN POLAND: POLISH MILITANTS ESCAPE REPRISAL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. PUCINSKI. Mr. Speaker, we have been watching with great interest the recent developments in Poland under the new party leader, Edward Gierek.

It is, I believe, a cautiously hopeful sign that Mr. Gierek has ordered no state reprisals against the militant shipyard workers who struck recently to appeal their economic and political grievances.

Perhaps this gesture on Mr. Gierek's part signals the beginning of a new era of peaceful dissent in this strife-torn nation. We will continue to observe Mr. Gierek's policies with careful optimism.

Mr. Speaker, news articles about these possibly hopeful new policies follow:

[From the Chicago Sun-Times, Jan. 27, 1971]

Polish Militants Escape Reprisals

Szczecin, Poland.—Militant shipyard workers who led last week's strike will suffer no state reprisals, by order of new party leader Edward Gierek, it was learned Tuesday.

Szczecin, badly hit by food price riots last month, swung into a second day of normal working. People lined up Tuesday morning to buy up the local paper which gave the first full account of Gierek's meeting with protesting workers here.

The men had struck to emphasize economic and political grievances, including a demand for the punishment of those who ordered militia and troops to shoot at civilians during the pre-Christmas clashes. Unconfirmed reports say scores of persons were shot and hundreds injured.

"The yardmen insisted that people who gave the order to shoot be severely punished, the newspaper Glos Szczecinski said.

Gierek, after promising strike leaders they would not be punished, warned that the nation was in a "blind alley" economically. There was no more money at present for further wage hikes.

[From the Christian Science Monitor, Jan. 29, 1971]

On Way to Jobs, Poles Cheer Gierek

(By Eric Gourne)

Vienna.—Poland's Baltic workers went back to work and Edward Gierek, the Poles' new party chief, returned to his desk in Warsaw after an exchange on an equal footing without parallel in 25 years of Communist rule in Eastern Europe.

For Mr. Gierek, his visit to the troubled northern ports was a notable success in a sedulously pursued effort to establish a meaningful dialogue between the regime and the people.

It goes much further—especially in its background of incipient revolt—than the rapport which the Hungarian regime has established with its workers through the modest "liberalization" of the labor unions in years of cautious reform.

Not even the independent Yugoslav Communists have had quite such a confrontation.

CHEERED BY WORKMEN

For the Polish workers it was an unique occasion because by bypassing their "establishment" representatives they constituted their own negotiating bodies and won their demand to put their case on their own terms and without inhibitions of any kind directly to the country's leader.

From all accounts Mr. Gierek's frank plea for "confidence, help, better work, understanding and patience," coupled with undertakings to adjust the new norm and incentive arrangements which finally sparked the December discontent was well received.

He was cheered at the end of a meeting with striking shipyard workers at Szczecin where he arrived when the yards had been idle for almost 72 hours and again at Gdansk which is Poland's biggest shipbuilding center.

At Szczecin the questions and his answers and his painstaking hearing of the many workers delegated by the rank and file went on into the small hours. A "working session" with the Gdansk workers lasted seven hours.

After it was all over, the return to normal working in the Baltic ports apparently was soon complete.

Both sides—the new regime and the workers in a branch of industry whose welfare is vital to economic growth—seemed to have gained appreciably from the exchange.

From early January the workers had insisted that Mr. Gierek visit them for personal on-the-spot examination of their grievances. And they clinched their point with a succession of work stoppages, go-slows, and agitation at which their demands rapidly assumed a political as well as economic character.

Already in the wake of Mr. Gierek's visit some local officials who had lost the workers' confidence have been relieved of their posts. More are to follow and also, according to Warsaw reports, more changes at higher, national levels can be expected before the party's Central Committee plenum in early February.

Mr. Gierek's reputation and his popularity and acceptance are obviously all considerably enhanced. His principal aim on this tour was both to hear the workers and to bring home to them the serious nature of the country's economic problems.

He included a warning against allowing their understandable impatience for better things to be exploited by people still in places of influence. He said some of them were "causing difficulties."

HINT TO OPPOSITION

It was his first semipublic allusion to the continued presence in the leadership of potential opposition. But, according to informed observers in Warsaw, his sympathetic handling of men and events in Szczecin and Gdansk not only cooled a dangerous development there but also deflated any who hanker for a harder line.

At least for the present, his talks with the workers apparently reflected his own policies earlier—that is before he came to power as party chief in Silesia, Poland's rich coal- and steel-producing region. There consumer standards were never allowed to be overshadowed or overriden by production goals as elsewhere in Poland.

He set out to bring home to the workers the plain, inescapable fact that the economy at present has no reserves or slack in which living standards can be raised as rapidly as the workers would wish. His appeal was especially emphasized for the shipyard workers who have been responsible for Poland's biggest single area of economic expansion since the war.

[From the Washington Post, Feb. 1, 1971]

Polish Party Paper Analyzes, Denounces Gomulka Regime

(By Dan Morgan)

Warsaw.—A close lieutenant of new Polish Communist leader Edward Gierek has published the first comprehensive, party-sanctioned critique of the government of Wladyslaw Gomulka, who was ousted from power in December.

Western diplomatic analysts here believe the detailed document may serve as the basis for a thoroughgoing purge of party elements loyal to Gomulka and his policies.

The author is Maciej Szczepanski, editor of the daily Trybuna Robotnica which is the main party paper of Gierek's home region of Silesia. His article took up more than a full page of the paper's Thursday edition.

It sharply attacked by name two of Gomulka's proteges, economic planner Boleslaw Jaszcuk and ideologist Zenon Kliszko, both of whom lost their posts on the politburo in last month's shuffle. And it referred to the "autocratic methods of the former first secretary"—Gomulka.

At the same time Szczepanski made a long and detailed analysis and critique of the economic, ideological and political faults of the old regime. In essence, he maintained that bad economic programs had squandered the hard work of devoted leaders.

Though party and non-party officials have been outspokenly critical in private of the Gomulka regime since its demise, Western diplomats said this was the most sweeping condemnation to appear in an official publication here. Excerpts have been printed in the Warsaw press and read over television.

The article appeared to serve the double aim to enhancing the reputation of Gierek as man who had opposed faulty policies, and of preparing the party and country for the coming eighth plenum of the Central Committee and more sweeping personnel changes.

"Personnel policies are now undergoing major change," the article said. "Every man is being assessed as to his abilities. The party rejects the old system of Kliszko of picking 'his boys' regardless of whether they knew how or wanted to serve the party. We know now that birth, long years of work or past merits are in fact secondary. The main thing is the amount of ideological knowledge and political engagement, experience and professional qualifications."

Szczepanski wrote that party organizations have now been "given back their statutory duties, rights and functions."

No date has been announced for the Central Committee plenum, but it is expected to take place in the first half of February. Gomulka and his associates are still members of the Central Committee. Is was clear from the Szczepanski article that, in the view of Gierek supporters, those men stand for policies that are completely discredited.

The writer described the "bungling inability of economic experts in the Jaszczuk style" and said that their erroneous policies meant that the "devotion of the working class brought no results in the sphere of productivity or social amenities."

The new leadership has still not revealed its own program for solving the country's economic difficulties, but some guidelines are expected to emerge from the coming meeting.

According to reports from Szczecin, the riot-struck Baltic city visited by Gierek a week ago, the party leader won enthusiastic applause when he said that the unpopular incentive program of the Gomulka Government was being shelved

The object of the program was to encourage efficiency by rewarding profit-making firms. But managers and workers found the plan too complex.

The main objections of workers to the incentive plan were that the rewards were to be allotted on a yearly basis rather than in monthly paychecks, and that bonuses were tied to the efficiency of the enterprises as a whole rather than individuals.

Western economic analysts believe that Gierek may introduce his own incentive program in the future, taking into account the objections to the old plan.

In the context of "worsening standards of living," and other economic ills, the "bungling" price increases of December which triggered rioting were only the "last drop of bitterness," Szczepanski wrote.

"The working class was trying to work devotedly," he continued "However, the engagement of the working people was not accompanied by wise economic policy and effective concepts. Voluntarism, interference with and paralyzing of the state administration and autocratic styles of governing led to this—that the hard work of our people did not bring expected results in either quantity or quality of production.

"Our party quite frankly admits that the workers are right when they say their life is hard. Whenever justified, we always confirm that real wages of some workers, relative to the prices, are low. Our party will not continue the old practice of trying to talk people into believing that the last price hike was no profit to the state and no loss to the workers. This is absurd."

FLAWS IN REVENUE-SHARING PLAN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. KARTH. Mr. Speaker, in view of the tremendous interest in so-called revenue-sharing plans, I think it is valuable at this point to reprint the fine article by Carl T. Rowan published in the Washington Evening Star on January 27, 1971. I believe we can profit from the perspective of this acute observer. The article follows:

FLAWS IN REVENUE-SHARING PLAN

(By Carl T. Rowan)

I just can't work up an enthusiasm for giving huge sums of federal money to George Wallace of Alabama or Ronald Reagan of California, with no restrictions on how that money is to be spent.

I appreciate fully the financial crisis of most states and the near-bankruptcy of many cities, but "revenue sharing" as proposed by the Nixon administration does not strike me as an effective or proper solution.

When it comes to philosophy of government, I agree that power ought to rest with the people, that people at the very local level ought to have as much control over their affairs as possible, that our federal bureaucracy has become so big and unmanageable that the public has every reason to be fed up with waste and duplication.

But before we plunge blindly into a revenue-sharing binge, we had better remind ourselves that the reason why the states want to share federal money is precisely why the federal government has grown too big and unwieldly.

That reason is that the federal government can achieve things that people at the local level cannot or will not do because local governments lack the resources—or the political guts.

The federal government has grown fat and overpowerful because of default at the local level.

Why should the federal government be paying to educate pre-schoolers in West Virginia, or educationally deprived teen-agers in Tennessee, or to build dormitories on a campus in Oregon? Because the states and other units of local government would never do it.

Why is the federal government involved in consumer protection, voter-registration, health care for the poor and the aged, or food and food stamps for the poor and hungry? Because state and local government long ago abdicated—or ducked—responsibility in these fields.

Special interest and special privilege have always operated with greater success on local politicians than on leaders at the national level. So local politicians have been more than happy to leave it to federal authorities to do the unpopular, controversial jobs.

Local officials naturally prefer to let the federal government levy taxes and pass money on to them. That is much less risky politically than asking the federal government to reduce its taxes substantially so states and cities can raise their taxes and in that way get adequate revenues.

The system now proposed would turn money and spending power back to local governments, but it would not turn back the responsibility and accountability that would exist if local units of government had to bear the onus of levying the taxes.

I am aware of a major flaw in the argument that federal taxes should be reduced, leaving states and cities to raise money by increasing their taxes: That would still leave our poorer states in financial trouble because they simply do not have an adequate tax base.

So what revenue-sharing means is that the federal government will take money from rich communities and share it with poor communities to equalize the level of life from state to state.

That is an acceptable goal—as long as the revenues that are turned back are also used to equalize the level of life within the state or the city.

But that is where I have my deepest reservations about turning back to local governments several billions of dollars in unrestricted block grants. History suggests that the funds will not be used in a way that lifts everyone's level of life in many cities and states.

Even when Congress allocated a billion dollars a year with a clear stipulation that it be used for "compensatory education" of poor, underprivileged children, local officials were caught using the money on the well-to-do or to continued programs that previously were financed with regular local funds.

A similar misuse of funds occurred when Congress allocated millions to encourage and increase school desegregation.

Congress has every reason, then, to be dubious about handing over vast sums of "no strings" money to states and cities.

And President Nixon's revenue-sharing package probably will be even less appealing when we learn what federal programs he plans to reduce or abolish in order to free $10 billion for local government.

What is more acceptable—and more likely of congressional approval—is that the federal government lift the $5 billion welfare burden off the states and that it assume much more of the cost of education.

That would give the nation a reformed welfare program with national standards instead of the mish-mash of widely differing state programs. It would set us on the way toward an educational system where every child in South Carolina would have about the same chance of getting an education as the children of Michigan or California.

That would leave states and cities with adequate funds to meet other needs. And it would leave power to the local people—to the extent that local people are willing to pay for their power.

REVENUE SHARING—PASSING THE BUCK—IS ALBANY'S GAME

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DULSKI. Mr. Speaker, a longtime newspaperman friend, Jerry Allan, whom I came to know well when he was covering municipal affairs in my home city of Buffalo, N.Y., has shifted his base of operations to Albany, our State capital.

He is Albany bureau chief for the Buffalo Evening News and keeps tabs on the broad State picture while at the same time giving special attention to the interests of our western end of the State.

On the current controversial subject of Federal revenue sharing, Mr. Allan has taken the broad view of recent doings in Albany which he calls passing the buck.

For the information of my colleagues, here is Mr. Allan's article of January 30:

REVENUE SHARING—PASSING THE BUCK—IS ALBANY'S GAME

(By Jerry Allan)

ALBANY.—Politicians, who delight in evasive language, call it "shifting responsibilities."

But "passing the buck" is a more descriptive term for what happened in Albany this week.

The setting was a dining room in a downtown hotel where about 200 mayors of villages and cities gathered for a legislative meeting of the State Conference of Mayors, a group that lobbies in Albany for small governments.

Gov. Rockefeller and Mayor John V. Lindsay of New York were the star attractions.

"I wish we had a mock fire," an observer said. "We could put Gov. Rockefeller at the end of the line, passing the first bucket of water. He hands it to Mayor Lindsay and so on up the line until we get to the fire and there is the mayor of the smallest village in the state, with the ultimate responsibility for putting out the fire."

The fire, of course, is the money shortage, or in polite terms "the fiscal crisis" that every government leader, from President Nixon to the little village mayor, claims is shoving municipalities into bankruptcy.

VILLAGE GOING DOWN DRAIN

A man with the improbable name of Milton Elezophn, the mayor of Newark, in Wayne County, said his village is going down the drain because of "double taxation," forced on the village because it is part of a town.

"We need help," Mayor Elezophn said.

John B. Walsh, the lawyer who runs the Buffalo lobby in Albany, said the city could do better if persons who live in the Erie County suburbs paid for services supplied by Buffalo.

"We are children of the state," said Mayor Erastus Corning of Albany.

"Cities, counties and villages in a fiscal crisis must turn to Albany," cried Lindsay.

After several hours of buck passing it was Gov. Rockefeller's turn to get in line.

"What we need desperately," Rockefeller said, "is Washington's help in meeting the crushing problems," a reference to the governor's plea for $11 billion in revenue sharing money from the Congress.

"Several overlapping layers of government are represented here," one mayor said, "and when you get them all in one room you get a good idea of how one layer blames the other, or seeks help from the other."

IT'S THIS YEAR'S CATCHWORD

Revenue sharing is the catchword in Albany this year.

Reporters waited in vain this week for any discussion by the mayors or even Rockefeller of using the tax dollar more efficiently, obtaining more productivity from the millions of village, town, city, county and state employes.

Walsh didn't bother to explain why municipalities in Erie County need about 25 separate police departments.

Mayor Stephen May of Rochester saw a ray of hope in an 18-member, blue-ribbon commission appointed by Gov. Rockefeller to review the problems of local governments. It will spend about $250,000.

The state, of course, already has an Office for Local Government which uses about $6 million a year "to increase the capabilities of local governments to organize and manage collectively local functions and services."

In all the discussions of revenue sharing, either by villages, cities, counties, the state or the federal government, it is difficult to get at the truth and the politicians, even Rockefeller and Lindsay, are not telling the complete story.

"The localities are virtually powerless" to find any new tax sources, Lindsay complained the other day.

Yet in the 11 years he has been governor, Rockefeller has persuaded the Legislature to give New York City authority to impose an income tax and to tap about 30 other tax levies.

STATE PAYS ITS SHARE

The Governor appears to be on solid ground when he claims that New York State taxpayers send billions to Washington and get back only 11 cents on the dollar.

Rockefeller is correct in that direct federal grants to the state total about $2 billion.

But federal accountants are also correct when they say that the governor is not including, for example, New York's pro rata share of the cost of the Defense Department, which presumably watches over the security of New Yorkers as well as the rest of the nation.

A few state legislators feel that, even if a reluctant Congress approves revenue sharing, only a few years will elapse and local governments will plead poverty again.

"You could open Ft. Knox to Lindsay one day," said Assemblyman Vito B. Battista of Brooklyn. "He'd empty it and be back the next day for more dough."

Battista feels that New York City and all other local governments could obtain more revenue by overhauling property assessments.

ON TAXING REAL ESTATE

During his first term, 1958–61, Mayor Sedita of Buffalo began to review city property assessments with the idea of raising the tax base but there was tremendous property owner opposition and he abandoned the plan.

The Legislature last year adopted a law designed to remove property assessment from politics but it will be a long time before valuation of property for tax purposes reaches a state standard.

Revenue sharing from whatever source, all politicians agree, is another way of tapping the taxpayer since the private enterprise wage earner is the source of all taxes.

The collected speeches of William E. Miller, if the Lockport politician ever decides to collect them, will not rival the works of Winston Churchill.

But one of his remarks, made often during the 1964 Goldwater-Miller presidential campaign, is worth recalling, now that federal revenue sharing is seen as salvation. Said Miller:

"The federal government never gives you anything that it hasn't first taken away."

LIBRARY TRUSTEES HONOR ABE KOFMAN

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. MILLER of California. Mr. Speaker, Mr. Abe Kofman is not only an excellent newspaperman but an outstanding civic leader. He has been in the forefront of promoting projects to benefit Alameda County, and much of the space in his papers is devoted to extolling the virtues of library programs. This is just one example of his civic endeavors and it was justly recognized recently when he was presented the first Trustees Award by the board of library trustees.

The following article outlines the part played by Mr. Kofman and his newspapers with respect to the San Leandro Community Library Center:

LIBRARY TRUSTEES HONOR ABE KOFMAN

(By Josephine Roberts)

SAN LEANDRO.—The policy of The Morning News as determined by its publisher, Abe Kofman, is to give extensive coverage to news stories originating in San Leandro. This policy brought Kofman a handsome bronze trophy and a commendation spelling out services rendered from the Board of Library Trustees on Saturday.

The first "Trustees Award" was accepted by Mort Kofman, assistant publisher, as The Morning News publisher was out of town receiving another award for community service.

The presentation was made by James P. Riley, president of the Board of Library Trustees during an open house and reception commemorating the 10th anniversary of the dedication of the San Leandro Community Library Center.

The commendation noted that the entire staff of The Morning News has given much time and effort to tell the Community Library stories, both for routine services and special events.

This coverage has benefited greatly those who use library services as well as those organizations and staff supplying these services.

In reviewing the excellent relationship that has existed between the Library Trustees and the entire Mornings News Trustees extended to the Morning News—Abe Kofman, publisher, its commendation together with the first "Trustees Award" trophy in sincere appreciation of valuable services rendered the library program.

The commendation carries the signatures of James P. Riley, Vernon T. Larson, Joseph W. Smith Carlos Almeida, Faith Frazier, and C. H. Lubker.

The Morning News and its publisher were lauded for strong support not only of library programs since the modern facility was dedicated but for support of the fight to acquire the library.

Riley mentioned that the Morning News had carried stories about the building of the library center when the project was simply a need and a dream.

Present at the anniversary open house were some members of the original "Big L Committee" that spearheaded the drive for the San Leandro Community Center Library. These ten people later worked closely with the architect during the planning and erection of the Estudillo Avenue facility.

Among Big L Committee in attendance were James P. Riley, Edmund (Ted) Cole and Helen De George. Mrs. De George was the only woman on the Big L Committee.

Numerous people who had worked on subcommittees were in the audience as well as members of the San Leandro City Council, various city boards and commissions.

Mayor Jack D. Maltester paid brief tribute to all the people and organizations who had supported the effort to build the library center. He remarked that front page stories in the Morning News had played a vital role in enlisting community support and bringing the library project to a successful conclusion. He noted that continuing newspaper support had made the library a true community center serving the people efficiently and well.

Present at the open house and reception are the six students from Riberao Preto, San Leandro's sister city in Brazil. They were introduced by Carlos Almeida, library trustee and chairman of the Town Affiliation Committee.

COURAGE, COMPASSION MARK WEST CONSHOHOCKEN TRAGEDY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. COUGHLIN. Mr. Speaker, a devastating series of gas-fed fires and explosions wracked the Borough of West Conshohocken, Pa., in my congressional district on the night of January 17, 1971. The toll is appalling: Four dead, 35 injured, and 24 homes destroyed.

While there are many questions that surround the circumstances of this tragedy, there are other things which stand out quite clearly. These are the courage and compassion of the many people whose lives became intertwined when the rending basts tore apart masonry walls, spewed fire over the street, and left families homeless.

In my county of Montgomery, we are served by volunteer firemen and that night proved once again that they stand with the best of professional firemen anywhere in competence, valor, and dedication to duty. Joseph Powers, 19, a volunteer with West Conshohocken's George Clay Fire Co., was playing a hose on a burning house after initial blasts in homes when the streets erupted in explosion. The concussion caused the house's front wall to collapse. He was crushed to death.

His twin brother, James, was further away and was fighting the fire. He was injured along with other volunteer firemen.

Two children, missing the night of the fire, later were found dead. They were Michael Pruitt, 14, and his sister, Michelle, 8. Their grandfather Albert Rupp, 66, had been blown out of the house by one of the explosions and died later in the hospital.

In West Conshohocken, a community of a little more than 2,000 people with less than a square mile of area, the flags fly at half staff. Neighbors, service organizations, officials of government at all levels, and individuals are working to ease the burden of the grieving and the displaced.

The courage and compassion that marked the early hours of the West Conshohocken tragedy are evidenced in the continuing efforts of countless groups and individuals. As the Congressman, and formerly the State Senator for West Conshohocken, my personal inspection of the site further convinced me of the widespread impact of this disaster.

Words are inadequate to comfort a mother who has lost two children and her father. Expressions of sympathy cannot console a mother who has lost a twin son. Even all our efforts to provide shelter, clothing, and food for the homeless somehow cannot make up for the terrible suffering caused these people.

The scars of the West Conshohocken tragedy will remain. But remaining also will be the indomitable spirit of the volunteer firemen of George Clay Fire Co., as exemplified by Joseph Powers' sacrifice, and of their hundreds of counterparts from volunteer companies in the county. The cooperation and courage of police, government officials, and individuals certainly displayed the highest degree of concerned citizenship. I cannot single out any individual or group, nor would they want this, except to be known that they were tested and did not fail in their obligations to their fellow men.

To deplore and commiserate is not enough, however. I intend to do my utmost to cooperate with the Pennsylvania Public Utility Commission and others involved in investigating the reasons for these series of blasts and fires. Within Federal jurisdiction, I will propose recommendations, if the probes reveal these are necessary, for tightening Federal laws on natural gas pipelines.

Preliminary information provided to me indicated the cause may have been a crack in a weld of a 50-year-old 16-inch steel, high-pressure pipeline. I wondered, as I viewed the devastation in West Conshohocken, just how many other pipelines might be just as old or older, might be just as susceptible to leaks or stresses, and might be just as vulnerable to circumstances which led to the incredible series of events that comprised the West Conshohocken disaster.

The very least we owe to those who died, to the sorrowing survivors, to the homeless, and to those brave citizens who were there that night is to review all regulations, making sure they are strong enough, tightening them up and enacting new ones if necessary, making certain we have stiff inspection procedures and remedies for deficiencies, instituting procedures for immediately cutting off gas to ruptured lines, and taking every possible step to prevent a reoccurrence of this type of disaster.

SALUTE TO BRAVE UKRAINIANS—53D ANNIVERSARY OF INDEPENDENCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 29, 1971

Mr. MOORHEAD. Mr. Speaker, the people of the Ukraine proclaimed their independence 53 years ago, but enjoyed very little freedom before they were crushed by Russian force.

For half of a century they have been victims of personal, religious, and political oppression, yet have never lost their spirit or desire to be free.

On this occasion, we in the Congress salute the brave Ukrainians and the work of the Ukrainian Congress Committee of America who have done so much to sustain their fellow countrymen and to speak out against tyranny, not only in the Ukraine but wherever people are captive.

It is our hope—and our duty—to work for the day when all men will enjoy the right to choose their own way of life and their own government.

OL' J. HENRY, CENTRAL TEXAS CHRONICLER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. PICKLE. Mr. Speaker, a few days ago a beloved and respected man passed into the realm of central Texas legend. Judge J. Henry Martindale was for 71 years a part of the heart of central Texas and was one of her greatest chroniclers.

Lovable, witty, plain spoken, and with a great love for the country and for the people, he regularly pounded out his thoughtful messages for his three newspaper columns on an old typewriter at the Caldwell County Courthouse.

Since I have been a Member of this body, I have been privileged to make many trips to Caldwell County—and my visits always started from the courthouse and J. Henry. His views of current events were always full of simple wisdom and a true mirror of the sentiments of his area.

An able Austin newspaperman, Mr. Nat Henderson, did a fine job of relating what J. Henry has meant to central Texas. I would like to reprint their story in the RECORD at this time:

JUDGE, REPORTER: OL' J. HENRY LAID IN RESTING PLACE

(By Nat Henderson)

LOCKHART.—They laid ol' J. Henry to rest Saturday in the Lockhart Graveyard.

That's probably the way Judge Martindale would have written his own obituary if he could have pecked it out on his old typewriter down at the Caldwell County Courthouse, like he did for so many decades for the Austin American-Statesman.

He passed away Thursday in a Houston infirmary after being born 71 years ago on a farm in the sandy hill country halfway between Lockhart and McMahan and doing a lot of things in the time between.

John Henry Martindale was justice of the peace in Caldwell County from 1933–42 and county treasurer from 1942 until just last month. He became a legend with his homespun philosophizing and storytelling in his newspaper columns. He wrote "J. Henry Says" in the Austin American, "Uncle Si's Observations" in the Austin Statesman and "Under the Courthouse Clock" in the Lockhart Post-Register for many years.

He became a correspondent for the Austin American in 1930 and continued to gather news from the Lockhart area until the early 1960's.

Martindale made news himself as well as reporting it. As a correspondent, he sometimes had to quote himself as a county official. He never accused himself of misquoting himself in the newspapers.

Once upon a time, Justice of the Peace Martindale was presiding at an examining trial in a criminal case. The prosecuting attorney introduced some evidence which would have made news. The prosecutor advised Martindale the judge not to give the information to Martindale the reporter.

A headline the following morning in the Austin American said, "J. Henry Not Talking to Self."

Once upon another time, Judge Martindale got Reporter Martindale in a jam over a Christmas turkey on the courthouse lawn. Lockhart businessmen were giving away prizes, and the turkey gift flew the coop and roosted in a tree.

A young boy climbed the tree, captured the bird and came crashing to the ground when the turkey flapped its wings.

"The ambulance carried the boy off to the hospital," Martindale wrote later, "and I heard on the street the lad was dead on arrival. I beat it to the telephone and called the American. They printed the story the following morning. But when I got to town the next morning, I heard the boy had iodine spread over his cuts and was turned loose.

"Guess I should have called the coroner to confirm the death, but, shoot, I was the coroner," Martindale said.

Martindale got a bang out of spoofing people, places and things including himself.

"I attend a rural school. Got a diploma from Harmony Grove Rural High School and was salutatorian. The other member of the class was valedictorian," he wrote.

Being an honor graduate, Martindale often chided those who were against progress in the public schools. Once the Lockhart schools became the center of a controversy over money to be spent to improve the school buildings. He wrote a column about the cost of the proposed remodeling on the school restrooms.

"We didn't have all that fancy plumbing back in Harmony Grove School, and people got educated just the same. The girls went to the pecan mott on one side of the school, and the boys went to the oak grove on the other side."

After that, very few people objected to the building program in Lockhart.

Martindale's columns in several newspapers sometimes were poignant, sometimes hilarious and always full of thought. He had a simple explanation for nearly everything—including politics.

"My maternal grandmother was a young housewife with an infant son and lived near Gordon, Ga., when Sherman and his henchmen came marching by on their way to the sea. . . . She died at 96, an unreconstructed Rebel to the end," Martindale wrote in 1961.

"Had I voted for the GOP in November and had I died a few weeks later and had I made it to Heaven, I sure would have had a hard time explaining my vote to Grandma," he said.

AFL-CIO'S GOLDFINGER ASSAILS NEW DEPRECIATION RULES AS "TAX BONANZA" FOR BUSINESS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. REUSS. Mr. Speaker, the research director of the AFL-CIO, Mr. Nathaniel Goldfinger, had some cogent remarks about the administration's new depreciation rules in the course of a radio interview carried January 26 on Labor News Conference over the Mutual Broadcasting System:

LABOR NEWS CONFERENCE

Subject: Billion Dollar Tax Break for Business.

Guest: Nathaniel Goldfinger, director of the AFL-CIO's Department of Research.

Reporters: Eileen Shanahan, of the New York Times' Washington bureau and Frank Swoboda, labor correspondent for Business Week magazine.

Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN: Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is Nathaniel Goldfinger, director of the AFL-CIO's Department of Research.

Early this month, President Nixon announced new federal tax procedures permitting business and industry a faster write-off of expenditures for equipment that would cut several billion dollars from federal tax revenues. Although implementation of the plan must be delayed until completion of hearings required by the Administrative Procedures Act, it is clear that the Administration intends to press for it. The AFL-CIO charged that the billion dollar tax break for business would "help those who need it least as the expense of those who need it most," and branded the move "incredible." Here to question Mr. Goldfinger about the AFL-CIO's views of that Administration-proposed tax break for business, chances for its adoption and other economic matters, are Eileen Shanahan, of the New York Times' Washington bureau, and Frank Swoboda, labor correspondent for Business Week Magazine. Your moderator, Frank Harden.

And now, Mr. Swoboda, I believe you have the first question?

SWOBODA. Mr. Goldfinger, could you give us a basic description of just what "liberalized corporate depreciation scales" means?

GOLDFINGER. Well, in a way, this is a technical issue. Mr. Swoboda—but, a technical issue that amounts to billions of dollars of tax write-off for business.

It's a strange and wrong-headed move, as I see it, for the President to make the first step of economic policy measures in the year 1971, a form of tax bonanza amounting to several billion dollars to corporate business.

The way it works, business will be permitted to write off the cost of machines and equipment at a rate about 20 percent faster than at present. The so-called "normal life" of a machine will be cut by about one-fifth. If under the present Treasury rules it is writen off in ten years, the new Treasury rules will permit the company to write it off in eight years.

Now, this amounts to an awful lot of money, when you add the whole thing together. The Treasury Department's own estimates are, $2.7 billion in the first full year of operation, running to more than $4 billion five years down the road.

This is a huge tax cut to business. It's the equivalent of something like a seven percent tax cut for corporate business. But the Treasury did a few other things here.

They not only stepped up the regular write-off for business equipment by about 20 percent, they also provided an additional write-off in the first year. Then—and to me, this is utterly incredible—they propose to drop the reserve ratio test. This test, under the old rules, required the company to actually replace the machines at about the rate that they were writing them off. The Treasury now announces that it will drop this test.

By eliminating the reserve ratio test, the Treasury, it seems to me, is eliminating any rational basis for depreciation write-offs. It's simply saying to American business that from now on, depreciation is whatever the Treasury says it is, not the rate at which machinery wears out and is replaced.

SHANAHAN. Well, the Administration justifies the depreciation speed-up on the grounds that it would help stimulate business—purchases of equipment—and that this would help bring us out of what they are not yet calling a recession, but most economists are, by now, I think. What's the alternative? Isn't it a good idea to stimulate that spending and other kinds of spending that would help pull us out of the recession?

GOLDFINGER. Well, we need expansionary policies, Miss Shanahan, certainly.

We've been in a recession for about a year and one-half.

Unemployment has risen to about five million people, or six percent of the labor force.

Additional millions of people are compelled to work part-time, and their weekly take-home pay is cut.

On top of that we have inflation.

The result is a combination of inflation and recession.

We certainly do need an expansionary policy—we do need a massive, expansionary stimulus to the economy—to stimulate sales, production and employment.

But it seems to me that this is the most fantastic way of doing it. This is the old "trickle-down" theory of the 1890's and 1920's—the economic theory of Presidents McKinley, Coolidge and Harding.

SHANAHAN. What would you do as an alternative?

GOLDFINGER. Well, the alternative is to increase sales and increase production by increasing government expenditures for vitally-needed social requirements, such as housing, hospital construction and school construction. That increases employment—and it also increases public investment. That, Miss Shanahan, would increase industry's operating rate.

It is true, as the Administration states, that business outlays—business expenditures for new machinery—are now levelling off. But, they are not levelling off because business doesn't have the money to spend—they are levelling off, because industry is operating at only about 76 percent of capacity. In other words, at present, almost 25 percent of American industry's machinery, equipment and plants is standing idle, and standing idle because sales and production are insufficient. There aren't enough customers for the things that we can produce in this economy.

We have to increase the number of customers—we have to increase consumer spending power—we have to increase government spending and government investment. That way, you eventually increase business investments in new plants and machines, rather than to try to do it through the old "trickle-down" theory of handouts and tax-bonanzas to business.

SWOBODA. Mr. Goldfinger, what's the difference between this and President Kennedy's Investment Tax Credit in 1962?

GOLDFINGER. Well, the Investment Tax Credit for business investments in equipment, which President Kennedy put into effect back in 1962, was opposed by the AFL-CIO at the time.

There was a difference, however.

The seven percent tax credit did show up as profit. The gimmickry of the Administration's move here is technical, but it is very interesting. By stepping up depreciation write-offs, the way the Treasury is doing it at present, they are increasing the reported costs of doing business, for bookkeeping purposes. And on that basis, business gets a tax cut, because reported business costs are increasing and reported profits are declining, and business gets a tax bonanza.

The big corporation will get the lion's share of this, not the small businesses.

So, what's happening here is a form of gimmickry—speeding up depreciation write-offs, increased business costs—as reported on the books.

It could become—and may well become—an inflationary pressure on price levels, because the reported costs of business will increase and therefore the mark-ups will be higher.

SHANAHAN. You're saying that this thing makes profits look smaller, even though that actually isn't the case?

GOLDFINGER. That's right, Miss Shanahan.

By increasing reported costs of doing business, this form of tax gimmickry—speeding up depreciation write-offs—reduces the reported profits of business. In fact, I wouldn't be a bit surprised if a year or two from now, we hear cries from individual companies, the U.S. Chamber of Commerce and the National Association of Manufacturers, about a "profit-squeeze," about low profits. But the probable cries of poverty from those sources, under these circumstances, will be entirely—or largely—a fraud—the result of depreciation write-off gimmickry fostered by the Administration.

SWOBODA. Do you see it providing any immediate stimulus to capital spending?

GOLDFINGER. With unemployment at six percent of the labor force, and with industry operating at 76 percent of capacity, I see practically no impact on the economy, at this point.

In fact, your own magazine, Mr. Swoboda, Business Week, in the issue of January 16th, stated, quote "There is also scant evidence that liberalizing depreciation at this time will induce many companies to change investment plans."

I think this is reasonable.

Businessmen don't invest money just for the sake of investing money; they're not going to buy machines merely for the sake of buying machines.

Businessmen invest money in new machinery and new equipment in the hope that they will be able to use the machinery and equipment to produce goods and sell them at a profit.

It all gets back to the sagging economy—not enough sales—not enough customers. The sound way, in our judgment, to stimulate the economy is not through this old "trickle-down" theory of the 1890's, but through increased public investment in the kinds of things American society needs—hospital construction, school construction, rebuilding the cities, stepping up all of these kinds of activities, which would help American society create jobs, create customers. This not only creates jobs on the site—on-site construction—but also creates jobs and increases investment in such things as cement companies, steel companies, and all the other things that are used in public investment. This is the way to stimulate the economy on a sound basis, as I see it—not the old "trickle-down" theory and tax gimmickry.

SHANAHAN. Mr. Goldfinger, a couple of young lawyers who work for Ralph Nader have filed suit against this liberalization of depreciation on the grounds that the Treasury didn't go through the proper procedures of public hearings and so forth, and couldn't do it under existing law. I know it's really a question for a lawyer, but, do you think that's a serious charge? Do they have any chance of overturning this?

GOLDFINGER. Well, I don't know that they have a chance of overturning it, Miss Shanahan. I'm not a lawyer, and these are very technical issues.

But, one thing is clear; the Treasury did pull back from the immediate announcement, and they are now proceeding on the basic of providing special hearings on this issue, under the Administrative Procedures Act.

SHANAHAN. As I understand it, that's just on some of the details, like whether it's going to apply to utilities and so on, not on the basic issue, which is 20 percent faster depreciation.

GOLDFINGER. Well, I think that there is a question as to whether the Internal Revenue Service or the Treasury Department has the discretionary authority, on its own, to eliminate the so-called reserve ratio test.

SHANAHAN. That's the one that said you actually have to replace your machinery at something like the rate that you're claiming for tax purposes?

GOLDFINGER. Yes, yes, Miss Shanahan, I think there is a real issue here as to whether the Treasury has the discretionary authority to eliminate the whole basis for depreciation.

If you drop the reserve ratio test, there is no longer any rational basis for depreciation. Once you drop that concept—the reserve ratio test, under which business is replacing machinery at the rate they are writing it off—once you drop that, you're saying that the Treasury Department determines, at its whim or on its quirks, what the depreciation is.

Now, this goes beyond merely the technical term of depreciation. It also means that the U.S. Treasury Department determines what profits are.

I think it is a fantastic move for the federal government to drop the reserve ratio test, in addition to the depreciation speed-up.

SWOBODA. Mr. Goldfinger, one thing the Treasury Department did do was go to Chairman Wilbur Mills (D-Ark.) of the House Ways and Means Committee, and get his approval of this 20 percent figure. Doesn't that, in effect, negate a lot of congressional opposition?

GOLDFINGER. I don't know what Chairman Mills told the Treasury Department, Mr. Swoboda, but I believe there is considerable opposition among Members of Congress—in both the House of Representatives and the Senate—to what the Treasury Department has done here.

Just look at this—they are handling out this tax bonanza to corporate business at a time of a large and growing budget deficit resulting from the recession, and from low production, low sales, high unemployment and inadequate income, therefore producing low revenue receipts for the federal government.

Well, it seems to me that there are an awful lot of things that could be done first and foremost, rather than hand out a seven percent tax cut to business. At this time, what we need is a stimulus to the economy to increase sales production and employment.

SHANAHAN. I wonder if we could maybe get over into that general economic area a little bit . . .

GOLDFINGER. Sure.

SHANAHAN. I gather that rather than give business this $2 to $4½ billion in tax reduction, you would spend the money on important public services in the budget.

GOLDFINGER. Oh, most certainly, Miss Shanahan. Those are the things that are needed.

SHANAHAN. I wonder what your thoughts are about the Nixon budget policy, already announced, which is that we should run a budget deficit somewhere in the neighborhood of probably $15 billion—what they call a "full-employment budget," basing expenditures on how much revenue you would collect if we had only four percent unemployment, instead of six. Do you agree with that basic concept? And, do you think that's a good-sized deficit?

GOLDFINGER. Well, I'm not sure of the exact numbers, and won't be, until we look at the details of President Nixon's budget, which, at this point in time—as we are talking now—is not yet out. We haven't had a chance to look at it.

I say that we need a large increase in federal, public investment outlays. We need it in order to stimulate business, in order to stimulate employment, in order to stimulate production.

I'm not sure what President Nixon's budget will amount to. For example, one of the factors in President Nixon's budget will be this giveaway to business. Something like $2,700,000 less tax receipts from corporate business is involved in that budget.

I think it would be much wiser and sounder, in terms of economic and social policy, to spend that kind of money on needed public improvements which American society needs. With the state of our cities, the state of our hospitals and schools and the lack of adequate urban mass transit in this country, many positive things could be done with that more than $2.5 billion which could stimulate the economy.

SWOBODA. Mr. Goldfinger, this isn't the only change in Nixon's economic policies. Now that he's getting toward 1972, he's gotten into the area "jawboning." Where do you see him going now?

GOLDFINGER. I have no idea on that, Mr. Swoboda. I mean, we hear all kinds of talk from the White House and various areas of the Administration.

But, I see no evidence, thus far, of a clear-cut policy, in terms of the kind of expansion that the President spoke of a few weeks ago, when he was interviewed by several television newscasters.

I fail to see any evidence, thus far, of the expansionary policies that the President was talking about then. You have to recall that not only has the Administration come up with a tax bonanza of $2.7 billion, in the first year, to corporate business, but this comes only weeks after the President vetoed a bill passed by both houses of Congress to create jobs for the long-term unemployed and seriously underemployed; this comes only weeks after the President vetoed appropriations for housing and urban development; it comes only weeks after he vetoed funds for education.

Now, I don't understand, logically, what the President means, when he speaks of "expansion," because, when you add these things up, they are inherently contradictory. On the one hand, there is a tax bonanza for business; on the other, he speaks of "expansion." Yet, he vetoes expansionary legislation.

The Manpower Bill, for example, would have created several hundred thousand jobs—badly-needed jobs in public service-type employment—for the long-term unemployed and the seriously underemployed.

SHANAHAN. Interest rates are suddenly coming down very fast. Is that going to help the economy expand?

GOLDFINGER. Well, it will help housing a bit, Miss Shanahan, and it has already helped housing a bit.

But, the decline in interest rates—as you know from your expertise in watching the economy, Miss Shanahan—the interest rate decline is not because the Administration is driving interest rates down.

Interest rates are falling because of inadequate business loans and inadequate business.

There is just inadequate demand.

HIGHER EDUCATION INHERENTLY "CONSERVATIVE INSTITUTION"

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. O'HARA. Mr. Speaker, few professions today are more challenging than that of chief administrator of an institution of higher education. Of the positions they fill, perhaps none requires greater skill and flexibility than the presidency of community colleges. In addition to harmonizing the interests of student bodies with those of local communities, they must insure that their colleges serve post-high school students of all ages in a broad range of circumstances—persons wishing to enhance occupational skills, degree holders updating their knowledge, people exploring new avocations. It is gratifying that this Nation has young men with the qualities of foresight and courage that these jobs demand.

The Macomb County Community College in Michigan has the very good fortune to be led by just such a man. Dr. John R. Dimitry has been its president for the past 3 years. The MCCC is already one of the largest community colleges in the country. Its enrollment is expected to more than double to 40,000 students in the next 10 years. Under Dr. Dimitry the college is serving truly as a college for the community. The youthful president thinks the school's vocational program, already the most comprehensive in the State, should provide the same degree of instruction for persons in nonprofessional occupations as it does for degree candidates.

A personal profile of this outstanding college administrator appeared recently in the Macomb Daily. I commend it for reading to my colleagues:

HIGHER EDUCATION INHERENTLY "CONSERVATIVE INSTITUTION"

(By Christos N. Kassaris)

WARREN.—During a period when a college president's job is most difficult to perform, and several presidents have resigned from "presidential fatigue," John R. Dimitry, president of Macomb County Community College, faces the future with a fresh outlook.

Dr. Dimitry, who took command of the school three years ago, has created one of the most stable campuses in Michigan.

MCCC, one of the largest community colleges in the nation, presently has two campuses and approximately 18,000 enrolled students. Plans call for the building of a third campus within the next two years and a 40,000 student enrollment is expected by 1980.

When Dr. Dimitry was appointed acting president of MCCC in December, 1967, after the resignation of Robert E. Turner, he was named the only "logical man to be given the post."

The board of trustees did not ask for applications from any other candidate for the position when they considered naming a permanent president.

The board justified its action of naming Dimitry for the post by stating that he had worked for the college for five and a half years and did not need a period of familiarization with the school, which another candidate might have needed.

Dr. Dimitry has, according to faculty members and students, performed in an excellent manner as president, and has significantly contributed to the growth of MCCC.

Dimitry has an unusual degree of optimism for the future of the school.

"The future of MCCC is assured," Dimitry said. "We have the full support of the community and we can prove it by their attendance."

He went on to explain that presently the school is attracting more residents over 30 years of age.

Statistical figures recently released show that 52 per cent of the students are now enrolled in technical and vocational education.

"Our vocational program is the most comprehensive in the state and perhaps in the nation," Dimitry said.

The college, according to Dimitry, must help individuals help themselves in every sector of life. "We should provide a janitor as well as an engineer with the same degree of instruction so that they both perform accurately," the president said.

When asked about campus unrest and disorders Dimitry said:

"Too much is expected today of higher education, because some people see it as the agent of social change.

"Higher education should be an institution that transmits the culture. When you transmit the culture you perform a conservative function, you add new things, apply power of analysis and carry it to the new generation."

What has happened, Dimitry explained, is that some of the young generation want a drastic change and they like an inherently conservative institution to change drastically.

"Social activists want to change the world around," Dimitry said, "higher education is not equipped to and should not do that.

"In effect, some try to turn us into political and social action groups and we should resist it."

In as much as Dimitry believes that academic freedom can be destroyed by the fanaticism of the left, as well as the right, he feels that students should have an advisory voice in the decision-making process of running the school.

"Policy-making should be the responsibility of elected officials," Dimitry said. "Students, through the student senate and a variety of committees, should have only an advisory role."

In explaining why the students should only have an advisory role in the running of the school Dimitry said:

"Because they don't own the institution, but the people of Macomb County do."

The college newspaper called the "Last Issue" fascinates Dimitry and the views in it interest him, despite the fact that they are critical of him most of the time.

The only thing that troubles the president about the paper is that the people who run it "are not representative of the student body.

"It presents a distorted view of student opinion," Dimitry said. "Distortion is never worthwhile and I personally believe in diversity." I do not believe in a minority distorting the views of the majority.

"There is room for all to be heard, but no one's view should ever drown out other views," he added.

Educated in Detroit public schools Dimitry attended Spring Hill College and received his B.S. degree from Wayne State University in 1952 and his master of education degree there in 1954.

In 1966, he completed his doctor of education degree at Wayne State University, specializing in community college administration.

His Kellogg Foundation Fellowship in Community College Administration was awarded in 1961 and extended for a second year.

In addition to his activity with the Michigan Education Association and American Association of University Professors, he has served on the Michigan Curriculum Research Committee, research committee of the Michigan Association of Junior Colleges, and as a consultant to Iowa Western Community College in Council Bluffs and Area II Community College in Des Moines.

Dimitry, 41, has been with the community college since October 1962 when he was employed as a part-time research associate. Since then he has served as administrative assistant, assistant to the president, director of the division of research and development, and director of the Center Campus.

As research director he was instrumental in designing the "House concept" for the Center Campus, which adopted Oxford University's system of small colleges in a larger complex of the community college.

Before coming to MDCC he taught at Highland Park Junior College and Wayne State University. He was employed as a recreation leader for Boys Clubs of Detroit and North Congregational Church of Woodward.

He is currently active on a state and local level in the Kiwanis Club, is a member of the Detroit Camp Fire Girls Board of Directors, a Sunday school teacher at Drayton Avenue Presbyterian Church, and a member of the Oakland County Democratic Organization.

REPRESENTATIVE MOORHEAD SALUTES FLAG POEMS SENT BY FOURTH GRADE CLASS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. MOORHEAD. Mr. Speaker, once again, a fourth grade class, taught by Miss Roberta Feldman of the John Minadeo School in Pittsburgh, has sent me a booklet of poems which they wrote in honor of our flag.

I marvel at the insight and ability that these youngsters evidence in their verse. I wonder how well some of their elders could perform if called upon to do the same chore.

Their total product, as explained in a letter from Master Bobby Gorby, is dedicated to "world peace," a very commendable objective.

When I introduced a similar book of poems last session, my office received comments from all over the country, attesting to popularity and worth of the childrens' effort.

I would like to introduce these poems into the CONGRESSIONAL RECORD for the information and pleasure of my colleagues.

I am sure you will enjoy reading them as much as I did:

PITTSBURGH, PA.,
January 12, 1971.

DEAR MR. MOORHEAD: In our reader Ventures, a unit on "Bold Beginnings" introduces the fourth grade student to the "American Story." After reading and discussing "The Rockets Red Glare" and "The Star-Spangled Banner" we decided to write poems expressing our patriotic feelings about our flag.

All of us did not agree on what the flag is or what the flag stands for, but we all voiced our opinions verbally and in writing.

We decided to dedicate our booklet to our country, our flag, and our desire for world peace which has yet to be achieved.

Thank you for taking the time to read our booklet.

Sincerely,

BOBBY GORBY,
ROBERTA FELDMAN.

Our Flag

Our flag symbolizes our country's unity, strength, and growth from 1776 to 1971.

How can we as Americans help but be reminded of the men who have fought then (1775) and are still fighting now (1970) to preserve our great country of which Our Flag is a most important symbol.

We as the fourth graders of the John Minadeo Elementary School in Pittsburgh, Pennsylvania feel that our flag is something special.

Our wish is to dedicate this poetry booklet to our country, our flag, and our desire for world peace in the year 1971.

"Oh, thus be it ever when free men shall stand Blest with vict'ry and peace."

Roberta Feldman.

Our Flag

(By Elise Byer)

Our flag waves high in the North American sky.
With its stripes of red, on its field of blue.
It symbolizes courage to me and courage to you.
In the night our flag waved high,
Like twinkling diamonds in the sky.
Today and always our flag is true.
With its stripes of red on field of blue.

The American Flag

(By Karen Neller)

Our flag, known as the Red, White and Blue,
Stands up so proudly and so true.
Through many a perilous fight,
While we waited anxiously through the night,
We finally saw Old Glory's stars and stripes of white.
The colors, white, blue and red,
Might symbolize blood, the sea, sky, and the dead.
The flag means a lot to me,
I'm one of the proudest Americans that could ever be.

Stars and Stripes

(By Brenda Anderson)

On Our Flag there are stars and stripes.
Those stars and stripes are so bright.
Our Flag can be seen at night,
That is why ours is so bright.
The brave men had to fight,
For all our countries rights.
They fought so we could be free,
They did this all for you and me.

My Flag

(By Patty Lynch)

My flag means freedom
For all who shall stand
Be they in Alaska, Florida, New Jersey
All over our great land.
My flag is bright
With colors, blue, red and white.
These colors waved all through the night
While men fought a perilous fight.
As man watched in fright
So horrified we lost the fight
He looked very hard
Until he saw the flag in the break of light.
The men fought throughout the night
In such a horrible fight
Some men did die
In graves they now lie.
Yet Old Glory waved forever.

Our Flag

(By Janet Danko)

Our flag is strong and true
Its colors are red, white and blue
Maybe the color red
Means the blood that was shed
So maybe the blue
Means the flag is true
Also maybe the white
Means that there was horrible fight.

Our Flag

(By Scott Makrauer)

The Stars and Stripe so
Wave through the night,
Like a glowing candle
Every star that
Glows so bright
Twinkles out in gay delight.
Our flag stands for our country,
So nice and bright.

Our Flag

(By Brian Feldman)

I love my flag so very true
I love those colors red, white and blue,
I'm very proud of my flag.
The red for blood,
The blue for ocean,
The white for snow,
That's what I know.
I think I have the very best flag
That is why I shall brag.

Our Flag

(By Richard Goldstein)

Our flag means more to me,
Than my most prized possession,
My bike or even a tree.
So you can see,
Our flag means much to me.
Our flag stands for loyalty,
Our flag that waves so bright and free.

Our Flag

(By Andrew Margolis)

Our stars and stripes on our flag,
May make many people proud to brag.
The red and white stripes,
Gave men bravery to fight.
Then there was a man whose name was Key.
He wrote the Anthem at the sea.
Key saw the red, white and blue in the air.
He saw that our flag was still there.

Old Glory

(By Edye Berman)

Old Glory was on top of Ft. McHenry
You could see it through the fog,
It was so strong that you could see
Red, white and blue showing through the smog.
The rockets red glare, the bombs bursting in air
The soldiers were giving a big fight,
But when they saw Old Glory
It was a wonderful sight.

Our Flag

(By Scott Holzer)

Our flag so blue,
So red, white and true,
In the perilous fight,
It lasted through the night.
The ramparts were there,
Watching the rockets red glare.
As Francis Scott Key wrote
A poem, our "National Anthem" on a boat.
Little did he know,
The flag would always be a symbol of love and Liberty.

The Flag

(By Ed Brinkley)

The flag is very bright indeed,
To honor it we should do good deeds.
The red and white across the night,
Showed we won the fight.

My American Flag

(By Martin Roth)

My American flag is red, white and blue.
It is always up waving before the morning dew;
Its nickname is "Old Glory",
Always a beautiful sight,
Old Glory never poor or in fright;
It represents our country,
America is the name,
But Old Glory is known throughout the world
For all its honor and its fame.

The Star Spangled Banner

(By Andy Powell)

The flag that flew over Fort McHenry all night.
The flag that encouraged our men to fight.
A man named Francis Scott Key was watching in fright,
Because he thought that the flag might get captured that night.
Until by a burst of light he saw, that the flag was still there.
Waving in the air.

O'Glory

(By Cynthia Neft)

O'Glory throughout the night,
Which our soldiers' had a fight.
Then at Fort McHenry,
There was a great flash of silent.
O'Glory our flag still there,
That was great thing to hear.
When our country grew,
Our flag still flew.
We respect it with thoughts,
We never drop it.
O'Glory I'm glad
For our flag is still here.

It Is My Flag

(By Amy McNelis)

It is my flag,
For a country so free,
Although the British,
Tried to take it away,
When it waved over Fort McHenry,
In a colorful fight,
When the twilight gleamed it's last
The men and the women saw with triumph,
The Americans had won,
That bloody war
O'er the land of the free and the home of the brave.

My Flag

(By Todd Siegel)

My flag has thirteen stripes and fifty stars.
The fifty stars stand for all the states.
The thirteen stripes stand for the thirteen original colonies.
Our flag stands for freedom, that everyone knows.
When they see it wave.
Our countries freedom shows.
My flag represents our country,
I like my flag and that is true.
Its colors of red, white and blue.

The Stars and Stripes

(By Francis Dusch)

The stars and stripes were very hard to see.
But one great man could see.
His name was Francis Scott Key.
The fog was too thick to see through.
But he could see it better than you or me.
So he wrote a poem about that famous day.
When the flag of our country waved and waved.

Our Flag

(By Kathy Kramer)

Our flag known as the red white and blue
Standing there anxiously proud and beautiful too.

Waving so proudly clear and bright,
It waved all through the night.
It stands there waving pretty and bright.
All through the twilight's dawn's early light.

Our Flag

(By Howard Elinoff)

Through the fight
The flag stood bright.
The flag was red, blue and white
On that perilous night.
The flag still waves.
So very brave.
The bombs bursting in air.
Gave a noise everywhere.

Our Flag

(By Craig Frischman)

Our flag is great
Best at any rate
On it there are fifty states.
Our flag is nice and bright
It stands for all our rights
Our flag has 13 stripes
To keep our flag we had to fight.

Our Flag

(By Susan Robbins)

Our flag's colors of red, white and blue are very bright.
The fifty stars make it just right
It followed Washington all through the war
Through all this, it was never torn
But today, many people have no honor for the flag
They throw it around as if it were a rag.
When the flag waves, it hardly makes a sound
The flag isn't allowed to touch the ground
But still people do not care
They flop it
They plop it
Until it will tear
I am proud to see my flag wave
It makes me feel proud and brave.

Our Flag

(By Barry Haffner)

Our stars and stripes
Waved through the night
Our flag is great
The best of any rate
The colors of our flag are red, white and blue
Every American should be proud and true
For our great flag, the red, white and blue.

Our Flag

(By Todd Arenson)

Everyone loves our flag
Because the colors are so bright
Our flag means freedom
The colors that mean this are blue, red and white.
Oh maybe the red
Means blood that was shed
Men have all bled
So now they are dead.
They fought for our country
Now the flag stands
The flag means freedom
For every man.

Our Flag

(By Vicki Morris)

Our flag is red, white and blue,
It can be old and it can be new.
Our flag is one of pride,
It will never never hide.
Through the day and through the night,
Old glory shines all through the light.

Our Flag

(By Bobby Gorby)

When I see the flag it's blue, white and red,
I try to think of those who are dead.
The Americans who traveled to make us a shield
On our side of the battlefield.
When I see the airplanes I think of the lands,
I think of the frightened sons of moms,
Who were terrified at every noise,
They were so frightened they lost their poise.
When I see the flag, its blue, white and red.
I think of the people who fought and laid dead.

Old Glory

(By Amy O'Toole)

Old Glory waved both day and night,
All through the perilous fight.
Old Glory waves so true,
With her colors of red, white and blue.
Old Glory's colors are red, white and blue
And to her we should always be loyal and true.
Old Glory has stars,
That stand for every state.
When we see her,
We should feel proud and great.
Old Glory is our country's flag
That I have to brag.
So if our country is ever in a fight,
Just call on Old Glory,
She'll wave both day and night.
So remember my friend,
Old Glory will never come to an end.

Our Flag

(By Rose Ann Pugliese)

Our flag red, white and blue
Brings joy to me and to you.
The flag waves so high,
High as the birds that fly in the sky.

Our Flag

(By Bonnie Smith)

Our flag has its colors of red, white and blue.
Our flag has fifty stars all dressed in blue.
There are many different kinds of flags.
There is one for every state.
I think our country's flag is so great.

Our Flag

(By Dana Harris)

When our flag waves,
Our people feel brave
Our flag is red, white and blue
We feel loyal and true.
Our flag has stars and stripes
We are all lucky it waves through the night.
It stands for our country which right
It stands for America and all of its might.

Our Flag

(By Gregory Knight)

Our flag is the greatest to me.
Other flags look beautiful but I think our flag is the best.
I think the red stands for blood coming from our men.
White stands for freedom.
Blue stands for water or our sky.
Our flag shows that brave men have died.

The Stars and Stripes

(By George Kacsuta)

The stars against the dark blue sky.
It looks like dots across the sky.
The red and white stand out too.
But I like the stars against the field of blue.
The rockets through the air.
But the flag was still standing there.
The men that fought to keep our country's pride.
Defending our flag, the Stars and Stripes.

Our Flag

(By Gil Lee)

Our flag is red, blue and white
It never comes down at night.
It will always be up and never down.
You can find it in every town.
Nothing can defeat it.
Because our flag is the strongest
It will wave over the land of the free,
And the home of the brave.

Our Flag

(By Todd Levow)

The flag is red;
The flag is white;
The blue on the flag,
Is so very bright;
Through the perilous fight,
Our flag was so right.
It proudly waved;
Through the dark cold night.

Our Flag

(By Sanford Kauffman)

Our flag is a symbol of the red, white and blue.
Everybody salutes it no matter who.
I'll never forget it,
No, not at all.
For it's a symbol of liberty Love and Justice.

The Stars and Stripes

(By Michael Neft)

The stars are white on a blue field.
The stripes are red and white.
The stripes can symbolize many things.
The stars stand for the country's fifty states.
The red stripes can stand for the blood
That was shed in the wars.
The red could also stand for bravery.
The white stripes could stand for peace.
Or they could also stand for victory.
The white stripes could also stand for the
Snow the soldiers fought in.

My Flag

(By Pamela Segal)

My flag is red, white and blue.
It has starts on it too.
It is so bright
You can see it at night
That is such a beautiful sight.
The red stands for blood,
Which was shed over the mud.
The blue stands for the sky,
Which was up very high.
The white stands for liberty,
For you and for me.

Our Flag

(By Christine Broderick)

Our flag, the red, white, and blue,
Let us behold our flags stars and stripes.
The red stands for the blood the men shed.
The white is for the freedom that we have.
The blue stands for the sky.
The flag is ours for ever, ever more.

Our Flag

(By Lisa Bingaman)

Always be true to the red, white and blue.
Don't forget the stars in the field of blue
The red stands for blood that soldiers did shed
The white stands for the battlefield where soldiers lay dead.
The blue stands for the sky, where bombs burst in air.
That gave proof through the night
That our flag was still there.
The stars mean the states all fifty of them white
They too gave proof
Through the night
That our country was right.
So always be true to the red, white and blue,
Its my flag and yours and our country's too.

The Stars and Stripes

(By Michael Slotsky)

There was a man by the name of Key.
Who wrote our anthem of liberty.

He could hardly see the flag through the misty fight.
He heard mysterious calls all through the night.
Then the Star Bangled Banner was written.

Our Flag

(By Ellen Silverman)

Our flag waving proudly in the air,
The sky is beautiful and clear.
Boldly, the flag stands high up stright,
To represent our country America so great.
The Children were waiting for their clue,
To stand straight and salute the red, white and blue.

My Flag

(By Debbie Wedner)

I love my flag
It will always wave
It will stand for
The land of the free and the home of the brave.
My flag is also great
It has one star for every state.
It has waved all through the night.
While men fought a battle and fight.
My flag is also red and white
With colors very bright
The red white and blue
Will always be true.

Our Flag

(By William Forrest)

The flag was bright,
On that perilous night.
Every bomb that struck that night.
Gave everybody a terrible fright.
The flag could wave,
Because it was brave,
We won the war,
So we'll fight no more.

Old Glory

(By Becky Giffen)

The red, white and blue of our country.
We are thankful for our flag.
We are thankful for the men
Who fought to save our flag.
The red, white and blue is our freedom.
That we as Americans have the red, white and blue, of our country is something to make us glad.

My Flag

(By Jill Grinberg)

It's very true
Our flag is red, white and blue.
When we look at the soldiers,
They have bullets in their shoulders.
It's sad to see
The dried blood on their bodies
When we look
We see the Star Spangled Banner flying.

My Flag

(By Jimmy Bernstein)

Our flag is a great one.
The flag shall never be touched by an enemy hand.
It will always stand.
It will never go down.
This is my country home of the brave.
This is my country land of the free.
I think our flag spells out liberty.

My Star Spangled Banner

(By Debbie Rosenthal)

When our flag waves,
Our people feel brave.
There is the red, white and blue
It's colors of our flag are true.
When our flag waved
The people were so brave.
That's why our flag still waves,
Over the land of the free and the "home of the Brave."

Our Flag

(By Dale Sloan)

Our flag is bold,
With many strong colors,
It's waved in the fight of the
Revolutionary War.
Today it still waves
When anyone dies,
Or in a parade it proudly flies.
I like our flag because it's true.
Its colors are red, white and blue.

Our Flag

(By Christy Cappella)

We love our flag,
It's red, white and blue,
We love our flag,
It's so mighty and true.
There are all kinds of flags,
But I think ours is the best.
Our flag is red, white and blue,
That's how our flag is dressed.

Our Flag

(By Fredric Weisberg)

There is red, white and blue,
It has been sewed so very new.
The stars and stripes,
Are full of white.
A perilous fight,
Was fought that night.
There shall be peace,
Throughout the land.
Freedom, democracy and love so grand.

TRIBUTE TO SENATOR ROBERT DOLE OF KANSAS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. SEBELIUS. Mr. Speaker, for a man to have enough energy and talent to successfully hold two vitally important jobs is a rarity today. Yet, my State of Kansas has a man who has enough energy and drive to do any job and to do it well.

As my colleagues know, Senator Bob Dole of my home State of Kansas has become the new chairman of the Republican National Committee. That is certainly good news for Kansas and as Republicans of all persuasions throughout our Nation come to know Bob Dole, I am sure they will recognize it is certain good news for the Republican Party as well.

Bob Dole's energy, drive, and ability to get things done have almost become a legend in his origin home district, the First Congressional District of Kansas that I am now privileged to represent. Regardless of party, the people of the "Big First" know Bob Dole gets things done and works tirelessly for his constituents. The Republican Party, as well as the State of Kansas, are now the Senator's constituency and I am sure party members will come to know and appreciate Bob Dole's leadership as we do in Kansas.

The following editorials, one from WIBW in Topeka and the other from the Kansas City Kansan, say very well what I am trying to point out. I commend these editorials to the attention of my colleagues and especially to the Republican Members of Congress:

WIBW Editorial

This week, Senator Robert Dole of Kansas officially became the Chairman of the Republican National Committee. We think that's good news for Kansas. After weeks of speculation, President Nixon made his choice known. Dole, 47, serving his first term in the Senate has made his mark. He served as President Nixon's spokesman on the Senate floor during much of the last session. His choice by the President solidifies his position as the Senate's White House spokesman for election. Dole, a Conservative, is one of the Senate's more forceful debaters.

We believe Dole's new position is one Kansans should welcome. Kansas . . . compared to giants like New York, California, Ohio and Pennsylvania . . . is small in population. We have 5 Congressmen compared to New York's 41. In Presidential elections, the state has 7 electoral votes compared to 40 for California.

For years, Kansans . . . and citizens of small population states like Oklahoma, Nebraska, Colorado and the Dakotas . . . have fretted about the fact that their viewers carry little weight . . . that politicians pay attention to the states and areas with the big votes.

Dole's new role . . . while certainly a partisan one . . . puts him in touch with the highest levels of administrative thinking. With a Republican President in the White House, this is important to Kansas. Dole, for example, will sit in on cabinet-level discussions. He'll have the ear of the President and his leading aides when he calls with a problem.

We view Senator Dole's new appointment as somewhat similar to the role of the businessman or civic leader who agrees to spend a year as Chamber of Commerce President or United Fund Chairman or as President of the State Association of his profession. In the case of Senator Dole, his business is politics. In the American system of two major parties, it sometimes takes political weight to get things done. And Senator Dole has accepted the challenge of wearing two hats—just like many able and energetic men continue to run successful business enterprises and still devote time to civic, church and other public service work.

He's agreed to do this work because he believes in it . . . and he's taking the additional job at no increase in pay. But . . . his new job can mean much to the Kansans he represents. It will, indeed, make him a major voice in Washington. Anybody who thinks this new job will keep Bob Dole from doing his duty as a Senator from Kansas doesn't know him very well. He's an 18-hour-a-day worker. He seems to almost never tire. He works at his job as Senator, and he'll work at the job of being Republican Chairman. Somebody once said . . . "If you want to get something done, get the busiest man in town, and he'll get it done." That applies in the case of Bob Dole.

Not because it's a Republican job . . . but because it means so much to Kansas, all Kansans should applaud the new honor for Senator Dole. Kansas has had influential men in the Senate before—but seldom if ever has Kansas had a Senator with this kind of voice with the party in power—and that's good for Kansas.

[From the Kansas City Kansan, Jan. 18, 1971]

KANSAS SHARES IN DOLE'S SPOTLIGHT

Kansas is in the spotlight of national attention with the election of Sen. Robert Dole as chairman of the Republican National Committee. He was the personal recommendation of President Nixon.

Senator Dole is to be congratulated upon his selection and is deserving of its honor and responsibility. He has supported the President's position in Congress and fought formidable opposition from the Democrat ranks and in some cases from within his own party to further Mr. Nixon's goals.

This position could become a step to even higher levels in his chosen field of political endeavors. His ascendency on the ladder of national prominence will depend upon his degree of success in the development of the Republican party on the national level—upon his ability to attract good people to work with him to build a strong and viable party.

He has already taken the initial steps and made the first appointments to develop this team that his predecessor stated was going to be so necessary in the next few years to preserve the two-party system.

Senator Dole's record indicates that he has the talent, drive and personal qualifications to meet the forthcoming challenges of his new office. With his capacity for hard work, he will be able to handle his senatorial duties as well as his new political duties. The proper teamwork can make him effective in both areas.

The state of Kansas can be pleased to have one of its own in this position—a position of close association to the very highest levels of the federal government.

Kansas is doubly fortunate to have both its senators—Dole and James E. Pearson—so highly regarded by their peers. Neither is following the other, but each is striking out in his own particular area of expertise.

Dole is the aggressive partisan in solid support of the President's program and his political party.

Senator Pearson is more closely associated with the group within the Republican party that carried the senatorial leadership role during the past Congress. He can be expected to rise in that area and receive further recognition of his efforts and abilities.

Yet both these leaders are working closely together for the nation, their state and constituents. Kansas voters can be proud of their own discernment in electing them.

THE WOES OF PUBLIC HOUSING—PROJECTS TURNED INTO GHETTOS—THIEVES OBSTRUCT DISTRICT OF COLUMBIA WORK

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. FISHER. Mr. Speaker, reports have multiplied of how scores of public housing projects have been turned into slums and ghettos. These units are so often treated as objects for destruction and vandalism. The decent tenants who take pride in their quarters are plagued by others who practice deterioration and ruin.

A good example of this is found here in the District of Columbia where taxpayers are taking a beating. Instead of providing urgent housing needs for deserving low-income tenants, public housing has been one big headache. That fact is well illustrated by what is happening at the Frederick Douglass Dwellings, and there are others. Slums and ghettos arise from beautiful structures.

What is happening in the District is reported in other metropolitan areas. Perhaps the committee which handles public housing legislation should undertake a full scale investigation of what is happening. American taxpayers have much at stake.

Under leave to extend my remarks, I include an article which appeared in the January 29 issue of the Evening Star:

LOW-RENT PROJECT HIT: THIEVES PLAGUE HOUSING WORK

(By Harvey Kabaker)

The District's public housing agency was making some headway fixing up the 303 low-rent apartments at Frederick Douglass Dwellings, 21st Street and Alabama Avenue SE.

With many of its 10,500 apartments deteriorating, and assorted financial and managerial woes, the National Capital Housing Authority has gained the reputation—fairly or not—of "the worst slumlord in the city."

So it was important—for the Douglass residents as well as the NCHA—that visible progress be made in modernizing the buildings. The $1.5 million project is the most thorough one ever undertaken by the housing authority and could result in a better place than when Douglass was new—in 1941.

SCHEDULE IS FULL

Agenda: New roofs, complete rewiring, all-new heating system, new plumbing, garbage disposals, refrigerators, kitchen cabinets, ranges, plaster, painting, doors, windows, tile floors and brick veneer. Work around the present tenants, don't force them to be relocated. Fill the 50 vacant units when they're finished.

The job is perhaps half done.

Last week, boards were torn off five vacant apartments, which were then systematically stripped and vandalized. NCHA officials guessed it took three hours each time—two apartments one night, three the next.

All the plumbing is gone, so are garbage disposals, cabinets, copper tubing from the heating systems—everything including, literally, the kitchen sink.

Monteria Ivey, Sr., NCHA acting executive director, estimated the loss in dollars at around $5,000.

But the loss in time, effort and morale is priceless.

"It's frightening, very disheartening to me, to say the least," Ivey commented.

500 UNITS HIT

D.C. police and the FBI—NCHA property is federally owned—have been called in, but so far nothing has been found.

Theft and vandalism are not unknown in public housing. Last month, city housing officials announced a $1.1 million program to reclaim some 500 units—mostly ground-floor garden apartments—that were broken into hard on the heels of vacating tenants, and remain easy game for break-ins.

Not long ago a pool table was placed in a northeast project. It took a half-dozen men to move it into a basement recreation room. Now it's gone.

At a new project, the contractor recently made the miscalculation of equipping the kitchen several weeks before tenants were scheduled to move in. Despite the pressure of a night watchman, several refrigerators disappeared

Officials are at a loss to know how to prevent it. The tenants themselves, for a long time, have asked for guards, better door locks, and other security measures. But the NCHA is strapped for cash, and Ivey says guard services are among the most expensive items one can imagine.

Then, too, the Departments of Housing and Urban Development doesn't normally approve of such expenses in family units—housing for the elderly is guarded at night—although Congress last year spoke of the need for better security, perhaps with tenant cooperation.

Meantime, Ivy said, the authority will press on and seek new bids for the final phase of work at Douglass, the brick facade and window frames. It seems NCHA's three-year-old, 900,000 estimate was only half of what the bidders said the work would cost and new plans were out for bids this week.

The stripped apartments will be redone. No one, though, is willing to predict when the modernization at Douglass will be finished.

TIME TO RETURN POWER TO PEOPLE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DERWINSKI. Mr. Speaker, a veteran and therefore knowledgeable observer of the Washington scene is Walter Trohan, Washington bureau chief emeritus of the Chicago Tribune. Mr. Trohan has the rare facility to properly analyze the complex problems on the Washington scene. His column of Wednesday, January 27, 1971, which follows, commenting on the President's state of the Union message is, in my judgment, as sound a commentary as has come to my attention:

IT IS TIME TO RETURN POWER TO PEOPLE

(By Walter Trohan)

WASHINGTON.—The safest political prediction of our day is that President Nixon will not get the six goals he outlined to Congress in his state of the Union message. Yet the most important problem of our day is the return of power to the people.

For 38 years power has been flowing from the people to Washington, where it has intoxicated generations of politicians and burocrats. But it must never be forgotten that the flow of power was directed by vote of the people. It was not seized here, as it was abroad, by dictators. Concentration of power is not an American problem but a world problem, even tho the President has asked America to tackle it first.

Mr. Nixon called for a "peaceful revolution" by which power would be returned to the state and local levels so that the people might be given a chance to solve their problems, something the promises of politicians, the arrogance of intellectual planners and the dictates of burocrats have failed to do.

'Tis a consummation devoutly to be wished, and yet we can wonder whether the people have the will or the capacity to solve the problems.

The States failed to solve the Depression and came to Washington to surrender power for doles. The states failed to solve the race problem and left its solution to the federal government. And now the states want the federal government to be their tax collector. They are calling not for a return of the sources of revenue but for a share in the federal collections.

It is safe to say the six goals suggested by the President will be bogged down in the mires of Congress. Politics, procrastination and personal ambition will exact their toll. This is the year before the Presidential campaign year and many will not be able to see clearly thru the maze of Presidential lightning rods.

Already it is being charged that the program is nothing more than a campaign document. It is said that Mr. Nixon has presented an array of pious platitudes and incantations calculated to blame the Democratic Congress for all that is wrong in 1972. Even if the program were perfect—which it is not—many would be against it for political and selfish reasons.

Only a few years ago, Lyndon B. Johnson tried to consolidate the departments of labor and commerce, but the plan was wrecked by labor leaders jealous of their power. It is certain many will not support the currently proposed reshuffling of the Cabinet. Many will attack for various reasons, but mainly for votes, the program to reform skyrocketing welfare.

They will resist the Nixon effort to promote prosperity, improve the environment and advance health, but most of all they will oppose any drive to strengthen state and local governments.

The American way has been changed markedly of late. Now murmurs of dissatisfaction are growing louder. Streets have run red and skies have glowed with violence. The clenched fist of angry revolution is being raised. Campuses have become incubators of protest and pulpits have become forums for political and sociological change, rather than havens of spiritual regeneration.

In all this ferment many good and true citizens have weltered in agonies of fear and frustration. They want to oppose a world they feel they never made. Most of all, they want to be heard. There is growing talk of a tax strike, even tho the power establishment has seen to it that most taxes are collected before they even become due.

Now the President has recognized that the people are dissatisfied. Let us make a start at turning promises into performances at the local level.

THE PRESERVATION OF WESTERN CHRISTIAN CIVILIZATION IS A HEMISPHERIC EFFORT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. RARICK. Mr. Speaker, numerous individuals and organizations in the United Statse undertake to thwart the conspiratorial attempts of those directing the international Communist conspiracy to subjugate and control the remaining nations of the free world. The counterparts of these anti-Communist groups operate in Latin American countries. One such organization is the Brazilian Society for the Defense of Tradition, Family and Society—Sociedade Brasileira de Defensa da Tradicao, Familia e Propriedade—known simply as TFP. Its address is Rua Martim Francisco, 669, Sao Paulo (3)–S. P., Brazil.

The TFP labors for the preservation of the basic values of Western Christian civilization. Its concern is concentrated mainly on three related problems: Communism, the widespread tendency toward socialization, and the movement to destroy strong family ties and to destroy the morals of youth.

The TFP is interested in getting in touch with patriotic people in America who are fighting as they are for the preservation of Western Christian civilization. A communication link uniting the many anti-Communist peoples in different countries may be useful in a defense against the enemy's strategy of knocking off one country at a time.

I insert at this point a TFP press release:

THE CHILEAN ELECTIONS: A FORSAKEN KERENSKY

SANTIAGO, CHILE—The sunset of the government of president Eduardo Frei of Chile has been marked not only by a rising leftist terrorism, but also by numerous commentaries of the south american press, in which this government has been accused of having failed in its program of social reforms.

President Frei is busy getting ready to leave his government in the midst of an agitated electoral campaign, which will end on September sixth, when the Chilean people will choose their new president.

Well informed circles in this capital say that the Christian Democrat candidate, Radomivo Tomi, is the least favored of the three candidates for the office.

The criticisms of the government of President Frei are being made by the liberals, the conservatives, and even by the extreme left. It is interesting to note that even some of the organs which greeted with enthusiasm the beginning of the socialist reforms of this government, now are sadly recognizing the failure of that program.

This is exactly the case of the ultra liberal newspaper "O Estado de S. Paulo", which recently published an analysis of the present chilean situation, written by N. Bosch, from which we will quote some lines.

During the last six years, Mr. Frei tried to convince the world, especially Latin America, that the latin american political problems were the exclusive result of the archaic social economic structures which the old oligarchies were trying to preserve.

During that time, it was systematically denied the fact that foreign powers had an influence in the sudden rise of such problems in the continent. Also during that time, the thesis that subversion, terror and violence were a natural revolt against a situation of exploration of the poor people was heatedly defended.

"Get rid of the causes and the effects will disappear," the Christian Democrat president of Chile said.

By this token, he labelled the so-called "Revolution with liberty", which came to be the theme of his government.

He then presented a plan of radical reforms, designed to eliminate the motives of social dissatisfaction, and in consequence, eliminate the attitudes of rebellion.

Although he tried to inspire himself in the German and Italian Christian Democracies, the Chilean Christian Democratic Party (CDP) elaborated on a program of government in the most pure socialist style, in which the nationalization of foreign companies and the agrarian reform were the main points.

The Chilean Christian Democracy coincided in many aspects with the materialistic theories of Marx. "We intend to reform the regime of property whose basis still is the individualist concept of the right of dominion. This way we assure the widest diffusion of property, including the communitarian type of property", said President Frei at the beginning of his government.

His basic premise was that social justice was the distribution to all men of the goods produced by the society, and that the government was the only institution able to make this distribution.

With this sort of vision of life, the CDP situated its actions on the same level with the marxist leninist parties, with which, although he was separated by the democratic forms which he maintained, he came to constitute an ideological community.

This community does not make itself manifest only in the enunciation of their purposes. In practice, the government of President Frei tried to accomplish, through other means, the postulates which the lefts struggled to accomplish.

He tried to eliminate the causes of violence, but the more he advanced in the direction of his objectives, the more violent the lefts became.

Today, on the eve of the end of his mandate, the Chilean president has before him a country shaken by subversion, by terror and by the shadow of civil war.

This proves that it does not pay to compromise with the lefts.

It shows that the causes pointed out by the lefts as the motives for the violence were not more than a mere pretext. It is obvious that the marxists are not interested only in social reforms.

Today the Chilean people have three choices. Who will win the next elections? The anti-communist right, the Castro-communist guerrillas, or will it be a military coup?

Whatever is the result, it will be the end of a traditional democracy which was in the past an example for the whole of Latin America. This democracy generated its own destruction through permissiveness.

President Frei will enter history as a Kerensky (as Fabio Vidigal Xavier da Silveira called him in his best-seller "Frei, the Chilean Kerensky"). Or will he enter history as a visionary?

Perhaps he was just a "well-intentioned" man, but who was profoundly mistaken in his understanding of the lefts . . .

IN DEFENSE OF THE CHILEAN TFP

SAO PAULO, BRAZIL.—Several newspapers recently published what obviously was slanted news about the activities of the Chilean TFP.

The newspapers clearly insinuated that the Chilean TFP was responsible for rural agitations in opposition to the agrarian reform of President Eduardo Frei of Chile, and that the TFP participated in an incident which caused the death of a member of the federal department in charge of the execution of that reform.

Juan Gonzalo Campbell, member of the Council of the Chilean TFP denied the charges during a press conference in Sao Paulo, where he came to undergo a health treatment.

He explained to the Brazilian press the true methods of action of the organization which he heads.

To that end, he wrote a letter to Professor Plinio Corrêa de Oliveira, the President of the National Council of the Brazilian TFP.

His declarations were later condensated in one of Prof. Oliveira's famous weekly articles. In it Campbell made clear three points:

1. The Chilean TFP has always been a law-abiding organization both in its deeds and actions, which are always performed through public campaigns.

The TFP has always been a defender of the legal methods of action, and has condemned agitations and terrorism. The TFP is presently engaged in a campaign in support of free and orderly elections, and is warning the country against the dangers of a possible dictatorship.

2. The Chilean TFP was not involved in the incident which resulted in the death of the federal employee. All the TFP activities in the rural areas have been known by their respect to law and order.

TFP has refused to promote violence, even in the face of the unjust expropriation of the farm of its president.

3. Any comparison between the TFP and the leftist extremists is malicious and without any real basis.

The leftist extremists are groups of armed terrorists and criminals, who make use of violence, and who have, in the past, attacked several times members and militants of the TFP during its campaigns, with various types of weapons. Such elements have already inflicted grave wounds in various members of the TFP.

"To compare their methods with the activities of the TFP is to confuse the spirits and gravely damage a Society which bravely but peacefully struggles to save Chile from a red regime", concluded Mr. Campbell.

Unjust Appropriation Provokes a Popular Reaction in Chile

SANTIAGO, CHILE, July.—The administration of President Frei of Chile appropriated a farm which was a property of Mr. Patricio Larrain Bustamante, according to reports which reached this city.

The unjust appropriation proved once and for all that the agrarian reform of President Frei and of the Chilean Christian Democracy does not have in mind the social welfare of the workers nor the economic development of the country.

The agrarian reform has been implemented with the political objective of persecuting the adversaries of the socialist policies of the Christian Democratic Party.

Therefore, in addition to instituting an agrarian reform which has for its basis the complete suppression of the right of owning a property, the Chilean Government did not hesitate in breaking the very same laws which it established to persecute the adversaries of the regime.

The appropriation of the property of Mr. Larrain was violent, unjust and arbitrary, even taking into account the present law of confiscation of the chilean agrarian reform.

The act shocked so many people that, as soon as the news about it became known, Mr. Larrain began receiving numerous manifestations of solidarity as well as demonstrations of repugn for the injustice which he had just suffered.

These manifestations and demonstrations came from legislators, owners of property, leaders of associations, the people of the region, residents of the area, peasants and workers.

This support was made more evident through a declaration with some 900 signatures of workers, farmers, and others who deplored the situation. This declaration also stated the reasons why they were against the agrarian reform, the communism and the class struggle.

Mr. Larrain also received the support of leaders of the "National Party" (the opposition party), in which Deputy Gustavo Monckeberg made statements to the press condemning the appropriation.

The high point of the demonstrations was a peasants parade as a sign of unsupport to the government action. In the parade, about 500 persons carried the image of Our Lady of the Carmel (the Patroness of Chile), which was in the appropriated property, to a public oratory in Curacavi, the neighboring district.

Among the group which carried the image, was a number of militant members of the Chilean Society for the Defense of Tradition, Family and Property.

The TFP members, who rode horses during the parade, wore red capes and berets, and carried both the Chilean and the TFP banners.

Religious hymns were sang throughout the traject.

In Curacavi, the image was set for the worship of the public, and Msgr. Berrios, the Diocesian Bishop, who was present at the ceremony, blessed the place.

At the occasion, Mr. Larrain spoke about the importance of this act and asked the Virgin to prevent Chile from falling into the communist hands.

Mr. Angel Salinas, a worker in the appropriated land, also spoke at the occasion, explaining the antagonistic feelings of the peasants for the socialist regime which was contrary to the interests of the rural population, and destructor of the Christian Civilization.

Mr. Lorrain is the President of the Chilean Society for the Defense of Tradition, Family and Property, an organization which for many years has led the struggle against communization of Chile, which is the number one objective of the Christian Democratic Party.

One of the most important steps to achieve this communization is the implementation of a socialist agrarian reform. Such reform always received from the Chilean TFP the loudest critics, which have never been refuted by Frei's regime.

Therefore, one can understand the efforts of the leaders of the Christian Demorcatic Party to punish the president of such organization. This characterizes the political objectives of the reform, which is one of hatred, and which will always be used against the enemies of the Christian Democracy.

PRESIDENT OF POSTAL UNION WRITES AN EDITORIAL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DULSKI. Mr. Speaker, the president of the National Association of Letter Carriers, Mr. James H. Rademacher, has made some interesting editorial comments in the February 1970 edition of the Postal Record, monthly publication of his union. Following is the text of his editorial:

Two Wrongs Do Not Make This Right

(By James H. Rademacher)

Suddenly it becomes apparent that all the advocates of a Postal Corporation were only kidding when they were talking about true postal reform. They apparently have sold the American people a pup, and a mighty mangy pup it is.

We started to become disenchanted with the practical aspects of the quasi-corporation idea when the President appointed nine totally management-oriented persons, none of whom had ever been inside a post office except to mail a package, to serve as the Governors of the new Postal Service. Our sense of uneasiness grew when the Governors, rather sneakily, were sworn in on an interim basis, before Congress could convene.

Then, to top it all off, these nine political appointees, as their first official act, chose as their Chairman, Winton M. Blount, the Republican politician who has, in the past two years, presided over the most drastic deterioration of the postal service since the days of 1950, when Jesse Donaldson was running the mails.

Once he lowered his arm after taking the new oath of office, Chairman Blount remained totally in character. With an arrogance which would have brought a blush to the cheek of Louis XIV, he announced that he intended to lead the Postal Establishment straight back to 1902, when the infamous "Gag Rule" was born. He said that from now on postal employees will be forbidden to communicate with their Congressman concerning postal matters. If we have any complaints we must direct them to the Congressional Liaison Officer at headquarters, who will be the *"sole voice of the Postal Service in communicating with Congress."* Since this Liaison Officer will be appointed by the managers and will be beholden to them for his sustenance, it is not very likely that he will transmit to the Congress any complaints against his employers, or any information that will make his employers seem to be less than geniuses.

The P.O. Department spokesmen have been mouthing pious platitudes about taking the Post Office out of politics ever since the present administration came to power. They deceived a lot of people into thinking they were serious. So now we find these nine politically appointed Governors appointing as Chairman the Republican politician who, by all accounts, is itching to run for the Senate next year in Alabama. (However, we cannot see how Mr. Blount can make any political hay out of his record of having been party to further deterioration of the postal service and of having helped mightily to precipitate the first postal strike in our history.)

Certainly, both parties have been playing this game for generations, jumping up a likely political candidate and giving him a job which will keep him before the electorate until it is time to get out on the hustings. This has been Standard Political Procedure. But never before has the stratagem been carried off with such blatant hypocrisy. Never before has it been conducted to the accompaniment of solemn organ music, and pietistic hymn-chanting, and such fervent cries of "holier-than-thou." The performance has been nauseating.

The new Chairman of the Board celebrated his appointment with a press release listing 31 major "achievements" carried out during his two years as the final Postmaster General of our history. The release should be set to music. It covers almost everything conceivable—economy, pornography, structural planning and so on, except service. Not one of the 31 socalled achievements has anything whatsoever to do with the principal mission of the Post Office—the moving of mail swiftly and surely from sender to recipient.

As for the ridiculous decree forbidding postal employees to communicate with their Congressmen, the National Association of Letter Carriers intends to ignore it. We propose to continue operating in the same honorable, straightforward way we have always operated. We believe in the Lloyd-LaFollette Act, not in arbitrary decrees of a politically inspired Chairman of the Board. We believe the decree is unconstitutional in that it would deprive postal employees of the right of free speech and the right of petition. If Chairman Blount chooses to contest this point in court with us, we would be delighted to accommodate him.

And as for the new Postal Service, we have not quite given up on it yet, but, unless attitudes and personnel are drastically altered in the near future, we predict that

Congress will vote itself back into authority within two years. Maybe it will take less time than that.

REPORT TO NINTH DISTRICT CONSTITUENTS—FEBRUARY 1, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

COMMENTARY ON THE PRESIDENT'S PLANS FOR REORGANIZATION

The President struck a responsive chord in his State of the Union Message when he asserted that most Americans . . . "are simply fed up with government at all levels." My conversations and correspondence with Ninth District residents have pointed up increasing impatience with government which is not responsive to the individual, promises too much, and delivers too little.

With this kind of an introduction, the President then proposed a broad and ambitious reorganization of Federal departments to end what he called "hopeless confusion of form and function." He proposed making eight Cabinet departments out of the present 12. The Departments of State, Treasury, Defense and Justice would remain, while the following new departments would be created:

1. A department of human resources, which would take over the function of the Department of Health, Education and Welfare (HEW), and some of the programs now administered by the Labor and Agriculture Departments. Its primary responsibility would be in dealing with people as individuals and as members of a family.

2. A department of community development, which would take in the Department of Housing and Urban Development (HUD), and the Community Action Program, which is now administered by the Office of Economic Opportunity (OEO). This department also would deal with rural communities.

3. A department of natural resources, which would absorb the Interior Department as well as some functions of the Agriculture and Commerce Departments which now deal with the control and conservation of our natural resources.

4. A department of economic development, which would take in functions of the Agriculture, Commerce, Labor and Transportation Departments, as well as such independent agencies as the Small Business Administration and the Tariff Commission. Its primary function, obviously, would be the maintenance of a healthy national economy.

The reaction of the Congress to the President's proposals has been cautious. Several of the leaders of the Democratically-controlled Congress have charged the President with "political grandstanding" in attempting to present his Administration as an agent of reform and innovation. Most, however, have taken a "wait and see" stance.

Reforms of the magnitude outlined by the President would touch many levels of government, not the least of which is Congress itself. Congressional committees are organized to oversee the present departments. Eliminating some of these departments would also mean the elimination of some Congressional committees, whose members have built up enormous power and control.

Special interest groups, which have established lines of communication with the Departments and Congressional committees which look after their needs, may be expected to voice bitter opposition to so sweeping a reorganization. Farm groups, labor and business all may be reluctant to see departments familiar with their concerns merged with other areas of responsibility.

It has been this kind of opposition which has scuttled earlier plans of reorganization. President Johnson's proposal to merge the Labor and Commerce Departments fell through largely because of the opposition of organized labor. The concept of a natural resources department also has been discussed for several years, but never acted upon because of the opposition of Congressional committees, trade associations, citizens' groups and state governments.

The President has painted his proposal in broad strokes, indicating he would spell out in greater detail the specifics in the next few weeks. His proposals are, on the whole, bold and imaginative and deserve a careful hearing by the Congress.

An automatic rejection of the President's proposals by the Congress, at a time when many have doubts about the responsiveness and efficiency of government would be unwise. The government needs to spend all the time and effort it can muster to the task of improving its structure.

The taxpayer wants his government to work better. He believes that it can, and he is likely to think that a little "shaping up" might just improve things considerably.

COMMUNISM AND REVOLUTION IN THE UNITED STATES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. WYMAN. Mr. Speaker, at a time when too many Americans tend to forget basic truths about communism—or do not want to remember or admit—the voice of Winston Churchill comes to us loud and clear. Written 41 years ago, Reader's Digest's current condensation of Sir Winston's message from his book "Great Contemporaries," is a reminder that Americans must not, should not, and cannot afford to overlook or push aside these truths as Congress and the executive branch fashion foreign and domestic policy in the 1970's.

As Churchill says, "To be forewarned is to be forearmed." Let us not forget:

WINSTON CHURCHILL ON REVOLUTION

(By Winston S. Churchill)

CONDENSED FROM "GREAT CONTEMPORARIES"

Communism is not only a creed. It is a plan of campaign. A communist is not only the holder of certain opinions; he is the pledged adept of a well-thought-out means of enforcing them. The anatomy of discontent and revolution has been studied in every phase and aspect, and a veritable drill book prepared for subverting all existing institutions. The method of enforcement is as much a part of the communist faith as the doctrine itself.

At first the time-honored principles of liberalism and democracy are invoked to shelter the infant organism. Free speech, the right of public meeting, every form of lawful political agitation and constitutional right are paraded and asserted. Alliance is sought with every popular movement toward the left.

The creation of a mild liberal or socialist regime in some period of convulsion is the first milestone. But no sooner has this been created than it is to be overthrown. Woes and scarcity resulting from confusion must be exploited. Collisions, if possible attended with bloodshed, are to be arranged between the agents of the new government and the working people. Martyrs are to be manufactured. An apologetic attitude in the rulers should be turned to profit. Pacific propaganda may be made the mask of hatreds never before manifested among men. No faith need be, indeed may be, kept with noncommunists. Every act of goodwill, of tolerance, of conciliation on the part of governments or statesmen is to be utilized for their ruin.

Then when the time is ripe and the moment opportune, every form of lethal violence from mob revolt to private assassination must be used without stint or compunction. The citadel will be stormed under the banners of liberty and democracy; and once the apparatus of power is in the hands of the brotherhood, all opposition, all contrary opinions must be extinguished by death.

Democracy is but a tool to be used and afterward broken; liberty but a sentimental folly unworthy of the logician. The absolute rule of a self-chosen priesthood according to the dogmas it has learned by rote is to be imposed upon mankind, without mitigations, forever.

All this, set out in prosy textbooks, written also in blood in the history of several powerful nations, is the communist's faith and purpose. To be forewarned should be to be forearmed!

RAILPAX AND THE FUTURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DERWINSKI. Mr. Speaker, Chicago is the rail center of our Nation and thus has an obvious interest in the issue of the proposed Railpax operation. It is essential that we scrutinize the Railpax plans thoroughly and permit its establishment as a practical plan. This point is well made in an editorial carried over WBBM radio Chicago on January 19, which follows:

RAILPAX AND THE FUTURE

For years, railroads have been having a rough time of things. Transportation experts say that they expect some improvement this year, based on a possible increase in business conditions. And it is further supported by the government backed National Railroad Passenger Service Corporation—commonly called Railpax.

Starting next May, Railpax is supposed to provide better and reasonably priced transportation over intermediate distances. But it would be wrong to say that everything is going to be better. This is going to be a very lean operation with only about 200 runs throughout the country. Many areas can make a good argument for adding train runs.

To expand Railpax, the public is going to have to show acceptance of rail travel between cities on the proposed runs and the railroads will have to invest more of their revenues in the program.

Railpax has yet to prove itself. But if it does, it may help to improve our entire transportation industry. Actually, Railpax will mean a reduction in some services at the start. But if the Department of Transportation planners are right, they will have cut out money losing runs in favor of those with a good potential for growth. We certainly hope that this proves to be the case.

MAN OF THE YEAR—JACK PELLERIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. ANDERSON of California. Mr. Speaker, today I wish to recognize and pay tribute to a man in my congressional district who has rendered many years of service to his community—Lawndale, Calif.

On January 29, the Lawndale Coordinating Council recognized the achievements of Jack Pellerin by awarding him the Man of the Year Award.

An active leader in the Red Cross, Jack Pellerin was chairman of the Lawndale-Hawthorne Red Cross Executive Board, chairman of the Southwest District Board of the American Red Cross, and is a member of the gallons club of the Red Cross.

In addition to his duties as branch manager of the Security Pacific National Bank in Lawndale, Mr. Pellerin has found time to work with our youth. He is a cofounder of the Lawndale Youth Council and, today, he is chairman of the advisory board. In showing his desire to help youth, he was one of the organizers of the South Bay "25" Club to help children at Christmastime. Mr. Pellerin served as director of the South Bay "25" Club for 2 years. He also played Santa Claus, seeing more than 5,900 children as Santa this year. In 1959, Jack Pellerin was the chairman of the Youth Day Parade.

This year's recipient of the Man of the Year Award is a past member of the board of directors of the Centinella Valley YMCA. He has driven a truck in the cleanup campaign for the last 2 years. Mr. Pellerin played in the 1970 golf tournament for the Children's Hospital benefit. He was the coach of the Rotary Club baseball team for 2 years, and also is a member of the Alondra Golf Men's Club.

Mr. Pellerin has served on the board of Rotary in Lawndale for 1 year. He was international service director and, also, bulletin editor for his club and won first place in District 528 for bulletin publishers at the district conference.

Mr. Pellerin, married and the father of three children, attends the Maria Regina Catholic Church. He has served as secretary, first vice president, and president of the Lawndale Chamber of Commerce. This year, he is serving as treasurer of the Lawndale March of Dimes.

Mr. Speaker, Jack Pellerin has served his fellowman and his community for many years. I take pleasure in congratulating the Lawndale Coordinating Council in their choice for the Man of the Year Award, and I commend Mr. Jack Pellerin for his outstanding contributions to improve our Nation and our society.

REPRESENTATIVE BARBER B. CONABLE SAYS REVENUE SHARING INEVITABLE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 1, 1971

Mr. DULSKI. Mr. Speaker, there is much discussion these days on Federal revenue sharing with the States and local communities.

My distinguished upstate New York colleague, Mr. CONABLE, who is a member of the Ways and Means Committee, has given his views in a verbatim interview with Lucian C. Warren, the able Washington bureau chief for the Buffalo, N.Y., Evening News and a former president of the National Press Club.

Since Mr. CONABLE considers revenue-sharing to be inevitable, I believe his rationale may be of interest to all Members and I include the January 30 interview as follows:

WNY's MAN ON WAYS AND MEANS SAYS REVENUE SHARING IS INEVITABLE

(By Lucian C. Warren)

(NOTE.—Enactment of some form of revenue-sharing is "inevitable," despite the opposition of top men on the House Ways & Means Committee. This is the view of GOP Rep. Barber B. Conable, Jr., of Alexander, who in the following interview tells why he favors it and how it will work. In addition to belonging to Ways & Means, Rep. Conable is also on the Congressional Joint Economic Committee and was recently named to the House Republican leadership as chairman of its House Republican Research Committee.)

WASHINGTON.—Q. Congressman Conable, you have made a statement on revenue sharing in which you seem to embrace the concept and say that Congress will have to act on it.

I wonder on what you base your optimism considering the fact that the chairman of your committee, Rep. Wilbur Mills (D., Ark.), and the ranking Republican on the committee, John W. Byrnes of Wisconsin, are both against it.

A. I think revenue sharing is inevitable, an idea whose time is come. If this is so, even the opposition of the powerful leaders of my committee will not be able to stop it, but will only be able to change its form.

I think the idea is one whose time has come because of the inevitable increases in local and state government costs, as long as they continue to participate in significant problem solving on those levels.

The cost of federal government is not going up as fast as is the cost of local and state government. To finance problem-solving on the state and local government levels we have for the most part used taxes that are regressive when compared to the federal income tax.

REALLOCATION OF TAX RESOURCES

An important part of tax reform, therefore, has got to be reallocation of tax resources, so that the unfair and inequitable regressive taxes, which are the backbone of taxes on the state and local level, can be reduced in importance.

I think real estate taxes in our area have gone about as far as they can go. A lot of the opposition of my committee leadership to revenue sharing is philosophical in that they don't believe the taxing and spending functions should be separated, although they are already separated to a substantial degree, even here in the Congress, where we have a Ways and Means Committee to raise the money and an Appropriations Committee to spend it . . .

Q. I am interested in the practicalities. Have you counted noses on the Ways & Means Committee and do you have a rough estimate as to how many of your committee would approve some form of revenue sharing?

A. I think it would be very difficult to tell at this point. It is clear we are going to have hearings on revenue sharing. Despite their opposition, both Mr. Mills and Mr. Byrnes have said that we will have hearings on this issue.

They say the result of the hearings will be to kill the idea once and for all. I doubt it. . . .

Q. Have you worked out with the White House who would undertake the leadership in supporting revenue sharing among the Republicans, inasmuch as Mr. Byrnes is opposed? Who on your side would take the responsibility? Would you be the one?

A. I have told the White House I will help in every way I can. But I suspect the nominal leader will be the senior Republican in favor of revenue-sharing, and he probably is Rep. Jackson Betts of Ohio.

He has not committed himself fully and said he would sponsor the bill for study purposes only. I think his attitude is more typical of the Ways & Means Committee than my attitude, which is one of outright advocacy of the bill.

HELP MUCH AS HE CAN

Q. But if he doesn't grab the ball, you'll be there to help as much as you can.

A. Yes. But I'd have to say that while I will do what I can to advance an idea I believe in I don't have any illusions about my ability within the committee to meet on equal terms the leaders of the committee in both parties. . . .

I think the hope we have for advancing this idea legislatively has got to be based in the creation of a climate of support in the Congress itself. . . .

Q. So you're optimistic?

A. I'm optimistic in the sense that I think revenue-sharing is inevitable. I don't mean that I think it's going to be easy and that Mr. Mills and Mr. Byrnes are going to change their minds overnight or that they are necessarily going to accept in detail the President's recommendations.

I don't think Congress should accept the President's recommendations in detail on anything without considering it carefully and without studying alternatives.

OPEN MIND ON DETAILS

I'm not for a rubber stamp Congress and I myself have an open mind as to the details of the proposal. I think the President has made an ingenious proposal here and we should consider it very seriously and in a positive frame of mind because of the inevitability of the idea.

Q. Do you think revenue-sharing will pass Congress this year in some form?

A. I don't know. I think that it should and I'm going to work for it myself. I think the chances of its passing are considerably better than you might feel in the light of the statements made by Mr. Byrnes and Mr. Mills.

Q. Have you got any indications as to when the hearings would be held?

A. I think it will be in June, in all probability. The first item of business for the 92d Congress, once the Ways & Means Committee is organized and functioning, will doubtless be social security and welfare reform . . .

I think then we'll have problems of the interest equalization tax, which will expire shortly, and the debt ceiling. The debt ceiling is obviously going to have to be reassessed in the light of the proposed actual deficit, as opposed to the full employment deficit.

EXPECTS LENGTHY HEARINGS

I expect the revenue-sharing hearings will be rather protracted. In light of the great presidential interest in this and in light of the tremendous pressures that are generating in state and local governments, I am sure Mr. Mills and Mr. Byrnes will not want to shut off the testimony in any peremptory fashion.

Q. The hope of the Administration was to get this legislation approved so they could start paying the states and local communities beginning in October. If you were to counsel Gov. Nelson Rockefeller, would you say—"don't expect it by October 1st"?

A. I'd say—"don't count on it." This is going to be a tough issue and it is going to require a good deal of chewing over.

Q. Mr. Mills has said that revenue-sharing won't help the places that need it the most. He said that states such as New York, Connecticut and New Jersey are the ones that will get the short end of the horn.

A. I don't know why he says that. It must be that Mr. Mills does not think the President's proposal for distributing money on the proposition of both population and tax effort is likely to be enacted.

NEW YORK'S TAX EFFORT

New York, of course, has the major tax effort in the country. That will give New York a premium quite contrary to most federal aid programs . . . with respect to many of the categorical grant programs, New York will also have a premium in the special revenue-sharing aspects of the proposal.

Such things as transportation money, for example, which are to be included in the special revenue-sharing funds, are much more likely to go to the Northeast corridor than anywhere else.

Q. How about the pass-through money for local governments?

A. The communities will share only in respect to their tax effort in the pool of money that goes to the state as a whole . . . the high-tax communities will get a bigger proportion of the state pool of revenue-sharing money than they would if they didn't have high taxes . . .

New York usually comes out poorly on federal aid formulas, because they usually are weighted to give advantage to the low per capita income states.

This particular formula, however, is weighted more on the basis of tax effort and population than anything else. It is my impression that New York would do pretty well.